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Date: 13th May, 2019

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Committee Room A of the Town Hall, Nuneaton on Tuesday, 21st May, 2019 at 5.00 p.m.**

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

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

Site Visit Information

Members are reminded that a site visit will take place in connection with application number 036133, The Newdigate Arms, Newdigate Road, Bedworth.

Members are asked to meet on site at 3:45 p.m.

If any Members need a lift, please be at Nuneaton Town Hall at 3:30 p.m. or Bedworth Civic Hall at 3:40 p.m.

CODE OF CONDUCT- COMMITTEE SITE VISITS

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

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

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the 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 30th April, 2019 (attached). **(Page 6)**

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 **(to follow)**. 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

30th April, 2019

A meeting of the Planning Applications Committee was held at the Town Hall, Nuneaton on Tuesday, 30th April, 2019.

Present

Councillors W. J Hancox - Chair

Councillors J. Beaumont, S. Gran, A. Llewellyn-Nash, B. Pandher, G. Pomfrett, M. Rudkin, J. Sheppard, R. Smith and K. Wilson.

Apologies: Councillors J. Glass, J. Sargeant and J. Tandy.

PLA77 **Chair's Announcements**

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

The Chair informed Members that this was the last meeting of the Planning Applications Committee for the 2018-19 Committee year and thanked everyone for their contributions.

PLA78 **Minutes**

RESOLVED that the minutes of the meeting held on 2nd April, 2019, be confirmed.

PLA79 **Declarations of Interest**

Councillor A. Llewellyn-Nash declared that she was no longer a Parish Councillor of St. Giles, Exhall, and requested that the Schedule of Interests be updated accordingly.

RESOLVED that the declarations of interest are as set out in the Schedule attached to the minutes, as amended.

PLA80 **Declarations of Contact**

Councillor W. Hancox declared that he had been contacted by residents in regards to Planning Application Nos. 036092 and 036133, but that he had not given an indication of his voting intention.

Councillor S. Gran declared that he had met with residents in regards to Planning Application No. 036133, but that he had not given an indication of his voting intention.

Councillor J. Beaumont declared that he had been contacted by residents in regards to Planning Application No. 036194, but that he had not given an indication of his voting intention.

Councillor J. Sheppard declared that she had been contacted by residents in regards to Agenda Item 10, and Planning Application Nos. 036092 and 036218 but that she had not given an indication of her voting intention.

IN PUBLIC SESSION

PLA81 Planning Applications

(Note: Names of the members of the public who spoke are recorded in the Schedule)

RESOLVED that decisions be made on applications for planning permission as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum unless stated otherwise.

PLA82 Exclusion Of The Public And Press

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

PART II - EXEMPT ITEMS

PLA83 Untidy Sites

The Head of Planning submitted a report requesting that the Committee consider the required action to be taken in regards to three separate enforcement cases at residential properties in the Borough where there had been non-compliance with a Section 215 Untidy Land Notice.

RESOLVED that

- a) work be carried out in default at the property in Bedworth, as detailed in the report, and the owners of the land who had been uncooperative during the process, be charged for the costs of the works, and if necessary those costs be recovered by the debt recovery route; and
- b) works be carried out in default at two properties in Nuneaton, as detailed in the report, and the owners of the land be charged for the costs of the works, and if necessary those costs be recovered by the debt recovery route.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA81 OF THE PLANNING APPLICATIONS COMMITTEE ON 30TH APRIL, 2019

036092: Site 42B001 - Land rear of 28-44 The Long Shoot Nuneaton Warwickshire
Erection of 75 dwellings including public open space, surface water drainage,
landscaping, car parking and other ancillary works.(Phase 3).(Re-submission
following refusal of 035623)
Applicant: Mr Chris O'Hanlon, Bellway Homes Limited.

Speakers: Councillor R. Tromans
Melanie Allen
Michele Kondakor
Chris O'Hanlon

DECISION

Planning Permission be refused on the grounds that the numbers are outside of the Borough Plan for site HSG1, having regard to paragraph 48 of the National Planning Policy Framework.

035033: Poplar Farm The Long Shoot Nuneaton Warwickshire CV11 6JG
Residential development of up to 650 dwellings with public open space landscaping
sustainable urban drainage system (SuDS) and vehicular access off The Long Shoot
and Eastboro Way (Outline to include access)
Applicant: Gladman Developments Ltd

Speakers: Councillor R. Tromans
Lisa Maynard
Jim Foster

DECISION

Planning Permission be refused on the grounds that the proposal is contrary to Paragraphs 108, 109 and 110 of the National Planning Policy Guidance 2019, resulting in an unacceptable impact on highway safety and a severe impact on the road network.

036194: Council House, Coton Road, Nuneaton, Warwickshire, CV11 5AA
Change of use from council offices to hostel (sui generis use) including 38
bedrooms, ancillary office, storage, laundry, training rooms, kitchens and other
associated rooms
Applicant: Dawn Dawson, NBBC

Speaker: Jane Grant

DECISION

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

036133: Newdigate Arms Newdigate Road Bedworth CV12 8EF.
Formation of external patio to front comprising of new hard surfaces and 1000mm high planter troughs with new gate and ramp and fencing. Cedral cladding to building including blocking up side entrance to create smoking area. Entrance fascias to be clad in astro turf
Applicant: Mr Gary Slinn, Greene King Pub Partners

Speakers: Councillor K. Evans
Mrs Beardmore
Mrs Morris
Gary Slinn

DECISION

That the decision be deferred pending a site visit to assess the appropriateness of a boundary fence, highway safety implications, to allow for discussions with the applicant regarding the removal of slate scrapings from the application, and for officers to investigate land ownership relating to the access and green land.

035538: Site 28B003 - Land off Weddington Road Nuneaton Warwickshire
Residential development of up to 775 dwellings with public open space, A1 retail unit, landscaping and sustainable drainage system and vehicular access. Outline with all matters reserved except for access. Includes widening of part of footpath N26 to provide emergency access
Applicant: Gladman Developments Ltd

Speakers: Councillor K. Kondakor
Councillor H. Walmsley

DECISION

Planning Permission be refused on the grounds that the proposal is contrary to Paragraphs 108, 109 and 110 of the National Planning Policy Guidance 2019, resulting in a severe impact on highway safety and the safe operation of the highway network.

035471: Site 106a014 - King Street, Bedworth
Conversion of existing building and erection of three-storey building to create 18 flats including pitched roof, additions and elevational changes to existing building and car parking area to rear
Applicant: Mrs B Soorishetty

DECISION

Planning Permission be granted, subject to the conditions printed in the agenda and addendum, with an amendment to Condition 11 to restrict parking on the site to residents only and occupiers of 92 and 92A King Street.

036218: 24a Princes Avenue Nuneaton Warwickshire CV11 5NU

Variation of conditions 5 of permission 035135 to allow changes to opening hours

Applicant: Mr Mohammed Labutta

Speakers: Councillor N. Phillips
Shazlee Ahshan

DECISION

That the decision be deferred to allow the applicant to amend the hours detailed in the application.

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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Allotments
	S. Gran		Member of Warwickshire County Council	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Parish Councillor of St Giles, Exhall; Governor at Newdigate Primary and Nursery School, Bedworth Vice-President of Exhall Multicultural Group	
	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	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	J. Sargeant	SATCOL Charity Project Manager		To speak and vote on any matters related to the Salvation Army Charity (SATCOL) or related bodies, unless the matter directly affects the contract of employment of the Councillor
	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 Sevensco Training CIC Ltd, A member of the Board of Directors of Bulkington Village Community and Conference Centre	
	J.A. Tandy		Partnership member of the Hill Top and Caldwell Big Local. Member of Warwickshire Police & Crime Panel.	
	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
21st May 2019

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3.	036324/EX	37 New Road, Ash Green Coventry	42.
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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		

SITE VISIT

Item No. 1

REFERENCE No. 036133

Site Address: Newdigate Arms, Newdigate Road, Bedworth, CV12 8EF.

Description of Development: Formation of external patio to front comprising of new hard surfaces and 1000mm high planter troughs with new gate and ramp and fencing. Cedral cladding to building including blocking up side entrance to create smoking area. Entrance fascias to be clad in astro turf

Applicant: Mr Gary Slinn, Greene King Pub Partners

Ward: SL

RECOMMENDATION:

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

REASON FOR SITE VISIT:

To assess the appropriateness of a screening boundary fence to the patio and highway safety implications.

INTRODUCTION:

The application is to form an external patio to the front of the property comprising of new hard surfaces and 1000mm high planter troughs with new gate and ramp and fencing. Cedral cladding to building including blocking up side entrance to create smoking area and the entrance fascias are to be clad in astro turf. This work is proposed at Newdigate Arms Newdigate Road Bedworth CV12 8EF.

This is a circa 1970's public house comprising of two storeys with a single storey extension on the site. The site is set back off the road similar to the Zion Baptist Chapel which is to the north of the site across Deronda Close beyond the Zion Chapel is the residential area of Deronda Close. The nearest house in Deronda Close to the Public House is number 6 Deronda Close. The rear boundary of the garden of this property is 32m from the proposed patio at the public house.

To the south west of the public house is the Kingdom Church Hall and beyond this further houses in Deronda Close.

To the south of the site is the rear gardens of the residential dwellings of Lovell Road and the side of the property and garden of 85 Newdigate Road.

Opposite the public house across Newdigate Road is the entrance to Marner Road and the properties here either front or side on to the public house and are 55m away.

The road in front of the pub has a sharp bend. There is currently two vehicular access points to the pub one of these is to be closed off with the proposal to provide the area to the front of the pub for the patio area.

BACKGROUND:

Notwithstanding the level of objection, this application is being reported to Committee at the request of Councillor S. Gran.

RELEVANT PLANNING HISTORY:

- TP/0561/02 (006828) Elevational changed to the front, new doors to the side. Approved. 30.10.2002.
- TP/0069/95 Toilet extension to side, lounge extension to rear. Approved. 29.03.1995.
- TP/0475/90 Single storey extensions to side and rear to provide restaurant area and children's room. Approved. 22.10.90.
- TP/0266/89 Single Storey extension to front. Approved. 09.06.1989.
- 741130 Extension to public house. Refused 08.07.74.
- 770183 Lounge extensions. Refused. 09.05.71. Allowed at Appeal 01.02.1978.

RELEVANT PLANNING POLICIES:

- Saved Policies of the Local Plan 2006:
 - ENV14 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Licensing, Warwickshire Police, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways.

No objection from:
NBBC Environmental Health and Warwickshire Police.

Comments from:
NBBC Licensing.

NEIGHBOURS NOTIFIED:

6 – 12 (even), Kingdom Hall and Zion Church Deronda Close. 79 – 85 (odd), 90 – 104 Newdigate Road. 2 – 8 (even) Lovell Road. 21 – 27 (odd) Marner Road. 2 Alderman Gee Hall.

Neighbouring properties were sent letters notifying them of the proposed development on the 30th January 2019.

NEIGHBOUR RESPONSES:

There have been 11 objections from 8 addresses. The comments are summarised below;

1. Proposal will have detrimental impact upon residential amenity. – Noise and disturbance nuisance especially at quieter periods.
2. Already had issues with live bands meaning locals have to shut windows and Police attendance due to fights and drug dealing.
3. Current license restrictions in place due to historical problems with noise and anti-social behaviour.
4. Will increase litter in the area.
5. Increased risk of anti-social behaviour and vandalism, where the addition of furniture, glasses etc. from the new area can be thrown around the area.
6. This is a quiet residential area with sheltered accommodation and two churches close by and many retired people live in the area.
7. The proposal will cause disturbance and detrimental visual impact as there appears to be room for 60 – 70 people outside.
8. Inadequate parking and access – Proposal will reduce parking by 8 spaces but will increase customers. Car park is already overflowing sometimes. Proposal will increase on street parking in an area where people already have issues with parking. Only a few buses pass by the site in the day and none in the evening.
9. Road is busy at peak times with a dangerous bend close to the pub and accidents to already occur at this point.
10. The extra traffic due to the closure of an access to the pub will channel traffic to the narrowest point on the bend.
11. New planned area will also cause distraction to people driving by especially on the sharp bend near the pub.
12. Reducing vehicular access just to one will cause further damage to the highway which already needs frequent repairs, where traffic have to avoid pot holes. It will make it harder for neighbours to pull out of drives.
13. There is no pavement outside the pub. Pedestrians currently go through the pub car park, the proposal will prevent this. A new footpath will need to be provided by County.
14. Already have a designated outdoor area to the rear which is underutilised.
15. Unclear whether additional lighting will cause light pollution to residents.
16. Concerns that the proposal will affect security to local houses.
17. Loss of privacy to local houses.
18. Object to smoking area out at the front.

19. The patio area will cause the children visiting the pub to play on the grass verge near the dangerous bend.
20. More opening of the doors for people to come outside will allow internal pub noise including music to be heard by residents.
21. Requests a 1.8m fence is put around the patio to screen customers from the local houses.

Petition of 8 signatories received on the grounds of:

1. Many of the local retired residents go to bed early and the noise will be heard from the sheltered bungalows and hall.
2. Previous issues with noise and nuisance have restricted the pubs license.
3. Number of vulnerable residents whose have concern about their safety and security especially at night.
4. Many local residents have mobility scooters and the increase in traffic will make them hard to navigate.
5. Increase parking in street will hamper emergency services.
6. Concerns about increased litter, broken glass and vandalism.
7. Concerns about light pollution.

APPRAISAL:

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

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

1. Principle of Development

There is no doubt that by the provision of outside space this could have a detrimental impact on the area in terms of residential amenity (noise, potential anti-social behaviour, nuisance etc) and visual amenity. Therefore, it is firstly important to establish what can be considered under the planning application, whether the proposal is ancillary or not to the main use and whether a change of use is required. If this is the case then consideration can be given to the impact of the use. Alternatively if the use is ancillary to the public house case law dictates there is no material change of use, then the application can only be assessed as an engineering operation.

Categories for determining what constitutes the planning unit were identified by Bridge in *Burdle v Secretary of State for the Environment* which states:

“First, whenever it is possible to recognise a single main purpose of the occupier's use of... land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered”.

In this case the application is for the front sitting out area (beer garden) and is clearly to be used ancillary to the public house.

In relation to whether or not the application requires a change of use, there is case law for public houses that needs to be considered. *G Percy Trentham Ltd*

v Gloucestershire County Council [1966] 1 WLR 506, where Diplock L. J. said, at p 513:

"What is the unit which the local authority are entitled to look at and deal with in an enforcement notice for the purpose of determining whether or not there has been a 'material change in the use of any buildings or other land? As I suggested in the course of the argument, I think for that purpose, what the local authority are entitled to look at, is the whole of the area which was used for a particular purpose, including any part of that area whose use was incidental to or ancillary to the achievement of that purpose."

In this case it is straightforward as the planning unit is clearly used as a single unit operating as a public house with restaurant. And therefore the site is one planning unit which is indivisible.

With the planning unit established as being one, and that it is an A4 Drinking Establishment and restaurant use. It is now important to think of the materiality of any change. Paragraph 11 of "When is permission required?" on the National Planning Practice Guidance states that;

"A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case."

There is a good deal of case law, including a case where the Inspector found that the beer garden in question in that appeal case, was not a separate planning unit but was ancillary to the remainder of the site.

This case joins several others to show that once it is established that a drinking establishment and its curtilage are a single planning unit, the particular related uses made of various parts of the premises can be swapped and changed without a material change of use occurring.

Taking this into account, it is clear that the proposed beer garden is ancillary to the public house and within its grounds and following on from this the actual use proposed in this application does not require consent as it is not a material change of use.

However, the permanent structures of the proposed raised patio, the seating and landscaping and amendments to the parking and access do require consent as they are deemed as development and therefore the impact of these structures is what is to be considered in the determination of the application.

2. Impact on Residential Amenity

The Council use ENV14 and the Residential Design Guide 2004 to assess impacts on residential amenity. Consideration is also given to the NPPF Paragraph 180 with regard noise.

Impact in terms of potential loss of privacy

Whilst the residential design guide is to assess the impact of an extension or buildings to another, it is really the only guidance that can be used in this instance to assess privacy, aspect and light to neighbours.

The proposed raised patio and area of the public house that is to receive amendments are at least 24 metres from the curtilage of the neighbouring residential properties Paragraph 9.4 of the Borough's Residential Design Guide states that habitable windows above ground floor should be at least 7 metres from neighbouring private amenity space to protect privacy. Paragraph 9.3 of the same document states that there should be a distance of 20m from one window to a neighbouring window. The proposal therefore meets with the guidance most appropriate in terms of privacy.

Impact in terms of potential of noise

Outdoor noise created by the proposal will carry much further than the internal kinds of noise associated within a drinking establishment with no beer garden. It has already been established that in terms of planning consent the area could already be used ad-hock as a beer garden without planning permission, although it is considered that formalising the area will intensify its use. Notwithstanding this as previously stated, it is the engineering operations that have to be considered under this planning application.

The Council's Environmental Health Team requested an acoustic fence around the patio. However, Planning Officers consider that this is not acceptable as the location is by nature very open and a fence would be detrimental to the visual amenity.

During the Planning application process a Licensing Application was also submitted to allow the front area to be used for drinking. This was approved but the hours of use for the outside area were restricted and it has to be closed from 10pm. Also submitted with both the licensing and planning application is a Management Plan for the outside space to the front of the premises. This includes having one supervisor solely dedicated to the outside area during busy periods. Their responsibilities include keeping the outside area tidy of glass crockery etc and for the monitoring of guests using the outside space. Signage will be displayed at entrances and exits to the outside space reminding guests to be respectful of neighbours. A complaints book will be used and reviewed regularly and training provided. The Plan states that the patio will be closed to customers from 10pm and customers will have to go inside or use the existing beer garden to the rear of the premises. Environmental Health do not object to this.

In conclusion it is considered that the running of the outside area and hour restrictions is outside of the planning remit but is enforceable under licensing legislation.

3. Impact on Visual Amenity

The proposal is purely for a raised patio area comprising of pavers and slate scrapings separated from the car park by planters (made out of railway sleepers) and gate with trellising and a picket fence and Cedral cladding to external areas. These are all elements that are increasingly seen at public houses and are in keeping with the commercial use. It is therefore considered that the proposals impact on visual amenity would not be so significantly averse so as to recommend refusal on that basis

4. Highway Safety

Neighbours have commented that the closure of one of the vehicular access and the loss of 8 parking spaces from 36 to 28 will have detrimental impact on highway safety; especially as the access is close to a narrowing and sharp bend of the road. The Applicant carried out a car parking survey on Friday 15th, Saturday 16th and Sunday the 17th February. A peak of 17 vehicles was recorded which equates to an occupancy of 65% and they have confirmed that the sign would not impact highway visibility. Highways do not object to the proposal subject to a condition that the access to be closed is carried out prior to the use of the patio.

5. Conclusion

Case law clearly illustrates that only the engineering operations can be considered under this planning application. Other legislation can be used to enforce the running of the area to mitigate noise and disturbance to neighbours. In terms of the impacts to residential amenity, visual amenity and highways safety it is considered that the application is acceptable.

REASONS FOR APPROVAL:

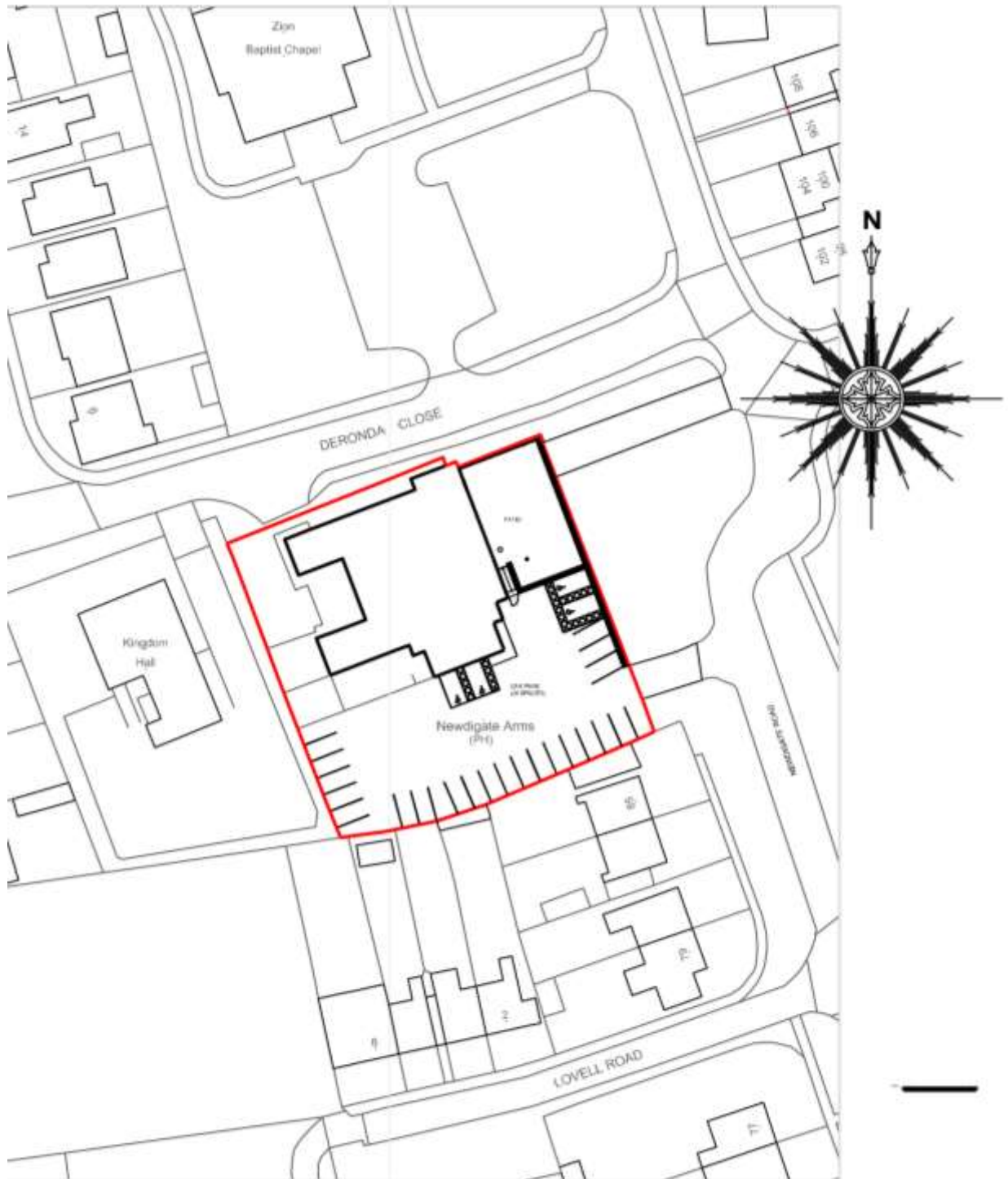
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in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

SCHEDULE OF CONDITIONS:

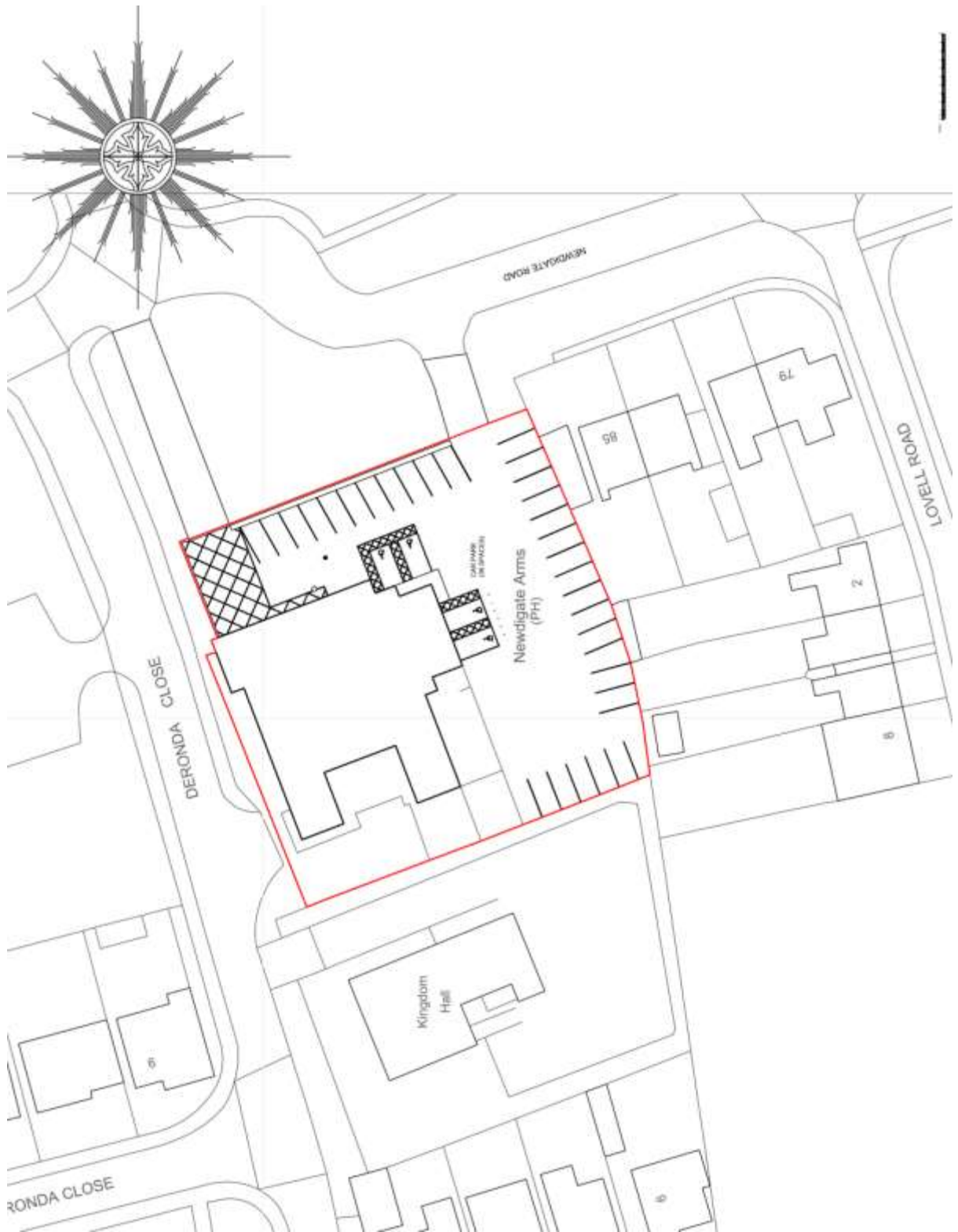
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Location Plan 2019	2475-07	21st January
Proposed Block Plan 2019	2475-06	21st January
Proposed Side Elevations 2019	2475-04	21st January

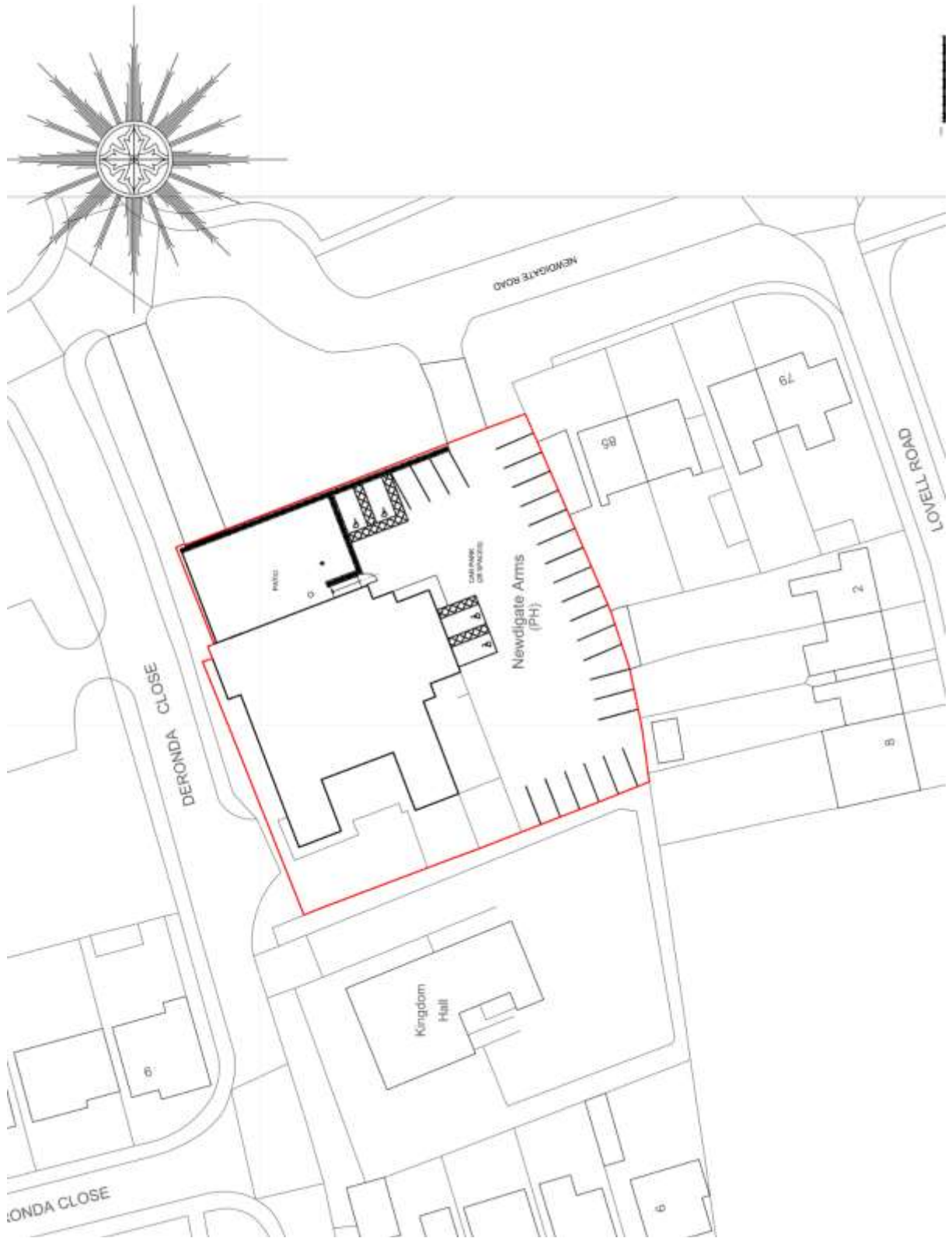
3. The patio area shall not be used until all parts of the existing northern access within the public highway not included in the permitted means of access has been closed off and the kerb and verge reinstated.



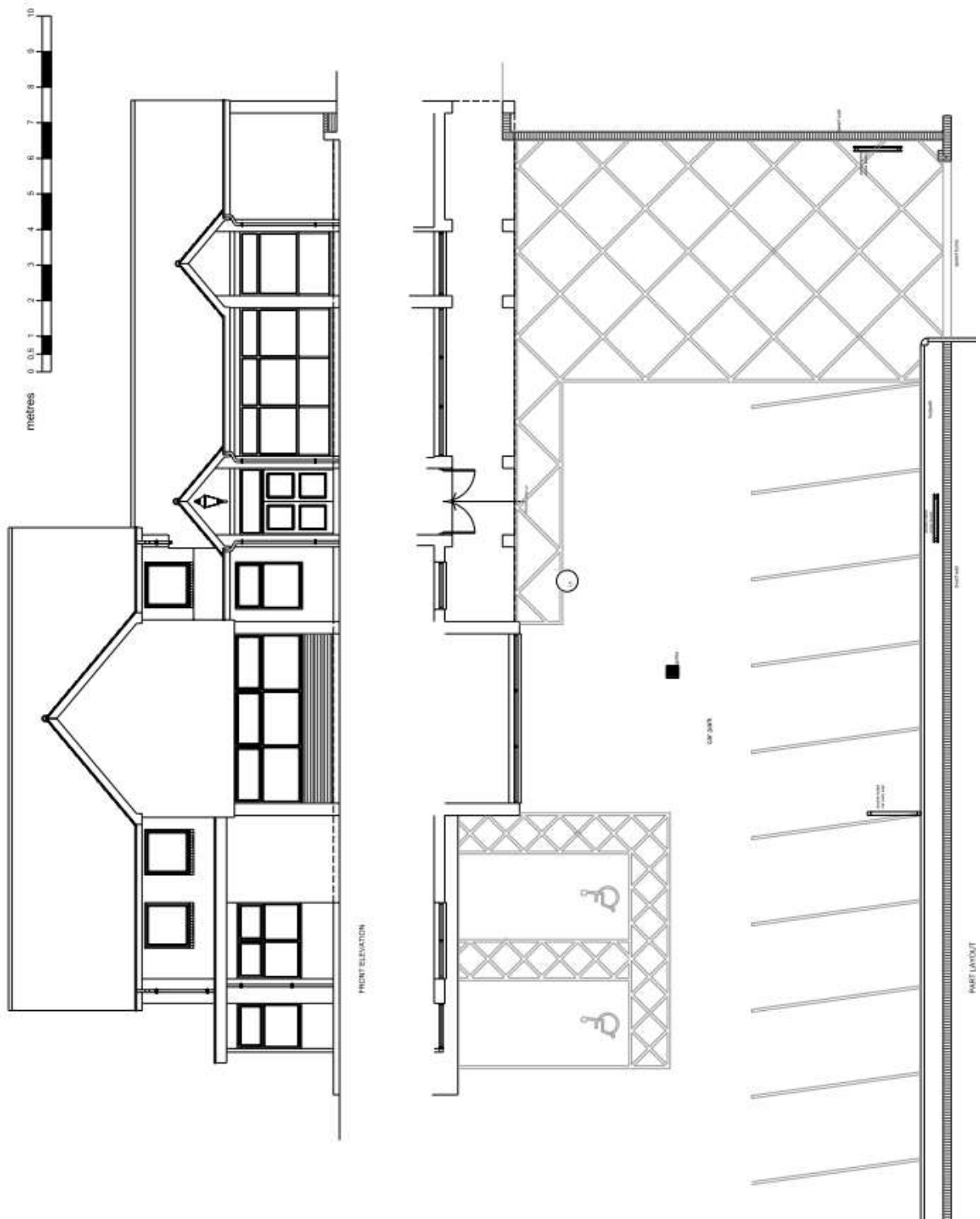
Location Plan



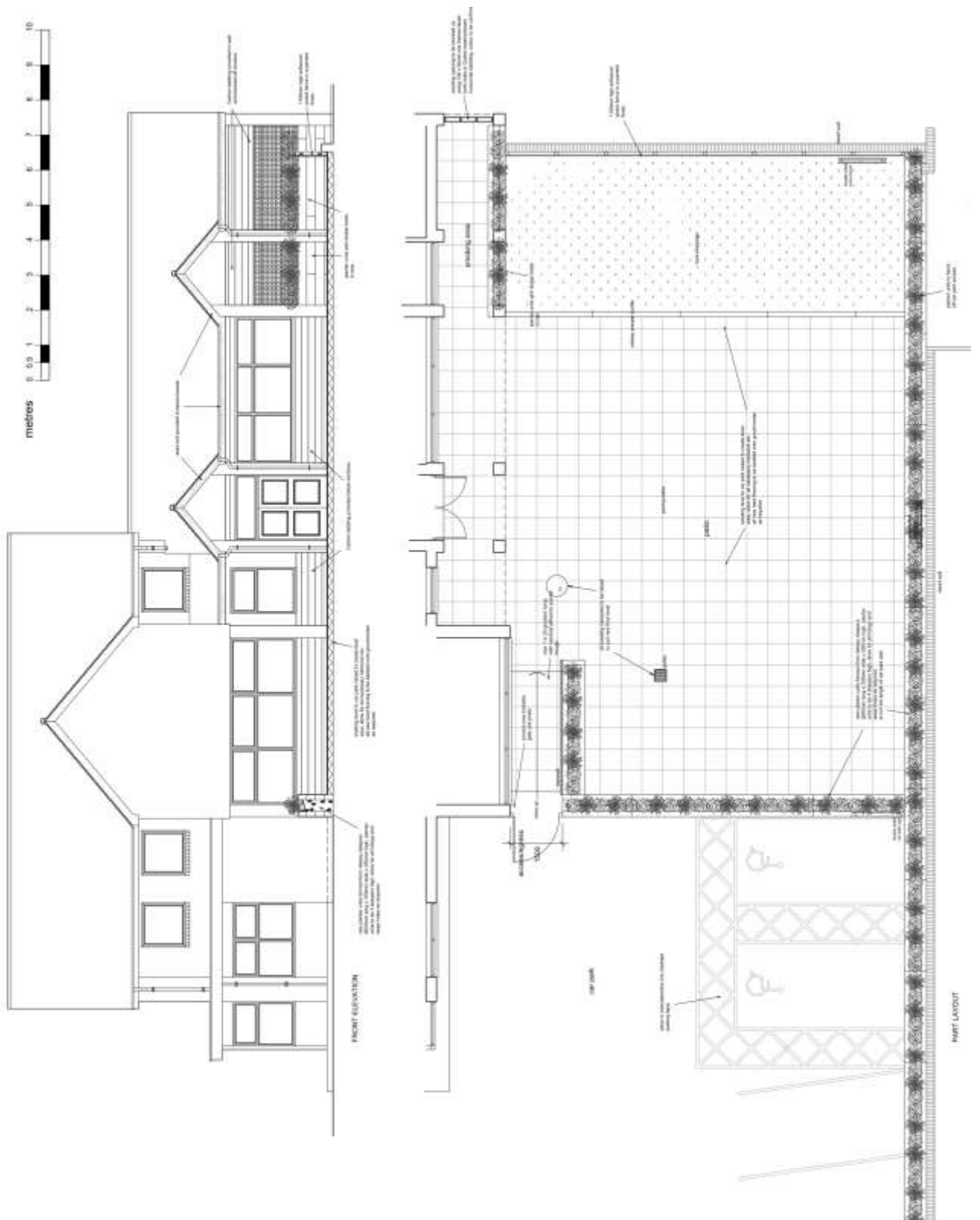
Existing Block Plan



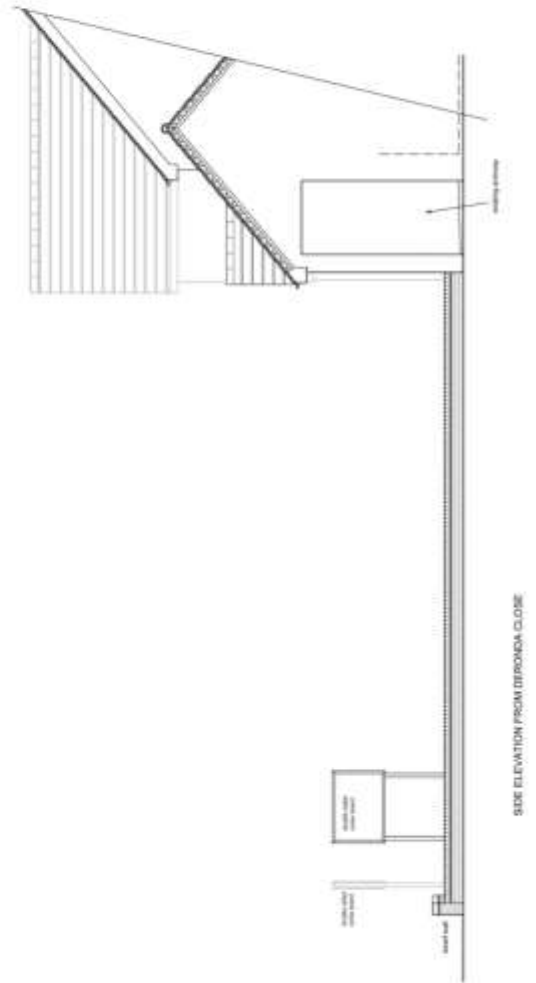
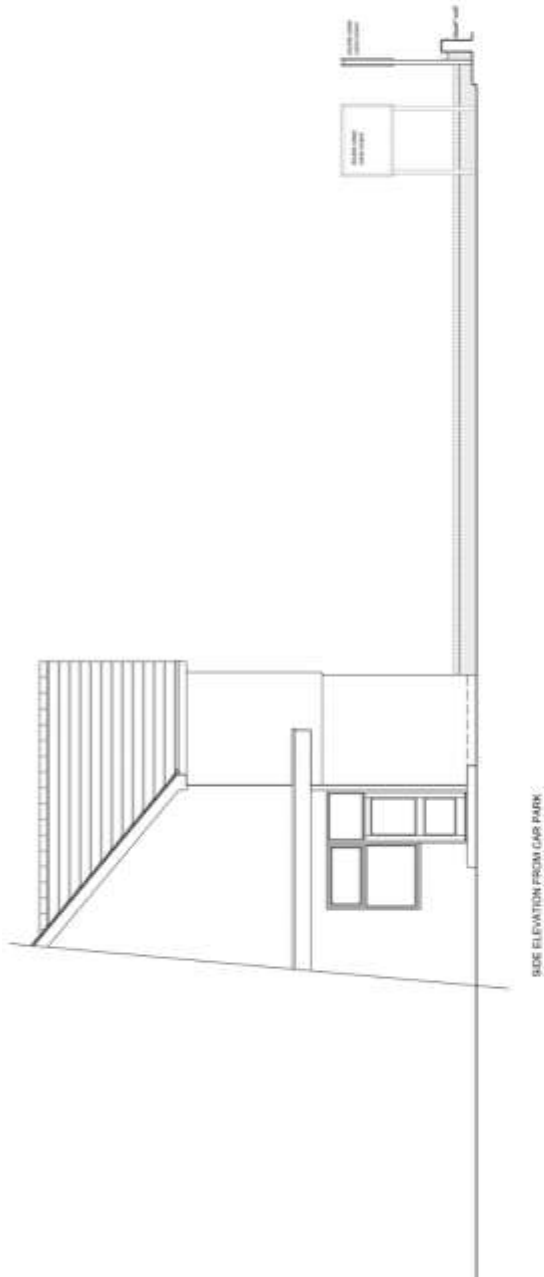
Proposed Block Plan



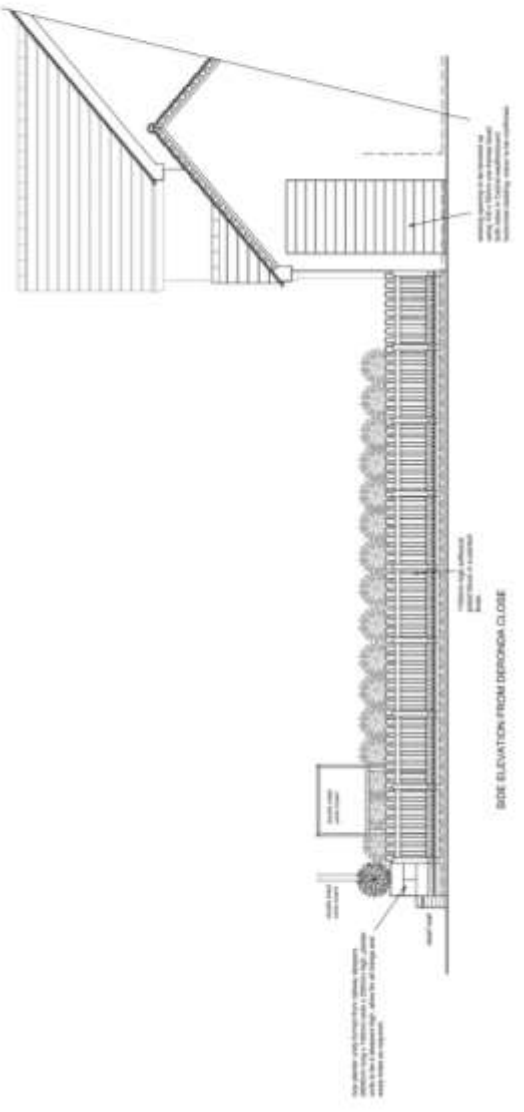
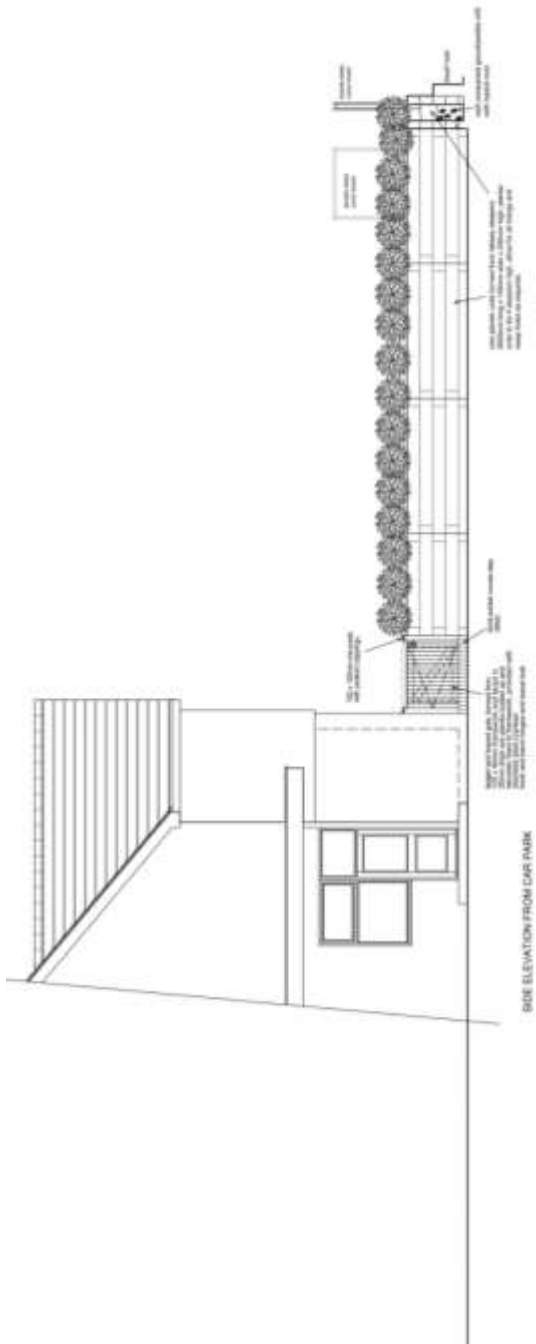
Existing Front Elevation and Part Layout Plan.



Proposed Front Elevation and Part Layout Plan



Existing Side Elevations.



Proposed Side Elevations

PLANNING APPLICATIONS

Item No. 2

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

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.

RELEVANT PLANNING HISTORY:

- None relevant

RELEVANT PLANNING POLICIES:

- Saved Policies of the Local Plan 2006:
 - H6 - Planning Obligations;
 - ENV14 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

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 from:

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 26th January 2018. A site notice was erected on street furniture on 5th February 2018 and the application was advertised in The Nuneaton News on 7th 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.

As the Borough at present does not have an up to date adopted development plan, the latter situation will apply in that permission should be granted unless the NPPF advises against doing so or the impacts of granting permission are so adverse that they would demonstrably outweigh the benefits.

However, the Borough cannot, at present, demonstrate a 5 year supply of deliverable housing sites as required in the NPPF, and this is a matter that weighs in favour of the application, subject to there being no adverse impacts from granting permission.

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.

Designation in emerging Borough Plan

The site is designated as a non-strategic housing site within the emerging 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 emerging plan and is considered consistent with the ethos of this non-strategic housing site and this again carries weight in favour of the proposal in accordance with the stage at which the emerging Plan is at.

Currently the emerging Plan has gone through an Examination in Public, and there are limited objections to the non-strategic sites so this is considered to carry some weight in favour of the proposal. Further to this the Inspector made no modifications to this proposed Policy in the Main Modifications.

Sustainability

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 ENV14 of the Local 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 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.

One of the core planning principles outlined within paragraph 91 of the NPPF also outlines the need for planning to 'decisions should aim to achieve healthy, inclusive and safe place'. Policy H6 of the Local Plan is consistent with this and indicates that 'the Council will seek appropriate planning obligations to meet any increased demand for, health, education, social/community, public transport services and facilities, public open space, nature conservation mitigation, compensation and enhancement measures that arises directly from the development'.

Organisation	Request For	Contribution	Notes
NBBC Parks	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
NBBC Sports Development	Monies for the provision and improvement of schools	£40,765	Accepted by the applicant.
George Eliot Hospital Trust	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.

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 1/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.

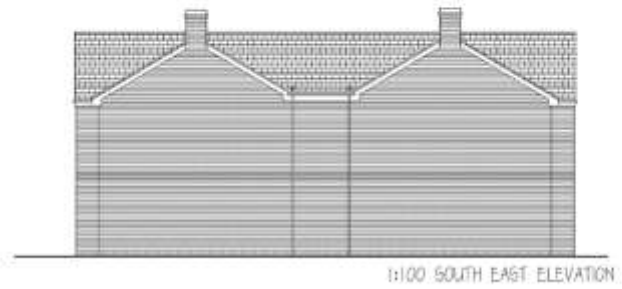
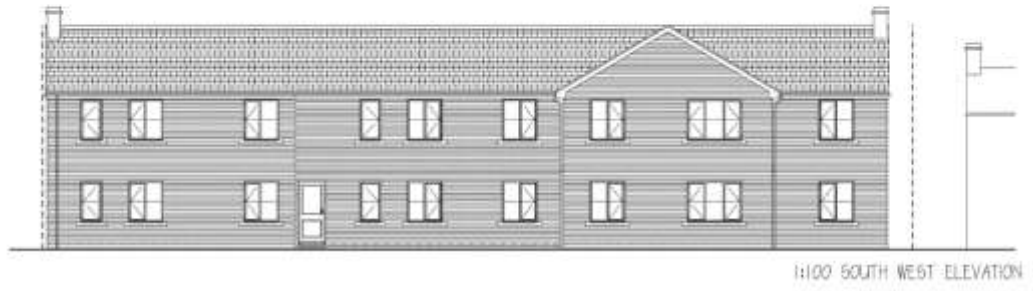
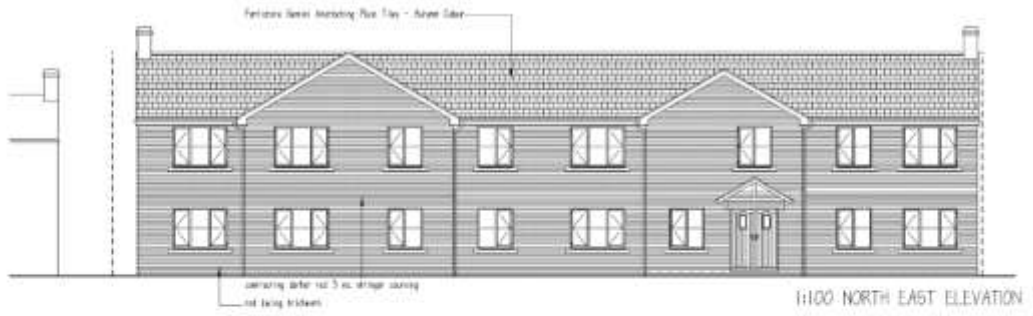
9. The development shall not be occupied until the public highways D1368 The Square / The Green and D1379 Garrett Street have been improved so as to provide for improved awareness of and pedestrian facilities (such as highway lining, tactile paving and signage) for vulnerable highway users in the vicinity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

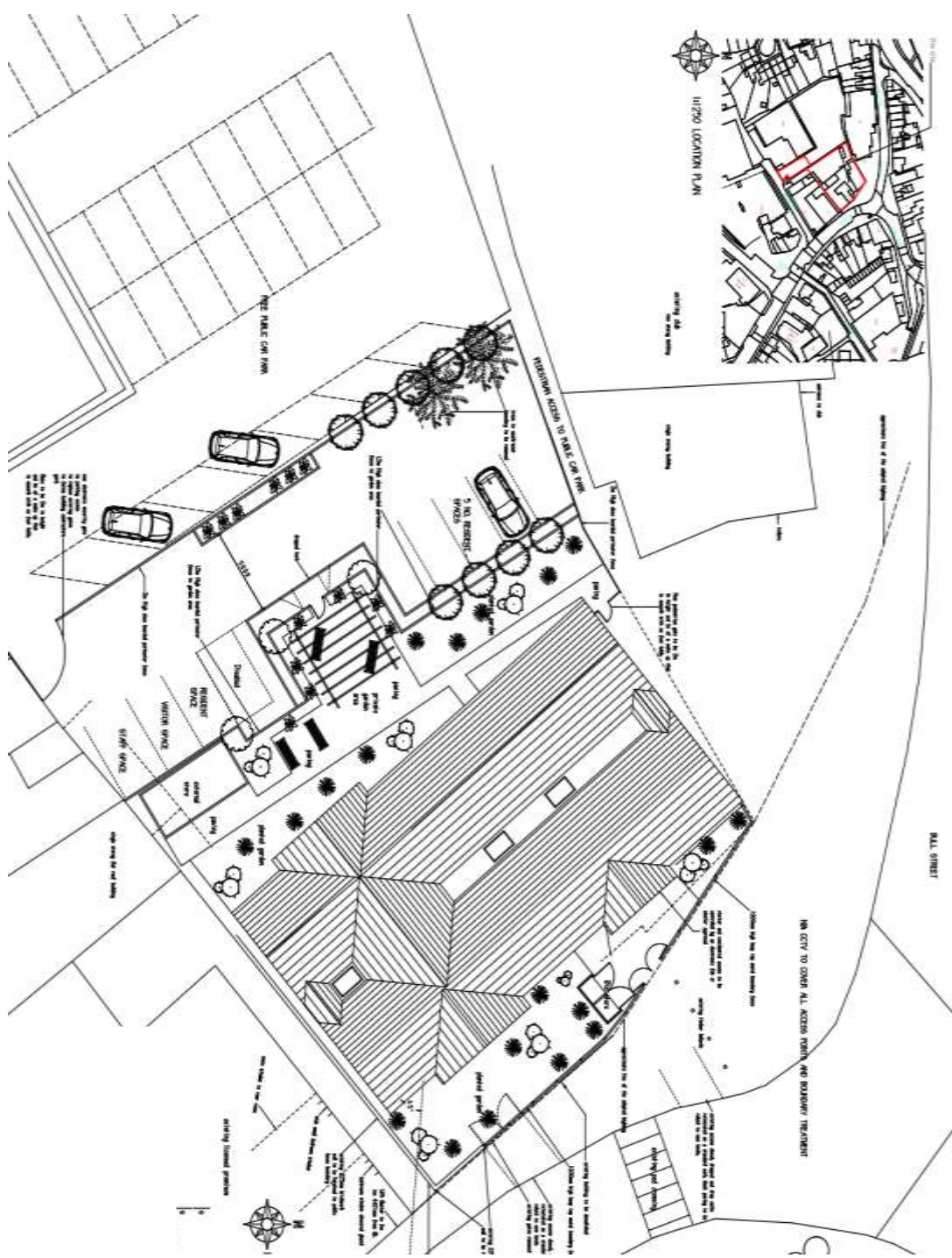
a. The details of the construction access to the site.

- 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

Item No. 3

REFERENCE No. 036324

Site Address: 37 New Road, Ash Green, Coventry.

Description of Development: Retention of outbuilding, amended to reduce height

Applicant: Mr James Siniscalco

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

Retention of outbuilding, amended to reduce height at 37 New Road, Ash Green, Coventry, CV7 9AS.

A complaint was received in May 2018 that an outbuilding had been erected without planning permission. The applicant has since submitted two applications in relation to the outbuilding, one of which was refused and then dismissed at appeal as it was considered that the development would cause unacceptable harm to the character and appearance of the street scene. The applicant later submitted an identical application, which was then returned to the applicant. In such cases the Government gives local planning authorities powers to decline applications whereby similar planning applications have already been dealt with in the last 2 years and have been dismissed by the Secretary of State on appeal.

Along New Road the dwellings are of varying types and designs. These dwellings are typically set back from the highway and have open frontages, although there are some means of enclosure along the front boundaries. Indeed, it is noticeable that along New Road and Corley View there are no outbuildings to the front of the properties.

The outbuilding is located in the front garden of 37 New Road on the corner with Corley View and, consequently, is in a prominent position. The building is a solid structure and is at present approximately 2.5 metres to the eaves and 3.6 metres to the ridge and is visible from public views along New Road and Corley View. The building is sited on a solid concrete base and the elevations consist of brickwork, with wood panelling continuing from approximately 2/3 of a metre from the base. The roof is gabled to the sides and consists of clay tiles. The elevation facing down the garden has a window and there is a rooflight in the roof.

This current application proposes to reduce the height of the outbuilding by removing the pitched roof and replacing it with a low-level pitched roof at a maximum height of 2.4 metres sloping down to 2.3 metres.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 036265: Retention of outbuilding to the front of dwelling: Application returned 28/3/2019 on account it was an identical application to that refused on the 10/08/2018.
- 035793: Retention of outbuilding to the front of dwelling: Refused 10/08/2018. Appeal dismissed 27/02/2019.

RELEVANT PLANNING POLICIES:

- Saved Policies of the Local Plan 2006:
 - ENV14 - Supplementary Planning Guidance / Supplementary Planning Documents.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

35 and 39 New Road; 14 Corley View

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

NEIGHBOUR RESPONSES:

There have been two emails of support. The comments are summarised below:

1. There is nothing wrong with the existing shed as it is now and to reduce the height is totally unnecessary.
2. The shed is in-keeping with the surrounding area and enhances the property.
3. This is the only outdoor storage possible for the property for items such as the lawn mower, gardening tools and bikes.
4. The shed is marginally taller than the high hedge which provides privacy from the road.
5. The shed does not block anybody's view from their windows as the only windows that face the shed are ours.

APPRAISAL:

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

1. Visual Amenity
2. Conclusion

1. Impact on Visual Amenity

Presently, the outbuilding is sited behind mature hedges and is highly visible, particularly as it is near the corner of New Road and Corley View. The application, however, proposes to reduce the height to 2.4 metres in height at the rear and gently sloping down to 2.3 metres at the front of the outbuilding, with the resulting height being screened from public views by the hedge. Notwithstanding, from a planning perspective, a hedge is not considered a permanent fixture and it could be removed or cut back at any time without planning restrictions. Consequently, the outbuilding would then become an imposing structure in the street scene.

Indeed, as a course of action to protect the character of neighbourhoods, the National Planning Policy Framework states that "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area" (paragraph 70).

Furthermore, Section 8.1 of the Council's Residential Design Guide 2004 (RDG) states that "Extensions and alterations should respect the form and size of the original building". They should be in harmony with the design, character and layout of the property and surrounding area. Extensions and alterations, the RDG continues, should not:

- Appear intrusive, prominent or incongruous in the street scene or from public areas.

A common characteristic of the properties fronting New Road and Corley View are that they are set well back from the highway. Indeed, No. 37 New Road is set even further back from the highway than its neighbouring properties. Furthermore, in the near vicinity, there are no outbuildings that go beyond the front elevation, contrary to this building at the front corner of No. 37 New Road.

Consequently, despite the reduction in height, it is considered that the outbuilding does not respect the form and size of the original building and surrounding garden, nor is it in harmony with the character and layout of the property and neighbouring properties. The effect of which, without the certainty of a permanent boundary, is an intrusive and prominent feature clearly visible from public views to the detriment of the original property and neighbouring properties in the street scene.

2. Conclusion

Due to the material harm the development will have (being located in the front garden beyond the front elevation) to the character of the property and surrounding properties, it is recommended that the application for the retention of the outbuilding is refused.

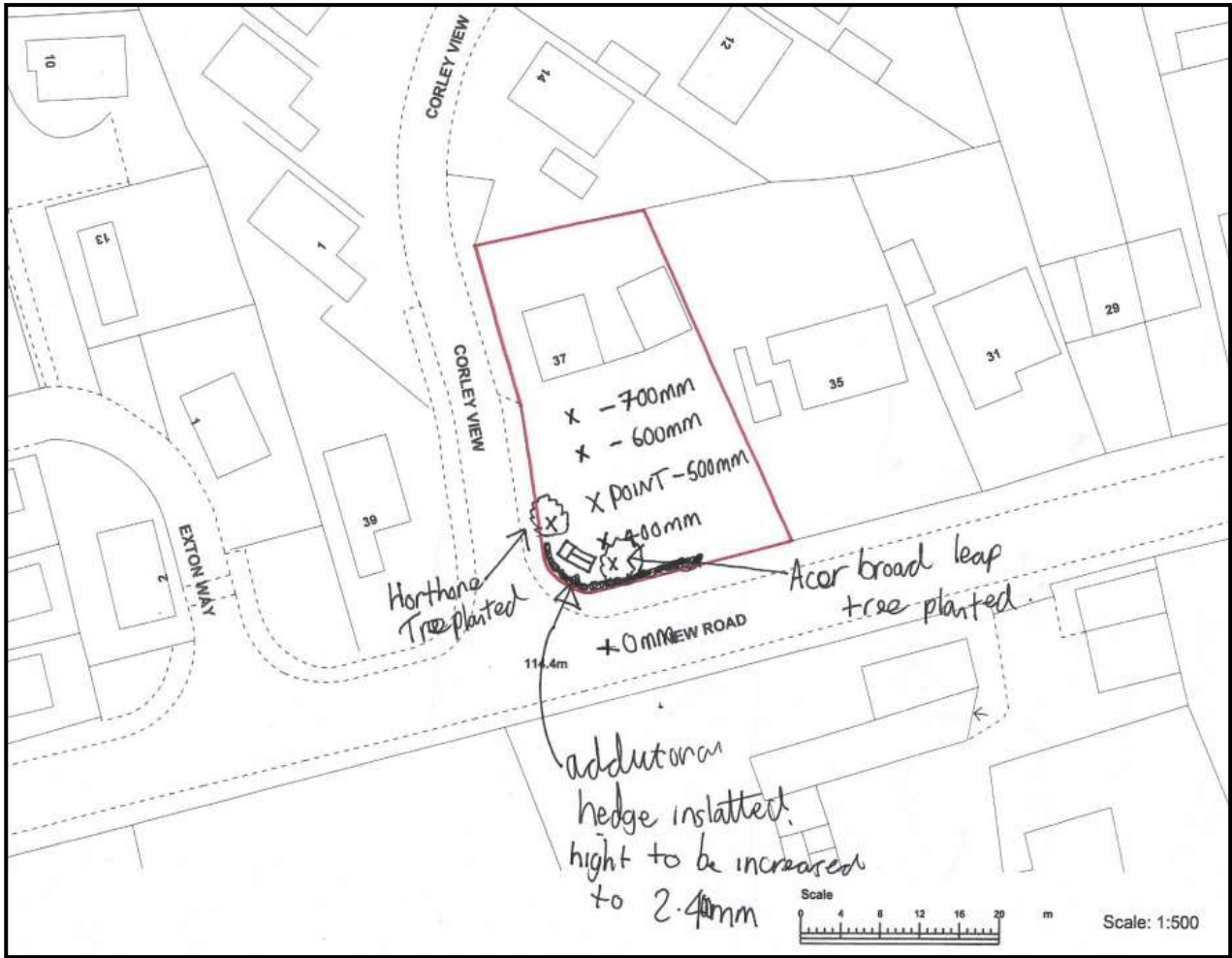
REASON FOR REFUSAL:

1 (i) Paragraph 70 of the National Planning Policy Framework 2018 (NPPF) states that ". . . Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

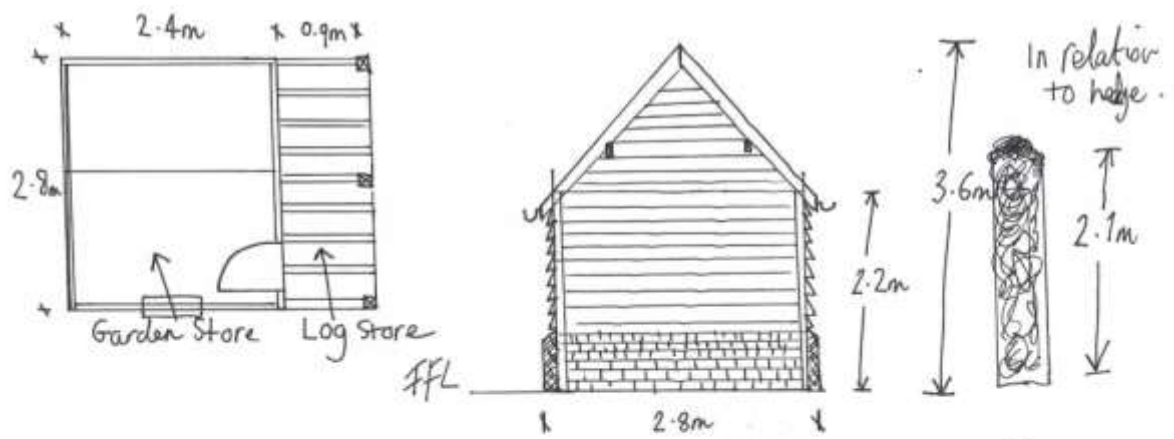
(ii) Policy ENV14 of the Nuneaton & Bedworth Borough Local Plan 2006 states:

The design and materials of all development should be of a high standard in keeping with the scale and character of the locality. All development should comply with Supplementary Planning Guidance and/or Supplementary Planning Documents produced by the Borough and County Council, where detailed guidance is considered necessary.

(iii) The proposal is contrary to these policies in that the building does not respect the form and size of the original building nor is it in harmony with the original building's design, character and layout. The effect of which is an intrusive and prominent feature clearly visible from public views to the detriment of the original property and neighbouring properties in the street scene. (Contrary to paragraph 8.1 of the Residential Design Guide 2004).

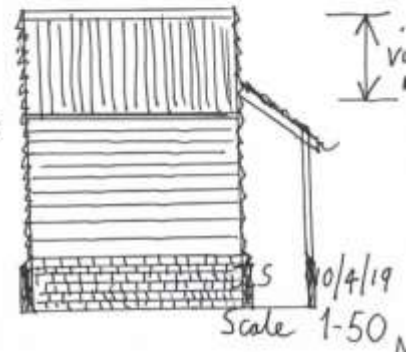


Site Plan

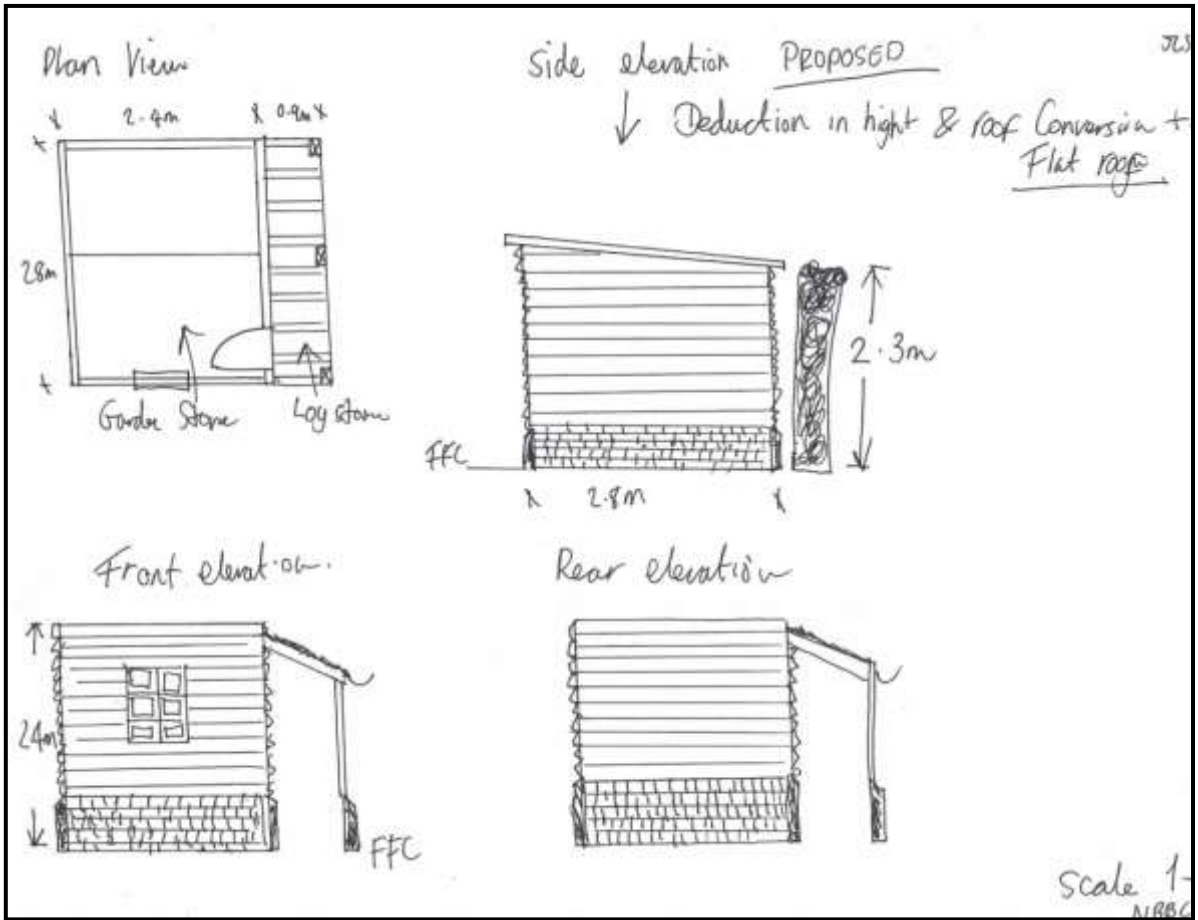


Front elevation

Rear elevation



Existing Floor Plan & Elevations



Proposed Floor Plan & Elevations

Item No. 4

REFERENCE No. 036193

Site Address: Plastech Weatherseals, Blackhorse Road, Longford, Coventry

Description of Development: Erection of single storey extension to side and rear and creation of new car park and access (from Ironbridge Way)

Applicant: Mr Bob Whelan

Ward: PO

RECOMMENDATION:

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

INTRODUCTION:

Erection of single storey extension to side and rear and creation of new car park and access at Plastech Weatherseals, Blackhorse Road, Longford, Coventry.

The site is located on the corner of Blackhorse Road and Ironbridge Way. It is a brown brick building and is two storey at the front, facing on to Blackhorse Road. It then reduces to a lower, single storey, level with a pitched roof and runs parallel to Ironbridge Way. The two storey section is roofed with a flat roof, and the lower section is gabled with a small lean-to extension to the rear which is visible from the road on Ironbridge Way.

The site is bounded by 2 metre high grey palisade fencing with a brick wall and railings to the front boundary. There is a car park to the side. There is a play area and an area of open space to the north-west.

Residential properties along Ironbridge Way are to the south-west. No 218 Blackhorse Road is to the north-east and has a side facing kitchen window which is the only window serving the room.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 036316: Variation of conditions to permission 033705: on going at time of writing
- 033705: Single storey extension to side and rear and creation of new car park and access: Approved 05/07/2016.
- 00040 - Two storey extension to side and single storey extension to side and front. Raise roof height of part of existing factory: Refused 17/11/2004. Appeal dismissed 01/09/2006.

- TP/0020/03: Erection of 2m high fence: Approved 24/04/2003.
- TP/0016/03: Change of use of land to car park: Approved 24/04/2003.
- TP/0013/99: Raising of roof to storage area: Refused 10/03/1999.
- TP/0542/97: Extension and alteration to factory: Refused 12/11/1997.

RELEVANT PLANNING POLICIES:

- Saved Policies of the Local Plan 2006:
 - EMP3 – Employment sites
 - ENV14 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Coventry and Warwickshire Growth Hub, NBBC Environmental Health, NBBC Parks
Severn Trent Water, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

WCC Highways, NBBC Environmental Health, NBBC Parks

No response from:

Severn Trent Water, Coventry and Warwickshire Growth Hub

NEIGHBOURS NOTIFIED:

16-19 Baker Street, 216 and 218 Blackhorse Road, 4-20 (even) Brockenhurst Way, 2
Lymington Drive, 9, 11, 13 Sanders Road

Neighbouring properties were sent letters notifying them of the proposed development on 25th February 2019.

NEIGHBOUR RESPONSES:

None

APPRAISAL:

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

1. The Principle of Development
2. Economic Development
3. Impact on Residential Amenity
4. Impact on Visual Amenity and Character of the Area
5. Impact on Highway Safety
6. Conclusion

1. Principle of Development

The NPPF 2019 establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraph 8). There is consequently a presumption in

favour of applications for sustainable development (paragraphs 11 and 49). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11).

The proposal is to add a significant amount of floorspace to the existing industrial premises totalling 314 metres squared. The extensions take the form of 9m wide extension to the North East side of the site and the raising of the roof level of part of the existing building to include a new large shutter door facing Blackhorse Road and the creation of new car park with an access on to Ironbridge Way.

It must be recognised that the site context has changed considerably since the industrial building was first constructed. The site is now surrounded by residential uses with the houses on Blackhorse Road, Baker Street, and the newer houses on Brockenhurst Way and Lymington Drive. It is within this context that previous appeal decisions on the site were dismissed on the grounds of the over intensity of industrial development on a site so close to residential properties. The most recent appeal decision on the site was in 2006 and also dismissed the proposal for extensions to this unit (APP/W3710/A/05/1172324). These past appeal decisions do carry material weight and are a material consideration of the determination of a planning application. Given the timescales involved and the significant changes in policy however, the weight applied to these previous decisions is diminished.

It is considered that the extensions to this industrial unit could compromise the conditions in which the surrounding occupants live, this is especially so considering the industrial use could become more intensive with another uses or business without permission within the existing use class. This weighs with moderate weight against the proposal.

Additionally it is prudent to mention that in the latest version of the Nuneaton and Bedworth Employment Land Review 2015 (ELR 2015) that this area of employment land is earmarked for removal from the employment portfolio, this is not least because of its proximity to residential properties in an area now characterised housing. The ELR 2015 comprises part of the background papers to the robust evidence base of the emerging Borough Plan, it is recognised that the weight attributed to the ELR 2015, and the Borough Plan, is at this stage not full but it is relevant to this application, and are material considerations in this determination. The Borough Plan is nearing adoption and the Main Modifications propose no change to not designating this site for further industrial expansion.

2. Economic Development

It is recognised that the proposed extension to this industrial premises would enlarge an existing local employer, and bring additional jobs to the Borough as a whole. The application form states that 5 (full time equivalent) additional jobs would be created, 4 full time and 2 part time, by the proposal. The NPPF gives weight to encouraging employment applications and states within Paragraph 80 that decisions should; *Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.* Accordingly, significant weight has been applied to this matter.

With this strong emphasis nationally on economic development and support for business, it is considered that the proposals economic benefits weigh in favour of the proposal.

3. Impact on Residential Amenity

The Council have adopted distance standards in the form of the Residential Design Guide 2004 (RDG) which gives guidance on the proximity of new buildings to existing windows and gardens.

In this case the proposal is separated from the closest properties (18 and 19 Baker Street) by between 17m and 18m. The elevation facing the side windows of Baker Street would be blank and therefore the 12m separation distance suggested by the RDG between ground floor buildings and ground floor windows is easily met. Distance standards between the proposal and the other housing in the area is also met.

Beyond the distance standards suggested by the RDG which principally consider light and privacy, a consideration of the impact on residential amenity in regard to noise and disturbance needs to be made.

NBBC Environmental Health have been consulted and have responded that they have concerns about the noise impact that this development could have upon the existing houses in Blackhorse Road and Baker St. The building is closer to housing than at present, bringing production noise closer. Also, there would be noise from the loading operations with the areas shown at front of the premises being located next to the houses. They have suggested that acoustic treatment will be essential to the boundary with the houses and suggest a 2.5m close boarded acoustic fence to extend along the length of the site and include the new parking area. They also suggest an hours restriction on the times allowed for deliveries and despatch to be between 8am and 6pm Monday to Friday and at no other time.

Officers feel that although there will clearly be some level of disturbance to local residents by the proposal that this, following mitigation by the conditions suggested by Environmental Health would not be so significant to warrant refusal on these grounds.

4. Impact on Visual Amenity and the Character of the Area

Policy ENV14 of the Local Plan 2006 is a saved policy and as such is considered to have material weight, this is especially so given its degree of conformity with the NPPF.

The NPPF (Paragraph 124) states that; *“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.”* And it also states (at paragraph 130) that; *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

It is within the context of this policy and guidance that an assessment of the proposals impact on visual amenity and the character of the area will take place.

The site sits on the corner of Ironbridge Way and Blackhorse Road and is in close proximity to a good deal of residential properties, and although the industrial unit was

there before much of the housing (although not all) the area now has a very definite residential character. The proposed extension, car park and new roof to the existing element will all be sited to the north, northeast and northwest of the existing unit.

The extension to the side will be 6.4m high at its ridge, and 9.6m wide. It will attach directly to the existing flat roof element of the building to which the roof height will be raised. The raised roof line will be overtly visible within the street scene of Ironbridge Way, and some parts of the nearby Brockenhurst Way. The new extension will also be highly visible within the street scene of Ironbridge Way and will create a dominant and industrial aesthetic to what is now an area characterised by residential properties (albeit most built after this industrial unit was originally constructed). It is likely that the extension will also be visible within the street scene of Baker Street, although it is recognised that there is some separation and screening between the proposal and this road.

The utilitarian design, size and massing coupled with the industrial nature of the proposal will appear jarring and awkward when viewed next to the smaller more subtle residential properties of the area. The gentle curve of Ironbridge Way, when travelling east and south (and to a lesser extent north) will be dominated by the large, incongruous industrial structures to the detriment of the visual amenity and the residential character of this of area.

The car park proposed will also have a negative impact on the visual amenities of Ironbridge Way, but due to the lower scale of the car parking area this means that this harm will be more localised and because of this the harm will also be more minimal than the extensions and roof alterations proposed on the building.

5. Impact on Highway Safety

It is proposed to site a car park to the north west of the existing building, with an access off Ironbridge Way. WCC Highways Authority have been consulted on this application, and have responded with a no objection, subject to some conditions. There are considered to be no concerns over highway safety as a result of the scheme, as this could be adequately mitigated by conditions.

6. Conclusion

The planning balance here is one that must be struck between the benefits of the proposal and the impact of the proposal on the surrounding area in terms of character, amenity, design, size and massing.

Overall despite the obvious benefits, not least the additional jobs in the Borough which is understood to be 5 full time equivalent new jobs, it is not considered that the benefits are so significant as to outweigh the harm caused by the development. The proposal is therefore recommended for refusal on the grounds of the increased intensity and impact on the visual amenity and character of what is now a predominantly residential area.

REASON FOR REFUSAL:

1 (i) Policy ENV14 of the Nuneaton & Bedworth Borough Local Plan 2006 states:-

The design and materials of all development should be of a high standard in keeping with the scale and character of the locality. All development should comply with

Supplementary Planning Guidance and/or Supplementary Planning Documents produced by the Borough and County Council, where detailed guidance is considered necessary.

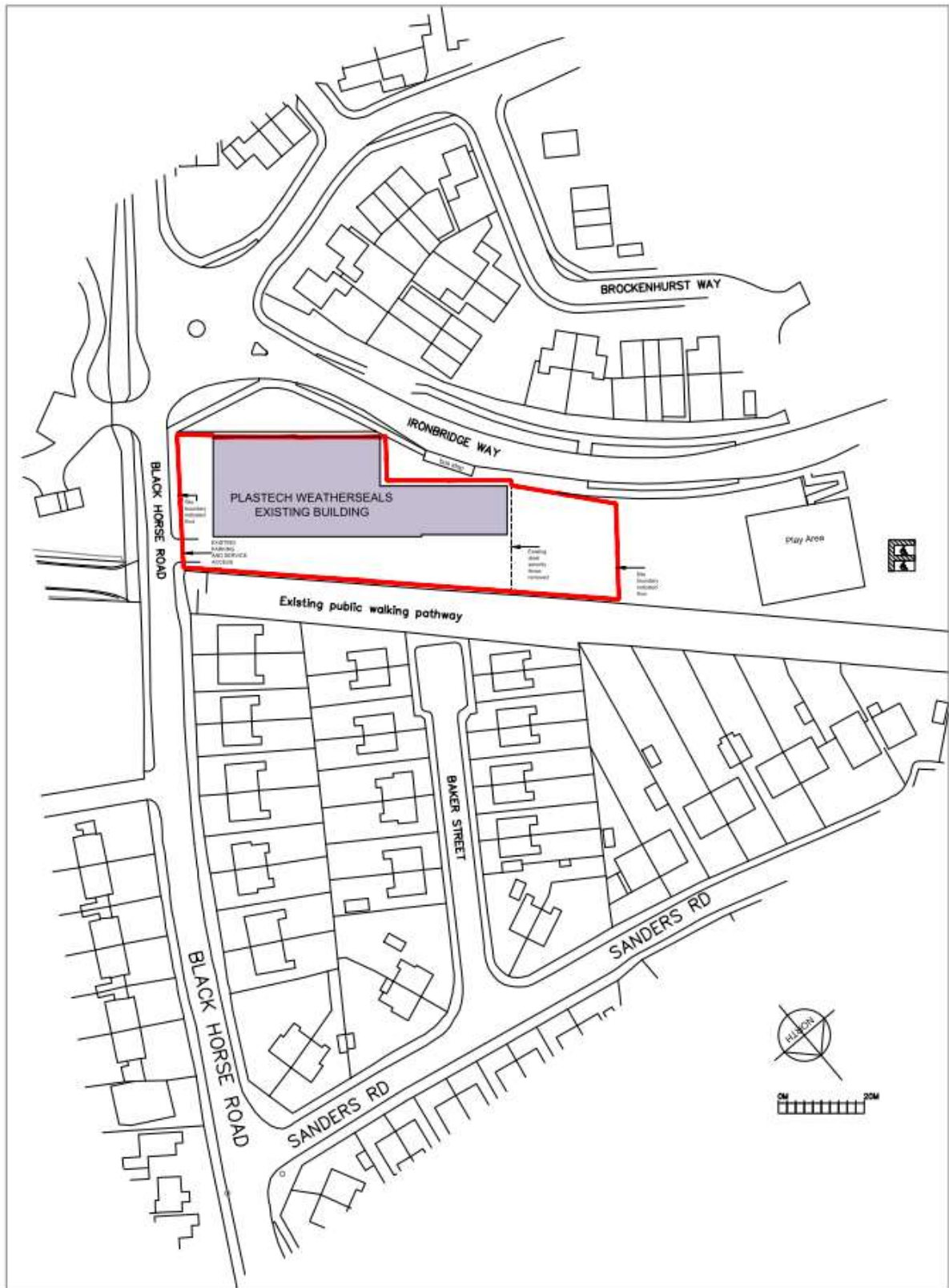
(ii) Policy EMP3 of the Nuneaton & Bedworth Borough Local Plan 2006 states:

-Proposals for the redevelopment of existing industrial and commercial areas for employment purposes or new windfall sites will be permitted if the following criteria can be met:

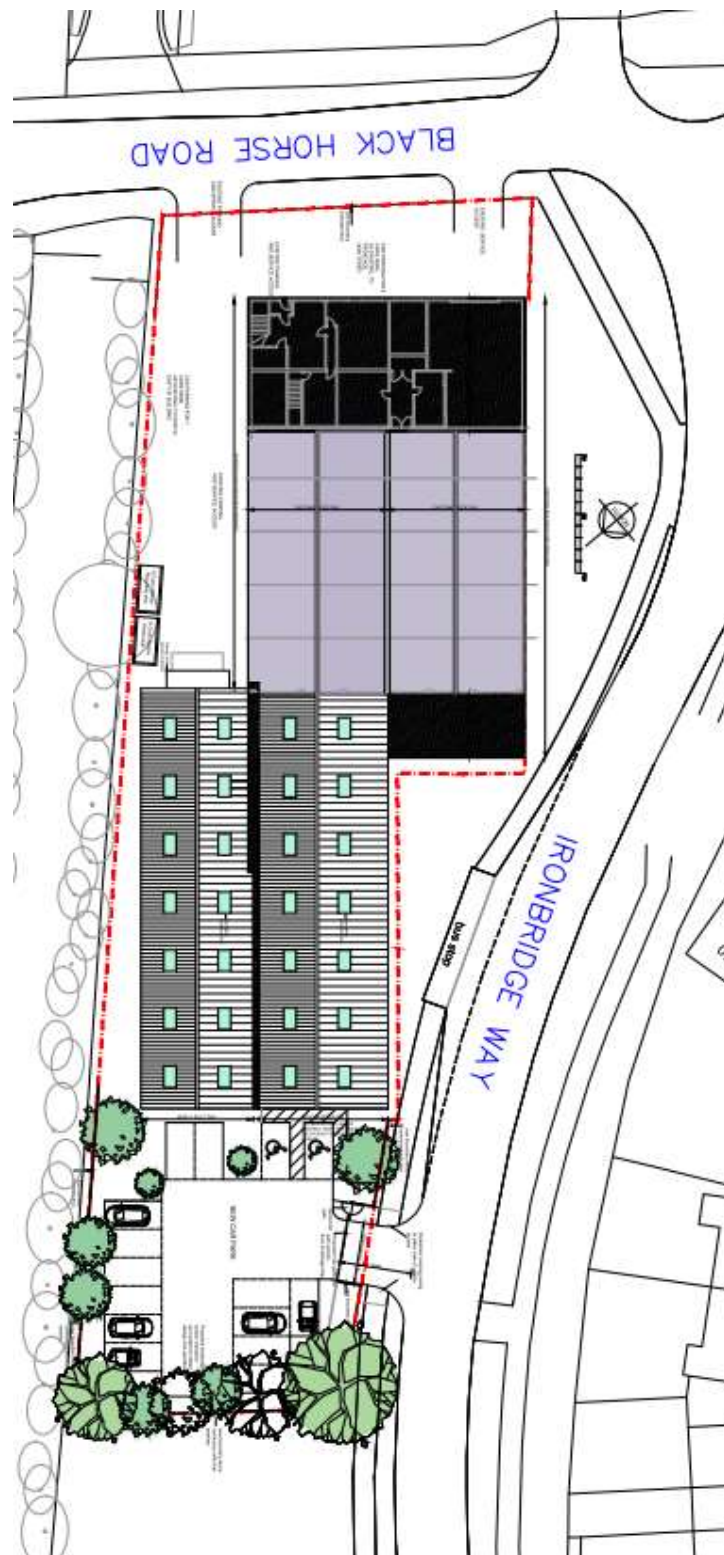
- a. It provides a beneficial use of derelict, waste or under-utilised land.
- b. In the case of a Greenfield windfall site, it can be demonstrated that all suitable brownfield sites are undeliverable.
- c. It protects the amenities of any nearby residential properties.
- d. It is consistent with other policies in the Local Plan.
- e. Sufficient off-street car parking and servicing are available in accordance with the Council's adopted standards
- f. There would be no adverse impact on the free flow or safety of traffic on the adjacent highway.
- g. High standard of design and landscaping is provided.
- h. There would be no significant loss of mature landscaping, geological features or wildlife habitats or species, or features of historic or archaeological interest.

(iii) Paragraph 130 of the NPPF 2019 states that; Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

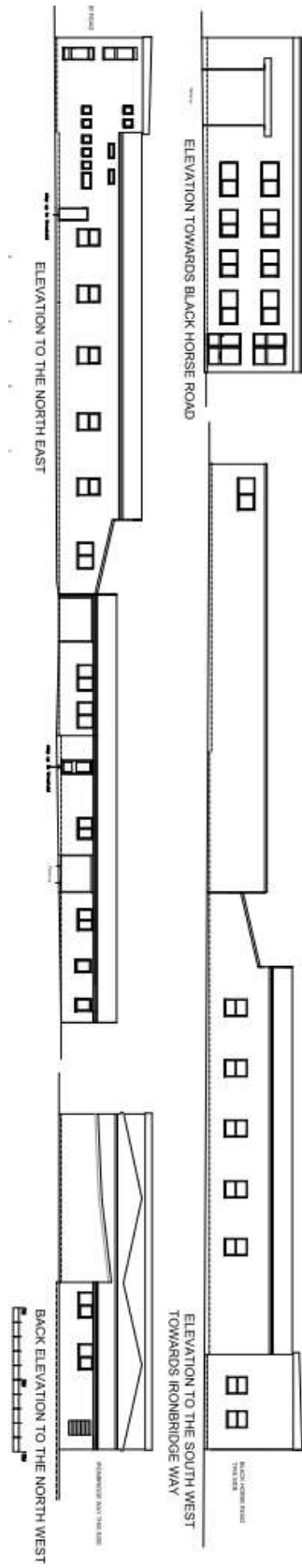
(iv) The proposal is contrary to these policies in that the development would result in an overly intensive development, which is out of character with the predominantly residential nature of the surrounding area by reason of the industrial character, utilitarian design, size, scale and massing.



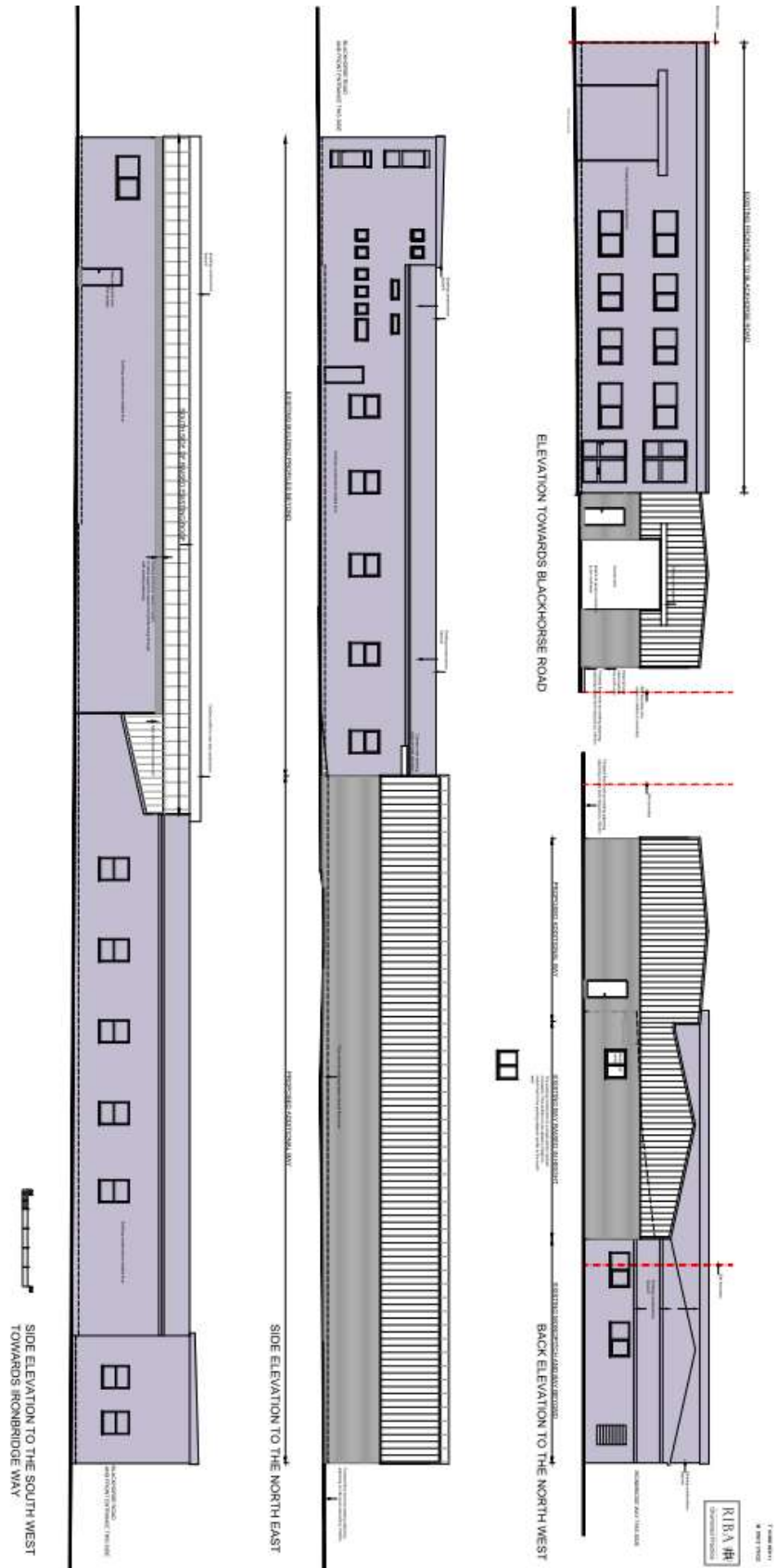
Site Plan



Proposed Site Layout



Existing Elevations



Proposed Elevation

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 th 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)

C3 Dwellinghouses	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)	Permitted change to C4
C4 Houses in multiple occupation	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	Permitted change to C3
D1 Non-residential Institutions	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	Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)
D2 Assembly and Leisure	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	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)

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