

Enquiries to:
Committee Services

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Direct Email:
committee@nuneatonandbedworth.gov.uk

Date: 26th January 2024

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 6th February 2024 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

Councillors L. Cvetkovic (Chair),
C. Cape, M. Green, B. Hammersley,
J. Hartshorn, S. Markham, B. Pandher,
J. Sheppard (Vice-Chair), E. Shiers,
R. Smith and K. Wilson.

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting held on 16th January 2024, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 10**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and

nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered.

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 14**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

16th January 2024

A meeting of the Planning Applications Committee was held on Tuesday, 16th January 2024, in the Council Chamber and was recorded for future publication on the Council's website.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, J. Hartshorn, B. Hammersley, S. Markham, B. Pandher and R. Smith.
Councillors E. Shiers and K. Wilson were present for the agenda items considered in the public session part of the agenda.

Apologies: Councillor J. Sheppard.
Councillors E. Shires and K. Wilson gave their apologies for the agenda item considered within the private session.

PLA31 **Minutes**

RESOLVED that the minutes of the meeting held on the 21st November 2023 be approved and signed by the Chair.

PLA32 **Declarations of Interest**

Councillor E. Shires declared she is now a Director of a Community Interest Company (alternative education provision for young people who struggle to access education).

RESOLVED that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declaration from Councillor E. Shires.

PLA33 **Declarations of Contact**

Cllr Smith as Ward Councillors and Portfolio Holder for Planning, declared he has had contact with the owners and residents in relation to Confidential Item PLA35 - Land Rear of 69 Coventry Road, Bulkington.

PLA34 **Exclusion of Public and Press**

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 1 and 2 of Part I of the Schedule 12A to the Act.

PART 2: PRIVATE SESSION

PLA35 **Land Rear of 69 Coventry Road, Bulkington.**

RESOLVED: that

- a) all of the enforcement options detailed in the report be considered;
- b) the option of taking no further action be discounted;

- c) direct action to be taken, if the notices are not complied with within the relevant time period; and
- d) subject to the above, the Assistant Director for Planning be authorised to take appropriate enforcement action if required, to secure compliance with the Enforcement Notices dated 28th May 2021 and 8th November 2021.

IN PUBLIC SESSION

Planning Applications

(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).

RESOLVED that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE [PLA36](#) OF THE PLANNING APPLICATIONS COMMITTEE ON [16th JANUARY 2024](#)

039938 – 14 Thackeray Close, Nuneaton, Warwickshire. CV10 9RT
Applicant: Mr Richard Jones

DECISION

That planning permission be granted, subject to the conditions printed in the agenda.

040040 – Bedworth Terminal, 72 Bayton Road, Coventry. CV7 8EJ

DECISION

That a revocation order be made under s14(2)(a) of the Planning (Hazardous Substances) Act 1990, i.e. revoking the Hazardous Substances Consent references BUDC9453, TP/7604/00 and 009359 pertaining to Bedworth Terminal, 72 Bayton Road, Coventry, subject to its confirmation by the Secretary of State under Section 15 of the Act.

Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton. Director – Holy Spirit Catholic Multi Academy Company. Member of the George Eliot Fellowship Member of Other Bodies:	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Friendship Project for Children. • Nuneaton Education Strategy Group 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	
	B. Pandher		Member of Warwickshire County Council President & Trustee of Nanaksar Gurdwara Gursikh Temple Coventry; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt’s Charity • Conservative Party 	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh	The Labour Party Coventry East Credit Union Member of the Pride in Camp	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Dessert Company	<p>Hill Board.</p> <p>Member of the governing board for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

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	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
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	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
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	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Warwickshire Local Enterprise Partnership Ltd (CWLEP) <ul style="list-style-type: none"> • West Midlands Combined Authority 	

Applications for Planning Permission etc.
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Wards:					
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BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

REFERENCE No. 039976

Site Address: Site 105B008, Bedworth Leisure Centre & Land at Miners Welfare Park

Description of Development: Variation of condition 2 of planning permission 038702 to amend the size, shape, height and material approach of the building, amendments to the facilities within the building, amendment to the layout of the car parking area including a reduction in spaces and amendments to the landscaping strategy and variations of condition 3 (Construction Management Plan), 4 (Construction Environmental Management Plan, 7 (Dust Management Plan), 11 (Arboricultural Method Statement) and 14 (tree protection) of planning permission 038702 to ensure the development is carried out in accordance with the updated submitted documents.

Applicant: Nuneaton and Bedworth Borough Council

Ward: PO

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to a legal agreement and the conditions printed.

INTRODUCTION:

This application is for the variation of condition 2 of planning permission 038702 to amend the size, shape, height and material approach of the building, amendments to the facilities within the building, amendment to the layout of the car parking area including a reduction in spaces and amendments to the landscaping strategy and variations of condition 3 (Construction Management Plan), 4 (Construction Environmental Management Plan, 7 (Dust Management Plan), 11 (Arboricultural Method Statement) and 14 (tree protection) of planning permission 038702 to ensure the development is carried out in accordance with the updated submitted documents.

Planning permission 038702 was approved in July 2022 and included a new two storey building arranged in an 'L' shape, that included a swimming pool, sports hall, cycle hub, café and changing facilities arranged on the ground floor and studio space, free weights area, fitness suite and additional changing rooms on the first floor. Parking was proposed to the front. A new artificial pitch was also proposed to be provided to the southern side of the facility. The development was to be set within a wider landscape scheme for the Miners Welfare Park, including extensive new and existing landscaping, an all-weather pitch, green gym and cycle track.

The amended application proposes changes to the appearance, layout and landscaping of the approved scheme but the operational side of the development would not be substantially different in terms of scale and nature.

The amendments consist of a reduction in the size of the building (approximately 1100 sq. metres), the layout of the building has been amended to change from an 'L' shaped building to one of a rectangular form, the building has been amended to vary in height

and the massing has been re-designed to include three different sections, including a 'Material' block, 'Topshop' block and 'Ribbon' block. The material approach has changed so that each block comprises a different material treatment.

The facilities within the building have been amended following the reduction in size, including at ground floor level the loss of the multi-purpose room, reduction in size of the learner pool and removal of the cycle hub. At first floor level, the number of studios has been reduced to one and the admin area and consultation room have been removed. The usable space at first floor level has been reduced.

Amendments to the landscape are also proposed, including the location and number of key vistas and movement strategy and the landscape character areas have been reduced in number. The layout of the car parking area is proposed to be amended with a change in number of car parking spaces from 158 to 142 and a minor decrease in EV spaces from 16 to 14. There is also a reduction in number of cycle parking spaces from 34 to 20 and inclusion of spaces for adaptive bikes. Changes and reduction in street furniture within public realm are also proposed together with the removal of the green gym and fun fit bank with the existing equipment instead to be relocated across the site. The planting strategy has been amended to match the changes made to the scheme and to include additional SuDS areas which includes a reduction in number of new trees planted across the site.

The site is on the western side of Miners Welfare Park. The park includes the existing leisure centre with associated parking and a small outside football pitch alongside a skatepark, Bedworth Cricket Club and grounds and Bedworth United Football Club and grounds. There is also a large area of publicly accessible open green space alongside trees and associated areas of hardstanding used for parking. The eastern boundary of the site is abutted by a railway line. To the south is Bayton Road Industrial Estate and residential properties at The Waterfront. To the west are residential properties and to the north is Bedworth town centre. Access to the site is provided by a signal-controlled junction from Coventry Road to the north-western side of the site. The access provides a route through to parking that is located to the front and rear of the existing leisure centre.

BACKGROUND:

This application is being reported to Planning Applications Committee as it is a major application involving Council owned land and the Council is the applicant.

RELEVANT PLANNING HISTORY:

- 038702: Erection of a new physical activity hub consisting of a 25m 8 lane main pool, learner pool, 4no. court sports hall, fitness suite and associated changing and supporting spaces and car park and landscaping scheme to surrounding park with terrace, seating areas, paths and activity spaces (existing leisure centre to be demolished): Approved 04/07/2022.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS4 – Retaining community facilities;

- HS5- Health;
- HS6- Sports and exercise;
- NE1- Green Infrastructure;
- NE2- Open Space;
- NE3- Biodiversity and Geodiversity;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability;
- BE3- Sustainable Design and Construction and
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent, Coal Authority, Environment Agency, National Gas Transmission, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, Severn Trent Water, Sport England, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police, WCC Archaeology, WCC Ecology, WCC Flood Risk Management, WCC Highways

CONSULTATION RESPONSES:

Objection from:
WCC Highways

No objection subject to conditions from:
NBBC Environmental Health (noise & air quality), NBBC Parks

No objection from:
Coal Authority, Environment Agency, NBBC Refuse, NBBC Sports Development, Sport England, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police, WCC Archaeology, WCC Flood Risk Management

Comment from:
NBBC Planning Policy

No response from:
Cadent, National Gas Transmission, NBBC Environmental Health (contamination), Severn Trent Water, WCC Ecology

NEIGHBOURS NOTIFIED:

Bedworth United Football Club, 15-19 (odd), 32b, 34, 34a, 34b, 34e, 36-72 (even), 80-86 (even), 80a, 92-138 (even), 146-162 (even) Coventry Road; 1-7 (inc) Gilbert Close; The Old Blank Bank 4 Black Bank; 1-40 (inc) The Waterfront; 2 Park Road; Brose, Colliery Lane North

Neighbouring properties were sent letters notifying them of the proposed development on 29th November 2023. Site notices were erected on street furniture on 6th December 2023 and the application was advertised in The Nuneaton News on 6th December 2023.

NEIGHBOUR RESPONSES:

None.

APPRAISAL:

The key issues to assess in the determination of this application are;

1. The principle of the development,
2. Visual amenity and landscape character,
3. Residential amenity,
4. Highway safety and accessibility,
5. Flood risk and drainage,
6. Contamination and land stability,
7. Air quality,
8. Ecology and Biodiversity,
9. Sustainable Construction,
10. Planning Obligations,
11. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

The principle of the development of the site has been accepted through the approval of the previous application, ref no. 038702.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site would therefore be an appropriate location for the proposed leisure centre. Policy DS3 states that all new development should be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Borough Plan. It also states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The application site is within the defined settlement boundary for Bedworth and therefore is acceptable in principle for the proposed development.

The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location (paragraph 103). Policy HS4 of the Borough Plan states that proposals which lead to the loss of community facilities will only be permitted where replacement facilities are available nearby. The existing leisure centre

was constructed around 1975 and offers a gym, group fitness studio, swimming pool, artificial outdoor pitch, alongside changing facilities, café and parking. In being over 40 years old, the existing facilities are clearly outdated. The proposal seeks to erect a new Physical Activity Hub that will offer an enhanced range and quality of facilities and services to the local community. It is considered that the amended scheme still offers a greater and improved range of services than the existing leisure centre and will help meet the needs of the local community and fundamentally improve the health and wellbeing of residents in the borough. The existing leisure centre will remain open whilst the new facility is being built, ensuring continuity of the provision of services.

The Council has produced a Sport, Recreation and Community Facilities Strategy (SRCFS) (2016-2031). This has been produced to help plan effectively for future sports facility provision, for current and future need, population growth and increased participation. The strategy identifies that many of the Borough's existing facilities are already full, with Bedworth Leisure Centre at 87% capacity, much of the existing facility portfolio is ageing and quality is likely to deteriorate over time. In addition, the strategy recognises that the increasing population will put additional demands on the capacity of existing facilities and increasing participation will increase demand on existing facilities. This strategy has identified a need for sports hall space, swimming pools, fitness suites and informal facilities such as the provision of walking and cycling routes and paths which this new development will provide.

Policy HS6 of the Borough Plan states that proposals which assist in creating a healthy Borough through the use of sports, leisure and recreation and or opportunities to exercise will be approved. The proposal would result in the loss of the existing grass football pitch that is located to the south of the site. The pitch is delineated and has football goal posts to either end. This area of land would therefore classify as playing field in line with the definition provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, the existing playing pitch is in a low area of land in the park that, when there has been heavy rainfall, would become flooded and unusable for the local community. The application proposes the provision of a new artificial sports pitch to replace the existing 3G pitch at the leisure centre. The wider landscape masterplan, whilst removing the informal playing pitch, would still retain an area of open land in 'The Oval' that would allow for informal sporting and community use in this location. The loss of the existing pitch has already been accepted as part of the previously approved application.

Sport England has considered the application in light of the NPPF (in particular paragraph 103) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The application needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

The approved scheme, ref no. 038702 was assessed against Sport England Exception E5 and it was concluded that the proposed benefits to sports from the development outweighed the detriment caused by the impact on the playing field. Sport England have commented on this current application that the revised indoor sport facility mix will still help meet current and future needs identified within the Council's strategic evidence based relating to sports hall, water space and gym station provision. Similarly, the 3G pitch is to be retained as previously approved alongside the skate park and learn to ride loop. They consider that the revised scheme would still result in a benefit to sport which would outweigh the detriment caused by the impact on the playing field. They also note that the wider landscape works at the site such as the fun fit bank, green gym and other pump track facilities are still planned to be delivered as part of future phasing of the site.

In relation to swimming pool provision the SRCFS identified that at 2016 there was an existing deficiency of 216.71 sqm of water space which equates to a 4 lane x 25 metre pool, which increases by a further 134 sq. m. As such by 2031 there would be a 315 sqm shortfall in water space which equates to 6.52 lanes of a pool (8 x 25 metre pool equating to 412.5 sq. m of pool space). The SRCFS states assuming no new pools are opened, and the existing facilities remain open, there will be a need for an additional 6.52 lanes of a 25m pool. This could equate to one 6 lane x 25m pool plus some additional learner pool space, or one 4 lane x 25m pool plus an additional 2 lanes at an existing pool, plus some learner pool space. The SRCFS also states that there is a need to consider the age, condition and quality of the existing Bedworth Leisure Centre as the quality of the offer will reduce over time; the need to replace facilities will need to be a medium –long term priority (5+ years). The fpm highlighted that in 2019 there was an existing deficiency of 192 sqm of water which increases to 399 sqm by 2034, which reinforces in part the SRCFS identification for the need for new provision within the authority.

The SRCFS also includes an assessment of community accessible fitness stations and identifies that there was current under supply of 241 fitness stations in the Borough, with deficit increases to 283 by 2031. The SRCFS highlights that there are already 619 stations in the Borough which would suggest that there is sufficient provision though the issue is they may not all be accessible to the local community due to cost, hours of operation, or location. A priority identified within the SRCFS is the opening up the facilities on all education sites for community access, which would mitigate the apparent under supply to some extent. Whilst another opportunity identified is to increase fitness provision in the Borough through the development of additional/extended swimming facilities. The facilities within the building have been amended following the reduction in size, including at ground floor level the loss of the multi-purpose room, reduction in size of the learner pool and removal of the cycle hub (although this is to now be provide outside). At first floor level, the number of studios has been reduced to one and the admin area and consultation room have been removed. In terms of the outside facilities, the approved scheme included for the provision of a number of outdoor facilities, including extensive new landscaping, an all-weather sports pitch, green gym and cycle track. The existing fitness equipment was intended to be relocated across the site, and new Green Gym equipment was proposed alongside a Fun Fit Bank with new equipment including (but not limited to) a log climbing frame, climbing ramp, crawl net and balance logs. In the interests of ensuring the scheme is deliverable and manageable on an ongoing basis the number of outdoor

facilities has been reduced in the revised proposal to include an all weather pitch to the south of the building alongside a learn to ride area that has been incorporated between the pitch and the building. The existing fitness equipment is to be relocated across the site. The wider landscape works at the site such as the fun fit bank, green gym and other pump track facilities are still planned to be delivered as part of future phasing of the site. Whilst there would be a reduction in some of the facilities compared to the previous application, this has to be balanced against the need to provide modern new facilities which this scheme will provide.

NBBC Sports Development have stated that the provision of the Bedworth Physical Activity Hub will address some of these actions in the SRCFS and will offer more opportunities for residents of Bedworth and the surrounding area to improve their health, both physically and mentally, contributing to a reduction in health inequalities within the Borough. The aim of the facilities will also encourage new participants to start taking part in physical activity. They also state that the facility will provide not only high quality improved facilities, as the current Leisure facility is outdated, but will include new facilities. For example, the four court sports hall that will allow for new sports and activities to be provided that have not been available previously for community delivery and also a 3G facilities supporting junior football within the community. Other improvements include accessibility for disabled users for all areas including parking and the swimming pool. The changing village will be an ideal addition that will suit almost everyone too. It should be noted that all additional facility provision being provided is due to the need being evidenced by residents of the Borough.

Policy NE2 of the Local Plan relates to open space, seeking that development protects and enhances the hierarchy of open spaces which are made up of Destination Parks, Community Parks and Local Parks. Proposals should seek to create new and enhance existing open space. As with the approved scheme, the proposal will result in a small loss of open space to the southern area of the site. The loss is due to the location of the new building, adjacent to the existing building, which will allow the existing leisure centre to remain open whilst the new one is constructed. However, new facilities and improvements are proposed and it is considered the proposed facilities are still an improvement to those which currently exist and so the benefits of the scheme outweigh the small loss of open space. The proposed facility would see Bedworth area residents served with the most varied and up to date outdoor sport and recreation facilities in the Borough.

NBBC Parks strongly welcome and support the application's overall intent to renew and add to leisure and recreational provision in Bedworth with the underlying intent of increasing physical activity and active lifestyles and in that way helping to address the significant health inequalities within the Borough. Whilst the revised application unavoidably has a reduced external recreational offer due to the inflationary pressures faced by the project it still creates a new artificial 9x9 facility, replaces the skatepark and also adds a 'learn to ride' facility. It also retains the existing green gym provision. Areas of parkland are retained and created where other facilities may be added in the future with other funding sources. As such, they support the proposals on the grounds of the enhanced recreational and leisure facilities offer and subsequent health benefits.

2. Visual Amenity & Landscape Character

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or

create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. A revised Landscape & Visual Appraisal has been submitted with the application. This highlights that with regard to the impact on landscape, the revised scheme still involves the loss of some Category B and C trees alongside some open land due to the siting of the 9x9 pitch. However, it is noted that there would still be significant benefits offered through the renewal of parkland trees in a manner that would strengthen the use and character of the park, by introducing new habitats that increase species diversity alongside structure and visual interest. The replacement of the poorly drained football pitch with the oval lawn remains a significant benefit with regard to visual amenity. Overall, it is still considered that the proposals would lead to a significant overall enhancement of the landscape character of the Miners Welfare Park.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 135). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character.

The amendments consist of a reduction in the size of the building (approximately 1100 sq. metres) and the layout of the building has been amended to change from an 'L' shaped building to one of a rectangular form. The approved building was split into two separate sections for massing purposes, including the Workshop block and the Material block. Whilst largely arranged over a single height, the middle section stood marginally shorter than the outer sections. The material treatment of each section differed to add variety. The building in the amended scheme varies in height across three separate sections (Material block, Topshop block and a Ribbon block). The material treatment has been amended to include black smooth brick, cladding and dark aluminium frame glazing to the pool hall on the Material Block. The Topshop block comprises bespoke light grey smooth brick, cladding and black frame glazing to the fitness suite and key areas. The Ribbon Block includes buff brick and aluminium cladding to the upper level including red / brown and orange colours in an arranged pattern. This element picks up on the history of the weaving industry that was predominant in Bedworth in the 18th and 19th centuries. The approved building is 13m to the top of the parapet and the revised scheme measures approximately 11.5m at maximum height, reducing to 10.5m and 8m in the lower sections. It is considered that the amended design is acceptable and the reduction in height and size would help the building sit more sensitively within the overall park setting.

3. Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

A noise assessment has been submitted with the application. NBBC Environmental Health have commented that the overall impact of noise has not changed from the original assessment and therefore their comments and recommendations remain the same. They previously requested a condition restricting no external plant and if some is necessary, details of how it would be acoustically treated would need to be submitted and this condition will be added again. They also requested a condition for an acoustic barrier to the north-western boundary of the all weather pitch and a condition which limits the hours of operation of the all-weather pitch to between 9:00hours to 21:00hours. In order to control noise break out from the gym studio, they also requested a condition that all doors and windows to this area should kept closed when

amplified sound systems are used, and when other noise generating activities are taking place. These conditions will be added to this application.

The nearest residential properties are along Coventry Road with the minimum separation distance of approximately 56 metres which complies with distance standards contained within the Sustainable Design & Construction SPD 2020. The position of the building has been amended very slightly but the western elevation is located in the same place as the approved scheme. As a result, the new building would be located no closer to neighbouring occupiers than originally proposed.

Condition 4 of permission 038702 requires a Construction Environmental Management Plan (CEMP) to be submitted and approved prior to commencement to demonstrate the adoption and use of best practicable means to reduce the effect of noise, vibration and site lighting prior to commencement. This has been approved. A revised CEMP has been submitted with this application to reflect the revisions proposed to the scheme. This application therefore seeks to amend the wording of Condition 4 to be a compliance condition, recognising that the condition has been approved and to ensure the development is in accordance with the revised CEMP.

4. Highway Safety & Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 114). As with the approved scheme, it is proposed to utilise the existing signal controlled access onto Coventry Road. WCC Highways have stated that the proposed development will be smaller than the approved scheme and therefore should have less of an impact on the capacity of the public highway network.

As part of the previous application, WCC Highways requested a S106 contribution of £1,500 to enable the validation of the existing traffic signal junction at Coventry Road and Park Road following the occupation of the development. They have also requested that contribution as part of this current application.

In terms of parking, the approved scheme provided 158no. spaces which was considered acceptable particularly taking into account the level of parking provision would increase from the existing 104no. spaces and the location of the site close to Bedworth Town Centre and sustainable transport options. The revised scheme proposes 142no. spaces which takes into account the reduction in floor space of the building. As with the approved scheme, this is considered acceptable taking into account the sustainable location of the site.

A Transport Assessment was submitted with the previous application and has been updated for this application. This investigates the surrounding highway network alongside any existing concerns in relation to highway safety. The assessment then looks into the development proposals more specifically, looking into access and highways works, servicing and emergency access alongside car and cycle parking. The assessment states that in absolute traffic terms, the site would be expected to generate a maximum of approximately two – three vehicles per minute during the weekend peak, with less than two vehicles per minute during the weekday PM peak and around one vehicle per minute during the weekday AM peak. Given relatively high existing traffic flows, this increase would likely result in negligible impacts on the highway characteristics of the adjacent highway network. All previous trip assignment and distribution assumptions adopted as part of the transport assessment are deemed to be appropriate to also reflect the revised scheme.

WCC Highways have raised an objection regarding the siting of the bin collection area and bike storage area and also raised questions regarding the submitted travel plan and active travel such as about footway/cycleway connections and which paths will support cycling. WCC Highways consider that these issues are resolvable and on that basis the applicant is looking at getting the objection removed in advance of Committee. An update will be provided at the Committee meeting and on the addendum.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 108). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 109).

As the site is close to Bedworth Town Centre and within an established residential area, the site benefits from extensive pedestrian infrastructure as well as connectivity for cyclists and public transport users. A new cycle hub is also proposed. A Travel Plan has also been produced to encourage more sustainable forms of transport. It includes initiatives such as the production of Employee and User Welcome Packs including introductions, literature on the benefits of active travel and environmental benefits, personal travel initiatives, maps showing walking / cycling routes and places of interest, details of taxi companies and car club operators, and details of public transport services including timetables and routes, measures to encourage walking such including raising awareness of the health benefits of walking in communal and staff areas, clear signing of pedestrian routes in and around the site, information on local pedestrian routes including public footpaths, measures to encourage cycling including provision of information on the local cycle network routes available, promotion of the availability of cycling information including route maps and tips, promotion of the Cycle to Work scheme for employees, information on local cycle clubs / forums, measures to encourage public transport such as including distribution of details of the Traveline Journey Planning too and the promotion of car sharing.

Condition 3 of permission 038702 required a Construction Management Plan (CMP) to be submitted and approved by the Council prior to construction, groundworks or remediation. This condition has been approved. A revised Construction Management Plan forms part of this application. This application seeks to amend the wording of Condition 3 to be a compliance condition, recognising that the CMP has been updated and that the condition has been approved and to ensure the development is in accordance with the revised CMP.

5. Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 173). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk.

In relation to surface water drainage, it is proposed that all surface water runoff be discharged into the existing surface water sewer at the equivalent greenfield Qbar rate during all storm events up to and including 1 in 100-year storm with a 40% allowance for climate change. The flow restriction is proposed to be achieved using a vortex flow control device and the associated surface water storage is to be accommodated using

a mixture of attenuation types, including a swale, a pond and stone sub-base attenuation below porous paving. There are conditions relating to drainage on the previous approval which will be added to this application. WCC Flood Risk have no objection to this application subject to the imposition of those conditions.

6. Contamination and Land Stability

The NPPF sets out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 189 and 191). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Geo-Environmental Site Assessment (Phase 1 and 2) was submitted with the previous application and has been updated in line with the amended scheme. The updated assessment includes the same recommendations as within the original document and no additional contamination impact was identified. NBBC Environmental Health originally requested the imposition of the standard contaminated land conditions on the previous application which will also be added to this application.

A Coal Mining Risk Assessment was submitted with the previous application and identified that the application site has been subject to past coal mining activity, specifically that there are three recorded mine entries (shafts) present within the site. This has been updated and submitted with the current application and demonstrates that the revised proposals would have no additional impact with regard to coal mining risk. The revisions made do not completely change the location of the new building and therefore the revised proposal still avoids high risk features. The Coal Authority has no objections.

7. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 192).

An Air Quality Assessment was submitted with the previous application which considered both transport and point source (boilers) emissions associated with the proposed development. The predicted NO₂, PM₁₀ and PM_{2.5} concentrations at receptor locations were all predicated to be below the UK Air Quality Standard objectives, with the overall impact being negligible at all receptor locations. NBBC Environmental Health confirmed that they found the assessment satisfactory. An updated assessment has been submitted with the current application and the overall air quality assessment has not changed.

Condition 7 of the previous permission required a Dust Management Plan (DMP) to be submitted. A DMP was submitted and approved via the condition. A revised DMP has been submitted to reflect the changes to the scheme and in view of the approved condition, it has been requested that the condition is re-worded to be a compliance condition requiring the construction phase to be in accordance with the revised DMP.

Both the Transport Demand Matters SPD 2022 and the Air Quality SPD 2020 require the provision of electric vehicle charging points. For commercial development, 10% of parking spaces should be provided with 32amp charging points and at least 1no. charging unit should be provided for every 10no. disabled parking spaces. The application proposed 14no. EV parking bays which complies with this requirement. A total of 4no. of the disabled parking bays will have charging points and as there are 8no. disabled spaces this also meets the requirement.

8. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 180 and 186). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. The site is located within the Miners Welfare Park Ecosite, which is identified as a recreational park with amenity grassland, mixed woodland, scrub and tall herb communities. The southern part of the site is within the Mineral Railway pLWS.

An Ecology Report that included a desk study, Phase 1 habitat survey, protected species survey and ecological assessment was submitted with the previous application. An Ecological Walkover Survey took place on in November 2023 to understand the updated position of the site following approval of the previous application. This identified that all habitats present on site have remained the same as recorded within the ecology report with minimal changes noted. A Pre-Works Badger Survey was completed as part of the walkover survey which demonstrated that no setts or evidence of badgers were found.

A bat survey was submitted with the original application which demonstrated that the demolition of the existing leisure centre would not be anticipated to result in any impact on roosting bats and therefore no further survey work or mitigation was required. The survey is valid for a period of two years and therefore given the time elapsed in between obtaining permission on the previous application and the submission of this current application, the survey has expired. It is noted however that there have been no substantial changes to the existing leisure centre building and the results of the original survey would still apply given the nature of this application. The updated Ecological Walkover Survey does not indicate that further bat surveys are necessary for the development. Being outside of survey season, and on the basis of the findings of the original bat survey, it is considered that should further surveys be required these can be secured by a condition.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a no net loss in biodiversity.

NBBC Parks have no objection subject to conditions.

The previous application resulted in the loss of Category B trees. The majority of the trees proposed to be removed in the previous application are also proposed to be removed as part of the amended scheme. A Preliminary Arboricultural Assessment (PAA) has been submitted with this application to provide an updated position with regard to the impact of the development on trees on site. The PAA identifies that there are 108no. individual trees on site alongside 47no. groups of trees and two hedgerows. Of them, 12no. are Category U, 15no. are Category A, 85no. are Category B and 45no.

are Category C. The majority of the trees were noted to be of moderate quality and are interspersed across the park and not only within the application site itself. Of the trees on site, 12no. individual trees were considered to be unsuitable for retention due to defects (all Category U). The remaining trees were noted to be of either high, moderate or low retention value depending on their category.

An Arboricultural Impact Assessment (AIA) has also been submitted. The AIA once again identifies the number and category of trees on the development site. The report demonstrates that 22no. individual trees and 8no. groups of trees will need to be removed for the scheme alongside two groups of trees. Three individual trees that are identified for removal are considered to be unsuitable for retention (Category U) and therefore the removal of the trees would nonetheless be required due to their poor condition. Two trees being removed are of a high retention value (Category A) and 15no. individual trees and five groups of trees were of moderate retention value (Category B). The remaining two individual trees and five groups of trees that are to be removed are of a low retention value (Category C). Whilst this loss is unfortunate, the loss of trees can be mitigated by a new planting scheme.

NBBC Tree Officer has commented that there are a couple of instances where trees look to be very close to the paths and conflicts here should be considered and has suggested that these could be removed and replaced as part of mitigation proposals. It is likely that an amended Arboricultural Method Statement (AMS) will be submitted before the application is considered by Committee. NBBC Tree Officer has also commented that a sufficient number of trees are proposed in mitigation and that the requested condition requiring detailed landscape proposals will give sufficient later control on size and species selection to ensure a beneficial long term effect on the structural treescape of the park despite the initial unavoidable impacts.

Condition 11 of permission 038702 requires an Arboricultural Method Statement (AMS) to be submitted and approved by the Council prior to commencement. An AMS has been submitted with the application to reflect the changes made to the scheme and to summarise the measures for the protection of retained trees and hedges on site during both demolition and construction works. It is therefore requested that the wording of Condition 11 be amended to a compliance condition, recognising that the condition has been approved and to ensure the development is in accordance with the AMS.

Condition 14 of permission 038702 requires a scheme for the protection of retained trees including a tree protection plan to be submitted prior to commencement. As noted above, an AMS has been submitted which includes full detail of the measures for the protection of trees on site during demolition and construction. It is therefore requested that the wording of Condition 14 be amended to a compliance condition, recognising that the condition has been approved and to ensure the development is in accordance with the tree protection measures as outlined in the AMS.

9. Sustainable Construction

A Sustainability Statement was submitted with the previous application which identified that at an early stage within the design process it was highlighted that the building form and orientation had a significant impact on the energy consumption of the development. This has been updated to reflect the amended scheme. This demonstrates that the proposed scheme has been designed to reduce the overall energy consumption of the development. The report summarises energy efficient services and equipment that has been included to ensure the building is designed in line with Part L2A of the 2021 Building Regulations. The report further identifies renewable energy technologies that have been incorporated, including photovoltaics

(PVs) (albeit the strategy is under review), ground source heat pumps and air source heat pumps, with PVs and air source heat pumps being the preferred option. The revised plans demonstrate that the proposals are still of a highly sustainable design in line with the original proposal.

Policy BE3 of the Borough Plan requires major non-domestic proposals to meet the Building Research Establishment's Environmental Assessment (BREEAM) Very Good standard for new construction projects. A BREEAM Design Stage Assessment has been submitted which reflects the revised plans. The assessment identifies that the development proposals are on route to delivering a Very Good rating and therefore remains in line with the original application.

10. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2023 notes that these obligations should only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Paragraph 97 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Organisation	Request For	Contribution	Notes
WCC Highways	The validation of the existing traffic signal junction of Coventry Road and Park Road following the occupation of the proposed development	£1,500	Agreed by applicant

11. Conclusion

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is within the settlement boundary of the Borough and would provide improved leisure facilities.

The potential impacts of the proposed development in relation to the principle of the development, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination and ecology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances.

However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of conditions.

Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the development plan and other policies within the NPPF. Furthermore, there are no material considerations or adverse impacts which indicate that the application should be refused. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions and the completion of a legal agreement.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

2. The development shall not be carried out other than in accordance with the plans contained in the following schedule:

Description	Reference number	Date Received
Site Location Plan	23044-GT3-00-XX-DR-A-08-0001- RevP1	27 th November 2023
Landscape Masterplan	BLC-COL-ZZ-00-DR-L-1000 Rev 18	30 th November 2023
Proposed Ground Floor Plan	23044-GT3-00-00-DR-A-08-0003- RevP1	27 th November 2023
Proposed First Floor Plan	23044-GT3-00-01-DR-A-08-0004- RevP1	27 th November 2023
Proposed Roof Plan	23044-GT3-00-R1-DR-A-08-0005- RevP1	27 th November 2023
Proposed Elevations Detail Elevations	23044-GT3-00-ZZ-DR-A-08-0006-RevP1	27 th November 2023
Proposed Sections	23044-GT3-00-ZZ-DR- A-08-0008-RevP1	27 th November 2023
	23044-GT3-00-ZZ-DR-A-08-0007-RevP1	27 th November 2023

3. The development shall not be carried out other than in accordance with the Construction Management Plan (ref HMD.0325 rev 02) received by the Council on 27th November 2023. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

4. The development shall not be carried out other than in accordance with the Construction Environmental Management Plan (ref HMD.0325 rev 002) received by the Council on 27th November 2023. The approved details shall be adhered to throughout the duration of construction.

5. No development shall commence until:

a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;

- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and
- d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Council 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:

- 1. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
- 2. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 3. All development should be carried out in compliance with the approved Drainage Strategy (6001-HEX-00-00-DR-C-0500) and Flood Risk Assessment (Hexa ref: 600190 V02).

7. The development shall not be carried out other than in accordance with the Dust Management Plan (ref HMD.0325) received by the Council on 27th November 2023. Only the approved details shall be implemented on site and shall be adhered to throughout the duration of construction.

8. No development including any site clearance shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include details of:

- a. any pre- construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. timing and methodology of site clearance;
- e. the extent of buffer zones and stand-offs for sensitive ecological features;
- f. what to do if protected species are discovered during construction;
- g. methods for checking habitats for nesting birds;
- h. measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice.
- i. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase.

- j. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015).
- k. Measures for the soft-felling of trees.
- l. Timetable for the removal of trees/arboricultural works (works should be undertaken outside of the bird nesting season (March-August inclusive), or otherwise under the direct supervision of a suitable qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances)
- m. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports, including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

9. No development shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Ecology Report received by the Council on 2nd March 2022 will be implemented and maintained. The content of the BEMP shall include:

- a. details of planting to provide additional foraging areas for bats;
- b. details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
- c. details of mammal friendly fencing;
- d. habitat creation;
- e. biodiversity impact mitigation
- f. landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. details of a scheme securing future maintenance and retention;
- i. description and evaluation of features to be managed;
- j. aims and objectives of management;
- k. appropriate management options for achieving aims and objectives;
- l. prescriptions for management actions;
- m. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- n. details of the body or organisation responsible for implementation of the plan;
- o. ongoing monitoring and remedial measures.

The BEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the BEMP and address any contingency measures where appropriate. The BEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the BEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the

Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports, including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development. The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

10. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

11. The development shall not be carried out other than in accordance with Arboricultural Method Statement (Report Number: RT-MME-159809-05) received by the Council on 7th December 2023. No tree or hedgerow other than those shown within Arboricultural Impact Assessment (Report Number: RT-MME-159809-04) received by the Council on 7th December 2023 shall be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained in accordance with the details in the Arboricultural Method Statement have been implemented in full during the course of development.

12. No development shall commence until a Schedule of Works to all retained trees (including all access facilitation pruning) and an arboricultural site monitoring schedule has been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

13. No development shall commence until detailed hard and soft Landscape Design plans, including landscaping maintenance details, have been submitted to and approved in writing by the Council. The landscaping shall be completed within 12 months of the completion of the construction of the building and subsequently maintained in the following manner:

Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

14. The development shall not be carried out other than in accordance with scheme for the protection of the retained trees detailed in the Arboricultural Method Statement (Report Number: RT-MME-159809-05) received by the Council on 7th December 2023. The development thereafter shall be implemented in strict accordance with the approved details.

15. No development shall commence until full details of an acoustic barrier along the north-west boundary of the all-weather pitch has been submitted and approved in writing by the Council. The all- weather pitch shall not be brought into use until the barrier has been erected in accordance with the approved details.

16. No development shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be brought into use until provision has been made in accordance with the approved details.

17. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours . The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

18. The external materials shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 27th November 2023.

19. The external boundary treatments shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 27th November 2023.

20. There shall be no external plant used on the premises. If external plant is to be used it shall be acoustically treated in accordance with a scheme that shall first have been submitted to and approved in writing by the Council prior to installation. The measures implemented as approved shall be retained thereafter.

21. The all-weather pitch and associated lighting shall not be used other than be between the hours of 09:00 and 21:00.

22. All doors and windows to the fitness suite and studios shall be kept closed when amplified sound systems are used and when other noise generating activities are taking place.

23. The existing leisure centre building shall not be demolished until the Physical Activity Hub approved under this permission has been completed and made available for use.

24. All gas-fired boiler installations should be low NOx emission type and meet the specification used to inform the air pollution modelling detailed in the air quality assessment for the site received by the Council on 2nd March 2022.

25. The use of the 3G pitch shall not commence until:

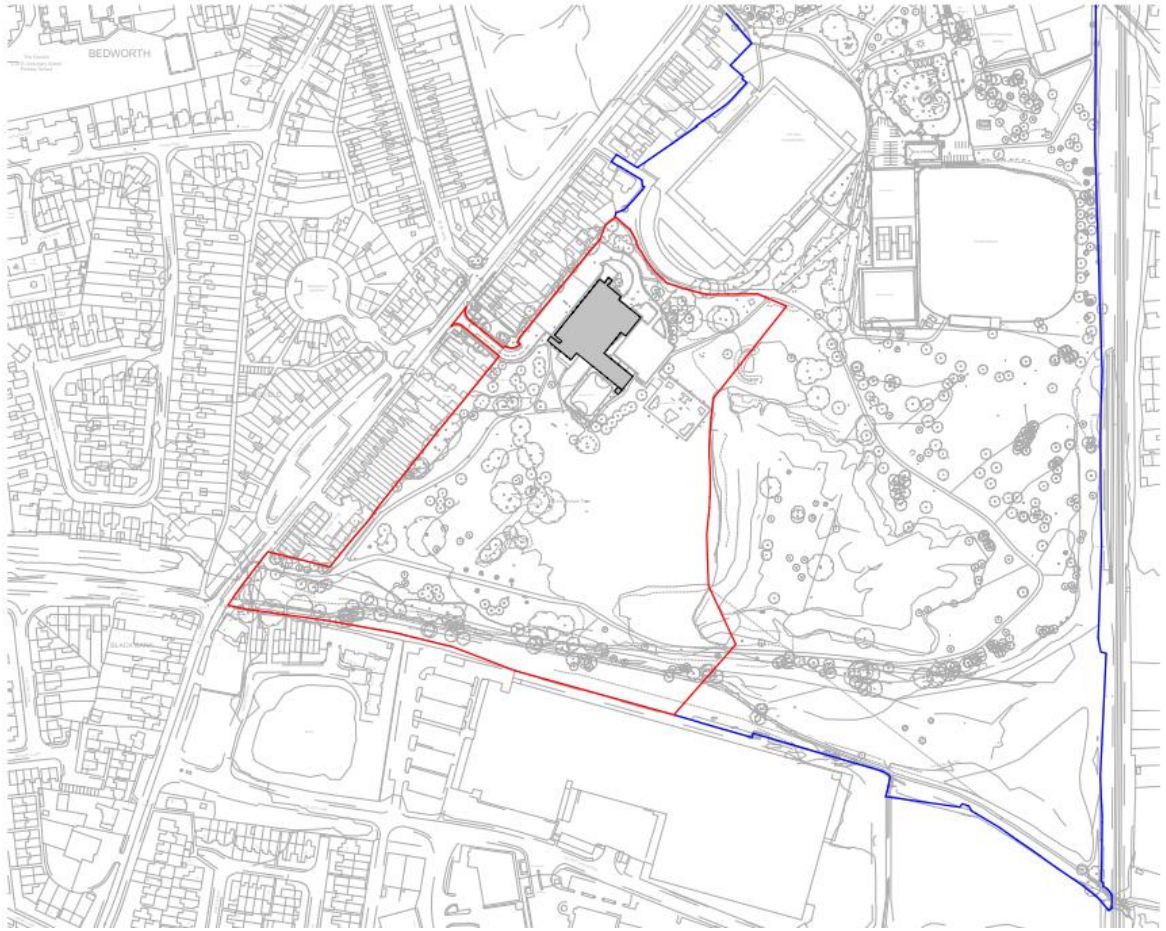
(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Council.

26. The development shall not be occupied until improvements have been made to bicycle access to and within the site to improve access from cycle route NCN52 in accordance with a scheme submitted to and approved in writing by the Council.

27. The development hereby permitted shall not be occupied until a Travel Plan Coordinator has been appointed in accordance with approved Travel Plan 600190-HEX-00-TP-RP-X-0004 V02 (received by the Council on 27th November 2023). The Travel Plan shall henceforth be implemented in accordance with the Action Plan contained therein, including the submission of details for review and monitoring to the Council.

28. Prior to demolition of the existing leisure centre, additional bat surveys by a suitably qualified and licenced ecologist have been undertaken to verify that there are no roosting bats within the existing building, the results of which shall be submitted to and approved in writing by the Council. If roosting bats are found, a licence and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.



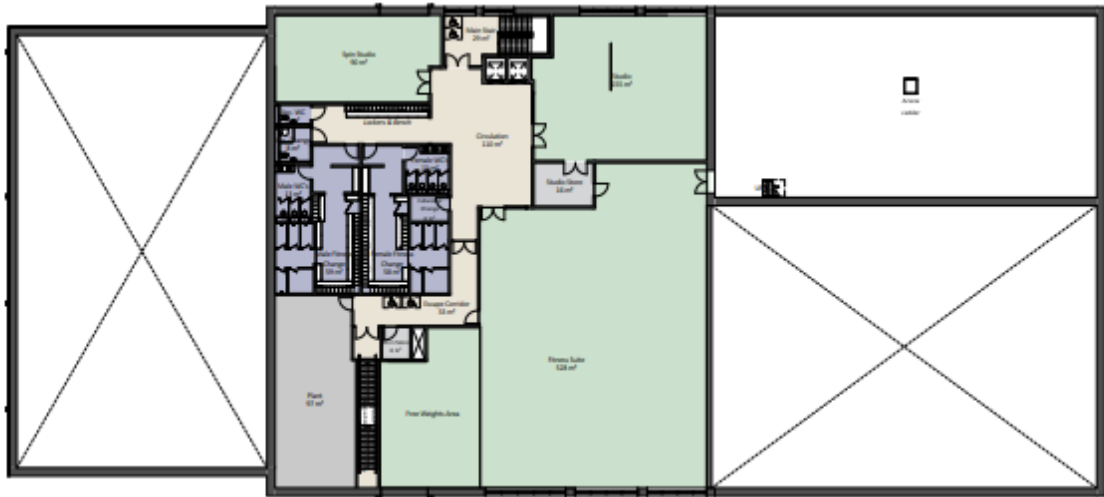
Site Location Plan



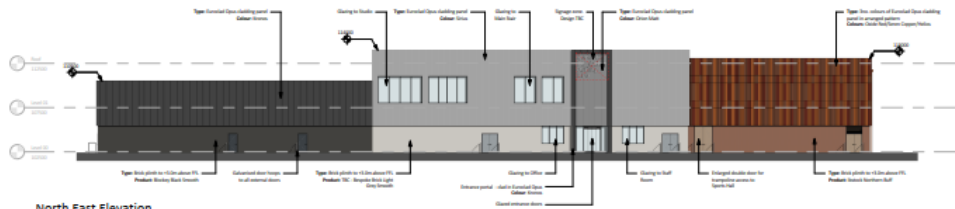
Site Layout



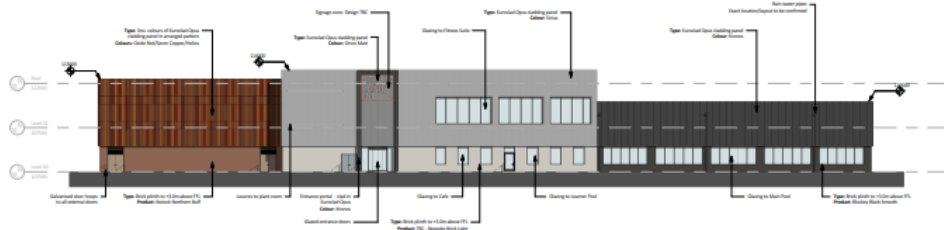
Proposed Ground Floor Plan



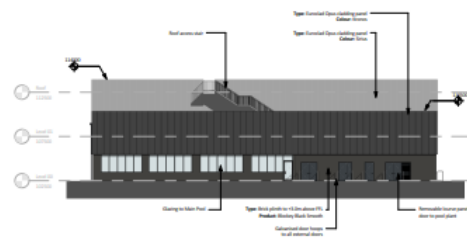
Proposed First Floor Plan



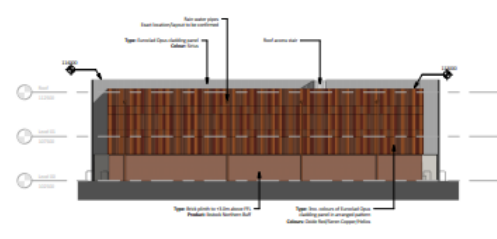
1 North East Elevation
Scale: 1 : 200



2 South West Elevation
Scale: 1 : 200



3 South East Elevation
Scale: 1 : 200



4 North West Elevation
Scale: 1 : 200

Proposed Elevations

REFERENCE No. 039374

Site Address: Site 51D013 Park Avenue Nuneaton

Description of Development: Proposed development of 5 no. new townhouses including new access road (affecting Tree Preservation Orders 2/80 and 9/98) to land rear of 9-15 Park Avenue

Applicant: Mr Paul Starkey

Ward: AT

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to the conditions as printed and subject to there being no new points of objection following the additional consultation letters.

INTRODUCTION:

This application is for the proposed development of 5 no. new townhouses including new access road (affecting Tree Preservation Orders 2/80 and 9/98) to land rear of 9-15 Park Avenue at Site 51D013 Park Avenue Nuneaton. The proposed development would create 5 new dwellings behind the current building line on Park Avenue. The dwellings would be formed of a pair of semi-detached dwellings and 3 terraced dwellings. They would be three-storey in height with gable roofs and pitched roof dormer to the front and rear serving rooms within the roof space creating townhouses for residential accommodation. Car parking spaces are proposed to the front and the site will be accessed via a private driveway, proposed between 9 Park Avenue and the adjacent industrial estate.

The site at present is an undeveloped piece of land. An application for outline consent for 2 dwellings was submitted and subsequently refused in 1998, however, since this time there has been no further applications submitted.

The site is covered by two Tree Preservation Orders (TPO). As per the planning history section of this report, consent was granted in 2022 for the felling of 2 TPO trees unrelated to this application. 2 replacement trees have been planted along the proposed access road/ footway to the site, although at present these are not covered under the Tree Preservation Order. A further TPO is located to the rear of the site, within the proposed parking area. A further TPO tree is located adjacent to the site near to the newly planted trees but is ultimately located outside of the red line boundary and is instead located within the Trident Business Park. A number of other trees which are not covered by TPOs are located adjacent to the development site, of which some are proposed to be removed or pruned in order to develop the site.

BACKGROUND:

This application is being reported to Committee due to the number of objections received.

RELEVANT PLANNING HISTORY:

- TP/0333/98 – Outline application relating to the erection of two houses. Refused 13/08/1998

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy and roles
 - DS3 – Development principles
 - DS4 – Overall development needs
 - H1 – Range and mix of housing
 - H2 – Affordable housing
 - HS1 – Ensuring the delivery of infrastructure
 - HS2 – Strategic accessibility and sustainable transport
 - HS3 – Telecommunications and broadband connectivity
 - HS6 – Sport and exercise
 - NE4 – Flood risk and water management
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Tree Officer, NBBC Parks and Open Space officer, NBBC Private Sector Housing, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), WCC Fire Safety, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways, NBBC Environmental Health, Severn Trent

No objection from:
NBBC tree officer, NBBC Refuse

Comment from:
Warwickshire Fire Safety

No comments from:
NBBC Policy

No response from:
NBBC Parks and Open Space officer, NBBC Private Sector Housing, Warwickshire Police

NEIGHBOURS NOTIFIED:

Unit 8-9 and Unit 8b Holman Way, 6, 8, 9, 10, 11, 12, 13 15 Park Avenue. 14, 16, 18, 20, 22, 24, 26 28 Trinity Walk, Attleborough Arms Highfield Road.

Neighbouring properties were sent letters notifying them of the proposed development on 20th January 2023 and 15th February 2023 and 23rd January 2024. A site notice was erected on street furniture on 25th January 2023.

NEIGHBOUR RESPONSES:

There have been 12 objections from 12 addresses and 2 objections with no address provided. The comments are summarised below:

1. Increase traffic and impact on on-street parking on Park Avenue.
2. The access road is too close to existing junctions of Tennant Street and William Street creating safety concerns with pedestrians and road users.
3. Park Avenue is a rat run and it is assumed local road users obey the 30mph speed limit.
4. The proposed access road will have poor visibility due to the number of parked vehicles on Park Avenue.
5. The area is already over developed with a more than adequate mix and volume of residential, commercial, business and local services.
6. The few undeveloped areas should be left as open space.
7. Impact on species by removing existing open green space.
8. The site has had mature trees felled recently.
9. Impact on health from car traffic and fumes as a result of recent development increasing the number of vehicles in the area.
10. Impact on loss of light from proposed tree planting and construction of the buildings.
11. Overdevelopment of a small area of land. A significant amount of the land will be taken up by the proposed access road.
12. The land is described by the applicant as brownfield or backland. The true description would be windfall, as the site has never previously been developed.
13. Planning applications for development of a significant number of dwellings and ranges of housing within the borough have already been approved and as such, these houses are not considered to be required.
14. The site is not appropriate in the context of its design, location, impact, cohesiveness and will be discordant in its relations to the other houses and its environment.
15. The land has existing environmental interest with a variety of native trees and bushes, being home to a number of species of birds. Bats also use/ visit the area. However, a number of trees have now been removed from the site.
16. Loss of privacy to existing residents on Park Avenue and Trinity Walk, exacerbated by the three storey design of the dwellings. Vehicle movements along 9 Park Avenue due to the construction of the access road will have noise and vibration impacts.
17. Energy efficient lighting should be considered as part of a planning condition.
18. Dwellings are not fully accessible to people with impaired movement or other disability.
19. A previous application on Park Avenue was dismissed at appeal due to insufficient X/Y splay and other highways issues with are relevant to this application.

20. There is a mature TPO within the site. There will be long term risks to this tree and others nearest the point of access solely due to this proposed application.
21. Plans are not clear on electric vehicle charging points.
22. The small back gardens adjoin the car park of a pub which regularly hosts live music nights and the site also adjoins an industrial estate to the detriment of future occupiers.
23. There is no adequate storage or provision for bin collection.
24. There is no indication is the development will be connect to the mains drainage and sewers and no indication on surface water run off.
25. The access road would expose the property and garage of 9 park Avenue to intruders.
26. Loss of a view.

APPRAISAL:

The key issues to assess in the determination of this application are:

1. The principle of residential development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding and drainage
6. Impact on protected trees, ecology and biodiversity
7. Conclusion

1. The Principle of Residential Development

The National Planning Policy Framework (NPPF) (2023) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental.

The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise. The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS3 states that development that falls within the settlement boundary should be approved. The proposed development is within the settlement boundary of Nuneaton and as per Policy DS2, Nuneaton has the primary role for housing.

The site itself is well-connected to a good range of local facilities and services that can be accessed by foot and other sustainable means of transport. As such, the site is considered to be in a sustainable location and within the defined settlement boundary of Nuneaton. This is considered to meet Policy DS2 and DS3 of the Borough Plan, subject to their being a positive impact on amenity, the surrounding environment and local infrastructure.

The site doesn't have any previous planning history, with the exception of an application for works to a TPO tree which sought consent for the removal of a TPO Tree. The land is not designated for any specific land use within the adopted Borough Plan (2019) meaning that there is no specific restriction on this land preventing a residential use. Sites which are not allocated within the Borough Plan but which come forward within the plan period are referred to as windfall sites. At present, the Council

is able to demonstrate a deliverable five-year housing land supply (5YHLS) but this does not prohibit otherwise acceptable residential development being permitted. The Borough Plan (2019) sets out at paragraph 6.22 an estimated target of 247 dwellings within windfall sites (unallocated sites) between 2021-2031 within the borough. This proposal will go a small way towards this target.

On balance, it is considered that the principle of residential development on this site is acceptable.

2. Impact on residential amenity

Policy BE3 of the Borough Plan (2019) states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance.

The application site is located to the rear of the residential dwellings 9-15 Park Avenue and 14-28 Trinity Walk. To the rear of the site is the Attleborough Arms public house. To the north of the site is Trident Business Park which is made up of a number of commercial and industrial units.

First considering the impact of the proposed development on the adjoining dwellings on Park Avenue. The properties 9-15 Park Avenue are two-storey semi-detached dwellings which have single storey elements to the rear as original. Latest aerial imagery shows that 11 and 13 Park Avenue have extended whilst 9 and 15 remain as original. The proposed dwellings will not directly face the rear of any dwellings and are angled.

As per the Council's Sustainable Construction and Design SPD paragraph 11.3, front rear and side facing windows which serve habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings in the house.

In the interest of protective privacy, a minimum of 20m separation distance is required between existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three-storey development is proposed, a minimum distance of 30m will normally be required.

At 9 Park Avenue, the original rear window closest to the proposed development serves the kitchen which is a habitable room. There is a separation distance of 36m between the windows, although this is at a slight angle. It should also be noted that there is a large flat roofed outbuilding at the very rear of No. 9 which would prevent any direct overlooking at ground floor level. The separation distance at first floor level from No. 9 to the nearest proposed dwelling increases to 40m.

The properties on Park Avenue continue to angle away from the proposed dwellings, and so the distance standards are exceeded in all cases.

Next considering the impact of the proposed dwellings on the properties on Trinity Walk. Although a number of properties adjoin the site, it is considered that only 16, 18

and 20 Trinity Walk would be affected by the proposed dwelling at plot 1, while the remainder would adjoin the car park area or rear gardens.

Plot 1 is set off the site boundary by 1m and would have a blank elevation facing the rear gardens and rear elevations of the 3 dwellings. No 18 and 20 Trinity Walk have single storey rear extensions and so only the impact on first floor habitable rooms can be considered.

As per the SDC SPD, the blank wall of an extension (or new dwelling) directly facing the window of an original habitable room window of the same height shall be a minimum of 12m apart. The minimum distance increases to 14m where the extension is a storey higher and 16m where the difference is two storeys.

In this case, the separation distance between the original ground and first floor rear habitable room windows of 16 Trinity Walk and the blank wall of Plot 1 is 16.84m. As the proposed dwelling is three-storeys, the minimum separation distance is 16m, which is achieved here.

At 18 and 20 Trinity Walk, the distance between the blank wall to Plot 1 and the first-floor rear habitable room window is 16.3m. The minimum distance required here would be 14m, as the proposed dwelling would be one storey higher.

Therefore, the minimum separation distances have been achieved.

It is not considered that there would be a significant impact on 14 or 20-28 Trinity Walk, as these dwellings would have views past the proposed dwellings.

Considering the impact on the future occupiers of the dwellings, the SDC SPD states that new development should meet or exceed the space standards as set out in the Technical Housing Standards – Nationally Described Space Standards.

The proposed dwellings will be 3 storey dwellings with 3 bedrooms. The minimum internal space standard for a 4 person dwelling is 90 sq. m. Internally, the 5 dwellings are identical. The dwellings will have an internal space of 98.5sq. m which is above the minimum space standards.

All dwellings will have access to a private outdoor garden amenity space to the rear, although it is noted that these gardens are relatively small. The Council does not have guidance on the minimum sizes for rear gardens, however, the SDC SPD does state that gardens should be a useable rectangle garden shape, to ensure that space is used most effectively and enhance user amenity. New housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. Amenity space should be provided for passive recreation activities such as reading; active recreational uses such as gardening; and domestic uses such as drying clothes.

The rear gardens will have a depth between 5.95-6.75m. It is considered that although small, this is sufficient to provide sufficient outdoor amenity space for future occupants.

The proposed dwellings will be built adjacent to one another, and it is not considered that there will be any impact on residential amenity. However, there is the potential for rear extensions which could ordinarily be built under permitted developments rights (up to 3m from the rear projection) could have an impact on residential amenity due to

the small depth of gardens. As such, it would be imperative that permitted development rights under Class A (extensions) are removed via planning condition.

In terms of the impact of noise from the nearby noise sources of the pub and industrial units, a noise assessment has been submitted which has been reviewed by NBBC Environmental Health. The report states that the site is mainly influenced by noise from road traffic along the local network, Holman Way industrial estate and the Attleborough Arms PH. Due to the mixed nature of the environment, potential noise impacts at the proposed development was assessed against the highest measured octave band levels during the daytime and night-time to provide a worst case assessment to protect future residents from any industrial or commercial noise within the surrounding area.

The environmental health officer reviewed the findings of the noise report and confirmed that there were no objections to the scheme in terms of the impact of noise, subject to a condition relating to a noise attenuation scheme whereby the details of glazing and ventilation shall be submitted to the Council to review in consultation with the Environmental Health team. It should be noted that this condition was requested to be pre-commencement, however, full justification as to why the requested condition was pre-commencement was not provided. Having reviewed the noise report and the suggested condition, it is considered that as the officer has no objections, it would be unreasonable for such detail to be required pre-commencement. Instead, it would be reasonable that the details relating to glazing and ventilation be required prior to their installation, and that there shall be no occupation of any dwelling until they have been installed in accordance with the details as submitted. As such, the wording of the condition as suggested by the environmental health officer has been slightly amended.

Subject to conditions, it is considered that there would not be any unacceptable harm to residential development as a result of this development.

3. Impact on visual amenity

Policy BE3 of the Borough Plan refers to the need for development to be of a high standard and in keeping with the character of the locality. Accompanying Policy BE3 is the Council's Supplementary Planning Document: Sustainable Design and Construction SPD 2020. Paragraph 10.9 states that residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement and paragraph 10.2 refers to the need for development to maintain the "traditional settlement pattern" by respecting the form of the local environment and should "reinforce the line of the street".

The proposed development would create 5 new dwellings behind the current building line on Park Avenue. It is considered that the proposed group would create their own cohesive group despite being behind the existing street line.

The proposed dwellings would be formed of a pair of semi-detached and 3 terraced properties. They would be three-storey in height with gable roofs and pitched roof dormer to the front and rear serving rooms within the roof space creating townhouses for residential accommodation. Car parking spaces are proposed to the front and the site will be accessed via a private driveway, proposed between 9 Park Avenue and the industrial estate. The materials are not yet determined, however, the submitted Design and Access Statement suggests a mix of brickwork and render. A suitable condition on the decision notice shall be included for details of proposed materials to be submitted.

The development surrounding the site is mixed in nature with some commercial and industrial uses as well as residential dwellings. On Park Avenue, the dwellings are made up mainly of two-storey semi and period terraced properties.

A number of trees currently cover the site. It is noted that a number of trees have been removed from the site. Two TPO trees which fronted the site have recently been removed under application 038419 and two replacement trees have been planted. A further single Oak TPO tree is located to the rear of the site and is proposed to remain; it will be located to the front of the site within the car park area.

It is considered that although the proposed dwellings will appear different compared to the more traditional dwellings on Park Avenue due to their contemporary style, this is considered to be acceptable in this case. The dwellings are behind the main build line on Park Avenue and they will form their own cohesive group. Furthermore, the mixed nature of residential and commercial/ industrial on Park Avenue means that there is no strict design or build line. Furthermore, the dwellings will be shielded from the main road by trees to the front and within the site.

No details have been submitted on boundary treatments to surround the site or between the dwellings. A suitable condition is proposed to be included on the decision notice for details to be submitted.

On balance, it is considered that the proposed development will not have a detrimental impact on visual amenity.

4. Impact on Highway Safety

The development is proposed to be accessed via a new private access located off Park Avenue. The original arrangement proposed a bellmouth access, however, following a consultation with the Highway Authority, this has been amended to a dropped kerb crossover as only 5 dwellings are proposed. It was considered that a bellmouth arrangement could give vehicles priority, whereas a crossover would maintain pedestrian priority. A stage 1 Road Safety Audit (RSA) was requested, due to the prevalence of on-street parking along Park Avenue within the visibility splays and close to the access potential impacts the swept path of vehicles. The RSA indented one problem:

It is assumed that a vehicle will not park immediately to the left of the development access when exiting the junction. Whilst a fire tender may only access the site infrequently, a delivery (panel) van or similar is likely to access the development on a more regular basis. A vehicle parked immediately to the left of the access junction may result in larger vehicles overrun footway areas or striking other parked vehicles in order to carry out their turning manoeuvres to access/ egress the site.

The audit team recommended that measures are put in place to ensure that vehicles can safely access/egress the development access.

The designers responses stated that Rule 243 of the Highway Code states that vehicles are not to “stop or park opposite or within 10 metres of a junction”. Therefore, all on-street parking has been relocated to be 10m away from the proposed access. Drawing F22173/03 Rev. A demonstrates how both a delivery vehicle and fire tender can access the site. The RSA states that this is considered to be a significant issue and the concerns outweigh the benefit of continuous pedestrian facilities, the recommendation would be to revert to the original bellmouth layout.

The RSA was reviewed by WCC Road Safety team who agreed with the problem and accepted the designer response. It is considered that additional measures such as a H-Bar marking could be implemented and will be agreed as part of the S184 process. This is a separate process to the planning process and will be between the developer and the highway authority.

A bin collection point (BCP) was originally proposed on the footway within the site, however, following comments from the Highway Authority and NBBC Waste & Refuse team, this has been removed from the scheme. The BCP would have exceeded drag distances from the dwellings and also would have restricted pedestrian movements by blocking the footway.

Swept path assessments for a refuse collection vehicle have been submitted which shows that a vehicle (10.2m in length) could enter the site and turnaround within it in order to be able to re-enter the highway in a forward gear. NBBC waste and refuse team had no objections to this subject to site lines when exiting the development is suitable and in line with WCC Highways requirements. This has been confirmed by the submitted swept path and RSA. It is proposed that bins shall be kept to the side or rear of the properties.

The scheme proposes 11 car parking spaces to the front of the dwellings. There shall be 2 car parking spaces allocated per dwelling and 1 visitor parking space. This is in accordance with the Transport Demand Matters: Parking Standards SPD. The Highway Authority had no objections to this arrangement.

It was confirmed that the Highway Authority had no objections to the proposal subject to conditions. It is on this basis that it is considered that there would not be a detrimental impact on the highway network as a result of the development.

5. Flooding and Drainage

Using the Environment Agency's Fluvial Flood mapping, the site is located wholly within Flood Zone 1 and has a low probability of flooding from rivers and also has very low chance of flooding from surface water.

As the application is not a major development, the WCC Flood Risk Team have not been consulted in relation to surface water drainage. However, the submitted application form states that the development would dispose of surface water via a sustainable drainage system and main sewer.

Planning Practice Guidance states that the types of sustainable drainage system which it may be considered appropriate to consider will depend on the proposed development and its location, as well as planning policies and guidance that apply locally. Where possible, preference should be given to multi-functional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

1. Into the ground (infiltration)
2. To a surface water body
3. To a surface water sewer, highway drain, or another drainage system
4. To a combined sewer

Foul sewage is proposed to be disposed of via mains sewer and package treatment plant.

No further details have been provided in relation to what sustainable drainage system is proposed however as water will be disposed via main sewer, Severn Trent Water have been consulted. Their response confirmed that as per the PPG, the disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should be explored. If these are found to be unsuitable, satisfactory evidence will need to be submitted. A condition was suggested by Severn Trent for further details to be submitted in relation to the disposal of surface water and foul sewage.

Subject to the proposed condition, it is considered that there would not be an unacceptable impact on flooding or drainage as a result of the development.

6. Impact on Protected Trees, Ecology and Biodiversity

The site is affected by two Tree Preservation Orders - 2/80 and 9/98.

TPO 2/80 covers 13 trees, however, only 3 trees are close to the site. T12 (Lime tree) and T13 (Sycamore tree) were removed under application 038419. As part of a condition on this application, two replacement trees have been planted and are located adjacent to the access road. It was agreed that the replacement trees are to consist of two Hornbeams *Carpinus betulus*, with one tree to be planted as close to T12 and T13 as possible and the second to be planted 8m to the rear of the first replacement. Both trees shall be at least 4m in height and a stem girth of 12-14cm at 1m from ground level. T11 (Lime tree) remains on site, however, is located outside of the red line (T2 on submitted tree survey plan). T11 and the two replacement trees are to remain as part of this development.

TPO 09/98 covers 1 Common Lime tree (T1 on tree survey plan). This tree is located within the site, to which the car parking area is proposed to surround it. The submitted Arboricultural Method Statement (AMS) and tree survey plan confirms that some works are proposed to this tree including crown lift to 3.5m for clearance for construction and emergency service vehicles. Removal of basal epicormic growth and removal of deadwood.

4 other groups of tree (G1-G4), however, these are not protected by way of Tree Preservation Order. G3 are category C trees and is proposed for partial removal, as some trees are within the footprint of the new housing development plot 5. Similarly, G4 which are category C trees is to be partially removed as they are within the footprint of Plot 1. A suitable condition is proposed to be included on the decision notice in relation to these groups of trees for further information on the proposed removal and/or pruning works to be submitted and reviewed so that works are kept to a minimum and no trees are unnecessarily removed or pruned.

The proposal has been assessed by the council's tree officer whereby additional information has been requested. In reviewing the most recent AMS, Arboricultural Impact Assessment (AIA) and tree survey plans, the following comments have been received.

The AIA states that the trees proposed to be removed are "unlikely to significantly impact the visual amenity of the local area" as the development is largely hidden from the dominant street scene, the value of the trees will largely be limited in terms of public amenity. T1 is unlikely to have had history of providing comprehensive benefits to the general public due to its position behind the building line. The tree is surveyed as a Category A tree which can be described as trees of high quality, with an estimated life

expectancy of at least 40 years, however, the tree officer speculates that it has mainly achieved this Category A status through arboricultural qualities. The species itself is a commonly found one and given its position behind the group of dwellings, there is very limited views of the tree and so the visual amenity of the tree is limited.

The council's adopted Open Space and Green Infrastructure SPD and BS:5837 states that Root Protection Area (RPA) structures (i.e. manufacturing object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork) should not be permitted within RPAs unless there is an overriding justification for doing so. If entering RPAs, this should be to the least impact possible.

The AIA confirms that although there are challenges with the construction, mainly with the car parking and kerbs. Nevertheless, the arborist remains confident that the tree can remain viable and this has been demonstrated within the AMS.

It is considered that the only way to development this site is, most probably, to enter into the RPA to some degree. The merits of doing so to the degree submitted should be weighed and balanced in order to determine if the justification of doing so to the proposed degree is an overriding one.

It is recommended within the council's adopted Open Space and Green Infrastructure SPD and BS:5837 that development (and any related activity) is taking place within a largely unprotected RPA of T1. The tree officer has raised a concern that, as per the AMS, that T1 is offered minimal protection throughout construction, demolition and preparation activities, with physical barriers being limited to stem protection only. This would leave relatively open access to the canopy and the RPA. Although some activity is to be witnessed by the project arborist, this is not exhaustive, and much work will pass by the tree or potentially happen under it. It is noted that no secondary protection zone has been proposed for when the arborist is not in attendance. The RPA should be protected as per BS:5837 and this protection peeled back as needed for access during RPA works being observed by the project arborist.

Having read through the AMS, within part 3.3 – Main works (construction), a detailed schedule has been provided on how the tree will be protected by protective barriers to define the 'Construction Exclusion Zone' (CEZ). The extent of the CEZ encompasses the RPA or the tree canopy, whichever is the greatest. It has been confirmed that no works, including storage of construction materials, shall take place within the CEZ. The proposed location of the protective barriers are identified on the tree protection plan (contained within the AMS) and shows that the trees within the site including T1 and the 2 recently planted replacement trees are to be protected during construction works. This is considered to be a reasonable approach given the position of the trees.

The AMS also states that any construction works for areas of new hardstanding will utilise a cellular confinement system to be installed within the RPA for T1 for the provision of new car park and access road. The hardstanding will act as permanent ground protection and will prevent soil compaction to the RPA of T1. All hardstanding is to be installed with the supervision of a project arborist and use a no-dig construction methodology, the full details of which are within the AMS.

The construction of any structures within the RPA or CEZ, such as boundary treatments and the installation of utilities are detailed and are proposed to be kept away from the RPA to as much as possible. However, in some instances where it may be necessary to enter the RPA, this will be carried out in such a way to prevent substantial damage to the root system and will be supervised by the project arborist.

On balance, it is considered that the methods for the protection of the tree during construction works are reasonable, definitive and are acceptable.

The tree officer also states that works to lift the crown of the tree are proposed, however, beyond this initial facilitation pruning, ongoing pressure from the proposed new context of the tree should be considered when weighing the pros and cons of this proposal. The tree is likely to drop sap and will need regular maintenance in general terms to keep in confined under its new context within the housing development/ car parking area as well as pruning for high-access vehicles. This is noted, however, any facilitation works will require an application for works to a tree preservation order, which will be fully assessed at that time and it is not considered that this is of such a significant issue to warrant refusal.

The tree officer raised no objection to the principle of the access road/ footway surrounding the recently planted replacement trees. It should be noted that under the application 038419, as part of a condition on the decision notice, if either of the two hornbeam trees which were planted to replace T12 and T13 of TPO 02/80, die or are removed or damaged within 5 years of being planted on site then they shall be replaced in a similar location by a tree of a similar type and maturity. The tree officer does not believe that the trees are currently worthy of protected by TPO due to their limited size.

On balance it is considered that the AMS provides a very detailed assessment of the trees and the works to be carried out on the site in order to facilitate the development, whilst causing the minimal impact to the tree (the canopy and the RPA) of T1 as reasonably possible.

It is therefore considered that the scheme has provided a reasonable assessment of the trees and how they will be protected during construction. The comments from the tree officer in relation to the on-going pressures which may be on the tree as a result of this development are noted, however, as per summary provided in the AIA, a raised non-invasive kerb to prevent direct damage and soil compaction by vehicles utilising the site following its completion and occupation is proposed. Furthermore, a suggested long term impact protection to the tree from vehicles is proposed to the stem of T1, which may take the form of a curved railway sleeper. It would be reasonable for final details on this to be submitted and implemented, prior to occupation of the first dwelling.

The scheme is considered to be acceptable on balance in terms of the impact on protected trees, ecology and biodiversity.

7. Conclusion

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is within the settlement boundary of the Borough and would provide improved leisure facilities.

The potential impacts of the proposed development in relation to the principle of the development, residential amenity, visual amenity, highway safety, flooding and drainage, trees, biodiversity and ecology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of conditions.

Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the development plan and other policies within the NPPF. Furthermore, there are no material considerations or adverse impacts which indicate that the application should be refused. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Description	Reference Number	Date Received
Site location plan	SK-001	11/01/2023
Topographical plan	22659-22-01	11/01/2023
TPO replacement trees plan	323-007	11/01/2023
Proposed site block plan	323-003D	02/06/2023
Site layout plan	323-004D	02/06/2023
Proposed floor plans	323-005D	02/06/2023
Proposed elevations	323-006B	02/06/2023
Tree survey plan	C160136-01-01	05/06/2023
Proposed access layout and visibility assessment	F22173/01 Rev. D	03/11/2023
Dimensions plan	F22173/02 Rev. C	03/11/2023

3. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan no. 323-003D (proposed site block plan) and 323-004D (site layout plan) have been submitted to and approved in writing by the Council in consultation with the Highway Authority. No dwelling 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.

4. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Loading and unloading of plant/materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding.

- vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- vii. A scheme for recycling/disposing of waste resulting from construction works.
- viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

5. No development shall 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 then be implemented in accordance with the approved details prior to the first occupation of any dwelling.

6. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

7. No development shall commence until a Schedule of Works to all retained trees (including all access facilitation pruning) and an arboricultural site monitoring schedule has been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

8. No development shall commence until a dust management plan has been submitted and approved in writing by the Council. The plan shall detail measures for the control and reduction of dust associated with earthworks, construction and arrangements for monitoring air quality during construction. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

9. The proposed vehicular access to the site shall not be used unless a public highway footway/ verge crossing has been laid out and constructed in accordance with the details contained within drawings no. F22137/01 Rev. D (Proposed access layout and visibility assessment) and F22173/02 Rev. C (dimensions plan).

10. The development shall not be occupied until splays of at least 2.4 metres x 2.4 metres have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above the level of the public highway footway.

11. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 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.

12. The development shall not be occupied until details of a noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal and external noise levels as defined in table 4 and paragraph 7.7.3.2 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and approved in writing by the Council in consultation with NBBC Environmental Health. No dwelling shall be occupied until they have been fitted with the appropriate glazing and ventilation details as approved.

13. The development shall not be occupied until the location and details of Electric Vehicle (EV) charging points, at a rate of one charging point per 10 spaces, has been

submitted and approved in writing by the local planning authority. The EV charging point(s) shall then be installed in accordance with the approved details and maintained in perpetuity. In addition, at that time, the developer shall also ensure that appropriate cabling is provided to enable increase in future provision.

14. No development shall commence above slab level until full details have been submitted to and approved in writing by the Council confirming the long term impact protection to the stem of T1 from vehicles (e.g. a curved railway sleeper). No dwelling shall be occupied until the approved stem protection has been implemented in full. Furthermore, the stem protection measure(s) shall be maintained for the lifetime of the development.

15. No development shall commence above slab level until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

16. No development shall not commence above slab level until full details of the boundary treatments, including new walls, fences and gates have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

17. No development shall not commence above slab level until a detailed soft landscaping scheme has first been submitted to and approved in writing by the Council. The scheme shall be completed within 12 months of the completion of the construction of the dwellings and subsequently maintained in the following manner:

Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

18. Prior to installation, details of the cycle storage area as shown on drawing No. 323-004D shall be submitted to and approved in writing by the Council. The details shall include the type of cycle storage and details on how they shall be made safe and secure. The development shall then be carried out in accordance with the submitted details and maintained for the lifetime of the development.

19. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

20. For domestic heating provision, all gas-fired boiler installations shall be low NOx emission type to meet a minimum standard of less than 40mg NOx/kWh.

21. The development shall not be carried out other than in accordance with Arboricultural Method Statement (Report Number: RT/MME-160337-01-Rev B) received by the Council on 10th October 2023. No tree or hedgerow other than those shown within Arboricultural Impact Assessment (Report Number: RT/MME-160136-02) received by the Council on 2nd June 2023 shall be removed unless otherwise agreed in writing by the Council. No construction works shall commence until measures for the protection of the trees and hedges to be retained in accordance with the details

in the Arboricultural Method Statement have been implemented in full during the course of development.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and en-acting that Order) no enlargement, improvement or other alteration to the dwellinghouse permitted by Schedule 2 Class A of the Order, no porches permitted by Schedule 2 Class D of the Order and no buildings etc incidental to the enjoyment of the dwellinghouse permitted by Schedule 2 Class E of the Order shall be erected without the prior written consent of the Council.

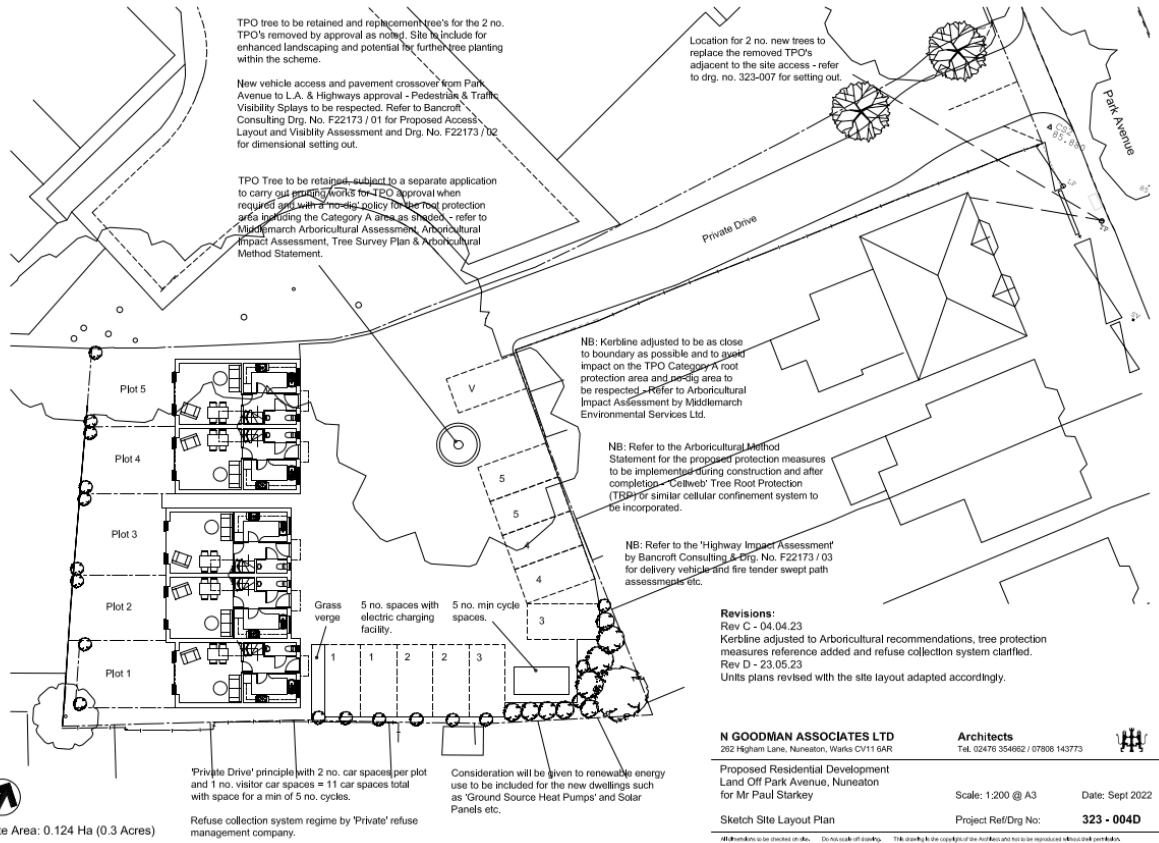


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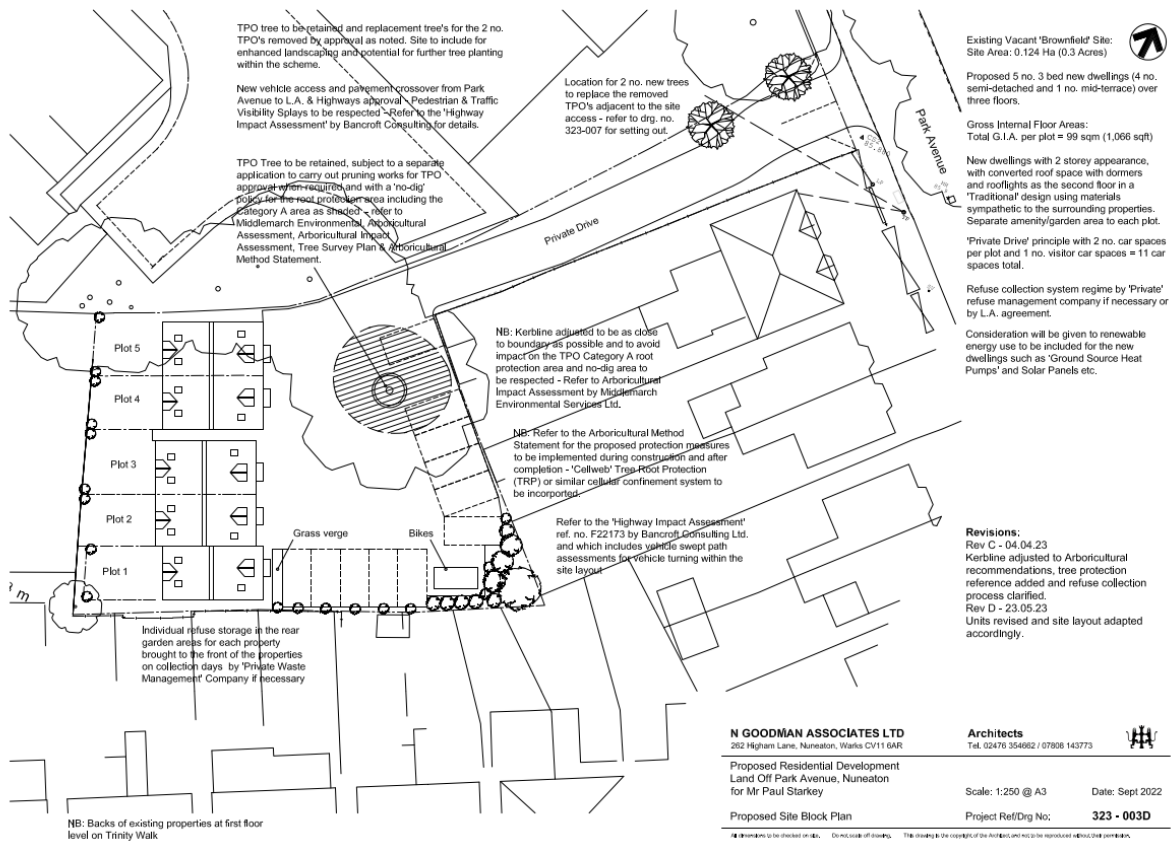
SITE LOCATION PLAN SK - 001
SCALE 1:1250 @ A4

Land Off Park Avenue
Nuneaton
Warks
CV11 4PH

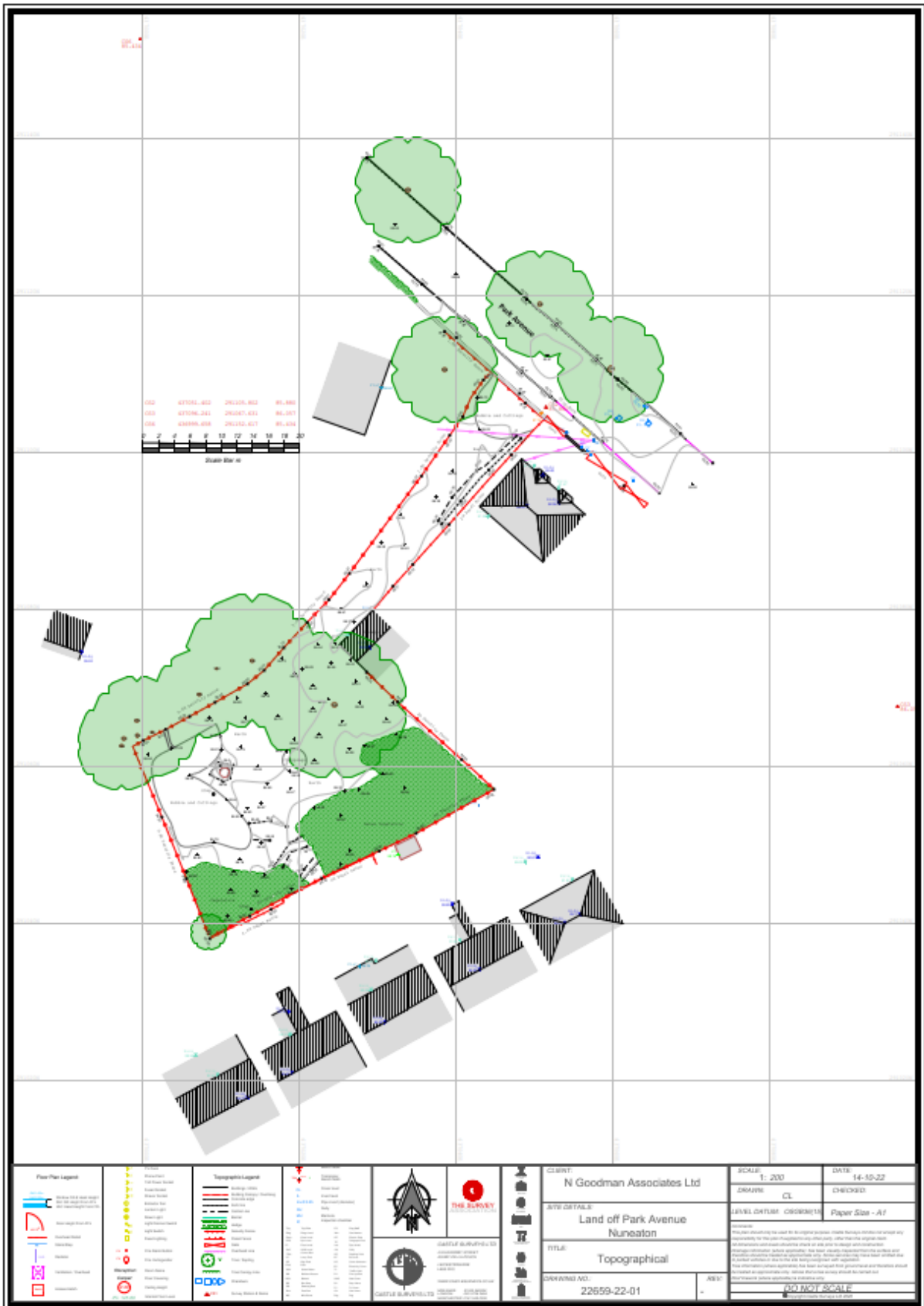
Location plan



Site layout plan



Site block plan



Topographical plan

2 no. replacement tree's for the 2 no. TPO's removed by approval ref. no. 098419.

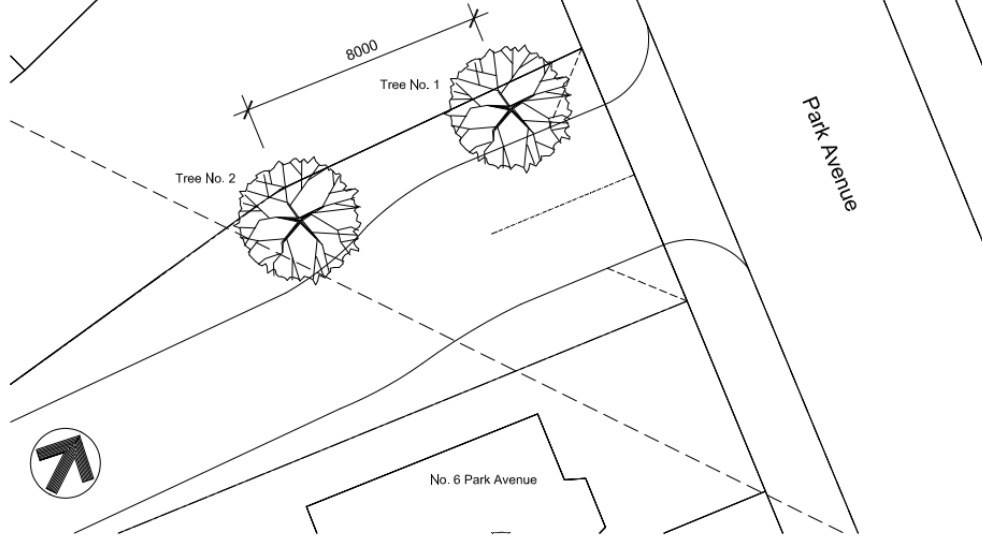
Tree No. 1 to be approx 2.5m into the site from the back of the footpath on Park Avenue and to be approx 7m away from the boundary fence adjacent. Tree No. 2 to be a further 8m into the site behind tree No. 1 and approx 1.5m away from the boundary fence adjacent.

The replacement trees are to be at least 4m in height at the time of planting and both should have a stem girth of 12 - 14cm at height of 1m from ground level.

Both replacement trees are to be Hornbeams (carpinus betulas).

NB: If either of the replacement trees die or are removed or damaged within 5 years of them being planted on site then they are to be replaced in a similar location with trees of a similar type and maturity.

NB: Once planted, the replacement trees will be assessed in order to amend the TPO schedule (02/80).



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Land Off Park Avenue, Nuneaton
for Mr Paul Starkey

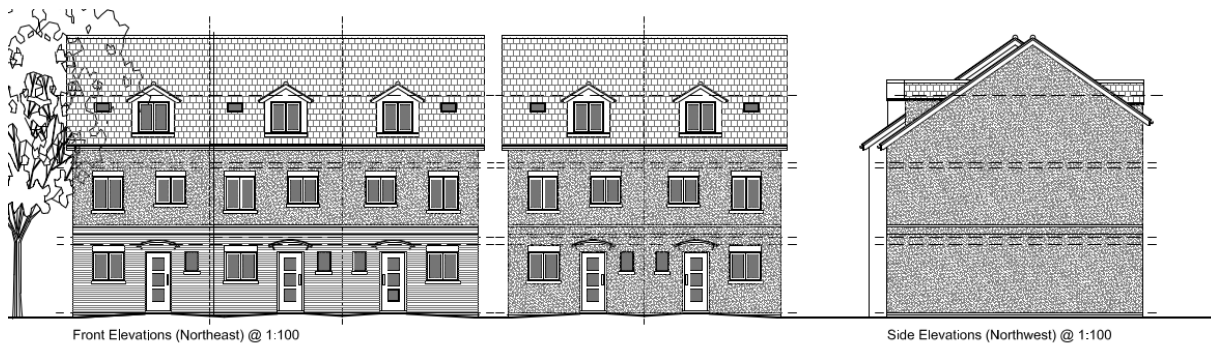
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TPO Replacement Tree's Plan

Project Ref/Drg No: **323 - 007**

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TPO Replacement tree plan



Front Elevations (Northeast) @ 1:100

Side Elevations (Northwest) @ 1:100



Rear Elevations (Southwest) @ 1:100

Side Elevations (Southeast) @ 1:100

Revisions:
Rev B - 23.05.23
Minor amendments.

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Proposed Residential Development
Land Off Park Avenue, Nuneaton
for Mr Paul Starkey

Scale: 1:100 @ A3 Date: Oct 2022

Plots 1 - 5 Elevations

Project Ref/Drg No: **323 - 006B**

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Proposed elevations



New 3 Bed Semi-Detached & 1 Mid-Terrace Dwellings:
 Ground Floor G.I.A = 35 sqm (377 sqft)
 First Floor G.I.A = 34 sqm (366 sqft)
 Second Floor G.I.A = 30 sqm (323 sqft)
 Total G.I.A. Per Plot = 99 sqm (1,066 sqft)

Revisions:
 Rev B - 23.05.23
 Minor amendments to the unit plans.

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Proposed Residential Development
 Land Off Park Avenue, Nuneaton

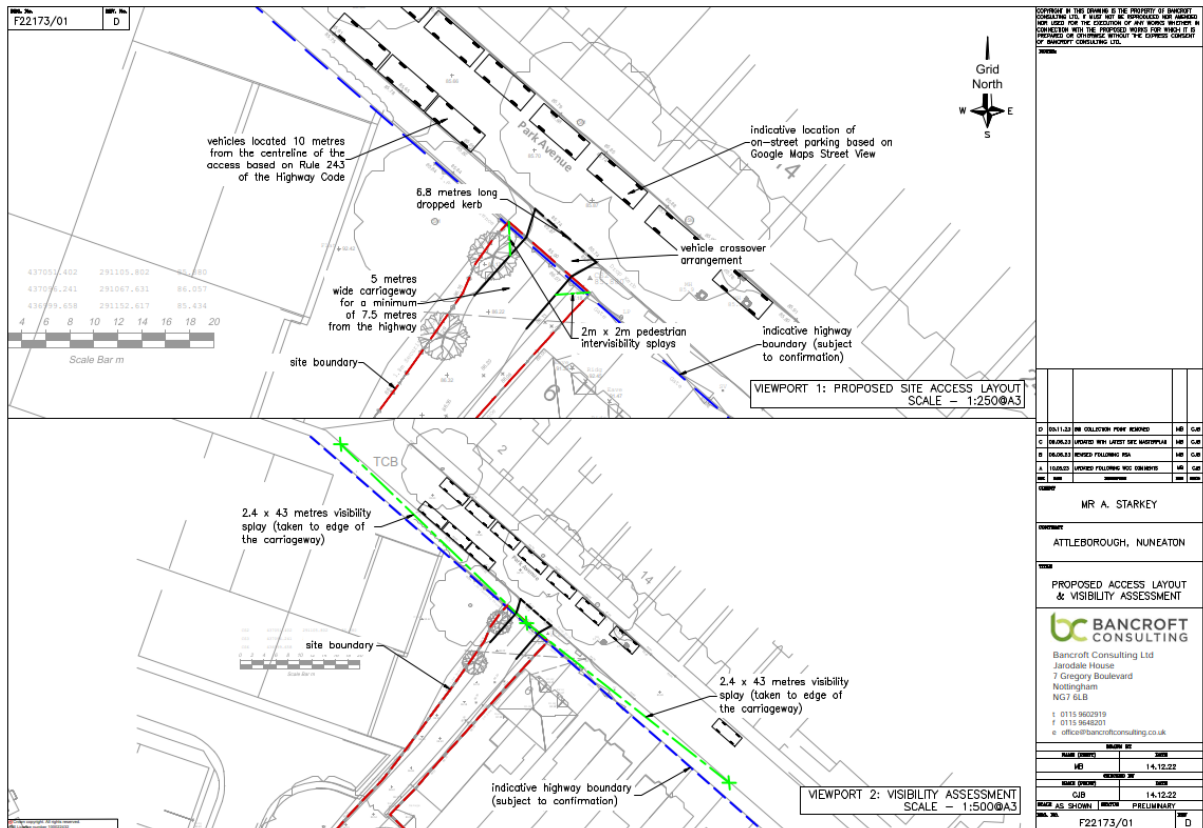
Scale: 1:100 @ A3 Date: Oct 2022

Plot Floor Plans as Proposed

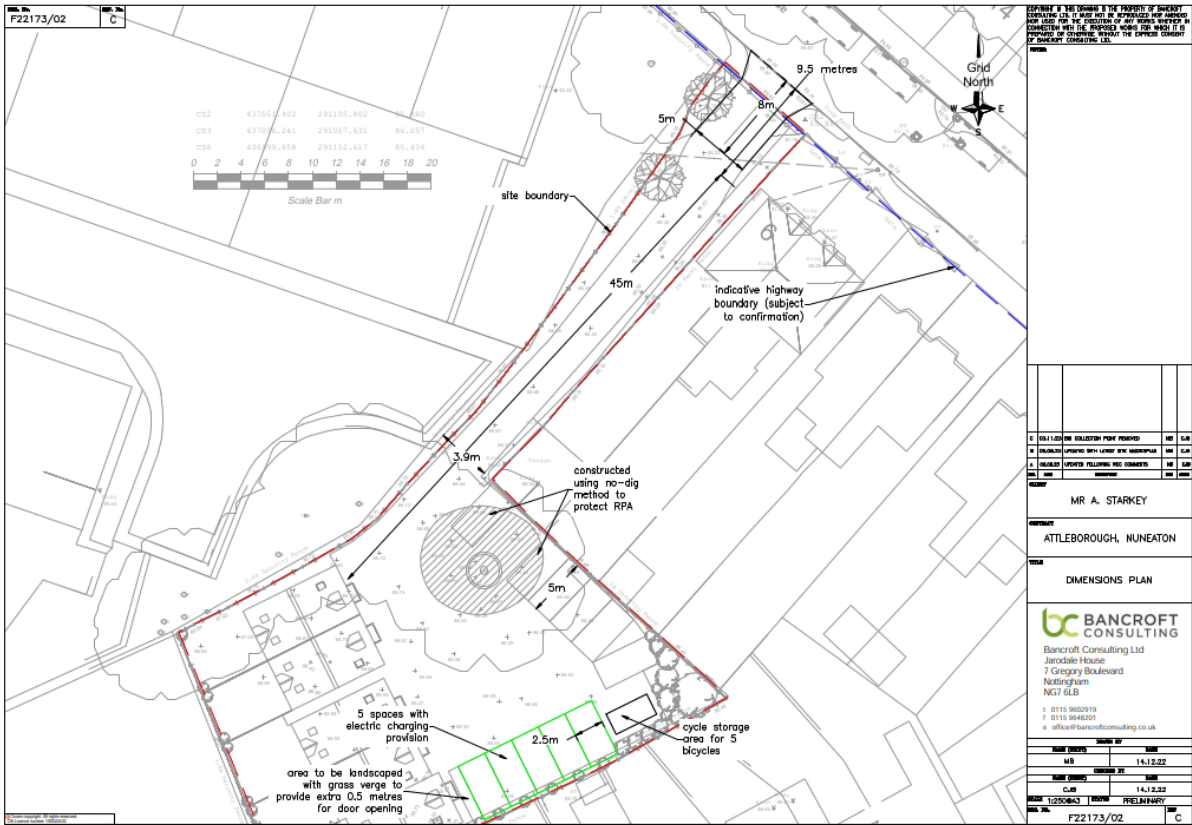
Project Ref/Dwg No: **323 - 005B**

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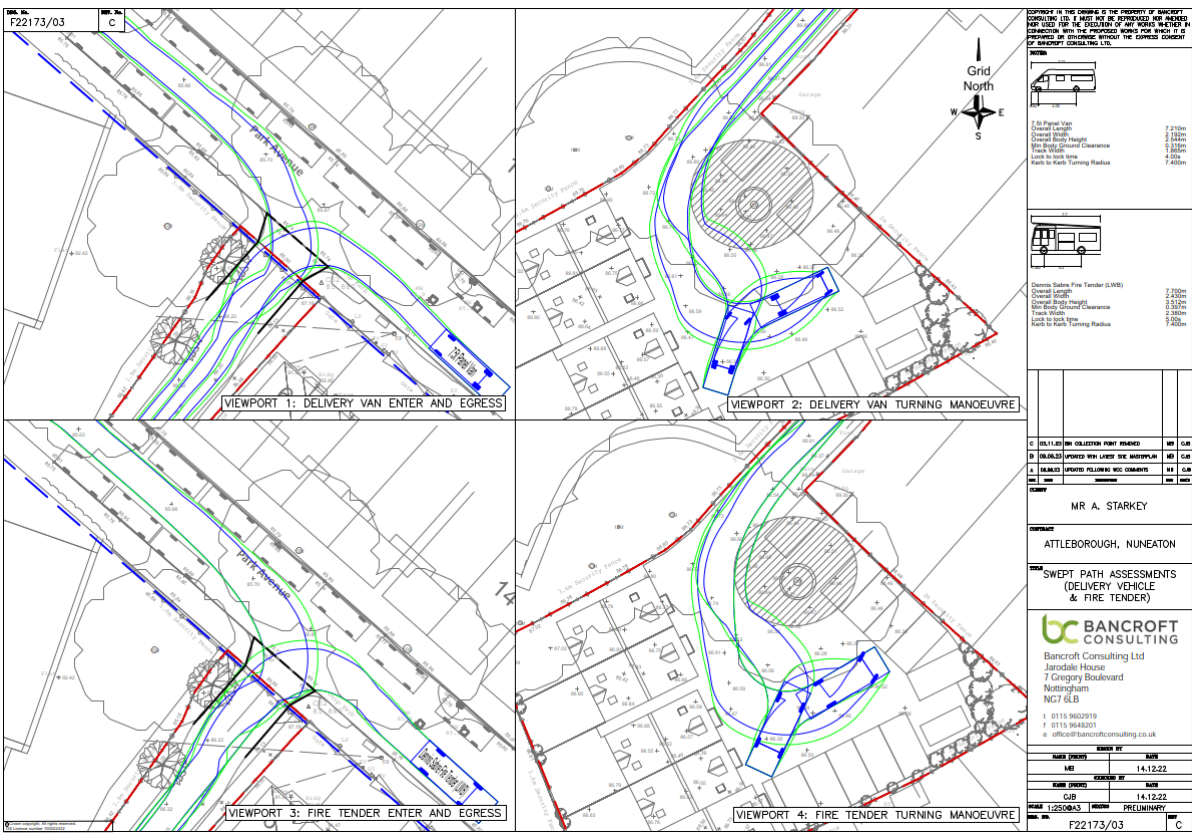
Proposed floor plans



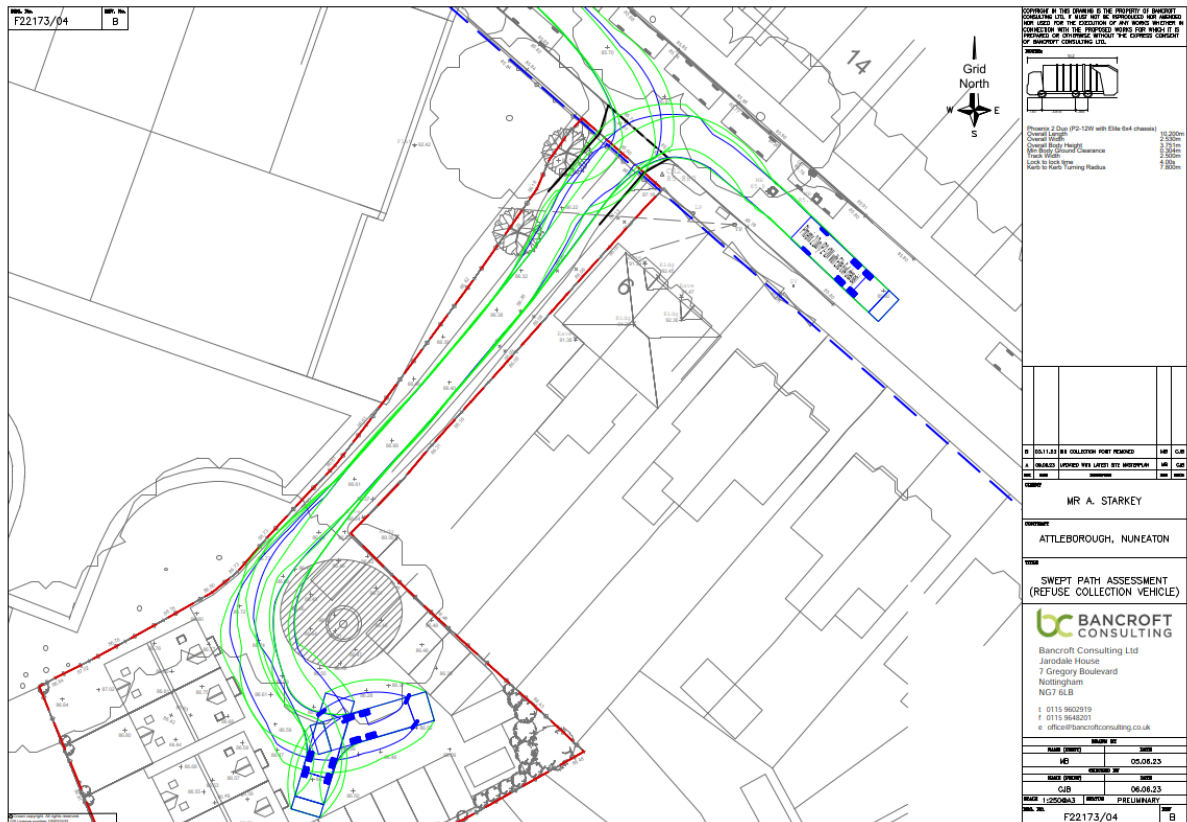
Proposed access layout and visibility assessment



Dimensions plan



Swept path assessments – delivery vehicle and fire tender



Swept path assessments – refuse collection vehicle

REFERENCE No. 039848**Site Address:** 208 Lutterworth Road Nuneaton Warwickshire CV11 6PG**Description of Development:** Remodelling of the dwelling to include an increase in scale to a 2- storey dwelling with ground floor extensions to the side and rear, as well as a first floor extension and gable roof, erection of replacement front boundary wall, erection of raised decking to rear.**Applicant:** Gustav Sharma**Ward:** WH

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject the conditions printed.

INTRODUCTION:

Permission is sought for the remodelling of the dwelling to include an increase in scale to a 2-storey dwelling with ground floor extensions to the side and rear, as well as a first floor extension and gable roof, erection of replacement front boundary wall, erection of raised decking to rear at 208 Lutterworth Road, Nuneaton, Warwickshire, CV11 6PG.

208 Lutterworth Road used to be a residential detached bungalow which was located adjacently to a private residential road leading to two further residential properties, 206A and 208A Lutterworth Road. The bungalow was originally constructed from red brick built with front dormer windows and a gable roof with a front gable feature. However, as this is a retrospective application, the proposed dwelling with the extensions and alterations proposed in the application has been mainly constructed with both storeys and the side extension being erected.

The proposed development is to erect a second storey on top of the original bungalow and erect two side extensions onto both original side elevations. This would raise the ridge height by 8.275m and bring it more in line with, but still below, the adjacent neighbouring property, 210 Lutterworth Road. During the assessment period, the wall to the front boundary was noticed and as it was above permitted development rights it was added to the application, although the design has since been amended to create an access to the front of the property and split the wall into two sections.

BACKGROUND:

The original application was submitted in July 2023 for, 'Retention of single storey to rear and side (extension off both side elevations) and loft conversion to include hipped to gable roof conversion, 2no. rear gables,' planning reference 039768. However, during the process of assessing this application the plans significantly changed with the introduction of the second storey and it was felt that would be too much of a change to deal with under the same application. As a result, this application was returned to the applicant and/or their appointed agent in September 2023. The current application

was then submitted with the description as printed and the boundary wall element was added after a site visit had taken place.

From an enforcement point of view, the case was first reported to the council on 25th July 2023, with further discussions throughout the entirety of this process. Site Visits by NBBC Planning Enforcement, NBBC Development Control and Building Control have been undertaken. The work did continue without permission, with the applicant the agent repeatedly warned that the work was at their own risk as they did not have permission. Letters from NBBC Planning Enforcement have also been sent to reinforcement this warning. Further complaints and queries were submitted in October 2023, about working hours and noise issues and in December 2023 that there were health and safety concerns and issues which are still being investigated and so no further information can be provided, with an incident involving the emergency services also taking place.

Notwithstanding the number of objections, which does cross the required threshold, this application is being reported to Committee at the request of Councillor Gutteridge.

RELEVANT PLANNING HISTORY:

- 039768 Retention of single storey to rear and side (extension of both side elevations) and loft conversion to include hipped to gable roof conversion, 2no. rear gables- Returned with no decision- September 2023

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

WCC Highways

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways

NEIGHBOURS NOTIFIED:

206, 206A, 207, 208A, 210 Lutterworth Road and 34 and 36 Fairway were sent letters on 19/09/2023 and then a further letter, once the amended plans were submitted, was sent on 13/11/2023 to the same addresses. These letters were to notify them of the proposed development.

NEIGHBOUR RESPONSES:

There have been 9 objections from 6 different addresses. The comments are summarised below;

1. Built without permission
2. Set higher and towers over 210 Lutterworth Road
3. Privacy Issues
4. Overshadowing Issues
5. Impact Highways Safety on both Lutterworth Road and the private road
6. Poor building quality and building contractors on site

APPRAISAL:

The key issues to assess in the determination of this application are:

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Impact on Highway Safety
4. Conclusion

1. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction (SDC) SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extensions at 208 Lutterworth Road will affect the neighbouring properties, which in this case are the adjacent neighbouring properties, 206 and 210 Lutterworth Road, the rear neighbouring properties, 206a and 206b Lutterworth Road and neighbouring property on the opposite side of Lutterworth Road, 207 and 209 Lutterworth Road.

Impact on 206 Lutterworth Road

206 Lutterworth Road is a detached, residential dormer bungalow located adjacent to the applicant property, 208 Lutterworth Road, separated by a private road which leads to 206a and 206b Lutterworth Road. The front, side facing, and rear elevations could be impacted by the proposal at 208 Lutterworth Road.

The front elevation has 2 openings and roof window on the pitch of the hipped roof. The 2 openings are bay windows of clear glass window on the ground floor. As it is a bungalow, it is safe to assume that both of these openings are for habitable rooms and as such both a 45- and 60-degree line, under paragraph 11.9 of the SDC SPD, are drawn from the centre of these openings which the proposal should not breach. Both the 45 and 60 degree lines are not breached as although the proposal is going a storey higher, it is not extending in front of the existing front elevation.

The side elevation that faces onto the applicant property is also parallel to the private road which leads to 206A and 206B Lutterworth Road. On this elevation, there are 3 openings on the main part of the elevation, 2 windows and an entrance door and 2 side facing dormers with windows on the elevation facing the applicant property. The property has building control consent from 2004 for a loft conversion and as such, the dormer windows are not original openings. As per 11.3 of the SDC SPD, whilst front, rear and side facing windows to habitable rooms can be afforded protection from significant overlooking or overshadowing, the Council are only able to consider the impact on original openings.

The rear elevation has also been extended and is therefore not original as there is evidence of a different brick type and so none of the openings can be protected. Finally, a detached garage is located on the boundary with the private road and projects past the rear elevation of this property towards the front of the curtilage of the property and so it blocks the openings from being further impacted by the ground floor element of the scheme.

The proposed front boundary wall does not directly face this elevation and so will not have a significant impact on the residential amenity of this property.

There is also rear decking proposed as part of this application, which is proposed to be 0.625m in height. This is double the level under permitted development and so is a significant addition. However, directly next to the decking is the side elevation of 2 outbuildings at this property and so it is not considered that there would be any direct overlooking or perceived sense of overlooking as the outbuildings will block views of the private rear garden amenity space.

Impact on 210 Lutterworth Road

210 Lutterworth Road is a two-storey semi-detached residential property which is an adjacent property but is not connected to the applicant property. Therefore, the front, side and rear elevations could be impacted by the proposal.

The front elevation has 3 openings; the garage door and front door cannot be protected under paragraph 11.3 and the ground floor of a 2-storey bay window which is for a living room and so can be protected under paragraph 11.3 as it original and serves a habitable room. As such, a 45-degree line is drawn from the centre of this opening which cannot be breached. The first-floor element of the extension will not project in front of the existing front elevation and as such, there is no breach to the 45 degree line.

To the first floor of the front elevation there are 2 openings including the first floor of the 2-storey bay window and another window. Both appear to be for habitable rooms and so a 60-degree line is drawn from the centre of the openings which the first-floor element must not breach. Again, as the extension does not extend forward of the property, the 60 degree line is not breached.

The side elevation has number of openings, with only the pitched roof single storey section featuring openings. None of them are for habitable rooms but also are a part of an extension and so are not original therefore they cannot be protected under paragraph 11.3 of SDC SPD.

The rear elevation has a number of openings across 3 storeys. On the ground floor there is a single storey conservatory style projection which is not original or habitable and so cannot be protected under section 11.3 of the SPD. On the side nearest to the applicant property there is a brick built non-original projection which also cannot be protected under the SPD. On the first floor there are original openings which can be protected as there are for bedrooms. However, the proposed first floor will not project past the rear of this property and so these openings are not impacted by the proposal. On the second storey, there is a small dormer window, which could be original as there is a similar one at the attached semi-detached property. However, again as the proposed first floor will not project past the rear of this property, this opening is not impacted by the proposal.

The proposed rear single storey element of the property projects by 5m past the rear elevation which is not original to the property. However, it is also set approximately 1m from the boundary edge and so even though it is more than the SPD states, the distance away from the boundary means would mean it is acceptable on balance.

The proposed front boundary wall is located 22.7m from the ground floor bay window and as it is not directly facing the opening and so there would be no impact and is considered to be acceptable.

Finally, there is rear decking proposed as part of this application, which is proposed to be 0.625m in height. This is double the level under permitted development and so is a significant addition. The decking is to be set off the boundary by 1m and with a suitably worded condition to provide screening to prevent overlooking, it not considered that there would be a significant impact on residential amenity as a result. Condition 5 for details to be submitted in relation to screening is proposed to be added to the decision notice, if the recommendation is followed.

Impact on 206a and 208a Lutterworth Road

206a and 208a Lutterworth Road are the northern neighbouring properties which are located at the end of the private road. The front elevations of these properties do not face the rear elevation of the applicant property and are also located a significant distance away. On balance, as the front elevations do not directly face the extensions, it is not considered that there would be any detrimental impact as a result the proposed works at 208 Lutterworth Road.

Impact on 207 and 209 Lutterworth Road

207 and 209 Lutterworth Road are the neighbouring properties directly opposite the applicant property on the opposite side of the highway, Lutterworth Road. The front boundary wall and proposed front elevation will directly face the front elevations of numbers 207 and 209. The distance from the front boundary wall to number 207 is 46.8m and to number 209 is 46.9m which would be of an acceptable distance and would not detrimentally impact these dwellings. The proposed front elevation which is to increase in height to two-storey level is set further back than the wall and although is a storey higher than the wall is acceptable at the proposed distances.

On balance, subject to conditions, it is not considered that there would be an unacceptable impact on the residential amenity as a result of the proposed extensions and other works at 208 Lutterworth Road.

2. Impact on Visual Amenity

Section 13, paragraphs 13.8-13.12, of the Sustainable Design and Construction SPD 2020, indicates how extensions and alterations to the existing houses should impact the visual amenity of an area.

The proposal is to alter and extend the existing residential bungalow into a 2-storey residential property with a gable roof and single storey extension to the rear including rear decking area and a 1.6m boundary fence to the front of the property. This will introduce a different feature to the street scene than what was there previously as the design for the new property is different to that of the existing. This section will look to see if the extensions and alterations have a significant detrimental impact on the visual amenity of the area.

Paragraph 13.8 states that extensions and alterations should respect the form and size of the original building, paragraph 13.9 states be in harmony with the existing property and surrounding area and paragraph 13.10 states that alterations and extensions should not appear intrusive, prominent, or incongruous features in the street scene or from public areas.

The proposal, with the proposed extensions and alterations, will not appear intrusive, prominent, or incongruous as Lutterworth Road has a number of different styles, types and sizes of residential properties. This proposal, although is neighbouring a dormer bungalow to which it is separated from it by a private road, also neighbours a larger two-storey property. The proposed extensions will be more in keeping with the two-storey property at 210 Lutterworth Road. The height to the ridge of the new roof will be lower than the neighbouring property so would be considered to be in keeping with general heights of some neighbouring properties to which it is most closely related.

The proposed single storey extension is mainly to the rear and will only be seen slightly within the street scene due to the private road, resulting in a non-prominent feature that will not be harmful to the character and design of the street scene.

Paragraph 13.10 continues to state that alterations and extensions should not result in large blank elevations visible in the street scene. The new, proposed front elevation of the new two-storey property features several windows and the front entrance door and so the proposal will not feature a large blank elevation within the street scene. The new side elevation is alongside a private road and can be seen from public places. This elevation features a non-habitable window on the first floor and ensures that there are no large blank elevations in accordance with the SPD.

Paragraph 13.11 states that new extensions and alterations should avoid the removal of well-established trees. This application will require some hedges to be trimmed which is considered to be acceptable. No trees are proposed to be removed in order to facilitate the works.

Paragraph 13.12 of the SDC SPD states that the extensions should not reduce the car parking provision of the existing house to the extent where significant on street parking may result. No on-street parking will occur as a result and there are 2 spaces to the rear of the property off the private road and an area to the front of the property that is being cleared and an access is proposed to it. This means that the proposal will not reduce the parking provision in any way. Further details on this are discussed within the highway safety section of the report.

Paragraph 9.24 of the SDC SPD states that dead spaces created by long high brick walls or fences should be avoided. The proposed boundary wall which fronts the property is built in two sections, with the middle section left open to provide vehicular access to the front driveway. Paragraph 11.14 of the SDC SPD states that walls should be of appropriate size and scale and suitable for the houses they surround. The proposed wall is 1.639m in height to the brick piers and reduces in height slightly to 1.32m for the wall. It is formed from smooth blue engineering bricks below damp proof course with the remainder finished in white render. Along Lutterworth Road, including the properties directly opposite the site, there are a number of existing brick boundary walls. It is considered on balance that the addition of the boundary wall at this location would not be out character within the streetscene and would not have a detrimental impact on visual amenity.

Whilst it is noted that this proposal will have a materially different look compared to the original bungalow, the National Planning Policy Framework (NPPF) (2023) highlights the importance of good design. Based on the plans submitted for this application, the design appears to be acceptable. The materials are different to the existing property and will introduce render in a white/cream smooth finish. As previously discussed, along Lutterworth Road, there is a mix of style, size and age of dwellings and a number

of properties are rendered. Therefore, the introduction of render to this property which was once brick finish would not be a detrimental change when viewed in context with the streetscene of Lutterworth Road.

In conclusion, the proposal is significantly altering the existing property however due to the nature of the properties on Lutterworth Road, the alterations and extensions will not have a detrimental impact on the visual amenity of the area and are therefore found to be acceptable.

3. Impact on Highway Safety

WCC Highways were consulted on the application, and after numerous rounds of consultation they returned a response of no objection subject to conditions.

The main issue the Highway Authority raised was the open space to the front of the property which was not considered to be suitable with the current arrangements for safe parking and safe interaction with both the main highway, Lutterworth Road and the private road which leads towards 206a and 208a Lutterworth Road, adjacent to the applicant property.

These concerns were resolved in the latest round of consultation, as the wall to the front was amended to create a vehicular access and the parking to the rear was amended to be uniformed and not captive. It is worth noting that on none of the plans are there parking facilities drawn in the front driveway space, however, condition 2 which has been requested by the Highway Authority which states that the vehicular access shall not be used until the highway footway/ verge crossing has been laid out in accordance with the submitted plans.

Condition 3 has been re-worded slightly, as the suggested condition referred to the parking to not be occupied. As this is a retrospective application which is considered to already be occupied, the requirements under this condition are required to be constructed within 3 months.

Condition 4 has been included as gates were proposed in a now superseded versions of the plans. The current plans do not include the provision of any gates, however, as it is possible within the General Permitted Development Order (GPDO) to erect a gate adjacent to a highway so long as it does not exceed 1m in height, it is important to include a specific condition which would state the acceptable position of the gate from the public highway footway. It is imperative that should a gate be erected, it shall be at least 5.5m from the near edge of the public highway footway, to avoid cars stopping and waiting on Lutterworth Road, which is a busy road. Furthermore, any gates shall need to open inwards and not project out onto the highway. Permission will be required from the Council in consultation with the Highway Authority should a gate be later proposed that exceeds the requirements of the GPDO (i.e. taller than 1m).

There is no net loss of parking at the site with the two rear parking spaces which were existing still being used as proposed as well as parking to the front, although these are not marked on any plan. Two parking spaces is in line with the guidelines set out in the Transport Demand Management Matters SPD 2022 and as such is acceptable.

The conditions proposed are acceptable in principle with some modifications and are recommended to be included on the decision notice, if the recommendation of approval is agreeable.

Overall, it can be concluded that with the conditions imposed, the impact on the highway network would not be considered as severe and on balance, the scheme is acceptable.

4. Conclusion

In conclusion, this application has been contentious throughout the entire process from start to finish with neighbour involvement and political interest. This stems from the retrospective nature of the application, however, for the determination and decision this is not a material planning consideration. All points raised have been considered, whether from neighbours, residents and both national and local politicians and any points raised that pertained to material planning considerations have been factored into the determination and decision that has been made.

The NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

After a full and detailed assessment, the proposed impact on Residential Amenity, Visual Amenity and Highway Safety are considered to be acceptable subject to the relevant conditions. As such the recommendation is one of approval subject to the conditions printed below.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation response(s) received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

1. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Site Plan	0-T2673 AL P 00c	18/01/2024
Existing Ground Floor Plan	1-T2673 AL P 01	12/11/2023
Demolition Plan	2-T2673 AL P 02	12/11/2023
Existing Elevations	3-T2673 AL P 03	12/11/2023
Existing Side Elevations	4 T2673 AL P 04	12/11/2023
Proposed Front and Rear Elevations	5-T2673 AL P 05b	05/12/2023
Proposed Side Elevations	6-T2673 AL P 06b	05/12/2023
Existing Roof Plan	7-T2673 AL P 07	12/11/2023
Proposed Ground Floor Plan and Parking Plan	8-T2673 AL P 08d	11/01/2024
Proposed First Floor Plan	9-T2673 AL P 09a	12/11/2023
Proposed Roof Plan	10-T2673AL P 10a	12/11/2023
Front Wall Plan (no gates)	11-T2673 AL P 11c	18/01/2024

2. The proposed vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with drawing numbers AL (P) 11 Rev. C and AL (P) 00 Rev C.
3. Within 3 months from the date of this decision notice, the access, parking and manoeuvring areas, including front boundary wall, shall be laid out in accordance with drawing numbers AL (P) 11 Rev. C and AL (P) 00 Rev C, including surfacing, drainage and levels, and such areas shall be permanently retained for the parking and manoeuvring of vehicles.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Part 2 Minor Operations, Class A for the provision of walls, fences and gates etc, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order; no gates shall be erected at the entrance to the site for vehicles unless they are positioned at least 5.5m away from the near edge of the public highway footway and shall not be hung so as to open to within 5.5 metres of the near edge of the public highway footway.
5. Notwithstanding the details submitted, within one month of the date of this permission, full details of screening, to be provided to the front and side corner of the decking area adjacent to 210 Lutterworth Road shall be submitted to and approved in writing by the Council. The decking shall not be used until the screening has been erected in accordance with the approved details and shall then be permanently maintained and retained in perpetuity.
6. The first-floor window to 208 Lutterworth Road as shown on the approved plan in the western elevation of the building facing towards 206 Lutterworth Road shall not be fitted or subsequently maintained other than in obscure glazing and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. No new window or opening shall be provided at first floor level in this elevation without the prior written consent of the Council.
7. The first-floor window to 208 Lutterworth Road as shown on the approved plan in the eastern elevation of the building facing towards 210 Lutterworth Road shall not be fitted or subsequently maintained other than in obscure glazing and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. No new window or opening shall be provided at first floor level in this elevation without the prior written consent of the Council.

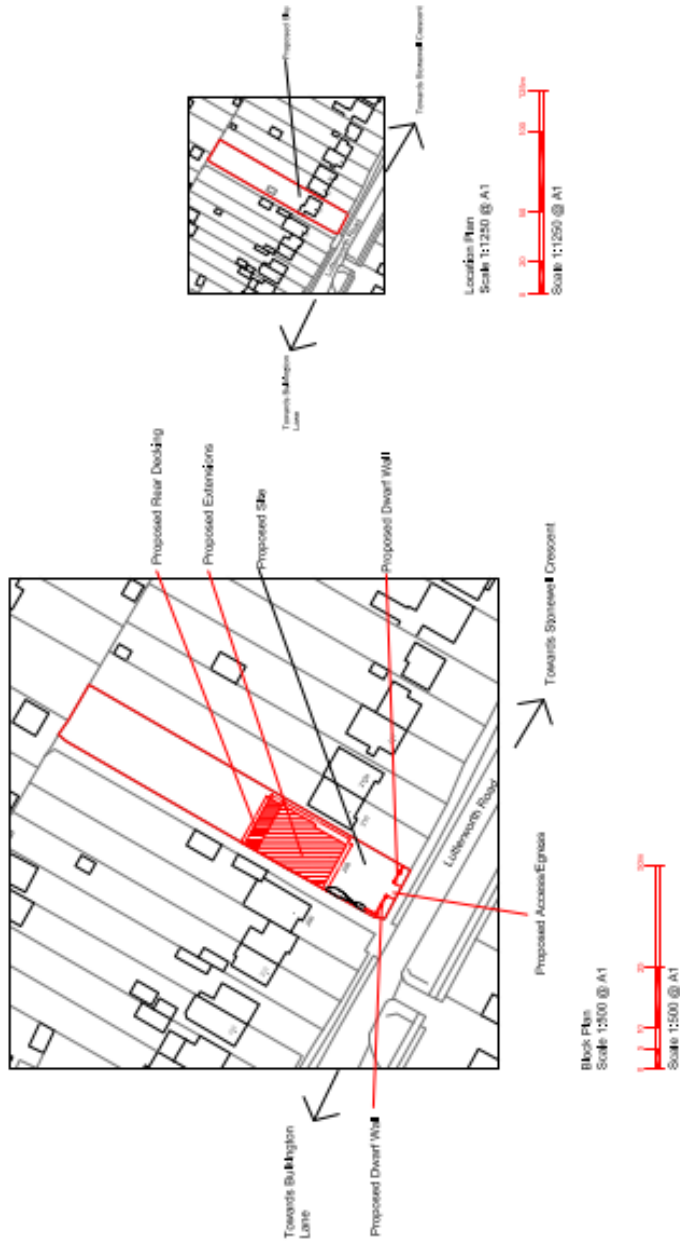
Plans

WILLIAMS PARTNERSHIP
 1000 WEST 10TH AVENUE SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.1100
 WWW.WILLIAMS-PA.COM

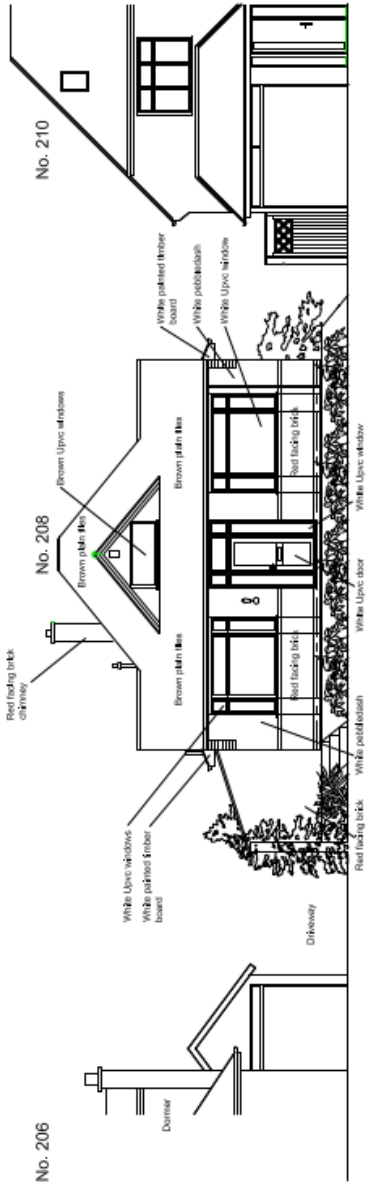


**PLANNING APPLICATION
 SUBMISSION**

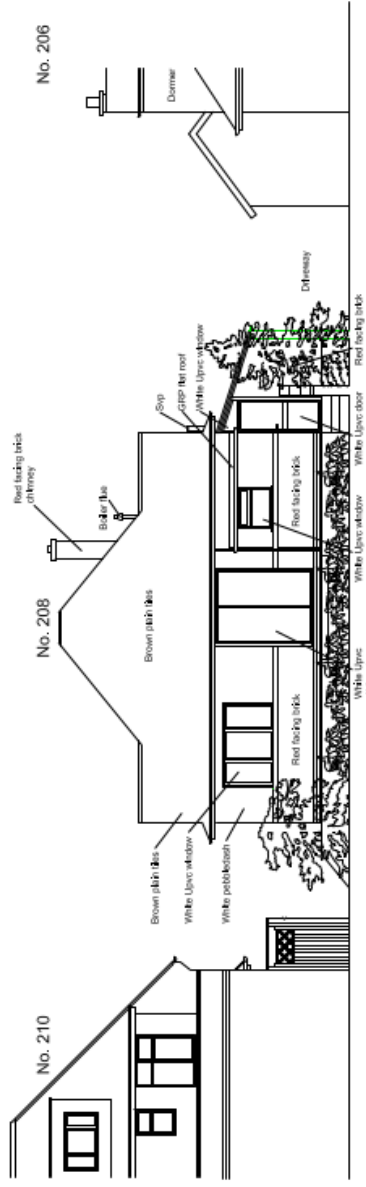
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Project Address	1000 West 10th Avenue, Denver, CO 80202
Project Description	Residential Conversion
Project Status	Proposed
Project Owner	Williams Partnership
Project Manager	[Name]
Project Engineer	[Name]
Project Architect	[Name]
Project Designer	[Name]
Project Date	[Date]
Project Sheet	[Sheet Number]
Project Scale	[Scale]
Project Status	[Status]
Project Notes	[Notes]



GENERAL NOTES
 DRAWINGS CAN BE REVISED FOR PLANNING PURPOSES AND CONTRACT DOCUMENTS ARE THE BASIS FOR CONSTRUCTION. ALL CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND MATERIALS BEFORE COMMENCING WORK. ALL MATERIALS SHALL BE OF STANDARD QUALITY AND APPROVED BY THE ARCHITECT.



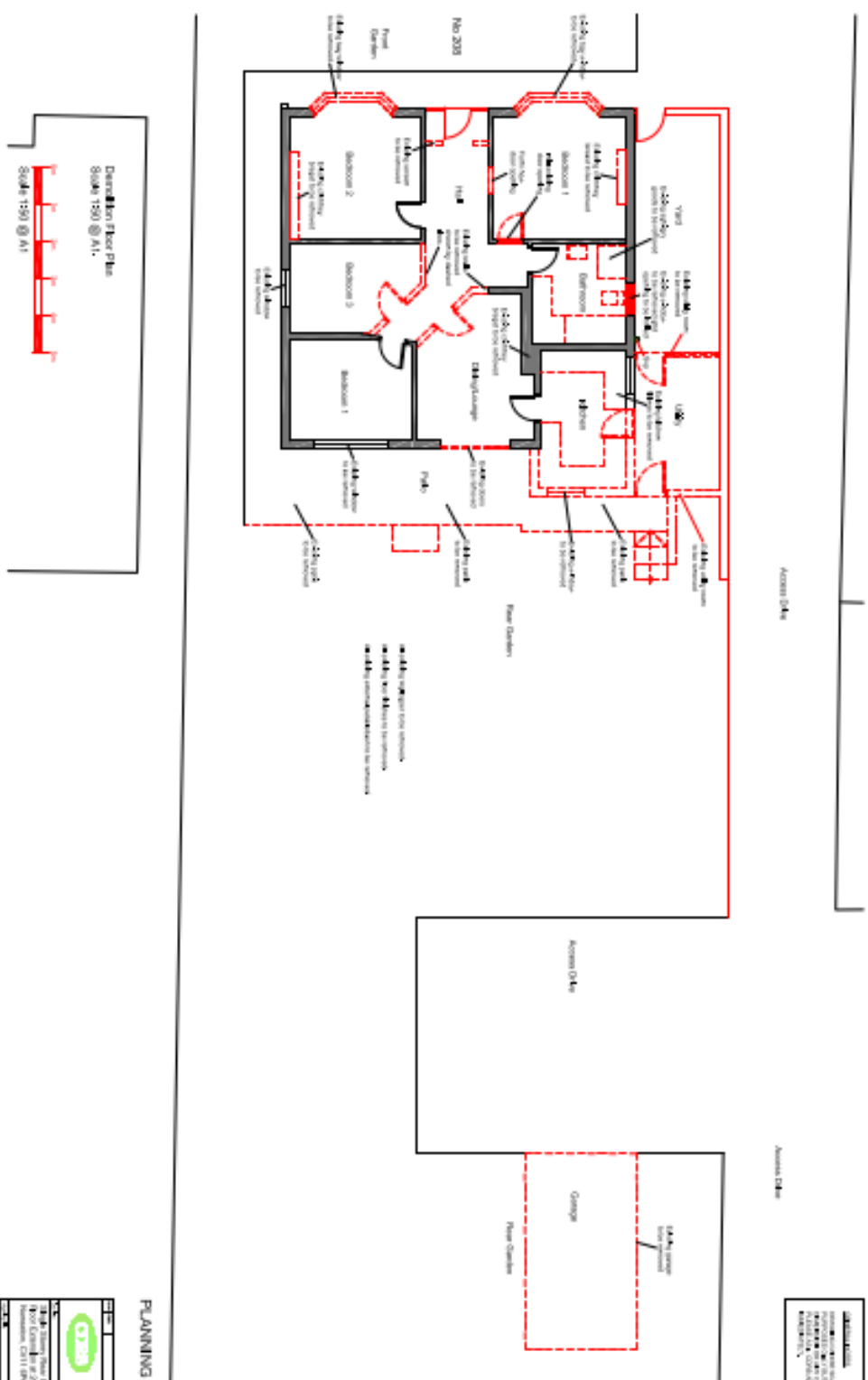
Existing Front Elevation-Facing Lutterworth Road
 Scale 1:50 @ A1.



Existing Rear Elevation-Facing Garden
 Scale 1:50 @ A1.



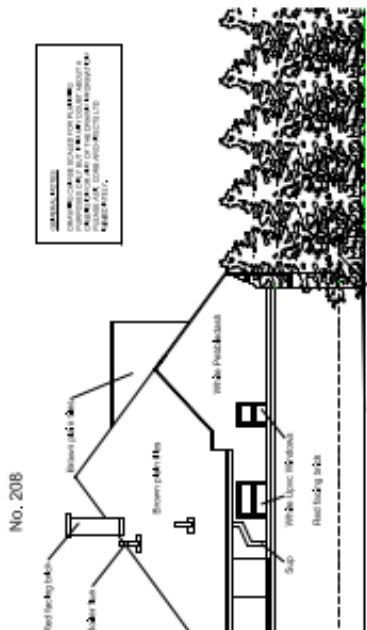
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CDRB	Central Design Review Board



APPROVED
 FOR THE PLANNING APPLICATION
 BY THE LOCAL AUTHORITY
 ON BEHALF OF THE LOCAL PLANNING
 AUTHORITY.

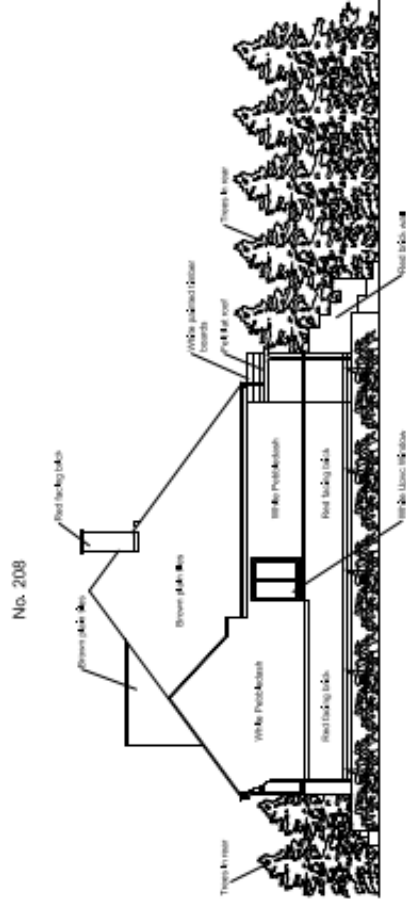
PLANNING APPLICATION

THE PLANNING APPLICATION FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT AT DEREBIN FLOOR PLAN (REF: 23/01/23/001)	
DATE OF ISSUE: 14/01/23	SCALE: 1:50 @ A1
DRAWN BY: [Name]	CHECKED BY: [Name]
DATE: 14/01/23	DATE: 14/01/23



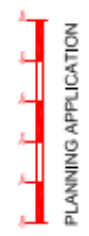
DISCLAIMER
 THIS DOCUMENT IS THE PROPERTY OF THE CONSULTANT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

Existing Side Elevation Facing No. 208
 Scale 1:250 @ A1.



Existing Side Elevation Facing No. 210
 Scale 1:250 @ A1.

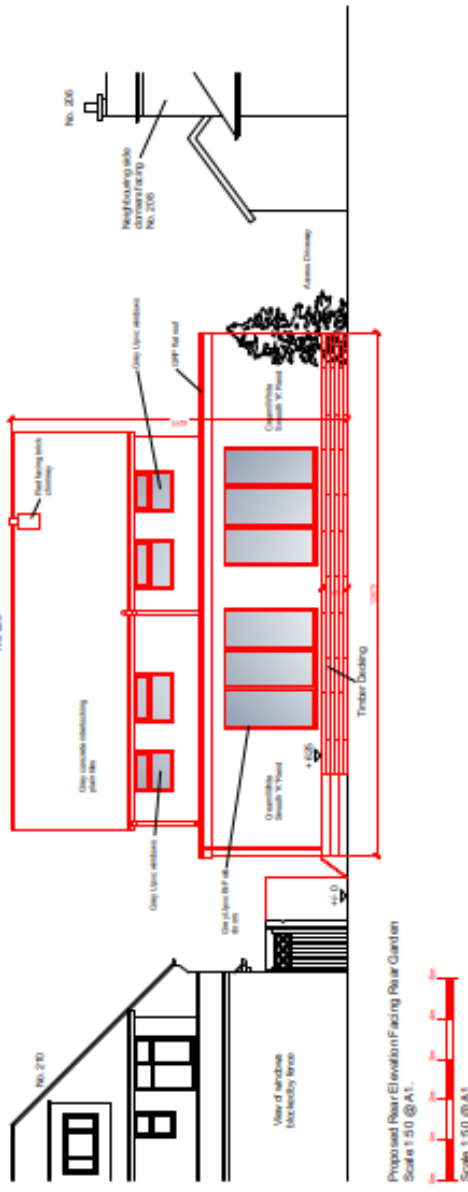
CDD CONSULTANTS DEVELOPERS DESIGNERS	
1100, George Street, 5th Floor, Liverpool, N.S.W. 1570 Phone: (02) 9550 0000 Fax: (02) 9550 0001 Website: www.cdd.com.au	
Project No. 2024/001	Date: 15/01/2024
Drawing No. 01	Scale: 1:250
Drawing Title: Existing Side Elevations	Drawing No. 01



ARCHITECT'S DECLARATION
 I, the undersigned, being a duly qualified and licensed Architect, do hereby certify that I am the author of the design and content of the drawings herein, and that I am a duly licensed Architect under the laws of the State of New Jersey.



Proposed Front Elevation Facing Lufkin Road
 Scale 1:50 @ A1
 Scale 1:50 @ A1

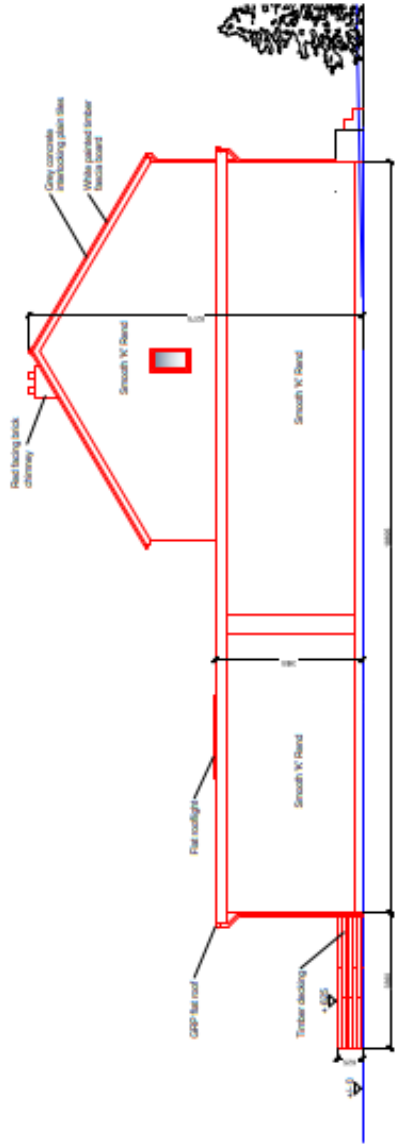


Proposed Rear Elevation Facing Rear Garden
 Scale 1:50 @ A1
 Scale 1:50 @ A1

PLANNING APPLICATION

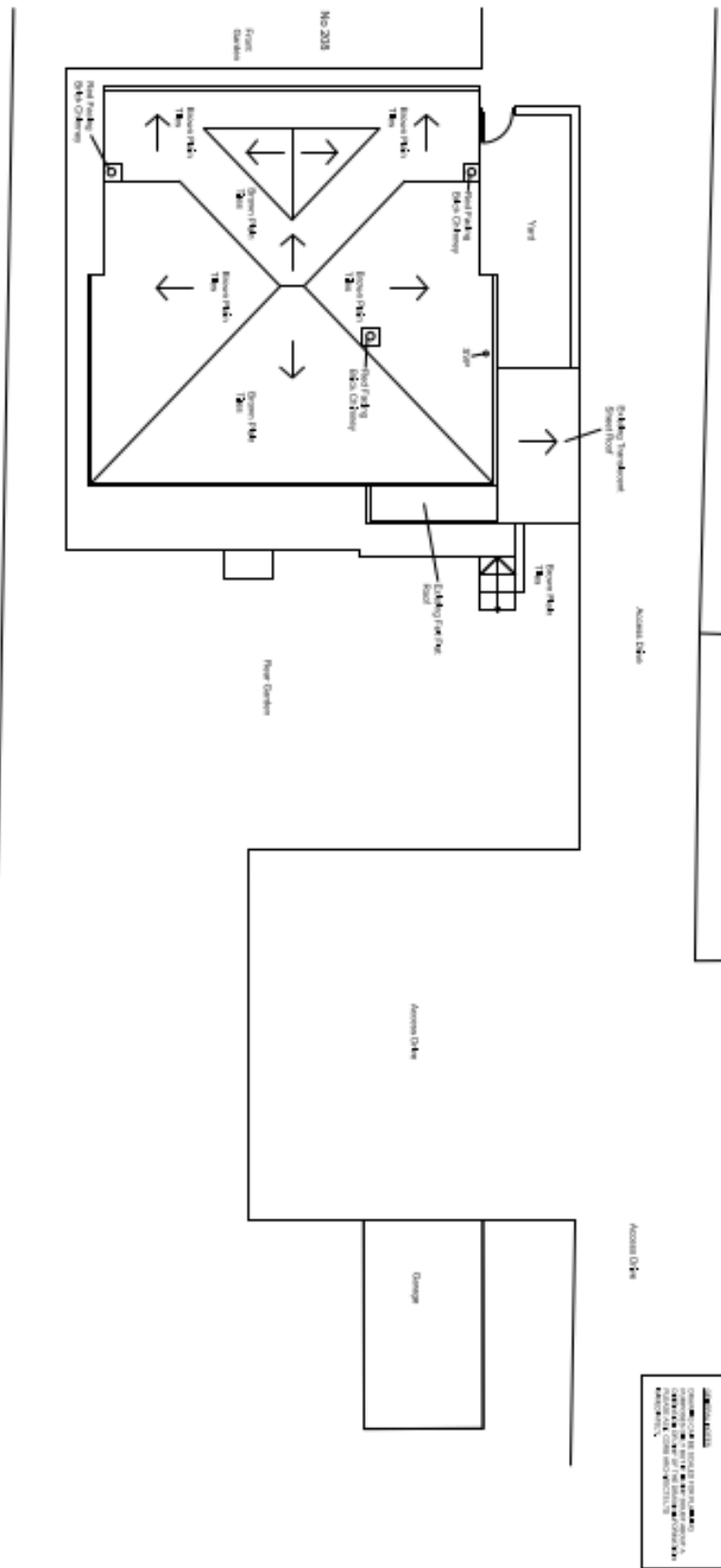
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NO. 206	NO. 210	NO. 208	NO. 209	NO. 207	NO. 205
NO. 206	NO. 210	NO. 208	NO. 209	NO. 207	NO. 205

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PLANNING APPLICATION

Project Name	with address No. 100
Site No.	100
Planning Application No.	100
Project Description	Proposed Side Elevation Facing No. 206 and No. 210
Applicant	100
Agent	100
Date	100
Scale	1:50 @ A1
Sheet No.	100

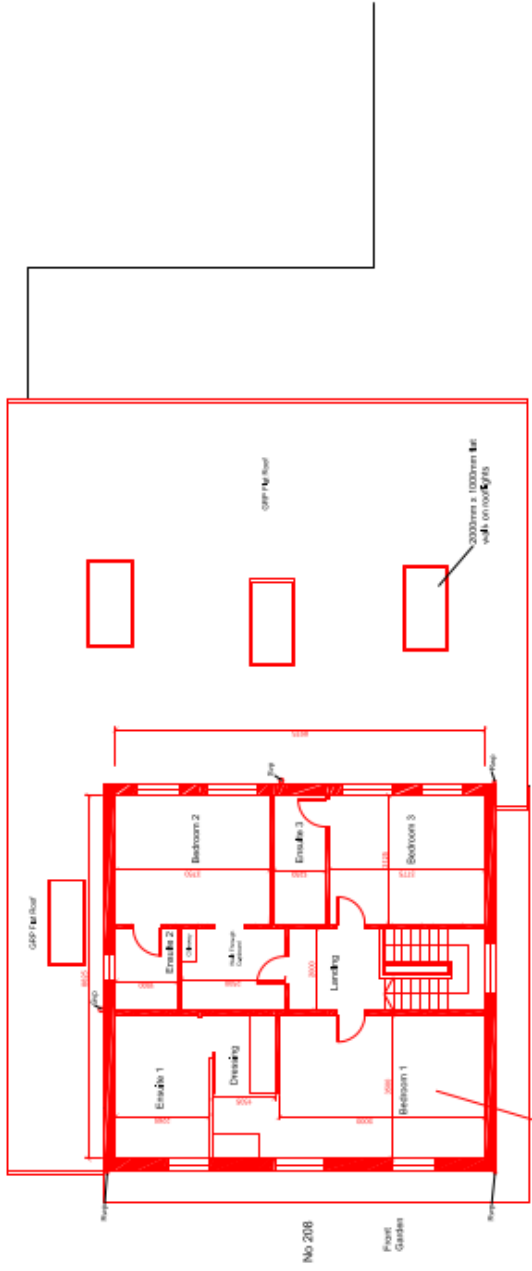


PLANNING APPLICATION

APP NO:	2024/00000
DATE:	15/01/2024
APPLICANT:	Mr. John Smith
ADDRESS:	123 Main Street, London, E1 1AA
PROPOSED WORK:	Change of Use Class
STATUS:	Submitted
DATE RECEIVED:	10/01/2024
DATE OF DECISION:	20/01/2024
DATE OF APPEAL:	-

No 206

GENERAL NOTES:
 1. CONSULT THE LOCAL AUTHORITY PLANNING DEPARTMENT FOR ALL NECESSARY PERMITS AND APPROVALS.
 2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 3. THE PROPOSED WORK IS SUBJECT TO THE LOCAL AUTHORITY'S APPROVAL.



Proposed New First Floor Extension

No 208

Front Garden

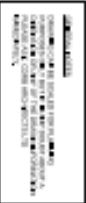
PLANNING APPLICATION

No 210

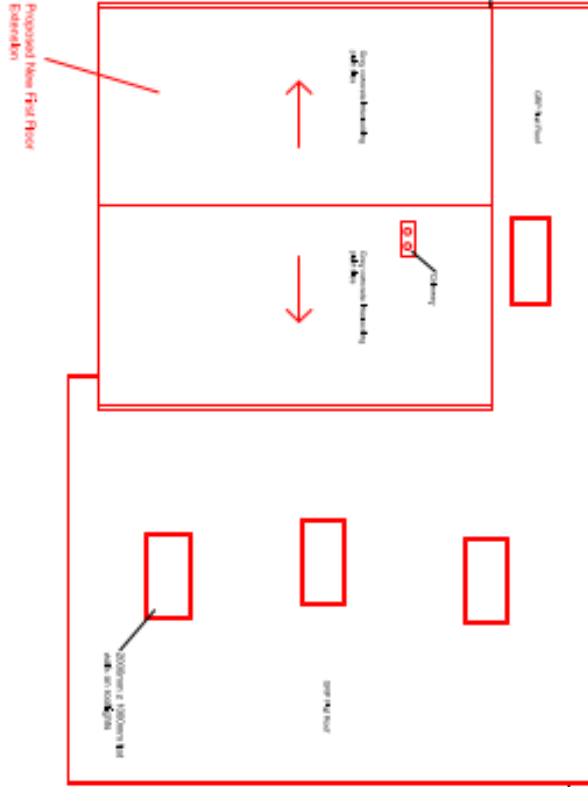
Proposed First Floor Plan
 Scale 1:50 @ A1.
 Scale 1:50 @ A1

CDXB CONSULTANTS 200 LUTWORTH ROAD, HEMEL HEMPSTEAD, HERTS, SG9 6LH	
Proposed First Floor Plan	
Project No.	210
Date	2024
Scale	1:50 @ A1
Sheet	A

No 200



No 200
Floor
Number

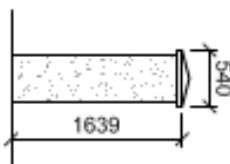
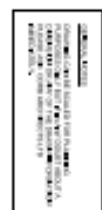
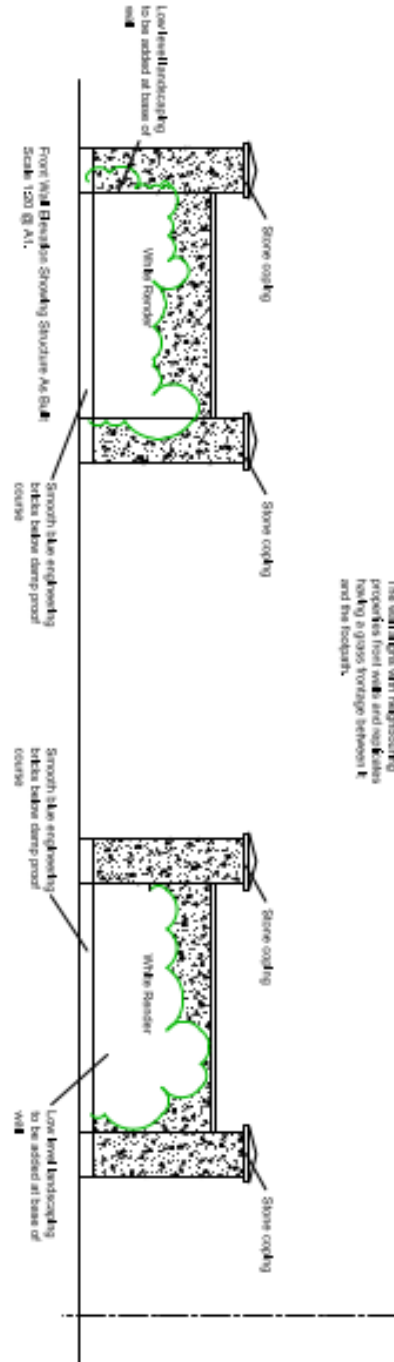


PLANNING APPLICATION

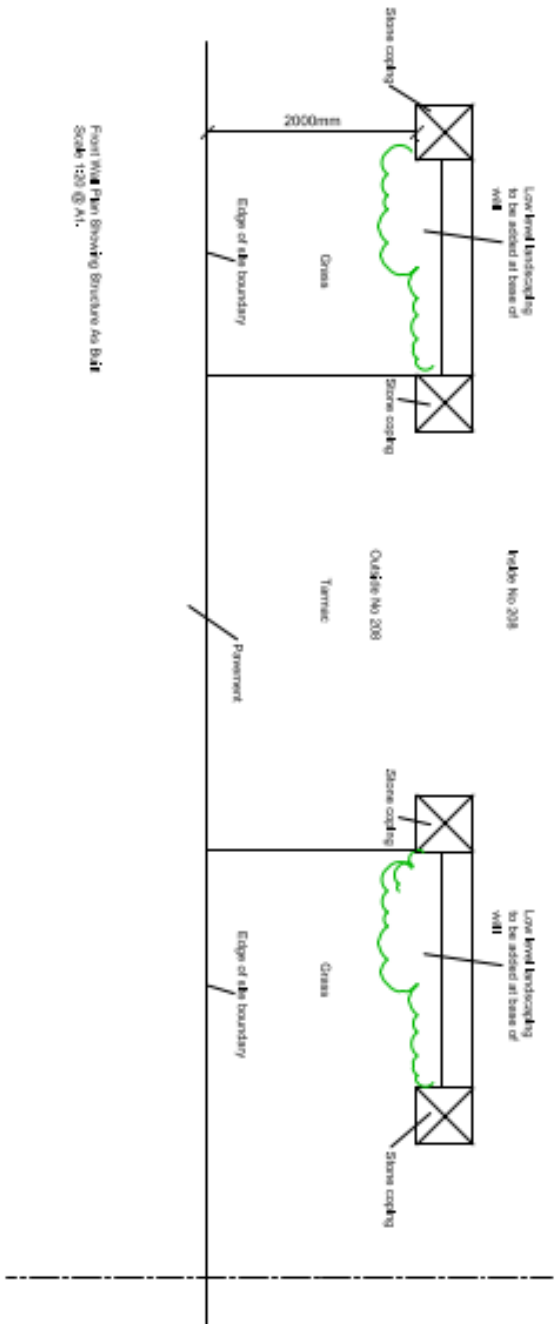
No 210



Other walls of a similar character exist already along Ludborough Road . The wall follows the end of the garden and provides a grassed verge between the road and the footpath.



Front Wall Elevation Drawing Structure As Built Scale: 1:20 @ A1.



Front Wall Plan Showing Structure As Built Scale: 1:20 @ A1.

PLANNING APPLICATION

NO	DATE	DESCRIPTION
01	2023/11/15	Initial submission
02	2023/11/15	Response to comments
03	2023/11/15	Final submission
04	2023/11/15	Decision made
05	2023/11/15	Final approved plan

PROJECT NO: 23/00115
 PROJECT NAME: **STONE COPING**
 PROJECT ADDRESS: 100/102 Ludborough Road, Ludborough, Suffolk, IP11 9DQ
 CLIENT: Mr & Mrs [Name Redacted]
 ARCHITECT: [Name Redacted] Ltd, 100/102 Ludborough Road, Ludborough, Suffolk, IP11 9DQ

Glossary

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)