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Date: 14th May 2026

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on **Tuesday 26th May 2026 at 6.00p.m.**

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

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning
Applications Committee

The Council is committed to providing a safe and respectful environment for our employees, customers and elected members. As such, please be advised that any form of abuse, aggression, or disrespectful behaviour towards our team will not be tolerated under any circumstances.

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

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

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

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

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

3. MINUTES - To confirm the minutes of the meeting held on 21st April 2026, 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 so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Schedule of Declarations of Interests for Meetings](#)). Any interest noted in the schedule on the website 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 7**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The Chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or Officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the Chair. The Chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the Chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

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.
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****21st April 2026**

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 21st April 2026.

A site visit in relation to application 041073 took place prior to the meeting.

Present

Councillor B. Hancox (Chair)

Councillors: L. Cvetkovic (Vice-Chair), E. Amaechi, S. Dhillon, M. Kondakor, W. Markham, R. Smith, K. Wilson and B. Pandher (substitute for S. Markham)

Apologies: Councillors S. Markham, P. Hickling and J. Sheppard.

The Chair asked for his thanks to Members and Officers to be noted in the minutes, and he thanked them for their time and attendance at the Planning Applications Committee during the last municipal year. Councillor Sheppard, who could not attend this meeting, had also asked (through the Chair) for her thanks to be passed on, as she is not re-standing as a Councillor in the May election.

PLA41 **Minutes**

RESOLVED that the minutes of the meeting held on the 10th March 2026 be approved, and signed by the Chair.

PLA42 **Declarations of Interest**

RESOLVED that the declarations of interests are as set out in the Schedule that can be found on the Council's website - ([Councillor Schedule of Declarations of Interests for Meetings](#)).

PLA43 **Declarations of Contact**

The Chair declared that he had received an email from Councillor T. Jenkins in relation to planning application 041073. All Members declared that they had also received this correspondence.

IN PUBLIC SESSION

PLA44 **Planning Applications**

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

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

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA44 OF THE
PLANNING APPLICATIONS COMMITTEE ON 21ST APRIL 2026

041073 – Site 113d002- Elwy Circle, Ash Green, Coventry, West Midlands

Applicant – Mr D O'Flanagan

Planning Committee Members were invited to attend a site visit in relation to this application prior to the Planning Applications Committee meeting, as agreed at the Planning Application Committee meeting of 10th March 2026.

Public Speakers: Councillor T. Jenkins (Ward Councillor)
Councillor D. Brown (Ward Councillor)
Janet Watts (Objector)
Ellie Jones (Agent)
Kristian Lawrence (Agent)

DECISION that

- a) delegated authority be given to the Assistant Director for Planning to secure the scheme through an appropriate legal mechanism (which may include planning conditions, a planning obligation/legal agreement, a Section 111 agreement, or a combination of these);
- b) the decision be issued subject to the conditions set out in the report and addendum;
- c) Committee Member concerns about the confusion between the Green Belt and Grey Belt be referred to the Borough Plan Committee, in order to provide guidance and clarity to Members on their definition and application; and
- d) this planning application to be brought before the Planning Applications Committee at the reserved matters stage.

041355 – Site 83d006 – Brook Street, Bedworth. Warwickshire

Applicant – Mr R. Mcilwraith

Public Speaker: Paul Harris (Agent)

DECISION that Planning Permission be granted, subject to

- a) the conditions printed in the agenda; and
- b) the removal of permitted development rights under Schedule 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

041362 – Land West of Bermuda Phoenix Community Centre, Bermuda Road. Nuneaton. Warwickshire

Applicant – Mr Stojsavljevic

Public Speaker: Chloe Heales (Agent)

DECISION that Planning Permission be granted, subject to the conditions printed in the agenda and addendum.

Planning Applications Committee
26th May 2026

Applications for Planning Permission
Agenda Item Index

Planning Applications

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Wards:					
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AT	Attleborough	EX	Exhall	SM	St Marys
BE	Bede	GC	Galley Common	SN	St Nicolas
BU	Bulkington	HE	Heath	SE	Stockingford East
CH	Camp Hill	MI	Milby	SW	Stockingford West
CC	Chilvers Coton	PO	Poplar	WE	Weddington
				WH	Whitestone

PLANNING APPLICATIONS

Item No. 1

REFERENCE No. 041289

Site Address: Site 25C011 - Land rear of Lilleburne Drive, Nuneaton

Description of Development: Application for approval of reserved matters (Layout, Scale, Appearance and Landscaping) following outline approval 038144 for the development of 29 dwellings with public open space, landscaping and associated infrastructure

Applicant: Blythe Homes Limited

Ward: CH

RECOMMENDATION:

Planning Committee is recommended to grant approval of reserved matters (Layout, Scale, Appearance and Landscaping), subject to the conditions printed.

INTRODUCTION:

This application seeks approval of reserved matters pursuant to outline permission 038144 (approved June 2024). This relates to the erection of 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure.

The site comprises greenfield land within Camp Hill ward situated between:

- Willow Close and Alders Lane to the north-west (as well as a small section of the rear car park at triple 'a' Foodhall, 92 Coleshill Road),
- Chancery Lane and Salisbury Drive to the north-east,
- Nuneaton Common to the south-east (a destination park as defined by the Borough Plan Review),
- Lilleburne Drive to the south-west,

NB - the site does not comprise Green Belt land (see agenda glossary for difference between greenfield and Green Belt).

The site is allocated for development of approximately 29 dwellings in the Borough Plan Review (Policy DS4 - site NSRA8).

The site is broadly rectangular running north-west to south-east and is approximately 2.15 hectares (5.30 acres) in size. The land was last used as a paddock for the keeping of horses. Along most of the south-west and south-east boundaries is Bar Pool Brook (partly culverted). Along the north-west and north-east boundaries is Public Right of Way 330/N8/1 (referred to as N8).

The vast majority of the site is within the Nuneaton and Bedworth Borough Council (NBBC) administrative area, however the northernmost part of the site comprising a vehicular access off Willow Close to facilitate the development lies within the administrative area of North Warwickshire Borough Council (NWBC). Therefore, two identical planning applications have been made to the two Local Planning Authorities (LPAs).

Although the outline permission indicated the development would provide 25% affordable housing, the submission now proposes 100% affordable housing.

BACKGROUND:

The following matters are to be considered at this stage:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – The aspects of a building or place which determine the visual impression it makes, including the external built form of the development.
- Landscaping – Treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

The following matter was determined at the outline stage and is therefore not for consideration as part of the current application:

- Access – accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

For an application of a scale between 10-to-50 dwellings, under NBBC's Scheme of Delegation/ Constitution, the threshold for referral to Planning Applications Committee is receipt of valid written objections from at least 10 addresses. This threshold has been met, per the below.

RELEVANT PLANNING HISTORY:

NBBC area:

- Ref. 038144 - Outline application with all matters reserved except for access off Willow Close for up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure. (Affecting footpaths N7 and N9). (Land abuts to Willow Close/ Alders Lane/Lilleburne Drive and Chancery Lane). Approved 28th June 2024.

NWBC area:

- NWBC application ref. PAP/2021/0395/ Planning Inspectorate appeal ref. APP/R3705/W/23/3321483 - Outline application with all matters reserved except for the proposed access off Willow Close for up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure. (Affecting footpaths N7 and N9). (Land abuts to Willow Close/ Alders Lane/ Lilleburne Drive and Chancery Lane). Allowed at appeal 1st February 2024.
- NWBC application ref. PAP/2025/0505. Application for approval of reserved matters for landscape, layout, scale and appearance for 29 dwellings pursuant

to outline approval 038144 and APP/R3705/W/23/3321483 (PAP/2021/0395).
Application ongoing.

RELEVANT PLANNING POLICIES:

As required by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the proposed development shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for the area relevant to this application is the Nuneaton and Bedworth Borough Plan Review (2021-2039), adopted in 2025:

- Policies of the Borough Plan Review 2021-2039:
 - DS1- Presumption in favour of sustainable development
 - DS2- Settlement hierarchy and roles
 - DS4- Residential allocations (NSRA8)
 - H1- Range and mix of housing
 - H2- Affordable housing provision
 - H4- Nationally Described Space Standards
 - H5- Accessible and adaptable homes
 - HS2- Strategic accessibility and sustainable transport
 - NE1- Green and blue infrastructure
 - NE2- Open space and playing fields
 - NE3- Ecology, biodiversity, geodiversity and local nature recovery
 - NE4- Managing flood risk and character
 - BE3- Sustainable design and construction
 - BE4- Valuing and conserving our historic environment

- Supplementary Planning Documents (SPDs):
 - Affordable Housing SPD 2026.
 - Sustainable Design and Construction SPD 2026.
 - Transport Demand Management Matters SPD 2026.
 - Open Space and Green Infrastructure SPD 2021.

- National Policy Planning Framework (NPPF) 2024.

- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, CPRE Warwickshire, Environment Agency, Mining Remediation Authority, Natural England, National Grid/ Western Power, NBBC Environmental Health, NBBC Housing, NBBC Parks & Open Space, NBBC Planning Policy, NBBC Tree Officer, NBBC Waste Management, North Warwickshire Borough Council, Open Space Society, Ramblers Society, Severn Trent, Warwickshire Fire Safety, Warwickshire Police, Warwickshire Wildlife Trust, WCC Archaeology, WCC Ecology, WCC Highway Authority, WCC Infrastructure, WCC LLFA, WCC PRoW

CONSULTATION :

No objection subject to conditions from:
WCC Ecology, WCC Highways, WCC PRoW

No objection from:
WCC LLFA

Comment from:

NBBC Housing Officer, NBBC Tree Officer, NBBC Planning Policy, Warwickshire Fire Authority and Warwickshire Police

No comments to make from:

Environment Agency, Mining Remediation Authority, Natural England, National Grid and NBBC Environmental Health

No response from:

Cadent Gas, CPRE Warwickshire, NBBC Parks & Open Space, NBBC Waste Management, North Warwickshire Borough Council, Open Space Society, Ramblers Society, Severn Trent, Warwickshire Wildlife Trust, WCC Archaeology, WCC Infrastructure and Western Power

NEIGHBOURS NOTIFIED:

1-3, 2, 4, 5, 6, 8, 9, 10, 11 & 13 Alders Lane; Salutation Inn; 11- 57 (odds) Chancery Lane; 78-82, 84, 86, 88, 88b, 90, 92, 92a, 94-96, 98, 98a, 100-102 Coleshill Road; The Chase Public House; 11-59 (odds) Lilleburne Drive; 1, 3, 9-25 (odds), 26-29 (inclusive), 30-38 (evens) Plough Hill Road; 14-24 (evens), 53-63 (evens) Salisbury Drive; 1-21 (inclusive), 23-29 (odds) Willow Close.

Neighbouring properties were sent letters notifying them of the proposed development on 30th October 2025. Additional consultation letters were sent on 14th January 2026. Site notices were erected on street furniture on Lilleburne Drive, Willow Close and Chancery Lane on 30th October 2025. The application was advertised in Nuneaton News on 5th November 2025.

NEIGHBOUR RESPONSES:

All third-party responses received have been considered, regardless of whether the responses have been received from an address outside the NBBC area.

There have been objections received from 11 addresses, as well as an objection with no address provided. The comments are summarised below:

1. Flooding risks and drainage issues
2. No need for more houses in the area
3. Increase in traffic on Willow Close
4. Plough Hill Road is already over capacity
5. Taking away public green space
6. Lack of infrastructure (schools, doctors etc.) in the area
7. Elderly residents in Willow Close will be adversely affected including from construction traffic
8. Loss of wildlife and biodiversity
9. Visual impacts
10. Cumulative impact with other developments
11. Lack of parking
12. Willow Close is not a suitable access to these houses
13. Health issues of children at nearby nursery with respect to air pollution and walking to school/nursery
14. Noise impacts
15. More houses being built than originally planned
16. Trees affected
17. Meandering path close to the brook could encourage unsocial behaviour
18. Disappearing rural status of Chapel End
19. Pedestrian access onto Chancery Lane is not a public right of way

20. Concerns with that it planned up to and beyond the brook
21. Impact on privacy

There has also been a petition with 50 signatures raising the below points, albeit this petition is not considered a valid objection. NBBC's constitution sets out for an objection to be valid, it shall comprise a letter or email from a single household.

1. Impacts on Green Belt
2. Impact on wildlife

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 and Parking
5. Landscaping and Green Infrastructure
6. Housing Mix and Affordable Housing
7. Space Standards
8. Flooding and Drainage
9. Public Right of Way (PROW)
10. Waste Management
11. Building for Healthy Life Assessment

1. The Principle of Development

1.1 The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development. Paragraphs 7 and 8 break down sustainable development into three key constituents which are economic, social and environmental dimensions. Paragraph 11 of NPPF also sets out a presumption in favour of sustainable development. In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise. The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan Review which should be seen as a golden thread running through decision making.

1.2 The principle of development for 29 dwellings on this site has already been established through the grant of outline planning permission, which this reserved matters application is pursuant to. For the removal of any doubt:

- Although NWBC initially refused outline planning permission of their respective application - this refusal was overturned at appeal.
- NWBC and NBBC are separate authorities processing separate applications. The outcome of NWBC applications does not direct the outcome of NBBC applications - and vice versa - however they are a material consideration.
- Access was determined at outline stage. Access is not a matter under consideration as part of this application. The approved access off Willow Close cannot be amended as this stage (unless a fresh application to amend the outline permission was received and approved).

As set out above, the matters under consideration as part of this application are the outstanding reserved matters which are layout, scale, appearance, and landscaping.

1.3 In addition to outline permission already being granted, since that time the Borough Plan Review (2021-2039) was adopted in December 2025. This site is allocated for

development of approximately 29 dwellings in Policy DS4 – (site NSRA8). Policy DS4 sets out for this site, key considerations include:

- Development should be set back from Bar Pool Brook to protect its function as a wildlife corridor,
- The existing PROW should be retained and integrated with development,
- Existing vegetation should be retained wherever possible,
- New tree planting should be used to soften the appearance of development,
- Complementary habitats should be provided adjacent to Bar Pool Brook,
- Any open space should link harmoniously with Nuneaton Common,
- Detailed flooding and drainage information should be submitted to evidence safe access and egress, and address potential increase in severity and frequency of flooding.
- The site has archaeological potential and regard should be had for this.

1.4 As the site has an outline permission for 29 dwellings, and is allocated for development of 29 dwellings in the Borough Plan Review, the principle of development for the site as suitable and deliverable for 29 dwellings has already been confirmed. This application is not an opportunity to consider whether the principle of development is acceptable, but rather to assess whether remaining reserved matters (scale, layout, landscaping, and appearance) comply with the outline permission and relevant policy considerations.

1.5. The S106 agreement relating to the outline permission contains several obligations. Some S106 obligations already define some requirements (e.g. timescale for provision of open space). The outline permission includes several conditions. Some outline conditions simply require compliance with details already submitted (e.g. condition 23 - tree retention plan. Other conditions require further details to be submitted and approved. Approval of this reserved matters application would not approve conditions imposed on the outline permission. The LPA could not insist on details at reserved matters stage which will be addressed at a future conditions stage. With that being said, some details have been provided at this stage and so some regard can be had for these details in assessing relevant reserved matters, albeit details separate to reserved matters considerations would not be conditioned as part of this application (these would instead to be fully assessed and conditioned as part of approval of future conditions applications)

- Condition 5 - Site levels and finished floor levels (these details have been submitted at this stage and so some regard can be had for these in assessing relevant reserved matters).
- Condition 7 - archaeology details (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 8 - detailed surface water drainage scheme (while some flooding/drainage details have been submitted, per the LLFA's no objection consultation response, surface water specific condition details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 9 - Biodiversity and Ecological Management Plan (some details have been submitted at this stage and so some regard can be had for these in assessing relevant reserved matters).
- Condition 10 - Construction Ecological Management Plan (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 11 - Construction Environmental Management Plan (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 12 - contaminated land assessment details (these details have **not** been submitted at this stage and so cannot yet be considered).

- Condition 13 - Construction Management Plan (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 14 - Parking provision, manoeuvring areas and design of the estate road layout including footways, cycleways, verges and footpaths (these details have been submitted at this stage and so some regard can be had for these in assessing relevant reserved matters).
- Condition 15 - Rainwater harvesting systems in curtilage of new dwellings (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 16 - Boundary treatments (these details have been submitted at this stage and so some regard can be had for these in assessing relevant reserved matters).
- Condition 17 - External materials details and samples (these details have been submitted at this stage (albeit not samples) and so some regard can be had for these in assessing relevant reserved matters).
- Condition 18 - Scheme for water supplies and fire hydrants for firefighting (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 19 - Scheme for lighting of site and associated roads/ parking areas (these details have **not** been submitted at this stage and so cannot yet be considered).
- Condition 22 - Residential travel plan including details of sustainable welcome packs (these details have **not** been submitted at this stage and so cannot yet be considered).

2. Impact on Residential Amenity

2.1 Paragraph 135 of the NPPF says that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should 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.

2.2 The Sustainable Design and Construction SPD sets out standards for providing an acceptable level of amenity for existing and future residents. Borough Plan Review policy BE3 says that development proposals should be designed to meet the requirements specified in the Sustainable Design and Construction SPD. The policy goes on to say development must take a comprehensive and co-ordinated approach, respecting existing constraints and key characteristics to consider include residential amenity. The assessment for this application comes down to whether the layout and scale of the properties would provide sufficient levels of amenity to existing occupiers, whether there will be sufficient levels of amenity to future occupiers based on the separation distance of the dwellings to each other. Included within this assessment is the provision of outdoor amenity space.

Existing Residents

2.3 With regards to the existing residents, the dwellings are to be located on the northern edge of the site and therefore, will be in closer proximity to housing along Chancery Lane. The exception to this is the plots in the northwestern corner which are adjacent to Willow Close.

2.4 Paragraph 11.4 of the Sustainable Design SPD say that in the interests of protecting privacy, a minimum 20 metres separation distance is required between existing ground and first floor habitable room windows and proposed ground and first

floor habitable room windows. For all of the plots along the main road whose principal elevations will front onto Lilleburne Drive, there will be in excess of 20m to the neighbouring properties. As the separation distances are exceeded, it is concluded that the impact on these neighbouring dwellings is sufficient.

2.5 The closest neighbouring properties on Willow Close, whom will be closest to the new dwellings, are nos. 20 and 29. The properties along Willow Close are bungalows. To no.20, there is a door on the side elevation which fronts onto plot 1. As a door, this is not a habitable which would be protected. To the rear elevation, the closest window is associated with a kitchen. This is an original, habitable window and therefore, is to be protected. There will be a separation distance of approximately 36.5m to Plot 1, which is also at an angle. Taking the distances and the angle of separation, it is concluded that the impact of the development of this neighbouring property will not cause an adverse impact. To no. 29, it is the side elevation of no.29 which will front onto the development. The side elevation of no.29 is blank meaning there are no windows which would be negatively impacted. Paragraph 11.9 of the Sustainable Design SPD says that an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. A proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45-degree line. Whilst this is applicable to extensions, it is still important to ensure that there are sufficient levels of amenity to the neighbouring windows and therefore will be applied to the windows on the principal and rear elevation of no.29. From the front elevation, plot 1 does not breach the 45- or 60-degree line. Plot 1 does not breach the 45- or 60-degree line from the rear elevation either. This limits potential negative impacts on overlooking or overshadowing.

2.6 Paragraph 11.9 goes on to say that near the boundary of an adjoining usable rear private amenity space, a proposed single storey extension shall be less than 4 metres long. In the same circumstances, a two-storey extension or higher shall be less than 3 metres long. Again, whilst this is applicable to extensions, it is still important to protect the amenity space of no.29. In this regard, Plot 1 will extend along the boundary for 4.5m. This usually would not be acceptable. However, Plot 1 is set back from the boundary by 3.9m such that it can be considered it is a substantial distance from the amenity space of no.29 to ensure that it does not create a negative sense of enclosure.

2.7 For plots 1 to 10, there is an adequate separation distance (in excess of 20m) to the rear of properties along Chancery Lane. Due to the angle and intervening properties, plots 12, 13 and 14 will not have an adverse impact on properties along Chancery Lane. The closest plot to Chancery Lane is Plot 11. The side elevation of Plot 11 will face onto the rear of nos. 33 and 35 Chancery Lane. To the side elevation of Plot 11, the first floor will have an obscure glazed window and, the ground floor will be a blank elevation. With regards to the obscure glazed window, as this is obscured this limits the potential for adverse impacts from a privacy point of view, and can be appropriately conditioned as such. The side elevation of Plot 11 will therefore be assessed as a blank wall. Paragraph 11.7 of the Sustainable Design SPD says that a blank wall directly facing the window of a habitable room at ground floor level shall be a minimum 14 metres apart. There would be 13.1m to the rear of no.33 and 15.3m to the rear of no.35. It is accepted that the separation distances are partly below the 14m separation distance within the Sustainable Design SPD, albeit only in one instance and by less than a metre. However it should be noted that plot 11 is at a notably lower level than No.33 Chancery Lane which helps to mitigate potential impacts on neighbouring amenity. The shortfall in this instance is very unlikely to form a robust reason for refusal. It will also be possible to remove permitted development rights for further

extensions etc at plot 11 in the interests of neighbouring amenity (expanded upon below).

2.8 For plots 15 to 18, there will be in excess of 20m to the rear of properties along Chancery Lane.

2.9 For the plots 19 to 26, the biggest potential impact is on 47 Chancery Lane whose side elevation and rear garden run along the rear garden of these plots. With regards to Plot 19, the rear of the property will look onto the access track/area of hardstanding to the front of no.47. Due to the location and nature of this area, this is not considered to be the private amenity space of no.47. As such, there will be no adverse impacts on this neighbouring property. The rear of Plots 20, 21 and 22 face onto the side elevation of no.47. There is a window on the ground floor within the side elevation. The separation distance to Plot 20 and Plot 21 is 19.3m and to Plot 22 is 19.8m. In all three cases, it is accepted that the separation distances are below the 20m separation distance within the Sustainable Design SPD. However, the soft landscaping plan shows that there is to be the retention of the existing hedge which provides for dense vegetation and therefore will provide some shielding. Again, Chancery Lane is at a higher land level than the application site, which helps to mitigate potential impacts on neighbouring amenity. Furthermore, there is to be a 1.8m high timber close board fence along the perimeters of the plots which will further act as a shield to the downstairs window of no. 47. Plots 23 to 26 are adjacent to the private amenity space of no.47. Paragraph 11.6 of the Sustainable Design SPD says that habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary. In this regard, the plots are set back sufficiently over 7m from the boundary such that the rear windows do not directly overlook the private amenity space of no.47.

2.10 For the remaining plots 27, 28 and 29, the closest residential properties are at Salsbury Drive. In all three cases, the plots are sufficiently set back from neighbouring properties that they will not cause an adverse impact on neighbouring properties. There will be approximately 27.4m to the red line boundary for Plot 27, 29.6m for Plot 28 and 31m for Plot 29. Given these separation distances, it is considered there will not be an adverse impact on neighbouring amenity from these plots.

Future Residents

2.11 Borough Plan Review Policy BE3 says that all residential development must be designed with sufficient private outdoor amenity space to promote health and wellbeing. The Sustainable Design SPD provides guidance on outdoor amenity space and says that gardens should be of a useable rectangle garden shape. Paragraph The Sustainable Design SPD goes on to say that new housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. Amenity space should be provided for passive recreation activities such as reading, active recreational uses such as gardening and domestic uses such as drying clothes. The SPD contains specified standards as to what size new outdoor amenity spaces should be. The recommended amenity space size is 100 sq m, whilst the minimum size is 60 sq m.

2.12 The largest garden is afforded to Plot 1 which is a three bed, semi-detached house with 144 sq m of rectangular, useable amenity space provided. The smallest garden is afforded to Plot 20 which is a two-bed terraced house with 65 sq m of rectangular, useable amenity space provided. Others with the lowest garden sizes include plot 21 at 66 sq m and plot 12 at 70 sq m. Those with the smallest garden sizes are therefore compliant with the minimum standard in the SPD. All gardens should be of a useable

shape. As such, whilst it is accepted there is some disparity between the sizes, all of the garden areas of a regular rectangular shape. In this regard they are acceptable as they are of a shape that will allow for recreation and domestic activities of future occupants. In the interests

2.13 The next consideration for future occupiers is to ensure that there is no overlooking between the new dwellings. On the side elevations on all plots except for Plots 14 and 29, there are to be obscure glazed windows only in the form of either bathrooms or downstairs WCs. The Sustainable Design SPD sets out that bathrooms and WCs are not habitable windows which are to be protected. The separation distances as set out in the Sustainable Design SPD are not applicable. There is sufficient separation distance to allow for windows to be opened.

2.14 The only plots which have habitable windows on their side elevations are Plots 14 and 29. To Plot 14, on the eastern facing elevation, there is to be a kitchen window to the ground floor and two-bedroom windows to the first floor. On the western facing elevation, there are to be two living room windows on the ground floor and two-bedroom windows on the first floor. As these are all habitable windows, these are to be protected. In this case, the windows will front onto side elevations of neighbouring properties with obscure glazed windows. As such, the windows will not front onto habitable windows. There will be 13m to Plot 10 and 12m to Plot 15. In the interests of protecting light and preventing an oppressive sense of enclosure, the 'blank' wall of a dwelling facing the window of a habitable room should be a 12m apart at ground level, and 14m apart at first floor level. Although the ground floor distances are not achieved, the adopted guidance notes these distances may be reduced if the windows are not significantly enclosed and/ or if viewed across public areas. This is considered to be relevant in this case, a road is situated between plots 10 and 14. A rear garden is situated between plots 14 and 15 - with only a road/ public open space to the south of plots 14 and 15 - which ensures adequate sunlight etc will reach plot 14. The kitchen at plot 14 is also served by a front window.

2.15 Finally, with regard to Plot 29, the two side habitable windows will be associated with a living room and kitchen therefore both are habitable. However, these will face onto the open green space/SUDS therefore, there are to be no neighbouring properties.

2.15 It is noted that several types of future development at some plots, which typically falls under permitted development rights - e.g. rear extensions, roof extensions, outbuildings - would have high potential to breach the Council's amenity standards. As such it is considered necessary to remove permitted development rights as set out below:

Removal of Class A (rear extensions), E (outbuildings):

- Plot 1 (rear extensions/ outbuildings would potentially breach guidance standards to a neighbouring property).
- Plot 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29 (rear garden area is below the recommended 100 sq m).

Removal of Classes AA (additional storeys), B (additions to roof):

- Plots 1, 11, 15, 16, 17, 18, 19, 20, 21, 22 (three storey development would potentially breach guidance standards to neighbouring properties).

3. Impact on Visual Amenity

3.1 Paragraph 135 of the NPPF says that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Planning decisions should establish 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.

3.2 Borough Plan Review policy BE3 states that development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. This includes current use of the building, patterns of development, plot size and arrangement, and built form. The Sustainable Design SPD states that design should address building materials, building design, roof design and scales.

3.3 The approval of the outline permission concluded that, whilst residential development would permanently change the landscape of the site, the fact the site is surrounded by residential development on three sides and that this form of development would not be incongruous to the wider area, the change that residential development would bring was acceptable. As such, the visual impacts from this form of development have already been assessed and deemed to be acceptable. The purpose of this reserved matters application is to now ensure that the relationship between buildings, the size of buildings and their external appearances are acceptable for the location thus dealing with the scale and appearance matter.

3.4 There are three prominent residential roads adjacent to the site which are Chancery Lane, Willow Close and Lilleburne Drive. Along Chancery Lane there is a mixture of house types. This ranges from three-storey blocks of flats, terraced housing and detached houses dispersed along the road. What is apparent along Chancery Lane is that there is no one architectural style of building and there is a wide range of house ages resulting in a mix of brick and material type. As there is no one specific architectural detailing along this road, it is not considered the appearance and scale of the proposed 29 dwellings will harm the visual amenity here.

3.5 To the south is Lilleburne Drive, developed in the 2000s. The housing along this road represents modern housing and are of a standard design of new build housing estates. They comprise two-storey dwelling houses which are very similar in appearance due to the recurring brick type and the fact the housing estate was developed in one period. The proposed dwellings will be of a similar appearance therefore, it is not considered the new housing will conflict with the visual amenity here.

3.6 Finally, Willow Close is made up of semi-detached bungalows built in the 1980s. The bungalows here are all visually very similar and it accepted that there would be a deviation from this built form. However, consideration is given to the fact that there is such a variation in house types in this area including new development at the former Plough Hill Golf Centre that this scheme, which consists of two storey detached, semi-detached and terraced buildings would not appear out of place or at odds with the surrounding character. Furthermore, this site is self-contained and therefore, does not form a continued frontage with Willow Close. The grounds levels also fall away and so are set low than those levels at Willow Close which further helps to reduce the perceived height.

3.7 The brick types vary in this area. The proposed brick colour for the 29 new dwelling will be red and orange or, red and brown. This will utilise a consistent brick type (as seen on Willow Close and Lilleburne Drive) and will reflect those found locally. The design also includes chimneys on the detached and semi-detached houses to reflect the more traditional homes in the area. Overall, the house types mostly conform to a uniform look with the exception being plot 14 due to it being the corner plot and the

larger five-bedroom property. However, the roof line is still consistent with those along the main road.

3.8 There is a consistent building line. The development is outward facing so that there is an active frontage along the main road. The development is also back-to-back with Chancery Lane so that it maintains an adequate separation.

3.9 In terms of the layout, this has been dictated by the surface water flooding associated with Bar Pool Brook, the need to achieve adequate vehicle turning area, the provision of suitable SUDs and, reducing the amount of hardstanding within the development.

4. Impact on Highway Safety and Parking

4.1 Paragraph 115 of the NPPF seeks for development to ensure that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.

4.2 Borough Plan Review Policy HS2 states that where a development is likely to have transport implications, a development should ensure adequate accessibility including safe and suitable access for all users, suitable demand management measures, connectivity to strategic facilities and meeting acceptable levels of impact on existing highways networks.

4.3 The vehicular access to site is to be via Willow Close which is within NWBC's area. The suitability of the access was confirmed through the aforementioned appeal process. The general impact of a development on the surrounding road network is a matter for consideration at outline stage, not reserved matters. As outline planning permission has been granted, including access, such matters are not for consideration through this application. The assessment as part of this reserved matters application is therefore whether the layout within the site will provide adequate parking arrangements, road widths, turning circles and road materials to ensure there is safe access for future residents.

4.4 The Highway Authority initially objected to the scheme as allocated parking should be provided for nos. 25, 27 & 29 within the site to minimise on-street parking around the access. The service strip was also proposed to be 1m whereas the requirement is for it to be 2m wide for the Highway Authority to consider adoption. A dummy junction was shown at plot 10 which was not supported and it was requested that the northern spur be removed and a dropped kerb provided to the private drive. Block paving was shown on the raised tables/ turning head which would not be acceptable for Highway Authority adoption. The footpath through the public open space was proposed to be connected into a proposed verge which was not acceptable as it should connect to a footway. The footpath through the public open space also proposed to be a gravel surface which again was not acceptable as it should be tarmacked. Amendments were made to the Highways and Parking Plan and the Highway Authority confirmed that the layout was acceptable. The amendments mean that the roads are to an adoptable standard. Adoption is the process whereby a highway in private ownership becomes a public highway which is then managed and maintained by WCC as part of the Highway Authority. Road Adoption is made under Section 38 of the Highways Act 1980 which is down to the developer.

4.5 As the proposal includes the construction of a new highway, a Road Safety Audit was required, which has been reviewed by the Highway Authority. The Highway Authority's response confirms the acceptability of the layout from a road safety perspective, and that they have no objections subject to conditions (albeit outline condition 14 already addresses two of their three requested conditions). Although the Highway Authority did note streetlighting details were not provided as part of the Road Safety Audit, the Highway Authority confirmed this can be addressed separate to the reserved matters application through the S38 process. Regardless of separate highways processes, condition 19 on the outline planning permission requires street lighting details to be submitted to and approved by the LPA, and this will therefore be submitted in due course as part of a conditions application.

4.6 Borough Plan Review policy HS2 says that planning applications are required to demonstrate how the proposal considers the Council's adopted Transport Demand Management Matters SPD and Air Quality SPD. The Air Quality SPD required one electric vehicle charging point per dwelling with dedicated parking (16amp) or, 1 charging point per ten spaces (unallocated parking) and to ensure appropriate cabling is provided to enable increase for future provision. This has been accorded with as each plot will have an EV charging point, either wall mounted or, freestanding.

4.7 The Transport Demand Management SPD requires that for two-bedroom houses there should be two parking spaces per dwelling and one unallocated space per ten dwellings. For three+ bedroom houses, the requires two parking spaces per dwelling and one unallocated space per five dwellings. There are to be two parking spaces per dwelling including those to M4(2) standards and six unallocated spaces which is more than the minimum. This results in a total of 67 parking spaces. The Planning Statement identifies cycle storage provision in the rear gardens. The Transport Demand Management SPD all requires one dedicated motorcycle space for every 20 parking spaces. Four motorcycle spaces will be required which is compliant. Therefore, the parking requirements are in accordance with the Transport Demand Management SPD.

5. Landscaping and Green Infrastructure

5.1 Paragraph 103 of the NPPF says that access to a network of high-quality open spaces is important for the health and well-being of communities and there should be opportunities for new provision of open space. Paragraph 135 says that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.2 Borough Plan Review policy NE2 seeks for development to create new open spaces and links and to improve access to nature. New development must demonstrate how it will improve the green network of publicly accessible and linked open spaces to support growth. Landscaping is one of the matters that was reserved in the outline application and is being determined as part of this application.

5.3 Per the above, Strategic Policy DS4 (which allocates the site for development) notes that opportunities exist within the site to set development back from Bar Pool Brook to protect its function as a wildlife corridor and to continue a sense of undeveloped character along the valley bottom. The development is set back a substantial distance from Bar Pool Brook in order to comply with this.

5.4 There will be the provision of 1.2ha of public open space (POS) to the south of the site. All the plots along the main road will have active frontages which will face onto the POS. This is regarded as a positive choice as it will provide residents with an

enhanced outlook whilst also improving security to the POS through natural surveillance.

5.5 There is an area of open space to the rear of plots 23-29. The positioning of amenity space to the rear of dwellings can increase the potential for crime and complaints arising from increase noise and nuisance which would be against the Secured by Design principles. It was queried whether the open space to the rear of plots 23-29 could be removed and the siting of these plots to be moved backwards in order to prevent open space to the rear. However, there is an easement relating which runs directly beneath the gardens of plots 26-29 therefore, it would not be feasible to move these plots and build over this easement. As such, the location of the plots and the subsequent open space to the rear have been in part, influenced by the existing site constraints. In order to overcome the concerns, there will be a native bugger planting which will be dense, with a low-lying canopy and will include plants such as Ilex aquifolium (holly) and rangula alnus (alder buckthorn) amongst others which have spikes on which will deter people from using the area to commit crimes or antisocial behaviour. WCC Ecology have also commented that Alder buckthorn is the sole foodplant of Brimstone butterfly caterpillars, and its inclusion would support this species.

5.6 Under the Secured by Design standards there should be a robust defensive barrier to the rear gardens through the use of wall or fencing to a minimum height of 1.8m. This is also as set out in Condition 16 of the Outline planning permission. In this case, there will be 1.8m high timber close board fencing or 1.8m high timber close board fencing with 0.2m trellis panel on top (a total height 2m from ground level) which is acceptable.

5.7 The soft landscaping also includes a new and retained meadow and amenity borders. Within the meadow WCC Ecology requested Emorsgate EM3 be used as it contains a greater diversity of plant species and is therefore more suitable for neutral grassland creation. This has been agreed with and the plans updated accordingly. There is a clear demarcation between public and private space as a result of the boundary treatments and materials used which is supported.

5.8 The supporting text for Strategic Policy DS4 says new tree planting should be used to soften the appearance of any development, complementary habitats should be provided adjacent to Bar Pool Brook. In this case, there is the provision of native tree planting within POS with the existing trees also to be retained. Therefore, this is supported.

5.9 Across the site there are to be a number of new native tree planting along with the retention of some of the existing trees. In order to assess the impact on the existing trees, a plan to identify Root Protection Areas (RPAs), a tree retention and removal plan and, an Arboricultural Impact Assessment is required. However, this is secured by Condition 23 of the outline permission.

5.10 Overall, in taking into account the provision of POS within the site, the location of the amenity planting surrounding the plots, the provision of new trees alongside the retention of some existing ones, the creation of a meadow and the inclusion of native buffer planting in the interests of crime prevention, it is considered the landscaping is acceptable. There is a planning condition attached to the outline permission to ensure that any planting which, within a period of five years from the implementation of the scheme, dies or becomes seriously damaged or diseased will be replaced. Although WCC Ecology have confirmed the submitted Biodiversity Enhancement Management

Plan would be acceptable and requested that this be conditioned, this is to be addressed by a separate conditions application to approve condition 9 of the outline permission.

5.11 Although the S106 agreement relating to the outline permission addresses timescale for provision of open space, neither the S106 or outline permission account for provision of on-plot landscaping timescales. As such it is considered necessary to condition that this shall be provided within 12 months occupation of that plot.

6. Housing Mix and Affordable Housing

6.1 Policy H2 of the Borough Plan Review requires 25% of all new developments to be affordable on sites of 15 dwellings or more. The S106 secured 7 out of the 29 dwellings to be affordable which was acceptable and policy compliant.

6.2 However, this proposal now includes the provision of 100% affordable housing. The housing mix to be provided is 7x two bed houses, 18x three bed houses, 3 x four bed houses and 1x five bed house. The tenure split is 5x three bed for affordable rent, 4 x three bed for shared ownership and 7x 2 bed, 9x three bed, 3 x four bed and 1x five bed for social rent.

6.3 The 25% has been secured via a S106 therefore, these 7 dwellings must be provided as part of this obligation. The additional 75% are additional units being provided by the applicant in partnership with an affordable housing provider. If, for whatever reason, the scheme cannot provide the additional 75% in the future, this does not make this scheme unfavourable as the 25% will still be provided which is policy compliant. Based on the above though, a 100% affordable housing scheme is supported.

6.4 A tenure plan has been provided which indicates the 25% policy compliant affordable housing and the 75% additional units. The plan to differentiate this has been submitted purely to show, if for whatever reason the developer could only provide 25% affordable housing, that the mix, location and tenure would be acceptable. This plan still makes provision for 100% affordable housing as proposed. This mix has been agreed with in accordance with the HEDNA and NBBC's Housing Officer.

6.5 The scheme offers much needed affordable housing to rent including three- and four-bedroom house and a greatly needed 5-bedroom house. The Housing Officer had sought one-bedroom dwellings to rent to be included as they are the highest demand need of the households on the Borough's and represent around 50% of the NBBC housing register. However, in taking a pragmatic approach, it is agreed that the provision of 100% affordable housing is a significant benefit in itself, which outweighs the lack of one-bedroom dwellings. NBBC Planning Policy have commented that they do not object to the housing mix as there are no market housing components and flexibility is justified in this case.

6.6 Policy H2 and the Affordable Housing SPD requires that affordable housing is well integrated within a proposed development to ensure that it does not result in negative clustering. Given the proposal is for 100% affordable housing, the suggested clustering of tenures recommended in paragraph 5.1 of the Affordable Housing SPD would clearly not be possible. However, in respect of the 25% policy complaint affordable housing, if the scheme was to only deliver 25%, the SPD recommends there be no more than 2 units in a cluster and no more than 4 clusters in total. The tenure plan shows the 25% affordable dwellings would be in 3 clusters (2 clusters with 3 units, and 1 cluster with 1 unit). Whilst two of the clusters exceed the recommended cluster size,

given this would only be exceeded by a single dwelling the conflict does not give rise to significant concerns. Also of note is that one of these clusters would relate to a terraced row of 2-bedroom properties. All proposed 2 bedroom properties on the site are situated within terraced rows of 3+ dwellings; it will clearly be far more practicable to manage a single terraced row, than dwellings dispersed between two rows.

6.7 Overall, taking into account the above assessment, the housing mix and affordable housing provision is acceptable. There is an additional 75% affordable housing units being provided by the applicant in partnership with an affordable housing provider. If, for whatever reason, the scheme cannot provide the additional 75% in the future the scheme would still be policy compliant with 25%.

7. Space Standards

7.1 Borough Plan Review Policy H4 says that all residential dwellings should comply with the Nationally Described Space Standards (NDSS), unless proven not to be feasible. These standards are set out in the 'Technical housing standards-nationally described space standard' March 2015. The two and three bedroom plots, do not provide for the required internal floor areas and they are not compliant with NDSS. The four-bedroom plot would meet the required internal floor areas for five people but would not meet the requirements for six people or more. Furthermore, in order to provide two bedspaces, neither of the double rooms within the four bedroom plots would have a floor area of at least 11.5m². Therefore, the four-bedroom plots do not meet the NDSS. Finally, with regards to the five-bedroom plot, it would provide for the required internal floor areas, whether occupied as a six, seven or eight person dwellinghouse. However, neither of the double bedrooms provide the required 11.5m² falling short of this at 10.6m². Consequently, the scheme does not meet the requirements of policy H4. It is accepted that there has been a change in policy as a result of the adoption of the Borough Plan Review. However, it is accepted that there was no requirement on the outline permission for NDSS standards and there was no condition attached in order to secure this therefore, it cannot be requested at this stage.

7.2 Borough Plan Review policy H5 seeks for new major residential developments to include 95% of all new dwellings to meet M4(2) standards and 5% of all new dwellings to meet M4(3) standard. These standards are defined in the 'Part M Volume 1 of the Building Regulations'. Whilst Policy H5 seeks for 100% either accessible or adaptable homes, Condition 24 of the outline permission stipulated that no less than 35% of dwellings are to meet Building Regulations M4(2) requirements for accessible and adaptable dwellings. As 35% was standard set by condition at outline stage, it would not be possible to require 100% at reserved matters stage. Eleven of the plots will be M4(2) compliant which slightly exceeds the 35% required by the condition attached to the outline. Therefore, no additional plots can reasonably be requested at this stage.

8. Flooding and Drainage

8.1 Paragraph 170 of the NPPF says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

8.2 At the outline stage, it was concluded that the site met the sequential test. The site is within flood zones 1, 2 and 3. Bar Pool Brook runs along the western and southern boundaries hence the flood zones 2 and 3. All of the proposed built development is to be located along the northern side of the site which is the land that lies within flood risk

zone 1; land classified as least likely to flood. This was considered acceptable within the outline application.

8.3 Surface water generated from the development would be routed and stored within the two attenuation basins in the south and the southeastern corners of the site and discharged at a greenfield rate back into Bar Pool Brook.

8.4 The southern flood extent would be contained within the POS area to the south, and the overland flood routing entering from the north, is directed along rear gardens eastwards, and away from development to control and mitigate any flood risk near the properties.

8.5 There is an ordinary watercourse within the site boundary, therefore this is within the remit of the Lead Local Flood Authority (LLFA), rather than the Environment Agency. The LLFA were consulted with. Their response in relation to their review primarily in relation 'layout' to ensure the approval of such does not prejudice the subsequent detailed design of the surface water drainage scheme. Their response does not consider any surface water specific conditions which must be consulted on separately once the reserved matters are approved.

8.6 Initially the LLFA objected as the details relating to the surface water drainage were insufficient. Following receipt of additional information including details on the SuDS, the LLFA has no objection. The principles agreed at the outline application stage have been carried through to this reserved matters application. Drainage details will still be required to be submitted as part of Condition 8 of the outline application which will need to be submitted before the development can commence.

8.7 Borough Plan Review policy NE1 says that where development proposals have a watercourse classified as a main river within their boundary, as a minimum, developers should set back development 8m from the top of the bank or landward toe of any flood defence. The same easement will also be required on smaller watercourses to maintain water elements, ecology and wildlife corridors. In this case, the minimum easement distance has been met.

9. Public Right of Way (PROW)

9.1 PROW N8 runs through the north/northeastern boundary of the site. The supporting text for Strategic Policy DS4 says that the existing PROW should be retained and integrated within any proposed development. In this case, the proposed development would obstruct this public footpath. The applicant consequently proposes to divert the public footpath through the southern part of the site. A legal order would be required to divert the public footpath, and as the diversion would be necessary to enable the development the diversion order would need to be made under the Town and Country Planning Act by NBBC. The specifications of the proposed public footpath diversion route would need to be agreed with the PROW Team including the proposed width and surface type. This diversion does not need to be completed as part of this reserved matters application as no construction may commence on the existing alignment of public footpath N8 until any diversion order has been confirmed. Therefore, this can be dealt with separately.

9.2 The Rights of Way team have been consulted with as part of this application. The Proposed Movement Plan shows a route marked as a 'Pedestrian Route' running through the proposed area of green open space in the southern part of the site, which is the proposed diversion route of public footpath N8. The Rights of Way team have

said diverting the public footpath through this area would be welcome in terms of minimising the impact on the amenity of the public footpath.

9.3 The plans also showed additional routes marked as a 'Pedestrian Route (PROW)', including two spurs connecting to each end of the site's Main Road/Private Drive, and another spur connecting to the alleyway on the northern boundary running between the public house and 33 Chancery Lane. This is not recorded as a public path or highway of any kind. Given the additional pedestrian routes do not connect with another public highway they could not be offered as a PROW. They should either be offered and maintained as either private or adopted footways, in the same way as any other roadside footways to be created within the site. This has been addressed through the determination of this application and made explicit within updated plans.

9.4 A legal width of at least 2 metres must be provided for the diverted public footpath (3 metres if enclosed), in line with policy RW5c of WCC's Rights of Way and Recreational Highway Strategy. The proposed diversion route must be well drained with firm, level ground across its full legal width. Initially, it was proposed that a 1.8 metre gravel path would be provided to accommodate the diverted public footpath. This however has been revised to ensure that a 2 metre wide path will be provided in accordance with these requirements.

9.5 The Rights of Way team also requested that the proposed SuDS are set back a sufficient distance from the diverted public footpath to avoid the risk of encroachment by future erosion. They usually request 2m which has been provided.

9.6 The Rights of Way team have no objection to the proposals but as the Highway Authority responsible for protecting and maintaining the public footpath, they have requested a number of conditions to mitigate or minimise any potential impact on the public footpath and its users. PROW legislation is largely separate from planning legislation, and is therefore not usually conditioned as part of a planning decision note. All PROW requested conditions were included as informatives on the outline decision notice, and would be able to be included on a reserved matters decision notice also.

10. Waste Management

10.1 Paragraphs 11.22 - 11.28 of the Council's Sustainable Design and Construction SPD relates to waste. The guidance states that bin stores should be located no more than 25m from the highway (where the bin collection lorry can park) for normal 2 wheeled household bins. It also states that developments must not provide for wheeled bins to be stored at the front of the property unless a design solution is proposed which significantly limits the impact of the storage of bins on the street scene.

10.2 Bin storage should not harm the visual amenity of the area, must be managed so that it does not create risk to water, air, soil, plants or animals, should not cause nuisance through odours, and not affect the countryside and or places of special interest. Waste bin storage areas should be well ventilated and situated away from direct sunlight.

10.3 NBBC Waste & Refuse team have been consulted however no response has been received.

10.4 The bins are to be stored in the private amenity areas, along with the covered areas for the bicycles. The bins can then be brought to the kerb side on bin collection days. The bin storage would not result in an excessive drag and carry distance for

waste and recycling. It would also avoid bins being stored in the street scene therefore, this is considered acceptable.

11. Building for Healthy Life Assessment

11.1 Borough Plan Review Policy BE3 requires that as a major development, the proposal should meet all 12 of the consideration of the Building for a Healthy Life standard. It is considered that the development does meet the requirements. The assessment is as follows:

1. Natural Connections

The site is designed as a residential infill, wrapping existing development. It will retain established existing tree/hedge screening and will provide pedestrian connectivity within the new POS. All properties will provide natural surveillance over the POS. There is to be a demarcation between private and public spaces through low level defensible planting and post-and-rail fencing (for the frontages of plots 10 and 14).

2. Walking, Cycling and Public Transport

The site is located within an existing residential area and in close proximity to existing public transport links. New footpath links are provided within the site. All dwellings will be provided with an EV charging point and a lockable garden shed for cycle storage in rear gardens.

3. Facilities and Services

There are amenities within walking distance of the site. New pedestrian/road links are provided within the site including through the landscaped areas and they are positioned to link into the existing network of footways.

4. Homes for Everyone

A mix of house types is proposed ranging from 2 bed to 5 bed dwellings. All new plots have been designed through consultation with the registered provider and exceed Homes England's minimum requirement of 85% of NDSS for affordable home.

5. Making the most of what's there

The proposed scheme respects the varying characteristics of the surrounding residential areas. The built form is located to the Northern part and more than half of the site area will be retained as POS, including the areas along side Bar Pool Brook.

6. A Memorable Character

The proposed brick and material colours draw on local influences with traditional detailing including chimneys.

7. Well Defined Streets and Spaces

The proposed layout is designed around a street hierarchy. The dual aspect properties at plots 10 and 14 have been positioned to address corner situations. The streets follow an established building line.

8. Easy to Find your Way Around

The layout is of a simple and legible form given the one main road with good permeability and lines of site. The rerouted PRow will maintain the existing link from east to west of the site. The main road will face outwards towards the POS.

9. Healthy Streets

Long runs of road are provided with ramped speed control areas. The streets will be well lit and will benefit from natural surveillance and active frontages due to the layout of the plots.

10. Cycle and Car Parking

The allocated parking and cycling is in accordance with the Transport Demand Matters SPD. Parking areas are broken up with planting strips to avoid long runs

of hardstanding and reinforce ownership boundaries. All parking is overlooked by active windows.

11. Green and Blue Infrastructure

The scheme has been designed around the Bar Pool Brook. Native planting is included within the native buffer. The two SUDS are integrated into the POS and surrounded by new tree planting and meadowland. Existing overland flows towards the eastern side site and have been retained outside of garden areas and incorporated into a natural landscape area.

12. Back of Pavement; Front of Home

Public and private spaces are clearly demarcated. Front and side garden spaces will have shrubs and/or low hedge planting to demarcate the boundary of ownership. There is low level defensible planting to the rear of plots 23-29 as well for security purposes.

11.2 In light of the above, it is considered that remaining reserved matters (scale, layout, landscaping, and appearance) do provide for a high-quality development and the details do comply with the outline permission.

12. Conclusion

12.1 The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

12.2 In the case of this application site, it benefits from an outline planning permission for up to 29 dwellings meaning that the principle of the development has been established. It is also a non-strategic allocation with the Borough Plan Review. The outline planning permission was granted in June 2024 and a condition of that permission was that an application for approval of reserved matters must be made within 3 years of the date of that permission i.e. June 2027. This current application for the approval of reserved matters has been made within this conditional timescale.

12.3 In considering the matters which this application seeks approval of (landscaping, layout, scale and appearance), the potential impacts in relation to residential amenity, visual amenity, highway and parking, landscaping, affordable housing, flooding and drainage, Rights of Way, waste management and Building for Healthy life Assessment have all been considered. The assessment has subsequently shown that there would be no adverse impacts.

12.4 In regard to the current submission, this seeks approval of details for a 100% affordable housing scheme, whereas at the time of the outline application approval the proposal was for a mixed open market/affordable housing proposal. In principle there is no objection to this variation of tenure of the proposed dwellings.

12.5 Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the development plan and other policies within the NPPF. Furthermore, there are no material considerations or adverse impacts which indicate that the application should be refused. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

REASONS FOR APPROVAL:

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

received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

The details and plans contained in Schedules 1 and 2 be approved in accordance with Condition 1(a) Layout, (b) Scale, (c) Appearance and (d) Landscaping of approval reference 038144 granted on 28th June 2024.

Schedule 1

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

<u>Document</u>	<u>Ref. No.</u>	<u>Date Received</u>
House Types: <ul style="list-style-type: none"> • A • B • B • C • D 	<ul style="list-style-type: none"> • 01392 03-HT-A.1 rev. B • 01392 03-HT-B.1 rev. B • 01392 03-HT-B.2 rev. B • 01392 03-HT-C.1 rev. B • 01392 03-HT-D.1 rev. C 	<ul style="list-style-type: none"> • 22nd October 2025 • 22nd October 2025 • 22nd October 2025 • 22nd October 2025 • 17th December 2025
Landscape Layouts: <ul style="list-style-type: none"> • 1 of 3 • 2 of 3 • 3 of 3 	<ul style="list-style-type: none"> • 2508DC-NUN-1 rev. G • 2508DC-NUN-2 rev. G • 2508DC-NUN-3 rev. G 	3 rd December 2025
Bin storage and collection plan	01392 03-006 rev. F	17 th December 2025
Proposed site plan	01392 03-002 rev. F	17 th December 2025
Tenure plans	<ul style="list-style-type: none"> • 01392 03-009 rev. D • 01392 03-010 	<ul style="list-style-type: none"> • 17th December 2025 • 7th April 2026

Schedule 2

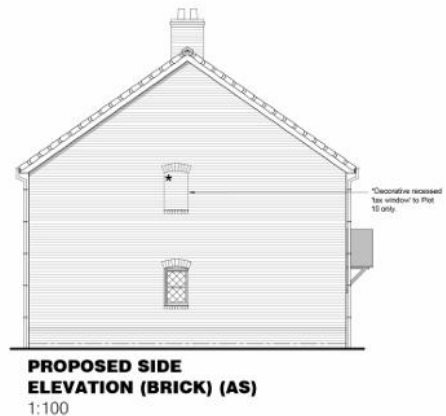
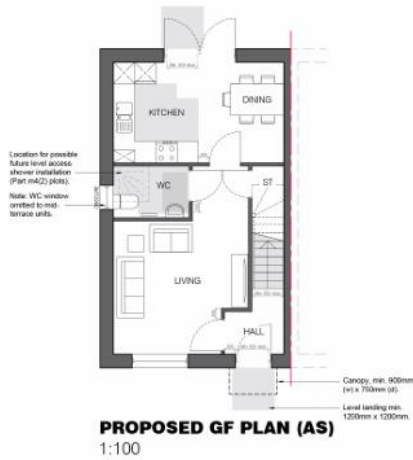
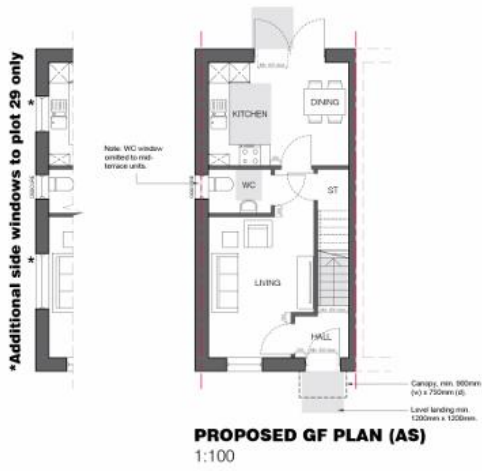
a. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification) no rear extension (permitted by Schedule 2 Class A of the Order) or outbuildings (permitted by Schedule 2 Class E of the Order) shall be erected to plots 1, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29 without the prior written consent of the Local Planning Authority.

b. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no roof additional storeys or additions (Schedule 2, Part 1, Classes AA and B of the Order) shall be erected to plots 11, 15, 16, 17, 18, 19, 20, 21, 22 without the prior written consent of the Local Planning Authority.

c. Notwithstanding the open space obligations contained within the S106 Agreement relating to 038144, the approved on-plot Landscape Layout details contained within Schedule 1 shall be carried out within 12 months occupation of that plot and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Local Planning Authority consents in writing to any variation.

- d. The window to be formed in the north-west first-floor side elevation of plot 11 shall not be glazed or reglazed other than with obscure glass to a level not less than Pilkington scale 4, and also be non-opening to no less than 1.7 metres above the floor of the room in which it is installed. This arrangement shall be maintained in perpetuity.
- e. No structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway.

House Type Plans





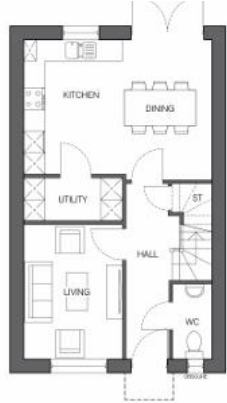
PROPOSED FRONT ELEVATION (AS)
1:100



PROPOSED REAR ELEVATION (AS)
1:100



PROPOSED SIDE ELEVATION (AS)
1:100



PROPOSED GF PLAN (AS)
1:100



PROPOSED 1F PLAN (AS)
1:100



PROPOSED FRONT ELEVATION (AS)
1:100



PROPOSED REAR ELEVATION (AS)
1:100



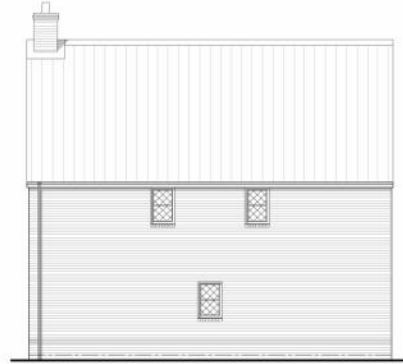
PROPOSED SIDE ELEVATION (AS)
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PROPOSED GF PLAN (AS)
1:100



PROPOSED 1F PLAN (AS)
1:100



PROPOSED SIDE ELEVATION (AS)
1:100



PROPOSED FRONT ELEVATION (AS)
1:100



PROPOSED SIDE (PRINCIPAL) ELEVATION (AS)
1:100



PROPOSED REAR ELEVATION (AS)
1:100

Landscape Layouts:





REFERENCE No. 041102

Site Address: 2 St Nicolas Park Drive Nuneaton Warwickshire CV11 6DH

Description of Development: Two storey extension to side with single storey extension to front. Widening of driveway and installation of gate and new boundary treatments.

Applicant: Mr Ryan Cartern

Ward: MI

RECOMMENDATION:

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

INTRODUCTION:

Two storey extension to side with single storey extension to front. Widening of driveway and installation of gate and new boundary treatments at 2 St Nicolas Park Drive Nuneaton Warwickshire CV11 6DH.

The application site is located on the intersection of Higham Lane and St Nicolas Park Drive. It is a large two-storey detached dwelling featured with brick external walls. Its roofing is a mix of side and front facing gable and are of interlocking concrete tiles. The windows and doors are of white uPVC.

Access to and from the site is by the dropped kerb to the front. This leads to the driveway which can accommodate 2 vehicles.

BACKGROUND:

This application is being reported to Committee due to the proposal being called-in by Councillor Bird.

RELEVANT PLANNING HISTORY:

None

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan Review 2021-2039
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - NE4 – Managing flood risk and water quality
- Sustainable Design and Construction SPD 2026.
- Transport Demand Management Matters SPD 2026.
- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

WCC Highways, Warwickshire FRM

CONSULTATION RESPONSES:

No objection from:

WCC Highways

No comment from:

Warwickshire FRM

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 13th August 2025 and 19th March 2026. The neighbours consulted were 4 St Nicolas Park Drive, "Flat", "ATM" 212, "Higham Lane Allotments", 212 & 228 Higham Lane

NEIGHBOUR RESPONSES:

There has been 1 letter of objection from 1 address raising the following points:

1. Proposal will have effect on their garden, block the skyline and impede light on the rear living space
2. Proposal will set precedent on future applications for neighbours thus closing in their rear garden

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 Parking & Highway Safety
5. Conclusion

1. The Principle of Development

1.1 As required by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the proposed development shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

1.2 The Development Plan relevant to the proposal is the Nuneaton and Bedworth Borough Plan Review 2021-2039 (BPR 2025). The relevant policies of the BPR 2025 are DS1, NE4 and BE3 together with the Sustainable Design and Construction (SDC SPD 2026). The National Planning Policy Framework 2024 (NPPF 2024) and National Planning Practice Guidance (NPPG) are also material considerations in the determination of this application.

1.3 Policy DS1 (BPR 2025) states that development should contribute towards the creation and maintenance of sustainable places. Furthermore, when considering development, proposals will be determined in accordance with policies in the BPR 2025 and other documents unless material considerations indicate otherwise. Considerations shall also be given to supplementary planning documents.

1.4 Policy NE4 (BPR 2025) states that development should not increase flood risk elsewhere. Even though a portion of the application site lies within Flood Risk Zone 2, therefore having a medium probability of flooding, it is considered that a development of such a minor nature will not significantly contribute to adverse flooding. Furthermore, Flood Risk Assessment was submitted with a conclusion that the development is considered to be suitable in flood risk terms. A consultation was made to Warwickshire FRM who did not provide comments. Nonetheless, with consideration to the standing advice of the Environment Agency, it is deemed acceptable and no consultation necessary.

1.5 The nature of the proposal involves extensions and alterations to the dwellinghouse. It does not aim to alter the use of the dwellinghouse which is in a predominantly residential area. Therefore, the principle of development is acceptable.

2 Impact on Residential Amenity

2.1 Paragraph 198 (NPPF 2024) provides guidance that decisions should ensure that development is appropriate for its location. This is in accordance with Policy BE3 (BPR 2025) which requires that developments should meet the requirements in the SDC SPD 2026. Accordingly, the proposal should be able to demonstrate that it complies with the guidance under the national guidance and local policies.

2.2 4 St Nicolas Park Drive

2.3 4 St Nicolas Park Drive is the unattached side neighbour to the east of the site. In terms of the two-storey side extension, there are proposed openings to face No. 4 which includes an open plan kitchen door on the ground floor and a bedroom window on the first floor, both considered habitable rooms according to paragraph 11.5 (SDC SPD 2026). Nonetheless, the west side elevation of No. 4 is of a blank wall, therefore considered to not have an adverse impact by means of overlooking or loss of privacy. Furthermore, the proposed openings at the application site do not overlook a private amenity space at No. 4, deemed acceptable. The side extension will project forward the existing principal elevation of the application site. Even so, 45- and 60- degree lines drawn from the centre point of the nearest habitable room windows on the ground and first floors of No. 4 do not infringe with the proposal, deemed acceptable under paragraph 11.12 (SDC SPD 2026). There are also no major level differences between the properties which might consider the proposal on another storey higher. Lastly, even though the first-floor side extension lessens the gap between the first floors of the properties, the clearance will still be at roughly 9m, considered to be acceptable.

2.4 With regards to the single storey extension to front, a 60-degree line drawn from the nearest habitable room window at No. 4 does not infringe with the proposal, acceptable under paragraph 11.12 (SDC SPD 2026). In terms of the proposed new boundary treatments, it is considered that it does not significantly impact the residential amenity of No. 4.

2.5 Therefore, it is considered that there are no significant detrimental impacts on the residential amenity of 4 St Nicolas Park Drive.

2.6 "Flat", "ATM" 212, "Higham Lane Allotments", 212 Higham Lane

2.7 These neighbours are the unattached mixed-use front neighbour to the south of the site. There are openings proposed to face these neighbours which are a mix of habitable and non-habitable room openings. Nonetheless, there is a separation

distance between the application site and the properties of approximately 40m, deemed acceptable under paragraph 11.2 (SDC SPD 2026). Furthermore, they are separated by St Nicolas Park Drive, a public road, therefore lessens adverse impacts by means of loss of privacy. Paragraph 11.7 (SDC SPD 2026) also allows recommended distances to be reduced if they are across public areas.

2.8 In terms of the proposed new boundary treatments, it is considered that it does not significantly impact these properties by means of overlooking or loss of light.

2.9 Therefore, it is considered that there are no significant detrimental impacts on the residential amenities of “Flat”, “ATM” 212, “Higham Lane Allotments” & 212 Higham Lane.

2.10 228 Higham Lane

2.11 228 Higham Lane is the unattached side neighbour to the north of the site. The north rear elevation of the proposed two-storey extension will not feature an opening on the first floor whilst having a ground floor open plan kitchen window considered habitable. Nonetheless, the window will only face the rear garden at No. 228 and will be blocked by the existing garage at this neighbour. There is currently a single storey rear extension at No. 228, therefore not being protected. Nevertheless, 45- and 60-degree lines drawn from the centre point of the nearest habitable room window on both floors at No. 228 do not infringe with the proposal, thus considered acceptable under paragraph 11.12 (SDC SPD 2026). Moreover, there is still a clearance of roughly 1.2m in between the proposal and the shared boundary.

2.12 In considering the private amenity space at No. 228, the side extension will have a depth of roughly 4.5m. It is considered that there will still be views past the proposal from the rear garden of No. 228, even though the extension is to be placed along the side boundary nearest the rear elevation of No. 228, the relationship is considered to be acceptable due to both the separation between the garden and the proposal, and the size and shape of the rear garden at No. 228. Paragraph 11.4 (SDC SPD 2026) states that the orientation and separation distance must provide and protect acceptable levels of amenity for existing residents and it is considered that the living conditions and residential amenity of those living at No. 228 would not be so significantly impacted so as to warrant refusal

2.13 Therefore, it is considered there are no significant detrimental impacts on the residential amenities of 228 Higham Lane.

3 Impact on Visual Amenity

3.1 Paragraph 135 (NPPF 2024) sets out how planning policies and decisions should ensure that developments achieve well-designed places. In summary, paragraph 135 (NPPF 2024) requires developments to function well within the area, be visually attractive and respect the scale and character of the area. Moreover, paragraph 139 (NPPF 2024), states that development that is not well designed should be refused, especially where it fails to reflect local design policies including consideration of any local design guides and supplementary planning documents.

3.2 Locally, Policy BE3 (BPR 2025) requires proposals to enhance the local character of the neighbouring area whilst respecting the sensitivity to change of the generic characters within each urban area.

3.3 In addition, Section 13 (SDC SPD 2026) protects Nuneaton and Bedworth's residential character. Paragraphs 13.9, 13.10 and 13.11 specifically relate to extensions and alterations to existing houses.

3.4 It is considered that the single storey front extension in isolation is acceptable as it appears subservient against the host dwelling. Timber cladding is also proposed on the principal elevation of the scheme. However, the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) allows this under Part 1, Class A.

3.5 Part of the proposal includes installation of hedges, 0.75m dwarf walls, 1.8m pillars and pedestrian and vehicular gates both roughly 2m. Although the line of hedges will have a maximum height of 1.8m, these are not considered to be development under section 55 of the Town and Country Planning Act 1990 and guided by Paragraph: 001 Reference ID: 13-001-20140306 (NPPG). Moreover, the dwarf walls (less than 1m) facing the highway can be constructed under Schedule 2, Part 2, Class A of the GPDO 2015. In terms of the pedestrian and vehicular gates, although it is quite different against the street scene, as these are somewhat in line with the proposed hedges, it is not considered to appear incongruous and will blend within the hedges. Furthermore, WCC Highways have no objections in terms of the boundary treatments proposed, therefore assumed to not have significant adverse impacts on the footpath.

3.6 Approval of the proposal will generally increase the overall size of the dwelling, therefore recognising that it does not comply with paragraph 13.9. St Nicolas Park Drive consists of large, detached dwellings and it was observed that some of the dwellings have been altered and/or extended. However, these all appear to be in keeping with the area and appear subservient to their host dwellings. Although it is also considered that the proposal does not raise the height of the dwelling, it will still appear dominant compared to the host dwelling. It is considered that the extension will give an appearance of continuous built form which as a result, lessens the gap between the properties. The side extension, by means of bulk and scale, is considered to appear visually dominant and incongruous against the host dwelling and street scene.

3.7 As mentioned, the proposal will project forward the existing principal elevation, therefore also being visible against Higham Lane (see Proposed North-West Elevation Street Elevation). It is considered that the existing host dwelling already appears large and an addition of a two-storey extension will make the dwelling appear as such an additional dwelling. As a result, the introduction of this extension gives a double frontage effect, and an overly prominent extension which harms the integrity and primary nature of the host dwelling.

3.8 It is considered that the proposal will appear incongruous within the street scene and dominate the host dwelling by means of overall bulk and scale. It is also considered that due to the existing size of the host dwelling, it is felt that a first-floor extension would not be in keeping with the existing street scene and would still appear dominant in relation to the application site.

3.9 Therefore, it is considered that the proposal is not in keeping with paragraphs 135 & 139 of the NPPF 2024, Policy BE3 (BPR 2025) and paragraphs 13.9, 13.10 and 13.11 (SDC SPD 2026).

4 Impact on Parking & Highway Safety

4.1 Currently, there are 5 bedrooms within the dwelling. The proposal features an extension of an existing bedroom and addition of 1 bedroom. Section 5.1 of the Transport & Parking Standards SPD 2026 requires 2 parking spaces for 3-bed+ dwellings. Even with the proposal, the site can still accommodate enough on-site parking for at least 2 cars, therefore deemed acceptable.

4.2 Initially, WCC Highways had an objection to the proposal due to the proposed gate not meeting the minimum setback requirement of 5.5m under paragraph 3.4.3 of the Warwickshire Design Guide. Furthermore, there was no evidence that the proposed widening of the driveway will also mean that a dropped kerb will be extended. Lastly, information was needed to confirm if there will be a removal of a highway tree. Nevertheless, further plans and clarification were submitted to which a 5.5m setback was proposed and the existing tree and dropped kerb are retained. As such, WCC Highways have withdrawn their objections.

4.3 Therefore, it is considered that the proposal is acceptable in terms of parking and highway safety.

5 Other Matters

5.1 The agent and applicant have provided examples of similar extensions during the application process which are located within the area. These include properties along Grasmere Crescent (0.4mi, 9min. walk), Ullswater Avenue (0.7mi, 15min. walk), Windermere Avenue (0.7mi, 16min. walk) and 211 St Nicolas Park Drive (0.8mi, 17min. walk). Furthermore, they have presented that an HMO application with extensions and alterations at 212 Higham Lane (Reference 040698) have been recommended for approval by an officer (although refused at Committee). However, applications are assessed based on the individual merits of each case, and are only assessed on what is currently existing on site, and are determined on their own planning merits. Therefore, limited weight is given to these precedents.

6 Conclusion

6.1 Paragraph 11 (NPPF 2024) sets out a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004, states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

6.2 The application site is within an established residential area and does not propose to alter the existing use of the dwelling. Furthermore, there are no significant adverse impacts in terms of flood risk, parking and highway safety.

6.3 However, the height and depth of the two-storey side extension will appear incongruous against the street scene and dominate the host dwelling by means of overall bulk and scale.

6.4 On balance, it is considered that the proposal will result in a development which is incongruous and out of keeping with the character and appearance of the area. As such, the recommendation is for a refusal.

REASONS FOR REFUSAL:

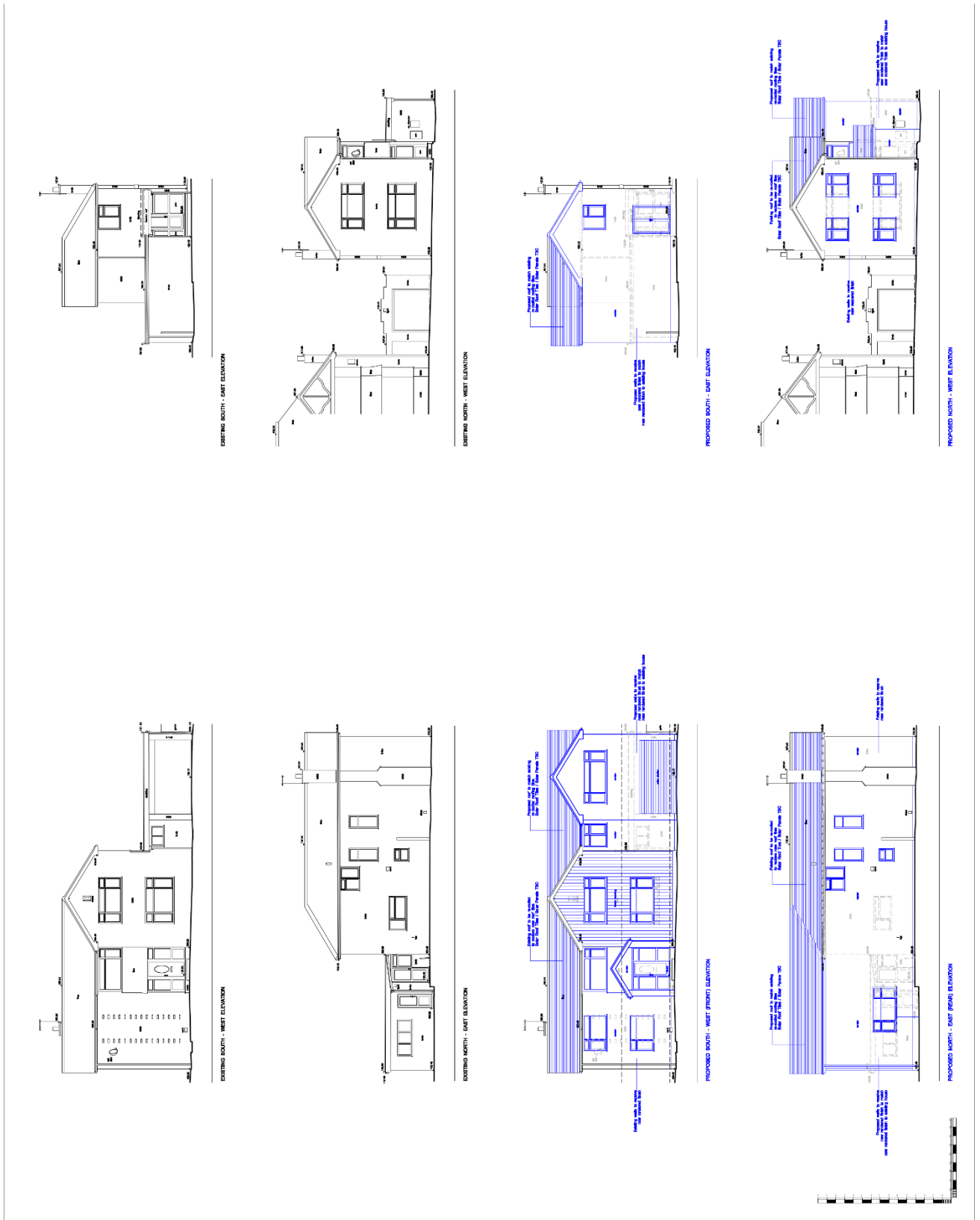
1. (i) Paragraph 135 (NPPF 2024) details that how planning policies and decisions should ensure that developments achieve well-designed places. In summary, it requires developments to function well within the area on the long run, be visually attractive and respect the scale and character of the area.

(ii) Paragraph 139 (NPPF 2024), states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes.

(iii) Paragraph 198 (NPPF 2024) provides guidance that decisions should ensure that development is appropriate for its location and take into account the likely effects of pollution on health, living conditions and natural environment.

(iv) Policy BE3 (BPR 2025) states that developments must enhance local character of the neighbouring area whilst respecting the sensitivity to change of the generic characters within each urban area. The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents.

(v) The proposal is contrary to this policy as it would result in an overly prominent and visually intrusive form of development. The proposed extension appears neither subordinate nor proportionate to the host dwelling, failing to respect its scale and form. It would, by virtue of its excessive scale, bulk, and massing, dominate the original dwelling and disrupt the balanced street scene. The extension would appear overly large in relation to both the host property and neighbouring dwellings, resulting in a form of development that is incongruous and out of keeping with the prevailing character and appearance of the area. Therefore, the proposal would have a significant detrimental impact on the visual amenity of the surrounding area (contrary to sections 9, 10 and 13 of the SDC SPD 2026).



Existing and Proposed Elevation Drawings

Glossary

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Major Planning application-

- the winning and working of minerals or the use of land for mineral-working deposits
- waste development
- Residential development of 10 or more residential dwellings
- Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e. for outline applications)
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.
- development carried out on a site having an area of 1 hectare or more

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is

kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that "meets the needs of the present without compromising the ability of future generations to meet their own needs".

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the 'principal act'.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)