

Enquiries to:
Democratic Services

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Date: 11th September 2024

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in
Council Chamber of the Town Hall, Nuneaton on Tuesday, 24th September 2024
at 6.00p.m.

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

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning
Applications Committee

Councillor C. Phillips (Chair)
Councillors L. Cvetkovic, E. Amaechi,
P. Hickling, N. King, M. Kondakor,
S. Markham, B. Saru, J. Sheppard,
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.

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

3. MINUTES - To confirm the minutes of the meeting held on 3rd September 2024, attached (**Page 5**)

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 14**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The Chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or Officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the Chair. The Chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the Chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

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.
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

3rd September 2024

A meeting of the Planning Applications Committee was held on Tuesday, 3rd September 2024, in the Council Chamber.

A site visit in relation to application 040173 took place prior to the meeting.

Present

Councillor C. Phillips (Chair)

Councillors: E. Amaechi, L. Cvetkovic (Vice-Chair), P. Hickling, N. King, S. Markham, B. Saru, R. Smith, K. Wilson, S. Hey (substitute for J. Sheppard) and M. Wright (substitute for M. Kondakor).

Apologies: Councillors M. Kondakor and J. Sheppard.

PLA14 **Minutes**

RESOLVED that the minutes of the meeting held on the 16th July 2024 and the minutes of the extraordinary meeting held on the 30th July 2024 be approved, and signed by the Chair.

PLA15 **Declarations of Interest**

As Councillors M. Wright and S. Hey were substitute Councillors for this meeting, their Declarations of Interest were not listed in the schedule for this meeting.

RESOLVED that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interests for Councillors M. Wright and S. Hey.

PLA16 **Declarations of Contact**

The Chair declared that she had received email contact from Councillors D. Brown and T. Jenkins in relation to application 039611. All other Committee Members declared they had also received the same contact/correspondence in relation to application 039611. Members confirmed they had not discussed the application with those who had made contact with them, or given an indication as to how they would vote.

IN PUBLIC SESSION

PLA17 **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 PLA17 OF THE
PLANNING APPLICATIONS COMMITTEE ON 3RD SEPTEMBER 2024

039611 – Site 114B008 – Hall Farm, Church Lane, Exhall

Applicant – Opus Land (Nuneaton) Ltd

Public Speakers: Councillor W. Markham (Ward Councillor)
Councillor D. Brown (Ward Councillor)
Councillor T. Jenkins (Ward Councillor)
Mr Peter Gilbert (Objector)
Ms Beryl Timms (Objector)
Mr Keith Fenwick (Agent)
Mr Dave Neale (Transport Consultant)

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

040173 – 21 Foxhills Close, Nuneaton. CV11 6TP

Applicant – Mr Andrew George

Planning Committee Members were invited to attend a site visit in relation to this application prior to the Planning Applications Committee meeting.

Public Speakers: Mr T. O'Hara (Objector)
Ms Lizzie Beresford (Objector)

DECISION that planning permission be granted, subject to the conditions printed in the agenda.

039652 - The Green Bear, 51-53 Church Road, Nuneaton, Warwickshire CV10
8LB

Applicant – Mr Brent Nichols

DECISION that planning permission be granted, subject to the conditions printed in the agenda.

040304 - 217 Edward Street, Nuneaton, Warwickshire, CV11 5RP

Applicant – Mr Michal Kuziorowicz (Headway Property Development Ltd)

Public Speaker: Mr Chris Baillon-Saunders

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

This was seconded by Councillor Smith. A vote was taken and the motion was passed.

DECISION that planning permission be granted, subject to the conditions printed in the agenda.

040414 - 3 Shelley Close Bedworth Warwickshire CV12 9HE

Applicant – Nuneaton and Bedworth Borough Council (Lynn Joy)

DECISION that planning permission be granted, subject to the conditions printed in the agenda.

040386 - 15 Barpool Road Nuneaton Warwickshire CV10 8DR

Applicant – Mrs Katherine Orton

DECISION that prior approval is not required.

**Planning Applications Committee –
Schedule of Declarations of Interests – 2024/2025**

	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
	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd - Director – Techealth Ltd 	The Labour Party (sponsorship) - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton. - Member of: - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry. Representative on the following Outside Bodies: - Committee of Management of Hartshill and Nuneaton Recreation Ground - EQuIP: Equality and Inclusion Partnership - West Midlands Combined Audit, Risk and Assurance Committee - Pride in Camp Hill (PinCH)	
	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: - Building Control Partnership Steering Group	
	P. Hickling	<ul style="list-style-type: none"> - Employed by Wyggeston and Queen Elizabeth I College (Teacher) - Pearson Education (Snr Examiner) 	The Labour Party (sponsorship) - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			- Committee Member of Nuneaton Historical Association Representative on the following Outside Bodies: - Friendship Project for Children	
	N. King	Employed by Love Hair and Beauty	Representative on the following Outside Bodies: - Nuneaton Town Deal Board	
	M. Kondakor		- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board 	
	C. Phillips	Member of Warwickshire County Council	- Chair of Governors – Stockingford Nursery School - Member of Labour Party - Part-time Carer	
	B. Saru	- Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer	- Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association Representative on the following Outside Bodies: - Armed Forces Covenant	
	J. Sheppard		- Director of Wembrook Community Centre. <hr/> - Member of Labour Party. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Nuneaton Neighbour Watch Committee 	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre.
	R. Smith		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	<ul style="list-style-type: none"> - Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Councillors' 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"> - LGA People & Places Board (Member) - Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) - Director of Grayson Place (NBBC) Ltd 	

**Planning Applications Committee –
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	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd - Director – Techealth Ltd 	The Labour Party (sponsorship) - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton. - Member of: - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry. Representative on the following Outside Bodies: - Committee of Management of Hartshill and Nuneaton Recreation Ground - EQuIP: Equality and Inclusion Partnership - West Midlands Combined Audit, Risk and Assurance Committee - Pride in Camp Hill (PinCH)	
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	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board 	
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	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	<ul style="list-style-type: none"> - Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Councillors' 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"> - LGA People & Places Board (Member) - Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) - Director of Grayson Place (NBBC) Ltd 	

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Ward	Address	Page No.
1.	040455	PO	Site 105B008 Bedworth Leisure Centre & Land at Miners Welfare Park, Coventry Road	15
2.	040483	AR	Frederick Warr House, Orkney Close	30
3.	040401	BE	3 Homers Yard Gatehouse Lane	38

Wards:					
AR	Arbury	EA	Eastboro	SL	Slough
AT	Attleborough	EX	Exhall	SM	St Marys
BE	Bede	GC	Galley Common	SN	St Nicolas
BU	Bulkington	HE	Heath	SE	Stockingford East
CH	Camp Hill	MI	Milby	SW	Stockingford West
CC	Chilvers Coton	PO	Poplar	WE	Weddington
				WH	Whitestone

REFERENCE No. 040455**Site Address:** Site 105B008 Bedworth Leisure Centre & Land at Miners Welfare Park, Coventry Road, Bedworth, Warwickshire, CV12 8NN**Description of Development:** Application to vary conditions 11, 12 & 14 of Section 73 permission 039976 to amend the tree removal and protection plans and Arboricultural Method Statement (following grant of planning application 038702)**Applicant:** Mr Kevin Hollis**Ward:** PO

RECOMMENDATION:

The period of consultation expires on 2nd October 2024. Subject to no new issues being raised at the end of this period, the Strategic Director For Place and Economy be given delegated authority to grant planning permission.

INTRODUCTION:

This application is for the variation of conditions 11, 12 & 14 of Section 73 permission 039976 to amend the tree removal and protection plans and Arboricultural Method Statement. As the RIBA Stage 4 design has progressed with the project there have been further details identified within the design meaning the zone for works required around the proposed 3G football pitch is larger than initially thought. This has meant there will need to be some further vegetation cutting back and removal. There are also some minor changes proposed for forming the construction access into the site. This will now involve some minor cutting back of vegetation to ensure there is enough width in the access for large vehicles to pass through unhindered.

The tree removal specified within the approved Arboricultural Impact Assessment and Arboricultural Method Statement has already been undertaken in preparation for the development of the site. However, additional tree removal is required to facilitate the proposed development. Two category B trees (London Plane T49 and Field Maple T50) and one category C (Cherry G36) are also now proposed to be removed. A further tree (London Plane) which is a category B tree and the northern most tree of G26 is also shown to be removed. This was missing from the original arboricultural plans in error and like the rest of G26, it was intended for removal. As that tree was never shown on the original removal plans it has been included as an additional tree to be removed on this current application.

Additional pruning is required to what is proposed in the approved Arboricultural Method Statement to facilitate the installation of the proposed temporary vehicle access track and provide adequate clearance for vehicles which use the access track. A total of 4no. additional trees will be pruned which consist of a Sycamore, Lawson Cypress, Ash and Silver Birch and 3no. groups of trees which are mixed species. The works to all of the trees involve raising of the canopy extents overhanging the proposed temporary vehicle access track to provide 5.5m clearance from the proposed level of the access track.

The construction of the temporary access road will require the widening of the existing hard surfacing which will encroach into the Root Protection Areas (RPAs) of T7, T70, T71, T72, G7, G8 and G35 and therefore further details of the tree protection measures have been submitted. The Arboricultural Method Statement approved under application 039976 shows tree protection fencing around the existing hard surfacing. The amended Tree Protection Plan proposes to move this approximately 1 metre to the north and 1 metre to the south.

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

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 040324: Non-material amendment to approval 039976 to show amendments to the building footprint and to show roof plant and louvres in the façade: Approved 26/06/2024.
- 039976: Variation of condition 2 of planning permission 038702 to amend the size, shape, height and material approach of the building, amendments to the facilities within the building, amendment to the layout of the car parking area including a reduction in spaces and amendments to the landscaping strategy and variations of condition 3 (Construction Management Plan), 4 (Construction Environmental Management Plan), 7 (Dust Management Plan), 11 (Arboricultural Method Statement) and 14 (tree protection) of planning permission 038702 to ensure the development is carried out in accordance with the updated submitted documents: Approved 08/02/2024.
- 038702: Erection of a new physical activity hub consisting of a 25m 8 lane main pool, learner pool, 4no. court sports hall, fitness suite and associated changing and supporting spaces and car park and landscaping scheme to surrounding park with terrace, seating areas, paths and activity spaces (existing leisure centre to be demolished): Approved 04/07/2022.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS4 – Retaining community facilities;

- HS5- Health;
- HS6- Sports and exercise;
- NE1- Green Infrastructure;
- NE2- Open Space;
- NE3- Biodiversity and Geodiversity;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability;
- BE3- Sustainable Design and Construction and
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Parks, NBBC Tree Officer, WCC Ecology, WCC Highways

CONSULTATION RESPONSES:

No objection from:

NBBC Parks, WCC Ecology, WCC Highways

Comment from:

NBBC Tree Officer

NEIGHBOURS NOTIFIED:

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

Neighbouring properties were sent letters notifying them of the proposed development on 8th August 2024. Site notices were erected on street furniture on 14th August 2024 and the application was advertised in The Nuneaton News on 28th August 2024.

NEIGHBOUR RESPONSES:

There have been 2 objections from 2 addresses. The comments are summarised below;

1. Object to loss of T49 and T50.
2. No details of changed ground levels used to justify loss and no replacement plan
3. Why isn't the replacement planting happening in parts not affected by the development right now to allow for their growth and maturity to be established once the development is finalised?

APPRAISAL:

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

1. The principle of the development,
2. Visual amenity and landscape character,

3. Highway safety and accessibility,
4. Ecology and Biodiversity,
5. Conclusion

1. The Principle of Development

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

The principle of the development of the site has been accepted through the approval of the previous application, ref no. 038702 and subsequent S73 application, ref no. 039976.

2. Visual Amenity & Landscape Character

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The approved S73 application (ref no. 039976) included a revised Landscape & Visual Appraisal which noted that the development would lead to the loss of some Category B and C trees alongside some open land due to the siting of the 9x9 pitch. This current application would lead to the loss of a further 4no. trees. Taking into account that approval has been given under application 039976 for the removal of trees and works to others it is not considered that these additional removals would significantly change the overall design of the scheme and would not have a significant impact on visual amenity or landscape character. It is noted that there would still be significant benefits offered through the renewal of parkland trees in a manner that would strengthen the use and character of the park, by introducing new habitats that increase species diversity alongside structure and visual interest. Overall, it is still considered that the development would lead to a significant overall enhancement of the landscape character of the Miners Welfare Park and the loss of a further 4no. trees would not affect this.

3. 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 114). No changes to the approved access arrangements or car parking provision is proposed. The construction of the temporary access road will require the widening of the existing hard surfacing. WCC Highways have no objection.

4. 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 (paragraphs 180 and 186). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. The site is located

within the Miners Welfare Park Ecosite, which is identified as a recreational park with amenity grassland, mixed woodland, scrub and tall herb communities. The southern part of the site is within the Mineral Railway pLWS.

The tree removal specified within the approved Arboricultural Impact Assessment and Arboricultural Method Statement has already been undertaken in preparation for the development of the site. However, additional tree removal is required to facilitate the proposed development. Two category B trees (London Plane T49 and Field Maple T50) and one category C (Cherry G36) are also now proposed to be removed. T49 and T50 are situated within the footprint of level changes for the proposed landscaping. The Cherry Tree is within too close proximity to the proposed temporary vehicle access track to be retained as the required pruning for clearance would be too severe. A further tree (London Plane) which is a category B tree and the northern most tree of G26 is also shown to be removed. This was missing from the original arboricultural plans in error and like the rest of G26 it was intended for removal. As that tree was never shown on the original removal plans it has been included as an additional tree to be removed on this current application. This tree is within the footprint of the proposed building.

Additional pruning is required to what is proposed in the approved Arboricultural Method Statement to facilitate the installation of the proposed temporary vehicle access track and provide adequate clearance for vehicles which use the access track. A total of 4no. additional trees will be pruned which consist of a Sycamore, Lawson Cypress, Ash and Silver Birch and 3no. groups of trees which are mixed species. The works to all of the trees involve raising of the canopy extents overhanging the proposed temporary vehicle access track to provide 5.5m clearance from the proposed level of the access track.

The construction of the temporary access road will require the widening of the existing hard surfacing which will encroach into the Root Protection Areas (RPAs) of T7, T70, T71, T72, G7, G8 and G35 and therefore further details of the tree protection measures have been submitted. The Arboricultural Method Statement approved under application 039976 shows tree protection fencing around the existing hard surfacing. The amended Tree Protection Plan proposes to move this approximately 1 metre to the north and 1 metre to the south. The specification of the tree protection fencing has already been approved under application 039976. The proposed fencing under this S73 application is the same specification and consists of 2 metre tall meshed panels that span up to 3 metres wide which are supported with stabilizer struts mounted on block trays.

NBBC Parks have no objection and are fully supportive of the amended proposals from an open space perspective, in terms of recognising both the initial effects on the site and long-term outcomes and benefits of the creation of the new Physical Activity Hub. They state that the removal of trees is effectively unavoidable to enable the delivery of the proposed Physical Activity Hub and sufficient and appropriate mitigatory planting of a significant number of trees is proposed.

WCC Ecology have commented that the Construction Ecological Management Plan submitted in connection with condition 7 states that further bat surveys will be undertaken. Provided this is carried out for the additional trees to be removed, they have no objection.

NBBC Tree Officer has commented that this additional detail and its proposals are fully acceptable as long as the work is considered necessary in the context of

planning balance. Additional tree losses, including potential effects on the haul road trees, should be weighed against existing mitigation proposals. The approved application showed the removal of 23no. individual trees and 8no. groups of trees and the partial removal of 3no. groups of trees. The complete removal equates to approximately 58no. trees. Condition 13 was added to the previous application that details of Landscape Design Plans needed to be submitted. These details have since been submitted and approved following consultation with NBBC Parks. As well as hedge mix, shrubs and herbaceous plants, 74no. new trees are proposed to be planted. Condition 13 requires the landscaping to be completed within 12 months of the completion of the construction of the building. It is considered that the approved planting scheme which would include a significant number of replacement trees would provide suitable mitigation for the trees that are to be removed.

In relation to Biodiversity Net Gain, the development was shown to result in a gain of 5.82 units. WCC Ecology have commented that the proposed removal of these trees is unlikely to significantly change the score and therefore have no objection.

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

The potential impacts of the proposals in relation to the principle of the development, visual amenity, highway safety and ecology have all been considered. There is no significant harm that would arise in terms of highway safety. Taking into account that approval has been given under applications 038702 and 039976 for the removal of trees and works to others it is not considered that these additional removals would significantly change the overall design of the scheme and would not have a significant impact on visual amenity or landscape character. It is noted that there would still be significant benefits offered through the renewal of parkland trees in a manner that would strengthen the use and character of the park. It is considered that the development would lead to a significant overall enhancement of the landscape character of the Miners Welfare Park and the proposals would not affect this. It is considered that the approved planting scheme which would include a significant number of replacement trees would provide suitable mitigation for the trees that are to be removed which carries significant weight.

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

REASONS FOR APPROVAL:

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

or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Site Location Plan	23044-GT3-00-XX-DR-A-08-0001- RevP1	27 th November 2023
Landscape Masterplan	BLC-COL-ZZ-00-DR-L-1000 Rev 19	25 th January 2024
Proposed Ground Floor Plan	23044-GT3-00-00-DR-A-08-0003- RevP1	27 th November 2023
Proposed First Floor Plan	23044-GT3-00-01-DR-A-08-0004- RevP1	27 th November 2023
Proposed Roof Plan	23044-GT3-00-R1-DR-A-08-0005- RevP1	27 th November 2023
Proposed Elevations	23044-GT3-00-ZZ-DR-A-08-0006-RevP1	27 th November 2023
Detail Elevations	23044-GT3-00-ZZ-DR- A-08-0008-RevP1	27 th November 2023
Proposed Sections	23044-GT3-00-ZZ-DR-A-08-0007-RevP1	27 th November 2023

3. The development shall not be carried out other than in accordance with the Construction Management Plan (ref HMD.0325 rev 02) received by the Council on 27th November 2023. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

4. The development shall not be carried out other than in accordance with the Construction Environmental Management Plan (ref HMD.0325 rev 002) received by the Council on 27th November 2023. The approved details shall be adhered to throughout the duration of construction.

5. The development shall not be carried out other than in accordance with the contaminated land assessment and associated remedial strategy (ref Land Contamination Assessment and Remediation Strategy LBH4665lca December 2023 Soil Management Plan LBH4665stmp v1.0 February 2024) approved by the Council on 2nd May 2024. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment.

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 On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

6. The development shall not be carried out other than in accordance with the surface water drainage scheme for the site (ref 1113478 Indirect Connection Acceptance, 1113608 Direct Connection Approval, 1113632 Direct Connection Approval, Bedworth Leisure Centre_Sewer Divestment - J-221004-20548,- P02-Pond, Swale and SUDS Sections and Details-Sheet 1) approved by the Council on 21st May 2024. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

7. The development shall not be carried out other than in accordance with the Dust Management Plan (ref (ref HMD.0325) received by the Council on 27th November 2023. Only the approved details shall be implemented on site and shall be adhered to throughout the duration of construction.

8. The development shall not be carried out other than in accordance with the Construction Ecological Management Plan (CEMP) (ref RT-MME-158286-03 Rev A) received by the Council on 29th January 2024. The approved details shall be adhered to throughout the duration of construction.

9. The development shall not be carried out other than in accordance with the Biodiversity and Ecological Management Plan (BEMP) (ref RT-MME-158286-04 Rev B Biodiversity and Ecological Management Plan dated 09/05/2024) approved by the Council on 19th June 2024. The approved plan will be implemented in accordance with the approved details.

10. The development shall not be carried out other than in accordance with the site levels and finished floor levels approved by the Council on 4th June 2024. The development shall not be carried out other than in accordance with the approved details.

11. The development shall not be carried out other than in accordance with Arboricultural Method Statement (Report Number: RT-MME-159809-05 Rev A) received by the Council on 29th January 2024 and the Addendum to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH) received by the Council on 1st August 2024. No tree or hedgerow other than those shown within Arboricultural Impact Assessment (Report Number: RT-MME-159809-04 Rev A) received by the Council on 29th January 2024 and the Addendum to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH) received by the Council on 1st August 2024 shall be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained in accordance with the details in the Arboricultural Method Statement and Addendum to the Arboricultural Reports have been put in place and these measures shall then be implemented in accordance with the Arboricultural Method Statement and Addendum to the Arboricultural Reports for the duration of the development.

12. The development shall not be carried out other than in accordance with the Schedule of Works and arboricultural site monitoring schedule contained in the Arboricultural Method Statement (Report Number: RT-MME-159809-05 Rev A) received by the Council on 29th January 2024 and the Addendum to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH) received by the Council on 1st August 2024. The approved details shall be adhered to throughout the duration of construction.

13. The development shall not be carried out other than in accordance with detailed hard and soft Landscape Design plans approved by the Council on 4th June 2024. The landscaping shall be completed within 12 months of the completion of the construction of the building and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

14. The development shall not be carried out other than in accordance with scheme for the protection of the retained trees detailed in the Arboricultural Method Statement (Report Number: RT-MME-159809-05 Rev A) received by the Council on 29th January 2024 and the Addendum to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH) received by the Council on 1st August 2024. The development thereafter shall be implemented in strict accordance with the approved details.

15. The development shall not be carried out other than in accordance with the details of the acoustic barrier along the north-west boundary of the all-weather pitch approved by the Council on 7th June 2024. The all-weather pitch shall not be brought into use until the barrier has been erected in accordance with the approved details.

16. The development shall not be carried out other than in accordance with the scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site approved by the Council on 9th May 2024. The development shall not be brought into use until provision has been made in accordance with the approved details.

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

18. The external materials shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 27th November 2023.

19. The external boundary treatments shall not be carried out other than in accordance with the details shown in the Design & Access Statement received by the Council on 27th November 2023.

20. The development shall not be carried out other than in accordance with the details of the external plant approved by the Council on 4th June 2024. The measures implemented as approved shall be retained thereafter.

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

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

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

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

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

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

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

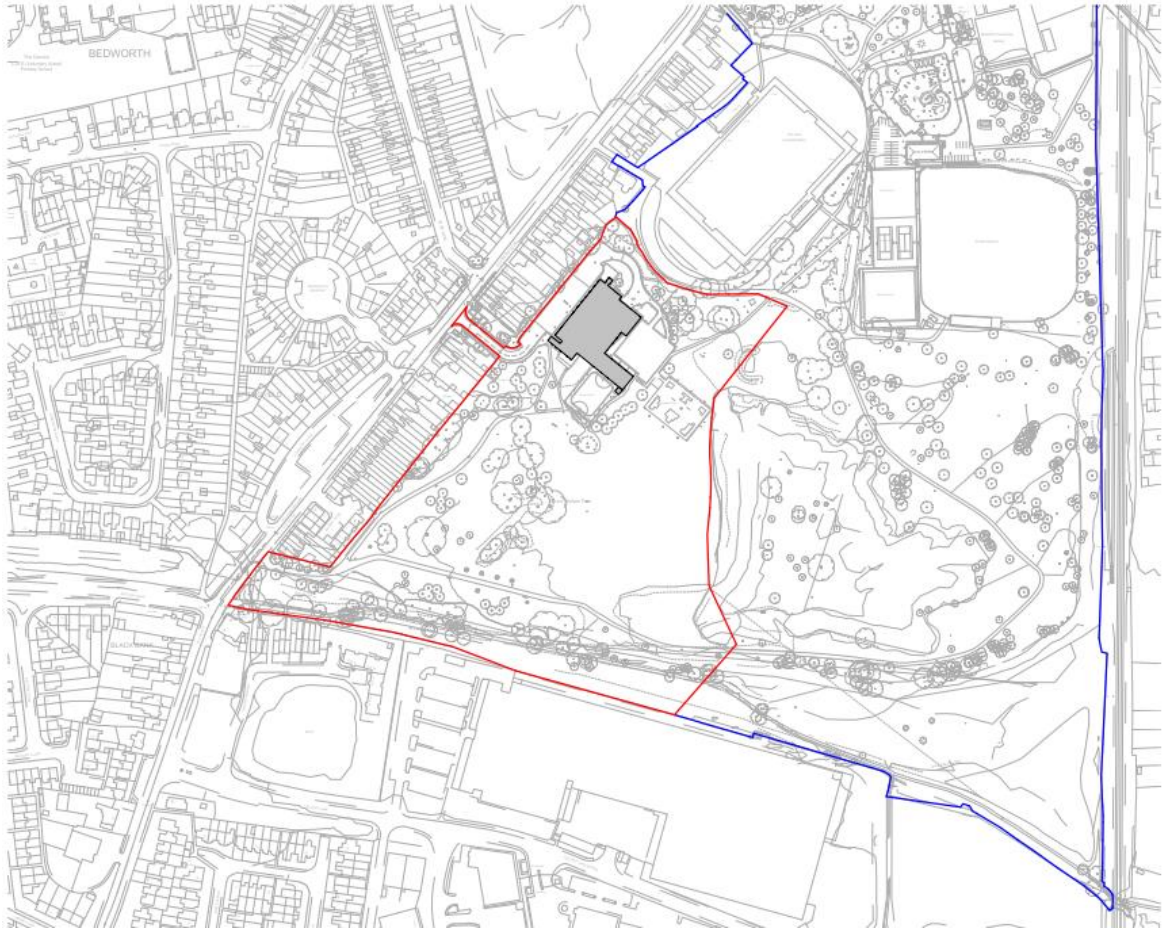
26. The development shall not be occupied until improvements have been made to bicycle access to and within the site to improve access from cycle route NCN52 in accordance with a scheme submitted to and approved in writing by the Council.

27. The development hereby permitted shall not be occupied until a Green Travel Plan has been approved and a Travel Plan Coordinator has been appointed in accordance with approved Travel Plan. The Travel Plan shall henceforth be implemented in accordance with the Action Plan contained therein, including the submission of details for review and monitoring to the Local Planning Authority and the Highway Authority.

28. Prior to demolition of the existing leisure centre, additional bat surveys by a suitably qualified and licenced ecologist have been undertaken to verify that there are no roosting bats within the existing building, 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.

29. The development shall not be occupied until the parking, manoeuvring and service areas have been laid out and are available for use in general accordance with the Landscape Masterplan (drawing number BLC-COL-ZZ-00-DR-L-1000 revision 19) received by the Council on 25th January 2024, or to incorporate alternative temporary parking arrangements subject to phasing details which shall be submitted to and approved in writing by the Council.

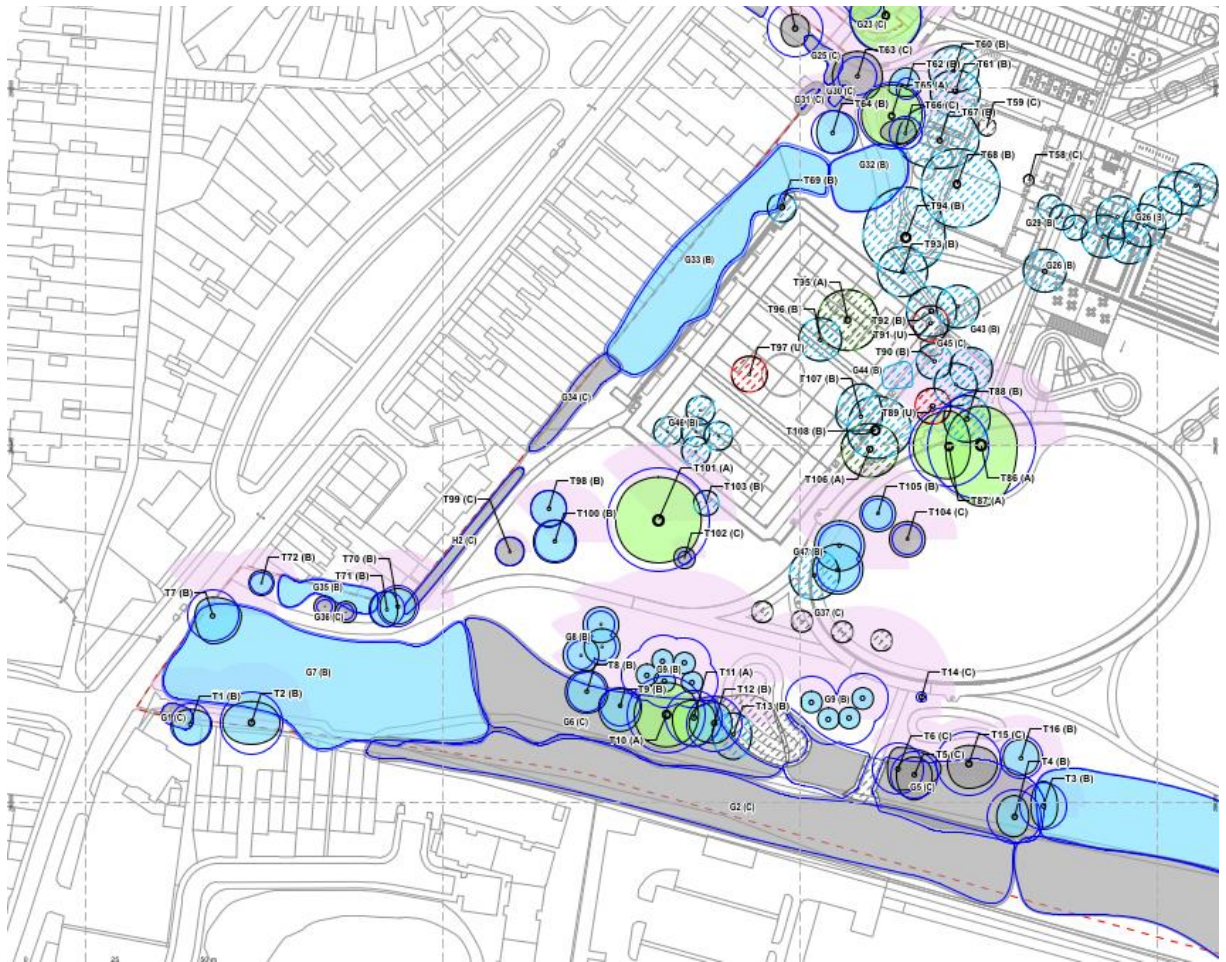
30. The development shall not be occupied until the pedestrian and cycling improvements have been made in general accordance with the details submitted. Details of the cycle parking (including any temporary arrangements required by the development phasing) shall be submitted to and approved by the Council.



Site Location Plan



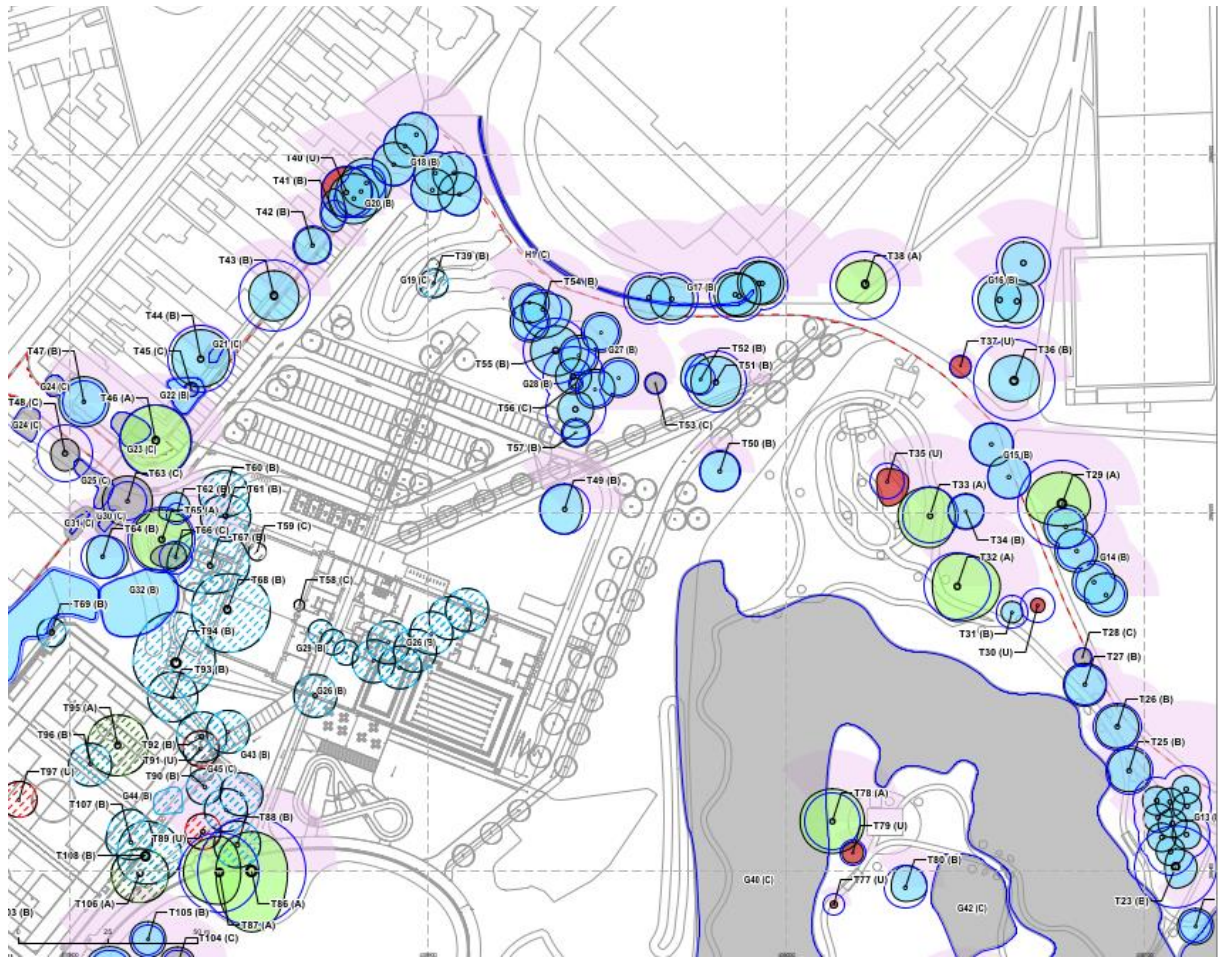
Site Layout



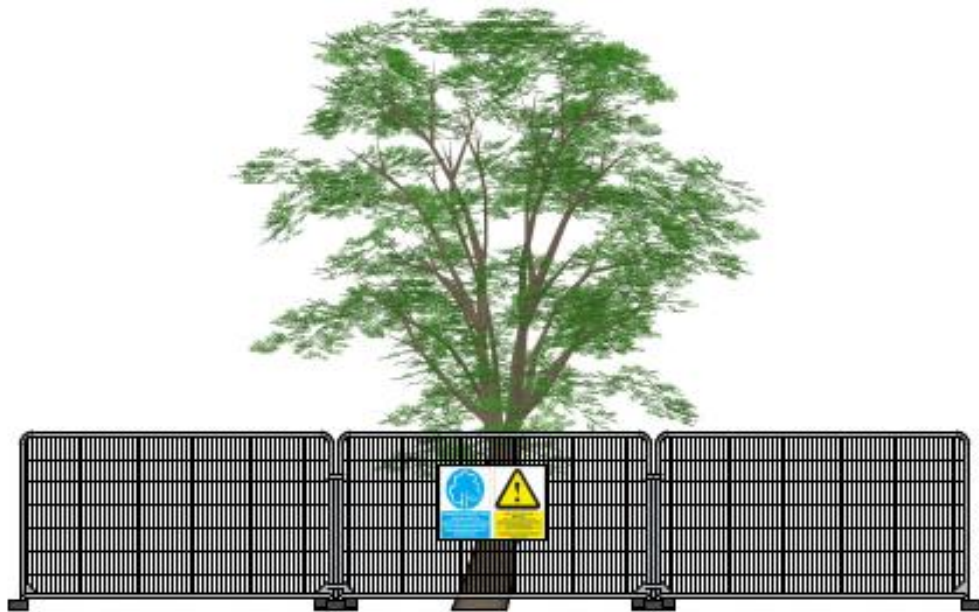
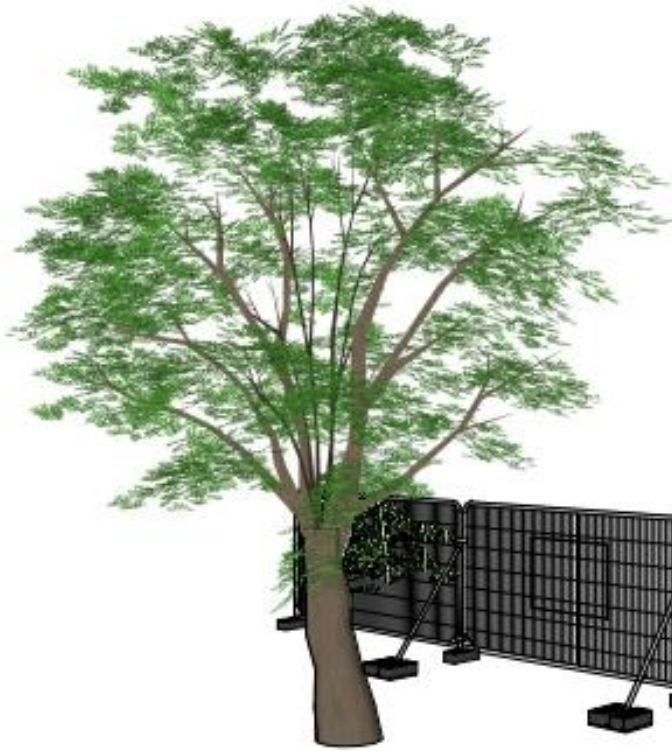
Tree Retention Plan



Tree Retention Plan



Tree Retention Plan



Tree Protection Fencing

REFERENCE No. 040483**Site Address:** Frederick Warr House, Orkney Close, Nuneaton, CV10 7JL**Description of Development:** Replacement wall/ fence to east side of Frederick Warr House**Applicant:** Rebecca Williams (Building Surveyor at NBBC) on behalf of NBBC.**Ward:** AR

RECOMMENDATION:

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

INTRODUCTION:

The application seeks permission for the installation of a replacement wall/ fence to the east side of Frederick Warr House. The wall/ fence would be situated along the boundary between Frederick Warr House and the Griff and Coton Sports Club playing fields. Frederick Warr House is a mid-century two-storey residential complex. The complex itself is adjacent to the Orkney Close-Aviemore Close junction. The complex comprises apartments and mainly features red brick walls and grey concrete roof tiles.

The proposed wall/ fence would match the length of the existing wall, at 47.5 metres. This would run from adjacent to the southern footpath of Aviemore Close to adjacent to the northern boundary of No. 56 Orkney Close. The existing wall varies in height above ground level from 1.4 metres adjacent to the southern footpath up to 2.3 metres adjacent to No. 56. The replacement fence/ wall would vary in height above ground level from 2 metres adjacent to the southern footpath up to 2.65 metres to No. 56. The existing wall features red and blue brick and is topped by barbed wire. The replacement fence/ wall would feature low level red and blue brick, with galvanised steel metal fencing above in a dark colour. New concrete foundations associated with the proposal would have a 0.45 metre depth and 0.75 metre width.

A replacement wall/ fence adjacent to a highway can be installed via permitted development, provided this does not exceed the taller of 1 metre above ground level, or the height of the existing boundary treatment. A replacement wall/ fence set back from a highway can be installed via permitted development, provided this does not exceed the taller of 2 metres above ground level, or the height of the existing boundary treatment. Given the maximum height of the proposed wall/ fence, permission is required in this case.

The submission details that the current wall is substantially leaning and poses immediate risk of collapse. The replacement wall/ fence will consist of a brick retaining wall with metal palisade fencing situated above, including new foundations, giving the new wall maximum strength, durability and security between Frederick

Warr House and the adjoining playing field. It is a cost-effective alternative to a full brick wall renewal and provides more sustainable maintenance options.

BACKGROUND:

This application is being reported to the Planning Committee in accordance with the Council's current constitution (September 2023 version). Section 5.D7(a) outlines all development proposals by the Council itself will be determined by Committee, regardless of any Scheme of Delegation in force at the time.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 - Presumption in favour of sustainable development
 - DS2 - Settlement hierarchy and roles
 - DS3 - Development principles
 - BE3 - Sustainable design and construction
 - NE3 - Biodiversity and geodiversity
 - HS2 - Strategic accessibility and sustainable transport
- Supplementary Planning Documents (SPDs).
 - Sustainable Design and Construction SPD 2020
 - Open Space and Green Infrastructure Supplementary Planning Document SPD 2021
- Other relevant Policies and Guidance
 - National Policy Planning Framework 2023 (NPPF)
 - National Planning Practice Guidance (NPPG)

CONSULTEES NOTIFIED:

NBBC Land and Property, NBBC Tree Officer, WCC Highways.

CONSULTATION RESPONSES:

No objection from:
WCC Highways

No response from:
NBBC Land and Property, NBBC Tree Officer

NEIGHBOURS NOTIFIED:

No. 30 Aviemore Close. Nos. 5, 7, 15, 20, 21 Frederick Warr House, Orkney Close. No. 56 Orkney Close. Griff and Coton Sports Club, Heath End Road.

The neighbouring properties listed above were sent letters notifying them of the proposed development on 22nd August 2024.

NEIGHBOUR RESPONSES:

There have been no third-party responses received.

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 Biodiversity, Ecology and Trees
5. Impact on Highway Safety
6. Conclusion and Planning Balance

1. The Principle of Development

The NPPF 2023 establishes the need for the planning system to achieve sustainable development and outlines this in three key dimensions; economic, social and environmental (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means applications should be approved provided these are in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 47).

The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan 2019 states Nuneaton has the primary role for employment, housing, town centre, leisure and service provision in the borough.

Policy DS3 of the Borough Plan 2019 states all new development will be sustainable and of a high quality. It goes on to state that new development within settlement boundaries, as defined by the Borough Plan 2019, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. This application consists of a replacement wall/ fence at an existing residential complex which is within the Nuneaton settlement boundary. Therefore, the principle of this development in this location is acceptable (subject to all other planning considerations being adequately addressed).

2. Impact on Residential Amenity

Policy BE3 of the Borough Plan 2019 states that 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.

The policy goes on to state that 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

There are no proposed changes to use of buildings, ownership/ tenure, street layout, patterns of development, plot size and arrangement, or built form.

The replacement wall/ fence would match the length of the existing wall. In terms of properties sharing a boundary with the replacement wall/ fence, the proposal would be set back by approximately 9 metres from the closest apartments at Frederick Warr

House and by approximately 6 metres from the rear conservatory at No. 56 Orkney Close. The wall/ fence would be situated east of these apartments and north-east of No. 56. Given these distances, the orientation of the proposal in relation to dwellings, and the limited increase in height (between 0.35 metres and 0.6 metres) this would not likely be considered to materially harm light to adjoining properties in comparison to the existing situation.

The limited increase in height would be considered to slightly enhance privacy for neighbouring occupiers, however, this would not amount to an oppressive sense of enclosure.

Paragraph 135 of the NPPF 2023 outlines that ensuring developments result in safe places is a key aim of the planning system. Significant repairs and/ or wholesale replacement of the wall are required due to the deteriorated and unsafe condition. Any building regulations consents required are entirely separate to this application.

The replacement wall/ fence has a matching location and comparable scale to the existing wall. No other changes are associated with the development. Given this, it is considered there would be no detrimental impacts on residential amenity in comparison to the existing situation. Overall, this application is considered to comply with Policy BE3 of the Borough Plan 2019 with regards to residential amenity.

3. Impact on Visual Amenity

Policy BE3 of the Borough Plan 2019 requires development proposals be designed to a high standard. The policy also states that 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 character types within each urban character area.

The existing wall is in a poor condition and requires significant repair and/ or wholesale replacement. Full brick walls are relatively more costly to maintain than low-level brick walls with galvanised steel fencing above. Towards the end of large brick walls' lifespans there are often periods of degraded appearance, as the cost of maintaining the wall becomes increasingly prohibitive.

The existing wall is not particularly noticeable from any street scene, as foliage, trees and built form partially obscure this from view. There are no proposed changes to foliage and trees.

The existing wall is considered to have a design which represents a typical and functional wall appearance, although the barbed wire atop the existing wall is unattractive. The replacement wall/ fence is considered to represent a typical and functional wall/ fence appearance. The proposal would not be considered out of character with the area, or overly noticeable in comparison to the existing situation. The removal of barbed wire would be considered an improvement on the existing situation. The limited increase in height would avoid a dead space created by an excessively high wall or fence, in accordance with section 9.42 in the Sustainable Design and Construction SPD 2020.

The proposal is therefore considered to be of appropriate design and scale which would not materially harm visual amenity in comparison to the existing wall. Overall this application is considered to comply with Policy BE3 of the Borough Plan 2019 with regards to visual amenity.

4. Impact on Biodiversity and Trees

Policy NE3 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created.

There are no proposed changes to foliage and trees. The foundations associated with the wall/ fence are small in scale, and necessary to carry out the works as there is a minimum allowable bearing capacity required. Any potential harm to Root Protection Areas or trees resulting from these foundations is considered likely unavoidable, as a wall/ fence that is safe and durable cannot be delivered without such foundations. The trees adjacent to the wall/ fence are not subject by any formal protection, and this has to be balanced against the benefits of the scheme.

There are protected trees at Griff and Coton Sports Club (TPOs No. 1/08 and 12/98), however, the closest tree subject to these Orders is set back by at least 35 metres from the wall/ fence. NBBC's Tree Officer did not provide a consultation response.

Whilst boundary treatment requiring smaller foundations could be installed - e.g. timber fencing - the location adjacent to playing fields is noted. It is considered that boundary treatments without durable and strong materials would be impracticable. Materials such as timber in this location would likely be subject to regular and costly maintenance, due to damage from balls etc.

In principle, the proposal is subject to the Biodiversity Net Gain De Minimis exemption, as this comprises a replacement wall/ fence. None the less, there is some limited conflict with Policy NE3 of the Borough Plan 2019 and the Open Space and Green Infrastructure SPD 2021, due to the limited information provided with regards to adjacent trees and foliage.

5. Impact on Highway Safety

Policy HS2 of the Borough Plan 2019 requires development result in acceptable levels of impact on existing highways networks. Due to the orientation of, and set back from, adjacent roads in relation to the wall/ fence - it is not considered that the limited increase in height would have any detrimental impacts on highway safety or visibility in comparison to the existing situation. WCC Highways provided a consultation response of no objection.

Overall, this application is considered to comply with Policy HS2 of the Borough Plan 2019 with regards to highway safety.

6. Conclusion and Planning Balance

In conclusion the NPPF 2023 (Paragraph 11) 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 principle of the development, residential amenity, visual amenity, biodiversity and trees, and highway safety have been considered. The assessment has shown that there would be no potential adverse impacts in most of these regards, notwithstanding some limited conflict with Policy NE3 of the Borough Plan 2019 and the Open Space and Green Infrastructure SPD 2021, due to the limited information provided with regards to adjacent trees and foliage.

The current wall poses immediate risk of collapse, and therefore a replacement boundary treatment is required. Due to the location adjacent to playing fields, the boundary treatment requires strong and durable materials. Paragraph 135 of the NPPF 2023 outlines that ensuring developments result in safe places is a key aim of the planning system. It is considered any potential harm to Root Protection Areas or trees resulting from foundations is likely unavoidable, as a replacement wall/ fence that is safe and durable cannot be delivered without foundations as proposed. The foundations are small in scale, and necessary to carry out the works as there is a minimum allowable bearing capacity required. The trees adjacent to the wall/ fence are not subject by any formal protection. The safety benefits of the scheme are considered to outweigh any potential harm to biodiversity or trees.

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

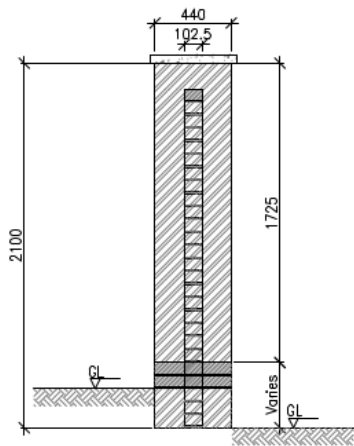
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Application form	PP-13277566	1 st August 2024
Amended site location plan	-	21 st August 2024
Amended plans and elevations	22-17176 0-900 P2	22 nd August 2024

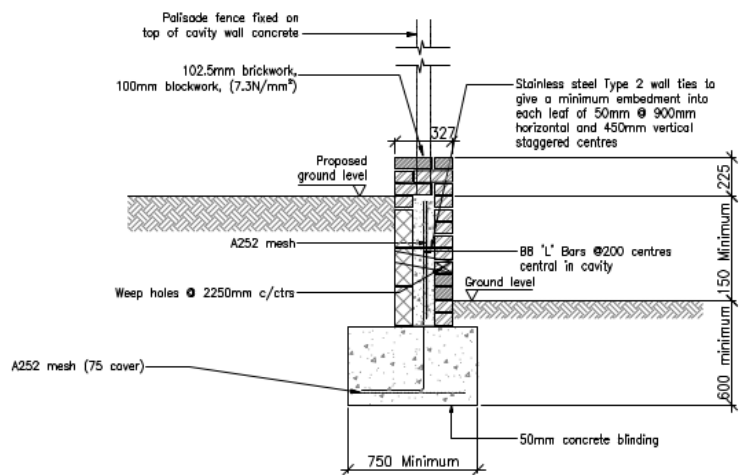
3. The external materials used shall not be carried out other than in accordance with the details specified in the above schedule.



Site Location Plan

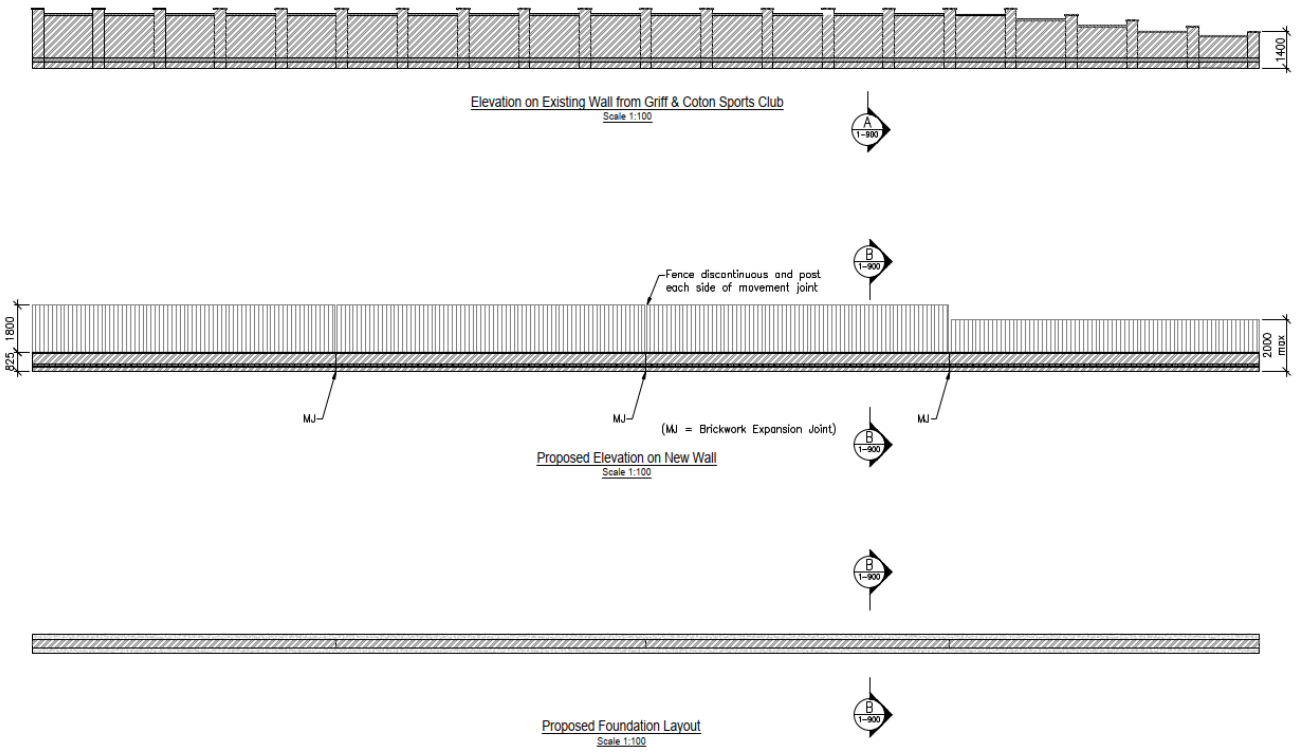


SECTION A-A
Scale 1:20



SECTION B-B
Scale 1:20

Foundations Sections



Elevations and Foundations Layout

REFERENCE No. 040401

Site Address: 3 Homers Yard Gatehouse Lane Bedworth Warwickshire CV12 8UE

Description of Development: Proposed installation of rear box dormer (part-retrospective).

Applicant: Dr Dean Hamilton

Ward: BE

RECOMMENDATION:

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

INTRODUCTION:

Proposed installation of rear box dormer (part-retrospective) at 3 Homers Yard Gatehouse Lane Bedworth Warwickshire CV12 8UE.

The application property is a two storey mid-terraced dwelling constructed out of red bricks and has a gabled roof. The property is located on the east side Gatehouse Lane and the east side of Homers Yard. The application property has a small square front garden comprising of grass with a communal courtyard located to the west of Homers Yard which is rectangular in shape and comprises of grass. Bedworth Water Tower, which is a Grade II listed building is located adjacent to the application property approximately 21 metres to the north-west.

The proposed changes to the site comprise of the installation of a rear box dormer. It is worth noting that construction has already commenced therefore the application is part-retrospective. It is believed that construction has paused on the proposals until the application has been determined. It is also worth noting that the proposals are located entirely to the rear of the dwelling, with no changes proposed to the front of the dwelling.

BACKGROUND:

This application is being reported to Committee due to the number of objections and also at the request of Councillor Hancox.

RELEVANT PLANNING HISTORY:

- None

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - BE4 – Valuing and conserving our historic environment
 - 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:

Objection from The Velbir Management Company. The comments are summarised below;

1. Proposals will significantly alter the part of the estate which is contrary to the original concept design.
2. Believes proposals are contrary to Condition number 10 of the original planning permission for the site.
3. Proposed dormer is oversized for the existing house therefore impact the amenity of neighbouring properties.
4. Impacts the Grade II listed Water Tower which is in close proximity.
5. Proposals will be highly visible to residents in Sleets Yard and Homers Yard.
6. Works initially commenced without any notification of formal notice to the management company.
7. Questions the structural integrity of the extension and seeks evidence that neighbouring properties will be safe.
8. States that applicant should comply with all relevant duties under the Party Wall Act.
9. Believes improvements and alterations are possible but should be in keeping with the appearance of the site and not affect the residential amenity of neighbours.

NEIGHBOURS NOTIFIED:

20 & 22 Briardene Avenue, Bedworth Water Tower, Flats 1-6 The Tower, Gatehouse Lane, 1-7 Old Penns Yard, Gatehouse Lane, 1-7 Bucklers Yard, Gatehouse Lane, 1-8 Sleets Yard, Gatehouse Lane, 1, 2 & 4 Homers Yard, Gatehouse Lane, 1-3 Emes Walk, Gatehouse Lane, Flats 1-4 Lye Corner, Gatehouse Lane, Lye Corner, Gatehouse Lane, Lyes Garrett, Lye Corner, Gatehouse Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 17th July 2024 and 5th August 2024.

NEIGHBOUR RESPONSES:

There have been 7 objections from 7 addresses as well as 2 neutral comments, one of which with no address provided. The comments are summarised below;

1. All owners equal shareholders of Limited company, believes the proposals are not in line with the rules of the company, specifically no significant exterior alterations.
2. Believes permission will set a precedent for further development.
3. Proposals out of keeping with the look of the site.
4. Believes proposals are against the community spirit and buildings themselves.
5. Considers applicant should have initially sought permission from the management company.
6. Proposals will alter the look of the rear of the properties.
7. Believes there are restrictive covenants in place affecting all owners.

8. Questions if the appropriate planning and building regulations were applied for and no consultation with neighbours.
9. Concerns regarding tree in the rear garden as believes is in poor health.
10. Believes extension is far too large, takes up the full of space and very close of the party walls.
11. Believes proposals will directly overlook neighbours garden.
12. Concerns regarding structural integrity of neighbours property.
13. Concerns regarding lack of soil testing and foundation strength assessment.
14. Proposals out of keeping with visual harmony on neighbourhood and threatens the architectural heritage.
15. Believes there has been a disregard for building protocols and to neighbours.
16. Believes applicant did not agree to a Party Wall Agreement.
17. Noisy building works and roof encroachment.
18. Believes proposals will impact the setting of the Grade II listed Bedworth Water Tower.
19. Neighbouring property impacted by size of development and overlooking of garden areas.
20. Development impacts communal areas overlooked by it.
21. Development contravenes the original design concept of the site.
22. Disregard to both Planning Application and Permitted Development Rights.
23. Out of character within the gated community.
24. Concerns for privacy of adjoining neighbours living on Briardene Avenue.
25. Permission should have been applied for before it was nearly finished. Should be serviced with a notice of removal.

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

1. Would rather the applicant improve their property and stays, instead of moving to accommodate a growing family.
2. Satisfied that the plans do not encroach on neighbours property, space or spoil the appearance on where they live.

APPRAISAL:

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity and Heritage
3. Other Considerations

1. Impact on Residential Amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance. Neighbouring properties to be considered within this application are: 20 & 22 Briardene Avenue, Bedworth Water Tower, Flats 1-6 The Tower, Gatehouse Lane, 1-7 Old Penns Yard, Gatehouse Lane, 1-7 Bucklers Yard, Gatehouse Lane, 1-8 Slets Yard, Gatehouse Lane, 1, 2 & 4 Homers Yard, Gatehouse Lane, 1-3 Emes Walk, Gatehouse Lane, Flats 1-4 Lye Corner, Gatehouse Lane, Lye Corner, Gatehouse Lane and Lyes Garrett, Lye Corner, Gatehouse Lane.

Impact on 20 & 22 Briardene Avenue

Nos. 20 & 22 Briardene Avenue are the unattached neighbours located to the rear of the application property to the east. In the interest of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three storey development is proposed a distance of 30 metres will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure. No. 20 is located approximately 51 metres away from the application property and No. 22 is located approximately 54.7 metres away from the application property. This complies with the minimum distance. Therefore, it is considered that there will be no detrimental impact on these properties.

Impact on Bedworth Water Tower and Flats 1-6 The Tower, Gatehouse Lane

Bedworth Water Tower and Flats 1-6 are the unattached neighbours located to the front and side of the application property to the north-west. Whilst this is less than the 30 metre separation distance, it is worth noting that as the proposals are located to the rear, the front of the application property will not change and the application property will not be located any close to the Water Tower or Flats. In light of the above, it is therefore considered that there will be no detrimental impact on these properties.

Impact on 1-7 Old Penns Yard, Gatehouse Lane

Nos. 1-7 Old Penns Yard, Gatehouse Lane are the unattached neighbours located to the front and side of the application property to the south-west. As the proposals are located to the rear, the front of the application property will not change. Therefore, it is considered that there will be no detrimental impact on these properties.

Impact on 1-7 Bucklers Yard, Gatehouse Lane

Nos. 1-7 Bucklers Yard, Gatehouse Lane are the unattached neighbours located opposite of the application property to the west. As the proposals are located to the rear, the front of the application property will not change. Therefore, it is considered that there will be no detrimental impact on these properties.

Impact on 1-4 Sleets Yard, Gatehouse Lane

Nos. 1-4 Sleets Yard are the unattached neighbours located to the side of the application property to the north. The front elevation of No. 1 is located approximately 43 metres from the rear elevation of the application property. The front elevation of No. 2 is located approximately 45.5 metres from the rear elevation of the application property. The front elevation of No. 3 is located approximately 46.1 metres from the rear elevation of the application property. The front elevation of No. 4 is located approximately 47.5 metres from the rear elevation of the application property. Additionally, there are no side facing windows proposed that will be impacted by any overlooking issues. It is therefore considered that there will be no detrimental impact on these properties.

Impact on 5-8 Sleets Yard, Gatehouse Lane

Nos. 5-8 Sleets Yard are the unattached neighbours located to the side and rear of the application property to the north-east. In the interest of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and

first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three storey development is proposed a distance of 30 metres will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure.

No. 5 is located approximately 54 metres away from the application property. No. 6 is located approximately 44 metres away from the application property. No. 7 is located approximately 36 metres away from the application property. No. 8 is located approximately 29 metres away from the application property. Whilst no. 8 is located slightly less than the 30 metres separation distance, it is worth noting that the proposals are located to the side and rear of No. 8 and therefore no direct overlooking will take place. This complies with the minimum distance against properties Nos. 5, 6 and 7. In light of the above, it is therefore considered that there will be no detrimental impact on these properties.

Impact on 1 & 2 Homers Yard, Gatehouse Lane

Nos. 1 & 2 Homers Yard are the attached neighbours located adjacent to the application property to the north. The part-retrospective rear box dormer is located close to the boundary between No. 2 and the application property. The proposals do not breach the 60 degree line at ground floor level, additionally, there is no breach of the 45 degree line at first floor level meaning there is no overshadowing and overbearing. Additionally, there are no side facing windows proposed that will be impacted by any overlooking issues. It is therefore considered that there will be no detrimental impact on these properties.

Impact on 4 Homers Yard, Gatehouse Lane

No. 4 Homers Yard is the attached neighbour located adjacent to the application property to the south. The part-retrospective rear box dormer is located close to the boundary between no.4 and the application property. The proposals do not breach the 60 degree line at ground floor level, additionally, there is no breach of the 45 degree line at first floor level meaning there is no overshadowing and overbearing. Additionally, there are no side facing windows proposed that will be impacted by any overlooking issues. It is therefore considered that there will be no detrimental impact on this property.

Impact on 1-3 Emes Walk, Gatehouse Lane

Nos. 1-3 Emes Walk are the attached neighbours located adjacent to the application property to the north. The proposals do not breach the 60 degree line at ground floor level, additionally, there is no breach of the 45 degree line at first floor level meaning there is no overshadowing and overbearing. Additionally, there are no side facing windows proposed that will be impacted by any overlooking issues. It is therefore considered that there will be no detrimental impact on these properties.

Impact on Flats 1-4 Lye Corner, Gatehouse Lane, Lye Corner, Gatehouse Lane and Lyes Garrett, Lye Corner, Gatehouse Lane

Flats 1-4 Lye Corner, Gatehouse Lane, Lye Corner, Gatehouse Lane and Lyes Garrett, Lye Corner, Gatehouse Lane are the attached neighbours located adjacent to the application property to the north. The proposals do not breach the 60 degree line

at ground floor level, additionally, there is no breach of the 45 degree line at first floor level meaning there is no overshadowing and overbearing. Additionally, there are no side facing windows proposed that will be impacted by any overlooking issues. It is therefore considered that there will be no detrimental impact on these properties.

2. Impact on Visual Amenity and Heritage

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 SPD states that extensions and alterations should not:

- Dominate the existing house by projecting above the ridge line
- Appear intrusive, prominent or incongruous in the street scene or from public areas

The box dormer is located on the rear elevation of the dwelling, which faces towards the rear elevation of properties on Briardene Avenue. There are views of the rear of the dwelling from a nearby car parking court, however, this is on private land as both Gatehouse Lane and Sleets Yard are private roads. The dormer is considered to be relatively small in scale, and is to be below the ridge line of the main roof of the dwelling. Furthermore, it is to be set in from the sides of the roof.

Whilst the rear box dormer has been partially constructed, the application form states that the proposed wall material will be grey cladding, which closely resembles the roof tile colour and black gutters to match the existing gutters. The roof material will be a rubber membrane covering the flat roof and black gutters/fascias to match the existing gutters. The proposed materials are considered to be appropriate given they are of a similar appearance to the existing dwelling.

As mentioned previously, Bedworth Water Tower which is Grade II listed is located adjacent to the application property approximately 21 metres away from the front elevation of the dwelling. Paragraph 201 of the NPPF (2023) states that local planning authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Policy BE4 of the Borough Plan relates to valuing and conserving our historic environment and states that development affecting a designated or non-designated heritage assets and its setting will be expected to make a positive contribution to its character, appearance and significance.

In this case, the Grade II listed Water Tower is located in somewhat close proximity to the application site. However, the location of the dormer is to the rear of the site, which is facing away from the Water Tower, and the proposals are relatively small in scale. As such, it is not considered that the proposal would have any material impact upon the setting of the listed building.

On balance, the scheme is considered to be of an appropriate design and scale when compared to the existing and neighbouring properties. Furthermore, the proposals are not considered to result in a prominent or incongruent feature in the street scene and so will not be harmful to the visual amenity of the area, nor will it result in any harm to the setting of the listed building.

3. Other Considerations

This application is clearly contentious within the local area, however, it should be clear as to which matters are material planning considerations. Issues relating to the lack of soil testing, structural integrity, Party Wall Act, community spirit and noisy building works are not planning matters and therefore cannot be considered as part of this assessment.

The remaining objections comments have been noted and are shown above, however it is considered that these comments have been addressed in the above sections, and any other potential impact from these are not considered to have a detrimental impact on the surrounding area.

4. Conclusion

The NPPF 2023 (Paragraph 11) 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.

In conclusion, the proposed impact on Residential Amenity, Visual Amenity and Heritage are considered to be acceptable. Additionally, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is one of approval, subject to conditions.

REASONS FOR APPROVAL:

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

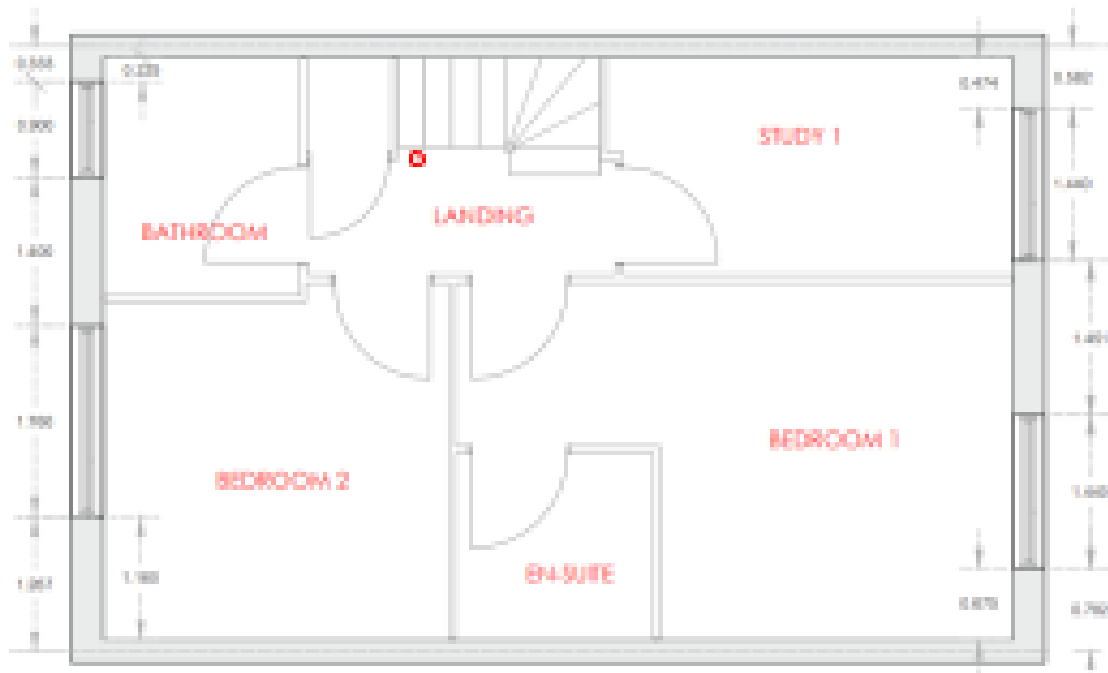
SCHEDULE OF CONDITIONS:

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

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Site Location Plan	N/A	3 July 2024
Existing and Proposed Floor Plans, Elevations and Sections	ET420, REV J SHEET 1 OF 2 AND SHEET 2 OF 2	3 July 2024

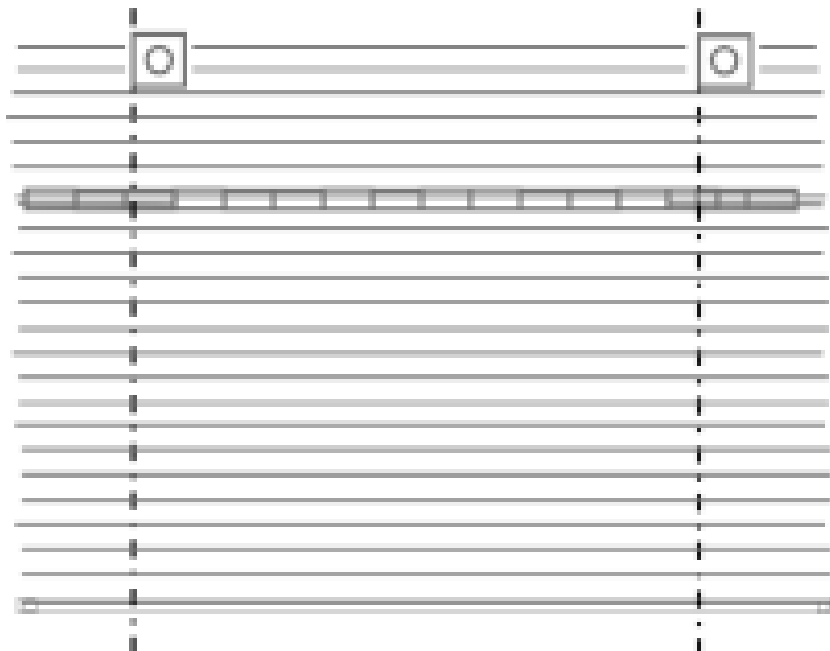


Site Location Plan



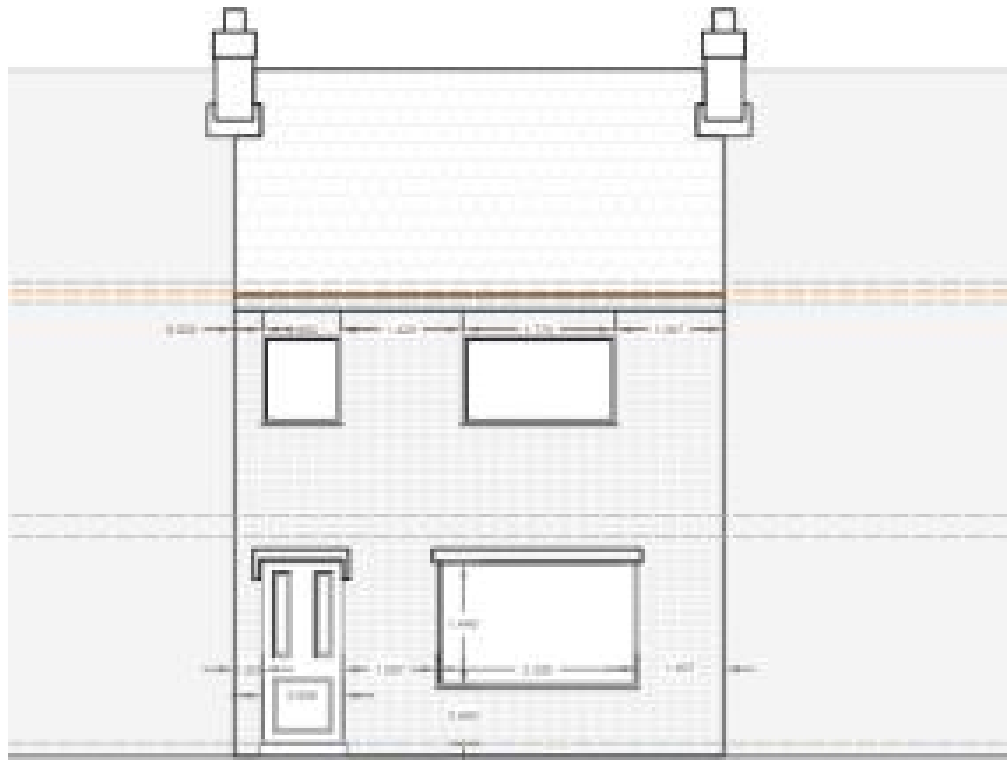
EXISTING FIRST FLOOR PLAN

INDICATED WALLS TO BE
REMOVED/TIPPED TO ALLOW
SUFFICIENT SPACE FOR
PROPOSED STAIRCASE.

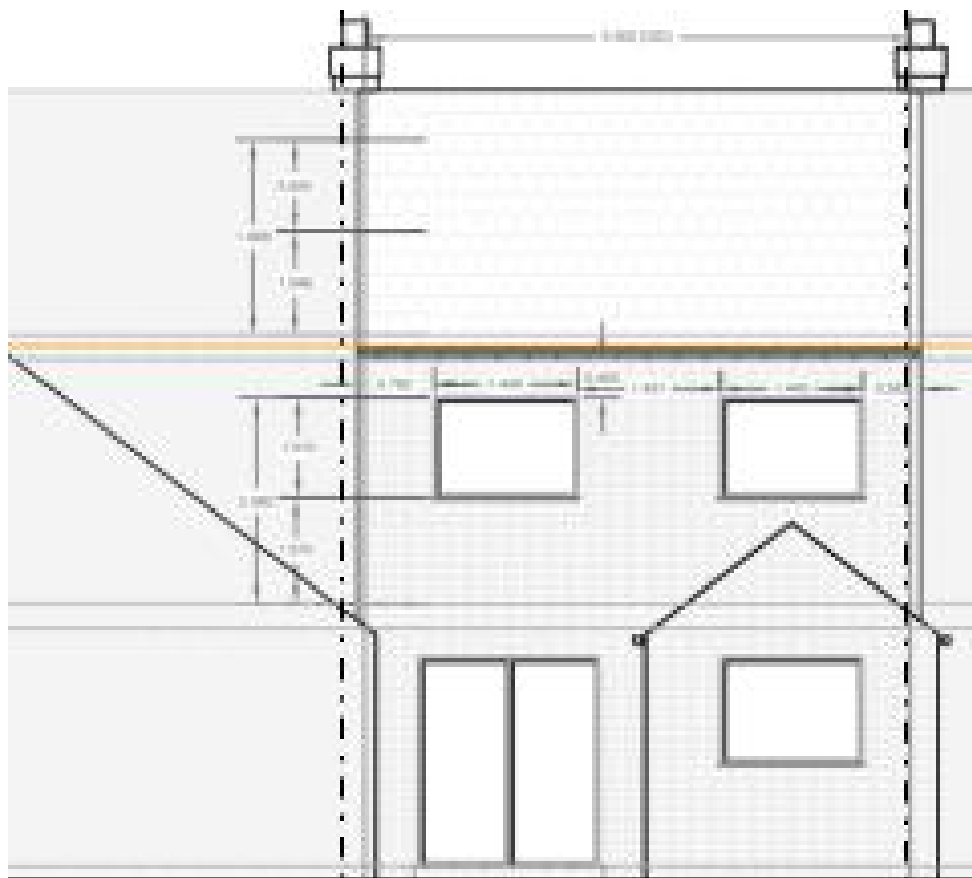


EXISTING REAR ELEVATION ROOF PLAN

Existing Floor Plan and Roof Plan

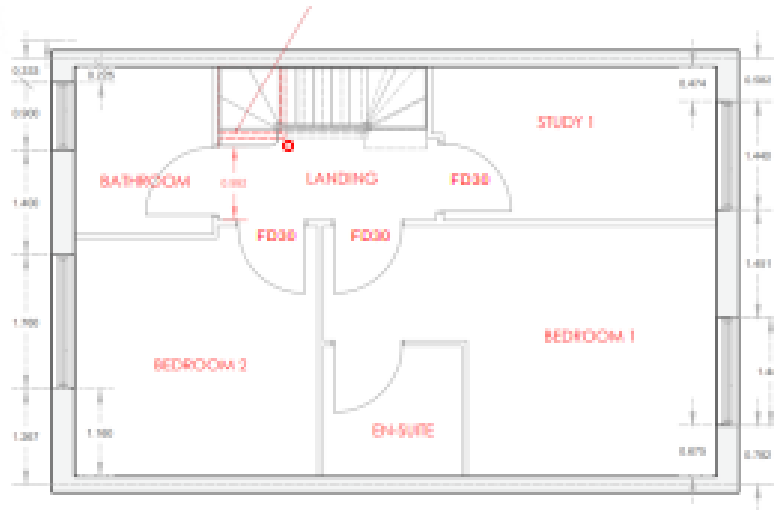


EXISTING/PROPOSED FRONT ELEVATION

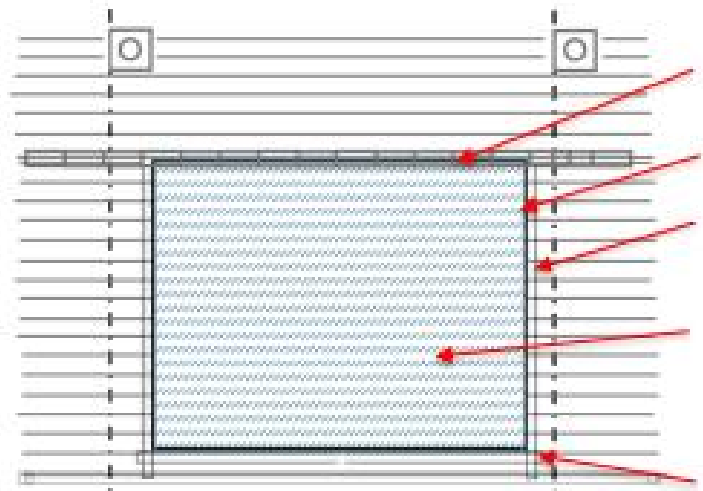
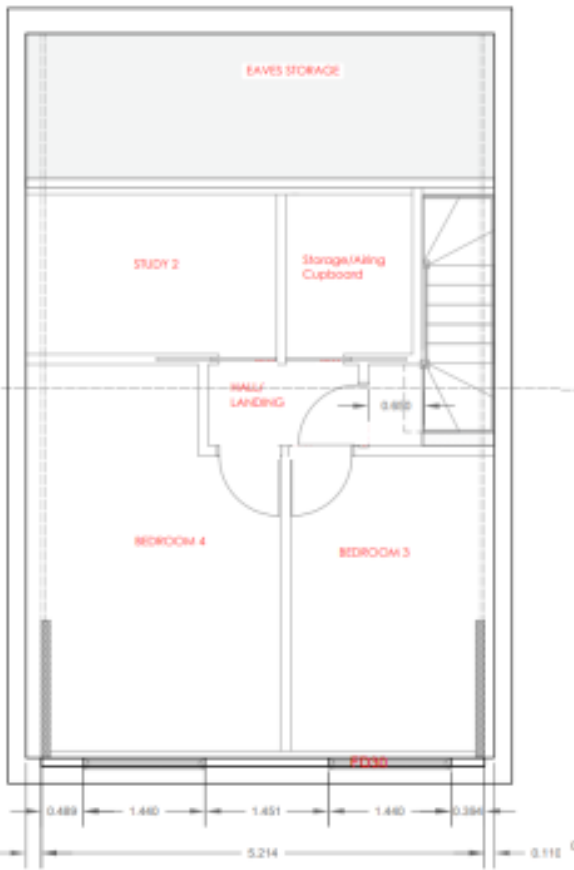


APPROX. BOUNDARY LINE EXISTING REAR ELEVATION

Existing Front and Rear Elevations



PROPOSED FIRST FLOOR PLAN



PROPOSED REAR ELEVATION ROOF PLAN

Proposed First Floor Plan, Loft Floor Plan and Rear Elevation Roof Plan



PROPOSED REAR ELEVATION



Proposed Rear Elevation

Glossary

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)