

Enquiries to:
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Date: 8th September 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in
Council Chamber of the Town Hall, Nuneaton on Tuesday, 20th September 2022
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 30th August 2022, attached (**Page 7**).

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 15**). 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 18)**

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, attached (**Page 18**)
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).

Committee Site Visit

Members are reminded that a site visit will take place in relation to application 038613: 58 Copeswood Avenue, Nuneaton, Warwickshire, CV11 4TG

Members are asked to meet at the site at 4.30pm.

Committee Site Visits- Code of Conduct

The purpose of a site visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:

- a) A site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis on the officers' report to the Committee alone.
- b) Authorised attendance at a site visit shall be limited to members of the Planning Applications Committee and appropriate Officers.
- c) There shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee.
- d) Applicants or their representative shall not be permitted to make representations to members of the Committee during a site visit. They may, however, give any purely factual information which is requested by members through the representative of the Development Control Department and which cannot be ascertained by viewing alone.
- e) At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Development Control Department will explain and make clear to all those attending the Code's requirements for the conduct of site visits

Committee Site Visit

Members are reminded that a site visit will take place in relation to application 038818: 310A Weddington Road, Nuneaton, Warwickshire, CV10 0ES.

Members are asked to meet at the site at 5.00pm.

Committee Site Visits- Code of Conduct

The purpose of a site visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:

- a) A site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis on the officers' report to the Committee alone.
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- c) There shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee.
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- e) At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Development Control Department will explain and make clear to all those attending the Code's requirements for the conduct of site visits

NUNEATON AND BEDWORTH BOROUGH COUNCIL**PLANNING APPLICATIONS COMMITTEE****30th August 2022**

A meeting of the Planning Applications Committee was held on Tuesday, 30th August 2022, in the Council Chamber and recorded.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, S. Harbison (substitute for Councillor B. Pandher), J. Hartshorn, S. Markham, , E. Shiers, R. Smith and K. Wilson.

Apologies: Councillors B. Pandher and J. Sheppard.

PLA18 Minutes

RESOLVED that the minutes of the meeting held on the 26th July 2022 be confirmed and signed by the Chair.

PLA19 Declarations of Interest

Councillor Green declared that he has become a member of the Fellowship of George Eliot.

Councillor Hartshorn advised the Committee that he is in the process of updating his Declarations of Interest due to a change in employment.

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes, with the amendments as set out above.

PLA20 Declarations of Contact

Councillor Markham declared that she had received contact from residents regarding Planning Application: 036874. Councillor Markham noted that she advised residents to submit their objections in writing, but did not indicate how she intended to vote.

IN PUBLIC SESSION**PLA21 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 PLA21 OF THE
PLANNING APPLICATIONS COMMITTEE ON 30th AUGUST 2022

037294: Site 46A10 – Rear of 89-169 Tunnel Road, Nuneaton, Warwickshire
Applicant: A R Cartwright Ltd.

Public Speakers: Councillor M. Tromans

DECISION

Planning permission is refused and the appeal against non-determination be defended on that basis for the reasons printed in the agenda and addendum.

039096: Site 51A073 – Ex Co-op buildings and car park, Abbey Street,
Nuneaton, Warwickshire, CV11 5BU
Applicant: Nuneaton and Bedworth Borough Council

Public Speakers: Councillor K. Kondakor

DECISION

The proposed amendments are accepted as non-material amendment to planning permission 037658.

038820: Atack Snooker Club, Regent Street, Nuneaton, CV11 4BL
Applicant: Mr Ian Wright

Public Speakers: Mr S. Smith

DECISION

Planning permission be granted, subject to the reasons printed in the agenda and addendum.

037667: 235 The Long Shoot, Nuneaton, Warwickshire, CV11 6JH
Applicant: Mr Grenville Perry

Public Speaker: Mrs V. Hudson

DECISION

Planning permission be refused for the reasons as printed in the agenda.

036874: Land adj Sainsburys, Coventry Road, Exhall, Coventry, CV7 9NU
Applicant: Mr Rajan Singh

Public Speakers: Councillor D. Brown
Ms Z. Massey

DECISION

The item is deferred to seek further advice and clarification from Warwickshire County Council Highways on the parking survey from Tuesday 10th May carried out by the applicant.

038846: Site 104b005 – Junction of Newtown Road and Croft Road, Bedworth
Applicant: Gallivan

Public Speakers: Mr B. Tolchard
Councillor K. Evans

DECISION

Prior approval is required and approved.

038451: Chase Hotel, Higham Lane, Nuneaton, CV11 6AG
Applicant: Marcus Pope

Public Speakers: Councillor R. Tromans

DECISION

Planning permission be grated subject to the conditions as printed on the agenda with the amendment to condition 9. that no development shall commence until amended details of the 2.4m acoustic fence have been submitted to and approved in writing by the Council. Once erected, the fencing shall remain on site in perpetuity unless otherwise agreed in writing by the Council.

038613: 58 Copeswood Avenue, Nuneaton, Warwickshire, CV11 4TG
Applicant: Mr Jagdeep Singh

Public Speakers: Mrs J. Stokes

DECISION

The item be deferred until such time that a site visit can be undertaken to consider the impact on visual amenity and to consider whether the proposal would be in keeping with the area.

038818: 310a Weddington Road, Nuneaton, Warwickshire, CV10 0ES
Applicant: Mrs Carol Potter

Public Speakers: Mr R. Hodgson

DECISION

The item be deferred until such time that a site visit can be undertaken to consider the layout of the proposed wall and the impact on visitors and parking.

Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	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 	
	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 – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies:	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> Hammersley, Smith and Orton Charity 	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	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 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; 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 	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in.	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>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</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 • Representative on the Nuneaton and Bedworth Older Peoples Forum • 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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Applications for Planning Permission etc.
Agenda Item Index

Site Visits

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2.	038818	WE	310A Weddington Road, Nuneaton	26

Planning Applications

	Reference	Ward	Address	Page No.
3.	038821	WH	Site 52D067 - Land off Eastboro Way, Nuneaton	38
4.	038487	SL	50 Hill Street, Bedworth	46
5.	039000	HE	Site 114A008 Land Adjacent Hospital Lane and Goodyers End Lane Bedworth	56
6.	039081	SL	99 Woodlands Road, Bedworth	64

Wards:					
AB	Abbey	AR	Arbury	AT	Attleborough
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		

SITE VISITS

Item No. 1

REFERENCE No. 038613

Site Address: 58 Copsewood Avenue, Nuneaton, Warwickshire, CV11 4TG

Description of Development: Two storey side extension and single storey rear extension

Applicant: Mr Jagdeep Singh

Ward: WH

RECOMMENDATION:

Planning Committee is recommended to approve planning permission, for the reasons as printed.

REASON FOR SITE VISIT:

To assess the impact on visual amenity.

INTRODUCTION:

This application seeks consent for the erection of a two storey side extension and single storey rear extension. The application site is a South East facing, three bedroom, detached two storey dwelling located at 58 Copsewood Avenue Nuneaton Warwickshire CV11 4TG. The property is set back from the street frontage with a front driveway providing parking for up to 3 cars, and is characterised by brown brick and some stone cladding detail beneath the windows to the front of the property. The roof is pitched with a front facing gable. To the side is a car port which extends to the front wall of the property, with a garage behind and has a flat roof design.

The street scene consists of semi-detached dwellings of similar scales and designs which are largely set back from the street frontage, as well as some detached dwellings. The surrounding properties are of a comparable style and character, using similar building materials for example render and brown brick. The application site uses brown brick with a stone cladding detail beneath the windows. The garden of the application site extends approximately 13 metres to the rear and the topography is flat and level, and in line with the adjacent properties, and backs onto the rear garden boundary of 52 Whitestone Road.

The neighbouring property to the North East of the site is 60 Copsewood Avenue and to the west is 56 Copsewood Avenue, both of which are detached properties of the same design to the application property. The rear garden which faces north is 52 Whitestone Road, of which the rear garden boundaries adjoin.

BACKGROUND:

This application is being reported to Committee at the request of Councillor Julian Gutteridge on 21st February 2022

RELEVANT PLANNING HISTORY:

No relevant planning history on site

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:

No consultees were required to be notified as part of this application.

CONSULTATION RESPONSES:

None received.

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 4th February 2022. Neighbour letters sent to 47, 56 and 60 Copsewood Avenue and 50 and 52 Whitestone Road. The final date for consultation was Friday 25th February 2022. Neighbour re-consultation letters were sent out on 26th July with an amended description removing “front extension” from the description. The final date for consultation was Tuesday 16th August 2022. The neighbour that submitted the original objections emailed to state that they maintain their objections following on from this second round of consultation.

NEIGHBOUR RESPONSES:

There has been 1 objection from 1 address. The comments are summarised below:

1. Concerns over the plan measurements as presented and discrepancy with plans
2. Concerns that the extension would result in an inaccessible driveway and footpath.
3. Concerns over the height of the extension and overall roof height.
4. Concerns that when the neighbour at number 58 put new fencing down this side of his garden he has encroached land at number 60 and not used the boundary line and there are concerns this will happen with the current plans.
5. Concerns that the plans are not clear due to guttering overhang and party wall issues

6. Concerns over shared drain and driveway issues.
7. Party wall concerns
8. Concerns over traffic volume and change in parking orientation on site.
9. Concerns regarding the storage of building materials & machinery during construction
10. Concerns over parking once children are older
11. Concerns over loss of light at the side and rear of the property at number 60 Copewood Avenue.
12. Concerns that the rear extension will cause a loss of light to our kitchen/dining room as the proposed length & height is overbearing and will block daylight received into our garden and property & negatively impact our living conditions. We consider our garden an extension of our house as we spend a lot of time in the garden with our young family.
13. Concerns of an over intensive development and concerns that the plans appear to show that the extension will be well over 50% of the footprint of the existing house again.
14. Concerns over the proposed extension of the dropped kerb near the junction with Ross Way, this could cause highway safety issues with access to the property
15. Security and personal safety concerns with increased alleyways of darkness due to the proposal.
16. Concerns over lack of detail in plans and concerns that the proposed extension is over double the current footprint of the property – this is overbearing.
17. Concerns that the neighbour changed the dividing fencing a couple of years ago and when doing so moved the fence line further into our garden – we are concerned that this will be the same approach taken with the extension as clearly shown by the plans for the proposed development.
18. Concerns over lack of visibility of text on plans
19. Concerns over the proposed toilet window proximity
20. Concerns regarding loss of light to back section of garden and concerns proposed height would be very overbearing.
21. Boundary line concerns
22. Concerns over impact on property price.

Following on from the additional consultation with revised plans, further points of concern were raised including the following:

23. Concerns regarding the inaccuracy of the positioning of the kerb and concerns regarding the boundary and party wall issues.
24. Concerns regarding the labelling of plans and the amateur nature of plans
25. Concerns that the applicant is a builder by profession and whether the proposed works would be conducted during the unsocial hours of their job.

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

The way in which the buildings relate to each other on Copsewood Avenue and Whitestone Road, their orientation and separation distance must protect the acceptable levels of amenity for both existing and future residents.

Impact on 56 Copsewood Avenue

The neighbouring property to the application site, is 56 Copsewood Avenue, for which there is a concern to protect residential amenity. The proposed ground floor rear extension will project out from the rear wall of the application property by 4m. The extension will be adjacent to a habitable room window to the rear No. 56 at ground floor level. However, given the separation distance between the two properties and the relatively small extension, the proposed extension will not conflict with the 60-degree line to the midpoint of this habitable room window. The proposed two-storey side extension is proposed on the opposite side away from this property. As such, there will be no impact on this neighbour as a result of the extension.

Impact on 60 Copsewood Avenue

Firstly considering the proposed 4m single storey rear extension. This extension would extend past the rear of the neighbouring dwelling by just 1.75m. The window closest to this extension serves a garage, which is not habitable and therefore does not afford protection from loss of light. Therefore, the nearest habitable room window is some distance away from the proposed extension and therefore the proposal would not conflict with the 60 degree line from this window.

The proposed 2 storey side extension is proposed to be built up to the boundary with this neighbour and will be in line with the existing front and rear boundary walls of the property. As the neighbour is on the same building line, the side extension will not extend beyond the neighbours front and rear walls. Therefore, there is no breach of 45 degree lines with this neighbour.

The two-storey extension proposes a side facing window to serve a w/c. This is a small non-opening window serving a non-habitable room. Therefore, there are no concerns in terms of overlooking. No. 60 has side facing windows which will face towards the extension. However, these are obscurely glazed and non-habitable and therefore do not afford any protection.

Impact on 52 Whitestone Road

The rear extension extends 4 metres into the rear garden, which will retain a separation distance of 36m to this neighbours property. The proposed two-storey side extension will not project any further out than the existing rear wall of the property, therefore not reducing the distances with the neighbour. As per the Sustainable Design and Construction SPD, in the interests of protecting privacy, a minimum of 20m separation distance is required between an existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. The proposal is therefore in accordance with this guidance.

Furthermore, the Sustainable Design and Construction SPD requires a separation distance from habitable room windows above ground floor level which overlook neighbouring private amenity space to be at least 7m from the boundary. The distance from the rear extension to the boundary of this neighbour is significantly over 7m, meaning there will be no impact in terms overlooking.

With reference to the dropped kerb, although shown on the plans, it does not form part of the description of works as it does not require planning consent. This is because Copsewood Road is a category D road and so only consent from the Highway Authority would be required. Nevertheless, the dropped kerb will have no impact upon residential amenity.

In conclusion, the proposed extensions will not have any detrimental impact upon residential amenity in terms of loss of light, overlooking or loss of aspect and is therefore found to be acceptable.

With regards to the additional comments received following consultation, regarding the dropped kerb, although shown on the plans, it does not form part of the description of works as it does not require planning consent. This is because Copsewood Avenue is a category D road and so only consent from the Highway Authority would be required. Nevertheless, the dropped kerb will have no impact upon residential amenity. Further to this, planning legislation does not extend to party wall disputes, and also proposed hours of construction is not a material planning consideration.

2. Impact on Visual Amenity

The councils Sustainable Design and Construction SPD states that extensions and alterations should respect the form and size of the original building. The proposed two-storey side extension will be built up to the boundary with the neighbour. This will involve the demolition of the existing car port and garage. The extension proposes a shallow pitched gabled roof which would be set down from the main ridge, appearing subservient to the main dwelling. The front wall at ground floor level is to be set back from the front wall of the main dwelling by 0.5m and by 1m at first floor level, creating a subservient design. Furthermore, the extensions propose to use matching materials to the dwelling as existing.

The proposed single storey rear extension will not be visible from any public view points, but there will be views of the two-storey side extension. Therefore, although parts of the extension would be highly visible from the street scene, the scale, design and appearance have been carefully designed to respect the form and size of the original dwelling. It is not considered that the extensions would represent an intrusive, prominent or incongruous addition and is therefore found to be acceptable in terms of visual amenity.

3. Impact on Highway Safety

The proposal will involve the demolition of an existing garage and car port area. However, there is sufficient parking to the front of the dwelling for the parking of 2 vehicles. The Transport Demand Matters SPD states that for new dwellings, there should be parking for at least 2 cars and so the proposal is in accordance with the SPD.

Nevertheless, WCC Highways were consulted as part of the application and provided the following statement on 13th July 2022:

The principle of the development appears acceptable. The impact of potential extra traffic on the public highway should not be severe. There is already parking provision in accordance with the Local Plan.

Within the application form, the applicant has requested for the existing dropped kerb footway crossing to be extended across the whole site frontage. However, this does not require planning permission as Copsewood Avenue is a Category D Road and therefore does not need consent from the planning authority. As such, this was removed from the description of proposed works. Instead, a separate application to the Highway Authority would be required.

4. 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.

Significant weight should be given to the design of the two-storey extension, and the existing set back of the property within the street scene, whereby due to the extension being level with the existing dwelling, the extension would not be an obtrusive addition to the existing street scene and is subservient to the existing house as well as having no detrimental impact on highway safety.

Therefore, on balance, while there are objections and concerns raised against the extensions, it has been found that the proposal would not cause any detrimental harm to neighbour amenity, visual amenity or highway safety and is compliant with policy and associated guidance. As such, the proposal is considered to be acceptable.

REASONS FOR APPROVAL:

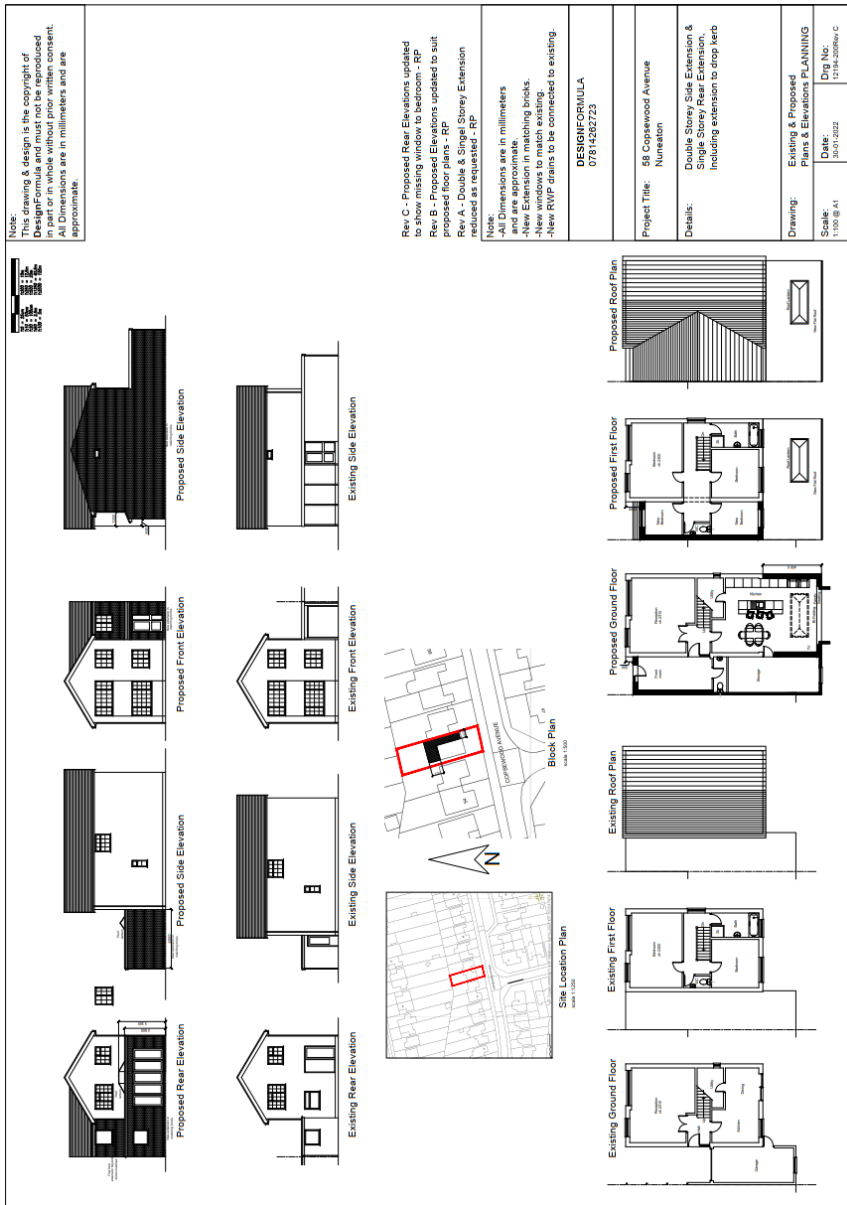
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in 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:

Plan Description	Plan No.	Date Received
Location Plan, Block Plan, existing and proposed plans	Drg 12194-200Rev C	15 th August 2022

3. No external materials shall be used in the extension other than of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Council.



Location Plan, Block Plan, Existing and proposed front, side and rear elevations

Item No. 2

REFERENCE No. 038818

Site Address: 310A Weddington Road, Nuneaton, Warwickshire, CV10 0ES

Description of Development: Single storey side extension forming garage, additional window to front elevation for bathroom and altering location of brick wall to edge of boundary.

Applicant: Mrs Carol Potter

Ward: WE

RECOMMENDATION:

Planning Committee is recommended to approve planning permission, for the reasons as printed.

REASON FOR SITE VISIT:

To assess the layout of the proposal wall and the impact of the on car parking.

INTRODUCTION:

The application site is a two storey detached dwelling located at 310A Weddington Road in Nuneaton.

The property features a pitched gable roof with a forward facing gablet detail above a first floor window. The ground floor features two bay windows and a relatively wide forward projecting section. External materials consist of buff brick, small sections of white cladding, brown interlocking roof tiles and white windows with a black door.

To the north is 312 and 312a Weddington Road and to the south is 310 Weddington Road. These properties are of a very similar design and scale to the applicant dwelling. The applicant property is located on the corner of Weddington Road and Cresswell Close. Cresswell Close is a private cul-de-sac, consisting of four detached bungalows.

This application seeks consent for a single storey extension to the side to form a garage and the re-location of fencing to the side. The additional bathroom window to the first floor front elevation does not require planning permission. The width and height of the extension is within the realms of permitted development, meaning that it would not normally require planning permission. However, as the extension would be projecting closer to a highway, it requires consent.

The proposed wall includes demolition of the existing wall around the boundary of the site and the rebuilding of the wall around the boundary to the site up to the edge of the boundary, as shown in the brick wall alteration plan. The height of the wall is to remain the same as existing.

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.
- 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:

WCC Highways

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 25th April 2022. Neighbour letters sent to 1, 2, Bramdene Avenue, 1 Cresswell Close, 4 Cresswell Close, 310 and 312 Weddington Road. Additional consultation was sent to 2 Cresswell Close on 12th May 2022.

NEIGHBOUR RESPONSES:

There have been 2 letters of objections and one petition with 7 signatures. The objections raised the following points;

- Concerns over access to Weddington Road through the single track onto the close, and impact on highway safety.
- Concerns over access and manoeuvrability
- Difficulties for vehicles to reverse on the close made worse by extension
- Concerns that owner/occupier of adjacent property did not receive a consultation letter
- Lack of detail on where the wall will be rebuilt
- Concerns that moving the wall will create a dangerous atmosphere at night.

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

The way in which the buildings relate to each other, their orientation and separation distance must protect the acceptable levels of amenity for both existing and future residents.

Impact on 312 Weddington Road

The neighbouring property to the north of the application site is 312 Weddington Road. The extension is proposed to be located to the south of the existing dwelling which is on the opposite side to 312 Weddington Road. The extension would not project any further forward of the existing front and rear walls of the applicant property and therefore it would not be visible from 312 Weddington Road. As such, it is considered to have minimal impact to this neighbour.

Impact on 310 Weddington Road

310 Weddington Road is the neighbouring property to the south of the site. The front and rear elevations of both properties are in line with one another and as the extension is only to be to the side, it would not negatively impact any of no.310s front or rear windows

The extension is to be single storey with no additional side facing windows. As such, there is no risk of increased overlooking or loss of privacy.

The side elevation of no. 310 features two ground floor openings. These openings would be directly opposite the proposed extension and the distance between no.310 and the blank wall of the proposed extension is 8 metres. However, the windows serve a utility room, which is not considered to be a habitable room, and therefore these windows cannot be protected.

Alongside the proposed extension is the proposed demolition of the existing wall and restructure of the wall up to the boundary of the application site. The wall as proposed is to be the same height as the existing wall. The resultant wall would therefore be closer to this neighbour than the wall as existing. However, it is considered that on balance, this would not have a significant impact on the residential amenity, as the road separates the wall and the dwelling and positioning of the wall is only a minor change to the existing layout.

In conclusion, the impact to 310 Weddington Road is considered to be acceptable.

Impact on 2 Cresswell Close

This dwelling looks onto the rear garden of the application site, which is to the south west of the dwelling. It is not considered that the single storey garage extension will have any impact upon this neighbour. The proposed wall, which is to be moved closer to the site boundary will appear closer to the front elevation of this neighbour. However, it is considered that on balance, this would not have a significant impact on the residential amenity, as the road separates the wall and the dwelling. In addition, the length and height of the wall is to remain the same as existing. Therefore the repositioning of the wall is only a minor change and would not cause any detrimental harm to neighbour amenity.

Impact on 4 Cresswell Close

This dwelling is located to the west of the site. The side of the dwelling is adjacent to the rear garden of the application property. It is not considered that there will be any

impact on No. 4 as a result of the extension given the adequate separation distance between the rear wall of the extension and the side of the neighbours dwelling. In addition, there is no proposed change to the wall to the rear. The repositioned wall will be to the side only, which will not have any impact on this neighbour.

In conclusion, the impact to 4 Cresswell Close is considered to be acceptable.

2. Impact on Visual amenity

The proposed single storey side garage extension is relatively small in scale being only single storey and will integrate well with the host dwelling. The overall size, scale and design of the of the extension would relate well to the original dwelling and proposed plans indicate materials to match those of the existing dwelling, including matching brickwork. Furthermore, a pitched roof is proposed, which matches the pitched roof of the dwelling.

Although the proposed extension would be visible from the street scene, given the relatively small size and scale of the extension, it is not thought that this will cause harm to the visual amenities of the area.

The proposed wall is to be moved 0.5 metres close to the boundary of the application site, meaning that it will be up to Cresswell Close but will remain entirely within the site ownership of 310A Weddington Road. The wall will be highly visible within the street scene, however, it is considered that as the proposed wall is to be moved by just 0.5 metres and will be of the same height and depth as the existing wall, this will not cause harm to the visual amenities of the area.

The plans show a proposed front window to first floor level to serve a bathroom. Permitted development allows for additional windows to front and rear elevations, without the need for planning permission.

Overall, it is not considered that the proposal will have any detrimental harm to the visual amenities of the area.

3. Impact on Highway Safety

Notwithstanding the proposed side extension, there will be space for sufficient car parking space for 2 vehicles within the site. The proposed wall will be built up to the edge of the site boundary. The boundary of the site directly adjoins the road Cresswell Close and there is no footway on this section of the road. Objections have been raised, including a signed petition in relation to the impact of the wall and extension on highway safety, accessibility and manoeuvrability.

The proposed wall is to be within the ownership of No. 310A Weddington Road, as shown on the location plan. The resultant wall will not result in a loss of any highway on Cresswell Close but may result in a perceived sense of reduced accessibility and manoeuvrability.

WCC Highways were consulted on the application and provided a statement of no objection on 28th April 2022. Highways were reconsulted on 10th August 2022 following submitted detailed plans of the proposed wall and offered no further comments and maintain their stance of no objection to the proposal.

Following on from further consultation, WCC Highways provided a statement of no objection to the proposed wall on the 12th August 2022.

4. 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 proposed development of the single storey side extension forming garage, additional window to front elevation for bathroom and altering location of brick wall to edge of boundary is considered to relate satisfactorily to the original property and will not cause any detrimental harm to either visual or residential amenity. Furthermore, there will be no harm to highway safety as a result of the proposal.

The proposal is therefore considered to be compliant with both local and national policies and associated guidance.

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:

Plan Description	Plan No.	Date Received
Location Plan	01	18th April 2022
Proposed Site Plan	02	18th April 2022
Existing and proposed first floor plan	03	18th April 2022
Proposed First floor Plan	04	18th April 2022
Proposed Ground Floor Plan	05	18th April 2022

3. The proposed wall shall not be constructed other than in materials to match the existing dwelling.



Location Plan

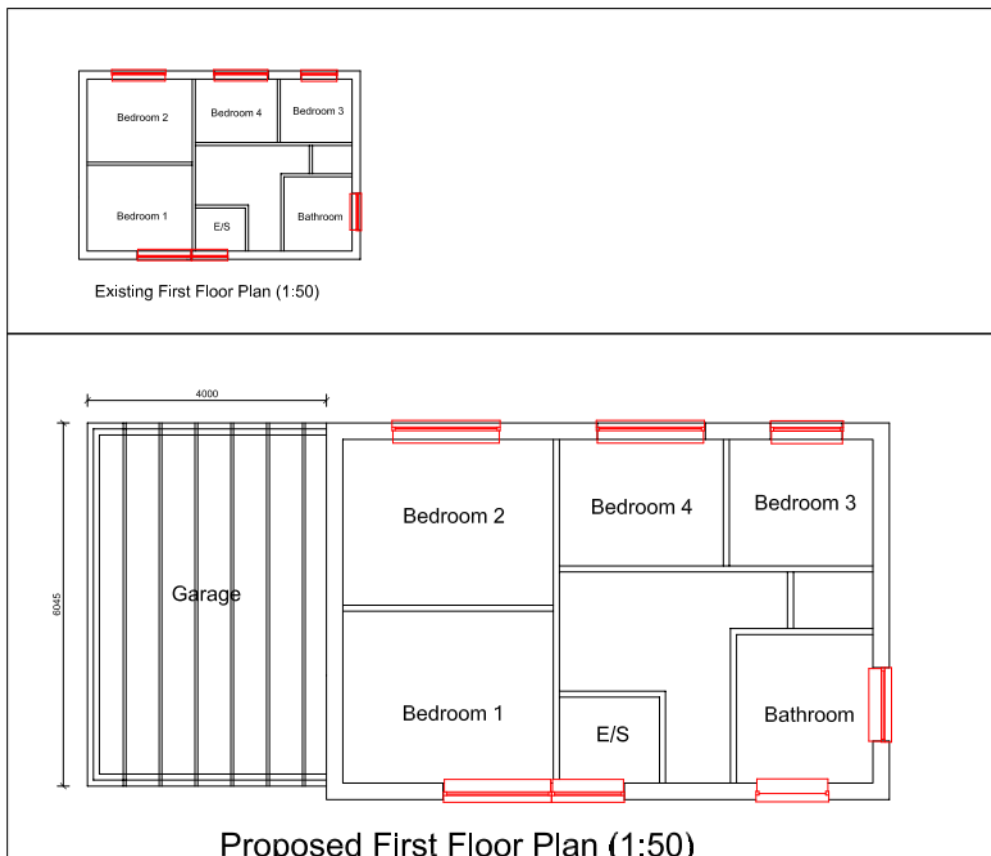
Proposed Site Plan



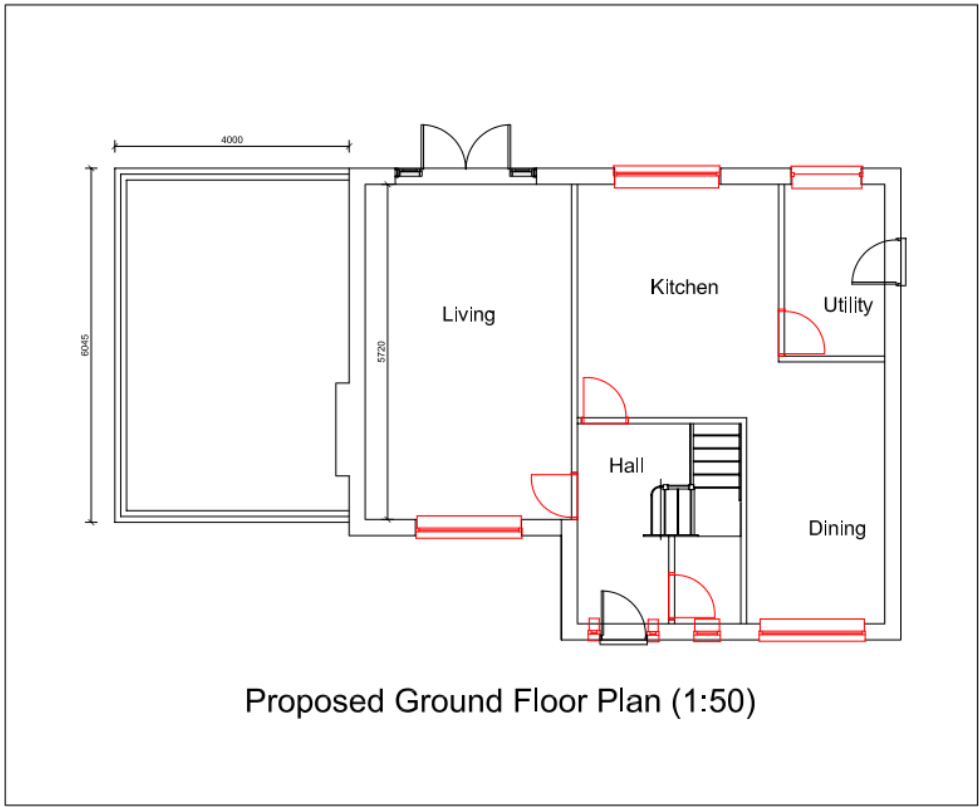
Proposed and Existing Elevations



Existing and Proposed First Floor Plans

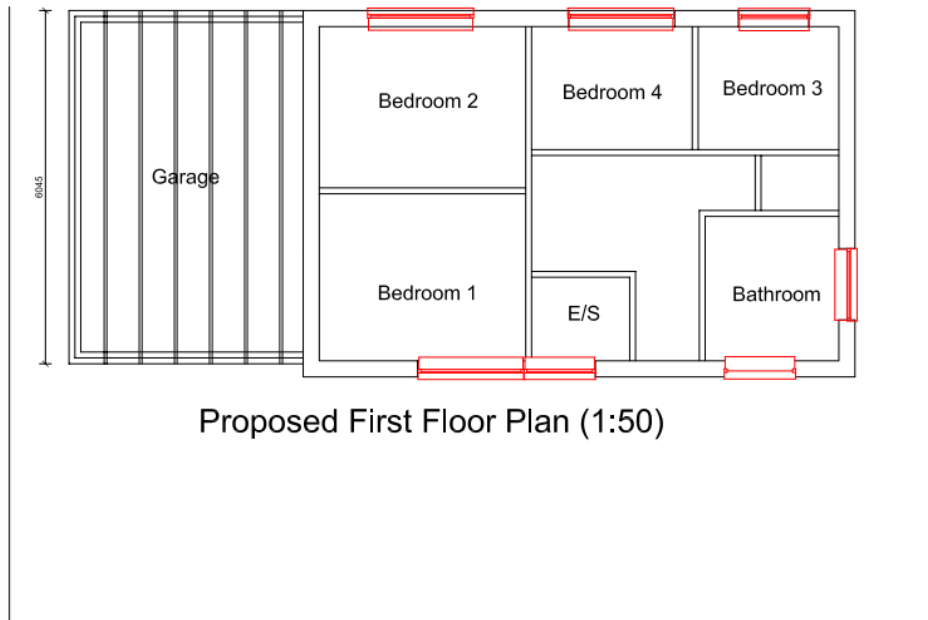


Proposed Ground Floor Plan

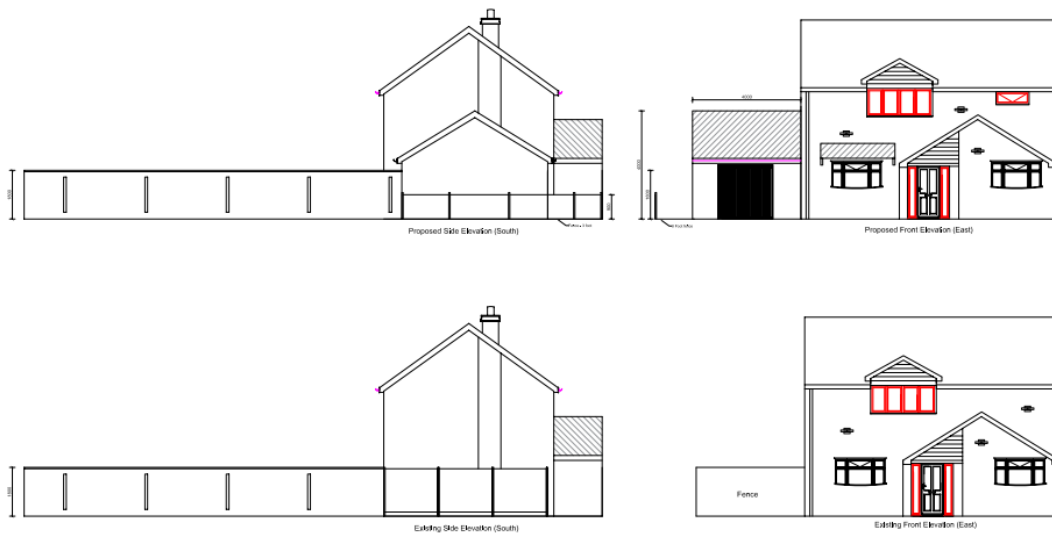


Client: Mrs Carol Potter
Project: Side Extension - Garage
Site: 310A Inverington Road, Murreaton, CV10 0ES
Title: Proposed Plans
Scale: 1:50

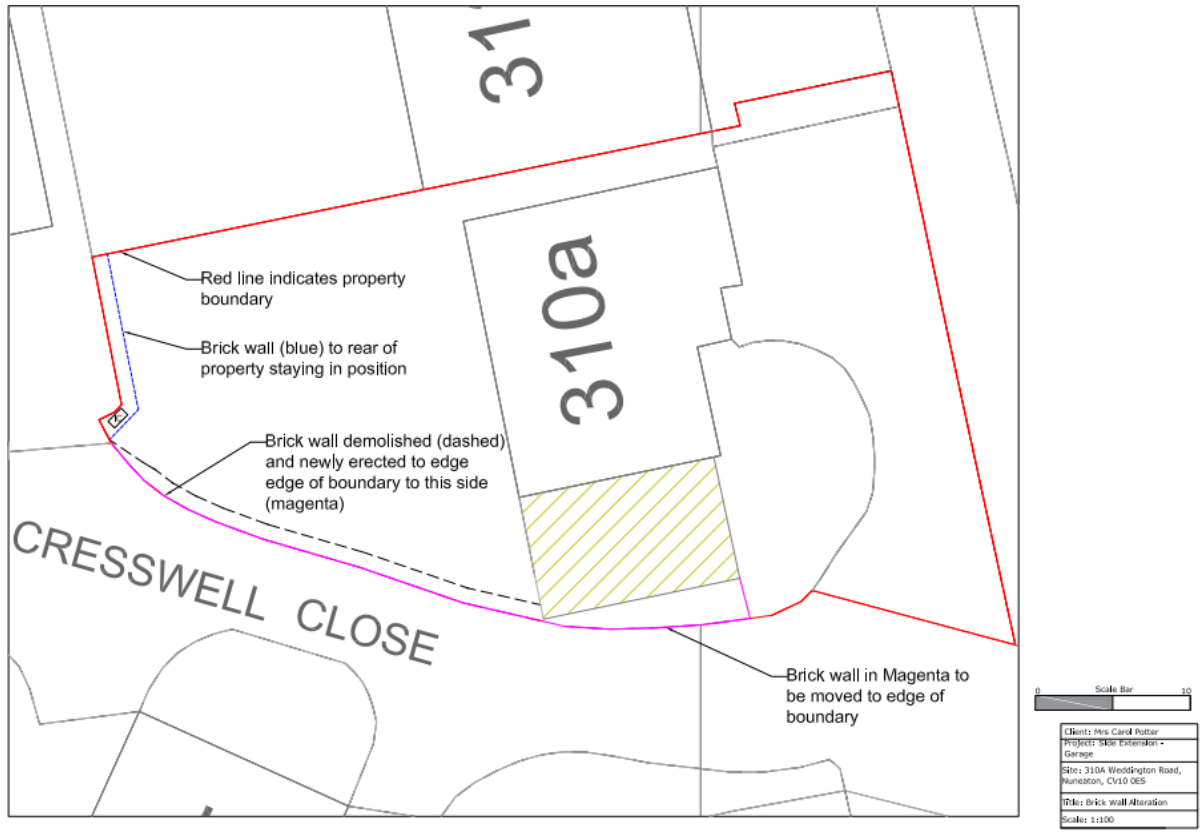
Proposed First Floor Plan



Proposed Wall plans



Client: Mrs Carol Rector
Project: Wall Elevation - Garage
Site: 310A Woodington Road, Nunston, CV10 0ES
Title: Wall Elevations
Scale: 1:100 - A3



PLANNING APPLICATIONS

Item No. 3

REFERENCE No. 038821

Site Address: Site 52D067 - Land off Eastboro Way Nuneaton Warwickshire

Description of Development: Variation of condition 13 of planning permission 033926 (following previous S73 application 035918) to amend when the delivery of the signalised toucan crossing is required from prior occupation to the occupation of the 20th dwelling

Applicant: Mr Simon Harrison

Ward: WH

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to the conditions printed and subject to no additional objection points being raised following the press notice.

INTRODUCTION:

This application seeks to vary condition 13 of planning permission 033926 (following previous S73 application 035918) to amend when the delivery of the signalised toucan crossing is required from prior occupation to the occupation of the 20th dwelling at Site 52D067 - Land off Eastboro Way, Nuneaton, Warwickshire. The reason for this application is due to existing cabling for street lighting was found to be insufficient. The developers therefore need to replace 0.6 miles of existing electrical network on Eastboro Way along the area of the toucan crossing. This has therefore delayed the installation of the toucan crossing.

Condition 13 of the outline planning consent required that prior to the occupation of the 200th dwelling, the provision of a Signalised Toucan Crossing on Eastboro Way shall be constructed, located and laid out in general accordance with drawing No. 363737-LEA-080 Rev. B. This condition was then later amended via Section 73 application to amend the delivery of the toucan crossing to prior to the occupation of the development.

The outline planning application, which was approved in was for residential development for up to 360 dwellings including new vehicular access off Hearth of England Way, including open space, footpaths, landscaping and other infrastructure.

The site is approximately 14 hectares and consists of four fields. Along the eastern and western boundaries are mature hedgerows. To the north, is the Crematorium which is separated by a dense woodland strip. To the south is Crowhill Park and an existing

residential estate. Eastboro way is to the west, with Attleborough Fields Industrial Estate beyond. There are open fields to the east. The levels of the site are highest in the western and central areas and slope down to the north-east, to the River Anker.

RELEVANT PLANNING HISTORY:

- 038860 - Modification, Deed of Variation - Supplemental Deed to original S106 Legal Agreement of outline approval 033926. This is to amend 3 market houses (plots 20, 21 & 22) to be sold and maintained under the First Homes government scheme – not yet determined
- 037817 - Variation of condition 10 of planning permission 035918 to amend when the detailed drawings of the highway mitigation schemes are required to be submitted to prior to occupation of the development, variation of condition 24 of planning permission 035918 to amend when the details of the provision of water supplies and fire hydrants are required to be submitted to prior to occupation of the development and variation of condition 26 of planning permission 035918 to amend when the details of the sustainable welcome packs are required to be submitted to prior to occupation of the development – not yet determined
- 038792 - Application for variation of condition 1 following grant of planning permission reference 037631 to amend schedule of approved plans to substitute approved house types for plots 75, 94, 305-308 and 318-322 – withdrawn 13/06/2022
- 038667 - Non-material amendment to outline planning permission 033926, reserved matters application 037631 and varied by application 035918 comprising amendments to approved house types for plots 75 & 94 to Romsey, 305 & 308 to Filey, 306-307 to Leigh & 318-322 to Leigh – refused 23/03/2022
- 037631 - Erection of 360 no. dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 033926 and varied by application ref 035918) – committee approval 12/10/2021
- 033717 - Retention of advertisements to include: two non-illuminated flags on flagpoles and one free-standing non-illuminated V-shaped gantry stack sign – approved 30/03/2021
- 035918 - Variation of condition 11 of planning permission 033926 to amend when the delivery of the signalisation scheme at A4254 Eastboro Way/Heart of England Way/Townsend Drive is required to prior to the occupation of the 100th dwelling and variation of condition 13 of planning permission 033926 to amend when the delivery of the signalised toucan crossing is required to prior to the occupation of the development – committee approval 23/04/2019
- 033926 - Residential development of up to 360 dwellings with vehicular access off Heart of England Way, including open space, footpaths, landscaping and other infrastructure. (Outline to include access) – committee approval 28/08/2018

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - H2 – Affordable housing
 - HS1 – Ensuring the delivery of infrastructure
 - HS2 – Strategic accessibility and sustainable transport

- 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 from:
WCC Highways

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 28th April 2022 and 12th July 2022.

10 Abbotsbury Way, 2-11 (inc) Albrighton Walk, Willow Brooke Day Nursery, 7-8 Anker Court Alliance Close, "Bath Empire" Attleborough House Townsend Drive, 23 Blackthorn Grove, 1-17 (odds) and 8-16 (evens) Bramble Close, 7 Coventry Street, "The Crows Nest" Crowhill Road, 14-28, 34-54 (evens) and 17-27 (odds) Farriers Way, 19 Gloucester Close, 18-22 (evens), 33-39 (odds) Grassington Drive, 1-13 (odds) and 2-14 (evens) Hebden Way, 1-7 (odds) and 2-6 (evens) Leyburn Close, "A.D.E.C" Unit 11 Liberty Way, "Kang Dungs" Ltd Unit 18 Liberty Way, "E.R.F" 13 Liberty Way, Unit 11 Montague Road, "Lloyds Chemist" 2-3 Raven Way, "Crowhill Quality Butchers" 7 Raven Way, "3Js Fish & Chips" 8 Raven Way, "Paradise Found Day Nursery" Nursery Cottage Raven Way, "Viva Plant" 1 Raven Way, "Blades" 5 Raven Way, "XPO Logistics" Townsend Drive.

A site notice was posted on 3rd May 2022 and a press notice was published in the Nuneaton News on 14th September 2022.

NEIGHBOUR RESPONSES:

There have been 4 objections from 4 addresses as well as 1 anonymous objection. 3 The comments are summarised below

1. The installation of the Toucan Crossing should be installed without delay due to the road being extremely busy and is already difficult to cross
2. Safety concerns with no crossing
3. The proposal is a purposeful delay by the developer to avoid installation of the crossing
4. The crossing is essential for pedestrians and cyclists' safety and accessibility

APPRAISAL:

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

1. Impact on Highway Safety

1. Impact on Highway Safety

Planning application 033926 was approved in September 2018 and was an outline application for residential development of up to 360 dwellings. The application also included access. Condition 13 of this permission was amended under application 035918 to vary the condition so that the delivery of the signalised toucan crossing on Eastboro Way from the 200th occupation to prior to occupation of the 1st dwelling. This change in delivery trigger point was brought forward to help balance the changes to Condition 11 applied for at that time.

At this time, WCC Highways commented that this would provide a dedicated connection from the development to a signalised and safe crossing over Eastboro Way on a desire line, providing a safe, well-connected and segregated public footpath/ cycle path into Nuneaton Town Centre. The Highway Authority had no objections and the application was subsequently approved by planning committee.

The current application seeks to amend the condition again. The initial submission requested that the signalised toucan crossing shall be installed prior to the occupation of the 100th dwelling. WCC Highways were consulted on the application and objected to this due to the residents of 100 dwellings not having a suitable crossing point across Eastboro Way.

An amended proposal was then put forward for the installation to the prior to the occupation of the 20th dwelling. Based on this amendment, the Highways Authority submitted a response of no objection.

For this reason, it is considered that the amendment to the condition will not have a severe impact on residents or the highways network.

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:

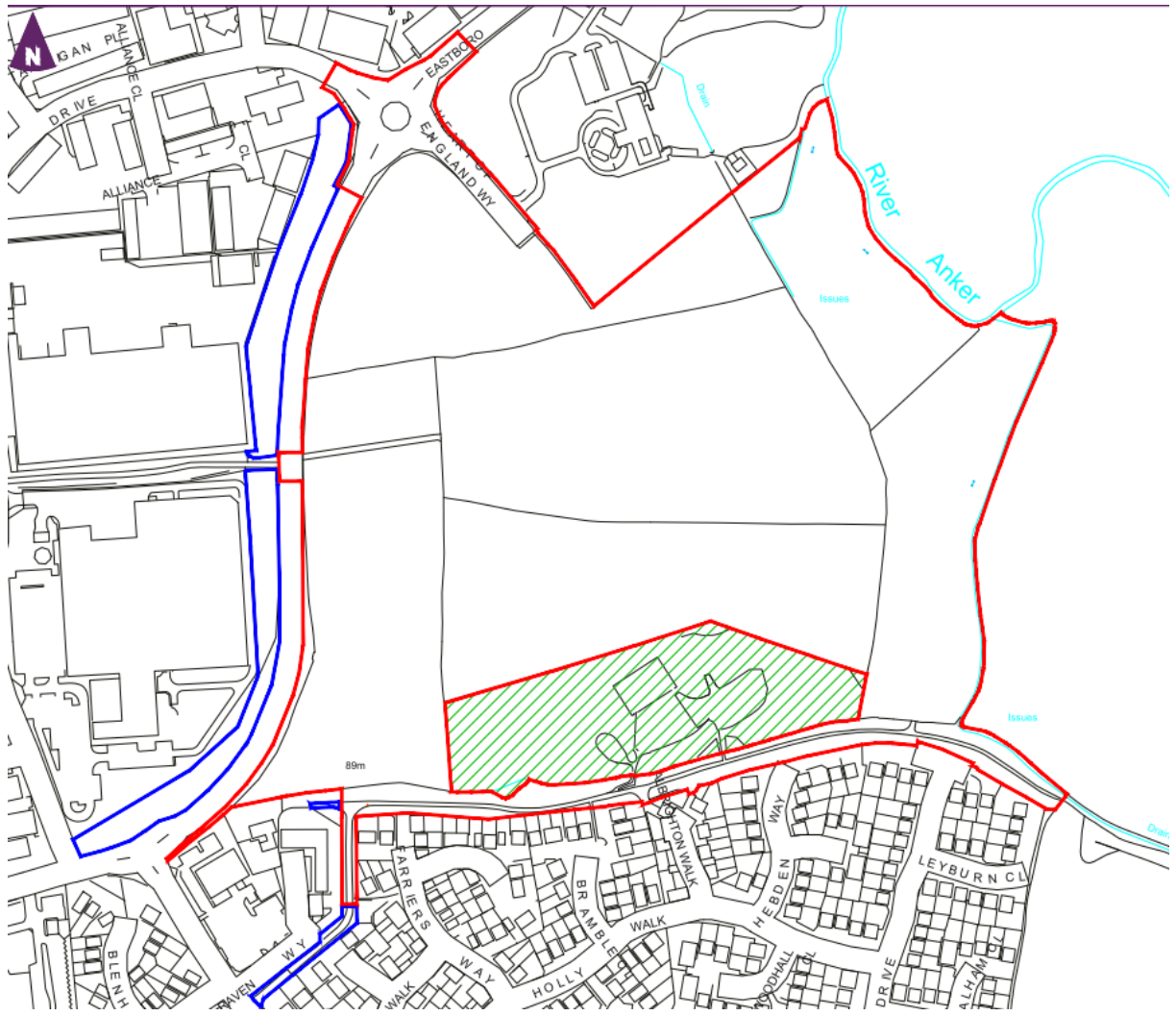
4. The development shall not be carried out other than in accordance with the approved plan contained in the following schedule:

Plan Description	Plan No.	Date Received
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5. No development other than in accordance with the details approved under condition 038194 of permission 035918.
6. No development other than in accordance with the details approved under condition 038398 of permission 035918.
7. No development other than in accordance with the details approved under condition 038398 of permission 035918.
8. The details required by condition 1(e) shall be carried out within 12 months of the commencement of any phase of development 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.
9. No development other than in accordance with the details approved under condition 038398 of permission 035918.
10. Prior to groundwork's, remediation or built construction of any phase of development the detailed drawings, in accordance with the preliminary design, for the highway mitigation schemes as identified shall be submitted for review and approval in writing by the Council;
 - a. A4254 Eastboro Way/Heart of England Way/Townsend Drive- drawing number 36373 – LEA – 065 Rev. C ;
 - b. A4254 Eastboro Way/Crowhill Road Junction- drawing number 36373- LEA – 070 Rev C;
 - c. A4254 Eastboro Way/Avenue Road/B4114 Lutterworth Road/Highfield Road Roundabout Junction – Figure 7.4 provided within the Transport Assessment; and,
 - d. A4254 Eastboro Way Toucan Crossing – drawing number 363737 – LEA– 080B.
11. Prior to first occupation of the development the signalisation scheme at A4254 Eastboro Way/Heart of England Way/Townsend Drive shall be constructed, located and laid out in general accordance with drawing 363737-LEA-065 Rev C.
12. Prior to the occupation of the 100th dwelling the signalisation scheme at A4245 Eastboro Way/Crowhill Road Junction shall be constructed, located and laid out in general accordance with drawing 36373-LEA-070 Rev C.
13. Prior to the occupation of the 20th dwelling the provision of a Signalised Toucan Crossing on Eastboro Way shall be constructed, located and laid out in general accordance with drawing 363737-LEA-080 Rev B.
14. Prior to the occupation of the 300th dwelling the provision of the junction improvement scheme A4254 Eastboro Way/Avenue Road/B4114 Lutterworth Road/Highfield Road Roundabout Junction shall be constructed, located and laid out in accordance with Figure 7.4 provided within the submitted Transport Assessment.
15. No development other than in accordance with the details approved under condition 038456 of permission 035918.

16. No development other than in accordance with the details approved under condition 038456 of permission 035918.
17. No development other than in accordance with the details approved under condition 038473 of permission 035918.
18. No development other than in accordance with the details approved under condition 038497 of permission 035918.
19. No development other than in accordance with the details approved under condition 038398 of permission 035918.
20. No development other than in accordance with the details approved under condition 038497 of permission 035918.
21. No development other than in accordance with the details approved under condition 038456 of permission 035918.
22. No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Council. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding
 - b. Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
 - c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - d. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the runoff rates for all return periods as specified in Appendix F of the submitted Flood Risk Assessment (document reference 36373-r001i3)
 - e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - f. Evidence from Severn Trent Water (STW) will be required (where relevant) granting approval of discharge of sewerage to their assets including discharge rate and connection points.
 - g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
 - h. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development
 - i. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

23. No development other than in accordance with the details approved under condition 038456 of permission 035918.
24. No development other than in accordance with the details approved under condition 038724 of permission 035918.
25. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Council.
26. No phase of development shall commence until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council. The approved packs shall be provided to each dwelling prior to the first occupation of any dwelling.
27. No development other than in accordance with the details approved under condition 038194 of permission 035918.
28. No development other than in accordance with the details approved under condition 038194 of permission 035918.
29. No development other than in accordance with the details approved under condition 038456 of permission 035918.
30. The development shall not be carried out other than in general accordance with the Illustrative Masterplan (drawing no. 36373 LEA91 Rev B) received by the Council on 9th September 2016 and the Design and Access Statement (ref no. 36673-001) received by the Council on 12th February 2016.



Location plan

REFERENCE No. 038487

Site Address: 50 Hill Street Bedworth Warwickshire CV12 8AT

Description of Development: Erection of 1 No. detached dwelling to the rear of 50 Hill Street

Applicant: Mr Gian Singh Manak

Ward: SL

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

INTRODUCTION:

This application is for the erection of 1 No. detached dwelling located on land to the rear of 50 Hill Street Bedworth Warwickshire CV12 8AT.

50 Hill Street is a convenience store at ground floor level, with flat above. The land to the rear appears to be used by both the shop and flat for uses including parking, general storage and garden area. Along the rear boundary of the site there is currently a single storey garage type building, which is proposed to be demolished to make way for the proposed dwelling.

The proposed dwelling is a detached 2 bedroom two-storey property. The rear garden/ parking area serving the site is currently enclosed by brick-built wall and metal gate. A dropped kerb serves the site as existing. 2 car parking spaces are proposed to serve the new dwelling, as well as the retention of 2 car parking spaces for the store/ flat at No. 50 are to be retained. There is some amenity space proposed to the rear of the site, although this is quite small, with the main amenity space being to the front of the dwelling next to the designated parking spaces.

With the exception of the convenience store, the street scene is made up of residential dwellings including two-storey semi-detached properties as well as some flats which are also two-storeys.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement Hierarchy.
 - DS3 – Development Principles.
 - DS4 – Overall Development Needs.
 - HS2 – Strategic Accessibility and Sustainable Transport.
 - HS3 – Telecommunications.
 - HS5 – Health.
 - HS6 – Sport and Exercise.
 - NE1 – Green Infrastructure.

- NE2 – Open Space
- NE3 – Biodiversity and Geodiversity.
- NE4 – Managing Flood risk.
- NE5 – Landscape Character.
- 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 Policy & WCC Highways

CONSULTATION RESPONSES:

Objection from:
WCC Highways

No objection from:
NBBC Environmental Health

No response from:
NBBC Policy

NEIGHBOURS NOTIFIED:

48 and 50 Hill Street, 16-24 (evens) Joseph Luckman Road, 10 Wood Street

Neighbouring properties were sent letters notifying them of the proposed development on 26th November 2021 and No. 48 was sent a letter on 12th August 2022.

NEIGHBOUR RESPONSES:

There have been 4 objections from 4 addresses as well a petition received with a total of 8 signatures. The comments are summarised below:

1. Loss of light
2. Loss of privacy
3. Overlooking
4. Proposal would cause an increase in on-street parking
5. Impact on the highways network and traffic

APPRAISAL:

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Conclusion

1. The Principle of Development

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

The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) and states that proposals that accord with the policies in the Borough Plan will be approved without delay unless material considerations indicate otherwise.

Policy DS3 states that development that falls within the settlement boundary should be approved. The site is within a defined settlement boundary and would be considered as sustainable, given the local transport links and being within close proximity to Bedworth Town Centre.

Policy DS4 identifies the number of houses required over the current plan period 2011 - 2031. The latest available five-year housing land supply information (April 2021) calculated a five-year supply figure of 5.42 years (using the Liverpool method). The proposal has not been accounted for within the Council's housing trajectory and so would be considered to be a windfall site. The Borough Plan allows for, at paragraph 6.22, windfall sites to make up 247 dwellings over the plan period.

The proposal would be located behind existing built development, within the rear garden of No. 50 Hill Street. The Council's Sustainable Design and Construction SPD states within Paragraph 10.12 that it is important to make effective use of land within the settlement boundary. Dwellings positioned behind the public highway in a "front to back" relationship (i.e. backland development) will need to integrate successfully with surrounding developments. The proposed dwelling would have no real road frontage off either Hill Street or Mill Terrace. The dwelling would be located slightly in front of the build line of No. 10 Wood Street, in order to fit into the size of the plot. It is considered that the development would constitute backland development and would not be a constructive use of the land on this site. This coupled with the other impacts of the proposal on the visual amenity of the area, the impact on residential amenity and the impact on highway safety, which are to be discussed in full within this report, conclude that the principle of residential development on this site to be unacceptable.

2. Impact on 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.

As previously discussed, the site is within a built-up residential estate. Therefore, the main impacts will be on 50 Hill Street located to the front (north) of the site, 48 Hill Street (which neighbours the site to the east), 10 Wood Street (which neighbours the site to the west) and 18-22 Joseph Luckman Road which are located to the rear of the site (to the south).

50 Hill Street

This site currently have 2 uses within this building including off licence and convenience store, located within the front portion of the site. The rear of the site is a residential dwelling which cover the ground floors (lounge, kitchen/diner and bathroom) and first floor (3 bedrooms and a bathroom). The access to both the shop and dwelling are located to the side, off Mill Terrace. The building is two-storey in height and appears to have been extended to the rear at single storey. The building is finished in a pebble dash, including the wall which surrounds the rear garden and parking area. An extension appears to have been constructed to the rear which is finished in a tin sheet material and has a sloping roof.

To the rear of the site is the garden/ parking area to the site, which is completely tarmacked. It is enclosed by a large wall with metal railing vehicular access gates, of which there are a row of evergreen trees/shrubs directly behind. Within the rear garden space along the rear boundary is a single storey flat roof building which appears to be in poor condition. This is proposed to be removed and will be replaced by the proposed dwelling.

There are 2 windows within the building which face south towards the application site, 1 of which is at ground floor level but within the extension. The other is at first floor and serves a bathroom. As per the council's Sustainable Design and Construction SPD, the council can only protect windows which are original and serve habitable rooms, therefore both of these windows cannot be afforded protection. However, the proposed dwelling will have a window facing north towards No. 50 at ground floor level and will serve a lounge. Paragraph 11.7 of the SPD states that in order to protect aspect and light, the blank wall of an extension directly facing the window of a habitable room of the same height shall be a minimum of 12m apart and 14m where the extension is a storey higher. The separation distance between the ground floor of No. 50 and the proposed dwelling is 13.5m and this increases to 21m at first floor level. The proposal is therefore in accordance with the distance standards.

Although the proposal is in accordance with the distance standards, it would also result in almost the entire loss of rear garden amenity space for No. 50. The site plan shows that to the rear of No. 50 will be space for 2 car parking spaces with very little other amenity space available for the 3-bedroom dwelling. The council has the duty to protect not only existing but future users of the site. Paragraphs 11.11 onwards of the SPD sets out that development should have sufficient amenity space to meet the recreation and domestic requirements of occupants including recreational activities such as read, active recreational uses and domestic uses such as drying clothes. The shared parking and amenity space for No. 50 will be reduced to just 49.5 sq. m and just 5.7m in depth. This is not considered to be sufficient amenity space for the existing dwelling.

48 Hill Street

This residential dwelling is located to the north of the site and the properties rear garden adjoins the site of the proposed dwelling. The garden is quite narrow but long, with the separation distance between the rear dwelling and the proposed dwelling being 18.5m. The dwelling as proposed will be set off the boundary with this neighbour by 1.8m to the closest point. It is considered that given the separation distance and the distance set in from the boundary that the development will not appear too overbearing on the amenity of this neighbour and is therefore acceptable.

10 Wood Street

This residential dwelling is located to the west of the proposed development site and will be directly adjacent to the proposed dwelling. It is a semi-detached dwelling with detached single storey garage to the side closest with the proposed development.

The proposed dwelling is to be positioned slightly forward of this dwelling by a very small degree. However, given the position of the detached garage and the separation distance between the front of the dwelling and the boundary (2.34m), the proposed dwelling will not breach the 45 or 60 degree lines with this neighbour in terms of both the front and rear habitable room windows. The dwelling will not appear overbearing in terms of the neighbours rear garden amenity space, as the dwelling will only project passed the detached garage by 1m, it is set off the boundary and angles away from No. 10.

The dwelling as proposed will have habitable room windows on the west elevation at both ground and first floors facing towards No. 10. There are no windows which serves habitable rooms on the side elevation of No. 10.

The side facing window which will serve bedroom 1 of the proposed dwelling is of particular concern here, as it will overlook neighbouring private amenity space. The separation distance from this window to the boundary is just 4m. The SPD states at paragraph 11.6, habitable room windows above ground floor which overlook neighbouring private amenity spaces shall be at least 7m from the boundary. The proposal therefore fails to protect the private amenity space to this dwelling.

20 & 22 Joseph Luckman Road

These 2 dwellings are located to the south of the site, of which the rear gardens adjoin the rear boundary of the site. No. 18 and 24 Joseph Luckman Road also adjoin to the boundary, but only to a small degree and there are views past these dwellings so will be impacted less by the proposal. No. 20 and 22 form a row of terraced properties on Joseph Luckman Road, of which the rear gardens are very small. No. 20 has a small single storey extension to the rear, meaning the separation distance between the extended rear wall and rear boundary is just 5.1m. No. 22 has not been extended and has a garden length of 6.6m. Behind these gardens is a small strip of waste land (1m wide).

The proposed dwelling has a separation distance from the rear boundary of just 2m to the narrowest part (as the dwelling and garden area tapers towards the east). The SPD states at paragraph 11.6, habitable room windows above ground floor which overlook neighbouring private amenity spaces shall be at least 7m from the boundary. The proposed dwelling has 1 rear facing window to serve Bedroom 1 at first floor and would be significantly less than the 7m separation distance.

As previously discussed, No. 20 has been extended at ground floor level. However, at first floor there is a rear habitable bedroom window. The separation distance between first floor habitable room windows will be just 10m. The SPD states at Paragraph 11.4, in the interests of protecting privacy, a minimum separation distance of 20m is required between habitable room windows. This proposal therefore falls considerably short of this requirement and the resultant impact on both dwellings would be unacceptable.

No. 22 has not been extended and therefore the separation distance between ground and first floor habitable room windows will be 10.2m, which again will result in an unacceptable impact on the amenity of both dwellings.

Assessment of the Dwelling as Proposed

In terms of the residential amenity of the future occupiers of the proposed dwelling, it is important to consider that there will be sufficient amenity space, both internally and externally. The SPD requires that all new residential developments meet the minimum nationally described space standards. In the case of 2 bedroom two-storey dwelling, the minimum internal space standards should be 70 sq. m. The proposed dwelling is 83.5sq. m and is therefore in compliance with this requirement.

However, the SPD also requires that that development should have sufficient amenity space to meet the recreation and domestic requirements of occupants including recreational activities such as reading, active recreational uses and domestic uses such as drying clothes. The garden space to the rear is just 2.2m deep (from the centre point). There is an amenity area shown on the plans to the front of the dwelling, adjacent to the car parking spaces and will be small in area and will not be private, as it will be visible from the road. Furthermore, the use of shared spaces for amenity and car parking is not considered to be appropriate or safe for the recreational uses required by a residential dwelling.

As such, the proposed dwelling will have an unacceptable impact on the residential amenity of neighbouring dwellings No. 50 Hill Street and 20-22 Joseph Luckman Road. The proposed dwelling also does not meet the requirements for appropriate outdoor amenity space to the detriment of future occupiers. This harm is considered to be detrimental and the dwelling cannot be supported for these reasons.

3. Impact on Visual Amenity

Policy DS3 of the Borough Plan 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. Paragraph 124 of the NPPF 2019 states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 130 of the NPPF 2019 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any supplementary planning documents.

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 dwelling is to be a two-storey detached dwelling with pitched roof. The street scene is made up of mostly semi-detached dwellings and two-storey apartments. It would have also have no real street frontage. It is considered that the dwelling fails to create its own pattern of development or form a cohesive group and therefore appears as an isolated feature. The surrounding area is characterised by dwellings that front residential roads, which the proposed development fails to achieve and as such it would appear out of character in relation to the existing pattern of development. This is exacerbated by the site's isolated back land location with the effect of having a significant detrimental impact on the character and visual amenity of the area.

The National Planning Practice Guidance states the need for decisions to respond to local character and The National Planning Policy Framework also recognises the importance of high-quality design and that it is proper to seek to promote or reinforce local distinctiveness and integrate into the built environment (paragraph 58, 59, 60 and 61). Furthermore, paragraph 71 of the NPPF states that development should be resisted on garden land where it would cause harm to the local area. It is considered that the development would be harmful, as it would

In conclusion, the proposal is contrary to relevant policies contained within national policies (NPPF and NPPG) as well as local policies contained within the Borough Plan and associated SPDs. The development as proposed fails to integrate with the pattern of development to the detriment of the street scene and the visual amenity of the area.

4. Impact on Highway Safety

WCC have been consulted on this proposal and submit a response of objection. Despite numerous consultations, their points of objection still remain and no further amendments have been provided to the council to overcome these objections.

In their latest response (27th July 2022), the Highways Authority state that –
“The location of the dropped kerb has now been shown in relation to the parking spaces and the proposed parking would not be supported. As previously outline in the initial response, vehicles should enter the highway at 90 degrees to provide the full extent of the available visibility splays, allow for the swept paths of vehicles and avoid the need to look over the driver's shoulder which can cause problems for people with mobility issues.

Both the proposed parking spaces for the dwelling would be accessed from the radius and would enter the highway at acute angles which would not be supported.

It is also unclear whether the spaces would be usable. Due to the location and proximity to the building line, it appears that vehicles would be required to manoeuvre over the footway potentially resulting in conflict with pedestrians. Due to the location on the outside of a bend, vehicles would also be required to reverse over 20 metres in order to travel in the desired direction.

A further extension is also proposed to the dropped kerb. The existing dropped kerb is around 10 metres in length, any further extension could be considered excessive.

Furthermore, the parking spaces as shown are not large enough. Parking spaces should measure a minimum of 5.5 metres in length by 3 metres in width where bound on one side.”

No response was received from the applicant or agent in relation to these comments.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.

In this case, the proposed parking spaces combined with the position of the access on the radius would have a severe impact on the road network and cannot be supported. This therefore weighs significantly against the proposal.

5. 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 proposed development of 1 dwelling to the land to the rear of 50 Hill Street would constitute backland development and would have a negative impact on both the surrounding residential amenity of neighbouring dwellings, as well as detract from the visual amenities of the street scene and would also have a severe impact on highway safety.

The development would result in 1 additional dwelling for the Borough, which is a positive to the scheme. However, on balance, the harm created by the proposed dwelling far outweighs this one positive. The recommendation is therefore one of refusal.

REASONS FOR REFUSAL:

Refusal

1 Policy BE3 of the Nuneaton & Bedworth Borough Plan 2019 states (in part):-

Development proposals must be:

1. Designed to a high standard.
2. Able to accommodate the changing needs of occupants.
3. Adaptable to, and minimise the impact of climate change.

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

...

Supplementary planning documents

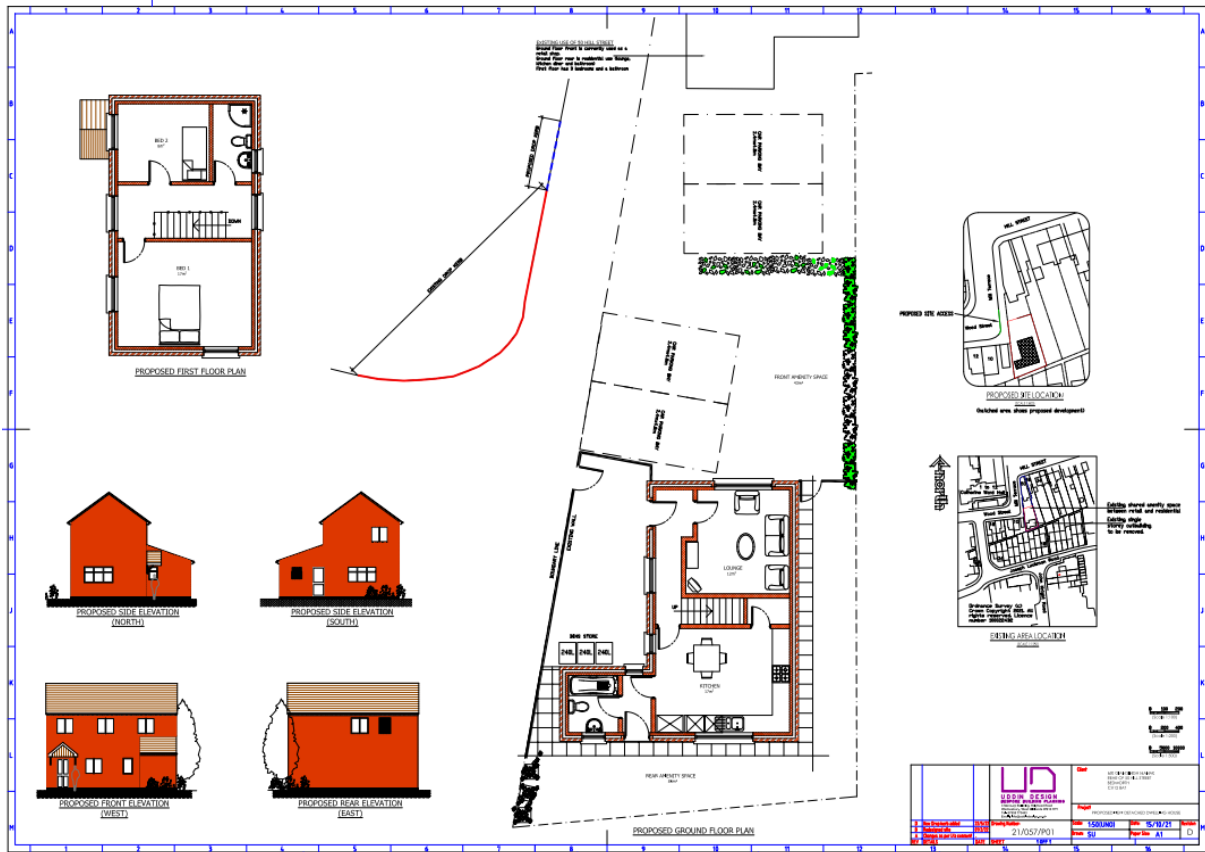
Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

- (i) The proposal is contrary to this policy in that the application would not reflect the pattern of development in the area and would appear as backland development, to the detriment of the visual amenity of the street scene. This would result in a development which is incongruous and out of keeping with the character and appearance of the area (contrary to section 13.9 of the Sustainable Design and Construction SPD 2020 and relevant policies within the NPPF).

- (ii) The scheme does not meet the required separation distances as specified in the Sustainable Design and Construction SPD 2020 and would result in a detrimental impact on the residential amenity of No. 50 Hill Street, No. 10 Wood Street and also 20 & 22 Joseph Luckman Road.

2 Paragraph 111 of the NPPF states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- (i) The proposal is contrary to these policies in that it has not been adequately demonstrated that a safe and suitable access from Mill Terrace can be achieved and that the parking spaces are adequate in size for their proposed use. The development would therefore have a severe, detrimental impact on highway safety. (Contrary to Guidance contained in Paragraph 111 of the NPPF, BE3 and HS2 of the Borough Plan 2019 and the guidance contained within Manual for Streets 2007).



Location plan, site plan, proposed floor plans and elevations

Item No. 5

REFERENCE No. 039000

Site Address: Site 114A008 Land Adjacent Hospital Lane and Goodyers End Lane Bedworth

Description of Development: Application for prior notification for installation of a proposed 15m monopole and associated equipment and ancillary cabinets.

Applicant: Hutchison 3G UK Limited

Ward: HE

RECOMMENDATION:

Planning committee is recommended to confirm that prior approval is required and approved.

INTRODUCTION:

This is an application for prior notification for a 15m monopole and associated equipment and ancillary cabinets at site 114A008, which is located on land adjacent to 334 Goodyers End Lane, situated on the corner of Goodyers End Lane and Hospital Lane.

The site is located on the corner of Goodyers End Lane and Hospital Lane on a grass verge near the near entrance to Hospital Lane which separates both highways. The proposed mast will be located on a the end grass verge which situated in adjacent to 334 Goodyers End Lane and runs parallel to Hospital Lane. The surrounding area is almost exclusively two-storey residential properties, however directly behind the proposed location is a Car Mechanic Garage with associated car storage area. The grass verge features 4 items on it, 2 permanent and 2 temporary. The 2 permanent feature is a streetlight and the street name sign and then there are various temporary advertisements. The grass verge is not directly in front of any residential property. On the opposite side of the road is a row of trees which sperate the residential area with a major highway, M6.

Development Description

Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 16 Communications Class A – Electronic communications code operators, development is permitted by or on behalf of an electric communications network in, on, over or under land controlled by that operator or in accordance with the electronic communication code consisting of the installation of any electric communication apparatus, subject to conditions. In the case of the installation of a mast, the mast, excluding any antenna, should not exceed 20 metres above ground level on highway land. The proposed mast would be 15m to the top of the street pole (including the antenna).

This mast is a streetpole and is 15m in height and will be finished in RAL 7035, which is a light grey and is located near the pathway on the grass verge in line with the side

elevation of 334 Goodyers End Lane. The associated cabinets are located adjacent to the proposed streetpole and will be finished in the same colour.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - HS3 - Telecommunications and broadband connectivity
 - 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 from:
WCC Highways

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted were 329 and 334 Goodyers End Lane, 2,4 and 14 Hospital Lane and they were sent consultation letter notifying them of the proposed development on 07/07/2022. As the plans were amended after consultation with WCC Highways, they were sent a second consultation letter on 02/09/2022. A site notice was erected on street furniture on 06/07/2022.

NEIGHBOUR RESPONSES:

There have been 3 objections from 3 addresses as well as 1 objection with no address given. The comments are summarised below;

1. Poor location of the proposed mast
2. Intrusive to residents
3. Sensitive medical equipment may be used
4. Affect local visual amenities
5. Mast nearby at Church Lane, Hospital Lane
6. Motorway nearby may cause dropouts
7. It is a monstrosity
8. Impact house prices negatively
9. Symptoms due to 5G masts
10. Health reasons cannot be ignored

Additionally, there has been 1 objection from the Nuneaton and Bedworth Community Association and the comments received are summarised below;

1. No camouflage (NPPF)
2. No sympathetic design (NPPF)
3. Inadequate sharing of competitor masts in this location (NPPF)

4. Inadequate communication and consultation time with the public regarding this installation
5. The horrific visual appearance of many masts in this location due to the reduced small cell radius of next gen masts, damaging the view & serenity of this location
6. The horrific visual appearance of just this one mast, damaging the view & serenity of this location
7. The horrific visual appearance to tourists and travellers damaging the reputation of Bedworth.
8. The planning application was misleading and the process is confusing for local residents
9. No full ICNIRP data
10. Health and Safety- people crashing into the proposed pole
11. Dull appearance
12. No evidence of sharing masts

APPRAISAL:

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

1. Whether the siting and appearance of the mast is appropriate
2. Conclusion

1. Whether the siting and appearance of the mast is appropriate

The key issues to assess in the determination of this application are whether the siting and appearance of the streetpole and associated equipment is acceptable.

Paragraph 114 of the NPPF states that ‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The LPA is not un-supportive of new infrastructure provision; however, it should be ensured that the siting and location is acceptable. Policy HS3 of the NBBC Borough Plan is the relevant policy that states that development must facilitate and contribute towards the provision of broadband and sets out the 6 criteria that need to be met for proposals for telecommunications development.

The Government attaches great importance to the design of the built environment and outlines this within Section 12 (para. 124) of the National Planning Policy Framework (NPPF July 2021) where it states:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para. 114 of the NPPF also states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (5G).

Para 115. of the NPPF states that the number of electronic communication masts and the sites for such installations should be kept to a minimum. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

The National Planning Policy Framework clearly states that authorities should NOT question the need for the service, nor seek to prevent competition between operators. Notwithstanding this fact, the applicant considers that the site is required to provide new 5G coverage for CK Hutchison Networks (UK) Ltd to improve coverage in the area.

The proposed installation of the mast will also help to support the UK Government Digital Connectivity vision and provide a basis for support from the local planning authority to speed up digital infrastructure rollout set by Ministers on 27th August 2020. In addition, such development will help to facilitate educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling e-commerce and working from home, as well as enjoying access to social media and gaming for leisure time activities.

The proposed streetpole will be a new introduction to the street scene however due to its location, being located back from the highway and not directly on the corner the siting does appear to be acceptable. Furthermore, the pole will read against the MOT garage and there is nothing on the opposite side of the road. This building is 6m in height and due to the amended plans to overcome the highways objections, the siting is now closer to this garage. This is still acceptable as it is a non-residential building and so has no residential amenity to protect and the visual amenity is not significantly impacted although it will be a new feature in the street scene. The developer has confirmed as part of the supplementary information document that the site has chosen as the most viable option to provide the most reliable coverage and to help connect the residents the best. WCC highways were consulted on the application, and they had no objection with the appearance of the proposal but an objection with the original siting due to the lack of visibility splays and the impact that this would have on the highway network. The developer has since it has been moved 0.7m towards the MOT Garage, WCC Highways were reconsulted and they returned a response of no objection and therefore, the current site, which has been amended since it was originally submitted is considered the most appropriate site.

As with most 5G coverage within the urban environment, there is an extremely constrained cell search area. The developer acknowledges that the very nature of installation new 5G mast infrastructure within a dense urban setting requires a well-considered balance between the need to extend practical coverage whilst minimising any visual intrusion on the street scene. As such, a street pole with associated cabinets was deemed the most appropriate solution available. A total of 4 sites were reviewed but were ultimately dismissed reasons differing from poor infrastructure, to close to residential dwellings, would not offer the same service and that the proposed site was just better in planning, environmental and technical reasons.

The appearance of the pole has been designed to be the least visually intrusive for the location. Even with the advanced technology the 15m pole the applicant has accepted that the height will result in a visually intrusive feature but with the proposed design and the minimum height this has been mitigated. The pole is the slimmest solution available and therefore the developer feels, and officers feel that the visual impact has been reduced as far as practicable. Finally, the pole is proposed to be finished in RAL 7035, which is a light grey. In previous applications that are close to residential areas, the colour has been conditioned to be green or in the spectrum of green however in this case it is felt that the grey colour will be acceptable as it not read against any residential properties or group of trees. However, as a part of the supplementary document included in the application the applicant/agent has stated that if the colour needed to change, they would be amenable.

Based on the amended plans that have been submitted, it is considered that the proposed siting and appearance of the mast and cabinets would be appropriate.

2. Conclusion

To conclude, the Government considers that the high-speed mobile connectivity is the 'lifeline' of a Community and that prior approval should be granted where the council considers that the siting and appearance of the telecommunications equipment is appropriate.

Furthermore, the use of the public highway to accommodate a new telecommunications installation complies with both central government and local planning policy guidance, where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community, while minimising visual impact.

In accordance with a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the National Planning Policy Framework as well as the conditions set out within Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, it is considered that prior approval is not required for the development.

SCHEDULE OF CONDITIONS:

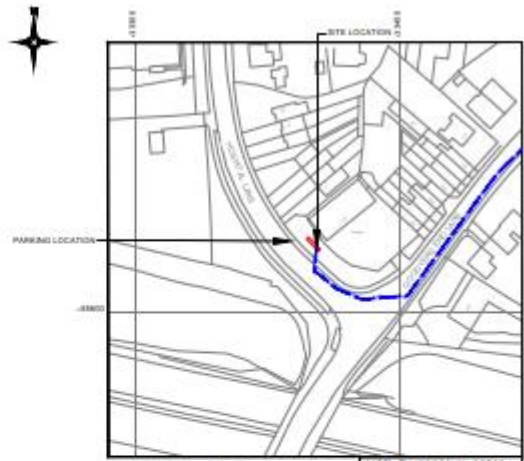
1. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan description	Drawing No.	Date received
Proposed and Site Location	NAB21640_NAB057_86331_CV1570_GA_REV B	30/08/2022



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SITE AREA PLAN
1:50,000



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SITE LOCATION PLAN
1:1020

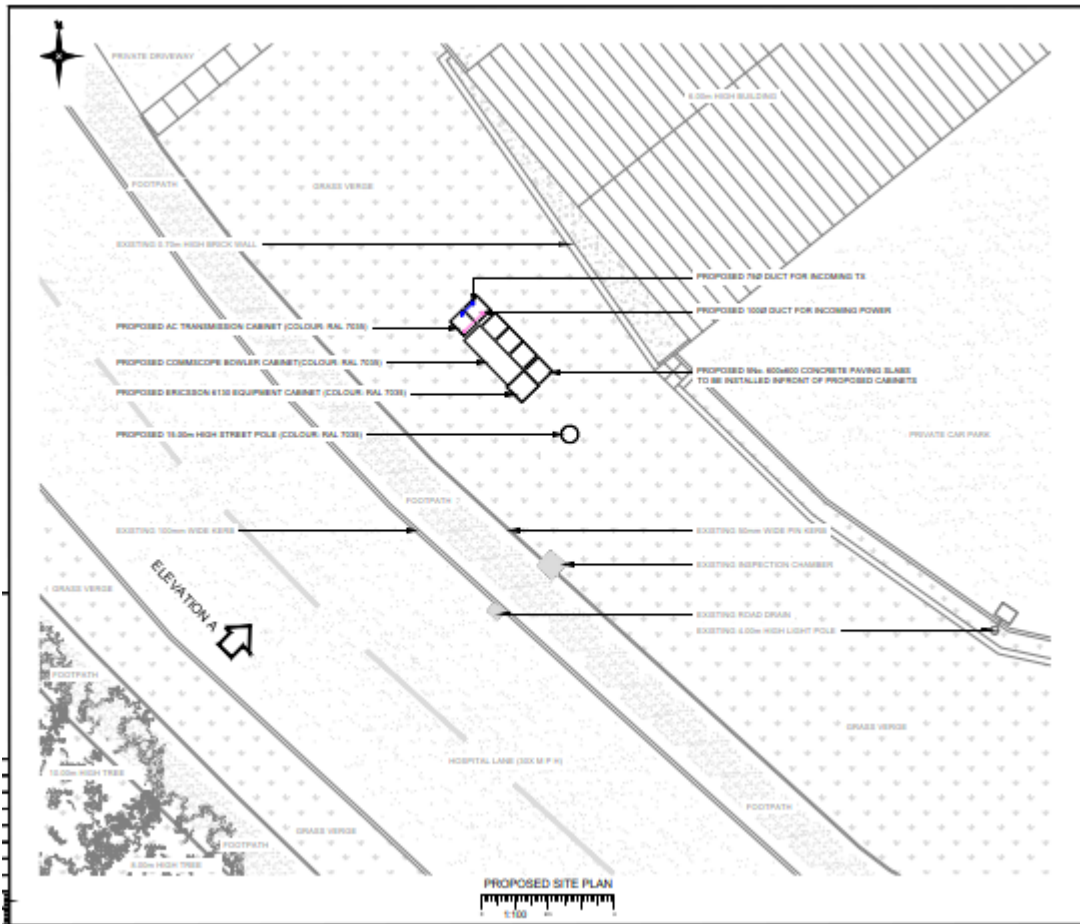


SITE PHOTOGRAPH

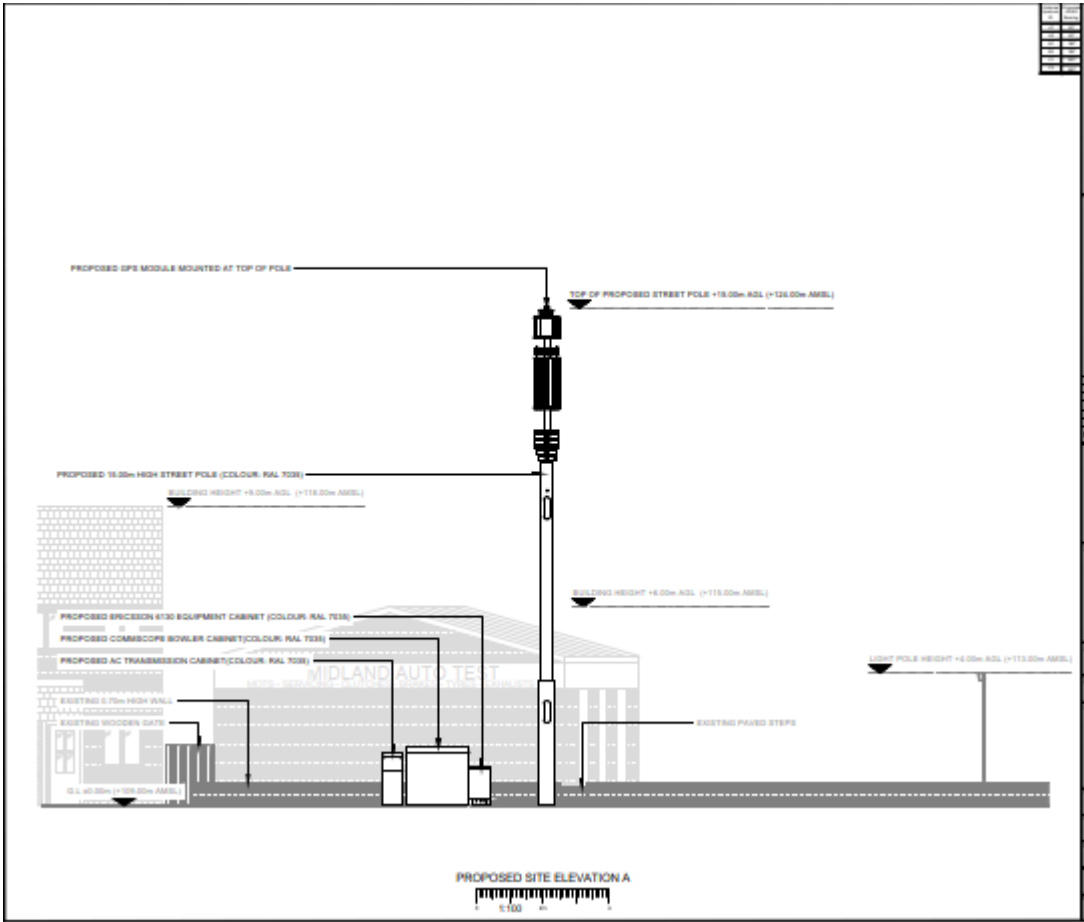


GOOGLE MAPS QR CODE
GOOGLE MAPS - <https://tinyurl.com/53hncr8>
STREETVIEW - <https://tinyurl.com/5ex36nj>

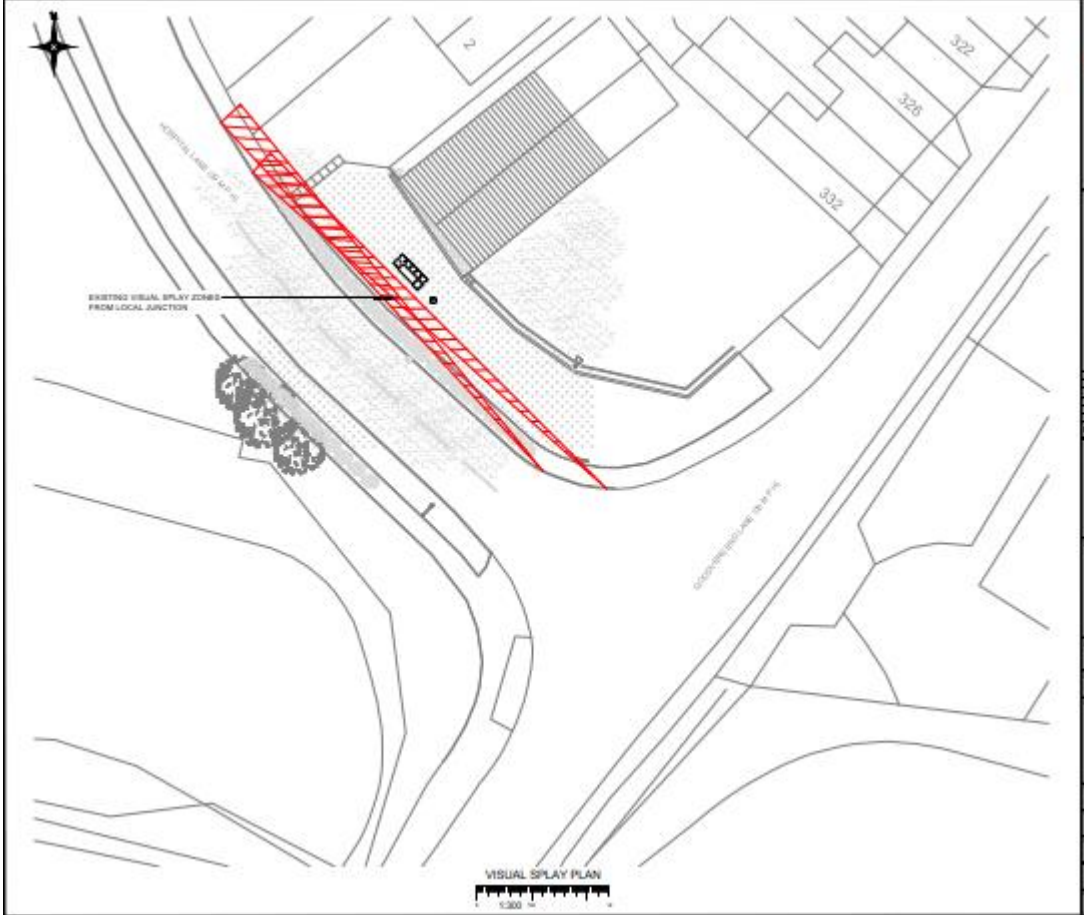
Site Area Plan, Site Location Plan and Site Photograph



Proposed Site Plan



Proposed Site Elevations



Proposed Visual Splay Plan

Item No. 6

REFERENCE No. 039081

Site Address: 99 Woodlands Road, Bedworth, Warwickshire, CV12 0AD

Description of Development: Retention of partial hedgerow removal (hedgerow removal notice application)

Applicant: CO Frampton Town Planning

Ward: SL

RECOMMENDATION:

Planning Committee is recommended to not issue a Hedgerow Retention Notice.

INTRODUCTION:

This application is a Hedgerow Removal Notice under the Environment Act 1995 (as amended) and the Hedgerows Regulations 1997 (as amended).

The hedgerow is located along the northern boundary of 99 Woodlands Road and it is protected as it is over 20 metres in length and over 30 years in age. The hedgerow runs almost west to east and connects to north-south running hedgerows to the East (along Woodlands Road) and to the West (adjacent to the A444). The site has full planning consent for 9 residential units.

This application differs to standard planning applications in that the issues to assess are; Firstly, whether the hedgerow is considered to be 'important' and secondly, if 'important', whether the justification provided for the removal is acceptable.

There is a set criteria for assessing importance and these criteria are separated into Archaeological & Historical importance and Wildlife & Landscape Importance.

For this type of application, the determination options are to either:

- Confirm that the partial removal is approved and not issue a hedgerow retention notice

Or

- Issue a hedgerow retention notice.

The Hedgerows Regulations 1997 states that a LPA shall not issue a hedgerow retention notice in respect of a hedgerow which is not 'important'.

If a hedgerow is considered to be 'important', the justification given for the removal can be taken into consideration when balancing the case.

If a decision is not issued within 56 days or by a later date as mutually agreed between the LPA and applicant, then it is accepted that the Council will not issue a hedgerow retention notice. The agreed extension of time on this case is the 21st September 2022.

BACKGROUND:

This application is being reported to Committee at the request of Councillor Kyle Evans.

RELEVANT PLANNING HISTORY:

- 038532 - Variation of condition 2 following grant, on appeal, of application
- 036687 to show a new housetype at plot 4, changes to elevations of plot 8 and change to siting and new housetype to plot 9 (with detached garage) – Approved February 2022.
- 038531 - Non-material amendment to 036687 (allowed on appeal) to remove cladding to gables and change W.C. window size on plots 1 and 7, alter elevations on plot 2, and remove en-suite window of Plot 5 – Approved January 2022.
- 037609 - Erection of 9 dwellings including associated infrastructure – refused February 2021.
- 036687 - Erection of 9 dwellings including associated infrastructure – allowed at appeal in August 2021

CONSULTEES NOTIFIED:

NBBC Parks, WCC Archaeology

CONSULTATION RESPONSES:

NBBC Parks would classify the hedge as important.

WCC Archaeology would classify the hedge as important.

NEIGHBOURS NOTIFIED:

As per the Hedgerows Regulations 1997, neighbour consultation is not statutorily required for this type of application. However, consultation letters were sent to 91, 95, 97, 160, 126, 164 Woodlands Road on 9th August 2022

NEIGHBOUR RESPONSES:

There have been 2 objections from 1 address. The comments are summarised below;

1. Hedgerow is many years old and forms a barrier to traffic noise, pollution and hosts birds and nests.
2. Neighbour was not advised of removal from the applicant

APPRAISAL:

The issues to be considered within this application are whether the hedgerow can be classed as 'important' and whether suitable justification for the removal has been provided.

1. Importance

Archaeology & History

In order to be categorised as important, the hedgerow must meet any of the following requirements:

1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose "historic" means existing before 1850.

This hedgerow does not mark the boundary of a pre-1850 parish.

2. The hedgerow incorporates an archaeological feature which is—

a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(7); or

(b) recorded at the relevant date in a Sites and Monuments Record.

This hedgerow does not incorporate an archaeological feature as defined.

3. The hedgerow—

(a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and

(b) is associated with any monument or feature on that site.

The hedgerow is not situated within an archaeological site recorded on the Warwickshire Sites and Monuments Record in 1997.

4. The hedgerow—

(a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or

or

(b) is visibly related to any building or other feature of such an estate or manor.

There is no documentary evidence available in, or known to, the County Record Office which suggests that the hedgerow was a pre-1600 estate or manor boundary

5. The hedgerow—

(a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts(8); or

(b) is part of, or visibly related to, any building or other feature associated with such a system, and that system—

(i) is substantially complete; or

(ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act(9), for the purposes of development control within the authority's area, as a key landscape characteristic.

The hedgerow is shown on a Tithe Map for the Parish of Bedworth dated 1841, a copy of which is held by the Warwickshire County Record Office, and therefore surveyed prior to the Short Titles Act (Inclosure) of 1845.

WCC Archaeology have states that, in their opinion, the hedgerow does qualify as important under the Criteria for archaeology and history under the 1997 Hedgerow Regulations.

Wildlife & Landscape

1) *The hedgerow—*

(a) *contains species listed or categorised as mentioned in sub-paragraph (3)*

1(b) *is referred to in a record held immediately before the relevant date by a biological record centre maintained by, or on behalf of, a local authority within the meaning of the Local Government Act 1972(10), and in a form recognised by the Nature Conservancy Council for England, the Countryside Council for Wales(11) or the Joint Nature Conservation Committee(12), as having contained any such species—*

(i) *in the case of animals and birds, subject to sub-paragraph (2), within the period of five years immediately before the relevant date.*

(ii) *in the case of plants, subject to sub-paragraph (2), within the period of ten years immediately before the relevant date;*

(2) *Where more than one record referable to the period of five or, as the case may be, ten years before the relevant date is held by a particular biological record centre, and the more (or most) recent record does not satisfy the criterion specified in sub-paragraph (1)(b), the criterion is not satisfied (notwithstanding that an earlier record satisfies it).*

(3) *The species referred to in sub-paragraph (1) are those—*

(a) *listed in Part I (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981(13);*

(b) *categorised as a declining breeder (category 3) in “Red Data Birds in Britain” Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.), published in 1990 for the Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661 056 9); or*

(c) *categorised as “endangered”, “extinct”, “rare” or “vulnerable” in Britain in a document mentioned in sub-paragraph (4).*

(4) *The documents referred to in sub-paragraph (3)(c) are—*

(a) *of the books known as the British Red Data Books:*

1. *“Vascular Plants” Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);*

2. *“Insects” Shreeve DB (Ed.), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and*

3. *“Invertebrates other than insects” Bratton JH (Ed.), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and*

(b) *of the books known as the Red Data Books of Britain and Ireland: “Stoneworts” Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).*

With regard to protected birds, the ecological appraisal noted the presence of Kingfishers within 1km of the site, however it is not known as to whether these species are present within the hedge itself.

With regard to protected animals, the ecological appraisal notes the presence of bats, toads, great crested newts, smooth newts, common frogs, grass snakes, stag beetles, within 1km of the site. It is not known as to whether these species are present within the hedge itself as it has not been specifically surveyed.

With regard to GCNs, it is understood that they are a mobile species and hence their presence would not be constant and not necessarily captured by any one such check or a limited number of checks. However, due to the proximity of a pond with an ‘excellent’ Great Crested Newt habitat suitability indices score and a second pond with

'below average' suitability, but still the potential for use, in addition to past records of GCN then the potential for GCN to be present is high.

The applicants appear to fully acknowledge this potential for GCN to be present on the development site through their Natural England licensing correspondence and registration specifically submitted as part of this hedgerow application. NBBC Parks have advised that the hedges and adjacent bramble scrub would be the mostly likely habitat for GCN on the site and as such, it is reasonable to assume the 6 1a test is met - or could reasonably be expected to be met based on the available degree of information and evidence relating to GCN.

(1) Subject to sub-paragraph (2), the hedgerow includes—

(a) at least 7 woody species;

(b) at least 6 woody species, and has associated with it at least 3 of the features specified in sub-paragraph (4);

*(c) at least 6 woody species, including one of the following—black-poplar tree (*Populus nigra ssp betulifolia*); large-leaved lime (*Tilia platyphyllos*); small-leaved lime (*Tilia cordata*); wild service-tree (*Sorbus torminalis*); or*

(d) at least 5 woody species, and has associated with it at least 4 of the features specified in sub-paragraph (4), and the number of woody species in a hedgerow shall be ascertained in accordance with sub-paragraph (3).

(2) Where the hedgerow in question is situated wholly or partly in the county (as constituted on 1st April 1997) of the City of Kingston upon Hull, Cumbria, Darlington, Durham, East Riding of Yorkshire, Hartlepool, Lancashire, Middlesbrough, North East Lincolnshire, North Lincolnshire, Northumberland, North Yorkshire, Redcar and Cleveland, Stockton-on-Tees, Tyne and Wear, West Yorkshire or York(14), the number of woody species mentioned in paragraphs (a) to (d) of sub-paragraph (1) is to be treated as reduced by one.

(3) For the purposes of sub-paragraph (1) (and those of paragraph 8(b))—

(a) where the length of the hedgerow does not exceed 30 metres, count the number of woody species present in the hedgerow;

(b) where the length of the hedgerow exceeds 30 metres, but does not exceed 100 metres, count the number of woody species present in the central stretch of 30 metres;

(c) where the length of the hedgerow exceeds 100 metres, but does not exceed 200 metres, count the number of woody species present in the central stretch of 30 metres within each half of the hedgerow and divide the aggregate by two;

(d) where the length of the hedgerow exceeds 200 metres, count the number of woody species present in the central stretch of 30 metres within each third of the hedgerow and divide the aggregate by three.

(4) The features referred to in sub-paragraph (1)(b) and (d) (which include those referred to in paragraph 8(b)) are—

(a) a bank or wall which supports the hedgerow along at least one half of its length; No

(b) gaps which in aggregate do not exceed 10% of the length of the hedgerow; Yes

(c) where the length of the hedgerow does not exceed 50 metres, at least one standard tree; N/A

*(d) where the length of the hedgerow exceeds 50 metres but does not exceed 100 metres, at least 2 **standard trees**; Yes*

(e) where the length of the hedgerow exceeds 100 metres, such number of standard trees (within any part of its length) as would when averaged over its total length amount to at least one for each 50 metres; N/A

(f) at least 3 woodland species within one metre, in any direction, of the outermost edges of the hedgerow; Not known/unlikely

*(g) a ditch along at least one half of the length of the hedgerow; Not known/unlikely
(h) connections scoring 4 points or more in accordance with sub-paragraph (5); No
(i) a parallel hedge within 15 metres of the hedgerow No*

(5) For the purposes of sub-paragraph (4)(h) a connection with another hedgerow scores one point and a connection with a pond or a woodland in which the majority of trees are broad-leaved trees scores 2 points; and a hedgerow is connected with something not only if it meets it but also if it has a point within 10 metres of it and would meet it if the line of the hedgerow continued.

The site is not located within these counties as listed in paragraph 2.

The length of the hedgerow affected is approximately 85 metres and the Tree Report states that the hedge features hawthorn, blackthorn, one Oak tree and one apple tree. The ecological report refers to the presence of Hawthorn and Blackthorn with the occasional Ash, Bramble and rare Elder.

Apple, Ash, Elder, Hawthorn, Oak and Blackthorn are all categorised as woody species. Paragraph 1d states that hedges with a minimum of 6 woody species can be categorised as important, subject to it also ascertaining at least 3 features specified in paragraph 4.

The hedge contains a minimum of 2 features specified within paragraph 4. There are two points (f & g) in which the answer is not fully known and therefore the hedge could potentially be considered as 'important' under paragraph 1. However, this criteria is presuming that the hedge (and assumably the trees within the hedge) are to be removed. This is not the case in this instance as no part of the hedge is to be fully removed.

8. The hedgerow—

(a) is adjacent to a bridleway or footpath, within the meaning of the Highways Act 1980(15), a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981(16), or a byway open to all traffic, within the meaning of Part III of the Wildlife and Countryside Act 1981(17), and

(b) includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

The hedgerow is not adjacent to a bridleway or footpath.

2. Justification for Removal

The site has full planning consent for 9 residential units.

On the opposite side of Woodlands Road are two ponds which contain Great Crested Newts (GCN).

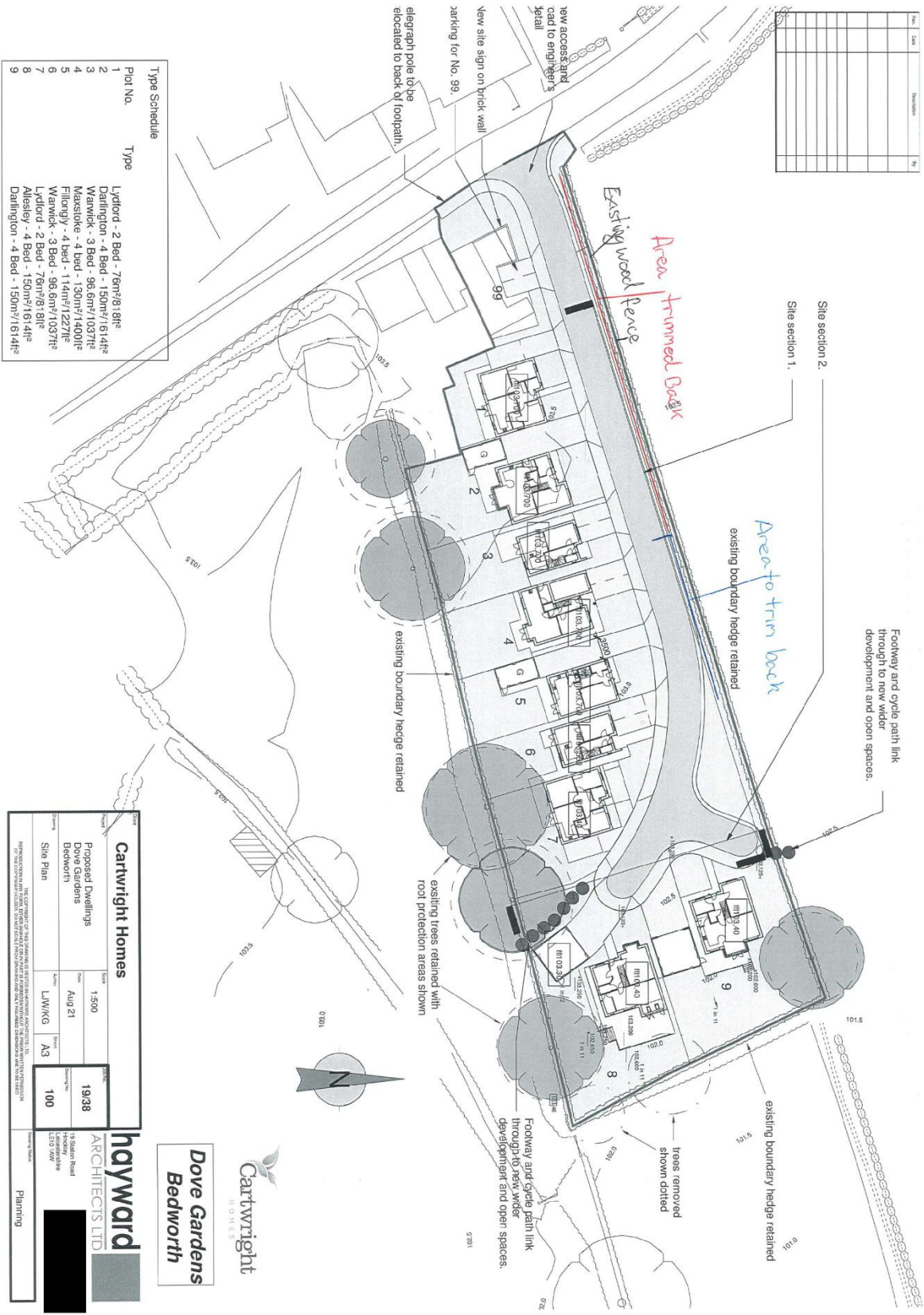
A GCN Low Impact Class Licence was granted by Natural England on the 22nd June 2022 and this allows the capture of GCNs from 1st July 2022 until the 31st July 2023. In order to capture the GCNs, the applicants state that it was necessary to install GCN fencing and this entailed cutting back part of the hedgerow. The applicant states that there is no intention to completely remove any part of the hedgerow and that the decision to cut back the hedgerow was not taken lightly and was purely out of necessity to install the GCN fencing to enable the site development.

3. Conclusion

In conclusion, the hedgerow would be classed as 'important' due to historical and environmental factors, and this does carry moderate weight in support of issuing a Hedgerow Retention Notice. However, no part of the hedge has, or will be, fully removed and it is purely the width of the hedge that has been reduced. The fact that no gaps are to be created within the hedge means that it would still be visible as a boundary marker and the impact to wildlife would be minimised. This is considered to carry significant weight against issuing a Hedgerow Retention Notice.

In addition, the Hedgerows Regulation states that the justification given for the removal can be taken into consideration when balancing the case. The justification for the removal was to aid in the capture and protection of Great Crested Newts and this is considered to carry significant weight against issuing a Hedgerow Retention Notice.

Therefore, on balance, the factors against issuing a retention notice outweigh those in support of issuing the notice and the recommendation is one of not issuing a retention notice.



Plot No.	Type
1	Lydford - 2 Bed - 76m ² /818ft ²
2	Darlington - 4 Bed - 150m ² /1614ft ²
3	Warwick - 3 Bed - 96.6m ² /1037ft ²
4	Maxstoke - 4 Bed - 130m ² /1400ft ²
5	Fillingly - 4 bed - 114m ² /1227ft ²
6	Warwick - 3 Bed - 96.6m ² /1037ft ²
7	Lydford - 2 Bed - 76m ² /818ft ²
8	Warwick - 4 Bed - 150m ² /1614ft ²
9	Darlington - 4 Bed - 150m ² /1614ft ²

Cartwright Homes		hayward	
Proposed Dwellings	1:500	19/38	ARCHITECTS LTD
Dove Gardens Bedworth	AUG 21	13/04/20	Hayward Architects Ltd
Site Plan	L/M/K/G	100	LE10 9AW
Planning		Planning	

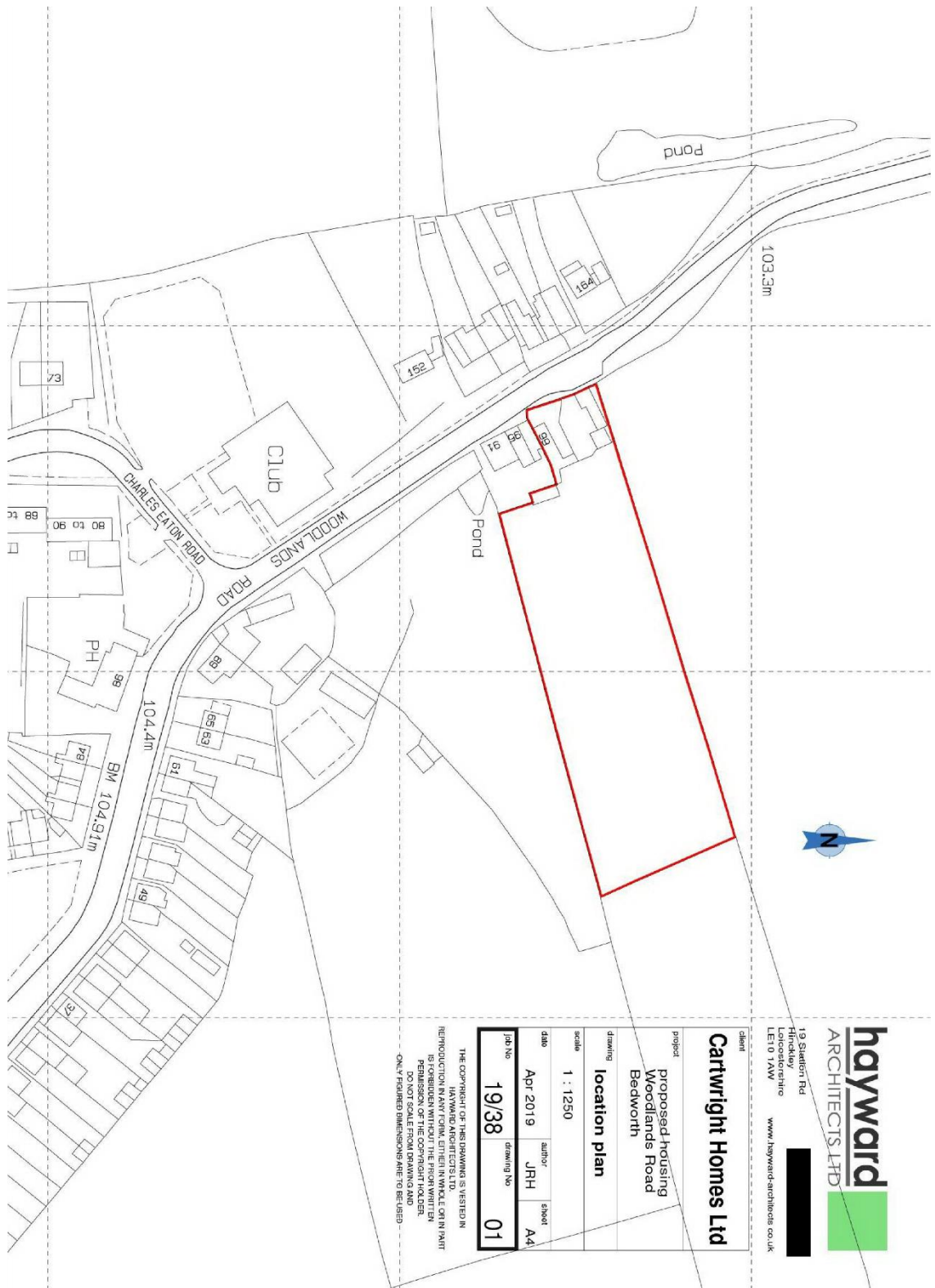
Dove Gardens Bedworth

Cartwright HOMES

Plan to show length of hedge affected



Photo to show depth of hedge removal



Site plan

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.

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)