

## PLANNING APPLICATIONS COMMITTEE

### ADDENDUM

Item

1. AMEND Planning Obligations  
Following deferral of the application from the previous Committee, Officers sought Counsel's legal opinion on the requests for Planning Obligations. Counsel's opinion was (in summary);
  - a. Despite the omission of a specific requirement in HSG3, seeking the disputed contributions have a firm basis in local and national policy. If the requirement is not to be derived from reading the local plan as a whole, it can still be required (subject to viability) on the basis that the unintentional omission from HSG3 is a material consideration.
  - b. The Council can rationally conclude that the contributions meet the reg 122 tests.

A summary of this was provided to the applicant and on balance they have agreed to make the two s106 contributions concerning destination parks and sports development in the sums of £237,220.25 and £1,357,637 respectively.

2. AMEND Condition:  
Schedule 1  
The details and plans contained in the following Schedule 1 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 of approved documents

Plan Description	Reference	Date Received
Location Plan	P100 Rev B	11th July 2019
Proposed Layout	P001 Rev S	3rd Sept 2019
Site Sections	P210 Rev A	11th July 2019
Boundary Treatment Plan	P003 Rev D	11th July 2019
Courtyard 1 Vehicle Tracking Private Car sheet 1.	7584-ATR-102 P03	7th Aug 2019
Courtyard 2 Vehicle Tracking Private Car sheet 1.	7584-ATR-103 P04	7th Aug 2019
Courtyard 1 Vehicle Tracking Private Car sheet 2.	7584-ATR-104 P02	7th Aug 2019
Courtyard 2 Vehicle Tracking Private Car sheet 2.	7584-ATR-105 P03	7th Aug 2019
Surface Water Drainage	0705/D/005 Rev A	14th Aug 2019
Camp Hill Flood Risk Technical Note	15 Aug 2019	20th Aug 2019
Apartment Floor Plans	P420 Rev	11th July 2019
Apartment Floor Plans	P421 Rev	11th July 2019

Apartment Elevations	P422 Rev	11th July 2019
House Type - Alverton	P401 Rev	11th July 2019
House Type - Richmond	P403 Rev B	11th July 2019
House Type - Brentford	P404 Rev B	11th July 2019
House Type - Buchanan	P405 Rev A	11th July 2019
House Type - Ennerdale	P407 Rev B	11th July 2019
House Type - Alvecote	P408 Rev	11th July 2019
House Type - Sutton	P409 Rev A	11th July 2019
House Type - Kingsville	P410 Rev A	11th July 2019
House Type - Cherrington	P411 Rev B	11th July 2019
House Type - Claverdon	P413 Rev	11th July 2019
House Type - Norbury	P414 Rev A	11th July 2019
House Type - Moresby	P406 Rev C	9th Aug 2019
House Type - Moresby V1	P406a Rev	9th Aug 2019
House Type - Ettington	P412 Rev B	9th Aug 2019
Materials Distribution Plan	P002 Rev D	11th July 2019
Soft Landscape General Arrangement	100 rev B	11th July 2019
Soft Landscape Proposals – Sheet	101 rev B	11th July 2019
Soft Landscape Proposals – Sheet 2	102 rev B	11th July 2019
Soft Landscape Proposals – Sheet 3	103 rev B	11th July 2019

ADD Conditions:

Schedule 2

4. The development must be laid out in accordance with the following approved drawing;

- C2491\_P001 Rev S, Proposed Layout, dated 03/09/2019

5. No utility pipe works or cabinets are to be placed on the exterior walls of the undercroft (FOG) vehicular accesses that measure less than 5.5m to reduce access less than the entrance or access.

6. Suitable signage must be placed by the undercroft (FOG) 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. If a better solution can be found for the access via the undercrofts to the courtyards that would prevent the possibility of vehicles reversing onto the highway, the Highway Authority would welcome this.

AMEND Consultation response to read:

Change objection from WCC Highways to no objection subject to conditions.

ADD to Section 4 Residential Amenity of the report:

Since the assessment was carried out under revision L, further revisions have been received to overcome Highways objections and improve residential amenity. The revisions are:

*Rev M*; not submitted.

*Rev N* revisions were:

- Plot 123, bin refuge relocated.
- Plot 126 (and 125) Parking bay width increased to 2.750 and courtyard adjusted to provide additional manoeuvring space.
- Visibility splays added for 87 88, 89, 106, 109, 107, 115,117,119, 127, 129 and 131.
- Amendments to boundary treatments adjacent drives to ensure that 2.0m pedestrian visibility is provided.
- Adjustments to plots 123-128 parking courtyard to improve manoeuvrability.
- Bin refuge for 131 moved into adjacent bin store.
- Dimensions provided to demonstrate adequate space provided for parking spaces adjacent boundary structures.

It is considered that the above amendments do not affect residential amenity but improve highway safety.

*Rev P* revisions were:

- Relocation of drive between plot 109 and 108 to widen it to give more distance between side bedroom windows to each house.

It is considered that the above slightly improves residential amenity to what was originally proposed but not enough to meet RDG.

*Rev Q and Rev R*

- Reduced all driveways with visibility splay issues to 2.4m where it meets the back of footpath, in the event of 2 or more spaces next to one another (i.e plots 100-102) only the driveway within the visibility splay has been altered. Visibility splay lines added to drawing.

It is considered that the above does not affect residential amenity but improves highway safety.

- To provide visibility splays some plots have been moved back. These are plots 108 to 116; 130 to 142; 70 to 86; 90 to 94 and 100 to 105. This has meant some plots within the site are closer together. Not all have been measured but to give an indication the decrease in distance between windows to plots is:

Plots	Difference
Plot 76 to 99	400mm
Plot 82 to 93	same
Plot 79 to 96	same
84 to 90	400mm
86 to boundary 89	1m
134 to 113	4 to 5m
112 to 135	300mm
116 to 131	500mm

139 to boundary 100	900mm
40 to 109	400mm
71 to 105	700mm
73 to 103	1m
76 to 100	200mm

- To make the street scene uniform some houses have been pushed back more than others. Some plots have been measured to give an indication:

Plots	Stepped back by
133	500mm
140	400mm
109	200mm
111	400mm
79	-300mm
102	-200mm

In relation to the impact of the above whilst it is regrettable that window to window distance has been reduced; this is for highway safety and it is only within the site and does not affect any existing properties. It also impacts only the properties where the heights differences between plots are at their greatest so that to an extent the horizontal distance becomes less important.

- For highway safety, parking for plot 88 has been moved to the other side of the property. This has impacted the positioning of trees within the area of public open space which has been adjusted accordingly.

The disadvantage of this is that bedroom 2 (secondary window) and bedroom 3 (primary/sole window) of plot 89 is now overlooking the garden space of plot 88 at less than 7m whereas the windows were overlooking the parking spaces before and not the garden. However, main garden area of plot 88 is 14m away so only a small part of the garden is within 7m.

#### *Rev S*

- Parking spaces to plot 97 moved perpendicular to the highway. Footpath moved to get to front door and plot 96.

It is considered that the above does not affect residential amenity but improves highway safety.

AMEND number of Neighbour Responses to read:  
8 objections from 6 addresses.

- AMEND Introduction 1<sup>st</sup> paragraph to read:  
Proposed change of use from commercial to 8 bedroom house in multiple occupation (HMO). This would be a Sui Generis use class in that it would be a 'use class of its own' and would not fall within the standard uses in the Use Classes Order. The proposal is to include alterations to the front elevation at 56 Aston Road, Nuneaton.

AMEND number of Neighbour Responses to read:

There have been 21 objections from 15 addresses as well as 1 with no address provided.

ADD Consultation Response:

No objection Warwickshire Police.

AMEND Consultation response to read:

Change no objection to objection from NBBC Environmental Health.

AMEND Reasons for Refusal to read:

1 (i) NPPF Paragraph 180 (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.

(ii) NPPF Paragraph 38:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

(iii) 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

(iv)The proposal is contrary to these policies in that the use would result in at least 8 adults living in the unit which is likely to incur a large

amount of coming and goings and subsequently have a detrimental adverse impact to the neighbouring residents in terms of noise issues and living conditions.

(v) The proposal is contrary to these policies in that it would create a new habitable primary bedroom window closer to the noise and activities generated from the existing (and any future) commercial and industrial premises of Aston Business Park to the detriment of the residential amenity and living conditions of the new occupant of bedroom 5 of 56 Aston Road.

The Plans considered are:

Title	Drawing Number	Date received
Existing/Proposed Floor Plans (Floor Plans)	VD19331 Rev 05	9th September 2019
Existing/Proposed Floor Plans (Elevations)	VD19331 Rev 05	9th September 2019

4. AMEND Condition 2 to read:

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

Plan Description	Plan No.	Date Received
Site Location Plan	18/08403/100 rev A	4th July 2019
Proposed Site Plan	18/08403/103 rev C	27th Aug 2019
Proposed Floor Plans	18/08403/104 rev A	4th July 2019
Proposed Elevations & Sections	18/08403/105 rev A	4th July 2019

AMEND Consultation response to read:

Change objection from NBBC Refuse to no objection.

ADD Comments received from Cllr N Phillips raising the following points:

1. Would committee be minded to make a site visit?
2. Grave concerns about the impact of the development
3. Do not think the reduction from the 9 apartments applied for to the 6 now applied for fully mitigates the concerns
4. There is also impact on the character of the Victorian terraces as design is not in-keeping
5. There have been 18 objections from 10 properties and a petition with 21 signatures
6. Car parking in this road is a nightmare
7. The site has been empty for over 17 years
8. The site does warrant development but developed with care