

Enquiries to:  
Wendy Bolton

Telephone Committee Services: 024 7637 6000

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 20<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, 28<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).**

**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 14<sup>th</sup> January, 2020 (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 11)**. 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 14)**

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 14)**
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**

**14<sup>th</sup> January 2020**

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 14<sup>th</sup> January 2020.

**Present**

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

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

Apologies: Councillors S. Gran and J. Sheppard.

PLA59 **Chair's Announcements**

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

PLA60 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 10<sup>th</sup> December, 2019, be confirmed and signed by the Chair.

PLA61 **Declarations of Interest**

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

PLA62 **Declarations of Contact**

The Chair declared that all Committee members had been contacted via the Planning Officer with further information from the applicant in regards to Planning Application No. 036725.

**IN PUBLIC SESSION**

PLA63 **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.

PLA64 **Any Other Business**

None

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA63 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 14<sup>TH</sup> JANUARY 2020

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036725: 20 Amos Avenue, Nuneaton, Warwickshire, CV10 7BD

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

Applicant: Mr Shiva Nash

**Speaker:** Mr S. Nashipudi

**DECISION**

Planning permission be refused on the grounds that the design and position of the proposed dwelling would appear out of character and over prominent in the street scene to the detriment of the visual amenities of the area, and would lead to an over intensive development.

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**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  
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**Planning Applications Committee**  
**28<sup>th</sup> January 2020**

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

**Item No.** **Page No.**

**Planning Applications**

1.	036741/BU	34 Rugby Road, Bulkington. CV12 9JG.	15
2	036713/HE	86 Mavor Drive, Bedworth. CV12 0HH.	30

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.** 036741.

**Site Address:** 34 Rugby Road Bulkington. CV12 9JG.

**Description of Development:** Erection of 4 dwellings.

**Applicant:** Mr B Jones, Little Orchard Construction Ltd.

**Ward:** BU.

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**RECOMMENDATION:**

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

**INTRODUCTION:**

Erection of four dwellings at 34 Rugby Road Bulkington.

The original submitted design was for a terraced block of four dwellings of two and a half storeys, with dormers to the roof space to the rear to provide a fourth bedroom in the roof space with an overall ridge height of 9.25 metres. This included eight parking spaces (two per property). During the application process the plans were amended so that the proposed four properties were to be in two blocks to provide semi-detached properties instead of terraced. This has meant that the buildings are slightly closer to the side boundaries. They have been reduced to just two storeys with three bedrooms per property. The overall ridge height has been reduced to 7.16 metres with no rooms in the roof. The layout has been amended to provide two parking spaces per property plus two visitor parking spaces to the side (ten spaces overall).

The site comprises of a previously developed plot of land at the junction of Rugby and Withybrook Roads and Shilton Lane. The application site is in the established residential area of Bulkington village, and is fairly close to the centre. The site has its frontage and vehicular access onto Rugby Road close to the mini-roundabout junction with Withybrook Road and Shilton Lane. The site is currently vacant having previously been occupied by a large bungalow with rear and side gardens which has now been demolished.

The surrounding residential area includes a mix of terraced, detached and semi-detached two-storey houses and bungalows with a mix of gables and hipped roofs and mix of brick and rendered finishes. There is no overriding design character to the immediate locality of the application site. Development in the area is laid out in a predominantly linear manner facing the respective roads.

The adjoining properties are 32 Rugby Road and 2 Shilton Lane. 32 Rugby Road, is slightly raised from the highway and is a detached, part rendered two-storey house with an asymmetric roof with a further ground floor area with lean to roof to the rear which appears to be an extension. It has rear-facing windows a number of which at ground floor serve one large open room. The gable wall facing the application site is

blank as advised by the owner of the property. There are roof lights to the front of this property which possibly provide rooms in the roof space as well. To the rear garden of this neighbouring property there is a large detached outbuilding (two storey) on the boundary to the site with gardens to the side and rear with off-street parking. The boundary to the site is a 1.8m fence with concrete posts.

2 Shilton Lane, is on the opposite side boundary of the site and is a detached bungalow with a hipped roof and is also raised slightly from the road. It has a driveway to the side leading to a detached garage which is set to the rear of the bungalow and adjoins the site boundary. It has gardens to the rear and the only window on the side facing the site is to a bathroom. There also appears to be extensions to part of the side and rear. There are trees and bushes to this shared boundary.

To the rear of the site are the gardens of semi-detached properties in Brewer Road. There are a few bushes on this boundary.

On the opposite side of Rugby Road, the properties are 2 storey of a mix of designs including semi and detached dwellings.

There are no significant level changes on the site although the ground level does rise slightly to the rear of the site. The site has been cleared so there is no significant landscaping, other than a hedge to the road frontage and semi-mature shrubs along the south-eastern boundary with 2 Shilton Lane.

#### **RELEVANT PLANNING HISTORY:**

- 032714 Erection of 1 bungalow and 1 house (34 Rugby Road to be demolished). Approved 19<sup>th</sup> August 2014.
- 031468 Erection of 1 bungalow and 1 house (34 Rugby Road to be demolished). Deemed Refused (Recommended for approval but deemed refused as the 106 Legal Agreement was not signed). 11<sup>th</sup> April 2014.

#### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

#### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Housing, Severn Trent Water and WCC Highways.

#### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways.

No objection from:  
NBBC Environmental Health and NBBC Housing.

No response from:  
Severn Trent Water.



## **NEIGHBOURS NOTIFIED:**

1 Withybrook Road, 32, 45, 47, 51 Rugby Road, 48, 50, 52 Brewer Road, 1 Wolvey Road and 2 Shilton Lane.

Neighbouring properties were sent letters notifying them of the proposed development on the 21<sup>st</sup> October 2019. Following amended plans, further letters were sent on the 6<sup>th</sup> December 2019.

## **NEIGHBOUR RESPONSES:**

There have been 3 objections from 2 addresses to the original scheme of 3 storey dwellings. The comments are summarised below;

1. Should be like for like with what was there previously e.g. one bungalow. Density is too much.
2. Loss of privacy due to the height of the proposed buildings and proximity to neighbours only 25m away. The distance contravenes Council's Residential Design Guide of 30m for a three storey dwelling.
3. Three storey dwellings are out of character.
4. Relationship of private amenity space will mean noise and activity issues to neighbours.
5. Number of trees and planting including conifers already removed from the site and more could be lost. This loss has increase noise of road to neighbouring properties. Local Policy states trees should be maintained.
6. Situated on a busy junction and will add 8 parking spaces along a stretch of road where access is already busy. Manoeuvring will be problematic due to the hedge and proximity of the corner. Parking and turning is inadequate.

There has been a petition of 8 signatories to the original scheme of 3 storey dwellings on the grounds of:

1. Loss of privacy due to the proposed 3 storey dwellings facing existing properties. Contravening the Council's Residential Design Guide.
2. Loss of trees and shrubs including those already removed.
3. Road safety and parking due to the location on a busy junction where visibility is an issue especially if the hedge to the front is retained. Inadequate provision of car parking for residents, visitors and deliveries.
4. The 3 storeys does not reflect the character of the area and neither does the provision of 4 properties on the site resulting in increased noise.

Subsequent to amended plans being received which includes the proposed dwelling being reduced to 2 storeys, no further comments have been received from neighbours.

## **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. Flooding and drainage.
6. Conclusion.

### **1. The principle of the development**

The National Planning Policy Framework refers to a presumption in favour of sustainable development and sets out one of the core principles of the planning system

is to encourage the effective use of previously developed land provided that it is not of high environmental value. Whilst residential curtilages and garden land are specifically excluded from the definition of previously developed land, there is not a presumption in principle against developing this land. If there are no objections to inappropriate development in terms of issues such as design, impact on neighbours or highway issues etc. then the development is acceptable in principle.

## **2. Impact on residential amenity**

The site is located within the built up area of Bulkington and is surrounded by residential development.

### *Impact to 2 Shilton Lane*

Number 2 Shilton Lane is the adjoining neighbour. This is a bungalow (hip roof) and is set higher than the road. There is only 1 side facing window which serves a bathroom and is obscure glass and as a non-habitable window cannot be protected. The side of the bungalow is separated from the site boundary by its own driveway and garage and the bungalow is set off the side boundary by 3.4 metres. The nearest rear elevation of the proposed dwellings are roughly in line with this neighbour's rear extension so no private amenity space will be impacted upon by the proposal in terms of sense of enclosure to the rear garden and therefore complies with paragraph 9.6 of the Council's Residential Design Guide 2004 (RDG).

The nearest proposed semi-detached property is at a slight angle to this neighbouring property and means the nearest semi will have rear first floor windows overlooking this neighbour's garden. The nearest first floor window is to an en-suite so will be obscure glazed. The nearest first floor habitable window is to a bedroom and which will be 7 metres from the boundary with this property and therefore complies with the RDG in terms of overlooking as per paragraph 9.4 of the Council's RDG and in any case would provide views towards the bottom of the garden and not the most usable private garden space to the rear of the bungalow.

### *Impact to 32 Rugby Road*

In relation to the other adjoining neighbour which is 32 Rugby Road, this is a detached house which has been extended. The nearest ground floor windows to the rear of this neighbour are not impacted at 45 degrees by the nearest proposed semi. Notwithstanding this, these neighbour's rear windows appear to be an extension (so cannot be protected) and in any case there is more than one rear window to this room. The nearest first floor rear window is not impacted at 60 degrees by the proposal. Therefore the proposal complies with paragraph 9.6 of the RDG in terms of sense of enclosure to windows.

The nearest semi-detached block is on the boundary line with this property and projects 6.8 metres further back than the rear of this adjacent property. This would normally mean the proposal would not comply with the RDG in terms of the sense of enclosure to the rear garden of this property as the RDG would only normally allow a projection of 3 metres at the boundary as per paragraph 9.6 of the RDG. However, it is considered acceptable as this neighbour's property is set back from the side boundary by 6.7 metres and this neighbour's detached two storey building already provides a sense of enclosure to this area. This area would also not be considered to be the most usable private amenity area which would generally be considered to be to the rear of the property. In addition the previous approval in 2014 considered that a house in this location on this boundary was acceptable and the RDG has not changed in the meantime.

There are no side windows to be impacted upon at this neighbouring property. A first floor side bathroom window is proposed overlooking the side of this property but as this is to a bathroom it will be obscure and therefore have limited views.

#### *Other neighbours*

To the rear of the site are 50 and 52 Brewer Road. These properties are located a minimum of 15 metres from the boundary with the site and the nearest proposed property is located a further 15 metres away from the boundary, generating a separation of approximately 30 metres. As the proposals are two storeys an acceptable distance is 20 metres from rear window to rear window as set out in the RDG paragraph 9.3. It is therefore considered that there would be no undue impact on the properties to the rear in Brewer Road in terms of loss of light or privacy.

On the other side of the road are 45, 47 and 51 Rugby Road. The proposed properties are approximately 30 metres from the front of these properties. It is therefore considered that there is no undue impact on the properties across the road.

It is considered that the proposal is largely in compliance with the guidelines in the RDG; where it is not in strict compliance, it is considered there are extenuating circumstances which make it acceptable.

### **3. Impact on visual amenity**

The site is largely cleared but was previously overgrown with a derelict bungalow on a very large plot. The proposed dwellings are to have gable roofs with brick detailing below window cills and a brick stretcher course across the front and gabled canopy porches above the front doors. The two lots of semis provide a balanced street form and is considered to be in keeping with the area.

In relation to the materials, the application form states the roof will be concrete tiles and the external walls will be brickwork. There is a mix of materials in the area but it is considered that a condition so that external materials and boundary treatments can be approved at a later stage.

The proposal will require the loss of the hedge to the front for highway safety reasons and there could potentially be the further loss of shrubs to the side but none are considered to be worthy of a Tree Preservation Order.

Visual amenity is therefore considered acceptable subject to conditions.

### **4. The impact on highway safety.**

Highways have confirmed that they have no objections to the proposal subject to the imposition of conditions and it is considered that two parking spaces per property plus two visitor spaces for the development is a satisfactory amount of parking and refusal on highway safety grounds would be difficult to defend at Appeal without an objection from County Highways. It is therefore considered that highway safety is acceptable.

### **5. Flooding and Drainage**

The proposal is in Flood Zone 1 so is the least likely to flood and Severn Trent Water have not responded to request any conditions.

### **6. Conclusion**

In conclusion it is considered that the proposal is acceptable and complies with National and local Policy. The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 which

states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

Whilst there is no doubt there will be some impact to neighbouring properties, it is considered that the impact is acceptable and largely in compliance with the RDG and that the visual amenity can be made acceptable via conditions. It is also considered that highway safety issues and flooding are also considered acceptable.

### **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 plans contained in the following schedule:

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan	WK451179	3rd December 2019.
Proposed Details- Plans & Elevations	02 Revision C	3rd December 2019.
Proposed Details- Site Plan	03 Revision D	5th December 2019.

3. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

4. No development above ground level shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

5. No development above the ground level shall commence until full details and samples of materials proposed to be used in the external parts of the dwellings have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

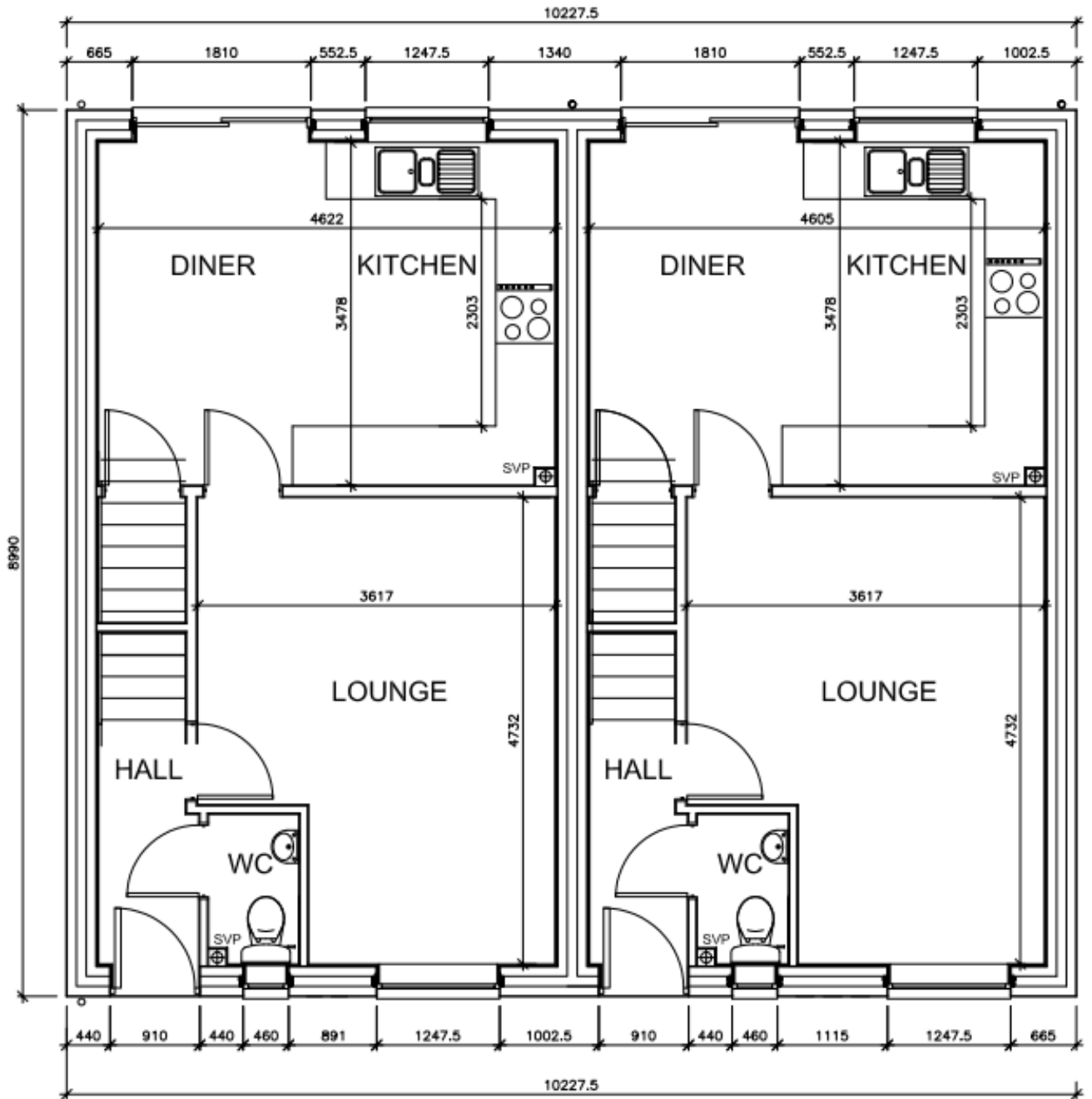
6. No dwelling shall be occupied until the existing vehicular access has been widened to a width of 5 metres in accordance with plan 8198- 03-D.



Location Plan

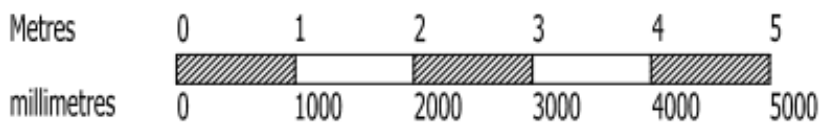


Proposed Site Plan

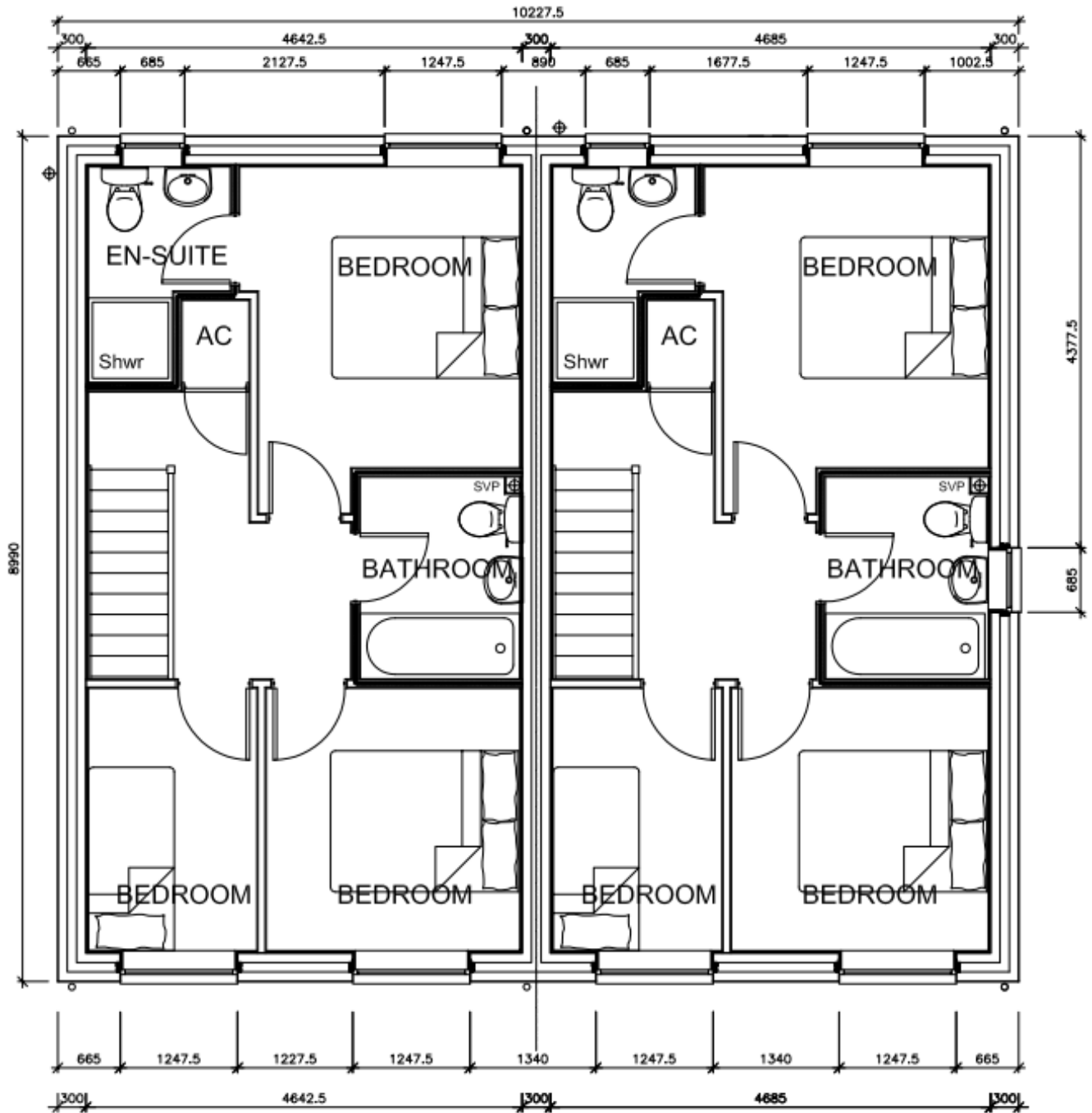


### PROPOSED GROUND FLOOR PLANS

SCALE 1:50



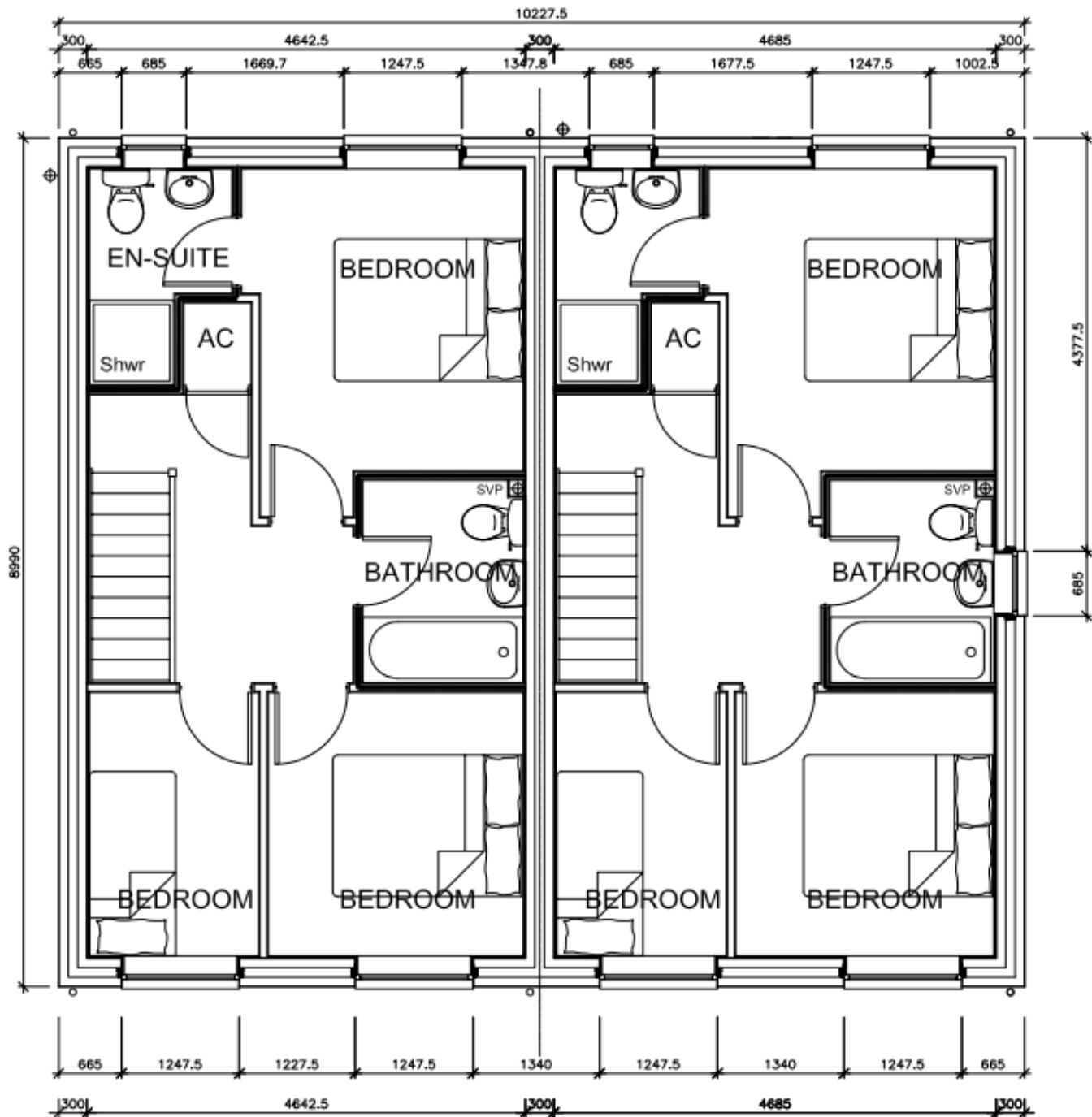
Proposed Ground Floor Plans



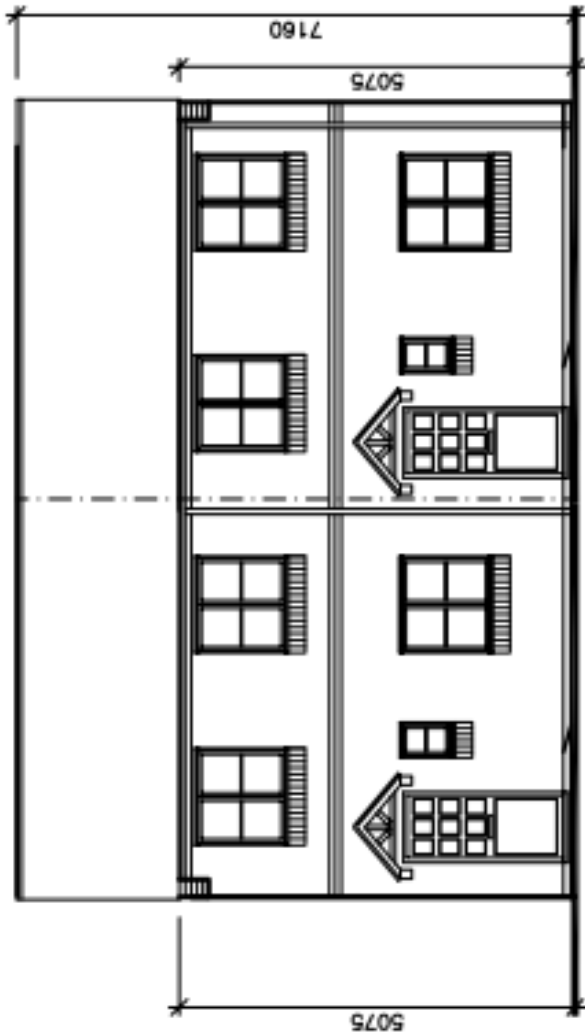
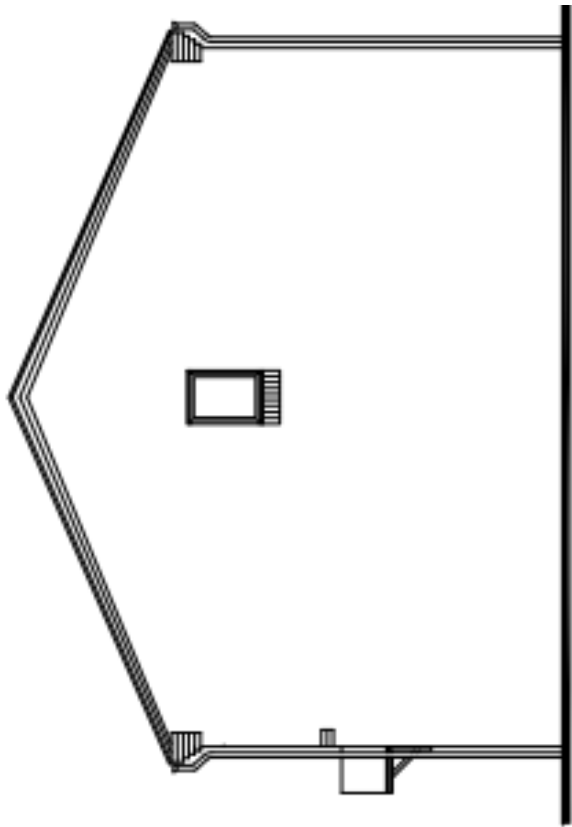
PROPOSED FIRST FLOOR PLANS - Block 2  
SCALE 1:50

Proposed First Floor Plans for Block 2.

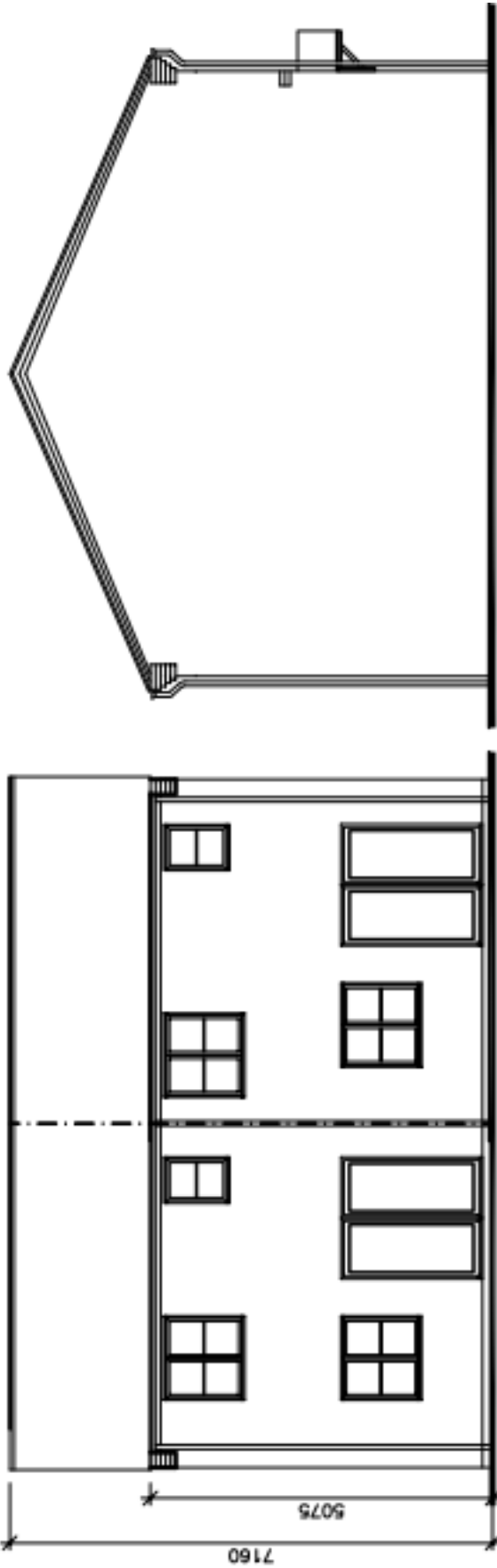




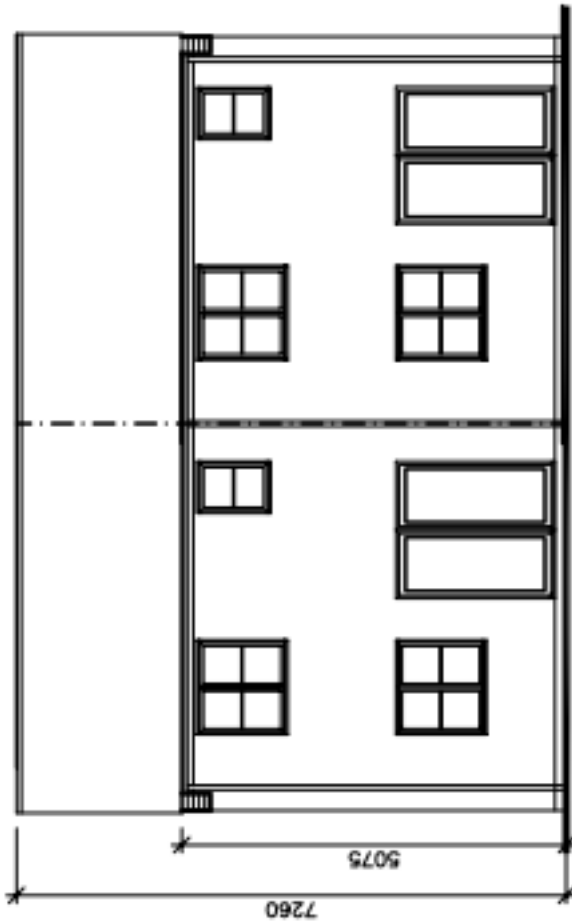
Proposed First Floor Plans Block 1



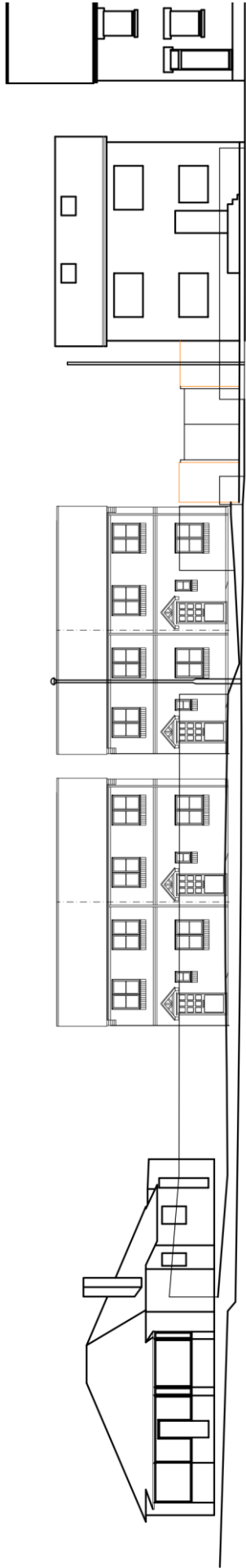
Proposed Front and Side Elevation.



Proposed Rear and Side Elevation for Block 2



Proposed Rear Elevation for Block 1



Level Datum 110.00m

FRONT ELEVATION STREET SCENE  
SCALE 1:100



Proposed Street Scene

**REFERENCE No.** 036713.

**Site Address:** 86 Mavor Drive, Bedworth, CV12 0HH.

**Description of Development:** Erection of single storey annexe on vacant land rear of garden.

**Applicant:** Mr Dhmiya.

**Ward:** HE.

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This is for the erection of a single storey annexe on vacant land to the rear of the existing garden at 86 Mavor Drive, Bedworth CV12 0HH. The proposed single storey annexe is to be 4.3 metres wide by 12.4 metres long, with the ground to eaves measurement being 2.35 metres and the overall height of the structure with a shallow pitched roof of 3.25 metres. The site the annexe is to be situated is surrounded by rear gardens.

The applicant's property is a three bedroom north facing two storey, semi-detached property characterised by white painted render, set back from the street frontage, with a driveway providing parking for up to 4 cars located at 86 Mavor Drive. The annexe is on land to the rear of this.

Neighbouring the site and attached to 86 towards the East is 88 Mavor Drive, this adjoining two storey property is characterised by light brown painted render, with a driveway set back from the street frontage with an existing garage to the side, providing parking for up to 5 cars. Further East is the rear gardens of Newcomen Road.

Neighbouring the site towards the West is the rear garden of 1 Humphrey Davy Road, which is a corner plot and is a semi-detached two storey dwelling also characterised by light brown painted render. This has a driveway set back from the street frontage providing parking for up to 3 cars.

To the South of the vacant land are the rear gardens of 1 and 2 Davy Lamp Close which is in a relatively new close of 4 dwellings.

The surrounding area consists of mainly semi-detached dwellings of differing scales and designs which are largely set back from the street frontage and use different building materials, for example render and buff brick. The applicant's property is render.

The applicant's garden extends approximately 14 metres from the back of their original house although the garden is less deep than this due to rear extensions. The vacant land the annexe is proposed to be on is beyond this.

The proposal backs onto several properties including 5 & 7 Humphrey Davy Road; 1 and 2 Davy Lamp Close; and 140 Newcomen Road all of which rear gardens touch the site. The topography is flat and level, although the parcel of land where the single storey annexe is proposed which has been bought by the applicant is at a lower land level than the garden surrounding the existing property.

### **BACKGROUND:**

This application is being reported to Committee at the request of Councillor Anne Llewellyn Nash.

### **RELEVANT PLANNING HISTORY:**

- 029440-Conservatory to Rear. Approved 2009. (Relevant to 86 Mavor Drive). History of the applications of the land the proposed outbuilding is part of and which was part of a larger site that has been developed to provide dwellings in Davy Lamp Close.

- 034579 Variation of condition 2 of planning reference 033487 to allow for additional parking and alter fence boundaries. Approved 2017.
- 033487 Erection of 2 pairs of semi-detached bungalows (4 in total). Approved 2015.
- 031971 Two pairs of semi-detached bungalows (4 No total) (Application for new planning permission to replace extant planning permission in order to extend time limit for implementation). Approved 2013.
- 030008 Two pairs of semi-detached bungalows (4 No total). Approved 2010.
- 011462 Erection of 4 dwellings (outline to include layout, scale, appearance & access) (Land rear of 7-19 Humphrey Davy Road) (Amended scheme following refusal of 11067). Approved 2007.
- 011067 Erection of 5 single storey dwellings with accommodation in roof space (outline to include layout, scale, appearance & access) (Land rear of 7-19 Humphrey Davy Road). Refused 2006.
- 010564 Erection of 5 houses (outline) (To include siting, access, design & external appearance). Refused 2006.
- 010076 Erection of 5 houses (outline) (rear of 7-19 Humphrey Davy Road). Refused 2006.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **NEIGHBOURS NOTIFIED:**

88 Mavor Drive, 1, 5, and 7 Humphrey Davy Road, 1 and 2 Davy Lamp Close, and 140 Newcomen Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 8<sup>th</sup> October 2019.

## **NEIGHBOUR RESPONSES:**

There have been 3 letters of objection from 3 addresses raising the following points:

1. Previous application on the land refused.
2. Detrimental impact on wellbeing of surrounding neighbours
3. Concerns of noise and light from the proposal and concerns over use of building for residential purposes.
4. Obtrusive and not in keeping with surrounding properties, noise issues, height and privacy concerns.
5. Water drainage concerns.
6. Concerns due to the previous permission for erection of bungalows on the land at Davy Lamp Close.

## **APPRAISAL:**

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

1. Principle of development.
2. Impact to residential amenity.
3. Impact to the visual amenity.
4. Impact on highway safety.
5. Conclusion.

Apparently, there is a covenant placed on the land, however, there is no planning involvement on covenants of land which were established at any point between landowner and developer and covenants are not a material planning consideration and the applicant will need to arrange for this to be removed by the person who placed this on the land.

### **1. Principle of development**

The proposal is for an ancillary building to the main residential property for residential use, the proposal states it will be used as a study/games room. The land is surrounded by residential properties, therefore the principle of the use for ancillary residential use is considered acceptable providing that residential and visual amenity are acceptable.

### **2. Impact to residential amenity**

#### *Impact to 88 Mavor Drive*

In relation to the applicants attached neighbour number 88 Mavor Drive, the ground floor rear windows of this property are to an extension and therefore the views from these windows cannot be protected as per paragraph 9.2 of the Council's Residential Design Guide 2004 (RDG). In terms of the sense of enclosure to this neighbour's garden, the view of the proposal will be limited from this neighbour's garden due to their own detached building at the bottom of their own garden blocking the view to the proposed outbuilding.

#### *Impact to 140 Newcomen Road*

There will be a distance of 12.8 metres from the rear of the original part of the house of this property to the blank wall of the proposed outbuilding. So this complies with the 12 metres set out in paragraph 9.2 of the RDG. Notwithstanding this, number 140 Newcomen Road is partly extended to the rear.

#### *Impact to 1 and 2 Davy Lamp Close*

There is a distance of 15.5 metres from the original rear windows of 1 and 2 Davy Lamp Close to the proposed new outbuilding which exceeds the 12 metres set out in paragraph 9.5 of the RDG from original rear windows to a blank wall. Roof lights are proposed to the rear of the proposed outbuilding which will be visible from 1 and 2 Davy Lamp Close but these are at high level and will therefore not provide overlooking.



### *Impact to 5 and 7 Humphrey Davy Road*

There is a small toilet/shower room window proposed on the elevation to these properties but this is considered to be to a non-habitable room and is labelled to be obscure glazed necessary for privacy. In addition any views will be protected by the 1.8 metre fence in close proximity to the window. There are 15 metres from the original rear walls of these properties to the proposed outbuilding so again the 12 metres distance set out in the RDG paragraph 9.5 is met. Notwithstanding this, the parts of these houses that are in line with the proposal are extensions so again cannot be protected. In terms of the sense of enclosure to these gardens, the proposal is only across a relatively small part of the rear boundary of these neighbours' gardens.

Therefore, it is considered that the proposal is in compliance with the RDG to all of the neighbouring properties in terms of sense of protecting aspect and light to these neighbours original rear windows and garden area.

### **3. Impact to the visual amenity**

The outbuilding is on lower land level than the existing dwelling and whilst it is relatively long at 2.4 metres, it is relatively low at 3.25 metres to the ridge. The materials proposed are concrete interlocking tiles to the roof and facing brickwork to the walls so this is in keeping with the surrounding area and it is therefore considered that the visual amenity is acceptable. However it is considered relevant if approved, to condition the approval so that the similar colour and type of materials are used to that which matches the area.

### **4. Impact on highway safety**

The development will not have an impact on highway safety as no further bedrooms are proposed therefore the existing number of parking spaces for the development is considered to be sufficient for the host dwelling as the proposal is to be ancillary to this.

### **5. Conclusion**

In conclusion, the distance from the surrounding dwellings meets the distance standards within the RDG in relation to protecting aspect and light to these neighbour's rear windows and garden area. The use is ancillary to the main house so the principal of the development is considered acceptable and the materials are in keeping with the area. The neighbour concerns over the covenant placed on the land is not a current planning consideration and will be up to the Applicant to resolve with the previous owner who placed the covenant. In conclusion it is considered there is no valid planning reason to refuse the application upon.

### **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

### **SCHEDULE OF CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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

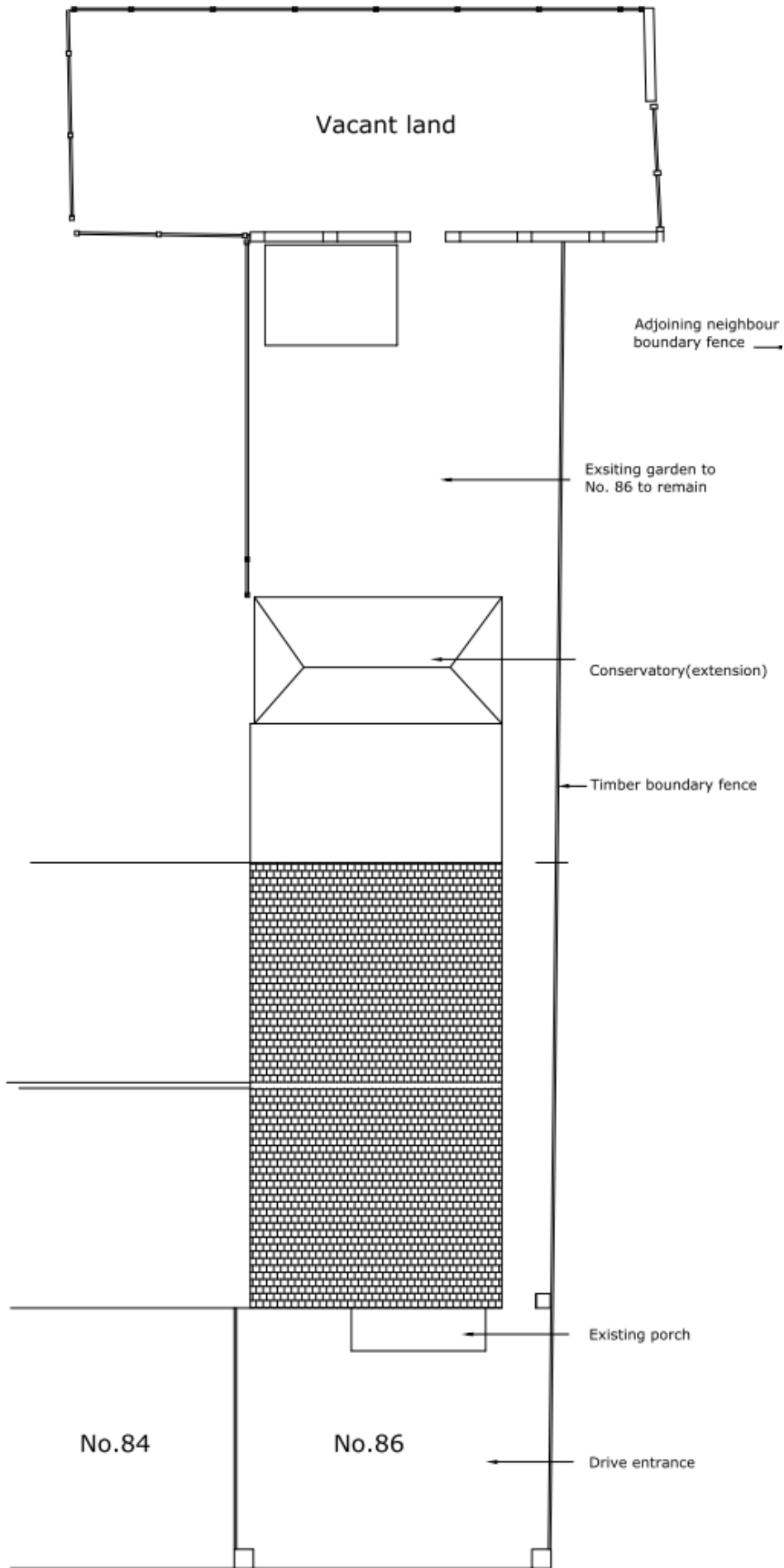
<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Location Plan	02	30 <sup>th</sup> September 2019
Proposed site plan, ground and rear elevations	MD86-10	30 <sup>th</sup> September 2019

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

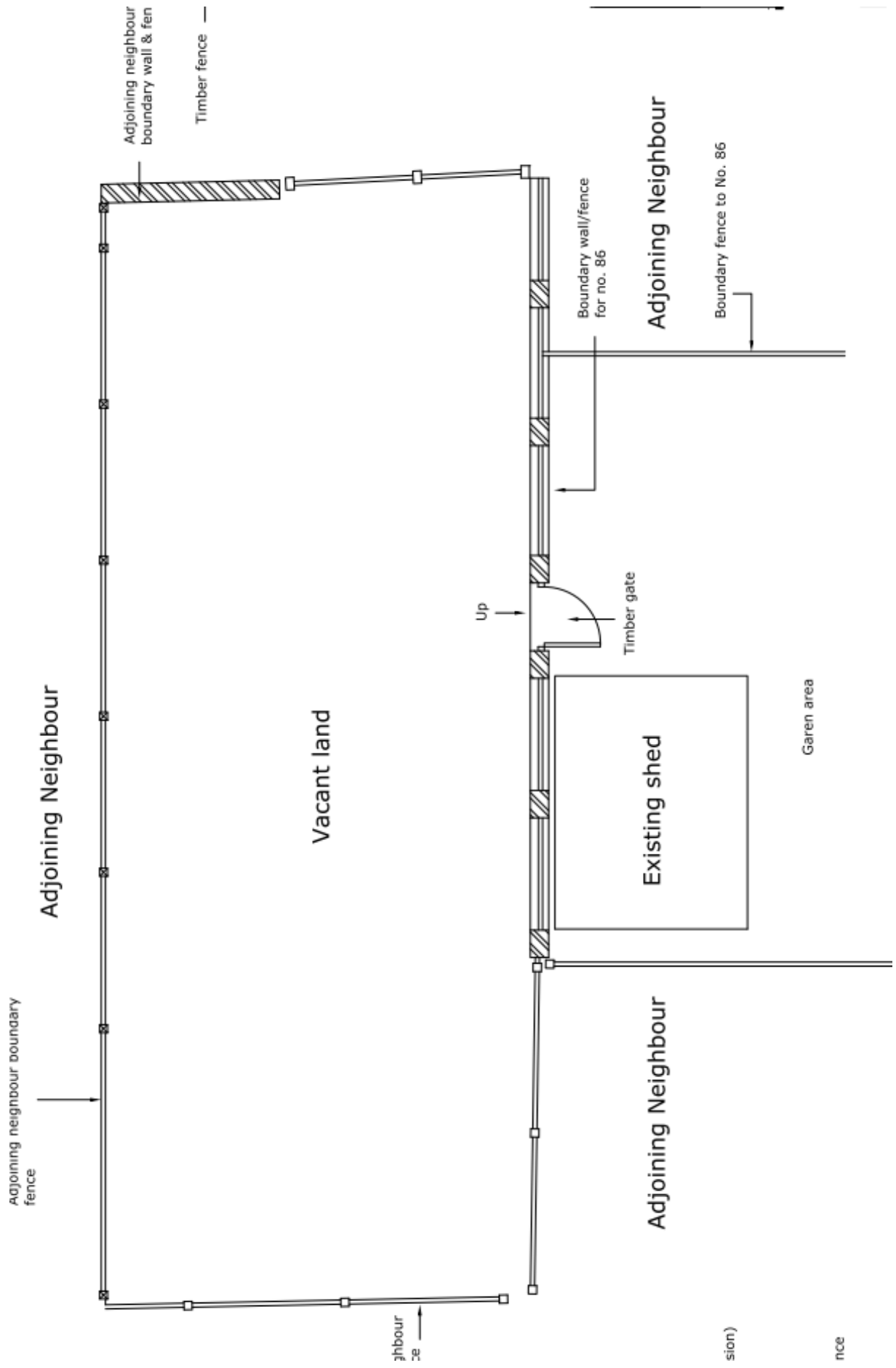
4. The approved outbuilding is to be used for the purposes of a games room (not as an additional bedroom) and is to be used purely ancillary to the dwelling known as 86 Mavor Drive.



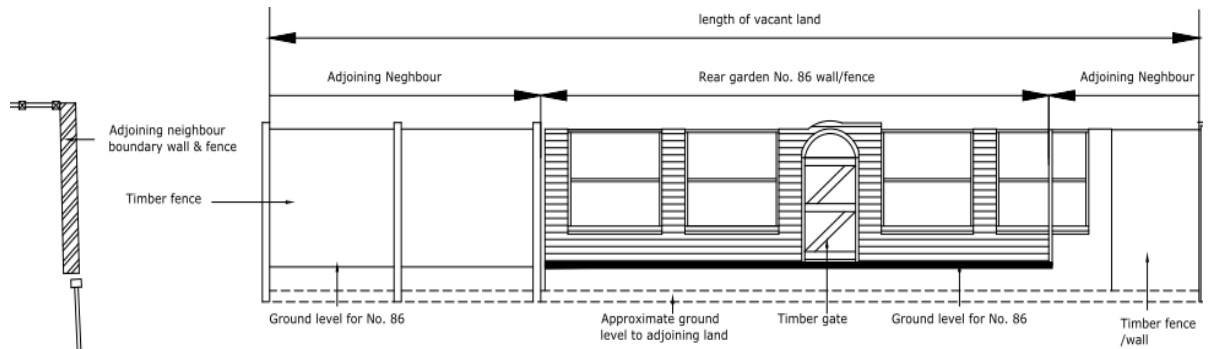
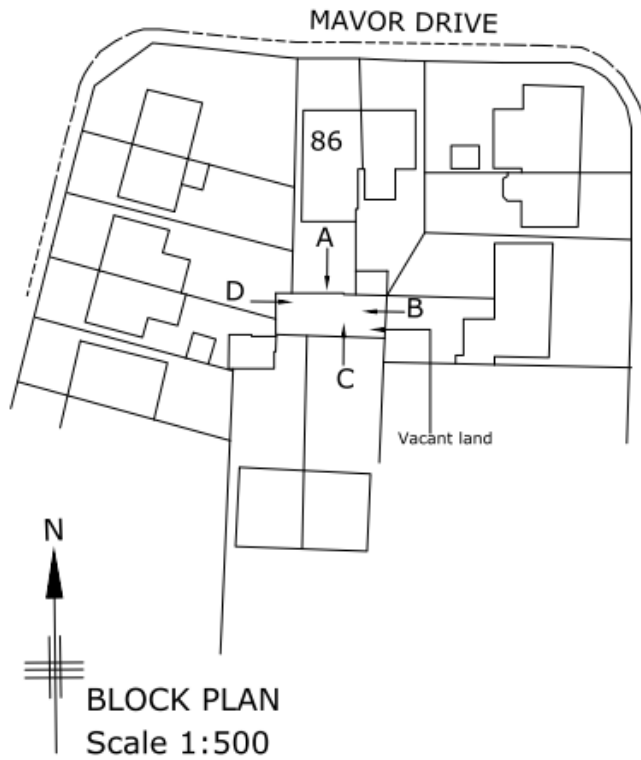
Location Plan



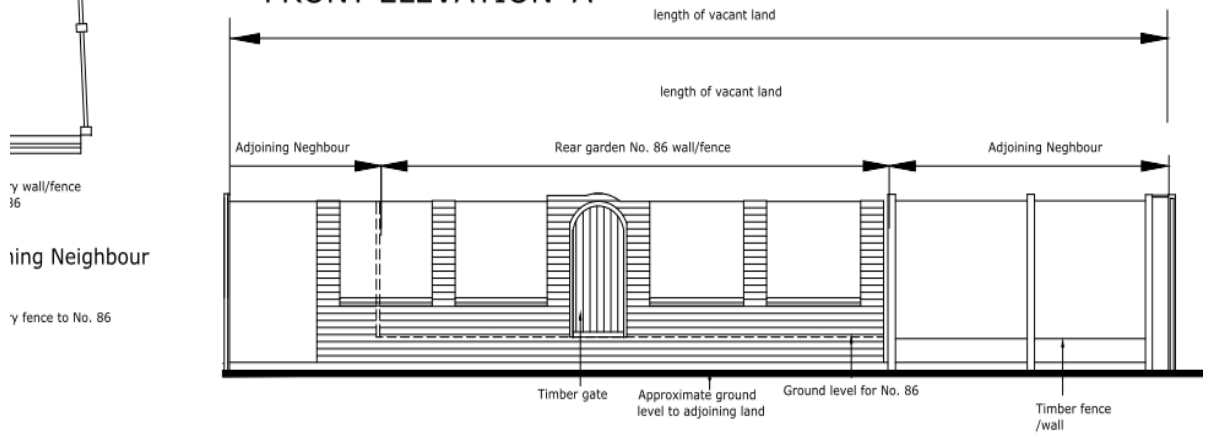
Existing Site Plan



Existing Site Plan

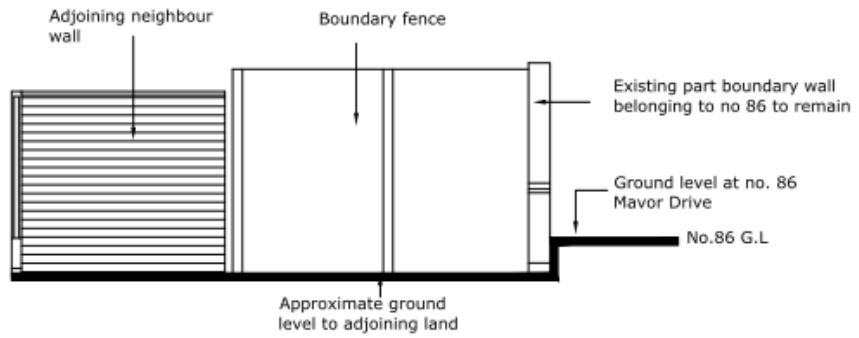


**FRONT ELEVATION 'A'**

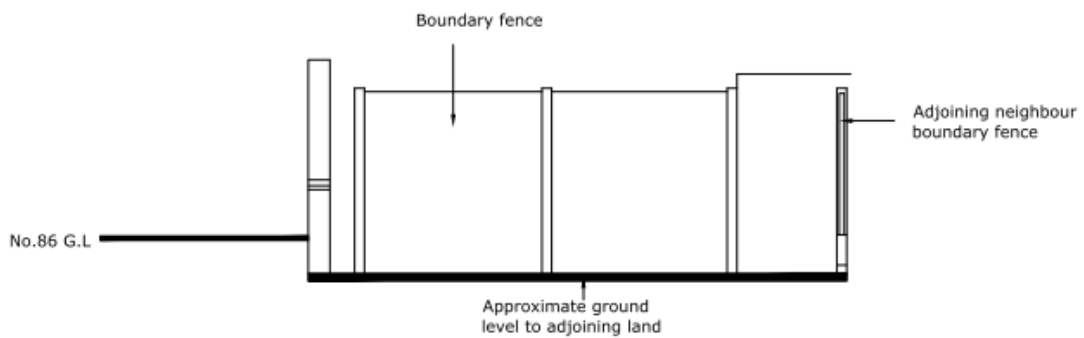


**FRONT ELEVATION 'C' Scale 1:50**

Existing Elevations of fence surrounding the vacant land.

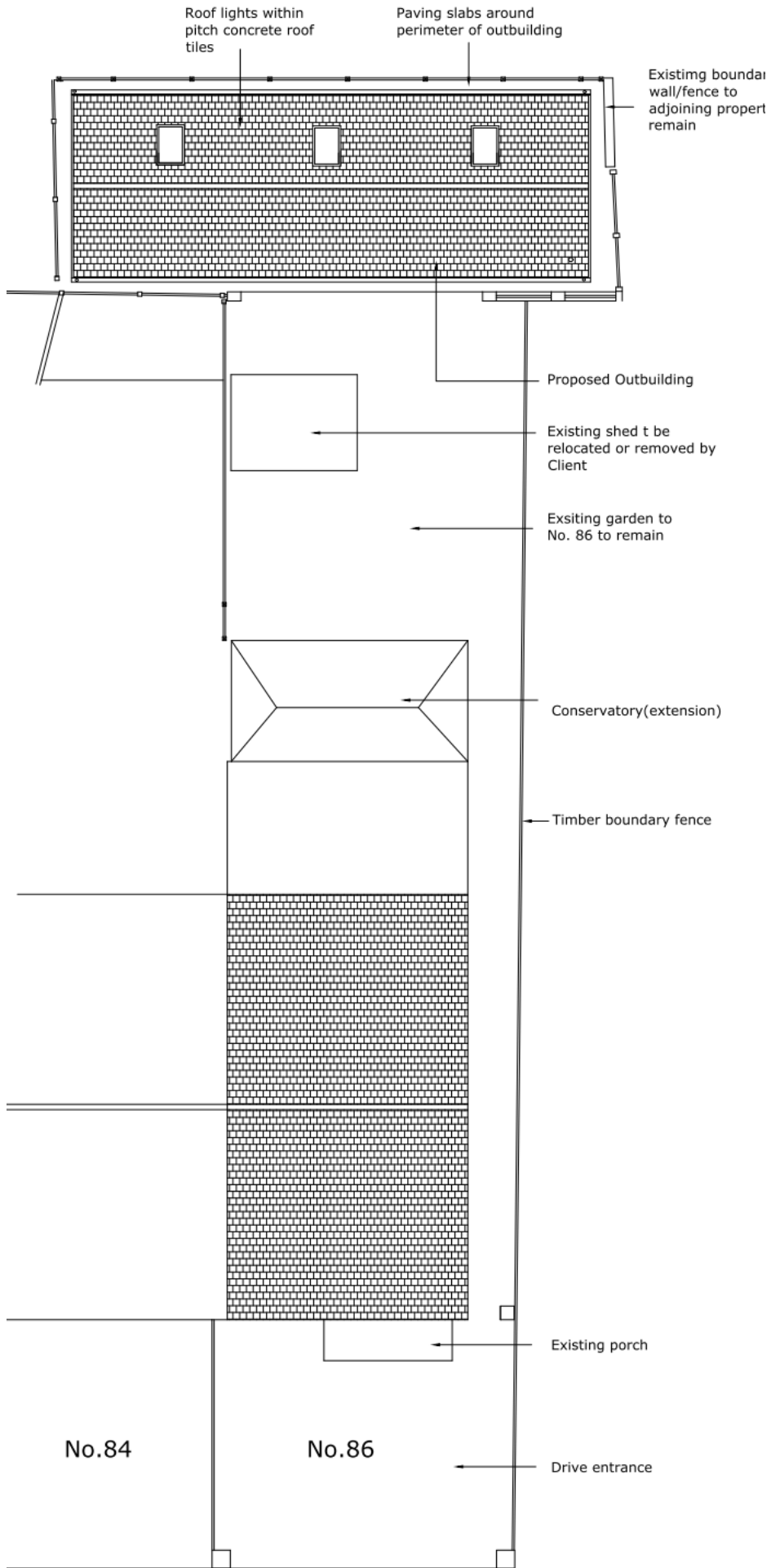


**FRONT ELEVATION 'B' Scale 1:50**



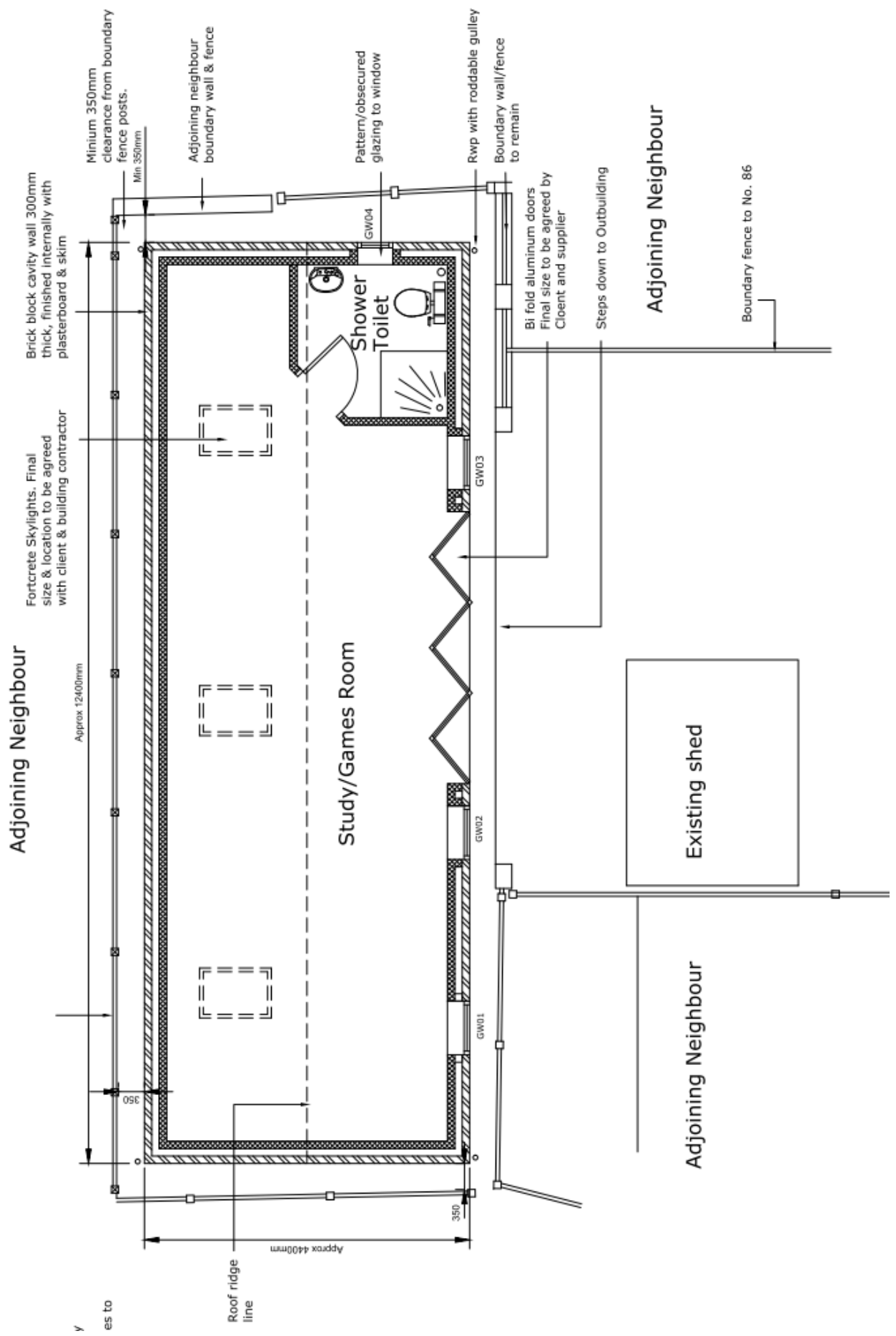
**FRONT ELEVATION 'D' Scale 1:50**

Existing Elevations of fence surrounding the vacant land.

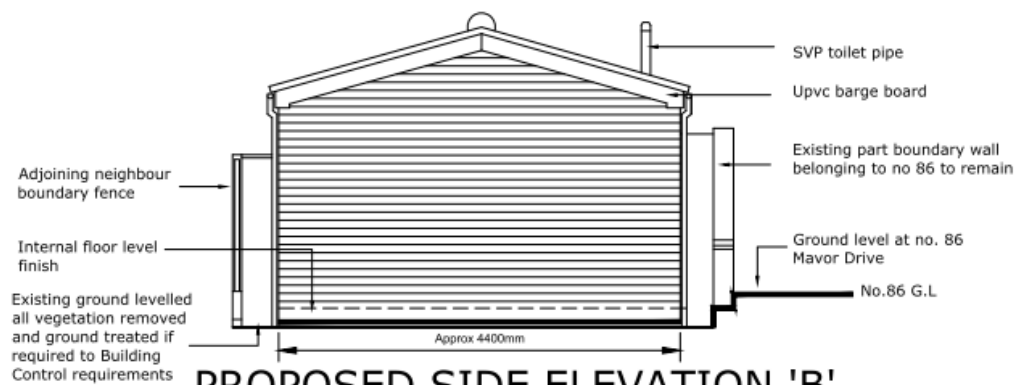
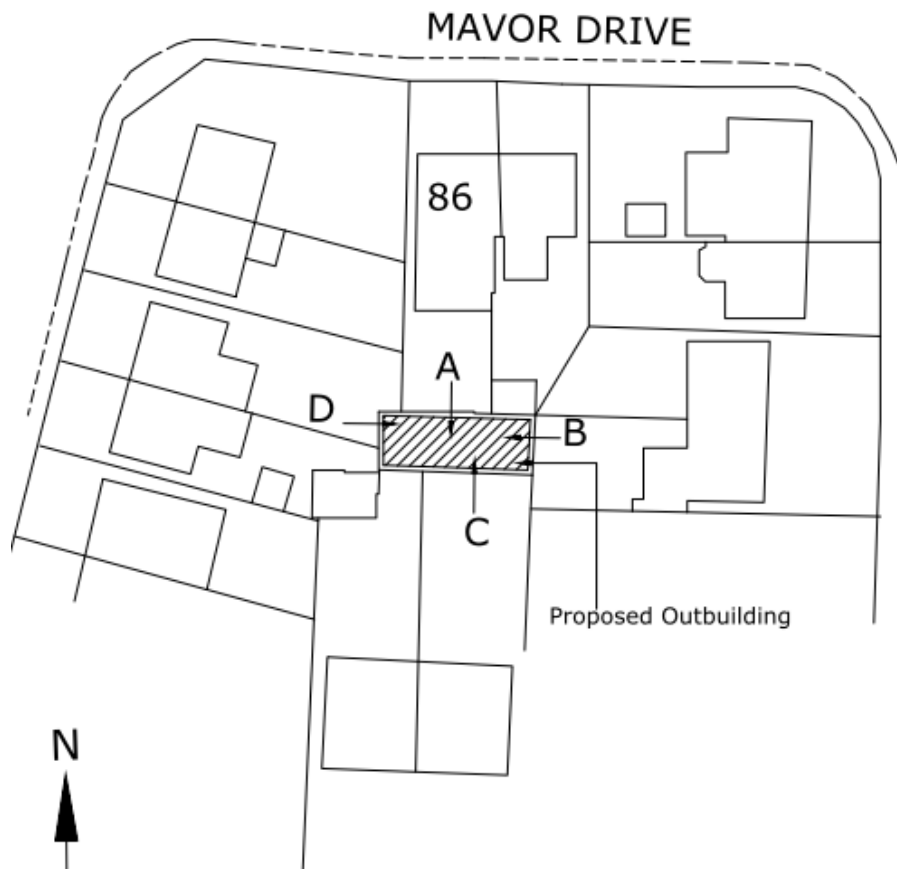


Proposed Site Plan (including existing house and garden)

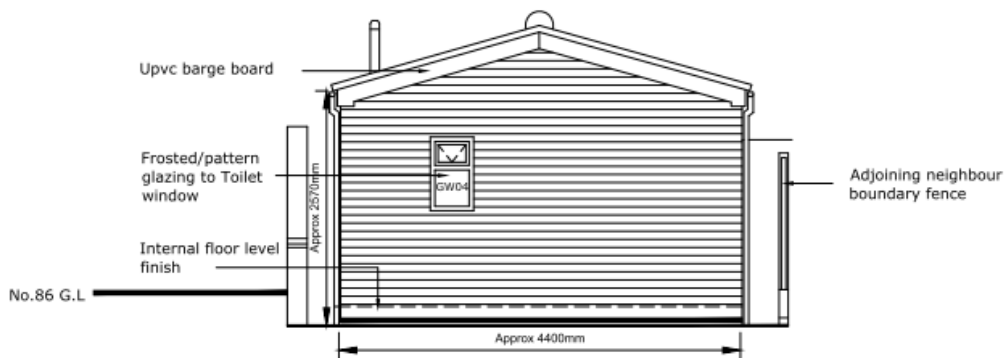




Proposed Floor Plan

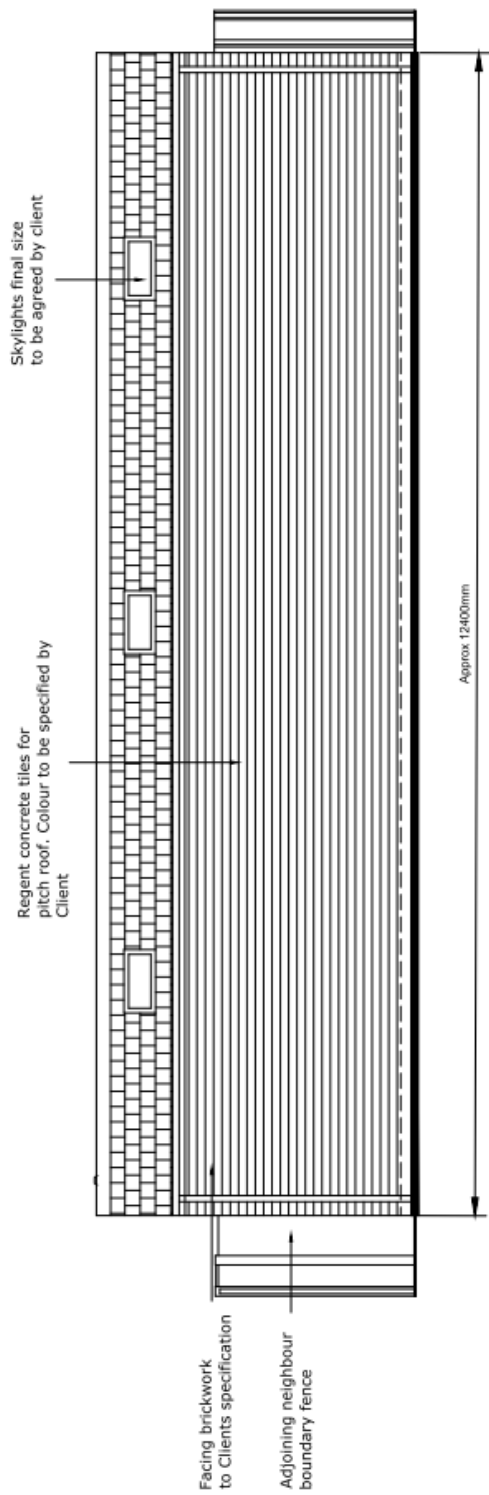


**PROPOSED SIDE ELEVATION 'B'**  
Scale 1:50

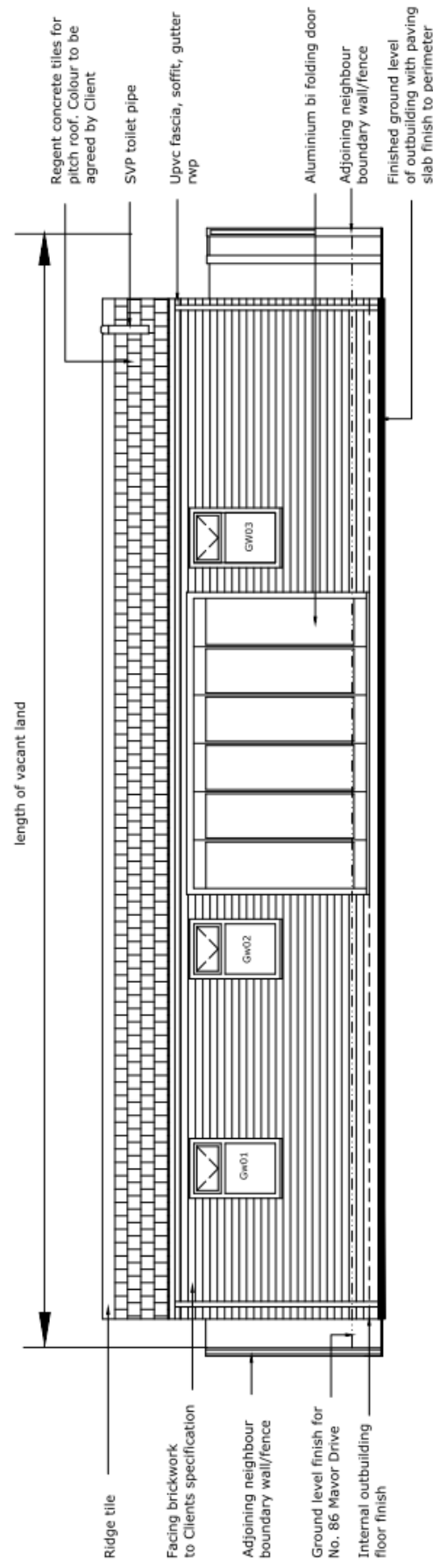


**PROPOSED SIDE ELEVATION 'D'**  
Scale 1:50

**Proposed Side Elevations**



**PROPOSED REAR ELEVATION 'C' Scale 1:50**



**PROPOSED FRONT ELEVATION 'A' Scale 1:50**

**Proposed Front and Rear Elevations**

# 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 BI 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>

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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)

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