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Date: 22nd July 2024

Our Ref: MM

Dear Sir/Madam,

An extraordinary meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 30th July 2024 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see Agenda Item No. 5 for clarification).

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning
Applications Committee

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

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

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

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

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

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

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

3. 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 5**). 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.

4. DECLARATIONS OF CONTACT

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

5. 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 8)**.

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.

6. 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.
7. 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).

PART 2 - EXEMPT BUSINESS

8. EXCLUSION OF PUBLIC AND PRESS
Under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 12 of Part I of Schedule 12A to the Act.
9. LAND OFF WOODLANDS LANE, BEDWORTH - report of the Head of Development Control.

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

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

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

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

Planning Applications Committee
30th July 2024

Applications for Planning Permission etc.
Agenda Item Index

Item No.	Reference	Ward	Address	Page No.
1.	039256	AB	5 Bridge Street, Nuneaton, Warwickshire, CV11 4DY	9

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	SM	St Mary's

REFERENCE No. 039256

Site Address: 5 Bridge Street, Nuneaton, Warwickshire, CV11 4DY

Description of Development: Refurbishment and part change of use Class E to Class C3 of existing building, with part demolition to create internal courtyard, part rooftop extension and erection of 3 storey associated building on adjacent loading area, with commercial retail Class E at ground floor

Applicant: Bridge Street Nuneaton Ltd

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

This application is for the refurbishment and part change of use Class E to Class C3 of existing building, with part demolition to create internal courtyard, part rooftop extension and erection of 3 storey associated building on adjacent loading area, with commercial retail Class E at ground floor. A total of 63no. apartments are proposed with 29no. 1 bed and 34no. 2 bed.

The site comprises a building with the last use being a department store within the pedestrianised area of Nuneaton Town Centre. It has frontages along Newdegate Street and Bridge Street. It is a three storey building. The River Anker is to the east of the site. Surrounding uses are of a predominantly retail nature. The site is within Nuneaton Town Centre Conservation Area.

RELEVANT PLANNING HISTORY:

- 037812: Partial demolition of existing building with facade retention and erection of 5no. three, four and five storey buildings consisting of commercial/retail (Class E) at ground floor and 73no. apartments, open space, landscaping and associated engineering and public realm works: Withdrawn 08/11/2002.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS4 – Overall development needs;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - TC1 – Town centre requirements;
 - TC2 – Nature of town centre growth;

- HS1 – Ensuring the Delivery of Infrastructure;
- HS2- Strategic Accessibility and Sustainable Transport;
- HS5- Health;
- HS6- Sports and exercise;
- NE3- Biodiversity and geodiversity;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability;
- BE3- Sustainable Design and Construction and
- BE4- Valuing and Conserving our Historic Environment
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020
- Transport Demand Management Matters SPD 2022
- Air Quality SPD 2020
- Nuneaton Town Centre Conservation Area SPD 2022
- National Policy Planning Framework (NPPF)
- National Planning Practice Guidance (NPPG)

CONSULTEES NOTIFIED:

Cadent, CCG, Environment Agency, George Eliot Hospital NHS Trust, Historic England, National Amenities Societies, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Town Centres Manager, NBBC Tree Officer, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), WCC Archaeology, WCC Ecology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, WCC Ecology, WCC Highways

No objection subject to planning obligations from:

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

No objection from:

Cadent, CCG, Warwickshire Police (Architectural Liaison Officer), NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, Warwickshire Fire & Rescue, Warwickshire Fire Safety, WCC Archaeology, WCC Flood Risk Management,

Comment from:

Environment Agency (refer to Standing Advice), Historic England, NBBC Housing

No response from:

National Amenities Societies, NBBC Parks, NBBC Town Centres Manager, Severn Trent Water, Warwickshire Police (Place Partnership)

NEIGHBOURS NOTIFIED:

20, Alan Cooper Estate Agents 22, Leonardos 24, Hiring Strategies Ltd 26-28, Sassy Giraffe 27-29, Mr Anderson 30, Your Move 32, Fever, Velvet, Whitehouse & Son 31, Santander 35, Hawkins Estate Agents 39, Gyros 41, Hair & Beauty 41a, Top Tailoring 43, The Silk Mill 44, Bobbys 45, Katz 47-49, Saints, Alara 61, Flats 1-4 (inc) 61 Newdegate Street; Nat West 1, Holland & Barrett 2, 2a, Boots 3, O2 29 Market Place; Timpsons 1, Nationwide 2-6, George Eliot Hotel 3, Warhammer 3, Max

Spielman 3a, SNI Mobiles 4, Furniture View 11, Air Ambulance Shop 12, Regenerate 13, Kerri Anns 14, Myton Hospices 15, Nuneaton Beds & Sofas 16, 17, Creative Nails 18, 19, 20, Bridge Street; Wilkinsons 1 & 2 Church Street; Black Swan in Hand Bond Gate

Neighbouring properties were sent letters notifying them of the proposed development on 11th November 2022. Site notices were erected on street furniture on 11th November 2022 and the application was advertised in The Nuneaton News on 9th November 2022.

NEIGHBOUR RESPONSES:

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

1. A late-night licensed venue is opposite the site on Newdegate Street.
2. Concern relates to the proposed residential use and the effect the existing nightclub may have on their amenity.
3. Increased potential for late night noise disturbance.
4. Any complaints from future residents of the application site could lead to possible licensing restrictions on existing authorised late-night entertainment uses.
5. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

APPRAISAL:

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

1. The Principle of Development,
2. Loss of retail space,
3. Housing need and affordable Housing,
4. Visual amenity,
5. Residential amenity,
6. Highway safety and accessibility,
7. Flood risk and drainage,
8. Contamination and land stability,
9. Air quality,
10. Ecology and Biodiversity,
11. Heritage and archaeology,
12. Planning obligations,
13. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development 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 NPPF also states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (paragraph 86).

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. Therefore, the principle of the proposed development would be acceptable under this policy. The site is also within the defined settlement boundary for Nuneaton, as defined in Policy DS3 of the Borough Plan, and therefore is acceptable in principle under that policy.

The proposal would also support the aspirations of the Transforming Nuneaton Project. This is a project between Warwickshire County Council and Nuneaton and Bedworth Borough Council to deliver the transformation of Nuneaton town centre, by implementing mixed-use regeneration for boosting economic growth. The vision is to transform Nuneaton into a prosperous town centre. The aim is to create a town where people choose to:

- Live- with high quality, easily accessible town centre housing and a strong and diverse leisure offer;
- Do business- with excellent transport connections and high-quality office space for all entrepreneurs;
- Shop- with a mix of national, independent and specialist retailers; and
- Visit- through the creation of high-quality public realm and enhancing the heritage and cultural opportunities.

2. Loss of Retail Space

Policy TC1 of the Borough Plan sets out indicative floorspace requirements for the town centres. The comparison retail floorspace requirements for Nuneaton Town Centre is 11,420-13,950 sq metres which includes the former Debenhams site. Therefore the loss of comparison floorspace, particularly a large anchor store within the Town Centre, would weigh against the proposal. The application includes a total of 693 sqm of retail / commercial floorspace. A viability report has been submitted to demonstrate that the existing use is unviable over the long term. This details that the interior is poorly configured with the irregular layout making retailing from such a large space difficult and unviable for occupiers. Staircases are very old making the first floor difficult for retailing in a modern setting. There are also elevated levels of asbestos in many areas of the building including the roof, pipework, ceilings, and stairwells and some of this is categorized as high risk. This makes cost effective reconfiguration impossible, leaving wholesale redevelopment as the only option. The report also states that from an energy performance perspective, the last EPC provided a low performance rating of E due to the solid brick construction, flat roof and single glazed metallic windows. In the current economic climate this also deters would be cost conscious occupiers. The property also suffers from a lack of significant dedicated rear loading which will deter retailers.

The viability report details that the property was actively marketed since Debenhams vacated, with approaches to the following potential occupiers:

Lidl, Aldi, McCarthy & Stone, Mere Stores, JD Sports, Matalan, Primark, Curry's, Sainsbury's, Toolstation, Starbucks, The Gym Group and B&M.

This was for either the entire building or in part, but all declined, citing the cost of bringing the building up to standard to make fit for use and the internal configuration as not being right. The report states that there is no retail demand for the entire floorspace of the building with demand being for predominantly smaller ground floor units. Retailers are seeking efficient, well configured space in a modern rectangular shape and format, close to other national high street retail brands. NBBC Planning Policy have reviewed the viability report and are content that it meets the policy requirement.

Under Policy T2, the proposal falls within the defined primary shopping frontage. The policy states that proposals that will result in the loss of ground floor retail units within a primary shopping frontage will not be permitted. As it is proposed to retain retail use on the ground floor within the primary shopping frontage, the proposal is in accordance with this policy.

3. Housing need and affordable Housing

Policy DS4 of the Borough Plan states that states that at least 14,060 homes are required between 2011 and 2031. The Council's published Housing Trajectory lists all of the sites that are predicted to meet the housing requirement, as well as the Council's housing land supply position. The Council has published its updated housing land supply position as at 1st April 2024. In accordance with the NPPF (paragraph 77) and recently updated PPG on housing land supply, given the adopted Borough Plan is more than 5 years old, housing land supply should be calculated against local housing need. On this basis, the Council can demonstrate a position of 9.03 years and therefore the presumption in favour of sustainable development does not apply. This proposal has not been accounted for in the Trajectory/5YHLS and so would have to be considered as windfall development.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The SHMA 2013 indicates there is greatest need in the borough for three bed properties (53.3% modelled market need), followed by two bedroom properties (33.1%) then 4 bedroom properties (8.9%). The Council's commissioned Housing and Economic Development Needs Assessment (HEDNA), May 2022 provides a more recent development needs assessment and is as follows:

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

Source: Derived from a range of sources

The application proposes 29no. 1 bed (46%) and 34no. 2 bed (54%). Whilst there is a clear discrepancy between the proposed mix and the requirements, the application outlines this is to meet the expected town centre demand for one and two bed households, in particular the greater need in the borough for two bedroom dwellings. On that basis, it is considered that the proposed mix is acceptable in this location.

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more which would equate to 16no. dwellings. A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development can not support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. This is the Built Value of proposed residential & non-residential uses to get the Gross Development Value (GDV). The development costs such as build costs, professional fees, finance costs, Section 106 Obligations developers profit are then deducted from the GDV to obtain the Residual Land Value (RLV). The assessment assumes profit levels of 17.5% for the residential market sales and 15% on the commercial. It shows that the development would generate a negative residual profit of £642,482 which is based on a 100% private sales scenario. The assessment has been independently assessed by a property and regeneration consultant who also tested a 100% private sales scenario to determine whether the scheme is viable. This showed that the scheme is unable to support any affordable housing, generating a deficit of £525,827 on a residual profit basis. They also tested a Build-to-Rent scheme which also presented a viability issue, generating a deficit of £869,714. The consultant concluded that the scheme is unviable and can not viably meet the required level of affordable housing and S106 contributions.

The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58). As stated, the viability assessment has been scrutinised by an independent consultant who agree that the development would be unviable for the applicant to pay any requested planning obligations in this case.

NBBC Housing have commented that from a Strategic Housing perspective, given the level of affordable housing need in the Borough it is disappointing that this development will not provide much needed affordable rented units, nor be in a position to offer a commuted sum for the Council to facilitate affordable homes elsewhere within the Borough.

4. Visual Amenity

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 135). Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The proposals include the refurbishment of the existing building. Partial demolition is proposed to create an internal courtyard. Roof extensions are proposed at nos 37 and 51 Newdegate Street which would result in no 37 being three storey and no 51 as four storey. A new three storey building to the east of the site, facing Bridge Street, is also proposed. It is considered that the scale of the buildings is acceptable and in keeping with scale of development in the town centre. The roof extension at no 37 Newdegate Street proposes cladding in sage green which is considered to be acceptable in relation to the existing building. The proportion of the new windows in the extension also relate to the existing. The roof extension at no 51 Newdegate

Street proposes cladding in warm brown which responds to the existing and surrounding buildings and sage green which compliments the chequered affect on that part of the building. The new build block would be flat roof with materials consisting of red brick. The landscape areas within the courtyards will provide residents with an outdoor area to relax and socialise. Planting will be introduced within raised planters to demarcate between the private and more public shared space. The courtyard proposes a balance of hard and soft landscaping with softer landscaping to the edges of the site boundary to create natural privacy and improve the outlook for neighbouring buildings. The new entrance into the site will be off Bridge Street into the courtyard by a secure access. This courtyard will have a paved area running around it allowing for step free pedestrian and bicycle access between the street and the entrances to all accommodation blocks.

Overall, it is considered that the scheme is acceptable in terms of visual amenity.

5. 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. This policy is supported by the Sustainable Design & Construction SPD 2020. Paragraph 7.4 states that conversion of non-residential buildings should provide suitable living accommodation for the occupiers in terms of privacy, layout, design and impact from adjacent uses. It is considered that the proposed apartments would provide suitable accommodation in terms of privacy, layout and light. The original plans submitted had a number of shortfalls in the required National Minimum Space Standards. Amended plans have been submitted which show that all of the apartments comply with National Minimum Space Standards.

In terms of noise, a noise assessment has been submitted. This demonstrates elevated noise arising from nearby entertainment venues and pubs and includes low frequency bass noise. The noise assessment goes on to undertake some frequency analysis and consider possible mitigation measures based on particular Noise Rating Curves (NR curves) as a means of mitigating the low frequency noise. NBBC Environmental Health have no objection subject to a condition covering a noise attenuation scheme.

In relation to the requirements of Policy BE3, the Sustainable Design & Construction checklist has been completed and submitted to demonstrate compliance with the requirements. The Design & Access Statement also covers sustainability issues such as insulation, recyclable materials, water consumption and passive solar design. It also includes responses to all questions within the Buildings for Life 12 standard. NBBC Planning Policy have confirmed the submitted information is acceptable and meets the requirements of Policy BE3.

6. Highway safety and accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 114). No vehicular access is provided as it is proposed to be a car free development. WCC Highways originally objected on the grounds that the number of vehicle movements associated with the proposals may be a net reduction, but that is not shown in the supporting Transport Statement and the movements will be different in that in the AM Peak on the highway network vehicles will be travelling away from the town centre rather than towards the town centre, and vice versa in the PM Peak on the highway network. They were also querying whether people would actually give up their cars to live there and therefore

parking provision would be required. They also raised concerns regarding bin collections. A Transport Statement has been submitted with the application and a further technical response to WCC Highways comments has also been submitted. This states that no residents parking spaces are provided within the development and therefore the level of traffic generation is anticipated to be negligible. The Transport Statement does demonstrate the anticipated number of people trips although a numerical comparison with the existing use is not considered necessary given that these trips are not expected to be via private car. It also states that the Trics data have been used to identify the level of person trips anticipated for the development. The Trics data used for the assessment and presented in the Transport Statement include developments with residents parking spaces and therefore is not representative of the proposed development with regard to private car trips. No Trics data is available for residential development with zero residents car parking provided and therefore the amended trips presented in Transport Statement and the approach used is considered to be appropriate. The technical response also states that those choosing to live in the development will be fully aware that on site parking is not available, on street parking is difficult and not available nearby. Anyone choosing to reside in the development who owns a private car would therefore need to negotiate a private parking arrangement. In terms of refuse collections, the technical response states that bins will be transported to the roadside by the building management company prior to collection. Refuse collection is proposed to be undertaken directly from the carriageway and the servicing arrangements are not expected to be significantly different from those utilised by the current site and adjacent developments. WCC Highways have confirmed that they accept the comments in the technical response and have no objection subject to a condition. NBBC Refuse have also confirmed they have no objection in relation to refuse collections.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 108). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 109). As the site is within the town centre it is considered to be in a highly sustainable location and close to a number of facilities and public transport. The plans submitted include dedicated bike stores which provide secure cycle parking of 144no. spaces. The Transport Demand Matters SPD requires one secure space per unit which would equate to 63no. spaces which has been exceeded.

7. Flood risk and drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 173). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the majority of the site lies within flood zone 2, with less than 10% within flood zone 3 (located along the River Anker and the eastern boundary). The proposed development is classified as a more vulnerable development by the Flood Risk Vulnerability Classification in the NPPF. Therefore, in line with the flood risk vulnerability and flood zone compatibility table in the NPPF, the development is appropriate in flood zone 2 and 3a as the site is a change of use from commercial to commercial and residential and therefore a sequential test is not required (as per the Environment Agency's standing advice). The Environment Agency have been consulted and have confirmed that although areas of Flood Zone 3 are located within the site boundary, the proposed development is located in Flood

Zone 2. Furthermore, the proposed development includes building of apartments and, although these are classed as more vulnerable, they are less than 1 hectare of area. Therefore, they would not provide comments and refer the LPA to their standing advice.

The standing advice states that a suitable Flood Risk Assessment needs to be submitted and highlights what it needs to include as a minimum. This includes a level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level, including climate change which has been covered in the FRA. An assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change), any documented historic flooding and risks associated with surface water run off from the site also needs to be included and the submitted FRA covers this. Proposed mitigation measures to control those risks for the lifetime of the development should also be included. The FRA details different mitigation measures such as raising the finished floor levels by 300mm above the flood level of 81.43mAOD, installing flood resilience measures such as raised electrical sockets and resilient wall and floor finishes and the implementation of a flood warning and evacuation plan and subscribing to Environment Agency's flood warning service. The impact on flood risk elsewhere also needs to be considered and has been in the submitted FRA. The submitted FRA also includes risks during an extreme 0.1% (1 in 1000 year) event. A condition can be added that the development is carried out in accordance with the FRA and the mitigation measure detailed within it.

In terms of surface water drainage, a Flood Risk Assessment and Drainage Strategy have been submitted. A SUDS system will be used including the provision of Type C permeable paving systems within both courtyards, attenuation tanks will be provided for storage for all storms up to and including a 1 in 100 year storm plus 40% for climate change, a green roof will be provided at the commercial unit to the eastern side of the development which will trap run off and surface water is proposed to discharge at a peak maximum rate of 8.0l/s from one catchment and 4.0l/s for the second catchment providing a total average betterment of 57% for the brownfield Site. WCC Flood Risk Management has no objection subject to conditions.

8. Contamination and land stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 189 and 191). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Phase 1 Desk Study has been submitted with the application. It recommends that an intrusive ground investigation to facilitate assessment of the identified geotechnical and contamination issues is carried out. NBBC Environmental Health have reviewed this report and have no objection subject to the inclusion of the four standard contaminated land conditions.

9. Air quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants,

taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 192). An Air Quality Assessment has been submitted which confirms that air pollution in the vicinity of the site will be comfortably below the annual mean air quality objectives, hence, air pollution will not be of concern for the proposed residential units. The report also indicates that there will be no provision for private car parking and there will be insignificant additional traffic generated by the proposed development. NBBC Environmental Health have no objection subject to conditions covering a dust management plan and that all gas-fired boiler installations should be a specified standard.

10. 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 (paragraphs 180 and 186). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. An ecology report was submitted and has since been updated. This highlights that a total of two Local Wildlife Sites and three potential Local Wildlife Sites are connected hydrologically to the proposed works comprising two downstream sections of the River Anker, two LWSs designated for their grasslands through which the River Anker flows (Weddington Country Walk and Weddington Valley Meadows) and one pLWS (Oxbow Lakes, Weddington Fields, River Anker) which is considered to be largely defunct. In the absence of mitigation, water pollution from the construction phase of the proposed works could have an impact on these non-statutory designated sites and their associated features. Construction methods are yet to be confirmed but the report recommends working within the river channel should be avoided wherever possible.

In terms of habitats, the River Anker runs through the centre of the site in a northerly direction with scattered scrub and broadleaved trees along its banks. It is considered to be of value for wildlife at a local level. Any works in the vicinity of the River has the potential to impact this habitat through pollution or alteration of hydrological regimes in the absence of safeguards or mitigation. This can be addressed through a CEMP condition. Active bird nests were recorded on the Debenhams building and nearby infrastructure during the survey. The ecology report recommends enhancement for birds in the form of bird boxes. The section of the River Anker which runs across the site provides some suitable habitat to support commuting otter. The report recommends suitable lighting which should be directed away from any potential wildlife corridors including the River Anker and associated vegetation. In terms of bats, the original survey highlighted opportunities for roosting bats were suspected. Due to the period of relevancy attached to ecological survey and reporting, these findings had since lapsed, and an updated appraisal was required. Phase II survey work comprising three bat emergence surveys were undertaken between April and June 2024 to determine the use of the structure by roosting bats. No emerging or re-entering bats were recorded during the survey work undertaken, such that the structure was not considered to form a bat roost. WCC Ecology were consulted and consider that given that the sufficient survey effort has been made to establish likely absence of a bat roost, no further surveys are required for this building. They recommend that works should proceed with care and if any bats or nesting birds are found, works must cease whilst a licensed ecologist or Natural England are contacted for advice. The ecology report recommends suitable mitigation such as bat boxes.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a no net loss in biodiversity. The application was submitted before the mandatory requirement of 10% net gain under the legislation. Notwithstanding this, the calculations show a net increase of 0.06 units, representing a percentage increase of 16.74%.

WCC Ecology have no objections subject to conditions covering a Construction Environmental Management Plan and an Ecological and Landscaping scheme.

11. Heritage and archaeology

Under s66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, NBBC in determining the submitted Planning 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 203). 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.' (Annex 2)

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

The NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 201). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 205). The proposal potentially affects three designated heritage assets which are the Nuneaton Town Centre Conservation Area and the two grade II listed buildings at no's 35 and 39 Newdegate Street. The NPPF further states 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 (paragraph 209).

There have been discussions between the applicant's team, NBBC and the heritage consultant to try and address the concerns and objections with the original scheme. In terms of the roof extensions at no's 37 and 51 Newdegate Street, the heritage consultant originally requested that these were removed which would remove all harm to no 37 as a non-designated heritage asset and to avoid impacts on the conservation area. It was also suggested that were set back to reduce visual dominance. The extensions remain as they were originally proposed but further information including a viability appraisal has been submitted which considers the viability of the scheme if the number of units was reduced by setting the rooftop extensions further back. The conclusion is that this would render the scheme unviable given the volatility of material costs associated with the construction industry currently, and the subsequent need for a large contingency. The provision of this information does not negate the harm of the rooftop extensions, but it is the type of information that is needed to give the 'clear and convincing justification' for harm required by the NPPF (paragraph 206). The heritage consultant also requested that more thought was given to the elevational treatment of the extensions so that there is a better, two-way dialogue between the new and old elements. This includes the placement and proportions of windows. The amendments have addressed this by placing the extensions centrally in response to the symmetry that underpins the architectural interests of each of the host buildings. The placement of windows has also been adjusted on the extension to no.37 Newdegate Street to the same end. Rooftop plant has been moved on no.59 Newdegate Street so it does not appear off-centre above the roofline. There is still some harm from the addition of a rooftop extension, but the applicant has provided further information to demonstrate this is the minimum necessary to achieve a viable scheme. The resultant harm to the building and consequently the conservation area is less than substantial. The harm to 37 Newdegate Street as a non-designated heritage asset remains considerable.

The heritage consultant wished to see more of the existing windows retained. The proposal now intends to retain some of the existing windows on key elevations where possible (depending on an assessment of acoustic performance, which is an acceptable caveat), and like-for-like replacement where retention is not possible. Further amendments have been submitted for no's 5-8 Bridge Street. They show the retention of historic designs and replica replacements on the south and west elevations where these have been altered or lost. Particularly welcome is the representation of the historic first floor display window in the form of alternative glazing and white infill panels and the retention of the rendered section on the west elevation. The only new openings are those in the rendered section of the west elevation. They remain a modern design as before, but their proportions reference those to the north associated with the block crossing the river and no. 37 Newdegate Street. Although they are different in design to the extant windows, their containment in the rendered section works quite well at providing a clear visual transition between the two other historic designs on the elevation. Along with the proposed continuous rendered stringcourses that wrap around both facades and onto the river block, this creates a more unified appearance. The more sympathetic treatment of existing features in this design iteration and the more cohesive design also better reveal the building's architectural significance. This will have a positive impact on the building and the character of the conservation area and can be considered a heritage benefit in NPPF terms. The amendments to the design of the windows and facade of no's 5-8 Bridge Street have removed harm from this element of the proposal. The reinstatement of replica sashes matching the extant historic designs addresses some

of the harm that had been caused by unsympathetic alterations to them, and will be a benefit to the building and conservation area. The reinstatement of historic window designs will result in a minor benefit to the conservation area.

Further information was requested to assess the potential physical impact of the proposal on the listed buildings. An addendum to the heritage statement has been submitted which confirms the only point of contact with the listed buildings is a flashing that will need to be inserted between the roof extension and no.39 Newdegate Street. It states that the limited extent of the flashing suggests Listed Building Consent would not be required. The heritage consultant has said that the works are unlikely to affect the special interest of the building. With regards to the structural impact on no.51 Newdegate Street, a Structural Feasibility Report has been submitted which proposes the existing gable wall will be supported with hot rolled steel posts and framework to the rear, supported from new steel beams. This should not be visible when viewing the principle elevation. It does not negate the harm from the rooftop extension on this building, but does allay concerns about the potential loss of historic fabric. Central Building Control have been consulted on that report who have confirmed that they can not see anything structurally that can not be overcome and that retaining a historic frontage is common place in cities and it will be a case of properly designing the internal connections and then adequately supporting the frontage whilst the work is carried out which would be covered under Building Regulations.

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 (paragraph 208). Some minor benefits to the conservation area have been identified through the reinstatement of historic window designs. It is considered that there are economic and social benefits that outweigh the harm to heritage. In terms of economic, the development would provide a driver and catalyst of investment in the town centre in the future, there would be new commercial units and employment generation, support of existing uses and the overall vibrancy of the town, an opportunity to increase footfall in the wider area, it would bring the building back into beneficial use, it aligns with the wider ambitions of the Transforming Nuneaton Initiative and the building could continue to remain vacant for a significant period if re-development proposals do not come forward. In terms of social benefits, the scheme provides much needed housing, would create new public realm through the courtyard areas and would be a car-free development encouraging the use of sustainable travel.

In relation to archaeology, the proposed development lies within an area of archaeological potential, located within the probable extent of the medieval settlement of Nuneaton. As highlighted within the submitted Heritage Statement and Archaeological Impact Assessment, whilst it is likely that the site will have been subject to a degree of relatively modern disturbance there remains a significant potential for archaeological features and deposits dating from the medieval and post-medieval periods to survive across this site. WCC Archaeology have been consulted and requested that a programme of archaeological work is undertaken. This would take a phased approach, the first elements of which may include a combination of archaeologically monitored geo-technical ground investigations and trial trenching, following demolition down to existing ground levels and in advance of any development on the site which can be covered by a condition.

12. Planning Obligations

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

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

Paragraph 91 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Organisation	Request For	Contribution	Notes
NBBC Housing	Provision of affordable housing	25% to be affordable	Viability Assessment demonstrates provision can not be made
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£119,936	Viability Assessment demonstrates contribution can not be paid
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£44,062	Not considered to be CIL compliant
NBBC Parks	Provision and maintenance of open space facilities	Awaiting resposne	Viability Assessment demonstrates contribution can not be paid
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point	£782	Viability Assessment demonstrates contribution can not be paid
	Education Provision	Secondary education: £97,015	Viability Assessment demonstrates contribution can not be paid

	Bus stop infrastructure	£20,000	Viability Assessment demonstrates contribution can not be paid
	Sustainable travel packs	£630	To be secured through a planning condition
	Road Safety Initiatives	£3,150	Viability Assessment demonstrates contribution can not be paid

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development can not support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. This is the Built Value of proposed residential & non-residential uses to get the Gross Development Value (GDV). The development costs such as build costs, professional fees, finance costs, Section 106 Obligations developers profit are then deducted from the GDV to obtain the Residual Land Value (RLV). The assessment assumes profit levels of 17.5% for the residential market sales and 15% on the commercial. It shows that the development would generate a negative residual profit of £642,482 which is based on a 100% private sales scenario. The assessment has been independently assessed by a property and regeneration consultant who also tested a 100% private sales scenario to determine whether the scheme is viable. This showed that the scheme is unable to support any affordable housing, generating a deficit of £525,827 on a residual profit basis. They also tested a Build-to-Rent scheme which also presented a viability issue, generating a deficit of £869,714. The consultant concluded that the scheme is unviable and can not viably meet the required level of affordable housing and S106 contributions.

The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58). As stated, the viability assessment has been scrutinised by an independent consultant who agree that the development would be unviable for the applicant to pay any requested planning obligations in this case.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. It would provide a driver and catalyst of investment in the town centre in the future, employment generation, support of existing uses and the overall vibrancy of the town, an opportunity to increase footfall in the wider area, it would bring the building back into beneficial use, it aligns with the wider ambitions of the Transforming Nuneaton Initiative and the building could continue to remain vacant for a significant period if re-development

proposals do not come forward. The scheme also provides much needed housing and would be a car-free development encouraging the use of sustainable travel. It is considered that the merits of the potential for contributing to the regeneration of the town centre would outweigh the lack of S106 contributions.

13. Conclusion

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

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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	20039-56T-P2-00S-D-A-00	31 st October 2022
Proposed Site Layout	20039-56T-P0-00S-D-A-001 B	16 th June 2023
Proposed Ground Floor Plan	20039-56T-P4-00F-D-A-001 D	16 th June 2023
Proposed First Floor Plan	20039-56T-P4-01F-D-A-001	20 th March 2023
Proposed Second Floor Plan	20039-56T-P4-02F-D-A-001	20 th March 2023

Proposed Third Floor Plan	20039-56T-P4-03F-D-A-001	20 th March 2023
Proposed Roof Plan	20039-56T-P4-RFF-D-A-001B	16 th June 2023
Block 01 Proposed Elevations- Sheet 01	20039-56T-P6-001-D-A-001 B	13 th November 2023
Block 01 Proposed Elevations- Sheet 02	20039-56T-P6-001-D-A-002 B	13 th November 2023
Block 02 Proposed Elevations- Sheet 01	20039-56T-P6-002-D-A-001 B	13 th November 2023
Block 02 Proposed Elevations- Sheet 02	20039-56T-P6-002-D-A-002 B	13 th November 2023
Block 03 Proposed Elevations	20039-56T-P6-003-D-A-00 B	13 th November 2023
Block 04 Proposed Elevations	20039-56T-P6-004-D-A-001 C	13 th November 2023
Proposed Bridge St & Newdegate St Elevation	20039-56T-P6-ZZZ-D-A-002 A	13 th November 2023
Proposed Newdegate St & Bridge St Elevation	20039-56T-P6-ZZZ-D-A-001 A	13 th November 2023
Dontakings Ground Floor Plan	20039-56T-P3-00F-D-A-001	31 st October 2022
Dontakings First Floor Plan	20039-56T-P3-01F-D-A-001	31 st October 2022
Dontakings Second Floor Plan	20039-56T-P3-02F-D-A-001	31 st October 2022

3. 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.

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

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- ii) Arrangements for liaison with the Council's Environmental Protection Team;
- iii) Restriction of construction working hours so that construction activities take place between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays;
- iv) Measures to minimise the visual effects of temporary lighting during the construction period;
- v) Measures to minimise air quality effects arising from increased emissions; and
- vi) Noise and Vibration Management Plan
- vii) Dust management plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

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

5. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Council in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a peak maximum discharge rate of 8.0 l/s (Eastern Catchment) and a peak maximum discharge rate 4.0l/s (Western Catchment).
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

6. No development, excluding demolition, shall commence until:

- a. A contaminated land assessment and associated remedial strategy for that phase has been submitted to, and agreed in writing by the Council;
- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment for that phase;

- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and
- d. On completion of the agreed remediation works for any phase, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

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

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

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

8. No development, including any site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council for that phase. The BEMP shall set out how the measures detailed in the Ecological Appraisal (ref 1058 Former Debenhams Nuneaton EcoAp)

received by the Council on 17th June 2024 will be implemented and maintained. The content of the BEMP shall include:

- a.details of planting to provide additional foraging areas for bats;
- b.details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
- c.provision of an Otter ledge;
- d. dust management measures;
- e.habitat creation;
- f. invasive species management to treat and remove invasive species including Japanese Knotweed within the survey area;
- g.a timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- h.details of a scheme securing future maintenance and retention;
- i. description and evaluation of features to be managed;
- j. aims and objectives of management;
- k. appropriate management options for achieving aims and objectives;
- l. prescriptions for management actions;
- m.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- n.details of the body or organisation responsible for implementation of the plan;
- o. ongoing monitoring and remedial measures.

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

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

9. No development shall commence until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

10. No development shall commence until a Combined Ecological and Landscaping Scheme has been submitted to and approved in writing by the Council. The scheme shall include all aspects of landscaping including riparian planting and details of habitat enhancement/creation measures and management, such as native species planting and enhancements for bats and nesting birds. The approved scheme shall be fully implemented within 12 months of the completion of the construction of the development 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.

11. No development, excluding demolition, shall commence until a windows condition assessment has been submitted to and approved in writing by the Council. This shall include details of the extent of replacement and justification for this and an acoustic assessment of introducing any secondary glazing. A full detailed design of any replacement windows will need to be submitted for approval in writing by the Council before any development commences. The development shall not be carried out other than in accordance with the approved details.

12. No development shall commence until a noise attenuation scheme in accordance with the findings in submitted noise report (ref 65207118-SWE-XX-XX-T-U-0001) received by the Council on 31st October 2022, including glazing, ventilation and construction details, have first been submitted to and approved in writing by the Council. No dwelling shall be occupied other than in accordance with the approved details.

13. No development, excluding demolition, 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 Ecological Appraisal (ref 1058 Former Debenhams Nuneaton EcoAp) received by the Council on 17th June 2024 will be implemented and maintained. The approved boxes shall be installed before the occupation of the development.

14. No development, excluding demolition, shall commence until a scheme for the lighting of the site has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

15. No development, excluding demolition, 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.

16. No development, excluding demolition, shall commence until details of all external plant and equipment have been submitted to and approved in writing by the Council. The uses shall not commence until the work has been carried out and the plant and equipment has been installed in accordance with the approved details.

17. Following the strip out of the building, a measured survey and condition survey should be conducted (in line with the recommendations made in the structural feasibility report ref 81893-03 B received by the Council on 22nd May 2023), the details of which shall be submitted to the Council. Details of any necessary repairs shall be submitted to and approved in writing by the Council before any of these works are carried out and shall be implemented in accordance with the approved details.

18. No occupation and subsequent use of the development shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 81893-06 B) received by the Council on 31st October 2022 has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Council. The details shall include:

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

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

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

21. Prior to the occupation, a Landscape Management and Maintenance Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Council. The landscape management plan shall not be carried out other than in accordance with the approved details.

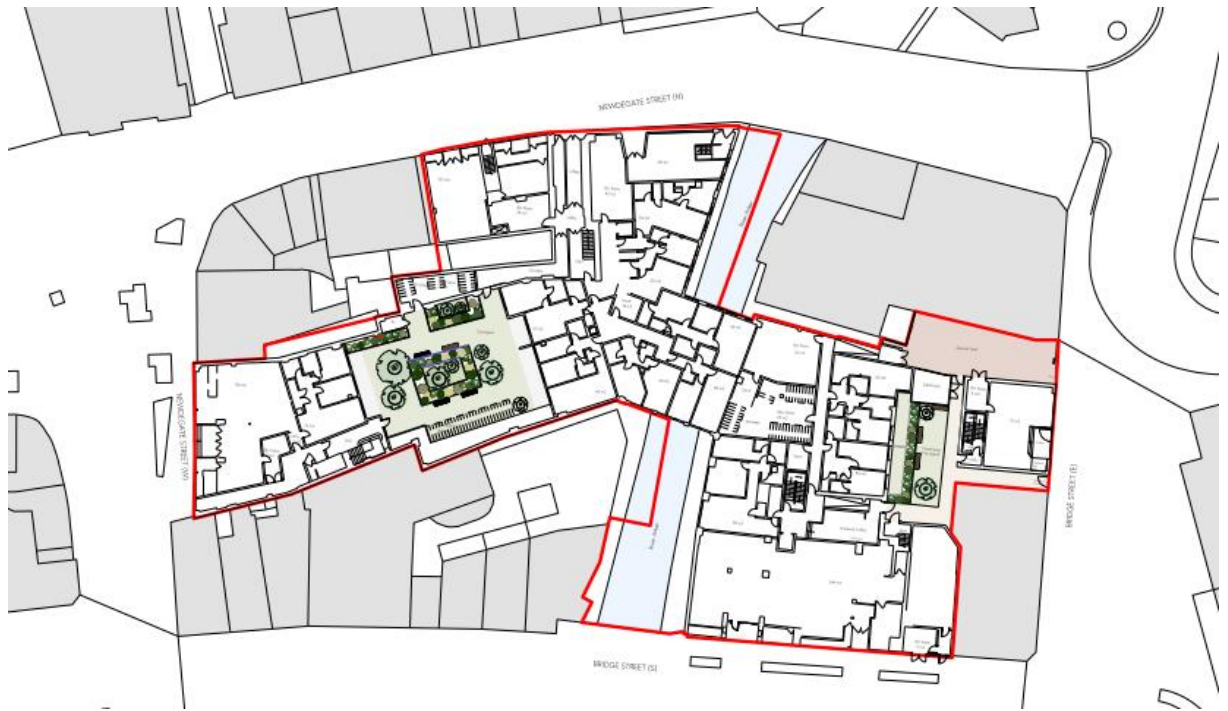
22. No domestic paraphernalia associated with the dwellings shall be erected on the roof terraces without the prior written consent of the Council.

23. The development shall not be carried out other than in accordance with the Flood Risk Assessment (ref 81893-06 B) received by the Council on 31st October 2022 and the mitigation measures detailed within it including raising the finished floor levels by 300mm above the flood level of 81.43mAOD, installing flood resilience measures such as raised electrical sockets and resilient wall and floor finishes and the implementation of a flood warning and evacuation plan and subscribing to Environment Agency's flood warning service. No dwelling shall be occupied until the mitigation measures have been fully implemented in accordance with the approved details and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, unless otherwise agreed in writing by the Council.

24. 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.



Site Location Plan



Site Layout



Proposed Ground Floor Plan



Proposed First Floor Plan



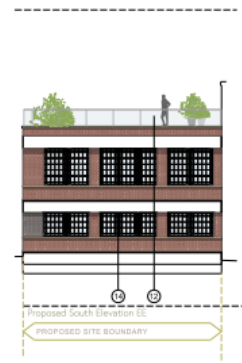
Proposed Second Floor Plan



Proposed Third Floor Plan



Block 1 Proposed Elevations



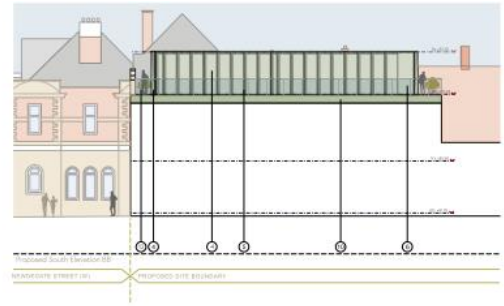
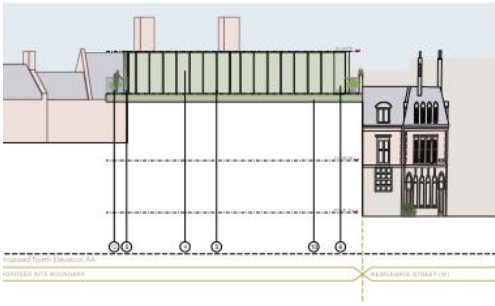
Block 1 Proposed Elevations



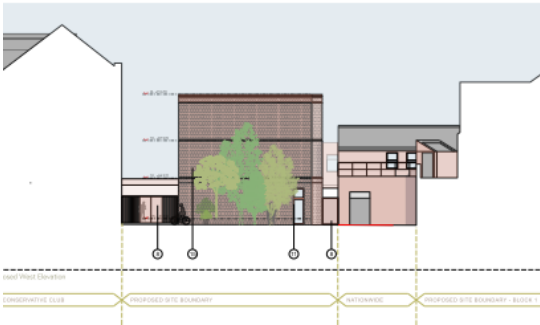
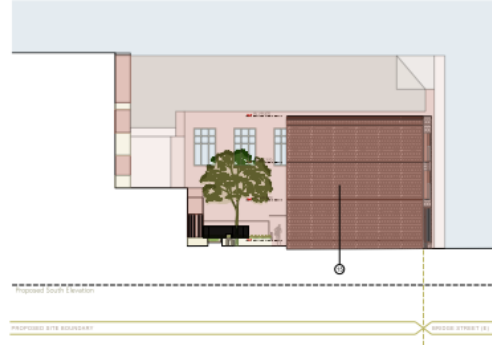
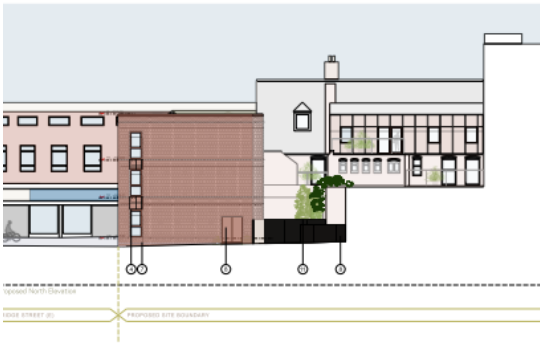
Block 2 Proposed Elevations



Block 2 Proposed Elevations



Block 3 Proposed Elevations



Block 4 Proposed Elevations



Bridge Street / Bond Gate - East Elevation



Proposed Bridge St & Newdegate St Elevation



egate Street - Proposed West Elevation



Proposed Newdegate St & Bridge St Elevation

Glossary

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Class E (Commercial, business and service uses),

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

Class F.2 (Local community uses)