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Date: 28th October, 2013

Our Ref: NJF

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on Tuesday, 5th November, 2013 at 5.00 p.m.

**Public Consultation on planning applications will commence at 5.00 p.m.
(see agenda item no. 5 for clarification).**

Yours faithfully,

ALAN FRANKS

Managing Director

To: All Members of the Planning
Applications Committee

(Councillors R. G. Copland (Chair)
J. Foster, W.J. Hancox, P.D. Hickling,
K.A. Kondakor, A.A. Lloyd, I.K. Lloyd,
B.J. Longden, D.C. Navarro,
G.D. Pomfrett, J. Sheppard, W.H.
Sheppard and K.D. Wilson)

A G E N D A

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.

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

3. MINUTES - To confirm the minutes of the meeting held on the 15th October, 2013 attached. **(Page 4)**

4. DECLARATIONS OF INTEREST

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

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. 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. **(Schedule Page 7)**
6. 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. **(Schedule Page 7)**
7. 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

15th October, 2013

A meeting of the Planning Applications Committee was held at the Town Hall, Nuneaton on Tuesday, 15th October, 2013.

Present

Councillor R.G. Copland - Chair

Councillors J. Foster, W.J. Hancox, P.D. Hickling, K.A. Kondakor, A.A. Lloyd, I.K. Lloyd, B.J. Longden, D.C. Navarro, J. Sheppard, W.H. Sheppard and K.D. Wilson.

224 **Apologies**

Apologies for absence were received from Councillors A.A. Lloyd, I.K. Lloyd, G.D. Pomfrett and K.D. Wilson.

225 **Minutes**

RESOLVED that the minutes of the meeting held on 24th September, 2013 be confirmed.

226 **Declarations of Interest**

The following members declared interests in respect of the applications indicated (the reasons for the declaration of interests are recorded in the relevant minute or in the schedule).

Councillor D.C. Navarro	:	an Other Interest by reason of his appointment as a Non-Executive Director of the George Eliot NHS Trust;
Councillor K.A. Kondakor	:	032223/SN
Councillors R.G. Copland	:	032223/SN
Councillor W.J. Hancox	:	032223/SN
Councillor J. Foster	:	032223/SN

IN PUBLIC SESSION

227 **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.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE 209 OF THE PLANNING APPLICATIONS COMMITTEE ON 24th September, 2013

032223/SN: Land off the Long Shoot, rear of 28 – 44 The Long Shoot, Nuneaton Residential Development of 120 Dwellings, including Public Open Space and Landscaping (Approval of Reserved Matters relating to Appearance, Landscaping, Layout and Scale, following Outline Permission 31589)

Applicant: Bellway Homes Ltd. (West Midlands)

Speaker: Joanne Russell, Barton Willmore

DECISION:

Refused on the grounds that:

- (a) affordable housing is not pepperpotted through the site;**
- (b) shortfall in distance standards unacceptably affecting the residential amenity of 2 properties; and**
- (c) access from the site into Buttermere Park and through the site via the footpath has the potential to create unacceptable anti social behaviour.**

N.B. Councillor K.A. Kondakor declared an Other Interest by reason of him being approached by the residents of Pallett drive (odd numbers) about the potential flooding at the rear of the properties.

Councillors R.G. Copland and W.J. Hancox declared Other Interests by reason of them knowing Joanne Russell who is a former employee of the Council.

Councillor J. Foster declared an Other Interest by reason of him living in and being a Councillor for the area concerned and him having had meetings with Joanne Russell and local groups

Applications for Planning Permission etc.
Agenda Item Index

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Planning Applications

1	032092/EX:	Former garage site (site 105C007), Rear of 23-43 Armson Road, Exhall	8
2	032257/BU:	80 Barbridge Road, Bulkington	13

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		

PLANNING APPLICATIONS

1. **032092/EX: Former garage site (site 105C007), Rear of 23-43 Armson Road, Exhall
Erection of 13 dwellings and alterations to 33 Armson Road**

Applicant: Waterloo Housing Association

Consultees Notified:

WCC Highways, NBBC Environmental Health, NBBC Parks and Countryside, NBBC Housing, NBBC Land and Property Manager, Severn Trent Water

Neighbours Notified:

19-45 (odd), 40-46 (even) Armson Road; 5, 6 Butler Crescent; 32-52 (even) Grant Road; 8-14 (even) Lawrence Road.

Consultation Representations:

WCC Education

1. No objection subject to a financial contribution of £74,060 towards education provision.

WCC Libraries

1. No objection subject to a financial contribution of £1,643 towards library facilities.

NBBC Land and Property Manager

1. Objection on the following grounds:
 - a. Viability assessment indicates substantial negative figure for land value.
 - b. Value of completed scheme by comparison to similar schemes low.
 - c. Build costs look high.
 - d. Site might be difficult but no indication of abnormal costs (other than works to 33 Armson Road).
 - e. Site owned by Council and land value not agreed.
 - f. Sufficient funds within scheme to provide all requested S106 financial contributions.
 - g. Same Housing Association carried out other similar developments in vicinity and provided S106 financial contributions. No indication why this development considered more costly or less valuable.
 - h. Initial discussions indicated S106 available and not clear what changed.

WCC Highways

1. No objection subject to conditions covering:
 - a. Access position, width and depth.
 - b. No gates within 12 metres of highway footway.
 - c. Construction of bellmouth access.
 - d. Full details of road, parking and manoeuvring areas.
 - e. Turning area for construction.
 - f. Prevention/minimisation of extraneous material on highway.
 - g. Sustainability packs for each household.

NBBC Refuse and Cleansing

1. No objection.

NBBC Environmental Health

1. No objection subject to conditions covering:
 - a. 2 metre high fence along drive into site.
 - b. Contaminated land.

NBBC Parks and Countryside

1. No response following submission of Extended Phase 1 Habitat Survey and Arboricultural Report.

WCC Flood Risk

1. No objection subject to a condition covering:
 - a. Drainage design details.

WCC Fire and Rescue

1. No objection subject to a condition covering:
 - a. Scheme for provision water supplies and fire hydrants.

NBBC Housing

1. No response.

Severn Trent Water

1. No response.

Neighbour Representations:

Objections

Letters from 19, 23, 27, 29, 31, 37, 45 Armson Road; 8, 10, 12, 14 Lawrence Road; 44 Grant Road; 24 Park View Close raising the following points:

1. Increase in traffic since Marshall Road development.
2. Increase in anti-social behaviour and crime.
3. Disruption, noise, vibrations and mess from construction.
4. Social housing.
5. Increase in traffic.
6. Loss of enjoyment of garden.
7. Loss of security to home as would leave property vulnerable.
8. Lighting for parking spaces would illuminate garden and bedrooms.
9. Should vet all future tenants.
10. Query whether allocated parking spaces would be monitored by Council.
11. Query whether housing would be for local people.
12. Negative impact on animals, bats and birds on site.
13. Bad for community.
14. Negative impact on quality of life.
15. Estate already overcrowded.
16. Housing estate within a housing estate.
17. Would be surrounded by brick walls.
18. Would devalue property.
19. Noise pollution.
20. Fly tipping.
21. Should let/sell land to residents.
22. Query why local residents have not been offered to buy land.
23. Query why application to buy/lease land on site turned down.

24. Could be used as allotments.
25. Query what will happen to footpath from property to site (no.14).
26. Received no reply when asked to rent garage on site.
27. Garages only in disrepair due to Council not maintaining them.
28. Query whether additional parking would be offered to local residents.
29. Should build on green at Butler Crescent instead.
30. Alternative sites should be developed.
31. Query whether boundary to property could be extended 2 foot to protect trees to left (no.14).
32. Query whether willing to keep shrubs and inform new residents not to prune or remove.
33. Query whether new fence would be buried to stop dogs digging through.
34. Query why Council willing to decimate wildlife and privacy.
35. Query why main points (loss value and views) most residents worried about can't be taken into account.
36. Overlooking of garden and property.
37. Loss of privacy.
38. Existing parking problems in area.
39. Query why garages couldn't have been refurbished.
40. Query positives for existing residents.
41. Impact from dust on health during construction.
42. Loss of safety and lifestyle.
43. Some parking areas not overlooked so groups could congregate.
44. Site could become area for children to hang out and play ball games in road.
45. Would like Council assurances will resolve any issues that arise.
46. Query how refuse would be collected.
47. Query where street lights would go.
48. Query whether new access gate would be installed across retained access.
49. Concerned visitors may park across retained access point.
50. Majority occupants of affordable housing do not respect house given, neighbours or community.
51. Query whether large conifers could be retained.
52. Construction work could damage property.
53. Six privately owned garages on site and no information about what would happen to personal property. Has been no involvement of owners. Would require compensation.
54. Proposed access to site would not be wide enough for two vehicles and pedestrians.
55. Negative impact on pedestrian safety.
56. Would deny access to rear of property.

Relevant Previous History: None.

RECOMMENDATION: Refusal

1. 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.

2. Policy H6 of the Nuneaton and Bedworth Borough Local Plan 2006 states:

The Council will seek appropriate planning obligations to meet any increased demand for health, education, social/community, public transport services and facilities, sport and play facilities, public open space, nature conservation mitigation, compensation and enhancement measures that arises directly from the development.

The accompanying explanatory text states:

Negotiations with developers will seek to secure appropriate provisions for community facilities on which additional demand may be placed. Larger sites may be required to provide open space as part of the development dependent upon existing local provision. A contribution towards the maintenance of open space (new or existing) will be sought. The contribution will also include providing for new or enhanced play and sports facilities and the future maintenance of those facilities. Contributions should relate to the requirements identified in the adopted Residential Design Guide. Contributions other than towards open space, will be the subject of negotiation with the Council and the County Council, as Highway, Education and Social Services Authority.

- (i) The proposal is contrary to these policies in that it would make no contribution towards the provision and maintenance of open space and play facilities in the area. The lack of contribution to meet the recreational needs of new occupants of the development would lead to pressure on, and increased use of, existing open space and play facilities in the area to the detriment of the amenities of the locality. It would also set a precedent that would allow proposals for similar housing developments to not contribute to open space and play facilities in the area and would therefore further erode the amenities of the locality. Furthermore, the financial appraisal and supporting information submitted with the application does not adequately justify that the scheme is not in a viable position to make a financial contribution towards the provision and maintenance of open space and play facilities in the area (contrary to policy H6 and ENV14 of the Local Plan and paragraph 5.4 and Appendix A of the Residential Design Guide 2004).
- (ii) The proposal is contrary to these policies in that it would make no contribution towards the provision of education facilities in the area. The lack of contribution to meet the educational needs of new occupants of the development would lead to pressure on, and increased use of, existing schools in the area to their detriment. It would also set a precedent that would allow proposals for similar housing developments to not contribute to education facilities in the area and would therefore cause further detriment to the existing schools in this locality. Furthermore, the financial appraisal and supporting information submitted with the application does not adequately justify that the scheme is not in a viable position to make a financial contribution towards the provision of education facilities in the area (contrary to policy H6 of the Residential Design Guide 2004).

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- (iii) The proposal is contrary to these policies in that it would make no contribution towards the provision and maintenance of library facilities and services in the area. The lack of contribution to meet the library service needs of the new occupants of the development would lead to pressure on, and increased use of, existing libraries in the area to their detriment. It would also set a precedent that would allow proposals for similar housing developments to not contribute to library facilities and services in the area and would therefore cause further detriment to the existing library facilities and services in this locality. Furthermore, the financial appraisal and supporting information submitted with the application does not adequately justify that the scheme is not in a viable position to make a financial contribution towards the provision of library facilities and services in the area (contrary to policy H6 of the Residential Design Guide 2004).
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2. **032257/BU: 80 Barbridge Road, Bulkington**
Two storey extension to side

Applicant: Mrs Grayman

Consultees Notified: Severn Trent Water; WCC Highways

Neighbours Notified: 76, 78, 79,81, 82, 83, 85, 87, 89 Barbridge Road
49 Cleveland Road

Consultation Representations:

Severn Trent Water – No Objection

Highways – Object on the grounds of:

- a. Drivers unable to enter the highway at 90 degrees which compromises visibility. Vehicles may have to manoeuvre within the public highway. Visibility splays from the vehicular access are shorter than recommended. Though there is no evidence of collisions, use of the access as proposed could create conflict.
- b. Captive parking will be created.
- c. Currently 4 parking spaces, development will result in 2. Parking may not be a reason for refusal but could result in manoeuvring around the access being more difficult.

Neighbour Representations:

Objections

Letter of objection from 78 Barbridge Road raising the following points (original scheme):

1. Not opposed to the single storey element but have issues with 2 storey element which will overlook the conservatory.
2. Concerned about loss of light to garden and conservatory from the extension

Letters of objection from 78 Barbridge Road raising the following points (to amended plans).

1. Amendments do not change original comments.
2. Concerned about depth of footings and potential for subsidence due to proximity of development to our property.
3. Concerned about new ground floor bedroom window on amended plan overlooking our property. Can this be moved to the rear or obscure glass used?
4. Concerned the overall size / scale of the extension would affect ability to sell in the future.

Relevant Previous History:

025775: Kitchen / Dining and Garage. Approved 14/04/1986.

Relevant Policies:

Nuneaton & Bedworth Borough Local Plan June 2006 - ENV14 Supplementary Planning Guidance/Supplementary Planning Documents – Residential Design Guide 2004 - National Planning Policy Framework March 2012.

RECOMMENDATION: Approval

Reason for the recommendation of 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.

Conditions:

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

Plan Description	Plan No.	Date Received
Proposed Ground Floor Plan Overall	09/B	23 September 2013
Proposed Ground Floor	10/A	23 September 2013
Proposed First Floor Plan	11/B	23 September 2013
Proposed Elevations	13/B	23 September 2013
Proposed Elevations	14/B	23 September 2013

GUIDE TO USE CLASSES IN ENGLAND

Town & Country Planning (Use Classes) Order (as amended 2013)

Class	Category	Description	Permitted Change
A1	Shops	Shops, retail warehouse, post offices, ticket and travel agencies, sale of cold food for consumption off the premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes.	To a mixed use as A1 & up to 2 flats. Temporary permitted change (2 years) for up to 150 sq m to A2, A3, B1 (interchangeable with notification)
A2	Financial & Professional Services	Banks, building societies, estate and employment agencies, professional services (not health or medical services) betting offices	To Class A1 where there is a ground floor display window and to a mixed use of any purpose within Class A2 & up to 2 flats. Temporary permitted change (2 years) for up to 150 sq m to A2, A3, B1 (interchangeable with notification)
A3	Food & Drink	Restaurants and cafes	To Class A1 where there is a ground floor display window and Class A2. Temporary permitted change (2 years) for up to 150 sq m to A2, A3, B1 (interchangeable with notification)
A4	Drinking Establishments	Public houses, wine bars or other such drinking establishments	To A1, A2 or A3 Temporary permitted change (2 years) for up to 150 sq m to A2, A3, B1 (interchangeable with notification)
A5	Hot Food Takeaway	For the sale of hot food for consumption off the premises	A1, A2 or A3 Temporary permitted change (2 years) for up to 150 sq m to 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 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 Class B8 subject to total floorspace being no greater than 500 sq m B1(a) office permitted change to C3 subject to: prior approval processes; previous use timings; limitations and exempt area (until 30/5/16) Temporary permitted change (2 years) for up to 150 sq m to A2, A3, B1 (interchangeable with notification) Permitted change from B1 to state funded school (and back to previous lawful use)
B2	General Industrial	Industrial process other than one falling within Class B1	B1 and B8. Permitted change to B8 is subject to total floorspace being no greater than 500 sq m
B8	Storage or Distribution	Use for storage or as a distribution centre	B1 subject to total floorspace being no greater than 500 sq m

Class	Category	Description	Permitted Change
C1	Hotels	Hotels, boarding and guest houses, (where no significant element of care is provided)	To state funded school (and back to previous lawful use)
C2	Residential Institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	To state funded school (and back to previous lawful use)
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	To state funded school (and back to previous lawful use)
C3	Dwellings	Use as a dwelling house, (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 with Class C4)	Permitted change to C4
C4	Houses in Multiple Occupation	Use of a dwelling house by 3-6 residents as a "house in multiple occupation" (HMO). NB: Large HMO's (more than 6 people are unclassified therefore sui generis)	Permitted change to C3
D1	Non Residential Institutions	Clinics, health centres, crèches, day nurseries, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	Temporary permitted change (2 years) for up to 150 sq m to A1, A2, A3, B1 (interchangeable with notification)
D2	Assembly & Leisure	Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor or outdoor sports and recreation not those involving motorised vehicles or firearms	To state funded school (and back to previous lawful use). Temporary permitted change (2 years) for up to 150 sq m to A1, A2, A3, B1 (interchangeable with notification)
	Sui-generis	Includes: theatres, large HMO's, 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.	No permitted change except casino to D2
	Other Changes of use	Agricultural buildings	See 2013 GPDO amendment for flexible changes to A1, A2, A3, B1, B8, C1, D2 (subject to limitations and conditions including some prior approval requirements)