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Date: 4<sup>th</sup> August, 2014

Our Ref: JAE

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on Tuesday, 12<sup>th</sup> August, 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 W.J. Hancox (Chair), J.B. Beaumont, I.C. Bonner, R.G. Copland, J. Foster, D. Harvey, P.D. Hickling, B.J. Longden, A.A. Lloyd, D.C. Navarro, N.J.P. Phillips, G.D. Pomfrett and J. Sheppard)

# 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 22<sup>nd</sup> July, 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. 9)**
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. 9)**
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).

**Members are reminded that a Planning Seminar has been arranged for all members of the Council on Thursday 9<sup>th</sup> October, 2014 at 6.00pm in the Council Chamber.**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**22<sup>nd</sup> July, 2014**

A meeting of the Planning Applications Committee was held at the Civic Hall, Bedworth on Tuesday, 22<sup>nd</sup> July, 2014.

**Present**

Councillor W.J. Hancox – Chair

Councillors J.B. Beaumont, R.G. Copland, J. Foster, D. Harvey, P.D. Hickling, A.A. Lloyd, B.J. Longden, D.C. Navarro, G.D. Pomfrett and J. Sheppard

Apologies for absence from the meeting were received from Councillor N.J.P. Phillips.

**PLA 7 Minutes**

**RESOLVED** that the minutes of the meeting held on 1<sup>st</sup> July, 2014 be confirmed.

**PLA 8 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 J.B. Beaumont : in any relevant item by reason of him being a member of Warwickshire County Council; 032659/GC
- Councillor P.D. Hickling : 032659/GC, 032563/GC, 032716/GC
- 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

**IN PUBLIC SESSION**

**PLA 9 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.

**PLA 10 Mr Tom Wilson**

The Chair referred to the sad death of former councillor Tom Wilson, who had also served as a member on Planning Applications Committee when he was a member of this Council.

**PLA 11 Member Training**

The Chair informed members that a number of training sessions for members of the Planning Applications Committee would be held prior to future meetings of the Committee, starting at 2.00pm.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA 9 OF THE PLANNING APPLICATIONS COMMITTEE ON 22<sup>nd</sup> July, 2014

032659/GC: Stretton Lodge, 68 Plough Hill Road, Nuneaton  
Internal alterations to create 3 additional supported living units (C2 Use) and installation of new door in southern elevation

Applicant: Mr Phil Chawner

**Speakers: Councillor Christine Bennett  
Mr Holden**

**DECISION:**

**Approved with additional condition regarding landscape screening to the boundary of no. 64 Plough Hill Road. Details are required to be submitted of planting (excluding Leylandii) up to 3m in height. A note also be added relating to the consideration of the needs of residents by the management team when assessing the suitability of occupation of the first floor units.**

**N.B. Councillor J.B. Beaumont declared an other Interest in this item by having been involved in discussions on this application, but he gave no indication of his voting intention.**

**N.B. Councillor P.D. Hickling declared an other Interest in this Item by having been contacted by residents who live in this area regarding this application as he is a Councillor for the area concerned, but he gave no indication of his voting intention.**

032563/GC: "Site 25D007", Land adjacent to 23 Salisbury Drive, Nuneaton  
Erection of 10 apartments in 2/3 storey block (re-submission following refusal of 031390)

Applicant: Welton & Holland Developments Ltd

**Speakers: Councillor Christine Bennett  
Mr Garnham  
Donna Davies  
Patrick Reid**

**DECISION:**

**Deferred for confirmation of the tank size and its capability of handling the drainage of the site, confirmation of surface water drainage, especially from the parking and hard surfaced areas and more information from the agent regarding the future maintenance of the tank and culvert.**

**N.B. Councillor P.D. Hickling declared an other Interest in this Item by having been contacted by residents who live in this area regarding this application as he is a Councillor for the area concerned, but he gave no indication of his voting intention.**

032760/GC: Site 46b008 – Park Lane, Nuneaton  
Erection of 41 dwellings (Amended scheme to approval 032056)  
Applicant: Nuneaton & Bedworth Borough Council

**DECISION:**

**Deferred at the request of the applicant to allow further assessment of the layout and design of the proposed parking areas and to look at alternative parking arrangements.**

032438/WE: Site 31B004 - Land rear of 194-262 The Long Shoot, Nuneaton  
Residential development for up to 120 dwellings (existing dwelling to be retained)  
(Outline including access)  
Applicant: Mr and Mrs Hall

**Speaker: Councillor Keith Kondakor  
Angus Hudson**

**DECISION:**

**That the Head of Development Control be given delegated authority to grant planning permission with additional conditions for the inclusion of a bus link and affordable housing details (25% of the total number of units or 30, whichever is the greater) in the legal agreement.**

032716/GC: Land off Plough Hill Road (Site 36c002), Plough Hill Road, Nuneaton  
Erection of stable block with associated hardstanding and fencing, creation of new vehicular access off Plough Hill Road and creation of new vehicular access track.  
Applicant: Hill Farm Trust

**Speaker: Councillor Christine Bennett  
Bryan Reynolds  
Mark Owen**

**DECISION:**

**Approved.**

**N.B. Councillor P.D. Hickling declared an other Interest in this Item by having been contacted by residents who live in this area regarding this application as he is a Councillor for the area concerned, but he gave no indication of his voting intention.**

032745/AB: The Vicarage, Vicarage Street, Nuneaton  
Erection of two-storey office development (outline with access and layout to be considered)

Applicant: A.R. Cartwright

**Speaker: Andrew Morgan**

**DECISION:**

**That the Head of Development Control be given delegated authority to grant planning permission.**

032713WH: 39 Golf Drive, Nuneaton  
Request to remove horse chestnut tree due to structural damage to property (tree known as T2 of Tree Preservation Order 4/02).

Applicant: Dr H. Boyal-Seth

**Speaker: Councillor Kris Wilson**  
**Dr Harvinder Boyal-Seth**

**DECISION:**

**Deferred for further information from an arborist about remedial works the tree requires and what future maintenance should take place and additional information from the structural report.**

032689/AB: Sikh Mission Centre, Unit 2 Marlborough Road, Nuneaton  
Removal of four trees to rear and three trees to the front. (Reasons listed below)  
Replacements to be agreed with the Council off site

Applicant: Mr R. Bahia, Sikh Mission Resource Centre

**DECISION:**

**Consent be refused on the grounds that the trees to the front provide visual amenity to the area, the trees to the rear prevent overlooking and protect the privacy of neighbouring properties.**



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

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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		

## DEFERRED

### Members will recall deferring the following application:

1. **032563/GC: "Site 25D007", Land adjacent to 23 Salisbury Drive, Nuneaton  
Erection of 10 apartments in 2/3 storey block (re-submission following refusal of  
031390)**

Applicant: Welton & Holland Developments Ltd

**Reason for deferral:**

To allow:

1. Confirmation of the tank size and its capability of handling the drainage at the site.
2. Confirmation of surface water drainage, especially from the parking and hard surfaced areas.
3. More detail from the agent regarding the future maintenance of the tank and culvert.

**Consultees Notified:**

Environment Agency, NBBC Environmental Health, NBBC Housing, NBBC Parks and Countryside, NBBC Planning Policy, NBBC Refuse and Cleansing, North Warwickshire Borough Council, Severn Trent Water, Warwickshire Police, Warwickshire Wildlife Trust, WCC Flood Risk Team, WCC Fire and Rescue, WCC Highways, WCC Planning.

**Neighbours Notified:**

The Cottage (3), Flat 1-4 (inc) 3, 5-15 (odd) Bucks Hill. 81, 83-85, 87, 89 Chancery Lane. 6-16 (even), 18a, 18b, 18c, Posh Paws (18), 20, 22, Flat 1-22 (inc) Pickering Lodge, Coleshill Road. 1-39 (odd) Salisbury Drive. A R Cartwright Ltd, Vicarage Street.

**Consultation Representations:**

Environment Agency

1. No objection.

NBBC Drainage Engineer

1. No objection subject to a condition covering:
  - a. Management plan to detail maintenance of watercourse and trash screen by management company.

NBBC Environmental Health

1. No objection subject to conditions covering:
  - a. Close boarded fence to perimeter of 23 Salisbury Drive.

NBBC Housing

1. No objection.

NBBC Parks and Countryside

1. Comment as follows:
  - a. Query regard to wildlife or survey work.

NBBC Planning Policy

1. No response.

NBBC Refuse and Cleansing

1. No objection.

North Warwickshire Borough Council

1. No objection subject to Environment Agency, Severn Trent Water and Warwickshire County Council being satisfied with the Flood Risk Assessment.

Severn Trent Water

1. No objection subject to a condition covering:
  - a. Disposal of surface water and foul sewage.

Warwickshire Police

1. No objection subject to the following being incorporated into the design:
  - a. Glazing, doors and external lighting to meet specified standards.
  - b. Perimeter fencing to be 1.80 metres high.

Warwickshire Wildlife Trust

1. No response.

WCC Flood Risk Team

1. No objection subject to conditions covering:
  - a. Management plan to detail maintenance of watercourse and trash screen by management company.
  - b. Permeable surfacing.
  - c. Underground storage.

WCC Education

1. No objection subject to:
  - a. Financial contribution of £61,656 relating to primary and secondary education provision.

WCC Fire and Rescue

1. No objection.

WCC Highways

1. No objection subject to conditions covering:
  - a. Position of access and gates.
  - b. Details of parking, manoeuvring and service areas.
  - c. Widening of highway footway/verge crossing.
  - d. Structures, trees and shrubs.
  - e. Turning area.
  - f. Spread of extraneous material.

WCC Library Service

1. No objection subject to:
  - a. Financial contribution of £1,067 relating to library provision.

WCC Planning

1. No response.

NBBC Land and Property Manager

1. Comment as follows:

- a. Requested financial contributions towards the provision and maintenance of open space and play facilities, library provision and education facilities and provision total £92,353.
- b. Agent's initial viability assessment has been revised to take account of Council's suggested figures.
- c. The Council's own assessment indicates a net developer's profit of 10% if no developer contributions are required and this figure is the minimum amount that is required to make the development viable.
- d. Viability assessments therefore show that requiring all of the requested financial contributions (totalling £92,353) would make the scheme unviable.
- e. Acknowledge site is difficult to develop given the steepness and presence of a watercourse to the western boundary.
- f. Suggest scheme could accommodate some of the requested contributions but not all of them.

**Neighbour Representations:**

**Objections**

Letters from 83-85 Chancery Lane, Apartment 9 Pickering Lodge, 16 Coleshill Road, 23, 25 (2 letters), 27, 31, 33, 35 Salisbury Drive raising the following points:

1. Increase in traffic.
2. Parking problems
3. Proposed parking area on private land.
4. Parking spaces over public footpath.
5. Issues with Bucks Hill junction access.
6. Scale of development.
7. Not in keeping with existing properties.
8. Noise, air pollution and dust from construction.
9. Loss of privacy due to overlooking.
10. Loss of light from car park retaining wall.
11. Brook liable to flooding.
12. Water run off would increase flood risk.
13. Drainage holes in retaining wall increasing flood risk.
14. Brook diverts into pipe which needs to be enlarged.
15. Previous damage to property from flooding.
16. Removal of bridge over brook.
17. Location of retaining wall on private land.
18. Query access to drainage.
19. Query whether will comply with Wildlife and Countryside Act.
20. Safety of children playing in Salisbury Drive.
21. Should be given land to develop elsewhere.
22. Upper ground fabricated.
23. Anti-social behaviour.
24. Risk of structural damage to properties.
25. Loss of television reception.
26. Maintenance of SUDS.
27. Query if they will connect to the existing drainage system.
28. Existing problems with refuse vehicles having to reverse into the cul-de-sac.
29. Alternative brownfield sites are available in the area.
30. Will devalue neighbouring properties.
31. Development is not needed in this particular area.

**Relevant Previous History:**

031390: Erection of 10 apartments in 2/3 storey block (Land adjacent 23 Salisbury Drive) (amendment to previous refusal 029441). Refused 22/01/2013. Appeal dismissed 09/09/2013.

029441: Erection of 10 apartments in 2/3 storey block (Land adjacent 23 Salisbury Drive) (Resubmission following refusal of 29151). Refused 22/06/2009.

029151: Erection of 10 apartments in 2/3 storey block (Land adjacent 23 Salisbury Drive). Refused 05/02/2009.

010868: Residential development (Outline) (Land adjacent 23 Salisbury Drive). Approved subject to a S106 Agreement 04/09/2006 but not signed.

**Background:**

Notwithstanding the number of objections received, this application is also being reported to Planning Applications Committee at the request of Councillor Hickling.

**Relevant policies:**

Nuneaton & Bedworth Borough Local Plan June 2006: H6 – Planning Obligations and ENV14 Supplementary Planning Guidance/Supplementary Planning Documents. Residential Design Guide 2004. National Planning Policy Framework March 2012.

**RECOMMENDATION:**

On completion of a Section 106 agreement relating to a financial contribution towards the provision and maintenance of open space and play facilities in the area and a financial contribution towards library provision, the Head of Development Control be given delegated authority to grant planning permission.

**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.

**Statement of Positive Engagement:**

The Council has worked with the applicant and their appointed agent in a positive and proactive manner through pre-application discussions, keeping them informed of the planning application progress, requests for additional information and amended plans to address issues raised within consultation responses and negotiations for developer contributions.

**Conditions:**

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

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site Location Plan	07 14 01A	11/02/2014
Proposed Site Layout Plan	C008_383_11_SK100 H	16/04/2014
Proposed Ground Floor and Elevation Plan	07 14 03 F	11/02/2014

Proposed First and Second Floor Plans	07 14 04B	11/02/2014
Proposed Elevation Plans	07 14 05 B	11/02/2014
Proposed Elevation Plan	07 14 10B	11/02/2014
Stream Cross Sections	07 14 12	16/04/2014
Design and Access Statement	N/A	11/02/2014
Flood Risk Assessment	RAB: 671 Version 1.0	16/04/2014

3. 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.
4. No development shall commence until full details of the access, including construction, alignment, levels, drainage, signage, lighting, footpaths, and verges have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.
5. No development shall commence until full details of the provision of car parking, manoeuvring and service areas, including surfacing, drainage, levels and confirmation that a stopping up order has been secured for land in the public highway within the site, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.
6. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:  
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.
7. No development shall commence until a scheme has been submitted to and approved in writing by the Council giving details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.
8. No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, shared parking areas and manoeuvring areas, has been submitted to and approved in writing by the Borough Council. The landscape management plan shall be carried out as approved.
9. No development shall commence until full details of boundary treatments and retaining walls, including a new close boarded fence adjacent to 23 Salisbury Drive, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatments, retaining walls and close boarded fence adjacent to 23 Salisbury Drive have been carried out in accordance with the approved details.
10. No development shall commence until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the Council. No construction work creating surface water run off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details.
11. No development shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

12. No development shall commence until full details of the bin store indicated on the approved plan has been submitted to and approved in writing by the Council. No dwelling shall be occupied until the bin store has been erected in accordance with the approved details. This area shall be permanently maintained and retained for the storage of bins.
13. No external light or lighting column shall be installed on the site other than in accordance with details which shall first have been submitted to and approved in writing by the Council.
14. No development shall commence until a flood risk and drainage management plan has been submitted to and approved in writing by the local planning authority. This plan shall include details of the:
  - a. Works to the watercourse.
  - b. Proposed clear span crossing.
  - c. Permeable surfacing to be used on site.
  - d. Underground modular storage unit and associated infrastructure.
  - e. Long term maintenance of the ordinary watercourse to the side (northwest) boundary of the application site, underground modular storage unit (including associated infrastructure) and trash screen (including arrangements for how the trash screen will be cleaned during and after any high intensity storm event). Such details should include who is responsible for the different elements, the length of any agreement and the maintenance regime to be followed. If the drainage network is to be adopted, details shall be provided of an agreement with the adopting body.No dwelling shall be occupied until the approved details have been provided in accordance with the flood risk and drainage management plan. The approved flood risk and drainage management plan shall subsequently be maintained in accordance with the approved details.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order) no fence shall be erected along the southern boundary of the site and no gate shall be erected across the access to the site without the prior written consent of the Council.

2. **032801/AT: 34 Leyland Road, Nuneaton**  
**Demolition of existing house and erection of 6 houses including formation of new access.**

Applicant: Mr A Cartwright

**Consultees Notified:**

Severn Trent Water, WCC Highways, NBBC Environmental Health, NBBC Parks and Countryside, NBBC Refuse, NBBC Housing

**Neighbours Notified:**

35- 45 (odd) Ivanhoe Avenue, 17-31 (odd), 26-42 (even) Leyland Road, 7-14 (inc.) Peverill Close & 56, 57 & 62 Roxburgh Road.

**Consultation Representations:**

WCC Highways

1. Objection on the grounds of:
  - a. Inadequate visibility splays.
  - b. Inadequate manoeuvring space within the site (for refuse)
  - c. Inadequate drainage information

Severn Trent Water

1. No objection subject to conditions covering
  - a. Surface water details

NBBC Environmental Health

1. No objection

NBBC Parks and Countryside

1. No objection subject to conditions covering
  - a. Protection of the TPO trees through no dig road construction and porous tarmac.

NBBC Housing

1. No objection

NBBC Refuse

1. No response

**Neighbour Representations:**

**Objections**

Letters from 23 Grassington Drive, 35, 41 Ivanhoe Avenue, 19, 23, 29, 32, 36 Leyland Road, 7, 14 Peverill Close, 56 (2) Roxburgh Road, raising the following points:

1. TPO Oak should be protected and other trees on the site
2. Loss of habitat and wildlife
3. No need for the housing here.
4. Access is a problem, which is exactly the same as previously dismissed.
5. Traffic issues along road already, aggravated by Leyland School development.
6. Increased gradient of access will impact upon living conditions of neighbours.
7. Council should stop this type of garden grabbing.
8. Access adjacent to bedroom, kitchen and dining room windows



9. Impact on adjacent homes and gardens from noise, disturbance & pollution.
10. Run off from the proposed road (which has been increased in height) will occur in to my garden.
11. Increased overlooking to neighbouring property.
12. Increased security concerns.

Letter of objection from Cllr Sam Margrave, raising the following points:

1. The access is not wide enough and visibility splays can not be achieved. There is already a traffic issue at the Leyland Road junctions.
2. There will be an adverse impact upon the TPO trees.
3. Run off water will become an issue.
4. The traffic, and braking, will have a negative impact on the quality of life of residents living next to the road, Residents living spaces are directly next to the property

**Relevant Previous History:**

TP/0672/03: Erection of 9 Houses (outline) – Refused 4/11/2003

TP/0221/04: Erection of 6 Houses (outline) No. 34 to be demolished– Refused 28/6/2004

Appeal TP/0221/04: APP/W3710/A/04/1163028- Dismissed 19/5/2005

10290: Erection of 6 houses (outline) No. 34 to be demolished– Approved Subject to S106 agreement 06/02/2006 –Finally disposed of 28/11/2008.

29963: Erection of 7 houses (No. 34 demolished) – refused 11/03/10

031058: Erection of 6 houses (Outline) demolition of 34 Leyland Road – Refused 13/ 2/2012

**Statement of Positive Engagement:**

The Council has worked with the appointed agent in a positive and proactive manner through by keeping the agent informed of the planning application progress in order to address the planning issues which have arisen during the determination of the planning application. However, it was not possible to reach agreement on the issues outlined in the decision for refusal.

**RECOMMENDATION: Refusal**

**Reason for the recommendation of 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 Paragraph 35 of the NPPF states. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- 
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
  - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.

(i) The proposal is contrary to this policy in that the siting of the garage block and closest proposed dwelling would create an oppressive sense of enclosure to the rear facing habitable room windows and garden areas of Nos 10 & 13 Peverill Close (contrary to paragraph 9.1 & 9.5 of the Residential Design Guide 2004)

(ii) The proposal is contrary to this policy in that the required minimum visibility splay along Leyland Road from the access cannot be achieved. The proposal therefore does not minimise conflicts between traffic and cyclists or pedestrians and would be detrimental to highway safety. (Contrary to guidance contained in Transport and Roads for Development - The Warwickshire Guide 2001).

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## 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)