The Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/R3705/W/19/3223444
The Boot Inn Public House, Watling Street, Grendon CV9 2PG

- 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 F Espley & Sons Ltd SSAS against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2018/0065, dated 26 January 2018, was refused by notice dated 4 September 2018.
- The development proposed is a change of use including building works.

Decision

1. The appeal is allowed. Planning permission is granted for the change of use from public house (A4 use) to a mixed-use development comprising of a convenience store (A1 use), business offices (A2/B1 use) and community use (D1/D2 use) including building works and extensions, at The Boot Inn Public House, Watling Street, Grendon CV9 2PG, in accordance with the terms of the application PAP/2018/0065 dated 26 January 2018, and subject to the attached schedule of conditions.

Procedural Matter

2. I have changed the description of development to the one used by the Council for clarity.

3. The Council's reason for refusal refers to policy NW10(6) of the North Warwickshire Local Plan 2006 (LP) which is in fact from the North Warwickshire Local Plan - Core Strategy 2014 (CS), I have taken this into account accordingly.

4. The Council's reason for refusal explains that the proposal attracted a holding objection from Highways England (HE) in its capacity as statutory consultee. However, in representations HE has confirmed[1] that it did not object to the proposal as it considered there to be no insurmountable issues. Instead, it had recommended that permission not be granted for a period of 3 months to enable the receipt of a revised Walking, Cycling and Horse-riding Assessment and Review (WCHAR) and a Stage 1 Road Safety Audit (RSA1). The application was refused before this matter was fully resolved. However, dialogue continued between the appellant and HE. HE has now seen a compliant WCHAR and RSA1 and is now satisfied[2] that the details shown on drawings SCP/17218/F07 Revision A and SCP/17218/ATR08 are acceptable.

[1] Highways England letter 24 April 2019
[2] Highways England email 8 October 2018

Main Issue

5. The main issue is the effect of the proposal on highway safety, with particular regard to the comments of Highways England.

Reasons

6. The appeal site consists of a former public house and includes rear car park. The car park has two access points onto the A5 (Watling Street) and a small delivery access onto Boot Hill. The site access points on the A5 are close to a roundabout. There is also a pedestrian refuge in front of the site. The main road is straight, and visibility is generally clear in both directions from egress/access points from the site.

7. The proposal is for a change of use and extension to a public house to create convenience retail, office and community use. This includes the closure of the two existing access points and the provision of a new bell mouth junction. The development also includes the relocation of the pedestrian refuge nearer to the roundabout to enable the new bell mouth to function correctly. The Highway safety assessments required by HE, consisting of the WCHAR and RSA1, now illustrate that the proposal would not result in an unacceptable impact on highway safety. Furthermore, I note that the Local Highway Authority has also raised no objection to the proposal.

8. Paragraphs 108 of the National Planning Policy Framework (The Framework) requires development to provide safe and suitable access. Paragraph 109 requires decision makers to only refuse development on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. I understand that the proposal no longer raises any concerns from the Highways England in regard to highway safety. Subsequently, based on my own observations of the context of the site, I am satisfied that highway safety has been properly addressed in this case. Moreover, I am content that the proposal would not result in an unacceptable impact on highway safety. Furthermore, there is no contrary evidence submitted that suggests I take a different view.

9. As a result, the proposal would comply with policy NW10(6) of the CS, which seeks development to provide a proper vehicular access, sufficient parking and adequate manoeuvring for vehicles. The proposal would also comply with saved policy ENV14 of the LP, which seeks amongst other things for the design of an access to demonstrate that priority has been given to pedestrians, cyclists and those using public transport and access is safe onto the local road network. The proposal would also accord with the Framework as the proposal would not result in an unacceptable impact on highway safety.

Conditions

10. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. I shall impose the majority of the Council's suggested conditions with some amendments and adjustments for clarity.

11. For materials, suggested condition 5 is not necessary as condition 3 suitably requires the extension to be built in accordance with the proposed materials.

12. I have added a new condition to limit the hours of use to those stated on the application form, I do not consider that the appellant would be disadvantaged by the inclusion of this. I have also added a condition to require the provision of the required changes to the highway prior to the commencement of use.

13. I have altered the trigger time for submission details for the boundary details, to remove this unnecessary pre-commencement condition in accordance with the Guidance. I have simplified the construction loading/unloading condition to specify only where this activity would be appropriate and combined this with acceptable construction hours. I have added further details in regard to CCTV coverage, to satisfy some concerns from residents in regard to security and privacy. I have also required details for the method of closing the access from Boot Hill to provide certainty as to when that requirement can be considered achieved. I have also altered the lighting condition to ensure that lighting would provide adequate security to the premises, whilst also protecting the living conditions of neighbouring occupiers.

14. Subsequently, I have attached the following conditions which are necessary in the interests of certainty [1 and 2], would safeguard the character and appearance of the area [3 and 4], would protect the living conditions of existing residents [5, 6, 7, 10 and 11] and would meet highway safety expectations [8, 9 and 12].

Other Matters

15. Representations have included matters relating to concerns of disturbance caused by use of the car park and the hours of use. However, the local context shows that background noise levels would be relatively high into the evening. This coupled with the lawful use of the site leads me to conclude that the proposed hours would not have a significantly worsening effect on the living conditions of occupiers of nearby dwellings. Concerns raised regarding potential night-time access has been addressed by a condition requiring security barriers.

16. The proposal would result in the loss of the public house use, which I sympathise may have been felt by some to be the heart of the community. However, no evidence is before me to illustrate that the former use would be viable at this time. Furthermore, the proposal seeks to adapt the building and reuse it with a community room, office and retail. Consequently, this would revitalise the site and make good use of a vacant building.

17. I have also taken into account representations in regard to flooding, car parking levels and competition with local shops, but these matters do not affect my findings on the main issue.

Conclusion

18. For the above reasons, the appeal is allowed, and planning permission is granted.

Ben Plenty

INSPECTOR

Schedule of 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 permitted shall be constructed in accordance with the following approved plans: - referenced 5364-010 Rev A 'site location', 5364-009 'existing site layout', 5364-008 'existing floor plans and elevations', 5364-006 Rev D 'proposed floor plans and elevations' and plan reference 5364-007 Rev G 'site layout plan'.

3) The materials to be used in the approved development shall be those annotated within the application form received by the Council on 29 January 2018 and within the detail contained within plan reference 5364-006 Rev D 'proposed floor plans and elevations'.

4) Prior to the commencement of any approved use, details of boundary treatment and security barriers, shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied.

5) The retail use hereby permitted shall only take place between the following hours: 0700 to 2300 hours Mondays to Sundays (including Bank Holidays). The office use hereby permitted shall only take place between the following hours: 0700 to 1800 Mondays to Fridays; 0900 to 1400 hours on Saturdays and not be open Sundays and Bank Holidays. The community use hereby permitted shall only take place between the following hours: 0700 to 2200 Mondays to Saturdays and not be open Sundays and Bank Holidays. All deliveries shall only take place during retail opening hours.

6) During construction, demolition or construction works shall take place only between 0800 to 2000 on Monday to Friday, 0900 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays. Furthermore, all loading and unloading of construction materials shall be undertaken from within the existing car park.

7) Prior to the commencement of any approved use, details of the method to permanently close off the existing vehicular access from Boot Hill shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to the use commencing.

8) Prior to the commencement of any approved use, the access, car parking, manoeuvring and service areas shall be laid out in accordance with the approved details. Such areas shall be retained for the purpose of parking and manoeuvring of vehicles in perpetuity.

9) Prior to the commencement of any approved use, works to the highway shall be completed in accordance with the agreed details shown on plan reference SCP/17218/F07 Revision A (June 2018) and SCP/17218/ATR08 (July 2018).

10) Prior to the commencement of any approved use, details for the provision of CCTV cameras shall be submitted to and approved by the local planning authority. The details shall include the location of cameras, height and field of vision and include coverage of the car park. The approved details shall be implemented prior to the commencement of use and retained thereafter.

11) Prior to the commencement of any approved use, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. The agreed details shall then be installed prior to the commencement of use and retained thereafter.

12) All deliveries and collections, for any approved use, shall be made from the car park and servicing area on site.

End of Conditions