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Date: 30<sup>th</sup> November, 2020

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held **on Tuesday, 8<sup>th</sup> December, 2020 at 5.00 p.m. Confidential items will begin at 4.00pm.** Due to Government guidance on social-distancing and the Covid-19 virus this meeting will be held **VIRTUALLY AND LIVE STREAMED.** Public and press can follow the decision making online at [www.nuneatonandbedworth.gov.uk/live-meetings](http://www.nuneatonandbedworth.gov.uk/live-meetings). Please note that meetings will be recorded for future publication on the Council's website.

Public Consultation on planning applications will commence at 5.00 p.m. (see Agenda Item No. 6 for clarification). Public participation will be by written submissions or orally through invitation to the meeting either via the internet, or by telephone, utilising MS Teams.

Members of the public wishing to make comments or representations via a written submission are asked to do this electronically by e-mailing [planning@nuneatonandbedworth.gov.uk](mailto:planning@nuneatonandbedworth.gov.uk) by no later than 12 noon on the working day before the date of the meeting, and identify the agenda item(s) that their submission(s) relate(s) to. All written submissions should take no longer than 3 minutes to present and will be read out by an officer of the Council.

Members of the public wishing to make an oral submission to the meeting are asked to notify the Planning Department of this by either calling 024 7637 6328 or e-mailing [planning@nuneatonandbedworth.gov.uk](mailto:planning@nuneatonandbedworth.gov.uk) by no later than 12 noon on the working day before the date of the meeting. Access to the meeting will then be arranged by Committee Services. All oral submissions should be no longer than 3 minutes.

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

To: All Members of the Planning  
Applications Committee

Councillors W.J. Hancox  
(Chair); S. Gran; I. Lloyd;  
B. Pandher; N.J. Phillips; M. Rudkin; A.  
Sargeant; J. Sheppard; R. Smith; J. Tandy; R.  
Tromans; C. Watkins and K. Wilson (Vice-  
Chair)

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. ANNOUNCEMENTS

The meeting will be live streamed and recorded for later publication on the Council's website.

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

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

#### 3. MINUTES - To confirm the minutes of the meeting held on 27<sup>th</sup> October, 2020 **(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 (**Page12**). 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 OR HAVE SUBMITTED A WRITTEN STATEMENT TO BE READ OUT BY AN OFFICER OF THE COUNCIL. EACH SPEAKER/STATEMENT WILL BE ALLOWED 3 MINUTES ONLY – the report of the Head of Development Control attached. **(Page )**
7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK OR SUBMITTED A WRITTEN STATEMENT – the report of the Head of Development Control attached. **(Page )**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).
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 5 of Part I of Schedule 12A to the Act.

10. CERTIFICATE OF LAWFUL DEVELOPMENT – 3 FREESLAND RISE, NUNEATON – report of the Head of Planning attached (**Page 29**)

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**27<sup>th</sup> October, 2020**

A meeting of the Planning Applications Committee was held on Tuesday, 27<sup>th</sup> October, 2020. Due to Government guidance on social-distancing and the Covid-19 virus this meeting was held virtually and live streamed.

**Present**

Councillor W. Hancox – Chair

Councillors S. Gran, B. Pandher, N. Phillips, G. Pomfrett (substitute for Councillor I. Lloyd) M. Rudkin, A. Sargeant, J. Sheppard, R. Smith, J. Tandy, R. Tromans, C.M. Watkins and K.D Wilson

Apologies: Councillor I. Lloyd

PLA43 **Chair's Announcements**

The meeting was being live streamed and recorded for future publication on the Council's website.

PLA44 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 6<sup>th</sup> October, 2020 be confirmed and signed by the Chair.

PLA45 **Declarations of Interest**

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

PLA46 **Declarations of Contact**

Councillor B. Pandher declared that in relation Planning Item number 037370, he had received both email and telephone communications regarding the application, but gave no indication of his voting intention.

In addition, all Members of the Planning Applications Committee were provided with an email from K. McGuffie regarding Planning Application number 037370 before the meeting.

**IN PUBLIC SESSION**

PLA47 **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 PLA47 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 27<sup>th</sup> OCTOBER, 2020

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037331 – 302 Lutterworth Road, Nuneaton. CV11 6PN.

Applicant: Mr Ali Chaudry.

**Public Statements: Councillor J. Gutteridge**

**DECISION**

Planning permission to be granted, subject to the conditions printed in the agenda.

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037370: 64 North Avenue, Bedworth, Warwickshire, CV12 9EQ.  
Two storey side extension and single storey front extension.

Applicant: Mr Adam McGuffie.

**Public Statements: K. McGuffie**

**DECISION**

Planning permission be refused, for the reasons printed on the agenda and addendum.

**Planning Applications Committee  
Schedule of Declarations of Interests – 2020/2021**

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	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>
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Daughter holds employment position within NBBC  Unite the Union  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> <li>• Hammersley Smith &amp; Orton Charity</li> </ul>	
	I. Lloyd		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Nuneaton &amp; Bedworth Sports Forum</li> <li>• Camp Hill Urban Village and Pride in Camp Hill</li> <li>• Poor's Piece Charity</li> <li>• Committee of Management of Hartshill &amp; Nuneaton Recreation Group</li> <li>• Towns Board</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	
	N.J. Phillips		Member of: <ul style="list-style-type: none"> <li>• Nuneaton Labour CLP</li> <li>• The Fabian Society</li> <li>• The George Eliot Society</li> <li>• The PCS Union</li> <li>• Central Credit Union</li> <li>• Stockingford Sports and Allotment Club</li> <li>• Haunchwood Sports and Social Club</li> </ul> Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	
	M. Rudkin	Employee of Coventry City Council	Unite the Union  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Bedworth Neighbourhood Watch Committee</li> </ul>	
	A. Sargeant		Member of Warwickshire County Council Chairman of The Nook (Nuneaton) Residents Association. Chair of Attleborough Community Matters group. Chair of Attleborough Neighbourhood Watch Volunteer at Volunteer Friends Bulkington. Member of Nuneaton Carnival Committee Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Advice Rights</li> </ul>	

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.	
		<p>Champion for Safeguarding (Children &amp; Adults)</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Local Government Superannuation Scheme Consultative Board</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</li> <li>• West Midland Employers</li> <li>• Nuneaton Neighbour Watch Committee</li> </ul>	
R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Board of Directors at Bulkington Village Community and Conference Centre</p> <p>Trustee of Bulkington Sports and Social Club</p>	
J. Tandy		<p>Partnership member of the Hill Top and Caldwell Big Local.</p> <p>Member of Unite the union.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Nuneaton Festival of Arts</li> <li>• Warwickshire Race Equality Partnership</li> <li>• Warwickshire Race Equality Partnership</li> <li>• West Midlands Combined Authority Audit Group</li> </ul>	
R.Tromans		Director of RTC Ltd	
C.M. Watkins	Landlord of a privately rented property	<p>Representative on the following outside bodies:</p> <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Home Improvement Agency.</li> <li>• Nuneaton and Bedworth Safer and Stronger Communities Partnership.</li> <li>• Safer Warwickshire Partnership Board.</li> <li>• Warwickshire Housing Support Partnership.</li> <li>• Warwickshire Police and Crime Panel.</li> </ul>	
K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote



**Planning Applications Committee  
Schedule of Declarations of Interests – 2020/2021**

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

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Address</b>	<b>Page No.</b>
1.	037333	Site 62A011 John Street, Nuneaton	

<b>Wards:</b>					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		



**REFERENCE No.** 037333**Site Address:** Site 62A011 John Street, Nuneaton**Description of Development:** Erection of a 4 bed detached dwellinghouse**Applicant:** Mr Bally Dhaliwal**Ward:** WB

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**RECOMMENDATION:**

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

**INTRODUCTION:**

The proposal is for the erection of a 4 bed detached dwellinghouse at Site 62A011, John Street, Nuneaton.

The site is currently a disused lock-up garage site, which is situated to the rear of semi-detached houses on John Street and terraced houses along Henry Street. There is a pathway between the site and the rear garden walls of the properties on Henry Street which is to the north of the site, but the properties along John Street back right up to the site, the rear boundary walls form the east boundary to the site. To the south of the site is the Chilvers Coton Conservative Club and 22 and 23 Bridge Street. To the west is land associated with the Chilvers Coton Liberal Club.

The site is currently overgrown and difficult to access and the garages are currently derelict and unusable. The access is off John Street, the entrance when clear is roughly 27 metres long and 2.6 metres wide at the narrowest point and 3.5 metres at the widest point. This access is bounded by a 2 metre high palisade fence along the boundary with the pathway to the north of the site.

Due to the overgrown nature of the site the rear gardens of the neighbours on John Street are difficult to see, however shortest distance between a rear wall of these neighbours and the boundary is 14 metres. To the north the shortest garden length is about 8.5 metres.

The proposal is not clear that it seeks to include the demolition of the existing garages, although further clarification has been requested this has not been supplied by the agent.

**RELEVANT PLANNING HISTORY:**

- 031658: Erection of 3 terraced houses with associated parking: Refused 22/11/2012. Dismissed at appeal in June 2013.
- TP/0607/01: Residential development (outline): Refused 28/11/2001.
- TP/0511/02: Erection of 3 terraced houses with associated parking (outline): Withdrawn 02/10/ 2002.

## **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
  - DS2 – Settlement Hierarchy and Roles
  - DS3 – Development Principles
  - BE3 – Sustainable design and construction
- Sustainable Design and Construction SPD 2020.

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Fire & Rescue, WCC Highways, Western Power Distribution.

## **CONSULTATION RESPONSES:**

Objection from:

Warwickshire Fire & Rescue, WCC Highways

No objection subject to conditions from:

NBBC Environmental Health

No objection from:

NBBC Planning Policy, NBBC Refuse

No response from:

Severn Trent Water, Western Power Distribution

## **NEIGHBOURS NOTIFIED:**

18, 22, 23 and Chilvers Coton Conservative Club Bridge Street. 18-50 (even), Chilvers Coton Liberal Club 52 Henry Street. 2-14 (even) John Street.

Neighbouring properties were sent letters notifying them of the proposed development on 14<sup>th</sup> August 2020.

## **NEIGHBOUR RESPONSES:**

There have been 11 objections from 11 addresses. The comments are summarised below;

1. Access to the site for building equipment is difficult
2. Access to John Street is reduced due to on street parking
3. Request a method statement for building schedule
4. Property size/type/design is not in keeping with the local area
5. Site layout is not in keeping with the local area
6. Proposed dwelling will overlook neighbours, especially along John Street
7. Wall proposed to be demolished is not part of the site
8. Worry that the proposal would be amended in the future to more dwellings
9. No mention of the boundary to the properties on Bridge Street and Henry Street
10. Site currently has wildlife, trees and hedges present
11. Impact on highway safety
12. Drainage of the site is not clear

## **APPRAISAL:**

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

1. The principle of the development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Impact on Environmental Health
6. Conclusion

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

The NBBC Planning Policy team were consulted on the application, part of their comment related to the principle of development. The proposal site is located within the settlement boundary of Nuneaton, therefore this is an acceptable location for residential development in principle under policy DS2 of the Borough Plan 2019. This is further supported by the previous application which had no issue with the proposal site being put forward as residential development due to the location within Nuneaton. Additionally, it was commented that the proposal is for a single dwelling within an existing residential area in Nuneaton and it is considered that the proposed dwelling in principle could positively impact the amenity and surrounding environment of what is currently an under-used and untidy site, which is in line with policy DS3 of the Borough Plan 2019. It is agreed that the proposal would be a positive contribution to making use of an untidy site in the Borough, but the development must be compliant with policies

### **2. Impact on Residential Amenity**

As mentioned in the site description the shortest distance between the neighbours along John Street and the boundary is approximately 14 metres, the plans indicate that the proposed dwelling is situated an additional metre from this boundary, making the shortest distance between the rear walls of these neighbours and the side wall of the proposed dwelling approximately 15 metres which complies with part 11.8 of the Sustainable Design and Construction SPD.

The first floor side window towards these neighbours is for a bathroom and not a habitable room the distances would need to comply with part 11.7 of the Sustainable Design and Construction SPD 2020 which the proposal does, however if granted permission it would need to be conditioned that this side window was obscure glazed and non-opening below 1.7 metres. There is some concern about the length of the property along the rear boundary of these neighbours in relation to a resulting sense of enclosure, especially for number 6 John Street as the proposed dwelling extends across the whole rear boundary of their garden. Part 11.9 of the Design SPD 2020 does state limits on the length of development near the boundary of an adjoining useable rear private amenity space. But in full consideration as the proposed dwelling would be along the rear boundary this is not the most useable amenity space in a garden, so this impact is not considered severe. One of the comments from objectors related to possible overlooking from the proposed dwelling, however it is considered that due to the position of the windows for the habitable rooms it is not considered that there will be significant overlooking or loss of privacy to these neighbours.

To the neighbours along Henry Street the distance between the front elevation of the proposed dwelling and the closest rear elevation along this row is just over 19 metres, just short of the 20 metres required under part 11.4 of the Sustainable Design and Construction SPD 2020. Due to the angle of the properties in relation to the proposal and the walkway between the site this distance is considered acceptable and it is not

considered that the proposal will cause a loss of light, privacy or cause a sense of enclosure.

To the other boundaries the neighbours are either not residential or the distances exceed the standards set out in the Sustainable Design and Construction SPD 2020 2020.

Within the adopted Sustainable Design and Construction SPD 2020 minimum space standards are now required for new builds. The proposed gross floor of the dwelling exceeds these standards and therefore the proposal is acceptable under part 12 of this SPD.

### **3. Impact on Visual Amenity**

Paragraph 124 of the NPPF 2019 states “good design is a key aspect of sustainable development... and helps make development acceptable to communities”. Paragraph 130 of the NPPF 2019 states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any supplementary planning documents”. The NBBC Planning Policy team commented that the immediate surrounding area is mostly comprised of terraced and semi-detached dwellings, although there are some detached dwellings in the wider area. Paragraph 10.12 of the Sustainable Design and Construction SPD 2020 states that housing can be an effective way of bringing neglected space back to use for the benefit of the community. But proposed dwellings in ‘backland’ locations will need to integrate successfully with surrounding developments. Designs must be appropriate to an area and only a design of outstanding quality is acceptable where not in harmony with local character. It is considered in this instance that the proposal does not integrate sufficiently with the surrounding area and would result in an isolated dwelling and constitute backland development which is not in keeping with the existing pattern of development in the area. The proposed dwelling is also not reflective of the type or size of dwellings in the immediate surrounding area nor does it propose a design that is outstanding or innovative. It is therefore considered that the proposals would have a detrimental impact on visual amenity.

### **4. Impact on Highway Safety**

Paragraph 108 of the NPPF 2019 states that when assessing applications it should be ensured that safe and suitable access can be achieved for all users. Paragraph 109 of the NPPF 2019 states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe”. The previous application for the construction of 3 terraced houses was dismissed at appeal. The main reason for this was that as the width of the access was not wide enough to allow two vehicles to pass each other it would mean that delivery and service vehicles could not use the access. The Inspector found that larger service vehicles would be likely to park on John Street and due to the limited on-street parking could result in obstructions on the highway. Although this proposal has reduced the number of proposed dwelling houses these issues are still prevalent.

WCC Highways were consulted on the application, their response was one of objection for the following reasons:

1. Confirmation is required that the existing garages are to be demolished. If they were to remain the Highways Authority would not support the development.
2. They do not support the removal of the wall separating the access from the adjacent footpath.

3. They have concerns about how the site would be serviced in the future, especially in terms of fire and rescue and refuse.

Overall, WCC Highways required more information to fully assess the impact of the proposal which has not been provided. It is not clearly stated that the existing garages would be demolished and clarification was requested on this, and that it be included in the site plan. In regard to the wall between the existing access and the footpath accessing the rear gardens of the dwellings fronting Henry Street would be removed, this is not supported as it would create a shared space between vehicles and pedestrians. They have suggested that the wall should be replaced with a lower wall/fence no higher than 0.6 metres in order to improve pedestrian visibility at the access for a distance of 2.4 metres. Concerning services for the site, it was stated that refuse wagon and fire tender would not be able to enter the site, and the distance from the proposed dwelling to the highway is over the maximum distance that residents/refuse works should have to wheel bins and is greater than the distance covered by fire hose reels. NBBC Refuse have been consulted and have stated that due to the narrowness of the access the refuse bins would need to be presented at the roadside but have no objections to this. Warwickshire Fire and Rescue have been consulted and have responded that the proposed plans do not provide enough detail to allow an accurate assessment of the access road and therefore it could not be ascertained if there would be sufficient access to accommodate a fire appliance.

The objection from WCC Highways was relayed to the agent and no further clear information was provided. Therefore, it is considered that the proposals would have a detrimental impact on highway safety.

## **5. Impact on Environmental Health**

The NBBC Environmental Health team were consulted on the application. The first response received was in relation to ground contamination. It was commented the site's previous use was for garages and there would be potentially for ground contamination. Therefore, it was requested that the four standard ground contamination conditions be included if the application was to be approved.

The second response received requested that if permission was to be granted that a 1.8 metre close boarded fence be erected around the boundary with the club, this would reduce any possible impacts of light, noise and privacy from this neighbour. Additionally, it was suggested that more robust glazing and ventilation be used than double glazing be used in the bedroom which face onto the club, again to reduce any possible noise impacts from the club.

If permission is to be granted conditions would be required for ground stability and close boarded fencing along the south/south west boundary of the site.

## **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.

In conclusion it is assessed that based on the information supplied at this point the proposed dwelling would not be acceptable due to the impact on highway safety and visual amenity and therefore the recommendation is that the application be refused.

## **REASONS FOR REFUSAL:**

1.(i) Paragraph 130 of the NPPF 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.

(ii) Policy BE3 of Nuneaton & Bedworth Borough Plan 2019 states (in part):-  
Development proposals must be:

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

#### Urban character

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

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

#### Supplementary planning documents

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

(iii) This application is contrary to these policies in that the proposal does not integrate sufficiently with the surrounding area and would result in an isolated dwelling and constitute backland development which is not in keeping with the existing pattern of development in the area. The proposed dwelling is also not reflective of the type or size of dwellings in the immediate surrounding area nor does it propose a design that is outstanding or innovative. The proposed dwelling would therefore appear out of character in relation to the surrounding area to the detriment of the visual amenities of the area (Contrary to paragraphs 6.1, 10.7 and 10.2 of the Sustainable Design and Construction SPD 2020).

2. (i) Paragraph 108 of the National Planning Policy Framework 2019 states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users; and

(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

(ii) Paragraph 109 of the National Planning Policy Framework 2019 states:  
Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

(iii) This application is contrary to these policies in that it has not been adequately demonstrated that the proposal together with the existing garage uses on the site would not result in an intensification of a sub-standard access which could have a detrimental impact on highway safety.

(iv) This application is contrary to these policies in that the removal of the existing wall between the existing access and the footpath serving the rear gardens of dwellings on Henry Street would create a shared space between vehicles and pedestrians which could result in an increase in conflict between pedestrians and vehicles to the detriment of pedestrian and highway safety.

(v) The proposal is contrary to these policies in that there would be inadequate servicing arrangements which would make it difficult to access to and from the site. This could lead to larger service vehicles parking on John Street and due to the limited amount of on-street parking would create obstructions on the highway and vehicle and pedestrian conflict to the detriment of highway safety.

(vi) This application is contrary to these policies in that it has not been adequately demonstrated that a sufficient access and manoeuvrability within the site is provided to accommodate a fire appliance in order to service the site in the event of an emergency situation.

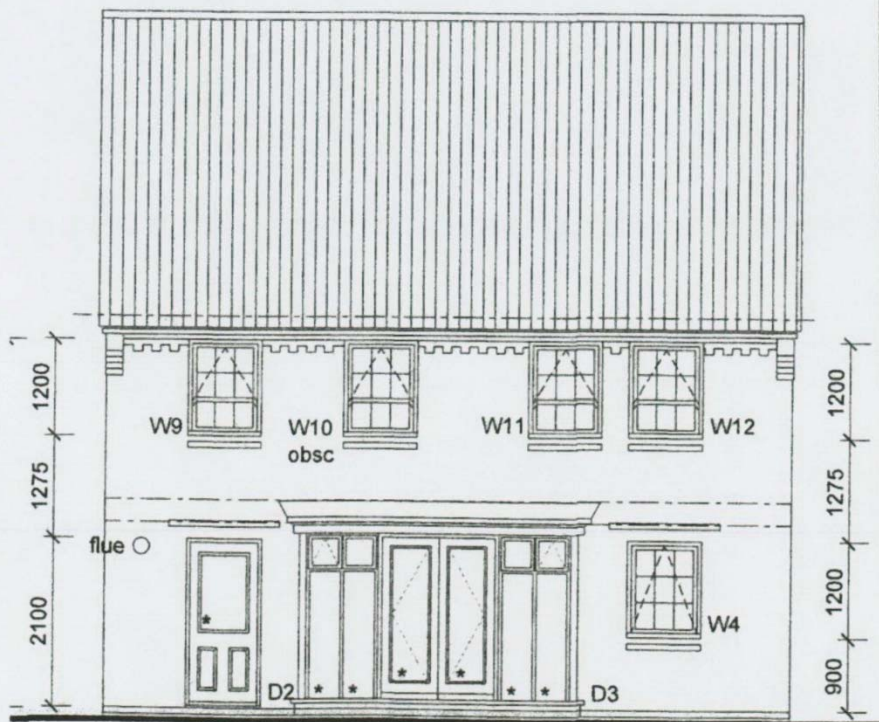


Site Location Plan



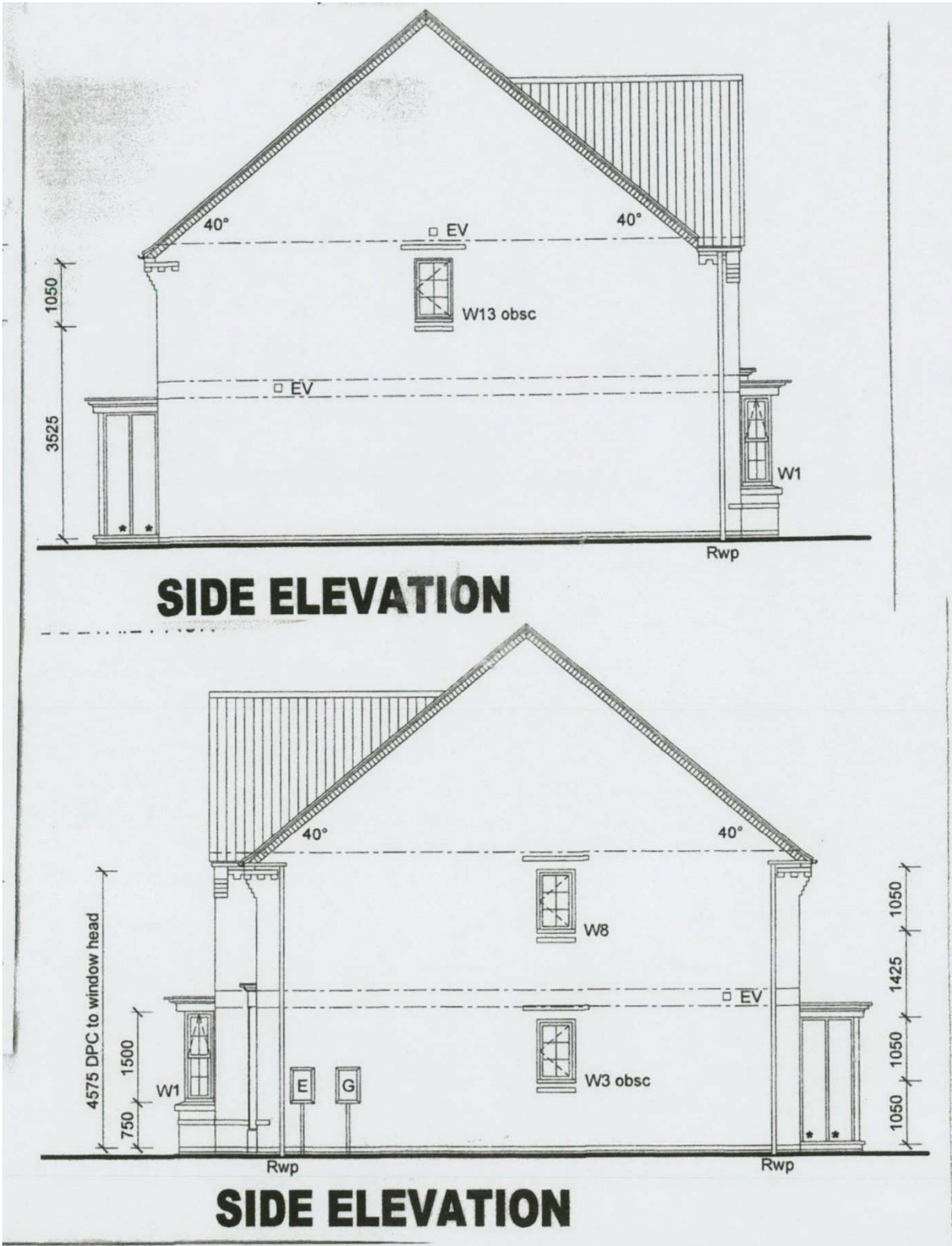


**FRONT ELEVATION**



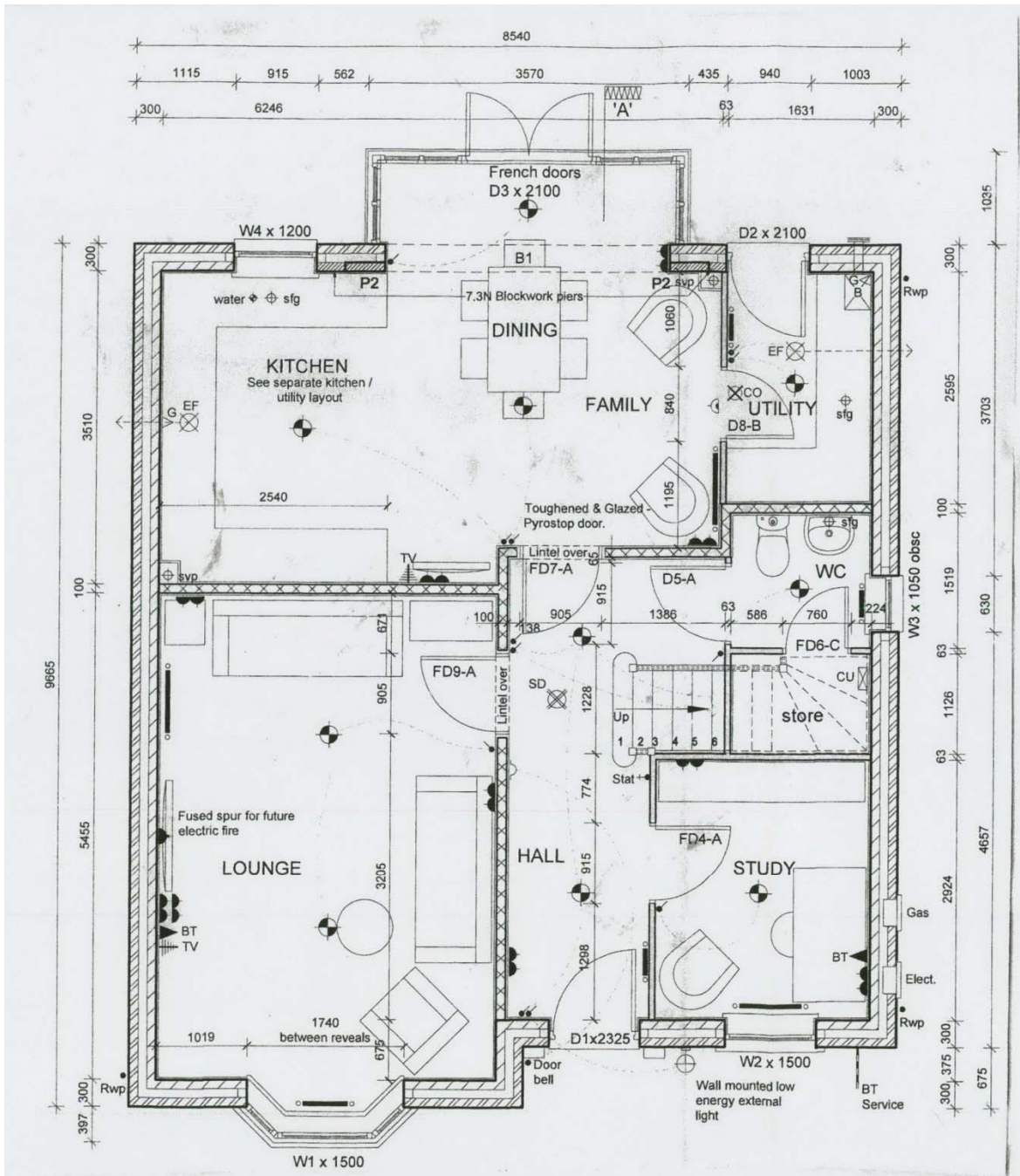
**REAR ELEVATION**

Proposed Elevations



Proposed Elevations





PROPOSED GROUND FLOOR 1:50

Proposed Ground Floor Plan