

Enquiries to:  
Wendy Bolton

Telephone Committee Services: 024 7637 6000

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 6<sup>th</sup> January, 2020

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **The Council Chamber of the Town Hall, Nuneaton on Tuesday, 14<sup>th</sup> January, 2020 at 5.00 p.m.**

**Public Consultation on planning applications will commence at 5.00 p.m. (see Agenda Item No. 6 for clarification).**

**Member training will take place immediately following the consideration of the planning application.**

**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 W.J. Hancox (Chair).  
Councillor K. Wilson (Vice-Chair).  
Councillors J. Beaumont, S. Gran,  
A. Llewellyn-Nash, I Lloyd,  
B. Longden, B. Pandher, M. Rudkin,  
A. Sargeant, J. Sheppard, R. Smith  
and C. Watkins.

## 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 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 10<sup>th</sup> December, 2019 (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).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**10<sup>th</sup> December, 2019**

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 10<sup>th</sup> December, 2019.

**Present**

Councillor W. Hancox – Chair  
Councillor K. Wilson – Vice-chair

Councillors J.B. Beaumont, K. Evans (Substitute for Councillor A. Llewellyn-Nash) S. Gran, I. Lloyd, B Longden, B. Pandher, M. Rudkin, A. Sargeant, J. Sheppard, R. Smith and C. Watkins.

Apologies from Councillor A. Llewellyn-Nash.

PLA53 **Chair's Announcements**

The meeting was being recorded for future broadcast to the public via the Council's website.

PLA54 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 12<sup>th</sup> November, 2019, be confirmed and signed by the Chair.

PLA55 **Declarations of Interest**

Councillor C. Watkins, being the Nuneaton and Bedworth Borough Council's Portfolio Holder for Housing and Communities, declared an Other interest in regards to Planning Application No. 036306.

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

PLA56 **Declarations of Contact**

The Chair announced that all Committee members had been contacted by email in regards to Application Nos. 035745 and 036306.

Councillor A. Sargeant declared he had been contacted by residents in regards to Planning Application No. 036306, but that he had not given any indication of his voting intention.

Councillor J. Sheppard declared she had been contacted by residents in regards to Planning Application No. 035894, but that she had not given any indication of her voting intention.

**IN PUBLIC SESSION**

PLA57 **Planning Applications**

**(Note: Names of the members of the public who 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.

PLA58 **Any Other Business**

None

---

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA57 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 10<sup>th</sup> December, 2019

---

035745: Site 117C019 - Land off Stockley Road Exhall (rear of 67 Blackhorse Road)

Residential development of up to 82 dwellings (Outline to include access)  
Applicant: Harton Limited.

**Speaker:** Mr. N. Ozier

**DECISION**

Planning permission be granted, subject to a legal agreement and the conditions printed in the agenda, on the grounds that the implementation of a financial contribution to WCC Highways for improvements to the B4113 Coventry Road / Longford Road / Blackhorse Road signalised junction be changed from 'prior to the occupation of the 75<sup>th</sup> dwelling' to 'prior to the occupation of the 40<sup>th</sup> dwelling'.

---

035894: P And C Coils Ltd, Anker Street, Nuneaton, CV11 4JL

Erection of 5 no houses and 6 no apartments (existing factory to be demolished)  
Applicant: GPH Ltd

**Speaker:** Mr. M. Goggins

**DECISION**

Planning permission be refused on the grounds that there is no affordable housing provision included in the proposed development and the design is out of character with the existing pattern of development.

---

036306: Site 73B005- Land opposite 87-81 Raveloe Drive, Nuneaton

Erection of 8 no. dwellings comprising 4 no. houses and 4 no. apartments  
Applicant: Mrs Dawn Dawson

**Speaker:** Mr. J. Roberts – RG & P Ltd.

**DECISION**

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

---

036513: Anker Service Station Weddington Road Nuneaton. CV10 0AD.

Change of use from a car wash (sui generis) to hot food takeaway and cafe at ground floor (Class A3/A5). First floor extension and external staircase to provide new offices (Class B1(a)/A2).

Applicant: Mr Shaan Chaudry.

**Speaker:** Councillor K. Kondakor

**DECISION**

Planning permission be refused on the grounds that the location of the development does not qualify as a local centre and the proposal was considered an over provision of A5 uses within a 400 metre radius of a high school which could impact on the health and wellbeing of students.

---

036692: 7 Stonewell Crescent, Nuneaton, CV11 4SX

Single storey front, side and rear extension

Applicant: Mr Rugveer Narwall

**DECISION**

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

---



**Planning Applications Committee**  
**Schedule of Declarations of Interests – 2019/2020**

	<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>
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Older People's Forum</li> </ul>	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		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>	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth	
	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> </ul>	
	B.J. Longden		Daughter and son-in-law work in the NHS Member of the Stockingford Community Centre Ex-Officiate of the Veterans Contact Point Board Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• George Eliot Hospital NHS Trust – Public/User Board</li> <li>• George Eliot Hospital NHS Foundation Trust Governors</li> <li>• Armed Forces Covenant Meeting</li> <li>• Astley Charity</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	
	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. 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.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
			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)  Representative on the following Outside Bodies: <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		Chairman of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre Trustee of Bulkington Sports and Social Club	
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <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 – 2019/2020**

	<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>
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Older People's Forum</li> </ul>	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		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>	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth	
	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> </ul>	
	B.J. Longden		Daughter and son-in-law work in the NHS Member of the Stockingford Community Centre Ex-Officiate of the Veterans Contact Point Board Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• George Eliot Hospital NHS Trust – Public/User Board</li> <li>• George Eliot Hospital NHS Foundation Trust Governors</li> <li>• Armed Forces Covenant Meeting</li> <li>• Astley Charity</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	
	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. 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.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
			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)  Representative on the following Outside Bodies: <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		Chairman of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre Trustee of Bulkington Sports and Social Club	
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <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**  
**14<sup>th</sup> January 2020**

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

**Item  
No.**

**Page  
No.**

**Planning Applications**

1.	036725/WB	20 Amos Avenue, Nuneaton	16.
----	-----------	--------------------------	-----

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	Whitstone		

**REFERENCE No.** 036725

**Site Address:** 20 Amos Avenue, Nuneaton, Warwickshire, CV10 7BD

**Description of Development:** New single storey dwelling to side of 20 Amos Avenue

**Applicant:** Mr Shiva Nash

**Ward:** WB

---

**RECOMMENDATION:**

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

**INTRODUCTION:**

The application is for a single storey dwelling to side of 20 Amos Avenue. The application site is located on Amos Avenue in a prominent position on the corner of a turning head. The property is an end terrace shared with three other properties, with No.14 being at the far end and on higher ground in comparison to No.20. The terraces are slightly staggered with No.20 being furthest forward and 18, 16 and 14 progressively stepped back. Furthermore, in comparison with Nos. 13 and 15 Amos Avenue, No. 20 is about a metre higher.

The property has a gable end roof, consisting of concrete pan tiles. The front and rear elevations consist of a mixture of buff brickwork and wood panel cladding on the ground and first floor level, with buff brickwork on the side elevation. Above the ground floor entrance and windows is a canopy and there is an integrated garage set back from the front elevation.

Other properties in the street appear to have had ground floor front extensions. The adjoining property, No.18 has had a porch whilst Nos. 16 and 14 have had single storey front elevations. Additionally, Nos. 20, 18 and 16 have small rear extensions.

To the rear of the application site is No.22 Amos Avenue. This is a long bungalow and is set quite far back from the road, perpendicular to the rear garden of No.20 Amos Avenue. In front and to the side of the bungalow is a detached garage which is adjacent to and perpendicular to the rear garden of No.20, directly in line with the proposed new dwelling. The driveway to the bungalow slopes upwards, with the bungalow perched above the road level by approximately a metre.

**RELEVANT PLANNING HISTORY:**

- 036186: Erection of new two-storey dwelling adjacent to 20 Amos Avenue: Refused 25/3/2019.

**RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).



- Nuneaton and Bedworth Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004.

## **CONSULTEES NOTIFIED:**

WCC Highways

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways

## **NEIGHBOURS NOTIFIED:**

11, 13, 15, 17, 18, 22 Amos Avenue.

Neighbouring properties were sent letters notifying them of the proposed development on 22<sup>nd</sup> October 2019.

## **NEIGHBOUR RESPONSES:**

There have been 5 objections from 5 addresses. The comments are summarised below:

- 1) Concerned that the ground and first floors of the main house will become flats. This would cause further more increase to the already over parked street, resulting in a loss of on-street parking.
- 2) Proposed parking would not be used.
- 3) Road access and safety will be compromised both during and after construction.
- 4) Road access is already very constricted in Amos Avenue. Residents of the new dwelling will park on the road and block it.
- 5) Concerns that construction vehicles will use the communal driveway to manoeuvre.
- 6) Emergency vehicles would have restricted access.
- 7) There are three huge trees on the proposed development site.

## **APPRAISAL:**

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

1. Appropriateness of residential development
2. Residential amenity
3. Visual amenity
4. Highway safety
5. Conclusion

### **1. Appropriateness of Residential Development**

At the core of the planning system is the aim to achieve sustainable development. This is attained by positively balancing three key components of the planning system:

- An economic role—contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- A social role—supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and

future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- An environmental role—contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy [National Planning Policy Framework 2019 (NPPF), paragraph 8).

Paragraph 11 of the NPPF identifies the presumption in favour of sustainable development that should be seen as a golden thread running through plan making and decision taking and is at the heart of the NPPF. *“For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *[granting permission] where the development plan is absent, silent or relevant policies are out-of-date, . . . unless:  
--any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or  
--specific policies in this Framework indicate development should be restricted”*

Whilst acknowledging that the general area is a sustainable location and is appropriate for housing, the proposed development site is garden land and is not considered as preferable as developing brownfield land, as the NPPF does not consider garden land to be previously developed land. Consequently, this may well be a material reason for refusing the application. Indeed, the NPPF states that *“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”* (paragraph 70). This will be assessed later in the report under the impact on visual amenity. Any negative findings will weigh significantly against the proposal. However, the lack of a Brownfield designation simply means that the previous presumption in favour of development on Brownfield sites does not exist in this case. There is however a presumption in favour of sustainable development as outlined in the NPPF.

## **2. Residential Amenity**

The properties most likely to be impacted by the proposed new dwelling are Nos. 22 and 13 Amos Avenue. Since No.18 Amos Avenue is slightly stepped back from No.20 and the new dwelling will be on the far side of No.20, it is considered that the new dwelling will not be visible to No.18 and have no significant impact on their residential amenity.

### *Impact on No.22 Amos Avenue*

The new dwelling has a rear primary bedroom window at ground floor level that would face directly towards the front garden of No.22 Amos Avenue at a distance of approximately 5 metres. However, the front garden is not private amenity space and the window is at ground floor level. Furthermore, the existing garage in the front garden of No. 22 obstructs any potential overlooking in to the front garden.

### *Impact on No.13 and No.15 Amos Avenue*

These properties are on the other side of the road from No.20 Amos Avenue and will directly face the side elevation of the new dwelling. This elevation has no primary windows, just an obscured glazed bathroom window and a secondary lounge window. However, No. 13 has a single storey extension to the front which is therefore not protected. Distance standards are met in relation to No. 15.

It is therefore considered that the new dwelling will not cause any detrimental harm to residential amenity of neighbours.

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

The National Planning Policy Framework 2019 (Paragraph 127) states that “*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 . . .”*

The NPPF further states that where development is 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, permission should be refused (Paragraph 130).

Additionally, the RDG states that residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement.

The design of the new dwelling is not considered appropriate and would be overly prominent in the street scene. The proposed dwelling would have a hipped roof which is not in keeping with the pitched roof of the main house and would appear out of character. The existing dwellings in the area are set well back from the highway. In contrast, the proposed dwelling would be set closer to the highway, and will, at the south west corner, be right up against the highway. The site is set at a higher level than the road and the properties to the west and therefore due to the elevated position of the dwelling and on a prominent corner it is considered that it would appear intrusive, over prominent and incongruous in the street scene.

### **4. Highway Safety**

In terms of parking provision, two off-street car parking spaces are proposed for the dwelling together with two for the existing dwelling. WCC Highways have no objection subject to conditions.

### **5. Conclusion**

Borough Plan Policy DS1 states that planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. The above assessment has been determined in accordance with relevant policies in the Borough Plan and it has been demonstrated that there are material considerations in relation to the impact on visual amenity to indicate that the application should be refused.

It is therefore recommended to Planning Applications Committee that the application is refused.

## REASONS FOR REFUSAL:

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

Planning policies and decisions should ensure that developments:

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

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

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

(iii) Policy BE3 of the Nuneaton and Bedworth Borough Plan (2019) states:

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

## Residential

Major development proposals must provide a statement with their application showing how their proposal will:

1. Meet all the questions set out in the Buildings for Life 12 standard. Where it is not possible to positively meet all 12 questions, a statement of justification must be provided to explain why it is not possible, and what mitigation measures will take place to offset this.
2. Meet the optional Building Regulations requirement M4(2) for 'accessible and adaptable dwellings' for 35 % of the development proposal.
3. Install rainwater harvesting systems in the curtilage of all new buildings.
4. Integrate the principles of passive solar design.
5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.
6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.

Where a developer considers meeting any of the above requirements is unviable or can demonstrate that they are not suited to local circumstances, an independent viability assessment must be submitted with the application.

## Commercial

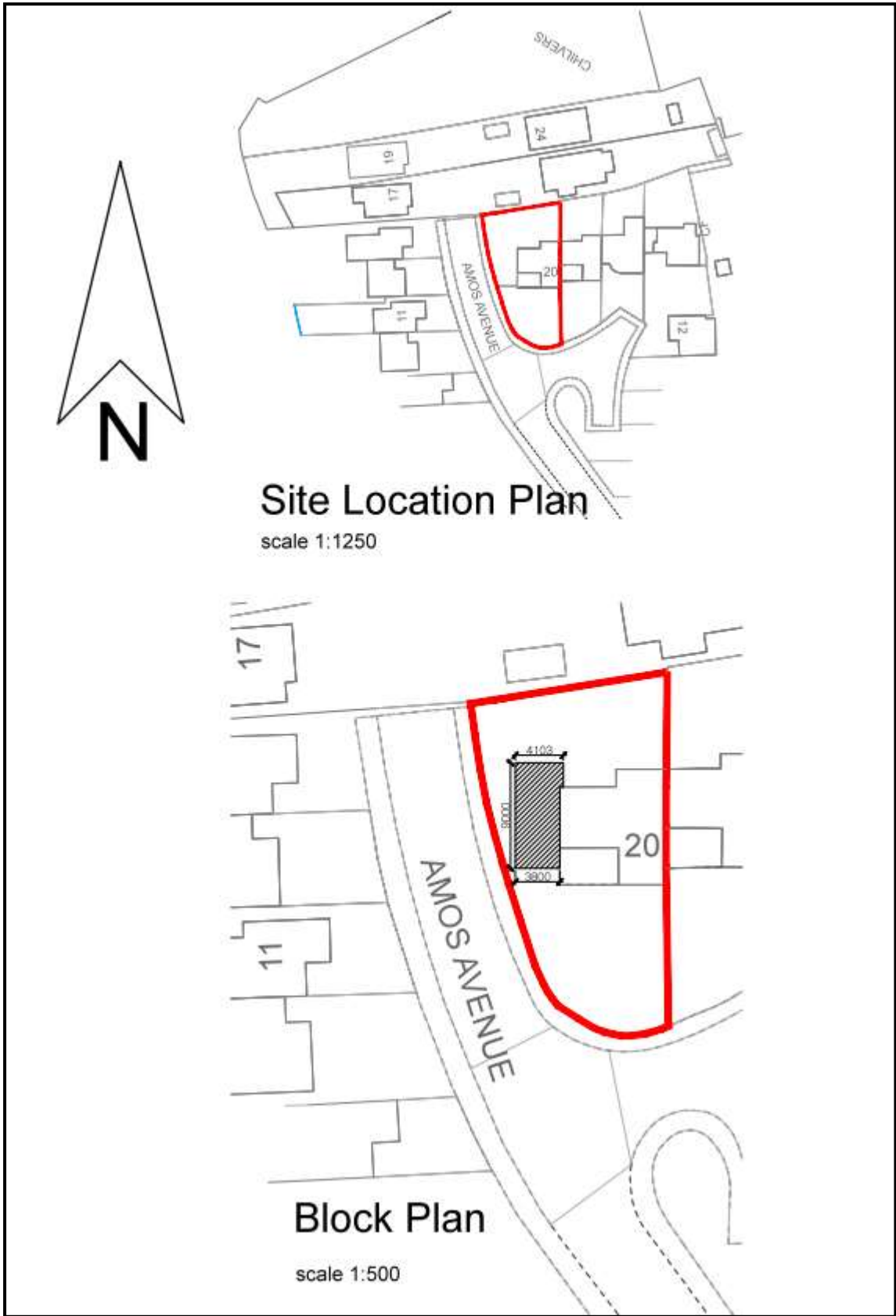
Major non-domestic development proposals must meet the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard for new construction projects, using the most up-to-date new construction version of BREEAM, where technically and financially feasible. Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

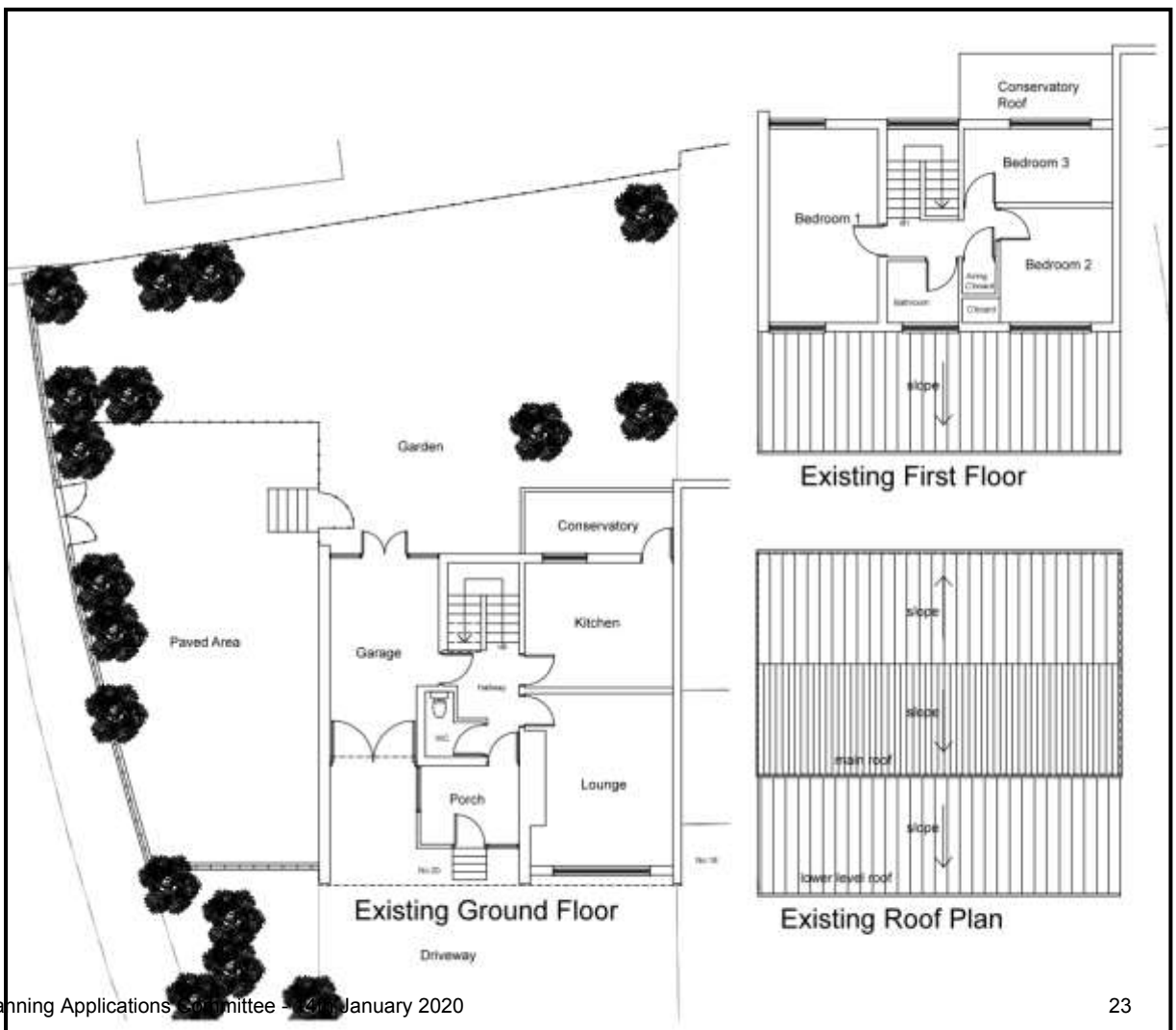
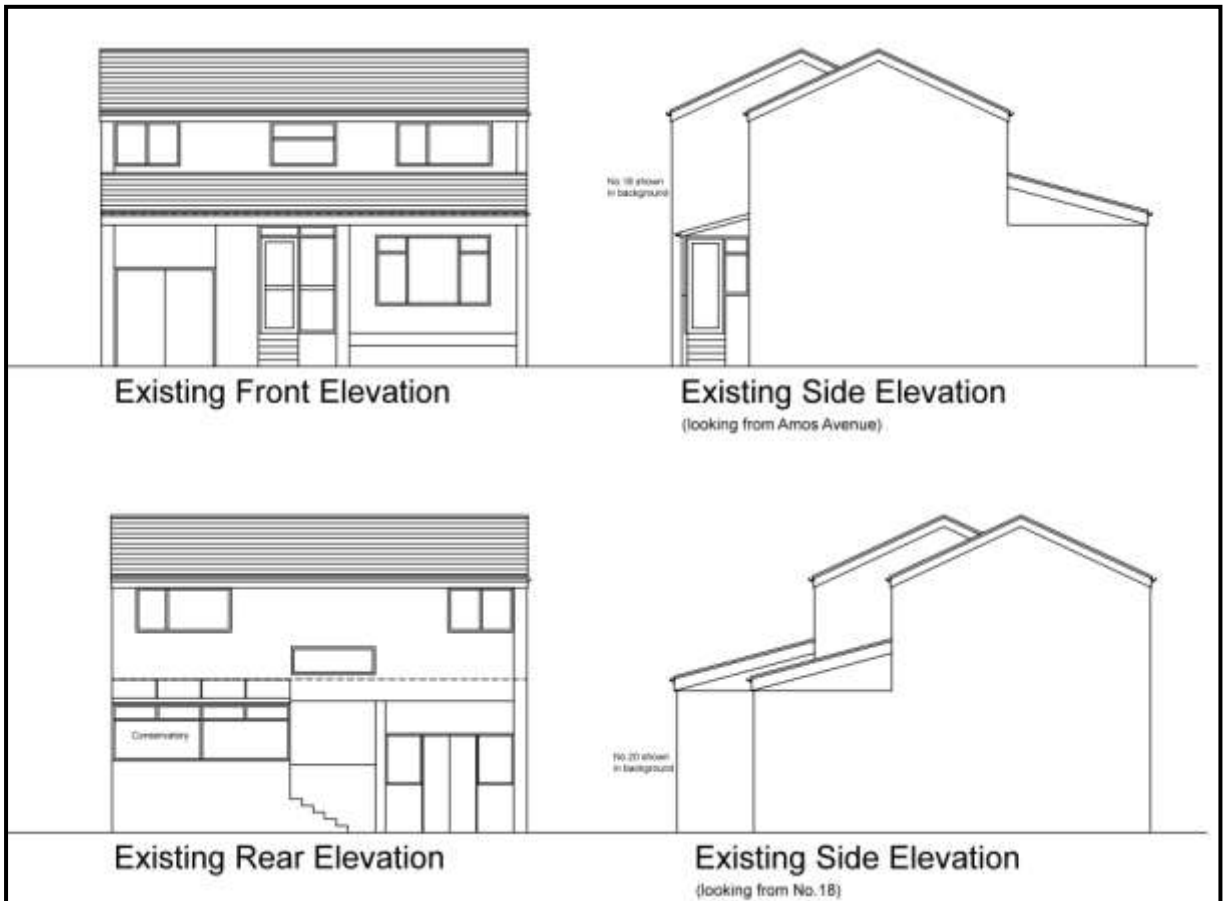
## Sustainable construction

Development must minimise or re-use waste generated during the construction phase. This should be done by using materials and construction techniques that generate the least waste and minimise emissions. Waste should be treated as a resource to be re-used, recycled or recovered, and should only be disposed of when all other options have been explored.

On-site management of waste will be preferred, unless the activities would result in unacceptable harm through impacts on the environment, transport or on neighbouring uses, or that management elsewhere would have wider sustainability benefits.

(iv) This application is contrary to these policies in that the proposed hipped roof is unsympathetic to the original roof form of the property and would appear out of character. The position of the proposed dwelling, by reason of its elevated position on a prominent corner, would appear intrusive, prominent and incongruous in the street scene to the detriment of the visual amenities of the area (Contrary to paragraph 8.1 of the Residential Design Guide 2004).









# Guide to Use Classes Order in England (from 25 May 2019)

This two page guide is intended as general guidance only. Reference must be made to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended by the [2016 Amendment Order](#), the [2017 Amendment Order](#), the [2017 \(No2\) Amendment Order](#), the [2018 Amendment Order](#), and the [Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) Regulations 2019](#) for limitations (e.g. floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required (which may include the prior approval of building operations).

Use Class	Use	Permitted Change
<b>A1</b> Shops	Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes	<p>Temporary permitted change (3 years) to <a href="#">A2, A3, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)</p> <p><a href="#">Permitted change of A1 or mixed A1 and dwellinghouse to C3</a> (subject to prior approval) (see also <a href="#">2018 Order</a>)</p> <p><a href="#">Permitted change to A2</a> (see also <a href="#">2016 Order</a>)</p> <p><a href="#">Permitted change to A3</a> (subject to prior approval) (see also the <a href="#">2018 Order</a>)</p> <p><a href="#">Permitted change to B1(a) offices</a> (subject to prior approval)</p> <p><a href="#">Permitted change to D2</a> (subject to prior approval)</p> <p><a href="#">Permitted change from A1 to mixed use (A1 or A2 &amp; up to 2 flats); and from mixed use (A1 &amp; up to 2 flats) to A1 or A2</a></p>
<b>A2</b> Financial and professional services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)	<p>Temporary permitted change (3 years) to <a href="#">A1, A3, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)</p> <p><a href="#">Permitted change from A2 or mixed A2 and dwellinghouse to C3</a> (subject to prior approval)</p> <p><a href="#">Permitted change to A3</a> (subject to prior approval)</p> <p><a href="#">Permitted change to B1(a) offices</a> (subject to prior approval)</p> <p><a href="#">Permitted change to D2</a> (subject to prior approval)</p> <p>Where there is a display window at ground floor level, permitted change from <a href="#">A2</a> or mixed use (<a href="#">A2 &amp; up to 2 flats</a>) to mixed use (<a href="#">A1 &amp; up to 2 flats</a>) or <a href="#">A1</a></p> <p><a href="#">Permitted change from A2 to mixed use (A2 &amp; up to 2 flats); and from mixed use (A2 &amp; up to 2 flats) to A2</a></p>
<b>A3</b> Food and drink	Restaurants and cafes	<p><a href="#">Permitted change to A1 or A2</a></p> <p>Temporary permitted change (3 years) to <a href="#">A1, A2, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)</p>
<b>A4</b> Drinking establishments	Public houses, wine bars or other drinking establishments	<a href="#">Permitted change to or from a use falling "within Class A4 with a use falling within Class A3" ("drinking establishments with expanded food provision")</a>
<b>A5</b> Hot food takeaways	For the sale of hot food for consumption off the premises	<p><a href="#">Permitted change to A1, A2 or A3</a></p> <p>Temporary permitted change (3 years) to <a href="#">A1, A, A3, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)</p> <p><a href="#">Permitted change to B1(a) offices</a> (subject to prior approval)</p> <p><a href="#">Permitted change to C3</a> (subject to prior approval)</p>

Use Class	Use	Permitted Change
<b>B1</b> Business	<ul style="list-style-type: none"> <li>a. Office other than a use within Class A2</li> <li>b. Research and development of products or processes</li> <li>c. For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)</li> </ul>	<p><a href="#">Permitted change to B8</a></p> <p><a href="#">B1(a) office permitted change to C3</a> (see <a href="#">2015</a> and <a href="#">2016</a> orders)</p> <p>Temporary permitted change (3 years) to <a href="#">A1, A2, A3, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)</p> <p><a href="#">Permitted B1 change to state-funded school or registered nursery (and back to previous lawful use)</a> (subject to prior approval)</p> <p><a href="#">Permitted change from B1(c) light industrial to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by 30 September 2020)</a></p>
<b>B2</b> General industry	Industrial process other than that falling within Class B1	<a href="#">Permitted change to B1 and B8</a>
<b>B8</b> Storage or distribution	Use for storage or as a distribution centre	<a href="#">Permitted change to B1</a>
<b>C1</b> Hotels	Hotels, boarding and guest houses (where no significant element of care is provided)	<a href="#">Permitted change to state-funded school or registered nursery (and back to previous lawful use)</a> (subject to prior approval)
<b>C2</b> Residential institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	<a href="#">Permitted change to state-funded school or registered nursery (and back to previous lawful use)</a> (subject to prior approval)
<b>C2a</b> Secure residential institutions	Prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barracks	<a href="#">Permitted change to state-funded school or registered nursery (and back to previous lawful use)</a> (subject to prior approval)
<b>C3</b> Dwelling houses	<p>Uses as a dwellinghouse (whether or not as main residence) by:</p> <p>A single person or by people to be regarded as forming a single household</p> <p>Not more than 6 residents living together as a single household where care is provided for residents; or</p> <p>Not more than 6 residents living together as a single household where no care is provided to residents (other than use within Class C4)</p>	<a href="#">Permitted change to C4</a>
<b>C4</b> Houses in multiple occupation	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO) NB: Large HMOs (more than 6 people) are unclassified therefore sui generis	<a href="#">Permitted change to C3</a>

# Guide to Use Classes Order in England (from 25 May 2019)

This two page guide is intended as general guidance only. Reference must be made to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended by the [2016 Amendment Order](#), the [2017 Amendment Order](#), the [2017 \(No2\) Amendment Order](#), the [2018 Amendment Order](#), and the [Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) Regulations 2019](#) for limitations (e.g. floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required (which may include the prior approval of building operations).

Use Class	Use	Permitted Change
<b>D1</b> Non-residential institutions	Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	<a href="#">Temporary permitted change (3 years)</a> to <a href="#">A1, A2, A3, B1</a> (interchangeable with notification)
<b>D2</b> Assembly and leisure	Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms	<a href="#">Permitted change to state-funded school or registered nursery</a> (and back to previous lawful use) (subject to prior approval)  <a href="#">Temporary permitted change (3 years)</a> to <a href="#">A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)

**NB:**  
 Any building in any Use Class and any land within its curtilage, [except Class A4 or Class AA use](#) ("drinking establishments with expanded food provision"), can be used as a state-funded school for up to 2 academic years (with limitations and conditions).  
 Certain vacant commercial land (with all buildings demolished) may be developed to provide temporary school buildings, and the land used as a state-funded school for up to 3 academic years, subject to prior approval, and with limitations and conditions, including that the building must be removed at the end of the third academic year.  
 Where planning application made after 5 December, 1988, permitted development rights allow the use to be changed to another use granted permission at the same time for a period of ten years from the date of planning permission, unless consisting of a change of use to a betting office or pay day loan shop: [GPDO \(2015\) Schedule 2 Part 3 Class V](#).

Use Class	Use	Permitted Change
<b>SUI GENERIS</b> (uses which do not fall within the specified use classes above)	Includes theatres, large HMO (more than 6 people sharing), hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting offices, pay day loan shops	<a href="#">Casino to A3</a> (subject to prior approval) <a href="#">Casino to D2</a> <a href="#">Amusement centre or casino to C3</a> (subject to prior approval) (see also <a href="#">2018 Order</a> ) <a href="#">Betting office or pay day loan shop to A1, A2, A3, D2</a> (subject to prior approval) <a href="#">Betting office or pay day loan shop to mixed use A1 and up to 2 flats (if a display window at ground floor level), or mixed A2 and up to 2 flats, or mixed use betting office or pay day loan shop and up to 2 flats</a> <a href="#">Betting office, pay day loan shop or launderette to B1(a) offices</a> (subject to prior approval) <a href="#">Betting office, pay day loan shop or launderette to C3</a> (subject to prior approval) <a href="#">Mixed use betting office, pay day loan shop or launderette and dwellinghouse to C3</a> (subject to prior approval) <a href="#">Mixed use betting office or pay day loan shop and up to two flats to A1 (if a display window at ground floor level), A2, betting office or payday loan shop</a> <a href="#">Temporary permitted change (3 years)</a> from betting office or pay day loan shop to <a href="#">A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre</a> (interchangeable with notification)
<b>OTHER CHANGES OF USE</b>	Agricultural buildings	<a href="#">Permitted change to C3</a> (subject to prior approval) (the <a href="#">provisions of the 2015 Order</a> must be read with the <a href="#">provisions of the 2018 Amendment Order</a> and <a href="#">2019 Amendment Regulations</a> ) <a href="#">Flexible changes to A1, A2, A3, B1, B8, C1, D2</a> (subject to limitations and prior approval process): <a href="#">new use is sui generis</a> <a href="#">Permitted change to state-funded school or registered nursery</a> (subject to prior approval)

**Birmingham**

Jon Kirby  
 jon.kirby@lichfields.uk  
 0121 713 1530

**Bristol**

Andrew Cockett  
 andrew.cockett@lichfields.uk  
 0117 403 1980

**Cardiff**

Gareth Williams  
 gareth.williams@lichfields.uk  
 029 2043 5880

**Edinburgh**

Nicola Woodward  
 nicola.woodward@lichfields.uk  
 0131 285 0670

This publication has been written in general terms and cannot be relied on to cover specific situations. We recommend that you obtain professional advice before acting or refrain from acting on any of the contents of this publication. Lichfields accepts no duty of care or liability for any loss occasioned to any person acting or refraining from acting as a result of any material in this publication. © Nathaniel Lichfield & Partners Ltd 2019, trading as Lichfields. All Rights Reserved. Registered in England, no 2778116. 14 Regent's Wharf, All Saints Street, London N1 9RL. Designed by Lichfields 2012; amended 2019.

**Leeds**

Justin Gartland  
 justin.gartland@lichfields.uk  
 0113 397 1397

**London**

Neil Goldsmith  
 neil.goldsmith@lichfields.uk  
 020 7837 4477

**Manchester**

Simon Pemberton  
 simon.emberton@lichfields.uk  
 0161 837 6130

**Newcastle**

Jonathan Wallace  
 jonathan.wallace@lichfields.uk  
 0191 261 5685

**Thames Valley**

Daniel Lampard  
 daniel.lampard@lichfields.uk  
 0118 334 1920