

Enquiries to:  
Committee Services

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 6<sup>th</sup> September 2023

Dear Sir/Madam,

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

## **Committee Site Visits**

### **Planning Applications Committee – 19<sup>th</sup> September 2023**

**Members are reminded that a site visit will take place prior to the Planning Applications Committee in connection with application 039622 - Site: 2 Osprey Close, Nuneaton, Warwickshire. CV11 6TF.**

**Members are asked to meet at the site at 5:00pm.**

#### **Committee Site Visits- Code of Conduct**

The purpose of a site visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:

- a) A site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis on the officers' report to the Committee alone.
- b) Authorised attendance at a site visit shall be limited to members of the Planning Applications Committee and appropriate Officers.
- c) There shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee.
- d) Applicants or their representative shall not be permitted to make representations to members of the Committee during a site visit. They may, however, give any purely factual information which is requested by members through the representative of the Development Control Department and which cannot be ascertained by viewing alone.
- e) At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Development Control Department will explain and make clear to all those attending the Code's requirements for the conduct of site visits

## 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 29<sup>th</sup> August 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 10**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 13**).

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

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

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

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**29<sup>th</sup> August 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 29<sup>th</sup> August 2023, in the Council Chamber and was recorded for future publication on the Council's website.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, J. Hartshorn, S. Markham, B. Pandher, E. Shiers, K. Wilson and S. Harbison (substituting for Councillor R. Smith).

Apologies: Councillors R. Smith and J. Sheppard.

PLA19 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 25<sup>th</sup> July 2023 be approved and signed by the Chair.

PLA20 **Declarations of Interest**

As Councillor S. Harbison was a substitute Councillor for this meeting, his declarations were not detailed in the Schedule attached to the agenda.

**RESOLVED** that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interest for Councillor S. Harbison who is a substitute Councillor for this meeting.

PLA21 **Declarations of Contact**

All Members declared they had received contact from the Developer. Councillor Cvetkovic declared he had also been contacted in the past by the Developer, in his role as Ward Councillor. Councillors confirmed they had given no indication to the Developers in relation to what they would say or how they would vote.

**IN PUBLIC SESSION**

PLA22 **Planning Applications**

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

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

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA18 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 29<sup>th</sup> August 2023

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039235: Tolldish Hall Farm Parrotts Grove Coventry Warwickshire CV2 1NR  
Applicant: Mr Richard Turner

**Public Speakers:** Mr Richard Turner (Applicant)  
Councillor R. Smith (Ward Councillor)

**DECISION**

That planning permission be granted, subject to the conditions printed in the agenda.

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## Planning Applications Committee - Schedule of Declarations of Interests – 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"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> 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"> <li>• Building Control Partnership Steering Group</li> </ul>	
	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"> <li>• Friendship Project for Children.</li> </ul>	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> <li>Nuneaton Education Strategy Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>	
	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"> <li>Nuneaton and Bedworth Sports Forum</li> <li>Warwickshire Direct Partnership</li> <li>Warwickshire Waste Partnership</li> <li>Sherbourne Asset Co Shareholder Committee</li> <li>Hammersley, Smith and Orton Charities</li> </ul>	
	B. Pandher		Member of Warwickshire County Council  Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Foleshill Charity Trustee – Proffitt’s Charity</li> </ul>	
	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	

	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"> <li>• A5 Member Partnership;</li> <li>• PATROL (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• West Midlands Combined Authority and Land Delivery Board</li> </ul>	
	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"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> <li>• West Midlands Combined Authority</li> </ul>	

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

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**Planning Applications Committee**  
**19<sup>th</sup> September 2023**

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

**Previously Considered**

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**Planning Applications**

Item No.	Reference	Ward	Address	Page No.
2.	039092	AT	The Lodge School Walk, Nuneaton, Warwickshire	28
3.	039519	AB	“Site 51A073 – Ex Co-op buildings and car park” Abbey Street, Nuneaton	45
4.	039700	AB	“Site 51A074” 17-23 Abbey Street	58

Wards:					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

**REFERENCE No.** 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

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**RECOMMENDATION:**

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

**REASON FOR DEFERRAL:**

To allow a site visit to be carried out and to allow parking concerns to be looked into by WCC Highways (including the extended car parking area) and advice be given to the Planning Committee in relation to parking.

**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 23<sup>rd</sup> May 2023.

Neighbouring properties were also reconsulted notifying them of amendments to the proposed site plan on 4<sup>th</sup> August 2023.

### **NEIGHBOUR RESPONSES:**

There have been 53 objections from 30 addresses as well as an objection from Marcus Jones MP and 4 objections with no address provided. Following the revised plans being submitted a further 10 objections were received from 6 addresses. A further 2 objections were received 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. Impacts to the residential amenity of neighbours
5. Increased noise and disruption
6. Impact on privacy
7. Unsuitable location for a care home
8. Lack of activities and sports opportunities for children in area
9. Location and access to local schools
10. Concerns regarding commercial viability
11. Questions who is responsible for funding and running the property
12. No information regarding the ages of children, where they are from and their needs
13. Believes garden and local green areas are insufficient for children
14. Concerns of the effects relating to parking, safety and staffing will have on neighbouring properties.



15. Concerns regarding security and privacy
16. Proposals out of keeping with the area
17. No pathways, walkways or off-street parking in Close creating potential congestion and safety issues
18. Increased noise, anti-social behaviour and disruption
19. Impact on residents and their families specifically elderly residents and grandchildren
20. No local plan policies relevant or statement of purpose submitted
21. Lack of nearby amenities and public parks
22. Significant changes to an existing family home
23. Change of use to a business premises for profit
24. Limited access for emergency vehicles
25. Questions how 1-1 support will be provided with 1 bedroom for 3 carers
26. Lack of public transport in area
27. Impact on demographics of area
28. Questions experience of applicant in managing and maintaining proposed type of property
29. Obligations regarding any potential damage or disturbance to neighbouring properties
30. Carer jobs unlikely to be filled by people in local area
31. No guarantee children will be from the local area
32. Lack of input and engagement with social services
33. Questions the need for this facility within the local area
34. Concerns regarding agency personnel and level of supervision of young people
35. If approved could open a flood gate to further similar applications
36. Believes many points made in the submission are debatable and require an independent assessment
37. Increased vulnerability of elderly residents
38. Other nearby care homes have better parking facilities
39. Concerns where staff would be able to take smoking breaks
40. Speculative application in an inappropriate area
41. Questions reduction in proposed car activity
42. Questions the 48 hour shift patterns and impact on carers
43. Concerns regarding how proposer is working with WCC
44. Concerns regarding ratio of carers to children
45. Believes there is no 'local need' for additional children's care homes
46. Concerns vandalism could take place if property unoccupied for long period of time
47. Believes there are better suited properties being built in the area
48. Believes the applicant will not live at the property
49. Council needs to consider long term interest of remaining residents
50. Questions reduction in number of staff
51. Nothing determinable has been addressed following additional information being provided
52. Impact on pedestrian and driver safety and parking

## **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 of 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.

Further objections have been made regarding the lack of information clarifying the number of carers that would be employed at the home and their shift patterns. The agent has confirmed that there will be a maximum of 3 children in the home and a maximum of 3 staff (if required) and 2 staff to sleep in. One to one care doesn't necessarily require a child to carer ratio of 1:1, as a single carer can provide 1:1 care for more than a single child at any one time. The company plans to work to the ratio of 3 children to 2 staff. Additionally, if at any point following a risk assessment the responsible parties feel the children require any extra support, 3 carers will be available during waking hours, including evenings and weekends. To add to this, the carers have regular breaks throughout the day. These rotas are provided to Ofsted prior to registration and meet the policies and procedures set out by Ofsted. It is considered that as the above information is not considered to relate to planning matters, this would have an acceptable impact on residential amenity.

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.

Following the application being deferred, a revised Site Plan was submitted demonstrating that 4 parking spaces can be provided on the site. This included one in the existing garage and one sideways on the drive, along with the 2 existing spaces provided. As mentioned in the Neighbours notified section, multiple objections were made following revised plans being submitted and adjoining neighbours being reconsulted.

WCC Highways have responded on the revised plans. They have advised that although the amended parking plan shows a space within the garage, parking in garages is not accepted unless the internal dimensions are suitable for a modern vehicle and even then, garages are rarely used for actual parking. In this case the garage is 2.4 metres by 5 metres internally, for a parking space to be considered within a garage the minimum dimensions should be 3.5 metres by 6 metres. With the space

shown in the block paved area the concern is that this would be captive, i.e. blocked in by the other 2 spaces. It would therefore be likely that the vehicle would just park perpendicular to the house overhanging into the highway. Ideally some form of boundary should be provided to prevent this.

However as stated above, in order to accord with NBBB parking standards only 3 spaces are required. Therefore, if the garage space and space in the block paving is removed the site is only short 1 parking space. It is unlikely that the demand for on-street parking within an acceptable walking distance is such that 1 additional vehicle would be detrimental to highway safety.

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 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, 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 128m<sup>2</sup> and this home is approximately 165m<sup>2</sup> 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:**

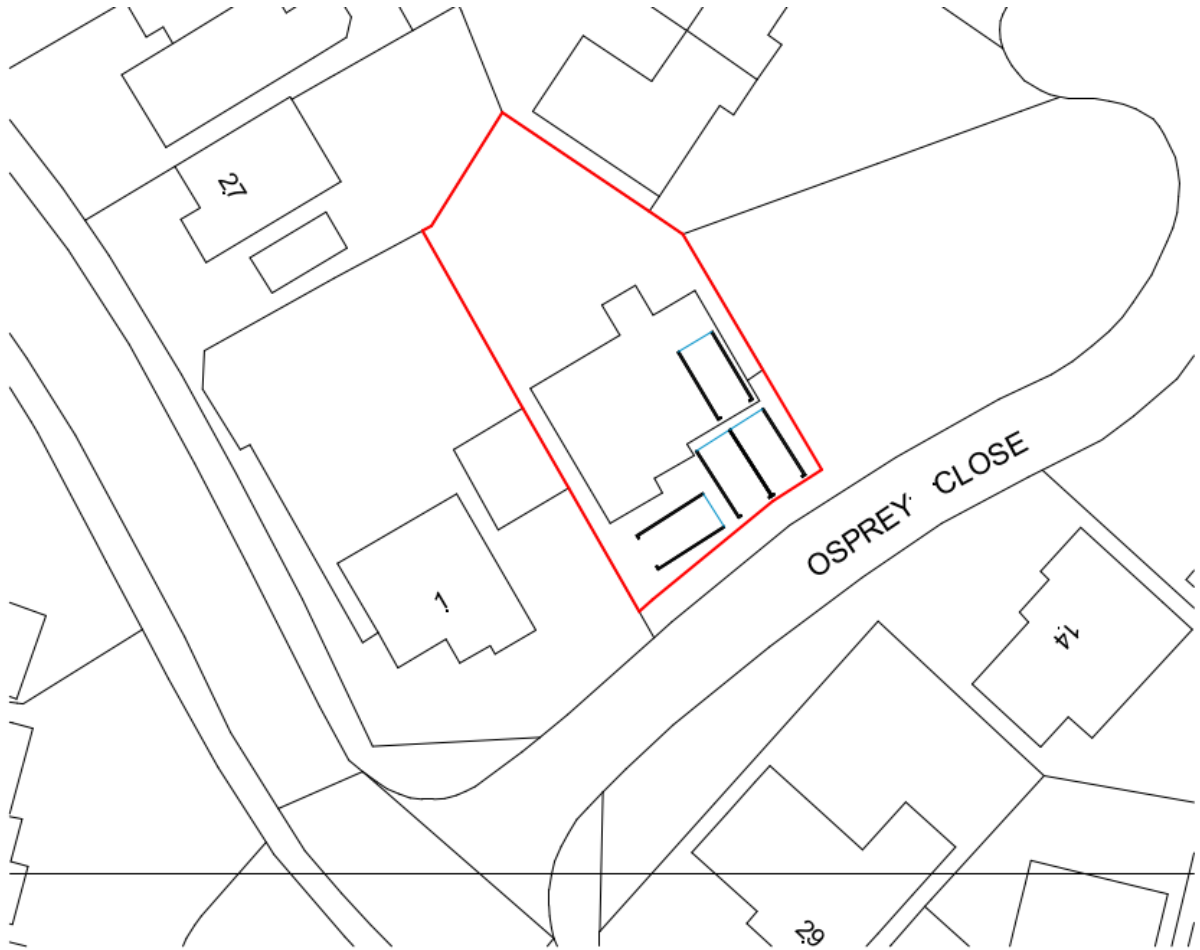
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Site Location Plan and Site Plan	A102	31 <sup>st</sup> July 2023
Proposed Plans	A101 Rev A	19 <sup>th</sup> June 2023

3. The site shall not operate other than in accordance with the Planning Statement received by the Council on the 9<sup>th</sup> May 2023, supporting information '2 Osprey Close Nuneaton Planning' and 'Appendix A – staff rota' received by the Council on 19<sup>th</sup> 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 children's 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

1 : 500

Site Plan



OS Licence no. AC0000849896

# Location Plan

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**

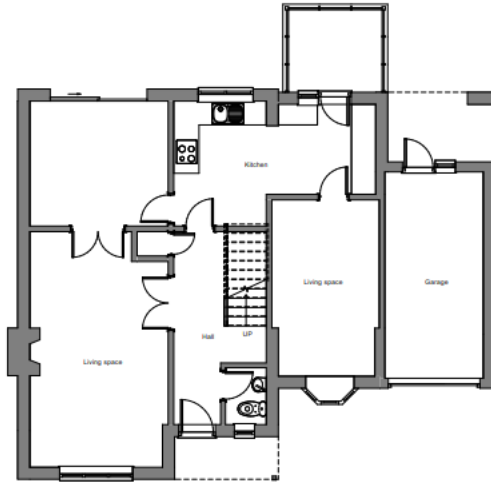
1 : 100



**Existing Side Elevation**

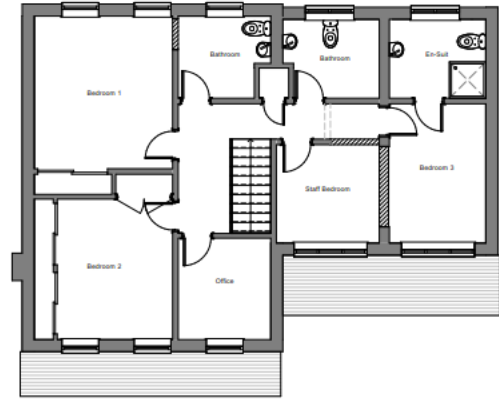
1 : 100

### Existing Elevations



**Proposed Ground Floor**

1 : 50



**Proposed First Floor**

1 : 50

## Proposed Plans

**REFERENCE No.** 039092

**Site Address:** The Lodge School Walk Nuneaton Warwickshire CV11 4PJ

**Description of Development:** Demolition of The Lodge and erection of 9 No. 2 and 3 bedroom dwellings

**Applicant:** Trye

**Ward:** AT

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**RECOMMENDATION:**

Planning Committee is recommended to grant planning permission.

**INTRODUCTION:**

This is a full application for the demolition of The Lodge and erection of 9 No. 2 and 3 bedroom dwellings at The Lodge School Walk Nuneaton Warwickshire CV11 4PJ.

The application site of “The Lodge” is a substantial red brick building located on the corner of School Walk, Trinity Walk and Park Avenue. The historical use of the building has included light industrial/ manufacturing and more recently as an educational site. The buildings themselves have been previously stated to have a degree of character, but are not listed and do not appear on the local list. The existing building presents a blank elevation when viewed from Trinity Walk, with the building being set behind a tall wall with some scattered trees to which the views can be considered to be of low amenity.

There are a mix of buildings on the site itself including a tall two-storey red brick with tiled gable roof. There is also a single storey red brick bungalow with cladding to the gable area. A flat roof building is also located to the rear. To the side adjacent to 22 School Walk is a garden area.

The site itself is approximately 0.5m higher than that of the road, with a relatively low brick wall to the boundaries. To the front of the site is an area for car parking.

The site itself appears to be currently vacant. Planning history shows that the site was granted planning permission in 2007 following an appeal which was allowed for the demolition of The Lodge and the erection of 26. No apartment buildings. This permission was never commenced and has long since ceased. However, at this time, the principle of the use as residential was established.

The surrounding character of the area is mostly residential in nature. School Walk is made up of semi-detached two-storey and single storey (bungalow) properties. Trinity Walk is also made up of two-storey properties, mostly semi-detached with some detached properties. The roofs of these properties are mixed hipped and gable roofs. Park Avenue has a number of two-storey terraced properties of mixed ages. The Freeway Building is located almost opposite the site, which is at present used as an education establishment and is a Locally Listed building.

Following the demolition of The Lodge, 9 new dwellings are proposed to be erected. A row of 5 terraced properties will front onto Trinity Walk and these are to be set back from the road to allow a garden. A pair of semi-detached dwellings are proposed facing School Walk and a further pair of semi-detached dwellings are proposed to face the junction of Trinity Walk and School Walk at a 45 degree angle, to which the respective front driveways will be off Trinity Walk and School Walk. Each dwelling will have a front garden, which will be able to accommodate between 1-2 off-street parking spaces, as well as a front garden and rear garden.

The dwellings will be 2.5 storeys in height, with a bedroom within the roof space. The roofs will be gabled, with a pitched roof rear dormer to accommodate the first floor bedroom.

### **BACKGROUND:**

This application is being reported to Committee as more than 5 letters of objection have been received.

### **RELEVANT PLANNING HISTORY:**

- 030166 Residential development, 26 apartments (The Lodge). (Outline including layout, scale, appearance and access, with associated parking). Application for new planning permission to replace extant planning permission in order to extend time limit for implementation. Section 106 not signed and returned 19/02/2013
- 011309 Residential development, 26 apartments (The Lodge) (outline including layout, scale, external appearance, means of access with associated parking). (Resubmission following refusal of 010887). Refused 04/04/2007.
- 010887 Residential development 26 apartments (The Lodge) (outline including external appearance, siting, design and access, with associated parking). (Resubmission following refusal of 10465). Refused 12/09/2006. Allowed at appeal 12/06/2007
- 010465 Residential development 26 apartments The Lodge. (outline including external appearance, siting, design and access). Resubmission of withdrawal 10181). Refused 21/06/2006.
- 010181 Erection of 30 apartments (outline to including siting, parking and access) (existing educational buildings demolished) (site of The Lodge). Withdrawn 30/11/2005
- 028436 Change of use from light industrial to educational and training establishment. Approved 27/10/1988
- 025548 Extension to hosiery factory formation of parking area. Refused 21/10/1985
- 025055 Extension of factory and formation of parking area. Refused 03/12/1984
- 020967 Single storey kitchen and w/c extension. Approved 04/12/1978
- 038002 Factory extension. Refused 02/08/1978
- 020354 Factory for hosiery manufacture. Refused 17/10/1977

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement Hierarchy and Roles
  - DS3 – Development Principles
  - DS4 – Overall development needs
  - H1 – Range and Mix of Housing
  - NE1 – Green Infrastructure

- NE2 – Open Space
- NE3 – Biodiversity and Geodiversity
- NE4 – Managing Flood Risk
- BE1 – Contamination and Land Stability
- BE3 – Sustainable design and construction
- BE4 – Valuing and Conserving our Historic Environment
- 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 Parks, NBBC Tree Officer, NBBC Private Sector Housing, NBBC Policy, WCC FRM, WCC Highways, WCC Infrastructure, Warwickshire Police, National Grid, Severn Trent, Cadent Gas.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

WCC Highways, NBBC Environmental Health, WCC Ecology

Response received from:

NBBC Tree Officer, WCC FRM, Warwickshire Police

No objection from:

NBBC Planning Policy, WCC Infrastructure, National Grid

No response from:

NBBC Parks, NBBC Private Sector Housing, Severn Trent, Cadent Gas

### **NEIGHBOURS NOTIFIED:**

25 & 27 Park Avenue, 15, 16, 18, 20 & 22 School Walk, 19, 24, 26, 28 & 30 Trinity Walk

Neighbouring properties were sent letters notifying them of the proposed development on 17<sup>th</sup> August 2022 . A site notice was erected on street furniture on 31<sup>st</sup> August 2022.

### **NEIGHBOUR RESPONSES:**

There have been 16 objections from 13 addresses. The comments are summarised below:

1. The surrounding roads would not be able to cope with the construction traffic
2. The volume of traffic would make access for emergency vehicles dangerous
3. The junction at School Walk/ Trinity Walk/ Park Avenue is already congested with parked cars. The increase in traffic as a result of the development would be detrimental to highway safety
4. On-street parking for carers in the area would be impacted by the development
5. Insufficient off-street parking is proposed
6. The plans include garden land owned by neighbouring properties
7. Loss of privacy and overlooking into adjacent gardens
8. Loss of natural light
9. The design and erection of dwellings is not in-keeping with the neighbouring homes

10. The proposed development will generate high levels of noise particular from traffic
11. The number of homes will overcrowd the area
12. The proposed number of homes is excessive for the size of the plot
13. There is no need for more homes in the area
14. The pollution from the increase in vehicles would have environmental effects

## **APPRAISAL:**

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

1. The principle of residential development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety and parking
5. Ecology, Open Space and biodiversity
6. Flood Risk and Drainage
7. Waste & Refuse
8. Planning Obligations
9. Conclusion

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

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental (paragraph 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. The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking

Policy DS3 states that development that falls within the settlement boundary should be approved. The proposed development is within the settlement boundary of Nuneaton and as per Policy DS2, Nuneaton has the primary role for housing.

Since the original submission of this application, the scheme has been amended to reduce the number of dwellings. The original submission proposed the erection of 10 dwellings, however, following comments from the planning case officer, the scheme has been reduced and the proposal is now for the erection of 9 No. dwellings.

The site itself is well-connected to a good range of local facilities and services that can be accessed by foot and other sustainable means of transport. As such, the site is considered to be in a sustainable location and within the defined settlement boundary of Nuneaton. This is considered to meet Policy DS2 and DS3 of the Borough Plan, subject to their being a positive impact on amenity, the surrounding environment and local infrastructure.

The land is not designated for any specific land use within the adopted Borough Plan (2019) meaning that there is no specific restriction on this land preventing a residential use. Sites which are not allocated within the Borough Plan but which come forward within the plan period are referred to as windfall sites. At present, the Council is able to demonstrate a deliverable five-year housing land supply (5YHLS) but this does not



prohibit otherwise acceptable residential development being permitted. The Borough Plan (2019) sets out at paragraph 6.22 an estimated target of 247 dwellings within windfall sites (unallocated sites) between 2021-2031 within the borough. This proposal will go a small way towards this target.

The site would be classified as a brownfield site given the existing use/buildings on the site. Paragraph 119 of the NPPF (2021) 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' is located within the existing urban settlement area.

On balance, it is considered that the principle of residential development on this site is acceptable.

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

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

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance.

Since the application was originally submitted, the scheme has been amended to reduce the number of proposed dwellings from 10 to 9. The layout and design of the dwellings has also been amended, following comments from the planning case officer.

Firstly considering the impact on No. 22 School Walk. This dwelling is one of a pair of semi-detached dwellings and is two-storey in height. It is located adjacent to the pair of proposed semi-detached dwellings which directly fronts School Walk. No. 22 has a single storey rear extension on the boundary with the application site. The proposed dwelling which is adjacent to No. 22 is proposed to be broadly in line with this property and as such, it is not considered that there will be any detrimental harm as a result in terms of loss of light or overbearing impact.

Secondly considering the impact on No. 19 Trinity Walk. This dwelling is a detached two-storey dwelling and is located adjacent to the row of terraced properties which are proposed to front onto Trinity Walk. No. 19 has had substantial extensions to the front and rear at ground and first level and parts of the dwelling are built up to the boundary. No. 19 will project past the rear of the adjacent proposed dwelling by 3.55m at ground floor level and the proposed dwelling will be set off the boundary by 1.24m. Given the extensions to No. 19 it is not considered that there will be any impact as a result of the proposed dwelling.

As per paragraph 11.9 of the Sustainable Design & Construction SPD (SDC SPD), an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. A proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45 degree line. In any event, near the boundary of an adjoining usable rear private amenity space a proposed single storey shall be less than 4m long.

The proposed dwelling adjacent to No. 19 will have 1 central window/ patio door to serve the kitchen/dining area at ground floor level. There would not be a breach to the

60 degree line to this window. Furthermore, as the depth of the extension is less than 4m, this is in accordance with the requirements of the SPD.

In terms of the other surrounding residential properties including those opposite the site, it is not considered that there will be any material harm to these properties given the separation distances as well as there being existing development on this site.

In terms of the impact on the proposed dwellings themselves, as per the amended plans, the dwellings will be 2.5 storeys with a bedroom within the roof space. All of the dwellings comply with the internal space standards. Furthermore, the separation distances also comply with the standards contained with the SDC SPD.

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.

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

Policy DS3 of the Borough Plan states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

Paragraph 126 of the NPPF 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states (in part) that planning policies and decisions

(b) should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting

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

Paragraph 134 of the NPPF 2021 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy BE3 of the Borough Plan 2019 states that all development proposals must be designed to a high standard and that all developments must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Accompanying Policy BE3 is the Council's Supplementary Planning Document: Sustainable Design and Construction SPD 2020. Paragraph 10.9 states that residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement and paragraph 10.2 refers to the need for development to maintain the "traditional settlement pattern" by respecting the form of the local environment and should "reinforce the line of the street". Paragraph 13.1 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) sets out that designs should have regard to the urban characteristics of the locality, adding to the distinctiveness and should be in sympathy with the locality.

The SDC SPD states at paragraph 10.7 that the design of developments must take into consideration the surrounding area and local patterns of development. Where there is existing development, the design should respond to the local distinctiveness of the area.

The street scene within the vicinity of the site is mostly residential in nature, however, there is a mix of different types of dwellings, in terms of their size, style, finish and age. School Walk is made up of semi-detached two-storey and single storey (bungalow) properties. Trinity Walk is also made up of two-storey properties, mostly semi-detached with some detached properties. The roofs of these properties are mixed hipped and gable roofs. Park Avenue has a number of two-storey terraced properties of mixed ages. In addition to the residential properties is The Freeway Building which is located near opposite the site, on the opposite junction with Park Avenue, Trinity Walk and School Walk. The building at present appears to be used as an education establishment and is also a Locally Listed building.

Since the application was originally submitted, the scheme has been amended to reduce the number of proposed dwellings from 10 to 9. The layout and design of the dwellings has also been amended, following comments from the planning case officer.

The scheme as amended now proposes a total of 5 No. terraced dwellings which will front Trinity Walk. This has been reduced in scale from 6, which in turn has amended the internal arrangement and the external elevations of the dwellings.

All of the dwellings have been amended externally so that they are now more in keeping with the general design of the street scenes of Trinity Walk, School Walk and Park Avenue, although it is noted that there is not a distinctive pattern of development and is generally quite mixed. Such a mix of dwellings, in terms of their age, style, finish and materials, size and general arrangement allows more flexibility when designing new dwellings. Nevertheless, there are some distinctiveness characteristics which were considered necessary for these dwellings.

Visual features such as chimneys and eaves details were added to all of the dwellings, the front dormer windows were removed, mock Tudor cladding to eaves to reflect the character of the existing building. It is considered that with such amendments, the visual amenity of the proposed dwellings is more in accordance with the mixed character of the surrounding area.

At present, no details of the brick or roof tiles, or any other elevational materials have been submitted. It is considered that these matters can be conditioned to be submitted.

On balance, it is considered that the number of proposed dwellings is suitable and would not constitute overdevelopment. Furthermore, the style and finish of the dwellings in the mixed street scene is acceptable and would be in accordance with the NPPF (2021), Borough Plan (2019) and relevant SPDs.

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

The scheme as proposed only has the capacity to provide 2 off-street car parking spaces for the pair of semi-detached dwellings which are located on the junction with Trinity Walk and School Walk. The remaining pair of semi-detached dwellings, as well as the block of 5 terraced properties only have capacity for 1 off-street parking space. There is no capacity within the site to provide any additional unallocated spaces without compromising the residential amenity.

Warwickshire County Council as the Highway Authority have reviewed the proposal and, subject to amendments and conditions, have no objections.

As the off-street parking is less than the requirement within TDMM, a parking survey has been carried out and the details submitted for consideration. The results of the surveys showed that there is sufficient on-street parking provision during the night to accommodate the extra vehicles from the proposed development not able to be parked on-site.

However, the plans show that there is space beside the shown parking space on the site plan that residents may try to park two vehicles on the frontages. This of particular concern for the terraced properties. There are concerns that if two vehicles were to be parked fronting the terraced properties that one of the vehicles would be parked in front of the front door. This would likely force them to park further away in order to access the front door and could result in vehicles parking over the public footway. Such an arrangement would not be considered as acceptable in terms of highway safety.

In addition to this, the Local Planning Authority also have concerns that such an arrangement would result in a vehicle dominated street scene. Paragraph 9.21 of the SDC SPD states that where front of plot parking is used, suitable landscaping should be deployed to enhance street enclosure.

Based on the information provided, the Highway Authority conclude that the proposed development should not have a severe impact on the public highway network and have no objections subject to conditions.

Having reviewed the conditions which have been requested, the LPA consider that one of the requested conditions would not prevent 2 cars parking on the front driveway, nor would it allow for any landscaping on the front driveways to break up the front plot parking. As such, alternative conditions are proposed to be used. These are contained within the schedule of conditions contained at the end of this report (Condition 3).

For reference, the condition requested from the Highway Authority was –

1. No building shall be occupied until the car parking area for that building including the necessary vehicular footway crossing access have been laid out and are available for use in accordance with the approved plan and the specification of the Highway Authority. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

The amended condition can be found within the reasons for approval at the end of this report.

## 5. Ecology, Open Space & 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.

WCC Ecological Officer provided comments in relation to this application. As the proposal involves the demolition of a large building, a Preliminary Roost Assessment was requested and submitted. The findings of the assessment were that the buildings on the site had low roosting suitability for crevice-dwellings bat species. It went on to state that prior to any demolition, a single nocturnal presence/ likely absence survey should be undertaken.

The presence/absence survey was subsequently carried out and the results of which confirmed that bat activity was generally low in the area. A single soprano pipistrelle bat was encountered from an off-site location. No bats were observed to emerge from or enter the buildings on site. Furthermore, no evidence of bats could be found within the buildings or the exterior.

WCC Ecological officer reviewed the submitted information and had no objections, subject to a condition. The condition related back to the emergence survey report which recommended precautionary working measures during demolition.

NBBC Tree Officer also provided comments in relation to the scheme before it was amended. No further comments in relation to the 9-dwelling proposal have been received.

The site at present has some scrubby vegetation and low quality trees. There are no TPO trees within or adjacent to the site, nor is the site within a Conservation Area. Therefore, the removal of such planting would not be considered harmful here.

A planting scheme/ plan to show consideration of any retained trees, as well as a scheme for the planting of replacements, was suggested by the tree officer. Such details have not been provided at this stage but can be requested via condition. It is considered that, although the proposal will involve the removal of scrub/poor quality trees, the resultant development could provide an improved landscape for the site.

On balance, it is not considered that the proposal would have a detrimental impact in terms of ecology, open space or biodiversity.

## **6. Flooding 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 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. As the site is within flood zone 1, the proposal complies with the aims of the Sequential Test.

The application form states that surface water and foil sewage is to be disposed of via main sewer.

The National Planning Practice Guidance sets out an aim to discharge surface water run-off as high up the drainage hierarchy (as set out below) as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

It is noted that whilst it has not been stated why the drainage hierarchy has not been followed, it is likely due to the nature of the existing ground conditions on the site. It is considered that given the limited number of units proposed, the method of disposal of surface water and foul sewage is of such fundamental concern to warrant refusal of the application.

## **7. Waste and Refuse**

NBBC Waste & Refuse team have been consulted as part of this application, however, no response has been received and as such it is considered that they have no comments to make.

As per the SDC SPD paragraphs 11.22-11.28 reference waste in relation to new development. The SPD states that designs should consider arrangements for bin collections. Developments without collection areas can result in wheelie bins strewn across public areas until they are reclaimed by residents. The bins can represent a safety risk to pedestrians and vehicles and can be visually unappealing.

Designs must have consideration for waste bin storage, there should be sufficient space to accommodate all the different types of bins used for waste collection. Bin stores should be located no more than 25m from the highway (where the bin collection lorry can park) for normal 2-wheeled bins and 10m for a larger 4-wheeled bin.

The semi-detached dwellings will have side access to their respective rear gardens and as such is considered that there is sufficient space for wheelie bins to be located within the rear gardens or side accesses which is acceptable as they will be in a position which is well-ventilated as per the SPD requirements. However, the mid-terraced properties will not have any access to their rear gardens from the front. As such, a bin storage point has been added to the proposal. The bin storage point will have space for the 3 mid-terraced properties bins and is located just 4.8m from the roadside in accordance with the SPD.

It is noted that the distance between the mid-terrace dwellings and the bin storage point is more than 25m and would require the occupants of the mid terraced properties to access the bin collection point via the public footway. It is considered that this is not an ideal situation, however, such an arrangement would not be considered so harmful to warrant refusal of the application. It is also considered that as these are newly proposed dwellings, there is an element of buyer beware and the future occupants of the dwellings should be aware of the bin arrangements prior to their purchase.

On balance, it is considered that waste & refuse for the proposed development is in accordance with the requirements of the SDC SPD and is found to be acceptable. A condition for the details of the bin storage point to be submitted shall be included within the decision notice.

## **8. Planning Obligations**

As the original application proposed 10 dwellings, the application was treated as a major planning application and relevant consultees were consulted. Subsequently, requests for Section 106 contributions were requested. However, as the scheme has now been amended to 9 dwellings, the application can no longer be considered as a major application. Therefore, no such contributions for Section 106 can be requested.

## **9. Conclusion**

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan.

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

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date
Site Layout	KADS TWD PD004 – C	09/11/2022
Terrace Elevations	KADS TWD PD003 – C	09/11/2022
Terrace Floor Plans	KADS TWD PD003 – C	09/11/2022
3 Bed Semi-Detached	KADS TWD PD002 – B	11/10/2022
2 Bed Semi-Detached	KADS TWD PD002 – B	11/10/2022

3. Notwithstanding the parking details contained within the site layout plan (KADS TWD PD004-C), nor condition 2 above, no development shall take place on site at any time until a revised car parking layout, to include surfacing drainage and levels details, and a hard and soft landscaping scheme, have been submitted and agreed in writing by the Council in consultation with the Highway Authority. The hard and soft landscaping and parking scheme shall include appropriate soft and hard landscaping features to ensure the development would not lead to a vehicle dominated street as required by section 9.21 of page 34 of the Council's Sustainable Design and Construction Supplementary Planning Document (2020).

The development shall be carried out in accordance with the agreed details, with all hard landscaping and parking areas provided in full prior to the first occupation of the development. Once provided, such areas shall be permanently retained for the purposes of parking and manoeuvring of vehicles, or as soft and hard landscaping as appropriate, for the lifetime of the development.

4. The soft landscaping scheme approved pursuant to condition 3 above shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

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.

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

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



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

6. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details.

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

8. No development shall commence above slab level until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the approved boundary treatments have been erected.

9. No dwelling shall be occupied until the bin storage area shown on the site plan (KADS TWD PD004-C) has been provided, in accordance with details to be submitted to and approved in writing by the Council including elevations details.

10. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh

11. The developer should provide electric vehicle (EV) charging points at a rate of 1 charging point per unit/ dwelling with dedicated parking and ensure that appropriate cabling is provided to enable increase in future provision.

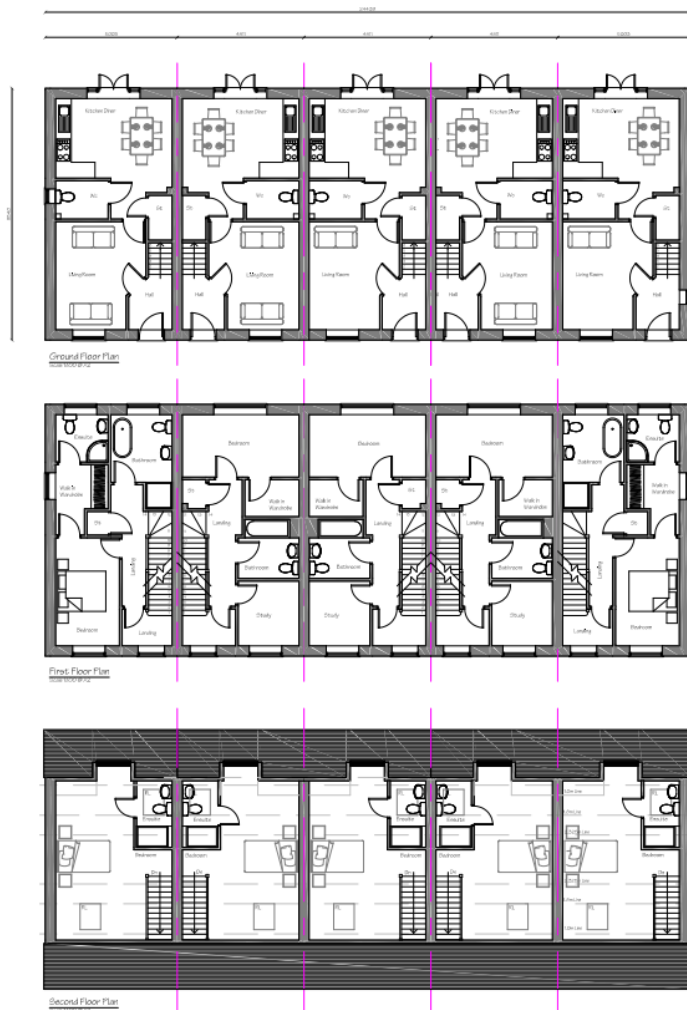
12. The development hereby permitted shall be timetabled and carried out to wholly accord with the Bat Method Statement as set out in the Nocturnal Emergence Survey and Mitigation produced by Martin Ecology on 14th August 2023 (page 6). A brief letter/report shall be submitted to the Local Planning Authority within 1 month following completion of the works to confirm the measures have taken place and the outcome.



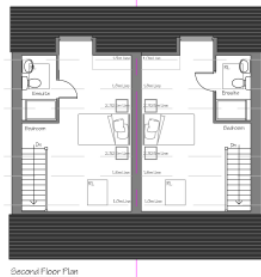
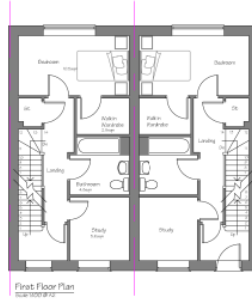
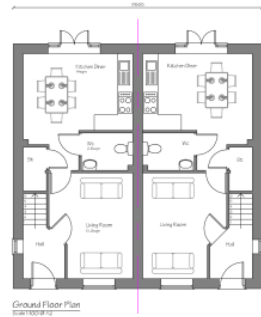
Site Layout Plan



Terrace Elevations



Terrace Floor Plans



2 bed Semi-Detached Plans



**3 Bed Semi-Detached Plans**



**Draft Street Scene Elevations**

**REFERENCE No.** 039519**Site Address:** Site 51A073 - Ex Co-op buildings and car park Abbey Street Nuneaton Warwickshire CV11 5BU**Description of Development:** Erection of a flexible Class E or Cinema use at Plot 5 and a flexible Class E use at Plot 6 and hard and soft landscaping of public realm area (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658)**Applicant:** Nuneaton & Bedworth Borough Council**Ward:** AB

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This application is for the erection of a flexible Class E or Cinema use at Plot 5 and a flexible Class E use at Plot 6 and hard and soft landscaping of public realm area. It is an application seeking approval of reserved matters relating to outline permission 037658. That application was a hybrid application consisting of a full application for a hotel and an outline application for for a mixed-use town centre development comprising flexible uses for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3) and multistorey and surface car parking with associated means of access.

The Site is within Nuneaton Town Centre and is 2.42 hectares in area. To the north is Abbey Street with Roanne Ringway to the west and Queens Road to the south. There are residential properties to the west, on the other side of Roanne Ringway. The site is surrounded by a mixture of uses including retail and commercial. Nuneaton Town Centre Conservation Area adjoins the site. The site was previously a surface level car park and a mix of retail buildings to the east.

**BACKGROUND:**

The following matters are to be considered at this stage:

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

The following matter was considered at the outline stage:

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

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

### **RELEVANT PLANNING HISTORY:**

- 039677: Erection of a flexible Class E use at Plot 3 and multistorey car park at Plot 4 (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Under consideration.
- 039160: Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Approved 11/02/2023.
- 039548: Non material amendment to approval 037658 to show amendments to the vertical parameters for Plots 4, 5 and 6: Approved 11/05/2023.
- 039542: Non material amendment to approval 038706 to show obscure glazing to all windows at first and second floor on the east elevation: Approved 11/05/2023.
- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E): Approved 17/01/2023.
- 039096: Non material amendment to approval 037658 to show amendments to the horizontal and vertical parameters for Plot 1A and horizontal parameters for Plot 2: Approved 30/08/2022.
- 038696: Non material amendment to approval 037658 to show amendments to the footprint parameters of building 2: Approved 31/03/2022.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.



## **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development;
  - DS3 – Development Principles;
  - H1 – Range and mix of housing;
  - H2 – Affordable Housing;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2 – Strategic Accessibility and Sustainable Transport;
  - NE4 – Managing Flood Risk and Water Quality;
  - BE1 – Contamination and Land Stability;
  - BE3 – Sustainable Design and Construction and
  - BE4 – Valuing and Conserving our Historic Environment
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2021.
- Air Quality SPD 2020.

## **CONSULTEES NOTIFIED:**

Cadent Gas, Environment Agency, Historic England, National Amenities Society, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Town Centres, NBBC Tree Officer, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Flood Risk Management, WCC Health, WCC Highways.

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:

NBBC Parks, NBBC Tree Officer, Warwickshire Fire & Rescue, WCC Highways

No objection from:

Environment Agency, Historic England, NBBC Environmental Health, NBBC Planning Policy, NBBC Refuse, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Flood Risk Management

Comment from:

WCC Health

No response from:

Cadent Gas, National Amenities Society, NBBC Town Centres, Severn Trent Water

## **NEIGHBOURS NOTIFIED:**

1-49 (odd), 64-72 (even), Flats 1-4 (inc) 72 High Street; 34-40 (even) Pool Bank Street; Cannon Sports 19, Bet Fred 21, Socialites 21a, Warren James 21b, Shoe Zone 21c, Label Nuneaton 23, Bonmarche 25/27, Cooks the Bakery 29, Age UK 31, Kevin Joseph Salon 31a, Bull & Young 32, Iceland 34-36, Ali's Hair & Beauty 35, Concepts 37, Lord Hop 38, Nuneaton Sports Nutrition 40, Exclusively Yours, Loft Photography Studio, Full Length & Fabulous 42, Natural Nail Care 46, Martins Pet Supplies 48, Flat over 48, Anthonys Bistro 48a, H Johnson & Son 50-52, Next units 13-14 Ropewalk Queens Road; 2, 4, British Heart Foundation 6-14, Flat 1- 6, Toppers Fish Bar 16-18 Stratford Street, Myton Hospices 11, HD Nails 12, DMK Grocery 13/14, The Blue Bear PH 15, Flat 1 15, 16, Time-House of Games 22, Dominoes Pizza 23 a&b, John Christopher Hairdressers 23c, 23f, The Printer People 24, India Red 25, PET X



Training 98, Flat over 98, Johns Hair Design 104, Beasley & Co 105, DC Leake 106, Milano Pizza 107, Rear ground floor flat, flat 1 & flat 2 107, Mutual 111, 112, Siamo 113, African Supermarket 114, Flat 114d, Flat 114e, Flat 114f, Flat 114g, Flat 114h, Flat 114i, Flat 114j, Abbey Craft 115, Crossed Ghurka 115, Flat 1 & Flat 2 115, Castillos 116, 116a, West East 117, First Floor Flat 117, 117b, Best One 118, 118a, 118b, 118c, 118d, 118e, Bromfield Solicitors 120, 120a, 120b, 120c, 120d Abbey Street; Kumon Study Centre 1, Heatwave 3, Nuneaton Mobility 9, Kimberleys Occasions 11, Sally Beauty 15 New Century Way

Neighbouring properties were sent letters notifying them of the proposed development on 29<sup>th</sup> March 2023. Site notices were erected on street furniture on 17<sup>th</sup> April 2023 and the application was advertised in The Nuneaton News on 26<sup>th</sup> April 2023.

## **NEIGHBOUR RESPONSES:**

None

## **OTHER RESPONSES:**

There has been 1 letter of objection received from Cllr Kondakor. The comments are summarised below;

1. Details about cycling parking, cycling access and bus stops are repeatedly being neglected as projects move from outline stage into detailed design.
2. Active travel such as cycle access and location of bus services is an afterthought rather than key part of the design requirements.
3. No provision for cyclist or clear safe step free route from bus stops.

## **APPRAISAL:**

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

1. The principle of the development,
2. Visual amenity,
3. Residential amenity,
4. Highway safety and accessibility,
5. Flood risk and drainage,
6. Heritage and archaeology,
7. Ecology & biodiversity,
8. 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 principle of the development has already been established through the approval of the outline permission. The outline planning permission parameters indicate that

Plot 5 is to be used as a flexible space of between 1,895 and 2,545 sq. metres for Class E and/or Cinema use, and that Plot 6 at between 1,785 sq. metres and 2,770 sq. metres will feature flexible Class E use, envisaged as leisure use. To facilitate the approved uses, the buildings have been designed to be a blank canvas internally to provide suitable flexibility for operator fit out. The minimum parameters indicated for the plots within the outline planning permission assumed a mezzanine level of around 70% of the ground floor area. The detailed proposals for Plot 5 do not seek a mezzanine, with a maximum 180 sq. metres mezzanine proposed for Plot 6. As such, the overall floorspace is 1,321 sq. metres for Plot 5 and 1,494 sq. metres for Plot 6. The buildings have been designed within the approved vertical and horizontal parameters. The approved parameters of the central plaza provide for a minimum 2,075 sq. metres and the proposed plaza is well in excess of this provision.

## **2. Visual Amenity**

Paragraph 130 of the NPPF states, in part, that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The existing scale of development within the town centre ranges between two to five storeys. The proposed buildings have been designed to reflect the existing and emerging site context. In particular, they seek to create a new scale and standard of design that will attract visitors and residents to the site. A central public plaza is at the heart of the development which also provides new and improved pedestrian connections in order to link the two key thoroughfares of Abbey Street and Queens Road. The scale of the buildings are reflective of the commercial nature of the area, with a traditional warehouse form at a two-storey height featuring a pitched roof. The proposed scale of both Plots 5 and 6, when read in the context of the hotel to the north, the multistorey car park to the south and the food hall building at Plot 1A to the east, will be appropriate to the wider site context. The bulk of elevations on the buildings, particularly on Plot 6, will be screened from primary public areas within the plaza. The buildings themselves will be largely screened from Roanne Ringway by the existing mature tree line along the western boundary of the site. The use of a multi-pitched roof ensures that the height of the buildings are kept to a maximum of under 9 metres to the eaves and under 10.5 metres to the ridge. Both plots are within the horizontal and vertical parameters on the outline approval and it is considered that they are appropriate for the existing and proposed surrounding built context.

Plot 5 will be sited to the west of the new public realm square and will feature a glazed entrance overlooking this space. Plot 6 will sit to the west and slightly towards the north-west corner of the new public realm square and will feature a corner glazed entrance overlooking this space. The proposed materials provide a crisp contemporary architectural aesthetic that reflects the function of the buildings through the use of a limited palette of high quality, low maintenance materials. The front elevations use modular curtain walling to define the entrances. The main entrance lobby areas are clad in glazed curtain walling with dark coloured framework to accentuate the entrance and the entrances also include a feature canopy. The main elevation treatment is clad in profiled metal cladding with contrast-coloured doors and louvres for ventilation

requirements. Low level plinth walls will use contrasting engineering brick. There is a condition on the outline permission which requires details of the proposed materials to be submitted and approved. NBBC Planning Policy have no objection to the design.

The main area of public realm will act as a centrepiece to the site, contained by new buildings. The space will be designed to accommodate a variety of uses in order to facilitate small events, outdoor dining spaces and seasonal activities. The space is also intended to provide a welcoming area for passers-by, with seating available. The tree planting strategy aims to respond to the characteristics of each part of the site and seeks to frame and delineate key connectivity routes and spaces within the public realm. The hard landscaping has been designed to be high quality, robust and hard wearing which uses neutral colour tones which complement the surrounding buildings and create a distinct sense of place. There is a condition on the outline permission which requires details of the final proposed landscaping to be submitted and approved.

### **3. Residential Amenity**

Policy BE3 of the Borough Plan (2019) states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In terms of the impact on neighbouring properties, to the west, the rear of the properties on High Street face the application site. The nearest properties would be over 60 metres away from the proposed buildings with these distances also across Roanne Ringway and therefore it is not considered that their amenities would be significantly affected. In terms of within the site, the proposed flats at Plot 2 are over 80 metres away from the buildings which is therefore acceptable.

In relation to the requirements of Policy BE3, addendums to the BREEAM assessment submitted with the outline application have been submitted for both Plots 5 and 6. These show that a BREEAM, 'Very Good' rating can be achieved for both plots which meets the requirement of this policy.

NBBC Environmental Health have been consulted and have no objections as there are conditions on the outline permission relating to noise, including details of all proposed plant and equipment.

### **4. Highway Safety & Accessibility**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access was considered and approved as part of the outline application.

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). The outline proposals aimed to increase connectivity and permeability through the site. Two new pedestrian routes were proposed as part of the outline application on a north-south axis through the site, connecting Queens Road and Abbey Street. These pedestrian routes will be situated either side of a proposed new public square situated centrally in the site. These are incorporated into the proposed layout.

There is a condition imposed upon the outline permission that requires details of parking provision to be provided for each phase. Details will be provided to discharge this condition prior to the commencement of development. Car parking will be provided within the multi-storey car park as per the approved outline permission and as required by that condition.

A total of 45no. surface car parking spaces (including 4 accessible spaces) are also proposed to the west of the plots, linking with parking forming part of the hotel to the north. Secure cycle parking spaces will be provided within the multistorey car park. That application is currently under consideration under reference no. 039677.

WCC Highways have no objection subject to conditions covering the surfacing, drainage and markings with the car parking areas and position of bollards with the pedestrian areas. However, it is considered that these details can be secured through the conditions on the outline permission and therefore there is no need to include them on this reserved matters.

Bin collection points for plots 5 and 6 will be at the rear on the service road. NBBC Refuse is satisfied with this and has no objections.

### **5. Flood Risk & Drainage**

The principles agreed at the outline application stage have been carried through to this reserved matters application and surface water drainage from these specific plots will outfall into the wider Abbey Street development. WCC Flood Risk Management Team have been consulted and have no objection.

### **6. Heritage & Archaeology**

Under s66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, NBBC in determining the submitted application, has a statutory duty to have special regard to the desirability of preserving the special interest and setting of listed buildings. Case law has established that considerable importance and weight should be given to this duty. The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 197). The NPPF also requires when considering the impact of development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. Conservation is defined by the NPPF as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.' (Paragraph 199)

Policy BE4 of the Borough Plan (2019) states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. It also states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.

The Abbey Street site adjoins the Nuneaton Town Centre Conservation Area and so will have an impact on the setting of a heritage asset, although Plots 5 and 6 do not adjoin the conservation area. They are located furthest away from the conservation area, towards the west of the application site which would help to reduce the impact on the character of the conservation area. It is therefore considered that Plots 5 and 6 would lead to less than substantial harm to the significance of the conservation area.

The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202). The National Planning Practice Guidance confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. In this case, in terms of economic benefits, the proposal represents a major driver of investment in the future which would contribute to improving the overall vibrancy of the town. It would also bring social benefits such as places to meet and opportunities for social interaction.

In relation to archaeology, the proposed development lies within an area of archaeological potential, located at least partly within the probable extent of the medieval settlement of Nuneaton. An archaeological assessment was submitted with the outline application. WCC Archaeology requested a condition securing a Written Scheme of Investigation for a programme of archaeological evaluative work and an Archaeological Mitigation Strategy as part of the outline application and have confirmed they have no comments on the reserved matters application.

## **7. Ecology and Biodiversity**

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity, as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. Such issues were assessed as part of the outline application and that permission includes conditions relating to lighting, further survey work being undertaken, landscaping and ecological mitigation such as bat bricks.

Landscape levels and layout are to be agreed via this reserved matters, with materials and plant species to be agreed via the relevant outline planning condition. This would allow for a final review of materials and planting details once reserved matters approval is secured to avoid any discrepancies. Both NBBC Parks and NBBC Tree Officer have no objections to the detail submitted. NBBC Parks requested confirmation on who will be responsible for the ongoing maintenance of trees and soft landscape provided within the public realm areas and who will be responsible for maintenance of and repairs to street furniture. The agent has confirmed that this will be maintained as part of the wider development on behalf of NBBC and the details will be confirmed as required by condition 27 on the outline permission. NBBC Parks also wish to ensure that the boundary treatments and street furniture are acceptable. This will be controlled through conditions 19 and 24 on the outline permission.

## **8. Conclusion**

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan (2019). The principle of the development has been established through the approval of outline permission 037856.

The potential impacts of the proposed development in relation to residential amenity, visual amenity, highway safety, flood risk and drainage, heritage and archaeology and ecology and biodiversity 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 conditions.

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

## **REASONS FOR APPROVAL:**

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

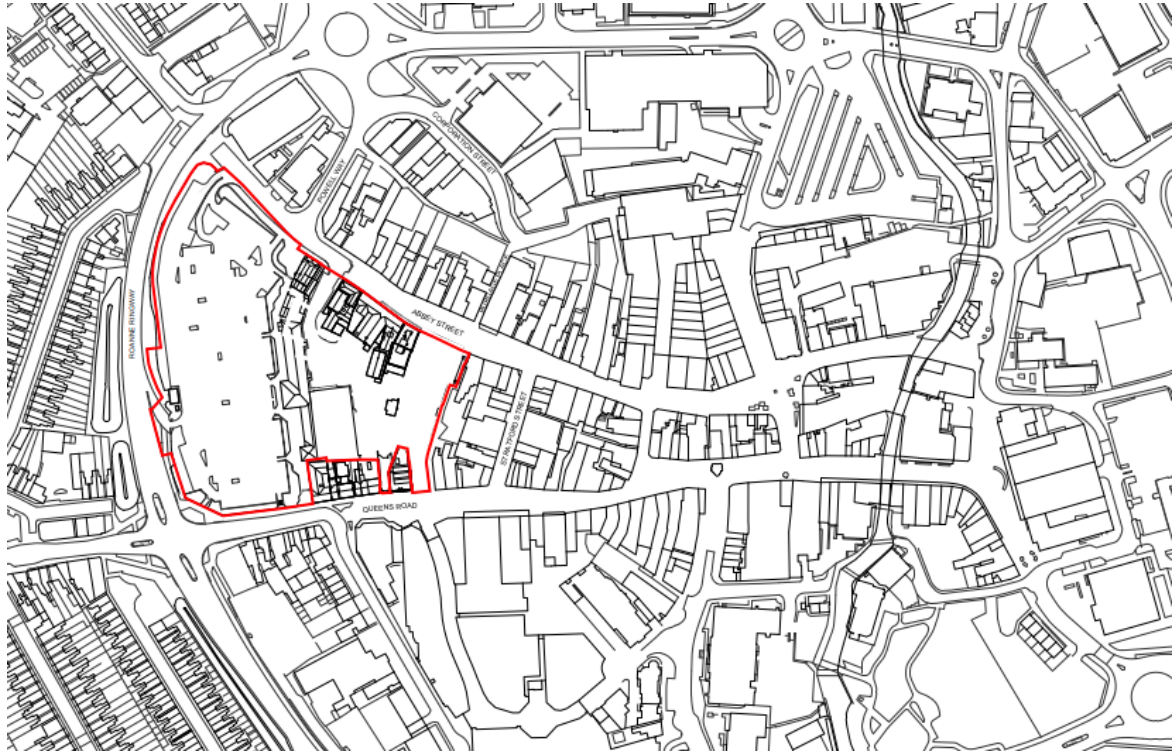
## **SCHEDULE OF CONDITIONS:**

### **Schedule 1**

The details and plans contained in Schedule 1 be approved in accordance with Condition 1(a) Layout, (b) Scale, (c) Appearance and (e) Landscaping of approval reference 037658 granted on 7<sup>th</sup> January 2022.

#### 1. Schedule of approved documents

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan	0328-00001-A	23 <sup>rd</sup> March 2023
Site Plan	2331-GHA-ZZ-00-DR-A-(10)017 P03	28 <sup>th</sup> March 2023
Plot 5- Ground Floor Plan	NTN- 00- D- A- 11000 P01	23 <sup>rd</sup> March 2023
Plot 5- Roof Plan	NTN- RL-D- A- 11001 P01	23 <sup>rd</sup> March 2023
Plot 5- Elevations-Sheet 1	NTN- ZZ- D- A- 12000 P01	23 <sup>rd</sup> March 2023
Plot 5- Elevations-Sheet 2	NTN- ZZ- D- A- 12001 P01	23 <sup>rd</sup> March 2023
Plot 5- Sections	NTN- ZZ- D- A- 13000 P01	23 <sup>rd</sup> March 2023
Plot 6- Ground Floor Plan	NTN- 00- D- A- 11001 P01	23 <sup>rd</sup> March 2023
Plot 6- Roof Plan	NTN- RL-D- A- 11002 P01	23 <sup>rd</sup> March 2023
Plot 6- Elevations-Sheet 1	NTN- ZZ- D- A- 12000 P01	23 <sup>rd</sup> March 2023
Plot 6- Elevations-Sheet 2	NTN- ZZ- D- A- 12001 P01	23 <sup>rd</sup> March 2023
Plot 6- Sections	NTN- ZZ- D- A- 13000 P01	23 <sup>rd</sup> March 2023
Landscape General Arrangement Plan	OUT-DD-XX-DR-L-1000	31 <sup>st</sup> August 2023
Landscape Levels Plan 1	NTN-OUT-DD-XX-DR-L-30000	14 <sup>th</sup> July 2023
Landscape Levels Plan 2	NTN-OUT-DD-XX-DR-L-30001	14 <sup>th</sup> July 2023
Landscape Levels Plan 3	NTN-OUT-DD-XX-M2-L-30002	14 <sup>th</sup> July 2023
Vehicle Access and Servicing Plan	0328- XX-DR-S- 20503	14 <sup>th</sup> June 2023



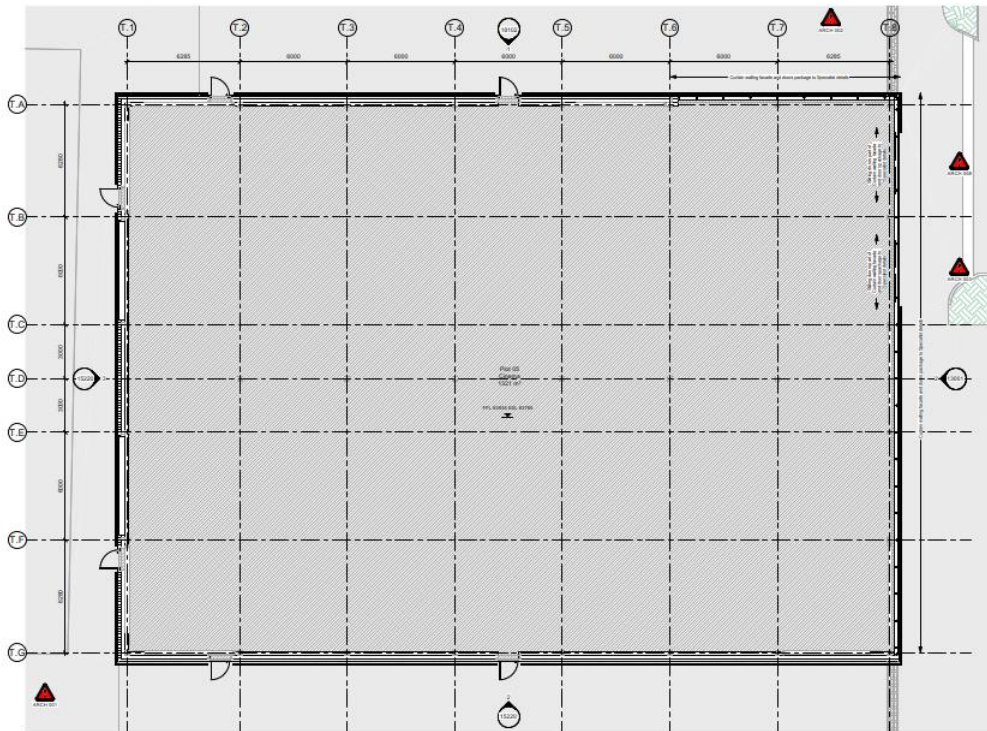
Site Location Plan



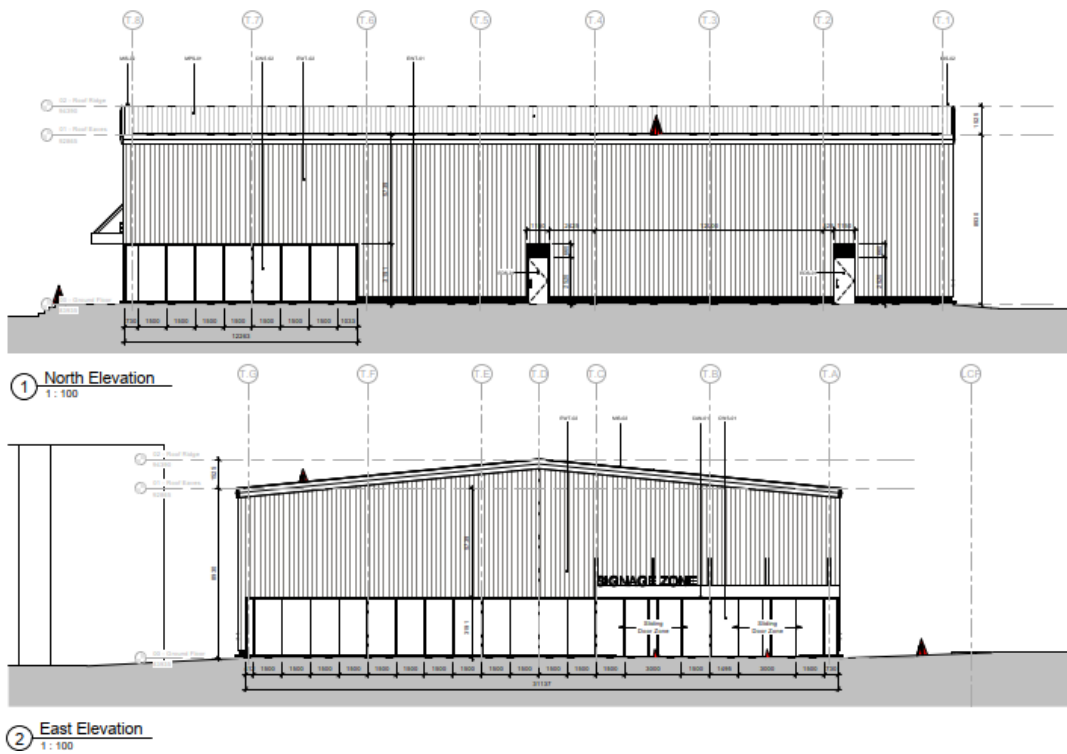




### Site Plan

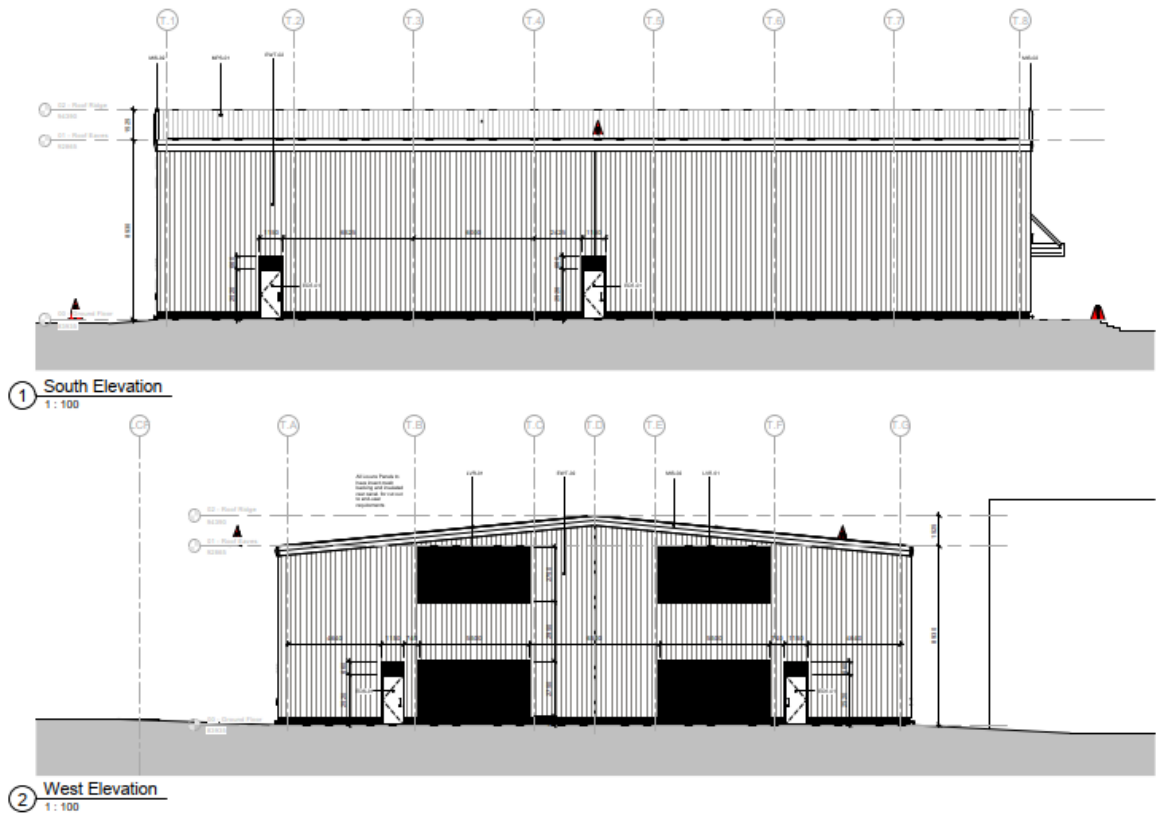


### Plot 5- Ground Floor Plan

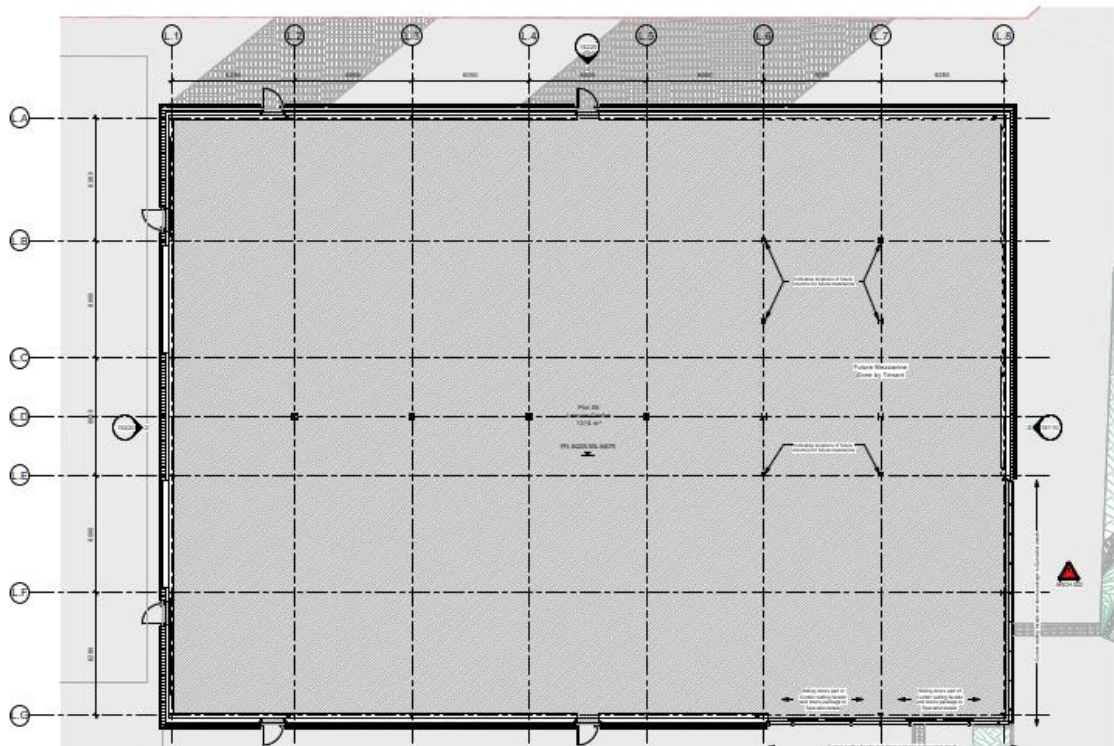


### Plot 5- North & East Elevations

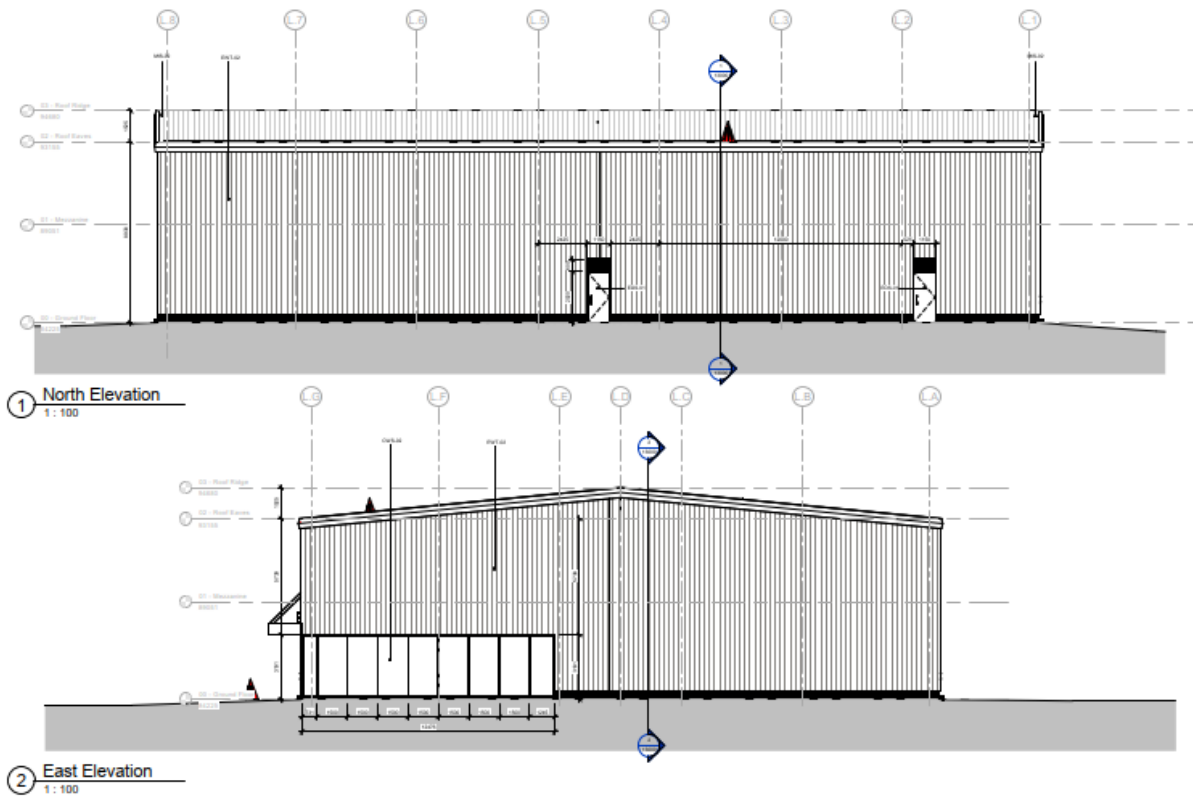




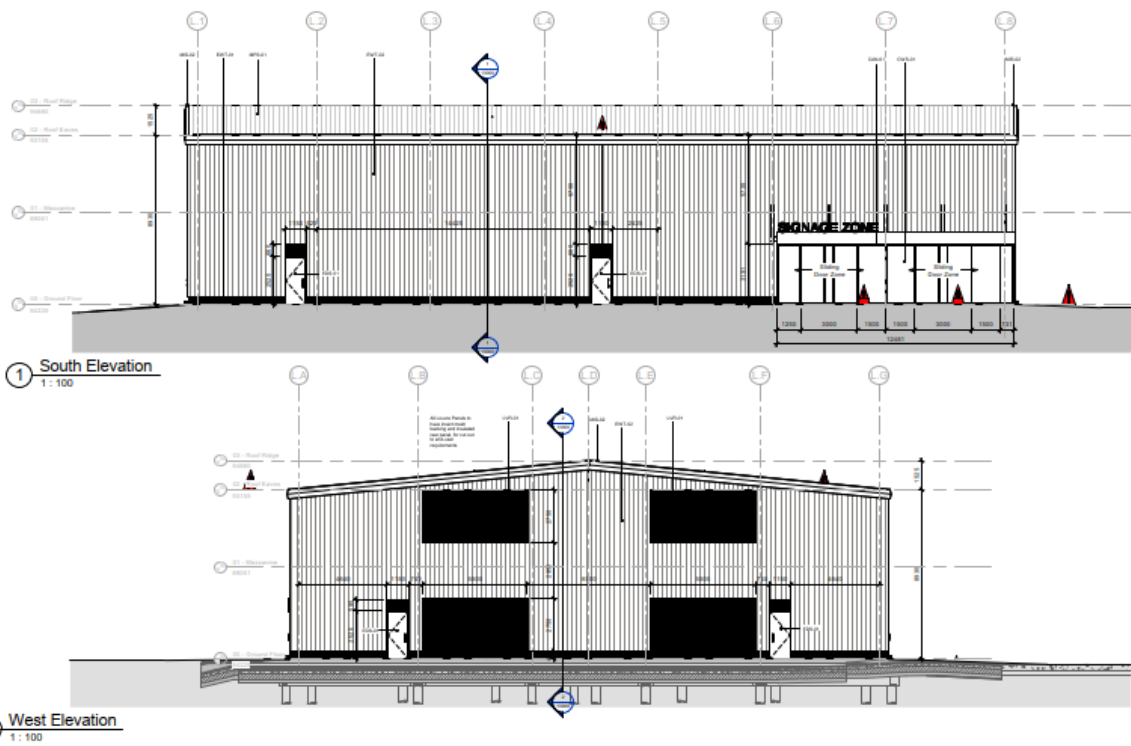
Plot 5- South & West Elevations



Plot 6- Ground Floor Plan



Plot 6- North & East Elevations



Plot 6- South & West Elevations

**REFERENCE No.** 039700

**Site Address:** Site 51A074 17-23 Abbey Street

**Description of Development:** Variation of condition 2 of planning permission 038706 to show the full demolition of the warehouse building to the rear, changes to window and door alignments and finishes to all elevations, internal layout changes to floor plans, increased parapet height by 0.745m, alteration to roof plant and revised curtain walling to links and variation of condition 13 of planning permission 038706 to amend when the details of the external plant, equipment and machinery are required to be submitted to prior to installation.

**Applicant:** Nuneaton and Bedworth Borough Council

**Ward:** AB

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Variation of condition 2 of planning permission 038706 to show the full demolition of the warehouse building to the rear, changes to window and door alignments and finishes to all elevations, internal layout changes to floor plans, increased parapet height by 0.745m, alteration to roof plant and revised curtain walling to links and variation of condition 13 of planning permission 038706 to amend when the details of the external plant, equipment and machinery are required to be submitted to prior to installation at Site 51A074 17-23 Abbey Street, Nuneaton.

The site is situated within Nuneaton Town Centre and is 1,440 sq. metres in area and is bound to the north by Abbey Street, to the east by existing commercial development and Plot 2 (residential) of the outline approval on the wider Abbey Street site. To the west is the remaining Co-operative buildings (including the retained arcade) and to the south is land proposed as part of the public realm as per the outline approval. The Site consists mainly of existing buildings fronting Abbey Street, along the Primary Shopping Frontage. The Abbey Street frontage features an Art Deco façade to the first and second floors, with the three-storey part of the buildings situated between an area now demolished and the various commercial buildings which collectively make up 23 Abbey Street. It is surrounded by a mixture of commercial uses including a range of retail, restaurants and takeaways.

The previous scheme was approved under permission 038706, this current application seeks to make amendments to the approved plans.

### **BACKGROUND:**

The application is being reported to the Planning Applications Committee since it is a major application on Council owned land.

## **RELEVANT PLANNING HISTORY:**

- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E). Approved 18/1/23
- 039160: Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Approved 11/5/23.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3 – Development Principles;
  - TC1 – Town centre requirements;
  - TC2 – Nature of town centre growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2 – Strategic Accessibility and Sustainable Transport;
  - HS6 – Sports and exercise;
  - NE4 – Managing Flood Risk and Water Quality;
  - BE1 – Contamination and Land Stability;
  - BE3 – Sustainable Design and Construction and
  - BE 4 – Valuing and Conserving our Historic Environment
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2021.
- Air Quality SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Parks, NBBC Planning Policy.

## **CONSULTATION RESPONSES:**

No objection from:  
NBBC Parks

No comment from:  
NBBC Policy

No response from:  
NBBC Environmental Health

## **NEIGHBOURS NOTIFIED:**

Myton Hospices 11, HD Nails 12, DMK Grocery 13/14, The Blue Bear PH 15, Flat 1 15, Time-House of Games 22, Dominoes Pizza 23 a&b, John Christopher Hairdressers 23c, 23f, The Printer People 24, India Red 25, PET X Training 98, Flat over 98, Johns Hair Design 104, Beasley & Co 105, DC Leake 106, Milano Pizza 107, Rear ground floor flat, flat 1 & flat 2 107, Mutual 111, 112, Siamo 113, African Supermarket 114, Flat 114d, Flat 114e, Flat 114f, Flat 114g, Flat 114h, Flat 114i, Flat 114j, Abbey Craft 115, Crossed Khukris Ghurka 115, Flat 1 & Flat 2 115, Castillos 116, 116a, West East 117, First Floor Flat 117, 117b, Best One 118, 118a, 118b, 118c, 118d, 118e, Bromfield Solicitors 120, 120a, 120b, 120c, 120d Abbey Street; Kumon Study Centre 1, Heatwave 3, Nuneaton Mobility 9, Kimberleys Occasions 11, Sally Beauty 15 New Century Way

Neighbouring properties were sent letters notifying them of the proposed development on 27<sup>th</sup> June 2023. A site notice was erected on street furniture on 27<sup>th</sup> June 2023 and the application was advertised in The Nuneaton News on 26<sup>th</sup> July 2023.

## **NEIGHBOUR RESPONSES:**

There have been no letters of objection received from residents or neighbours.

## **APPRAISAL:**

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

1. The principle of the development,
2. Visual amenity,
3. Residential amenity,
4. Ecology and Biodiversity,
5. Heritage and archaeology,
6. Conclusion.

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

The overall proposal would support the aspirations of the Transforming Nuneaton Project. This is a project between Warwickshire County Council and Nuneaton and Bedworth Borough Council to deliver the transformation of Nuneaton town centre, by implementing mixed-use regeneration for boosting economic growth. This education use although not expressly required within a Town Centre by Policy TC1 of the Borough Plan, there is no restriction on such a use or a reason why this would be unacceptable in this location

The vision is to transform Nuneaton into a prosperous town centre. The aim is to create a town where people choose to live- with high quality, easily accessible town centre housing and a strong and diverse leisure offer; do business- with excellent transport connections and high-quality office space for all entrepreneurs; shop- with a mix of national, independent and specialist retailers; and visit- through the creation of high-quality public realm and enhancing the heritage and cultural opportunities.

The principle of development is essentially already established by the previously approved application, and this application seeks to amend the plans which were approved under condition 2 of the original permission. It also seeks to vary condition 13 so as to change the trigger point for the delivery of the on site plant machinery.

Overall, these variations of condition do not affect the principle of the development, which is established, nor do they conflict with Town Centre based policies TC1 or TC2.

## 2. Impact on Visual Amenity

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The existing scale of development within the town centre ranges between two to five storeys. Plot 2 (within the approved outline scheme for the Abbey Street development) is a residential block with an approved maximum 4 storey height and will sit to the eastern side of the college building. The former Co-op buildings adjoining to the west range from 2-3 storeys. The proposed college building is 3 storey. It is considered that this would provide a sympathetic gradient between the commercial/residential unit (Plot 2) to the east and the former Co-op buildings to the west.

The changes proposed by this variation of condition application are as follows:

- Changes to window and door alignments and finishes to all elevations.
- Internal layout changes to floor plans.
- Increased parapet height by 0.745m from 95.2m AOD to 95.945m AOD.
- Alteration to roof plant, removal of 2.1m high plant overrun and replacement with increased parapet and smaller standalone plant sections.
- Revised curtain walling to links.

These changes are minor and the outward aesthetics of the development will not be significantly altered. Windows for example, where no longer possible because of internal changes, have been replaced with false windows which have the same appearance but allow for internal changes.

Overall therefore the impact on visual amenity is considered to be acceptable.

## 3. Impact on Residential Amenity

Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In terms of the impact on neighbouring properties, there are flats opposite at first and second floors which would be approximately 15 metres away from the proposed building. However, this distance is across a road and they currently face the existing Co-op building and is therefore considered to be acceptable.

In terms of noise, a noise report which contains a background noise assessment has been submitted. NBBC Environmental Health, on the previous scheme, requested a condition that full details of all external plant and equipment is submitted. This was duly added to the approval, and now the applicant seeks to alter the condition so that some development can begin before the details of the plant machinery are submitted.

Previously approved condition:

No development shall commence until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) of all external plant, equipment or machinery have been submitted to and approved in writing by the Council. These details shall demonstrate that, cumulatively, all such plant, equipment and machinery does not exceed a rating

level of 44dB(A), as defined in BS 4142:2014, when determined 1 meter from the façade of the nearest noise sensitive premises (including proposed plot 2 to the south east of the development). The approved plant, equipment or machinery shall then not be located and installed on site other than in accordance with approved details. The approved plant, equipment or machinery shall subsequently be retained and maintained in accordance with the approved maintenance schedule.

Amendment to the condition proposed here, with changes highlighted:

No installation of external plant, equipment or machinery shall commence until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) of all external plant, equipment or machinery have been submitted to and approved in writing by the Council. These details shall demonstrate that, cumulatively, all such plant, equipment and machinery does not exceed a rating level of 44dB(A), as defined in BS 4142:2014, when determined 1 meter from the façade of the nearest noise sensitive premises including proposed plot 2 to the south east of the development). The approved plant, equipment or machinery shall then not be located and installed on site other than in accordance with approved details. The approved plant, equipment or machinery shall subsequently be retained and maintained in accordance with the approved maintenance schedule.

This change would allow the developers to begin some development works, but they would have to agree the details of the plant machinery before it was installed. This seems like an adequate amendment given that the noise arising from any plant machinery will not exist before installation, so this is acceptable.

In relation to the requirements of Policy BE3, a Sustainable Design & Construction statement has been submitted. This details the proposed development's holistic approach to sustainable design and construction and summarises the contribution it makes to create a more sustainable development. This includes high-level considerations and potential strategies for energy efficiency improvement and compliance with Building Regulations Part L: Conservation of Fuel and Power and a BREEAM Pre-Assessment to provide a framework for the development to achieve a 'Very Good' rating. NBBP Planning Policy have confirmed that this statement is acceptable and meets the requirements of Policy BE3.

#### **4. Ecology and Biodiversity**

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

A Preliminary Ecological Appraisal has been submitted, and this was obviously accepted last time under the previous approval. NBBP Parks were consulted on the basis of providing ecology advice and they have confirmed that the changes proposed here will have no significant impact on the loss of ecology or biodiversity.

#### **5. Heritage and Archaeology**

Under s66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, NBBP in determining the submitted application, has a statutory duty to have special regard to the desirability of preserving the special interest and setting of listed buildings.

In terms of Nuneaton Town Centre Conservation Area, the site is not within the Conservation Area, but adjoins it. The surviving buildings of the Co-op buildings on Abbey Street are aspects of the setting of the Conservation Area that contribute to its significance. The remaining former Co-operative buildings will retain a presence on Abbey Street, including the more distinctive 1928 building to the west. The existing building heights are broadly consistent on Abbey Street and typically range from two to three storeys. The proposed college building is of suitable, height, scale and mass within that range. At three storeys and with recessed roof plant, it will not appear out of character with the building heights of Abbey Street or the conservation area.

The proposal now includes the loss of the smaller single storey building to the rear of the larger, main buildings. Previously the shell was mainly to be retained with significant works done to it to make it useable.

It is understood that the existing single storey building is in a poor state of repair and that the degree of necessary remedial works became more apparent as development and building/conversion works began and then proceeded. The structural changes required within the single storey building are so extensive that its partial demolition (as previously approved) is no longer practical.

The building has no statutory protection and as such is considered to be a *non-designated* heritage asset.

The NPPF sets out at paragraph 203 that; *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The proposal involves the complete demolition of the existing building and so the scale of the harm to the asset would therefore be substantial.

Additionally Policy BE4 of the adopted Borough Plan 2019 states that;

*Great weight will be given to the conservation of the borough's heritage assets, with greater weight being given to assets of higher importance. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the public benefits of the proposal in the following ways:*

- *Whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset*
- *Whether the works proposed are the minimum required to secure the long term use of the asset.*

It is considered that additional costs involved in the conversion of the building, the likely knock-on effects on viability and the public benefits of delivering the education use on site are relevant considerations to which weight should be ascribed.

Although the development would result in the total loss of the single storey building as with Paragraph 203 the significance of the heritage asset must form part of the planning balance. In this case the building is small, and discreet without any prominent public view points. The building is also in a poor condition with little chance of renovation



(which has already been explored). Additionally, the building is no architecturally unique or even striking as it is mainly functional in its construction.

Although it is a very balanced assessment, it is considered that the total loss of the single storey warehouse is not so significant so as to warrant refusal of the scheme, especially when one considers the poor prospects of retaining the building, its appearance, contribution to the public realm and the fact the end use is of significant benefit to the public and town in general.

## 6. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan.

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

## REASONS FOR APPROVAL:

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

## SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Location Plan	2331-GHA-1B-XX-DR-A-(05)010 P01	17 <sup>th</sup> February 2022
Site Plan	2331-GHA-1B-XX-DR-A-(05)015 P01	17 <sup>th</sup> February 2022
Proposed Site Layout	0328-10200-A	25 <sup>th</sup> May 2023
Proposed Ground Floor Plan	NTN- BMD – 1B-00-D-A-11021-P03	25 <sup>th</sup> May 2023
Proposed First Floor Plan	NTN- BMD – 1B-01-D-A-11022-P03	25 <sup>th</sup> May 2023
Proposed Second Floor Plan	NTN- BMD – 1B-02-D-A-11023-P03	25 <sup>th</sup> May 2023
Proposed Roof Plan	NTN- BMD – 1B-RL-D-A-11025-P03	25 <sup>th</sup> May 2023
Proposed Elevations-North & East	NTN- BMD – 1B-ZZ-D-A-12005-P04	25 <sup>th</sup> May 2023
Proposed Elevations-South & West	NTN- BMD – 1B-ZZ-D-A-12006-P04	25 <sup>th</sup> May 2023
Proposed Sections	2331-GHA-1B-ZZ-DR-A-(05)300 P01	17 <sup>th</sup> February 2022
Proposed Demolition Plan	0328-10051-A	25 <sup>th</sup> May 2023

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

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

4. No development shall commence other than in accordance with the Construction Environmental Management Plan which was submitted to and approved by the Council under permission 039523 and approved on 29<sup>th</sup> June 2023.

5. No development shall commence other than in accordance with the remediation strategy which was submitted to and approved by the Council under permission 039523 and approved on 29<sup>th</sup> June 2023.

6. No development shall commence other than in accordance with the detailed surface water drainage scheme which was submitted to and approved by the Council under permission 039597 and approved on 27<sup>th</sup> July 2023.

7. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy (DS\_60638174\_P04) and Flood Risk Assessment (FRA\_60638174\_P02) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Council. 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. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
4. Confirmation that the system is free from defects, damage and foreign objects.

8. No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the Council. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
3. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

9. No development shall commence other than in accordance with the Construction Ecological Management Plan (CEMP) which was submitted to and approved by the Council under permission 039532 and approved on 16<sup>th</sup> May 2023.
10. No development shall commence other than in accordance with the Biodiversity and Ecological Management Plan (BEMP) which was submitted to and approved by the Council under permission 039532 and approved on 16<sup>th</sup> May 2023.
11. 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.
12. No development shall commence other than in accordance with the details submitted to and approved by the Council under permission 039521 and approved on 16<sup>th</sup> May 2023.
13. No installation of external plant, equipment or machinery shall commence until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) of all external plant, equipment or machinery have been submitted to and approved in writing by the Council. These details shall demonstrate that, cumulatively, all such plant, equipment and machinery does not exceed a rating level of 44dB(A), as defined in BS 4142:2014, when determined 1 meter from the façade of the nearest noise sensitive premises (including proposed plot 2 to the south east of the development). The approved plant, equipment or machinery shall then not be located and installed on site other than in accordance with approved details. The approved plant, equipment or machinery shall subsequently be retained and maintained in accordance with the approved maintenance schedule.
14. No development shall commence other than in accordance with the details submitted to and approved by the Council under permission 039521 and approved on 8<sup>th</sup> June 2023.
15. No development above ground floor slab level shall commence until details of the specification for bat boxes and their precise locations within buildings have been submitted to and approved in writing by the Council. The submitted details shall demonstrate how the potential bat mitigation measures detailed in the Preliminary Ecological Appraisal (ref Nuneaton Abbey Street Project number: 60638174) received by the Council on 17<sup>th</sup> February 2022 will be implemented and maintained. The approved boxes shall be installed before the occupation of that building.
16. No development shall commence other than in accordance with the details submitted to and approved by the Council under permission 039726 and approved on 4<sup>th</sup> July 2023.
17. No development above ground floor slab level, excluding demolition, shall commence until full landscaping plans including full planting details have been submitted to and approved in writing by the Council. Any landscaping shall be completed within 12 months of the completion of construction and subsequently maintained in the following manner:  
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

18. Prior to their installation, full details of the boundary treatments including new walls and fences shall be submitted to and approved in writing by Council. The use shall not commence until the agreed boundary treatments have been carried out in accordance with the approved details.

19. Prior to their installation, a scheme for the lighting of the site and associated access roads and external areas shall be submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

20. No occupation of the development hereby permitted shall commence until details of a kitchen odour ventilation and extraction system have been submitted to and approved in writing by the Council. The use shall not commence until work has been carried out in accordance with the approved details.

21. Prior to the occupation of the scheme, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

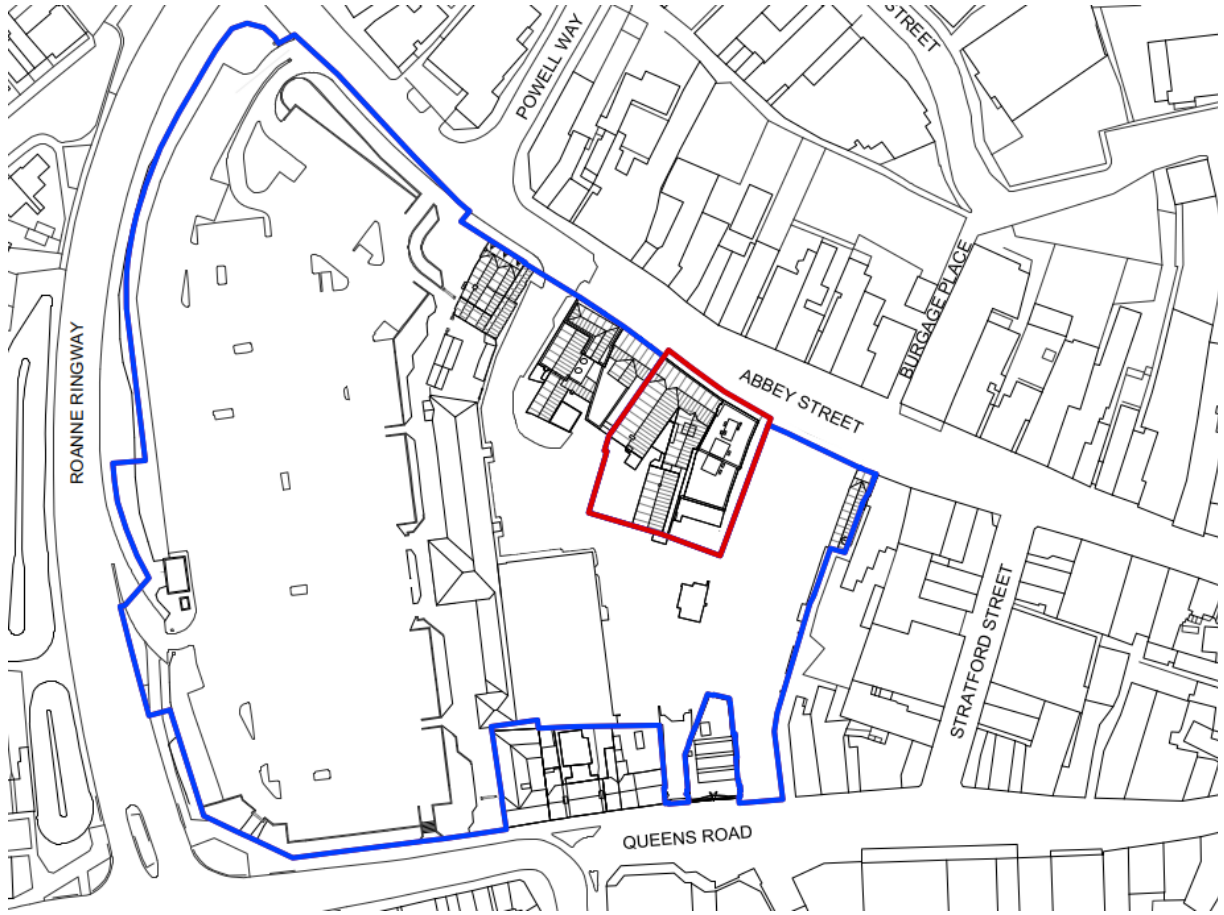
22. Prior to the occupation of the scheme, full details of the CCTV provision, including the siting and the technical specification details of the cameras, direction of view and their external appearance/colour shall be submitted to and approved in writing by the Council. The development shall not be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

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

24. Prior to the occupation of the scheme, the 30no. cycle spaces (Sheffield Stands) as shown on the Proposed Ground Floor Plan (drawing no. 2331-GHA-1B-00-DR-A-(05)100 P01) received by the Council on 17<sup>th</sup> February 2022 shall be provided and made available for use.

25. The submitted Green Travel Plan (ref 60668694) received by the Council on 17<sup>th</sup> February 2022 to promote sustainable transport choices to the site, with the measures proposed to be carried out within the plan, and any variants in accordance with Government and Warwickshire County Council policies and guidelines, shall continue to be implemented in full at all times.

26. Piling using penetrative methods shall not be carried out other than with the written consent of the Council. The development shall be carried out in accordance with the approved details.



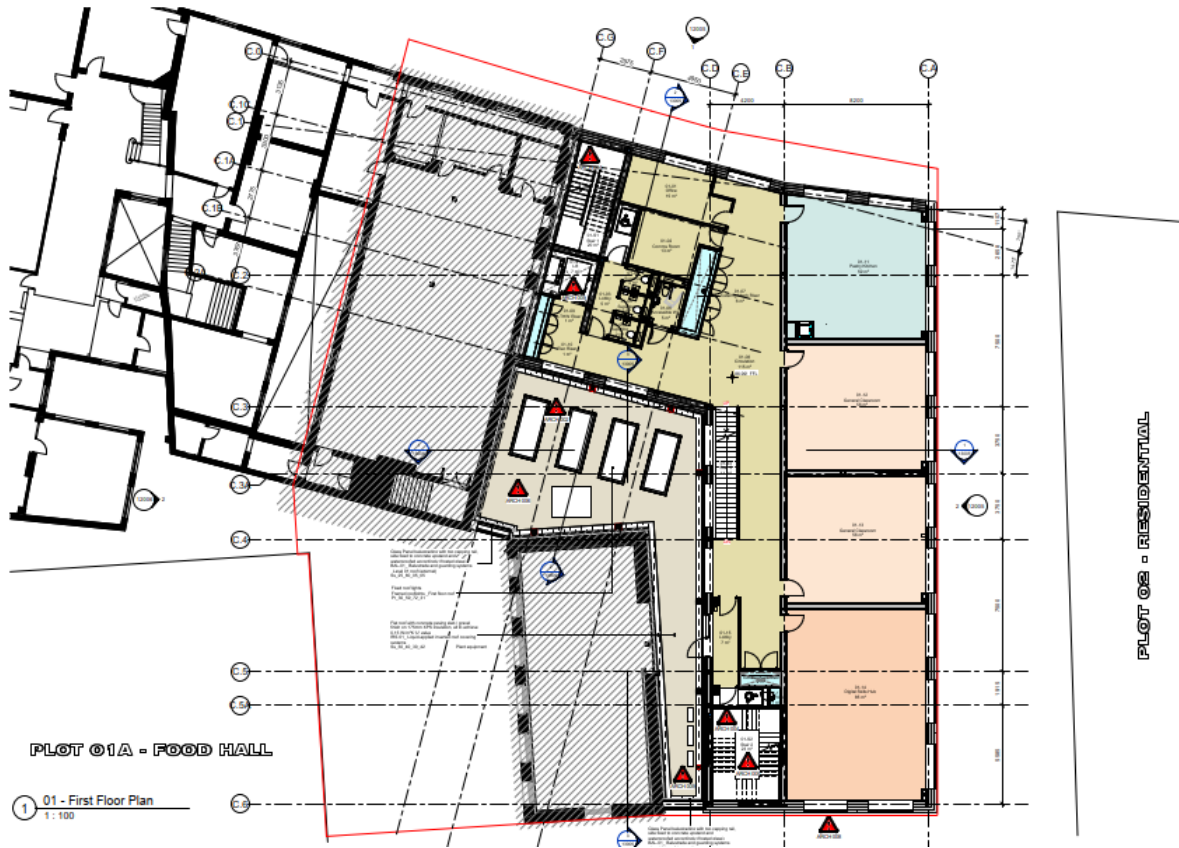
Site Location Plan





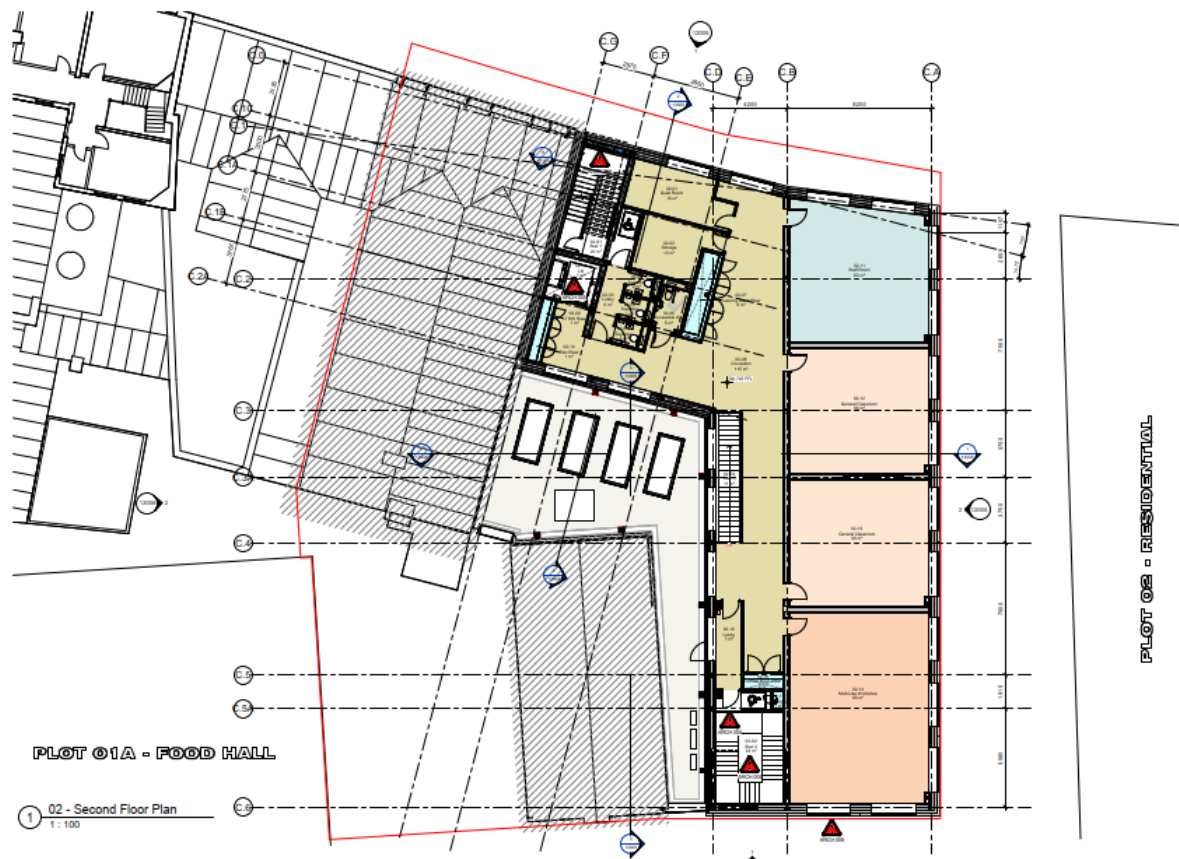
Proposed Ground Floor Plan



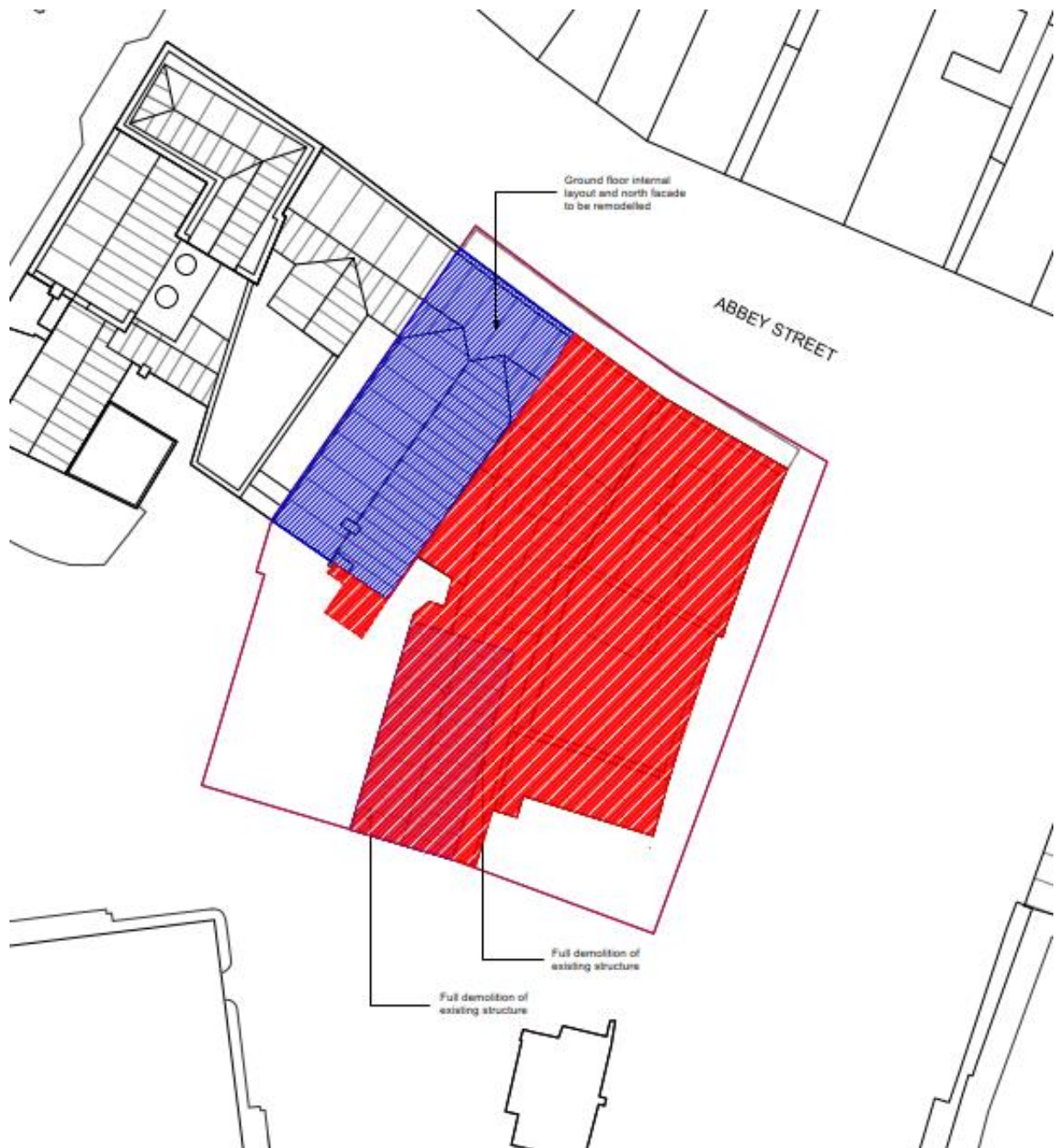


Proposed First Floor Plan





Proposed Second Floor Plan



Proposed Demolition Plan

## Glossary

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Class E (Commercial, business and service uses),**

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

**Class F.2 (Local community uses)**