

Late Representations

Planning Committee 29th May 2025

Item No. 6	<p>Planning Ref: PL/2025/0000415/PAEC</p> <p>Site: Corner Of Cecily Road And Daventry Road Asda Daventry Road Coventry CV3 5HN</p> <p>Proposal: Prior approval for proposed installation of an 18 m Phase 7 monopole with wraparound cabinet supporting 9no. antennas, 2no. 300mm diameter transmission dishes and ancillary development thereto</p> <p>Late Representation Objectors have raised further concerns about the health issues associated with the proposed mast and this information has also been sent by the objectors to members of planning committee</p> <p>These concerns have been duly considered :</p> <ul style="list-style-type: none"> • it is important to highlight that Public Health England (PHE) has been clear in its position namely that there is currently no credible evidence that mobile technology, including 5G, has adverse effects on human health. PHE's guidance is based on the international safety standards established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is formally recognised by the World Health Organization. • In determining the application, the Local Planning Authority can only consider the siting and appearance of the proposed development. The principle of development cannot be a consideration as the development is permitted development by the Town and Country Planning (General Permitted Development) (England) Order 2015. <p>The application in question is accompanied by a valid ICNIRP certificate and what must borne in mind is the balance that needs to be struck—between any potential harm caused by the development and the broader public benefits it may bring.</p> <p>In addition to the above, if members (having received the concerns) consider that the potential health impacts as set out in the objection (namely the impact of EMF's on medical implants) was information that they would have regard to because in their judgement and discretion they thought it right to do so, then a planning judgment can be made accordingly. This is because, ultimately, it is pivotal in determination of planning matters that members reach a balanced and informed view before arriving at a final decision.</p> <p>Comment from legal services:</p> <p>Legal services are aware that an objection has been raised to the proposed or existing installation of mobile phone masts in residential areas and near sensitive sites such as schools, care homes, and hospitals within your jurisdiction. Whilst these objection extends beyond the scope of application reference PL/2025/0000415/PAEC, we are able to provide comment on the legal position of this particular application, taking into</p>
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	<p>consideration the particular reference to a legal case of <u>Thomas v Cheltenham</u> which was ultimately determined at the Court of Appeal on 13th March 2025.</p> <p>It is important to note that the emphasis of this case centred on the alleged failure of the authorities to consider the potential impact of electromagnetic fields on individuals with medical implants, When the case was determined at the High Court, whilst the Court accepted that the failure of the Local Planning Authority to grapple with potential impacts on medical implant (by failing to address the concern in the report) was an error, it is also important to highlight that the court ultimately refused to grant relief to Mr. Thomas on the basis that “having regard to the evidence relating to the low level of EMFs from the proposed equipment, its local coverage, and its distance from Lefroy Court, it was highly likely that the outcome would have been the same had this issue been properly addressed”.</p> <p>The decision of the High Court was subsequently appealed by Cheltenham Borough Council to the Court of Appeal because notwithstanding the fact that it had been successful in the High Court proceedings, it had concerns that the judgment made by the High Court Judge could be read as laying down a general principle that the potential impact of EMFs on medical implants would always be a material consideration. In conclusion, considering whether EMF impacts is information that regard is to be given (if in member’s judgement and discretion they think it right to do so) will come down to planning judgement, taken into account all the consideration that has also been presented by the officer in the report along with evidence of any substance which is available to support the concerns expressed in the objection.</p>
Item No. 7	<p>Planning Ref: PL/2025/0000265/OUT</p> <p>Site: Former Wisteria Lodge, Earlsdon Avenue South, Coventry, CV5 6QE</p> <p>Proposal: Outline application with all matters reserved except for access for the redevelopment of land to form up to eight residential dwellings</p> <p>Reason for Report to Committee: The application has been referred to planning committee due to the number of objections received.</p> <p>HIGHWAY MATTERS</p> <p>As highlighted within the committee report, an update was to be circulated in respect of the access arrangements proposed as part of the re-development of the site. The published report has indicated that a shared surface is likely required to be provided as part of the wider works to facilitate the scheme and bring the site forward.</p> <p>It is indeed the case that a shared surface is required to service the development and also make improvements to the existing access route to the site of which also serve Mary and William Cottages. A number of options for highway improvements have been considered, the Council’s Highways Officers requested a shared surface to be installed from the access point of the site to the junction with Earlsdon Avenue South to the east. The shared surface width would extend to 7.8m in width, which will upgrade the existing road/pavement surfacing to promote the route to pedestrians and cyclists as well as creating a safe and convenient route for vehicles. The upgrades to the route also complement the existing pedestrian route which runs into the common (north to south).</p> <p>Now that the highway position is clarified, an additional condition to secure the required works prior to the commencement of development are proposed.</p>

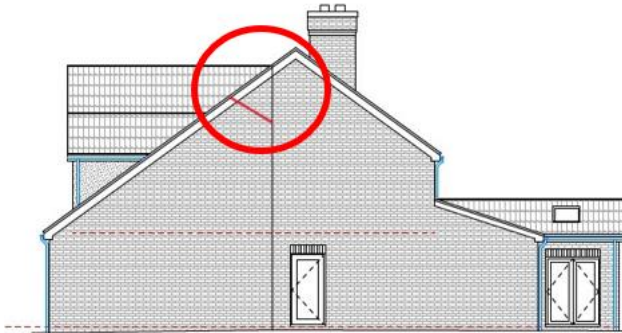
	<p>It is recommended that the following condition is appended to the published list;</p> <p>26. Prior to the commencement of the development hereby permitted, engineering details shall be submitted and approved under a S278 agreement for the highway improvements to install a shared surface between the access point into the site (as shown on the illustrative layout Ref. A(0)004 Rev. A) and the junction of Earlsdon Avenue South. shall be submitted to and approved in writing by the Local Planning Authority. The highways works shall be carried out in strict accordance with the approved engineering details prior to the first occupation of any dwelling hereby approved.</p> <p>Reason: <i>In the interests of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2017.</i></p>
Item No. 8	<p>Planning Ref: PL/2025/0000436/HHA</p> <p>Site: 2 Daventry Road, Coventry, CV3 5DP</p> <p>Proposal: Removal of dormer to rear, erection of three storey extension to rear with first floor enclosed glazed garden, increase existing gable height and width to front, partial existing roof ridge increase, installation of 4no. rooflights to front, installation of canopy above ground floor to front, and installation of patio and stairs to rear</p> <p>Reason for Report to Committee: The application has been referred to planning committee due to the number of objections received and at the request of Cllr Tucker.</p> <p>Additional Representations Following the publishing of the committee report one supplementary representation has been received raising a further objection to the application, this is summarised as follows;</p> <ul style="list-style-type: none"> - The scale of the development is out of character/proportion with neighbouring residential dwellings - Loss of light - Loss of passive solar heat - The plans are unclear in respect of the second floor accommodation and front gable - Breach of 45 degree line - Breach of 25 degree line - Concerns are raised in respect of the Council having due regard to the Equality Act 2010 <p>The material considerations in respect of scale/character, loss of light and 45 degree/25 degree lines are duly addressed in the committee report.</p> <p>Equality Act 2010</p> <p>The Council's statutory obligation under Section 149 of the Equality Act 2010 has been referenced within the committee report whereby it was noted that there were no known equality implications arising from the development. Within the latest representation received reference is made to the Council as the decision maker fulfilling its obligation under the act to have regard for the impact of the development upon those with a disability and the impacts of the development upon health.</p> <p>For clarity Section 149 of the Equality Act 2010 states that:-</p>

	<p>(1) A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>Officers have duly taken the requirements of the Equality Act 2010 as a statutory duty. In the consideration of the application, the Council has duly given regard to the impact of the development upon those identified within the Act. In making the assessment in this case, particular concern is raised with the health implications of the development upon neighbouring residents through the loss of passive solar heat and morning sunlight and the associated impacts upon health.</p> <p>In this case due regard has been given to the impact upon neighbouring residents as indicated within the committee report. To assist with the assessment of impact upon neighbouring dwellings officers have considered sunlight calculations to aid the assessment of impact of the development upon neighbouring occupiers and deem the application to be acceptable as set out within the committee report.</p> <p>The Council in the preparation of the application has duly fulfilled the obligations under the Equalities Act through the processing of the application and consideration of the material considerations arising.</p> <p>Ecology</p> <p>Within the committee report, reference was made in respect on the potential for bat roosting due to the presence of damaged roof tiles on site. Since the publishing of the report a bat survey has been received which confirms that no bats are present within the roof space or wall cavities at the present time. That being said for good practice, one further bat survey will be required ahead of any works commencing in accordance with the recommendations of the report, this can be captured within the wording of proposed condition 5.</p>
Item No. 9	<p>Planning Ref: PL/2025/0000503/HHA</p> <p>Site: 23 The Arboretum, Coventry, CV4 7HX</p> <p>Proposal: Erection of single storey extension to front, sides and rear, increase / alteration to existing dormers to front, partial garage conversion to habitable room, and extension of driveway</p> <p>Reason for Report to Committee: The application has been referred to planning committee due to the number of objections received.</p> <p>Public Consultation</p> <p>Since the drafting of the report, a period of public consultation was live following the notification of neighbours of amended plans having been received (of which are published and being considered at committee), four representations have been received from three addresses who had previously commented on the original submission. A summary of the representations are as follows:</p> <ul style="list-style-type: none"> - Development remains out of character and overbearing - Reduction in parking provision - Loss of amenity space within the rear garden

- Cat slide roof increases the massing and bulk of the dwelling
 - Impede access for delivery and emergency vehicles
 - Development would cause disruption during the construction phase
- The matters raised are discussed within the published committee report.

Amended Plan

A further amendment has been secured to the height of the catslide roof on the proposed side extension, this has been reduced in height slightly at the request of officers to further emphasise the subservience of the extension.



It is therefore recommended that this amendment is secured within the plans list published under Condition 2, which is updated in full as follows:
Proposed Floor Plans and Elevations. DWG 23_05_P01L
Site and Location Plan DWG P03C

