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Date: 9th January 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 17th January 2023 at 6.00p.m.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

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

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

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

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

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

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

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

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

3. MINUTES - To confirm the minutes of the meeting held on 13th December 2022, attached (**Page 6**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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

Committee Site Visit

Members are reminded that a site visit will take place in relation to application 038938: 64A Lutterworth Road, Nuneaton, Warwickshire, CV11 6PH

Members are asked to meet at the site at 4.00pm.

Committee Site Visits- Code of Conduct

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

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

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

13th December 2022

A meeting of the Planning Applications Committee was held on Tuesday, 13th December 2022, in the Council Chamber and was live streamed and recorded.

Present

Councillor L. Cvetkovic (Chair)

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

Apologies: Councillors S. Markham and K. Wilson.

PLA34 **Minutes**

RESOLVED that the minutes of the meeting held on the 22nd November 2022 be confirmed and signed by the Chair.

PLA35 **Declarations of Interest**

Councillors Cvetkovic and Smith declared their interest as Trustees of Bulkington Sports and Social Club, and left the Council Chamber and took no part in the debate or vote in respect of application 039007.

Councillor Brown noted that as he was acting as a substitute at this meeting his Declarations of Interest did not appear on the printed Schedule, but advised that his Declarations are as set out in the Schedule for Council.

Councillor Cape noted that he has advised officers that he is now a Member of Royal British Legion and the Attleborough Community Matters Group which will be added to his Schedule of Interests.

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

PLA36 **Declarations of Contact**

Councillors Pandher and Brown declared that they had received contact from residents in relation to Planning Application 036874 – Site 105D021 – Land adj to Sainsburys, Coventry Road, Exhall, but gave no indication as to how they intended to vote.

IN PUBLIC SESSION

PLA37 **Planning Applications**

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

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

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA37 OF THE
PLANNING APPLICATIONS COMMITTEE ON 13TH DECEMBER 2022

036874: Site 105D021 – Land adj Sainsburys, Coventry Road Exhall, Coventry,
CV7 9NU

Applicant: Mr Rajan Singh

Public Speakers: Jane Tillotson

DECISION

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

039007: Site 109a007, School Road, Bulkington, Bedworth

Applicant: Mr Matthew Sheffield

Public Speakers: Mr Steven Wilson

DECISION

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

Councillors Cvetkovic and Smith excused themselves from the Council Chamber for the duration of the debate and vote on this item.

038762: Site 51A071, Bridge Street, Church Street and Mill Street, Nuneaton

Applicant: Mr Nuneaton and Bedworth Borough Council

Public Speakers: Councillor Keith Kondakor
Mr Peter Smith
Andrea Arnell

DECISION

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

Councillor Hartshorn did not vote on the item as his comments in debate may have amounted to predetermination

039025: Site 37c008 – Vale View, Nuneaton, Warwickshire, CV10 8AP

Applicant: Mrs Dawn Dawson

DECISION

Delegated authority be given to the Head of Planning to grant planning permission, subject to the conditions printed in the agenda, after the expiration of the consultation period on the 19 December 2022, subject to no new issues being raised.

038938: 64A Lutterworth Road, Nuneaton, Warwickshire, CV11 6PH

Applicant: Mr Pargat Singh

Public Speakers: Lyndsey Barnett
Mr Singh

DECISION

This item is to be deferred until such time that a site visit can be undertaken.

039182: P And C Coils Ltd, Anker Street, Nuneaton, Warwickshire, CV11 4JL

Applicant: Mr Shaan Chaudry

Public Speakers: Councillor K. Kondakor
Mr Mark Goggins

DECISION

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

Councillor L. Cvetkovic moved in accordance with Council Procedure Rule 4A.21 to suspend standing orders to allow the business of the meeting to be concluded. Councillor R. Smith seconded the procedural motion.

039239: 5 Cabinhill Road, Nuneaton, Warwickshire, CV10 9RE

Applicant: Mr Sanjay Chand

DECISION

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

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

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

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

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

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Outside Bodies: <ul style="list-style-type: none"> • Biodiversity Champion • Exhall Education Foundation Warwickshire Joint Overview and Scrutiny Committee	
	K. Evans	Employed by UK Parliament	Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: West Midlands Combined Audit, Risk and Assurance Committee (substitute) Executive Officer – North Warwickshire Conservative Association; Member of the Conservative and Unionist Party.	

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

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	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 Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • 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. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	

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

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Director of The Fresh Dessert Company	<p>Member of the Pride in Camp Hill Board.</p> <p>Member of the governing board for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • 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	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • 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 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			(CWLEP) <ul style="list-style-type: none"> • West Midlands Combined Authority 	

Applications for Planning Permission etc.
Agenda Item Index

Site Visits

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Planning Applications

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3.	038960	EX	86 Coventry Road, Exhall	51
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5.	039285	EX	15 Treviscoe Road, Exhall	81

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

REFERENCE No. 038938

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

Description of Development: Retention of annex outbuilding to rear

Applicant: Mr Pargat Singh

Ward: WH

RECOMMENDATION:

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

REASON FOR SITE VISIT:

To assess the impact of the annex outbuilding on the residential amenity of neighbours

INTRODUCTION:

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

Site Description

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

Development Description

The application is for the retention of annex outbuilding located within the rear garden of the applicant property, 64a Lutterworth Road. It is a red-brick structure with a pitched roof and the dimensions will be 3.7m to its highest point, 2.5m to the eaves, 9.1m wide and is 4m deep. It is located towards the back of the rear garden, next to an existing outbuilding which has been previously constructed and on the boundary with the adjacent neighbouring property, 64 Lutterworth Road. This application is a 'retention of' as a complaint through enforcement was made and investigated which found that, as the height of the building exceeded 2.5m and it is within 2m of a boundary, retrospective planning permission would be required for its retention.

RELEVANT PLANNING HISTORY:

- No previous planning history for 64a Lutterworth Road

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

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

NEIGHBOUR RESPONSES:

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

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

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

1. The outbuilding was built without planning permission or building control.
2. No contact from the occupier of 64a Lutterworth Road
3. Outside of Permitted Development legislation and should have needed planning permission
4. Plans are incorrect and not of a high standard
5. The owner wasted council time and made a mockery of the issue
6. Building is huge and an eyesore
7. Built with low quality materials
8. The annex, due to the height will result in a loss of light to the property and rear garden of rear neighbouring properties
9. Reduce property values
10. No building control, Severn Trent or engineer checks have taken place on the annex
11. Information provided is false
12. Closer to rear neighbouring properties than applicant property
13. Causing worry and anxiety to neighbours and tenants.

APPRAISAL:

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

1. Impact on Residential Amenity

2. Impact on Visual Amenity
3. Conclusion

1. Impact on Residential Amenity

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

Impact on 64 Lutterworth Road

64 Lutterworth Road is a detached residential property that is an adjacent neighbour of the applicant property, 64a Lutterworth Road. Due to the location of the outbuilding only the rear elevation could be impacted by the proposal and as the outbuilding is single storey in height only ground floor of the rear elevation could be impacted by the proposal. On the ground floor rear elevation there are 4 openings, of which 3 are windows and 1 is a door. The windows are for habitable rooms and so can be protected under section 11 of the Sustainable Design and Construction SPD 2020. The distance between the new front elevation of the outbuilding and the rear elevation of this property is approximately 30m and the rear elevation will not directly face the outbuilding. Therefore, it can be concluded that the proposal will not impact the residential amenity of this elevation because 30m is above the minimum distance standards and it will not directly face any elevation on the outbuilding.

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

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

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

Impact on 66 Lutterworth Road

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

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

does not directly face any part of the outbuilding, so the outbuilding is acceptable to this elevation.

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

Impact on Ashleigh Drive

38, 39 and 40 Ashleigh Drive are the rear neighbouring properties of the applicant property. 39 Ashleigh Drive is the only property which could be impacted as it is the only property where the main house is directly behind the rear boundary of 64a Lutterworth Road. The distance between the habitable openings and the middle of the outbuilding is approximately 10m, however, this property is at an angle to that of the location of the outbuilding and so as it does not directly face the property, as stated it has to be in section 11. The house is angled towards the existing outbuilding and the SPD is clear that the elevations must be directly facing and here they are not.

The impact is lessened as under permitted development legislation the annex could be 2.5m in height which is the height to the eaves of the building and so the main part of the building, minus the roof

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

2. Impact on Visual Amenity

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

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

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

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

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

3. Conclusion

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

The proposal and the development do not have a significant detrimental impact on the visual and residential amenity of the neighbouring properties and the surrounding area and as a result are acceptable under the polices and guidance set out in the documents stated. The proposed annex, as mentioned, is slightly above the limit allowed in the legislation and the extra height will not have a detrimental impact on the neighbouring properties or visual amenity of the surrounding area.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Image 1	N/A	31/05/2022
Image 2	N/A	31/05/2022

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



Location plan



Image 1



Image 2

REFERENCE No. 038706

Site Address: Site 51A074 17-23 Abbey Street

Description of Development: Partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E)

Applicant: Nuneaton and Bedworth Borough Council

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

This application is for the partial demolition and refurbishment of existing buildings and the erection of a digital skills and innovation centre to include further education college and ancillary uses (Class F1) and a public restaurant (Class E). The site is located within the wider Abbey Street development approved under application 037658. That application was a hybrid application consisting of a full application for a hotel and an outline for for a mixed-use town centre development comprising flexible uses for retail, leisure, restaurants and 'makers space' (Class E), medical uses (Class E), residential (Class C3) and multistorey and surface car parking with associated means of access. The outline permission provided for partial demolition of buildings fronting Abbey Street and a series of small extensions to the rear with flexible use within Use Class E. The intention was to attract new occupiers to this space, catalysed by the wider mixed-use development proposed. However, that plan has changed as a result of a requirement by North Warwickshire and South Leicestershire College to locate a new college 'innovation centre' within this space. The outline parameters did not provide for educational use (Use Class F1), nor the size of development proposed and therefore it is necessary to seek a separate, new planning permission for part of the outline site in order for the college to be accommodated. The rest of the outline proposals remain unchanged.

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

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

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

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

Cadent, Coal Authority, Environment Agency, Historic England, National Amenities Society, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Town Centre Manager, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

No objection subject to conditions from:

Environment Agency, NBBC Environmental Health, Warwickshire Fire Safety, WCC Archaeology, WCC Flood Risk Management, WCC Highways

No objection from:

Coal Authority, Historic England, Warwickshire Fire & Rescue, Warwickshire Police, WCC Infrastructure

Comment from:

NBBC Planning Policy, NBBC Refuse

No response from:

Cadent, National Amenities Society, NBBC Parks, NBBC Town Centre Manager, Severn Trent Water

NEIGHBOURS NOTIFIED:

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

Neighbouring properties were sent letters notifying them of the proposed development on 15th March 2022. A site notice was erected on street furniture on 21st March 2022 and the application was advertised in The Nuneaton News on 20th April 2022.

NEIGHBOUR RESPONSES:

None.

APPRAISAL:

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

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

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

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

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

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

This development would assist towards the requirements by providing 265 sq. metres of restaurant but this is set against a loss of 1602.5 sq. metres of other uses in use class E. The principle use of the proposal is for use class F1, namely teaching which although not explicitly set out as a required use in a town centre location there is no reason why such a use would be unacceptable.

The aim of Policy TC2 is to ensure that town centre development proposals do not undermine or adversely impact, either individually or cumulatively, the vitality, viability, character of the area and overall vision for the town centre. The development is within the primary shopping area and the primary shopping frontages as defined by the Borough Plan. This policy states that proposals for the loss of retail uses (A1-A5) to non-retail uses on the ground level in the defined primary shopping frontage will not be permitted. However, this policy has been somewhat overtaken by the current use of town centres and the reasoning for the protection of ground floor areas solely for retail. For example, the creation of use class E has enabled retail units to change, through permitted development rights, to non-retail uses. The NPPF states that the long-term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries (paragraph 86). The use of the land for this proposal presents the opportunity to increase footfall in the wider area and taking into account permitted development rights, it is considered the principle of development is acceptable.

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

2. Visual Amenity

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

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

The layout and form of the building will follow and reinforce the natural curve of Abbey Street and the existing Co-Op Buildings as it will have a subtly curved frontage. The required plant on the roof will be screened from public view via a set back from the façade line and screening using horizontal aluminium louvres. Other plant and service areas will be located on frontages not facing Abbey Street. Active frontages to both Abbey Street and the new public square are proposed which provide focal points of the development. Public facing entrances to the restaurant and bistro are prominent, accessible and easy to identify by the public. The proposal will provide a contemporary interpretation of the historic façades and restoration of the façade above the college shop. The ground floor frontage will utilise glazing to reflect the commercial nature of Abbey Street and surrounding retail uses. The retention of the existing warehouse and the use of soft features, such as green roofing and glazed atrium roofing, will provide an acceptable appearance when viewed from the new public square and integrate historic features with contemporary design, reflecting the wider Abbey Street proposals. The courtyard area to the rear provides an opportunity to enhance the appearance of the site and contribute to an attractive area of public realm linked to the new public square to the south. The use of planting and moveable furniture will create an attractive and inviting space which will enhance the character and appearance of the whole Abbey Street site. The existing materials that characterise Abbey Street are a combination of a lighter upper brick and a deeper red brick as a base. Red brick is to be the principle material used across the proposed building. Other materials and features will be used throughout the external elevations, such as large areas of glazing, detailing of the ground floor windows with precast concrete surrounds, horizontal banding, louvre panels and recessed openings, which is considered would enhance visual interest and provide an attractive anchor building which reflects the heritage of Abbey Street whilst presenting a modern and clean appearance reflecting its use as a functional digital innovation centre.

3. Residential Amenity

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

In terms of noise, a noise report which contains a background noise assessment has been submitted. NBBC Environmental Health have been consulted and raised concerns in relation to noise relates to plant noise impacting nearby noise sensitive premises. They have therefore requested a condition that full details of all external plant and equipment is submitted. They have also requested a condition that details of a kitchen odour ventilation and extraction system are submitted.

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

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 110). A Transport Statement has been submitted with the application. The statement confirms that the proposals would result in a net increase of 7no. vehicle movements during the weekday morning peak hour, 11no. vehicle movements during the weekday evening peak hour, and a decrease of 15no. vehicle movements across the Saturday interpeak period. Therefore, the traffic impact is considered negligible and not severe. WCC Highways have confirmed that the site already has a commercial use, so not all visitor numbers to the site will be new movements on the highway network and the difference is not considered necessary to model.

As the site is within the town centre and accessible by a range of sustainable forms of transport such as walking, cycling and public transport, there will be no car parking provision which is considered acceptable. Parking will be available as part of the Abbey Street development which includes a multi-storey car park and other car parks in the town centre. Cycling parking will be provided in the form of 30no. spaces (Sheffield stands) within the courtyard.

A Travel Plan has been submitted with the application. This sets out that the key objectives are to set out actions to increase awareness of sustainable travel opportunities in the local area for residents, employees and occupiers, reduce dependency on the private car by students, staff and visitors, reduce unnecessary travel to and from the site and create a community spirit amongst students and staff, where travel information can be shared, resources pooled wherever possible and to support sustainable travel objectives. In order to achieve these objectives, the Travel Plans provide a series of measures and initiatives which are to be implemented by the developer (and the College, as appropriate) to encourage to use of sustainable transport and to reduce the need to travel. The proposed measures include the appointment of a Travel Plan Coordinator, a travel information notice board in the reception and staff areas to display local cycle maps, details of local cycle retailers, walking maps and local amenity maps, inclusion of walking and cycling maps in welcome packs for staff, parents and students, the setting up of a 'Walking Buddies' scheme as an informal arrangement where a small group of students walk to College, information highlighting the location of bus stops and timetable information for the bus stops located nearest to the site in a welcome pack for staff, parents and students and bus information displayed on notice boards provided in the reception and staff areas

which will include information on bus fares, season tickets and bus company contact details. It is considered that this complies with Policy HS2 and would ensure that the proposed development provides adequate accessibility to sustainable transport modes.

WCC Highways have no objection subject to conditions.

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 167). 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.

The NPPF (paragraphs 161 and 162) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment has been submitted with the application. The Environment Agency have been consulted and have no objections.

In terms of surface water drainage, a Drainage Strategy has been submitted and further updated as a result of responses from WCC Flood Risk Management. They have reviewed the updated information and have confirmed they have no objection subject to conditions.

6. Contamination & Land Stability

The NPPF sets out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 183 and 185). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Ground Investigation report has been submitted.

NBBC Environmental Health have requested a condition that if during implementation, 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. The Environment Agency have also requested conditions relating to contamination.

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 186).

An Air Quality Impact Assessment has been submitted with the application. This considers the likely effects upon the local air quality throughout the construction phase of the site, identifying that dust and pollutants can be appropriately managed through good site practice and dust management measures, and suitable to control emissions from the site. Overall, the effect of fugitive emissions from the site during the construction phase with mitigation is considered not to be significant with respect to potential effects on health and amenity. The predicted change in pollutant concentrations due to the operation of the proposed development is predicted to be not significant at all receptors. NBBC Environmental Health have no objection subject to conditions covering a dust management plan and cycle stand provision.

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 174, 179 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

A Preliminary Ecological Appraisal has been submitted. This covers the wider Abbey Street site and its conclusions remain valid for the purposes of this application. The appraisal states that all habitats that are present which are not hardstanding or buildings are small and restricted in value. However, some buildings do have the potential to support protected species such as bats and nesting birds. It confirms that nesting birds do not represent a significant constraint to the proposed development, but a general constraint is that the demolition of buildings or modification work should commence outside of the main nesting bird season. In terms of bats, the existing buildings at the wider Abbey Street site were divided into 10. Buildings 5, 6 and part of Building 7 relate to this current application. Buildings 5 and 6 have moderate bat roosting potential and Building 7 has low potential. Due to seasonal constraints, it has not been possible to confirm their presence. However, a condition can be added that additional bat surveys are carried out. The appraisal also states that any loss of habitat will be compensated through implementation of a range of replacement habitats within the proposed development in the form of bat boxes on existing buildings and other mitigations which can be covered by a condition.

9. Heritage & Archaeology

Under s66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, NBBC in determining the submitted application, has a statutory duty to have special regard to the desirability of preserving the special interest and setting of listed buildings. Case law has established that considerable importance and weight should be given to this duty. The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 194). The NPPF also requires when considering the impact of development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. Conservation is defined by the NPPF as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.' (Paragraph 195)

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic

landscapes and townscapes, will be approved. It also states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.

A Heritage Statement has been submitted with the application. This identifies and assesses the local heritage assets that are at risk of being affected through their setting by future development of the site, particularly the former Ritz Cinema building, the Scala Cinema building and Nuneaton Town Centre Conservation Area. In relation to the former Ritz Cinema building, the Heritage Statement points out that the position of the Ritz Cinema and its contrasting style, height and massing in relation to neighbouring properties means that it currently has a degree of prominence within the local streetscape. The proposed building will be distanced from the Ritz Cinema to the west, separated from it by the remaining buildings of the Co-op. Its three-storey height would not dominate the streetscape or the views from the east in the vicinity of the cinema. The proposed building is a contextual building with simple ordered elevations that although contemporary, would not detract from the distinctiveness of the architecture and form of the Listed Building in views. It is considered that the significance of the Ritz Cinema would be sustained. The National Amenities Society have been consulted and no response has been received. Historic England were consulted and confirmed they did not wish to comment.

In terms of the Scala Cinema building which is a locally listed building, the impact on this building would be limited. The proposed college building will be viewed in combination with the approved residential building and, although taller than the existing buildings, it will form part of the varied townscape of the street and would not detract from the localised stature and interest of this locally listed building.

In terms of Nuneaton Town Centre Conservation Area, the site is not within the conservation but adjoins it. The surviving buildings of the Co-op buildings on Abbey Street are aspects of the setting of the conservation area that contribute to its significance. It is therefore considered that their partial loss would cause a degree of harm. However, demolition is limited to the three-storey block and two bays of the adjoining earlier building. A two-storey workshop of some character to the rear will be retained, converted and integrated into the college complex. The remaining former Co-operative buildings will retain a presence on Abbey Street, including the more distinctive 1928 building to the west. The existing building heights are broadly consistent on Abbey Street and typically range from two to three storeys. The proposed college building is of suitable height, scale and mass within that range. At three storeys and with recessed roof plant, it will not appear out of character with the building heights of Abbey Street or the conservation area. Although taller than the adjoining retained Co-op buildings, it will mediate between these and the taller approved residential block to the east. The simple, contemporary and ordered elevations of the building with use of red brick materials will resonate with the character of Abbey Street and the prevailing materials of the conservation area. It is considered that a functional development is proposed that responds to the key characteristics of the adjoining conservation area. The harm caused by demolition of the existing buildings is low.

The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202). The National Planning Practice Guidance confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. In this case, in

terms of economic benefits, the proposal represents a major driver of investment in the future, introducing a student demographic into the area in support of existing uses and the overall vibrancy of the town. Locating the college-led development in a central area will support existing businesses in the town centre. It would also generate approximately 30 no. jobs. The use of the land for this proposal presents the opportunity to increase footfall in the wider area. The UK is facing digital skills shortages and the college is being designed specifically to address skills development in this area, as well as providing space for entrepreneurs to thrive and grow. It would also open up other career opportunities and offer an environment for the incubation of start-up businesses, including a training restaurant to support the local hospitality sector.

In relation to archaeology, the proposed development lies within an area of archaeological potential, located at least partly within the probable extent of the medieval settlement of Nuneaton. An archaeological assessment has been submitted with the application which concludes that there is the potential for unknown archaeological assets within the site. The potential has been concluded as moderate to high for the post-medieval period and low to moderate for paleoenvironmental remains and low for all other periods. WCC Archaeology have been consulted and requested that a Written Scheme of Investigation for a programme of archaeological work is submitted which can be covered by condition.

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 a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan.

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Location Plan	2331-GHA-1B-XX-DR-A-(05)010 P01	17 th February 2022
Site Plan	2331-GHA-1B-XX-DR-A-(05)015 P01	17 th February 2022
Proposed Site Layout	2331-GHA-1B-XX-DR-A-(05)021 P01	17 th February 2022
Proposed Ground Floor Plan	2331-GHA-1B-00-DR-A-(05)100 P01	17 th February 2022
Proposed First Floor Plan	2331-GHA-1B-01-DR-A-(05)101 P01	17 th February 2022
Proposed Second Floor Plan	2331-GHA-1B-02-DR-A-(05)102 P01	17 th February 2022
Proposed Roof Plan	2331-GHA-1B-RL-DR-A-(05)103 P01	17 th February 2022
Proposed Elevations-North & East	2331-GHA-1B-ZZ-DR-A-(05)200 P01	17 th February 2022
Proposed Elevations-South & West	2331-GHA-1B-ZZ-DR-A-(05)201 P01	17 th February 2022
Proposed Sections	2331-GHA-1B-ZZ-DR-A-(05)300 P01	17 th February 2022
Proposed Demolition Plan	2331-GHA-1B-XX-DR-A-(05)025 P01	17 th February 2022

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

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

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

4. No development shall commence 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, except with prior LPA approval

- 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
- vii) Dust Management Plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

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

5. No development within the former gasworks area of the site shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Council. This strategy will include the following components:

1. Additional site investigation works, based on the previous works undertaken in the latest Ground Conditions Risk report (February 2022), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Council. The scheme shall be implemented as approved.

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 Council before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

6. No development shall commence 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Provide detail drawings including cross sections, of proposed features such as the bioretention areas, permeable paving, underground tanks and outfall. 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.

7. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy (DS_60638174_P04) and Flood Risk Assessment (FRA_60638174_P02) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Council. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.

2. Any As-Built Drawings and accompanying photos.
3. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
4. Confirmation that the system is free from defects, damage and foreign objects.

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

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

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

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

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

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

number: 60638174) received by the Council on 17th February 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. dust management measures;
- d.habitat creation;
- e.a timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- f.details of a scheme securing future maintenance and retention;
- g. description and evaluation of features to be managed;
- h. aims and objectives of management;
- i. appropriate management options for achieving aims and objectives;
- j. prescriptions for management actions;
- k.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- l.details of the body or organisation responsible for implementation of the plan;
- m. ongoing monitoring and remedial measures.

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

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.

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

12. No development, including site clearance and demolition, shall commence until additional bat surveys by a suitably qualified and licenced ecologist have been undertaken to verify that there are no roosting bats within the existing buildings, the results of which shall be submitted to and approved in writing by the Council. If roosting bats are found a licence and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.

13. No development shall commence until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) of all external plant, equipment or machinery have been submitted to and approved in writing by the

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

14. No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the Council. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved Written Scheme of Investigation, shall be undertaken in accordance with that document.

15. No development above ground floor slab level shall commence until details of the specification for bat boxes and their precise locations within buildings have been submitted to and approved in writing by the Council. The submitted details shall demonstrate how the potential bat mitigation measures detailed in the Preliminary Ecological Appraisal (ref Nuneaton Abbey Street Project number: 60638174) received by the Council on 17th February 2022 will be implemented and maintained. The approved boxes shall be installed before the occupation of that building.

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

17. No development above ground floor slab level, excluding demolition, shall commence until full landscaping plans including full planting details have been submitted to and approved in writing by the Council. Any landscaping shall be completed within 12 months of the completion of construction and subsequently maintained in the following manner:

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

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

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

20. No occupation of the development hereby permitted shall commence until details of a kitchen odour ventilation and extraction system have been submitted to and

approved in writing by the Council. The use shall not commence until work has been carried out in accordance with the approved details.

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

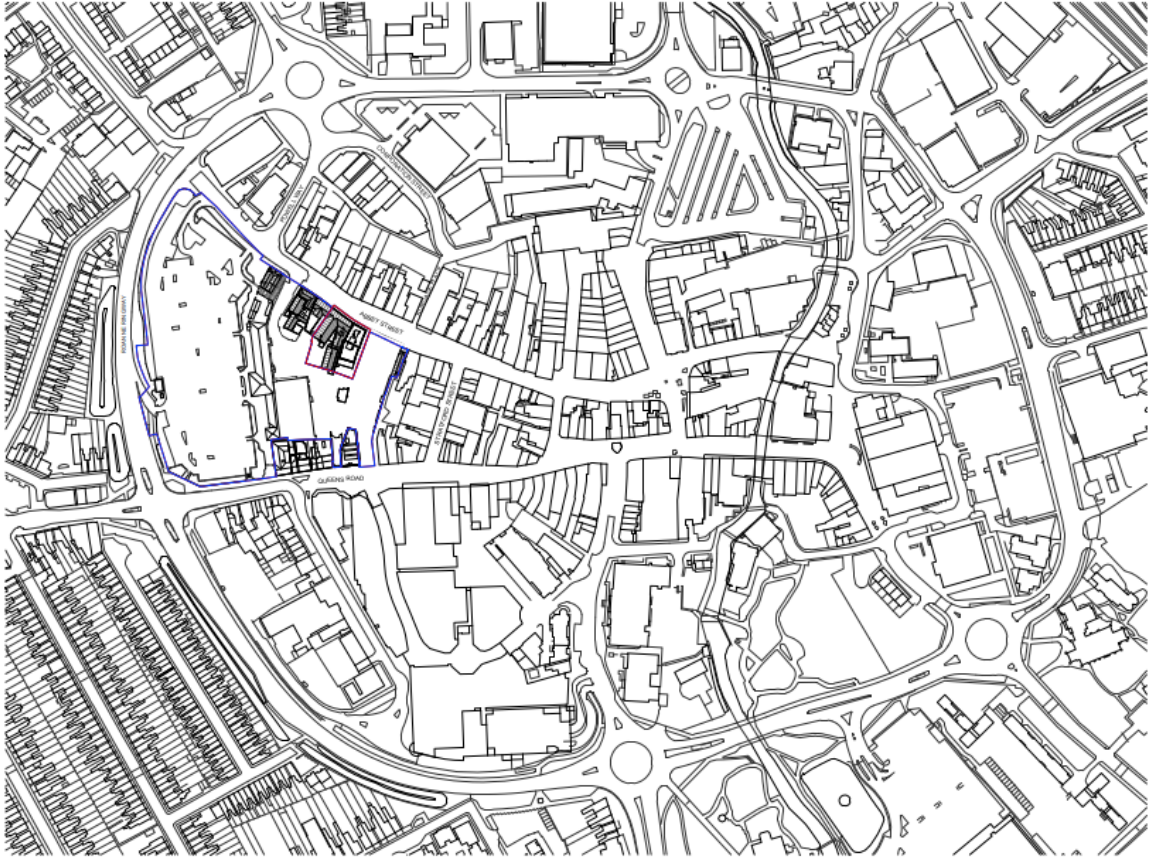
22. Prior to the occupation of the scheme, full details of the CCTV provision, including the siting and the technical specification details of the cameras, direction of view and their external appearance/colour shall be submitted to and approved in writing by the Council. The development shall not be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

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

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

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

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



Site Location Plan

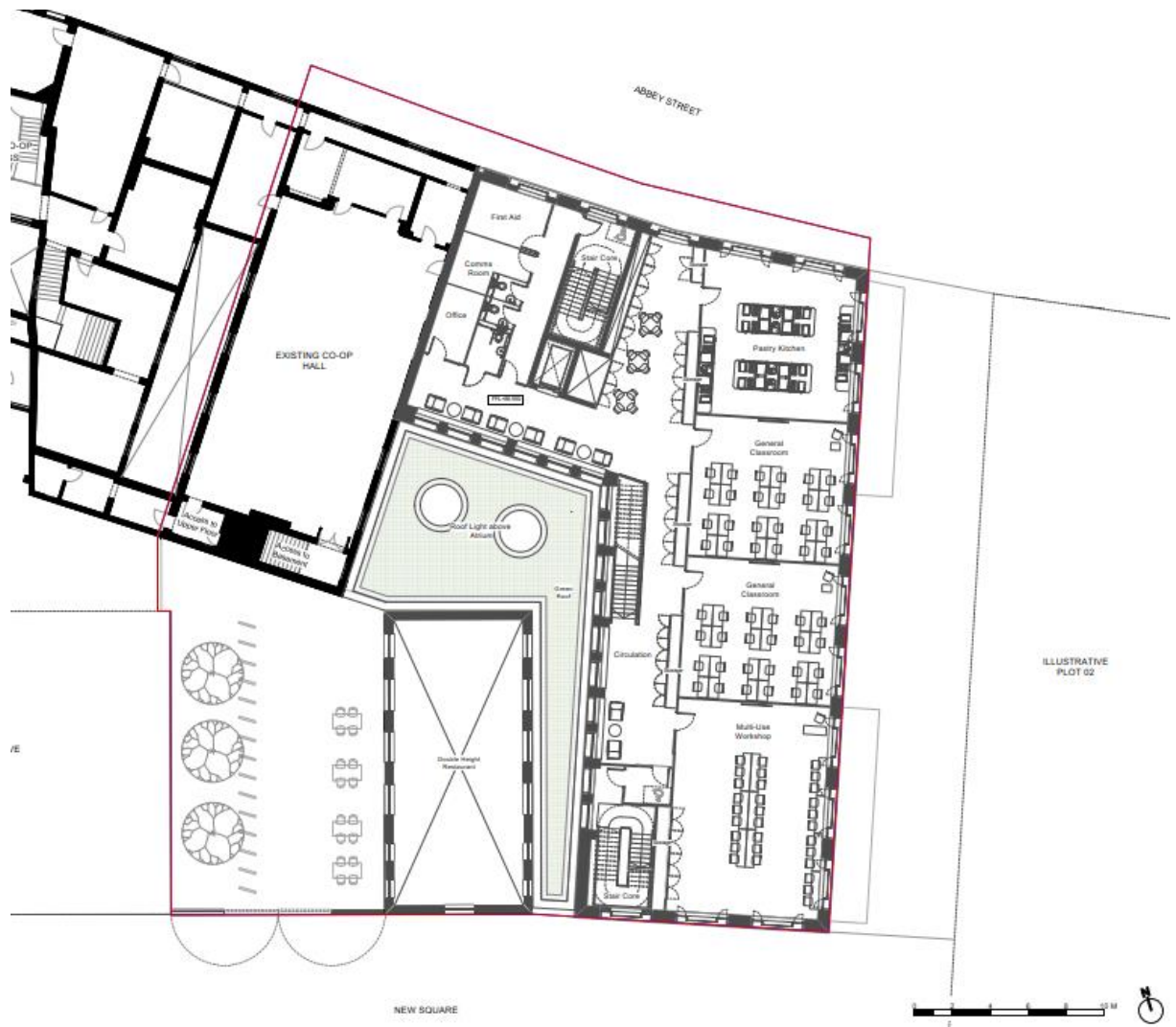




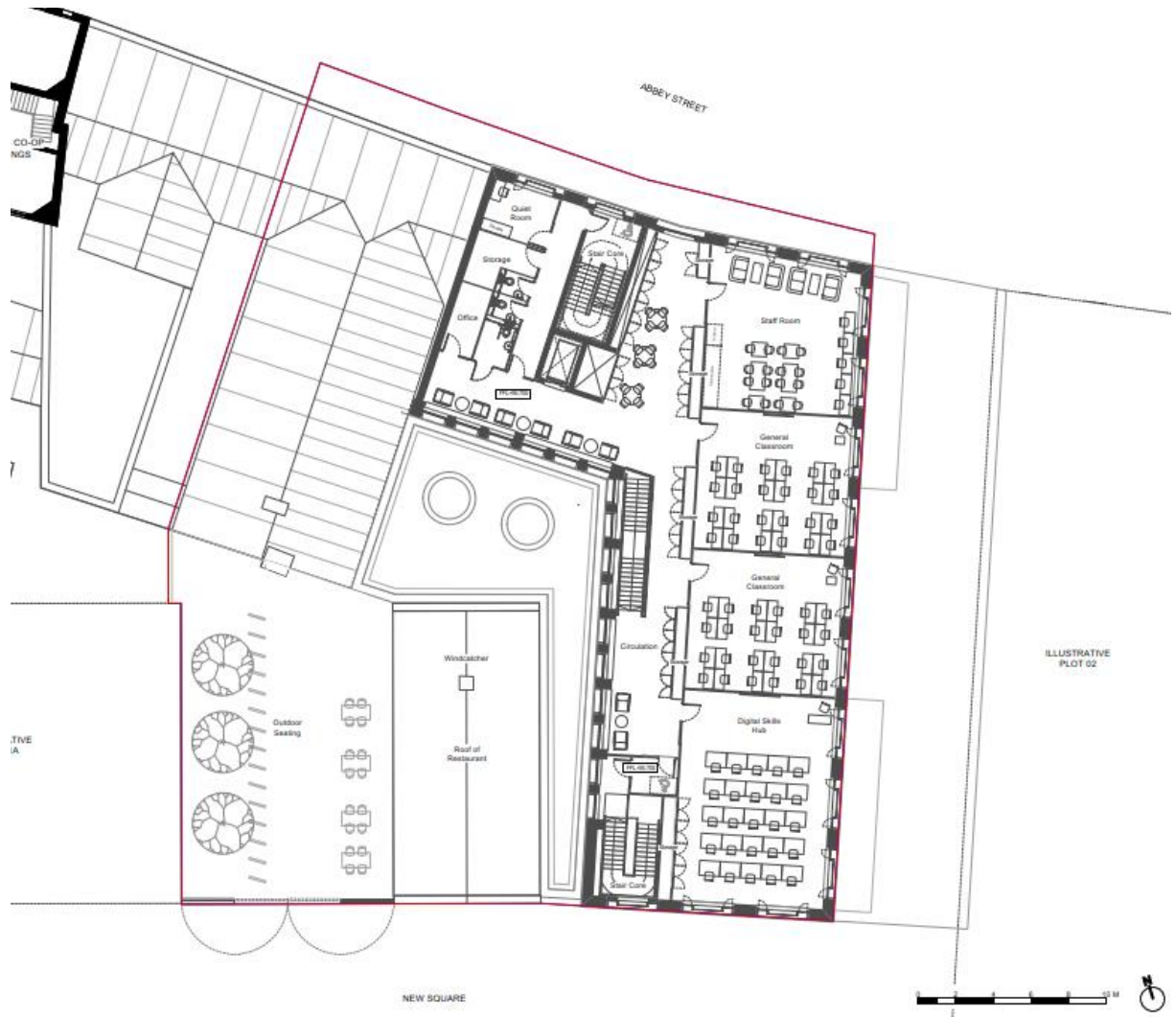
Site Layout



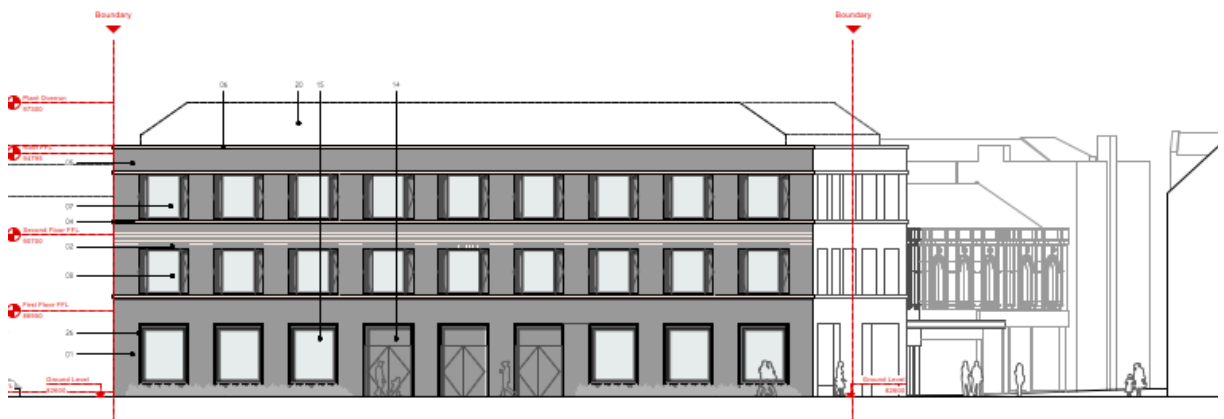
Proposed Ground Floor Plan



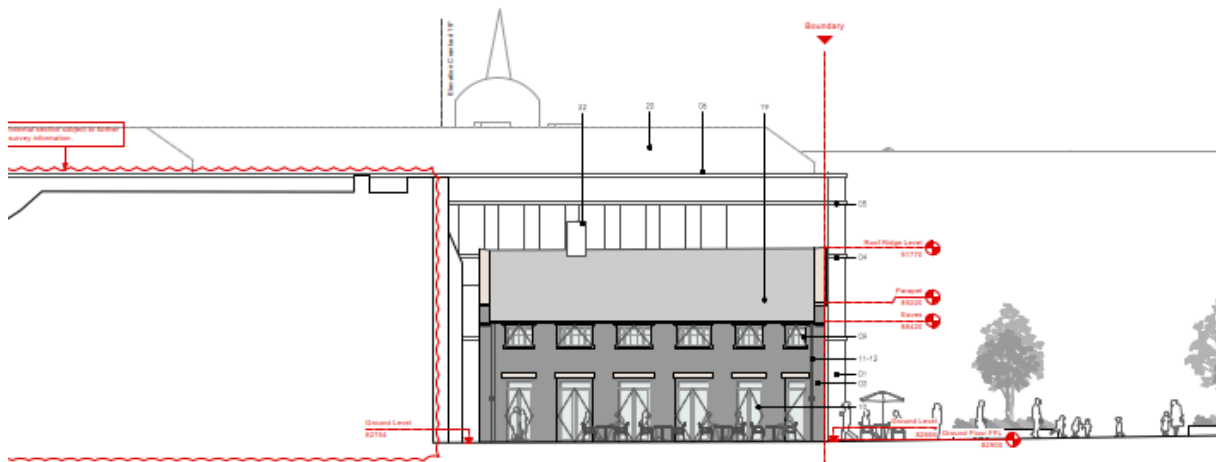
Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Elevations- North and East



Proposed Elevations- South and West

REFERENCE No. 038960

Site Address: 86 Coventry Road Exhall Coventry CV7 9EU

Description of Development: Retrospective application for siting of InPost Parcel Locker towards front of existing building

Applicant: InPost UK

Ward: EX

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

INTRODUCTION:

The application relates to the retrospective application for the siting of an 'InPost' Parcel Locker ("the locker") towards the front of the existing building known as 86 Coventry Road, Exhall. The locker is used by members of the public as a way of collecting or returning parcels. The submitted information sets out that the lockers are utilised as an alternative to customers having parcels delivered to alternative addresses. The lockers can also be used by customers to return parcels.

The application property is currently in use as a retail unit, previously known as Exhall Convenience Store, now known as Veeran Express. The convenience store occupies the ground floor of what was originally a detached two storey dwelling. The locker is located immediately to the front (east) of the store and abuts the shared side boundary of the site shared with no. 88 Coventry Road, a semi-detached residential dwelling.

The site features a hardsurfaced frontage which can be accessed by vehicles utilising an existing dropped kerb from Coventry Road.

With regard to the character of the wider area, the area features mainly two storey residential properties, set back slightly from the highway. Coventry Road is a classified B road, subject to on-street parking restrictions in the form of double yellow lines. Additionally, a bus stand is located immediately south of the site access.

According to the application submission, the locker was installed on site on 8th April 2022 and the application has been submitted to regularise the development following an investigation carried out by the Council's Planning Enforcement Team. It should be noted that the application relates to the retention of one locker, however, at the time of visiting the site, officers noted a second parcel locker for amazon parcels situated on site adjacent to the locker subject to this application. It should be noted that this second locker is not proposed for retention as part of this application.

The locker sought for retention has a width of approximately 4 metres, a height of approximately 2.4 metres and a depth of around 0.9 metres. The form of the locker is

rectangular with a canopy extending from its roof and the locker is constructed of predominantly steel which has a white finish to its exterior. In order to navigate the topography and slight level differences on site, the locker has been positioned on top of a concrete foundation which protrudes above the ground level of the surrounding forecourt. The locker features a digital touchscreen and several doors with compartments for customer parcels to be placed within, locked, and then collected. The locker incorporates 3 integral CCTV cameras, two on the canopy and one in the touchscreen.

The submitted covering letter sets out that the company hermes carry out one delivery a day, during daytime hours. The information goes on to state that on average it would take the delivery driver approximately 15 minutes to fill or empty a machine using a transit van. With regard to customer operation, the covering letter sets out that customers take 15 seconds on average to collect or return a parcel.

Additional information has been submitted by the agent for the application in response to the comments set out within the County Highway's original consultation response which set out an objection to the development on highway safety grounds. The County Highway Authority have been consulted on the additional information provided by the agent, however, the highway safety objections have not been overcome.

For clarity, members are advised that the development is considered to amount to operational development which requires planning permission. The development, due to its siting within 2 metres of a boundary of the curtilage of the site, is not a form of 'permitted development' which could be carried out under Class C, Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which relates to the erection or construction of a collection facility within the curtilage of a shop.

RELEVANT PLANNING HISTORY:

- 030056: Retention of illuminated projecting sign: Refused 14/04/2010
- 030471: Retention of illuminated projecting sign (Amended proposal following refusal of 30056): Approved 19/11/2010
- 033957: Change of use from A1 to mixed use A1 A5 hot food takeaway use: Refused 13/04/2016
- 037171: Notification for Prior Approval for Proposed Change of Use from A1 Shop on ground floor to two flats C3: Prior Approval Not Required 8/12/2020

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy and roles
 - DS3 – Development principles
 - HS2 – Strategic accessibility and sustainable transport
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.

- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

WCC Highway Authority.

CONSULTATION RESPONSES:

Objection from:

WCC Highway Authority.

NEIGHBOURS NOTIFIED:

Numbers 84, 88, 89 and 91 Coventry Road were sent letters notifying them of the proposed development on 28th July 2022 and the final date for consultation was 18th August 2022.

NEIGHBOUR RESPONSES:

There have been 8 objections received throughout the consultation process from 6 addresses and one company, as well as a letter of objection received from Exhall Residents association.

The comments received are summarised below:

1. Impact upon residential amenity with regard to noise and disturbance impacts and nuisance relating to cars blocking private driveways and footpaths, car doors opening and closing and glare arising from the headlights of vehicles;
2. Concerns in relation to public and highway safety when having regard to the volume of traffic along Coventry Road and the nature and of the highway network, lack of off-street parking provision, increase in congestion, the location of the bus stop and on-street parking restrictions;
3. Concerns with regard to the lack of parking within the vicinity and that vehicles are blocking pavements and restricting pedestrian and vehicular movements;
4. Concerns that the development is exacerbating the difficulties for residents who struggle to access and egress their driveway;
5. Concerns that the parcel lockers are unsightly and forward of the established building line along Coventry Road;
6. Concerns that the parcel locker is used 24 hours a day;
7. Concerns in relation to an increase in littering;
8. Concerns in relation to the proximity of the parcel locker in relation to the closest neighbouring property and that the lockers are an imposing addition to the site;
9. Concerns that the development does not constitute permitted development;
10. Concerns have also been received stating that the development will devalue surrounding properties, however, it should be noted that such a concern would not represent a material planning consideration which can be taken into account in the assessment of this application.

APPRAISAL:

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

1. Principle of Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Conclusion and Planning Balance

1. The Principle of Development

When having regard to the principle of development, the application relates to the retention of a parcel locker which would be an acceptable form of development in this location and would not result in conflict with the settlement hierarchy set out within Policy DS2 of the Borough Plan 2019.

However, notwithstanding the lack of conflict identified with the Settlement Hierarchy, Policy DS3 (Development Principles) of the Borough Plan 2019 sets out that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. As set out in further detail in the below report, the development is not considered to result in a positive impact on amenity or the surrounding environment, and therefore conflict has been identified with this element of Policy DS3.

2. Impact on Residential Amenity

Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. Paragraph 130 of the NPPF (2021), amongst other things, sets out that planning decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users. Further, Policy DS3 of the Borough Plan 2019 sets out that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity.

A number of objections to the development have been received on residential amenity grounds, to include impacts in relation to noise and disturbance, nuisance in relation to glare from headlights, as well as impacts when having regard to the siting of the locker and that the locker results in an imposing addition to the site.

The locker abuts the northern side boundary of the site shared with an existing semi-detached two storey dwelling, number 88 Coventry Road. It is angled at a right angle with the front elevation of this neighbouring property and spans a length of 4 metres along the shared side boundary.

It is not considered that the unit itself would generate any significant noise levels when parcels are being loaded and dispensed. Concerns are however raised in relation to the potential for noise and disturbance from customers utilising the facility, for example from car doors opening and shutting, or an increase in voices, particularly late at night when neighbouring occupants are more likely to notice an increase in noises arising from such activities.

The information submitted to support the application sets out that 'hermes carry out one delivery a day during normal day time hours.' The information is not explicit in

terms of what these hours are and it is recognised that whilst delivery companies may have set collection times when the locker is loading or unloaded, the use of the locker by members of the public would be more sporadic and it is recognised that the unit is available for use 24/7, as set out within the submitted covering letter.

Consideration has been given to the representations and letters of objection received during the course of the consultation period which refer to the amenity impacts arising as a result of the development. The impacts relate to an increase in activity at the site and associated impacts arising from additional cars parking within close proximity to the site, car doors opening and closing and headlight glare to neighbouring properties. It is recognised that the parcel locker has the potential to increase comings and goings to and from the site, however, the existing site is used for retail uses already and increased comings and goings associated with the use of the property as a convenience store already takes place on the site. The additional comings and goings associated with the development, whilst have likely increased, are not considered to be harmful to the living conditions of neighbouring occupants in isolation.

However, the siting of the locker against the shared side boundary with number 88 Coventry Road, when also having regard to its 2.4 metre height on top of its concrete foundation pad, is considered to be unneighbourly and would harm the amenities of the occupants of this neighbouring dwelling, specifically in relation to oppressive impacts, to an unnecessary degree. Additionally, whilst highway safety and parking impacts are set out in further detail in the below report, it is considered that the lack of off-street parking within the vicinity of the site, together with the on-street parking restrictions, leads to unnecessary nuisance to neighbouring occupiers by virtue of the blocking of driveaways and footpaths which is a manifestation of the development when having regard to the lack of off-street parking provided within the application site.

Overall, the development is considered to result in an unneighbourly and oppressive addition to the site, resulting in an unnecessary level of nuisance to neighbouring occupants when having regard to the site specific highway constraint sets out above. The development is therefore not considered to promote health and well-being, nor a high standard of amenity for neighbouring occupiers. Consequently, the development is considered to result in unacceptable residential amenity impacts and would fail to accord with the provisions of Policies BE3 and DS3 of the Borough Plan 2019 and the advice set out within paragraph 130 of the NPPF (2021).

3. Impact on Visual Amenity

Paragraph 130 of the NPPF (2021) 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 (such as increased densities). Policy BE3 of the Borough Plan 2019 states that all development proposals must be designed to a high standard and that all developments must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area.

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

Section 13.1 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) sets out that designs should have regard to the urban characteristics of the locality, adding to the distinctiveness and should be in sympathy with the locality.

It is noted that a letter of objection has set out concerns relating to the visual impact of the development, including its siting and positioning in relation to the established building line.

The application building operates as a local convenience store, the store occupies the ground floor of what was originally a two storey detached residential property. As a result of its use, the lower proportion of the building is commercial in its visual appearance, with a shop frontage, associated roller shutter and signage, which contrasts with the visual appearance of the surrounding residential properties, as well as the upper proportion of the building which retains its original domestic features. There are a number of non-domestic items of paraphernalia present on site which are associated with the commercial use of the building, to include moveable and free-standing small scale signage placed to the front curtilage of the building, as well as metal wheeled trolleys containing items for sale such as plants.

The visual impacts of the commercial use of the application site are an exception within the locality, with the prevailing character of the area being residential. The store is located between and opposite stretches of residential housing, which, in the main, form a relatively straight and consistent building line. The properties within the immediate vicinity of the site share a similar set-back from the highway to one another and feature frontages with soft and hard landscaping with parking areas. There are no examples of outbuildings or other structures within the front curtilages of neighbouring plots.

Whilst boundary treatments and heights and the extent of soft landscaping vary throughout the streetscene, the western side of the highway features generally lower level boundary treatments with a reduced level of soft landscaping when compared to the eastern side of Coventry Road. This, along with the straight alignment of the street, means that clear views are available of the site when viewed from both the northern and southern directions. The locker protrudes into views along the street and on account of its location forward of the building line and set at a right angle to the store, as well as abutting the northern shared boundary with the neighbouring property, the locker is considered to be in a relatively prominent location. At 2.4 metres high, it is taller than any nearby boundary treatment and substantially taller than many of the nearby modest front and side boundary walls and fences present along the western side of the street. Its bright white finish, canopy detail and overall width of 4 metres, draws the eye and the development is considered to be an incongruous and overtly commercial addition to the site, at odds with the prevailing residential character of this part of Coventry Road.

In view of the above, by virtue of the design and scale of the structure, together with its siting, the development is considered to result in adverse visual impacts upon the character and appearance of the streetscene and fails to contribute to local distinctiveness and character and would not reflect the positive attributes of the residential area. The development is therefore considered to be contrary to the requirements of Policies DS3 and BE3 of the Council's Borough Plan 2019, the advice set out within Section 13.1 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019), as well as the advice set out within paragraph 130 of the NPPF (2021).

4. Impact on Highway Safety

Policy HS2 of the Borough Plan 2019 sets out that applications are required to address how the development ensures adequate accessibility in relation to all principal modes of transport.

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 (b) of the NPPF (2021) sets out that when assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Further, at paragraph 112, the NPPF (2021) sets out that applications for development should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, and that developments should allow for the efficient delivery of goods.

As set out in the above consultations section, 8 letters of objection have been received during the course of the application with all 8 letters raising highway safety concerns.

The site is located on Coventry Road which is a classified B road and features on street parking restrictions in the form of double yellow lines. It also features a bus stand immediately south of the site. The highway is considered to be a major highway route between Bedworth and Coventry, with the County Highway Authority stating that the volumes of traffic are high, as are pedestrian flows.

The County Highway Authority have been consulted on the application and have objected to the scheme. The Highway Authority have set out that to park close to the site would require drivers to park on the double yellow lines in place along Coventry Road.

Contrary to the details provided within the submitted planning application form, the parking provision afforded to the convenience store has been impacted upon as a result of the siting on the locker which has effectively reduced the off-street parking provision to just one space. Additionally, the submitted covering letter sets out that the development has also resulted in the installation of three bollards on site, intended to provide security and to prevent unauthorised parking, however the submitted drawings fail to show the details of these bollards, or their locations. It is therefore determined that the development has resulted in the loss of parking provision for the convenience store users, as well as a lack of off-street parking available for the users of the locker itself.

The County Highway Authority have noted that the agent has set out that Hermes carry out one delivery per day using a 'transit' style van and that Hermes would be the only company allowed to service the locker. The County Highway Authority consider that such an arrangement would need to be conditioned to ensure that the locker would not be capable of being refilled multiple times per day. Whilst the position of the County Highway Authority is noted, the Local Planning Authority considers that such a condition would not be enforceable and would fail to meet the tests for conditions and the advice set out within paragraph 56 of the NPPF (2021).

The County Highway Authority have noted that whilst the agent has confirmed that the delivery vehicles utilise the frontage of the site to service the locker, the site frontage is only capable of providing one parking space which would be used by either the owner of the shop unit, or its customers. Therefore, the delivery vehicle would be competing for the use of a single off-street parking space and the use of this space would not be guaranteed without affecting parking provision afforded to the existing use of the site. Additionally, whilst there may be an intention to utilise bollards, it is anticipated that these bollards would need to be manually lowered to allow for parking and this arrangement is likely to result in the delivery vehicle associated with the parcel locker waiting on the highway until access through the bollards has been manually provided. Such an arrangement would impede the free flow of traffic along the classified road and would be to the detriment of highway safety.

The agent has provided information to address the objection raised by the County Highway Authority which states that the lockers are only used for 6 parcels per day. Notwithstanding any data relating to the demand of the lockers obtained since the locker was first installed, the County Highway Authority note that there are 70 lockers provided and therefore it cannot be assumed that the development would result in only 6 customer trips per day.

The County Highway Authority have set out that the highway is heavily trafficked at peak periods and that with no off-street parking, the development would cause congestion upon the highway network. The County Highway Authority has further recognised that whilst members of the public would operate the locker for minimal periods of time, each vehicular trip to the site would result in the slowing down and stopping of traffic along Coventry Road and overall, the development is not considered to be located in a suitable location which would allow drivers to enter the site and the highway network in a forward gear, park within the site, and for delivery drivers to service the locker without resulting in detrimental impacts upon highway safety.

Overall, when having regard to the advice set out within paragraph 111 of the NPPF (2021), the development is considered to result in unacceptable highway safety and parking impacts and would fail to accord with the provisions of Policy HS2 of the Borough Plan 2019, as well as the advice set out within paragraphs 110 (b) and 112 (c and d) of the NPPF (2021).

5. Conclusion and Planning Balance

The NPPF (2021) sets out 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 application has been submitted with a covering letter which sets out a range of benefits arising from the scheme to include a reduction in CO2 emissions, reduced congestion, reduced delivery mileage, air quality improvements and the encouragement of linked trips. Whilst the nature of the development has the potential to result in environmental benefits, no quantifiable data has been submitted in relation to usage and the associated environmental impacts and therefore no meaningful analysis in this regard can be made. In view of the lack of data submitted in relation to vehicular trips, limited weight is afforded in favour of this element of the scheme.

Further to this, whilst some economic benefits may arise relating to the potential for the development to result in an increase in profit for the owners of the convenience

store, these benefits have not been set out in full and are likely to be limited. It is not considered that the development would result in any significant social or economic benefits and it is considered that the limited weight afforded to the environmental benefits of the development are not considered sufficient to outweigh the harm to the character and appearance of the area, the residential amenity impacts, nor the highway safety impacts identified.

Overall, the application is considered to fail to accord with the provisions of Policies DS3, BE3 and HS2 of the Councils Borough Plan 2019, as well as the guidance set out within the Council's Sustainable Design and Construction Supplementary Planning Document (2019) and guidance set out within paragraphs 130, 110 and 112 of the NPPF (2021). There are no material planning considerations which indicate that the application should be determined other than in accordance with the development plan.

Therefore, on balance, the development is considered to be unacceptable and is recommended for refusal.

REASONS FOR REFUSAL:

1. Policy DS3 of the Borough Plan 2019 states:
All new development will 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 this Plan. New development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. New unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.

2. Policy BE3 of the Borough Plan 2019 states (in part):
Development proposals must be:

1. Designed to a high standard.
2. Able to accommodate the changing needs of occupants.
3. Adaptable to, and minimise the impact of climate change.

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

Supplementary planning documents

Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

3. Paragraph 110 in the NPPF 2021 states:

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4. Paragraph 111 in the NPPF 2021 states:

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5. Paragraph 112 in the NPPF 2021 states:

112. Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6. Paragraph 130 in the NPPF 2021 states:

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- i. The development is contrary to these policies by virtue of the design and scale of the structure, together with its siting, the development is considered to result in adverse visual impacts upon the character and appearance of the streetscene and fails to contribute to local distinctiveness and character and would not reflect the positive attributes of the residential area (contrary to the advice set

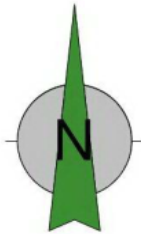
out within Section 13.1 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019)).

- ii. The development is also contrary to these policies since the development, by virtue of its size, siting and relationship with number 88 Coventry Road, is considered to result in an unneighbourly and oppressive addition to the site. Additionally, when having regard to the site-specific highway constraints relating to a lack of available off-street and unrestricted on-street parking, the development is considered to result in an unnecessary level of nuisance to neighbouring occupants arising from a potential increase in unauthorised parking within the vicinity. The development is therefore not considered to promote health and well-being, nor a high standard of amenity for neighbouring occupiers (contrary to section 11 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019)).
- iii. The development is not considered to be located in a suitable location when having regard to the site-specific highway safety constraints and fails to provide adequate parking and turning within the site to enable drivers to enter the site and the highway network in a forward gear. Additionally, the lack of off-street parking provision, together with the lack of available unrestricted on-street parking within the vicinity, would result in the unauthorised parking of vehicles, as well as the stopping up of the highway on a classified road, which would result in unacceptable highway safety and parking impacts.

Location Plan



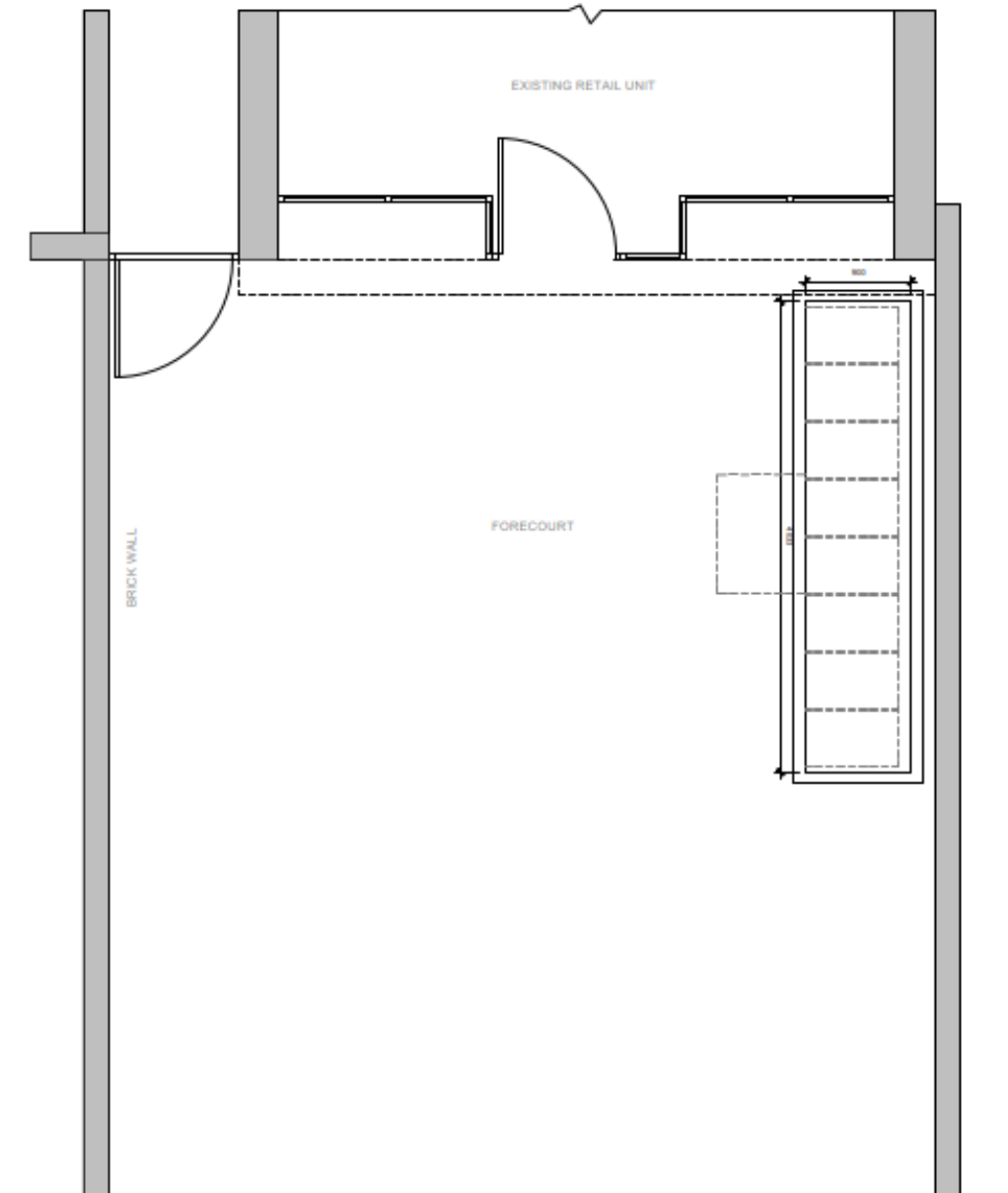
SITE LOCATION PLAN
SCALE 1:1250



Key:

- Application Site Boundary
- Associated Ownership Boundary

Proposed Site Plan



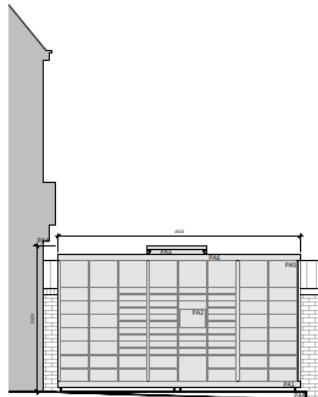
PROPOSED PLAN 
SCALE 1:50

FOOTPATH

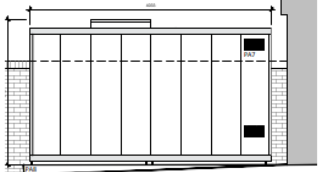
Proposed Elevations



PROPOSED ELEVATION A
SCALE 1:50

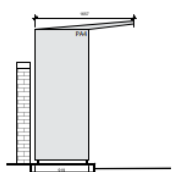


PROPOSED ELEVATION B
SCALE 1:50



PROPOSED ELEVATION C
SCALE 1:50

- PA3 Metal Canopy with Integrated Security Camera
Colour: White
- PA4 Metal Cladding vinyl wrapped with ORAGUARD® 215 Polymeric PVC film
Colour: Grey
- PA5 Metal Face Drawers vinyl wrapped with ORAGUARD® 215 Polymeric PVC film
Colour: Grey
- PA6 Metal Cast LED Downlights
Colour: Dark Grey
- PA7 Metal Rear Vents
Colour: Silver
- PA8 Concrete Foundation
Colour: Grey



PROPOSED ELEVATION D
SCALE 1:50

Photograph of locker in-situ



PHOTOGRAPH OF PROPOSED ELEVATION B

REFERENCE No. 038563

Site Address: Watling Inn, 291 Watling Street, Nuneaton, CV11 6BQ

Description of Development: Erection of a two-storey hotel block and associated car parking area to rear of existing hotel with additional parking alterations to the front

Applicant: Mr A Barot

Ward: WE

RECOMMENDATION:

Planning Committee is recommended to give the Head of Planning delegated authority to grant planning permission, subject to the conditions as printed, after the expiration of the weekly list advertisement period on the 18th January 2023, subject to no new issues being raised.

INTRODUCTION:

This is a full planning application for the erection of a two-storey hotel block and associated car parking area to rear of the existing Watling Inn hotel at 291 Watling Street, Nuneaton.

The site is located on the northern side of the A5 and is split between Nuneaton and Bedworth BC (NBBC) and Hinckley and Bosworth BC (HBBC). The land to the south of the dashed line is within NBBC and the land to the north is HBBC.

The existing hotel and the access is within NBBC. The proposed hotel would be wholly located within HBBC and in terms of site area, HBBC are the lead authority. NBBC Officers and Committee can only consider the part of the proposal which is within NBBCs boundary.

The building was previously used as a care home, however, permission was granted in 2017 for the change of use to a hotel. The existing hotel is two-storey, brick built with a hipped roof and various previous extensions.

To the eastern side of the building is a small canopy and access gates. Both would be removed in order to improve vehicular access to the rear. The hotel features a large rear garden and this is where the proposed hotel would be sited.



To the east of the site is Hollow Farm, which is a bungalow dwelling with a rear garden and caravan storage to the rear of the garden. To the north are open fields and farmland located within HBBC and to the south is the A5. To the east, is Overbrook Grange, which is a residential mobile home park and further east of Overbrook Grange are commercial and industrial type units.

RELEVANT PLANNING HISTORY:

- 038930 - Consultation from HBBC for the construction of new two-storey hotel block to rear of existing hotel, consisting of an additional 32no. rooms with associated parking area – comments returned to HBBC in June 2022.
- 037588 - Variation of Planning Condition number 3, of previously approved application reference 034909 relating to the erection of 2m high acoustic fencing prior to commencement of development – approved January 2021.
- 034909 - Change of use from care home (C2) to hotel (C1) including extension of car parking area to create 7 additional spaces – approved July 2017.

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

Cadent Gas, Coventry City Council Commercial Waste Collection Services, George Eliot Hospital Trust, Hinckley & Bosworth Borough Council, National Highways, NBBC Environmental Health, NBBC Parks, NBBC Refuse, NBBC Sports Development, NHS CCG, Severn Trent Water, Warwickshire Police, WCC Archaeology, WCC Fire Safety & Water Officer, WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Fire Safety & Water Officer, WCC FRM

No objection from:
NBBC Environmental Health, NBBC Refuse, WCC Infrastructure, National Highways, WCC Highways, WCC Archaeology

Comment from:
NBBC Parks, NBBC Sports Development

No response from:
Coventry City Council Commercial Waste Collection Services, Cadent Gas, George Eliot Hospital Trust, Hinckley & Bosworth Borough Council, NHS CCG, Severn Trent Water, Warwickshire Police

NEIGHBOURS NOTIFIED:

283 Watling Street, 'Hollow Farm' 289 Watling Street, 'Old Hollow Farm' Watling Street and 1- 23 (inc) Overbook Grange, Watling Street

Neighbouring properties were sent letters notifying them of the proposed development on 12th January 2022. Additional letters were sent on 23rd December 2022 to the original neighbours, as well as 134 Edinburgh Road.

A site notice was erected on street furniture on 16th February 2022 and the application was advertised in The Nuneaton News on 19th January 2022.

NEIGHBOUR RESPONSES:

There have been 3 objections from 2 addresses, as well a petition with 17 signatures The comments are summarised below;

1. Increase in transport and noise disturbance
2. Increase in the use of the site and access
3. Lack of security fencing
4. Current noise and anti-social behaviour issues
5. Noise caused by construction work
6. Some neighbours have had to install their own fencing and security cameras
7. Increase in overlooking

There has been 1 letter of comment from 1 address, the comments are summarised below;

1. Site can be quickly accessed by bicycle from Nuneaton Train Station; however, cyclists would need to travel up Higham Lane.
2. Cycle provision on Higham Lane and crossing facilities should be improved.

APPRAISAL:

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding and drainage
6. Planning Obligations and Conclusion

1. Impact on Residential Amenity

The existing use of the site is as a C1 hotel and the proposed scheme would intensify this use by creating additional en-suite bedrooms and a guest lounge to the rear of the site. The development is to be located within HBBC's boundary and therefore it is for HBBC to assess the principle of the proposed hotel.

The development within the boundary of NBBC includes the removal of the existing canopy and gates and alterations to the existing front car parking, to increase the number of spaces from 12 to 16. When viewed in isolation in relation to the existing site, the principle of slightly increasing parking provision would be considered as acceptable, as it would aid in providing additional staff and customer parking for the hotel.

The removal of the canopy and gates do not require planning permission and therefore, in conclusion, the principle of development is considered to be acceptable. HBBC

should consider the principal of the development within their boundary, in this case being the proposed hotel and creation of parking.

2. Impact on Residential Amenity

There are existing residential dwellings located adjacent to the site to the east and west. These dwellings are located within NBBC, however, the proposed hotel is within HBBC and therefore the impact of the proposed block is to be reviewed by HBBC.

The elements of the scheme within NBBC include an increase in parking space to the front and the opening up of the east of the site to improve vehicular access to the rear.

The closest mobile homes on Overbrook Grange to the proposed parking alterations are 18 and 18a. The western elevation of no.18 features two windows and one door and the western elevation of 18a is blank. It is considered that the increase in parking provision to the front of the site would not cause unacceptable harm to these properties, as it is not uncommon for vehicles to be parked outside of dwellings. In addition, a 2m fence (set back from the highway) could be erected under permitted development and this would completely shield the view of the cars from these properties. Also, Environmental Health have no objection to the application.

The removal of the side canopy and side gates does not need planning permission; however, it is understood that their removal would aid in opening up the side of the site and this would likely cause additional vehicular movements along the side boundary of the plot, adjacent to Hollow Farm. The boundary between Hollow Farm and the site is marked by 2m close boarded fencing to the front and a 2m brick wall to the side and rear. Generally, it is considered that the increase in vehicular movements along the side of the site would not be significant enough as to cause unacceptable harm to this property, when considering the level of existing noise caused by the A5. In addition, Environmental Health have no objection to the proposal.

The potential of noise caused by the proposed hotel cannot be considered within this application and this would be for HBBC to assess. NBBC Environmental Health did ask whether external plant may be required as part of the scheme, however, no proposed plant material is proposed to the existing hotel and the proposed hotel is outside of NBBC. Nevertheless, the proposed elevation plans for the new hotel do not show the presence of external plant.

3. Impact on Visual Amenity

The part of the proposal within NBBC would have a minimal impact on visual amenity as it only constitutes the removal of a canopy, gates and additional parking to the front. HBBC should review the impact of the proposed hotel on the visual amenity of the area. However, it should be noted that that the hotel would largely be concealed by the existing hotel.

4. Impact on Highway Safety

The site is located on the A5, which is a main road maintained by National Highways.

The existing access takes the form of a dropped vehicle crossover and National Highways state that no collisions have been recorded within the last 5 years. The existing access is to remain the same, however National Highways required assurance that the existing access would still be suitable for the intensified use. Visibility splays were provided within Transport Technical Note and National Highways are satisfied with this. WCC Highways have no objection regarding the access.

Additional parking is proposed to the front of the site and this would provide additional parking presumably for both the existing and proposed hotel. The existing hotel is 25 bedrooms with 12 spaces to the front. The number of spaces to the front of the site would be increased from 12 to 16. Whilst this is still a shortfall of the required 25 spaces (1 per bedroom) within the Transport Demand Management Matters SPD (TDMM), this is clearly a betterment to the existing provision and therefore this section is considered to be acceptable.

With regard to the wider site, the total number of parking spaces provided would be 41 and this would serve 57 bedrooms (between the existing and proposed hotels). This is 16 spaces short of NBBCs TDMM SPD. However, provision for the proposed hotel should be assessed by HBBC, as the proposed hotel is outside of NBBCs boundary. Whilst HBBC will presumably consult with Leicestershire County Council Highways rather than Warwickshire County Council Highways and assess using their own parking standards, National Highways are a national body which have been involved in both applications. As such, their response to NBBC assessed the entire site and not just the part within NBBC. National Highways initially objected to the application, partially because of parking provision.

A parking accumulation survey was undertaken between Tuesday 23rd August and Monday 29th August, in order to establish the existing use of the hotel car park relative to hotel occupancy. The survey counted all vehicle entries and exits over the course of the week in order to establish a parking accumulation. The survey stated that the maximum car parking accumulation was 12 vehicles over the week-long survey period. This occurred on the Thursday, Saturday and Sunday and no overspill parking was observed to be taking place during the survey period. This survey was compared against a record of occupancy for between Monday 22nd August and Sunday 28th August. According to the occupancy survey, a maximum of 2 vacant rooms were shown at any time, with five of the six survey days having only 1 vacant room. Taking into account the maximum occupancy of the hotel (25 rooms) and the maximum observed parking accumulation (12 cars), it suggests that less than 50% of guests typically arrive by private car and require parking at the hotel. Indeed, based on the count data, a ratio of 1 car per 0.48 rooms has been calculated. National Highways have reviewed this information and subsequently removed their objection.

Whilst WCC Highways have no objection, they commented that the access width along the side of the existing building towards the rear should be at least 3.7m for fire rescue vehicles. The width along the side of the building and the boundary varies between 3.3m – 4.2m, with the end of the building tapering in slightly towards the rear. Approved Document B, Volume 2, Requirement B5 of Building Regulations states that the minimum width of access roads should be 3.7m and the minimum width of gateways should be 3.1m. The section of the access which is less than 3.7m in width is approximately 2.7m in length and WCC Fire Safety have responded to say that they have no objection to the proposed development, subject to a condition requesting details of the provision of water supplies and fire hydrants. As such, it is considered that the manoeuvrability within the part of the site which is within NBBC is considered to be acceptable. It will be for HBBC to review their part of the site.

With regard to refuse collection, WCC Highways stated that bins may need to be moved over 100m to get to kerbside, which is significantly more than regulated. However, the proposed bin store and proposed hotel is within HBBC and therefore should be considered by HBBC Officers. The applicant has stated that at present, *‘the refuse is collected once per week and the refuse collection lorry enters the site and comes into the drive way and this has been the case for over 11 years. The planned*

refuse collection will continue to be once per week and there is no need to change this. We may simply add one further bin of the same size. The refuse is currently stored to the rear or side of the property and is wheeled to the front the evening before collection (collection is normally on a Friday.)'

NBBC Refuse have no objection and states that they previously collected from the site, but this is not operated by Coventry City Council Commercial Waste Collection Services (CCC). CCC did not respond to the consultation request and therefore it is assumed that they have no objection.

5. Flooding and Drainage

WCC Flood Risk Management were consulted with as part of the application process. WCC have stated that the applicant has demonstrated the principles of an acceptable surface water management strategy, however, further information is still required. As such, they have requested a condition to request details of a suitable outfall. It is recognised that the current hotel site drains to an existing manhole, which is owned by the Hotel and has a right of connection for. The proposed hotel block will outfall to this same location. Suitable information is required demonstrating the acceptance of the additional flow created by the proposed hotel block into the wider system.

The site is located within flood zone 1, which is the lowest flood risk level and therefore consultation with the Environment Agency is not required.

6. Planning Obligations and Conclusion

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

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

The part of the proposal within NBBCs remit is fairly minor and the major part of the development is within HBBC. As such, it would not be reasonable for NBBC to request S106 contributions.

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 majority of the proposal is within HBBC and their application is still under consideration. NBBC Officers and members should only consider the part of the scheme which is within NBBC. For this application, this is the existing hotel and land to the front. The alterations to this part of the site include alterations to parking provision and the removal of a canopy and gates. These elements are considered to be acceptable in terms of residential and visual amenity.

The site access is also within NBBC, however, National Highways and WCC Highways have no objection to the scheme. As such, the suitability of the access and impacts to the wider highway network is considered to be acceptable.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan Ref	Date Received
Location plan	N/A	5 January 2022
Proposed site layout plan	1160-P02A	23 May 2022

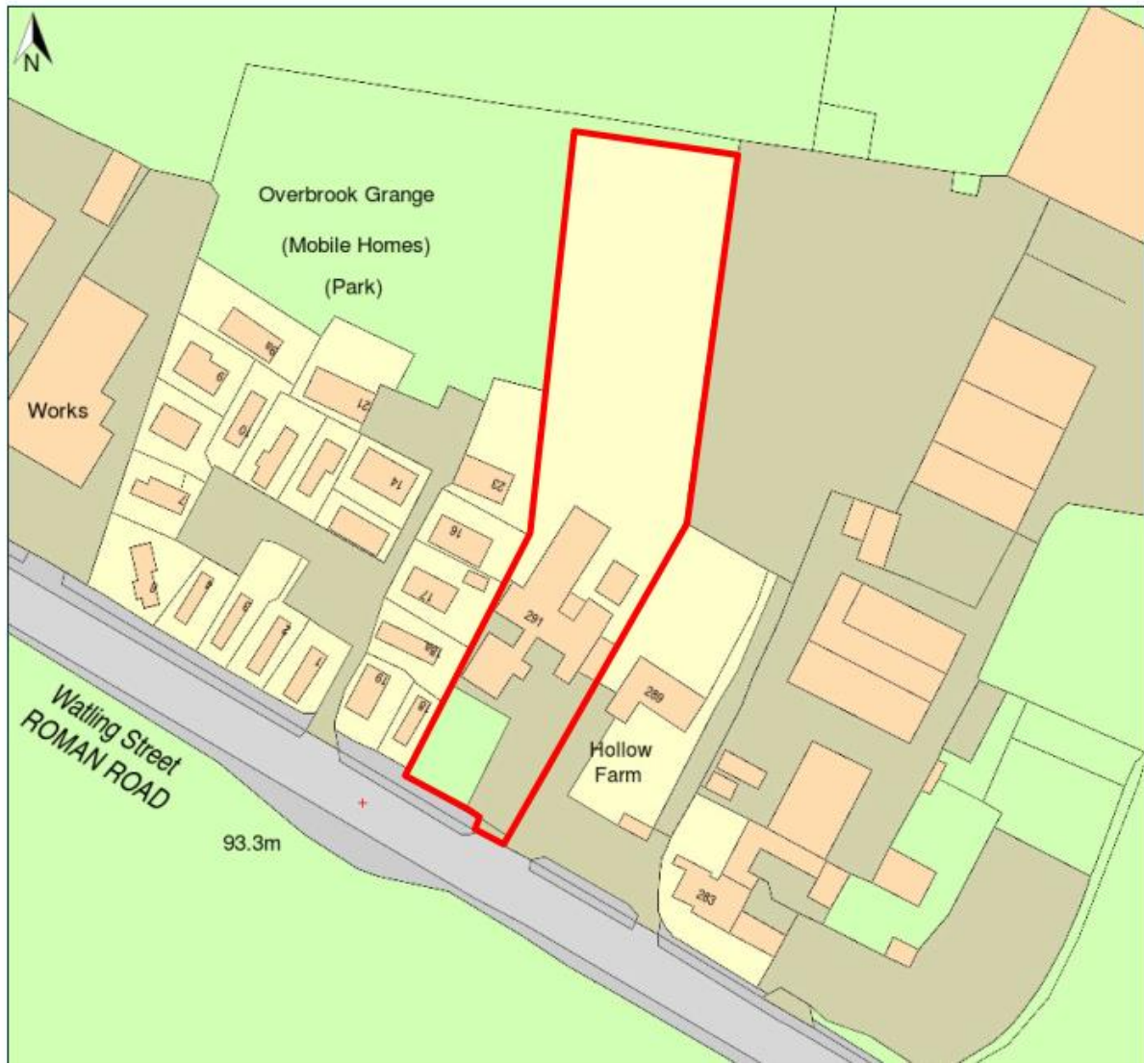
3. Prior to the hotel being brought into use, the parking and manoeuvring areas to the front of the site shall be laid out in accordance with the approved plan 1160-P02A. Once implemented, such areas shall be permanently retained for the parking and manoeuvring of vehicles.

4. Prior to the hotel being brought into use, the canopy and gates to the east of the existing building shall be removed, in accordance with the approved plan ref 1160-P02A.

5. No development shall take place until a suitable outfall for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

a. It is recognised that the current hotel site drains to an existing manhole, which is owned by the Hotel and has a right of connection for. The proposed hotel block will outfall to this same location. Suitable information is required demonstrating the acceptance of the additional flow created by the proposed hotel block into the wider system.

6. Prior to the hotel being brought into use, a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Council.

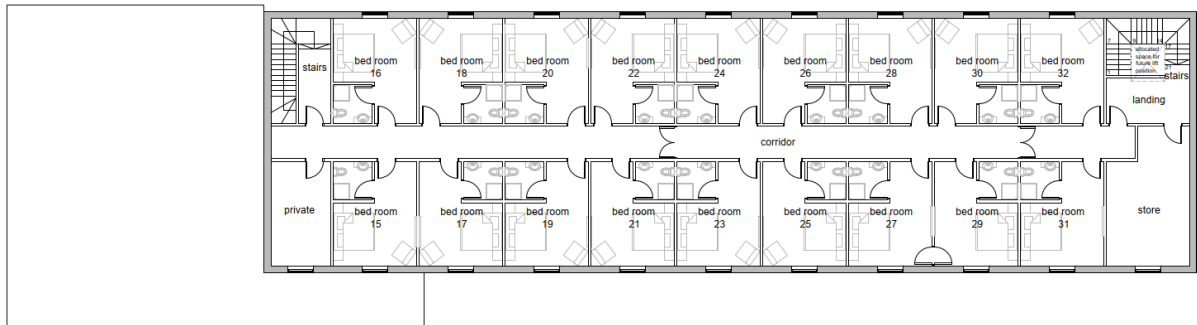
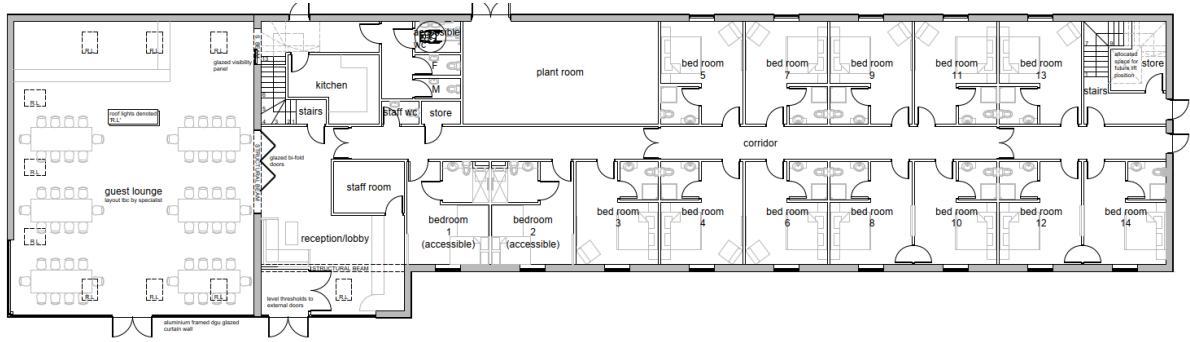


Site plan

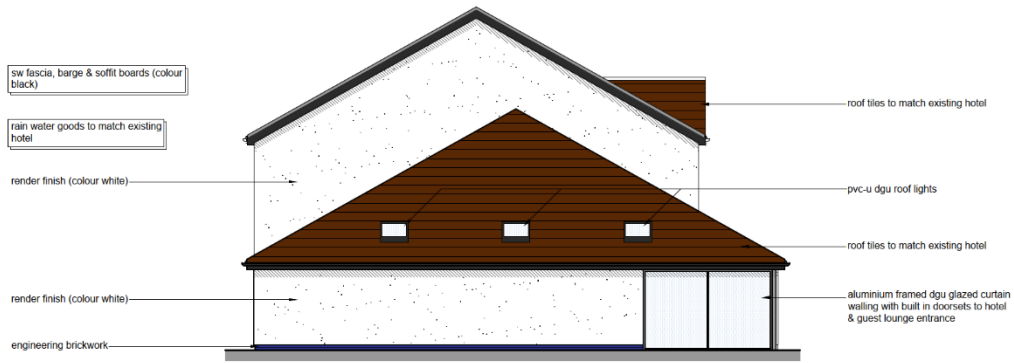


Existing site plan

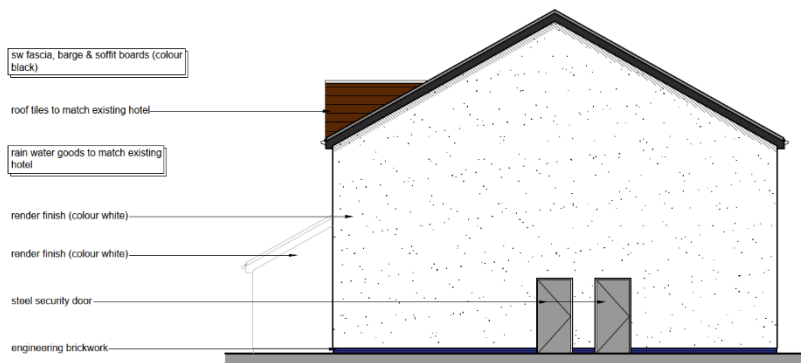
Proposed ground and first floor plan



Proposed side elevations

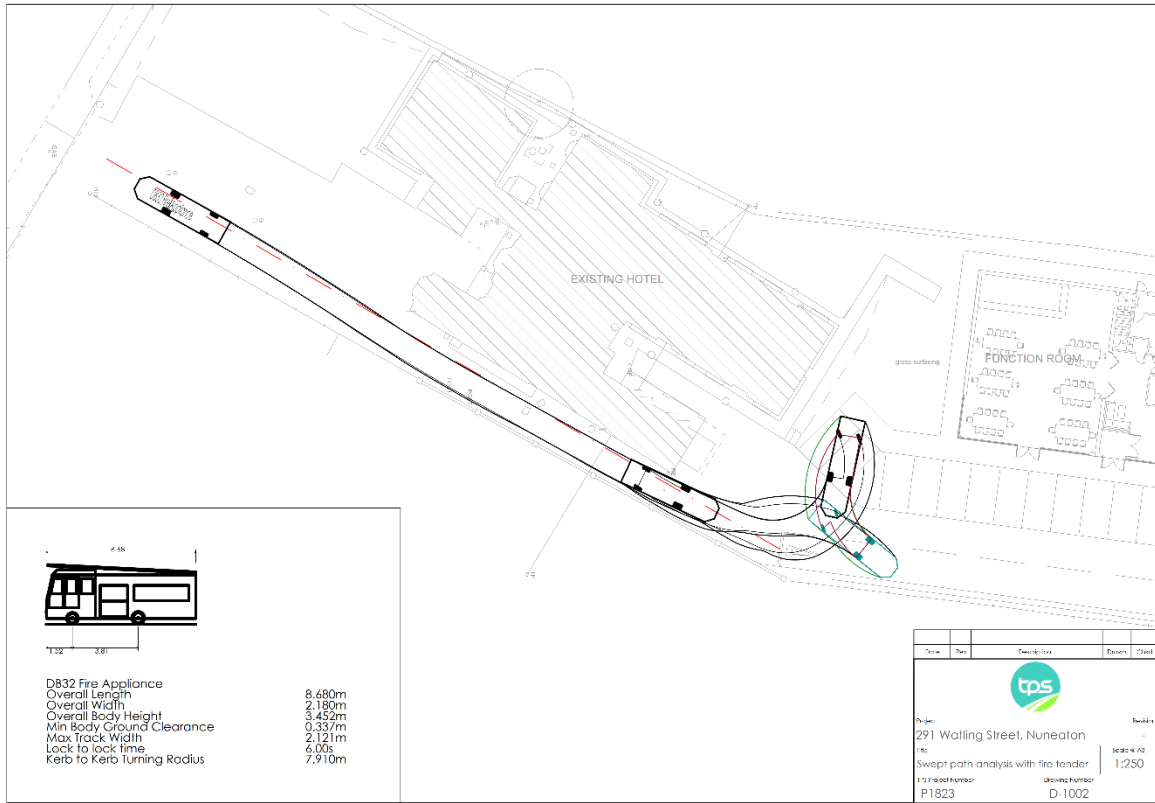


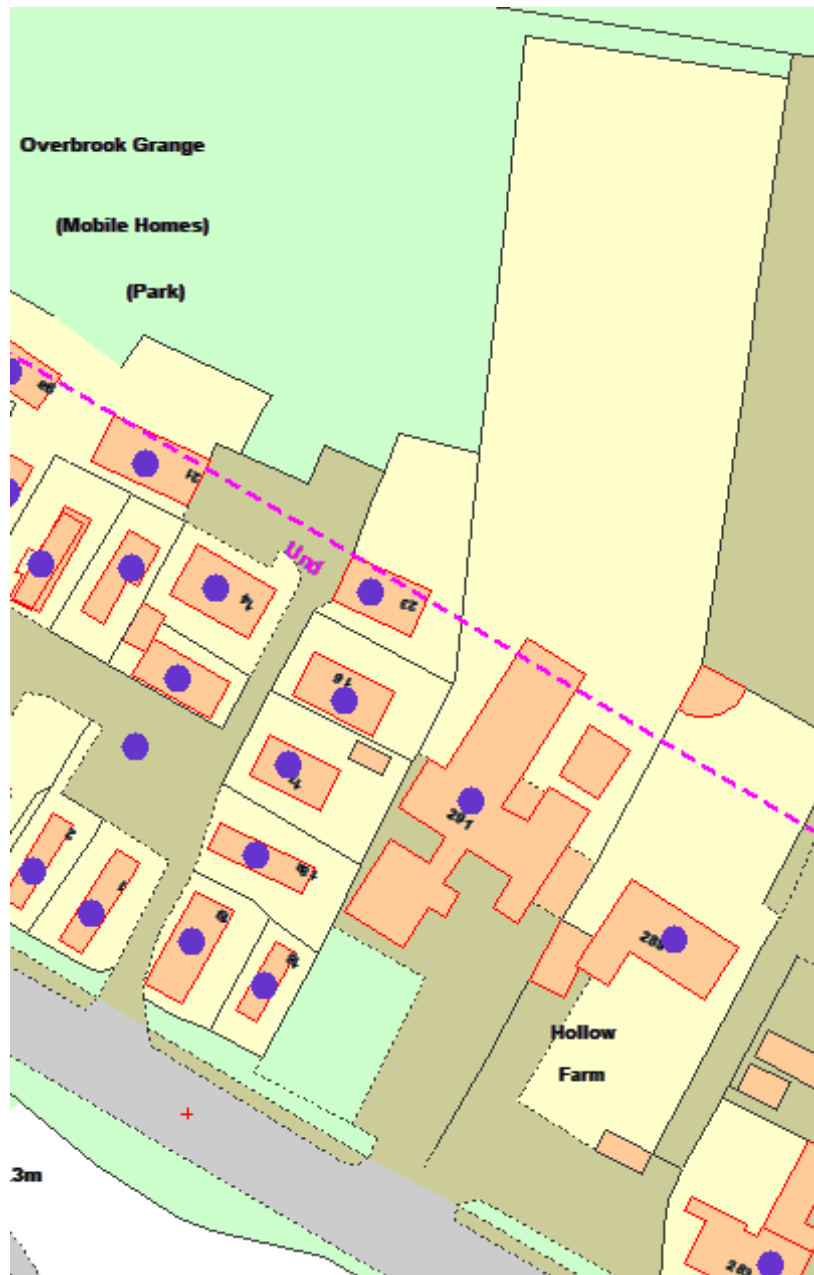
SIDE 1 / SOUTH ELEVATION



SIDE 2 / NORTH ELEVATION

Fire engine swept path plan





REFERENCE No. 039285**Site Address:** 15 Treviscoe Close Exhall Coventry CV7 9FE**Description of Development:** First and second floor extension to rear to include the erection of a rear dormer**Applicant:** Mr Gagandeep Singh**Ward:** PO

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, after the expiration of the neighbour letters on the 18th January 2023, subject to no new issues being raised and the conditions as printed.

INTRODUCTION:

15 Treviscoe Close is a 2 storey, residential property that is located within a semi-detached block attached to 16 Treviscoe Close. The property is constructed out of a mixture of render and brick with white uPVC windows and doors on the front and red brick with white uPVC windows on the rear elevation, with a hipped roof. The property shows evidence of previous extensions present at the property with a ground floor rear and side extension. The property has a front driveway providing off-street parking as well as a detached single storey garage located to the rear/side of the dwelling, adjacent with the boundary of 13 Treviscoe Close. The property does not have any significant levels changes either within the boundaries of number 15 or between number 15 and neighbouring properties. The neighbouring properties are the previously mentioned 16 Treviscoe Close and 13 Treviscoe Close, a residential property located perpendicular to number 15. To the rear are Industrial Units located on Bayton Road, which are separated from the rear of the dwelling by car parking/ area of hardstanding.

The proposal for this application is for the alteration of the roof and erection of a rear dormer, which will project out from the main roof of the dwelling by 3.25m. The dormer will project out to the same length as the original rear wall of the dwelling. The dormer will be set down from the ridge and set in from the adjoining neighbouring property. The dormer will have a flat roof and 2 rear facing windows which face towards the rear garden of the application property. The new room which is to be created within the roof space is to be used as an additional bedroom to create a 4-bedroom dwelling. The first floor rear wall of the dwelling will not be extended as a result of the roof extension and dormer.

RELEVANT PLANNING HISTORY:

- 039011: Erection of front and rear dormers for a loft conversion
Received: June 2022 and Refused: August 2022
- 008334: Retention of flat roof single storey extension to rear
Received: December 2000 and Approved: March 2001

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

The neighbouring properties 1, 13 and 16 Treviscoe Close and 1 Bayton Road and “Units 2, 2b and 3b,” 1 Bayton Road. Neighbouring properties were sent letters notifying them of the proposed development on 22nd November 2022. Further letters were sent on 23rd December 2022, to “Units 2, 2a, 2b, 2c, 3, 3b, 4, 5,” 1 Bayton Road and one letter sent to 1 Bayton Road.

NEIGHBOUR RESPONSES:

There have been 5 objections from 4 addresses. The comments are summarised below:

1. The cul-de-sac is saturated, affects sightlines and the use of the pavements
2. Disabled residents of the cul-de-sac and newly infants are prevented from using the paths
3. Drive already has a large van, chip shop van, a 7-seater people carrier and small 2 door ford
4. Commercial equipment is parked on site
5. Commercial deliveries are done to the address
6. Builders will not be able to park on site, will impact the street more
7. Personal issues with the applicant, means that this proposal is too big for the current living arrangements at the property
8. Could be HMO by the back door
9. Planning application drawing are child like and will be representative of the work

APPRAISAL:

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

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

1. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at 15

Treviscoe Drive will affect the neighbouring properties, which in this case are the adjacent neighbouring properties, 13 and 16 Treviscoe Close, and the industrial units to the rear located on Bayton Road.

Impact on 13 Treviscoe Close

13 Treviscoe Close is the residential neighbouring property which is adjacent to the applicant property and is situated to the west of the applicant property. The front elevation of this property faces towards the highway, Treviscoe Close and the front driveway of No. 15. This dwelling does not directly face the proposed extension or dormer and so the residential amenity of the front elevation is not impacted by the proposal at the applicant property. The side elevation has a single storey extension on the ground floor which cannot be protected under paragraph 11.3 of the SPD. On the first floor is an original window, but it does not serve a habitable room. This elevation faces at 90 degrees to the location of the extension and rear dormer that is proposed in this application. Therefore, no opening on this elevation will directly face any of the proposed extensions.

There will be views of the extension from the garden, which extends to the side of the property. However, No. 15 is separated from the boundary with this neighbour by 10m. Therefore, the proposal will not appear overbearing on the neighbours private outdoor amenity space.

Overall, it can be concluded that the residential amenity of this property will not be detrimentally impacted by the proposed extension.

Impact on 16 Treviscoe Close

16 Treviscoe Close is the attached property within the semi-detached block that the applicant property, 15 Treviscoe Close is located in. On the ground floor, there are 2 openings to the rear which are both original. One of these windows serves the kitchen and the other is non-habitable. On the second floor there are 2 openings to the rear both which serve habitable rooms and these appear to be the original; there are no openings in the roof. As this neighbour is attached to No. 15, there are no side facing windows.

The proposed dormer will be set away from the boundary with this neighbour and extends upwards so that it is parallel with the original rear wall of the dwelling. The windows proposed in the dormer are therefore on the same line as the first floor windows within the original part of the dwelling. It is not considered that the proposed dormer will result in overlooking or a loss of privacy to this neighbour.

Overall, it can be concluded that the residential amenity of this property will not be detrimentally impacted by the proposed extension.

Impact on Bayton Road Industrial Units

The units that are located to the rear are not residential in nature. They are separated from the applicant property by a stretch of land which has no development on it and appears to be used as car parking.

The distance from the proposed habitable windows within the dormer and the rear boundary is approx. 6.9m which is 0.1m below what is required under paragraph 11.6 of the SPD, which states that new windows should be at least 7m from a boundary.

However, the reason for this requirement is to prevent overlooking of neighbours private amenity space. Therefore, as the units to the rear are not habitable dwellings and therefore have no private amenity space and the shortfall is just 0.1m, it is not considered that there will be any impact on the industrial units as a result of the development.

2. Impact on Visual Amenity

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

The proposed rear dormer is located entirely to the rear and will have very limited visibility from public views points within the street scene. Rear dormer windows can often be carried out under permitted development (subject to certain requirements). However, this dormer requires planning consent as it is proposed to project out to the same length as the original rear wall of the dwelling. Under permitted development, a dormer must be set back from the eaves. The proposal will result in the side wall of the dwelling being built up, it will be conditioned for the materials to be the same as the original materials of the dwelling which in this case is matching brickwork.

On balance it is considered that proposal will not create a prominent or incongruous feature that is harmful to the visual amenities of the area, as it is to the rear and generally harmonises with the host dwelling and the street scene. Furthermore, as the dormer will be set down from the main ridgeline, it will not project above the ridge line and the overall height of the property is to remain unchanged. From the front of the dwelling and within Treviscoe Close, the property would look relatively unchanged.

There will be views of the roof extension from the car park area of Bayton Road which adjoins the site, however, this is an industrial area and would not be considered as a public viewpoint.

On balance, it is not considered that the proposal will have a detrimental impact on visual amenities.

3. 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 potential impacts of the proposed development in relation to the impact on residential amenity and visual amenity have all been considered. The assessment has subsequently shown that there would be no adverse impact and as such, it is 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 response(s) received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Location Plan	N/A	03/11/2022
Proposed Floor Plans	N/A	22/12/2022
Proposed Front/Rear Elevations	N/A	03/11/2022
Proposed Side Elevations	N/A	03/11/2022

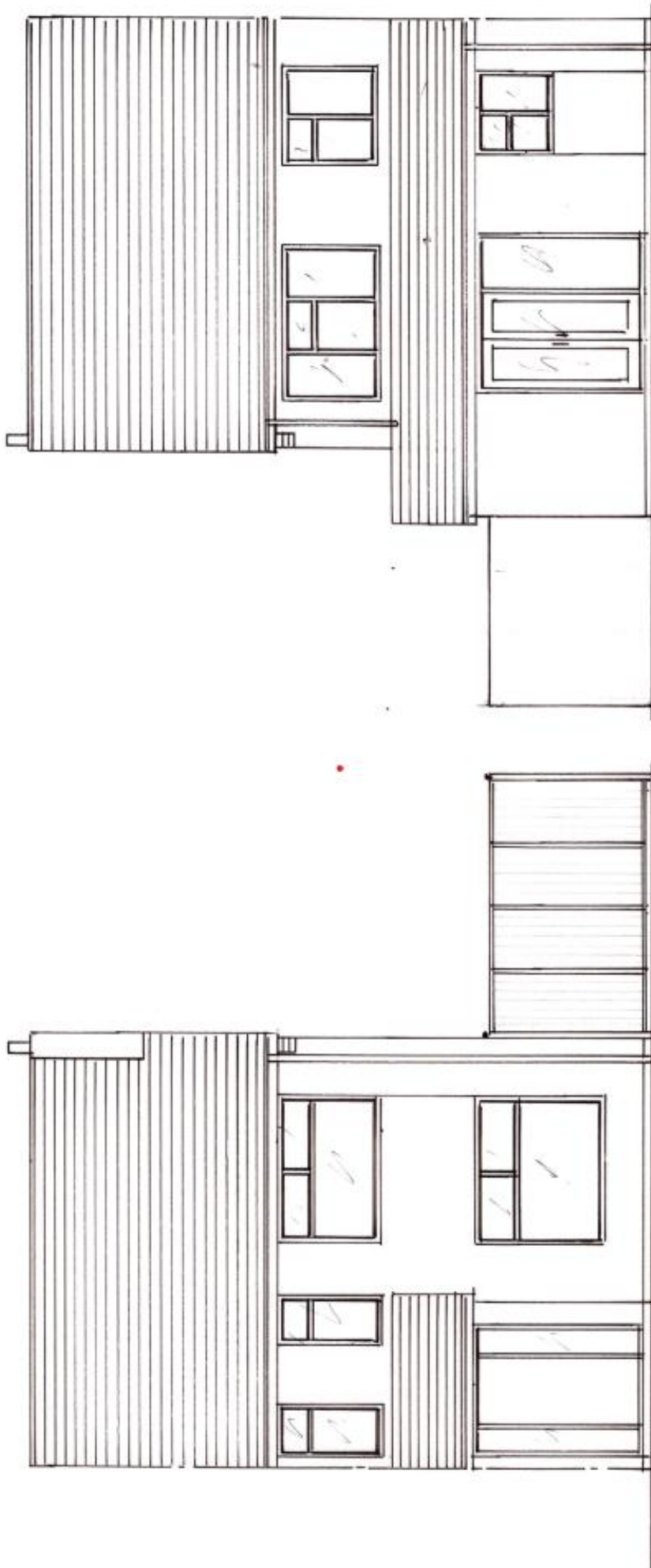
3. The materials of the roof extension and dormer shall be finished in brickwork to match those used in the existing building, unless otherwise agreed in writing by the Council.

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 435330, 285321



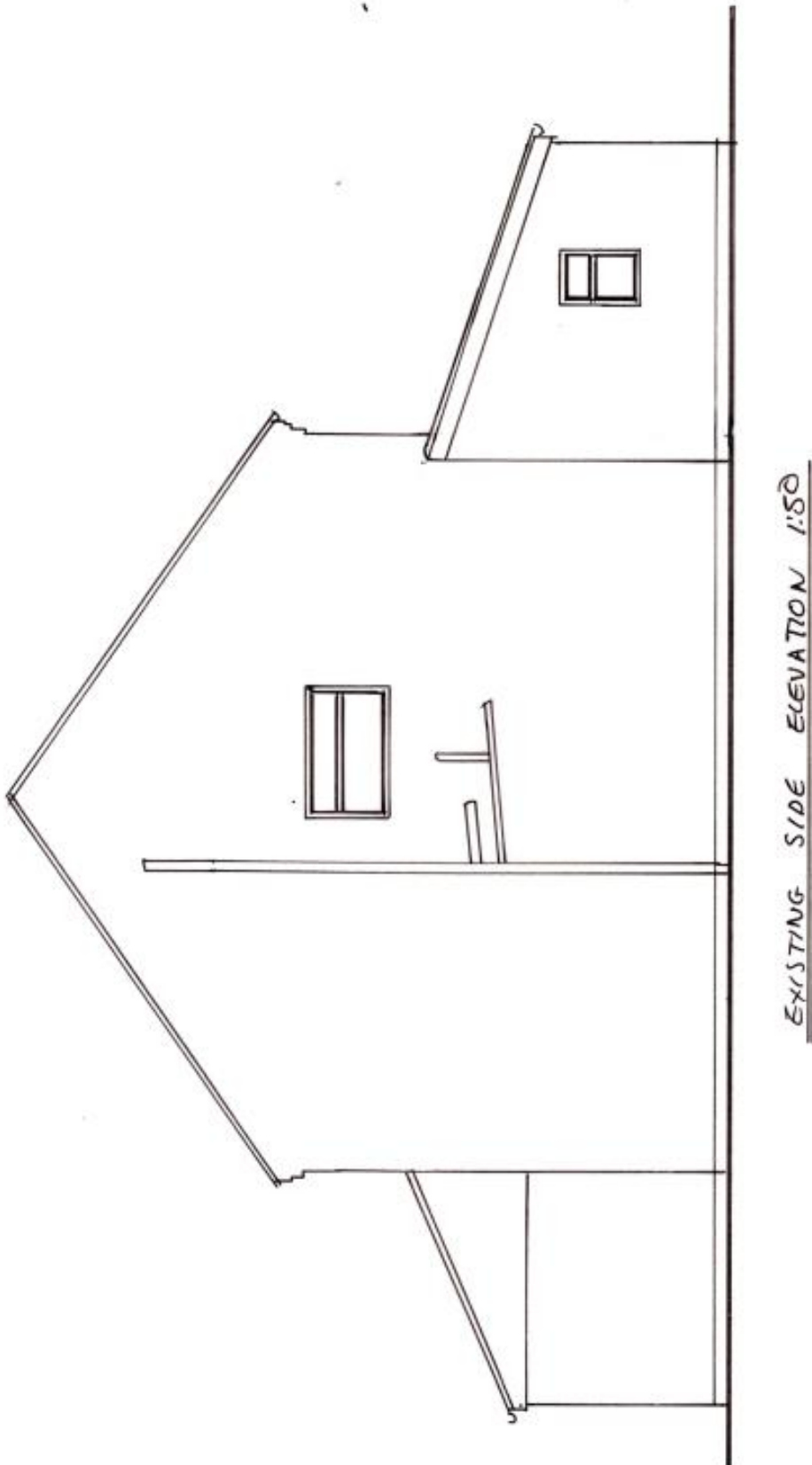
15 TREVISCOE CLOSE
 BEDFORD
 CV1E 7FE
 PROPOSED LOFT
 CONVERSION
 SCALE: 1:50
 DRAWN: JUNE 2022

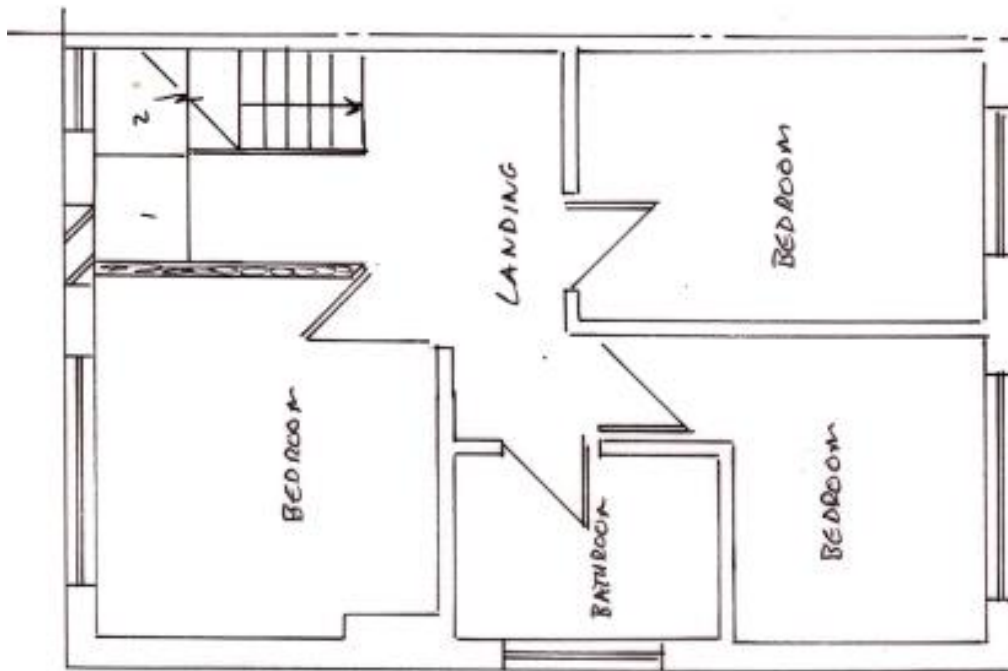




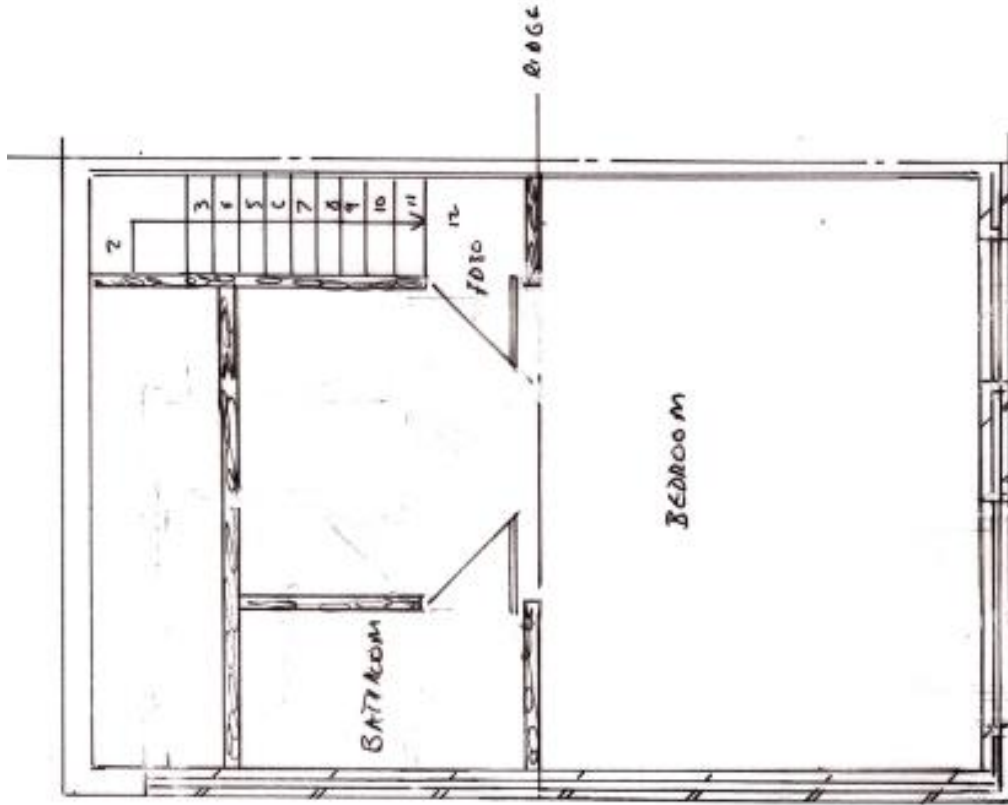
EXISTING REAR ELEVATION 1:50

EXISTING FRONT ELEVATION 1:50

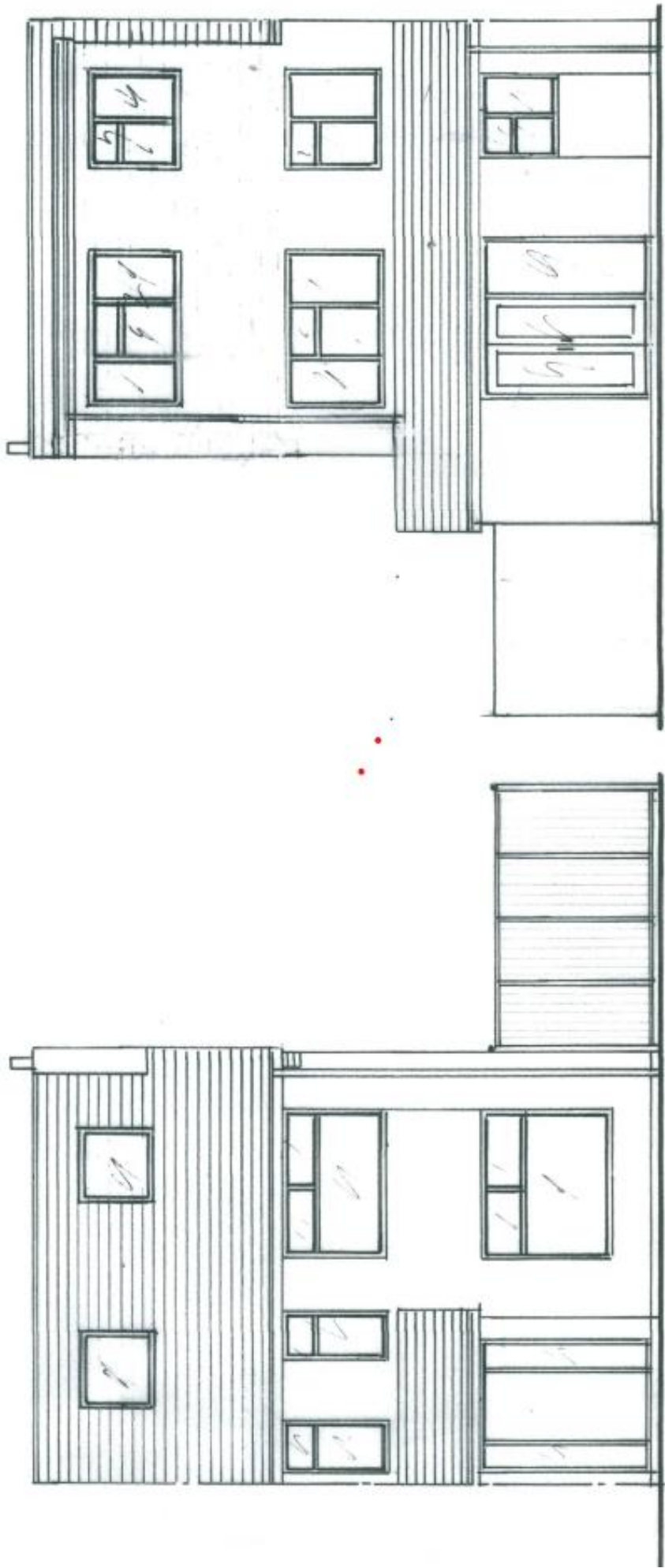




PROPOSED FIRST FLOOR 1.50

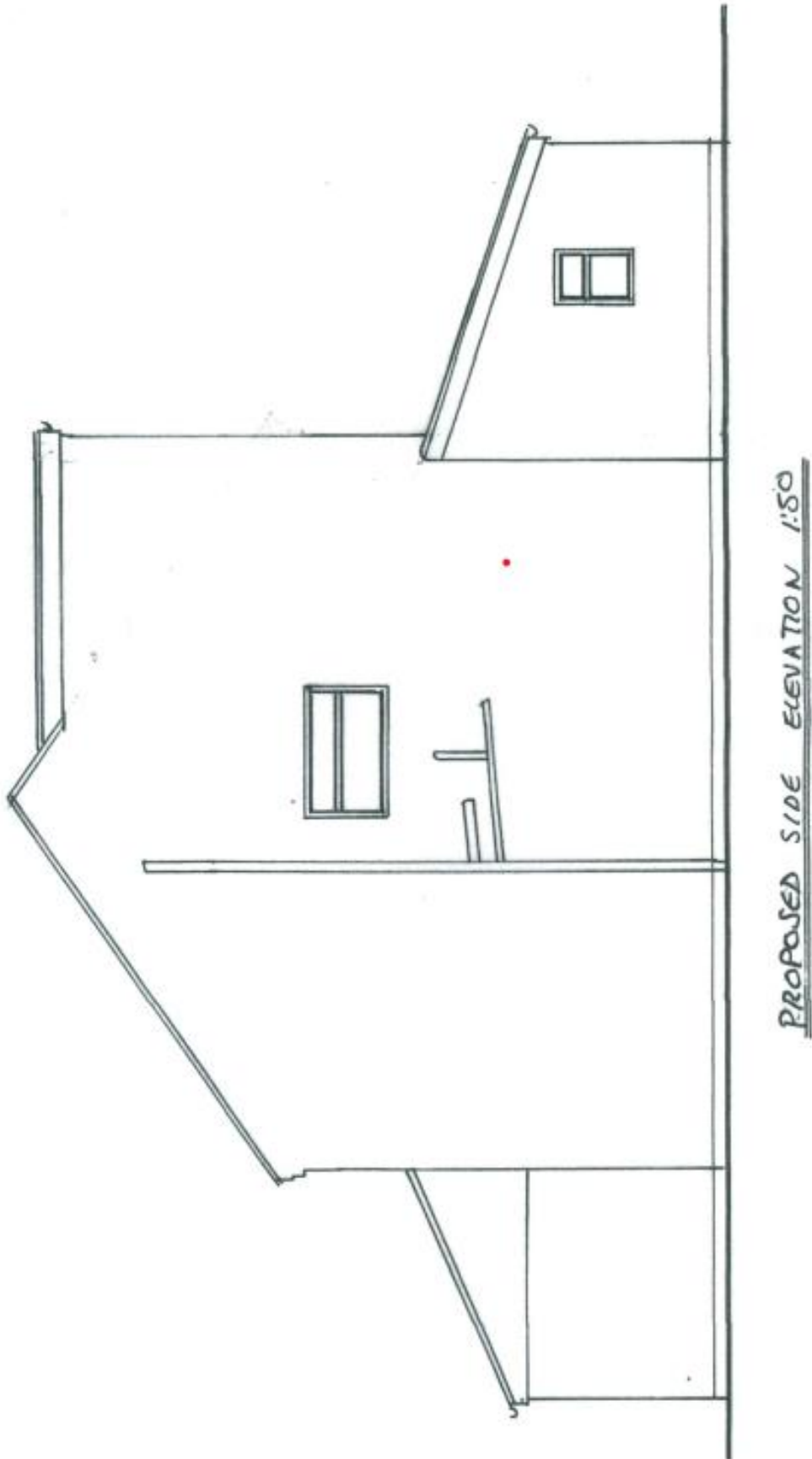


PROPOSED SECOND FLOOR 1.50



PROPOSED REAR ELEVATION 1:50

PROPOSED FRONT ELEVATION 1:50



PROPOSED SIDE ELEVATION 1:50

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)