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Date: 2<sup>nd</sup> May, 2014

Our Ref: JE

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on Tuesday, 13<sup>th</sup> May 2014 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, B.J.  
Longden, J.A. Morgan, D.C. Navarro,  
G.D. Pomfrett, J. Sheppard, W.H.  
Sheppard and K.D. Wilson)

# AGENDA

## PART I - PUBLIC BUSINESS

### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the 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 1<sup>st</sup> April, 2014 **(Page No. 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 No. 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 No. 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**

**1st April, 2014**

A meeting of the Planning Applications Committee was held at the Town Hall, Nuneaton on Tuesday, 1<sup>st</sup> April, 2014.

**Present**

Councillor R.G. Copland – Chair

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

449 **Minutes**

**RESOLVED** that the minutes of the meeting held on 11<sup>th</sup> March, 2014 be confirmed.

450 **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 K.A. Kondakor | : | an Other Interest by reason of him being a Member of Warwickshire County Council   |
| Councillor A.A. Lloyd    | : | in any relevant item by reason of him being the Council's representative on the Hospice Charity and also by reason of him being a Governor of George Eliot Hospital. |
| Councillor D.C. Navarro  | : | in any relevant item by reason of his appointment as a Non-Executive Director of the George Eliot NHS Trust  |
| Councillor G.D. Pomfrett | : | 032436/WB  |
| Councillor J. Sheppard   | : | 032436/WB  |
| Councillor W.H. Sheppard | : | 032436/WB  |
| Councillor K.D. Wilson   | : | 032436/WB  |

**IN PUBLIC SESSION**

451 **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.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE 451 OF THE PLANNING APPLICATIONS COMMITTEE ON 1<sup>st</sup> April, 2014

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032436/WB: Site 74C004 – Land West of Maple Park & North of Gipsy Lane, Nuneaton

Residential development of up to 575 houses including a mixed user neighbourhood centre, public open space, footpaths, cycleways, water attenuation basins and associated infrastructure, including realignment of Gipsy Lane (Outline with all matters reserved) (Land adjacent to Gipsy Lane/Marston Lane)

Applicant: Trenport Investments Limited

**Speakers:** Councillor June Tandy  
Sam Margrave  
Phil Hamshaw- i- Transport  
Chris Hall - Applicant

**DECISION:**

**REFUSED** on the grounds that the application would constitute inappropriate development in the Green Belt that would adversely impact on the openness, visual amenity and character of the Green Belt, as well as the purpose of including land within the Green Belt. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt.

**N.B.** Councillor G.D. Pomfrett declared an Other Interest in this item by reason of him having been contacted by the residents who live in the area regarding this application, but he gave no indication of his voting intention.

Councillors J. Sheppard and W.H. Sheppard declared an Other interest in this item by reason of them being a Director of Wembrook Community Centre.

Councillor K.D. Wilson declared an Other interest in this item by reason of him having attended a site exhibition, but he gave no indication of his voting intention. He is also acquainted with a neighbouring land owner County Councillor Heatley.

032321/AB: Newtown Road Service Station, Newtown Road, Nuneaton  
Construction of a new Petrol Filling station and associated works (and demolition of existing structures)

Applicant: Asda Stores Limited

**Speaker:** Pete Gleave (Agent)

**DECISION:**

**Approved.**

**Applications for Planning Permission etc.**  
**Agenda Item Index**

<b>Item No.</b>		<b>Page No.</b>
<b>Prior Notification</b>		
1.	032646/BA      9 Howard Road, Nuneaton	8

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		

1. **032646/BA : 9 Howard Road, Nuneaton**  
**Prior notification for a single storey extension to the rear, 3.3 metres long beyond the original rear house wall. Height to ridge 3.8 metres and height to eaves 2.4 metres**

Applicant: Miss Rhiannon Hill

**Consultees Notified:**

None

**Neighbours Notified:**

7, 11 Howard Road

**Consultation Representations:**

None received

**Neighbour Representations:**

None received

**Relevant Previous History:**

None

**Background:**

This application is being reported to Committee as the applicant is part of the Development Control team.

On 30<sup>th</sup> May 2013 the Government changed the Planning Legislation to allow householders to apply to the Council for Prior Notification for larger rear extensions to the property, rather than applying for planning permission. An application was received for such a notification on 25<sup>th</sup> March 2014. The Legislation requires that information on the proposal is supplied to the Council who, upon receipt of this information, then has a period of 42 days in which to deal with the proposal. In accordance with the legislation we consulted with neighbouring properties and as no objections were received Prior Approval was not required. A decision notice was issued on the 15<sup>th</sup> April 2014, subject to the following conditions below:

1. The development must be carried out exactly in accordance with the details submitted to the Council on the 25<sup>th</sup> March 2014 unless the developer and Council agree otherwise in writing.
2. The development must be completed on or before the 30<sup>th</sup> May 2016.
3. The developer must notify the Council in writing of the completion of the development as soon as reasonably practicable after completion. This notification must include the name of the developer, the address or location of the development and the date of completion.
4. The development must accord with all other relevant limitations and conditions which apply to other rear extensions allowed under permitted development rights as set out within The Town and Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 1, Class A.

**RECOMMENDATION:** For information only and noting only



## ITEM 7

### Land Compensation Act 1961. Section 17. Certificate of Appropriate Alternative Development – Various Plots of Land Within Camp Hill Estate, Nuneaton.

Compulsory Purchase (Vesting Declarations) Act 1981

#### **1.0 Background:**

These are applications for Certificates of Appropriate Alternative Developments under Section 17 of the Land Compensation Act 1961.

Under the terms of the Land Compensation Act as amended, alternative uses of the land have to be considered in the 'no scheme world'. Therefore, it is necessary to consider what development might have been permitted on the land at the relevant date, which is considered to be the date of 30<sup>th</sup> July 2010, or some future date, had the land not been acquired to facilitate the redevelopment.

The delegated authority as set out in the constitution does not cover the consideration by the Head of Development Control of these Certificates, they are therefore, being reported to you for confirmation.

For each site an assessment of an appropriate alternative use has to be made. The applicant considers that residential use would be an appropriate use of the land if it had not been acquired. The assessment will, therefore be based on the planning policy in place, and the relevant planning history of the site including any extant planning approvals in place on that date.

#### **Planning Policy**

The Planning Policy at the relevant date was contained within the Nuneaton and Bedworth Borough Local Plan 2006 and associated documents as per Policy Env14 of that Local Plan. This Local Plan contained within Policy H2:

“The Council has adopted Supplementary Planning Guidance (SPG) for Camp Hill Urban Village, the boundary of which is defined on the Proposals Map. Proposals identified within the development framework and windfall developments on sites within the Urban Village will be assessed against the SPG. Proposals identified within the SPG include housing redevelopment and new sites for both residential and industrial. The likely contribution these sites will make towards the Structure Plan requirements for housing and industrial land has been taken into account.”

The other main policy in the Plan relating to these certificates would be H7 concerning development on windfall sites which states:-

“H7. Development on windfall sites will be permitted if the following criteria can be met:

- a. It provides a beneficial use of previously developed land within the existing urban area.
- b. There is no significant loss of wildlife habitats.
- c. The character of the area is maintained with particular regard to the scale, design and density of the development.
- d. The site is located within 400 metres of a bus route.
- e. The development creates a cohesive group or is well related to the existing pattern of development in the area.
- f. There are no problems with vehicular access or a significant increase in noise and disturbance by traffic gaining access.

g. There is no significant loss of privacy from overlooking adjoining houses and / or their

back gardens.

h. The development provides an adequate living environment for future occupants.

i. There is no loss of indoor or outdoor sporting facilities.”

### **Assessment of Certificate of Appropriate Alternative Development**

#### **Item 1 - 8. Ludford Road - Site Area 402.4m<sup>2</sup>**

Planning History – None.

8, Ludford Road is one of the middle two houses within a terrace of four. It has a frontage to Ludford Road and a long rear garden which touches to the rear with Spring Hill Road. The only alternative development in line with policy for the site the pattern of development of the area would be residential development of one terraced unit as a single dwelling or one terraced unit split into two flats.

Recommendation – that a Certificate of Appropriate Alternative Development be approved for residential use of no more than 2 units, in one two storey building.

#### **Item 2 - 22, Hazel Road – 271m<sup>2</sup>**

Planning History - None.

Right hand terrace in a block of four. Small side gap (1 metre only) to adjacent un-adjointed property. Road frontage to Hazel Road. Short rear garden to Ludford Road. In terrace  
Middle terrace of a block of four. Road frontage to Hazel Road. Short rear garden to Ludford Road. In terrace with items 3 and 4 below. The only appropriate alternative development in line with policy and the pattern of development in the area would be for one two storey residential building for one or two dwellings.

Recommendation - that a certificate of Appropriate Alternative Development be approved for residential use of no more than two units in one two storey building.

#### **Item 3 - 23, Hazel Road – 249m<sup>2</sup>**

Planning History - None.

Middle terrace of a block of four. Road frontage to Hazel Road. Short rear garden to Ludford Road. In terrace with items 2 and 4. The only appropriate alternative development in line with policy and the pattern of development in the area would be for one two storey residential building for one or two dwellings.

Recommendation - that a certificate of Appropriate Alternative Development be approved for residential use of no more than two units in one two storey building.

#### **Item 4 – 24, Hazel Road - 271m<sup>2</sup>**

Planning History - None.

Middle terrace of a block of four. Road frontage to Hazel Road. Short rear garden to Ludford Road. In terrace with items 2 and 3. The only appropriate alternative development in line with Policy and the pattern of development in the area would be for one two storey residential building for one or two dwellings.

Recommendation – That a Certificate of Appropriate Alternative Development be approved for residential use of no more than two units in one two storey building.

#### **Item 5 - 279 Queen Elizabeth Road - 402m<sup>2</sup>**

Planning History – None.

Right hand end terrace of a block of four (In same block but not adjacent to item 6). Some limited space to side up to boundary but not wide enough to be a separate plot. Frontage to Queen Elizabeth Road, short rear garden to Hazel Road. The only appropriate alternative development in line with policy and the pattern of development in the area would be for one two storey building for on or two units.

Recommendation - That a Certificate of appropriate development be approved for residential use of no more that two units in one two storey building.

**Item 6 283 Queen Elizabeth Road – 275.9m2**

Planning History – None.

Middle terrace of a block of four. Road frontage to Queen Elizabeth Road, short rear garden to Hazel Road. The only appropriate alternative development in line with Policy and the pattern of development in the area would be for on two storey residential building for one or two dwellings.

Recommendation – That a Certificate of Appropriate Development be approved for residential use of no more than two units in one two storey building.

**Item 7 - 293 Queen Elizabeth Road - 320.3m2**

Planning History – None

Left hand end terrace of block of four. Only small gap up to boundary (1m) road frontage to Queen Elizabeth Road. Small rear garden to Hazel Road. The only appropriate alternative development in line with Policy and the pattern of development in the area would be for one two storey residential building for one or two dwellings.

Recommendation – That a Certificate of Appropriate Development be approved for residential use of no more than two units in one two storey building.

## GUIDE TO USE CLASSES IN ENGLAND

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

Class	Category	Description	Permitted Change
<b>A1</b>	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)
<b>A2</b>	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)
<b>A3</b>	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)
<b>A4</b>	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)
<b>A5</b>	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)
<b>B1</b>	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)
<b>B2</b>	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
<b>B8</b>	Storage or Distribution	Use for storage or as a distribution centre	B1 subject to total floorspace being no greater than 500 sq m

<b>Class</b>	<b>Category</b>	<b>Description</b>	<b>Permitted Change</b>
<b>C1</b>	Hotels	Hotels, boarding and guest houses, (where no significant element of care is provided)	To state funded school (and back to previous lawful use)
<b>C2</b>	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)
<b>C2A</b>	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)
<b>C3</b>	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
<b>C4</b>	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
<b>D1</b>	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)
<b>D2</b>	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)