



Enquiries to:
Democratic Services

Telephone Committee Services: 024 7637 6220

Direct Email:
committee@nuneatonandbedworth.gov.uk
planning@nuneatonandbedworth.gov.uk

Date: 6th June 2025

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton on **Tuesday 17th June 2025 at 6.00 p.m.**

Public Consultation on planning applications with 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

Councillors B. Hancox (Chair),
L. Cvetkovic (Vice-Chair), E. Amaechi,
S. Dhillon, P. Hickling, M. Kondakor,
S. Markham, W. Markham, 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 8th April 2025, 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 so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Declarations of Interests](#)). Any interest noted in the schedule on the website 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 10)**.

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

8th April 2025

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 8th April 2025.

Present

Councillor C. Phillips (Chair)

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

PLA46 **Minutes**

RESOLVED that the minutes of the meeting held on the 11th March 2025 be approved, and signed by the Chair.

PLA47 **Declarations of Interest**

RESOLVED that the declarations of interests are as set out in the Schedule attached to these minutes.

PLA48 **Declarations of Contact**

Councillor P. Hickling declared that residents spoke to him about application 039476 at a recent Residents Association meeting. He confirmed that he did not discuss the item or indicate how he would vote.

Councillor P. Hickling declared that he has been contacted by the applicant for application 039499 on a couple of occasions, asking him for information. On both occasions he advised the applicant to contact the Council, and he confirmed he did not discuss the item or indicate how he would vote.

PRIVATE SESSION

PLA49 **040487: Site 50a016 – Queens Road, Nuneaton, Warwickshire**

RESOLVED that the application be refused.

IN PUBLIC SESSION

PLA50 **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 PLA50 OF THE
PLANNING APPLICATIONS COMMITTEE ON 8TH APRIL 2025

1. 039476: Site 36c004 28-34 Land to the front of Broome Way

Applicant – Mrs E. Twigger

Public Speaker: Mr Lee Ward (Agent)

DECISION that

- a) condition 17 be amended to specify that the bollards used should prevent access to the site by motorbikes; and
- b) planning permission be granted, subject to the conditions printed and the amendment agreed to condition 17.

2. 039499: Haunchwood Institute, Valley Road, Nuneaton, Warwickshire.
CV10 9NH

Applicant – Mr C. Brown

Public Speaker: Mr Eric Allan (Haunchwood Club Chairman)

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

Councillor K. Wilson wished for his vote against the proposal to be recorded.

**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 | | | <p>Granted to all members of the Council in the areas of:</p> <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 | <p>The Labour Party (sponsorship)</p> <ul style="list-style-type: none"> - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton. - Member of: <ul style="list-style-type: none"> - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry. <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> - 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 | <p>Trustee of Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)</p> <p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> - 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) | <p>The Labour Party (sponsorship)</p> <ul style="list-style-type: none"> - 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 |
|--|---------------------------|---|--|---|
| | | | <ul style="list-style-type: none"> - Committee Member of Nuneaton Historical Association <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> - Friendship Project for Children | |
| | M. Kondakor | | <ul style="list-style-type: none"> - 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) | <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board • Free Speech Union • Exhall Multicultural Group | |
| | W. Markham | | <p>Member of the following bodies:</p> <ul style="list-style-type: none"> - Unite Union - Free Speech Union - Exhall Multicultural Group | |
| | C. Phillips | Member of Warwickshire County Council | <ul style="list-style-type: none"> - Chair of Governors – Stockingford Nursery School - Member of Labour Party - Part-time Carer | |
| | B. Saru | <ul style="list-style-type: none"> - Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer | <ul style="list-style-type: none"> - Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> - Armed Forces Covenant | |
| | J. Sheppard | | <ul style="list-style-type: none"> - Director of Wembrook Community Centre. <hr/> <ul style="list-style-type: none"> - Member of Labour Party. <p>Representative on the following Outside Bodies:</p> <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 | | <ul style="list-style-type: none"> - Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club. - Trustee of Bulkington Volunteers | |

| | 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) - Conservative Councillors' Association. <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> -LGA Local Infrastructure and New Zero Board (Member) | |

Planning Applications Committee
17th June 2025

Applications for Planning Permission
Agenda Item Index

Planning Applications

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| 1. | 040768 | AR | 62 Arbury Road, Nuneaton, Warwickshire, CV10 7NA | 11 |

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|--------|----------------|----|---------------|----|-------------------|
| 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. 040768

Site Address: 62 Arbury Road, Nuneaton, Warwickshire, CV10 7NA

Description of Development: Extensions and change of use of ground floor hot food takeaway (Sui Generis) to form 2No. 1-bedroom self-contained flats (C3)

Applicant: Mr Foyzul Islam

Ward: AR

RECOMMENDATION:

Planning Applications Committee (PAC) is recommended to grant planning permission, subject to the conditions printed.

INTRODUCTION:

The application seeks full planning permission to extend and change the use of a ground floor hot food takeaway (use class Sui Generis) to form two 1-bedroom self-contained flats (use class C3) at 62 Arbury Road.

The initial application description was *'Extensions and change of use of ground floor hot food takeaway (Sui Generis) to form 2No. 1-bedroom self-contained flats (C3) at ground and first floor levels.'* Following receipt of amended plans the description is now *'Extensions and change of use of ground floor hot food takeaway (Sui Generis) to form 2No. 1-bedroom self-contained flats (C3).'* I.e. an initially proposed first floor extension aspect has been removed.

The application site comprises a ground floor unit and rear outdoor space within a two-storey, mid-terrace building on the south side of Arbury Road. The first floor above the site comprises an existing separate planning unit (use class C3).

Historic maps show this terraced row predates the creation of the Planning System (erected by the 1920s at the latest). It is unclear if the site has accommodated a hot food takeaway since construction. The site has accommodated an Indian takeaway for over 15 years, and prior to this was a fish and chips takeaway for several decades, meaning the site is well established as a hot food takeaway.

The properties within this terraced row likely originally featured an identical/ symmetrical design with part-two/part-single-storey rear sloped roof elements. Most properties in this terraced row, including this site, have been extended and/ or altered. This site features two rear outbuildings (one brick and one wooden), a single-storey extension, and a large rear extractor fan. The remaining outdoor rear space comprises hardstanding and small pockets of scrubland/ patched grass.

There are a range of materials in the locality (predominately red brick, and light-coloured render). The site's principal elevation features an externally illuminated fascia sign, and a frontage with windows/ a door (when not covered by the metal security shutters). The site also features red brick, pebble-dash render and white render.

The site is located within the Arbury Road Local Centre as defined by the Borough Plan 2019. This defines a Local Centre as *'Provides for the day-to-day top-up shopping needs of local people on a smaller scale than a district centre.'* Most properties within this Local Centre are residential, however there is a clear range of other design types and uses. Other uses closest

to the site include a Hindu temple within a former church building (approximately 25 metres to the north-west), a florist (approximately 35 metres to the west), and a restaurant and bar (approximately 30 metres to the north-east).

In terms of the amended scheme for which permission is sought:

- The principal elevation signage and shutters would be removed. This would be replaced by white render/ a canopy roof to match the canopy roof at No. 60.
- The rear extractor fan would be removed.
- The wooden outbuilding would need to be removed to facilitate the development.
- The proposed single storey rear aspect would have 9.525m length, 2.7-to-4.055m width, 2.4m eaves height and 3.7m overall height. New windows would be installed on the rear and front elevations, a replacement window and door would be installed on the eastern side elevation. NB - the existing single storey rear aspect (including previous extension) has a 9.2m length, a 2.7-to-3.35m width, a 1.95-to-2.25m eaves height and 2.65-to-3.95m overall heights.
- Access to one of the flats (Flat 1) would be via the principal elevation (i.e. in place of the existing front entrance serving takeaway customers). Access to the other flat (Flat 2) would be via the eastern side elevation (i.e. in place of the existing side entrance used by takeaway staff).

BACKGROUND:

This application is being reported to PAC in accordance with the scheme of delegation within the Council's current constitution. 3E.7v.i. permits a Cllr to request a minor application in their ward be determined by PAC. In this instance such a request was made by Cllr Brady Hughes.

There is a live consultation on the Government's intended reforms of PACs. This consultation primarily seeks views on a national scheme of delegation; which would likely result in minor applications such as this being determined via delegated Officer authority, not PACs. However, this consultation does not close until 23 July 2025, and a timeframe for subsequently implementing any such reforms is currently unknown. Until any such reforms are actually implemented, the Council will continue to follow the scheme of delegation within the Council's current constitution.

RELEVANT PLANNING HISTORY:

- 008919 (former ref. TP/ 0837/03). New extractor ducting to rear (existing to front removed). Approved 04 February 2004.
- 007180 (former ref. TP/0591/97). Installation of security shutters to front and side. Approved 27 November 1997.
- 024005 (former ref. 830121). Illuminated projecting 'vee' sign. Approved 28 March 1983.
- 023849 (former ref. 820624). Illuminated projecting sign. Refused 06 December 1982.

RELEVANT PLANNING POLICIES:

As required by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the proposed development shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

The Development Plan for the area relevant to this application is the Nuneaton and Bedworth Borough Plan 2019. Paragraph 49 of the NPPF states planning authorities '*may give weight to relevant policies in emerging plans according to:*

- *a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- *b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections the greater the weight that may be given);*
- *c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

On balance, given the advancement of the Borough Plan Review, it is suggested moderate weight can be applied to the policies within the Borough Plan Review. There are considered to be no relevant changes, in this instance, within the Borough Plan Review which would lead to a key difference to the planning balance reached until such a time as substantial weight can be given to this document, particularly the Nationally Described Space Standards.

- Policies of the Borough Plan 2019
 - DS1 - Presumption in favour of sustainable development
 - DS2 - Settlement hierarchy and roles
 - DS3 - Development principles
 - DS4 - Overall development needs
 - DS8 - Monitoring of housing delivery
 - HS2 - Strategic accessibility and sustainable transport
 - HS4 - Retaining community facilities
 - TC3 - Hierarchy of centres
 - NE3 - Biodiversity and geodiversity
 - NE4 - Managing flood risk and water quality
 - BE3 - Sustainable design and construction
- Supplementary Planning Documents (SPDs)
 - Sustainable Design and Construction SPD 2020.
 - Open Space and Green Infrastructure SPD 2021.
 - Transport Demand Management Matters SPD 2022.
- Other relevant policies, guidance and documents
 - National Policy Planning Framework 2024 (NPPF).
 - National Planning Practice Guidance (NPPG).
 - Appeal APP/W3710/W/24/3345739

CONSULTEES NOTIFIED:

The following consultees were notified of the initial scheme on 13 March 2025, and the revised scheme on 16 April 2025:

Cadent Gas, NBBC Environmental Health, NBBC Waste, NBBC Private Sector Housing, Severn Trent, Warks Fire Safety, WCC Highways (all consulted on both the initial and revised schemes).

CONSULTATION RESPONSES:

No objection subject to conditions:

NBBC Environmental Health

No objection from:

NBBC Waste, Warks Fire Safety, WCC Highways

No comments to make from:

NBBC Private Sector Housing

No response from:

Cadent Gas, Severn Trent

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the initial scheme on 14 March 2025 and the revised scheme on 16 April 2025:

Radnor Drive No. 59. Arbury Road Nos. 59, 60, 62, 62A, 64.

Visits by an LPA Senior Planning Officer were made to the application site, and all properties sharing a boundary with the site, on 26 March 2025.

NEIGHBOUR RESPONSES:

Objection

Letters of objection were received from 4 addresses, as well as Cllr Brady Hughes. The comments are summarised below:

1. The development will set a negative precedent.
2. Houses of Multiple Occupation (HMOs) should be resisted.
3. Impacts on on-street vehicle parking.
4. Impacts on traffic.
5. WCC Highways' comments being a desktop assessment is unacceptable.
6. Impacts on neighbouring light.
7. Impacts on overlooking/ privacy to neighbours.
8. Overdevelopment of the site.
9. Out of keeping with other properties in the locality.
10. Noise nuisance potential
11. The extension will result in built form closer to neighbouring property.
12. Increase in roof height.
13. Impacts on drainage/ sewers subject to a private legal agreement etc. Building over existing drains. Existing drains require repair.
14. The existing site is poorly maintained, has resulted in rodent/ pest issues etc.

NB - while all comments received are considered to comprise letters of objection - some comments also raised the following:

1. No objection to the change of use which is sensible (it is the extensions/ design that are cause for concern).
2. There is a need for housing (though new housing should not cause detrimental impacts to neighbours).

Support

1 letter of support was received from Coventry City Council Cllr Naeem Aktar. The comment is summarised below:

1. There is a national housing crisis, so increases to local housing stock should be welcomed.
2. Residential use/ additional housing options would benefit the local community more than a hot food takeaway.

APPRAISAL:

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

1. The Principle of the Development
2. The Impact on Residential Amenity
3. Contamination and air quality
4. The Impact on Visual Amenity
5. The Impact on Highway Safety
6. The Impact on Flooding and Drainage
7. The Impact on Ecology, Biodiversity and Trees
8. The Impact on Fire Safety and Waste
9. Affordable housing/ Obligations
10. Planning Balance and Conclusion

1. The Principle of Development

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

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. Policy DS3 of the Borough Plan 2019 states new development within settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

Policy DS4 identifies the overall development needs for the Borough throughout the plan period. The current Borough Plan plans for at least 14,060 homes. The latest housing supply and completion data from the Five Year Housing Land Supply Position Statement as at base date 31/03/2024 and applying the Local Housing Need requirement in accordance with the updated NPPF calculates that 737 dwellings per annum are required in the Borough. The site has not been accounted for within these figures and therefore the proposal would be a small windfall development. The development comprises 2 No. 1-bedroom self-contained units (i.e. all facilities are contained within each unit and not shared). This is not a HMO, where facilities are shared between different tenants. NB - it should be noted permitted development rights currently allow most C3 dwellings to be converted into a C4 HMO (for between three and six unrelated individuals) without planning permission.

The latest five-year housing land position for Nuneaton and Bedworth Borough Council is contained within addendum to the Five-Year Housing Land Supply Position Statement (January 2025). This sets out that in accordance with the latest Local Housing Need figure, based on the published trajectory, the Council have a current housing supply position of 4.9 years. Under the transitional arrangements in the updated NPPF, the Borough Plan Review will establish a 5 year position for the authority upon adoption, with the [Inspectors Post Hearing Note](#) stating at Paragraph 10: *'Notwithstanding our concerns about delivery timescales for the listed sites, we consider that there will be a five year supply of housing sites on the adoption of the Plan.'*

The Council anticipate that the Borough Plan Review will be adopted by Autumn 2025, at which point the authority will be able to demonstrate a 5-year supply. Therefore, whilst the authority cannot demonstrate a five-year supply position, this needs to be considered in context, given that the position is constantly evolving as applications within the Borough continue to come forward and progress, and the Borough Plan Review is continuing through the examination process towards adoption.

None the less, the fact remain the Council cannot currently demonstrate a 5-year supply and therefore the presumption in favour of sustainable development applies, and is to be given significant weight. Policy DS8 of the 2019 Borough Plan states the Council will monitor the delivery housing and publish progress against the trajectory. In accordance with the policy requirements of Policy DS8, the Council acknowledge there is shortfall in the overall quantum of development proposed to be delivered within the plan period in accordance with the latest publishing housing trajectory (January 2024) compared to the plan requirement set out in Policy DS3. Therefore, Policy DS8 is currently engaged and needs to be taken into consideration when assessing this application. It is accepted that this proposal would provide a small contribution towards the shortfall in housing delivery.

Policy TC3 states that any new residential development should be within 1,200m walking distance of a district or local centre and an 8 minute drive to a district centre. Policy TC3 also states that development within district or local centres will be considered acceptable in principle, subject to the following:

1. The function, vitality and viability is maintained or improved.
2. Contributes positively to the range of services on offer.
3. Does not harm the amenities of local residents.
4. Does not result in the loss of ground floor retail/ commercial floor space to residential use.

It is noted that most properties at ground floor level within this district centre are residential. A hot food takeaway would not be considered a community facility (per Policy HS4), and there is another Indian hot food takeaway within this local centre at 202 Arbury Road. It is also noted this site is on the periphery of the Local Centre. None the less, the loss of ground floor

commercial space would neither maintain or improve the function of the Local Centre. Neither does the proposal contribute to the range of commercial services on offer. Therefore, the proposal conflicts with policy TC3. This conflict is considered to have moderate weight, which will need to be weighed against the wider benefits of the scheme in the planning balance, particularly the help in addressing housing delivery shortfall.

2. The Impact on Residential Amenity

Policy BE3 of the Borough Plan 2019 states that development 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 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

The scheme would result in a change of use from Sui Generis to C3. There is no indication the current ownership would change, though clearly the occupiers would change. There would be no changes to the street layout, plot size/ arrangement, pattern of development. There would be minor changes to the built form. Impacts on amenity are considered below.

Anti-social behaviour/ noise

Based on reasonable use of residential properties, the noise nuisance potential in comparison to a hot food takeaway is considered to be reduced (given the removal of customers, and a large extractor fan (which can be conditioned)). Future occupiers of the site would be exposed to noise from the adjacent road and neighbouring residential units. Given the attached properties feature residential use at the ground floor (indeed most properties in the locality include residential use immediately adjacent to the footpaths along Arbury Road), it would be considered unreasonable to insist upon a full noise impact assessment prior to determination. This property already exists, and future occupiers would be aware of the proximity of the road and neighbouring properties prior to choosing to live there. It is important to note, any noise nuisance complaints (as well as any complaints relating to rats/ pests) are still able to be reported separate to planning. NBBC Environmental Health have advised *'my only concern here relates to noise from road to the front which will be quite noisy. I believe that some enhanced noise insulation (glazing and ventilation will be necessary). As such if the application were approved I would request a planning condition'* (see recommended conditions below). Subject to this, impacts on noise are considered likely acceptable.

Outdoor space

Per the 2020 SPD, new housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. Amenity space should be provided for passive recreation activities such as reading, active recreational uses such as gardening and domestic uses such as drying clothes. This is considered to be provided (the outdoor space has maximum dimensions of approximately 21.5m in length and 5m in width). The boundaries are marked by timber fencing and built form. However it is noted the outdoor space would be shared between both proposed units. There is therefore some limited conflict with the 2020 SPD with regards to outdoor space.

Distances to neighbouring properties

Section 11.3 of the 2020 SPD notes front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the

primary source of light and are the original openings in the house. Habitable rooms are rooms where occupants spend significant amounts of time, such as the lounge, kitchen, study, dining room and bedroom. It does not include bathroom, WC, utility rooms, hall, landing or garages. Where a room has (or originally had) two windows or more, the primary source of light will usually be the window(s) (if of reasonable size) that overlooks amenity areas.

11.4/ 11.5 notes in the interests of protecting privacy, a minimum 20m separation distance is required between the existing ground floor habitable room windows and proposed ground floor habitable room windows. This is in the interests of preventing an oppressive sense of enclosure. The distances may be reduced if they are across public viewed areas e.g. across a front garden, open space or public highway. It is acceptable for windows to non-habitable rooms closer than these distances to be obscure glazed and, if privacy is at particular risk, also be non-opening or with a high level opening (see conditions below).

Flat 1's principal elevation lounge window would set back by over 20 metres from the dwelling opposite. In any event, this window would face the street scene, i.e. a public viewed area. Removal of the existing shutters (along with the signage and lighting) would be able to be conditioned.

Flat 1's east facing kitchen windows are situated in the same location as the existing takeaway kitchen windows. The impact to No. 60 in comparison to the existing situation is therefore the same. In any event, the boundaries of the site are marked by timber fencing which prevents overlooking/ unacceptable impacts on privacy at ground level.

There is no built form at No. 60 opposite Flat 2's east facing kitchen windows. These windows would face the rear garden of No. 60/ a blank elevation of No. 58. In any event, the boundaries of the site are marked by timber fencing which prevents overlooking/ unacceptable impacts on privacy at ground level.

The front window of Flat 2 would accommodate a shower room and can be conditioned to be obscurely glazed/ partly non-opening. The 3.65m distance between Flat 1's rear bedroom window and Flat 2's shower room window is therefore acceptable.

Flat 2's rear bedroom window would be set back by over 20 metres from the dwelling to the rear (No. 59 Radnor Drive). In any event, the boundaries of the site are marked by timber fencing which prevents overlooking/ unacceptable impacts on privacy.

There are no adopted policies requiring extensions to be set back by a particular distance from a neighbouring boundary.

Impacts on light

11.9 in the 2020 SPD notes an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. This is usually relevant to a proposed ground floor rear extension. Near the boundary of an adjoining usable rear private amenity space a proposed single storey extension shall be less than 4 metres long. In this case the existing single storey rear wing already breaches a 60 degree line drawn from both attached neighbouring properties, and is already in excess of 4 metres in length. It is important to note most of the part-two-storey/part-one-storey rear wings in this terraced row would breach this guidance, which is an inherent result of design types in this locality. It is considered the limited changes in height, width and length are unlikely to significantly further impact neighbouring light in comparison to the existing situation, and would not merit a reason for refusal. It should also be noted that the overall height of the single storey rear wing is being reduced as a result of the proposal.

Room sizes

The Nationally Described Space Standards (NDSS), as contained within the Sustainable Design and Construction SPD 2020, state a single bedroom should have a floor area of at least 7.5 sq m, and be at least 2.15 m wide. A 1 storey, 1 bedroom, 1 person, 1 shower room

dwelling should have an internal floor space of 37 square metres. Flat 2 does not meet the internal floor space requirements (see below table).

None the less, a key appeal decision in the Borough (APP/W3710/W/24/3345739, dated 06 December 2024) clearly sets out in paragraph 63; *‘Turning now to compliance with the NDSS. The PPG is clear that where LPAs wish to require an internal space standard, they should only do so by reference in their local plan to the NDSS. I note that the Council’s 2020 SPD sets out a requirement for compliance with the NDSS. However, the NPPF sets out that SPDs are not part of the development plan. As such, having regard to the PPG and the NPPF such a requirement would not be reasonable.’* Whilst the Borough Plan Review does contain reference to the NDSS, until substantial weight can be given to this document, it is very unlikely this would justify a reason for refusal that would be upheld at appeal (given APP/W3710/W/24/3345739). NB - The Borough Plan Review is still subject to modifications.

| <u>Flat</u> | <u>Bedroom Width</u> | <u>Bedroom area</u> | <u>Overall Area</u> |
|-------------|----------------------|---------------------|---------------------|
| 1 | 3 m | 11.1 sq m | 43 sq m |
| 2 | 2.2 m | 9.5 sq m | 30 sq m |

To create habitable rooms with adequate daylight; ceiling heights measured from the floor should be a minimum of 2.5 metres. The submitted section drawings show the ceiling heights would be 2.35 metres. It is important to note most properties in the locality will not meet the 2.5 metres standard.

On balance, overall there is some conflict with the Sustainable Design and Construction SPD with regards to residential amenity and Policy BE3 of the Borough Plan 2019 which is considered to have some weight and will need to be considered in the planning balance. However, it is considered unlikely that this conflict would form robust reason(s) for refusal.

3. Contamination & Air Quality

Paragraph 187 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

The site accommodates a fast-food takeaway. The proposal seeks permission for two 1-bedroom flats. Given the limited additional footprint and former use, it is considered very unlikely there would be historic contamination discovered requiring remediation. NBBC Environmental Health, the technical consultee with expertise on such matters, have raised no concerns with regards to contamination. Given the scale and location of the development, unacceptable future impacts on air quality are considered unlikely (the standard domestic heating provision boiler condition would be able to be imposed). The site is not within the Coal Authorities high risk development zone.

4. Impact on Visual Amenity

Policy BE3 of the Borough Plan 2019 requires development be designed to a high standard. The policy also states that all development 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. There are a variety of uses, design types and materials in the locality.

The works to the rear of the site would not be visible from the street scene and are therefore not considered to detrimentally impact visual amenity. Impacts on private views are not a planning matter (see below) though the removal of the extractor fan would otherwise be considered a visual improvement. The existing principal elevation is notably different to adjoining properties, given the juxtaposition of a commercial frontage adjacent to domestic frontages. Installing a domestic frontage would be considered to result in the site being more in keeping with adjacent properties. Materials matching the existing materials on site can be conditioned.

Overall, this application is considered to comply with Policy BE3 of the Borough Plan 2019 and the Sustainable Design and Construction SPD, with regards to visual amenity.

5. Impact on Highway Safety

Policy HS2 of the Borough Plan 2019 requires development result in acceptable levels of impact on existing highways networks. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 115).

Pedestrian and vehicle access would not be impacted regardless of the outcome of the application. In terms of parking provision, the Transport Demand Management Matters SPD 2022 notes parking provision requirements. For a C3 dwelling:

- 1 secure cycle space per unit.
- 1 car space per 1 bed flat, and 1 unallocated space per 5 dwellings.
- 1 charging point per 10 spaces of unallocated car parking.

A desktop-based assessment from technical consultees is considered reasonable and typical for an application of this scale. As the technical consultee with expertise on highway safety and parking provision, WCC Highways comments should be given significant weight in assessing such matters. WCC Highways have no objections. Their comments note; *'Each 1-bedroomed flat is required to provide 1 car parking space, totalling 2 spaces in accordance with the NBBC parking SPD. The nature of the location means that there is no off-street parking provision and that neighbouring properties undertake their parking requirements on the public highway carriageway. It is the view of the Highway Authority that changing the use of the existing take away into a 1-bedroomed flat is likely to reduce the number of trips to and from the site due to the reduction in customers and staff etc.'*

The proposal would create 2 additional bedrooms. This is very unlikely to result in a notable difference to on-street parking demand compared to that generated by a large family home or a 6-person HMO, which is possible via permitted development for most properties in the locality. It is accepted that any changes to demand for on-street parking can result in residents taking longer to find a parking space or having to park further away from their homes. Whilst it is acknowledged that this would be an inconvenience to residents, it is not considered that this would amount to an unacceptable impact on their living conditions.

The site is in a defined Local Centre. A bus stop is situated approximately 65 metres to the west of the site. Additionally, on-site cycle storage would be provided and can be conditioned. Therefore, a range of shops and facilities to meet the day to day needs of future residents are accessible by walking, cycling and public transport. As such, the property is in a sustainable location. Therefore, it is likely some residents in this locality would not need access to a car. Future residents would also be aware of the parking constraint at the site prior to choosing to live there. Consequently, in the absence of substantive evidence to the contrary, the proposal would not exacerbate on-street parking to the extent that neighbouring residential amenity or highway safety would be materially harmed. It is very unlikely a refusal based on parking provision would be upheld at appeal in light of this context. None the less, there is some conflict with Policy HS2 of the Borough Plan 2019 and the 2022 SPD which should be considered in the planning balance.

6. Flooding & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 181). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with managing flood risk.

The site is within Flood Zone 1 with a very low risk of flooding from all sources. No additional hardstanding would inherently be created as a result of the development, with the site already comprising hardstanding/ built form adjacent to the single storey rear wing. The proposal is considered to be compliant with Policy NE4.

NPPG Paragraph 008 Ref. ID 21b-008-20140306 notes a material planning consideration is one which is relevant to making the planning decision in question (i.e. whether to grant or refuse planning permission). The scope of what constitutes a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so the protection of purely private interests such as the impacts on neighbouring property values, private legal agreements etc are not a material consideration. Matters which would be addressed separately to planning, e.g. if a hypothetical build over agreement with Severn Trent or any other party was required, are generally viewed as not relevant to making a planning decision.

Moreover, the Council's constitution (3E.7iv) states the following are not valid planning considerations:

- '1. Developers/ applicants' motives or morals*
- 2. Loss of views over other people's land*
- 3. Impact on property value*
- 4. Impact on private rights and/ or covenants*
- 5. Boundary disputes or objections arising from disputes unrelated to the planning application.'*

7. Ecology, Biodiversity & Trees

Policy NE3 of the Borough Plan 2019 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created. This application is exempt from statutory Biodiversity Net Gain, as less than 25 square metres of habitat would be impacted.

The site largely comprises existing hardstanding and built form. Appropriately worded informatives relating to protected species would be able to be included on any permission.

There are no trees/ hedges within the site. There are trees adjacent to the site, however the proposed works are not in very close proximity to these trees. None of the adjacent trees are likely to merit formal protection.

There is some 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. However given the limited scale of works and set back from adjacent trees - and the hypothetical loss of these trees would be unlikely to merit a robust reason for refusal in any case - it is considered determination should not be delayed to insist upon further information in this regard.

8. Waste and Fire Safety

NBBC Waste have no objections, their comments note *'the property has provision for bins in the yard behind and has an access path through the property to the bins so there appears to be no issues for our service area with this application'*. Bins would be able to be stored to the rear of the site, and brought kerbside on collection days via a side passage (i.e. there are no meaningful differences with waste storage in comparison the existing situation).

With regard to fire safety, Warwickshire Fire and Rescue Service have been consulted on the application and raise no objection to the proposal. The development appears to comply with all criteria per Approved Document B, Volume 1, Requirement B5 – Access and Facilities for the Fire Service, although it is noted this is in part a building regulations document.

9. Affordable Housing/ Planning Obligations

PPG Paragraph: 023 Reference ID: 23b-023-201909011 sets out planning obligations for affordable housing should only be sought for major residential developments. For residential development, major development is defined in the NPPF as development where 10 or more

homes will be provided, or the site has an area of 0.5 hectares or more. Two residential units are sought. Therefore no affordable housing requirements are relevant.

10. Planning Balance and Conclusion

In conclusion the NPPF 2024 (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, visual amenity, residential amenity, highway safety, biodiversity, ecology and trees, contamination and air quality, flooding and drainage, fire safety and waste have all been considered.

Taking into account the above assessment, on balance it is considered the development would not result in undue conflict with the adopted development plan, or relevant changes to the emerging development plan, or other policies within the NPPF overall. While there are some considerations which weigh against the proposal (noted conflict with policies TC3, HS2 and BE3), it is not considered that these amount to robust reasons for refusal likely be upheld at appeal when considering the site/ application contexts. These must be weighed against the benefits of the development (particularly the significant weight to be given to the shortfall in housing delivery at this time). The site is largely already existing; future occupiers would be aware of the constraints of the site prior to choosing to live there. The relatively small scale of this development, especially when considered against the existing built form and use, are not considered to represent an overdeveloped or out of keeping scheme. It is therefore considered the proposed development overall would achieve sustainable development which should consequently be approved subject to conditions. The outcome of this planning application would not grant consent on any separate matters. Non-planning matters are not able to be taken into account in determining this application.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation 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:

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development shall not be carried out other than in accordance with the approved documents contained in the following schedule:

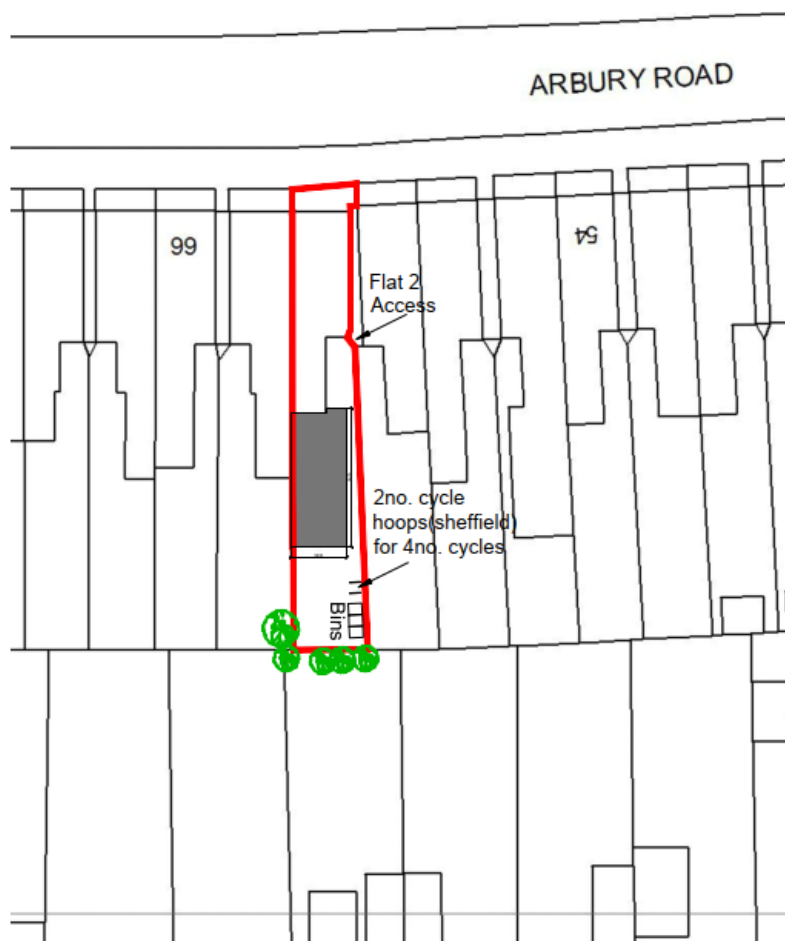
| Document | Ref. | Date received |
|----------|-----------------|---------------|
| Plans | 4174-200 Rev. C | 22 April 2025 |

3. No external materials shall be used in the extensions and alterations other than of the same type, texture and colour as those used on the existing site, and those shown on plans 4171-200 Rev. C received by the Council on 22 April 2025, unless otherwise agreed in writing by the Local Planning Authority.
4. The existing principal elevation signage, lighting, and roller shutters - as well as the rear extractor fan - shall be fully removed and made good prior to occupation of the approved development.

5. The cycle storage, as shown on plans 4171-200 Rev. C received by the Council on 22 April 2025, shall be fully installed prior to occupation of the approved development and retained for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority.
6. The window on the front elevation of Flat 2 accommodating a shower room, as shown on plans 4171-200 Rev. C received by the Council on 22 April 2025, shall have glazing obscured to a level not less than 4. This window shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. This arrangement shall be retained for the duration of the development.
7. For domestic heating provision, all new gas-fired boiler installations shall be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.
8. No occupation of the development approved shall commence until a noise attenuation scheme to meet the standard for internal noise levels, as defined in table 4 of BS8233:2014, including glazing and ventilation details, has first been submitted to and approved in writing by the Local Planning Authority. The development shall be not occupied other than in accordance with the approved details

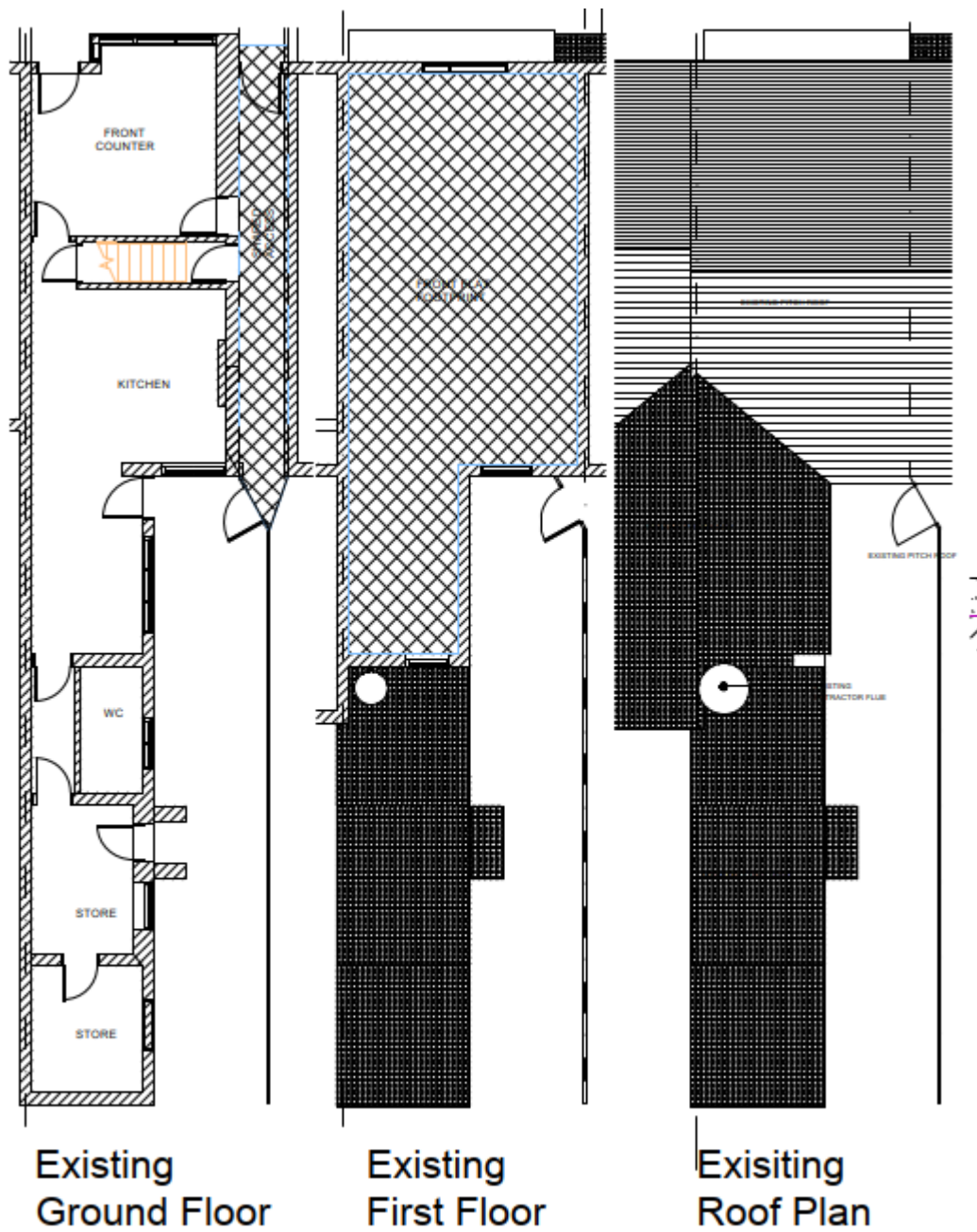


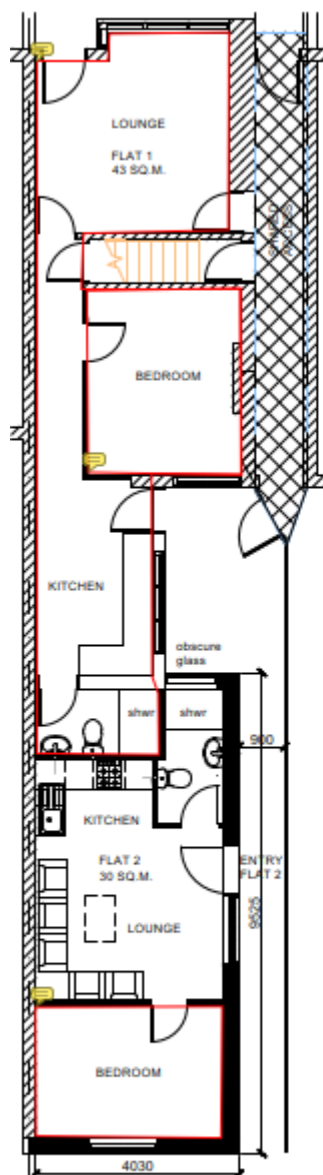
Site Location Plan



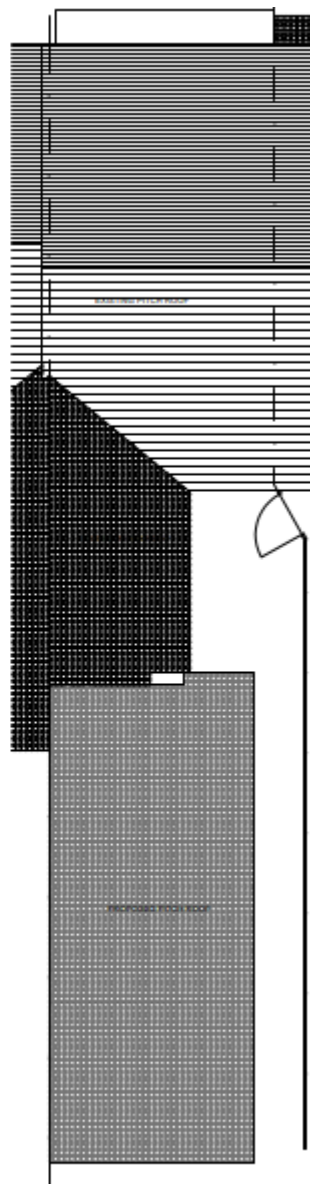
Block Plan







**Proposed
Ground Floor**



**Proposed
Roof Plan**



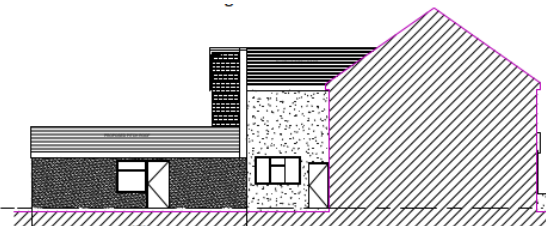
**Proposed Front Elevation
Flat 2**



Proposed Front Elevation

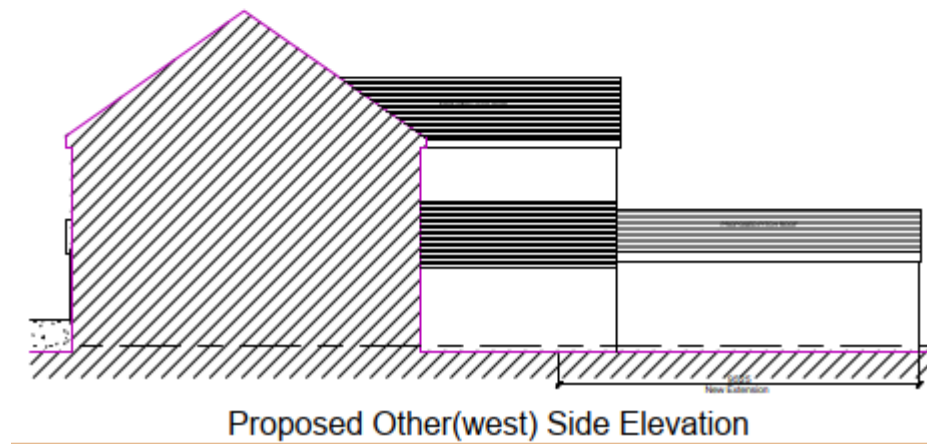
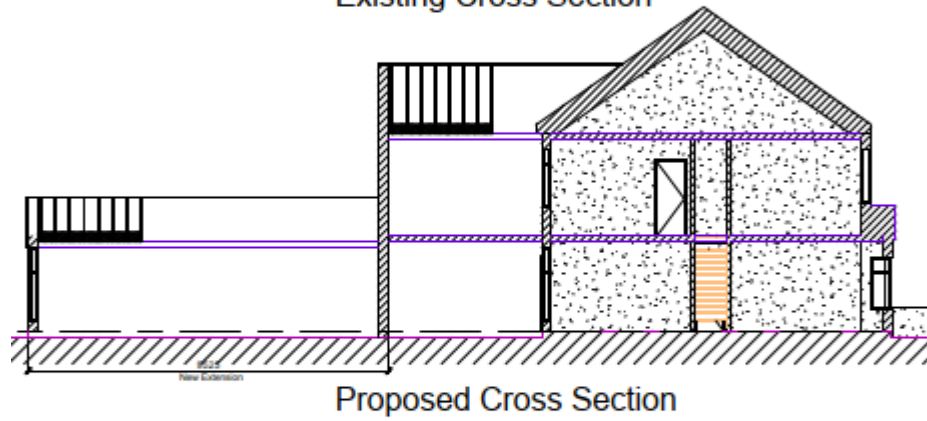
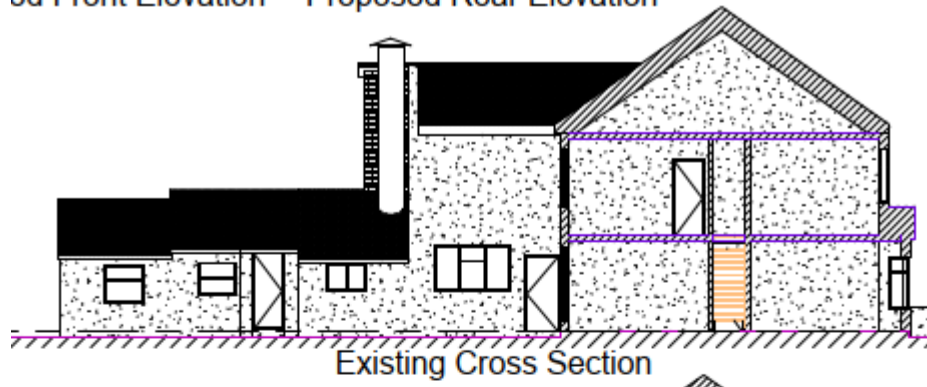


Proposed Rear Elevation



Proposed Side Elevation

Rev C - Missing obscure window added to proposed front elevation
Rev B -
1-First floor extension has been removed as requested by case officer



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.

Major Planning application-

- the winning and working of minerals or the use of land for mineral-working deposits
- waste development
- Residential development of 10 or more residential dwellings
- Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e. for outline applications)
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.
- development carried out on a site having an area of 1 hectare or more

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.

Guide to changes to the Use Classes Order in England

| 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)