

Enquiries to:  
Wendy Bolton

Telephone Committee Services: 024 7637 6000

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 21<sup>st</sup> June, 2019

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the **Council Chamber of the Town Hall, Nuneaton on Tuesday, 2<sup>nd</sup> July, 2019 at 5.00 p.m.**

Public Consultation on planning applications will commence at 5.00 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 W.J. Hancox (Chair).  
Councillor K. Wilson (Vice-Chair).  
Councillors J. Beaumont, S. Gran,  
A. Llewellyn-Nash, I Lloyd,  
B. Longden, B. Pandher, M. Rudkin,  
A. Sargeant, J. Sheppard, R. Smith  
and C. Watkins.

## 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 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 11<sup>th</sup> June, 2019 (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 9)**. 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 13)**

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 13)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**11<sup>th</sup> June, 2019**

A meeting of the Planning Applications Committee was held at the Town Hall, Nuneaton on Tuesday, 11<sup>th</sup> June, 2019.

**Present**

Councillor W. J. Hancox - Chair

Councillors J.B. Beaumont, K. Evans (Substitute for Councillor B. Pandher), S. Gran, A. Llewellyn-Nash, I. Lloyd, B. Longden, M. Rudkin, A. Sargeant, R. Smith and K. Wilson (Vice-Chair).

Apologies: Councillors B. Pandher and J. Sheppard.

PLA06 **Chair's Announcements**

The meeting was being recorded for future broadcast to the public via the Council's website.

PLA07 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 21<sup>st</sup> May, 2019, be confirmed and signed by the Chair.

PLA08 **Declarations of Interest**

The Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

Councillor K. Evans, being a substitute, declared his interests, which were not included on the Schedule.

PLA09 **Declarations of Contact**

None.

**IN PUBLIC SESSION**

PLA10 **Planning Applications**

**(Note: Names of the members of the public who 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.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED  
MATTERS REFERRED TO IN MINUTE PLA10 OF THE PLANNING  
APPLICATIONS COMMITTEE ON 11<sup>TH</sup> JUNE, 2019

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036109: Site 36A002 - Plough Hill Golf Centre, Plough Hill Road, Nuneaton,  
Warwickshire, CV10 9NZ

Erection of 300 dwellings - approval of reserved matters relating to; appearance,  
landscaping, layout and scale following outline approval reference 034600 and  
amended by reference 035732 including diversion of public footpaths N2, N6 and  
N19

Applicant: Countryside Properties UK

**DECISION**

Planning Permission be granted, subject to the conditions printed in the agenda and addendum.

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036218: 24a Princes Avenue, Nuneaton, Warwickshire, CV11 5NU

Description of Development: Variation of condition 5 of permission 035135 to allow  
changes to opening hours

Applicant: Mr Mohammed Labutta

**Speaker: Councillor N. Phillips**

**DECISION**

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

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## Planning Applications Committee Schedule of Declarations of Interests

	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"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Allotments</li> </ul>
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre.	
	S. Gran		Member of Warwickshire County Council.	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Governor at Newdigate Primary and Nursery School, Bedworth. Vice-President of Exhall Multicultural Group.	
	I. Lloyd	Employee of Jaguar Land Rover	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote
	B. Longden		Daughter and son-in-law work in the NHS. Member of the Stockingford Community Centre. Ex-Officiate of the Veterans Contact Point Board.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	B. Pandher	Manager of the Indian Community Centre Association, Coventry	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 of the Exhall Multi-cultural Group.	
	M. Rudkin	Employee of People in Action; Unite the Union	Unite the Union.	
	A. Sargeant		Member of Warwickshire County Council.	
	J. Sheppard		Management Committee Member Mental Health Drop in. 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
	R. Smith		Director of Volunteer Friends, Bulkington. Director of Sevenco Training CIC Ltd. A member of the Board of Directors of Bulkington Village Community and Conference Centre.	
	K.D Wilson	Employee of the courts service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	To speak and vote on any matters related to the Courts Service or related bodies unless the matter directly affects the contract of employment of the Councillor and matters involving Nuneaton and Bedworth Community Enterprises Limited (NABCEL)



**Planning Applications Committee  
Schedule of Declarations of Interests – 2019/2020**

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	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"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Diodiversity Champion</li> <li>• Bulkington Village Centre Project</li> <li>• Nuneaton and Bedworth Older People's Forum</li> <li>• Warwickshire Joint Overview &amp; Scrutiny Committee</li> </ul> Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children</li> </ul>	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox (Chair)		Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> <li>• Hammersley Smith &amp; Orton Charity</li> </ul>	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	A. Llewellyn-Nash	Employee of BMI Healthcare	Representative of the following Outside Bodies: <ul style="list-style-type: none"> <li>Hospice Charity</li> </ul>	
	I. Lloyd	Employee of Jaguar Land Rover	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>Nuneaton &amp; Bedworth Sports Forum</li> <li>Camp Hill Urban Village and Pride in Camp Hill</li> <li>Poor's Piece Charity</li> <li>Committee of Management of Hartshill &amp; Nuneaton Recreation Group</li> </ul>	
	B.J. Longden		Daughter and son-in-law work in the NHS	
			Member of the Stockingford Community Centre	
			Ex-Officiate of the Veterans Contact Point Board	
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>George Eliot Hospital NHS Trust – Public/User Board</li> <li>George Eliot Hospital NHS Foundation Trust Governors</li> <li>Armed Forces Covenant Meeting</li> <li>Astley Charity</li> </ul>	
	B. Pandher	Manager of the Indian Community Centre Association, Coventry	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	
	M. Rudkin	Employee of People in Action	Unite the Union	
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>Bedworth Neighbourhood Watch Committee</li> </ul>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	A. Sargeant		<p>Member of Warwickshire County Council  Chairman of The Nook (Nuneaton) Residents Association.  Chair of Attleborough Community Matters group.  Volunteer at Volunteer Friends Bulkington.</p>	
	J. Sheppard		<p>Partnership member of the Hill Top and Caldwell Big Local.</p> <p>Director of Wembrook Community Centre.</p> <p>Member of the Management Committee at the Mental Health Drop in.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Champion for Safeguarding (Children &amp; Adults)</li> <li>• Local Government Superannuation Scheme Consultative Board</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</li> <li>• West Midland Employers</li> <li>• Nuneaton Neighbour Watch Committee</li> </ul>	<p>Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre</p>
	R. Smith		<p>Director of Volunteer Friends, Bulkington;  Board of Directors at Bulkington Village Community and Conference Centre</p>	
	C.M. Watkins		<p>Representative on the following outside bodies:</p> <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Home Improvement Agency.</li> <li>• Nuneaton and Bedworth Safer and Stronger Communities Partnership.</li> <li>• Safer Warwickshire Partnership Board.</li> <li>• Warwickshire Housing</li> </ul>	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
			Support Partnership. <ul style="list-style-type: none"> <li>• Warwickshire Police and Crime Panel.</li> </ul>	
	K.D. Wilson (Vice-Chair)	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote

**Planning Applications Committee**  
**2<sup>nd</sup> July 2019**

**Applications for Planning Permission etc.**  
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**Planning Applications**

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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		

**Item No. 1**

**REFERENCE No.** 035370

**Site Address:** Site 63A023: 14 - 16 The Square, Nuneaton

**Description of Development:** Erection of 14 assisted living apartments (including demolition of existing buildings)

**Applicant:** Mr John Craddock – Craddock Associates

**Ward:** AT

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**RECOMMENDATION:**

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

**INTRODUCTION:**

Erection of 14 assisted living apartments (including demolition of existing buildings) at Site 63A023 - 14, 15 and 16 The Square, Nuneaton.

The site is currently made up of two buildings separated by a small gap which is overgrown with foliage. The two buildings house numbers 14, 15 and 16 The Square and front on to part of Attleborough Village District Centre.

Number 14 and 15 is in one two storey building which is finished in a mixture of render, pebble-dashing, and some red brick. The roof is hipped on the two-storey section closest to the road at the front, and then there is a gabled roof to the two-storey section to the rear of the site. There is a mixture of tiles to this building ranging from slate, to clay tiles and some corrugated concrete tiles.

Number 16 is a double fronted, two-storey building with a long flat roof extension to the front which was added at some point in the past. The main two-storey section of the building is built of red brick, with stone detailing around the windows, chimneys and two-storey bay windows to the front. Some of the first floor elements are obscured from the road by the long single storey, flat roof extension. The flat roof element is also made of red brick, albeit a more modern variety, with a shop frontage and signage area facing the road.

Opposite the use is a range of shops and other commercial uses all found within the Attleborough Village District Centre.

Next to the site to the south, is the Fox Inn, and to the other side Attleborough Liberal Club, which are both A4 drinking establishments. To the side and some of the rear there are some properties which front on to George Street, such as

The Village Pantry, and Charliz. Which are single storey flat roof commercial buildings.

To the rear of the site is a small access road leading off George Street. This contains some parking and access to the industrial factory use to the west of the site.

### **BACKGROUND:**

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

The application is being brought back to Committee since the applicant has sought a reduction in planning obligations for Sports Development.

### **RELEVANT PLANNING HISTORY:**

- None relevant

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Parks and Countryside, NBBC Environmental Housing, NHS Property Services, Severn Trent Water, Warwickshire Police, WCC Infrastructure, WCC Flood Risk Team, WCC Archaeology, WCC Highways.

### **CONSULTATION RESPONSES:**

No objection subject to conditions:

NBBC Parks & Countryside, WCC Highways, NBBC Environmental Health, WCC Flood Risk Team

No objection from:

George Eliot Hospital Trust, Warwickshire Archaeology, NBBC Sports Development

No response from:

Severn Trent Water, Warwickshire Police, NHS Property Services, WCC Highways, NBBC Environmental Housing

### **NEIGHBOURS NOTIFIED:**

Attleborough Liberal Club, Attleborough Angling Centre, 14-16, 14, 16, "Terry's Gents Hairdressers" 17 Bull Street; Flat 1-4 Attleborough Arcade, "GAPS Services Ltd.", "The Village Pantry" 4, "Stylish Curtains", "Terry's Bed Centre"

1, "Aphrodite" 2, "Charliz" 3, George Street; "The Aromas Spices" 4, 7a, The Green; Flat 1 The Royal Oak, The Royal Oak, "Mark Jarvis Racing" 1, 1A, "Mrs Parkers" 2, 3, "Nuneaton Dance Centre" 6, "Post Office" 7, "Wedge Industrial Roofing" 7A, 8, , 16a, "Millennium Balti" 8C, "Jolly's" 8A, "Hair by Robert" 8B, 8-8a, "Athena Windows" 10, 14, "Active Live UK" 16, 16A, The Fox Inn, The Square;

Neighbouring properties were sent letters notifying them of the proposed development on 26<sup>th</sup> January 2018. A site notice was erected on street furniture on 5<sup>th</sup> February 2018 and the application was advertised in The Nuneaton News on 7<sup>th</sup> February 2018.

## **NEIGHBOUR RESPONSES:**

None.

## **APPRAISAL:**

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

1. The Principle of Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Highway Safety and Parking
5. Flooding and Drainage
6. Noise
7. Planning Obligations
8. Conclusion

### **1. The Principle of Development**

At the heart of the National Planning policy Framework (NPPF) is the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions, leading to a presumption in favour of sustainable development. In dealing with planning applications this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- a. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal here is for 14 assisted living apartments, and as such although this type of housing does not make up the majority of the need, it is part of the need.

The site is designated as a non-strategic housing site within the e Borough Plan in policy DS5 (reference NUN258) with the guideline amount of dwellings shown as 11. This scheme proposes 14 assisted living units, this is not



massively over the predicted 11 units, being just 3 more, in the plan and is considered consistent with the ethos of this non-strategic housing site and this again carries significant weight in favour of the proposal.

The proposed development of 14 assisted living flats including the demolition of the buildings currently on site, would constitute development on previously developed land. Previously developed land, often referred to as 'Brownfield Land', is defined within Annex 2: Glossary of the NPPF as; "Land which is or was occupied by a permanent structure, including the curtilage of the developed land". The land subject of the application site would be classed as such.

The development of this land for residential purposes, especially for assisted living which is a growing need in the Borough, is considered to be an appropriate use of the land. The surrounding area has a good deal of commercial uses in with some residential uses scattered around and is within the Attleborough Village District Centre. The site is also in relatively close proximity to the Nuneaton Town Centre which brings added benefits such as the shorter walking distance to shops and facilities, the increased links to the rest of the Borough and further afield with bus routes and other means of sustainable means of transport such as the railway station, and the added benefits to sustainable living that these afford.

It is also pertinent to mention that this site is within the urban area, and as such it is preferential to site new development within the urban area first before extending beyond the settlement area. Given that the site is Brownfield land, there is a presumption in favour of development here, as there is a presumption in favour of sustainable development. The principle of the development in this location is acceptable. These factors therefore weigh significantly in favour of the application.

## **2. Impact on Residential Amenity**

Policy BE3 of the Borough Plan requires development to comply with Supplementary Planning Guidance and allows for consideration of the Residential Design Guide. Paragraph 9 of this guide provides clear guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 17 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

### *Impact on Neighbouring Properties*

There are some windows at first floor level in the business premises opposite the site (above the Post Office and Jolly's), it does not appear that there are residential properties at first floor however, although it has not been possible to ascertain this in certainty. These is around 24m from the proposed two-storey development and the buildings opposite which complies with adopted distance standards in any case, so there are no concerns over the potential impact on residential amenity.

There is a flat over the Fox Inn Public House, which has an obscure glazed side facing window to a bathroom, and a side facing, secondary, bedroom window. This bedroom is also served by a larger window which is within the rear elevation of the property, from which a 60 degree line is not breached and therefore distance standards are met.

There are several other surrounding residential uses, but these are mainly in the form of flats over shops and other retail premises at some distance from the proposal so there are no significant concerns over the impact on other residential properties.

#### *The Proposed Flats*

The distance standards set out with the Residential Design Guide 2004 all appear to be met when considering the newly proposed apartments and houses. Section 9.2, 9.4 and 9.6 all are adhered to. The distances between newly proposed windows, and other windows (both proposed and original) all appear to adhere to the guidance within the RDG2004.

### **3. Impact on Visual Amenity**

The proposed assisted living apartment building will sit, unattached, on the fairly prominent curved road where The Square meets Bull Street. The proposal is to be two-storeys and would primarily face forward on to The Square, but the side elevation will also be visible since it will sit forward of the nearby Club.

The building will come quite close to the road, especially as the road turns, but the two-storey massing if the build should not become overbearing.

The ridgeline of the proposed flats is slightly higher than its neighbours, but not to such a degree that this would cause significant harm.

The frontage of the proposed apartments will have a relatively logical fenestration, with openings lining up vertically and horizontally. There is a small amount of cill detail proposed but no headers, a storm porch over the entrance door and the plans show red facing brickwork. There is also to be a contrasting darker detailing brick string course which will add interest to the elevation.

The side elevation facing on to Bull Street will include two large sections of brick work, with windows placed centrally, and exposed chimneys at the ridge line of the side gables. There is a lot of brickwork on display here, but given the placement and orientation, it is considered that the exposed side elevation should just carry enough interest.

Overall it is considered that the proposal complies with the design guidance in the Residential Design Guide 2004, and that although the development is large, and relatively prominent considering the buildings it replaces, this massing is not considered to be significantly detrimental to the visual amenity of the area.

#### **4. Highway Safety and Parking**

The car parking area is proposed to be to the rear of the proposed building. This access off George Street will give a vehicular means of entry to the car parking at the rear of the site.

Warwickshire County Council Highways have no objection to the proposal subject to conditions relating to the access and a bin store, pedestrian access and kerb way and some pedestrian movement improvements which are to be agreed in a scheme submitted to them.

The car park will have 9 spaces, and given the proximity to the Attleborough Green Centre, and the nearby public car park this is considered sufficient.

It is therefore considered that Officers have no concerns over the impact on highway safety or the free flow of traffic, and that any minimal impact would be mitigated by conditions and the harm would therefore not be significantly detrimental to highway safety.

#### **5. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 155-163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk.

In respect of the above, the applicant has not submitted a Flood Risk Assessment and is not required to do so by the NPPF. The site is not within a Flood Risk Zone and therefore the Environment Agency were not consulted.

WCC Land Drainage and Flood Risk Team were consulted and have responded with no objection to the scheme.

It is considered that there would be no unacceptable harm on flooding or land drainage as a result of the scheme.

#### **6. Noise**

Paragraph 180 of the NPPF outlines that 'Planning policies and decisions should aim to 'avoid noise giving rise to significant adverse impacts on health and the quality of life'.

The application was assessed by the Council's Environmental Health Team and they have requested that a condition be placed on the approval which requires details of a noise attenuation scheme to be submitted and approved in writing prior to development. This condition is felt to be acceptable as it meets with the test for conditions contained with the NPPF and the National Planning Practice Guidance (NPPG).

It is therefore considered that any significant harm to residential amenity of the new occupiers of noise from the surrounding area would be adequately mitigated by the addition of these conditions.

## 7. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable (paragraph 203). However, paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2012 makes it clear 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.

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	£11,519.04	This includes a 50% reduction over the full request to take in to account the type of use as assisted living apartments – accepted by the applicant
<b>NBBC Sports Development</b>	Monies for the provision and improvement of sports	<b>£17,470</b>	Accepted by the applicant.
<b>George Eliot Hospital Trust</b>	Monies for additional staff provision to support George Eliot Hospital	£3,363	Accepted by the applicant.

It is considered that this is compliant with the CIL regulations and the tests of planning obligations.

The applicant has negotiated with NBBC Sports Development for a reduction in the Sports Development contribution given the use is for assisted living and this will reduce any additional pressure on sports facilities. They are now asking for £17,470 – and this has been agreed by NBBC Officers and the applicant.

## 8. Conclusion

In conclusion national guidance carries a presumption in favour of development unless there are clear reasons why permission should not be granted. The site is a non-strategic site in the emerging plan, which although not adopted carries

some weight given the stage at which it is at and the lack of objections to this particular policy.

There are clear merits to this proposal, and only very minimal harm which can be overcome with conditions, and therefore the proposal is recommended for approval.

### **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
Layout Plan	3772-05F	1st April 2019
Elevations	3772-06E	1st April 2019

3. Notwithstanding the approved plans, no development shall commence until full details and samples of materials (including any bricks, tiles, headers and cills (or similar)), 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 a noise attenuation scheme to meet the standard for internal \* and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 (including glazing and ventilation details) has first been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with approved details and the recommendations in Table 11 in section 12 of the Noise.co.uk Noise Report No 18698-1

\*including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise.

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 take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local

Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.

b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.

c. 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.

These details must include confirmation of the actual vortex flow control device to be used, with confirmation from the manufacturer that the stated flow control of 1l/s (at the design head) can be achieved without risk of blockage. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

d. 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.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

f. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA. This should include specific details on how the risk of blockage within the surface water system will be minimised and managed in the event of a blockage to minimise any flood risk.

7. The development shall not be occupied until space has been provided and marked out within the site for the access to the site by and the parking of cars, and a bin store constructed, in accordance with drawing number 3772-05f. These facilities shall thereafter be available for those purposes at all times while the development is occupied.

8. 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 kerb and footway have been reinstated.

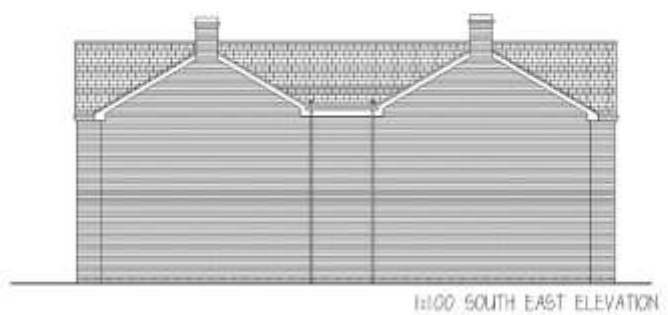
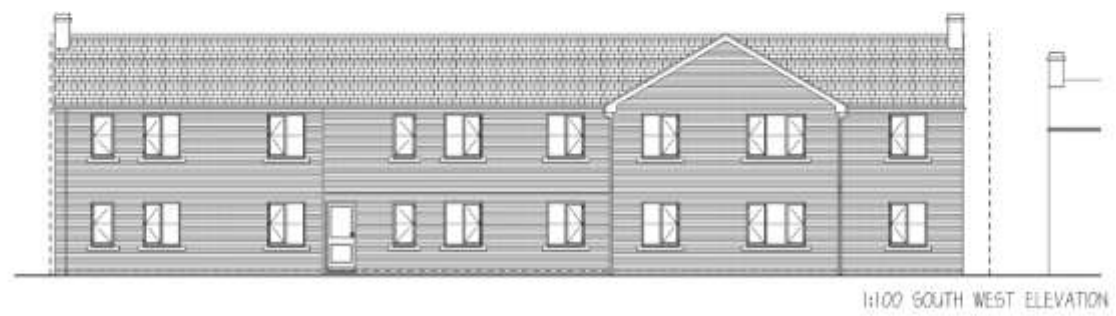
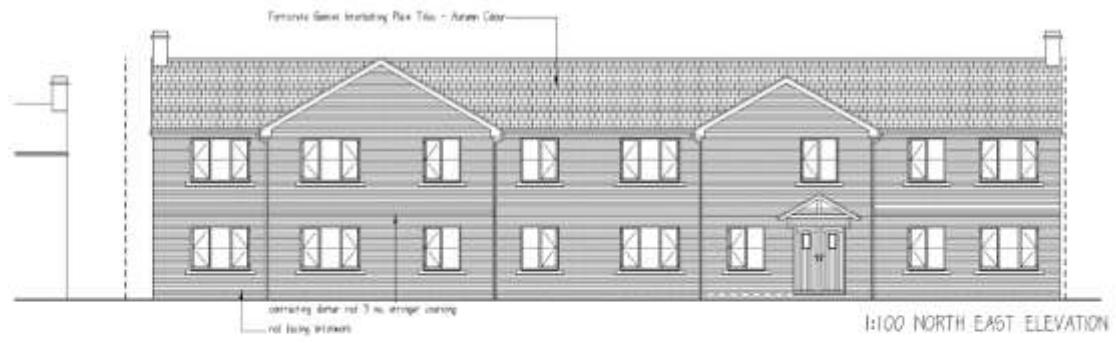
9. The development shall not be occupied until the public highways D1368 The Square / The Green and D1379 Garrett Street have been improved so as to provide for improved awareness of and pedestrian facilities (such as highway lining, tactile paving and signage) for vulnerable highway users in the vicinity of

the application site in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority.

10. No development shall take place, including any site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period and to prevent construction traffic parking on adjacent roads. The Statement shall provide for:

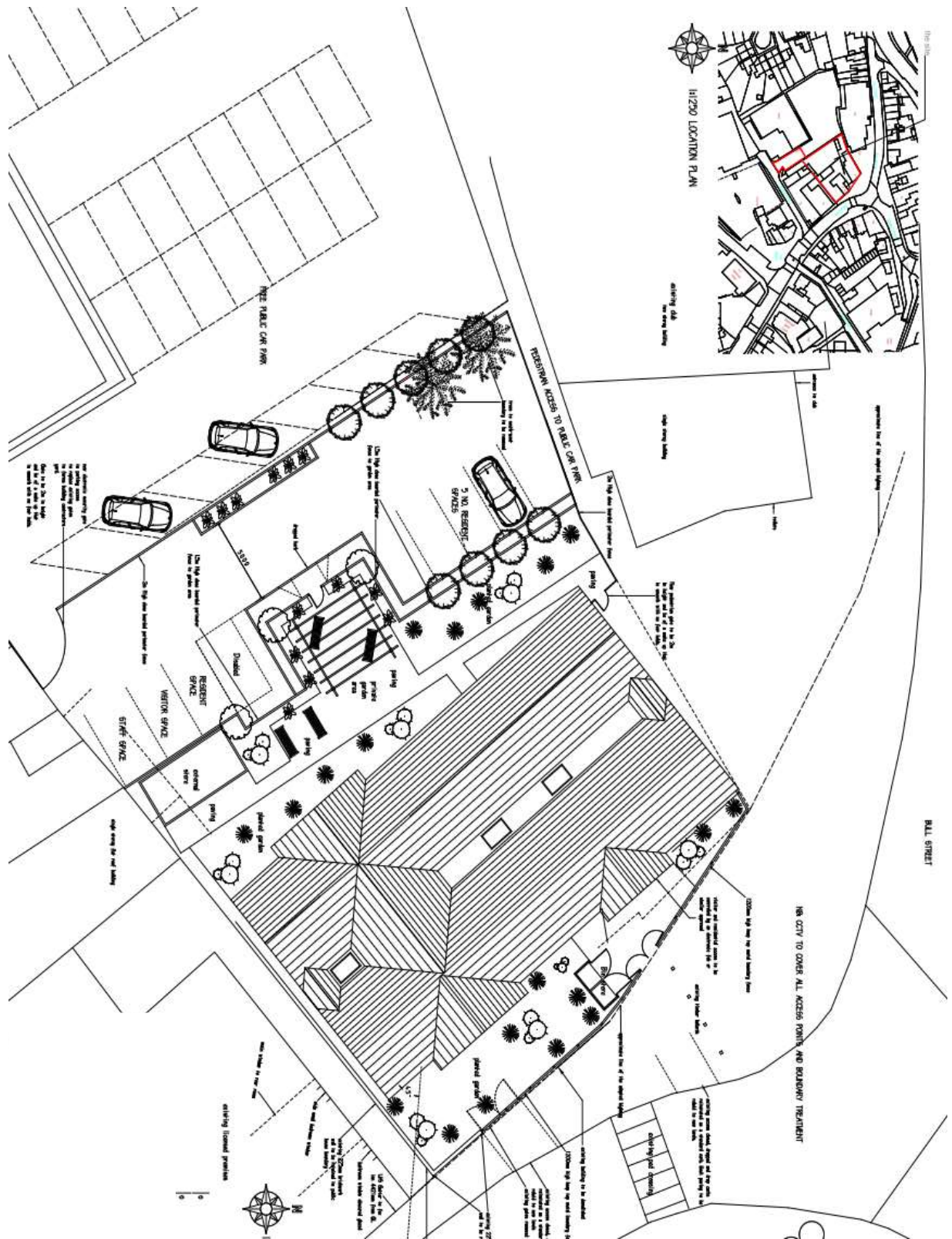
- a. The details of the construction access to the site.
- b. The routing and parking of construction traffic, vehicles of site operatives and visitors;
- c. Hours of work;
- d. Loading and unloading of plant and materials;
- e. Storage of plant and materials used in constructing the development;
- f. Facilities for keeping the adjacent roads clean of extraneous materials.
- g. Measures to control the emission of dust and dirt during construction

11. The bin store shown on plan 3772-05F shall not be constructed until details of its appearance have been submitted to and approved in writing by the Council.



Elevations





Site Layout

# PLANNING APPLICATIONS

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## Item No. 2

**REFERENCE No.** 036107

**Site Address:** 24 Wolvey Road Bulkington Bedworth CV12 9JU

**Description of Development:** Proposed first floor rear extension to provide partly enclosed balcony

**Applicant:** Mr Paul Burkinshaw

**Ward:** BU

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Proposed first floor rear extension over existing ground floor extension to provide partly enclosed first floor balcony at 24 Wolvey Road, Bulkington.

24 Wolvey Road is a semi-detached bungalow which has been extended to create a loft conversion (carried out under permitted development rights); a dormer window to the front and a single storey extension to the rear carried out under an approved application.

The property is separated from 22 Wolvey Road by its own and number 22's driveways (both single width). 22 Wolvey Road is also a semi-detached bungalow but of a slightly different design to 24 Wolvey Road. Number 22 has side facing windows, one is towards the front of the property serving a bedroom, one in the middle serving a bathroom and one towards the rear serving a kitchen. The kitchen has been extended as a through room with a dining area to the rear which has two separate windows serving it. However the configuration of the room means that the dining area is separated from the kitchen area by some internal walls and therefore the windows each serve distinct parts of the room. The side facing window overlooking the drive and towards the proposal is the original kitchen window. All the properties are elevated above the road. There is two steps down into the rear of 22 from the drive way.

Number 26 is the attached property to the proposal and has been extended to the rear with a small flat roof area to the kitchen. Its sole kitchen window is to the rear but is not the original window. Whilst the garden is laid to lawn; the main sitting out area is beyond the garage and shed and is currently quite a private semi enclosed area.

The proposed balcony would be sited on top of the flat roof single-storey extension at the rear of the property. The proposal will not extend across the entire flat roof extension. It is to be set in from the party wall boundary with number 26 by 0.67m and

set in from the from the edge of the single storey extension closest to number 22 by 1.04m. This means it is approximately 7.5m from the original side kitchen window of number 22. It is set in from the rear wall of the ground floor extension it sites on by 0.58m.

The material for the two side walls of the proposal are to be a cement fibre exterior cladding or a lightweight timber panel. The balcony element of the proposal is to rear and which faces onto the garden and is to be a low level glass wall, similar to the existing Juliet balcony at the property.

### **RELEVANT PLANNING HISTORY:**

034559 Rebuilding garden wall and brick additions to front. Conditional Approval. 31/01/2017.

034388 Proposed rear balcony. Refused under delegated powers 16/03/2017. Dismissed at Written Representatives Appeal. Ref APP/W3710/D/17/3174066. 01/09/17.

033997 Balcony over existing rear extension. Refused 29/06/16.

033391 Dormer window to front, single storey extension to rear approved subject to conditions dated 29<sup>th</sup> June 2015

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004.

### **CONSULTEES NOTIFIED:**

None

### **CONSULTATION RESPONSES:**

None

### **NEIGHBOURS NOTIFIED:**

22, 26, 28 & 30 Wolvey Road, 22 Milner Close Bulkington.

Neighbouring properties were sent letters notifying them of the proposed development on 15<sup>th</sup> April 2019.

### **NEIGHBOUR RESPONSES:**

There have been 3 objections from 3 addresses. The comments are summarised below;

1. Too dominant and overbearing and not in keeping with other bungalows in terms of character and appearance.
2. A bungalow has been turned into a two storey house.

3. Existing extensions already provide loss of privacy to neighbouring gardens. Proposal will exacerbate this with people able to sit on a balcony overlooking others gardens and into people's properties.
4. Enforcement action had to be taken for the previous extension which was not built to the approved plans. The latest proposal is to achieve the same aim as wanted previously.
5. Will reduce natural light to inside of neighbouring properties and to rear garden.
6. An open balcony could cause noise and light disturbance due to social gatherings
7. Will set precedent.
8. No different to what was previously refused.

Submitted with the application were 16 letters of support from 16 addresses (none of which are from immediate neighbours and which include comments from residents in Bulkington, Bedworth, Wolvey, Coventry and beyond).

The comments stated:

1. I have examined the plans and know the site well. Would like to confirm that I offer my full support for the above proposal.

## **APPRAISAL:**

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

1. Impact on visual amenity.
2. Impact on residential amenity.
3. Conclusion.

### **1. Impact on Visual Amenity.**

Comments have been received that the proposal would be out of character with the surrounding environment. A number of properties within the vicinity have benefited from extensions and conservatories, but there are no balcony developments within the immediate context. The proposed balcony will largely only be seen from gardens and not be highly visible from any public vantage points, apart from the end of Milner Close but this is over 35m away. Whilst the materials will be significantly different to the usual roof tiles found at roof height along this row of properties, it is not considered that there is any significant harm caused in visual amenity terms from the character and materials of the proposal in this location.

### **2. Impact on Residential Amenity**

The proposed balcony is to be enclosed fully to the sides with a pitched roof at the same height as the existing roof so there will be no direct overlooking out of the sides of the structure. However, the proposal, would introduce an elevated and projecting vantage point from the flat roof of the rear extension affording its users a more open and elevated view from the rear down across neighbouring gardens.

A previous refused application was refused and went to Appeal. On this previous application paragraph 9.4 of the RDG was referred to in order to assess the application. This paragraph states that windows above first floor should be at least 7m away from boundaries with other properties in order to protect privacy. The Inspector discounted this policy in his Appeal (APP/W3710/D/17/3174066) (paragraph 6) as he considered the guidance was not directly relevant in this instance.

On the same Appeal the Inspector (paragraphs 7 and 8) stated:

“7. I consider that the overlooking of neighbouring garden areas is another significant consequence of forming the balcony. The use of these areas would become uncomfortable if one was aware of being overlooked by someone sitting on a nearby roof. In my view, the loss of privacy would affect both numbers 22 and 26, even though there is no objection from the latter and the effect on that property is not cited in the officer’s report. The effect on No 28 would be less because of the greater distance from the balcony but there would still be some effect, particularly through the perceived loss of privacy.

8. I am satisfied that the overall loss of privacy caused by the proposal would conflict with the objectives of saved policy ENV14 in the Nuneaton and Bedworth Borough Local Plan 2006 and would be sufficient to justify the refusal of permission. This conclusion holds even if the effect on No 26 is discounted.

Whilst Policy ENV14 is no longer saved, the new Borough Plan still refers to local Supplementary Documents at policy BE3.

This previous application was fully open on all three sides as the balcony was proposed to be made from a wire handrail and balusters; whilst the current application is enclosed on two sides. Therefore the previous refusal was due to the loss of privacy to the side window of number 22 as well as general overlooking to gardens. However, it is considered that the Inspectors comments still stand in relation to loss of privacy to the gardens.

As the Inspector has already considered that paragraph 9.4 is not appropriate to use for this proposal there is no appropriate guidance that refers specifically to this type of situation in the RDG. However paragraph 9.1 of the RDG states that the way buildings relate to each other must be taken into consideration for both existing and future residents and apply to both new development and extensions. This paragraph states that:

“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. The following standards of amenity can be used flexibly, depending on house layout and on site circumstances such as orientation, window, ceiling and roof height, levels, garden size and shape. The standards are appropriate to both extensions and new residential development. With regard to the latter, care should be taken to provide scope for later extensions and alterations that will not erode these standards.”

It is therefore considered that the loss of privacy to neighbouring gardens is still a consideration and relevant reason for refusal.

*Impact on 22 Wolvey Road.*

Number 22 Wolvey Road has a side original kitchen window facing the proposed balcony. This is located only 6.5m away from the building but 7.5m from the proposed external walls and eaves of the balcony. The Council’s RDG paragraph 9.5 states that there should be a distance of 14m from a primary habitable window to a wall which is a storey higher to protect the sense of enclosure and loss of light.

An assessment was made from this neighbour's kitchen looking out of this affected window and there is no doubt that the existing single storey extension and existing pitched roof rear dormer already severely restricts views from this window. The only current views are above these elements and above the existing original front pitched roof of the applicant's bungalow. The roof height of the proposal is to be the same as the existing ridge of the bungalow and it is considered that the proposal would provide an unacceptable impact to this window in terms of sense of enclosure and loss of views and also loss of light from the east, all to a level which is detrimental to the living conditions of the occupiers of this neighbouring property.

#### *Impact on 26 Wolvey Road*

This property is the attached neighbour. It has had a small kitchen extension to the rear so the rear primary kitchen window is not original and so cannot be protected as set out in the RDG paragraph 9.2.

The proposal's first floor side wall and roof will extend approximately 1m beyond this neighbour's extension. In terms of sense of enclosure and loss of light to the nearest amenity space beyond this kitchen extension, the RDG states that a first floor extension on the boundary may be acceptable up to 3m in depth (paragraph 9.6). Therefore whilst there is no doubt that due to its western orientation to this garden there will be some sense of enclosure it is considered acceptable in terms of the RDG. This is especially so as the garden is long and its main sitting out area is further down the garden. Therefore, it is not considered that the proposal will unduly impact on this property in terms of loss of light or sense of enclosure to a level that would warrant a refusal.

#### *Impact on 28 Wolvey Road*

In relation to number 28 Wolvey Road, the curtilage of this property is 9.5 metres from the proposal. The Inspector on the previous Appeal (paragraph 7) considered that in the previous instance there:

“would be still some effect, particularly through the perceived loss of privacy.”  
However in the same paragraph, the Inspector recognised that:

“the effect would be less because of the greater distance from the balcony..”  
Due to the proposed new sides and roof introduced in the latest proposal, it is considered that the new application reduces the impact to that property whilst recognising there will still be some perceived overlooking.

The NPPF paragraph 127 states.

Planning policies and decisions should ensure that developments:

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal does not comply with this paragraph as it is considered that the extension will be detrimental to the amenity of existing occupiers.

### **3. Conclusion**

In conclusion, the NPPF and RDG all refer to the protection of private amenity space and residential amenity within properties. 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 this case the reference is to the RDG.

Whilst the enclosing of the sides will prevent direct overlooking to number 22's original side kitchen window, it will in turn provide a sense of enclosure to this window with the associated loss of views and light; to the detriment of the amenity to the kitchen area of this neighbouring property.

It is considered that whilst enclosing the sides of the balcony will mean there is no loss of privacy immediately at the boundary to neighbours; there will still be a loss of privacy to the wider garden areas of these neighbouring properties to the detriment of the neighbour's enjoyment of their private amenity space.

In light of these observations it is considered that the proposal would be contrary to the NPPF and Policy BE3 of the adopted Borough Plan 2011 – 2031 which refers to supplementary planning documents which in this case is the Council's RDG paragraphs 9.1, 9.2 and 9.5 and NPPF paragraph 127.

## **REASONS FOR REFUSAL**

1(i) The NPPF paragraph 124 states (in part):

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The NPPF Paragraph 127 states (in part):

"Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

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

Development proposals must be:

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

Urban character

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

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

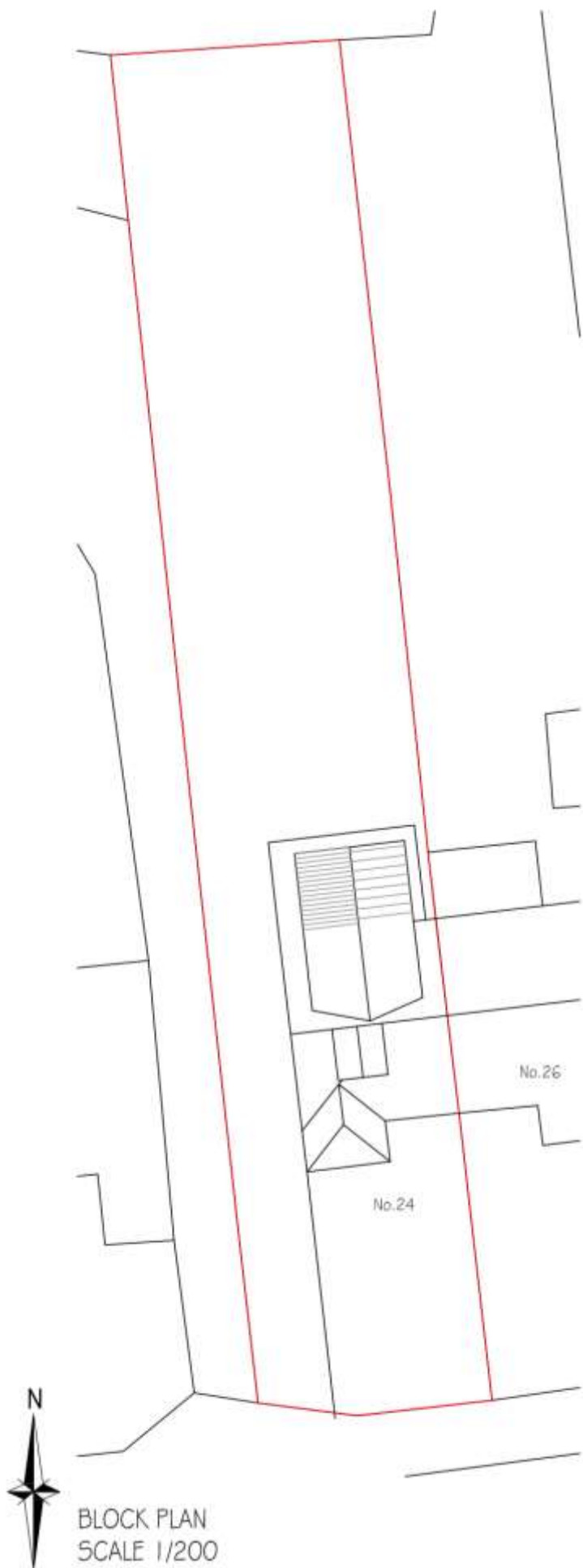
(ii) The proposal is contrary to this policy in that the proposed balcony will result in a significant sense of enclosure and loss of light and views to the original side facing kitchen window of 22 Wolvey Road. This is to the detriment of the residential amenity within this neighbours kitchen. (Contrary to guidance contained in paragraphs 9.1, 9.2 and 9.5 of the Residential Design Guide 2004).

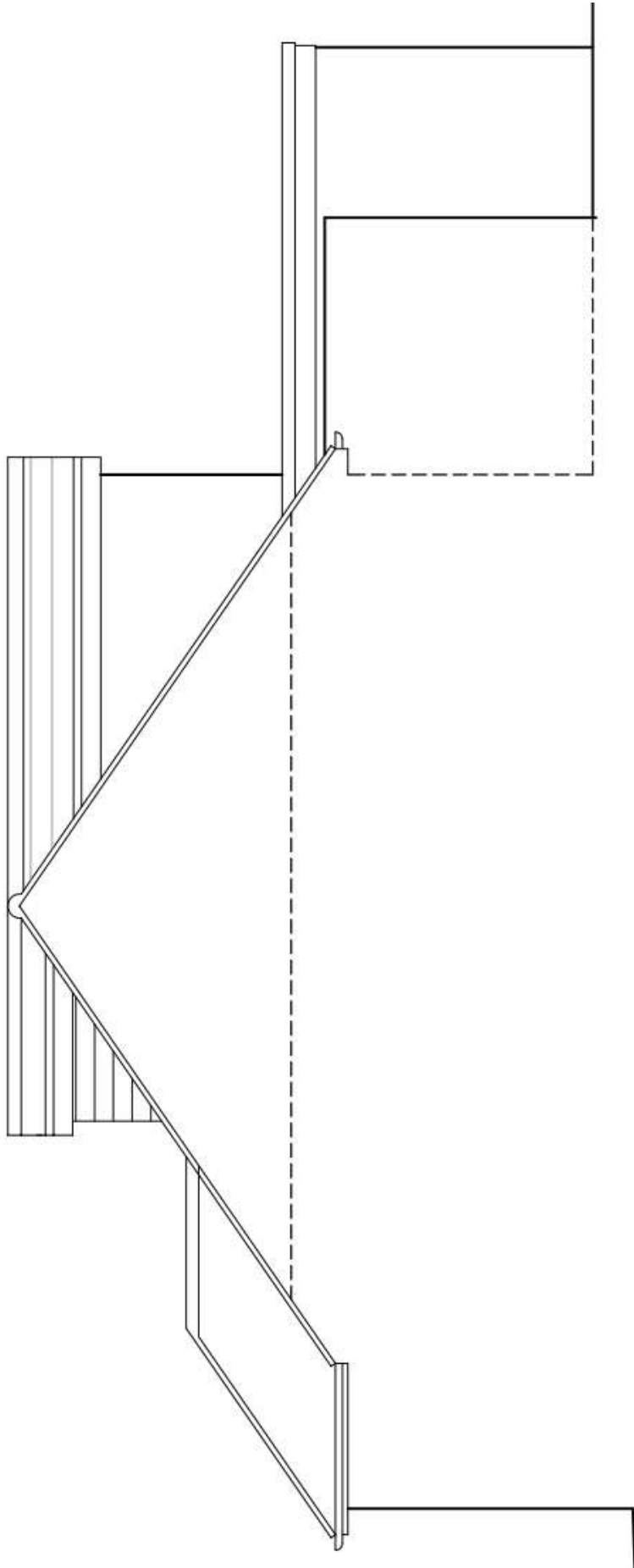
(iii) The proposal is contrary to this policy in that the proposed balcony will result in a sense of overlooking and loss of privacy to the rear gardens of 22 and 26 Wolvey Road to the detriment of the enjoyment of these gardens. (Contrary to guidance contained in paragraphs 9.1 of the Residential Design Guide 2004).





Location Plan

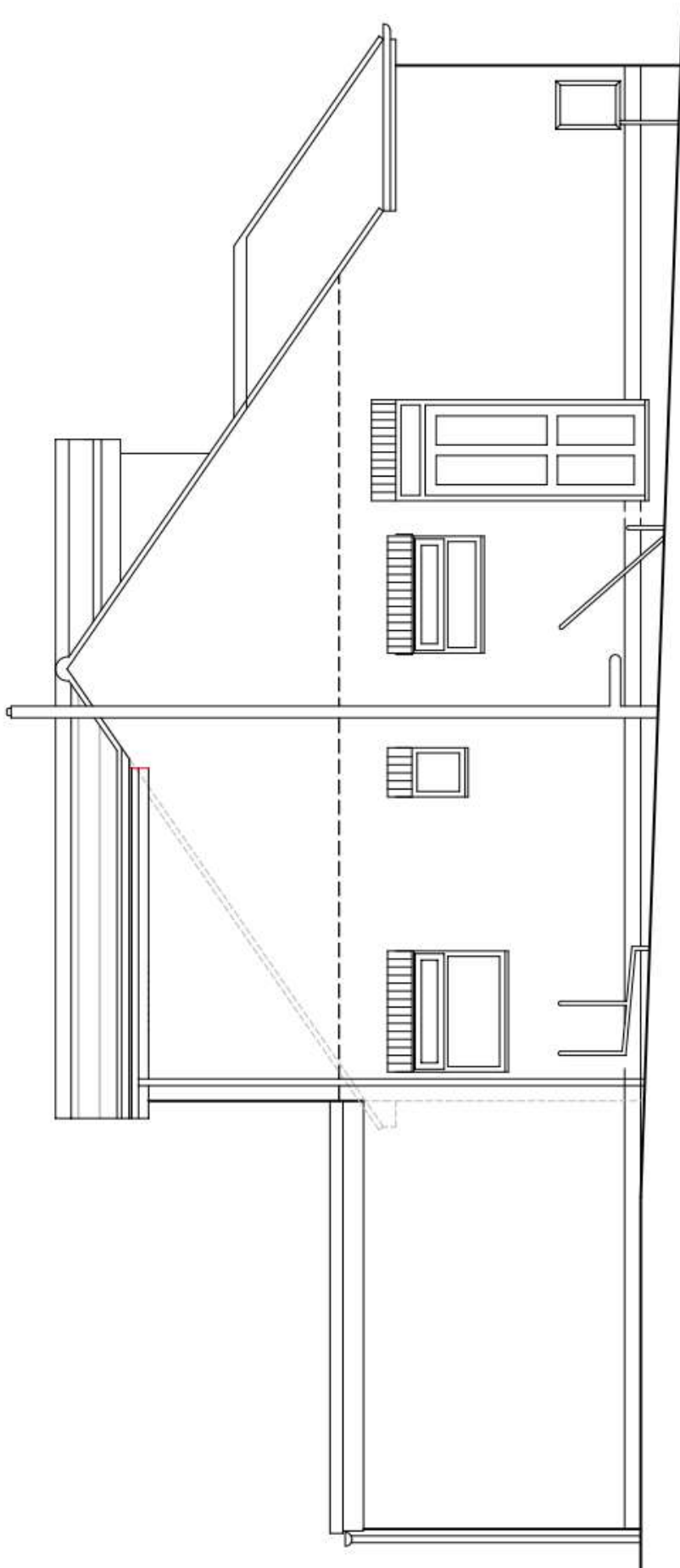




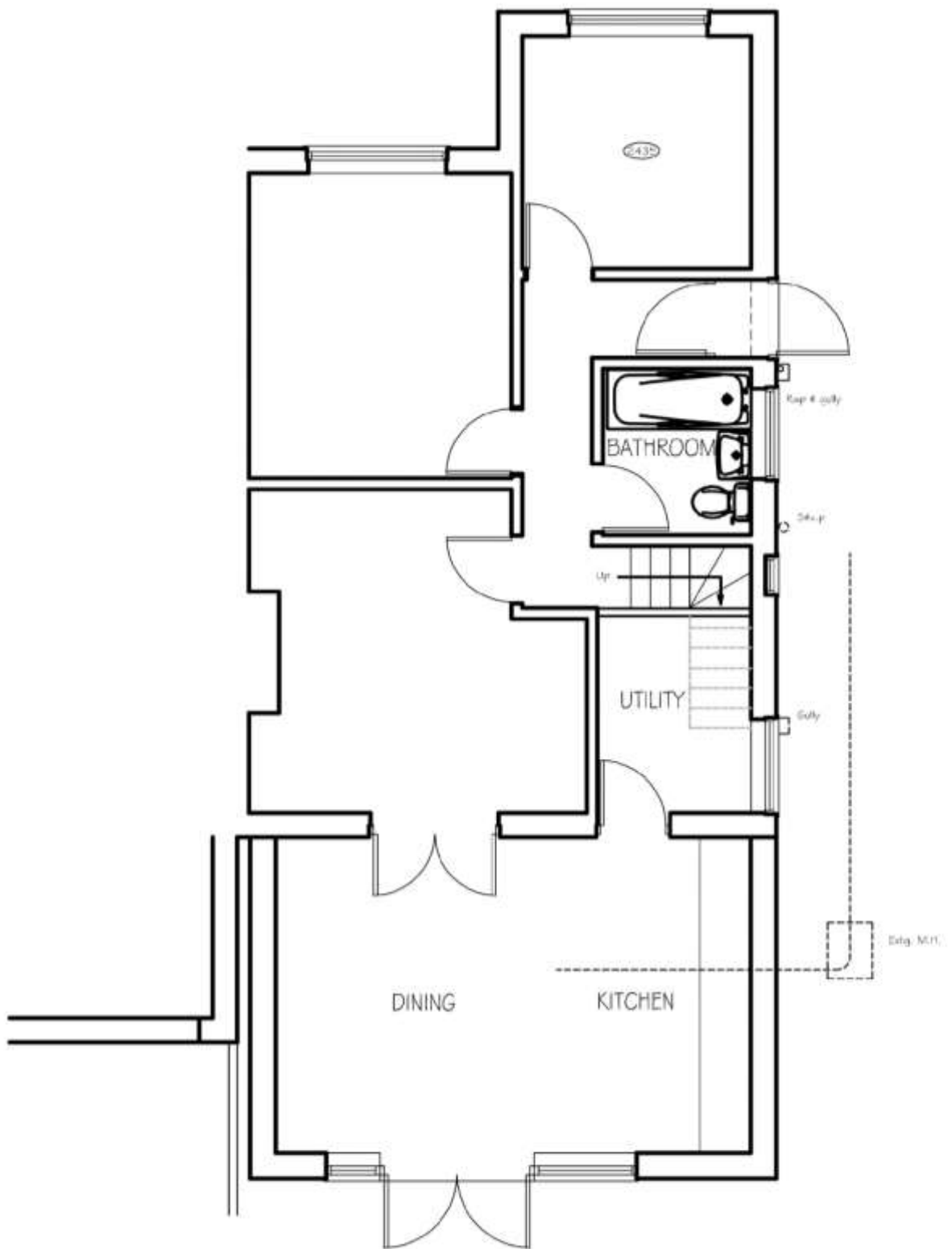
Existing Side Elevation to number 26



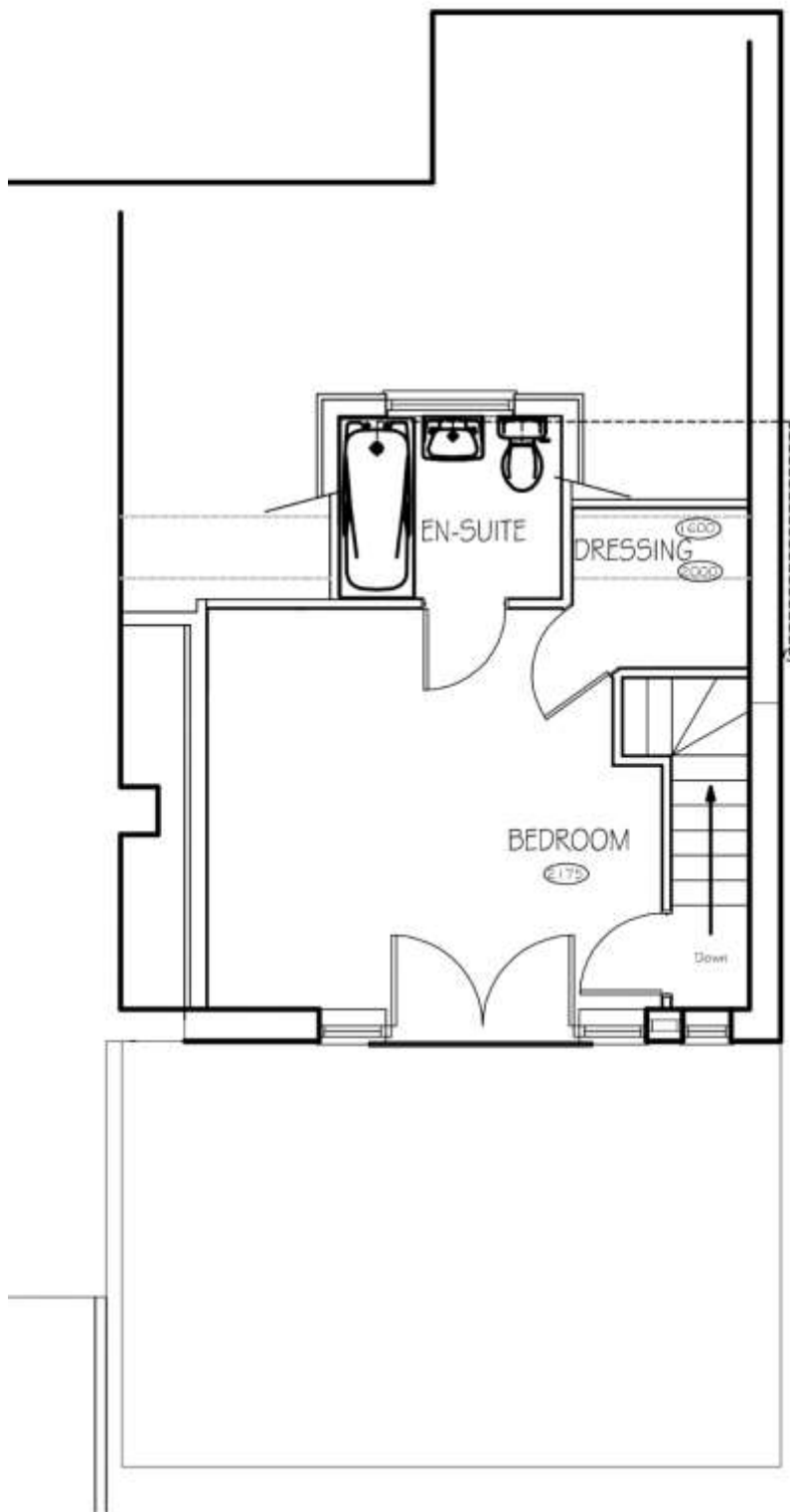
Existing Rear Elevation



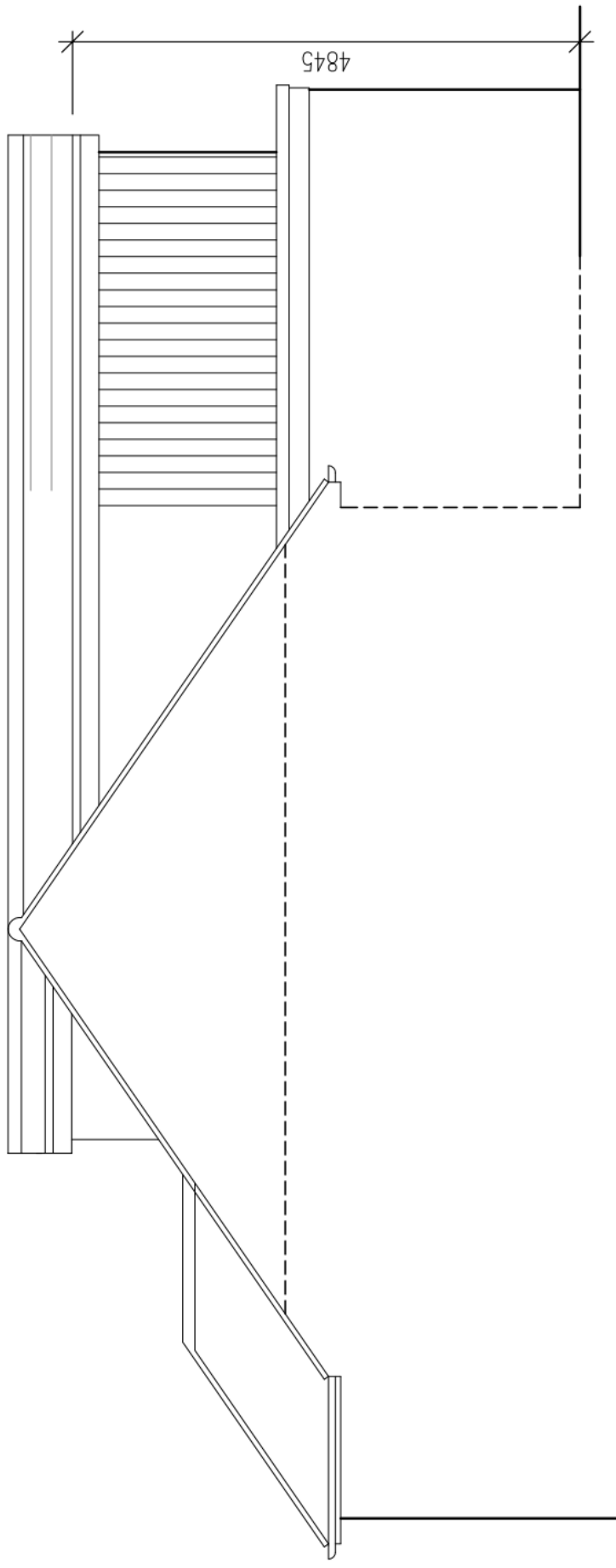
Existing Side Elevation to number 22.



Existing Ground Floor Plan

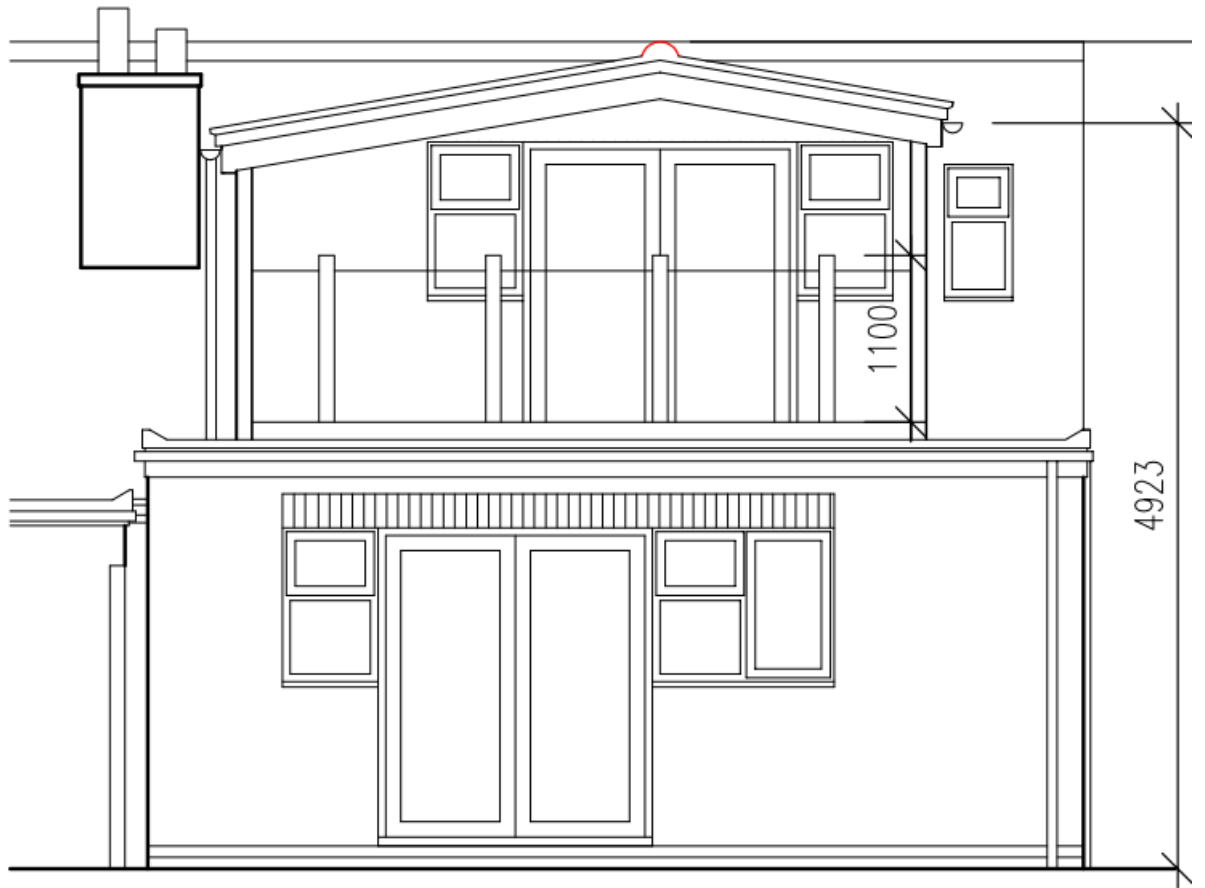


Existing First Floor Plan

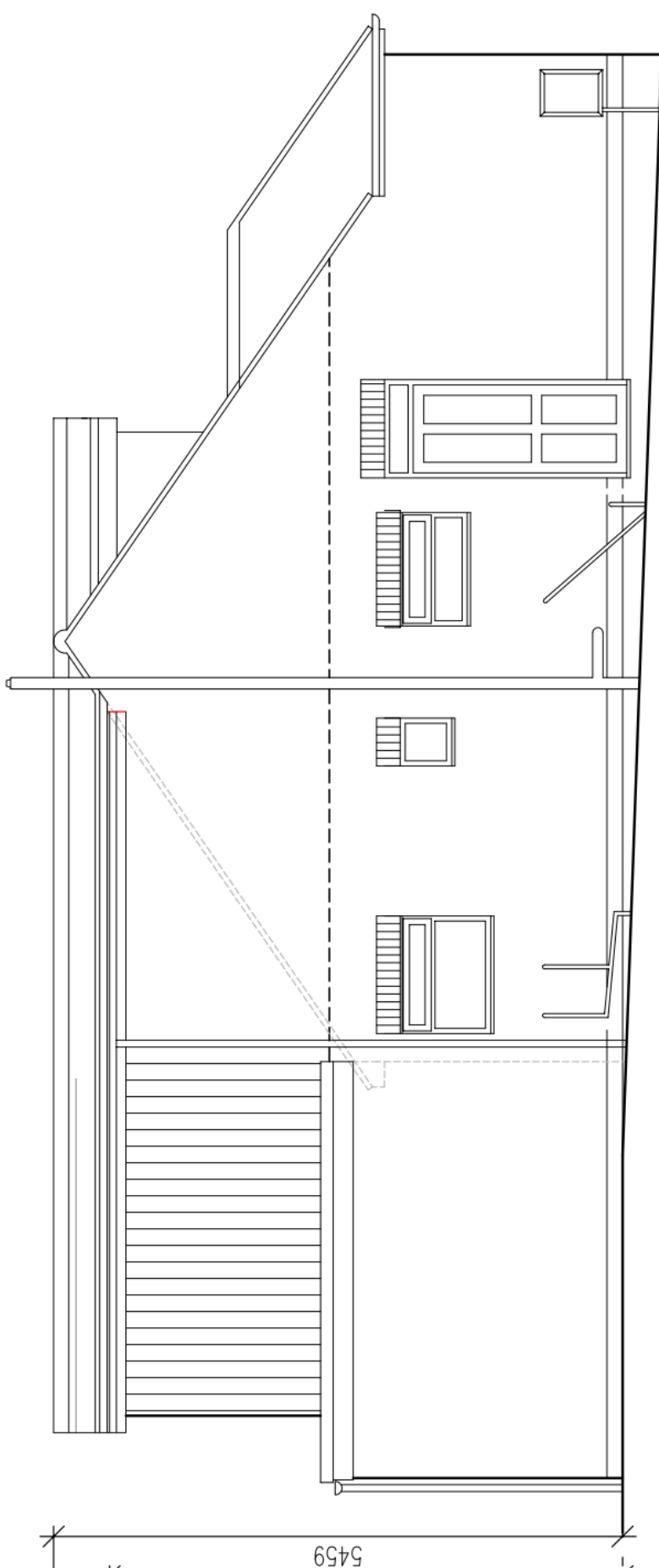


Proposed Side Elevation to number 26

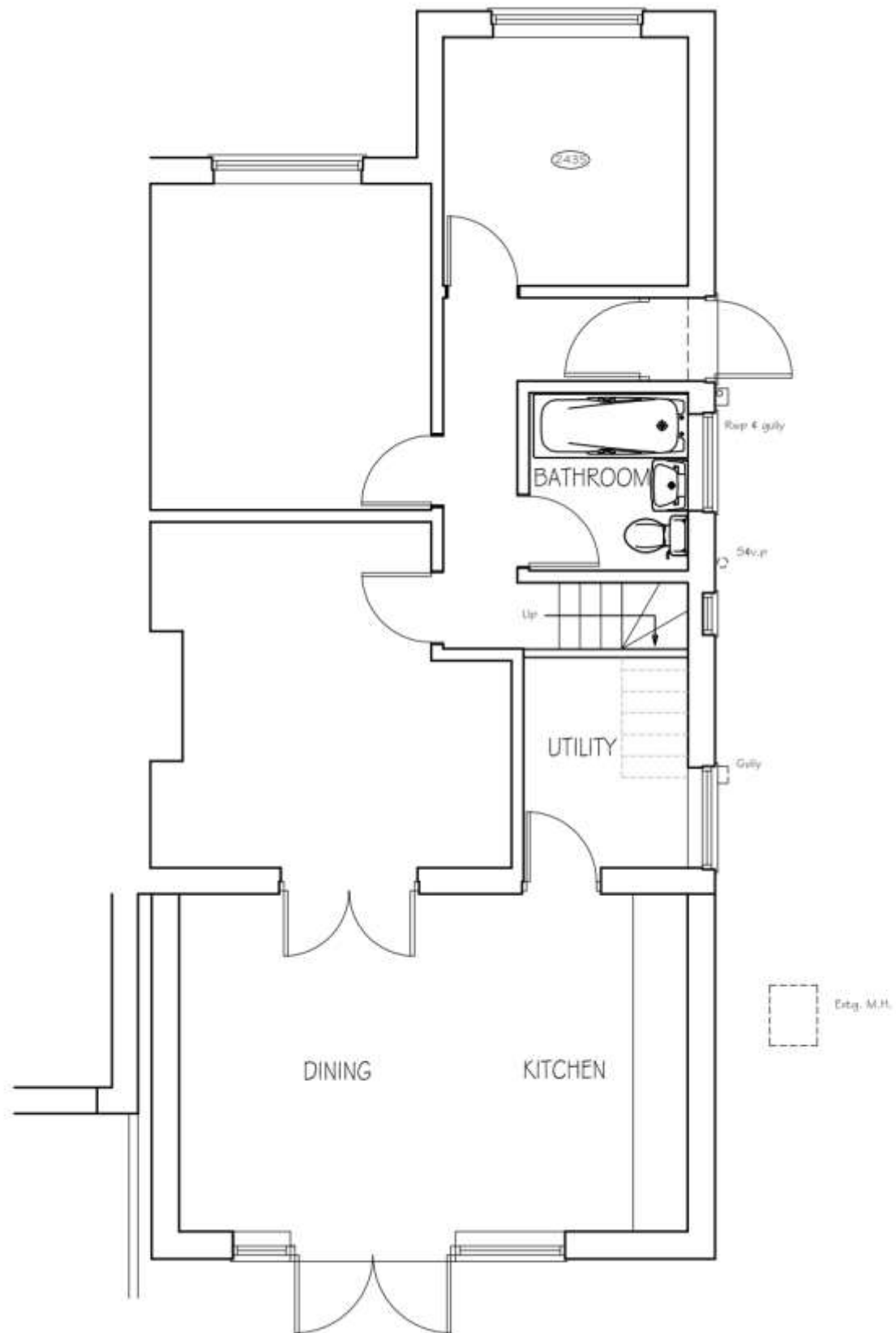




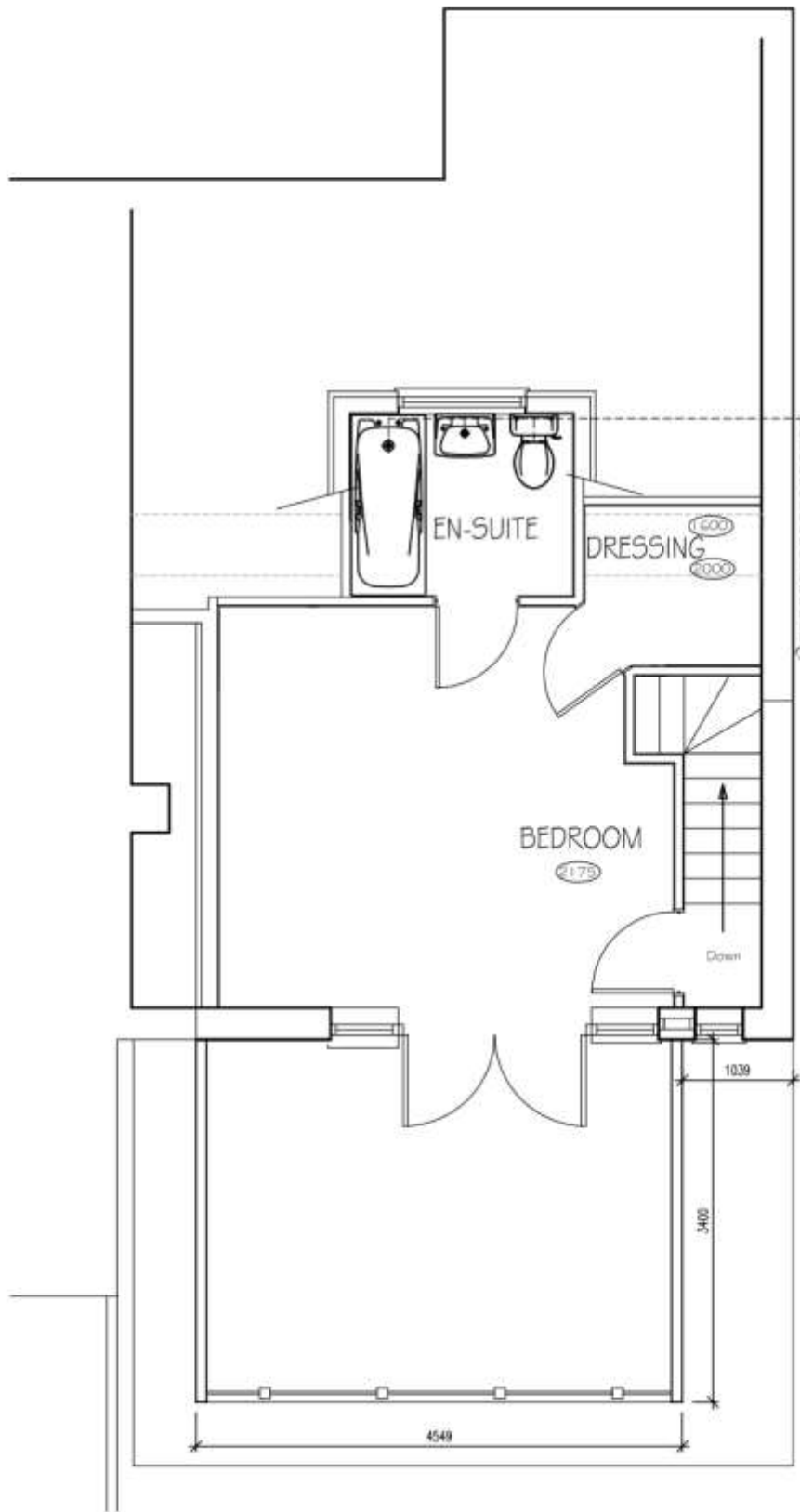
Proposed Rear Elevation



Proposed Side Elevation to number 22.



Proposed Ground Floor Plan



Proposed First Floor Plan

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## Item No. 3

**REFERENCE No.** 036169

**Site Address:** G&R Scaffolding, Unit 2, Coventry Road, Exhall, CV7 9FU

**Description of Development:** Proposed raising of eaves and roof height of existing building and installation of new window openings

**Applicant:** Glen McFall

**Ward:** EX

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Erection of attached two storey house at Unit 2, Coventry Road, Exhall, Coventry, CV7 9FU.

This application is for the recently built industrial building on the former site of The Black Horse Inn which is in a fairly prominent location on the corner of Blackhorse Road and Coventry Road, Exhall.

The industrial unit is constructed of buff brick, and steel cladding with a gabled roof which is also corrugated steel. A row of windows at ground floor level face outward on to Coventry Road/Longford Road.

Land levels drop as one travels south along Coventry Road passing the site.

The car park exits on to Longford Road, and is constructed of a bound material. The site is bounded by green powder coated palisade fencing.

There are several nearby industrial uses such as AeroCom and Loades Eco Parc, as well as Grovelands Industrial Estate. There is one nearby residential use at 1 Blackhorse Road.

### **BACKGROUND:**

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

### **RELEVANT PLANNING HISTORY:**

- 034045 – Erection of B8 industrial unit – Approved 12<sup>th</sup> October 2016

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG)
- Nuneaton and Bedworth Borough Plan 2019:

- DS1 – Presumption in favour of sustainable development
- BE3 – Sustainable design and Construction
- Residential Design Guide 2004.

### **CONSULTEES NOTIFIED:**

Bedworth Society, Hawkesbury Village Residents Association, NBBC Planning Policy, WCC Highways,

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

WCC Highways

No response from:

Bedworth Society, Hawkesbury Village Residents Association NBBC Planning Policy,

### **NEIGHBOURS NOTIFIED:**

'Aerocom', 1, 59, 200 Blackhorse Road, Exhall; 30 Aspen Drive, Longford; 8 Brockenhurst Way, Longford; 'Listers Skoda' Coventry Road, Exhall; 16 Maple Avenue, Exhall; 21 Narrowboat Close, Longford; 12 Park View Close, Exhall.

Neighbouring properties were sent letters notifying them of the proposed development on 18<sup>th</sup> February 2019.

### **NEIGHBOUR RESPONSES:**

There had been 1 objection from 1 address, and another anonymous objection raising the following points:

- 1) Existing building dominates the corner
- 2) The building is for light industry
- 3) There is no landscaping to screen views

### **APPRAISAL:**

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

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

#### **1. The Principle of Development**

The proposal is to raise the eave and ridge height of the existing building to enable the building to offer training on site (ancillary to the existing use) for apprentice scaffolders and for a 5 yearly refresher course which is mandatory for all scaffolders. The Planning Statement accompanying the application states that; "*a Prefabricated Access Suppliers and Manufacturers Association ('PASMA') course must be undertaken to be able to work with scaffolding, and as such accessibility to this training is key for the business. The PASMA course is a practical site-based course and requires a platform height of 10 metres.*"

The applicant asserts that there is a lack of training centres nationally, and that there are often difficulties in recruiting apprentices and younger workers. The training offered would be accredited by the Construction Industry Scaffolders Record Scheme ('CISRS'). The proposed development would allow an existing business in the area to expand and improve as well as having regional significance by creating another training centre to add to the 9 other centres across the country.

Policy E1 of Borough Plan encourages the creation of education establishments. This proposal would not make the site a training use per se, but it would introduce a training element to the existing use as a scaffolding storage warehouse.

The proposal would allow an existing business to expand in terms of diversification, and will likely bring more jobs and opportunities to the area.

The proposal is to raise half of the whole roof up, and raise the eave and ridge line to 10.69m and 12.02m respectively. This is to allow an internal clearance of 10m and would create an additional circa 1000 cubic metres of space.

In principle the use and the proposed growth of the business is acceptable since the training would be ancillary to the main use of the building and the intensification of this use, at least in principle, carries weight in favour of the scheme.

## **2. Impact on Visual Amenity**

The existing industrial building is sited on quite a prominent corner, that of Blackhorse Road and Coventry Road/Longford Road. The building is set back from Coventry Road by around 4m (reducing to 2m), and comes within 5m of the boundary on the Blackhorse Road side, but the proposed roof extension will not increase the footprint of the building.

The proposal is to lift the ridge height of the building up to 12m and the eave to just over 10m and this would be on the side set furthest from Coventry Road/Longford Road, and run along the side closest to the boundary with AeroCom.

On the other more exposed side of the building, closest to Coventry Road, which currently has windows at ground floor it is proposed to have windows at first floor and roof lights in the roof slope. The new openings are considered acceptable.

From the street surrounding the site the new ridge and eave height will appear unusual, and viewed against the backdrop of the rest of the industrial estate will not look too out of place. The most concerning views would be travelling south on Longford Road, and particularly west along Blackhorse Road. AeroCom, The Skoda garage and 1 Blackhorse Road are all relatively low rise, with the residential property being a dormer bungalow and AeroCom being set back by around 20m from the road which would further serve to expose the large proposed extension to the roof heights.

The proposed extension would cause some harm to the visual amenity of the area, and because of some of the lower rise neighbouring sites it will appear incongruous in the street scene and the 12m ridge would create a prominent and obtrusive feature.

This impact on visual amenity weighs against the proposal and is considered to be significant enough to warrant refusal.

### **3. Impact on Residential Amenity**

There are no nearby residential properties which will be affected by the scheme, 1 Blackhorse Road is the closest to the site. The new raised ridge and end elevation would be almost opposite the house, but this is some 30m from the site, over a road, so this means that distance standards within the Residential Design Guide 2004 (RDG2004) are met (section 9.0 of the RDG2004 is particularly relevant to this), and that there should be no unacceptable detriment to the residential amenity of this property.

### **4. Impact on Highway Safety**

WCC Highways have no objection to the scheme subject to the inclusion of conditions covering the laying out of a vehicular access to the site and the erection of gates within the site to allow for vehicles to wait off the highway.

It is considered by officers that if these conditions were imposed then there would be no additional harm to highway safety.

### **5. Conclusion**

In conclusion the scheme is clearly a balanced one, on the one hand great weight has been applied to the economic and social benefits of the additional training facilities which will help a local business to grow. On the other hand though there is a fairly significant impact on the visual amenity of the area.

On balance it is considered that the harm on the visual amenities of the area, by way of incongruity is significant and outweighs the clear benefits which the scheme would bring.

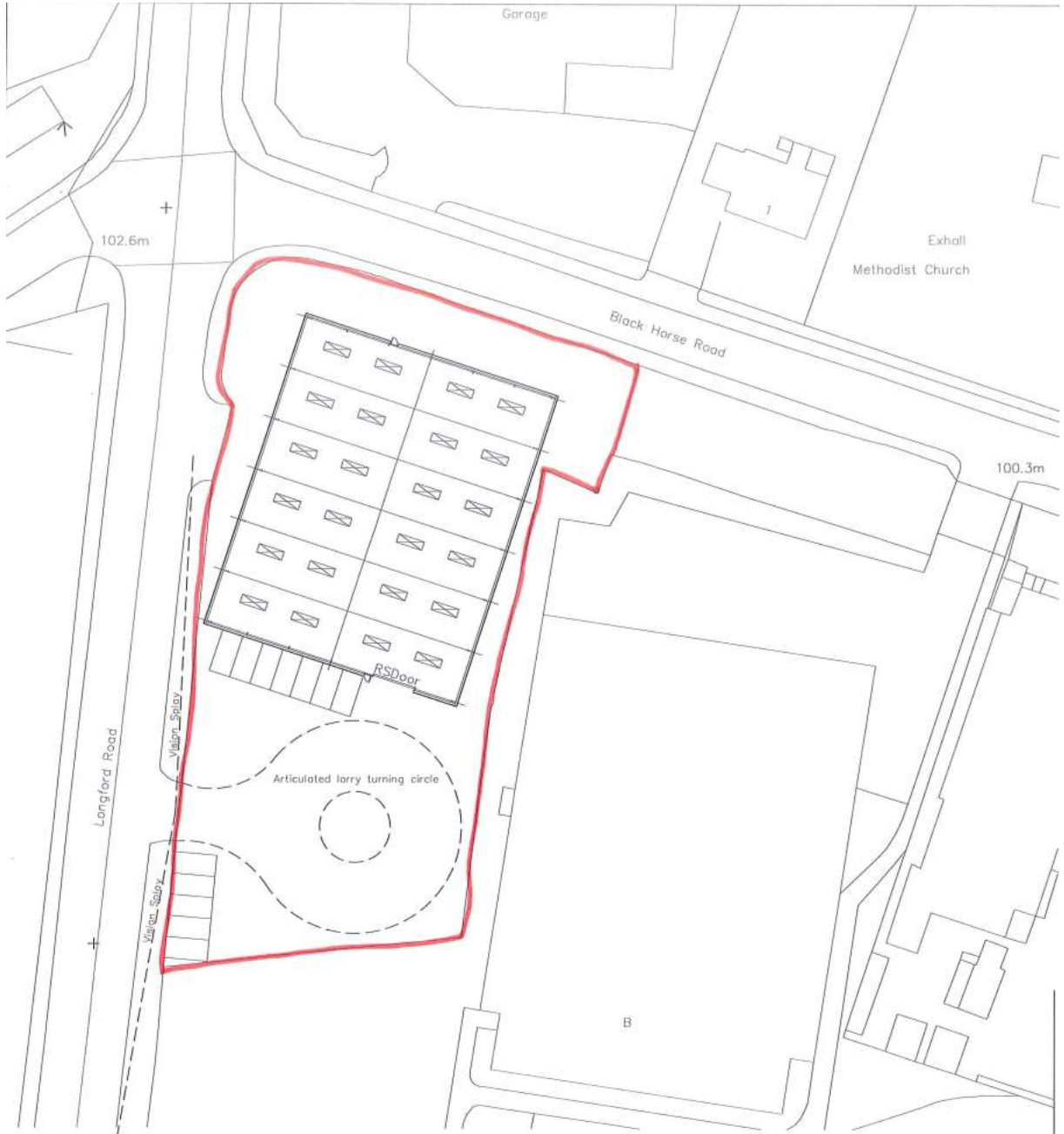
### **REASONS FOR REFUSAL:**

1 (i) Policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 states (in part):-  
Development proposals must be:

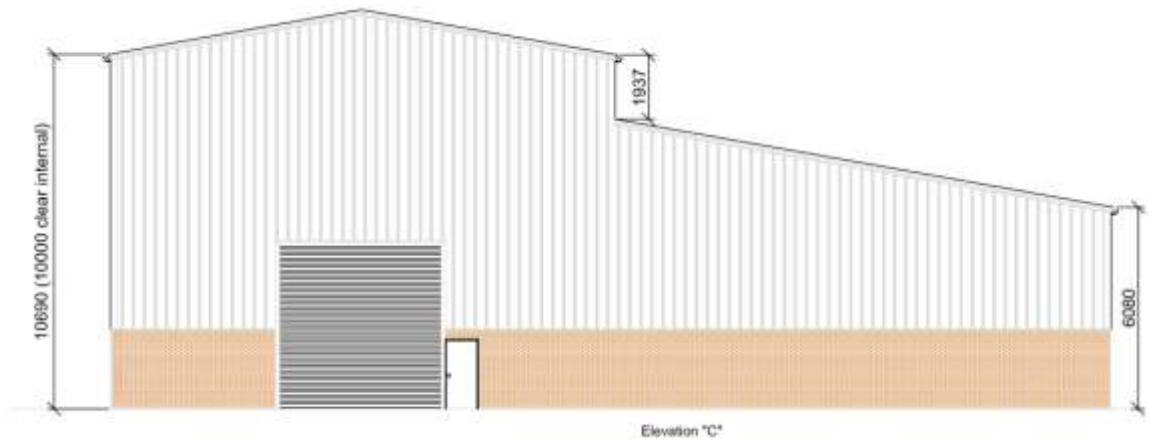
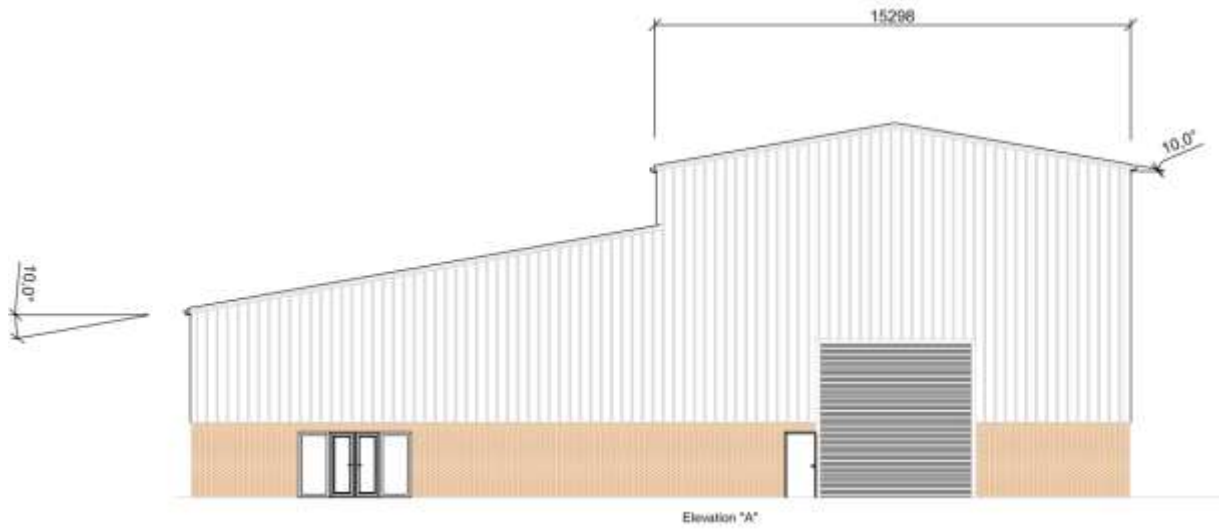
- a) Designed to a high standard.
- b) Able to accommodate the changing needs of occupants
- c) Adaptable to, and minimise the impact of climate change

(ii) The proposal is contrary to this policy in that the design of the extensions would create an unacceptable and incongruous feature in the street scene to the detriment of the visual amenity of the area.

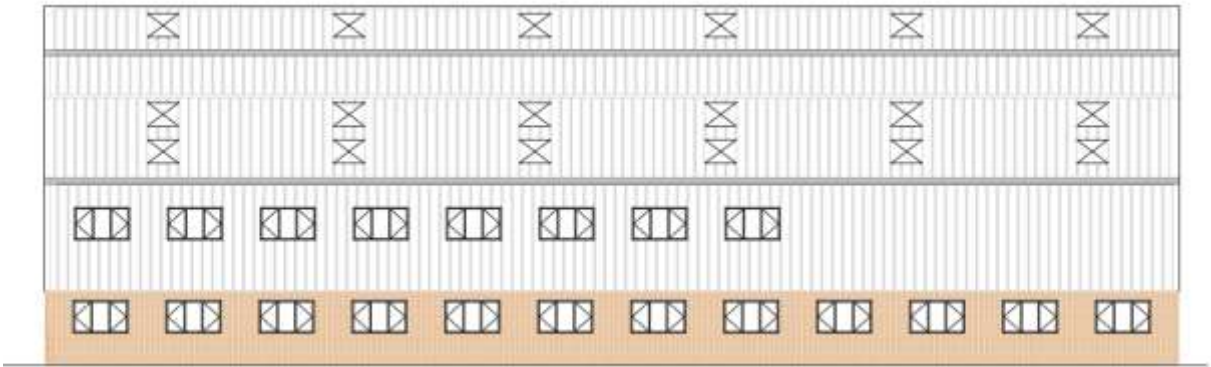




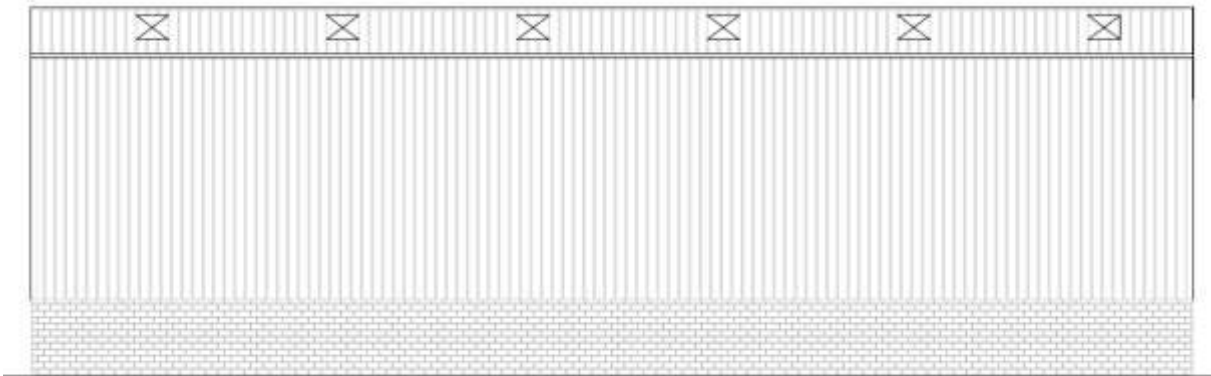
Application site



Elevations



Elevation "B"



Elevation "D"

Elevations

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## Item No. 4

**REFERENCE No.** 036087

**Site Address:** Site 37B015 - Camphill Phase 3 parts 4 and 6 Queen Elizabeth Road Nuneaton.

**Description of Development:** Application for variation of condition (schedule of approved plans) following grant of planning permission 034128 (and as amended by 034669). Variation is to amend some of the proposed gabled roofs to hipped roofs and removal of three visitor parking bays on Queen Elizabeth Road.

**Applicant:** Mr L Webb, Barratt Homes.

**Ward:** CH.

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### **RECOMMENDATION:**

Planning Committee is recommended to grant the variation of condition, subject to the conditions as printed.

### **INTRODUCTION:**

Application for the variation of a condition following grant of planning permission reference 034128. The variation is to amend some of the proposed dwelling roof types from gable to hipped roofs and the removal of three visitor parking bays on Queen Elizabeth Road. The site is off Queen Elizabeth Road, Camp Hill, Nuneaton.

The application site is located in Camp Hill and forms part of the wider regeneration area currently being managed by the Pride in Camp Hill Partnership. This site is within Phase 3 parts 4 and 6 of the larger regeneration project and is to the South of Queen Elizabeth Road and encompasses part of Whittleford Park which was approved under the Outline approval. The Phase is currently under construction.

The removal of three visitor parking spaces on Queen Elizabeth Road is at the request of WCC Highways as these spaces affect the visibility of traffic pulling out of the development onto Queen Elizabeth Road. The problem with the parking spaces was not recognised by Highways when the original scheme was approved or on Technical Review for the Section 38 works and it was only identified during an application to Highways for Section 278 works. Highways stated that the spaces did not meet highway standards and they advised there was no other acceptable locations along Queen Elizabeth Road to reposition the spaces.

The second request for variation is to amend some of the proposed dwellings roof form from gables to hips.

### **BACKGROUND:**

This application is being reported to Planning Applications Committee as it is a major application on land owned by Nuneaton and Bedworth Borough Council.

## **RELEVANT PLANNING HISTORY:**

- 034669 Variation of Condition application to omit Condition 7 following grant of 034128. (Erection of 163 dwellings, approval of reserved matters - Phases 4 and 6). Variation is to omit the retaining wall. Committee Variation agreed. 14/06/2017.
- 034668 Formation of an embankment between stage 4 and 6 of the Phase 3 development and the Park. Committee. Conditional Approval. 14/06/2017.
- 034128 Erection of 163 dwellings (Approval of reserved matters - layout, scale, appearance landscaping and access of outline planning permission 030128B) (Camp Hill Phase 3) (4 & 6 of 6). Committee. 11/01/2017.
- 034169 Application for removal of condition 21 of planning permission 030128B to exclude the provision of affordable housing for the last Phases yet to be determined. Approved October 2016.
- 033312 Erection of dwellings (Approval of reserved matters for landscaping following outline approval reference 029715). Approval 30/06/2015.
- 032920 Partial re-design of Phase 3. Omission of pedestrian link, layout changes of 6 units and 3 plot substitutions. Approved 18/11/2014.
- 032302: Erection of 6 apartments (Approval of reserved matters: access, appearance, layout and scale of outline planning permission 030128B) (Camp Hill Phase 3) (Amendment to part of approved reserved matters application 031849 relating to access, appearance, layout and scale for sub-Phase 2a). Approved 17/12/2013.
- 032172: Amendments to 8 plots (Plots 222-225, 270, 292-294) (Approval of reserved matters: layout, scale, appearance, landscaping and access of outline planning permission 030128B) (Camp Hill Phase 3) (2 of 6) Approved 23/08/2013.
- 031849: Erection of 134 dwellings (Phase 2A & 3. Approval of reserved matters following approval of Phase 3 outline planning permission 030128B) Approved 07/03/2013.
- 031862: Erection of 63 (extra care supported housing) self-contained dwellings and shared communal/community facilities. Approved 7/03/2013.
- 030128A and 030128B: Vary condition 12 of Approval 10153 and condition 21 of Approval 29715 to remove the last sentence which reads as follows: No more than 50% of units in any Phase shall be occupied unless and until the affordable housing for that Phase has been provided and is available for use. Approved 07/06/2010.
- 029715: Residential development (Outline with all matters reserved). (Existing houses demolished, resubmission following the expiration of previous outline permission reference 010153). Approved 11/11/2009.
- 010153: Residential development (Outline) (Existing houses demolished). Approved 09/06/2006.

## **RELEVANT PLANNING POLICIES:**

- Nuneaton and Bedworth Borough Plan 2019:
  - DS1 Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

WCC Highways, Pride in Camp Hill and NBBC Parks.

## **CONSULTATION RESPONSES:**

No objection from:

WCC Highways.

No response from:

NBBC Parks and Pride in Camp Hill.

## **NEIGHBOURS NOTIFIED:**

Site notices were erected on street furniture on 6<sup>th</sup> April 2019. The application was advertised in The Nuneaton News on the 27<sup>th</sup> March 2019.

## **NEIGHBOUR RESPONSES:**

None.

## **APPRAISAL:**

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

1. Impact on visual amenity.
2. Impact on highway safety
3. Conclusion.

### **1. Impact on visual amenity**

The previous Phases of the Barratts development of the Camp Hill regeneration mainly used gabled properties with a smattering of hipped properties. The newly built houses that form the row on the opposite side of the road to the site were built within Phase 2 and Phase 3 are mainly gabled dwellings.

This application relates to parts 4 and 6 which are currently being built from the southern end towards the northern end of the Phase. This current Phase is roughly broken into eight blocks and the amendments of the roofs are to the three most northerly blocks.

The majority of the houses that are proposed to be hipped are within cul-de-sacs so will only be seen within a small street area and not largely seen from Queen Elizabeth Road. However, the proposal does start to introduce some hipped 'book end' dwellings on Queen Elizabeth Road part way through the development of these parts. In most cases these 'book end' dwellings will balance the other end of the block. However, opposite Diamond Walk there will be a gabled property on one side of the proposed cul-de-sac and a hipped property on the other. Whilst it would have been preferable for both sides of the cul-de-sac to be the same, it is considered that the visual impact will not be a valid reason on its own for refusal.

This latest application site is separated from the other Phases by Queen Elizabeth Road and is immediately adjacent to Whittleford Park. Therefore to a great extent it forms its own identity, so overall it is considered the introduction of hips will not be harmful to the visual amenity of the wider area. Hipped properties will also give the advantage of reducing the built form close to the openness of the adjacent Whittleford

Park. Mention is given to this in the Borough Plan Policy SA1 'Development Principles on Strategic Sites'; which whilst referring to strategic sites does recognise that appropriate;

“siting of the built form to create variation ... to further break up the mass of development in views”.

Paragraph 3.1 of the Council's Residential Design Guide states that;

“new housing to have a coherent and identifiable character... respecting the form, scale, architecture ..of the local built environment..”

Paragraph 127 of the NPPF refers to designs being sympathetic to local character.

Notwithstanding this, paragraph 126 of the NPPF states that;

“However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.”

Similarly, paragraph 128 of the NPPF states that:

“Design quality should be considered throughout the evolution and assessment of individual proposals.... Applicants should work closely... to evolve designs.

Whilst the change is not aesthetically ideal being introduced part way through the scheme; it is considered that refusal would be difficult to defend at Appeal especially as there is a mix of houses in the larger area.

## **2. Impact on Highway Safety**

The application includes the removal of three visitor spaces but there are other visitor spaces included within the cul-de-sacs and most properties are to have two parking spaces per property. There is also some parking on Queen Elizabeth Road.

As previously stated, the omission of the three visitor parking spaces on Queen Elizabeth Road have been requested by Highways. This is because the parking spaces are close to the entrance to cul-de-sacs and will affect highways visibility from these entrance and exists. Consequently the omission of the spaces will be a betterment to highway safety.

## **3. Conclusion**

The NPPF, Borough Plan and Residential Design Guide promote good design and encourages schemes that do not have an unacceptable impact on highway safety. These, in line with the Planning and Compulsory Purchase Act 2004 state that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

In this instance, on balance, the material considerations are considered acceptable. The variation will improve highway safety to the previous approved scheme and the introduction of hipped roofs will largely be seen just within the site and whilst different to the opposite side of Queen Elizabeth Road, it is considered that the elevational changes will be cohesive within the scheme and not be detrimental to the visual amenity of the surrounding area; in fact by reducing the built form it will provide a transition from the densely built scheme into the open space of Whittleford Park.

It is therefore considered that on balance while there are clear minor considerations which weigh against the proposal, the benefits outweigh these and will improve the scheme overall.

## **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:**

The details and plans contained in the following Schedule 1 and Schedule 2 be approved in accordance with Condition 1 a), b), c), d) and e) of outline planning permission reference 030128B granted on the 7th June 2010 relating to siting, design, external appearance and access.

### **Schedule 1**

#### **Schedule of approved documents**

<i>Plan Description</i>	<i>Reference</i>	<i>Date Received</i>
Location Plan	001	17/05/16
Planning Layout	1005 – Rev J	24/02/19
Proposed Boundary Treatments	020 rev D	06/01/17
Materials Distribution Plan	030 rev A	16/11/16
Typical Retaining Wall Details	025 rev A	06/01/17
Pedestrian/Cycle Movement Connections	026	06/01/17
Design & Access Statement (indicative only)	BR01	17/05/16
Buchanan Classic (End) BBUH 00CE	01 rev D	04/06/19
Folkestone Classic (End) BFKS 00CE	01 rev D	12/12/18
Ennerdale Classic (End) BENN 00CE	01 rev D	05/03/19
Richmond Classic (End) – TF BRIC 0TCE	01 rev A	12/12/18
Richmond Floor Plans and Elevations	103	17/05/16
Alverton Floor Plans and Elevations V1	106 rev A	16/11/16
Alverton Floor Plans and Elevations V3	108 rev A	16/11/16
Norbury Floor Plans and Elevations	109	17/05/16
Severn Floor Plans and Elevations	112 rev B	16/11/16
Severn Floor Plans and Elevations	113 rev B	16/11/16
Bin store Floor Plans and Elevations	115 rev B	09/12/16
Substation	116	16/11/16
Alverton Floor Plans and Elevations V4	117	16/11/16
Severn Floor Plans and Elevations & carport	118 rev A	16/11/16
Severn Floor Plans and Elevations & car port	119 rev A	16/11/16
Street scenes (indicative)	201	17/05/16
Street scenes (indicative)	202	17/05/16
Landscaping	002 rev E	06/01/17
Landscaping	003 rev E	06/01/17
Block K Proposed Apartment Elevations	409 rev A	23/09/16
Block K Proposed Apartment Plans	410 rev A	23/09/16



Block L Proposed Apartment Elevations	411	17/05/16
Block L Proposed Apartment Plans	412	17/05/16
Block M Proposed Apartment Elevations	413 rev A	17/05/16
Block M Proposed Apartment Plans	414 rev A	17/05/16
Block N Proposed Apartment Elevations	415 rev A	23/09/16
Block N Proposed Apartment Plans	416 rev A	23/09/16
RT-MME-121958 - 01 (PEA)	01	17/05/16
RT-MME-121958 - 02 (ARB)	02	17/05/16
RT-MME-121958 - 03 (BAP)	04	17/05/16
RT-MME-122199 - 01 Reptile June 2016	Final	07/10/16
RT-MME-122199 - 02 Great Crested Newt	Final	02/08/16
15149_1_rev 1_ Ground Investigation	15149/1 vers.1	17/05/16
Textomur Reinforced Soil		21/11/16
Proposed Retaining Wall Profile	C2026/025	dated Sept 2016
Pedestrian Visibility (Sheet 1 of 5),	0819-SK-009 rev A	dated 12/09/2016
Pedestrian Visibility (Sheet 2 of 5)	0819-SK-010 rev A	dated 21/09/2016
Pedestrian Visibility (Sheet 3 of 5),	0819-SK-011 rev A	dated 21/09/2016
Pedestrian Visibility (Sheet 4 of 5)	0819-SK-012 rev A	dated 21/09/2016
Pedestrian Visibility (Sheet 5 of 5)	0819-SK-013 rev A	dated 21/09/2016
Proposed Retaining Wall Structures	0819-SK-014 rev B	dated 29/11/2016
Swept Path Analysis Refuse	0819-ATR-020 rev F	dated 12/09/2016
Vehicle Sheet 1 of 2		
Swept Path Analysis Refuse	0819-ATR-021 rev E	dated 30/08/2016
Vehicle Sheet 2 of 2		
Swept Path Analysis Medium	0819-ATR-030 rev A,	dated 12/09/2016
Size Car (Sheet 1 of 5)		
Swept Path Analysis Medium Size Car	0819-ATR-031 rev B	dated 26/09/2016
(Sheet 2 of 5),		
Swept Path Analysis Medium Size Car	0819-ATR-032 rev A	dated 13/09/2016
(Sheet 3 of 5)		
Swept Path Analysis Medium Size Car	0819-ATR-033 rev A	dated 13/09/2016
(Sheet 4 of 5),		
Swept Path Analysis Medium Size Car	0819-ATR-034 rev A	dated 13/09/2016
(Sheet 5 of 5),		
Swept Path Analysis Medium Size Car	0819-ATR-035 rev C	dated 04/11/2016

## Schedule 2

1. No dwelling shall be occupied until the estate roads including any footways and footpath serving it has been laid out and substantially constructed in accordance with the details approved in connection with condition 1 of schedule 2 of planning application reference 034128 on 21<sup>st</sup> August 2018. The development shall not be carried out other than in accordance with the approved details.

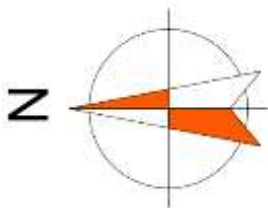
2. No development shall commence or continue other than in accordance with the details approved in connection with condition 2 of schedule 2 of planning application reference 034128 on 21<sup>st</sup> August 2018 relating to the Method Statement and the ecological and biodiversity recommendations provided in the Preliminary Ecological Assessment Report Ref RT-MME-121958-01 Dated March 2016. The approved plan shall be implemented in accordance with the approved details.

3. The side first floor windows on plot 583 must be fitted and maintained in obscure glazing with any opening lights to be at least 1.7m from the finished floor level.
4. No utility pipe works or cabinets are to be placed on the exterior walls of the undercroft vehicular accesses that measure a width of less than 5.5 metres.
5. Prior to occupation of the affected plots, suitable signage must be placed by the undercroft accesses that measure a width of less than 5.0 metres to ensure drivers give way to vehicles entering the undercroft from the main road
6. Prior to the opening of each cul-de-sac; cul-de-sac accesses must clearly be signposted to show whether or not they have a direct link to Whittleford Park for pedestrian and cyclists.
7. Details of the plant species and planting methodology for the retaining wall approved in connection with condition 7 of schedule 2 of planning application reference 034128 approved on 21<sup>st</sup> August 2018 shall be implemented on site within 12 months.

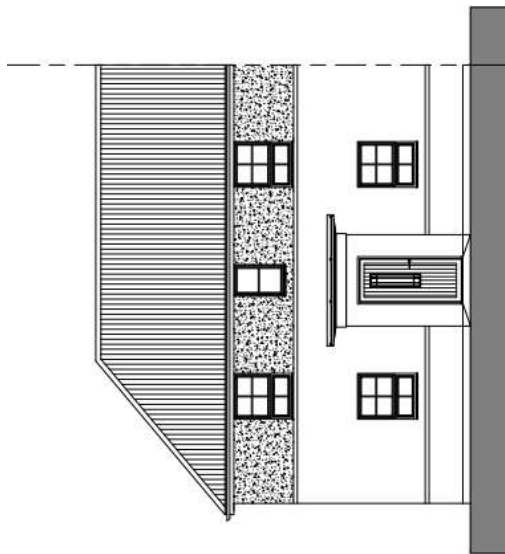


Location Plan





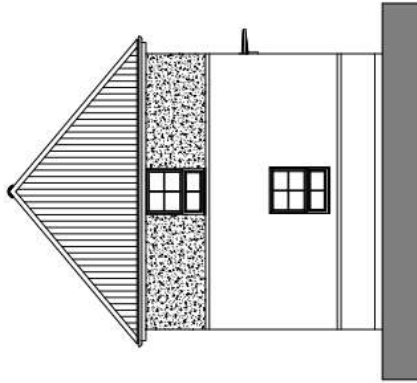
Proposed Layout



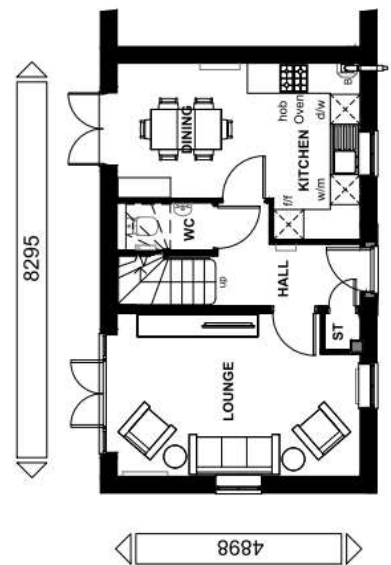
**FRONT ELEVATION**



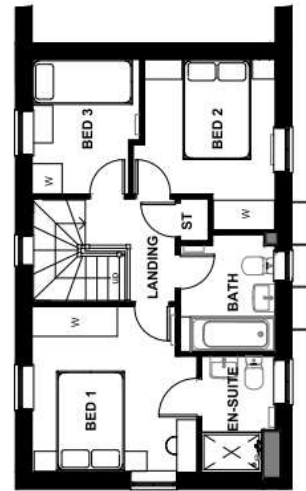
**REAR ELEVATION**



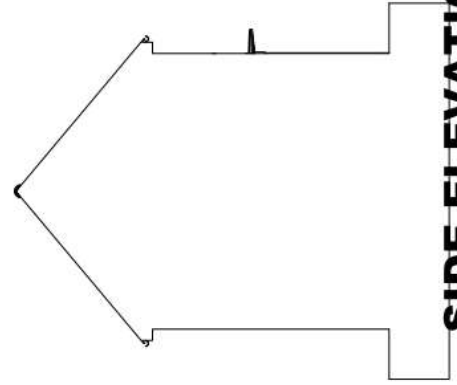
**SIDE ELEVATION**



**GROUND FLOOR PLAN**

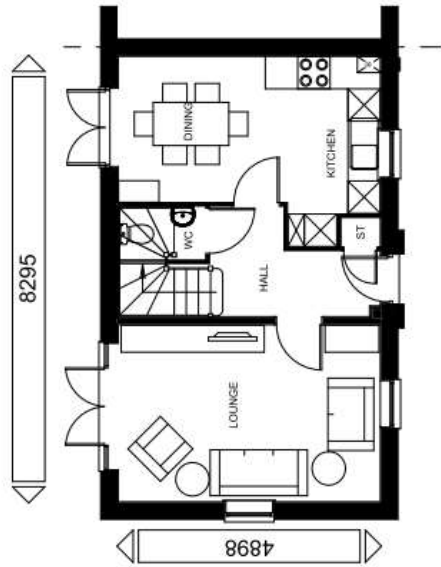
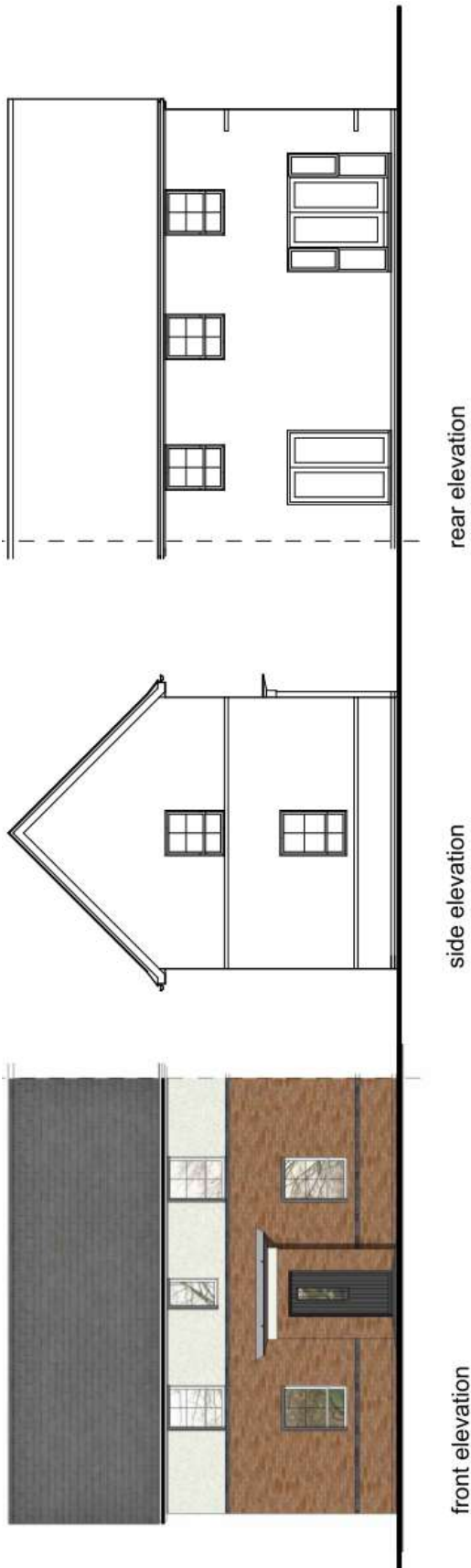


**FIRST FLOOR PLAN**

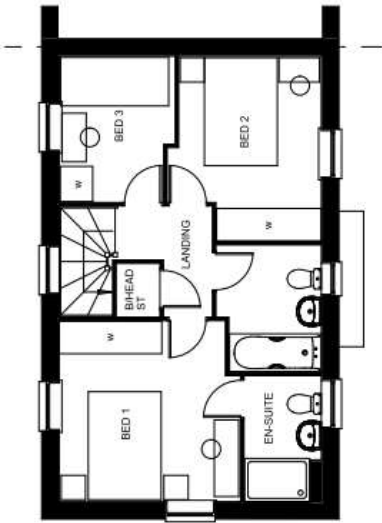


**SIDE ELEVATION**

New House Type Buchanan which partly replaces the House Type Moreleigh

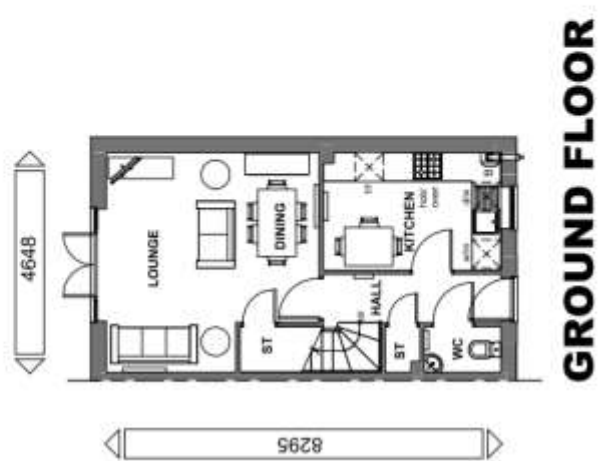
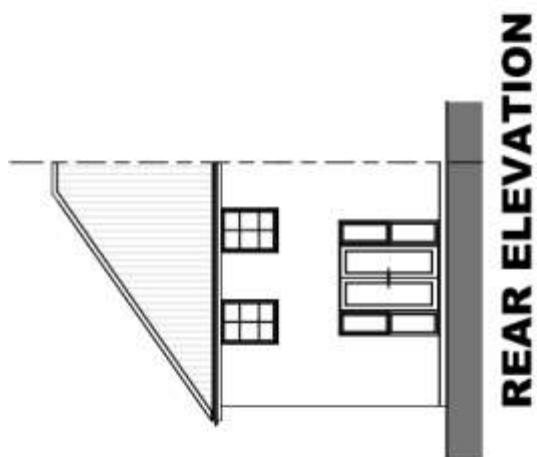
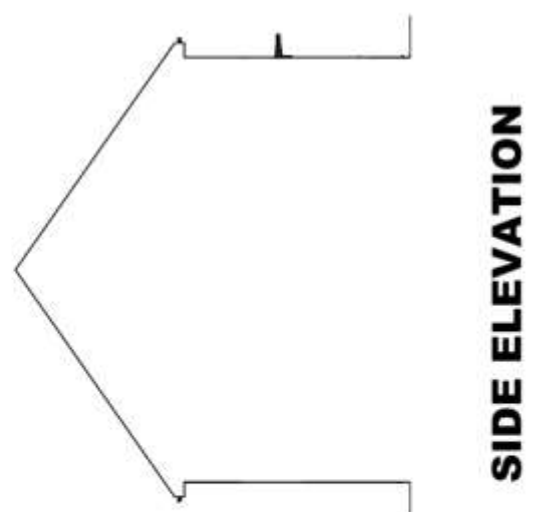
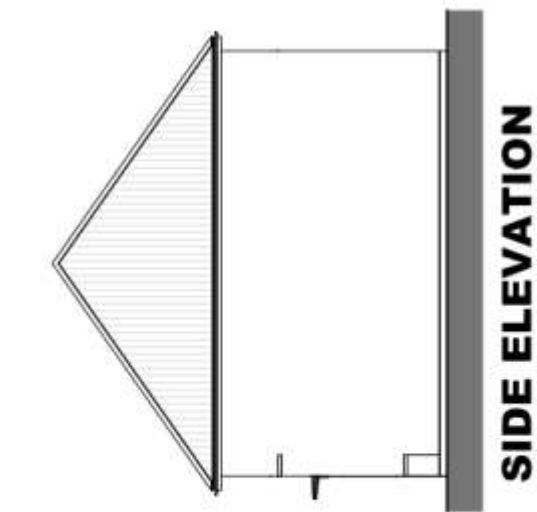


ground floor plan



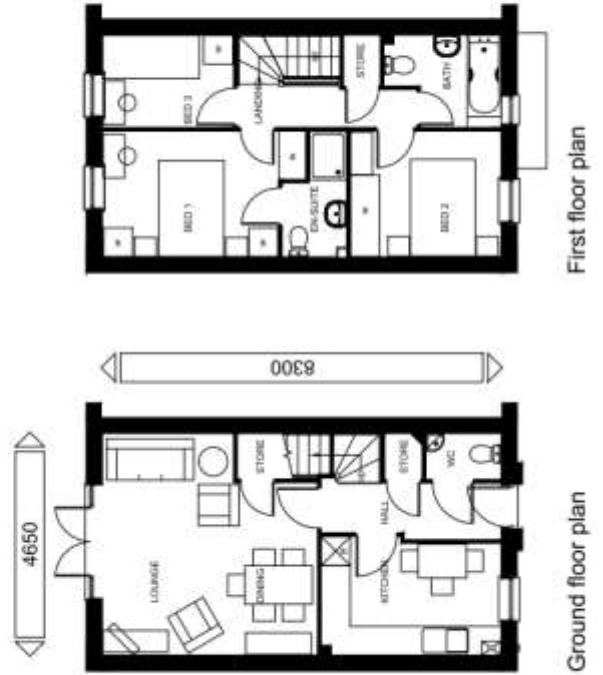
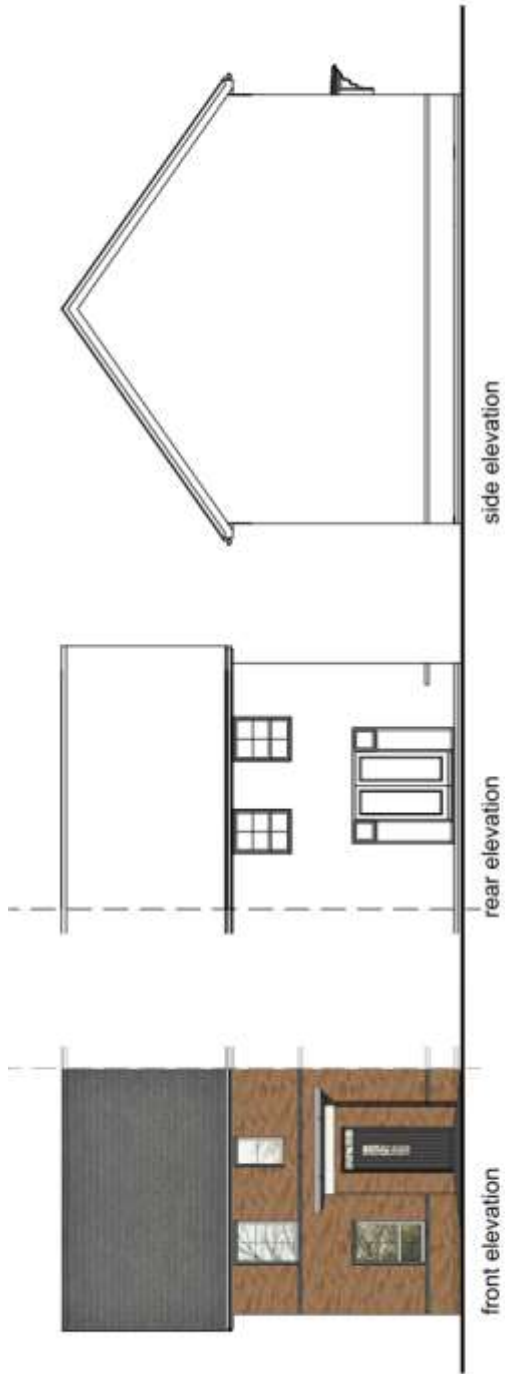
first floor plan

House Type Moreleigh that has partly been replaced by the Buchanan-

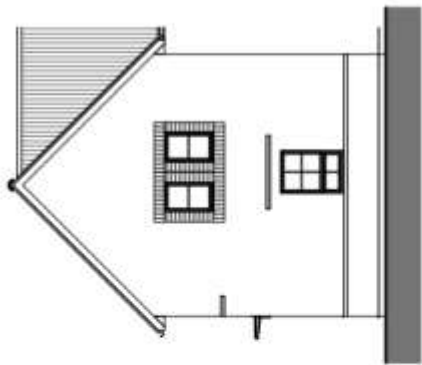


New House Type Folkestone which partly replaces the House Type Barwick –

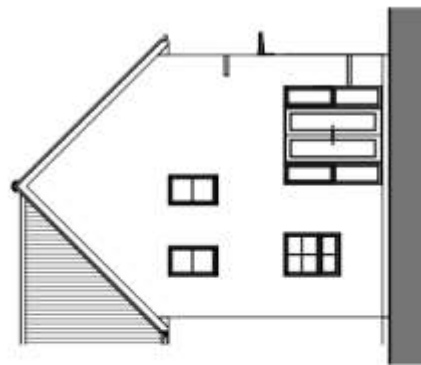




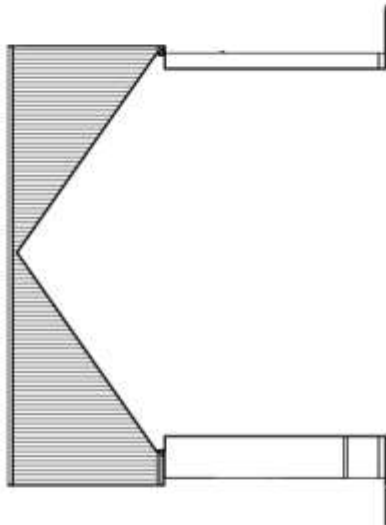
House Type Barwick that has partly been replaced by the Folkestone



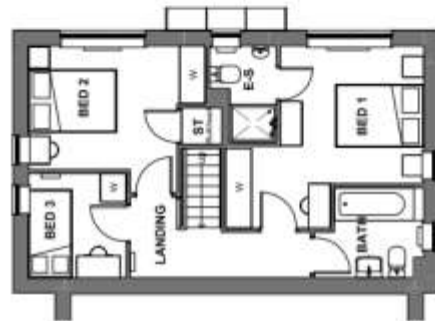
**SIDE ELEVATION**



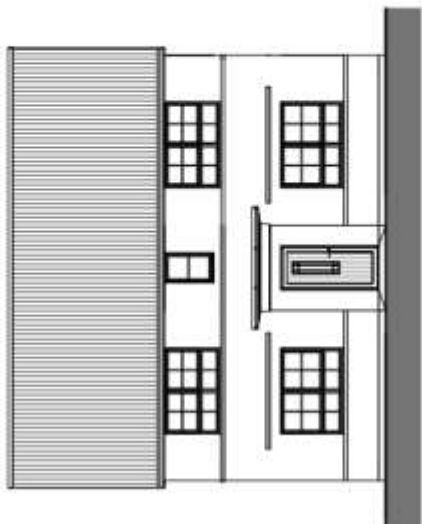
**SIDE ELEVATION**



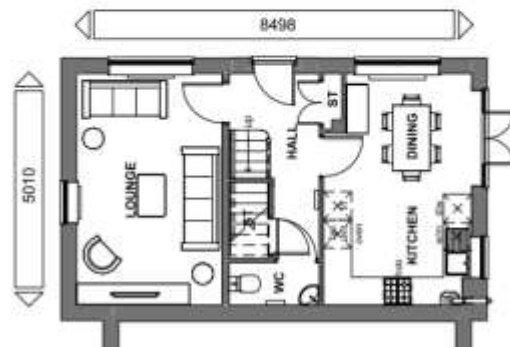
**REAR ELEVATION**



**FIRST FLOOR**

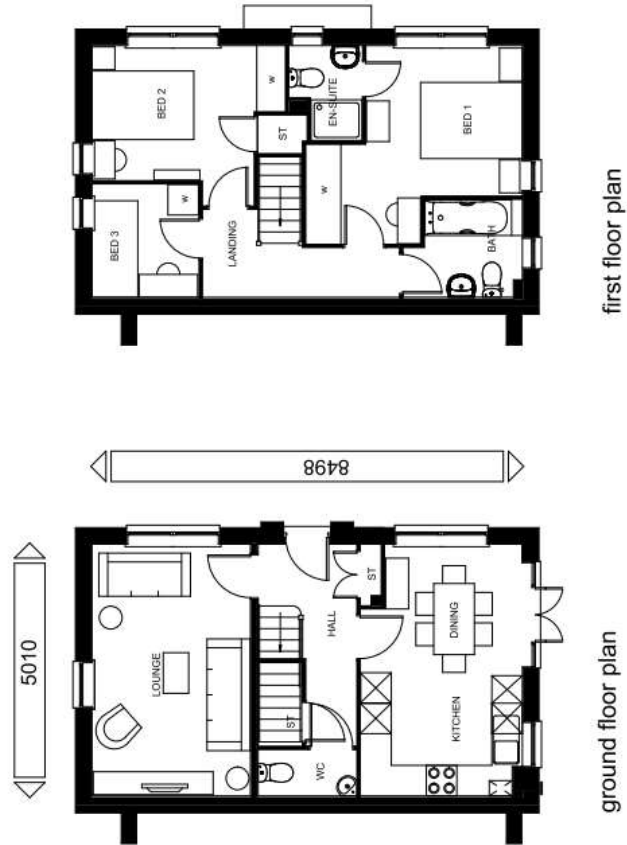
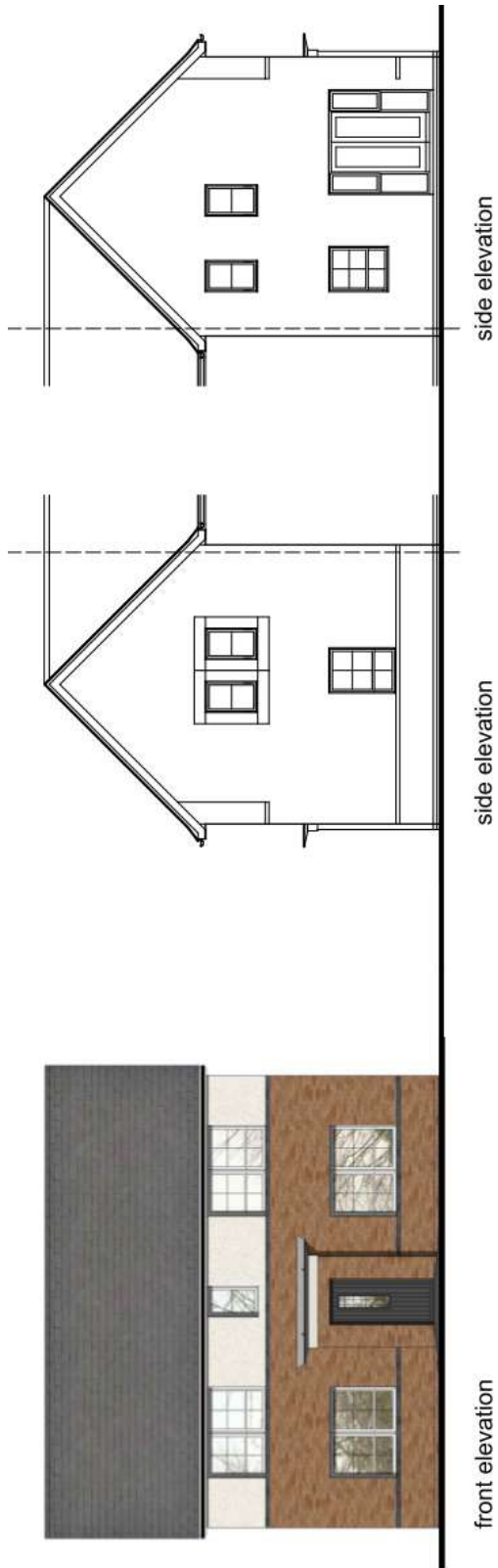


**FRONT ELEVATION**

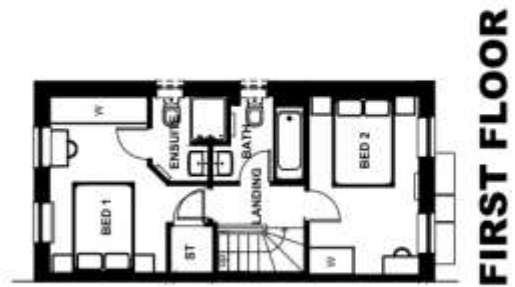
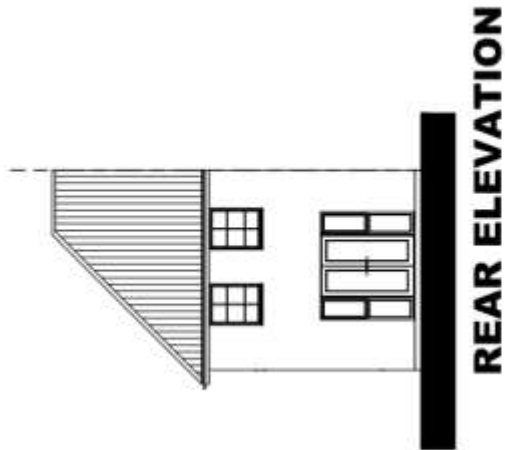
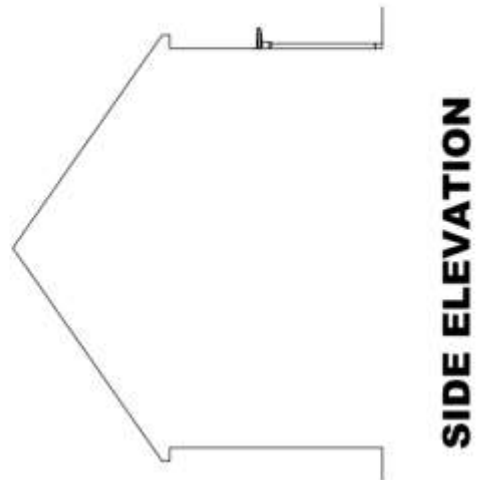
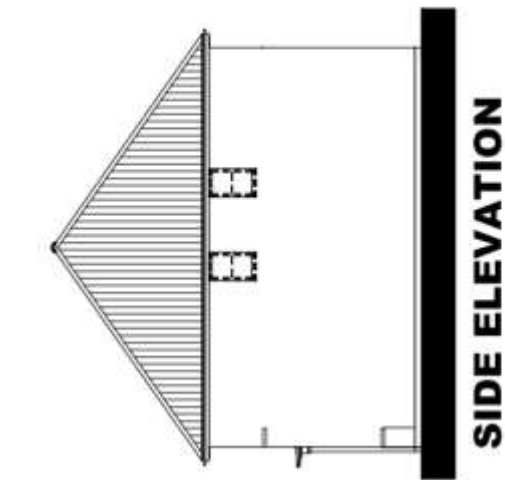


**GROUND FLOOR**

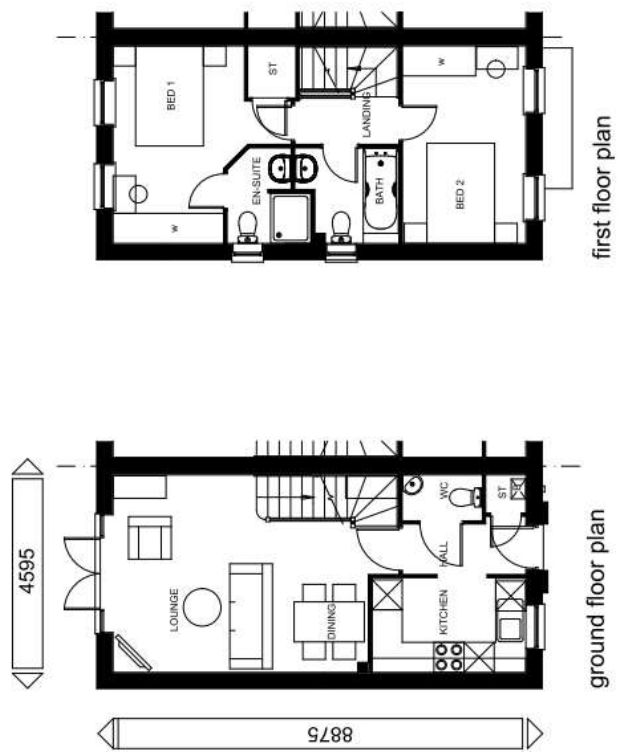
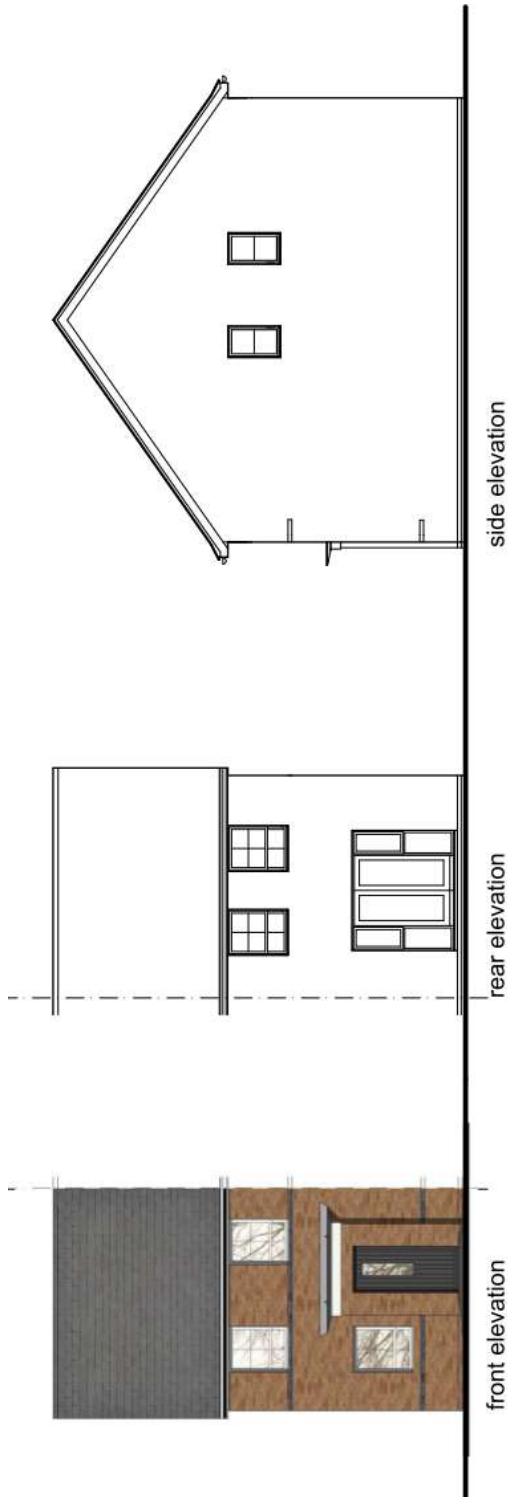
New House Type Ennerdale which partly replaces the House Type Moreton-



House Type Moreton that has partly been replaced by the Ennerdale



New House Type Richmond which partly replaces the previous House Type Richmond



House Type Richmond that has partly been replaced by the previous House Type Richmond



Previous Approved Street Scene to Queen Elizabeth Road

**REFERENCE No.** 035974

**Site Address:** 72 Coventry Road Exhall Coventry CV7 9EU

**Description of Development:** Erection of 6 no. assisted living units in 1 no. two-storey building

**Applicant:** Dignus Healthcare

**Ward:** EX

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This is for the erection of six assisted living apartments in one, two-storey building at 72 Coventry Road Exhall Coventry CV7 9EU. Currently the site is vacant land. Previously there was a post office and one residential unit on the site, which have been demolished and the land cleared. The site fronts Coventry Road close to the junction with Bayton Road and School Lane.

There is a two storey detached residential property to the northern boundary. This has ground floor side facing primary windows facing onto the site. On the south of the site, are some retail units with flats above (this building is three storey with a flat roof). The retail elements of this building forms an L shape so the building also faces onto School Lane. Beyond this building in School Lane are four storey Council owned flats.

At the rear of the site, to the west is John Haynes Court, which is Council owned sheltered accommodation, this is accessed via School Lane adjacent to the four storey flats. The access here is also used to a Council garage court, parking area for the retail and residential units and parking for residents/ visitors of John Haynes Court. The site has a right of way over this access from the Council, albeit this right of way was originally for the post office and one dwelling. There is also an existing dropped kerb to Coventry Road, with an access wide enough for one car- which would have once served the driveway of the residential unit previously on the site.

The application is for the erection of 6 assisted living units in one building, with parking for 11 vehicles. The site is proposed to be used via the rear access, with a right of way established with NBBC Land & Property.

**BACKGROUND:**

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

## **RELEVANT PLANNING HISTORY:**

- 033127 Erection of 8 assisted living units (Outline with access) Conditional Approved 25.11.2015.
- TP/0156/89: change of use from retail (A1) to office (A2) - Approved 1989.
- TP/0059/99: change of use to resource centre, to include rear ground floor extension for disabled W.C. - Approved 1999.

## **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019.
  - DS1 – Presumption in favour of sustainable development
  - H1 – Range and mix of housing
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004.

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Housing, NBBC Land and Property, NBBC Parks, NBBC Refuse, Severn Trent Water, WCC Fire Safety and WCC Highways.

## **CONSULTATION RESPONSES:**

Objection from:  
WCC Highways.

No objection subject to conditions:  
NBBC Environmental Health and NBBC Land and Property.

No objection from:  
NBBC Housing and WCC Fire Safety.

Comment from:  
NBBC Refuse.

No response from:  
NBBC Parks and Severn Trent Water.

## **NEIGHBOURS NOTIFIED:**

Exhall Post Office (58), 58 – 66 (even), 66a, 74, Rose Cottage (rear of 76), 76, 76a, 76b, 76c, Mid-counties Co-Op Coventry Road. Warden, 1 - 31 (inc) John Haynes Court, 1 - 29 (inc) School Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 25<sup>th</sup> and 26<sup>th</sup> October 2018 further amended letters were sent on the 12<sup>th</sup> November 2018, 1<sup>st</sup> May 2019 and the 13<sup>th</sup> June 2019

## **NEIGHBOUR RESPONSES:**

There have been 3 objections from 2 addresses. The comments are summarised below;

1. Impact to daylight and privacy to living room/bedroom and kitchen of neighbouring property.
2. Worried that foundations could be undermined. As was the case during demolition which was costly for neighbour to repair.



3. Lots of old pit workings and wells under the site.
4. When the site was previously occupied the drains used to block regularly and back up in adjacent garden.
5. Possibly insufficient parking, visitors could end up parking on double yellow lines on Coventry road close to the traffic lights which would affect highway and pedestrian visibility.
6. Health of nearby residents already an issue and will be made worse with noise and disruptions.
7. Coventry Road is a very busy road with noise and pollution and traffic.
8. Should be built at back of plot with car park to the front.
9. Parking near to the vehicular access for this site is already a struggle. Truck couldn't get through due to two parking spaces and a washing line.
10. 7 children living with the flats and maisonettes who would be in danger if the proposal went ahead.
11. Request Members hold a site visit.
12. Already a problem in the area for access for the Council's bin men and gardeners.

## **APPRAISAL:**

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

1. The principle of development
2. Residential Amenity
3. Visual amenity
4. Highway safety & access

### **1. Principle of development**

The site sits within a context of mixed uses. There are a number of residential properties surrounding the site, there are however some retail units adjacent and industrial uses opposite the site. Therefore, in principle, a residential use on the site is acceptable in relation to the surrounding context. Further to this, the NPPF paragraphs 117, 118 and 137 states that previously developed land should be used as much as possible. This site would be considered as a brownfield site, the Council encourages the re-development of such sites.

The proposal will provide a highly specialised housing need and the Council's Housing Team are in full support of the application due to the demand for this type of housing. Policy H1 states that Development proposals for specialised housing will be approved where a local need can be demonstrated. This is supported by paragraph 8.12 stating there is a need for assisted living equating to 2,231 units (112 per annum), which this proposal would make a contribution towards.

Whilst the Borough Plan illustrates a five year housing supply of land, the Annual Monitoring Report does not currently include this type of residential development which is logged separately. Although, this is to be reassessed as the NPPF calls for this type of use to be included within housing requirement numbers. The housing numbers for this proposed site as well as the numbers for the previous outline approval for the site (which has now lapsed) is logged against these separate housing figures.

Paragraph 8.13 of the Borough Plan states that C2 type homes should be located in close proximity to town centres and key services such as hospitals and states there should be easy access to the public transport network. Whilst the site is not in a town centre, it is on a bus route although there is no pedestrian crossing in close proximity to the site to cross Coventry Road.

The land is not of high environmental value, there is very little vegetation on the site and it is set in a very urban context.

At the heart of the NPPF is the presumption in favour of sustainable development. Therefore, unless any other material considerations suggest otherwise, this application should be approved.

## **2. Residential Amenity**

There are a number of residential units that surround the site.

The property most likely to be impacted upon is No. 74 Coventry Road, which was once attached to the building that occupied the site. This property has side facing habitable windows at ground and first floor that are original primary windows. The closest of these windows at ground floor is in line with the rear elevation of the main building for approximately a third of the window width. The proposal is then set back with a two storey flat roof area that provides the entrance and dry riser to the flats and which is also in line with this neighbour's window. Above the main doors to the proposed flats is a flat roof canopy. The proposal is then set back in with a distance of 14.7m from the side of this adjacent property to the proposal wall. This complies with the 14m distance in the RDG paragraph 9.5. It means that whilst this window is slightly infringed there will still be views out of the window and the building has been designed to reduce the impact to the neighbour's windows as much as possible. There is a ground floor side window proposed to the new Common room in the new apartments which would provide some sense of overlooking to these neighbour's windows. However, it is considered that as this is a secondary window, this window can be conditioned to be obscure glazed and fixed to prevent any sense of overlooking to this neighbour. It is therefore considered that whilst there is no doubt that this will impact this neighbouring property; the proposal does largely comply with the RDG to this neighbouring property.

There are some flats at first and second floor above the retail units on Coventry Road which are immediately adjacent to the site. These have windows that face out to the front and rear. The drawings show that the nearest of these windows is not infringed at 45 degrees and therefore complies with paragraph 9.6 of the RDG. There is one small second floor side window that could be affected. The Housing Maintenance Team consider this window is to a toilet and the size of the window and the fact that it appears to be obscure glazed seems to agree that this is the case. In any case this would be at roof height to the proposed flats so there would be views beyond. It is therefore considered that the proposal will not unduly affect the residential amenity of these adjacent flats and complies with the RDG.

There are also some flats to the south west of the site, that are Council owned. To the rear of these flats, facing the site is some shared amenity space and parking, there are also habitable room windows facing to the rear. However, none of the windows directly overlook the proposed building on the site.

John Haynes Court is a sheltered residential home to the rear of the site. However, the building is separated from the site by amenity space, parking and a garage court. The boundary of the site is 53m from the facing part of this building, plus 17.5m from the nearest part of the proposed building. Part of John Haynes Court is closer to the site than this at 26m from the boundary of the site (plus 21m to the proposed building); however, this is not directly in line with the rear of the site and so is even less likely to be impacted upon.

The objectors as well as the Council's Refuse Team have sited that parking is an issue in the area. The proposed building will provide its own parking area to meet the needs of the building. Moreover, this type of residential care is considered to likely create less vehicular movements than other residential development.

NBBC Environmental Health had concerns about road noise and air quality to the new occupiers of the proposal but consider that this can be overcome with the submission of a noise survey which will then be able to determine glazing specifications for front windows including rapid and trickle ventilation to be taken from the rear of the building. They have also requested the standard contamination conditions. These details can all be conditioned, this would ensure that residential amenity for the future occupants would meet British Standards.

### **3. Visual Amenity**

The proposal is to be two storey, the surrounding development is a mix of two storey and three storey, although there are some single storey development around the site too. In this instance it is thought that the scale of the development would be in keeping with the surrounding area and development fronting Coventry Road.

The proposal is to have projecting gables so provides some interest and variation to the front and rear elevations

The design shows a mix of material of red facing brickwork and smooth white render with fairly uniform glazing. The NPPF and Council's RDG requires that all developments should be of good design; it is considered that the design is acceptable and in keeping with the area.

### **4. Highway Safety**

Discussions with NBBC Housing Manager's and Land Manager resulted in the type of application for assisted living units. This is because the parking requirements and the movements associated with this type of use are considered less than if the land was developed for private housing. The Council's Land Manager stated that they were not in disagreement with the principle of the development but the applicant would have to extend their rights of way over the land to the rear, by giving NBBC a monetary payment. This falls outside of the remit of planning, and is a separate issue for the applicant to address.

WCC Highways have agreed that there is some betterment to the previous approved scheme in that the number of apartments has been reduced and that parking spaces that were originally onto Coventry Road have been removed.

Nonetheless, Highways similarly to the previous scheme that was approved by Members object to this current scheme. This is on the basis that the existing access is not wide enough for two way traffic movement, making access and egress difficult. Further to this WCC feel that the visibility splays from this existing access cannot be achieved when looking right from the access. They consider that the proposal would intensify the use of this existing shared access. This access also only has a narrow pedestrian footway. They also consider that if the apartments used a minibus this could put conflict on other road users in this area. Highways have advised that there have been two recorded collisions close to the site in the last 3 years.

WCC Highways also feel that the parking provision is below guidance and is insufficient especially as street parking is already an issue in the area that could be exacerbated. If the application is refused on this basis, it may be that the site would be rendered un-

developable. There is no other point of access available and no opportunity for the access to be widened due to the constraints of the site. The site has been vacant for several years, and is a prominent location on a main road.

Officers feel that some pragmatism should be applied to the assessment of the site. It is agreed that the access is only 3.5m wide for a length of 25m, however, it is not agreed that the associated movements with the proposed development would add 'significantly' to the amount of movement already in the area. The access is already used by John Haynes Court; access to the garages and parking for the shops and flats surrounding the site.

Similarly the objection re the visibility splays, is an existing issue. Highways are also concerned that the site could be taken over by another operator which could generate different vehicular movements. In relation to the objection on parking levels, NBBC no longer has an adopted parking document. The previous parking document required one space per four residents (therefore one and a half spaces in this case) and one space per four staff. Therefore if you were to use the previous guidance the site would be able to cater for eight residents and thirty six staff at any one time. This would be an unrealistic amount of staff. The Agent has sent a supporting email to advise that each resident will make one journey a week in the company vehicle and that staff and residents will be encouraged to use public transport for everyday journeys only relying on the company vehicle when this is not possible. They also expect that there will be between five to ten visits from management professionals per week. Highways consider that this could change and that the number of visitors have not been taken into consideration.

It is considered that all eventualities cannot be conditioned against and that in its present form it appears that the parking on the site is realistic for the type of use and for clarity, the specific use of the site could be conditioned.

Highways have concerns that the use of the bus route would mean that users of the site would cross Coventry Road. They have advised there is no pedestrian crossing facilities and no likelihood of this being fitted due to capacity issues at the junction.

Highways also consider that the ground floor front windows could overhang the public footpath on Coventry Road. This could be overcome by condition and in reality due to the fact that air quality and noise will have to be addressed the windows to the front are likely to be fixed.

NBBC Refuse have objected to the application on the basis that they already have issues with this access and they feel additional parking may exacerbate this. Again this is an existing issue. They also requested that the refuse doors were put on the side of the bin store to quicken up the emptying of the bins, but Officers considered that this would put users in danger due to the close proximity to the entrance to the vehicular access.

#### **REASON FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Location Plan	01 rev A	22 <sup>nd</sup> October 2018
Proposed Plans	002 rev G	12 <sup>th</sup> June 2019
Proposed Elevations	003 rev C	12 <sup>th</sup> June 2019

3. No development shall commence until:

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

4. No development other than site clearance shall commence until a turning and parking area within the site for construction traffic has been laid out and is available for use.

6. No development shall commence above the damp proof course until a noise attenuation scheme to meet the standards for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 has first been submitted to and approved in writing by the Council. This must comprise of glazing and ventilation details including rapid and trickle ventilation that does not rely on front opening windows. Indoor noise levels must be in line with the standards in BS 8233:2014 for living and bedrooms including 45dB LAFmax in bedrooms at night (11pm -7am). No apartment shall be occupied other than in accordance with the approved details which shall remain in perpetuity.

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

9. No apartment shall be occupied until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the occupation and subsequently maintained in the following manner:

Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or

diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

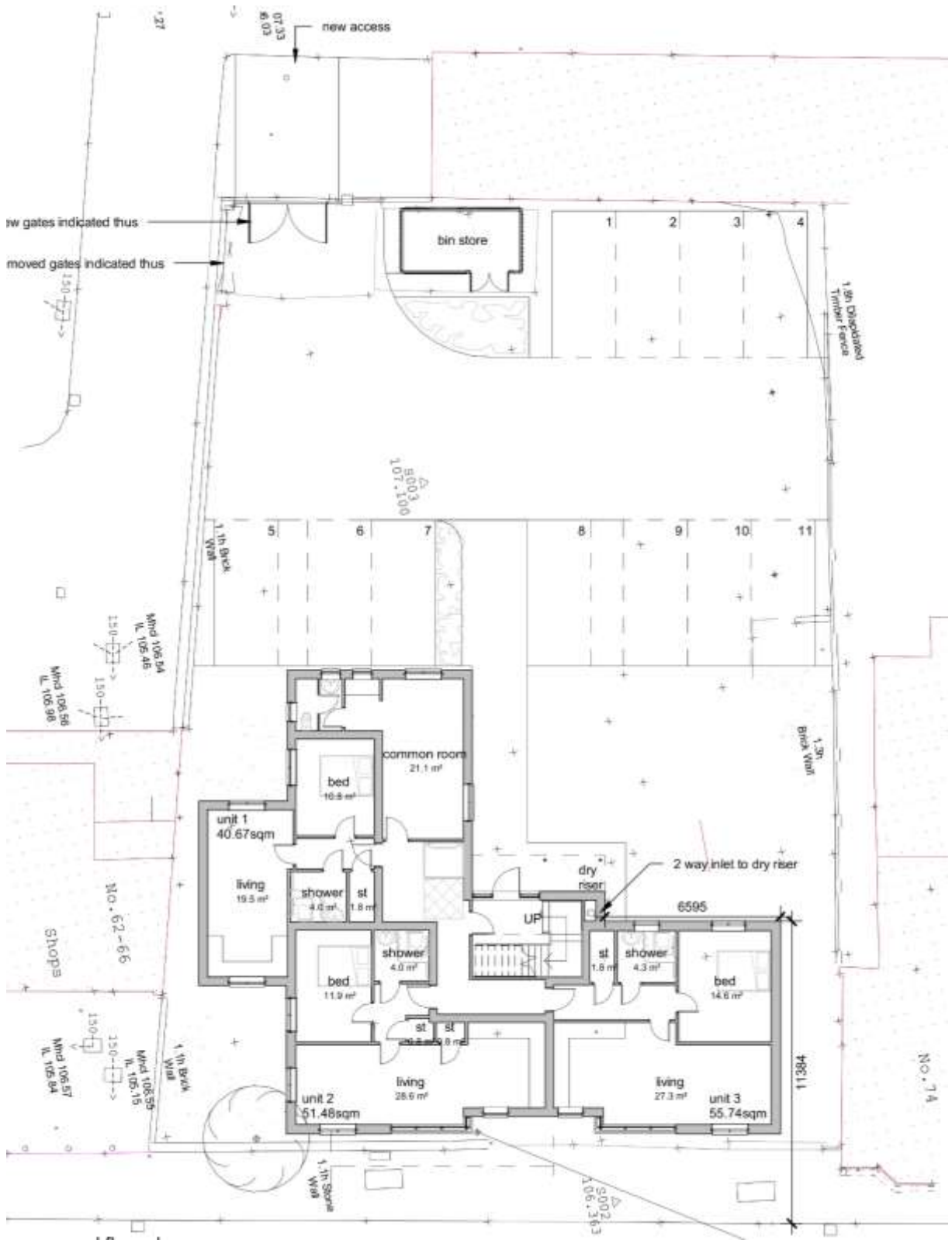
10. No apartment shall be occupied until the car parking, manoeuvring and turning areas have been laid out in accordance with the approved details and are available for use. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

11. The site shall not be occupied other than for the purpose of Specialised Housing with Care falling within use class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.

12. The side window to the Common Room (North facing) shall not be fitted other than in obscure glazing with no opening lights and shall maintained as such in perpetuity.



Location Plan



Proposed Site Layout and Ground Floor Plan.





Proposed First Floor Plan

## Proposed Elevations



**REFERENCE No.** 035486

**Site Address:** Weston Hall Hotel Weston Lane, Bulkington

**Description of Development:** Retention of marquee in connection with the hotel use

**Applicant:** Mrs Megan Evans

**Ward:** BU

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**RECOMMENDATION:**

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

**INTRODUCTION:**

The retention of marquee (324 square metres) in connection with the hotel use at Weston Hall Hotel, Weston Lane, Bulkington.

The application was originally for the erection of the marquee but the Applicant chose to erect the marquee so that noise tests could be carried out within the structure and therefore the description has been amended to the retention of.

The site is washed over by Green Belt. The original part of the Hotel is an Elizabethan stone built grade 2 Listed Building circa 16 and 17<sup>th</sup> Century. There are stone mullions and transoms to the windows with moulded kneelers to the gable parapets, cornices and pilasters and with three main gables to the front. There is a bow window at ground floor to the front and bay to the rear. To the rear is a flat roof painted two storey extension forming an L shape off the main building.

There is a car park to the front and to the rear on both sides and a garden also to the front and sides with mature trees. The car park that the proposal is located upon is not in good repair and is partially surrounded on three sides by the original building and extensions.

To the west of the building are fields and Weston Hall stables that are now converted to residential units. The building is fairly set well back on the junction of Weston Lane and Mill Lane. Opposite the site is the Catholic Church and presbytery with the rest of Mill Lane consisting of dwellings. Mill Lane is fairly narrow. Weston Lane is also residential with the nearest boundaries of residential properties being 90 to a 100 metres away. The residential curtilage of Weston Lane Farm house is the closest residential property. The boundary of residential properties in Claremont Close is approximately 280m away.

The building is currently used as a hotel and for conferences, banqueting and events. Pre-application advice was sought and the Agent was advised that it was unlikely that consent would be granted due to noise concerns. Subsequent to the erection of the marquee, a noise assessment and report has been received.

The Agent has advised that the marquee is necessary for the Hotel to remain economically viable and that current market trends dictate the need for choice to customers. They have recognised that the marquee is not a permanent structure and therefore would accept a temporary permission potentially for five years. The Agent has advised that the main use will be for weddings and entertainment but will not be used exclusively for this.

Planning permission is required for the marquee as it is considered as a building operation or operational development. This is upheld by the Planning Inspectors definition of development in Appeal references: APP/N1920/A/10/2133063, APP/N1920/X/10/2133093 and APP/N1920/C/10/2136252 for the erection of a marquee at Bhaktivedanta Manor, Watford. Whilst the marquee described in the Appeal was larger at 36m by 15m wide equating to 540 square metres; the description of the construction is similar to the Weston Hall marquee. The Inspector considered on the Watford application that due to the construction and the likelihood that it would take a small team 2 to 3 days to erect or remove it, it was considered to be a "building operation" (paragraph 15). This appeal also referred to a previous Court of Appeal *Skerrits of Nottingham Ltd v SSETR and LB Harrow 2000 JPL 1025* which noted building operations need not create a building. The Inspector for the Watford Appeal determined that the marquee would require planning permission (paragraph 19).

## **RELEVANT PLANNING HISTORY:**

- 035487 Listed Building Consent for erection of marquee in connection with the hotel use. Yet to be determined.
- 011028 Listed Building Consent for pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 010970 Pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 005393 – TP/0441/01 Listed Building Consent for non-illuminated hotel signage. Approval. 29.10.2001.
- 005381 – TP/0440/01 Non-illuminated hotel signage. Approval. 29.10.2001.
- 002233 – TP/0178/96 Listed Building Consent for Single storey extension (amendment to approval tp010396). Approval. 1.05.1996.
- 002245 – TP/0179/96 Single storey extension. Approval. 1.05.1996.
- 001332 – TP/0103/96 Listed Building Consent for two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 001320 – TP/0102/96 Two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 007658 – TP/0631/95 Listed Building Consent for refurbishment of stables bar and part first floor. Approval. 29.12.1995.
- 006787 – TP/0557/95 Listed Building Consent for demolition of outbuildings. Approval. 18.10.1995.
- 000863 – TP/0064/95 vary approval TP029594, remove Cond 1a siting, amend cond 6 to cover trees affected by development. Approval. 4.08.1995.
- 003638 – TP//0295/94 Extensions to hotel (outline). Approval. 11.01.1995
- 007175 – TP/0591/92 Leisure centre and golf driving range. Returned. 15.02.1993.
- 028363 – TP/0142/88 Application for Listed Building Consent for extension to kitchen block. Approved. 28.10.1988.
- 025951 – 860393 Extension to form new 60 bedroom hotel wing, courtyard, banqueting area and kitchens, formation of car parking and landscaping area. Approval. 01.09.1986.

- 023153 – 810736 Neon signs for discotheque and illuminated hotel, pub and restaurant signs. Approval. 15.01.1982.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004

### **CONSULTEES NOTIFIED:**

WCC Highways and NBBC Environmental Health.

### **CONSULTATION RESPONSES:**

Objection:

WCC Highways and NBBC Environmental Health.

### **NEIGHBOURS NOTIFIED:**

117a, Weston Lane Farm, Our Lady of the Sacred Heart Catholic Church, 117 – 121 (odd) Weston Lane. 1, 3 & 5 Weston Hall Stables and The Presbytery Mill Lane.

Neighbouring properties were sent letters notifying them of the proposed development on the 23<sup>rd</sup> March 2018. A site notice was erected on street furniture on the 11<sup>th</sup> April 2018 and the application was advertised in The Nuneaton News on 28<sup>th</sup> March 2018.

### **NEIGHBOUR RESPONSES:**

There have been 8 objections from 6 addresses and one anonymous objection. The comments are summarised below;

1. Noise pollution that marquee and bookings will create.
2. Marquee may mean regular events leading to regular noise as experienced last year often into early hours.
3. Already have problem with noise from internal events held at the hotel with the sound of the bass and people laughing and talking outside.
4. Previous complaints about noise ignored by the hotel and Council.
5. Physically impossible to sound proof a marquee.
6. Extra people smoking outside.
7. Had to leave home until event had ended.
8. Outdoor events at the hotel can be clearly heard at neighbouring houses.
9. Telephone calls to hotel to turn down music is ignored.
10. Music and DJ's are heard very clearly from nearby homes.
11. Peaceful family orientated neighbourhood.
12. Marquee is unnecessary and will tarnish residents relationship with hotel.
13. Loss of parking spaces will be detrimental. Parking previously a problem by hotel users.
14. Previous nightclub at hotel was closed due to noise nuisance.
15. Directing speakers to the 3 walls of the main building will just reflect the noise back.
16. Lower range noises are the issue that are hardest to block.
17. If approved will be impossible to contact Council when the noise would be at its worst.
18. Not notified about the application.

## **APPRAISAL:**

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

1. Principle of the Development.
2. Impact on Residential Amenity.
3. Impact on Visual Amenity.
4. Impact on Highway Safety.
5. Conclusion.

### **1. Principle of the Development**

The NPPF paragraph 80 states that decisions should support existing businesses and the principle of extending the commercial element of the site is considered acceptable providing other impacts can be made acceptable.

The proposal is in Green Belt however both the Borough Plan (paragraph 6.61) and the NPPF (Paragraph 145) states that extensions to a building are acceptable as long as it is not proportionately larger than the size of the original building. (The proposed size of the marquee is to be 12m by 27m and 4.5m high.) It is considered that a marquee is proportionate to the hotel. The same paragraph states the need to maintain openness. It is considered that as the marquee is in close proximity to the buildings and is partly within the U shape of the existing building and on the land already developed as car park.

It is therefore considered that the principle of the development is acceptable.

### **2. Impact on Residential Amenity**

The Borough Plan Policy BE3 – Sustainable design and construction states that development proposals must review the impact on residential amenity. The reasoning for this is given in paragraph 13.38, which states that this policy will ensure development is of a high quality and amongst other things will not cause unreasonable noisy environments or otherwise be obtrusive.

It is considered that the main impact to the residential amenity will be the noise and activity from the marquee.

Defra's Noise Policy Statement for England (NPSE) March 2010 in the Explanatory note (paragraph 2.5) states that the policy can be used for "neighbourhood noise" and noise arising from entertainment premises. It states that noise should be properly taken into account (paragraph 2.6).

This statement states that sound only becomes noise when it contributes to some harmful or otherwise unwanted effect (paragraph 2.9). It also states that the World Health Organisation considers that the highest attainable standard of health is a fundamental right of every human being (paragraph 2.12) and that noise exposure can cause annoyance and sleep disturbance both which impact on quality of life (paragraph 2.14). ..

The Agent has argued that as the premises is established for business use, this includes the grounds of the hotel and therefore there is no material change in use and therefore noise should not be a consideration. They have stated that the perceived impact should not be a determining factor although they do recognise that if noise then becomes a nuisance to neighbours then this is in itself is a determining factor.

However, the Council considers that notwithstanding the fact that the proposal will intensify the use of the site, the structure in itself constitutes development and therefore needs planning permission. The impact of the new structure (including noise) is therefore a material consideration.

The Agent has tried to address the Council's Environmental Health objection in relation to noise by siting the proposal next to the building to provide a noise buffer. However the marquee is not totally surrounded in the buildings so it not completely buffered. The Agent has also stated that speakers and music will be directed towards the main building and that noise limiters will be in operation as per Health and Safety requirements. They also stated that the roof could be insulated for noise.

Policy 180 of the NPPF states that;

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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

Policy 170 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions...”

Due to ongoing concerns from Environmental Health, the Agent commissioned a noise assessment and report once the marquee was erected. This included measuring at boundary points the current ambient levels as well as with amplified music being played in the marquee. The supplementary documents that were then submitted were a Planning Statement; a Noise Management Plan; two reports on the Zone Array of Speaker Systems and an Acoustic Feasibility Study Technical.

The Noise Management Plan recommends that music will cease at midnight and live music will cease at 23:00. That the amplified music within the marquee will be controlled via an in house Zone Array (directional speaker system) via a frequency specific digital signal processor; that the sound level will be fixed and secured to prevent tampering and that all entertainment companies will be made aware of the regulations and this will be monitored on site. It also states that records of the calibration of the equipment will be kept. It further states that no visiting amplification will be able to be used. It also states that bands will be required to use specific equipment and that notices will be put up asking visitors to keep quiet when leaving the premises.

The Technical Memorandum - Acoustic Feasibility Study Report No. 819/001 paragraph 3.4 provides an abstract from the Institute of Acoustics:

“for premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise sensitive property between 23:00 and 07:00 hours, while at other times a balance should be struck between

the rights of those seeking and providing entertainment and those who may be disturbed by the noise”

This document also states that Weston Hall would only wish to use the marquee 30 times a year.

The above document tested the background noise and noise levels with music being played in the marquee. The test was carried out on Monday 29<sup>th</sup> April 2019 between 20:00 and 00:30. The results recommended that a conventional PA system would exceed the volume of level considered acceptable but that a frequency specific process limiter and directional zone array would be adequate to mitigate for noise. They also suggested that an acoustic lining could be used to the rear of the equipment to provide attenuation.

The submitted Zone Array Speaker Systems report (408/001) states that a directional zone array speaker is a:

“is a modular speaker system, enabling hundreds of loudspeakers to be installed across a single plane. Due to the alignment and orientation of the speakers, the system becomes highly directional. Through this directionality, it is possible to control acoustic temperatures and volume levels within specific areas, as required.” (Page 3.)

This document goes on to state that:

“The Zone Array has been built primarily to provide a solution for venues that are struggling to control noise, specifically bass. Using constructive and destructive interference to both create and localise low frequencies, the system can achieve results in scenarios of extreme sensitivity, where conventional speaker systems and/or traditional soundproofing methods have proved ineffective.” (Page 4.)

The document then states that the Zone Array speaker system:

“allows you to select specific areas, creating “hot zones” of sound within a single space. Outside of these zones, volume levels decay at a much faster rate than a comparative conventional speaker system. This means whilst areas requiring high volume levels, i.e. dance floors, can be catered for without compromise, surrounding areas, such as tables and bars, can be individually treated according to the specific requirements and noise sensitivity of each venue or event.”(Page 5.)

The report states that a digital signal processor unit is:

“...the control unit of our installations. It enables all inputs/outputs to be processed and limited to the requirements of each venue and any planning/licensing conditions.

This process-limiter controls the output power and therefore the volume level of the visiting DJ or band, who are able to plug in directly via an XLR patch point.

Through an open architecture software program, Direct Acoustics have created a frequency specific limiting module that has the capacity to remove and control troublesome frequencies, dependent on venue specific criteria.

This enables us to setup and limit levels within the venue, to ensure minimal impact upon the nearest noise sensitive receptors.” (Page 6)

The Council’s Environmental Health Officer attended the sound tests on site and have assessed the documents received subsequently to this. They have advised that they



still have real concerns about the potential noise impacts from the marquee. Their response states:

“The system that was demonstrated at the time of my visit was largely aimed at controlling low frequency noise and I do acknowledge it was impressive at doing this. However many of the other elements listed below remain a concern to me. In relation to music noise, the acoustic report uses noise criteria from the Good Practice Guide on Noise from Pubs and Clubs –draft annex. This uses facade criteria for nearby noise sensitive buildings to do the assessment. In this instance the noise report shows that noise levels will marginally exceed this at the nearest residential property. However this property does have quite a large garden and I am concerned that the proposed criteria will not offer sufficient protection to this space. This, in addition to the other concerns listed below, is why I still have real concerns about the proposal...

...My concern arises because marquee type structures attenuate minimal sound and so anything that does take place within them is not far removed from being an outside event. The application states that the marquee will be used for mixed events, so the noise of concern would be live and amplified music, PA systems and voices, laughter etc., from people attending events. Due to the lightweight structure proposed these types of noise are very difficult to control and residential properties are sufficiently close to be affected. There is also the possibility of people spilling out from the marquee, particularly on warm evenings, and congregating in the vicinity.”

At the time of the assessment Environmental Health, advised the acoustic engineer:

“...further to our contact earlier in the week on available standards, as advised we do not have an explicit policy on this however I believe the GPG on the Control of Noise from Pubs and Clubs is the most relevant guidance along with the draft working annex. I wouldn't see that the Noise Council Code of Practice on Env Noise Control at Concerts would have relevance given the nature of events it is aimed at and the higher tolerance of noise it allows. This is also true of BS8233:2014 because of the relatively quiet background noise and therefore the increase in noise this would allow. Having said this we would still want to look at each case on its merits as discussed below.

As far as the assessment goes, my main issue relates to the application of the GPG on the Control of Noise from Pubs and Clubs. I think it is stated that the venue want to do up to 30 events per year until 12 midnight. As there is not a category for this scenario (i.e. events finishing past 23:00 is only available for more than 30 events per year) I think the 'until midnight' category is the most appropriate because I am more concerned with this time element than the number of events (as I assume it would be close to 30 anyway and could be more). This would mean the LAeq level not exceeding the LA90.

This would also allow more protection for the adjacent garden of Weston Lane Farm house as I am also concerned about this. Whilst the guidance refers to noise at façades, this garden is quite large so areas of it would experience higher noise levels than the façade due to the distance across the garden.

Overall I was impressed with the way the Directional Array controlled low frequency noise but did, as per the outcome of the noise assessment, leave some issues at the higher frequencies, although some extra information was provided on this in the document this problem does need more consideration.

Overall I do still have real concerns about the marquee overall, some related to amplified music as given above, but also in relation to people noise such as raised voices, singing and rowdy behaviour and some related to noise from amplified speech such as speeches, PA systems, live acoustic music etc...”

In conclusion as Environmental Health state that not all their noise concerns have been addressed, it is considered that it has not been sufficiently demonstrated that the marquee will not cause detrimental harm in terms of noise to neighbouring properties.

### **3. Impact on Visual Amenity**

The proposal is 12m by 27m and 4.5m high and will largely be hidden by the existing building as it is set behind the original hotel and is to be set back 68m from the road. The surrounding garden is laid to lawn and mature trees.

The Agent recognised that a marquee is a temporary structure and the materials would mean that the outside would deteriorate over a number of years. However this could be overcome by issuing a temporary permission which is normal practise for temporary buildings. In doing this it is considered that the visual amenity could be monitored with time.

### **4. Impact on Highway Safety**

The Agent responded to County Highways original objection to state that the marquee will accommodate up to 250 people maximum and stated that they would not expect all the hotels entertainment area to be booked at one time. They stated that the side car park was rarely used and that there would still be a total of 225 parking spaces. The Agent has confirmed that the location of the marquee has caused the loss of 25 spaces. They advised that most people travel at least in pairs to the hotel so that at least 450 people could be accommodated at the hotel. They confirmed that even when 400 people have been at the hotel there was still sufficient parking and that parking would be considered when booking events.

County Highways response was that there could be up to 600 people at the hotel and that 200 to 250 spaces is insufficient and could cause parking on adjacent roads and that restricting the number of attendees to the hotel would not be a reasonable condition. Council Officers agree that it would be difficult to enforce.

The Council's Parking Standards are no longer extant but are still used as guidance. This states that there should be one space per hotel bedroom and 1 space per 5 square metres of bar/restaurant space (for areas over 50 square metres). The Hotel's web site confirms there are 38 bedrooms and 4 conference rooms serving up to 250 guests. The Agent has subsequently confirmed that the existing floor space is 98 square metres for the restaurant and 85 square metres for the bar and that the four conference rooms equate to 800 square metres of floor space in total.

Using the Council's Parking Standards the total number of parking spaces for the bedrooms is 38 and for the bar and restaurant (using the average of 1 per 5 square metres) is 37 spaces. There is no category for conference/entertainment rooms, the nearest would be for a public house for bar areas. This equates to 160 parking spaces for the conference rooms. This means that the existing hotel requires 235 parking spaces. Using the same data for the new marquee this means that an additional 65 spaces will be required. The total parking spaces therefore required would be 300 spaces giving a deficit of 75 spaces.

However, there is some likelihood that some of the uses will overlap, so people in the conference rooms and marquee are likely to also use the bar and that some people using these function rooms are likely to be booked into the hotel overnight. It would also likely not be the case that all the function rooms would be booked at any one time. In addition as stated previously the Parking Standards are no longer extant so it would be difficult to refuse the application based on the standards within this.

## **5. 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.

National and local policy states that existing businesses should be supported if impacts can be made acceptable and we certainly would not want to see the Hotel building become vacant or ultimately derelict. The Agent advises that there is an economical need for the marquee in order to provide a competitive business and therefore support should be provided. However, they did recognise that trends change and would therefore accept a temporary permission especially as the type of structure can deteriorate visually over time. Having said that, there is no supporting documentation to state that the proposal is essential for the continued business success and whilst the support of the business can be given some weight this cannot be at the detriment of the neighbouring residential amenity.

The Council's Environmental Health Team considers that noise concerns have not been completely addressed and that it has not been demonstrated that the marquee will not cause detrimental harm in terms of noise to neighbouring properties.

Therefore it is considered that on balance the weight of harm in terms of noise to residential amenity of the surrounding properties (in particular to the residential garden of Weston Lane Farm must outweigh the commercial gain to the area.

### **REASONS FOR REFUSAL:**

1(i) National Planning Policy Framework paragraph 170 states (in part):

Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

(ii) National Planning Policy Framework paragraph 180 states (in part):

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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

(iii) Policy BE3 of the Nuneaton and Bedworth Borough Plan states (in part):-

Development proposals must be:

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

Urban character

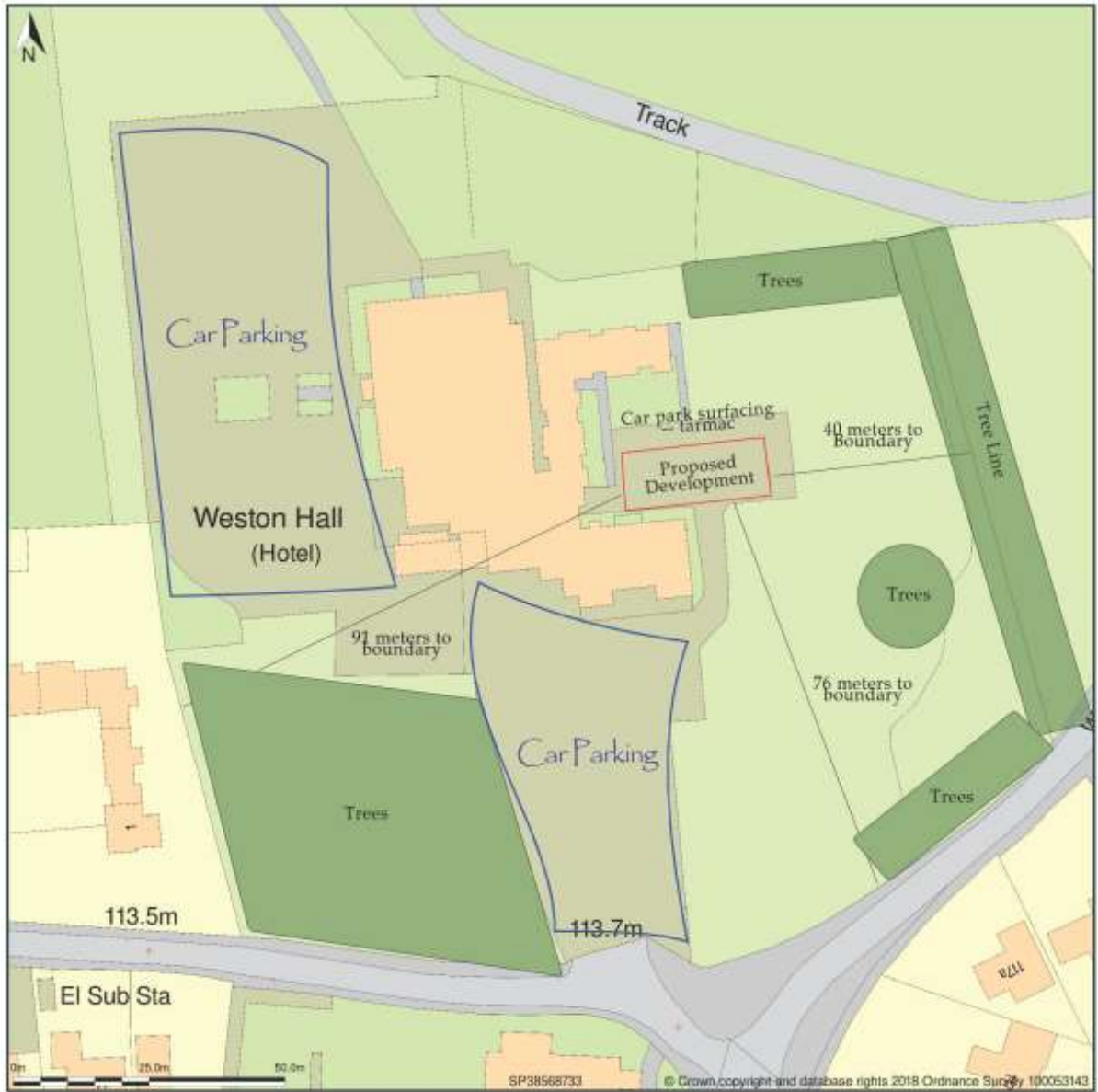
All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

(iv) The proposal is contrary to these policies in that it has not been adequately demonstrated that the marquee would not result in unacceptable noise and disturbance to the nearest residential property Weston Lane Farm and its curtilage, which would be detrimental to the residential amenities of the occupants.



Location Plan



Site Plan with Proposed Development



Photograph of the Side (East) Elevation of the marquee



Photograph of the Side (South East) Elevation of the marquee





Photograph of the Side Elevation (South East) of part of the marquee

# LISTED BUILDING CONSENT

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## Item No. 7

**REFERENCE No.** 035487

**Site Address:** Weston Hall Hotel Weston Lane Bulkington Bedworth CV12 9RU

**Description of Development:** Listed Building Consent for the retention of marquee in connection with the hotel use

**Applicant:** Mrs Megan Evans

**Ward:** BU

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### **RECOMMENDATION:**

Planning Committee is recommended to grant Listed Building consent subject to the conditions printed.

### **INTRODUCTION:**

Retention of marquee (324 square metres) in connection with the hotel use at Weston Hall Hotel, Weston Lane, Bulkington.

Due to its Grade 2 Listing status, Listed Building Consent is required as the marquee is within the curtilage of a listed building. The Listed Building status refers to the house and the gate piers, first given listed status on 1<sup>st</sup> July 1949.

The retention of marquee (324 square metres) in connection with the hotel use at Weston Hall Hotel, Weston Lane, Bulkington.

The application was originally for the erection of the marquee but the Applicant chose to erect the marquee so that noise tests could be carried out within the structure and therefore the description has been amended to the retention of.

The site is washed over by Green Belt. The original part of the Hotel is an Elizabethan stone built grade 2 Listed Building circa 16 and 17th Century. There are stone mullions and transoms to the windows with moulded kneelers to the gable parapets, cornices and pilasters and with three main gables to the front. There is a bow window at ground floor to the front and bay to the rear. To the rear is a flat roof painted two storey extension forming an L shape off the main building.

There is a car park to the front and to the rear on both sides and a garden also to the front and sides with mature trees. The car park that the proposal is located upon is not in good repair and is partially surrounded on three sides by the original building and extensions.

To the west of the building are fields and Weston Hall stables that are now converted to residential units. The building is fairly set well back on the junction of Weston Lane and Mill Lane. Opposite the site is the Catholic Church and presbytery with the rest of Mill Lane consisting of dwellings. Mill Lane is fairly narrow. Weston Lane is also

residential with the nearest boundaries of residential properties being 90 to a 100 metres away. The residential curtilage of Weston Lane Farm house is the closest residential property. The boundary of residential properties in Claremont Close is approximately 280m away.

The building is currently used as a hotel and for conferences, banqueting and events.

### **RELEVANT PLANNING HISTORY:**

- 035486 Retention of marquee in connection with the hotel use. To be determined.
- 011028 Listed Building Consent for pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 010970 Pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 005393 – TP/0441/01 Listed Building Consent for non-illuminated hotel signage. Approval. 29.10.2001.
- 005381 – TP/0440/01 Non-illuminated hotel signage. Approval. 29.10.2001.
- 002233 – TP/0178/96 Listed Building Consent for Single storey extension (amendment to approval tp010396). Approval. 1.05.1996.
- 002245 – TP/0179/96 Single storey extension. Approval. 1.05.1996.
- 001332 – TP/0103/96 Listed Building Consent for two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 001320 – TP/0102/96 Two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 007658 – TP/0631/95 Listed Building Consent for refurbishment of stables bar and part first floor. Approval. 29.12.1995.
- 006787 – TP/0557/95 Listed Building Consent for demolition of outbuildings. Approval. 18.10.1995.
- 000863 – TP/0064/95 vary approval TP029594, remove Cond 1a siting, amend cond 6 to cover trees affected by development. Approval. 4.08.1995.
- 003638 – TP//0295/94 Extensions to hotel (outline). Approval. 11.01.1995
- 007175 – TP/0591/92 Leisure centre and golf driving range. Returned. 15.02.1993.
- 028363 – TP/0142/88 Application for Listed Building Consent for extension to kitchen block. Approved. 28.10.1988.
- 025951 – 860393 Extension to form new 60 bedroom hotel wing, courtyard, banqueting area and kitchens, formation of car parking and landscaping area. Approval. 01.09.1986.
- 023153 – 810736 Neon signs for discotheque and illuminated hotel, pub and restaurant signs. Approval. 15.01.1982.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019
  - BE4 – Valuing and conserving our historic environment.

### **CONSULTEES NOTIFIED:**

English Heritage.

## **CONSULTATION RESPONSES:**

No Objection:  
English Heritage

## **NEIGHBOURS NOTIFIED:**

117a, Weston Lane Farm, Our Lady of the Sacred Heart Catholic Church, 117 – 121 (odd) Weston Lane. 1, 3 & 5 Weston Hall Stables and The Presbytery Mill Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 23<sup>rd</sup> March 2018. A site notice was erected on street furniture on 11<sup>th</sup> April 2018 and the application was advertised in The Nuneaton News on 28<sup>th</sup> March 2018.

## **NEIGHBOUR RESPONSES:**

There have been 8 objections from 6 addresses and one anonymous objection. The comments are summarised below;

1. Noise pollution that marquee and bookings will create.
2. Marquee may mean regular events leading to regular noise as experienced last year often into early hours.
3. Already have problem with noise from internal events held at the hotel with the sound of the bass and people laughing and talking outside.
4. Previous complaints about noise ignored by the hotel and Council.
5. Physically impossible to sound proof a marquee.
6. Extra people smoking outside.
7. Had to leave home until event had ended.
8. Outdoor events at the hotel can be clearly heard at neighbouring houses.
9. Telephone calls to hotel to turn down music is ignored.
10. Music and DJ's are heard very clearly from nearby homes.
11. Peaceful family orientated neighbourhood.
12. Marquee is unnecessary and will tarnish residents relationship with hotel.
13. Loss of parking spaces will be detrimental. Parking previously a problem by hotel users.
14. Previous nightclub at hotel was closed due to noise nuisance.
15. Directing speakers to the 3 walls of the main building will just reflect the noise back.
16. Lower range noises are the issue that are hardest to block.
17. If approved will be impossible to contact Council when the noise would be at its worst.
18. Not notified about the application.

## **APPRAISAL:**

The key issue to assess in the determination of this application is;

1. Impact on the Listed Building of Weston Hall.

### **1. Impact on the listed building of Weston Hall.**

The Borough Plan Policy BE4 'Valuing and Conserving our Historic Environment' states that development that sustains, conserves and enhances listed buildings will be approved. It then states that the consideration also needs to be made for the setting of a listed building. This is in line with the NPPF paragraph 185.

It is considered that due to its temporary nature, the marquee does not affect the setting of the Listed Building.

English Heritage have been consulted and do not wish to comment.

It is therefore concluded that the impact to the listed building is acceptable in this instance.

**REASONS FOR APPROVAL:**

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

**SCHEDULE OF CONDITIONS:**

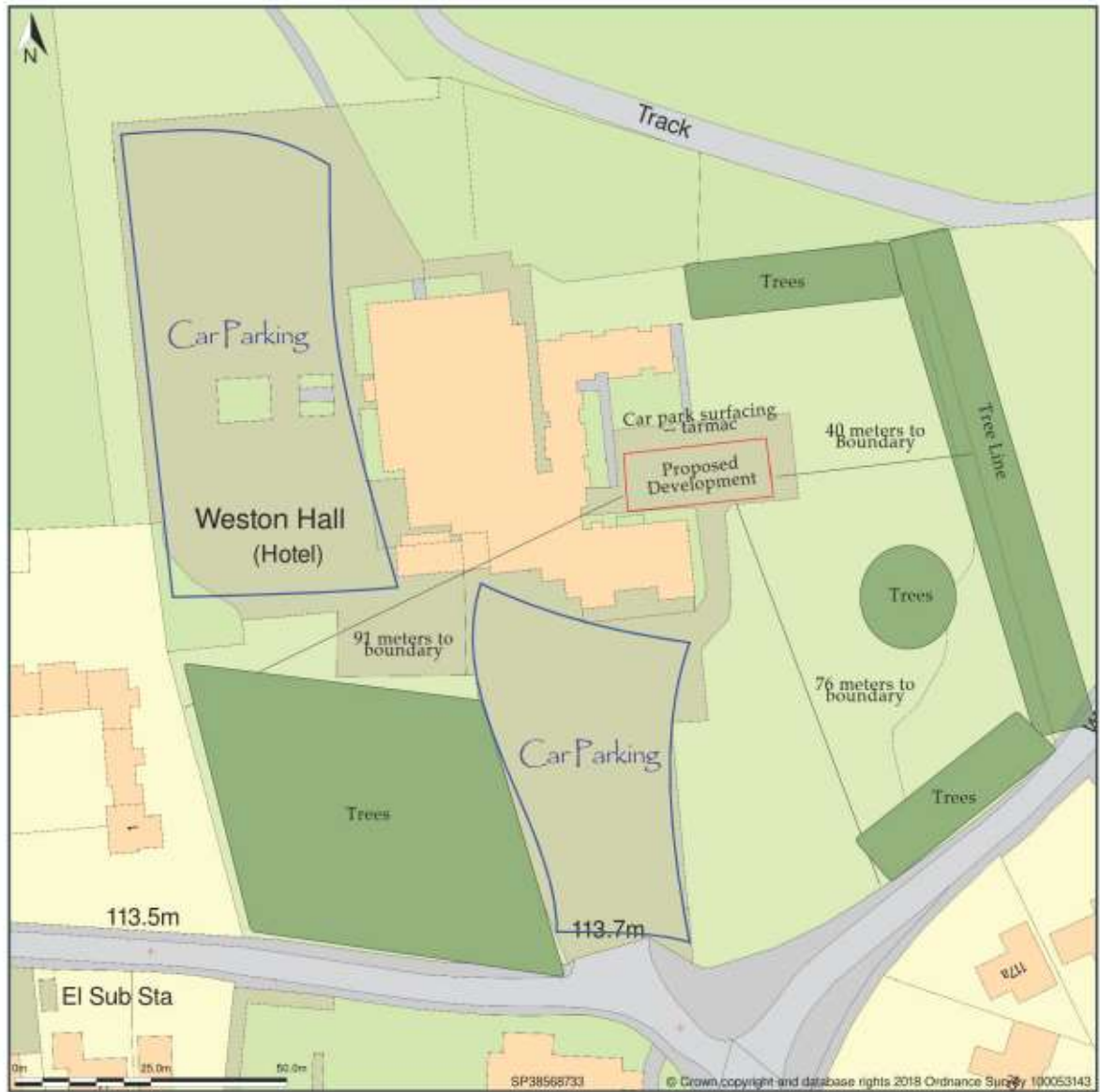
1. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Site plan with proposed development	N/A	20.4.19

2. This permission shall remain in force for a period of 5 years from the date of this permission, after which time the land shall be restored to its former condition.



Location Plan



Location plan with proposed development



Photograph of front (South) of Weston Hall Hotel





Photograph of corner of building (East) closest to the marquee



Newest part of Hotel (East) to the rear and closest to the marquee.



Photograph of the Side (East Elevation of part of the marquee

# TREE PRESERVATION ORDER

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**Item No. 8**

**REFERENCE No.** 036334

**Site Address:** 209 Weston Lane, Bulkington.

**Description of Development:** Request to fell Ash Tree T4 covered by TPO 11/91.

**Applicant:** Mr Andrew Plester.

**Ward:** Bulkington

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## **RECOMMENDATION:**

Planning Committee is recommended to refuse permission for the felling of the tree.

## **INTRODUCTION:**

It is proposed to fell Ash Tree T4 covered by TPO 11/91 because of excessive shading, blocking of the drains and gutters with the leaves, growing through telephone wires and because it has also outgrown its space. It is a large tree and is visible from the street and surrounding area. Drafted in 1991, TPO 11/91 originally covered the sites of 188 & 190 Nuneaton Road, Bulkington which were to be demolished to make way for the 4 dwellings that now occupy the site.

## **BACKGROUND:**

This application is being reported to Committee because the Councils Tree Officer has objected to the removal of the tree.

## **RELEVANT PLANNING HISTORY:**

- N/A

## **RELEVANT PLANNING POLICIES:**

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

## **CONSULTEES NOTIFIED:**

NBBC Parks and Countryside (Tree Officer).

## **CONSULTATION RESPONSES:**

Objection:

NBBC Parks and Countryside (Tree Officer).

## **NEIGHBOURS NOTIFIED:**

209 Weston Lane, Bulkington.

188,188A & 190 Nuneaton Road, Bulkington.

Neighbouring properties were sent letters notifying them of the application on the 24<sup>th</sup> April 2019. A site notice was posted on street furniture also on the 24<sup>th</sup> April 2018.

## **NEIGHBOUR RESPONSES:**

None

## **APPRAISAL:**

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

1. The reasons put forward for the removal of the tree
2. The impact on visual amenity.

### **1. The reasons put forward for the removal of the tree**

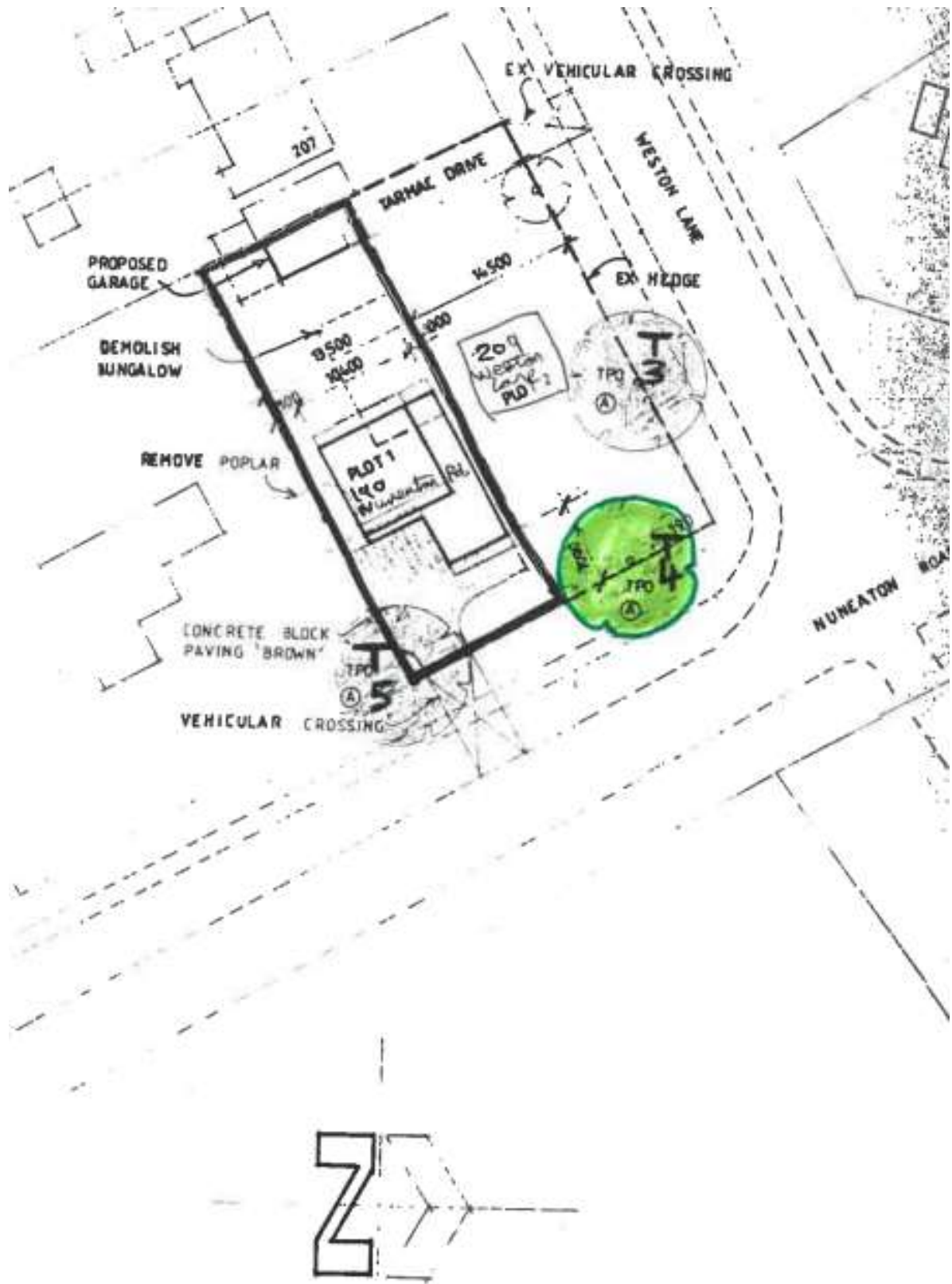
The applicant has stated that the tree should be felled because of excessive shading, blocking of the drains and gutters with the leaves, growing through telephone wires and because it has also outgrown its space. The Councils Tree Officer has concluded that none of the reasons put forward qualify as legitimate reasons for felling as the tree is neither dead nor dying and is not growing through telephone wires.

### **2. The impact on visual amenity**

The tree is a large, mature and healthy specimen in a very prominent position on the corner of Nuneaton Road and Weston Lane that contributes significantly to the visual amenity of the area. It is considered that its removal would be severely detrimental to that significant visual amenity.

## **RECOMMENDATION:**

Refuse Consent.





Use Class	Use	Permitted Change
A1 Shops	Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes	Permitted change to or from a mixed use as A1 or A2 & up to 2 flats Temporary permitted change (2 years) for up to 150 sq.m to A2, A3, B1 (interchangeable with notification) Permitted change of A1 or mixed A1 and dwellinghouse to C3 (subject to prior approval) Permitted change to A2 Permitted change to A3 (subject to prior approval) Permitted change to D2 (subject to prior approval)
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)	Permitted change to A1 where there is a display window at ground floor level. Permitted change to or from a mixed use for any purpose within A2 and up to 2 flats and for A1 and up to 2 flats, where there is a display window at ground floor level Temporary permitted change (2 years) for up to 150 sq.m to A1, A3, B1 (interchangeable with notification) Permitted change from A2 or mixed A2 and dwellinghouse to C3 (subject to prior approval) Permitted change to A3 (subject to prior approval) Permitted change to D2 (subject to prior approval)
A3 Food and Drink	Restaurants and cafes	Permitted change to Class A1 and Class A2 Temporary permitted change (2 years) to A1, A2, B1 (interchangeable with notification)
A4 Drinking Establishments	Public houses, wine bars or other drinking establishments	Permitted change to (or from) a use falling 'within Class A4 with a use falling within A3' (drinking establishments with expanded food provision)
A5 Hot Food Takeaways	For the sale of hot food for consumption off the premises	Permitted change to A1, A2 or A3 Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)
B1 Business	a) Office other than a use within Class A2 b) Research and development of products or processes	Permitted B1 change to B8 B1(a) office permitted change to C3 (to be completed within a period of 3 years from approval date) Temporary permitted change (2 years) to A1,A2,A3 (interchangeable with notification)



	c) For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	Permitted B1 change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval) Permitted change from B1 (C) light industrial to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by September 2020)
B2 General Industry	Industrial process other than that falling within Class B1	Permitted change to B1 and B8
B8 Storage or Distribution	Use for storage or as a distribution centre	Permitted change to B1. Permitted change to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by 10 <sup>th</sup> June 2019)
C1 Hotels	Hotels, boarding and guest houses (where no significant element of care is provided)	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2 Residential Institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2a Secure Residential Institutions	Prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barracks	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)

<p>C3 Dwellinghouses</p>	<p>Use as a dwellinghouse (whether or not a main residence) by  a) A single person or by people to be regarded as forming a single household  b) Not more than six residents living together as a single household where care is provided for residents; or  c) Not more than six residents living together as a single household where no care is provided to residents (other than use within Class C4)</p>	<p>Permitted change to C4</p>
<p>C4 Houses in multiple occupation</p>	<p>Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO) NB Large HMOs (more than 6 people) are unclassified therefore sui generis</p>	<p>Permitted change to C3</p>
<p>D1 Non-residential Institutions</p>	<p>Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts</p>	<p>Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)</p>
<p>D2 Assembly and Leisure</p>	<p>Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms</p>	<p>Permitted change to state-funded school or registered nursery (and back to previous lawful/use) (subject to prior approval)  Temporary permitted change (2 years) to A1,A2,A3,B1 (interchangeable with notification)</p>

Sui Generis (uses which do not fall within the specified use classes above)	Includes theatres, large HMO (more than 6 people sharing), hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting office, pay day loan shop	Casino to A3 (subject to prior approval) Casino to D2 Amusement centre or casino to C3 (subject to prior approval) Betting office or pay day loan shop to A1, A2, A3 D2 or mixed use A1 and up to two flats (if a display window at ground floor level), A2 or mixed A2 and up to two flats, A3, D2 (subject to prior approval), Betting Office or payday loan shop to mixed use A1 and up to two flats (if a display window at ground floor level), or mixed use betting office or pay day loan shop and up to two flats. Betting office, pay day loan shop or launderette to C3 (subject to prior approval) Mixed use betting office or pay day loan shop and up to two flats Mixed use betting office or pay day loan shop or launderette and dwellinghouse to C3 (subject to prior approval) Mixed use betting office and up to two flats to A1 (if a display window at ground floor level), A2 or betting office Temporary permitted change (2 years) from betting office or pay day loan shop to A1, A2, A3 or B1
Other changes of use	Agricultural buildings	Flexible changes to A1, A2, A3, B1, B8, C1, D2 (subject to limitations and prior approval process): new use is sui generis Permitted change to C3 (subject to prior approval) Permitted change to state-funded school or registered nursery (subject to prior approval)

NB: Any building in any Use Class except Class A4 or Class A3 and A4 use (drinking Establishments with expanded food provisions) can be used as a state funded school for up to two academic years (with limitations and conditions).

Certain vacant commercial 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 academic year.

NB: 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: GPDO (2015) Schedule 2 Part 3 Class V