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Date: 8<sup>th</sup> November 2024

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in  
**Council Chamber of the Town Hall, Nuneaton on Tuesday, 19 November 2024 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

Councillor C. Phillips (Chair)  
Councillors L. Cvetkovic, E. Amaechi,  
P. Hickling, N. King, M. Kondakor,  
S. Markham, B. Saru, J. Sheppard,  
R. Smith and K. Wilson.

# AGENDA

## PART I - PUBLIC BUSINESS

### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside 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 22<sup>nd</sup> October 2024, attached (**Page 5**)

### 4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

#### Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

**Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered.

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached **(Page 14)**.

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**

**22<sup>nd</sup> October 2024**

A meeting of the Planning Applications Committee was held on Tuesday, 22 October 2024, in the Council Chamber.

A site visit in relation to application 040401 took place prior to the meeting.

**Present**

Councillor C. Phillips (Chair)

Councillors: E. Amaechi, L. Cvetkovic (Vice-Chair), P. Hickling, N. King, M. Kondakor, B. Saru, J. Sheppard, R. Smith, B. Pandher (substitute for S. Markham) and M. Walsh (substitute for K. Wilson).

Apologies: Councillors S. Markham and K. Wilson.

PLA22 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 24<sup>th</sup> September 2024 be approved, and signed by the Chair.

PLA23 **Declarations of Interest**

As Councillors B. Pandher and M. Walsh were substitute Councillors for this meeting, their Declarations of Interest were not listed in the schedule for this meeting.

**RESOLVED** that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interests for Councillors B. Pandher and M. Walsh.

PLA24 **Declarations of Contact**

Councillor L. Cvetkovic declared that he had received contact from representatives of Life Church and Councillor D. Brown in relation to applications 039614, 039615 and 039616. All other Committee Members declared they had also received the same contact/correspondence in relation these applications. Members confirmed they had not discussed the application with those who had made contact with them, or given an indication as to how they would vote.

Councillor P. Hickling declared that he had received contact from residents and representatives in relation to application 040401. All other Committee Members declared they had also received the same contact/correspondence in relation to application 040401. Members confirmed they had not discussed the application with those who had made contact with them, or given an indication as to how they would vote.

**IN PUBLIC SESSION**

PLA25 **Planning Applications**

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

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

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Chair

**SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA25 OF THE PLANNING APPLICATIONS COMMITTEE ON 22<sup>ND</sup> OCTOBER 2024**

040401 – 3 Homers Yard, Gatehouse Lane, Bedworth. CV12 8UE

Applicant – Dr Dean Hamilton

Planning Committee Members were invited to attend a site visit in relation to this application prior to the Planning Applications Committee meeting.

**Public Speakers:** Justin Price-Jones (Supporter)  
Philip Cowen (Objector)  
Councillor B. Hancox (Ward Councillor)

**DECISION** that planning permission be granted, subject to the conditions printed in the agenda.

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039614 – Life Church, Bulkington Road, Bedworth. CV12 9DG

Applicant – Life Church Bedworth

**Public Speakers:** Pastor Danny (Supporter)  
Councillor D. Brown (Supporter)

**DECISION** that planning permission be granted, subject to a legal agreement and the conditions printed in the agenda and addendum.

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039615 and 039616– Life Church, Bulkington Road, Bedworth. CV12 9DG

Applicant – Life Church Bedworth

**DECISION** that these planning applications be deferred to the November 2024 Planning Applications Committee, to allow Planning Officers time to review and assess new information.

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040333 – 58 Camp Hill Road, Nuneaton. CV10 0JH

Applicant – Ms Annie Qtum

<b>Public Speakers</b>	Annie Qtum	(Applicant)
	Perry Moore	(Objector)
	Danielle Barnsley	(Objector)

**DECISION** that planning permission be granted, subject to the conditions printed in the agenda.

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**Planning Applications Committee –  
Schedule of Declarations of Interests – 2024/2025**

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	E. Amaechi	<ul style="list-style-type: none"> <li>- Employed NHS Wales Shared Services Partnership (NWSSP)</li> <li>- Ricky Global Consultants Ltd</li> <li>-Purple Dove Events Ltd</li> <li>- Director – Techealth Ltd</li> </ul>	The Labour Party (sponsorship) - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton.  - Member of: - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry.  Representative on the following Outside Bodies: - Committee of Management of Hartshill and Nuneaton Recreation Ground - EQuIP: Equality and Inclusion Partnership - West Midlands Combined Audit, Risk and Assurance Committee - Pride in Camp Hill (PinCH)	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: - Building Control Partnership Steering Group	
	P. Hickling	<ul style="list-style-type: none"> <li>- Employed by Wyggeston and Queen Elizabeth I College (Teacher)</li> <li>- Pearson Education (Snr Examiner)</li> </ul>	The Labour Party (sponsorship) - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			- Committee Member of Nuneaton Historical Association Representative on the following Outside Bodies: - Friendship Project for Children	
	N. King	Employed by Love Hair and Beauty	Representative on the following Outside Bodies: - Nuneaton Town Deal Board	
	M. Kondakor		- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Hammersley, Smith and Orton Charities</li> <li>• Trustee of Abbey Theatre</li> <li>• Bedworth Board</li> <li>• Free Speech Union</li> <li>• Exhall Multicultural Group</li> </ul>	
	C. Phillips	Member of Warwickshire County Council	- Chair of Governors – Stockingford Nursery School - Member of Labour Party - Part-time Carer	
	B. Saru	- Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer	- Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association Representative on the following Outside Bodies: - Armed Forces Covenant	
	J. Sheppard		- Director of Wembrook Community Centre.  - Member of Labour Party. Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Sherbourne Asset Co Shareholder Committee</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</li> <li>• Nuneaton Neighbour Watch Committee</li> </ul>	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre.
	R. Smith		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	<ul style="list-style-type: none"> <li>- Deputy Chairman – Nuneaton Conservative Association</li> <li>- Nuneaton Conservative association (sponsorship)</li> <li>- Board Member of the Conservative Councillors' Association.</li> <li>-Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</li> <li>Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>- LGA People &amp; Places Board (Member)</li> <li>- Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>- Director of Grayson Place (NBBC) Ltd</li> </ul> </li> </ul>	

**Planning Applications Committee –  
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	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Hammersley, Smith and Orton Charities</li> <li>• Trustee of Abbey Theatre</li> <li>• Bedworth Board</li> <li>• Free Speech Union</li> <li>• Exhall Multicultural Group</li> </ul>	
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	B. Saru	- Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer	- Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association  Representative on the following Outside Bodies: - Armed Forces Covenant	
	J. Sheppard		- Director of Wembrook Community Centre.  _____ - Member of Labour Party. Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Sherbourne Asset Co Shareholder Committee</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</li> <li>• Nuneaton Neighbour Watch Committee</li> </ul>	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre.
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**Planning Applications Committee**  
**19<sup>th</sup> November 2024**

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

**Deferred Items**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
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2.	039616	PO	Life Church, Bulkington Road, Bedworth, CV12 9DG	42

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
3.	040527	BU	'Site 97d006-Weston Lane', Weston Lane, Bulkington	72
4.	040159	AT	'Site 51b012- R/O King Edward Road,' Anker Street	94
5.	040411	WH	77 Thornhill Drive	110
6.	040562	SM	23F Abbey Street	130
7.	040573	CH	'Site 105b008' Bedworth Leisure Centre & Land at Miners Welfare Park	143

<b>Wards:</b>					
AR	Arbury	EA	Eastboro	SL	Slough
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

## DEFERRED ITEM

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### Item No. 1

**REFERENCE No.** 039615

**Site Address:** Life Church Bulkington Road Bedworth Warwickshire CV12 9DG

**Description of Development:** Single-storey and two-storey side and rear extensions. Erection of rain screen facade to northern elevation. To include extension to car parking area and other associated works (Use Class F1/F2) (Phase 2)

**Applicant:** Life Church Bedworth

**Ward:** PO

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

First floor extension to south to form kids multi-use rooms (Use Class F1/F2) with undercroft car parking area underneath. Further internal strip out of original church building to increase auditorium capacity to 652. Extension of car parking area to south of the site with associated works (Phase 2) at Life Church Bulkington Road Bedworth Warwickshire CV12 9DG.

This application is for the proposed second phase of development at the Life Church. It consists of additional extensions above and beyond those as part of phase 1 (reference 039614) to include a first floor rear extension to accommodate a kids multi-use room (168 seat auditorium type room), as well as 7 multi-purpose rooms.

Within the original fabric of the building, the existing auditorium and multi-use rooms are to be stripped out to create a larger main auditorium with a proposed capacity of 652 seats. Some additional parking is proposed to the front of the building, which was used as a builders/ contractors parking area under phase 1. The building will remain as a flexible mixed use building under Use Class F1 and F2.

The site is set within a predominantly residential area, with dwellings to the north, south and east of the site. However, the site is also just outside of a local centre, which consists of a number of commercial and other uses including local shops, barbers, takeaway and public house. There is also the All Saints Bedworth Academy and Nursery, a further church building and Nicholas Chamberlaine Secondary School close to the site. In terms of transport links, the site is within a sustainable location with Bedworth Railway Station at 200m from the site which is within walking distance. There are also bus stops along Bulkington Road and the site is also within a 5 minute walk from Bedworth Town Centre, which is served by further bus links to Bedworth, Bulkington, Nuneaton, Coventry, Atherstone, Hinckley and Leicester

## **BACKGROUND:**

This application is being reported to Committee as it has received more than 15 letters of objection and support.

## **RELEVANT PLANNING HISTORY:**

- 039616 -Single-storey and two-storey extensions to front (Use Class F1/F2)
- (Phase 3). Not yet determined.
- 039614 - Proposed extension and external refurbishment of an existing Church building to include the partial strip out and improvement of the existing auditorium and removal of the first floor terracing. Two- storey side and rear extensions with ancillary cafe and breakout space to ground floor with community and educational spaces to first floor (Use Class F1/F2). Rain screen facade to be constructed on the Northern elevation plus extension to car parking area and other associated works (Phase 1). Not yet determined.
- 012729 - Provision of children's playground on part of front car park, new glass doors to front and change of use of part of ground floor to café. Refused 14/12/2009

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 - Settlement hierarchy and roles
  - DS3 - Development principles
  - NE3 – Biodiversity and geodiversity
  - NE4 – Managing flood risk and water quality
  - NE5 – Landscape character
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Policy, NBBC Open Space Officer, NBBC Tree Officer, NBBC Waste & Refuse team, NBBC Sports Development Team, WCC Ecology Officer, WCC FRM, WCC Infrastructure, WCC Archaeology, WCC Highways, Coal Authority, National Grid, Warwickshire Fire Safety, Water Officer, Cadent Gas, Warwickshire Police

## **CONSULTATION RESPONSES:**

Objection from:  
WCC Highways

No objection subject to conditions:



NBBC Environmental Health, Coal Authority, Water Officer, WCC Archaeology, WCC Ecology officer

Comment from:

National Grid, Warwickshire Police, Warwickshire Fire Safety

No objection from:

NBBC Policy

No response from:

NBBC Open space officer, NBBC Tree officer, NBBC Waste & Refuse team, NBBC Sports Development, WCC Infrastructure, Cadent Gas

### **NEIGHBOURS NOTIFIED:**

“Travellers Rest”, “Flat 1 Travellers Rest”, “All Saints C of E First School”, 15 & 26-50 (evens inc.) Bulkington Road. 34, 43, 45, 47 & 57-69 (odds inc.) Hatters Court, “Poplars Farm” & 35 Mitchell Road. 10, 11, 12 & 13 The Priors,

Neighbouring properties were sent letters notifying them of the proposed development on 13<sup>th</sup> May 2023 and 14<sup>th</sup> June 2023. A site notice was erected on street furniture on 2<sup>nd</sup> June 2023 and the application was advertised in The Nuneaton News on 28<sup>th</sup> June 2023.

### **NEIGHBOUR RESPONSES:**

There have been 27 letters of objection from 16 addresses, 1 letter of petition in objection and 1 objection letter with no address provided. The comments are summarised below:

1. Impact on wildlife including bats, insects, birds and squirrels as a result of the loss of trees and the development itself
2. Loss of privacy as a result of the loss of trees
3. Loss of privacy/ overlooking from the extensions
4. Development is excessive in size for a residential area
5. Increased levels of external noise from cars due to the extended car park
6. Increased noise levels from the church and activities
7. Air conditioning plant on roof will be a source of noise
8. The development will increase and encourage car parking in the area
9. Increased traffic flows in an already congested housing estate resulting in traffic accidents
10. Access roads and car park is not sufficient to deal with the additional vehicular movements
11. Loss of house value
12. Loss of light
13. Visual intrusion
14. Will act as a main wind channel between building and houses
15. Disturbance to contaminated land

There have been 27 letters of support from 25 addresses, the comments are summarised below:

1. The church is a hub for the local community. The proposed development will positively impact people's lives
2. The church is one of the local food banks
3. The proposed development will enable the church to better serve the local community on an even greater scale including expanding the provision of youth work, educational needs, community groups and helping the most vulnerable people in the area.
4. The development is much needed for the local community
5. The church as existing is at full capacity and this development will help to increase attendance and therefore better support the existing community and expand it
6. The extensions and alterations to the existing building will be better sound proofed benefitting the local residents
7. The building will be visually improved and modernised as a result of this development

A petition has been received in support of the application(s) containing 461 signatures.

## **APPRAISAL:**

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding and drainage
6. Ecology, biodiversity and trees
7. Archaeology and Heritage impacts
8. Noise, air quality and land contamination
9. Planning Obligations
10. Conclusion

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

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key areas which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

The site is located within the defined Development Boundary, as defined by the Council's Policies Map. Policy DS2 of the Borough Plan 2019 sets out the settlement hierarchy for the Borough and places Nuneaton at the top of the hierarchy, and states

that Nuneaton has the primary role and Bedworth the secondary role for employment, housing, town centre, leisure and service provision.

Policy DS3 of the Borough Plan 2019 states that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Plan. It goes on to state that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The site has no specific designation within the Borough Plan Policies Map.

The site is located within a reasonable driving distance to major road networks, including the M6 and the A444. Additionally, the site can be accessed via a range of sustainable transport options, including via bus services, with bus stops being located within close proximity to the site on Bulkington Road and within Bedworth Town Centre, and the site is also within walking distance of Bedworth Train Station.

The proposal seeks to extend an existing church building, which is used somewhat flexibly as Use Class F1 – learning and non-residential institutions and Use Class F2 – Local Community. This application proposes extensions at ground and two-storey level to the side and rear of the existing building. On the ground floor, the coffee and kitchen areas will be added to the rear, and the new larger foyer and break out spaces to the front, along with other small ancillary rooms for storage, and new toilets. Furthermore, the main auditorium will be stripped out, including the multi-purpose rooms and will be redesigned so that the entire of the original floor space is used as an auditorium, increasing the seating capacity by 250 from 402 to 652.

To the first floor, 7 multi-use are to be created, plus a kids multi-use room, which is shown to be laid out as a smaller auditorium. Although the plans shows the layout of the rooms, the use class as proposed would allow the spaces to be used somewhat flexibly between F1 and F2. The layout of the rooms could therefore allow spaces to be used for several different purposes within the two Use Classes.

Use Class F1 and F2 are split into a number of suffixes including:

- F1(a) Provision of education
- F1(b) Display of works of art (otherwise than for sale or hire)
- F1(c) Museums
- F1(d) Public libraries or public reading rooms
- F1(e) Public halls or exhibition halls
- F1(f) Public worship or religious instruction (or in connection with such use)
- F1(g) Law courts
- F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 sq. m and there is no other such facility within 1000 metres
- F2(b) Halls or meeting places for the principal use of the local community
- F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- F2(d) Indoor or outdoor swimming pools or skating rinks

The Life Church as the current occupiers will likely utilise the space mostly in relation to F1(f) and F2(b), although any of the uses as above would be possible.

Through the Church's website and social media pages, it is known that as existing, the site is used as more than just a church. It is a social hub and meeting place, with events behind held throughout the week. Some of these events are in connection with the church and include prayer evenings, band practice etc. whilst other events are more closely associated with socialising for the local community. Information contained within the petition set up by the Life Church sets out that at present, around 600 congregants gather each Sunday across two services. The Life Church is also busy and active throughout the entire with over 1,000 people each week accessing a range of holistic support services, including;

- Children's work
- Youth work
- Parenting groups
- Stay & Play activities for children and families with additional needs
- Parent & Toddler sessions
- Marriage advice courses
- Debt advice and money management support
- Educational groups
- Senior Citizens luncheons
- Training & Development

These events are likely to be held on regular intervals, however there are also one-off events which occur throughout the year and these may include, but are not limited to, movie nights, pantomimes and shows, fates, art open evenings. At present it is also known that there are two Sunday services which operate, which is assumed to be due to the limited capacity of the current auditorium.

It is considered that as a result of this application for phase 2, the number of attendees to the church will increase, as it will become a main hub for the Life Church. It is also possible that 2 services could continue. It is also anticipated that following the Sunday service, due to the increased facilities within the building, those in attendance are more likely to stay on-site and utilise the space for socialising as well as further religious activities. The Council have been informed that it is expected that after the service on Sunday's, children will be encouraged to stay and use the proposed children's facilities. It can therefore be reasonably expected that the parents/ adults in attendance will also remain on site.

Throughout the week, it could also be reasonable to expect that the multi-use/ flexible use rooms could be hired out by members of the community. As part of the submission of this application, and the 2 other phases being considered (application refs 039614 and 039616), it is anticipated that activities including teaching and workshops for the local community are expected, but this could also extend into sports and fitness classes, concerts, plays, shows and pantomimes as long as it can be shown that the main principle use is for the local community.

Based on the policies within the Borough Plan and NPPF, it is considered that the principle of the extensions to the Life Church are acceptable.

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

Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In relation to the existing properties, distance standards are met, in compliance with Section 11 of the Sustainable Design & Construction SPD 2020.

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. Front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings in the house.

Paragraph 135 of the NPPF states, amongst other things that planning policies and decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 191 of the NPPF states that planning policies and decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 124 of the National Design Guide states that good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability.

The development will introduce two-storey extensions to the side and rear of the building. The main impact of these extensions will be on the residential dwellings on Hatters Court. It is noted that some properties, namely No. 65 and partially 63 Hatters Court already face the main building, and it is not considered that there would be any additional harm created as a result of the proposed extensions in relation to these 2 dwellings.

Nos 61, 59, 57 and 55 Hatters Court will face towards the proposed rear extensions, which are part single storey and part two-storey in nature. As per the Sustainable Design & Construction SPD, where a habitable room window faces a blank wall of the same height, a minimum separation distance of 12m is required. This minimum distance increases to 14m where the extension is a storey higher and 16m where the difference is two storeys (paragraph 11.7 and 11.8).

The closest part of the proposed development will serve the kitchen and is to be single storey in nature. There will be a separation distance of 13.3m from the rear of the dwellings to this extension which will be a blank wall construction. The two-storey

element of the extension is to be set back from the rear of the dwellings at a separation distance of 19.7m. The elevation facing the residential properties will have a number of high-level windows which will service the kids rooms. It is considered necessary that as well as the windows being at a high level, they should also be conditioned to be obscurely glazed to prevent overlooking and protect residential amenity. Finally, a small plant deck is proposed to the flat roof of the extension. This will be slightly set into the roof resulting in a separation distance of 21.2m.

The proposed extensions to the building will be larger than those proposed under Phase 1. For clarity, the area marked in red on the proposed floor plans denotes the additional floor space which is proposed over and above that considered under phase 1.

It is noted that the properties on Hatters Court are at a lower land level than the Life Church. Nevertheless, the proposed extensions would be in excess of the distance standards as per the SDC SPD and as such, despite the lower land levels of these properties, the proposal is found to be in accordance with the SPD and as such, the impact on residential amenity is acceptable.

This proposal will also result in a larger area of car parking to the rear of the site. It is not expected that the car park in itself will have an impact upon residential amenity. It is noted that the area to be formally turned into a car park is used as existing as overspill car park, which is grassed and not laid out formally with hardstanding or marked car parking spaces. The overspill car park is used mostly on Sunday's during the sites busiest period.

In terms of noise from cars within the car park, it is considered that there is a potential for this to result in noise and disturbance. As a result, a noise assessment is proposed to be conditioned on the decision notice. Noise is assessed further on in this report.

On balance, it is not considered that the development would result in any detrimental harm to residential amenity as a result of the extensions or alterations.

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

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

The NPPF (2023) states at paragraph 135 that planning policies and decisions should ensure that developments:

- A. Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- B. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- C. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

- D. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- E. Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
- F. Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. The Sustainable Design and Construction SPD details information to help comply with the requirements of this policy.

The site comprises the main Life Church Building, an industrial style building with brick construction which is substantially set back from the road, and Dovedale House, which is used for the Church Offices. The site is accessed off the Bulkington Road, and there is a secondary narrower access to the rear of the site onto Mitchell Road, although this is rarely used and is proposed to be blocked off as part of this application. There are currently two formally marked out parking areas located to the front and side of the main building, as well as an informal parking area to the rear which is not formally marked out and is made up of loose gravel and grass.

As existing, the main building has a footprint of 756 sq. m, which when compared to the size of the site itself which is 0.815 ha, is relatively small in scale. The site is set within a predominantly residential area, with dwellings to the north, south and east of the site. However, the site is also just outside of a local centre, which consists of a number of commercial and other uses including local shops, barbers, takeaway and public house. There is also the All Saints Bedworth Academy and Nursery, a further church building and Nicholas Chamberlaine Secondary School close to the site.

In terms of transport links, the site is within a sustainable location with Bedworth Railway Station at 200m from the site which is within walking distance. There are also bus stops along Bulkington Road and the site is also within a 5 minute walk from Bedworth Town Centre, which is served by further bus links to Bedworth, Bulkington, Nuneaton, Coventry, Atherstone, Hinckley and Leicester.

This application proposes extensions at ground and two-storey level to the side and rear of the existing building. On the ground floor, the coffee and kitchen areas will be added to the rear, and the new larger foyer and break out spaces to the front, along with other small ancillary rooms for storage, and new toilets. Furthermore, the main auditorium will be stripped out, including the multi-purpose rooms and will be redesigned so that the entire of the original floor space is used as an auditorium, increasing the seating capacity by 250, from 402 to 652 total seats.

To the first floor, 7 new multi-purpose rooms are to be created, plus a kids multi-use room, which is shown to be laid out as a smaller auditorium. There will also be a

parents lounge and toilets. Although the plans shows the layout of the rooms, the use class as proposed would allow the spaces to be used somewhat flexibly between F1 and F2. The layout of the rooms could therefore allow spaces to be used for several difference purposes within the two Use Classes.

Externally, the existing building is to be updated and shall match the materials of the proposed extensions. A mix of traditional masonry construction with rendered and painted finish and off-white buff brick (Wienerburger or similar approved) to ground floor is proposed. Dark grey buff brick (Wienerburger or similar approved) is proposed to the rear ground floor. A Metsec framing system with CAREA 'Meca' range façade panels is proposed to first floor only. A temporary wall will be added to the front elevation and Metsec uninsulated support structure with CAREA 'Smooth Urban' rainscreen cladding system. Vertically hung timber brise soleil by 'Contrasol' (or similar approved) will be added to the existing front elevation, with existing external wall to be painted. Dark grey aluminium doors and windows are proposed, and dark grey brick with decorative lattice is proposed to cover the plant deck.

The proposed materials are of a much more contemporary and modern finish, compared to the existing industrial style building which occupies the site at present. As discussed, the wider site is mixed with commercial and residential properties. Therefore, there is not a defined street scene in terms of size, style, or use of materials. The contemporary nature of this development is considered to be acceptable given the mixed street scene as well as the nature of the building itself.

On balance, the scheme is considered to be acceptable in terms of impact on visual amenity.

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

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108).

Policy HS2 of the Borough Plan (2019) states that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport
2. Whether the development identifies suitable demand management measures
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.

In terms of parking provision, the Transport Demand Management Matters – Parking Standards SPD 2022 (TDMM) sets out the required parking requirements for different types of development. In the case of this application, the main 2 uses are F1(f) and F2(b), with some ancillary uses on the site.

In terms of the TDMM SPD, when calculating the required number of car parking spaces relative to the floor area, Use Class F1(f) requires a higher amount of parking compared to F2. Although it is appreciated that the site and the multi-use rooms will be used somewhat flexibly, throughout the week, it is reasonable to calculate the



required parking based on a “worst case scenario”. In this case that would be the multi-purpose rooms and auditorium used as an F1(f) use.

It is considered that the main F1(f) uses comprise of the main auditorium, the 8 multi-purpose rooms and kids multi-use room. It is noted that some of the multi-use rooms were previously labelled as “kids rooms”. The planning statement which has been submitted states that the retitling to multi-use rooms better reflects the mixed-use nature of the site. The planning statement is clear that the multi-use rooms will be used somewhat flexibly on different days of the week. On Sundays for example, which at present would be the sites busiest day, the multi-purpose rooms could be used by members of the congregation as breakout spaces for children’s activities after the main service (it should be noted that at present there are 2 services on a Sunday) but could also be used in a number of other ways as a space for public worship. Throughout the week, the spaces could be used either as a place of worship or used by local community as a meeting space. The Council consider that as the site is seeking consent for a mixed-use flexible use that this is reasonably likely.

The refitted auditorium will have a floor area of 623 sq. m. At first floor, the 8 multi-use rooms created as part of the extension will add an additional 608 sq. m of floor space. The TDMM SPD requires 1 parking space per 5 sq. m of F1 floor space and therefore, a total of 246 car parking spaces are required.

The current site has 45 car parking spaces laid out to the side, although there is also an informal overflow car park to the rear of the site. This development proposes just 164 car parking spaces, resulting in an under provision of 82 spaces. The Planning Statement suggest that the Life Church has an agreement with the All Saints C of E School to use their car park which has 24 spaces as an overflow car park. It is located 110m away from the site. The Council consider that although there may be an existing arrangement, we are unable to guarantee such an arrangement for the lifetime of the development.

The larger auditorium proposed under this development will increase the seating capacity by 250 seats. This, in combination with 7 multi-purpose rooms, kids multi-use room, café and general meeting space will result in the church being a main hub and meeting point, which in turn will likely increase the number of visitors.

WCC Highways have reviewed the application and object to the proposal based on the insufficient number of car parking spaces and the additional information contained within the Transport Note, which has been submitted to the Council to address previous concerns raised by the Highway Authority and the case officer.

The Highway Authority consider that the findings within the Transport Note are not sufficiently detailed for a full assessment to be made. Firstly, the travel and parking survey has solely focused on the auditorium in a “worst case scenario” in order to determine the parking requirements, due to the applicant confirming that no other uses would be used at the same time i.e. only F1 uses could be carried out on the site with no F2 uses, and vice versa.

However, planning officers consider that it would not be possible to condition this nor condition the use of the site as just for use by the Life Church.

When assessing planning conditions, the NPPF (2023) sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 55).

It goes on to state that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (paragraph 56). It is considered that in this case, the condition for a management plan or restriction on how the building can be utilised, or a condition limiting the occupation to a particular church would be neither reasonable nor enforceable, enforceable given the sites intention to be used flexibly between Use Classes F1 and F2. In addition, the potential future uses of the site also need to be considered based on the mixed use nature of the site and the ability to be used under any of the F1 or F2 uses defined within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

It is considered that the site could be used by different religious groups, which may include those who do not have services on Sundays. Parts of the site could also be rented out to community groups etc.

It is also clear that service times can change even within the same days. Historic street view images show that service times of 9:45am and 11:30am were in place in 2017. This moved to 10:30 only in 2018 up to the October 2023 image. Furthermore, it is known that other churches including the nearby church (known as The Little Chapel) host evening services at 6:00pm and therefore there would be nothing to prevent such a change occurring at this site.

The Highway Authority do not consider that the results of the survey which have been carried out are acceptable. The travel survey was completed on Sunday 7<sup>th</sup> July 2024. It should be noted that the Sunday service currently comprises of two services at 9:30 and 11:30. In conjunction with this survey, a parking beat survey of the surrounding roads was completed for a 500m area in according with the Lambeth parking methodology for non-residential land uses. The survey comprised of an on-street parking survey and a parking survey of nearby public car parking facilities which took place at 7:00am before the first service and 10:15am during the first service.

The findings of the survey of the car parks are as follows:

- Spitalfields Car Park 1 – 93 spaces (90 regular, 3 disabled), 8-minute walk to Life Church (550m), Sunday Tariff: 08:00 to 18:00 £1.50;
- Spitalfields Car Park 2 – 36 spaces (33 regular, 3 disabled), 8-minute walk to Life Church (550m), Sunday Tariff: 08:00 to 18:00 £1.50;
- Bedworth Railway Station Car Park – 20 spaces (19 regular, 1 disabled), 2-minute walk to Life Church (140m), Sunday Tariff: 08:00 to 18:00 £1.50; and
- Miners Welfare Car Park – 49 spaces (44 regular, 5 disabled), 8-minute walk to Life Church (600m), Sunday Tariff: Free parking all day.

**Table 3.2 Public Car Park Capacity – All Car Parks**

	Public Car Parks	
	Beat 1 (07:00)	Beat 2 (10:15)
<b>Total Stock</b>	198	198
<b>Observed Demand</b>	31	70
<b>Reserve Capacity</b>	167	128
<b>Parking Stress</b>	16%	35%

With regard to wider on-street capacity the parking survey assessed an area comprising of 500m from the site, in accordance with the Lambeth parking survey methodology.

**Table 3.3 On-street Parking Capacity**

	On-Street Parking Capacity	
	Beat 1 (07:00)	Beat 2 (10:15)
<b>Total Stock</b>	761	770
<b>Observed Demand</b>	402	408
<b>Reserve Capacity</b>	359	362
<b>Parking Stress</b>	53%	53%

In terms of the existing travel habits of the existing congregation of the Life Church which on 7<sup>th</sup> July was 548 formed of 223 attendees during service 1 and 325 attendees during service 2. 205 responses were received to a travel survey questionnaire equating to a 37% response rate.

Of the 205 responses, 130 respondents were car drivers and 61 car passengers. The remainder walked to the site. The response indicates that the majority of the existing congregation (96%) travel to and from the site via private car either as a driver (34%) or passenger (62%), with just 4% of the congregation who walk to the site. Based on this information it was concluded that there is an average vehicle occupancy of 2.82 persons per vehicle. It is considered that the response rate of the travel survey is very poor and does not provide a robust or clear result.

The Highway Authority state that the method of the parking survey methodology was not agreed beforehand by the Highway Authority in order to ensure that the survey carried out is acceptable. The survey carried out is not in accordance with the Lambeth methodology. The Lambeth methodology involves recording the number of parked vehicles overnight within a defined small-scale study area and is used to assess parking stress by comparing parking supply (number of parking spaces) with parking demand (number of parked vehicles). For commercial developments, the Methodology should typically cover an area within 500m walking distance of a site.

The survey is not in accordance with the Methodology, as only 1 of the public car parks surveyed was within the 500m distance. Furthermore, the Lambeth methodology sets out that hourly beats should be carried out within opening hours. For this survey, only 2 snapshots were carried out which is insufficient and would not be considered representative or robust.

As previously stated, the time of service have and can change. It is considered that a survey carried out at 7:00am and 10:15am would not be representative of a service which took place at 10:30am. In addition, a further survey should have been carried out for the 2nd service time, whereby a cross-over of those attending the first service and those arriving for the second service could take place. Furthermore, as the TN confirms the 2nd service is busier with more than 100 additional people in attendance, it is considered essential to understand the parking capacity during such times.

It is noted that a number of the on-street car parking spaces which have been observed are on streets which are located to the rear of the site. Although at present there is a rear access to the site located off Mitchell Road, this is proposed to be closed as a result of this development. Therefore, a number of the car parking spaces such as those on Mitchell Road, The Priors and Lady Warwick Avenue, will be above the defined 500m. It is also noted that these locations are where the majority of the observed on-street spaces are found (as per Appendix B – Parking Beat Survey).

The Lambeth Methodology is clear that the following areas should be excluded from surveys:

- Areas which may present highway or personal safety issues or difficulty in accessing the parking such as on major road or areas with poor surveillance.

The spaces which are shown on Bulkington Road (B4029) can be described as a major road and should have been excluded from the survey.

The results of the survey, which although are insufficient, show that the spaces which would remain within 500m walking distance from the site are mostly located at the maximum range from the site such as on Tewkesbury Drive, York Avenue and Poplar Avenue. Conversely, the on-street parking closest to the site such as on Earl Street, New Street and Queen Street were occupied during both of the surveyed times.

Therefore, it can be assumed that vehicles which are forced to park on-street will have to park a reasonable walk (typically 6-7 minutes) from the site, or they will park in unsuitable locations closer to the site.

The method to which parking stock has been calculated is unclear. Part 3.3.13 of the TN states that the 'total stock' varies because of how people were parked which is an incorrect method. The total available on-street parking spaces should not change based on people's parking habits but rather should be based on the total measurements of the roads surveyed reduced by any restrictions such as dropped kerbs, 15m from junctions etc. How people park will impact on the observed demand, but not the total stock.

In terms of calculating the required on-site parking spaces the highway authority consider that more parking is required for the ancillary uses on site such as the coffee

space etc. However, the Council are content that subject to an appropriate condition, the coffee space shall remain as ancillary only and should not be considered within the floor space requirements when calculating parking requirements.

The Transport Note has determined that the net increase in parking demand generated by the resultant development will result in 74 vehicles needing to find parking outside of the site, either within the existing on-street parking or nearby public car parks. This figure has been calculated using the existing parking situation i.e. the number of attendees at present.

The Council and Highway Authority consider that, as the methodology behind the parking survey has not been agreed prior, that it's findings cannot be fully considered. The Council consider that in this instance, a 500m or up to a 7 minute walk to the site from on-street parking is excessive. This development will be used by my families including children and young children and it is therefore considered that it is extremely unlikely that families with children will voluntarily park up to a 7 minute walk away from the site, but rather than unsuitable parking will occur closer to the site possibly to the detriment of highway safety. As has also been discussed, the location of a number of car parking spaces which have been considered will be in excess of 500m or are located in unsuitable locations.

The Council also consider that the public car parks located in excess of 500m, and which would require users to pay as completely, unsuitable off-site car parking spaces and should not be given any weight in this consideration.

On balance, it is considered that the development should be designed as such that all of the car parking which is required for the size of the development to be located within the confines of the site and not rely on off-site parking such as on-street parking. It is considered the development proposed would be in excess in floor area in relation to the proposed number of car parking spaces resulting in an under supply of car parking of 82 spaces (as per the TDMM SPD).

The proposal fails to comply with the Council's adopted Transport Demand Matters – Parking Standards SPD which weighs against the application.

## **5. Flooding and Drainage**

Policy NE4 of the Borough Plan 2019 relates to managing flood risk, sustainable drainage systems and water quality. The policy also states that new development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).

Paragraph 165 of the NPPF (2023) sets out 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.

Paragraph 173 of the NPPF (2023) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 175 of the NPPF (2023) states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

WCC Flood Risk Management Team as the LLFA have reviewed the application and further information was requested. The site wide attenuation will be provided in the form of permeable paving. Whilst permeable paving provides water quality/quantity benefits it does not provide any amenity and biodiversity benefits. As such the LLFA would recommend 'management train' approach to the drainage design incorporating source control measures more widely across the site.

The site wide drainage outfalls into an existing STW system. The LLFA will need to see evidence of discussions with STW, such as a Developer Enquiry, which show that a connection to their asset is appropriate in principle at the proposed location and discharge rate.

Furthermore, the submitted FRA states that no survey has been done of the drainage infrastructure associated with the existing premises. The LLFA would expect this to be done at this stage and would also like to see a plan demonstrating how the existing system operates.

It was also noted that there is an existing dwelling on site. Details should be provided as to how this dwelling drains.

Finally, it was needed to demonstrate that consideration has been given to any exceedance flow and overland flow routing, using topography of the site to ensure there is no increase to flood risk both within and outside of the site boundary. This plan should also contain external levels in support.

Following the submission of the required additional information in the form of an amended FRA and surface water drainage strategy, the LLFA removed their objection and confirmed that they had no objection subject to conditions. The conditions are included at the end of this report.

Subject to these conditions, it is considered that the scheme would be acceptable in terms of flooding and drainage.

## **6. Ecology, biodiversity and trees**

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

Paragraph 180 of the NPPF (2023) states at criterion d, that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 186 of the NPPF (2023) states at criterion d that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

Following WCC Ecology's comments being received on the application, it is noted that several trees are proposed to be removed and these works were said to have the potential to affect bats. An initial bat survey was requested to assess if a bat roost could be present.

This application has been submitted alongside an arboricultural impact assessment (AIA) and method statement and a preliminary roost assessment which have all been assessed. The trees were found to be negligible in terms of potential bat roosts. However, the removal of the trees and the removal of the grassed area to the rear (proposed as car park) has triggered the need for Biodiversity Net Gain calculations to be submitted to show that there would be no net loss on site.

BNG calculations as well as a pre- and post- development habitat plan has been submitted. The survey which was undertaken on 16<sup>th</sup> August 2023 showed that the site is composed of sealed surfaces with patches of shrubs and grassland and a number of trees. The planned development of the building and car park would result in the loss of almost all of the noted habitats, with the exception of some broadleaved trees located on the site perimeter. However, the ecological impact is partly offset by the creation of some ornamental shrub beds to the east, south and western boundaries as well as some small individual patches within the car park.

The current proposal would cause the loss of all grassland and woodland habitat which significantly contributes to the site's biodiversity value of 1.59 units, thus causing a net habitat loss of -39.41%. The proposal would result in the loss of 0.65 habitat units, although, BNG targets could be met through off-site biodiversity enhance schemes with contributions required.

As per Policy NE3, biodiversity offsetting will be required as a last resort once all other available options in the mitigation hierarchy have been explored. The mitigation hierarchy states that the following sequential steps should be undertaken:

1. Avoidance - the first step of the mitigation hierarchy comprises measures taken to avoid creating impacts from the outset, such as careful spatial placement of infrastructure, or timing construction sensitively to avoid or disturbance. Avoidance is often the easiest, cheapest and most effective way of reducing potential negative impacts, but it requires biodiversity to be considered in the early stages of a project.
2. Minimisation - these are measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided. Effective minimisation can eliminate some negative impacts, such as measures to reduce noise and pollution, designing powerlines to reduce the likelihood of bird electrocutions, or building wildlife crossings on roads.
3. Rehabilitation/ restoration - The aim of this step is to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised. Restoration tries to return an area to the original ecosystem that was present before impacts, whereas rehabilitation only aims to restore basic ecological functions and/or ecosystem services – such as through planting trees to stabilise bare soil.
4. Offsetting - this aims to compensate for any residual, adverse impacts the previous three steps of the mitigation hierarchy have been addressed. Biodiversity offsets are of two main types: 'restoration offsets' which aim to rehabilitate or restore degraded habitat, and 'averted loss offsets' which aim to reduce or stop biodiversity loss in areas where this is predicted.

Due the number of car parking spaces which are required for the proposed development, although it was requested by the Ecology officer to retain more of the trees, this would result in a reduced number of car parking spaces which would in turn make the scheme unacceptable. On balance, the scheme would result in the loss of 0.65 units of habitat and these will be required to be offset through offsite enhancements should the application be approved. The calculations are provided in the planning obligations section of this report.



Subject to contributions in the form of Section 106 agreement, it is considered that the impact on ecology and biodiversity is acceptable.

## **7. Archaeology and Heritage Impacts**

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. The site does not contain any heritage assets.

The proposed development is said to lie in an area with significant archaeological potential to the east of the suggested historic medieval settlement at Bedworth (Warwickshire Historic Environment Record MWA9499). The site of the proposed development fronts onto Bulkington Road and lies within an area that was subject to significant development during the late 19th and early 20th centuries. The application site itself was formerly the Bedworth town gas works (MWA6692). During a site visit, undertaken to inform the Archaeological Desk-Based Assessment submitted with this application, building foundations possibly relating to the former gasworks were observed. There is therefore a potential for archaeological features and deposits relating to Bedworth's industrial past to survive across this area.

WCC Archaeology states that they have no objections subject to a written scheme of investigation for a programme of archaeological work be carried out and submitted. Such details can be conditioned to be submitted and approved and will be required prior to commencement of works.

Subject to such a condition, it is considered that the scheme would have no detrimental impact upon archaeology or heritage.

## **8. Noise, Air Quality and Land Contamination**

In terms of noise, this is an existing building with planning approval for use as a church. The new scheme does not propose to alter or change the position of the auditorium within the existing building fabric. The internal capacity increases as existing internal walls are stripped, but the structural shell and roof remains. The use as a church involves numerous "noisy" activities including live music on Sunday's as well as band practice during weekday evenings.

As part of the development, a plant deck is proposed to the two-storey roof which will contain the plant for the HVAC system for the building. NBBC Environmental Health officers would normally advise that plant is not located in an elevated position, but instead recommend that the building is designed and utilised as a barrier to help mitigate against any noise migration, protecting nearby residents against noise from this source.

There is also the possibility of increased noise from cars as a result of the rear car parking area adjacent to residential dwellings gardens.

NBBC Environmental Health have requested a noise assessment be carried out to ensure that the building is designed so that the cumulative noise levels from the centre should not be adding to the prevailing background sound level. The assessment

should include Sundays when the background noise levels are generally quieter. The noise assessment should clearly identify all sources of noise, including but not limited to:

- Noise from the auditorium
- Noise from the Plant deck
- Noise from any other external plant, including kitchen odour ventilation and extraction systems.
- Noise from the car park

The assessment should also detail how they propose to mitigate against each noise source so that there is no observable noise impact to nearby residents. This will ensure that the works they are proposing will be designed to enable the Centre to operate as they wish – but will not have a detrimental impact on the surrounding area.

A further condition relating to demolition and construction works is also recommended, to ensure that works are not carried out outside of appropriate hours.

In terms of contaminated land, the extensions to the rear of the development appear to be on land that was formerly occupied by the gas works. Although the building will be covering the ground and this in a sense reduces the risk. However, there is the possibility of gases and volatile compounds affecting the building. As such, suitable conditions relating to a contaminated land assessment is requested to be included on the decision notice.

As per Policy HS2 of the Borough Plan, The council supports the provision and integration of emerging and future intelligent mobility infrastructure that may help to deal with the issue of air quality, such as including electric vehicle charging points. Proposals must consider how they accord with the Transport Demand Management Matters and Air Quality SPD.

The TDMM states that new developments are expected to include appropriate provision for electric vehicle charging. In accordance with the air quality SPD, non-housing developments such as this site require 10% of car parking spaces to provide EV charging points. As this scheme proposes 131 spaces, 13 of these spaces will be required to be fitted with EV charging points. These are not shown on the proposed plans, as such, a suitable condition shall be included on the decision notice.

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment report (23 January 2023, prepared by GIP Ltd).

The Coal Authority have confirmed that they concur with the conclusions within the Coal Mining Risk Assessment report that coal mining legacy potentially poses a risk to the proposed development and that further investigations are required, along with possible remediation measures, in order to ensure the safety and stability of the proposed development. They submit a response of no objection subject to a condition.

## 9. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2023 notes that these obligations should only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Paragraph 93 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Organisation	Request For	Contribution	Notes
WCC Ecology	Biodiversity Net Gain offsetting scheme	£42,313	

## 10. Conclusion

In conclusion, the NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The potential impacts of the proposed development in relation to the principle of the development, residential amenity, visual amenity, highway safety, flood risk and drainage, land contamination, ecology and biodiversity, archaeology, noise and air quality have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances and in some instances, where potential adverse impacts are identified, it would be possible to mitigate against these through the use of conditions.

The exception to this is the impact on on-site car parking. The parking survey which has been submitted has confirmed that 96% of existing attendees of the church travel to the site by private car. Secondly, it has confirmed that the proposed number of car parking spaces within the site would be insufficient for the expected number of attendees on a Sunday. Although an assessment of on-street car parking has been carried out, it has highlighted that the majority of on-street parking would be located a considerable distance from the site at around 500m walking distance which would represent a 6-7 minute walk. When considering the use of the site and its attendees which would likely be families with children, this length of walk is found to be excessive and likely unrealistic.

It is considered that the development should provide sufficient car parking on-site for the expected number of vehicles based on the proposed floor area. It is found that this development would result in 88 cars being parked outside of the site. Given that the findings of the parking survey cannot be fully relied upon due to some inaccuracies and failure to agree a methodology with the Council, the development is found to be unsuitable and fails to comply with the Council's adopted Transport Demand Matters - Parking Standards SPD.

## **REASONS FOR REFUSAL**

1 (i) Policy HS2 of the Borough Plan (2019) states that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

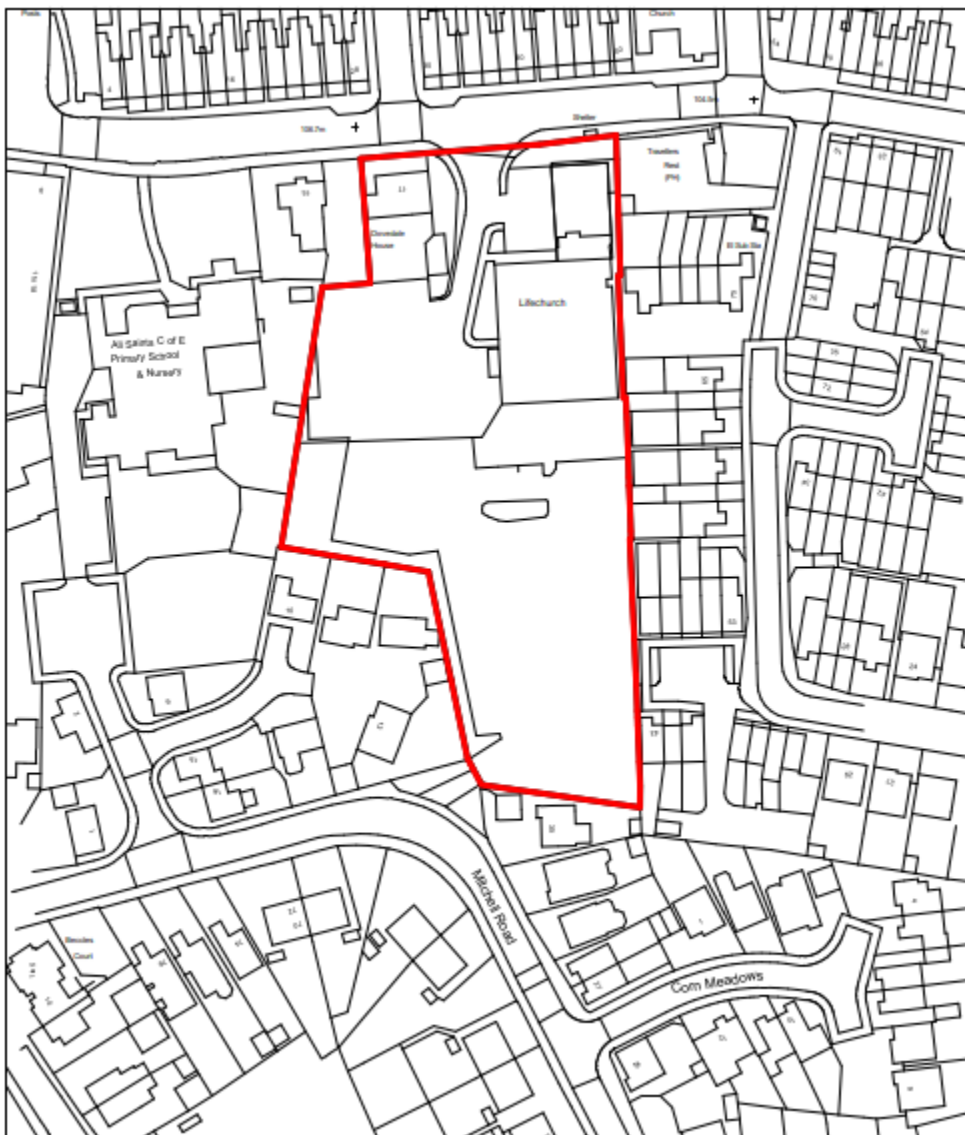
1. How the development ensures adequate accessibility in relation to all principal modes of transport
2. Whether the development identifies suitable demand management measures
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.

(ii) The proposed development is contrary to this policy in that it fails to provide adequate on-site car parking spaces in accordance with the adopted Transport Demand Matters (TDMM) - Parking Standards SPD. The application fails to robustly justify why the proposal cannot meet the prescribed standard (as required by paragraph 5.1 of the TDMM). This considerable shortfall will lead to increased dependency on on-street parking which is considered to be unsuitable for this scheme.

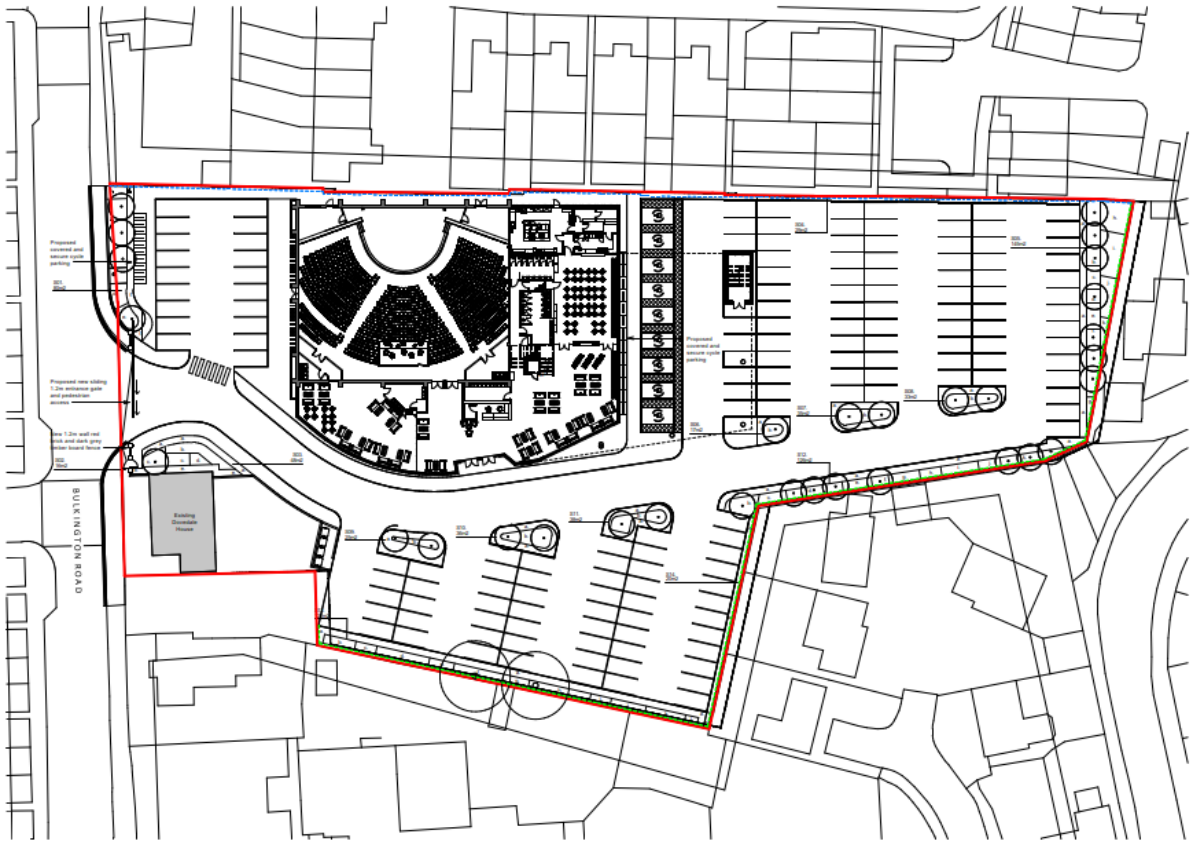
## NOTES

For the avoidance of doubt this application has considered the plans contained in the following schedule:

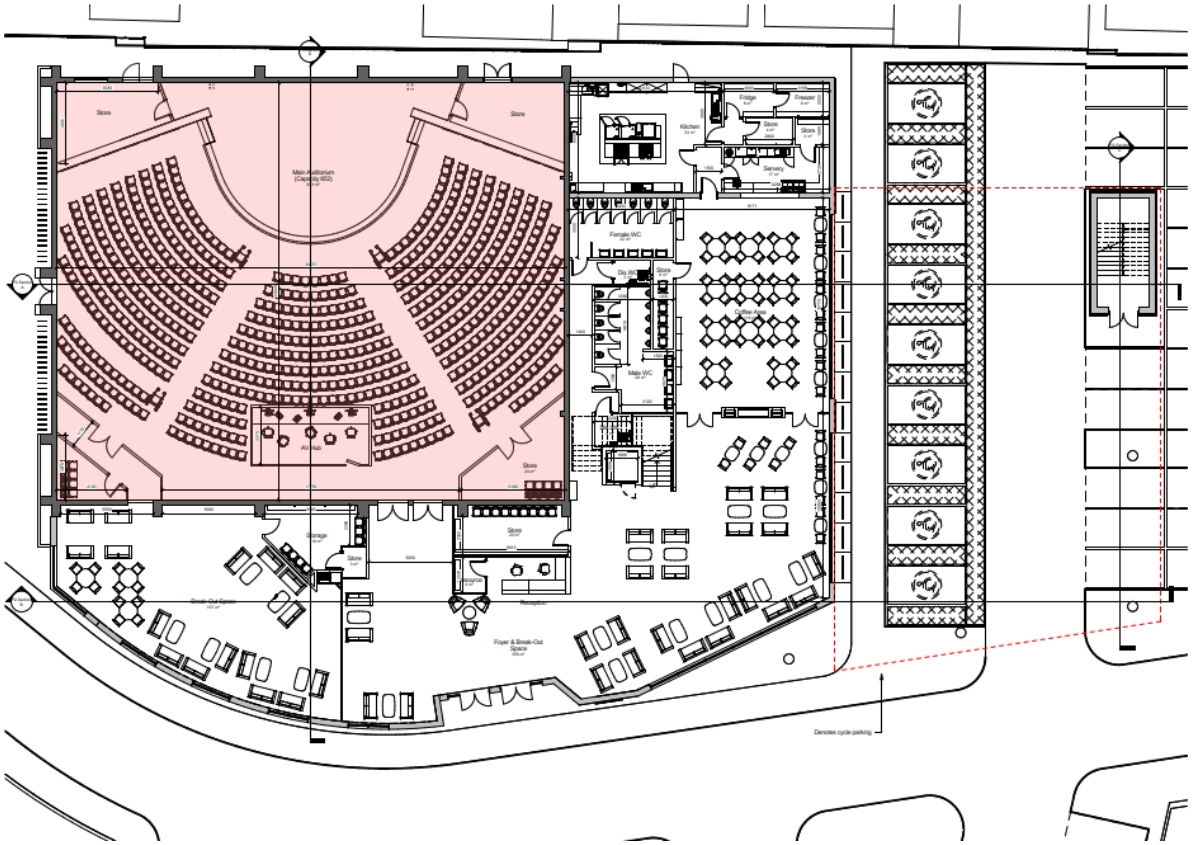
Description	Plan No.	Date Received
Location plan	LM-001 P01	05/05/2023
Site plan	20109-HPA-P2-00-DR-A-0001-P03	17/10/2024
Proposed ground floor plan	20109-HPA-P2-00-DR-A-1000-P02	01/09/2023
Proposed first floor plan	20109-HPA-P2-01-DR-A-1001-P02	17/10/2024
Proposed roof plan	20109-HPA-P2-02-DR-A-1002-P01	05/05/2023
Proposed elevations	20109-HPA-P2-ZZ-DR-A-2000-P01	05/05/2023
Proposed sections	20109-HPA-P2-ZZ-DR-A-3000-P01	05/05/2023
Detailed planting plan	2250.01	05/05/2023
Plant schedule	N/A	05/05/2023



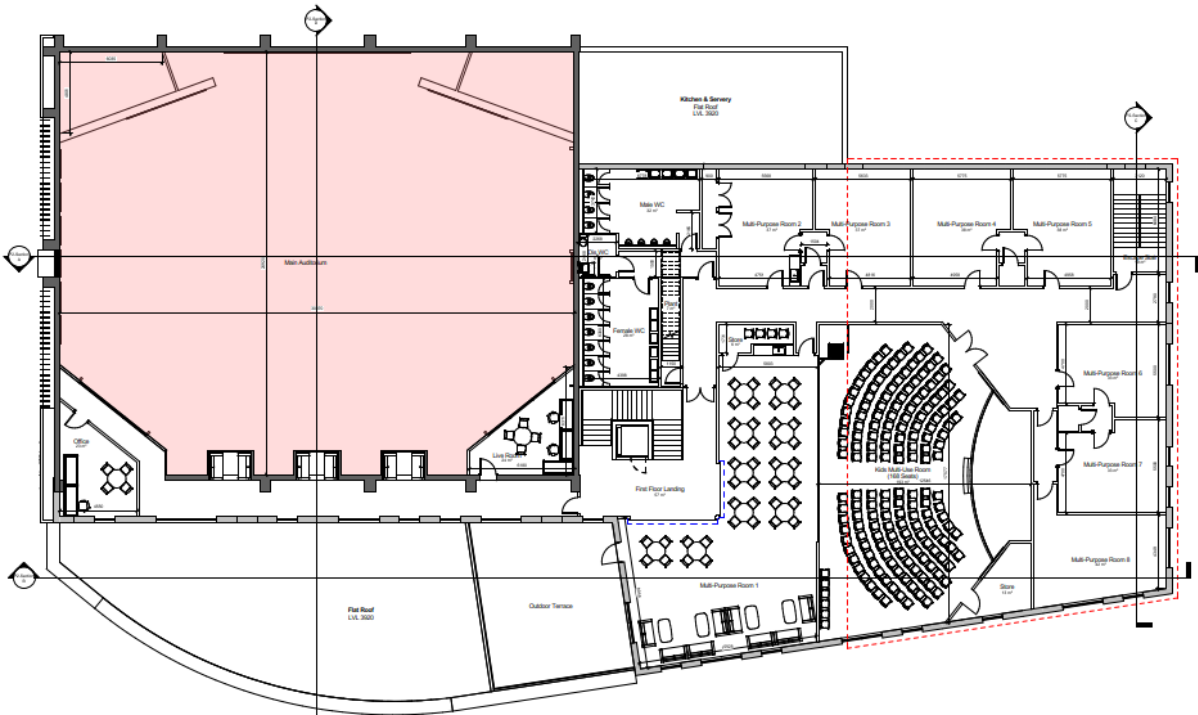
## Location plan



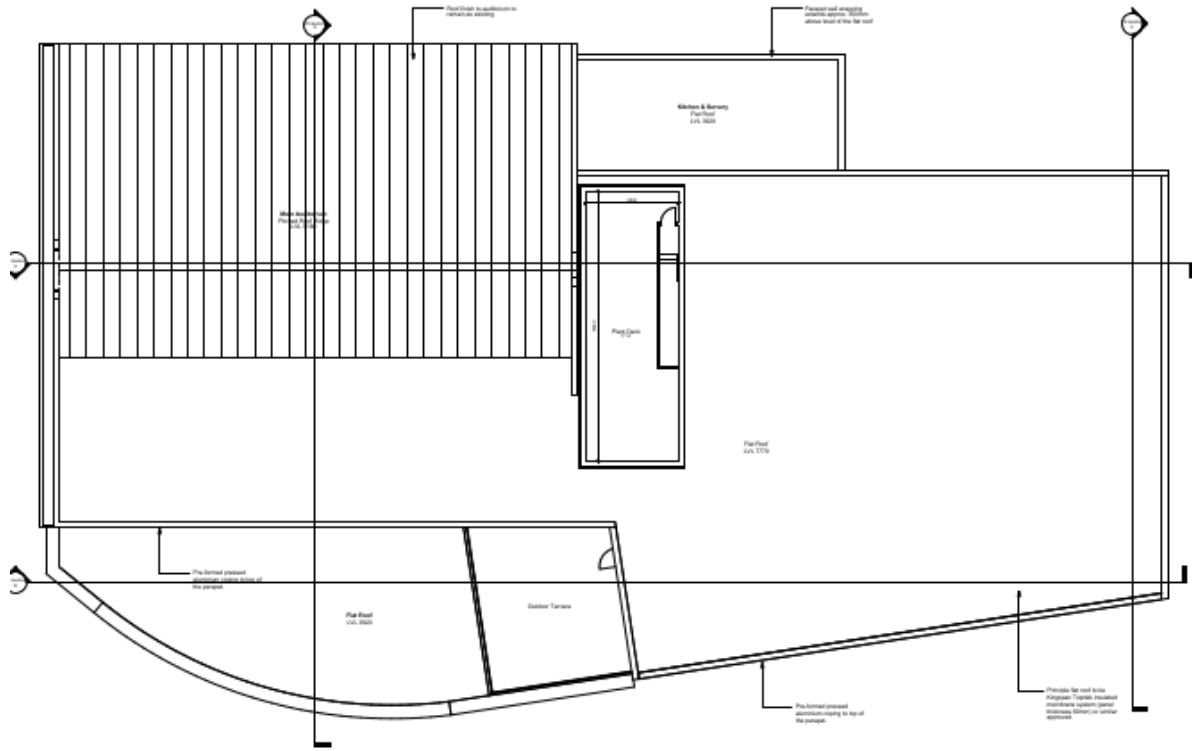
## Proposed site plan



Proposed ground floor plan



Proposed first floor plan



Proposed Roof Plan





PLANNING DRAWING

hpa architecture

life

Phase 2 Proposed Elevations

1:100

2024

Proposed elevations



COLLEURVEY DRAWING LTD

hpa architecture

life

Phase 2 Proposed Sections

1:100

2024

Proposed sections

## DEFERRED ITEM

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### Item No. 2

**REFERENCE No.** 039616

**Site Address:** Life Church Bulkington Road Bedworth Warwickshire CV12 9DG

**Description of Development:** Single-storey and two-storey extensions to front (Use Class F1/F2) (Phase 3)

**Applicant:** Life Church Bedworth

**Ward:** PO

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

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

### **INTRODUCTION:**

This application relates to further extensions to the Life Church above and beyond those considered as part of Phase 1 and 2. The extensions are comprised of a two-storey front, side and rear extensions. An ancillary cafe and breakout space is proposed to the ground floor and kids multi-use rooms (168 seat auditorium type room), 7 multi-use rooms (Use Class F1/F2) are proposed to first floor rear, plus undercroft car parking area underneath. Two-storey front extensions are proposed to form a wellbeing centre and multi-purpose use rooms to ground floor and ancillary office/administration facilities to first floor (Use Class F1/F2). The proposal will also involve the removal of the rain screen facade erected in Phase 1 to the Northern elevation. Internally, the building will be stripped out to increase auditorium capacity to 652. The car park is to be extended to south of the site, plus associated works (Phase 3).

Phase 3 differs from phase 2 through the addition of the front two-storey extension. This development will result in a loss of some on-site car parking as a result of the front extension. The building will remain as a flexible mixed use building under Use Class F1 and F2.

The site is set within a predominantly residential area, with dwellings to the north, south and east of the site. However, the site is also just outside of a local centre, which consists of a number of commercial and other uses including local shops, barbers, takeaway and public house. There is also the All Saints Bedworth Academy and Nursery, a further church building and Nicholas Chamberlaine Secondary School close to the site. In terms of transport links, the site is within a sustainable location with

Bedworth Railway Station at 200m from the site which is within walking distance. There are also bus stops along Bulkington Road and the site is also within a 5 minute walk from Bedworth Town Centre, which is served by further bus links to Bedworth, Bulkington, Nuneaton, Coventry, Atherstone, Hinckley and Leicester

## **BACKGROUND:**

This application is being reported to Committee as it has received more than 15 letters of objection and support.

## **RELEVANT PLANNING HISTORY:**

- 039615 - Single-storey and two-storey side and rear extensions. Erection of rain screen facade to northern elevation. To include extension to car parking area and other associated works (Use Class F1/F2) (Phase 2) (not yet determined)
- 039614 - Proposed extension and external refurbishment of an existing Church building to include the partial strip out and improvement of the existing auditorium and removal of the first floor terracing. Two- storey side and rear extensions with ancillary cafe and breakout space to ground floor with community and educational spaces to first floor (Use Class F1/F2). Rain screen facade to be constructed on the Northern elevation plus extension to car parking area and other associated works (Phase 1). Not yet determined.
- 012729 - Provision of children's playground on part of front car park, new glass doors to front and change of use of part of ground floor to café. Refused 14/12/2009

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 - Settlement hierarchy and roles
  - DS3 - Development principles
  - NE3 – Biodiversity and geodiversity
  - NE4 – Managing flood risk and water quality
  - NE5 – Landscape character
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Policy, NBBC Open Space Officer, NBBC Tree Officer, NBBC Waste & Refuse team, NBBC Sports Development Team, WCC Ecology Officer, WCC FRM, WCC Infrastructure, WCC Archaeology, WCC Highways, Coal Authority, National Grid, Warwickshire Fire Safety, Water Officer, Cadent Gas, Warwickshire Police

## **CONSULTATION RESPONSES:**

Objection from:  
WCC Highways

No objection subject to conditions:  
NBBC Environmental Health, Coal Authority, Water Officer, WCC Archaeology,  
WCC Ecology officer

Comment from:  
National Grid, Warwickshire Police, Warwickshire Fire Safety

No objection from:  
NBBC Policy

No response from:  
NBBC Open space officer, NBBC Tree officer, NBBC Waste & Refuse team, NBBC  
Sports Development, WCC Infrastructure, Cadent Gas

## **NEIGHBOURS NOTIFIED:**

“Travellers Rest”, “Flat 1 Travellers Rest”, “All Saints C of E First School”, 15 & 26-50  
(evens inc.) Bulkington Road. 34, 43, 45, 47 & 57-69 (odds inc.) Hatters Court,  
“Poplars Farm” & 35 Mitchell Road. 10, 11, 12 & 13 The Priors,

Neighbouring properties were sent letters notifying them of the proposed development  
on 13<sup>th</sup> May 2023 and 14<sup>th</sup> June 2023. A site notice was erected on street furniture on  
2<sup>nd</sup> June 2023 and the application was advertised in The Nuneaton News on 28<sup>th</sup> June  
2023.

## **NEIGHBOUR RESPONSES:**

There have been 26 letters of objection from 16 addresses, 1 letter of petition in  
objection and 1 objection letter with no address provided. The comments are  
summarised below:

1. Impact on wildlife including bats, insects, birds and squirrels as a result of the loss of trees and the development itself
2. Loss of privacy as a result of the loss of trees
3. Loss of privacy/ overlooking from the extensions
4. Development is excessive in size for a residential area
5. Increased levels of external noise from cars due to the extended car park
6. Increased noise levels from the church and activities
7. Air conditioning plant on roof will be a source of noise
8. The development will increase and encourage car parking in the area
9. Increased traffic flows in an already congested housing estate resulting in traffic accidents
10. Access roads and car park is not sufficient to deal with the additional vehicular movements
11. Loss of house value
12. Loss of light
13. Visual intrusion

14. Will act as a main wind channel between building and houses
15. Disturbance to contaminated land

There have been 28 letters of support from 25 addresses, the comments are summarised below:

1. The church is a hub for the local community. The proposed development will positively impact people's lives
2. The church is one of the local food banks
3. The proposed development will enable the church to better serve the local community on an even greater scale including expanding the provision of youth work, educational needs, community groups and helping the most vulnerable people in the area.
4. The development is much needed for the local community
5. The church as existing is at full capacity and this development will help to increase attendance and therefore better support the existing community and expand it
6. The extensions and alterations to the existing building will be better sound proofed benefitting the local residents
7. The building will be visually improved and modernised as a result of this development

A petition has been received in support of the application(s) containing 461 signatures.

## **APPRAISAL:**

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding and drainage
6. Ecology, biodiversity and trees
7. Archaeology and Heritage impacts
8. Noise, air quality and land contamination
9. Planning Obligations
10. Conclusion

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

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key areas which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

The site is located within the defined Development Boundary, as defined by the Council's Policies Map. Policy DS2 of the Borough Plan 2019 sets out the settlement hierarchy for the Borough and places Nuneaton at the top of the hierarchy, and states that Nuneaton has the primary role and Bedworth the secondary role for employment, housing, town centre, leisure and service provision.

Policy DS3 of the Borough Plan 2019 states that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Plan. It goes on to state that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The site has no specific designation within the Borough Plan Policies Map.

The site is located within a reasonable driving distance to major road networks, including the M6 and the A444. Additionally, the site can be accessed via a range of sustainable transport options, including via bus services, with bus stops being located within close proximity to the site on Bulkington Road and within Bedworth Town Centre, and the site is also within walking distance of Bedworth Train Station.

The proposal seeks to extend an existing church building, which is used somewhat flexibly as Use Class F1 – learning and non-residential institutions and Use Class F2 – Local Community. This application proposes extensions at ground and two-storey level to the front, side and rear of the existing building. On the ground floor to the rear, coffee and kitchen areas will be added, plus a new larger foyer and break out spaces to the side, along with other small ancillary rooms for storage, and new toilets. Furthermore, the main auditorium will be stripped out, including the multi-purpose rooms and will be redesigned so that the entire of the original floor space is used as an auditorium, increasing the seating capacity by 250 from 402 to 652.

To the first floor rear, 7 multi-use are to be created, plus a kids multi-use room, which is shown to be laid out as a smaller auditorium.

To the front, the ground floor extension will create 4 multi-purpose rooms, a well-being area and some smaller rooms including a meeting room. At first floor, office spaces are proposed plus a training room and ancillary meeting rooms.

Although the plans show the layout of the rooms, the use class as proposed would allow the spaces to be used somewhat flexibly between F1 and F2. The layout of the rooms could therefore allow spaces to be used for several different purposes within the two Use Classes.

Use Class F1 and F2 are split into a number of suffixes including:

- F1(a) Provision of education
- F1(b) Display of works of art (otherwise than for sale or hire)
- F1(c) Museums
- F1(d) Public libraries or public reading rooms
- F1(e) Public halls or exhibition halls
- F1(f) Public worship or religious instruction (or in connection with such use)
- F1(g) Law courts

- F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 sq. m and there is no other such facility within 1000 metres
- F2(b) Halls or meeting places for the principal use of the local community
- F2(c) Areas or places for outdoor sport or recreation (not involved motorised vehicles or firearms)
- F2(d) Indoor or outdoor swimming pools or skating rinks

The Life Church as the current occupiers will likely utilise the space mostly in relation to F1(f) and F2(b), although any of the uses as above would be possible.

Through the Church's website and social media pages, it is known that as existing, the site is used as more than just a church. It is a social hub and meeting place, with events behind held throughout the week. Some of these events are in connection with the church and include prayer evenings, band practice etc. whilst other events are more closely associated with socialising for the local community. Information contained within the petition set up by the Life Church sets out that at present, around 600 congregants gather each Sunday across two services. The Life Church is also busy and active throughout the entire with over 1,000 people each week accessing a range of holistic support services, including;

- Children's work
- Youth work
- Parenting groups
- Stay & Play activities for children and families with additional needs
- Parent & Toddler sessions
- Marriage advice courses
- Debt advice and money management support
- Educational groups
- Senior Citizens luncheons
- Training & Development

These events are likely to be held on regular intervals, however there are also one-off events which occur throughout the year and these may include, but are not limited to, movie nights, pantomimes and shows, fates, art open evenings. At present it is also known that there are two Sunday services which operate, which is assumed to be due to the limited capacity of the current auditorium.

It is considered that as a result of this application, the number of attendees to the church will increase, as it will become a main hub for the Life Church. It is also possible that 2 services could continue. It is also anticipated that following the Sunday service, due to the increased facilities within the building, those in attendance are more likely to stay on-site and utilise the space for socialising as well as further religious activities. The Council have been informed that it is expected that after the service on Sunday's, children will be encouraged to stay and use the proposed children's facilities. It can therefore be reasonably expected that the parents/ adults in attendance will also remain on site.

Throughout the week, it could also be reasonable to expect that the multi-use/ flexible use rooms could be hired out by members of the community. As part of the submission

of this application, and the 2 other phases being considered (application refs 039614 and 039615), it is anticipated that activities including teaching and workshops for the local community are expected, but this could also extend into sports and fitness classes, concerts, plays, shows and pantomimes as long as it can be shown that the main principle use is for the local community.

Based on the policies within the Borough Plan and NPPF, it is considered that the principle of the extensions to the Life Church are acceptable.

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

Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In relation to the existing properties, distance standards are met, in compliance with Section 11 of the Sustainable Design & Construction SPD 2020.

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. Front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings in the house.

Paragraph 135 of the NPPF states, amongst other things that planning policies and decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 191 of the NPPF states that planning policies and decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 124 of the National Design Guide states that good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability.

The development will introduce two-storey extensions to the front, side and rear of the building. The main impact of these extensions will be on the residential dwellings on Hatters Court. It is noted that some properties, namely No. 65 and partially 63 Hatters Court already face the main building, and it is not considered that there would be any additional harm created as a result of the proposed extensions in relation to these 2 dwellings.

Nos 61, 59, 57 and 55 Hatters Court will face towards the proposed rear extensions which have also been considered under phase 2 (ref 039615), which are part single



storey and part two-storey in nature. As per the Sustainable Design & Construction SPD, where a habitable room window faces a blank wall of the same height, a minimum separation distance of 12m is required. This minimum distance increases to 14m where the extension is a storey higher and 16m where the difference is two storeys (paragraph 11.7 and 11.8).

The closest part of the proposed development will serve the kitchen and is to be single storey in nature. There will be a separation distance of 13.3m from the rear of the dwellings to this extension which will be a blank wall construction. The two-storey element of the extension is to be set back from the rear of the dwellings at a separation distance of 19.7m. The elevation facing the residential properties will have a number of high level windows which will service the kids rooms. It is considered necessary that as well as the windows being at a high level, they should also be conditioned to be obscurely glazed to prevent overlooking and protect residential amenity. Finally, a small plant deck is proposed to the flat roof of the extension. This will be slightly set into the roof resulting in a separation distance of 21.2m.

It is noted that the properties on Hatters Court are at a lower land level than the Life Church. Nevertheless, the proposed extensions would be in excess of the distance standards as per the SDC SPD and as such, despite the lower land levels of these properties, the proposal is found to be in accordance with the SPD.

The two-storey front extension will introduce new built form to the front of the site to which the main impact would be on the residential dwelling of 67 Hatters Court. Given the orientation of this dwelling to the proposed extension, the SDC SPD is clear 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. In any event near the boundary of an adjoining useable rear private amenity space a proposed single storey extension shall be less than 4m long. A two-storey extension or higher shall be less than 3m long.

It should be noted that the two-storey extension has been set off the boundary with No. 67 by 2.7. At present the church building already extends past the rear of this dwelling by 2.2m at two-storey level. As proposed this increases to 24.85m at ground floor and 12m at two-storey level.

No. 67 has a single storey extension to the side of the dwelling and although there is a window in this elevation, it does not serve a habitable room. The nearest window which serves a habitable room at ground floor would be the French doors and 5m from the site boundary. The 60 degree line would be breached from the centre point of these windows due to the proposed length of the extension at ground level. As the breach occurs at approximately 8.7m and the development is located to the north, it is not considered that there would be a detrimental impact in terms of loss of light. The 45 degree line would be breached from the centre point of this window at first floor level although the breach occurs at 5m. Given the length of the breach, the orientation of the development which is to the north and the set in from the boundary of the extension, it is not considered that the extension would result in such significant harm in terms of loss of light to warrant refusal.

At first floor level, the centre point of the nearest habitable window is also 5m from the site boundary. The 60 degree line to the first floor level of the proposed extension would not be breached.

3 high level windows are proposed in the ground floor extension which would face towards No. 67. The SDC SPD states that windows which are above ground floor level which overlook neighbouring private amenity space shall be at least 7 metres from the boundary. These windows are at ground floor level would be less than 7 metres from the boundary. The submitted plans show that these windows are to be obscure glazed and a condition is recommended should the application be approved to ensure the window are obscurely glazed to prevent a perceived sense of overlooking.

On balance, it is considered that the impact on residential amenity is acceptable.

This proposal will also result in a larger area of car parking to the rear of the site. It is not expected that the car park in itself will have an impact upon residential amenity. It is noted that the area to be formally turned into a car park is used as existing as an overspill car park, which is grassed and not laid out formally with hardstanding or marked car parking spaces. The overspill car park is used mostly on Sunday's during the sites busiest period.

In terms of noise from cars within the car park, it is considered that there is a potential for this to result in noise and disturbance. As a result, a noise assessment is proposed to be conditioned on the decision notice. Noise is assessed further on in this report.

On balance, it is not considered that the development would result in any detrimental harm to residential amenity as a result of the extensions or alterations.

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

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

The NPPF (2023) states at paragraph 135 that planning policies and decisions should ensure that developments:

- A. Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- B. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- C. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- D. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- E. Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks

F. Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. The Sustainable Design and Construction SPD details information to help comply with the requirements of this policy.

The site comprises the main Life Church Building, an industrial style building with brick construction which is substantially set back from the road, and Dovedale House, which is used for the Church Offices. The site is accessed off the Bulkington Road, and there is a secondary narrower access to the rear of the site onto Mitchell Road, although this is rarely used and is proposed to be blocked off as part of this application. There are currently two formally marked out parking areas located to the front and side of the main building, as well as an informal parking area to the rear which is not formally marked out and is made up of loose gravel and grass.

As existing, the main building has a footprint of 756 sq. m, which when compared to the size of the site itself which is 0.815 ha, is relatively small in scale. The site is set within a predominantly residential area, with dwellings to the north, south and east of the site. However, the site is also just outside of a local centre, which consists of a number of commercial and other uses including local shops, barbers, takeaway and public house. There is also the All Saints Bedworth Academy and Nursery, a further church building and Nicholas Chamberlaine Secondary School close to the site.

In terms of transport links, the site is within a sustainable location with Bedworth Railway Station at 200m from the site which is within walking distance. There are also bus stops along Bulkington Road and the site is also within a 5 minute walk from Bedworth Town Centre, which is served by further bus links to Bedworth, Bulkington, Nuneaton, Coventry, Atherstone, Hinckley and Leicester.

This application proposes extensions at ground and two-storey level to the front, side and rear of the existing building. On the ground floor to the rear a coffee and kitchen areas will be added to the rear, and the new larger foyer and break out spaces to the front, along with other small ancillary rooms for storage, and new toilets. Furthermore, the main auditorium will be stripped out, including the multi-purpose rooms and will be redesigned so that the entire of the original floor space is used as an auditorium, increasing the seating capacity by 250, from 402 to 652 total seats.

To the first floor, 8 new multi-purpose rooms are to be created, plus a kids multi-use room, which is shown to be laid out as a smaller auditorium. There will also be a parents lounge and toilets. Although the plans shows the layout of the rooms, the use class as proposed would allow the spaces to be used somewhat flexibly between F1 and F2. The layout of the rooms would allow spaces to be used for several different purposes within the two Use Classes.

To the front, the ground floor extension will create a further 4 multi-purpose rooms, a well-being area and some smaller rooms including a meeting room. At first floor, office spaces are proposed plus a training room. This part of the extension has not been previously considered under phases 1 and 2 and is proposed to be utilised as a flexible F1/F2 use, with the proposed meeting rooms being ancillary to the main uses.

Although the plans shows the layout of the rooms, the use class as proposed would allow the spaces to be used somewhat flexibly between F1 and F2. The layout of the rooms could therefore allow spaces to be used for several different purposes within the two Use Classes.

Externally, the existing building is to be updated and shall match the materials of the proposed extensions. A mix of traditional masonry construction with rendered and painted finish and off-white buff brick (Wienerburger or similar approved) to ground floor is proposed. Dark grey buff brick (Wienerburger or similar approved) is proposed to the rear ground floor. A Metsec framing system with CAREA 'Meca' range façade panels is proposed to first floor only. A temporary wall will be added to the front elevation and Metsec uninsulated support structure with CAREA 'Smooth Urban' rainscreen cladding system. Vertically hung timber brise soleil by 'Contrasol' (or similar approved) will be added to the existing front elevation, with existing external wall to be painted. Dark grey aluminium doors and windows are proposed, and dark grey brick with decorative lattice is proposed to cover the plant deck.

The proposed materials are of a much more contemporary and modern finish, compared to the existing industrial style building which occupies the site at present. As discussed, the wider site is mixed with commercial and residential properties. Therefore, there is not a defined street scene in terms of size, style, or use of materials. The contemporary nature of this development is considered to be acceptable given the mixed street scene as well as the nature of the building itself.

On balance, the scheme is considered to be acceptable in terms of impact on visual amenity.

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

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108).

Policy HS2 of the Borough Plan (2019) states that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport
2. Whether the development identifies suitable demand management measures
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.

In terms of parking provision, the Transport Demand Management Matters SPD 2022 (TDMM) sets out the required parking requirements for different types of development. Deviation from the standard will only be acceptable where it has been robustly justified.

In the case of this application, the main 2 uses are F1(f) and F2(b), with some ancillary uses on the site.

In terms of the TDMM SPD, when calculating the required number of car parking spaces relative to the floor area, Use Class F1(f) requires a higher amount of parking compared to F2. Although it is appreciated that the site and the multi-use rooms will be used somewhat flexibly throughout the week, it is reasonable to calculate the required parking based on a “worst case scenario”. In this case that would be the 12 multi-purpose rooms and auditorium used as an F1(f) use. The training room proposed to the first floor within the front extension would have more of an F2 use.

It is considered that the main F1(f) uses comprise of the main auditorium, the 12 multi-purpose rooms and kids multi-use room. It is noted that some of the multi-use rooms were previously labelled as “kids rooms”. The planning statement which has been submitted states that the retitling to multi-use rooms better reflects the mixed-use nature of the site. The planning statement is clear that the multi-use rooms will be used somewhat flexibly on different days of the week. On Sundays for example, which at present would be the sites busiest day, the multi-purpose rooms could be used by members of the congregation as breakout spaces for children’s activities after the main service (it should be noted that at present there are 2 services on a Sunday) but could also be used in a number of other ways as a space for public worship. Throughout the week, the spaces could be used either as a place of worship or used by local community as a meeting space. The Council consider that as the site is seeking consent for a mixed-use flexible use that this is reasonably likely.

The refitted auditorium will have a floor area of 623 sq. m. At first floor, the multi-use rooms created as part of the rear extension will add an additional 608 sq. m of floor space and the multi-use rooms proposed within the front extension will create 182 sq. m of floor space. A training room is proposed to the first floor of the front extension at 46 sq. m. it should be noted that the remainder of the space within the building, including coffee area, kitchen, meeting rooms etc. are considered as ancillary uses. It is considered that this is a reasonable approach

The TDMM SPD requires 1 parking space per 5 sq. m of F1 floor space and 1 space per 22 sq. m of F2 floor space. For this development a total of 285 car parking spaces are required in accordance with the TDMM SPD.

The current site has 45 car parking spaces laid out to the side, although there is also an informal overflow car park to the rear of the site. This development proposes just 145 car parking spaces, which is less than phases 1 and 2. This is a result of the front extension, which removes 19 car parking spaces. The resultant development would have a shortfall of 140 car parking spaces.

The Planning Statement suggest that the Life Church has an agreement with the All Saints C of E School to use their car park which has 24 spaces as an overflow car park. It is located 110m away from the site. The Council consider that although there may be an existing arrangement, we are unable to guarantee such an arrangement for the lifetime of the development.

The larger auditorium proposed under this development will increase the seating capacity by 250. This, in combination with the large number of children's rooms, parents lounge, café and general meeting space will result in the church being a main hub and meeting point, which in turn will likely increase the number of visitors compared to existing.

The Highway Authority consider that the findings within the Transport Note are not sufficiently detailed for a full assessment to be made. Firstly, the travel and parking survey has solely focused on the auditorium in a "worst case scenario" in order to determine the parking requirements, due to the applicant confirming that no other uses would be used at the same time i.e. only F1 uses could be carried out on the site with no F2 uses, and vice versa.

However, planning officers consider that it would not be possible to condition this nor condition the use of the site as just for use by the Life Church.

When assessing planning conditions, the NPPF (2023) sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 55).

It goes on to state that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (paragraph 56). It is considered that in this case, the condition for a management plan or restriction on how the building can be utilised, or a condition limiting the occupation to a particular church would be neither reasonable nor enforceable, enforceable given the sites intention to be used flexibly between Use Classes F1 and F2. In addition, the potential future uses of the site also need to be considered based on the mixed use nature of the site and the ability to be used under any of the F1 or F2 uses defined within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

It is considered that the site could be used by different religious groups, which may include those who do not have services on Sundays. Parts of the site could also be rented out to community groups etc.

It is also clear that service times can change even within the same days. Historic street view images show that service times of 9:45am and 11:30am were in place in 2017. This moved to 10:30 only in 2018 up to the October 2023 image. Furthermore, it is known that other churches including the nearby church (known as The Little Chapel) host evening services at 6:00pm and therefore there would be nothing to prevent such a change occurring at this site.

The Highway Authority do not consider that the results of the survey which have been carried out are acceptable. The travel survey was completed on Sunday 7<sup>th</sup> July 2024. It should be noted that the Sunday service currently comprises of two services at 9:30 and 11:30. In conjunction with this survey, a parking beat survey of the surrounding roads was completed for a 500m area in according with the Lambeth parking methodology for non-residential land uses. The survey comprised of an on-street

parking survey and a parking survey of nearby public car parking facilities which took place at 7:00am before the first service and 10:15am during the first service.

The findings of the survey of the car parks are as follows:

- Spitalfields Car Park 1 – 93 spaces (90 regular, 3 disabled), 8-minute walk to Life Church (550m), Sunday Tariff: 08:00 to 18:00 £1.50;
- Spitalfields Car Park 2 – 36 spaces (33 regular, 3 disabled), 8-minute walk to Life Church (550m), Sunday Tariff: 08:00 to 18:00 £1.50;
- Bedworth Railway Station Car Park – 20 spaces (19 regular, 1 disabled), 2-minute walk to Life Church (140m), Sunday Tariff: 08:00 to 18:00 £1.50; and
- Miners Welfare Car Park – 49 spaces (44 regular, 5 disabled), 8-minute walk to Life Church (600m), Sunday Tariff: Free parking all day.

**Table 3.2 Public Car Park Capacity – All Car Parks**

	Public Car Parks	
	Beat 1 (07:00)	Beat 2 (10:15)
<b>Total Stock</b>	198	198
<b>Observed Demand</b>	31	70
<b>Reserve Capacity</b>	167	128
<b>Parking Stress</b>	16%	35%

With regard to wider on-street capacity the parking survey assessed an area comprising of 500m from the site, in accordance with the Lambeth parking survey methodology.

**Table 3.3 On-street Parking Capacity**

	On-Street Parking Capacity	
	Beat 1 (07:00)	Beat 2 (10:15)
<b>Total Stock</b>	761	770
<b>Observed Demand</b>	402	408
<b>Reserve Capacity</b>	359	362
<b>Parking Stress</b>	53%	53%

In terms of the existing travel habits of the existing congregation of the Life Church which on 7<sup>th</sup> July was 548 formed of 223 attendees during service 1 and 325 attendees during service 2. 205 responses were received to a travel survey questionnaire equating to a 37% response rate.

Of the 205 responses, 130 respondents were car drivers and 61 car passengers. The remainder walked to the site. The response indicates that the majority of the existing congregation (96%) travel to and from the site via private car either as a driver (34%) or passenger (62%), with just 4% of the congregation who walk to the site. Based on

this information it was concluded that there is an average vehicle occupancy of 2.82 persons per vehicle. It is considered that the response rate of the travel survey is very poor and does not provide a robust or clear result.

The Highway Authority state that the method of the parking survey methodology was not agreed beforehand by the Highway Authority in order to ensure that the survey carried out is acceptable. The survey carried out is not in accordance with the Lambeth methodology. The Lambeth methodology involves recording the number of parked vehicles overnight within a defined small-scale study area and is used to assess parking stress by comparing parking supply (number of parking spaces) with parking demand (number of parked vehicles). For commercial developments, the Methodology should typically cover an area within 500m walking distance of a site.

The survey is not in accordance with the Methodology, as only 1 of the public car parks surveyed was within the 500m distance. Furthermore, the Lambeth methodology sets out that hourly beats should be carried out within opening hours. For this survey, only 2 snapshots were carried out which is insufficient and would not be considered representative or robust.

As previously stated, the time of service have and can change. It is considered that a survey carried out at 7:00am and 10:15am would not be representative of a service which took place at 10:30am. In addition, a further survey should have been carried out for the 2nd service time, whereby a cross-over of those attending the first service and those arriving for the second service could take place. Furthermore, as the TN confirms the 2nd service is busier with more than 100 additional people in attendance, it is considered essential to understand the parking capacity during such times.

It is noted that a number of the on-street car parking spaces which have been observed are on streets which are located to the rear of the site. Although at present there is a rear access to the site located off Mitchell Road, this is proposed to be closed as a result of this development. Therefore, a number of the car parking spaces such as those on Mitchell Road, The Priors and Lady Warwick Avenue, will be above the defined 500m. It is also noted that these locations are where the majority of the observed on-street spaces are found (as per Appendix B – Parking Beat Survey).

The Lambeth Methodology is clear that the following areas should be excluded from surveys:

- Areas which may present highway or personal safety issues or difficulty in accessing the parking such as on major road or areas with poor surveillance.

The spaces which are shown on Bulkington Road (B4029) can be described as a major road and should have been excluded from the survey.

The results of the survey, which although are insufficient, show that the spaces which would remain within 500m walking distance from the site are mostly located at the maximum range from the site such as on Tewkesbury Drive, York Avenue and Poplar Avenue. Conversely, the on-street parking closest to the site such as on Earl Street, New Street and Queen Street were occupied during both of the surveyed times.



Therefore, it can be assumed that vehicles which are forced to park on-street will have to park a reasonable walk (typically 6-7 minutes) from the site, or they will park in unsuitable locations closer to the site.

The method to which parking stock has been calculated is unclear. Part 3.3.13 of the TN states that the 'total stock' varies because of how people were parked which is an incorrect method. The total available on-street parking spaces should not change based on people's parking habits but rather should be based on the total measurements of the roads surveyed reduced by any restrictions such as dropped kerbs, 15m from junctions etc. How people park will impact on the observed demand, but not the total stock.

In terms of calculating the required on-site parking spaces the highway authority consider that more parking is required for the ancillary uses on site such as the coffee space etc. However, the Council are content that subject to an appropriate condition, the coffee space shall remain as ancillary only and should not be considered within the floor space requirements when calculating parking requirements.

The Transport Note has determined that the net increase in parking demand generated by the resultant development will result in 74 vehicles needing to find parking outside of the site, either within the existing on-street parking or nearby public car parks. This figure has been calculated using the existing parking situation i.e. the number of attendees at present.

The Council and Highway Authority consider that, as the methodology behind the parking survey has not been agreed prior, that it's findings cannot be fully considered. The Council consider that in this instance, a 500m or up to a 7 minute walk to the site from on-street parking is excessive. This development will be used by my families including children and young children and it is therefore considered that it is extremely unlikely that families with children will voluntarily park up to a 7 minute walk away from the site, but rather than unsuitable parking will occur closer to the site possibly to the detriment of highway safety. As has also been discussed, the location of a number of car parking spaces which have been considered will be in excess of 500m or are located in unsuitable locations.

The Council also consider that the public car parks located in excess of 500m, and which would require users to pay as completely, unsuitable off-site car parking spaces and should not be given any weight in this consideration.

On balance, it is considered that the development should be designed as such that all of the car parking which is required for the size of the development to be located within the confines of the site and not rely on off-site parking such as on-street parking. It is considered the development proposed would be in excess in floor area in relation to the proposed number of car parking spaces resulting in a considerable under supply of car parking of 140 spaces (as per the TDMM SPD). It is noted that this differs considerably from the findings of the parking survey, however, the survey has only considered the sites current arrangement in terms of number of visitors. The survey has not fully considered the very likely effects that this development would have in terms of number of visitors which will increase as the church becomes a main hub for the Life Church.

It is considered that the proposal fails to comply with the Council's adopted Transport Demand Matters – Parking Standards SPD which weighs significantly against the application.

## **5. Flooding and Drainage**

Policy NE4 of the Borough Plan 2019 relates to managing flood risk, sustainable drainage systems and water quality. The policy also states that new development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).

Paragraph 165 of the NPPF (2023) sets out 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.

Paragraph 173 of the NPPF (2023) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 175 of the NPPF (2023) states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

WCC Flood Risk Management Team as the LLFA have reviewed the application and further information was requested. The site wide attenuation will be provided in the form of permeable paving. Whilst permeable paving provides water quality/quantity benefits it does not provide any amenity and biodiversity benefits. As such the LLFA would recommend 'management train' approach to the drainage design incorporating source control measures more widely across the site.

The site wide drainage outfalls into an existing STW system. The LLFA will need to see evidence of discussions with STW, such as a Developer Enquiry, which show that a connection to their asset is appropriate in principle at the proposed location and discharge rate.

Furthermore, the submitted FRA states that no survey has been done of the drainage infrastructure associated with the existing premises. The LLFA would expect this to be done at this stage and would also like to see a plan demonstrating how the existing system operates.

It was also noted that there is an existing dwelling on site. Details should be provided as to how this dwelling drains.

Finally, it was needed to demonstrate that consideration has been given to any exceedance flow and overland flow routing, using topography of the site to ensure there is no increase to flood risk both within and outside of the site boundary. This plan should also contain external levels in support.

Following the submission of the required additional information in the form of an amended FRA and surface water drainage strategy, the LLFA removed their objection and confirmed that they had no objection subject to conditions. The conditions are included at the end of this report.

Subject to these conditions, it is considered that the scheme would be acceptable in terms of flooding and drainage.

## **6. Ecology, biodiversity and trees**

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

Paragraph 180 of the NPPF (2023) states at criterion d, that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 186 of the NPPF (2023) states at criterion d that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

Following WCC Ecology's comments being received on the application, it is noted that several trees are proposed to be removed and these works were said to have the potential to affect bats. An initial bat survey was requested to assess if a bat roost could be present.

This application has been submitted alongside an arboricultural impact assessment (AIA) and method statement and a preliminary roost assessment which have all been assessed. The trees were found to be negligible in terms of potential bat roosts. However, the removal of the trees and the removal of the grassed area to the rear (proposed as car park) has triggered the need for Biodiversity Net Gain calculations to be submitted to show that there would be no net loss on site.

BNG calculations as well as a pre- and post- development habitat plan has been submitted. The survey which was undertaken on 16<sup>th</sup> August 2023 showed that the site is composed of sealed surfaces with patches of shrubs and grassland and a number of trees. The planned development of the building and car park would result in the loss of almost all of the noted habitats, with the exception of some broadleaved trees located on the site perimeter. However, the ecological impact is partly offset by the creation of some ornamental shrub beds to the east, south and western boundaries as well as some small individual patches within the car park.

The current proposal would cause the loss of all grassland and woodland habitat which significantly contributes to the site's biodiversity value of 1.59 units, thus causing a net habitat loss of -39.41%. The proposal would result in the loss of 0.65 habitat units, although, BNG targets could be met through off-site biodiversity enhance schemes with contributions required.

As per Policy NE3, biodiversity offsetting will be required as a last resort once all other available options in the mitigation hierarchy have been explored. The mitigation hierarchy states that the following sequential steps should be undertaken:

5. Avoidance - the first step of the mitigation hierarchy comprises measures taken to avoid creating impacts from the outset, such as careful spatial placement of infrastructure, or timing construction sensitively to avoid or disturbance. Avoidance is often the easiest, cheapest and most effective way of reducing potential negative impacts, but it requires biodiversity to be considered in the early stages of a project.
6. Minimisation - these are measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided. Effective minimisation can eliminate some negative impacts, such as measures to reduce noise and pollution, designing powerlines to reduce the likelihood of bird electrocutions, or building wildlife crossings on roads.

7. Rehabilitation/ restoration - The aim of this step is to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised. Restoration tries to return an area to the original ecosystem that was present before impacts, whereas rehabilitation only aims to restore basic ecological functions and/or ecosystem services – such as through planting trees to stabilise bare soil.
8. Offsetting - this aims to compensate for any residual, adverse impacts the previous three steps of the mitigation hierarchy have been addressed. Biodiversity offsets are of two main types: 'restoration offsets' which aim to rehabilitate or restore degraded habitat, and 'averted loss offsets' which aim to reduce or stop biodiversity loss in areas where this is predicted.

Due the number of car parking spaces which are required for the proposed development, although it was requested by the Ecology officer to retain more of the trees, this would result in a reduced number of car parking spaces which would in turn make the scheme unacceptable. On balance, the scheme would result in the loss of 0.65 units of habitat and these will be required to be offset through offsite enhancements should the application be approved. The calculations are provided in the planning obligations section of this report.

Subject to contributions in the form of Section 106 agreement, it is considered that the impact on ecology and biodiversity is acceptable.

## **7. Archaeology and Heritage impacts**

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. The site is does not contain any heritage assets.

The proposed development is said to lie in an area with significant archaeological potential to the east of the suggested historic medieval settlement at Bedworth (Warwickshire Historic Environment Record MWA9499). The site of the proposed development fronts onto Bulkington Road and lies within an area that was subject to significant development during the late 19th and early 20th centuries. The application site itself was formerly the Bedworth town gas works (MWA6692). During a site visit, undertaken to inform the Archaeological Desk-Based Assessment submitted with this application, building foundations possibly relating to the former gasworks were observed. There is therefore a potential for archaeological features and deposits relating to Bedworth's industrial past to survive across this area.

WCC Archaeology states that they have no objections subject to a written scheme of investigation for a programme of archaeological work be carried out and submitted. Such details can be conditioned to be submitted and approved and will be required prior to commencement of works.

Subject to such a condition, it is considered that the scheme would have no detrimental impact upon archaeology or heritage.

## **8. Noise, air quality and land contamination**

In terms of noise, this is an existing building with planning approval for use as a church. The new scheme does not propose to alter or change the position of the auditorium within the existing building fabric. The internal capacity increases as existing internal walls are stripped, but the structural shell and roof remains. The use as a church involves numerous “noisy” activities including live music on Sunday’s as well as band practice during weekday evenings.

As part of the development, a plant deck is proposed to the two-storey roof which will contain the plant for the HVAC system for the building. NBBC Environmental Health officers would normally advise that plant is not located in an elevated position, but instead recommend that the building is designed and utilised as a barrier to help mitigate against any noise migration, protecting nearby residents against noise from this source.

There is also the possibility of increased noise from cars as a result of the rear car parking area adjacent to residential dwellings gardens.

NBBC Environmental Health have requested a noise assessment be carried out to ensure that that the building is designed so that the cumulative noise levels from the centre should not be adding to the prevailing background sound level. The assessment should include Sundays when the background noise levels are generally quieter. The noise assessment should clearly identify all sources of noise, including but to limited to:

- Noise from the auditorium
- Noise from the Plant deck
- Noise from any other external plant, including kitchen odour ventilation and extraction systems.
- Noise from the car park

The assessment should also detail how they propose to mitigate against each noise source so that there is no observable noise impact to nearby residents. This will ensure that the works they are proposing will be designed to enable the Centre to operate as they wish – but will not have a detrimental impact on the surrounding area.

A further condition relating to demolition and construction works is also recommended, to ensure that works are not carried out outside of appropriate hours.

In terms of contaminated land, the extensions to the rear of the development appear to be on land that was formerly occupied by the gas works. Although the building will be covering the ground and this in a sense reduces the risk. However, there is the possibility of gases and volatile compounds affecting the building. As such, suitable conditions relating to a contaminated land assessment is requested to be included on the decision notice.

As per Policy HS2 of the Borough Plan, The council supports the provision and integration of emerging and future intelligent mobility infrastructure that may help to deal with the issue of air quality, such as including electric vehicle charging points. Proposals must consider how they accord with the Transport Demand Management Matters and Air Quality SPD.

The TDMM states that new developments are expected to include appropriate provision for electric vehicle charging. In accordance with the air quality SPD, non-housing developments such as this site require 10% of car parking spaces to provide EV charging points. As this scheme proposes 131 spaces, 13 of these spaces will be required to be fitted with EV charging points. These are not shown on the proposed plans, as such, a suitable condition shall be included on the decision notice.

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment report (23 January 2023, prepared by GIP Ltd).

The Coal Authority have confirmed that they concur with the conclusions within the Coal Mining Risk Assessment report that coal mining legacy potentially poses a risk to the proposed development and that further investigations are required, along with possible remediation measures, in order to ensure the safety and stability of the proposed development. They submit a response of no objection subject to a condition.

## 9. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2023 notes that these obligations should only be sought where they meet all of the following tests:

- d. necessary to make the development acceptable in planning terms;
- e. directly related to the development; and
- f. fairly and reasonably related in scale and kind to the development.

Paragraph 93 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Organisation	Request For	Contribution	Notes
WCC Ecology	Biodiversity Net Gain offsetting scheme	£42,313	

## 10. Conclusion

In conclusion, the NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act

2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The potential impacts of the proposed development in relation to the principle of the development, residential amenity, visual amenity, highway safety, flood risk and drainage, land contamination, ecology and biodiversity, archaeology, noise and air quality have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances and in some instances, where potential adverse impacts are identified, it would be possible to mitigate against these through the use of conditions.

The exception to this is the impact on on-site car parking. The parking survey which has been submitted has confirmed that 96% of existing attendees of the church travel to the site by private car. Secondly, it has confirmed that the proposed number of car parking spaces within the site would be insufficient for the expected number of attendees on a Sunday. Although an assessment of on-street car parking has been carried out, it has highlighted that the majority of on-street parking would be located a considerable distance from the site at around 500m walking distance which would represent a 6-7 minute walk. When considering the use of the site and its attendees which would likely be families with children, this length of walk is found to be excessive and likely unrealistic.

It is considered that the development should provide sufficient car parking on-site for the expected number of vehicles based on the proposed floor area. It is found that this development would result in 88 cars being parked outside of the site. Given that the findings of the parking survey cannot be fully relied upon due to some inaccuracies and failure to agree a methodology with the Council, the development is found to be unsuitable and fails to comply with the Council's adopted Transport Demand Matters - Parking Standards SPD.

## **REASONS FOR REFUSAL**

1 (i) Policy HS2 of the Borough Plan (2019) states that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport
2. Whether the development identifies suitable demand management measures
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.

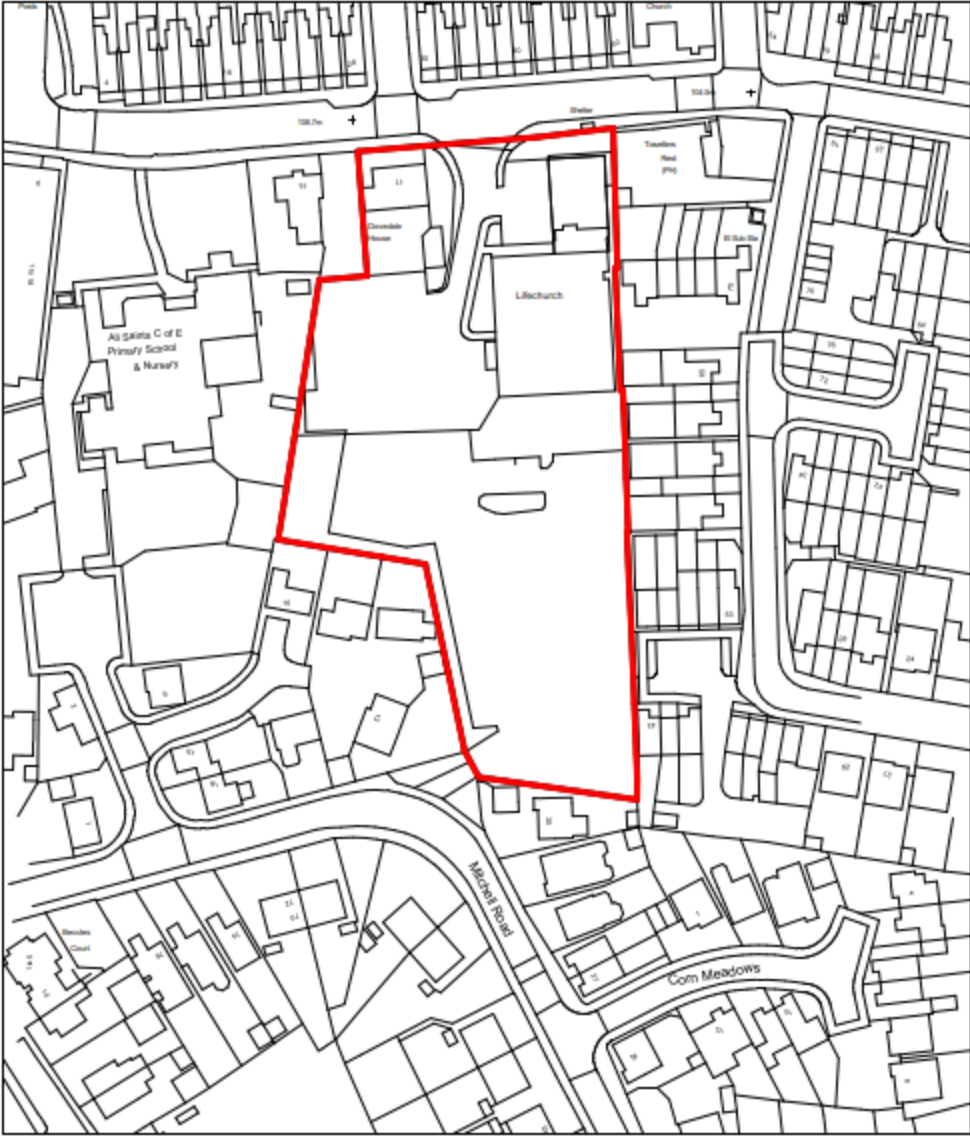
(ii) The proposed development is contrary to this policy in that it fails to provide adequate on-site car parking spaces in accordance with the adopted Transport Demand Matters (TDMM) - Parking Standards SPD. The application fails to robustly justify why the proposal cannot meet the prescribed standard (as required by paragraph 5.1 of the TDMM). This considerable shortfall will lead to increased dependency on on-street parking which is considered to be unsuitable for this scheme.

## **NOTES**

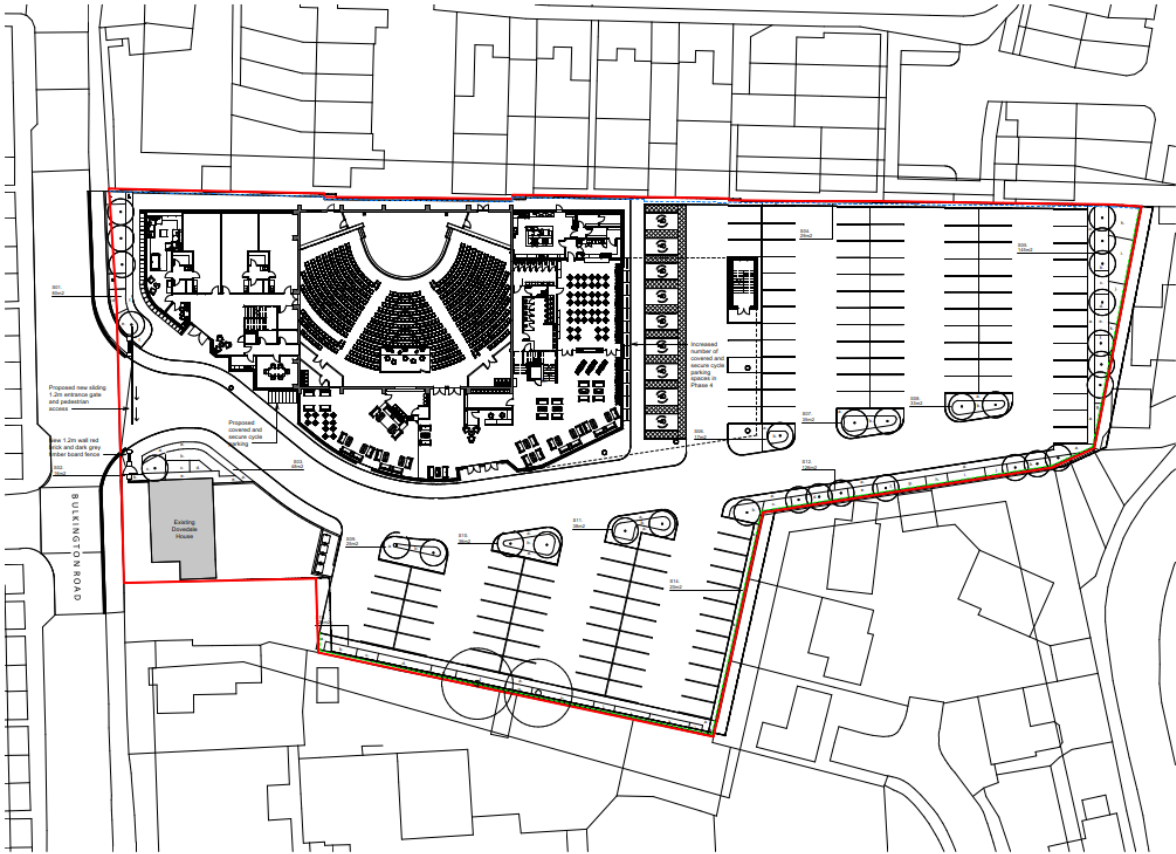


For the avoidance of doubt this application has considered the plans contained in the following schedule:

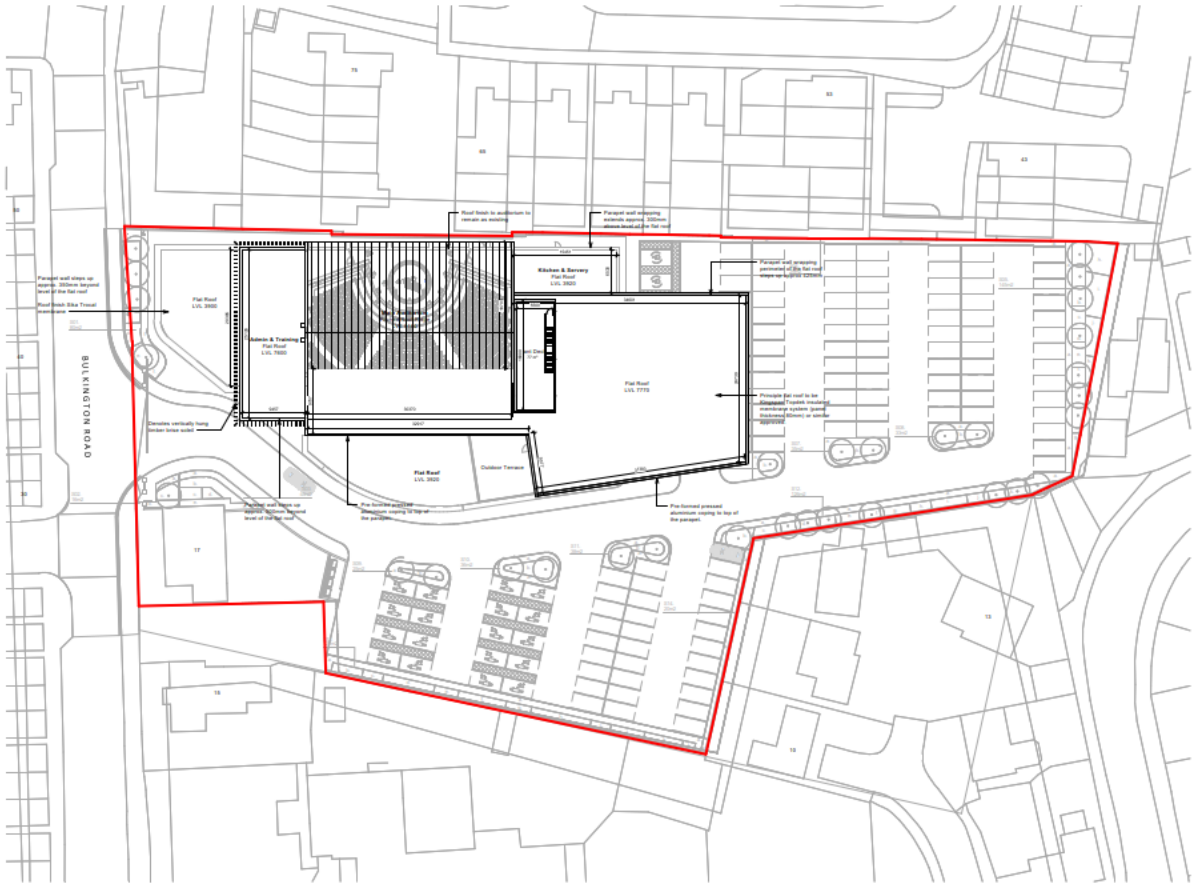
Description	Plan No.	Date Received
Location plan	LM-001	05/05/2023
Site plan	20109-HPA-P3-00-DR-A-0001-P03	17/10/2024
Proposed ground floor plan	20109-HPA-P3-00-DR-A-1000-P03	17/10/2024
Proposed first floor plan	20109-HPA-P3-01-DR-A-1001-P02	17/10/2024
Proposed roof plan	20109-HPA-P3-02-DR-A-1002-P01	05/05/2023
Proposed elevations	20109-HPA-P3-ZZ-DR-A-2000-P01	05/05/2023
Proposed sections	20109-HPA-P3-ZZ-DR-A-3000-P01	05/05/2023
Proposed roof site plan	20109-HPA-P3-02-DR-A-1003-P02	01/09/2023
Detailed planting plan	2250.01	05/05/2023
Plant schedule	N/A	05/05/2023



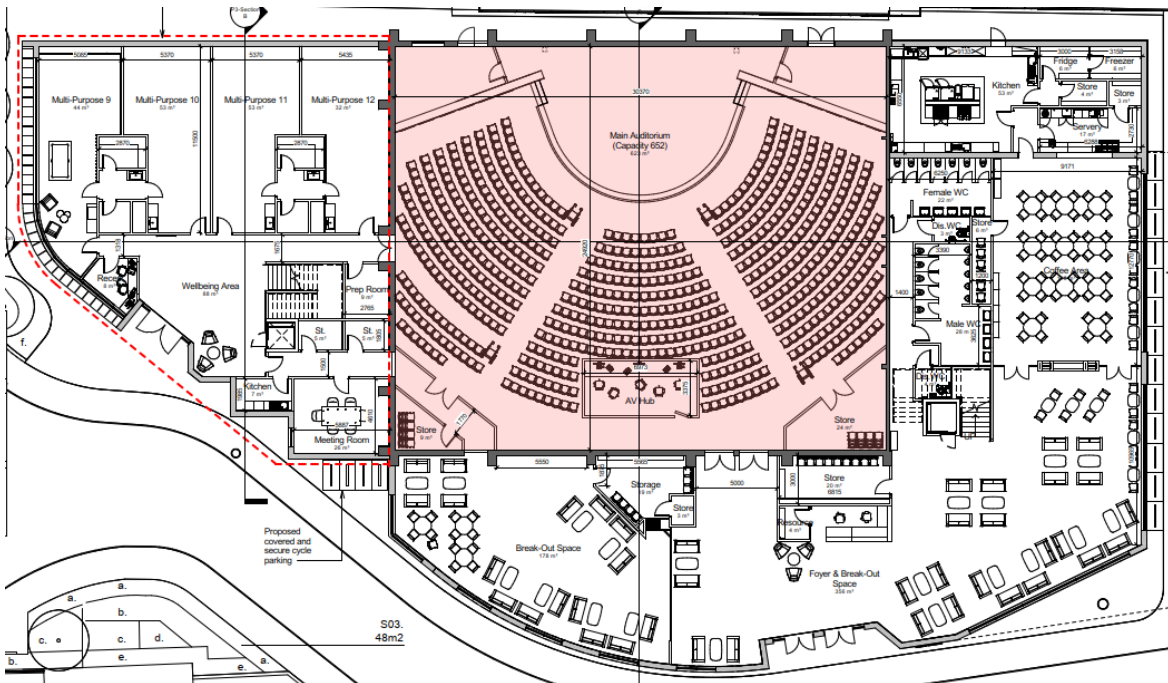
Location Plan



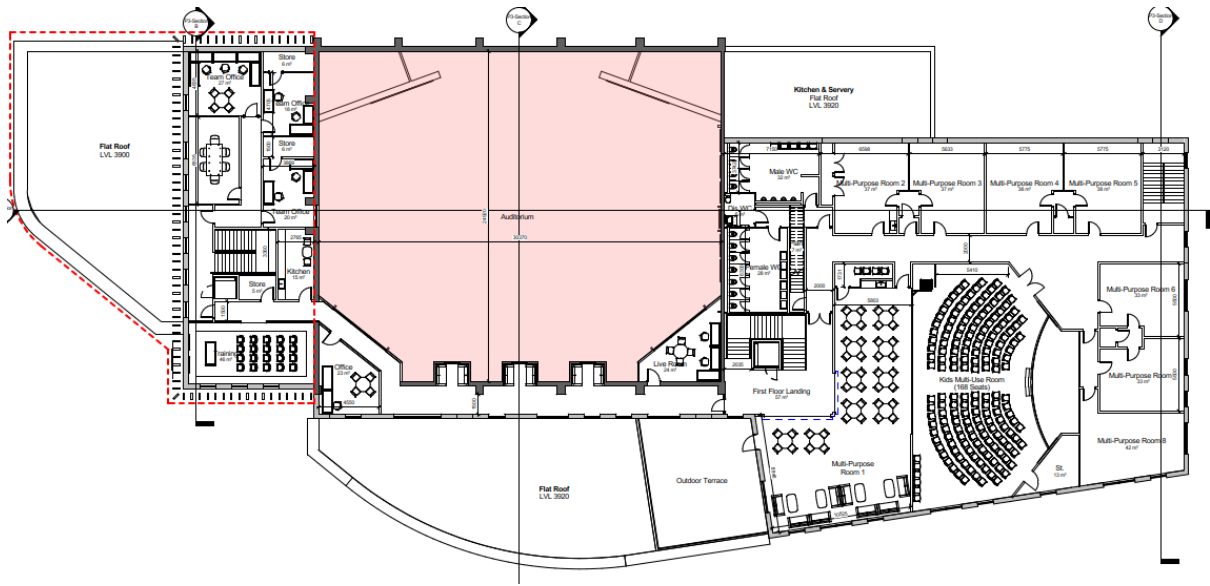
Proposed site plan



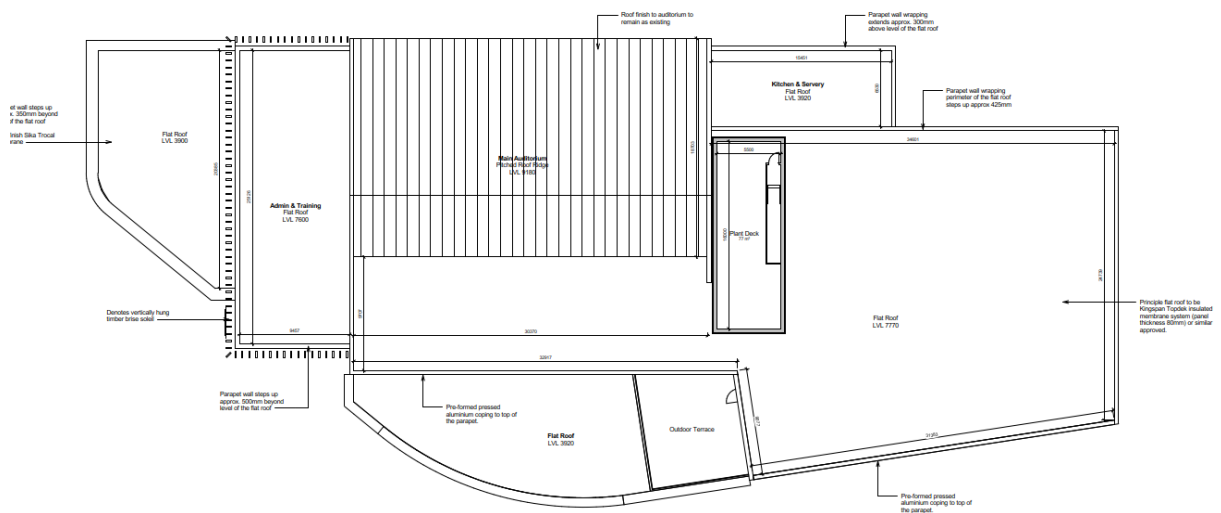
Proposed roof site plan



Proposed ground floor plan



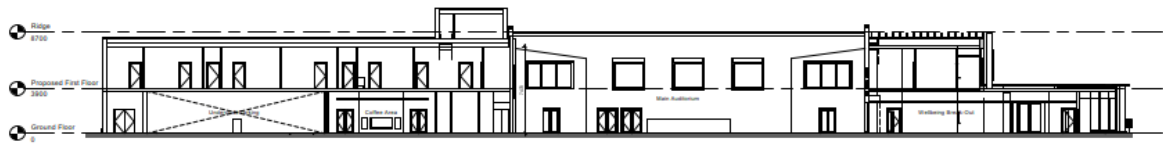
Proposed first floor plan



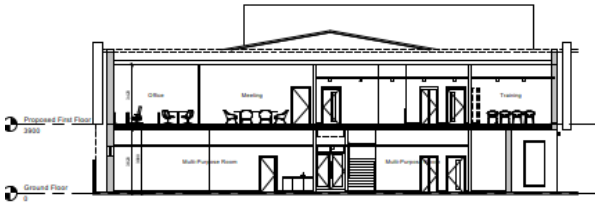
Proposed roof plan



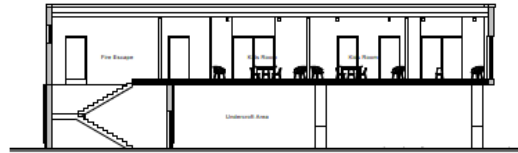
Proposed elevations



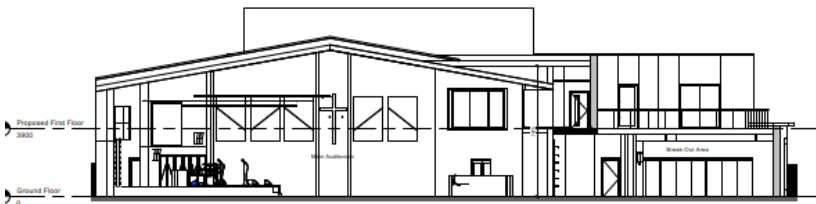
Proposed Section A  
Scale 1:150



Proposed Section B  
Scale 1:100



Proposed Section D  
Scale 1:100



Proposed Section C  
Scale 1:100



Proposed sections

## PLANNING APPLICATIONS

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### Item No. 3

**REFERENCE No.** 040257

**Site Address:** Site 97d006 - Weston Lane Bulkington Bedworth, Warwickshire

**Description of Development:** Outline planning permission for up to 30no. residential dwellings with all matters reserved except for access

**Applicant:** Mr Tony Bunney

**Ward:** BU

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### **RECOMMENDATION:**

The period of consultation expires on 11<sup>th</sup> December 2024. Subject to no new issues being raised at the end of this period, the Assistant Director - Planning be given delegated authority to grant planning permission subject to a legal agreement and the conditions printed.

### **INTRODUCTION:**

Outline planning permission for up to 30no. residential dwellings with all matters reserved except for access at Site 97d006 - Weston Lane, Bulkington, Bedworth, Warwickshire.

#### Site Description

The site is a large open space, which is currently overgrown with vegetation and is bordered by residential properties to the north, east and south and Arden Forest Infant School and the Lady of The Sacred Heart RC Church.

The site, encompassing approximately 0.99 hectares, is strategically located to the west of Bulkington. It is bordered on three sides—north, south, and west—by established residential properties, creating a defined perimeter that borders mainly residential gardens. To the east, the site is adjacent to notable local landmarks, including the Arden Forest Infant School and the Our Lady of The Sacred Heart Roman Catholic Church, along with its Church Hall and an area of adjoining, presently disused land. This combination of residential and institutional neighbouring properties contributes to the site's distinctive character and will necessitate careful design at future reserved matters stage.

Portions of the site are visible from surrounding roads including the end of Trent Road and Severn Road, but the site itself is quite flat, and not overly prominent.

#### Development Description



The proposed development is for the erection of up to 30 dwellings on the site, with the associated infrastructure. The matter of access is being considered and will be achieved by removing the turning head and the end of the cul-de-sac on Trent Road and continuing the highway into the site.

## **BACKGROUND:**

This application is being reported to Committee at the request of Councillor Cvetkovic.

This is an Outline application. The following matter is to be considered at this stage:

- 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.

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

- 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 within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 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 and walls.

## **RELEVANT PLANNING HISTORY:**

- 000133 Erection of buildings for use as children's hospice, day nursery and well women clinic. (amended plans)  
received: January 1999 and committee approval: June 1999
- 005834 Residential development (outline) renewal of permission TP/0231/95.  
received: August 1998 and withdrawn: November 2001
- 002869 Residential development (outline) renewal of permission TP/0190/92  
received: April 1995 and approved: November 1995

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement hierarchy and roles
  - DS3 – Development principles
  - DS4 – Overall development needs
  - TC3 – Hierarchy of centres
  - H1 – Range and mix of housing
  - H2 – Affordable housing
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment

- NE1 – Green Infrastructure
- NE2 – Open space
- NE3 – Biodiversity and geodiversity
- NE4 – Managing flood risk and water quality
- NE5 – Landscape Character
- HS2 – Strategic accessibility and sustainable transport
- Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Cadent Gas, Coal Authority, Environment Agency, George Eliot Hospital Trust, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, NHS, Severn Trent Water, Warwickshire Police, Western Power Distribution, WCC Archaeology, WCC Ecology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

WCC Highways, WCC Flood Risk Management, WCC Fire Safety, NBBC Environmental Health,

No objection from:

Environment Agency, Highways England, WCC Archaeology

Comment from:

NBBC Planning Policy

No response from:

Severn Trent Water, NBBC Refuse

### **NEIGHBOURS NOTIFIED:**

All neighbours consulted, were 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, and 39 Trent Road, 12, 14, 20, 26, and 28 Mill Lane, Arden Junior and Infant School, Flats 1-11 Arden Lodge, 72, 74, 87 and 89 Severn Road

Neighbouring properties were sent letters notifying them of the proposed development on 14<sup>th</sup> May 2024, and a site notice was erected on 20<sup>th</sup> June 2024

### **NEIGHBOUR RESPONSES:**

There have been 2 objections from 1 address. The comments are summarised below;

1. Impact on highway safety and the increase in traffic within Trent Road
2. Construction Noise

3. Impact on the nearby school
4. Although impact on house prices is not a planning issue, financial compensation to existing residents should be
5. Impact on existing infrastructure
6. Access issues to existing properties

## **APPRAISAL:**

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

1. The Principle of the Development
2. Affordable Housing
3. Impact on Residential Amenity
4. Impact on Visual Amenity and Landscape Character
5. Impact on Highway Safety
6. Contamination and Land Stability
7. Heritage and Archaeology
8. Air Quality
9. Ecology and Biodiversity
10. Flooding and Drainage
11. Waste and Refuse
12. Planning Obligations
13. Conclusion

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

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180).

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) (paragraph 130). Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. As this is an outline application, details of design and layout are not sought for

approval at this stage and would form part of the assessment of a future reserved matters application.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision and Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. Then Bulkington has a tertiary role for housing, shopping, leisure and local services. Policy DS3 states that new development within the settlement boundaries, should be acceptable, subject to a full assessment taking place. This site is within Bulkington which does have the tertiary role for housing and development, and it can be confirmed that it is within the settlement boundary of Bulkington. To accord with this policy, the development proposal should be “sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement”. Policy DS3 outlines those proposals “will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure”.

Policy TC3 states that any new residential development should be within 1,200m walking distance of a district or local centre and an 8-minute drive to a district centre. This development is approximately 1,200m from the Bulkington District Centre and 800m by its most direct route. Therefore, this is acceptable and as such this development is considered sustainable.

The land is not designated for any specific land use in the adopted Borough Plan meaning that there is no specific restriction on this land preventing a residential use. Sites not allocated within a plan, but which come forward within the plan period, are referred to as windfall sites. The Council can demonstrate a deliverable, five-year supply of housing land but this does not prohibit otherwise acceptable residential developments being permitted.

Policy DS4 of The Borough Plan 2019 sets out at Paragraph 6.22, under policy an estimated target of 247 dwellings from windfall sites (unallocated sites) between 2021 and 2031. This will make a small contribution to this estimate.

The site is considered greenfield land for the purposes of this application. Paragraph 123 of the NPPF aims to promote the efficient use of brownfield land. It places emphasis on making as much use as possible of previously developed or ‘brownfield land’. This is especially so where ‘brownfield land’ is located within the existing urban settlement area. However, this does not preclude greenfield land in the urban area being developed.

It is considered that the proposal will meet the above requirements. Consequently, and in principle, the development of this land for residential purposes is considered to be appropriate.

## **2. Affordable Housing**

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. On a site of 27 illustrative dwellings, but a site of up to 30 dwellings, this means that 8 units should be designated as affordable. These will be confirmed as part of the s106 agreement and has been confirmed by the agent. As

this is an outline application, no further details have been submitted in relation to the affordable housing mix or the location. This would form part of subsequent reserved matters, and an assessment would be made at that time regarding compliance with Planning Policy and the Affordable Housing SPD. NBBC Planning Policy and NBBC Housing have no objections at this time.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. As this is an outline application, no further details have been submitted in relation to the housing mix. This would form part of subsequent reserved matters, and an assessment would be made at that time. It is anticipated that it will include a range of housing both in terms of their size and tenure. A suitably worded condition has been added to the decision notice to control this part of the process.

### **3. Impact on Residential Amenity**

Policy DS3 of the Borough Plan states that there should not be a negative impact to the amenity of the surrounding environment or residents. Policy BE3 – Sustainable Design and Construction refers to development having to comply with the Council's Sustainable Design and Construction SPD in order to protect residential amenity of adjacent properties.

Policy BE3 of the Borough Plan 2019 states that development should:

“Development proposals must be:

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

Urban character

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

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

Paragraph 130 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

The development is adjacent on three sides to residential properties on Trent Road, Severn Road, Mersey Road, and Mill Lane.

The Sustainable Design and Construction SPD 2020 sets out minimum separation distances that are required between existing and proposed dwellings and in between

the proposed units themselves, in order to protect light, amenity and privacy. The exact details of the layout, size, scale and fenestration of the dwellings would be provided at the reserved matters stage and the policies within the SDC would be applied at this stage. Although purely indicative, at present, the indicative layout plan shows that the minimum separation distances set within the Sustainable Design and Construction SPD 2020 between the proposed properties and existing neighbouring properties could be met. As such, it has been demonstrated that the impact to residential amenity could be acceptable.

#### **4. Impact on Visual Amenity and Landscape Character**

Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The site is located within an urban setting and therefore the proposed development would be in keeping with the existing landscape.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 135). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. As this is an outline application, details of design, scale and layout are not being considered at this stage and would form part of a future reserved matters application. The indicative plans show a two-storey development, and this scale would be in keeping with the surrounding properties.

The proposal would permanently change the landscape of the site through the development of residential houses. However, the site is surrounded on three sides by residential developments and this form of development would not be incongruous to the immediate landscape and the wider area. As such, the change that this development would bring is considered to be acceptable.

#### **5. Impact on Highway Safety**

Policy HS2 states that proposals with transport implications should be addressed and the matter of access is being considered at this stage.

The proposed access to site is being proposed at the turning head of Trent Road. Willow Close is a residential cul-de-sac which culminates with the current vacant site, and measures approximately 5.5m in width, with 2.1m pathways on both sides of the highway with an approximately 13m wide turning head at the end of the close. Where the proposed access is to be located is currently the cul-de-sac and so proposal is to add the access to the current highway design.

WCC Highways were consulted on the application and initially did not state that they had an objection to the application but required more information on various issues so that the access could be considered for approval. In response to these raised issues, two plans were submitted, '23087-SK240709.1 and 23087-SK20240822.1.' 23087-SK20240709.1 shows low-level planting and knee rails in front of numbers 32, 34, 35 and 37 and shows the requested vision splays and dropped kerb driveways clearly

indicated and speed cushions. 23087-SK20240822.1, is a more detailed access plan with no existing layout underlay drawing showing the access as proposed in full. It is noted that the internal highway layout beyond that shown on drawing 23087-SK20240822.1, the area after the speed cushions, will be determined at the relevant reserved matters stage. This plan also shows the proposed gateway feature as deemed acceptable by WCC Highways.

## **6. Contamination and Land Stability**

Paragraph 180 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate the that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

NBBC Environmental Health were consulted on the application and returned a response of no objection with no adverse comments and no conditions to be added to the decision notice.

The site is not within the Coal Authorities high risk development zone and therefore they have no comment to make on this application.

## **7. Heritage and Archaeology**

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the Borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. The site is not within, or adjacent to any of the above asset areas, however the WCC Archaeology Team were consulted on this application to review the potential archaeological impacts.

Fieldwork by the applicants was undertaken and a report submitted detailing the results from a programme of archaeological trial trenching undertaken at the site. The objectives of the fieldwork were to gather sufficient information to establish the presence/absence, character, extent, state of preservation and the date of any archaeological deposits present within the application area. The results showed that other than two modern features, and two unstratified fragments of 13<sup>th</sup> century pottery, no significant archaeological deposits or features were identified and the submitted report is acceptable. Therefore, it can be concluded that the proposed development is unlikely to have a significant archaeological impact. No conditions were proposed to be added to the decision notice.

## **8. Air Quality**

Developments of this size do not require an air quality assessment, but as per the Air Quality SPD, type 1 mitigation is required on site. NBBC Environmental Health were consulted, and they suggested the following conditions should the application be approved:

1. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40mg Nox/IWh
2. The developer should provide electric vehicle (EV) charging points at a rate of 11 charging point per 10 spaces (unallocated parking), and ensure appropriate cabling is provided to enable increase in future provision
3. The developer shall submit a Dust Management Plan for approval prior to the works.

## **9. Ecology, Biodiversity and Open Space**

The NPPF and Policies NE1, NE2 and NE3 of the Borough Plan refers to the protection and enhancement of ecology. This is mirrored in the Council's adopted Open Space SPD.

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

The indicative plan shows that the proposal would retain some open space and the majority of this is formed within area along the southern part of the site, labelled as 130m<sup>2</sup>. However, this open space does not include any on-site equipped play provision. The Open Space Strategy sets out that residents should have access to three principal types of park provision – Destination, Community and Local. Each of those types of provision includes type specific equipped play provision. However, there are minimum distance requirements which are needed for play equipment to water courses, roads, houses and SUDS features. Due to the presence of all of these elements, it is reasonable to say that the scheme would not be able to provide on site play provision. As on-site provision is not feasible on this site, NBBC Parks have requested contributions towards the maintenance and improvement of local destination, community and local parks and allotments. The applicant has agreed to this request, after negotiations. As such, it is considered that the scheme would meet Policy NE1 as it would create and enhance new green infrastructure assets.

Policy NE1 also discusses blue infrastructure and states that where development proposals include a watercourse within their site boundary, providing an easement between the development edge and the watercourse can help contribute to the delivery of green corridors. The policy states that an 8 m easement is typically used, and should be included in proposals wherever possible. The indicative layout plan shows that this 8m set back could easily be achieved and the set back on the plan currently measures as approx. 28 metres.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

This proposal has been accompanied by the following:

- Preliminary Ecological Report



- Bat Report
- Reptile Report
- Great Crested Newt Report
- Biodiversity New Gain Feasibility Assessment
- Statutory Metric for all scenarios proposed

The correct documentation was submitted, and the information was considered within an ecology consultation with WCC.

Static and night-time bat surveys were undertaken, and it was determined that the site was used by at least five species of bat. This activity was mostly associated with the hedgerow to the north, which as part of the proposed is to be retained. The bat report concludes that there are no ecological constraints to the proposed development in relation to bats and that any new lighting scheme will need to be designed to avoid illuminating boundary hedgerows and existing trees within the site to minimise disturbance.

Eight ponds within 500m of the site were identified and the survey determined that great crested newts were likely to be absent. Furthermore, there are no waterbodies on site and thus no potential for breeding amphibians including great crested newt. The terrestrial habitats on-site, namely the grassland and hedgerow have the potential to be used by great crested newt for dispersal, shelter and foraging. A Reasonable Avoidance Method Statement for great crested newts was prepared and recommended to form part of a Construction Ecological Management Plan (CEMP), which forms part of the recommended conditions suggested by WCC Ecology.

As for reptiles, there are records of grass snake and an unidentified reptile within the search, the closest is 1.7km away from the site. The survey undertaken at the site between Amy and September 2024 confirmed the absence of reptiles and so no mitigation methods are proposed. WCC ecology agreed with the conclusions, and they recommend that no further survey work is required. They further recommend that precautionary working measures are followed to ensure no reptiles are accidentally killed or injured and this should form part of the CEMP which as mentioned will form a suitably worded condition, should the application be approved.

As for biodiversity the submitted report stated that due to the nature of habitats present at the site and the assumption that all habitats will be lost for development, it is believed to be difficult to achieve a new gain in habitat on site. Therefore, it will be necessary to seek an off-site solution to achieve the mandatory 10% biodiversity new gain for the site. The ecology response highlighted that trees within front gardens should not be counted within them metric which they current are, and this can be amended at the Biodiversity Net Gain Plan prior to the commencement of the development stage of the planning process. The 10% biodiversity new gain should be secured through a s106 agreement.

## **10. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 173). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further

guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with managing flood risk.

The site is within Flood Zone 1 with a very low risk of surface water flooding and therefore the proposal is considered to be compliant with Policy NE4 and follows the sequential approach.

Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits

the application, after an objection from the WCC Flood Risk Management, submitted a Flood Risk Assessment and Drainage Strategy. Section 6 of this document outlines the Sustainable Drainage Systems that are going to be incorporated into the proposal and so this aligns with the NPPF paragraph.

Neither the EA nor the Lead Local Flood Authority have objected to the proposal and therefore the impact on flooding is considered to be acceptable. The lead local flood authority has suggested a number of conditions which will be added to the decision notice, should the application be recommended for approval

## **11. Waste and Refuse**

NBBC Refuse and Waste have not responded to the consultation request and therefore it is assumed that they have no objection to the proposal. In addition, given the nature of the area and existing access, it is considered sufficient for collection by refuse collection vehicles. Details for bin storage within the site will be provided at reserved matters stage. Regarding fire safety, Warwickshire Fire and Rescue Service have been consulted on the application and raise no objection to the proposal subject to a condition being added to the decision notice, should it be recommended for approval.

## **12. Planning Obligations**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2023 notes that these obligations should only be sought where they meet all of the following tests:

- g. necessary to make the development acceptable in planning terms;
- h. directly related to the development; and
- i. fairly and reasonably related in scale and kind to the development.

Paragraph 93 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	Capital Total: £43594.81  Maintenance: 12197.04  Design and Management Fees: £4359.48  Total: £60151.33	
<b>WCC Education</b>	Monies for the provision and improvement of schools For the provision of early years/pre school	£45474	
<b>Sports and Leisure</b>	Delivery of an offsite project Up front cost of £3000 to be deducted from final payment. 50% payment upon 25% of dwellings occupied and then 50% contribution upon 50% of the dwellings occupied	£69,226	
<b>Public Rights of Way</b>	For ongoing maintenance and improvements within 1.5-mile radius of the site.  The relevant rights of way are considered to be B60 N43 N44 N64 R24-R26 R28 R44a R37 B39-B53 B56 B64 B67 R291	£1221.33	
<b>Libraries</b>		£657.00	
<b>WCC Highways</b>	Monitoring and Administration: Formula= £350 + (5hours x £40 officer time x number of triggers)  Road Safety: £50 per dwelling  Footway/Cycleway improvements linking Bulkington to Bedworth	Minimum £750  30 x 50= £1500  £37900	

	TRO	£6000	
<b>NBBC Housing</b>	25% of total units= Max.. Total Units = 30 Number of units = 30/4= 7 or 8	8 Units	
<b>Biodiversity Net Gain</b>	Mandatory 10% Net Gain		
<b>Total:</b>		£222,879.66	

### 13. Conclusion

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

The potential impacts of the proposed development in relation to the principle of development, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, air quality, ecology, biodiversity and open space and heritage and archaeology have all been considered and assessed against both national and local policy. The assessment has subsequently shown that, there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of planning obligations and conditions. Therefore, on balance, the recommendation for the application is approval subject to the legal agreement and condition printed below.

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:**

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

Plan Description	Plan Reference	Date Received
Proposed Site Access	23087-SK20240709.1	16/07/2024
Detailed Access Drawings	23087-SK20240822.1	16/07/2024
Site Location Plan	4588-100	29/04/2024

5. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
  
6. No development shall commence until:
  - a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;
  - b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
  - c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and
  - d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.
  
7. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
  - i. The routing and parking of vehicles of HGVs, site operatives and visitors;
  - ii. Hours of work;
  - iii. Loading and unloading of plant/materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. The erection and maintenance of security hoarding.
  - vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
  - vii. A scheme for recycling/disposing of waste resulting from construction works.
  - viii. Measures to control the emission of dust and dirt during construction;
  - ix. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

8. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
  1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 1.9l/s for the site in line with the approved surface water drainage strategy (ref: BR31168-JNP-XX-XX-DR-C-1001, revision P03, dated 20 August 2024).
  2. Where the drainage scheme proposes to connect into a 3<sup>rd</sup> party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
  3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
  4. Provide detail drawings including cross sections, of proposed features such as attenuation features and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
  5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
    - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
    - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
    - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
    - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
  6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
    - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
    - b. Consider property finished floor levels and thresholds in relation to exceedance flows.
 The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
9. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (BR31168-JNP-XX-XX-RP-C-1001 Revision P03, Dated 17 September 2024) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
  2. Any As-Built Drawings and accompanying photos
  3. Results of any performance testing undertaken as a part of the application process (if required/ necessary)
  4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  5. Confirmation that the system is free from defects, damage and foreign objects
10. No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should
1. Provide the name of the party responsible, including contact name, address, email address and phone number
  2. Include plans showing the locations of features requiring maintenance and how these should be accessed
  3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
  4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance
11. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the HMMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
  - g) Details of the body or organisation responsible for implantation of the plan.
  - h) Ongoing monitoring and remedial measures.
  - i) The completed statutory metric applied to the application site.
  - j) Locations and numbers of integrated bat and bird boxes, access gaps for hedgehogs in any new fences.

k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.  
The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

12. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Results of updates species surveys, if the original survey work is out-of-date.
  - d) Physical measures and sensitive working practices for the safeguarding of great crested newts, reptiles, nesting birds, badgers and hedgehogs.
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities of an ecological clerk of works (ECoW)/similarly competent person.
  - i) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

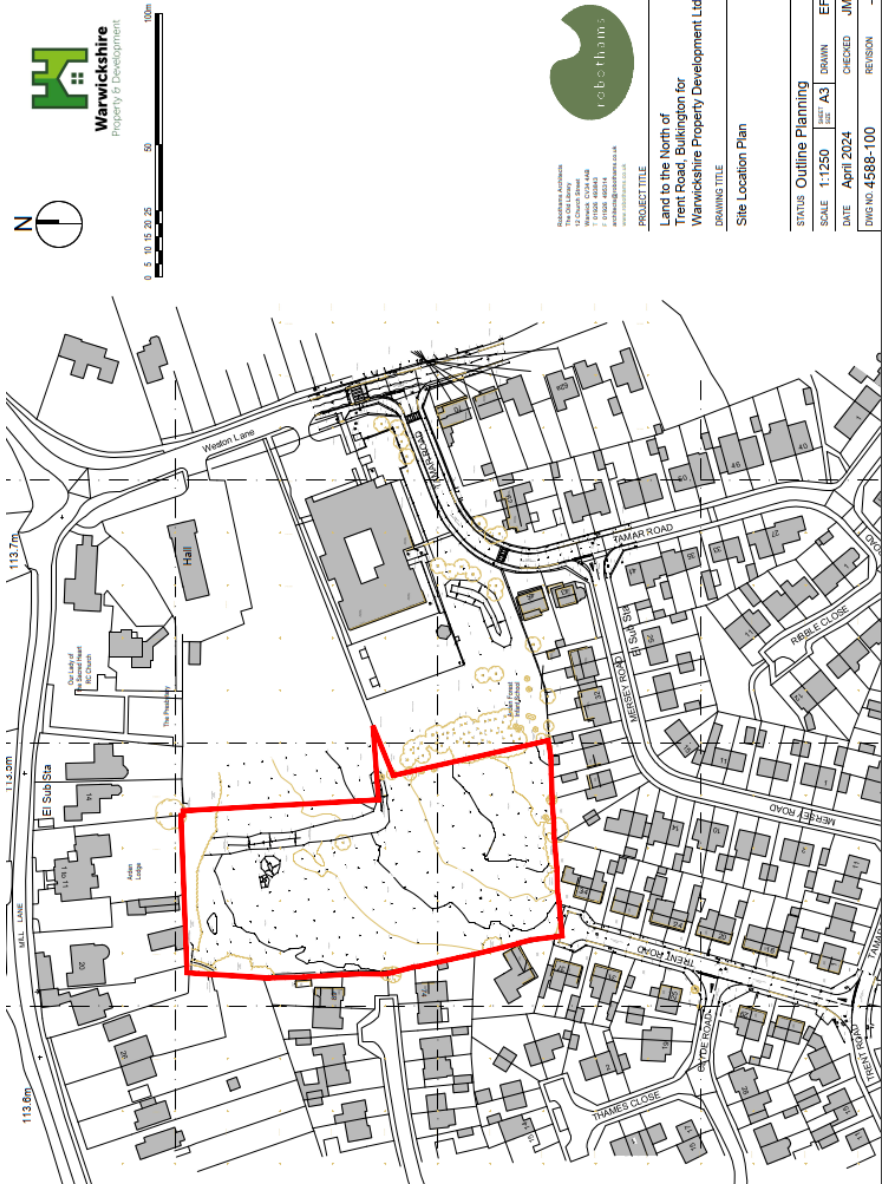
13. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The scheme shall outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the northern and southern sections of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Narrow spectrum lighting should be used to avoid the blue-white wavelengths;
  - Lighting should be directed away from vegetated areas;
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;



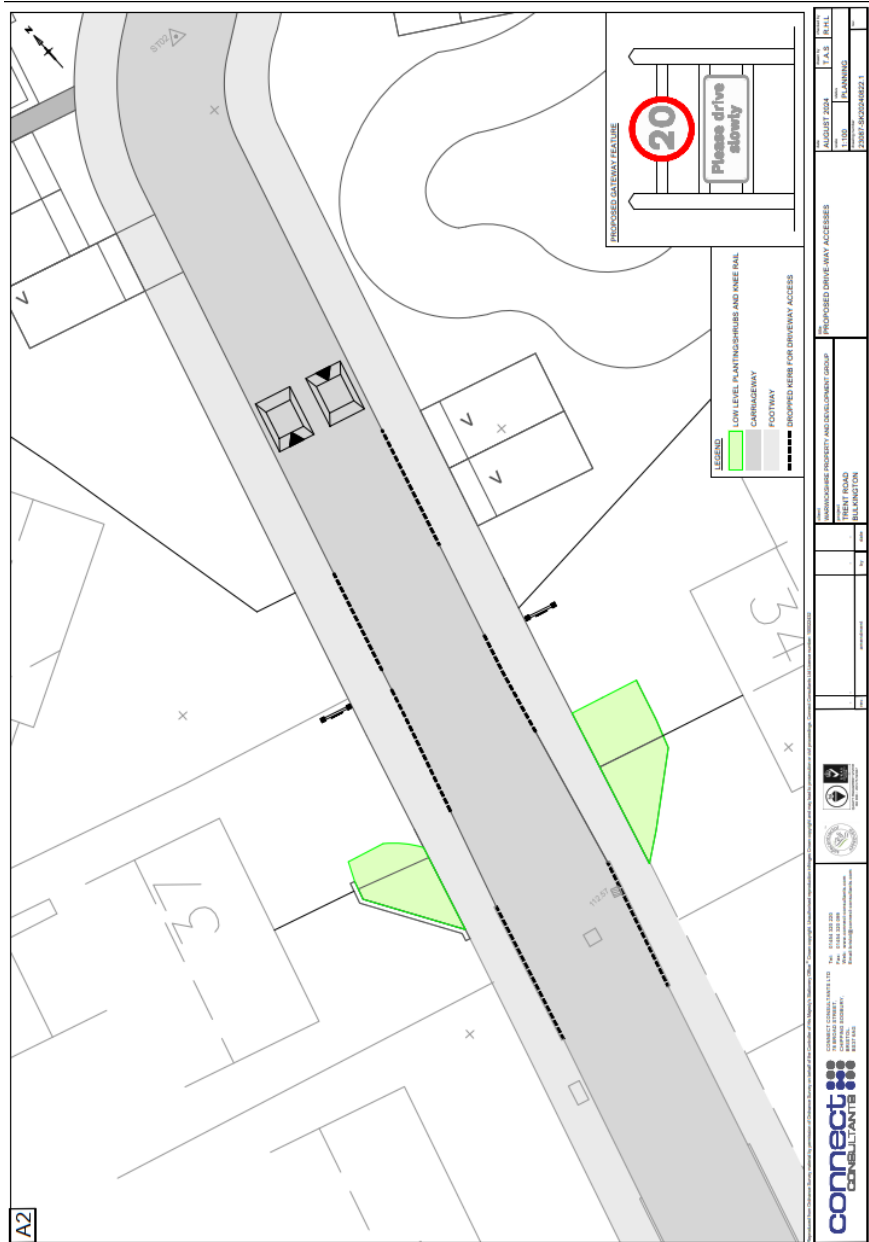
- Connections to areas important for foraging should contain unlit stretches.
14. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority
  15. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
  16. No development above slab level shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
  17. No development above slab level shall commence until full details of the boundary treatments, including new walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
  18. The details required by condition 1(d) (Landscaping) shall be carried out in the following manner:  
Soft landscaping shall be carried out in full in the first planting season following the first occupation of a dwelling. Hard landscaping works within each phase shall be carried out in full prior to the first occupation of each phase.  
  
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.
  19. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking
  20. No development above slab level shall commence until details of rainwater harvesting systems to be installed in the curtilage of all dwellings has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed system has been provided in

accordance with the approved details. Once provided, the rainwater harvesting systems shall be maintained in perpetuity for the lifetime of the development.

21. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.
22. Details of the following additional matters shall, where relevant, concurrently with the submission of each reserved matters application, be submitted to and approved in writing by the Local Planning Authority before development of any part of the site to which the submitted details relate is commenced. The development shall be implemented in accordance with the details so approved prior to that part of the development being occupied or brought into use.
  - a) A schedule of the mix of dwellings across the whole site demonstrating how this takes into account and accords with the most up-to-date Strategic Housing Market Assessment (SHMA) and Housing and Economic Development Needs Assessment (HEDNA);
  - b) A schedule of the amount and types of accessible, adaptable and wheelchair user dwellings across the whole site to meet Building Regulations requirement M4(2) and M4(3) and
  - c) A schedule of the number of bedrooms, number of persons expected to occupy each dwelling, storey height, total GIA floorspace area and total built-in storage areas for each dwelling type to demonstrate compliance with the most up-to-date publication of the Nationally Described Space Standards.
23. No development shall be carried out until details of the means of foul drainage disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.



Location Plan



Detailed Access Drawings



Access Plan

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## Item No. 4

**REFERENCE No.** 040159

**Site Address:** Site 51b012 - R/o King Edward Rd Anker Street Nuneaton Warwickshire

**Description of Development:** Retrospective application of change of use of land to van sales (Sui Generis) and erection of temporary buildings ancillary to the proposed change of use and erection of fence and gates to boundary with Anker Street

**Applicant:** Mr S Chaudry

**Ward:** AB

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Retrospective application of change of use of land to van sales (Sui Generis) and erection of temporary buildings ancillary to the proposed change of use at Site 51b012 - R/o King Edward Rd Anker Street Nuneaton Warwickshire.

The site has an official/current use of vacant land, as the disused factories were demolished, and permission was given retrospectively under planning reference: 039182. The site is a large plot of land which is bordered by exclusively residential properties on King Edward Road, Clarkson Close, Anker Street and Attleborough Road. King Edward College is located opposite the current entrance to the site on King Edward Road.

The proposed development on site is for the retention of just the change of use and temporary buildings, as the applicant and/or their appointed agent have split the elements that require planning permission that are currently on the site, into different applications. The fence that is bordering the site to the east, south and west, and designed to be palisade fencing was refused in a previous application and the CCTV and lighting poles are also being determined in another planning application. The palisade fencing was removed from the application and a residential style fencing constructed out of wood and brick. This is to be above 2m in height and so this is why planning permission is required.

### **BACKGROUND:**

In 2022, the enforcement team were contacted to investigate the demolition of the former factories at P & C Coils Building Site which is located on a piece of land between Anker Street and King Edward Street and behind the residential properties

which form numbers 2-26 (even) Attleborough Road. After discussions between officers, the applicants, and their appointed agent, it was agreed that a 'Prior approval for demolition' application was to be submitted. However, once the consultation letters were sent out, it was reported that the work had started and then was completed. This made that type of application redundant, and a full planning application was needed. Therefore, the previous application was returned and this application, 039182 was submitted. At the Planning Applications Committee in December 2022, the retrospective application for demolition, planning reference 039182, was approved.

In early 2023, the enforcement was again contacted to investigate whether the use of the site had changed, and development had taken place. Upon a site visit and contact with the applicant and neighbours, it was ascertained that a van sales company had started to use the site and had erected temporary buildings to support this use on site. Therefore, an application, was submitted to regularise the change of use and the erection of the buildings and security fencing which had been erected around the curtilage of the site. This had a reference of 039516 and was refused in May 2023 and then dismissed on appeal in February 2024 (re: APP/W/W3710/3327232).

A further 3 applications by the same applicant were submitted to the council to try to regularise the separate elements of the site. This application for the fencing, for the CCTV and Security Lighting (ref: 039839) and one for the buildings and structures within the site. The fencing and CCTV and security lighting were validated, and determinations will be made on them in due course. The fencing was refused as it was the same as what was refused in 039516, as it had palisade fencing on the Anker Street boundary. The CCTV and Security Lighting is still ongoing, and currently undetermined, whilst the planning process for this application has been completed.

Finally, NBBC Enforcement were involved again as a further complaint was received regarding the erection of adverts within advertisement consent. An application was made by the occupiers of the site and approved in March 2024.

## **RELEVANT PLANNING HISTORY:**

- 039981 Erection of 6no. non-illuminated advertisements. Approved: March 2024
- 039839 Retrospective Planning Application for the Installation of Closed-Circuit Television Cameras (CCTV) and Security Lighting. Not Determined
- 039838 Retrospective planning application for the installation of Palisade Fencing and Landscaping. Refused: May 2024
- 039516 Retrospective application for the change of use of the land to van sales (Sui Generis) including the installation of temporary buildings to support the use and the erection of a palisade security fence. Refused: May 2023 and Dismissed on Appeal: February 2024
- 039182 Retrospective application for the retention of the demolition of P & C Coils Building Anker Street, Nuneaton Approved at Committee: December 2022
- 039163 Application for prior notification of demolition. Received: September 2022 and Withdrawn: September 2022
- 037622 Erection of 6No. house and 6No. flats (Demolition of existing factory included) Received: December 2020 and Withdrawn: February 2022

- 036046 Erection of 14 apartments Received: November 2018 and Withdrawn: May 2019
- 032155 Residential development of 9no. 3 storey terraced houses and 6no. 3 storey semis with car ports (Existing building to be demolished) Outline with all matters reserved. Received: June 2013 and Withdrawn: July 2013

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement Hierarchy and Roles
  - DS3 – Development Principles
  - BE3 – Sustainable design and construction
  - E2 – Existing Employment Estates
  - TC3 – Hierarchy of Centres
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

WCC Highways and NBBC Environment Health

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways

Comment from:  
Cadent

No objection from:  
NBBC Environmental Health

### **NEIGHBOURS NOTIFIED:**

The neighbouring properties that were consulted were:  
78-86 (even), 90-98(even) and 102 King Edward Road, 2-26 (even) Attleborough Road, 1 and 7-37 (odd) Anker Street, 43-46 (all) and 63-67 (all) Clarkson Close, King Edward College, and Unit 1 and 2 Stanbeck Engineering and Units 1 and 2 Anker Bridge House.

Neighbouring properties were sent letters notifying them of the proposed development on 20<sup>th</sup> March 2024 and due to amended plans, letters were sent on 23<sup>rd</sup> September 2024.

### **NEIGHBOUR RESPONSES:**

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



7. Impact on highway safety
8. The application is retrospective and still operating
9. Does not fit in with the street scene and the surrounding area
10. Noise nuisances
11. Property Damage
12. Excessive lighting
13. Erection of CCTV and poles

## **APPRAISAL:**

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

1. The principle of the development
2. Land designation as countryside
3. Landscape character
4. Impact on highway safety
5. Flooding and drainage
6. Planning Obligations
7. Conclusion

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

The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy DS1 of the Borough Plan 2019 sets out the development strategy for the Borough over the plan period and seeks to guide proposals in accordance with the policy and promotes sustainable development.

Policy DS2 of the Borough Plan 2019 sets out the hierarchy of settlements which exist within the borough. The proposal is within the settlement boundary of Nuneaton and as the primary town in the borough it is considered a sustainable location for the development.

Policy DS3 of the Borough Plan 2019 sets out that new development is to be sustainable and high quality and should be fully supported by infrastructure provision and environmental mitigation and enhancement as required in the policies within the Borough Plan. New development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

In the Borough Plan 2019 the site forms one of the sites designated as 'Employment estate suitable for alternative uses' which means that this application site forms one of the sites that the policy states will not be protected from non-economic development proposals and are considered acceptable for alternative uses during the plan period. Policy E2 allows for alternative uses on certain employment sites as it states that sites in table 12 of the policy, of which this site is one will not be protected from non-economic development type proposals. It states that sites such as this could be used for alternative purposes and there is therefore no requirement to retain such land

purely for employment purposes. The proposed use class is not the same as the original factories or the vacant land after the demolition. However, this policy clearly states that alternative uses will be acceptable, therefore it can be concluded that this This policy, although open to other uses, it does not preclude the use of it for commercial purposes.

As the application site is within the defined settlement boundary for Nuneaton, and well within the existing urban area without the use of any greenfield site, it is also within an existing employment site identified for alternative uses. The application is therefore acceptable in principle. This is also stated in the appeal decision APP/W3710/W/23/3327232.

This appeal decision, APP/W3710/W/2/3327232, is an appeal decision relating directly to this site about this proposal, states considerable weight should be given to the commercial use of this longstanding employment site and the re-introduction of employment in this sustainably located, previously developed site. It also gives considerable weight to the jobs created and the economic activity being undertaken at the site.

An appeal decision by a planning inspectorate is given considerable weight within the planning system and within the decision-making process. This decision concluded that the re-use of this site as a commercial, employment site should be given considerable weight and so it will be when reaching a decision on this application. Furthermore, the proposal is in line with the policies set out in the borough plan and thus is looked upon positively and acceptably within the final decision. This is because its use is suitable under policy E2, and the re-use of the site under E2 is also acceptable, and given its use and location, is aligned with policy DS2.

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

BE3 of the Borough Plan (2019) states that all development proposals must contribute to the local distinctiveness and characters and one of the key characteristics to review is residential amenity.

Policy DS3 of the Borough Plan 2019 sets out that new development is to be sustainable and high quality and should be fully supported by infrastructure provision and environmental mitigation and enhancement as required in the policies within the Borough Plan. New development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

To assess the impact to residential amenity, this report will assess how the changes to the site will impact on the residential area that the proposed site is located within and how it will impact individual residential properties that border the site.

### *Impact arising from the Proposed Use and Development*

The proposed use of vehicle sales, specifically van sales which is a Sui Generis use is not consistent with the dominant use of the surrounding area and would therefore introduce a contrasting use to the street. The area is predominantly a residential area,

with individual commercial units at the end of Anker Street, and King Edward College and St Nicolas Church also in proximity. The site previously housed a large industrial unit which was vacant for several years. The buildings were then demolished. NBBC Environmental Health were consulted on the application regarding noise and other impacts which might arise from the proposed use. They initially stated that their concerns arise from the potential hours of operation and the potential noise from ancillary uses. After assessing the application, they had no objection as the opening hours that have been proposed in the application form and no objection has been forthcoming about the potential noise that should arise from the van sales use on the site. Therefore, it can be concluded that the impact arising from the proposed use is considered acceptable. If the business is operating outside of the proposed opening hours or increasing the noise due to ancillary uses, then there is separate legislation which is relevant. This application can only determine on the facts presented in the application. As the opening hours were specifically mentioned and accepted by NBBC Environmental Health, then a condition confirming these is deemed to be acceptable and will be added to the decision notice.

The comings and goings of a sales forecourt, even if just by appointment only, as is stated by the application form is more intense than the previous use, industrial factories (use class B2) or the vacant space which resulted after the demolition. Although, the previous use of the site was not residential but industrial (use class B2), it was a factory site which meant that, even with shift work, the comings and goings were limited and time restricted. The introduction of the sales business will increase the movements and activities on site and in the area to a level that will impact the residential amenity of the neighbouring properties and residents and weigh against the proposal when a decision is made.

Paragraph 55 of the NPPF (2023) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions... Paragraph 56 (in part) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. These paragraphs are relevant as a condition controlling the appointments by the business and appointment style of the sales was considered. However, it was determined a condition could not be worded to be reasonable or enforceable, and so this was discounted.

#### *Impact on Neighbouring Residential Properties*

The site is bordered by Anker Street to the East, Clarkson Close to the North, Attleborough Road to the South and King Edward Road to the West. All of which have residential properties that border the site.

#### *Impact on Anker Street*

Numbers 21-37 Anker Street will face directly towards the site across the highway; however, the proposal will not have a significant impact on these properties compared the impact that the previous uses will have had on these properties. Alongside this row of dwellings is where the factory wall would have stood. These factories were a high brick-built structure and would have significantly impacted the amenity of these

properties. In its place, directly opposite the front elevations of these properties is a 2.0m (maximum height) wooden and brick-built fence. As this faces a highway, the PD fallback is 1m which means that this is considerably above this limit. The proposed fence is 11.4m from these elevations and will cause an impact to the residential amenity of these properties which could weigh against the proposal when a decision made. The SPD states that for residential applications, which this fence is not, 12m is required from a blank wall to a habitable window. This is a good starting point and the distance across Anker Street is 11.4m, this is a small shortfall as a useful comparison, and it is across a public highway. As no regard can be had for the previous boundary treatment, the fact that it is 11.4m from habitable windows holds considerable weight as if this was a residential development this shortfall would be likely to be acceptable. There is also no definitive distance standard for commercial boundary treatments and residential uses, and the SPD does state that distances should be relaxed when measuring across highways and public areas, which this does. Therefore, the impact on the residential amenity of the residential properties on Anker Street is acceptable.

#### *Impact on Clarkson Close*

To the north, 66 Clarkson Close and the site elevation of the residential block that houses numbers 47-58 Clarkson Close borders the site. The location of the buildings is to the centre of the site.

The side elevation of 47-58 Clarkson Close will not directly face the location of the proposed structures.

The rear elevation of 66 Clarkson Close is completely blank apart from a first-floor window which is unimpacted by the introduction of the proposed structures to the site. The side facing elevation does not directly face any structure on site and so is also not impacted.

The rear elevation of this neighbouring property is completely blank apart from a first-floor window which is unimpacted by the introduction of the proposed structures to the site. The side facing elevation does not directly face any structure on site and so is also not impacted.

#### *Impact on Attleborough Road*

Numbers 8-26 Attleborough Road border the site to the South/South-West. However, numbers 12, 14 and 16 are most impacted by the proposal. Numbers 12 and 14 directly face towards the location of the structures and it will be alongside the boundary with number 16. The level of the site is higher than the properties on Attleborough Road.

The distance between the nearest proposed buildings and the rear elevations of numbers 12 and 14 is approximately 42m. Although the levels are different and the buildings will be higher, this distance is acceptable. The buildings do project alongside the side boundary with number 16. They will project 18m in total and will be at a higher level. The appeal decision is clear that there is no fall-back position and the land as it should have looked after the demolition under application 039182 is how it should be treated. The rear garden of number 16 is approximately 60m in length and 18m in

width and these temporary buildings will be located towards the rear of the garden and not within, what could reasonably be considered as the main amenity space of the neighbouring property. Therefore, they are acceptable to this address.

However, there is a proposed palisade fencing to be placed on the boundary with the properties on Attleborough Road. It is proposed to be 1.8m in height which is permitted development and could be done without council consent.

### *Impact on King Edward Road*

Due to long access road from King Edward Road, none of the residential properties' residential amenity will be impacted by the proposal.

The appeal decision does mention the impact on neighbouring properties in the conclusion but due to the lack of accessibility to private properties and therefore he was not able to fully assess the impact. This does not mean that the impact is acceptable or not acceptable, just that a conclusion could not be made. This lack of a conclusion is also given weight when a decision is made.

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

The visual amenity of the surrounding area is significantly impacted by the proposal at the applicant site.

The previous use of the site was industrial in use, as it comprised of brick-built factories, and then after the demolition application the use became vacant, open, private land. These uses fitted into the surrounding area and did not look out of place as, firstly with the factories the materials and size of the buildings fitted into the street scene and the open land is acceptable in residential areas. This application is assessing the new proposed use and the associated erection of the buildings. However, as is made clear in paragraph 8 of the appeal decision, there is no fall-back position and if a previous position is required then the site clearance and demolition under planning reference 039182 should be the position.

This proposal has 3 elements to it, the proposed use, the proposed buildings and the proposed boundary treatment.

The site well contained and is hidden from the main highway of Attleborough Road, by the properties on Attleborough Road and King Edward Road and is only highly visible from Anker Street, the rear gardens of Attleborough Road and King Edward Road and the car parks of the residential blocks and end of Clarkson Close. From King Edward Road, there is a long access road which sets the site back from the highway and street scene. The proposed buildings cannot be seen clearly from this vantage point and although it has palisade fencing, it is under 2m and so is permitted development and the appeal decision states, although it is not an attractive feature it is generally visible and so has limited wider impact. The van sales use is mainly located on the Anker Street boundary and so the impact this proposal has on King Edward Street as a whole is limited and not significantly enough to weigh against an approval.

The end of Clarkson Close is a turning head and is not a through road to Anker Street and the use and site is more visible from here. However, as the buildings are set well within the site and have a low height and there is no change to the boundary treatments on Clarkson Close, the impact on the visual amenity is low and will not hold weight against the application.

The appeal decision, APP/W3710/W/23/3327232 states that impact of the use on Anker Street had not been considered as part of the proposal and the main reason for this was that the boundary had been poorly designed and did not screen the use. This application started with the refused palisade fencing, planning reference 039516 and 039838, being proposed which was not acceptable under local policy and the planning inspectorate decision. Therefore, amended plans were submitted proposing a mix of wooden fencing and brick wall to be the boundary treatment alongside Anker Street. Planting of vegetations, shrubs and trees had been considered as part of all 3 applications, 039516, 039838 and this one, but this usually a temporary fix as they can be removed by the applicant at any point without council interference or planning permission being required. This would result in a residential style fencing, with wooden panels and brick-built pillars that would rise to be 2.0m in height. This is a better designed as it is residential in nature and creates a frontage that screens the use and the parked vans and will enhance the street scene and as a result the character and appearance of the area. A suitably worded condition, stating that the change in boundary treatment should be done within 6 months of the date of any approval, should one be determined.

The proposed buildings are temporary in nature and have been stated as such as part of this application. Visually, the proposed buildings are not in keeping with the area and, should be resisted as permanent features due to their type and materials. They are located towards the centre of the site and although incongruent features, not highly visible from any of the street scenes. However, the proposed container is above the fence line and can be seen the parking area of the block of flats on Clarkson Close and the cylindrical structures and other containers will be highly visible from rear amenity space of the residential properties on Attleborough Road. These types of structures tend to degrade and over time have an increased negative impact on the visual amenity of the site itself and the surrounding area. Therefore, to overcome this, should this application be approved, a suitably worded planning condition to remove the structures and return the land to its former condition will be added to the decision notice.

Paragraph 55 of the NPPF (2023) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions... Paragraph 56 (in part) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Both of the mentioned conditions do pass the tests set out in the NPPF paragraphs and so will be added to the decision notice, should it be approved.

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

WCC Highways were consulted on the application and the response was one of **no objection** subject to conditions being added to the decision notice. These conditions were as follows:

1. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway and shall remain open during the opening hours of the site.
2. Notwithstanding the plans submitted, no development shall commence/continue until a suitable drainage scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority that shows no soak-a-way units within 6 metres of the public highway and no surface water draining into the public highway.
3. The development shall not be occupied until secure cycle storage and car parking meeting Nuneaton and Bedworth Borough Parking Standards SPD standards in respect of quantum and sign are provided at the site together with vehicle manoeuvring areas sufficient to ensure that the largest vehicles expected to access the development can turn within the site and leave and re-enter the site in a forward gear.

WCC Highways in their response to the original application and the submission, pre the new boundary treatments, did identify issues with the application. These are that the proposal shows gates and boundary openings outwards into the highway which is not acceptable. However, condition 1 above, overcomes that issue and will reduce the impact on highway safety. It will be rephrased to allow for it to pass the NPPF tests for conditions.

Secondly, an area of impermeable surfacing has been left after the factories were taken away and this could mean that water is drained onto the public highway which would impact highway safety. A soakaway was stated on the application form, which there are buffers and distances from the highway authority which have to be adhered to. However, it is felt that this issue can be overcome with the imposition of condition number 2. This will need to be re-worded to put a time limit within the condition to make the condition pass the tests within the NPPF.

Finally, the amount of parking has not been specified, but it is felt that there could be a scheme that could align with the parking provisions specified in the transport demand matters SPD and allow for safe manoeuvring and access to and from the site. Condition 3 overcomes this issue, but again, as this is retrospective will need to be re-worded to fit the site specific context and will have a time limit incorporated into the condition wording.

### *Parking Provisions*

Van sales is a *sui generis* use, and within the Transport Demands-Parking SPD this is on a case by case basis. The plans do not show formal parking provisions for the vans involved with the sales business, staff and visitor parking and working areas. This has been identified by the Highway Authority, which resulted in the condition in the previous section of the report. This implies that a scheme could be forthcoming and so is not considered to carry weight against the proposal, as this issue could be overcome with the condition.

## **5. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 173). Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. The site is not within Flood Zone 1 and therefore has a low level of flood risk. The Environmental Agency and WCC Flood risk were not consulted on this application as it is not a major application and as previous stated, it is not within Flood Zone 1 and so it would not be appropriate to consult.

The application form states that surface water will be drained away by a soakaway, however this is not identified on the site plan. The levels of the site are above those on Attleborough Road and the main surfacing of the site is impermeable. If there is a soakaway, this is acceptable and would not need permission in order to continue with, however an appropriate worded condition could be imposed on the decision notice if the application was slated for approval.

## **6. Impact on Heritage Assets and the Historic Environment**

The boundary of the site is 5m and the entrance gates onto King Edward Road are 40m from the boundary of the Nuneaton Town Centre Conservation Area, and therefore the distances are acceptable that the proposal could occur and not have a detrimental impact on the conservation area itself or any asset within its boundary. Furthermore, there is no legislation stating that this proposed use and proposed buildings must be a specific distance from a heritage asset or conservation area and so the impact on heritage assets and the historic environment is not considered to be harmful and is acceptable.

## **7. Planning Balance and Conclusion**

In conclusion, this site has been a highly contentious and controversial site throughout its recent history. Although, this is not a factor within the planning decision making process, the fact that all proposals have been retrospective has raised the profile of these applications and this site as a whole. This has meant that increased local interest in the site has occurred as a result of the background of the site. However, this cannot and will not be factor when determining this application. Therefore, on balance while there are considerations and public opinion which weigh against the proposal, those in favour of it outweigh the harm created.

The NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The original application, planning reference 039516, for the same use, temporary buildings and all other associated infrastructure was refused as the impact on the residential amenity of the properties on Anker Street was too significant and was subsequently dismissed on appeal; and subsequent application for just the palisade fencing alongside Anker Street, planning ref: 039838, was refused and not taken to



appeal. That appeal decision, ref: APP/W3710/W/23/3327232 and its conclusions and decision are given considerable weight when the decision-making process is undertaken. This report has assessed the impact on residential and visual amenity; impact on highway safety; flooding and drainage and the impact on heritage assets and the historic environment.

The site is in flood zone 1 and lies adjacent to, but in or attached to a listed building or a conservation area and some weight in favour of the application is given. The impact on residential amenity is moderated weighted against the site, as the introduction and continued use of the van sales industry on the site will increase the intensity of the site and the temporary buildings and the number of vans will be an unusual sight within a residential area.

The conclusions within the appeal decision will be given considerable and significant weight as this concludes that the re-use of the site for commercial opportunities should be welcomed and should, the planning authority believe that the impact on Anker Street has been adequately addressed as part of the application then this should be assessed positively. The removal of the palisade fencing and the introduction of the proposed fencing does, in officers' opinion, address the Anker Street boundary adequately and so this now weighs considerably in favour of the application.

The application is being recommended for approval as the boundary with Anker Street has been improved and the site being reused and without a noise or environmental health objection surrounding the impact of the use on the remaining residential uses. This coupled with Highways responding with a no objection as they feel that conditions can help mitigate any potential issues, means that the application should be approved.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan Reference	Date Received
Location and Block Plan	23 34 05	04/03/2024
Block Plan with pictures of container and buildings	23 34 06A	16/09/2024
Proposed Boundary Treatments	23 34 08 B	30/08/2024

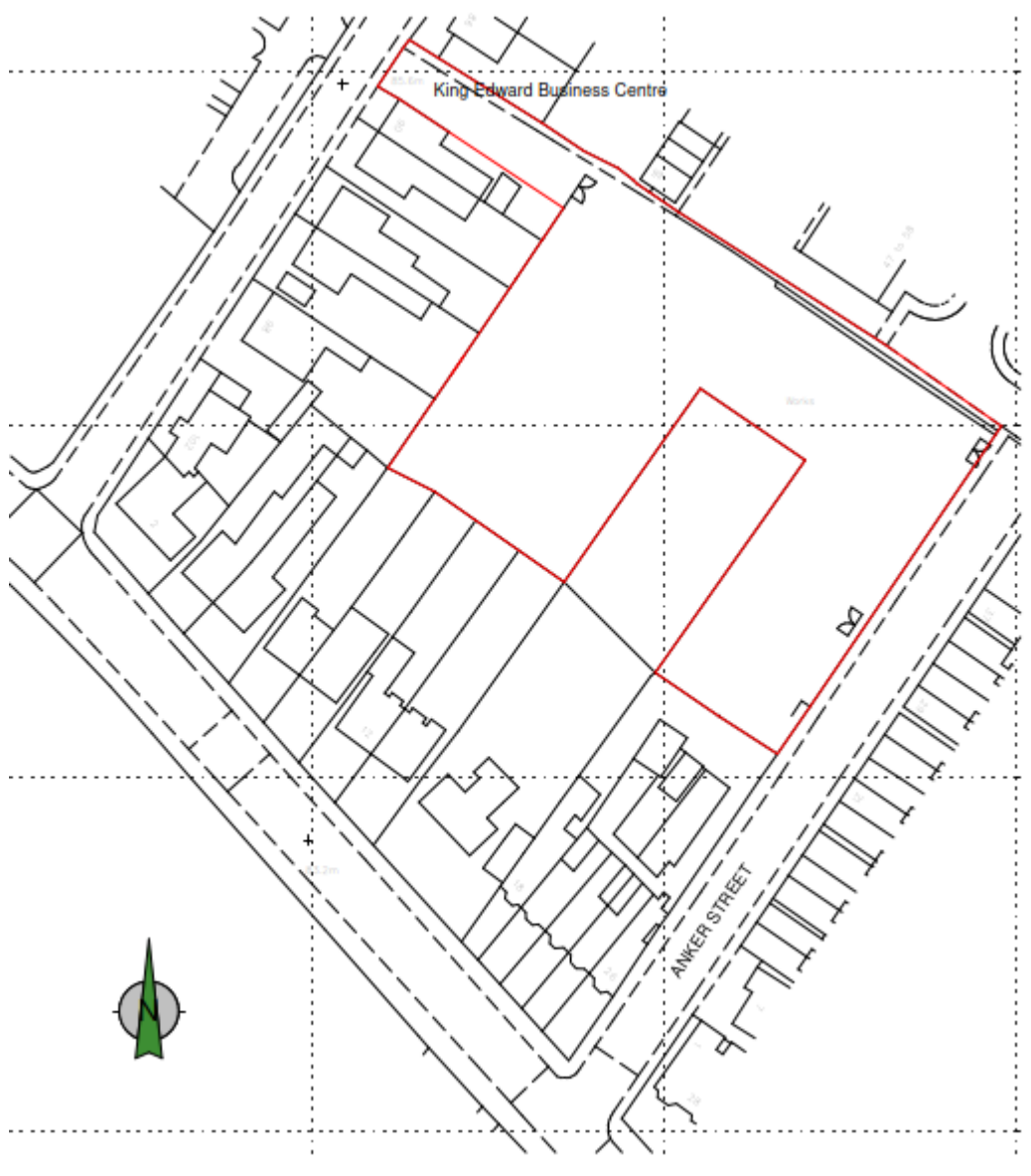
3. The fencing on Anker Street boundary, hereby approved, shall be carried out in full accordance with the approved plan and completed within 6 months of the date of this permission unless otherwise agreed in writing by the Council.

5. The approved van sales use shall not operate other than between the hours of 08:00 and 17:00 on weekdays and 8:00 and 13:00 on Saturdays and not be operational on Sundays and Public Holidays.

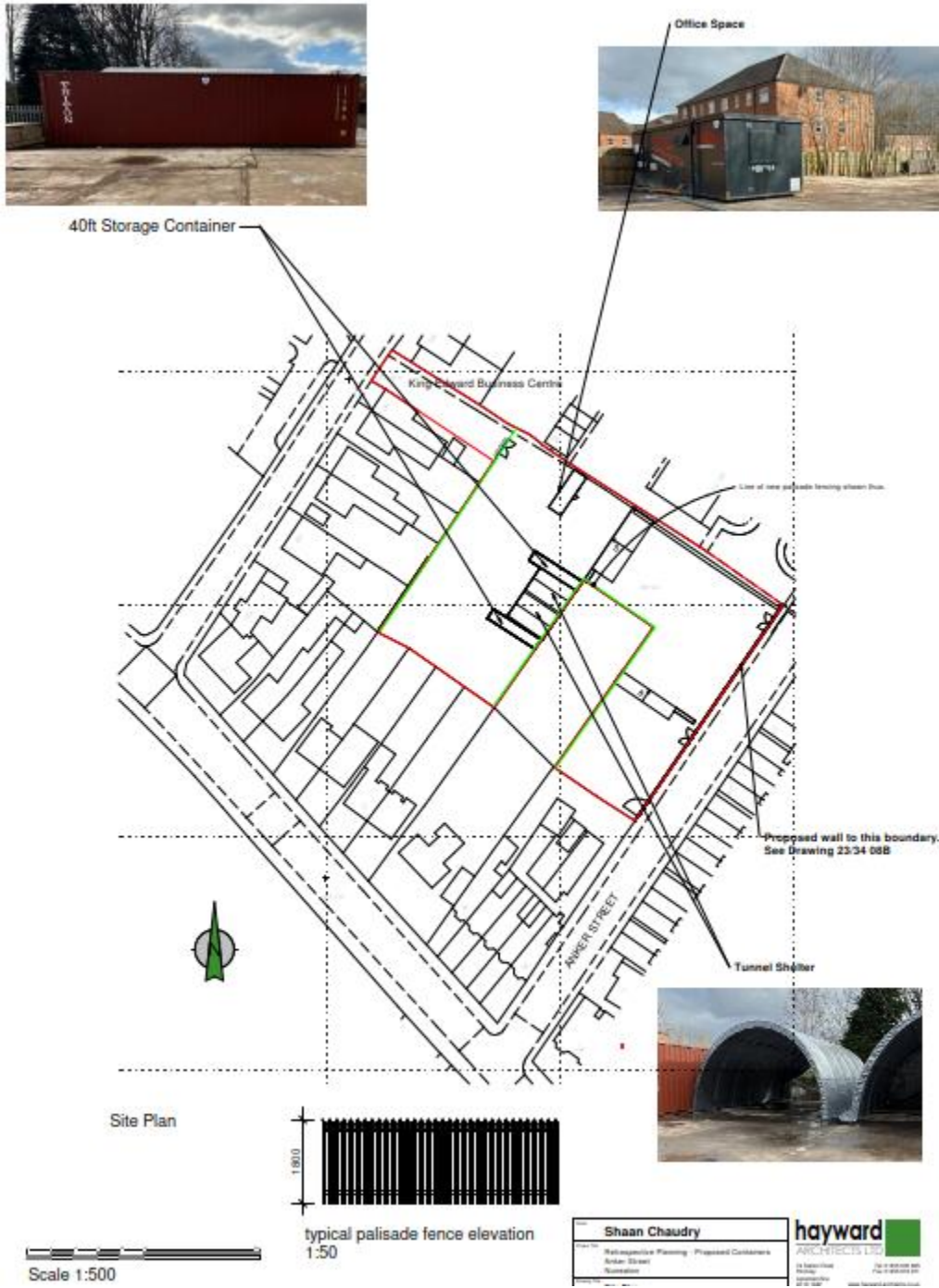
6. Within one month of the date of this permission full details of the drainage to and on the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the Council. No soak-a-way units within 6 metres of the public highway and no surface water draining into the public highway.

7. Within three months of the date of this permission full details of secure cycle storage and car parking in respect of quantum and design are provided at the site together with vehicle manoeuvring areas sufficient to ensure that the largest vehicles expected to access the development can turn within the site and leave and re-enter the site in a forward gear, in accordance with details to be agreed in writing by the Local Planning Authority.

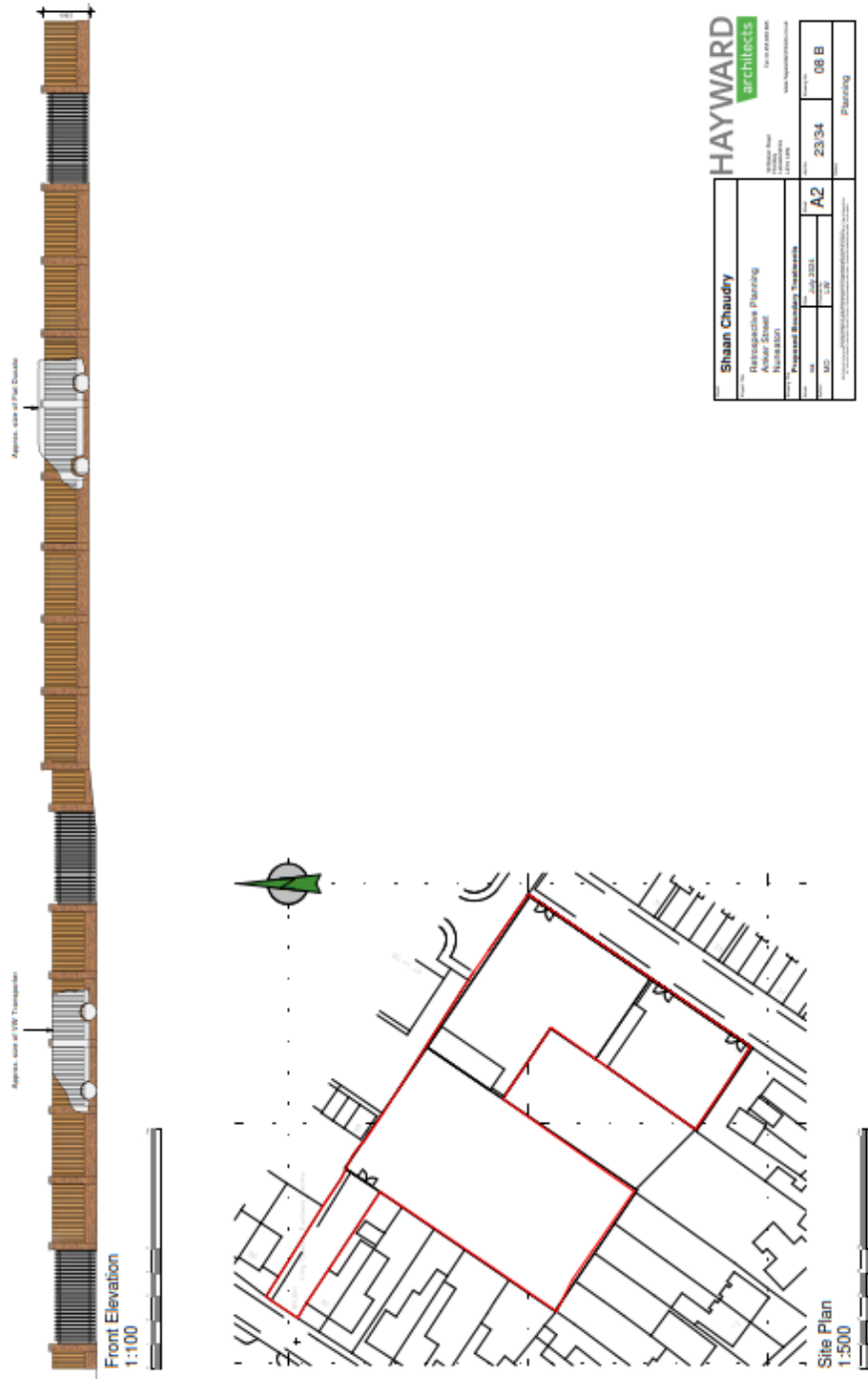
8. The approved containers and ancillary buildings, hereby approved, shall remain for no longer than a period of 4 years from the date of this permission, after which time the land shall be restored to its former condition unless otherwise agreed in writing by the council.



Location Plan



Block Plan (inc. photos of the buildings and shipping containers)



Proposed Anker Street Boundary Treatments (Western Boundary)

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## Item No. 5

**REFERENCE No.** 040411

**Site Address:** 77 Thornhill Drive, Nuneaton, Warwickshire, CV11 6XG

**Description of Development:** Single, two and 2.5 storey extensions to the front, side and rear including loft conversion with roof height increase and three roof dormers to the front and rear. Partial white colour render finish to dwelling. Increase to boundary wall and gates heights.

**Applicant:** Mr Nav Malik

**Ward:** WH

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application seeks consent for extensions and alterations at 77 Thornhill Drive. The initial application description was '*Single, two and three storey extensions to the front, side and rear including loft conversion with roof height increase and three front roof dormers. Partial white colour render finish to dwelling. Increase to boundary wall and gates heights. Detached garage to front. Detached outbuilding to side.*' Following receipt of amended plans the description is now '*Single, two and 2.5 storey extensions to the front, side and rear including loft conversion with roof height increase and three roof dormers to the front and rear. Partial white colour render finish to dwelling. Increase to boundary wall and gates heights.*'

The application site comprises a detached, two-storey dwellinghouse and residential curtilage; on an irregularly shaped corner-plot. The site is adjacent to the Thornhill Drive-Lutterworth Road junction. The front/ side outdoor amenity space is approximately 33.5 metres in length and 14 metres in width at its widest points. The rear/ side outdoor amenity space is approximately 22 metres in length and 32 metres in width at its widest points.

The dwelling predominately features red brick walls, and grey concrete tiles on a cross-hipped roof. There is a front/ side canopy, attached front double garage, and a rear white UPVC conservatory. There is a raised patio area to the rear and southern side of the dwelling, approximately 0.3 metres in height.

The rear and northern side of the property feature timber fencing approximately 1.8 metres in height. The front and southern side of the property features a predominately red brick wall. The wall varies in height from 2.3 metres to the side of the property, to 0.8 metres at the front. The vehicular access features black metal railing gates in close proximity to the Thornhill Drive pavement.

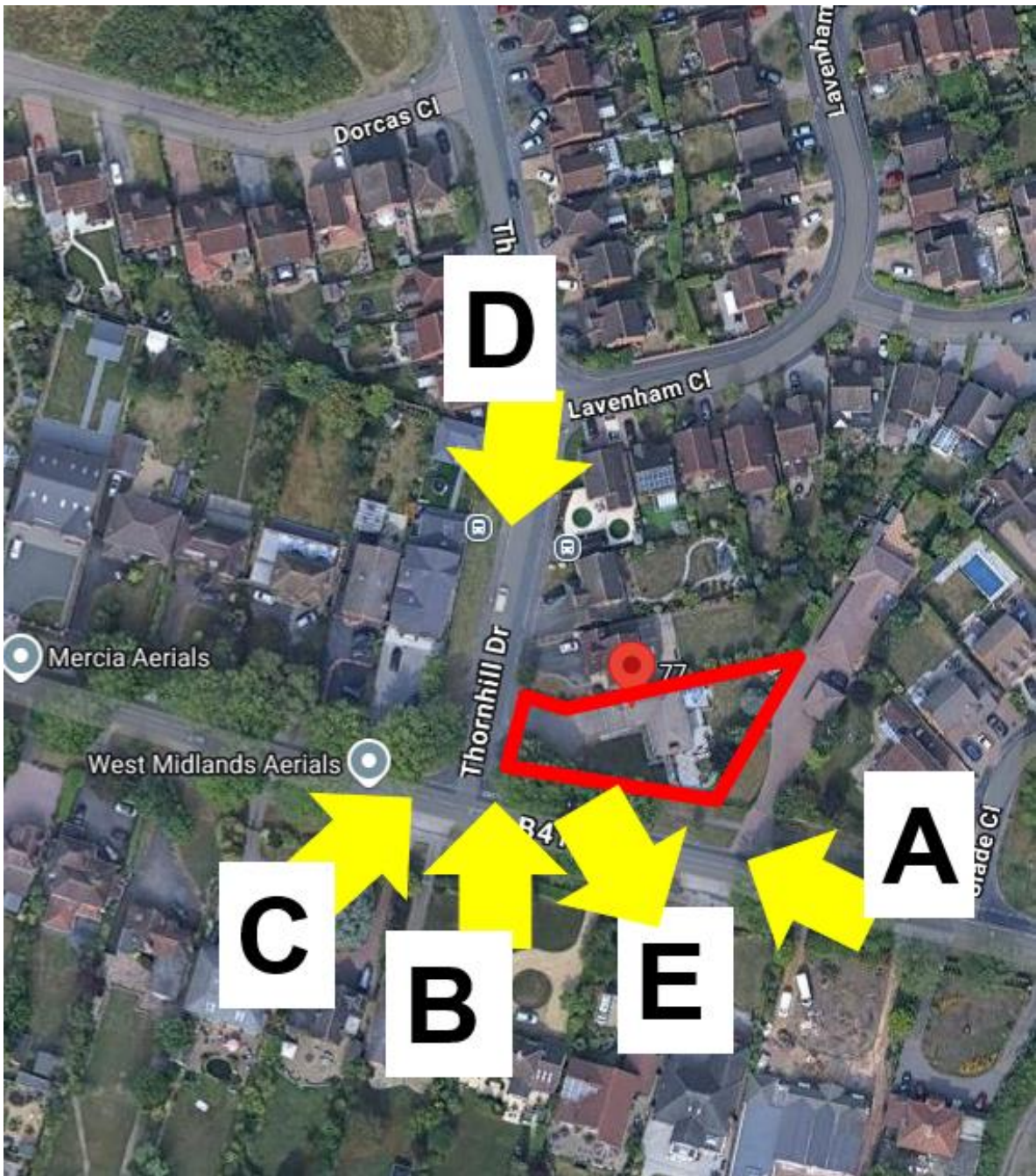
Means of enclosure up to 1 metre above ground level adjacent to a highway can be erected via permitted development. Parts, or all, of the wall and gates in situ are not original to the property and exceed this height. There appears to be no record of planning permission for this. The time limits for enforcement action are set out in section 171B of the Town and Country Planning Act 1990 (as amended). In most cases, development becomes immune from enforcement if no action is taken within 4 years for a breach of planning control consisting of operational development where substantial completion took place before 25 Apr 2024. Google Streetview images show the walls/ gates in situ have substantially been in place since at least Jul 2009/ Jun 2018 respectively, meaning these are immune from enforcement.

Thornhill Drive features mostly two storey, detached, red brick dwellings, although there are bungalows and partial white render finishes. Properties here feature mostly open frontages, although corner plots on roads connecting to Thornhill Drive (e.g. No. 1 Lavenham Close and No. 1 Dorcas Close) feature red brick walls approximately 1.8 metres in height immediately adjacent to the Thornhill Drive pavement.

There is considerable variety in design types, materials and boundary treatments along Lutterworth Road. Large two storey, detached dwellings are most common, although there are single storey and 2.5 storey properties. The property opposite the site (No. 302 Lutterworth Road) has been considerably extended and altered and now features red brick, white render and timber cladding. Timber fencing approximately 1.8 metres in height is situated to the side of No. 302 (facing Thornhill Drive). A blue brick wall, blue metal gate and timber fencing all approximately 1.8 metres in height are situated to the front (facing Lutterworth Road).

For reference, a series of viewpoints are shown below.







Viewpoint A, with southern side/ rear of No. 77 Thornhill Drive in the centre (Google Streetview, Apr 2023)



Viewpoint B, with front wall and garage of No. 77 Thornhill Drive on the right (Google Streetview, Apr 2023)



Viewpoint C, with frontage of No. 77 Thornhill Drive in the centre (Google Streetview, Apr 2023)





Viewpoint D, showing street scene of Thornhill Drive, with front wall of No. 77 Thornhill Drive partially visible in the centre-left (Google Streetview, Apr 2023)



Viewpoint E showing street scene on southern side of Lutterworth Road, opposite No. 77 Thornhill Drive (Google Streetview, Apr 2023).



## **BACKGROUND:**

This application is being referred to Committee as the level of third-party objection meets the threshold within the Council's constitution (5+ valid objections from 5 separate addresses for a non-major application).

## **RELEVANT PLANNING HISTORY:**

- 033641 - Attached double garage to side (existing double garage converted to gymnasium) - Approved 22<sup>nd</sup> Oct 2015. NB - this permission was not implemented and has now expired.

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 - Presumption in favour of sustainable development
  - DS2 - Settlement hierarchy and roles
  - DS3 - Development principles
  - BE3 - Sustainable design and construction
  - NE3 - Biodiversity and geodiversity
  - HS2 - Strategic accessibility and sustainable transport

- Supplementary Planning Documents (SPDs)
  - Sustainable Design and Construction SPD 2020
  - Open Space and Green Infrastructure SPD 2021
  - Transport Demand Management Matters SPD 2022
- Other relevant Policies and Guidance
  - National Policy Planning Framework 2023 (NPPF)
  - National Planning Practice Guidance (NPPG)

### **CONSULTEES NOTIFIED:**

Seven Trent, WCC Highways

### **CONSULTATION RESPONSES:**

No objection subject to a condition/ informatives from:  
WCC Highways

No response from:  
Severn Trent

### **NEIGHBOURS NOTIFIED:**

Nos. 295, 297, 299, 302 and 304 Lutterworth Road. No. 75 Thornhill Drive.

Neighbouring properties were sent letters notifying them of the proposed development on 17<sup>th</sup> Jul, 24<sup>th</sup> Sept and 3<sup>rd</sup> Oct 2024. NB - amendments to plans received after these dates relate to minor changes not considered to require further re-consultation (e.g. removal of aspects no longer forming part of the application, for removal of doubt).

A Senior Planning Officer visited No. 304 Lutterworth Road and Nos. 75 and 77 Thornhill Drive as part of the application process.

### **NEIGHBOUR RESPONSES:**

There have been 5 letters of objection from 5 separate addresses. The comments are summarised below:

1. Detrimental impact on light and/ or breach of guidance on light in the Sustainable Design and Construction SPD 2020.
2. Detrimental impact on privacy.
3. Detrimental impact on trees, foliage or root protection areas.
4. Detrimental impact on highway safety and/ or parking.
5. The design and scale are overbearing to neighbouring properties, or result in overdevelopment of the plot.
6. The design, scale and materials are out of place, or otherwise detrimentally impact visual amenity.
7. The development would not be consistent with established building lines.
8. Enhanced security measures are not necessary.
9. The development may involve land or property outside the applicant's control.
10. Wish to have the opportunity to speak at Committee.
11. The provision of a home office/ study could give rise to commercial use.
12. Covenants may restrict the erection of extensions/ means of enclosure in certain locations.

## **APPRAISAL:**

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

1. The Principle of Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Impact on Biodiversity, Ecology and Trees
6. Other Matters
7. Conclusion and Planning Balance

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

The NPPF 2023 establishes the need for the planning system to achieve sustainable development and outlines this in three key dimensions; economic, social and environmental (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means applications should be approved providing these are in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 47). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan 2019 states Nuneaton has the primary role for employment, housing, town centre, leisure and service provision in the borough.

Policy DS3 of the Borough Plan 2019 states all new development will be sustainable and of a high quality. It goes on to state that new development within settlement boundaries, as defined by the Borough Plan 2019, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

This application consists of extensions and alterations at an existing residential property; within the Nuneaton settlement boundary. Every application is determined on its own merits, however the LPA must be consistent in its approach. 033641 clearly established the principle of development for an extension to the southern side of the property was acceptable. Overall, the principle of this development in this location is considered acceptable (subject to all other planning considerations being adequately addressed).

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

Policy BE3 of the Borough Plan 2019 states that development proposals must be:

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

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

1. Current use of buildings
2. Ownership/ tenure

3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

There are no proposed changes of use (C3 dwellinghouse). The inclusion of a home office/ study would not be considered to inherently change the use. Any allegations of a commercial use exceeded what can reasonably be expected at a dwelling would be able to be reported to Planning Enforcement.

The neighbouring properties which share a boundary with the site are No. 75 Thornhill Drive (two-storey detached) and No. 304 Lutterworth Road (single-storey detached).

With regards to daylight, sunlight and privacy the 2020 SPD states;

*11.2 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. The following standards of amenity can be used flexibly, depending on house layout and on site circumstances such as orientation, window, ceiling and roof height, levels, garden size and shape ...*

*11.3 Front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings ...*

*11.4 In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three storey development is proposed a distance of 30 metres will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure*

*11.5 The distances above may be reduced if they are across public viewed areas e.g. across a front garden, open space or public highway. It is acceptable for windows to non-habitable rooms closer than these distances to be obscure glazed and, if privacy is at particular risk, also be non-opening or with a high level opening...*

*11.6 Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary...*

*11.9 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. This is usually relevant to a proposed ground floor rear extension. A proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45 degree line. In any event, 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 ...'*

None of the above standards are breached to properties other than No. 75 and No. 304.

Due to the siting of the single storey front element, this is not considered to have a direct impact on any neighbouring properties.

#### No. 75 Thornhill Drive

The proposed single storey rear aspect adjacent to No. 77 is sited to replace an existing conservatory. Both the existing conservatory and this aspect breach a 60-degree line to No. 75. This proposed aspect would have a 4-metre length, 3-metre width, 2.35-metre eaves height, 3.9-metre overall height. It is important to note, in principle, a single storey rear extension here up to a 4-metre length, 13.65-metre width, 3-metre eaves height and 4-metre overall height could be installed via permitted development, in principle. On this basis, whilst it is clear this aspect would have an impact on light to No. 75, it is considered a refusal due to impacts on light would be unlikely to be upheld at appeal.

Both the original dwelling and proposed 2.5 storey rear aspect breach a 45-degree angle to No. 75. Essentially, the parts of both the original dwelling and this proposed aspect which breach a 45-degree line are between a 45-degree line and 60-degree line drawn from No. 75. This proposed aspect would be set back from the boundary with No. 75 by 4 metres, whereas the original dwelling is set back by 1 metre. Given the setback, this is not considered overly 'near' to neighbouring rear private amenity space. The amended proposed hipped roof design helps mitigate impacts on light, in comparison to the initially proposed gable roof design. On balance, it is considered the likely impacts on light from this aspect would not amount to an undue additional detrimental impact, in comparison to the existing situation. On this basis, whilst it is clear this aspect would have an impact on light to No. 75, it is considered a refusal due to impacts on light would be unlikely to be upheld at appeal.

A raised patio up to 0.3 metres above ground level can be installed via permitted development. It is recognised a rear raised patio leads to increased risk of overlooking to No. 75, and a condition is therefore recommended requiring the enlarged raised patio area to not exceed 0.3 metres above ground level.

The proposed front first floor extension matches the footprint of the existing ground floor. This element does not breach a 60-degree line to No. 75. This aspect is not considered to unduly impact light to No. 75. Due to the siting of the 2.5 storey side element, this is not considered to have a direct impact on No. 75.

No proposed windows or openings would breach relevant distance standards to No. 75. Notwithstanding current permitted development restrictions on installing side elevation windows above ground floor level, it is considered necessary to impose a condition restricting new windows and openings above ground floor level on the northern side elevation and roof of the extension (to protect neighbouring privacy).

#### No. 304 Lutterworth Road

The development is set back from the nearest solar panels on the roof at No. 304 by at least 25 metres. Given this set back, it is considered unlikely these would be unduly impacted. Whilst impact on solar panels is a material consideration, this is typically only given limited weight.

The side elevation habitable room windows at No. 304 are set back by 30+ metres from the nearest proposed habitable room windows at 2.5 storey level. The front elevation habitable room windows at No. 304 are set back by approximately 27 and 29 metres from the nearest proposed habitable room windows at 2.5 storey level. It is important to note the front elevation windows at No. 304 are not directly overlooked by rear elevation windows at the site; being viewed at an angle of approximately 45 degrees.

The window at No. 304 set back by 27 metres is publicly viewed across the front drive (see Viewpoint A). The window at No. 304 set back by 29 metres is blocked from public view by a garage, however given the indirect angle this is viewed at and relatively limited distance below the recommended distance, it is considered a refusal due to impacts on privacy would be unlikely to be upheld at appeal.

There are several proposed rear windows at first floor and 2.5 storey level facing onto No. 304 which serve WCs/ ensuites. It is recommended these are conditioned to be obscurely glazed and non-opening unless the parts that can be opened are more than 1.7 metres above floor level, to protect neighbouring and occupier privacy. Likewise it is considered necessary to restrict installation of new windows above ground floor level on the rear elevation/ roof of the extension.

The nearest proposed habitable room window above ground floor level would be set back from the boundary with No. 304 by approximately 5 metres. However, as the window is adjacent to the public viewed front drive at No. 304, it is considered a refusal due to impacts on privacy would be unlikely to be upheld at appeal.

### Overall

In terms of security benefits resulting from proposed boundary treatment, paragraph 96 of the NPPF 2023 states planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime or anti-social behaviour are therefore a material consideration in planning decisions, although the weight that can be given is often limited unless there is significant evidence to show crime/ anti-social behaviour would likely actually occur.

There is some conflict with Policy BE3 of the Borough Plan 2019 and the Sustainable Design and Construction SPD 2020 with regards to residential amenity. However, the Council's standards of amenity can be applied flexibly dependent on the specifics of an application and the site/ locality context. On balance it is considered the conflict here would not justify a refusal, subject to conditions. As detailed above it is important to note what can be achieved via permitted development, the context of the site and surrounding properties, and/ or whether the proposal would amount to undue additional detrimental impacts, in comparison to the existing situation.

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

Policy BE3 of the Borough Plan 2019 requires development proposals be designed to a high standard. The policy also states that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the



neighbouring area, whilst respecting the sensitivity to change of the character types within each urban character area.

No. 77 Thornhill Drive was designed as part of the estate north of Lutterworth Road. None the less, it is accepted No. 77 forms a prominent part of the Lutterworth Road street scene. The dwelling here is closer to Lutterworth Road than dwellings with a Lutterworth Road address. Lutterworth Road has considerable variety in heights, materials, boundary treatments and design. Examples within the wider locality are shown below. Notwithstanding this there are also partially rendered properties, tall boundary treatments immediately adjacent to the Thornhill Drive pavement, and variation in design and building height (particularly at roof level) along Thornhill Drive.

View of frontages of Nos. 290-296 (evens) Lutterworth Road (Google Streetview, Apr 2023). This location is an approximately 1-minute walk from the application site.



View of frontages of Nos. 263-269 (odds) Lutterworth Road (Google Streetview, Sept 2023). This location is an approximately 4-minute walk from the application site.



The existing ridge height at No. 77 is approximately 1.5 metres lower than the ridge height at No. 75. The proposal would result in No. 77's ridge height being approximately 0.2 metres higher than No. 75's ridge height. The Sustainable Design and Constriction SPD (adopted 16<sup>th</sup> July 2020) states '*extensions and alterations should not dominate the existing house by projecting above the ridge line*'. However, it is important to note from 31<sup>st</sup> August 2020 the enlargement of a dwellinghouse by construction of an addition storey has been possible via permitted development subject to prior approval, in principle. In this case the property would increase from 2 storeys to 2.5 storeys. There are examples in the wider locality of 2.5 storey properties immediately adjacent to bungalows. Overall, the height of the proposal is



not considered to dominate the property or street scene, to the extent that a refusal would be justified.

The width and length of the 2.5 storey side and rear extensions are subservient to original property. The rear/ side extensions would extend beyond the original walls by 4/ 5.3 metres respectively. The maximum length and width of the original property are 15.35 metres/ 13.65 metres respectively. The first-floor front extension matches the existing ground floor area, and would be in character with the varied roof profiles in the locality. The single storey elements to the front are considered small-scale, of a typical residential extension appearance, and not overly noticeable from any street scene. These would not project excessively forwards of the staggered building line along Nos. 73-77 (odds) Thornhill Drive.

Additional hardstanding and raised patios up to 0.3 metres above ground level can be installed via permitted development.

The 2020 SPD notes new roofs or dormer windows should match or reflect the original property in design, angle of pitch and materials. In this case the design and angle of pitch of the roof and dormers would not match, but are considered to reflect the original property. The 2020 SPD notes a possible exception to this guidance is the transformation of a bungalow into a two-storey house in an area characterised by similar houses. In this case the application involves the transformation of a two storey house into 2.5 storeys in an area with similar houses in the wider locality. The overall design and angle of pitch changes to the roof and dormer windows are not considered to merit a refusal in this instance.

Properties with varied materials and finishes are clearly present in the immediate and wider locality, including white coloured render. The proposed partial white render finish is therefore considered in-keeping with the character of the area, and to be acceptable.

The front first floor balcony is also considered in-keeping with the character of the area, and to be acceptable, with a comparable balcony in situ at No. 308 Lutterworth Road.

The design, height and materials of the proposed wall and gates are considered to match or complement existing wall and gates at the site (maximum height 2.3 metres, with the bulk of the wall being 2 metres in height). The partial inclusion of metal railings helps to ensure this would not result in an undue sense of enclosure. The proposed boundary treatment design is considered in keeping with other walls and gates in the locality. As shown above, there are a wide variety of boundary treatments in the locality, not least the property opposite (No. 302). Furthermore, the brick patterns/ detailing along the southern side elevation of the wall (and extension) helps to ensure large blank elevations will not be visible in the street scene, per the 2020 SPD.

Overall, this application is considered to comply with Policy BE3 of the Borough Plan 2019 with regards to visual amenity. There is some conflict with the Sustainable Design and Construction SPD 2020 with regards to the increase in roof height, however this alone is considered unlikely to justify a refusal given what can now be

achieved via permitted development subject to prior approval, especially given the varied context of the wider locality.

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

Policy HS2 of the Borough Plan 2019 requires development result in acceptable levels of impact on existing highways networks. Paragraph 115 of the NPPF states 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 would be severe.

Following the proposal No. 77 would still be comfortably able meet the off-street parking thresholds within the 2022 SPD for 3+ bedroom dwellinghouses outside a town centre:

- At least 1 secure space for cycle parking
- At least 2 spaces for car parking

WCC Highways' final response notes the amended drawings show the gates are proposed to be set back by at least 5m from the near edge of the public highway footway. This will allow a vehicle to wait off the public highway whilst the gates are operated (which is considered a significant improvement to highway safety versus the existing situation, with gates close to the pavement). The boundary walls and access have been redesigned in such a way that increases visibility, compared to the initial submission. There are no proposals to make any changes to the public highway, or the vehicular access crossing. Based on the assessment and appraisal of the development WCC Highways has no objection, subject to the condition listed below (and informatives).

Overall, this application is considered to comply with Policy HS2 of the Borough Plan 2019 and Transport Demand Management Matters SPD 2022 with regards to highway safety and parking.

#### **5. Impact on Biodiversity, Ecology and Trees**

Policy NE3 of the Borough Plan 2019 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created.

No trees on site are proposed for removal. However, it is recognised the proximity of trees on site (those to the south-east of the extensions in particular) have potential to be impacted by the proposal. The applicant would be able to replace any damaged trees on land they control, and an appropriate condition to this effect is recommended. Owing to the irregular sized plot, any replacement trees would likely be more appropriately located in the grassed area to north-east of the site, away from the relatively cramped south-east. It therefore isn't recommended to require replacement trees to be planted in same location as the existing trees.

None of the neighbouring conifer trees/ bushes to the front and north of the site are considered likely significant enough to merit formal protection. The applicant would be unable to replace damaged trees/ bushes outside of land they control, however in the event neighbouring trees/ bushes were damaged during building works, their owner would be able to take private action separate to planning.

The extensions would largely occupy an existing area of raised patio/ hardstanding. Whilst it is recognised the proposed additional hardstanding/ enlarged raised patio up to 0.3 metres above ground level would have an impact on biodiversity/ ecology, these works can be undertaken via permitted development.

Householder applications are subject to the Biodiversity Net Gain De Minimis exemption. There is some conflict with Policy NE3 of the Borough Plan 2019 and the Open Space and Green Infrastructure SPD 2021, due to the limited information provided with regards to adjacent trees and foliage, however it is considered this can be adequately controlled on site by condition.

## **6. Other Matters**

The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, applicants are required to notify owners to which the application relates in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served. It is an offence to complete a false or misleading certificate, either knowingly or recklessly. The risks of any action brought due to allegedly completing a false or misleading certificate are entirely against the applicant.

Any private covenants are not planning matters.

## **7. Conclusion and Planning Balance**

In conclusion the NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The potential impacts of the proposed development in relation to the principle of the development, visual amenity, residential amenity, highway safety and parking, biodiversity, ecology and trees have been considered.

The principle of this development in this location is acceptable (subject to all other planning considerations being adequately addressed).

There is some conflict with Policy BE3 of the Borough Plan 2019 and the Sustainable Design and Construction SPD 2020 with regards to residential amenity. However, the Council's standards of amenity can be applied flexibly dependent on the specifics of an application and the site/ locality context. On balance it is considered this conflict would not justify a refusal, subject to conditions. As detailed above it is important to note what can be achieved via permitted development in principle, the context of the site and surrounding properties, and/ or whether the proposal would amount to undue additional detrimental impacts in comparison to the existing situation.

Overall, this application is considered to comply with Policy BE3 of the Borough Plan 2019 with regards to visual amenity. There is some conflict with the Sustainable Design and Construction SPD 2020 with regards to the increase in roof height,

however this alone is considered unlikely to justify a refusal given what can now be achieved via permitted development (subject to prior approval), especially given the varied design of the wider locality.

Overall, this application is considered to comply with Policy HS2 of the Borough Plan 2019 and Transport Demand Management Matters SPD 2022 with regards to highway safety and parking. The proposed development is considered to represent a significant improvement to highway safety in comparison to the existing situation, due to the relocation of the gates. This is given significant weight given the location adjacent to the junction.

There is some conflict with Policy NE3 of the Borough Plan 2019 and the Open Space and Green Infrastructure SPD 2021, due to limited information provided with regards to adjacent trees and foliage, however it is considered this can be adequately controlled on site by condition. It is also important to note what works can be undertaken via permitted development.

Taking into account the above assessment, on balance it is considered the proposed development would not result in undue conflict with the development plan and other policies within the NPPF overall. While there are clear considerations which weigh against the proposal, as set out above it is not considered that these amount to reasons for refusal which would likely be upheld at appeal. It is therefore considered the proposed development overall 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:**

2. 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>
Amended existing floorplans	1346-01 Rev. B	16 Jul 2024
Amended existing elevations	1347-02 Rev. B	16 Jul 2024
Amended proposed floorplans and elevations	1347-04 Rev. L	23 Oct 2024
Amended proposed block plan	1347-05 Rev. E	20 Sept 2024
Amended proposed floorplans and elevations	1347-03 Rev. O	30 Oct 2024

3. No external materials shall be used in the extensions and alterations other than of the same type, texture and colour as those used on the existing site, and those shown on documents in the schedule within Condition 2, unless otherwise agreed in writing by the Council.

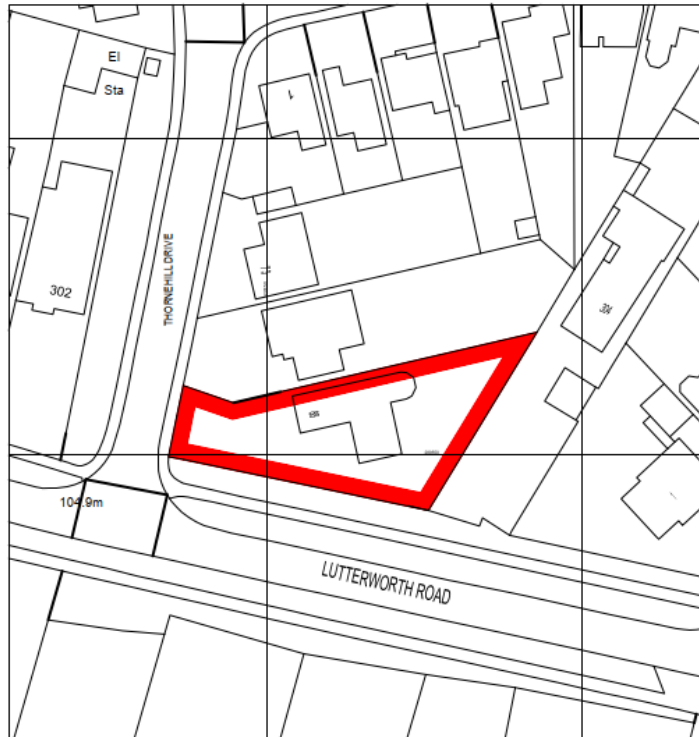
4. The windows above ground floor level on the rear elevation and roof of the approved extensions as shown on documents in the schedule within Condition 2 - which serve WCs or ensuite rooms - shall not be glazed or reglazed other than with obscure glass. These windows shall also be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.

5. No further windows or openings shall be installed above ground floor level on the northern side elevation, rear elevation or roof of the approved extensions, other than those shown on documents in the schedule within Condition 2 (other than windows or openings which are obscurely glazed and non-opening, unless the parts of the windows or openings which can be opened are more than 1.7 metres above the floor of the room in which the windows or openings are installed).

6. The expanded raised rear patio area shall not exceed 0.3 metres above the existing ground level, at any point.

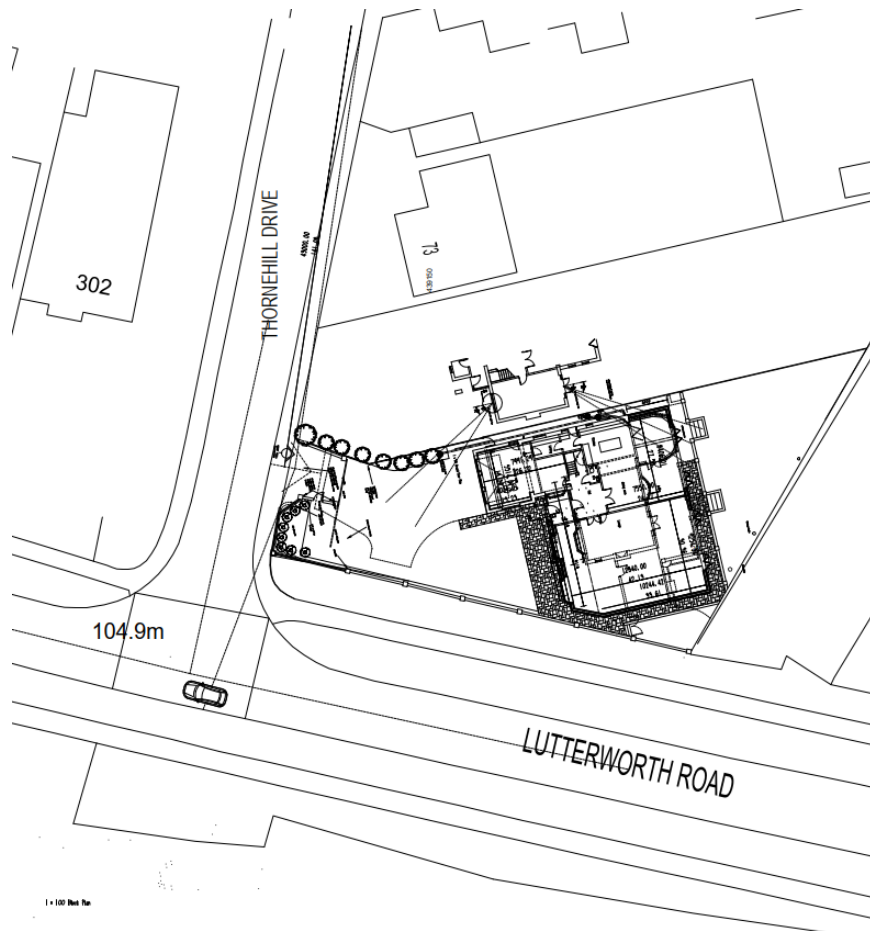
7. The approved extensions shall not be occupied until the access, parking and manoeuvring areas have been laid out in full accordance with the documents in the schedule within Condition 2. Such areas shall be permanently retained for the access, parking and manoeuvring of vehicles.

8. Any tree on site, which within a period of two years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased as a result of the development, shall be replaced on site in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

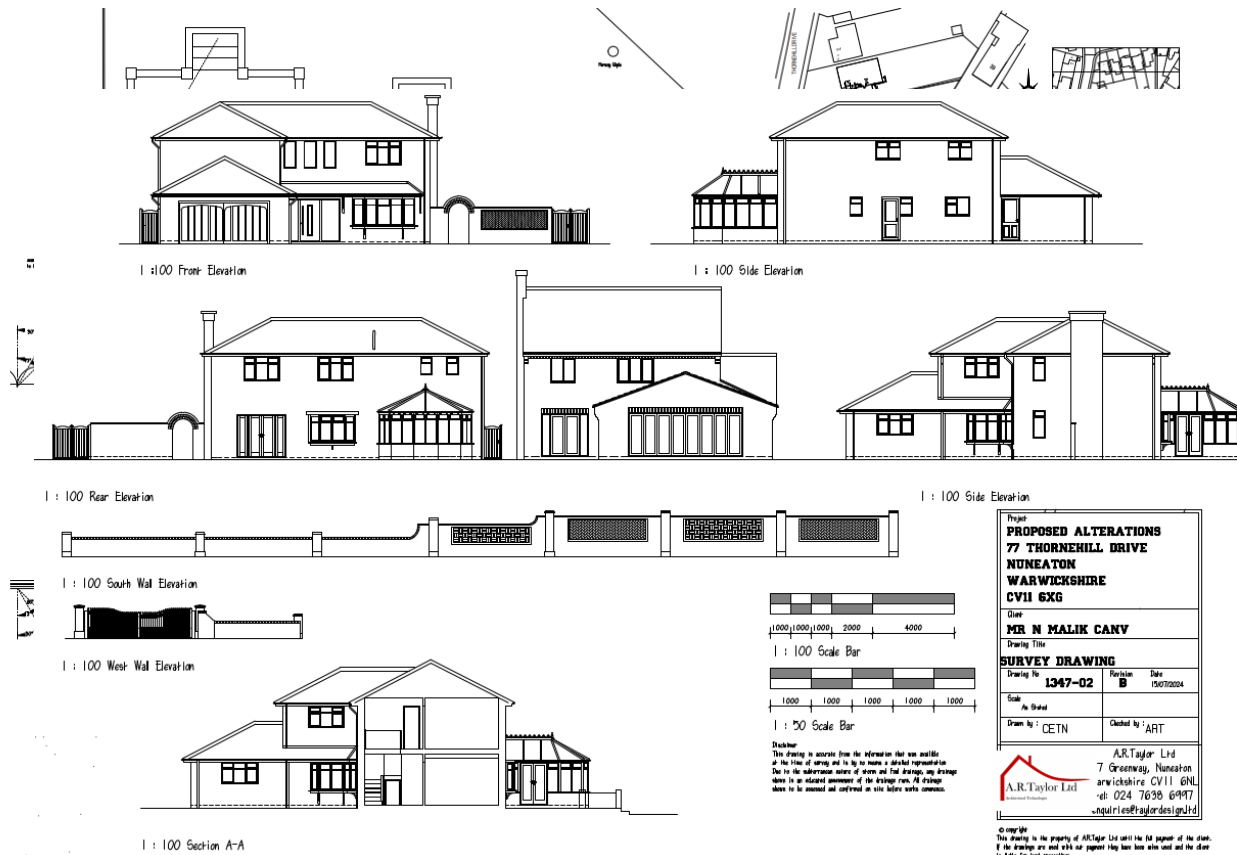


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## 1 : 1250 Location Plan

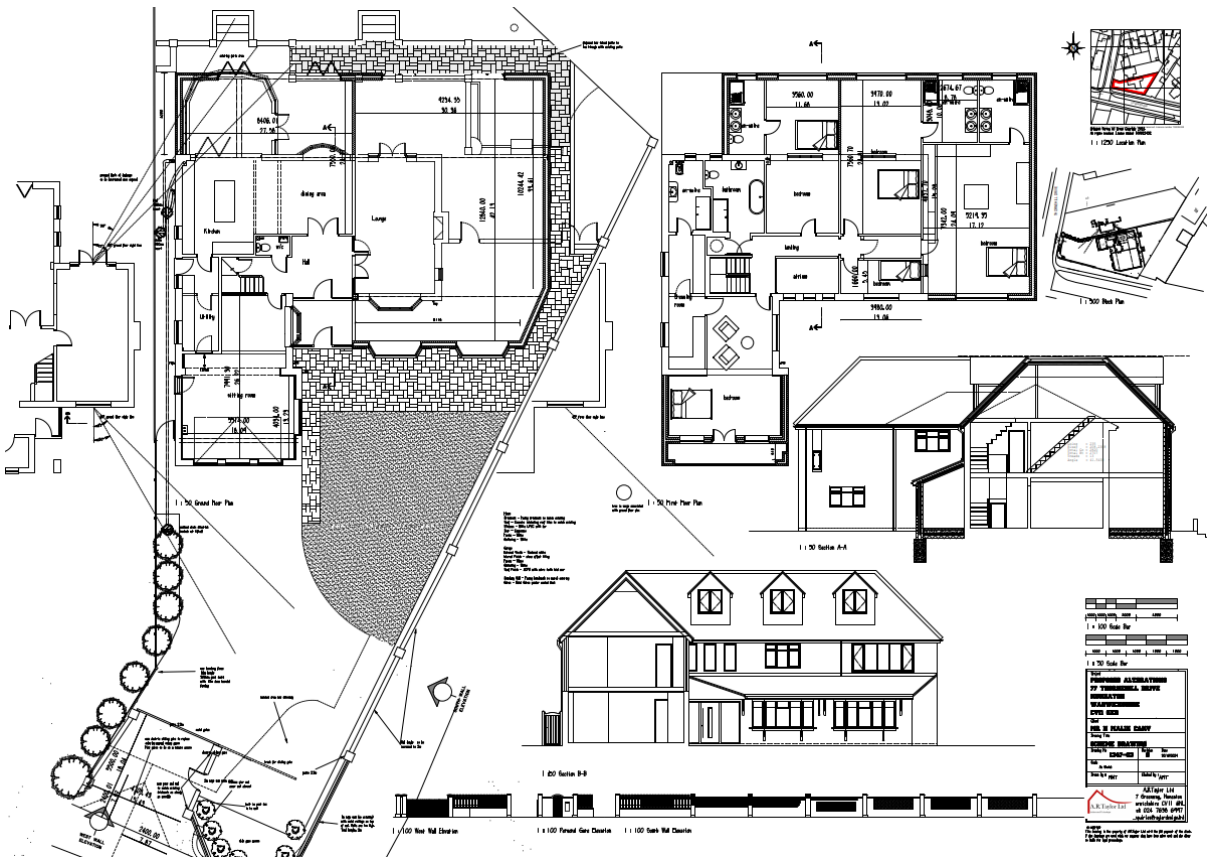


Block Plan



**Existing Plans**





Proposed Plans



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## Item No. 6

**REFERENCE No.** 040562

**Site Address:** 23F Abbey Street, Nuneaton, Warwickshire, CV11 5BT

**Description of Development:** Non-material amendment to planning approval reference 039700 to amend plans approved under condition 2 (approved plans) to amend northern (Abbey Street) façade and partly pull away from the existing adjoining building to the west by 1.7m, including changes to window widths in westernmost bay and associated window changes in south and west elevations, reduction in width of entrance lobby and relocation of secondary means of escape to western elevation, the addition of a gate for maintenance purposes and addition of dry riser.

**Applicant:** Nuneaton and Bedworth Borough Council and Queensberry Real Estate.

**Ward:** AB

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### **RECOMMENDATION:**

Planning Committee is recommended to confirm that the proposed amendments are acceptable as a non-material amendment to planning permission 039700.

### **INTRODUCTION:**

This application is for a non-material amendment to planning permission 039700 to amend plans approved under condition 2 (approved plans) to amend northern (Abbey Street) façade and partly pull away from the existing adjoining building to the west by 1.7m, including changes to window widths in westernmost bay and associated window changes in south and west elevations, reduction in width of entrance lobby and relocation of secondary means of escape to western elevation, the addition of a gate for maintenance purposes and addition of dry riser.

The Town and Country Planning (General Development Procedure) Order 2009 prescribes the application procedure for non-material changes to planning permissions under Section 96A of the Town and Country Planning Act. The Act allows a formal application to be made for a non-material amendment to an existing planning permission. The Planning Practice Guidance confirms that there is no statutory definition as to what constitutes a non-material amendment and it states that the context of the overall scheme is essential when considering whether amendments are non-material. A non-material amendment does not result in the issue of a new planning permission.

The site is located within Nuneaton Town Centre and is bound to the north by Abbey Street, to the east by existing commercial development and Plot 2 (residential) of the outline approval on the wider Abbey Street site. To the west, it features a range of commercial, retail, restaurants and takeaways located along Abbey Street and to the south is land proposed as part of the public realm as per the outline approval.

The site primarily comprises existing buildings fronting Abbey Street, located along the Primary Shopping Frontage. The Abbey Street frontage features an Art Deco façade to the first and second floors, with the three-storey part of the buildings situated between an area now demolished and the various commercial buildings which collectively make up 23 Abbey Street. It is surrounded by a mixture of commercial uses including a range of retail, restaurants and takeaways.

## **BACKGROUND:**

This application is being reported to Committee as it relates to a non-material amendment to a major application for which the Council is the applicant.

## **RELEVANT PLANNING HISTORY:**

- 039700: Variation of condition 2 of planning permission 038706 to show the full demolition of the warehouse building to the rear, changes to window and door alignments and finishes to all elevations, internal layout changes to floor plans, increased parapet height by 0.745m, alteration to roof plant and revised curtain walling to links and variation of condition 13 of planning permission 038706 to amend when the details of the external plant, equipment and machinery are required to be submitted to prior to installation. Approved 22/9/2023.
- 039519: Erection of a flexible Class E or Cinema use at Plot 5 and a flexible Class E use at Plot 6 and hard and soft landscaping of public realm area (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658). Approved 22/9/2023.
- 039160: Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Approved 11/5/23.
- 039542: Non material amendment to approval 038706 to show obscure glazing to all windows at first and second floor on the east elevation. Approved 11/5/2023.
- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E): Approved 18/01/2023.
- 039096: Non material amendment to approval 037658 to show amendments to the horizontal and vertical parameters for Plot 1A and horizontal parameters for Plot 2: Approved 30/08/2022.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.

## RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - TC1 – Town centre requirements;
  - TC2 – Nature of town centre growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - HS6- Sports and exercise;
  - NE4- Managing Flood Risk and Water Quality;
  - BE1- Contamination and Land Stability;
  - BE3- Sustainable Design and Construction and
  - BE4- Valuing and Conserving our Historic Environment
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- Air Quality SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## CONSULTEES NOTIFIED:

As an application to make a non-material amendment is not an application for planning permission, the existing [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties. In this case, it was not considered that any consultation was necessary.

## NEIGHBOURS NOTIFIED:

As an application to make a non-material amendment is not an application for planning permission, the existing [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties. In this case, it was not considered that any consultation was necessary.

## APPRAISAL:

The key issue to assess in the determination of this application is whether the proposed amendments lead to any material changes.

Contents:

1. Impacts of Amendments
2. Conclusion

### 1.Impacts of Amendments

Application 039700 was approved in September 2023 for the variation of condition 2 of planning permission 038706 to show the full demolition of the warehouse building to the rear, changes to window and door alignments and finishes to all elevations,

internal layout changes to floor plans, increased parapet height by 0.745m, alteration to roof plant and revised curtain walling to links and variation of condition 13 of planning permission 038706 to amend when the details of the external plant, equipment and machinery are required to be submitted to prior to installation.

The northern façade will set back on its western end fronting Abbey Street by 1.7 metres. As a result, the new college building is narrower in the east-west direction compared to the existing, creating a gap between the retained building to the west. The western retained building will be physically connected to the new build only at ground floor level (4.6 metres in height) and within a part of the building set back from Abbey Street by 6.0 metres. The new western façade will be constructed in plan brick, continuing the brick feature course to mirror the building's frontage.

Although there will be a physical 'gap', this will only be noticeable when viewing the existing and proposed buildings directly from the front. It is also noted that 'gaps' in the Abbey Street frontage at ground level are a part of the street scene, including those between café and restaurant uses. Moreover, it is felt that the proposed gap would be less pronounced due to the various buildings have differing heights within the area and would not significantly or materially change the overall appearance of the approved scheme. Additionally, there is also a gap across the application site between No.120 & 121, known as Burgage Place.

The window width in the final (westernmost) bay fronting Abbey Street, are of a singular width rather than the double width which is present across the remainder of the façade. This pattern is carried through at first and second floor and will both remain as 'dummy windows' as previously approved. This is considered a minimal change to the scheme, especially considered the large scale of the site and that the windows of the scheme vary in widths and lengths. It should also be noted that there are various window styles and sizes across Abbey Street.

The windows on the south and west elevations show variations in size and display; however, the agent clarified that these are not new changes but instead reflect additional modelling of the existing building, which was not shown in previous plans. Additionally, the existing headers and sills are considered an improvement in overall visual appeal. It should also be noted that two windows have been removed at first and second floor level on the south elevation. This would be considered as non-material, as it is located at the rear and would not materially impact the scheme and would be sheltered by the other buildings related to the scheme. The agent concluded that the removal of a window would be preferable from a visual perspective than installing a smaller window of a different shape and size to the adjacent ones. Two "dummy windows" have also been added to this elevation. These will have no impact on the overall scheme and will be positioned adjacent to other dummy windows approved in the previous application. To add to this, the south elevation will also feature the addition of an external dry riser, which is considered a minor change within the context of the overall scheme.

The changes to the entrance lobby area include a width reduction from 4.5 metres to approximately 2.7 metres. Whilst this is a reduction, it will not visually impact the overall scheme and it will appear more in proportion with the size of the adjacent windows and would not affect the visual amenity of the scheme. Additionally, the secondary means of escape has been repositioned externally on the western

elevation, where it will not be directly visible from the street. Given the number of windows and entrances, this alteration is minimal in relation to the overall design of the scheme.

A timber gate will be introduced with a maximum height of 2.1 metres and a width of 1.7 metres. Its overall impact will be minimal due to its relatively modest size in relation to the scheme and its position, set 3.6 metres back from the streetscene.

The proposal includes internal alterations resulting from the narrowing of the college building and the repositioning of doors. However, since these changes are internal, they will not affect the external appearance of the scheme and are therefore considered acceptable.

It is therefore considered that the proposed amendments would not have a significant or material impact on the appearance of the proposed scheme and would be non-material.

## 2. Conclusion

In conclusion, the amendments would not significantly change the design and appearance of the scheme and would not have a significant impact on visual amenity or materially change the overall appearance of the approved scheme. It is therefore considered that the proposals are an acceptable non-material amendment.



Site location plan



Proposed site layout





**LEGEND**

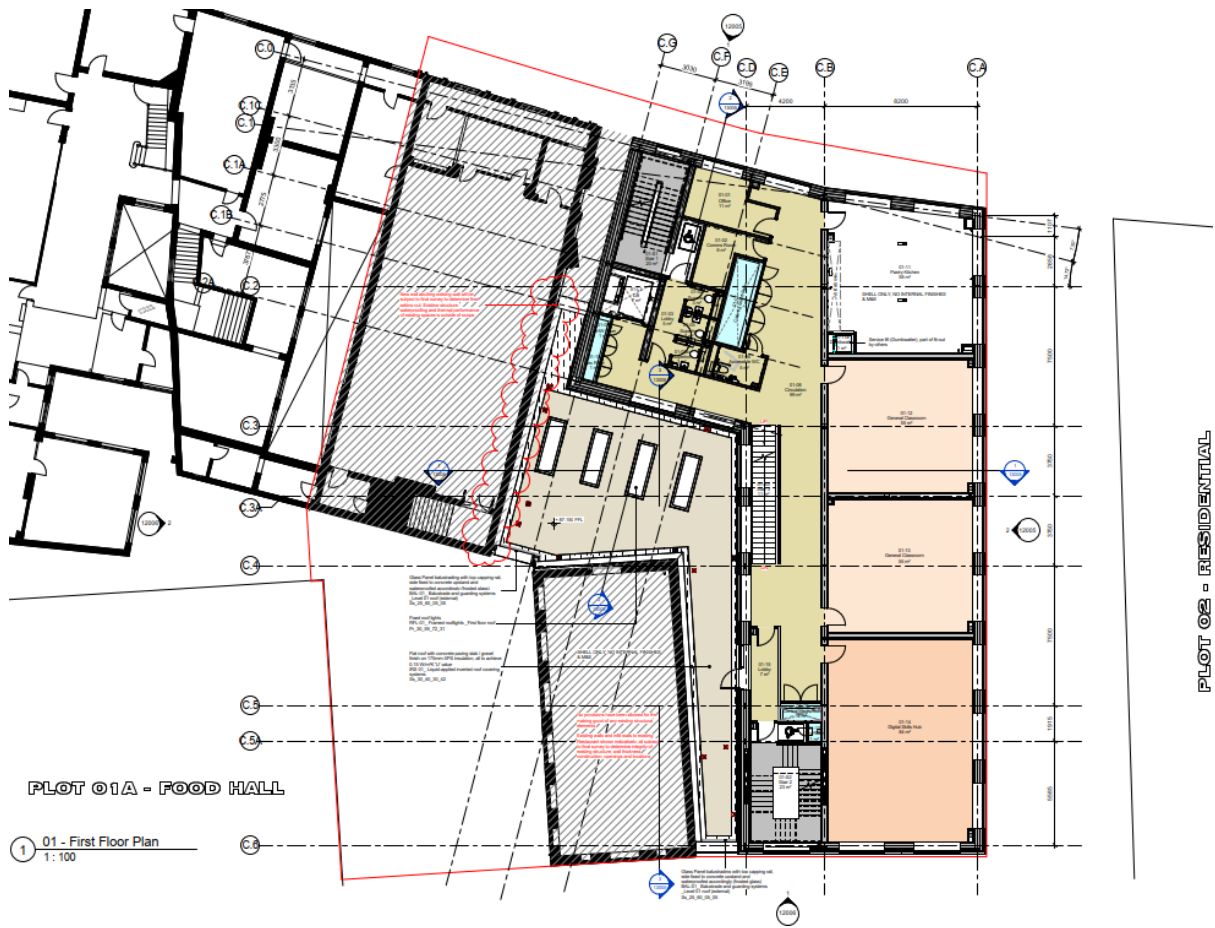
- Site Boundary
- Repairs / improvements / infills to all existing elements are excluded from scope. Any new spaces created in existing footprint are subject to site survey
- Walls to be retained

**DEPARTMENT LEGEND**

- Ancillary Spaces
- Catering Spaces
- Community Spaces
- Digital Spaces
- Educational Spaces
- Kitchen Spaces
- Mechanical Riser

Proposed ground floor plan





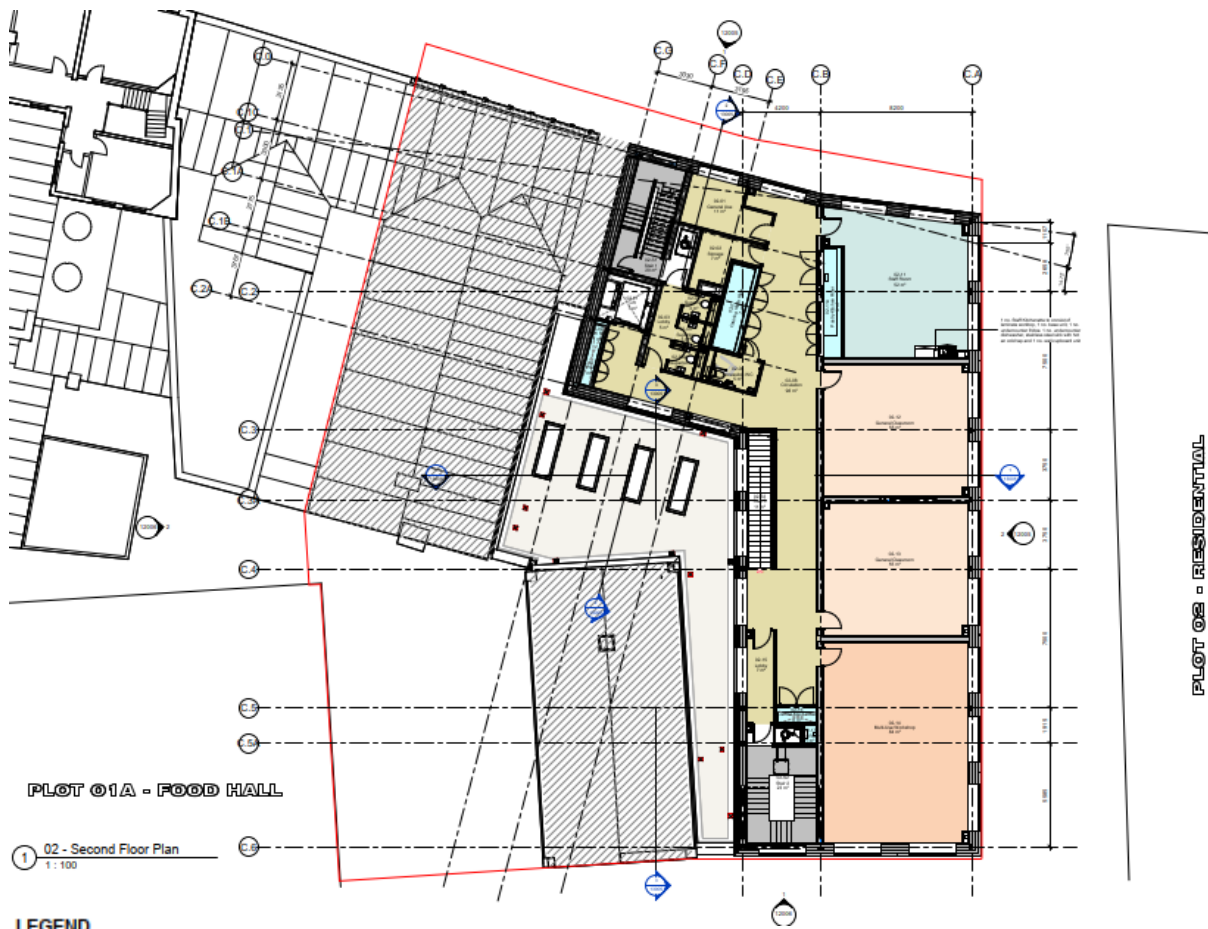
**LEGEND**

- Site Boundary
- Repairs / improvements / infills to all existing elements are excluded from scope. Any new spaces created in existing footprint are subject to site survey
- Walls to be retained
- Gravel / Ballast
- Paved Walkway

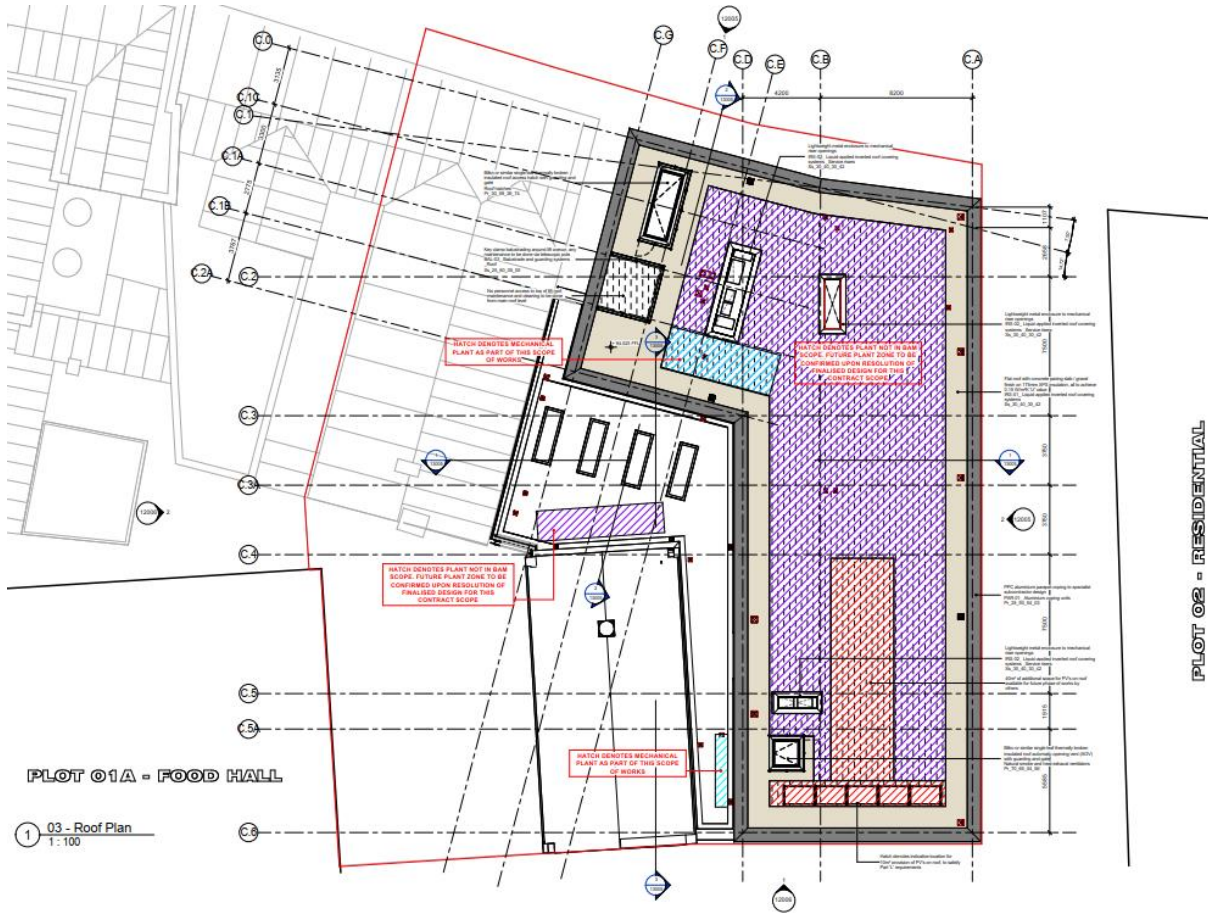
**DEPARTMENT LEGEND**

- Ancillary Spaces
- Digital Spaces
- Educational Spaces
- Mechanical Riser

Proposed first floor plan



Proposed second floor plan



**LEGEND**

- Site Boundary
- Repairs / improvements / infills to all existing elements are excluded from scope. Any new spaces created in existing footprint are subject to site survey
- Walls to be retained
- Gravel / Ballast
- Paved Walkway

Proposed roof plan

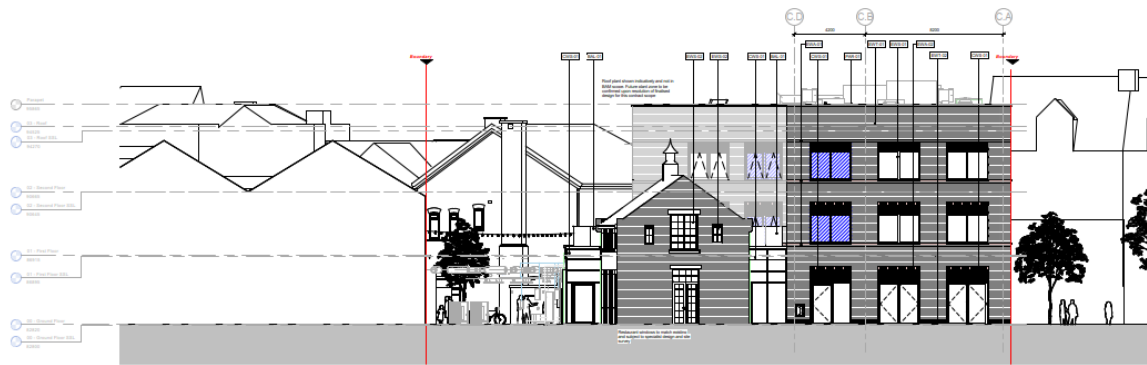


① North Elevation  
1:100

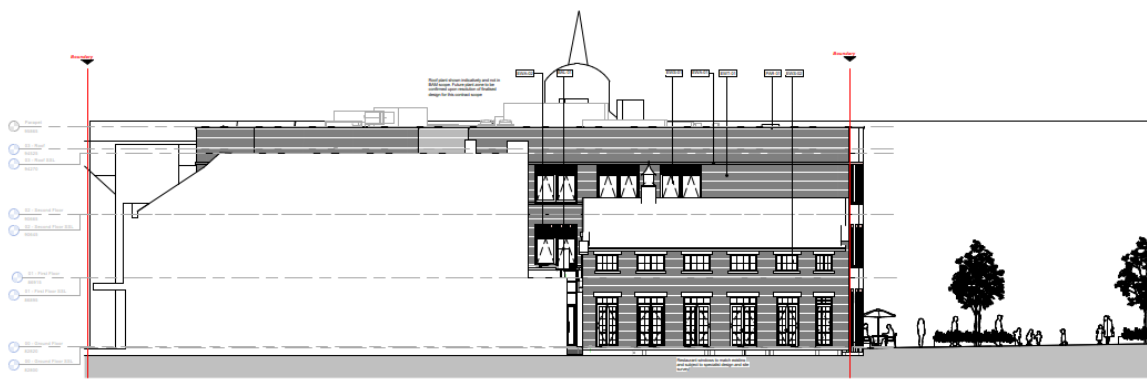


② East Elevation  
1:100

# Proposed north and east elevation

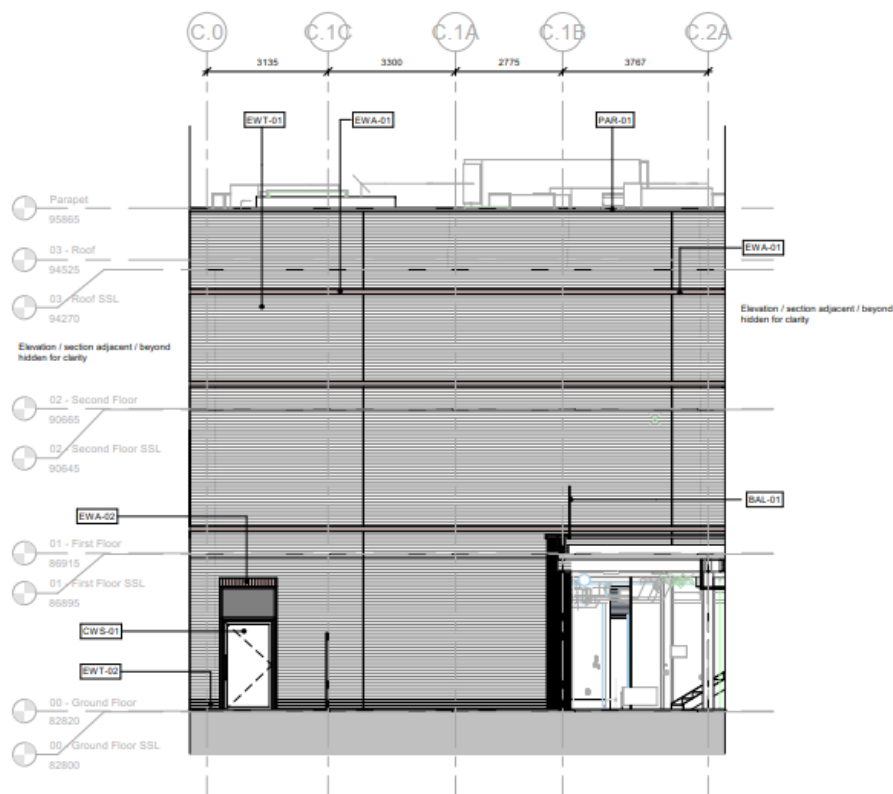


1 South Elevation  
1:100



2 West Elevation  
1:100

Proposed south and west elevation



1 West Elevation 2  
1 : 100

Proposed west elevation 2

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## Item No. 7

**REFERENCE No.** 040573

**Site Address:** Site 105B008 Bedworth Leisure Centre & Land at Miners Welfare Park

**Description of Development:** Non-Material amendment to planning approval reference 039976 (original reference: 038702) to amend the parapet height by 0.3 metres, the louvre size and design of doors to the north-east and south-west elevation and the relocation of the 3G Pitch.

**Applicant:** Mr Kevin Hollis

**Ward:** PO

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### **RECOMMENDATION:**

Planning Committee is recommended to confirm that the proposed amendments are acceptable as a non-material amendment to planning permission 039976.

### **INTRODUCTION:**

This application is for a non-material amendment to planning approval reference 039976 (original reference: 038702) to amend the parapet height by 0.3 metres, the louvre size and design of doors to the north-east and south-west elevation and the relocation of the 3G Pitch.

The Town and Country Planning (General Development Procedure) Order 2009 prescribes the application procedure for non-material changes to planning permissions under Section 96A of the Town and Country Planning Act. The Act allows a formal application to be made for a non-material amendment to an existing planning permission. The Planning Practice Guidance confirms that there is no statutory definition as to what constitutes a non-material amendment and it states that the context of the overall scheme is essential when considering whether amendments are non-material. A non-material amendment does not result in the issue of a new planning permission.

The site is located on the western side of Miners Welfare Park, with its eastern boundary adjacent to a railway line. To the south lies the Bayton Road industrial estate, along with residential properties at The Waterfront. To the west are additional residential areas, while Bedworth town centre is situated to the north. It is important to note that work has already commenced under the approved planning reference 039976.

### **BACKGROUND:**

This application is being reported to Committee as it relates to a non-material amendment to a major application for which the Council is the applicant.



## RELEVANT PLANNING HISTORY:

- 039976: Variation of condition 2 of planning permission 038702 to amend the size, shape, height and material approach of the building, amendments to the facilities within the building, amendment to the layout of the car parking area including a reduction in spaces and amendments to the landscaping strategy and variations of condition 3 (Construction Management Plan), 4 (Construction Environmental Management Plan), 7 (Dust Management Plan), 11 (Arboricultural Method Statement) and 14 (tree protection) of planning permission 038702 to ensure the development is carried out in accordance with the updated submitted documents. Approved: 8/2/2024
- 038702: Erection of a new physical activity hub consisting of a 25m 8 lane main pool, learner pool, 4no. court sports hall, fitness suite and associated changing and supporting spaces and car park and landscaping scheme to surrounding park with terrace, seating areas, paths and activity spaces (existing leisure centre to be demolished): Approved 04/07/2022.

## RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - HS4 – Retaining community facilities;
  - HS5- Health;
  - HS6- Sports and exercise;
  - NE1- Green Infrastructure;
  - NE2- Open Space;
  - NE3- Biodiversity and Geodiversity;
  - NE4- Managing Flood Risk and Water Quality;
  - BE1- Contamination and Land Stability;
  - BE3- Sustainable Design and Construction and
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## CONSULTEES NOTIFIED:

As an application to make a non-material amendment is not an application for planning permission, the existing [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties. In this case, it was not considered that any consultation was necessary.



## **NEIGHBOURS NOTIFIED:**

As an application to make a non-material amendment is not an application for planning permission, the existing [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties. In this case, it was not considered that any consultation was necessary.

## **APPRAISAL:**

The key issue to assess in the determination of this application is whether the proposed amendments lead to any material changes.

Contents:

1. Impacts on Amendments
2. Conclusion

### **1.Impacts on Amendments**

Application 039976 was approved in February 2024 for the variation of condition 2 of planning permission 038702 to amend the size, shape, height and material approach of the building, amendments to the facilities within the building, amendment to the layout of the car parking area including a reduction in spaces and amendments to the landscaping strategy and variations of condition 3 (Construction Management Plan), 4 (Construction Environmental Management Plan, 7 (Dust Management Plan), 11 (Arboricultural Method Statement) and 14 (tree protection) of planning permission 038702 to ensure the development is carried out in accordance with the updated submitted documents.

The amendment to the parapet involves a 0.3 metre height increase, a minor adjustment of 30.0 centimetres would not impact the overall schemes visual appearance, given the site's scale and the proposed range of roof heights.

The louvre length will be reduced from 6.4 metres to 4.3 metres (a decrease of 2.1 metres) and its height increased by 0.2 metres. Despite these adjustments, the change is minor given the scale of the site and its varied building materials, openings (such as windows and doors) and positioning near the prominent entrance signage. Therefore, this modification is not considered material and will not impact the scheme's visual appeal.

The design of the doors to the north-east and south-west elevation are considered minimal, considering the various window and doorway scales and designs across the proposal site.

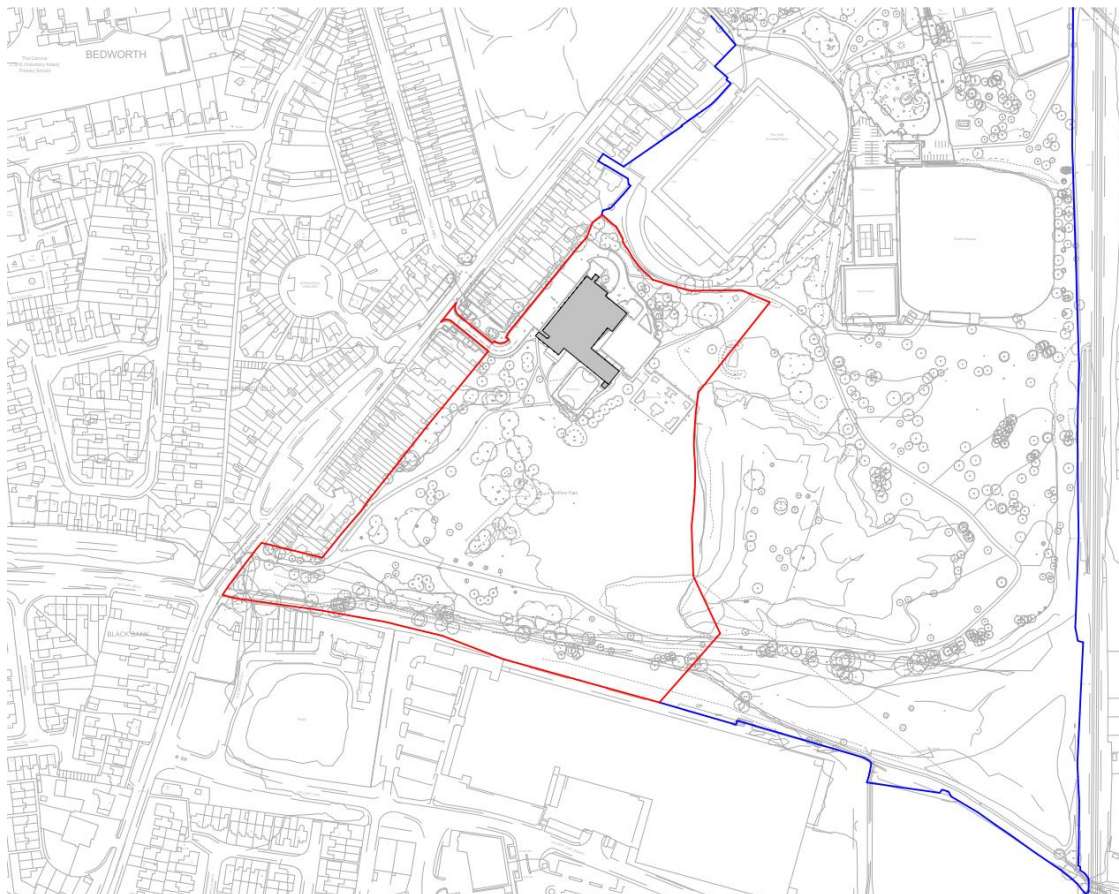
The 3G pitch has been shifted 3.1 metres further from the boundary and up to 0.8 metres from the Oval to allow space for the crib wall, which couldn't be installed in the original position. Given that the pitch size remains unchanged and considering the site's characteristics, this adjustment will have no visual impact on the overall scheme. Additionally, the new location poses no health or safety risks, as it will be adjacent to a pedestrian tarmac area.

The plans incorporate provisions for external plant equipment, which have already been approved through a discharge of condition application (reference 040298). Furthermore, the increased height of the parapet offers additional shelter for the rooftop planting.

It is therefore considered that the proposed amendments would not have a significant or material impact on the appearance of the proposed scheme and would be non-material.

## 2. Conclusion

In conclusion, the amendments would not significantly change the design and appearance of the scheme and would not have a significant impact on visual amenity or materially change the overall appearance of the approved scheme. It is therefore considered that the proposals are an acceptable non-material amendment.



Site location plan



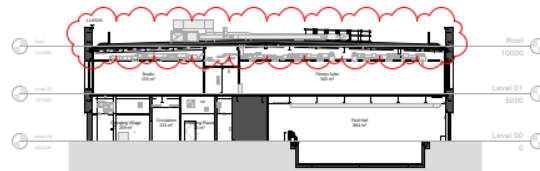
Section A-A



Section B-B

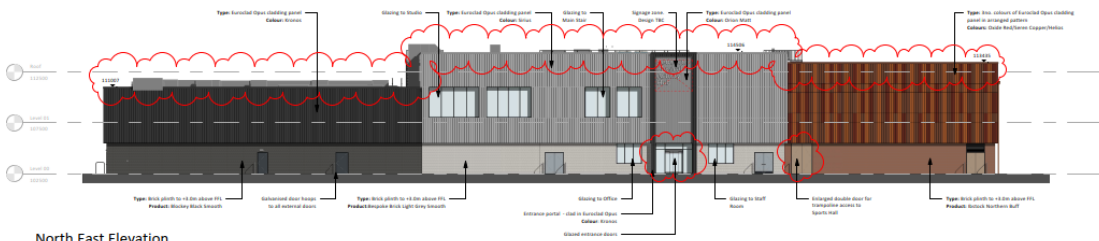


Section C-C

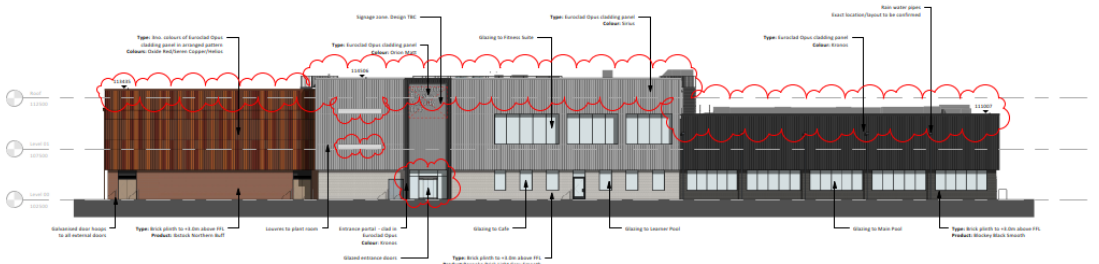


Section D-D

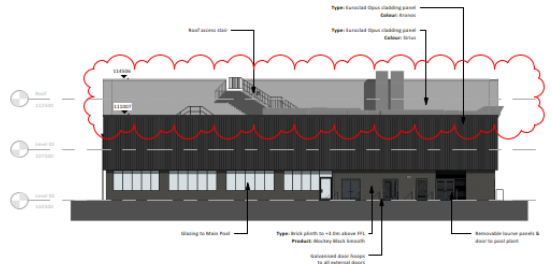
## Proposed Sections



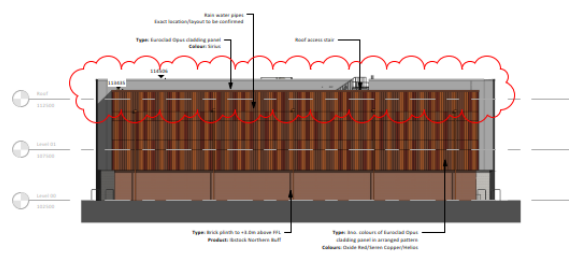
1 North East Elevation  
Scale:- 1 : 200



2 South West Elevation  
Scale:- 1 : 200



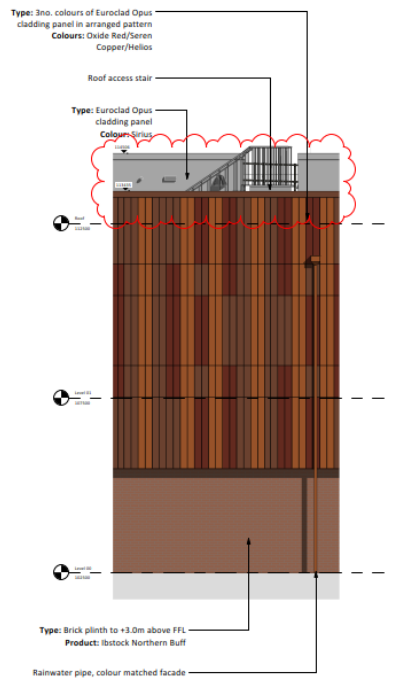
3 South East Elevation  
Scale:- 1 : 200



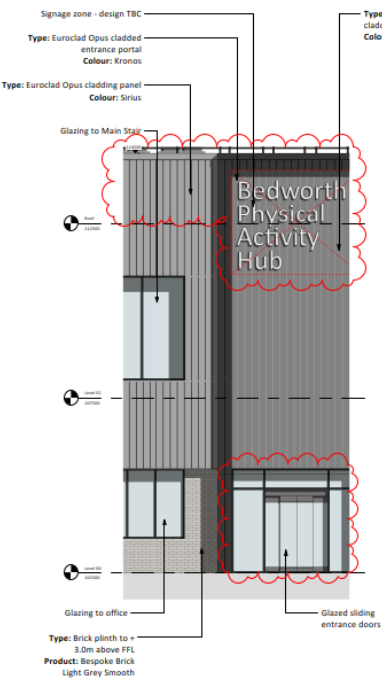
4 North West Elevation  
Scale:- 1 : 200

Proposed elevations

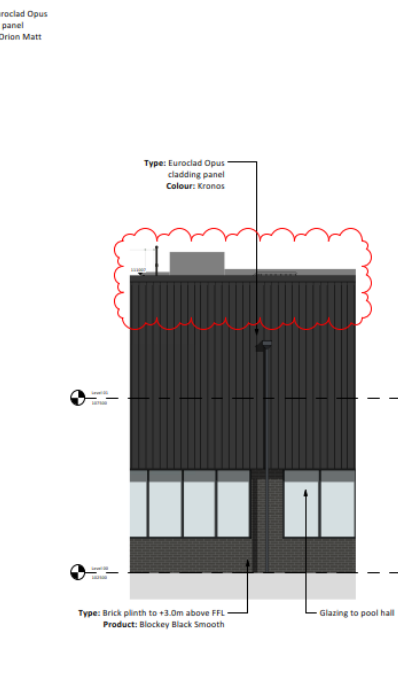
Detail elevations



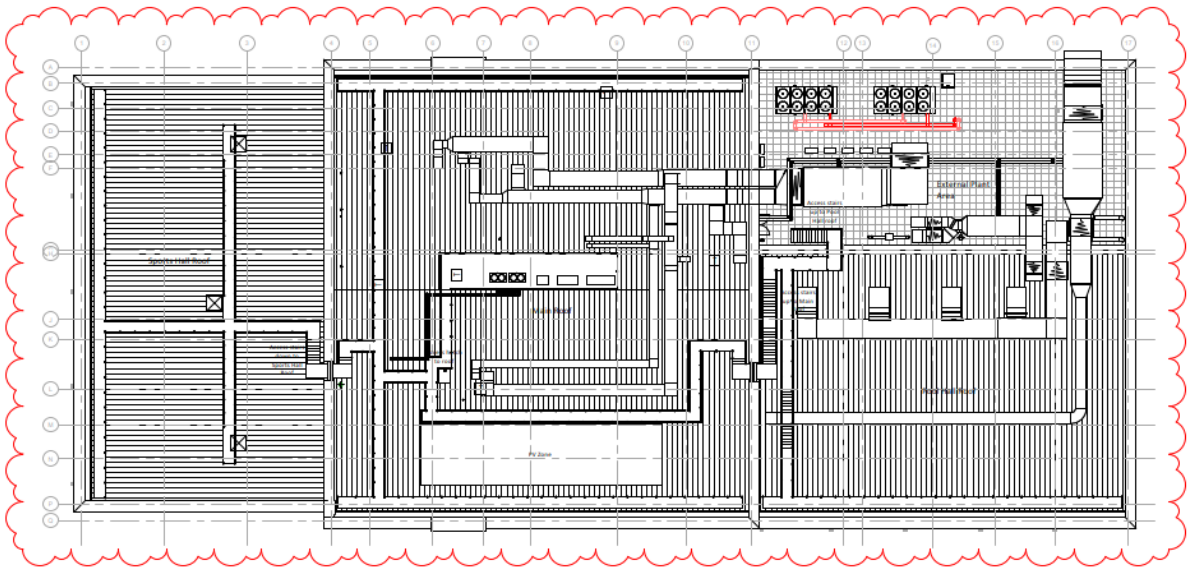
Detail Elevation 01  
Scale:- 1 : 50



Detail Elevation 02  
Scale:- 1 : 50



Detail Elevation 03  
Scale:- 1 : 50



Proposed roof plan





Use	Edging	Softworks	Furniture
Application boundary	Raised concrete road kerb FB2, 125 x 255 x 914mm	Existing trees to be retained, RPA (dashed)	Existing outdoor gym equipment to be relocated around oval path
Ownership boundary	Flush concrete road kerb BN, 125 x 150 x 914mm	Existing hedgerow to be retained	Litter bins: Broxap Durby Standard Pyramid top with cigarette rubbing plate Colour: Black
<b>Hardworks</b>	Concrete drop kerb 125 x 255/ 150 x 914mm	Existing scrub planting to be retained	Bollards: Product: S55 Heavy Duty Telescopic Bollard 700 Supplier: Marshalls
Existing hardstanding to be retained	Concrete pin kerb, file-topped 50 x 150 x 914mm	Existing amenity grass to be retained and made good	Double Leaf Swinging Access Gate Supplier: Stone fittings direct or similar approved Size: 7m wide Fitting: Root Fixed Finish: Galvanised and black powder coated
Product: Vehicular tarmac, black top, 40mm thick 0/10mm Manufacturer: Aggregate Industries SMA, T6e industrial surface course	Product: Brick pavers DF Siena Manufacturer: Wienberger Size: 200 x 65 x 80mm Laying pattern: soldier course	Existing trees to be removed	Parking ticket machine: product Specified by other
Product: Pedestrian tarmac, biomimetic footway, 25mm thick	Product: Moorvale steps with visibility strips Colour: Academy gray Size: 450x450x50	Proposed tree	Electric vehicle charging station To be specified by others
Pedestrian permeable tarmac and build up to oval path sections on top of RPA. (refer to detailed dwg. C-COL-ZZ-XX-DR-L-4110)	Timber Crib wall, Constructed to engineers specifications and routed with Jelkoustic acoustic fencing by Jackson's Fencing or similar approved to a max height of +102.5m	Woodland mix	Product: FCP Seating Supplier: Arcliform Lixibat Finish: Silver powder coating, Sapele timber Product: Eastgate Seat Size: 1800mm Supplier: Broxap Colour: Black Fittings: Ground bolts
Vehicular porous asphalt 45mm thick	<b>Boundary</b>	Hedgerow planting	Product: Container Cycle Hub Size: L 6100mm H 2957mm D 2440mm Supplier: Cyclehoop
Product: Brick pavers DF Siena Manufacturer: Wienberger Size: 200 x 65 x 80mm Laying pattern: herringbone	Existing knee rail to be relocated	Shrub planting	Product: x2 Apollo Cycle Shelter - 10 Cycles Size: L 4100mm D 2753mm Supplier: Broxap Product: Cidweb TRP Supplier: Geosynthetics
Product: Moorvale Concrete flags, Colour: Academy gray, sintered, Manufacturer: Aggregate Industries Size: 450x450x50	6m high fencing to MJGA to be specified by specialist	Amenity grass seeding Product: A22 Low Maintenance Supplier: Germinal Amenity	Indicative existing contour lines
Product: Tactile Blister warning paving, Manufacturer: Aggregate Industries, Colour: Buff Size: 400 x 400 x 50mm.	4.5m high fencing to be specified by specialist	Wetland seeding Product: EMB - Meadow mixture for wetlands Supplier: Emerogate Seed	Indicative proposed contour lines
Product: Tactile Blister warning paving, Manufacturer: Aggregate Industries, Colour: Charcoal Size: 400 x 400 x 50mm.	Bin enclosure: 2.0m high timber close board fence		
Product: Tactile Corduroy hazard warning paving, Manufacturer: Aggregate Industries Colour: Buff Size: 400 x 400 x 50mm	Dog spending areas: 1.2m high bowtop fence Colour: black		
Product: Tactile Corduroy hazard warning paving, Manufacturer: Aggregate Industries Colour: Charcoal Size: 400 x 400 x 50mm	2.0m high weldmesh fence Colour: black		
In situ concrete to Engineers specifications	Stairs & ramps: 0.9m high stainless steel handrail		
Product: BotPave 85 paver cells Supplier: Green-Tech Build up to suppliers recommendations	0.45m high timber knee rail		
<b>Note: All build ups to engineers specification</b>	Gases to match respective fences.		

## General Arrangement Overall Site Plan

## 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.

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)**