



Enquiries to:  
Democratic Services

Telephone Committee Services: 024 7637 6220

Direct Email:  
[committee@nuneatonandbedworth.gov.uk](mailto:committee@nuneatonandbedworth.gov.uk)  
[planning@nuneatonandbedworth.gov.uk](mailto:planning@nuneatonandbedworth.gov.uk)

Date: 5<sup>th</sup> January 2026

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 13<sup>th</sup> January 2026 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.

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The Council is committed to providing a safe and respectful environment for our employees, customers and elected members. As such, please be advised that any form of abuse, aggression, or disrespectful behaviour towards our team will not be tolerated under any circumstances.

## **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 16<sup>th</sup> December 2025, attached (**Page 5**).

4. **DECLARATIONS OF INTEREST**

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

**Declaring interests at meetings**

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

Arrangements have been made so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Schedule of Declarations of Interests for Meetings](#)). Any interest noted in the schedule on the website will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and

nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**16<sup>th</sup> December 2025**

A meeting of the Planning Applications Committee was held in the Town Hall, Nuneaton on Tuesday, 16<sup>th</sup> December 2025.

A site visit in relation to application 040675 took place prior to the meeting.

**Present**

Councillor B. Hancox (Chair)

Councillors: E. Amaechi, S. Dhillon, P. Hickling, M. Kondakor, S. Markham, W. Markham, J. Sheppard, R. Smith, K. Willson and D. Brown (substitute for L. Cvetkovic).

Apologies: Councillor L. Cvetkovic (Vice-Chair),

PLA25 **Minutes**

It was noted that Councillor S. Markham had made a declaration of contact after the last Planning Committee meeting had concluded. This has been noted but Councillors agreed that as it did not form part of the meeting it should not be recorded in the minutes. The Chair was presented with a copy of the minutes confirming no Declarations of Contact were made during the meeting.

**RESOLVED** that the minutes of the meeting held on the 18<sup>th</sup> November 2025 be approved, and signed by the Chair.

PLA26 **Declarations of Interest**

Councillor M. Kondakor declared she had noted her husband (County Councillor K. Kondakor) had submitted an objection to application 040698 in his capacity as the local County Councillor. She confirmed that she had not discussed this application with him.

**RESOLVED** that

- a) 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](#)); and
- b) the declaration of interest declared by Councillor M. Kondakor be recorded, in relation to County Councillor K. Kondakor submitting an objection to application 040698.

PLA27 **Declarations of Contact**

The Chair declared that Committee Members had been contacted by a number of residents via email in relation to application 040698. Councillors confirmed that they had not discussed this application with residents.

**IN PUBLIC SESSION**

PLA28 **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 PLA28 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 16<sup>TH</sup> DECEMBER 2025**

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

Applicant – Mr Alex Udale

Planning Committee Members were invited to attend a site visit in relation to this application prior to the Planning Applications Committee meeting, as agreed at the Planning Application Committee meeting of 18<sup>th</sup> November 2025.

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

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

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040698 – 212 Higham Lane, Nuneaton, Warwickshire. CV11 6AS

Applicant – Mr Kirushnapillai Vijayarajah

**Public Speakers:** Councillor Jamie Hartshorn (Councillor)  
Dr Kate Rathbone (Objector)  
Marina Kitchen (Objector)  
Richard Davies (Agent)

**DECISION** that the application be deferred to a future Planning Applications Committee to allow that:

- a) WCC Highways be asked to attend in order for Members to ask questions and receive additional information as required;
- b) WCC Highways be asked to confirm their consideration of the application was based on the existing road layout, but also appropriate regard had been had for potential impacts/ changes from the forthcoming nearby Top Farm development;

- c) WCC Highways be asked to confirm why an initial request for a Stage 1 Road Safety Audit was not sustained in their second consultation response, and that appropriate regard has been had for road safety in the absence of a Road Safety Audit;
- d) WCC Highways be asked whether a Traffic Regulation Order to extend existing double yellow lines is considered necessary and/ or should be conditioned;
- e) NBBC Parks be asked whether a contribution towards the park opposite the site (Coronation Walk) should be sought in light of additional occupiers that would result from the development; and
- f) Officers be asked to propose a condition relating to delivery hours in relation to the operation of the existing shop, that would be extended as a result of the development.

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041197 – 198 Weddington Road, Nuneaton, Warwickshire. CV10 0EJ

Applicant – Ms Amy Stubbs

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

**Planning Applications Committee****13<sup>th</sup> January 2026****Agenda Item Index****Previously Considered Deferred Items**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	040698	SN	212 Higham Lane, Nuneaton, CV11 6AS	9

**Planning Applications**

2.	041288	SE	11 Bentley Road, Nuneaton CV11 5LR	46
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Wards:					
AR	Arbury	EA	Eastboro	SL	Slough
AT	Attleborough	EX	Exhall	SM	St Marys
BE	Bede	GC	Galley Common	SN	St Nicolas
BU	Bulkington	HE	Heath	SE	Stockingford East
CH	Camp Hill	MI	Milby	SW	Stockingford West
CC	Chilvers Coton	PO	Poplar	WE	Weddington
				WH	Whitestone



## **PREVIOUSLY CONSIDERED DEFERRED ITEM**

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**Item No. 1**

**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.

### **REASON FOR DEFERRAL:**

This application was previously heard at Planning Applications Committee on 16th December 2025 and was deferred due to the below:

- a) WCC Highways be asked to attend in order for Members to ask questions and receive additional information as required;
- b) WCC Highways be asked to confirm their consideration of the application was based on the existing road layout, but also appropriate regard had been had for potential impacts/ changes from the forthcoming nearby Top Farm development;
- c) WCC Highways be asked to confirm why an initial request for a Stage 1 Road Safety Audit was not sustained in their second consultation response, and that appropriate regard has been had for road safety in the absence of a Road Safety Audit;
- d) WCC Highways be asked whether a Traffic Regulation Order to extend existing double yellow lines is considered necessary and/ or should be conditioned;
- e) NBBC Parks be asked whether a contribution towards the park opposite the site (Coronation Walk) should be sought in light of additional occupiers that would result from the development; and
- f) Officers be asked to propose a condition relating to delivery hours in relation to the operation of the existing shop, that would be extended

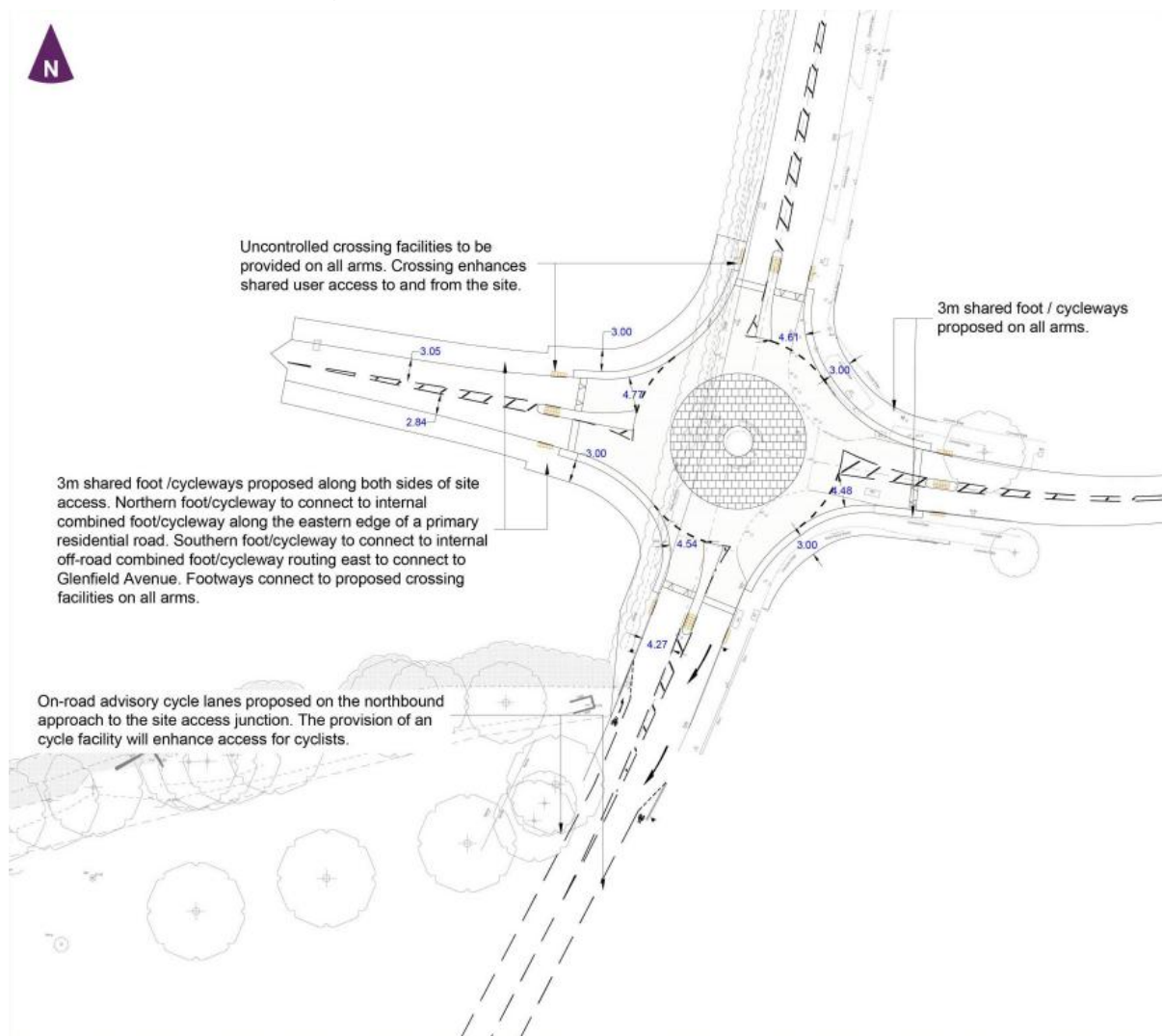
### **INTRODUCTION:**

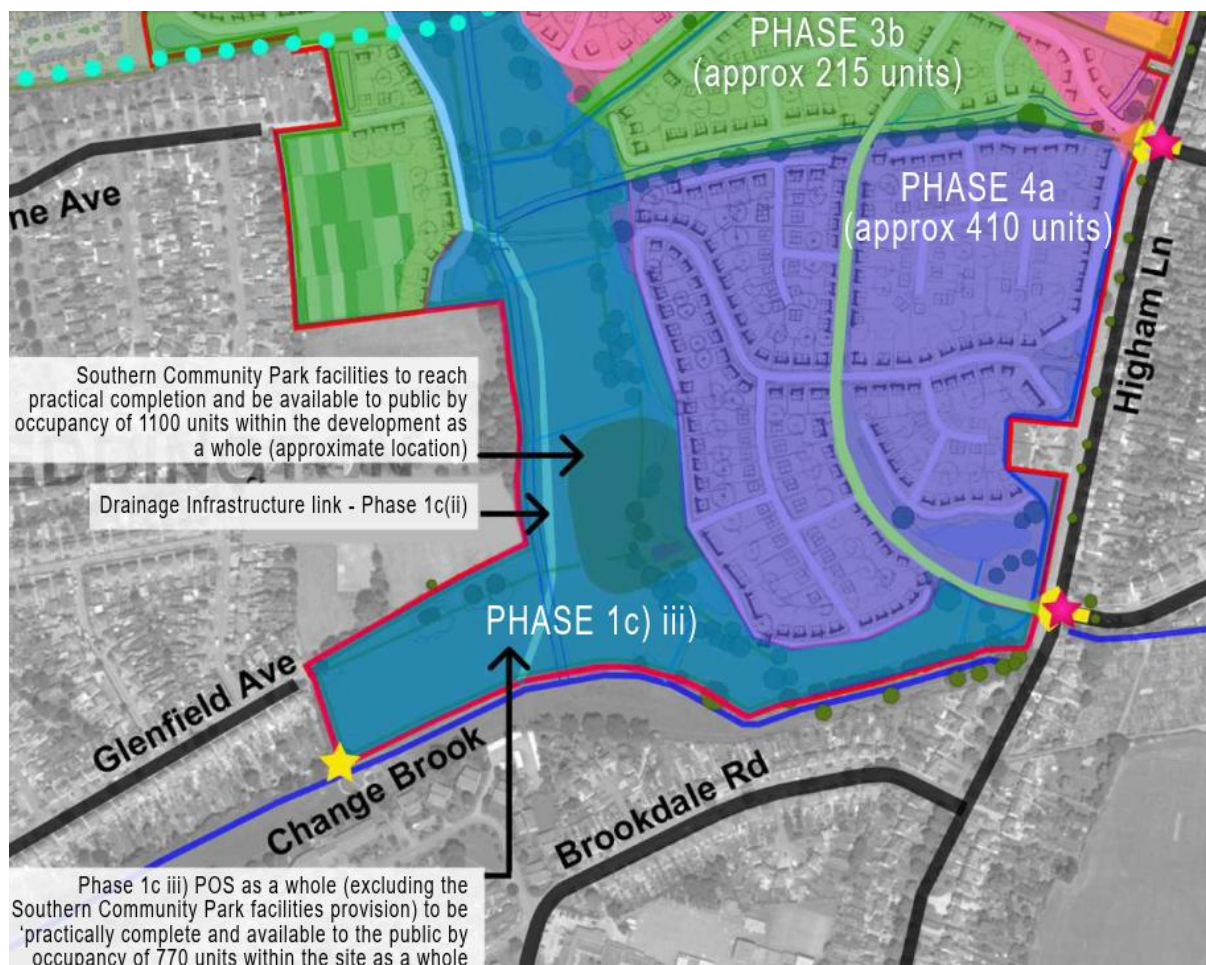
The application seeks permission for extensions and a partial change of use of a 2-storey ground floor shop (Class E) and first floor flat (Class C3) at 212 Higham Lane. The proposal would result in a 2.5 storey ground floor shop and first/ second floor 1No. 13-person 13-bedroom House of Multiple Occupation (HMO) (Sui Generis). The application includes all associated works including a new dropped kerb vehicular access off St Nicolas Park Drive, additional parking/ hardstanding, and a retrospective outbuilding to the rear.

The site is adjacent to the Higham Lane-St Nicolas Park Drive roundabout/ junction. To the rear (east) is Higham Lane Allotments, per the Borough Plan Review 2025, and a Cadent Gas structure. 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 (part of Borough Plan Review strategic allocation SHA1). On the opposite side of Higham Lane to the south-west is Coronation Walk (a Local Park per the Borough Plan Review). Change Brook (a Statutory Main River per the Environment Agency) runs adjacent to the north 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 land to the north-west, this has extant outline planning permission (ref. 035279) for construction of dwellings and associated works. The development of this field and associated works (including changes to the Higham Lane-St Nicolas Park Drive roundabout/ junction) are wholly separate to this application. For information only, these changes are noted and shown below including:






- Changes to the Higham Lane-St Nicolas Park Drive roundabout/ junction (per condition 4 of 035279);
- Indicative phasing plan per condition 5 of 035279 (ref. 041092).





#### 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 per 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 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 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 18 total marked car parking spaces, and 17 total cycle spaces. Of this:

- One accessible car parking space are intended each for the HMO and shop,
- 15/ 2 cycle parking spaces are intended for the HMO/ shop respectively,
- 8/ 10 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 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:**

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

The Development Plan for the area relevant to this application is the Nuneaton and Bedworth Borough Plan Review 2025

### Policies of the Borough Plan Review

- 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/ Parks, 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, Warks Fire and Rescue Service, Warks Fire and Rescue Service Water Officer, Warks 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, Warks Fire and Rescue Service, WCC Infrastructure, WCC LLFA, WCC Highways

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

Comment: Higham Lane Allotment Association, NBBC Greenspace Planning Officer/ Parks, 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 Land and Property, Nuneaton Federation of Allotment Associations, Severn Trent, Warks 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 135 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 Policy DS1 the Borough Plan Review which should be seen as a golden thread running through plan making and decision taking.

Policy DS2 of the 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. 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 the 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 Borough Plan Review. The Borough Plan Review does not 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 the Borough Plan Review, subject to all other planning matters being adequately addressed.

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

#### General background

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.

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:

- Current use of buildings

- Ownership/ tenure
- Street layout
- Patterns of development
- Residential amenity
- Plot size and arrangement
- Built form

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 detrimental changes to the street layout (other than a dropped kerb - see below), 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, i.e. a noise impact assessment is not 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 Warks 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

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.

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 Policy H4 of the Borough Plan Review

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 Borough Plan Review (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, albeit not the width standard for double bedrooms.
- *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 the application being approved a condition requiring this outbuilding to not be used other than incidental to the site would be able to be imposed.

#### Shop delivery hours:

The application was deferred at a previous Committee meeting including a matter noted below.

- f) Officers be asked to propose a condition relating to delivery hours in relation to the operation of the existing shop, that would be extended as a result of the development.

A shop extension wouldn't inherently require such a condition as the shop is already existing, however given there would be additional occupiers above the shop in this instance such a condition would not be considered unreasonable etc (see recommended condition below). The hours recommended reflect similar conditions elsewhere, for example Lidl on Hinckley Road.

Overall there is some minor conflict with the SDC SPD, the Borough Plan Review (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 Review 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.

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 development would clearly result in some visual changes and enlarge the existing building. That these changes would detrimentally impact visual amenity to the extent refusal is justified is considered unlikely to be sustained at an appeal, given the proposal largely reflects the existing design on site, including existing flat roofs. The contextual elevations provided show the property would not dominate the immediate surroundings. The proposal is considered to reflect the design and materials of the existing property. It is noted the existing building would benefit from repair/ upkeep.

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 policy BE3 of the Borough Plan Review 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**

Among other matters, Policy HS2 of the Borough Plan Review requires 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 full consultation response was 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).*

This application was deferred at a previous Committee meeting, included matters noted below:

- a) WCC Highways be asked to attend in order for Members to ask questions and receive additional information as required
- b) WCC Highways be asked to confirm their consideration of the application was based on the existing road layout, but also appropriate regard had been had for potential impacts/ changes from the forthcoming nearby Top Farm development;
- c) WCC Highways be asked to confirm why an initial request for a Stage 1 Road Safety Audit was not sustained in their second consultation response, and that

appropriate regard has been had for road safety in the absence of a Road Safety Audit (RSA);

- d) WCC Highways be asked whether a Traffic Regulation Order (TRO) to extend existing double yellow lines is considered necessary and/ or should be conditioned;

Taking each in turn, WCC Highways have set out:

- a) WCC Highways cannot guarantee their attendance at an upcoming Committee meeting. They would contend that their written response to the reasons for deferral (and their previous full response) would hopefully mean their attendance is not required to determine the application. They remain available to answer questions in writing. NB - NBBC cannot oblige WCC Highways (or any technical consultee) to attend.
- b) Assessment was made based on the existing road layout. The final and full design of the Top Farm development would not be approved for some time so it is not possible to fully assess what impacts this could have. However, based on the initial design that was approved at outline stage the changes to the Higham Lane-St Nicolas Park Drive junction would not significantly change the area either fronting the post office or at the new access so there are unlikely to be any impacts on the proposals from the Top Farm changes. NB - again, the Top Farm development is wholly separate to this application.
- c) WCC Highways had an initial objection. This was an objection pending further information, and these earlier comments reflect aspects which have since been clarified/ superseded, for example a bellmouth is not proposed. Following a re-consultation on receipt of further information e.g. that goods vehicles would not enter the new access, that a dropped kerb is indeed appropriate; WCC Highways have no objection subject to conditions as printed. RSAs are only required on significant changes to the public highway such as new junctions. RSAs are not required for dropped kerb accesses. Assessment of the application is made by the Highway Officer as part of the overall assessment and a response is provided to the LPA. Given that road safety is one of the key remits of the Highway Authority the application was assessed with road safety in mind. The proposed rear access meets the relevant Highways' standards in regard to width, visibility etc. It should also be noted that a dropped kerb application to Highways can be made without planning permission on unclassified roads (and would not require an RSA).
- d) WCC Highways are unclear on justification for the suggested TRO in relation to the proposed development. WCC Highways consider parking is in satisfactory/ in accordance with NBBC standards for the proposed use and so there should be no 'overspill' onto the public highway. A contribution towards a TRO and/ or condition extension would not be considered to meet the relevant tests given suitable parking is to be provided on-site, and a contribution of this nature would not be fair and reasonable to the scale of development. Whilst the Highway Authority would have no in principle objection to a TRO in this location, it cannot be a condition as the TRO process is its own separate legal process outside of the applicant's control. If objections are received to the TRO consultation the development may not be able to be implemented. WCC Highways therefore consider this would not be a sound condition as set out in national guidance.

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 highway 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 appeal ref. T/APP/W3710/A/89/141621/P5). As the technical consultee with expertise in such matters, WCC Highway' comments should be given significant weight. While some of their requested conditions exceed what would usually be requested for an application for minor development for example a detailed construction management plan and restricting goods vehicles from parts of the site, given the relative proximity to a relatively busy junction and that this is only a new dropped kerb access - these are considered necessary and proportionate in this instance. It would not be considered proportionate to insist on further information given that:

- this a minor development,
- there are no increases in planning units,
- the new access is a dropped kerb on an unclassified road,
- there are only 13 car parking spaces associated with the new dropped kerb access of which only 5 are associated with the shop,
- there would no goods vehicles entering the new dropped kerb access,
- the technical consultee has not indicated further information is necessary.

Delay to request further technical information which has not been required by the corresponding technical consultee would generally be considered unreasonable.

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 such a standard was applied for this application this would be met (subject to the condition 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 Policy HS2 of the Borough Plan Review, as well as the relevant provisions of the aforementioned SPDs, with regards to highway safety and parking provision.

## **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 Policy NE4 of the 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.

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.

As the technical consultee with expertise in such matters, WCC LLFA's comments should be given significant weight. While the requested conditions are in a level of detail that exceeds what would not usually be requested for an application for minor development - given the intensification of the site, the location in Flood Zone 2 and vulnerability to surface water flooding - this conservative approach is considered necessary and proportionate and is supported by WCC LLFA. Per the LLFA's advice, the application is considered policy compliant subject to the printed conditions. A proportionate approach needs to be kept in mind given this is a minor development. The technical consultee has not indicated further information is necessary. Delay to request further technical information which has not been required by the corresponding technical consultee would be generally considered unreasonable

Overall, subject to conditions, the application is considered to comply with Policy NE4 of the Borough Plan Review.

## **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 Review seek to conserve, enhance, restore and, where appropriate, create biodiversity and ecological networks, an approach also reflected in the Council's adopted Open Space and Green Infrastructure SPD. Policy NE3 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. 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.

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 Borough Plan Review, 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. A bedroom in a HMO is not self-contained, and therefore would not be considered a planning unit in its own right. 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.

This application was deferred at previous Committee meeting, including a matter noted below

- e) NBBC Parks be asked whether a contribution towards the park opposite the site (Coronation Walk) should be sought in light of additional occupiers that would result from the development

NBBC's Greenspace Planning Officer confirmed, for consistency, that contributions toward open space provision are currently only sought on applications above 9 planning units, based on previous advice from the LPA contributions below 10 planning units would not usually meet the relevant tests.

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 Review 2025.

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:

Name	Ref.	Date Received
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.
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 I 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 deliveries shall be made to the extended Class E aspect other than between the hours of 07:00 and 22:00 Monday to Saturday, and 10:00 and 16:00 Sundays and Bank Holidays.
16. 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
17. 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.
18. 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.

19. 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:

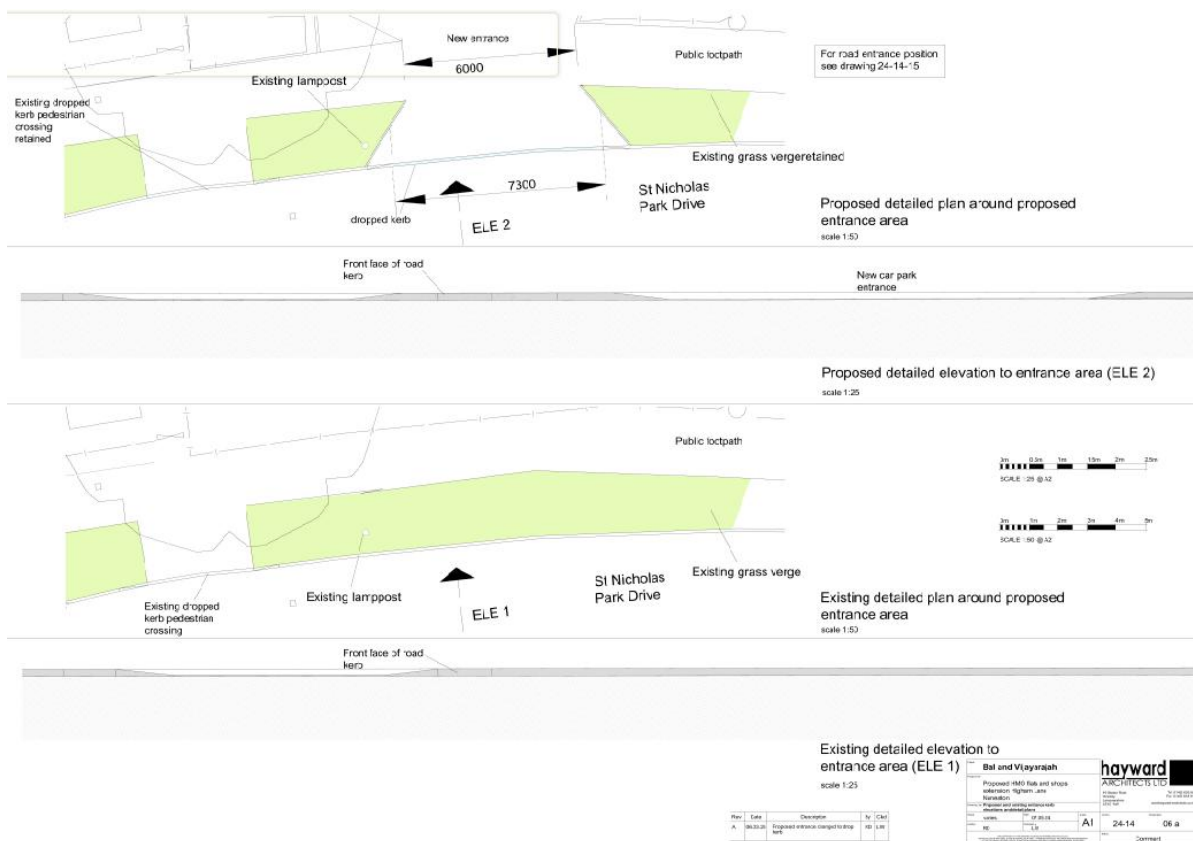
- i. Demonstration that any departure from the agreed design is in keeping with the approved principles.
- ii. Any As-Built Drawings and accompanying photos
- iii. Results of any performance testing undertaken as a part of the application process (if required / necessary)
- iv. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- v. Confirmation that the system is free from defects, damage and foreign objects

20. 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

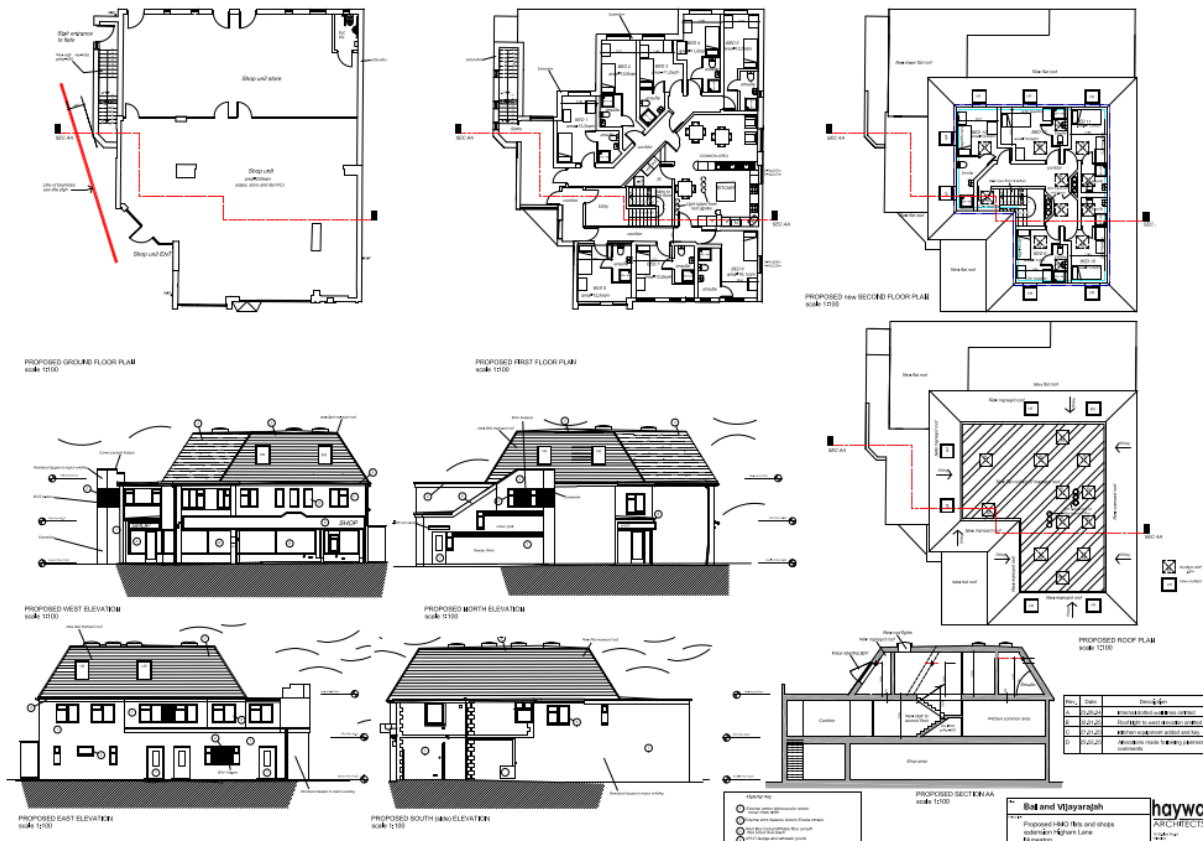




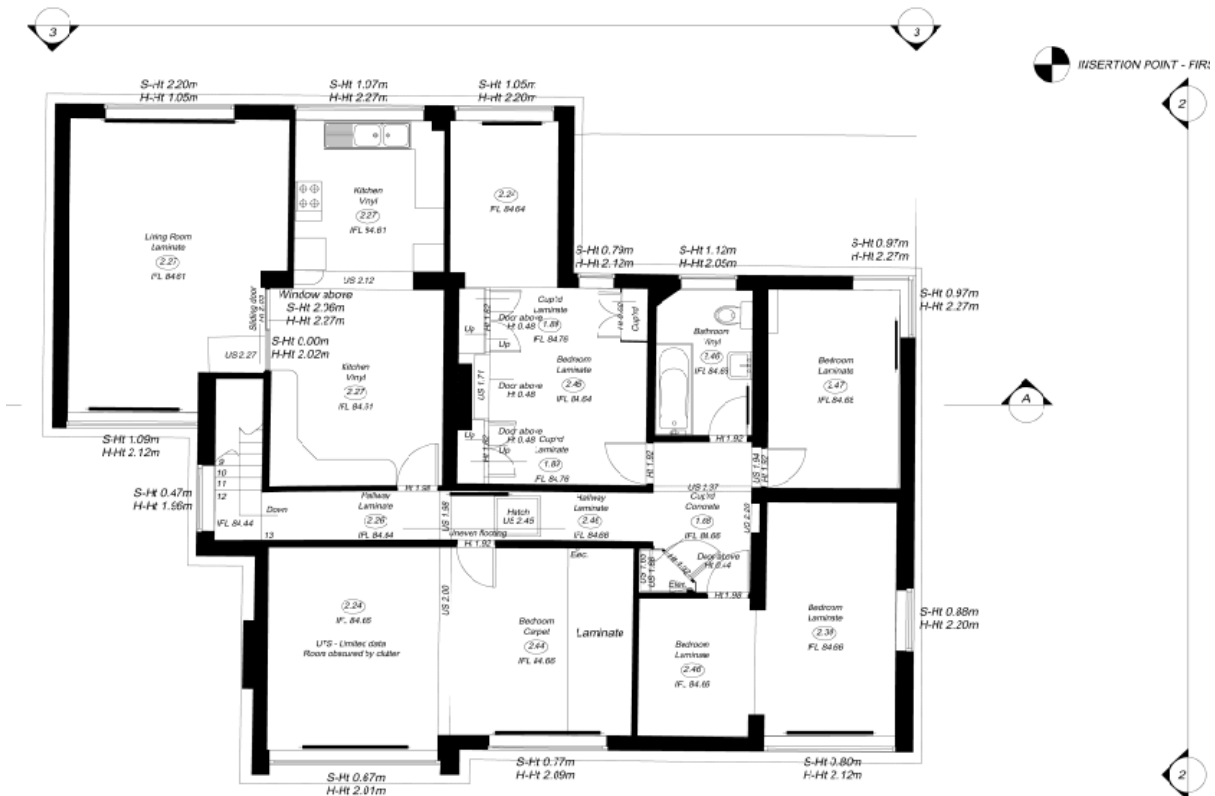


## Vehicular access plans

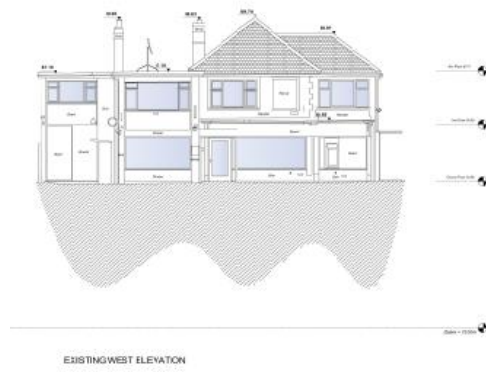




Proposed floor plans and elevations



Existing first floor plan



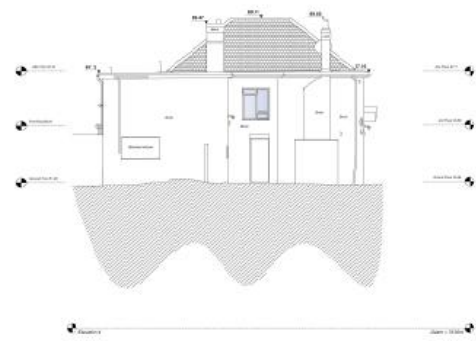
EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION

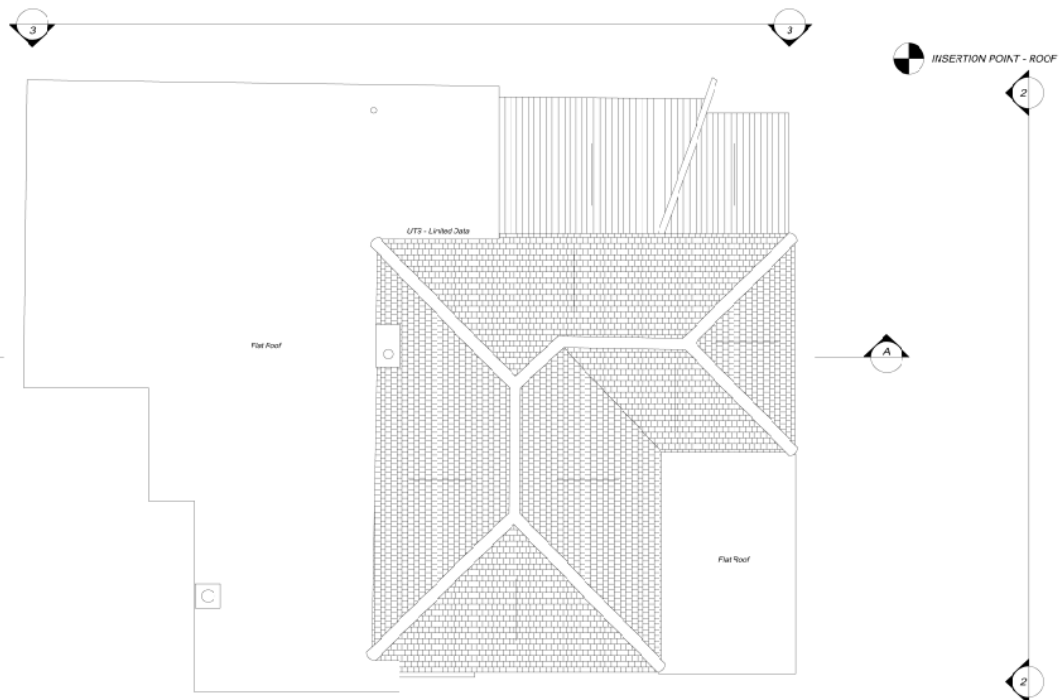


EXISTING EAST ELEVATION

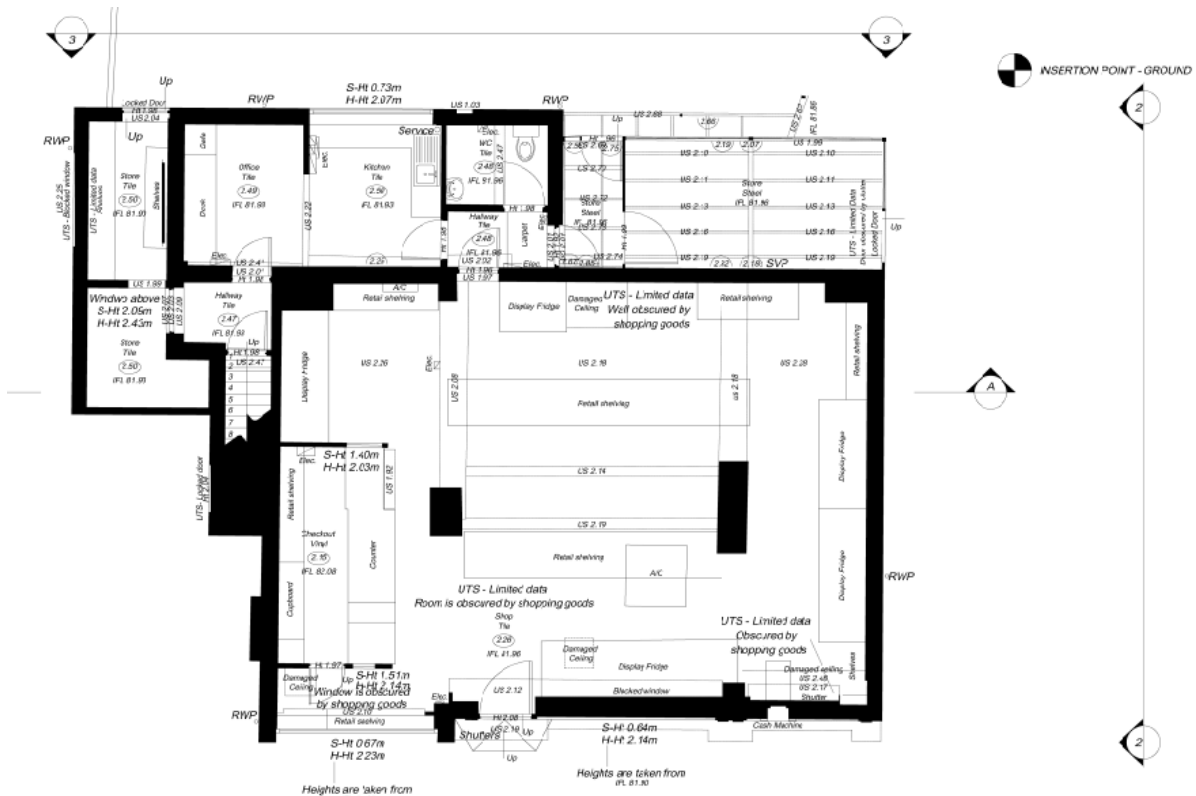


EXISTING NORTH ELEVATION

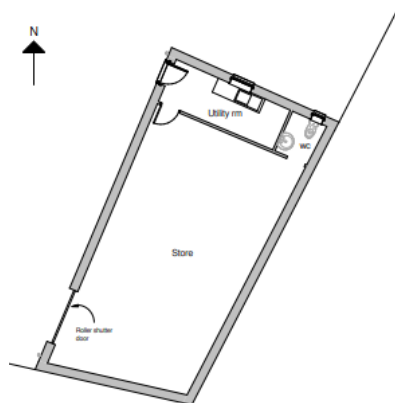
## Existing elevations



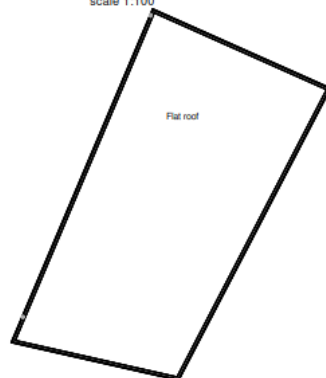
## Existing roof plan



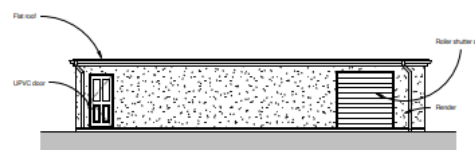
Existing ground floor plan



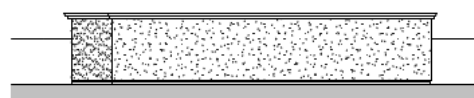
Existing floor plan to out building  
scale 1:100



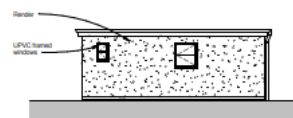
Existing roof plan to out building  
scale 1:100



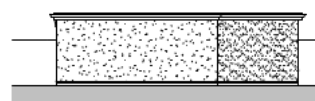
Existing West elevation  
scale 1:100



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

## PLANNING APPLICATION

Item No. 2

**REFERENCE No. 041288**

**Site Address:** 11 Bentley Road, Nuneaton, CV11 5LR

**Description of Development:** Prior notification for single storey rear extension projecting 4.3m of original rear elevation, maximum height of 4m and eaves height of 3m.

**Applicant:** Rubina Patel

**Ward:** SE

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### **RECOMMENDATION:**

Planning Committee is recommended to grant that prior approval is not required, subject to the conditions printed.

### **INTRODUCTION:**

11 Bentley Road is a two-storey semi-detached dwelling with side facing gable roofing. Its external walls are of white render and openings are of uPVC material. There are low-level brickwork boundary treatments to the front with a pedestrian gate used to access the site. It also features a side gate used to access the rear of the site. There are no private parking spaces for the site, therefore on-street parking is used. However, it is noted that there are no changes with the parking and site access. To the rear, it features a box rear dormer installed at some point. It also features an outbuilding to the northernmost part of the rear garden. Its boundary treatments along the rear are a mix of hedges and 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. The site also remains to benefit from Permitted Development (PD) rights.

According to A.4(1), Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), if a proposal exceeds the limitations under A.1(f), but allowed under A.1(g), the applicant shall notify the Local Planning Authority (LPA) of the proposed development. The LPA shall then notify each of the adjoining neighbours by serving notice detailing the proposed development. The adjoining neighbours are given 21 days to give representations. The application will then be assessed against the conditions and limitations under Schedule 2, Part 1 of the GDPO. However, if any adjoining neighbours object to the proposal the LPA is required to impact the proposal on the amenity of any adjoining premises.

This is further guided by the Planning Practice Guidance (PPG) paragraph: 031 Reference ID: 13-031-20190722, stating *that the neighbour consultation scheme is a form of prior approval which only applies to larger single storey rear extensions to houses built under permitted development rights. A householder wishing to build such an extension will need to notify the local planning authority, who will then consult the adjoining neighbours in relation to the potential impact on amenity. If adjoining*

*neighbours raise any objections, the local planning authority will make a decision on whether the impact on the amenity of adjoining properties is acceptable and hence whether the work can proceed.*

In summary, applications under prior approval are subject to consultation with the adjoining premises. The proposal will be assessed against legislation under the conditions for Schedule 2, Part 1 of the GDPO. However, in the instance that any adjoining premises object, impacts on the amenities are to be assessed.

### **BACKGROUND:**

This application is being reported to Planning Applications Committee as it is a larger householder extension application involving a member of staff employed by Nuneaton and Bedworth Borough Council.

Section 5D.7 of Nuneaton and Bedworth Borough Council's Constitution relates to Development Proposals Submitted by Members and Officers and Development by the Council. Section 5D.7(a) partly states that all proposals by Members or Officers will be determined by the Planning Applications Committee, regardless of any Scheme of Delegation in force at the time. In contrast, Part 3E.7(b) of the Scheme of Delegation for the Assistant Director for Planning only states that an application will be determined by Planning Applications Committee where the applicant is a member or an employee of the Development Control or Building Control Section.

This relates to an application submitted by a member of staff of the Council. Although there is formally no planning assessment to be undertaken due to the conditions set out in the legislation, in order to remain consistent with the Council's Constitution, the application is reported to Committee.

### **RELEVANT PLANNING HISTORY:**

- 033354 – Prior notification for a single storey extension to the rear, 5 metres long by 3 metres wide. Height to ridge 2.6 metres, height to eaves 2.4 metres. – Prior Approval Not Required 13 October 2015
- 030042 – Conversion of existing hip roof to gable roof along with dormer roof/windows to rear (In connection with loft conversion) – Refused 08 April 2010

### **RELEVANT PLANNING LEGISLATION:**

Town and Country Planning (General Permitted Development) (England) Order 2015

### **NEIGHBOURS NOTIFIED:**

The neighbours consulted were 9 & 13 Bentley Road and 178 & 180 Queens Road.

The above neighbouring properties were sent letters notifying them of the application on 13<sup>th</sup> November 2025.

### **NEIGHBOUR RESPONSES:**



According to A.4(7) of Schedule 2, Part 1 of GDPO, *where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.*

This means that only where representations are received from the notified adjoining premises is the Local Planning Authority required to assess the impact of the proposal.

### **APPRAISAL:**

No representations were received from neighbouring properties by the consultation expiry date of 4<sup>th</sup> December 2025. In the absence of any neighbour representations, the principal consideration in the determination of this application is whether the proposed development complies with the limitations set out in Schedule 2, Part 1, Class A of the GPDO.

The checklist below sets out whether the proposed works are considered to constitute permitted development.

**The main issues are whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.**

<b>Limits and conditions of Class A – enlargement, improvement or alteration of a house</b>	<b>Yes / No</b>	<b>To be PD</b>	<b>Comments</b>
Have permitted development rights been removed	No	No	Permitted development rights are still intact.
Is the property a dwellinghouse	Yes	Yes	Property has always been a dwellinghouse.
Is it detached?	No		N/A
Is it semi-detached or terraced?	Yes	Yes	Semi-detached
Is it within a conservation area	No		Not located within or nearby a conservation area.
A.1 Development is not permitted by Class A if – (a) Has permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)	No	No	Property has always been a dwellinghouse.
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the	No	No	Existing and proposed works = 70sqm Curtilage area = 165sqm  Area covered is roughly 43%, therefore acceptable.



<b>Limits and conditions of Class A – enlargement, improvement or alteration of a house</b>	<b>Yes / No</b>	<b>To be PD</b>	<b>Comments</b>
ground area of the original dwellinghouse)			
(c) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse	No	No	Highest part of the proposed is approximately 4m whilst highest part of the existing is approximately 8.75m. Therefore, acceptable.
(d) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse		No	Eaves height proposed is 3m whilst eaves height of existing is approximately 5.5m. Therefore, acceptable.
(e) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	No	No	Extension is to the rear.
(f) would the enlarged part of the dwellinghouse have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	/		Proposal only includes single storey extension.
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	Yes	Yes	Site is outside of article 2(3) land and outside of a site of special scientific interest.
(g) cont. would it have a single storey (previous extensions to the rear need to be taken into account)	Yes		The proposal only relates to single storey rear extension.
(i) would it extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	No	No	Extension has maximum length of 4.3m from the rear of the original dwelling and maximum height is 4m. Therefore, acceptable.
Have any representations been received from adjoining premises	No		None received until closing of 4th December 2025.

<b>Limits and conditions of Class A – enlargement, improvement or alteration of a house</b>	<b>Yes / No</b>	<b>To be PD</b>	<b>Comments</b>
(h) would the enlarged part of the dwellinghouse have more than a single storey and:- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	No	No	Extension only relates to single storey.
(i) would the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres	No	No	Dwelling is semi-detached therefore within 2m of the shared boundary with 13 Bentley Close. However, the maximum eaves height of the proposal is 3m. Therefore, acceptable.
(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and:- (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse	No	No	Extension will not project out the existing side elevation of the original dwellinghouse.
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)	No	No	The proposal does not exceed the limitations set out in sub-paragraphs (e) to (j).
(k) it would consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	No	No	There are no alterations to the roof of the dwellinghouse.

<b>Limits and conditions of Class A – enlargement, improvement or alteration of a house</b>	<b>Yes / No</b>	<b>To be PD</b>	<b>Comments</b>
(iv) an alteration to any part of the roof of the dwellinghouse			
A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted if:- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	No	No	The site is not within an article 2(3) land.
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	No	No	The proposal does not relate to extensions beyond the side elevation of the original dwellinghouse.
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse	No	No	
(ca) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)	No		The total alteration/extension does not exceed limitations set out in sub-paragraphs (b) and (c).
A.3 Development is permitted by Class A subject to the following conditions:- (a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Yes	Yes	Materials proposed are to match those existing. Furthermore, application relates to conservatory. Therefore, acceptable.
(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be:- (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres	N/A	Yes	The extension is single storey and therefore no upper floor windows are proposed.

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD	Comments
above the floor of the room in which the window is installed;			
(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse	N/A	Yes	The extension is single storey and no changes with the roof.

## CONCLUSION

In conclusion, the scheme meets the conditions under Schedule 2, Part 1 of the GPDO and no objections were received by the adjoining properties. According to part A.4(7) of the GPDO, an assessment on neighbouring amenity shall only be made if there were adjoining neighbour representations received. There was no adjoining neighbour representations made, and the scheme is within the limitations of Schedule 2, Part 1, Class A of the GPDO. As such, it is recommended that prior approval is not required subject to the conditions set out.

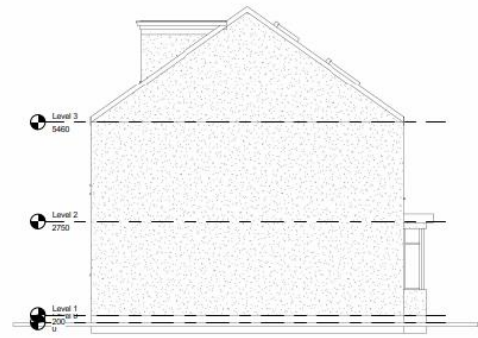
## SCHEDULE OF CONDITIONS

1. The development must be carried out exactly in accordance with the details submitted to the Council on **07 November 2025 and 23 December 2025** unless the developer and Council agree otherwise in writing.
2. The development must accord with all other relevant limitations and conditions which apply to other rear extensions allowed under permitted development rights as set out within The Town and Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 1, Class A.

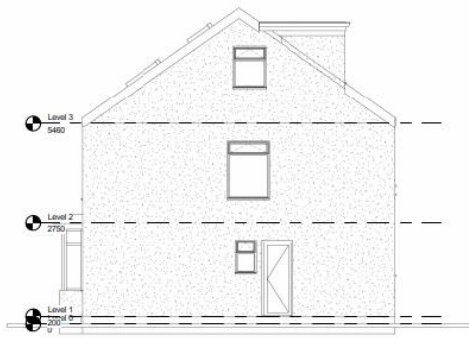




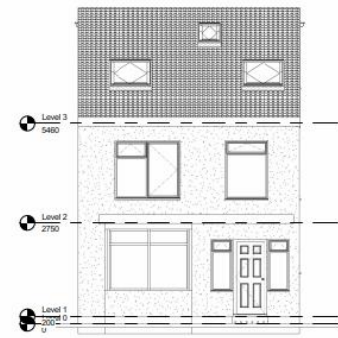
① East  
1:50



② North  
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③ South  
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④ West  
1:50

CLIENT: Mr M Mulla Existing Elevations



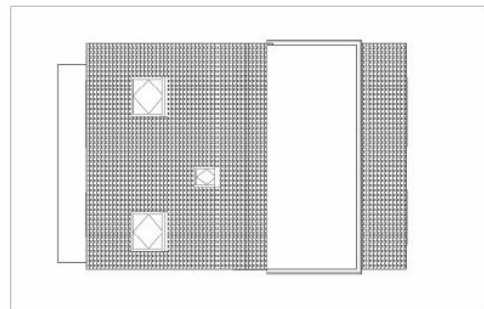
① Level 1  
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② Level 2  
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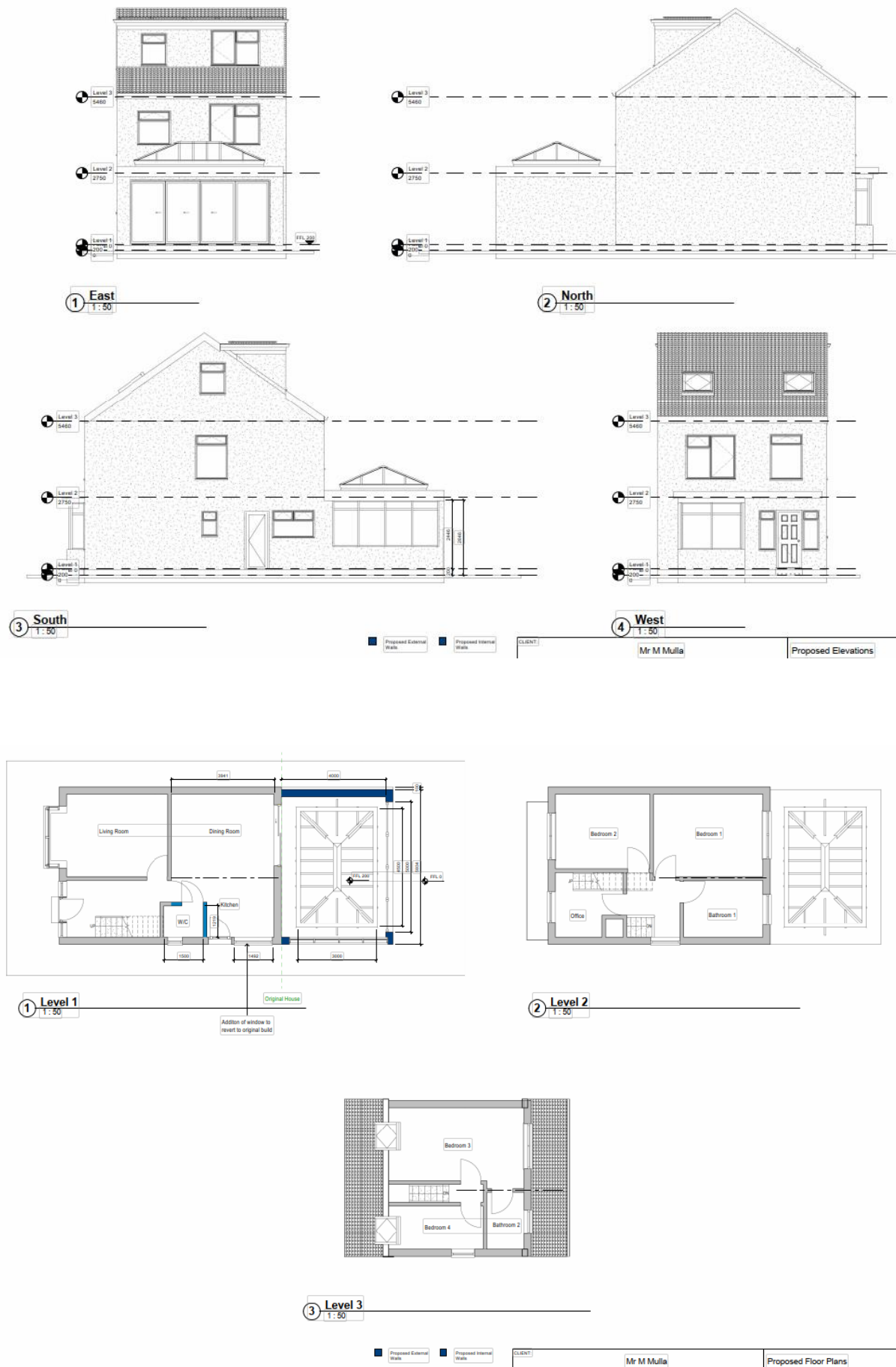


③ Level 3  
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④ Site  
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CLIENT: Mr M Mulla Existing Floor Plans



## Glossary

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

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

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

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

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

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

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

**Brownfield** – Land which has had a former use.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

**Flood plain** – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Major Planning application-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is

kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

# Guide to changes to the Use Classes Order in England

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

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

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

**Class E (Commercial, business and service uses),**

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

**Class F.2 (Local community uses)**