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Date: 4<sup>th</sup> December 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 16th December 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 18<sup>th</sup> November 2025, attached (**Page 6**).

4. **DECLARATIONS OF INTEREST**

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

**Declaring interests at meetings**

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

Arrangements have been made 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 8**).

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).

## **Committee Site Visits**

### **Planning Applications Committee – 16<sup>th</sup> December 2025**

**Members are reminded that a site visit will take place prior to the Planning Applications Committee in connection with application 040675 –**

**The site visit will take place at 109a Earls Road and members are asked to meet at the site at 3:15pm.**

### **Committee Site Visits-Code of Conduct**

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

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**18<sup>th</sup> November 2025**

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 18<sup>th</sup> November 2025.

**Present**

Councillor B. Hancox (Chair)

Councillors: L. Cvetkovic (Vice-Chair), E. Amaechi, S. Dhillon, M. Kondakor, S. Markham, W. Markham, J. Sheppard, K. Willson and A. Bull (substitute for P. Hickling).

Apologies: Councillors P. Hickling and R. Smith.

PLA21 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 21<sup>st</sup> October 2025 be approved, and signed by the Chair.

PLA22 **Declarations of Interest**

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

PLA23 **Declarations of Contact**

No Declarations of Contact were made during the meeting. However, after the meeting had concluded, Councillor S. Markham declared to the Democratic Services Officer that she has previously had a phone call from a resident who knows the applicant in relation to planning application 040963. She advised the resident to contact the Planning Team, and did not discuss the application.

**IN PUBLIC SESSION**

PLA24 **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 PLA24 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 18<sup>TH</sup> NOVEMBER 2025

040675 – Manor Park Community School, Beaumont Road, Nuneaton.  
Warwickshire. CV11 5HJ

Applicant – Mr Alex Udale

**Public Speakers:** Chris Taylor (Objector)  
Alex Udale (Agent)  
Tony Bunney (Applicant)

**DECISION** that the application be deferred to allow Committee Members to attend a site visit in order to assess the impact of the development on neighbouring properties, in terms of overlooking and loss of privacy.

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041222 – 267 Weddington Road, Nuneaton. Warwickshire. CV10 0HE

Applicant – Ms Nicky King

**DECISION** that consent be granted, subject to the conditions as printed in the agenda.

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040963 – 152 Marlborough Road, Nuneaton. Warwickshire. CV11 5PQ

Applicant – Mr Malek

**DECISION** that

- a) the application be noted; and
- b) the Constitution Review Working Party be advised of the anomaly within the constitution, in order to get the scheme of delegation aligned with the constitution.

**Planning Applications Committee**  
**16<sup>th</sup> December 2025****Applications for Planning Permission**  
**Agenda Item Index****Deferred Items/ Site Visits**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
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**Planning Applications**

2.	040698	SN	212 Higham Lane, Nuneaton, CV11 6AS	42
3.	041197	WE	198 Weddington Road, Nuneaton, CV10 0EJ	77

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



## **PLANNING APPLICATIONS**

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### **Item No. 1**

**REFERENCE No.** 040675

**Site Address:** Manor Park Community School, Beaumont Road, Nuneaton, Warwickshire, CV11 5HJ

**Description of Development:** Construction of 46 dwellings and 8 flats (approval of reserved matters relating to appearance, landscaping, layout and scale following outline approval 035587 and amended by 039525 and 040934)

**Applicant:** Mr Alex Udale

**Ward:** SE

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### **RECOMMENDATION:**

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

This application was previously heard at Planning Applications Committee on 18<sup>th</sup> November 2025 and was deferred to allow Committee Members to attend a site visit in order to assess the impact of the development on neighbouring properties, in terms of overlooking and loss of privacy.

### **INTRODUCTION:**

Construction of 46 dwellings and 8 flats (approval of reserved matters relating to appearance, landscaping, layout and scale following outline approval 035587 and amended by 039525 and 040934) at Manor Park Community School Discovery Academy Beaumont Road Nuneaton Warwickshire CV11 5HJ.

The site is a former secondary school. Discovery Academy, which is adjacent to the site, is still occupied and run as a school for children with learning difficulties. The site adjoins Beaumont Road and Vernons Lane and there is a vehicular access off both Beaumont Road and Vernons Lane. To the south there are hedges and trees which are substantial. The remaining school buildings of Discovery Academy are two-storey with single storey wings off it. To the northern part of the site there are flat roof buildings which are single and two-storey. To the east are the dwellings on Earls Road, and further residential dwellings on Countess Road and Beaumont Road to the southeast and southwest of the site.

An application for outline consent including access was approved in November 2022 for the erection of up to 46 houses, 12 flats and an extra care facility for up to 65 units. This application was subsequently amended by application reference 039525, which sought amendments to a number of conditions from the outline consent including

amendments to provide a phased development between residential dwellings and the extra care facility. A further amendment under application 040934 has also been received and approved for amendments to two conditions relating to the access plans for the site which was subsequently approved.

This reserved matters application is for the first phase of the development for residential development and proposes 46 dwellings to be made up of a mix of two-storey detached, semi-detached and terraced properties as well as 8 flats which are to be two-storey in nature.

### **BACKGROUND:**

The outline application (and its subsequent amendments) considered the matter of access. This application therefore considers the following matters which were reserved:

1. Layout
2. Scale
3. Appearance
4. Landscaping

This application is being reported to Committee as it was requested at the time of the outline consent that any future reserved matters applications should be determined by Planning Applications Committee. This has more recently been agreed by the Chair of Planning Applications Committee.

### **RELEVANT PLANNING HISTORY:**

- 040934: Application for variation of conditions 4 and 27 following grant of planning permission 035587 (Varied by 039525). Approved 10/10/2025
- 039525: Application for variation of conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 20 following grant of planning permission. (035587). Approved 10/05/2024
- 035587: Erection of up to 46 houses, 12 flats and one two and three storey extra care facility of up to 65 units including the demolition of existing buildings (outline including access): Approved 30/11/2022
- 036454: Creation of Tree Preservation Order for 23 trees to be known as T1-T23 of TPO 1/19: TPO Confirmed 09/12/2019
- 034821: Erection of up to 63 houses, 14 Apartments and one two storey extra care apartment block of up to 60 units including demolition of existing buildings (outline including access): Withdrawn 26/09/2017.
- 033289: Extension, alteration and refurbishment of existing school building. New access, parking and associated hard and soft landscaping works. (Consultation from Warwickshire County Council): No objections 08/04/2015.
- 031074: Temporary change of use of vacant school to provide accommodation for a Security by occupation service (Consultation from Warwickshire County Council): No objections 28/09/2011

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development

- DS2 – Settlement hierarchy and roles
- DS3 – Development principles
- DS8 – Monitoring of housing delivery
- BE3 – Sustainable design and construction
- BE4 – Valuing and conserving our historic environment
- H1 – Range and mix of housing
- H2 – Affordable housing
- NE1 – Green infrastructure
- NE3 – Biodiversity and geodiversity
- NE4 – Managing flood risk and water quality
- Supplementary Planning Guidance / Supplementary Planning Documents.

The Council is at a very advanced stage with its Borough Plan Review. Following receipt of the Inspector's Report on 8 October 2025, the Borough Plan Review is scheduled to go to Full Council on 10<sup>th</sup> December 2025 with a recommendation for adoption. The overall conclusion and recommendation of the Inspector's Report finds that subject to the main modifications recommended will make the Borough Plan sound and capable of adoption. The Inspector's Report also concludes that the duty to co-operate has been met and that with the recommended main modifications satisfies the legal requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and is sound.

The Inspector's Report further concludes that if the Borough Plan Review is adopted promptly (with the recommended main modifications) the Borough Plan establishes a five-year supply of deliverable housing sites. Accordingly, in this circumstance the Inspector's Report recommends that the Council will be able to confirm that a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 75 and footnote 40 of the NPPF (September 2023 version which was the version against which the Inspector examined the emerging plan).

Currently, significant weight can be applied to the policies within the Borough Plan Review given its advanced stage and, subject to adoption, the Borough Plan Review will supersede the policies in the Borough Plan (2019). The relevant Borough Plan Review policies are listed below.

- Policies of the Borough Plan Review 2021-2039:
  - DS1 – Delivering sustainable development
  - DS2 – Settlement hierarchy and roles
  - DS3 – Overall development needs
  - DS8 – Review
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment
  - H1 – Range and mix of housing
  - H2 – Affordable housing provision
  - NE1 – Green and blue infrastructure
  - NE3 – Ecology, biodiversity, geodiversity and Local Nature Recovery
  - NE4 – Managing flood risk and water quality
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.

- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF Dec 2024)
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Housing Team, NBBC Open Space Officer, NBBC Policy, NBBC Waste & Refuse team, Severn Trent, Warwickshire Police, Warwickshire Fire Safety, Warwickshire Water Officer, WCC Archaeology, WCC Ecology, WCC FRM, WCC Highways, WCC Infrastructure, WCC Paths, Historic England

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways

No objection from:

NBBC Environmental Health, NBBC Housing, WCC Ecology, WCC FRM

Comment from:

Warwickshire Fire Safety, Historic England, NBBC Policy, Warwickshire Police, Warwickshire Water Officer, WCC Archaeology, WCC Paths

No response from:

Severn Trent Water, NBBC Refuse, NBBC Open Space Officer, WCC Infrastructure

### **NEIGHBOURS NOTIFIED:**

2a-84 (evens inc.), 67-89 (odds inc.) Beaumont Road. 15, 16 and 17 Priory Court Countess Road. Flats 1-6 2, 4-22 (evens inc.) Countess Road. 90, 107-145 (odds inc.), Cedar House 109a, 128, Flats 1-5 139, 144, 161, 163, 167 Earls Road. 133 Manor Court Road. 1, 2 Olton Place. 101-111 (odds inc.) Vernons Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 12<sup>th</sup> March 2025 and 21<sup>st</sup> July 2025. A site notice was erected on street furniture on 13<sup>th</sup> March 2025 and the application was advertised in The Nuneaton News on 12<sup>th</sup> March 2025.

### **NEIGHBOUR RESPONSES:**

There have been 6 objections from 6 addresses and 3 objections with no addresses provided. The comments are summarised below:

1. Concerns raised in relation to start and completion dates of work and proposed working hours
2. Parking for construction vehicles and how this will be managed to avoid disruption to residents
3. Plans to manage dust, debris and waste
4. Concerns whether residents will receive notification of any particularly noisy or disruptive works
5. Queries in relation to the ownership of the completed properties and who will be housed on this site.

6. Queries on how the completed properties are to be managed and maintained after completion
7. There are too many plans on the website for this application and the previously approved applications which is confusing for residents
8. Loss of trees and wildlife
9. The development will lead to reduced access for vehicles, increased traffic
10. Crime and anti-social behaviour
11. The care facility should not be part of a housing estate as it is inaccessible and out of place in the context of the area
12. Impact on the history of the area/ conservation area
13. Excavation works are causing issues with soil, dirt, dust and debris with no compensation to residents
14. Overlooking to gardens and windows of existing residential properties
15. Impact on mature trees

## **APPRAISAL:**

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

1. The Principle of Residential Development
2. Affordable Housing and Housing Mix
3. Impact on Residential Amenity
4. Impact on Visual Amenity & Layout
5. Impact on Heritage, Archaeology and Conservation Area
6. Highway Safety
7. Flooding & Drainage
8. Ecology, Biodiversity, Landscaping & Trees
9. Waste and Refuse

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

The NPPF establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key areas which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) and Policy DS1 of the Borough Plan Review, which should be seen as a golden thread running through both plan making and decision taking. Policy DS1 of the Borough Plan Review also requires developments to contribute towards the creation and maintenance of sustainable places, mitigate and adapt to the adverse effects of climate change and reducing carbon emissions. To achieve this, it states that development should:

- Re-use previously developed land and re-use buildings as a sustainable option, where applicable.
- Be of high quality, relative to its use and locality.
- Use natural resources prudently.
- Be supported by infrastructure provision.
- Encourage car-free neighbourhoods and sustainable modes of travel.

- Maximise opportunities to enhance and expand the natural and built environment, in line with policies in this plan.

Policy DS2 of the Borough Plan and Policy DS2 of the Borough Plan Review refer to the settlement hierarchy and state that most development will be directed to Nuneaton as the primary town in the Borough. The development site is located within Nuneaton, which has the “primary role for employment, housing, town centre, leisure and service provision”. This reserved matters application focuses on the provision of dwellings (use class C3) and therefore, the proposal accords with Policy DS2.

Policy DS3 of the Borough Plan states that all new development is to be sustainable and high quality and should be fully supported by infrastructure provision, environmental mitigation and enhancement. Policy DS3 of the Borough Plan and Policy DS2 of the Borough Plan Review both state that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment, and local infrastructure. The proposal is within the defined settlement boundary and the impact to infrastructure and environmental mitigation was considered acceptable at outline stage

The application site was part of the Discovery Academy School and is therefore a brownfield site. Paragraph 124 of the NPPF (Dec 2024) states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land\*.

\* (Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.)

Paragraph 125 goes on to state (in part) that Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

Although this site does not fall within the examples as per d) of paragraph 125, it would bring forward residential development which would help towards the Council’s 5 year housing land supply target. The latest published five year housing land position for Nuneaton and Bedworth Borough Council is contained within addendum to the Five Year Housing Land Supply Position Statement (January 2025) and is 4.9 years. However, upon adoption of the Borough Plan Review, which is anticipated on 10<sup>th</sup> December 2025, the Council will be able to demonstrate a Five Year Housing Land Supply of 7.49 years in accordance with an up-to-date plan.

It is therefore considered that the NPPF encourages local plans to approach and give substantial weight towards the use of brownfield land to accommodate housing and other uses. For proposals on suitable brownfield land within settlements, the NPPF now provides that such proposals *should be approved unless substantial harm would be caused*, which establishes a strong presumption in favour of development on such sites. This report will set out how the scheme would not create substantial harm in terms of matters such as residential amenity or visual amenity and is supported by adequate infrastructure such as drainage and access/ roads.

The Borough Plan Review (BPR) now holds significant weight. The relevant policies within the BPR relevant for the principle of residential development align with those of the current Borough Plan (2019).

Policy DS3 of the Borough Plan Review outlines the overall development needs of the Borough throughout the plan period. This states that by 2039, a minimum of 9810 homes will be planned and provided for within Nuneaton and Bedworth Borough. In order to achieve this, Policy DS4 sets out a number of strategic and non-strategic housing development sites. The Borough Plan Review allocates the site for residential development under site NSRA2. The Policy states that NSRA2: Former Manor Park Community School is allocated for approximately 123 dwellings (including extra care units). Up to 58 dwellings and up to 65 extra care units were approved under the outline Planning Permission.

The Policy also states that:

- Opportunity exists to create a new positive frontage to Vernons Lane, retain views from the north of the site towards Mount Judd, retain established trees and boundary hedges wherever possible, ensure development is sensitive to its location adjacent to the conservation area, that development reflects the characteristics of the surrounding townscape and that built development sits outside the small area of flood zone located in the south of the site.
- Development should seek to avoid any loss of trees covered under the Tree Preservation Order on the site (reference TPO 1.19).
- The site has been identified as having archaeological potential and any planning application will need to have regard to this and may need to be accompanied by archaeological reports.

These points shall be considered in the relevant sections of this report.

The site was not previously allocated for development under the Borough Plan, however the principle of residential development was considered acceptable at outline stage under the Borough Plan.

On balance, the principle of residential development on this site has been established by the outline planning permission (and the associated amendments). It is considered the specifics of this reserved matters submission complies with the parameters allowed by the outline permission and the phasing plan as per the previously approved Section 73 amendment to the conditions, as demonstrated by the amended site plan.

This application has not considered any details in relation to the care home facility which is to be determined separately (known as Phase 2 as per the phasing plan).

## 2. Affordable Housing and Housing Mix

Policy H2 of the Borough Plan 2019 and H2 of the Borough Plan Review both require 25% of all new developments to be affordable on sites of 15 dwellings or more. The submitted planning statement sets out that the scheme will provide the required proportion of affordable housing.

With regard to tenure split, Policy H2 of the Borough Plan 2019 and H2 of the Borough Plan Review state that the tenure split and affordable housing mix sought will be based upon evidence provided by the council's Housing Register and the Strategic Housing Market Assessment (SHMA), which will be regularly updated. However, the Council's Affordable Housing SPD (2020) states that the Council will seek a tenure split of 74% social/affordable rent to 26% intermediate housing mix.

In terms of general market housing, Policy H1 of the Borough Plan 2019 and Policy H1 of the Borough Plan Review both state that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. This reserved matters application indicates that 46 dwellings and 8 flats are to be provided on-site.

The Council published a Housing and Economic Development Needs Assessment (HEDNA) report in 2022 which provides the most up-to-date housing market information. The following table summarises the requirements stated in the HEDNA report for Nuneaton and Bedworth (2022):

	Social/Affordable Rented Housing (%)	Affordable Home Ownership (%)	Market Housing (%)
1-bedroom	25	20	10
2-bedroom	35	40	35
3-bedroom	30	30	45
4-bedroom	10	10	10

In relation to this application for a total of 46 dwellings and 8 flats the following mix is proposed:

	Social/Affordable Rented Housing (%)	Affordable Home Ownership (%)	Market Housing (%)
1-bedroom	100	0	0
2-bedroom	0	0	48
3-bedroom	0	0	43
4-bedroom	0	0	9

*Affordable Housing*



The proposal would provide a total of 8 affordable rented dwellings. Typically, the Affordable Housing SPD requires a 74/26% split, however, the Section 106 from the original outline application (035587) stated that the affordable housing mix shall be 7 affordable rented dwellings. The proposal would provide 1 extra affordable unit in this case, which is above and beyond that required by the legal agreement. Therefore, although this application would not be in accordance with the SPD, it would be in accordance with the S106.

NBBC Housing have reviewed the proposal and have no objections to the proposal which would provide only 1-bed dwellings. They have confirmed that the proposal would provide 8 much needed 1-bedroom dwellings. The lack of a mix would not be in accordance with the HEDNA, however, on this occasion, it is considered to be acceptable given the local need.

The affordable housing SPD suggests that for a development of this size the following would apply:

Total development size (no. of units)	Affordable unit requirements (no. of units)	Maximum cluster size (no. of units)	Approx. number of clusters
31-60	8-15	4	2-3

NBBC Housing Team have reviewed the proposal in terms of the layout of clusters of affordable dwellings and initial objections were received, as the scheme proposed only 1 cluster, however these have been revised through amended plans. The proposal would result in a total of 2 clusters within the site with a maximum no. of units per cluster of 4 in the form of 2 blocks of 1-bed flats. Following this revision, NBBC Housing Team had no objections to the layout.

### *Market Housing*

The proposal would have an under-supply of 1-bed *market* dwellings (as none are proposed) and a slight over supply of 3-bed dwellings. When taking into account the site context and the scale of the development, and the overall contribution to both affordable and market housing supply, the proposed mix is considered acceptable and broadly consistent with the objectives of Policy H1 of the Borough Plan and Borough Plan Review and the latest HEDNA evidence.

The Borough Plan Review (BPR) now holds significant weight. The relevant policies within the BPR relevant for the assessment of housing mix and affordable housing align with those of the current Borough Plan (2019).

On balance, the application is considered to be acceptable in terms of housing mix and affordable housing when having regard to the provisions of Policies H1 and H2 of the Borough Plan 2019 and Borough Plan Review.

### **3. Impact on Residential Amenity**

Policy BE3 of the Borough Plan 2019 and Policy BE3 of the Borough Plan Review state that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

Policy BE3 (Sustainable Design and Construction) of the Borough Plan 2019 states that development proposals must be:

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

Policy BE3 of the Borough Plan 2019 and Policy BE3 of the Borough Plan state that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

The key principles in Policy BE3 of the BPR align with that of the Borough Plan (2019).

Paragraph 135 (f) of the NPPF is also relevant and sets out the need for planning to deliver a high standard of amenity for all existing and future occupants of buildings.

Firstly considering the impact on the residential dwellings on Earls Road, which is made up of mostly two-storey semi-detached or detached residential dwellings, although it is noted there are some bungalows (as part of Priory Court and 109a Earls Road). These dwellings are located to the east of the proposed site whereby the rear of the properties will face towards the rear of the proposed dwellings. The position of these dwellings has been carefully considered throughout the application process to ensure that adequate levels of amenity will continue to exist to the existing occupiers as well as providing adequate levels of amenity for the future residents.

The Sustainable Design and Construction SPD (SPD) states that the way buildings relate to each other – their orientation and separation distance – must provide and protect acceptable levels of amenity for both existing and future residents. The following standards of amenity can be used flexibly, depending on house layout and on-site circumstances such as orientation, window, ceiling and roof height, levels, garden size and shape. The standards are appropriate to both extensions and new residential development. With regard to the latter, care should be taken to provide scope for later extensions and alterations that will not erode these standards (paragraph 11.2).

It goes on to state that front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings in the house. Habitable rooms are rooms where occupants spend significant amounts of time, such as the lounge, kitchen, study, dining room and bedroom. It does not include bathroom, WC, utility rooms, hall, landing or garages. Where a room has (or originally had) two windows or more, the primary source of light will usually be the window(s) (if of reasonable size) that overlooks amenity areas (paragraph 11.3).

In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three-storey development is proposed a distance of 30 metres will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure (paragraph 11.4).

The distances between the proposed dwellings and the existing on Earls Road would, in the main, comply and/ or exceed the minimum 20m separation distance as required by Paragraph 11.4 of the SPD. There are some exceptions such as the distance between Plot 2 and 109a Earls Road which has a window facing towards the rear of the proposed dwelling which would be 19.75m resulting in a shortfall of 0.25m and plots 18 and 143 Earls Road which would have a separation distance of 19.7m resulting in a shortfall of 0.3m.

On these 2 occasions, given the very limited nature of the shortfalls and the overall compliance across the wider site, the scheme is considered to maintain an acceptable relationship with existing neighbouring properties. On balance, the proposal would not result in material harm to residential amenity and therefore the minor shortfall in separation distances would not warrant refusal of the application.

The SPD also states that habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary (11.6). The proposed dwellings will have private amenity space of more than 7m in length, so this is met.

In terms of the impact on the proposed dwellings within the site, due the layout of the proposal dwellings will be positioned either side of the main access road throughout the site. Some of the plots are staggered, to ensure compliance with distance standards to Earls Road as well as ensuring a mix of front of plot parking and tandem parking spaces in the interest of visual amenity.

The SPD states that an extension [or dwelling] shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. This is usually relevant to a proposed ground floor rear extension. A proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45-degree line. In any event, near the boundary of an adjoining usable rear private amenity space a proposed single storey extension [or dwelling] shall be less than 4 metres long. In the same circumstances, a two-storey extension [or dwelling] shall be less than 3 metres long (Paragraph 11.9).

Plot 15 would be set further back in its plot compared to Plot 14 by 2.55m, and Plot 14 would be further forward in its plot compared to Plot 15 by 2m, however, the proposal would not infringe upon the 45 or degree lines and in both scenarios would extend by less than 3m at two-storey level and is therefore considered to be acceptable.

Plot 35/36 is set further back in its plot compared to Plot 34 by 4.8m however it would be set off and away from the boundary by 2.2m. The 45-degree line from the nearest habitable window (kitchen window) would breach the 45-degree line but only by 0.45m. On this occasion it is considered that as Plots 35/36 is to the north, the layout of Plot 34 has 2 ground floor openings (a kitchen window closest to Plot 35/36 as well as glass patio doors away from this neighbour), the separation distance between the plots as well as the very slight breach, the breach of the 45 degree line is considered to be acceptable.

Where other plots are staggered throughout the site, these are separated from adjacent properties by parking areas, or the degree to which the dwellings are staggered are very limited (less than 0.5m) and would not have any detrimental impact on residential amenity.

The requirements of the Nationally Described Space Standards are considered to be relevant in this case. Policy H4 of the Borough Plan Review states that all residential dwellings should comply with the Nationally Described Space Standards (NDSS). The plans demonstrate all dwellings would meet and/ or exceed the NDSS.

The policy requirements for M4(2) Building Regulation requirements for accessible and adaptable homes vary between the Borough Plan and the Borough Plan Review. The Outline application was determined under the Borough Plan and only the matters reserved are for consideration at this stage. Under the Borough Plan, at least 35% of dwellings should meet M4(2) standards. The Sustainable Design Checklist confirms that 19 plots (35%) would meet M4(2) requirements.

In terms of outdoor amenity space and gardens, all dwellings will have access to a private rear garden however the sizes of the gardens vary and, in some cases, it is noted that gardens are small. For example, the flats will have private garden areas of just 5m in depth and 25 sq. m in size. The SPD states that new housing development should provide sufficient amenity space to meet the recreation and domestic requirements of occupants. This is also reiterated in Policy BE3 of the Borough Plan Review. Amenity space should be provided for passive recreation activities such as reading, active recreational uses such as gardening and domestic uses such as drying clothes. The SPD, however, does not have a minimum size that gardens must be to ensure this and instead it is considered on a case-by-case basis.

The flats are 1-bed only and it is therefore assumed that such premises would require less garden area than the larger dwellings. The context of the site in terms of its limited size and scale must also be considered – larger garden areas could result in knock on effects in terms of layout efficiency and separation distances.

On balance, it is considered that the proposed garden areas would provide a functional level of amenity for future residents, proportionate to the size and type of accommodation proposed. The overall provision is therefore deemed acceptable and

compliant with the objectives of the SPD and Policy BE3 of the Borough Plan and Policy BE3 of the Borough Plan Review would not justify refusal on amenity space grounds.

#### **4. Impact on Visual Amenity and Layout**

Policy BE3 of the Borough Plan 2019 requires development proposals to be designed to a high standard. The policy also states that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. In addition, the policy goes on to confirm a number of considerations which should be taken into account when assessing planning applications, to include, current use of buildings, ownership/tenure, street layout, patterns of development, residential amenity, plot size and arrangement and built form. These requirements are also reiterated in the Borough Plan Review.

Policy NE5 of the Borough Plan and Borough Plan Review state that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

Paragraph 135 of the NPPF emphasises that developments should function well over their lifetime, be visually attractive through good architecture, layout and landscaping, and be sympathetic to local character and history while allowing for appropriate innovation. Developments should also establish or maintain a strong sense of place, optimise site potential, and create safe, inclusive, and accessible environments that promote a high standard of amenity.

The National Design Guide (paragraph 21) reinforces that well-designed places are achieved through coordinated decisions across all design levels, including layout, scale and form, appearance, landscape, materials, and detailing.

The proposed development will be served by a single access road running north–south between Vernons Lane and Beaumont Road. This access has been previously approved under the outline application (and amended through subsequent Section 73 applications).

The dwellings are all two-storey in height and comprise a range of house types, sizes, and styles, which introduces visual interest in accordance with the Design Guidance SPD. The elevations show a mix of brick and render with two roof tile colours (red/brown and grey), with the exact materials to be agreed via condition attached to the outline consent. Overall, the mix and design of dwellings are considered appropriate for the area and consistent with the character of the development itself.

Policy DS4 of the Borough Plan Review outlines site NSRA2 (this site) as a non-strategic allocation and the supporting text for each non-strategic allocation ‘is guidance only (they are not policy requirements)’. Part of the supporting text for NSRA2 explains that opportunities exist to create a new positive frontage to Vernons Lane and that the development reflects the characteristics of the surrounding townscape.

In terms of the proposed layout, the site is located adjacent to existing residential development but is relatively self-contained and would not be read directly in context with the surrounding dwellings. As such, the proposed layout does not need to replicate the existing pattern of development but instead should achieve a coherent and functional arrangement in its own right. However, the dwellings closest to the southern boundary to relate well and create a positive frontage to Vernons Lane, in accordance with Policy DS4 of the Borough Plan Review.

The proposed layout is considered to make efficient use of the available land and provides a legible street pattern with appropriate relationships between dwellings. Adequate space is provided for parking, landscaping, and private gardens, ensuring a pleasant residential environment for future occupants.

Overall, the proposed layout is considered appropriate for the site's shape and constraints and would deliver a well-designed and functional form of development. The layout therefore complies with the objectives of Policy BE3 of the Borough Plan 2019, Policy BE3 of the Borough Plan Review, the Design Guidance SPD, and the National Planning Policy Framework in promoting high-quality and sustainable design.

## **5. Impact on Heritage and Conservation Area**

The application site borders Abbey Conservation Area which is located to the east of the development site. which is a designated heritage asset and as such, development within it should preserve or enhance the Conservation Area. In this case, although the development is outside of the boundary of the Conservation Area, it is immediately adjacent to it and therefore forms part of its setting. In accordance with Paragraph 208 of the NPPF, great weight is given to the conservation of heritage assets including the contribution made by their setting. Similarly, Policy BE4 of the Borough Plan states that development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance. Policy BE4 of the Borough Plan Review states that development proposals should sustain and where possible enhance the Borough's heritage assets.

Policy DS4 outlines site NSRA2 (this site) as a non-strategic allocation and the supporting text for each non-strategic allocation 'is guidance only (they are not policy requirements)'. Part of the supporting text for NSRA2 explains that opportunity exists ensure development is sensitive to its location adjacent to the Conservation Area.

In this case, views of the site from within the Conservation Area are limited, owing the presence of mature trees on Earls Road and the presence of closely related dwellings. These factors together significantly restrict intervisibility between the site and the designated area, thereby reducing any perceptible influence the site has on its character or appearance.

The relation between the site and the Conservation Area has been carefully considered and on balance, it is concluded that the proposed development would not result in harm to the character, appearance or significance of the Conservation Area or its setting. The proposal therefore accords with the objectives of the NPPF, Policy BE4 of the Borough Plan and Policies BE4 and DS4 of the Borough Plan Review.

Policy DS4 of the Borough Plan Review, under NSRA2, states that the site has been identified as having archaeological potential and any planning application will need to have regard to this and may need to be accompanied by archaeological reports.

The WCC Archaeology Team were consulted with on the application. They explain that a programme of archaeological evaluation (trial trenching), secured by a condition attached to the outline consent (ref. 039525), has been undertaken at this site. The trial trenching did not identify any significant archaeological remains requiring further archaeological work to mitigate the impact of the development and, consequently, they advised that the condition could be discharged in full. As such, they have no further comments to make on any reserved matters applications relating to this scheme.

## **6. Highway Safety**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 115). Access was approved at outline, and is from Vernons Lane and Beaumont Road with a single access within the site itself.

Significant discussions have been held between the Highway Authority, NBBC and the developer regarding the initial/ ongoing concerns with the proposed road layout. The most recent set of plans has largely overcome the Highway Authority's concerns and were subject to a Road Safety Audit (RSA). The RSA identified 4 problems relating to:

1. The raised table at plots 26/27
2. Lighting
3. Tracking to the south
4. Drainage

The Highway Authority stated that points 2 and 4 above will be subject to detailed design at the stage of the road adoption agreement pursuant to Section 38 of the Highways Act 1980. The designer's response to points 1 and 3 have been accepted by the safety team and are suitable to overcome the concerns. These include, removing the raised feature at plots 26/27 and installing bollards to prevent overrun of the tactiles and updated tracking to show no overrun for problem 3.

These will again be subject to further comment as part of the S38 road adoption agreement and the subsequent stage 2 Road Safety Audit. Due to bollards being required and the maintenance liability of these it may be that this pedestrian crossing is removed. Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of no objection, subject to conditions.

With regard to parking provision, the Transport Demand Management Matters SPD 2022 (TDMM) requires 1 parking space to be provided for 1-bedroom dwellings and 2 spaces for 2-, 3- and 4-bedroom dwellings. This is achieved across the site through a mix of front plot parking and tandem parking spaces to the side of dwellings. Visitor parking spaces are also proposed to the north and south of the site with a total of 6 spaces provided. For the number of proposed dwellings, the SPD would require 9 visitor parking spaces so there is a slight shortfall, however, the highway authority had

no objections to the number proposed and it is not considered that the 6 spaces as proposed, or the shortfall in visitor spaces would result in a materially harmful impact on highway safety and is therefore accepted on this occasion.

As per the TDMM and Air Quality SPD, new developments are expected to include appropriate provision for electric vehicle (EV) charging points. Residential developments are required to provide EV charging points at a rate of 1 charging point per dwelling with allocated parking. This was not considered at outline stage, however, can be considered at RM stage whereby layout is being considered. A condition to ensure EV parking spaces in accordance with the SPDs shall be included as a condition on the decision notice.

## **7. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). This aligns with Policy NE4 of the Borough Plan and Borough Plan Review.

Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraphs 173 and 174 of the NPPF explain that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now, or in the future, from any form of flooding and the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The site is located wholly within Flood Zone 1 and is at low risk of surface water flooding and other forms of flooding, with the exception of a very small part of the site to the south, however, no development is proposed to this location.

A drainage strategy plan has been submitted and reviewed by WCC FRM as the Lead Local Flood Authority (LLFA), who have submitted a response of no objection to the proposal. The proposed surface water drainage system features a Section 104 (S104) sewer network connection, to be adopted by Severn Trent Water (STW), which will direct stormwater into an attenuation basin. Surface water discharge will be limited to 24 litres per second, with the drainage system designed to handle up to a 100-year storm event, including a 40% climate change allowance. Permeable paving will be used for parking spaces to support water management. The attenuation basin will provide storage for a 30-year storm event, while additional storage for up to 100-year events will be achieved through cellular storage tanks, meeting LLFA requirements.

Severn Trent have been consulted on this application; however, no response has been received.

On balance, the submitted sustainable drainage measures, site grading, and flood-resistant design will ensure compliance with regulations and prevent increased flood risk to the surrounding area therefore complying with national and local policies and is considered to be acceptable.



## **8. Ecology, Biodiversity, Landscaping and Trees**

The NPPF and Policies NE1 and NE3 of the Borough Plan 2019 seek to protect and enhance biodiversity and ecological networks, an approach also reflected in the Council's adopted Open Space and Green Infrastructure SPD. Policy NE3 requires development proposals to ensure that ecological networks, biodiversity, and geological features are conserved, enhanced, restored and, where appropriate, created. Proposals that may affect ecological networks or important geological features must be supported by a Preliminary Ecological Appraisal and, where relevant, further detailed assessments.

Policy NE1 of the Borough Plan Review states that the Borough's green and blue infrastructure assets will be protected, managed and where possible, enhanced or created to provide nature recovery networks. Policy NE3 of the Borough Plan Review aligns with that of the Borough Plan, and goes on to state that the use of mechanisms to improve biodiversity such as green roofs or green walls are encouraged.

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. The requirements of the EU Habitats Directive are implemented through the Conservation of Habitats and Species Regulations 2010, which require local planning authorities, as competent authorities, to have regard to the provisions of the Directive when determining planning applications that could affect European Protected Species (EPS).

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible. It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

The application site was originally formerly occupied by the Discovery Academy School. A preliminary ecology appraisal submitted at the outline stage concluded that there are no statutory or non-statutory nature conservation designations within or adjacent to the site and that the proposals are unlikely to adversely affect any designations in the wider area. The site was assessed as having limited ecological value, and no further ecological concerns have been raised during consultation on this Reserved Matters application.

In terms of Biodiversity Net Gain (BNG) which became under the Environment Act 2021, specifically, it is implemented through Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021. This policy requires that from 12<sup>th</sup> February 2024 all new major developments and from 2<sup>nd</sup> April 2024 for minor applications must achieve a minimum of 10% net gain in biodiversity compared to the pre-development state subject to some exceptions. One of these exceptions includes existing applications made before day 1 of mandatory BNG (12<sup>th</sup> February 2024).

In this case, the outline application was submitted and approved prior to mandatory BNG on 12<sup>th</sup> February 2024 and as such, this RM and any other future RM applications

submitted in response to the outline permission are not subject to mandatory BNG. Additionally, as the site was considered to have a low biodiversity value at outline stage, a BNG metric was not submitted nor was it required to be submitted at any time.

WCC Ecology initially advised that the proposed SuDS basin could be designed to deliver ecological benefits by incorporating a deepened basin that reaches the water table to maintain year-round water retention, with gently sloping sides and native-species marginal planting (for example EM3 or EM8F seed mixes) to enhance biodiversity and water quality.

Paragraph 182 of the NPPF states that development which could affect drainage on or around the site should incorporate sustainable drainage systems and such features should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity.

The agent has confirmed that on this occasion, the SuDS feature is designed as an attenuation basin with a depth of approximately 1 metre, rather than as an ecological pond. Increasing the depth further to reach the water table (estimated at 2–2.5 metres) would present significant technical challenges, including implications for drainage performance, flood risk management, and health and safety. Furthermore, the Open Space and Green Infrastructure SPD require that ecological water features are set back by a minimum of 12 metres from built development or hard surfacing (measured from the top of the bank). Given the site's narrow configuration, achieving this would necessitate a substantial reconfiguration of the layout and the loss of several dwellings, adversely affecting both site viability and efficient land use.

Following review of the revised proposals, WCC Ecology have accepted that it would not be feasible to deepen the basin in this instance. The updated landscaping plan indicates that the area surrounding the basin will be seeded with a species-rich wildflower mix, which will still provide a biodiversity benefit consistent with the aims of Policy NE3 and the NPPF's objective to achieve measurable net gains where practicable.

While the SuDS basin will not function as a year-round ecological feature, the proposed wildflower planting will deliver some ecological enhancement within the site and overall, the approach to ecology and landscaping is considered to be acceptable on balance.

### *Trees*

Condition 22 of the amended outline applications required the following details to be submitted alongside any reserved matters applications –

22. Any reserved matters applications seeking approval of scale, layout, or landscaping shall be submitted with an Arboricultural Method Statement and Arboricultural Impact Assessment which shall include details of all existing trees and hedgerows on site, including those to be retained and removed, together with measures for the protection of those to be retained during the course of development. The scheme shall also show the typical canopy extent of the retained trees at maturity. No works, including site preparatory works, shall take place on site at any time, unless the approved measures for the protection of those trees and hedgerows to be retained has been provided on site in accordance with the agreed details.

This condition was considered necessary as there are a number of TPO covered trees on the site which could be impacted by this development. An Arboricultural Assessment and Method Statement has been submitted to the Council which concludes that the following trees are proposed to be removed as a result of this development:

- 3 category U (unsuitable) individual trees
- 19 category C (low-quality/ value) individual trees
- 4 category C (low-quality/ value) groups of trees
- 11 category B (moderate-quality/ value) individual trees

Conversely, the following trees are to be retained:

- 1 category U (unsuitable) individual tree
- 11 category C (low-quality/ value) individual trees
- 3 category C (low-quality/ value) groups of trees
- 33 category B (moderate-quality/ value) individual trees
- 1 category A (high-quality/ value) individual tree

Policy DS4 outlines site NSRA2 (this site) as a non-strategic allocation and the supporting text for each non-strategic allocation 'is guidance only (they are not policy requirements)'. Part of the supporting text for NSRA2 explains that 'opportunity exists to create a new positive frontage to Vernons Lane, retain views from the north of the site towards Mount Judd, retain established trees and boundary hedges wherever possible, ensure development is sensitive to its location adjacent to the conservation area, that development reflects the characteristics of the surrounding townscape and that built development sits outside the small area of flood zone located in the south of the site. It also states that Development should seek to avoid any loss of trees covered under the Tree Preservation Order on the site (reference TPO 1.19)

Overall, more trees are to be retained than removed. The trees which have been selected to be removed are within areas of open space centrally located within the site and their removal is necessary to facilitate the development. It should be noted that none of the trees to be removed are covered by the Tree Preservation Order ("TPO").

The Arboricultural Statement states that prior to any tree removal, the tree and its surroundings should also be assessed for the presence of any protected species, and the timing of works should best avoid the potential for any adverse impact on wildlife and all tree works undertaken will comply with British Standard 3998 'Tree Work - Recommendations' (2010) and be carried out by skilled tree surgeons.

The NPPF recognises that trees make an important contribution to the character and quality of urban environments. Planning decisions should ensure that existing trees are retained wherever possible, and appropriate measures are in place to secure the long-term maintenance of newly planted trees (paragraph 136).

In this case whilst the development would result in the loss of 37 trees, it should also be noted that a substantial number (49 trees) are to be retained and integrated into

the final development layout. In this instance, the scope for additional tree planting is significantly constrained by the approved layout, including associated infrastructure and the proximity of buildings (such as the existing school buildings), as well as the need to ensure that the growing conditions for any retained trees are not compromised.

The submitted soft landscaping plan details the position of four replacement trees on the site. Although this number is limited, on this occasion, it is considered proportionate in light of the site's spatial constraints and substantial retention of a number of higher quality trees and TPO trees.

It is considered that on balance, the proposed landscaping scheme would maintain an acceptable level of tree cover and is therefore consistent with the aims of the NPPF.

In terms of the trees to be retained, the Arboricultural Statement details a number of tree protection measures and a timeline for such measures, including tree protection fencing and temporary ground protection, which will be in place during demolition, construction and prior to the landscaping activities commencing. This will ensure that no Root Protection Areas will be affected by excavation works, storage of materials or plant and machinery access.

Works are proposed to two TPO'd trees, including T30 – crown reduction of no more than 2m on the northern aspect and pruned back to suitable pruning points, and T70 – crown reduction of no more than 2m on the southern aspect and pruned back to suitable pruning points. This work is to provide clearance from the nearby proposed dwellings at Plots 1 and 30 once constructed. The works as proposed are considered to be modest in extent and confined to limited parts of the crown. The reduction to these trees is to be undertaken to suitable pruning points and is consistent with good arboricultural practice and is not considered to adversely affect the health, form or amenity contribution of the trees.

Within the root protection areas of trees to be retained, the preparation of soil for planting and turfing will be carried out by hand. Cultivation will be kept to a minimum, and new topsoil will not exceed 100mm in depth within 1m of the stem.

On balance, it is considered that the details within the Arboricultural Impact Assessment and Method Statement are acceptable in terms of the proposed tree retention and removal, the protection measures for retained trees and the limited works to two TPO covered trees. It is recommended that compliance with these details be secured by condition to ensure that the development is carried out in accordance with the approved arboricultural measures.

## **9. Waste and Refuse**

The Sustainable Design and Construction (SDC) SPD states that designs should consider arrangements for bin collections. Developments without collection areas can result in wheelie bins strewn across public areas until they are reclaimed by residents. The bins can represent a safety risk to pedestrians and vehicles and can be visually unappealing.

Designs must have consideration for waste bin storage, there should be sufficient space to accommodate all the different types of bins used for waste collection. Bin stores should be located no more than 25m from the highway (where the bin collection lorry can park) for normal 2 wheeled household bins and 10m for a larger 4 wheeled bin.

Bin storage should not harm the visual amenity of the area, must be managed so that it does not create risk to water, air, soil, plants or animals, should not cause nuisance through odours, and not affect the countryside and or places of special interest.

Waste bin storage areas should be well ventilated and situated away from direct sunlight. Consideration should be given to the adaptability of design to respond to changes in Council collection strategies (paragraphs 11.22-11.25).

In terms of bin storage, a refuse strategy plan has been received to show the position of bin storage within the rear gardens of all dwellings. Each dwelling has access to their rear garden through a side access gate and as such, it is considered that storage can be accommodated within the rear garden of dwellings.

In terms of collections, all bins will be able to be positioned and collected kerbside on collection days. NBBC Waste & Refuse team were consulted on this application, however, no response has been received. As such, it is assumed that they have no comments or objections to make on this scheme.

On balance, the scheme is considered acceptable in terms of waste and refuse matters.

## **10. 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.

In conclusion, the principle of residential development, the impact on residential amenity, visual amenity, heritage and conservation area, highway safety, flooding and drainage matters, ecology, biodiversity, landscaping and trees and waste and refuse matters have been assessed against the Borough Plan (2019) and Borough Plan Review and are considered to be acceptable subject to conditions.

## **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area, relevant provisions of the Borough Plan and the advanced Borough Plan Review, 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:

### Schedule 1

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

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site location plan	7287-P-100A	21/02/2025
Proposed site plan	7287-P-200S	12/11/2025
Proposed landscaping plan	7287-P-110G	11/09/2025
Proposed hard landscaping plan	7287-P-120G	11/09/2025
Proposed refuse strategy plan	7287-P-130G	11/09/2025
Proposed elevations plot 1-2 (Daresbury)	7287-P-7000.P3	23/09/2025
Proposed ground floor plan plots 1-2	7287-P-3000.P1	11/07/2025
Proposed first floor plan plots 1-2	7287-P-3001.P1	11/07/2025
Proposed elevations plot 3-4 (Daresbury)	7287-P-7001.P3	23/09/2025
Proposed ground floor plan Plots 3-4	7287-P-3002.P2	23/09/2025
Proposed first floor plan Plots 3-4	7287-P-3003.P1	11/07/2025
Proposed elevations plot 5-6 (Cavendish)	7287-P-7002.P3	23/09/2025
Proposed ground floor plan Plots 5-6	7287-P-3004.P2	23/09/2025
Proposed first floor plan Plots 5-6	7287-P-3005.P1	11/07/2025
Proposed elevations plots 7-8 (Cavendish)	7287-P-7003.P3	23/09/2025
Proposed ground floor plan Plots 7-8	7287-P-3006.P2	23/09/2025
Proposed first floor plan Plots 7-8	7287-P-3007.P1	11/07/2025
Proposed elevations plots 9-11 (Daresbury)	7287-P-7004.P2	22/08/2025
Proposed ground floor plan Plots 9-11	7287-P-3008.P1	11/07/2025
Proposed first floor plan Plots 9-11	7287-P-3009.P1	11/07/2025
Proposed elevations plot 12-13 (Cavendish)	7287-P-7005.P1	11/07/2025
Proposed ground floor plan Plots 12-13	7287-P-3010.P1	11/07/2025
Proposed first floor plan Plots 12-13	7287-P-3011.P1	11/07/2025
Proposed elevations plots 14-15 (Cavendish & Carnaby)	7287-P-7006.P2	23/09/2025
Proposed ground floor plan Plots 14-15	7287-P-3012.P2	23/09/2025
Proposed first floor plan Plots 14-15	7287-P-3013.P1	11/07/2025
Proposed elevations plots 16-17 (Carnaby)	7287-P-7007.P3	23/09/2025
Proposed ground floor plan Plots 16-17	7287-P-3014.P2	23/09/2025
Proposed first floor plan Plots 16-17	7287-P-3015.P1	11/07/2025
Proposed elevations plots 18-19 (Cavendish)	7287-P-7008.P3	23/09/2025
Proposed ground floor plan Plots 18-19	7287-P-3016.P2	23/09/2025
Proposed first floor plan Plots 18-19	7287-P-3017.P1	11/07/2025
Proposed elevations plots 20-21 (Carnaby)	7287-P-7009.P3	23/09/2025

Proposed ground floor plan Plots 20-21	7287-P-3018.P2	23/09/2025
Proposed first floor plan Plots 20-21	7287-P-3019.P1	11/07/2025
Proposed elevations plots 22-24 (Daresbury)	7287-P-7010.P1	11/07/2025
Proposed ground floor plan Plots 22-24	7287-P-3020.P1	11/07/2025
Proposed first floor plan Plots 22-24	7287-P-3021.P1	11/07/2025
Proposed elevations plots 25-26 (Cavendish)	7287-P-7011.P1	11/07/2025
Proposed ground floor plan Plots 25-26	7287-P-3022.P1	11/07/2025
Proposed first floor plan Plots 25-26	7287-P-3023.P1	11/07/2025
Proposed elevations plot 27 (Richmond)	7287-P-7012.P1	11/07/2025
Proposed ground floor plan plot 27	7287-P-3024.P1	11/07/2025
Proposed first floor plan plot 27	7287-P-3025.P1	11/07/2025
Proposed elevations plot 28 (Richmond)	7287-P-7013.P1	11/07/2025
Proposed ground floor plan plot 28	7287-P-3026.P1	11/07/2025
Proposed first floor plan plot 28	7287-P-3027.P1	11/07/2025
Proposed elevations plot 29 (Richmond)	7287-P-7014.P1	11/07/2025
Proposed ground floor plan plot 29	7287-P-3028.P1	11/07/2025
Proposed first floor plan plot 29	7287-P-3029.P1	11/07/2025
Proposed elevations plot 30 (Richmond)	7287-P-7015.P3	23/09/2025
Proposed ground floor plan Plot 30	7287-P-3030.P2	23/09/2025
Proposed first floor plan Plot 30	7287-P-3031.P2	23/09/2025
Proposed elevations plots 31-32 (Daresbury & Grosvenor)	7287-P-7016.P3	23/09/2025
Proposed ground floor plan plots 31-32	7287-P-3032.P1	11/07/2025
Proposed first floor plan plots 31-32	7287-P-3033.P1	11/07/2025
Proposed elevations plots 33-34 (Cavendish)	7287-P-7017.P3	23/09/2025
Proposed ground floor plan plots 33-34	7287-P-3034.P1	11/07/2025
Proposed first floor plan plots 33-34	7287-P-3035.P1	11/07/2025
Proposed elevations plots 35-38 (Flats)	7287-P-7018.P1	11/07/2025
Proposed ground floor plan plots 35-38	7287-P-3036.P1	11/07/2025
Proposed first floor plan plots 35-38	7287-P-3037.P1	11/07/2025
Proposed elevations plots 39-40 (Daresbury)	7287-P-7019.P1	11/07/2025
Proposed ground floor plan plots 39-40	7287-P-3038.P1	11/07/2025
Proposed first floor plan plots 39-40	7287-P-3039.P1	11/07/2025
Proposed elevations plots 41-42 (Daresbury)	7287-P-7020.P1	11/07/2025
Proposed ground floor plan plots 41-42	7287-P-3040.P1	11/07/2025
Proposed first floor plan plots 41-42	7287-P-3041.P1	11/07/2025
Proposed elevations plots 43-46 (Daresbury)	7287-P-7021.P1	11/07/2025
Proposed ground floor plan plots 43-46	7287-P-3042.P1	11/07/2025
Proposed first floor plan plots 43-46	7287-P-3043.P1	11/07/2025
Proposed elevations plots 47-48 (Daresbury)	7287-P-7022.P1	11/07/2025
Proposed ground floor plan plots 47-48	7287-P-3044.P1	11/07/2025
Proposed first floor plan plots 47-48	7287-P-3045.P1	11/07/2025
Proposed elevations plots 49-52 (Flats)	7287-P-7023.P1	11/07/2025

Proposed ground floor plan plots 49-52	7287-P-3046.P1	11/07/2025
Proposed first floor plan plots 49-52	7287-P-3047.P1	11/07/2025
Proposed elevations plots 53-54 (Daresbury & Grosvenor)	7287-P-7024.P1	11/07/2025
Proposed ground floor plan plots 53-54	7287-P-3048.P1	11/07/2025
Proposed first floor plan plots 53-54	7287-P-3049.P1	11/07/2025

## Schedule 2

2. The development hereby approved shall not be occupied until the road has been laid out in accordance with drawing no. 7287-P-200 Rev S.

3. The development hereby approved shall be carried out in full accordance with the approved Arboricultural Impact Assessment and Method Statement (Revision H) as received by the Council on 27<sup>th</sup> August 2025, including all tree protection measures, construction methodologies and timelines set out within. This shall apply at all stages of the development, including prior to demolition, during construction and landscaping works.

4. The development hereby approved shall be carried out in full accordance with the approved refuse strategy plan 7287-P-130G (received by the Council on 11<sup>th</sup> September 2025) unless otherwise agreed in writing by the Council. The details of which shall then be implemented in full accordance with the approved plan prior to the occupation of the dwelling in which the refuse storage relates.

5. No individual dwelling shall be occupied until a safe and suitable pedestrian/cycle access has been provided to and from that dwelling to the public highway network.

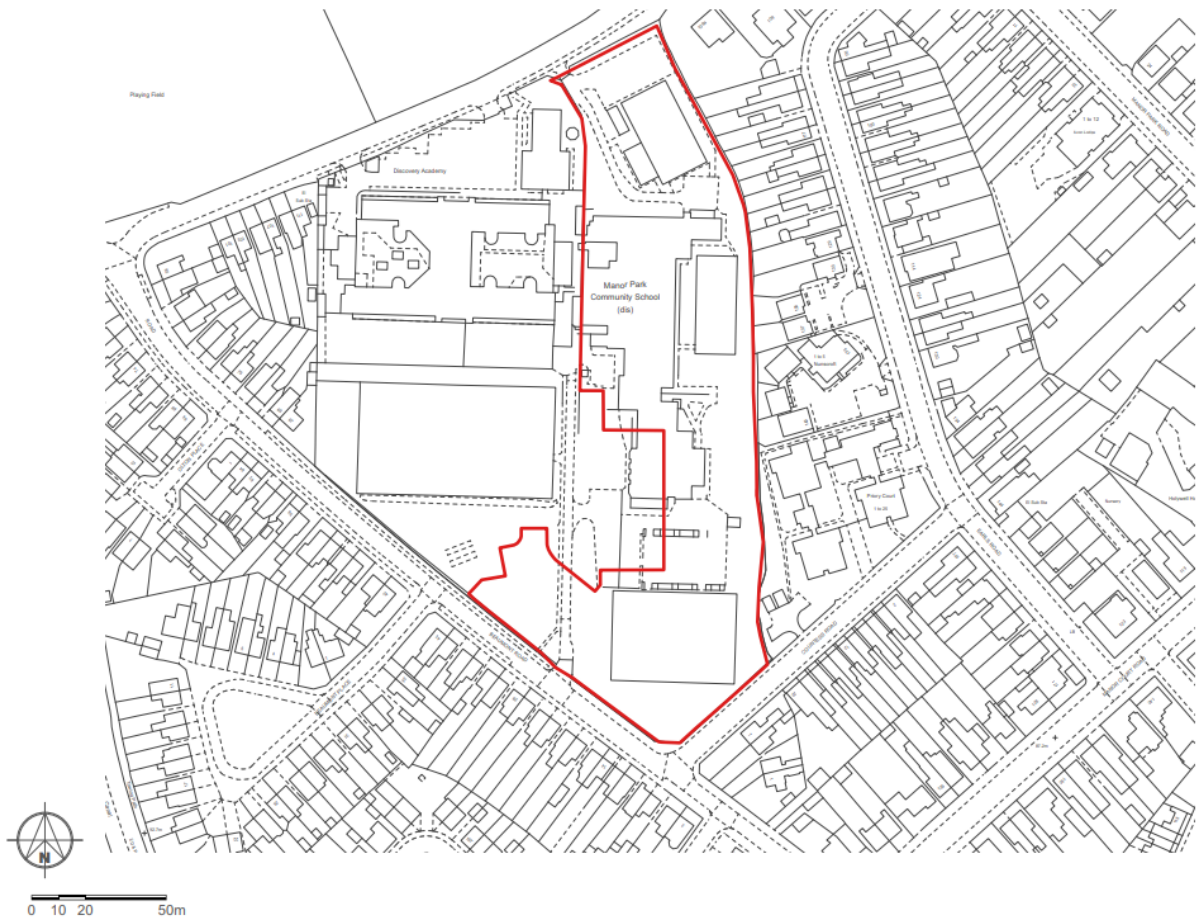
6. No structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6m above the level of the public highway.

7. Prior to the first occupation of the development, a scheme shall be submitted to and approved by the Council detailing arrangements of Electric Vehicle (EV) charging points, along with provision for passive infrastructure to enable future expansion, shall be submitted to and approved in writing by the Council. The scheme shall include:

- i. The location and type of each charging point at a rate of a minimum of 1 active EV charging points per dwelling;
- ii. A maintenance and management plan for the charging infrastructure;
- iii. Details of passive provision such as ducting or cabling to enable future installation of additional EV charging points.

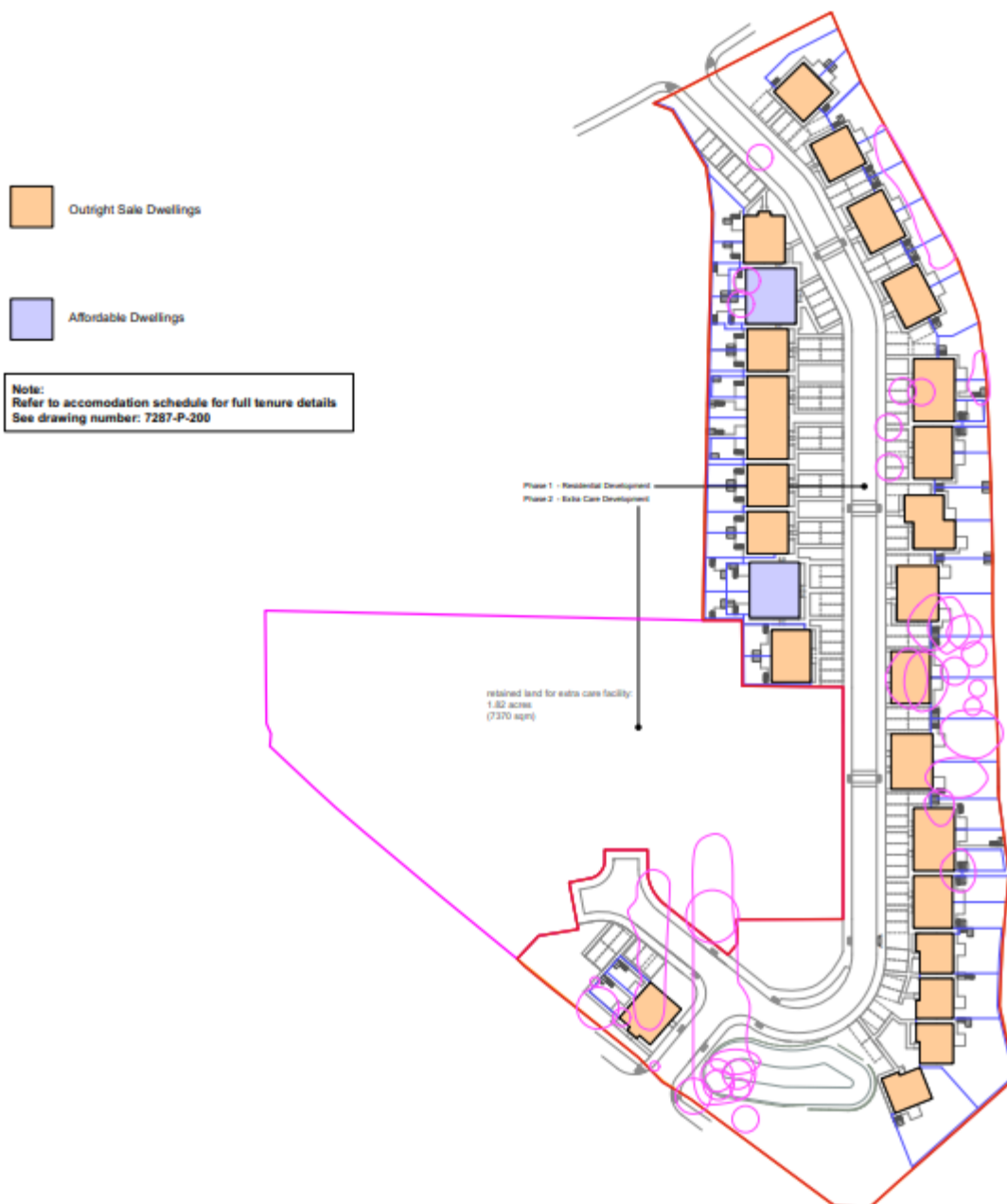
The approved scheme shall then be implemented in full accordance with the approved details prior to the occupation of the dwelling in which the EV charging point relates.





Location plan





Proposed tenure plan

Planting Schedule	
Low Level Planting:	
Bc	Begonia cordifolia
Bt	Brachyglottis (Dunebird Group) 'Sunshine'
Cm	Caenothus thy. Prinos Rapens
CmF	Corvus sanguinea 'Midwinter Fire'
Dp	Eucalyptus latens 'Tarnant Gully'
Hp	Hebe pinguifolia 'Sutherland'
Hre	Hebe 'New Edge'
Lm	Leucosticte angustifolia 'Munstead'
Lp	Lonicera pilosa
Sed	Sedum spectabile 'Brilliant'
Trees:	
D1	Prunus avium 'Prest'
D2	Acer Campestre 'Sirenetes'
D3	Malus sylvestris sp.
D4	Betula cilia var. jacquemontii
Native Hedge Row Mix:	
Prunus spinosa	- 10%
Crataegus monogyna	- 60%
Ilex aquifolium	- 10%
Acer campestre	- 10%
Lonicera periclymenum	- 5%
Rosa canina	- 5%
Attenuation Bank Seed Mix To Include:	
EMO Special General Purpose	
Meadow Mixture	- 70%
EMSP Wild Flower for Wetlands	- 30%



Proposed soft landscaping plan





Proposed hard landscaping plan



## Proposed street scenes



## Tree survey plan



Tree removal plan





Tree retention plan





Tree protection plan

**REFERENCE No.** 040698

**Site Address:** 212 Higham Lane, Nuneaton, Warwickshire, CV11 6AS

**Description of Development:** Extensions and partial change of use of ground floor shop (Class E) and first floor flat (Class C3) to ground floor shop and first/ second floor 1No. 13-person 13-bedroom House of Multiple Occupation (Sui Generis), complete with all associated works including new vehicular access, additional parking, and retrospective outbuilding to rear.

**Applicant:** Mr Kirushnapillai Vijayarajah

**Ward:** SN

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**RECOMMENDATION:**

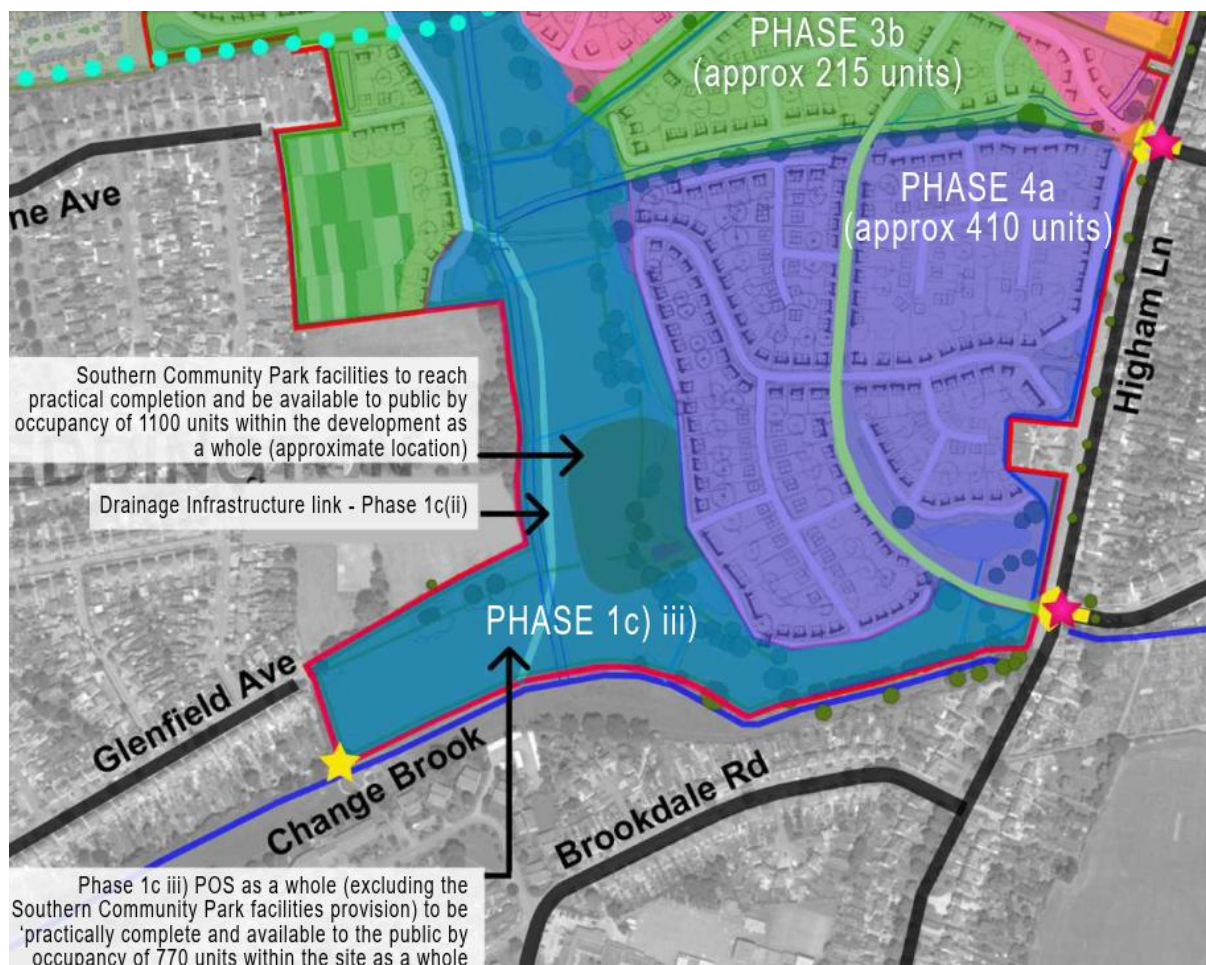
Planning Committee is recommended to grant planning permission, subject to a legal agreement and the conditions printed.

**INTRODUCTION:**

The application seeks planning permission for extensions and a partial change of use of an existing ground floor shop (Class E) and first floor flat (Class C3) at 212 Higham Lane. The proposal would result in a ground floor shop and first/ second floor 1 No. 13-person, 13-bedroom House of Multiple Occupation (HMO) (Sui Generis use). The resulting development would be 2.5 storeys. The application includes all associated works including a new vehicular access off St Nicolas Park Drive, additional parking/ hardstanding, and a retrospective outbuilding to the rear.






The site is situated adjacent to the Higham Lane-St Nicolas Park Drive roundabout/ junction. To the rear (east) is Higham Lane Allotments, as defined by the Borough Plan 2019 and Borough Plan Review. There is also a Cadent Gas structure to the rear. To the southern side is No. 210 Higham Lane. To the northern side is a National Grid substation and St Nicolas Park Drive itself. On the opposite side of St Nicolas Park Drive are Nos. 2 and 4 St Nicolas Park Drive. To the front is Higham Lane itself. On the opposite side of Higham Lane to the northwest is a field (forming part of strategic allocation HSG1 in the Borough Plan 2019/ SHA1 in the Borough Plan Review). On the opposite side of this road to the south-west is Coronation Walk (a Local Park as defined by the Borough Plan 2019 and Borough Plan Review). Change Brook (a Statutory Main River as defined by the Environment Agency) runs adjacent to the north side of Coronation Walk. This is culverted under Higham Lane and the site. Change Brook ceases to be classified as a Statutory Main River at the point of being culverted. Severn Trent wastewater sewers run under the site.

Regarding the field to the north-west, this has extant outline planning permission (ref. 035279) for construction of dwellings and associated works. For information only - the parts of the latest approved indicative phasing plan (ref. 041092) relevant to this field are shown on the following page. The development of this field and any associated works (including any upgrades to the Higham Lane-St Nicolas Park Drive roundabout/ junction) are wholly separate to this application.



#### Development Parcels & Supporting Infrastructure

#### Highway Infrastructure

-  Phase 1a i) Northern Link Road  
Start on site January 2024
-  Phase 1a ii) East to West access road  
Start on site September 2024
-  Proposed vehicular accesses
-  Upgrade to existing bridge and ped/cyclepath between Glenfield Avenue  
planned new ped/cyclepath infrastructure in Coronation Walk.  
Works to be completed by occupancy of 770 units within the site as a whole
-  PRow N29

-  Phase 1b - Start on site May 2024  
\*Proposed Secondary School. This phase of development is the subject of a separate planning application (Ref. 039885) and does not represent a formal phase of the permitted development OPP Ref. 035279
-  Phase 1c) i) Start on site May 2024
-  Phase 1c) ii) Start on site April 2025
-  Phase 1c) iii) Start on site June 2026
-  Phase 1d - Start on site March 2026
-  Phase 2 - Start on site June 2026
-  Phase 3a - Start on site TBC
-  Phase 3b - Start on site July 2028
-  Phase 4a - Start on site Feb 2029
-  Phase 4b - Start on site TBC



At the time of submission the site was wholly within Flood Zone 1 as defined by the Government's flood map for planning. However, a subsequent update to the flood map now shows the site being largely within Flood Zone 2. Much of the site is also shown as being vulnerable to surface water flooding.

Existing built form in the locality is primarily residential in nature, with the predominant house type being two-storey semi-detached dwellings. None the less, there is variation in uses, design types and materials in the local area.

The shop as existing includes a sub post office. The existing site (excluding the retrospective outbuilding) includes approximately 163 sq. m of external ground floor space. The self-contained flat above has 4 bedrooms. The proposal (including the retrospective outbuilding) would add around 215 sq. m of external ground floor space. The self-contained proposed HMO above would accommodate 13 single rooms. In planning terms, the HMO would be considered as a single planning unit (i.e. 1x13 bedroom unit, rather than 13x1 bedroom units).

There is currently an unmarked parking area to the front of the site, and a private outdoor space to the rear. Following the development there would be 19 total marked car parking spaces, and 17 total cycle spaces. Of this:

- One accessible car parking space is intended each for the HMO and shop,
- 15/ 2 cycle parking spaces are intended for the HMO/ shop respectively,
- 8/ 11 car parking spaces are intended for the HMO/ shop respectively.

Part of the outdoor space to the southern side/ rear is proposed to be retained as amenity space for HMO occupiers.

A bin store area for the shop is proposed to the southern side. Two bin store areas for the HMO are proposed adjacent to a new access off St Nicolas Park Drive.

Several trees are situated within/ adjacent to the site. Recent satellite and street views images show several trees have been cleared from the site in recent years.

The application form notes that the number of shop employees is not anticipated to change (although the number of employees stated on the application form (one) would appear to be an underestimate).

Hours of use of the shop are not anticipated to change, although it should be noted hours of use are subject to separate licensing controls in any case.

## **BACKGROUND:**

This application is being reported to Committee because third-party letters of objection received exceed the threshold for referral to Committee - as set out in Annex A within 3E.7 of the Council's Constitution.

## **RELEVANT PLANNING APPLICATION HISTORY:**

There is considerable planning history at this site, however much of this is not directly relevant. Any building control applications, or applications on other separate matters, are not a planning consideration.

- 035365 - Non-illuminated grey steel fascia signage and non-illuminated black and green decal signage, with white non-illuminated lettering to ATM Pod - approved 27/03/2018.
- 035364 - Retention of ATM Pod and bollards - approved 27/03/2018.
- TP/0265/90 - Illuminated fascia and projecting signs - approved 18/05/1990.
- TP/0317/89 - Single storey extension to rear and alterations to shop front - refused 13/06/1989. Subsequent appeal ref. T/APP/W3710/A/89/141621/P5 - allowed 12/04/1990.
- TP/0225/88 - Single storey rear extension to existing sales area - refused 09/12/1988.

Several third-party comments refer to historic planning applications at the site refused due to impacts on sewers/ drainage. However, no record of such applications have been found. The only refused applications on record are listed above. The reason for these historic refusals related to highway safety/ parking concerns (subsequently overturned at appeal).

## **RELEVANT PLANNING POLICIES:**

The Council is at a very advanced stage with its Borough Plan Review (BPR). Following receipt of the final Inspector's Report the BPR is scheduled to go to Full Council on 10/12/2025 with a recommendation for adoption. The overall conclusion and recommendation of the Inspector's Report finds that subject to the main modifications recommended will make the BPR sound and capable of adoption.

The Inspector's Report also concludes the duty to co-operate has been met and with the recommended main modifications satisfies the legal requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and is sound. The Inspector's Report further concludes if the BPR is adopted promptly (with the recommended main modifications) the BPR establishes a five-year supply of deliverable housing sites. Accordingly, in this circumstance the Inspector's Report recommends the Council will be able to confirm a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 75 and footnote 40 of the NPPF (September 2023 version which was the version against which the Inspector examined the emerging plan).

Currently, significant weight can be applied to the policies within the BPR given its advanced stage and, subject to adoption, the BPR will supersede the policies in the Borough Plan 2019 (BP2019). Relevant BP2019 and BPR policies are listed below.

### Policies of the BP2019

- DS1 - Presumption in favour of sustainable development
- DS2 - Settlement hierarchy and roles
- DS3 - Development principles
- HS2 - Strategic accessibility and sustainable transport
- HS4 - Retaining community facilities
- NE1 - Green and blue infrastructure
- NE3 - Biodiversity and geodiversity
- NE4 - Managing flood risk and water quality
- BE3 - Sustainable design and construction

### Policies of the BPR

- DS1 - Delivering sustainable development
- DS2 - Settlement hierarchy and roles
- HS2 - Strategic accessibility and sustainable transport
- HS4 - Retaining community facilities
- NE1 - Green and blue infrastructure
- NE3 - Biodiversity and geodiversity
- NE4 - Managing flood risk and water quality
- BE3 - Sustainable design and construction
- H4 - Nationally Described Space Standards

### Supplementary Planning Documents (SPDs)

- Sustainable Design and Construction (SDC) SPD 2020
- Air Quality SPD 2020
- Open Space and Green Infrastructure (OSGI) SPD 2021
- Transport Demand Management Matters (TSMM) SPD 2022
- Retail, Leisure and Office Study 2022

### Other relevant policies, guidance and documents

National Policy Planning Framework (NPPF) 2024.

National Planning Practice Guidance (PPG).

### **CONSULTEES NOTIFIED:**

Cadent Gas, Central Building Control Partnership, Environment Agency, Higham Lane Allotment Association, National Gas, National Grid, NBBC Environmental Health, NBBC Greenspace Planning Officer, NBBC Land and Property, NBBC Licensing/ Private Sector Housing, NBBC Planning Policy, NBBC Recreation and Culture, NBBC Strategic Housing, NBBC Waste and Refuse, Nuneaton Federation of Allotment Associations, Severn Trent, Works Fire and Rescue Service, Works Fire and Rescue Service Water Officer, Works Police Crime Prevention Design Advisor, Warwickshire Property Development Group, WCC, WCC Ecology, WCC Infrastructure, WCC Lead Local Flood Authority (LLFA), WCC Highways

### **CONSULTATION RESPONSES:**

No objection subject to conditions, informatives, obligations and/ or standing advice: Cadent Gas, NBBC Environmental Health, NBBC Licensing/ Private Sector Housing, Works Fire and Rescue Service, WCC Infrastructure, WCC LLFA, WCC Highways

No objection: National Gas, National Grid (Electricity Transmission), NBBC Planning Policy, Works Police Crime Prevention Design Advisor, WCC Ecology

Comment: Higham Lane Allotment Association, NBBC Strategic Housing, NBBC Waste and Refuse

No comment and/ or standing advice: Environment Agency, NBBC Recreation and Culture

No response: Central Building Control Partnership, NBBC Greenspace Planning Officer, NBBC Land and Property, Nuneaton Federation of Allotment Associations,

Severn Trent, Works Fire and Rescue Service Water Officer, Warwickshire Property Development Group, WCC

### **THIRD PARTIES NOTIFIED:**

Neighbouring/ adjacent properties (Nos. 2 and 4 St Nicolas Park Drive and No. 210 Higham Lane) were sent letters notifying them of the development on 21/01/2025 and 22/05/2025.

A site notice was erected on street furniture to the front of the site on 20/01/2025 and 23/05/2025.

### **THIRD PARTIES RESPONSES:**

There have been letters of objections from 134 addresses (as well as 3 letters of objection with no address provided). Letters of objection have also been received from WCC Cllr Keith Kondakor. The comments are summarised below;

1. Impact on general highway safety
2. Impact on safety of the adjacent roundabout/ junction
3. Impact on traffic/ congestion
4. Impact on pedestrian safety
5. Impact on car parking
6. Impact on cycle parking
7. Impact on nearby schools
8. Impact on flooding/ surface water drainage
9. Impact on sewers/ culvert
10. Impact on adjacent river/ brook
11. Impact on waste
12. Impact on waste collection
13. Impact on fire safety
14. Impact on greenspaces/ trees
15. Impact on biodiversity/ statutory biodiversity net gain
16. Impact on protected species/ wildlife
17. Lack of renewable energy production
18. Cumulative impact of other new/ forthcoming development nearby (i.e. development on field(s) to the north-west of the site)
19. Impact on functioning of the existing shop
20. Impact on general access for all users
21. Impact on general wellbeing/ amenity/ safety, fear or crime/ anti-social behaviour in the locality
22. Impact on more vulnerable groups e.g. children, elderly, disabled etc
23. Alleged motives/ morals/ behaviour of those involved with the application submission or existing site
24. Behaviour of the general public in and adjacent to the existing site, e.g. alleged dangerous parking, littering, alcohol consumption etc
25. Impact on general future occupier wellbeing/ amenity/ safety
26. Internal space for future occupiers is inadequate or not fit for purpose
27. Outdoor space for future occupiers is inadequate or not fit for purpose
28. No controls over who the future occupiers would be
29. Impact on noise
30. Impact on privacy
31. Impact on light

32. Impact on general pollution
33. Impact on air quality
34. Impact on property values
35. Unsustainable location, lack of existing infrastructure/ facilities nearby
36. Impact on existing infrastructure/ facilities nearby. Existing infrastructure/ facilities are at or exceeding capacity
37. No general need for the development
38. Doesn't meet local housing need in the area, or housing need in the area is already met
39. Development out of keeping with locality/ character of the area, or just generally represents a poor design
40. Overdevelopment of the site
41. Past reason(s) for refusal of planning permission are still relevant
42. Insufficient third-party consultation/ publicity
43. The application is partly retrospective
44. Action should have already been taken by the Council's Planning Enforcement team regarding this site e.g. the retrospective outbuilding, alleged breaches of historic planning permissions
45. The retrospective outbuilding may be used differently to what is outlined in the submission
46. Irregularities in the submission e.g. details in the application form may be incorrect, spelling mistakes etc
47. Inaccurate ownership certificate/ details, potential encroachment
48. Separate consents may be required e.g. Severn Trent, National Grid, Cadent Gas, building regulations, licensing, environmental health etc
49. Development would set a negative precedent
50. Conflicts with national and/ or local planning policy
51. Submission documents missing from the Council website
52. Comparable developments have been refused both in this Borough and elsewhere based on the concerns raised
53. Further assessments are required prior to determination
54. Article 4 Directions relating to Houses of Multiple Occupations should be considered

## **APPRAISAL:**

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

1. Other matters
2. The principle of the development
3. Impact on residential amenity
4. Impact on visual amenity
5. Contamination and air quality
6. Impact on highway safety
7. Flooding and drainage
8. Waste and fire safety
9. Ecology, biodiversity, landscaping and trees
10. Planning obligations
11. Conclusion and planning balance

### **1. Other Matters**

#### **Material Planning Considerations**



PPG Paragraph 008 Ref. ID 21b-008-20140306 notes a material planning consideration is one relevant to making the planning decision in question (i.e. whether to grant or refuse planning permission). The scope of what constitutes a material consideration is very wide and so courts often do not indicate what cannot be a material consideration. However, in general they take the view planning is concerned with land use in the public interest, so the protection of purely private interests are not a material consideration. Matters which would be addressed separately to planning - e.g. any separate consents required by Severn Trent, National Grid, Cadent Gas, building regulations, licensing, environmental health etc - would also generally be viewed as not a material planning consideration.

The Council's constitution (3E.7iv) states the following are not valid planning considerations: *'1. Developers/ applicants' motives or morals 2. Loss of views over other people's land 3. Impact on property value 4. Impact on private rights and/ or covenants 5. Boundary disputes or objections arising from disputes unrelated to the planning application.'*

It should be noted that planning cannot control people's behaviour. For example, this planning application cannot control for an individual hypothetically choosing to park a vehicle dangerously or illegally on a public road, choosing to litter etc.

#### Planning Enforcement/ Retrospective Development

PPG Paragraph 012 Ref. ID 17b-012-20140306 notes applicants are entitled to apply for planning permission retrospectively (albeit entirely at their own risk). The Local Planning Authority (LPA) should take care not to fetter its discretion prior to the determination of an application. Any retrospective application must be considered in the normal way. It should be noted in the event of refusal the applicant holds the right to appeal. Enforcement action would not generally be taken against hypothetical refused retrospective development whilst the period allowed for an appeal is ongoing, and also whilst pending the outcome of such an appeal.

There are no Tree Preservation Orders or Conservation Areas at or adjacent to this site. In terms of planning, no consents are required to undertake works to non-protected trees at a site such as this (including felling). Any separate consents required, or separate relevant legislation is separate to planning. None the less, the felled trees on site have been accounted for in calculating the pre-development biodiversity value for this application. It is understood the felling of trees on site took place after 30/01/2020 which is the relevant date for calculating the pre-development biodiversity value in this instance.

NPPF Paragraph: 004 Ref. ID: 17b-004-20180222 notes time limits for enforcement action. In most cases, development becomes immune from enforcement if no action is taken within 4 or 10 years of substantial completion for a breach of planning control which took place before 25/04/2024 or on or after 25/04/2024 respectively.

The retrospective outbuilding included in this application is not immune from enforcement action. Any 'breach' of condition 2 on appeal ref. T/APP/W3710/A/89/141621/P5 would now be immune from enforcement action *'before the extension hereby authorised is first brought into use, the forecourt area shall be laid out and clearly marked for cars to be parked and to permit the loading*

*and unloading of service vehicles to take place ...*. Marked spaces have not been present on the forecourt for well over 10 years as confirmed by street view and satellite images. Moreover, there is no requirement in the condition that marked spaces be retained in perpetuity.

#### Planning and Ownership

Planning and ownership are essentially separate matters, other than a requirement for the applicant to submit an accurate ownership certificate i.e. declare who owns the land subject to the application (PPG Paragraph: 025 Reference ID: 14-025-20140306). The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership.

The application site boundary has been updated since submission (a full re-consultation was undertaken since this change). Ownership Certificate B was submitted to declare the applicant and WCC Highways are the owners of the site. This appears to correspond with information available on the Land Registry, and the amended site boundary (albeit the LPA are not arbitrators on ownership). There are therefore no outstanding ownership considerations relevant to this application. Regardless of the outcome of the application, this would not grant consent for the applicant to undertake works on land outside of their control.

#### Article 4 Directions

There are no Article 4 Directions relevant to this site. In any case, Article 4 Directions simply require an application for planning permission for certain development. Such an application is already required for this development.

#### Consultation/ Publicity

LPAs are required to undertake a formal period of public consultation prior to determining a planning application. This is prescribed in article 15 of the Development Management Procedure Order (as amended). For an application of this type/ scale the requirements are this be publicised:

*'(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or  
(b) by serving the notice on any adjoining owner or occupier.'*

Third party consultation/ publicity requirements have been fulfilled. The latest versions of submission documents relevant to the application are available to view on the Council website.

## **2. The Principle of Development**

#### General background

The NPPF establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are: economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policies DS1

of the Borough Plan (2019) and the Borough Plan Review which should be seen as a golden thread running through plan making and decision taking.

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

This site is within the Nuneaton settlement boundary. In addition, the general proximity of nearby facilities is noted. For instance, St Nicolas Park Drive Local Centre, as defined by both the 2019 Borough and Borough Plan Review, is approximately 300 metres east of the site.

Paragraphs 125c and d of the NPPF states planning policies and decisions should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused ... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks...'* It is therefore considered that the NPPF encourages LPAs to give substantial weight towards the use of previously developed land to accommodate housing and other uses. This establishes a strong presumption in favour of development on sites such as this, in principle. Impacts on other planning matters will be considered in subsequent sections below.

#### Identified housing and retail needs

In this instance - given both the existing and proposed site include one residential planning unit - policies relating to the Council's housing land supply, overall housing development needs, monitoring of housing delivery etc are not considered relevant to this application. None the less it is noted the site would be able to accommodate several more occupiers after the development, and some weight should be given to this.

NBBC commissioned an updated Retail, Leisure and Office Study (2022) as part of the evidence base for the BPR. Neither the BPR nor BP2019 contain policies specifically relating to convenience retail floorspace targets outside Centre locations. However, the 2022 Study does note recent trends across the Borough indicate convenience retail floorspace in non-Centre locations would be expected to gradually increase in the coming years (by around 700 sq. m by 2029).

No evidence has been provided to demonstrate an expansion of the shop is necessary for this use to remain viable. None the less the 2022 study would suggest expansion of shops in locations such as this should not be unexpected, and again the NPPF would indicate sustainable expansion of shops in locations such as this should not be resisted unless other planning matters indicate otherwise.

Context in appeal ref. T/APP/W3710/A/89/141621/P5 is also noted. The Inspector found the shop at that time an *'important retail facility for local people'* which is also *'exceptionally cramped'* and would likely benefit from being upgraded/ having more internal space (again provided this would not negatively impact other planning matters). Whilst much has changed in planning since the time of this appeal decision, this context still appears to be relevant to the shop today.

There is no evidence to suggest the development would impact the ability of a shop to operate from the site. Policies relating to avoiding the loss of community facilities are therefore not considered relevant.

Overall, the principle of development is considered to be acceptable and in accordance with both the BP2019 and BPR, subject to all other planning matters being adequately addressed.

### **3. Impact on Residential Amenity**

#### General background

Policies BE3 of the BP2019 and the BPR state that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

Policy BE3 of the BP2019 states that development proposals must be:

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

Policy BE3 of the BP2019 and the BPR state that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

In short, the overarching principles in Policy BE3 of the BPR align with those of the BP2019.

Paragraph 135f of the NPPF is also relevant and sets out the need for planning to deliver a high standard of amenity for all existing and future occupants of buildings.

The scheme would result in a change of use as outlined above. There is no indication the current ownership would change, although clearly the occupiers would change. There would be no changes to the street layout, plot size/ arrangement, pattern of development. There would be changes to the built form. Impacts on amenity are considered below.

Section 7.6 of the SDC SPD (amongst other matters) notes the change of use from a dwellinghouse to a HMO will not be permitted unless

- Adequate sound insulation can be provided.
- An area for outside drying or measures for drying clothes can be provided.

#### Anti-social behaviour, crime and noise

Future occupiers of the site would be exposed to noise from adjacent roads and nearby properties, i.e. the same as the existing site. Future occupiers would be aware of the proximity of the road and nearby properties prior to choosing to live there. Prior to development of fields to the north-west, noise likely to arise from that development would need to be demonstrated as acceptable through planning applications wholly separate to this application.

Based on reasonable use of the site, the types of noise nuisance at the proposed site are considered similar to the existing site given both feature a shop, space for cars to park, and residential use. There is potential for an increase in noise levels given the intensification of the site. The technical consultee with expertise on noise, NBBC Environmental Health, has raised no concerns with regards to noise subject to fencing to be installed to the rear to protect garden amenity at No. 210 from noise of additional car parking spaces. NBBC Environmental Health did also note their no objection response was provided Building Regulations requirements would be met, however as set out above this is a separate consideration to planning. Paragraph 57 of the NPPF notes 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. NBBC Environmental Health has not indicated further information in relation to noise, e.g. a noise impact assessment is required in this instance. It is important to note any noise nuisance complaints (as well as any other environmental health complaints) are still able to be reported separate to planning.

Paragraph 8 of the NPPF sets out key objectives of planning, including the social objective of supporting strong, vibrant and healthy communities. Paragraph 96 of the NPPF states planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime or anti-social behaviour are therefore a material consideration in planning decisions, although the weight that can be given is usually limited unless there is significant evidence to show crime/ anti-social behaviour would likely actually occur. Whilst the LPA notes the high number of third-party responses which raise concerns regarding crime or anti-social behaviour etc, there is no robust and specific evidence before the LPA to show such issues would inherently occur at this development. The relevant technical consultee with expertise on crime and anti-social behaviour are Warwickshire Police. Their Crime Prevention Design Advisor has confirmed the Police have no objections to this application (notwithstanding general advice which can be included as informatives on a decision notice). It should also be noted the site will be subject to additional controls through licensing requirements, however, that is a wholly separate to planning. NBBC Private Sector Housing/ Licensing were consulted and have confirmed they have no concerns with the development provided their standards are met. This consultee also confirmed as and when a licensing application was submitted - if their standards were not met

e.g. there were not the correct number of amenities etc., a license would only be issued for the amount of rooms/ occupiers that meet their standards.

#### Outdoor space

As per the SDC SPD, sufficient and useable amenity space to meet the recreation and domestic requirements of occupants should be provided. Amenity space should be provided for passive recreation activities such as reading, active recreational uses such as gardening and domestic uses such as drying clothes. An irregularly shaped shared outdoor space is to be provided (maximum dimensions approximately 9.5m in length and 18.75m in width). This is considered a relatively small space for use by 13 occupiers meaning active recreational uses may not be wholly practicable. It is also noted shop workers would cross this space to access the outbuilding on an ad-hoc basis. This is somewhat mitigated given a publicly accessible park is opposite the site, however, there is still some conflict with the SDC SPD with regards to outdoor space which should be considered in the planning balance.

#### Distances to neighbouring properties

Section 11.3 of the SDC SPD notes front, rear and side facing windows to habitable rooms will be protected from significant overlooking and overshadowing where such windows are the primary source of light and are the original openings in the house. Habitable rooms are where occupants spend significant amounts of time, such as a lounge, kitchen, study, dining room and bedroom. It does not include bathroom, WC, utility rooms, hall, landing or garages. Where a room has (or originally had) two windows or more, the primary source of light will usually be the window(s) (if of reasonable size) that overlooks amenity areas.

Sections 11.4/ 11.5 notes in the interests of protecting privacy, 20 m separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three-storey development is proposed, a distance of 30 m will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure. The distances may be reduced if they are across public viewed areas e.g. across a front garden, open space or public highway. It is acceptable for windows to non-habitable rooms closer than these distances to be obscure glazed and, if privacy is at particular risk, also be non-opening or with a high-level opening (also see conditions below).

The dwellings at Nos. 2 and 4 St Nicolas Park Drive are set back from the site by public viewed areas, and in any case are 30+ m from the closest parts of the proposed extended building. The existing south facing side elevation at the site already features several habitable room windows at first floor level, and so the similarly located proposed south facing side elevation windows are not considered to result in any meaningful additional impacts to privacy at No. 210.

#### Impacts on light

11.9 in the 2020 SPD notes an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. This is usually relevant to a proposed ground floor rear extension. A proposed extension a storey higher than the window of an adjacent habitable room shall not infringe a 45 degree line. In any event, near the boundary of an adjoining usable rear

private amenity space a proposed single storey extension shall be less than 4 m long. None of these standards are considered to be breached to the only adjoining property at No. 210. Whilst the outbuilding does extend in excess of 4 m along the boundary, this is not an extension and is set back from the main building.

#### Room sizes/ internal space

The Nationally Described Space Standards (NDSS), are contained within the SDC SPD and the BPR (Policy H4), but not the BP2019.

A key appeal decision for the Borough (APP/W3710/W/24/3345739, dated 06 December 2024) set out in paragraph 63; *'Turning now to compliance with the NDSS. The PPG is clear that where LPAs wish to require an internal space standard, they should only do so by reference in their local plan to the NDSS. I note that the Council's SPD sets out a requirement for compliance with the NDSS. However, the NPPF sets out that SPDs are not part of the development plan. As such, having regard to the PPG and the NPPF such a requirement would not be reasonable.'* Given the status of the BPR it is considered significant weight can now be given to the NDSS, which would increase to full weight as and when the BPR is adopted.

It should also be noted the NDSS is separate to building regulations, licensing etc. General accessibility of a property is understood to be covered by Building Regulations Part M. Policy H5 in the BPR (accessible and adaptable homes) relates to major residential developments only, and is therefore not applicable.

The NDSS does not contain a specific minimum gross internal area and storage standard for a 13-bedroom 13-person residential property. Likewise, there are no specific standards for additional living spaces (e.g. dining, kitchen, living spaces etc). The NDSS does include:

- *a dwelling with 2 or more bedspaces has at least 1 double (or twin) bedroom*  
This standard is not met as all bedrooms are single. Although this in itself is considered very unlikely to justify a refusal, this should be considered in the planning balance.
- *in order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5 sq m and is at least 2.15m wide.* All bedrooms meet this standard. Almost all bedrooms comfortably exceed this standard to an extent the standard area for 2 bedspaces (11.5 sq m) is met.
- *the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.* This standard is met

To create habitable rooms with adequate daylight the SDC SPD notes ceiling heights measured from the floor should be a minimum of 2.5 m. No rooms in the property - original or proposed - have a ceiling height exceeding 2.5 m. This is not uncommon in the locality given the age of properties. None the less, all ceiling heights are close to this threshold (2.3 m)

All bedrooms feature an ensuite WC/ shower room. All habitable rooms have at least one window.

The LPA have visited the interior of the retrospective outbuilding and this was clearly in use for storage in connection with the shop at that time. In the event of permission,

a condition requiring this outbuilding to not be used other than incidental to the site would be able to be imposed.

Overall there is some minor conflict with the SDC SPD, the BP2019 and the BPR (notwithstanding most policy standards are met) with regards to residential amenity. This will need to be considered in the overall planning balance, although none of the identified conflict is considered to give rise to robust reasons for refusal.

#### **4. Impact on Visual Amenity**

Policy BE3 of the Borough Plan 2019 requires development proposals to be designed to a high standard. The policy also states all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. In addition, the policy goes on to confirm a number of considerations which should be taken into account when assessing applications as outlined above. These overarching requirements are also reiterated in the Borough Plan Review.

Paragraph 135 of the NPPF emphasises that developments should function well over their lifetime, be visually attractive through good architecture, layout and landscaping, and be sympathetic to local character and history while allowing for appropriate innovation. Developments should also establish or maintain a strong sense of place, optimise site potential, and create safe, inclusive, and accessible environments that promote a high standard of amenity.

The National Design Guide (paragraph 21) reinforces that well-designed places are achieved through coordinated decisions across all design levels, including layout, scale and form, appearance, landscape, materials, and detailing.

While policies generally support renewable energy, there would be no reasonable basis for the Council to refuse a development such as this due to a lack of renewable on-site energy generation e.g. solar panels.

Large and/ or mixed-use built form is present in Higham Lane and St Nicolas Park Drive (particularly adjacent to junctions). For instance, St Nicolas Park Drive Local Centre is 2.5-to-3 storeys, immediately adjacent to dwellinghouses, features ground floor retail with residential use above, and features parking to the front and rear. Opposite this Centre is a 3-storey block of flats. The Chase Hotel (28 bedrooms) and Pub is 2.5 storeys, immediately adjacent to dwellinghouses, and features parking to the front and rear. Notwithstanding this, the existing site already features ground floor retail with residential use above and features a parking area.

The proposed development would result in visual changes and an increase in the building's scale. However, it is considered unlikely that these changes would give rise to a level of visual harm that could reasonably justify refusal or be upheld at appeal. The submitted contextual elevations indicate that the enlarged building would not appear dominant within its surroundings, and the design and materials are regarded as being in keeping with the existing property. It is also noted that the current building would benefit from repair and general maintenance.



The retrospective outbuilding is set back from any street scene, and in any case is of a similar design and scale to single storey garages common in the locality. This is not considered to detrimentally impact visual amenity.

Overall, this application is considered to comply with Policies BE3 of the BP2019 and BPR and the SDC SPD, with regards to visual amenity.

## **5. Contamination & Air Quality**

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

The site accommodates a shop with residential use above. Given the existing use, it is considered very unlikely there would be historic contamination discovered requiring any meaningful remediation. NBBC Environmental Health, the technical consultee with expertise on such matters, have raised no concerns with regards to contamination. Given the scale and location of the development, unacceptable future impacts on air quality are considered unlikely (the standard domestic heating provision boiler condition would be able to be imposed). The site is not within the Coal Authorities high risk development zone.

## **6. Impact on Highway Safety**

Policies HS2 of the BP2019 and BPR require development to result in acceptable levels of impact on existing highways networks. Proposals should target a minimum 15% modal shift to non car-based uses by including provisions which promote more sustainable transport options.

WCC Highways' final consultation response is as follows: *'Further detail has been provided since the Highway Authority's initial response.*

*It has been confirmed a dropped kerb crossover would be provided off St Nicolas Park Drive to serve the HMO parking and additional parking for the retail element of the site. Justification has been provided regarding a dropped kerb access and the Highway Authority has no objection to a dropped kerb being provided.*

*It has been clarified the rear of the site will be only for the above parking and not be used for HGVs servicing the existing shop, this will be conditioned.*

*Separate pedestrian access has been provided to the site for the HMOs to the rear to avoid pedestrians being required to enter through the vehicular access.*

*The parking has been altered to ensure vehicles can turn on-site and not be required to reverse into the public highway, and the spaces close to the boundary have been altered to minimise conflict at the access.*

*Parking provision is provided in accordance with NBBC standards and is therefore acceptable.*

*The parking fronting the site is proposed to be formally lined which is considered a betterment as it should assist with current ad-hoc parking that occurs. It is however noted that the disabled bay should really be to the north and closest to the store entrance. NBBC will need to determine whether this is required.*

*The extension to the shop could generate additional vehicular movements however this is not considered to be significant. Whilst the total floor area is to increase to 259sqm this would include the storage areas etc which are unlikely to generate movements in themselves (other than deliveries). The actual retail area of the store is only proposed to increase by around 60sqm which could generate around 6 additional movements in the peak hours. As a worst case using the full floor area the retail could generate an additional 17 movements in the peak hours however this is not considered to be significant to have a detrimental impact on the public highway.*

*Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of no objection, subject to the following conditions ...' (see below).*

Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 of NPPF sets out development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the absence of robust evidence to show this would be the case; any refusal on highway grounds would likely be overturned at appeal (as was the case with the previous appeal ref. T/APP/W3710/A/89/141621/P5).

The Council's parking standards notes parking provision for Sui Genesis HMOs will be determined on a case-by-case basis. None the less there are related policies which help to guide what standards should be applied:

- Table 1 in the TDMM SPD outlines HMOs accommodating up to 6 people (C4) are required to provide 0.5 car parking spaces per bedroom. If such a standard was applied for this application this would be met.
- Table 2 in the TDMM SPD outlines HMOs accommodating up to 6 people (C4) are required to provide 1 secure cycle parking space per unit. If this standard were applied to the current proposal, it would be satisfied, subject to the condition set out below.
- 7.6 of the SDC SPD notes the change of use from a dwellinghouse to a HMO would not be permitted unless where more than 6 units (i.e. bedrooms) are proposed, 1 off-street parking space per 2 bedrooms is provided so as not to adversely affect the amenities of the occupiers of neighbouring properties. If such a standard was applied for this application this would be met.

The Council's parking standards notes parking provision for Class E(a) convenience stores are:

- 1 car parking space per 25 sq. m. Current parking standards cannot be applied to existing lawful development. The existing car parking area to the front of the site is by informal arrangement only. Should the owners choose to do so they would be able to prevent cars parking here at any time. The TDMM does not note whether the standards specified are based on external or internal floorspace, although NBBC consistently uses an external measurement in

assessing applications. The 215 sq. m increase in floorspace at ground floor level in total would correspond to a requirement for 8.6 car parking spaces. It is considered car parking standards are met, and indeed would be a betterment on the existing situation. These can be conditioned to be retained in the arrangement as shown.

- 1 cycle space per 200 sq. m floor space for customers. 1 cycle space per 10 employees. Such a standard can be met (subject to the condition below).

In accordance with the Council's Air Quality SPD, residential developments are required to provide 1 charging point per dwelling with dedicated parking, or 1 charging point per 10 spaces of unallocated parking. For non-housing developments, 10% of parking spaces should be provided with charging points. At least 1 charging unit should be provided for every 10 disabled parking space. Subject to condition, these requirements can be met.

Given the lack of cycle parking at the existing site, the increase in cycle parking provision against a targeted minimum 15% modal shift to non car-based uses is considered to be achieved. It is also noted the site benefits from being situated on the various bus routes which use Higham Lane and St Nicolas Park Drive.

The development does not meet the threshold to require any motorcycle spaces (20+ parking spaces for residential developments, or 25+ parking spaces for non-residential developments).

New developments are expected to allocate 5% of total parking provision for blue badge holders. This has been met. NBBC does not have any adopted standards for the location of accessible spaces within a site; and a reasonable view on this is required. The accessible spaces are not considered to be unreasonably set back from entrances.

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 115).

Overall, this application is considered to comply with Policies HS2 of the BP2019 and BPR, as well as the relevant provisions of the aforementioned SPDs, with regards to highway safety and parking provision subject to conditions.

## **7. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result (paragraph 167). This aligns with Policies NE4 of the BP2019 and the BPR.

Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraphs 173 and 174 of the NPPF explain that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now, or in the future, from any form of flooding and the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are

reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

A sequential test is ordinarily required for major and non-major development if any proposed building, access and escape route, land-raising or other vulnerable element will be in Flood Zone 2 or 3. However recent updates to PPG (Paragraph: 027 Reference ID: 7-027-20220825) notes a proportionate approach should now be taken with this. Where a site-specific flood risk assessment etc. can demonstrate clearly that the proposed layout, design, and mitigation measures ensure occupiers and users can remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere, then the sequential test need not be applied. A sequential test has been provided, however a proportionate approach as outlined in the PPG - in the context of the advice from the LLFA and subject to conditions - a sequential test may not inherently now be required. All information as requested by the LLFA at this stage, including revisions to the submitted flood risk assessment, have been provided.

The Environment Agency have not provided bespoke comments due to the scale and type of this application. Ordinarily WCC LLFA would also not provide bespoke comments due to the scale and type of this application. However given the considerable level of third-party concerns on flooding and surface water drainage, the LPA has acquired paid advice from the LLFA to ensure independent expert review. The LLFA's final comments note: *'Overall, we believe there to be insufficient grounds to maintain an objection to this development. The detailed rationale for this is set out below. Subsequently, there are important conditions that we believe are necessary to secure the flood resiliency of the development (see below)*

*In the first instance it is worth considering the changes in vulnerability because of this development and these are considered minimal. The ground floor is currently used as a commercial shop which is classed as "less vulnerable" (NPPF Annex 3) and whilst it is recognised this shop will be enlarged to provide a store room to the rear, the same use is provided on the ground floor and therefore there is no change in vulnerability i.e. it remains "less vulnerable." Likewise, the upper floors are currently of residential use and classed as "more vulnerable" and the same usage is proposed. This lack of change of vulnerability is one of the matters that forms the "nature" of the development*

*It is however recognised that the conversion to a HMO represents an intensification of use from 1no. dwelling to 13no. rooms. To be clear, the LLFA is not a consultee for emergency planning matters, this rests with NBBC and the LPA should take appropriate advice. However, given the hydrological assessment within the HMS report, the critical storm duration is circa 3.25hrs and therefore any flooding in the area is likely to be transient.*

*Nonetheless, the site is at risk. This was highlighted in our first response (dated 17<sup>th</sup> Feb 2025) where we outlined the risks as shown on the Risk of Flooding from Surface Water (RoFSW) and Risk of Flooding from Rivers & Sea (RoFR&S) mapping. A Flood Risk Assessment (ref: 25/Hayward Arch/FRA/drainage/Higham Ln/Nuneaton/RevA) was subsequently provided and our second response (dated 21<sup>st</sup> Aug) reviewed this FRA in detail. The FRA concluded that "the contributing surface water runoff from the off-site to the Site would be relatively minor.*

*Subsequently, the Site would not be considered an off-site surface water flood risk.” However, no detailed evidence was provided to back up this assertion and we outlined how a ‘major’ development would be expected to undertake detailed hydraulic modelling.*

*That modelling has now been undertaken and whilst it could be considered high-level, it is considered proportionate to the nature of the development proposed. As part of this modelling, calculations have been made to estimate rainfall for the catchment and this rainfall is then applied to the surface topography to understand where water flows. Subsequently, the 1,200mm diameter sewer/culvert that runs beneath this development site is also represented but the wider surface water drainage network, including the large diameter sewers in St Nicolas Park Drive are not represented.*

*As such, the assessment could be considered conservative i.e. that there is, in reality, additional sewer drainage capacity not represented in the model. Further, as we have highlighted previously, we have received no reports of flooding in the area and this either means that the catchment-wide surface water drainage is suitably sized or a sufficiently large storm has not occurred in the catchment.*

*Modelling results are illustrated through Section 4 and Section 6 of the HMS report. Figure 4.1 and Table 4.1 illustrate how flood depths range from the shallowest depth of 22mm to the west of the site in Higham Lane to the deepest depth of 595mm in the existing scrubland to the rear of the current building (east side of the site). The report then goes on to outline how ground levels to the rear of the building form a depression which results in greater depths of water; these ground levels will be amended to form the car park. The report also outlines how St Nicolas Park Drive also conveys significant runoff and we believe further details regarding levels (secured by condition) could aid in minimising flows into the site from the adjacent carriageway.*

*The new car parking, building extension and garden areas are represented in the post-development model with a comparison of depths illustrated in Table 6.1. Changes in flood depths are between -31mm and +20mm and the report states (pg. 34) “There would not be any significant deterioration of the flood risk in the surrounding area due to the proposed development.” The LLFA would concur with this assessment.*

*Nevertheless, there is a risk of flooding to the site but the depths of flooding are within the range of practical mitigation measures. Property flood resilience (PFR) measures such as flood barriers function well in flood depths up to 600mm and from the results given, post-development flood depths in close proximity to the building (Pt-03 to Pt-06) are between 130mm and 330mm. The FRA previously discussed the implementation of PFR and wider recoverability measures and, again considering the nature of the proposed development, we believe this to be an appropriate course of action. A pre-commencement condition is recommended below securing further detailed design and approval of these measures to ensure they meet the appropriate standards for flood resistance. As part of any PFR installation, measures installed should be tested in-situ to ensure they function and the results of this testing post-construction can be provided as part of the pre-occupation verification condition.*

*Information regarding the proposed surface water drainage for the site has been similarly high-level with much of the proposals reliant on rainwater harvesting. The*

*LLFA has raised concerns that in general this is not considered appropriate given that such storage features are expected to be full/unused especially during the winter. As such, we believe more drainage details are necessary to bring the scheme into policy compliance but this information can be conditioned and provided at the next stage of the design given:*

- that the development is classed as 'minor' development therefore we are not a statutory consultee;*
- that SuDS are required proportionate to the scale & nature of the development which is, in effect, an extension to an existing building and associated landscaping;*
- that the network of adjacent public surface water sewers nearby provide an appropriate outfall from the development; and*
- that in our experience there is likely sufficient space within the development to attenuate surface water runoff in various measures such as raingardens, permeable paving and below-ground tanks, all of which can be further developed in the detailed design stages.*

*Given the above, we believe the following conditions (again see below) are necessary to secure further design work regarding PFR measures and surface water drainage alongside their implementation.'*

Severn Trent have been consulted on this application however no response has been received. Again, any build over agreements etc required by Severn Trent are a separate matter.

Overall, subject to conditions, the application is considered to comply with Policies NE4 of the BP2019 and the BPR.

## **8. Waste and Fire Safety**

NBBC Waste did not provide a comment on the final revised scheme, however their previous comments are considered to have been addressed: *'With regards the position on this plan from a waste collection aspect, then the bin store area and access to it needs some small changes to allow to collection. With parking directly in front of the bin store it has to be assumed that bins will be taken along the footway onto the pavement and to the vehicle for emptying. As the development is a large HMO it would likely have 1100 litre euro bins supplied so the footway needs amending to allow the safe movement of those sized bins along it and currently sections look very narrow, with sharp angled corners to turn. It would also be sensible to propose that the parking bays are backed by a bollard of some kind to prevent bins rolling into vehicles that are parked and prevent vehicles overhanging the footway and preventing safe collection. At this time I would consider that the proposals are not sufficient to allow for safe and reliable collections to occur, but can be resolved with some minor amendments.'*

Bin store arrangements for the shop would essentially match the existing arrangement (stored to the southern side of the site and brought kerbside on collection days). The new HMO bin store arrangements meet the requirements in the SDC SPD. Bin stores for larger bins should be no more than 10m from collection points. Bin storage should not harm the visual amenity of the area, must be managed so that it does not create risk to water, air, soil, plants or animals, should not cause nuisance through odours.

The bin stores as proposed are considered appropriate, including screening by fencing.

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

Overall, the scheme is considered acceptable in terms of waste and fire safety.

## **9. Ecology, Biodiversity, Landscaping and Trees**

The NPPF and Policies NE1 and NE3 of the Borough Plan 2019 seek to protect and enhance biodiversity and ecological networks, an approach also reflected in the Council's adopted Open Space and Green Infrastructure SPD. Policy NE3 requires development proposals ensure that ecological networks, biodiversity, and geological features are conserved, enhanced, restored and, where appropriate, created. Proposals that may affect ecological networks or important geological features must be supported by a Preliminary Ecological Appraisal and, where relevant, further detailed assessments. This is reiterated in more detail in the OSGI SPD.

Policy NE1 of the Borough Plan Review states that the Borough's green and blue infrastructure assets will be protected, managed and where possible, enhanced or created to provide nature recovery networks. Policy NE3 of the Borough Plan Review aligns with that of the Borough Plan, and goes on to state that the use of mechanisms to improve biodiversity such as green roofs or green walls are encouraged, albeit these cannot be insisted upon.

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. The requirements of the EU Habitats Directive are implemented through the Conservation of Habitats and Species Regulations 2010, which require local planning authorities, as competent authorities, to have regard to the provisions of the Directive when determining planning applications that could affect European Protected Species (EPS).

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible. It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

WCC Ecology's final consultation response contains no objections and notes the submitted Preliminary Bat Roost and Protected Species Assessment '*A presence/absence survey of the building was undertaken, and no bats were seen emerging. Given that the sufficient survey effort has been made to establish a likely absence of a bat roost, no further surveys are required for this building. As a precaution, we recommend that notes in relation to bats and nesting birds are attached to any approval granted.*'

WCC Ecology's initial consultation response commented on biodiversity net gain '*The destruction of on-site habitats was undertaken in April 2020. The baseline section of the Biodiversity Metric was completed using site photographs and aerial photography from 2019. According to the Metric, the development would result in a deficit of 0.4 habitat units. A 10% biodiversity net gain needs to be secured through a S106 agreement (NB dependent on a legal agreement specifics a Unilateral Undertaking rather than a S106 agreement can be acceptable) and deemed planning condition. A Biodiversity Gain Plan will need to be submitted prior to the start of the works.*'

The NPPF recognises that trees make an important contribution to the character and quality of urban environments. Planning decisions should ensure that existing trees are retained wherever possible, and appropriate measures are in place to secure the long-term maintenance of newly planted trees (paragraph 136). WCC Ecology's initial consultation response commented on trees, and the LPA would concur that: '*trees that are proposed to be retained, must be protected from indirect impacts such as soil compaction. A Tree Protection Plan should be produced to demonstrate how this will be achieved. This can be secured through a condition.*' As set out above, no planning consents are inherently required to fell trees on a site such as this given these were not formally protected. None the less, the loss of trees on site has been included in calculating the biodiversity metric and so will be mitigated (albeit off-site). It is important to note such mitigation would only be secured via planning permission/ a legal agreement and so is a planning benefit of the development. Without planning permission/ a legal agreement; there would be no mitigation secured for the felled trees.

Clearly beyond retaining trees in and around the site there would be limited landscaping value following on from the development (albeit the current site also demonstrates limited landscaping value beyond trees). It is recognised other policy requirements (e.g. parking) limits the scope for additional landscaping.

Overall, it is considered that subject to conditions and a legal agreement, there would be no undue impacts on ecology, biodiversity, landscaping and trees likely to justify reasons for refusal. It is therefore considered the application complies with Policies NE1 and NE3 of the BP2019 and BPR, and the OSGI SPD.

## **10. 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 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 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.

PPG Paragraph: 023 Reference ID: 23b-023-20190901 sets out planning obligations for affordable housing should only be sought for major residential developments. For residential development, major development is defined in the NPPF as development where 10+ will be provided, or the site has an area of 0.5 hectares+.

WCC Infrastructure contend the HMO aspect of the development should be considered as 13 dwellings, and they have made a request as below. As previously set out; in planning terms the proposed HMO is considered to comprise a single planning unit (i.e. 1x13 bedroom unit, not 13x1 bedroom units). This is consistent with how comparable HMO applications have been assessed by the LPA. Should any new case law or government guidance outline HMOs should instead be considered on a per bedroom basis for the purposes of assessing contributions/ obligations, at that time the LPA would review and update their assessment of HMO applications. Notwithstanding this WCC Infrastructure's request is considered to meet none of the tests in NPPF paragraph 58.

Many third-party objections raise concerns with impacts on local services, particularly GP and dentist capacity. Appendix A shows most if not all nearby GP surgeries are accepting new patients. This includes the nearest GPs approximately 285 m, and just over 1km, from the site. Appendix B shows some nearby dentists are accepting new NHS patients. This includes the nearest dentist approximately 0.9 km from the site. Overall, there appears to be no evidence existing infrastructure and facilities would be unable to accommodate this development. Notwithstanding statutory biodiversity net gain, obligations requests for a minor development of this scale are very unlikely to be considered CIL compliant as these would generally viewed as disproportionate.

Organisation	Request For	Contribution	Notes
<b>WCC Infrastructure</b>	A) Sustainable Travel Promotion Information i.e. Sustainable Welcome Packs for new occupiers. B) Road Safety Initiatives i.e. road safety education for schools and training/ education for other vulnerable road users. C) Monitoring and Administration fee relating to A) and B)	A) Non-financial contribution  B) £50 Per 'dwelling' or £650 overall.  C) £250 + (5 hours x £40 officer time x no. of triggers)	Not considered CIL Compliant
<b>WCC Ecology</b>	Biodiversity Net Gain off-setting to mitigate the loss of 0.4 units	TBD. The developer would need to first find appropriate off-site units. The specifics of the legal agreement will depend on the specifics of the off-site units etc.	Agreed in principle

## 11. 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 development, the impact on residential amenity, visual amenity, contamination, highway safety, flooding and drainage, ecology, biodiversity, landscaping, trees, waste and fire safety matters have been assessed against the Borough Plan (2019) and Borough Plan Review.

Taking into account the above assessment, on balance it is considered the development would not result in undue conflict with the adopted development plan, or relevant changes to the emerging development plan, or other policies within the NPPF overall. While there are some minor considerations which weigh against the proposal as noted above, it is not considered that these amount to robust reasons for refusal likely be upheld at appeal when considering the site/ application contexts. These must be weighed against the benefits of the development, and matters which can be appropriately controlled by condition/ legal agreement. Non-planning matters are not able to be taken into account in determining this application. Future occupiers would be aware of the constraints of the site prior to choosing to live there. The minor nature of this development, especially when considered against the existing built form/ uses and those in the local area, are not considered to represent an overdeveloped or out of keeping scheme. There are no objections from any technical consultees. It is therefore considered the proposed development overall would achieve sustainable development which should consequently be approved subject to conditions and a legal agreement. The outcome of this planning application would not grant consent on any separate matters.

## Appendices

- Appendix A. NHS Find a GP. GP surgeries near CV11 6AS. Accessed 17/11/2025. <https://www.nhs.uk/service-search/find-a-gp/results/CV11%206AS>
- Appendix B. NHS Find a Dentist. Dentists near CV11 6AS. Accessed 17/11/2025. <https://www.nhs.uk/service-search/find-a-dentist/results/CV11%206AS>

## 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 retrospective outbuilding to which this permission relates shall be deemed to have taken effect on *\*insert date permission issued\**. The proposed

development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

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

<u>Name</u>	<u>Ref.</u>	<u>Date Received</u>
Proposed site and location plan	24-14 15 I	19 Nov 2025
Vehicular access plans and elevations	24-14 06a	13 May 2025
Existing site plan	24124-24-01 A	22 Apr 2025
Proposed floor plans and elevations	24-14 20 D	11 Apr 2025
Existing floor and roof plans	24124-24-02	02 Jan 2025
Outbuilding plans and elevations	24-14 04	13 Dec 2024
Existing elevations	24124-24-03	13 Dec 2024

3. No external materials shall be used in the development other than of the same type, texture and colour as those used on the existing site, and those shown on documents listed in the schedule within condition 2, unless otherwise agreed in writing by the Local Planning Authority.
4. For domestic heating provision, all new gas-fired boiler installations shall be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.
5. The proposed development shall not be occupied until all screening and other furniture (including fencing, bollards and bin stores) as shown on the proposed site plan ref. 24-14 15 I have been installed in full. These arrangements shall be retained for the duration of the development.
6. Prior to occupation of the proposed House of Multiple Occupation; windows accommodating WCs and shower rooms as shown on proposed floor plans and elevations ref. 41-14 20 D, shall have glazing obscured to a level not less than Pilkington scale 4. These windows shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. These arrangements shall be retained for the duration of the development
7. The outbuilding hereby approved shall not be used for any purpose other than incidental to the approved developments at 212 Higham Lane, and will not be sold or let as a separate property.
8. No part of the proposed development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority giving details of all existing trees and hedgerows in and adjacent to the site to be retained, alongside measures for their protection in the course of the development. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the duration of development.

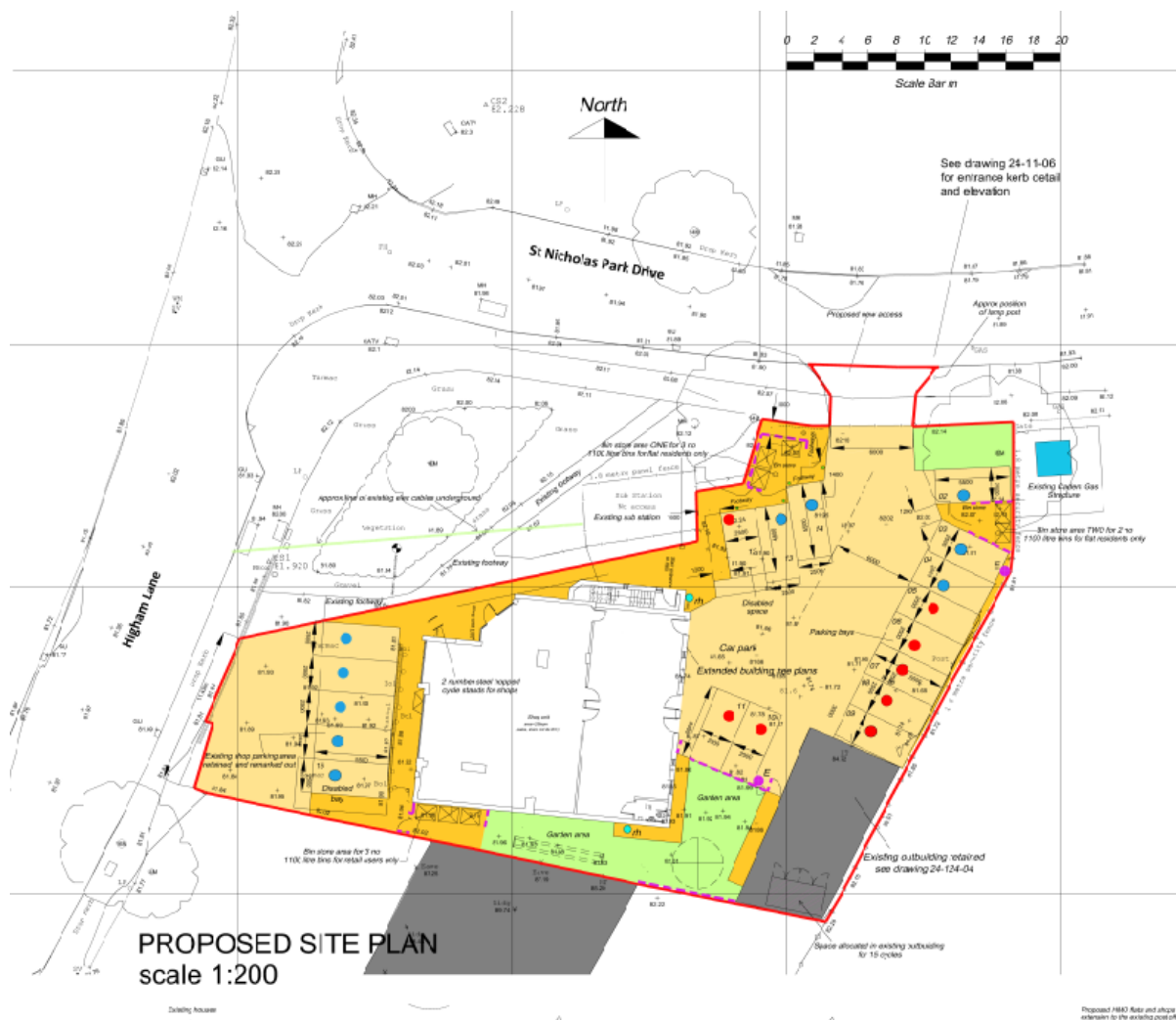
9. The proposed vehicular access to the site shall not be used unless a public highway footway/ verge crossing has been laid out and constructed in accordance with the standard specifications of the highway authority.
10. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.
11. The proposed development shall not be occupied until the access, car and cycle parking, and manoeuvring areas as shown on proposed site plan ref. 24-14 15 have been installed in full. Such areas shall thereafter be retained for access, car and cycle parking and manoeuvring for the duration of the development.
12. The proposed development shall not be occupied until electric vehicle charging points (32amp for non-residential parking, 16amp for residential parking) as shown on proposed site plan ref. 24-14 15 have been installed in full. The charging points arrangement shall thereafter be retained for the duration of the development. Appropriate cabling should also be provided to enable increase in future provision.
13. The development shall not be occupied until pedestrian visibility splays of at least 2.4 m x 2.4 m have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be retained for the duration of the development and kept free of all obstacles to visibility over 0.6 m in height above the level of the public highway footway.
14. No servicing (i.e. use by goods vehicles) for the shop shall occur to the rear of the site, accessed off St Nicolas Park Drive.
15. No proposed development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
  - i. The routing and parking of vehicles of HGVs, site operatives and visitors;
  - ii. Hours of work;
  - iii. Loading and unloading of plant/materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. The erection and maintenance of security hoarding.
  - vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
  - vii. A scheme for recycling/ disposing of waste resulting from construction works.
  - viii. Emergency contact details that can be used by the Local Planning Authority, the Highway Authority and public during the construction period
16. No development shall take place until further details regarding implementation of the Property Flood Resilience measures outlined within the Flood Risk Assessment (ref: 25/Hayward Arch/FRA/drainage/Higham Ln/Nuneaton/RevA) have been submitted to and approved in writing by the Local Planning Authority

in consultation with the Lead Local Flood Authority. The scheme to be submitted shall be in line with the CIRIA Code of Practice for Property Flood Resilience (C790) and the mitigation measures shall subsequently be implemented in accordance with the approved details before the development is completed.

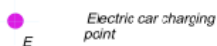
17. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be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

- i. Where rainwater harvesting is proposed as the formal means of attenuation and collection, calculations should be provided in line with BS EN 16941-1:2024 Rainwater Harvesting Systems. Information should also be provided detailing how such rainwater harvesting systems will be emptied before storms to ensure they have sufficient capacity for extreme events.
- ii. Where rainwater harvesting is not pursued, the drainage scheme shall limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate.
- iii. Where the drainage scheme proposes to connect into a 3<sup>rd</sup> 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 developer enquiry or agreement under Section 106 of the Water Industry Act (1991).
- iv. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme including detail drawings such as cross sections and standard details. 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.
- v. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  1. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  2. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  3. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  4. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- vi. Provide external levels plans illustrating how the modelled levels will be implemented. Such details should:
  1. Demonstrate how runoff will be directed away from the development e.g. to keep surface water runoff within St Nicolas Park Drive.

2. Illustrate the finished floor levels and thresholds in relation to exceedance flows. It is noted the existing finished floor level cannot be changed therefore how should external levels address exceedance.
  3. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
18. No occupation shall take place until a Verification Report for the installed PFR measures and surface water drainage system for the site based on the approved Flood Risk Assessment (ref: 25/Hayward Arch/FRA/drainage/Higham Ln/Nuneaton/RevA) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
- i. Demonstration that any departure from the agreed design is in keeping with the approved principles.
  - ii. Any As-Built Drawings and accompanying photos
  - iii. Results of any performance testing undertaken as a part of the application process (if required / necessary)
  - iv. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - v. Confirmation that the system is free from defects, damage and foreign objects
19. No occupation and subsequent use of the development shall take place until a detailed, site-specific SuDS & PFR maintenance plan is provided to the Local Planning Authority in consultation with the Lead Local Flood Authority. Such maintenance plan should
- i. Provide the name of the party responsible, including contact name, address, email address and phone number
  - ii. Include plans showing the locations of SuDS features requiring maintenance and how these should be accessed.
  - iii. Provide details on how each relevant feature shall be maintained and managed for the lifetime of the development.
  - iv. Provide details on how PFR measures (such as barriers) will be stored, maintained, accessed etc. and who will be responsible for deployment during a flood event.
  - v. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance



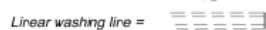
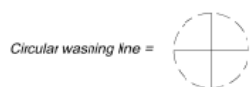
## KEY



### Car parking numbers

Planning authority parking ratios  
HMOs= 0.5 space per room  
Retail= 1 space per 25sqm

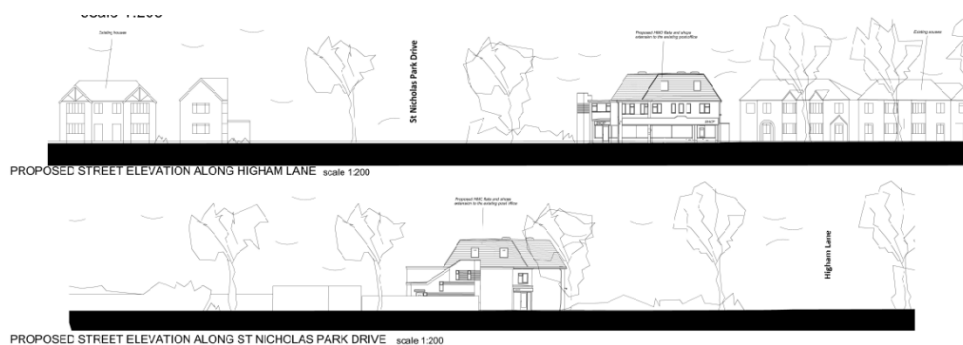
HMO = car parking spaces 7  
Retail space= car parking spaces 11  
15 cycle park spaces for HMO (secure)  
2 cycle park spaces for shops

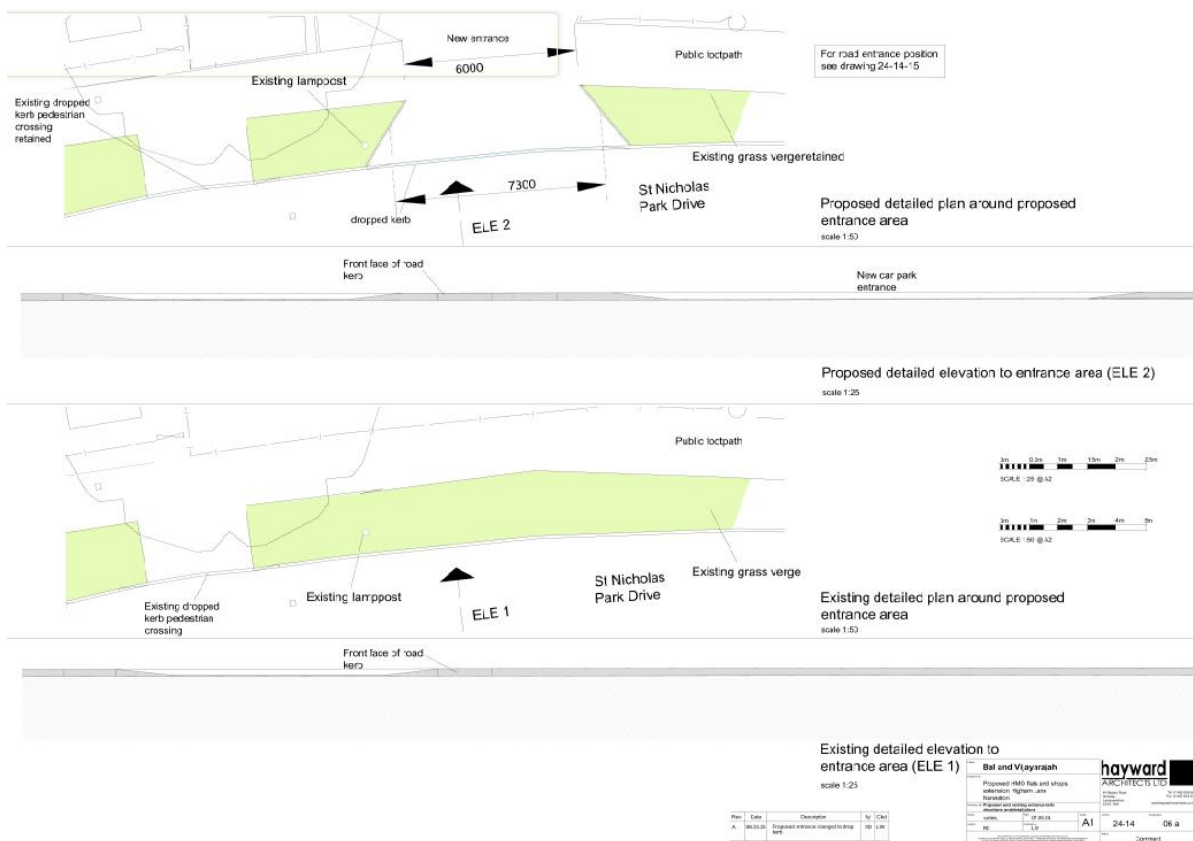


1.8m high timber close boarded fence with concrete posts

200 dia galvanised steel bollards

Rainwater harvesting tank positions



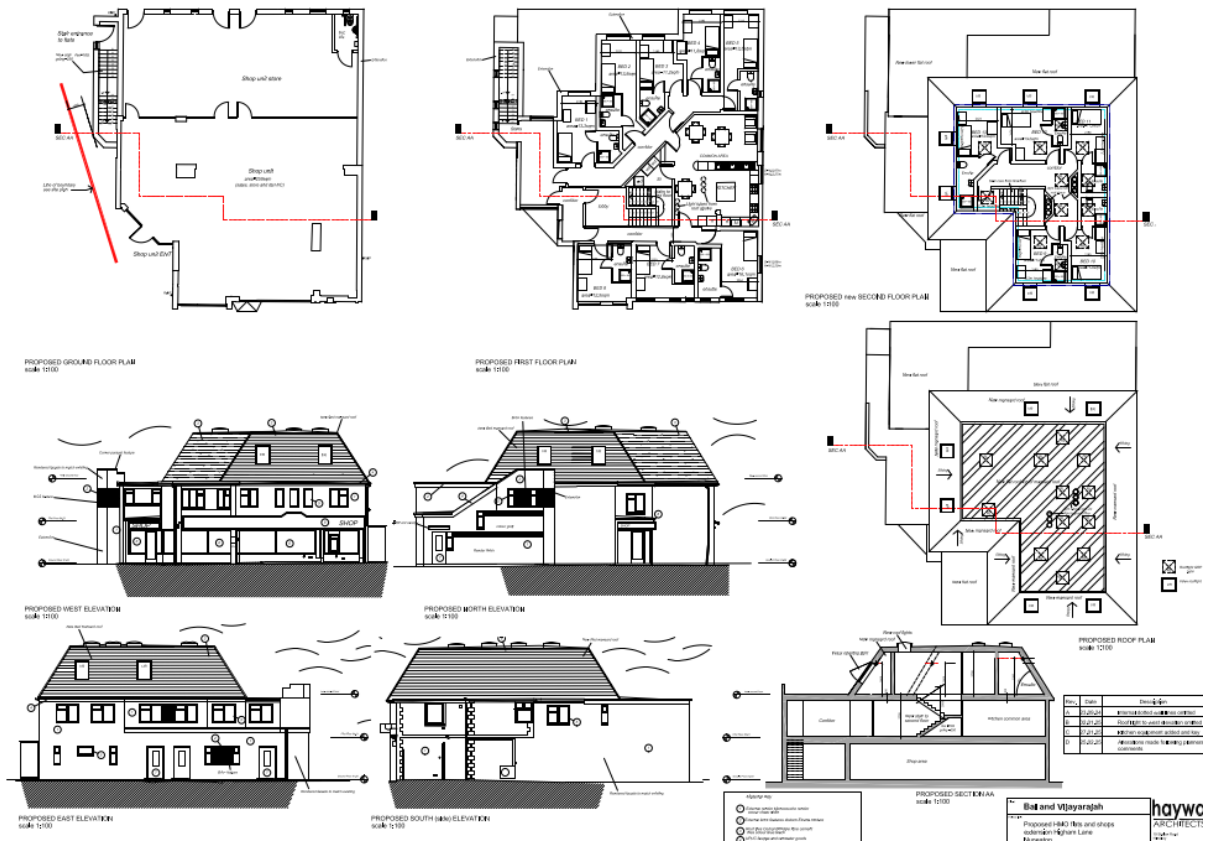


## Vehicular access plans

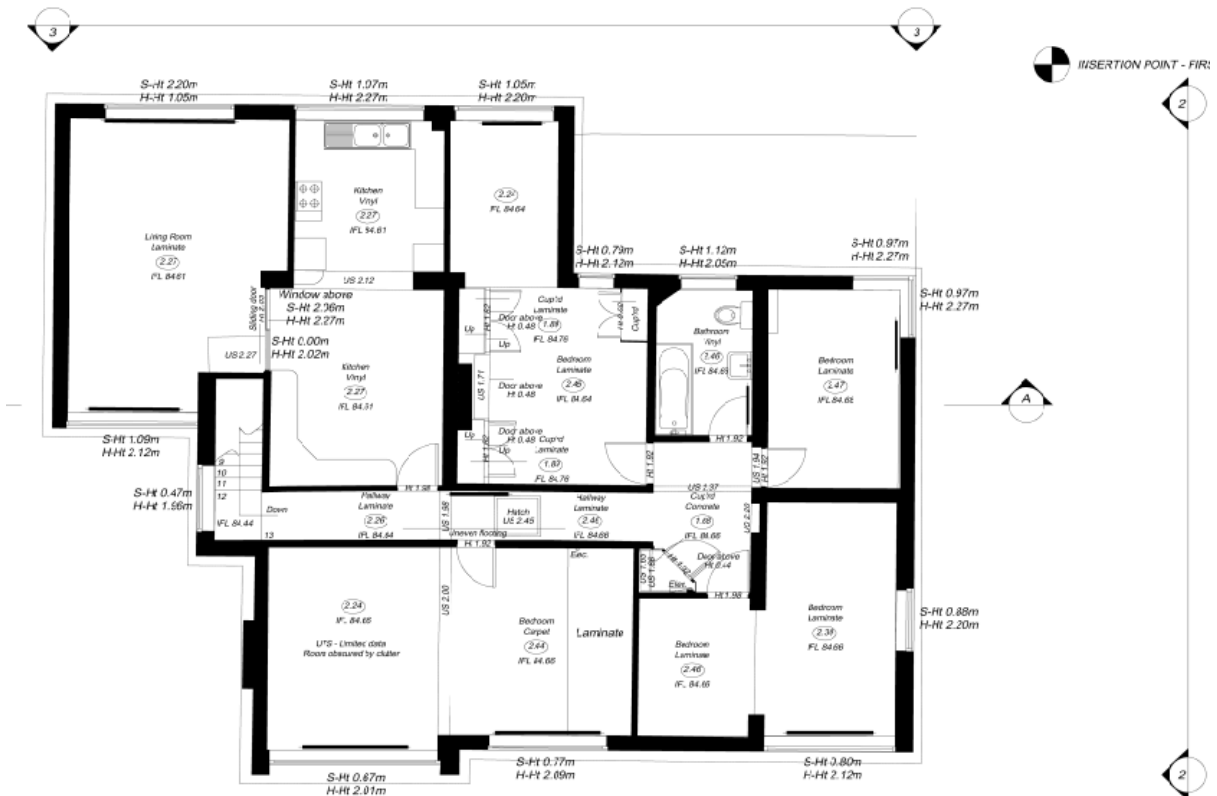


## Existing Site Plan

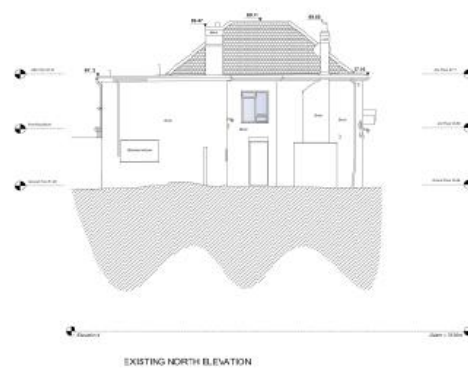
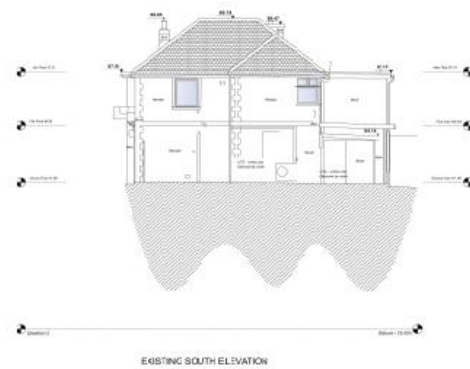




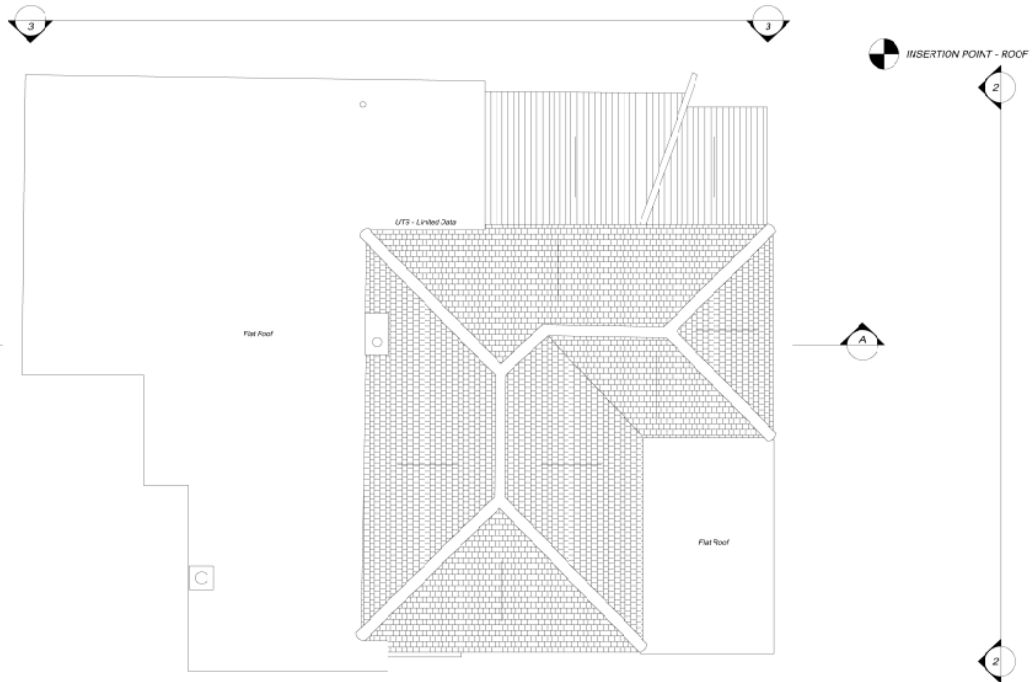
Proposed floor plans and elevations



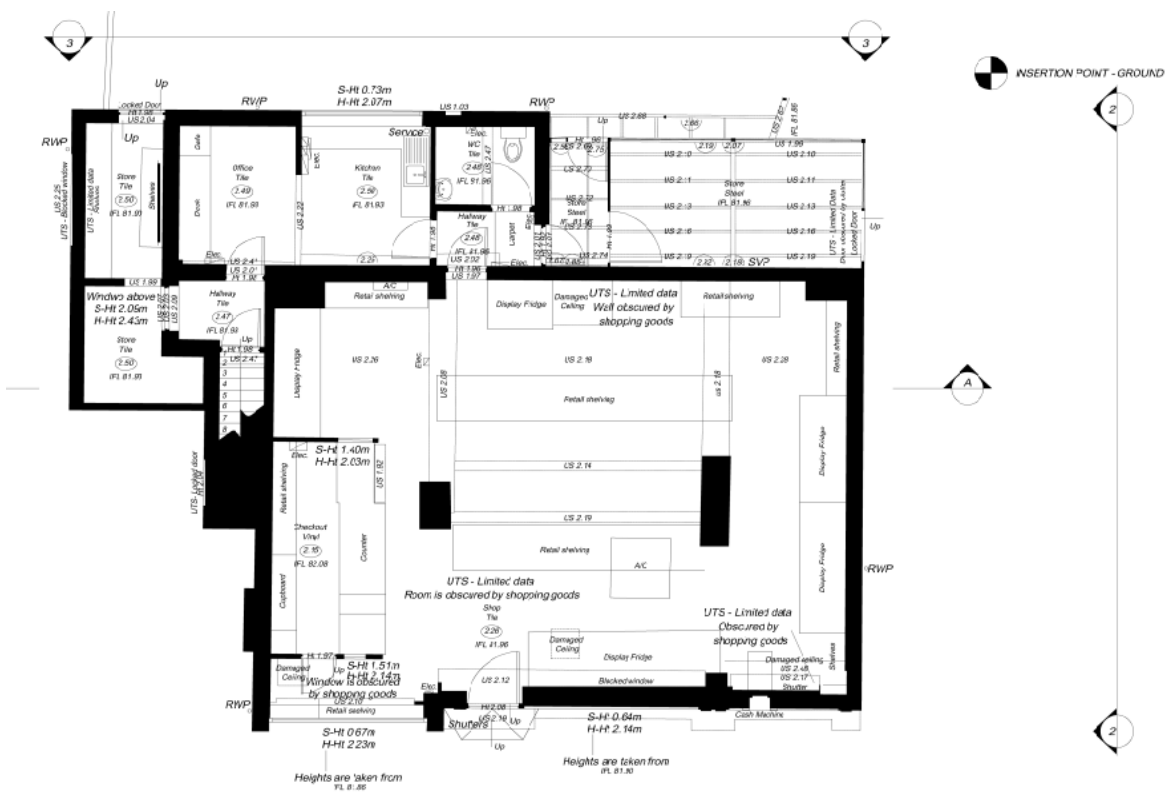
Existing first floor plan



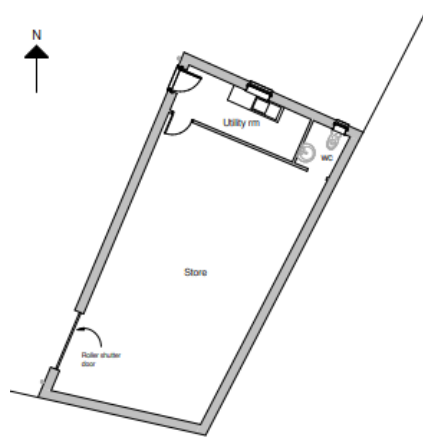
## Existing elevations



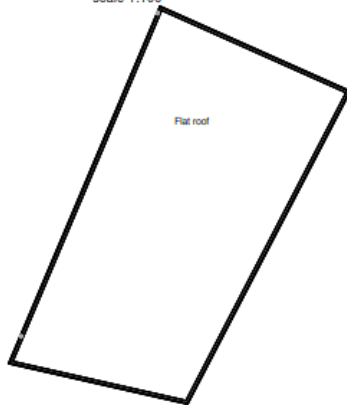
Existing roof plan



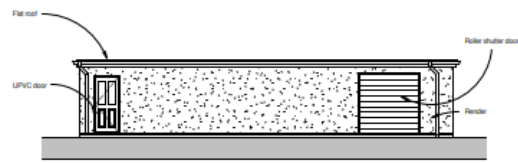
Existing ground floor plan



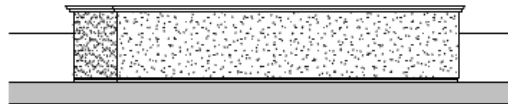
Existing floor plan to out building  
scale 1:100



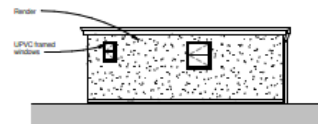
Existing roof plan to out building  
scale 1:100



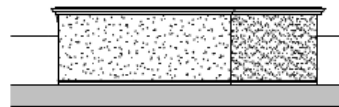
Existing West elevation  
scale 1:100



Existing East elevation  
scale 1:100



Existing North elevation  
scale 1:100



Existing South elevation  
scale 1:100

## Outbuilding floor plan, roof plan and elevations

**REFERENCE No.** 041197

**Site Address:** 198 Weddington Road, Nuneaton, Warwickshire, CV10 0EJ

**Description of Development:** Single storey extension to side/rear of garage and erection of single storey outbuilding to rear. Installation of window to first floor north side elevation.

**Applicant:** Ms Amy Stubbs

**Ward:** WE

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### **RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to a legal agreement and the conditions printed.

### **INTRODUCTION:**

This application relates to a proposed single storey extension to side and rear of the garage and erection of single storey outbuilding to rear, plus the installation of window to first floor north side elevation at 198 Weddington Road Nuneaton Warwickshire CV10 0EJ.

The site, namely, 198 Weddington Road, forms a pair of semi-detached dwellings together with 196 Weddington Road. The pair features a distinct design from the front, consisting of a gable roof with roof tiles. The site features a bay window on the ground and first floor. The principal elevation features brickwork external walls on the ground floor and render on the first floor. The boundary treatments along the front are low level hedges shared with No's. 196 and 200. The front also features a driveway which can accommodate 3 vehicles with space to manoeuvre. A dropped kerb to the front provides access to the property. Weddington Road has a slight downward slope with the north side on a higher level. It is a predominantly residential area with mostly semi-detached two-storey dwellings.

To the rear, the property has a large usable amenity space. Part of the lawn is at a slightly higher level than the dwelling. There have been various extensions and alterations on the rear of the main dwelling. The boundary treatments along the rear are primarily of timber fencing.

The site is not located within any Conservation Areas nor Green Belt. There are also no Tree Preservations Orders (TPO) within the site.

## **BACKGROUND:**

This application is being reported to Planning Applications Committee as the applicant is a member of staff employed by Nuneaton and Bedworth Borough Council.

## **RELEVANT PLANNING HISTORY:**

- 030425 – Two storey side extension to side/rear, conservatory to rear, detached double length garage to side (Amended scheme following refusal of 030029) – Conditional Approval 28<sup>th</sup> October 2010
- 030029 – Two storey extension to side and glazed porch to rear – Refused 1<sup>st</sup> April 2010 & Dismissed on Appeal 8<sup>th</sup> July 2010

## **RELEVANT PLANNING POLICIES:**

The Council is at a very advanced stage with its Borough Plan Review. Following receipt of the Inspector's Report on 8<sup>th</sup> October 2025, the Borough Plan Review is scheduled to go to Full Council on 10<sup>th</sup> December 2025 with a recommendation for adoption. The overall conclusion and recommendation of the Inspector's Report finds that subject to the main modifications recommended will make the Borough Plan sound and capable of adoption. The Inspector's Report also concludes that the duty to co-operate has been met and that with the recommended main modifications satisfies the legal requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and is sound.

The Inspector's Report further concludes that if the Borough Plan Review is adopted promptly (with the recommended main modifications) the Borough Plan establishes a five-year supply of deliverable housing sites. Accordingly, in this circumstance the Inspector's Report recommends that the Council will be able to confirm that a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 75 and footnote 40 of the NPPF (September 2023 version which was the version against which the Inspector examined the emerging plan).

Currently, significant weight can be applied to the policies within the Borough Plan Review and, subject to adoption, the Borough Plan Review will supersede the policies in the Borough Plan (2019). The relevant Borough Plan Review (BPR) policies are listed below:

- DS1 – Delivering sustainable development
- BE3 – Sustainable design and construction
- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Supplementary Planning Guidance / Supplementary Planning Documents.
  - Sustainable Design and Construction SPD 2020.
  - Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF) 2024
- National Planning Practice Guidance (NPPG).

## NEIGHBOURS NOTIFIED:

The neighbours consulted were 4, 6 & 8 Shawe Avenue, Nuneaton; 187, 189, 191, 196 & 200 Weddington Road, Nuneaton.

The above neighbour properties were initially sent letters notifying them of the proposed development on 16<sup>th</sup> September 2025. A second set of consultation letters were sent 16<sup>th</sup> October 2025 informing them of the updated application form.

## NEIGHBOUR RESPONSES:

There were no neighbour representations received in either round of consultations.

## APPRAISAL:

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

1. *The Principle of the Development*
2. *Impact on Residential Amenity*
3. *Impact on Visual Amenity*
4. *Impact on Parking & Highway Safety*
5. *Conclusion*

### 1. The Principle of Development

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

The Development Plan relevant to the proposal is the Nuneaton and Bedworth Borough Plan 2019 (BP 2019). The relevant policies of the BP 2019 are DS1 and BE3 together with the Sustainable Design and Construction (SPD 2020). The National Planning Policy Framework 2024 (NPPF 2024) and National Planning Practice Guidance (NPPG) are also material considerations in the determination of this application.

Paragraph 49 (NPPF 2024) states planning authorities '*may give weight to relevant policies in emerging plans according to:*

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

Given the very advanced stage of the Borough Plan Review (BPR), it is suggested that significant weight can be applied to relevant policies within the Borough Plan

Review. The relevant policies within the BPR are DS1 and BE3 which are in line with DS1 and BE3 of the BP 2019.

It is considered that there are no significant relevant changes within DS1 and BE3 of the BP 2019 and BPR, which would lead to a key difference to the planning balance and conclusion reached.

The nature of the scheme involves extensions and alterations to the dwellinghouse. It does not aim to alter the use of the dwellinghouse which is in a predominantly residential area. Therefore, the principle of development is acceptable.

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

Paragraph 198 (NPPF 2024) provides guidance that decisions should ensure that development is appropriate for its location. Moreover, Policy BE3 (BP 2019) and BE3 (BPR) require developments should meet the requirements in the SPD 2020. Accordingly, the proposal should be able to demonstrate that it complies with the guidance under the national guidance and local policies.

Paragraph 198 (NPPF 2024) provides guidance that decisions should ensure that development is appropriate for its location. Moreover, Policy BE3 (BP 2019) and BE3 (BPR) require developments to meet the requirements in set out within the SPD 2020. Accordingly, the proposal should demonstrate that it complies with the guidance under national guidance and local policies.

### **4, 6 & 8 Shawe Avenue**

4, 6 & 8 Shawe Avenue are the unattached rear neighbours to the west of the site.

There is a ground-floor new window to the proposed extension to the garage on the main dwelling, which will serve the office, considered habitable under paragraph 11.3 (SPD 2020).

Nonetheless, the separation distance between No. 198 and these properties is a minimum of 17m, acceptable under paragraph 11.4 (SPD 2020).

The scheme also includes the erection of an outbuilding to rear with a depth x width x height of 10m x 5m x 3.87m. The outbuilding will service a home office/gym, confirmed via email on 24<sup>th</sup> November 2025, which is considered to be habitable room for the purposes of planning assessment. Nonetheless, only a blank wall elevation is to face these neighbours. Moreover, due to the size of the private amenity spaces of these neighbours, there are no significant detrimental impacts on the use of the private amenity spaces. No. 6 also has an existing outbuilding to the rear which is not protected. Lastly, although No. 198's garden is slightly raised, the level change is not significant enough to alter the assessment of the outbuilding. Nonetheless, to ensure that the outbuilding remains incidental to the main dwelling, a condition shall be imposed.

Therefore, on balance, it is assumed that there are no significant detrimental impacts on the residential amenities of 4, 6 and 8 Shawe Avenue.



### 187, 189 & 191 Weddington Road

187, 189 & 191 Weddington Road are the unattached front neighbours to the east of the site.

There is a window in the office extension, considered habitable, proposed to face these neighbours although it cannot be directly seen from the properties due to a side gate on No. 198. In any case there is a clearance of a minimum 49m in between the site and the neighbours, which far exceeds the distance standards which are considered acceptable under paragraph 11.4 (SPD 2020). Moreover, they are separated by Weddington Road, a public road, which allows reduction of separation distances under paragraph 11.5 (SPD 2020).

Therefore, it is assumed that there are no significant detrimental impacts on the residential amenities of 187, 189 & 191 Weddington Road.

### 196 Weddington Road

196 Weddington Road is the unattached side neighbour to the south of the site.

The only opening to face No. 196 is a door on the extended garage to service a hall, considered uninhabitable. Even so, this door is partially screened by the existing rear elevation of No. 198, deemed acceptable. Moreover, there is a minimum of 12m separation distance between this door and the shared boundary of the properties. It was noted on site that No. 196 is on a lower level as compared to the site. Nonetheless, 45- and 60- degree lines drawn from the centre point of the rear and front of No. 196 do not infringe with the proposal, acceptable under paragraph 11.9 (SPD 2020).

Therefore, it is assumed that there is no significant detrimental impact to the residential amenity of 196 Weddington Road.

### 200 Weddington Road

200 Weddington Road is the unattached side neighbour to the north of the site. There are no openings from the site to face No. 200.

A site visit was made to visit this neighbouring dwelling to assess the openings that may be impacted by the proposal. The side elevation windows on the ground floor of No. 200 service its toilet, utility room and kitchen, with only the kitchen window considered habitable.

According to paragraph 11.7 (SPD 2020), to protect aspect and light, a minimum clearance of 12m should exist between a blank wall elevation and a habitable room window. It is noted that the office extension and the south side elevation of No. 200 only have a clearance of around 2.3m, which is unacceptable under 11.7 (SPD 2020). However, the added extension does not directly face the said window. Furthermore, although the said kitchen window is the primary opening servicing this room, the garage already exists. It is therefore assumed that there is no added significant impact over and above the existing, as the office extension is to project out by roughly 2.4m

the garage. Moreover, it was noted that No. 200 is on a higher level as compared to the site, therefore still having views past the proposal. In terms of the rear elevation of No. 200, a 60-degree line drawn from the door servicing the dining room (habitable) does not infringe with the proposal, therefore acceptable under paragraph 11.9 (SPD 2020).

The scheme also includes an addition of a first-floor window on the north side elevation of the site. This window is to service the bedroom, considered habitable. The first-floor window on the side elevation of No. 200 services its landing, therefore considered non-habitable and therefore is not protected. Additionally, the proposed bedroom window will have a clearance of approximately 6m from the main dwelling at No. 200 and will not overlook a usable private amenity space at No. 200 as its main private amenity space is to the rear. However, to ensure that no additional openings are to be added, a condition shall be imposed.

Therefore, it is assumed that there is no significant detrimental impact to the residential amenity of 200 Weddington Road.

### **3. Impact on Visual Amenity**

Paragraph 135 (NPPF 2024) sets out how planning policies and decisions should ensure that developments achieve well-designed places. In summary, paragraph 135 (NPPF 2024) requires developments to function well within the area, be visually attractive and respect the scale and character of the area. Moreover, paragraph 139 (NPPF 2024), states that development that is not well designed should be refused, especially where it fails to reflect local design policies including consideration of any local design guides and supplementary planning documents.

Locally, Policy BE3 (BP 2019), which is consistent with Policy BE3 (BPR), requires proposals to enhance local character of the neighbouring area whilst respecting the sensitivity to change of the generic characters within each urban area.

In addition, Section 13 of the SPD 2020 protects Nuneaton and Bedworth's residential character. Paragraphs 13.8, 13.9 and 13.10 (SPD 2020) specifically relate to extensions and alterations to existing houses.

The site has already undergone previous extension as listed in the planning history. Approval of this application will further increase the overall size of the dwelling, but this will be acceptable and in accordance with paragraph 13.8 (SPD 2020). The scheme only relates to single storey extensions which still appear subservient to the main dwelling, therefore in keeping with paragraph 13.10 (SPD 2020) and Policy BE3 (BP 2019) and BE3 (BPR).

In addition, the extensions and alterations in relation to this application are mostly to the rear. Although a portion extends to the principal elevation, there are no significant differences to the overall design of the main dwelling. Moreover, due to the extension to the garage having an L-shape, it is recognised that the proposal partly relates to a hipped roofing, which is different from the gable roofing of the main dwelling. However, these are not significantly seen from the street scene and is screened due to the setback from the main road. Even so, in terms of the materials, it is proposed as brickwork to the external walls, roof tiles and uPVC doors and windows which all match

the existing dwelling. Therefore, the scheme does not appear incongruous against the existing street scene and still appear consistent with the design and scale of its house group, generally acceptable under paragraphs 13.9 and 13.10 (SPD 2020) and paragraphs 135 and 139 (NPPF 2024).

Therefore, the proposal is considered acceptable in visual amenity terms.

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

The scheme does not feature a new bedroom; therefore No. 198 remains a 4-bedroom dwelling. Section 5.1 of the Transport Demand Management Matters – Parking Standards (SPD 2022) states that 3+ bed houses are required 2 per dwelling. Nonetheless, the front driveway, which is primarily used for parking, can accommodate 3 vehicles with space to still manoeuvre. There is also the single garage which could accommodate an additional vehicle. Approval of the scheme will not compromise the existing capacity for parking spaces. Lastly, there are no changes to the access that might significantly impact the highway network.

Therefore, in terms of impact on parking and highway safety, it is deemed acceptable.

#### **5. Conclusion**

Paragraph 11 of the NPPF 2024 sets out a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004, states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

It is considered that there are no significant impacts on the neighbouring properties as well as the street scene. There were also no representations received during the course of the application. In addition, there are no adverse impacts on highway safety, and the scheme retains its capacity to accommodate parking spaces as well as having a large setback from the main road.

On balance, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is for 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.

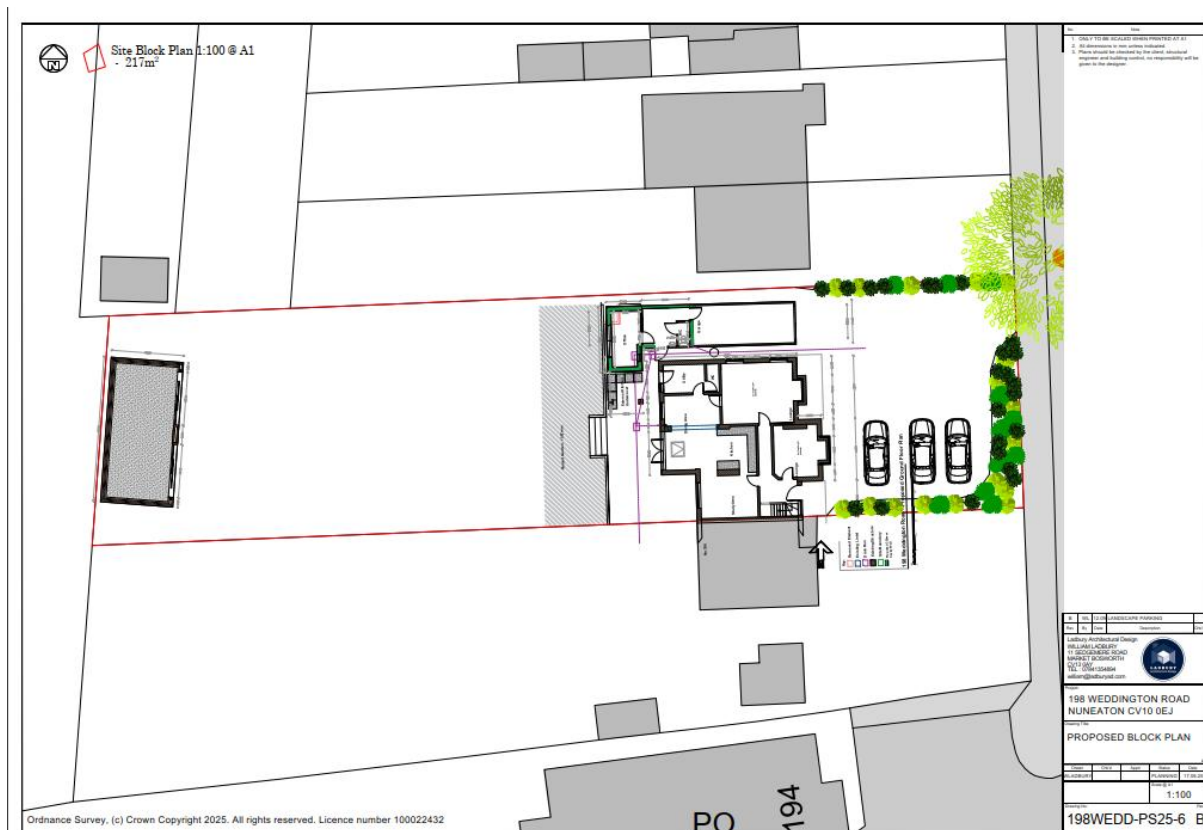
#### **SCHEDULE OF CONDITIONS:**

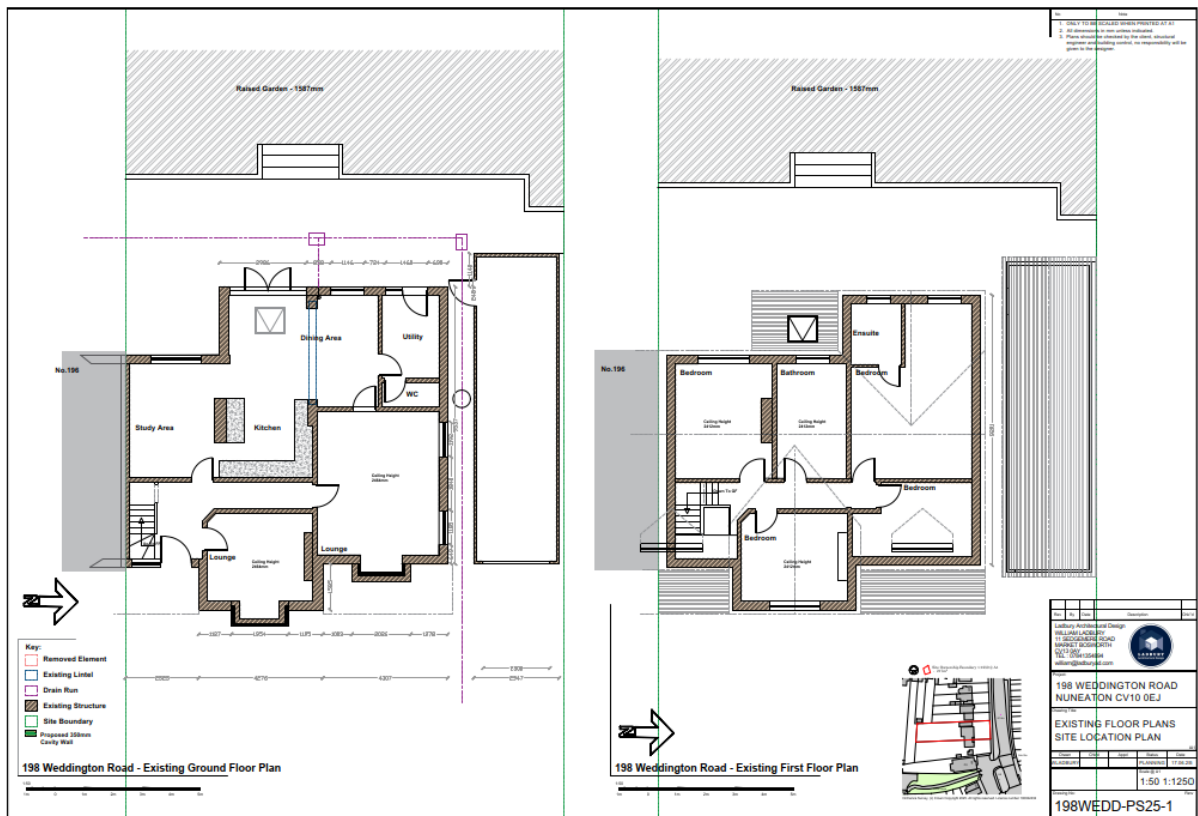
1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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

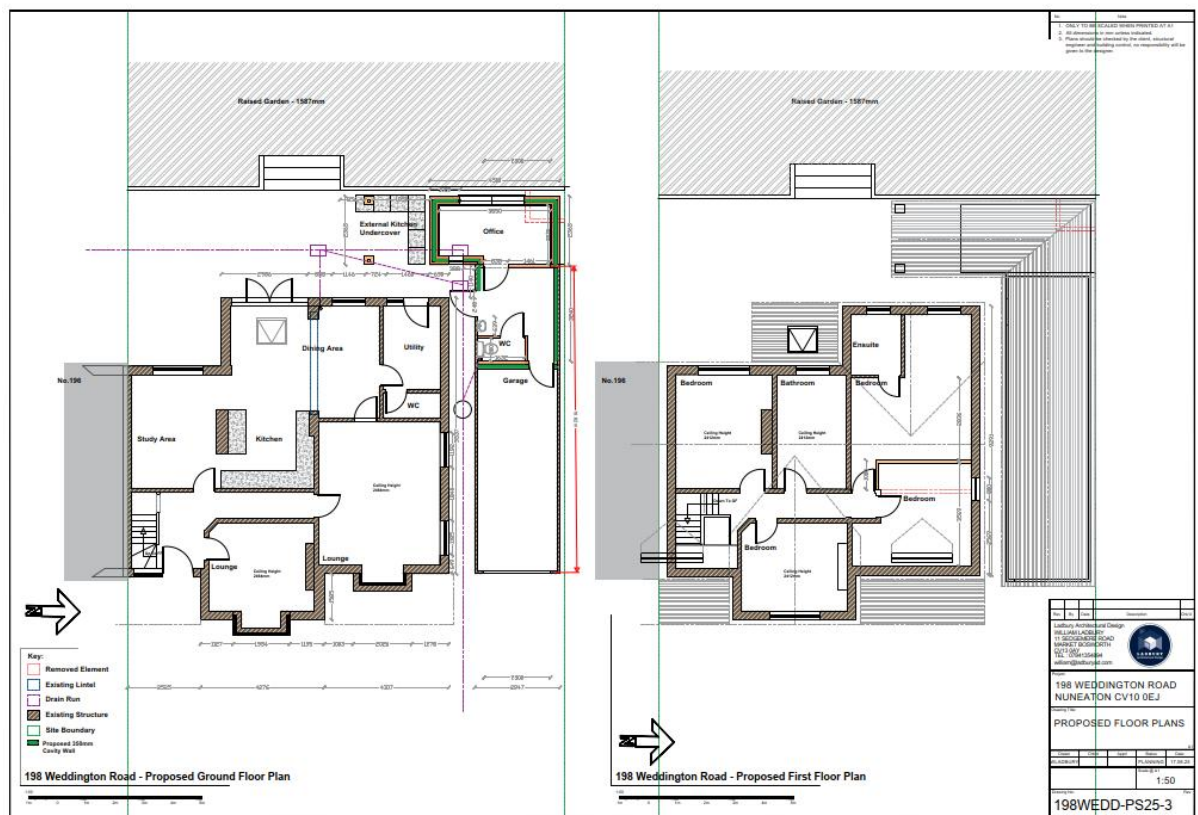
Plan Description	Plan Reference	Date Received
Site Location Plan and Existing Floor Plans	198WEDD-PS25-1	27 August 2025
Existing Elevations	198WEDD-PS25-2B	12 September 2025
Proposed Floor Plans	198WEDD-PS25-3B	27 August 2025
Proposed Elevations	198WEDD-PS25-4B	15 September 2025
Proposed Outbuilding Site Plan	198WEDD-PS25-5	27 August 2025
Proposed Block Plan	198WEDD-PS25-6B	12 September 2025

3. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Council.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no new windows, or other openings, shall be inserted on any elevation of the building hereby approved, without the prior written consent of the Council.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), the proposed outbuilding shall only be used incidental to the main dwelling and shall not be occupied as a separate dwelling without prior written consent of the Council.





Site Location Plan and Existing Floor Plans



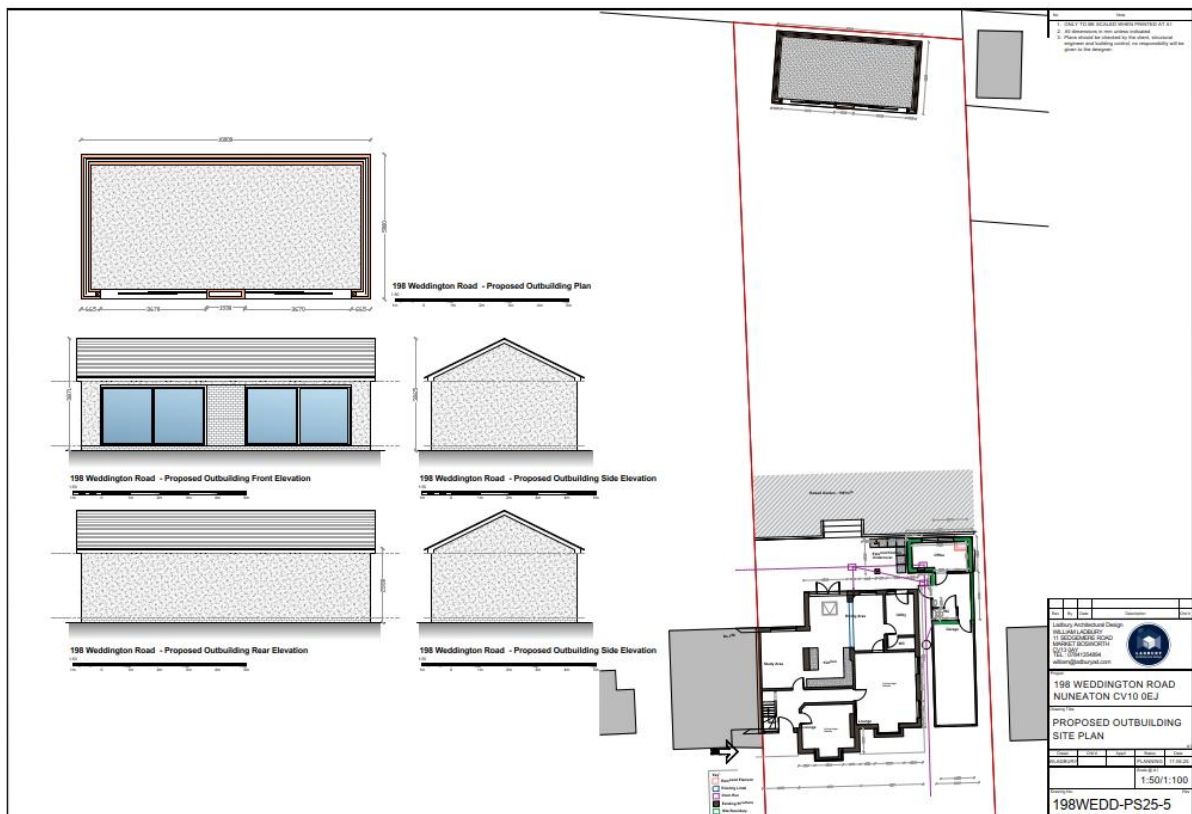
Proposed Floor Plans



Existing Elevation Plans



Proposed Elevation Plans



Proposed Outbuilding to service summer house/games room



## **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)**