

Agenda Item No 4

Planning and Development Board

9 November 2015

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 December 2015 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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General Development Applications

(1) Application No: CON/2015/0017

Plough Hill Golf Centre, Plough Hill Road, Nuneaton,

Outline application for Residential Development of up to 350 houses, open space, relocation of existing nursery, access and associated works with demolition of existing buildings for

Plough Hill LLP

Introduction

This application has been submitted to the Nuneaton and Bedworth Borough Council (NBBC) who in turn has invited this Council to submit its representations. Those will be considered when NBBC comes to determine the case in due course.

The Site

This is around 15 hectares of land on the east side of Plough Hill Road, north of Galley Common, south of Chapel End and west of the former and now derelict mineral line running into the Hartshill quarry area. It is largely in agricultural/equestrian use but the southern part used to be a golf centre with a small pitch and put course and club house. There are other small outbuildings on the site. An existing nursery is to be re-located within the proposed layout. It is crossed by two public footpaths.

Planning permission has recently been granted for up to 260 houses on land immediately to the south.

It is more particularly shown on the plan at Appendix A.

The Proposals

This is an outline planning application for up to 350 houses with all matters reserved apart from the main access points. These are to be onto Plough Hill Road. Additionally a mini-roundabout is proposed at the junction of Plough Hill Road and the Coleshill Road in Chapel End. 25% of the dwellings proposed would be “affordable”.

An indicative layout is attached at Appendix B.

Observations

The principle of this development is a matter for the Nuneaton and Bedworth Borough Council to assess against its own Development Plan and the National Planning Policy Framework. This will take on significant weight in this case as NBBC does not have a five year housing land supply.

The main issue for North Warwickshire is clearly going to be the impact of this proposed development given existing arrangements and commitments such as the 260 houses referred to above and the proposed allocations in Hartshill. The traffic impact will be high, particularly on the section of Plough Hill Road to the north of the site along its

approach to the junction with the Coleshill Road. A small mini-roundabout is proposed for this junction. This length of the Coleshill Road is a major “pinch–point” and whilst this might assist in a better flow of traffic, it has to be said that this junction and the others at School Hill and Laurel Drive should not be put under greater pressure particularly as the Borough Council already has allocations for new housing land in Hartshill. It is considered that the County Council has to look at the wider highway network and the likely future developments in a cumulative way here. Unless that is the case there should be an objection lodged to this current proposal.

The impact of the proposal will also be felt in North Warwickshire as the site falls within the catchment area of the local Schools and doctor’s surgeries. These existing facilities are already under pressure either because they are outdated and need replacement; are site-restricted or they create their own highway and traffic impacts. Whilst contributions and other arrangements might be sought, there is concern that the proposed development will not be able to fully mitigate its impacts and so put added pressure on to local services and facilities. Because of this it is considered that an objection should be lodged.

It is strongly recommended that the developers be requested to explore the diversion of existing bus routes through this development.

Recommendations

- a) That the Council objects to this proposal on the grounds that the likely impacts cannot be mitigated without a wider more comprehensive view being taken which takes account of existing commitments and future site allocations.
- b) That officers are requested to contact appropriate officers at Nuneaton and Bedworth Borough Council and the County Council in order look at the need for a wider infrastructure plan for this area.

BACKGROUND PAPERS

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

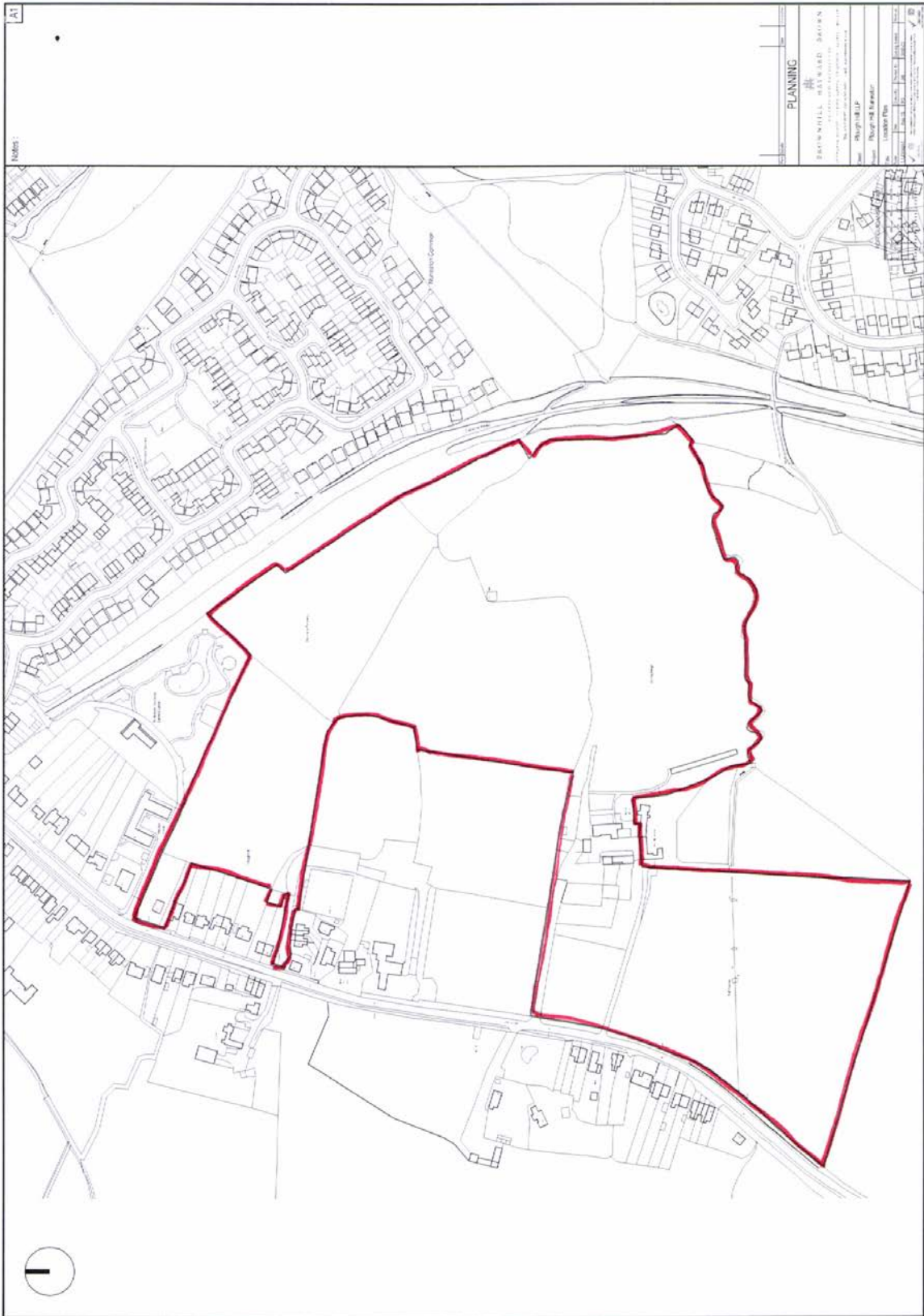
Planning Application No: CON/2015/0017

Background Paper No	Author	Nature of Background Paper	Date
1	Nuneaton and Bedworth Borough Council	Consultation	6/10/15

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





(2) Application No: PAP/2013/0164

Homer House, Kingswood Avenue, Corley, CV7 8BU

Application under Section 106B of the Town and County Planning Act 1990 to continue the development without the affordable housing requirement, for

Mrs Mayne

Introduction

This is not a planning application.

The Growth and Infrastructure Act 2013 introduced changes to Section 106 of the 1990 Town and Country Planning Act. One of these was specifically focussed on affordable housing requirements already contained within Section 106 Agreements. An application can now be made for those requirements to be modified or removed from an Agreement. This is one such application.

The Site

This is garden land within a residential frontage in Corley. The site is surrounded by other residential property – see Appendix A.

Background

Planning permission was granted here for the construction of a three-bedroom eco-house house in July 2013. It was accompanied by a Section 106 Agreement making a financial contribution of £7000 as an off-site contribution towards “locally affordable housing” in lieu of on-site provision.

The Proposal

The applicant has submitted a full financial appraisal of the development and concludes that there is now a negative value attached to the proposal as a consequence of increased new build costs. He is requesting that there should no longer be any contribution. He has provided quotes from two builders to build the house to its specific specification as approved. These range from £182k to £189k. To this are added other development costs such as professional fees; insurance and a 10% contingency. There is no land cost as it is already owned by the applicant. The value of the property once constructed is estimated to be £250k. With the addition of the contribution and assuming a 15% profit the applicant calculates that there is a negative residual land value of some £17k.

Observations

Members are reminded that this is not a planning application and thus there is no recourse here to planning policy or the merits or otherwise of seeking a contribution. The decision rests solely on whether the evidence submitted supports the claim that the development cannot “afford” a contribution. If it does, then in effect the Agreement is no effect. Additionally in this case the approval was for an “unconventional” house with almost zero-carbon credentials. It is not within the remit of this application or the

Council's consideration here, to request a change to a different design of house. The request therefore cannot alter the planning permission granted.

The two quotations above are very similar and thus provide confidence about the construction costs. The additional costs are all shown to be reasonable and are as would be expected. The applicant has added in the contribution as well as a 15% profit. This is considered to be at a reasonable figure. The final calculation using the lower of the above two quotes leaves an estimated gross development cost of around £270k. With a final value of £250k the applicant argues that the overall development would therefore leave a deficit of some £20k. A reduction in the % profit would further increase the deficit. Even with removal of the contribution, the scheme still carries a deficit.

In looking at the other side of the calculation then it is agreed that the estimated value of £250k is probably at the top end of the anticipated range because of the small size of the plot and its unusual specification. If less were realised then the deficit would in fact increase.

As a consequence in all of these considerations it is agreed that the applicant has offered a robust case for removal of the whole of the contribution. This is ultimately due to the higher than usual build costs but with very little room for increasing value due to the site specific restraints.

Recommendation

That the planning permission may be implemented without compliance with the associated Section 106 Agreement dated 14/7/13.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0164

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Letter	11/8/15

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



(3) Application No: PAP/2014/0609

Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW

Erection of class A1 convenience store with associated car parking, landscaping and ATM machine, for

New River Retail Property Unit Trust, No.4

Introduction

This application was reported to the Board at its last meeting but determination was deferred in order to enable Members to visit the site. That has now taken place and the matter is now referred back to Board.

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

Recommendation

That planning permission be **GRANTED** as set out in Appendix A.

(2) Application No: PAP/2014/0609**Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW****Introduction**

The application is reported to Board at the request of a Local Member in light of the potential impacts.

The Site

The site is located in the garden of the Fir Tree Inn, within a wholly residential area on the north side of New Arley - see Appendix A. The land is currently laid to grass with existing landscaping along the Frederick Road frontage in the form of a conifer hedge and conifers to the rear boundary which backs onto homes at Fir Tree Lane. The site is enclosed to the north and west by residential properties and to the east by the existing public house which will be retained. There are terraced and semi-detached properties on the other side of the road. The site is illustrated below in terms of its footprint/ layout and the immediate area.

**The Proposal**

The proposal is for the erection of a class A1 convenience store with associated car parking, landscaping and an ATM machine. The store would have ground floor retail accommodation with a first floor storeroom and staffroom in the roof void areas. It would measure 13 by 16 metres and be 9 metres to its highest ridgeline with a hipped roof arrangement and 7.3 metres to the mid-range with a hipped and gable roof arrangement and 6.2 metres to the ridge at the lower range. Given the site levels, the height of the building would appear higher in scale than the neighbouring dwellings, but when read in

context with the scale of the existing public house and the neighbouring properties at Frederick Road, then the scale would be mid-way between the two. A section of the street scene and elevations are at Appendix B.

The new store would not be set back from the road frontage but would have a prominent frontage virtually in line with the public house. It would be constructed off the rear of the public footway and would sit forward of the building line towards the highway compared with the immediate neighbouring dwelling at Frederick Road. The public house would be proud of the proposal given it has a predominantly higher scale, thus the store would be subservient in aspects of its height when viewed immediately from the street scene.

Additional landscaping is to be provided along the boundary with the adjoining house, at No. 2 Frederick Road. All existing landscaping to the northern boundary would be retained where possible to screen the development from neighbouring properties at the north of the site and along Fir Tree Lane.

Deliveries and the refuse areas would be to the rear of the building. The access off Frederick Road would involve the loss of some of the frontage leylandii. Car parking would be to the rear of the store – a total of 7 car parking spaces is proposed. The public house would retain its existing parking arrangements at the frontage of its site and no parking capacity would be lost to the store.

The applicant says that the store would open from 0700 to 2300 hours throughout the week and on weekends and that 20 jobs would be created – 14 part time and 6 full time. There would be one or two deliveries a day and these would be typically in the early morning with the delivery of fresh produce.

Background

The site serves as a beer garden to the public house which has been well established in the area for many years. The decline in public houses has led to proposed conversions or demolitions in recent years. The proposals here would not relate to the loss of a community facility, such as the public house, as this would be retained as well as a small beer garden.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW20 (Services and Facilities) and NW21 (Transport)

Saved policies of the North Warwickshire Local Plan within the Core Strategy 2014 - ENV4 (Trees and Hedgerows); ENV10 (Energy Generation and Energy Conservation), ENV6 (Land Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON12 (Facilities in Category 3 and 4 Settlements), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

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

Consultations

Warwickshire County Council as Highway Authority – The Council initially had a highway objection, but following the receipt of amended plans and transport arrangement there is no longer an objection subject to conditions.

Environmental Health Officer – The plans have been amended to incorporate an acoustic enclosure for the plant and activities area at the rear of the building. The heating/refrigeration units should be housed in separate enclosures. Due to the site's close proximity to residential property it is recommended that delivery times are not before 0700 hours, nor after 2100 hours. There is no objection to the 2300 hour closing time.

Crime Prevention Officer – No objection subject to notes relating to crime prevention.

Warwickshire County Forestry Officer – The trees to be removed are all conifers so there is nothing really worthy of formal protection.

Warwickshire Wildlife Trust – No comments.

Representations

Arley Parish Council has submitted an objection based on the following grounds:

- Loss of green space within the development boundary of the Pub garden
- Scale of the proposed development is unsuitable for the location adjacent a side road within the village of New Arley
- Current centre of the settlement on Gun Hill provides a more suitable location for such developments and associated traffic and business delivery.
- Loss of amenity to local residents by unsuitable increase in traffic levels, noise, light pollution, parking issues and littering with anti-social activities
- Construction and shop delivery vehicles would increase danger on nearby roads with large vehicles struggling to access the site which is served by a steep side road from a traffic island. This was evident at the recent Arley Miners Site in Ransom Road with construction traffic causing damage to parked vehicles, damage to verges and access obstruction.
- Current retail provision within the designated local service centre of Arley may become oversupplied thus threatening future provision and the functioning of Arley as a local service centre. The village already has a Co-op so economic benefits which are projected in terms of jobs and income for local economy cannot be justified.
- Concerned that the development may affect the sustainability of the nearby public house, whose loss as a community asset would impact on the functionality of Arley.
- The development would be out of keeping with the surrounding pub and housing.
- No mitigation measures to limit the detriment of the development have been proposed or consultations with the local community have taken place.
- We ask prior to any determination of the application that the matter is deferred to the full planning committee who should take the opportunity to conduct a site visit

Eight letters of objection have been received from neighbours. The matters raised include:

- The height of the building is a concern as my house is at the back of it, will the height block out light in the summer and if the aircon and heating units are going to be fitted to the roof would that make the building height be more on one side than the other?
- Village roads unsuitable for delivery vehicles. The increase of road traffic on already narrow streets and the increase in large delivery lorries to the area.
- The documents state that 50% to 55% of users will be pedestrian. There is no direct pedestrian link to Old Arley from Frederick Road and Tremelling Way. The catchment area for this store is limited to New Arley which questions the viability of the store to make a profit, the job figures state create up to these figures if correct give weight to the potential unviability of the store.
- Where is the evidence of the need for this Co-op store the existing Co-op store is less than 10 minutes' walk and less than ½ mile.
- Lack of any provision in Old Arley surely this would be a consideration for the residents in Old Arley, who lost their village shop and post office a couple of years ago?
- If any additional retail outlet is considered in this area it should be a farm shop encouraging the use of locally grown, seasonal produce from local farmers. This would also boost the local economy.
- We do not need a Co-op convenience store in the grounds of the fir tree inn pub where there is already a Co-op store.
- Why not build one in Old Arley.
- The stores already in place would lose custom and possible redundancies made for the locals employed currently.
- There is only the fir tree left in the community, the shop may affect the sustainability of the public house leading to closure.
- The roads were not built for lorries and delivery vehicles Safety should be paramount in the village it is bad enough that the Gun Hill is dire to drive on.
- Anti-social behaviour the problem will move from Gun Hill to the site.
- Home owners brought their property in a rural village and do not want built up buildings in every space available.
- The village is struggling with community spirit and is being ruined continually.
- Why would there be a shop in an area that is accessed via relatively narrow roads that were built for access to housing.
- The roads could not support HGV delivery vehicles which would prove damaging to the road surfaces.
- There would be potential for accidents with children playing outside houses and gardens, the noise pollution would be greater.
- The village already has two convenience stores. There are problems along gun hill which causes problems for bus/coach drivers and HGV drivers use the road as an access to the village as a thoroughfare.

Observations

a) Principle

The site of the store lies within the Arley development boundary as defined by the Development Plan. This Plan supports new developments and local services within existing settlements. The NPPF too requires planning decisions to support rural economic and business growth in order to create jobs and so as to promote the retention and development of local services in villages. This is reflected in saved policy ECON12 of the Local Plan where proposals to improve the viability of existing services are to be welcomed. Policy NW20 of the Core Strategy continues such an approach. Moreover the site itself is not identified in the Development Plan as an open or green space to be retained. It is thus considered that in principle this development should be supported.

There has been some concern that the proposal might impact adversely on the existing shops in the village, those being a Co-op and a post office with a general store. However Members are reminded that "market forces" and "competition" are not treated as material planning considerations and thus these matters should carry little weight here. There is also concern that there is the lack of a store in Old Arley and that provision for a shop should be provided there instead. Members are aware that they have to deal with the application as submitted and thus this particular issue should again carry little weight. However, there is some weight to be given to the application in meeting the concern as it is considered that the proposed location of the store could also serve Old Arley and there is a sustainable transport link between the two villages. In other words it does add a further opportunity for local retail outlets to serve a wider catchment. The store will also provide a service for existing and new customers to the north of the village who may have to walk some way to the existing shops. Moreover the existing village shop is the same operator as the Co-operative and therefore competition would be between the same operators. There is no suggestion that the existing post office within the village would be lost as a consequence. The villages of New and Old Arley have expanded in terms of residential provision recently adding to the significance of a wide catchment.

There is no retail evidence available to defend a refusal based on the possibility of an adverse trading impact in the village. Members are also aware that the greater flexibility in the Use Classes Order makes it much easier for retail units to come about without the need to submit any planning application. It is considered that there is an opportunity here to support the introduction of new local services with the provision of employment opportunities.

b) Design

The design of the new building reflects local character as best as it is able to given its size and function and the scale of the neighbouring public house in relation to the existing residential properties. It is not low in height but the majority of the scale is in the hipped roof arrangement. This does not detract from the existing public house which would continue to retain the dominance on the street scene and hosts a commanding position on the corner of the street. It is lower than the public house and marginally taller than the neighbouring houses to some of its range. It would thus not be over dominant in the street scene. Subject to agreement on satisfactory facing materials, the building can be seen as an appropriate addition to the immediate surroundings.

In terms of layout, then it would have capacity to include features such as pedestrian links and "secure by design" features.

c) Highways

There is no highway objection, given that the site layout has been altered through the planning process to accommodate parking and vehicle manoeuvring. The use of the car park area for seven vehicles is considered to be acceptable. It is also highly unlikely that the car parking area would be wholly full as the majority of the customers would be local and it would be located within a wholly residential area so many customers using the store would be pedestrians. The highways arrangement and site manoeuvrings have been assessed during the application process in light of local comments. Whilst the immediate road network is narrow, the Highway Authority does not consider that this should prevent the development from occurring. The parking and manoeuvring plan is indicated at Appendix C.

d) Residential Amenity

A material consideration is the potential impact on the residential amenity of existing occupiers of the immediate neighbouring properties to the application site. Here that relates to the properties to the north and west. Those to the north are at a separation distance of approximately 19 metres from the rear of the building. Existing boundary trees would be trimmed but would screen the development from these neighbours to the rear. This separation distance is acceptable in order that the neighbours would not suffer from a loss of light or privacy. The neighbour to the west (2 Frederick Road) is at a distance of 12 metres from the side elevation of the building and its lower range. As such the building does not impact on the 45-degree line and thus does not impact on light. Again this separation distance is acceptable and the privacy of this neighbour can be retained by fencing and additional landscaping. The 12 metre gap to this neighbour would be made up of the parking area and access drive to the delivery area. It is noted that whilst this is a new feature for the neighbour, the pub garden would have had an element of noise and disturbance associated with that use. An acoustic fence is proposed to further reduce the impact of the access drive and parking areas on this neighbour's amenity. On the adjacent side of the road, the houses are 18 metres away – as measured from their front elevation to front elevation of the shop. This is considered to be a satisfactory separation distance.

In recognition of this however the boundary here is to be enhanced with additional planting and the Environmental Health Officer's request for no late night or early morning deliveries should resolve delivery times to ensure that they do not take place at unsocial hours. These matters can be dealt with by condition. In all of these circumstances the arrangements can be considered to be acceptable.

In terms of noise disturbance it is often the deliveries to new stores that cause the greatest amenity issues together with refuse collection areas and either air-conditioning or refrigeration plant. The operational end of the store is at the rear, the furthest that it can be from local residents. Here there is proposed to be an enclosure surrounded with an acoustic fence. Details of these features and details of all new plant can be conditioned. In these circumstances it is considered that there is satisfactory control over these issues in order that a noise disturbance outside of sociable hours would not occur beyond the existing disturbance that might be associated with the use of the public house.

e) Ecology

6/12

The ecological value of the existing site is not considered to sustain species of a protected nature with the site being grassed and screened by conifers. The development would result in the loss of the green area but retain some perimeter landscaping to the north boundary. The only row of trees to be removed is the hedgerow in the form of high conifers that fronts the site. Appropriate conditions can be attached to protect existing trees and to ensure that new landscaping to the perimeter of the site leads to an enhancement in bio-diversity to the western boundary.

In conclusion therefore the proposal is to be supported.

Recommendation

That the application 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 1:1250 site location plan numbered RF14-0300, the tree plan numbered – FIRTR – JUL 14, the Tree Protection Method Statement, the Planning and Retail Statement and the Transport Statement received by the Local Planning Authority on 25 November 2014. The elevation plan of the compressor and air conditioning unit and the specification sheets on the compressor and re Fridgeration/heating units received by the Local Planning Authority on 2 December 2014 and the Noise Impact Assessment received by the Local Planning Authority on 2 February 2015. The Service Area Layout Plan numbered RF14-0306 Rev B received on 29 July 2015 and the Technical Highway Note and Vehicle Tracking and Parking Plans numbered 14015-RF-010 Rev F and 14015 – RF14 – TR001 Rev G, received by the Local Planning Authority on 8 August 2015. The revised site layout plan numbered RF14-0302 Rev E, and the revised floor plan, roof plan and elevation plan numbered RF14-0303 Rev E, RF14 – 0304 Rev C and RF14 -0305 Rev D, received by the Local Planning Authority on 24 August 2015.

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 all facing materials to be used on the construction of the store and exterior hardsurfacing materials 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 building shall not be occupied until the 2.7 metre high acoustic fence to the delivery/service area has been erected. The fence shall then be maintained in situ at all times.

REASON

To protect the amenities of nearby residential property.

5. Before the completion of the scheme details to mitigate noise covering the extractor fans and air condensing/heating and re Fridgeration units to the building shall be submitted to and approved in writing by the Local Planning Authority. The noise output levels shall not exceed the agreed details in writing by the Local Planning Authority.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. There shall be no opening of the food store, other than between 07:00 hours and 23:00 hours each day Monday through to Sunday and no deliveries before 0700 hours or after 2100 hours.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. The food store 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 other than for the sale of good to the general public.

REASON

To prevent unauthorised use of the property.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen fences and landscaping to be erected to the boundaries. The approved screen fences shall be erected before the building hereby approved is first occupied and shall subsequently be maintained. A landscaping scheme shall include details of supplementary landscaping along the boundaries to No. 2 Frederick Road and Fir Tree Inn. 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.

9. The scheme referred to in Condition No 8 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.

10. No development shall take place including site clearance until Tree Protection Measures in the form of protective fencing around the root protection areas has been placed in situ to protect the trees earmarked for retention, in accordance with details in the Tree Protection Method Statement and Tree Plan required by Condition 2. Tree protection measures shall be maintained in situ until development is completed to the satisfaction of the Local Planning Authority.

REASON

In the interests of retaining tree cover for the amenities of the area.

11. No development shall take place on site until details of any flood lighting, including hours of operation, has been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme before the development is first occupied. Glare shall not be created upon the public highway by the lighting sources associated with the proposed development.

REASON

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

12. Access for vehicles to the site from the public highway (Frederick Road D475) shall not be made other than at the position identified on the approved drawing, number 14015-RF14-010 Rev F, whereby the visibility splay requirements shown on the drawing will be satisfied. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the Interest of Highway Safety

13. The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority for HGV's.

REASON

In the Interest of Highway Safety

14. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking, servicing and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not 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

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manoeuvring of vehicles. The vehicular access to the site 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 Interest of Highway Safety

15. The maximum length of vehicles delivering, collecting or servicing the site shall be no longer than 10.059 metres to ensure such vehicles can enter the site using a forward gear, turn around within the site and re-enter the public highway using a forward gear. The public highway shall not be used for the purposes of deliveries, collections or servicing of the site.

REASON

In the Interest of Highway Safety

16. The development shall not be commenced 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. No gates shall be hung within the vehicular access to the site so as to open within 11.0 metres of the near edge of the public highway footway.

REASON

In the Interest of Highway Safety

17. 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 Interest of Highway Safety

18. 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) or during periods when children are going to / or being collected from the local school.

REASON

In the interests of Highway Safety for all users.

19. There shall be no construction, site clearance or demolition works before 09:00 hours or after 18:00 hours Monday to Friday or before 0900 hours or after 1300 hours on Saturday. There shall be no construction whatsoever on Sundays or Public Bank Holidays.

REASON

In the interests of the amenities of the area.

20. Retaining wall details shall be provided including the structural calculation to the boundaries where the development abuts the boundary with Fir Tree Inn.

REASON

In the interests of securing ground stability.

21. Details of roller shutters/grilles to be included over the entrance doors shall be submitted and approved in writing by the Local Planning Authority prior to the installation of the shutters/grilles, details shall include colour finish and specification.

REASON

In the interests of the amenities of the area.

22. The applicant/owner shall afford unrestricted access and make the images available within 24 hours to the Local Enforcing Police Authority, to the data recorded from the CCTV monitoring cameras. The images will be retained for 31 days, at 12 frames a second, the CCTV system will be maintained to a fully operational standard at all times.

REASON

In the interests of monitoring potential incidents of anti-social behaviour in the interests of the amenities of the area.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. 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.

2. 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.

3. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

4. 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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

5. 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.

6. Condition numbers 14 to 17 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.

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.

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. The county Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicants/developer's failure to make an application for such an agreement/licence sufficiently in advance of the works requiring to be executed, or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

7. The applicant/developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs etc., whenever applicable in respect of any applications to enter into Highway Works Agreements, or for the issue of licences or similar actions.

8. No felling shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway authority for a replacement tree(s). The felled tree(s) shall be replaced during the first planting season following the tree felling works hereby permitted and commuted sums shall be collected for the replacement tree(s) maintenance.

8. In respect of secure by design standards, it is advised that a retail unit alarm system be extended to the roof of the building. It is recommended that CCTV coverage be provided to the site both internally and externally.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0609

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/11/14
2	The Applicant or Agent	Plans and Statement(s)	2/12/14
3	The Applicant or Agent	Statement(s)	2/2/15
4	Mr Williams	Representation	7/2/15
5	Mr Godfrey	Representation	10/2/15
6	NWBC Forward Plans	Consultation reply	12/2/15
7	NWBC Environmental Health	Consultation reply	16/2/15
8	Crime Prevention Officer	Consultation reply	18/2/15
9	Arley Parish Council	Consultation reply	3/3/15
10	WCC Highways	Consultation reply	4/3/15
11	Mr Williams	Representation	5/3/15
12	Ms Eady	Representation	6/3/15
13	WCC Forestry Officer	Consultation reply	10/3/15
14	Ms Jones	Representation	11/3/15
15	Case Officer to Agent	Correspondence	12/3/15
16	Mrs Sykes	Representation	19/3/15
17	Mr Sykes	Representation	19/3/15
18	Ms Fellows	Representation	23/3/15
19	Mr and Mrs Thomas	Representation	28/3/15
20	Case Officer to Agent	e-mail	30/3/15
21	Agent to Case Officer	Extension of time	30/3/15
22	Severn Trent Water	Consultation reply	13/4/15
23	Case Officer to Agent	e-mail	11/5/15
24	Agent to Case Officer	e-mail	11/5/15
25	Case Officer to Agent	e-mail	18/5/15
26	Agent to Case Officer	e-mail	19/5/15
27	Case Officer to Agent	Correspondence	4/6/15
28	Agent to Case Officer	e-mail	5/6/15
29	Case Officer to Agent	e-mail	15/6/15
30	Agent to Case Officer	Revised plans	15/6/15
31	WWT	Representation	19/6/15
32	Ms Eady	Representation	20/6/15
33	WCC Highways	Consultation reply	25/6/15
34	Case officer to agent	e-mail	25/6/15
35	Agent to Case Officer	e-mail	25/6/15
36	Arley Parish Council	Representation	30/6/15
37	NWBC Environmental Health	Consultation reply	6/7/15
38	Agent to Case Officer	Revised plans	7/7/15
39	Crime Prevention Officer	Consultation reply	8/7/15

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40	NWBC Environmental Health	Consultation reply	22/7/15
41	Agent to Case Officer	e-mail	22/7/15
42	Agent to Case Officer	e-mail	22/7/15
43	Agent to Case Officer	Revised plans	24/7/15
44	WCC Highways	Consultation reply	27/7/15
45	Agent to Case Officer	e-mail	29/7/15
46	Crime Prevention Officer	Consultation reply	30/7/15
47	Case Officer to Agent	e-mail	30/7/15
48	Agent to Case Officer	e-mail	30/7/15
49	Case Officer to Agent	e-mail	5/8/15
50	Agent to Case Officer	e-mail	6/8/15
51	Severn Trent Water	Consultation reply	6/8/15
52	Arley Parish Council	Representation	8/8/15
53	Neighbour (name unknown)	Representation	11/8/15
54	WCC Highways	Consultation reply	19/8/15
55	Case Office to Agent	e-mail	20/8/15
56	Agent to Case Officer	e-mail	20/8/15
57	Case Officer to Agent	e-mail	24/8/15
58	Agent to Case Officer	e-mail	26/8/15
59	NWBC Environmental Health	Consultation reply	28/8/15
60	Case Officer to Agent	e-mail	28/8/15
61	Agent to Case officer	e-mail;	3/9/15
62	Mr Bateson	representation	18/9/15
63	Crime Prevention Officer	Consultation reply	22/9/15
64	Case Officer to Agent	e-mail	29/9/15
65	Agent to Case Officer	e-mail	29/9/15

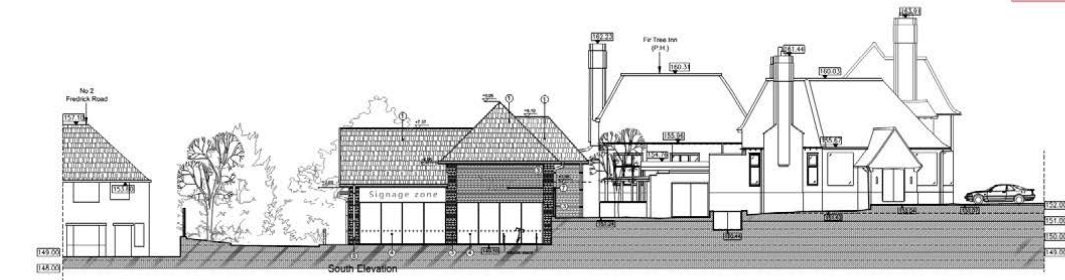
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

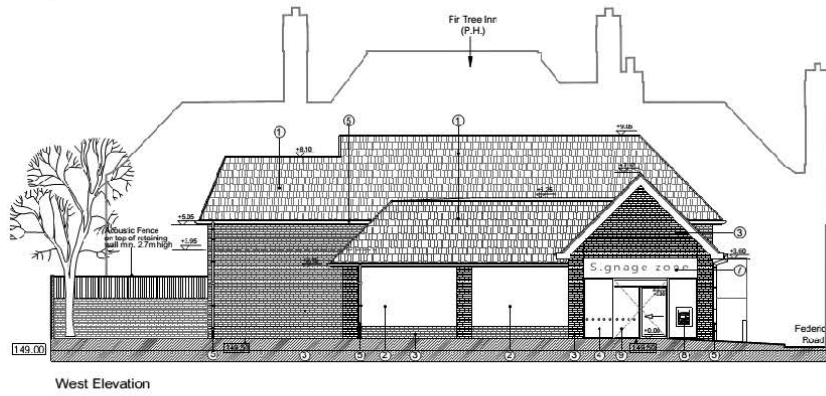


Appendix B

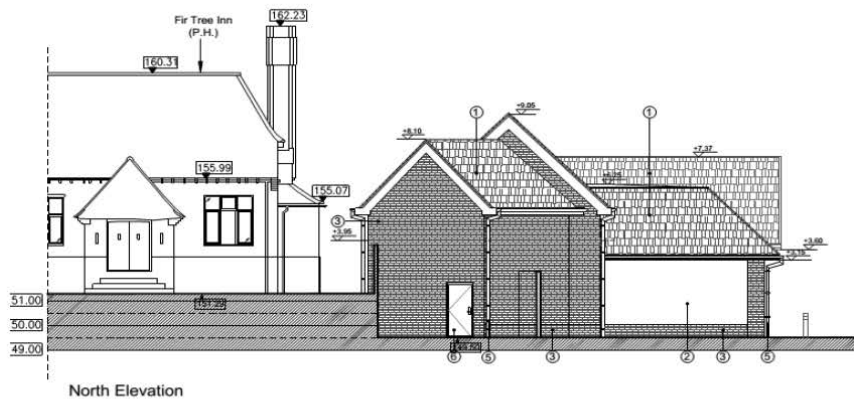


Street View along Frederick Road

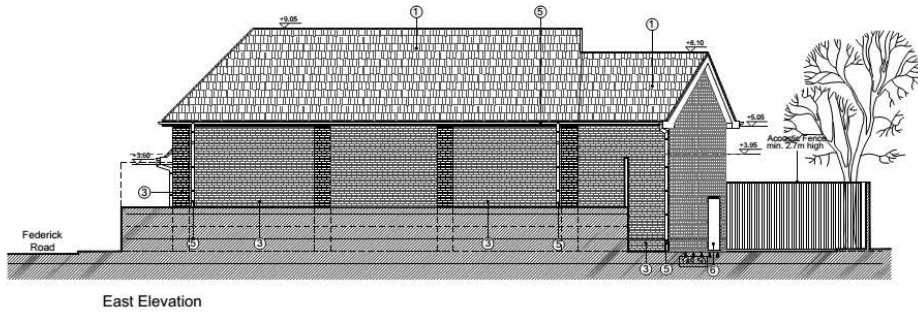
Proposed Elevations below.



West Elevation



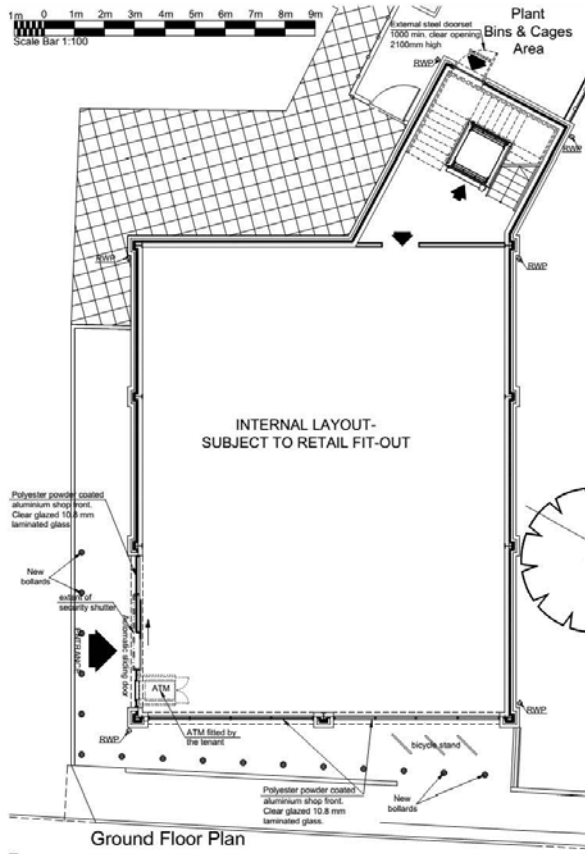
North Elevation



Ground floor layout plan below:

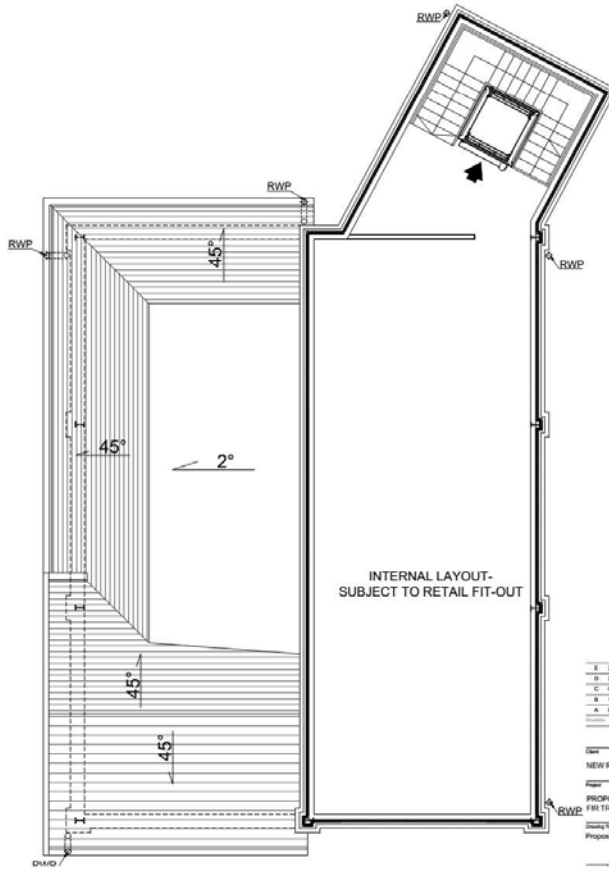
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Ground Floor Plan

First Floor Plan layout below:



Appendix C
Photographs of street scene



Direct view of frontage to site showing existing landscaping and context of immediate neighbouring buildings.



Site from neighbouring dwelling



Streetscene existing boundary fronting Frederick Road and the elevations to the public house below.



Existing arrangement in the beer garden



Appendix D

Vehicle Manoeuvring Plan

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