

Enquiries to:
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Direct Email:
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Date: 30th September 2021

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in
**Council Chamber of the Town Hall, Nuneaton on Tuesday, 12th October
2021 at 6.00p.m.**

A Site Visit will take place prior to the meeting as detailed overleaf.

Public Consultation on planning applications will commence at 6.00 p.m. (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

Councillor L. Cvetkovic (Chair)
Councillors S. Croft, K. Evans, B.
Hammersley, K. Kondakor, S. Markham, B.
Pandher, M. Rudkin, J. Sheppard (Vice-
Chair), R. Smith, and K. Wilson.

Committee Site Visit

Members are reminded that a site visit will take place in relation to application 037894- 11 Sunningdale Close, Nuneaton.

Members are asked to meet at the site at 5pm.

If any Members require a lift from the Bedworth Civic Hall could they please contact the Planning Department prior to the afternoon of Committee. Alternatively, if Members require a lift from the Town Hall, please inform the Planning Department and arrange to meet in reception at 16:40. There will be two seats available. Please note it is requested that if car sharing is required that a face mask is worn during the journey and car windows are kept open. However, due to COVID-19 we do advise where possible members make arrangements to make their own way to and from the site.

The standard code of conduct for site visits is set out overleaf for your information. However, extra protocols are considered appropriate at this current time, these are as follows:

- Officers should undertake a pre-screening assessment ahead of attending site, specifically contacting the agent/applicant to check that access is available and there is no need to be accompanied. Clarification should also be sought by the Applicant/Agent that access can be carried out without going through the house.
- Officers or Members should not enter inside property unless absolutely necessary, and if they do enter the property this should be post any screening assessment and appropriate social distancing rules be maintained and only if it is safe to do so.
- PPE is to be worn by all attendees, namely masks at all times on site. Hand gel will also be made available by Planning Officers in attendance.
- If Members or Officers are displaying COVID-19 symptoms they should not undertake the site visit.
- Social distancing should be maintained throughout the visit.
- The application cannot be discussed by the Applicant/Agent or objectors with the attending Members or Officers as this could mean that social distance standards are not adhered to.
- In the event that anybody at the property is isolating or has tested positive prior to the site visit, they have been requested to contact the Council in order to reassess whether a site visit can be safely carried out or will need to be deferred.

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

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 the Virgin Money building (formally the Yorkshire 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.

Chair to advise the meeting if all or part of the meeting will be recorded for future broadcast.

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

3. MINUTES - To confirm the minutes of the meeting held on 21st September 2021, 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 14)**. 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)**

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)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

21st September 2021

A meeting of the Planning Applications Committee was held on Tuesday, 21st September, 2021, in the Council Chamber.

Present

Councillor L. Cvetkovic (Chair)

Councillors: D. Brown (substituting for Cllr K Wilson), M Walsh (substituting for Cllr S Croft), K. Evans, B. Hammersley, K. Kondakor, S. Markham, B. Pandher, M. Rudkin (public session only), J. Sheppard (Vice-Chair), and R. Smith.

Apologies: Councillors K. Wilson, S Croft.

PLA24 **Minutes**

RESOLVED that the minutes of the meeting held on 7th September 2021 be confirmed and signed by the Chair.

PLA25 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes and the following:

Cllr K Evans declared an interest in respect of planning application ref:037629 in that he had indicated his intentions to vote against the application previously. Cllr Evans indicated that he would leave the meeting during the consideration of this item.

PLA26 **Declarations of Contact**

There were no declarations of contact.

PLA27 **Exclusion of Public and Press**

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

PART 2: PRIVATE SESSION

PLA28 **038167 – 35 Beechwood Road, Nuneaton, Warwickshire, CV10 9DP.**

RESOLVED that authority be given to the Director – Democracy, Planning and Public Protection to issue a Certificate of Lawfulness of Proposed Use of Development.

IN PUBLIC SESSION

PLA29 **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 PLA29 OF THE PLANNING APPLICATIONS COMMITTEE ON 21ST SEPTEMBER 2021

038149 – 212A Arbury Road, Stockingford, Nuneaton, CV10 7ND.

Applicant: Mr Sanders

Public Statements: Mr C. Sanders (Applicant) and Mr A. Nightingale (Supporter)

DECISION

Planning permission be granted subject to the conditions as printed in the agenda.

037622 – Aite 51B012 – Rear of King Edward Road, Anker Street, Nuneaton

Applicant: GPH Ltd.

Public Statements: None

DECISION

The application be deferred to the next meeting of the planning applications committee.

037666 – The Bull, Bull Street, Nuneaton, CV11 4JX

Applicant: Mr Garry (Brian and Dave) Dew (Horsely)

Public Statements: None

DECISION

Planning permission be granted subject to the conditions as printed on the agenda and on **condition that the lean to is not to be used after 10.00p.m is used solely for the purposes of storage.**

038034 – Site 124A008 – Land and garages r/o 2 – 12 Scholfield Road, Keresley, Coventry.

Applicant: Mr Mark Patterson

Public Statements: Mr James Thompson (Agent).

DECISION

Planning permission be granted subject to the conditions printed in the agenda.

037629 – 140 Woodlands Road, Bedworth, Warwickshire, CV12 0AD.

Applicant: Mr Dave Warner

Cllr K Evans left the meeting and took no part in the debate or vote on this item.

Public Statements: None

DECISION

Planning permission is to be granted subject to the conditions as printed and set out in the agenda and the addendum.

037742 – 92 Coleshill Road, Hartshill, Warwickshire, CV10 0PH.

Applicant: Mr S. Chaudry.

Public Statements: Ms R. Hartopp (Objector)

DECISION

The application be deferred to the next meeting of the planning applications committee.

038175 – 43 Watersbridge Gardens, Nuneaton, Warwickshire, CV10 7TA.

Applicant: Mr M. Lester

Public Statements: None

DECISION

The application for consent be approved to allow for works to cut back to previous pollard point of trees T1 and T2 of TPO 07 97 and removal of ivy every 3-5 years for ongoing maintenance.

Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

| | 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 |
| | S. Croft | Employed at Holland & Barrett Retail Ltd | Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers | |
| | L. Cvetkovic | 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 | |
| | K. Evans | Employed by UK Parliament | Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; | |

| | Name of Councillor | Disclosable Pecuniary Interest | Other Personal Interest | Dispensation |
|--|--------------------|--|---|--|
| | | | <ul style="list-style-type: none"> • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; West Midlands Combined Authority Audit Committee. Executive Officer – North Warwickshire Conservative Association; Member of the Conservative and Unionist Party; Member of the Governing Body – Race Leys Infant School | |
| | B. Hammersley | County Councillor – W.C.C. | | |
| | K.A. Kondakor | Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed) | Unpaid director of 100PERCENTRENEWABLEUK LTD Spouse: Leafleting for your Call Magazine one day every 6 weeks | |
| | S. Markham | County Councillor – W.C.C. | Member of the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch | |
| | 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 | |
| | M. Rudkin | Employee of Coventry City Council | Unite the Union | |
| | J. Sheppard | | Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. | Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre |

| | Name of Councillor | Disclosable Pecuniary Interest | Other Personal Interest | Dispensation |
|--|--------------------|---|--|--------------|
| | | | Member of the Management Committee at the Mental Health Drop in. | |
| | R. Smith | | <p>Chairman of Volunteer Friends, Bulkington; 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 | |
| | K.D. Wilson | Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton | <p>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:</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 • Deputy Chairman – Nuneaton Conservative Association • District Council Network • Local Government Association | |

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| | B. Hammersley | County Councillor – W.C.C. | | |
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| Wards: | | | | | |
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| BA | Barpool | BE | Bede | BU | Bulkington |
| CH | Camp Hill | EX | Exhall | GC | Galley Common |
| HE | Heath | KI | Kingswood | PO | Poplar |
| SL | Slough | SN | St Nicolas | WB | Wembrook |
| WE | Weddington | WH | Whitstone | | |

SITE VISIT

Item No. 1

REFERENCE No. 037894

Site Address: 11 Sunningdale Close, Nuneaton CV11 6NB.

Description of Development: Retention of already built dormer to front and canopy roof to side. (Amendment to approval 036967 for dormer roof/window extension to front, dormer roof/windows to rear, new first floor window to side).

Applicant: Ms A Karczmarczuk.

Ward: WH

RECOMMENDATION:

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

REASON FOR SITE VISIT:

To assess the impact of the dormer and canopy roof on the street scene.

INTRODUCTION:

The proposal is to retain an already built dormer to the front and a canopy roof to the side. The original scheme was approved under 036967. The current application was submitted as a result of an enforcement complaint. Following a site visit the Enforcement Officer liaised with one of the Principal Planning Officers and the view was taken that the changes are acceptable in planning terms. This report will concentrate on the amendments to the original approval.

The amendments are:

- 1) Larger dormer to front. It is 200mm higher and 350mm wider than that approved under 036967.
- 2) Canopy roof to side This is a continuation of the existing canopy roof to the front and extends over the front of the carport. This was not shown on the original application.

The application property is a semi-detached dormer bungalow which was originally built in the 1960's and is located in the Whitestone area of Nuneaton. To the north, south, east and west are dwellings of varying type and design.

RELEVANT PLANNING HISTORY:

- 036967: Dormer roof/window extension to front, dormer roof/windows to rear, new first floor window to side: Approved 12/03/2020.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:

POA

- o DS1 – Presumption in favour of sustainable development
- o BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

10, 12, 31 and 32 Sunningdale Close, CV11 6NB.

Neighbouring properties were sent letters notifying them of the application on 24th March 2021.

NEIGHBOUR RESPONSES:

There have been 6 objections from 4 addresses. The comments are summarised below;

- 1) The look of the property is now unprecedented and no longer in keeping with other properties in the area.
- 2) Property now has larger windows than the others in the area.
- 3) The property is now finished in render as opposed to brickwork.
- 4) Property has been converted from a dormer bungalow to a house and much wider than the original design.
- 5) Too many bright lights under the eaves
- 6) Has Party Wall Legislation been complied with?
- 7) No objection to original scheme

APPRAISAL:

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

- 1)The impact on Visual Amenity
- 2)The impact on Residential Amenity

1. The impact on Visual Amenity

The Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance within section 13 which aims at guiding the design and aesthetics of residential development within the Borough.

Both elements are visible from the street however the overall increase in the size of the dormer from that originally approved is comparatively small and the canopy roof is an extension of the original to the front. The dormer is set below the ridge line of the roof by 1.5 metres and the property as a whole is set back from the footpath by 13 metres. The canopy roof is a continuation of the original taking it over the drive and is located between ground and first floor levels. In view of the above it is considered that it would be unreasonable to refuse the application on visual amenity grounds.

2. The impact on Residential Amenity

Section 11 of the Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance which aims to protect the residential amenity of

proposed residential properties and extensions, and the residential amenity of existing dwellings. As the dormer and canopy roof are to the front only the neighbouring properties either side, Nos 10 & 12 Sunningdale Close are likely to be impacted upon.

Neither element infringes either the 45-degree line or the 60-degree line from the centre of any original front facing windows to habitable rooms. This being the case it is considered that there is no detrimental effect on either property.

It is therefore considered that the proposal is acceptable under paragraph 11 of the Sustainable Design and Construction Supplementary Planning Document 2020.

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:

1) The development shall not be maintained out other than in accordance with the approved plan contained in the following schedule:

| Plan Description | Plan No. | Date Received |
|--------------------------|--------------|-----------------------------|
| Front elevation as built | Drawing No 1 | 11 th March 2021 |



Location Plan



As previously approved under reference 036967



Front Elevation as built.

PREVIOUSLY CONSIDERED

Item No. 2

REFERENCE No. 037742

Site Address: 92 Coleshill Road Hartshill Warwickshire CV10 0PH

Description of Development: Part retrospective application, including formation of additional car parking and construction of new boundary and new retaining walls.

Applicant: Mr S Chaudry

Ward: GC

RECOMMENDATION:

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

REASON FOR DEFERRAL:

To determine the outstanding position regarding a highways objection.

INTRODUCTION:

The site itself is to the rear of Coleshill Road. To the north of the site is land within the control of the applicant and includes the recently constructed shop and another row of shops and flats above. To the west of the site are the Council owned bungalows in Willow Close. To the east of the site are residential properties in Chancery Lane. To the south of the site are gardens of Chancery Lane and a small holding. The majority of the site is situated in North Warwickshire Borough Council's jurisdiction and therefore a planning application has also been submitted to that Authority. The application submitted to North Warwickshire Borough Council was approved with conditions on the 23rd August 2021.

The application proposes for a part retrospective application, including formation of additional car parking and construction of new boundary and new retaining walls, through the changing of levels of the land to the rear of 92 Coleshill Road. The development has also included the formation of retaining walls, the land has also been enclosed by 2.4m high fencing; lighting columns erected and the inclusion of plastic 'camouflaged' netting to the retaining wall facing Willow Close. The proposal is to provide additional parking to serve the commercial units within the applicant's ownership on Coleshill Road. The car park is adjacent to the new store which has approved opening hours between 0700 and 2200 hours.

Planning permission was granted for a retail unit on the land immediately to the north of the site in 2018 (North Warwickshire Council ref PAP/2018/0082) with a variation to the plans approved in 2019 (North Warwickshire Council ref PAP/2019/0036) to increase the height of the building by 1m. The proposals of this application are connected to those approvals in terms of the additional parking and boundary treatments. Please note, that only a small portion towards the southern boundary of the site is within the Nuneaton and Bedworth Borough Council boundary. Therefore this is the part of the site we are able to include in assessment.

POA

The majority of the site falls within the boundary of North Warwickshire Borough Council, with only a small amount of the site falling within the boundary of Nuneaton and Bedworth Borough Council. Notwithstanding this, the objections that have been received are shared between the 2 councils for the site, and although the application has been determined by north Warwickshire, the application is determined on its own merit by Nuneaton and Bedworth Borough Council, although the planning principals, merits and drawbacks are largely indifferent between the two authorities.

RELEVANT PLANNING HISTORY:

No relevant to Nuneaton and Bedworth Borough Council. There is planning history within North Warwickshire Borough Council as detailed above.

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.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Environment agency, NBBC Environmental Health, NBBC Planning Policy, North Warwickshire Borough Council, WCC Highways

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways

No objection from:
North Warwickshire Borough Council

No response from:
Environment Agency, NBBC Environmental Health, NBBC Planning Policy

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 26th February 2021. Neighbour letters were only sent to 11 Chancery Lane as this lay within the boundary of Nuneaton and Bedworth Borough Council, however consultation was later also sent to 12 Claremont Close Bulkington. The final date for representations was Friday 19th March 2021.

NEIGHBOUR RESPONSES:

A letter of objection was received from the occupants of 9 and 11 Chancery Lane, and 10 Alders Lane, and a petition signed by 11 residents was also received, including 11, 13, 15, 17, 19, 10, and 9 Chancery Lane, and 25 and 27 Willow Close, outlining the following concerns:

1. Willow Close residents advised a new fence erected, but not the concrete walls.

2. Residents can no longer enjoy garden areas, consider overwhelmed and devastated.
3. Scale of the car park is huge.
4. No consultation prior to the erection of the proposal.
5. Proposals continued without planning permission.
6. Disregard for neighbours.
7. Great deal of stress created by the proposal.
8. This is a supermarket carpark not just a staff car park
9. Noise is an issue
10. Oppressive structure with additional fence.
11. Lighting columns 15 in total.
12. Lighting turned off after 10pm
13. Poor workmanship

There have been also been letters of objection from four local residents raising issues in respect of the following:

1. The proposal does not accord to the application forms in terms of materials and surface water attenuation.
2. Surface water attenuation should amount to 84 cubic metres of attenuation.
3. This has not been included, which will lead to water on neighbouring properties. No plans have been submitted showing connections.
4. The approved commercial development shows overland surface water.
5. Kerbs not 1 metre away from the fencing.
6. Landscaping has not been provided
7. Lighting not shown on plans and incorrect.
8. Car parking going to create noise issues.
9. No maintenance details of the structure, landscaping.
10. Workmanship is poor to the sheet piling, fencing and landscaping
11. Landscaping removed and nothing put back as a replacement.
12. Steel piles are reused and are likely to fail in the future. Maintenance difficult due to their position on the boundary.
13. Unstable land
14. Fences erected lead to sense of enclosure and lead to an impact on sunlight and daylight reaching the adjacent properties.
15. The works have already been undertaken.
16. Skips and waste areas for store to the rear of the car park.
17. CCTV and lighting impact on the residential properties
18. Access from Chancery Lane flats has poor visibility, no barriers stopping cars running through fences.
19. Impact on air and noise pollution
20. Piles damaged main sewage system during construction.
21. Completely changed the character of the area from a green outlook to a commercial/industrial estate. The store will be used for multiple business which the car park will be used to support.
22. Concerns it is not be used as a car park but as a recycling centre or other commercial activities.
23. Impact during construction, noise, vibration, dust
24. Should be carbon off contributions from the development.
25. The development echoes as noise is amplified

Further Concerns were raised from several residents which were not all within the Nuneaton and Bedworth Boundary, however have been included in the assessment;

1. Applicants concerned that the planning application form was false and misleading - e.g, tree removal.
2. Concerns regarding tree removal.
3. Issues regarding lighting positions on plans
4. Issues regarding noise assessment survey
5. Issues regarding Warwickshire Flooding raising concerns overflow pipe, and WCC LFA have not given authorisation to pipe in the brook.
6. Concerns regarding no certification of reused scrap and rusty steel piles to permanently retain 1000's tonnes of rock along boundaries.
7. Concerns regarding lack of ground surveys to confirm structures and impact of development on water tables.
8. Concerns that the recycle and waste area is too far from shop, and what type of waste is to be stored here. Concerns of this impact on potential vermin.
9. No barriers to prevent run away cars and lorries from crashing through flimsy wooden fence into residential gardens.
- 10.No CCTV plans
- 11.Concerns over lamp posts being too high along residential boundaries
- 12.Concerns regarding flooding off parking area into residential gardens. Installed system will increase flood risk further downstream in Nuneaton, e.g. Bucks Hill.
- 13.Concerns regarding lack of pollution control in place for fuel or oil spills from parking drainage scheme.
- 14.Concerns of site use to store lorries and plant equipment overnight must be prevented.
- 15.Concerns of the lack of Maintenance plans for fence and drainage
- 16.Concerns over lack of carbon offset or environmental controls (which may be required)
- 17.Concerns that the ground has been raised and applicant has admitted this on the 3rd attempt. Should be back from residential boundaries to enable it to sit in harmony rather than out of keeping and incongruous.
- 18.Concerns that the sewer will need to be replaced due to the damage caused by piling and vibration compaction. Severn Trent are aware and have surveyed the pipe line.
- 19.Concerns surrounding lack of construction methods plan to regulate project
- 20.Concerns over Covid-19 restrictions impacting the proposal to be permitted.
- 21.Concerns of lack of consultation to the elderly neighbours in both Chancery Lane & Willow Close
- 22.The first planning application letter received was on the 8th March of this year
- 23.Concerns that 18 feet high fence has created a sense of enclosure to 11 Chancery Lane, causing sense of overbearing development.
- 24.Concerns that rusty uneven steel girders have been installed along the whole length of 11 chancery Lane having negative impact on visual amenity.
- 25.Concerns that the car park by virtue of its scale height and massing forms a dominant incongruous feature fails to positively integrate or respect its immediate existing surroundings. As per a similar planning which was refused May 2019 by this council -**PAP/2019/0063** (North Warwickshire reference)
- 26.Concerns that this application has already been rejected by neighbouring North Warwickshire Council, and lack of link to the Local Plan.
- 27.Concerns that deep sheet metal piles were installed last summer along the boundaries without warning and have caused permanent physical damage

to neighbouring properties due to extreme levels of ground vibrations during installation.

28. Concerns that old mature established hedgerows full of nesting birds were ripped out in the process. Elderly and vulnerable residents are being subjected to distressing working hours, noise and vibrations in what is a densely populated residential area.
29. Concerns that the piles have been reused and are in poor material condition and that access is impossible meaning maintenance cannot be carried out. In time these piles will fail spilling the contents into neighbouring gardens.
30. Concerns that it is not clear what damage has already been inflicted by sheet piling through the main Edwardian era sewer pipes running under the site and public infrastructure which service Chapel End.
31. Concerns that approximately 3000 tons of stone has been deposited on the site (which is a former allotment garden) to raise the ground elevation to between 1m and 5m around the site, which has been compacted within the corroded perimeter piles with a motorway size vibrating road roller, causing even more unnecessary disruption and damage to neighbouring properties.
32. Concerns that the original ground was not unstable or in need of any engineered support.
33. Concerns that after raising the ground levels, unmaintainable fences have been erected around the perimeter which would deny neighbouring properties of established natural daylight. These fences are as high as first floor windows and are only secured in compacted stones. These are susceptible to high winds and I would describe them as excessive and a health and safety hazard.
34. Concerns that it is unclear from the plans how surface water drainage/discharges will be managed. Concerns that the lack of drains means high surface rainwater runoff will pour into neighbouring properties without interception of any contaminated fluids such as diesel.
35. Concerns that the site has a deep layer of natural clay underground. The works already carried out do not appear to employ any engineered ground drainage which means static retained water hydraulic pressure is exerted upon the new concrete retaining wall immediately adjacent to Willow Close. Aside from being unsightly, it's structural integrity is questionable because it is vulnerable to subsidence, presenting a major health and safety concern for the elderly residents of Willow Close. The complainant also believes the concrete wall height quoted in the application is not correct – it is approximately 5m in height, not 3m.
36. Concerns that skips of waste are being stored in what appears to be a dedicated refuse storage area for the supermarket.
37. Concerns that the site is being rigged with stadium lighting and CCTV cameras atop the new fence which impose on neighbouring properties privacy (gardens and homes) and generate light pollution overnight outside normal shop opening hours.
38. Concerns that the single-track vehicular access to Coleshill Road (beside Chancery Court flats) suffers poor visibility and has high pedestrian traffic across it. This will further increase congestion around the site.
39. Concerns that if used as a "carpark", there must be barriers used to prevent runaway vehicles from crashing through fences and onto the private gardens surrounding it, however plans do not specify.

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. Flooding and drainage
5. Highway safety
6. Conclusion

1. The Principle of Development

Planning legislation states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.” (Section 38(6) of the Planning and Compulsory Purchase Act 2004, amending the Town and Country Planning Act 1990 (as amended).

The key Development Plan comprises the Nuneaton and Bedworth Borough Plan and Sustainable Design and Construction SPD 2020. Other material planning considerations comprise the National Planning Policy Framework (NPPF) updated 2021 and the National Planning Practice Guidance (NPPG), and the Council’s Supplementary Planning Guidance.

The proposal is situated adjacent to Chapel End Neighbourhood Centre as defined by Policy LP21 of the North Warwickshire emerging local plan which is designated between 82-102 Coleshill Road. Additionally, policy H12 of the Hartshill Neighbourhood Plan at North Warwickshire Borough Council, indicates that within this area expansion of retail provision will be supported. When planning permission is required, non-retail uses will be restricted in order to retain the level of retail provision in the area. The use of the northern part of the site is already approved for retail use.

There is no objection in principle here as the proposal provides both staff and customers car parking for an approved retail scheme within an established retail and community centre. It will also enable deliveries to be made on-site, removing vehicles from the road. There is thus a benefit in reducing the pressure for on-street car parking on the Coleshill Road.

There are however a number of detailed matters which need to be considered, particularly the impacts on the residential amenity of existing neighbouring properties in respect of visual impact, lighting and noise. This has been assessed in terms of North Warwickshire Borough Council’s plan and will now be assessed in terms of Nuneaton and Bedworth Borough Council’s Borough Plan. However, please note, that the planning principals are largely similar between these SPD’s apart from referencing.

The proposal is situated adjacent to Chapel End Neighbourhood Centre as defined by Policy LP21 of the emerging North Warwickshire local plan which is designated between 82-102 Coleshill Road. Additionally, Policy H12 of the North Warwickshire Hartshill Neighbourhood Plan indicates that within this area expansion of retail provision will be supported. When planning permission is required, non-retail uses will be restricted in order to retain the level of retail provision in the area. The use of the northern element of site is already approved for retail use.

There is no objection in principle here as the proposal provides both staff and customer parking for an approved retail scheme within an established retail and community centre. It will also enable deliveries to be made on-site, removing vehicles from the road. There is thus a benefit in reducing the pressure for on-street carparking on the Coleshill Road. Additionally, the land has been used in the past for parking in association with the frontage properties and thus there is no material change of use involved.

The matters for consideration by the committee are therefore in respect of the details and these revolve around the matter of impacts arising from the redevelopment of the land.

2. Impact on Residential Amenity

It is important to note that this is an urbanised mixed residential and retail area and therefore there are related adverse noise, lighting, highway, parking and amenity impacts already present throughout the day. This is more applicable to those residential properties directly opposite the site as this proposal has given the opportunity to reduce on-street parking and deliveries and thus provide some benefit. It is however the impact on the residential properties that adjoin the site that require the further assessment – Chancery Lane and Willow Close.

A number of neighbours have indicated that the development has led to a loss of sunlight and daylight in their gardens as well as there being an oppressive sense of enclosure because of the proximity of the retaining walls and the fencing. Appendix E provides dimensions to illustrate this matter. It cannot be argued that the proposal does not have an impact. This is most notably to properties at 25-29 Willow Close and numbers 7, 9 and 11 Chancery Lane. The impact on direct sunlight to their gardens is early in the morning and later in the afternoon and evening respectively. Members will have seen the difference in levels of the neighbouring gardens on site.

In Willow Close the proximity of the retaining wall is 8 to 11 metres from the rear windows of the bungalows. There will be a difference in levels of between 4 to 5.5 metres when an acoustic fence is placed onto the retaining wall. This will lead to a high degree of enclosure for the bungalows both to their gardens and rear windows. On Chancery Lane the distance from existing windows is 8 to 14 metres. Again, there is a difference in levels of around 2 metres plus the 2.4 metre high fence. The size and layout of the gardens of these properties are also factors to consider, but the sense of enclosure is reduced by the set-back position of the fence and the size of their gardens. The increased height of the land and fencing does provide the benefit of privacy for the residential properties and ensures that they are not overlooked, as well as stopping noise and disturbance from the proposed use. However, there is a detrimental impact on all of these properties. This weighs against the application.

In relation to noise, this has been assessed by North Warwickshire and our Environmental Health officer have no comments.

To assess whether or not there is detrimental impact to the neighbouring residential properties in terms of lighting, a lighting assessment has been submitted. This has taken into account the 4m height of the 14 columns and the 2.4m high fencing. The cowlings and position of the lighting columns have all been amended to ensure that the proposal does not lead to a detrimental impact on neighbouring residential properties.

From this and given that the setting of the site is suburban in character, it is considered that subject to conditions ensuring that the lighting is switched off after 2230 and not

switched on before 0700; that the direction of the lighting source is horizontal and specification for the maximum level of lighting, the impacts would not be unacceptable.

3. Impact on Visual amenity

The most immediate impact to consider is the visual impact. The change from the original parking area here has been substantial. The surface of that area was unmade and there was a hedgerow and green natural boundary around the three boundaries.

That has all been removed. The new boundaries are concrete retaining walls with high wooden fences. Lighting columns have been added. Some degree of mitigation has been added through the “greening” of the exposed walls through the application of netting with its applied artificial vegetation. The visual impact is at its most significant when viewed from the south from the open land beyond the site. This adverse impact is also apparent from the rear gardens of properties in Chancery Lane – which extend along the length of the southern boundary wall.

Further amplifying the impact on visual amenity, in Willow Close, the proximity of the retaining wall is 8 to 11 metres from the rear windows of the bungalows. There will be a difference in levels of between 4 to 5.5 metres when an acoustic fence is placed onto the retaining wall. This will lead to a high degree of enclosure for the bungalows both to their gardens and rear windows. On Chancery Lane the distance from existing windows is 8 to 14 metres. Again, there is a difference in levels of around 2 metres plus the 2.4 metre high fence. The size and layout of the gardens of these properties are also factors to consider, but the sense of enclosure is reduced by the set-back position of the fence and the size of their gardens. The increased height of the land and fencing does provide the benefit of privacy for the residential properties and ensures that they are not overlooked, as well as stopping noise and disturbance from the proposed use. However, there is a detrimental impact on all of these properties. This weighs against the application.

On the other hand, the rear boundary is “read” against the backdrop of the rear of the frontage properties to Coleshill Road. It is important to point out that the level of the former land here was also at a raised level from the surrounding land. The surface of the car park at its greatest, is some 0.5 metres above that former level of the car park and this is at its southern edge. That land had no retaining features and there was already evidence of some bank slippage. Some weight therefore is given to the argument that this land would have had to have been stabilised at some-time.

Notwithstanding these matters it is considered that the current work has been engineered in a significant way such that the adverse visual impact has been exaggerated.

4. Flooding and drainage

Residents have raised concerns in respect of surface water drainage. For such a large area of car parking, drainage attenuation and mitigation are required. The applicant has submitted a drainage layout for the scheme which shows drainage channels along two sides of the scheme which link into an underground drainage system leading to an underground attenuation storage tank that was already approved as part of the retail scheme. This approved tank however has been increased from 12 cubic metres to 140 cubic metres. There is an interceptor and a hydro-brake to filter and limit flows into the mains sewer system. Surface water is thus not discharged into a watercourse. Also, the stream that ran along the eastern boundary has been culverted.

It is not considered that a refusal reason could be sustained in these circumstances

subject to a condition requiring maintenance of the system. Further concerns have been raised recently in respect of the drainage issues following a torrential rainstorm on the first weekend in July. This caused manholes on Coleshill Road and Chancery Lane to burst causing flooding at a number of properties – including those backing onto the site at Chancery Lane. There was also “ponding” on the car park itself as a consequence of the burst manholes in the Coleshill Road. It is considered that in these circumstances the car park was unlikely to be the source of the flooding.

5. Highway Safety

WCC Highways initially objected to both the NWBC and NBBC applications sending the same response to both authorities. Following the initial objection, the applicant directly contacted WCC Highways to discuss the proposals as he believed there had been a misunderstanding with the development description as he believed that the principle of the parking was an existing use so the application should have been for the lighting and retaining walls only.

After discussions with the officer at North Warwickshire Borough Council, it was agreed that the site may have been used informally in the past however the land had no formal planning use. The formation of additional parking would therefore be included within the application and be assessed.

Additional information was then requested from the agent and transport consultant in line with the initial response, namely in relation to why the parking was required and who could use it. It was then agreed that a transport note and Road Safety Audit (RSA) would be submitted.

By this point, however the application was approved by North Warwickshire Borough Council before WCC Highways had the chance to review the note and RSA. The transport Note provided additional information on the various uses along Coleshill road owned by the applicant and detailed the proposed access arrangements.

Following the approval by NWBC, it was decided that the proposed conditions would impose enough control and suitable improvements to not result in any issues. The parking is restricted to only be permitted for customers and staff for the retail units along Coleshill road and no other general parking or overnight parking will be permitted. Also, the car park was viewed to bring vehicles off Coleshill Road, so could be considered a betterment, as there are existing issues with on-street parking.

One of the main highways concerns, was when the development would be brought forward in relation to other works on-site. The development could result in a significant intensification of use of the access which is currently a dropped kerb shared with pedestrians. As above it was conditioned that access should be from the improved access as part of the previous application on-site which will form a bellmouth with separate footway into the site along the new retail unit.

The RSA has not been assessed as part of the planning process and will be assessed under the S278 agreement works for the new access.

Overall, the issues raised would have mainly affected North Warwickshire Borough Council. As such a small amount of the site falls under Nuneaton and Bedworth Borough Council, it would be difficult to defend an objection at appeal particularly as NWBC have approved their application.

So, on balance WCC Highways could remove its objection to this application.

6. Conclusion

Issues raised in terms of the noise experienced during the construction of the car park are not material considerations as part of this application and should not be taken into account. Also, there are private matters in terms of alleged damage and ownership which are also not material considerations.

Members will be aware that it is not an offence to carry out unauthorised works without planning permission. These works are not unlawful in that respect. Members are advised that the fact that the application is retrospective is not therefore a reason for refusal. It has to be dealt with on its merits based on an assessment of all relevant planning considerations. In this respect Government guidance advises that formal enforcement action should only be considered in the last resort and therefore the use of planning conditions can assist in many cases.

The application is finely balanced. There are indeed adverse impacts visually as well as on the residential amenity. In respect of lighting and noise impacts, our environmental health officer was consulted and provided no comments during consultation. It is considered that the greater long-term benefits here are strong enough to outweigh the harms caused. The recommendation below is thus one that supports this principle.

The majority of the site falls within the boundary of North Warwickshire Borough Council, with only a small amount of the site falling within the boundary of Nuneaton and Bedworth Borough Council. Notwithstanding this, the objections that have been received are shared between the 2 councils for the site, and although the application has been determined by North Warwickshire, the application is determined on its own merit by Nuneaton and Bedworth Borough Council, although the planning principles, merits and drawbacks are largely indifferent between the two authorities.

On balance, the planning recommendation is to support the grant of planning permission.

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:

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

| Plan Description | Plan No. | Date Received |
|---------------------------------|---------------|-------------------------------|
| Revised Proposed Site layout | 02Rev A | 2 nd August 2021 |
| Noise Impact Assessment | 02 | 2 nd August 2021 |
| Planning Statement | 03 | 2 nd February 2021 |
| Surface water Drainage Strategy | 04 | 2 nd February 2021 |
| Lighting Report | PAP/2020/0599 | 2 nd August 2021 |

2. The car park hereby approved shall solely be used as a customer and staff car park in connection with the retail uses within the blue line as shown on the approved plan. For the avoidance of doubt there shall be no outside storage on the car park of any materials, plant, equipment or produce, other than that directly related to the approved retail use.

3. There shall be no HGV parked, stored or kept at any time on the car park other than those making deliveries to the retail unit as approved under planning permission PAP/2018/0082.

4. The car park hereby approved shall only be in use for the purposes set out in condition (2) during the hours of 0630 to 2230 hours. No vehicles shall be left on the car park outside of these hours other than those directly related to the approved retail use.

5. The primary vehicular access into the car park shall be from the arrangements approved under PAP/2019/0082.

6. The car park hereby approved shall not be brought into use for the purpose set out in condition (2) above until all of the following details have been submitted to the Local Planning Authority and written approval received from the Local Planning Authority in respect of all of them. Only the approved details shall then be implemented on site.

a. A Car Park Management Plan to show how the car park is to be managed and operated such as to ensure compliance with condition (3); retain separate areas for staff and customers as well as to show how the risk of anti-social behaviour can be minimised.

7. The pallet and cardboard store shown on the approved plan shall remain on the car park no later than 31 December 2022. Thereafter it shall be removed and the site reinstated as car parking to the written satisfaction of the Local Planning Authority.

8. The pallet and cardboard store shown on the plan shall solely be for the use of the retail unit approved under planning permission PAP/2018/0082 and only used for that purpose. For the avoidance of doubt, it shall not be used by the general public.

9. The fencing that is erected around the southern and eastern perimeters of the car park shall be maintained at all times to the following specification - a mass per unit area of 9.4kg/m².

10. Within the next planting season following the date of this permission, landscaping shall be provided along the outside of the southern boundary wall equivalent to that shown on the approved plan for the western wall.

11. Within six months of the date of this permission, details shall be submitted to the Local Planning Authority to show how the gaps between the bottom of the fences along the southern and eastern car park boundaries are to be permanently closed. Only the approved measures shall then be installed and within six months of their written approval by the Local Planning Authority.

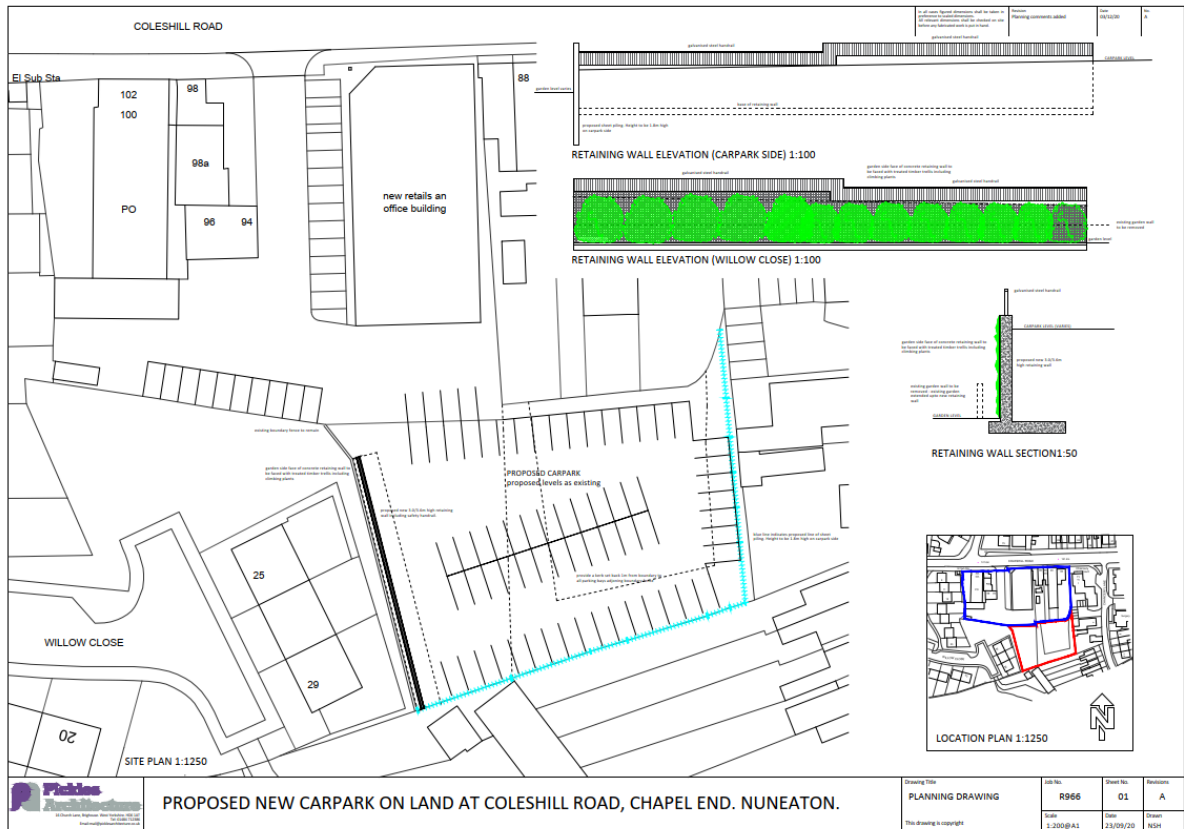
12. Within six months of the date of this permission, details of a safety barrier to be located around the east, south and west boundaries of the car park so as to reduce the risk of damage to the fencing and walls together with a timetable for its

implementation, shall be submitted to the Local Planning Authority. Details as subsequently approved in writing by the Local Planning Authority shall then be implemented in full to the written satisfaction of the Local Planning Authority.

13. The surface water drainage system as shown on the approved plan shall be serviced /cleaned on an annual basis with evidence of such action forwarded to the Local Planning Authority immediately following each inspection. This shall be accompanied by a schedule of action required as a consequence and the timescales for implementing each action.

14. The development hereby approved shall not be carried out otherwise than in accordance with the submitted plan numbered R966/02A received on 20/7/21 and the Lighting Specification and Details received on 20/4/21.

15. All lights that are shown on the approved plan shall be turned off between 2230 and 0630 hours on every day.



Site Plan

Aerial Photograph - April 2020 Photograph



Photograph looking south, Chancery Lane boundary on left – pre development



Photograph looking north towards Coleshill Road – Chancery Lane on right during development



PLANNING APPLICATIONS

Item No. 3

REFERENCE No. 037631

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

Description of Development: 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)

Applicant: Ms Jolande Bowater

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

This is an approval of reserved matters for the erection of 360no. dwellings relating to appearance, landscaping, layout and scale of already approved outline application ref 033926 and varied by applications 035918 and 037817. A mixture of 1-5bedroom properties are proposed, including affordable housing. Public open space and infrastructure such as footpath and cycleways are also proposed.

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.

BACKGROUND:

The following matters are being considered at this stage, reserved from the Outline permission 033926 and varied by applications 035918 and 037817:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- Scale – the height, width and length of each building proposed in relation to its surroundings;
- Appearance – the aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and

- Landscaping – treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences and walls.

The application is being reported to Committee at the request of Councillor Kondakor.

RELEVANT PLANNING HISTORY:

- 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 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: Approved subject to the completion on a Deed of Variation to the original S106 obligation for planning application ref 033926.
- 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: Approved 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): Approved 05/09/2018.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - SA1- Development Principles on Strategic Sites;
 - HSG10- Attleborough Fields;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS5- Health;
 - HS6- Sports and exercise;
 - NE1- Green Infrastructure;
 - NE2- Open Space;
 - NE3- Biodiversity and Geodiversity;
 - NE4- Managing Flood Risk and Water Quality;
 - NE5- Landscape Character;
 - BE1- Contamination and Land Stability;
 - BE3- Sustainable Design and Construction and
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Environment Agency, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, The Ramblers Association, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Fire & Rescue, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Rights of Way.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, WCC Highways, WCC Rights of Way

No objection from:

Environment Agency, NBBC Housing, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, WCC Archaeology, WCC Flood Risk Management, WCC Flood Risk Management

Comment from:

Ramblers Association, Warwickshire Police, WCC Fire Safety

No response from:

Severn Trent Water, Warwickshire Wildlife Trust

NEIGHBOURS NOTIFIED:

The Crows Nest, Crowhill Road; Paradise Found Nursery, 3J's Fish & Chips 8, Crowhill Butchers 7, Costcutter 5, Blades Hair Design 4, Lloyds Pharmacy 2, Viva Planet 1 Raven Way; 14-28 (even), 34-54 (even), 17-27 (odd) Farriers Way; 1-17 (odd) 8-16 (even) Bramble Close; 2-11 (inc) Albrighton Walk; 1-14 (inc) Hebden Way; 33-47 (odd), 18-22 (even) Grassington Drive; 1-7 (inc) Leyburn Close; The Crematorium, Heart of England Way; 19 Gloucester Close; 4 & 33 Stainforth Close; Phoenix Windows Units 7/8, Unislide Ltd Units 3 & 4 Anker Court, Willow Brooke Day Nursery Alliance Close; Karl Dungs Ltd Unit 18, Adec Unit 11, Lovell Partnerships Ltd, Unit 12, ERF Electrical Unit 13 Liberty Way.

Neighbouring properties were sent letters notifying them of the proposed development on 14th and 16th December 2020. Properties which had made comments were sent letters notifying them of amended plans on 24th June 2021. A site notice was erected on street furniture on 16th December 2020 and the application was advertised in The Nuneaton News on 13th January 2021.

NEIGHBOUR RESPONSES:

There have been 8 objections from 5 addresses. The comments are summarised below;

1. Increased traffic and congestion.
2. Crowhill Road used as a rat run and this will make it worse.
3. It is essential that there are direct, safe pedestrian and cycle routes to the Toucan crossing on Eastboro Way. This would encourage people to walk and cycle to then reduce the impact on air quality.
4. There must be pedestrian routes into Crowhill Recreation ground and proper routes to link cyclists and pedestrians to the bridleway to the south.
5. Are the roads wide enough for on-street parking and still allowing refuse vehicle or fire engines to pass?

6. Do the apartments have parking?
7. Needs to be provision to store cycles if apartments have no garden
8. All cycle paths should be wide enough for pedestrians and cyclists to pass safely.
9. Should be design with the principles of a low traffic neighbourhood.
10. Clear sight lines must be provided on pedestrian and cycle routes.
11. Pedestrian and cycle links must be provided to all local services.
12. Cycle provision should be provided to the access roundabout.
13. Lack of pedestrian and cycling infrastructure to the north of the site.
14. Should be links to education facilities.
15. Cycling provision must be provided on Eastboro Way.
16. Toucan crossing does not line up with existing shared use route through Attleborough Fields.
17. Bus provision should be extended to the south of the site.

There have been 2 letters of support from 1 address, the comments are summarised below;

1. The town now has more value with the new housing that has been built.
2. Do require appropriate schools and surgeries.
3. Urge the Council to allow more houses.

APPRAISAL:

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

1. The principle of the development,
2. Housing need & mix and affordable housing,
3. Visual amenity,
4. Residential amenity,
5. Highway safety and accessibility,
6. Flood risk and drainage,
7. Ecology and biodiversity,
8. Contamination and air quality,
9. Conclusion

1. The Principle of Development

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

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG10. The key development principles under Policy HSG 10 are:

- Provision of at least 360 dwellings in a mix of dwelling types and sizes.
- Financial contribution to local NHS Clinical Commissioning Group.
- Financial contribution to Warwickshire County Council towards the provision for the expansion of primary and secondary school places.
- Financial contribution towards the enhancement and provision of footway/cycleway linkages to the existing public open space adjacent to the southern boundary and along the Crowhill bridle path corridor along Eastboro Way.
- Provision of on-site bus infrastructure and contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators.
- Provision of new access in south-west corner of site for emergency vehicle access only.
- Financial contributions towards borough-wide strategic highway infrastructure works identified within the A4254 corridor.
- Financial contributions towards sport and physical activity.

The expected form of development is also set out in Policy HSG10 which includes a landscaping and biodiversity habitat corridor to be provided on the eastern edge of the site adjacent to the River Anker, including financial contributions towards appropriate management and maintenance arrangements, public right of ways in the site should be incorporated within green space corridors, new street tree planting across the site, planting of new woodlands copses and hedgerow trees next to existing field boundaries and public open space in the eastern part of the site to include both formal amenity areas, as well as informal habitat areas.

It is considered that the requirements of Policy HSG10 have been accommodated on the site. An illustrative Master Plan was submitted with the outline application and it is considered that the reserved matters application is in general accordance with that. Therefore, it is considered that the proposed development is acceptable in principle and has been established through the allocation of the site in the Borough Plan and the relevant policies within it and through the granting of outline planning permission 033926.

2. Housing Need & Mix and Affordable Housing

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. A total of 90no. affordable units are proposed which equates to 25% and is therefore acceptable. Of the affordable units, 24no. are 1 bed, 40no. are 2 bed, 20no. are 3 bed and 6no. are 4 bed. NBBC Housing have confirmed that they have no objection to this mix. The Affordable Housing SPD 2020 recommends a tenure split of 74% social/affordable rent to 26% intermediate housing mix. The proposed tenure split is 73% affordable rented and 27% shared ownership. NBBC Planning Policy have confirmed that as this is close to the requirement it is considered acceptable. The Affordable Housing SPD 2020 states that to promote inclusive communities, affordable housing should not be identifiable from other forms of housing within a housing development. Affordable housing should not be located in the least desirable areas of the site but distributed evenly amongst market housing. The SPD also provides appropriate cluster sizes which depend on the size of the development. For sites of 2-00-500 dwellings it recommends 3-8 clusters with a maximum of 15no. units in each. It is considered that this is met as 7 clusters are provided which are spread evenly throughout the site. There is one cluster that has more than 15no. units in it. Plots 63-70 and 46-53 have 16no. units but given that plots 63-70 are a block of flats and have a different road frontage to plots 46-53 this is considered acceptable.

Both NBBC Housing and Planning Policy have no objection to the layout and distribution of the affordable units.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The SHMA 2013 indicates there is greatest need in the borough for three bed properties (53.3% modelled market need), followed by two bedroom properties (33.1%) then 4 bedroom properties (8.9%). The proposal will provide 2 bed properties (7%), 3 bed properties (53%), 4 bed properties (24%) and 5 bed properties (16%). Given the local context it is considered that some divergence from the SHMA is considered acceptable. In addition, Policy H1 of the Borough Plan states that there is a lack of executive or aspirational homes in the borough which can impact on attracting potential business investors to the area and such housing would be considered favourably providing that the mix is within general ranges indicated in the SHMA. Given that the majority of the dwellings would be 2 and 3 bed (60%) it is considered acceptable that some larger 4 and 5 bed properties are also proposed.

3. Visual Amenity

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 174). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2016 and have been used to inform the Borough Plan. The site falls within the Nuneaton Estate Farmlands Landscape Character Area. This area is identified as having a weak strength of landscape character. The features are generally consistent across the landscape and contribute to a sense of place. The landscape has an open character with longer views and less trees or woodland due to fragmentation of boundary features.

This site falls within Parcel NB9 of the Land Designations Study Volume 3 (Site Analysis and Selection) which forms part of the Landscape Character Assessment (2012). This states that the land to the south of the cemetery is considered to be suitable for development in connection with the urban edge along the southern boundary. The land is already influenced by urban development with large commercial warehouses at Attleborough Fields Industrial Estate which are prominent in views.

The Council commissioned a Landscape Capacity Study (2017) which analysed the landscape character of potential strategic Borough Plan sites including the application site and the impact of developing them. The study sets out a number of recommendations if the site is taken forward for allocation which have been taken forward in Policy HSG10. These include a landscaping and biodiversity habitat corridor to be provided on the eastern edge of the site adjacent to the River Anker which has been provided, public right of ways in the site should be incorporated within green space corridors which is provided, new street tree planting across the site which are proposed, planting of new woodlands copses and hedgerow trees next to existing field boundaries and the provision of public open space in the eastern part of the site to include both formal amenity areas, as well as informal habitat areas which are provided.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. The proposed built development is outward facing in relation to the proposed open space, Eastboro Way and at entrances to the site. This provides visual interest and a positive relationship between the different uses. As per the outline permission, access to the site is off Heart of England Way. This will form part of the primary road within the site which is of a circular arrangement. Off the primary road there are a number of secondary and tertiary roads and private drives. A series of footpaths, cycle ways and a green corridor are proposed throughout the site.

The dwellings are predominantly two storey with some two and a half storey. There is a mixture of terraced, semi-detached and detached properties which provides a sufficient variety. Materials consist of brick with some render and other details such as canopies, chimneys, cill detailing and bay windows. It is considered that this adds interest to the site. Boundary treatments would consist of 1.8 metre brick walls where private gardens adjoin roads and the public realm and close boarded timber fencing elsewhere which is considered acceptable in terms of visual amenity.

Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. The built development would partly be seen in context to the existing residential development. The site is part of an allocated site within the adopted Borough Plan and has an outline permission for up to 360no. dwellings but while its future development in line with Policy HSG10 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

4. Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. A noise assessment was submitted with the outline application. This demonstrated that suitable internal noise levels can be achieved for the proposed development provided that mitigation is implemented. This will be in the form of a noise barrier and suitable glazing and ventilation. There are conditions on the outline permission that require these details to be submitted for approval and subsequently implemented on site. NBBC Environmental Health have confirmed they are satisfied with the noise assessment that was done as part of the outline application and no further assessments are required.

In relation to the existing properties, distance standards are met, in compliance with the Sustainable Design & Construction SPD 2020. In terms of inside the site, distance standards are generally met. There are some instances where they are not met but it is considered that there are mitigating circumstances. For example, Plot 10 to side of plot 8 is 12m but plot 8 is angled away and there are views past. Plot 13 to side of plot 12 is 13m but the room affected is served by window and French doors and a front window. Plot 14 to the side of plot 12 is 13.6m but there are views past. Plot 80 to plot 41 is 16m but this distance is across a road. Plots 110 and 111 to side of plot 112 is 12m but it is not considered that much of each plot affected and there are views past. Plot 238 to 219 is 19m but this is not direct overlooking. Plots 240 & 241 to side of plot 238 is 11 m. However, the room affected at ground floor is served by a window a

French doors and there are some views past. There is a 1m shortfall in distance standards from the bedroom window at first floor. However, this is not considered to be a significant shortfall and there is also an element of buyer beware. Plot 286 to side of plot 268 is 13m but there are views past. Plot 322 to side of plot 319 is 13m but it is considered that there are views past. Plots 350 and 351 to side of plot 343-346 is 13.8m but this is only a 20cm shortfall and does have some views past. Plot 263 to the blank wall of plot 261 is 13.7m but the room is served by French doors and window and has some views past from the window, is only a shortfall of 30cm and is also an element of buyer beware. Plot 329/330 to plot 291 is 12.5m but this is across a road. Plot 266 to plot 288 is 13m but the ground floor is served by French doors and window and have views past and is also buyer beware. Plot 287 to the blank wall of plot 268 is 13m but the ground floor is served by French doors and window and has views past. Plots 339-342 to plot 338 is at a distance of 11m but is at an angle so there are views past. Plot 94 to the blank wall of plot 95 is 12.5m but the ground floor is served by French doors and window and has views past and plot 95 is also angled away. Plot 187 to blank wall of plot 190 is at a distance of 12.5m but the ground floor is served by French doors and window and has significant views past. Plot 228 & plot 229 are 11.5-12.5m away from the blank wall of plot 227 but not a lot of both rear elevations are affected and they have views past. Plot 231 to blank wall of plot 222 is 12.5m away but the ground floor is served by French doors and window and has views past. Plot 138-141 to 154-173 have a separation distance of 13.5-17m but this is across a road. Plot 136 to blank wall of plot 138 is 11m but this is across a private drive with views past. Plot 246 to the blank wall of plot 244 is 11.5m but the ground floor is served by French doors and window and has some views past. Plot 57 to the blank wall of plot 56 is 11m away but the ground floor is served by French doors and window and has views past. Plot 217 & 218 to the blank wall of 239 is 12m but the ground floor is served by French doors and window and has views past. Plot 234 to the blank wall of plot 235 is at a distance of 13.5m but the ground floor is served by French doors and window and has views past. Plot 235 is also slightly angled away. Plot 146 to the blank wall of plot 120 is 11m away but the ground floor is served by French doors and window and has views past. Plot 194 to the blank wall of plot 175 is 12m away but the ground floor is served by French doors and window and has views past. It is also considered that not much of the rear elevation affected. Plot 153 to plot 155's detached garage is at a distance of 10.5m but the ground floor is served by French doors and window and has some views past. Plots 106, 129, 162, 185, 207, 229 have a detached garage on both boundaries but the roof of these have been amended on one of them meaning that the height to the eaves is 2.2m which is just higher than a fence that could be built under PD and the roof also slopes away which reduces the impact. Plot 61 still has a detached garage on both boundaries but the roof has been amended meaning that the height to the eaves is 2.2m with the roof sloping away which reduces the impact.

In relation to the requirements of Policy BE3, a statement has been submitted to show the proposals meet this policy. A total of 119no. dwellings, which equates to 33% comply with the additional Building Regulations standards (M4(2)) which means they are classed as lifetime homes suitable for adaption from young families to older individuals and for adaption for temporary or permanent physical impairments enabling people to stay in their houses longer giving choice for people with disabilities. The statement highlights that rainwater harvesting will be provided through the provision of water butts, reduced water flow kitchen taps, water efficient shower heads and eco-flush toilet systems. A condition can be added to ensure further full details are submitted. In terms of passive solar design, the statements highlights that the site is on an east to west axis along 100 metre block structured lengths with buildings generally facing a north-east and south-west orientation to aid in achieving natural

passive design. This ensures that habitable windows are orientated where possible to encourage maximum solar gain. The applicant will also seek to meet thermal gain through Building Regulation approval and internal layout design and materials which distribute heat circulation positively. In terms of Secured By Design, the scheme has been cross referenced against the principles of Secure By Design and broadly conforms. Dwellings have been sited to provide surveillance, appropriate low lit lighting measures and safety bollards are proposed through the green corridor and Public Open Space and all terraced dwellings will have secure double lockable gates. Warwickshire Police have no objections. A Building for Life 12 Statement has also been submitted. Building for Life is the industry standard for the design of new housing developments. The scheme is assessed against 12 questions covering things such as access to facilities, public transport, meeting local housing requirements, creating a sense of character and the provision of sufficient amenity space and it uses a traffic light system to rate the development. A well designed scheme should perform well against all 12 of the questions with the top score being 12 Greens. The proposed development has been scored with 8no. greens which shows the design of the scheme has responded positively to the question and 4no. ambers which is used where there is clear evidence of local constraints on the scheme beyond the control of the design team that prevent it from achieving a green. NBBC Planning Policy have confirmed that the submitted statement meets the policy requirement. All of the dwellings meet the national minimum space standards as set out in the Sustainable Design and Construction SPD. NBBC Planning Policy have no objection.

5. Highway safety and Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 110). As per the outline permission, access to the site is off Heart of England Way via a four-arm roundabout. This will form part of the primary road within the site which is of a circular arrangement. Off the primary road there are a number of secondary and tertiary roads and private drives. As part of the outline application, this was proposed to be changed to a 4-way signalled controlled junction. Other highways improvements that were secured as part of the outline permission include the provision of a controlled crossing on Eastboro Way which would link the application site to the existing cycle network, the replacement of the existing mini-roundabout on the Crowhill Road/Eastboro Way junction with a signal controlled T-junction and the widening of the existing Eastboro Way/Lutterworth Road/Highfield Road roundabout.

WCC Highways have been consulted and after the submission of amended plans and information they have confirmed they have no objection subject to conditions. A Road Safety Audit has been submitted which will be reviewed by their safety engineers as part of their legal agreement process.

In terms of parking provision, 1 bedroom homes are to have 1no. space and 2-3 bedroom properties to have 2no. spaces. Any larger 3 bedroom and 4 and 5 bedroom properties across the site will have up to 3no. spaces. The parking provision would consist of private allocated parking and garages. The Council does not currently have any saved car parking standards but is currently consulting on the Transport Demand Management Matters SPD which includes parking standards. The consultation ran from 11th June to 6th August 2021. The proposed parking provision is in general accordance with the proposed standards. The SPD does state that 3+bedroom properties should have 2no. spaces per dwelling. Some of the larger properties on the site would have up to 3no. spaces but given they are the larger properties with 4 and 5 bedrooms and that the SPD is not yet adopted it is considered that this is acceptable.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 104). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 105). There are two public rights of way which cross the application site. Public Footpath N36 runs east to west and N37 runs in the south-east corner of the site. A formal diversion of these Public Rights of Way will be required which the applicant is aware of and will be submitting an application for a Footpath Diversion Order. WCC Rights of Way have no objection subject to the making of the Footpath Diversion Order. A range of schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. As part of the outline permission a number of schemes were secured. These include a Toucan crossing on Eastboro Way which would link the application site to the existing cycle network to Attleborough Fields and the town centre and a combined footway and cycleway from where Public Right of Way N36 meets with Eastboro Way which will run down the eastern side of the carriageway and continue to the Crowhill Road junction and join the existing footpath network. S106 contributions were secured for cycling infrastructure improvements; namely the creation of a combined footway/cycleway along the existing path that runs along the north of the existing Crowhill estate, improvements towards cycling facilities on Attleborough Road and improvements to cycling infrastructure along Eastboro Way. Contributions were also secured to support the provision of a bus service to the site which would run Monday to Saturday between 07:30 and 18:30. The bus service will enter the site and provide a route in the form of a loop to the northern part of the site. All of the dwellings within the site are within a 400m walk of the service which is acceptable. In terms of inside the site, a green corridor will run through the centre of the site in an east-west direction. Footpaths and cycleways will run along this corridor and provide links to the open space to the east and would connect up to Eastboro Way and the proposed Toucan crossing. A series of informal paths and connections are proposed through the open space which would be surfaced with crushed stone. Those to the eastern edge are Breedon gravel with timber edges. Connections and links in the form of footpath or footpath/cycleway connections are also proposed at the south of the site which would provide connections to Crowhill Recreation Ground. A footpath connection is provided at the south-west of the site which would provide a link through to Crowhill Local Centre and 2no. footpath/cycleway connections to the south-east to connect to Crowhill Recreation Ground. NBBC Parks have no objections subject to conditions including further details of the surface material of some of the paths within the open space.

These infrastructure improvements are in accordance with the requirements of Policies HSG10, HS1 and HS2 of the Borough Plan.

6. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. The majority of the site is within Flood Zone 1. The north-east part of the site is located within Flood Zones 2 and 3 with the River Anker and a small tributary watercourse adjoining the site. As the built development will be within Flood Zone 1, the Environment Agency do not have an objection.

In terms of surface water drainage, as per the outline application, Sustainable Urban Drainage Systems are proposed, one to the north-east and one to the north-west together with supplementary attenuation tanks. There is a condition on the outline permission that require full details of foul and surface water drainage schemes to be submitted for approval. Revised surface water drainage calculations have been submitted which WCC Flood Risk Management have confirmed are acceptable.

7. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 174 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

The new public open space to be provided within the site will retain the existing grassland, hedgerow and tree features and will include meadow grassland and enhanced ecological area towards the northern end with additional planting. A wet grass mix is proposed to the very northern end of the open space. Three scrapes are proposed to the northern meadow area. These are shallow ponds which hold rain or flood water seasonally and which remain damp for much of the year. They have gently sloping edges which create obvious water features in fields and can make a significant difference to wildlife. They have the same wetland wildflower mix as the ponds. Further details of them can be secured via a condition. NBBC Parks have also requested a condition for details to be submitted of how the SUDs basins are to maximise their benefit to wildlife including details of marginal and emergent native species planting. An Arboricultural Method Statement has been submitted with the application. This identifies that the majority of the existing trees and hedges would be retained. Some trees are proposed to be removed from the south-west corner of the site and on other parts of the site to allow for footpath connectivity. The majority of these are Category C trees (apart from one Horse Chestnut which is a Category B) and are of low quality. The loss of some existing trees is mitigated by a new planting scheme. A new length of native hedgerow is proposed to the front of plots 296-298 to the south of the site. As landscaping is a matter that is being considered as part of this application, full landscaping plans have been submitted. These propose a mixture of new planting including trees, shrubs, native mix hedgerows and marginal planting. Notwithstanding these plans, NBBC Parks have requested further tree planting and details of seed mix which can be secured through a condition.

NBBC Tree Officer originally objected as it was considered that some of the plots were too close to the existing boundary vegetation on adjacent land and recommended stronger buffers between the plots and adjacent trees. Amended plans have been submitted and the NBBC Tree Officer has confirmed that this is the minimum distancing that they would accept as it appears that enough has been done to improve the distancing. They therefore have no further comments or objections.

8. Contamination & Air Quality

Contamination was addressed as part of the outline application. A Phase 1 Contaminated Land Report was submitted at that time. There is a condition on the outline permission relating to the submission of a contaminated land assessment and remedial strategy.

In terms of air quality, an air quality assessment was submitted as part of the outline application. This demonstrated that there will be only a small increase in pollutants at all modelled receptors and that the impact is considered to be not significant. Since the production of that report and determining the outline application, an Air Quality SPD

has been adopted by the Council. NBBC Environmental Health have no objections to the current application but have requested conditions covering a Dust Management Plan, electric vehicle charging points and that all gas-fired boiler installations should be a specified standard.

9. Conclusion

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

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

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

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:

Schedule 1

The details and plans contained in Schedule 1 be approved in accordance with Condition 1(a) Layout, (b) Scale, (c) Appearance and (e) Landscaping of approval reference 033926 granted on 28th August 2018 and varied by application ref 035918 granted on 23rd April 2019 subject to the additional conditions contained in Schedule 2.

1. Schedule of approved documents

| <i>Plan Description</i> | <i>Plan No.</i> | <i>Date Received</i> |
|-----------------------------|-----------------|---------------------------------|
| Site Location Plan | 09 | 23 rd June 2021 |
| Planning Layout | 01ZB | 28 th September 2021 |
| Planning Layout (Colour) | 33J | 28 th September 2021 |
| Enclosures plan | 03J | 27 th September 2021 |
| M42 Adaptable Homes Plan | 41D | 27 th September 2021 |

| | | |
|--|-------------------------------|---------------------------------|
| Massing Plan | 05H | 27 th September 2021 |
| Occupancy Plan | 06H | 27 th September 2021 |
| Parking Plan | 08H | 27 th September 2021 |
| Refuse Plan | 07J | 27 th September 2021 |
| Tenure Plan | 04J | 27 th September 2021 |
| Street Hierarchy Plan | 34H | 27 th September 2021 |
| Sustainable Connectivity Plan | 39J | 28 th September 2021 |
| Footpath Connectivity Plan | 40E | 27 th September 2021 |
| Sheet 1 of 2 Footpath Connectivity Plan | 40E | 27 th September 2021 |
| Sheet 2 of 2 Bus Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0312 P04 | 22 nd September 2021 |
| Sheet 1 of 2 Bus Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0313 P04 | 22 nd September 2021 |
| Sheet 2 of 2 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0311 P05 | 22 nd September 2021 |
| Sheet 1 of 6 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0314 P05 | 22 nd September 2021 |
| Sheet 2 of 6 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0315 P05 | 22 nd September 2021 |
| Sheet 3 of 6 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0316 P05 | 22 nd September 2021 |
| Sheet 4 of 6 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0317 P05 | 22 nd September 2021 |
| Sheet 5 of 6 Fire Tender Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0318 P02 | 22 nd September 2021 |
| Sheet 6 of 6 Refuse Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0300 P04 | 22 nd September 2021 |
| Sheet 1 of 11 Refuse Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0301 P04 | 22 nd September 2021 |
| Sheet 2 of 11 Refuse Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0302 P04 | 22 nd September 2021 |
| Sheet 3 of 11 Refuse Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0303 P04 | 22 nd September 2021 |
| Sheet 4 of 11 Refuse Vehicle Tracking Plan | 19494-RLL-20-XX-DR-C-0304 P04 | 22 nd September 2021 |
| Sheet 5 of 11 | | |

| | | |
|---|-------------------------------|---------------------------------|
| Refuse Vehicle Tracking Plan Sheet 6 of 11 | 19494-RLL-20-XX-DR-C-0305 P04 | 22 nd September 2021 |
| Refuse Vehicle Tracking Plan Sheet 7 of 11 | 19494-RLL-20-XX-DR-C-0306 P04 | 22 nd September 2021 |
| Refuse Vehicle Tracking Plan Sheet 8 of 11 | 19494-RLL-20-XX-DR-C-0307 P04 | 22 nd September 2021 |
| Refuse Vehicle Tracking Plan Sheet 9 of 11 | 19494-RLL-20-XX-DR-C-0308 P04 | 22 nd September 2021 |
| Refuse Vehicle Tracking Plan Sheet 10 of 11 | 19494-RLL-20-XX-DR-C-0309 P04 | 22 nd September 2021 |
| Refuse Vehicle Tracking Plan Sheet 11 of 11 | 19494-RLL-20-XX-DR-C-0310 P04 | 22 nd September 2021 |
| Soft Landscape Proposals- Sheet 1 of 7 | GL1331 01B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 2 of 7 | GL1331 02B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 3 of 7 | GL1331 03B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 4 of 7 | GL1331 04B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 5 of 7 | GL1331 05B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 6 of 7 | GL1331 06B | 27 th September 2021 |
| Soft Landscape Proposals- Sheet 7 of 7 | GL1331 07B | 27 th September 2021 |
| Cromer-Floor Plans & Elevations | A902_47 | 2 nd August 2021 |
| Eversham- Floor Plans & Elevations | A902_48 | 2 nd August 2021 |
| Chesham (M42) & Redgrave Combo-Floor Plans | A902_14A | 2 nd August 2021 |
| Chesham (M42) & Redgrave Combo-Elevations | A902_13A | 2 nd August 2021 |
| Chesham (M42) & Redgrave Combo-Elevations | A902_35A | 2 nd August 2021 |
| Seaton- Floor Plans & Elevations | A902_16A | 2 nd August 2021 |

| | | |
|--|----------|-----------------------------|
| Seaton- Floor Plans & Elevations | A902_36A | 2 nd August 2021 |
| Filey- Floor Plans | A902_38A | 2 nd August 2021 |
| Filey- Elevations | A902_17A | 2 nd August 2021 |
| Romsey (M42)- Floor Plans & Elevations | A902_18A | 2 nd August 2021 |
| Dartford- Floor Plans & Elevations | A902_20A | 2 nd August 2021 |
| Dartford- Floor Plans & Elevations | A902_37A | 2 nd August 2021 |
| Winkfield (M42)- Floor Plans & Elevations | A902_42A | 2 nd August 2021 |
| Winkfield (M42)- Floor Plans & Elevations | A902_43A | 2 nd August 2021 |
| Buckingham- Floor Plans & Elevations | A902_21A | 2 nd August 2021 |
| Windsor-Floor Plans & Elevations | A902_24A | 2 nd August 2021 |
| SM1- Floor Plans & Elevations | A902_26A | 2 nd August 2021 |
| S2 (M42) Cromer- Floor Plans & Elevations | A902_28B | 2 nd August 2021 |
| S3 Eversham- Floor Plans & Elevations | A902_29C | 2 nd August 2021 |
| S4- Floor Plans & Elevations | A902_30B | 2 nd August 2021 |
| Single Garage- Floor Plans & Elevations | A902_31 | 2 nd August 2021 |
| Single Garage- Gable Front- Floor Plans & Elevations | A902_45 | 2 nd August 2021 |
| Double Garage- Floor Plans & Elevations | A902_32 | 2 nd August 2021 |

Schedule 2

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

b. No phase of development shall commence until details of the design of the estate road layout serving the development, including footways, cycleways, verges and footpaths, has been submitted to and approved in writing by the Council. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling in that phase shall be occupied until the estate roads, including footways serving it have been laid out and substantially constructed in accordance with the approved details.

c. No phase of development above slab level shall commence until full details of the SUDs basins have been submitted to and approved in writing by the Council. These details shall include how the basins are to maximise their benefit to wildlife and shall have at least one third as permanent standing water through overdeepening (unless shown to be technically unable to be delivered). Full details of accompanying marginal and emergent native species planting shall also be submitted to and approved in writing by the Council (subject to that standing water being achieved). The development shall not be carried out other than in accordance with the approved details.

d. No phase of development above slab level shall commence until details of the boundary treatments to the SUDs basins have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details

e. No phase of development above slab level shall commence until full details of the scrapes in the northern meadow area including their depths have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

f. Notwithstanding the Soft Landscaping Plans and Enclosures Plan submitted, no phase of development above slab level shall commence until full details of the position and detail of fencing and removable bollards to the open space (including to prevent vehicular access), position and details of the circular seats and the proposed surface material of paths within the open space have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

g. Notwithstanding the Soft Landscaping Plans submitted, no phase of development above slab level shall commence until a plots landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of that 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. No dwelling within that phase shall be occupied until to the landscaping to that plot has been carried out in accordance with the approved details.

h. Notwithstanding the Soft Landscaping Plans submitted, no phase of development above slab level shall commence until a landscaping scheme including full details of the proposed seed mix and tree planting across the site has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of that phase of the 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.

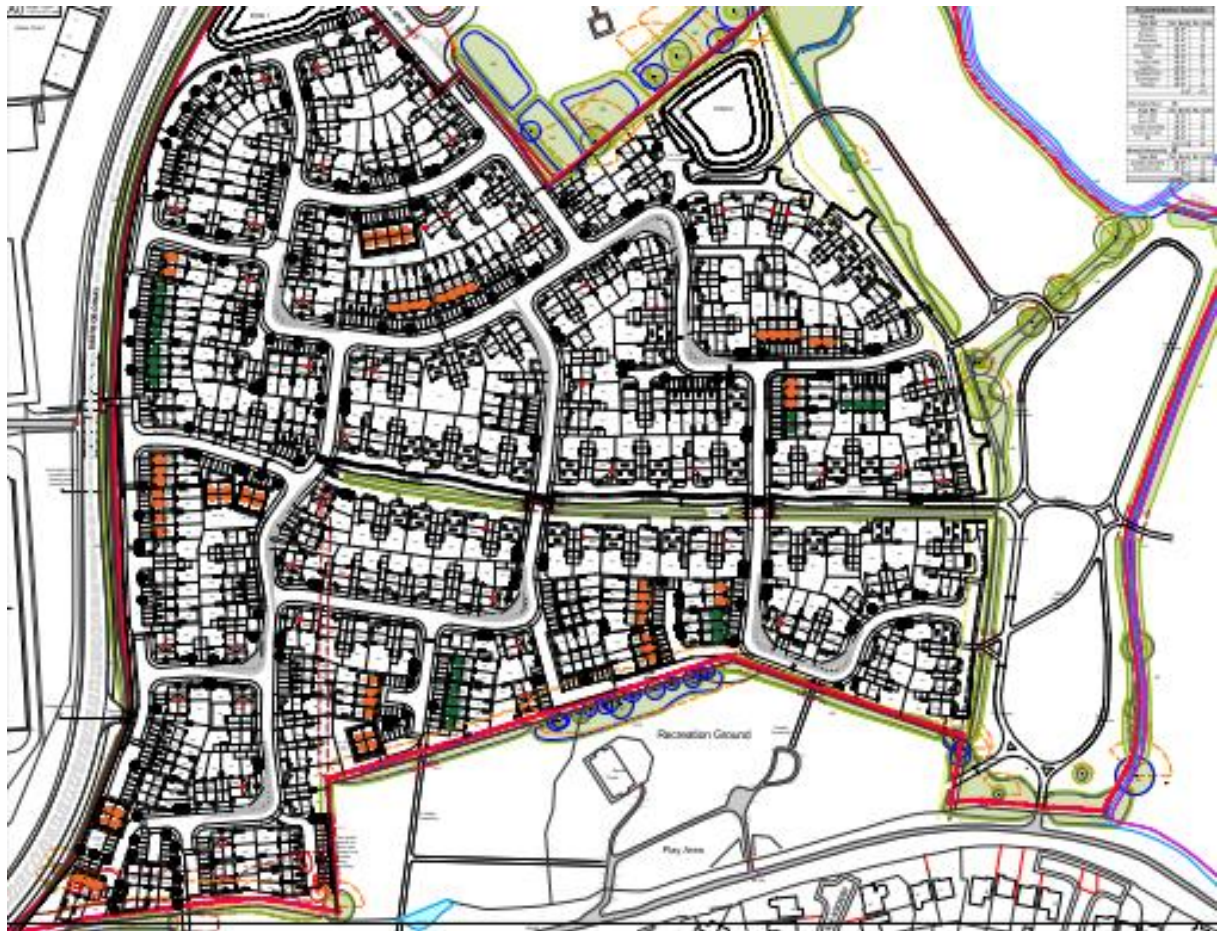
i. No development above slab level shall commence until details of rainwater harvesting systems to be installed in the curtilage of all new dwellings has been submitted to and approved in writing by the Council. No dwelling shall be occupied until the agreed system has been provided in accordance with the approved details.

j. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking and one charging point per 10 spaces for unallocated parking and 10% of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level and at least 1 charging unit should be provided for every 10 disabled parking spaces for any commercial uses has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

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



Site Plan



Site Layout



Cromer House Type



Eversham House Type



Chesham & Redgrave House Types



Seaton House Type

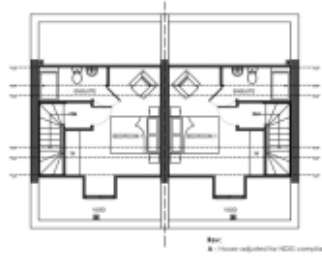
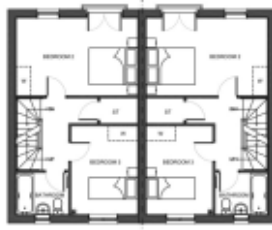


FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION



Key
 ■ Floor subject for M25 compliance
 ■ Floor subject for M25 compliance

Filey House Type



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

Key
 ■ Floor subject for M25 compliance

Drawing No: 1128-0-01 Date: 04/04/20
 Scale: 1:50
 Scale Check: []

1:50 Scale
 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

1:100 Scale
 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Romsey (M42) House Type



Dartford House Type



Winkfield (M42) House Type



Buckingham House Type



Windsor House Type



SM1 House Type



S2 (Cromer) House Type



S3 (Eversham) House Type



S4 House Type

REFERENCE No. 038119

Site Address: 92 Lutterworth Road, Nuneaton, Warwickshire, CV11 6PH

Description of Development: Vary condition 2 of approval 037676 to allow development to be carried out in accordance with drawing No 1084-10-Revision J instead of Revision F.

Applicant: Paul and Caroline Coombs

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

The proposal is to vary condition 2 of approval 037676 to allow development to be carried out in accordance with drawing No 1084-10-Revision J instead of Revision F. Under application reference 036808 planning permission was originally granted on the 4th February 2020 for a two storey extension to the side and rear. Condition 2 stated that the development be carried out in accordance with Scheme drawing 1084-02, Revision C that was received on the 26th February 2020. Subsequently, application reference 037676 for a two storey extension to the side and rear which was an amendment to approval 036808 to include an increase in the roof height to accommodate rooms in the roof space was submitted. This was approved on the 11th March 2021 and condition 2 stated that the development be carried out in accordance with Scheme drawing, 1084-10 Revision F that was received on the 8th March 2021. After development commenced information was received that most of the original dwelling had been demolished. A site visit by the Planning Enforcement Officer confirmed that only a small section of the ground floor front elevation wall remained which was to the left of the site adjacent to the boundary with No 90A. This wall was 3.72 metres wide and consisted of a central section 1.27 metres high flanked on either side by two 2.25 metre high sections which had contained a window that served a dining room in the original dwelling. The view was taken by officers that, because the description in application 036776 was for a two storey side and rear extension, with no reference to extensive demolition the development was not being built in accordance with plan 1084-10-Revision F. As a result plan 1084-10-Revision J was submitted which showed the same development with the small section of wall to the front retained.

The original property was a two storey detached house with pitched roofs. It was built between 1928 and 1939 and was a typical traditional design of that era. The site is surrounded by houses of varying type and design and backs onto properties in Leam Close.

RELEVANT PLANNING HISTORY:

- 037676: Two storey extension to side and rear (Amendment to approval 036808 to include increase in roof height to accommodate rooms in roof space): Approved 11/03/2021
- 036808: Two storey extension to side and rear: Approved 4/02/2020
- TP/0129/94: Garage to side: Approved 4/04/1994.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - o DS1 – Presumption in favour of sustainable development
 - o BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

90A, 94 and 95 Lutterworth Road; 9 Leam Close.

The above properties were sent letters notifying them of the proposed development on 7th July 2021.

NEIGHBOUR RESPONSES:

There have been 6 objections from 4 addresses. The objections are summarised below;

- 1) Amended application was only submitted after complaint lodged about original permission being contravened.
- 2) Original scheme was for a two storey extension to side and rear which was amended to include rooms in roof space. This is now a whole new dwelling.
- 3) Healthy Copper Beech tree near the entrance to the site was felled.
- 4) Concerned about increase in noise levels at the bottom of the garden. Also concerned that more trees will be removed.
- 5) New build does not fit in with design of surrounding dwellings.
- 6) Loss of privacy and light.
- 7) Potential for flooding.

APPRAISAL:

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

- 1)The impact on Visual Amenity
- 2)The impact on Residential Amenity

1. The impact on Visual Amenity

The Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance within section 13 which aims at guiding the design and aesthetics of residential development within the Borough.

Because of the overall nature of the proposal, it will be visible in the street scene. However, it is set back from the front elevation of No 90A Lutterworth Road by 900mm and set back from the footpath by 14 metres. The appearance reflects a more traditional design with a hipped roof and standard size windows. It will have a white painted render finish in common with a lot of other dwellings in the immediate area. Both are in contrast to the preferred modern option of Cedar board cladding and large vertical emphasis windows. In view of the above the scheme in general will not detract from the character of the area or appear intrusive and is therefore acceptable under paragraph 13 of The Sustainable Design and Construction Supplementary Planning Document 2020.

2. The impact on Residential Amenity

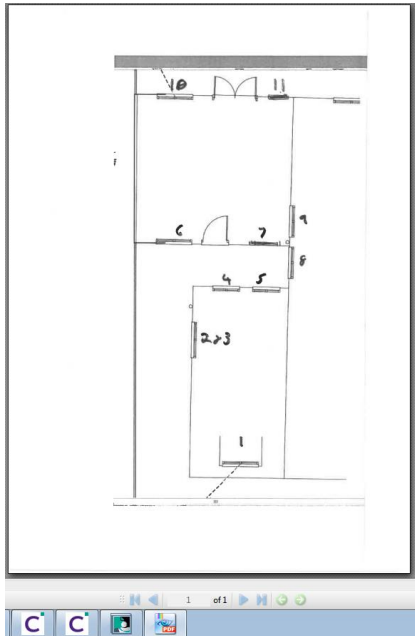
Section 11 of the Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance which aims to protect the residential amenity of proposed residential properties and extensions, and the residential amenity of existing dwellings. Only the neighbouring properties either side, Nos 90A & 94 Lutterworth Road property to the rear No 9 Leam Close are likely to be impacted upon.

Impact on No 90A Lutterworth Road.

No 90A Lutterworth Road is the unattached neighbour to the north-west and is separated from No 92 by a minimum of 9 metres and a maximum of 14 metres to the corner of the two storey rear element. In the gap that physically separates them is a large, flat roofed detached garage. As a result of this relationship and the distances involved there is no infringement of either the 45 degree or 60 degree lines from any original primary sources of light to habitable rooms. The two storey element projects 6.2 metres past the rear elevation of No 90As garage on the north western side. However it is set away from the boundary by 1.3 metres which it is considered reduces the impact on No 90As garden to an acceptable level particularly as the area of garden concerned is directly behind the garage. In view of the above it is considered that there will be no detrimental impact on this property.

Impact on No 94 Lutterworth Road.

No 94 Lutterworth Road is the unattached neighbour to the south-east and has 11 windows on the boundary with No 92. These are shown below and the status of each is assessed individually.



- (1) First floor front facing window and primary source of light to a bedroom meaning it can be protected. However the extension does not infringe the 60 degree line from its centre.
- (2) First floor side facing window and secondary source of light to bedroom served by window No1 meaning it cannot be protected.
- (3) Ground floor side facing window to garage meaning it cannot be protected.
- (4) Rear facing window to bath/shower room meaning it cannot be protected.
- (5) Rear facing window to bath/shower room meaning it cannot be protected.
- (6) Front facing window to kitchen which is part of an extension added in 1983 meaning it cannot be protected
- (7) Front facing kitchen window which it is unclear whether it is original or not. However it is not the primary source of light and is already severely impacted upon and shielded by No 94s two storey garage/bedroom element which is directly opposite at a distance of 2.8 metres. It would be unreasonable to refuse the application in relation to this window.
- (8) First floor side facing window to stairs and hall meaning it cannot be protected.
- (9) First floor side facing window to bathroom meaning it cannot be protected.
- (10) Rear facing window to kitchen which is part of an extension added in 1983 meaning it cannot be protected.
- (11) Rear facing window to kitchen which is unaffected.

All the above information was supplied either by the occupiers during two site visits or obtained by reading the Officer reports attached to application TP/0129/94 for a garage to the side of No 92. In view of the above and the fact there is no impact on the rear garden it is considered that there is no detrimental impact on this property.

Impact on No 9 Leam Close.

No 9 Leam Close is to the rear with a separation distance from No 92 of 56 metres. As a result of this relationship, it is considered that there is no detrimental impact on this property.

It is therefore considered that the proposal is acceptable under paragraph 11 of the Sustainable Design and Construction Supplementary Planning Document 2020.

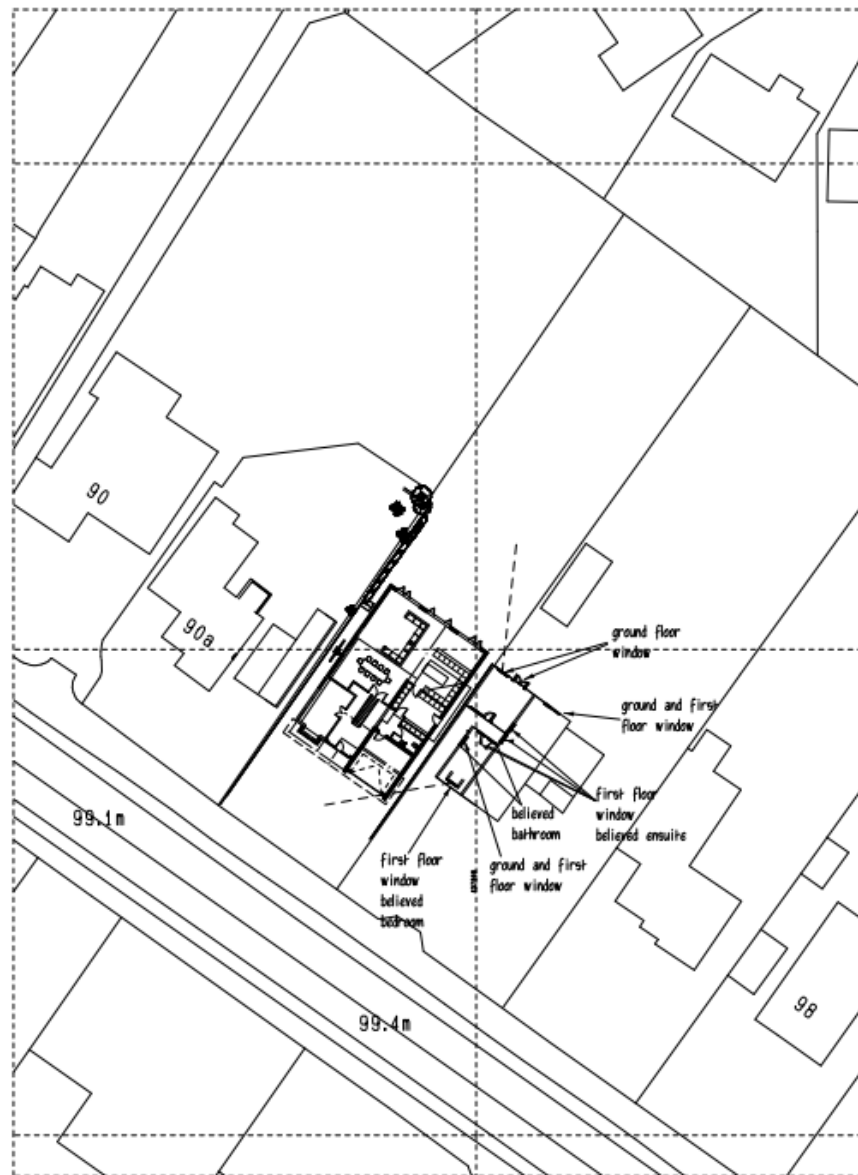
REASONS FOR APPROVAL:

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.

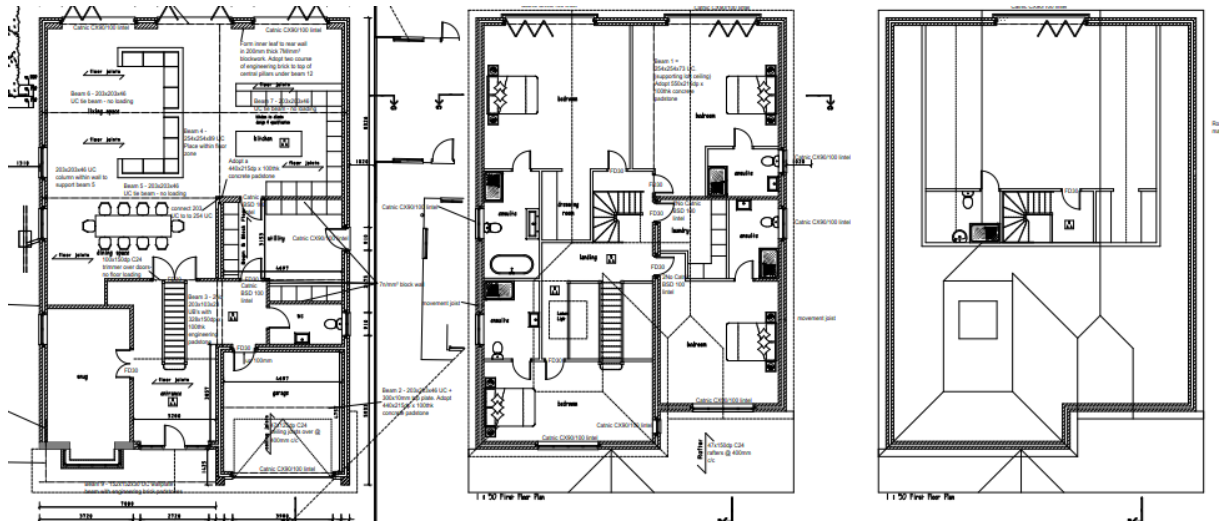
SCHEDULE OF CONDITIONS:

1) The development shall not be carried out and subsequently maintained other than in strict accordance with the approved plan contained in the following schedule:

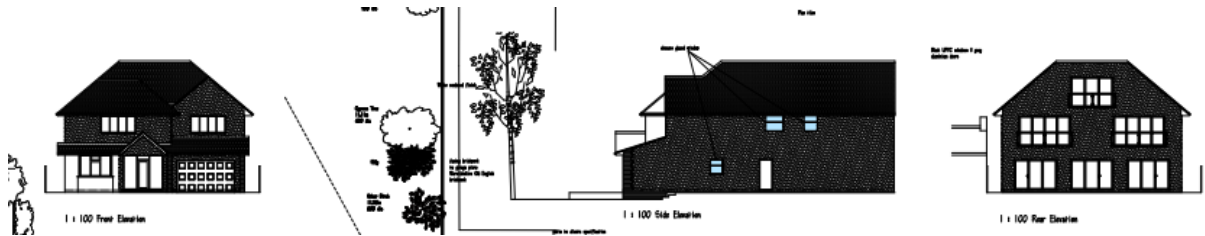
| Plan Description | Plan No. | Date Received |
|------------------|--------------------|----------------------------|
| Scheme drawing | 1084-10 Revision J | 17 th June 2021 |



Site Layout Plan



Floor Plans



Elevations

REFERENCE No. 038142**Site Address:** Site 120B005, Land rear of 71-77 Coventry Road, Bulkington**Description of Development:** Change of use to a residential caravan site for three gypsy families each with 2no. caravans, including no more than 1no. static caravan/mobile home and associated works and laying of hardstanding**Applicant:** Mr G Allan**Ward:** BU

RECOMMENDATION:

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

INTRODUCTION:

This application is for a change of use to a residential caravan site for three gypsy families each with 2no. caravans, including no more than 1no. static caravan/mobile home and associated works and laying of hardstanding.

The application site is fairly square in shape and adjoins a larger area of land to the south-west which is owned by the applicant. It is accessed off Coventry Road between no's 69 and 71. The drive consists of tarmac which then leads to a gravel surface. Along the driveway, adjoining no 69, is 1.8 metre high fencing. The boundary treatments along the rear boundaries of 71-77 Coventry Road consists of low level fencing. Along the north-east boundary are well established hedges. During the site visit it was noted that the site has been laid as hardstanding and there was 2no. static caravans sited on there, one close to the north-east boundary and the other to the northern boundary. There was also a touring caravan adjacent to the static caravan on the northern boundary.

RELEVANT PLANNING HISTORY:

- 037635: Creation of three residential units (C3) in the form of three static caravans/chalets: Refused 25/05/2021
- 036859: Prior notification for the change of use from agricultural buildings to a residential dwelling: Prior approval required and granted 18/02/2020
- 035180: Retention of access Road and the proposed erection of stables on land to rear of 69 Coventry Road: Approved 22/01/2018

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS3 – Development principles
 - DS7 – Green belt
 - H3 Gypsies and Travellers
 - BE3 – Sustainable design and construction
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Planning Policy, NBBC Refuse, Rugby Borough Council, Severn Trent Water, WCC Archaeology, WCC Gipsy Liaison Officer, WCC Highways

CONSULTATION RESPONSES:

Objection from:
Rugby Borough Council

No objection subject to conditions from:
WCC Highways

No objection from:
WCC Archaeology

Comment from:
NBBC Planning Policy

No response from:
NBBC Environmental Health, NBBC Refuse, Severn Trent Water, WCC Gipsy Liaison Officer

NEIGHBOURS NOTIFIED:

67-103 (odd) and 66-76 (even) Coventry Road.

Neighbouring properties were sent letters notifying them of the proposed development on 28th June 2021. A site notice was erected on street furniture on 28th June 2021 and 13th July 2021 and the application was advertised in The Nuneaton News on 28th July 2021.

NEIGHBOUR RESPONSES:

There have been 91 objections from 79 addresses and 9 objections with no address provided. The comments are summarised below;

1. Land is Green Belt.
2. Inappropriate development in the Green Belt.
3. Loss of openness in the Green Belt.
4. Would encroach into the Green Belt.
5. Field contains remains of a medieval ridge and furrow system.
6. Land is outside the housing needs of the borough.
7. Unsustainable development.
8. Impact on highway safety.
9. Need can be met with existing pitch supply.
10. Applicant and family own other properties which could accommodate them.
11. Precedent been set from other appeal decisions to refuse this application.
12. Increased light pollution.
13. Increased noise.
14. Devaluation of properties.
15. Site is not identified in any plan for traveller use.
16. Bulkington and Barnacle have a large number of traveller site.

17. Recent developments alone will increase the population of Bulkington by over 10% yet but has been no development to increase schools, doctor's surgeries and general amenities.
18. Will allow further applications for static caravans/chalets.
19. Loss of privacy.
20. Building on Green Belt land should only be done in exceptional circumstances. Is this application considered exceptional?
21. Have a right to be able to enjoy my property.
22. Development carried out without planning permission.
23. Not in keeping with the rest of the ribbon development.
24. The intended timber fencing and screen planting would impact the open aspect of the greenbelt.
25. Site has flooding issues.
26. Fear of crime.
27. Impact on mental health and wellbeing of Coventry Road residents.

APPRAISAL:

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

1. Principle of development
2. The appropriateness of the proposed development in the Green Belt including the impact on the openness, character and visual amenity of the Green Belt.,
3. Residential amenity,
4. Visual amenity,
5. Highway safety,
6. Flooding & drainage,
7. Archaeology,
8. Conclusion

1. Principle of Development

Policy DS3 of the Borough Plan states that development outside settlement boundaries is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries. The site is not within any defined settlement boundaries and therefore it is not considered that the principle of this development is acceptable and would be contrary to Policy DS3.

2. Green Belt

The Appropriateness of the Proposed Development in the Green Belt

The application site lies within the West Midlands Green Belt, where, in line with paragraphs 147 and 149 of the NPPF, Policy DS7 of the Borough Plan makes it clear that there is a general presumption against inappropriate development which is, by definition, harmful to the Green Belt. Paragraph 150 of the NPPF set out certain types of development which are acceptable within the Green Belt, with paragraph 149 stating that new buildings within the Greenbelt are inappropriate except in certain circumstances. The proposed change of use of the land to a residential caravan site does not fall within any of the exemptions outlined in these policies and is therefore a form of inappropriate development. This inappropriateness is also reiterated in paragraph 16 of the PPTS. The development should therefore not be approved except in very special circumstances, as stated in paragraph 147 of the NPPF. Paragraph 148 of the NPPF goes on to say that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness.

Impact on Openness of the Green Belt

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. The site is ultimately an open area of green space/field bounded by mature hedging in part to the rear of existing, established residential rear private amenity areas of properties fronting Coventry Road. The area to the north of Coventry Road and to the south-west of the site is undeveloped and has a very open character. It is considered that the loss of this open gap would have a detrimental impact on the openness of the Green Belt and would introduce permanent development. The surrounding land is predominantly open countryside and the application site is contiguous with that part of the open Green Belt. Consequently, it is considered that the proposal would introduce development in an area which currently has an open feel and therefore create significant harm to the openness of the Green Belt.

Purposes of the Green Belt

Paragraph 138 of the NPPF sets out the five purposes of including land in the Green Belt. These are to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The site is identified in the Joint Green Belt Study 2015 which was commissioned as part of the Borough Plan as parcel BU2. The study found parcel BU2 performed well against most of the Green Belt purposes and was considered a medium performing Green Belt parcel. It is considered that there is conflict with the first purpose of paragraph 138 of the NPPF, which is to check the unrestricted sprawl of built up areas, as the proposal would lead to further built development in the Green Belt and would not contain development to within the recognised settlement boundary. There is also conflict with the third purpose, to assist in safeguarding the countryside from encroachment. The site is currently open as is the surrounding land to the east and south-east and it is considered that the development would encroach into an open part of the Green Belt and significant weight should be attached to this. In conclusion, it is considered that the significant harm to the openness of the Green Belt and the moderate harm caused by conflict with two of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness and is in conflict with the NPPF and policy DS7 of the Borough Plan.

Impact on Character and Visual Amenity of the Green Belt

The site is located to the rear of properties fronting Coventry Road, which is of a uniformed linear formation. There are views of the site from Coventry Road, particularly through the gap between nos 69 and 71. There are some trees and hedges along the north-east boundary. However, these can not be relied upon to screen the development in perpetuity. Due to these views it is considered that there would be some impact on the character and visual amenity of the Green Belt. The introduction of caravans, hardstanding and boundary treatments would impact on the character and visual amenity of the Green Belt.

It is considered that the significant harm to the openness of the Green Belt and the moderate harm caused by conflict with two of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness and is in conflict with the NPPF and policy DS7 of the Borough Plan.

Other Material Considerations

Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, some considerations have been put forward by the agent which they believe amount to very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness, and by reason of the harm caused to the openness and encroachment of the Green Belt. These are assessed below.

Unmet Need

Criteria 'a' of paragraph 24 of the PPTS requires local authorities to consider the existing level of local provision and need for sites. Criteria 'a' of Paragraph 10 states that LPA's should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. The most recent Gypsy and Traveller and Travelling Show-person Accommodation Assessment (GTAA) was completed in July 2016 which provides information about the current and future accommodation needs and demands of Gypsies and Travellers, Travelling Show people and Barge Travellers. Policy DS4 the Borough Plan outlines that at least 39no. residential and 5no. transit pitches will be planned for and provided within the Borough between 2011 and 2031. This application would contribute 3no. permanent residential pitches towards this requirement. Since the publication of the 2016 assessment an additional 10 permanent residential pitches have been approved that were not accounted for in the 2016 assessment leaving a further 29no. permanent residential pitches to find.

The Council has started work on a Gypsy and Travellers Site Allocations DPD. An Issues and Options draft is currently out for consultation. The document is at an early stage and does not allocate sites to provide for new pitches but offers alternatives for both the broad locations for such sites and the numbers of pitches to provide for. To support the latter the Council has commissioned an updated Gypsy, Traveller, and Travelling Showpersons Accommodation Assessment (GTAA). The new GTAA advises that with the current occupied and vacant pitches within the borough there is a need for 16no. additional residential and no transit pitches to meet those who meet the definition of travellers. Therefore, a decrease of 23no. residential pitches and 5no. transit pitches from those figures published in the Borough Plan. However, no decision has been made by the Council whether to use the new figures, those existing in the adopted Borough Plan, or any alternatives. The formative stage of the Issues and Options draft means that no discernible weight can be given to any alternative figures other than those in the adopted Borough Plan.

Paragraph 27 of Planning Policy for Traveller Site (PPTS) states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, it goes to say that an exception to this is where the proposal is on land designated as Green Belt. Since the introduction of the PPTS, appeal decisions relating to other gypsy and traveller sites in the Green Belt have continued to give unmet need significant weight as part of the Planning balance. Therefore, as there is a shortfall of Gypsy and Traveller provision and the Council currently does not have a supply of deliverable sites it is considered that this is a matter which weighs significantly in favour of the application. However, taking into account paragraphs 16

and 24 of PPTS it is also considered that unmet need on it's own is unlikely to outweigh the harm to the Green Belt to warrant granting planning permission.

Alternative Sites

The Council has started work on a Gypsy and Travellers Site Allocations DPD. An Issues and Options draft is currently out for consultation. The document is at an early stage and does not allocate sites to provide for new pitches but offers alternatives for both the broad locations for such sites and the numbers of pitches to provide for. It is anticipated that this will be adopted in February 2023. It could be argued that there is currently a policy vacuum in relation to the provision of Gypsy and Traveller sites which weighs in favour of the application. The supporting statement submitted with the application states that the Council has not identified any suitable sites in the Borough Plan and the applicants do not have a lawful caravan site of their own and this is the only site that is available to them. Confirmation from the agent has been requested as to where intended occupants were living previously and whether no 69 Coventry Road is currently occupied and why that property is not suitable for the intended occupants of the above site. This information has not been submitted. The Gypsy Liaison Officer at Warwickshire County Council has been consulted on the application but no response has been received.

Compliance with Policy H3 of the Borough Plan

Policy H3 of the Borough Plan is a criteria based policy to be used in the determination of planning applications and identifying suitable Gypsy and Traveller sites. Criterion '1' states that the number of pitches or plots should be relative to the size and scale of the site. In this case, it is considered that the number of caravans proposed is acceptable in relation to the size of the site and would not over dominate the site. Criterion '2' states that the number of pitches or plots should be relative to the size and density of the surrounding settled community. There are other Gypsy and Traveller site to the south-west, along Mile Tree lane, but it is not considered that by allowing this proposal it would lead to such sites dominating the area. A recent inspector relating to a site at land north of Coventry Road, Bulkington noted the presence of Gypsy and Traveller sites but did not find that they dominated the local area. Criterion '3' states that sites should not be located in areas of high flood risk. In this case, the site is within Flood Zone 1 which has the lowest possibility of flooding. Criterion '4' states there should be no adverse impact on historic and important landscapes and open spaces. It would appear that the proposal may have an impact upon a small area of ridge and furrow. However, this is a small part of what itself is a relatively small and isolated fragment of ridge and furrow. WCC Archaeology has stated that some of the hardstanding that was previously laid will have had an impact upon the surviving earthworks. There is very little in terms of known archaeological sites from the surrounding area and the proposals are unlikely to have a significant archaeological impact.

Criterion '5' refers to the protection of privacy, visual and residential amenity for both the site occupants and neighbouring land uses. It is considered that distance standards are met and there would be no significant overlooking from and to the site. Criterion '6' states there should be suitable access to the highway network. The existing access would be utilised and WCC Highways have raised no objection. Criterion '7' relates to air and noise pollution. It is not considered that pollution would affect the health and well-being of the site residents and neighbouring uses will not be affected by air or noise pollution as a result of the gypsy and traveller development. Criterion '8' states that the site should be accessible to town and district centres and local services. The site is approximately 0.7 km from the centre of Bulkington where there is a range of local shops and services, including medical facilities. Criterion '9' states that the site

should have suitable drainage which can be controlled through a suitable condition. Significant weight should be attached to the compliance with this policy.

Gypsy Status/Personal Circumstances of the Intended Occupants

The intended occupants of the site are:

- George Allen and Joleen Smith, together with their children: Dora Allen (11) and Georgia Allen (5).
- Elias and Dora Stanley (Joleen Smith's grandparents).
- Elias Stanley (Junior) (Joleen Smith's uncle).

Criterion 'c' of paragraph 24 of PPTS states that personal circumstances of the applicant should be considered by local planning authorities. The supporting statement submitted with the application states that George Allen makes his living as a ground-worker, laying block-paving and tarmac. He travels regularly to Scotland for work which usually a couple of months each year and attends horse fairs where he carries out some general dealing. It is considered that they are gypsies and travellers, falling within the definition of such in Annex 1 of PPTS. Joleen Smith's grandparents and uncle are dependents of the Allen family and, therefore also fall within the definition of gypsies and travellers.

In relation to health needs, the supporting statement puts forward that Dora Stanley has limited mobility following a knee replacement and relies on Joleen Smith for care which can be best be provided if they are living together in an extended family group. Elias (Junior) has chronic kidney problems and also need support from Joleen Smith and the family. Further information has been requested from the agent if the family are registered with local healthcare services and whether any of the occupants require regular health care and if so, where that takes place. This information has not been submitted. Paragraphs 16 of PPTS states that personal circumstances are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

In terms of education needs, the supporting statements says that since being residents on the site both Dora and Georgia Allen have been able to attend school in Wolvey. Further information has been requested as to whether the oldest child, Dora, who is 11 will be attending secondary school. This information has not been received. Despite this, it is considered that this site would provide a settled base from which the children can access adequate healthcare, regular schooling and maintain social relationships. It is considered that it would be within their best interests that they can continue to live at the site. Paragraph 16 of PPTS refers to the best interests of the child and it is considered that the needs of the children is a matter which weighs significantly in favour of the application.

The proposed development is a form of inappropriate development in the Green Belt. The development should therefore not be approved except in very special circumstances. It is considered that the significant harm to the openness of the Green Belt and the moderate harm caused by conflict with two of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness and is in conflict with the NPPF and Policy DS7 of the Borough Plan. Very special circumstances should be demonstrated to justify inappropriate development in the Green Belt. In this respect, the very special circumstances are the unmet need for gypsy accommodation within the Borough and the absence of alternative sites,

compliance with Policy H3 of the Borough Plan and the personal circumstances of the intended occupants. There is an unmet need of such sites in the Borough but it is not considered that unmet need on its own would outweigh the harm to the Green Belt to warrant granting planning permission. The compliance with Policy H3 of the Borough Plan does weigh significantly in favour of the application. Whilst some weight is attached to the health needs of the occupants it is not considered that sufficient information has been submitted regarding whether the occupants require regular health care and whether there is any reliance on local healthcare services and as such would not outweigh harm to the Green Belt. The educational needs of the children weighs significantly in favour of the application. However, whilst the best interests of the children are a primary consideration it is not considered that they are the determining factor. The cumulative weight of the supporting considerations do not outweigh the harm to the Green Belt. It is therefore **not** considered that very special circumstances exist to allow this development in the Green Belt.

3. Residential Amenity

The rear of no's 71-77 Coventry Road are the closest properties to the site. A static caravan is proposed to the western part of the site which would be sited approximately 30 metres away which complies with distance standards contained within the Sustainable Design & Construction SPD. It is therefore not considered that there would be any significant overlooking from and to the site. NBBC Environmental Health have been consulted but have not responded. However, they had no objections in relation to the impact on surrounding properties to the previous application, 037635, which was for the creation of three residential units (C3) in the form of three static caravans/chalets as objection in relation to the impact on surrounding properties. They also stated that as the site is approximately 250m from the railway and set well back from the road they were not concerned about noise impacting the site.

4. Visual Amenity

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130). Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character. The site is located to the rear of properties fronting Coventry Road, which is of uniformed linear formation, which would be considered ribbon development. The caravan site would be located to the rear of the properties and would therefore constitute backland development. Consequently, it is considered that the proposed development would depart from the existing characteristics of the surrounding area, street scene and built form, contrary to the visual amenities of the area and paragraphs 6.1, 10.7 and 10.12 of the Sustainable Design and Construction SPD 2020.

5. Highway Safety

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 110). Access is proposed off Coventry Road between no's 69 and 71. WCC Highways have no objection subject to conditions. It is therefore not considered that the proposed development would have a severe detrimental impact on highway safety and traffic flows.

6. Flooding & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a

result of it (paragraph 167). The site is within Flood Zone 1 which has the lowest possibility of flooding. Drainage details could be secured through a condition.

7. Archaeology

It would appear that the proposal may have an impact upon a small area of ridge and furrow. However, this is a small part of what itself is a relatively small and isolated fragment of ridge and furrow. WCC Archaeology have been consulted and stated that some of the hardstanding that was previously laid will have had an impact upon the surviving earthworks. There is very little in terms of known archaeological sites from the surrounding area and the proposals are unlikely to have a significant archaeological impact and therefore have no objection.

8. Conclusion

The proposed development is a form of inappropriate development in the Green Belt. The development should therefore not be approved except in very special circumstances. It is considered that the significant harm to the openness of the Green Belt and the moderate harm caused by conflict with two of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness and is in conflict with the NPPF and Policy DS7 of the Borough Plan. Very special circumstances should be demonstrated to justify inappropriate development in the Green Belt. In this respect, the proposed very special circumstances are the unmet need for gypsy accommodation within the Borough and the absence of alternative sites, compliance with Policy H3 of the Borough Plan and the personal circumstances of the intended occupants. There is an unmet need of such sites in the Borough but it is not considered that unmet need on its own would outweigh the harm to the Green Belt to warrant granting planning permission. The compliance with Policy H3 of the Borough Plan does weigh significantly in favour of the application. Whilst some weight is attached to the health needs of the occupants it is not considered that sufficient information has been submitted and as such would not outweigh harm to the Green Belt. The educational needs of the children weighs significantly in favour of the application. However, whilst the best interests of the children are a primary consideration it is not considered that they are the determining factor. The cumulative weight of the supporting considerations do not outweigh the harm to the Green Belt. It is therefore not considered that very special circumstances exist to allow this development in the Green Belt. All other potential impacts have been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of planning conditions.

REASONS FOR REFUSAL:

1.(i) Paragraph 147 of the National Planning Policy Framework 2021 states:
Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

(ii) Paragraph 148 of the National Planning Policy Framework 2021 states:
When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

(iii) Paragraph 149 of the National Planning Policy Framework 2021 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

(iv) Policy DS7 of the Nuneaton and Bedworth Borough Plan 2019 states:

Development in the remaining Green Belt

To ensure the remaining Green Belt across the borough continues to serve its fundamental aim and purpose, and maintains its essential characteristics, it will be protected by restricting development to only that which is considered by national planning policy as not inappropriate Green Belt development, except where very special circumstances can be demonstrated.

Proposals on previously developed sites in the Green Belt will be restricted to the limited infilling and redevelopment of previously developed land, and will be assessed in accordance with national planning policy.

Any development proposals considered not inappropriate for locating within the Green Belt should demonstrate how their plans will retain the five key purposes of the Green Belt.

Opportunities to enhance the beneficial use of the Green Belt will be approved, including opportunities to provide access, provide outdoor sport and recreation, retain and enhance landscapes, provide visual amenity and biodiversity, or to improve damaged or derelict land.

v) This application is contrary to these policies in that it would constitute inappropriate development within the Green Belt. The proposals would have a significant impact on the openness of the Green Belt and would lead to further encroachment within the Green Belt. It has not been adequately demonstrated that very special circumstances exist which would outweigh the harm by reason of inappropriateness to the Green Belt.

2.(i) Policy DS3 of the Nuneaton and Bedworth Borough Plan states:

All new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within this Plan.

New development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

New unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.

(ii) This application is contrary to this policy in that it is outside of a designated settlement boundary and does not meet any of the exception criteria listed under policy DS3. As such the proposal fails to promote a sustainable pattern of development within the Borough.

3.(i) Policy BE3 of 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.

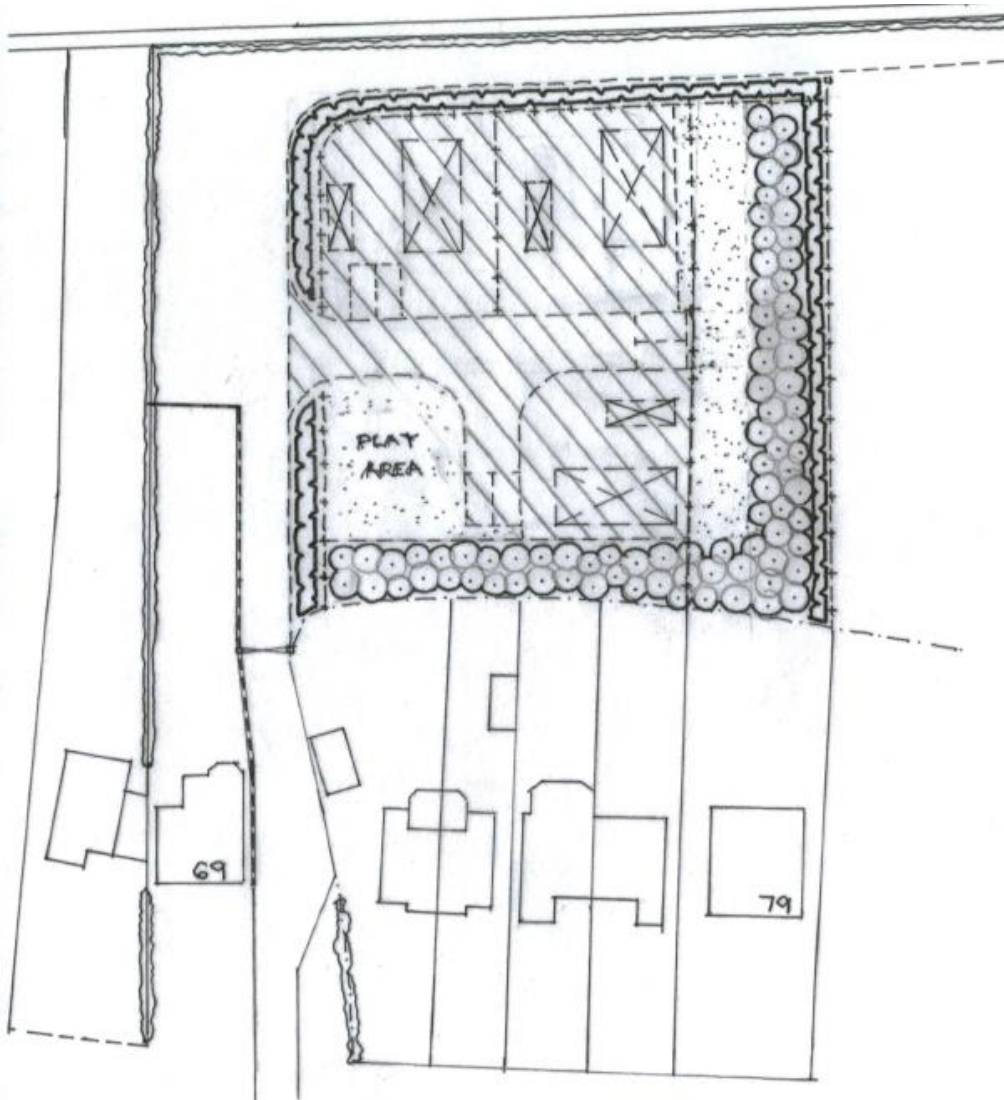
(ii) This application is contrary to this policy in that proposal departs from the existing linear form of development along this part of Coventry Road and would therefore constitute backland development which is not in keeping with the existing pattern of development in the area. It would depart from the existing characteristics of the surrounding area, street scene and built form to the detriment of the visual amenities of the area. (Contrary to paragraphs 6.1, 10.7 and 10.12 of the Sustainable Design and Construction SPD 2020).



Site Plan

KEY:

-  MOBILE HOME
-  TOURER
-  PARKING SPACES
-  STONE HARDSTANDING
-  GRASS
-  POST & RAIL TIMBER FENCE
-  PROPOSED HEDGE PLANTING
-  PROPOSED TREE PLANTING



Site Layout

REFERENCE No. 037973

Site Address: Ambleside Leisure Association, Ambleside Way, Nuneaton, Warwickshire, CV11 6AT

Description of Development: Erection of new pavillion

Applicant: Mr Bosworth

Ward: SN

RECOMMENDATION:

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

INTRODUCTION:

Erection of new pavillion at Ambleside Leisure Association Ambleside Way Nuneaton Warwickshire CV11 6AT.

The site is a part of Ambleside Leisure Association located on Ambleside Way, Nuneaton. The site is surrounded by housing on three sides with Ambleside Way and Windermere Avenue comprising the south, west and northern boundaries. To some of the west there are also allotments which separate the site from the residential gardens.

The pavilion is to be located on land north of the main building of Ambleside L.A. near to the existing pitches, facing towards the west to overlook the sports pitches. The land is currently used partially as a pitch for the under-5s football training.

RELEVANT PLANNING HISTORY:

- 035553: Play park for children and relocate cricket nets adjacent: Approved 17/07/2018
- 035250: Erection of childrens play area: Approved 06/02/2018.
- 033068: Cricket Score Board Building: Approved 18/12/2014
- 030995: Creation of spectator path across the site: Approved 31/08/ 2011
- 030950: Extension to existing car parking area inclusive of moving lighting and incorporating existing and new drainage: Approved 31/08/ 2011
- 030706: Erection of new bowling club pavilion: Approved 15/05/2011

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction

- HS6 – Sports facilities
- Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, WCC Highways, Sport England

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, Sport England, WCC Highways

NEIGHBOURS NOTIFIED:

38-62 (even), 63 Ambleside Way; 35, 35a, 37-107 (odd) Windermere Avenue; 11th Nuneaton Weddington Scout Hut, Higham Lane

Neighbouring properties were sent letters notifying them of the proposed development on 1st June 2021.

NEIGHBOUR RESPONSES:

There have been 19 objections from 11 addresses, and one letter with no address provided. The comments are summarised below;

1. Concerns over what the pavilion is to be used for
2. Concerns over noise pollution to nearby houses and gardens
3. The site is already noisy
4. What are to be the hours/days of use
5. Need for additional car parking space
6. Concerns that the pavilion may overlook houses
7. Would impact on existing hedges and trees
8. No mention is made of sound-proofing
9. Will affect elderly residents significantly
10. The size of the pavilion will over-shadow the bungalows and cause privacy issues
11. Use could take place during unsociable hours
12. This is the latest of several new developments which have affected residents

APPRAISAL:

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

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

1. The Principle of Development

The proposal is for a pavilion to be sited on land to the north of the existing tennis courts and the bowling green and to the west of the allotments which separate the site and the nearby residential dwellings on Ambleside Way and Windermere Avenue.

The proposal pavilion is to be sited next to the existing under 5s football pitch and will overlap somewhat with the pitch itself. Sport England were consulted as the development technically sees the loss of some 'playing field' although replaced with a pavilion for sporting purposes.

Sport England initially objected to the application on the basis that it had not been demonstrated that the playing pitch could still be accommodated on the site once the pavilion is erected.

Following some amended plans and additional information Sport England removed their objection subject to a condition which is to ensure that a replacement playing field (as already identified by the applicant) should be implemented and made available for use before the pavilion is constructed.

This condition is considered appropriate and within the tests of planning conditions, and the principle of the use is acceptable.

2. Impact on Visual Amenity

The design of the pavilion is modern with larch timber cladding to the exterior which should weather well and soften the appearance over time. The size of the structure will mean a slightly higher ridge line, but this will not appear out of place.

The siting is to the rear (northern part) of the site which is not readily visible within the street scene of Ambleside Way or Windermere Avenue. Nonetheless both the siting and design are considered to be acceptable with minimal effect on the visual amenity of the area.

This is in accordance with the Sustainable Design and Construction SPD 2020.

3. Impact on Residential Amenity

The proposed pavilion will be sited around 40m from the nearest residential garden. There are no concerns over loss of light or privacy with the pavilion being set so far away from the boundary and facing away from the residential gardens. The height of the structure allows for some space in the roof on a mezzanine floor. There are some rooflight windows in the rear roof slope but the distances involved will mean that there is no significant impact on privacy and that this will meet with the distances set out in the design guide.

This is in accordance with the Sustainable Design and Construction SPD 2020.

Additionally, some objectors were concerned about the potential for noise arising from functions, etc. held within the pavilion. To this end, Environmental Health requested a condition relating to preventing amplified sound, and this has been agreed with the applicant.

4. Impact on Highway Safety

The Highways Authority were consulted on the scheme but have no objections over highway safety. This no objection was subject to a condition relating to the provision of 5 additional car parking spaces.

The site is very large and the Highways Authority are asking for 5 additional spaces somewhere on the site. To make the condition more precise it is recommended that a condition be added requiring details of where the 5 additional spaces are to be located. This is more pragmatic and gives a better control over the scheme.

With this condition in place there is considered to be no significant harm to highway safety.

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 Title: | Plan No: | Date Received: |
|---------------------|-----------------------------|----------------|
| Pavilion Floor Plan | KADS HLLA PD001 – A Sheet 1 | 23/4/21 |
| Pavilion Elevations | KADS HLLA PD001 – B Sheet 2 | 16/6/21 |
| Site Layout Plan | KADS HLLA PD001 – C Sheet 3 | 16/8/21 |

3. No development shall commence above ground level until details of the layout and location of 5 additional car parking spaces, to be located on the site, has been submitted to and approved in writing by the Council. The use of the pavilion shall not commence until the 5 additional spaces have been marked out and are available for use.

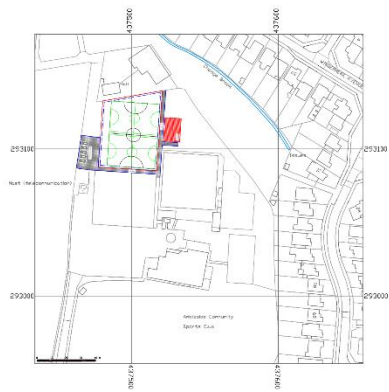
4. The construction of the Pavilion hereby permitted shall not commence until the replacement playing field land as identified within the submitted plan titled KADS HLLA PD001-C dated July 2021 has been implemented and made available for use.

5. No amplified sound equipment (including voice, music and all other amplified sound) is to be used within the pavilion at any time unless otherwise agreed in writing by the Council.



LOCATION PLAN (1:1250 @ A1)

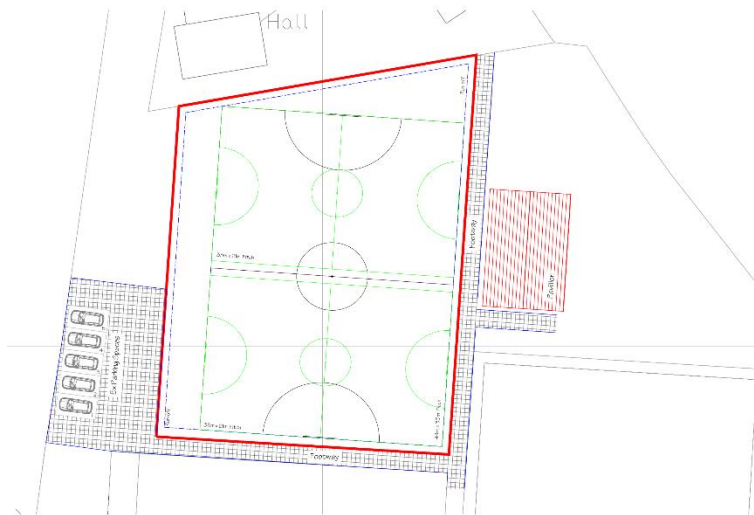




LOCATION PLAN (1:1250 @ A1)



BLOCK PLAN (1:500 @ A1)



SITE PLAN (1:250 @ A1)

Site Layout

PLANNING NOTES.

All new exterior walls to be clad in vertical timber beams

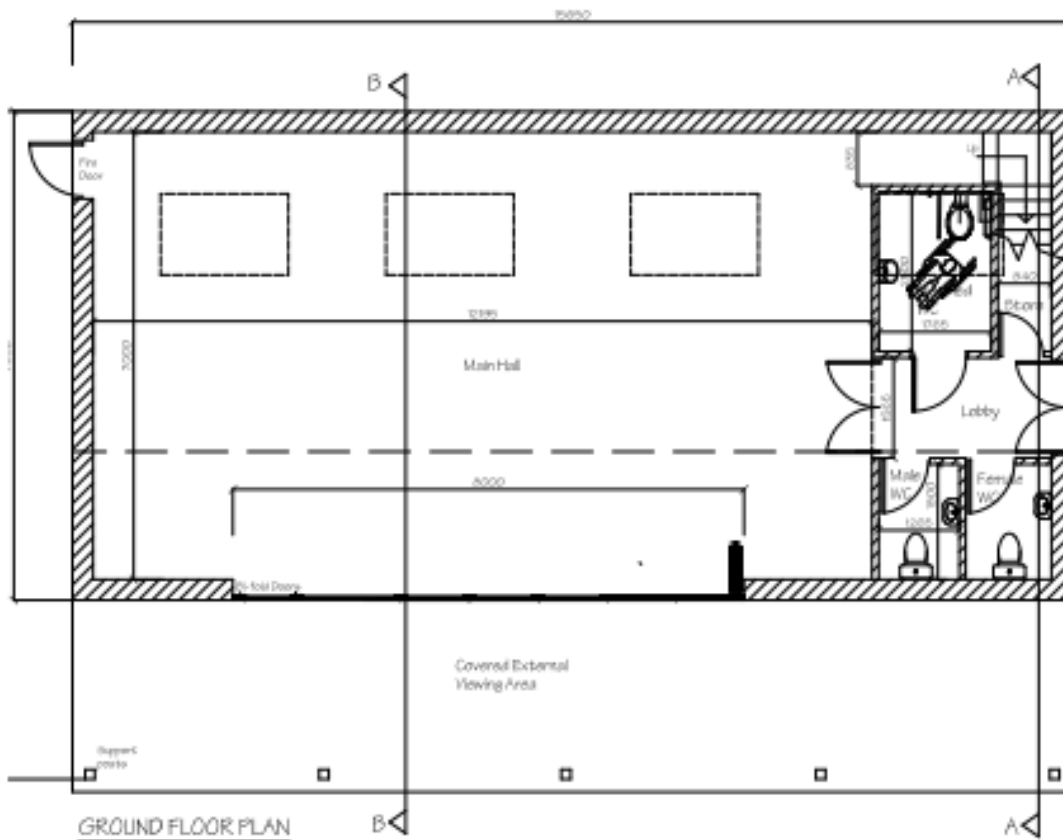
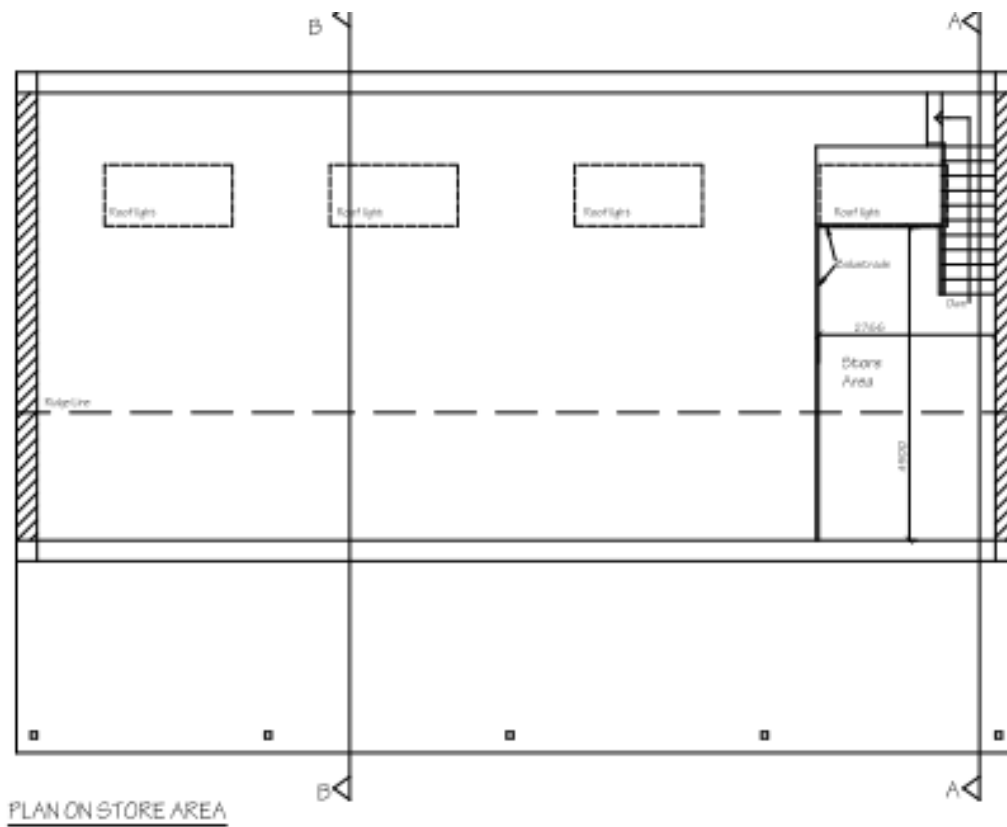
Roof to be finished with interlocking concrete tiles.

All new windows and doors to be finished in aluminium. Window and doors styles as per drawing.

All new soffit, fascia, and rain water goods to be finished to clients specification.

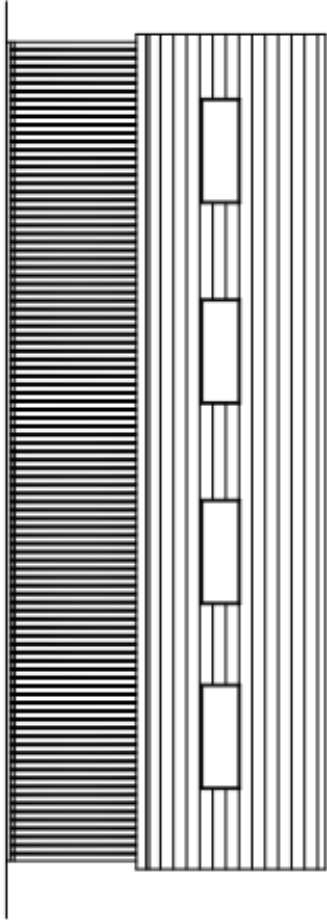
The overall area is approx. 45m x 40m min (within red line)

Larger Pitch: 4.4m x 33m
Smaller Pitch (x2): 33m x 21m

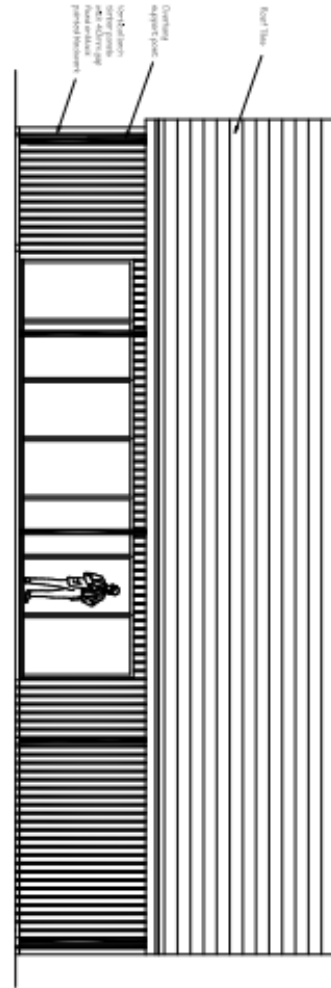


Plans

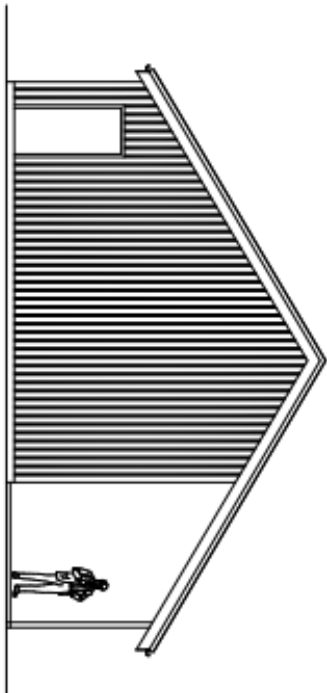
EAST ELEVATION



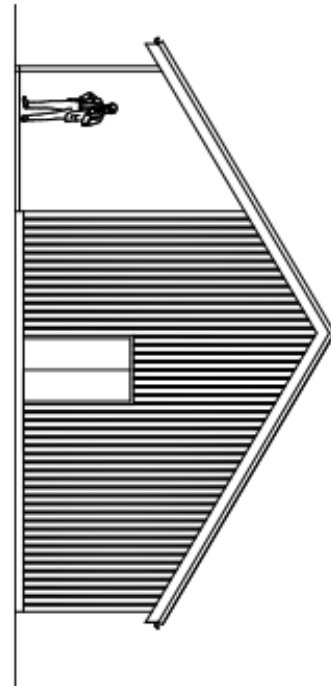
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



Elevations

REFERENCE No. 037834

Site Address: 206 Camp Hill Road, Camp Hill, Nuneaton, CV10 0JL

Description of Development: Single storey extensions to front, side and rear

Applicant: Camp Hill Dental Practice

Ward: CH

RECOMMENDATION:

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

INTRODUCTION:

The application when submitted in March 2021 was for single storey extensions to front, side and rear and a two storey extension to the side. During the application process due to concerns of Planning Officers and WCC Highways, the application has been reduced to single storey extensions to the front, side and rear. This is at the dentist surgery at 206 Camp Hill Road, Camp Hill Nuneaton.

The application site is a former residential property that has been used as a commercial dental practice for many years. The property is surrounded by other residential properties which are either semi or detached properties. On the opposite side of the road are semi and terraced properties.

The application site is one of four detached properties of the same design and likely to have been built at the same time between 1970 and 1979.

The property already has single storey extensions to the front, side and rear and a garage conversion. Currently there is potentially pedestrian access to the rear garden from both sides of the property.

The front is laid to tarmac with two parking spaces marked out which is a reduction on spaces that have been logged previously on previous planning applications partly due to a disabled ramp being fitted and a single storey extension to provide a toilet. There is a further space to the side of the building with some white lining and which is a captive space as up to two cars can be informally parked in tandem in front of this.

The two site visits made to the property for this application in recent months have shown that parking is already an issue on the property and cars have to reverse back into the road once there are more than 3 cars parked on the front. There are some parking spaces at the shops in close proximity at the junction of Craddock Drive. It is understood that an informal agreement was originally in place for parking at the former public house known as The Camp which is four doors away but as this has now changed ownership and is used as a veterinary practice there is no evidence to state that this informal parking agreement is still in place.

To the side of the building adjacent to 204 Camp Hill Drive there is an area enclosed by timber at ground floor which appears to hold the air compressor for the surgeries and there is an air extraction unit at high level above the first floor on this side elevation which was noted to be quite noisy during the site visit.

The neighbouring property number 204 Camp Hill Road has only a narrow gap separating their house from the boundary and the side of this neighbouring property has electric and gas meter cupboards and a landing window. To the rear of this neighbouring property is a conservatory. The property is separated from the dentist by a 1.8m wooden fence.

4 Hillside is to the opposite side and rear of the dentist with the house situated slightly to one side to the rear of the dentist building. 4 Hillside Drive is lower than the dentist. This property's greenhouse and shed is to the side of the dentist. The dentist has two further extraction units at high level to the side elevation facing this property's rear garden.

Number 210 Camp Hill is the next building to the side of the dentist, and which is also slightly lower than the dentist. There are two windows to the side of the original building of 210 which the owner has confirmed is landing and under stairs. To the rear is a single storey area with a kitchen window facing onto the dentist.

On the rear elevation of the dentist is a further extraction unit between the first-floor windows. The rear has been extended at ground floor level. The ground floor rear windows of the dentist surgery do not appear to have been fitted with obscure glazing as per required by the conditions required by the Planning Inspector.

The rear garden to the dental surgery is accessed via a gate to the side of 204. The garden steps down and on the lower level are two sheds which have been approved via Appeal and are used for record storage. The Practice Manager states these will be removed if the extensions are approved. There is a brick wall and fence to the rear of the dentist separating this from the properties at the rear which are at a lower level. There is almost a floor level difference between the ground floor of the dentist and the ground floor of these neighbouring properties (4 and 6 Hillside Drive) to the rear due to a land level difference.

The rear of number 4 Hillside Drive is much closer to the dentist and there is only 16.6m from the back of the original dentist to the rear original wall of this neighbouring house. This distance is not including the extension at the dentist and not including the conservatory to the rear of number 4. From the existing rear extension of the dentist to the original rear wall of number 4 the distance is 13.2m. However, number 4 Hillside Drive is not quite in line with the dentist. There is a fence and a conifer tree along the boundary with no. 4 Hillside Drive.

The rear elevation (original) of number 6 Hillside Drive is 26.2m away from the original rear elevation of the dentist and 22.4m from the dentists existing rear extension to the back of this neighbouring house.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 033205: Installation of security shutter to front door: Approved 11/03/2015.
- 011232: Certificate of lawful use for continued use as dental practice with more than two full time practitioners operating from the site. (Contrary to condition 5 of planning permission TP004293) (Resubmission following rejection of 10436): Disposed 09/02/2009.
- 010436: Certificate of lawful use for continued use as dental practice with more than two full time practitioners operating from the site. (Contrary to condition 5 of planning permission TP004293): Finally disposed 19/02/2009.
- 011593: Retention of air conditioning units in new proposed position (Resubmission following refusal of 10850): Approved 24/08/2007.
- 011671: Retention of single storey extension to rear: Approved 22/08/2007.
- 011594: Retention of disabled access ramp to front: Approved 24/08/2007.
- 010850: Retention of air conditioning units and sheds: Refused 23/08/2006.
- 010408: Single storey front extension to form a disabled toilet and new entrance, erection of 2 timber fences 1.2m high, new window and security shutter to side: Approved 15/03/2006.
- 010407: Vary condition 4 of TP/0042/93 to allow hours of operation between 08.00 to 20.00 Mondays to Saturdays except for emergencies: Refused. 21/02/2006.
- TP/0010/02: Single Storey Extension to rear of dental surgery: Refused 06/02/2002. Allowed at Appeal
- TP/0498/01: Conservatory to rear: Approved 05/11/2001.
- TP/0554/98: Installation of security shutters: Approved 08/12/1998.
- TP/0555/98: Retention of signs to front: Deemed to Exist 15/03/1999.
- TP/0380/93: Elevational changes and ramp to front: Approved 09/08/1993.
- TP/0042/93: Retention of first floor into dental surgery change of use of garage to reception area: Approved 02/04/1993.
- 830672: Change of use of part of ground floor of dwelling house to dentists surgery remainder to be retained for residential use: Approved 11/01/1984.
- 880014: Conversion of first floor flat to dental surgery garage to reception area: Refused 22/02/1988.
- 790383: Proposed four detached houses and garages: Approved 01/08/79.
- 790019: Proposed four detached houses and garages (outline application): Approved 05/02/1979.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development.
 - HS4 – Retaining community facilities.
 - BE3 – Sustainable design and construction.
- Sustainable Design and Construction SPD 2020.
- Emerging Transport Demand Management Matters – Parking Standards SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health and WCC Highways.

CONSULTATION RESPONSES:

Objection from:
WCC Highways.

No objection subject to conditions from:
NBBC Environmental Health.

NEIGHBOURS NOTIFIED:

204, 210, 213, 215 and 217 Camp Hill Road. 4 and 6 Hillside Drive.

Neighbouring properties were sent letters notifying them of the proposed development on the 10th March 2021 and further letters were sent to inform of an amended description and amended plans on the 2nd September 2021.

NEIGHBOUR RESPONSES:

There have been 2 letters of objection from 2 addresses to the original scheme raising the following points:

- 1) Agreed conditions from previous applications have not been adhered to:
 - The fence required previously was never maintained and no longer exists.
 - When treatment rooms were agreed at first floor it was agreed that windows to the rear would be fitted with opaque film to provide privacy to neighbouring houses. This is now only on one window so overlooks neighbours' gardens and lounge. Requests to replace the film have been ignored.
 - Inspector requested all windows and doors in extension be replaced with obscure glass which has not happened.
 - When consent was given for sheds the Ombudsman agreed access was only to the sheds and for no other reason.
 - The side and the garden is used by staff for smoking and making telephone calls and refreshment breaks which is disturbing for neighbours.
- 2) Extensions will exacerbate existing problems.
- 3) Further extension within fee of neighbour's garden.
- 4) Is the intention to retain sheds?
- 5) To increase the size will mean staff and patients will increase.

- 6) Parking is an issue with cars left near junction with Berrington Road or parked on the pavement or double parked.
- 7) As built up to boundary neighbour won't have access to landing window or meter box.
- 8) Side is used to store medical waste and compressor unit.
- 9) Compressor units must not be moved to rear due to noise to neighbours.
- 10) Staff will lose a parking space and parking is an issue as customers no longer able to use the vets as was allowed previously when it was a pub.
- 11) Opening hours and restricted number of dentists to two are not adhere to.
- 12) Disruption during build as well as issues with the lorries parking and dust and noise and parking chaos.
- 13) As per previous Inspector's response the site cannot sustain anymore expansion.

Further to the amended plans one further response from one of the previous objectors was received raising the following points:

- 1) The changes remain totally unacceptable as per previous correspondence due to the single storey extension still tight up to the boundary concerns are:
 - Security of our property due to the close proximity of the extension.
 - Storage for the compressor unit, medical waste bins and the unsightly sheds which are currently at the rear of the property.
 - Parking. This will always be a problem for the residents and an inconvenience to road users.
 - Opening Hours. There continues to be a lot of activity at the dental surgery on a Sunday, even though they should only be open for emergencies.
- 2) The residents in the vicinity of the dental surgery are inconvenienced by customer's inconsiderate parking, as well as the obstruction this causes to other road users. This will increase with the disruption during the building work.
- 3) Would again reiterate the findings of the Appeal Decision held 18 September 2007 (Item 26 Page 7) by Roger Dyer's where the conclusion was that the practice has now reached the point at which it cannot sustain expansion. Nothing has changed.
- 4) The Council should not approve this application.
- 5) It is time to seek an alternative premise, as the practice has outgrown the site which was intended as a residential property. There are a number of unoccupied premises within the Borough that could be used for the dental practice instead which would alleviate inconvenience and congestion in the residential area.

APPRAISAL:

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

1. Principle of development/Intensification of the commercial use.
2. Impact on Residential Amenity.
3. Impact of ancillary equipment and refuse.
4. Impact on Visual Amenity.
5. Impact on Highway Safety.

1. Principle of development/Intensification of the commercial use.

The core principle and golden thread through national and local policy is that sustainable development that complies with policy is likely to be acceptable. The proposal is considered to be sustainable and is on a bus route. The supporting

documentation states that the practice serves a local need and therefore needs to be provided in this area.

The proposal does not have to be in accordance with all of the relevant policies as it is acknowledged that the policies can pull in different directions. The decision to be made is whether the proposal is in accordance with the general aspirations of the development plan when relevant policies are taken into account. The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Policies of the 2019 Borough Plan therefore need to be considered.

Borough Plan Policy DS3 – Development Principles states that new development within the settlement boundaries, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The proposed development would be within the settlement boundary within a predominantly residential area.

Policy HS4 – Retaining community facilities states that proposals should not lead to the loss of community facilities this includes health facilities just as this, which according to the dentist web site appears to provide both NHS and private work. Whilst there is no evidence that refusal would mean the loss of the surgery which would be unlikely, this Policy does have to be considered due to the practice serving community needs.

The proposal is deemed acceptable in principle for the application site, providing that matters on privacy and amenity are found to be satisfactory.

The Applicant has stated that the need for the extensions is due to Covid to provide additional staff room area, waiting room area and for storage necessary for PPE and to increase the size of the downstairs surgery room to cater for disabled people. Together with the disabled ramp to the front of the building it is likely that the building is used for people with normal mobility but also for people with limited mobility. The WCC data titled “2011 Census Key messages Nuneaton and Bedworth” page 2 under Population changes states:

“The largest percentage increases in population have been seen in the older age categories; over 85s grew by 40% in the last 10 years in Nuneaton and Bedworth.”

Therefore, enlarging a room for disabled access is consistent and considered relevant when considering this application. In terms of Covid it is too early to know whether alterations required for this on a permanent basis are relevant or not; although it would seem that permanent measures are necessary now for good practice for the long term.

The Agent has stated that there will be no more surgery rooms and therefore the proposal will not intensify the existing use or mean that patient numbers will be increased.

There have been two Appeals at the property and in both instances the Inspectors considered that the main issues were the implications to neighbouring living conditions in reference to noise, general disturbance and car parking.

In the Appeal in 2002 (Appeal APP/W3710/A/02/1084397 the Inspector considered paragraph 4 that:

“...It seems to me that there would be a significant increase in the number of patients passing through the practice if more than two dentists were working at the premises at any one time....I saw that the existing premises are already fully utilised by two dentists and that it would be extremely difficult to fit another surgery/consulting area within the existing premises where other professionals could work.”

In conclusion they considered that the extension could be conditioned just for record storage use and patients waiting area.

In the Appeal in 2007 (Appeal APP/W3710/C/07/203425, 2035219, 2035136 and 2035137) the Inspector recognised in paragraph 20 that:

“20. It appears that despite the condition imposed in the 1993 permission that no more than two dentists were to practice from the premises at any one time. I saw at my site inspection that there are now four surgeries in the building and I was told that four dentists operate on a regular basis. The condition limiting the number of dentists was a matter that influenced the inspector in 1993. He said “I saw that the existing premises are already fully utilised by two dentists and that it would be extremely difficult to fit another surgery/consulting area within the premises where other professionals could work.” It was on that basis that he allowed the appeal and granted permission for the extension. Thus the Council’s fear of additional patients has been realised and there may be merit in its arguments that the rearrangement of the records office has allowed more surgeries to be created.”

The Inspector concluded:

26. I remain concerned that this practice is approaching the point at which the premises cannot sustain further expansion. Nevertheless the appellant has taken steps to ensure that there is adequate parking for his staff and patients so that there is little harm to the living conditions of neighbours. I can understand the Council’s reluctance to authorise the recent developments but in my judgement the matters before me can be permitted subject to the conditions examined at the hearing. In reaching my decision I have taken account of all matters brought to my attention at the hearing or in writing including the letters from near neighbours. However I have found nothing that outweighs the main planning considerations in this case.

At the time of the Appeal in 2007, the dentist had a 5-year lease enabling staff and patients to park at the Camp Public House which was a few doors away. As previously stated, since then, the use and owners of the pub has changed and it has not been evidenced that this agreement is still in place.

The Inspector clearly had concerns that the building had reached its maximum expansion at that time.

The existing plans clearly show that 4 treatment rooms are available for current use. Several enforcement notices have been served over the years and each time the dentist has confirmed they are working to the conditions. The relevant condition which was on reference TP/0042/93 was that:

“5. No more than 2 dentists shall operate from the premises at any one time.”

However, this is poorly worded as it purely refers to dentists working at the site rather than dental hygienists or other types of practitioners that could also be working at the same time and thereby increase patient numbers.

There is no doubt that Covid will have altered the way the practice is run, similarly to most commercial businesses. The Practice Manager confirmed that at the time of the site visit, 3 members of staff were off with Covid and that this was due to the proximity they worked within and therefore a larger staff area was required. The Manager also stated that extra storage is required and more areas necessary for removing PPE and increased space for patients is required within the waiting room for patient safety. The proposal will provide approximately an extra 6sqm of floor space in the waiting area. Conditions could be placed to ensure that the proposed ground floor remains as per any approval given and that no extra treatment rooms could be provided from that already existing.

It is therefore considered that the principle of the development is acceptable subject to conditions.

2. Impact on Residential Amenity

The need to consider residential amenity is discussed in Borough Plan Policy BE3 and which also requires the need for development to follow relevant adopted Supplementary Planning documents. In this case, the SPD is the Council's Sustainable Design and Construction SPD 2020. Section 11 of this refers to distance standards from extensions to neighbouring properties. The individual properties will be considered in turn.

204 Camp Hill Road

The proposed single storey side extension appears to be proposed up to the boundary with this neighbour. The gutter detailing has been amended to show that this is a parapet wall so does not overhang the neighbouring property and certificate 'A' has been completed to confirm all the building is within the applicant's curtilage.

This extension is purely to the side of this neighbouring property and the only window to the side of this neighbour is to a landing which would not be impacted upon and which could not be protected in any case as it would be considered as a non-habitable window as per paragraph 11.3 of the SPD. This neighbour has raised concerns as the gap to the side of this neighbour is relatively small and the meter cupboards are on the side of this neighbour's house so access is required over the dentist. However, this is not a planning issue. It is considered that this side extension will not affect any front or rear windows or private amenity space.

At the moment the current single storey rear extension to the dentist only projects slightly further than this neighbour's conservatory. The proposed single storey rear extension is to project to a further depth of 3.1m. If this had been on the boundary with the neighbouring property, then the total projection from the neighbour's original house would have been over the 4m maximum set out in the Council's SPD. (Paragraph 11.9 of the SPD). However, in this instance it is set off the boundary with this property by 4.5m.

The extension is shown to have the same floor height as the rest of the building and as the neighbour's garden steps down it will seem taller than a normal single storey extension whilst standing on this neighbour's rear garden. However, this proposed extension is to be dual pitched and is only 3.66m in overall height. Therefore, due to the offset from the boundary it is considered that the rear extension will not impact at 60 degrees on any original windows or impact the private amenity space of this neighbouring garden as per paragraph 11.9 of the SPD.

It is considered that in terms of the massing of the new extensions, the proposal will be acceptable to this property.

6 Hillside Drive

In relation to the single storey side extension, this will be 26m from the rear windows of this neighbouring property and this extension has no windows to the rear and therefore it is considered there is no impact from this element.

In relation to the rear single storey extension, this is only slightly in line with this neighbouring property and is approximately 19.6m away from this neighbours' rear windows. The windows to the proposed staff room have now been removed so the distance to this neighbours' rear windows is considered acceptable.

There is only 5m from the rear of the proposed single storey rear extension to the rear amenity space of 4 and 6 Hillside Drive. Originally there were to be rear windows to the staff room. In normal circumstances this would be acceptable with a single storey extension as any boundary treatment would protect views. However, in this case a fence would not protect views as the proposed patio door in the staff room would have direct views into the neighbour's gardens and paragraph 11.6 of the SPD states there should be a 7m distance to prevent overlooking to neighbouring gardens. Neighbouring properties in original objection letters have already cited issues with overlooking as the existing single storey extension windows were meant to be obscure glazed in perpetuity and are not. This issue was discussed with the Agent and the windows to the staff room have now been changed to just roof lights. It is considered that if approved a condition be placed so that no new external window or door opening were provided other than that shown on the approved plans.

4 Hillside Drive

In relation to the single storey side extension this will have no impact as it is not in line with this property.

In relation to the rear single storey extension, this is not quite in line with the rear wall of this neighbouring property so will not provide direct views from windows, although it will bring what will feel like a first-floor element much closer to the boundary of this property due to the level differences providing some sense of enclosure, but only to a small area of the rear garden

It is considered that with the amendments requested that whilst the proposal will have impact to this property it is considered acceptable

210 Camp Hill Road

In relation to 210 Camp Hill Road this is the nearest house to the side of 206 other than its immediate neighbour at 204. It is considered that the proposed single storey side extension which is on the opposite boundary will have no impact. The proposed rear extension will be over 12m away from the boundary with this property and will not be in line with any windows. It is therefore considered the impact will be small.

It is therefore considered that the proposal is acceptable to this property.

3. Impact of ancillary equipment and refuse.

Paragraph 185 of the National Planning Policy Framework 2021 states (in part):

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

Similarly, Policy BE3 – Sustainable design and construction of the Borough Plan states (in part that:

Development proposals must be:

1. Designed to a high standard.

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
5. Residential amenity

There are already 3 extraction units on the sides of the building and one to the rear, and it is unclear that the conditions for planning application 011593 for the retention of air conditioning units in new proposed position have been implemented. The conditions were:

2. Within one month of the date of this permission, details of the acoustic housing details, including materials and finishes shall be submitted to and approved in writing by the Council. Work in accordance with the approved details shall be carried out within one month of the date of their written approval.
3. Within two months of the decision hereby approved the four existing air conditioning units (one at the rear, two on the eastern side and one on the western elevation) shall be removed.

In addition, there is a compressor unit facing the side of 204 which would have to be removed if the side extension was approved. NBBC Environmental Health have concerns that the current acoustic treatment to this is likely to be inadequate.

Only the plant that is required for the new rooms or that which has to be moved can be considered under the current application. NBBC Environment Health have no objection providing there is no new outside plant including any new air conditioning units. The Agent has assured the Council that any new plant will be internally fitted including the new compressor. It is therefore considered that if approved, it is imperative that a condition is placed on the approval to ensure no external plant is installed and to ensure any new plant is acceptable in terms of noise to neighbouring properties.

A large yellow refuse bin sited at the side of the property will have to be moved if the side extension is approved. The Practice Manager has advised that medical waste will be stored inside if the extensions are built which is actually required by their own legislation. However, it is unclear where this will be situated, and it is considered that nonetheless there will still be a need for non-medical bins to be at the property. Having bins relocated to the front would be unacceptable due to the following:

1. Bin storage to the front of the property is not visually appropriate and is against paragraph 11.23 and 11.27 of the Councils Sustainable Design and Construction SPD.

2. Bin storage at the front could potentially be closer to neighbouring habitable windows and private amenity space and which could potentially mean noise nuisance and potentially smells to adjacent properties.
3. There is little room on the front of the property that is already not taken up by parking spaces, disabled ramp and pedestrian access to the property and it has not been demonstrated that bins would not reduce access or parking spaces further.

There is likely to be room for some refuse bins to the opposite side of the property, but it is considered that if approved the details of the location of bins and any storage should be approved via condition.

4. Impact on Visual Amenity

The proposed front windows match the character of the existing windows and so does the roof form. The application form states that materials will match. In terms of massing, it is considered that the proposals are in keeping with the property and therefore the visual impact of the extension are considered acceptable. However, as per above, bins and storage would have to be carefully considered.

5. Impact on Highway Safety

Previous reports and Appeals indicated that at some point there were 7 parking spaces at the property and these reports acknowledged that there is no turning area on the drive so that cars have to reverse out onto the road.

The site now only has two formal parking spaces and room for a small car to the side of the building. There is potentially room for two further cars, but which are not marked out and are captive in tandem. On both site visits, cars were seen to try to enter the site, but which had to reverse back out onto the road as there was insufficient parking. The site visits clearly showed a car parked part on the public footpath on the opposite side of Camp Hill Road, and which was a visitor to the surgery and it is therefore clear from the site visits that parking is already an issue.

The site visits indicated that some of the same cars were parked each time indicating that some of the parked cars are staff members. The original scheme for a two-storey extension meant the loss of the side parking space used by a staff member and thereby reducing the parking further. Due to parking concerns this element has now been removed and the parking proposed is the same as the existing.

At some point and it appears to be discussed within previous appeals; double yellow lines have been added near to the junction with Berrington Road as parking from the dental practice had been considered an issue previously.

As stated previously, there was originally an agreement in place for parking at the former public house, but no evidence has been provided to state this is still in place. There is a small local centre on the opposite side of the road at the junction of Craddock Drive that has some parking spaces although many of these were taken up with cars presumably to do with the few shops that were open. Previous reports and appeals have referred to availability on Berrington Road, however during the site visit this road closest to the practice was already heavily parked.

The Council's emerging Transport Demand Management Matters – Parking Standards SPD 2021 is currently being consulted upon and therefore does not carry full weight. However, it is likely to be adopted in the near future. This states that 3 spaces per

consulting/treatment is required which would equate to 12 spaces and therefore the site is already clearly deficient on parking spaces without the loss of a further space.

WCC Highways have objected to the various iterations of the proposal and are still objecting to the current scheme, even though there are no new treatment rooms proposed. The grounds of objection are that the new areas are large enough to be used as new treatment rooms in the future which would intensify the use of the site and that details have not been provided to show where the bin and storage cage will be relocated, which could affect parking.

It is considered that the alterations of the rooms to provide more treatment rooms could be conditioned and that the location of any outside storage and bins could be conditioned to ensure these did not impact on parking.

In conclusion, whilst there are objections from WCC Highways, it is considered that their objection reasons can be overcome via conditions.

6. 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.

In terms of the principle of development and intensification of the commercial use; sustainable development is the golden thread running through both national and local policy. The proposal is sustainable and is on a bus route and is within the settlement boundary as required under local Policy DS3. The proposal also means a community facility is improved for Covid safety and to make disabled access easier and it is recognised the need to retain community facilities within local Policy HS4. It is considered that conditions can be put in place to ensure the extensions do not provide an intensification of the existing use.

The impact of ancillary equipment and refuse has been considered and with the use of conditions can ensure that there is no detrimental impact to neighbouring properties or to visual amenity. Only the side extensions can be seen from the public area and is acceptable in terms of massing, design and materials.

In terms of the impact on residential amenity of surrounding properties, it is considered that the proposal complies with the Councils Sustainable Design and construction SPD (2020) and that conditions can be put in place to ensure this is retained in perpetuity.

Whilst WCC Highways are maintaining their objection to the proposal it is considered that their objections can be overcome by appropriately worded conditions.

In conclusion, there is no doubt that the site cannot intensify in any way and this has been reiterated by Inspectors stating that the site cannot sustain any more expansion. However, by providing appropriately worded conditions, it is considered that the proposal will not intensify the site and is therefore considered on balance 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:

| Plans | Plan number | Date Received. |
|---|--------------|---------------------------------|
| Location and Site plan | 2 Revision A | 27 th August 2021 |
| Existing and proposed plans and elevation | 1 Revision H | 25 th September 2021 |

3. The ground floor is only to have one treatment room in total and no new treatment rooms are to be provided and the layout be retained as per the approved plan number 1H.

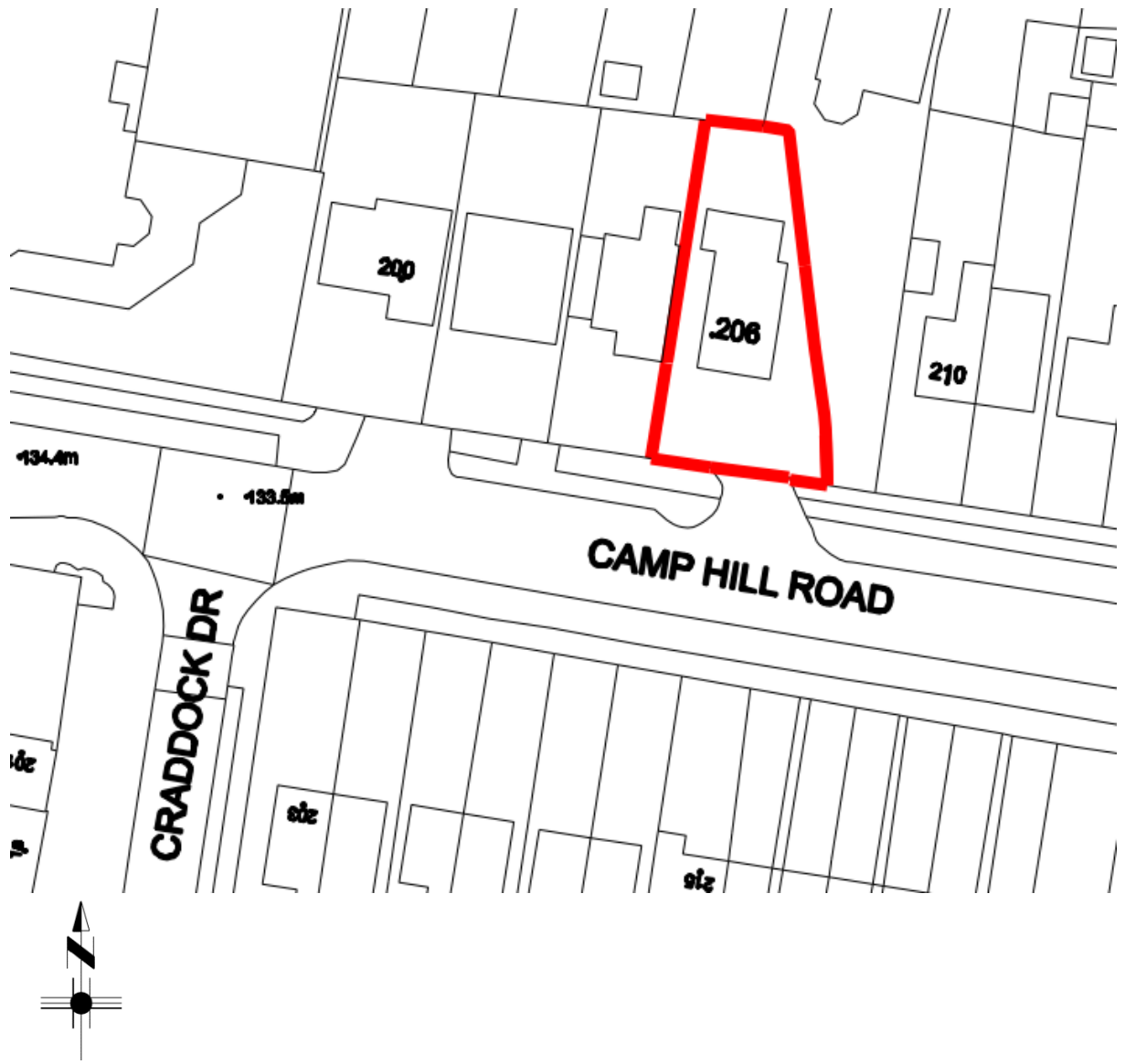
4. No new external window or door openings to the staff room are to be created.

5. The extensions hereby approved shall not be used until the refuse area as shown, is laid out as per the approved plan. The location of the refuse bins and external storage is to be retained in perpetuity. No other external storage is to be provided.

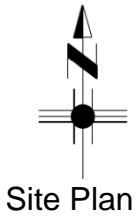
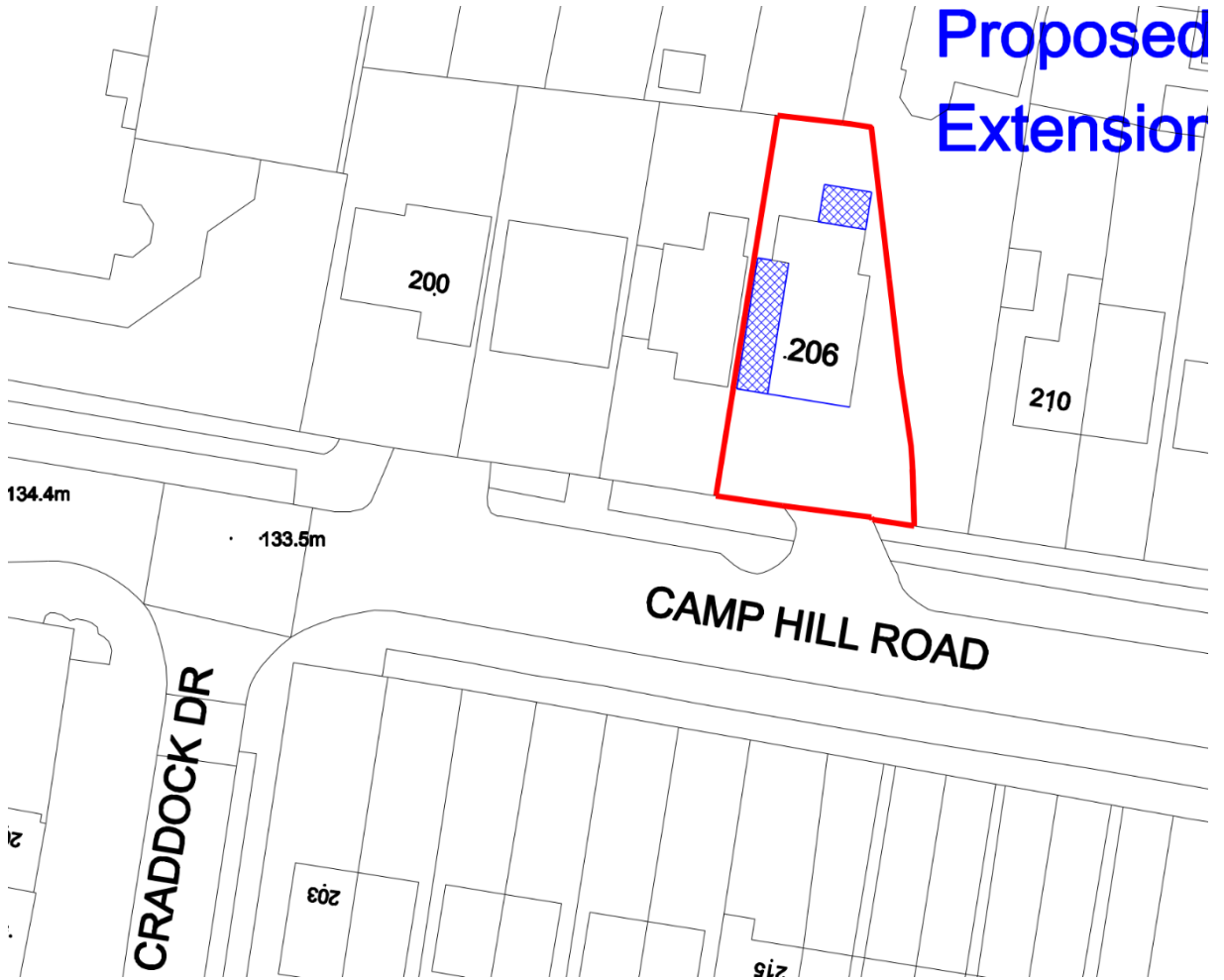
6. No external plant (including extraction units) are to be provided or existing plant be relocated due to the approved extensions. No new internal plant requiring external ventilation is to be fitted until details to include a maintenance schedule; details of expected noise output from the plant and details of any noise acoustic attenuation is submitted to and approved in writing by the Council. Once approved the plant, approved maintenance plan and any acoustic attenuation are to be retained in perpetuity of the plant's operation.

7. The parking space to the side of the building is to be retained in perpetuity.

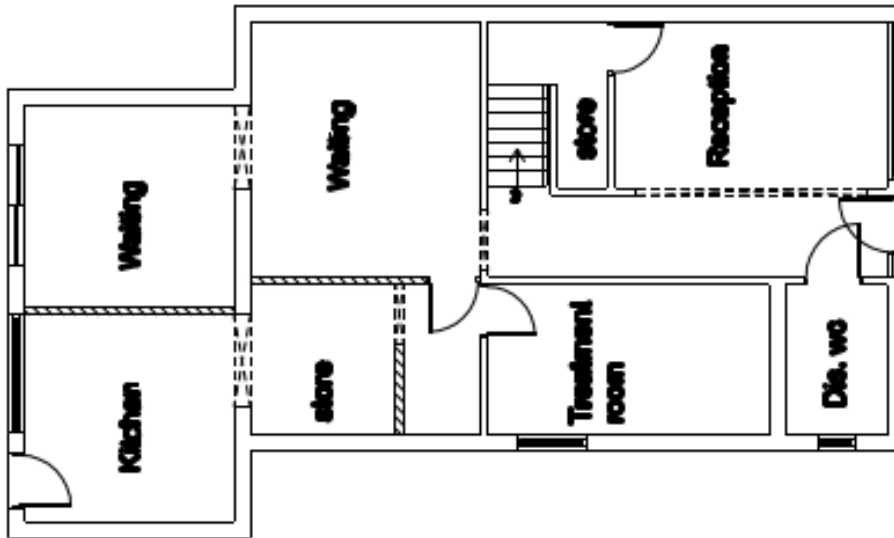
8. The two existing sheds are to be removed entirely from the site prior to occupation of the new extensions.



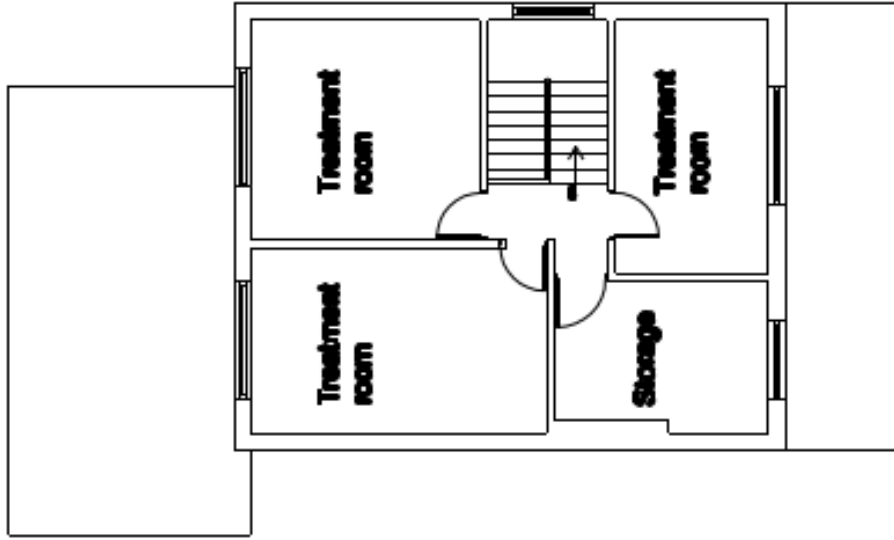
Location Plan



Rear Garden

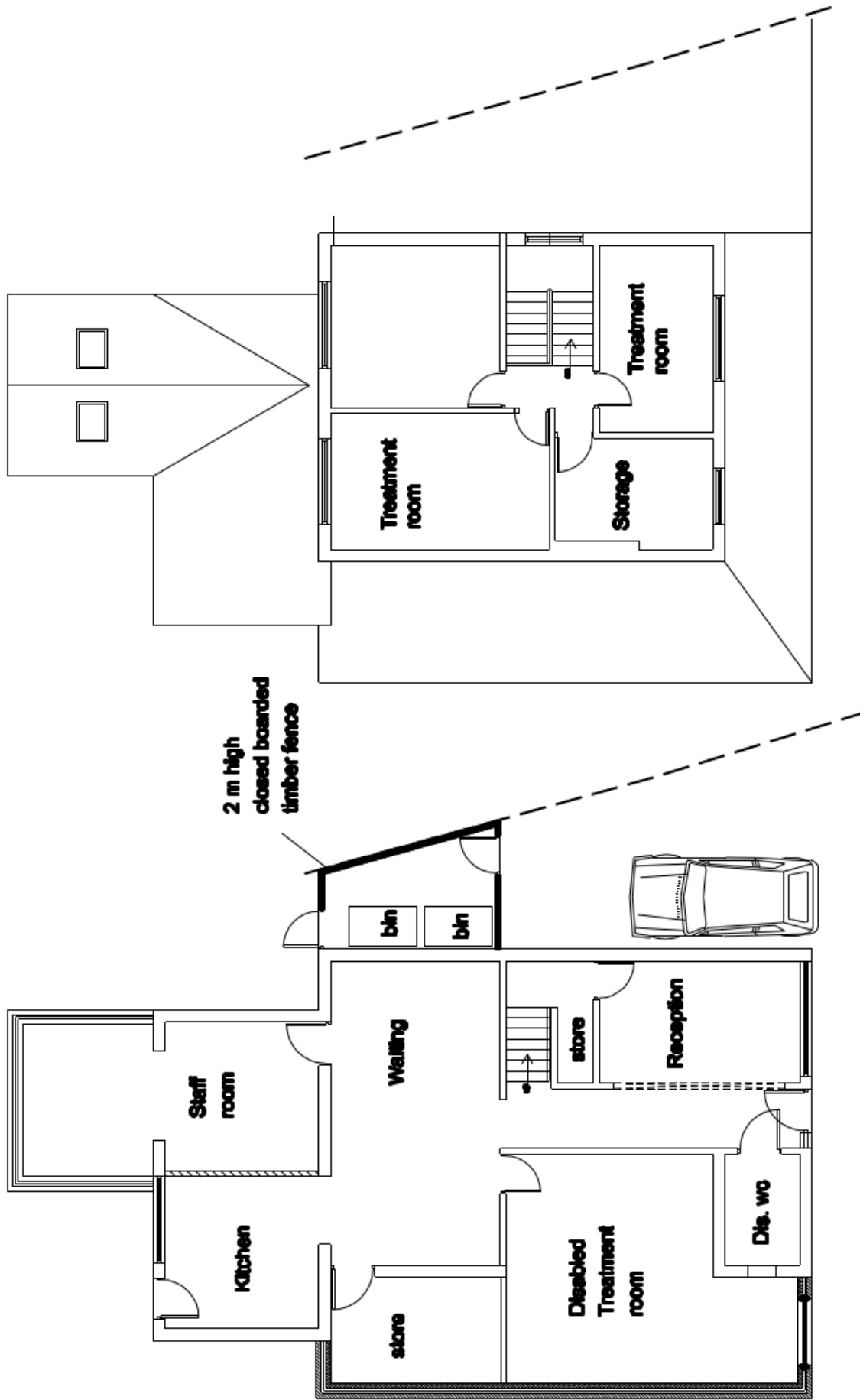


Existing Ground Floor Plan



Existing First Floor Plan

Existing Floor Plans



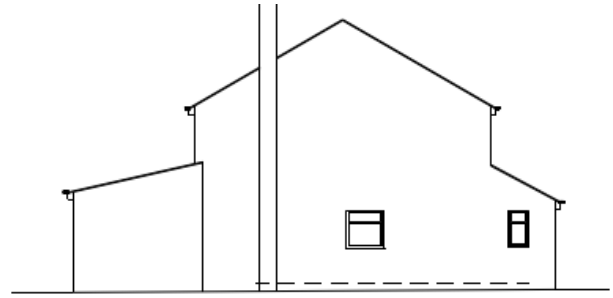
Proposed Floor Plans

Proposed First Floor Plan

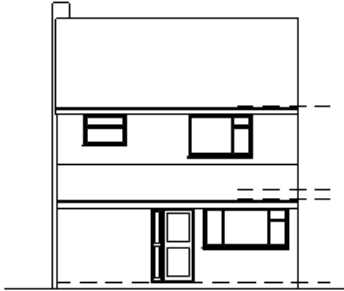
Proposed Ground Floor Plan



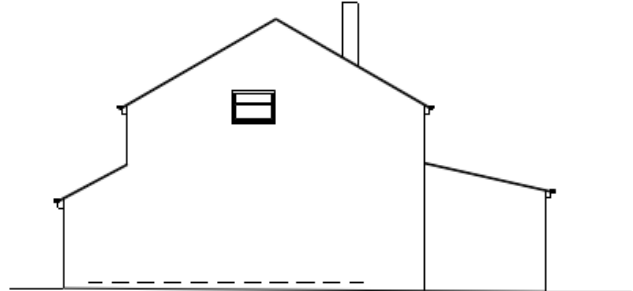
Existing Rear Elevation



Existing Side Elevation



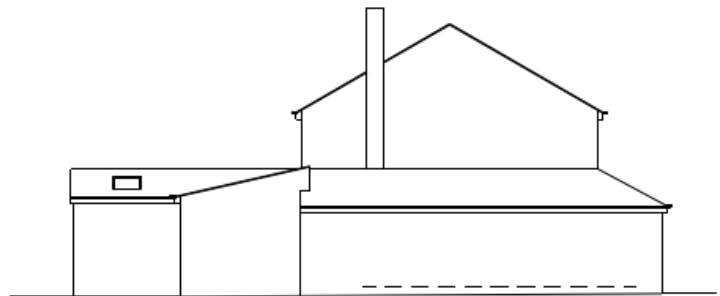
Existing Front Elevation



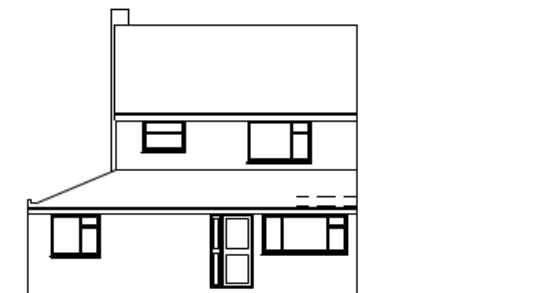
Existing Side Elevation



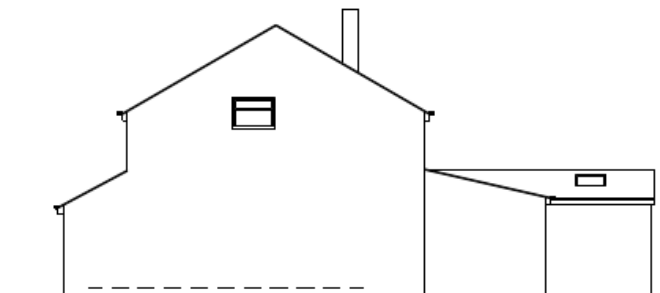
Proposed Rear Elevation



Proposed Side Elevation



Proposed Front elevation



Proposed Side Elevation

Existing and Proposed Elevations.

WORKS TO TREES

Item No. 8

REFERENCE No. 038182

Site Address: 11 Ribbonbrook, Nuneaton, CV11 4LN

Description of Development: Removal of Lime tree T4 covered by Tree Preservation Order 11/97

Applicant: Alan Hollyhoke

Ward: AT

RECOMMENDATION:

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

INTRODUCTION:

This application seeks consent to remove a Lime tree (T4) which is covered by Tree Preservation Order 11/97.

The application property is a two storey detached dwelling located towards the end of Ribbonbrook in Attleborough. The property features a north-west facing garden which backs onto an area of greenery and the railway line. To the north of the railway is Riversley Park.

T4 is located within the rear garden of the property, close to the western boundary with 10 Ribbonbrook and it forms part of an original row of 5 Lime trees covered by the TPO.

The applicant states that the removal is required due to concerns regarding the proximity of the tree to 10 and 11 Ribbonbrook, shading within the rear garden and the falling of excess branches and sticky sap.

RELEVANT PLANNING HISTORY:

None for 11 Ribbonbrook, however similar applications for the felling of Lime trees along Ribbonbrook are listed below.

- **T1 11/97**
037160: Application to fell Lime tree was refused at committee in August 2020. The applicant has since appealed the decision; however, the appeal has not been determined as of yet.
- **T2 11/97**
036712: Application to fell Lime tree was approved at committee in May 2020.
- **T3 11/97**
035268: Application to fell Lime tree was refused at committee in January 2018.

035786: Application to fell Lime tree was approved at committee in August 2018, subject to the implementation of a replacement tree.

036035: Application to fell Lime tree without the need for a replacement was approved at committee in 2019.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - BE3 – Sustainable design and construction
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Parks and Network Rail

CONSULTATION RESPONSES:

Objection from:
NBBC Parks

Comment from:
National Rail

NEIGHBOURS NOTIFIED:

10 and 13 Ribbonbrook.

Neighbouring properties were sent letters notifying them of the proposed development on 13th August 2021. A site notice was erected on street furniture on 12th August 2021.

APPRAISAL:

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

1. The impact on visual amenity
2. Conclusion

1. The Impact on Visual Amenity

The tree in question, along with the neighbouring trees at the rear of the properties on Ribbonbrook were covered by a Tree Preservation Order (TPO) in 1997.

To create a TPO, the trees must be assessed as being an important landscape feature which offers significant amenity to the wider public. When assessing proposed works to a tree covered by a TPO, the following are taken into account; the tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape and ultimately its importance to the local environment.

The advice from the National Planning Practice Guidance (NPPG) on Tree Preservation Orders and trees in Conservation Areas is that the Local Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

The TPO covers five Lime trees in Ribbonbrook, four of which are located in the rear gardens of 3, 6, 8 and 11 Ribbonbrook. The tree at the rear of 8 Ribbonbrook has been

subject to previous applications for felling which were refused. However, a further application in 2018 for the felling of this neighbouring tree was recommended by Officers for refusal but was approved by Committee subject to the provision of a replacement tree. However, a replacement tree could not be agreed upon and a subsequent application was submitted to fell the tree and not to provide a replacement. This was recommended by Officers for approval due to the previous recommendation of Committee and was subsequently approved by Committee in 2019. Similarly, an application to fell the tree at 6 Ribbonbrook with no replacement was taken to committee with a recommendation refusal, but this was granted by Committee. However, it is not considered that a precedent for the removal of the surrounding trees has been set.

It is considered that the tree does have visual amenity value to not just the properties on Ribbonbrook but the surrounding area, particularly the adjacent destination park. The view from the park is considered to break up the artificially straight lines of housing and fencing creating a high amenity need and benefit of the remaining trees on Ribbonbrook. The TPO was put on to protect the trees during construction of the houses on Ribbonbrook as they had significant amenity value at that time.

Whilst it could be argued that the loss of one individual tree may not have significant harm, committee should consider that this could set a detrimental precedent and lead the way to the loss of the whole row, which cumulatively would lead to a detriment of the overall visual amenity of the area. Therefore, the implications for the loss of this tree are wider. If the wooded area of the railway embankment (outside of the Councils jurisdiction) was removed, if the felling of these trees was allowed there would be no screening for the railway.

The NBBC Parks Officer was consulted on the application. The recommendation received was one of refusal, as no technical evidence has been provided that justifies the removal. The Officer states that the shading has not been shown to be extreme as the tree is situated to the north-west of the property. Ariel images show clear vegetative growth in the garden that would evidence sufficient natural light provision. They also state that height and size are not justifiable reasons to remove a tree without other factors being present. It has also been argued that fall from trees is a common natural phenomenon and the Parks Officer has advised that tree removals in relation to general fall from trees would set a precedent that would undermine the TPO process.

National Rail were consulted due to the close proximity to the railway line. They requested that the applicants complete an asset protection questionnaire. This was completed and returned to National Rail however they did not provide a further response.

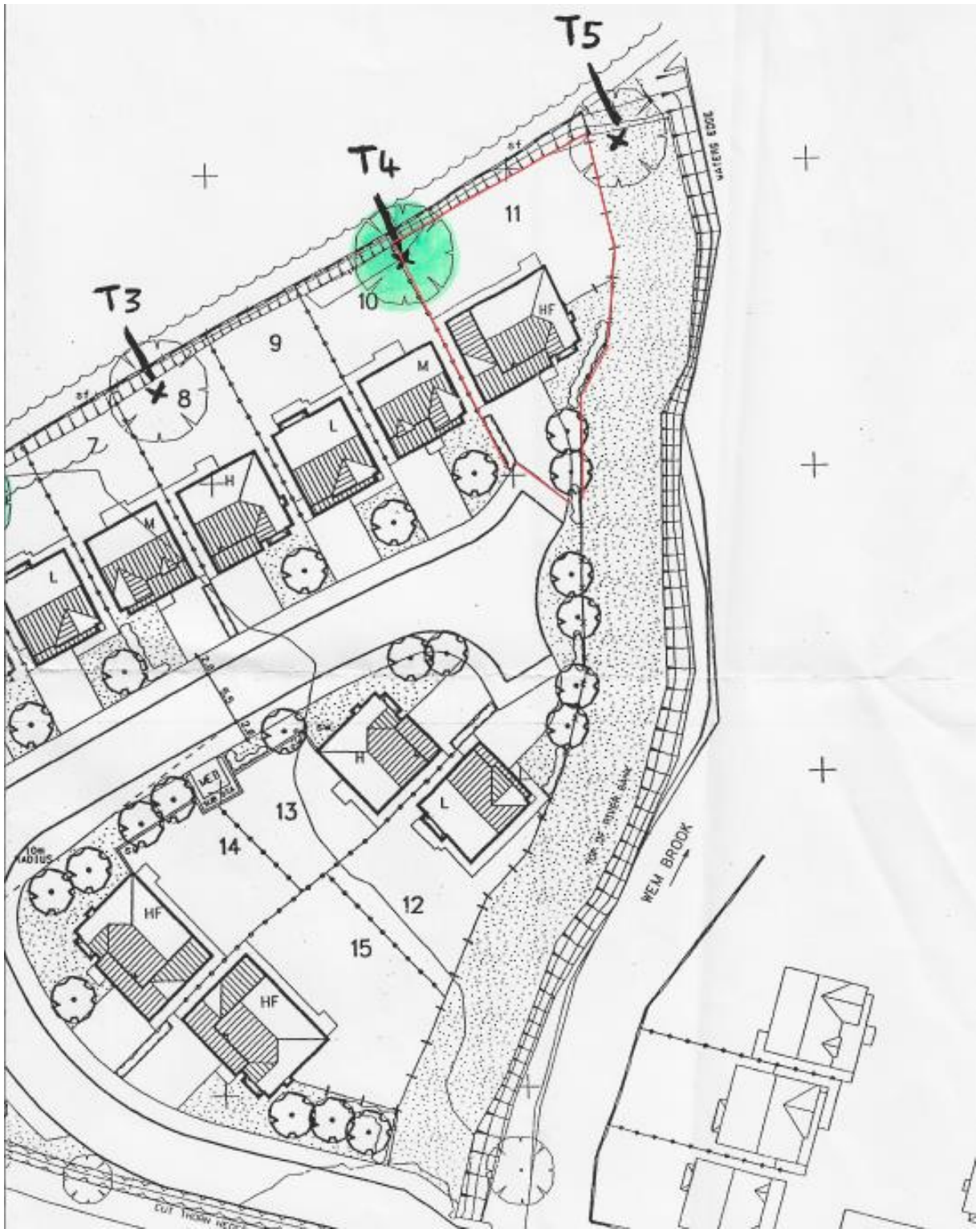
2. Conclusion

In conclusion, whilst the applicant argues that the tree is worthy of felling due to the close proximity to the house, shading within the garden and excess leaves and sap, the Tree Officer argues that these reasons do not adequately justify the full removal of the tree.

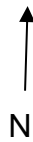
It is considered that the tree does still hold amenity value within the area and that the removal of this tree could set a precedent for others within the row and therefore the recommendation of one of refusal.

REASONS FOR REFUSAL:

It has not been adequately demonstrated that the tree is no longer worthy of a Tree Preservation Order. There is no technical evidence to suggest the health of the tree is compromised and it was assessed that the tree still provides amenity value to the local landscape.



Location plan of tree and 11 Ribbonbrook





View from neighbour's garden



View of tree and railway embankment from applicant's property



Photo to show shade in applicant's garden



Overhang on neighbour's garden

Guide to changes to the Use Classes Order in England

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

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

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

Class E (Commercial, business and service uses),

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

Class F.2 (Local community uses)