

Enquiries to:
Committee Services

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Date: 17th July 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 25th July 2023 at 6.00p.m.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

Councillors L. Cvetkovic (Chair),
C. Cape, M. Green, B. Hammersley,
J. Hartshorn, S. Markham, B. Pandher,
J. Sheppard (Vice-Chair), E. Shiers,
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.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

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

3. MINUTES - To confirm the minutes of the meeting held on 4th July 2023, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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

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

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

4th July 2023

A meeting of the Planning Applications Committee was held on Tuesday, 4th July 2023, in the Council Chamber and was live streamed and recorded.

The meeting followed a site visit in relation planning application 03911 – site 108C002, Land off Leyland Road, Bulkington.

Present

Councillor L. Cvetkovic (Chair) / Cllr J Sheppard (Vice-Chair)

Councillors: C. Cape, M. Green, B. Hammersley, J. Hartshorn, S. Markham, B. Pandher, E. Shiers, R. Smith and K. Wilson,

PLA11 **Minutes**

RESOLVED that

- a) the minutes of the meeting held on the 13th June 2023 be approved and signed by the Chair.
- b) the minutes of the extraordinary meeting held on the 26th June 2023 be approved and signed by the Chair.

PLA12 **Declarations of Interest**

Councillor R. Smith declared it is public knowledge that in respect of application 039111, he has opposed the over development in Bulkington and its inclusion in the current Borough Plan. So, on that basis and bearing in mind the rules on predetermination, he confirmed he would withdraw himself from debate and any further decisions or consideration in respect of this application.

In relation to application 039556, Councillor S. Markham advised that she is now the Portfolio Holder for Childrens Services within Warwickshire County Council. Councillor S. Markham confirmed she had not any dealings or involvement in relation to this particular application.

Councillor L. Cvetkovic declared an interest in application 039111, and advised he had been involved with opposing applications HSG7 and HSG8 in Bulkington. As such, he confirmed he would excuse himself from Chairing the agenda item relating to application 039111, as he intended to speak in objection to the application as Ward Councillor. He confirmed he would not participate in any debate or consideration in relation to this application.

RESOLVED that the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the further Declarations of Interest for Councillors R. Smith, S. Markham and L. Cvetkovic.

PLA13 **Declarations of Contact**

Councillor Wilson declared that he and all Planning Committee Members had received correspondence from Ward Councillor R. Tromans and Councillor M. Tromans in relation to application 039556, which had been emailed to them via Officers. This was confirmed by the Committee Members present, who also confirmed they had given no indication as to how they intended to speak or vote in relation to the application.

Councillors E. Shires and J. Clarke declared they had spoken to residents during the Planning Applications Meeting, but confirmed they had given no indication as to how they intended to speak or vote in relation to any application.

IN PUBLIC SESSION

PLA14 **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 PLA4 OF THE PLANNING
APPLICATIONS COMMITTEE ON 4th JULY 2023

039111: Site 108C002 Land off Leyland Road, Bulkington, Bedworth. CV12
9LW.

Applicant: Rosconn Strategic Land.

Councillor L. Cvetkovic stepped down as Chair of the meeting and handed over to Councillor J Sheppard (Vice-Chair) for this item.

Public Speakers: Mr Paul Glynn
Councillor K. Kondakor
Councillor L. Cvetkovic
Mr David Pendle – Marrons Planning

DECISION

That planning permission be granted, subject to a legal agreement and the conditions printed in the agenda.

039556: 7 St Ives Way, Nuneaton, Warwickshire. CV11 6FR.

Applicant: Ms E Holland

Councillor L. Cvetkovic resumed his position as Chair for this item.

Public Speakers: Mrs Kamaljit Kaur
Barbara Quick
Councillor J. Clarke
Mr Sidhu – Centauri Group

DECISION

That this item be deferred to a future Planning Applications Committee meeting to:

- a) allow for Planning Officers to analyse the figures/information in relation to the need for this type of development; and
 - b) allow for a representative from WCC Children's Services to attend the meeting, to give clarification and advise the Committee on the need for this type of development.
-

Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

	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
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> Nuneaton Education Strategy Group 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> Hammersley, Smith and Orton Charity 	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> Nuneaton and Bedworth Sports Forum Warwickshire Direct Partnership Warwickshire Waste Partnership Sherbourne Asset Co Shareholder Committee 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> Foleshill Charity Trustee – Proffitt's Charity 	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union Member of the Pride in Camp Hill Board. Member of the governing board for Camp Hill Primary School.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

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	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	

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	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> Nuneaton and Bedworth Sports Forum Warwickshire Direct Partnership Warwickshire Waste Partnership Sherbourne Asset Co Shareholder Committee Hammersley, Smith and Orton Charities 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> Foleshill Charity Trustee – Proffitt’s Charity 	
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	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

Planning Applications Committee
25th July 2023

Applications for Planning Permission etc.
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Wards:					
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BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

PREVIOUSLY CONSIDERED ITEMS

Item No. 1

REFERENCE No. 039556

Site Address: 7 St Ives Way, Nuneaton, Warwickshire, CV11 6FR

Description of Development: Change of use from C3 (residential dwelling) to C2 (children's home)

Applicant: Ms E Holland

Ward: SN

RECOMMENDATION:

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

INTRODUCTION:

This application seeks consent for a change of use from a residential dwelling (class C3) to a children's home (class C2) at 7 St Ives Way. The site is within the Horeston Grange housing estate in northern Nuneaton. The children's home would provide care for up to four children aged between 8-18 years of age.

The existing property is a 5-bed detached dwelling with three bathrooms, a lounge, dining room, conservatory, kitchen, study, and utility with a rear garden.

As part of the change of use, all 5 bedrooms are to be retained; four for the children and one as a staff bedroom. An additional staff bathroom would be created at the ground floor and the study would be used as a staff office. The conservatory would be used as a games room and the current en-suite would become a shared bathroom. It should be noted that none of these internal alterations require planning permission.

The property also features an existing grassed front garden and driveway which is suitable for 2 vehicles. The grass would be covered with grass-crete in order to provide two additional parking spaces. As a permeable surface, this also does not require planning permission.

This application was previously presented to the planning committee on the 4th July 2023. The case was deferred in order to enable Officers to analyse the figures/information in relation to the need for this type of development and to allow for a representative from Children's Services to attend Committee to give clarification and advise on the need for this type of development. WCC have provided additional comments since the previous committee, however they have also confirmed that they are not able to provide a provide a representative to attend Planning Committee.

RELEVANT SITE HISTORY:

- TP/0586/99 Conservatory to rear – approved 11th November 1999

- TP/0329/95 First floor extension to side – approved 28th June 1995

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Planning Policy, Ofsted, Warwickshire County Council, Warwickshire Police (Design Out Crime), WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways

No objection from:

NBBC Environmental Health, WCC Police Design Out Crime Officer

Comment from:

Warwickshire County Council

No response from:

NBBC Planning Policy, Ofsted

NEIGHBOURS NOTIFIED:

5 & 9 St Ives Way and 11 & 12 Lamorna Close

Neighbouring properties were sent letters notifying them of the proposed development on 13th April 2023.

NEIGHBOUR RESPONSES:

There have been 38 objections from 22 addresses as well as objections from Cllr Mandy Tromans and Cllr Robert Tromans and 1 objection with no address provided. The comments are summarised below:

1. Increase in anti-social behaviour
2. Devalue property prices
3. Mature trees are present in the garden which are a danger to children
4. Existing children could be exposed to negative influences
5. Looked after children gain priority over resources and school placements over local children
6. The home could host children aged 8-18 and it is not healthy to have an 8 year old child with an 18 year old
7. There is not a continuous footpath along St Ives Way
8. Children may have social emotional and/or mental health issues and there is not enough staff to care for such children
9. Increase in people walking past property and invasion of privacy
10. Disturbance from increased comings and goings

11. Property is located within a small and quiet cul-de-sac with elderly residents and children
12. The conservatory is to be changed into a games room but there is not sufficient insulation or sound proofing measures which would cause noise disturbances
13. The proposal would remove the property from housing stock
14. Proposed is a commercial profit making business and not a residential use
15. Increase in vehicular movements
16. The proposal would change the character of the cul-de-sac
17. Increase in police presence in the area
18. Another children's home has been created in Stains Close and police/support services may not be able to deal effectively with an additional home in the same ward
19. There is no guarantee that older children won't have their own vehicles
20. There is no need or demand for additional children's homes
21. The house is not suitable for the number of occupants
22. Local schools are already over-subscribed
23. Street lights are turned off at night and this causes safeguarding issues
24. Shift changes would be disruptive
25. Public transport links are not sufficient
26. The applicant does not live at the property
27. Other children's homes are already being developed within Nuneaton
28. Site cannot provide 4 parking spaces
29. Parking is not sufficient
30. Limited off-site parking
31. Extending the driveway may cause flooding
32. Planning statement is not accurate
33. Current refuse bins may not be sufficient
34. Will exacerbate existing blocked drains with the creation of additional bathrooms
35. Local amenities are not sufficient for children
36. It would not be possible to fit 4 cars on the driveway without having to apply for a dropped kerb or causing an obstruction on the pavement

APPRAISAL:

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

1. The principle of the development
2. The impact on residential amenity
3. Impact on highway safety and parking
4. Other considerations
5. Conclusion

1. The Principle of the Development

Policy DS1 of the Borough Plan 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.

The application site is located within an established residential estate in Nuneaton. Nuneaton has the primary role for employment, housing, town centre, leisure and service provision within the Borough. Policy DS2 states that most development will be directed to

Nuneaton as the primary town. The site is also within the defined settlement boundary, as outlined within Policy DS3. As such, the site is considered to be within an acceptable and sustainable location for development.

Policy H1 of the Borough Plan states that development proposal for specialised housing will be approved where a local need can be demonstrated. WCC have specifically stated that there is a need for children's home placements in the county and specifically within Nuneaton.

Information has been provided by an objector which states that there is currently an overprovision of 12 times the required amount and going forward it may be more like 90 times. This statement is based upon information provided to the objector from WCC, which shows the homes within the County, the provider, the location, the specialism, the number of beds and the number of WCC placements at each home. This information shows that there are currently 71 beds across the county and that 8 are occupied by WCC placements. It also shows that there are another 5 homes due to open which would provide an additional 21 beds.

From this, it has been assumed that 'the majority of spaces, at these higher quality private providers, are vacant' and that this shows that there is not a need. However, WCC have confirmed that this is not that case. The information only shows the number of WCC placements within the homes and not total occupancy.

County state that 'It is important to highlight that although there are 92 beds in the county, they are not often available at the time we need them. WCC do not have exclusivity rights or priority use of the 92 beds currently available in county, these provisions are all owned by private providers delivering services to a national market. Furthermore, it is almost certain at any one time the current 92 beds across all the residential homes in Warwickshire are occupied by children from various local authorities beyond Warwickshire and will be accessed under differing contractual agreements with said authorities.'

The County have also stated that: 'WCC currently has around 80 children living in residential care settings, of which 72 are living in local authorities outside of Warwickshire, due to local homes not being able to meet needs or have available spaces to support WCC children in care'. County have explained that it is their plan to place more children locally and as such, has a commissioning plan and strategic direction to improve sufficiency, which means using their own homes, working with existing providers and encouraging the growth of the local children's home market. It is considered that this application would directly support WCCs plan by facilitating the growth of the market. The applicant has been in direct discussion with WCC to become a part of the WCC Framework.

WCC have explained that the process for housing looked after children is typically referring the children firstly to a block provider, then a provider on the West Midlands Framework and then all other spot providers. WCC confirmed that this home would be a spot provider, unless they joined the West Midlands Framework. Providers can join the Framework at any time but WCC state that they are seeing an increased use of spot providers, as the WM Framework is unable to meet the need to match with existing children in placements. It is understood that throughout the application process, the developer has been in liaison with WCC to join the West Midlands Framework.

Concerns were previously raised because the applicant is from a private company and that this is not a County own application. However, planning assessments and decisions should not vary because of who the applicant is. If approved, the planning permission would be attached to the property and not the owner. The owner and operator of the home, and their experience within this field, is considered to be out of the planning remit.

Within Warwickshire County Council's own application for a change of use from C3 to C2 (children's home) on Staines Close, it was stated that 72 Warwickshire children are in residential care placements and that 25 originate from a Nuneaton and Bedworth Borough area address (nearly 35%). At present, only 5 of the total of 72 Warwickshire children, are looked after in Warwickshire itself, this is less than 7%, with the remaining majority (93%) being cared for out of the county. It has been argued that there is not the need for this development within this area, however WCC state that they are seeing higher levels of children in care originating from the Nuneaton and Bedworth Borough. Having homes located in areas where we see need enables children to maintain stability in other areas of lives, for example consistent support from family and friends, education provisions and access to other universal or specialist support services they may be accessing. Therefore it is considered that there are clear social benefits associated with the scheme.

Ultimately, it cannot be confirmed as to whether the children to be homed at this premises are to be from the Warwickshire area or further afield. However, it is for the experts in this field (Ofsted, WCC Childrens Services and other Council's Childrens Services Teams, along with private industry professionals) to home children in the best placement available to them at that time. This application would provide an additional home and increase the chance that local child can be homed in their local area. WCC Childrens Services have confirmed to Planning Officers that there is a need for additional homes and that they are seeing a year on year increase in the number of children requiring their support.

It has also been suggested that the proposal would cause an unacceptable impact on school places, local services and police capability. However, this is a very small scale proposal and given that this is a 5-bed property, it would not be unusual for a family with 4 children to occupy the home. This would have the same impact on schools and services when compared with the proposed change of use. In addition, up to 9 dwellings can be granted planning permission without being required to contribute towards schools and services. This would have a significantly larger impact on local infrastructure than this proposal would. In addition, it is unreasonable to assume that there will be an increase in police presence simply because this is a children's home. Therefore it is considered unreasonable to refuse on the basis of impacts to infrastructure and Warwickshire Police have no objection.

Whilst select resident objections have stated that children's home are commercial uses and should not be located within residential areas, it should be clarified that use class C2 is an umbrella category for 'residential institutions'. As such, this is a residential type of use and therefore appropriate to be located within an established residential area. It is considered that residential estates are the most appropriate locations for small children's homes, so that the children are not ostracised from society and benefit from the same access to local schools, parks and facilities that any other child would. The site is located within a sustainable location, in close proximity to nurseries, primary and secondary schools, bus stops, shops and parks. As such, the site is considered to be an acceptable location for a small scaled children's home.

2. Impact on Residential Amenity

The proposal would provide accommodation for up to four children. Concerns have been raised by residents with regard to safety, noise and loss of privacy, all of which are considerations which may impact the residential amenity of the area.

With regard to noise generated from the comings and goings, a similar application was refused and overturned at appeal in January 2023 in Burnley (ref APP/Z2315/W/22/3305898). This proposal provided four bedrooms for children and two for staff. Within the appeal decision, the Inspector stated that '*the proposed use would function*

very much like a typical family home with older adults caring for children of mixed ages' and 'the numbers that would present in the dwelling at any one time would not be greater than could be expected to be present in the existing five bedroomed dwelling'. The Inspector acknowledges that there would inevitably be comings and goings to and from the site at shift handover times as well as occasional visits by family members and representatives of agencies and other professions. These would generate a degree of noise and disturbance, although this is likely to be spread out through the day. The Inspector stated that 'given the scale of the proposal, the noise and disturbance associated with the comings and goings would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwellings'. The Inspector goes on to say that a family dwelling could consist of adults, children and teenagers. In occupying the property, they could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day. This decision is a material consideration for this application. In this case, it is also considered that the numbers of comings and goings would not be dissimilar to that expected from a 5-bed family home.

With regard to noise from the future occupiers, whilst it has been assumed within select objections, it is considered unreasonable to assume that looked after children are any more noisy or disruptive than any other family or children that may move into the property. In addition, the Inspector's decision for APP/Z2315/W/22/3305898 concluded that any noise arising from the property would be unlikely to significantly exceed the levels that could be generated by a typical family home with children of a variety of ages. NBBC Environmental Health have been consulted with and have no objection, stating that *'Whilst this is a change of use, it essentially is still a place of dwelling. Given the size of the property and number of available bedrooms the proposed occupancy is not unlike a large family occupying the house and the potential activities that occupancy might involve would pretty much be the same. If anything, it may well be possible to manage the site better as a children's home over those fears of anti-social behaviour etc. with the legislative powers that are available'*. As such, it is considered that noise impacts associated with the change of use are considered to be of an acceptable level. Concerns have been raised with the proposal to convert the conservatory into a play room. This would not need planning permission and therefore it would be unreasonable to refuse the application on this basis.

Select objections have also raised concerns that the children living at the proposed facility would represent a threat to local children and may attract criminals and anti-social behaviour to the area. It is not considered reasonable to refuse this application based upon this assumption. The NPPF seeks to ensure that development is inclusive and the fear of crime does not undermine quality of life, community cohesion and resilience and the fear or crime can be a material consideration. However, there must be evidential basis for that fear. WCC Police have been consulted with as part of the application process and they have no objection. In addition, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Children would be looked after by staff members and therefore it is considered that sufficient safeguards are in place to minimise the risk of crime for local children and future occupants. Safeguards and staff training are reviewed by the governing body, Ofsted. As such, it is not considered to be reasonable to refuse the application on this basis.

There are no physical changes proposed to the property that require planning permission and therefore there would be no unacceptable impact to neighbours in terms of loss of light and/or privacy.

3. Impact on Highway Safety and Parking

The Transport Demand Management Matters SPD states that one space is required per four residents and one space per two (FTE) staff members. However, when considering that this is to be a children's home, it is not considered necessary to provide parking for the residents as the children are unlikely to drive or own a car. WCC Highways agree that the children are unlikely to drive themselves so consideration should only be given for staff parking. Two parking spaces are provided currently and this would be sufficient for the three staff members and one home manager on shift at any one time, according to the SPD standards. However, a third and fourth space would be provided on the existing grass area to the front. This would exceed the SPD standards. The creation of additional parking space to the front of the property does not require planning permission as permeable surfacing would be used (grass-crete). An application to WCC Highways would be required if the dropped kerb needs to be extended, but planning permission is not required for the dropped kerb due to the road classification. WCC Highways have reviewed the proposals and have no objection, subject to conditions.

At worst case scenario, 4 children, three staff members and the home manager would all be present at the property at one time and potentially 1/2 visitors. To look at comparable alternatives, under Part 3, Class L of The Town and Country Planning (General Permitted Development) Order, a C3 dwelling can change use to become a house in multiple occupation (HMO) for 6 adults. In terms of parking impacts, it is considered that the impact of 6 adults living at the property is likely to be greater than this proposal.

In addition, it should be considered that this is a large 5 bedrooled property. As such, it would not be unusual for a couple with 4 children to occupy the house or potentially a couple, grandparents and 2-3 children. These children may stay in the family home until their 20s and own their own cars, which could result in 2 adults and 4 young adults/teenagers. It is considered that this scenario is likely to have more of an impact on parking than this proposal would. Therefore, it is considered unreasonable to refuse the application on the basis of highway safety or parking, as the permitted development fall back could cause greater vehicular movements and require greater parking provision. In addition, the level of parking provision is considered to be in accordance with the Transport Demand Management Matters SPD and paragraph 111 of the NPPF is clear in that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4. Other Considerations

This application is clearly contentious within the local area, however, it should be clear as to which matters are material planning considerations. Issues relating to the internal re-configuration of the property and the changes to the parking arrangements do not need planning permission and therefore the impact of those changes cannot be considered.

Concerns were also raised with regard to the location of the home in relation to public parks. It is understood from Cllr comments that a local park has closed. However, there is a community park with play equipment on Tiverton Drive and this can be reached from the site within 5 minutes on foot.

The Minister of State for Housing and Planning produced a statement in May 2023 to advise Local Authorities regarding accommodating looked after children. The statement sets out the Government's commitment to support the development of accommodation for looked after children and its delivery through the planning system. The document states that 'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not

acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'. The document also states that Planning Authorities should give due weight to and be supporting of applications, where appropriate, for all types of accommodation for looked after children in their area.

The statement also refers to the Ofsted registration process, as set out in the Guide to the Children's Homes Regulations. Under the Care Standards Act 2000, it is an offence to run a children's home without the appropriate registration. This requirement to register helps to prevent unsuitable people from owning, operating, managing or working within children's homes. Providers are required to provide information to Ofsted in order to support the registration process to include safeguarding, missing child and behaviour management policies. In addition to this, Ofsted require a location assessment. The location assessment must show the steps that the owner has taken to make sure that the home is needed locally, is in the right place and is safe, and that the home promotes positive opportunities for children. The location assessment to be submitted to Ofsted will cover whether the location:

- puts children at risk of exploitation due to local criminal activity
- is close to other children's homes
- is close to local criminal 'hot spots'
- is close to environmental hazards such as reservoirs, busy roads or railway lines
- is in a neighbourhood where children can flourish
- has accessible, available and suitable local education, leisure, faith, cultural and healthcare services

This statement is considered to carry moderate weight in support of this application. In addition, the statement confirms that Ofsted will also review the appropriateness of the location as part of their registration process.

Concerns have been raised due to the ages of the children (ranging from 8-18 years) because it may not be appropriate to house an 8 year old with an 18 year old. Similar issues have also been raised to say that the home is not big enough to be a children's home and that there would not be enough staff in the area to look after the children. These are not considered to be planning considerations and these issues would be reviewed by the care governing bodies. For clarification, the minimum internal space standards for a 2-storey 5-bed property is 128m² and this home is approximately 169m² and Ofsted have not responded to the consultation request. Should any further internal alterations be required to meet industry standards, these would not require planning permission.

5. 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.

In conclusion, the principle of the change of use is considered to be acceptable, given that the property is location within a residential area and within the defined settlement boundary. The proposed use is a form of residential accommodation and it is considered that the levels of noise and vehicular movements would not be dissimilar to that created by a 5-bed C3 dwelling. The level of parking provision is considered to be acceptable for the type and scale of the use and WCC Highways, NBBC Environmental Health and Warwickshire Police all have no objection to the scheme. Planning conditions can be used to ensure that the site is only used for the proposed use and not others within the C2 category.

On balance, whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is on 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, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

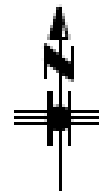
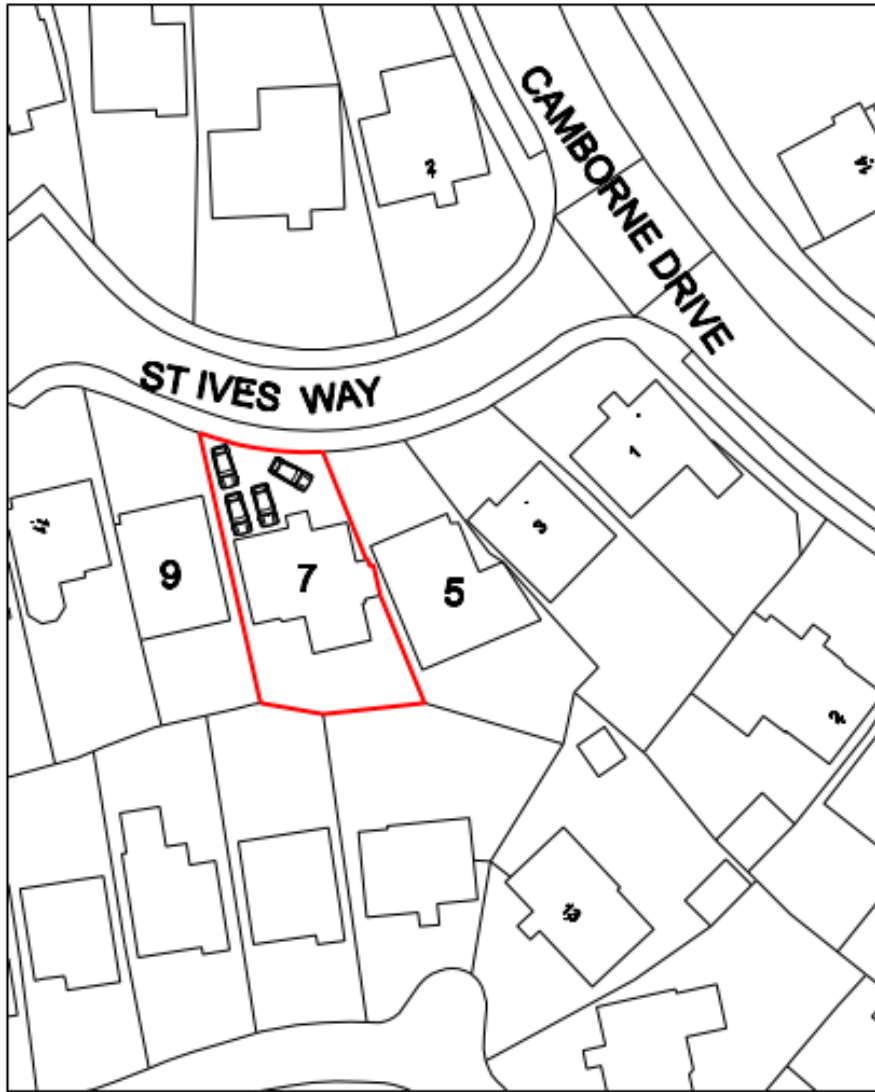
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Proposed floor plan	2B	12 May 2023
Site plan	3	6 April 2023

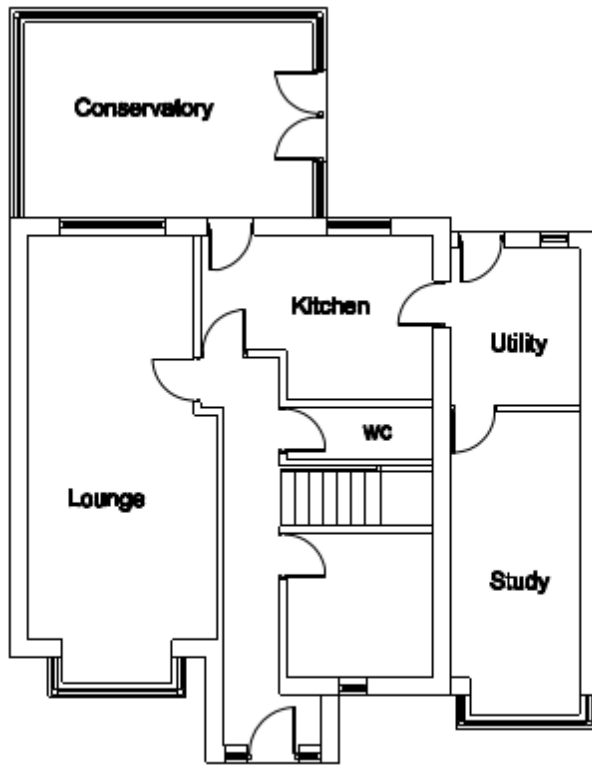
3. The site shall not operate other than in accordance with the Planning Statement received by the Council on the 6 April 2023, specifically the number of children and staff members occupying the property at any one time.

4. The development shall not be occupied until the proposed parking has been provided in general accordance with the approved drawing 'Site Plan Drawing no 3' and has been surfaced with a bound permeable material.

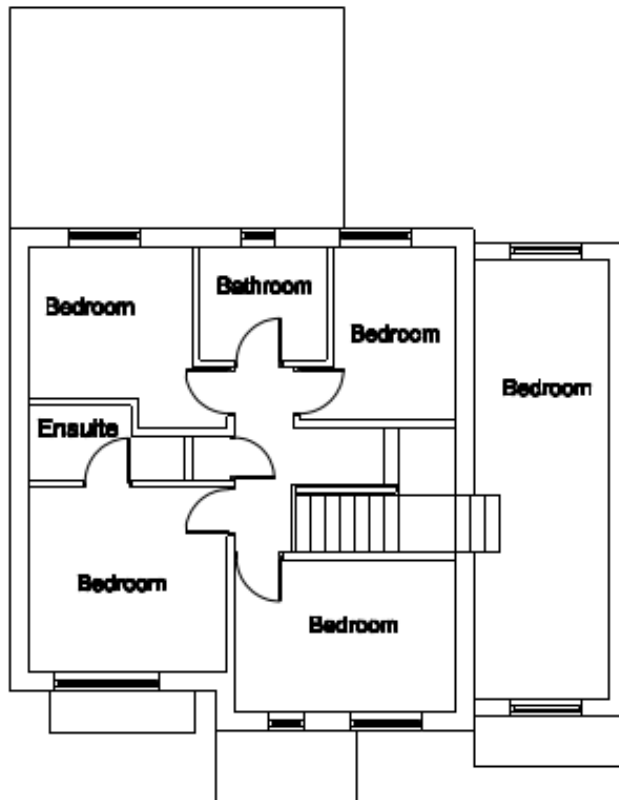
5. Notwithstanding the provisions within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order, with or without modification) the use of the development hereby approved shall be restricted to the use as a care home for no more than 4 residents. In particular, it shall not be used for any other purpose within Use Class C2, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.



Site plan

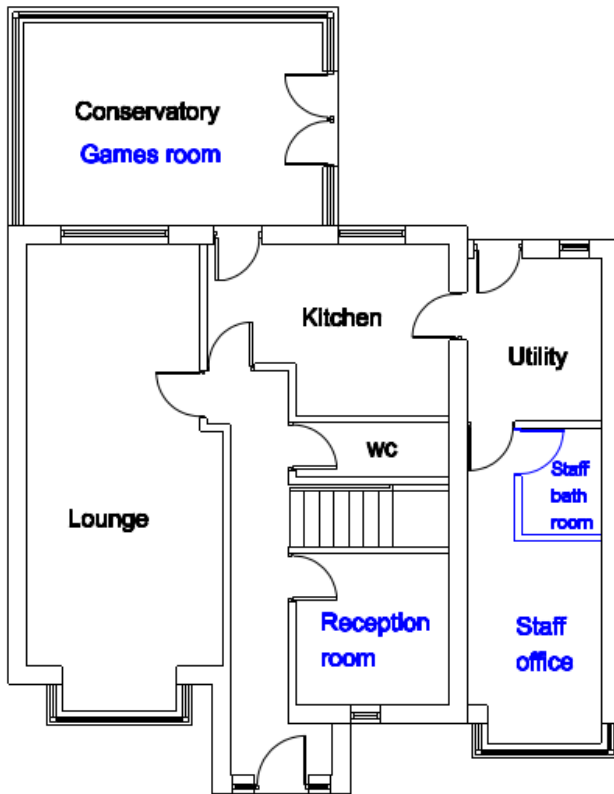


Existing Ground Floor Plan

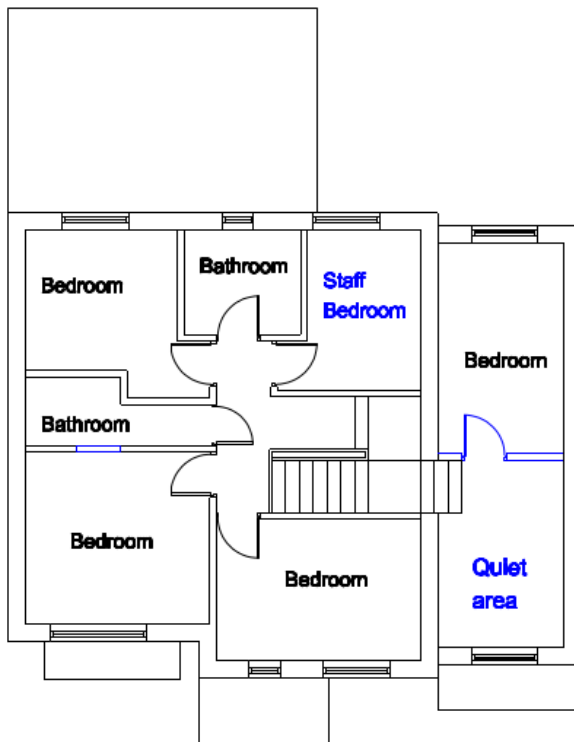


Existing First Floor Plan

Existing floor plans



Proposed Ground Floor Plan



Proposed First Floor Plan

Proposed floor plans

PLANNING APPLICATIONS

Item No. 2

REFERENCE No. 039622

Site Address: 2 Osprey Close Nuneaton Warwickshire CV11 6TF

Description of Development: Change of use from a residential dwelling (Use Class C3) to a children's care home (Use Class C2)

Applicant: Mr Vineet Trivedi

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

Change of use from a residential dwelling (Use Class C3) to a children's care home (Use Class C2) at 2 Osprey Close Nuneaton Warwickshire CV11 6TF. The site is located in Whitestone in the south-east of Nuneaton. The children's home would provide care for up to three children.

The existing property is a 5-bed detached dwelling with three bathrooms, a downstairs W.C., a lounge, dining room, family room, kitchen, attached garage, and utility with a rear garden.

As part of the change of use, 4 bedrooms are to be retained; three for the children and one as a staff bedroom. One of the existing bedrooms would be used as a staff office. It should be noted that none of these internal alterations require planning permission. The property also features an existing paved front driveway which is suitable for 2 vehicles.

BACKGROUND:

This application is being reported to Committee due to the number of objections and also at the request of Councillor Gutteridge.

RELEVANT PLANNING HISTORY:

- None

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.

- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Planning Policy, Warwickshire County Council, Warwickshire Police (Design Out Crime), WCC Highways.

CONSULTATION RESPONSES:

No objection from:

NBBC Environmental Health, Warwickshire Police (Design Out Crime), WCC Highways.

Comment from:

Warwickshire County Council

No response from:

NBBC Planning Policy

NEIGHBOURS NOTIFIED:

1, 3, 4 & 14 Osprey Close and 27 & 29 Gorse Farm Road

Neighbouring properties were sent letters notifying them of the proposed development on 25th May 2023.

NEIGHBOUR RESPONSES:

There have been 51 objections from 30 addresses, as well as an objection from Marcus Jones MP and 4 objections with no address provided. The comments are summarised below;

1. Increased amount of car trips
2. Increased amount of cars impacting on safety and parking
3. Impact on environment from increased traffic
4. Increased noise
5. Impact on privacy
6. Unsuitable location for a care home
7. Lack of activities and sports opportunities for children in area
8. Location and access to local schools
9. Concerns regarding commercial viability
10. Questions who is responsible for funding and running the property
11. No information regarding the ages of children, where they are from and their needs
12. Believes garden and local green areas are insufficient for children
13. Concerns effects relating to parking, safety and staffing will have on neighbouring properties.
14. Concerns regarding security and privacy
15. Proposals out of keeping with area
16. No pathways, walkways or off-street parking in Close creating potential congestion and safety issues
17. Increased noise, anti-social behaviour and disruption
18. Impact on residents and their families specifically elderly residents and grandchildren
19. No local plan policies relevant or statement of purpose submitted
20. Lack of nearby amenities and public parks

21. Significant changes to an existing family home
22. Change of use to a business premises for profit
23. Limited access for emergency vehicles
24. Questions how 1-1 support will be provided with 1 bedroom for 3 carers
25. Lack of public transport in area
26. Impact on demographics of area
27. Questions experience of applicant in managing and maintaining proposed type of property
28. Obligations regarding any potential damage or disturbance to neighbouring properties
29. Carer jobs unlikely to be filled by people in local area
30. No guarantee children will be from the local area
31. Lack of input and engagement with social services
32. Questions the need for this facility within the local area
33. Concerns regarding agency personnel and level of supervision of young people
34. If approved could open a flood gate to further similar applications
35. Believes many points made in the submission are debatable and require an independent assessment
36. Increased vulnerability of elderly residents
37. Other nearby care homes have better parking facilities
38. Concerns where staff would be able to take smoking breaks
39. Speculative application in an inappropriate area
40. Questions reduction in proposed car activity
41. Questions the 48 hour shift patterns and impact on carers
42. Concerns regarding how proposer is working with WCC
43. Concerns regarding ratio of carers to children
44. Believes there is no 'local need' for additional children's care homes
45. Concerns vandalism could take place if property unoccupied for long period of time
46. Believes there are better suited properties being built in the area
47. Believes the applicant will not live at the property

APPRAISAL:

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

1. The principle of the development
2. The impact on residential amenity
3. Impact on highway safety and parking
4. Other considerations
5. Conclusion

1. The Principle of Development

Policy DS1 of the Borough Plan 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.

The application site is located within an established residential estate in Nuneaton. Nuneaton has the primary role for employment, housing, town centre, leisure and service provision within the Borough. Policy DS2 states that most development will be directed to Nuneaton as the primary town. The site is also within the defined settlement boundary, as

outlined within Policy DS3. As such, the site is considered to be within an acceptable and sustainable location for development.

Policy H1 of the Borough Plan states that development proposal for specialised housing will be approved where a local need can be demonstrated. Within one of the consultation responses, WCC have stated that there is a need for children's home placements in the county and specifically within Nuneaton.

In a statement provided by an objection to another recent and similar case, it was argued that there is currently an overprovision of 12 times the required amount and going forward it may be more like 90 times. This statement was based upon information provided from WCC, which showed children's homes within the County, the provider, the location, the specialism, the number of beds and the number of WCC placements at each home. This information shows that there are currently 71 beds across the county and that 8 are occupied by WCC placements. It also shows that there are another 5 homes due to open which would provide an additional 21 beds. From this, it has been assumed that the majority of spaces, at these higher quality private providers, are vacant and that this shows that there is not a need. However, WCC have confirmed that this is not that case. The information only shows the number of WCC placements within the homes and not total occupancy.

County state that 'It is important to highlight that although there are 92 beds in the county, they are not often available at the time we need them. WCC do not have exclusivity rights or priority use of the 92 beds currently available in county, these provisions are all owned by private providers delivering services to a national market. Furthermore, it is almost certain at any one time the current 92 beds across all the residential homes in Warwickshire are occupied by children from various local authorities beyond Warwickshire and will be accessed under differing contractual agreements with said authorities.'

The County have also stated that: 'WCC currently has around 80 children living in residential care settings, of which 72 are living in local authorities outside of Warwickshire, due to local homes not being able to meet needs or have available spaces to support WCC children in care'. County have explained that it is their plan to place more children locally and as such, has a commissioning plan and strategic direction to improve sufficiency, which means using their own homes, working with existing providers and encouraging the growth of the local children's home market. It is considered that this application would directly support WCCs plan by facilitating the growth of the market. The agent has advised the applicant will register with the WCC Framework during the application process.

WCC have explained that the process for housing looked after children is typically referring the children firstly to a block provider, then a provider on the West Midlands Framework and then all other spot providers. The agent has confirmed that the home will go through the process of registering with OFSTED and contact will be made with the local authority and register with the West Midlands Framework. Providers can join the Framework at any time but WCC state that they are seeing an increased use of spot providers, as the WM Framework is unable to meet the need to match with existing children in placements.

Concerns were previously raised because the applicant is from a private company and that this is not a County own application. However, planning assessments and decisions should not vary because of who the applicant is. If approved, the planning permission would be attached to the property and not the owner. The owner and operator of the home, and their experience within this field, is considered to be out of the planning remit.

Within Warwickshire County Council's application for a change of use from C3 to C2 (children's home) on Staines Close, it was stated that 72 Warwickshire children are in

residential care placements (in a Home for Children), and that 25 originate from a Nuneaton and Bedworth Borough area address (nearly 35%). At present, only 5 of the total of 72 Warwickshire children, are looked after in Warwickshire itself, this is less than 7%, with the remaining majority (93%) being cared for out of the county. It has been argued that there is not the need for this development within this area, however WCC state that they are seeing higher levels of children in care originating from the Nuneaton and Bedworth Borough. Having homes located in areas where we see need enables children to maintain stability in other areas of lives, for example consistent support from family and friends, education provisions and access to other universal or specialist support services they may be accessing. Therefore, it is considered that there are clear social benefits associated with the scheme.

Ultimately, it cannot be confirmed as to whether the children to be homed at this premises are to be from the Warwickshire area or further afield. However, it is for the experts in this field (Ofsted, WCC Childrens Services and other Council's Childrens Services Teams, along with private industry professionals) to home children in the best placement available to them at that time. This application would provide an additional home and increase the chance that local child can be homed in their local area. WCC Childrens Services have confirmed to Planning Officers that there is a need for additional homes and that they are seeing a year on year increase in the number of children requiring their support.

It has also been suggested that the proposal would cause an unacceptable impact on school places and local services. However, this is a very small scale proposal and given that this is a 5-bed property (that would become a 4-bed property), it would not be unusual for a family with 3 or 4 children to occupy the home. This would have the same impact on schools and services when compared with the proposed change of use. In addition, up to 9 dwellings can be granted planning permission without being required to contribute towards schools and services. This would have a significantly larger impact on local infrastructure than this proposal would. In addition, it is unreasonable to assume that there will be an increase in police presence simply because this is a children's home. Therefore it is considered unreasonable to refuse on the basis of impacts to infrastructure and Warwickshire Police have no objection

Whilst select resident objections have stated that children's home are commercial uses and should not be located within residential areas, it should be clarified that use class C2 is an umbrella category for 'residential institutions'. As such, this is a residential type of use and therefore appropriate to be located within an established residential area. It is considered that residential estates are the most appropriate locations for small children's homes, so that the children are not ostracised from society and benefit from the same access to local schools, parks and facilities that any other child would. The site is located within a sustainable location, in close proximity to nurseries, primary and secondary schools, bus stops, shops and parks. As such, the site is considered to be an acceptable location for a small scaled children's home.

2. Impact on Residential Amenity

The proposal would provide accommodation for up to three children with three members of staff at any one time. Concerns have been raised by residents with regard to safety, noise and loss of privacy, all of which are considerations which may impact the residential amenity of the area.

With regard to noise generated from the comings and goings, a similar application was refused and overturned at appeal in January 2023 in Burnley (ref APP/Z2315/W/22/3305898). This proposal provided four bedrooms for children and two for staff. Within the appeal decision, the Inspector stated that *'the proposed use would function*

very much like a typical family home with older adults caring for children of mixed ages' and 'the numbers that would present in the dwelling at any one time would not be greater than could be expected to be present in the existing five bedroomed dwelling'. The Inspector acknowledges that there would inevitably be comings and goings to and from the site at shift handover times as well as occasional visits by family members and representatives of agencies and other professions. These would generate a degree of noise and disturbance, although this is likely to be spread out through the day. The Inspector stated that 'given the scale of the proposal, the noise and disturbance associated with the comings and goings would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwellings'. The Inspector goes on to say that a family dwelling could consist of adults, children and teenagers. In occupying the property, they could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day. This decision is a material consideration for this application. In this case, it is also considered that the numbers of comings and goings would not be dissimilar to that expected from a 5-bed family home.

With regard to noise from the future occupiers, whilst it has been assumed within select objections, it is considered unreasonable to assume that looked after children are any more noisy or disruptive than any other family or children that may move into the property. In addition, the Inspector's decision for APP/Z2315/W/22/3305898 concluded that any noise arising from the property would be unlikely to significantly exceed the levels that could be generated by a typical family home with children of a variety of ages. NBBC Environmental Health have been consulted with and have no objection, stating that *'No Adverse comments from Environmental Protection. The supporting statement for the children's home demonstrates this change of use is no different to a 'normal' family home. With staff being always on site, then management of the site should not be an issue. No objections to change of use'*. As such, it is considered that noise impacts associated with the change of use are considered to be of an acceptable level.

Select objections have also raised concerns that the children living at the proposed facility would represent a threat to local children and may attract criminals and anti-social behaviour to the area. The NPPF seeks to ensure that development is inclusive and the fear of crime does not undermine quality of life, community cohesion and resilience and the fear or crime can be a material consideration. However, there must be evidential basis for that fear. WCC Police have been consulted with as part of the application process and they have no objection. In addition, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Children would be looked after by staff members and therefore it is considered that sufficient safeguards are in place to minimise the risk of crime for local children and future occupants. As such, it is not considered to be reasonable to refuse the application on this basis.

There are no physical changes proposed to the property that require planning permission and therefore there would be no impact to neighbours in terms of loss of light and/or privacy.

3. Impact on Highway Safety and Parking

WCC Highways have advised that in order to accord with NBBC parking standards, 1 space would be required for the 3 residents and 2 spaces for the total number of staff on site at one time, that being 3 careers and 1 manager. Therefore, a total of 3 spaces are required in order to meet the SPD standards. However, when considering that this is to be a children's home, it is not considered necessary to provide parking for the residents as the children are unlikely to drive or own a car.

From the information submitted, it appears that 4 spaces are provided. However, the area that has been block paved is not considered as parking, as the length of the area is not enough to allow a vehicle to park without overhanging the public highway.

With the block paved area not taken into consideration, 2 parking spaces are provided on-site. This is a shortfall of 1 space when assessed against the requirements of the SPD, however WCC Highways state that addition of 1 vehicle parking on-street is unlikely to be detrimental to highway safety. Highways have also stated that the demand for on-street parking does not appear to be high and that there are spaces available within an acceptable walking distance. Vehicles may temporarily park on-street whilst the previous shift leaves the site at shift change-over times, but WCC Highways have stated that this is unlikely to detrimentally affect the public highway. As such, they have no objection to the proposal.

At worst case scenario, 3 children, three staff members and the home manager would all be present at the property at one time and potentially 1/2 visitors. To look at comparable alternatives, under Part 3, Class L of The Town and Country Planning (General Permitted Development) Order, a C3 dwelling can change use to become a house in multiple occupation (HMO) for 6 adults. In terms of parking impacts, it is considered that the impact of 6 adults living at the property is likely to be greater than this proposal.

In addition, it should be considered that this is a large 5 bedroomed property. As such, it would not be unusual for a couple with 4 children to occupy the house or potentially a couple, grandparents and 2-3 children. These children may stay in the family home until their 20s and own their own cars, which could result in 2 adults and 4 young adults/teenagers. It is considered that this scenario is likely to have more of an impact on parking than this proposal would. Therefore, it is considered unreasonable to refuse the application on the basis of highway safety or parking, as the permitted development fall back could cause greater vehicular movements and require greater parking provision. In addition, paragraph 111 of the NPPF is clear in that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4. Other Considerations

This application is clearly contentious within the local area, however, it should be clear as to which matters are material planning considerations. Issues relating to the internal re-configuration of the property and the changes to the parking arrangements do not need planning permission and therefore the impact of those changes cannot be considered.

The Minister of State for Housing and Planning produced a statement in May 2023 to advise Local Authorities regarding accommodating looked after children. The statement sets out the Government's commitment to support the development of accommodation for looked after children and its delivery through the planning system. The document states that 'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'. The document also states that Planning Authorities should give due weight to and be supporting of applications, where appropriate, for all types of accommodation for looked after children in their area.

The statement also refers to the Ofsted registration process, as set out in the Guide to the Children's Homes Regulations. Under the Care Standards Act 2000, it is an offence to run a children's home without the appropriate registration. This requirement to register helps to

prevent unsuitable people from owning, operating, managing or working within children's homes. Providers are required to provide information to Ofsted in order to support the registration process to include safeguarding, missing child and behaviour management policies. In addition to this, Ofsted require a location assessment. The location assessment must show the steps that the owner has taken to make sure that the home is needed locally, is in the right place and is safe, and that the home promotes positive opportunities for children. The location assessment to be submitted to Ofsted will cover whether the location:

- puts children at risk of exploitation due to local criminal activity
- is close to other children's homes
- is close to local criminal 'hot spots'
- is close to environmental hazards such as reservoirs, busy roads or railway lines
- is in a neighbourhood where children can flourish
- has accessible, available and suitable local education, leisure, faith, cultural and healthcare services

This statement is considered to carry moderate weight in support of this application. In addition, the statement confirms that Ofsted will also review the appropriateness of the location as part of their registration process.

Concerns have been raised due to no information being provided regarding the ages of children, where they are from and their needs. Similar issues have also been raised to say that the home is not big enough to be a children's home and that there would not be enough staff in the area to look after the children. These are not considered to be planning considerations and these issues would be reviewed by the care governing bodies. For clarification, the minimum internal space standards for a 2-storey 5-bed property is 128m² and this home is approximately 165m² and no comments have been made in relation to this. Should any further internal alterations be required to meet industry standards, these would not require planning permission.

5. 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.

In conclusion, the principle of the change of use is considered to be acceptable, given that the property is location within a residential area and within the defined settlement boundary. The proposed use is a form of residential accommodation and it is considered that the levels of noise and vehicular movements would not be dissimilar to that created by a 4-bed C3 dwelling. The level of parking provision is considered to be acceptable for the type and scale of the use and WCC Highways, NBBC Environmental Health and Warwickshire Police all have no objection to the scheme. Planning conditions can be used to ensure that the site is only used for the proposed use and not others within the C2 category.

On balance, whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is on 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, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

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

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Site Location Plan and Site Plan	A101	9 th May 2023
Proposed Plans	A101 Rev A	19 th June 2023

3. The site shall not operate other than in accordance with the Planning Statement received by the Council on the 9th May 2023, supporting information '2 Osprey Close Nuneaton Planning' and 'Appendix A – staff rota' received by the Council on 19th June 2023, specifically the number of children and staff members occupying the property at any one time.

4. Notwithstanding the provisions within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order, with or without modification) the use of the development hereby approved shall be restricted to the use as a care home for no more than 3 residents. In particular, it shall not be used for any other purpose within Use Class C2, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.



Site Plan



2

Location

1 : 1250

Site Location Plan



Existing Ground Floor

1 : 50



Existing First Floor

1 : 50

Existing Plans



Existing Front Elevation

1 : 100



Existing Rear Elevation

1 : 100



Existing Side Elevation

1 : 100



Existing Side Elevation

1 : 100

Existing Elevations



Proposed Ground Floor
1 : 50



Proposed First Floor
1 : 50

Proposed Plans

REFERENCE No. 038716

Site Address: Former Bedworth Bowling and Rugby Club, Site 104D002, Smarts Road, Bedworth

Description of Development: Full planning application for the erection of 122 residential dwellings with associated access, infrastructure and landscaping works

Applicant: Countryside Partnerships

Ward: EX

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to a legal agreement and the conditions printed.

INTRODUCTION:

This is a full planning application for the erection of 122 residential dwellings with associated access, infrastructure and landscaping works. All proposed buildings are to be two storey with a mixture of dwellinghouses and flats and a SUDs feature is proposed to the south-west of the site.

The site constitutes as a mixture of brownfield and greenfield land between the residential streets of Dalton Road to the north, Rectory Drive to the east and Down Meadow and Smarts Road to the south. Down Meadow is part of a recent Taylor Wimpey development. To the west is the A444 carriageway and Hollyhurst (residential street).

The site was previously used as a rugby club with associated pitches and bowling greens. The bowling greens were last used in 2020 and the rugby club vacated the site in 2017. It is understood that the rugby club now use the facilities at Nicholas Chamberlaine School in Bedworth and the members of the bowls team have joined other clubs.

The vehicular access would adjoin Smarts Road to the south and a pedestrian, cycle and emergency vehicular access would be provided to the east onto Rectory Drive. Pedestrian access would also be retained from the north and east onto Dalton Road and Rectory Drive respectively. A public right of way crosses the site known as the B30 and this then enters into Rectory Drive adjacent to 114 and 116 Rectory Drive. The public right of way would be incorporated into this scheme.

The site is relatively flat and the buildings have been demolished, however the rubble from these structures is still on the site. There is an area of hardstanding on the site and the bowling green is still fenced off but is now overgrown, similar to the rest of the grassed area across the site. The land rises to the west to the A444 and there is also an embankment between the road bridge under the A444 and the first part of the southern boundary. There are existing trees and hedges on the boundaries to the north, west and south.

The Council consider community involvement to be an integral part of the planning process, endorsed by national planning guidance and the Council's Statement of Community Involvement (2020).

Developers are required to consult local communities on certain types of development (in line with the Localism Act 2011) before submitting a planning application. Pre-application community involvement should be tailored to the nature and scale of the proposed development. A Statement of Community Involvement (dated June 2022) has been submitted to support the application. The statement confirms the engagement taken place, the methodology adopted and the timeframes associated with the community involvement. The statement also sets out the feedback received and how the scheme has reflected upon this feedback.

Overall, the Council are satisfied that the applicant has carried out satisfactory community engagement leading up to the submission of this application and the recommendation to approve the application would not conflict with the aims and principles of community involvement.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 Settlement Hierarchy and Roles.
 - DS3 – Development principles.
 - DS4 – Overall development needs
 - H1 – Range and mix of housing.
 - H2 – Affordable housing.
 - HS1 – Ensuring the Delivery of Infrastructure.
 - HS2 – Strategic Accessibility and Sustainable Transport.
 - HS3 – Telecommunications.
 - HS4 – Retaining community facilities
 - HS5 – Health.
 - HS6 – Sport and Exercise.
 - NE1 – Green Infrastructure.
 - NE2 – Open Space
 - NE3 – Biodiversity and Geodiversity.
 - NE4 – Managing Flood risk.
 - NE5 – Landscape Character.
 - BE1 – Contamination and land instability.
 - BE3 – Sustainable design and construction.
 - Affordable Housing SPD 2020.
 - Air Quality SPD 2020.
 - Sustainable Design and Construction SPD 2020.
 - Transport Demand Management Matters SPD 2022
 - BE4 – Valuing and conserving our historic environment.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPP)

RELEVANT PLANNING HISTORY:

- 006041 - TP/0494/99 Entrance porch. 20.09.99. Approved.
- 000567 - TP/0039/99 Retention of 3 Floodlights. 08.04.99. Approved.
- 000120 - TP/000/298 Extension to clubhouse to form kitchen and dining area. 09.02.98 Approved.

- 028378 – TP/154/89 Single storey extension to form new changing rooms. 10.04.89 Approved.
- 870764 Erection of toilet block. 03.02.88 Approved.
- 870223 Erection of two wooden huts and one toilet block. 29.06.87. Approved.
- 860010 Internally Illuminated single sided box sign. 17.02.86. Approved.
- 830601 Sponsors advert boards around first XV pitch, fixed to existing barriers. Various lengths and depths. 05.12.83. Approved.
- 760188D Discharge of conditions regarding details of new clubhouse, parking facilities and laying out of pitches. 21.10.77. Approved.
- 760188 Erection of club house, parking facilities, and layout of 2 rugby pitches (outline) 24.05.76. Approved.
- 741449 Golf driving range and putting course, administrative and refreshment buildings and caretakers flat. Not processed.
- 6711 Outline proposal for residential development. 20.11.62. Refused.
- 539/71 Development of golf drive. 17.02.72. Approved.
- 6070 Outline proposal for residential development. Refused. 12.09.67

CONSULTEES NOTIFIED:

Bedworth Society, Cadent Gas, Coal Authority, Environment Agency, George Eliot Hospital Trust, Highways England, Natural England, National Grid, NBBC Environmental Health, NBBC Housing, NBBC Parks & Tree Officers, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, Network Rail, NHS, Severn Trent Water, Sport England, Stagecoach, Warwickshire Health, Warwickshire Wildlife Trust, Warwickshire Police, Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection from:

NBBC Parks & Tree Officers, NBBC Planning Policy, Sport England

No objection subject to conditions from:

Environment Agency, Environmental Health, Highways England, WCC Rights of Way, WCC Infrastructure, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways

No objection subject to S106 contributions/provisions from:

NHS, George Eliot Hospital Trust, NBBC Housing, NBBC Sports Development, WCC Infrastructure, WCC Arboriculture

No objection from:

Cadent Gas, Coal Authority

Comment from:

Bedworth Society, Warwickshire Police, NBBC Refuse

No comment from:

Network Rail, Natural England

No response from:

Severn Trent Water, Stagecoach, Warwickshire Health, Warwickshire Wildlife Trust, Western Power, National Grid

NEIGHBOURS NOTIFIED:

1-9 (odd inc) Alice Close, 2-34 (even inc) Dalton Road, 1-24 Down Meadow, 26-50 (even inc) Down Meadow, 1, 3-21 Hollyhurst, 23 & 25 Hollyhurst, 39-43 (odd inc) & 136 Rectory Drive, 102-128 (even inc) Rectory Drive, 1 & 3 Slough Pasture, 57-61 (odd inc) Smarts Road, 100-103, 105-111 (odd inc) Smarts Road, 135-147 Smarts Road, 1-4 Walkers Way, 38 All Saints Road, 91 & 107 Delamere Road, 3 Furrow Close and Taylor Wimpey

Neighbouring properties were sent letters notifying them of the proposed development on 23rd March 2022, 3rd October 2022 and 13th December 2022. Site notices were erected on street furniture on 23rd March 2022 and the application was advertised in The Nuneaton News on 20th April 2022.

NEIGHBOUR RESPONSES:

There have been objections from 19 addresses as well as a letter of comment from Craig Tracey MP, and 4 objections with no address provided.

The comments are summarised below;

1. Development is not needed
2. Increase in traffic and congestion
3. Decrease in surrounding house prices
4. Loss of open space
5. Improving facilities at Nicholas Chamberlaine School does not benefit local residents
6. Increase in noise and pollution
7. Lack of infrastructure (schools, nurseries, shops, GPs, dentists, road infrastructure, etc)
8. Noise and disruption from construction
9. Ecology report carried out at a suboptimal time
10. Impact on habitats and wildlife
11. Access road is not suitable for increase in traffic
12. Access should be created through to Dalton Road and/or Rectory Drive
13. Number of houses proposed and housing density is too high
14. Existing on-site vegetation is to be removed and replaced with younger species
15. Field is used by children, the community and dog walkers.
16. Emergency services may not be able to access the site in a timely manner
17. Overlooking into existing properties
18. Proposed planting may impact light into existing gardens
19. Proposed properties overlook one another
20. Proposed gardens are small
21. Play equipment should be included within the site
22. Impact of lighting to wildlife and bats
23. Traffic monitoring is inaccurate
24. Site is known to flood
25. Development should not be 100% affordable units
26. Covenant may be on the site restricting residential development
27. Number of objectors should be considered
28. Impact on the local road infrastructure should be considered

29. No open space or drainage ponds on the site

There have been 2 petitions against the development, one containing 15 signatures and one containing 229 signatures. The comments are summarised below;

1. Singular access off Smarts Road is not sufficient for the proposed dwellings and the adjacent development site
2. Increase in traffic and congestion
3. Link from Gallagher Road or Rectory Drive should be used rather than Smarts Road
4. Lack of infrastructure (schools, doctors, hospitals etc)
5. Other future developments will already impact the area

APPRAISAL:

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

1. The Principle of the Development,
2. Affordable Housing,
3. Visual Amenity and Landscape Character,
4. Residential Amenity,
5. Highway Safety and Accessibility,
6. Flood Risk and Drainage,
7. Contamination and Land Stability,
8. Air Quality and Noise,
9. Ecology, Open Space and Biodiversity,
10. Heritage and Archaeology,
11. Planning Obligations,
12. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development in to 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 site is well-connected to a good range of local facilities and services that can be accessed by foot and other sustainable means of transport. Less than 650m to the north of the site, on Heath Road, lies a local centre, which includes amenities such as convenience shops, hot food takeaways and pharmacy. Exhall Junior School and Goodyers End Primary can be reached on foot within approximately 10 minutes.

The site has good public transport links and is located circa 150 metres away from two bus stops that are served by the B1 bus service. The B1 service runs roughly once an hour, providing direct access to Bedworth town centre. Bedworth Railway Station is located within the town centre and provides services to Nuneaton and Coventry. Two bus stops are also located on the corner of Heath Road and Smorrall Lane which are serviced by the 56B service. This service provides direct access to Nuneaton Town Centre and Coventry City Centre.

As such, the site is considered to be in a highly sustainable location and within the defined settlement boundary. This is considered to meet policy DS3, subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. In addition, Policy DS2 of the Borough Plan states that Bedworth will have the secondary role for housing. The proposal is within Bedworth and hence considered compliant with this policy.

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

Whilst this carries minimal weight prior to its adoption, the site has been listed as a non-strategic housing allocation within the Borough Plan Review and this leads towards the favourable assumption for residential development.

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

The site would be classified as a mix of greenfield and brownfield land. Paragraph 119 of the NPPF aims to promote the efficient use of brownfield land. It places emphasis on making as much use as possible of previously developed or 'brownfield land'. This is especially so where 'brownfield land' is located within the existing urban settlement area. However, this does not preclude greenfield land in the urban area being developed.

Policy NE1 of the Borough Plan states that the Borough's green infrastructure assess will be created, protected, managed and enhanced. It is understood that the site is currently used informally by local residents for recreational purposes (walking, exercising dogs, etc). However, the site is not a designated park or nature reserve and it is under private ownership. A public right of way does run along the southern and eastern boundary of the site, however this does not go through the central parts of the site itself. The public right of way would be incorporated into the proposed scheme. Pedestrian and cycle access would still be provided through the site for existing and future residents and NBBC Parks and WCC PRow do not object to the principle of the development on the site.

The site currently consists of two disused rugby pitches and two disused bowling greens. It is considered that pitches and greens are classified as community facilities, as discussed within Policy HS4 of the Borough Plan. Community facilities have an important role within the local community, contributing towards community cohesion, health and well-being, delivering sport and physical activity, as well as the sustainability of a local area.

Policy HS4 of the Borough Plan, in part, states that proposals for development which would lead to the loss of community facilities will only be permitted where:

- adequate alternative facilities and services are available locally; or
- access to locally alternative facilities is enhanced; or
- replacement facilities are proposed nearby; or
- it can be demonstrated that there is no longer a demand for the use, the use is no longer viable/appropriate, and that there is a greater benefit to the area resulting from the proposed use.

Whilst this is a very finely balanced case, it is considered that the proposal does comply with Policy HS4 because adequate alternative facilities are available locally (Nicholas

Chamberlaine School) and the alternative facilities would be enhanced with the S106 contributions provided from this scheme. The club no longer use the site and the scheme would also provide much needed affordable dwellings within Bedworth, along with S106 contributions to other local services.

Policy HS6 of the Borough Plan and paragraph 99 of the NPPF both state that 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Bedworth RFC moved from the site in 2017. Playing fields which have previously accommodated formal pitch provision are categorised as either disused or lapsed. A disused site is a playing field not being used at all by any users and is not available for community hire either. Once these sites are disused for five or more years they will then be categorised as 'lapsed' sites. At the time of submission, the pitches would have been classed as disused. It has now been over 5 years since the pitches were used and therefore the fields would be considered as lapsed. Typically, lapsed sites fall outside of Sport England's Statutory remit, however they should still be assessed using paragraph 99 of the NPPF. This application is within Sport England's statutory remit as the pitches were classed as disused at the time of submission (rather than 'lapsed'). Nevertheless, the impact to the loss of the playing field should be assessed in accordance with policies HS4 and HS6 of the Borough Plan.

With regard to the rugby pitches, the 2016 Playing Pitch Strategy (PPS) states that significant improvements would be required at the Bedworth Rugby Club, as both pitches were assessed as being poor quality. The PPS also highlights that one pitch is overplayed by 0.5 matches and it was recommended that drainage and a maintenance programme was implemented in order to improve the overall pitch quality. The 2016 PPS acknowledges that the Bedworth RFC were in the process of relocating and states that 'In partnership with the RFU, priority should be with re-providing current provision to a greater standard than is currently at the Club. If greater quality pitches were provided current overplay would be alleviated and actual spare capacity of one match session equivalent would be generated'. The Bedworth RFC have already moved and now use two pitches at the Nicholas Chamberlaine School. The club hold a 34 year lease on the Nicholas Chamberlaine School fields and all club fixtures and training take place here. As such, the club would like to improve the quality of the pitches and the clubhouse. However, funding is required from developing the Smarts Road site in order to provide these improvements. It is unlikely that the club would be able to fund these improvements without the development of this site. The agent has stated that all ancillary facilities at the Smarts Road site have now been demolished due to anti-social behaviour and health and safety considerations and funding from the s106 from this application is the only current revenue stream available to provide new facilities at the Nicholas Chamberlaine School. The developer and the Rugby Football Union, who are acting on behalf of the Bedworth Rugby Football Club, have been in discussion to agree on a scope of spending and development plan for the Nicholas Chamberlaine School rugby pitch. £1.25m would be provided via a s106 agreement in order to provide a new clubhouse and floodlights. Planning permission would be required for both of these elements, however indicative plans for the club house have been provided to demonstrate the proposals. Sport England have reviewed the indicative plans and acknowledge that this would be beneficial for the Club's growth. The funding would not be

sufficient to cover the pitch quality improvements works; though Sport England have stated that, in dialogue with the RFU, it is understood that the pitch quality improvements will be addressed as part of the RFU's Pitch Maintenance programme and therefore this can still be provided. Should permission be granted, the Rugby Club would look to submit a planning application for the clubhouse and lights shortly after the signing of the S106 agreement.

The number of pitches available to the club have remained the same, but it is acknowledged that there would be an overall loss of pitches within the Borough. However, improvements would be made at Nicholas Chamberlain to improve facilities and this could create additional capacity, as stated within the Playing Pitch Strategy. The floodlights in particular would allow for additional use.

Policy HS6 of the Borough Plan and paragraph 99 of the NPPF both state that Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The development is for a residential use and therefore exception C is not met. According to the 2016 Playing Pitch Strategy, demand is either met or there are shortfalls in rugby pitch supply within Bedworth and therefore it is considered that exception A would not technically be met. However, the fact that the Rugby Club have already moved and hold a long term lease at the new site does mitigate this slightly. It is acknowledged by NBBC and Sport England that the 2016 Playing Pitch Strategy is out of date and a revised PPS is currently underway. This document is still under review and is not yet out for consultation. However, evidence bases for the updated PPS conclude that there are small levels of spare capacity of match equivalent sessions available on secured sites across NBBC, however, there is very little spare capacity for additional rugby and supply is effectively balanced with demand. This updated document does not take into account the Smarts Road pitches as part of this capacity assessment and therefore it could be considered that supply and demand is being met without the Smarts Road site. As such, it could be argued that the improvement of the Nicholas Chamberlaine pitches would be an improvement on the existing situation.

Exception B of HS6 states that existing playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. With regard to quantity, according to the 2016 Playing Pitch Strategy, there was 1 rugby pitch at Nicholas Chamberlaine. It is understood that another pitch has been created since the Bedworth RFC moved to the school site. This is reflected within the updated draft PPS. Taking this pitch into account would leave a shortfall of one pitch. The 2016 Playing Pitch Strategy states "Bedworth RFC is in the process of relocating once its lease ends in March 2017 to a site within a mile of its current ground. In partnership with the RFU, priority should be with re providing current provision to a greater standard than is currently at the Club. If greater quality pitches were provided current overplay would be alleviated and actual spare capacity of one match session equivalent would be generated". This suggests that whilst there is an overall loss in the actual quantity of pitches, providing better quality pitches can create additional capacity.

At pre-application advice stage, Sport England advised that using the most up to date Local Authority pitch survey showed there was a under provision of pitches and therefore Sport England could not remove their objection to the loss of the facilities. This would mean that under the current legislation the Secretary of State would have the power to call in this application. However, it was stated that if the pitch provision, club and siting could be guaranteed at Nicholas Chamberlaine School, then Sport England considered that this could at least provide some mitigation.

With regard to pitch quality, the two pitches at Smarts Road were identified as being 'poor quality' within the 2016 PPS and evidence base for the updated draft PPS suggests that the two pitches at Nicholas Chamberlaine are 'standard quality'. This application would provide S106 contributions to the Rugby Club to improve the facilities at Nicholas Chamberlaine and therefore it is considered that the contributions provided from this scheme would the improve the quality of the facilities. In addition, Sport England have stated that the RFU is supportive of the application and the agreement from the developers to mitigate the loss of the rugby pitches at Smarts Lane, with the redevelopment of facilities at Nicholas Chamberlain School, which will enable the rugby club to maintain and develop rugby at the club and within the local community in the future.

With regard to the bowling greens, the 2016 Playing Pitch Strategy states that current demand is being met for both crown green and flat green bowls. The strategy concludes that most bowling greens in Nuneaton and Bedworth have spare capacity and that there are enough greens to accommodate both the current and future demands. The two greens at the Bedworth Bowls Club were marked as being average quality. The Bedworth Bowling Club moved from the site in 2020 but Sport England state that the Bowling Club would have preferred to remain on the site if there was the opportunity.

Sport England have stated that the governing body for the sport have advised that members of the club who had utilised the site have, in the main, joined alternative clubs. As such, replacement greens are not required, but they state that improvements to other bowling greens within the Borough should be made to accommodate the increased membership levels at these facilities.

The agent submitted an assessment comparing the 2016 membership to 2022 membership and this saw a reduction in membership over the last 6 years. As such, it is their view that a S106 contributions request for improvements to existing bowling greens is not CIL compliant because the clubs have spare capacity to cater for the Bedworth Bowls Club members.

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

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

Whilst in draft form and carrying minimal weight, the evidence base for the draft updated Playing Pitch Strategy suggests that overall Bowls demand is likely to increase following a post-pandemic growth in membership. However, the evidence base for draft concludes that whilst future demand is likely to be higher than currently, there will still be sufficient flat green and crown green bowls facilities to cope with future demand. This also takes into account the closure of the Smarts Road Greens. The 2016 Playing Pitch Strategy states that 'Bowling clubs in Nuneaton and Bedworth have spare capacity, meaning that current membership and an increase in membership is sustainable and clubs are able to accept additional

members should demand increase. It would appear that there are enough greens to accommodate both the current and future demand'.

As such, it is considered that clubs do have current spare capacity and therefore meets section A of paragraph 99 of the NPPF (an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements) and Policy HS4 because adequate alternative facilities and services are available locally. As such, it is considered that whilst desirable, S106 contributions to improve facilities at existing clubs are not necessary to make the development acceptable in planning terms. As such, it is considered that this request is not CIL compliant under test A of paragraph 56 of the NPPF.

2. Affordable Housing

Policy H1 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's commissioned Housing and Economic Development Needs Assessment (HEDNA), May 2022 provides a more recent development needs assessment. The HEDNA provides the below mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5-10%	30-35%	40-45%	15-20%
Affordable home ownership	20-25%	40-45%	25-30%	5-10%
Affordable housing (rented)	25-30%	30-35%	30-35%	5-10%

Source: Derived from a range of sources

The table below shows the SHMA requirements alongside those proposed:

Market		Affordable	
Bedroom	SHMA (%)	Bedroom	SHMA (%)
1	5-10	1	5-10
2	35-40	2	35-40
3	45-50	3	45-50
4+	10-15	4+	10-15

Proposed S106 affordable		Proposed Market / un-secured affordable	
Bedroom	%	Bedroom	%
1	19.3	1	6.5
2	35.5	2	31.8
3	32.2	3	55
4	12.9	4	6.5

Of the S106 secured affordable units, 6 no. are 1 bed, 11 no. are 2 bed, 10no. are 3 bed and 4 no. are 4 bed. The Affordable Housing SPD 2020 recommends a tenure split of 74% social/affordable rent to 26% intermediate housing mix. Of the remaining 75% units, 6 no. are 1 bed, 29 no. are 2 bed, 50no. are 3 bed and 6 no. are 4 bed. NBBC Housing have confirmed they have no objection to the tenure and size mix.

Policy H2 of the Borough Plan requires a minimum of 25% of all new developments to be affordable on sites of 15 dwellings or more. A total of 31 no. affordable units are proposed which equates to 25% and these would be secure via a S106 agreement.

The remaining 75% of dwellings would also be affordable, however they would not be secured by a S106 agreement. It is understood that these properties would be transferred to a registered provider. The registered provider will purchase the balance of the homes and offer these to the market as affordable tenure. Due to the way in which funding is secured, these plots will remain outside of any s106 agreement and remain flexible tenure stock for the Registered Provider purchasing company. NBBC Housing have no objections to the principle of a 100% affordable scheme in this instance.

The Affordable Housing SPD 2020 states that to promote inclusive communities, affordable housing should not be identifiable from other forms of housing within a housing development. Affordable housing should not be located in the least desirable areas of the site but distributed evenly amongst market housing. The SPD also provides appropriate cluster sizes which depend on the size of the development. For sites of 101-150 dwellings, there should be approximately 4-5 clusters with a maximum of 7no. dwellings in each. In this case, the entire site would be affordable, but only 25% would be secured via the S106 agreement. Nevertheless, the S106 secured plots have been pepperpotted throughout the site. The dwellings are not located within the least desirable parts of the site, nor are they considered to be identifiable from any other forms of housing. NBBC Planning Policy and NBBC Housing have no objections to the provision and location of affordable housing within the scheme.

3. Visual Amenity and Landscape Character

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2017 and have been used to inform the Borough Plan. The Rugby Club site is directly referred to within the 2017 Capacity Study and it is stated that the land is recommended to be taken forward for housing. Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. The site is surrounded by residential dwellings and in addition, the benefits associated with the proposed development must be taken into consideration.

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 127). 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 proposed built development is outward facing in relation to the proposed the primary roads and this provides visual interest and a positive relationship between the different uses.

With regard to the density of housing, the Sustainable Design and Construction SPD states that residential developments must be built to a density which is appropriate to the locality. Determining the appropriate density for a site can be achieved by analysing the site context as outlined within section 6 of the SDC. Section 6 of the SDC shows the site as being adjacent to post-war private residential estates. The character of these areas are low-

medium density (semi-detached and close/linked-detached) houses. The proposed dwellings are all two storey and the site features a mix of detached, semi-detached and terraced units. This form, density and scale of development is considered to be in keeping with the surrounding area.

Proposed materials consist of various brick and the properties display attractive architectural features, such as headers and cills and string course detailing. Corner plots are dual aspect and dwellings face onto roads. It is considered that this adds interest to the site and allows for natural surveillance. It is considered that the proposed dwellings relate well to the Taylor Wimpey site to the south and generally, the impact to visual amenity and landscape character is considered to be acceptable.

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

In relation to the existing properties, distance standards are met, in compliance with the Sustainable Design & Construction SPD 2020. With regard to distance standards within the site itself, distance standards are generally met. There are multiple instances where the window to window distance is less than 20 metres, but this is across a road where distance standards can usually be relaxed and is therefore acceptable, as per section 11.5 of the SDC. There are also instances where distance standards are not met, but there are mitigating circumstances which, on balance, make the shortfall acceptable. These will be assessed in turn below.

The rear projection of plot 38 would slightly infringe a 45 degree line from the closest ground floor window on plot 37. However the window serves a kitchen/diner and this room is also served by another, unobstructed window. Therefore the impact to the light and amenity to this room is considered to be acceptable. The distance from the rear elevation of plot 36 is short of the 14 metre minimum separation standard when viewed against the side elevation of plot 34. However, only one ground floor window is short of the SPD standards and the affected room is also served by another unobstructed window. As such, the impact to the light and amenity to this property is considered to be acceptable. A ground floor kitchen window is proposed to the front elevation of plot 38. This window would be slightly infringed by the front corner of plot 37, however there is a 6 metre separation distance between the properties and the kitchen is a through room, also being served by large French doors to the rear. As such, the impact to this room is considered to be acceptable. The distance between the rear elevation of plot 31 and the side elevation of plot 44 is slightly short of the 20m minimum at 19.85m. However, a shortfall of 15cm is not considered to be significant enough as to warrant a refusal. The distance between the rear elevation of plot 40 and the rear elevation of plot 42 is slightly short of the 20m minimum at 19.74m. However, the properties are at a slight angle to one another and a shortfall of 26cm is not considered to be significant. The distance between the rear elevation of plot 90 and the rear elevation of plot 95 is slightly short of the 20m minimum at 19.35m. However, the properties are at a slightly offset from one another, there would still be views past and a shortfall of 65cm is not considered to be significant. The distance between the rear elevations of plots 54 and 55 and the rear elevations of plots 61 and 62 are short of the 20 metre minimum distance standard at 18.97m. These windows are primary windows and are not significantly offset. Whilst this is a shortfall, there is an element of buyer beware for future owners/occupiers and permitted development rights could be removed for these plots to prevent further harm. On balance, given the size of the scheme and the benefits associated with the development, this slight shortfall is not considered to be significant enough as to warrant a refusal.

The distance between the rear elevations of plots 52 and 53 and the rear elevations of plots 63 and 64 are short of the 20 metre minimum distance standard at 19.75m. However, a shortfall of 15cm is not considered to be significant enough as to warrant a refusal.

In terms of rainwater harvesting, water butts are to be supplied to rear gardens, as shown on the layout plan and secured via condition. The layout plan also highlights the number of properties which are capable of achieving M4(2) Building Regulations. M4(2) relates to accessible and adaptable properties and Policy BE3 requires 35% of housing schemes to meet this standard. 43 units would meet the M4(2) standard and this complies with the Borough Plan requirements. In addition, all of the proposed house types comply with the Nationally Described Space Standards, as per policy BE3 of the Borough Plan.

In terms of private amenity space, all maisonettes and houses have private gardens which are of a suitable size and shape for outdoor recreation and the drying of clothes. This is considered to accord with the requirements of the Sustainable Design and Construction SPD. and generally, it is considered that the scheme would provide a suitable level of amenity for future owners and occupiers. It is acknowledged that the site is adjacent to the A444 and noise impacts have been considered within section 8 of this report. Subject to conditions and mitigations, the impact of noise to future residents was considered to be acceptable.

Policy HS5 of the Borough Plan and the Sustainable Design and Construction SPD require major planning applications to review the impact of their proposals on health. This can be demonstrated either through a Health Impact Assessment or Health Impact Assessment Screening Report. An assessment against the 12 Building for a Healthy Life criteria has been provided and the scheme scores a green rating across all 12 criteria. WCC Health have been consulted with and no response has been received. As such, it is assumed that they have no objection and that the scheme would have no significant impact on health.

In conclusion, it is considered that the scheme would provide a suitable level of amenity for future owners and occupiers without causing an unacceptable level of harm to existing properties and therefore the impact to residential amenity is considered to be acceptable.

5. Highway Safety, Accessibility and Parking

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

In terms of parking provision, the Transport Demand Management Matters SPD 2021 (TDMM) requires 1 space per dwelling + 1 unallocated space per 5 dwellings for 1 bed properties, 2 per dwelling + 1 unallocated space per 10 dwellings for 2 bed properties and 2 per spaces dwelling + 1 unallocated space per 5 dwellings for 3+ bed properties. All properties feature their own designated parking spaces in accordance with the SPD requirements. Visitor parking has also been provided, although the provision is short of the SPD requirements. However, WCC Highways have no objection to this, likely because on street parking would be available for visitors. Due to the lack of objection from WCC Highways and the general accordance with the TDMM for the properties private parking, the level of parking provision is considered to be acceptable.

Motorcycle parking has not been addressed, however there remains significant on road and incidental private and public hard surfacing for the parking of motorbikes, should the demand arise. This is considered to be reasonable, as typically it is preferable to store motorbikes within the curtilage of a property for safety and security reasons.

Similarly, to with motorbike storage, bicycle storage has not been specifically addressed within the layout plan. However, for residential premises it would be preferable to store

bicycles within the curtilage of the property for safety reasons and therefore specific bicycle storage is not considered to be necessary. All units feature their own gardens and small garden sheds could be erected under permitted development should future owners/occupiers require additional storage space.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 104). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 105). Public footpath B30 crosses the application site to the east and south. The provision of a public right of way would be retained and WCC Public Rights of Way have no objection to this, subject to conditions. There is currently an informal footpath to the north, leading through on Dalton Road. Whilst not an official footpath, it is recognised as being of benefit to existing residents and the access to this route would not be lost as part of the development. Pedestrian access to Rectory Drive to the east would also be retained and a cycle link from Smarts Road to Rectory Drive would be provided to the south of the site.

The site has good public transport links and is located circa 150 metres away from two bus stops that are served by the B1 bus service. The B1 service runs roughly once an hour, providing direct access to Bedworth town centre. Bedworth Railway Station is located within the town centre and provides services to Nuneaton and Coventry. Two bus stops are also located on the corner of Heath Road and Smorrall Lane which are serviced by the 56B service. This service provides direct access to Nuneaton Town Centre and Coventry City Centre.

The bus stops on Dalton Road will be accessible from the site via the public right of way, which runs through the southern part of the site and links into Rectory Drive. A formalised footpath links Rectory Drive and Dalton Road. The bus stops would also be accessible via the informal path through to Dalton Road directly to the north.

The bus stops on Heath Road/Smorrall Lane will be accessible from the site via the existing path along Smarts Road.

Provision of footpaths, tactile paving crossings and cycleways will be made within the proposal. The development would also provide a contribution towards maintaining other public rights of way within a one and a half mile radius of the site.

Policy TC3 of the Borough Plan states that any new residential development should be within 1,200m walking distance of a district or local centre. The site is approximately 500m from the Smorrall Lane Local Centre which therefore meets this requirement.

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 110). The main site access is proposed from Smarts Road. The access is designed with a junction radii of approximately 11.2 metres, a minimum carriageway width of 5.5 metres and shared footways approximately 2 metres wide. WCC Highways have no objection.

Highways guidance states that developments for over 150 dwellings must provide an emergency access. Whilst this development proposal in itself is only for 122 units, there is another recent housing development further to the south which will provide 107 units (permissions 031398, 036995 & 036882). These 107 units are also accessed from Smarts Road and therefore it is necessary to provide an additional emergency access. An emergency access has been provided in the south-east corner of the site from Rectory Drive. Demountable bollards would prevent use by other vehicles, whilst still allowing pedestrian and cycle access. WCC Highways have reviewed this and have no objection, subject to conditions.

The developer has demonstrated to WCC Highways that the access, roads and emergency access could be of an adoptable standard and WCC Highways have no objection with regard to the proposed internal road network and its layout.

With regard to the impact on the wider road network, the NPPF is clear in that development should only be refused where the cumulative impact to the wider network would be severe (para 111). Calculations show that 6 vehicles will use the Longford Road corridor in peak hours and 52 vehicles will travel through M6 junction 3 in peak times.

WCC are developing improvement schemes for the Longford Road corridor. This is included within the Council's 2021 Infrastructure Delivery Plan and would likely comprise of the addition of signals and the widening of junctions and lanes. WCC Highways have requested a contribution of £33,232.86 towards these improvements and the agent has agreed to this request.

The M6 junction 3 has been identified as a sensitive junction notably during the peak hour periods, with substantial queuing which can back up on to the M6 Mainline. It has also been identified that in future year assessments this issue becomes more prevalent and undermines the safe operation of the M6 Corridor. As this issue is cumulative, National Highways state that it is not the responsibility of one developer to resolve. To identify a solution, National and Local Highways Authorities have worked together to identify a mitigation scheme. The scheme should be delivered no later than 2026 and contributions are sought on developments and allocations which have a primary or secondary impact upon the junction, based on the modelling outputs. WCC Highways have calculated a contribution request of £139,648.60 towards these improvements. National Highways have reviewed the application and are satisfied that the impact of the development proposals can be suitably mitigated against. As such, they have no objection, subject to the provision of the contribution.

Traffic calming would also be provided along Smarts Road, as requested by a local Councillor. The exact scope would be discussed within a separate Section 278 agreement. The highway authority have requested that these works are carried out as a Section 278 highway agreement rather than a Section 106 contribution. The developer is willing for a condition to be secured with an obligation to install calming measured prior to a certain level of occupation. The works will need to include design, construction, lighting assessment and lighting improvements if necessary. Fees will be required for processing and advertising the Traffic Regulation Order (TRO) for the speed control features and for legal and technical approval and monitoring of the scheme by Warwickshire County Council and these fees shall be included within the S106.

Subject to the improvements at these junctions, WCC Highways have no objection to the scheme and therefore it is considered that there would be no severe impact to the wider highway network.

The speed limit within the site itself will be reduced to 20mph by the way of a Traffic Regulation Order (TRO) and the developer will contribute towards the processing of the TRO.

6. Flood Risk and Drainage

The NPPF (2021) 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 167). 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 site is within flood zone 1 and therefore has a low level of fluvial flood risk.

The NPPF (2021) within paragraphs 161 and 162 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 has been submitted with the application. This states that the site is within flood zone 1, therefore complying with the aims of the Sequential Test.

The Environment Agency have reviewed the submitted information and offer no objection from a flood risk perspective.

In terms of surface water drainage, it is proposed that surface water will be attenuated prior to discharge within an attenuation basin located in the southern corner of the site. Flows will then be discharged at a restricted rate. WCC Flood Risk have no objection subject to conditions and state that the applicant has demonstrate the principles of an acceptable surface water management strategy.

With regard to foul waste, it should be recognised that developers have an 'absolute right' to connect to the public sewer and section 94 of the Water Industry Act 1991 imposes a duty upon water undertakers to (a) "provide, improve or extend...a system of public sewers.." and (b) "to make provision for the emptying of those sewers and such further provision...for effectively dealing, by means of sewage disposal works or otherwise, with the consents of those sewers." Severn Trent have not responded to the consultation request and it is therefore assumed that they have no objection.

Overall, subject to the imposition of conditions relating to surface water management and foul waste disposal, the application is considered to be acceptable when having regard to flooding and drainage and would accord with the requirements of policy NE4 of the Borough Plan 2019, as well as the guidance set out within section 14 of the NPPF and the PPG.

7. Contamination and Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Ground Investigation Report has been submitted.

The report has identified elevated levels of ground gases and recommends further monitoring. NBBC Environmental Health have reviewed this report and raise no objection subject to standard land contamination conditions. These conditions will cover the necessary further work and review.

The Environment Agency have also requested a condition to deal with any unsuspected contamination subsequently identified during the re-development of the site. The Environment Agency have no objection subject to the inclusion of this condition.

With regard to land stability, the Coal Authority have confirmed that the site does not fall within the defined development high risk area. As such, they do not require consultation and it is considered that the impact to land stability is acceptable.

8. Air Quality and Noise

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). An Air Quality Impact Assessment has been submitted with the application. This shows that the predicted NO₂, PM₁₀ and PM_{2.5} concentrations at receptors on the development site, show that future residents will not be exposed to air quality exceeding the UK AQS objectives. Elsewhere (off -site) the impacts are predicted to be negligible at all receptor locations. NBBC Environmental Health are satisfied with the findings of the assessment and have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

Paragraph 174 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It goes on to state that development should, wherever possible, help to improve local environmental conditions such as air and water quality.

It is within this context that a Noise Assessment has been submitted. The Council's Environmental Health Team have been consulted on the application and in relation to noise, they have advised that there are concerns for future owners and occupiers from road traffic. The use of glazing and ventilation can be used to mitigate the impact to an acceptable level within the dwellings, however this leaves gardens and amenity areas at risk. It has been suggested that a noise barrier (acoustic fencing) is erected to the west of the site to run along the A444. There is already a section of close boarded fencing to the north-west of the site and this would be extended further south to protect the properties along the western side of the site. NBBC Environmental Health have no objection to the proposal, subject to conditions to ensure that these mitigation measures are implemented and retained.

9. Ecology, Open Space and Biodiversity

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

The NPPF (2021) outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 174, 179 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that

development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

An ecological assessment and an arboricultural assessment have been submitted to support the application. Within this appraisal, it is confirmed that the majority of the site comprises of improved grassland with both species-rich and species-poor hedgerow, tall ruderal habitat, dense scrub, broad-leaved woodland, rubble piles and hardstanding.

The ecological assessment states that no statutory designated sites were identified within 0.5km of the application site. According to the assessment, no adverse impacts upon designated and non-statutory wildlife sites in the vicinity are anticipated as a result of the proposed development.

The ecology report concludes that it is unlikely that reptiles, badgers, Great Crested Newts, Hazel Dormice, Riparian Mammals, Water Voles or Invertebrates would be impacted as part of the proposed development. The hedgerows, scrub and trees within the site boundary offer some suitable nesting habitat or local bird populations. It is understood that some of these trees and hedgerows are to be retained. There are certain trees and hedgerows which are to be removed in order to facilitate the development. As per the Ecology report, the removal of potential bird nesting habitat is to be undertaken outside the bird nesting season (March August inclusive) or otherwise under the direct supervision of a suitably qualified ecologist. The scheme also provides opportunities to benefit a range of smaller bird species by planting new native species within the existing retained hedgerow and installing of bird boxes. The latter shall be ensured via condition and there are hedgerows within the scheme which would be retained and enhanced with native species. The report also makes recommendations for a number of measures to enhance the ecological value of the development site including suitable lighting, hedgehog friendly fencing and provision of bat and bird boxes. The implementation of such measures shall be ensured via condition.

With regard to bats, the report states that two trees (T2 & T3) were classified as holding 'moderate' potential to support roosting bats and one tree (T6) holding 'low' potential. The ecology report states that the highest area of value for bats is likely to be section of hedgerow to the south-west of the site. This hedgerow is to be partially retained and partially removed in order to facilitate the erection of plots 1-2 and the SUDS feature. This woodland continues east and west and is well connected to a much wider landscape of suitable habitat for foraging, roosting and commuting bats. The scrub, tall ruderal and species-rich hedgerows on-site also offer good foraging opportunities. There have been 16 records of bat activity within 1km of the site. The closest of these records with a confirmed species ID was a soprano pipistrelle 400m each of the site. The trees holding moderate and low potential for bat roosting are both to be retained and appropriate measures can be taken during landscaping works to comply with the legislation afforded to bats.

An Arboricultural Method Statement (AMS) has been submitted to support the application. It is proposed that 5 trees/tree groups are to be removed and 2 tree groups are to be partially removed. These trees/groups are predominantly 'C' category trees with one 'U' category tree. The arboricultural statement states that none of these trees are considered aged or veteran and the removals would have a minimal negative impact to the amenity of the site of wider area. Category C trees are considered to be those of low quality and Category U are those that are unsuitable for retention. Whilst it is regrettable to see any loss of trees, it is acknowledged that new planting is proposed as part of the scheme and it is considered that their removal is acceptable on balance, given the level of replacement planting and the lower quality of the trees.

The protection of trees to be retained as part of the development is also a key consideration. The NBBC Tree Officer has raised concerns with regard to the layout of the scheme because parts of the development lie within the root protection areas (RPAs) of retained trees. The RPA is an area in which no ground works should be undertaken without due care in relation to the retained trees and this is to avoid soil compaction, changes in levels or soil contamination which could alter the trees condition and/or stability.

Hard surfacing would be implemented within the RPAs of T2, T3 and T4, a new footpath would be installed within the RPA of T1 and T2 and existing hard surfaced footpath within the RPA of G4 and T6 will be replaced. The AMS states that all of these incursions can be mitigated against with the use of no-dig construction methods and cellular tree root protection systems. The proposed dwellings and their associated gardens are outside of the RPAs. Compliance with the AMS recommendations can be ensured via condition and whilst the comments from the Tree Officer carry some weight against the case, on balance, given the proposed mitigation methods available, the impact is considered to be acceptable.

NBBC Parks do not object to the principle of residential development on the site, however they do object due to the partial loss of the southern hedgerow. The hedgerow runs from the east of the access to Rectory Drive and is centrally separated by an existing footpath. The footpath/cycleway is to be widened and improved as part of this application and this is considered to be essential given that the lane is a key sustainable travel route in Bedworth. This section is considered to be the key connection point between the west and south-west residential areas of Bedworth and all the town centre facilities, leisure centre and main town park. As such, many people already use the lane and its improvement forms a key section of the main east-west cycle route in Bedworth, being jointly delivered by WCC and NBBC. This route is identified in WCC's consultation stage Local Cycling and Walking Infrastructure Plan. In order to facilitate this improvement, the hedge would need to be cut back. The part of the hedge to the north of the footpath/cycleway is to be removed in order to facilitate the development of the emergency access and hammerhead to the front of plots 111-113. However, Parks state that the hedge to the north of the cycleway/footpath is important in landscaping and visual terms as it would act as partial screening and softening and that its loss is avoidable if the scheme was re-designed or number of dwellings reduced.

Amended landscaping plans were received to partially retain the hedge to the south of the footpath/cycleway but the removal of the northern section is still shown. The concerns raised by the Parks team have been duly considered and do carry some weight against the scheme. However, a large part of the hedge removal in this section is required to facilitate the emergency access and its link to the site's internal road network. Part of the removal is required in order to provide a hammerhead to the front of plots 111-113. If this section of road was removed, it is likely that the scheme would see an overall loss of units provided. The applicant has provided a slight compromise by retaining parts of the southern hedge and benefits associated with this development should be weighed up against this objection.

NBBC Parks have also stated that in several locations the proposed landscaping will create problematic proximity of shrubs and planting with paths, private drives, car parking bays which may causing recurrent maintenance requirements. In these locations, the proximity should be reduced and mown grass strips introduced to provide adequate separation. It is conceded that this can be addressed with a revised landscaping plan which can be dealt with via condition.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The Biodiversity Impact Calculations initially displayed a net gain in biodiversity, however discrepancies were highlighted with

regard to the classes of proposed trees and the number of proposed trees. Whilst the proposed trees may grow to reach a medium size class, at 30 years the trees would all still be in the small size category. Medium size category trees carry a higher score than small category trees and this has affected the biodiversity impact calculations. There is still a gain of 0.71 hedgerow units but a loss of 2 habitat units has now been shown. The revised calculations have been sent to the Parks team but no response has been received to date. Whilst it is regrettable that there is a loss in overall biodiversity, the scheme is able to follow the hierarchy by providing off site mitigation in the form of S106 contributions. The exact figure will be established as part of the S106 process.

With regard to open space, the scheme would retain grassed spaces to the south-west and northern edge of the development. There is no requirement for on-site play provision or allotments due to the number of dwellings. Instead, contributions would be provided towards destination, community and local parks and allotments. NBBC Parks have not raised concerns with regard to this element of the scheme. The Open Space SPD Design Standards states that *'Recreational provision on sites of less than 145 units will usually take the form of Green Network links for walking and dog walking and cyclepath links etc. They will have most value when forming onward connections into adjacent and nearby wider and larger areas of greenspace, ecological habitats adjacent to the development site and connections to the wider greenspace network.'* It is considered that the scheme accords with this guidance as the development retains key walking routes along the perimeter.

10. Heritage and Archaeology

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

WCC Archaeology have stated that the proposed development lies within an area of significant archaeological potential, approximately 100 m to the east of the site of a post-medieval moated site (Warwickshire Historic Environment Record MWA1674). Prior to its use as rugby pitches and bowling greens, the application site is likely to have been in agricultural use since at least the medieval period. Although few remains pre-dating the medieval period have been identified from the immediate vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. Whilst the recent use of this site may possibly have truncated any archaeological deposits there remains a potential for the proposed development to disturb archaeological deposits pre-dating the medieval period. Therefore, WCC Archaeology have requested a programme of archaeological fieldwork be completed which can be covered by a condition. WCC Archaeology have no objection subject to the imposition of this condition and therefore the impact to heritage and archaeology is considered to be acceptable.

11. Planning Obligations

The NPPF (2021) sets out that planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF (2021) notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 93 of the NPPF (2021) also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all sections of

the community. It further states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

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

Organisation	Request For	Contribution	Notes
NHS CCG	Improvements to off-site primary medical care and healthcare facilities	£107,177.00	Applicant has agreed to pay
WCC Infrastructure	Monies for the provision and improvement of schools	£349,252.00	Applicant has agreed to pay
	Improve, enhance and extend library facilities	£2,670.00	
	To support the ongoing maintenance of public rights of way within a one and a half miles radius of the site.	£3,636.30	
	Road Safety	£6100.00	
	Sustainable Travel	£1,220.00	Dealt with via condition
George Eliot Hospital	Provision of additional health care services	£136,524.00	Not considered to be CIL compliant
NBBC Sports	Provision of sports and leisure facilities	£281,521.00	Applicant has agreed to pay
NBBC Parks	Provision and maintenance of play and open space	£237,107.87	Applicant has agreed to pay
	Biodiversity offsetting	TBC	Applicant has agreed to pay in principle
WCC Highways	Monies to the Longford Road corridor improvement scheme	£33,232.86	Applicant has agreed to pay
	Monies to the M6 Junction 3 improvement scheme	£139,648.60	
	Processing and advertisement of the 20mph speed limit	£6,000.00	
	Processing and advertisement of the Traffic Regulation Order	£6,000.00	

	for the implementation of the speed reduction scheme on Smarts Road		
Bedworth Rugby Club / Rugby Football Union	Provision of improvements at the Bedworth Rugby Club at Nicholas Chamberlaine School to include the provision of a club house and floodlights.	£1,250,000.00	Applicant agreed to pay
NBBC Housing	Provision of affordable housing	25% affordable	Applicant agreed to provide

12. 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 allocated as a strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, 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 planning obligations and conditions.

Taking into account the above assessment, it is consequently considered that the proposed development would be mostly 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.

Should Planning Committee vote to grant planning permission, in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the Council will be required to consult the Secretary of State. The Secretary of State has 21 days to inform the Council that they wish to call in and determine the application instead of the Council issuing the decision.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Site location plan	SKPS_004-PD	10 March 2022
Layout plan	SKPS_004-PD-002 Rev AD	10 May 2023
Boundary treatment plan	SKPS_004-PD-004 Rev D	11 May 2023
Arun Semi Detached	ARUN-01A	4 July 2023
Arun FCT	SKM212-ARUN FCT-01	4 July 2023
Blackthorn GF plan	Blackthorn Rev C	4 July 2023
Blackthorn FF plan	Blackthorn Rev C	4 July 2023
Blackthorn elevation plans	Blackthorn Rev C	4 July 2023
Blackthorn level access	Blackthorn Level Access	4 July 2023
Bourne SA	SKM212-BRNESA-01	4 July 2023
Bourne Semi-detached 1	SKM212-BRNE-01	4 July 2023
Bourne Semi-detached 2	SKM212-BRNE-02	4 July 2023
Bourne Semi-	SKPS_004-PD-009 Rev A	28 September 2022
Hazel GF plan	Hazel Rev C	4 July 2023
Hazel FF plan	Hazel Rev C	4 July 2023
Hazel elevations	Hazel Rev C	4 July 2023
Hollinwood SA	Hollinwood SA	4 July 2023
Hollinwood	Hollinwood HOLL-01A	4 July 2023
Southwick Detached SA	STHKSA-01A	4 July 2023
Southwick Detached	STHK-01A	4 July 2023
Southwick Semi Detached	STHKSASD-01A	4 July 2023
Arboricultural Method Statement inc TPP, TIP & TCP	AMS ZTL-145-AMS-E	30 May 2023
Landscaping plans	ZLA_1257-L-201-C	30 May 2023
Landscaping plans	ZLA_1257-L-202-C	30 May 2023
Landscaping plans	ZLA_1257-L-203-C	30 May 2023
Landscaping plans	ZLA_1257-L-204-C	30 May 2023

3. No development, groundworks or remediation shall be undertaken until a phasing plan is submitted and approved in writing by the Council. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways;
 - b. Residential dwellings;
 - c. Provision of ecological and landscaping enhancement areas;
- The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

4. No development shall commence until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

5. No development shall commence until:

- a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;
- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are

carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council

6. No development shall commence until a Construction Environmental Management Plan 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 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays

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

7. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Ecological Appraisal received by the Council on 10th March 2022 will be implemented and maintained. The content of the BEMP shall include:

a.details of planting to provide additional foraging areas for bats;

b.details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;

c.details of mammal friendly fencing;

d.habitat creation;

e.biodiversity impact mitigation

f.landscape and ecological buffer zones;

g. provision of hibernacula;

h. provision of barn owls nest boxes;

i.details of a scheme securing future maintenance and retention;

j. description and evaluation of features to be managed;

k. aims and objectives of management;

l. appropriate management options for achieving aims and objectives;

m. prescriptions for management actions;

n.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

o.details of the body or organisation responsible for implementation of the plan;

p. ongoing monitoring and remedial measures.

The BEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the BEMP and address any contingency measures where appropriate. The BEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the BEMP through dated photographs and associated

text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

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

8.No development including any site clearance shall take place within any phase until a Construction Ecological Management Plan (CEMP) relating to that phase has been submitted to and approved in writing by the Council. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include details of:

- a. Any pre- construction checks required;
- b. The species safeguards to be employed;
- c. Appropriate working practices and timings of construction works;
- d. Timing and methodology of site clearance;
- e. The extent of buffer zones and stand-offs for sensitive ecological features;
- f. Actions to be taken if protected species are discovered during construction;
- g. Methods for checking habitats for nesting birds;
- h. Measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice;
- i. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase;
- j. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015);
- k. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding;

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements shall include a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

9. No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the Council. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved Written Scheme of Investigation, shall be undertaken in accordance with that document.

10. No development shall commence until full details of the construction of the road serving the development including footways, private drives and means of accessing individual plots, drainage (including the outfalls) and levels of the car parking and manoeuvring areas as shown on the approved Drawing No. SKPS_004-PD-002 Rev AD have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The site shall not be occupied until the areas have been laid out and substantially constructed. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 16.4l/s for the site in line with the approved surface water drainage strategy (ref: BRC-LE-GEN-XX-DR-CE-510, revision B, dated 23 March 2023).

2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:

a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.

- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
12. No construction including site clearance shall commence unless until the measures for the protection of the trees and hedgerows as outline within the Arboricultural Method Statement (ZTL-145-AMS-E) have been installed. Once implemented, the protection measures shall remain throughout the course of the development.
13. Notwithstanding the landscaping plans submitted, no development shall commence above slab level until detailed planting plans have been submitted to and approved in writing by the Council. The development shall not commence other than in accordance with these approved plans. 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.
14. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been 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.
15. No phase of development shall commence until full details and samples of materials proposed to be used in the external parts of any building in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
16. No development shall commence until details of a noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal and external noise levels as defined in table 4 and paragraph 7.7.3.2 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. The dwelling shall not be occupied other than in accordance with the approved details.
17. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Council.
18. The development hereby permitted shall not be occupied until the rainwater harvesting system has been installed to that plot.

19. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (BRC-LE-GEN-XX-RP-CE-FRA01-P1) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

20. No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance
5. Demonstrate that a minimum 3 metre development free easement around the perimeter of the SuDS basin, to allow for a maintenance vehicle to gain access.

21. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted to and approved in writing by the Council for each phase of development. The approved packs shall be provided prior to the first occupation of that dwelling.

22. No dwelling shall be occupied until the access to the site has been laid out and constructed in accordance with Drawing No. SKPS_004-PD-002 Rev AD.

23. No dwelling shall be occupied until the emergency access between the site and Rectory Drive is available for use by HGV's.

24. No more than 61 dwellings (50% of the total number of dwellings) shall be occupied until a traffic calming scheme along the length of Smarts Road has been installed. No construction shall begin until full construction details of the scheme, including lighting assessment, have been submitted to and approved by The Council in consultation with the Highway Authority.

25. No dwelling shall be occupied until the visibility splays from the vehicular access to that plot, passing through the limits of the site, adjacent properties fronting the fronting the highway and the highway, have been provided in accordance with the approved plans. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.

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 to that dwelling. In addition at that

time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

27. No dwelling shall be occupied until details of acoustic fencing have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the fencing is erected in accordance with the approved details. Once implemented, the fencing (or its equivalent replacement) shall remain in perpetuity.

28. There will be no occupation of any dwelling prior to the construction of the footpath and cycleway as shown on SKPS_004-PD-002 Planning Layout Rev AD along the southern boundary of the site.

29. Junction visibility splays shall be provided within the site, passing through the limits of the site fronting the highway, with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.

30. 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 per kWhr

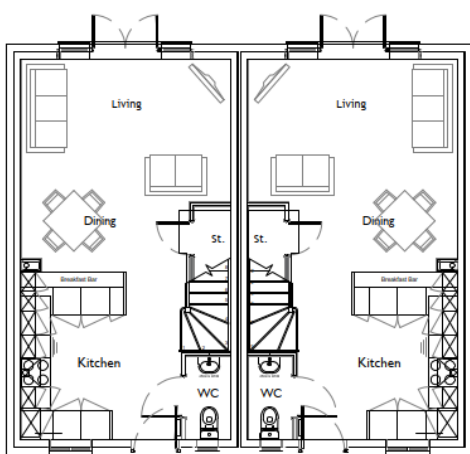
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and enacting that Order) No extension (under Class A or Class AA) or roof alteration (under Class B or Class C) shall be erected without the prior written consent of the Council.



Front Elevation (Brick)

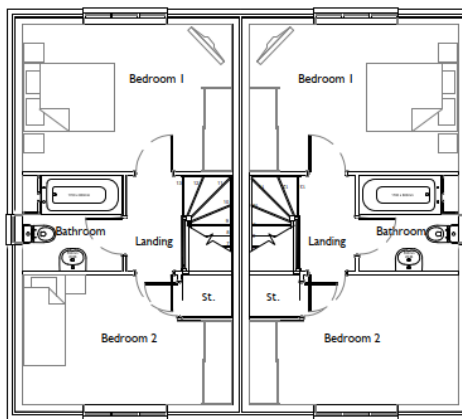


Rear Elevation



Ground Floor Plan

Scale 1:100



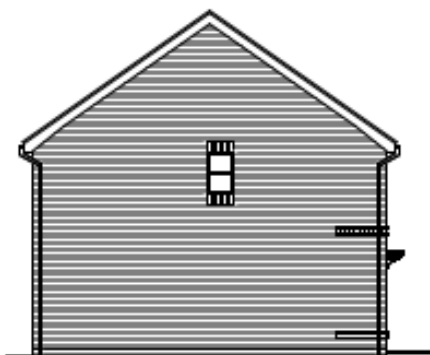
First Floor Plan

Scale 1:100

The Arun
Semi
Detached



Side Elevation



Side Elevation



Ground Floor Plan

Scale 1:100

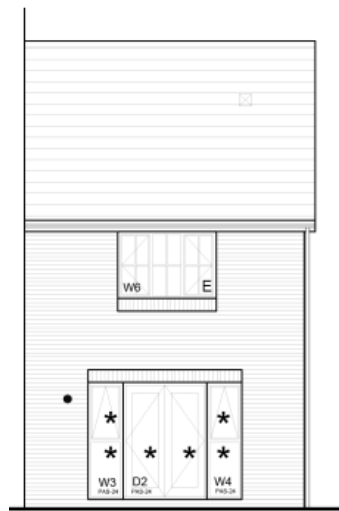


First Floor Plan

Scale 1:100



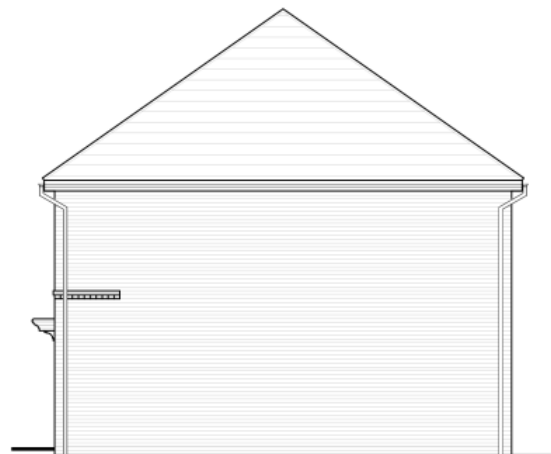
Front Elevation (Brick)



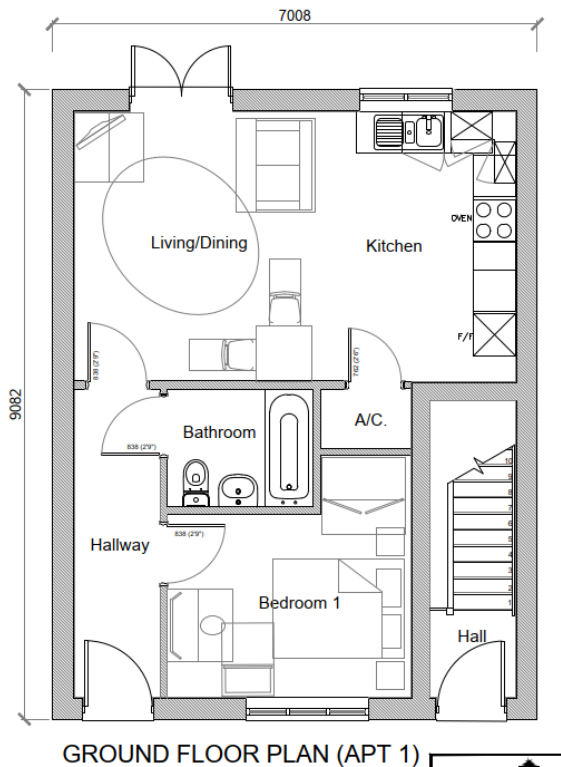
Rear Elevation



Side Elevation



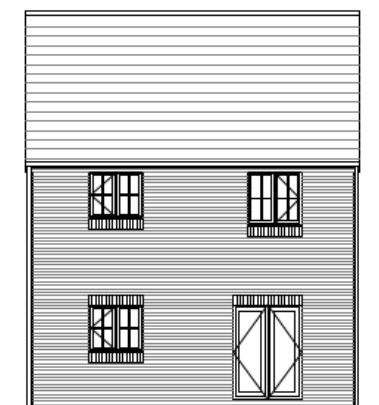
Side Elevation
The Arun FCT



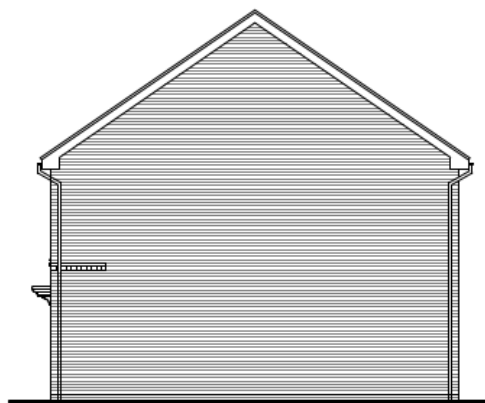
GROUND FLOOR PLAN (APT 1)



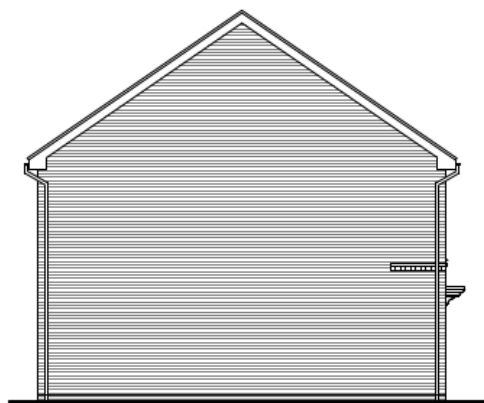
Front Elevation
Scale 1:100 & 0 (Brick)



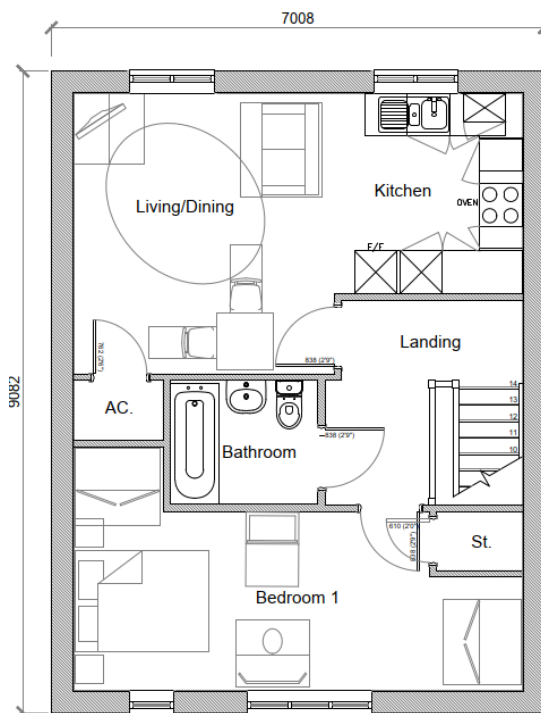
Rear Elevation
Scale 1:100 & 0 (Brick)



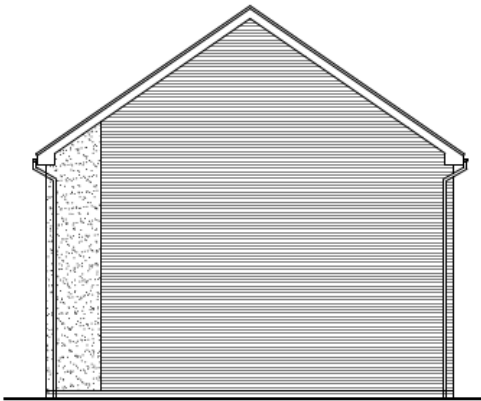
Side Elevation
Scale 1:100 & 0 (Brick)



Side Elevation
The Blackthorn



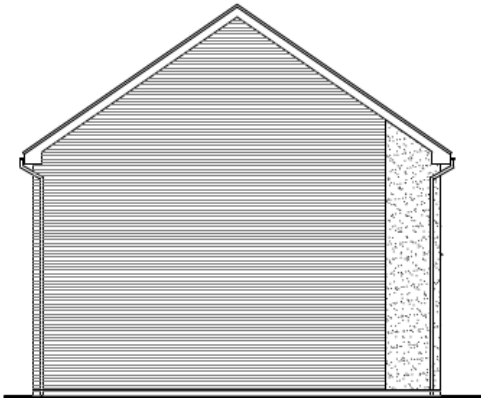
FIRST FLOOR PLAN (APT 2)



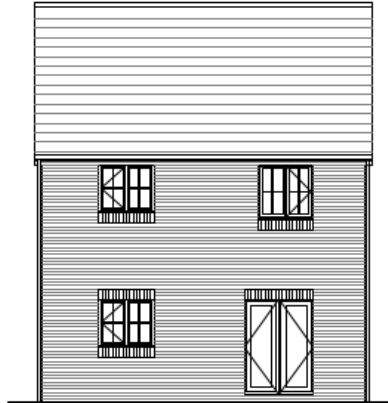
Side Elevation
Scale 1:100 & 6 (Contemporary)



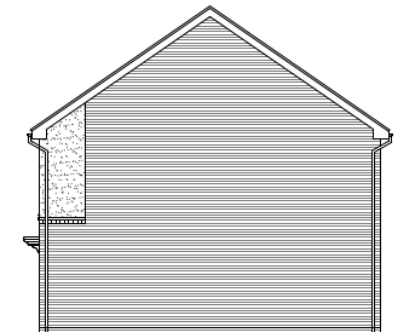
Front Elevation
Scale 1:100 & 1 (Brick/Render)



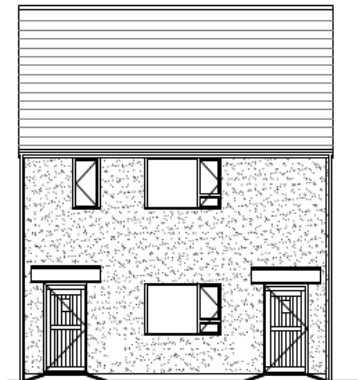
Side Elevation



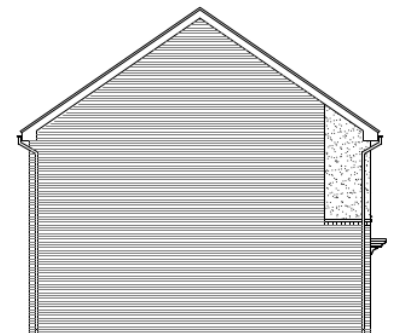
Rear Elevation



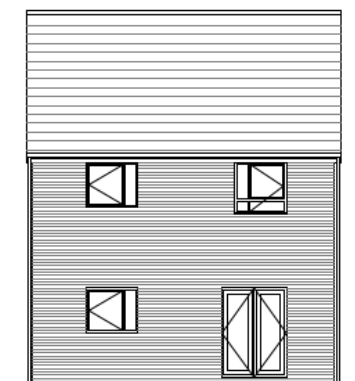
Side Elevation
Scale 1:100 & 1 (Brick/Render)



Front Elevation
Scale 1:100 & 6 (Contemporary)



Side Elevation



Rear Elevation

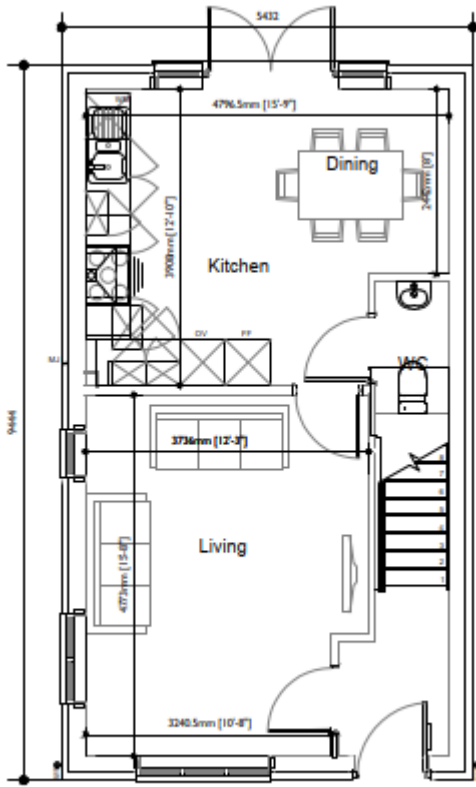
The Blackthorn part render



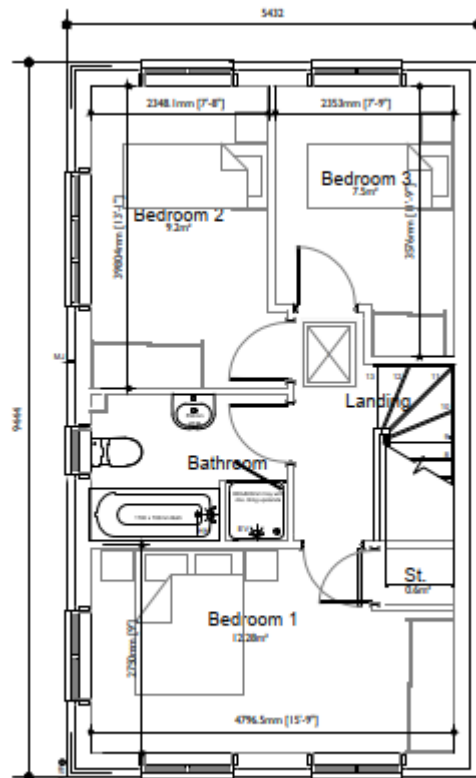
Front Elevation (Brick)



Front Elevation (Render)



Ground Floor Plan



First Floor Plan

The Bourne SA



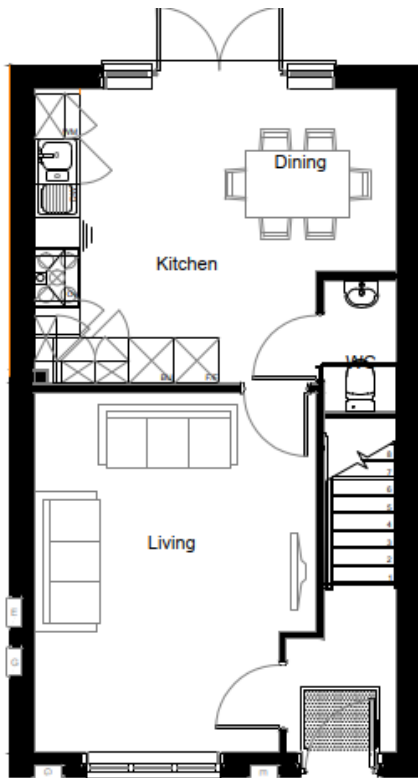
Front Elevation (Brick)



Front Elevation (Render)

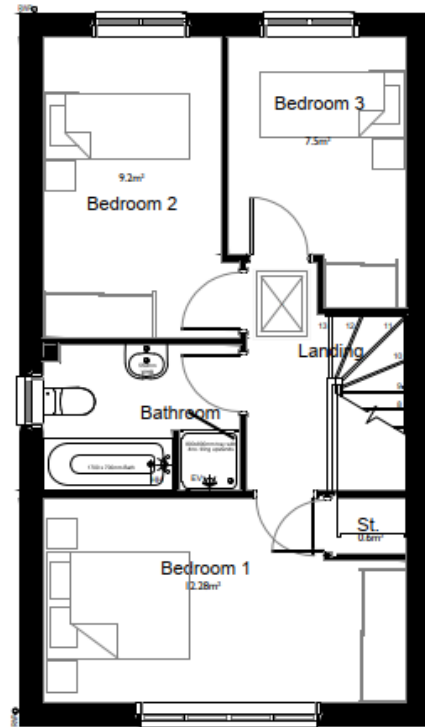


Rear Elevation

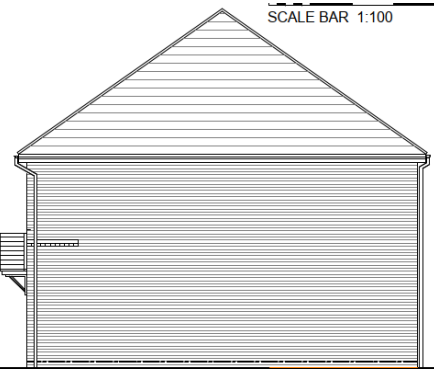


Ground Floor Plan

SCALE BAR 1:100



First Floor Plan



Side Elevation



Side Elevation



Side Elevation

The Bourne Semi-detached



Front Elevation



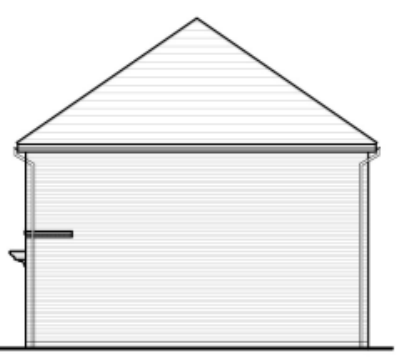
Front Elevation
The Blackthorn Level Access



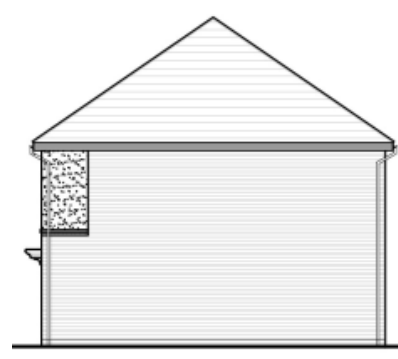
Rear Elevation



Rear Elevation (Semi-detached)



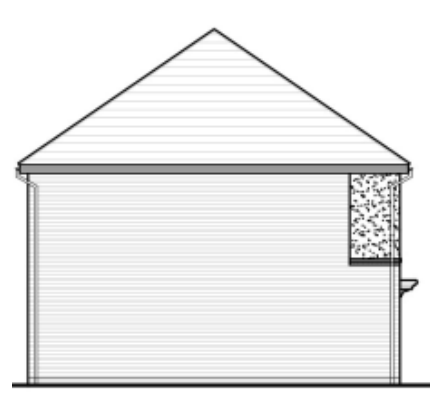
Side Elevation



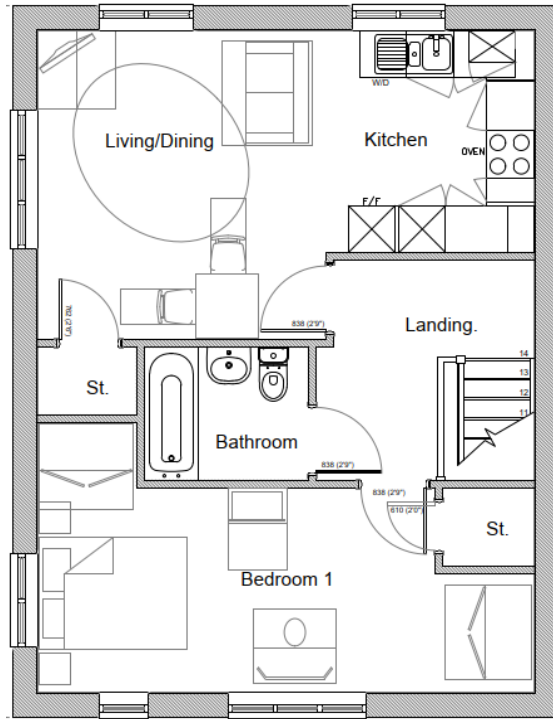
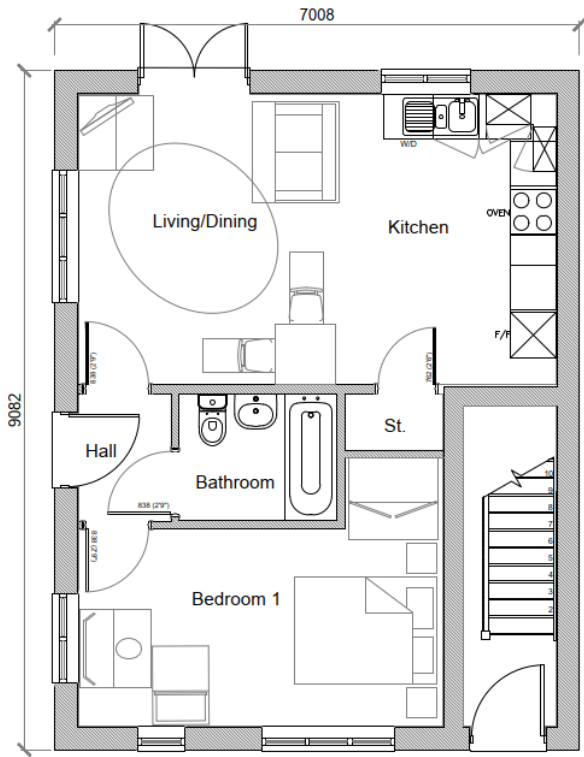
Side Elevation



Front Elevation (Semi-detached)

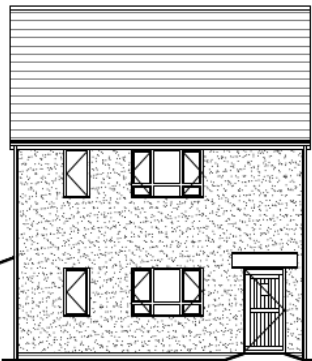
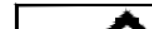


Side Elevation

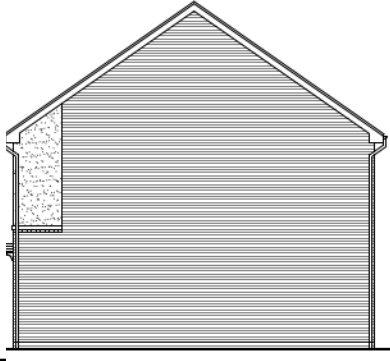


The Hazel

FIRST FLOOR PLAN (APT 2)



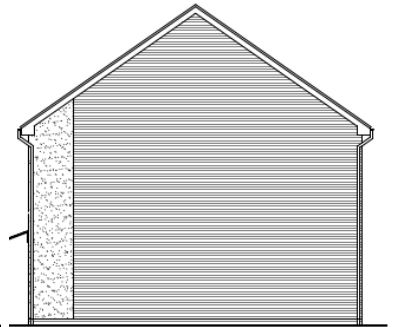
Front Elevation
Scale 1:100 6.6 (contemporary)



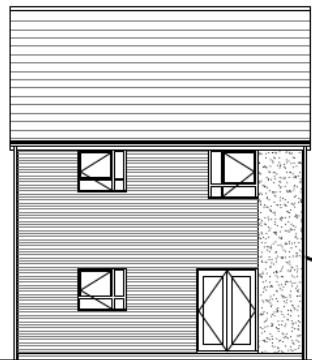
Side Elevation
Scale 1:100 6.1 (Brick/Render)



Front Elevation
Scale 1:100 6.1 (Brick/Render)



Side Elevation
Scale 1:100 6.6 (contemporary)



Rear Elevation
Scale 1:100 6.6 (contemporary)



Side Elevation



Rear Elevation
Scale 1:100 6.1 (Brick/Render)



Side Elevation
Scale 1:100 6.6 (contemporary)



Front Elevation (Brick)



Front Elevation (Render)



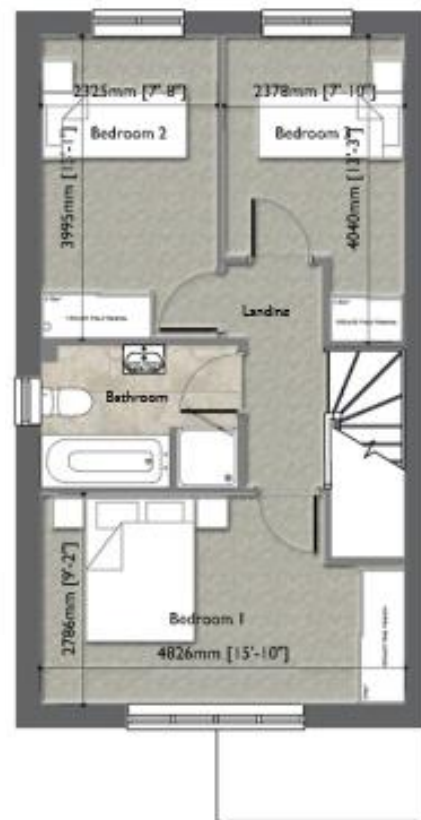
Ground Floor Plan

The



Rear Elevation

Hollinwood SA



First Floor Plan



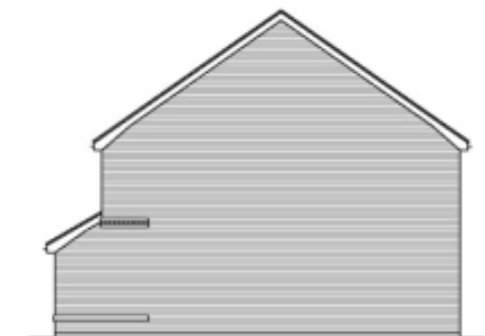
Side Elevation



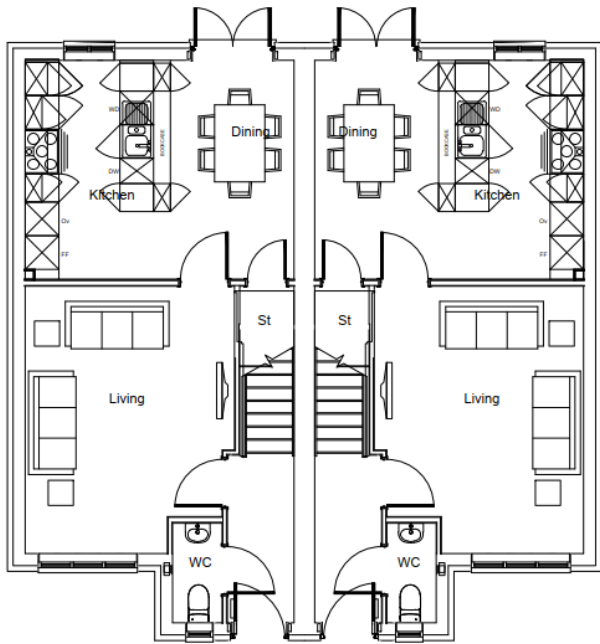
Side Elevation



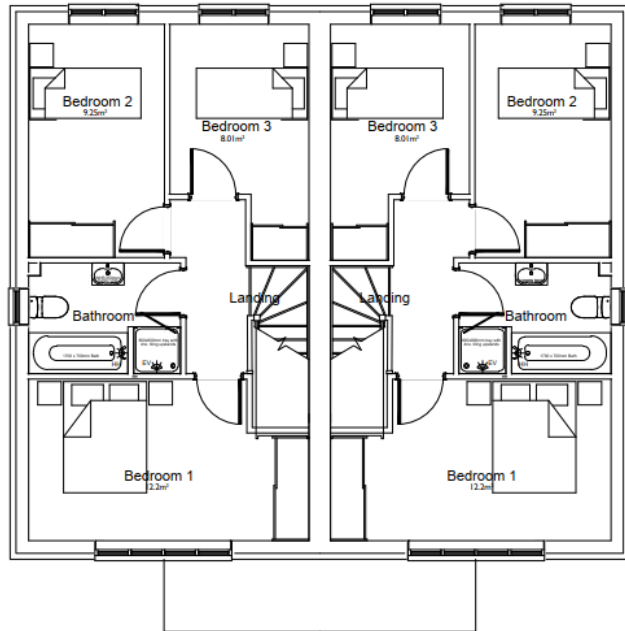
Side Elevation



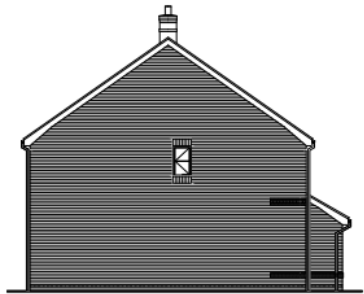
Side Elevation



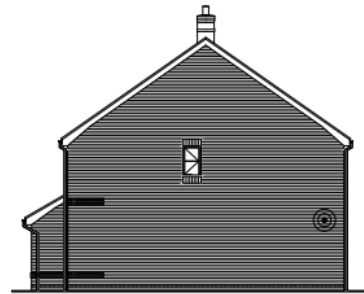
Ground Floor Plan



First Floor Plan



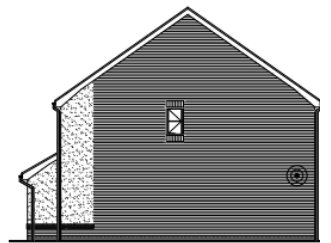
Side Elevation



Side Elevation



Side Elevation
The Hollinwood



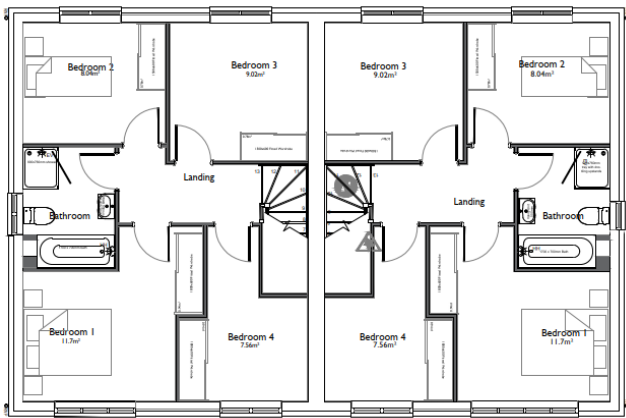
Side Elevation



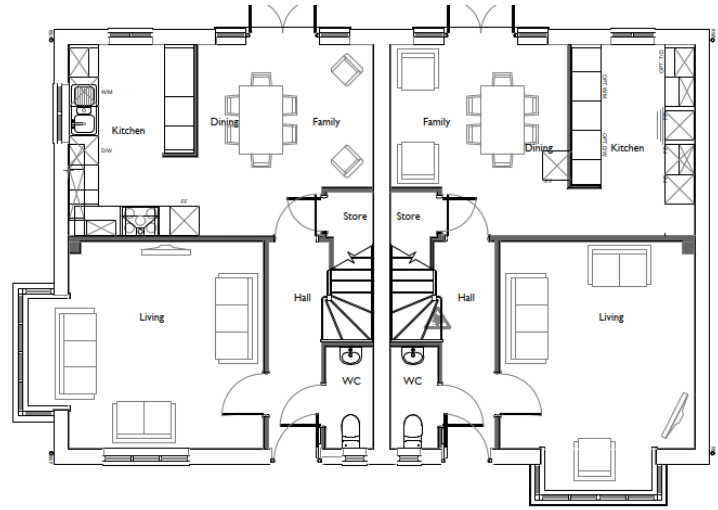
Front Elevation (Render)



Front Elevation (Brick)



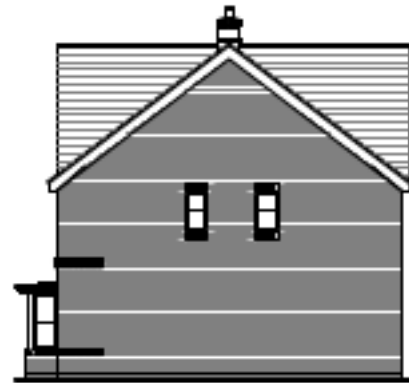
First Floor Plan



Ground Floor Plan



Side Elevation Scale 1:200



Side Elevation Scale 1:200

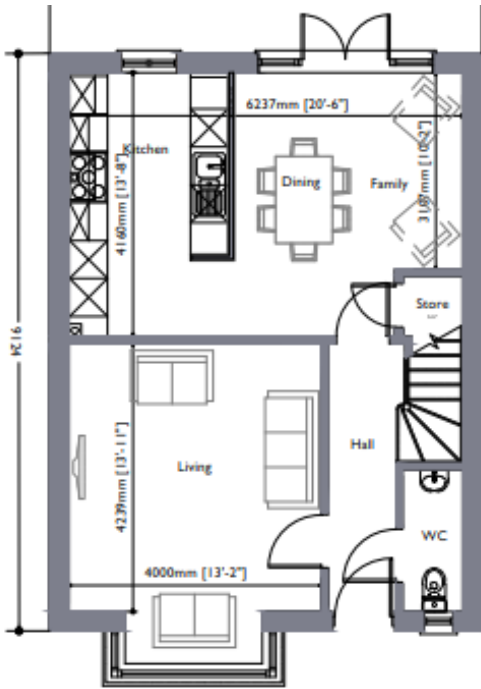


Front Elevation (Brick)

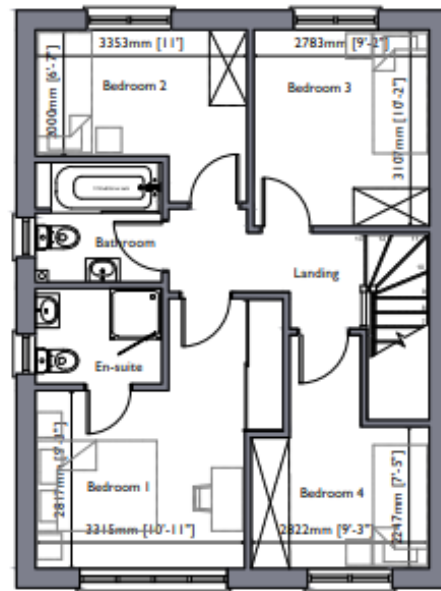


Rear Elevation

Southwick
Semi-
Detached
SA



Ground Floor Plan



First Floor Plan

scale 1:100



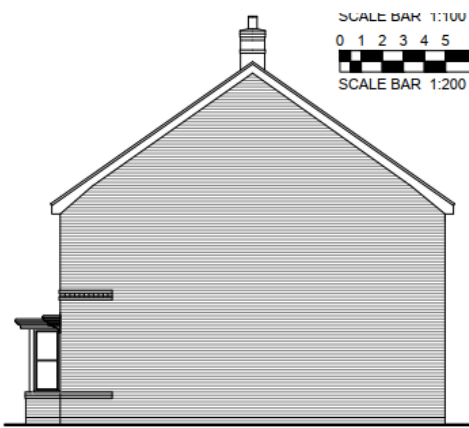
Front Elevation (Brick)

Scale 1:100



Front Elevation (Render)

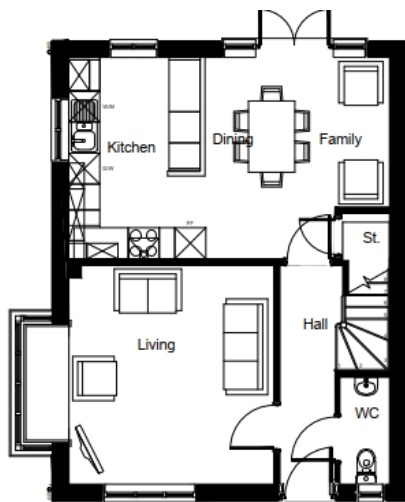
Southwick Detached



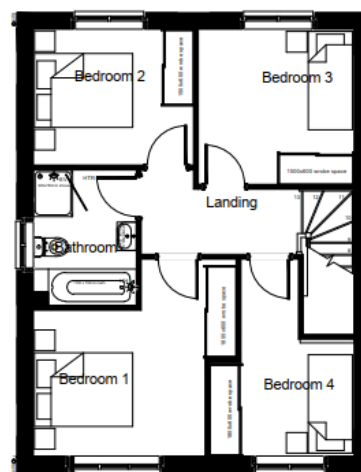
Side Elevation



Side Elevation



Ground Floor Plan



First Floor Plan



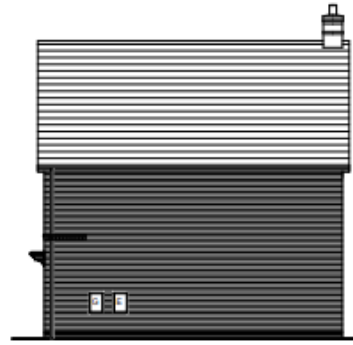
Rear Elevation

Scale 1:200



Side Elevation

Scale 1:200



Side Elevation

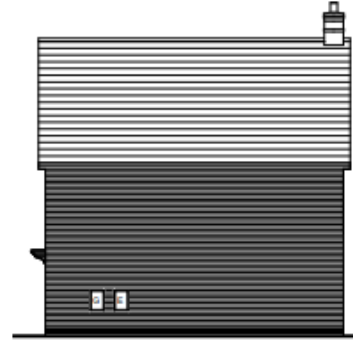
Scale 1:200



Rear Elevation
Southwick Detached SA



Side Elevation



Side Elevation

Glossary

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Class E (Commercial, business and service uses),

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

Class F.2 (Local community uses)