

Enquiries to:  
Victoria McGuffog

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 21<sup>st</sup> February 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 1<sup>st</sup> March 2022 at 6.00p.m.**

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillor L. Cvetkovic (Chair)  
Councillors B. Hammersley, S. Harbison, J.  
Hartshorn, K. Kondakor, S. Markham, B.  
Pandher, M. Rudkin, J. Sheppard (Vice-  
Chair), R. Smith, and K. Wilson.

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

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

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

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

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

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

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

#### 3. MINUTES - To confirm the minutes of the meeting held on 8<sup>th</sup> February 2022, attached (**Page 5**).

#### 4. DECLARATIONS OF INTEREST

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

##### Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 12**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.
2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

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

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

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

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

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

5. DECLARATIONS OF CONTACT  
Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered
6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached.

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.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**8<sup>th</sup> February 2022**

A meeting of the Planning Applications Committee was held on Tuesday, 8<sup>th</sup> February 2022, in the Council Chamber.

**Present**

Councillor L. Cvetkovic (Chair)

Councillor B. Hammersley, J. Hartshorn, K. Kondakor, S. Markham, B. Pandher, J. Sheppard, R. Smith and K. Wilson.

Apologies: Councillor S. Harbison and Councillor J. Hartshorn (for Planning Applications 038303 and 038149)

PLA50 **Minutes**

**RESOLVED** that the minutes of the meeting held on 18<sup>th</sup> January 2022 be confirmed and signed by the Chair.

PLA51 **Declarations of Interest**

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

PLA52 **Declarations of Contact**

Councillor K. Wilson declared that he had been in contact with Councillor Baxter-Payne regarding Planning Application 038149, but gave no indication as to how he would be voting.

**IN PUBLIC SESSION**

PLA53 **Planning Applications**

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

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

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA53 OF THE PLANNING APPLICATIONS COMMITTEE ON 8<sup>TH</sup> FEBRUARY 2022

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038182: 11 Ribbonbrook, Nuneaton, CV11 4LN  
Removal of Lime tree T4 covered by Tree Preservation Order 11/97.  
Applicant: Mr Alan Hollyhoke

**Public Statements:** None

**DECISION**

Planning permission be granted subject to condition that the work shall not be carried out until details (including type, maturity and location) of a replacement tree is submitted to and approved in writing by the Council. The replacement tree is to be of a suitable height, but no more than 70% of T4. The replacement tree is to be agreed with the planning department and planted on site within 6 months of the commencement of the tree works to T4. If the replacement tree dies or is removed or damaged within 5 years of being planted on site then they are to be replaced in a similar location by a tree of a similar type and maturity.

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038303 – 75 – 91 Heath End Road, Nuneaton, Warwickshire, CV10 7JG  
Proposed conversion of existing building from general store (Class B8), Community Facility (Class F2) and office & store (Class E) to 16 HMO units including first floor side extension and side dormer.  
Applicant: Mr Wale

**Public Statements:** Mr Russ Dyble

The Head of Planning, Ashley Baldwin, left the room for the presentation, debate and vote on this item.

**DECISION**

Planning permission be granted subject to the conditions as set out in the agenda and addendum.

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038419 – Land to side of 9 Park Avenue, Nuneaton, Warwickshire, CV11 4PQ  
Removal of Lime tree (T12) and Sycamore tree (T13) covered by TPO 02/80  
Applicant: Paul Starkey

**Public Statements:** None

**DECISION**

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





## Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Poor's Piece Charity</li> </ul> Astley Charity	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	K.A. Kondakor	Electronic Engineer (self-employed)	Design (self-employed) Unpaid director of 100PERCENTRENEWABLEUK LTD	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	<p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Bedworth Neighbourhood Watch</li> <li>• Governor at Ash Green School</li> <li>• Bedworth Neighbourhood Watch</li> <li>• Governor at Ash Green School</li> <li>• Sherbourne Asset Co Shareholder Committee;</li> <li>• Nuneaton and Bedworth Sports Forum;</li> <li>• Warwickshire Direct Partnership;</li> <li>• Warwickshire Waste Partnership;</li> </ul>	
	B. Pandher	Member of Warwickshire County Council	<p>Treasurer &amp; 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</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Foleshill Charity Trustee – Proffitt's Charity</li> </ul>	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
Director of Wembrook Community Centre.				
Member of the Management Committee at the Mental Health Drop in.				

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• A5 Member Partnership;</li> <li>• Patrol (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• Representative on the Nuneaton and Bedworth Older Peoples Forum</li> </ul> <p>Representative on the Digital Infrastructure Board.</p>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	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.				
<p>Representative on the following:</p> <ul style="list-style-type: none"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> <li>• West Midlands Combined Authority</li> <li>• Deputy Chairman – Nuneaton Conservative Association</li> <li>• District Council Network</li> <li>• Local Government Association</li> </ul>				

## Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

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		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
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**Applications for Planning Permission etc.**  
**Agenda Item Index**

**Planning Applications**

Item No.	Reference	Ward	Address	Page No.
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2.	038224	GC	1A Sherbourne Avenue, Nuneaton, CV10 9JH	25

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		

# PLANNING APPLICATIONS

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**Item No. 1**

**REFERENCE No.** 038542

**Site Address:** Faultlands Farm Gipsy Lane Nuneaton Warwickshire CV10 7PH

**Description of Development:** Variation of condition 22 of planning permission 034901 to allow a higher percentage of the employment site to be used for B8 (Storage and Distribution) purposes

**Applicant:** Mr Amit Babbar

**Ward:** WB

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## **RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the completion of a Deed of Variation to the original S106 obligation for planning application ref 034901.

## **INTRODUCTION:**

This application is for the variation of condition 22 of planning permission 034901 to allow a higher percentage of the employment site to be used for B8 (Storage and Distribution) purposes. Condition 22 states that the development shall not exceed a total floor space of more than 92,904sqm, of which a maximum of 70% shall fall within the B8 (storage and distribution) use class and a maximum of 30% within the B2 (general industrial) use class. This condition was requested by Highways England (now National Highways). The reason for the condition was to safeguard highway safety and to ensure that the M6 Motorway, A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through-traffic.

The 26 hectare site is predominantly agricultural land. Part of the site comprises a former hard rock quarry that has been restored by infilling. It is located to the north of Gipsy Lane and to the east and south-east of Coventry Road. It was previously a farm. To the northern boundary there is dense vegetation with Griff Brook beyond. Coventry Canal is to the east and Gipsy Lane to the south and Griff Quarry beyond. To the west is Griff caravan Site, the A444 and Griff Roundabout together with Bermuda Industrial Estate and Business Park.

## **BACKGROUND:**

This application is being reported to Committee at the request of Councillor Kondakor.

## **RELEVANT PLANNING HISTORY:**



- 038406: Erection of employment building on phase 1 including all associated works and infrastructure (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 034901): Approved 19/01/22.
- 038238: Construction of one-way temporary haul road including improvements to existing access points on Gypsy Lane entrance and Coventry Road exit to include advanced site demolition, utility diversions, the provision of ground remodelling and installation of new utilities to support the construction of the first phase of development on the site: Approved 17/11/2021.
- 034901: Redevelopment of existing land for up to 92,904 sqm of B2 (General industrial) and B8 (Storage and distribution) floorspace including associated engineering and ground modelling works, vehicular access, landscaping, sustainable drainage, car parking and all ancillary enabling and infrastructure works (including demolition of existing buildings) (Outline including access): Approved 04/11/2020.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - DS4 – Overall Development Needs;
  - DS6- Employment Allocations;
  - SA1- Development Principles on Strategic Sites;
  - EMP1- Faultlands;
  - E1- Nature of Employment Growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - BE3- Sustainable Design and Construction and
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

National Highways, NBBC Environmental Health, NBBC Planning Policy, WCC Highways

### **CONSULTATION RESPONSES:**

No objection from:

National Highways, NBBC Environmental Health, NBBC Planning Policy

No objection subject to planning obligations from:

WCC Highways

### **NEIGHBOURS NOTIFIED:**

A site notice was erected on street furniture on 10<sup>th</sup> January 2022 and the application was advertised in The Nuneaton News on 5<sup>th</sup> January 2022.

### **NEIGHBOUR RESPONSES:**

None

## **APPRAISAL:**

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

1. Highway Safety
2. Noise
3. Air Quality
4. Planning Obligations
5. Conclusion

### **1. Highway Safety**

Planning application 034901 was approved in November 2020 and was an outline application for the redevelopment of the existing land for up to 92,904 sqm of B2 (General industrial) and B8 (Storage and distribution) floorspace.

Condition 22 of that permission states that the development shall not exceed a total floor space of more than 92,904sqm, of which a maximum of 70% shall fall within the B8 (storage and distribution) use class and a maximum of 30% within the B2 (general industrial) use class. This condition was requested by Highways England (now National Highways) to safeguard highway safety and to ensure that the M6 Motorway, A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through-traffic.

This current application proposes to amend condition 22 to allow a higher percentage of the employment site to be used for B8 (Storage and Distribution) purposes. The proposed wording of condition 22 is:

*'The development hereby approved shall not exceed a total floor space of more than 92,904sqm, of which no more than 30% shall fall within the B2 (general industrial) use class and the remainder fall within the B8 (storage and distribution) use class'.*

Supporting information has been submitted which states that the reason for seeking this change is that there is a strong market interest in the delivery of logistics on this site. A major global logistics company wishes to establish its UK Headquarters on this site which would generate approximately 650no. local jobs. This could result in the entirety of the site being used for B8 use (as required by the potential occupier) and at some point in the future up to 30% could be reconfigured to facilitate B2 uses. Following initial consultation over the proposed change to Condition 22, National Highways requested clarification of the development trips assigned to the M6 Junction 3 and in particular the number of HGVs, focusing on a comparison of the consented development trips alongside a scenario assuming 100% of the development is made up of B8 use class. As a result further sensitivity testing has been carried out to quantify the trip assignment at the M6 Junction 3 and the Nuneaton Ringroad, including the number of HGV trips. The sensitivity testing used time periods in the AM and PM peak periods (07:00-08:00, 08:00-09:00, 09:00-10:00, 16:00-17:00, 17:00-18:00, 18:00-19:00). The sensitivity testing showed fewer overall trips would be generated at both the M6 Junction 3 and the Nuneaton Ringroad than the approved development across 5 of the assessment periods. The exception is 18:00-19:00 hours, where there is a slight increase of 3no. trips for all vehicles at both locations. The sensitivity testing shows that the number of HGVs at both locations would increase but these are not considered to be significant.

At the M6 Junction 3, the assessment shows a maximum of 5no. additional HGVs during 09:00-10:00 hours. The peak hours assessed in the original Transport Assessment submitted with the outline application were 08:00-09:00 and 17:00-18:00. During these specific assessment periods, there would be 2no. additional HGVs during the AM (08:00-09:00 hours) and no increase in HGVs during the PM (17:00-18:00 hours). At the Nuneaton Ringroad the assessment shows a maximum of 5no. additional HGVs during 09:00-10:00 hours. The peak hours assessed in the original Transport Assessment were 08:00-09:00 and 17:00-18:00. During these specific assessment periods, there would be 2no. additional HGVs during the AM (08:00-09:00 hours) and no increase in HGVs during the PM (17:00-18:00 hours). The sensitivity testing shows that change in the assignment and composition of the development flows towards the Nuneaton Ringroad is not significant. There would be further dispersal before the flows are assigned to the A5, Longshoot – Dodwells Junction and so by default the impacts would not be severe. National Highways have assessed this information and have confirmed that the impact on the M6 Junction 3 and the A5 The Longshoot / Dodwells Junction would be negligible. They therefore have no objection to the variation of condition.

WCC Highways have commented that the variation of condition would not cause any issues in relation to the proposed traffic signal junction from the development onto Coventry Road. In terms of the signalised roundabout at Griff, this is controlled by Cableless Linking Facility and they have requested that this is reviewed and timings amended if necessary. They have also requested that a SCOOT validation is undertaken. SCOOT is Split Cycle Offset Optimisation Technique and is a real time adaptive traffic control system for the coordination and control of traffic signals across a road network. The cost of this is £5,000 and would be covered by the applicant through a Unilateral Undertaking.

## 2. **Noise**

The nearest residential properties are Griff Caravan site on Coventry Road and those to the north on Dorlecote Road, Sorrell Road and Bradestone Road. A noise assessment was submitted with the outline application. This used operational scenarios which included high intensities of unit occupation, use and activity and all business units were modelled as being occupied by B2 uses which would give a worst case scenario. All units were also modelled as operating on a 24 hour basis. The assessment has found that noise from activity arising from proposals is in accordance with BS4142:2014, BS8233 and WHO Guidelines. NBBC Environmental Health have been consulted on this current application and have no objection.

## 3. **Air Quality**

NBBC Environmental Health have been consulted and have no objections in relation to air quality.

## 4. **Planning Obligations**

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

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

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

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

Organisation	Request For	Contribution	Notes
<b>WCC Highways</b>	Review of signalised junction at Griff Island	£5,000	Applicant agreed to contribution

## 5. 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 allocated as a strategic employment site in the Borough Plan and would contribute to meeting the strategic employment needs of the borough and provide much needed job opportunities.

The potential impacts of the proposed development in relation to highway safety, noise and air quality have all been considered. The assessment has subsequently shown that there would be no adverse impacts. 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.

## REASONS FOR APPROVAL:

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

## SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Plan	03A	2nd June 2017
Proposed Access Junction Layout	162425-GA-001 C	8th November 2017

5. The development shall not be carried out other than in accordance with the Phasing Plan approved under condition 5 of approval 034901. The development, and the

release of units for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

6. The development shall not be carried out other than in accordance with the Construction Management Plan approved under condition 6 of approval 034901. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

7. No groundworks, remediation or built construction will take place until the detailed design of the Traffic Signalled Access Junction on the B4113 Coventry Road (as indicatively shown on Drawing 162425-GA.001 Rev C.), and have first been submitted to and approved in writing by the Local Planning Authority and address the following matters;

- a. Provision of an engineering layout demonstrating the geometry of the junction layout and lane widths;
- b. Identification of the detection system and cabling routing through the junction;
- c. Identification of the method of control and back-up system for the operation of the junction;
- d. Identification of the location for a maintenance vehicle bay near the traffic signal controllers;
- e. Identification of the locations for two PTZ CCTV cameras for traffic management of the junction;
- f. Identification of the locations for street lighting;
- g. Provision of Stage 2 Road Safety Audits based on the detailed drawings.
- h. Provision of bus stops, shelters and their ancillary infrastructure
- i. Provision of a shared footway / cycleway between the site access and the A444 / B4113 Coventry Road 'Griff' Junction

Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be accessed until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

8. The development shall not be carried out other than in accordance with the boundary treatments approved under condition 8 of approval 034901. No unit shall be occupied until the boundary treatments have been provided in accordance with the approved details.

9. The development shall not be carried out other than in accordance with the Construction Ecological Management Plan (CEMP) approved under condition 9 of approval 034901. The approved CEMP shall be adhered to throughout the construction period.

10. The development shall not be carried out other than in accordance with the Landscape and Ecological Management Plan (LEMP) approved under condition 10 of approval 034901. The approved plan will be implemented in accordance with the approved details.

11. The development shall not be carried out other than in accordance with the detailed foul and surface water drainage scheme for the site approved under condition 11 of approval 034901.

12. The development shall not be carried out other than in accordance with the contaminated land assessment approved under condition 12a. of approval 034901. No development shall commence on any phase until:

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

13. The development shall not be carried out other than in accordance with the details of the provision of car parking, access and manoeuvring areas, including surfacing, drainage and levels for that phase of development approved under condition 13 of approval 034901. No unit shall be occupied until the car parking, accesses and manoeuvring areas for that unit or use have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

14. The development shall not be carried out other than in accordance with the details of cycle provision for phase 1 approved under condition 14 of approval 034901. No development shall commence in any phase until a plan has been submitted to and approved in writing by the Council showing the routes of all cycle paths and footways running through the site. All cycle paths shall be 3m wide and finished in Tarmac, other routes shall be 1.8m wide and finished in tarmac. Only the agreed details shall be implemented on site.

15. The development shall not be carried out other than in accordance with the details of site levels and finished floor levels approved under condition 15 of approval 034901. No construction work shall be carried out other than in accordance with the approved details.

16. The development shall not be carried out other than in accordance with the scheme for the lighting of the site and associated access roads and parking areas within that phase approved under condition 16 of approval 034901. The development shall not be carried out other than in accordance with the approved details.

17. The development shall not be carried out other than in accordance with the details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development approved under condition 17 of approval 034901. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

18. The development shall not be carried out other than in accordance with the details of the programme of archaeological evaluation approved under condition 18a) of approval 034901 and details of the Archaeological Mitigation Strategy approved under condition 18b) of approval 034901.

Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy

document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

19. The development shall not be carried out other than in accordance with the details and samples of materials proposed to be used in the external parts of any building approved under condition 19 of approval 034901. The development shall not be carried out other than in accordance with the approved details.

20. The details required by condition 1(e) shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

21. The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA), Faultlands Nuneaton, Issue 4, June 2017, and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the Qbar Greenfield rate.

- Provide provision of surface water attenuation storage as stated within the FRA of 14,546m<sup>3</sup> or subject to detailed design in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

- Provide two attenuation basins designed in accordance with CIRIA C753 comprising and area of at least 1.16ha providing a minimum of two thirds of the required attenuation storage.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

22. The development hereby approved shall not exceed a total floor space of more than 92,904sqm, of which no more than 30% shall fall within the B2 (general industrial) use class and the remainder fall within the B8 (storage and distribution) use class.

23. There shall be no outside storage of goods or materials.

24. No development within the phase in which the cyclepath ramp up to the canal Turnover Bridge is proposed to be constructed shall commence until full details and specification for the ramp with appropriate guardrails (as necessary in accordance with relevant British Standards) have been submitted to and approved in writing by the Council. No unit shall be occupied within that phase until the ramp has been provided in accordance with the approved details.



Site Plan



**REFERENCE No.** 038224

**Site Address:** 1A Sherbourne Avenue, Nuneaton, CV10 9JH

**Description of Development:** Change of Use from Commercial (A1/E) to hot food takeaway (A5/Sui Generis)

**Applicant:** Mr D Singh-Sanghera

**Ward:** GC

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for a change of use from a shop (E) to a hot food takeaway (Sui Generis) at 1A Sherbourne Avenue, Nuneaton.

The site is located close to the junction of Sherbourne Avenue and Bucks Hill in a predominately residential area. The previous use of the site would fall under class 'E' (previously A1) as a greengrocer's shop. The proposed use is as a hot food takeaway which falls under Sui Generis (previously A5).

The building is two-storey and the ground floor neighbouring unit (1 Sherbourne Avenue) is currently operating as a co-operative food store (A1/E). The first floor directly above 1 and 1a Sherbourne Avenue has been subdivided into five residential flats (491-499 Bucks Hill). There is an existing car-park to the south-west of the site and no external alterations are proposed.

### **BACKGROUND:**

Notwithstanding the level of objection, this application is also being reported to Committee at the request of Councillor Mandy Tromans.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - HS7 – Creating a healthier food environment
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Planning for a healthier area – Hot Food Takeaways SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Warwickshire County Council Highways, NBBC Environmental Health, NBBC Planning Policy, NBBC Licensing, NBBC Waste & Refuse, Severn Trent

### **CONSULTATION RESPONSES:**

Objection from:

WCC Highways, NBBC Environmental Health

Comment from:

Severn Trent Water, Warwickshire Fire & Rescue (both requesting advisory notes) and NBBC Planning Policy

No comments from:

NBBC Licensing

No objection from:

NBBC Refuse

### **NEIGHBOURS NOTIFIED:**

1, 2, 3, 4, 6, 8 Sherbourne Avenue, 1a Waltham Crescent and 485, 491, 493, 495, 497, 499 Bucks Hill

Neighbouring properties were sent letters notifying them of the proposed development on 29<sup>th</sup> July 2021 and 4<sup>th</sup> February 2022. Site notices were erected on street furniture on 29<sup>th</sup> July 2021.

### **NEIGHBOUR RESPONSES:**

There have been 31 objections from 25 addresses and 4 objections with no address provided. The comments are summarised below;

1. Increase in litter and vermin
2. Increase in anti-social behaviour
3. Increase in unpleasant smells
4. Increase in traffic
5. Issues with car parking
6. Take-away is not needed/wanted
7. Health implications of a take-away in a residential area
8. Impact on property prices
9. Impact on highway safety
10. Impact on car parking
11. Noise pollution from extraction units

## APPRAISAL:

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

1. The principle of the development
2. The impact on residential amenity
3. The impact on highway safety
4. Conclusion

### 1. The Principle of Development

As previously stated, the site is located within a predominately residential area, close to the mini-roundabout junction of Sherbourne Avenue and Bucks Hill. Members should also note that the site is not within any of the classified local or district centres as outlined within the Borough Plan. The closest local centres to the site are Kingswood Road (approx. 400m as the crow flies) and Church Road North (approx. 520m as the crow flies).

Hot food takeaways are classed as Town Centre uses in Policy TC3 of the Borough Plan. Paragraph 87 of the NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Policy HS7 of the Borough Plan and paragraph 87 of the NPPF explain that LPAs should apply a sequential test for planning applications for main town centre uses, which are neither in an existing centre, nor in accordance with an up-to-date plan, in order to demonstrate that there are no other preferable sites. The proposed hot food takeaway is not linked to an existing use (such as a restaurant expanding to offer take-away services) and therefore it is considered that it is not unreasonable to request that the applicant considers alternative Town/Local/District Centre locations. Sequential test information was requested; however it has not been provided. Paragraph 91 of the NPPF states that where an application fails to satisfy the sequential test, it should be refused.

Paragraph 92 of the NPPF states, in part, that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. The Hot Food Takeaway SPD 2020 was introduced in order to promote a healthier environment for Borough residents. This SPD also supports Policy HS7 – Creating a healthier food environment of the Borough Plan. Policy HS7 states that hot food takeaways should be directed to town centres, but may be permitted elsewhere subject to the following 5 points:

1. The site cannot be within 400m of a secondary school main entrance.
  - *The site is not within 400m of a secondary school entrance*
2. The proposal does not jeopardise the provision of an essential local service
  - *It is considered that the change of use would not jeopardise the provision of an essential local service.*
3. The proposal does not increase the number of units under the A5 use class to over 20% of the centre's total usage.
  - *The site is not within a local/district centre and therefore the 20% limit is not applicable to the scheme.*

4. Customer visits by car would not cause an unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety.
  - *Warwickshire Highways have objected to the application due to the impacts on road and pedestrian safety.*
5. A sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.
  - *A sequential test has not been provided*

As stated above, it is considered that the proposal is not compliant with points 4 and 5 and therefore it is considered to be in contrary to Policy HS7 of the Borough Plan.

The Hot Food Takeaway SPD highlights that decision makers should consider the impacts on residential amenity, whether there is an existing night time economy in the area and the existing character and levels of activity and noise.

In terms of the existing night time economy, three pubs (Miners Arms, Lamb and Flag and the Midland Railway) can be reached from the site within a 5-10 minute walk. Therefore, it could be argued that there is some form of existing night time economy. However, the main use of the area is still predominately residential. In addition to this, Environmental Health have objected to the proposal due to the potential impacts on residential amenity. Therefore it is considered that the requirements of Policy HS7 have not been met.

## **2. The Impact on Residential Amenity**

The Council recognises the role that hot food takeaways can play in the economy. They provide a service to local people and can add to the vitality and vibrancy to defined centres. However, the site is within a residential area and therefore the impacts on residential amenity should be considered.

Section 6.5 of the Hot Food Takeaway SPD states that Hot Food Takeaways can have adverse impacts on the surrounding area and this must be taken into consideration when a new Hot Food Takeaway is being proposed. The potential negative impacts on residential amenity include, but are not limited to:

- Odours;
- Noise; and
- Litter.

Whilst the refuse and waste team have no objections, hot food takeaways can be associated with additional litter. The appeal decision for a hot food takeaway at the Anker Service Station on Weddington Road (036513) stated that 'Even if bins are provided, in my experience it is not always the case that they are used, or emptied regularly. This is something that is difficult to control by condition and it can have an adverse effect on the local amenity, and the character and appearance of a neighbourhood.'

Environmental Health have concerns in regards to noise and cooking odours due to the close proximity to residential properties. They have stated that high level extraction is likely to be required at roof level or above, but it is not clear whether this would be possible due to presence of the first floor flats directly above. Their response was sent to the agent but no further information was provided. The lack of suitable ventilation could result in an unacceptable level of impact on the residential amenity of neighbouring dwelling in terms of noise and smells, and this is in contrary to Policy BE3 of the Borough Plan.

The erection of external ventilation plant material would require separate planning permission. If external plant material is required as part of this change of use application then it should be shown within the relevant plans and included within the applications description. Therefore, it is not considered to be reasonable to approve this application and request further details via condition as this element has not been included within the plans, nor the description.

The proposed opening times has not been specified within the application and this is in contrary to section 6.6 of the Hot Food Takeaway SPD. Section 6.6 of the Hot Food Takeaway SPD states that the proposed hours and days of opening should be specified in planning applications for Hot Food Takeaways. It also states that any agreed opening times will be made a condition of any planning permission that is granted and in some cases planning permission will only be granted if opening times are restricted. Members should note that businesses offering hot food and drink between 11pm and 5am are subject to a Late Night Refreshment Licence regardless of any relevant Planning Permissions. However, if committee are minded to approve this application, they should consider conditioning hours of operation as they see fit. For reference, it is understood that the neighbouring co-operative food store is open 7am-10pm.

### **3. Impact on Highway Safety**

The application form states that the site currently features 2 parking spaces and no new spaces are to be created. It is assumed from the site visit, speaking to neighbours and the response from Highways that these spaces are within a shared car park which is currently used by the existing Co-op food store and the 5 first floor flats.

Highways state that according to the Transport Demand Management Matters SPD (which was adopted on 14<sup>th</sup> February 2022), at least 12 spaces should be provided for the existing Co-op and at least 5 spaces for the 5 residential flats. As such, the current parking provision does not allow for all of the existing uses on site, let alone another use requiring additional parking. However, members should consider that planning permission would not be required to change the use of the unit into a shop, restaurant, café or any other 'E' use business. Therefore, when considering traffic and parking, it is the extra movements that could be generated above what an E use could generate that needs to be considered.

For Sui Generis uses, the Transport Demand Management Matters SPD states that the number of required parking spaces are to be calculated on a case by case basis. In this instance, WCC Highways state that 2 spaces is not enough for a Hot Food Takeaway.

Sufficient on-site parking is especially important within this location as the site is located close to the junction of Bucks Hill and Sherbourne Avenue. Being close to a junction, on street parking to the front of the site could cause obstruction and visibility issues. Highways state that this is hazardous and that it could have a detrimental impact on highway safety for pedestrians and vehicles. Paragraph 111 of the NPPF 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. In this instance, it is considered that the development would cause an unacceptable impact on highway safety and this is considered to be a sufficient reason for refusal.

#### **4. 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 Council recognises the role that hot food takeaways can play in the economy and it is acknowledged that they can provide a useful service to local people.

Whilst it is also acknowledged that three pubs can be reached within a short 5-10 minute walk from the site, generally the area predominately is residential and it would not be appropriate to encourage footfall from these pubs into the residential area later at night once the pubs have closed.

Takeaways, in principle, can be approved in areas not classified as Town or Local centres. But in order to ensure that there are no other preferable sites and to encourage Town Centre uses into Town Centres, the NPPF and Borough Plan both request sequential test information. This was not provided and this should carry significant weight against the application.

In addition to this, in order to ensure that smells are not a nuisance for neighbouring residents, suitable ventilation plant is likely to be required and Environmental Health advise that this is likely to be needed at a high level. However, due to the presence of the first floor flats directly above, it is not clear that this could be achieved. In addition to this, the applicant has not included the proposed hours of operation, and this could cause noise issues for neighbouring properties.

Warwickshire County Council Highways also have concerns in regards to highway safety for pedestrians and road users due to the lack of parking and positioning close to a junction. This is also considered to carry significant weight against the application.

In conclusion, it is considered that the proposed change of use would result in harm to the residential amenity and highway safety of the area and therefore the recommendation is one of refusal.

#### **REASONS FOR REFUSAL:**

1(i) Paragraph 87 of the NPPF states:-

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

(ii) Paragraph 88 of the NPPF states:-

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites

are fully explored.

(iii) Paragraph 91 of the NPPF states:-

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

(iii) Policy HS7 of the Borough Plan states:-

To limit development of environments that encourage obesity, A5 uses (hot-food take-aways) should be directed to town centres as set out in Policy TC3 – Hierarchy of centres. Outside of Nuneaton and Bedworth town centres, A5 use proposals will be permitted providing:

- The proposal is not within a 400 m radius of the principal point of access to an existing secondary school or sixth form college. This will not apply when the buffer zone overlaps with a town or local centre.
- The proposal does not jeopardise the provision of an essential local service.
- The proposal does not increase the number of units under the A5 use class to over 20% of the centre's total usage.
- Customer visits by car would not unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety.
- A sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.

(iv) Paragraph 6.5 of the Hot Food Takeaway SPD states:-

Hot Food Takeaways can have adverse impacts on the surrounding area and this must be taken into consideration when a new Hot Food Takeaway is being proposed. The potential negative impacts on residential amenity include, but are not limited to:

- Odours;
- Noise; and
- Litter.

(v) The proposal is contrary to these policies in that a Hot Food Takeaway is an identified Town Centre use, however no sequential information has been provided to ensure that there are no other preferential town centre, district centre or edge of centre sites available. The proposed use would cause harm on the surrounding residential area in terms of litter, odours and noise as suitable ventilation and opening hours have not been displayed. As such, the principal of the use in this location is not acceptable and the change of use would have an adverse effect on residential amenity.

2(i) Paragraph 111 of the NPPF states:-

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.

(ii) Policy HS7 of the Borough Plan states:-

To limit development of environments that encourage obesity, A5 uses (hot-food take-aways) should be directed to town centres as set out in Policy TC3 – Hierarchy of centres. Outside of Nuneaton and Bedworth town centres, A5 use proposals will be permitted providing:

- The proposal is not within a 400 m radius of the principal point of access to an existing secondary school or sixth form college. This will not apply when the buffer zone overlaps with a town or local centre.
- The proposal does not jeopardise the provision of an essential local service.

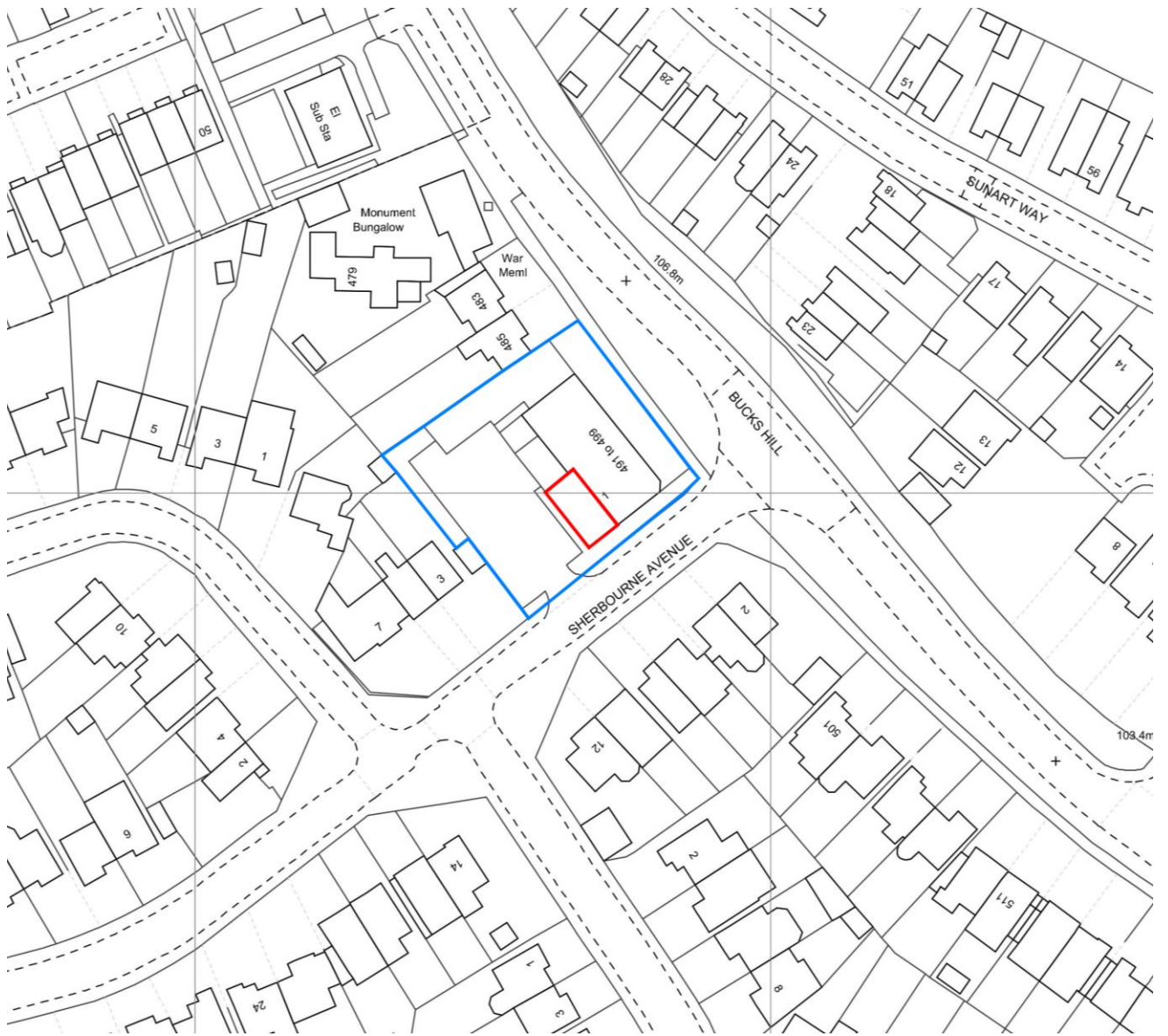
- The proposal does not increase the number of units under the A5 use class to over 20% of the centre's total usage. - Customer visits by car would not unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety.
- A sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.

(iii) Paragraph 2.2 of the Hot Food Takeaway states:-

2.2 Takeaways are differentiated from Restaurant and Café uses (A3) because they can raise different environmental issues. These include litter, longer and sometimes later opening hours, extra traffic and increased pedestrian activity.

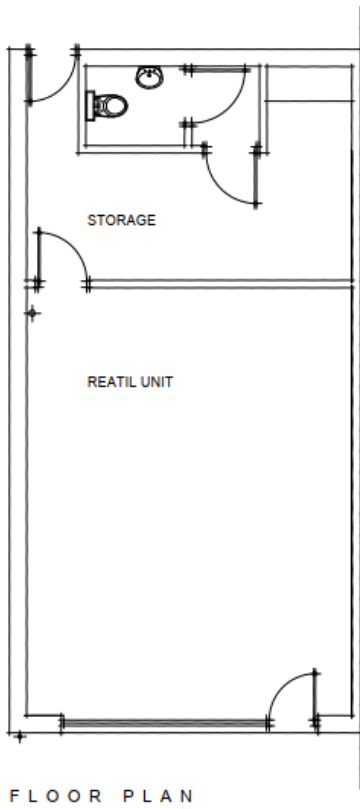
(iv) The proposal is contrary to these policies in that it has not been demonstrated that the scheme has adequate parking provision. Only two parking spaces are displayed and Warwickshire Highways state that this is not enough for the proposed use. The lack of parking could result in an increase in on-street parking, and this would not be acceptable in this location (close to a junction). The increase in on-street parking would have an unacceptable impact on road and pedestrian safety.





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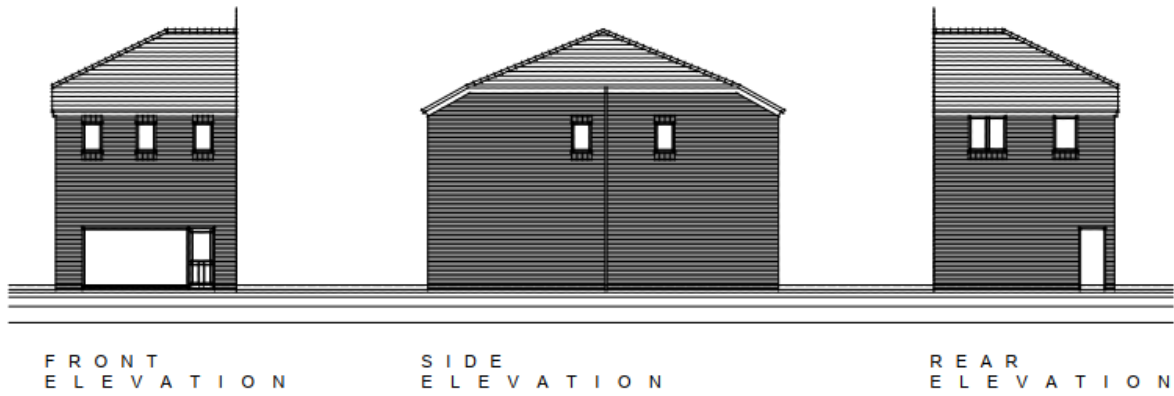
Location plan



EXISTING  
PROPOSED



Existing and Proposed floor plans



Existing & Proposed Elevation Plans (to remain unchanged)

## 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)**