

Enquiries to:
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Date: 10th 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, 27th July 2021 at 6.00p.m, with a confidential item considered at 5:00pm.**

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

Executive Director - Operations

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.

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 25th May 2021 (attached). **(Page 5)**

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda **(Page 12)**. 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).
9. 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 Schedule 12A to the Act.
10. 35 BEECHWOOD ROAD, NUNEATON, WARWICKSHIRE, CV10 9DP – report of the Head of Planning attached **(Page)**

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

7th September 2021

A meeting of the Planning Applications Committee was held on Tuesday, 7th September, 2021, in the Council Chamber.

Present

Councillor J. Sheppard (acting as Chair)

Councillors: S. Croft, K. Evans, J. Gutteridge (substitute for Councillor L. Cvetkovic), K. Kondakor, S. Markham, M. Rudkin, B. Pandher, R. Smith, Councillor H. Walmsley (substitute for Councillor B. Hammersley), and K. Wilson.

Apologies: Councillors L. Cvetkovic and B. Hammersley.

PLA20 **Minutes**

RESOLVED that the minutes of the meeting held on the 27th July 2021 be confirmed and signed by the Chair.

PLA21 **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:

Councillor H. Walmsley noted that his Declarations of Interest are available on the NBBC website.

Councillor K. Kondakor noted that on Item 2 he had suggested the inclusion of cycle racks when the application was first made.

PLA22 **Declarations of Contact**

Councillor J. Gutteridge declared that he had been contacted by some residents of Lutterworth Road about Item 1, and directed them to the Councillors at the time former Councillor June Tandy and Councillor Andy Sargeant.

IN PUBLIC SESSION

PLA23 **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 PLA23 OF THE PLANNING APPLICATIONS COMMITTEE ON 7TH SEPTEMBER 2021

037776 – 153 Lutterworth Road, Nuneaton, CV11 6PY.

Applicant: Mr Jasdev Thind

Public Statements: Mr A. Wood (Objector) and Mrs C. Wood (Objector)

DECISION

Planning permission be granted subject to the conditions printed in the agenda and the additional condition that: the proposed windows are to be fitted with obscure glazing and any opening lights to be at least 1.7m above the finished floor level of the room they serve.

Additionally, the Committee asked that Planning Enforcement investigate whether condition 5 of Planning Application 032927 has been adhered to, and be enforced if necessary.

037021 – Site 127a002 – Land south east of Wilsons Lane and off Longfrod Road, Exhall.

Applicant: JSL Wolverhampton Ltd.

Public Statements: Mr D. Pritchard (Agent) and Mr D. Parr (Objector)

DECISION

Planning permission be granted subject to a Legal Agreement and the conditions printed in the agenda with the additional condition that planning permission be required for external plant.

038025 – 143 Weston Lane, Bulkington, CV 12 9RX

Applicant: Mr A Hewit

Public Statements: None

DECISION

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

037705 – Site 95A002 Marston Lane, Bedworth.

Applicant: Mrs Lorraine Tasker

Public Statements: Mr D Brookes (Objector), Mr Paul Marston (Objector) and Dr Hickie (Agent).

As there is the potential that this could become a Civil matter Councillor Wilson recused himself from this item due to his employment as stated on his Declarations of Interest.

DECISION

Planning permission be granted subject to the conditions printed in the agenda and amendment on the addendum with the additional conditions that no deliveries should be made other than between 7am and 7pm, and no vehicles over 3.5 tonnes should use the access track.

037894 – 11 Sunngingdale Close, Nuneaton, CV11 6NB

Applicant: Ms A. Karczmarczuk

Public Statements: None

DECISION

The application be deferred for Members of the Committee to carry out a site visit to assess the impact of the dormer and canopy roof to the street scene.

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 	

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

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	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 	
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	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 	
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	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

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	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 	

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

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3	037666	The Bull, Bull Street, Nuneaton, CV11 4JX	39
4	038034	Land and garages r/o 2-12", Scholfield Road, Keresley, Coventry	54
5	037629	140 Woodlands Road, Bedworth, Warwickshire	65
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7	038175	43 Watersbridge Gardens, Nuneaton, Warwickshire	89

Wards:					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

REFERENCE No. 038149

Site Address: 212a Arbury Road Stockingford Nuneaton CV10 7ND

Description of Development: Erection of a single storey garage to the side/rear

Applicant: Mr Sanders

Ward: AR

RECOMMENDATION:

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

INTRODUCTION:

Erection of a single storey garage to the side/rear at 212a Arbury Road, Nuneaton, CV10 7ND.

The applicant property is a detached dwelling located on Arbury Road. The dwelling features a large front garden and drive which is approximately 20 metres in depth and 19 metres in width. The plot features land to the eastern side of the dwelling in which the proposed garage is to be erected. This piece of land was originally an access to The Nuneaton Academy/Alderman Smith School, however Warwickshire County Council Property Services have advised that this was sold at the beginning of 2021.

The dwelling features red brick throughout with white uPVC windows and doors and two chimneys. There is a hipped roof on the main body of the dwelling with a gable roof above a two storey front projection with a cat slide feature. The roof tiles are brown and interlocking and generally the surrounding properties feature a variety of design and materials. The site is relatively flat and 1.5/2 metre fencing and walls are present along the side and rear boundaries

The proposed garage is to be set back from front of the property by approximately 6.m metres; it is to be 15 metres in length with a max height of 4.3 metres and an eaves height of 2.25 metres. All external materials are to match those seen on the existing property.

RELEVANT PLANNING HISTORY:

- 038150 – Application to change of use of land to the front from C3 (front garden/drive) to 12 parking spaces with associated electric car charging stations and the creation of an additional access (sui generis). Currently ongoing.
- 033526 - Change of use from C3 (former caretakers house) to D1 (Warwickshire Employment Support Team). Refused in September 2015.

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).

NEIGHBOURS NOTIFIED:

Flat at 210, 210, 212, 214, 233, 235, 237 Arbury Road and The Nuneaton Academy, Radnor Drive.

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

NEIGHBOUR RESPONSES:

There has been 1 petition against the development with 23 signatures from 20 addresses. The comments are summarised below;

1. School owns the land (*Warwickshire County Council have confirmed that the land was sold*)
2. Impact on light
3. Overlooking to neighbouring properties
4. Visually not appealing
5. Not in keeping
6. Noise

APPRAISAL:

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

1. The impact on residential amenity
2. The impact on visual amenity
3. The impact on highway safety
4. Conclusion

1. The Impact on Residential Amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on site circumstance. The only potential impact of this proposal is on the neighbouring properties; 212, 214 and 233 Arbury Road and The Nuneaton Academy, Radnor Drive.

212 Arbury Road

212 Arbury Road is the neighbouring end of terrace property to the east of the applicant site.

212 Arbury Road is significantly further set forward than 212a Arbury Road, with the front elevation of 212a being further set back than the rear elevation of 212.

The side elevation of 212 does feature windows to the ground and first floor, however as these properties are so offset, the proposed garage would not be opposite these

windows and therefore it is considered that the development would have very little impact.

The rear elevation of 212 features windows to the ground and first floor and it is assumed that these windows serve habitable rooms. The rear windows to no.212 would be directly opposite the front elevation of the proposed garage at a distance of approximately 14 metres. The garage is shown to feature an opaque garage door and therefore for this assessment it is considered as being blank. The distance between no. 212's rear windows and the proposed garage is over the 12 metre minimum recommended within section 11.7 of the SDC. Therefore it is considered that the development would have little impact on light and amenity.

The garage was originally shown to project along the boundary with no. 212's rear garden for approximately 6.8 metres. However, this was considered to be unacceptable due to the potential loss of amenity to no. 212's rear garden. The plans have since been amended to set the garage back from the boundary by a metre and this is considered to reduce this impact to an acceptable level.

As the garage is to be single storey, it is considered that it would have little risk of overlooking. In any instance, there are no windows shown on the side elevation facing no.212.

214 Arbury Road

214 Arbury Road is the neighbouring property to the West of the site. This property features a convenience store to the ground floor and it has been previously extended to the side and rear.

As the rear windows are un-original, they cannot be considered under section 11.3 of the SDC. However, in any instance, as the garage is to be on the opposite side of 214 Arbury Road, it is considered that it would have little detrimental impact to this property. If the windows were to be considered, the garage would not infringe a 60 degree line from the closest ground floor rear window (in accordance with section 11.9) and the development would be set far back from the boundary (approx. 13 metres) as to not impact no. 214's garden. Therefore, the impact to this property is considered to be acceptable.

233 Arbury Road

233 Arbury Road is the property directly opposite the proposed garage to the front. There is approximately 37 metres in between the front of the proposed garage and the front elevation of 233 Arbury Road. Considering this distance, along with the fact that it is spread across a main road, it is considered that the proposed development would have little impact to no.233. This distance is also compliant with section 11.7 of the SDC which only recommends a minimum of 12 metres.

The Nuneaton Academy

The Nuneaton Academy School is located to the rear of the site. It is considered that the garage would have little impact to the school as it is to be single storey and hence it shouldn't pose a overlooking risk. The distance between the closest part of the school and the rear of the garage is over 20 metres and this is in accordance with section 11.7 of the SDC.

2. The Impact on Visual Amenity

The garage is to be set far back from the principal elevation of the dwelling and therefore it is not considered to be incongruous within the street scene. The gable roof is in keeping with the forward facing gable and cat slide on the original property and all external materials are to match the existing. This is considered to be compliant with sections 13.9 and 13.10 of the SDC and it therefore considered to be acceptable.

3. The Impact on Highway Safety

The garage is to be set back from Arbury Road by over 25 metres and the property would still feature ample parking and turning space for vehicles. Therefore, it is considered to have little impact on highway safety.

4. 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.

In terms of the impact to residential amenity, the development is in accordance with policies set within the Sustainable Design and Construction SPD and this should carry significant weight within the determination process. Issues raised by neighbours relating to overlooking and loss of privacy carry minimal weight as the development is to be single storey and all of the minimum distances are met.

In balance, whilst there have been a number of objections to this application, the development is compliant with the SPD and it is generally considered that little harm would be created by the development.

REASONS FOR APPROVAL:

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

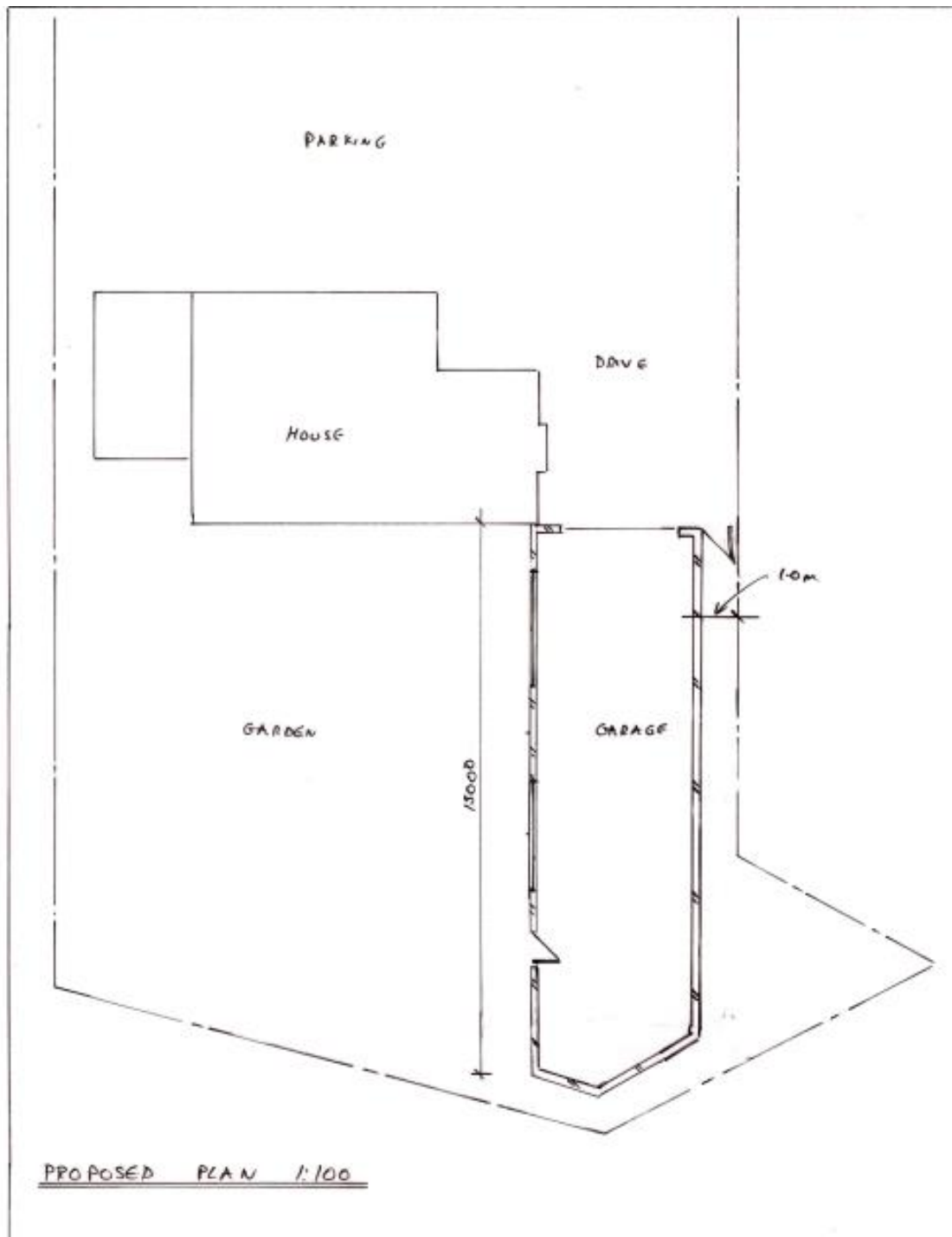
SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Proposed floor plan	img001	11 th August 2021
Proposed front and rear elevations	img 002	11 th August 2021
Proposed side elevations	img 003	11 th August 2021

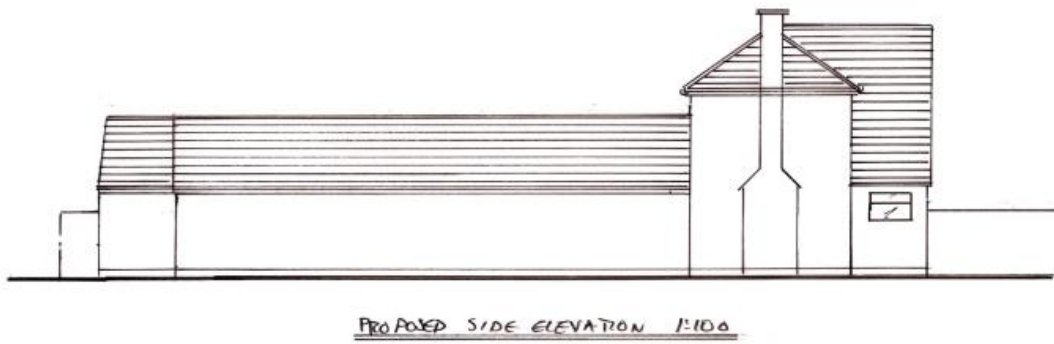
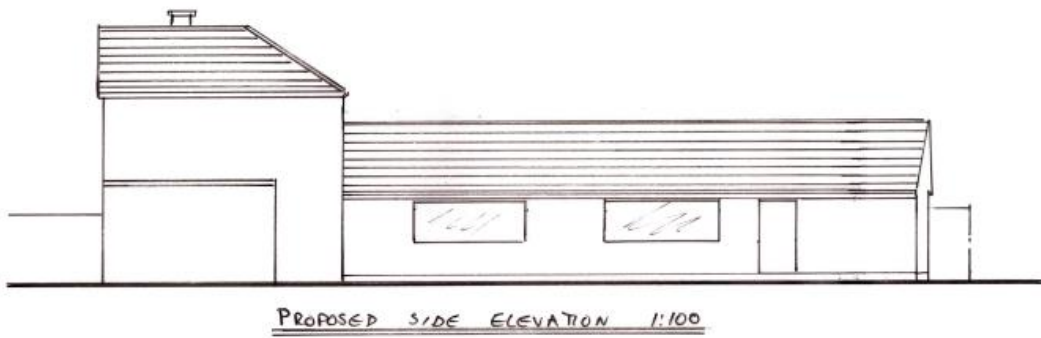
3. The building shall not be used other than for any purpose incidental to the enjoyment of the dwelling house as such.

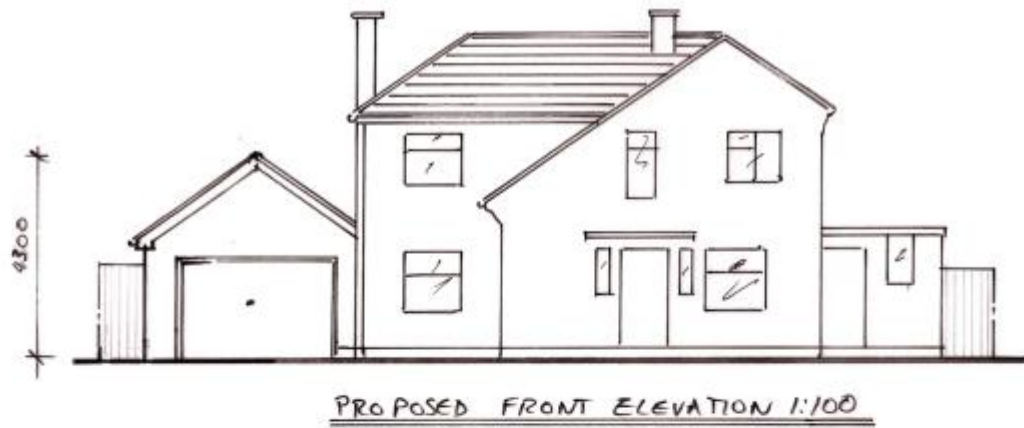
4. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Council.



Proposed floor plan

Proposed side elevation plans



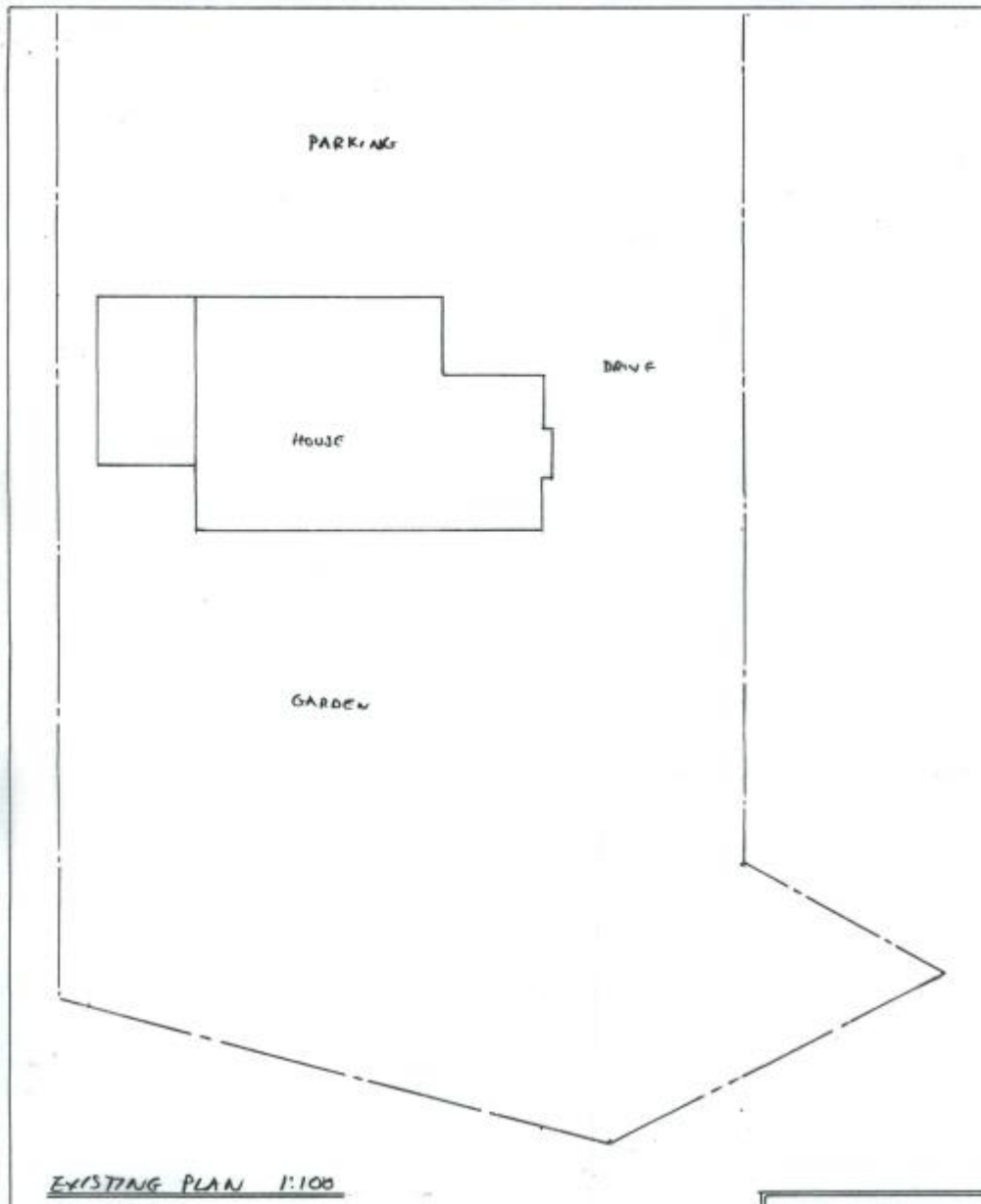


Proposed front and rear elevation plans

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Site plan



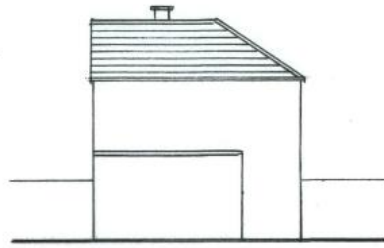


Existing site plan

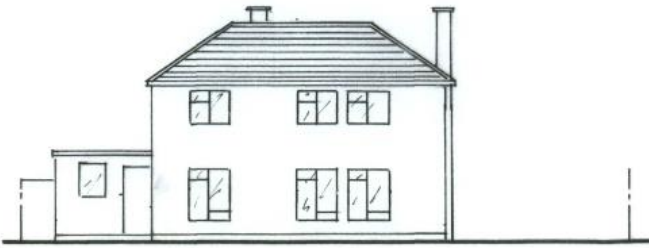
Existing elevation plans



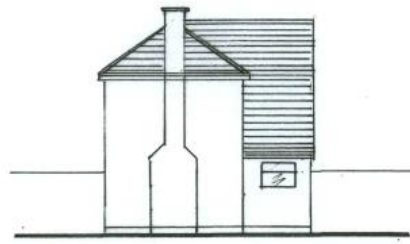
EXISTING FRONT ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100

REFERENCE No. 037622

Site Address: Site 51B012 – Rear of King Edward Road, Anker Street, Nuneaton, CV11 4JL.

Description of Development: Erection 6 No. houses and 6 No. flats (existing factory buildings to be demolished)

Applicant: GPH Ltd

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

Erection 6 No. houses and 6 No. flats (with the existing factory buildings to be demolished) at Site 51b012 – rear of King Edward Road, Anker Street, Nuneaton, Warwickshire.

The site consists of industrial buildings which are currently vacant. The building directly adjoins the footpath on Anker Street. There is a two storey building towards the north end of the site with a shallow pitched roof. The rest of the buildings are a mixture of single and two storey. Anker Street has a residents parking permit scheme in place. There are bollards at the end of Anker Street with Clarkson Close beyond. On the opposite side of Anker Street there is an industrial building which appears vacant. Properties on Anker Street are traditional terraced and set directly adjacent to the footpath. No's 43-46 Clarkson Close are to the north-east and are part of a development that was built around 15 years ago. There are two storey properties with parking to the front. To the north-west is a block of flats which are three storey and have a hipped roof and gable projections to the front. To the south there is a driveway that serves the properties on Attleborough Road.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 035894: Erection of 5 no houses and 6 no apartments (existing factory to be demolished) - refused December 2019 – dismissed on appeal November 2020.
- 032266: Residential development (Outline with all matters reserved) (Existing buildings to be demolished): Approved 21/10/2014
- 032155: Residential development of 9 No. three storey terrace houses and 6 No. three storey semis with carports (Existing building demolished) (Outline with all matters reserved): Withdrawn 02/07/2013.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - H1- Range and Mix of Housing;
 - H2 - Affordable Housing;
 - E2- Existing Employment Estates;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS6- Sport and Exercise;
 - NE2- Open Space;
 - NE4- Managing Flood Risk and Water Quality;
 - BE1- Contamination and Land Stability and
 - 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:

Environment Agency, George Eliot Hospital NHS Trust, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NHS, WCC Flood Risk, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

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

No objection from:
Environment Agency, NBBC Parks, NBBC Policy, Warks Police, NBBC Refuse, NBBC Sports Development,

No response from:
NHS, George Eliot Hospital Trust, NBBC Housing,

NEIGHBOURS NOTIFIED:

P and C Coils Ltd., The Bungalow 7, 9-37 (odd) Anker Street, 16-26 (even); 2, 4, 4a, 6-14 (even) Attleborough Road, 43-68 (inc) Clarkson Close; 78-86 (even), 94-102 (even), Flat 1- 8 (inv) 90-92, King Edwards College, King Edward Road, Nuneaton.

Neighbouring properties were sent letters notifying them of the proposed development on 11th December 2020. A site notice was erected on street furniture on 15th December 2020 and the application was advertised in The Nuneaton News on 23rd December 2020.

NEIGHBOUR RESPONSES:

None.

APPRAISAL:

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

1. Principle of residential development,
2. Affordable Housing,
3. Residential amenity,
4. Visual amenity,
5. Highway safety,
6. Flood risk & drainage,
7. Contamination and land stability,
8. Planning Obligations,
9. Conclusion

1. The Principle of Residential Development

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

The NPPF (paragraph 119) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The site consists of industrial buildings that are currently vacant. Policy E2 details a number of existing employment sites that will not be protected from non-economic development type proposals. Such sites are considered acceptable for alternative uses during the plan period. Anker Street is included in these sites and therefore it is considered that the principle of an alternative use such as residential is acceptable. The proposal would also remove a non-conforming use in a predominantly residential area and would be more in keeping with the surrounding uses.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15no. dwellings or more and 2no. units on sites of between 11no. and 14no. dwellings. As the proposal is for 12no. dwellings there is therefore a policy requirement for 2no. dwellings to be provided as affordable. However, a Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations including affordable housing. This will be covered later on in the report. For the size of the site and the number of dwellings proposed, it is considered that the proposal would provide a range and mix of housing as required by Policy H1 of the Borough Plan. The 6no. houses would be 3 bed and the 6no. apartments would be 2 bed. The latest Strategic Housing Market Assessment (SHMA) information indicates that there is a demand for 2 and 3 bedroom properties and so the proposal could contribute to meeting that demand.

3. Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. There are residential properties opposite on Anker Street which have

habitable room windows that face the site. There would be between approximately 14-15 metres separation between the existing and proposed dwellings whereas paragraph 9.3 of the Residential Design Guide normally requires 20 metres. However, paragraph 9.3 also states that this distance may be reduced if they are across public viewed areas such as across a front garden, open space or public highway. In this case, the views would be across the proposed front gardens and a public highway. It is therefore considered that in this case this shortfall would not lead to significant overlooking. In relation to no's 43-46 Clarkson Close which are to the north-east, the proposed apartment block would be set across the road from these properties. The proposed apartments are three storey and have habitable room windows on the elevation that faces Clarkson Close. There would be approximately 20 metres separation and paragraph 9.3 of the Residential Design Guide normally requires 30 metres separation for three storey development. However, due to the position of the proposed windows at the first and second floors, it is considered that they would not directly face the habitable room windows at these properties and would face down the road. Taking this into account together with the fact that the distance would be across a highway it is considered to be acceptable. There would not be an issue with overlooking to the block of flats in Clarkson Close. The rear of properties on Attleborough Road face the site and distance standards would be met in relation to them.

In relation to distances within the site, distance standards are met. There are no habitable room windows at plot 6 that would face the predominantly three storey blank wall of the apartment block. That block would face the side boundary of plots 6's private amenity space but a distance of around 17m. There are 5 windows proposed at the first floor and 5 at the second floor of the apartment block that would face plot 6's private amenity space. These are to non-habitable rooms such as stairwells and landings, or secondary windows to living space. However, a condition can be added that these windows are obscure glazed and fixed shut to protect privacy and amenity.

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 127). 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 houses would be two storey with pitched roofs. The ridge heights of plots will now be consistent (having been amended from the previous refused scheme). They will be a row of terraced properties. The majority of the properties along Anker Street are terraced and so it is considered that the proposed development would appear significantly out of character to warrant a recommendation of refusal. It could also be argued that the development would be an improvement to visual amenity compared to the existing buildings. Materials consist of brick and render with features such as brick detailing above and below the windows and gables and canopies to the front.

The previous refusal and the dismissal of the appeal mentioned the impact on the character of the area. It is considered that the changes to the dwellings on Anker Street have done enough to satisfy these former concerns.

The apartment block would be three storey with a ridge height of approximately 11 metres. Whilst there are no other three storey properties in Anker Street, the block

would be at the end of the development and the street and it is therefore not considered that it would appear significantly over prominent. The main frontage would be onto Clarkson Close which does have a three storey apartment block in close proximity to the site. An active frontage with visual interest is provided to the elevation facing Anker Street through windows, brick detailing and a canopy above the ground floor and materials would consist of brick and render. It is therefore considered that the proposed development would be acceptable in terms of visual amenity. The amendments to the previous refusal include some minor elevational changes and a hipped roof type.

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 108).

No in-curtilage car parking is now proposed for the terraced dwellings, as it was on the refused scheme. The car park serving the apartments and houses is to the rear and is accessed off Anker Street. This provides 17no. spaces. As the Council does not currently have any saved car parking standards this level of provision is considered acceptable. The site is in a sustainable location, close to the town centre, services and public transport facilities.

WCC Highways have no objection subject to conditions.

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 159). 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 site is within Flood Zone 1 and therefore has a lowest level of flood risk. A Flood Risk Assessment has been submitted with the application. This confirms that as the site is currently fully impermeable the surface water discharges into the sewer. The use of infiltration has been considered but as the ground is clay which has poor infiltration qualities this would not be appropriate. It is therefore proposed that surface water will discharge to the surface water sewer in Anker Street.

WCC Flood Risk Management have no objections subject to conditions. The Environment Agency have raised no objection in relation to flooding. It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

Additionally Severn Trent Water did ask for a condition relating to a surface water drainage scheme, and this is considered to be covered by the condition requested by the County.

7. Contamination & Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraph 183). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the

impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

NBBC Environmental Health have no objections subject to a condition.

8. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2021 notes that these obligations should only be sought where they meet all of the following tests:

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£20,878.50	Viability Assessment demonstrates contribution can not be paid
Sports Development	Improvements to sports facilities	£16,913	Viability Assessment demonstrates contribution can not be paid
Affordable Housing	Provision of 2 affordable housing units		Viability Assessment demonstrates contribution can not be paid

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations. The NPPG states that in plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. The submitted Viability Assessment has been considered by the District Valuations Officer who has concluded that the assessment appears to be sound and that it would be financially unviable for the developer to pay any requested planning obligations in this case. However, they state that the projected sales values appear a little low but the site

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. The development would provide a beneficial use of a brownfield site. It would also provide much needed housing in the Borough. It is considered that these considerations would outweigh the lack of S106 contributions. The requirement for a second viability assessment would also ensure that this is assessed again in the future to determine if the development is still unviable.

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 would provide a beneficial use of a brownfield site. It would also provide much needed housing in the Borough.

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

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

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area and relevant provisions of the development plan, as summarised above, 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.

It is recommended that subject to no new issues being raised by the additional public consultation, which ends on 1st October 2021, the proposal should be approved.

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Plan 2020	17 59 01	3 rd December
Site Layout	17 59 100b	19 th March 2021
Proposed Flats	17 59 101a	19 th March 2021
Proposed Houses	17 59 102a	11th December 2020

3. No development shall until:

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

4. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Council in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

5. No development shall commence until full details of the provision of the access, car parking and manoeuvring areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

6. No development shall commence, including any site clearance and demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Schedule of HGV delivery times and phasing and a HGV routing Plan;
- ii) Hours of work;
- iii) Loading and unloading of plant and materials;

- iv) Storage of plant and materials used in constructing the development;
 - v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) details to prevent mud, debris and obstructions on the highway;
 - vii) Measures to control the emission of dust and dirt during construction;
 - viii) A construction phasing plan;
 - ix) Contractor parking arrangements and
 - x) A scheme for recycling/disposing of waste resulting from construction works.
- Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

8. No development above ground level shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. The boundary treatments between Plot 1 & 18-26 Attleborough Road and the apartments and Clarkson Close shall be in accordance with the approved drawing (drawing no. 009F) so that no feature higher than 600mm above the level of the public highway footway shall be retained for a distance of 2.4 metres, as measured from the near edge of the public highway footway. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

9. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

10. The first and second floor windows shown on the approved plan in the rear elevation (facing plot 6) of flats 3, 4, 5 and 6 shall be non-opening and shall not be fitted or subsequently permanently maintained other than in obscure glazing with level 5 obscurity. No new window or opening shall be provided at first floor level in the rear elevation (facing plot 6) elevation without the prior written consent of the Council.

11. Access to the site for vehicles from the public highway shall not be made other than at the positions identified on the approved drawing 17/59 100A, and shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specifications of the Highway Authority.

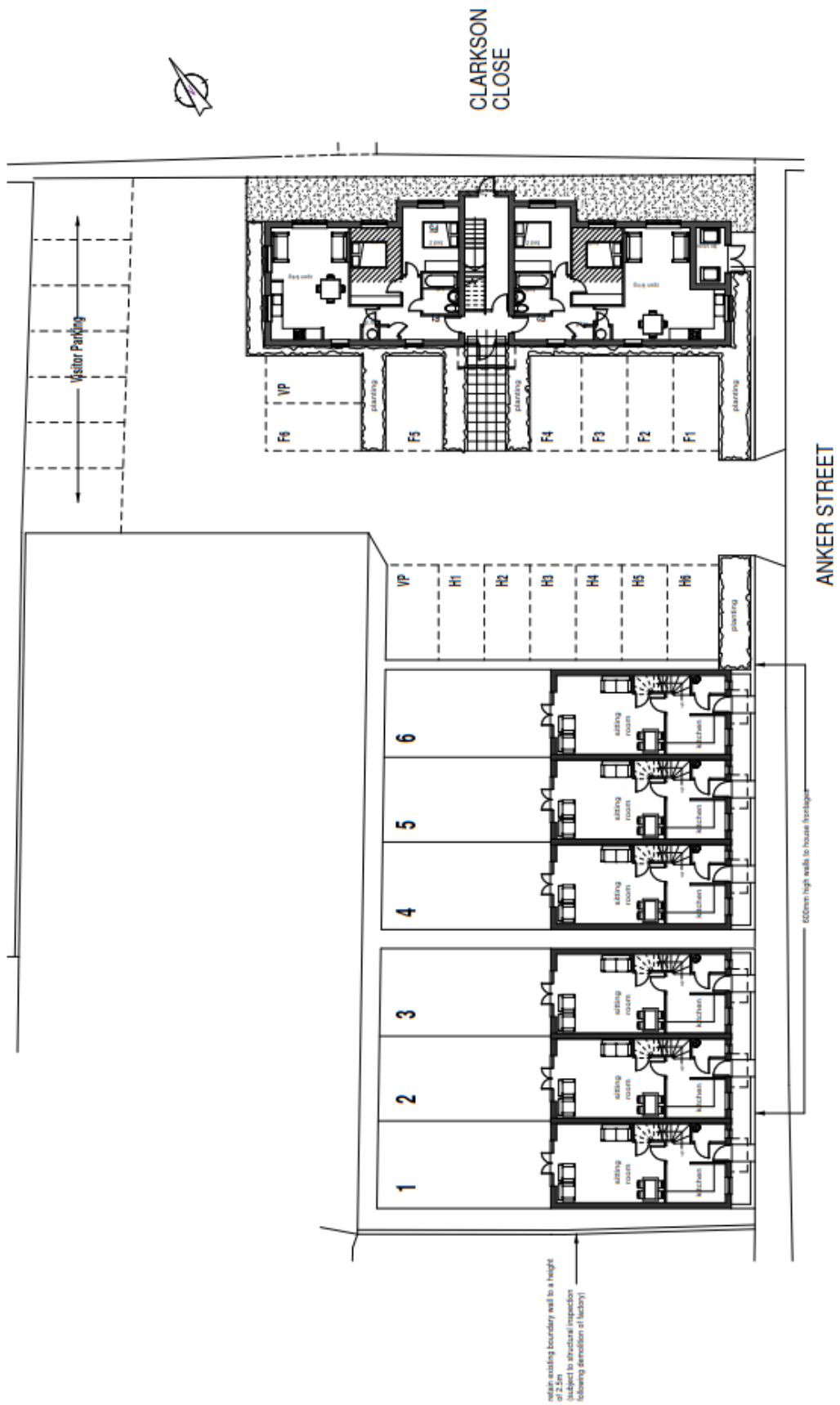
12. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the footway has been reinstated.

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

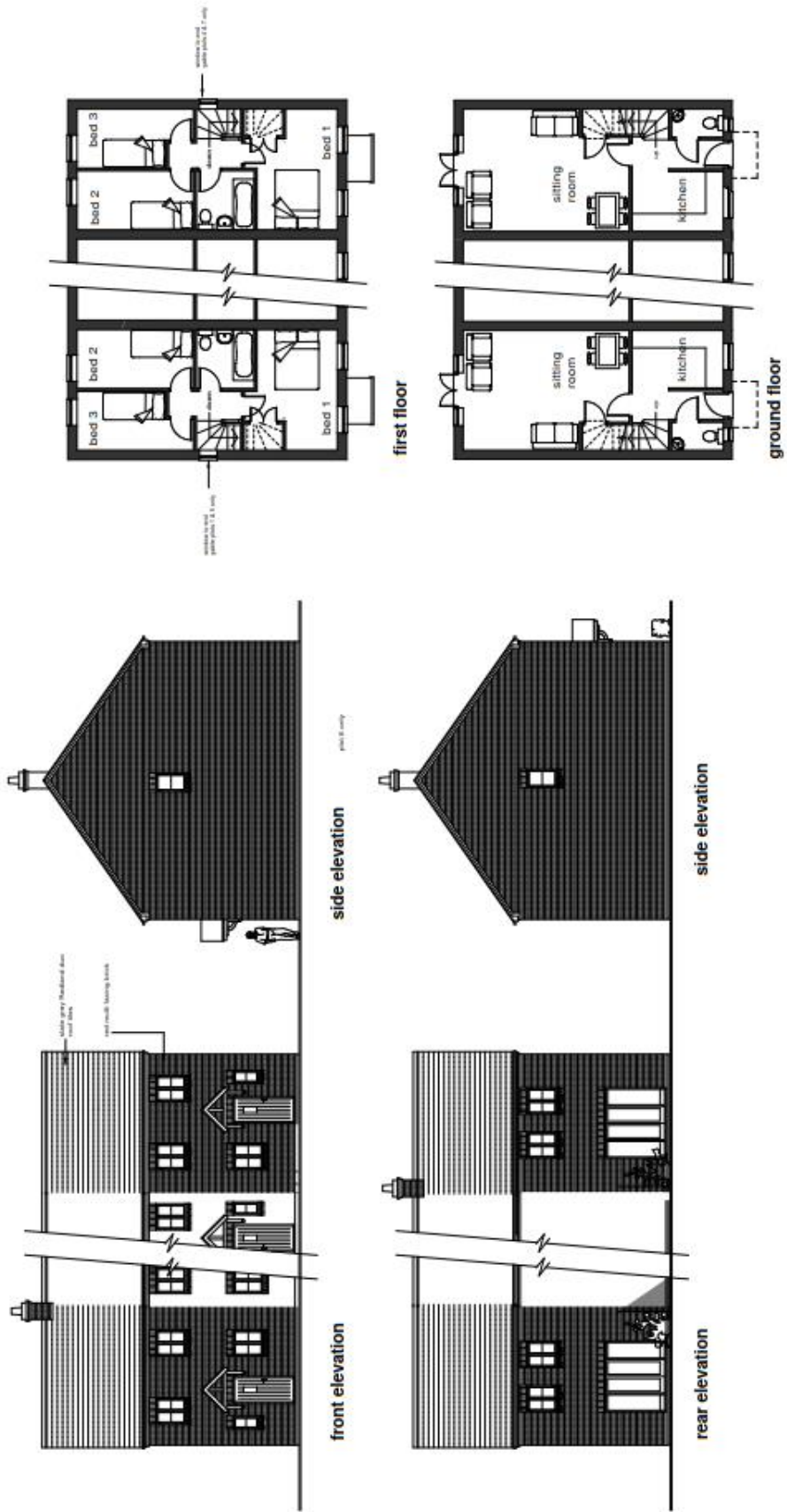
14. The proposed plantings on either side of the vehicular access as shown on drawing 17/59 100 Rev A shall not be planted exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway.



Site Location Plan



Site Layout



Proposed Houses

Proposed Flats

The architectural drawings include three elevations and three floor plans. The elevations show the building's facade from different perspectives: 'elevation to Clarkson Close' (a long side elevation), 'entrance elevation' (showing the main entrance), and 'elevation to car park' (a shorter side elevation). The floor plans are labeled 'second floor plan', 'first floor plan', and 'ground floor plan'. The ground floor plan includes a note: 'Shed to be "opened access shed" flat near at 17.0m, see page at 25/26m'. The second floor plan is labeled 'second floor plan' and the first floor plan is labeled 'first floor plan'. A table in the bottom right corner provides project details.

GPH Ltd		hayward ARCHITECTS LTD	
proposed housing		Anker Street	
Nurston		proposed flats	
scale	1 : 100	date	Dec 2020
author	JPH	ref	A2
		date	17/59
		ref	101a

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REFERENCE No. 037666

Site Address: The Bull, Bull Street, Nuneaton, CV11 4JX

Description of Development: Proposed two storey side extension to create additional commercial floorspace forming a shop and a kitchen, including retention of existing unit and 5 new apartments with parking and access.

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

Ward: AT

RECOMMENDATION:

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

INTRODUCTION:

This application is for a proposed two storey side extension to create additional commercial floorspace forming a shop and a kitchen, including retention of existing unit and 5 new apartments with parking and access. The application site address is a North facing pub called The Bull pub, located at Bull Street, Nuneaton, CV11 4JX. The public house is characterised by buff brick and render, and comes up to the street frontage on Bull Street, and includes a car park towards the rear. The application also proposes a lean to which extends approximately 14 metres along the West elevation of the site, and projects 4.8 metres from the side west side elevation of the site.

North of the site includes a car park on the opposite side of Bull Street. South of the site exists 2, 4, and 6 Hall End, and 9 Hall End Place. 2, 4, and 6 Hall End are single storey bungalows, and are dwellings, characterised by buff brick. The rear garden of 2 Hall End includes a rear garden which backs directly onto the South boundary of the application site address. 9 Hall End Place is located within the corner cul de sac of Hall End Place, and has a generous plot size, and is a two-storey rendered dwelling located adjacent to 8 Hall End Place. The rear car park of the Bull public house runs along the North boundary of the property garden within the curtilage of 9 Hall End Place.

Hall End Road runs along the West of the site. Along the East of the site sits 31, 32a, and 32b Bull Street, which include flats with a rear car park with a West boundary running along the East boundary of the application site address. The public house occupies a generous plot size with access to the car park being directly adjacent to flats 31, 32a and 32b Bull Street. The other immediate dwelling to the application site address is 2 Hall End Road located towards the South boundary of the site.

The rear car park of the application site address extends approximately 20 metres towards the South and West of the site, and although the Bull has a sloping topography, the land level at the back of the Bull public house is flat and level to allow for parking provision on the site.

RELEVANT PLANNING HISTORY:

No relevant planning history for the site.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2021:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document (SPD) 2020.

CONSULTEES NOTIFIED:

Licensing, Refuse and Cleansing, Planning Policy, Environmental Health, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

WCC Highways, Refuse and Cleansing, Planning Policy, Environmental Health

No response from:

Licensing

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters including 101 and 103 Avenue Road, 31a, 31b, 32b and 32a Bull Street, 1, 2, 3, 4, 6, 2, and 9 Hall End Place notifying them of the application on the 8th February 2021. The final date for consultations was 1st March 2021.

NEIGHBOUR RESPONSES:

There have been 7 objections from 5 different addresses. The objections were in relation to the following concerns;

1. Concerns regarding the impact of the height of the development adjacent to 32a and 32b Bull St, and the receiving of natural light outside the habitable rooms at the rear of these properties, and concerns that this is further exacerbated by the depth of the proposed extension which, extend beyond these properties, and reference to Right to Light Legislation.
2. Concerns of the impact of the height of development and impact on 31a, 31b, and 32a, and 32b, with very limited distance between the two sides, concerns that the proposed property will also be much higher than these properties.
3. Issues accessing the guttering and wastewater pipe from 32a halfway down the side which would no longer be possible to gain access should the proposed plans go ahead. Historically, we have been able to gain permission from former owners of The Bull to access these services for maintenance and inspection. Concerns that the proposal would make these services inaccessible in the event of tradesmen requiring access for maintenance.
4. Concerns over abuse of tenants' car parking at 31a, 31b, 32a and 32b Bull Street. Historic issues with non-tenants using the rear parking spaces and the driveway due to the lack of parking in the very narrow Bull Street, some of these offenders being identified as patrons of The Bull.

5. Concerns of the proposed shop extending sideways beyond the former WC and the entrance to The Bull narrowing considerably, and the impact of this on potential residents and delivery persons/vehicles.
6. Concerns over the potential increased footfall and traffic to the premises and restaurant and shop, which are immediately adjacent to the bedrooms of 32a and 32b) and the impact of this on the quality of life of tenants within these flats.
7. Concerns also of customers loitering outside windows of 31a and b, and 32 a and b, and potential use of the drive and rear of our property at night for other purposes, and noise concerns, littering, antisocial behaviour, and concerns over possible damage to property and cars belonging to tenants at 31a and b, and 32 a, and b.
8. Concerns over loss of privacy from the three rear bedrooms at 9 Hall End Place from the proposed 3 storey flats to the rear level Juliette Balconies

Letter of support

A letter of support has also been sent from residents at 1 Hall End Place raising the following points;

1. That the development would bring some much-needed life into the Nuneaton Community and, in the longer term, the extra accommodation that they propose will be of great benefit to the Business Community with the many Industrial Parks in the East of the Town and provide extra much needed employment for the Locality.

APPRAISAL:

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

1. Residential Amenity
2. Visual Amenity
3. Principal of Use
4. Odour and Noise
5. Highway Safety
6. Conclusion

1. Residential Amenity

The way in which the buildings relate to each other on Bull Street, their orientation and separation distance must protect the acceptable levels of amenity for both existing and future residents. The impact of the proposal on residential amenity is of main concern here, particularly the impact on 31a and 32B Bull Street, 2 Hall End, and 9 Hall End Place.

9 Hall End Place

The proposed two storey side extension to create additional commercial floorspace forming a shop and a kitchen, including retention of existing unit and 5 new apartments with parking and access, is located 15 metres away from the existing rear elevation of 9 Hall End Place.

Further to this, there is a proposed first floor bathroom located at first floor level facing this property, and there are no windows proposed (most likely as it is not a habitable room window), therefore the proposed extension and conversion to flats has no impact on this dwelling at Hall End Place, and includes boundary treatments which further protects residential amenity of this property. As the development is over 15 metres

away from this dwelling, the extension meets the residential design and sustainable construction guide and does not negatively impact this dwelling.

Due to the distance between the first floor flat conversions, and the property at 9 Hall End Place, there is not going to be any significant overshadowing or loss of light to this dwelling as a result of the development. In conclusion, the proposed flat conversions and development is not going to impact the residential amenity of this dwelling.

2 Hall End

The proposed two storey side extension to create additional commercial floorspace forming a shop and a kitchen, including retention of existing unit and 5 new apartments with parking and access, is located around 12 metres from the rear windows of 2 Hall End. The proposed flat at first floor level, (proposed flat 2) includes a rear bathroom which is the closest part of the development to impact this property.

Notwithstanding this, the rear of the development will face directly onto the rear amenity space of the garden which forms part of the curtilage of this dwelling at 2 Hall End Place. Further to this, as explained previously, there are no windows proposed on this flat proposed at first floor, as the room includes a bathroom, which is non habitable, therefore on balance, combined with the distance from this property being 12 metres, and facing onto the amenity space of this dwelling, the proposed development of the two storey extension to form additional floorspace and creation of 5 apartments with parking and access, is unlikely to have a detrimental impact on the residential amenity of this dwelling located at 2 Hall End Place. Further to this, being a first floor flat, the proposed extension and development at Bull Street is not going to overshadow the property at 2 Hall End due to the siting of the plot in relation to the proposed flats.

31a and 32B Bull Street

The second properties of concern include 31a and 32B Bull Street. The flats at 31a and 32B Bull Street are first floor and will face directly onto the proposed east elevation of the development which includes flats at second floor level. There are no windows proposed on the East elevation facing directly onto the existing flats at 31a and 32B, as the windows are proposed facing inward to the Bull Public house.

Further to this, after communication with the agent, there were concerns regarding the impact of the development on the privacy of the occupiers at 31A and 32B Bull Street, however, after further inspection on site including photographs provided from the agent, and examination of Google street view, it has been noted that there are no windows on this side elevation of the flats 31A and 32B Bull Street. This means, that in conclusion, the proposed flats which are proposed at second floor level do not impact the residential amenity of the occupiers within 31A and 32B Bull Street. Further to this, as there are no windows here, the proposed second floor level flats which are proposed do not overshadow or cause loss of light to these residential flats. This means that the proposed development of the two-storey extension and new flats will not impact the residential amenity of the existing residential flats at 31A and 32B Bull Street.

Objections received

- *Concerns regarding the impact of the height of the development adjacent to 32a and 32b Bull St, and the receiving of natural light outside the habitable rooms at the rear of these properties, and concerns that this is further exacerbated by the depth of the proposed extension which, extend beyond these properties, and reference to Right to Light Legislation.*

This concern is in relation to the receiving of natural light from the habitable rooms at the rear of these properties. It has been established that there are no habitable room windows on the side elevation of these residential flats, for which there is an immediate concern to protect. Windows at the rear of these flats do not directly face onto the proposed development, therefore there are no concerns of loss light to these residential flats. The depth and height of the flats proposed at second floor level facing these flats do not negatively impact the residential amenity of these flats yet again, there are no windows on this side elevation, therefore this objection does not carry weight against the proposal.

- *Concerns of the impact of the height of development and impact on 31a, 31b, and 32a, and 32b, with very limited distance between the two sides, concerns that the proposed property will also be much higher than these properties.*

Although the proposed flats at second floor level would result in a development higher than these flats, on balance, the main concern would be to protect residential, amenity. Further to this, the application site is on a lower land level, which would mitigate any overshadowing concerns. Notwithstanding this, the flats at 32a and B do not have habitable room windows on the side therefore on balance there is no impact on residential amenity to these flats.

- *Issues accessing the guttering and wastewater pipe from 32a halfway down the side which would no longer be possible to gain access should the proposed plans go ahead. Historically, we have been able to gain permission from former owners of The Bull to access these services for maintenance and inspection. Concerns that the proposal would make these services inaccessible in the event of tradesmen requiring access for maintenance.*

Environmental health was consulted as part of the application and had no concerns which would include potential guttering issues. Notwithstanding this, the guttering would not be a planning consideration therefore would not be a constraint in this application.

- *Concerns over abuse of tenants' car parking at 31a, 31b, 32a and 32b Bull Street. Historic issues with non-tenants using the rear parking spaces and the driveway due to the lack of parking in the very narrow Bull Street, some of these offenders being identified as patrons of The Bull.*

Parking provision has been included and WCC Highways were consulted at length on the application and provided their final statement of no objection subject to conditions in relation to this concern.

- *Concerns of the proposed shop extending sideways beyond the former WC and the entrance to The Bull narrowing considerably, and the impact of this on potential residents and delivery persons/vehicles.*

Again, parking provision has been included and WCC Highways were consulted at length on the application and provided their final statement of no objection subject to conditions in relation to this concern.

- *Concerns over the potential increased footfall and traffic to the premises and restaurant and shop, which are immediately adjacent to the bedrooms of 32a and 32b) and the impact of this on the quality of life of tenants within these flats.*

Again, parking provision has been included and WCC Highways were consulted at length on the application and provided their final statement of no objection subject to conditions in relation to this concern. Quality of life of tenants would be assessed under residential amenity which has been considered in this application.

- *Concerns also of customers loitering outside windows of 31a and b, and 32 a and b, and potential use of the drive and rear of our property at night for other purposes, and noise concerns, littering, antisocial behaviour, and concerns over possible damage to property and cars belonging to tenants at 31a and b, and 32 a, and b.*

Again, environmental health was consulted as part of the application and had no concerns which would include potential noise issues.

- *Concerns over loss of privacy from the three rear bedrooms at 9 Hall End Place from the proposed 3 storey flats to the rear level Juliette Balconies*

The development is located 15 metres away from the existing rear elevation of 9 Hall End Place. With reference to the rear flats, what is proposed are first floor flats, not second floor flats. Further to this, there is a proposed first floor bathroom located at first floor level facing this property with no windows proposed which would not impact the privacy of any habitable room windows on the rear elevation of 9 Hall End Place.

On Thursday 2nd September 2021 The agent submitted amended plans to switch the Juliette balcony from Bedroom 2 in Flat 2 onto the corridor side which further ensures the privacy of the occupants which ensures residential amenity to the occupants of this flat. These amendments do not have a detrimental impact on the existing residential amenity as assessed. The agent submitted further amended plans on the 8th September showing a lean to which extends along the West of the site. I am pleased to confirm that the lean to does not negatively impact visual or residential amenity.

2. Visual Amenity

The design and materials proposed for the proposed two storey side extension to create additional commercial floorspace forming a shop and a kitchen, including retention of existing unit and 5 new apartments with parking and access, are to closely match to the existing building, as indicated on the proposed plans and application form, and would be visible within the street scene. Therefore, this shows the extension would not negatively impact visual amenity of the Bull pub and surrounding street scene from the front of the property as the materials are to match the existing building.

The proposed extension would be visible from the street scene. Notwithstanding this, on balance, as similar materials are proposed, the extension would not negatively impact the visual amenity of the surrounding properties.

As the Bull is a large plot size, including surrounding space, and being a feature building of Bull Street contributing to the character of the existing street scene, the extension would not appear as an obtrusive addition to the street scene as Bull Street is a unique building and the extension will be in keeping with the existing front building line and the graduating topography of the street scene.

The proposed windows in the extension would be in line with the existing ground and first floor windows of the existing dwelling, which will create further symmetry in the visual appearance of the house. Finally, the roof is proposed as pitched, therefore the proposed extension is not going to appear visually obtrusive in comparison to the other properties within the street scene, and integrates well with the existing pub.

3. Principal of Use

NBBC Planning Policy

Statement provided on 1st March 2021;

In principle, the proposed residential and retail development is within a sustainable location within the Borough, namely Nuneaton and would be acceptable in principle. It would be considered a windfall site (for housing) but would still assist in meeting the Borough's housing needs and providing, in part, much sought after types of accommodation. Notwithstanding this, the appropriateness of the proposal on amenity, the local landscape, and the highway needs to be assessed against the relevant policies. The provision of electric vehicle charging points are in the proposal's favour and go towards meeting policy HS2. It would be pleasing to see the proposal make provision for cycle parking for potential residents and if the decision maker considered this to be appropriate it could be dealt with by condition if planning permission was forthcoming.

4. Odour and Noise

Environmental health officers comments were as such that there were no real adverse comments, however, since some of the residential units will be fronting onto Avenue Road, there is the potential for significant noise from road traffic. The Environmental health officer went on to explain that they would normally ask for a noise assessment, but would accept that more robust glazing/ventilation is installed (not typical double glazing of 4.12.4) to those units that front onto Avenue Road and for LPA to see and comment before installation.

Environmental health also requested a condition on the hours for deliveries/refuse collection. 8.00am-6.00pm Mon-Sat, no deliveries/refuse collections on Sunday/bank/public Holidays

The environmental health officer went on to explain that the developer have regard to the following EMAQ publication to aid in the design of an odour abatement system. They would expect to see some reference to it in any proposals submitted, including a cleaning and maintenance schedule for the proposed system. The publication is 'Control of Odour and Noise from commercial kitchen exhaust system' publication was released in 2019.

In conclusion, the following conditions will be included at the request of the environmental Health Officer;

1. Details of glazing/ventilation is to be submitted and assessed by the local authority (not typical double glazing of 4.12.4) to those units that front onto Avenue Road prior to installation
2. Hours for deliveries/refuse collection to be restricted to 8.00am-6.00pm Mon-Sat ensuring no deliveries/refuse collections to be made on Sunday/bank/public Holidays

5. Highway Safety

Warwickshire County Council Highways were consulted and provided the following statement of no objection subject to conditions on the 14th June 2021;

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of Nuneaton & Bedworth Borough Council in its capacity as the Local Planning Authority. The Highway Authority has been in discussions with the agent for the application to

overcome the Highway Authority's concerns in relation to the potential increase in on-street parking and additional information requested in the original response.

The site currently has an Sui Generis (formerly A4 use) use class with an existing 'bar area' of around 95 sqm. NBBC parking standards for the Sui Generis (formerly A4 use) use are determined by this 'bar/customer area' rather than the total floor area of the use, around 306 sqm. The existing use would therefore require a total of 19 spaces to be provided. As existing only 7 spaces are provided on site with an ad-hoc arrangement, the existing use is therefore likely to result in some on-street parking.

During previous site visits to the site on-street parking appeared to be in high demand so no further increase would be supported without a parking survey which is currently not possible. It has since been agreed with the agent that subject to the existing level of parking being provided (7 spaces) along with additional parking to accommodate the new proposed uses on-site the Highway Authority could have no objection as the demand for on-street parking should remain similar to existing. The new proposed uses on-site would require 11 spaces to be provided and a total of 18 parking spaces have now been provided on-site.

The Highway Authority usually requires shared accesses to be a minimum of 5 metres in width to allow 2-way flow of vehicles. It has been agreed with the agent that subject to the additional requested parking being provided, a width of 4 metres could be acceptable. The existing access is roughly 4 metres in width and there have been no reported collisions to suggest this width has had a detrimental effect, the site is located at the end of Bull Street and as such has a limited number of vehicles passing the site not associated with the use on-site.

Additional information has been provided regarding servicing. It has been confirmed how the site is serviced as existing and this will remain, there are residential and commercial premises on Bull Street and the additional uses on-site would be serviced by an extension to the existing arrangements. Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of no objection, subject to conditions

6. 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 potential impacts of the proposed development in relation to residential amenity, visual amenity and highway safety have all been considered. The assessment has subsequently shown that there would be no adverse impacts in all instances. However, where potential adverse Highways impacts are identified, it would be possible to mitigate against this using conditions.

Considering 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 should consequently be approved subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

1. The retail unit is restricted to retail use only and planning permission would be required to apply for an alternative use.
2. The development shall not be occupied until the proposed parking and manoeuvring facilities have been laid out and constructed in accordance with the approved plans and shall be retained thereafter for those purposes.
3. The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled in general accordance with the approved plans to provide a minimum width of 4 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway and a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
4. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.
5. The development shall not be occupied until the existing vehicular access has been surfaced/resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.
6. The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.
7. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
 - i. The routing and parking of vehicles of HGVs, site operatives and visitors;
 - ii. Hours of work;
 - iii. Loading and unloading of plant/materials.
 - iv. Storage of plant and materials used in constructing the development.
 - v. The erection and maintenance of security hoarding.
 - vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
 - vii. A scheme for recycling/disposing of waste resulting from construction works.
 - viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

8. Details of glazing/ventilation is to be submitted and assessed by the local authority (not typical double glazing of 4.12.4) to those units that front onto Avenue Road prior to installation

9. Hours for deliveries/refuse collection to be restricted to 8.00am-6.00pm Mon-Sat ensuring no deliveries/refuse collections to be made on Sunday/bank/public Holidays

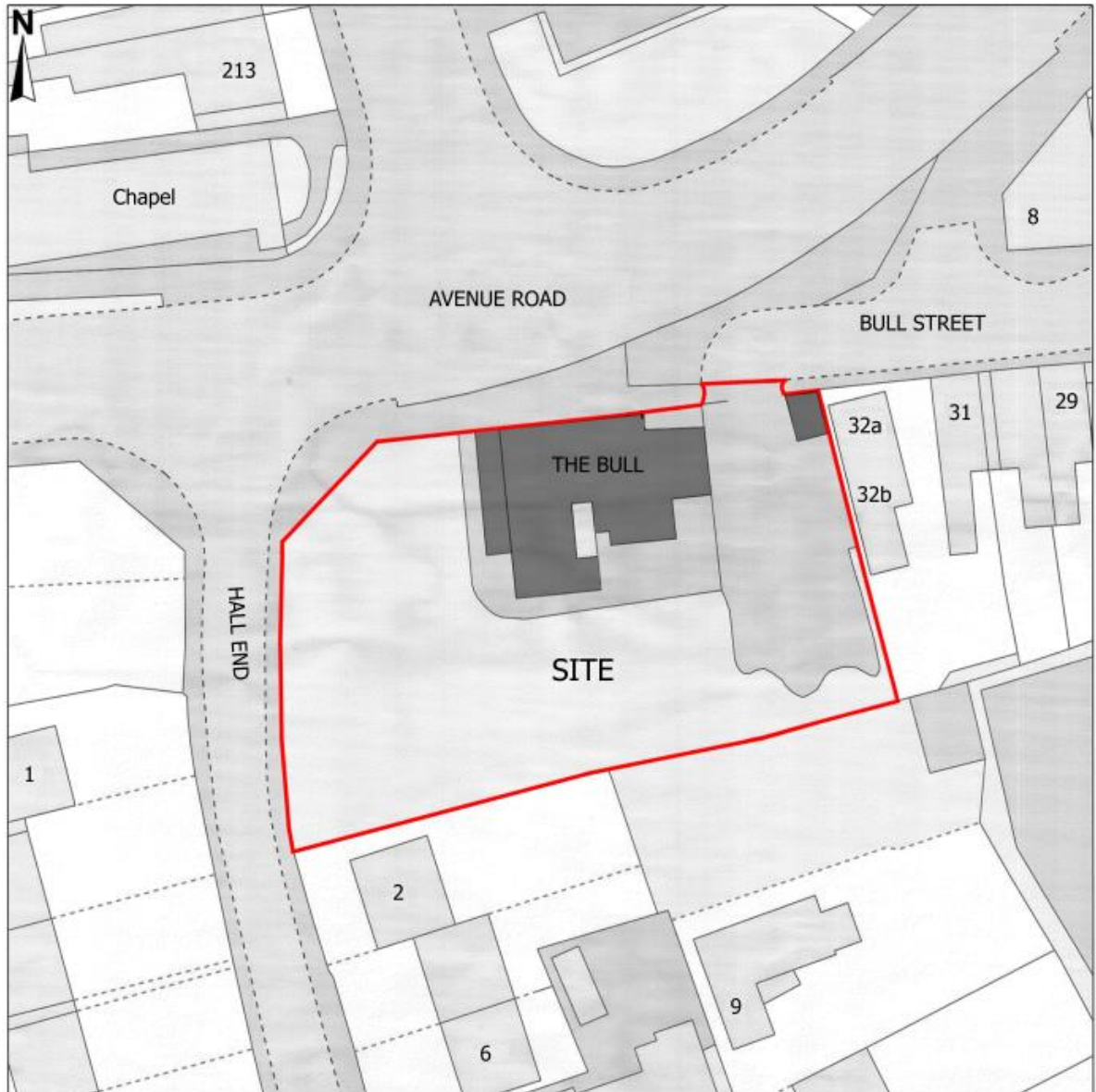
Reasons

1. In the interest of Highway safety
2. In the interest of Highway safety
3. In the interest of Highway safety
4. In the interest of Highway safety
5. In the interest of Highway safety
6. In the interest of Highway safety
7. In the interest of Highway safety
8. In the interest of Environmental Health
9. In the interest of Environmental health

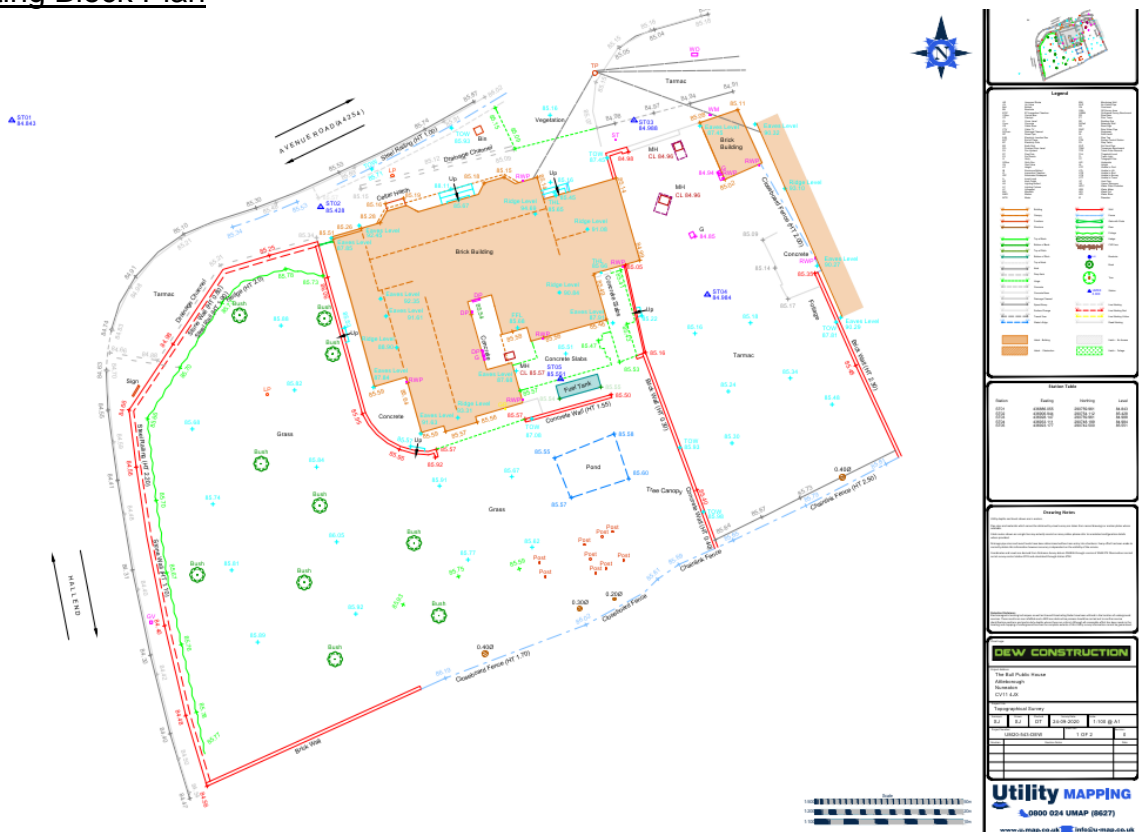
Notes

Ensure consideration is made with regard to the following EMAQ publication to aid in the design of an odour abatement system. It must be referenced to any proposals submitted, including a cleaning and maintenance schedule for the proposed system. The publication is 'Control of Odour and Noise from commercial kitchen exhaust system' publication was released in 2019.

Location Plan



Existing Block Plan



Existing Front, side, and rear elevations



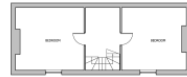
North



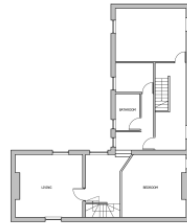
West



South



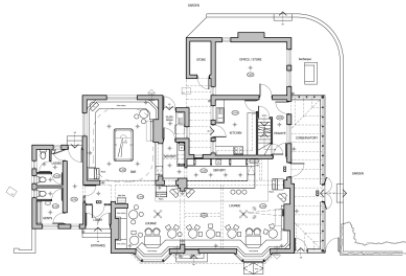
Second Floor



First Floor Plan



East

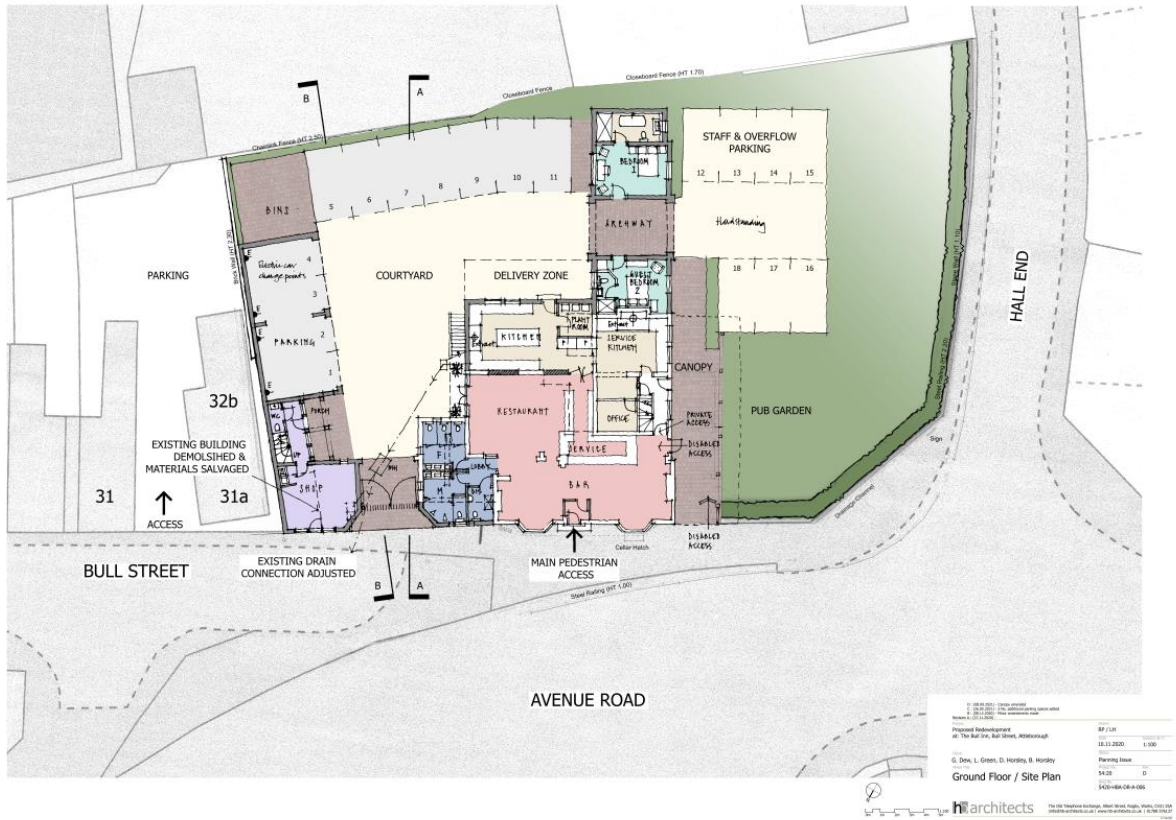


Ground Floor Plan

<p>10/10/2021 10:00 AM Projected Development The Bull Inn, Bull Street, Macclesfield</p>		<p>CA / SP 18/10/2020 1:100</p>
<p>G. Dean, L. Green, O. Horsley, B. Horsley</p>		<p>Planning Issue 14/28 B</p>
<p>Survey</p>		<p>14/28 B 14/28 B 14/28 B</p>



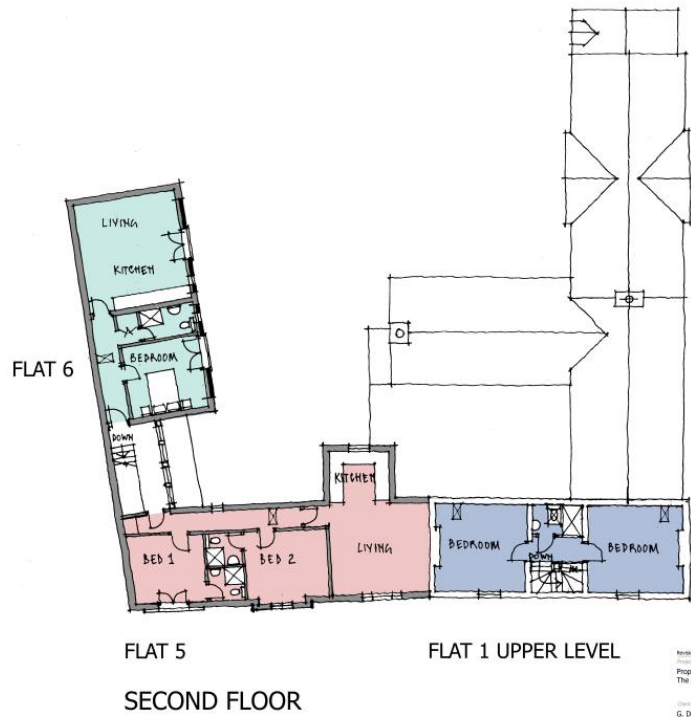
Proposed Ground floor Block Plan



Proposed First floor Plan



Proposed second Floor Plan



FLAT 5
SECOND FLOOR

FLAT 1 UPPER LEVEL

Revision A (28.12.2020) - Plan amended	DATE
Proposed Development The Bull Inn, Bull Street, Nuneaton	RF / LH
Client G. Dow, L. Green, D. Horsley, B. Horsley	30.11.2020 1:100
Project No. 54-20	Planning Issue
Second Floor Plan	54-20 A
1420-HBA-CR1-A-008	

h architects
The Old Telephone Exchange, Albert Street, Rugby, Warwick, CV21 2SR
01827 824200 or 01827 824201 | www.harchitects.co.uk | 101788 234127

Proposed front, side, and rear elevations



NORTH ELEVATION (PART EAST) Towards Bull Street



WEST ELEVATION To garden



SECTION AA (EAST)



SECTION BB (WEST)



SOUTH ELEVATION To car park

Revision A (28.12.2020) - Scheme amended	DATE
Proposed Development The Bull Inn, Bull Street, Nuneaton	RF / LH
Client G. Dow, L. Green, D. Horsley, B. Horsley	21.11.2020 1:100
Project No. 54-20	Planning Issue
Scheme Elevations	54-20 C
1420-HBA-CR1-A-008	

h architects
The Old Telephone Exchange, Albert Street, Rugby, Warwick, CV21 2SR
01827 824200 or 01827 824201 | www.harchitects.co.uk | 101788 234127

REFERENCE No. 038034

Site Address: Site 124A008 - Land and garages r/o 2-12 Scholfield Road Keresley Coventry

Description of Development: Erection of 2 pairs of semi-detached houses and 1 no. two-storey house (following previous approval 035220)

Applicant: Mark Patterson

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

Erection of 2 pairs of semi-detached houses and 1 no. two-storey house (following previous approval 035220) at Site 124A008 - Land and garages r/o 2-12 Scholfield Road Keresley Coventry .

The site is a redundant garage court surrounded on all sides by residential housing. There are still some parts of the former garages on the site, however these are in a poor state and have clearly not been used for some time. The site is currently gated at the bottom of the access.

The current access is wide enough for single access and is between two existing residential properties. There are two vehicular access serving the properties either side, close to the access with the site, these are both gated. The boundary around the site at the moment is a mixture of treatments including 1.8m high fencing, wire fencing and some planting.

There were a few fairly substantial trees within the site. Scholfield Road is at a higher elevation than the site, therefore the access slopes down towards it. Thus, the properties along Somers Road are lower than the site. The properties along Scholfield Road have mansard roofs with red brick, most of the other properties in the area are rendered or pebble-dashed. The properties along Somers Road have gable roofs and the properties along Beaumont Road are hipped. The neighbour at No.14 has erected 2m railings along the boundary and access, and some 1.8m close boarded fencing.

RELEVANT PLANNING HISTORY:

- 035220 - Erection of 2 pairs of semi-detached houses and one flat over garage plus associated works – approved 2017
- 034261 - Erection of 2 pairs of semi-detached houses and one unit above garage block (Land and garages rear of 2-12 Scholfield Road) withdrawn 2016

- 032228 - Erection of double garage with 1 flat above (resubmission following approval 31610) approved 2013
- 031869 - Erection of double garage with 1 flat above (resubmission following approval 31610) Refused 2013
- 031610 - Erection of 2 pairs of semi-detached houses and four garages in one block (Land and garages rear of 2-12 Scholfield Road)(resubmission following refusal 31417) approved 2012
- 031417 - Erection of 2 pairs of semi-detached houses and one flat over garage (Land and garages rear of 2-12 Scholfield Road) Refused 2012

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

NBBC Environmental Health, Severn Trent Water, WCC Highways, NBBC Refuse & Cleansing.

CONSULTATION RESPONSES:

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

No response from:
Severn Trent Water, NBBC Refuse

NEIGHBOURS NOTIFIED:

7 - 19 (odd) Beaumont Road; 2 - 18 (even), 47, 49 Scholfield Road; 25 - 39 (odd) Somers Road, Keresley.

Neighbouring properties were sent letters notifying them of the proposed development on 16th June 2021.

NEIGHBOUR RESPONSES:

There have been 3 objections from 3 addresses and 10 objections with no address provided. The comments are summarised below;

1. Impact on privacy through overlooking
2. Loss of security for surrounding dwellings
3. Impact on light to existing properties
4. The surface water run off will increase to an unacceptable degree
5. The proposed boundary treatments are no acceptable
6. There will be significant impact to amenity during the construction phase
7. Parking is a major issue that will worsen due to the development
8. The plans are not legible

9. Refuse collection could be impeded through the narrow access way and improper parking, there is no space for bins
10. A condition relating to fires should be added to the permission
11. There will be an increase in noise
12. There will be an increased traffic
13. There may be rodent infestations
14. There is a chance for anti-social behaviour to increase
15. Visibility is poor
16. Highway safety is impacted upon
17. Fire engine cannot fit down the access road
18. Road is not wide enough for pedestrians
19. The private road is poorly maintained
20. The road is currently used for work vehicles by residents
21. There will be a severe impact on the character of the area
22. There is no evidence that the site is suitable for the disabled
23. There are no street lights proposed
24. There has been waste burned on the site recently

APPRAISAL:

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

1. The Principle of Residential Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety

1. The Principle of Development

The NPPF states that when assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Paragraph 11). Further to this proposed development that accords with an up-to-date Local Plan should be approved (Paragraph 11). The only relevant Development Plan policies are BE3 and DS1 of the Borough Plan and the Sustainable Design and Construction SPD, this is addressed below.

The site is a disused garage site with approx.13 redundant garages, therefore in line with the NPPF the application would be seen as an effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value. The site is within the settlement area This site would also be seen as sustainable, giving the local transport links and access to a small local centre in Rathbone Close, which is within walking distance. Therefore the development provides the possible use of public transport, walking and cycling. Further to this, there are no specific policies in the NPPF that would indicate this proposal should be restricted.

Additionally the land is not designated for any specific land use in the Borough Plan meaning that there is no specific restriction on this land in regard to a residential use. Sites where are not allocated within a plan but come forward within the plan period, are called Windfall Sites. The Borough Plan allows for, at paragraph 6.22, windfall sites to make up 247 dwellings over the plan period.

2. Impact on Residential Amenity

The site is surrounded on all sides by residential dwellings, therefore it is essential to assess the impact upon these residential dwellings as well as within the site.

Impact on Beaumont Road

Plots 1-4 line the rear boundaries of the properties on Beaumont Road, the proposed properties all have a rear garden that is between 7-7.5m deep. Therefore the proposed dwellings will not create significant levels of overlooking, in line with the adopted Design Guide. The properties along Beaumont Road have fairly long gardens themselves, the shortest being 16m. Therefore the recommended separation distance to protect privacy, from window to window is also met, as the combination of the two amenity spaces exceeds 20m.

Impact on Somers Road

To the north of the site are the properties on Somers Road, whose rear gardens face towards the site and the proposed sides of the semi-detached houses which are set around 1m from the boundary.

These properties are at a lower level to the site and the rear of these existing properties are over 22m away, the new semi-detached properties are side onto these properties' rear gardens and distance standards are more than met. It is considered that it is unlikely to cause detrimental impact that would warrant refusal of the application. To remove any doubt though a condition will be added to make any first floor side windows obscure to avoid any overlooking.

Impact on Scholfield Road

The neighbouring properties along Scholfield Road, are at a higher elevation to the site, in addition these properties have gardens which are approximately 24m long separating them from the site. The proposed semi-detached houses would only line the boundaries of two of these properties and would be side-on to these gardens rather than fronting onto them. There are some side facing windows proposed in the new plots, but the first floor window serves a bathroom and will therefore be obscure, thus having no significant impact on the privacy of the garden or house at 12 Scholfield Road.

To the other side of the access way is 14 Scholfield Road. The side of the proposed detached dwelling (formerly a flat over a garage when previously approved) will also line part of the boundary with No.14 Somers Road, however, considering the proposals height (3.9m to the eave, 6.9m to the ridge), it will not create any significant enclosure or loss of light to this property due to the shape and layout of this neighbouring plot. There are some first-floor windows that would face the neighbouring properties to the side, however these are at high level (the cill height is 1.7m above the finished floor level of the room they serve) and therefore there will be no direct views out of these windows. These side facing windows are shown as obscure and non-opening on the plans also. The scheme is very similar to the previous approval, (albeit slightly lower to the ridge line in respect of the detached dwelling (formerly the flat)).

Overall it is considered that there would be no unacceptable impact on the residential amenity of the existing occupiers of the surrounding dwellings and this is in accordance with the design guide SPD.

Inside the Site

The windows of plot one and two are only 11m from the blank elevation of the proposed garage and flat. However, there would be some views past and at ground floor there would be a secondary window to the side that would allow additional light to the ground floor rooms of the houses.

3. Impact on Visual Amenity

As stated in the NPPF, and in the Council's Design Guide, planning decisions should always seek to secure high quality design. It is felt that the design and layout of the properties create a cohesive group on their own in this scheme. although there is a mixture of roof types in the area, therefore the gabled pitched roofs of these The five dwellings are acceptable. In addition the materials can be conditioned so that these can be assessed.

The design of the dwellings is modern in style, with traditional materials and details. The houses are a little bland, but do exhibit soldier coursing under windows which adds interest.

The proposed development would bring back in to use a currently vacant piece of land that is overgrown. The garages that are currently at the site, or have recently been removed from the site, were dilapidated and run down. Therefore, the proposed developed takes opportunity to improve the character of the area. This is in line with the advice given in the NPPF which states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (64). The site will not be highly visible from any public areas, other than within the site itself, therefore it will have little impact upon the visual amenity of the surrounding residential streets. Within the site, there is some proposed landscaping, in addition to this, the proposed dwellings have small front gardens, and therefore this will break up the appearance of the hard standing to the front.

Additionally, the scheme is very similar to that which was previously approved back in 2017.

Overall it is considered that there would be no unacceptable harm to visual amenity as a result of the scheme.

4. Impact on Highway Safety

The proposal is not likely to generate significant levels of movement, so is not required to provide a transport statement as in the NPPF. The proposed development is considered to be less intensive than the previous use and the highway authority do not object to the use of the access on this basis. Although the access is not wide enough, in line with standards, as the use of the site has become less intensive (than a garage court could be) the proposal has been supported in the past as chance of conflict is minimal. The proposed development has 9 spaces in total which is considered to be sufficient, although as is well known, the Council do not have an adopted Car Parking Standard.

The Highways Authority therefore have no objection subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Layout Plan	01-T2212 AL P 01 C	28 th July 2021
Proposed House Plot 5	02-T2212 AL P 02 A	29 th June 2021
Proposed Houses Plot 1-4 (GF)	HDG 16 58 1.1	14 th June 2021
Proposed House Plot 1-4 (FF)	HDG 16 58 1.2	14 th June 2021

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

4. No development shall commence until details of all boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. The use shall not commence until all boundary treatment has been carried out in accordance with the approved details. No fences shall be erected adjacent to the car parking bays in perpetuity unless agreed otherwise in writing by the Council.

5. No development shall commence until full details of the access, including construction, alignment, levels, drainage, signage, lighting, footpaths, and verges have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.

6. No gates shall be located within the site access to open within 10.0 metres of the near edge of the public highway footway.

7. Notwithstanding the submitted plans, no development shall commence until full details of the provision of 9 car parking spaces on the site hereby approved, including the allocation of car parking spaces to individual dwellings and how this will be indicated on site, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the parking areas have been laid out in accordance with the approved details. Such areas shall permanently be retained for the purpose of parking and manoeuvring of vehicles as the case may be.

8. No structure, trees or shrubs shall be erected, planted or retained within 2.4 metres of the near edge of the public highway footway exceeding or likely to exceed, at maturity, a height of 0.6 (600mm) metres above the level of the public highway footway.

9. No development shall commence until:

- a) A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council. This must also take into consideration unrecorded shallow workings, including any necessary gas protection measures.
- b) The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment.
- c) If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Council before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved and
- d) On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

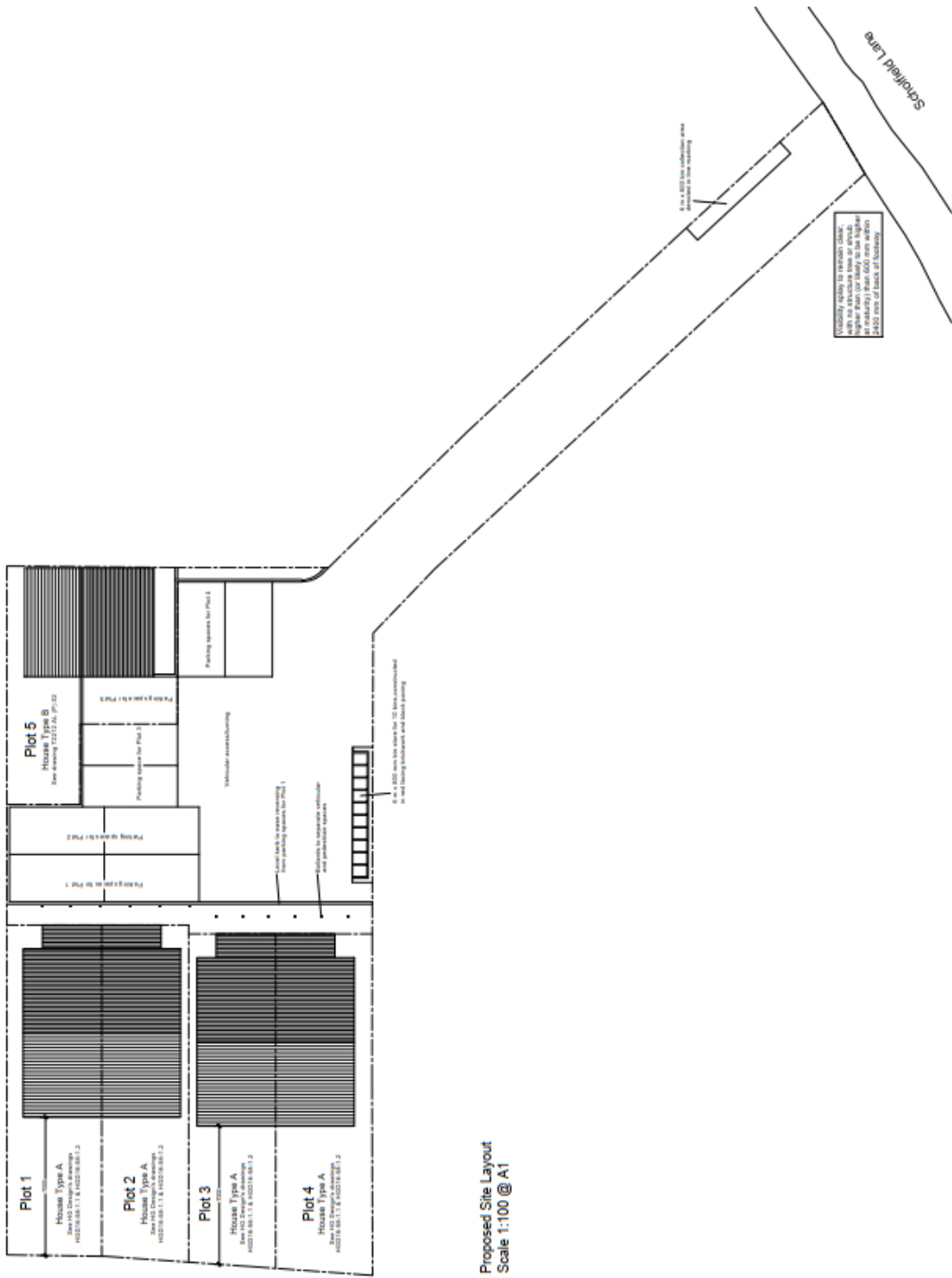
10. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details.

11. The first floor landing, bedroom and bathrooms windows of the detached dwelling shall not be fitted or subsequently maintained other than in obscure glazing. Unless agreed otherwise in writing by the Council.

12. The first floor side bathroom window of plot 4 (south elevation) and first floor side bathroom window of plot 1 (north elevation) shall not be fitted or subsequently maintained other than in obscure glazing and shall have no opening lights below 1.7 metres from the finished floor level of the room they serve and maintained accordingly in perpetuity, unless agreed otherwise in writing by the Council.

13. A bin collection area shall be provided on the private access road and off the public highway, in accordance with Drawing Number AL(01), Rev B, dated 12th July 2021.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order) no rear or side extensions; detached outbuildings or extensions to the attics of the houses shall be erected without the prior written consent of the Council. (Classes A,B and E.)



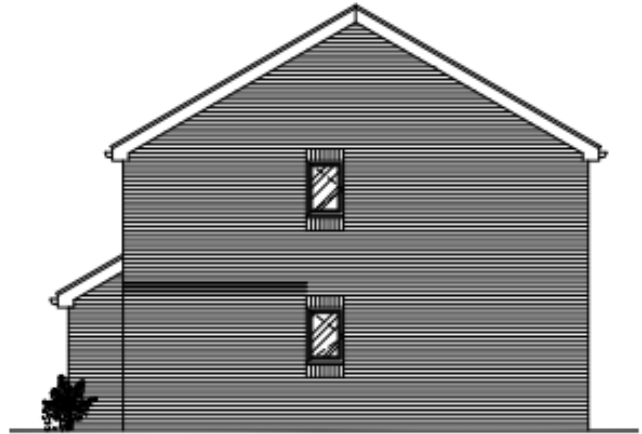
Layout Plan



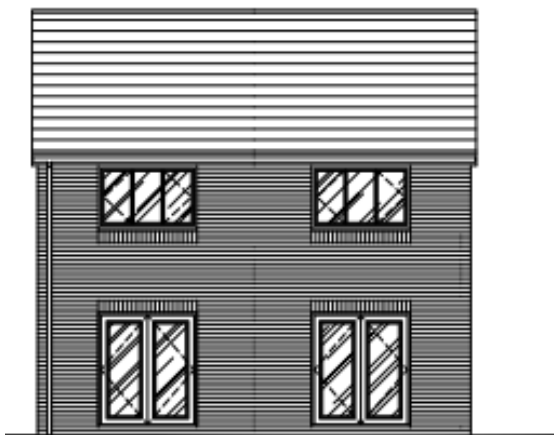
Site Location Plan



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

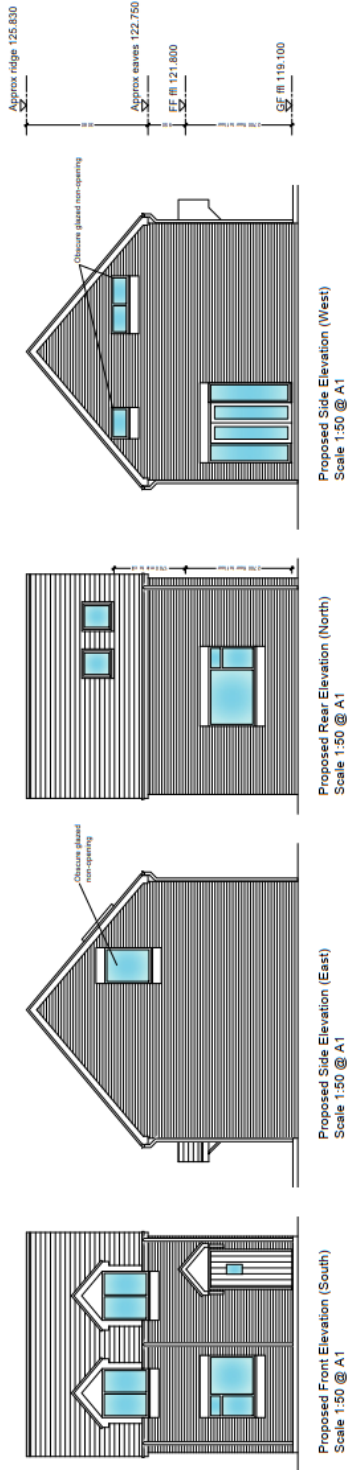


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Proposed Houses



Proposed Detached Dwelling

REFERENCE No. 037629

Site Address: 140 Woodlands Road Bedworth Warwickshire CV12 0AD

Description of Development: Erection of a two storey detached three bedroom dwellinghouse

Applicant: Mr Dave Warner

Ward: SL

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of a two storey, detached, three bedroomed dwellinghouse at 140 Woodlands Road in Bedworth.

The parcel of land is relatively flat and clear of trees and vegetation. The surrounding area is predominantly residential with a variety of property types and designs and the plot is within the identified settlement boundary with neighbouring residential dwellings to the north, south and west.

The proposed dwelling is to feature red brick to the ground floor with grey timber effect cladding to the front and render to the first floor. The roof would be gabled at the front and hipped at the rear with a small storm porch canopy to the front and grey interlocking roof tiles.

The plot is within Flood Zone 1 (lowest risk) and is classified as being a low risk development by the Coal Authority.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- **029743** Erection of one pair of semi detached, 2 storey houses (Amended proposal following refusal of 29551) – refused in November 2009.
- **029551** Erection of one pair of semi detached, 3 storey houses – refused in July 2009

Committee should note that the reasons for refusal for applications 029551 and 029743 were as follows:

- ... the development by reason of its siting and design would create a cramped and shoehorned development which would appear out of character in relation to the surrounding properties and would create an over prominent feature in the street scene to the detriment of the visual amenities of the area.
- The width of the access is insufficient to allow cars to pass at the highway boundary and as a result this is likely to lead to vehicles unnecessarily reversing out onto the highway or waiting on the highway to the detriment of highway safety. (The Transport and Roads for Developments, The Warwickshire Guide 2001.)

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

Environment Agency, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse & Waste, NBBC Environmental Health, Severn Trent Water, Western Power Distribution, WCC Fire Safety, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways

No objection from:

NBBC Environmental Health, NBBC Housing, NBBC Planning Policy, NBBC Parks, NBBC Refuse & Waste, WCC Fire Safety

No response from:

Environment Agency, Severn Trent Water, Western Power Distribution,

NEIGHBOURS NOTIFIED:

Woodlands Road Farm, 136, 138 and 150 Woodlands Road and 1, 2, 3, 4, 5 and 6 Missing Oak Close.

Neighbouring properties were sent letters notifying them of the proposed development on 17th December 2020 and on 8th February 2021.

NEIGHBOUR RESPONSES:

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

1. Impact on highway safety
2. Flood risk
3. Impact on light
4. Impact on privacy and overlooking
5. Impact on car parking

APPRAISAL:

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

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

5. The Principle of Residential Development

Policy DS1 states that planning applications which are in accordance with the policies within the Borough Plan will be approved unless material considerations indicate otherwise. The proposed development will be assessed against the relevant policies within the Borough Plan below.

In regards to the principle of residential development, Policy DS2 states that Bedworth has a supporting role to Nuneaton and it is, in principle, appropriate for housing development. The land is within the settlement boundary, however as it is not within any designated development sites, it would be classed as a windfall site.

In regards to the type of development, Policy H1 of the Borough indicates that there is greatest need in the borough for three bedroom properties (53.3% modelled market need), followed by two bedroom properties (33.1%) then 4 bedroom properties (8.9%). This proposal would help meet this need by providing a three bedroomed property.

Environmental Health did not object to the consultation request, so it can be presumed that there are no concerns in relation to contaminated land (Policy BE1). The development is within a low risk coal zone and consequently no coal risk reports are required. The development is also within Flood Zone 1, which is the lowest level of risk. Policy NE4 states that new development should be prioritised to areas of lowest flood risk and therefore this proposal is considered to be compliant with this policy.

Policy DS3 states that developments should be sustainable and of a high quality whilst having a positive impact on amenity. The impact to amenity will be considered within later sections of this report (impacts on residential and visual amenity).

6. The Impact on Residential Amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on site circumstance. The only potential impact of this proposal is on the neighbouring properties; Woodlands Road Farm, 138 and 150 Woodlands Road and 1, 2, 3, 4, 5 and 6 Missing Oak Close.

138 Woodlands Road

138 Woodlands Road is the neighbouring dwelling to the south-east of the site.

To the front elevation, no.138 features habitable room windows to the ground and first floor. The proposed development would be set further forward than 138 Woodlands Road, however it would not infringe a 45 degree line from the centre of this window. This is considered to be acceptable under section 11.9 of the SDC in order to protect light and amenity.

To the side, no.138 features one ground floor side facing window. The original plans for this property show that this window serves a lounge and this is considered to be a habitable room. However, the original plans also show that this room would have also originally have been served by two large rear facing openings. This property has since been extended to the rear so these windows are no longer sources of light to this room, however, Section 11.3 of the SDC states that where a room has, *or had*, more than one opening, only the primary window can be protected. Section 11.3 goes on to say that the primary source of light will usually be the windows which overlook amenity areas. Therefore, in this instance, the side facing window would be considered as a secondary opening and therefore it cannot be considered.

As no.138 has been extended to the rear at ground floor level, the windows to the extension are un-original and cannot be considered under section 11.3 of the SDC. There are original first floor rear facing windows to be considered, however the development would not infringe a 60 degree line from the centre of these windows. This is considered to be compliant with section 11.9 of the SDC and therefore the impact to light and amenity is considered to be acceptable.

As the proposed property is to be offset with no.138, it would not project alongside no.138's rear garden and therefore it is considered that the development would have little detrimental to the enjoyment of no.138's rear garden.

The proposed dwelling would feature one side facing window which would face towards no.138, however as this window is to serve a bathroom, it can be conditioned to ensure that it is obscure glazed and non-opening below 1.7 metres. This should ensure that there is no risk of overlooking and the potential for the loss of privacy is mitigated.

150 Woodlands Road

150 Woodlands Road is the neighbouring dwelling to the south-west of the site.

To the front elevation, no.150 features habitable room windows to the ground and first floor. The proposed development would not infringe a 45 degree line from the centre of this window. This is considered to be acceptable under section 11.9 of the SDC in order to protect light and amenity.

To the side, no.150 features one side facing window and one door. The original plans for this property show the window as serving a utility and the door as serving a hallway. Neither of these spaces are considered to be habitable rooms within the SDC and therefore they cannot be protected under section 11.3 of the SDC.

To the rear, no.150 features windows serving habitable rooms at the ground and first floor level, however the proposed development would not infringe a 45 degree line from

the centre of these windows. This is compliant with section 11.9 of the SDC and therefore the impact to light and amenity is considered to be acceptable.

The proposed dwelling would feature one side facing window which would face towards no.150, however as this window is to serve a hallway, it can be conditioned to ensure that it is obscure glazed and non-opening below 1.7 metres. This should ensure that there is no risk of overlooking and the potential for the loss of privacy is mitigated.

1 Missing Oak Close

1 Missing Oak Close is the neighbouring property to the west of the site. To the ground floor, this building is used as a shared garage and there is a one bed roomed flat at the first floor.

The side elevation of 1 Missing Oak Close would be directly opposite the rear elevation of the proposed dwelling, however the side elevation of no.1 does not feature any windows to be considered. The flat does not feature any private outdoor amenity space to be considered and therefore it is considered that this proposal would have very little impact to 1 Missing Oak Close

2 – 6 Missing Oak Close

Numbers 2 to 6 Missing Oak Close are the neighbouring properties to the west of the site. The front elevations of these dwellings would face the rear elevation of the proposed property.

The distance from the front elevations of 2 to 6 Missing Oak Close ranges from 34 to 36 metres, however all are over the 20 metre minimum recommended within section 11.4 of the SDC. Due to the distance between the properties, it is considered that the impact to light, amenity and privacy to these dwellings is of an acceptable level.

Woodlands Road Farm

Woodlands Road Farm is opposite the applicant site to the north-east on the opposite side of Woodlands Road. The farm does not feature any buildings directly opposite the proposal and therefore it is considered that the development would have very little detrimental impact to this site.

Residential Amenity for Future Occupiers

For a three bedroomed, two storey dwelling, section 12.2 recommends a minimum internal area of 84m². There is a slight shortfall of this requirement, as the proposed dwelling is shown to feature an internal area of approximately 81m². However, Officers consider that because this is only a small shortfall of 3m², this isn't significant enough to warrant a refusal in itself. There is also an element of buyer beware for future owners and occupiers.

Section 11.12 of the SDC states that new housing developments should provide sufficient outdoor amenity space to meet recreation and domestic requirements and Section 11.11 states that gardens should be of a useable rectangle shape. The proposed dwelling would feature its own south-west facing rectangular garden and therefore it is considered that the development would have ample private outdoor space.

The property is shown to feature ground and first floor windows to the front and rear. The light and amenity to these windows should be of an acceptable level as the

distance standards stated within sections 11.7 and 11.8 of the SDC are all met in between the proposed property and neighbouring dwellings.

This is considered to be compliant with policies BE3 of the Borough Plan and section 11.2 of the SDC which state that residential developments should be designed to a high standard to provide acceptable levels of amenity for future residents.

7. The Impact on Visual Amenity

This section of Woodlands Road features a large variety of property types, included detached, semi-detached and terraced properties, all of varying ages. Neighbouring properties mostly feature red brick with flat grey tiles. Some also feature white rendering and sections of wood effect cladding. The proposed dwelling is shown to feature red brick, flat grey tiles, rendering and wood effect cladding and therefore this is considered to be in keeping with the local area. This is also suggested in section 13.6 of the SDC.

The proposed property is shown to have a maximum ridge height of 7.3 metres. The semi-detached dwellings at 136 and 138 Woodlands Road have a maximum height of 7.8 metres and the neighbouring detached dwelling at 150 Woodlands Road has a maximum height of 7.6 metres. Therefore, the scale and size of the development is considered to be in keeping with surrounding properties.

The dwelling is shown to be further set forward of numbers 136 and 138 Woodlands Road, however it is to be approximately in line with the front of 150 Woodlands Road. The properties along this section of Woodlands Road are stepped at varying distances from the highway and this means that there is no set clear line of development to be followed. Therefore, it is considered that the development would not appear to be incongruous or out of keeping within the street scene.

8. The Impact on Highway Safety

Warwickshire County Council Highways did originally object to the application due to the access and bin storage. However, after receiving a revised layout plan, the Highways team have removed their objection subject to conditions.

Whilst the new 2021 parking SPD has not yet been fully adopted and hence carries little weight, if adopted in its current form, it recommends 2 parking spaces for a 3 bedroomed dwelling. This proposal is compliant with these parking standards as it would provide two on-site parking spaces.

The scheme has provided a bin storage point for the future owners/occupiers and it has also provided a bin collection point for the other residents of Missing Oak Close. As such, NBBC Waste and Refuse and Warwickshire County Council Highways have no objection.

9. 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 conclusion, the level of impact to neighbouring properties in terms of impact to light, amenity and loss of privacy is considered to be of an acceptable level as the scheme is compliant with policies set within the Sustainable Design and Construction SPD. This should carry significant weight when assessing the scheme. The proposal would make good use of an unused piece of brownfield land within the settlement boundary and it is considered that it would provide a good quality dwelling with sufficient parking, internal space and outdoor amenity space.

Whilst neighbours have raised concerns in regards to highway safety, committee should note that Warwickshire Highways have no objection to the scheme, subject to conditions. Neighbours also raised concerns in regards to access for emergency vehicles, however Warwickshire Fire and Rescue were consulted with and had no objections. Flooding was also an issue raised by local residents, however the site is within Flood Zone 1 and is classified as having a very low risk from surface water flooding.

Overall it is considered that the merits of the scheme outweigh any potential harm created and therefore the recommendation is one of approval subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan reference	Date received
Proposed floor, elevation and location plans	1146-01 N	31 st August 2021

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

4. The first floor windows shown on the approved plan 1146-01 N, received by the Council on the 31st August 2021, on the side elevations of the building shall not be fitted or subsequently maintained other than in obscure glazing. No new window or opening shall be provided at first floor level in the side elevations without the prior written consent of the Council.

5. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details.

6. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Council.

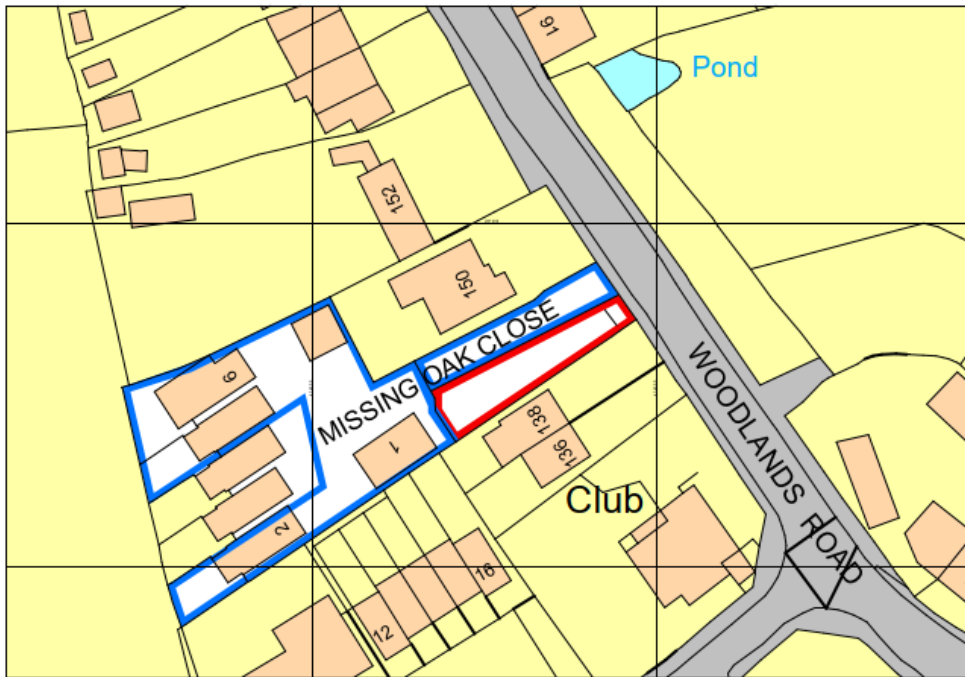
The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

7. No development above damp proof course shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

8. The dwelling shall not be occupied until the access to the site and the public highway footway / verge crossing have been relayed / reconstructed and approved in writing by the Council.

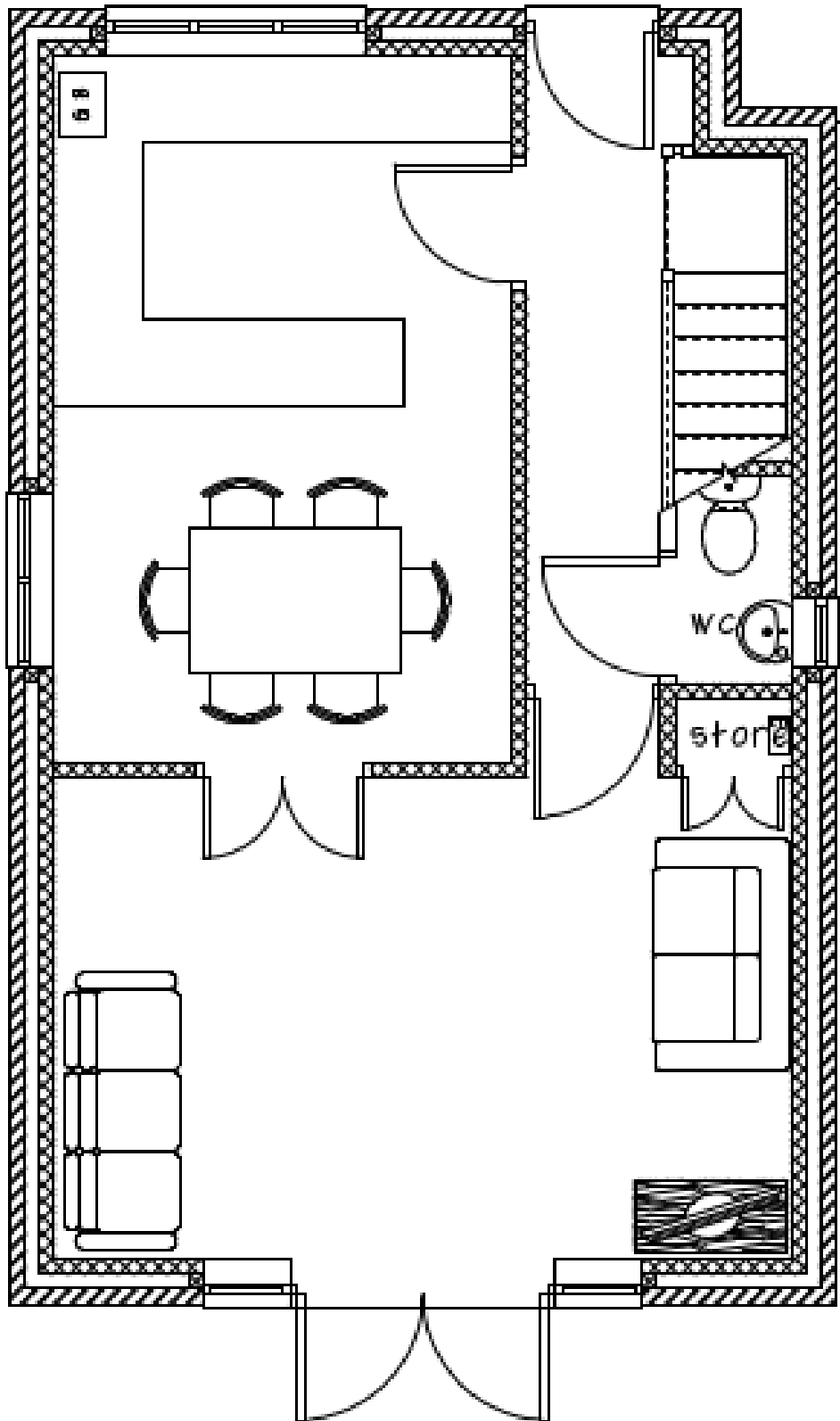
9. The dwelling shall not be occupied until the access, car parking and manoeuvring areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

Site location plan (no longer to identified scale)

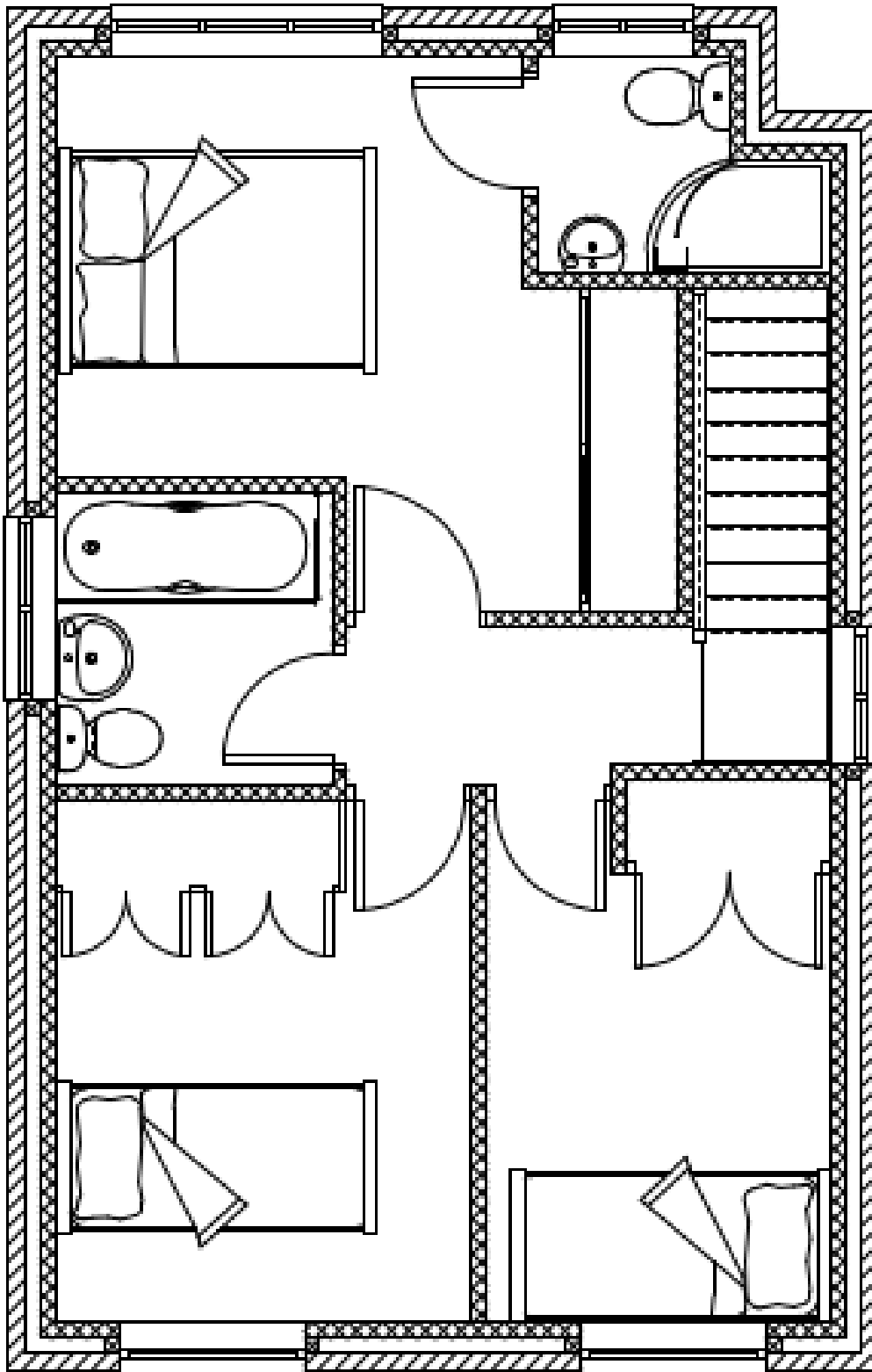


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1 : 1250 Location Plan



Proposed ground floor plan



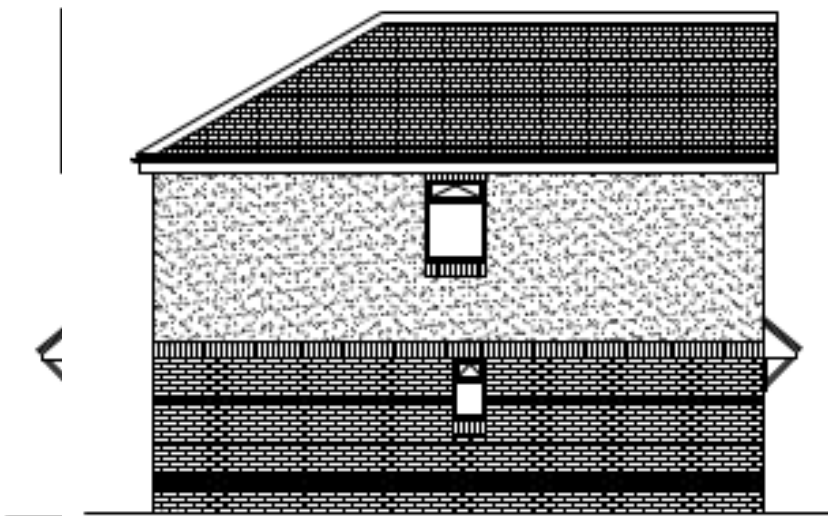
Proposed first floor plan



1 : 100 Front Elevation



1 : 100 Rear Elevation



1 : 100 Side Elevation

Proposed elevation plans (no longer to identified scale)

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.

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.

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 planning history for the site found on Nuneaton and Bedworth Borough Council systems. History found on North Warwickshire council systems as 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:

Warwickshire County Council, Environmental Health, North Warwickshire Borough Council, Environment agency and Planning Policy.

CONSULTATION RESPONSES:

No objection subject to conditions from Warwickshire County Council

No response from Environmental Health, Environment Agency and Planning Policy

No objection from North Warwickshire Borough Council

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. 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 cabling 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. 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 principals, merits and drawbacks are largely indifferent between the two authorities.

On balance, the planning recommendation is to support the grant of planning permission subject to there being no objection from the Highway Authority.

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 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.

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.

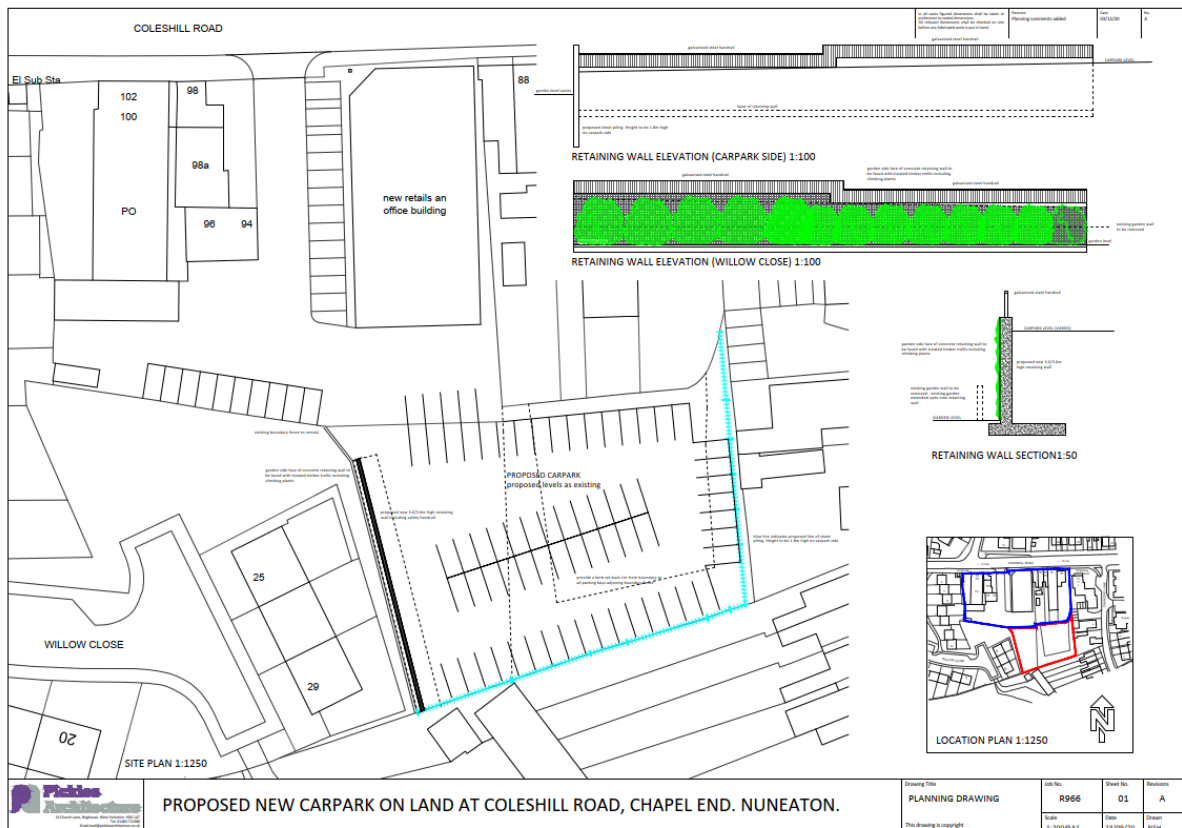
3. The car park hereby approved shall only be in use for the purposes set out in condition (2) during the hours of 0630 to 2230 hours. No vehicles shall be left on the car park outside of these hours other than those directly related to the approved retail use.

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

5. 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.

6. 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.

Location Plan



Appendix D

APPENDIX D

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



REFERENCE No. 038175

Site Address: 43 Watersbridge Gardens Nuneaton Warwickshire CV10 7TA

Description of Development: Cut back to previous pollard point, crown reduction by 30 percent and remove ivy and trim back overhang of trees T1 and T2 of TPO 07 97

Applicant: Mr Michael Lester

Ward: WB

RECOMMENDATION:

Planning Committee is recommended to refuse consent for the description of development above, relating to the works to the trees covered by a TPO stated above, but approve consent of the following description of development works under a split decision:

Cut back to previous pollard point of trees T1 and T2 of TPO 07 97, and remove ivy. The same work to continue every 3-5 years for ongoing maintenance.

INTRODUCTION:

Cut back to previous pollard point, crown reduction by 30 percent and remove ivy and trim back overhang of trees T1 and T2 of TPO 07 97 at 43 Watersbridge Gardens, Nuneaton, Warwickshire, CV10 7TA.

43 Watersbridge Gardens is a detached property which has the highway on one border and the Coventry Canal on the other. It is located at the end of the street, and it situated slightly lower than the other properties which are in line either side of Watersbridge Gardens, but slightly higher than a similar sized property which is located adjacent to 43 Watersbridge Gardens. The trees that are covered by the TPO, are to the rear of the property but can be seen from the street scene. The applicant property and the neighbouring properties are bungalows, which is not consistent with the house type and style which is present on the street.

TPO 07 97 protects 4 trees at the end of the street of Watersbridge Gardens, in the rear gardens of numbers 43 and 45 Watersbridge Gardens. T1 and T2, the trees involved in this application are in the rear garden of number 43 and are Salix Chrysocoma (Weeping Willows) and T3 and T4, which are located in the rear garden of number 45 and are Crataegus Monogya (Hawthorn).

The application is for works to the trees, T1 and T2 which are protected by the TPO 07 97, by cutting them back to the previous pollard point, reducing the crown by 30 percent, removing the ivy from the tree, and trimming back the overhang of the trees.

BACKGROUND:

This application is being reported to Committee as we have received one letter of comment/objection which means, under the constitution, the application must go to committee.

RELEVANT PLANNING HISTORY:

- 032569 Reduce to an approximate height of 9 metres above ground level and reshape to regain crown symmetry to willow tree known as T1 of Tree Preservation Order 7/97 Split Decision- April 2014

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

NBBC Tree Officer and Canal and River Trust

CONSULTATION RESPONSES:

Objection and comments from:
NBBC Tree Officer

No objection from:
Canal and River Trust

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted were 22, 41 and 45 Watersbridge Gardens via a letter on 8th July 2021 and a site notice was erected on street furniture on 8th July 2021 and checked on 15th July 2021.

NEIGHBOUR RESPONSES:

There have been 1 letter of comment/objection from 1 address. This neighbour response supports work to be done to the trees however believes that the work does not go far enough and wants more than a 30% reduction in the size of the trees as it was cut 5-7 years previous and has grown 75% more this neighbour believes.

Further comments are summarized below:

1. Branches fall into our garden
2. Pigeons rest of these branches and the branches that overhang and foul everywhere, particularly on their deck, steps, and path.
3. Lack of sunlight

APPRAISAL:

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

6. Impact on Visual Amenity

7. Impact on Visual Amenity

When assessing proposed works to a tree covered by a TPO the following are considered; 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 trees are in the site of land that is visible from the street of the address, and from the larger highway, Watersbridge Gardens and they can be seen from the canal which flows to the rear of the applicant property. As a result, they provide amenity to the area.

The Canal and River Trust were consulted, as the property does border the Coventry Canal, and they had no objections to the application as long as the canal will not be damaged, and that care was taken that branches did not fall into the canal.

After consultation with the NBBC Tree Officer, the original proposal was not considered acceptable.

The Tree Officer returned the response of:

To re-pollard to established pruning points on a willow (T1 and 2) makes perfect sense. This is usually done to establish knuckles as visible on pollarded limes and planes. Deadwood and Ivy control does not require application - though I would prefer that it did. I recommend considering the benefits of reducing deadwood over removing it – and the same for ivy (for both for the tree and ecology). To have a condition to repeat the pollarding every 3-7 years, as required, is also acceptable. If the tree needs more work to remove overhangs more information would be required to give arboriculture justification – it has been inferred that the original pollarding is acceptable now just as it was previously – can we know what has changed?

As it stands:

Recommendation:

Accept. Pollard to established pruning points – this is to the outside those points as per BS:3998 recommendations. To allow for the same operation to occur until further notice no more than once every 3-5 years.

Reason:

Application suggestions is acceptable. Further works have been suggested but are not to be accepted at this time.

Advice:

Please provide supporting agricultural information to justify additional works.

Overall, it was agreed with the applicant that this would be acceptable and that pollarding the trees labelled as T1 and T2 back to the established points. Furthermore, the condition that this should be repeated or reapplied for every 3-5 years was also acceptable by the applicant.

As the tree officer explains in his response, without further justification the pollarding back to the established pollarding points is perfect for these trees and should be done to establish knuckles as visible on pollard limes and planes. This will also increase and preserve the long-term health of the trees involved and the long-term increase and positive impact to the amenity of the area. After this was presented to the applicant and agent, it was agreed that this would be best moving forward. Therefore, a split decision is appropriate in this instance as there has been insufficient justification that the crown reduction is acceptable and was deemed not acceptable from the tree officer.

8. 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 proposal put forward in this application is for works to the trees, T1 and T2 which are protected by the TPO 07 97, by cutting them back to the previous pollard point, reducing the crown by 30 percent, removing the ivy from the tree, and trimming back the overhang of the trees. However, due to concerns, highlighted by the NBBC Tree Officer, there are concerns which have not had adequate justification attached, in order to overcome these concerns. Mainly, these are the crown reduction and the overhang cuts and as a result the original proposal is not acceptable.

However, the pollarding to the established points is perfect for the amenity and the long-term health of the tree. Furthermore, as mentioned, even though it not covered under the legislation, the removal of the ivy is also considered acceptable and can be done moving forward. Therefore, a split decision, which is an option available, is the recommended for this application. As a result, the new description as mentioned in the recommendation is the description of works which should be accepted and approved.

REASONS FOR SPLIT DECISION:

The refusal of the original description is because insufficient arboricultural evidence has been provided to show adequate justification for the works suggested. Without justification, these works are deemed excessive and against good arboricultural practice.

However, it is considered that some works can be approved as follows:
Cut back to previous pollard point of trees T1 and T2 of TPO 07 97, and remove ivy.
The same work to continue every 3-5 years for ongoing maintenance.

SCHEDULE OF CONDITIONS:

Approval Subject to:

- i) The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 2010).
- ii) The works approved to be carried out within 2 years from the date of consent.

Tree plan, showing trees covered by TPO



Photographs showing Trees labelled T1 and T2





11

Guide to the Use Classes Order in England (from 1 August 2021)

Following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015, our updated two page guide to the Use Classes Order in England brings together all of the 2020 and 2021 changes.

This is intended as an initial reference guide only. Reference must be made to the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for limitations (e.g. floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required (which may include the prior approval of building operations). There have been numerous amendments to these Orders and reference to consolidated versions is recommended.

Use Class (see Comparison with use classes prior to 1 September 2020 overleaf)	Permitted permanent change (Class of Schedule 2, Part 3)
Class B2 General industry Industrial process other than one falling within the uses described in Class E, sub-paragraph (g)	To B8 (PD Class I)
Class B8 Storage and distribution	To C3, subject to prior approval (PD Class P)
Class C1 Hotels Hotels, boarding and guest houses (where no significant element of care is provided)	To a state-funded school falling within Class F.1(a) (PD Class T) (and back to previous lawful use (PD Class U))
Class C2 Residential institutions Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	To a state-funded school falling within Class F.1(a) (PD Class T) (and back to previous lawful use (PD Class U))
Class C2a Secure residential institutions Prisons, young offenders' institutions, detention centres, secure training centres etc.	To a state-funded school falling within Class F.1(a) (PD Class T) (and back to previous lawful use (PD Class U))
Class C3 Dwelling-houses Uses as a dwellinghouse (whether or not as main residence) by: (a) a single person or single household; (b) a single household of not more than 6 residents where care is provided; or (c) a single household of not more than 6 residents where no care is (other than a use within class C4)	To C4 (PD Class L)
Class C4 Houses in Multiple Occupation	To C3 (PD Class L)

Use Class (see Comparison with use classes prior to 1 September 2020 overleaf)	Permitted permanent change (Class of Schedule 2, Part 3)
Class E Commercial, Business and Service Use, or part use, for all or any of the following purposes: a) Shop other than for the sale of hot food b) Food and drink which is mostly consumed on the premises c) the following kinds of services principally to visiting members of the public i. financial services ii. professional services (other than medical services) iii. any other services which it is appropriate to provide in a commercial, business or service locality d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms) e) Medical services not attached to the residence of the practitioner f) Non-residential creche, day centre or nursery g) i) office ii) the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)	To C3, subject to prior approval (PD Class MA) To a mixed use for any purpose within Class E and as up to 2 flats, subject to prior approval (PD Class G) To a mixed use for any purpose within Class E and as up to 2 flats to a use for any purpose Class E (PD Class H) To a state-funded school falling within Class F.1(a) (PD Class T) (and back to previous lawful use (PD Class U))
Class F1 Learning and non-residential institutions Any use not including residential use – a) For the provision of education b) For the display of artwork (not for sale or hire) c) As a museum d) As a public library or public reading room e) As a public hall or exhibition hall f) For, or in connection with, public worship or religious instruction g) As a law court	Temporary changes of use only, see below
Class F2 Local Community Uses a) A shop of not more than 280 square metres, mostly selling essential goods, including food, where there is no other such facility within 1000 metre radius of the shop's location b) Community halls and meeting places c) Outdoor sport or recreation (not involving motorised vehicles or firearms) d) Swimming pool or ice skating rink	No permitted change

Guide to the Use Classes Order in England (from 1 August 2021)

Use Class (see adjacent Comparison with use classes prior to 1 September 2020)	Permitted permanent change (Class of Schedule 2, Part 3)
<p>Sui generis</p> <p>Uses which do not fall within the specified use classes above, including those specifically identified in Article 3(6) of The Town and Country Planning (Use Classes) Order 1987:</p> <p>(a) theatre, (b) amusement arcade or centre, or a funfair, (c) launderette, (d) petrol filling station, (e) sale or display for sale of motor vehicles, (f) taxi business or business for the hire of motor vehicles, (g) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles (h) for any work registrable under the Alkali, etc. Works Regulation Act 1906, (i) hostel, (j) waste disposal installation, (k) retail warehouse club, (l) nightclub, (m) casino, (n) betting office, (o) pay day loan shop, (p) public house, wine bar, or drinking establishment, (q) drinking establishment with expanded food provision, (r) hot food takeaway, (s) live music performance venue, (t) cinema, (u) concert hall, (v) bingo hall, (x) dance hall</p>	<p>Casino, betting office, pay day loan shop or hot food takeaway to Class E, subject to prior notification (PD Class A)</p> <p>Public house, wine bar, or drinking establishment to drinking establishment with expanded food provision - and vice versa (PD Class AA)</p> <p>Betting office, pay day loan shop to a mixed use for any purpose within Class E and as up to 2 flats, subject to prior approval (PD Class G)</p> <p>Betting office or pay day loan shop to a mixed use betting office or pay day loan shop and as up to 2 flats, subject to prior approval (PD Class G)</p> <p>Mixed use betting office or pay day loan shop and as up to 2 flats, to use for any purpose within Class E (PD Class H)</p> <p>Mixed use as a betting office or pay day loan shop and as up to 2 flats to a use as a betting office or pay day loan shop (PD Class H)</p> <p>Launderette; betting office, pay day loan shop, hot food takeaway or one of these uses in a mixed use with a dwellinghouse to dwellinghouse, subject to prior approval (PD Class M)</p> <p>Amusement centre or casino to C3, subject to prior approval (PD Class N)</p>

Additional changes of use	
Agriculture buildings	<p>To C3 (dwelling houses), subject to prior approval (Part 3, Class Q)</p> <p>Flexible changes to B8, C1, E, subject to prior approval: new use is sui generis (Part 3, Class R)</p> <p>To a state-funded school, subject to prior approval (Part 3, Class S)</p>
Temporary change of use	<p>Any building in any Use Class and any land within its curtilage, except use class F.2, can be used as a state-funded school for up to 2 academic years (with limitations and conditions). (Part 4, Class C)</p> <p>Vacant use class C1, C2, C2A, or E land (with all buildings demolished) may be developed to provide temporary school buildings, and the land used as a state-funded school for up to 3 academic years, subject to prior approval, and with limitations and conditions, including that the building must be removed at the end of the third academic year. (Part 4, Class CA)</p> <p>Betting office, pay day loan shop, hot food takeaway or Class E to a flexible use falling within Class E, Class F.1(b) (display of art), Class F.1(c) museum, Class F.1(d) (public library or public reading room); or Class F.1(e) (public hall or exhibition hall), for up to three years continuous (Part 4, Class D)</p> <p>Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food (Part 4, Class DA)</p>

Where planning application made after 5 December, 1988, permitted development rights allow the use to be changed to another use granted permission at the same time for a period of ten years from the date of planning permission, unless consisting of a change of use to a betting office or pay day loan shop: [GPD0 \(2015\) Schedule 2 Part 3 Class V](#).

Comparison with use classes prior to 1 September 2020

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020	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	Hotels, boarding and guest houses	C1	C1
Shop	A1	E	Residential institutions	C2	C2
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Café or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui generis	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui generis	Clinics, health centres, creches, day nurseries, day centre	D1	E
Office other than a use within Class A2	B1a	E	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage or distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

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