

Enquiries to:  
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Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 20<sup>th</sup> February 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 28<sup>th</sup> February 2023 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 7<sup>th</sup> February 2023, attached (**Page 5**).

#### 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 12**). 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 16**)

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 16**)
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).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**7th February 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 7<sup>th</sup> February 2023, in the Council Chamber and was live streamed and recorded.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, J. Hartshorn, S. Markham, B. Pandher, E. Shiers, and R. Smith and K. Wilson.

Apologies: Councillor J. Sheppard

PLA41 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 17<sup>th</sup> January 2023 be confirmed and signed by the Chair.

PLA42 **Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

PLA43 **Declarations Contact**

Councillor Wilson declared that he was familiar with the objector for Planning Application 038144 – Site 25c001 – Land rear of 11-49 Lilleburne Drive, Nuneaton, Mr Sahob but had not discussed the application with him.

During the discussion of Planning Application 037425 – Site 108d003 – Land rear of 86-110 Coventry Road, Bulkington Councillor Smith recused himself due to his role as the Nuneaton and Bedworth Borough Council's representative on Bulkington Village Community and Conference Centre.

**IN PUBLIC SESSION**

PLA44 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).**

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA44 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 7TH FEBRUARY 2023

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038144: Site 25c001 – Land rear of 11-49 Lilleburne Drive, Nuneaton  
Applicant: Rosconn Strategic Land

**Public Speakers:** Mr Sahib  
Nick Carr

**DECISION**

Planning permission be granted subject to a legal agreement and the conditions printed in the agenda and addendum.

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037425: Site 108d003, Land rear of 86 – 110 Coventry Road, Bulkington  
Applicant: Mr N Misselke, Elford Homes

**Public Speakers:** Christopher Timothy

**DECISION**

Planning permission be granted, subject to a legal agreement and the conditions printed in the agenda.

Following the presentation, Councillor Smith recused himself from the debate and vote due to his role as Nuneaton and Bedworth Borough Council representative on Bulkington Village Community and Conference Centre.

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039094: 142 Smorrall Lane, Bedworth, Warwickshire, CV12 0GD  
Applicant: Forestry – Warwickshire County Council.

**DECISION**

The application was approved for the reasons as set out in the agenda.

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038937: St Giles Church, Ste Giles Road, Exhall, Coventry, CV7 9GZ  
Applicant: Councillor Damon Brown

**Public Speaker:** Councillor Damon Brown

**DECISION**

The application was approved for the reasons as set out in the agenda.

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## 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> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  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 Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Board 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: <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	Governor at Ash Green School  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  Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group  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.  Director of Wembrook Community Centre.  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.	The Labour Party Coventry East Credit Union	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Director of The Fresh Dessert Company	<p>Member of the Pride in Camp 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; 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</li> </ul>	

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			(CWLEP) <ul style="list-style-type: none"> <li>• West Midlands Combined Authority</li> </ul>	

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

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

**Planning Applications**

Item No.	Reference	Ward	Address	Page No.
1.	039279	BA	Site 49B005 - Byford Court, Byford Street, Nuneaton	17
2.	039316	HE	8 Salvia Way Bedworth Warwickshire CV12 0QF	25

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		



**REFERENCE No.** 039279

**Site Address:** Site 49B005 - Byford Court, Byford Street, Nuneaton

**Description of Development:** Variation of condition 2 of planning permission reference 037922 to alter the landscaping plan.

**Applicant:** Mrs Dawn Dawson

**Ward:** BA

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**RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the conditions printed.

**INTRODUCTION:**

This application seeks consent to vary condition 2 of planning permission reference 037922 to alter the landscaping plan at site 49B005, Byford Court, Byford Street, Nuneaton.

The site has consent under permission reference 037922 for the erection of 12 two storey dwellings, following the demolition of the original apartment block. A landscaping plan was approved as part of this application, however alterations are proposed in regards to the hard and soft landscaping elements.

**BACKGROUND:**

This application is being reported to Planning Applications Committee as it is a major application on Council owned land.

**RELEVANT PLANNING HISTORY:**

- 037922 Erection of 12 two storey dwellings (original apartment block to be demolished which was consented to under separate application reference 038257) Approved 22.5.22.
- 038257 Application for prior notification of proposed demolition of apartment block (East block - numbers 43-67) and row of 8 garages. Delegated Prior Approval Required. 03.09.2021.
- TP/0474/94 Boiler House (Permitted Development).
- 870522 Flat roof to pitched roof (numbers 25-67).
- 860692 Flat roof to pitched roof (numbers 1-24).
- 711148. Proposed 67 flats. Approved. 23.11.71.

**RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development.
  - NE1 – Green Infrastructure.
  - NE2 – Open Space
  - NE3 – Biodiversity and Geodiversity.

- NE4 – Managing Flood risk.
- BE3 – Sustainable design and construction.
- Supplementary Planning Guidance / Supplementary Planning Documents.
  - Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Parks Team, NBBC Tree Officer, WCC Highway Authority and WCC Flood Risk Management Team (FRM).

### **CONSULTATION RESPONSES:**

No objection from:

NBBC Tree Officer

WCC Highway Authority

WCC FRM

NBBC Parks

### **NEIGHBOURS NOTIFIED:**

1 - 43, 8a, 10a, Byford Court, 2, 4, 6, 8a, 8b, 10a, 10b, 12a, 12b, 14a, 14b, 16, 18, 20 Byford Street, 1a, 1b, 3a, 3b, 3 - 19 (odd), 21a, 21b, 22, 23a, 23b, 25, 27 Wood Street, 39, 42, 44 Vernons Lane, 111, 132, 134 Tryan Road.

Neighbouring properties were sent letters notifying them of the proposed development on 22<sup>nd</sup> November 2022. A site notice was erected on street furniture on 3<sup>rd</sup> February 2023 and the application was advertised in The Nuneaton News on 30<sup>th</sup> November 2022.

### **NEIGHBOUR RESPONSES:**

There has been 1 objection received from 1 address. The comments are summarised below;

1. Boundary moving closer to objectors flat.
2. Could create an alleyway to the back and side of the objectors flat which is unsafe and could promote anti-social behaviour.

### **APPRAISAL:**

The key issue to assess in the determination of this application is the implication of amending the landscaping plan contained within condition 2 of planning permission 037922.

#### **1. Implications of Amending the Landscaping Plan**

##### Soft Landscaping

With regard to soft landscaping, the revised landscaping plan would see the loss of 7 proposed trees to the south, adjacent to Wood Street. Within the demolition process, five False Acacia trees were removed and the Tree Officer raised concerns as the Tree Officer considered that these trees provided visual amenity to the area. As the trees had already been removed, within the previous application their removal was on balance considered to be acceptable, providing that tree replacements were agreed. This amended application would see the removal of these tree replacements fronting

onto Wood Street. However, the Tree Officer has responded to the consultation exercise carried out as part of this application and has no objection to the submitted plan.

The landscaping parcel to the south-east is proposed to be predominantly amenity grass with a small section of ornamental planting, rather than a mixture of amenity grass, trees, shrubs and ornamental planting, as was previously approved.

An additional tree would be planted to the south west and the drying area would be moved from being adjacent to the garden of plot 1 to be to the rear of plots 1 and 2. The implications of moving the drying area is considered to be minimal and hence acceptable.

There are multiple existing trees within the controlled access private amenity space to the west and their removal has already been granted consent within a previous discharge of conditions application. As such, their removal is not to be considered as part of the assessment of this application.

Within the central section of the site, two small sections to the front of plots 8 and 9 would be replaced from ornamental hedge to gravel with a smaller section of hedge.

The revised plan would see the loss of three proposed trees to the north-western edge of the boundary and the loss of two proposed trees to the north of the site.

NBBC Parks provided comments on the scheme in order to improve the maintenance of the open space by pulling hedges away from footpaths and altering planting proposals. These comments have been implemented within a revised plan which has been submitted and NBBC Parks have no objection to the amended proposal.

#### Hard Landscaping

With regard to hard landscaping, the previously approved plan proposed a mixture of buff and grey block paving with sections of flag paving and this proposal would see the use of asphalt surfacing with flag paving. Whilst the use of paving is more visually appealing than asphalt, both are classed as bound surfaces and therefore WCC Highway Authority have no objection. In addition, the use of asphalt is common within the surrounding area and therefore the impact to visual amenity is considered to be acceptable.

WCC FRM team were consulted with as part of the application and the FRM team have confirmed that they have no objection to the proposal as the asphalt is to be permeable (as confirmed by the agent).

#### Biodiversity

Policy NE3 of the Borough Plan 2019 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created.

The previous application submitted a biodiversity net gains assessment and this demonstrated a net gain of +23.67% (0.07 units) for habitat units and +100% (0.24 units) for hedgerow units. It was queried as to whether another BNG assessment would be required due to the alterations in the landscaping plan. However, the Council's Parks Team have advised that this would not be necessary, as there is a fairly substantial buffer within the overall gains and the amended plans are unlikely to cause a net loss in biodiversity.

In addition, the majority of the net gains are achieved by hedgerow units and many hedgerows are to be retained as part of the revised plan.

### Objections

One objection has been received during the course of the application and the objection states that the site boundary has been altered to move closer to their property. The boundary has not changed from the originally approved application.

The objection also refers to the creation of an alleyway to the back and side of their property and that this could result in anti-social behaviour. There is a walkway in this part, however this was also shown on the previously approved landscaping plan and hence there is considered to be no material change.

## **2. 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.

Whilst the removal of additional trees is regrettable, the site is still likely to achieve policy compliant biodiversity scores overall and the Tree Officer has no objection. The scheme has been amended to incorporate comments from the Council's Parks team and generally the alterations displayed within this S73 application are considered to be acceptable. The alterations to the hard landscaping element of the scheme would have minimal impact and the permeable asphalt surfacing would ensure satisfactory site drainage and surface water management. As such, the recommendation is one of approval, subject to conditions.

### **REASONS FOR 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.

### **SCHEDULE OF CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the original planning permission date (25<sup>th</sup> May 2022).
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<i>Plan Description</i>	<i>Plan Number</i>	<i>Date Received</i>
Site Location Plan	100-552AR/016	17 <sup>th</sup> Sept. 2021
Site Layout Plan	100-552AR/009 Rev S	17 <sup>th</sup> Dec. 2021
House Type AA Plots 8 & 9)	100-552AR/010 Rev H	20 <sup>th</sup> May 2022
House Type B (Plot 4)	100-552AR/011 Rev H	20 <sup>th</sup> May 2022
House Type C (Plots 2,3 & 6)	100-552AR/012 Rev G	17 <sup>th</sup> Dec. 2021
House Type DB1D (Plots 10,11 & 12)	100-552AR/013 Rev G	17 <sup>th</sup> Dec. 2021
House Type B (Plot 5)	100-552AR/017 Rev E	20 <sup>th</sup> May 2022
House Type B2 (Plot 1)	100-552AR/018 Rev B	20 <sup>th</sup> May 2022
House Type C (Plot 7)	100-552AR/019 Rev B	17 <sup>th</sup> Dec. 2021

Boundary Treatment Plan	100-552AR/014 Rev C	17 <sup>th</sup> Dec.2021
Landscape Plan	7510.LP.1.0 Rev G	7 <sup>th</sup> February 2023
Flood Risk and Drainage Assessment (ref: 5009229-RDG-XX-ST-DOC-C-0006 P4)		17 <sup>th</sup> May 2022
Letter Correspondence from Severn Trent Water (ref: 1011894, 26/07/2021)		12 <sup>th</sup> Aug 2021
Ecological Appraisal	March 2021	15 <sup>th</sup> April 2021
Arborculutural Method Statement	10864 AMS 001 July 22	June/July 2022

3. No construction shall be carried out other than between the hours of 8am-6pm Monday to Friday, 8am – 1pm on Saturdays with none on Sundays or Bank Holidays.

4. No tree or hedgerow other than so agreed within Arborculutural Method Statement '1864 AMS 001 July 2022 and Landscaping plan 7510.LP.1.0 Rev G report shall be removed, and no construction works including site clearance 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. Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme 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.

5. No development shall commence on any phase other than in accordance with the approved contaminated land assessment and associated remedial strategy provided as part of discharge of condition application 039035 on the 30 September 2022.

a. The approved remediation works for that phase of development shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;

b. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

c. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

6. No development shall commence including any further site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

i. The routing and parking of vehicles of HGVs, site operatives and visitors;

ii. Hours of work;

iii. Loading and unloading of plant/materials.

iv. Storage of plant and materials used in constructing the development.

v. The erection and maintenance of security hoarding.

vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.

vii. A scheme for recycling/disposing of waste resulting from construction works.

viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

7. No development shall commence other than in accordance with the approved Dust Management Plan Revision A – September 2022 received by the Council on the 9<sup>th</sup> December 2022. The approved plan shall be adhered to throughout any further clearance and construction phase.

8. No development shall commence other than in accordance with the approved drainage layout plan reference 5018392-RDG-XX-ST-PL-C-0501-P05 received by the Council on the 1 August 2022. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

9. No development shall commence other than in accordance with the approved drainage layout plan and maintenance schedule references 5018392-RDG-XX-ST-PL-C-0501-P05 and Surface Water/SuDs/Foul Water received by the Council on the 1 August 2022. The units shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

10. No development shall commence other than in accordance with the approved lighting scheme reference 5018391-RDG-XX-ST-PL-E-0901 received by the Council on the 6 July 2022.

11. No built development above slab level 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 Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

12. No development shall commence other than in accordance with the water supply and fire hydrant scheme approved under discharge of condition application reference 039035 on the 3 October 2022. The development phase shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

13. No development above slab level shall commence until details of the specification for bird and bat bricks and their precise locations within buildings, has been submitted to and approved in writing by the Local Planning Authority. The approved bricks shall be installed before the occupation of that plot.

14. Notwithstanding the approved boundary treatment plan (100-552AR/014C) mammal gaps are to be provided to the new boundary treatments.

15. Access to the site for vehicles from the public highway shall not be made other than at the positions identified on the approved drawing 100-552AR/009 Rev S, and shall not be used until public highway footway crossings have been laid out and constructed in accordance with the standard specifications of the Highway Authority.

16. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the footway has been reinstated in accordance with the standard specification of the Highway Authority.

17. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

18. The development shall not be occupied until each vehicular access to the site has been provided with pedestrian visibility splays of at least 2.4 metres by 2.4 metres on either side of the access in accordance with the approved plan 100-552AR/009 Rev S. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

19. The development shall not be occupied until vehicular visibility splays have been provided to each vehicular access to the site with 'x' distances of 2.4 metres and 'y' distances of 25 metres measured to the near edge of the public highway carriageway in accordance with the approved plan 100-552AR/009 Rev S. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

20. The development shall not be occupied until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

21. No dwelling shall be occupied unless the provision of any domestic gas boilers are installed as low NO<sub>x</sub> emission type that meet a minimum standard of less than 40 mg NO<sub>x</sub>/kWh.

22. No dwelling shall be occupied until electric vehicle (EV) charging points are provided at a rate of; 1 charging point per dwelling (16amp) with dedicated parking and 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

23. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Local Planning Authority. The approved packs shall be provided prior to the first occupation of that dwelling.

24. No dwelling shall be occupied until rainwater saving devices such as a rainwater butts are fitted.

25. No dwelling shall be occupied until the boundary treatment for that plot has been installed.

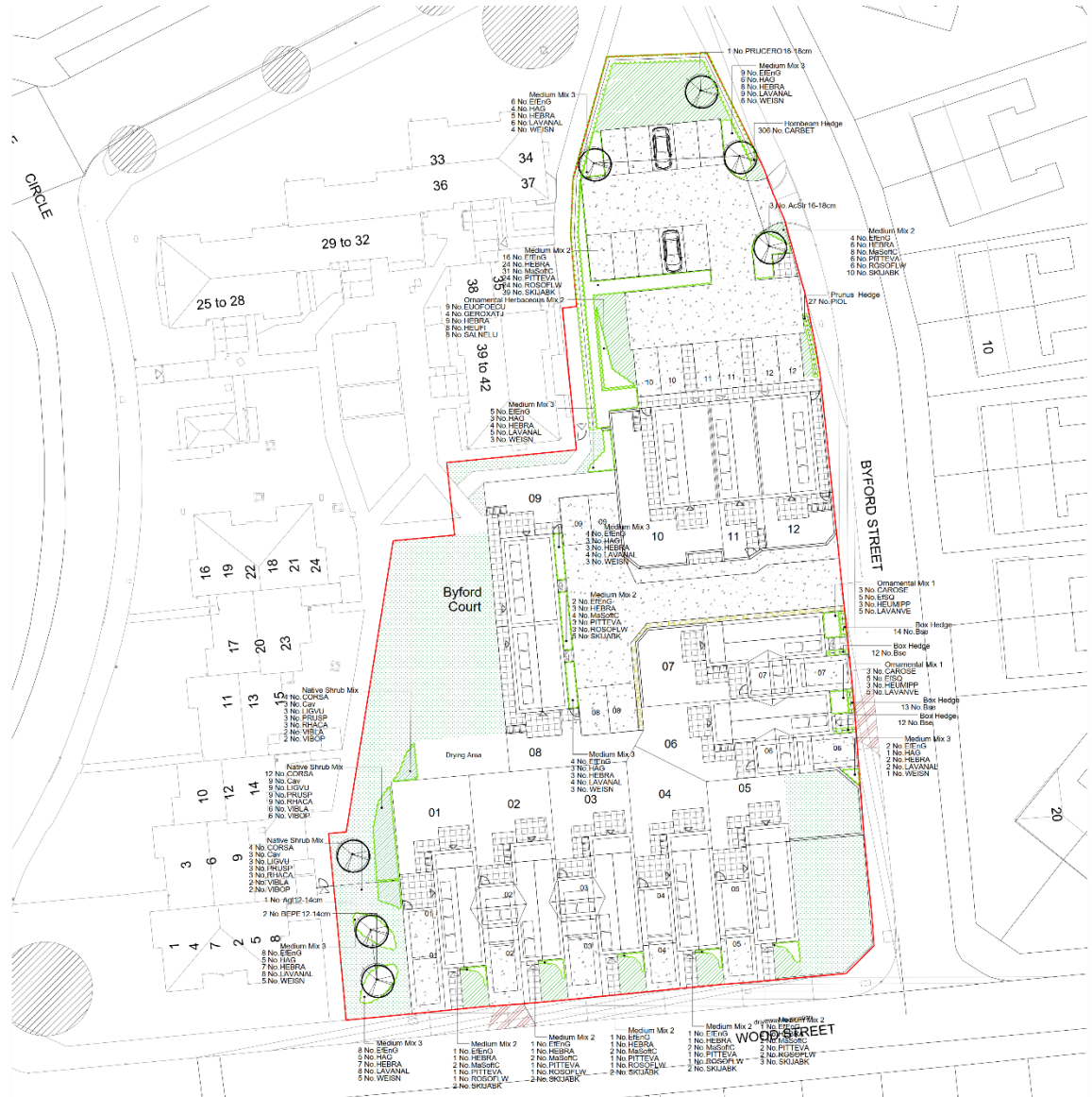
26. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

27. The front face of the car ports/undercrofts shall be retained at all times clear of any door, barrier, gate or other such means of enclosure.

28. In the event that demolition/tree removal is not carried out prior to May 2023, a new bat survey must be carried out by a qualified ecologist to establish that bats are not present.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order)

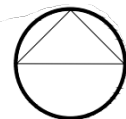
no rear extensions (Class A of The Order) shall be erected on plots 2, 3, 6, 10, 11 and 12 and no side extensions to plots 8 and 9 shall be erected without planning permission first being submitted and approved by the Council.



Proposed Landscaping Plan (not to scale)

KEY:

- Site Boundary
  - Existing Trees
  - Proposed Trees
  - Proposed Ornamental Hedge Maintained at a Height of:  
Prunus = 0.6m/ Hornbeam = 1.2m/ Box = 0.5m
  - Proposed Shrubs & Ornamental Planting
  - Proposed Native Shrubs
  - Proposed Amenity Grass Turf  
Rollam Mediation Turf Rolls or Similar to plot frontages
  - Proposed Amenity Grass  
Emsgate EL1 Flowering Lawn Mixture
- KEY: HARD LANDSCAPE
- Asphalt Surfacing - located on shared private roads, driveways, shared parking courts & under car bays
  - Marshalls Flag Paving - Conservation X Textured  
- located to plot frontages and rear garden access points  
Colour: Cream  
Size: 450 x 450 x 50 mm  
Bond: Stacked  
Laid at 90° to kerb
  - Gravel margin with Concrete edging  
Size: 20mm  
Finish: Cotswold Buff  
Laid over Geo-Textile





**REFERENCE No.** 039316

**Site Address:** 8 Salvia Way Bedworth Warwickshire CV12 0QF

**Description of Development:** Single storey rear extension

**Applicant:** Mrs Shin Cheung

**Ward:** HE

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**RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the imposition of planning conditions as printed.

**INTRODUCTION:**

This application relates to the erection of a single storey rear extension at 8 Salvia Way Bedworth Warwickshire CV12 0QF.

The application property is a three-storey detached dwelling on Salvia Way. The dwelling features red facing brickwork, buff feature brickwork, white rendering, a gabled roof with brown concrete tiles, white UPVC windows, white UPVC doors and a black front door. At the front, the property features two bay windows with a flat roof, a third storey Juliet balcony, a front porch extension and an attached garage with a gabled roof. The dwelling also features a driveway for one car parking space. There are similar property designs and scales within the vicinity of the area.

At the rear of the property, it features a relatively rectangular garden and the property boundaries are marked by 1.8-2 metre fencing to both sides and rear.

The proposed single story rear extension is to be located at the rear of the property. The extension would project from the rear elevation of the dwelling and the garage by a maximum of 8.4 metres, with an overall width of 10.0 metres and a height of 3.0 metres. The extension would feature a flat roof with large roof lantern and would provide additional kitchen/dining and library space.

**BACKGROUND:**

This application is being reported to Planning Committee as 7 objections were received during the course of the application, raising material planning reasons for objecting. The objections were received within the statutory consultation period.

**RELEVANT PLANNING HISTORY:**

None.

**RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development

- BE3 – Sustainable design and construction
- Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

None.

### **CONSULTATION RESPONSES:**

Cadent Gas: Holding objection (5<sup>th</sup> January 2023).

Cadent Gas: No objection (6<sup>th</sup> January 2023).

### **NEIGHBOURS NOTIFIED:**

The neighbouring properties that were notified are 3 & 5 Jasmine Way & 2,3,4 & 9 Salvia Way. Neighbouring properties were sent letters notifying them of the proposed development on 4<sup>th</sup> January 2023.

### **NEIGHBOUR RESPONSES:**

There have been 7 objections received from 6 addresses. The comments are summarised below;

- Effect on privacy and overlooking;
- Effect on neighbouring house values;
- Increased potential for flooding;
- Concerns in relation to the right to light and massing;
- Concerns in relation to overdevelopment and loss of garden area;
- Unacceptable design, to include the roof lantern;
- Lack of quality of space;
- Concerns in relation to the quality of the application submission and the drawings submitted;
- Distances fall short for privacy, aspect & light;
- Construction will increase noise pollution;
- Threat to storm and rainwater disposal.

### **APPRAISAL:**

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Conclusion

#### **3. Impact on 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 majority of the objections received relate to neighbour amenity impacts and therefore a detailed assessment of the impacts upon neighbouring properties and garden areas has been carried out.

Due to the scale and siting of the proposal, it is considered that the neighbouring properties which would be most immediately impacted upon would be neighbouring properties; 3 & 5 Jasmine Way & 2,3,4 & 9 Salvia Way.

### 3 Jasmine Way

No.3 Jasmine Way is the unattached neighbour to the north of the site. The extension would feature a set of bi-folding doors towards this property and a blank wall elevation. This property features side facing windows, all which face No.9 Salvia Way, not No.8 and therefore shall not be affected. It is therefore considered that there will be no detrimental impact on this property.

The extension would be single storey in scale and would feature a flat roof. The proposed openings would be at ground floor level and therefore the extension would not result in any unacceptable overbearing or overlooking impacts upon this property or its rear garden area.

### 5 Jasmine Way

No.5 Jasmine Way is the unattached neighbour to the north. The extension shall feature a set of bi-folding doors towards this property, the blank wall elevation shall be screened by existing development at No.3 Jasmine Way. This property features ground floor habitable rooms. Therefore, in the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. The extension does not comply with this guidance as it would measure 17.4 metres. Despite this, the proposal relates to a single storey extension and given that the two sites are separated by an approximately 1.5-1.8 metre high fence, the overlooking or privacy impacts would not be significant between the two sites to warrant a refusal of planning permission. The amenities of the occupants of number 5 Jasmine Way would not be affected to any unacceptable degree.

### 2 Salvia Way

No.2 Salvia Way is the unattached neighbour to the west. The extension would feature one side facing window towards this property and a blank wall elevation. This property's ground floor rear windows cannot be protected as they are all positioned on a ground floor rear extension, unoriginal to the property. The side facing window proposed to the extension would be located at ground floor level and the two sites are separated by an approximately 1.5-1.8 metre high fence, the overlooking impacts would not be significant between the two sites to warrant a refusal of planning permission.

### 3 Salvia Way

No.3 Salvia Way is the unattached neighbour to the west. The extension would feature a blank wall elevation towards this property. This property features rear ground floor windows and a doorway opening. The ground floor windows cannot be protected as they are positioned on a rear conservatory extension, unoriginal to the property. The doorway opening also cannot be protected as it does not serve a habitable room. It is therefore considered that there will be no detrimental impact on this property. Moreover, in any event, near the boundary of an adjoining usable rear private amenity space, a proposed single storey extension shall be less than 4 meters in length.

The extension, whilst would be stepped adjacent to the shared side boundary, complies with this guidance with the element of the extension closest to the shared side boundary measuring 3.9 metres in length. The extension would also feature a flat roof which would have a reduced impact in terms of overbearing and overshadowing impacts.

It is therefore considered that there will be no unacceptable detrimental impacts by way of overlooking, overshadowing or overbearing impacts on this property or its rear garden area.

#### 4 Salvia Way

No.4 Salvia Way is the unattached neighbour to the west of the site. This property would be unaffected given the positioning of the extension to the rear of the site and its relationship with number 4 and its rear garden area. It is therefore considered that there will be no detrimental impact on this property.

#### 9 Salvia Way

No.9 Salvia Way is the unattached neighbour to the east of the site. The extension would feature no side facing windows towards this property or its rear garden area and therefore the scheme is not considered to result in any overlooking or loss of privacy impacts.

This property features one first floor side facing window (non-habitable), which directly faces No.8s existing property, not the proposed extension and therefore cannot be protected. In any event, near the boundary of an adjoining usable rear private amenity space a proposed single storey extension shall be less than 4 metres in length. The extension does not comply with this guidance at 5.0 metres in length along the shared side boundary. Despite this, 1.1 metres of this is positioned approximately 0.8 metres away from the property boundary which provides a degree of separation. In addition, the extension would feature a flat roof which would have reduced impacts upon no.8 in terms of overbearing and overshadowing impacts. In addition, the extension proposed is considered to be acceptable as it would not breach the 60-degree line when measured from the nearest neighbouring habitable ground floor window.

The extension would be single storey in scale and would feature a flat roof with a maximum height of 3.0 metres, 3.9 metres of the extension shall be directly situated next to the shared side boundary. The extension shall approximately protrude past the 1.5-1.8 metre fencing by approximately 1.2 metres. As the extension is orientated north to this property, there may be overshadowing impacts upon No.9's rear garden area in the afternoon. Despite this, as the height of the extension would be 1.0 metre lower than what would be classified as permitted development (4 metres) and is separated from the neighbouring garden area by fencing, the impacts would not be significant to warrant a refusal of planning permission. Overall, it is considered that the amenities of the occupants of number 9 Jasmine Way would not be affected to any unacceptable degree to warrant a refusal of the application.

Therefore, whilst some conflict with the Council's Sustainable Design and Construction Supplementary Planning Document (2019), when having regard to the specific merits of the application and the design and scale of the proposal, the application is considered to be acceptable and would accord with the requirements of Policy BE3 of the Borough Plan 2019.

## **4. Impact on Visual Amenity**

The extension has been designed to be in keeping with the original dwelling with red facing brick and white Upvc rainwater goods. Despite featuring a flat roof, white aluminium windows and a roof lantern, this shall not appear out of place given the character and appearance of the existing dwelling.

Moreover, there is a similar rear extension design adjacent to this property at No.2 Salvia Way. This is considered acceptable within section 13.9 of the Sustainable Design and Construction Supplementary Planning Document (2019).

In addition, as the extension would be located to the rear of the property, the extension would not detract the character and appearance of the area, appear intrusive or dominate the existing property and is therefore acceptable and in accordance with the guidance set out within paragraph 13 of the Sustainable Design and Construction Supplementary Planning Document (2019). Therefore, in terms of design and visual amenity, the proposal is considered to be acceptable and would accord with the requirements of Policy BE3 of the Borough Plan 2019.

## 5. Conclusion

In conclusion, the NPPF (2021) 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.

Although, the distance standards have not been met at No.5 Jasmine Way by approximately 2.6 metres, this has been mitigated as the extension would be single storey in scale and would feature a flat roof (3.0 metres in height), 1.0 metre under what is permitted under householder permitted development rights. Moreover, the two sites would be separated by approximately 1.5-1.8 metre fencing.

On balance, whilst there have been a number of objections received during the course of the application, the extension would not result in any significant overlooking, overshadowing or overbearing impacts to any neighbouring properties or garden areas to warrant a refusal of planning permission.

In addition, the design and visual impacts of the scheme are also considered to be acceptable and the application is considered to accord with Policy BE3 of the Borough Plan 2019.

### **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, 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.

### **SCHEDULE OF CONDITIONS:**

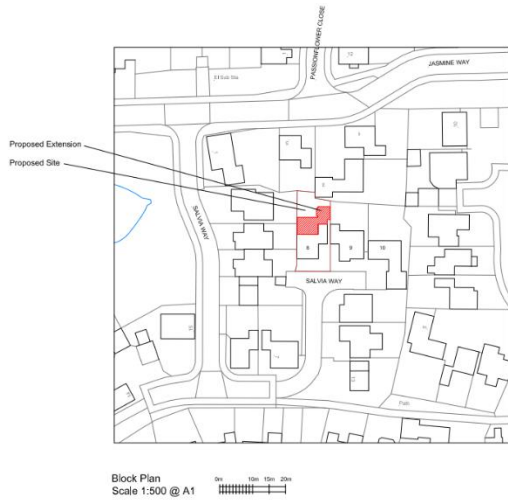
1. Standard 3 year time condition.

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

Plan Description	Plan No.	Date Received
Block plan & site plan	T2477 AL(P) 00 A	8th January 2023

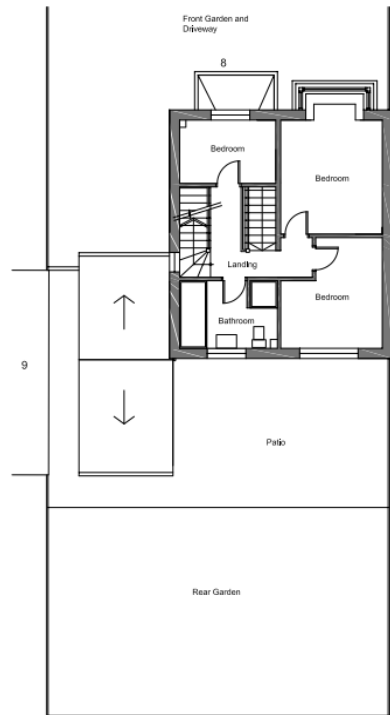
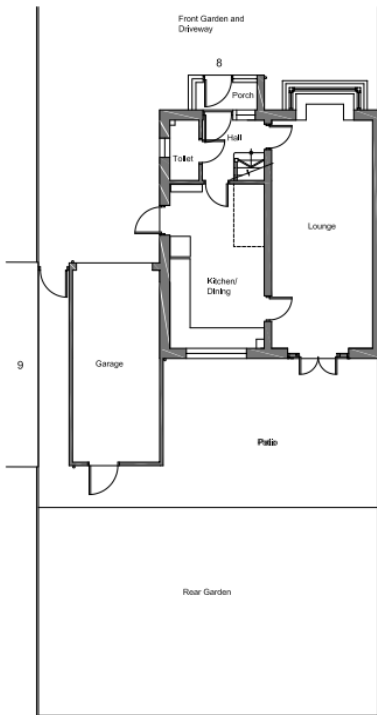
Existing ground & first floor plans	T2477 AL(P) 01 B	9th January 2023
Proposed ground & first floor plan/proposed roof plan	T2477 AL(P) 02 D	11th January 2023
Existing elevations	T2477 AL(P) 03	8th January 2023
Proposed elevations	T2477 AL(P) 04 A	8th January 2023
Existing elevations & proposed front elevations	T2477 AL(P)05	8th January 2023
Existing & proposed second floor plan & proposed roof plan	T2477 AL(P) 06 D	2 <sup>nd</sup> February 2023

3. No external materials shall be used in the extension(s) other than of the same type, texture and colour as those used in the existing building (s, unless otherwise agreed in writing by the Council.



PLANNING APPLICATION  
SUBMISSION

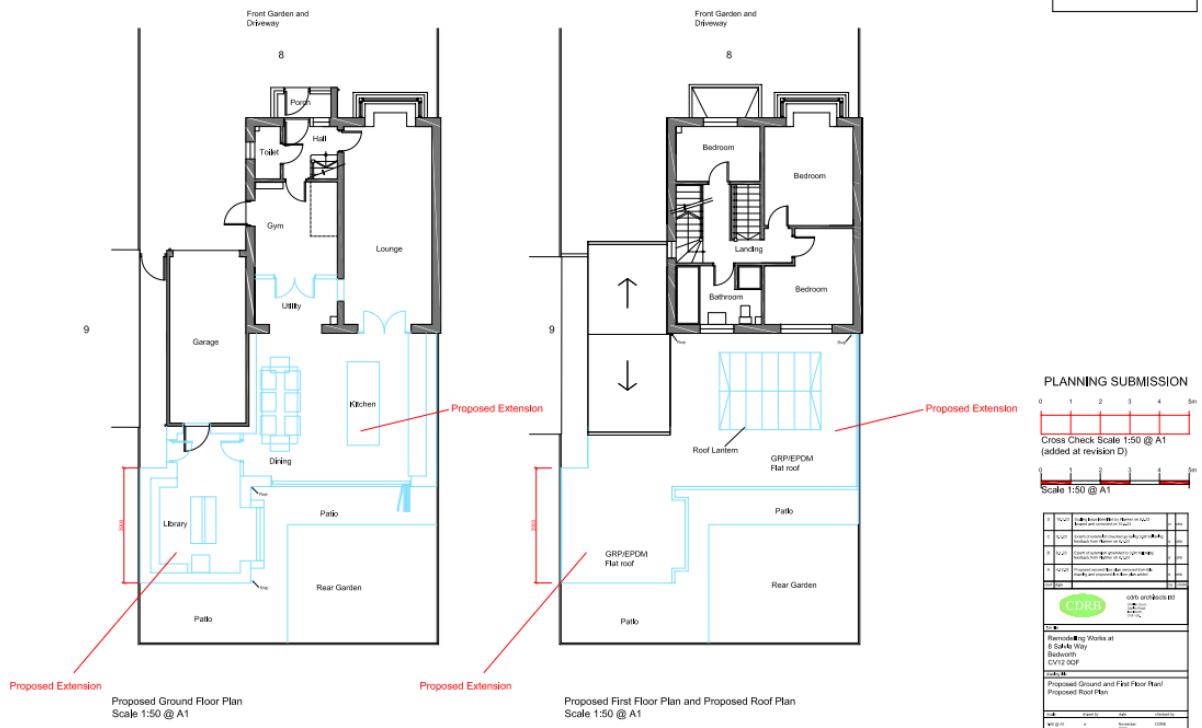
Block plan (1:500) and Location plan (not to scale)



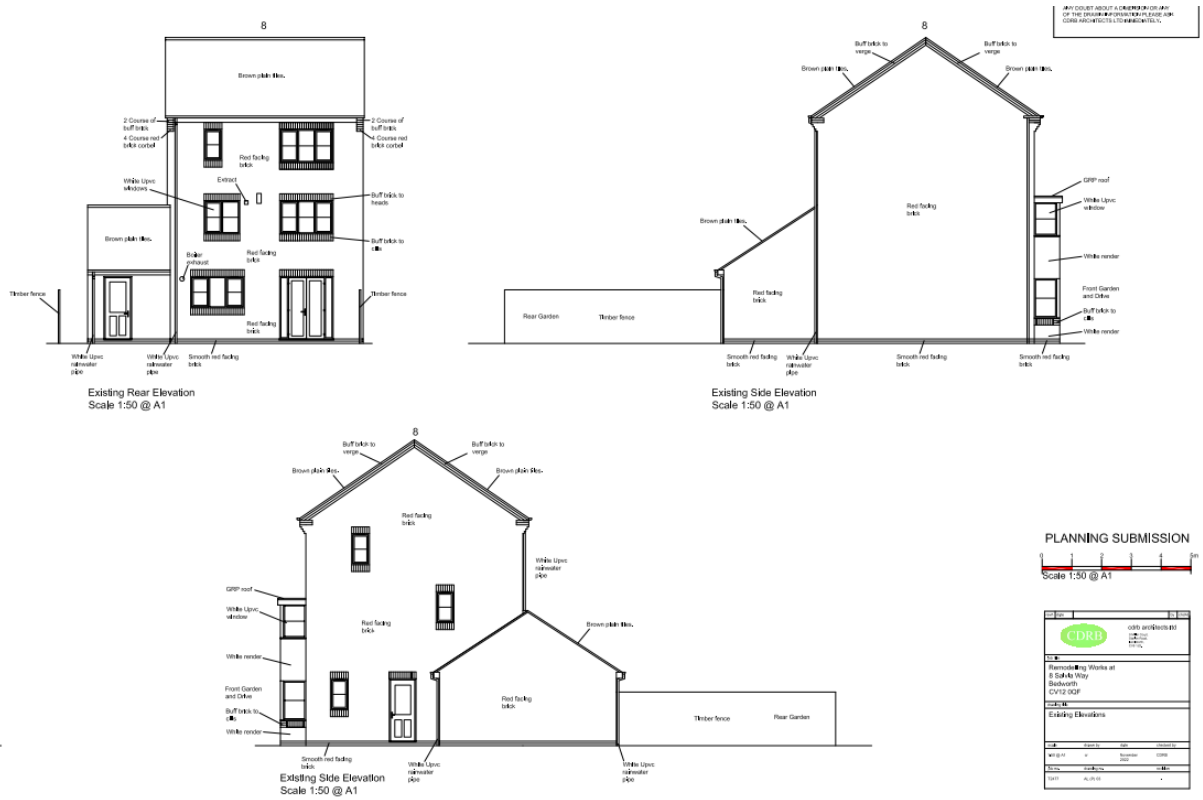
PLANNING SUBMISSION  
Scale 1:50 @ A1

CDRB	
Removal of Works at 8 Salvia Way, Salsburgh CV12 0GF	
Existing Ground and First Floor Plans	
Scale	1:50 @ A1
Date	14/02/23
Drawn	AM
Check	AM

Existing ground and first floor plans (not to scale)

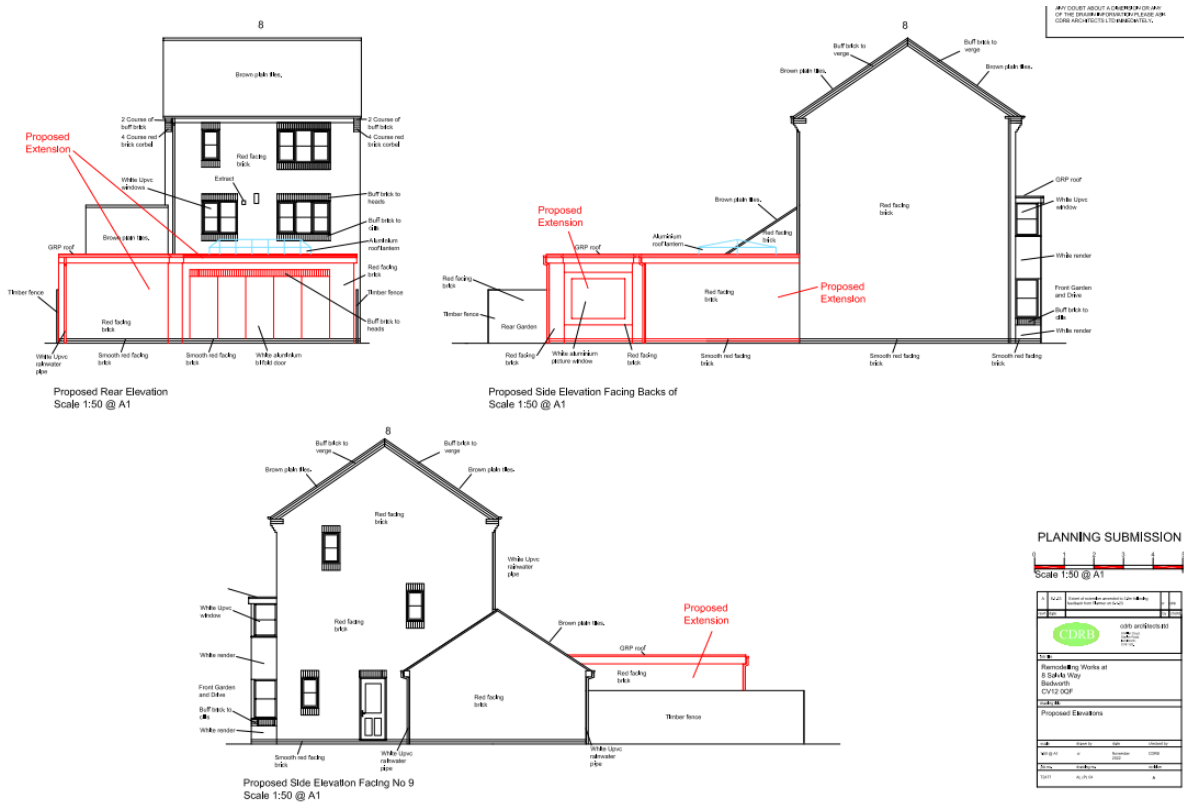


Proposed ground and first floor plans/proposed roof plan (not to scale)

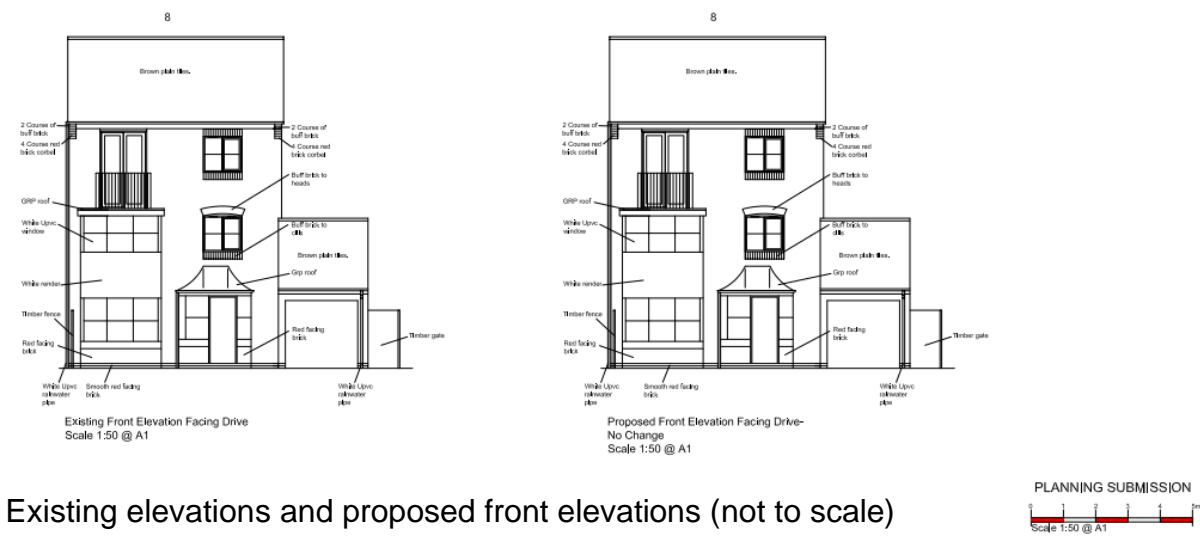


Existing elevations (not to scale)

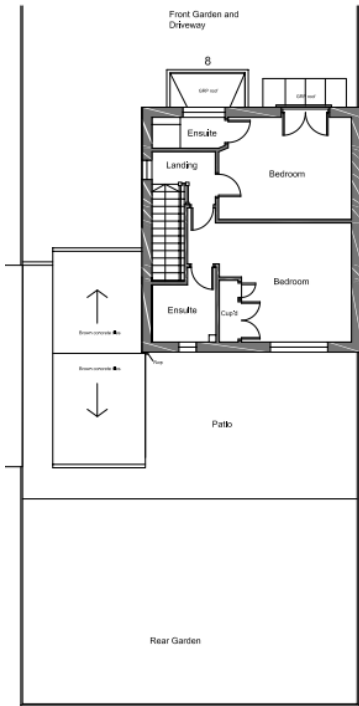




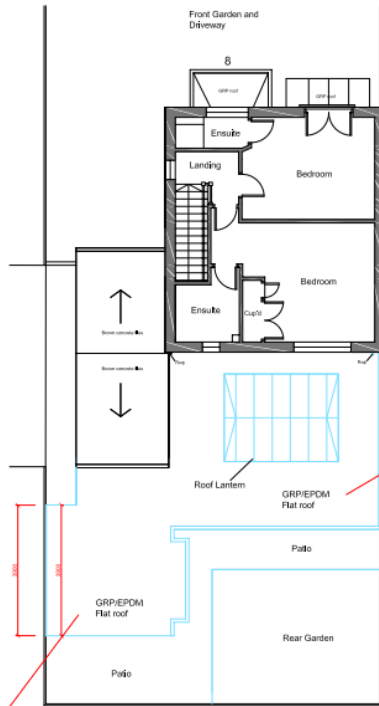
Proposed elevations (not to scale)



Existing elevations and proposed front elevations (not to scale)



Existing Second Floor Plan  
Scale 1:50 @ A1



Proposed Extension

Proposed Second Floor Plan and Proposed Roof Plan  
Scale 1:50 @ A1

PLANNING SUBMISSION



Cross Check Scale 1:50 @ A1  
(added at revision B)



Scale 1:50 @ A1

NO.	DESCRIPTION	DATE	BY	CHKD.
1	Issue for Planning Submission	15/02/23	CDRB	CDRB
2	Issue for Planning Submission	15/02/23	CDRB	CDRB
3	Issue for Planning Submission	15/02/23	CDRB	CDRB

**CDRB** cdb architects ltd

Remodelling Works at  
8 Sid Ash Way  
Buckworth  
CV12 0GF

Proposed Ground and First Floor Plan/  
Proposed Roof Plan

DATE	ISSUED BY	DATE	ISSUED BY
15/02/23	CDRB	15/02/23	CDRB
15/02/23	CDRB	15/02/23	CDRB
15/02/23	CDRB	15/02/23	CDRB

Existing & proposed second floor plan & proposed roof plan (not to scale)

## **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.



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)**