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Date: 11<sup>th</sup> September 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 23<sup>rd</sup> September 2025 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

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 2<sup>nd</sup> September 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 Schedule of Declarations of Interests for Meetings](#)). 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 7**).

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**

**2<sup>nd</sup> September 2025**

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 2<sup>nd</sup> September 2025.

**Present**

Councillor K. Wilson (Chair)

Councillors: S. Dhillon, P. Hickling, M. Kondakor, S. Markham, W. Markham, J. Sheppard, B. Hughes (substitute for B. Hancox), D. Brown (substitute for L. Cvetkovic), M. Walsh (substitute for R. Smith) and C. Phillips (substitute for E. Amaechi).

Apologies: Councillors B. Hancox, L. Cvetkovic, R. Smith and E. Amaechi.

As apologies had been received from the Chair and Vice-Chair for this meeting, Councillor P. Hickling proposed that Councillor J. Sheppard be elected Chair for this meeting. This was seconded by Councillor B. Hughes.

Councillor S. Markham proposed that Councillor K. Wilson be elected Chair for this meeting, which was seconded by Cllr D. Brown.

A vote was taken and Councillor K. Wilson was elected Chair for this meeting.

PLA9 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 22<sup>nd</sup> July 2025 be approved, and signed by the Chair.

PLA10 **Declarations of Interest**

Councillor M. Kondakor declared that her husband is now a Warwickshire County Councillor, and is the WCC representative on Nuneaton Bid.

**RESOLVED** that the declarations of interests are as set out in the Schedule that can be found on the Council's website - [\(Councillor Schedule of Declarations of Interests for Meetings\)](#) with the addition of the interests declared by Councillor M. Kondakor.

PLA11 **Declarations of Contact**

Councillor S. Markham declared that she had contact with the applicant for application 041055, which was in relation to another matter and she confirmed that she had not discussed any planning matters with the applicant.

All Members had received correspondence via the Planning Department from the applicant in relation to application 041055. Councillors confirmed that they did not discuss the item with the applicant, or indicate how they would vote.

**IN PUBLIC SESSION**

PLA12 **Planning Applications**

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

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

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Chair

**SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA12 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 2<sup>ND</sup> SEPTEMBER 2025**

**1. 041023 - Swallow Meadows Farm, The Birches, Bulkington, Bedworth,  
CV12 9PW**

**Applicant – Mr S. Nicholson**

**Public Speaker:** Nicola Lea (Agent)

**DECISION** that

- a) planning permission be granted, subject to a S106 agreement and the conditions printed in the agenda and addendum; and
- b) the application be brought back to the Planning Applications Committee at the Reserved Matters stage.

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**2. 041055 - 18 The Leys, Bedworth, Warwickshire, CV12 8AJ**

**Applicant – S. Bosworth**

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

**Planning Applications Committee**  
**23<sup>rd</sup> September 2025****Applications for Planning Permission**  
**Agenda Item Index****Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	041192	PO	"Site 105B008", Bedworth Leisure Centre & Land at Miners Welfare Park	8
2.	041075	HE	30 Primrose Drive, Bedworth, CV12 0GL	35

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

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## Item No. 1

**REFERENCE No.** 041192

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

**Description of Development:** Application for variation of conditions 2 (approved plans), 6 (drainage), 10 (site levels), 11 (Arboricultural Method Statement), 13 (hard and soft landscaping), 14 (tree protection plan) and 19 (boundary treatment plan) following grant of planning permission (039976)

**Applicant:** Mr Kevin Hollis (Strategic Director for Public Services, NBBC)

**Ward:** PO

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### **RECOMMENDATION:**

Planning Committee is recommended to approve planning permission, subject to conditions, and subject to no new, additional points of objection being received during the re-consultation period.

### **INTRODUCTION:**

This application seeks to vary conditions 2 (approved plans), 6 (drainage), 10 (site levels), 11 (Arboricultural Method Statement), 13 (hard and soft landscaping), 14 (tree protection plan), and 19 (boundary treatment plan) of the approved planning permission for Site 105B008, comprising Bedworth Leisure Centre and adjacent land at Miners Welfare Park.

The purpose of this application is to regularise the current conditions in line with the numerous non-material amendment approvals and to enable a clearer, more precise set of conditions to be reflected on the updated decision notice.

The site lies on the western edge of Miners Welfare Park and includes the existing leisure centre with associated parking, a small outdoor football pitch, and a skatepark. Nearby facilities include Bedworth Cricket Club and Bedworth United Football Club. The park also contains large expanses of publicly accessible green space, mature trees, and hardstanding areas used for parking.

The eastern boundary of the site runs alongside a railway line, with the Bayton Road Industrial Estate and residential development at The Waterfront to the south. Residential properties lie to the west, and Bedworth town centre is located to the north. Site access is via a signal-controlled junction from Coventry Road on the north-western side, which leads to car parking at the front and rear of the leisure centre.

Since the original planning approval (ref: 038702), and the subsequent Section 73 amendment (ref: 039976) which established the current design and was approved in



February 2024, construction has commenced on the new building. This current application specifically proposes further amendments to the approved scheme, including a revised location for the substation, updated drainage arrangements, and modifications to the landscaping proposals. These changes also necessitate associated updates to the wording of the relevant planning conditions.

## **BACKGROUND:**

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

## **RELEVANT PLANNING HISTORY:**

- 040857 Non-material amendment to planning approval to amend the building entrance facade details to brickwork and high level cladding (following approval of planning application 038702 as amended by 040455). Approved: 1<sup>st</sup> April 2015
- 040573 Non-Material amendment to planning approval reference 039976 (original reference: 038702) to amend the parapet height by 0.3 metres, the louvre size and design of doors to the north-east and south-west elevation and the relocation of the 3G Pitch. Approved: 19<sup>th</sup> November 2024
- 040455 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)
- 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: 3<sup>rd</sup> October 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 1<sup>st</sup> June 2022.

There has also been discharge of conditions applications, 039315, 040188, 040189, 040190, 040191, 040298, 040511 and 040644

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - NE1 – Green Infrastructure
  - NE3 – Biodiversity and geodiversity
  - NE4 – Managing flood risk and water quality
  - Supplementary Planning Guidance / Supplementary Planning Documents.

- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

WCC Flood Risk Team, NBBC Parks and WCC Ecology

### **CONSULTATION RESPONSES:**

No objection from:

NBBC Parks and WCC Ecology

Request for more information from:

WCC Flood Risk Team

### **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 1<sup>st</sup> September 2025. A site notice was erected on street furniture on 29<sup>th</sup> August 2025 and the application was advertised in The Nuneaton News on 10<sup>th</sup> September 2025.

### **NEIGHBOUR RESPONSES:**

There have currently been 0 objections from 0 addresses. However, the neighbour letter consultation expiry date is 22<sup>nd</sup> September 2025 and the paper consultation date is 8<sup>th</sup> October 2025/, both of which is after both the print date and publication date of this agenda. If any comments are received they will be shown in the addendum.

### **APPRAISAL:**

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

1. The Principle of Development
2. Visual Amenity
3. Residential Amenity
4. Impact on highway safety
5. Flooding and drainage
6. Land Contamination
7. Ecology and Biodiversity
8. Air Quality
9. Trees
10. Open Space
11. Proposed Condition Wording Change
12. Planning Obligations

## **1. The Principle of Development**

This Section 73 application is primarily to change of location of a substation which has a knock-on impact on the trees on site and the drainage proposals. The Section 73 application will have the added advantage of regularising conditions with the change of wording due to the numerous non-material amendment applications and the.

The principle of the development of the site has been accepted through the approval of the previous application, ref no. 038702 and the subsequent section 73 for amended plans, ref no. 039976.

This proposal will not change any of the use of the site, design or location of the main building or any associated infrastructure for the proposal activity hub to function as a activity hub. Therefore, the principle established will remain the principle of this development.

## **2. Visual Amenity**

A full and extensive assessment took place when assessing the plans under the Section 73 application, 039976. The design approved under 039976 is exactly same for the main building and the infrastructure that surrounds it on the site. The main visual change is the new substation location and design, and some site level changes located within the site itself.

A new substation is proposed to be 2.8m wide, 2.3m in height and 3.4m in depth with large opening doors. It is to be set on a platform which is slightly wider than the substation and raises the unit by 270mm, leading to a maximum height of 3.7m. The materials and technical details are shown on the plan titled 'LD005a-Rev0-TR7 GRP Substation Construction Details' and the proposed location is shown on the site plan, *ref: BLC-COL-XX-XX-DR-L-1010-15\_General Arrangement Overall Site Plan*. The new unit is comparable to the existing substation and is also consistent with what would typically be expected for an outbuilding or utility structure on a site of this size. As such, the proposal is not considered to be visually prominent or out of keeping with the character of the site or surrounding area. Following assessment, the proposed materials are not expected to give rise to any significant adverse impact on the visual amenity of the area. The design and finish are considered appropriate for the context and will not appear incongruous within the setting. Overall, it is considered that the proposal would not result in harm to the visual amenity of the locality and is therefore in accordance with Policy BE3 of the Borough Plan 2019 and the design objectives set out in the NPPF. A condition for the substation details to be followed will be added to the end of the decision notice if this application is approved.

## **3. Residential Amenity**

BE3 of the Borough Plan states that all development proposals must fit with the existing urban form, and one of the key characteristics to review is residential amenity.

The changes in this application that has the potential to impact the residential amenity of neighbouring residential properties are the following:

- The change of location and design of the electrical sub station
- The changes to the site levels as a result of this application
- The changes to the boundary treatments to regularise the application in line with the non-material amendment applications.

The proposed substation is to be repositioned approximately 500 metres to the north, closer to the car park and to the access serving the existing leisure centre and the future Physical Activity Hub. The updated substation unit will be a modern installation, replacing the existing facility currently sited directly to the rear of Nos. 80, 80a, and 82 Coventry Road.

Under the revised layout, the substation will now be situated to the rear of the curtilage of just Nos. 80 and 80a Coventry Road. However, it will not directly face any elevations of these dwellings. Instead, it will be aligned with the side garden area, positioned to the north-east of the nearest residential property. The distance is also 24m from the nearest point

Given this orientation and the separation distance, it is not considered that the relocation will result in any material harm to residential amenity. No other residential properties are anticipated to be affected by the proposal.

The site level changes are all surrounding the drainage swale and attenuation basin. This is not in line with any residential property and so the site level changes due to the drainage being amended as part of this application will not impact the residential property of any neighbouring dwelling.

The boundary treatment changes are all within the site and so are acceptable as they will not impact any residential property that borders or directly faces the site. There are no changes within this application to any of the boundary treatments which border or are adjacent to neighbouring residential properties.

#### **4. Impact on Highway Safety**

The proposed amendments under this Section 73 application do not involve any alterations to the existing vehicular access, internal car parking arrangements, or pedestrian routes within the site. As such, there is no change to the previously assessed impact on highway and pedestrian safety.

Given the absence of any material changes relating to access or traffic generation, Warwickshire County Council Highways were not re-consulted on this application. It is considered that the development, as amended, continues to comply with relevant highway safety standards.

All conditions, obligations, and informative notes attached to the original and amended planning permissions remain in effect and are relevant to the implementation of the proposed changes.

#### **5. Flooding and Drainage**

The National Planning Policy Framework (NPPF) requires that new development takes into account the potential risk of flooding, and ensures that flood risk is not increased elsewhere as a result (Paragraph 173). The NPPF also advocates for a sequential, risk-based approach to the location of development, directing development away from areas at highest risk. Further technical guidance is provided in the Planning Practice Guidance (PPG). Locally, Policy NE4 of the Nuneaton and Bedworth Borough Plan 2019 sets out the Borough Council's approach to managing flood risk, requiring

development to incorporate sustainable drainage systems (SuDS) where appropriate and to demonstrate that flood risk will be appropriately mitigated. The application site is located within Flood Zone 1, indicating a low risk of fluvial (river) flooding. However, consideration must still be given to surface water drainage and site-specific flood risk measures.

As part of this Section 73 application, amendments are proposed to the site's approved drainage strategy. Specifically, the previously approved swale and separate attenuation basin have now been amalgamated into a single, larger attenuation pond. These changes have been introduced following a detailed design review undertaken after the original application was approved. Supporting calculations and revised drainage layouts have been submitted to demonstrate the suitability and effectiveness of the revised arrangement, ensuring that flood risk is managed appropriately on-site and not exacerbated elsewhere.

As part of the application conditions 6 and 10 are proposed to be amended from:

Existing Conditions:

**6.** *No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Council in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:*

- 1. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).*
- 2. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.*
- 3. All development should be carried out in compliance with the approved Drainage Strategy (6001-HEX-00-00-DR-C-0500) and Flood Risk Assessment (Hexa ref: 600190 V02).*

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

Proposed Conditions:

**6.** *The approved development shall be carried out in full accordance with the drainage plans and details approved on the 21st May 2024 through application reference 040189, including the Foul Water Drainage Layout (dwg. 600190-HEX-XX-XX-DR-C-9201 Rev P02), Drainage Details – Sheet 1 (dwg. 600190-HEX-XX-XX-DR-C-9210 Rev P03), Drainage Details – Sheet 2 (dwg. 600190-HEX-XX-XX-DR-C-9211 Rev P03), Drainage Details – Sheet 3 (dwg. 600190-HEX-*

*XX-XX-DR-C-9212 Rev P03) and Foul Pump Chamber Details (dwg. 600190-HEX-XX-XX-DR-C-9220 Rev P02), alongside updated drainage plans submitted through this application, including Surface Water Drainage Strategy (600190-HEX-XX-XX-DR-C-9202 Rev P01), Pond, Swale and SUDS Sections and Details Sheet 1 (600190-HEX-XX-XX-DR-C-9255 Rev P01) and Pond, Swale and SUDS Sections and Details Sheet 2 (600190-HEX-XX-XX-DR-C-9256 Rev P01), received on 21<sup>st</sup> August 2025.*

*10. The approved development shall be carried out in full accordance with the following plans: Landscape Levels Plan Sheet 1 of 3 (dwg. BLC-COL-XX-XX-DR-L-2010 Rev 10), Landscape Levels Plan Sheet 2 of 3 (dwg. BLC-COL-XX-XX-DR-L-2020 Rev 11) and Landscape Levels Plan Sheet 3 of 3 (dwg. BLC-COL-XX-XX-DR-L-2030 Rev 11), as received on the 21<sup>st</sup> August 2025.*

Whilst it is noted that condition 10 is a general site level application and not purely a drainage or flooding condition, the reason why the plans are being amended is because of a change to the swale and attenuation basin which are drainage and flooding issues.

WCC Flood Risk Management have been consulted on the application, and as of the publication of this agenda report have not responded. Their response will be outlined in the addendum of this agenda report.

## **6. Land Contamination**

The NPPF sets out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 189 and 191). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

The proposed amendments under this Section 73 application do not involve any alterations to the proposed contaminated land agreements and procedures. As such, there is no change to the previously assessed impact on contaminated land. Given the absence of any material changes relating to this issue, Nuneaton and Bedworth Borough Council Environmental Health were not re-consulted on this application. It is considered that the development, as amended, continues to comply with relevant contaminated land assessment criteria.

## **7. Ecology and Biodiversity**

Warwickshire County Council (WCC) Ecology were consulted on the current Section 73 application. While this application seeks to vary conditions of the previously approved development, it remains linked to the original scheme and site, which was subject to the mandatory 10% Biodiversity Net Gain (BNG) requirement under the Environment Act and associated regulations. As such, the biodiversity arrangements

secured under the original permission remain applicable and are not altered by this application.

In line with Policy NE3 (Biodiversity and Geodiversity) of the Nuneaton and Bedworth Borough Plan 2019 and Section 15 of the National Planning Policy Framework (NPPF), the proposal continues to safeguard biodiversity interests. The application involves the demolition and replacement of the existing substation with a modern structure. As part of the ecological assessment for the original application and the subsequent Section 73 relating to the Physical Hub re-design, WCC Ecology considered the potential for the existing substation to support roosting bats.

After the agent submitted the technical plans for the substation proposed, WCC Ecology have no objection to the application. This is because the design shows no features that are suitable for use by bats and so they conclude that no further work is required and that this is acceptable in this application.

## **8. Air Quality**

The proposed amendments under this Section 73 application do not involve any alterations to the proposed air quality assessments and any proposed mitigation. As such, there is no change to the previously assessed impact on air quality. Given the absence of any material changes relating to this issue, Nuneaton and Bedworth Borough Council Environmental Health were not re-consulted on this application. It is considered that the development, as amended, continues to comply with relevant contaminated land assessment criteria.

All conditions, obligations, and informative notes related to Air Quality which were attached to the original and amended planning permissions remain in effect and are relevant to the implementation of the proposed changes.

## **9. Trees**

As a result of the revised siting of the proposed substation, a minor amendment to the submitted Tree Survey and Arboricultural Assessment has been required. This includes the removal of one individual tree, classified as Category C under BS5837:2012, and pruning works to two existing tree groups, G25 and G30, which are also classified as Category C. Category C trees are defined by the British Standard BS5837:2012 as trees of low quality and value, typically due to poor condition, limited remaining life expectancy, or low overall amenity value. While their retention is preferred where practical, these trees are not generally considered a constraint to development. Their removal can be justified where necessary and where appropriate mitigation measures, such as replanting or enhancements through landscaping schemes, are proposed.

In this case, the removal of the Category C tree is necessary to accommodate the new location of the substation and is considered acceptable in arboricultural terms. The proposed pruning works to Group G25 comprise lateral reduction of canopy extents that overhang the site, back to the site boundary adjacent to the proposed substation. For Group G30, a lateral reduction of the north-eastern canopy extent is proposed to achieve a 2-metre clearance from the substation and associated access.

Additionally, the installation of the substation will involve works within the Root Protection Area (RPA) of Group G25. However, the encroachment is minimal and

restricted to the periphery of the RPA. As such, it is unlikely to result in any significant or long-term adverse impact on the health or stability of the tree group. To reflect these minor changes, adjustments will be required to the protective barrier locations as originally set out in the Arboricultural Method Statement. These modifications are shown in the accompanying Tree Protection Plan Addendum (Proposed Substation) and are considered appropriate and in accordance with best practice guidance.

While the loss of any tree is regrettable, in this instance, the removal of a low-quality Category C tree and the minor pruning works to the two affected groups are considered acceptable in the context of the development. The proposals remain compliant with biodiversity net gain (BNG) objectives and will not result in any detrimental impact on the ecological value of the site. This has been confirmed by WCC Ecology who accept the removal of the tree and are satisfied that it has been demonstrated that the development will still result in a new gain in biodiversity.

As part of this Section 73 application, a minor amendment is proposed to the wording of the arboricultural condition (condition 11) and the tree protection plan (condition 13 attached to the original planning permission.

#### Condition 11

The change reflects the inclusion of an additional arboricultural report (Addendum ref: RT-MME-159809-07 – SH / AH) received by the Council on 21st August 2025, which supplements the previously approved arboricultural documentation. The amendment does not change the substance or intent of the condition but ensures the latest submitted and relevant information is accurately referenced.

#### Existing Condition 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."*

#### Proposed Condition 11:

*"The development shall be carried out in accordance with the Arboricultural Method Statement (Report Number: RT-MME-159809-05 Rev A) received by the Council on 29th January 2024 and the Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-159809-07 – SH / AH) received by the Council on 1st August 2024 and 21st August 2025 respectively."*



*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 Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-159809-07 – SH / AH) received by the Council on 1st August 2024 and 21st August 2025 respectively shall be removed unless otherwise agreed. Measures for the protection of the trees and hedges to be retained shall be installed in accordance with the details set out in the Arboricultural Method Statement and Addendums to the Arboricultural Reports for the duration of the development.”*

The proposed rewording is necessary to ensure that the most up-to-date arboricultural documentation—specifically the second addendum (ref: RT-MME-159809-07 – SH / AH)—is formally referenced within the condition. This additional report reflects the minor changes to tree impacts associated with the revised location of the substation and associated access. It provides updated information on necessary tree removals, pruning, and adjusted protection measures, all of which have been reviewed and are considered acceptable in arboricultural and planning terms.

Paragraph 57 of the National Planning Policy Framework (NPPF) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. The reworded condition remains fully in accordance with these tests. It does not alter the intent or enforceability of the original condition but simply updates the referenced documentation to reflect the most accurate and relevant arboricultural information available. As such, the revised wording for condition 11 is considered acceptable and will replace the original condition on the decision notice issued under this Section 73 application.

#### Condition 14

The update to Condition 14 reflects the inclusion of the latest arboricultural addendum, which details revised protection measures for retained trees.

#### Existing Condition 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.*

#### Proposed Condition 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 Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-15809-07 – SH / AH) received by the Council on 1<sup>st</sup> August 2024 and 21<sup>st</sup> August 2025. The development thereafter shall be implemented in strict accordance with the approved details.*

Paragraph 57 of the National Planning Policy Framework (NPPF) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. The reworded condition remains fully in accordance with these tests. It does not alter the intent or enforceability of the original condition but simply updates the referenced documentation to reflect the most accurate and relevant arboricultural information available. As such, the revised wording for condition 11 is considered acceptable and will replace the original condition on the decision notice issued under this Section 73 application.

### Conclusion

In conclusion, the minor loss of one Category C tree and limited pruning works to two Category C tree groups are considered acceptable in arboricultural terms. The affected trees are of low value, and appropriate measures have been taken to limit harm to retained vegetation. Revised protective measures and plan references have been clearly set out in the updated Arboricultural Method Statement and associated addendums.

The proposed changes to Conditions 11 and 13 are procedural in nature, ensuring the correct technical documents are cited, without altering the intent or enforceability of the conditions. The revisions are fully in line with the tests of Paragraph 57 of the NPPF and are therefore considered acceptable. The updated conditions will be reflected in the revised decision notice issued under this Section 73 application.

## **10. Impact on Open Space**

This Section 73 application includes amendments to the approved landscaping scheme, which are primarily required due to the revised location and design of the substation. These changes have resulted in the loss of one Category C tree, as detailed in the arboricultural section of this report, and have necessitated adjustments to the surrounding open space layout. Further amendments to the soft landscaping proposals have also been made in response to modifications to the site's drainage strategy, specifically the redesign and amalgamation of the swale and attenuation basin into a single, larger attenuation pond. The updated landscape plans submitted in August 2025 reflect these changes, including revised planting layouts, boundary treatments, hard surfacing, and furniture positions across the site. As a result, the wording of the landscape condition requires updating to reference the latest submitted plans.

NBBC's Parks team were consulted on the proposed amendments and raised no objection in terms of their impact on open space provision or amenity. Warwickshire County Council Ecology reviewed the changes and, although concerns were initially raised regarding potential bat roosting within the existing and proposed substation structures, no objections were raised in relation to the revised soft landscaping. Warwickshire County Council Flooding team were also consulted but had not responded at the time of writing. It is therefore possible that further technical detail may be provided, which could require minor revisions to plan references. However, the principle of the proposed rewording remains acceptable.

In accordance with Paragraph 57 of the National Planning Policy Framework (NPPF), planning conditions should only be imposed where they are necessary, relevant to

planning and the development to be permitted, enforceable, precise, and reasonable in all other respects. The proposed rewording is in line with these requirements, as it retains the intent and enforceability of the original condition while ensuring precision through accurate referencing of the most up-to-date landscape plans.

Furthermore, the changes remain consistent with Policies NE1, NE3, and BE3 (Sustainable Design and Construction) of the Nuneaton and Bedworth Borough Plan 2019, which collectively seek to ensure that development enhances the quality of public realm, incorporates appropriate landscaping, and protects ecological and green infrastructure assets.

Existing Condition 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.*

Proposed Condition 13:

*“The development shall not be carried out other than in accordance with the hard and soft landscape plans received by the local planning authority in August 2025, including General Arrangement Overall Site Plan (dwg. BLC-COL-XX-XX\_DR-L-1010 Rev 15), Furniture Plan (dwg. BLC-COL-XX-XX\_DR-L-1020 Rev 7), Boundary Treatment Plan (dwg. BLC-COL-XX-XX\_DR-L-1030 Rev 7), Landscape Level Plan 1 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2010 Rev 10), Landscape Level Plan 2 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2020 Rev 11), Landscape Level Plan 3 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2030 Rev 11), Hardscape Plan 1 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2110 Rev 07), Hardscape Plan 2 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2120 Rev 07), Hardscape Plan 3 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2130 Rev 07), Detailed Planting Plan 1 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5001 Rev 03), Detailed Planting Plan 2 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5002 Rev 06), Detailed Planting Plan 3 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5003 Rev 03), Detailed Planting Plan 4 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5004 Rev 03), Detailed Planting Plan 5 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5005 Rev 06), and Landscape Masterplan (dwg. BLC-COL-XX-00\_DR-L-1000 Rev P23), received on 12<sup>th</sup> August 2025.*

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.

As paragraph 57 of the National Planning Policy Framework (NPPF) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. The reworded condition remains fully in

accordance with these tests. It does not alter the intent or enforceability of the original condition, but simply updates the referenced documentation to reflect the most accurate and relevant arboricultural information available. As such, the revised wording is considered acceptable and will replace the original condition on the decision notice issued under this Section 73 application.

## **11. Condition Wording Changes**

Throughout this Section 73 application, the applicant and their agent have sought to regularise the wording of several planning conditions to reflect updated information, plan references, or details that have either already been approved, discharged, or amended through prior applications. This approach ensures that the decision notice remains accurate, enforceable, and reflective of the current proposals on site.

This application specifically seeks to amend the wording of Conditions 2, 6, 10, 11, 13, 14, and 19 of the original planning permission.

Conditions 6, 10, 11, 13, and 14 relate to specific technical matters that have already been assessed in detail within the relevant topic sections of this report. These include:

- Flooding and drainage (Conditions 6 and 10)
- Trees and arboriculture (Conditions 11 and 14)
- Open space and landscaping (Condition 13)

As such, these conditions are not revisited in this section, as they are addressed comprehensively under their respective headings.

This section therefore focuses solely on the proposed amendment to Condition 19, which relates to the approved boundary treatment details.

### Condition 2

Condition 2 relates to the list of approved plans that form the basis of the planning permission. As part of this Section 73 application, the only new plan being amended is the Landscape Masterplan, which has been assessed in detail in the relevant landscaping section of this report.

In addition to the revised Landscape Masterplan submitted with this application, several other plans referenced within Condition 2 have previously been amended and formally approved through Non-Material Amendment applications 040234 and 040572. In the interests of clarity, consistency, and good decision-making practice, the updated plan references from those approvals are now incorporated into the revised wording of Condition 2. This ensures the decision notice accurately reflects the most current and approved set of plans associated with the development. The principle of these changes has already been established and accepted through the approved non-material amendments. As such, the updated wording of Condition 2 is considered appropriate within the scope of this Section 73 application, subject to the acceptability of the revised Landscape Masterplan as assessed in the relevant section of this report.

For the purposes of regularisation and clarity, the "received" dates for the updated plans listed in Condition 2 will correspond to the submission date of this Section 73 application, to ensure consistency across the revised decision notice.

### Condition 19

This Section 73 application includes minor amendments to the boundary treatments as originally approved. The changes primarily relate to more detailed specification and positioning of boundary features, including fences and walls, to align with the updated landscape layout and technical drawings. These revisions have been fully assessed as part of the design and visual amenity considerations detailed earlier in this report. To reflect these amendments and regularise the decision with the most up-to-date submission, it is necessary to update the wording of the original boundary treatment condition. The revised condition replaces a generic reference to the Design and Access Statement with a specific, dedicated Landscape Boundary Treatment Plan, which provides greater clarity and precision.

Original wording of the condition:

*"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."*

Proposed wording of the condition:

*"The external boundary treatments shall not be carried out other than in accordance with the details shown in the Landscape Boundary Treatment Plan (dwg. BLC-COL-XX-XX-DR-L-1030 Rev 07) received by the Council on 21/08/2025."*

In line with Paragraph 57 NPPF, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise, and reasonable. The proposed rewording fully complies with these principles. It does not alter the intent or requirements of the original condition but ensures that the most accurate and detailed information is referenced. The updated plan provides greater specificity and aligns with the revised landscaping and site layout now proposed. As such, the revised wording is considered acceptable and will replace the original boundary treatment condition on the decision notice issued under this Section 73 application.

Conditions 5, 9, 12, 15, 16, 17, 19, 20 and 28

These conditions are being regularised to update the and clarify each condition with the plans approved under the following NMAs:

Non-Material Amendment Reference	Conditions
040511	28
040234	20
040857	18
040644	17
040455	16, 15, 13, 11 and 9
040188	5
040573	2

The principle of these changes is acceptable as the NMAs have been approved, the wording change is just for clarity and accuracy.

## 12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph

58 of the NPPF 2024 notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 98 of the NPPF 2024 also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

The planning obligations associated with the original permission remain unchanged. The amendments proposed under this Section 73 application do not give rise to any additional requirements for planning obligations, nor do they necessitate any amendments to the existing Section 106 Agreement or associated legal agreements.

### **13. Conclusion**

This Section 73 application seeks to amend conditions 2, 6, 10, 11, 13, 14, and 19 attached to the extant planning permission 039976. These conditions relate to approved plans (Condition 2), flood risk and drainage (Condition 6), site levels (Condition 10), arboricultural details (Conditions 11 and 14), landscaping amendments (Condition 13), and boundary treatments (Condition 19).

As this is a Section 73 application, the principle of development has already been established through the parent permission and is not open for reconsideration. The changes proposed are relatively minor in scale and nature, primarily reflecting updates to technical details and associated plan references, rather than any substantive changes to the development's form or use.

The most notable physical amendment is the relocation and redesign of the substation, which has required associated changes to drainage infrastructure, including the amalgamation of the swale and attenuation basin, resulting in consequential changes to site levels and landscaping layout. Minor alterations to boundary treatments are also included. These changes have been thoroughly assessed throughout this report and are considered to have no adverse impact on residential or visual amenity, arboricultural features, open space provision, or site functionality. In terms of flood risk (Condition 6), a consultation response from Warwickshire County Council Flooding team had not been received at the time of report publication. As such, the final wording of the condition may be subject to further amendment should any technical changes arise, but the principle of rewording the condition to reflect updated drainage plans is acceptable.

All proposed rewordings of conditions have been assessed and found to be appropriate, ensuring that the conditions remain precise, enforceable, and consistent

with the latest technical submissions, in line with the requirements of Paragraph 57 of the National Planning Policy Framework (NPPF).

The proposed amendments represent a logical and necessary evolution of the previously approved scheme. They reflect updated technical requirements, improve the clarity of planning conditions, and enable the development to proceed efficiently and in accordance with best practice. There are no material planning harms identified that would warrant refusal of the application. In applying the planning balance, and having regard to the presumption in favour of sustainable development set out in Paragraph 11 of the NPPF, it is concluded that the benefits of allowing the minor amendments and updated condition wording clearly outweigh any limited impacts identified, none of which are significant or demonstrably harmful. It is therefore recommended that this Section 73 application be approved, and the decision notice be reissued with the amended conditions as set out in this report.

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 038702.
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan Reference	Date Submitted
Site Location Plan	23044-GT3-00-XX-DR-A-08-0001-RevP1	27 <sup>th</sup> November 2023
Landscape Masterplan	BLC-COL-ZZ-OO-DR-L-100 Rev 23	21 <sup>st</sup> August 2025
Proposed Ground Floor	23044-GT3-00-01-DR-A-20-0001 Rev P3	29 <sup>th</sup> May 2024
Proposed First Floor GA Plan	23044-GT3-00-01-DR-A-20-0101 Rev P3	29 <sup>th</sup> May 2024
Proposed Elevations	23044-GT3-00-ZZ-DR-a-08-006 RevP4	3 <sup>rd</sup> March 2025
Detail Elevations	23044-GT3-00-ZZ-DR-A-08-0008 Rev P2	3 <sup>rd</sup> March 205
Proposed Sections	23044-GT3-00-ZZ-DR-1-08-0007 Rev C1	17 <sup>th</sup> October 2024
General Arrangement Overall Site Plan	BLC-Col-XX-XX-DR-L-1010-11	21 <sup>st</sup> August 2025

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 27<sup>th</sup> 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 27<sup>th</sup> November 2023. The approved details shall be adhered to throughout the duration of construction.

5. The development shall be carried out in accordance with the details set out in the Land Contamination Assessment and Remediation Strategy (LBHGEO, December 2023) and the Soil & Topsoil Management Plan, approved by application reference 040188 on the 2nd May 2024.

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.

6. Wording to be confirmed on the addendum

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 27<sup>th</sup> November 2023. Only the approved details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

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



l. Timetable for the removal of trees/arboricultural works (works should be undertaken outside of the bird nesting season (March-August inclusive), or otherwise under the direct supervision of a suitable qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances)

m. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

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

9. 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. Wording to be confirmed on the addendum

11. The development shall be carried out in accordance with the Arboricultural Method Statement (Report Number: RT-MME-159809-05 Rev A) received by the Council on 29th January 2024 and the Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-15809-07 – SH / AH) received by the Council on 1st August 2024 and [insert date] August 2025 respectively.

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 Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-15809-07 – SH / AH) received by the Council on 1st August 2024 and 21<sup>st</sup> August 2025 respectively shall be removed unless otherwise agreed.

Measures for the protection of the trees and hedges to be retained shall be installed in accordance with the details set out in the Arboricultural Method Statement and Addendums 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 the hard and soft landscape plans received by the local planning authority in August 2025, including General Arrangement Overall Site Plan (dwg. BLC-COL-XX-XX\_DR-L-1010 Rev 15), Furniture Plan (dwg. BLC-COL-XX-XX\_DR-L-1020 Rev 7), Boundary Treatment Plan (dwg. BLC-COL-XX-XX\_DR-L-1030 Rev 7), Landscape Level Plan 1 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2010 Rev 10), Landscape Level Plan 2 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2020 Rev 11), Landscape Level Plan 3 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2030 Rev 11), Hardscape Plan 1 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2110 Rev 07), Hardscape Plan 2 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2120 Rev 07), Hardscape Plan 3 of 3 (dwg. BLC-COL-XX-XX\_DR-L-2130 Rev 07), Detailed Planting Plan 1 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5001 Rev 03), Detailed Planting Plan 2 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5002 Rev 06), Detailed Planting Plan 3 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5003 Rev 03), Detailed Planting Plan 4 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5004 Rev 03), Detailed Planting Plan 5 of 5 (dwg. BLC-COL-XX-XX\_DR-L-5005 Rev 06), and Landscape Masterplan (dwg. BLC-COL-XX-00\_DR-L-1000 Rev P23), received on 21<sup>st</sup> August 2025.

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 Addendums to the Arboricultural Reports (ref RT-MME-159809-06 – SH / AH and RT-MME-15809-07 – SH / AH) received by the Council on 1st August 2024 and 21<sup>st</sup> August 2025. 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. The development shall not be carried out other than in accordance with the scheme for lighting of the site and associated access roads and parking areas, as set out in the details approved by the Council on the 21st December 2024 under application reference 040644.

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, and details approved under application reference 040857, approved on the 1st April 2025.

19. The external boundary treatments shall not be carried out other than in accordance with the details shown in the Landscape Boundary Treatment Plan (dwg. BLC-COL-XX-XX-DR-L-1030 Rev 07) received by the Council on 21<sup>st</sup> August 2025..

20. No external plant, other than that approved in the plans received by the Council on the 29th May 2024, and later approved on the 26th June 2024 under application reference 040324, shall be installed on the site unless otherwise agreed by the Local Planning Authority. Acoustic treatment shall be installed in line with the scheme of acoustic mitigation approved under application reference 039976, approved on the 4th June 2024. The measures shall be implemented as approved and 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 Travel Plan Coordinator has been appointed in accordance with approved Travel Plan 600190-HEX-00-TP-RP-X-0004 V02 (received by the Council on 27<sup>th</sup> November 2023). 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 Council.

28. With the exception of the lean-to structure shown in details submitted and approved under application reference 040511 on the 4th October 2024, the demolition the remaining existing leisure centre building shall not take place until additional bat surveys by a suitably qualified and licenced ecologist have been undertaken to verify that there are no roosting bats within the existing 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 in by the Council

31. The substation hereby approved shall be constructed in full accordance with the approved plan titled 'LD005-Rev0-TR7 GRP Substation Construction Details', received by the Local Planning Authority on 11th September 2025. The development shall be carried out in strict accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.



Site Plan/Location Plan





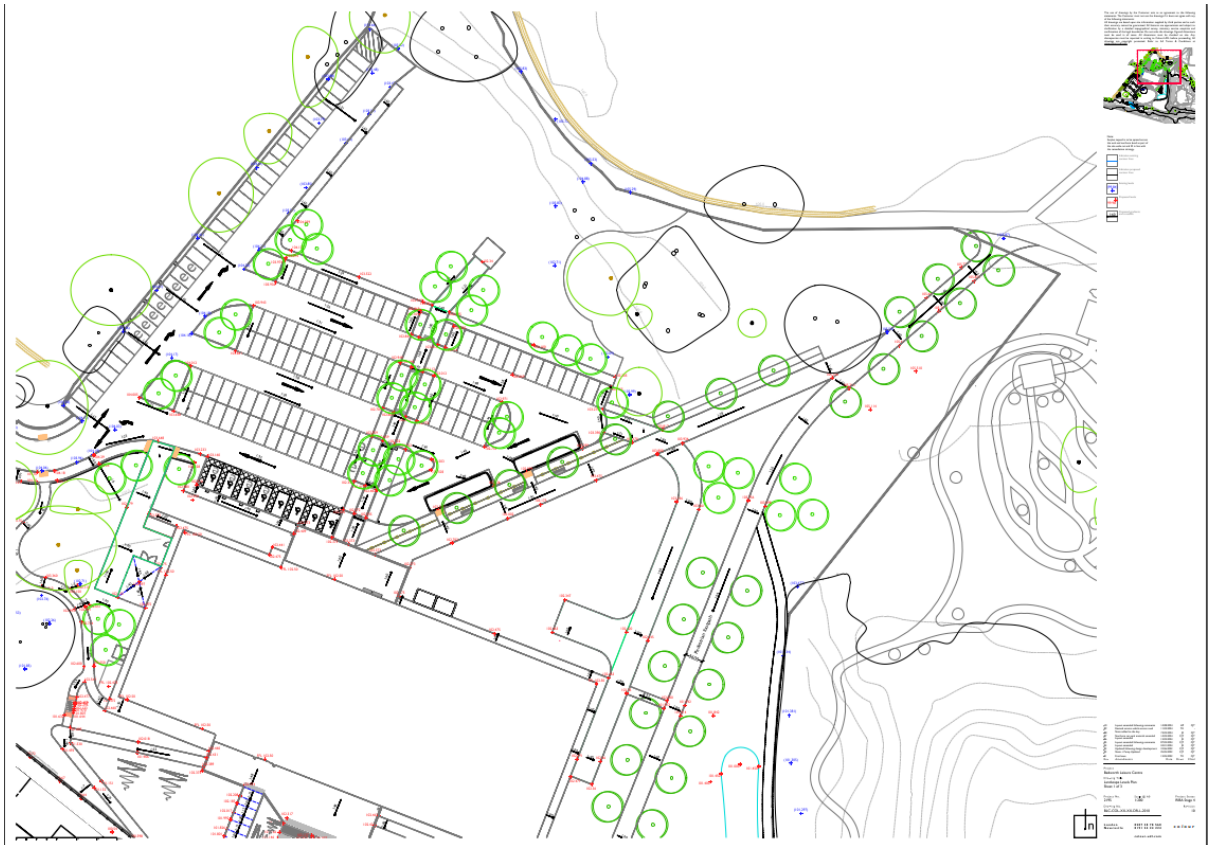
Landscape Masterplan



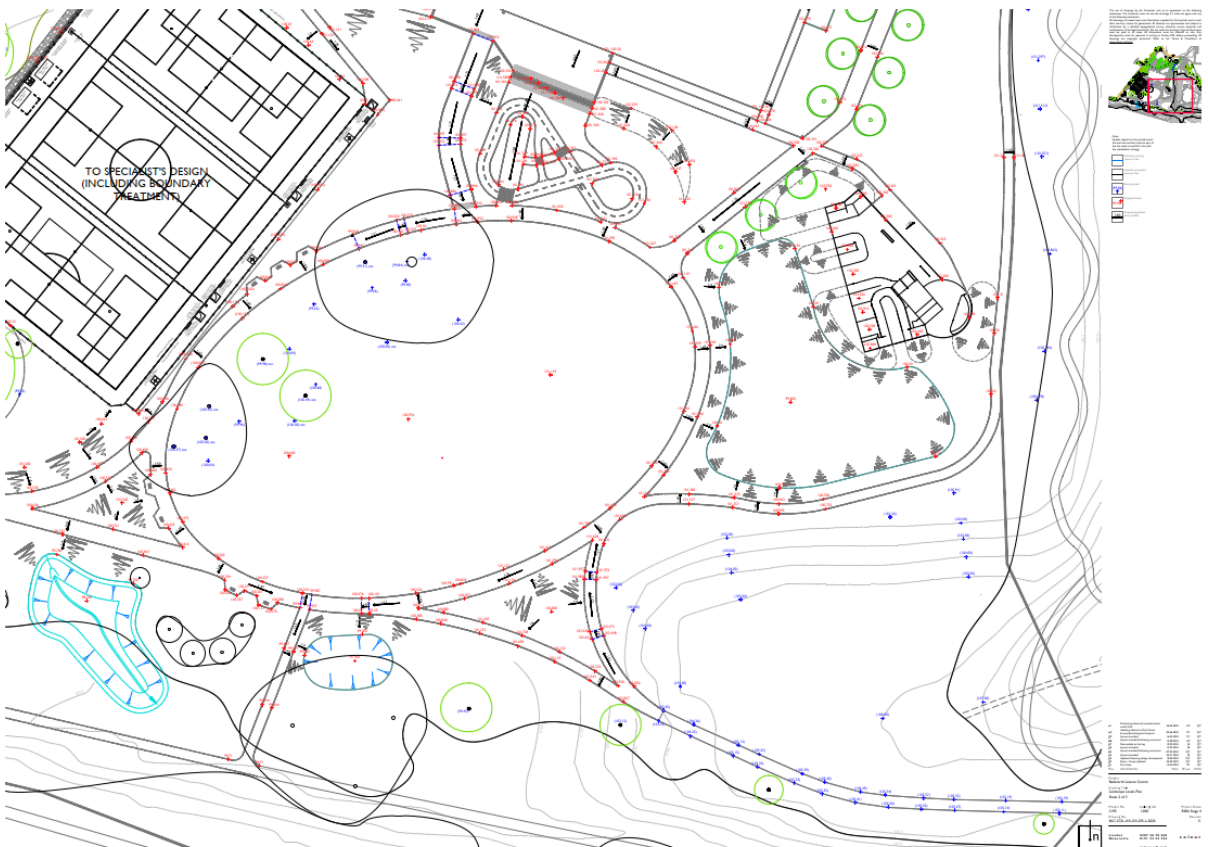


## Boundary Treatment Plan





Detailed Landscape Plan 1 and 2





Detailed Landscape Plan 3

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## Item No. 2

**REFERENCE No.** 041075

**Site Address:** 30 Primrose Drive Bedworth Warwickshire CV12 0GL

**Description of Development:** Change of use from Residential C3 to Children's home C2

**Applicant:** Mr Rafiq Chati

**Ward:** HE

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application seeks consent for a change of use from Residential dwelling (Use Class C3) to Children's home (Use Class C2) at 30 Primrose Drive Bedworth Warwickshire CV12 0GL. This would comprise of providing care for up to 3 children with no external modifications proposed.

The dwelling as existing is a large, detached home with 7 bedrooms over 2.5 storeys. The proposed would comprise of a total of 4 children's bedrooms and 2 carers bedrooms, however, the premises is only proposed for up to 3 children. The 7<sup>th</sup> bedroom, which is the smallest of the bedrooms is proposed to be converted to an office room for staff. The two second floor bedrooms would have en-suite bathrooms for children, and a shared bathroom for staff. Within the roof space, there is also a bathroom shared between 2 children's bedrooms. At ground floor, the floor plan would remain the same and comprises of an internal double garage, living room, kitchen and dining room as well as a utility room and w/c. The property also has an extended conservatory to the rear.

The dwelling has a driveway to the front as well as a rear garden, which are to be retained and would provide off-street car parking and private amenity space for future occupants.

### **BACKGROUND:**

This application is being reported to Committee as it has received more than 5 valid objections.

### **RELEVANT PLANNING HISTORY:**

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
- Supplementary Planning Guidance / Supplementary Planning Documents.
- H1 – Range and mix of housing
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Waste & Refuse team, NBBC Private Sector Housing, WCC Highways, WCC Infrastructure, WCC Children's Commissioning team, Warwickshire Fire Safety, Warwickshire Police, Severn Trent Water

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
Severn Trent Water

No objection from:

NBBC Environmental Health, WCC Highways, WCC Infrastructure

Comment from:

WCC Children's Commissioning team, Warwickshire Fire Safety, Warwickshire Police

No response from:

NBBC Waste & Refuse, NBBC Private Sector Housing

### **NEIGHBOURS NOTIFIED:**

28, 33 & 35 Primrose Drive. 1 Snowdrop Close.

Neighbouring properties were sent letters notifying them of the proposed development on 19<sup>th</sup> June 2025.

### **NEIGHBOUR RESPONSES:**

There have been 80 letters of objection from 61 addresses and 15 letters with no addresses. The comments are summarised below:

- 1) Increased noise and disturbance
- 2) Staff turnover during shifts will cause a disturbance
- 3) Loss of amenity/ impact on residential amenity and quality of life
- 4) The house should not be used as a children's home type use
- 5) Impact on property values/ impact on financial losses (not a material planning consideration)
- 6) Impact on the character of the area (quiet residential estate)
- 7) Impact on local infrastructure/ impact on sewage and drainage systems
- 8) Impact on safety and security of the community

- 9) Impact on on-street parking
- 10) On-street parking is an existing issue resulting in cars parked over grass verges and the footway, restricting pedestrians and pushchairs/ wheelchairs
- 11) Impact on traffic and congestion
- 12) Conversion of the front garden area would have a negative impact on the environment and highway safety concerns due to its position near to Smorrall Lane
- 13) Impact on pedestrian safety/ children's safety due to the site's location near to Smorrall Lane
- 14) Assumed anti-social behaviour/ crime and disorder concerns
- 15) Safeguarding concerns
- 16) Unsuitable location for children/ location is too far from a town centre and amenities for children including open space, train station and GP surgery
- 17) Unsuitable location for a commercial facility
- 18) Care facilities should be built in suitable locations
- 19) Not in compliance with Air Quality SPD (in relation to promoting sustainable development and transport methods)
- 20) Not in compliance with Parking Standards SPD
- 21) No mitigation measures for increased environmental impact
- 22) Concerns regarding the number of children/ number of children will increase
- 23) Present and cumulative impact in relation to the type of development proposed
- 24) Lack of community consultation (from the applicant and NBBC)
- 25) Environmental impact due to location near to ecologically sensitive areas/ impact on habitats
- 26) Restriction on deeds prevents commercial uses on the estate and prevent noise between the hours of 8am – 8pm (not a material planning consideration)
- 27) The estate roads are unadopted
- 28) Unclear whether staff are suitably trained/ qualified to look after the children and any necessary safety issues
- 29) The site is overrun with hedges, trees and weeds
- 30) Lack of information on the operational and management of the site (such as point of contact if issues arise, staffing arrangements and schedules)
- 31) The site could be reconfigured internally to provide more bedrooms including conversions of the internal garage and extensions

A petition has also been received from an anonymous address which contains 24 signatures.

There has been 1 neutral letter received from an anonymous address.

## **APPRAISAL:**

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

13. The principle of the development
14. Impact on residential amenity
15. Impact on highway safety and parking
16. Conclusion

#### **14. The Principle of Development**

Policy DS1 of the Borough Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

The application site is located within an established residential estate in Bedworth, which has the secondary role for employment, housing, leisure and service provisions within the borough as per Policy DS2 of the Borough Plan. The site is also within the defined settlement boundary, as per Policy DS3. The site is located within walking distance to suitable facilities include Bluebell Drive park, Newdigate Primary School and Nursery, Bedworth Heath Community Centre, St. Andrews church as well as a Costcutter convenience store.

Policy H1 of the Borough Plan states that development proposal for specialised housing will be approved where a local need can be demonstrated. WCC have provided a consultation response stating that sufficiency data evidences there is a need for children's home provision within Warwickshire.

It cannot be confirmed as part of this application the specific ages of children which will occupy the site (other than those between the ages of 5-17) nor can be it confirmed as to whether the children to be housed at this premises are to be from the Warwickshire area or further afield. However, it is for the experts in this field (Ofsted, WCC Childrens Services and other Council's Childrens Services Teams, along with private industry professionals) to home children in the best placement available to them at that time. This application would provide an additional home and increase the chance that local child can be housed in their local area. WCC Childrens Services have confirmed to Planning Officers that there is a need for additional homes and that they are seeing a year on year increase in the number of children requiring their support.

On balance, it is considered that the proposal is acceptable in terms of the principle of the change of use to Class C2 (children's care home).

#### **15. Impact on Residential Amenity**

The proposal would provide accommodation for up to 3 children. Concerns have been raised by residents with regard to safety, noise and loss of privacy, all of which are considerations which may impact the residential amenity of the area.

With regard to noise generated from the comings and goings, a similar application was refused and overturned at appeal in January 2023 in Burnley (ref APP/Z2315/W/22/3305898). This proposal provided four bedrooms for children and two for staff. Within the appeal decision, the Inspector stated that *'the proposed use would function very much like a typical family home with older adults caring for children of mixed ages'* and *'the numbers that would present in the dwelling at any one time*



*would not be greater than could be expected to be present in the existing five bedroomed dwelling*'. The Inspector acknowledges that there would inevitably be comings and goings to and from the site at shift handover times as well as occasional visits by family members and representatives of agencies and other professions. These would generate a degree of noise and disturbance, although this is likely to be spread out through the day. The Inspector also stated that *'given the scale of the proposal, the noise and disturbance associated with the comings and goings would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwellings*'.

The Inspector finally goes on to say that a family dwelling could consist of adults, children and teenagers. In occupying the property, they could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day. This decision is a material consideration for this application.

It is considered that in the case of the application, whereby the existing dwelling is formed of 7 bedrooms, it is considered that the comings and goings expected as a result of this development would not be dissimilar to, if not less impactful, than a 7-bedroom family home.

With regard to noise from the future occupiers, whilst it has been assumed within select objections, it is considered unreasonable to assume that looked after children are any more noisy or disruptive than any other family or children that may move into the property. In addition, the Inspector's decision for APP/Z2315/W/22/3305898 concluded that any noise arising from the property would be unlikely to significantly exceed the levels that could be generated by a typical family home with children of a variety of ages. NBBC Environmental Health have been consulted as part of this application and raise no objections, stating that in terms of noise which is believed to have been raised by several objectors, whilst this is a change of use, it is essentially still a place of dwelling. Given the size of the property and number of available bedrooms the proposed occupancy is not unlike a large family occupying the house and the potential activities that occupancy might involve would pretty much be the same. Furthermore, if anything it may well be possible to manage the site better as a children's home over those fears of anti-social behaviour etc. with the legislative powers that are available.

As such, it is considered that noise impacts associated with the change of use are considered to be of an acceptable level.

In terms of crime, safety and anti-social behaviour, the NPPF seeks to ensure that development is inclusive and the fear of crime does not undermine quality of life, community cohesion and resilience and the fear of crime can be a material consideration. However, there must be evidential basis for that fear. WCC Police have been consulted with as part of the application process and they have no objection. In addition, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Children would be looked after by staff members and therefore it is considered that sufficient safeguards are in place to minimise the risk of crime for local children and future occupants. Safeguards and staff training are reviewed by the governing body, Ofsted. As such, it is not considered to be reasonable to refuse the application on this basis.

The proposal is for a change of use only and there are no proposed changes to the external dwelling. The ground floor amenities will be retained which include living room, kitchen, dining room as well as a conservatory, double internal garage, utility room and w/c. Some internal changes are proposed to the first floor, which would see the single bedroom converted to an office for staff use (this will be a securely locked room). There will also be 2 staff/ carers bedrooms who will stay at the site overnight as well as a communal bathroom for staff use. The additional 2 rooms will be children's bedrooms with en-suite bathrooms. The second floor will provide 2 no. bedrooms for children as well as a further bathroom. Although it is proposed for there to be only 3 children maximum at any one time, the planning statement evidences that 1 additional bedroom has been provided to ensure that children are provided accommodation which suits their needs and provides suitable flexibility. For example, keeping 2 children together on the same floor or separated by a floor.

The dwelling and rooms within the dwelling are of a good size and would provide suitable space for privacy within bedrooms as well as a good size living room providing a social area. The property also has a rear garden for outdoor amenity.

It is consequently considered that there would be no unacceptable impact to neighbour amenity.

#### **16. Impact on Highway Safety & Parking**

The Transport Demand Management Matters – Parking Standards SPD states that in the case of Class C2, there should be one space provided per 4 residents and one space per 2 (FTE) staff members. However, when considering that this is to be a children's home, it is not considered necessary to provide parking for the residents as the children are unlikely to drive or own a car. WCC Highways agree that the children are unlikely to drive themselves so consideration should only be given for staff parking.

The site as existing has off-street car parking on an existing driveway which could provide parking for up to 2 vehicles. It is stated that staff arrangements would be 1 home manager or deputy manager working at the site Monday – Friday 9am – 5pm (unless required during an out of hours emergency) plus 2 carers which will work on 24-hour shifts with a changeover at 8am (for a duration of up to 30 minutes). There it is expected that there would be up to 3 staff at the site.

WCC Highways have been consulted on this application and submit a response of no objection. They have stated in their response that the parking standards SPD do not set out the requirements for a children's home specifically. Therefore, in terms of parking, the site will likely appear more a residential dwelling which in terms of the SPD Class C3 should provide 2 no. parking spaces for dwellings with 2+ bedrooms. Furthermore, there is on-street parking available which may be used by any additional staff and visitors. It is not considered that on-street parking would result in harm to highway safety and as such, they had no objections.

It is considered that the development would not have any material harm to highway safety or parking and is therefore considered to be acceptable.

#### **17. 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 principle of the change of use is considered to be acceptable, given that the property is location within a residential area and within the defined settlement boundary. The proposed use is a form of residential accommodation, and it is considered that the levels of noise and vehicular movements would not be dissimilar to that created by a 7-bed C3 dwelling. The level of parking provision is considered to be acceptable for the type and scale of the use and WCC Highways, NBBC Environmental Health and Warwickshire Police all have no objection to the scheme.

On balance, whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is on 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, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

### **SCHEDULE OF CONDITIONS:**

1. The development 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 plans contained in the following schedule:

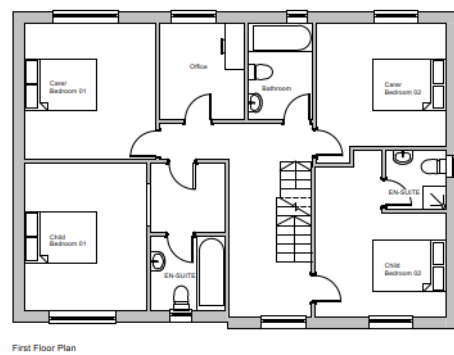
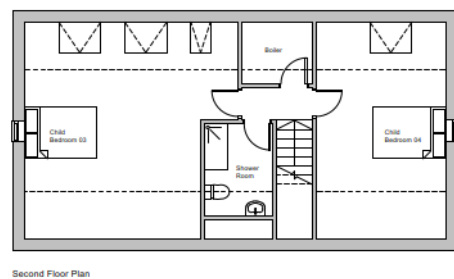
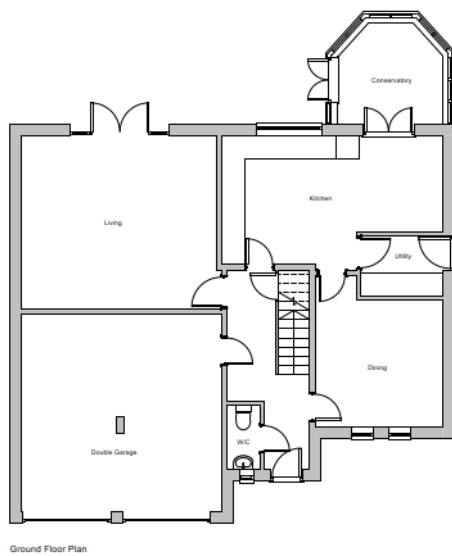
<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Location plan	PP-140775v1	17/06/2025
Proposed floor plans	LUX_047 P01	17/06/2025

3. The site shall not operate other than in accordance with the Planning Statement received by the Council on the 17<sup>th</sup> June 2025, specifically the number of children and staff members occupying the property at any one time.

4. Notwithstanding the provisions within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order, with or without modification) the use of the development hereby approved shall be restricted to the use as a care home for no more than 3 residents. In particular, it shall not be used for any other purpose within Use Class C2, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.



Location Plan



Proposed Floor Plans

## 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)**