

Enquiries to:
Victoria McGuffog

Telephone Committee Services: 024 7637 6220

Direct Email:
committee@nuneatonandbedworth.gov.uk

Date: 30th November 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in
**Council Chamber of the Town Hall, Nuneaton on Tuesday, 13th December 2022 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 22nd November 2022, 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 12**). 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

22nd November 2022

A meeting of the Planning Applications Committee was held on Tuesday, 22nd November 2022, in the Council Chamber and was recorded.

Present

Councillor L. Cvetkovic (Chair)

Councillors: R. Baxter-Payne (substitute for Councillor C. Cape), M. Green, B. Hammersley, B. Pandher, S. Markham, J. Sheppard, R. Smith and K. Wilson.

Apologies: Councillors C. Cape, J. Hartshorn, and E. Shiers

PLA30 **Minutes**

RESOLVED that the minutes of the meeting held on the 1st November 2022 be confirmed and signed by the Chair.

PLA31 **Declarations of Interest**

Councillor Baxter-Payne noted that, as he was acting as substitute, his Declarations of Interest were not included on the Schedule as set out in the agenda. He noted that his Interests are the same as those set out for Full Council .

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

PLA32 **Declarations of Contact**

Councillors Cvetkovic, Baxter-Payne, Green, Hammersley, Pandher, Markham, J. Sheppard and R. Smith declared that they had been contacted in writing on behalf of Morrisons applicant (in reference to Planning Application 038512, but all noted that they had not engaged with or responded to the material provided.

IN PUBLIC SESSION

PLA33 **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 PLA33 OF THE
PLANNING APPLICATIONS COMMITTEE ON 22ND NOVEMBER 2022

038512: Site 39B006 – Midland Road, Nuneaton, Warwickshire.

Applicant: WM Morrison Supermarkets plc.

Public Speakers: Councillor Kondakor
Mrs M. Kondakor
Mr C. Creighton

DECISION

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

039341: Site 74C004 – Land north of Gipsy Lane, Nuneaton (West of Maple Park)

Applicant: Bellway Homes Ltd. West Midlands

Public Speakers: Mr P. Smith
Mr C. O'Hanlon

DECISION

Planning permission be granted subject to the conditions printed in the agenda.

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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting 	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – 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 Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	B. Hammersley	County Councillor –	Member on the following	

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

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

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Outside Bodies: <ul style="list-style-type: none"> • West Midlands Combined Audit, Risk and Assurance Committee Warwickshire Adult Social Care and Health Overview and Scrutiny Committee (substitute)	

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

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	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – 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 Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
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	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
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	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

Applications for Planning Permission etc.
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Planning Applications

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

DEFERRED ITEM

Item No. 1

REFERENCE No. 036874

Site Address: Site 105D021 - land adj Sainsburys, Coventry Road, Exhall, Coventry CV7 9NU

Description of Development: Erection of 6 No. apartments over one building and ground floor hot food takeaway

Applicant: Mr Rajan Singh

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

The proposal is for a block of 6 flats (3 x 1-bed and 3 x 2-bed) over 3 floors in a pitched-roof building located adjacent to and South of the existing Sainsbury's Local store in Exhall. The proposed building has front and rear gables and dormer windows and off-white rendering. A hot food takeaway is incorporated into the ground floor and front elevation. It also includes provision of a new vehicular access route following the southern edge of the site to provide access to the rear, where additional parking is proposed for both the flats and the supermarket. A pedestrian footpath is also proposed to be provided on the edge of the site.

The proposal has been amended several times throughout the lifetime of the application to address parking, highway safety and other concerns. The original proposed was for two buildings accommodating 9 units in total. However, this has since been re-designed to just one building accommodating 6 units and a takeaway at ground floor level.

The site as existing comprises a Sainsbury's Local store on Black Bank Road in Exhall. The existing building was converted from a public house to a small supermarket, with an ATM and parking to the front and side. Most of the building is single storey with a two-storey element to the front. Currently the site has been divided in two with a timber fence restricting access to the rear which has become overgrown and derelict.

The site is surrounded by residential use immediately to the North (Rectory Close), South and West (Manse Close). Adjoining the north of the site is No. 47 Black Bank Road, a two-storey dwelling which has a TPO for one Sycamore tree within its curtilage.

RELEVANT PLANNING HISTORY:

- 031927: Non-Material amendment to approval 031665 to show proposed extension height increased by approx. 300mm, parapet wall to one elevation only, and warm deck roof construction elsewhere. (Site of the former Orchard Public House): Approved 18/02/2013.
- 031665: Single storey extension to rear, installation of a new shopfront and ATM, removal of canopy to side and resurfacing of existing car park (The Orchard): Approved 20/11/2012.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy and roles
 - DS3 – Development principles
 - DS4 – Overall development needs
 - H1 – Range and mix of housing
 - HS1 – Ensuring the delivery of infrastructure
 - HS2 – Strategic accessibility and sustainable transport
 - HS6 – Sport and Exercise
 - HS7- Creating a Healthier Food Environment
 - 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.
- Planning for a Healthier Area- Hot Food Takeaways 2020
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Environment Agency, NBBC Environmental Health, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, WCC Highways.

CONSULTATION RESPONSES:

Objection from:
WCC Highways,

No objection subject to conditions from:
Severn Trent Water, NBBC Refuse, NBBC Environmental Health

No objection from:
NBBC Policy

No response from:
Environment Agency

NEIGHBOURS NOTIFIED:

47 Black Bank; 2-22 (even) & 30 Manse Close; 49 Rectory Close; Sainsbury's Local, 281-293 (odd) Coventry Road. Neighbouring properties were sent letters notifying them of the proposed development on 15th January 2020 and 2nd November 2021.

Further consultation was then sent to 281, 283, 285, 287, 289, 291 and 293 Coventry Road Exhall, and the final date for consultation was the 23rd November 2021.

Consultation was sent out again with an amended description of 6 proposed flats instead of 7 on the 5th August 2022.

NEIGHBOUR RESPONSES:

There have been 10 objections throughout the consultation process from 8 addresses and 3 objections with no address provided. The comments are summarised below:

1. Impact on similar businesses in the area
2. Car parking for the existing site is not efficient at the moment
3. Congestion from the development on the highway network
4. Potential rubbish from take-away unit
5. Potential hub for anti-social behaviour
6. Type of flats provided – social/market
7. Noise levels from the proposal
8. Overlooking on neighbouring properties
9. Impact on sewer network
10. Impact on property values
11. Impact on light on neighbouring properties
12. Impact on takeaway on the residents of the future flats
13. Opening times of the takeaway will be detrimental to surrounding residents
14. Development is not in keeping with the surrounding area
15. Site is currently used by wildlife

A petition with 40 signatures has also been received, on the grounds of highway safety, parking concerns noise and litter.

After the further consultation on 23rd November, the following additional concerns were raised from 285 Coventry Road Exhall:

- Concerns that the additional traffic would cause more air and noise pollution.
- The concern that Sainsbury's would lose several parking spaces.
- Impact of extra noise and traffic because of the hot food takeaway would be a nuisance to residents sleeping.
- Concern of the issue of people being able to cross the road safely.
- Concern over litter being dropped such as food and general waste and risk of this attracting vermin.
- General impact of the development on the quality of life of the health of people living in the surrounding area.

A letter of support from 281 Coventry Road was also received raising the following points:

- That the proposed apartments and takeaway is unlikely to have any adverse effect on the traffic on the main road
- That the proposed land is disused, and that the proposal would be a constructive use of land given the existing housing shortage.
- Happy that the surrounding schools currently have extra capacity and there is room for young families on the site and surrounding it.

APPRAISAL:

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

1. The principle of the development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Conclusion

1. The Principle of Development

The proposed development is within the development boundary of Bedworth. The principle of development is therefore supported in accordance with policy DS2 of the adopted local plan, which directs development towards the hierarchy of settlements in the borough, and policy DS3 which supports development within settlement boundaries subject to compliance with other policies.

Policy H1 of the Borough Plan requires development 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) and the Council's own Housing Register. The proposal is for 3 x 2-bed and 3 x 1-bed flats. Based on the SHMA (2013), for private market properties there was the greatest need for 3 bedroom and 2-bedroom properties, the development would contribute towards the demand for 2-bedroom properties, which is supported.

Policy HS7 requires that hot-food takeaways (Sui Generis use) should be directed to town centres. Outside Nuneaton and Bedworth Town Centres, Sui Generis hot-food takeaways use proposals will be permitted where certain criteria apply. These include that the proposal is not within a 400m radius of the principal point of access to an existing secondary school or sixth form college, it does not jeopardise the provision of an essential local service, it does not increase the number of units under the Sui Generis hot-food takeaway use class to over 20% of the centre's total usage, customer visits by car would not have an unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety and that a sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.

The application site is not within a 400m radius of the principal point of access to an existing secondary school or sixth form college and it is not considered to jeopardise the provision of an essential local service. It is not within a defined centre and does not increase the number of units hot-food takeaways within a centre. A sequential test has been submitted which NBBC Planning Policy consider to be acceptable as there are no defined district or local centres close to the application site that could offer alternative, preferable locations for hot food takeaways.

As such, the principle of the development is considered to be acceptable.

2. Impact on Residential Amenity

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

The proposed building is to be 3 storeys in height, with the third storey accommodated in the roofspace. The height is roughly in line with the height of surrounding dwellings on Manse Close. To protect privacy and to prevent an oppressive sense of enclosure, the Sustainable Design and Construction SPD specifies a minimum 30m separation

distance between any habitable windows of a 3 storey building and another building elevations with habitable room windows and a minimum 20m separation distance in the case of 2 storey buildings. The proposal appears to be in accordance with this standard as the separation distances from the proposed flats to the nearest other dwellings is between 20m and 30m. It is therefore not considered that there would be a detrimental loss of privacy, outlook or light to neighbouring properties.

There are proposed windows at first floor level or above and in most cases these windows are located over 7 metres from the boundary with the neighbouring gardens. However, there is 1 instance, in flat 3 on the first floor, in which two windows are located approximately 6.5 metres from the boundary with No. 6 Manse Close – which is 0.5 metres short of the 7 metre minimum recommended in the SPD. The 2 windows both serve the kitchen/dining/living area of the flat. Given that this is a habitable room which has no other windows serving it on another elevation, it would not be acceptable on the amenity of future occupiers to condition that these windows are obscurely glazed. Although these windows would be in breach of the guidance contained within the SPD, it is considered that on balance, the breach is quite minor and the views towards the rear garden of 6 Manse Close would be the very rear garden, which would not be considered that main amenity for the garden.

In addition, there is a habitable bedroom window proposed at first floor level which faces towards the existing Sainsbury's store. Sainsbury's is a mix of double and single storey in height. The SPD is clear that in the interest of protecting residential amenity, the blank wall of an extension or building which directly faces the window of a habitable room of the same height shall be a minimum of 12m apart. In this case, all habitable windows overlook the single storey element of the building only and therefore is acceptable.

The SPD states that there should be adequate natural light within the property, with windows situated to allow occupants to views of the outside environment. Amended plans have been received which confirms that all of the flats have at least 1 window serving the habitable rooms and as such, this is found to be acceptable.

The Sustainable Design & Construction SPD requires outdoor amenity space to be provided in new housing developments. There is no outdoor amenity space proposed in this development. In this case, however, given the proximity to Miners Welfare Park (within 250 metres) with leisure facilities. The SPD also requires that there should be the provision for drying of clothes. Amended plans have been received which shows a space for rotary washing lines to the rear of the site, within the private residential space, adjacent to the car park. This is considered to be acceptable.

As per part 12 of the Sustainable Design & Construction SPD, all new residential dwellings should meet or exceed the minimum found within the Technical Housing Standards – Nationally Described Space Standards. The 1-bedroom flats range from 50-64 sq. m of internal floor space for a 2 person unit. The minimum requirement is 50 sq.m and so these are acceptable. The 2-bed flats range in size from 66-89 sq. m for a 3 person unit. The minimum described space standard is 61 sq. m and so all 3 flats exceed the minimum standard.

The Hot Food Takeaways SPD states that they can have adverse impacts on the surrounding area, and this must be taken into consideration when a new takeaway is being proposed. The potential negative impacts on residential amenity include odours and noise. NBBC Environmental Health have confirmed they have no objections to the proposal.

NBBC Environmental Health officers stated that, in relation to a hot food type premises, there is potential for noise and odour to impact the adjoining flats. Environmental Health have confirmed that adequate noise mitigation for both airborne and impact noise would need to be considered, as well as noise from deliveries on future occupiers of the flats. They have therefore suggested conditions to limit the opening times and delivery times, together with noise attenuation for the external plant equipment and sound insulation between the flats and takeaway. In relation to odour, conditions are requested for details of the extraction system including the height of discharge from the extraction flue.

On balance, it is considered that the proposal would not have a detrimental impact on residential amenity and where appropriate, conditions can be included on the decision notice to protect the amenity of future occupiers in relation to noise and odour.

3. Impact on Visual Amenity

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). 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 applicant has assessed the character and appearance of the surrounding area and the proposed design appears to reflect the existing dwellings in the area.

The proposal includes a 3 storey building which will be visible from the street scene, particularly from Coventry Road. Notwithstanding this, the design and materials used indicate that the building will integrate well with the surrounding area, and due to its orientation and siting on the plot will not appear as an obtrusive addition to the existing street scene, as the building will be adjacent to Sainsbury's and will follow the existing pattern of development within the surrounding area.

4. Impact on Highway Safety

There has been considerable correspondence with regards to parking provision on site, with 8 recorded rounds of consultation including a reduction in flats from 7 to 6, between first receiving the application in 2020 and the final round of consultation in June 2022. In addition, there has been further correspondence since the application was deferred by Planning Committee on 30th August 2022.

The current proposal is for 6 flats with a hot food takeaway to the ground floor of the new building, plus the retention of the Sainsbury's Local. A total of 29 parking spaces are required for the site in total. 9 spaces are required for the proposed flats as per the Transport demand Matters SPD. The SPD states that for food stores/convenience stores, there should be 1 parking space per 25 sq. m and for hot food takeaways, which fall within a Sui Generis use class, this should be considered on a case-by-case basis. Highways confirmed that they would require a total of 20 car parking spaces combined for the existing Sainsbury's Local and the proposed Hot food takeaway. This number was calculated using TRICS information and a site parking survey which had been submitted by the applicant.

The survey was carried out on Tuesday 10th May 2022, which showed that in the hours surveyed, no more than 14 vehicles were on site. It was also noted that no deliveries or collections occurred at the store during the survey times that affected parking

provision on site. Highways then compared this data to another Sainsbury's store in Bradford, which was carried out on a Thursday, and a Tesco Express in Norwich, which was carried out on a Friday. In both of these two cases, the numbers parking at both stores were higher than what was found at the Sainsbury's Local on Coventry Road. Highways therefore raised concerns that parking provision could exceed what is proposed on site.

Nevertheless, the two sites that were used as comparisons can be said to be different to the character of the area Exhall in terms of demographic, what is local to the stores and the population of the areas. In addition, the days on which the surveys took place is different. Highways have confirmed that the day in which a survey is carried out can impact the results of the survey.

The site proposes just 28 parking spaces in total. The proposed parking for the flats are accessed via a separate rear access or gated access from Coventry Road. A total of 8 residents parking spaces, plus 1 visitor space and 1 disabled space are proposed to the rear of the site. This exceeds the requirement set out in the Parking Standards SPD. There are then 3 spaces to be located to the front of the hot food takeaway and 15 spaces are designated for Sainsbury's Local customers (including 2 disabled parking spaces), although it is likely in practice that these spaces will be shared to some capacity. As such, there is 1 less parking space proposed on the site compared to what was requested by Highways. For this reason, they object to the proposal.

In addition to parking spaces, the Highway Authority raised an objection in relation to how the site will be serviced. An amended service delivery plan was submitted that showed that service vehicles will use the residents parking area for turning of vehicles and a swept path analysis of a van 5.5m in length was also considered. Highways raised concerns that the size of a delivery vehicle, which could include HGVs, has not been taken into account.

Nevertheless, the Highways Authority has not stated that the impact of service vehicles who visit the site would result in a severe impact on highway safety. The National Planning Policy Framework (NPPF) is clear that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network if the impact would be severe.

It is therefore considered that on balance, as the impact on the highway network would not be considered as severe, there are no clear justifications for the refusal of the application in terms of highway safety and it is therefore found to be acceptable.

5. Conclusion

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

On balance, it is considered that the principle of residential development is acceptable. In addition, there would be no detrimental harm to residential or visual amenity as a result of the development. Furthermore, on balance, although the parking provision for the site is less than what was requested by the Highways Authority, this data was based on TRICS data from other convenience stores across the UK and was not site-specific and therefore the parking provision is found to be acceptable. With regards to the impact on the highways network, it was not found that the impact of the

development, with the associated service vehicles would result in a severe impact to highway safety and as such, this would not represent a reason for refusal. The site is also found to be acceptable in terms of environmental health and is in general accordance with the hot food takeaway SPD and would be acceptable subject to suitable conditions.

On balance, the proposal is found to be acceptable and is recommended for approval.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Location plan	PL01 A	26/02/2021
Proposed site plan	PL03 N	28/11/2022
Proposed floor plans	PL06 F	28/11/2022
Proposed elevations	PL07 F	28/11/2022

3. No development shall commence above ground level until details of the extraction system to be used in connection with the hot food takeaway has been submitted to and approved in writing by the Council. This shall include sound levels from the extract fans, proposed attenuation of noise and vibration to protect the flats and the height of discharge from the extraction flue (which shall be 1m above the ridge height unless additional odour controls are incorporated). The use shall not commence until work has been carried out in accordance with the approved details.

4. No development shall commence above ground level until details of all external plant and equipment (including refrigeration, air conditioning and ventilation) have been submitted and agreed in writing to the Council. The use shall not commence until work has been carried out in accordance with the approved details.

5. No development shall commence above ground level until details of noise insulation to be provided between the flats and the hot food takeaway have been submitted to and approved in writing by the Council. No flat shall be occupied until the work has been carried out in accordance with the approved details.

6. No development shall commence above ground level 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. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

7. No development shall commence above ground level until full details of the cycle parking for the residential development as shown on the approved plan have been

submitted to and approved in writing by the Council. These details shall include how cycles shall be kept safe and secure within the site.

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

9. No development above ground level shall commence until full details of the boundary treatments, including new walls, fences and gates, have been submitted to and approved in writing by the Council. No flat shall be occupied until the work has been carried out in accordance with the approved details.

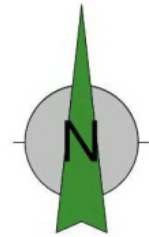
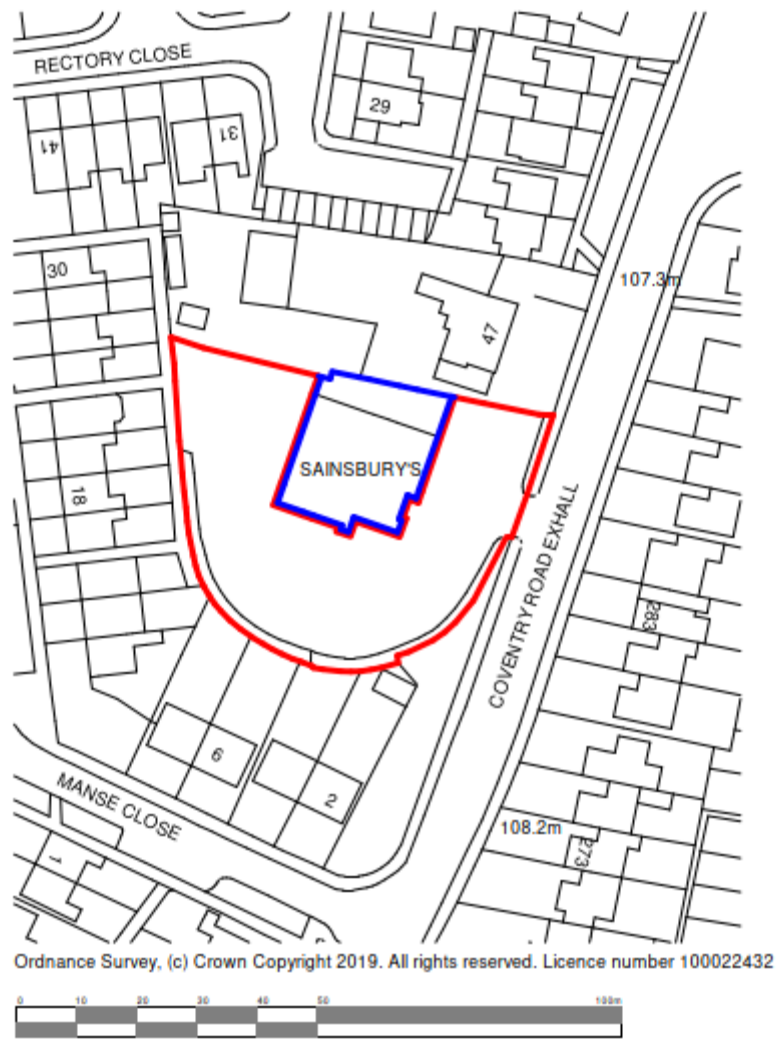
10. The development shall not be carried out other than in accordance with the materials schedule contained on the approved plan PL07 F submitted to the Council 28th November 2022.

11. The hot food takeaway shall not operate other than between the hours of 08:00 and 22:00.

12. No deliveries/servicing associated with the hot food takeaway shall be carried out other than between the hours of 08:00 and 18:00.

13. The development shall not be occupied until the location and details of Electric Vehicle (EV) charging points, at a rate of one charging point per 10 spaces, has been submitted and approved in writing by the local planning authority. The EV charging point shall then be installed in accordance with the approved details and maintained in perpetuity. In addition, at that time, the developer shall also ensure that appropriate cabling is provided to enable increase in future provision.

Location plan



Proposed site plan



LEGEND

- BLOCK PAVING
- HARD LANDSCAPING
- SOFT LANDSCAPING
- SITE BOUNDARY
- OWNERSHIP BOUNDARY

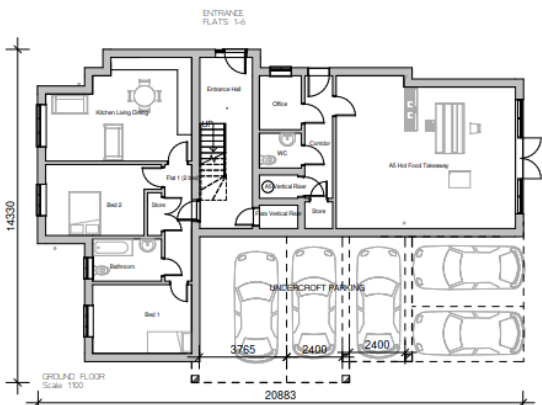
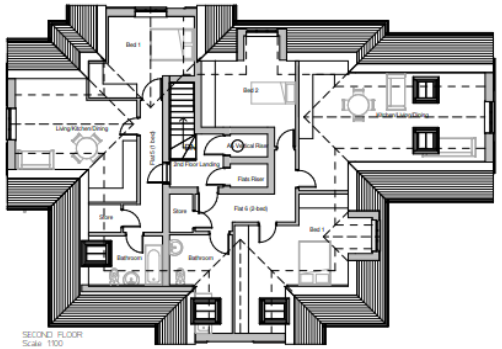
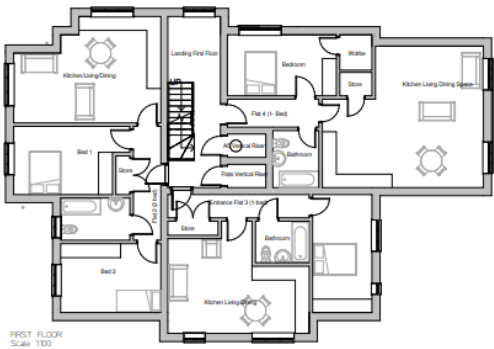
Rev.	Date	Description	By
1	19/08/22	Issue for Planning	AS
2	19/08/22	Issue for Planning	AS
3	19/08/22	Issue for Planning	AS
4	19/08/22	Issue for Planning	AS
5	19/08/22	Issue for Planning	AS
6	19/08/22	Issue for Planning	AS
7	19/08/22	Issue for Planning	AS
8	19/08/22	Issue for Planning	AS
9	19/08/22	Issue for Planning	AS
10	19/08/22	Issue for Planning	AS
11	19/08/22	Issue for Planning	AS
12	19/08/22	Issue for Planning	AS
13	19/08/22	Issue for Planning	AS
14	19/08/22	Issue for Planning	AS
15	19/08/22	Issue for Planning	AS
16	19/08/22	Issue for Planning	AS
17	19/08/22	Issue for Planning	AS
18	19/08/22	Issue for Planning	AS
19	19/08/22	Issue for Planning	AS
20	19/08/22	Issue for Planning	AS

hayward ARCHITECTS LTD
 19 Station Road, Coventry, CV7 9NU
 Tel: 02476 338 333, Fax: 02476 338 331, Email: hayward@hayward.co.uk

Mr. Singh & Mr. Singh
 Proposed Development: Coventry Road, Exhall, CV7 9NU
 Proposed Site Plan
 Scale: 1:200 @ A1
 Date: 19/08/22
 Rev: PL03 (N)
 PLANNING

PROPOSED SITE PLAN
 SCALE 1:200 @ A1
 Ordnance Survey, (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

Proposed floor plans



Flat Sizes
 Flat 1: 66m² / 2 bed (3p) ; MINDSS: 61m²
 Flat 2: 67m² / 2 bed (3p) ; MINDSS: 61m²
 Flat 3: 50m² / 1 bed (2p) ; MINDSS: 50m²
 Flat 4: 65m² / 1 bed (2p) ; MINDSS: 50m²
 Flat 5: 50m² / 1 bed (2p) ; MINDSS: 50m²
 Flat 6: 90m² / 2 bed (4p) ; MINDSS: 70m²

NB: MINDSS = Minimum Nationally Described Space Standard

AS Hot Food Takeaway
 Total, including Riser, WC and Office: 66m²

Rev.	Date	Description	By
1	19/08/22	Building - Lobbies to match the site plan	AS
2	19/08/22	Change to Symbols, create set 1	AS
3	19/08/22	Building Size adjustment to match the site plan	AS
4	19/08/22	Rev. RCP - temporary make available to set	AS
5	19/08/22	Rev. RCP - temporary make available to set	AS
6	19/08/22	Rev. RCP - temporary make available to set	AS
7	19/08/22	Rev. RCP - temporary make available to set	AS
8	19/08/22	Rev. RCP - temporary make available to set	AS
9	19/08/22	Rev. RCP - temporary make available to set	AS
10	19/08/22	Rev. RCP - temporary make available to set	AS
11	19/08/22	Rev. RCP - temporary make available to set	AS
12	19/08/22	Rev. RCP - temporary make available to set	AS
13	19/08/22	Rev. RCP - temporary make available to set	AS
14	19/08/22	Rev. RCP - temporary make available to set	AS
15	19/08/22	Rev. RCP - temporary make available to set	AS
16	19/08/22	Rev. RCP - temporary make available to set	AS
17	19/08/22	Rev. RCP - temporary make available to set	AS
18	19/08/22	Rev. RCP - temporary make available to set	AS
19	19/08/22	Rev. RCP - temporary make available to set	AS
20	19/08/22	Rev. RCP - temporary make available to set	AS

Mr. & Mr. Singh
 Proposed Development: Coventry Rd, Exhall
 19 Station Road, Coventry, CV7 9NU
 Tel: 02476 338 333, Fax: 02476 338 331, Email: hayward@hayward.co.uk

Proposed GA Plans - Building 1
 Scale: 1:100 A2
 Date: 19/08/22
 Rev: PL06 (F)

Proposed Elevations



- Materials List
- 1) GY White Stone Based Render
 - 2) Double Glazed Window with Dark Grey Aluminium Frames
 - 3) Jack Arch and Gills - nominal blue brick offset by 25mm from wall
 - 4) Concrete Pitched Roof Tile in Dark Grey
 - 5) Rooflight - Double Glazed centre post with Proprietary metal frame - colour to match other window frames
 - 6) Front Door - Composite UPVC with Viewing Pane and associated ironmongery
 - 7) Gutters and Downpipes in Black UPVC
 - 8) Extract Flue for Hot Food Takeaway - To be confirmed by specialist - pitched Silver
 - 9) Single Egress Rooflight - Double Glazed Dark Grey Aluminium Framed
 - 10) Single Egress for Takeaway
 - 11) Double Glazed Panels in Dark Grey Frame including double door opening
 - 12) Fire Escape Door to Takeaway - Dark Grey Composite
 - 13) Lead Lining



Rev.	Date	Description	By
1	2019/02/01	Building design updated to reflect new	CB
2	2019/02/01	Building design updated to reflect new	CB
3	2019/02/01	Building design updated to reflect new	CB
4	2019/02/01	Building design updated to reflect new	CB
5	2019/02/01	Building design updated to reflect new	CB
6	2019/02/01	Building design updated to reflect new	CB
7	2019/02/01	Building design updated to reflect new	CB

Mr. Singh & Mr. Singh
Proposed Development
Coventry Road, Exhall

hayward
ARCHITECTS LTD
14 Station Road
Exhall, Warwick
CV35 9EF
Tel: 01828 828 877
Fax: 01828 828 878
www.hayward-architects.co.uk

Proposed Elevations - Building 1

Scale: 1:100 @ A2

Author: CB Date: DEC 2019

Sheet: A2

Date: 19/88

Project: PL07 (F)

PLANNING

Proposed Street Scene elevations



Rev.	Date	Description	By
1	2019/02/01	Building design updated to reflect new	CB
2	2019/02/01	Building design updated to reflect new	CB
3	2019/02/01	Building design updated to reflect new	CB
4	2019/02/01	Building design updated to reflect new	CB
5	2019/02/01	Building design updated to reflect new	CB
6	2019/02/01	Building design updated to reflect new	CB
7	2019/02/01	Building design updated to reflect new	CB

Mr. Singh & Mr. Singh
Proposed Development
Coventry Rd Exhall
CV35 9EF

hayward
ARCHITECTS LTD
14 Station Road
Exhall, Warwick
CV35 9EF
Tel: 01828 828 877
Fax: 01828 828 878
www.hayward-architects.co.uk

Proposed Street Elevation

Scale: 1:100 @ A1

Author: CB Date: DEC 2019

Sheet: A1

Date: 19/88

Project: PL10 (D)

PLANNING

DEFERRED ITEM

Item No. 2

REFERENCE No. 039007

Site Address: Site 109a007, School Road, Bulkington, Bedworth

Description of Development: Installation of two cricket nets, astro turf surface and associated metal net frame and nylon nets 30m x 8m running in line and adjacent to the existing tennis courts

Applicant: Mr Matthew Sheffield

Ward: BU

RECOMMENDATION:

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

INTRODUCTION:

This proposal is for the installation of 2no. cricket nets, Astroturf surfacing and a frame to the nets on previously open space within the recreation ground. The proposal is for a 30.0m by 7.7m by 4.0m structure that will home 2no. cricket nets with the associated equipment and astroturf surfacing and flooring for the nets. The proposed location is next to the current sports courts that are in the corner closest to Barbridge Road and Barbridge Close.

The site is the Bulkington Recreation Ground, which is an area land located with an entrance off School Road. The site features playing fields for outdoor sports, notably cricket, and a children's playground. There is a cricket pavilion on the edge of the boundary of the site, with an associated car park and driving path. There are no significant level changes within the site or between the site and the neighbouring residential properties. The full recreation ground borders and leads on the residential roads of Barbridge Road, Barbridge Close and Hemsworth Drive.

BACKGROUND:

This application was deferred from the committee on 1st November 2022, due to Sport England requiring a consultation. This consultation has been done and the response is in the relevant section.

RELEVANT PLANNING HISTORY:

The planning history below is for the recreation ground as a whole.

- 029655 Retention of additional portacabin for use as Boxing Club changing room. Received: July 2009 and Approval: September 2009
- 012648 Temporary building for use as changing room. Received: July 2008 and Approval: September 2008
- 012119 Installation of 8-metre-high floodlight to multi-use games area. Received: November 2007 and Withdrawn: March 2008

- 011612 Installation of 8-metre-high floodlight to multi-use games area. Received: May 2007 and Withdrawn: July 2007
- 000518 Extensions to Sports Pavilion. Received: January 1998 and Approved at Committee: April 1998
- 008090 Erection of new toilet and retention of existing portacabin and store. Received: November 1995 and Approved: January 1996
- 007633 Extensions to sports pavilion. Received: November 1994 and Approved by Committee: January 1995
- 004940 4 Floodlights for bowling green. Received: July 1994 and Approved by Committee: October 1994
- 018579 Garage. Approval: December 1977

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

Sport England, NBBC Parks and NBBC Land and Property

CONSULTATION RESPONSES:

No response from:

NBBC Parks and NBBC Land and Property

No objection subject to a condition:

Sport England

No objection subject to informative note on the decision notice:

Cadent

NEIGHBOURS NOTIFIED:

7 & 9 The Croft, The Olde Vicarage School Road, 23-77 (all odd numbered properties) Barbridge Road, 3-29 (all odd numbered properties) Hemsworth Drive and 7-13 (odd & even) Barbridge Close.

Neighbouring properties were sent letters notifying them of the proposed development on the 14th July 2022, with additional letters sent to certain addresses on the 18th October 2022. After the application was deferred from the committee on the 1st November 2022, letters were sent out to all properties again, dated 2nd November 2022.

NEIGHBOUR RESPONSES:

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

1. Close proximity to residential properties
2. Potential harm to greenhouses, outbuildings, and fences

3. Noise from cricketers
4. Size and potential space taken up by proposed structure
5. No space at the park for residents of the local area as the cricket club already take up space and so its not really a recreation area but a private cricket facility
6. Historical damage to residential properties and no acknowledgement or apology from the cricket team
7. Potential increase in vandalism

Additionally, there has been a petition objecting to the application, with 26 signatures. The comments are summarised below;

1. A permanent fixture would reduce property values of properties near the cricket nets
2. Health and safety impact with cricket balls arriving in rear gardens, more cricket would result in more potential injuries
3. Cricket is not a winter sport and so permanent structure is not required
4. Potential increase in vandalism when not used.
5. Where are the side screens going to be stored?
6. What is the planned usage of cricket nets?
7. No thought has been given to the positioning of these nets
8. No floodlights in this application but cannot use the nets without lights so how can they use them at night
9. Amount and quantity of use not specified
10. Size is not needed

Since the second round of consultation, the objectors have removed specific points within the stated objections but want the objections to stand as it did before.

APPRAISAL:

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Conclusion

1. Impact on Residential Amenity

The proposed location of the cricket nets is located close to the boundary with residential properties on Barbridge Road, all of which were consulted as a part of this application. The rear boundaries of 41-53 (odd) back onto the recreation ground and these properties would be directly opposite the proposed nets. As such, the impact to these dwellings should be assessed.

41 – 43 Barbridge Road

The rear elevations of 41 and 43 would directly face the proposed cricket nets. The cricket nets are maximum 4m in height and hence would be classed a single storey building. As such, the minimum distance between the nets and the rear elevations of 41 and 43 should be 12m, as set out in section 11 of the Sustainable Design and Construction SPD 2020.

Numbers 41 and 43 both show evidence of single storey rear extensions, which means that these openings cannot be protected. Regardless of this, the distance between the buildings exceeds 12m at approximately 30-32m. Therefore, it can be concluded that

the residential amenity of 41 and 43 Barbridge Road are not negatively impacted by the proposal.

45 & 47 Barbridge Road

45 and 47 Barbridge Road directly face the location of the proposed cricket nets at an angle.

Number 45 shows evidence of a ground floor rear extension and is 32m from the nearest elevation of the proposed cricket nets. Number 47 does not feature any rear extensions, but it is also approximately 32m away from the proposed development.

These distances are acceptable under the SPD as they are over the 12-metre minimum and therefore it is considered that the development would not have a negative impact on the residential amenity of numbers 45 and 47 Barbridge Road.

49-53 Barbridge Road

Numbers 49, 51, and 53 Barbridge Road are located past the side elevation of the proposed cricket nets and all feature extensions to the rear. As such, the ground floor rear windows cannot be considered as per the SPD. Nevertheless, the distance between the rear elevation of these properties and the proposal is over 30m and this exceeds the minimum requirement of the SPD.

Therefore, it is considered that the proposed cricket nets would not have a negative impact on the residential amenity of numbers 49, 51 and 53 Barbridge Road.

Impact on Other Buildings

The two nearest structures to the proposed location are the tennis courts and the Cricket Pavilion, both of which are not residential properties and so have no residential amenity to protect.

Noise

Noise has been raised as a concern within objections. However, it is considered that the level of noise would not significantly exceed what is currently present on site with the existing pitches and courts. In addition, no floodlights or associated lighting system is proposed as part of this application, and this suggests that the use of the training facilities would only be during daylight hours.

Safety

The potential damage to residential properties has also been raised as a concern by residents. However, the structure is shown to be enclosed and this should keep all cricket balls within the cage. As such, there are no concerns about safety.

2. Impact on Visual Amenity

This application is proposing to erect a cricket enclosure approximately 8m in width, 30m in length and 4m in height, located next to the existing sports courts near the rear boundaries of the residential properties on Barbridge Road.

The proposed cricket nets would be located adjacent to the edge of the large open space (Bulkington Recreation Ground) and so it can be concluded that it will be not located in a prominent position. Also, the proposal would be located next to a similar structure of similar use in the sports courts. Furthermore, the structure would be used for cricket training in a location that regularly hosts cricket related events and matches. As such, it is considered that the proposed structure would not be out of keeping or incongruent with the surrounding area. As such it is considered that the cricket nets would not have a negative impact on the visual amenity of the surrounding area, as it is in keeping with the existing sports use.

The proposal displays green AstroTurf flooring, grey/silver metal gates and cream/white nylon nets. This is in keeping with the adjacent netball/tennis courts and cricket pitch and therefore acceptable.

In general, given the proposed siting and setting, it is considered that the impact on visual amenity is of an acceptable level.

3. 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 key issues for this application were the impact on residential amenity and the impact on visual amenity.

The proposed development meets all the distance requirements to the neighbouring residential properties and so it is considered that it will not have a detrimental impact on the light and amenity of neighbouring dwellings. Furthermore, the proposal is to be in an area where sports, including cricket are played and so the proposal will not look out of place and will be in harmony with the existing uses. This means that the visual amenity of the area will not be negatively impacted.

Overall, it can be concluded that the proposal is acceptable in its current form and the committee is recommended to approve the application subject to the conditions printed.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Date Received
Location Plan	12/07/2022
Proposed nets location	02/09/2022
Proposed nets design	02/09/2022

3. The development shall not be carried out other than in accordance with the net design plan received by the Council on the 2nd September 2022 unless otherwise agreed in writing by the Council.

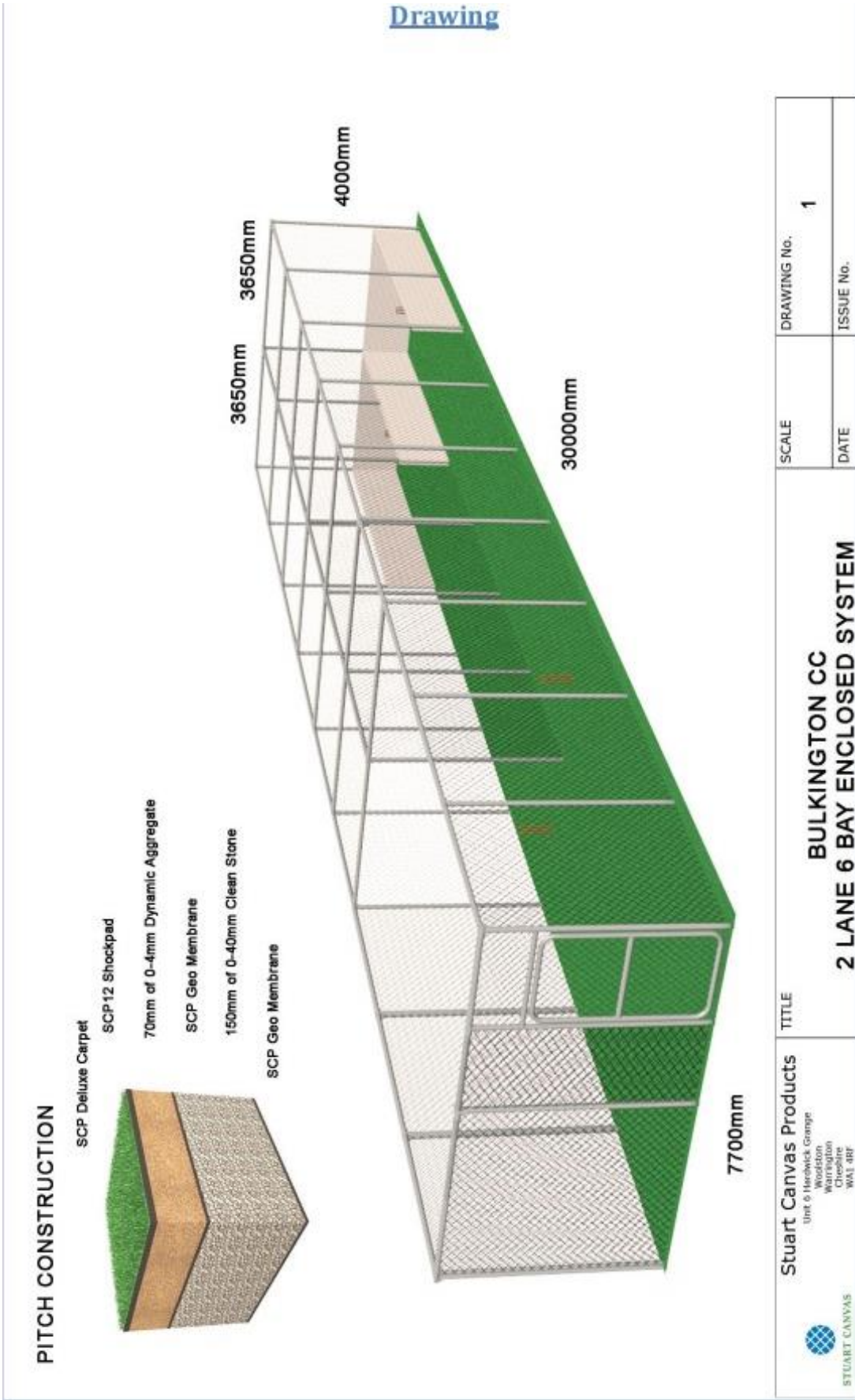
4. The proposed cricket nets hereby approved shall remain ancillary to the current use of the site. It shall at no point form a separate use unconnected to the existing use of the site.

Proposed Location of Nets



Proposed Dimensions

Drawing



REFERENCE No. 038762**Site Address:** Site 51A071 - Bridge Street, Church Street and Mill Street, Nuneaton**Description of Development:** Full application for the demolition of all buildings on site and the erection of up to 1,240 sqm GEA of commercial/business floorspace (E), 15 residential units (C3) and 4 live/work units (C3/E), with associated car parking, access, public realm and landscaping. Off-site flood compensation is proposed at Anker Mills, CV11 4NY**Applicant:** Nuneaton and Bedworth Borough Council**Ward:** AB

RECOMMENDATION:

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

INTRODUCTION:

This application is a full application for the demolition of all buildings on site and the erection of 15 residential units, 4 live/work units, commercial/business premises and a three storey commercial/business office block. The live/work units front onto Church Street and Bridge Street and they consist of commercial/business premises to the ground floor with residential above. The proposal would provide an opening from Bridge Street through into heart of the site, leading into the George Eliot Gardens to the south. The scheme would also provide car parking for residential dwellings and areas of public open space to the south of the site. As part of the proposal, flood compensation measures are proposed at Anker Mills, CV11 4NY. This would consist of the creation of an attenuation basin and soil mounds.

The town centre part of the site is located on the southwest corner of Bridge Street and Church Street and comprises a 20th century brick commercial building with regular ground floor commercial units that curve around the corner. The building is three storey, with two storeys of office and storage space above the commercial units. The majority of the commercial units face out onto Bridge Street, where a small portion of the building to the west lies over the River Anker, where the river has been culverted. The opposing sides of Bridge Street and Church Street are characterised by further commercial properties, mostly 20th century in date. To the rear, on the inside curve of the building is a tarmacked yard space with narrow brick extensions that have been added to the individual commercial units. Mill Street curves around the yard's boundary to the south, with the Department for Work and Pensions (DWP) and the George Eliot Memorial Gardens beyond the road. To the south, the building is abutted by Pop World, which occupies a former 19th century public house. The wider area is characterised by the commercial centre of Nuneaton to the north and west, with civic buildings and spaces, such as the council buildings, parks and library to the south and south east. The Site also includes an area of green space at Anker Mills, remote from the development site described above. This site is approximately 1km to the south east of the development site comprising land owned by the applicant, immediately south of

the River Anker, west of the railway line and to the north/rear of residential properties on Gadsby Street. This land is currently within the flood plain of The River Anker and is informal scrubland. It does not contain any trees. This land is needed for off-site flood compensation and is included as such within the application boundary.

BACKGROUND:

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

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS4 – Overall development needs;
 - 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.

CONSULTEES NOTIFIED:

Cadent Gas, Canal & River Trust, Environment Agency, George Eliot Hospital Trust, Historic England, Joint National Amenities Society, National Grid, NBBC Environmental Health, NBBC Housing, NBBC Land & Property, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Town Centres, Network Rail, NHS, Severn Trent Water, Warwickshire Waterways, Warwickshire Wildlife Trust, Warwickshire Police (Design Out Crime Officer), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Public Rights of Way, WCC Water Officer.

CONSULTATION RESPONSES:

No objection subject to conditions from:

Severn Trent Water, NBBC Environmental Health, WCC Archaeology, WCC FRM, Environment Agency, NBBC Parks, Network Rail, WCC Highways

No objection subject to S106 from:

NBBC Sports Development, George Eliot Hospital Trust, NBBC Housing

No objection from:

WCC Public Rights of Way, NBBC Refuse, NHS, WCC Infrastructure, Cadent Gas

Comment from:

Warwickshire Police (Design out crime officer), WCC Fire Safety

No comment from:

WCC Water Officer, Canal & River Trust, Historic England

No response from:

NBBC Land & Property, NBBC Town Centres, Joint National Amenities Society, NBBC Planning Policy, Warwickshire Wildlife Trust, Western Power, Warwickshire Waterways, National Grid,

NEIGHBOURS NOTIFIED:

'Wilson Hawley & Co' 4, 'Wilsons Solicitors 4', 6, 8, 10, 12, Offices at George Eliot Building 12-14, 'The Toolbox' 12-14, Flats 1-10 (inclusive) George Eliot Building, Coventry Street; 'ReXchanges' 3, 'Ground floor front' 3, Royal Mail Sorting Office at 3 Church Street, 39, 'Loveitts Estate Agents' 39, 'Popworld' 40 & 41, 43, 44-45, Inland Revenue, Suite G7, G10, at Powell House, Powell House, Nuneaton Library, 1-51 (inclusive) 'The Close', Church Street; Flat at The Black Swan in Hand, The Black Swan in Hand, Bond Gate; 'Reflex' at 1, 1, 'Wilkinson' 1-2, 'Nationwide' 2-6 3, 3a, 4, 11, 12, 13, 14, 15, 16, 17, 19-20 Debenhams, 39a, 39b, 44, 46, 'Flat' at 46, 47, 47a, Flat 1 George Eliot Hotel, George Eliot Hotel, Bridge Street; 1, 2a, 3, 4, 5-6, 7, Flats A, B, C, D at 7, Holland & Barratt 2 Market Place; Main Offices, Third Floor A, Third Floor B, Mill House, Mill Walk; 30, 31, 32, 33 Conwy Close; 60-78 (even), 84-90 (even), 94-114 (even), 108a, 110a, 112a, 112b, Gadsby Street; Eaton House, Coton Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 7th April 2022. A site notice was erected on street furniture on the 29th April 2022 and the application was advertised in The Nuneaton News on the 20th April 2022.

NEIGHBOUR RESPONSES:

There have been no objections received.

APPRAISAL:

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

1. Principle of the Development
2. Impact on the Town Centre
3. Housing need and affordable housing
4. Impact to Residential Amenity
5. Impact to Visual Amenity
6. Impact on the Conservation Area, Heritage and Archaeology
7. Impact to Parks, Open Space & Ecology
8. Contamination, Land Stability and Air Quality
9. Impact on Highway Safety
10. Flooding and Drainage
11. Planning Obligations
12. Conclusion

1. Principle of the Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable

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

The NPPF also states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (paragraph 85).

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the Borough. It states that Nuneaton plays the primary role for employment, housing, town centre, leisure and service provision. It is considered that the re-development of this site for a mixed use of retail and residential would help to support this primary role that Nuneaton plays and because of this, the principle of the proposed development would be acceptable under this policy.

Policy DS3 of the Borough Plan states that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The site is well within the settlement boundary and is brownfield land (having a former use) and so is acceptable in principle under this policy. This type of brownfield redevelopment is important for Town Centres and helps with urban renewal.

Policy DS4 outlines the overall development needs for the Borough. According to this policy, at least 14,060 homes and 107.8ha of employment land is required. The site is not within an allocated employment or housing site and therefore this would be classed as windfall development.

Policy E1 of the Borough Plan states that B1a offices (now class 'E') proposals should be directed to Nuneaton and Bedworth Town Centres. The scheme would provide an office block fronting onto Bridge Street and therefore it is considered that this part of the scheme is compliant with this policy.

The Town Centres Area Action Plan identifies the site as a key opportunity for development and states 'mixed use' as a potential use. The scheme would provide a mix of commercial, office and residential uses and the precise placement of these proposed uses will be assessed within the Residential Amenity and Town Centres section of the report.

The proposed site plan shows the removal of the existing Government office building (Department for Work and Pensions – "DWP"). The Action Plan states that the removal of the existing Government office building would be key to facilitating the connection to the memorial gardens. The building is considered to carry minimal architectural or visual merit and there are no consultee objections to the removal of the building. As such, the principal of the removal of the DWP is considered to be acceptable. The actual timing of the removal for this building, along with the other buildings, can be agreed via a phasing condition.

The proposal would also support the aspirations of the Transforming Nuneaton Project. This is a project between Warwickshire County Council and Nuneaton and Bedworth Borough Council to deliver the transformation of Nuneaton town centre, by implementing mixed-use regeneration for boosting economic growth. The vision is to transform Nuneaton into a prosperous town centre. The aim is to create a town where people choose to live- with high quality, easily accessible town centre housing and a strong and diverse leisure offer; do business- with excellent transport connections and high-quality office space for all entrepreneurs; shop- with a mix of national, independent and specialist retailers; and visit- through the creation of high-quality public realm and enhancing the heritage and cultural opportunities.

It is therefore considered that the development of this brownfield site is acceptable in principle and would accord with the principles of national and local Planning policy, along with the aspirations of Transforming Nuneaton.

2. Impact on the Town Centre

This proposal seeks consent for a mixed use scheme, comprising of retail, office and residential space. Policy TC3 identifies Nuneaton as the Principal Town and the policy states that retail and office uses are appropriate within Nuneaton Town Centre. The policy also lists residential as an appropriate use, subject to it being in areas that conform with flood risk requirements. This will be discussed further within section 10, however it should be noted that the EA and Warwickshire County Council Flood Risk Management both have no objection to the scheme, subject to conditions. As such, it is considered that the proposed uses comply with Policy TC3.

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

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

This proposal would see the demolition of the existing buildings facing onto Church Street and Bridge Street and the DWP building. At present, these units appear to be predominantly 'E' uses at the ground floor with associated storage/office spaces above. Whilst the existing units would be demolished, the proposal would see the creation of new commercial units. Overall, there would be a reduction in the overall provision of 'E' class use space. However, this is to be expected seeing as the proposal would provide a mixed use scheme. In addition, recent government changes have made it easier to convert commercial/business premises to residential uses under Class MA (prior approval). As such, it is considered unreasonable to refuse this application on the basis of the overall loss of commercial space alone, as the commercial to residential change would likely be viable under class MA. In addition, the fact that the proposal would provide new, high quality, office and commercial space is considered to weigh in favour of the scheme.

Policy TC2 states that proposals for shops, use class A1, (now class 'E') will be approved within the defined primary and secondary shopping frontages. Other retail uses A2-A5 (now Class E & Sui Generis) will be permitted within the Town Centre where they do not undermine or adversely impact, either individually or cumulatively, the vitality, viability, character of the area and overall vision for the town centres. The northern edge of the site falls within a primary shopping frontage area and the ground floor of this proposal, on the northern edge, features 'E' use class units. As such, it is considered that the proposal complies with Policy TC2.

In conclusion, the primary shopping frontage would be retained for commercial and business type uses with residential dwellings proposed to the rear and at upper storeys. The proposed uses are compliant with Policy TC3 and the loss of existing office and restaurant space would be mitigated by the creation of the proposed development. As such, the impact to the Town Centre is considered to be acceptable and broadly compliant with Policies TC1, TC2 and TC3.

3. Housing Need and Affordable Housing

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The SHMA 2013 indicates there is greatest need in the borough for three bed properties (53.3% modelled market need), followed by two bedroom properties (33.1%) then 4 bedroom properties (8.9%). The proposal would provide:

- 12 x three bed units
- 3 x two bed units
- 3 x four bed units
- 1 x 1 bed units

This mixture is considered to be broadly compliant with the SHMA and NBBC Strategic Housing have no objection to the proposed housing mix.

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. 19 units are proposed altogether and this consists of 15 purely residential units (C3) and 4 live/work units (C3/E). The agent has agreed to provide 5 affordable on-site units and this would comprise of a mixture of 1, 2 and 3 bed homes. The precise plots and tenure type can be agreed via the S106, prior to the commencement of development. The 5 units would equate to 25% and therefore the provision of affordable dwellings is considered to be acceptable and policy compliant. NBBC Strategic Housing have no objection to the application. As such, it is considered that the provision of affordable housing is acceptable and compliant with policy.

With regard to housing need, a recent appeal decision for residential development on Tunnel Road outlined that the Council was slightly short of the 5-year housing supply. This is a material consideration within this application, and this is considered to carry weight in favour of this scheme. This is because the development would provide residential dwellings, broadly in line with the SHMA on brownfield land, within the settlement boundary.

4. Impact to Residential Amenity

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

In terms of the impact on neighbouring properties, the nearest residential properties are those within the McCarthy & Stone development, within 'The Close' on Church Street. The side (northern) elevation of this building would be opposite the southern elevation of the proposed development. The distance between the McCarthy Stone development and the closest part of the site is approximately 50m. This exceeds the minimum distance standards as set within the Sustainable Design and Construction (SDC) SPD and is therefore considered to be acceptable.

It is also understood that there is a residential unit above The Black Swan in Hand PH, to the north-east of the site. However, the impact to this unit is considered to be minimal, as the sites are not directly opposite. In addition, there is approximately 35m between the flat and the site and this exceeds distance standards set within the SPD.

With regard to the Anker Mills site, the closest properties are 84-108a Gadsby Street. The changes to this site would consist of the creation of an attenuation basin, approximately 1m in depth, and earth mounds in order to provide flood compensation. The contour diagram shows the land level in the area of the proposed basin to be +81.77. The proposed basin would slope down a meter to +80.77. The soil mounds would vary in height from +82 to +83. The diagram shows that the land level naturally increases to the south to +85. The land in which 84-108a Gadsby Street are located is +84/85. As such, it is considered that the soil mounds would have minimal impact to these dwellings, as the properties are on higher land.

In order to provide a suitable level of amenity for future owners and occupiers, it is important to ensure that light, aspect, overlooking and noise are considered for the proposed units. The residential element of the scheme is proposed within multiple blocks at the ground, first and second floor levels.

Ground Floor

Block C is the block furthest to the south of the site. The ground floor of this block features multiple openings which serve kitchens, dining and living rooms. In some cases, the eastern facing openings do not meet the required distance standards with block B and Popworld opposite. However, mitigation has been provided in that the rooms are open plan with additional openings to the west elevation.

In some plots, additional windows have also been implemented in the north and south elevations where possible, in order to improve light provision.

The plans show the demolition of the DWP building and it is the Council's plan to acquire this within the near future. The timing of the removal will be agreed via condition. However, as this building has not yet been acquired by NBBC, mitigation measures have been implemented in order to ensure that the level of amenity for future owners/occupiers is acceptable, regardless of whether the DWP is demolished or retained. The plots directly opposite the DWP feature habitable room windows and the minimum distance standards are not met (9.5m/10m instead of 16m). However, in these cases, additional windows have been included in the southern and northern elevations, which will aid in providing sufficient light and amenity.

To the northern elevation of block C, there is a ground floor window which is directly opposite building B. The opposite section of block B features windows at the first and second floors and the minimum window to window distance standard is not met. However, an additional window is present to the north-west and west elevations and therefore the impact is considered to be mitigated and acceptable.

The ground floor of block B consists of mostly residential garages, however the unit to the west features a kitchen/dining room. The distance standards between the proposed rear window and the DWP is not met (13m instead of 16m). However, an additional window is provided on the western elevation and therefore it is considered that suitable mitigation has been provided.

The ground floor of block B to the north (fronting onto Bridge Street and Church Street) is entirely commercial use and block A is entirely commercial at all levels.

First Floor

At the first floor, blocks B and C are entirely residential.

The dwellings within block B to the northern edge of the site would feature windows facing out onto Bridge Street and Church Street. The distance between these windows and the buildings opposite is 16m and this complies with the SPD. The unit to the far west features side facing windows, which would be directly opposite block A. The minimum distance standards are met in this section.

Block B also features dwellings within the central part of the site. The distance standards are generally met. However, in instances where they are not, mitigation measures have been provided in the form of roof lights and oriel windows. There are two instances in which the distance standards are not met between primary windows serving habitable rooms and block C opposite and roof lights/oriel windows are not feasible. However, in these cases it is considered that there are views past block C and on balance, the impact is considered to be acceptable.

The western elevation of block C features windows serving habitable rooms and once the DWP building has been removed, the distance standards will be exceeded. However, in order to ensure that there is a suitable level of amenity whilst the building is in situ, additional windows have been included within the southern elevation and oriel windows to the eastern elevation. There is one window serving a study where the minimum distance standards are not met in relation to the DWP and no mitigation measures are feasible. The shortfall is approximately 6.5m. The eastern elevation of block C features bedroom and bathroom windows. In most cases, the distance standards are generally met. There is one bedroom window which falls 4m short of the required distance with the rear of Popworld. However, it is considered that there are views past as the Popworld projection is fairly narrow with a gable end.

Second Floor

At the second floor, blocks B and C are entirely residential.

The dwellings within block B to the northern edge of the site would feature windows facing out onto Bridge Street and Church Street. The distance between these windows and the buildings opposite is 16m and this complies with the SPD. The unit to the far west features side facing windows, which would be directly opposite block A. The minimum distance standards are met in this section. The rear/southern elevation of this building features bedroom and bathroom windows which are directly opposite the middle section of the development. Distance standards are met in most instances, however there are some cases where the minimum 12m standard is short by between 0.5-2 metres. However, in most of these cases there are mitigating circumstances in that there are views past the block opposite as there are gaps within the development. In the remaining cases, the shortfall is a meter or less and therefore the slight shortfall is unlikely have a significant detrimental impact.

At the second floor, the middle portion of the development is blank to the northern elevation. The southern elevation faces onto block C and this elevation features bedroom windows. The distance standards are met in all but one cases. There is one bedroom where the 12m minimum is short by 3.7m. However, roof lights have been provided as a way to increase light into this room.

Block C is located to the south of the development and the minimum distance standards are fully complied with at the second storey level.

Third Floor

One residential unit is provided at the third floor to the north-west of block B. The distance standards are fully compliant with at the third floor level of the development.

In conclusion, the scheme is largely compliant with the minimum distance standards as set within the SDC. In some cases, parts of the scheme are only slightly short of the standards and in others, mitigation measures have been provided (mostly in the form of oriel windows and roof lights). Given the site constraints and benefits of the development, on balance, these slight shortfalls and mitigation measures are considered to be acceptable. There is also an element of buyer beware for future owners and occupiers.

Section 12 of the SDC outlines the minimum internal space standards for residential dwellings. The recommended space depends on the number of bedrooms and storeys and section 12.3 states that developers should provide schemes which meet or exceed these standards. All units exceed the minimum standards and therefore it is considered that this policy is met. Some of the units within Block C are 4 bedrooms with a study room. In these instances, the dwellings also meet the requirements for 5 bed properties.

Section 11 of the SDC states that new housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. All units would feature their own private outdoor amenity space, whether it be a terrace or a more traditional looking garden.

Policy BE3 of the borough plan states that major development proposals must provide a statement with their application showing how their proposal will:

1. Meet all the questions set out in the Buildings for Life 12 standard.
2. Meet the optional Building Regulations requirement M4(2) for 'accessible and adaptable dwellings' for 35 % of the development proposal.
3. Install rainwater harvesting systems in the curtilage of all new buildings.
4. Integrate the principles of passive solar design.
5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.
6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution

The applicant has submitted an adherence review document which concludes that the development achieves the building for life questions, all units have internally been designed to meet M4(2) standards and secured by design and passive solar design principals have been considered as part of the design. The impact on air pollution is considered within section 10, however it is concluded that, subject to conditions, the scheme would not contribute to unacceptable levels of air pollution.

In terms of noise, a noise assessment has been submitted. The assessment concludes that subject to mitigation measures, there should not be any adverse impact due to existing noise sources. NBBC Environmental Health have been consulted and they had concerns regarding the noise assessment, particularly relating to the properties adjacent to Popworld. Environmental Health state that further work and consideration is needed from a noise perspective and therefore they have recommended a condition to request a further noise assessment and noise attenuation scheme, including glazing and ventilation details. As such, it is considered that subject to this condition, the impact of noise to future owners/occupiers is considered to be acceptable.

Policy BE3 also states that major non-residential developments should demonstrate that they are able to meet the BREEAM 'very good' standard. In this case, there is an element of commercial development in the form of block A and the ground floor frontage of block B. The floor area of block A alone is not enough to be considered as a major commercial development (under 1000m²) and block B is a mixed residential and commercial building. Mixed use developments can be assessed by BREEAM, however the residential elements of developments are not required to be BREEAM compliant under NBBC Policy. As the only purely commercial building is under the major application threshold, on balance, it is considered that it is not essential for the scheme to be assessed by BREEAM.

5. Impact to Visual Amenity

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

The northern elevation of the site would face onto Church and Bridge Street, and this is considered to be the elevation which is most visible from the public realm. The proposal would be adjacent to 40-41 Church Street and this building is characterised by decorative archways, red brick, cream render and decorative forward facing gablet features. The proposed building adjacent to this would feature a forward facing gable roof-scape and the design is considered to be in keeping with this building. The northern façade is to be fully terraced at the ground floor and broken into sections at the first and second floors. It is considered that this creates a more visually appealing appearance, as it appears less bulky than the existing three storey terraced building. External materials are shown to be red multi brick with herringbone decorative brick panels, although the exact details are to be agreed via condition. The building would follow the existing curved frontage and the entrance through from Bridge Street would clearly be visible by two flat roof corner buildings. The western side of block B steps up to four storey and this aids in providing visual interest in that it would be a cornerstone building and it considered to create a sense of place and visual identity. Block A and Block B have been designed as 'marker' buildings to invite pedestrian activity from the town centre through to the George Eliot Memorial Gardens.

The gable roof shapes are continued through the site at Block C, providing more visual interest. A number of terraces, attached to dwellings at Block C are also proposed and are positioned to provide direct views towards the park and river, which also helps to increase natural surveillance. The terraces also help break up the massing of the development, creating a series of two to three storey residential units.

Beyond Block C, an extensive area of public realm and landscaping is proposed, which softens the transition to the adjacent George Eliot Memorial Gardens and provides a new link between the gardens and Bridge Street.

Beyond the private space is a selection of brick and stone pavers providing distinctive public routes to the north, south, east and west of the site. All hard landscaping works are located amongst park grassland planting, shrub and wildflower planting, riverbank ecological enhancements, trees and street furniture providing an overall soft landscape-focused setting. The precise details of this can be controlled by a suitable planning condition in liaison with the Parks team.

The proposals would have an impact on the visual amenities of the area but it is not considered that this would be significant or detrimental but would provide opportunities to redevelop a brownfield site and contribute to the regeneration and transformation of Nuneaton town centre.

6. Impact on the Conservation Area, Heritage and Archaeology

The boundary of the Nuneaton Town Centre Conservation Area runs through the site. The northern part of the site (fronting Church Street, Mill Street and Bridge Street is outside of the Conservation Area. The DWP, George Eliot Memorial Gardens and units west of 18 Bridge Street are within the Conservation Area. The majority of the built element of the scheme would be outside of the Conservation Area.

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. The present, the existing building to be demolished, which fronts onto Church Street and Bridge Street, is considered to carry little visual or architectural merit. It is three storey with a flat roof, red brick with cream render sections, white windows at the first and second floors and standard shop windows and frontages at the ground floor.

40-41 Church Street (Popworld) is likely to be included within the new local list but it is not nationally listed. Therefore, it can be considered as a non-designated heritage asset. It is important to note that this building would be retained as part of the proposal. Policy BE4 states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance. The proposal would be adjacent to 40-41 Church Street and this building is characterised by decorative archways, red brick, cream render and decorative forward facing gable features. The proposed building adjacent to this would feature a forward facing gable roof-scape. The buildings within the Site are identified within the Character Appraisal as making a negative contribution to the significance of the Conservation Area. The Character Appraisal identifies the current buildings deviate from the prevailing character of the Conservation Area due to their inappropriate architectural styling, use of uncharacteristic materials and use of strong horizontal architectural features. It is considered that the design of the proposed building is more in keeping than the existing flat roof building and therefore it is considered that it would make a positive contribution to the setting of the asset and to the Conservation Area.

With regard to heritage, the Joint National Amenities Society and Historic England have not submitted any objections. As such, the impact to heritage is considered to be acceptable.

With regard to archaeology, the site of the proposed development lies in an area of significant archaeological potential within the probable extent of the medieval settlement at Nuneaton. Previous archaeological fieldwork undertaken at Church Street adjacent to the proposed scheme identified occupation activity dating from the 16th to the 18th century. As such, there is the potential for this site to contain archaeological remains dating from the medieval and post-medieval periods. WCC Archaeology requested the submission of an archaeological desk-based assessment (ADBA). The ADBA concluded that recent activity may have destroyed archaeological remains, however there is still the potential for archaeological remains. WCC Archaeology have recommended conditions in order to agree arrange a written scheme of investigation, a programme of archaeological evaluative fieldwork and an

archaeological mitigation strategy. Subject to these conditions, WCC Archaeology have no objection to the proposal and therefore the impact to archaeology is considered to be acceptable.

7. Impact to Parks, Open Space & Ecology

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. This is reiterated in Policies NE1 and NE3 of the Borough Plan.

The built elements of the proposal would largely be built upon previously developed land and areas of hardstanding. With regard to the Anker Mills site, whilst changes are proposed, this would still be retained as a green space and the creation of a basin offers the potential to create new ecological habitats. However, there is a net loss in biodiversity by 0.73 units (using the WCC Biodiversity Calculator). Broken down, there would be a net gain of hedgerow units and a net loss in habitat units, which equate to a net loss overall. In order to mitigate this loss, contributions can be provided in order to provide compensate. NBBC Parks are satisfied with this approach, and they have identified parts of the Borough in which they would be able to improve meadow creation (Johnson Road in Bedworth).

The Anker Mills site is a local wildlife site an ecological appraisal was submitted which surveyed the habitats and potential for protected species on site. The report states that there may be the presence of Water Voles, Badgers, Otters, Hedgehogs, Reptiles and Amphibians either on, or adjacent to the site and it outlines mitigation measures in order to ensure that they're protected during construction. It is recommended to include a condition which ensures that the development and construction process follows this guidance at all times.

The landscape masterplan has been designed to include a large amount of green space to the west and south of the site in order to enhance and increase ecology and biodiversity. In order to do this, a species rich planting scheme, including grassland, borders and specimen trees is proposed, as well as potential areas for additional habitat creation through provision of bat and bird boxes. The exact planting scheme and provision of bat/bird boxes can be agreed via condition.

Policy NE1 of the Borough Plan states that where development proposals have a watercourse classified as a main river within their boundary, as a minimum, developers should set back development 8 m from the top of the bank. The proposal would be set back from the River Anker by 6m on the eastern bank and adjacent to the river on the western bank. However, this policy is in place to maintain green corridors. It is considered that this is not necessarily applicable in this case, as the existing buildings on the site are already located adjacent to the river. The scheme would open up the river from Bridge Street to provide an access through into the site and the George Eliot Memorial Gardens. As such, the scheme is considered to be a betterment

With regard to existing on-site trees, the NBBC Tree Officer has stated that development to the southern part of the town centre site will see the trees to be removed in time. They have concerns about the period of time that the trees will be left remaining after the DWP has been removed. The reason is that the roots may have to be severed and that the canopies (and the trees themselves) will be left exposed and this might lead potential to partial or whole tree failures. If this is expected, the Council would not want to adopt this liability. As such, it is recommended to request further

details of tree retention, removal and protection via a condition linked to the phasing condition.

8. Contamination, Land Stability and Air Quality

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

It is within this context that a Ground Investigation report has been submitted with the application. This report had identified some elevated contaminants and the document states that mitigation measures will be necessary. NBBC Environmental Health have reviewed this report and have no objection subject to the inclusion of the four standard contaminated land conditions.

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). An Air Quality Assessment has been submitted with the application. The assess indicated that once operational, the development is anticipate to result in a reduction in vehicle trips, hence the traffic impacts on pollution is not predicted to be significant. In accordance with the Air Quality SPD, developments are required to mitigate or offset air quality impacts. In order to ensure that this is the case, Environmental Health have requested conditions to request a dust management plan, the provision of low NOx boilers and EV charging points.

9. Impact on Highway Safety & Parking

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access to the site would be in the form of a bellmouth. Following on from consultation with WCC Highways, footways have been provided along the entire perimeter of the turning area, thus providing suitable visibility for those crossing at the proposed pedestrian crossing point within the bellmouth. WCC Highways have no objection to the proposed access, subject to conditions. A private road would be present between blocks B and C to provide access to the residential garages. WCC Highways have raised no concern with regard to the layout of the proposal.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 102). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 103). The site is considered to be extremely sustainable and whilst cycle stands are shown on the site plan, the provision of cycle storage will be ensured via condition. The site would open up pedestrian and cycle access from Bridge Street through into the George Eliot Gardens and it considered to be a betterment in terms of accessibility. It is considered that this complies with Policy HS2 and would ensure that

the proposed development provides adequate accessibility to sustainable transport modes.

With regard to parking, 10 spaces are provided for 19 residential units. WCC Highways state that they would ideally prefer additional parking, however the reduction in parking is required in order to provide suitable pedestrian connection. Given that this is a Town Centre site, the provision of suitable pedestrian footways is considered to outweigh the need for parking. This is supported by the Transport Demand Management Matters SPD (TDMM). The TDMM states that a maximum of 1 parking space should be provided for Town Centre residential units. As such, the scheme is considered to be compliant with the SPD. In addition, WCC Highways state that the development will result in a significant reduction in vehicle movements. As such, the demand for parking in the area will be significantly less, thereby freeing up more space in available nearby car parks if required. The proposal would provide commercial and business floor space; however this is an overall reduction compared to what is current present on site. The current commercial/business premises do not feature designated parking and therefore it is not considered reasonable to request parking for the commercial element of this scheme.

10. Flooding and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the site is shown to be within flood zones 2 and 3.

The site is previously developed (brownfield) land within a key, and sustainable, part of the Borough and the Town Centre. As such, development is considered to be acceptable on this site, subject to responses of no objection from the Environment Agency (EA) and WCC Flood Risk Management (FRM) to ensure that future owner/occupiers are protected from flood risk and that flood risk is not increased anywhere else.

A Flood Risk Assessment has been submitted with the application. The Environment Agency have been consulted and have no objections subject to the development being carried out in accordance with the Flood Risk Assessment and the mitigation measures detailed within it, which can be included as a condition. Compensatory storage is proposed at the Anker Mills site, which is to the north of Gadsby Street. Various sites were considered, but the Anker Mills site was considered to be the most viable in being able to provide sufficient storage. The compensation strategy would consist of an attenuation basin where approximately 600m² of land will be excavated from Anker Mills in order to accommodate flood waters. The depth of the basin is to be approximately 1m with sloping sides. The excavated material will be deposited to the south of the basin on slightly higher ground in a mound formation.

In terms of surface water drainage, a drainage Strategy has been submitted. The objectives of the drainage strategy are to manage surface water runoff on-site to minimise flood risk, to manage surface water discharge from the site so that it does not adversely affect third parties and to ensure ongoing operation and maintenance through appropriate management and adoption. The strategy considers options for

surface water drainage and WCC Flood Risk have reviewed the drainage strategy and have no objections subject to conditions.

11. Planning Obligations

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

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

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

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

Organisation	Request For	Contribution	Notes
NBBC Housing	Provision of affordable housing	25% to be affordable	Applicant agreed to provide
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£35,833	Applicant agreed to pay
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£17,384	Applicant agreed to pay
NBBC Parks	Biodiversity offsetting	£42,434	Applicant agreed to pay

12. Conclusion

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

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

Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the development plan and other policies within the NPPF. Furthermore, there are no material considerations or adverse

impacts which indicate that the application should be refused. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site location plan	100-702/(P)001B	17 August 2022
Ground floor site plan	100-702/(P)002Q	23 November 2022
First floor plan	100-702/(P)007C	27 October 2022
Second floor plan	100-702/(P)008C	27 October 2022
Third floor plan	100-702/(P)009C	27 October 2022
Site roof plan	100-702/(P)003F	27 October 2022
Site sections	100-702/(P)004C	27 October 2022
Block A plans	100-702/(P)020H	17 August 2022
Block A elevations	100-702/(P)/021D	17 August 2022
Block B ground floor plan	100-702/(P)040J	27 October 2022
Block B first floor plan	100-702/(P)041J	27 October 2022
Block B second & third floor plan	100-702/(P)042I	27 October 2022
Block B elevations – bridge street	100-702/(P)045G	17 August 2022
Block B elevations – end units	100-702/(P)046H	27 October 2022
Block B elevations – garages	100-702/(P)047G	27 October 2022
Block B elevations – rear	100-702/(P)048G	27 October 2022
Block C ground floor plan	100-702/(P)060I	27 October 2022
Block C first floor plan	100-702/(P)061I	27 October 2022
Block C Second floor plan	100-702/(P)062I	27 October 2022
Block C elevations – front & rear	100-702/(P)063G	27 October 2022
Block C elevations – end units	100-702/(P)064G	27 October 2022
Anker Mills layout	2287-COL-XX-XX-DR-L-6002 01	26 August 2022
Landscaping Plan	2287-COL-XX-XX-DR-L-1000 03	26 August 2022

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

4. No development shall commence above ground floor slab level until full details of the boundary treatments, including new walls, gates and fences in each phase of development shall be submitted to and approved in writing by Council. The boundary treatments shall be carried out in accordance with the approved details prior to the occupation of that phase of the development.

5. No development shall commence until a plan that identifies the proposed phasing of the site including demolition of existing buildings and construction of new buildings and landscaping has been submitted and approved in writing by the Council. The phasing plan should also include details of tree retention and removal associated with that part of development and outline how retained trees will be protected throughout the demolition and construction process. The demolition and construction shall be carried out in accordance with the approved details.

6. No development shall commence, except for demolition and clearance works, 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.

7. No development shall commence above ground floor slab level until details of the cycle and bin storage facilities 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 and this shall be implemented prior to occupation of the development.

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

9. No development above ground floor slab level shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes 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.

10. No development, including demolition, shall commence until a written method statement of demolition for the existing buildings on site and construction of the new building including;

- timescales,
- storage of materials,
- methods for the control of dust/extraneous materials
- the parking on contractors and visitors
- the turning of HGVs and the loading and unloading of materials
- dust suppression and management

has been submitted to and approved in writing by the Council. Development, including demolition, shall not take place other than in accordance with the approved details, unless otherwise agreed in writing.

11. Prior to occupation, Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking shall be provided.

12. No development shall commence until a noise assessment and noise attenuation scheme, including glazing and ventilation details (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community

Noise) has first been submitted to and approved in writing by the Council. The dwellings shall not be occupied other than in accordance with the approved details.

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

14. No development shall commence until:

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

15. No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

16. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period for that phase of development unless otherwise agreed in writing by the Council. The Statement shall provide for:

- i) The routing and parking of vehicles of site operatives and visitors;
- ii) Hours of work;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials used in constructing the development;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction; and
- vii) A scheme for recycling/disposing of waste resulting from construction works.

17. No development shall be occupied until the bellmouth access to the site has been laid out and constructed within the public highway in accordance with Drawing No. 600417-HEX-00-00-DR-TP-103 Rev P04.

18. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and reinstated.

19. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

20. No development shall commence, including any site clearance, until a Biodiversity and Ecological Management Plan (BEMP) for each phase of development has been submitted to and approved in writing by the Council. The content of the BEMP shall include:

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

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

21. Prior to occupation and subsequent use of the development, further details of the public realm infrastructure as displayed within plan 2287-COL-XX-XX-DR-L-1000 03 shall be submitted to and approved in writing by the Council. The approved details shall be implemented in line with the phasing plan, prior to occupation and subsequent use of that phase of the development.

22. Notwithstanding document 2287-COL-XX-XX-DR-L-1000 03 no development works excluding demolition shall commence until full hard and soft landscaping plans including full planting details for each phase of development have been submitted to and approved in writing by the Council. All landscaping for that phase shall be completed within 12 months of the completion of the construction and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

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

24. Notwithstanding the Ecological Appraisal documents reference 1006237 received 23rd August 2022, No development, including any site clearance, within each phase shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Council for that phase. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include details of:

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

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

conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

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

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

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

1. Where necessary, provide updated drainage scheme drawings and calculations demonstrating the advancement of the proposals as it progresses through detailed design.
2. Provide detail drawings including cross sections, of proposed features such as attenuation features, and flow control / outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 and given the proximity to the buildings, an understanding of the interaction with the structure/foundations would be expected.
3. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Consider property finished floor levels and thresholds in relation to exceedance flows.

The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
4. Provide results from the survey work carried out on the existing outfall into the river anker to the LLFA for review

27. The development shall be carried out in accordance with the submitted flood risk assessment (ref Bridge to Living Nuneaton, Flood risk Assessment and Drainage Strategy Hexa ref: 600417 date: March 2022 Rev V02) and the following mitigation measures it details:

- Residential finished floor levels shall be set no lower than 600 mm above the 1% AEP plus 22% climate change flood level.
- Flood resilience measures shall be included in the design of the commercial units on bridge street.
- The flood flow routes that already exist through the site shall be maintained after development of the site.

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

28. Compensatory storage shall be provided on a level for level basis at the Anker Mill site. Full detailed design demonstrating that the design of the storage area provides compensation for flood waters at 200mm slices of the flood plain shall be submitted for approval by the Environment Agency prior to construction and as built drawings provided to confirm the compensation volume has been achieved post construction. The flood compensation area shall be installed prior to any construction works commencing at the Bridge to living (BTL) site to ensure that compensatory storage is provided and that the construction phase of the BTL development does not increase flood risk to third parties.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

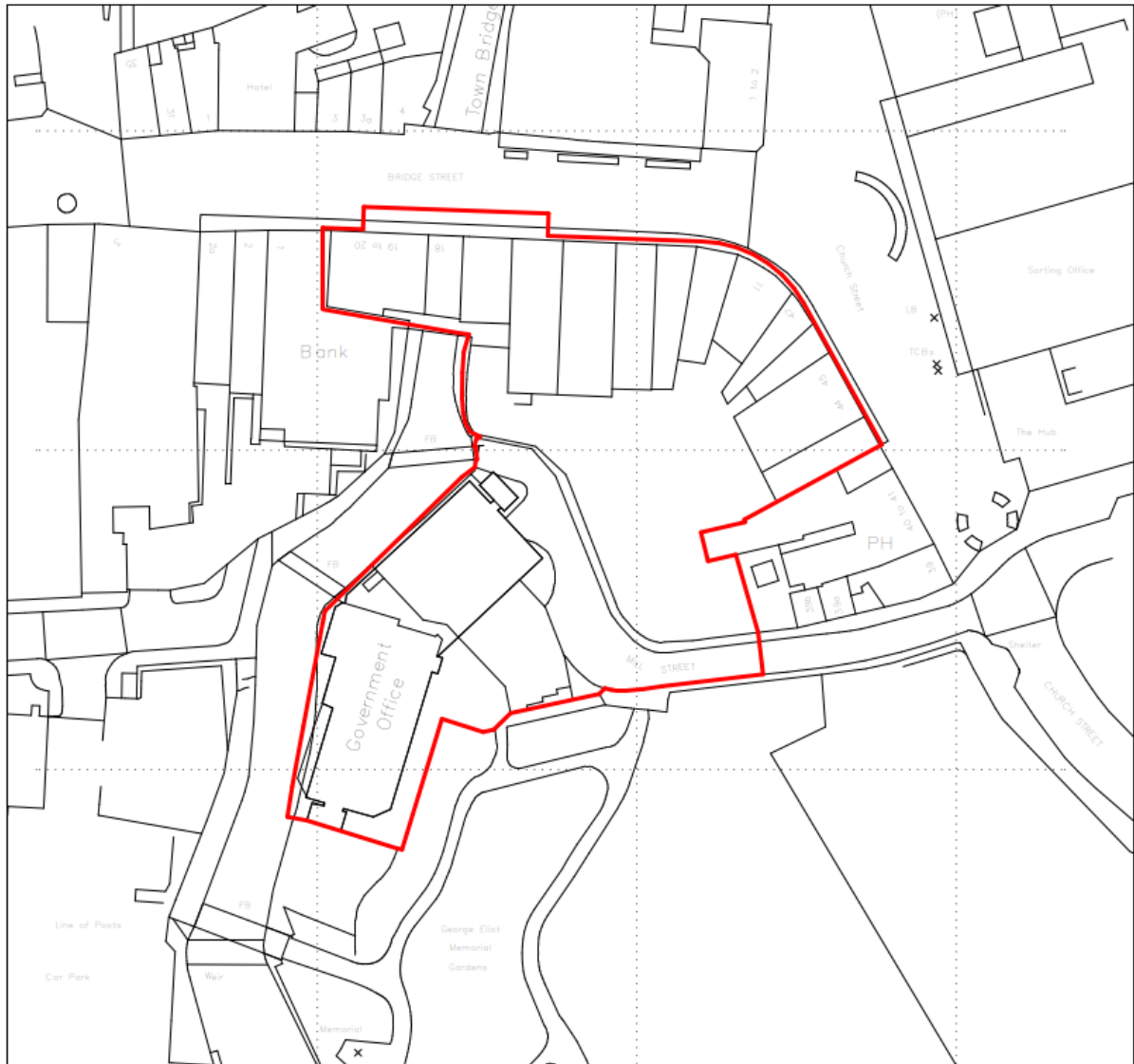
30. Excluding site clearance, no development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.


31. Should be it required during development, details of scaffolding works within 10m of the railway boundary, should to be submitted to, and approved in writing by, the council in consultation with Network Rail for agreement prior to their erection.

32. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to, and approved in writing by the Council, in consultation with Network Rail.

33. Prior to the commencement of the development on the Anker Mills site, full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to, and approved in writing by, the Council in consultation with Network Rail

34. No development shall commence on the Anker Mills site until a method statement and risk assessment to document how the construction and maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway has been submitted to, and approved in writing by the Council in consultation with Network Rail



Site Plan 



Anker Mills Site Plan





Reference	Date	Drawn/Checked
A Block Key Added	18/01/21	DML/BW
B Individual Apartment	28/03/21	JAU/BW
C Landscaping amended	17/11/21	JAU/BW
D Section Update	03/04/21	BW
D Block C layout amended	21/01/22	JAU/BW
E Block C amended	21/01/22	JAU/BW
F Training brief amended	08/07/22	JAU/BW
G Parking layout amended	07/02/22	EAB/BW
H Addition of amenity area	10/02/22	LW4/BW
I Landscaping applied to amenity area	18/02/22	LW4/BW
J Planning status changed to pre-application	25/02/22	EAB/BW
K Planning received	14/05/22	JAU/BW
L Block B amended to increase amenity area	15/08/22	JAU/BW
M Windows and layout amended to improve outlook	30/09/22	JAU/BW
N Windows and layout amended to improve outlook	21/09/22	JAU/BW
O Landscaping applied to amenity area	03/11/22	NCZ/BW
P Landscaping amended to improve outlook	04/11/22	JAU/BW
Q Training brief amended to include amenity area	22/11/22	NCZ/BW

Project: A development at Bridge Street, St. Leonards

Phase: Planning

Client: Nurodon and Berdonth Borough Council

Site Use: Ground Floor Site Plan

Scale: 1:500 @ A3

Date: 11-10-2021

Drawn: DML

Checked: BW

Ref: 100-702/P/0020

Warrant Number: 1788 (Nurodon and Berdonth Borough Council) 11/01/2018

Planning Application Number: 19/0122 (Nurodon and Berdonth Borough Council) 19/01/2019

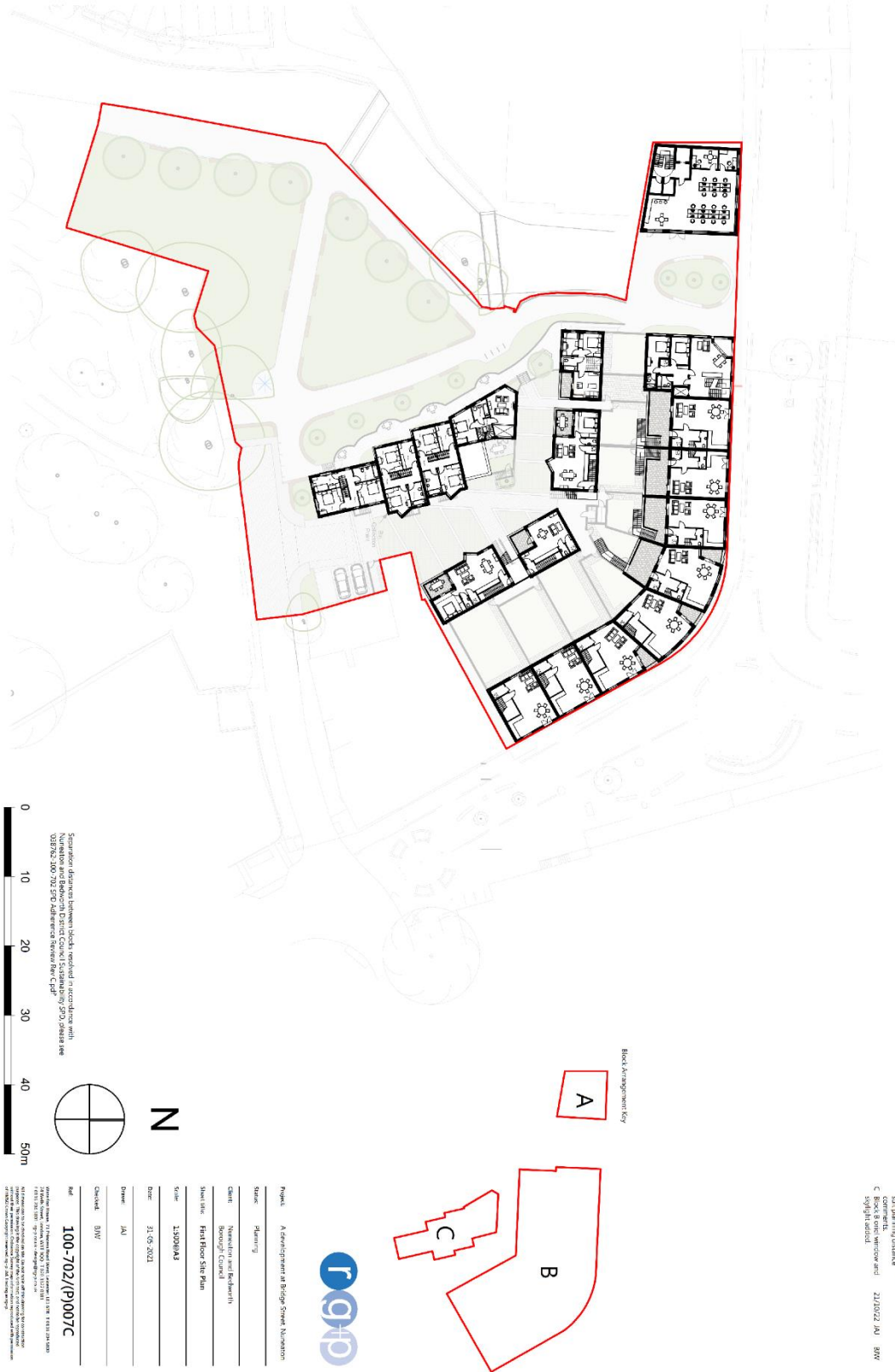
Planning Application Reference: 19/0122 (Nurodon and Berdonth Borough Council) 19/01/2019

Planning Application Status: Pre-application

Planning Application Reference: 19/0122 (Nurodon and Berdonth Borough Council) 19/01/2019

Planning Application Status: Pre-application

Ground Floor Site Plan



Revision: Date: Drawn: GJW Date: GJW
 A. Block amended to increase 15/06/22 JAJ BMW
 super area distances and
 B. Window and height 30/06/22 JAJ BMW
 arrangements amended to
 comment 6 outline
 C. Block 8 core window and 22/10/22 JAJ BMW
 height amended

Block Arrangement Key

A

B

C

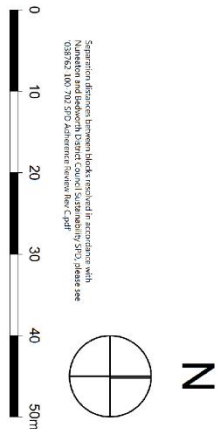
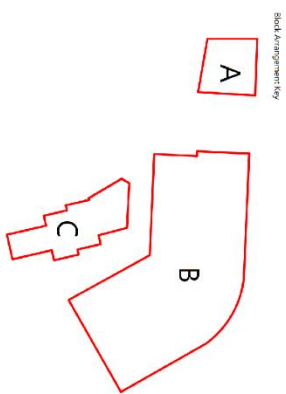


Project: A development at Bridge Street, Newton
 Stage: Planning
 Client: Manchester and Salford
 Drawing: 100-702/P/007C
 Sheet title: First Floor Site Plan
 Scale: 1:500 (A3)
 Date: 31.05.2021
 Drawn: JAJ
 Checked: BMW

100-702/P/007C
 Revision 1: 22/10/22
 Revision 2: 30/06/22
 Revision 3: 15/06/22
 Revision 4: 01/06/22
 Revision 5: 22/05/22
 Revision 6: 15/05/22
 Revision 7: 08/05/22
 Revision 8: 01/05/22
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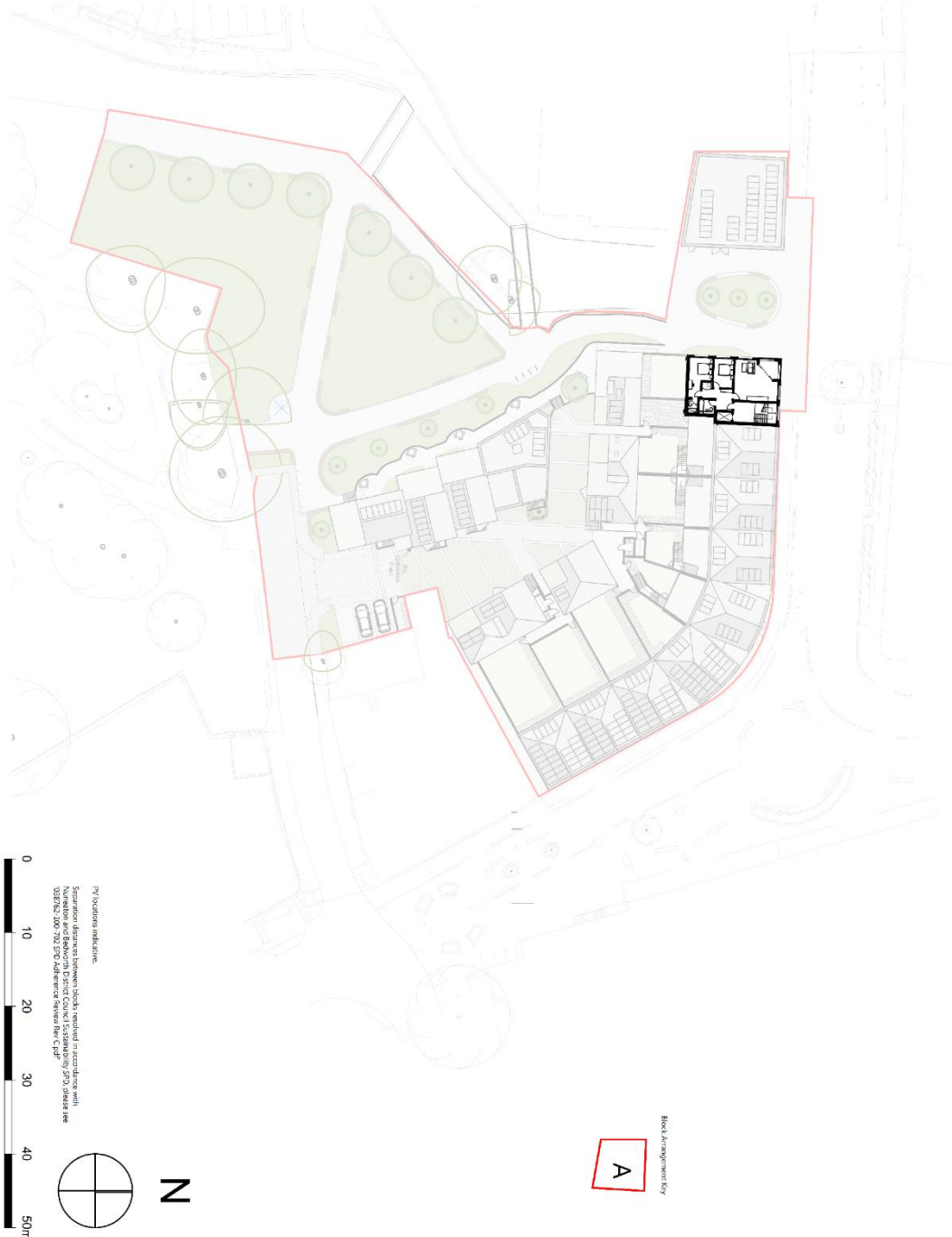


Revised	Date	Drawn	Checked
A	15/06/22	JAJ	BW
B	30/06/22	JAJ	BW
C	21/07/22	JAJ	BW



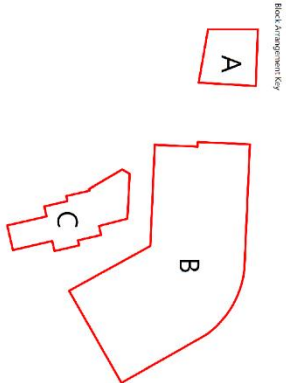
Project: A development at Bridge Street, Harston
 Status: Planning
 Client: Navigation and Redworth
 Sheet title: Second Floor Site Plan
 Scale: 1:500(A3)
 Date: 21.06.2021
 Drawn: JAJ
 Checked: BW
Ref: 100-702/P/008C
 Navigation and Redworth, 13 The Quadrant, Harston, Cambridgeshire CB23 3JH
 Tel: 01380 251100 Fax: 01380 251101
 Email: info@navred.co.uk
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Second Floor Site Plan



Revision: Date: Drawn: Check:

A: Block amended to increase 15/06/22 JAJ BMV
 B: Separation distances and 17/06/22 JAJ BMV
 R: Pyrom model 20/06/22 JAJ BMV
 C: Block B fire window and 20/06/22 JAJ BMV
 15/07/22 added



Project: A development in Bridge Street, Newton

Stage: Planning

Client: Manchester and Redworth Housing Co-operative

Site title: Third Floor Site Plan

Scale: 1:500 (A3)

Date: 31.05.2021

Drawn: JAJ

Checked: BMV

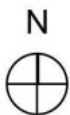
Ref: 100-702/P/009C

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Third floor site plan

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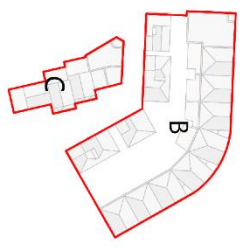
- Key**
- Proposed planting
 - Proposed Lawn
 - Proposed specimen tree.
 - Existing trees retained
 - Existing trees removed
 - Existing spot height
 - Proposed spot height
 - Level Gradient
 - Material type 1: Black top tarmac**
Supplier: To contractor design and spec
Refer to landscape specification
 - Material type 2: Black top tarmac**
Supplier: To contractor design and spec
Refer to landscape specification
 - Material type 3: Reconstituted stone block pavers**
Hydropave Fusion. Colour: Silver
Supplier: Tobermore
Refer to landscape specification
 - Material type 4: Concrete grasscrete**
Refer to landscape specification
 - Material type 5: Granite cobble setts**
Natural Silver Grey Granite Setts. Cropped edge
Supplier: The stone yard
Colour: Silver. 100mm x 100mm x 50mm
Refer to landscape specification
 - Material type 6: Granite cobble setts**
Natural Dark Grey Granite Setts. Cropped edge
Supplier: The stone yard
Colour: Silver. 100mm x 100mm x 50mm
Refer to landscape specification
 - Material type 7: Sandstone paving**
Tumbled Grey Sandstone Paving
Supplier: London stone
Colour: Grey. 600mm x 600mm x 22mm
Refer to landscape specification
 - Material type 8: Tarmac pavement**
Supplier: To contractor design and spec
 - Material type 9: Steps**
TBC
 - Material type 10: Tactile Paving**
TBC
 - Bench type 1**
Streetlife: Solid 6 Bench
Back and arm rest to all benches
Refer to landscape specification
 - Bench type 2**
Rasff: Integrated Planter Benches.
Top mounted. Back and arm rest to all benches
Refer to landscape specification
 - Proposed stainless steel handrail**
Refer to landscape specification
 - Sheffield Cycle stand**
tbc
 - Bin**
tbc
 - Balustrade type 1**
Stainless steel balustrade
Refer to landscape specification
 - Bollard type 1**
TBC
 - 3m wide double gate to interior courtyard**
TBC



Landscaping Plan



Block arrangement key
A



Revision	Date	Drawn/Checked
A	04/02/22	FAH BW
B	18/02/22	BAH BW
C	29/02/22	FAH BW
D	15/06/22	JAH BW
E	17/06/22	JAH BW
F	21/06/22	JAH BW



Name:	Administrative and Ridge Street Extension
Status:	Planning
Client:	Numerical and the priority through appeal
Sheet title:	Site Roof Plan
Code:	15008A3
Date:	02/11/2021
Drawn:	JAH
Checked:	BW
Ref:	100-702/(P)003F

1:000 Scale. The site plan shows the proposed development and its location within the site. The site plan also shows the existing buildings and the proposed new buildings. The site plan also shows the proposed landscaping and the proposed new roads. The site plan also shows the proposed new parking spaces and the proposed new cycle paths. The site plan also shows the proposed new footpaths and the proposed new public open spaces. The site plan also shows the proposed new public transport stops and the proposed new public transport routes. The site plan also shows the proposed new public transport services and the proposed new public transport facilities. The site plan also shows the proposed new public transport infrastructure and the proposed new public transport systems. The site plan also shows the proposed new public transport network and the proposed new public transport services. The site plan also shows the proposed new public transport infrastructure and the proposed new public transport systems. The site plan also shows the proposed new public transport network and the proposed new public transport services.

Site roof plan

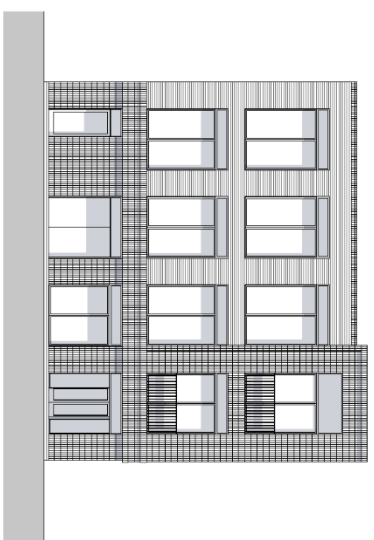
Revision: _____ Date: _____ Drawn: _____
 A General design amendments: 01/12/21 EAB BW
 B General design amendments: 18/02/22 EAB BW
 C Drawing status changed to: 25/02/22 EAB BW
 Planning amendments: 15/08/22 JAU BW
 D separation distances and improve outlook



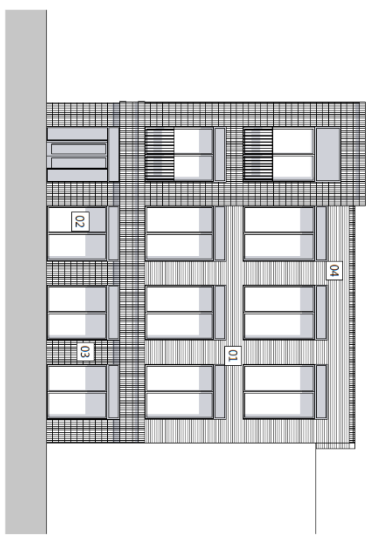
Project: Bridge to Living
 Status: Planning
 Client: Nunston and Bedworth Council
 Sheet title: Block A Elevations
 Scale: 1:100@A2
 Date: 29.10.2021
 Drawn: JAU
 Checked: BW

Ref: 100-702/(P)021D

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East Elevation



North Elevation

- Material Key
- 01 - Red Brick to match local stock
 - 02 - Window frame colour TBC
 - 03 - Vertical red brick
 - 04 - Red brick soldier course detail



Block A elevations

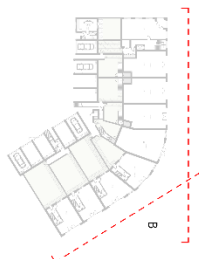
NO.	DATE	BY	REVISION
1	12/01/2021	MM	Initial Design
2	12/01/2021	MM	Final Design
3	12/01/2021	MM	Final Design
4	12/01/2021	MM	Final Design
5	12/01/2021	MM	Final Design
6	12/01/2021	MM	Final Design
7	12/01/2021	MM	Final Design
8	12/01/2021	MM	Final Design
9	12/01/2021	MM	Final Design
10	12/01/2021	MM	Final Design



Elevation A



Elevation B



- Material Key
- 01 Red brick to match base brick
 - 02 Red brick to match base brick
 - 03 Dark grey slate
 - 04 Dark grey slate
 - 05 Light grey stone
 - 06 Light grey stone
 - 07 Light grey stone
 - 08 Light grey stone
 - 09 Light grey stone
 - 10 Light grey stone



Name: **Highcroft**
 Site: **Highcroft**
 Client: **Highcroft**
 Project: **Block B Extension**
 Date: **12/01/2021**
 Scale: **1:100**
 Author: **MM**
 Checked: **MM**
 No: **100-702/P045G**

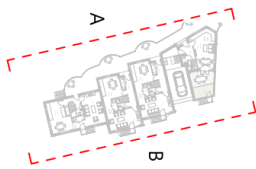
Block B elevations

Revision: _____ Date: _____ Drawn/Checked: _____

- A General design amendments 01.12.21 EAB BIW
- B Final design amendments 25.02.22 EAB BIW
- C Drawing status changed to '25.02.22 EAB BIW
- D Blocks amended to increase separation distances and 15/08/22 JAU BIW
- E PV note added 17/08/22 JAU BIW
- F Location plan updated 17/08/22 JAU BIW
- G Windows added to suit planning distance comments. 30/09/22 JAU BIW

Material Key

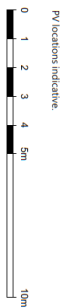
- 01 - Red Brick to match local stock
- 02 - Thin frame PVC-U window frames colour TBC
- 03 - Flat plate metal railing colour to match window frames
- 04 - Light Grey Brick
- 05 - Clay Roof Tile



Elevation A



Elevation B



Project: Bridge to Living
 Status: Planning
 Client: Nuneaton and Bedworth Council
 Sheet title: Block C Elevations - Front & Rear
 Scale: 1:100@A2
 Date: 29.10.2021
 Drawn: DML
 Checked: BWJ

Ref: **100-702/(P)063G**
 Winkler House, 23 Parkway Road, West Leicestershire, LE19 7 8JH 0115 904 5800
 F 0115 904 5800 T 0115 904 5801 E info@rqad.co.uk
 All drawings to be checked for compliance with the Building Regulations and Planning Requirements. The client is responsible for ensuring that the drawings comply with the relevant regulations and requirements. The client is also responsible for ensuring that the drawings are submitted to the relevant authorities for approval. The client is also responsible for ensuring that the drawings are submitted to the relevant authorities for approval. The client is also responsible for ensuring that the drawings are submitted to the relevant authorities for approval.

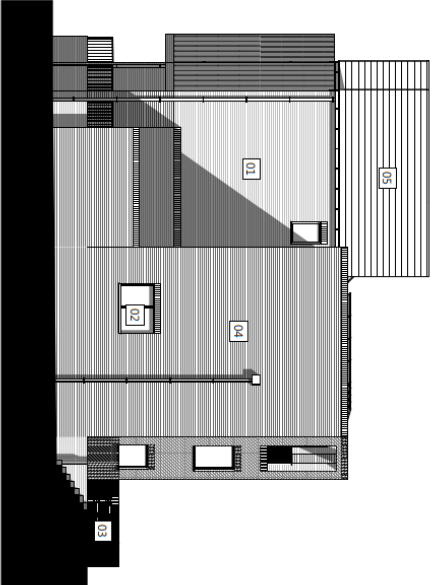
Block C elevations

Revision: _____ Date: _____ Drawn/Checked: _____

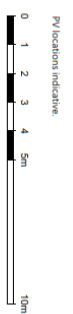
A General design amendment 01/12/21 EAB BW
 B General design amendment 25/02/22 EAB BW
 C Drawing status changed to 26/02/22 EAB BW
 Planning
 D Blocks amended to increase 15/08/22 JAJ BW
 separation distances and
 E PV roof added 17/08/22 JAJ BW
 F Location plan updated 17/08/22 JAJ BW
 G Windows added to suit 30/09/22 JAJ BW
 planning distance comments.



Elevation C



Elevation D



- Material Key
- 01 - Red Brick to match local stock
 - 02 - Thin frame PVC-U window frames colour TBC
 - 03 - Flat plate metal railing colour to match window frames
 - 04 - Light Grey Brick
 - 05 - Clay Roof Tile



Project: Bridge to Living

State: Planning

Client: Nunneaton and Bedworth Council

Sheet title: Block C Elevations - End Units

Scale: 1:100 @ A2

Date: 29.10.2021

Drawn: DMK

Checked: BWV

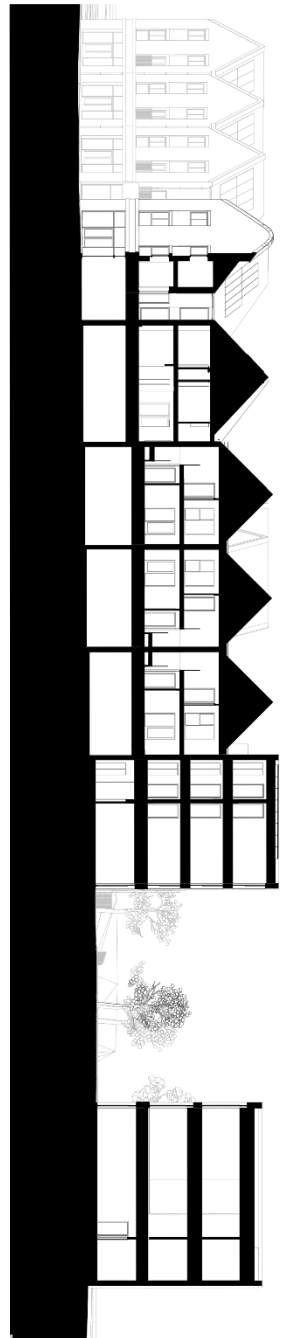
Ref: **100-702/(P)064G**

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Block C elevations

Revision	Date	Drawn	Checked
A	15/08/22	JAU	BW
B	17/08/22	JAU	BW
C	21/10/22	JAU	BW

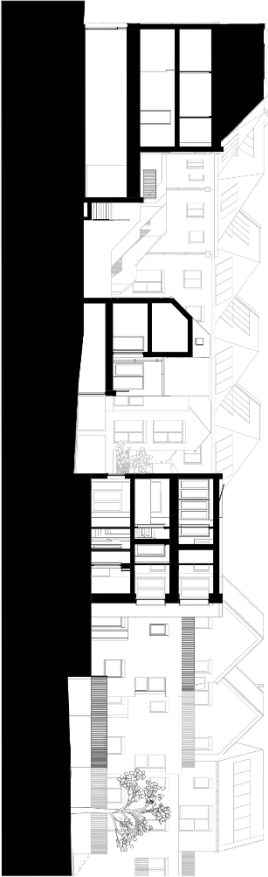
A Blocks amended to increase separation distances and improve outlook
 B Block B oriel window and skylight added
 C Block B oriel window and skylight added



Section A-A



Section B-B



Section C-C



Project	Bridge to Living
State	Planning
Client	Nuneaton and Bedworth Council
Sheet title	Site Sections
Scale	1:200(0/42)
Date	24/02/2022
Drawn	EAB
Checked	BW
Ref:	100-702/(P)004C

All dimensions to be as shown on the 'Site and Site Off' drawings for the proposed development. Dimensions are given in millimetres unless otherwise stated. All dimensions are to the centre of lines unless otherwise stated.

PV locations indicative

Site section

REFERENCE No. 039025

Site Address: 'Site 37c008 - Vale View,' Vale View, Nuneaton, Warwickshire, CV10 8AP

Description of Development: Variation of condition 2 of planning approval 037066. Amendments to show change of render to wooden timber effect render on the first floor of plots 1-4 and 9-10; increase of dimensions, and change of internal layout and building shape for plots 1-4; increase of dimensions/footprint of plots 1-14; change of style, type and location of windows, doors and other fenestration on plots 1-14 on the front, side and rear elevations; installation of sustainability measures such as PV solar and air source heating on plots 1-14.

Applicant: Ms Dawn Dawson

Ward: BA

RECOMMENDATION:

Planning Committee is recommended to give the Head of Planning delegated authority to grant planning permission, subject to the conditions printed, after the expiration of the consultation period on the 19th December 2022, subject to no new issues being raised.

INTRODUCTION:

This application is for a variation of condition 2 of the previous planning approval, application reference number 037066. The amendments show the change of render to wooden timber effect render on the first floor of plots 1-4 and 9-10; and increase of dimensions, and change of the internal layout and building shape for plots 1-4; and increase of the dimensions and footprint of plots 1-14; the change of style, type and location of windows, doors and other fenestration on plots 1-14 on the front, side and rear elevation of those plots and the installation of sustainability measures such as PV solar and air source heating on plots 1-14. These are shown on plans relating to Site 37c008- Vale View, Vale View, Nuneaton, Warwickshire, CV10 8AP.

Application Reference: 037066

This application was for the development of 14 residential dwellings. The dwellings that were approved were in the form of 5 sets of semi-detached two storey properties, and 1 set of semi-detached styled properties which will provide 4 flats. In total there will be four 1 bedroom apartments, eight 2 bedroom houses and two 3 bedroom houses, under the approval given in 037066. This application was approved at Planning Application Committee in February 2021.

Site Description

The site itself is currently a large open space along the east section of Vale View. The site itself is mostly flat with a slight decrease in level from the south of the site to the north. There are a few boundary trees remaining on the site, and most of the boundary at the rear of the site is made up of the rear boundary fences on Vale View, these are mostly wooden fences of differing heights and colours. The southern boundary to the site, which borders an electricity substation, is comprised of a mesh fence. On last visit, work that had been approved under the original application had not started.

BACKGROUND:

This application is going to the committee as it is a variation of condition application to a previous major application and Nuneaton and Bedworth Borough Council are the applicant.

RELEVANT PLANNING HISTORY:

- 037066- Development of 14 dwellings (10x semi detached houses and 4 apartments) for affordable housing. Development will be a mixture of 1B1P apartments, 2B4P houses and 3B5P houses. Received: March 2020 and Approved at Committee: February 2021.

RELEVANT PLANNING POLICIES:

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

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted were 71-117 (odd) and 80, 82 and 84 Vale View, Flat 1-30 (no number 13) Windsor Gardens, Vale View and. Neighbouring properties were sent letters notifying them of the proposed development on 3rd August 2022. Numbers 71, 73, 80, 82 and 84 Vale View and the flats at Windsor Gardens, were sent consultation letters on 28th November 2022. A site notice was erected on street furniture on 18th August 2022.

NEIGHBOUR RESPONSES:

There have been 0 objections from 0 addresses.

APPRAISAL:

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

1. The Principle of Development

2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on other factors assessed in 037066
5. Planning Obligations
6. Conclusion

1. The Principle of Development

In the previous report, under the original application, the principle of development was assessed, and it was considered acceptable as long as there was compliance with other policies and stakeholders.

In the report, the need for the development at the site and the need of the mix of residential dwelling was discussed and was concluded that both were acceptable. This application does not seek to change any of the points that were assessed as the proposal is at the same site as the original application so the points that this is still a non-strategic site that is identified in the borough plan, NUN348 Vale View, and the housing mix is still the same.

Overall, the proposal for this application and the changes to the application will not impact the principle of development.

2. Impact on Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. Furthermore, section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at Site 37C008, land to the rear of 79-117 Vale View, will affect the neighbouring properties, which in this case are the neighbouring properties on Vale View which directly border the site, and the residential flats within Windsor Gardens.

The changes which impact the residential amenity is the change in dimensions and the added part of the dwelling which is projecting off the rear of the proposed dwellings into the rear gardens of the proposed dwellings. The distance standards were met in the original planning application, 037066 and it was so stated within the report. The rear properties, numbers 87-101 will face directly onto the proposed rear elevations of plots 1-10 and the distance between the rear elevations of the existing properties on Vale View needs to be calculated. Numbers 87 and 89 will face onto the back of plot 1-4 which do have habitable window in the first floor. The distance between number 87 and plot 1-4 is 30.5m approximately and between number 89 and plot 1-4 is 30.5m. Numbers 91 and 93 face directly onto the rear elevations of plots 5-6. Numbers 91 and 93 will face onto the back of plot 5-6 which do have habitable window in the first floor. The distance between number 91 and plot 5-6 is 29.8m approximately and between number 93 and plot 5-6 is 32.3m. Numbers 95 and 97 face directly onto the rear elevations of plots 7-8. Numbers 95 and 97 will face onto the back of plot 7-8 which do have habitable window in the first floor. The distance between number 95 and plot 7-8 is 31.8m approximately and between number 97 and plot 7-8 is 32m. Numbers 99 and 101 face directly onto the rear elevations of plots 9-10. Numbers 99 and 101 will face onto the back of plot 9-10 which do have habitable window in the first floor. The distance between number 99 and plot 9-10 is 31.8m approximately and between number 101 and plot 9-10 is 32m. 99 looks to have an original first floor and an extension on the ground floor so the distance standards are lower, and the distance is 30m approximately. Number 101 is 29m away from the proposed rear elevation of the

proposed plots. According to paragraph 11.4 habitable windows a storey above neighbouring habitable windows at the properties that will directly face must have a 20m distance between them. All proposed dwellings have distance which exceed this minimum and are therefore acceptable. Finally, the side elevation of the side facing plots will face directly towards the rear elevation of number 105 Vale View, however the proposed width of the proposed dwellings have not changed and so as the distance standards were met before they will be met here.

The regularisation of the fenestration, so the changing and regularising of the windows and doors could also impact the residential amenity of the area. There is no change in the location of the front elevation of this property so all distance standards, as set out in the SPD that were met in the original application are also met in this application. Furthermore, the openings on the side elevations on plots 1-4 have been lowered down to just 1 on the first floor for a bathroom, which is not a habitable room and 1 opening on the first floor which is the side entrance door as before. This is the same on both elevations. The impact on the residential amenity of the neighbouring properties is less than the original application as side facing habitable windows have been removed. On plots 5-6, 11-12 and 13-14, the windows on the first floor of the side elevation have changed position and are now for bathrooms, which according to the SPD are not habitable rooms. Therefore, with the new placement of windows and the fact that the proposed dwellings have not changed the width dimension, the distance standards that were met before have not been changed and so are met again. On plots 7-8, the side facing windows have changed positions but are still for the same rooms as within the original application. The width of the proposed dwelling has dropped by 0.3m and the plot is located between other proposed plots on this site and the windows were acceptable to these rooms in the original application, the changes are deemed acceptable.

Finally, the changes to materials and the introduction of sustainability measures will not impact the residential amenity of neighbouring properties.

3. Impact on Visual Amenity

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). BE3 of the Borough Plan requires development proposal to be: (1) designed to a high standard, (2) able to adapt to, and minimise the impact of climate change. The policy also sets out the criteria for achieving this.

The main design properties of the proposed dwellings have been set and approved in the original application and the changes are relatively minor but still need to be assessed. The changes which impact the visual amenity are in the introduction of the sustainability measures, most notably the solar panels on the front part of the roof, the change of the style of the windows and the change of materials on plots 1-4 and 9-10.

Starting with the solar panels, which is the major change as it will be the most visible as they are on all of the plots and units proposed in this application. They will cover the majority of the roof on the plots and will create a feature which is not uncommon in most street scenes in the borough. As they are not at ground level or project in front the plots it is considered that the introduction of these solar panels will not have an increased impact to the visual amenity of the area. The style of the windows and the change of the positioning is also acceptable as it is not completely removing the

windows from the front elevations and they still look a suitable design and so it will not have a significant impact on the visual amenity of the area with the change of design of the windows.

The proposed dwellings are getting slightly larger but will not project to the front and so it will not impact the street scene and therefore it will not impact the visual amenity anymore than the approved impact in 037066.

Warwickshire Police had no objections to the original application and although they were not consulted on this application their interventions still remain relevant and the points they made have not been affected by the proposal. Furthermore, the boundary treatment is not mentioned in this application so it is assumed that it is the same as 037066, the original application.

4. Impact on other factors assessed in 037066

In the original application 037066, factors such as 'Impact on Highway Safety', 'Land contamination and noise/air pollution', 'Flooding and Drainage,' 'Biodiversity and Trees' and 'The Coal Authority' were also assessed. These were all fully assessed within the original application and the comments, assessment and in most cases the conditions suggested and printed within the original application are live, relevant and will be kept within this application so the reasoning and assessment will still hold true.

5. Planning Obligations

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

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

The obligations have been set in the previous application and these obligations are not changed because of the changes in this application the previous application contributions stand.

6. Conclusion

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The purpose of this application is not to reassess the major impact that the introduction of the full scheme of 14 new plots of residential properties will have on the area and other factors. This is to assess how the proposed changes will impact and give a full assessment of these changes. The changes are as follows, the change of render to wooden timber effect render on the first floor of plots 1-4 and 9-10; and increase of dimensions, and change of the internal layout and building shape for plots 1-4; and increase of the dimensions and footprint of plots 1-14; the change of style, type and location of windows, doors and other fenestration on plots 1-14 on the front, side and rear elevation of those plots and the installation of sustainability measures such as PV solar and air source heating on plots 1-14.

The changes are deemed acceptable to all the factors assessed before, with the main ones in this case being, 'the impact on residential amenity' and 'the visual amenity' as the changes are design based rather than other factors such as parking, access, landscape or scale of the application. The changes are acceptable on their impact on the both residential and visual amenity, as all distance standards are met with the changes and the changes to the openings to do allow for major overshadowing to occur and so it acceptable. The visual changes, the change of render and the introduction of solar panels most notably will also not have a significant detrimental impact on the visual amenity of the area.

Overall, the changes are acceptable and so the application should be approved subject to the conditions as printed below and the planning obligations which remain outstanding from the previous application.

REASONS FOR APPROVAL:

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

The period of consultation expires on Monday 19th November 2022. Subject to no new issues being raised at the end of this period, the Head of Planning be given delegated authority to grant planning permission.

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 permission 037066.
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 Plan	5017965-RDG-XX-ST-PL-A-1000	01/07/2022
Location Plan	5017965-RDG-XX-ST-PL-A-1001	01/07/2022
Street Scene/Site Plan	5017965-RDG-XX-XX-EL-A-1110	01/07/2022
Proposed Plots 1-4	5017965-RDG-XX-XX-PL-A-1100	01/07/2022
Proposed Plots 5-6, 11-14	5017965-RDG-XX-XX-PL-A-1101	01/07/2022
Proposed Plots 7-8	5017965-RDG-XX-XX-PL-A-1102	01/07/2022
Proposed Plots 9-10	5017965-RDG-XX-XX-PL-A-1103	01/07/2022

3. The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk & Drainage Assessment (FRA) by Ridge & Partners LLP dated 18 December 2020, and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year return period plus 40% (allowance for climate change) critical rain storm to 2 l/s for the site.
- Provision of surface water attenuation storage as stated within the FRA of 91 cubic metres.

- Use of permeable paving to parking spaces across the development to manage water quality.

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

5. The first floor windows shown on the approved plan in the north side elevation of Plots 3-4 shall not be fitted or subsequently maintained other than in obscure glazing. No new window or opening shall be provided at first floor level in the elevation without the prior written consent of the Council.

6. The development shall not be occupied 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.

7. The proposed vehicular accesses to the site shall not be used in connection with the development hereby permitted until they have been surfaced with a bound material for their whole length as measured from the near edge of the public highway carriageway.

8. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing No. 100-236AR/001M, and shall not be used until public highway footway crossings have been laid out and constructed. NB. This will require the relocation of the existing street light on Vale View fronting the site, all costs associated with the relocation of the streetlight will be at the expense of the developer.

9. The development shall not be occupied until vehicular visibility splays have been provided to each vehicular access to the site with 'x' distances of 2.4 metres and 'y' distances of 25 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.

10. The development shall not be occupied until each vehicular access to the site has been provided with pedestrian visibility splays of at least 2.4 metres by 2.4 metres on either side of the access. These measurements are taken from and along the highway boundary. 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.

11. 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.

12. 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.

13. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

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

15. No development above damp proof course shall commence until details of the provision of bat and bird boxes on suitable retained trees or incorporated into a proportion of new buildings within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

16. No development above damp proof course shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

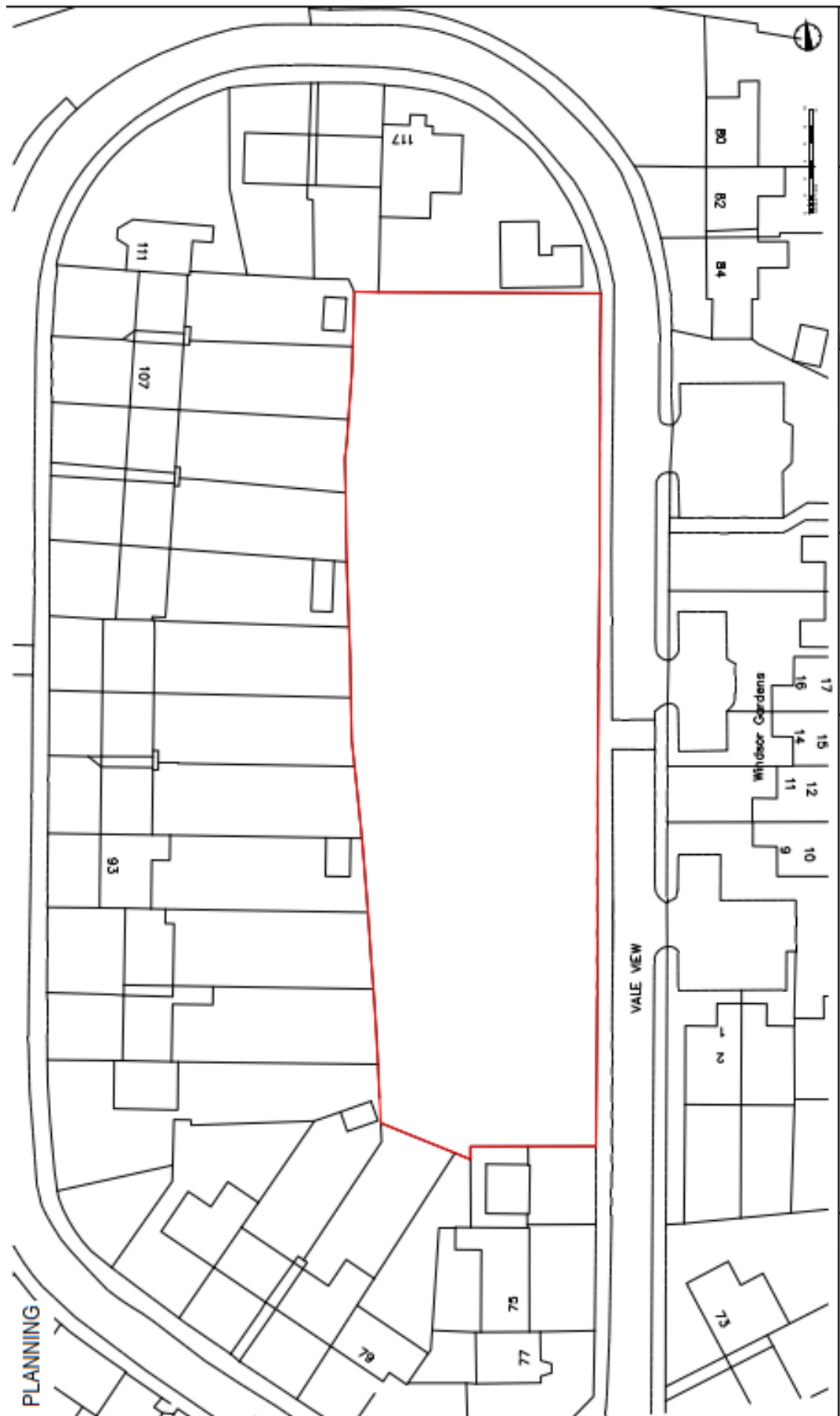
17. No development other than in accordance with the details approved under condition 17 of permission 037066.

18. All lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

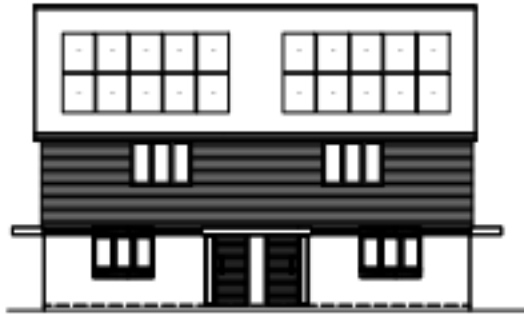
Site Plan



Site Location Plan



Proposed Elevations and Floor Plans: Plots 1-4



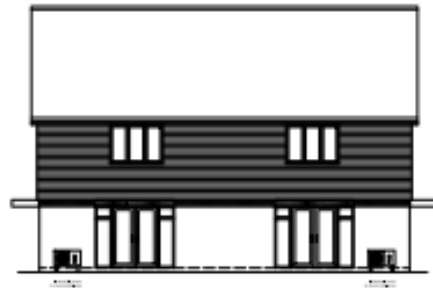
FRONT ELEVATION



RHS ELEVATION



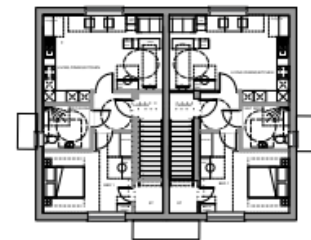
LHS ELEVATION



REAR ELEVATION

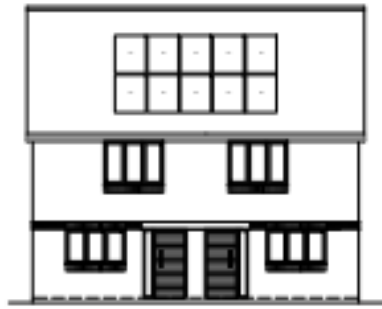


GROUND FLOOR



FIRST FLOOR

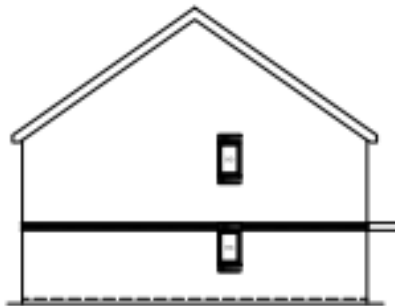
Proposed Elevations and Floor Plans Plots 5-6, 11-12 and 13-14



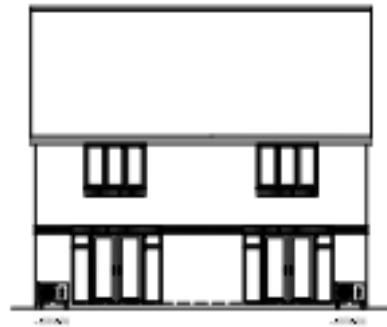
FRONT ELEVATION



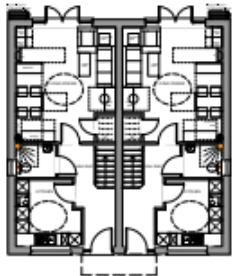
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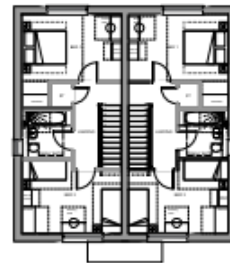
LHS ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

Proposed Elevations and Floor Plans: Plots 7-8



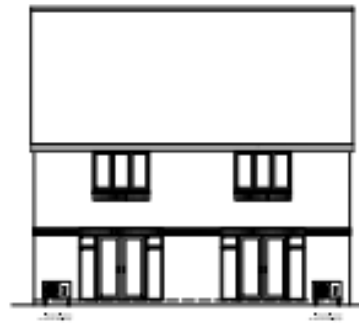
FRONT ELEVATION



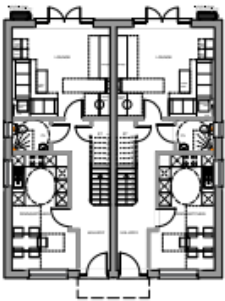
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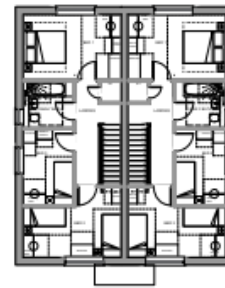
LHS ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

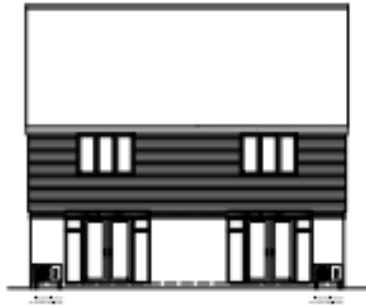
Proposed Elevations and Floor Plans: Plots 9-10



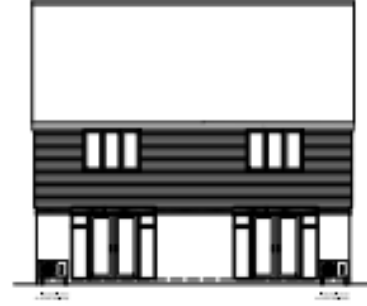
RHS ELEVATION



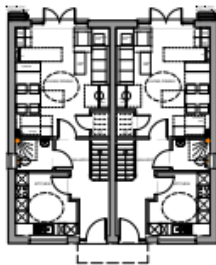
RHS ELEVATION



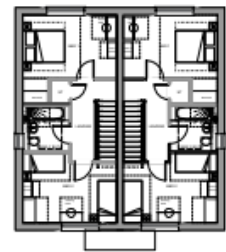
REAR ELEVATION



REAR ELEVATION



GROUND FLOOR

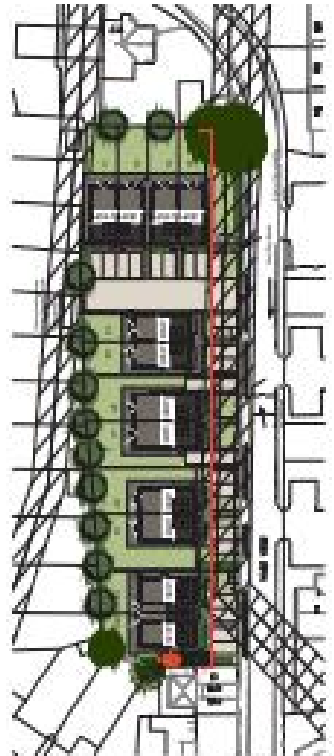
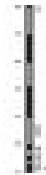


FIRST FLOOR

Street Scene and Site Plan



Street Section



Site Plan



REFERENCE No. 038938

Site Address: 64A Lutterworth Road, Nuneaton Warwickshire CV11 6PH

Description of Development: Retention of annex outbuilding to rear

Applicant: Mr Pargat Singh

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

Retention of annex outbuilding to rear at 64A Lutterworth Road Nuneaton Warwickshire CV11 6PH.

Site Description

64a Lutterworth Road is a detached residential property constructed of red brick with brown uPVC windows and a single storey conservatory extension to the rear. The roof has both a rear facing gable and a side facing gable with a small single storey side extension projecting off the side elevation facing 64 Lutterworth Road. There is an existing outbuilding to the rear which is located next to the location of the outbuilding which forms this application. There are no significant level changes either within the property's boundaries or between the property and the neighbouring properties, 64 and 66 Lutterworth Road. The rear neighbouring properties are 38, 39 and 40 Ashleigh Drive. Lutterworth Road is a major roadway within the borough with a number of different house types, styles and sizes present within the street scene.

Development Description

The application is the retention of annex outbuilding which is in the rear garden of the applicant property, 64a Lutterworth Road. It is a red-brick structure with a pitched roof and the dimensions will be 3.7m to its highest point, 2.5m to the eaves, 9.1m wide and is 4m deep. It is located towards the back of the rear garden, next to an existing outbuilding which has been previously constructed and on the boundary with the adjacent neighbouring property, 64 Lutterworth Road. This application is a 'retention of' as a complaint through enforcement was made and investigated and due to the height being above the 2.5m which is allowed under permitted development an application to correct this was requested.

RELEVANT PLANNING HISTORY:

- No previous planning history for the address, 64a Lutterworth Road

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:

- DS1 – Presumption in favour of sustainable development
- BE3 – Sustainable design and construction
- Supplementary Planning Guidance / Supplementary Planning Documents.
- 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:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted on this application were 38, 39 and 40 Ashleigh Drive and 64 and 66 Lutterworth Road. Neighbouring properties were sent letters notifying them of the proposed development on 12th September 2022.

NEIGHBOUR RESPONSES:

We have received a petition of objection with 13 The comments are summarised below;

1. The signatories support the removal of the outbuilding to the rear of 64a Lutterworth Road.

APPRAISAL:

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Conclusion

1. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at 64a Lutterworth Road will affect the neighbouring properties, which in this case are the adjacent properties, 64 and 66 Lutterworth Road and the rear neighbouring properties, 38 and 39 Ashleigh Drive.

Impact on 64 Lutterworth Road

64 Lutterworth Road is a detached residential property that is an adjacent neighbour of the applicant property, 64a Lutterworth Road. Due to the location of the outbuilding only the rear elevation could be impacted by the proposal and as the outbuilding is single storey in height only ground floor of the rear elevation could be impacted by the proposal. On the ground floor rear elevation there are 4 openings, of which 3 are windows and 1 is a door. The windows are for habitable rooms and so can be protected under section 11 of the Sustainable Design and Construction SPD 2020. The distance between the new front elevation of the outbuilding and the rear elevation of this

property is approximately 30m and the rear elevation will not directly face the outbuilding. Therefore, it can be concluded that the proposal will not impact the residential amenity of this elevation because 30m is above the minimum distance standards, as set out in section 11 of the Sustainable Design and Construction SPD 2020 and it will not directly face any elevation on the outbuilding.

The outbuilding will project 4m alongside the boundary with this property and as it is single storey this is acceptable under paragraph 11.9 of the SPD. Also, the location of the outbuilding at the end of the rear garden means that although it does project alongside the boundary it will not project alongside the primary rear amenity space.

Furthermore, as the proposed openings on the outbuilding all face up the rear garden towards the main property and there are no openings on the elevation facing the curtilage at this property this is acceptable.

Overall, it can be concluded that the introduction of the outbuilding to the rear garden of 64a Lutterworth Road will not impact the residential amenity of this neighbouring residential property, 64 Lutterworth Road.

Impact on 66 Lutterworth Road

66 Lutterworth Road is a semi-detached residential property that neighbours the applicant property, 64a Lutterworth Road adjacently. Due to the location of the outbuilding the side and rear elevations could be impacted by the proposal and as the outbuilding is single storey in height only ground floor of the elevations could be impacted by the proposal. On the ground floor rear elevation there is 1 opening, which is for a habitable room, and it is original. The distance between the front elevation of the outbuilding and the rear elevation is 18m approximately however the elevation does not directly face any elevation of the outbuilding and so the distance is acceptable.

The side elevation of this property faces towards the front part of the rear garden of number 64a, and this is not where the outbuilding is located so therefore, it will not directly face any elevation of the outbuilding. Furthermore, it is 20m from the front elevation which is acceptable as it does not directly face any part of the outbuilding, so the outbuilding is acceptable to this elevation.

Furthermore, as the proposed openings on the outbuilding all face up the rear garden towards the main property and there are no openings on the elevation facing the curtilage/rear garden at this neighbouring property and so therefore the outbuilding is acceptable.

Impact on Ashleigh Drive

38, 39 and 40 Ashleigh Drive are the rear neighbouring properties of the applicant property. 39 Ashleigh Drive is the only property which could be impacted as it is the only property where the main house is directly behind the rear boundary of 64a Lutterworth Road. However, this property is at an angle to that of the location of the outbuilding and so as it does not directly face the property, as stated it has to in section 11, it will not be significantly impacted by the proposal at 64a Lutterworth Road.

Furthermore, as the proposed openings on the outbuilding all face up the rear garden towards the main property and there are no openings on the elevation facing the curtilage at this property this is acceptable.

2. Impact on Visual Amenity

Section 13, paragraphs 13.8-13.12, of the Sustainable Design and Construction SPD 2020, indicates how extensions and alterations to the existing houses should impact the visual amenity of an area.

It is considered that the single storey outbuilding respects the form and size of the original building (Paragraph 13.8) being only single storey and sited in the rear garden. The outbuilding is situated next to an existing outbuilding which is constructed out of different materials however as it is to the rear and it is not uncommon for rear gardens to have multiple outbuildings, therefore it is in harmony with the design, character and layout of the property and the surrounding area (Paragraph 13.9).

This outbuilding is completely detached from the main house and is only single storey and so the ridge line of the main property is unimpacted (Paragraph 13.10). It is also considered that given the diminutive size of the outbuilding, and its placement to the rear, it should not appear intrusive, prominent, or incongruous in the street scene or from public areas.

This outbuilding is entirely to the rear and not visible in the street or from public areas. Paragraph 13.10 states that extensions and alterations should not result in large blank elevations visible in the street scene. Since the outbuilding is not visible in the street scene there are no concerns over the impact from any blank elevations.

The Sustainable Design SPD states that new extensions should not reduce the car parking provision of the existing house to the extent where significant on street parking may result. This outbuilding does not take up a car parking space, nor does it reduce any car parking manoeuvring areas (Paragraph 13.12).

3. Conclusion

In conclusion the recommendation is for the committee to approve the application based the reason stated.

The proposal and the development do not have a significant detrimental impact on the visual and residential amenity of the neighbouring properties and the surrounding area and as a result are acceptable under the polices and guidance set out in the documents stated.

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 response(s) 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.

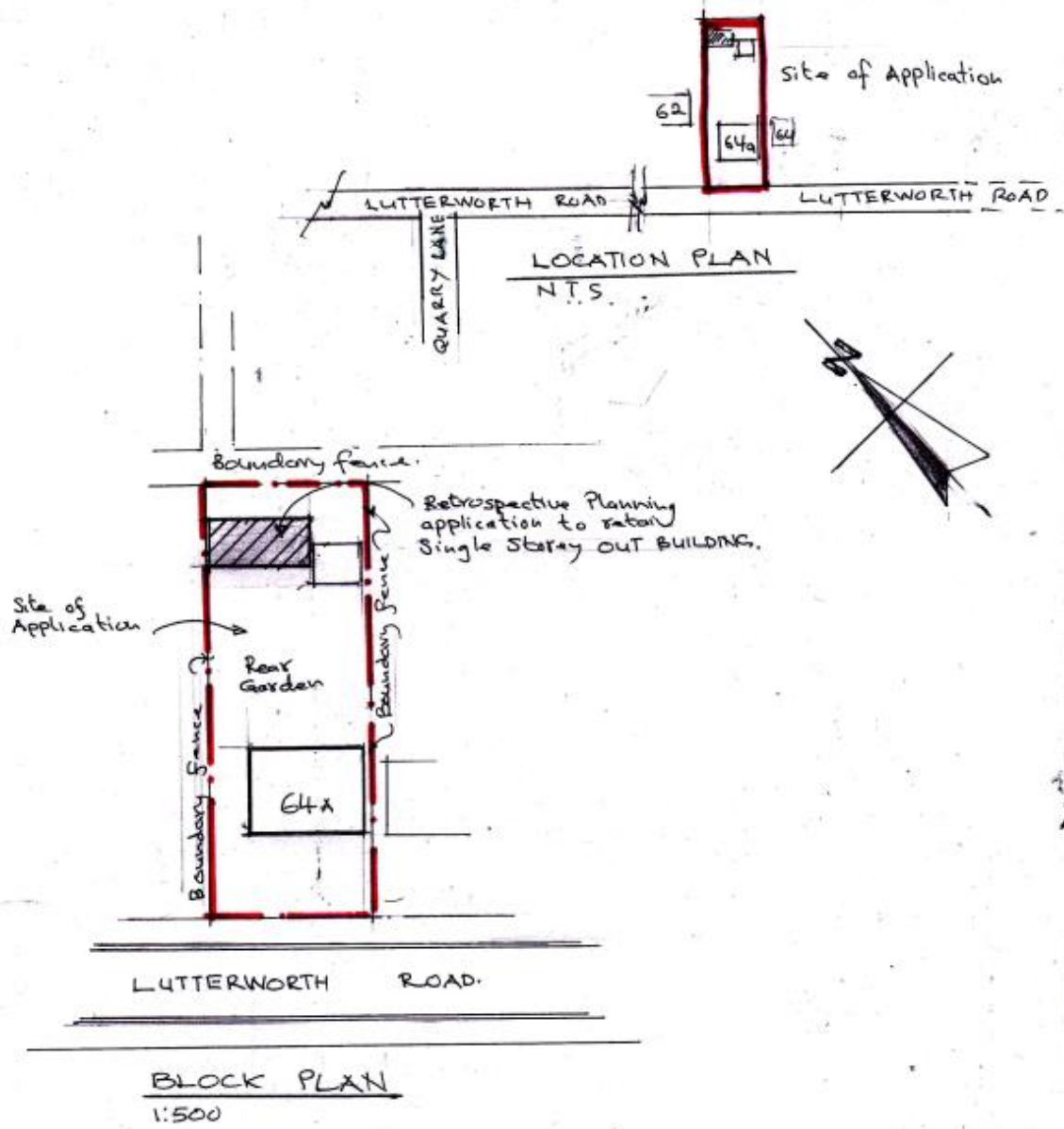
SCHEDULE OF CONDITIONS:

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

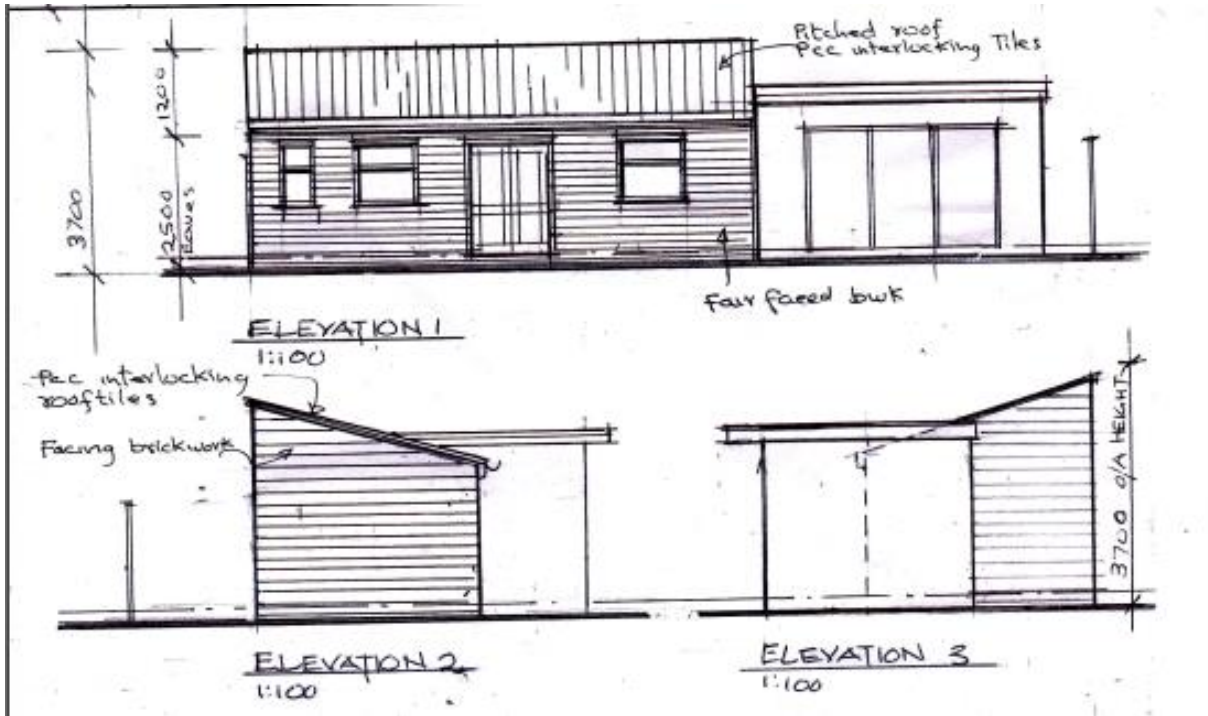
Plan Description	Plan No.	Date Received
Location and Block Plan	N/A	09/09/2022
Elevation and Floor Plan	N/A	09/09/2022

2. The residential annex outbuilding hereby approved shall remain ancillary to the residential property at 64a Lutterworth Road. It shall at no point form a separate dwelling unconnected to existing residential property.

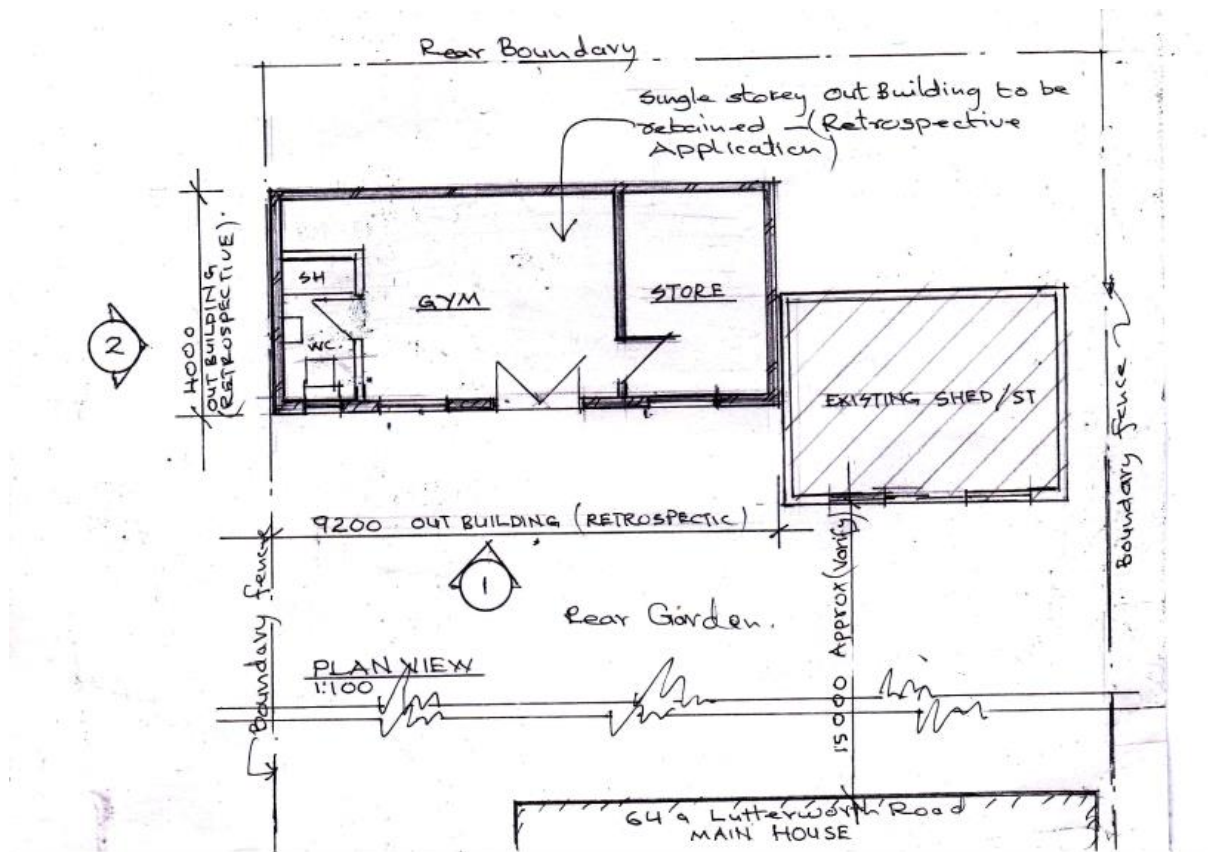
Location and Block Plan



Elevational Plan



Floor Plan



REFERENCE No. 039182

Site Address: P And C Coils Ltd, Anker Street, Nuneaton, Warwickshire CV11 4JL

Description of Development: Retrospective application for the retention of the demolition of P & C Coils Building Anker Street, Nuneaton

Applicant: Mr Shaan Chaudry

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

Retrospective application for the retention of the demolition of P & C Coils Building Anker Street, Nuneaton, at Anker Street, Nuneaton, Warwickshire, CV11 4JL.

This application is for the retrospective application to regularise the demolition which has been done at the applicant site. The buildings which have been demolished were vacant factory buildings which were brick built with a mixture of roof types, styles, and materials. This application is solely for the demolition and any works or development which has taken place since the demolition are not included in this application.

BACKGROUND:

Earlier on in the year, the enforcement team were contacted to investigate the demolition of the former factories at P & C Coils Building Site which is located on a piece of land between Anker Street and King Edward Street and behind the residential properties which form numbers 2-26 (even) Attleborough Road. After discussions between officers, the applicants, and their appointed agent, it was agreed that a 'Prior approval for demolition' application was to be submitted. However, once the consultation letters were sent out, it was reported that the work had started and then was completed. This made that type of application redundant, and a full planning application was needed. Therefore, the previous application was returned and this application, 039182 was submitted.

RELEVANT PLANNING HISTORY:

- 039163 Application for prior notification of demolition. Received: September 2022 and Withdrawn: September 2022
- 037622 Erection of 6No. house and 6No. flats (Demolition of existing factory included) Received: December 2020 and Withdrawn: February 2022
- 036046 Erection of 14 apartments Received: November 2018 and Withdrawn: May 2019
- 032155 Residential development of 9no. 3 storey terraced houses and 6no. 3 storey semis with car ports (Existing building to be demolished) Outline with all matters reserved. Received: June 2013 and Withdrawn: July 2013

RELEVANT PLANNING POLICIES:

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

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted were 78-86 (even), 90-98(even) and 102 King Edward Road, 2-26 (even) Attleborough Road, 1 and 7-37 (odd) Anker Street, 43-46 (all) and 63-67 (all) Clarkson Close, King Edward College, and Unit 1 and 2, Stanbeck Engineering and Units 1 and 2 Anker Bridge House. Neighbouring properties were sent letters notifying them of the proposed development on 26th September 2022.

NEIGHBOUR RESPONSES:

From the original prior notification application that was withdrawn due to the demolition already taken place, there was 12 objections from 9 addresses, and 3 objections with no address provided and from this application there was 2 objections from 2 addresses, and 1 objection with no address provided. The comments are summarised below;

1. Demolition started, proceeded, and finished without any notice or consultation
2. Destroyed boundary walls with properties
3. No PPE or correct tools used
4. Introduction of fencing and gates without permission
5. Damaged streetlights
6. Trees, plants, and wildlife habitats removed
7. Worked Sundays and Bank Holidays and disrupted the area
8. Resurfaced and raised land levels without consultation or permission
9. Aggressive behaviour and intimidation were used towards the public and neighbours
10. Concerns about water runoff flooding neighbours houses and gardens.

APPRAISAL:

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

1. Land Designation
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Heritage Assets and the Historic Environment
5. Conclusion

1. Land Designation

In the Borough Plan, the site is designated as an 'Employment estate suitable for alternative uses' as set out in the Borough Plan. This means that although it is currently an employment site, alternative uses would be welcome on the site. Policy E2 sets out that the sites that are classed as 'Employment estates suitable for alternative uses' will not be protected from non-economic development type proposals and during the period the plan is active will be considered acceptable for alternative uses. Although, there are tests and questions included within the policy E2, the demolition is the first step and as this all we are considering this report is to assess whether the demolition is acceptable, not to assess the future development and use of the site.

The demolition of the factories will represent a loss of employment options, even though the factories were vacant and disused. The demolition, due to the policy will open opportunities for an alternative use to be discussed and proposed. This means that the demolition of the factories is acceptable as although a loss of employment opportunities will be lost, the site was not a strategic employment site and is designated as suitable for alternative uses.

2. Impact on Residential Amenity

There are residential properties which border the applicant site, these are 10-26 (even) Attleborough Road, 86, 90-98 (even) King Edward Road, and 47-58 (all properties) Clarkson Close and the side elevations of the factories made up the majority of one side of Anker Street opposite the residential properties.

These properties were impacted by the presence of the factories at the applicant site and so the removal of the factories will not have a detrimental impact on the residential amenity of any of these properties.

3. Impact on Visual Amenity

The impact on the visual amenity that the demolition of the buildings at the site has had is minimal and could even enhance the visual amenity of the site as it is moving forward. This is because the factories lay dormant, vacant and were being left to ruin and the demolition will stop this by removing the disused buildings on the land.

4. Impact on Heritage Assets and the Historic Environment

The buildings are not nationally, or locally listed buildings and the curtilage of the site is not within a conservation area. Furthermore, any locally listed heritage assets are not afforded the same degree of protection and thus demolition could be acceptable. The boundary of the site is 5m and the footprint of the factories is 50m from the boundary of the Nuneaton Town Centre Conservation Area, and therefore the distances are acceptable that the demolition could occur and not have a detrimental impact on the conservation area itself or any asset within its boundary.

This means that the demolition of the factories at the applicant site will not diminish the historic aspect of Nuneaton and the buildings are not required to help promote and enhance the historic environment of the borough. Therefore, the demolition of these buildings is acceptable.

5. Conclusion

In conclusion, the retrospective application for retention of the demolition which has already taken place at the former P&C Coils site is coming in front of the committee, due to the objections received between the previous prior notification application and the current application. The issues that have been considered for this application is the current land designation within the Borough Plan and any policies which may coincide with that, the impact on both residential and visual amenity and the impact on the historic environment and heritage assets that the loss of these building would have.

Overall, it has been shown that the demolition would be acceptable as it would not result in a detrimental impact on the residential and visual amenity, and as they were not listed or within the boundary of a conservation area, it would not detract from the historic environment. Furthermore, although as just a beginning step it does fit in with the designation of the land in borough plan, under policy E2. The committee is recommended to approve the application.

REASONS FOR APPROVAL:

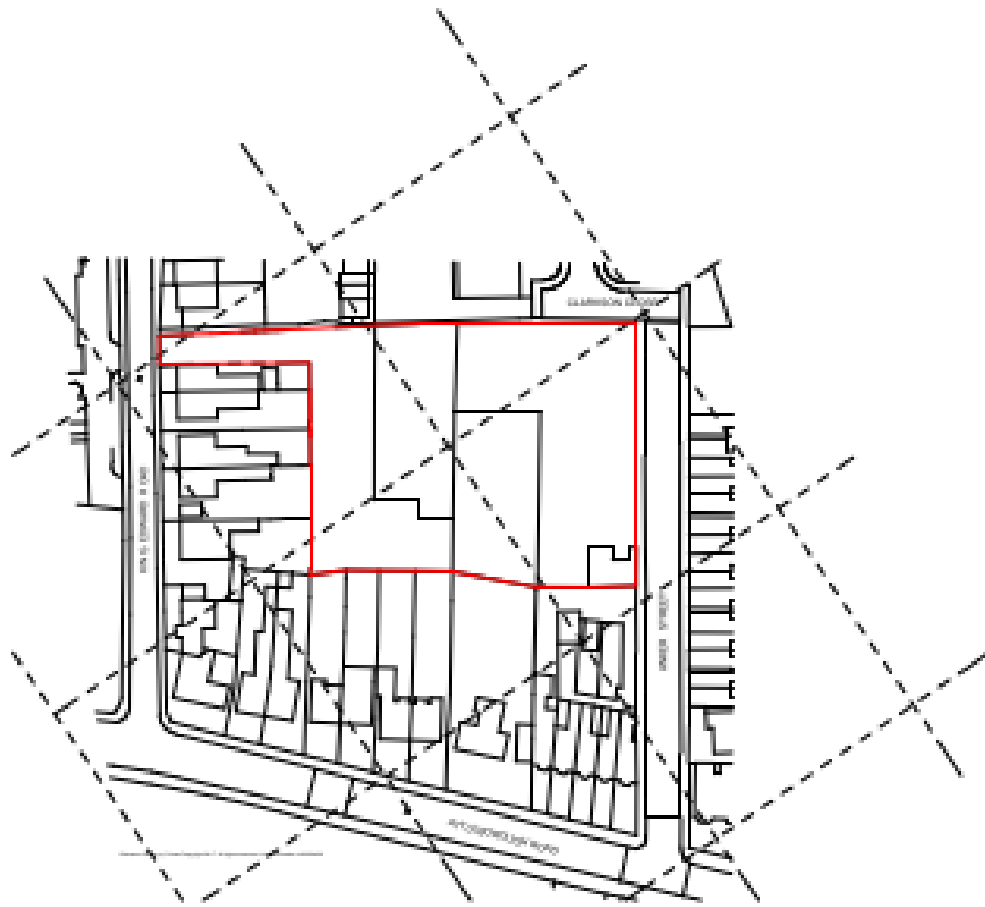
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation response(s) received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be 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 shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Location Plan	N/A	15 th September 2022

Location Plan



Photos showing the factories Pre-Demolition



REFERENCE No. 039239

Site Address: 5 Cabinhill Road Nuneaton Warwickshire CV10 9RE

Description of Development: Two storey rear extension (amendment to approval 039115)

Applicant: Sanjay Chand

Ward: GC

RECOMMENDATION:

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

INTRODUCTION:

Two storey rear extension (amendment to approval 039115) at 5 Cabinhill Road Nuneaton Warwickshire CV10 9RE.

The applicant property is a two-storey detached dwelling located on Cabinhill Road. The dwelling features red facing brickwork, a gabled roof with concrete interlocking tiles and white UPVC windows and doors. At the front of the property, it features a ground floor bay window and an integral garage, which a canopy roof runs across with a front facing gable. Moreover, it features a driveway and a small front side garden. There are similar property designs and scales within the vicinity of the area.

At the rear of the property, it features a relatively elevated (approx. 0.5 metres) rectangular garden. The rear and side boundaries consist of 2 metre fencing.

The proposed two storey rear extension (amendment to approval 039115) is to be located at the rear of the property. The amendment of 039115 includes increasing the extension width to 4.49 metres (original 3.928 metres), and a set of bi-folding doors on the side ground elevation. Other dimensions shall remain the same including extending off the principal rear wall by 2.925 metres and a maximum height of 6.5 metres.

BACKGROUND:

This application is being reported to Committee as 6 objections were received.

RELEVANT PLANNING HISTORY:

- **039115** Two storey rear extension (Conditional Approval: 15/9/2022)

RELEVANT PLANNING POLICIES:

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

- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

None.

CONSULTATION RESPONSES:

None.

NEIGHBOURS NOTIFIED:

The neighbouring properties that were notified are 3, 7 & 15 Cabinhill Road & 3,5,7,13 & 17 Broome Way. Neighbouring properties were sent letters notifying them of the proposed development on 25th October 2022. The neighbouring property 15 Broome Way were also notified, after letters were sent notifying them of the proposed development on the 15th November 2022.

NEIGHBOUR RESPONSES:

There have been 6 objections from 4 addresses. The comments are summarised below;

1. Extension will impose upon privacy in property and garden.
2. Extension looks bigger than the original plan
3. Want a stop to a second level
4. Could potentially deter future buyers nearby
5. Work has commenced and presume that the owner has already completed work as per the amended application before waiting on approval.
6. Both rounds of consultation was not acceptable, and that the application should be referred to committee.

APPRAISAL:

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Conclusion

1. Impact on Residential Amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance. The only potential impact of this proposal is on the neighbouring properties; 3,7 & 15 Cabinhill Road & 3,5,7,13,15 & 17 Broome Way.

3 Cabinhill Road

No.3 Cabinhill Road is the unattached neighbour to the west. The extension shall feature no side facing windows towards this property. This property features no side facing windows, eradicating overlooking and a sense of enclosure. It shall also not infringe upon the 45-degree line (Section 11.9 of the Sustainable Design and Construction Supplementary Planning Document 2020). Moreover, the extension shall be partially sheltered by this property's garage. It is therefore considered that there will be no detrimental impact on this property.

7 Cabinhill Road

No.7 Cabinhill Road is the unattached neighbour to the east. The extension shall feature one ground floor side bi-folding doors towards this property. It shall feature no

first-floor windows towards this property. This property features one first floor side facing window. Despite this, the window directly faces No.5 Cabinhill Road's existing property and does not serve a habitable room. Therefore, eradicating overlooking and a sense of enclosure. Moreover, it shall not infringe upon the 45-degree line (Section 11.9 of the Sustainable Design and Construction Supplementary Planning Document 2020). It is therefore considered that there will be no detrimental impact on this property.

15 Cabinhill Road

No.15 Cabinhill Road is the unattached neighbour to the east. This property shall be unaffected as the extension shall not be visible to this property. It is therefore considered that there will be no detrimental impact on this property.

3 Broome Way

No.3 Broome Way is the unattached neighbour to the east. The extension shall feature one ground floor side bi-folding doors towards this property. It shall feature no first-floor windows towards this property. All rear facing windows shall be protected. Therefore, in the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows (Section 11.4 of the Sustainable Design and Construction Supplementary Planning Document 2020). The extension complies with this at approximately 26.7 metres. Moreover, in the interests of protecting aspect and light, the blank wall of an extension directly facing the window of a habitable room of the same height a storey higher shall be a minimum 14 metres apart (Section 11.8 of the Sustainable Design and Construction Supplementary Planning Document 2020). The extension complies with this at approximately 26.7 metres. It is therefore considered that there will be no detrimental impact on this property.

5 Broome Way

No.5 Broome Way is the unattached neighbour to the east. This property shall be unaffected as all habitable windows directly face the rear gardens of No.13 & 15 Broome Way & 5 Cabinhill Road, not No.5's existing property or future extension. It is therefore considered that there will be no detrimental impact on this property.

7 Broome Way

No.7 Broome Way is the unattached neighbour to the east. This property shall be unaffected as all habitable windows directly face the rear gardens of No.13 & 15 not No.5 Cabinhill Road's existing property or future extension. It is therefore considered that there will be no detrimental impact on this property.

13 Broome Way

No.13 Broome Way is the unattached neighbour to the south. This property's private amenity space shall be unaffected as the first-floor window does not directly face this property's boundary. The extension shall feature a set of bi-folding doors on the ground floor and a first-floor window towards this property. All rear windows shall be protected. Therefore, in the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows (Section 11.4 of the Sustainable Design and Construction Supplementary Planning Document 2020). The extension complies with this at approximately 21.4 metres away. The habitable windows also directly face No.5 Cabinhill Road's rear garden corner not existing property or future extension and No.7 & 9 Cabinhill Road's rear gardens and

properties. It is therefore considered that there will be no detrimental impact on this property.

15 Broome Way

No.15 Broome Way is unattached neighbour to the south. The extension shall feature a set of bi-folding doors on the ground floor and a first-floor window towards this property (not directly). Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary (Section 11.6 of the Sustainable Design and Construction Supplementary Planning Document 2020). The extension complies with this at 7.9 metres towards this property. This property shall be unaffected as all habitable windows directly face No.5 Cabinhill Road's rear garden and existing property and No.7 Cabinhill Road's rear and side elevation. Moreover, the extension shall be located approximately 20 metres away. It is therefore considered that there will be no detrimental impact on this property.

17 Broome Way

No.17 Broome Way is the unattached neighbour to the south. The extension shall feature a set of bi-folding doors on the ground floor and a first-floor window towards this property (not directly). Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary (Section 11.6 of the Sustainable Design and Construction Supplementary Planning Document 2020). The extension complies with this at 7.8 metres. In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows (Section 11.4 of the Sustainable Design and Construction Supplementary Planning Document 2020)..The extension does not comply with this at 19.5 metres. Despite this, the extensions windows do not directly face this property, alongside this; this property is positioned at a higher elevation, which should omit any detrimental impacts. It is therefore considered that there will be no detrimental impact on this property.

2. Impact on Visual Amenity

The extensions have been designed to be in keeping with the original dwelling with matching red brickwork, concrete tiles, white UPVC windows and gable roofing. Despite, incorporating PPC aluminium doors this shall not appear out of place. Therefore, it is considered acceptable within section 13.9 of the Sustainable Design and Construction Supplementary Planning Document 2020. Moreover, as the extension shall be located at the rear of the property, it shall not be visible from Cabinhill Road. Therefore, this will not detract the character from the area, appear intrusive or dominate the existing property and is therefore acceptable under paragraph 13 of the Sustainable Design and Construction Supplementary Planning Document 2020. Therefore, the development is considered to be acceptable in terms of visual amenity.

3. 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.

Although, the distance standards have not been met at No.17 Broome Way by 0.5 metres, this has been mitigated as the property is positioned at a higher elevation and

shall not directly face the developments rear elevation. All distance standards have been met for all of the additional properties consulted.

In balance, whilst there have been a number of objections to this application, the proposal shall not add any additional harm than the previously approved application 039115.

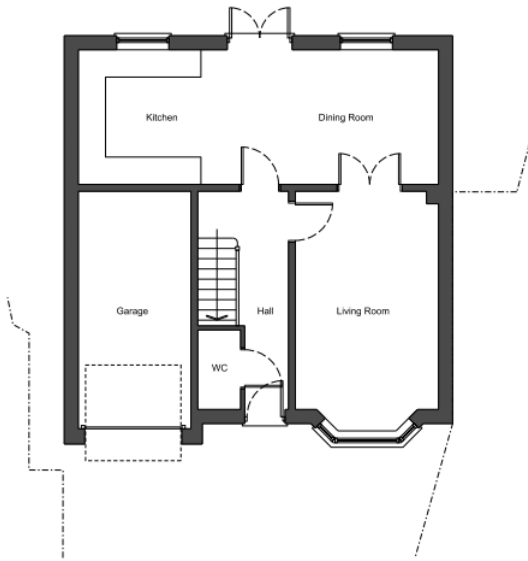
REASONS FOR APPROVAL:

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

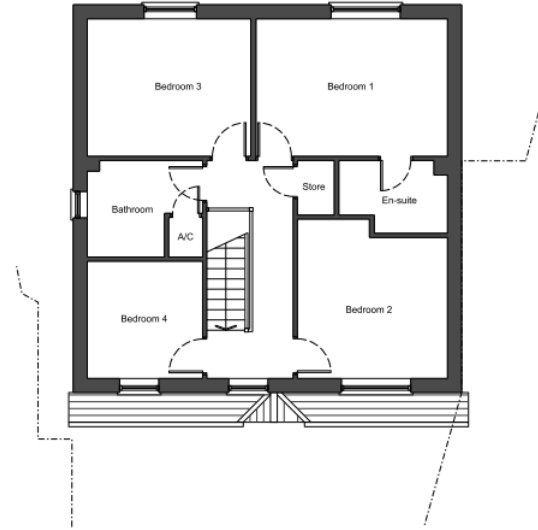
SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Existing plans and elevations	0722-05-001 D	14th October 2022
Proposed plans and elevations	0722-05-003 F	18 th November 2022



Existing Ground Floor Plan - scale 1:50



Existing First Floor Plan - scale 1:50

Existing floor plans



Existing Front Elevation (North)
scale 1:100



Existing Side Elevation (West)
scale 1:100

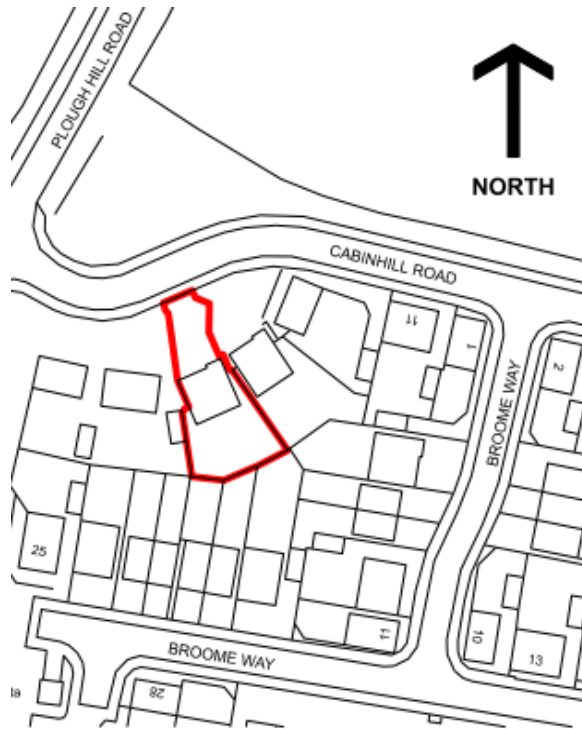


Existing Rear Elevation (South)
scale 1:100



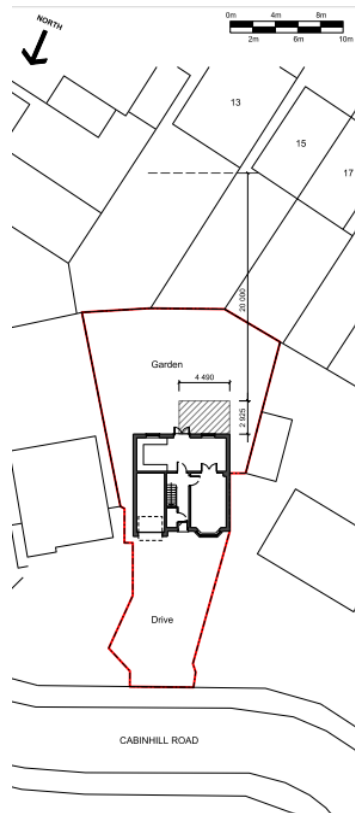
Existing Side Elevation (East)
scale 1:100

Existing elevations



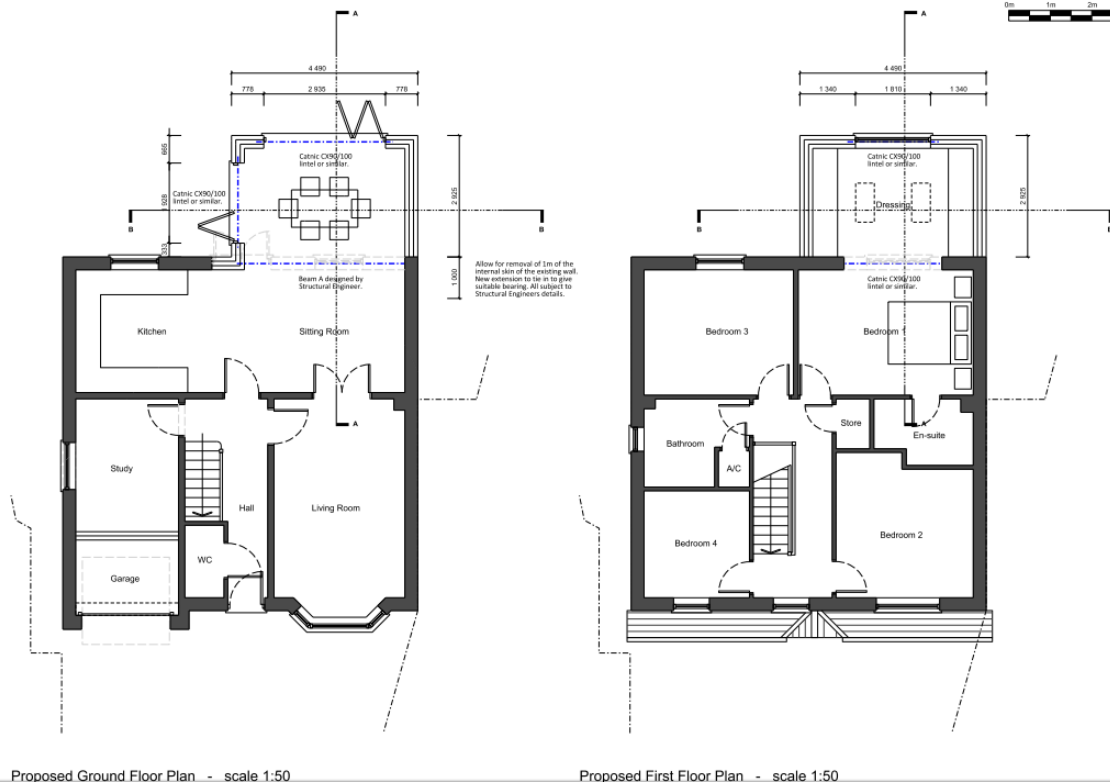
**Site Location Plan
scale 1:1250**

Site location plan

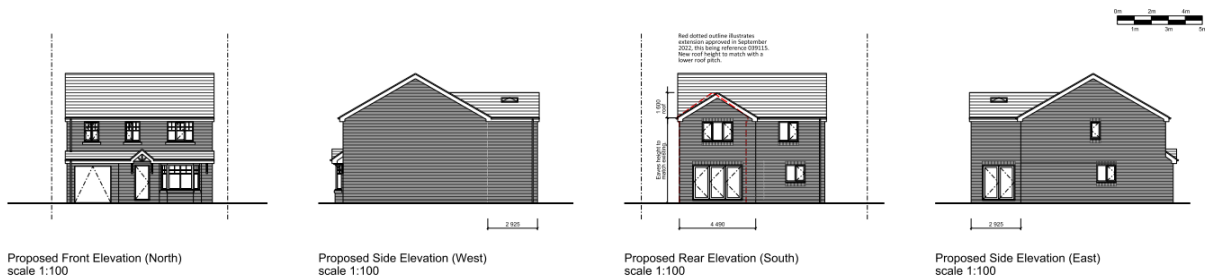


Existing Site Plan - scale 1:200

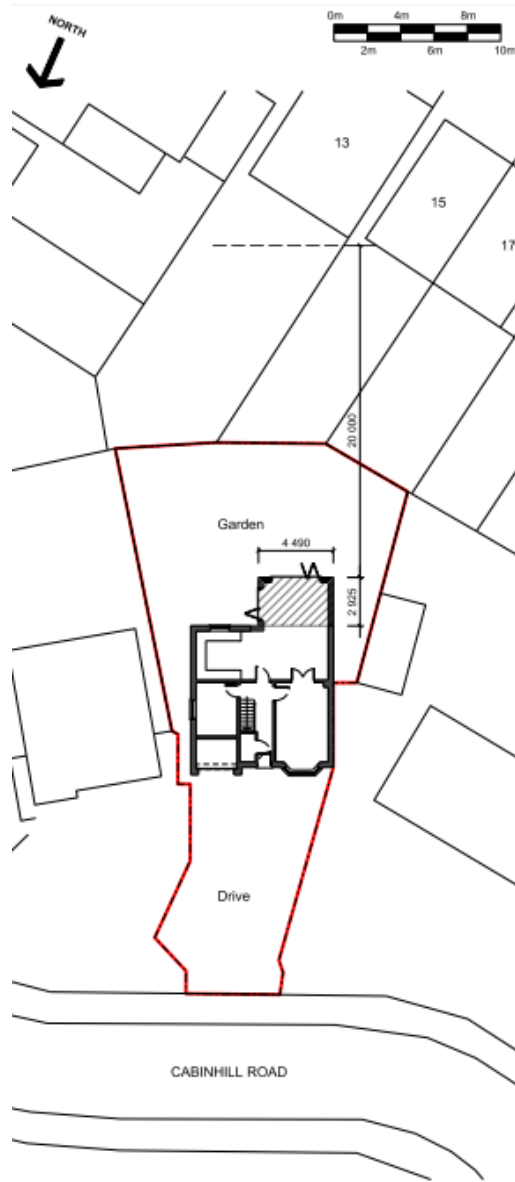
Existing Site Plan



Proposed floor plans



Proposed Elevations



Proposed Site Plan - scale 1:200

Proposed site plan

Glossary

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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)