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Date: 3<sup>rd</sup> October 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 11<sup>th</sup> October 2022 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillors L. Cvetkovic (Chair),  
C. Cape, M. Green, B.  
Hammersley, J. Hartshorn, S.  
Markham, B. Pandher, J.  
Sheppard (Vice-Chair), E. Shiers,  
R. Smith and K. 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 Lloyds 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.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

#### 2. APOLOGIES - To receive apologies for absence from the meeting.

#### 3. MINUTES - To confirm the minutes of the meeting held on 29<sup>th</sup> September 2022, attached **(To Follow)**.

#### 4. DECLARATIONS OF INTEREST

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

##### Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda **(Page 5)**. Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

**Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached **(Page )**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control, attached **(Page )**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

|  | Name of Councillor   | Disclosable Pecuniary Interest                                 | Other Personal Interest   | Dispensation   |
|--|--|--|---|--|
|  | General dispensations granted to all members under s.33 of the Localism Act 2011 |  |   | Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul> |
|  | C. Cape  | Director of Capability Coaching and Consultancy Ltd.           | Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul>   |  |
|  | L. Cvetkovic (Chair)   | Head of Geography (Teacher), Sidney Stringer Academy, Coventry | The Bulkington Volunteers (Founder);<br>Bulkington Sports and Social Club (Trustee)<br><br>Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>  |  |
|  | M. Green   | Employed by Horiba Mira – Calibration Technician               | Chair of Education Standards Committee – St Thomas More School<br>Executive Member – Nuneaton Conservatives.<br>Secretary – St Vincent De Paul Society at Our Lady of the Angels Church.<br>Our Lady of the Angels Church.<br>Member of the George Eliot Fellowship<br><br>Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children.</li> </ul> |  |
|  | B. Hammersley  | County Councillor – W.C.C.                                     | Member on the following Outside Bodies:   |  |

|  | Name of Councillor       | Disclosable Pecuniary Interest   | Other Personal Interest  | Dispensation   |
|--|--------------------------|--|--|--|
|  |                          |  | <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>  |  |
|  | J. Hartshorn             | Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant)<br>COVID Community Testing – WCC – Team Leader (Casual) | Member of Nuneaton Conservatives   |  |
|  | S. Markham               | County Councillor – W.C.C.   | Governor at Ash Green School<br><br>Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Nuneaton and Bedworth Sports Forum</li> <li>Warwickshire Direct Partnership</li> <li>Warwickshire Waste Partnership</li> <li>Sherbourne Asset Co Shareholder Committee</li> </ul>   |  |
|  | B. Pandher               |  | Member of Warwickshire County Council<br><br>Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple;<br>Coordinator of Council of Sikh Temples in Coventry;<br>Secretary of Coventry Indian Community;<br>Trustee of Sikh Monument Trust<br>Vice Chair Exhall Multicultural Group<br><br>Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Foleshill Charity Trustee – Proffitt's Charity</li> </ul> |  |
|  | J. Sheppard (Vice-Chair) |  | Partnership member of the Hill Top and Caldwell Big Local.<br><br>Director of Wembrook Community Centre.<br><br>Member of the Management Committee at the Mental Health Drop in.   | Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre |
|  | E. Shiers                | Employed by and Director of Cannon Enterprise Ltd.<br>Director of The Fresh  | The Labour Party<br>Coventry East Credit Union<br><br>Member of the Pride in Camp  |  |

|  | Name of Councillor | Disclosable Pecuniary Interest  | Other Personal Interest  | Dispensation |
|--|--------------------|---|--|--------------|
|  |                    | Dessert Company   | <p>Hill Board.</p> <p>Member of the governing board for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>  |              |
|  | R. Smith           |   | <p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• A5 Member Partnership;</li> <li>• PATROL (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• Representative on the Nuneaton and Bedworth Older Peoples Forum</li> <li>• West Midlands Combined Authority and Land Delivery Board</li> </ul>   |              |
|  | K.D. Wilson        | Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton | <p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> </ul> |              |

|  | <b>Name of Councillor</b> | <b>Disclosable Pecuniary Interest</b> | <b>Other Personal Interest</b>   | <b>Dispensation</b> |
|--|---------------------------|---------------------------------------|--|---------------------|
|  |                           |                                       | <ul style="list-style-type: none"><li>• West Midlands Combined Authority</li></ul> |                     |



**Applications for Planning Permission etc.**  
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**Planning Applications**

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| <b>Wards:</b> |            |    |            |    |               |
|---------------|------------|----|------------|----|---------------|
| 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 |    |               |

**REFERENCE No.** 038365

**Site Address:** Site 83d003 - Nuneaton Road, Bedworth, Warwickshire

**Description of Development:** Outline application for up to 2 No. residential dwellings (all matters reserved)

**Applicant:** Mohamed

**Ward:** SL

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This is an outline application for up to 2 No. residential dwellings (all matters reserved) at Site 83d003 – Land off Nuneaton Road, Bedworth. The application site is 302 sq. m and will be accessed off Nuneaton Road. The site is currently vacant wasteland. To the north of the site are 2 garage buildings (presumably owned by occupants on Nuneaton Road). To the east is an open grassed area and beyond this is Nuneaton Road, which is mostly residential in nature. The street scene of Nuneaton Road is made up of a mix of detached, semi-detached and terraced dwellings, as well as some apartment blocks. The heights range from two-storey to three-storey. Within the street scene there are some commercial uses, including Premier convenience store and 2 takeaways.

To the south there are some new residential developments being built out, following 2 approved planning applications:

- The Cricketers Arms Public House (60 Nuneaton Road). 036510 Outline application for the proposed demolition of the existing Public House and replacement with 9 No. 2 bed apartments & 038251 Approval of reserved matters relating to access, appearance, layout, scale and landscaping, which was approved in May 2022.
- Site 83d011 – Joseph Luckman Road. 037163 Removal of existing vacant garages and residential re-development for 8 flats. Approved September 2021.

Both of these developments propose to use the same shared access road from Nuneaton Road as the scheme currently being considered. The current access is in poor condition, however, improvements were required under planning application 037163, which stated within condition 7 that “No dwelling shall be occupied until the development has been laid out in accordance with Drawing no 8981-0100 Rev C (received by the Council on 20th July 2021), including replacing the existing bellmouth access to Nuneaton Road with a dropped kerb footway crossing. The layout shown shall be permanently retained for the purposes shown”.

To the east of the site is Joseph Luckman Road, which is blocked off from the proposed

access to the dwellings by bollards. The street scene is residential in nature, formed of two-storey semi-detached and terraced dwellings. There are also some single storey garage blocks to the south-west (adjacent the block of 8 flats).

## **BACKGROUND:**

This is an outline application for the erection of up to 2 dwellings. The following matters are reserved to be considered at a future stage and do not form part of the application:

- Access – accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – The aspects of a building or place which determine the visual impression it makes, including the external built form of the development.
- Landscaping – Treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

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

## **RELEVANT PLANNING HISTORY:**

- None

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement Hierarchy
  - DS3 – Development Principles
  - DS4 – Overall Development Needs
  - HS2 – Strategic Accessibility and Sustainable Transport
  - HS3 – Telecommunications
  - HS5 – Health
  - HS6 – Sport and Exercise
  - NE1 – Green Infrastructure
  - NE2 – Open Space
  - NE3 – Biodiversity and Geodiversity
  - NE4 – Managing Flood Risk
  - NE5 – Landscape Character
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

Coal Authority, NBBC Environmental Health, NBBC Parks (Tree Officer), NBBC Planning Policy, WCC Highways

## **CONSULTATION RESPONSES:**

Objection from:  
WCC Highways

No objection from:  
NBBC Environmental Health, Coal Authority

Comment from:  
NBBC Parks (Tree officer)

No response from:  
NBBC Policy

## **NEIGHBOURS NOTIFIED:**

“Flat, Cricketers Arms”, “Cricketers Arms” 60, 68 Nuneaton Road, 2 Joseph Luckman Road.

Neighbouring properties were sent letters notifying them of the proposed development on 22<sup>nd</sup> October 2021 and a site notice was erected on street furniture on 21<sup>st</sup> October 2021.

## **NEIGHBOUR RESPONSES:**

There has been 1 petition letter in support of the scheme containing 17 signatures. The comments are summarised below;

1. Already planning permission granted for 8 flats opposite the site and for flats at the old Cricketers Arms.
2. Would enhance the area.

## **APPRAISAL:**

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

1. The principle of the development,
2. Residential amenity,
3. Visual amenity,
4. Highway safety,
5. Flooding and drainage,
6. Contamination & Land Stability,
7. Ecology/Biodiversity and Open Space,
8. Conclusion

### **1. The Principle of Development**

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental (paragraph 8).

The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved

providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise.

The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) and states that proposals that accord with the policies in the Borough Plan will be approved without delay unless material considerations indicate otherwise.

Policy DS3 states that development that falls within the settlement boundary should be approved. The site is within a defined settlement boundary and would be considered as sustainable, given the local transport links and being within close proximity to Bedworth Town Centre.

Policy DS4 identifies the number of houses required over the current plan period 2011 - 2031. The latest available five-year housing land supply information (April 2021) calculated a five-year supply figure of 5.42 years (using the Liverpool method). The proposal has not been accounted for within the Council's housing trajectory and so would be considered to be a windfall site. The Borough Plan allows for, at paragraph 6.22, windfall sites to make up 247 dwellings over the plan period.

The proposed dwellings would be located on an overgrown piece of land, located to the rear of the row of residential properties on Nuneaton Road. An application for permission to build an apartment block for 8 units has been approved opposite the site and work has commenced on site.

The Council's Sustainable Design and Construction SPD states within Paragraph 10.12 that it is important to make effective use of land within the settlement boundary. Dwellings positioned behind the public highway in a "front to back" relationship (i.e., backland development) will need to integrate successfully with surrounding developments. The proposed dwellings would have no real road frontage off either Nuneaton Road or Joseph Luckman Road, although an improved access road is proposed as part of the developments to the south of the site.

It is considered that the key difference between this application, and others within the locality which have recently been granted permission, is that the other applications were for apartment blocks. The proposal, which would be for up to 2 dwellings on back land and this would not be considered a cohesive group. It would appear at odds with the street scene, as it does not bear any real relationship with the existing pattern of development.

On balance, it is considered that the development would constitute backland development and would not be a constructive use of the land on this site. This coupled with the other impacts of the proposal, including the impact on residential amenity, impact on visual amenity and the impact on highway safety, which are to be discussed in full within this report, conclude that the principle of residential development on this site is unacceptable.

## **2. Residential Amenity**

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance.

The application is for the erection of up to 2 dwellings. The site is quite constrained, with only a depth of 14.9m. Although no layout plans have been provided to the council, as this is an outline application and layout is not being considered at this stage, there are concerns that there would not be sufficient space within the constraints of the site to provide adequate internal and external amenity space.

Paragraph 11.6 of the Sustainable Design & Construction SPD 2020 (SDC SPD) states that any habitable room window above ground floor level which overlook neighbouring private amenity space shall be at least 7m from the boundary. Paragraph 11.11 onwards goes on to state that gardens should be of useable rectangle garden shape, to ensure that space is used most effectively and enhance user amenity. New housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. Amenity space should be provided for passive recreation activities, such as reading, active recreational uses such as gardening and domestic uses such as drying clothes.

Although in this case there are no properties directly to the front or rear of the site, the Council would use the 7m separation distance as a general rule of thumb when determining if sufficient outdoor amenity space has been provided. In this case, given that the depth of the plot is just 14.9, this would allow just 7.9m for the dwelling itself. This, combined with the need for the plot to also accommodate 2 car parking spaces would mean that it is very likely that there will have to be a compromise made to either the outdoor amenity space, the size of the dwelling or the number of car parking spaces.

It should also be noted that the proposed dwellings should meet, and ideally exceed, the national described space standards. At this outline stage, without a plan to show the proposed layout or scale of the dwellings, it is not possible to determine whether the minimum space standards could be met. Any future reserved matters application would need to ensure that these standards, along with the distance standards, are met in relation to the existing development surrounding the site in compliance with the Sustainable Design & Construction SPD 2020.

NBBC Environmental Health was consulted on this application and submitted a response to confirm that they had no adverse comments to the proposal and therefore submit a response of no objection.

On balance, it is considered that the constraints of the site would not be sufficient for 2 dwellings to be brought forward without compromise. The Council would not allow for the development to not be in accordance with the SDC SPD and in turn, impact the amenity of future occupiers of the dwellings. Therefore, this would weigh significantly against the development.

### **3. Visual Amenity**

Policy DS3 of the Borough Plan states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. Paragraph 124 of the NPPF 2019 states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 130 of the NPPF 2019 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any supplementary planning documents.

Policy BE3 of the Borough Plan refers to the need for development to be of a high standard and in keeping with the character of the locality. Accompanying Policy BE3 is the Council's Supplementary Planning Document: Sustainable Design and Construction SPD 2020. Paragraph 10.9 states that residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement and paragraph 10.2 refers to the need for development to maintain the "traditional settlement pattern" by respecting the form of the local environment and should "reinforce the line of the street".

As this is an outline application with all matters reserved, no details on the appearance, landscaping, layout or scale have been submitted to the Council at this stage. However, as the principle of residential development on this site has been shown to be unacceptable as the site would be considered as backland development, this would have a negative impact on the visual amenity of the street scene.

As previously discussed, the pattern of development within Nuneaton Road and Joseph Luckman Road is quite mixed. Nuneaton Road is mixed in terms of the style and age of dwellings. There are both existing apartments and new apartments being constructed, plus 3 and 2-storey terraces, 2-storey semi-detached and detached properties. Joseph Luckman Road is somewhat more uniform, with 2-storey semi-detached and terraced dwellings which appear more uniform in character, style and age.

On balance it is considered that the erection of 2 dwellings on this site would constitute backland development, which would fail to integrate with the pattern of development to the detriment of the street scene and visual amenities of the area. The dwellings would not relate well to the existing pattern of development on either Nuneaton Road or Joseph Luckman Road given the position of the site and the proposal for just 2 dwellings. The proposal is therefore contrary to relevant planning policies contained within national policies (NPPF and NPPG) as well as local policies contained within the Borough Plan and associated SPDs. The development as proposed fails to integrate with the pattern of development to the detriment of the street scene and the visual amenity of the area.

#### **4. Highway Safety**

As this is an outline application with all matters reserved, access has not been considered formally as part of this application. However, WCC Highways have been consulted on the proposal and submit a response of objection.

Their most recent comments stated that their main point of objection was due to the access to the site from Nuneaton Road. The access is not considered to be suitable for intensification of use. Furthermore, the applicant does not have the land to do the necessary improvements to form a bellmouth access, which would be required to accommodate the number of potential movements for all users of the shared private road. This would require land that is currently green space to the East of the application site. In turn, if the accessed was widened, there is a bus stop located close to the point of access and there is no suitable location for it to be moved.

Also, suitable turning facilities would be required to allow larger vehicles to service the site. The constraints of the site would mean that there is not sufficient space for larger vehicles to be able to turn around within the site and re-enter the highway in a forward gear. This would mean that such vehicles would either have to reverse down the access road, or turn around within third party land such as within the parking area for the apartment block to the south of the site, which is outside of the red line site. WCC

Highways have confirmed that they would not be willing to support either of these proposals, as there should be sufficient space within the site (the red line plan) for vehicles to appropriately turn around. Vehicles reversing down the access to re-enter Nuneaton Road would be considered completely unacceptable and detrimental to highway safety, for both other road users and pedestrians.

Finally, there is insufficient space for more refuse/ recycling bins to be placed near Nuneaton Road. In addition, the constraints on the site may mean that off-street car parking spaces may be difficult to provide.

For these reasons, even though all matters are reserved, the development is considered to have a severe impact on highway safety, which cannot be addressed within the red line outline or the highway extent.

The applicant has employed a highways consultant, who has responded to the latest Highways objection. This states that works are currently being carried out to improve the pre-existing access and private drive arrangement. Improvements were required via planning consent 037163 which was for the 'Removal of existing and vacant garages and residential development for 8 flats' of which condition 7 read "no dwelling shall be occupied until the development has been laid out in accordance with Drawing no 8981-0100 Rev C including replacing the existing bellmouth access to Nuneaton Road with a dropped kerb footway crossing. The layout shown shall be permanently retained for the purposes shown". The Highways Authority required the former bellmouth to be converted to a dropped footway crossing and that this should also suffice for the scheme plus the 2 No additional dwellings. The access will be narrowed to 5m and radii provided to each side. The current proposal will be likely to generate in the region of 12 No vehicular trips per day (6 No in and 6 No out) and they suggest that such low levels should not be considered 'material' in the scheme of things. They also state that if one considers a 12 hour period between 7am and 7pm for instance this would give rise to just 1 No additional movement per hour on average. They also point out that the approved 037163 application led to the demolition of 14 No vacant garages and the combined impact of the 8 No approved apartments plus the 2 No dwellings would likely to be comparable to what the garage use could of generated in traffic terms.

The highways consultant has stated that the approved layout should suffice to serve the 2 No developments without the need for further works to the access but there is scope to widen the approved 5m access to 5.5m wide and reduce the width of the approved footway to 1.2m for the initial section of the driveway if WCC Highways request it. They state that this improvement to provide an additional 0.5m of effective access width would deliver an overall highway gain by ensuring there will be enough room for two vehicles to pass whilst providing a 0.5m buffer margin next to the wall (i.e. drivers will not drive within inches of a wall, fence, hedge or other similar boundary treatment).

With regards to suitable turning facilities, the highways consultant has stated that this wasn't required for the approved apartments scheme. They have stated that 2 No additional bin spaces can be provided next to those indicated on the approved layout.

To date, no response has been submitted by WCC Highways. It is therefore assumed that the objection points which have been raised remain outstanding and the above comments made by their highways consultant do not overcome the concerns raised.



Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In this case, with the access being unsuitable for intensification of use, the lack of space for turning of vehicles and the lack of bin storage, as discussed above, weigh significantly against the proposal.

## **5. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk. As the application is not a major the WCC Flood Risk Team have not been consulted in relation to surface water drainage.

## **6. Contamination & Land Stability**

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 183 and 185).

Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

The application site falls within the defined Development High Risk Area for Coal Mining. As such, a Rotary Borehole Site Investigation Report (dated May 2022) was submitted. The Coal Authority have been consulted and have confirmed that they are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated. Therefore, they have no objection to the proposed development and no specific mitigation measures are required.

In terms of contamination, NBBC Environmental Health were consulted and no comments were received in relation to contaminated land. It is therefore assumed that they have no objections in terms of land contamination.

## **7. Ecology/Biodiversity and Open Space**

Prior to the application being submitted, it appears that a number of trees located within the site have been removed, however, there are no trees which are protected by way of Tree Preservation Order. NBBC Parks were consulted on this application and responded that any trees which are located within adjacent land, such as private gardens, should be shown on a tree constraints plan, with the Root Protection Areas (RPAs) also shown. Trees will need to be adequately protected when they are retained.

There are a few trees close to the site, however, it is considered that on balance, such information is not required at this outline stage. When detailed plans are submitted at

reserved matters stage to show the proposed layout and scale as well as landscaping details, the requested information on the trees adjacent to the site should be submitted.

## **8. Conclusion**

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The proposed development would constitute backland development which would detract from the visual amenities of the street scene. Furthermore, there are concerns that the proposal would create unsuitable dwellings with very poor amenity value, to the detriment of future occupiers. Finally, it is considered that there would be a severe impact on highway safety as a result of this development.

The development could result in 2 additional dwellings for the Borough, which is a positive to the scheme. However, on balance, the harm created by the proposed dwellings far outweighs this one positive. The recommendation is therefore one of refusal.

## **REASONS FOR REFUSAL:**

1(i) Paragraph 127 of the National Planning Policy Framework 2019 states:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup> and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

(ii) Paragraph 130 of the National Planning Policy Framework 2019 states:-

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to

the permitted scheme (for example through changes to approved details such as the materials used).

(iii) Policy BE3 of the Nuneaton & Bedworth Borough Plan 2019 states (in part):-

Development proposals must be:

1. Designed to a high standard.
2. Able to accommodate the changing needs of occupants.
3. Adaptable to, and minimise the impact of climate change.

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

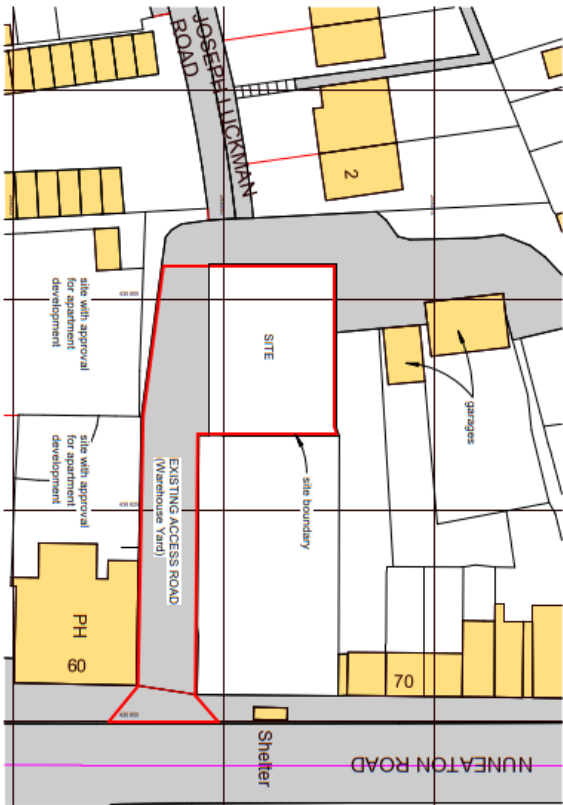
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Supplementary planning documents Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

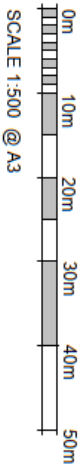
(iv) The proposal is contrary to this policy in that the application would not reflect the pattern of development in the area and would appear as backland development, to the detriment of the visual amenity of the street scene. This would result in a development which is incongruous and out of keeping with the character and appearance of the area (contrary to section 10.7 and 10.12 of the Sustainable Design and Construction SPD 2020).

2 (i) Paragraph 111 of the NPPF states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

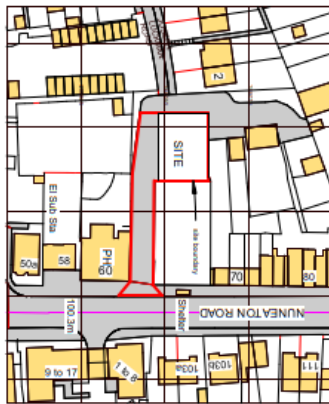
(ii) The proposal is contrary to these policies in that it has not been adequately demonstrated that the proposed access road can accommodate additional vehicle movements and that there is sufficient space for vehicles, particularly larger vehicles, to turn around within the site in order to re-enter the highway in a forward gear. The development would therefore have a severe, detrimental impact on highway safety. (Contrary to guidance contained in BE3 and HS2 of the Borough Plan 2019 and the guidance contained within Manual for Streets 2007).



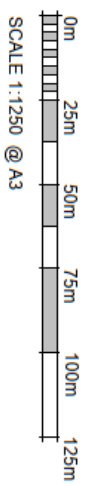
Block Plan Existing  
1 : 500



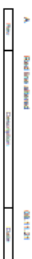
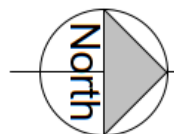
SCALE 1:500 @ A3



Location Plan  
1 : 1250



SCALE 1:1250 @ A3



James Fleming | Architectural

Project No. 2021-02 Drawing No. 120 Rev. A  
Drawing Name Location & Block Plans

Project Details  
Mohamed Mohamed,  
Proposed Development, Land  
off Joseph Luckman Rd,  
Bedworth

Site Plan



## Glossary

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system.



Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either

through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

# Guide to changes to the Use Classes Order in England

| Use  | Use Class up to 31 August 2020 | Use Class from 1 September 2020 |
|--|--------------------------------|---------------------------------|
| Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop                | A1                             | F.2                             |
| Shop   | A1                             | E                               |
| Financial and professional services (not medical)  | A2                             | E                               |
| Café or restaurant   | A3                             | E                               |
| Pub or drinking establishment  | A4                             | Sui generis                     |
| Take away  | A5                             | Sui generis                     |
| Office other than a use within Class A2  | B1a                            | E                               |
| Research and development of products or processes  | B1b                            | E                               |
| For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) | B1c                            | E                               |
| Industrial   | B2                             | B2                              |
| Storage or distribution  | B8                             | B8                              |

| Use   | Use Class up to 31 August 2020 | Use Class from 1 September 2020 |
|---|--------------------------------|---------------------------------|
| Hotels, boarding and guest houses   | C1                             | C1                              |
| Residential institutions  | C2                             | C2                              |
| Secure residential institutions   | C2a                            | C2a                             |
| Dwelling houses   | C3                             | C3                              |
| Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'   | C4                             | C4                              |
| Clinics, health centres, creches, day nurseries, day centre   | D1                             | E                               |
| Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts | D1                             | F.1                             |
| Cinemas, concert halls, bingo halls and dance halls   | D2                             | Sui generis                     |
| Gymnasiums, indoor recreations not involving motorised vehicles or firearms   | D2                             | E                               |
| Hall or meeting place for the principal use of the local community  | D2                             | F.2                             |
| Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms                   | D2                             | F.2                             |

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

**Class E (Commercial, business and service uses),**

**Class F.1 (Learning and non-residential institutions)**

**Class F.2 (Local community uses)**