

(4) Application No: PAP/2017/0108

24-26, Atherstone Road, Hartshill, CV10 0SP

Outline Application - demolition of existing industrial building and construction of 10 dwellings with associated access and parking, for

Mr A Johnston - D S Johnston Properties Ltd

Introduction

This application is referred to the Board for determination as it involves a Section 106 Agreement.

The Site

This is presently an industrial premises with a range of co-joined buildings providing a manufacturing floor and some offices to the front. The buildings are set back from the highway with parking and turning space to the front. There is also an area of grassland to the side, adjacent to the highway. The site slopes south-west to north-east, and also from the rear of the site towards the highway, although there are various retaining walls to cope with these changes in levels.

Access is gained from Atherstone Road which carries a 30 mph speed restriction.

There is a pavement which presently tapers and ends across the front of the site, before reappearing in front of number 22 Atherstone Road. There is also a public footpath running adjacent to the north-east boundary of the site, splitting it from number 28.

Surrounding properties are in the majority residential, with a mixture of styles. There are dormer bungalows to the north-west; terraced properties to the south-east and on Grange Road to the north there is a mixture of detached and semi-detached houses and bungalows. There is also a public house immediately to the rear of the site – the Malt Shovel with access from Grange Road.

The boundaries to the site are characterised by a mixture of low level fences and wire mesh fencing to the southern boundary; brick walling and fences to the eastern boundary, brick walling to the northern boundary and low level brick walling to the western boundary.

The site is illustrated in Appendix A.

The Proposal

This application seeks to demolish the existing industrial buildings, clear and level the site accordingly and erect ten, three bedroomed semi-detached dwellings with associated parking. Whilst it is an outline application, the applicant is seeking approval too for the access arrangements; the layout and appearance of the scheme.

The application is supported by the following supporting documents.

The first is a Ground Investigation Report which concludes that in view of the low levels of priority contaminants within the soils and the lack of pollution linkages, no remedial works will be required.

The second is an Ecological Assessment recommending a number of mitigation measures to safeguard the habitats of Reptiles, badgers and Bats within the vicinity.

A Design and Access Statement has also been submitted with the application and describes how the design concept, proposed layout and access arrangements were achieved.

The proposed layout is shown below



A street view of the existing site frontage and that proposed is shown below together with a cross section through the site.

Consultations

Environment Agency – No objection subject to standard conditions relating to the remedial measures to secure any contamination relating to the former use.

Severn Trent Water Ltd – No objection

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

Environmental Health Officer – No objection subject to conditions relating to remedial measures and a construction management plan

The Council's Leisure and Community Development Officer – A contribution of £14,500 is sought for enhancements to existing play and recreation provision in Hartshill.

The Council's Housing Officer – No objection

Warwickshire Fire Services Authority – No objection

Warwickshire County Council Public Rights of Way – No objection

Warwickshire County Council as Highway Authority – The County Council originally raised a number of concerns with the initial submitted plans – the internal layout; the levels of the site and particularly the provision of a pavement connection to the existing taper. Amended plans have been received and the objection has been removed subject to standard conditions.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan (NWLP) 2006 – ECON3 (Protection of Existing Employment Land), ENV6 (Land Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design)

The Hartshill Neighbourhood Plan 2017 – H4 (Good Design) and H6 (Housing Mix)

Other Material Planning Considerations

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

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP14 (Landscape), LP16 (Natural Environment), LP22 (New Services and Facilities), LP24 (Recreational Provision), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP37 (Renewable Energy and Energy Efficiency) and LP39 (Housing Allocations)

The Council's Five Year Housing Land Supply – March 2018

Observations

(a) Principle of development

The site is within the settlement boundary of Hartshill as defined by the Development Plan and as Hartshill is identified as a settlement for housing growth in that Plan, there is no objection in principle here to the proposal. The Submitted Plan does not alter this conclusion. As a consequence it is the detailed considerations which need assessment.

However prior to that, consideration does first need to focus on the loss of an existing employment site. This would result in a reduction in the number of small business premises available within Hartshill. There are however, other employment sites and opportunities nearby in Atherstone and Nuneaton. Saved policy ECON 3 is satisfied by this approach particularly as public transport remains good to support these connections. Moreover the previous refusal referred to above which went to appeal, did not contain a reason relating to this issue; the Council presently does not have a five year housing land supply, there will be some highway and environmental benefit in not continuing with an employment site here given its residential setting and it has the support of the Parish Council. It is in all of these circumstances that it is considered that the planning balance lies with supporting the alternative use here.

(b) Highway and pedestrian safety

The main focus of concern, as before, centres on this matter. It should be noted that the existing access will be closed and that a new access would be created to enable the necessary visibility to be achieved. It is acknowledged that the Highway Authority lodged an objection to the initial design. However the reasons for this objection did not relate to visibility or to an increase in vehicle numbers overall, instead focussing on the tapering of the footway along Atherstone Road in front of the site; the turning area not being suitable for refuse wagons and the access geometry being below standard. All these matters have been addressed by way of amended plans. As such therefore the highway objections have been lifted. This has also addressed many of the concerns raised by local residents.

Objections noting that vehicles move in excess of the legal limit close to this site are not material to this application. The access can only be designed and positioned in accordance with standard requirements, and not accommodate the occasional vehicle which may be travelling in excess of 30 mph. In any case, it would be the fault of that driver, and not the design and position of the access, if any conflict were to occur.

The parking provision within the site has been amended to maintain two parking spaces for each dwelling and to provide a further three visitor spaces. Regard is had to amended guidance that local authorities should decide for themselves as to what parking provision is appropriate. Hence whilst representing an over-supply of parking, given the need to discourage on-street parking here and to respond to a preference for private vehicles, the number proposed is felt to be appropriate. Additionally the site is located on one of the best provided routes in the Borough for frequent bus services.

Consideration should also be given to the construction phase impacts, however it is likely that large vehicles would only be accessing the site for a relatively short period. Temporary signage could raise the awareness of a site access to drivers on Atherstone Road, and a suitable turning/delivery space could be provided during the works.

It is worth noting that the County Council is fully aware of the highway concerns expressed by the objectors, such as the speeds issue above, as it has had to deal with other applications that lead to increased traffic using Atherstone Road. The County Council however has not objected to the principle of the development and this carries substantial weight.

Members will be aware that the NPPF advises a highway refusal reason only if the impacts are severe. That is not the case here.

(c) Design and amenity impacts

It is noted that the layout of the site provides development at a right angle to the existing 'grain' along Atherstone Road. However it is noted that this grain is already interrupted elsewhere in the vicinity (Ashbrook Rise and Cottage Gardens), and whilst historical decisions should not perpetuate later design, there is no fundamental reason to resist this layout here. The site is large enough to be viewed as a cul-de-sac as opposed to 'back-land development'.

Consideration turns to the impact of this layout on surrounding property. The previous scheme for thirteen units was considered to cause some overlooking to numbers 22 and 28 Atherstone Road and to 31 Grange Road. However it is noted that these issues have been addressed within this more modest scheme and it is concluded that there will be no direct window to window overlooking. The overall change in levels at the side and rear boundaries reduces the potential for the overlooking of adjacent properties.

The scale and height of the dwellings is similar to existing terraced properties in the vicinity, and the proposed semi-detached appearance is considered to be acceptable. The layout, mix and positioning of the parking provision and use of a shared surface along the development arm stretching back into the site, ensures the highway does not dominate.

With regard to soft landscaping, the proposal results in a legible scheme and the presence of a formerly hidden public footpath is highlighted. Due to the site mostly comprising of large single storey industrial buildings and large areas of tarmac, there is currently a limited amount of greenery and vegetation within the site. There is currently an area to the south of the site that is characterised by an overgrown lawned area. The proposed frontage to the site will comprise of a new landscaped and lawned buffer between the dwellings and Atherstone Road. A new native hedgerow will run from the southern boundary to the new entrance driveway with some new semi-mature trees. This will also include car parking bays for the proposed dwellings fronting the site with a couple of the dwellings having car parking to the sides of the plots.

The Design and Access Statement advises that the proposed dwellings are intended to provide a visual relationship to the surrounding properties. It further goes on to state that facing materials will reflect elements of the local character and will comprise light red/orange facing brickwork with a number of feature string courses and brick cills and headers. The submitted drawings also indicate that a number of the properties will have brick chimneys to harmonise with the neighbouring dwellings. The proposed properties will display brick eaves and verge details to tie-in with the neighbouring dwellings to the south west of the site. The design features, scale and character of the proposed dwellings are considered to be acceptable and Officers raise no objections to development on design grounds. The proposed properties, due to the site also sloping down from south west to north east, will have lowered eaves and ridge heights to that of

10 Atherstone Road. This is evident on the proposed street scenes (above) which highlights the sloping nature of the site.

(d) Other planning considerations

Members will be aware that Government guidance is that Local Planning Authorities should not seek affordable housing contributions for developments of less than ten units as is the case here. That guidance also includes a floor space threshold and here that will also not be exceeded. As a consequence there is no affordable housing being proposed in line with this guidance.

The historical uses of this site have led to a land contamination survey accompanying the application. This identifies two potential issues: (1) land and ground water contamination from former underground storage tanks and later surface water disposal, and (2) gas migration from the former uses and nearby landfill sites. However, the contamination survey proposes remedial measures to address the risks, both during construction and in the long term. The Environment Agency and Environmental Health Officer agree with the recommendations and raise no objection subject to conditions.

A bat survey has been undertaken to inform the demolition of the existing buildings at the premises. No evidence of bats was found within the buildings, and the open form within them. The potential for foraging on site is also low given no connective habitat existing.

(e) A Section 106 Agreement

Any Agreement would include a contribution of £14,500.00 towards enhancements to local public open space. This is acknowledged by the applicant

(f) Conclusions

There is a presumption in the NPPF to approve sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh any benefits. Taken as a whole, this proposal would be sustainable development and as a consequence of amended plans, the issues that were raised previously have been overcome and the now lesser amount of development proposed has overall amenity and highway benefits.

Recommendation

That subject to completion of a Section 106 Agreement as set out in this report, planning permission be **GRANTED** subject to the following conditions:

Standard Conditions

1 to 3 Standard Outline conditions with only landscaping details reserved

4. Standard plan numbers condition – Site Location Plan and elevations received on 2/3/17; the site layout plan 7539/150D received on 23/5/18 and the street scene 7539/150C received on 24/7/18.

Pre-Commencement Conditions

5. No development shall be commenced on site until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The public highway shall not be used for the purposes of loading and unloading materials associated with the construction of the development.

REASON

In the interests of highway and traffic safety

6. No development shall commence on site until measures for the prevention and minimisation of 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 have first been submitted to and approved in writing by the Local Planning Authority Only the approved measures shall then be used on site.

REASON

In the interests of highway and traffic safety

7. No development shall commence on site until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway and traffic safety

8. No development shall commence on the site until detailed surface and foul water drainage schemes based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. Only the approved schemes shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution

9. No development shall commence on site until remediation measures for decontamination of the site have first been submitted to and approved in writing by the local Planning Authority. Only the approved measures shall then be implemented on site.

Pre-Occupation Conditions

9. None of the ten units hereby approved shall be occupied until the whole of the access and car parking arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority. The car parking provision shall remain permanently for this use alone.

REASON

In the interests of highway and traffic safety

10. No unit shall be occupied until a footway extension fronting the site between No's 22 and 28 has been provided in general accordance with the approved drawing. The footway shall not be constructed so as to reduce the width of the existing carriageway.

REASON

In the interests of highway and traffic safety

11. The development 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 2.4 metres and 'y' distances of 43.0 metres 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 highway and traffic safety

Other Conditions

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be subsequently amended, no development within Classes A, B and C of Part 1 of Schedule 2 to that Order shall commence on site.

REASON

In order to protect the residential amenity of surrounding occupiers

13. Standard hours of construction condition – 0800 to 18.00 hours during weekdays and 0800 to 1300 hours on Saturdays with no work on Sundays and Bank Holidays.

REASON

In order to protect the residential amenity of surrounding occupiers

14. Access for vehicles to the site from the public highway (Atherstone Road) shall not be made other than at the position identified on the approved drawing, number 7539/150D. The access shall not be used until a bell-mouth has been laid out and constructed within the public highway in accordance with the specification of the Highway Authority. No gates shall be hung within the vehicular access to the site.

REASON

In the interests of highway and traffic safety

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision and resolving a number of planning impacts through amended plans.
2. Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be obtained from Warwickshire County Council as Highway Authority.
3. In respect of condition (5) above the schemes shall be submitted with evidence of infiltration testing in accordance with BRE 365 guidance; design in accordance with CIRIA C753, discharge rates by all rainfall events up to and including the 100year plus 40% critical storm limited to the QBAR runoff rates for all return periods, design of all details (plans, network details and calculations) and outfall arrangements. Evidence from STW concerning acceptance of foul water discharge, allowances for exceedance flow and overland flow routing as well as provision of a maintenance plan for the entire surface water and foul water
4. Standard UK Coal Standing Advice.

BACKGROUND PAPERS

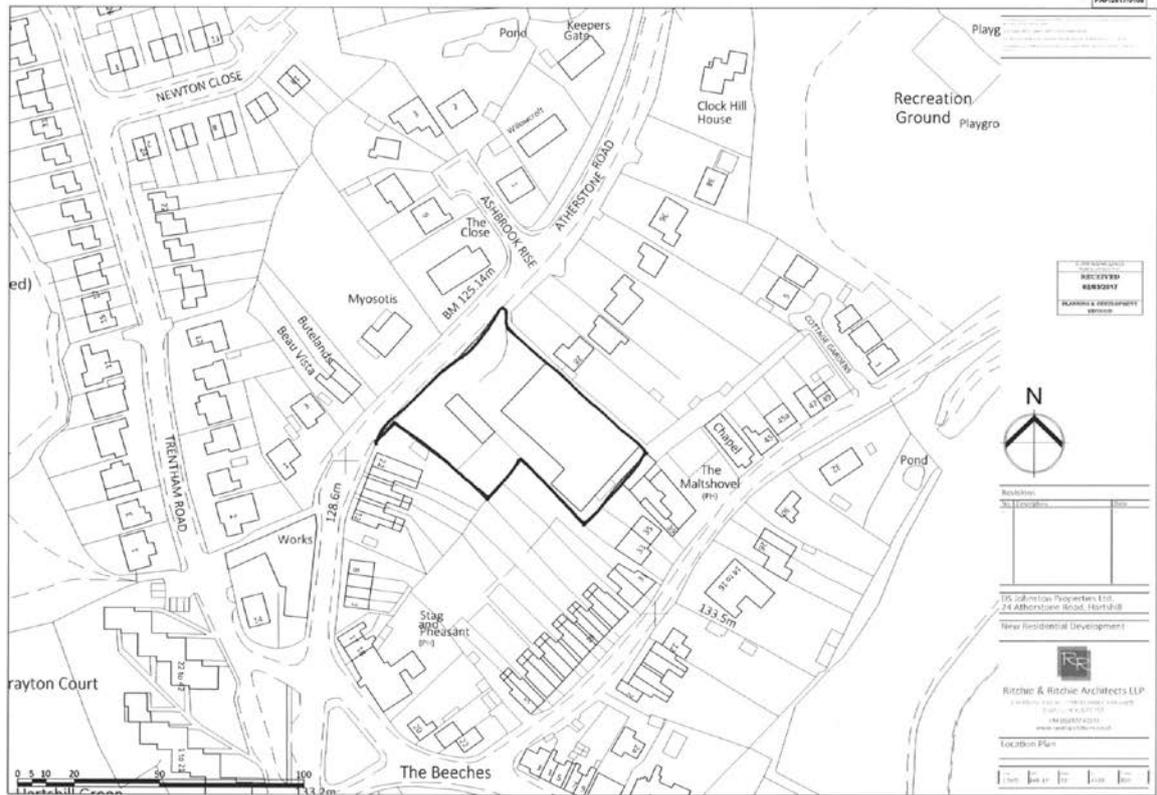
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0108

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/3/17
2	WCC Highways	Consultation	24/7/17
3	Hartshill Parish Council	Representation	27/4/17
4	WCC Flooding	Consultation	6/4/17
5	WCC Rights of Way	Consultation	27/4/17
6	Resident	Representation	25/4/17
7	Severn Trent Water	Consultation	18/5/17
8	WCC Flooding	Consultation	18/7/187
9	WCC Flooding	Consultation	15/9/17
10	WCC Flooding	Consultation	10/10/17
11	WCC Highways	Consultation	30/11/17
12	Resident	Representation	7/2/18

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.



RECEIVED
 08/03/2017
 PLANNING & DEVELOPMENT
 SERVICE



Revisions	
No.	Description

105 Submission Properties Ltd,
 24 Atherstone Road, Harts Hill

New Residential Development

Ritzhe & Ritzhe Architects LLP
 105 Submission Properties Ltd
 24 Atherstone Road, Harts Hill
 Warwick, CV35 9EF
 www.ritzhe.co.uk

Location Plan	
Scale	North
1:1000	

(5) Application No: PAP/2017/0162 and PAP/2017/0163

The Old Post Office, Main Road, Newton Regis, B79 0NA

Demolition of garage and erection of new dwelling and Listed Building Consent for Demolition of the garage and erection of new dwelling for

Mr Leete

Introduction

The applications are reported to Planning Board at the request of a Local Member concerned about potential impacts.

The Site

The site is located centrally within, accessed from Main Road and at the rear of the former village post office. This is a Grade 2 listed building with a large rear garden. It lies both within the Conservation Area and the Development Boundary. The context of the site and the surrounding area is at Appendix A. The existing appearance and layout of the site can be viewed in photographs and aerial view at Appendix B.

The Proposal

The proposal is to demolish an existing large double garage with a rear store in the rear garden and replace this structure with a new dwelling. The new house would be set further back in the garden. It would replace the volume represented by the garage with an addition of approximately 60%. Many of the existing trees would be retained. The existing access would be retained for both the existing and proposed properties.

The proposed layout and appearance of the new dwelling is illustrated at Appendices A and C.

Background

In 1999 there was a change of use granted for the change of use from the former mixed use of the property of residential and post office to just that of a wholly residential use. Permission was also granted for the demolition of a former outbuildings and their replacement with a new garage and store. This permission was taken up and it is this garage that would be demolished as part of the current proposal.

The listed building description for the property is recorded below:

House, now post office and shop, Early/mid C18 with C17 rear wing; late C20 alterations. Brick with C20 roughcast, and moulded brick cornice. Wing is timber-framed with rendered infill. Plain-tile roof with brick end stacks. L-plan, with wing on left to rear. 2 storeys; 2-window range. Slightly projecting central bay has fielded 6-panelled door. Ground floor has 3-light wood mullioned and transomed windows and segmental-arched openings. First floor has late C20 casements in altered openings. Right return side has exposed framing to lower wings. Interior is opened up, but first floor is noted as having ceiling beams. Included for group value.

Members will also be aware that outline planning permission has been granted on the neighbouring Manor Farm site for fourteen dwellings.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW14 (Historic Environment)

Saved policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design) and ENV14 (Access Design)

Other Relevant Material Considerations

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

The Submitted North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment) and LP31 (Development Considerations)

The Newton Regis Conservation Area Designation Report 1981

Representations

A nearby occupier objects to the scheme raising the following main points:

- This is a conservation area and should be protected from unnecessary changes
- There is concern about the water course that runs under/alongside the property boundary. Potential impact on water course.
- Privacy of neighbours will be affected for garden and home
- There will also be a number of trees that will be affected.
- No comparison can be made to manor farm – this replaces redundant farm buildings.
- Concerned with foul sewerage and surface water and the overloading of this sewerage outlet.
- There is a substantial and mature hawthorn hedge which could be part of the local landscape character.
- This development could create a dangerous precedent - if this application is granted then others could follow and the character of the village would be completely destroyed.

Newton Regis Parish Council – No comments received

Consultations

Warwick Museum – No objection subject to a standard condition

Environmental Health Officer – No objection subject to details of glazing specifications

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

The Council’s Tree Officer - No objection to the proposed removal of the trees as indicated.

Observations

The main issues are the effect of the proposal on the character and appearance of the Conservation Area; and the historic significance of the listed building and impact on amenity.

a) Principle of development

The site is located within the development boundary defined for Newton Regis as identified by the Development Plan. This situation does not alter with the submission of the emerging Local Plan. As such there is no objection in principle to this proposed additional dwelling.

It is acknowledged that Core Strategy Policy NW5 says that Newton Regis is identified as providing a minimum of fifteen units in the plan period. Members will be aware that as recorded above, there is an extant planning permission for up to fourteen units on the neighbouring Manor Farm site. As a consequence, one additional unit would be in accordance in principle with this Policy. The site here is also in a sustainable location as the village has a public house, a primary school, a village hall and a church. Although there are no shops in the settlement, there are reasonable transport links to neighbouring villages centres with shops such as at Warton and Austrey. In these circumstances the proposal is supported in principle.

b) Design, Scale and Appearance

The design of the new building which will replace that of the garage has been altered during the application process such that is more reflective of the vernacular in architectural style and pattern, particularly with the neighbouring site at Manor Farm.

The height of the proposed dwelling is varied. To the lower range it has an eaves height of approximately 2.33 metres with a single height roof pitch at 5.2 metres. The higher range has an eaves height of 3.50 and a ridge height of approximately 6.65 metres to the roof. This is a relatively low level development and first floor rooms are contained within the roof space with gable end windows at just above eaves height. Overall the proportion of the new build is characteristic of a one and a half storey height. The footprint is considerably more contained towards the edge of the garden and limited to 95m². The proposed elevations can be viewed at Appendix C

The resulting form would retain the long ranges seen within this traditional agricultural context at the neighbouring site. The materials proposed would be brickwork with plain clay tiles and timber windows to match the existing at the site.

The layout of the site is designed to provide a new dwelling and hence the appearance of the site incorporates changes by the introduction of driveways and vehicular turning areas. However the host dwelling already has a rear service area and concrete yard that was in situ during the previous use of the dwelling as a post office and so had a commercial yard associated with it, facilitating deliveries. Historically the site had benefited from a rear courtyard of buildings which can be viewed at Appendix D.

Overall the design of the proposal in replacement of the garage block is not considered to be out of context with the immediate setting and surroundings and would accord with

policy NW12 of the Core Strategy and Policies ENV12 and ENV13 of the saved Local Plan.

c) Heritage Considerations

The Old Post Office is a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 (the Act), requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The site also lies within the Newton Regis Conservation Area.

Historical maps show how The Old Post Office had a collection of outbuildings forming a courtyard area and with an area of garden land at the rear. It is the former courtyard area, now presently hardstanding and an immediate parcel of garden which forms the important setting to the host building. Beyond this is an open area of land possibly former agricultural land which has formed part of a domestic garden though not maintained as such. The boundaries to the west and south are well landscaped.

The proposed dwelling being limited to the eastern boundary and so related to the positioning of the garage and that of the neighbouring barns would be some distance from the host dwelling and the yard. Part of the garden space immediately forming the current garden to the old post office would largely stay and remain in situ. Consequently the development would not encroach onto setting of the listed building to the degree of being considered harmful. It is considered that the siting of the dwelling has a closer affinity to the neighbouring site (Manor Farm) than the host listed dwelling.

Furthermore given the development would be contained within the rear garden then there is no harm attributed to views in and out of the Conservation Area.

The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. It is considered that the development here would lead to less than substantial harm to the Conservation Area and the Listed Building, but it is nevertheless harm to which great weight should be attached. The NPPF guides that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It is acknowledged that the provision of one new dwelling would provide a degree of public benefit and that less than substantial harm is outweighed by the public benefit identified as the proposal would have a neutral impact on the setting of the listed buildings considering the garage would be removed, thus providing a replacement development further away from the listed building.

It is noted that the only detrimental effects on the setting of the Conservation Area and the Listed Building would be during the construction on the site. This is because of the movement of machinery in, out, and around the site, plus the noise created during the construction period. This would be a short term arrangement.

The proposal is therefore in keeping with the character and distinctiveness of the Conservation Area and the Listed Building and as such the development would not be contrary to the provisions of Policy NW14 of the North Warwickshire Core Strategy and saved policies ENV15 and ENV16 of the North Warwickshire Local Plan. There would neither be conflict with the equivalent emerging Local Plan policies. Overall there is an enhancement in that the existing garage block would be dismantled and removed.

d) Demolition

In terms of demolition then the proposal seeks demolition of a double garage and this therefore requires consideration. In this case the garage block is a modern block which had replaced an earlier building, some of which may have been original stables. In this case the demolition of a modern building is not considered to be adverse to the setting of the Conservation Area or that of the significance of the Listed Building. It is acceptable to demolish a modern building, provided the method of demolition does not harm the significance of the heritage asset or that of the neighbouring amenity. In this case given the garage block is alongside the boundary with the farm then there is no harm on the neighbouring site from the demolition of the garage.

No other neighbours would be affected by the demolition of the garage as it is a single height garage and is a good amenity distance from neighbouring occupiers such that the demolition process, which should be carried out by hand.

Overall the Heritage matters relating to the listed building, the siting of the Conservation Area boundary and the demolition process would not be considered substantially harmed by the proposal.

e) Neighbour Amenities

When considering the new dwelling, the impact upon the neighbouring properties with regards to privacy and overlooking, then the majority of the windows to the dwelling are at ground floor, which have limited or no overlooking impacts beyond the dense boundary hedgerows.

There are good separation distances illustrated between neighbouring properties and the proposal from its first floor windows. Roof lights would not cause an overlooking impact as their height would be set at a level higher than the floor and so the angle would not allow for overlooking. Therefore privacy levels would not be reduced by the proposal. A full assessment relating to the separation distances is at Appendix E, such that there are good to long range views to surrounding properties. There would be no issues with overshadowing.

In terms of the potential development at the neighbouring site then there are no windows on the eastern elevation that would cause overlooking towards the neighbouring site.

In terms of disturbance then all development has a limited period whereby disturbance might occur, therefore development within reasonable hours is acceptable which will be limited by condition.

The amenity of the future occupiers must be considered and the proposal sets out substantial garden space for both the host property and the proposal.

Overall the proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in an unacceptable impact upon the neighbouring properties or future occupiers. The proposal complies with NW10 of the Core Strategy.

f) Highway Safety

Although the Highway Authority initially raised concerns with the initial proposals it has confirmed that it now has no objection to the proposal, subject to conditions.

Overall the formation of a safe and suitable access to the site suitable for residential use would not be considered harmful to the setting or the significance of the conservation Area or the Listed Building.

g) Archaeology

In terms of archaeology, then a Written Scheme of Investigation is required to assess the potential for archaeological remains, but this can be conditioned such that it is concluded before development not before determination.

h) Flood Risk and Drainage

Local concerns have been raised with regards to potential for surface flooding. The site is not at risk of fluvial flooding as defined by the Environment Agency's online flood maps. The site is not a major application and therefore does not require consultation with the flood risk authority.

There is a culvert running alongside the right hand wall of the host dwelling which accommodates overflow water from the village pond which is located opposite the site to the north. This also takes storm water. It is approximately 600mm wide and has an invert level of approximately one metre beneath pavement level. The proximity of the development would add storm water to this system. However In order to reduce its impact there is a case for a rainwater harvesting system which would be connected into a soak-away. Surface areas can be of permeable materials. In this regard an appropriate condition can be attached seeking prior approval of the new system.

i) Trees and landscaping

The trees to be removed in the proximity of the new build have been inspected by the Council's Tree Officer as not being worthy of protection by way of an Order. They do not include an Atlas Blue Cedar which is already protected by its presence in the Conservation Area. Additional landscaping and strengthening of the hedgerows can be conditioned.

j) Ecology

The site is not designated for its nature conservation interest and there will be a minimal loss of trees which have been assessed by the Council's Tree Officer. There will be some loss of grassed area, but the majority of the site is laid to hard standing near the proximity of the garage and so the net harm on biodiversity is balanced by the loss of the garage and the gain of a dwelling which is a neutral impact on biodiversity. The presence for bats would need to be established on demolition of the garage which would be addressed by condition.

Summary

The representations received from neighbours are understood but in overall terms there is no reason for refusal, as there is no evidence to demonstrate significant harm. The above analysis points towards supporting the scheme

Recommendations

A) That planning permission be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the revised plan numbered 9397.02 received by the Local Planning Authority on 26 April 2018.

REASON

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

3. No development shall commence on site until samples of the following have first been provided and agreed in writing by the Local Planning Authority:

- a) All external elevation and roofing materials
- b) An on-site panel of brickwork (1 metre by 1 metre) including the bonding and mortar mix of the facing materials.

Only the approved materials and approved bonding and mortar mix shall then be used on site.

REASON

In view of the heritage value and setting of the site.

4. No development shall commence until the following details have been submitted to and approved by the Local Planning Authority in writing:

- a) The appearance and construction of all windows and doors including cross sections at a 1:5 scale, with elevations at a 1:20 scale, and acoustic and ventilation treatment to the windows. All external joinery to be painted not stained.
- b) Design details of window head and sills.
- c) The appearance and construction specification for the bin store and all subdividing boundary features, with acoustically treated fencing.
- d) Any external vents flues or pipes.
- e) Eaves and verge details.

- f) Surfacing materials to be used for hard-landscaping.
- g) Details of rooflights.
- h) Details of brick bond.
- i) Details of boundary arrangement between the application site and the host dwelling and the condition of the front boundary at the entrance to the site.

REASON

In view of the heritage value and setting of the site.

5. The height of the development shall be limited to 6.6 metres to the one and a half storey ridge and not more than 5 metres to the ridge of the single storey range, the scale to the ridge shall be taken from the natural ground level and the existing ground levels shall not be altered or made higher.

REASON

In the interests of the amenity of the area and the significance of the Heritage Asset.

6 No demolition works shall commence to the garage until details of a phasing plan for demolition which shall include details of a dust management plan has been submitted to and approved in writing by the Local Planning Authority. The plan must make reference and detail the demolition to be carried out by hand (or tools held in the hand other than power-driven tools).

REASON

In the interests of the amenities of the area to ensure minimum disruption to existing residents and traders, as well as ensuring protection of the neighbouring Heritage Asset.

7. Prior to commencement of development the garage shown by a hatched line on drawing number 9397.02 to be replaced by a vehicular passing area shall be removed from site and within two months of the demolition of the garage being completed the materials shall be removed from the site unless otherwise salvaged for the proposed development.

REASON

In order to define the limitations of the consent and in the interests of the amenities of the area and the significance of the Heritage Asset.

8. No development shall commence until a landscaping scheme has been submitted to the Local Planning Authority for approval. The landscaping scheme shall provide details of the root protection areas for the trees earmarked for retention and the existing mature hedge to the western site boundary to be retained. Supplementary landscaping shall propose the location, species and density of replacement planting within the application site.

REASON

In the interests of the amenities of the area.

9. The scheme referred to in Condition No.8 shall provide root protection areas prior to commencement of development and shall be retained in place at all times and shall not be removed until occupation. The supplementary landscaping scheme shall be implemented within six calendar months of the date of occupation of the dwellinghouse. 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.

10. No development shall take place until:

a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.

b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

d) The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

11. No development whatsoever within Class A, B, C, D and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place within the curtilage of the hereby approved new dwelling as shown on drawing number 9397.02 received by the Local Planning Authority on 26 April 2018.

REASON

In the interests of the amenities of the area.

12. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner and the rooflights shall be of at a sill height that is above 1.7 metres of the floor level of the first floor rooms. The Western full height window that serves the entrance and stairwell/landing shall be obscurely glazed to the top two panes.

REASON

To protect the privacy of the occupiers of adjoining properties.

13. The dwelling hereby approved shall not be used for any purpose, including any other purpose in Class C3 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 other than for a residential dwellinghouse.

REASON

To prevent unauthorised use of the property.

14. No demolition works shall take place until the applicant, or their agents or successors in title, has undertaken a survey to establish the presence of bats. Details of the survey and the results or mitigation measures advised there from shall be submitted to the Local Planning Authority and approved in writing.

REASON

To ensure the protection afforded to bats in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife & Countryside Act 1981 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

15. Prior to occupation of the dwellings hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

16. No work relating to the construction of the development hereby approved, including works of demolition 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.

17. The access for vehicles to the site from the public highway shall be laid out in accordance with The approved drawing, number 9397.02 Rev E, and shall not be used unless the public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of highway safety.

18. No gates shall be hung with the vehicular access to the site so as to open within 20.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of Highway Safety.

19. No building shall be occupied until the access, car parking and manoeuvring 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, 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 highway safety.

20. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of highway safety.

21. Deliveries and collections associated with the construction of the proposed development shall not occur before 09:00 or after 15:00; thereby avoiding conflict during peak periods on the highway network (08:00 – 09:00 and 17:00 – 18:00).

REASON

In the interests of highway safety.

22. The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

REASON

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

B) That Listed Building Consent be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the revised plan numbered 9397.02 received by the Local Planning Authority on 26 April 2018.

REASON

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

3. No development shall commence on site until samples of the following have first been provided and agreed in writing by the Local Planning Authority:

- a) All external elevation and roofing materials
- b) An on-site panel of brickwork (1 metre by 1 metre) including the bonding and mortar mix of the facing materials.

Only the approved materials and approved bonding and mortar mix shall then be used on site.

REASON

In view of the heritage value and setting of the site.

4. No development shall commence until the following details have been submitted to and approved by the Local Planning Authority in writing:

- a) The appearance and construction of all windows and doors including cross sections at a 1:5 scale, with elevations at a 1:20 scale, and acoustic and ventilation treatment to the windows. All external joinery to be painted not stained.
- b) Design details of window head and sills.
- c) The appearance and construction specification for the bin store and all subdividing boundary features, with acoustically treated fencing.
- d) Any external vents flues or pipes.
- e) Eaves and verge details.
- f) Surfacing materials to be used for hard-landscaping.

Only the approved details shall then be implemented on site.

REASON

In view of the heritage value and setting of the site.

5. The height of the development shall be limited to 6.6 metres to the one and a half storey ridge and not more than 5 metres to the ridge of the single storey range, the scale to the ridge shall be taken from the natural ground level and the existing ground levels shall not be altered or made higher.

REASON

In the interests of the amenity of the area and the significance of the Heritage Asset.

6. No demolition works shall commence to the garage until details of a phasing plan for demolition which shall include details of a dust management plan has been submitted to and approved in writing by the Local Planning Authority. The plan must make reference and detail the demolition to be carried out by hand (or tools held in the hand other than power-driven tools).

REASON

In the interests of the amenities of the area to ensure minimum disruption to existing residents and traders, as well as ensuring protection of the neighbouring Heritage Asset.

7. Prior to commencement of development the garage shown by a hatched line on drawing number 9397.02 to be replaced by a vehicular passing area shall be removed from site and within two months of the demolition of the garage being completed the materials shall be removed from the site unless otherwise salvaged for the proposed development.

REASON

In order to define the limitations of the consent and in the interests of the amenities of the area and the significance of the Heritage Asset.

BACKGROUND PAPERS

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

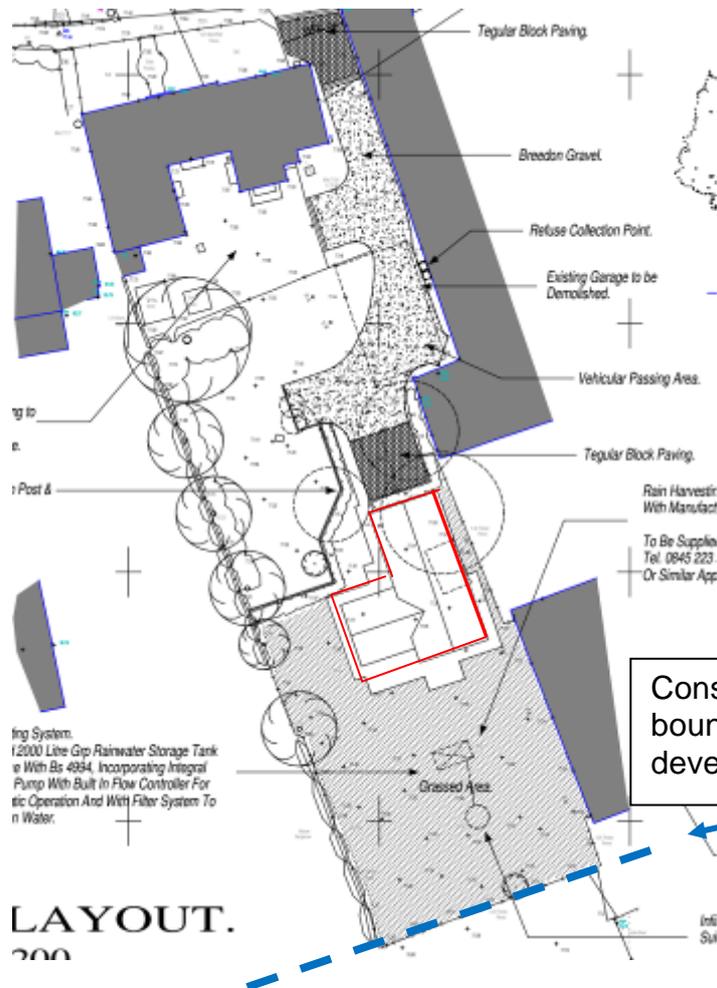
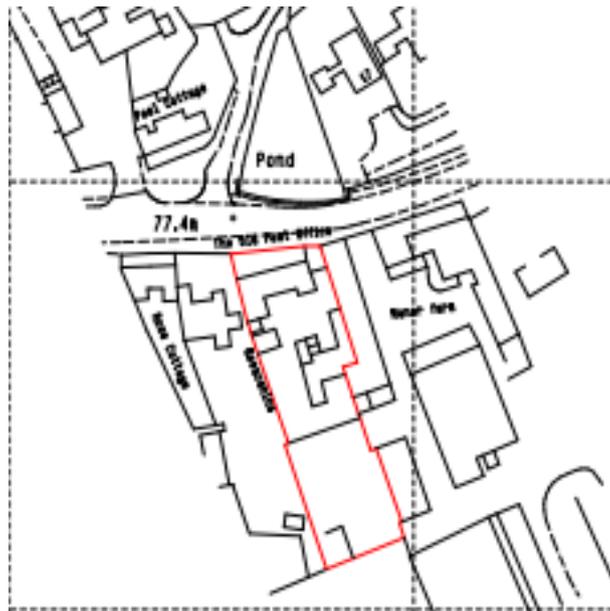
Planning Application No: PAP/2017/0162

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/4/17
2	Parish Council	Representation	21/4/17
3	WCC Archaeology	Consultation	25/4/17
4	WCC Highways	Consultation	27/4/17
5	Case Officer to Agent	E-mail	27/4/17
6	Agent to Case Officer	E-mail	12/5/17
7	EHO	Consultation	17/5/17
8	WCC Highways	Consultation	26/5/17
9	Case Officer to Agent	E-mil	26/5/17
10	Agent to Case Officer	Email	1/6/17
11	Parish Council	Representation	13/6/17
12	Neighbour	Objection	18/8/17
13	Neighbour	Objection	23/8/17
14	Case Officer to Agent	E-mail	24/8/17
15	EHO	Consultation	16/8/17
16	Neighbour	Objection	18/8/17
17	Neighbour	Objection	23/8/17
18	Case Officer to Agent	E-mail	24/8/17
19	Agent to Case Officer	E-mail	24/8/17
20	WCC Highways	Consultation	29/8/17
21	Historic England	Consultation	25/9/17
22	Agent to Case Officer	E-mail	27/9/17
23	Green Space Officer	Consultation	1/11/17
24	Case Officer to Agent	E-mail	1/11/17
25	Agent to Case Officer	E-mail	8/11/17
26	Case Officer to Agent	E-mail	9/11/17
27	Case Officer to Agent	E-mail	22/11/17
28	Agent to Case Officer	E-mail	22/11/17
29	Agent to Case Officer	Revised plans	13/12/17
30	WCC Highways	Consultation	31/1/18
31	Parish Council	Representation	2/2/18
32	Case Officer to Agent	E-mail	22/2/18

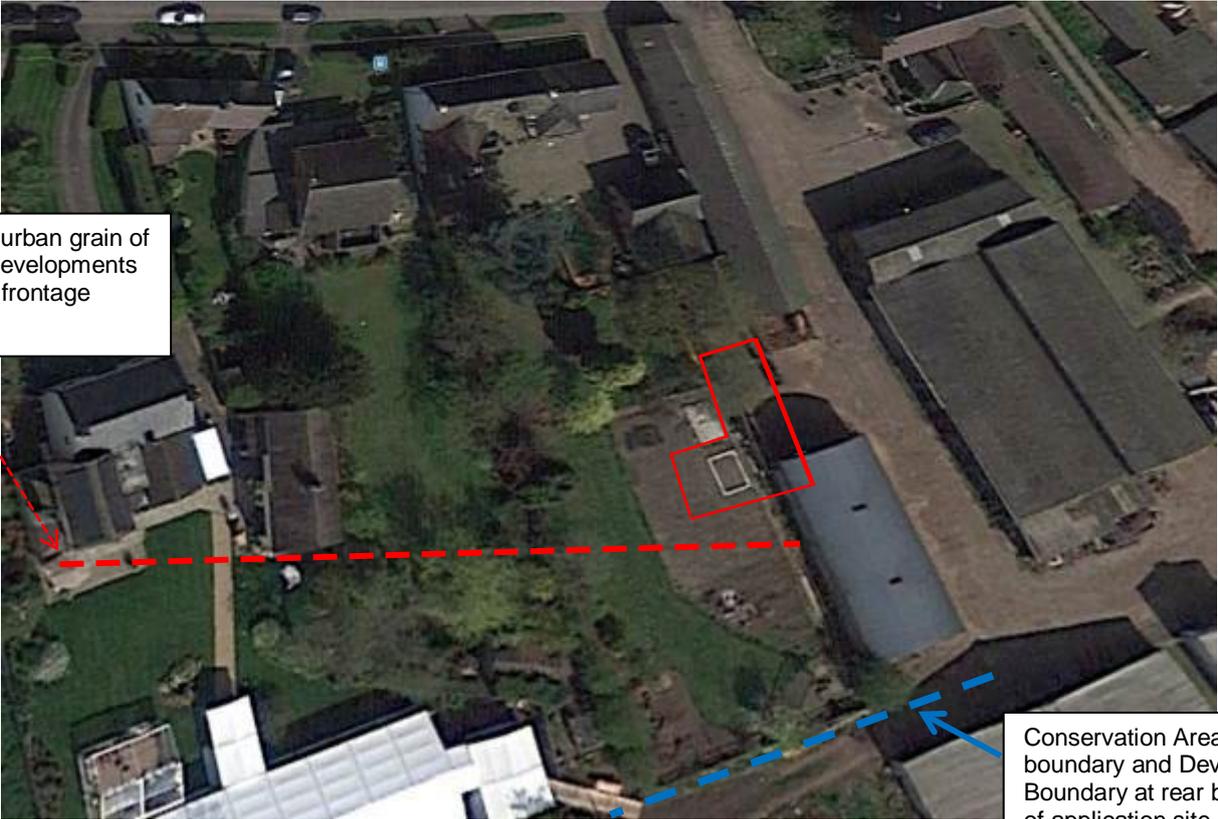
33	Agent to Case Officer	Revised plans	23/2/18
34	WCC Highways	Consultation	23/4/18
35	WCC Highways	Consultation	3/4/18
36	Agent to Case Officer	E-mail	12/4/18
37	Agent to Case Officer	E-mail	29/6/18

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.



LAYOUT.
 200



Extent of urban grain of existing developments at rear of frontage dwellings

Conservation Area boundary and Development Boundary at rear boundary of application site

Appendix B

Existing appearance of site illustrated in photographs below:



View of rear garden at back towards host dwelling and garage block on the right – to be removed with area of the right enclosed by the shed and picket fence to serve a new build.



Garden area and party boundary with mature landscaping



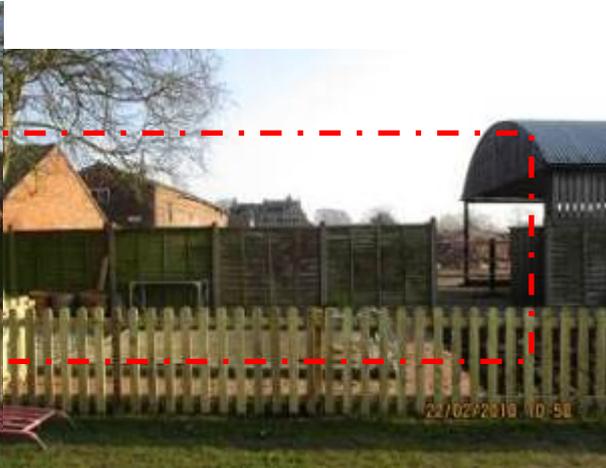
Mature hedgerow along the party boundary to be retained



View of garage block to be demolished (modern garage block approved in 1980's)



Location of dwelling along the eastern boundary retaining length and width to garden

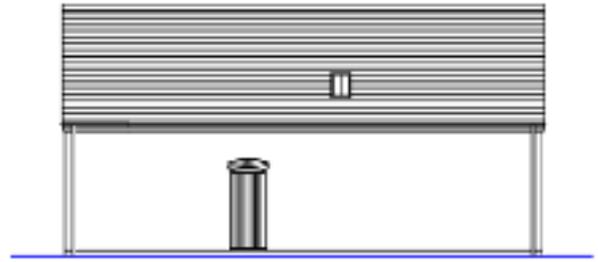


Location of dwelling as approximate denoted by dashed red line. Dwelling to be located between the building line of the neighbouring brick barns and that of the neighbouring barn with the curved roof. The garage block to be demolished.

Appendix C



Elevation - facing north.



Elevation - facing east.



Elevation - facing west.



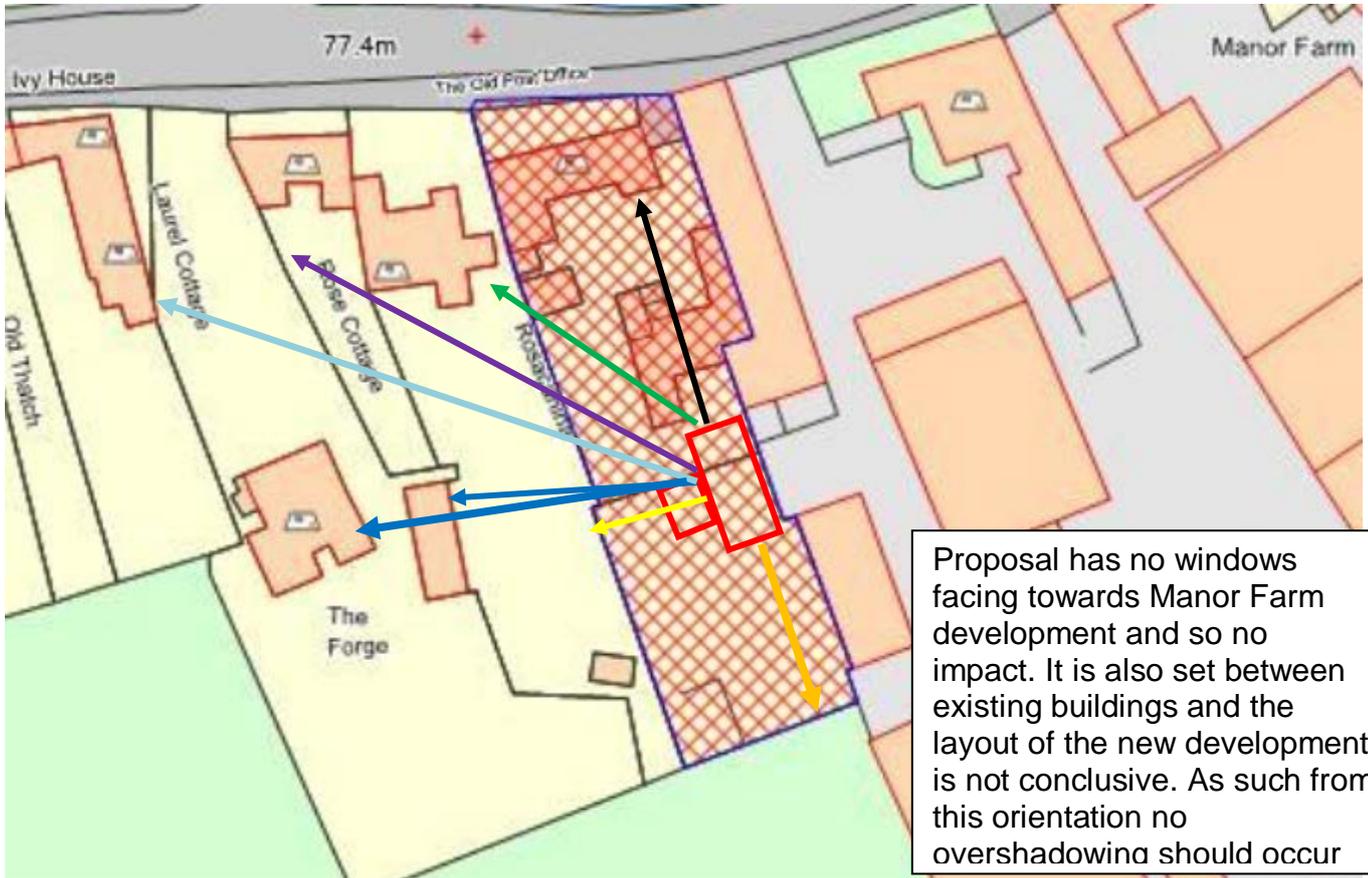
Elevation - facing south.

Appendix D:



Appendix E:

Therefore the windows which may have an overlooking impact is the gable end window facing north and a landing window facing west and so the map below shows the general separation distance from end gable and side windows to the location of neighbouring properties below:



- 22 metres from side f/f gable to host dwelling →
- 28 metres from side f/f gable oblique to nearest neighbour →
- 50 metres from f/f side window oblique to surrounding property →
- 67 metres from f/f side window oblique to surrounding property →
- 27 metres and 37 metres respectively from f/f side window →
- 11 metres from f/f side window to party boundary →
- 19 metres from side f/f gable to rear boundary →

(6) Application No: PAP/2017/0219

Black Swan Inn, Watling Street, Grendon, CV9 2PY

Demolition of former public house and erection of drive thru' coffee shop (use class A1/A3) with access, drive thru' lane, car parking, signage, plant, bin store and other associated works, for

Wellesley Capital Investment Limited

Introduction

The application is referred to the Board at the request of local Members who are concerned about the potential impacts of the proposals

The Site

The application site lies within the village of Grendon occupying a prominent position at the roundabout junction of Boot Hill and the A5 (Watling Street).

The site was formerly in use as a Public House but the last lease on the premises ended in March 2010. The property was subsequently vacant until June 2011 whereupon it was let to two consecutive short term tenants until August 2012. 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.

The site is occupied by the former building and associated areas of car parking, which now have an unkempt appearance as a result of the extended period of inactivity.

The northern boundary of the site is formed by the roundabout junction of Watling Street and Boot Hill and there are existing bungalows to the west on Penmire Close and further residential property in Boot Hill

Vehicular access is currently taken from Boot Hill, which adjoins the eastern boundary of the application site.

A site location plan is at Appendix A

The Proposals

The current application proposes the demolition of the former building and the erection of a 'drive thru' coffee shop (Use Class A3 / A5) with access, a drive thru' lane, car parking and other associated works.

It is proposed that the 'drive thru' unit will be located towards the northern boundary facing the Watling Street and will have a gross floor area of 167 square metres. It would have a 'drive thru' lane around the building with access from Penmire Close. It would be served by a total of nineteen car parking spaces plus two disabled bays. It is proposed that the building be single storey in height with a mono-pitched roof and be finished predominantly in rendered blockwork with horizontal timber cladding.

The opening hours are proposed as between 0630 to 2300 hours on all days, including Sundays and Bank Holidays.

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

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), 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) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

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

Representations

Grendon Parish Council – No comments received

Two letters of objection have been received referring to the following matters:

- Detrimental impact on local residents – increased noise and disturbance
- Impacts on the A5 traffic

One letter has been received supporting the proposal in principle

Consultations

Highways England – No objection

Warwickshire County Council as Highway Authority - It originally objected to the proposals because it wanted additional information in order to assess potential impacts. This was particularly focussed on the original submitted proposal of taking access off Boot Hill because there might be “backing up” of traffic towards the A5. That additional information was submitted and revised plans were forwarded which show the access off the first portion of Penmire Close. As a consequence that objection was withdrawn and there is now no objection in principle from the Highway Authority.

Environmental Health Officer – No objections subject to conditions

Warwickshire Police (Architectural Liaison) – No objection subject to the provision of CCTV coverage for the whole site

Observations

a) The 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.

There are two considerations that need to be explored to see if this conclusion should be reversed. The first is the loss of the public house. There would be a loss of a local community facility with no reasonably located alternative. However the marketing evidence submitted with the application and the recent unsuccessful short term tenancies strongly suggest that the continuation of the use is not viable. It is also noteworthy that the objections received do not refer to this particular issue. Another factor here is whether the loss of the facility is indeed the loss of a local service because in part, there would have been some custom from passing users of the A5. The attractiveness of such a facility to today's drivers may not be so great as in the past and as such, this will be a contributing factor in the overall loss of custom and thus viability.

In overall terms therefore it is considered that there is sufficient evidence to support the loss of this use as it would not materially affect the vitality of Grendon as a local service centre. As such there would be little to evidence a refusal based on policy NW10 of the Core Strategy.

The second consideration is whether the new use is itself a community facility that should be supported, depending as it does on a business case involving car born custom from the A5. In other words it would not enhance the vitality of the settlement. However the unit here is relatively small and indeed as a consequence, falls below the threshold defined for the need to produce a sequential or impact analysis on how the new facility would impact a local centre. The proposal is for a new use not already provided locally and there would still be a proportion of custom coming from the local area. Additionally it would provide up to ten jobs which is considered to be a local benefit. In general terms therefore it is not considered that there would be an adverse impact here on local community provision.

It is in these circumstances that the principle of the development can be supported.

b) Highways and Parking

The highway impacts of the proposal have been examined by the appropriate Highway Authority. A number of issues have arisen as a consequence of further discussion with the County Council – e.g. queuing traffic in Boot Hill and on-site car parking provision. Amended plans have resulted, with the subsequent removal of the Authority's initial objection. Those amendments result in the access being relocated off the first section of Penmire Close. The level of car parking has been accepted by that Authority too, in view of the strong possibility that not all customers would stay parked up at the facility. It also has to be remembered that the lawful use is an A3 one, where the majority of customers would probably stay on site.

Given the lack of objection from the relevant Highway Authority it is not considered that a refusal reason can be supported at appeal given the NPPF advice that such reasons are only applicable when any highway adverse impact is likely to be "severe".

c) Design

The present appearance of the site is unkempt due to the prolonged non-use of the premises. The applicant has been asked to consider conversion and adaptation of the present building to accommodate its use but has indicated that such an approach would not be operationally viable because that use essentially depends on a through access

provision. The comprehensive redevelopment of the site is thus a requirement of this proposal.

The existing premises are not Listed and neither are they in a Conservation Area. There is no Neighbourhood Plan for the area which might identify local non-designated heritage assets and a similar development has recently been approved just along the A5 at one of the petrol service stations.

It is agreed that a smaller building here and one that is contemporary in appearance may not be universally welcomed, but the objections received relate to other matters and there is very little in the way of supporting evidence to demonstrate that this proposal would significantly introduce an adverse visual impact.

d) Impact on Neighbouring Properties

It is perhaps this issue that has raised the greatest local concern because of the site adjoining the rear gardens of the bungalow development at Penmire Close. Policy NW10 of the Core Strategy says that development should avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution.

In terms of the scale and location of the new building, then this is located further away from Penmire Close than existing buildings and is single storey in scale. As a consequence it is considered unlikely that the proposed development will have a detrimental impact on the rear outlook of the neighbouring bungalows on Penmire Close by virtue of overlooking or loss of light.

It is perhaps the potential noise issue that is the greatest concern. A noise assessment undertaken by the applicant has been verified by the Council's Environmental Health Officer thus leading to no objection being received. The noise environment is dominated by traffic noise on the A5 and thus there is little scope here to support a general refusal reason as noise emanating from the proposed use is unlikely to add to those ambient levels even outside of peak or day time hours. Conditions can be imposed on the location and noise emissions of all fixed plant and equipment. However the concerns here are the proximity of the drive around the site as this introduces traffic directly to the rear of the bungalows where there are presently built structures with the present car park on the Boot Hill frontage. The opposing argument is that the lawful use of the premises is as a public house and therefore there would already be disturbance and noise. However the current proposal introduces a new noise source at the rear of residential property and that that would continue over much longer hours than the former use – particularly in the early morning. The evidence from the Environmental Health Officer is that this should not give rise to disturbance that warrants a refusal and as such a refusal reason is not recommended.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

- 1) Standard Three year condition
- 2) Standard Plan numbers – The location plan and elevations received on 28/2/17 and the revised site layout received on 24/7/18

3) All of the car parking spaces together with bicycle spaces/bike stands and spaces for motorbikes within the boundary of the facility as shown on the approved plan shall be made available for use prior to the operation of the facility, all to the satisfaction of the Local Planning Authority.

REASON

To ensure that the facility provides adequate levels of parking for cars, motorbikes and bicycles.

4) The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority within one week of its discovery. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

REASON

To ensure all contamination within the site is dealt with.

5) A scheme of landscaping including boundary treatments and details of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on-site. Only the approved details shall then be implemented on site.

REASON

In order to protect the visual amenity of the surrounding area.

6) All planting, seeding, turfing and other works indicated on the approved landscaping plans shall be carried out in the first planting season following completion of the buildings granted consent.

REASON

In the interests of amenity, to ensure that the proposed development is provided with a suitable standard of landscaping and is assimilated into the surrounding area at the earliest practical stage.

7) Within three years of the completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased, or areas of grass which become eroded or damaged shall be replaced and reinstated by the end of the next planting season, to the satisfaction of the Local Planning Authority.

REASON

To ensure that the proposed scheme of landscaping is established and maintained in the interests of the amenity of the site and the surrounding area.

8) The site shall always be maintained in a neat and tidy condition to the satisfaction of the Planning Authority.

REASON

In order that the appearance of the site is controlled in the interests of the amenity of the area.

9) 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.

10) 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.

11) 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.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through resolving technical issues in order to arrive at a positive outcome.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0219

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/7/17
2	Warwickshire Police (Architectural Liaison)	Consultation	15/5/17
3	Highways England	Consultation	23/5/17
4	Environmental Health Officer	Consultation	23/5/17
5	WCC Highways	Consultation	31/5/17
6	WCC Highways	Consultation	6/12/17
7	WCC Highways	Consultation	2/1/18
8	WCC Highways	Consultation	13/6/18
9	Resident	Representation	11/5/18
10	Resident	Representation	15/5/17
11	Resident	Representation	26/10/17

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.

Location Plan



Ordnance Survey © Crown Copyright 2016. All rights reserved.
License number 100021612. Printed Scale - 1:1250

Former Black Swan PH, Grendon



COPYRIGHT RESERVED

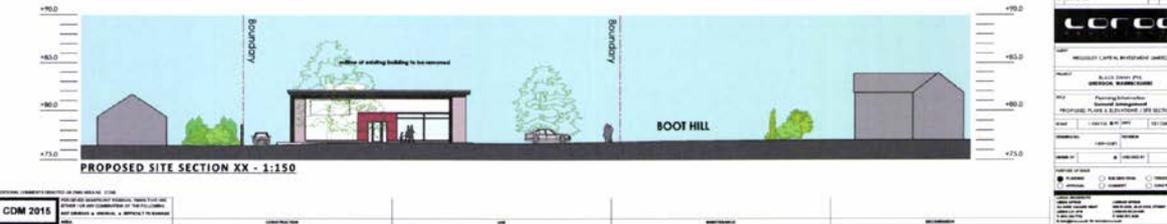
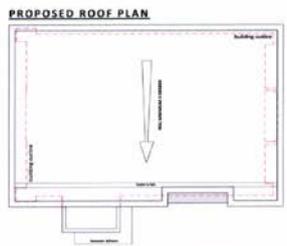
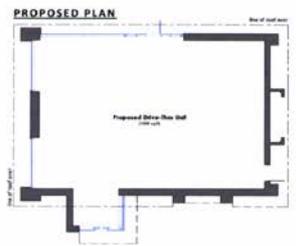
DO NOT SCALE

ADDITIONAL NOTES

LOGOC

LOGOC

- MATERIAL LEGEND**
1. Blockwork to receive three colour render -RAL 9010 (white)
 2. Brick glaze line, courses, brick to be confirmed
 3. Composite insulated metal clanking, colour pantone 202C (red)
 4. Aluminium gutters and fascia power coated colour Anthracite Grey RAL 7016. Roof metal built up system colour Anthracite Grey RAL 7016, underlaid to be black liner sheet
 5. Aluminium glazing (finish of similar approval), powder coated Anthracite Grey RAL 7016.



APPENDIX C

FAN017/0213

COPYRIGHT RESERVED

DO NOT SCALE

ADDITIONAL NOTES

LOGOC

LOGOC

(7) Application No's PAP/2017/0424 and PAP/2017/0425

A) Application No: PAP/2017/0425

Polesworth Learning Centre, High Street, Polesworth, B78 1DU

Conversion of The Old School Building to 3 no. dwellinghouses, demolition of modern flat roofed buildings, construction of 9 no. dwellinghouses and formation of new vehicular access

B) Application No: PAP/2017/0424

Polesworth Learning Centre, High Street, Polesworth, B78 1DU

Demolition of Modern Flat Roof Buildings in Conservation area

Both for The Trustees Of Sir Francis Nethersole Foundation

Introduction

The applications are reported to Board in light of the recommendations which are contrary to an objection received from a statutory consultee.

The Site

The site forms a roughly rectangular parcel of land and is situated on the southern side of High Street, approximately 150m east of the junction with Bridge Street. Covering an area of approximately 0.62 hectares, the application site, which is currently vacant, was formerly occupied by the Nethersole First School and more latterly the Polesworth Learning Centre (which was part of the North Warwickshire & Hinckley College).

The site essentially contains two sets of buildings, an older former school building and a modern construction, also formerly used for school/education purposes. The old school building on the site (to be retained and converted to two dwellings) is shown below:



The existing school/education building on the site (to be demolished) is shown below:

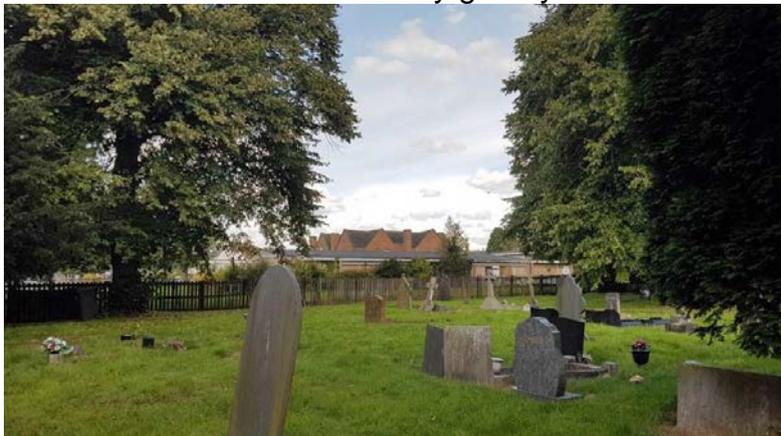


The site is situated in the historic core of the settlement. It lies wholly within the Polesworth Conservation Area, with listed buildings and scheduled ancient monuments in its surrounds, including The Abbey Church/Church of St Editha; Abbey Gate House, (No 30), 32 and 34 High Street directly adjacent to the west of the site beyond which (and attached to the Gate House) is No 22 High Street, all of which are Grade II* Listed.

View of the adjacent Polesworth Abbey from the application site:



View of the site from the Abbey graveyard



The adjacent Grade II* dwellings on High Street to the west of the application site



The site is presently quite open in character with views through it to the Abbey and it is surrounded by very significant trees which are important to the character of this historic part of the town.

Trees on the southern boundary of the site:



Trees on the western boundary of the site:



On the opposite side of High Street to the application site there is an access road to Abbey Croft, a small cul-de-sac of housing and a Co-op grocery store which has a side service area and frontage car parking for five customer vehicles (see photograph below)



A variety of differently styled houses and bungalows are on High Street to both sides and opposite the site.

The Proposal

The proposal is for the conversion of The Old School Building to three new dwellinghouses; the demolition of the modern flat roofed buildings, the construction of nine new dwellinghouses and the formation of new vehicular access. The proposed site layout would be as shown below.

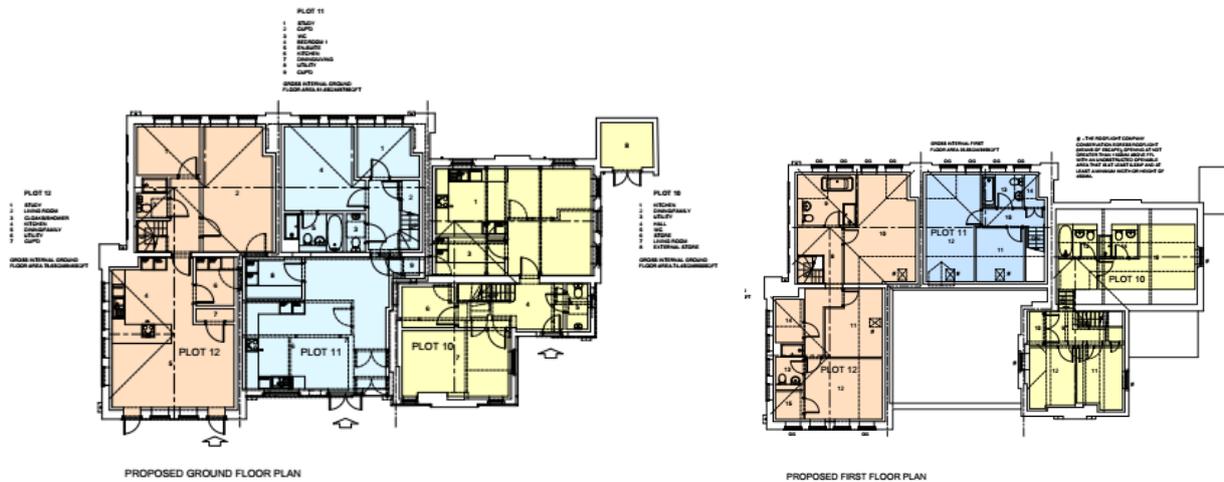
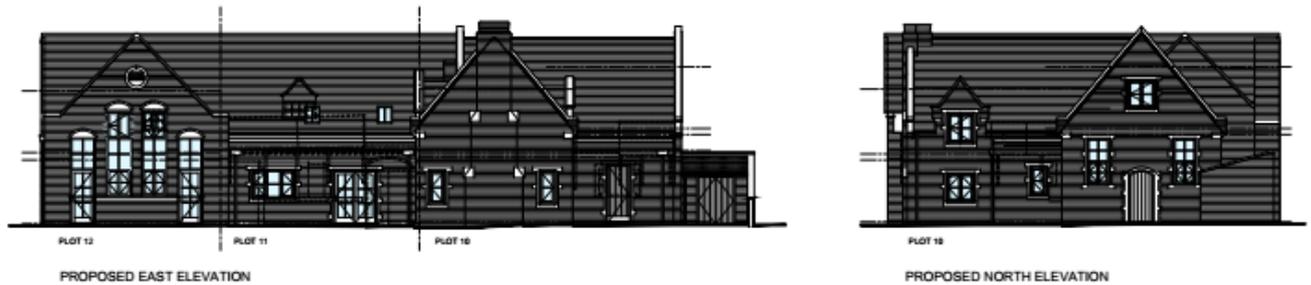


The schedule of accommodation to be created is as shown below. The scheme will incorporate two affordable housing units.

SCHEDULE OF ACCOMMODATION					
PLOT NO.	HOUSE TYPE	TYPE	NO. BEDS	GIA SQM	GIA SQFT
1	DETACHED	A	3	106	1140
2	DETACHED	B	4	141	1518
* 3	TERRACE	C	2	74	800
* 4	TERRACE	C	2	74	800
5	TERRACE	C	2	74	800
6	TERRACE	D	5	162	1744
7	DETACHED	E	4	136	1463
8	DETACHED	E	4	136	1463
9	DETACHED	E	4	136	1463
10	CONVERSION	-	3	127.5	1371
11	CONVERSION	-	3	117	1263
12	CONVERSION	-	3	151	1631

* AFFORDABLE HOUSING UNITS

The conversion of the Old School House to three units will be as shown below



The new dwellings will be of a variety of sizes and designs, but with some commonality. They are shown below:





The scheme makes provision for the retention of all trees along the western and southern boundaries but proposes the felling of others on the eastern and northern parts of the site.

A new principal access is proposed to serve the new build dwellings and an existing access would serve the three dwellings formed through the conversion of the existing old school house.

Background

The site is allocated in the submission version of the emerging local plan (Policy LP39) for housing development. The allocation assumes that the site can deliver 14 units.

<i>Polesworth & Dordon</i>			
H7	Land to east of Polesworth and Dordon	160.8	2000
H8	Land west of Woodpack Farm, Polesworth	1.5	32
H9	Land off Fairfield's Hill, Polesworth	0.4	9
H10	Former Polesworth Learning Centre, High St, Polesworth	0.7	14
H11	Land at Windy Ridge Dunns Lane, Dordon	0.6	9
H12	Former Chapel House site, Dordon	0.3	7

H10 Former Polesworth Learning Centre, High St, Polesworth

A brown field site of approximately 0.7 hectares of land south of High Street, north of Polesworth Abbey, on the former Polesworth Learning Centre is allocated for residential redevelopment. Any development will need to consider the significance of the heritage assets within and close to the site and ensure that this is conserved and, where appropriate, enhanced in the design and form of any future development.

Development of the site will need a high quality of design and landscaping to reflect the proximity of the Abbey and its setting including its grounds, curtilage and associated buildings and provision must be made for retaining views into the Abbey from the High Street. Any development should complement the setting of St Edith's church and former Abbey and the character and appearance of the Polesworth Conservation Area retaining key views and the old school buildings.

Development Plan

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), NW13 (Natural Environment), NW14 (Historic Environment), NW19 (Polesworth and Dordon), NW20 (Services and Facilities) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV15 (Heritage Conservation) and ENV16 (Listed Buildings/Heritage Buildings/Archaeology)

Other Relevant Material Considerations

The National Planning Policy Framework (the "NPPF")

The Polesworth Conservation Area Designation Report 1995

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP16 (Natural Environment), LP23 (Loss of Services and Facilities), LP31 (Development Considerations), LP32 (Built Form), LP36 (Parking), LP37 (Renewable Energy and Energy Efficiency), LP39 (Housing Allocations) and H10 (Former Polesworth Learning Centre, High St, Polesworth)

Consultations

Environmental Health Officer - As the site is in a coal referral zone, the developer will need a coal mining risk assessment from the Coal Authority. Hours of construction should be limited to between 08:00 to 18:00 during weekdays and 08:00 to 13:00 on Saturdays.

Warwickshire Museum - No objection subject to conditions

Warwickshire County Council Rights of Way Team - No objection.

Historic England – It makes detailed comments about the historic significance of the site and its setting, but offers a qualified ‘no objection’ to the application on heritage grounds.

Consultant Heritage Advisor – Initially objected to the proposal, taking the view that the area is historically very sensitive, not least due to the apparent ‘sacred space’ of the Abbey and the association with the cult of St Editha. However following negotiations and the submission of a substantially revised scheme, he now offers no objection, subject to conditions.

George Eliot Hospital NHS Trust – It seeks a developer contribution for direct provision of additional health care services to meet patient demand from this proposed development of £6,341.00.

Warwickshire County Council as Highway Authority – It objects on highway safety grounds. This matter is taken up below.

Representations

Letters have been received from five local residents raising the following matters:

- The new layout has crammed houses on 2/3rds of the site thus making a very overdeveloped site.
- The development will lead to on street parking problems, particularly when combined with parking of vehicles using the grocery store. The Co-op parking is already chaos with cars being abandoned on yellow lines blocking driveways.
- The average vehicle speeds clearly are in excess of the limits and in the evening are very high.
- The development will be a hazard to pedestrians.
- Traffic noise and pollution will increase.
- This area is also used for people going to church to visit graves.
- Schools are oversubscribed.
- The development will lead to the loss of eight off street parking spaces. Notwithstanding that there are six spaces provided in a different location on the site, it will still result in on street parking problems, with drives being constantly blocked.
- Even though many drivers ignore double yellow lines there is a case for extending double yellow lines in this vicinity.
- The development needs to be low density to make a positive contribution to the village.
- Concern was expressed about proposals to retain a large conifer tree because of its condition and the nuisance it causes (it is now proposed to be felled)
- There is potential for overlooking of neighbouring property.
- The building of bungalows would suit the site best.
- Medical services in the village will also be put under additional pressure.
- One resident indicates that they are happy that the old school will be restored to its former glory.

Observations

a) Principle of Development and the Loss of Community Buildings

The site lies within the heart of an existing main town. It is a sustainable location for new housing and for the redevelopment of brownfield land. This is reflected in the allocation of the site for development in the emerging Local Plan. The buildings have been redundant for some time and the education services formerly operated ceased in the old building (children's nursery) in the 1990's and North Warwickshire College began to wind down its education presence from approximately 2007 onwards. The site has been vacant a good number of years now. Though the Trustees have not actively marketed the site for a community use they have made it known that it remained available for let. Several prospective occupiers found the required renovation costs to be prohibitive. It is accepted, in the site allocation, that the continued community use of the site is not a requirement. Furthermore, the potential redevelopment offers an opportunity to address the removal of the deteriorating discordant modern buildings.

The development would contribute to the improvement of the housing land in the Borough which presently stands at a 4.8 year supply.

b) Heritage

The development site is set on the High Street within the historic core of Polesworth village. The site is adjacent to the site of Polesworth Abbey, of which a number of related listed buildings survive adjacent to and within the setting of the proposed development. The site is the former Nethersole First School (latterly Polesworth Learning Centre) which has origins in the mid-19th Century. Some historic buildings from the 19th and early 20th Century phases of the school survive on site and are to be retained and converted to residential use as part of the development. There are also a number of substantial mid-20th Century school buildings within the site which are to be removed.

The site is currently reasonably open and can be viewed on all sides from paths or driveways used by the public. The site is surrounded by a characteristic tall timber picket fence which is a positive visual feature. The West and Southern boundary face land associated with the historic Abbey and feature rows of mature trees flanking the edge of the site. There are important views from the High Street back through the site where the tower of the Abbey church is framed through a gap in the tree belt.

From cartographic evidence it would appear that in 1884 the site included a row of dwellings along the High Street with a small school house set back off the road (thought to have been constructed in 1848). The remaining substantial parcel of land was open space and part of the land associated with the church to the south and bisected diagonally by a footpath. By 1938 the school had been extended, some of the buildings fronting the high street had been removed and the school curtilage (as seen today) had been enclosed from the wider churchyard. A footpath still ran diagonally through the site at this time, remnants of which survive to this day. The school was substantially extended around the 1960s in an uncompromisingly contemporary style which is not considered to make a positive contribution to the appearance of the Area. By this time all remaining buildings along the frontage are thought to have been removed.

The Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting or any features of special architectural or historic interest of the adjacent Listed Buildings. This duty falls under Section 66(2) of the Planning (Listed building and Conservation Areas Act 1990 and section 12 of the NPPF. Adopted Local Plan Policy ENV16, Core Strategy Policy NW14 and Draft Local Plan Policy LP15 are also of relevance.

The closest listed buildings are as follows:

Abbey Gate House (No 30), 32 and 34 High - Street Grade II* Listed (Listed in 1951) directly adjacent to the west of the site beyond which (and attached to the Gate House) is No 22 High Street - Grade II* Listed (Listed in 1968). The Abbey Gatehouse is a rare survival of a monastic gateway and is flanked by equally interesting historic buildings featuring a timber jettied frontage and an exposed cruck framed gable. These buildings form a strong component of the streetscape and are directly adjacent to the site.

To the South is The Abbey Church/Church of St Editha - Grade II* Listed (Listed in 1968) The Church was originally part of a Benedictine nunnery with origins in the 11th Century with notable alterations through the 12th and 14th Century and an extensive renovation in 1869 by G.E. Street. The Church now acts as the parish church and stands within a leafy churchyard directly overlooking the development site. The Grade II Listed vicarage lies to the south of the church and may have origins from the previous Hall or the Abbey.

The site lies within Polesworth Conservation Area. As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. This duty falls under Section 72(1) of the Planning (Listed building and Conservation Areas Act 1990 and section 12 of the NPPF. Adopted Local Plan Policy ENV15, Core Strategy Policy NW14 and Draft Local Plan Policy LP15 are also of relevance.

The context of this part of the Conservation Area is described above. The character of this part of the Conservation Area consists of the historic route of the High Street with its surviving historic buildings most of which are early, distinctive and associated with the former Abbey. This part of the Conservation Area south of the High Street provides a direct visual link with Polesworth's Medieval past. There remains a sense of the busy secular street frontages with the calmer ecclesiastical area (sacred space) within the back plots. This is indicative of intriguing glimpses of the church grounds through the Gate House arch and the gap in the tree belt within the site. Despite being a 20th Century development the timber palling fence surrounding the site and its mature boundary trees has a distinctive and positive historic parkland character.

As identified in the original Conservation Area appraisal not all buildings make a positive contribution to the appearance of the area, these include the Co-op store and the Polesworth Club. Furthermore some of the modern detached houses to the east of the High street fail to preserve or enhance the character of the Conservation Area. The presence of buildings which are unsympathetic to the historic character does not set a precedence to further dilute the character of the Area and contribute to cumulative harm.

The red brick buildings within the site which represent the two earliest phases of Nethersole First School are considered to be non-designated heritage assets. The earliest phase (mid-19th Century) is located closest to the High Street and consists of a modest 'L' shaped building in the Tudor style with stone window surrounds. The later phase dates from the early 20th Century and is larger with details more common to the generic school designs of the board school era following the introduction of the Elementary Education Act 1870. The later 20th Century additions are not considered to hold the same degree of historic or architectural interest and are not considered to be heritage assets. The significance of the old school building as a heritage asset is due in part to the age and survival of the earliest Nethersole building and also the positive aesthetic impact of the building within its setting and street scene and its historic association with the local community.

The proposed development is potentially within the setting of two Scheduled Ancient Monuments.

Considering the heritage impact of the development, it is accepted that residential development of this site is supported in principle and that the retention and conversion of the of the earlier school buildings is a positive measure. It is also acknowledged that some elements of the current openness of the site that contribute to the character of the Area may be lost as a result of development. This particular development site is subject to some substantial heritage constraints including the setting of a number of Grade II* Listed Buildings and is within a Conservation Area. The site and its environs have a special character which is sensitive to change. The Heritage Assessment by The Museum of London Archaeology submitted with this application observes that:

The setting of St Editha's Church, the vicarage and Abbey Croft is open sacred space. The Abbey Gatehouse is significant because it signifies the historic boundary between this and the urban settlement beyond it to the north. The space provides essential openness to the church and is a critical part of the religious landscape of Polesworth, enhancing its presence and promoting reverence (paragraph 5.2.1.2).

The reintroduction of domestic buildings to the south side of this section of High Street would restore a little of the historic post-medieval townscape of Polesworth. There is a risk of the houses encroaching onto the sacred space surrounding the churchyard and visually isolate the church from High Street. There is also a risk of hard barriers such as garden fences or walls against the public sacred space making a contribution to the potential isolation (paragraph 5.2.1.3).

The allocation description within the draft Local Plan states:

Development of the site will need a high quality of design and landscaping to reflect the proximity of the Abbey, its grounds, curtilage and associated buildings and provision must be made for views into the Abbey from the High Street.

Paragraph 132 of the NPPF advises local planning authorities that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's Conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

There were a number of aspects of the original proposal that were considered harmful to the significance of the setting of the listed buildings and the character or appearance of the Conservation Area or both, including, the form and scale proportion of the new house types; the modern and suburban housing unsympathetic to the general historic character of the area, the partial obscuring of the the exposed cruck gable of No.34 which is a landmark of the Area, and very significantly the location of the access route through the site would not preserve the principal view of the church tower from the High Street. The revised scheme is the result of extensive consultation with the applicants and represents a substantial improvement, addressing all main issues previously raised, such that it is now generally acceptable.

Historic England shares this view. Noting that the allocation of the site is considered in the emerging plan, it indicates that if the proposed intensity of development is accepted by the local authority then the success of any scheme in this sensitive location will be dependent on the execution of very good quality design, detail, finishes, materials which take account of local character and distinctiveness.

It is considered that the proposals would not cause substantial harm to the setting of the Listed buildings and the character and appearance of the Conservation Area and the old school which is a non-designated heritage asset. Any perceived harm to heritage assets would be outweighed by the public benefit through the provision of new housing and infrastructure and the restoration of a non-designated heritage asset. As such the proposals are in accordance with Section 66(1) and 71(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 12 of the NPPF, Policies NW12 and 14 of the North Warwickshire Core Strategy and saved policies ENV12, 13, 15 and 16 of the Local Plan.

c) Highway Safety

The applicant has revised the highway design to address several initial concerns identified by the Highway Authority and has carried out a Stage 1 Road Safety Audit. This advised that there were no material issues save for the provision of the continuation of the High Street pavement across the site bell-mouth. This has now been included in the latest layout plan illustrated above and is the subject of an outstanding re-consultation with the Highway Authority. A verbal update will be given at the Board meeting on the Highway Authority's up to date position.

Notwithstanding the findings of the safety audit, the Highway Authority continues to maintain a wider concern about the proximity of the junction to the parking and service areas for the Co-op and the access to Abbey Croft. It notes that visibility for drivers manoeuvring out of the parking areas is not good for all of the spaces, and the proposed bell-mouth would introduce another hazard to consider. Not all delivery vehicles park in the service area, so they could obstruct the proposed bell-mouth, and even use the bell-mouth to make reversing into the Co-op easier. It further notes that consideration should be given to the availability of public parking spaces and the potential for people to park to access the church and graveside areas. It suggests that the safety audit does not appear to have considered such traffic, only movements associated with the proposed houses. The Highway Authority takes the view that such parking could occur on a regular basis and therefore increase the potential conflict at the bell-mouth.

Local people object to the loss of an off road hard surfaced area to the front of the school building which is commonly used for car parking. This area is shown on the photograph below:



This area is private land and parking has taken place on a permissive basis only. Such permission may be withdrawn at any time. The area is not wholly suitable for parking, as to park there, necessitates crossing the pedestrian footway and bumping over the kerb. There is no dropped kerb to this land. Indeed, the Highway Authority would be unlikely to agree to the dropping of such an extensive run of kerb in this location because of the hazards that it identifies when it objects to the formation of the new bell-mouth.

Noting these deficiencies, and wishing to cause no significant detriment, the scheme makes provision for a small six bay parking layby within the site which would be available to shoppers and church goers.

Officers are mindful that the access to this proposed development would not be sited at an optimum position, given the relative position of other accesses and the retail activity on the opposite side of High Street. However, this is an important, historically significant, site within the town that is falling into disuse and causing visual harm to the area. Its redevelopment is desirable. It is recognised that such redevelopment must take place in a manner that does not cause harm to the significance of heritage assets. They are irreplaceable and any harm or loss would require clear and convincing justification. The positioning of the access road is optimal for the maintenance of open views to the church/abbey buildings. Given the findings of the Safety Audit, this site is one where a balancing exercise needs to be applied. Creating optimal highway arrangements would cause harm to important heritage assets. The harm to highway safety is not considered so substantial that the development should be resisted completely, nor that it should dictate the design of the scheme to the detriment of heritage assets. The balance in this instance should fall with delivering a redevelopment which improves the character and appearance of the area, whilst achieving development assessed through Safety Audit, to be to an acceptable standard.

In recognition of concerns about the potential for a worsening of on-street car parking in the vicinity, it would be appropriate to ensure that garages provided for the purpose of car parking be retained for that purpose and not converted to other residential uses. This can be addressed by planning condition.

d) Affordable Housing

The applicant proposes the on-site delivery of two units of affordable housing delivered in partnership with Warwickshire Rural Housing Association. This will be secured by a suitably worded 106 legal agreement and will satisfactorily meet the requirements of Development Plan policy. The house size and type fits with the predominant needs locally.

e) Effect on Trees

It is proposed to fell a large Ash tree which is located at the frontage of the site (referred to as T9 in the Arboricultural Report). The report recommends removal for various reasons. The presence of this mature tree makes a positive contribution to the street scene and the appearance of the Conservation Area in this location. The loss of such a tree would have a negative impact upon the character of the Conservation Area. However, the tree is in a poor condition with considerable dieback. Serious damage has been caused to circulatory materials of one stem of the tree due to the historic placement of a steel band (see photograph below). The loss of the tree is regrettable but its condition would not justify its retention.



Elsewhere, the scheme has been designed to have a set back from tall trees that border the south and west of the site. These trees are visually prominent and make a very important contribution to the character and appearance of the Conservation Area and the setting of the listed buildings, including the church/abbey. The Council's Tree Officer advises that the works, with appropriate construction techniques and tree protection measures, can be carried out without detriment to the trees. The arboricultural assessment proposes raising the canopy of several retained trees on the southern and western boundaries. Given the scale and form of the trees this will be acceptable.

f) Archaeology

The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Polesworth (Warwickshire Historic Environment Record MWA 9573). The remains of Polesworth Abbey (Scheduled Monument No. 1005735, MWA203), an early medieval Benedictine nunnery probably established between 839 and 1066 and dissolved in 1539, is located less than

60m to the south of the proposed development. There is therefore a potential for the proposed development to disturb archaeological deposits, including structural remains and boundary features, associated with the occupation of this area from the medieval period onwards.

Following pre-application discussions with this office a programme of evaluative archaeological trial trenching was undertaken across the application site, the results of which are detailed within the Archaeological desk based heritage assessment and trial trench evaluation report that has been submitted with the supporting information for to this application. The archaeological evaluation identified post-medieval building remains and occupation levels that are likely to extend across the frontage of High Street. There is, therefore, a potential for archaeological features that have been shown to be present within the application site to be disturbed by the proposed development.

The Archaeologist does not wish to object to the principle of development, he considers that some archaeological work should be required if consent is forthcoming. It is envisaged this work to include a targeted programme of archaeological excavation and a programme of building recording for the old school building prior to conversion. In addition due to the presence of the modern flat roofed building and part of the site fronting onto High Street still in use for parking those areas could not be fully evaluated. Following demolition further limited evaluation will be required across those parts of the proposed application site to establish whether, or not archaeological deposits extend into those areas.

g) Footpaths

A public footpath runs along the eastern and southern boundaries of the application site. (AE19). The development retains the footpath along its current alignment and there should be no detriment to public access.

h) Public Health

The George Elliott NHS Trust specifies the health service demands/needs that will result from the provision and occupation of the new dwellings

i) Design and Appearance

The conversion works are sympathetic to the existing character and appearance of the Old School Building and the new dwellings are a complementary style with the upper storey set into the eaves. The detailing and quality of finish can be assured by the use of conditions.

The occupiers of the proposed dwellings would have reasonable standards of living accommodation, off road parking and private amenity space. Occupiers of neighbouring dwellings would not suffer unreasonable levels of loss of privacy, overlooking or disturbance.

The scheme includes detail of the treatment of boundaries within the site. The majority of public facing boundaries surrounding rear gardens are appropriately shown as brick walls. This is important to maintain a 'quality' finish. The plans suggest that boundaries bordering the site will remain unaltered and that frontages will be 'open plan'. Given the importance of maintaining openness and character at this site it will be appropriate to remove permitted development rights for the construction of gates, walls, fences and other means of enclosure to retain future controls.

j) Other matters

Given several factors - the heritage setting of the site, the potential for archaeology in the area, the small gardens and juxtaposition of dwellings to each other, the need to retain the original character and appearance of the converted former school building – it would be appropriate to remove permitted development rights for the erection of extensions, for roof alterations and for the erection of garden buildings.

Adopted and emerging policy states that new development will be expected to be energy efficient in terms of its fabric and use. Major development will be required to provide a minimum of 10% of its operational energy requirements from a renewable energy source subject to viability. Smaller schemes will be encouraged to seek the introduction of renewable energy and energy efficiency schemes at the outset to avoid costly retrofit. At twelve dwellings, the scheme is 'major' development. This topic area is not expressly addressed in the applicant's submission. It would be appropriate to require the submission of a scheme for renewable energy generation and energy efficiency.

The Education Authority has not identified any shortfalls which require developer contributions.

On balance the development is considered to be sustainable development. It is a difficult to develop site because of heritage and highway constraints, but, on balance, the redevelopment is desirable and can be achieved without significant harm to interests of acknowledged importance, including significant harm to highway safety. The scheme may be supported.

Application No: PAP/2017/0424

Observations

The buildings that are to be demolished have no inherent value in their own right. They are of modern, insubstantial and discordant design. Their demolition will be of significant benefit to the visual amenity of the area and will enhance the character and appearance of the Conservation Area and the setting of adjacent listed buildings. The demolition may be supported subject to conditions requiring the removal of materials and the agreement of a restoration plan.

Recommendations

A) Application No: PAP/2017/0425

That subject to a satisfactory section 106 Agreement relating to the provision of public health contributions and the provision of affordable housing, planning permission be **GRANTED** subject to the following conditions:

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 1712-11 received by the Local Planning Authority on 4 August 2017, the plans numbered 1712-03A, 1712-04A, 1712-05A, 1712-06A, 1712-07A and 1712-08A received by the Local Planning Authority on 24 May 2018 and the plan numbered 1712-01H received by the Local Planning Authority on 19 July 2018.
3. No development shall take place until:
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
4. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.
5. No works shall commence to construct the external surfaces of the building(s) hereby permitted until the following have been submitted to and approved by the Local Planning Authority in writing:
 - Sample of external wall and roofing materials to be agreed. These shall be a red brick and a red clay tile material.
 - A sample of all external surfacing materials to be used in roads, pathways, parking areas and gardens.
 - Sample panel of brickwork and pointing (1m x 1m to remain on site until completion).
 - Design of windows and external doors in the form of 1:5 scale cross sections.
 - Design, specification and details of rooflights.

The approved materials shall then be used and maintained at all times thereafter.

6. New windows and external door reveals in the new build dwellings shall be recessed by at least 75mm and there shall be no use of bargeboards or deep eaves fascias. Prior to the construction of any of the external surfaces of the buildings hereby permitted, eaves construction details shall be submitted to and approved by the Local Planning Authority in writing.

7. For the avoidance of doubt, this permission is for conversion of the existing building known as The Old Schoolhouse, as indicated upon the approved plans, along with the insertion of windows and doors in the positions shown and blocking up of existing openings where necessary. It specifically does not grant permission for demolition and reconstruction of the building.
8. Prior to occupation of the dwelling(s) hereby approved a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the enclosed garden of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.
9. Prior to the occupation of any of the dwellings hereby approved a scheme for the provision of street lighting and external lighting shall be submitted to and approved by the Local Planning Authority in writing.
10. No development whatsoever within Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.
11. No additional opening shall be made to Units 10, 11 and 12 (the converted former school house) other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.
12. The garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.
13. Prior to the commencement of development a scheme for renewable energy generation and the incorporation of energy efficiency measures shall be submitted to and approved in writing. The approved scheme shall then be implemented in full and maintained thereafter.
14. The development shall be carried out in full accordance with the Tree Protection measures and recommendations detailed in the RGS Arboricultural Consultants Tree Survey Report dated June 2017 and received by the Local Planning Authority on 4 August 2018. The required site specific Arboricultural Method Statement (AMS) shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development.
15. 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.
16. Prior to the commencement of development details of the strategy for the drainage of surface water and foul water from the development shall be submitted to and approved by the Local Planning Authority.

Plus conditions advised by the Highway Authority in the event that this application is granted.

Notes

1. Public footpath AE19 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
2. The applicant must make good any damage to the surface of public footpath AE19 caused during works.
3. If it is proposed to temporarily close public footpath AE19 during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
4. Any disturbance or alteration to the surface of public footpath AE19 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.
5. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
6. 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.
7. 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>.
8. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
9. 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) or by contacting our New Connections Team (Tel: 0800 707 6600).

10. There are bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Due to the use of this building as a roost site by common pipistrelle bats, a licence from Natural England will be required for work to be carried out on it, with suitable replacement roosting opportunities provided in the new development, either in the converted building or in the new housing.
11. 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.
12. The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.
13. 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
14. 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. 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.

Plus notes required by the Highway Authority.

B) Application No: PAP/2017/0424

That Conservation Area Consent for Demolition be **GRANTED** subject to the following conditions:

1. All materials obtained from demolition shall be permanently removed from the site within two calendar months of demolition being commenced.

REASON

In the interests of the amenities of the area.

2. Prior to the commencement of development a scheme for the restoration of the land shall be submitted to and approved by the Local Planning Authority in writing. The approved restoration scheme shall then be implemented in full.

REASON

In the interests of the amenities of the area.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0425 and PAP/2017/0424

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4 8 17 24 5 18
2	Polesworth resident	Representation	14 8 17 18 6 18
3	Polesworth resident	Representation	25 8 17
4	Polesworth resident	Representation	25 8 17
5	Polesworth resident	Representation	30 8 17
6	Polesworth resident	Representation	18 6 18
7	Warwickshire County Council Highways Authority	Consultation Response	15 8 17 4 7 18
8	Environmental Health Officer	Consultation Response	18 8 17 30 8 17
9	Severn Trent Water	Consultation Response	25 8 27
10	Warwickshire County Council Rights of Way	Consultation Response	30 8 17 26 6 18
11	Refuse Manager	Consultation Response	1 9 17
12	Heritage Consultant	Consultation Response	5 9 17 June 2018
13	NHS George Elliot	Consultation Response	28 9 17
14	Historic England	Consultation Response	21 9 17 25 6 18
15	NWBC Tree Officer	Consultation Response	22 9 17

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.

(8) Application No's – PAP/2017/0659 and PAP/2017/0660

A) PAP/2017/0660

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/financial /professional services), parking and access

B) PAP/2017/0659

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 bed dwellings with associated parking and access

both for the Tamworth Co-op

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.

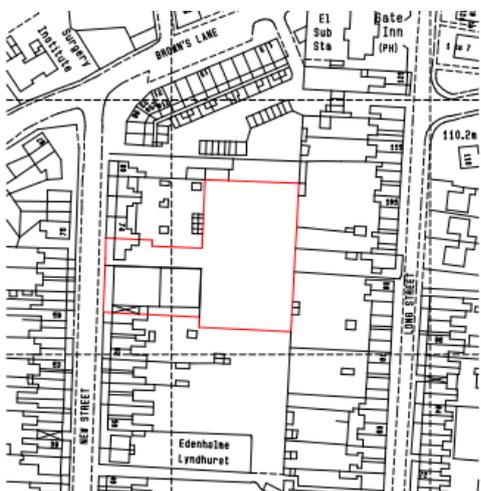


b) New Street

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 m², the convenience store will have a gross floor area of 424 m² and the attached retail/professional services unit would have a gross floor area of 108m². 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.

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:

- Parking, turning and loading/unloading of construction/demolition vehicles, and vehicles of contractors and visitors; and
- 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 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. 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

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) 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

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

15. 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.

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 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

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

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.

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

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

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 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

Background Paper No	Author	Nature of Background Paper	Date
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 email	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.,
WHITTEHOUSE ROAD, DORDON.

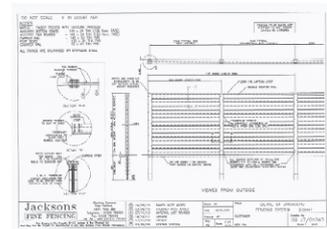
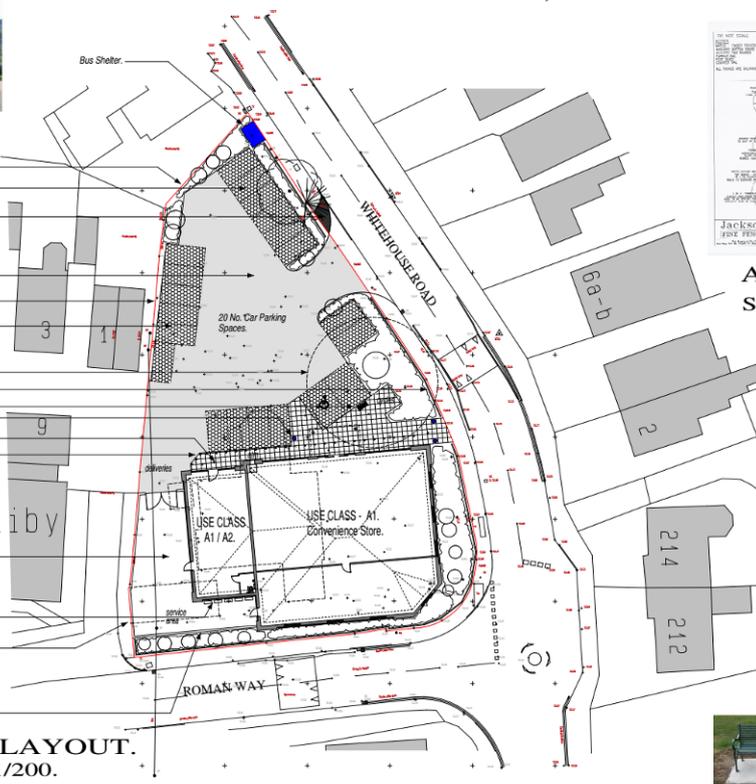
The holder is to read and verify all details and
check and make sure that prior to construction
to the scale of the drawing, work is carried out
the drawing must be read and checked with all
the correct standard.
The holder is to comply with all matters with the
Building Regulations and latest Code of Practice.

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



BUS SHELTER.
2 Bay Shelter.

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



ACOUSTIC FENCING.
Scale n.t.s.



SITE LAYOUT.
Scale 1/200.



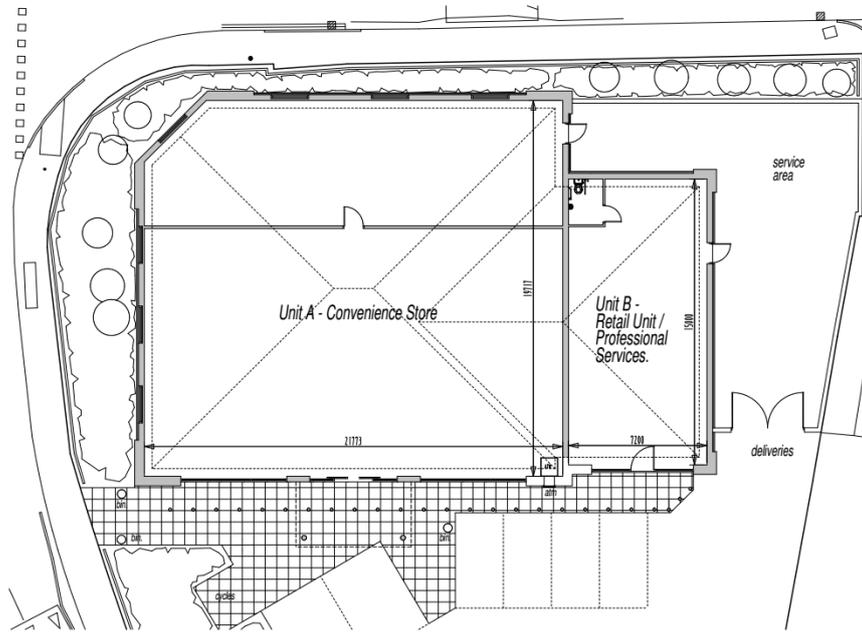
BENCH

REVISIONS	
01	EXISTING
02	REVISIONS
03	REVISIONS
04	REVISIONS
05	REVISIONS
06	REVISIONS
07	REVISIONS
08	REVISIONS
09	REVISIONS
10	REVISIONS
11	REVISIONS
12	REVISIONS
13	REVISIONS
14	REVISIONS
15	REVISIONS
16	REVISIONS
17	REVISIONS
18	REVISIONS
19	REVISIONS
20	REVISIONS
21	REVISIONS
22	REVISIONS
23	REVISIONS
24	REVISIONS
25	REVISIONS
26	REVISIONS
27	REVISIONS
28	REVISIONS
29	REVISIONS
30	REVISIONS
31	REVISIONS
32	REVISIONS
33	REVISIONS
34	REVISIONS
35	REVISIONS
36	REVISIONS
37	REVISIONS
38	REVISIONS
39	REVISIONS
40	REVISIONS
41	REVISIONS
42	REVISIONS
43	REVISIONS
44	REVISIONS
45	REVISIONS
46	REVISIONS
47	REVISIONS
48	REVISIONS
49	REVISIONS
50	REVISIONS

BAILEY DESIGN	
ARCHITECTURAL PLANNING & DEVELOPMENT	
43a MITCHELLS COURT LOWER GUNCS	
STAFFORDSHIRE B79 7AS	
PROPOSED CONVENIENCE STORE	
FORMER CUCKOOS REST P.H.,	
WHITTEHOUSE ROAD, DORDON.	
SITE LAYOUT.	
SCALE	DATE
1:200	Oct. 17
DRAWN BY	DATE
	19



Elevation - facing car park. Scale 1/100.

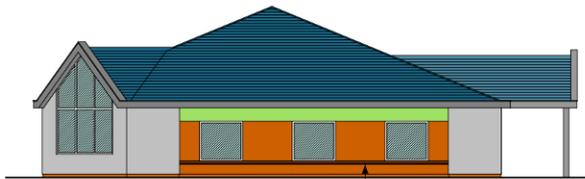


Floor Layout. Scale 1/100.

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



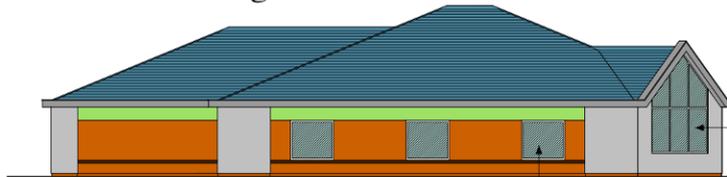
Elevation - facing car park.



Elevation - facing Whitehouse Road.



Elevation - facing Library.



Elevation - facing Roman Way.

REV. A. BUILDING POSITION ADJUSTED. 24/11/17.

BAILEY DESIGN LIMITE
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS

43a MITCHELLS COURT LOWER GUNGATE TAMWORTH
STAFFORDSHIRE B79 7AS
Tel 01827 3141

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

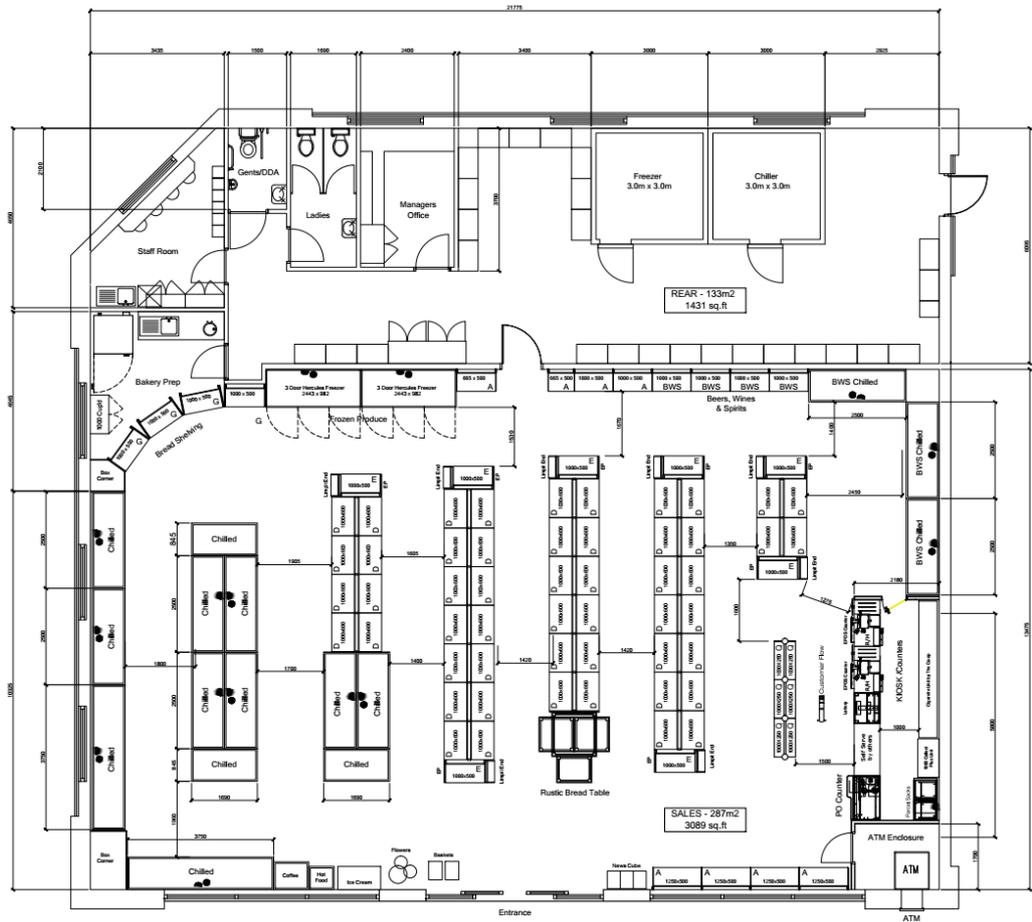
ELEVATIONS.

SCALE	DATE	DRAWN	JOB No.
1/100.	Nov 17.	EL.	9420.15

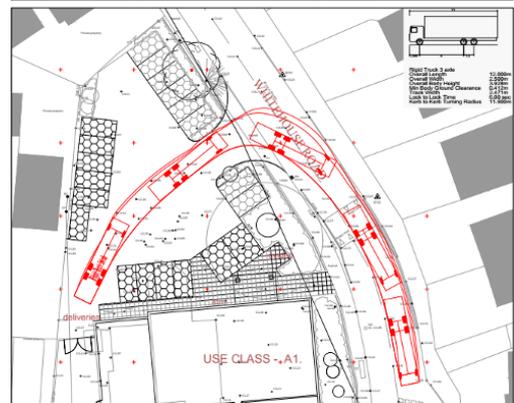
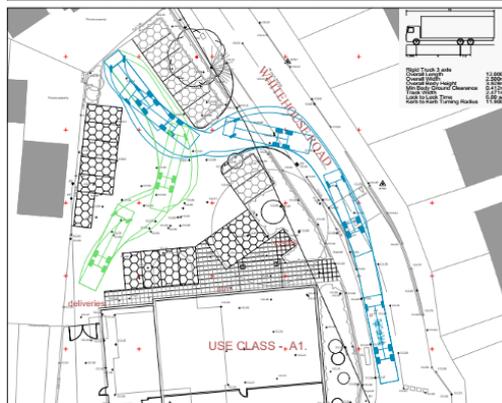
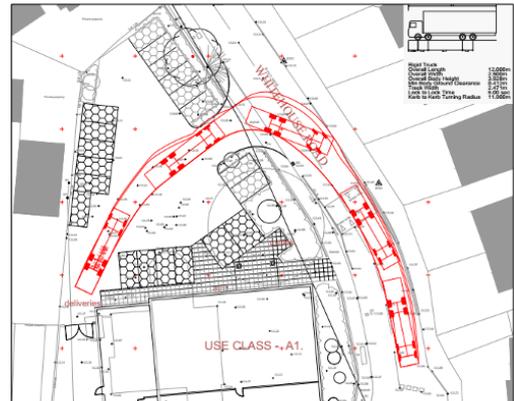
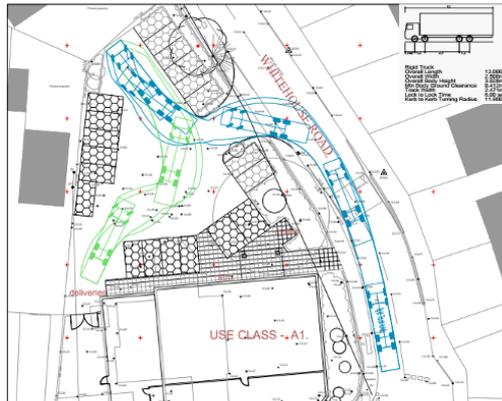
PLANNING & DEVELOPMENT DIVISION

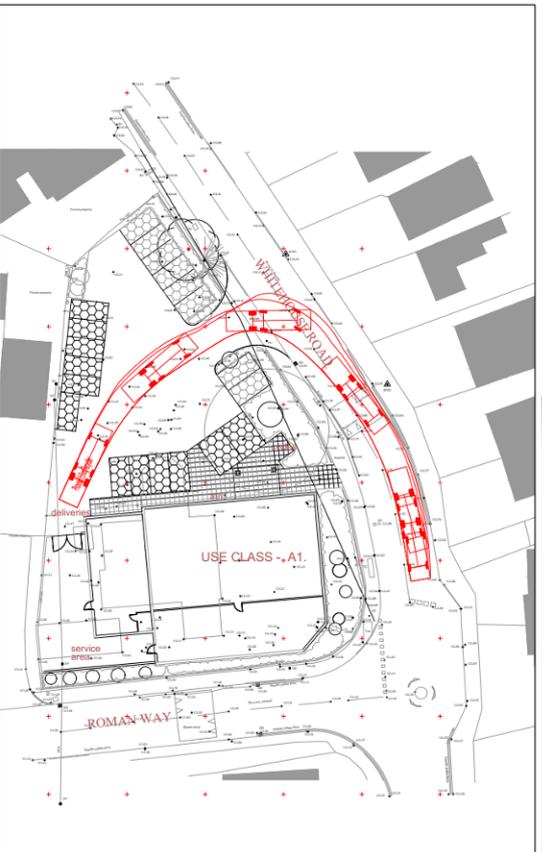
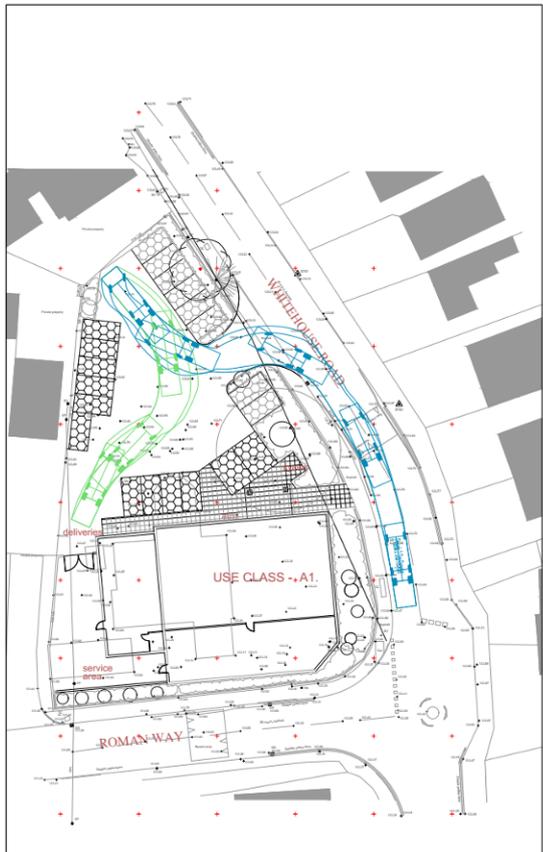
RECEIVED 11/12/2017

Copyright of this drawing and of work associated therewith is the property of



Proposed Layout





WATKINS CONSULTANTS
RECEIVED
11/12/2017
PLANNING & DEVELOPMENT
EXTENSION



- Proposed 1 Day Reader
- Overall Scale
- Overall Height
- Overall Footprint
- Overall Area
- Overall Volume
- Overall Density
- Overall Capacity
- Overall Cost
- Overall Risk
- Overall Benefit
- Overall Impact
- Overall Value
- Overall Quality
- Overall Quantity
- Overall Frequency
- Overall Duration
- Overall Frequency
- Overall Duration

General Notes

Rev	Issue	Comment	Date

SAVOY CONSULTING

The Tamworth
Cooperative Society
Bailey Design

Cukoos Rest
Dordon

Refuse Vehicle
Sweep Path Analysis

DWG-04

1:200 @ A1

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



East Elevation



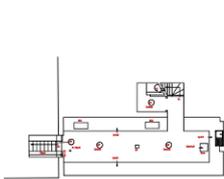
North Elevation



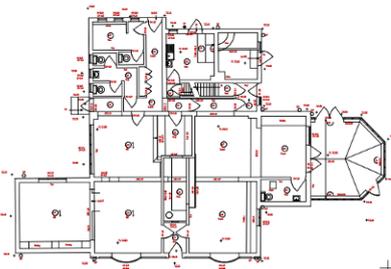
West Elevation



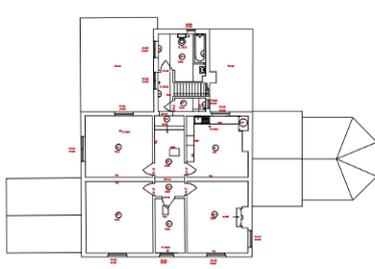
South Elevation



Existing Cellar



Existing Ground Floor



Existing First Floor

WATKINS CONSULTANTS
RECEIVED
11/12/2017
PLANNING & DEVELOPMENT
EXTENSION

Revisions	Date

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS

PROPOSED CONVENIENCE STORE,
FORMER CUCKOOS REST P.H.,
WITTEDEN ROAD, DORDON, B73 3QE.
EXISTING PLAN & ELEVATIONS.

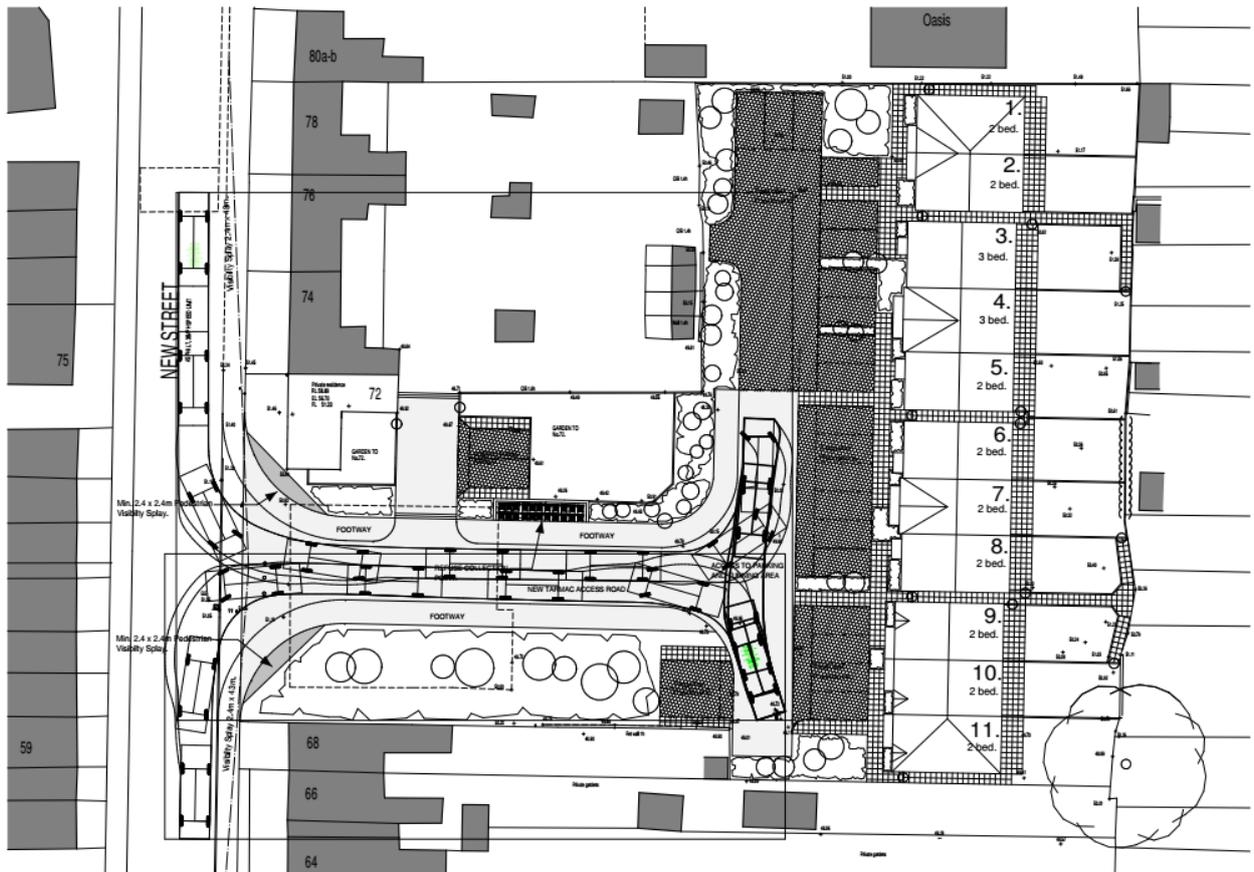
SCALE	DATE	DRAWN	CHECKED	JOB NO.
1:100	Dec. 11			9420.11

Appendix B – Photos of site

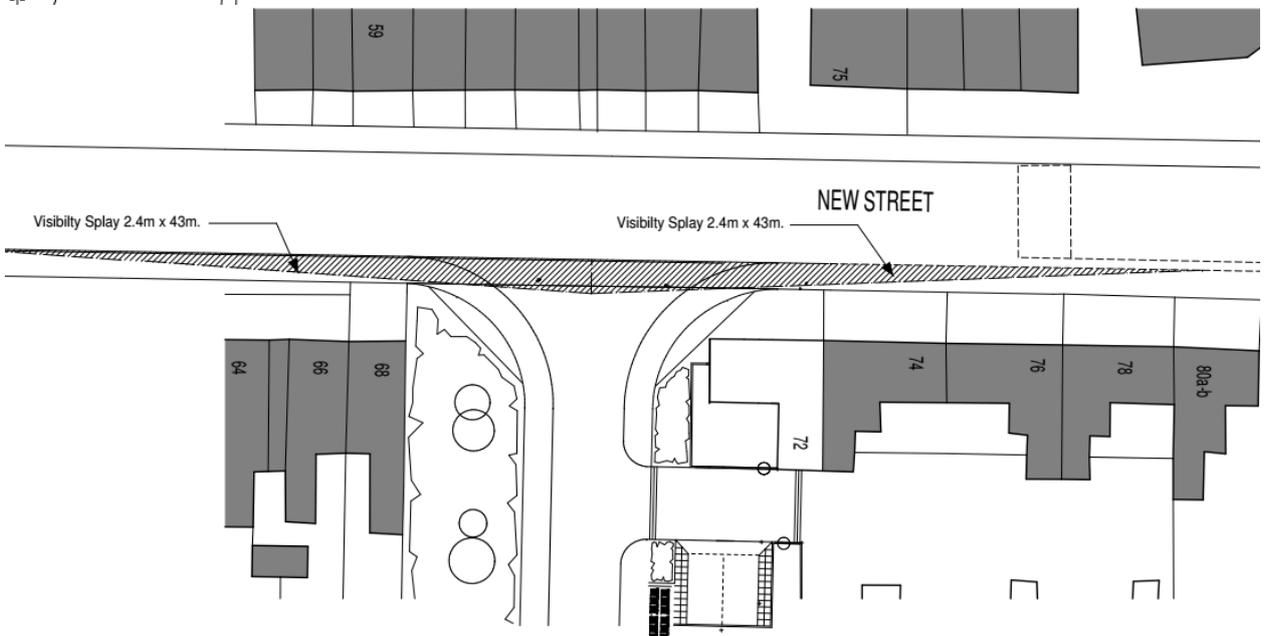




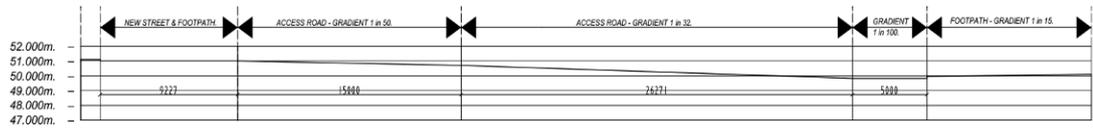
Appendix C – New Street, Dordon – Plans



EXTERNAL WORKS LAYOUT.

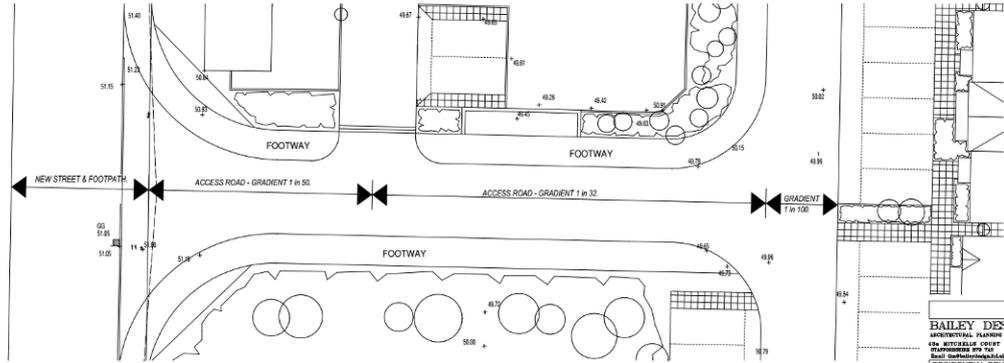


VISIBILITY SPLAY LAYOUT.



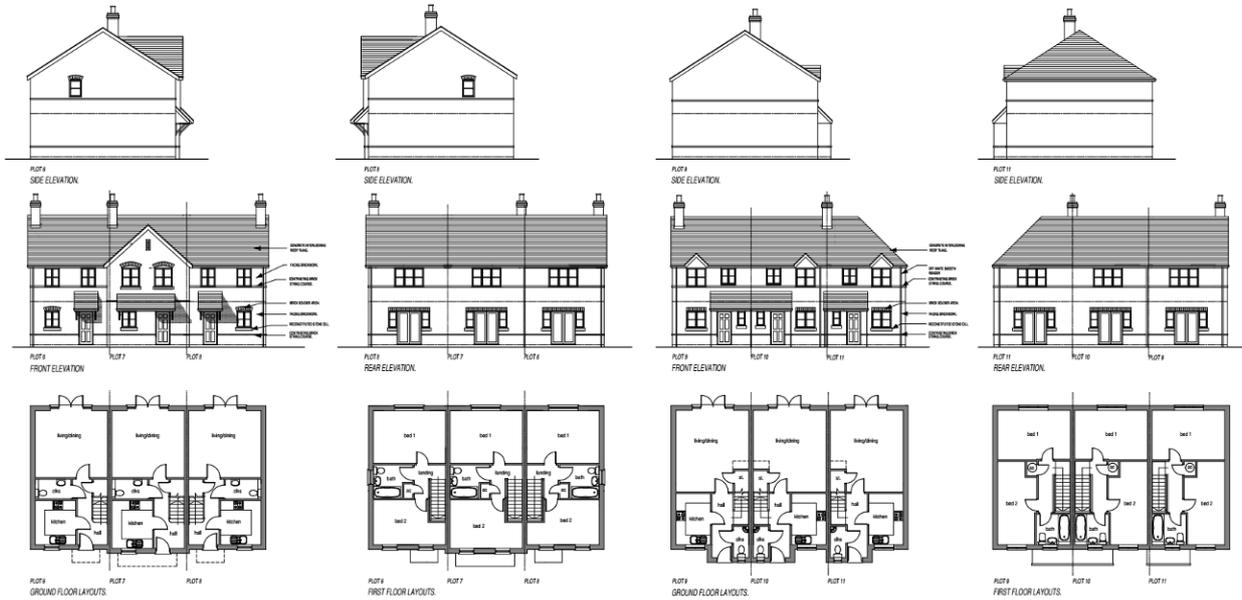
LONGITUDINAL SECTION.
Scale 1/100.

REVISIONS
REC'D
22/04
PLANNING #1
200



LAYOUT PLAN.

BAILEY DES
ARCHITECTURAL PLANNING #
69 MITCHELL COURT
RESIDENTIAL DIVISION
RESIDENTIAL DIV OF TAMWORTH CO
STORES, NEW STR
ACCESS ROAD - LOW
SCALE DATE



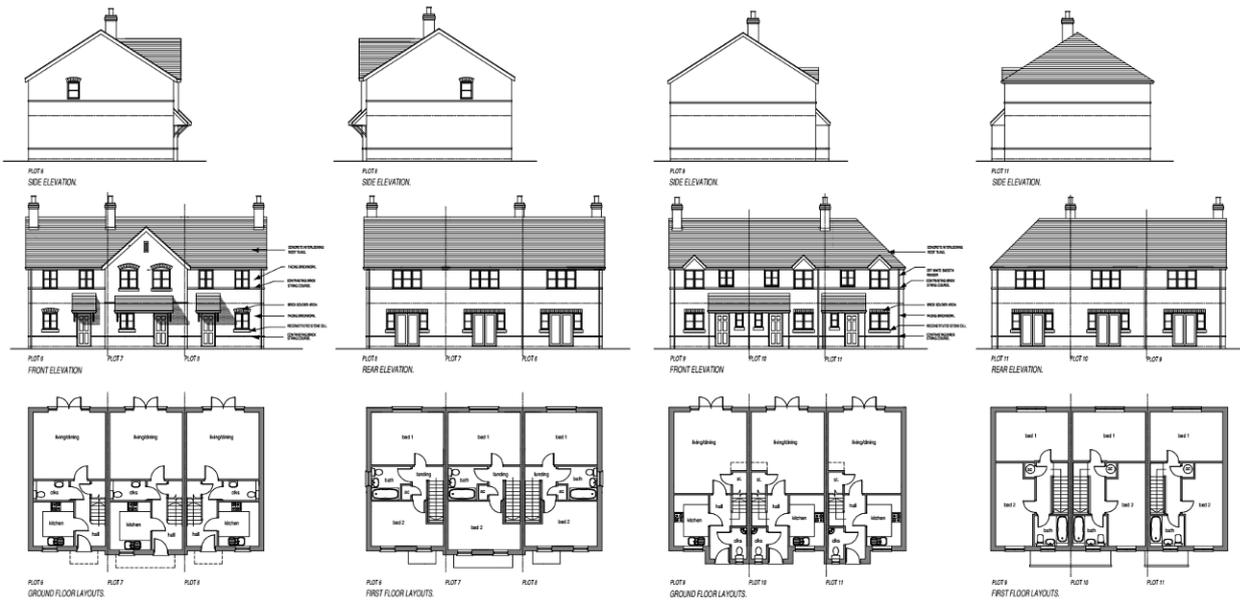
NO.	DATE	BY	CHKD.

BAILEY DESIGN LIMITE
ARCHITECTURAL PLANNING & SURVEYING CONSULTANTS
69 MITCHELL COURT LOWER CONCRETE TANKS



revisions		JOB No.
No.	Description	Date

BAILEY DESIGN LTD
 ARCHITECTURAL PLANNING & DESIGN
 65A WITSELLS COURT LOWER GOSWOLD
 STAMFORD LEICESTERShire LE8 5NF
 Email: info@baileydesign.co.uk



revisions		JOB No.
No.	Description	Date

BAILEY DESIGN LIMITE
 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
Website: 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 – 22nd and 23rd 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
TOTAL	51	53%	41	43%	3	3.2%	95

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
TOTAL	26	24	48	12	27	69

**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

Contents

1	Background	1
2	Definitions and interpretation	1
3	Enabling provisions	2
4	Commencement and determination.....	2
5	Applicant's Covenants with the Council.....	2
6	General	2
	Schedule 1	4

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:

Act	means the Town and Country Planning Act 1990
the First Application	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
Blue Land	means the land shown for the purposes of identification only edged blue on Plan No 2
Development	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
Red Land	means the land shown for identification purposes edged red on Plan No. 1
the Second Application	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

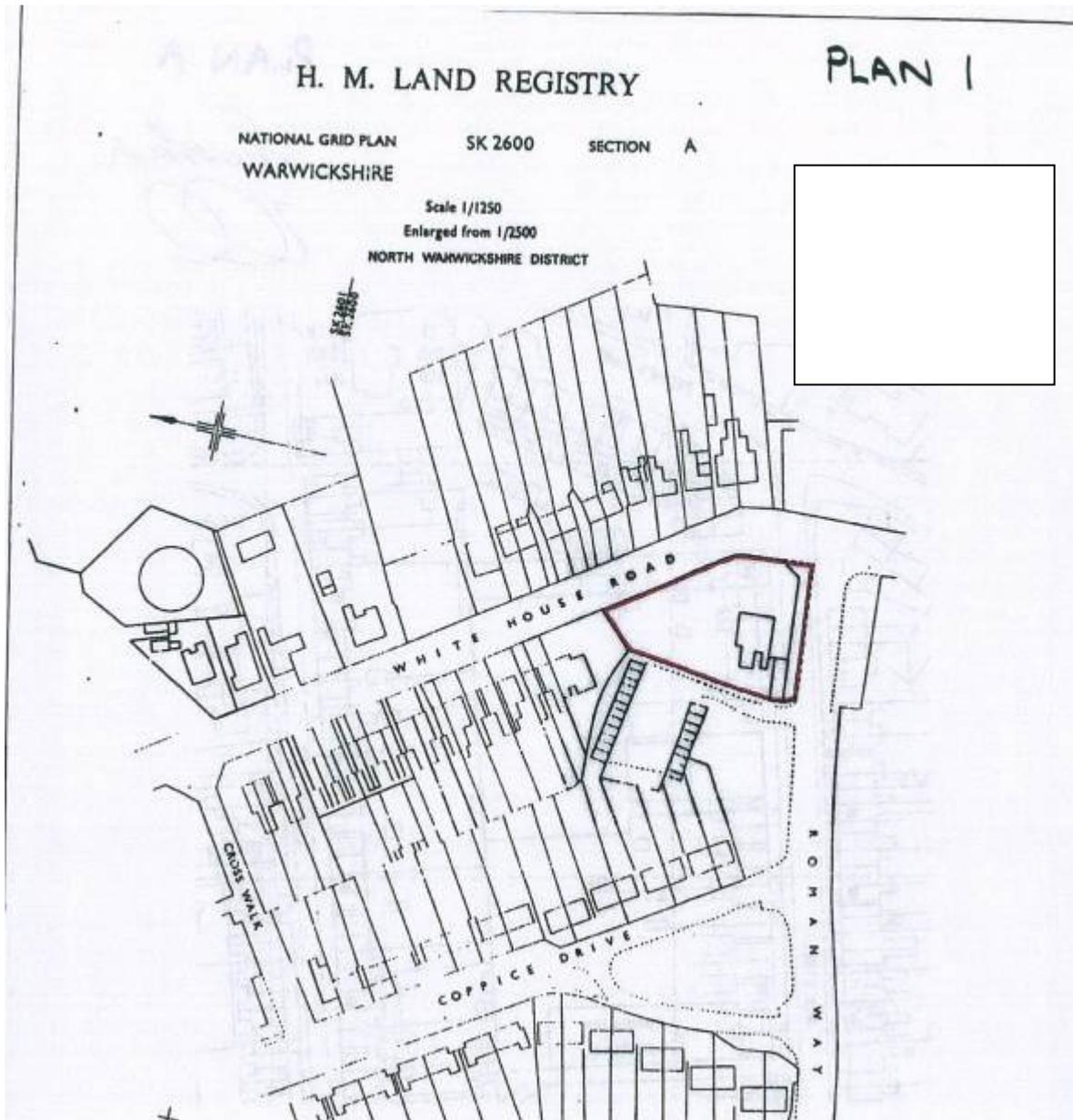
The Applicant acknowledges and declares that:

- 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

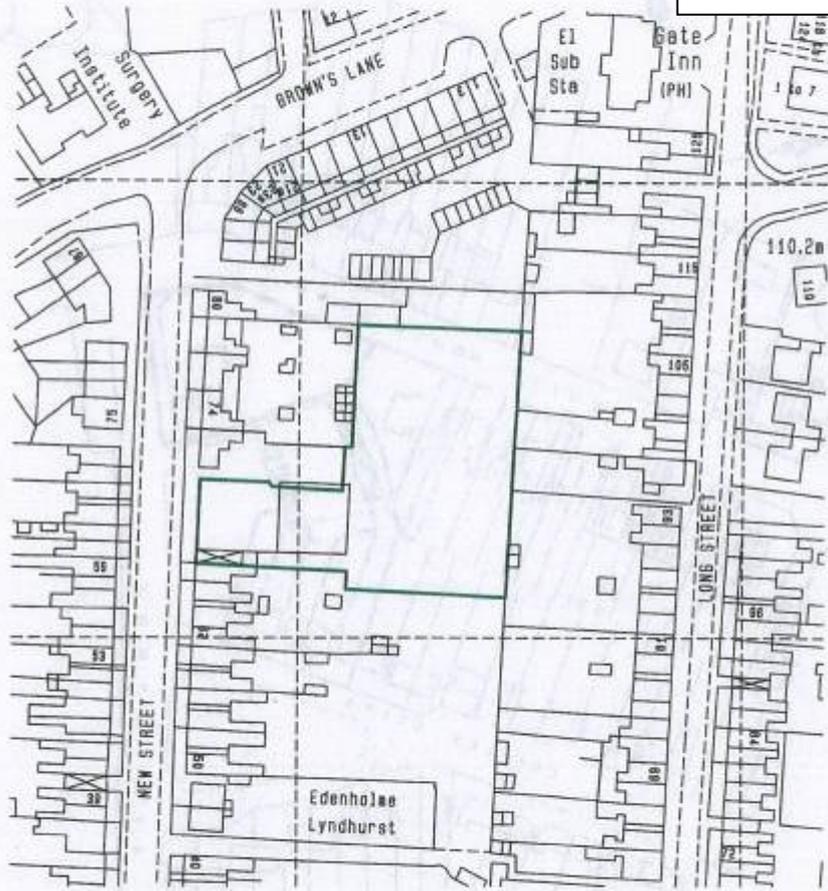
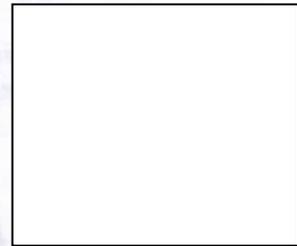
SCHEDULE 1

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

