

Enquiries to:
Democratic Services

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Date: 25th February 2025

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 11th March 2025 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, M. Kondakor, S. Markham,
W. 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 11th February 2025, 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 10**). 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 13**).

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

11th February 2025

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 11th February 2025.

Present

Councillor C. Phillips (Chair)

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

Apologies: Councillors M. Kondakor, N. King and K. Wilson.

PLA38 **Minutes**

RESOLVED that the minutes of the meeting held on the 14th January 2025 be approved, and signed by the Chair.

PLA39 **Declarations of Interest**

As Councillors M. Wright, C. Watkins and J. Gutteridge were substitute Councillors for this meeting, their Declarations of Interest were not in the Schedule of Declarations of Interests attached to the agenda for this meeting. They are however available to view on the Council website.

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 M. Wright, C. Watkins and J. Gutteridge who were substitute Councillors for this meeting.

PLA40 **Declarations of Contact**

Councillor J. Gutteridge declared that he receives a regular newsletter from the George Eliot Fellowship, and he had recently been invited to a celebration of George Eliot's birthday. Committee Members also declared that correspondence in the form of a newsletter from the George Eliot fellowship was sent to NBBC Councillors.

Councillor C. Phillips declared that she is a former member of the George Eliot Fellowship, and the applicant for planning applications 040105 and 040106 is known to her.

All Members, including substitutes, declared they had received an email prior to the Committee meeting (via Democratic Services) which included a letter from the Victorian Society in relation to applications 040105 and 040106.

IN PUBLIC SESSION

PLA41 **Planning Applications**

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

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

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA41 OF THE PLANNING APPLICATIONS COMMITTEE ON 11th FEBRUARY 2025

1. 040105 – Griff House Restaurant, Coventry Road, Nuneaton, Warwickshire. CV10 7PJ

Applicant – Griff Preservation Trust

Public Speakers: Mr John Burton (Griff Trust) - Applicant
Mr Peter Lee (Griff Trust) - Applicant

DECISION that delegated authority be given to the Assistant Director for Planning to grant planning permission, subject to

- a) the conditions as printed; and
- b) no additional issues being raised by additional neighbours following the consultation expiration on 18th February 2025.

2. 040106 – Griff House Restaurant, Coventry Road, Nuneaton, Warwickshire. CV10 7PJ

Applicant – Griff Preservation Trust

DECISION that listed building consent be granted, subject to

- a) the as conditions printed; and
- b) no additional issues being raised by additional neighbours following the consultation expiration on 18th February 2025.

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

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd - Director – Techealth Ltd 	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 - EQulP: 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	Trustee of 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"> - Employed by Wyggeston and Queen Elizabeth I College (Teacher) - Pearson Education (Snr Examiner) 	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)	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board • Free Speech Union • Exhall Multicultural Group 	
	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"> • Sherbourne Asset Co Shareholder Committee • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Nuneaton Neighbour Watch Committee 	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. - Trustee of Bulkington Volunteers	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	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"> - Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Councillors' Association. <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> - LGA People & Places Board (Member) 	

**Planning Applications Committee –
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	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd - Director – Techealth Ltd 	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 - EQulP: 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	Trustee of 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"> - Employed by Wyggeston and Queen Elizabeth I College (Teacher) - Pearson Education (Snr Examiner) 	The Labour Party (sponsorship) - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union	

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			- Committee Member of Nuneaton Historical Association Representative on the following Outside Bodies: - Friendship Project for Children	
	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)	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board • Free Speech Union • Exhall Multicultural Group 	
	W. Markham		Member of the following bodies: <ul style="list-style-type: none"> - Unite Union - Free Speech Union - Exhall Multicultural Group 	
	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"> • Sherbourne Asset Co Shareholder Committee • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Nuneaton Neighbour Watch Committee 	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre.
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	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"> - Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Councillors' Association. <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> - LGA People & Places Board (Member) 	

Planning Applications Committee
11th March 2025

Applications for Planning Permission
Agenda Item Index

Planning Applications

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Wards:					
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

PLANNING APPLICATIONS

Item No. 1

REFERENCE No. 040700

Site Address: Site 51A073 - Ex Co-op buildings and car park Abbey Street Nuneaton Warwickshire CV11 5BU

Description of Development: Variation of condition 5 of planning permission 037658 to amend the phasing of development, variation of condition 7 to allow for phased delivery of drainage, variation of condition 13 to amend the approved building/site levels, variation of condition 14 to provide for phase 2 temporary uses and parking, variation of condition 19 to amend the landscaping details, variation of conditions 20,21 and 22 to amend triggers for details to be submitted, variation of conditions 6,9,10,11,12,15,16,17,19 and 23 to reflect details already submitted and approved and addition of a condition for temporary uses

Applicant: Nuneaton and Bedworth Borough Council and Queensberry Real Estate

Ward: SM

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to a Deed of Variation to the legal agreement for application 037658 and the conditions printed.

INTRODUCTION:

This application is for a variation of condition 5 of planning permission 037658 to amend the phasing of development, variation of condition 7 to allow for phased delivery of drainage, variation of condition 13 to amend the approved building/site levels, variation of condition 14 to provide for phase 2 temporary uses and parking, variation of condition 19 to amend the landscaping details, variation of conditions 20,21 and 22 to amend triggers for details to be submitted, variation of conditions 6,9,10,11,12,15,16,17,19 and 23 to reflect details already submitted and approved and addition of a condition for temporary uses at Site 51A073 - Ex Co-op buildings and car park Abbey Street Nuneaton Warwickshire CV11 5BU.

The Site is within Nuneaton Town Centre and is 2.42 hectares in area and is a major leisure-led re-development of part of Nuneaton Town Centre known as Grayson Place and forms part of the Transforming Nuneaton Programme. To the north is Abbey Street with Jubilee Way to the west and Queens Road to the south. There are residential properties to the west, on the other side of Jubilee Way. The site is surrounded by a mixture of uses including retail and commercial. Nuneaton Town Centre Conservation Area adjoins the site. The site was previously a surface level car park and a mix of retail buildings to the east. All buildings proposed for demolition have been demolished and the hotel in phase 1 which was approved under the full element of the hybrid permission has been built and is operational. The ground works within phase 2 have also been completed.

BACKGROUND:

This application is being reported to Committee as it is a major application involving Council owned land and the Council is the applicant.

RELEVANT PLANNING HISTORY:

- 039677: Erection of a flexible Class E use at Plot 3 and multistorey car park at Plot 4 (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Approved 23/11/2023.
- 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 22/09/2023.
- 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 11/02/2023.
- 039548: Non material amendment to approval 037658 to show amendments to the vertical parameters for Plots 4, 5 and 6: Approved 11/05/2023.
- 039542: Non material amendment to approval 038706 to show obscure glazing to all windows at first and second floor on the east elevation: Approved 11/05/2023.
- 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 17/01/2023.
- 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.
- 038696: Non material amendment to approval 037658 to show amendments to the footprint parameters of building 2: Approved 31/03/2022.
- 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:

- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3 – Development Principles;
 - DS4 – Overall development needs;
 - DS8 – Monitoring of housing delivery;
 - H1 – Range and mix of housing;
 - H2 – Affordable housing;
 - TC1 – Town centre requirements;
 - TC2 – Nature of town centre growth;
 - TC3 – Hierarchy of centres;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2 – Strategic Accessibility and Sustainable Transport;
 - NE3 – Biodiversity and geodiversity;
 - 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.
- Affordable Housing SPD 2020.
- Transport Demand Management Matters SPD 2021.
- Air Quality SPD 2020.
- Open Space & Green Infrastructure SPD 2021.

CONSULTEES NOTIFIED:

Active Travel England, Cadent Gas, Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Ecology, WCC Flood Risk Management, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
Environment Agency

No objection from:

Active Travel England, Coal Authority, NBBC Planning Policy, WCC Archaeology, WCC Ecology, WCC Flood Risk Management, WCC Highways

Comment from:
NBBC Parks

No response from:

Cadent Gas, NBBC Environmental Health, NBBC Housing, NBBC Refuse, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer)

NEIGHBOURS NOTIFIED:

1-49 (odd), 64-72 (even), Flats 1-4 (inc) 72 High Street; 34-40 (even) Pool Bank Street; 19, Flats 1-4 (inc) 19, 21, 21a, 21b, 21c, 23, 25/27, 29, 31, 31a, 32, 34-36, 35, 37, 38, 40, 42, 46, 48, Flat over 48, 48a, 50-52, 13-14 Ropewalk Queens Road; 2, 4, 6-14, Flat 1-6, 16-18 Stratford Street; 11, 12, 13/14, 15, Flat 1 15, 16, 22, 23 a&b, 23c,

23f, 24, 25, 98, Flat over 98, 104, 105, 106, 107, Rear ground floor flat, flat 1 & flat 2 107, 111, 112, 113, 114, Flat 114d, Flat 114e, Flat 114f, Flat 114g, Flat 114h, Flat 114i, Flat 114j, 115, 115, Flat 1 & Flat 2 115, 116, 116a, 117, First Floor Flat 117, 117b, 118, 118a, 118b, 118c, 118d, 118e, 120, 120a, 120b, 120c, 120d Abbey Street.

Neighbouring properties were sent letters notifying them of the proposed development on 9th January 2025. A site notice was erected on street furniture on 13th January 2025 and the application was advertised in The Nuneaton News on 15th January 2025.

NEIGHBOUR RESPONSES:

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

1. No sustainable drainage measures.
2. All the surface water will go into the Queens Road Combined sewer.
3. Dispute that the car park is temporary.

APPRAISAL:

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

1. The principle and phasing of the development,
2. Housing need and affordable Housing
3. Visual amenity,
4. Residential amenity,
5. Highway safety and accessibility,
6. Flood risk and drainage,
7. Heritage and archaeology,
8. Open space, ecology & biodiversity,
9. Amendments to triggers of conditions & new compliance conditions
10. Conclusion

1. The Principle and Phasing 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.

The NPPF also states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (paragraph 90).

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. Therefore, this site is an appropriate location in principle for the proposed development. The site is also within the defined settlement boundary for Nuneaton, as defined in Policy DS3 of the Borough Plan, and therefore is acceptable in principle under that policy.

Policy TC1 of the Borough Plan sets out the new office, retail and leisure floor space requirements for Nuneaton town centre. These include:

- Offices - 13,000 sq m – 14,000 sqm
- Comparison – 11,420 sq m – 13,950 sq m
- Convenience – 910 sq m – 2,500 sq m
- Cafés, restaurants and bars – 2,324 sq m – 2,672 sq m

It is considered that the proposals would contribute to this requirement. The proposed development comprises a mix of town centre uses and is divided into development plots by which individual but flexible uses have been allocated.

The aim of Policy TC2 is to ensure that town centre development proposals do not undermine or adversely impact, either individually or cumulatively, the vitality, viability, character of the area and overall vision for the town centre. The proposed mix of uses are considered to be acceptable in principle under this policy. These are considered to be appropriate town centre uses that would complement each other and they are in accordance with the overall vision for Nuneaton town centre.

The proposal would also support the aspirations of the Transforming Nuneaton Project. This is a project between Warwickshire County Council and Nuneaton and Bedworth Borough Council to deliver the transformation of Nuneaton town centre, by implementing mixed-use regeneration for boosting economic growth. The vision is to transform Nuneaton into a prosperous town centre. The aim is to create a town where people choose to live- with high quality, easily accessible town centre housing and a strong and diverse leisure offer; do business- with excellent transport connections and high-quality office space for all entrepreneurs; shop- with a mix of national, independent and specialist retailers; and visit- through the creation of high-quality public realm and enhancing the heritage and cultural opportunities. The Transforming Nuneaton project has identified the site as a potential development site for a mix of uses including retail, residential, leisure and entertainment along with on site car parking provision. It has also identified the former Co-Op store site as a potential link between Abbey Street and Queens Road to complement the Abbey Street car park site. The Transforming Nuneaton proposal is to use the site to create a new public square. The proposal is therefore in line with the aspirations of the Transforming Nuneaton initiative.

The principle of development has been established through the granting of planning permission 037658.

Phasing of development is controlled by an approved phasing plan under condition 5 of application 037658. The approved phasing plan indicates three phases:

- i) the hotel
- ii) the majority of the outline part of the site, excluding the leisure plot to the south of the hotel
- iii) the leisure plot to the immediate south of the hotel

There are no changes to phase 1 which has been built. Phase 2 is proposed to comprise:

- Construction of the market/food hall (plot 1A) with the exception of the westernmost wing which will be constructed in phase 3
- Construction of the leisure plot (plot 6 – middle leisure plot)

- Construction of part of the public plaza and areas of public realm and landscaping (permanent)
- Temporary works to lay out and use plots 5 (MSCP) and 7 (north leisure block) as temporary surface parking with 134 spaces (on land which is already part of an existing surface car park)
- Temporary surfacing of a rectangular piece of land to the west of the food hall to form part of the public realm.

Phase 3 is proposed to comprise:

- The erection of the MSCP on plot 5
- Erection of the leisure unit on plot 7
- The erection of the food hall westernmost wing
- Erection of the residential on plot 2
- Erection of the Class E block on plot 4
- And the remainder of the public realm.

The use of the site remains unchanged as a result of this application. It comprises a mix of development with no new or different uses added. The only change is that the phasing of development will be different to that originally envisaged. The changes are necessary for development to proceed and are considered acceptable as they will give the applicant the flexibility to build a smaller proportion of phase 2 now, whilst retaining the ability to build phase 3 as already approved, at a later date.

2. Housing need and affordable 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. The Council published a HEDNA report in 2022 which provides the most up-to-date housing market information. Plot 2 comprises 30no. dwellings and this remains unchanged. The only change is that the residential development was originally proposed in phase 2 but is now proposed to be delivered in phase 3. Taking into account that the changes are necessary for the development to progress this is considered acceptable. NBBC Housing have been consulted but have not provided a response and therefore it is assumed that they have no comments to make.

3. Visual Amenity

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). Policy 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 overall design and layout of the development would not change. It will continue to provide a range of uses, with car parking and a public plaza as a key component of the Transforming Nuneaton Initiative. The amendment to the approved phasing of development would create a temporary scenario whereby plots 5 and 7 will be used for surface car parking which results in minor changes to the landscaping layout through the addition of grassed areas in phase 2 only. In phase 3, these parts of the site will be laid out as per the approved plans. Whilst it is the intention to complete the final phase in due course, it is necessary to consider the visual implications of just the leisure block and public realm being built in phase 2 with areas of surface parking to

its north and south. Given that these parts of the site are already surface car parking and will be contained to the north, south and east by built development, it is considered the layout and design is acceptable and in keeping with the character of the town centre. This interim phase will still achieve sustainable development which enhances the town centre. It is not considered that the amendments would have a significant or detrimental impact on visual amenity but would still provide opportunities to redevelop a brownfield site and contribute to the regeneration and transformation of Nuneaton town centre.

4. 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. The nearest residential property is a flat at first floor at no 98 Abbey Street. To the west, the rear of the properties on High Street face the application site. The nearest properties are approximately 26-37 metres away from the boundary of the site with these distances also across Jubilee Way. It is not considered that the amendments proposed under this application would have any further impact on residential amenity.

5. Highway safety and accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 115).

Condition 14 of planning permission 037658 requires details to be submitted and approved for car parking, access and manoeuvring areas, including surfacing, drainage and levels, pedestrian and cycle access to the uses and cycle parking provision and secure cycle storage including secure long stay cycle parking provision in the multi-storey car park. This condition has been partially approved in respect of phase 1 (hotel) and details for phases 2 and 3 are with NBBC Planning team for approval. However, the details submitted for approval in respect of phases 2 and 3 do not include any details of the intended phasing of development and the temporary phase which includes additional surface parking as the details were submitted before the decision was taken to change the phasing. This application therefore includes these details in respect of phase 2 only, for approval, with details for phase 3 to be subsequently submitted and agreed. Phase 2 now proposes temporary works to provide surface parking of 134no. spaces in total) on plots 5 (MSCP) and 7 (north leisure block and these are to remain in situ until such time as phase 3 is delivered, in line with the approved plans. To align with the changes to the phasing of development and to provide for these temporary works, it is proposed to add an additional planning condition to control how this is implemented and managed. This relates to the temporary car parking works during the operation of phase 2 and during the subsequent construction of phase 3. A Temporary Uses and Parking Strategy has been submitted for approval as part of this current application to form part of the additional planning condition for temporary uses and parking. This confirms the parking arrangements during phase 2 and during the construction of phase 3. The addition of a planning condition provides the mechanism for these arrangements to be secured as part of the planning permission. The Temporary Uses and Parking Strategy confirms the extent and surfacing treatments for the areas of temporary car parking. It also confirms that the points of access and egress remain unchanged from that approved and that the traffic movements associated with the temporary phase will be less than as approved. The Strategy states at the end of phase 1 and 2 (expected to be late 2025) there will be a total of 197no. spaces on-site comprising phase 1 hotel (63no. spaces) plus phase 2 temporary car park (134no. spaces). Taking into account the floor space of each plot on the amended phase 2 and the requirements of the Transport

Demand Matters SPD, the maximum number of spaces required would be 161no. spaces. The agreed car parking strategy for the approved development enables the on-site parking provision to be combined with the unused parking provision of the Harefield MSCP. The combination of both the on-site and Harefield MSCP parking provision can more than accommodate the proposed developments parking demand. During the weekday the unused provision of car parking spaces at Harefield MSCP remains at a minimum of 290no. empty spaces. During the weekend the spare capacity of Harefield MSCP is calculated to be as a minimum of 62no. empty spaces. It is considered that the parking provided in the temporary phase is sufficient to serve the development and meet its needs, with sufficient parking capacity elsewhere in the town centre to cater for any residual demand. The site is also close to sustainable transport options. During the construction of phase 3, it will be necessary to build the MSCP before the second leisure unit is built. During the construction of the MSCP, this will result in the loss of 64no. temporary spaces on the MSCP site. There will therefore be 133no. spaces available on site for operational use during this time. To reflect the current uncertainty around the timing of the delivery of phase 3, it is proposed that any changes to the Strategy for Phase 3 are subject to further approval which is included in the additional condition.

A Transport Assessment Addendum has been submitted. This states that the total trip generation does not reach the approved quantum of development until the site is fully built out and operational. Access arrangements as detailed within the approved planning application are to be retained. Both the trip generation and parking provision at the various stages of the phasing of the development are shown to not trigger any material impacts on the network and are in keeping with the original permission.

WCC Highways have no objection. They did request further clarification on whether the temporary car park is to be one way or two ways. The agent has confirmed that the temporary car park is to be one way and WCC Highways have confirmed they are satisfied with this response and would expect the temporary car parks to be lined correctly with directional road markings to emphasise the one-way traffic and to show the direction of the flow of traffic. They have also confirmed they have no objection to the amendment to condition 13 regarding site levels. They requested clarification whether the change in site levels had any impact on the public highway. The transport consultant for the applicant responded that there will be no changes to hotel site or levels outside of the red line and the levels within the site are coordinated to meet the relevant boundary conditions. It was also stated that the submitted level plans are compliant with the requirement under Building Regulations.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 109). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 110). The approved application aims to increase connectivity and permeability through the site. Two new pedestrian routes are proposed on a north-south axis through the site, connecting Queens Road and Abbey Street. These pedestrian routes will be situated either side of a proposed new public square situated centrally in the site and will be fronted by active uses on all sides. In addition to these primary pedestrian routes, secondary pedestrian routes are proposed in an east / west direction to maximise permeability. Condition 14 of permission 037658 required details of cycle parking and storage to be submitted. These details have been provided as part of this application for phase 2. Cycle stands are shown to the north and south of the leisure block and to the east of the food hall and would be Sheffield stands. NBBC Parks have commented that the stands to the north and south of the leisure block look to potentially be in a relatively unobserved position. However, the approved plans for

condition 14 show cycle stands in a similar position, albeit to the north and south of the leisure block at plot 7 so it is considered it would be unreasonable to request amendments. Warwickshire Police (Architectural Liaison Officer) has not made any comments so it is assumed they have no objection. The multi storey car park within phase 3 will provide 36no. secure cycle parking spaces to complement the wider provision externally within the plaza and in other plots within the wider development. These accord with the Transport Demand Matters SPD through the use of suitably spaced Sheffield stands. The stands will be within a secure cage with electronic access control. Access will be controlled via an App, downloadable to the user's phone. The lock on the cage will be Bluetooth and activated by the phone and all details will be on the cycle storage facility.

6. Flood Risk & 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 181). 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. Using the Environment Agency's Fluvial Flood mapping the majority of the site is within flood zone 1 and therefore has a low level of fluvial flood risk. However, parts of the site to the southern and western boundaries are within flood zones 2 and 3.

The NPPF (paragraphs 172, 173, 174 and 175) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment was submitted with application 037658. The Environment Agency have been consulted and have no objections subject to the inclusion of condition 33 on planning permission 037658.

In terms of surface water drainage, condition 7 of permission 037856 relates to drainage and details have already been approved for all phases. As a result of the changed phasing of development, including the reduced area of phase 2, the drainage scheme has changed. The changes to the drainage strategy include a reduced extent of area covered due to the change in the spatial extent of phase 2, removal of permeable paving to all areas of hard surface which is due to site contamination meaning it is not possible to dig to the depths required to accommodate this without significant additional cost, traditional drainage for the temporary areas of car parking with gulleys to be provided and the removal of rain garden features within the public realm which means that rainwater will not be directed into these features due to the presence of kerbs. The drainage for the buildings is unchanged.

Condition 13 requires approval of site levels prior to commencement of development. This condition has already been approved. Very minor changes to the approved levels are proposed in phase 2 and these details are submitted with this application. The changes comprise very subtle changes in levels within the public realm to reflect the new drainage strategy and represent very small changes from the levels approved (between 0.1m AOD and 0.4m AOD maximum) and still remain within the parameters provided in the approved levels plan for the hybrid permission.

The WCC Flood Risk Management Team were consulted and replied with a response of 'no objection' to the proposed variation of the conditions.

7. Heritage and Archaeology

Under s66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, NBBC in determining the submitted hybrid planning application, had a statutory duty to have special regard to the desirability of preserving the special interest and setting of listed buildings. Case law has established that considerable importance and weight should be given to this duty. The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 210). The NPPF also requires when considering the impact of development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. Conservation is defined by the NPPF as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.' (Paragraph 212).

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. It also states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance. An assessment was made as part of application 037856 on the former Ritz Cinema building, the Co-op building and Nuneaton Town Centre Conservation Area. It is not considered that the proposed amendments would alter that assessment and the scheme would still make a positive contribution to the character, appearance and significance of nearby heritage assets.

In relation to archaeology, WCC Archaeology has no objection to this application.

8. Open space, ecology & biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 187 and 193). 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.

Condition 19 of permission 037856 relates to hard and soft landscaping details. Details for phases 1, 2 and 3 have already been submitted and approved, however the details for phase 2 are slightly different in that they include small additional areas of soft landscaping (grass) adjacent to the temporary surface car parking areas to be in place during phase 2 only, additional area of public realm (hard landscape) where the western wing of the food hall is proposed in phase 3 and the rain gardens are now flush areas of landscaping within the public realm. NBBC Parks have commented that particularly on the north side of the multi storey car park appears to suffer from shading. As such they suggest the proposed grass mix for that area should be replaced with Germinal A6 which is both shade and drought tolerant. Alternatively some form of shade tolerant shrub planting should be provided. However, it is not considered that the shading would be particularly strong and is not a particularly large area in the context of the whole scheme to warrant amendments. NBBC Parks have also commented that the planting mixes for the beds are perennials rather than shrubs. However, it should be noted that the approved landscaping details for condition 19 already include some perennials so it would be unreasonable to insist on amendments.

Condition 22 relates to the provision of bat boxes, per phase, to serve the development. The current trigger for the submission of these details is prior to above slab level and the proposal is to change this to prior to occupation. This is required to provide flexibility in terms of the construction programme. WCC Ecology have no objection to this.

9. Amendments to triggers of conditions & new compliance conditions

Condition 20 relates to plant details and the current trigger for details to be submitted is above slab level. Under this application it is proposed to amend this to prior to installation to reflect the stage in the development process when these details will be available. This reflects the approach agreed in respect of the Digital Skills and Innovation Centre. NBBC Environmental Health have been consulted but have not provided a response and therefore it is assumed that they have no comments to make.

Condition 21 relates to the provision of fire hydrants, per phase, to serve the development. The current trigger for details to be submitted is prior to above slab development and the proposal is to change this to prior to occupation. This is required to provide flexibility in terms of the construction programme. Some early analysis has been carried out and the application states that it is expected that existing fire hydrants can be used to adequately meet demand. Warwickshire Fire and Rescue have been consulted but have not provided a response and therefore it is assumed that they have no comments to make.

For consistency purposes, this application also proposes minor wording amendments to address the approval of conditions that has taken place since the hybrid planning permission was granted. The conditions which require minor wording updates to reflect details already submitted are conditions 6, 9, 10,11, 12, 15, 16, 17, 19 and 23. A number of non-material amendments have also been approved to alter the approved elevations of the hotel (phase 1) and the development parameters in phase 2 and it is proposed to update the list of approved plans in condition 5 to reflect the full set of approved plans.

10. Conclusion

In 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 site is a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan.

The potential impacts of the proposed development in relation to the principle and phasing of development, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, air quality, ecology and heritage and archaeology have all been considered. 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 conditions.

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:

1. In the case of the full element, the development to which this permission relates must be begun not later than the expiration of three years from the date of permission 037658, 7th January 2025.

2. In the case of the outline element, this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the Council shall be required with respect to the undetermined matters hereby reserved before any development commences:

- a) Layout
- b) Scale
- c) Appearance and
- e) Landscaping.

3. In the case of the reserved matters specified above, application for approval accompanied by all detailed drawings and particulars, must be made to the Council not later than the expiration of three years from the date of this permission.

4. The development to which the outline element relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

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

Plan Description	Plan No.	Date Received
Site Location Plan	2264-GHA-XX-XX-DR-A-(10)001	22 nd January 2021
Site Plan	2264-GHA-XX-XX-DR-A-(10)005	22 nd January 2021
Vehicular access and servicing plan	ACM-00-00-SHT-C-00120	22 nd January 2021
Parameter Plan 01- Demolition Plan	2264-GHA-XX-00-DR-A-(10)510	22 nd March 2021
Parameter Plan 03 – Proposed site levels	2264-GHA-XX-00-DR-A-(10)501A	22 nd March 2021
Parameter Plan 04 – Building Footprint (Horizontal) Deviation – Ground Floor	2264-GHA-XX-00-DR-A-(10)520B	28 th February 2022
Parameter Plan 05 – Building Footprint (Horizontal) Deviation – Upper Floors	2264-GHA-XX-00-DR-A-(10)521B	28 th February 2022
Parameter Plan 06 – Minimum and Maximum Building Heights (Vertical)	0328-10001-A	5 th April 2023

Deviation		
Parameter Plan 07 – Pedestrian Movement and Plaza	2264-GHA-XX-00-DR-A-(10)531A	22 nd March 2021
Parameter Plan 08 – Proposed Use Class Ground Floor	2264-GHA-XX-00-DR-A-(10)540B	22 nd March 2021
Parameter Plan 09 – Proposed Use Class Upper Floor	2264-GHA-XX-01-DR-A-(10)54B	22 nd March 2021
Plot 2 Parameter Section 01 (Horizontal) Deviation	226-GHA-ZZ-ZZ-DR-A-(10)550	28 th February 2022
Proposed Phasing Plan	0328-90000-C	19 th December 2024
Hotel- Site Location Plan	L01 – A	18 th December 2021
Hotel- Proposed Site Plan	SK01 – C	11 th May 2022
Hotel- North Elevation	SK07 – C	11 th May 2022
Hotel- South Elevation	SK09 – C	11 th May 2022
Hotel- East Elevation	SK08 – C	11 th May 2022
Hotel- West Elevation	SK10 – C	11 th May 2022
Hotel- Ground Floor Plan	SK02 – B	11 th May 2022
Hotel- Level 1 Floor Plan	SK03 – A	22 nd January 2021
Hotel- Level 2 - 4 Floor Plans	SK04 – A	22 nd January 2021
Hotel- Level 5 -6 Floor Plans	SK05 – A	22 nd January 2021
Hotel- Roof Plan	SK06 – A	22 nd January 2021
Framework Travel Plan	60638174	22 nd January 2021
Hotel Travel Plan	60638174	22 nd January 2021

6. The development of the full (hotel) element shall not be carried out other than in accordance with the Construction Management Plan (ref 300-01 - PMP CPP - Abbey Street Development - Rev 09) received by the Council on 10th March 2022. The development phase 2 shall not be carried out other than in accordance with the approved document (ref Planning response to condition 6.0 document 037658 Rev 3) received by the Council on 4th August 2023. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction of that phase.

No construction, groundworks or remediation will be undertaken in phase 3 until a Construction Management Plan for that phase has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Schedule of HGV delivery times and a HGV routing Plan;
- ii) Construction routes into the site;
- iii) Hours of work;
- iv) Loading and unloading of plant and materials;
- v) Storage of plant and materials used in constructing the development;
- vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) details to prevent mud, debris and obstructions on the highway,;
- viii) Measures to control the emission of dust and dirt during construction;
- ix) Compound location
- x) A construction phasing plan for that phase;
- xi) Contractor and visitor parking arrangements and
- xii) A scheme for recycling/disposing of waste resulting from construction works.

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

7. The development shall not be carried out other than in accordance with drainage schemes for the hotel (ref 2021-301 100P5 Drainage Layout, 2021-301 103A Drainage Details Sheet 1, 2021-301 103A Drainage Details Sheet 2, 2021-301 105A Paving Details, Network Results 40% Revised 2) and phase 2 (ref Drainage Plan 2024- 117 100 P9, Landscaping General Arrangement ref: NTN-DHL-ZZ-ZZ-DR-L-0001 P05 and Hardworks Plan NTN-DHL-ZZ-ZZ-DR-L-0004 P02 and Landscape Levels Plan NTN-DHL-ZZ-ZZ-L-0002 P05).

No phase of development shall commence on the remaining phases until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to total runoff rate of 73 l/s for the entire development site.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

8. No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

9. The development shall not be carried out other than in accordance with the Construction Environmental Management Plan for the hotel (ref 300-01 - PMP CPP - Abbey Street Development - Rev 09) and for phase 2 (ref BAM Construction Environmental Management Plan Rev 1). The agreed details shall be adhered to throughout the duration of construction.

No subsequent phase of development shall commence until a Construction Environmental Management Plan for that phase has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and site lighting. The plan should include, but not be limited to:

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:00-19:00 Monday to Friday and 07:00-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays, except with prior LPA approval
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan
- vii) Dust Management Plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

The agreed details shall be adhered to throughout the duration of construction.

10. The development shall not be carried out other than in accordance with the approved remediation works (ref NOR3027/1 Remediation Strategy) and the remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment for that phase.

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 for any phase, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

11. The development shall not be carried out other than in accordance with the Construction Ecological Management Plan (CEMP) for phase 1 (ref 60638174 and PMP CPP - Abbey Street Development - Rev 09) and phases 2 and 3 (ref RT-MME-159467-01 Rev A Construction Ecological Management Plan). The approved details shall be adhered to throughout the duration of construction.

12. The development shall not be carried out other than in accordance with the Biodiversity and Ecological Management Plan (BEMP) (ref RT-MME-159467-02 Rev A Biodiversity Enhancement Strategy). The approved plan will be implemented in accordance with the approved details.

13. The development shall not be carried out other than in accordance with the site levels and finished floor levels (refs NTN-DHL-ZZ-ZZ-DR-L-0002 P05 for phase 2 and approved parameter plan 2264-GHA-XX-00-DR-A-(10)501A for phase 3). The development shall not be carried out other than in accordance with the approved details.

14. The development shall not be carried out other than in accordance with the details of car parking, access and manoeuvring areas, including surfacing, drainage and

levels, pedestrian and cycle access to the uses, cycle parking provision and secure cycle storage for phase 1 (hotel) and they shall be laid out and thereafter maintained in accordance with the approved details (ref 570-DHL-Z0-Z0-DR-L-00002 P02 Hard Works General Arrangement Plan, 2021-301 100P5 Drainage Layout, 2021-301 103A Drainage Details Sheet 1, 2021-301 103A Drainage Details Sheet 2 and 2021-301 105A Paving Details. In respect of phase 2, the areas of approved car parking, access and manoeuvring areas, including surfacing, drainage and levels, pedestrian and cycle access to the uses, cycle parking provision and secure cycle storage shall be laid out and thereafter maintained in accordance with the approved details (ref Hard Works Plan NTN-DHL-ZZ-ZZ-DR-L-0004 P02, Landscape General Arrangement Plan NTN-DHL-ZZ-ZZ-DR-L-0001 P05, Drainage Plan 2024-117 100 P9, Landscape Levels Plan NTN-DHL-ZZ-ZZ-L-0002 P05) until such time as phase 3 is delivered in accordance with the approved phasing plan 0328-90000-C.

No phase of subsequent development shall commence on phase 3 until full details of the provision of the following for that phase have been submitted to and approved in writing by the Council:

- i) car parking, access and manoeuvring areas, including surfacing, drainage and levels,
- ii) pedestrian and cycle access to the uses
- iii) cycle parking provision and secure cycle storage including secure long stay cycle parking provision in the multi-storey car park (where within that phase)

No use within that phase shall be occupied until the car parking, accesses, manoeuvring areas and cycle parking provision for that phase have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

15. The development shall not be carried out other than in accordance with the recommendations of the RT-MME-158434 Bat Surveys and Mitigation Strategy for Low Impacts dated 14 October 2022.

16. The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition shall not be carried out other than in accordance with the in the approved documents (ref P23-166 Abbey Street Nuneaton HBR WSI v1.2 LH Issue 060623).

17. Any demolition shall not be carried out other than in accordance with the RT-MME-158434 Bat Surveys and Mitigation Strategy for Low Impacts dated 14 October 2022.

18. No development above ground floor slab level shall commence on any residential element until details of a noise assessment and noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal noise levels as defined in table 4 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and approved in writing by the Council. No dwelling shall be occupied until the attenuation measures have been provided in accordance with the approved details.

19. The development shall not be carried out other than in accordance with the landscaping details for phase 1 (hotel) (ref: 570-DHL-Z0-Z0-DR-L-00001 P11, Hard Works General Arrangement Plan ref: 570-DHL-Z0-Z0-DR-L-00002 P09, and Planting Plan ref: 570-DHL-Z0-Z0-DR-L-00003 P06) and for phase 2 (ref Planting Plan ref: NTN-DHL-ZZ-ZZ-DR-L-0003 P02, Landscaping General Arrangement ref: NTN-DHL-ZZ-ZZ-DR-L-0001 P05, Hardworks Plan NTN-DHL-ZZ-ZZ-DR-L-0004 P02 and Landscape Levels Plan NTN-DHL-ZZ-ZZ-L-0002 P05).

No above ground development works excluding demolition shall commence on any subsequent phase of the scheme until full landscaping plans including full planting

details for that phase have been submitted to and approved in writing by the Council. Any landscaping within a phase shall be completed within 12 months of the completion of the construction of that phase and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

20. Prior to their installation, details of all external plant and equipment for that phase shall be submitted to and approved in writing by the Council. The uses shall not commence on either phase until the work has been carried out and the plant and equipment has been installed in accordance with the approved details.

21. No phase of development on the outline elements of the scheme shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase of development, has been submitted to and approved in writing by the Council.

22. Prior to the occupation of any buildings in the outline elements of the scheme details of the specification for bat boxes and their precise locations within buildings within that phase shall be submitted to and approved in writing by the Council. The submitted details shall demonstrate how the potential bat mitigation measures detailed in the Preliminary Ecological Appraisal (ref Nuneaton Abbey Street Project number: 60638174) received by the Council on 22nd January 2021 will be implemented and maintained. The approved boxes shall be installed before the occupation of buildings in that phase.

23. The development shall not be carried out other than in accordance with the materials details for the hotel (ref Kawneer AA540 casement Window system in PPC Aluminium Dark Grey Frame Clear Glazing – or similar system with equivalent finish, natural coloured mortar, light Bronze Metallic Cladding, grey aluminium wall cladding kawneer AA100 Curtain Walling System – PPC Aluminium dark Grey Frame Clear Glazing - or similar system with equivalent finish and brick – Ibstock Avery Weathered Red). The remaining buildings shall be constructed in the approved brick types (ref Avery Read Sample Building 1, Avery Read Sample Building 2, Avery Read Sample Building 3, EHSmith Avery Weathered Red, Ibstock Avery Weathered Red. Plots 1A and 5 shall also be constructed in the approved materials (ref Plot 1A - Curtain Walling - Kawneer UKAA100HI – RAL 7012 Frame Clear Glazing – Or equivalent finish, Roof Kingspan Quadcore KS1000RW Wall Panel System RAL 7015 – Or equivalent finish and Plot 5 - Curtain Walling - Kawneer UKAA100HI – RAL 7012 Frame Clear Glazing – Or equivalent finish, Roof - Euroclad Elite System 4 – RAL 9007 – Or equivalent finish, Wall Cladding - Euroclad Elite 54 – RAL 9007 – Or equivalent finish).

24. Prior to their installation, full details of the boundary treatments within that phase including new walls and fences shall be submitted to and approved in writing by Council. No use within that phase shall commence until the agreed boundary treatment has been carried out in accordance with the approved details.

25. Prior to their installation, a scheme for the lighting of the site and associated access roads and parking areas within that phase shall be submitted to and approved in writing by the Council. This scheme should 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 scheme should also be in accordance with the guidance of the 2018 Bat

Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

26. 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 and one charging point per 10 spaces for unallocated parking has been provided. There shall be no occupation of any other use within that phase until Electric Vehicle (EV) charging points at a rate 10% of the total number of parking spaces (32 amp) and at least 1 charging point for every 10 disabled parking spaces has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

27. Prior to the occupation of both the full and outline elements of the scheme, a Landscape Management and Maintenance Plan for that phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Council. The landscape management plan shall not be carried out other than in accordance with the approved details.

28. Prior to the occupation of both the full and outline elements of the scheme, full details of the CCTV provision for that phase of development, including the siting and the technical specification details of the cameras, direction of view and their external appearance/colour shall be submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

29. Prior to the occupation of both the full and outline elements of the scheme, a Waste Management Plan for that phase of development, including waste handling procedures within the site, waste reduction techniques and measures in accordance with relevant standards and guidance (such as Controlled Waste (England and Wales) Regulations 2012) shall be submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

30. Prior to the hotel opening to visitors the car park access and parking area serving the hotel shall be laid out in accordance with the approved plans and shall be permanently retained for the parking and manoeuvring of vehicles.

31. No units in the full element of the scheme shall be occupied until a Servicing Management Plan for that unit has been submitted to and approved in writing by the Council. Details shall include sizes of vehicles able to service the units, times of deliveries and routing. The agreed Plans shall be followed at all times whilst the units are used for the purposes approved.

32. The multi storey car park shall not be brought into use until details, including the location of 3no. signs detailing real-time parking information (RTI's) has been submitted to and approved by the Council. The RTI's shall thereafter be installed and maintained prior to first use.

33. The development shall not be carried out other than in accordance with the submitted Flood Risk Assessment (ref Abbey Street Nuneaton Flood Risk Assessment March 2021 revision P04) received by the Council on 18th March 2021 and the following mitigation measures it details:

- a) Finished floor levels shall be set no lower 600mm above the flood level.
- b) Compensatory flood water storage shall be provided as outlined in Appendix D and section 5.2 of the approved FRA. AS built drawings should be supplied to demonstrate the compensation has been achieved post works completion.
- c) All more vulnerable development shall be sited within Flood zone 1 or on a first floor level. No development designated as more vulnerable shall be sited directly within flood zone 2 or 3.
- d) Flood resilience measures shall be fitted to all ground floor commercial development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

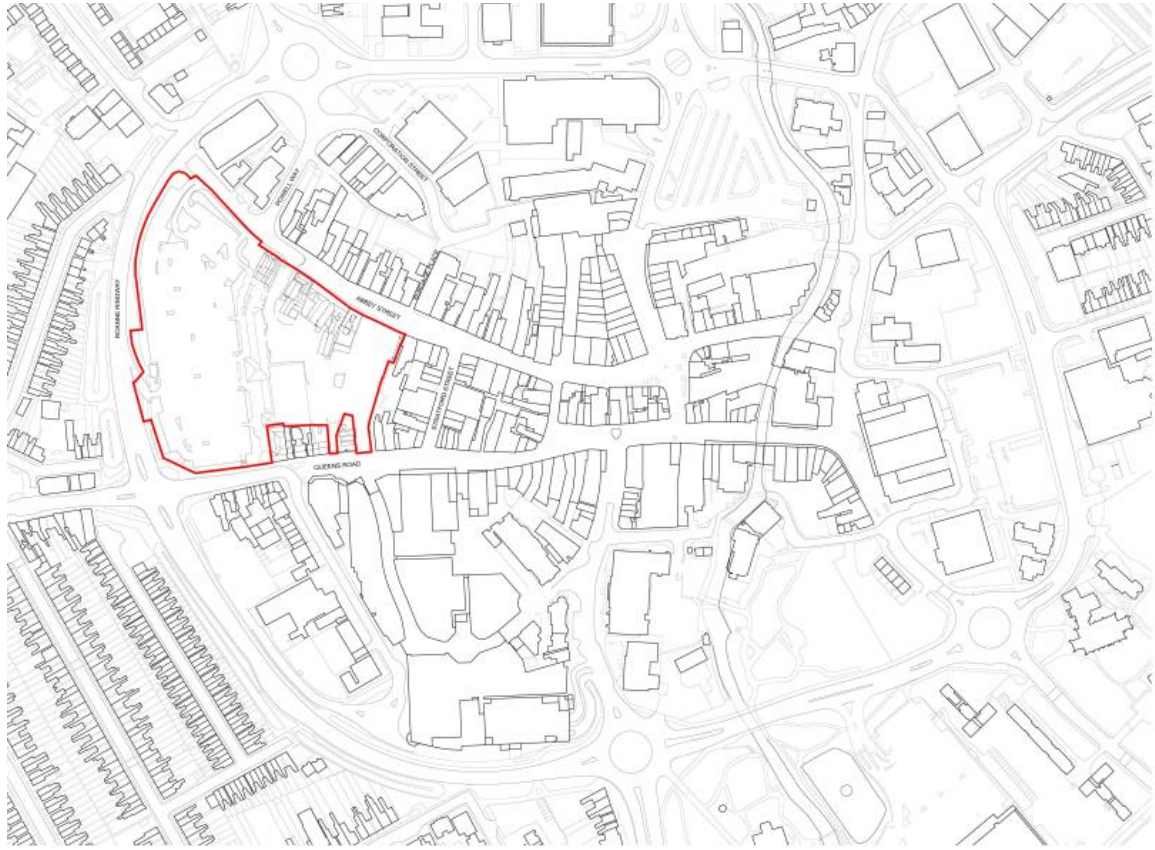
34. No vehicle greater than 11.0 metres in length shall be allowed to service the hotel and units accessed from the Abbey Street car park.

35. 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.

36. The details required by condition 2(e) shall be carried out within 12 months of the commencement of the development in that phase and subsequently maintained in the following manner:

Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

37. The development shall be undertaken in accordance with the approved strategy for temporary uses (document ref: Turley December 2024), including the Hard Works Plan (ref NTN-DHL-ZZ-ZZ-DR-L-0004 P02), Landscape General Arrangement Plan (ref NTN-DHL-ZZ-ZZ-DR-L-0001 P05), Drainage Plan (ref 2024-117 100 P9) and Landscape Levels Plan (ref NTN-DHL-ZZ-ZZ-L-0002 P05). The strategy shall be maintained, expanded and updated throughout the course of the redevelopment until its completion. Prior to the commencement of development of phase 3 full details of the treatment of any areas to be cleared awaiting redevelopment in that phase in accordance with the strategy shall be submitted to and approved in writing by the Council. The Phase 2 works shall be implemented in accordance with the details provided and agreed by this condition.



Site Location Plan



Phasing Plan

Phase 1
 Phase 2
 Phase 3
 Phase 3 overlap with Phase 2 temporary works

Drawing Number
 0328-90000-C
 AS2 Phasing Plan
 Scale: 1:5000/2A0



Landscape General Arrangement Plan

Item No. 2

REFERENCE No. 040724

Site Address: Riversley Park, Coton Road, Nuneaton, Warwickshire CV11 5TY

Description of Development: Proposed erection of memorial wall behind existing monument. Proposed erection of 12 memorial benches and circular footpath. Proposed erection of memorial statue. Proposed resurfacing of existing concrete pad around existing monument.

Applicant: Mr Chitra Rana

Ward: CC

RECOMMENDATION:

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

INTRODUCTION:

This planning application is for the erection of memorial wall behind existing monument. It also seek permission for the erection of 12 memorial benches and circular footpath, and the erection of memorial statue. The applicant also seeks to resurface the existing concrete pad around existing monument at Riversley Park, Coton Road, Nuneaton, Warwickshire, CV11 5TY.

The application site is located in the north-west of Riversley Park which is located south of Nuneaton Town Centre. The site is located immediately south of Nuneaton Town Centre with Vicarage Street located to the north and is on the corner of Coton Road located to the west. The site is location within the Nuneaton Town Centre Conservation Area. The Roundabout at the Junction of the A444 and Vicarage Street is also located to the north-west of the site.

The proposed memorial wall is located immediately south of the existing Gurkha Memorial. The proposed 12 memorial benches will be located in a circle around the existing memorial. The memorial statue is proposed to be located to the north of the existing memorial and proposed memorial wall.

BACKGROUND:

This application is being reported to Planning Applications Committee as the President of the British Gurkha Veterans Association is an elected Member of Nuneaton and Bedworth Borough Council.

RELEVANT PLANNING HISTORY:

040554: Works to trees in Conservation Area comprising felling of one Leylandii Conifer Tree (T1) adjacent to Gurkha Monument. Submitted October 2024 and approved at committee December 2024.

036792: 1 x Memorial Wall 2.5m high behind existing monument. 13 x Memorial Bench. 1 x Memorial Statue approx. 2m high. Submitted November 2019 and approved January 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;
 - BE4 – Valuing and Conserving our Historic Environment,
 - BE3 – Sustainable design and construction and Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Open Space & Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Tree Officer, NBBC Parks, NBBC Sport Development, NBBC Land and Property, NBBC Planning Policy, WCC Ecology, WCC Highways, English Heritage, Cadent Gas.

CONSULTATION RESPONSES:

None.

NEIGHBOURS NOTIFIED:

Flat 18 Coton Road, 19-22 Coton Road, Alliance House 23 Coton Road, Flat The Parade 24 Coton Road, The Parade 24 Coton Road, 24a Coton Road, 227 & 227a Coton Road. Nuneaton Museum and Art Gallery Riversley Park Coton Road, Registry Office Riversley Park Coton Road. Park House Riversley Road.

Neighbouring properties were sent letters notifying them of the proposed development on 18th February 2025. A site notice was erected on street furniture on 21st February 2025.

NEIGHBOUR RESPONSES:

None.

APPRAISAL:

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

1. The Principle of Development
2. Impact on the Conservation Area
3. Impact on Residential Amenity
4. Impact on Visual Amenity
5. Impact on Highway Safety
6. Ecology and Biodiversity
7. Conclusion

1. The Principle of Development

Policy DS1 of the Borough Plan (2019) states that when considering development proposals, the council will take a positive approach that reflects the presumption in

favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Planning applications that accord with the policies in the adopted Borough Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DS2 of the Borough Plan states that Nuneaton has the primary role for leisure and service provision and that most development will be directed to Nuneaton as the primary town. Although small scale, it is anticipated that this proposal will help to boost leisure provision in the Town.

Policy DS3 of the Borough Plan explains that all new development will be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement.

Overall, the principle of a memorial wall, 12 memorial benches, a memorial statue and concrete pad are considered to be acceptable in this location and would accord with the Council's Settlement Hierarchy and the provisions of Policies DS1, DS2 and DS3 of the Borough Plan 2019, as well as the advice set out within the NPPF (2024).

2. Impact on the Conservation Area

The site is located within the north-west of Riversley Park within the Nuneaton Town Centre Conservation Area, which is a dedicated Heritage asset and as such development within it should preserve or enhance the Conservation Area.

The council has produced a Nuneaton Town Centre Conservation Area Appraisal and Management Plan (2022). Character Area 3 (Riversley Park, George Elliot gardens and Coton Road) is the most relevant to this application. The relevant principal features of this area are that the Edwardian Riversley Park retains much of its original layout and the series of varied 19th century buildings along the west side of Coton Road.

It is worth noting that that the Grade II listed cross memorial of 1914-1918 and the nearby Boer War Memorial are located to the south of the Museum and Art Gallery. Both of which are located in relatively close proximity to the existing Gurkha Memorial and where the proposed memorial wall, memorial benches and memorial statue will be located.

The application is submitted by the British Gurkha Veterans Association and accompanied by supporting information in the form of a plan detailing the requirements of the Gurkha Monument expansion plans along with the project duration and contractors. The specific details and dimensions of the wall, 12 benches and memorial statue are detailed within the drawings submitted for this application.

The conservation area already has an existing memorial and 3 flags that are within the same location as the development proposals. This scheme will complement the existing memorial rather than replace what is currently there. As such, the additional features added to the existing memorial, which are a part of this application, are considered to enhance the Conservation Area. Furthermore, it is considered that the

proposed development is appropriate in its aims and form and is what would be expected to be found within such a location and Conservation Area, which would be in accordance with Policy BE4 which confirms that great weight will be given to the conservation of the borough's heritage assets, with greater weight being given to assets of higher importance. Within the surrounding area lies further community facilities in the form of Nuneaton Museum and Art Gallery and Registry Office. The proposed development further adheres to Policy BE3 of the Borough Plan, in that the proposal is designed to a high standard, contributing to local distinctiveness and character.

To add to this, an application was previously approved in January 2022 for a memorial wall, 13 memorial benches and a memorial statue. Work did not start within 3 years of permission being granted therefore a new application was submitted. There are considered to be no material changes to this application, or to the policy basis against which we assess it, when compared to the previous application (ref: 036792). It is therefore considered that that the impact on the Conservation Area is acceptable.

3. Impact on Residential Amenity

As there are no residential properties that immediately border the proposed site, with the closest being some residential flats above commercial premises on the other side of Coton Road (some 45+ metres away). The proposal is quite small scale and so the impact on residential amenity is therefore considered to be acceptable.

4. Impact on Visual Amenity

Paragraph 1.3 of the Sustainable Design and Construction SPD 2020 states that in terms of character, good designs should respond to and reinforce local distinctiveness and landscape character.

Paragraph 1.5 discusses the quality of the public realm, confirming that developments should create spaces that enhance the feeling of safety and which are visually attractive. Riversley Park's visual amenity should be positively enhanced by the proposals and it should not have a detrimental impact on the visual amenity of the area.

The size and scale of the memorial wall, 12 memorial benches and memorial statue are considered to be an appropriate size and scale when compared to the existing Gurkha Memorial and Riversley Park as a whole. Additionally, it is considered that the materials proposed are appropriate and are in keeping with the visual amenity of the area, wider public realm and conservation area.

The proposed scheme is considered to enhance the visual amenity of the area and will create a space that increases and improves the quality of the public realm.

It is therefore considered that the impact on visual amenity is acceptable.

5. Impact on Highway Safety

WCC Highways have been consulted on this application, however at the time of writing this report, no response has been received.

6. Ecology and Biodiversity

Consideration should be given to the ecology and biodiversity impacts of the proposal.

A small sites metric for Biodiversity Net Gain (BNG) has been submitted for this application.

WCC Ecology have been consulted on this application, however at the time of writing this report, no response has been received.

7. Conclusion

The NPPF 2024 (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.

In conclusion, the Principle of Development, Impact on the Conservation Area, the proposed impact on Residential Amenity, Visual Amenity are considered to be acceptable. Additionally, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is one of approval, 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 and would not materially harm the conservation area, the character or appearance of the area or the living conditions of neighbouring occupiers.

SCHEDULE OF CONDITIONS:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Proposed Site Plan	2452-03	8 January 2025
New Wall Plans and Elevations	2452-04	8 January 2025
Footing Details	2452-05	8 January 2025
Concrete Pad and Bench Securing	N/A	8 January 2025

3. No development above ground level shall commence until full details and samples of materials proposed to be used in the external parts of the statue, 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.

4. The memorial wall hereby approved shall be installed with the details shown in plan titled 'New Wall Plans and Elevations' submitted on 08/01/2025.

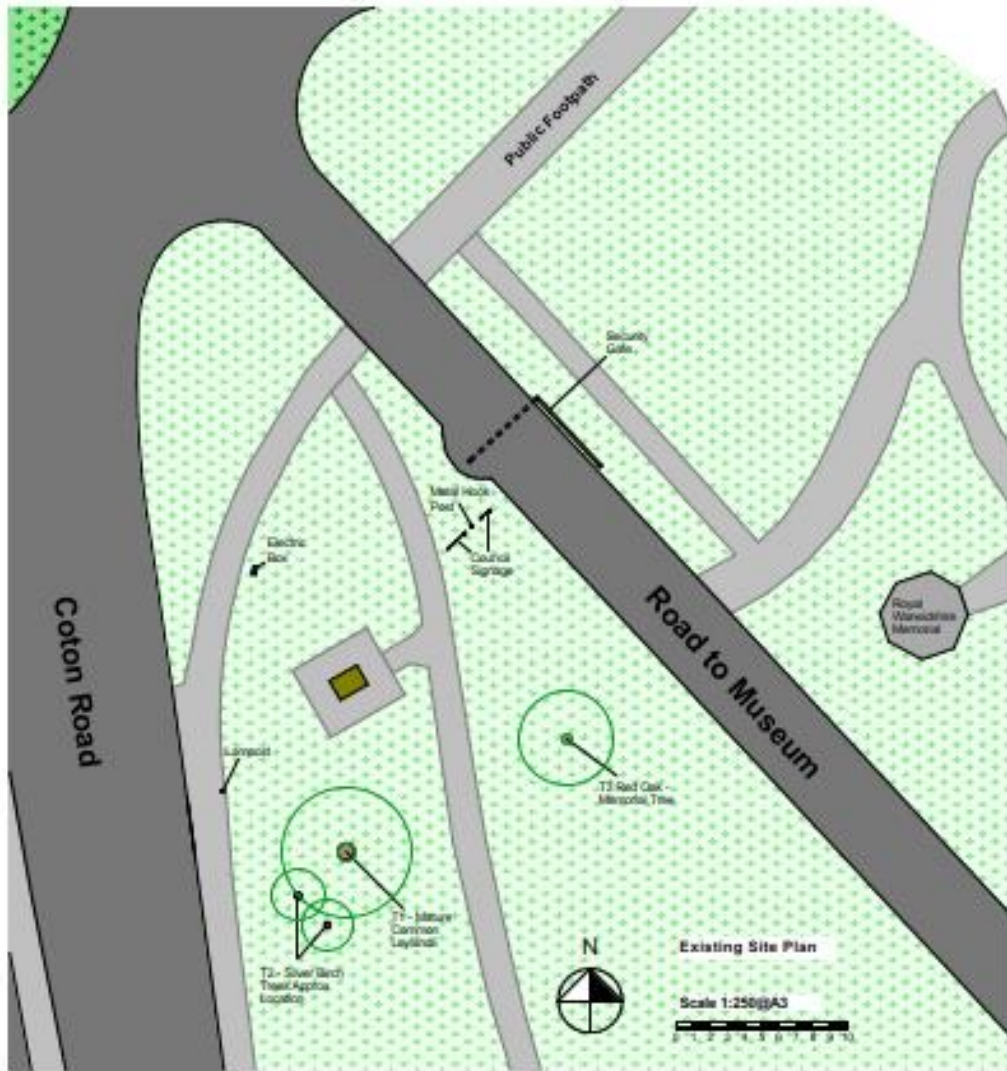
5. Notwithstanding the approved plans, details of the placement of the proposed memorial wall shall be submitted to, and approved in writing by the council prior to the installation of the wall.

6. The benches hereby approved shall be installed with the details shown in the drawing titled 'Concrete Pad and Bench Securing' submitted on 08/01/2025.

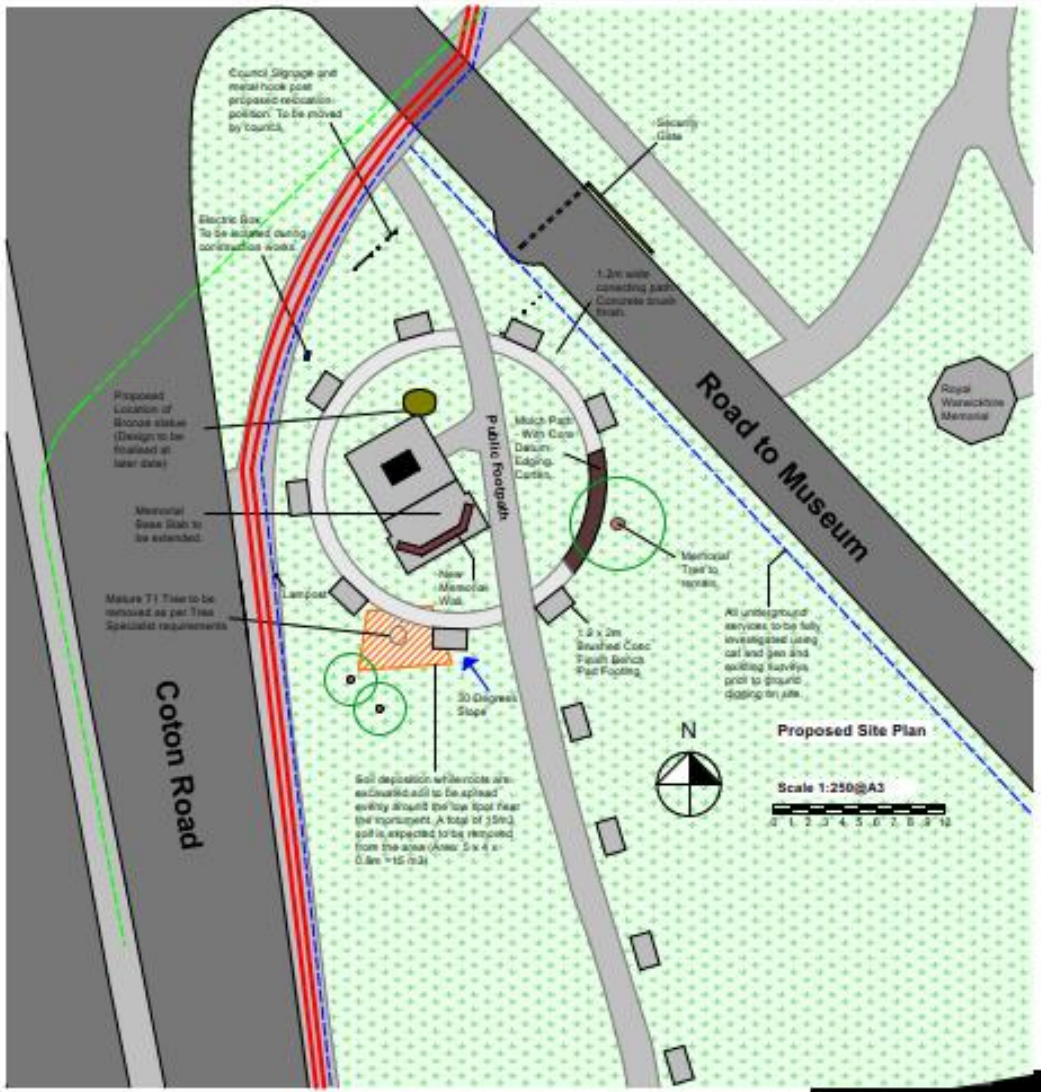
7. Notwithstanding the approved plans, details of the placement of all 12 benches shall be submitted to, and approved in writing by the council prior to the installation of the first bench.



Site Location Plan

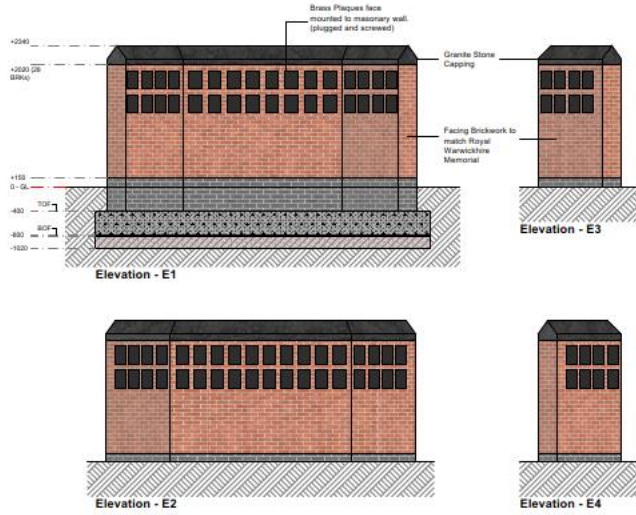


Existing Site Plan

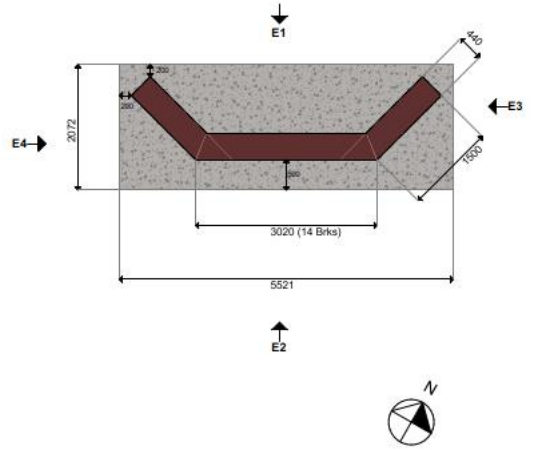


Proposed Site Plan

Proposed New Wall - Elevation



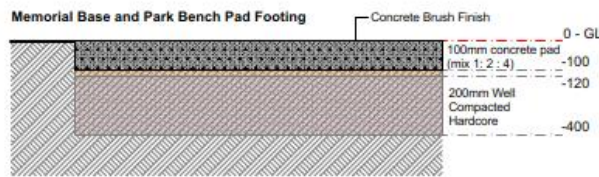
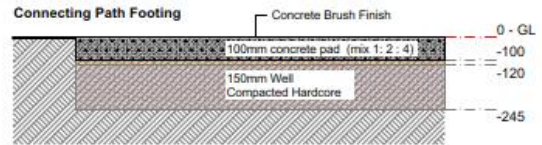
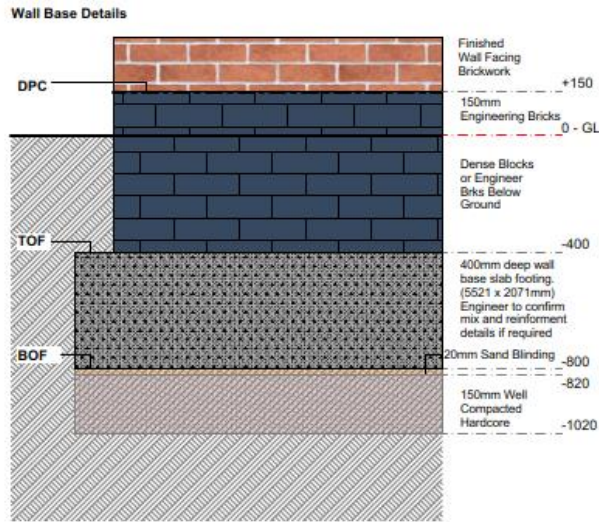
Proposed New Wall - Plan



New Walls Plans and Elevations



Concrete Pad and Bench Securing



NOTE:

To be reviewed by the Building Control Inspector before starting work on site.

All dimensions to be checked by the contractor on site. We should be notified immediately if there are any discrepancies from the drawings.

All underground services to be fully investigated using cat and gen and existing surveys prior to ground digging on site.

Nearby lampposts and electric boxes to be isolated and special care to be taken while construction work is undertaken.

Please review in conjunction with Chalkley Tree Services Ltd tree survey report. All details to be reviewed and confirmed by Chalkley Tree Services prior to construction.

Footing Details

Item No. 3

REFERENCE No. 040771

Site Address: Aldi Food Stores, Weddington Road, Nuneaton, Warwickshire, CV10 0AH

Description of Development: Revocation of Hazardous Substance Consent (HSC)

Ward: WE

Purpose of report:

The purpose of this report is to enable members to decide whether the Council should make a revocation order to revoke the Hazardous Substance Consent (HSC) the Council issued in 2nd June 2003 for 8 tonnes of toxic and 10 tonnes of very toxic substances at Abbey Metal Finishing Co Weddington Road. The report thereafter outlines the reasons for revoking this consent and sets procedures involved in doing this.

Recommendation:

Planning Committee is recommended to make a revocation order under s14(2)(b) of the Planning (Hazardous Substances) Act 1990, i.e. revoking the Hazardous Substances Consent reference 005286 (TP/0432/02) pertaining to Abbey Metal Finishing Co Weddington Road (since demolished and now known as Aldi Stores Weddington Road) subject to its confirmation by the Secretary of State under Section 15 of the Act.

Summary of Reasons for the Recommendations

Hazardous substances consent (HSC) is a type of planning permission to store one or more hazardous substances above the controlled quantity as currently specified in the Planning (Hazardous Substances) Regulations 2015.

The Health and Safety Executive (HSE) is a statutory consultee for applications for Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances Act) 1990. The planning authority is obliged to take account of HSE's public safety advice, as well as other factors, when deciding to grant or refuse an application.

A HSC was granted on 2nd June 2003 for 8 tonnes of toxic and 10 tonnes of very toxic substance subject to conditions.

Paragraph 74 of the Planning Practice Guidance on Hazardous Substances encourages hazardous substance authorities to be proactive in revoking hazardous substance consents in such circumstances.

An application for a proposed new food retail store with associated car parking, servicing and landscaping was granted approval on 24th August 2015. As such, Abbey Metal Finishing Co has been decommissioned and replaced by an Aldi retail store under the above planning application, however, the hazardous substance consent for

the site is still extant. In cases such as this where a major hazard site may no longer be operational, the consultation zones remain in place until HSE is notified that the hazardous substances consents which apply to the site have been formally revoked.

The HSE are required to provide land use planning advice on proposed developments around such sites, even if they are no longer currently utilising the HSC. This is because the permission runs with the land and remains in place, even when the hazardous substance may not have been present for some time. As such, the HSE would encourage all planning authorities to review the sites which hold HSC and, if appropriate, to formally revoke those which no longer require consent, or modify the consent to reflect the quantities or substances actually required.

The legislation is drafted in such a way that the person in control of the land retains the benefit of the permission. As with a planning permission, HSC can add value to the land concerned and, therefore, legal constraints have been put in place to control how, and when, an HSC can be revoked or modified, with or without compensation.

Revocation of the consent will remove the impediment of the hazardous substances use on the site and bring forward the opportunity for planning permission on the neighbouring site, as well as others within the locality of Weddington Road. An application for the proposed demolition of the existing Citroen building and the erection of a 75-bed care home (Use Class C2), including car parking, landscaping, and associated infrastructure at Arbury Citroen Wedding Road (reference 040288).

Following an inquiry via the HSE's planning advice web app, this site lies within the HSE consultation zones of Abbey Metal Finishing Co Ltd (Ref: H3794) and the advice received is that there are sufficient reasons on safety grounds for advising against the granting of planning permission due to the proposed use of the site as Institutional Accommodation and Education.

A response received from the HSE states that if the hazardous substance consent(s) for the Abbey Metal Finishing Co Ltd site is/are revoked before a decision on planning application 040288 is made, then HSE's "advise against" recommendation would be removed and there would be no need for the Council to notify HSE that it is minded to grant planning permission. However, in the event that the consent revocation has not been completed by the time the a decision on this planning application is made, HSE have stated that they would withdraw its objection subject to a Grampian condition were attached to the application. The purpose of the Grampian condition would be to prevent occupation of a proposed development such as a care home until the hazardous substance consent for the Abbey Metal Finishing Co Ltd site had been revoked.

Confirmation has been received from Aldi Stores Ltd that Aldi have no intention of taking advantage of the HSE and that it is of no relevance to a trading food store that now exists on the site. In addition, they have confirmed that ahead of the purchase, the vendor successfully surrendered its environmental permit to the Environment Agency, which confirms that Abbey Metal Finishing Co Ltd and its operations have been aborted.

As it has been confirmed that the use of the site by Abbey Metal Finishing Co Ltd and its associated operations have been aborted, and the fact that the building which did occupy the site has been demolished as confirmed by Google Street View this occurred in 2015, and the site has been built out and is now operationally used by Aldi, it is considered that the occupiers can no longer comply with the original Hazardous

Substance Consent and therefore it could no longer be utilised without a fresh Hazardous Substance Consent application and a fresh planning application.

It is therefore considered that, under Paragraph 74 of the Planning Practice Guidance on Hazardous Substances which encourages hazardous substance authorities to be proactive in revoking hazardous substance consents and the fact that the presence of the extant HSC is preventing further development within the locality, there are considered to be economic and social benefits associated with the proposed revocation.

Legal Considerations

The Planning (Hazardous Substances) Act 1990 allows for a HSC to be revoked under s.14. This Authority, as Hazardous Substance Authority, can make a revocation order under s.14 (1) or (2) of the Act. The revocation will be subject to confirmation by the Secretary of State under s.15 of the Act (even if it is unopposed). S.16 (1) of the Act makes it clear that compensation, which would otherwise be payable for a revocation or modification using powers under s.14(1), is not payable for a revocation if it is made under s.14(2) of the Act.

Whilst the risk of compensation being sought from the Council would not apply if the consent was revoked under s.14(2), there are a number of criteria that must be satisfied, these are as follows:

- a) That there has been a material change in the use of the land to which the HSC relates; or
- b) Planning permission has been granted and commenced for development of the site and would involve making a material change in the use of the land; or
- c) In the case of a HSC which relates only to one substance, that the substance has not for at least five years been present on, over or under the land to which the consent relates in a quantity equal to or exceeding the controlled quantity or
- d) In the case of a HSC which relates to a number of substances, that none of those substances has for at least five years been so present.

The Council has received an application at Arbury Citroen Weddington Road the proposed demolition of the existing Citroen building and the erection of a 75-bed care home (Use Class C2), including car parking, landscaping, and associated infrastructure. As such, it is therefore considered that revocation of the consent under s.14(2)(b) is therefore possible.

There is a requirement to notify all relevant landowning and leasehold interests in accordance with part 15(3) of the 1990 Act who “will be affected by the Order”. Any persons “affected by the Order” have at least 28 days to notify the Secretary of State that they wish to challenge the Order and be heard at a public inquiry. The current landowner being Aldi Stores Ltd have informed the Council that they have no intention of taking advantage of the HSE and have no objections to the Council revoking the HSC.

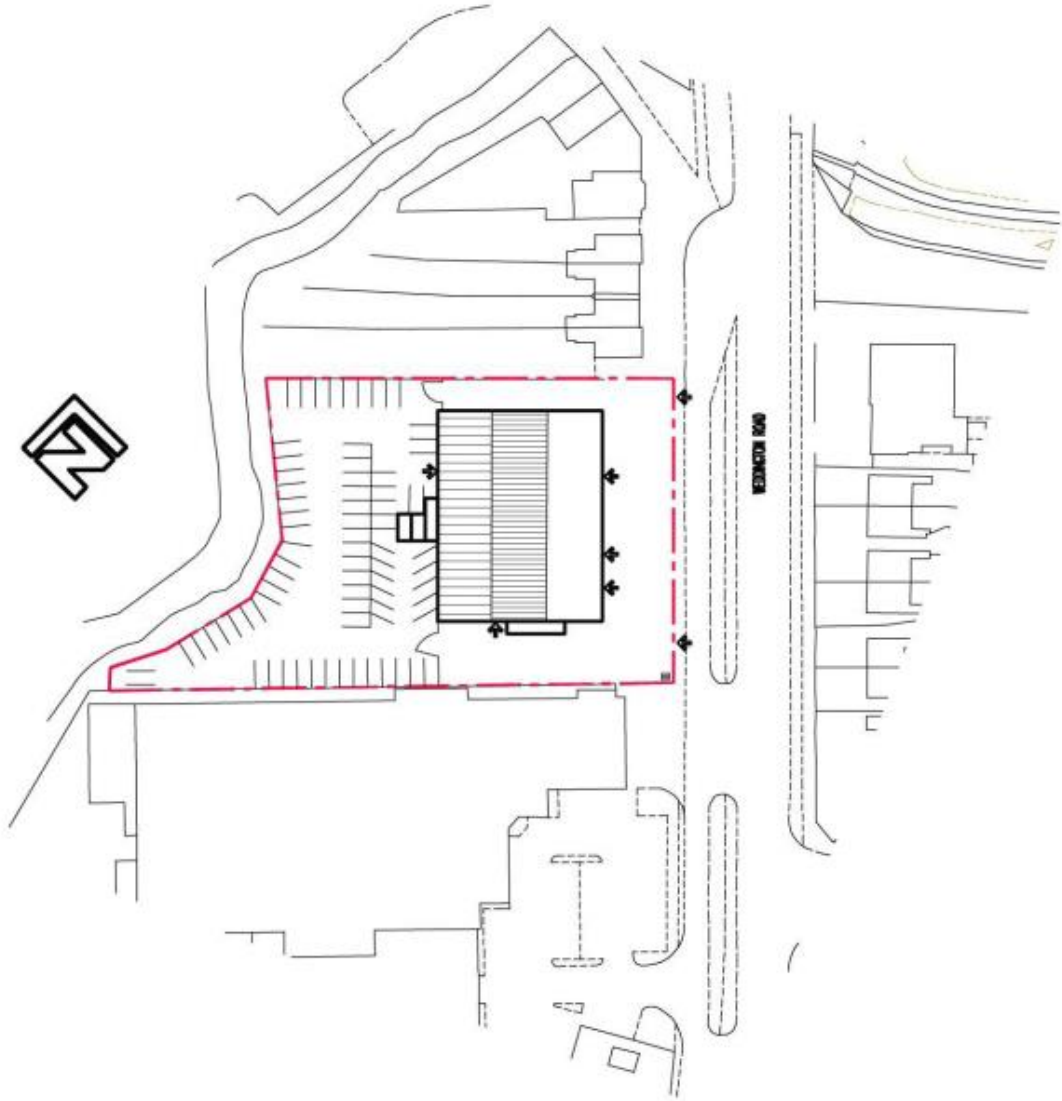
Other interested parties who are those who need to be consulted on any proposed new application for consent listed in Regulation 10 of the Planning (Hazardous Substances) Regulations 1992 will also be served notice. These include the Health and Safety Executive and the Environment Agency.

This Committee report will be used to provide the Statement of Reasons that is required to accompany the Order to the Secretary of State.

By utilising the revocation process under s.14(2)(b) of the Act, the Council will not be liable to claims for compensation that could arise if the revocation were undertaken via the process in s.14(1).

Recommendation

Planning Committee is recommended to make a revocation order under s14(2)(a) of the Planning (Hazardous Substances) Act 1990, i.e. revoking the Hazardous Substances Consent references BUDC9453, TP/7604/00 and 009359 pertaining to Bedworth Terminal, 72 Bayton Road, Coventry, subject to its confirmation by the Secretary of State under Section 15 of the Act.



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.

Major Planning application-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Class E (Commercial, business and service uses),

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

Class F.2 (Local community uses)