

Enquiries to:  
Victoria McGuffog

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 27<sup>th</sup> May 2023

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 9<sup>th</sup> May 2023 at 6.00p.m.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

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

# AGENDA

## PART I - PUBLIC BUSINESS

### 1. EVACUATION PROCEDURE

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

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

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

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

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

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

### 3. MINUTES - To confirm the minutes of the meeting held on 18<sup>th</sup> April 2023, attached (**Page 5**).

### 4. DECLARATIONS OF INTEREST

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

#### Declaring interests at meetings

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

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**18<sup>th</sup> April 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 18<sup>th</sup> April 2023, in the Council Chamber and was live streamed and recorded.

**Present**

Councillor L. Cvetkovic (Chair)

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

PLA52 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 21<sup>st</sup> March 2023 be confirmed and signed by the Chair.

PLA53 **Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

**IN PUBLIC SESSION**

PLA53 **Planning Applications**

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

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

---

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA53 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 18<sup>TH</sup> APRIL 2023

---

038340: Padge Hall Farm, Watling Street, Hinckley, Leicestershire, LE10 3ED  
Applicant: Agrarian Development Holdings Limited

**Public Speakers:** None.

**DECISION**

Planning permission be granted subject to the conditions as printed in the agenda and subject to the application entering a S106 legal agreement.

---

039049: Site 114A007, Hospital Lane, Bedworth  
Applicant: Richborough Estates

**Public Speakers:** Imogen Hughes  
Councillor G. Moreton  
David Pendle

**DECISION**

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

---

038984: The Crow's Nest, Crowhill Road, Nuneaton, Warwickshire, CV11 6PJ  
Applicant: Pegasus Planning Group

**Public Speakers:** Liral Modwadia  
Councillor T. Cooper  
Councillor J. Gutteridge  
Chris Edge

**DECISION**

The application be deferred until a Warwickshire County Council Highways Officer is able to attend.

---

039033: 2 Burbages Lane, Longfrod, Coventry, CV6 6AY  
Applicant: Miss Jenner Brader

**Public Speakers:** Ms Dhami (written response provided prior to the meeting)  
Jenny Brader

**DECISION**

Planning permission be granted subject to the conditions as set out in the agenda and addendum, with an additional condition relating to a Construction Management Plan

## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	



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

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

## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	

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

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

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

**Previously Considered Items**

	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	038984	WH	The Crow's Nest, Crowhill Road, Nuneaton, Warwickshire, CV11 6PJ	15

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
2.	039177	SL	Site 94A004 land between 4-14 Cheveral Road Bedworth	36
3.	039160	AB	Site 51A073 - Ex Co-op buildings and car park, Abbey Street, Nuneaton, Warwickshire, CV11 5BU	65
4.	039548	AB	Site 51A073 - Ex Co-op buildings and car park Abbey Street, Nuneaton, Warwickshire, CV11 5BU	83
5.	039542	AB	Site 51A074 17-23 Abbey Street	89

<b>Wards:</b>					
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		

---

## Item No. 1

**REFERENCE No.** 038984

**Site Address:** The Crows Nest, Crowhill Road, Nuneaton, Warwickshire, CV11 6PJ

**Description of Development:** Erection of a single storey shop (E use class) with ATM, reconfigured car parking, cycle stands and revised access arrangements.

**Applicant:** C/O Agent, Pegasus Planning Group

**Ward:** WH

---

### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This is a full planning application for the erection of a single storey shop (E use class) to be sited upon the existing carpark belonging to the Crows Nest pub in Nuneaton. The scheme also proposes alterations to the existing site access and parking arrangements for the pub, along with a built in ATM machine and cycle stands.

The Crows Nest pub sits on the corner of Crowhill Road and Eastboro Way with vehicular access from Raven Way. Raven Way leads through into a precinct of shops and commercial premises. The units are all mostly 'E' class uses with the exception of a hot food takeaway.

The pub, the existing premises on Raven Way, and the application site, are all within a designated local centre known as the 'Crow Hill Local Centre' within Policy TC3 of the Borough Plan.

With the exception of the local centre, the surrounding area is predominantly residential, with industrial premises to the north of Eastboro Way.

As an existing car park, the site predominantly consists of hardstanding. However, there are existing trees and hedges bordering the carpark and a few small sections of hedgerow within the car park to break up the access and parking areas. Current boundary treatments consist of low level walls and picket fences.

The site is within flood zone 1, which has the lowest risk of fluvial flooding. This site is not within any designated conservation area, nor are there any trees subject to Tree Preservation Orders (TPOs) on, or adjacent to, the site.

Members may recall that this application was presented to the Planning Applications Committee on Tuesday 18<sup>th</sup> April 2023 where members resolved to defer the item.

## **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
  - HS2 – Strategic Accessibility and Sustainable Transport.
  - HS3 – Telecommunications.
  - NE1 – Green Infrastructure.
  - NE3 – Biodiversity and Geodiversity.
  - NE4 – Managing Flood risk.
  - BE1 – Contamination and land instability.
  - BE3 – Sustainable design and construction.
    - Air Quality SPD 2020.
    - Sustainable Design and Construction SPD 2020.
    - Transport Demand Management Matters SPD 2022
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

Cadent Gas, National Grid, NBBC Environmental Health, NBBC Licencing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Western Power Distribution, WCC Design Out Crime Officer, WCC Fire Safety and WCC Highways.

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:

NBBC Environmental Health, WCC Water Officer and WCC Highways

No objection from:

Cadent Gas, NBBC Parks, WCC Fire Safety, and WCC Design Out Crime Officer

Comment from:

NBBC Planning Policy

No response from:

NBBC Licensing, Severn Trent Water, NBBC Refuse, Western Power Distribution, National Grid

## **NEIGHBOURS NOTIFIED:**

12 & 13 Blenheim Close; 1 & 2 Chatsworth Drive; Flat at The Crows Nest and The Crows Nest, Crowhill Road; 1, Lloyds Chemist 2-3, Paradise Found Day Nursery, 4, 5, 6, 7, 8 Raven Way and 16, Salon, 30 & 32 Stable Walk

Neighbouring properties were sent letters notifying them of the proposed development on 28<sup>th</sup> June 2022. A site notice was erected on street furniture on 4<sup>th</sup> July 2022.

## **NEIGHBOUR RESPONSES:**

There have been 342 objections as well as 1 from Marcus Jones MP and 1 from Cllr Cooper. The comments are summarised below;

1. Not sufficient car parking for existing shops and pub and could increase on-street parking on neighbouring residential streets



2. Another shop is not needed and already a convenience store and butchers in the area
3. Existing stores provide facilities to community and care for elderly
4. Negative impact on wider road network and increase in traffic
5. Larger company could damage smaller businesses
6. Unwanted by the community
7. Layout blocks existing shops from view and doesn't link to existing centre
8. Safety of children and with close proximity to nursery
9. Increase in noise
10. Increase in anti-social behaviour
11. Increase in light pollution
12. Trees should not be removed
13. Raven Way is too narrow and difficult to turn right onto Crowhill Road
14. People already park on Raven Way which blocks the road
15. Increase in litter
16. Would prefer a GP surgery, dentists, vets, optician, school, takeaway or houses instead of a shop
17. Increase in pollution and effect on air quality
18. Dangerous to cross the road to access the shops
19. Site is not suitable for cyclists
20. Design is not in keeping
21. Store should be built within the newer residential estates instead
22. Will devalue property prices
23. Site is used for polling station
24. Opening hours are not appropriate for a local centre shop
25. Lack of consultation
26. Removal of pubs play area
27. Abundance of shops within the locality (Whitestone, Attleborough, Horeston Grange and Town Centre)
28. Staff of existing businesses park in the pub car park
29. Residents would boycott the pub and new store
30. Increase in delivery vehicles and safety concerns
31. Location and style of cycle facility is not appropriate
32. Will result in businesses closing down and loss of jobs

There have been 3 letters of support, the comments are summarised below;

1. There is enough parking for the pub and the community will have access to shopping facilities
2. Reduction in congestion as no need to travel to other parts of the town to shop
3. Job opportunities
4. Reduction in anti-social behaviour

A petition was also received with 1505 signatures. The comments are summarised below;

1. Loss of local business
2. Add to existing car parking problems

### **APPRAISAL:**

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

1. The Principle of the Development
2. Impact to the Town Centre
3. Impact to the Crow Hill Local Centre
4. Residential Amenity
5. Visual Amenity

6. Impact to Trees
7. Impact on Highway Safety
8. Flooding and Drainage
9. Conclusion

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

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

Policy DS2 and DS3 of the Borough Plan refer to the settlement hierarchy, roles and development principals. The application site is within Nuneaton, which has the primary role for employment, housing, town centre, leisure and service provision. The site is also within the settlement boundary and so development is acceptable in principle, subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

Policy DS4 of the Borough Plan (2019) outlines the Borough's development needs and states that 107.8 ha of employment land is required between 2011 and 2031. In principle, the development could provide a small contribution towards this total and this carries a small amount of weight in support of the scheme. The site is within a designated local centre and the impact to this centre, along with the impact to the town centre, shall be assessed within sections 2 and 3 of this report.

## **2. Impact to the Town Centre**

In addition to the need for employment land, Policy TC1 refers to town centre requirements for retail space. The proposal is not within the Town Centre or adjacent to the edge of the Town Centre but is instead within the Crow Hill Local Centre.

The National Planning Policy Guidance in paragraph 11 of Planning for town centre vitality and viability states that:

“In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.”

Paragraph 12 of the same guidance states that “Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.”

Whilst retail would generally be considered as a town centre use, consideration needs to be given to whether this is purely a town centre use when considering its scale. The

sequential test requirement is to ensure there is no detrimental impact to any town centres rather than to local or district centres.

The Council's Retail, Leisure and Office Study June 2022 figure 6.3 considers that convenience stores in local centres only provide 4.3% of the overall convenience goods purchased in Nuneaton. Appendix A of this, provides the results of a household telephone survey. As a percentage of Nuneaton's food and grocery shopping, Aldi on Weddington Road provides 4.8%, Lidl on Hinckley Road provides 3.4%, Lidl on Queens Road provides 3.8% and Aldi on Kingswood Road provides 5.4%. These stores are all considered to be large out of centre stores.

These levels of shopping all come below in Asda Nuneaton and Tesco Bedworth, which are both within Town Centres.

These larger out of town supermarkets are much larger than that proposed under this current scheme with Aldi at Weddington Road having a gross floor space of 1,550 sqm and retail space of 1,140 sqm and Lidl in Hinckley Road having a gross floor space of 2,458 sqm and 1,424 sqm of retail space.

Therefore, the size of the proposed convenience store is likely to serve as a 'top up' or 'day to day' shop store rather than for a main food shop.

The smaller Costcutters, Budgens and Spar shops in the area equate to 0.0% total of Nuneaton's food and grocery shopping and these shops are much more comparable with the proposed scheme. Therefore, given the low percentage of overall share of food and grocery shopping, it is considered that the proposal is unlikely to impact the existing stores within Nuneaton and Bedworth Town Centres.

In addition, in terms of its scale and floor area, figure 8.1 of the Retail Leisure and Office Study predicts that convenience goods within local centres are between 350 sqm up to 2029 and 400 sqm from 2034 to 2039. The proposed store is to be 400sqm and this further shows that the proposal is consistent with a local centre use rather than a town centre use. This subsequently indicates again that that the proposal is unlikely to cause harm to the Nuneaton and Bedworth Town Centres.

In terms of a sequential test, paragraph 87 of the NPPF 2021 states that Local Planning Authorities should apply a sequential test to town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan and only if suitable sites are not available, should out of centre sites be considered. The NPPF defines in the glossary that "town centre" is defined as:

"Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres."

Therefore, as the proposal is in a Local Centre it is considered that the proposal does not require a sequential test.

The NPPF refers to the requirements for an impact assessment for town centre uses placed outside of a town centre, however, paragraph 90 states that this is only required where a site exceeds 2,500sqm, which is not the case in this instance. The current 2019 Plan does not currently have local thresholds although this is being considered for the emerging Borough Plan, as per the recommendations in the Councils recently produced Retail, Leisure and Office Study June 2022. The local threshold currently recommended as part of the review is likely to be 1,000 sqm.

Whilst emerging Policy has limited weight, the application would comply with this lower threshold.

Therefore, it is considered that a sequential tests and impact assessments are not applicable for this scheme, It is also concluded that the proposal would not detrimentally affect vitality of the Town Centre and that the scale of the proposal is considered to be appropriate for a local centre.

### **3. Impact to the Crow Hill Local Centre**

Policy TC3 of the Borough Plan refers to the hierarchy of centres and acceptable uses within each type of centre.

The Policy states that small convenience stores are considered appropriate for local centres. The glossary refers to convenience stores ‘as a type of retail selling every day essential items, including food, drinks, newspapers/magazines and confectionery’. It does not provide a threshold of size of the units considered appropriate. However, the size considered appropriate for a convenience store within the Retail, Leisure and Office Study (350/400sqm) is in line with the proposed scheme.

Policy TC3 requires that new residential development be within 1,200m walking distance of a local centre. The site would increase the number of stores at the Crow Hill Centre, which could serve HSG10 (Attleborough Fields) and HSG9 (Golf Drive). The existing facilities at Crow Hill Local Centre, including the existing Costcutter, would also cover these needs, together with Lutterworth Road Local Centre and Horestone Grange District Centre. There is an existing footpath to the south of the site extending eastwards, which is intended to be incorporated within these two adjacent development sites, thereby making the proposal sustainable to the adjacent new developments. Pedestrian access between the footpath and the centre would be improved as part of this application.

Policy TC3 also states that:

*“Development within district or local centres will be considered acceptable in principle, subject to the following:*

- 1. The function, vitality and viability is maintained or improved.*
- 2. Contributes positively to the range of services on offer.*
- 3. Does not harm the amenities of local residents.*
- 4. Does not result in the loss of ground floor retail/commercial floor space to residential use”.*

It is considered that an additional store would aid in maintaining and improving the function and vitality of the local centre, as it would support in providing customer choice and a diverse retail offer. These elements are also mentioned within policy TC3.

Many of the objections have raised concern that an additional convenience store may impact the viability of existing competitor stores within the Local Centre. Currently, the existing centre features a fish and chip shop, a butchers, a convenience store, a hairdressers, a chemist, a nursery and a beauticians/coffee shop. All of these premises, apart from the hot food takeaway, would be categorised as ‘Use Class E’. Use Class E covers commercial, business and service premises and this means that the existing ‘E’ uses premises within the centre could all change use to become the same type of store without planning permission. For example, the butchers, shop and hairdressers could all change use to become a pharmacy. This would likely affect the existing pharmacy, however planning permission wouldn’t be required for this change and it would be out of the Council’s control. Alternatively, the butchers and Costcutters

could change use to become nurseries. This would likely impact the existing nursery and cause traffic issues during drop off and collection times, however this wouldn't require planning permission.

In addition, on appeal for the provision of a convenience store in 2018 at Cross Keys Bedworth, (Appeal Ref: APP/W3710/W/17/3189481) the Inspector considered that one of the main issues to consider was the:

*6. The main issues in the appeal are; .....whether the sequential test which has been applied is adequate, and secondly, the effect of the proposal on the vitality and viability of nearby local centres;*

Within the Inspector's decision, it was stated that: *'There was local concern raised in relation to the potential effect of the proposed convenience store on the local shops in the area by way of increased competition and that this could force existing businesses that serve the local community to close. However, competition and choice are not planning matters. I therefore cannot afford them any weight in my decision.'*

Appeal decisions are material planning considerations and from this decision, it has been concluded that no weight can be given to refusal on the grounds of competition to other shops in the Local Centre and that competition and choice are not planning considerations.

In 2021, an application was refused for a convenience food retail store with associated car parking in Comberton, Cambridgeshire (Appeal Ref: APP/W0530/W/21/3282482). Whilst outside of the Borough, parts of the discussion are still relevant. This decision was overturned at appeal in May 2022 and the Inspector stated that:

*'The new retail unit would compete with the two existing shops in Comberton, and with the Toft Shop, which provides a range of range of food and general convenience goods, as well as some more specialist items. The submitted retail assessment statement does not quantify the effects on these businesses, and on that basis I accept that some impact on the existing retailers in Comberton and Toft cannot be ruled out. But nevertheless, there is no basis in local or national planning policies for seeking to protect existing businesses from legitimate commercial competition.'*

*'...I am fully mindful of the importance of local shops and services to rural communities, and of the difficulties faced by small businesses in such areas. However, the way that the relevant policies seek to tackle issues of competition is primarily to allow for innovation and enhanced consumer choice, by giving equal support and encouragement to all types of rural enterprises, including new entrants as well as established businesses. In the present case, the new retail unit would add to the range of food shops available in the Comberton area. I accept that there is no certainty that all of these shops would then survive. But that cannot be not guaranteed anyway, irrespective of the appeal proposal. Nationally, many villages have struggled to hold onto any retail provision at all. Having regard to the medium and longer term prospects, it seems to me that the development now proposed would add to the range of choice, and thus strengthen the chances that the area will continue to be served by one or more viable convenience stores well into the future'*

With regards to points 3 and 4 of Policy TC3:

*3. Does not harm the amenities of local residents.*

*4. Does not result in the loss of ground floor retail/commercial floor space to residential use*

Point 3 will be covered within the impact to residential amenity section of this report and point 4 of the Policy is not relevant as there is no loss of retail/commercial floor space to a residential use.

In conclusion, it is considered that the proposal is an acceptable use within the defined local centre and that the scheme would comply with the relevant planning considerations contained within policy TC3.

#### **4. Residential Amenity**

Policy BE3 of the Borough Plan states that development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In addition, point 3 of Policy TC3 states that development within district or local centres will be considered acceptable in principle, providing that the proposal does not harm the amenities of local residents (along with other requirements as assessed within section 3).

The closest residential properties to be considered are those to the south (16, 30 & 32 Stable Walk), those to the west (12, 13 and 14 Blenheim Close and 1 & 2 Chatsworth Drive) and to the north (flat at the Crows Nest).

The rear elevations of 30 and 32 Stable Walk face towards the application site but not the proposed store itself. Nevertheless, the minimum distance standards of 12m is exceeded at approximately 30 metres. The side elevation of 16 Raven Way is opposite the proposed store, however the distance between this elevation and the proposed building exceeds the 12m minimum standard at 24 metres. As such, the impact to light and amenity to these properties is considered to be minimal. In addition, these properties and the application site are not directly adjoined, as they are separated by Raven Way and a footpath leading through towards the Crowhill Recreation Ground.

The side/rear elevations of 12, 13 and 14 Blenheim Close face towards the application site at an angle. The distance from these properties to the proposed store is over 50 metres and this distance is also spread across Crowhill Road. As such, the impact to these dwellings is considered to be acceptable.

It is understood that there is a flat at the Crows Nest Pub and this property is within the same ownership as the application site. Having visited the Crows Nest, it is understood that this flat would be at first floor level. The proposed store is to be single storey with a flat roof and maximum height of 4.6 metres. As such, it is considered to have minimal impact to first floor windows. Nevertheless, the minimum distance standard of 12 metres is exceeded and therefore the impact to light and amenity to this dwelling is considered to be acceptable.

With regard to noise, NBBC Environmental Health were consulted with as part of the application. Noise assessments have been submitted to address the three main potential noise sources. These sources are from the car park, plant and deliveries. With regard to car park noise, the survey concludes that that noise from cars and customers within the store car park are unlikely to lead to an adverse noise impact on the neighbouring existing residential properties and Environmental Health agree with this conclusion.

With regard to plant noise, whilst an area for plant has been identified within the plan, at this stage we do not know what form of plant will be installed. The erection of plant in itself may require a separate planning application once it has been established what form and scale is required and the noise of this plant could be considered at that stage.

Nevertheless, Environmental Health recommend the implementation of a condition to limit noise levels for plant equipment and this is considered to reduce noise impacts to an acceptable level.

The noise report relating to deliveries states that the majority of deliveries are likely to take place between 7:00-12:00. Environmental Health initially stated that 7:00am was too early for large, refrigerated lorry deliveries and would suggest no large deliveries before 8:00am. The agent's noise consultant has confirmed that the background noise levels between 07:00-08:00 hours are approximately 48dB L<sub>A90</sub> (inclusive of Sunday) and the background noise levels between 07:00-12:00 hours are approximately 50dB L<sub>A90</sub>. The noise consultant confirmed that the ambient L<sub>Aeq,T</sub> levels are the same between 07:00-08:00 and 07:00-12:00 hours at approximately 60dB L<sub>Aeq,T</sub>. As a result, it is the noise consultant's view that when assessed against the estimated noise levels, the impact will be negligible. In light of this information, NBBC Environmental Health have no objection, subject to the imposition of a condition limiting deliveries to between the hours of 7am and 6pm. As such, the impact of noise is considered to be acceptable and generally it is considered that the scheme would result in minimal harm to neighbouring properties.

## 5. Visual Amenity

The store would not be visible from Eastboro Way, as the view would be blocked by the existing Crows Nest pub. From Crowhill Road, the proposal would not project past the side elevation of the existing Crows Nest pub. As such, it is considered that the siting is not overly prominent or incongruous within the street scene. The side elevation of the proposed store would be close to the southern boundary adjacent to Raven Way. However, Raven Way is a small road leading only to the site and the Crow Hill shops and therefore this is not considered to cause material harm. The front elevation facing to Crowhill Road is the most visible and this elevation provides an active frontage with advertisements, a large window and slide entrance door. The side elevation facing to Raven Way and the rear elevation facing towards the Crow Hill shops car park would feature varied materials to improve the visual amenity and visual interest.

The proposed store is to be single storey with a flat roof with walls comprising of a mixture of plain and textured brick and sections of metal cladding. The neighbouring pub and neighboring residential properties are predominantly two storey, however the existing shops within the Crowhill centre are single storey. In terms of scale, the principal of a single storey building is considered to be in keeping with the existing stores to the east and hence acceptable.

Surrounding buildings comprise predominantly of red brick with a mixture of hip and gable roof types. Whilst a flat roof does not match with this, it is considered that it would not cause harm to the visual amenity of the area. This is because it is not uncommon for shops to vary in design to residential properties and the design of this proposal is considered to be fairly typical for a modern store of this size. Details and samples of proposed materials can be requested via condition to ensure that they are in keeping with the area and subject to the imposition of this condition, the impact to the visual amenity of the area is considered to be acceptable.

## 6. Impact to Trees

The scheme initially proposed the removal of multiple trees within the southern corner of the site and along the southern and eastern boundaries and two of these were category B trees. It was questioned as to whether the removal of these trees was actually necessary for the development and a revised protection plan has been received which shows fewer trees to be removed. The trees to be removed are necessary for the development and they are all category C trees. The trees to be

removed are T1 & T2 (Italian Alders both category C) and T5-T11 (all category C trees and a mixture of Silver Birch and Portuguese Laurel). Category C trees are defined as specimens of low quality and value which only be retained in the short term (.e, 5-15 years) and that have little landscape impact due to poor form or condition.

T13-15 (all category C Silver Birch trees) and T17 (category A Oak tree) would be retained, but would require a crown lift. The Tree Officer has no objection to this. A tree protection plan has been provided which shows how the retained trees would be protected during the construction and development stages and the Tree Officer has no objection to the revised tree removal and protection plans. There are no TPOs on any of these trees and the site is not within a Conservation Area. As such, consent would not be required for the removal/works to any of the on site trees and therefore the removal of the lower category trees is considered to be acceptable and necessary for the development.

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

With regard to parking, the Transport Demand Management Matters Parking (TDMMP) SPD does not contain a specific standard for public houses and requires these to be assessed on a case-by-case basis. Initially a parking accumulation assessment was submitted based on TRICS data, however Highways requested a parking survey of the existing car park for a more robust assessment of parking demand. It was also recommended that for comparison the old NBBC parking standard for public houses was used.

The parking survey was carried out over 3 days with half-hourly counts on a Thursday, Friday and Saturday to establish parking demands for the existing public house use on various days. The parking survey indicated that the highest accumulation within the car park through the 3 days was 44 vehicles, with an average demand of 21 across the survey period. These results are not too dissimilar to the initial assessment using the TRICS database, which indicated a maximum accumulation of 35 vehicles.

In order to accord with NBBCs TDMMP SPD, the proposed 400sqm store would be required to provide 16 parking spaces. Only 14 parking spaces are proposed specifically for the store, however it is noted that the public house car park would be shared informally with the store. The 2 additional parking spaces, if required, should be able to be accommodate in the additional spare capacity as outlined within the submitted parking survey.

As a worst-case scenario the total accumulation of 44 vehicles for the public house and 16 for the store would result in 60 spaces being required which would be able to be accommodated by the 65 proposed. In light of this, the level of parking provision is considered to be acceptable and Highways have no objection. There is no designated motorcycle parking, however motorcycles would be able to park in standard vehicular spaces and WCC Highways have no objection.

With regard to deliveries, a delivery management plan was submitted to confirm how deliveries would be managed so as to not conflict with the public house deliveries and measures have been included to avoid multiple deliveries to the store itself. Whilst making deliveries, 3 parking spaces would be obstructed so would be coned off 30 minutes prior to the delivery being made. Whilst this would reduce the available parking by 3 spaces, it is considered that these spaces should be able to be accommodated within the wider car park for the temporary period of the deliveries. It should however be noted that during deliveries the only accessible/disabled parking space would be obstructed which will not be ideal for any blue badge holders visiting during that period.



However given the close proximity of other parking spaces and relatively short period of time, on balance this is considered to be acceptable. WCC Highways have reviewed the management plan and have no objection.

Many objections raised concern with regard to parking and it is understood that some users of the local centre shops use the pubs car park. The pub car park should technically only be used by pub visitors, however it is appreciated that this may not realistically be the case. This proposal can only be expected to provide a suitable level of parking provision for the proposed shop and existing pub and cannot be expected to provide for neighbouring premises. However, the parking survey should have encapsulated and covered current parking demands and as per the survey, the level of parking provision is considered acceptable in meeting the likely demands of the proposal.

With regard to the site layout and accessibility, WCC Highways recommended the implementation of a formal pedestrian crossing with tactile paving across Raven Way. This would improve connectivity and promote sustainable methods of travel for pedestrians for the proposed store, existing public house and the existing local centre. It is considered that a significant number of pedestrians would access the site from the south, as they are likely to cross at the Zebra crossing, as well as potentially travel to the site from PRow N39, which leads to the Housing development off Heart of England Way. No crossing facilities are in place as existing and therefore a formal crossing is therefore required.

Discussions have been held between the agent and highways regarding this crossing point and the crossing point as currently shown on the plans would not be accepted. The drawings have been through a Stage 1 RSA and the audit team and review team (WCCs Road Safety team) both raised concern with the proposed crossing width and potential reduced visibility.

Ideally the crossing should be setback into Raven Way, reducing the crossing width, with a suitable location being that behind the advertising boards and Raven Way street sign where it appears that pedestrians may be crossing informally due to the wear on the verge.

However, this verge is not within the Highway extent so its use cannot be guaranteed at this time. Further investigations are underway to determine the ownership of this verge to determine whether a suitable crossing point could be constructed. As these investigations are as of yet incomplete, a condition is required to ensure that final details of the crossing are provided prior to construction. WCC Highways are satisfied with this approach and have stated that a suitable location can be agreed should the verge not be available.

Two Sheffield cycle stands are to be provided and this would provide space for 4 bicycles. This level of provision is in accordance with the TDMMP SPD and therefore considered to be acceptable.

With regard to the impact on the wider highway network, paragraph 111 of the NPPF is clear that development should only be refused on highways grounds if the impact to the road network would be severe. WCCs Transport Planning Unit (TPU) have reviewed the case and the increase in vehicular movements associated with the development and responded with no objection. The TPU state that the trip generation derived by TRICS is acceptable and the proportion of pass by/diverted trips is reasonable, given its location. It is estimated that there will be approximately one new

trip every three minutes on average during the peak hours and TPU state that this is unlikely to have any significant impact. It is acknowledged that there is congestion on Crowhill Road at certain times of the day and this has the potential to cause queuing onto Raven Way. However, the TPU are aware of this and are able to take the proposals into account as part of the new signalised junction design. Taking the current queues into account, the TPU still consider the impact to be acceptable and therefore it is considered that there would be no severe impact to the highway network.

The Transport Statement states that there are not any existing patterns or trends of accidents which suggest that there is an existing road safety issue on the surrounding road network near the site which would require mitigation as a result of this planning application. There are not any accidents which have occurred at the junction within the most recent available 5-year period. As such, it is considered that the cumulative impact to the wider road network would not be severe.

In conclusion, the impact to highway safety and cycle and parking provision is considered to be acceptable and WCC Highways have no objection, subject to conditions.

The scheme would not be contrary to the Framework's requirement to only refuse development on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. It is also considered that the proposal would improve pedestrian accessibility to the both the proposal and the existing premises within the local centre and this carries weight in support of the scheme.

## **8. Flooding and Drainage**

The site is within Flood Zone 1 and as a minor application, consultation with WCC FRM is not required.

The application form sets out that foul waste would be disposed of via the mains sewer which is considered to be acceptable in this location and separate agreement for such a connection would be required from Severn Trent Water under separate legislation.

The application form also states that surface water would be disposed of via the mains sewer. The EA flood map data shows the site to be at a very low risk of surface water flooding. Whilst this disposal method is not considered to be the most sustainable form of disposal, as set out within the drainage hierarchy provided within the PPG, it is noted that the area of the site to be development currently comprises hardstanding which would already generate an increase surface water run-off rate when compared to an undeveloped site. Additionally, it is likely that the existing arrangement on site is disposing of surface water via the mains sewer, and therefore, on this particular occasion, it is not considered necessary to require the extension to dispose of surface water via a more sustainable method.

Overall, the drainage and flood risk impacts of the proposal are considered to be acceptable.

## **9. 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 proposal has drawn a significant number of objections from residents, and whilst the points raised are important and should be considered, committee are advised to clearly differentiate between material planning considerations and non-planning matters. Previous Inspector decisions are material considerations and the two examples provided have concluded that the competition and choice are not planning matters and that providing additional stores can improve the range of choice, and thus strengthen the chances that the area will continue to be served by one or more viable convenience stores well into the future.

The impact on highway safety and parking is a key consideration, however it has been demonstrated that the level of parking provision is suitable for the proposal and existing pub and the scheme would improve pedestrian accessibility to the site and the local centre as a whole. WCC Highways have no objection and the impact to flooding, trees, residential and visual amenity are all considered to be acceptable. As such, the recommendation is one of approval, subject to conditions.

**REASONS FOR APPROVAL:**

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

**SCHEDULE OF CONDITIONS:**

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

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Site Location Plan	21-1880/005	17.6.2022
Proposed Site Layout Plan	21-1880/012 D	31.3.2023
Proposed Block Plan	21-1880/007 C	31.3.2023
Tree Protection Plan and AMS	11261 Rev 2	13.1.2023
Delivery Management Plan	ADL/AM/5431/10A	10.1.2023
Proposed front and side elevation	21-1880-031 A	7.7.2022
Proposed rear and side elevation	21-1880832 A	7.7.2022
Proposed floor plan	21-1880-021 B	31.3.2022
Proposed roof plan	21-1880-022	17.6.2022

3. No development shall commence above the ground floor slab level 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.

4. No deliveries shall be made to the store other than between the hours of 7:00am and 6:00pm.

5. No external plant and equipment (e.g. refrigeration, air conditioning or ventilation) shall be fitted until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) have been submitted to and approved in writing by the Council. The external plant, equipment and machinery shall

be installed, operated and maintained thereafter in accordance with the approved details and maintenance schedule.

6. No development shall commence until the measures for Tree Protection Plan have been put into place as per the Tree Protection Plan and AMS dated 10/1/2023 Rev 2. No tree or hedgerow other than so agreed within this report shall be removed, and no construction works including site clearance shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development. Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme 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.

7. In the event the clearance of vegetation is carried out between March and end of September in any year, the affected vegetation are to be thoroughly searched by a suitably qualified ecologist immediately prior to clearance. In the event a bird's nest is found this should remain undisturbed and a 5m buffer zone created around the nest including above and below it. The zone is to remain free of construction activities and disturbance until the young have fledged and left. In the event bats are discovered then contractors are to stop work immediately and advice be sought from an experienced ecologist or ornithologist.

8. The development shall not be open to customers outside the hours of 07:00 to 23:00 on any day.

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

10. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

11. No development shall commence above the ground floor slab level until an external lighting and CCTV scheme has been submitted to and approved in writing by the Council. The scheme shall include details of the luminaires and any columns, including their location, type, specification, expected luminance output, measures to minimise energy consumption and avoid excessive illumination. The agreed scheme shall be implemented prior to first occupation of the development and maintained thereafter for the duration of the development.

12. The use of the store hereby permitted shall not commence until the litter bin has been constructed in accordance with the approved site layout plan reference 21-1880/21 D. Once implemented, the bin (or its equivalent replacement) shall remain in perpetuity unless otherwise agreed in writing by the Council.

13. The use of the store hereby approved shall not commence until the developer has provided electric vehicle (EV) charging points at a rate of; 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any order revoking and re-enacting that Order with or without modification) the development shall be used only as a Retail/shop unit formally known as Class Use A1 of the schedule and not for any other purpose.

15. The use of the store hereby approved shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied the approved scheme has been implemented.

16. The use of the store hereby approved shall not commence until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

17. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

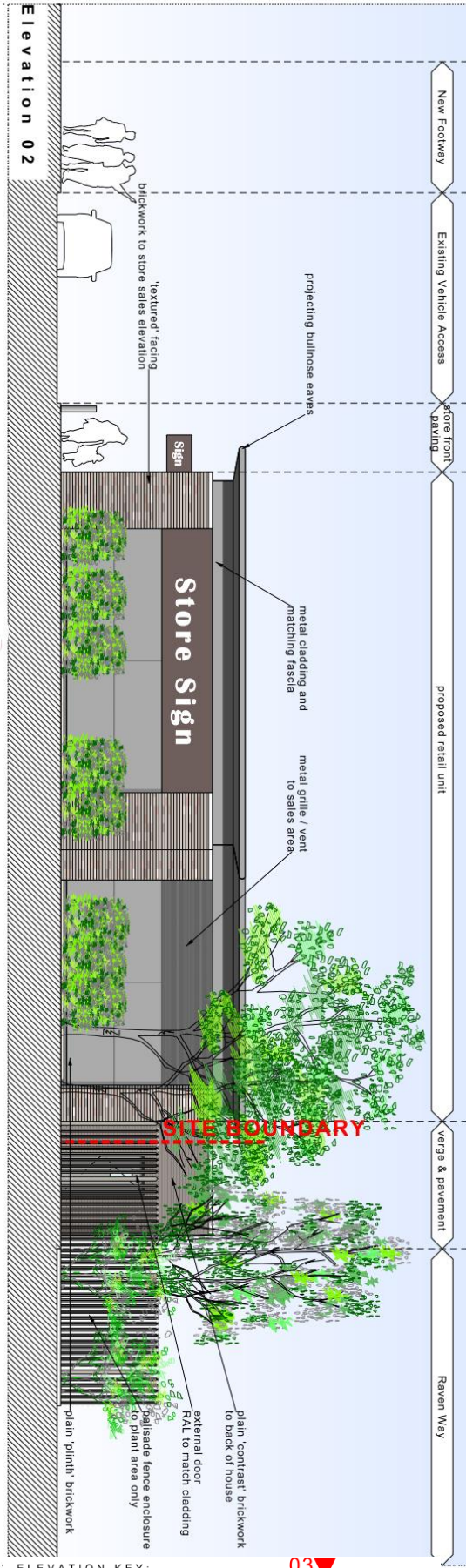
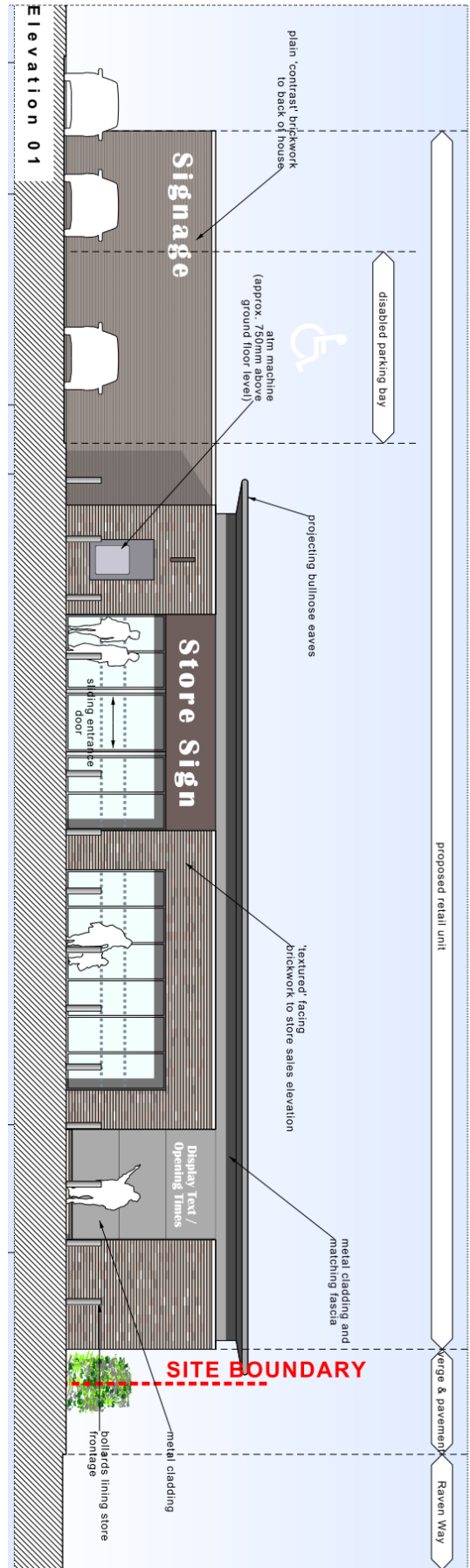
- a. The routing and parking of vehicles of HGVs, site operatives and visitors;
- b. Hours of work;
- c. Loading and unloading of plant/materials.
- d. Storage of plant and materials used in constructing the development.
- e. The erection and maintenance of security hoarding.
- f. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- g. A scheme for recycling/disposing of waste resulting from construction works.
- h. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

18. The site shall not operate other than in accordance with the approved Car Park & Delivery Management Plan reference ADL/AM/5431/10A dated January 2023, including size of vehicles able to service the site, times of deliveries, routing and details of refuse collection and storage. This shall be adhered to at all times whilst the site is used for the purpose approved.

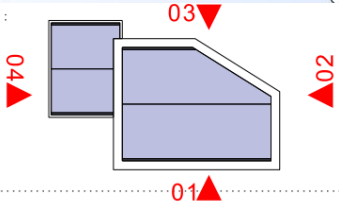
19. Notwithstanding the plans submitted, no development shall commence until details of the pedestrian crossing points across Raven Way and the site access have been submitted to and approved in writing by the Council, in consultation with the Highway Authority. The development shall not be occupied until such works have been implemented in accordance with the approved details.

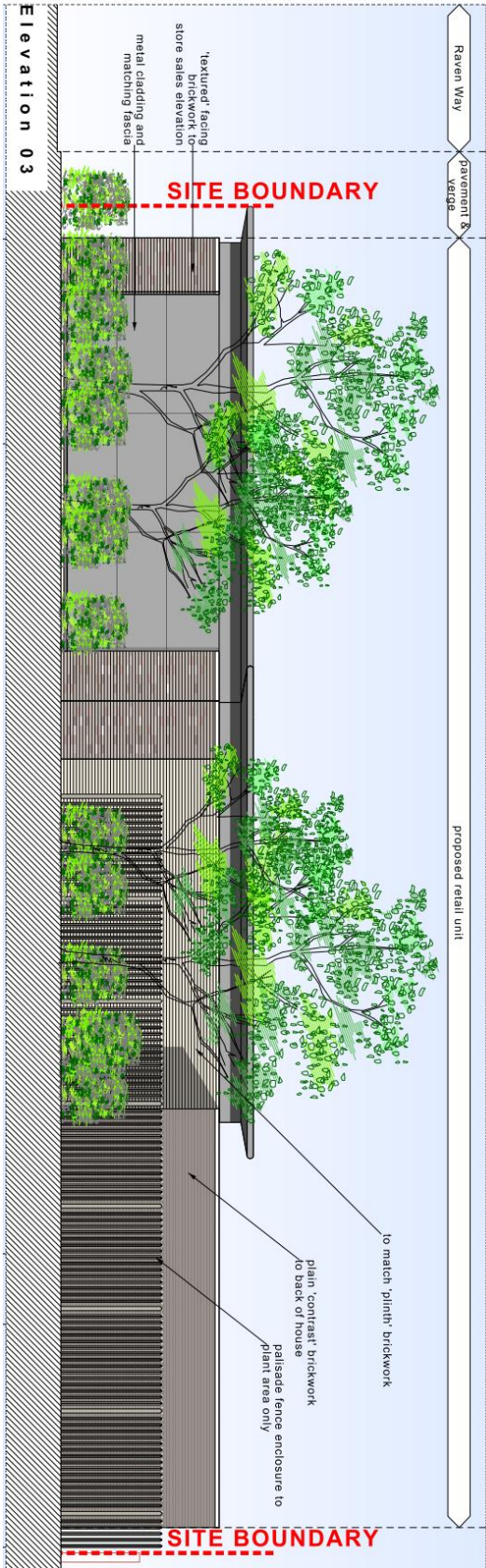
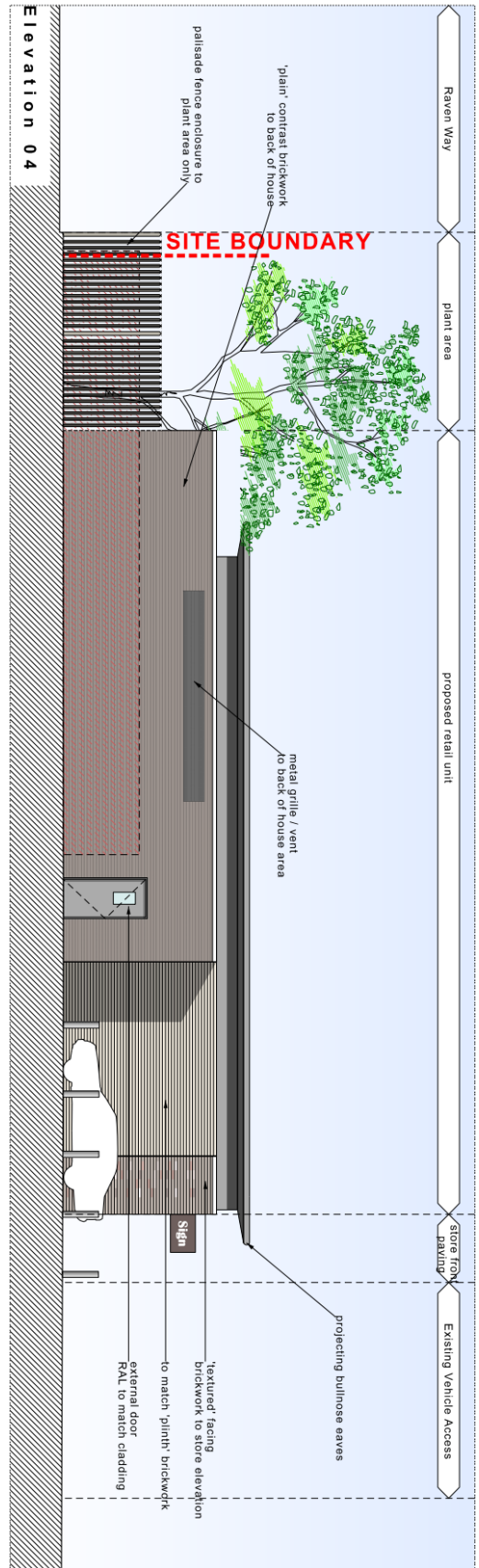
20. The use of the store hereby permitted shall not commence until the two Sheffield cycle stands have been constructed in accordance with the approved site layout plan reference 21-1880/21 D. Once implemented, the stands (or their equivalent replacement) shall remain in perpetuity unless otherwise agreed in writing by the Council.



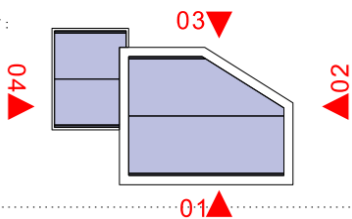


ELEVATION KEY:





ELEVATION KEY:




















# Proposed Layout Plan

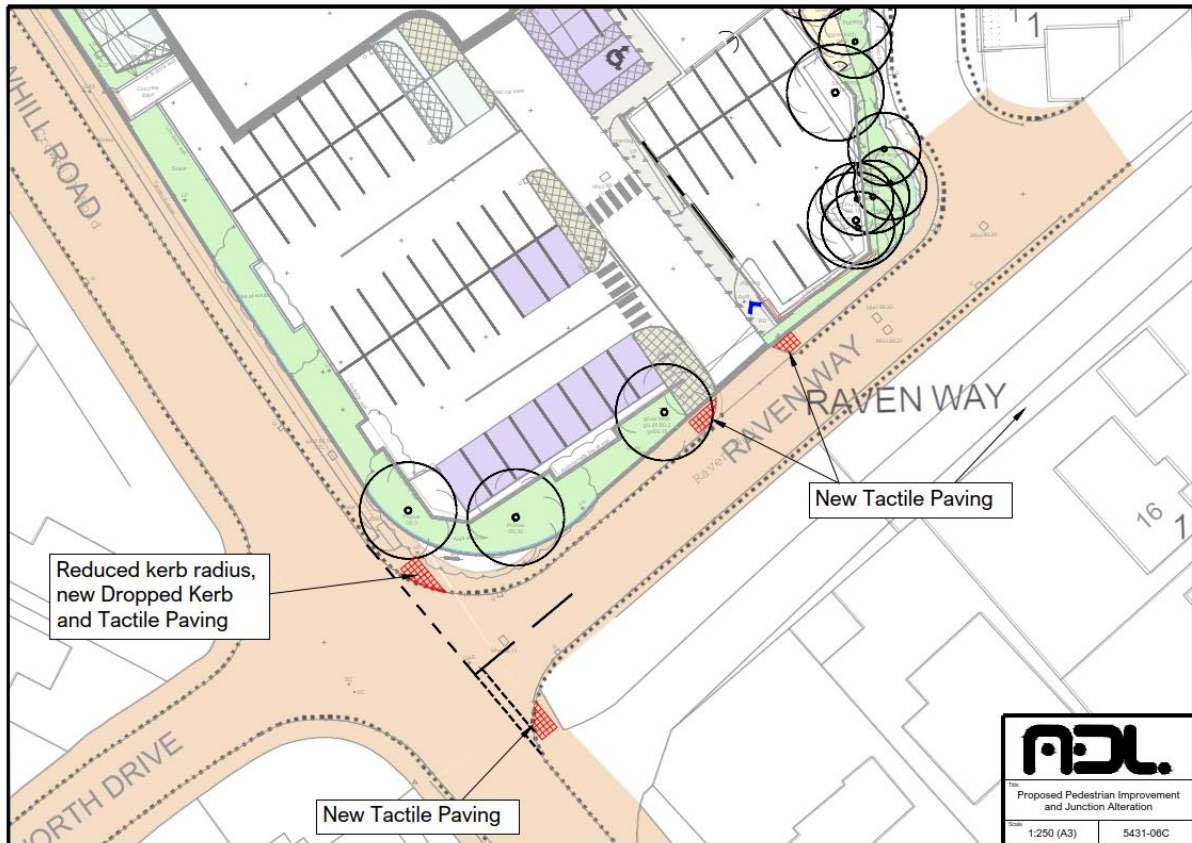


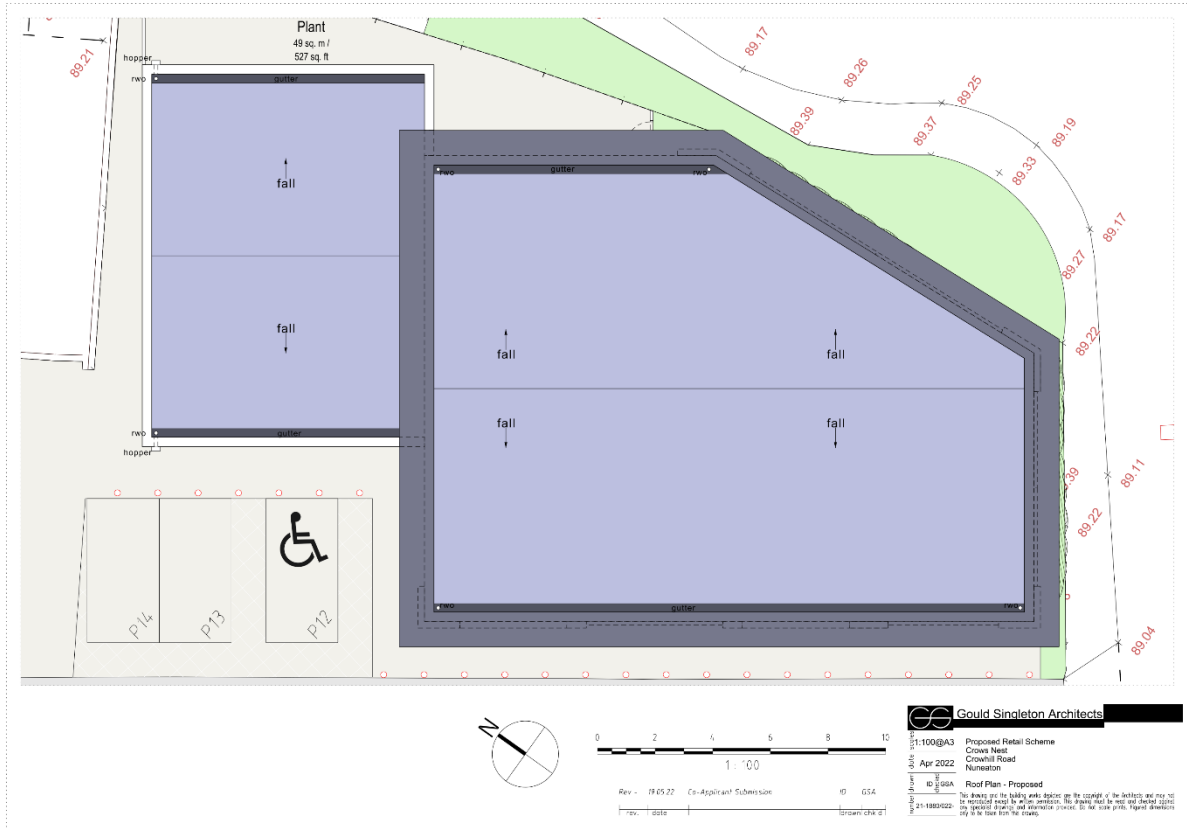
## DRAWING KEY

	<b>Site Boundary</b> Total Gross Area = 2233 m <sup>2</sup>
	<b>Adjacent Ownership</b> Total Gross Area = 2671 m <sup>2</sup>
	<b>Sales Area</b> Gross Internal Area = 280 m <sup>2</sup> (3000 sq.ft)
	<b>Back of House</b> Gross Internal Area = 120 m <sup>2</sup> (1300 sq.ft)
	<b>External Plant Area (Enclosed by Palisade Fence)</b> Gross Internal Area = 49 m <sup>2</sup> (527 sq.ft)
	<b>External Paving</b>
	<b>Pedestrian Walkway with White Line Demarcation</b>
	<b>Area of Hardstanding / Tarmac</b>
	<b>Parking Bays P1 to P14: Convenience Store</b> standard 2.5m x 5m (1 disabled bay P12)
	<b>Parking Bays P15 to P28: Public House</b> standard 2.5m x 5m
<b>EXISTING PARKING TOTAL: 69 BAYS</b>	
<b>PROPOSED PARKING TOTAL: 57 BAYS</b>	
	<b>Existing Tree Retained</b>
	<b>Existing Tree Removed</b>
	<b>Existing Hedgerow / Foliage Removed</b>
	<b>Existing Brick Wall Lowered to 600mm Above Ground Level</b>
	<b>Palisade Fence around Plant Area Only</b>
<b>GROSS INTERNAL AREA = 400 sq. metres ( 4306 sq. feet )</b>	
<b>GROSS EXTERNAL AREA = 439 sq. metres ( 4725 sq. feet )</b>	



**Indicative pedestrian crossing points (actual location to be agreed through the imposition of a Grampian condition)**





**Roof Plan**

---

## Item No. 2

**REFERENCE No.** 039177

**Site Address:** Site 94A004 land between 4-14 Cheveral Road Bedworth

**Description of Development:** Erection of 8No. dwellings (4No. 2 bedroom dwellings and 4No. 1 bedroom flats).

**Applicant:** Dawn Dawson, NBBC

**Ward:** SL

---

### **RECOMMENDATION:**

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

### **INTRODUCTION:**

The site comprises an I-shaped, fairly flat open area of land with no current use. It features grass, other soft landscaping to include trees, areas of hardstanding and a small fence that borders the site. Formerly, the area was used as a children's playground, however this use ceased over two decades ago.

The site boundaries are formed by hedgerows to west and south, trees also feature on the western boundary. To the north east is an open frontage which leads on to the highway and a footpath. Cheveral Road features several properties, to the south, the streetscene features exclusively semi-detached two storey residential development. On the opposite side of the highway to the north, there is a two storey block of flats, attached to two two-storey dwellings. Further two storey residential development is located along the highway to include two storey development adjacent to the site to the north and east. Single and two storey development is located to the south and west of the site on Mount Pleasant Road.

The application proposes the erection of 8No. dwellings, which consist of 4No. 2-bedroom dwellings and 4No. 1-bedroom flats. The 4no. 2-bedroom dwellings are situated in a block of terraced properties near the northern boundary facing the highway, near to 4 Cheveral Road. The 4no. 1-bedroom flats will be designed within one block near the eastern boundary with 14 Cheveral Road, the internal access point would be situated between the two separate blocks of built form. Parking and turning areas are also proposed on site.

### **RELEVANT PLANNING HISTORY:**

- No relevant planning history.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement hierarchy and roles

- DS3 – Development principles
  - DS4 – Overall Development Needs
  - DS5 – Residential allocations
  - H1 – Range and Mix of Housing
  - H2 – Affordable housing
  - NE1 – Green Infrastructure
  - NE2 – Open Space
  - NE3 – Biodiversity and geodiversity
  - NE4 – Managing flood risk and water quality
  - BE1 – Contamination and land instability
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
  - Sustainable Design and Construction SPD 2020.
  - Transport Demand Management Matters SPD 2022.
  - National Policy Planning Framework (NPPF).
  - National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

WCC Fire Safety and Rescue Service, NBBC Tree Officer, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse and Waste Team, NBBC Environmental Health, NBBC Leisure, NHS, Warwickshire Police, WCC Highways, WCC Archaeology, WCC Flood Risk Management, WCC Infrastructure Team, WCC Rights of Way.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

WCC Highways, NBBC Environmental Health, WCC Fire and Rescue Service, NBBC Tree Officer.

No objection from:

NBBC Planning Policy, WCC Rights of Way, NBBC Leisure, WCC Archaeology, NBBC Housing, WCC Infrastructure Team, NBBC Tree Officer, NBBC Refuse and Waste Team, NBBC Parks.

Comments from:

NHS, Warwickshire Police.

No Response from:

WCC Flood Risk Management Team

### **NEIGHBOURS NOTIFIED:**

The neighbouring properties that were consulted on the application are 1, 4, 5, 9, 14, 16 and 19 Cheveral Road; 34-44 (all even) Mount Pleasant Road and 52-66 (all even) Mount Pleasant Road. Neighbouring properties were sent letters notifying them of the proposed development on 23<sup>rd</sup> September 2022.

### **NEIGHBOUR RESPONSES:**

There have been 9 objections from 6 addresses. The comments are summarised below;

1. Disappointed in the planning process and that the whole street were unaware of the application;
2. NBBC have not taken into account the views of the neighbourhood;
3. The flats should be removed and replaced with houses to create a development of 6 x semi-detached or terraced properties;
4. Loss of privacy to neighbouring properties;
5. Loss of light to neighbouring properties;
6. Noise and nuisance impacts;
7. Possibility of more anti-social nuisance to Cheveral Road;
8. Extra traffic to the area;
9. Loss of habitat for the local wildlife;
10. Bin store not helpful for neighbouring properties.

There have also been 2 petitions of objections, one totalling 36 signatures and one totalling 12 signatures, the comments are summarised below;

1. No informed consultation or communication with the local residents;
2. Overcrowding and disturbance impacts;
3. Increased pressure on schools;
4. Rooms are too small for people to live in;
5. Loss of privacy for both existing and proposed dwellings;
6. Side facing windows will overlook existing homes and gardens;
7. No private amenity space for social activities or drying clothes included within the scheme;
8. Would be an overdevelopment of the area.

## **APPRAISAL:**

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

1. The Principle of the Development
2. Affordable Housing and Housing Mix
3. Impact on Residential Amenity
4. Impact on Visual Amenity
5. Impact on Highway Safety and Parking
6. Flooding and Drainage
7. Land Contamination and Stability
8. Impact on Ecology and Biodiversity
9. Impact on existing Trees and Vegetation
10. Waste and Refuse
11. Conclusion

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

Paragraph 11 of the NPPF (2021) requires plans and decisions to apply a presumption in favour of sustainable development. For decision-making, this means that proposals that accord with an up-to date plan should be approved without delay.

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

Policy DS2 of the Borough Plan 2019 sets out the hierarchy of settlements which exist within the borough. Housing is directed to Nuneaton first as the primary settlement and then to Bedworth as the secondary settlement.

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

Policy DS5 of the Borough Plan 2019 sets out the residential allocations of both strategic and non-strategic sites and their location in the borough.

This site is located within the settlement boundary of Bedworth which, in accordance with the above, is the secondary settlement in the Borough. The site in question is designated as a non-strategic site, labelled NUN352, under policy DS5. The site is allocated for up to 13 dwellings. This proposal is for 8 dwellings, which is less than the maximum allocated for the site. Therefore, the principle of development is acceptable and supported by the Borough Plan 2019.

## **2. Affordable Housing and Housing Mix**

The application proposes that all 8 of the dwellings would be affordable housing. The application form states that the proposal will be fully social, affordable, or intermediate rent. Policy H2 of the Borough Plan 2019 states that 25% affordable housing will be sought when a proposal consists of 15 or more dwellings and for 2 units where residential development consists of between 11 and 14 dwellings. This proposal is for 8, which is below the limits stated in the policy above. On this basis, the site could be developed for a scheme of 100% open market dwellings.

The provision of a 100% affordable scheme is considered to make a positive contribution to the Borough’s affordable housing needs however, it should be noted that given there is no policy requirement for affordable housing relating to the proposed quantum of development, the affordable housing would not be conditioned nor would it form part of a S106 legal agreement to secure the properties as affordable housing in perpetuity.

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

Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and one of the key issues to review is residential amenity. Paragraph 130 of the NPPF (2021), amongst other things, sets out that planning decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.

Further, Policy DS3 of the Borough Plan 2019 sets out that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity.

The assessment in terms of residential amenity includes the impact on the neighbouring occupiers, and the way in which the proposal would potentially impact the privacy and amenity of its occupiers. Furthermore, this section of the report will assess the impact on the residential amenity of the proposed dwellings for future occupiers and in relation to each other, and the impact on the existing neighbouring residential properties.

The proposed dwellings would need to be assessed in terms of impact on daylight, sunlight, and privacy. The Council’s Sustainable Design and Construction SPD states that “an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level”. Similarly, a proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45-degree line.

## - Impacts upon future owners/occupiers

Planning decisions should ensure that new residential units provide a suitable level of amenity for future owners and occupiers.

In March 2015 the government set out a review of the housing standards resulting in a nationally described space standard. The minimum residential space standards are set out in the current version of the Technical Housing Standards- Nationally Described Space Standards. Section 12.3 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) sets out that developers should provide floor areas for development schemes which meet or exceed the space standards.

Units 1- 4 are described in the submitted design and access statement as 2-bedroom, 4-person houses, and would be 2 storeys in scale. Therefore, as required by the nationally described space standards, the internal gross floor space must measure at least 79m<sup>2</sup> with 2.0m<sup>2</sup> of in-built storage. All of the units have internal space of over 80m<sup>2</sup>, and all have in built storage of over 2.0m<sup>2</sup>. Therefore, all of the units are above the minimum space requirements and are acceptable in size.

The proposed flats, units 5-8, do provide a minimum of 1.5m<sup>2</sup> of storage, located in 2 separate rooms, which is acceptable and would meet the minimum requirements. The internal floor space of the proposed flats range between approximately 46m<sup>2</sup> and 55m<sup>2</sup>. As the proposed flats would be 1-bed, 1-person flats, the application accords with the minimum internal space standards described above.

Paragraph 12.5 of the Council's Sustainable Design and Construction SPD (2020) states that ceiling heights measured from the floor should be a minimum of 2.5m. Once measured, the ground floor of the 2-storey dwellings measures at 2.6m from floor to ceiling and 2.41m from floor to ceiling on the first floor. The flats measure 2.43m from floor to ceiling. Therefore, there is a shortfall on the ground floor of the 2-storey dwellings and the flats, however the SPD should be used as guidance only, and the shortfall is not considered to be significant to result in any adverse impacts to the amenities of future occupiers to warrant a refusal of planning permission on this basis.

Paragraph 11.12 of the Sustainable Design and Construction SPD (2020), states that all new housing development should provide sufficient amenity space and that this space should cater to all requirements of the occupier including domestic uses such as drying clothes. Furthermore, paragraph 11.11 of the same SPD states that gardens should be of a usable rectangle shape and paragraph 11.12 states that outdoor amenity space should be accessible to everyone. The amenity space provided for all units is rectangular in shape and is of sufficient size to provide future occupiers with sufficient space for both for active and passive uses. However, for plots 6 and 7 which are the proposed first floor flats, the level of amenity that the proposed outdoor space provides is not of a high quality in terms of its siting and accessibility for future occupiers. The distance future occupiers would have to walk to access this amenity space would be around 87 metres and the route would be through communal parking and access areas.

Boundary treatments are not clearly shown and it is recommended that a detailed scheme is secured through the imposition of a condition in order to protect the amenities of future occupiers. Paragraph 11.13 of the Sustainable Design and Construction SPD (2020) states that outdoor amenity space should be accessible to everyone including disabled and elderly users. Given the layout proposed, and the lack



of lift proposed within the building, it is considered unlikely that the proposed amenity space would be easily accessible to everyone, including disabled and elderly users.

Finally, paragraph 130 of the NPPF (2021), in part, states that all development should have a high standard of amenity for existing and future users. Whilst it is recognised that the proposed amenity space afforded to two of the flats is not ideal in layout and accessibility and would result in conflict with paragraph 11.13 of the SPD set out above, it is considered that on balance, this would not constitute a reason to recommend a refusal of the application.

#### **- Impacts between the proposed units**

Secondly, the next part of this assessment is to assess how the residential amenity of the 2 elements of the proposal are impacted by the presence of the other proposed development on site. The two separate sections of development would be laid out perpendicular to each other and separated by the proposed internal access and parking area. The front elevation of the terraced block of properties will face towards the side elevation of the block of flats. The front elevation of plot 4 will directly face the blank elevation of plots 5 and 6, the windows of the ground floor living room and the larger window of one of the bedrooms will face towards this side elevation. On this side elevation, there are 2 non-habitable windows and a side facing door.

The distance between these elevations is 8m approximately. Paragraphs 11.7 and 11.8 of the Sustainable Design and Construction SPD 2020 states that the distance between a new blank elevation and habitable windows needs to be 12m at the same level and 14m where it is a storey higher. However, there would be no direct overlooking involved and it is recognised that the windows in question serve non-habitable rooms. Additionally, it is noted that the SPD is guidance only and should be applied flexibly depending on the planning merits of each case.

There are no other concerns raised in relation to overlooking, overshadowing or overbearing impacts between each of the units proposed.

#### **- Impacts on neighbouring properties**

Consideration has been given to the impact on the residential amenities of the neighbouring residential properties in the area. These are the adjacent neighbouring properties, 4 and 14 Cheveral Road, the rear neighbouring properties, 34 to 44 (all even) and 52 to 56 (all even) Mount Pleasant Road, and the neighbouring properties located directly across the highway, 1 and 5 Cheveral Road.

##### *Impact on 4 Cheveral Road*

4 Cheveral Road is a semi-detached two storey residential property that is an adjacent neighbouring property of the proposed site. Therefore, the front, side facing, and rear elevations could be impacted by the proposal at the site.

The front elevation has 3 openings on the ground floor, a high-level window which cannot be protected, as set out under section 11 of the Sustainable Design and Construction SPD (2020), the front entrance door, which also cannot be protected and a front living room window near the boundary with 2 Cheveral Road. Under paragraph 11.9 of the above SPD, a 45-degree line is drawn from the centre of the window which must not be breached to ensure development is not unacceptably overshadowing, oppressive, or overbearing. The first-floor features 2 openings, both which look to

serve bedrooms which are habitable rooms. Therefore, they can be protected and under paragraph 11.9 of the same SPD, a 60-degree line is drawn from the centre of both windows which must not be breached. Once drawn, plots 1- 4 do not breach this guidance.

The side elevation of this neighbouring property features 2 openings on the ground floor, and one on the first floor. None of which serve habitable rooms and so this elevation is unimpacted by the proposal.

The rear elevation of 4 Cheveral Road features 2 openings on the ground floor and 2 openings on the first floor. The openings on the ground and the first floor serve habitable rooms and are original to the property. Therefore a 45-degree line has been drawn from the centre of both openings on the ground floor and a 60-degree has been drawn from the centre of both openings on the first floor, which the proposal must not breach. The proposal does not breach these lines, and it is not considered that the scheme would have any significant impacts upon habitable rooms regarding loss of light and overshadowing.

Plots 1- 4 would be located less than 1m from the shared side boundary with this property and will project alongside the rear amenity space by approximately 1m which is also acceptable when having regard to the guidance set out in section 11 of the Sustainable Design and Construction SPD (2020). The scheme proposes a side facing window to the northern elevation at first floor level which is proposed to be obscure glazed, and a condition is recommended to be imposed to secure this arrangement in perpetuity.

#### *Impact on 14 Cheveral Road*

14 Cheveral Road is a semi-detached two storey residential property located to the east of the site. This property is adjacent to plots 5-8, which are the proposed block of flats within this proposal. Therefore, the front, side facing, and rear elevations could be impacted by the proposal at the site.

The front elevation of this dwelling has 4 openings on the ground floor, which are 2 small non-habitable windows, the front entrance door and a living room window which can be protected under section 11 of the SPD, and 2 openings on the first floor which both look to be for bedrooms which can also be protected under section 11 of the SPD.

The rear elevation has a single storey rear extension which cannot be protected under section 11 of the Sustainable Design and Construction SPD 2020. On the first floor, there are 2 openings, which serve bedrooms, so can be protected. Under paragraph 11.9 of the above SPD, a 60-degree line is drawn from these openings which cannot be breached. Once drawn the lines are drawn, plots 5-8 do not breach the line, which means that this elevation will not be significantly impacted, by the introduction of the proposed flats.

Plots 5-8 would be located 1m from the shared side boundary with this property and will only project alongside the rear amenity space by approximately 2.5m which is also acceptable when having regard to the guidance set out at section 11 Sustainable Design and Construction SPD (2020).

The scheme for plots 5-8 does include a side facing window on the eastern elevation on both the ground floor and the first floor. The proposed first floor window could result

in overlooking. The application proposes this window to be obscurely glazed, which will help protect the residential amenity, however it is recommended that a condition be imposed to ensure that this window remains obscurely glazed in perpetuity. In addition, it should be noted that flats do not have permitted development rights and so any further development or the insertion of windows on this elevation would require planning permission and no removal of permitted development rights to plots 5-8 is required.

#### *Impact on Neighbouring Properties to the North-East*

The front neighbours across the highway, Cheveral Road, are numbers 1 and 5 Cheveral Road which comprise a block flats. The distance between these two properties is 21.8m across a path and a highway and so this is acceptable. Overall, it can be concluded that the proposal will not have a detrimental or negative impact on these neighbouring properties to the north of the site.

#### *Impact on Neighbouring Properties to the South and West*

Numbers 40, 42, 44, 52 and 54 Mount Pleasant Road border site where the proposed car parking would be situated and NBBC Environmental Health Team were consulted on the application and stated that appropriate boundary treatments should be in place to protect existing residents from vehicular movements. A suitable condition to control the boundary treatments at the plots and the edge of the site is recommended to be attached to any permission granted. The condition requiring a boundary treatment scheme to be implemented will help reduce the impact the vehicular movements may have on the residential amenity of these neighbouring properties.

##### *- Impact on 36 and 38 Mount Pleasant Road*

Numbers 36 and 38 Mount Pleasant Road are a pair of semi-detached residential properties which border the proposed site, and the rear elevations of these properties would directly face the proposed rear elevation of the proposed 2 storey block of flats, plots 5-8. Number 36 looks to have no planning history and so the rear elevation is original and will, most likely, feature habitable rooms on both the ground and first floors. The distance between the proposed rear elevation and the boundary with this property is 7m and the distance between the rear elevation is 24.7m. These distances are acceptable and would accord with the guidance set out within section 11 of the SPD which states that the distance should be at least 7m to the boundary from a new habitable window and 20m between an existing ground floor window and habitable first floor neighbouring window.

Number 38 has a small conservatory ground floor extension which cannot be protected but does not have a first-floor extension and so the windows present, are likely habitable and original. The distance between the proposed rear elevation and the boundary is 7.3m, and the rear elevation of the neighbouring property, is 24.6m. As such, the separation distances proposed are acceptable when having regard to the guidance set out within the Sustainable Design and Construction SPD (2020).

##### *- Impact on 56 and 58 Mount Pleasant Road*

Numbers 56 and 58 Mount Pleasant Road are a pair of semi-detached residential properties which border the proposed site to the west, and the rear elevations of these properties will directly face the proposed rear elevation of the proposed block of 4 terraced dwellings, plots 1- 4. Each of these properties do have rear facing, first floor

windows and so the rear elevation featuring original, habitable windows must be at least 20m apart and these windows must be 7m from the boundary with these properties' gardens. The distances achieved between all plots and number 56 and 58 are at least 29 metres, and all plots exceed a distance of 7 metres from the dwellings to the rear boundaries.

- *Removal of PD Rights of Plots 1-4*

To remove the impact plots 1-4 will have on the residential amenity of the neighbouring properties, specifically number 4 Cheveral Road, a condition is recommended to be imposed upon any planning permission granted removing permitted development rights. Classes within Parts 1 and 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as set out in detail within the recommended conditions at the end of this report, will be removed for residential amenity, highway safety and visual amenity reasons.

#### **4. Impact on Visual Amenity**

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130c), BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. Furthermore, the Sustainable Design and Construction SPD (2020) outlines the guidance on how the proposal must interact and impact the visual amenity of surrounding area.

The two blocks of development would be two-storeys in height. The site is a corner plot and will occupy a previously vacant site within the corner of the street scene. The built form proposed would follow on from the two building lines featured adjacent to the north and east of the site.

The introduction of a 2 storey block of flats is not uncommon on Cheveral Road as the block directly across the highway is a block of flats and the design of these flats is to look similar to a pair of semi-detached properties. Overall, the principle of development of the flats will not have a detrimental impact on the visual amenity of the area. The 4 terraced properties would be acceptable in terms of their visual impact and would have an acceptable design when having regard to the character of the area.

The design of the properties show that they are larger in footprint and scale than the existing properties within the street scene and will project both in front of the existing front elevations and existing rear elevations by around 1m. This is not a significant change in mass and footprint, and it can be concluded that this will not create a feature that will be prominent or incongruous in the streetscene.

The terraced properties would measure 7.6m to the ridge line and the flats would measure 8.2m to the ridge line. This is consistent with the height of other properties in the area and will not look out of character with the streetscene in terms of their height and scale.

In terms of form, the use of the gable roofs would be in keeping with the streetscene as many of the properties also feature gabled roofs. With regard to materials, the application proposes facing brickwork for the walls and dark grey concrete roof tiles

which are both found within the existing streetscene and precise materials are recommended to be secured through the imposition of a condition.

The landscaping features shown on the plans are indicative and a condition is recommended to secure full hard and soft landscaping details via condition. A condition is also recommended to be imposed to secure the submitted finished floor levels and ground levels.

It is considered that the proposed layout and design are acceptable and would not have a detrimental impact on the visual amenities of the area.

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

WCC Highway Authority have been consulted on the application. Whilst the Highway Authority raise no objection to the scheme, subject to the imposition of conditions, it should be noted that an objection was originally received, the reasons for this original objection are set out below.

The Highway Authority did not consider that the proposed vehicular access was wide enough for the site, and as 8 dwellings are proposed, a bellmouth opening was requested, rather than a dropped kerb. Furthermore, the parking layout proposes a courtyard arrangement which the Highway Authority advised should be avoided due to crime and anti-social behaviour impacts and the fact that rear parking courts can result in increased demand for on-street parking. Finally, no bin collection point was proposed and there were concerns relating to the precise layout of the parking spaces in terms of dimensions, and manoeuvrability.

In response to the above, amended plans and a Road Safety Audit (RSA) were submitted at the end of 2022 which were assessed by the Highway's Authority. After assessing the amendments made in response to the original consultation comments and the information provided within the RSA, the Highway Authority confirmed that they had no objection to the proposal subject to conditions and informative notes being added to any permission granted.

Paragraph 111 of the NPPF (2021) states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' The Highway Authority have not objected to the proposed development on grounds of highway safety or parking impacts and considers that appropriate conditions could be imposed upon any permission granted to ensure suitable parking provision would be provided.

The Transport Demand Management Matters Parking Standards SPD is also guidance that helps in the assessment of whether the parking scheme submitted would be acceptable. For context, the original Highway Authority objection states, amongst other things, that the size of the parking spaces and location of the parking provision would be of concern, which has been addressed in the amended plans. The SPD states that for C3 uses outside of a town centre, there should be 1 space per 1- bedroom dwelling and 2 spaces per 2-bedroom dwelling.

Therefore, the proposal requires 1 space per flat and 2 spaces per terraced dwelling, equating to a total of 12 spaces. Drawing Number 'N083B - Cheveral Place - Sheet - (00)02\_08 - Existing and Proposed Block Plan' shows 12 proposed spaces which would be acceptable in terms of the number of spaces required. However, although the number of spaces is acceptable, the size and placement of the spaces are not

acceptable. Paragraph 5.10 of the Transport Demand Matters SPD 2021 states that the minimum parking space size for off-road parking is 2.4m x 4.8m long. This increases to 3.0m in width where parking spaces are adjacent to a boundary treatment, including walls and fences. Therefore, this proposal requires the spaces adjacent to the boundary by plots 5-8 to be a minimum of 2.4m x 4.8m and the spaces for plots 3 and 4, and one of the spaces for plot 1 to be 3.0m x 4.8m. The spaces for plots 2, 6, 7, 8 and the proposed visitor spaces all measure over 2.4m x 4.8m which is acceptable. Plot 1 also measures above the minimum requirements for both spaces and their required sizes. Furthermore, the spaces for plot 3 which requires one space of 3.0m x 4.8m and 2.4m x 4.8m do meet these requirements.

However, the tandem spaces for plot 4 measure 3m x 6.3m and 2.5m x 6.3m which means that the first space is not wide enough to be acceptable. Finally, paragraph 5.13 of the Transport Demand Matters SPD 2021 states that a development should have a disabled visitor space of a standard size but with a 1.2m wide safety zone to the rear of the space and 1.2m wide marked access zone adjacent to the space. There is a proposed disabled visitor space proposed on the submitted plan, however it does not have a 1.2m zone on all the relevant sides and so is not acceptable. In their final consultation response, the Highway Authority have stated that they require a condition to be imposed upon any permission granted securing full details of an alternative parking scheme to be submitted and approved in writing by the council.

It should be noted that the condition recommended above could lead to a loss in the proposed parking spaces to address the concerns relating to the parking layout and widths, however, in the absence of an objection from the Highway Authority, and when having regard to the nature of the highway and lack of on-street parking restrictions, subject to the imposition of a condition, the application is acceptable when having regard to parking impacts.

Furthermore, the SPD also states that cycle parking and routes to it should be integrated into the built environment. No cycle spaces have been indicated on the submitted plans. On this basis, a planning condition is recommended to be imposed upon any permission granted to secure suitable cycle parking arrangements.

## 6. Flooding and Drainage

Paragraph 167 (in part) of the NPPF (2021) states that '*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere*'. The NPPF (2021) also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy NE4 of the Borough Plan 2019 also states how development in the borough should manage the flood risk associated with the proposed development.

The site is in Flood Zone 1 and is therefore in an area at the lowest risk of fluvial flooding and is not within an area impacted by a medium, or high risk of surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps.

A Flood Risk Assessment (FRA) has not been submitted with this application, however, as the site area does not exceed 1 hectare, an FRA is not necessary.

Regarding drainage, the application form states that surface water is to be disposed of via the mains sewer. The National Planning Policy Guidance (NPPG), sets out a hierarchy of how surface water should be disposed of. The disposal of surface water via the mains sewer would not accord with the hierarchy of drainage set out within the NPPG and on this basis, a more sustainable and alternative disposal method for

surface water (if available) could be secured through the imposition of appropriately worded planning conditions. It is proposed that foul and wastewater will be disposed of by the mains sewer which is acceptable when having regard to the location of the site.

On the above basis, subject to the imposition of a condition to secure an alternative disposal method for surface water, there are no concerns in relation to flood risk or surface water, or drainage impacts, and the scheme is considered to accord with the requirements of Policy NE4 of the Borough Plan 2019, the guidance set out within the NPPF (2021) and the PPG.

## **7. Land Contamination and Land Stability**

The NPPF (2021) sets 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 183 and 185 (in part)).

NBBC Environmental Health Team have been consulted on the application and have stated that the standard contamination conditions should be imposed upon any planning permission granted. A land investigation report was submitted with the application which recommends that a watching brief should be undertaken during the construction phase, and if any previously undiscovered contamination is found, then the relevant procedures should be undertaken. The watching brief is recommended to be secured through the imposition of planning conditions should planning permission be granted.

## **8. Impact on Ecology and Biodiversity**

The current use of the site is vacant scrubland, with the land surface comprises a mixture in sections of hardstanding and grassland as the site is a disused playground site. The site is bordered by hedgerows and features 7 trees.

### **- Ecology**

A preliminary ecological appraisal was submitted with the application which identified the current species, both plant and animal, present on site. The site is located within an urban environment and consists of primarily of amenity grassland, hard standing and hedgerows. A desktop survey, habitat survey and tree assessment were undertaken as part of the appraisal, which looked at fauna, animals and plants and how the proposal would impact them.

As for protected species, the presence of badgers is not considered a constraint to the development. As there is no pond identified within 500m of the site boundary and the habitats on site were considered sub-optimal for Great Crested Newts, the presence of Great Crested Newts is not considered a constraint to the development. Furthermore, the presence of reptiles and bats are not considered a constraint to the development.

Finally, the hedgerow habitats were identified to provide suitable nesting opportunities for local birds and pre-clearance bird check and survey is proposed to identify any active nests and how these will be retained and buffered until such time as the birds had fledged.

The conclusion of the appraisal is set out in section 4 of the report and the recommendations it makes will be secured through the imposition of a condition should planning permission be granted.

- Biodiversity

NBBC Parks Team have been consulted on the application and noted that the originally submitted application included an error within the submitted biodiversity impact assessment. Amended calculations have now been submitted, and whilst the information still shows a net loss, the objection from the Council's Parks Team has been removed as an offsetting payment between the two parties has been agreed. After discussions between the applicant and NBBC Parks Team, it was suggested and agreed that the payment would be for 0.61 units of biodiversity habitat creation and management on any sites managed by NBBC Parks and Greenspace within the borough.

Given the minor scale of the scheme (less than 10 units), there is no mechanism to secure offsetting payments under a S106 legal agreement. However, both the applicant and the Council's Parks Team have agreed to the undertaking of offsetting payments which is deemed to be acceptable and positive, even if not required for other applications of this size.

## 9. Impact on existing Trees and Vegetation

On site currently, there are 7 trees and 3 groups of trees which needed to be assessed as part of this application. The site is not located within a conservation area and none of the existing trees have a TPO placed upon them.

The submitted tree report states that of the 7 trees, 3 are category B (moderate quality) and 4 are category C (poor quality) with none being category A (high quality). Out of the 3 groups of trees on site or nearby, 1 is a category U (unsuitable for retention), 1 category B and 1 category C. Paragraph 131 of NPPF 2021 (in part) states '*Trees make an important contribution to the character and quality of urban environments...*' and continues by stating '*... that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.*' These sections of the paragraph are appropriate as they highlight the importance that trees have on developments and as such it does state that existing trees are to be retained wherever possible and that maintenance of newly planted trees is in place. The report takes this into account and explains how each tree is impacted by the proposal.

The category B trees have been identified as T2, T3 and T5 on the associated document, titled '22151-1.0-CR-TCP-MH.' T2 and T3 to the westerly boundary and T5 across the highway in the curtilage of the block of flats located there. Therefore, T5 will not be impacted by this proposal. T2 is a mature cherry, featuring a downy crown and extensive ivy clad and T3 is a mature cherry with a well-formed, balanced crown. They are located where the rear garden of plots 3 and 4 will be situated as well as T3 covering the proposed location of plot 1's parking spaces. The report states that due to the proposed alterations and locations of built form, all the trees along the northern and western boundary, which includes T3, would be felled. This means that a category B, mature tree, which is described as the most notable tree existing on site, is proposed to be felled to facilitate the development.

The second category B tree, T2, is proposed to be retained, and although minor encroachment within the Tree Protection Area is anticipated, conditions are recommended to be imposed to protect this tree during the construction process as



shown on the submitted document titled, '22150-1.0-CR-TPP-MH.' The tree report continues in section 5 by outlining the processes that would be recommended to help protect the existing trees during the construction phase. The applicant proposes to install protection fencing for T2 and G2 which will be implemented prior to the works commencing and will be maintained throughout the construction period. Various other measures would also be secured through the imposition of a planning condition, as advised by the Council's Tree Officer.

Although it is regrettable to lose a category B tree, its retention, owing to the design of the development, has not been possible. Furthermore, the tree has not been recommended to be protected through the use of a TPO and is not located in a conservation area. As such, the tree could be felled at any time and would not require any consent from the Council.

In addition, the retention of T3 would result in shading issues and a loss of sunlight to the rear amenity space of plot 4, as well as leaf and blossom dropping to the rear space and the parking spaces of plot 1. This would result in compatibility issues and pressure for severe pruning or felling in the future.

The introduction of new trees would, in theory, help mitigate the losses proposed. The size of the front gardens of the plots would not allow larger trees, visible in the street scene, to be planted as the very limited space could not successfully accommodate a tree with any notable amenity value. This means that the larger trees, with higher amenity value would likely be planted in the rear gardens of the properties, and the trees would not be of the same maturity as those that are proposed to be felled.

Overall, in the absence of an objection from the tree officer and subject to the imposition of a condition to secure a soft landscaping scheme, the proposal is considered to be acceptable when having regard to tree impacts. It is recommended that a condition be imposed upon any permission granted to secure the recommendations set out within the submitted Arboricultural report.

## **10. Waste and Refuse**

Paragraph 11.22 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) sets out that designs should consider arrangements for bin collections. It goes on to state that developments without collection areas can result in wheelie bins strewn across public areas until they are reclaimed by residents. It further advises that bins can represent a safety risk to pedestrians and vehicles and can be visually unappealing.

NBBC refuse team have been consulted on the application and raised concerns in their original consultation response. These issues related to a request for a collection point at the kerbside, given the site access would be unable to accommodate access for a 26-tonne refuse collection vehicle. A collection point is shown on the proposed plans; however, it is shown to be located on soft landscaped areas of the site which would not be suitable. However, it is considered reasonable to allow future occupiers to present bins on the existing footpath, as per the existing arrangement for most of, if not all the surrounding properties.

Each of the properties would have a bin storage point clearly indicated within the curtilage of the proposed dwellings. Paragraph 11.23 of the Sustainable Design and Construction Supplementary Planning Document (2019) states that bin stores should be located no more than 25m from the highways for normal wheeled household bins. Paragraph 11.24 of the same SPD sets out that bin storage should not harm the visual

amenity of the area, must be managed so that it does not create risk to water, air, soil, plants, or animals, should not cause nuisance through odours, and not affect the countryside and or places of special interest.

The distance from the stores to the collection point is further than the 25m set out in the guidance. From plots 1-4 this distance is exceeded due to the storage points being located within the rear amenity space of the dwellings. Making the distance shorter would reduce the amenity of users and occupiers and it would harm the visual amenity of the area if these stores were located closer to the highway or in a different location within the site. Plots 5-8 also have a distance from the proposed stores to collection points of over the 25m recommended in the guidance, however this is due to the constraints of the site. Whilst the 25 metres distance would be breached, the distances would not be excessive to warrant a refusal of the application on this basis.

## **11. 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 former playground, open space site that is currently underutilised.

The potential impacts of the proposed development in relation to residential amenity, visual amenity, highway safety, flood risk and drainage, ecology, biodiversity, waste and land contamination have all been considered. Where the application conflicts with the guidance or development plan policies, this has been highlighted in the above report. The benefits arising from the scheme are considered to outweigh any conflict that has been identified, either during the consultation period or during the assessment period. Although, not conditioned or secured in perpetuity, the scheme proposes to deliver affordable housing which would be a benefit given the Borough's significant need for affordable housing. The scheme would also result in economic benefits relating to the creation of roles throughout the construction period and the proposal would utilise an underutilised site which the NPPF (2021) encourages.

Overall, it can be concluded that the scheme will not result in any significant conflict which would justify a refusal of planning permission. Therefore, it is recommended that the application is approved subject to the conditions listed below.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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

Plan Description	Plan No.	Date Received
Site Location Plan	(00)01_04	14/09/2022
Block Plan	(00)02_08	27/02/2023
Proposed Elevations Plot 1-4	(00)03_04	14/09/2022
Proposed Elevations Plot 5-8	(00)04_04	14/09/2022
Proposed Floor Plans Plot 1-4	(00)05_03	14/09/2022
Proposed Floor Plans Plot 5-8	(00)06_04	14/09/2022
Proposed Roof Plan	(00)07_04	14/09/2022
Proposed Site Sections	(00)09_03	14/09/2022
Topographical Survey and Levels	(00)10_05	27/02/2023
Cheveral Road PEA	22078 rev 1 Final	28/03/2023
Arb Survey Report	22151	27/02/2023
Hedgerow Plan	22150-1.0-CR-TPP-MH	27/02/2023
Tree Plan	22151-1.0-CR-TCP-MH	27/02/2023
Ground Investigation Report	22-06-08	14/09/2022
Design and Access Statement	N83b	14/09/2022
Invasive Species Report	RT-MME-157859	14/09/2022

3. No development above ground level 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.

4. Notwithstanding the provisions of Part 1 (Classes A, B, D, E and G) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and en-acting that Order, with or without modification) no extension or enlargement, including additions to roofs, construction of porches, the erection of building that are incidental to the enjoyment of a dwellinghouse, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse shall take place to plots 1-4 without the express permission in writing of the council.

5. Notwithstanding the provisions of Parts 2 (Classes A and C) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and en-acting that Order, with or without modification), no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure or exterior painting shall take place on site without the prior written consent of the Council.

6. The development shall not be occupied until the proposed access has been laid out in general accordance with the approved plan (00)02 Rev 08 and a bellmouth access has been constructed in accordance with the Highway Authority's standard specifications.

7. Notwithstanding the details submitted, nor conditions 2 or 6 above, no development shall commence on site until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No unit shall be occupied until the access, car parking and manoeuvring areas have been laid out in full and in accordance with the approved details. Once provided, the access, car parking and manoeuvring areas shall be permanently retained for the parking and manoeuvring of vehicles.

8. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

9. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Loading and unloading of plant/materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding.
- vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- vii. A scheme for recycling/disposing of waste resulting from construction works.
- viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.
- ix. 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.

10. No development shall commence until:

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

11. No development shall take place on site including site clearance, unless in accordance with the recommendations set out within the Pre-Development Tree Survey Report prepared by GSS Architecture dated January 2023 (Ref: 22151).

12. No development shall take place on site including site clearance, unless in accordance with the recommendations set out within the Preliminary Ecological prepared by Ecology Resources dated June 2022 (Ref: 22078).

13. No development shall commence until details of any external lights and lighting columns have been submitted to and approved in writing by the Council. No light or lighting column shall be installed other than in accordance with the approved details.

14. No development above damp proof course level shall take place until details of a secure and covered cycle parking scheme have been submitted to and approved by

the Council, in consultation with the Highway Authority. The development shall be carried out in accordance with the agreed details with the cycle parking scheme being provided in full prior to the first occupation of any of the units hereby approved.

15. No development shall take place on site until full details of the boundary treatments, including new walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been provided in full. Development shall be carried out in full accordance with the approved details.

16. No development shall commence on site until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be occupied until provision has been made in accordance with the approved details.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) the proposed side facing window to the northern elevation of Plot 1 and the side facing windows to the eastern elevation of Plots 5-8 shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non-opening and obscure glazed.

18. No development shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Council. The hard landscaping scheme shall be carried out in full prior to the first occupation of any of the units hereby approved and the soft landscaping scheme shall be carried out within the first planting season following the first occupation of any of the units. Once provided, the soft landscaping scheme shall be subsequently maintained in the following manner:-

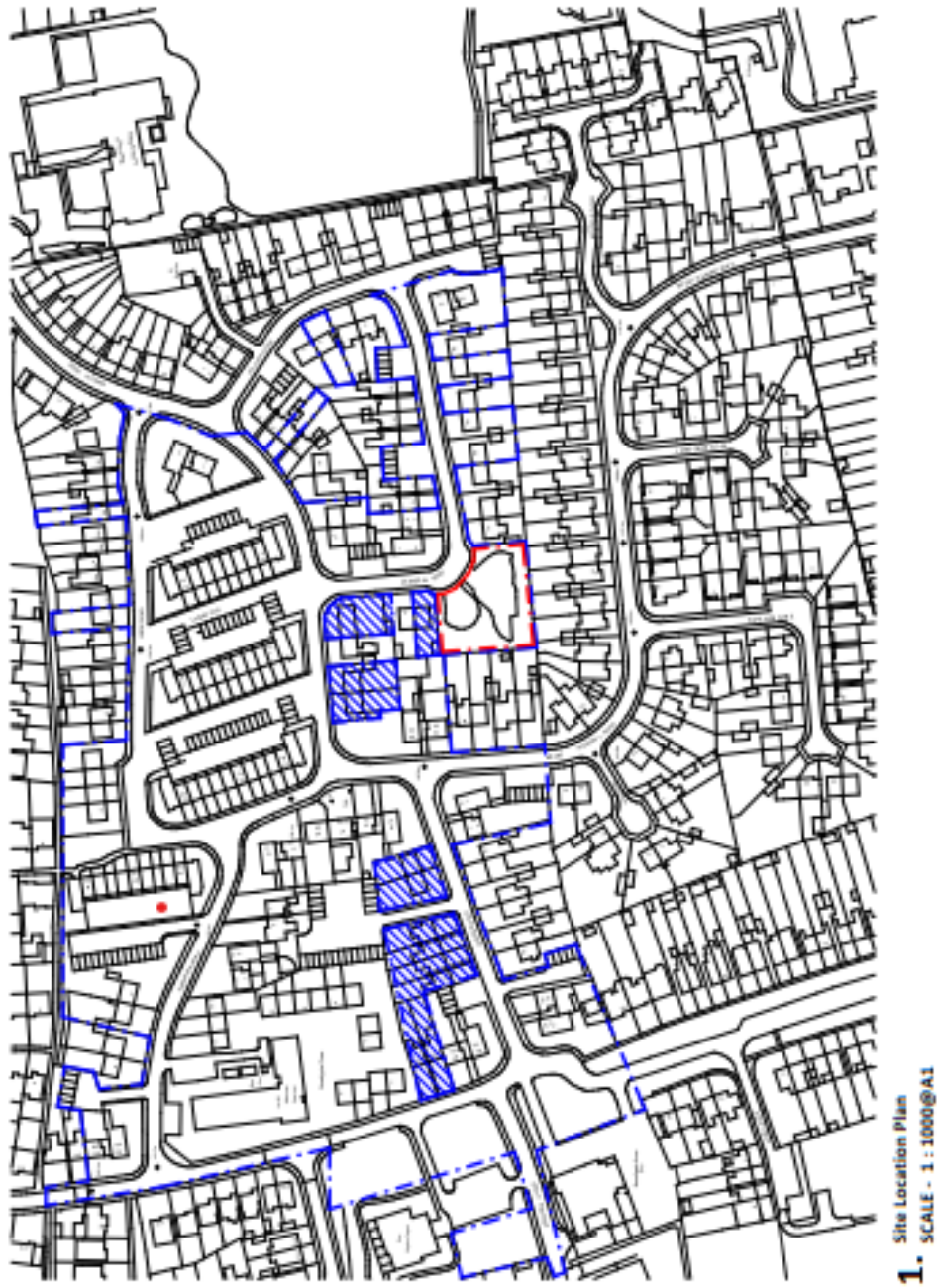
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in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

19. All gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.

20. There shall be no occupation of any unit until Electric Vehicle (EV) charging points at a rate of one charging point per dwelling with dedicated parking and one charging point per 10 spaces for unallocated has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

21. No development shall commence until details for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Council. No development creating surface water run off and no dwelling shall be occupied until the drainage works in accordance with the approved details have been carried out in full.

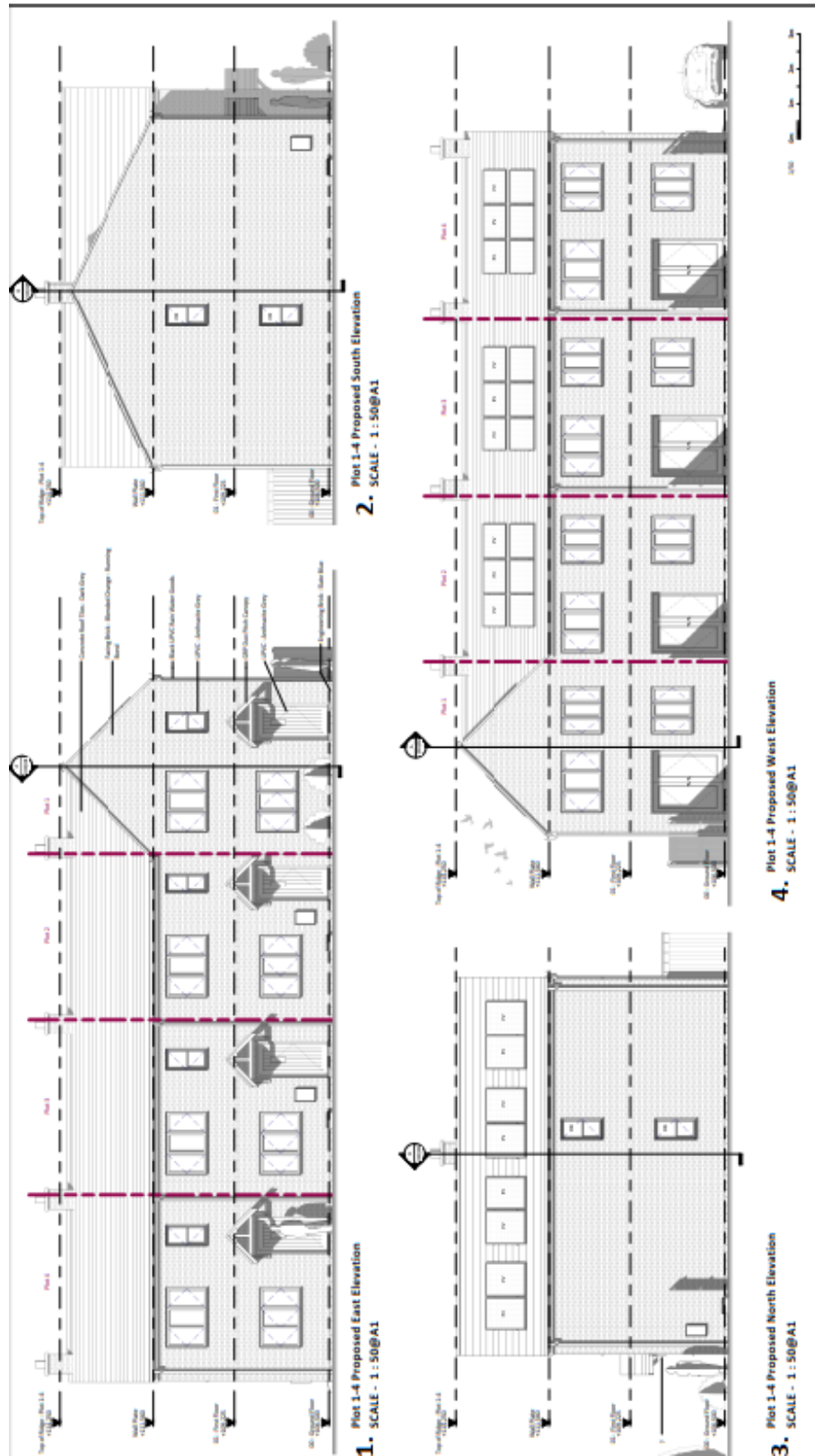
# Site Location Plan



# Site Block Plan

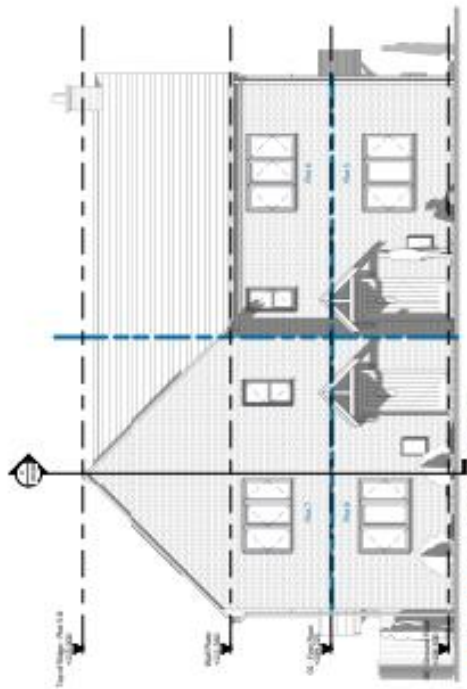


# Proposed Elevations: Plots 1-4

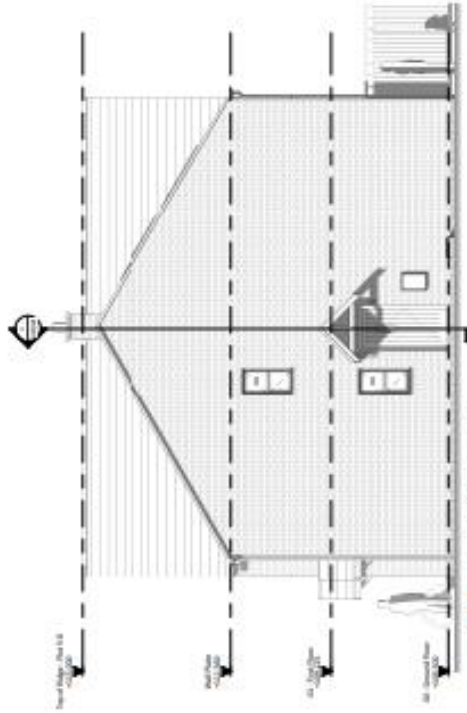




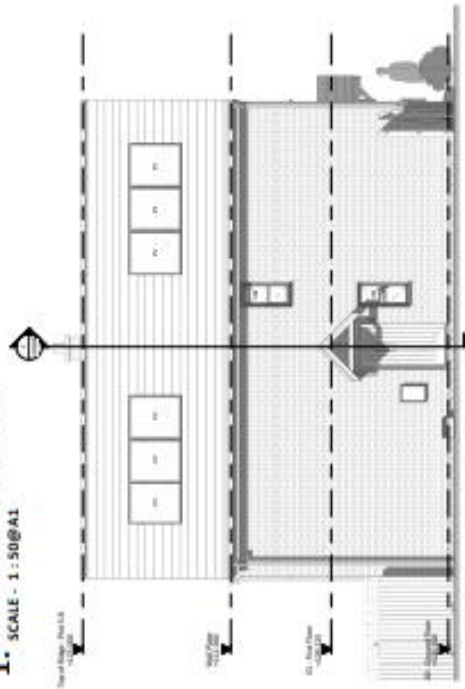
# Proposed Elevations: Plots 5-8



**1.** Plot 5-8 Proposed North Elevation  
SCALE - 1 : 50@A1



**2.** Plot 5-8 Proposed West Elevation  
SCALE - 1 : 50@A1

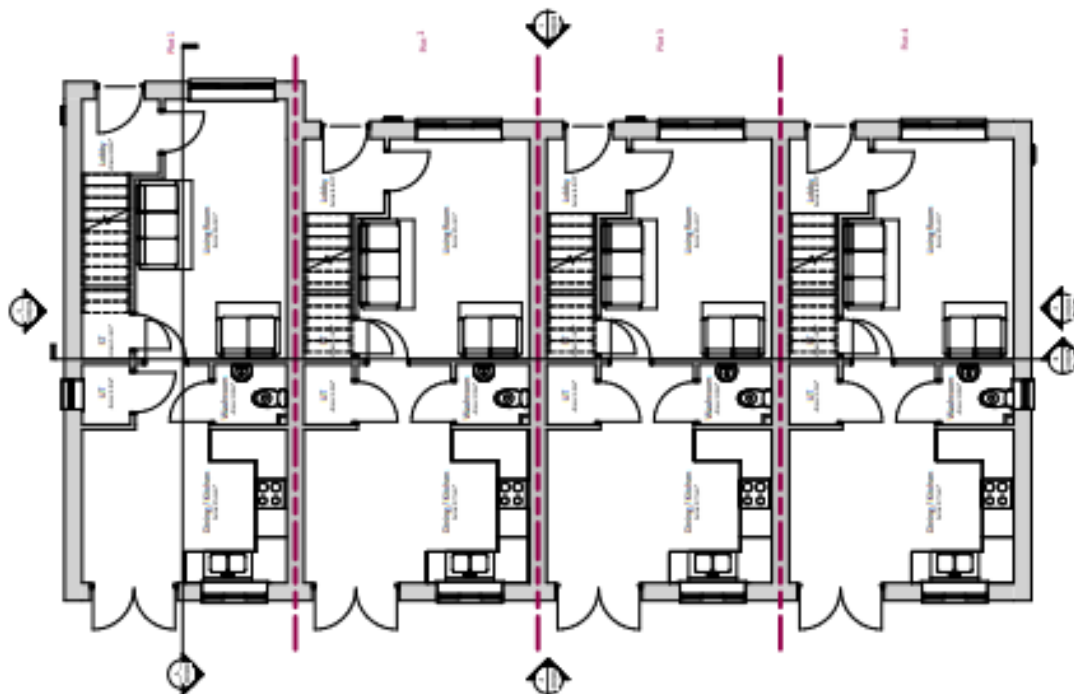
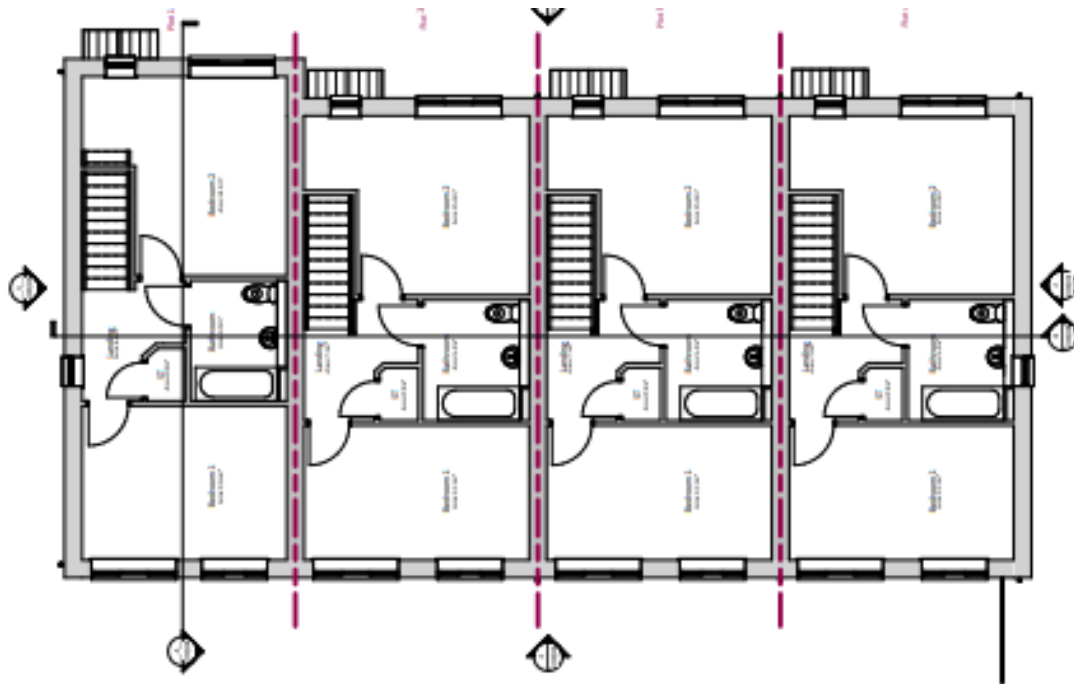


**3.** Plot 5-8 Proposed East Elevation  
SCALE - 1 : 50@A1



**4.** Plot 5-8 Proposed South Elevation  
SCALE - 1 : 50@A1

Proposed Ground and First Floor Plans: Plots 1- 4

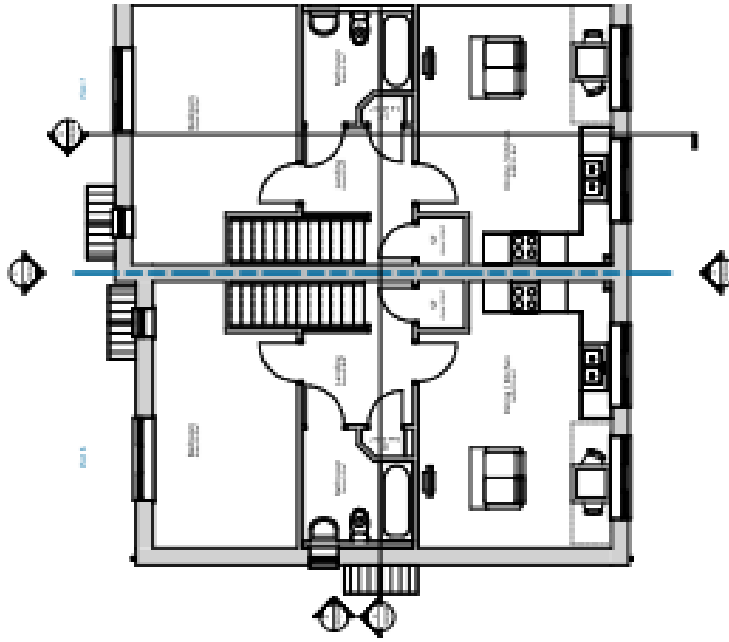


01 - Proposed First Floor Plan Plot 5-8 Copy 1  
2. SCALE - 1 : 50@A1

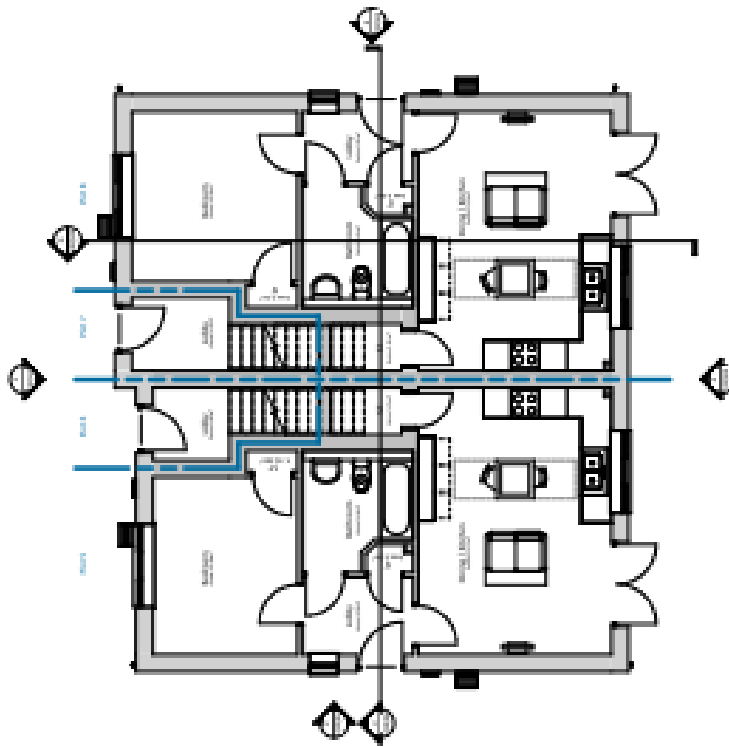
00 - Proposed Ground Floor Plan Plot 1-4  
1. SCALE - 1 : 50@A1

①

Proposed Floor Plans: Plots 5-8



01 - Proposed First Floor Plan Plot 5-8  
**2.** SCALE - 1 : 50@A1



00 - Proposed Ground Floor Plan Plot 5-8  
**1.** SCALE - 1 : 50@A1

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT: \_\_\_\_\_

NO. OF SHEETS: \_\_\_\_\_

SHEET NO.: \_\_\_\_\_

DATE: \_\_\_\_\_

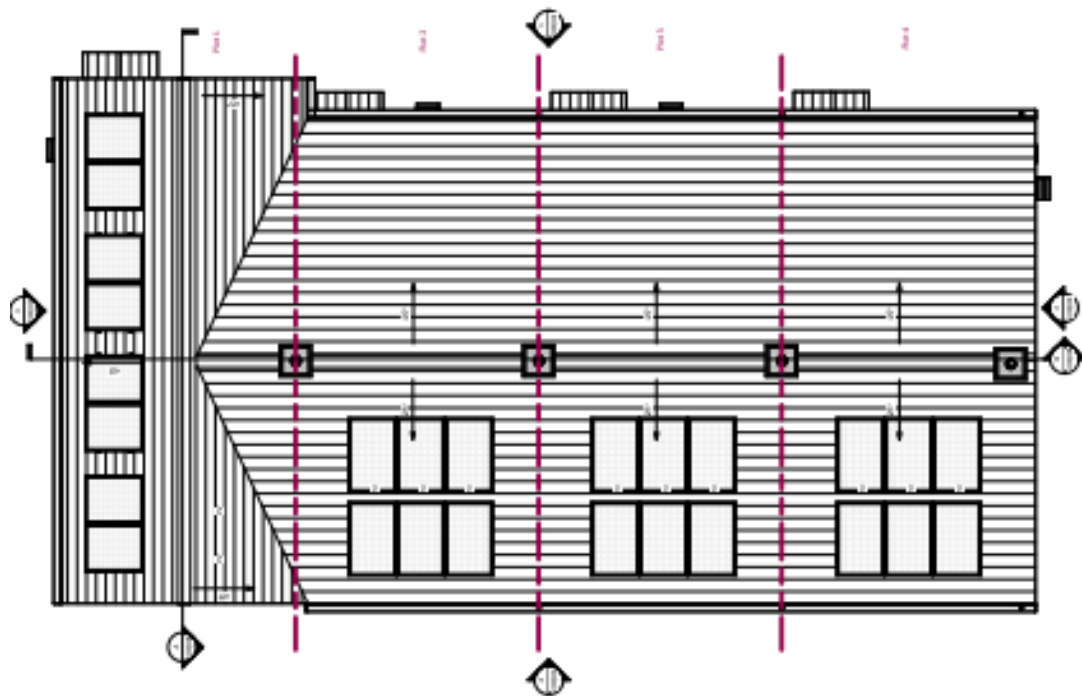
SCALE: \_\_\_\_\_

PROJECT: \_\_\_\_\_

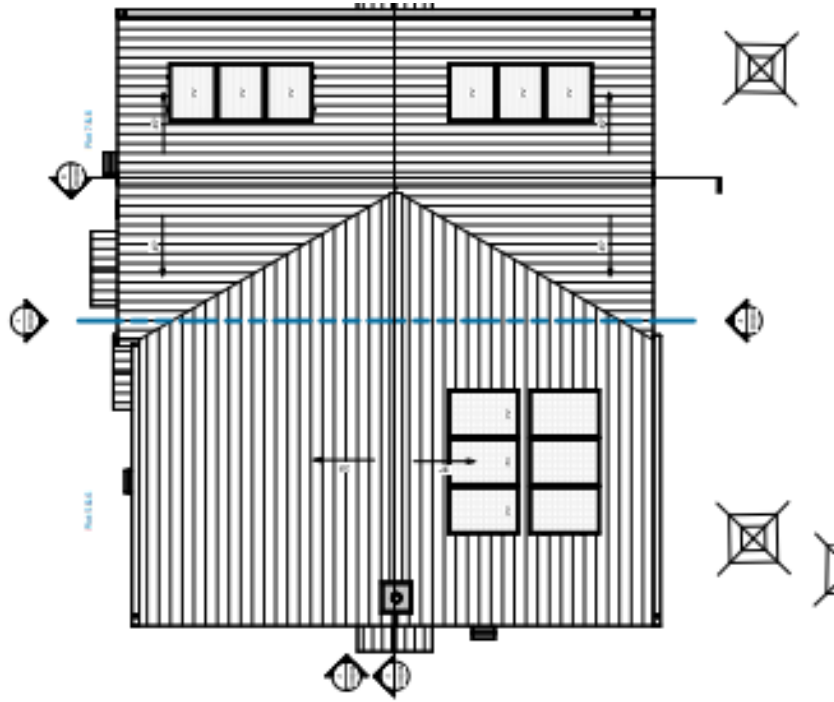
NO. OF SHEETS: \_\_\_\_\_

SHEET NO.: \_\_\_\_\_

# Proposed Roof Plans: Plots 1-8



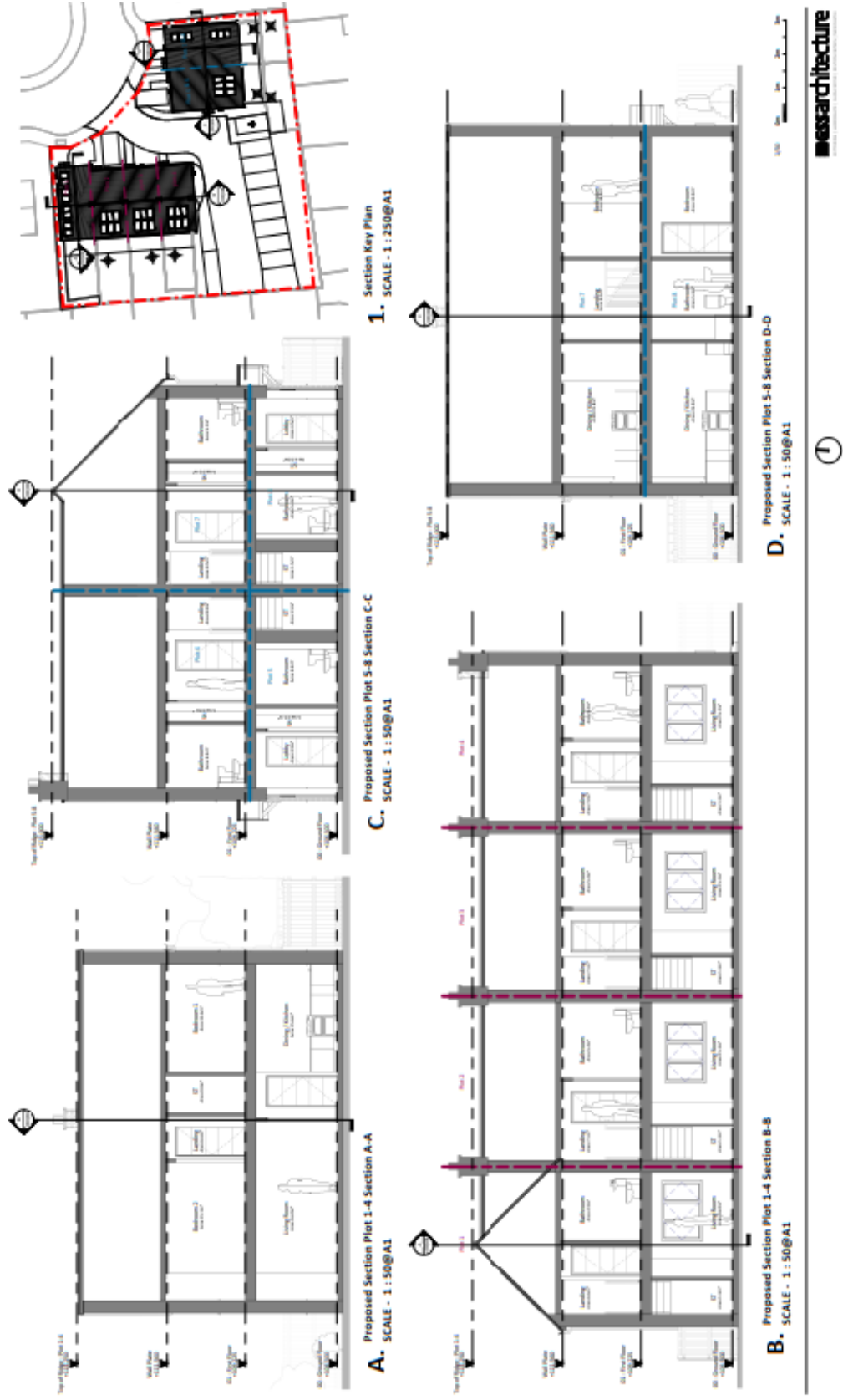
1. Roof Plan Plot 1-4  
SCALE - 1 : 50@A1



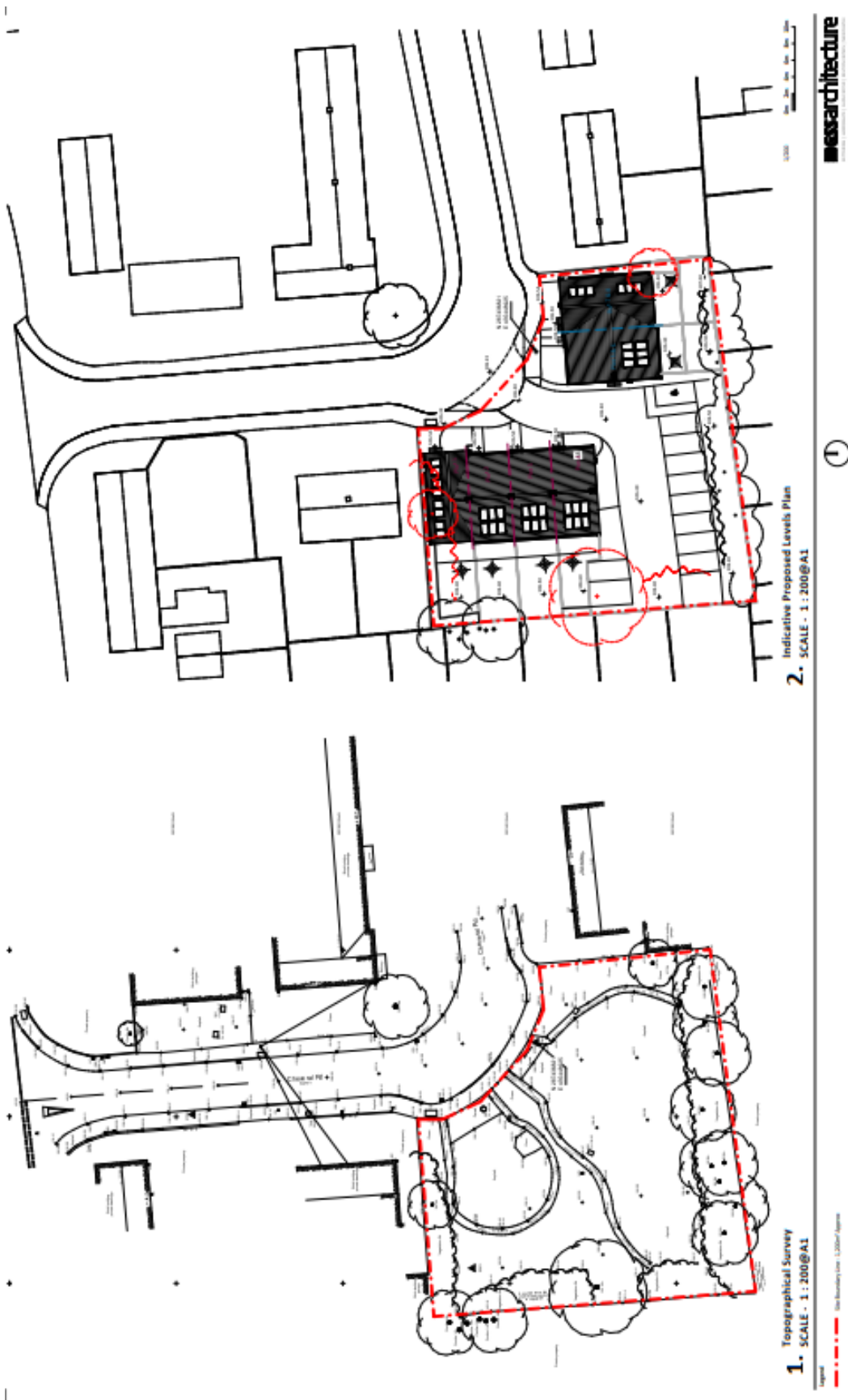
2. Roof Plan Plot 5-8  
SCALE - 1 : 50@A1

1

Proposed Section Plan: Plots 1-8



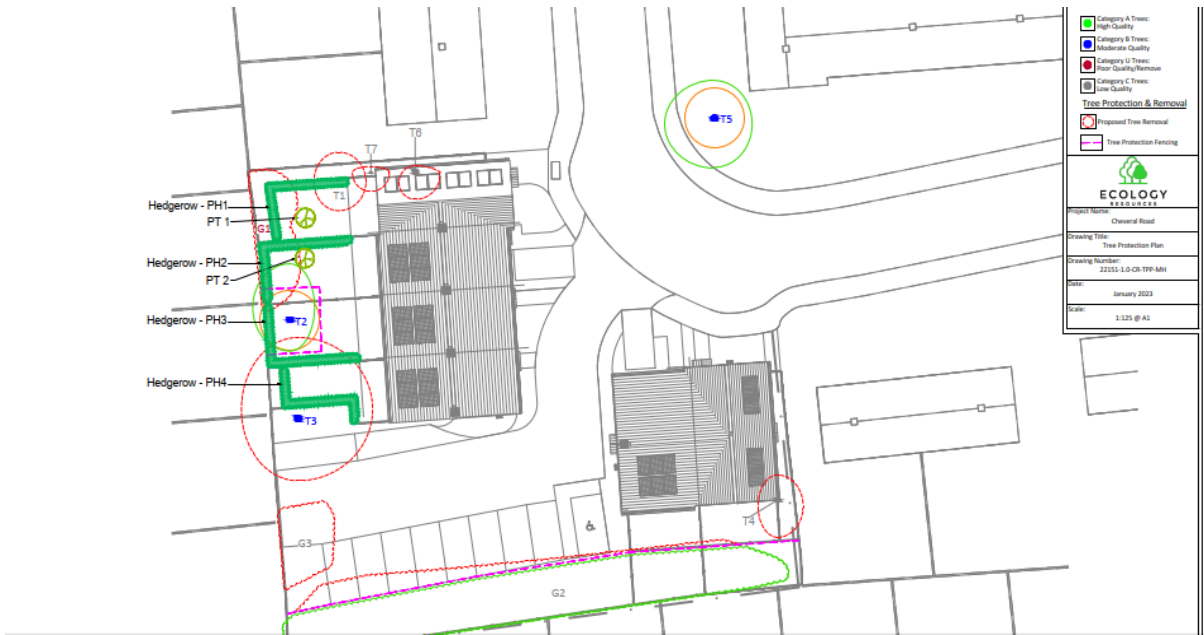
# Topography and Site Levels: Plots 1-8



# Final Floor Levels and Indicative Design: Plots 1-8



# Hedgerow Plan



# Tree Plan





---

## Item No. 3

**REFERENCE No.** 039160

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

**Description of Development:** Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved application 037658)

**Applicant:** Nuneaton and Bedworth Borough Council

**Ward:** AB

---

### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for the erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings. It is an application seeking approval of reserved matters relating to outline permission 037658. That application was a hybrid application consisting of a full application for a hotel and an outline application for for a mixed-use town centre development comprising flexible uses for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3) and multistorey and surface car parking with associated means of access.

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

### **BACKGROUND:**

The following matters are to be considered at this stage:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – The aspects of a building or place which determine the visual impression it makes, including the external built form of the development.

- Landscaping – Treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

The following matter was considered at the outline stage:

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

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

### **RELEVANT PLANNING HISTORY:**

- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E): Under consideration.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and ‘makers space’ (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.

### **RELEVANT PLANNING POLICIES:**

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

### **CONSULTEES NOTIFIED:**

Cadent Gas, Cadent Gas, Historic England, National Amenities Society, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Town Centres, NBBC Tree Officer, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison

Officer), WCC Archaeology, WCC Flood Risk Management, WCC Health, WCC Highways.

## **CONSULTATION RESPONSES:**

No objection from:

Historic England, NBBC Housing, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Flood Risk Management, WCC Highways.

No response from:

Cadent Gas, National Amenities Society, NBBC Environmental Health, NBBC Parks, NBBC Town Centres, Severn Trent Water, Warwickshire Fire & Rescue, WCC Health.

## **NEIGHBOURS NOTIFIED:**

1-49 (odd), 64-72 (even), Flats 1-4 (inc) 72 High Street; 34-40 (even) Pool Bank Street; Cannon Sports 19, Bet Fred 21, Socialites 21a, Warren James 21b, Shoe Zone 21c, Label Nuneaton 23, Bonmarche 25/27, Cooks the Bakery 29, Age UK 31, Kevin Joseph Salon 31a, Bull & Young 32, Iceland 34-36, Ali's Hair & Beauty 35, Concepts 37, Lord Hop 38, Nuneaton Sports Nutrition 40, Exclusively Yours, Loft Photography Studio, Full Length & Fabulous 42, Natural Nail Care 46, Martins Pet Supplies 48, Flat over 48, Anthonys Bistro 48a, H Johnson & Son 50-52, Next units 13-14 Ropewalk Queens Road; 2, 4, British Heart Foundation 6-14, Flat 1- 6, Toppers Fish Bar 16-18 Stratford Street, Myton Hospices 11, HD Nails 12, DMK Grocery 13/14, The Blue Bear PH 15, Flat 1 15, 16, Time-House of Games 22, Dominoes Pizza 23 a&b, John Christopher Hairdressers 23c, 23f, The Printer People 24, India Red 25, PET X Training 98, Flat over 98, Johns Hair Design 104, Beasley & Co 105, DC Leake 106, Milano Pizza 107, Rear ground floor flat, flat 1 & flat 2 107, Mutual 111, 112, Siamo 113, African Supermarket 114, Flat 114d, Flat 114e, Flat 114f, Flat 114g, Flat 114h, Flat 114i, Flat 114j, Abbey Craft 115, Crossed Ghurka 115, Flat 1 & Flat 2 115, Castillos 116, 116a, West East 117, First Floor Flat 117, 117b, Best One 118, 118a, 118b, 118c, 118d, 118e, Bromfield Solicitors 120, 120a, 120b, 120c, 120d Abbey Street; Kumon Study Centre 1, Heatwave 3, Nuneaton Mobility 9, Kimberleys Occasions 11, Sally Beauty 15 New Century Way

Neighbouring properties were sent letters notifying them of the proposed development on 6<sup>th</sup> September 2022. A site notice was erected on street furniture on 7<sup>th</sup> September 2022 and the application was advertised in The Nuneaton News on 14<sup>th</sup> September 2022.

## **NEIGHBOUR RESPONSES:**

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

1. Concerns relating to the potential negative impact on an existing adjacent business and their trade due to the extensive building works.

## **APPRAISAL:**

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

1. The principle of the development,
2. Housing need and affordable housing,
3. Visual amenity,
4. Residential amenity,

5. Highway safety and accessibility,
6. Flood risk and drainage,
7. Heritage and archaeology,
8. Conclusion

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

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

The principle of the development has already been established through the approval of the outline permission. The outline planning permission parameters indicate that Plot 1A is to be used as a flexible space of between 1,055 and 1,500 sqm GIA for Class E use, and that Plot 2 at between 2,580 sqm and 5,200 sqm will feature Class E use at ground floor level and residential (C3) to the upper floors. This application aligns with the approved parameters on the outline permission. Plot 1A comprises a 1,100 square metre GIA foodhall over two floors and plot 2 will feature three commercial (Class E) units to the ground floor and 30no. apartments to the first, second and third floors. The building as proposed has a total GIA of 2,952 square metres which is within the approved parameters on the outline permission.

## **2. Housing Need & Affordable Housing**

In terms of general market housing, Policy H1 of the Borough Plan (2019) 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 application will provide 16no. 1 bedroom units and 14no. 2 bedroom units. Despite the relatively low requirement for 1 bedroom units, there are few applications received for this accommodation type and NBBC Planning Policy have confirmed that this is acceptable. The 2 bedroom properties will help to meet an identified need for such properties in the borough.

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. A total of 8no. are to be provided as affordable which complies with this requirement. NBBC Housing Team have no objection to the application.

## **3. Visual Amenity**

Paragraph 130 of the NPPF states, in part, that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or

change (such as increased densities). Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The existing scale of development within the town centre ranges between two to five storeys. Plot 1A is designed to a scale reflective of commercial nature of the area, with a traditional warehouse form at a two-storey height featuring a roof with 4no. pitched sections with the western section being set back from the southern elevation of the remainder. It is considered that the proposed scale of Plot 1A is sympathetic to buildings along Abbey Street to the rear. The building will be largely screened from view from Abbey Street with the exception of the area fronting the proposed public realm between the Cooperative buildings and India Red. The use of a multi-pitched roof ensures that the height of the building is kept to a maximum of under 11.5 metres to the ridge and the eaves at approximately 8.5 metres which is within the horizontal and vertical parameters on the outline permission. The foodhall building has been designed to provide an open frontage onto the proposed public plaza and the pitched roof reflects the design of the existing warehouse to the east. The use of recessed terracing to the upper floor further enhances this and will ensure that the foodhall becomes an attractive and vibrant venue in the town centre. It has an industrial aesthetic which is considered provides an identifiable link to Nuneaton's industrial heritage. Materials consist of metallic aluminium, galvanised steel and charcoal brick which are considered to be acceptable.

In terms of Plot 2, this has been designed to meet the increased scale of the buildings fronting Abbey Street, including the existing cooperative buildings and the proposed Digital Skills & Innovation Centre which is subject to application 038706. The maximum height is 14.5 metres which is below the maximum AOD parameter and both parapet levels and plant overrun levels are well within the outline parameters. This is in keeping with the existing surrounding buildings. It is a 4 storey building with the third floor set back. The building follows the curvature of Abbey Street which is also in keeping with proposed college building under application 038706. Following comments from NBBC Planning Policy, amendments have been submitted including material enhancements to the north elevation which faces Abbey Street which introduces render to the third floor and lighter coloured stone features to the banding on the elevation. This provides a greater degree of visual interest and a visual link to rendered features elsewhere on Abbey Street, whilst retaining similarities with the approved design on the adjacent College building and appropriate to the contemporary design of the wider Abbey Street site. NBBC Planning Policy Team have no objection.

#### **4. Residential Amenity**

Policy BE3 of the Borough Plan (2019) states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In terms of the impact on neighbouring properties, there are flats opposite at first and second floors which would be approximately 18.5 metres away from the proposed residential flats. However, this distance is across a road which is considered acceptable.

In terms of within the site, there are flats which would have habitable room windows at the first and second floors in Plot 2 which would face the new college building (which contains windows) at a distance of 7-9m. The original plans for the college showed these windows to be plain glazed which would lead to overlooking of the flats, contrary to guidance contained within paragraph 11.4 of the Sustainable Design & Construction SPD which normally requires a 20m separation distance. An application for a non-

material amendment to the application for the college has been submitted to the Council which shows all of the windows at first and second floor on the east elevation which faces Plot 2 as obscure glazed. It is considered that this would be acceptable and would overcome the impact of overlooking of those flats and would therefore not lead to a significant loss of privacy for the occupiers of those flats.

There would be one flat on the first and second floor which faces the proposed side of the college building, however the room affected is also served by a window facing Abbey Street which reduces the impact and is therefore considered to be acceptable.

In relation to the requirements of Policy BE3, an addendum to the BREEAM assessment submitted with the outline application has been submitted. This shows that a BREEAM, 'Very Good' rating can be achieved for Plot 1A which meets the requirement of this policy. A Sustainable Design and Construction statement has been submitted which includes an updated Building For Life Statement and an explanation of how the application meets the Passive Solar Design requirement. It is recognised the location limits the extent to which Passive Solar Design can be implemented. The statement also confirms compliance with M4(2) standards and that rainwater harvesting will be provided by the installation on water butts on the external terrace of each apartment

In terms of the National Described Space Standards, all of the apartments comply with the required standards.

In terms of noise, a noise assessment was submitted with the outline application. NBBC Environmental Health Team were consulted and considered that there were two elements to address to include noise, particularly plant noise, impacting upon existing noise sensitive properties and any noise from existing sources impacting on the proposed development. They requested a condition that full details of all external plant and equipment is submitted for both the full and outline applications. With regard to the proposed residential element at Plot 2, the noise assessment submitted with the outline application identified that, without mitigation, the proposed residential properties may be impacted by unacceptable noise from surrounding sources. There are conditions imposed upon the outline planning permission covering a noise assessment and noise attenuation scheme including glazing and ventilation details.

## **5. Highway Safety & Accessibility**

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

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 104). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 105). The outline proposals aimed to increase connectivity and permeability through the site. Two new pedestrian routes were proposed as part of the outline application on a north-south axis through the site, connecting Queens Road and Abbey Street. These pedestrian routes will be situated either side of a proposed new public square situated centrally in the site. These are incorporated into the proposed layout.

WCC Highways raised concerns about the lack of parking provision without the proposed multi-storey car park which formed part of the outline permission being built. However, there is a condition imposed upon the outline permission that requires details

of parking provision to be provided for each phase. Details will be provided to discharge this condition prior to the commencement of development. Car parking will be provided within the multi-storey Car Park as per the approved outline permission and as required by that condition.

Bin collection points for plots 1A and 2 are proposed within the site, adjacent to the public highway of Abbey Street. Both NBBC Refuse and WCC Highways are satisfied with this and have no objections.

## **6. Flood Risk & Drainage**

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

## **7. Heritage & Archaeology**

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

Policy BE4 of the Borough Plan (2019) states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. It also states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance. A Heritage Statement has been submitted with the application. This identifies and assesses the local heritage assets that are at risk of being affected through their setting by future development of the site, particularly the former Ritz Cinema building, the Co-op building and Nuneaton Town Centre Conservation Area.

The proposal adjoins the Nuneaton Town Centre Conservation Area. The site, in particular Plot 2, immediately adjoins the Conservation Area and so will have an impact on the setting of a heritage asset. Although it would be taller than the surrounding buildings, it is considered that the proposed design reduces the impact on the Conservation Area. The third floor of the building would be set back and would be rendered to visually break-up the massing of the building. The simple, contemporary and ordered elevations of the building with use of red brick materials would resonate with the character of Abbey Street, the proposed college building and the prevailing materials found elsewhere within the Conservation Area. It is therefore considered that the proposals would lead to less than substantial harm to the significance of the conservation area.

The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202). The National Planning Practice Guidance confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. In this case, in terms of economic benefits, the proposal represents a major driver of investment in the future which would contribute to improving the overall vibrancy of the town. It would also bring social benefits such as much needed housing in a sustainable location.

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

## **8. Conclusion**

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

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

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

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

#### **Schedule 1**

The details and plans contained in Schedule 1 be approved in accordance with Condition 1(a) Layout, (b) Scale, (c) Appearance and (e) Landscaping of approval



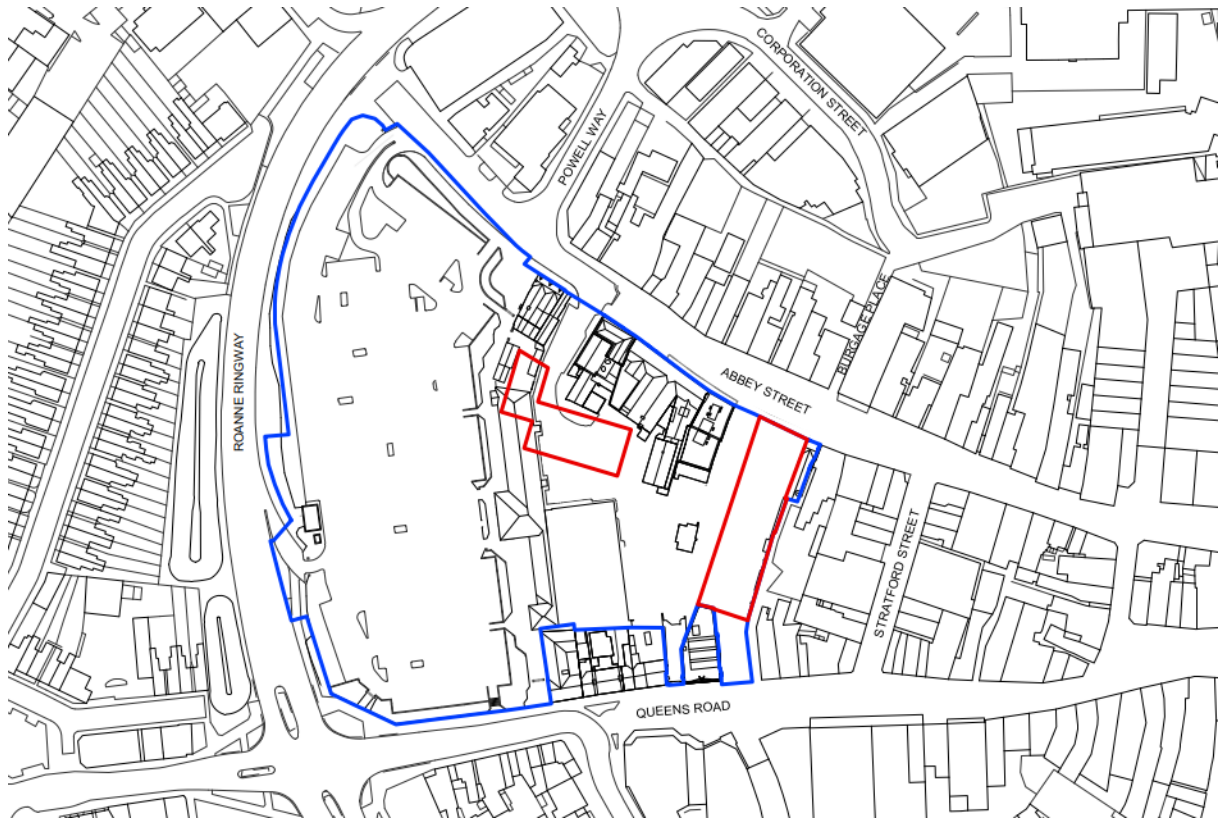
reference 037658 granted on 7<sup>th</sup> January 2022 subject to the additional condition contained in Schedule 2.

1. Schedule of approved documents

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan	2331-GHA-ZZ-XX-DR-A-(05)010 P01	26 <sup>th</sup> August 2022
Plot 1A and 02- Proposed Site Plan	2331-GHA-ZZ-00-DR-A-(05)016 P02	27 <sup>th</sup> September 2022
Plot 1A - Proposed Ground Floor Plan	2331-GHA-1A-00-DR-A-(05)100 P01	26 <sup>th</sup> August 2022
Plot 1A- Proposed First Floor Plan	2331-GHA-1A-01-DR-A-(05)101 P01	26 <sup>th</sup> August 2022
Plot 1A – Proposed Roof Plan	2331-GHA-1A-RL-DR-A-(05)102 P01	26 <sup>th</sup> August 2022
Plot 1A - Proposed Elevations - North & East	2331-GHA-1A-ZZ-DR-A-(05)200 P01	26 <sup>th</sup> August 2022
Plot 1A- Proposed Elevations- South & West	2331-GHA-1A-ZZ-DR-A-(05)201 P01	26 <sup>th</sup> August 2022
Plot 1A- Proposed Sections AA & BB	2331-GHA-1A-ZZ-DR-A-(05)300	26 <sup>th</sup> August 2022
Plot 1A - Bay Study 01	2331-GHA-1A-ZZ-DR-A-(05)400 P01	26 <sup>th</sup> August 2022
Plot 1A - Bay Study 02	2331-GHA-1A-ZZ-DR-A-(05)401 P01	26 <sup>th</sup> August 2022
Plot 02- Proposed Ground Floor Plan	2331-GHA-02-00-DR-A-(05)100 P02	27 <sup>th</sup> September 2022
Plot 02- Proposed First Floor Plan	2331-GHA-02-01-DR-A-(05)101 P01	26 <sup>th</sup> August 2022
Plot 02- Proposed Second Floor Plan	2331-GHA-02-02-DR-A-(05)102 P01	26 <sup>th</sup> August 2022
Plot 02- Proposed Third Floor Plan	NTN- 03- D- A- 11024 P03	20 <sup>th</sup> March 2023
Plot 02- Proposed Roof Plan	2331-GHA-02-RL-DR-A-(05)104 P01	26 <sup>th</sup> August 2022
Plot 02 - Proposed Elevations- South	2331-GHA-02-ZZ-DR-A-(05)202 P02	27 <sup>th</sup> September 2022
Plot 02 - Proposed Elevations- West	2331-GHA-02-ZZ-DR-A-(05)203 P01	26 <sup>th</sup> August 2022
Plot 02- Proposed Elevations- North & East	NTN- ZZ- D- A- 12005 P03	20 <sup>th</sup> March 2023
Plot 02- Proposed Sections AA	2331-GHA-02-ZZ-DR-A-(05)300 P01	26 <sup>th</sup> August 2022
Plot 02 - Proposed Sections BB	2331-GHA-02-ZZ-DR-A-(05)301 P01	26 <sup>th</sup> August 2022
Plot 02- Bay Study 01	2331-GHA-1A-ZZ-DR-A-(05)400 P01	26 <sup>th</sup> August 2022
Vehicle Access and Servicing Plan	0328- XX-DR-S- 20503 P01	20 <sup>th</sup> March 2023

**Schedule 2**

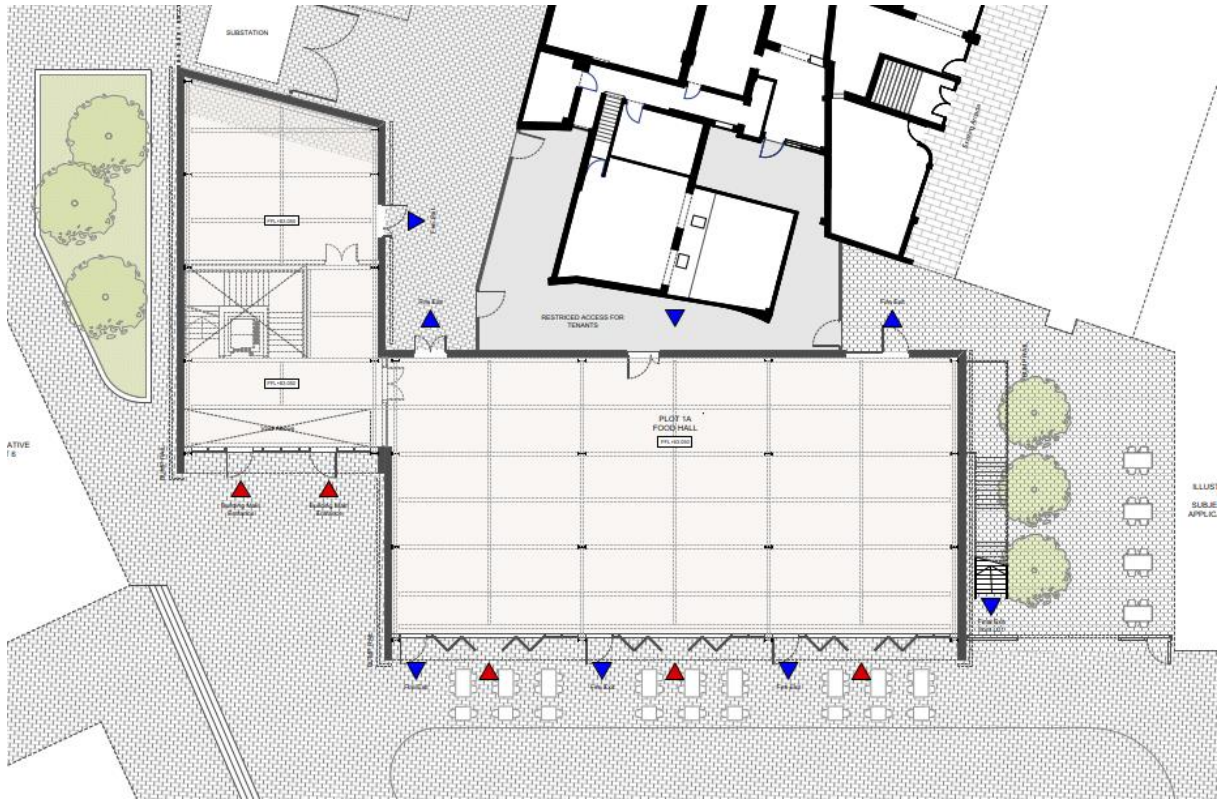
- a. No dwelling shall be occupied until a rainwater harvesting water butt has been installed within the curtilage of each residential unit and made available for use. The water butts shall remain in perpetuity.



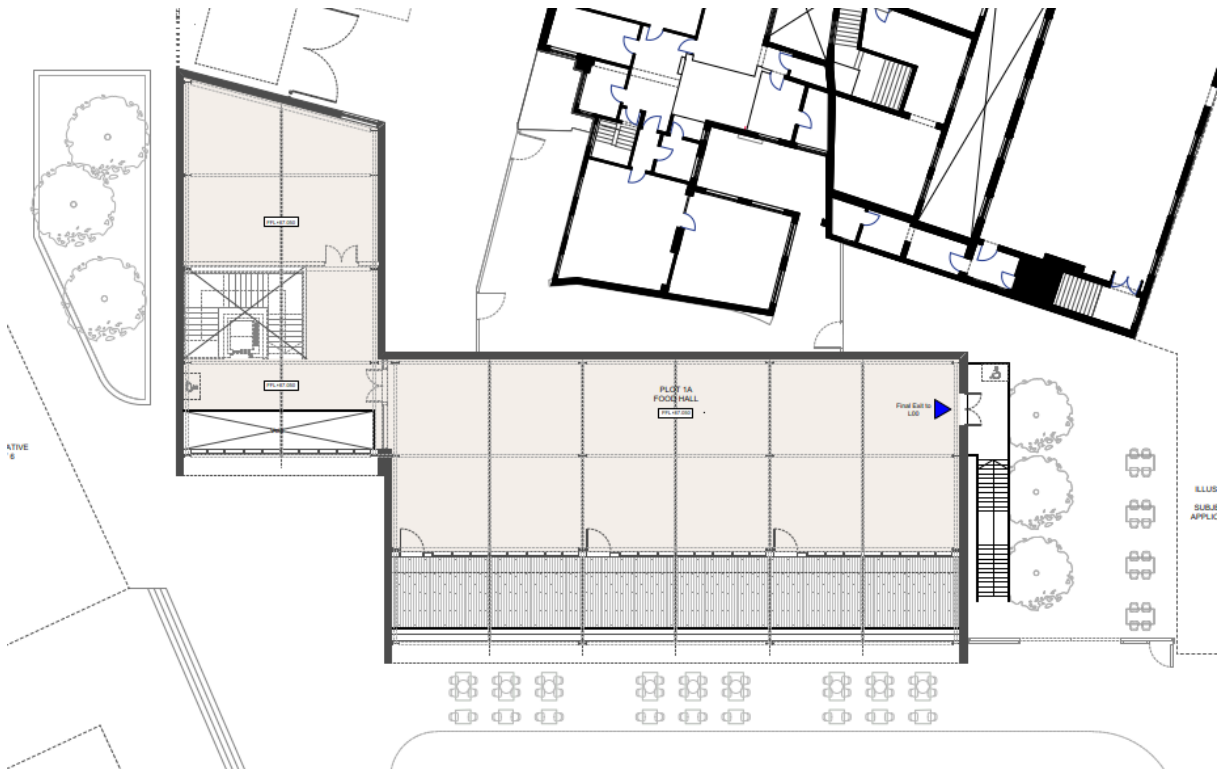
**Site Location Plan**



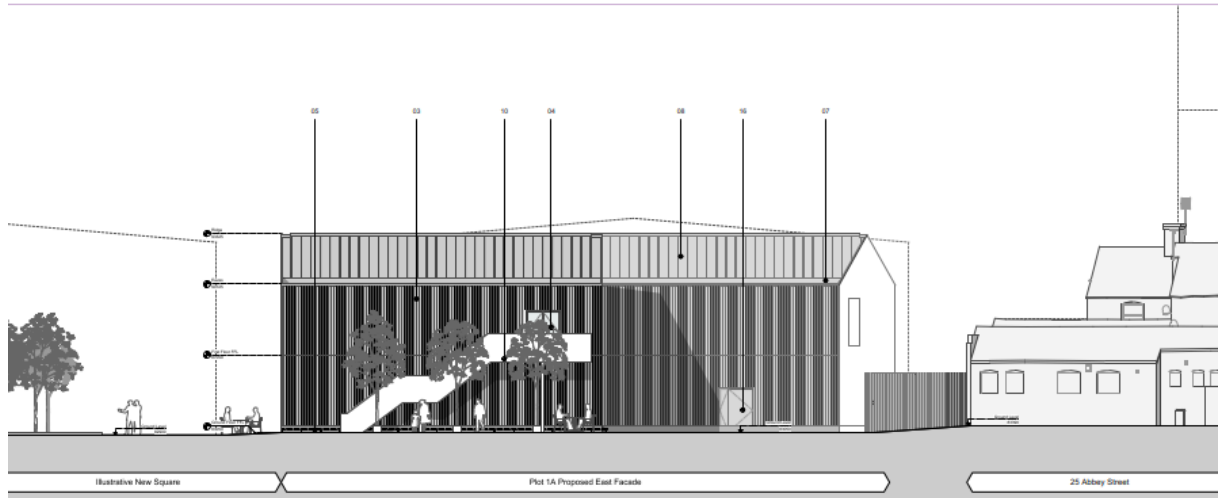
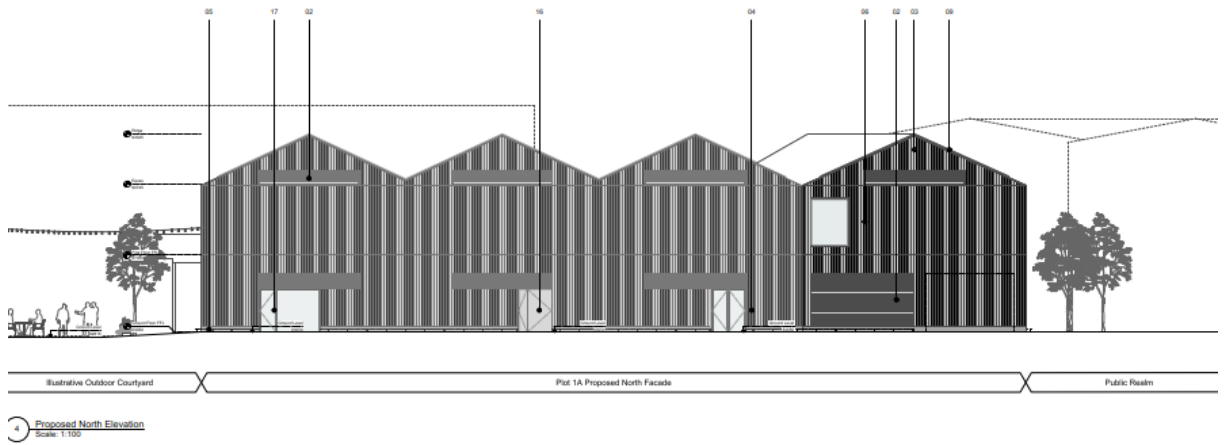
**Site Plan**



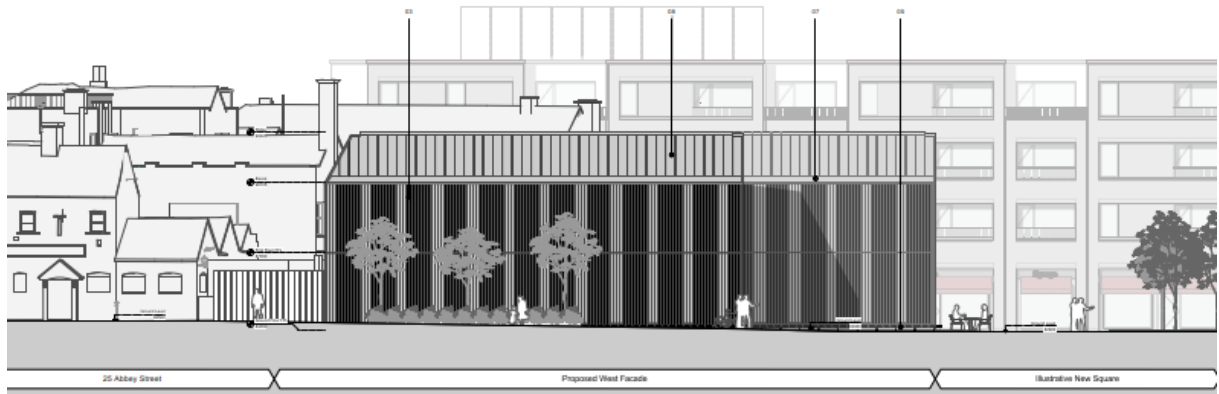
**Plot 1A- Ground Floor Plan**



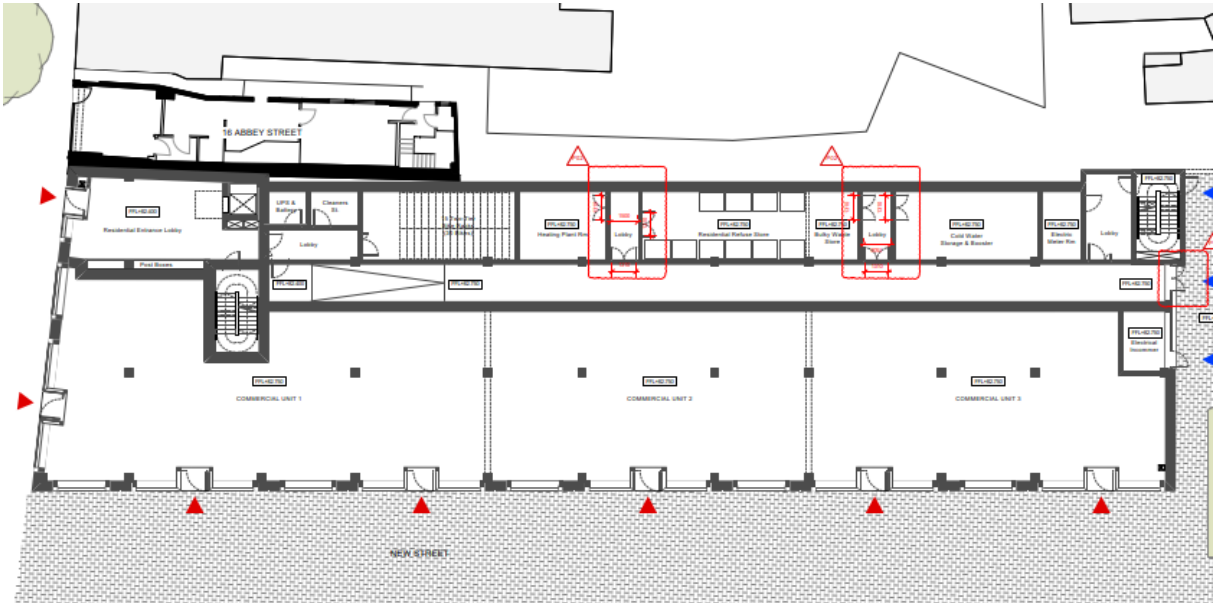
**Plot 1A- First Floor Plan**



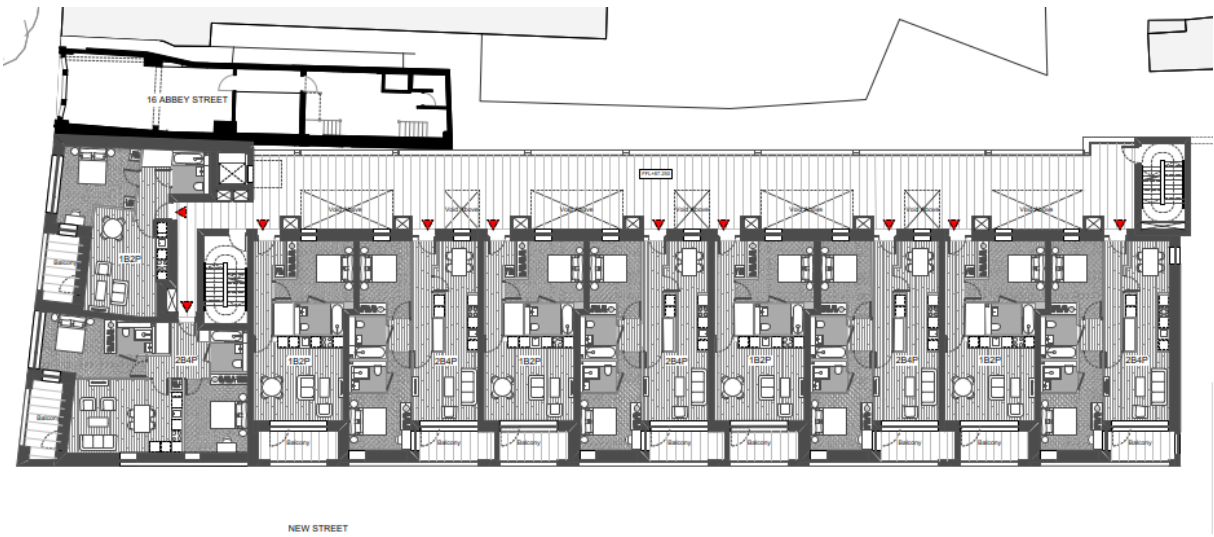
**Plot 1A- Proposed Elevations- North & East**



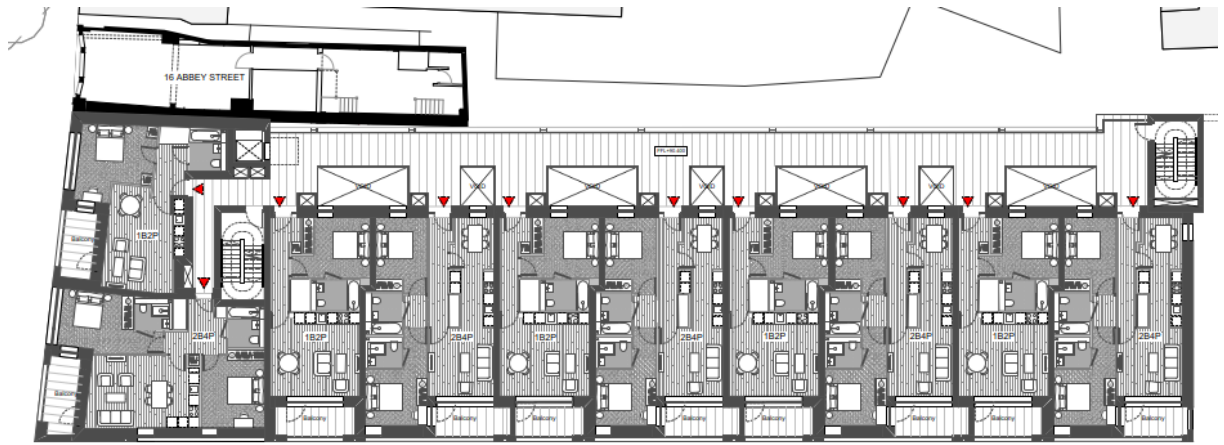
**Plot 1A- Proposed Elevations- South & West**



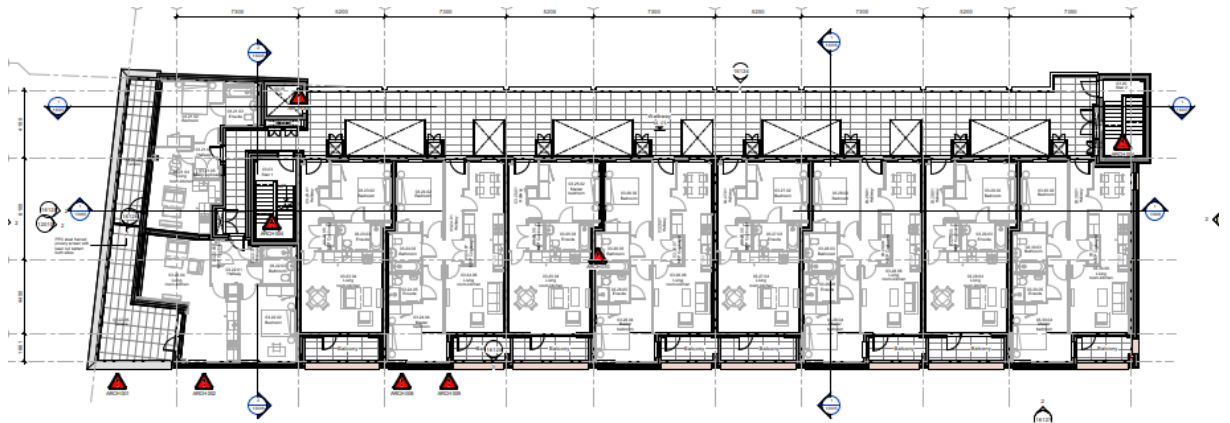
**Plot 2- Ground Floor Plan**



**Plot 2- First Floor Plan**



**Plot 2- Second Floor Plan**

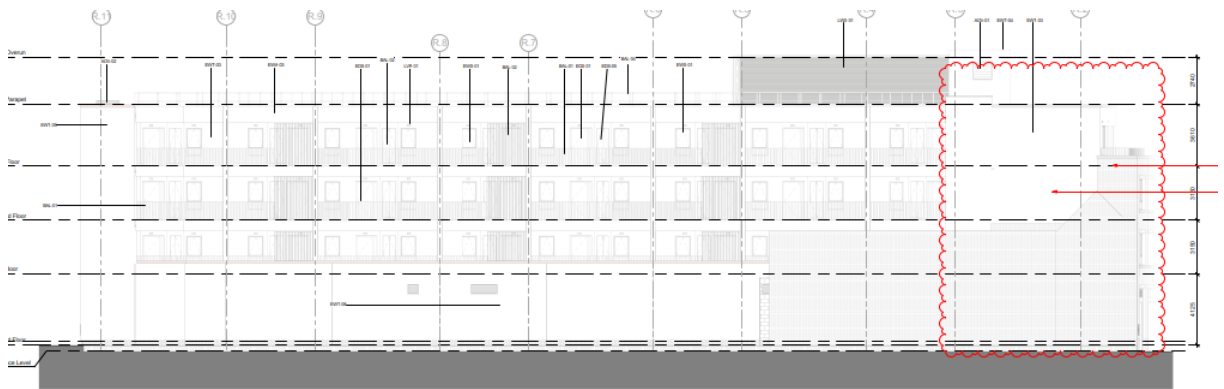


**Plot 2- Third Floor Plan**

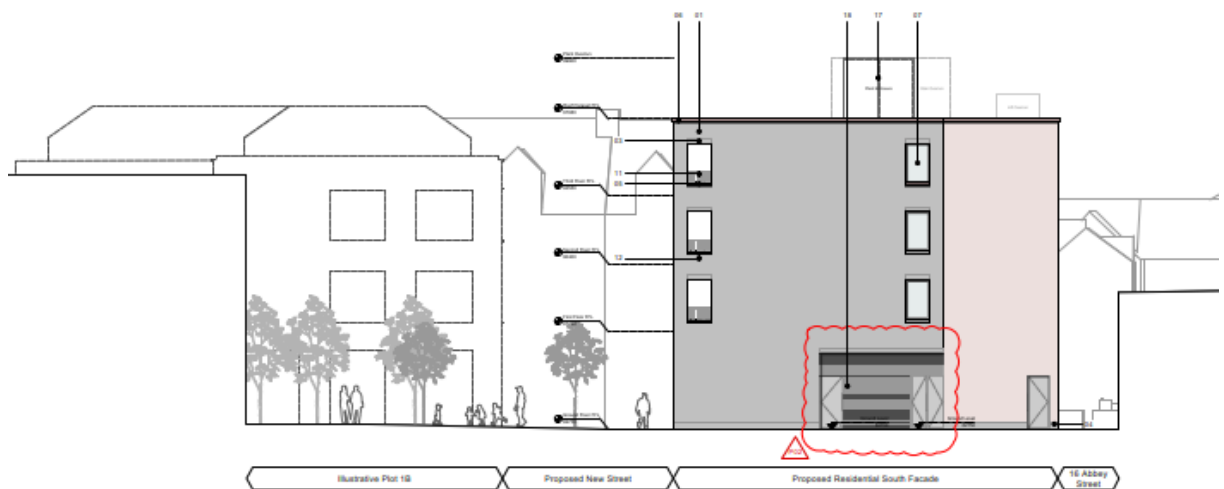




**Plot 2- Proposed Elevation- North**



**Plot 2- Proposed Elevation- East**



**Plot 2- Proposed Elevation- South**



## Plot 2- Proposed Elevation- West

**REFERENCE No.** 039548

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

**Description of Development:** Non-material amendment to approval 037658 to show amendments to the vertical parameters for Plots 4, 5 and 6

**Applicant:** Nuneaton & Bedworth Borough Council

**Ward:** AB

---

### **RECOMMENDATION:**

Planning Committee is recommended to confirm that the proposed amendments are acceptable as a non-material amendment to planning permission 037658.

### **INTRODUCTION:**

This application is for a non-material amendment to planning application 037658 to seek amendments to the vertical parameters for Plots 4, 5 and 6. A number of parameter plans were submitted and approved as part of the outline planning application. These set out the minimum and maximum deviations for the external parameters for the proposed buildings against which reserved matters will be made.

The parameters include both horizontal and vertical measurements to provide a minimum and maximum footprint and height for each building. Vertical parameters for Plot 4 as approved provide for a height of between 94.00m and 100.00m AOD. An allowance of up to 104.00m AOD is provided for lift/stair overruns to two corners of the roof. In terms of Plot 5, the vertical parameters provide for a building height of between 96.00m and 99.00m AOD. For Plot 6, the vertical parameters also allow for a roof level of between 96.00m and 99.00m AOD. The revised parameters are to provide additional flexibility and reflect the requirements for these Plots now that detailed design requirements are known.

For Plot 4, the proposed layout of the multistorey car park will require lift overruns in different locations than previously envisaged. The vertical parameters of the building will not change and the only change proposed is the reorientation of the 2no. lift overruns as shown on the parameters plan. In terms of Plots 5 and 6, the amendments seek a slight vertical parameter reduction. For Plot 5, there is no proposed change to the maximum height but a reduction in the minimum height from 96m AOD to 92.5m AOD which is a reduction of 3.5m. For Plot 6, there is no proposed change to the maximum height but a reduction in the minimum height from 96m AOD to 93m AOD which is a reduction of 3m.

The Town and Country Planning (General Development Procedure) Order 2009 prescribes the application procedure for non-material changes to planning permissions under Section 96A of the Town and Country Planning Act. The Act allows a formal application to be made for a non-material amendment to an existing planning permission. The Planning Practice Guidance confirms that there is no statutory

definition as to what constitutes a non-material amendment and it states that the context of the overall scheme is essential when considering whether amendments are non-material. A non-material amendment does not result in the issue of a new planning permission.

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

### **BACKGROUND:**

This application is being reported to Committee as it relates to a major application on Council owned land where the Council is also the applicant.

### **RELEVANT PLANNING HISTORY:**

- 039519: Erection of a flexible Class E or Cinema use at Plot 5 and a flexible Class E use at Plot 6 and hard and soft landscaping of public realm area (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Under consideration
- 039160: Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Under consideration.
- 039096: Non material amendment to approval 037658 to show amendments to the horizontal and vertical parameters for Plot 1A and horizontal parameters for Plot 2: Approved 30/08/2022.
- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E): Approved 17/01/2023.
- 038696: Non material amendment to approval 037658 to show amendments to the footprint parameters of building 2: Approved 31/03/2022.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.

### **RELEVANT PLANNING POLICIES:**

- 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;
- 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.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

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

### **NEIGHBOURS NOTIFIED:**

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

### **APPRAISAL:**

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

#### **1. Impact of the amendments**

The outline application (037658) included a number of parameter plans. These set out the minimum and maximum deviations for the external parameters for the proposed buildings against which reserved matters would be made. The parameters include both horizontal and vertical measurements to provide a minimum and maximum footprint and height for each building. Vertical parameters for Plot 4 as approved provide for a height of between 94.00m and 100.00m AOD. An allowance of up to 104.00m AOD is provided for lift/stair overruns to two corners of the roof. In terms of Plot 5, the vertical parameters provide for a building height of between 96.00m and 99.00m AOD. For Plot 6, the vertical parameters also allow for a roof level of between 96.00m and 99.00m AOD.

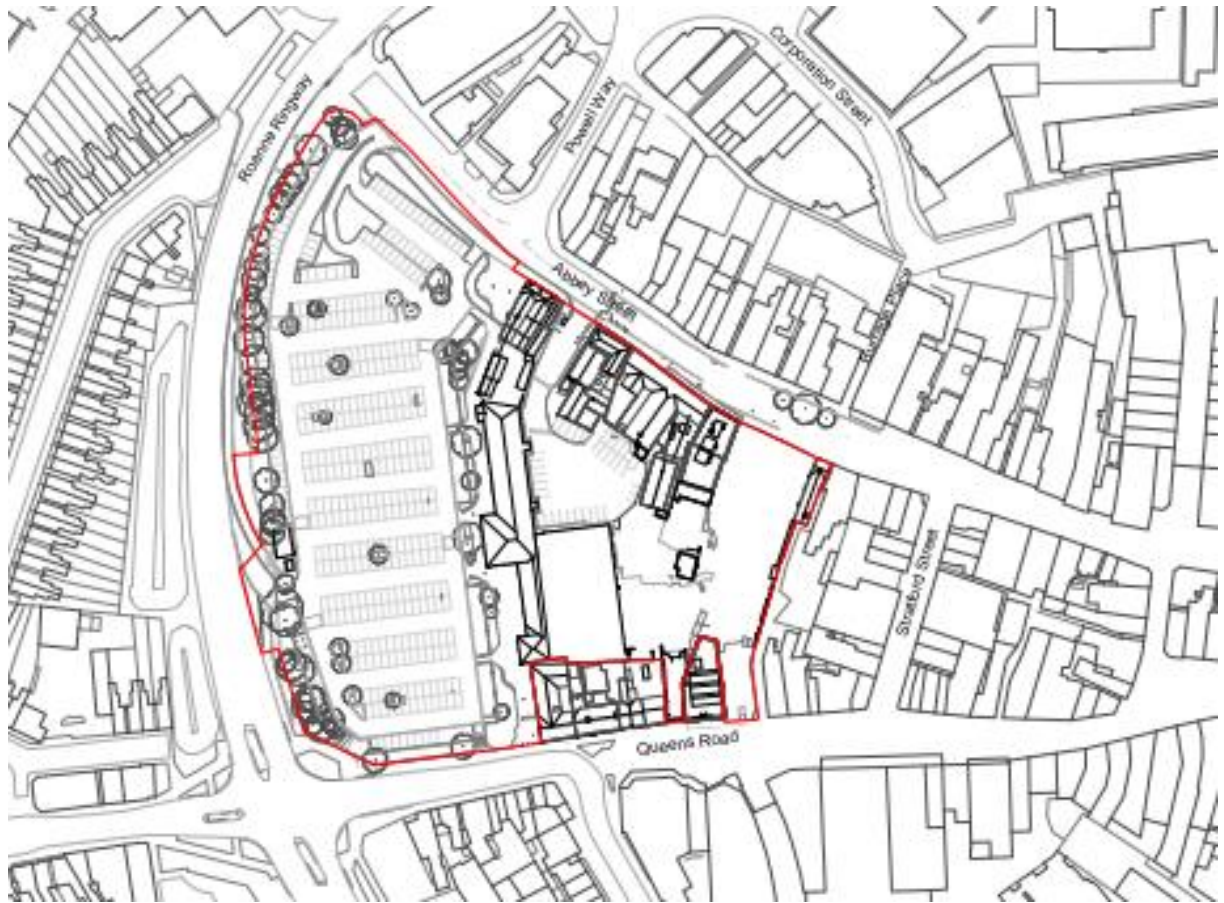
The revised parameters are to provide additional flexibility and reflect the requirements for these Plots now that detailed design requirements are known. For Plot 4, the proposed layout of the multistorey car park will require lift overruns in different locations than previously envisaged. The vertical parameters of the building will not change and the only change proposed is the reorientation of the 2no. lift overruns as shown on the parameters plan. In terms of Plots 5 and 6, the amendments seek a slight vertical parameter reduction. For Plot 5, there is no proposed change to the maximum height but a reduction in the minimum height from 96m AOD to 92.5m AOD which is a reduction of 3.5m. For Plot 6, there is no proposed change to the maximum height but a reduction in the minimum height from 96m AOD to 93m AOD which is a reduction of 3m.

The parameter alterations would have the effect of reducing minimum deviation of elevations to both Plots 5 and 6. It will also see the lift/stair overruns to Plot 4 positioned differently than the approved. It is not considered that this would have any significant impact on visual within the Abbey Street site or surrounding area. The amendments would not notably alter the scale or volume of building as the location, general massing and scale would not be significantly different to that already approved.

Overall, it is not considered that the siting, general massing and scale would be materially different. It is therefore considered that the proposals are a non-material amendment which would be acceptable.

## **2. Conclusion**

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



**Site Location Plan**



 **Parameter Plan**



**REFERENCE No.** 039542

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

**Description of Development:** Non material amendment to approval 038706 to show obscure glazing to all windows at first and second floor on the east elevation

**Applicant:** Nuneaton & Bedworth Borough Council

**Ward:** AB

---

**RECOMMENDATION:**

Planning Committee is recommended to confirm that the proposed amendments are acceptable as a non-material amendment to planning permission 038706.

**INTRODUCTION:**

This application is for a non-material amendment to planning permission 038706 to show obscure glazing to all windows at the first and second floor on the east elevation.

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

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

**BACKGROUND:**

This application is being reported to Committee as it relates to a major application on Council owned land where the Council is also the applicant.

## RELEVANT PLANNING HISTORY:

- 039519: Erection of a flexible Class E or Cinema use at Plot 5 and a flexible Class E use at Plot 6 and hard and soft landscaping of public realm area (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Under consideration
- 039160: Erection of a foodhall at Plot 1A and a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037658): Under consideration.
- 039096: Non material amendment to approval 037658 to show amendments to the horizontal and vertical parameters for Plot 1A and horizontal parameters for Plot 2: Approved 30/08/2022.
- 038706: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E): Approved 17/01/2023.
- 038696: Non material amendment to approval 037658 to show amendments to the footprint parameters of building 2: Approved 31/03/2022.
- 037658: Hybrid planning application for (i) full planning application for the demolition of buildings, erection of hotel (Class C1) with associated access, car parking and landscaping/public realm and (ii) outline planning application (including access) on remainder of Abbey Street car park and buildings fronting, including properties to the rear for a mixed-use town centre development comprising flexible use for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3), multistorey and surface car parking with associated means of access, public plaza for public and other events, public realm and landscaping: Approved 07/01/2022.

## RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - TC1 – Town centre requirements;
  - TC2 – Nature of town centre growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - HS6- Sports and exercise;
  - NE4- Managing Flood Risk and Water Quality;
  - BE1- Contamination and Land Stability;
  - BE3- Sustainable Design and Construction and
  - BE4- Valuing and Conserving our Historic Environment
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2021.
- Air Quality SPD 2020.
- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

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

### **NEIGHBOURS NOTIFIED:**

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

### **APPRAISAL:**

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

#### **1. Impact of the amendments**

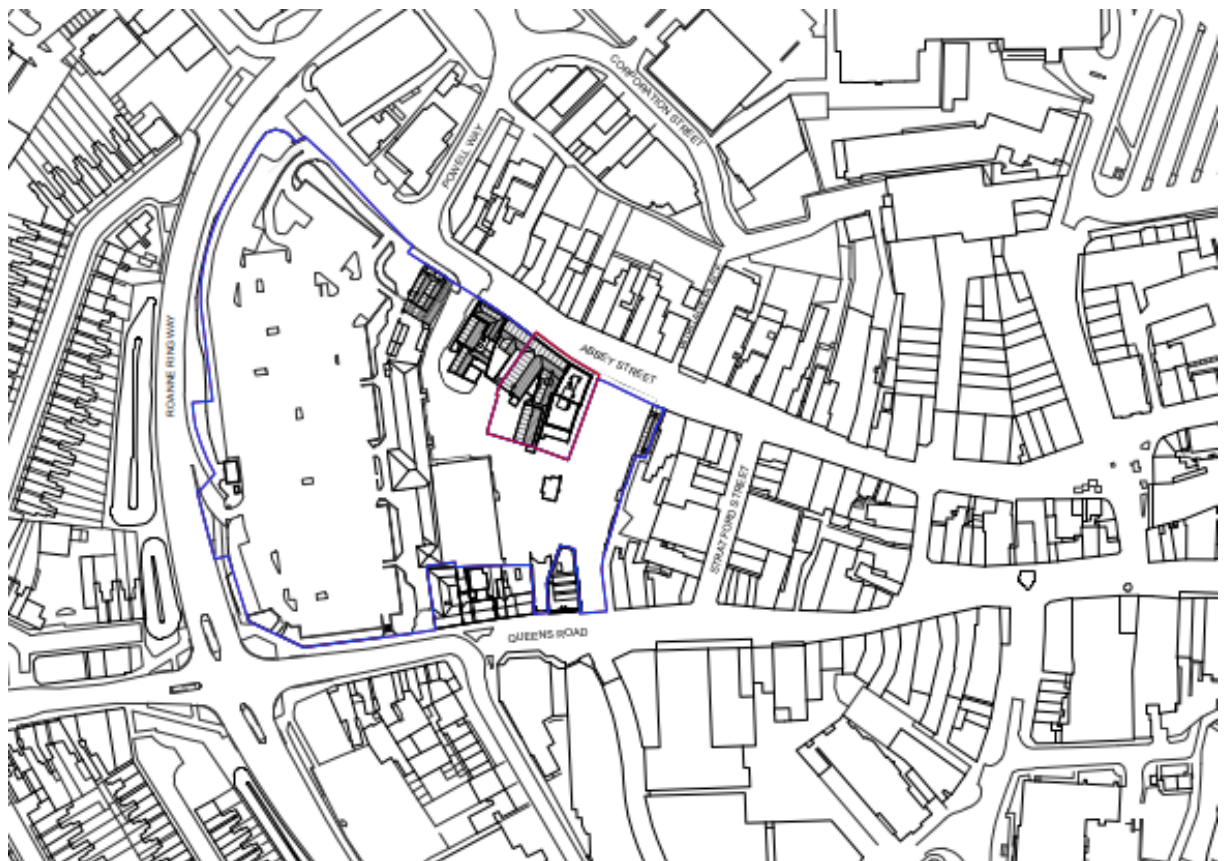
Application 038706 was approved in January 2023 for the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E). The east elevation contains a number of windows at the first and second floors which serve learning spaces such as classrooms, a pastry kitchen, multi-use workshop and a digital skills hub and also a staff room. Planning Application 039160 is currently under consideration by the Council and is a reserved matters application in relation to the outline approval for the Abbey Street site and includes a building at Plot 2 comprising flexible Class E space on the ground floor and residential development of 30 dwellings. This is sited to the east of the college building subject to this application. There are flats proposed at the first and second floors which would have primary habitable room windows facing the windows at the approved college. This would be at a distance of approximately 7 metres. Paragraph 11.4 of the Sustainable Design & Construction SPD states that a minimum of 20 metres separation distance is normally required in the interests of protecting privacy. Therefore, at this separation distance, it is considered that there would be significant overlooking from the windows at the college to the proposed flats which would have a detrimental impact on the future occupiers. To overcome this issue, it is proposed to have all the windows on the first and second floors on the east elevation of the building as obscure glazing.

It is not considered that the inclusion of obscure glazing would have any material impact on the views of the College building when viewed from the proposed public realm areas or Abbey Street. It is not considered that these changes would have a significant impact on visual amenity and would not significantly or materially change the overall appearance of the approved scheme. It is therefore considered that the proposals are an acceptable non-material amendment.

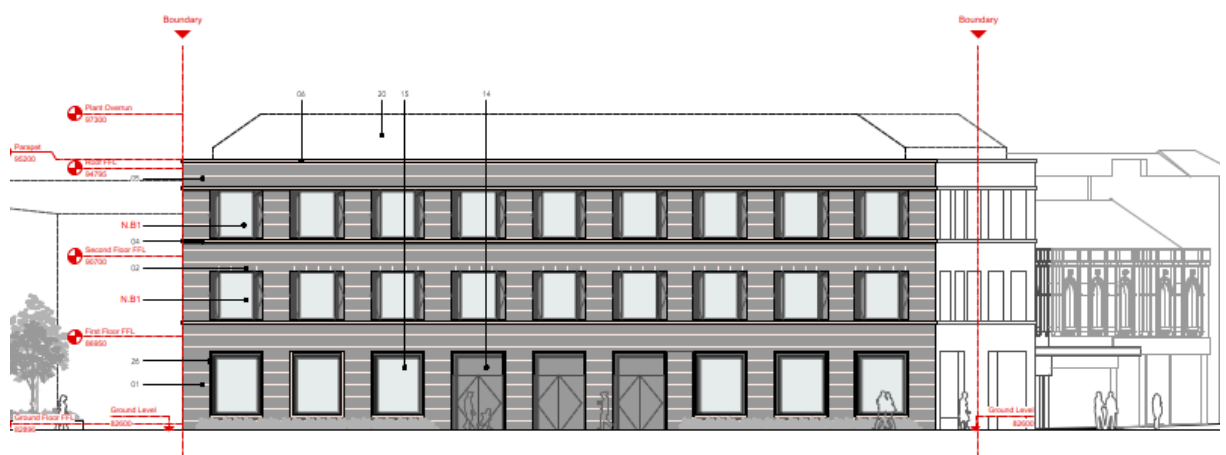
#### **2. Conclusion**

In conclusion, the amendments would not significantly change the design and appearance of the scheme and would not have a significant impact on visual amenity

or materially change the overall appearance of the approved scheme. It is therefore considered that the proposals are an acceptable non-material amendment.



Site Location Plan



Proposed East 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)**