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Date: 1st June 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 14th June 2022 at 6.00p.m.**

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 the Virgin Money building (formally the Yorkshire 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 24th May 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 15**)

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 15**)
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****24th May 2022**

A meeting of the Planning Applications Committee was held on Tuesday, 24th May 2022, in the Council Chamber and live streamed.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, J. Hartshorn, S. Markham, B. Pandher, J. Sheppard (Vice-Chair), R. Smith, C. Watkins (substitute for Councillor E. Shiers) and K. Wilson.

Apologies: Councillor E. Shiers.

PLA1 Minutes

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

PLA2 Declarations of Interest

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

PLA3 Declarations of Contact

Councillor K. Wilson made the following declarations of contact:

1. In respect of Planning Application 037237 he had received a pack from objectors
2. In respect of Planning Application 035279 he had received representations by objectors and as Leader of the Council had been invited to a briefing by Warwickshire County Council (WCC) but did not attend due to it being cancelled.
3. In respect of Planning Application 038769 he had received a briefing in his capacity as Leader of the Council.

In each of these cases Councillor K. Wilson advised of his role on the Planning Committee and gave no indication of his voting intention.

Councillor J. Hartshorn declared a contact in respect of Planning Application 038371 in that the applicant is a regular customer in his place of work but that no discussion had taken place in respect of the submitted application.

PLA4 Exclusion of Public and Press

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the

following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 1 and 2 of Part I of the Schedule 12A to the Act.

PART 2: PRIVATE SESSION

PLA5 **228 Heath Road, Bedworth, Warwickshire, CV12 0BN**

RESOLVED that delegated authority be given to the Director – Planning and Regulation to issue the certificate of lawfulness.

IN PUBLIC SESSION

PLA6 **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.

PLA7 **Member Call-in Procedure**

The Head of Planning submitted a report to the committee requesting to review and revise the Planning Application call in procedure to ensure appropriate use of Call-in powers by elected members.

RESOLVED that it be recommended to Council that the revised Call-in procedure as at Appendix A of the report be adopted.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA6 OF THE PLANNING
APPLICATIONS COMMITTEE ON 24th MAY 2022

037237: Site 126a001 – Wilsons Lane/Pickards Way (B4113) Exhall, Coventry,
West Midlands

Applicant: Mr Andeep Gill, Pegasus on behalf of L and Q Estates Ltd.

**Public Statements: Councillor D. Brown
Mr Michael Fell
Mr David Parr
Mr David Onions**

DECISION

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

037807: Site 117c003 – Blackhorse Road, Exhall, Coventry, West Midlands

Applicant: Terra Strategic

**Public Statements: Councillor K. Kondakor
Mr Jonathan Adams**

DECISION

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

035279: Top Farm, Higham Lane, Nuneaton, Warwickshire, CV11 6BD

Applicant: Warwickshire County Council

**Public Statements: Mrs Michele Kondakor
Councillor K. Kondakor
Mr Michael O'Connell
Mr Pierre Taylor**

DECISION

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

037922: Site 49B005 – Byford Court, Byford Street, Nuneaton

Applicant: NBBC Housing

**Public Statements: Councillor K. Kondakor
Mr John Roberts**

DECISION

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

038371: 18 Bracebridge Street, Nuneaton, Warwickshire, CV11 5PA

Applicant: Mr Muhammed Badat

Public Statements: Mr Muhammed Badat

DECISION

Planning permission be refused subject to no new points of objection being received following the re-consultation of the amended plans, for reasons as printed in the agenda.

038713: 146 Hickman Road, Nuneaton, Warwickshire, CV10 9NG

Applicant: Ms Michelle Hill

**Public Statements: Councillor M. Tromans
Mr Carl Campion-Evans**

DECISION

Planning permission be refused for the reasons as printed in the agenda.

038634: 4-6 Congreve Walk, Bedworth, Warwickshire, CV12 8LY

Applicant: Mr Mike Lee

Public Statements: Councillor K. Kondakor

DECISION

Planning permission be granted for the reasons as printed in the agenda.

038769: Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH

Applicant: Mr Amit Babbar

Public Statements: Councillor K. Kondakor

DECISION

Approval be granted.

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 on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	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	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	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 	

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	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 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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Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Ward	Address	Page No.
1.	038702	PO	Site 105B008, Bedworth Leisure Centre and Land at Miners Welfare Park	16
2.	038570	BE	Site 95C004 Former Labour Club Chapel Street	38

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

REFERENCE No. 038702

Site Address: Site 105B008, Bedworth Leisure Centre & Land at Miners Welfare Park

Description of Development: Erection of a new physical activity hub consisting of a 25m 8 lane main pool, learner pool, 4no. court sports hall, fitness suite and associated changing and supporting spaces and car park and landscaping scheme to surrounding park with terrace, seating areas, paths and activity spaces (existing leisure centre to be demolished)

Applicant: Nuneaton and Bedworth Borough Council

Ward: PO

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of a new physical activity hub consisting of a 25m 8 lane main pool, learner pool, 4no. court sports hall, fitness suite and associated changing and supporting spaces and car park and landscaping scheme to surrounding park with terrace, seating areas, paths and activity spaces. It is proposed that the existing leisure centre will be demolished.

The site is on the western side of Miners Welfare Park. The park includes the existing leisure centre with associated parking and a small outside football pitch alongside a skatepark, Bedworth Cricket Club and grounds and Bedworth United Football Club and grounds. There is also a large area of publicly accessible open green space alongside trees and associated areas of hardstanding used for parking. The eastern boundary of the site is abutted by a railway line. To the south is Bayton Road Industrial Estate and residential properties at The Waterfront. To the west are residential properties and to the north is Bedworth town centre. Access to the site is provided by a signal-controlled junction from Coventry Road to the north-western side of the site. The access provides a route through to parking that is located to the front and rear of the existing leisure centre.

BACKGROUND:

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

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;

- HS1 – Ensuring the Delivery of Infrastructure;
- HS2- Strategic Accessibility and Sustainable Transport;
- HS4 – Retaining community facilities;
- HS5- Health;
- HS6- Sports and exercise;
- NE1- Green Infrastructure;
- NE2- Open Space;
- NE3- Biodiversity and Geodiversity;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability;
- BE3- Sustainable Design and Construction and
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent, Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, Severn Trent Water, Sport England, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, Western Power

CONSULTATION RESPONSES:

Objection from:
WCC Highways

No objection subject to conditions from:
Environment Agency, NBBC Environmental Health, NBBC Parks, NBBC Tree Officer, Sport England, Warwickshire Fire & Rescue, WCC Flood Risk Management

No objection from:
Cadent, Coal Authority, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, Warwickshire Fire Safety, Warwickshire Police, WCC Infrastructure

No response from:
Severn Trent Water, WCC Archaeology, Western Power

NEIGHBOURS NOTIFIED:

Bedworth United Football Club, 15-19 (odd), 32b, 34, 34a, 34b, 34e, 36-72 (even), 80-86 (even), 80a, 92-138 (even), 146-162 (even) Coventry Road; 1-7 (inc) Gilbert Close; The Old Blank Bank 4 Black Bank; 1-40 (inc) The Waterfront; 2 Park Road; Brose, Colliery Lane North

Neighbouring properties were sent letters notifying them of the proposed development on 3rd March 2022. A site notice was erected on street furniture on 8th March 2022 and the application was advertised in The Nuneaton News on 16th March 2022.

NEIGHBOUR RESPONSES:

There has been 1 anonymous objection raising the following points:

- 1) Object to the positioning of the all-weather pitch.
- 2) The pitch will cause excessive noise and light pollution for residents of Coventry Road.
- 3) Should be relocated away from the houses.
- 4) These properties already have lights to the front on Coventry Road and now will have them at the rear.
- 5) Likelihood of inappropriate language which would be heard from these properties.

APPRAISAL:

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

1. The principle of the development,
2. Visual amenity and landscape character,
3. Residential amenity,
4. Highway safety and accessibility,
5. Flood risk and drainage,
6. Contamination and land stability,
7. Air quality,
8. Ecology and Biodiversity,
9. Sustainable Construction,
10. Conclusion

1. The Principle of Development

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

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site would therefore be an appropriate location for the proposed leisure centre. Policy DS3 states that all new development should be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Borough Plan. It also states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. The application site is within the defined settlement boundary for Bedworth and therefore is acceptable in principle for the proposed development.

The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location (paragraph 99). Policy HS4 of the Borough

Plan states that proposals which lead to the loss of community facilities will only be permitted where replacement facilities are available nearby. The existing leisure centre was constructed around 1975 and offers a gym, group fitness studio, swimming pool, artificial outdoor pitch, alongside changing facilities, café and parking. In being over 40 years old, the existing facilities are clearly outdated. The proposal seeks to erect a new Physical Activity Hub that will offer an enhanced range and quality of facilities and services to the local community. It is considered that the creation of a new Physical Activity Hub, that offers a greater and improved range of services than the existing leisure centre, will help meet the needs of the local community and fundamentally improve the health and wellbeing of residents in the borough. The existing leisure centre will remain open whilst the new facility is being built, ensuring continuity of the provision of services.

The Council has produced a Sport, Recreation and Community Facilities Strategy (SRCFS) (2016-2031). This has been produced to help plan effectively for future sports facility provision, for current and future need, population growth and increased participation. The strategy identifies that many of the Borough's existing facilities are already full, with Bedworth Leisure Centre at 87% capacity, much of the existing facility portfolio is ageing and quality is likely to deteriorate over time. In addition, the strategy recognises that the increasing population will put additional demands on the capacity of existing facilities and increasing participation will increase demand on existing facilities. This strategy has identified a need for sports hall space, swimming pools, fitness suites and informal facilities such as the provision of walking and cycling routes and paths which this new development will provide.

Policy HS6 of the Borough Plan states that proposals which assist in creating a healthy Borough through the use of sports, leisure and recreation and or opportunities to exercise will be approved. The proposal would result in the loss of the existing grass football pitch that is located to the south of the site. The pitch is delineated and has football goal posts to either end. The playing pitch site is understood to be utilised by Bedworth United Girls U16 and Bedworth Conservative Club during the 2021/22 season with the Council undertaking pitch works at an unused adult playing pitch at Heckley Playing Fields site, to enable the clubs to relocate to the site for the 2022/23 season. This area of land would therefore classify as playing field in line with the definition provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, the existing playing pitch is in a low area of land in the park that, when there has been heavy rainfall, would become flooded and unusable for the local community. The application proposes the provision of a new artificial sports pitch to replace the existing 3G pitch at the leisure centre. The wider landscape masterplan, whilst removing the informal playing pitch, would still retain an area of open land in 'The Oval' that would allow for informal sporting and community use in this location. Additional outdoor sports facilities are also being provided through the development that are not directly related to the pitches, including the green gym, skate park and mountain biking trails. It is considered that the additional benefits to sport outweigh the loss of the football pitch.

Sport England has considered the application in light of the National Planning Policy Framework (in particular paragraph 99) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The application needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England has engaged with a number of organisations to inform their response including British Cycling, Swim England, the RFU, ECB and Football Foundation.

Sport England point out that the Council's Playing Pitch Strategy (PPS) 2016 (2016-2031) is considered to be out of date due to the document being produced over 5 years ago with no annual updates being undertaken in line Sport England's playing pitch strategy guidance. The PPS identifies that there is a poor adult sized pitch at the application site which is overplayed and a recommendation is made that the pitch should be reconfigured to accommodate an adult and youth pitch to meet demand. Further to this, the PPS recommends that the small sided AGP at Bedworth Leisure Centre should be changed to 3G. It should be noted that the Council are in the process of undertaking a new PPS. The emerging evidence points to shortfalls in capacity within some football pitch typologies and that there is a need for additional 3G pitch provision to meet current demand which exceeds when taking account of future demand. The emerging evidence also indicates that the playing pitch at Miners Welfare Park is of poor quality and that the pitch quality at Heckley Playing Fields site has improved from poor to standard quality, and only one of two adult pitches at the site being utilised.

Sport England state that with regards to the Leisure Centre element of the scheme, the Council's Sport, Recreation and Community Facilities Strategy (SRCFS) identified that at 2016 there was an existing deficiency of 5.5 badminton courts which increases to shortfall of 8.97 when taking account of future growth up to 2031. The SRCFS continues to state that the existing sports hall stock is insufficient; given existing facilities are ageing, and over time quality will deteriorate; England Netball identifying the need for additional courts and there is a lack of daytime access to sports halls given that all facilities except Jubilee Sports Centre are on education sites. The SRCFS sets out a range of options to meeting the future demand with one of them being the redevelopment of Bedworth Leisure Centre to incorporate the addition of a 4/6 court sports hall. The Council commissioned a Sport England facility planning model (fpm) local assessment in 2019 to develop a more up to evidence base for sports halls provision with it reviewing the current provision and assessing the future provision required up to 2034 and beyond. The fpm highlighted that in 2019 there was an existing deficiency of 9.5 sports hall which reinforces in part the SRCFS identification for the need for new provision within the authority.

In relation to swimming pool provision the SRCFS identified that at 2016 there was an existing deficiency of 216.71 sqm of water space which equates to a 4 lane x 25 metre pool, which increases by a further 134 sqm. As such by 2031 there would be a 315 sqm shortfall in water space which equates to 6.52 lanes of a pool (8 x 25 metre pool

equating to 412.5 sqm of pool space). The SRCFS states assuming no new pools are opened, and the existing facilities remain open, there will be a need for an additional 6.52 lanes of a 25m pool. This could equate to one 6 lane x 25m pool plus some additional learner pool space, or one 4 lane x 25m pool plus an additional 2 lanes at an existing pool, plus some learner pool space. The SRCFS also states that there is a need to consider the age, condition and quality of the existing Bedworth Leisure Centre as the quality of the offer will reduce over time; the need to replace facilities will need to be a medium –long term priority (5+ years). The fpm highlighted that in 2019 there was an existing deficiency of 192 sqm of water which increases to 399 sqm by 2034, which reinforces in part the SRCFS identification for the need for new provision within the authority.

The SRCFS also includes an assessment of community accessible fitness stations and identifies that there was current under supply of 241 fitness stations in the Borough, with deficit increases to 283 by 2031. The SRCFS highlights that there are already 619 stations in the Borough which would suggest that there is sufficient provision though the issue is they may not all be accessible to the local community due to cost, hours of operation, or location. A priority identified within the SRCFS is the opening up the facilities on all education sites for community access, which would mitigate the apparent under supply to some extent. Whilst another opportunity identified is to increase fitness provision in the Borough through the development of additional/extended swimming facilities.

Sport England have commented that whilst it would be preferable for the PPS to have been completed and adopted prior to the determination of the planning application to determine appropriate locations for 3G provision, it is considered that there is a demand for additional 3G pitch provision within the authority. The Football Foundation also highlight the desire to understand the rationale for the 9v9 as opposed to full size provision (which would be equivalent to the pitch size proposed to be lost) which would have wider benefits than the pitch size proposed. However, Sport England have taken into account the submitted Arboricultural Report which recommends that the pitch and any associated infrastructure and services are kept outside the crown spread and root protection area of a mature ash tree. Therefore, it cannot be enlarged to a full sized pitch. The proposed 9v9 3G pitch will still meet a demand and it would also be suitable for match play for 9v9, 7v7 or mini soccer subject to it being tested to be placed on the FA pitch register.

The two clubs who utilise the existing pitch will be accommodated at Heckley Playing Fields site for the 2022/23 season, which is close proximity to their existing site and the clubs have raised no objection to the relocation.

Sport England point out that whilst there is some benefits identified for football the 9v9 3G pitch is not equivalent in size to the playing field proposed to be lost resulting in some negative impact on football. It should be noted that Exception E5 does require the negative impacts to be balanced with the positive impacts that are identified. In terms of the positives, the proposal will replace an aging leisure centre with a modern leisure centre facility with enhanced sporting provision. The new centre will help to meet current and future needs identified within the Council's strategic evidence base relating to sports hall, water space and gym stations provision. The provision of the additional water space is also supported by Swim England and the sports hall will be available during the daytime which was need identified within the authority by England Netball. In relation to the design of the leisure centre Sport England's design/development consultants have been fully engaged throughout the process and have raised no issues. British Cycling have commented that they are very supportive

of the proposal with it being of appropriate design and aligning to their strategic objectives to grow cycle sport participation. The wider scheme also creates a co-located active environment through the provision of a fit bank, green gym, activity lawn, performance area, running, informal walking and cycling routes, skate park in a destination park which will lead to a much broader sport and physical activity offer than currently afforded at the site. Sport England have therefore confirmed they have no objection subject to a condition that the use of the 3G pitch shall not commence until a certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Council.

Policy NE2 of the Local Plan relates to open space, seeking that development protects and enhances the hierarchy of open spaces which are made up of Destination Parks, Community Parks and Local Parks. Proposals should seek to create new and enhance existing open space. The proposal will result in a small loss of open space to the southern area of the site. The loss is due to the location of the new building, adjacent to the existing building, which will allow the existing leisure centre to remain open whilst the new one is constructed. However, new facilities are proposed such as the 'green gym' and other improvements outside this application including the new mountain biking trails, BMX park and skate park which form part of the wider masterplan for the Miners Welfare Park. It is considered the proposed facilities are an improvement to those which currently exist and so the benefits of the scheme outweigh the small loss of open space.

NBBC Parks have commented that they fully support the application. They state that the wide range of additional outdoor recreation facilities will offer many new and additional reasons for residents to visit the park for play, recreation and exercise – in all cases increasing activity and encouraging active lifestyles and improved mental health / wellbeing. The recent opening of the mountain bike trails effectively as a Phase 1 of the development has seen large numbers of users and very positive public reaction. Along with the mountain bike trails and recently refurbished tennis courts and new netball facilities, the proposed facility would see Bedworth area residents served with the most varied and up to date outdoor sport and recreation facilities in the Borough.

2. Visual Amenity & Landscape Character.

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. A Landscape & Visual Appraisal has been submitted with the application. From the perspective of the landscape resource, the appraisal finds that there would be a loss of some category B and C trees and some land due to the increased size of the new facility and introduction of the 9v9 pitch in relation to the existing. However, there would be significant benefits offered through renewal of parkland trees in a structure that would strengthen the use and character of the park, introduction of new habitats that would increase species diversity and structure and visual interest and improved usability and enjoyment of the open park through replacing the poorly drained existing football pitch with the oval lawn. In terms of the visual appraisal, it finds that the replacement of the existing aging facilities with the new Physical Activity Hub would lead to significant enhancements in visual

amenity. Overall, the proposals would lead to a significant overall enhancement of the landscape character of the Miners Welfare Park.

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. The maximum height of the building is approximately 13 metres, meaning the scale and massing of the building would be no more visually intrusive than the existing leisure centre. A mixture of materials are proposed including brick of a red colour to the lower parts of the building, grey aluminium cladding and timber cladding. The workshop block would consist of red brick to the lower parts, grey aluminium cladding, glazing and vertical timber cladding in a slate ebony colour. There could be concerns that the dark timber cladding could contrast too much with the park setting but on balance, it is considered that the proposed colour would provide an interesting contrast with the other proposed materials and would not significantly impact on the park setting. The other part of the building would use a shingle cladding system which would provide a weave effect across the façade. It is considered that these would appear particularly intrusive but create a feature of that block and visual interest. The reference to weaving also picks up on the history of the weaving industry that was predominant in Bedworth in the 18th and 19th centuries.

3. 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. A noise assessment has been submitted with the application. The new building will require various new plant to serve the pool, sports hall, gym and other function areas. At this stage the schedule of fixed plant has not been finalised, so it has not been possible for a noise assessment to be undertaken of specific equipment. It is noted in the noise assessment that following selection of the new plant, cumulative noise levels will be calculated at various noise sensitive areas and checked against limits in accordance with the appropriate standards. NBBC Environmental Health have requested a condition restricting no external plant and if some is necessary, details of how it would be acoustically treated would need to be submitted. The noise assessment also assess noise associated with the all-weather pitch. This states that any noise could be reduced by solid acoustic screening along the north-western site boundary and by limiting the hours of use up to 9pm. NBBC Environmental Health accept the noise assessment but due to the nature of the noise and the close proximity of residential properties on Coventry Road which is approximately 12 metres from the rear boundaries and approximately 36 metres from the rear of the properties they have requested a condition for an acoustic barrier to the north-western boundary of the site and a condition which limits the hours of operation of the all-weather pitch to between 9:00hours to 21:00hours. In order to control noise break out from the gym studio, they have also requested a condition that all doors and windows to this area should kept closed when amplified sound systems are used, and when other noise generating activities are taking place.

The nearest residential properties are along Coventry Road with the minimum separation distance of approximately 56 metres which complies with distance standards contained within the Sustainable Design & Construction SPD 2020.

4. Highway Safety & Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). It is proposed to utilise the existing signal controlled access onto Coventry Road.

WCC Highways have objected to the application pending further information. Having reviewed the modelling of the impact of the development on the existing signalised junction from which the application site is accessed, they have raised some concerns and requested further information be submitted. The information submitted with the application indicates that the existing provision is already over capacity, particularly on a weekday evening peak and also during the weekend. It is however noted by WCC Highways that the modelling has been undertaken on the basis of a 'worst case' scenario in relation to demand for pedestrian facilities at the junction, with the assumption that the pedestrian facility will be called on every cycle. They have recommended that survey data should be sought to provide further information with regard to pedestrian movements and demand for the pedestrian facilities. The applicant has confirmed that they are working with WCC officers to resolve the objection. At the time of writing the report, this work is currently being undertaken and members will be presented with the up to date information and position at Planning Applications Committee.

In terms of parking, standards are contained within the Transport Demand Matters SPD 2021. The SPD requires 1 space per 22m² of indoor space. Based on the proposed floorspace, there would be a requirement for 173no. spaces. The application provides 158 spaces which is considered acceptable particularly taking into account the level of parking provision would increase from the existing 104no. spaces and the location of the site close to Bedworth Town Centre and sustainable transport options

A Transport Assessment has been submitted with the application. This investigates the surrounding highway network alongside any existing concerns in relation to highway safety. The assessment then looks into the development proposals more specifically, looking into access and highways works, servicing and emergency access alongside car and cycle parking. The assessment states that in absolute traffic terms, the site would be expected to generate a maximum of approximately two – three vehicles per minute during the weekend peak, with less than two vehicles per minute during the weekday PM peak and around one vehicle per minute during the weekday AM peak. Given relatively high existing traffic flows, this increase would likely result in negligible impacts on the highway characteristics of the adjacent highway network.

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). As the site is close to Bedworth Town Centre and within an established residential area, the site benefits from extensive pedestrian infrastructure as well as connectivity for cyclists and public transport users. The proposal also offers significant improvements to cycling and pedestrian connectivity in and around the site, with improvements suggested for the National Cycle Route 52 and also to the pedestrian links in and around Miners Welfare Park. A new cycle hub is also proposed alongside outdoor cycle parking spaces. A Travel Plan has also been produced to encourage more sustainable forms of transport. It includes initiatives such as the production of Employee and User Welcome Packs including introductions, literature on the benefits of active travel and environmental benefits, personal travel initiatives, maps showing walking / cycling routes and places of interest, details of taxi companies and car club operators, and details of public transport services including timetables

and routes, measures to encourage walking such including raising awareness of the health benefits of walking in communal and staff areas, clear signing of pedestrian routes in and around the site, information on local pedestrian routes including public footpaths, measures to encourage cycling including provision of information on the local cycle network routes available, promotion of the availability of cycling information including route maps and tips, promotion of the Cycle to Work scheme for employees, information on local cycle clubs / forums, measures to encourage public transport such as including distribution of details of the Traveline Journey Planning too and the promotion of car sharing.

5. Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 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 within flood zone 1 and therefore has a low level of fluvial flood risk.

In relation to surface water drainage, it is proposed that all surface water runoff be discharged into the existing surface water sewer at the equivalent greenfield Qbar rate during all storm events up to and including 1 in 100-year storm with a 40% allowance for climate change. The flow restriction is proposed to be achieved using a vortex flow control device. The car parking bays will have a porous paved surface accepting runoff to an attenuation sub-base or sub-base replacement geo-cellular tank below. Runoff from the roof catchment and the paved terrace area along the southern elevation of the building will be attenuated within a below ground cellular tank. From there flows will be regulated and conveyed into the swales before discharging into the existing STW sewer. Runoff from the 3G surface will be drained into a sub-ground drainage system to specialist's details before conveying flows south into 2no. attenuation ponds. From there flows will be regulated before discharging into the existing STW sewer. The drainage system incorporates a number of Sustainable Drainage features (SuDs) designed to reduce the volume and enhance the quality of the surface water runoff prior to discharge into the public network. These features include an attenuation pond, conveyance swales, permeable paving and sediment sumps/catch pits. WCC Flood Risk Management have no objection subject to a condition.

6. Contamination and Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate the 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 Geo-Environmental Site Assessment (Phase 1 and 2 has been submitted. This has identified some asbestos within the development area and elevated ground gases. The report recommends that a remedial method statement be submitted. NBBC Environmental Health have no objection subject to the imposition of the standard contaminated land conditions.

A Coal Mining Risk Assessment has been submitted. The assessment identifies that the application site has been subject to past coal mining activity, specifically that there are three recorded mine entries (shafts) present within the site. However, The Coal Authority have confirmed that on the basis that the proposed built development layout has been designed to completely avoid these features, as specifically advised within the context of the report, they have no objections.

7. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). An Air Quality Assessment has been submitted with the application. The assessment considers both transport and point source (boilers) emissions associated with the proposed development. The predicted NO₂, PM₁₀ and PM_{2.5} concentrations at receptor locations are all predicated to be below the UK Air Quality Standard objectives, with the overall impact being negligible at all receptor locations. NBBC Environmental Health have confirmed that they find the assessment satisfactory. Both the Transport Demand Matters SPD 2021 and the Air Quality SPD 2020 require the provision of electric vehicle charging points. For commercial development, 10% of parking spaces should be provided with 32amp charging points and at least 1no. charging unit should be provided for every 10no. disabled parking spaces. The application proposed 16no. EV parking bays which complies with this requirement. A total of 4no. of the disabled parking bays will have charging points and as there are 8no. disabled spaces this also meets the requirement. NBBC Environmental Health have requested conditions covering a Dust Management Plan and that all gas-fired boiler installations should be a specified standard. They have also requested other mitigation measures which could be covered by conditions such as a monitored Travel Plan, measures to support public transport infrastructure and promotion of its use, measures to support cycling and walking infrastructure, including secure cycle storage and measures to support an Electric Vehicle Plan. A Travel Plan has already been submitted with the application and ECVP's have been provided in line with the Air Quality SPD.

8. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. An ecological assessment and an arboricultural assessment have been submitted with the application. The ecological assessment outlines that the site is located within the Miners Welfare Park Ecosite, which is identified as a recreational park with amenity grassland, mixed woodland, scrub and tall herb communities. The southern part of the site is within the Mineral Railway pLWS. The assessment analysed habitats in and around the site and concluded that the development would have no significant adverse ecological impacts. There was negligible potential for reptiles and none were recorded during the survey. Bats were however recorded within 2km of the site. A Bat Inspection survey has been carried out in Miners Welfare Park to determine the likelihood of bats roosting in the trees. Whilst the outcome of the survey indicated no evidence of active bat roosts, some of the trees offer a low suitability for roosts.

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

NBBC Parks have no objections subject to conditions.

The layout of the proposed development has tried to minimise tree loss. This has been achieved by ensuring that the new building would be situated in close proximity to the existing leisure centre, whilst utilising previously developed space for the purposes of car parking and other facilities. However, the new physical activity hub building will likely involve the removal of 10no. London Plane trees and 3no. Himalayan Birch trees which are in Category B. The new artificial sports pitch will also require the removal of a number of Category B trees. Whilst this loss is unfortunate, the loss of trees can be mitigated by a new planting scheme. NBBC Tree Officer has no objections subject to a condition for a detailed landscaping plan. They have also requested conditions covering an Arboricultural Method Statement, a Schedule of Works to all retained trees and a Tree Protection Plan.

9. Sustainable Construction

A Sustainability Statement has been submitted with the application. The statement identifies that at an early stage within the design process it was highlighted that the building form and orientation had a significant impact on the energy consumption of the development. The form of the building is good in terms of energy efficiency, with well proportioned glass and wall ratios. The pool is located to make use of solar gain whilst minimising spectral reflection. In relation to materials, the proposed glazing will provide high levels of light transmission with low solar radiation. This will increase the contribution of natural daylight and reduce peak cooling loads. The building has been designed in line with Part L2A of the 2013 Building Regulations. This will include, for example, high efficiency condensing boilers, air source heat pumps, natural ventilation, ventilation heat recovery systems and high efficiency lighting.

Policy BE3 of the Borough Plan requires major non-domestic proposals to meet the Building Research Establishment's Environmental Assessment (BREEAM) Very Good standard for new construction projects. The proposals are on route to a Very Good rating, with a 61.51% score in comparison to the 55% minimum score required to achieve this rating.

10. 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 within the settlement boundary of the Borough and would provide improved leisure facilities.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination and ecology 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 plans contained in the following schedule:

Description	Reference number	Date Received
Site Location Plan	20057-GT3-00-XX-DR-A(08)0001-RevP1	2 nd March 2022
Site Layout	BLC-COL-ZZ-00-DR-L-1000 Rev 12	4 th May 2022
Proposed Ground Floor Plan	20057-GT3-00-00-DR-A-(08)0003- RevP1	2 nd March 2022
Proposed First Floor Plan	20057-GT3-00-01-DR-A-(08)0004 - RevP1	2 nd March 2022
Proposed Roof Plan	20057-GT3-00-R1-DR-A-(08)0005- RevP1	2 nd March 2022
Proposed Elevations Sheet 1	20057-GT3-00-ZZ-DR-A-(08)0006- RevP1	2 nd March 2022
Proposed Elevations Sheet 2	20057-GT3-00-ZZ-DR-A-(08)0007- RevP1	2 nd March 2022
Detail Elevations	20057-GT3-00-ZZ-DR-A-(08)0009-RevP1	2 nd March 2022
Proposed Sections	20057-GT3-00-ZZ-DR-A-(08)0008- RevP1	2 nd March 2022
Framework Travel Plan	600190-HEX-00-TP-RP-X-0002 V03	2 nd March 2022

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

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

- xi) Contractor and visitor parking arrangements and
 - xii) A scheme for recycling/disposing of waste resulting from construction works.
- Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan

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

5. No development shall commence until:

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

6. No development shall 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 the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
- 2. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

3. All development should be carried out in compliance with the approved Drainage Strategy (6001-HEX-00-00-DR-C-0500) and Flood Risk Assessment (Hexa ref: 600190 V02).

7. No development shall commence until a dust management plan has been submitted and approved in writing by the Council. The plan shall detail measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

- a. any pre- construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. timing and methodology of site clearance;
- e. the extent of buffer zones and stand-offs for sensitive ecological features;
- f. 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. Measures for the soft-felling of trees.
- l. Timetable for the removal of trees/arboricultural works (works should be undertaken outside of the bird nesting season (March-August inclusive), or otherwise under the direct supervision of a suitable qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances)
- m. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

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

9. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing

by the Council. The BEMP shall set out how the measures detailed in the Ecology Report received by the Council on 2nd March 2022 will be implemented and maintained.

The content of the BEMP shall include:

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

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

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

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

11. No development shall commence until an Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within Arboricultural report received by the Council on 2nd March 2022 shall be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development.

12. No development shall commence until a Schedule of Works to all retained trees (including all access facilitation pruning) and an arboricultural site monitoring schedule has been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

13. No development including site clearance shall commence until detailed hard and soft Landscape Design plans, including landscaping maintenance details, have been submitted to and approved in writing by the Council. Any shall be completed within 12 months of the completion of the construction of the dwellings or buildings in that phase 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.

14. No development including site clearance shall commence until a scheme for the protection of the retained trees including a tree protection plan has been submitted to and approved in writing by the Council. The development thereafter shall be implemented in strict accordance with the approved details.

15. No development shall commence until full details of an acoustic barrier along the north-west boundary of the all-weather pitch has been submitted and approved in writing by the Council. The all-weather pitch shall not be brought into use until the barrier has been erected in accordance with the approved details.

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

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

18. The external materials shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 2nd March 2022.

19. The external boundary treatments shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 2nd March 2022.

20. There shall be no external plant used on the premises. If external pant is to be used it shall be acoustically treated in accordance with a scheme that shall first have been submitted to and approved in writing by the Council prior to installation. The measures implemented as approved shall be retained thereafter.

21. The all-weather pitch and associated lighting shall not be used other than between the hours of 09:00 and 21:00.

22. All doors and windows to the fitness suite and studios shall be kept closed when amplified sound systems are used and when other noise generating activities are taking place.

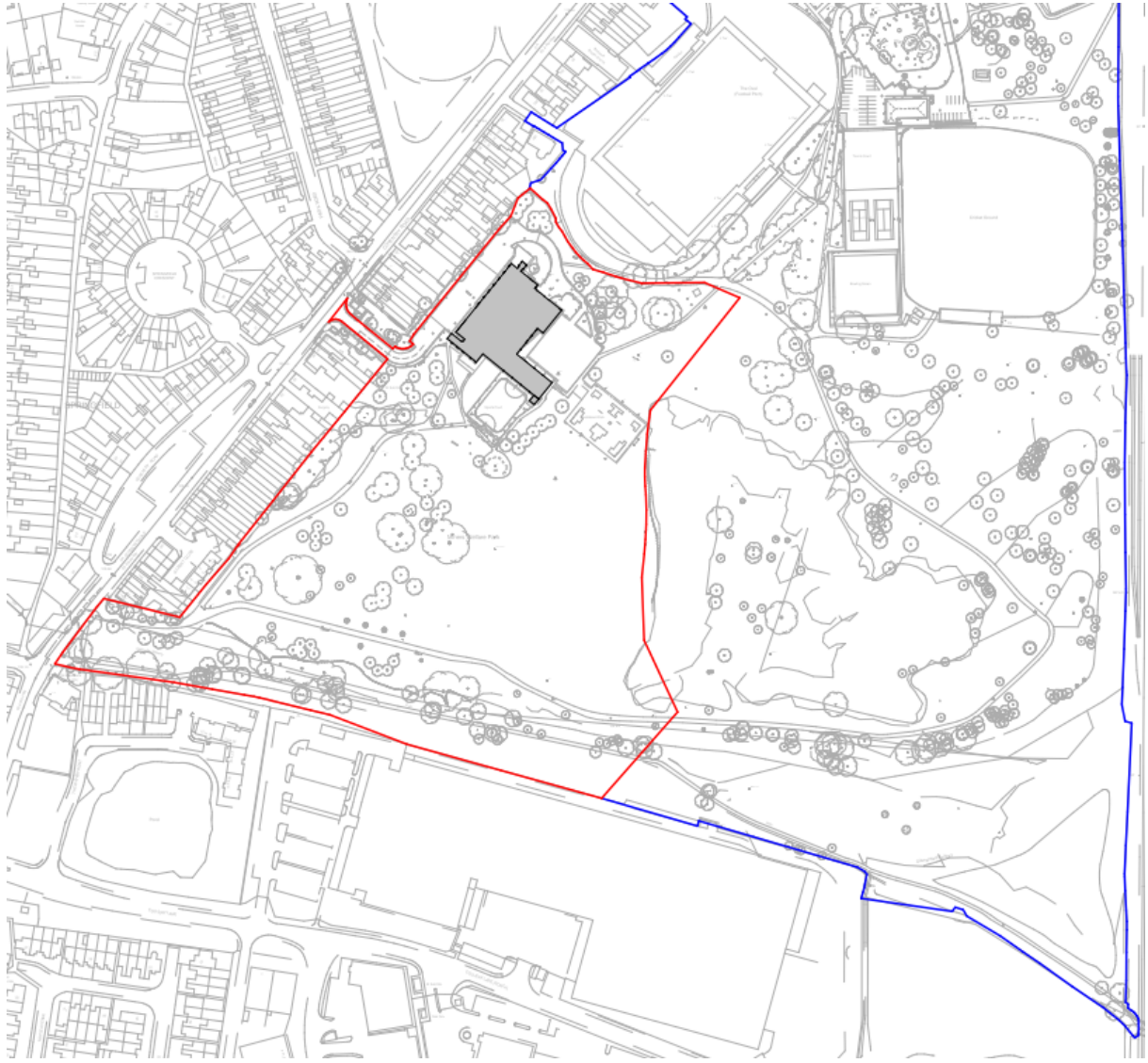
23. The existing leisure centre building shall not be demolished until the Physical Activity Hub approved under this permission has been completed and made available for use.

24. All gas-fired boiler installations should be low NOx emission type and meet the specification used to inform the air pollution modelling detailed in the air quality assessment for the site received by the Council on 2nd March 2022.

25. The use of the 3G pitch shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

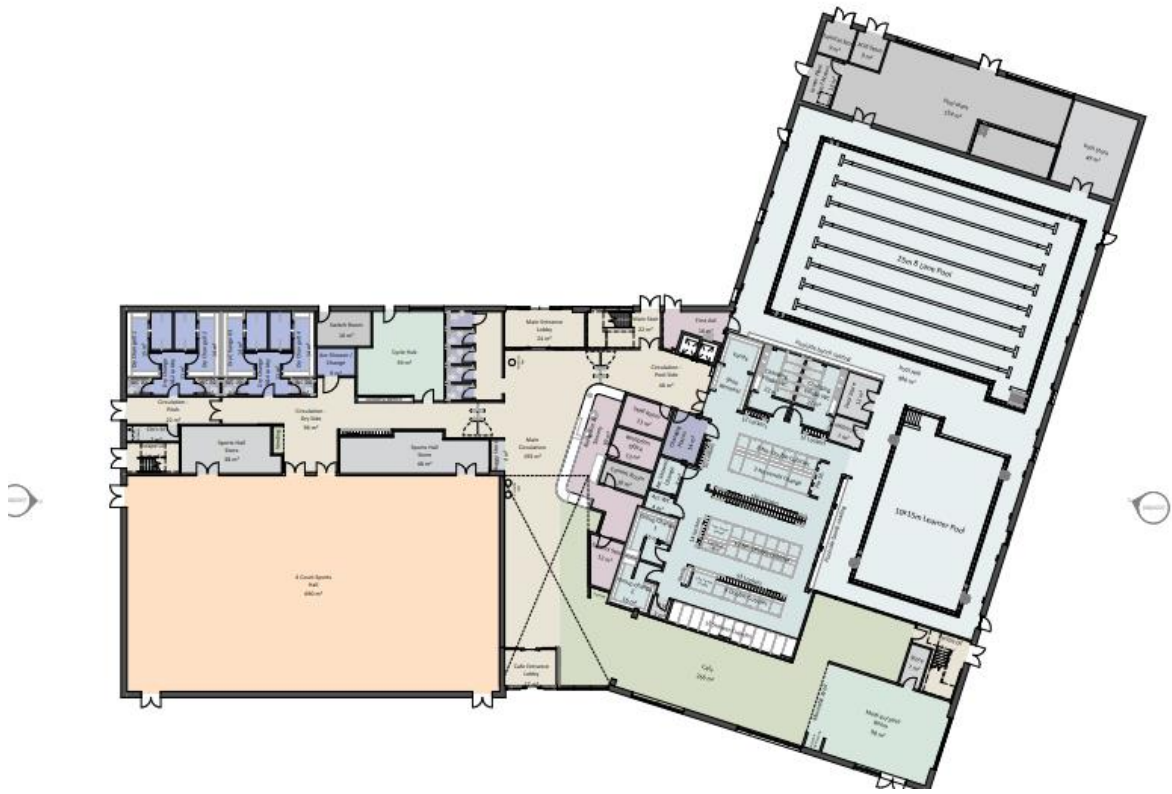
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Council.



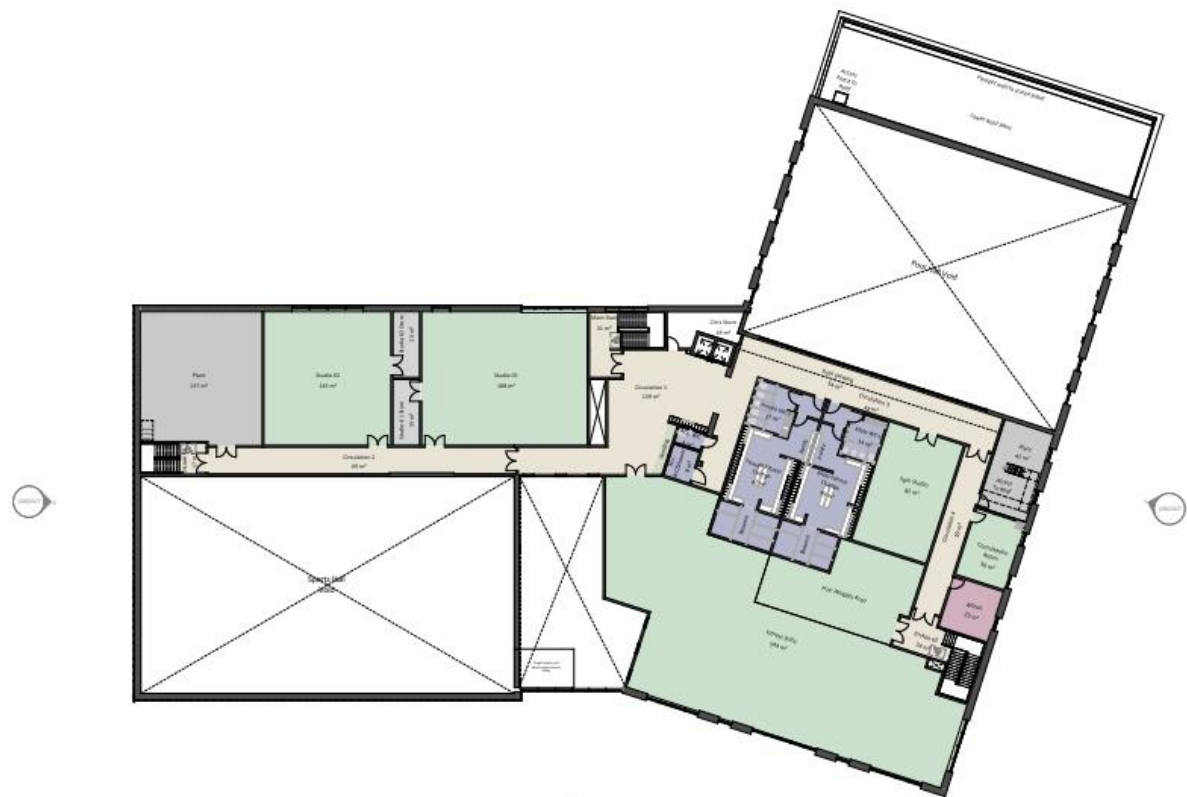
Site Location Plan



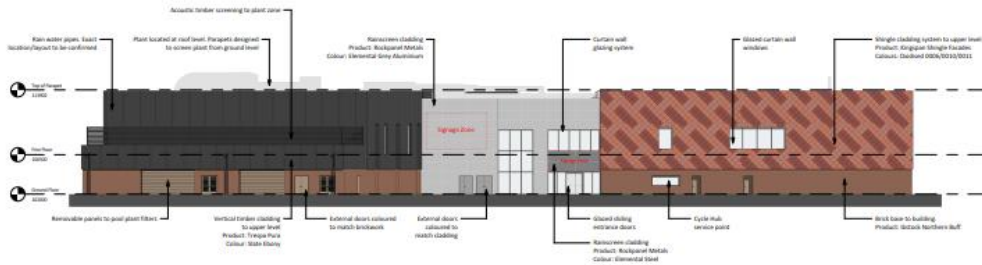
Site Layout



Proposed Ground Floor Plan



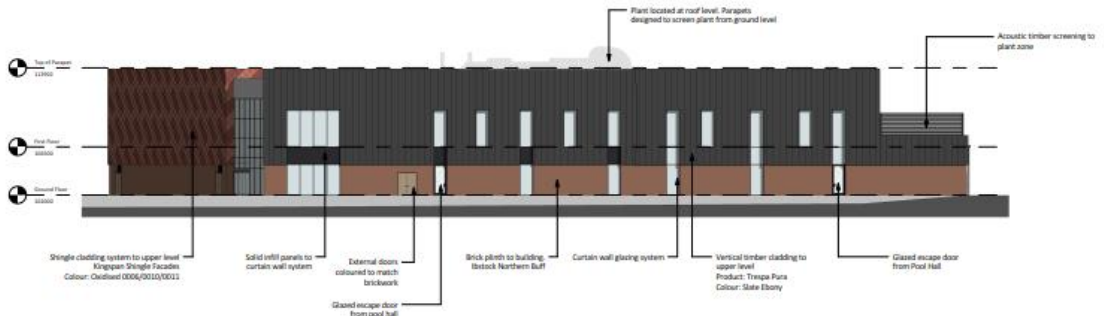
Proposed First Floor Plan



1 North Elevation
Scale:- 1 : 200



2 South Elevation
Scale:- 1 : 200



3 South-East Elevation
Scale:- 1 : 200



4 North-West Elevation
Scale:- 1 : 200

Proposed Elevations

Item No. 2

REFERENCE No. 038570

Site Address: Site 95c004 - Former Labour Club, Chapel Street, Bedworth, Warwickshire

Description of Development: Application for Modification/discharge of Section 106 Agreement under TP/0360/04 for the removal of all Section 106 Contributions and Affordable Housing Contributions

Applicant: Together Commercial Finance Ltd

Ward: BE

RECOMMENDATION:

Planning Committee is recommended to discharge the Section 106 agreement so as to allow the applicant to not comply with it.

INTRODUCTION:

Application for Modification/discharge of Section 106 Agreement under TP/0360/04 for the removal of all Section 106 Contributions and Affordable Housing Contributions at Site 95c004 - Former Labour Club Chapel Street Bedworth Warwickshire.

This application seeks to discharge the Section 106 agreement associated with application reference 004418 (TP/0360/04). This application was for the erection of 6 No. dwellings and 9 flats at Former Labour Club, Chapel Street (also known as Ezra Gardens).

The application has been submitted alongside a viability assessment which sets out how the scheme is not viable based on the Section 106 and affordable housing contributions to be paid to Nuneaton and Bedworth Borough Council and Warwickshire County Council.

BACKGROUND:

This application is being reported to Committee as the proposal is to discharge a Section 106 agreement of all contributions.

RELEVANT PLANNING HISTORY:

- 038240 - Application for variation of condition 7 following grant of planning permission TP036004 (004418) to show changes to the position and size of windows, addition of rooflights and increase in floor area to west elevation – not yet determined
- 037529 - Erection of 9 dwellings off existing access (part resubmission following previous approval of TP/0360/04) – not yet determined
- 036108 - Application for approval of details reserved by condition – approved 07/02/2019

- 035107 - Erection of No.61 bed care home(C2)(Outline to include access) – withdrawn 12/09/2018
- 029142 - Erection of 16 houses (Resubmission following withdrawal of 12620)(Former Bedworth Labour Club site) – finally disposed of 26/02/2010
- 012620 - Erection of 16 houses (Former Bedworth Labour Club site) – withdrawn 15/09/2008
- 004418 (TP/0360/04) – 6 houses and 9 flats (resubmission after Deemed Refusal of TP006402) – approved 24/05/2007
- 000858 (TP/0064/02) – erection of 9 houses and 19 flats – refused 14/01/2004
- 002054 (TP/0163/98) – Erection of 27 dwellings – refused 20/11/2001

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - HS1 – Ensuring delivery of infrastructure
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Land Asset Team, WCC Infrastructure Team

CONSULTATION RESPONSES:

No objection from:

NBBC Land Asset Team, WCC Infrastructure Team

NEIGHBOURS NOTIFIED:

24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 41, 48, 50, 50A, 52, 54, 56, 58, 60, 62, 64, United Reform Church, Dance Academy Chapel Street, 18, 20, 22, 24, 26, 28, 30, 53, 55, 57, 59a, 59b, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125 The Grove, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27 Cadman Close, 1, 3 Wyatts Court.

Neighbouring properties were sent letters notifying them of the proposal on 12th January 2022. A site notice was erected on street furniture on 21st January 2022.

NEIGHBOUR RESPONSES:

There has been 1 letter of objection from Cllr Brown. This was on the basis that of the information and time that this application has been outstanding, if the mortgagee in possession does not wish to fulfil the obligation to make the payments, it should fall upon whoever acquires the site to do so. Any prospective purchaser should have notice of the existence of the Section 106 and its obligations.

APPRAISAL:

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

1. Whether the scheme is viable with the Section 106 and affordable housing contributions
2. Conclusion

1. Viability

The application has been accompanied with a viability report. It details that, during construction, the incumbent developer went into administration and the stepping in development has completed the construction of plots 1-10.

The viability report set out the viability of the proposed development in light of market conditions. The National Planning Policy Guidance Para 006 states

“Where up to date policies have set out the contributions expected from development planning application that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage...

... Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in a viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.”

Additionally the adopted policy HS1 of the NBBC Borough Plan states:

Policy HS1 – Ensuring the delivery of infrastructure

Development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development. Where this is considered unviable, the applicant should provide clear evidence to demonstrate this.

Infrastructure delivery should be suitably phased with the associated development, and where appropriate, arrangement should be made for subsequent maintenance. Applications which co-locate new facilities will be approved, subject to agreement with appropriate service delivery partners.

The delivery of infrastructure provision and/or improvement will be secured through the use of planning obligations/agreements (e.g. Community Infrastructure Levy, Section 106 and Section 278) and/or conditions.

The council’s Infrastructure Delivery Plan identifies the key infrastructure requirements associated with the Borough Plan, and planning proposals should have regard to this.

“...where this is considered unviable, then applicant should provide clear evidence to demonstrate this”.

The applicant has states that there are site specific issues relating got the development of subject site which have a detrimental impact on viability, as such it is clear that the

level of planning obligations sought by the Local Planning Authority have the potential to have a material impact on delivery of the proposed scheme.

The Section 106 agreement attached to planning permission ref. TP/0360/04 requires the following financial contributions:

Organisation	Request For	Contribution	Notes
WCC Education	Monies for the provision and improvement of schools	£35,088	
WCC Library	Monies for the provision and improvement of libraries	£4,529	
WCC Public Transport	Monies for the provision and improvement of public transport	£875	
NBBC Play & Open Space		£21,755	

The Section 106 agreement also requires the provision of “6 units of affordable housing, let to local people”.

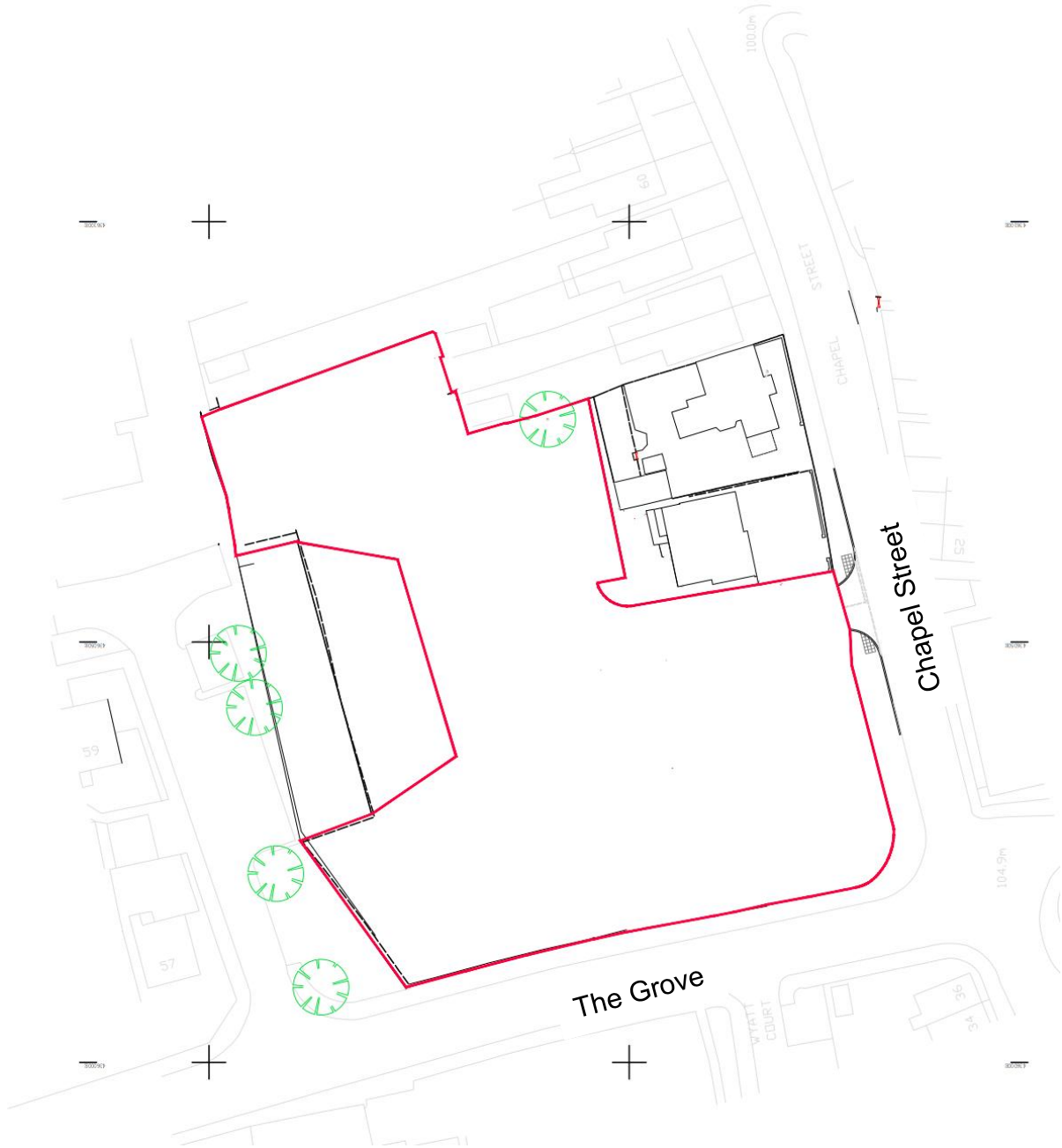
The Section 106 agreement is dated November 2005 and therefore indexation figures would need to be applied to bring these figures up-to-date. Further costs must also be given due consideration such as build costs, abnormal work costs, contingency, professional fees, finance costs, sales and marketing costs and development return for risk and profit.

NBBC Land Asset Team have carried out an evaluation of the viability assessment and are of the opinion that the scheme would not be viable with the contributions currently required by the Section 106 agreement.

WCC Infrastructure Team have also carried out an independent evaluation of the viability assessment. They are in agreement that the scheme would not be viable and therefore they would not challenge the need to remove the contributions. Given this has been robustly demonstrated and evidenced, it is considered that the application to not comply with then previous S106 is acceptable and compliant with adopted policy.

2. Conclusion

In conclusion, the independent evaluation that has been carried out by both NBBC Land Asset Team and WCC Infrastructure Team has concluded that the scheme would not be viable with the Section 106 contributions plus indexation figures. For this reason, it is recommendation that the Section 106 is discharged of all contributions.



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)