

Enquiries to:
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Date: 19th July 2021

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 27th July 2021 at 6.00p.m, with a confidential item considered at 5:00pm.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

To: All Members of the Planning
Applications Committee

Councillor L. Cvetkovic (Chair)
Councillors S. Croft, K. Evans, B.
Hammersley, K. Kondakor, S. Markham, B.
Pandher, M. Rudkin, J. Sheppard (Vice-
Chair), 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 the Virgin Money building (formally the Yorkshire Bank) on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

Chair to advise the meeting if all or part of the meeting will be recorded for future broadcast.

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

3. MINUTES - To confirm the minutes of the meeting held on 15th June 2021 (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 15)**

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 15)**
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).
9. EXCLUSION OF PUBLIC AND PRESS
RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 12 of Part I of Schedule 12A to the Act.
10. 42 TEWKESBURY DRIVE, BEDWORTH, WARWICKSHIRE, CV12 9ST – report of the Head of Planning.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

15th June 2021

A meeting of the Planning Applications Committee was held on Tuesday, 15th June, 2021, in the Council Chamber.

Present

Councillor L. Cvetkovic (Chair)

Councillors: Councillors S. Croft, K. Evans, B. Hammersley, K. Kondakor, S. Markham, B. Pandher, M. Rudkin (attended the public session only), J. Sheppard (Vice-Chair), R. Smith, M. Walsh (substitute for Councillor K. Evans) and K. Wilson.

Apologies: Councillor Evans

PLA8 **Minutes**

RESOLVED that the minutes of the meeting held on the 25th May 2021 be confirmed and signed by the Chair.

PLA9 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes. In the addition the following was declared:

- a) Councillor Markham declared that she was a member of Warwickshire County Council and was a member in the Outside Bodies of Bedworth Neighbourhood Watch.
- b) Councillor Hammersley declared that he was a member of Warwickshire County Council.
- c) Councillor Sheppard declared that she is no longer the Champion for Safeguarding (Children and Adults) and requested for this to be removed from the Schedule.
- d) Councillor Smith declared his appointment by office on the A5 Member Partnership, PATROL Joint Committee and Building Control Partnership steering Group.
- e) Councillor Kondakor declared a pecuniary interest in that as a County Councillor he had objected to the application considered under Item 1 (Planning Application 037330 – Site 31A002-r/o 1-91a Milby Drive, Higham Lane, Nuneaton.) After speaking on this item he left the room and did not take part in the debate or vote respectively.
- f) Councillor Kondakor declared an other personal interest in Item 2 (Planning Application 037817 – Site 52D067 – Land off Eastboro Way, Nuneaton, Warwickshire) as he has commented on the application.

PLA10 **Declarations of Contact**

Councillor Pandher declared that he had been contacted by Councillor Singh about Agenda Item 3 (Planning Application 037552 – Cross Keys Inn, Goodyers End Lane, Bedworth, Warwickshire, CV12 0HR) but he did not indicate how he would vote.

PLA11 **Exclusion of Public and Press**

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 12 of Part I of the Schedule 12A to the Act.

PART 2: PRIVATE SESSION

PLA12 **037923 – 42 Tewkesbury Drive, Bedworth, Warwickshire, CV12 9ST**

RESOLVED that authority be given to the Director – Democracy, Planning and Public Protection to issue a Certificate of Lawfulness of Proposed Land Use or Development.

IN PUBLIC SESSION

PLA13 **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.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA13 OF THE
PLANNING APPLICATIONS COMMITTEE ON 15TH JUNE 2021

037330 – Site 31A002-r/o 1 – 91a Milby Drive, Higham Lane, Nuneaton

Applicant: Mrs Daisy Loates – Persimmon Homes

Public Statements: None

DECISION

The Deferral request by the Applicant was denied. The application be refused planning permission, for the reasons printed on the agenda and addendum.

037817 – Site 52D067 – Land off Eastboro Way, Nuneaton, Warwickshire

Applicant: Ms Jolande Bowater, Crest Nicholson Operations Ltd.

Public Statements: Ms J. Bowater

DECISION

That subject to the completing of a Deed of Variation to the original S106 obligation for planning application reference 033926 the Head of Planning be given delegated authority to grant planning permission, subject to the conditions printed in the agenda and a condition that the Welcome Packs required be brought back to the Planning Applications Committee for approval.

037552 – Cross Keys Inn, Goodyers End Lane, Bedworth, Warwickshire, CV12
0HR

Applicant: Mr Andrew Browne, Rudyard Properties Ltd.

Public Statements: Councillor J. Singh and Warwickshire County Councillor P. Gilbert.

DECISION

Planning permission be granted subject to the conditions printed in the agenda and the completion of a S106 Legal Agreement in relation to Highways road works.

037485 – Whitestone Dental Practice, 41 Lutterworth Road, Nuneaton, CV11
4LE

Applicant: Whitestone Dental Practice

Public Statements: None

DECISION

Planning permission is refused for the reasons printed on the agenda.

**Planning Applications Committee
Schedule of Declarations of Interests – 2021/2022**

	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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association	
	L. Cvetkovic	Teacher and Head of Geography at Sidney Stringer Academy, Coventry.	Trustee of Bulkington Sports and Social Club Founder of The Bulkington Volunteers.	
	K. Evans	Employed by UK Parliament	. Executive Officer at the North Warwickshire & Bedworth Conservative Association Association Representative of Warwickshire Conservative Area Association	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	B. Hammersley	(Will declare if he has any interests at the meeting)		
	K. Kondakor		100PERCENTRENEWABLEUK LTD	
	S. Markham	None	None	
	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	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	
Director of Wembrook Community Centre.			Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre	
Member of the Management Committee at the Mental Health Drop in.				
Champion for Safeguarding (Children & Adults)				
	R. Smith		Chairman of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre Trustee of Bulkington Sports and Social Club	

	K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote
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Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

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	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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	L. Cvetkovic	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"> • Building Control Partnership Steering Group 	
	K. Evans	Employed by UK Parliament	Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; West Midlands Combined Authority Audit Committee. Executive Officer – North Warwickshire Conservative Association; Member of the Conservative and Unionist Party; Member of the Governing Body – Race Leys Infant School	
	B. Hammersley	County Councillor – W.C.C.		
	K.A. Kondakor	Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed)	Unpaid director of 100PERCENTRENEWABLEUK LTD Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch 	
	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"> • Foleshill Charity Trustee – Proffitt's Charity 	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
			Director of Wembrook Community Centre.	

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

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Address	Page No.
1.	037972	Site 26C008 - Land rear of 148-160 Camp Hill Road, Nuneaton	
2.	037776	153 Lutterworth Road, Nuneaton	

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. 037972

Site Address: Site 26C008 - Land rear of 148-160 Camp Hill Road, Nuneaton

Description of Development: Erection of 3 dwellings (outline with all matters reserved)

Applicant: Mr Steve Hadley

Ward: CH

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of 3 dwellings (outline with all matters reserved) at Site 26C008 - Land rear of 148-160 Camp Hill Road, Nuneaton.

The site is a long 'L' shaped piece of land accessed off Camp Hill Road. It consists of a long access road and a wider section which runs roughly east/west along the rear gardens of some properties on Camp Hill Road.

The site is bounded on the east, west and south by residential gardens and by open space, some trees and farmland to the north. The land is gated as it fronts on to Camp Hill Road with 2m palisade fencing. Other boundary treatments around the site are mainly residential garden fences, and a chain link fence, and the like.

Camp Hill Road as a suburban, residential character and although relatively busy with traffic, feels quite quiet and is removed from the more urban town centre to the south. To the north, beyond the site is open farm land and a small copse of woodland.

The site is slightly higher than Camp Hill Road where it meets the highway but the levels across the site do not change a great deal.

There is a public footpath from Mancetter Road, leading past the quarry in North Warwickshire's Borough, which runs relatively close to the north of the site.

BACKGROUND:

This is an outline application for residential development for 3 dwellings, which are shown indicatively on plan as being one detached house and a pair of semis.

The following matters are reserved to be considered at a future stage and do not form part of the application:

- Access – accessibility into 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.

RELEVANT PLANNING HISTORY:

- None.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Parks, North Warwickshire Borough Council, Severn Trent Water, WCC Highways.

CONSULTATION RESPONSES:

No objection from:

WCC Highways, North Warwickshire Borough Council

No response from:

NBBC Environmental Health, NBBC Parks, Severn Trent Water,

NEIGHBOURS NOTIFIED:

146, 148, 152, 154, 156, 158, 160, 164, 166, 168 Camp Hill Road, Nuneaton

Neighbouring properties were sent letters notifying them of the proposed development on 29th April 2021 and 6th May 2021.

NEIGHBOUR RESPONSES:

There have been 8 objections from 7 addresses. The comments are summarised below;

1. Impact on highway safety
2. The track is not wide enough
3. Will exacerbate highways issues caused by the other planning applications in the area (dealt with by NWBC)
4. Impact on existing infrastructure
5. Unlikely refuse could access the site

6. Hillside Drive has no connection with Camp Hill Road and therefore no precedent for development is set
7. Would constitute backland development
8. The road is private
9. The road is narrower than it appears on plan
10. The road will need a retaining structure
11. Plans show houses on rear gardens of 158 and 160 Camp Hill Road
12. Dwellings would obstruct a right of way
13. Loss of privacy
14. Will harm drainage and cause flooding
15. Construction would be harmful to neighbours
16. Would harm wildlife
17. Light pollution could be caused by additional lights

APPRAISAL:

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

- 1) The Principle of Residential Development
- 2) Impact on Visual Amenity and the Character of the Area
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Impact on Flood Risk

1. The Principle of Development

The application site currently consists of the access road which is currently grassed and residential gardens which are proposed to be subdivided and some new residential dwellings sited on it. Three are proposed and shown indicatively on the plans but all details are reserved for consideration at a later date through the submission of Reserved Matters. The proposed new dwellings would be located to the rear of the built form on Camp Hill Road and behind the existing properties gardens from 148-160 Camp Hill Road

Firstly though, the application site is made up of what is partially, garden land. It is therefore considered that since the designation applied to garden land is not one of 'previously developed land', this does not weight against the development, but instead means that there is a presumption in favour of sustainable development in accordance with Paragraph 11 of the NPPF 2019.

The NPPF establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraphs 8). There is consequently a presumption in favour of applications for sustainable development (paragraphs 10 and 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 (paragraphs 11 and 47).

These proposed houses would represent a residential use on land which is within the existing urban area (albeit on the edge of it), and would not rely on greenfield sites for the addition of housing. There is a good deal of pressure for housing within the Borough although the Borough Plan *can* demonstrate a 5 year supply of housing land currently.

The surrounding area is made up of residential uses, so it is considered that this proposed use, purely in terms of the residential use, would blend well and would not

form a contrasting use with those already in the area. There are concerns however about the siting and location of the proposal in respect of visual amenity and the character of the area, and this will be assessed later in this report.

2. Impact on Visual Amenity and the Character of the Area

The proposal is for residential development sited partly on some currently un-used land, and partly on the rear gardens of properties off Camp Hill Road.

The area is typified by a mixture of two-storey detached and semi-detached properties, with terraced dwellings on the opposite side of Camp Hill Road. There are some bungalows, but these are relatively infrequent as one views the street. The street scene against which this proposal would be viewed is almost entirely linear, ribbon development, with very little development in depth. The nearby Hillside Drive does show some development in depth, however this is a little further away and forms part of the larger development off Berrington Road. Hillside Drive is part of the development here on the northern edge of the Borough and its form is wider to the east and tapers to the west, back to a linear form before meeting the point of the application site.

The detailed design of the properties is reserved for consideration at a later date with the submission of Reserved Matters.

The siting of the proposed dwellings is considered to be contrived, being as it is set directly behind the residential gardens of Camp Hill Road and sat awkwardly on a plot to the rear of the main built form accessed only by the narrow access road and having no direct road frontages.

Policy BE3 of the Borough Plan 2019 states:

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*

Paragraphs 13.1 of the Sustainable Design and Construction SPD 2020 states that local distinctiveness in terms of form must be respected.

Similarly Paragraph 127 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.”

Paragraph 130 then goes on to state:-

“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...”

As stated the proposed residential development would be located to the rear of the houses on Camp Hill Road and served via a narrow access track. To the east, south and west are residential gardens and to the north are open fields; the cumulative effect of which is to give a generally open feel to the immediate area in which the development is proposed. In view of this, it is considered that this ‘backland’ development would be out of character and not be in keeping with the existing layout of the area.

It is considered that the proposal, by way of its poor siting and ‘backland’ location, would fail to relate well or integrate with the surrounding area and the established pattern of development, and introduce a ‘backland’ development to the detriment of the established character and visual amenities of Camp Hill Road.

3. Impact on Residential Amenity

The nearest residential properties likely to be impacted on are the properties and their gardens at 148, 152, 154, 156, 158, 160 and 164 Camp Hill Road.

Impact on No 148 Camp Hill Road

The houses to the south of the application site have long gardens, there has been an indicative layout submitted and it shows that the residential site could be designed so as to meet with the Councils separation guidelines and it is therefore considered that there would be no detrimental impact to this property.

Impact on Nos 152, 154, 156 Camp Hill Road

The houses will not be sited, at least on the indicative layout, alongside the gardens of 152, 154 or 156. There will be some impact from road noise, turning and coming and goings etc., but it is considered that this would not be so significant so as to warrant refusal on these grounds. It is considered that if an approval were to be issued these matters could be dealt with via condition for boundary treatments, etc.

Impact on Nos 158, 160 and 164 Camp Hill Road

Because the proposed residential site has layout as a reserved matter, they have submitted a layout which is indicative only. We cannot consider this as if it were ‘set in stone’ so to speak, however it is reasonable to assume that the site could accommodate some residential form whilst complying with the Councils separation guidelines and it is therefore considered that there would be no detrimental impact on these properties. There is separation from the boundaries, and a house could be designed so as to not have windows overlooking neighbours etc.

4. Impact on Highway Safety

WCC Highways have raised no objection stating that they may wish to add conditions at the reserved matters stage which is acceptable. The proposed dwellings are to be

served from an existing private driveway. Whilst the proposal will result in an increase in vehicles requiring access along the private driveway, it is considered that the additional trips would be minor and any harm could be overcome by conditions at the detailed phase in the opinion of the Highways Authority.

5. Impact on Flood Risk

The site is not within a flood risk zone, and as such the Environment Agency were not consulted. Since the site is not within a flood zone, it is considered to be the lowest risk of flooding.

6. 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 development would bring much needed housing to the urban area, albeit on the cusp of the Borough, and within the settlement boundary.

Despite this however it is considered that on balance while there are clear considerations which weigh for the proposal, the harm it would create by way of its impact on the character of the area outweigh those positive aspects.

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 users⁴⁶ 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 Borough Plan 2019 states (in part):

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

(iv) The proposal is contrary to these policies in that it would constitute an undesirable development on land to the rear of existing properties on Camp Hill Road and would fail to relate well to, and integrate with, the surrounding area. It would introduce inappropriate, piecemeal and 'backland' development behind the established pattern of development along Camp Hill Road to the detriment of the visual amenities of the area. (Contrary to paragraph 13.1 of the Sustainable Design and Construction SPD 2020).



Site Plan



Indicative Block Plan

Item No. 2

REFERENCE No. 037776

Site Address: 153 Lutterworth Road, Nuneaton.

Description of Development: Convert existing hipped roof of garage to gabled roof to include new enclosed external staircase to southern elevation and dormer roof/windows to front.

Applicant: Mr Jasdev Thind

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

The proposal is to convert the existing hipped roof of the garage to a gabled roof to include a new enclosed external staircase to the southern elevation and a dormer roof/windows to the front. The change from hip to gable will increase the length of the roof from 4.3 metres to 11.2 metres, the overall height will remain the same at 5.1 metres. The intention is that the resulting additional roof space will be used as a home gym. This is an amendment to the original scheme which showed an open external staircase to the northern elevation. This was not considered acceptable because of the potential overlooking of the rear garden of No 151 Lutterworth Road.

The application property is a large, newly constructed detached house on Lutterworth Road. It is an infill development built after the original property was demolished following the grant of planning permission for the replacement in 2014. To the north, east and west are more traditional dwellings of varying type and design, while to the south is Pauls Land a Council owned area of open space.

BACKGROUND:

This application is being reported to Committee at the request of Councillors Sargeant and Payne and former Councillor Tandy.

RELEVANT PLANNING HISTORY:

- 036766: Application for variation of condition following grant of approval reference 032927. Variation is to condition 5 to allow the existing dropped kerb to remain: Refused 27th November 2019.

- 036461: Application for variation of condition following grant of approval reference 032927. Variation is to condition 5 to allow the existing dropped kerb to remain: Refused 10th July 2019.
- 032927: Erection of one detached dwelling, new vehicular access and detached garage within rear garden (existing dwelling to be demolished): Approved 9th December 2014.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2019:
 - o DS1 – Presumption in favour of sustainable development
 - o BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document 2020.

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

151 & 155 Lutterworth Road; 45 Magyar Crescent.

Neighbouring properties were sent letters notifying them of the proposed development on 22nd February 2021. As a result of objections received Nos 151 & 155 Lutterworth Road were emailed details of the amended scheme.

NEIGHBOUR RESPONSES:

There have been 2 objections from 2 addresses to the original plans submitted. The comments are summarised below;

- (1) When originally built garage was height restricted to prevent it being used as a dwelling.
- (2) Does its use as a gym require floor to be strengthened to take heavy gym equipment.
- (3) Existing building has three windows facing property existing scheme shows only two.
- (4) New windows will be angled towards our property resulting in even less privacy to garden, kitchen, dining area and bedrooms.

There have been 2 objections from 2 addresses to the amended plans submitted. The comments are summarised below;

- (1) As there is already an internal staircase why is an external one required.
- (2) All original objections still stand.

APPRAISAL:

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

- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity

1. Impact on Visual Amenity

The Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance within section 13 which aims at guiding the design and aesthetics of residential development within the Borough.

The garage is to the rear of the property and therefore the changes will not be visible from Lutterworth Road itself. This being the case, the building will not detract from the character of the area, appear intrusive or dominate the existing property and is therefore acceptable under paragraph 13 of the Sustainable Design and Construction Supplementary Planning Document 2020.

2. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction Supplementary Planning Document 2020 contains guidance which aims to protect the residential amenity of proposed residential properties and extensions, and the residential amenity of existing dwellings. As this proposal is to the rear only the neighbouring properties either side, Nos 151 & 155 Lutterworth Road are likely to be impacted upon.

Impact on No 151 Lutterworth Road

No 151 Lutterworth Road is the detached neighbour to the west, was built in 1962 and has a single storey rear extension that was added in 1972. As a result there will be no effect on original rear facing ground floor windows to habitable rooms. The rear wall and roof of the garage are adjacent to part of the side of this property's rear garden. There is a separation distance between the northern elevation of the garage and the rear of No 151 of 11.7 metres and there is no view directly onto the building from any of its ground floor windows. The dormer roof/windows are on the roof plane that faces away from No 151 meaning the windows will not overlook the rear garden. Therefore, despite the fact the building is above the fence line, it is not considered that the changes will result in an oppressive or overbearing sense of enclosure to either the house or garden of No 151. As the proposed staircase is enclosed it would not lead to overlooking of this property. It is therefore considered that there is no detrimental impact on this property.

Impact on No 155 Lutterworth Road

No 155 Lutterworth Road is the detached neighbour to the east and is on the opposite boundary to that of the garage. There is a minimum distance between the closest corner of No 155 to the closest corner of the garage of 21 metres. As a result of this and the relationship between the two buildings it is considered that there will be no effect on original ground floor windows to habitable rooms. The dormer roof/windows are on the roof plane that faces towards No 155 meaning the windows will overlook the rear garden. However, there is a separation distance between the windows and the boundary of 9.5 metres. This complies with paragraph 11.6 of the Sustainable Design and

Construction Supplementary Planning Document 2020 which in this situation requires a minimum of 7 metres. Therefore, it is not considered that the changes will result in an oppressive or overbearing sense of enclosure to either the house or garden of No 155. It is therefore considered that there is no detrimental impact on this property either.

It is therefore considered that the proposal is acceptable under paragraph 11 of the Sustainable Design and Construction Supplementary Planning Document 2020.

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.

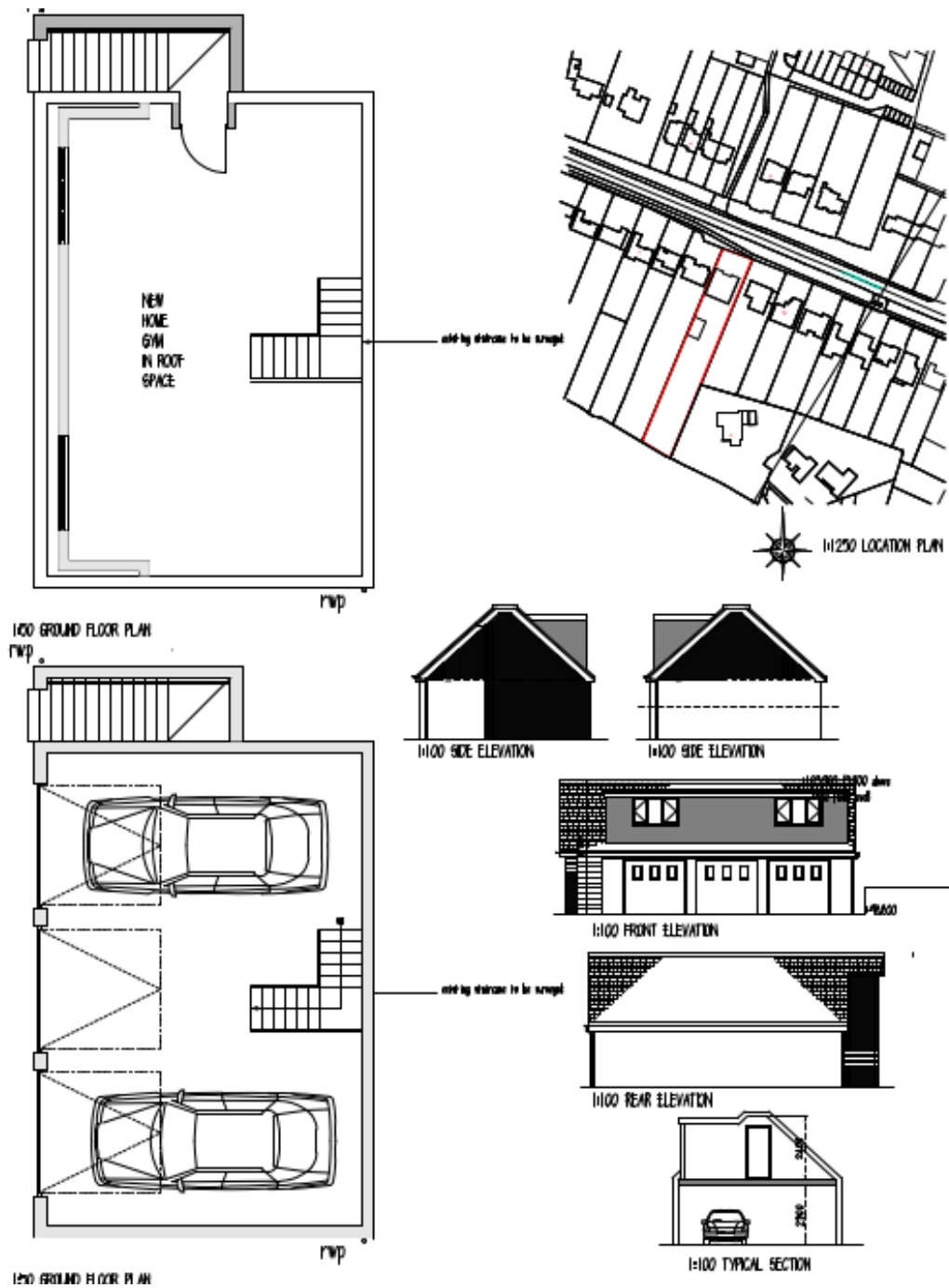
SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
New room over garage- Site Plan, Floor Plans & Elevations	183-02b	8 th July 2021

3) No external materials shall be used in the extension other than of the same type, texture and colour as those used in the existing building.

4) The garage as altered shall not be used other than for any purpose incidental to the enjoyment of the dwelling house as such.



Site Plan, Floor Plans & Elevations

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)