

Enquiries to:  
Victoria McGuffog

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Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 7<sup>th</sup> January 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 18<sup>th</sup> January 2022 at 6.00p.m.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillor L. Cvetkovic (Chair)  
Councillors B. Hammersley, S. Harbison, J.  
Hartshorn, K. Kondakor, S. Markham, B.  
Pandher, M. Rudkin, J. Sheppard (Vice-  
Chair), R. Smith, and K. Wilson.

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Virgin Money building (formally the Yorkshire 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.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

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

#### 3. MINUTES - To confirm the minutes of the meeting held on 7<sup>th</sup> December 2021, attached (**Page 5**).

#### 4. DECLARATIONS OF INTEREST

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

##### Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been

declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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 attached. **(Page 14)**
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**

**7<sup>th</sup> December 2021**

A meeting of the Planning Applications Committee was held on Tuesday, 7<sup>th</sup> December 2021, in the Council Chamber.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: J. Gutteridge (substitute for Councillor J. Hartshorn), B. Hammersley, L. Hocking (substitute for Councillor M. Rudkin), K. Kondakor, S. Markham, B. Pandher, R. Smith and K. Wilson.

Apologies: Councillors S. Harbison, J. Hartshorn, M. Rudkin and J. Sheppard.

PLA42 **Minutes**

**RESOLVED** that the minutes of the meeting held on 16<sup>th</sup> November 2021 be confirmed and signed by the Chair.

PLA43 **Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

PLA44 **Declarations of Contact**

None

**IN PUBLIC SESSION**

PLA45 **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 PLA45 OF THE PLANNING APPLICATIONS COMMITTEE ON 7<sup>TH</sup> DECEMBER 2021

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037862 – Site 60a005 – Atholl Crescent, Nuneaton, Warwickshire

Applicant: Homelife Holdings Ltd.

**Public Statements:** Ms S. Lonescu and Mr A. Hopkinson.

**DECISION**

Planning permission be granted subject to a legal agreement and the conditions as printed in the agenda and addendum, with an amendment to condition 25 to include the provision of non-secure cycle storage for visitors.

Additionally, the Committee asked for an informative note be sent to the applicant requesting that the proposed materials to the gable end elevation facing the proposed car park are re-visited. Also, this note will request the applicant consider the use of a mixture of bricks on that elevation to match the materials on the front elevation.

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037857 – Coventry Welsh RFC, Burbages Lane, Longford, Coventry, West Midlands, CV6 6AY

Applicant: Mr Russell Hughes

**Public Statements:** Mr I. Weatherstone

**DECISION**

Planning permission to be granted subject to the conditions printed in the agenda.

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037927 – Site 52a041 – Eddington Road, Nuneaton

Applicant: Mr R. Guest

**Public Statements:** None

**DECISION**

The committee consented to prior notification as required and granted subject to conditions.

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## Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Poor's Piece Charity</li> </ul> Astley Charity	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	K.A. Kondakor	Electronic Engineer (self-employed)	Design (self-employed) Unpaid director of 100PERCENTRENEWABLEUK LTD	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Bedworth Neighbourhood Watch</li> <li>• Governor at Ash Green School</li> <li>• Bedworth Neighbourhood Watch</li> <li>• Governor at Ash Green School</li> <li>• Sherbourne Asset Co Shareholder Committee;</li> <li>• Nuneaton and Bedworth Sports Forum;</li> <li>• Warwickshire Direct Partnership;</li> <li>• Warwickshire Waste Partnership;</li> </ul>	
	B. Pandher	Member of Warwickshire County Council	Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Foleshill Charity Trustee – Proffitt's Charity</li> </ul>	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
Director of Wembrook Community Centre.				
Member of the Management Committee at the Mental Health Drop in.				

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• A5 Member Partnership;</li> <li>• Patrol (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• Representative on the Nuneaton and Bedworth Older Peoples Forum</li> </ul> <p>Representative on the Digital Infrastructure Board.</p>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Nuneaton Conservative Association	
Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.				
<p>Representative on the following:</p> <ul style="list-style-type: none"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> <li>• West Midlands Combined Authority</li> <li>• Deputy Chairman – Nuneaton Conservative Association</li> <li>• District Council Network</li> <li>• Local Government Association</li> </ul>				

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**Applications for Planning Permission etc.**  
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**Planning Applications**

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**Works to tress covered by a Tree Preservation Order**

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Wards:					
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CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

## PLANNING APPLICATIONS

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**Item No. 1**

**REFERENCE No.** 038406

**Site Address:** Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH

**Description of Development:** Erection of employment building on phase 1 including all associated works and infrastructure (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 034901)

**Applicant:** Mr Amit Babbar

**Ward:** WB

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This is an approval of reserved matters for the erection of an employment building on phase 1 including all associated works and infrastructure relating to appearance, landscaping, layout and scale of already approved outline application ref 034901.

The 26 hectare site is predominantly agricultural land. Part of the site comprises a former hard rock quarry that has been restored by infilling. It is located to the north of Gipsy Lane and to the east and south-east of Coventry Road. It was previously a farm. To the northern boundary there is dense vegetation with Griff Brook beyond. Coventry Canal is to the east and Gipsy Lane to the south and Griff Quarry beyond. To the west is Griff caravan Site, the A444 and Griff Roundabout together with Bermuda Industrial Estate and Business Park.

### **BACKGROUND:**

The following matters are being considered at this stage, reserved from the Outline permission 034901:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- Scale – the height, width and length of each building proposed in relation to its surroundings;
- Appearance – the aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and

- Landscaping – treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences and walls.

This application is being reported to Committee at the request of Councillor Jill Sheppard.

### **RELEVANT PLANNING HISTORY:**

- 038238: Construction of one-way temporary haul road including improvements to existing access points on Gipsy Lane entrance and Coventry Road exit to include advanced site demolition, utility diversions, the provision of ground remodelling and installation of new utilities to support the construction of the first phase of development on the site: Approved 17/11/2021.
- 034904: Redevelopment of existing land for up to 92,904 sqm of B2 (General industrial) and B8 (Storage and distribution) floorspace including associated engineering and ground modelling works, vehicular access, landscaping, sustainable drainage, car parking and all ancillary enabling and infrastructure works (including demolition of existing buildings) (Outline including access): Approved 04/11/2020.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - DS4 – Overall Development Needs;
  - DS6- Employment Allocations;
  - SA1- Development Principles on Strategic Sites;
  - EMP1- Faultlands;
  - E1- Nature of Employment Growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - HS6- Sport and Exercise;
  - NE1- Green Infrastructure;
  - NE3- Biodiversity and Geodiversity;
  - NE4- Managing Flood Risk and Water Quality;
  - NE5- Landscape Character;
  - BE1- Contamination and Land Stability;
  - BE3- Sustainable Design and Construction and
  - BE4- Valuing and Conserving our Historic Environment
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Cadent, Canal & River Trust, Environment Agency, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Western Power Distribution, WCC Archaeology, WCC Flood Risk Management, WCC Highways,.



## **CONSULTATION RESPONSES:**

No objection subject to conditions from:

Canal & River Trust, WCC Flood Risk Management, WCC Highways

No objection from:

Cadent, Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer Warwickshire Fire & Rescue, Warwickshire Fire Safety, WCC Archaeology

Comment from:

NBBC Parks, Warwickshire Police (Architectural Liaison Officer)

No response from:

Severn Trent Water, Western Power Distribution

## **NEIGHBOURS NOTIFIED:**

Griff No 4 Quarry, Faultlands Farm Gipsy Lane; Trenport (owner of site to east); 1-25 (inc) Griff Caravan Site, Coventry Road.

Neighbouring properties were sent letters notifying them of the proposed development on 20<sup>th</sup> October 2021. A site notice was erected on street furniture on 21<sup>st</sup> October 2021 and the application was advertised in The Nuneaton News on 27<sup>th</sup> October 2021.

## **NEIGHBOUR RESPONSES:**

None.

## **APPRAISAL:**

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

1. The principle of the development,
2. Visual amenity,
3. Residential amenity,
4. Highway safety and accessibility,
5. Health and wellbeing,
6. Flood risk and drainage,
7. Ecology and biodiversity,
8. Contamination, land stability and air quality,
9. Conclusion

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

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

(2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. Policy DS4 of the Borough Plan identifies that at least 107.8 ha of employment land is to be planned for over the plan period 2011-2031. This proposal helps towards meeting that need. Policy DS6 of the Borough Plan refers to a number of sites that will be allocated for employment development and associated infrastructure and Faultlands Farm is one of these site. Policy EMP1 sets out that this strategic employment site will be developed for employment uses comprising use classes B1, B2 and B8 on 26 hectares of employment land. The key development principles under Policy EMP1 are:

- Provision of approximately 26 ha of employment land.
- Any proportionate transport improvements/upgrades required along Gipsy Lane as a result of the development, and to the Gipsy Lane / Coventry Road junction.
- A proportionate financial contribution towards the creation of a cycle path leading to the Bermuda Park Station, including a toucan crossing on Coventry Road and creation within the site of a cycle path linking from the canal turnover bridge to Coventry Road.
- A proportionate contribution toward enhancement of the canal towpath, and provision for the crossing of the canal to facilitate cycle usage, including investigation of the suitability of using the turnover bridge. If it is not technically feasible to use the turnover bridge, alternative bridge provision will be secured. Additionally, creation of cycle path within development.
- Provision of footway/cycleway links to the existing footway/cycleway alongside the north bank of Griff Brook. 95
- Upgrades to the existing bus stops on the edge of the site to include covered bus shelters and seating.
- A proportionate financial developer contribution towards Gipsy Lane canal bridge strengthening / widening works, in order to enhance local bus service accessibility to the employment site from Griff Roundabout, Coventry Road, etc.
- A proportionate financial contribution towards the road improvement schemes in the A444 corridor as set out in the transport modelling report.
- New access should be provided from B4113 (Coventry Road).
- A proportionate financial contribution towards delivery of an area-wide green infrastructure supplementary planning document (or equivalent), that promotes species movement along identified green corridors.

The expected form of development is also set out in Policy EMP1 which includes:

- Development should be set back from the northern boundary of the site to allow for a landscape buffer and ecological mitigation for Griff Hollows local wildlife site.
- Development should be set back from the Coventry Canal corridor to the east of the site to allow for a landscape buffer and ecological mitigation. This should include tree and shrub planting in order to limit the effects on the canal-side views along Centenary Way.
- Development should be set back appropriately from the Gipsy Lane boundary, with existing hedgerows and hedgerow trees retained and enhanced.

- Opportunities to improve walking access to the Griff Arm of the Coventry Canal should be considered.
- New development should address the canal. Effects of the development on the adjoining section of the Coventry Canal and associated habitats within the Griff and Wem Brooks should be incorporated in the construction management plan.

A Concept Plan SPD has also been adopted to support Policy EMP1. This provides guidance on the delivery of the development principles set out in the adopted Borough Plan for the allocation. It is intended to provide a visual representation of policy requirements, as well as other key elements, and so is conceptual in nature. Alternative solutions and land use arrangements may come forward as part of the planning application process but the concept plan should be viewed as the fundamental principles for the site.

Unit 1 would provide 19,950 sq metres of floorspace which would comprise warehousing and ancillary office space. It is considered that the requirements of Policy EMP1 have been accommodated on the site. An illustrative Master Plan was submitted with the outline application and it is considered that the reserved matters application is in general accordance with that. Therefore, it is considered that the proposed development is acceptable in principle and has been established through the allocation of the site in the Borough Plan and the relevant policies within it and through the granting of outline planning permission 034901.

## 2. Visual Amenity

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 174). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2016 and have been used to inform the Borough Plan.

A Landscape Capacity Study (2017) has also been produced which informed the Borough Plan. This concluded that given the elevated ground on the site, the potential height and massing of B8 units could impinge on the open countryside between Gypsy Lane, Marston Lane and the canal corridor and dominate the surroundings. Notwithstanding this, the report does suggest recommendations for site planning, building form and landscape mitigation if the site is taken forward to the Borough Plan. These include shorter side or gable end of building form to front onto Coventry Canal to reduce the perceived effects of scale and massing, use of varied textures, colours and profiles on building elevations to provide more visual interest and reduce perceived effects of scale and massing, use of colour graduation on elevations from darker colours to base and lighter colours nearer to rooflines (all of which are detailed design matters), propose access off Coventry Road to enable retention of landscape features on Gypsy Lane (as proposed), open land around development footprints and appropriate landscaping, maintain an open corridor next to Coventry Canal (as proposed) and set back development from Gypsy Lane and retain and reinforce existing vegetation along that boundary (as proposed). It does not recommend a restriction in heights of any buildings.

The maximum height of the warehouse building would be 18 metres. The ancillary offices would be at a height of 10 metres. This is a typical height for a warehouse

building and it is considered that as some parts of the building are at varying heights it helps to break up the massing of the building. Cladding is proposed which uses different profiles and colours including green, darker and lighter greys and silver. Lighter colours are generally used at the top half of the building. It is considered that the proposed materials and colours adds some visual interest and reduces the perceived effect of scale and massing. The building is set back from Gipsy Lane by approximately 74 metres with the car park set approximately 23 metres away. Existing vegetation is to be retained to the south, along Gipsy Lane with additional tree planting also proposed around the site.

It is clear that the proposed development would change the character and appearance of this locality. However, the site is an allocated site within the adopted Borough Plan, and while its future development in line with Policy EMP1 will inevitably have some impact on the visual amenities of the area, the benefits associated with the proposed development must be taken into consideration also. There are strong economic benefits supporting this development proposal at the present time.

### **3. Residential Amenity**

The nearest residential properties to this part of the site are Griff Caravan site on Coventry Road. These are over 100 metres away which is considered acceptable. A noise assessment was submitted with the outline application. This used operational scenarios which included high intensities of unit occupation, use and activity and all business units were modelled as being occupied by B2 uses which would give a worst case scenario. All units were also modelled as operating on a 24 hour basis. The assessment has found that noise from activity arising from proposals is in accordance with BS4142:2014, BS8233 and WHO Guidelines. NBBC Environmental Health have been consulted on this current application and have commented that given the proposed location and orientation of the building they do not have an issue in relation to noise to any noise sensitive receptors.

### **4. Highway Safety & Accessibility**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 110). As per the outline permission, access to the site is off Coventry Road with an emergency access only off Gipsy Lane.

In terms of parking provision, 201no. car parking spaces are proposed (which includes 10no. disabled spaces) together with 53no. HGV spaces. The Council does not currently have any saved car parking standards. The previous Car Parking Standards SPD 2003 would have required 201no. spaces. The Council has consulted on the Transport Demand Management Matters SPD which includes parking standards and it is anticipated that this will be adopted in early 2022. The unit would be for B8 purposes and based on the standards in the Transport Demand Management Matters SPD there should be provision for 243no. spaces. However, the SPD is not in its final form and has not been adopted by the Council and therefore can only be given limited weight as a material consideration. The SPD also explains that these guidelines should be viewed as a starting point for determining parking space provision for new developments and the relevant highway authority will need to be satisfied that the highways impact will not be severe. WCC Highways have commented that due to the location of the site and presence of a clearway order on Coventry Road any overspill parking that may occur would occur on-site within the internal access road. The site is to remain private so any on-street parking within the site is unlikely to result in a highway safety concern. Therefore, it is not considered that there would be a severe impact on highway safety.

Policy HS2 of the Borough Plan states that developments should target a 15% modal shift to non-car based uses. The proposed development includes provision that would allow the transition to more sustainable transport options. For example, 80no. cycle spaces are provided in the form of a secure enclosure. This level of provision exceeds what is required under the Transport Demand Management Matters SPD. A total of 20no. parking spaces will be provided with electric vehicle charging points.

A range of schemes were secured as part of the outline application which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. These included a financial contribution towards the creation of a cycle path leading to the Bermuda Park Station, including a toucan crossing on Coventry Road, pedestrian/cycle access along the northern boundary of the mainsite which provides an onward connection to the Bermuda Rail Station and the Industrial Estate and the existing footway/cycleway alongside the north bank of Griff Brook. Provision was also made for a footway/cyclepath over the Coventry Canal utilising the existing Turnover Bridge. The bridge which crosses the Coventry Canal is to be used as a strategic footpath connection between this site, and the housing site to the east which is allocated in the Borough Plan under Policy HSG3 and the other uses further beyond that. A S106 contribution was also secured towards an extension to the bus service no.48. The provision of a shared footway / cycleway link of 3 metres between the site access and the A444 / B4113 Signalised 'Griff' Roundabout Junction and to the upgrade of the bus stop infrastructure on Coventry Road in the form of a bus shelter were also secured.

This scheme proposes footpath/cycle provision around this part of the site which will link into the rest of the development phases.

WCC Highways have no objection subject to conditions.

## 5. **Health & Well-Being**

Policy HS6 of the Borough Plans states that proposals which assist in creating a healthy environment across the borough through the use of sports, leisure and recreation facilities and/or opportunities to exercise will be approved. It also states that new developments will be required to plan from the outset for the integrated planning of a healthy environment for its communities. This development introduces elements which are considered would contribute to health and well-being. For example, an external enclosed gym area and running track are proposed. Walkways are also provided with seating areas and trim trail equipment towards the south-east of the site. These types of facilities are not normally provided to this extent on employment sites and it is something that is welcomed and would improve opportunities for sport and exercise.

Policy BE3 of the Borough Plan states that development proposals must be designed to a high standard, able to accommodate the changing needs of occupants and adaptable to the impact of climate change. Proposals must also contribute to the local distinctiveness and character of the area by reflecting the positive attributes of the area. Major non-domestic development proposals must meet the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard for construction projects, using the most up-to-date new construction version of BREEAM where technically and financially feasible. A BREEAM pre-assessment has been submitted which demonstrates that the building has the potential to deliver a BREEAM excellent rating. This exceeds the minimum required by BE3. NBBC Planning Policy have no objection.

## 6. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk.

A Flood Risk Assessment and outline surface water drainage strategy were submitted as part of the outline application. Foul drainage would be discharged to the existing Severn Trent Water foul sewer. In terms of surface water, a combination of drainage channels and kerb drains at appropriate locations, as well as a gravel / filter strip in the service yards, will collect and convey surface water runoff generated from the development to the two attenuation ponds along the eastern boundary of the site, from which flows will discharge by gravity and at a controlled rate to the outfall, which is the Griff Brook located to the north of the site boundary. This connection will require crossing third party land which is owned by NBBC. The pipe for this proposed discharge will cross the Canal and River Trust's canal feeder channel which is piped below ground roughly parallel to the northern site boundary, following the line of the former Griff Canal Arm. The Canal and River Trust have requested that consideration is given to line and levels and that digging is done carefully around the pipe as it is essential that this important water supply to the canal is not interrupted. They have therefore requested that a construction methodology statement is submitted for these works which can be added as a condition. WCC Flood Risk require evidence of an approval from the third party landowner for connection to Griff Brook and that no implementation of the submitted detailed foul and surface water drainage scheme for the site shall occur until the sustainable drainage connection to the existing network in Griff Hollow has been agreed with land owner. They have requested a condition to cover this. The agent is currently liaising with NBBC Land and Property team on this issue.

## 7. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 174 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

An Ecology Impact Assessment has been submitted with the application. There are conditions on the outline permission relating to a Construction Ecological Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) to provide details of planting to provide additional foraging areas for bats, details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds, habitat creation, landscape and ecological buffer zones, a Reptile mitigation strategy, details of SUDS feature for provision of water vole habitat and a condition relating to lighting.

Trees and hedges are to be retained where possible with additional planting also proposed. This includes trees, shrubs, the creation of an orchard, hedges, marginal planting, amenity grass mix, wetgrass mix and wildflower grass mix. NBBC Tree Officer requested some additional boundary planting/retention to be created which has been done through the submission of amended plans to show denser tree planting around the perimeter of the site. NBBC Tree Officer has confirmed that the amendments are acceptable. NBBC Parks requested amendments such as to the wildflower mix and

additional tree planting to provide screening which have been addressed through amended plans. The agent has confirmed that following further discussions with NBBC Parks additional native mix tree planting can be added to the north where it abuts Griff Hollows. This would mean that apart from where the utilities are the entire area north of the planned future footpath is now denoted as woodland thereby reinforcing this Griff Hollow interface. Over the utilities a wild flower mix is proposed to further increase the ecological value of these areas. At the time of writing the report these amended plans have not been submitted but will be submitted shortly, in line with NBBC Parks requirements.

Lighting for the roads and parking areas is covered by a condition on the outline permission.

#### **8. Contamination, Land Stability and Air Quality**

Contamination was addressed as part of the outline application. A Site Investigation Report was submitted at that time. There is a condition on the outline permission relating to the submission of a contaminated land assessment and remedial strategy. NBBC Environmental Health do not wish to make any further comments on the Reserved Matters. A Coal Mining Risk Assessment was submitted with the outline application and The Coal Authority have confirmed that no further assessments are necessary. In relation to air quality, a total of 20no. parking spaces will be provided with electric vehicle charging points.

#### **9. Conclusion**

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic employment site in the Borough Plan and would contribute to meeting the strategic employment needs of the borough and provide much needed job opportunities.

The potential impacts of the proposed development in relation to residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, air quality and ecology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of conditions .

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

#### **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:

### Schedule 1

The details and plans contained in Schedule 1 be approved in accordance with Condition 1(a) Layout, (b) Scale, (c) Appearance and (e) Landscaping of approval reference 034901 granted on 4<sup>th</sup> November 2020 subject to the additional conditions contained in Schedule 2.

#### 1. Schedule of approved documents

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan	4755 CA 00 DR A 00050 PL3	20 <sup>th</sup> October 2021
Site Layout	4755 CA 00 DR A 00060 PL14	7 <sup>th</sup> December 2021
HGV & Car Parking Layout Plan	4755 CA 00 DR A 00465 PL9	7 <sup>th</sup> December 2021
Proposed External Services Layout	10241-EXT-100 C	20 <sup>th</sup> October 2021
Proposed Warehouse- Floor Plans	4755 CA 00 DR A 00100 PL7	7 <sup>th</sup> December 2021
Proposed Office- Floor Plans	4755 CA 00 DR A 00105 PL7	7 <sup>th</sup> December 2021
Roof Plan	4755 CA 0 DR A 00110 PL7	7 <sup>th</sup> December 2021
Proposed Elevations	4755 CA 01 DR A 00200 PL9	7 <sup>th</sup> December 2021
Gatehouse- Plans & Elevations	4755 CA 00 DR A 00450 PL6	7 <sup>th</sup> December 2021
Green Roof Landscape Plan	7245-ASP-XX-XX-DR-L-00017	7 <sup>th</sup> December 2021
Access Road External Lighting Lux Level Plot	10241-PL-101 D	20 <sup>th</sup> October 2021
Access Road General Arrangement	20025-BGL-XX-XX-DR-C-10300 P3	17 <sup>th</sup> December 2021
Access Road Standard Details	20025-BGL-XX-XX-DR-C-10303 P1	17 <sup>th</sup> December 2021
Unit 1 External Lighting Lux Level Plot	10241-PL-102 D	20 <sup>th</sup> October 2021
Cycle Storage & Gym Enclosure Details	4755 CA 00 DR A 00350 PL9	7 <sup>th</sup> December 2021
Sections & Finished Floor Levels	4755 CA 01 DR A 00150 PL7	7 <sup>th</sup> December 2021
Hard Surfacing Finishes	4755 CA 00 DR A 00063 PL17	7 <sup>th</sup> December 2021
Drainage Layout- Phase 1	20025-BGL-XX-XX-DR-S-00250 P7	7 <sup>th</sup> December 2021
Drainage Layout- Phase 2	20025-BGL-XX-XX-DR-S-00251 P6	7 <sup>th</sup> December 2021
Phase 1 Preliminary Levels	20025-BGL-XX-XX-DR-S-00255 P7	7 <sup>th</sup> December 2021
Phase 1 Earthworks Volumes	20025-BGL-XX-XX-DR-S-00256 P6	20 <sup>th</sup> October 2021
Planting Plan 1 of 13	7245-ASP-XX-XX-DR-L-00001 H	22 <sup>nd</sup> December 2021
Planting Plan 2 of 13	7245-ASP-XX-XX-DR-L-00002 H	22 <sup>nd</sup> December 2021
Planting Plan 3 of 13	7245-ASP-XX-XX-DR-L-00003 H	22 <sup>nd</sup> December 2021
Planting Plan 4 of 13	7245-ASP-XX-XX-DR-L-00004 H	22 <sup>nd</sup> December 2021
Planting Plan 5 of 13	7245-ASP-XX-XX-DR-L-00005 H	22 <sup>nd</sup> December 2021
Planting Plan 6 of 13	7245-ASP-XX-XX-DR-L-00006 H	22 <sup>nd</sup> December 2021
Planting Plan 7 of 13	7245-ASP-XX-XX-DR-L-00007 H	22 <sup>nd</sup> December 2021
Planting Plan 8 of 13	7245-ASP-XX-XX-DR-L-00008 H	22 <sup>nd</sup> December 2021
Planting Plan 9 of 13	7245-ASP-XX-XX-DR-L-00009 H	22 <sup>nd</sup> December 2021



Planting Plan 10 of 13	7245-ASP-XX-XX-DR-L-00010 H 22 <sup>nd</sup>	December 2021
Planting Plan 11 of 13	7245-ASP-XX-XX-DR-L-00011 H 22 <sup>nd</sup>	December 2021
Planting Plan 12 of 13	7245-ASP-XX-XX-DR-L-00012 H 22 <sup>nd</sup>	December 2021
Planting Plan 13 of 13	7245-ASP-XX-XX-DR-L-00013 H 22 <sup>nd</sup>	December 2021
Planting Plan Overview	7245-ASP-XX-XX-DR-L-00000 H 22 <sup>nd</sup>	December 2021
Tree Pit Details 1 of 2	7245-ASP-XX-XX-DR-L-00015	20 <sup>th</sup> October 2021
Tree Pit Details 2 of 2	7245-ASP-XX-XX-DR-L-00016 A	20 <sup>th</sup> October 2021
Trim Trail Details	7245-ASP-XX-XX-DR-L-00014 C	7 <sup>th</sup> December 2021
Warehouse Fire Strategy	4755 CA 00 DR A 01800 T1	30 <sup>th</sup> November 2021
Water Storage Tanks	4755 CA 00 XX DR A 00451 PL2	20 <sup>th</sup> October 2021
Existing Site Levels Plan	4755 CA 00 00 DR A 00055 PL3	20 <sup>th</sup> October 2021

## Schedule 2

a. No works to construct a connection from the application site to Griff Brook to the north of the application site to discharge surface water from the development shall commence until a detailed design for the works and methodology for undertaking them has first been submitted to and approved in writing by the Local Planning Authority. Such methodology shall identify measures to demonstrate that the existing Griff Pumps Canal Feeder Channel (which is carried via a pipe between the application site and Griff Brook) will be adequately protected during all works to ensure that the risk of damage to the feeder channel is minimised. The works shall thereafter only be carried out in accordance with the approved design and methodology.

b. No implementation of the submitted detailed foul and surface water drainage scheme for the site shall occur until the sustainable drainage connection to the existing network in Griff Hollow as shown on drawing no. 20025-BGL-XX-XX-DR-S-00250 P7 (received by the Council on 7<sup>th</sup> December 2021) has been agreed with land owner. Evidence of the approval in principle for the connection shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c. The development shall not be occupied until the internal layout of the site has been laid out and constructed in general accordance with the approved plan 20025-BGL-XX-XX-DR-C-10300 Rev P3 (received by the Council on 17<sup>th</sup> December 2021).

d. The development shall not be occupied until the proposed parking and turning facilities have been provided in accordance with the approved plan 4755-CA-00-00-DR-A-00465 PL9 (received by the Council on 7<sup>th</sup> December 2021) and thereafter be set aside and retained for those purposes.

e. The development shall not be occupied until a Travel Plan, to promote sustainable transport choices to the site has been submitted to and approved in writing by the Council. The measures (and any variations) so approved shall continue to be implemented in full at all times. The plan shall:

(i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

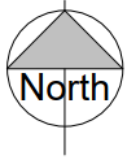
(iii) explain and justify the targets and measures by reference to the transport impact assessment

(iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

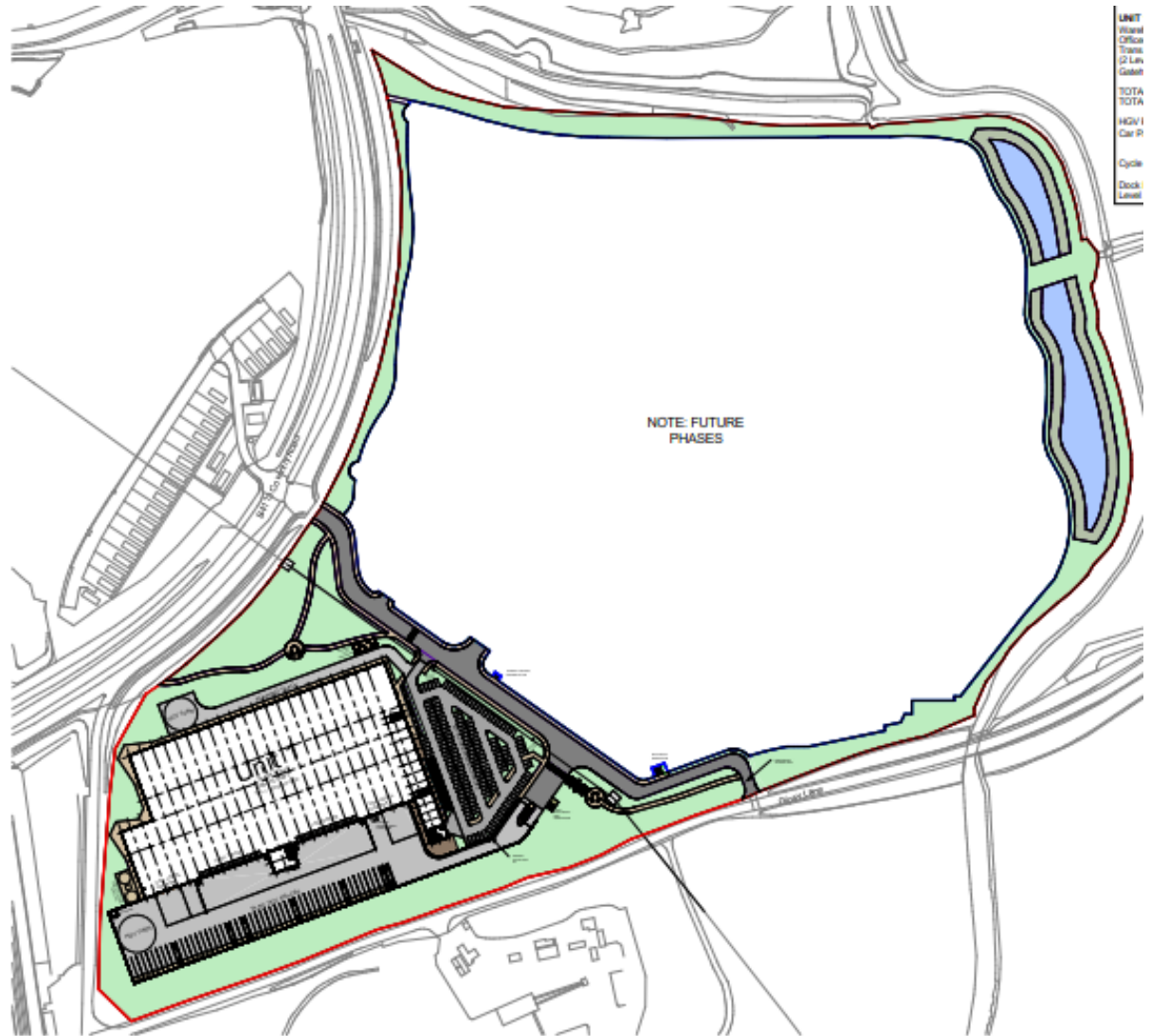
f. No external trim trail or gym equipment shall be erected abutting the canal or Griff Hollow until a scheme has been submitted to and approved in writing by the Council. The development shall not be occupied until the trim trail or gym equipment has been provided in accordance with the approved details.

g. No earthmoving operations shall take place within 15m of the Coventry Canal unless a detailed methodology for undertaking the works has first been submitted to and approved in writing by the Local Planning Authority. Such methodology shall be informed by a condition survey of the canal bank and shall identify any measures required to ensure that the risk of damage to the canal (including associated structures such as Turnover Bridge) is adequately minimised, including a suitable vibration monitoring regime to be implemented during the works. The earthmoving works shall thereafter only be carried out in accordance with the approved methodology.

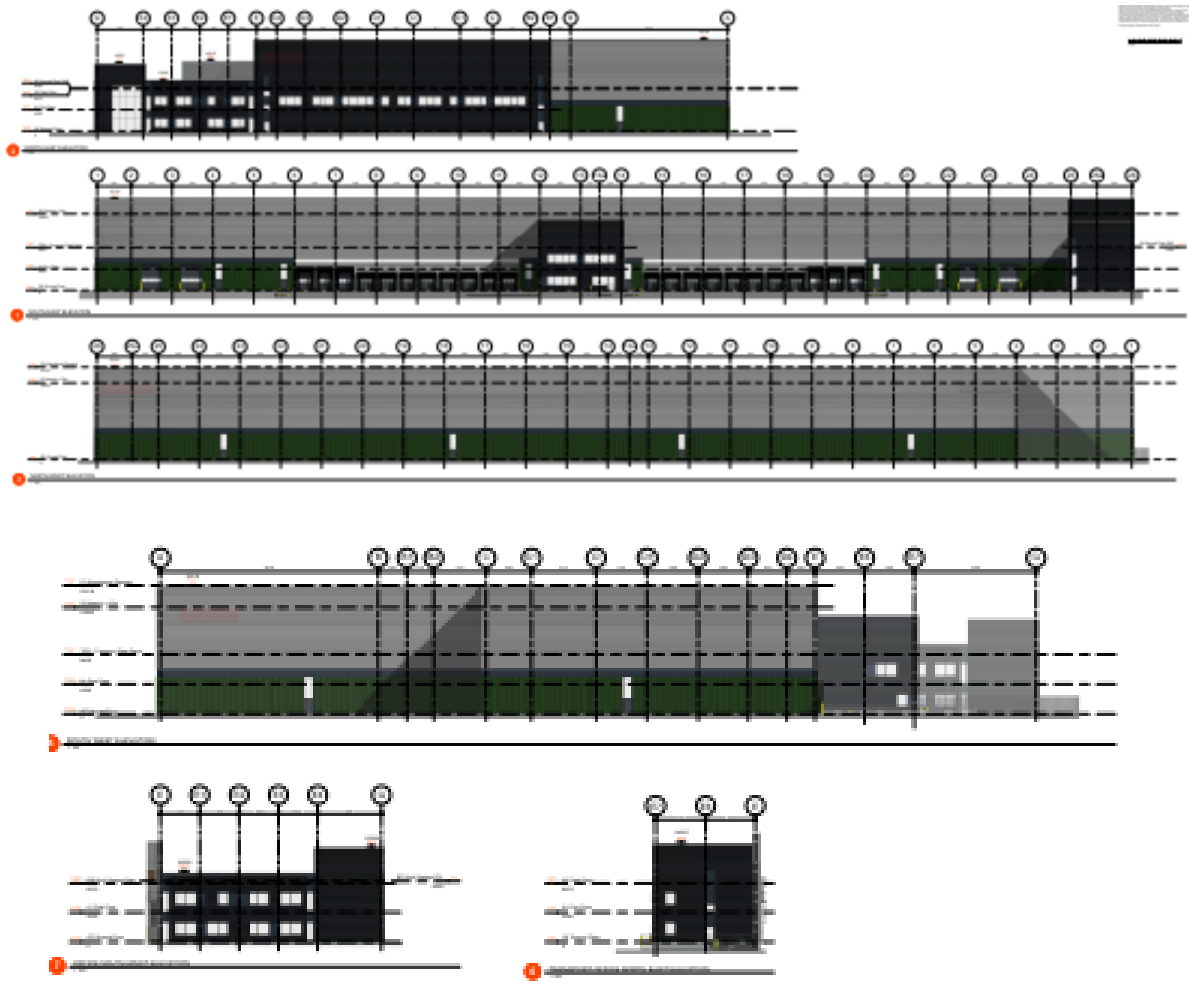
# Site Location Plan



# Site Layout



# Proposed Elevations



**REFERENCE No.** 037955

**Site Address:** Four Acres Stud, Coventry Road, Bulkington. CV12 9NB.

**Description of Development:** Change of use of part of site to dog boarding kennels and associated exercise area. To make use of existing buildings but adding drainage, flooring, heating, ventilation wall coverings and galvanised steel kennels.

**Applicant:** Mr Paul Gerrard.

**Ward:** BU

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**RECOMMENDATION:**

Planning Committee is recommended to grant planning permission for a temporary period of 12 months subject to the conditions as printed.

**INTRODUCTION:**

This is a full planning application for a change of use of part of the property to a dog boarding kennels with exercise area. The proposal seeks to make use of the existing structures but adding drainage, flooring, heating, ventilation, wall coverings and galvanised steel kennels.

The buildings and access are existing. The entrance gates are set back from the road and the stables have low pitched clad roofs and the walls have been clad in grey sheeting. The buildings are at 90 degrees to Coventry Road on the north eastern boundary and consist of a variety of buildings. The exercise paddock is grassed with approximately a metre high wooden post and rail fence which is meshed to prevent dogs escaping. 16 parking spaces are to be provided within the site. Not all of the buildings are to be converted.

The proposal is for 19 kennels plus 4 family kennels (the family kennels will be able to house 8 dogs. These kennels are spread across 3 buildings. The building closest to the road but separated from it by one of the car parks is to be a kitchen, isolation room, office and 24-hour security office. The kennel areas are approximately 40 to 70m from the road and the exercise paddock is approximately 76m from the road. Approximately 72m north east is the embankment to the railway line.

Beyond the site are arable fields, whilst immediately adjacent to the access is an access to a sewage works. Beyond the site is a public footpath. On the opposite side of the road are residential properties forming the ribbon development along Coventry Road. The site is within Green Belt.

It is considered that a change of use is required as the previous use was for non-commercial equitation use which was considered to a Sui Generis use. The use of dog

kennels is also considered to be Sui Generis. Sui Generis is a use not falling in any specific class and consent is required for any use change within this category. Notwithstanding this, the previous equitation use approved under references TP/0446/99 and 030213 stated that the site was not to be used for any commercial or business use and that the menage was purely for the exercising/riding of horses stabled at Four Acres. It is considered therefore that the proposal is a material change of use and therefore requires planning permission.

### **BACKGROUND:**

During the application period, the Applicant has amended part of the description to remove the part which related to a fertility clinic within the site.

### **RELEVANT PLANNING HISTORY:**

- 036614 Erection of two detached dwellings. Outline with all matters reserved. Refused 20.07.2020. Appeal APP/W3710/W/21/3267279. Dismissed 18.02.2021.
- 030580 Retention of featheredge fence to three sides of menage (attached to post and rail fence required by condition 3 of approval 30213). Approved 14.01.2011.
- 030213 Retention of hard standing areas for vehicular access, including new entrance gates, brick pillars and associated fencing, internal vehicle movement, parking, stable yard & horse holding pen. Retention of tea room, secure store, rug store and two lighting columns. Repositioning of ménage and provision of new open hay barn which will provide cover for individual horse boxes & trailer/tractor. Approved 20.07.2010.
- 005463 (TP/0446/99) Menage in paddock and erection of 3 stables. (open barn removed). Approved 06.09.1999.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS3 – Development principles.
  - DS7 – Green Belt.
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Environment Agency, NBBC Environmental Health, NBBC Policy, Network Rail, WCC Flood Risk Management and WCC Highways.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways and WCC Flood Risk Management.

Comments and request for conditions:  
NBBC Environmental Health.

No objection from:  
Environment Agency, NBBC Planning Policy and Network Rail.

### **NEIGHBOURS NOTIFIED:**

103 – 119 (odd) and 110 Coventry Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 13<sup>th</sup> May 2021. A site notice was erected on street furniture on the 18<sup>th</sup> May 2021 and the application was advertised in The Nuneaton News on the 26<sup>th</sup> May 2021.

### **NEIGHBOUR RESPONSES:**

There have been 16 responses of objections from 15 addresses of 22 people and 2 letters from 3 people with no full address. The comments are summarised below;

1. Land was in Green Belt and was for equitation use previously unfortunately this has changed over time and there are now unsightly buildings used for storage and working on vehicles.
2. Riding of quad and motorbikes has also been carried out previously on the land.
3. Main objection is the uncontrolled level of noise of dogs barking day and night and the absence of any sound proofing. Already experiencing long periods of dog barking from the site as well as a site nearby which resulted in the dogs being removed by the RSPCA from the other site. Noise will be heard from the new committed residential housing allocation in the area. Dog barking was a problem by a single dog 25 years ago on the site and resulted in the Council taking action.
4. Concerns with smells from dog waste and that this could end up in the brook.
5. Could noise insulation be added?
6. Increased light pollution from the site.
7. Increased coming and goings of vehicles from the site (causing impact on air quality).
8. Road is dangerous and traffic speeds on it and collisions could be caused by increased traffic to the site. Already many fatalities over the years along this stretch of road. Nearby rail bridge restricts traffic views in the area.
9. This is inappropriate Green Belt development.
10. Commercial need not identified as necessary for the area or for community benefit.
11. The buildings already negatively impact the area.
12. Applicant does not live anywhere near site.
13. Dog kennels should be located a long way from residential properties.
14. A dog event held at the site caused parking on the road and pavement in the area.
15. Railway line noise will be unsettling to the dogs. Whilst local people live with rail noise this is for short bursts unlike barking dogs.
16. No overnight staff to check on dog's welfare.
17. Consent will mean more chance of getting a house approved on the site.
18. Insufficient parking on the site.
19. Already noise from loudspeakers and discos from Weston Lawn Equestrian Centre.
20. Already too many planning applications in the area.
21. Work to alter the buildings has already been carried out.



There has been a petition of 6 signatories objecting on the grounds of:

1. Concerns of noise levels from dogs barking. This type of business should be well away from residential properties.
2. Increased risk on road safety where nearby railway bridge obscures views on a very fast road. Already problematic to pull out of drives of residential properties in the area.
3. Dog event in May caused parked cars on Coventry Road, which meant people walked with dogs in the road.
4. Proposal not in Borough Plan and Green Belt should be protected.
5. Dogs will be disturbed by noise from railway line.
6. No plans for overnight staff so dogs would be unsupervised at night.

## **APPRAISAL:**

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

1. Principle of the use in Green Belt and impact on openness
2. Impact on Residential Amenity.
3. Impact on Highway Safety.
4. Flooding and Drainage.
5. Conclusion.

### **1. The principle of the use in Green Belt and impact on openness**

The NPPF and Policy DS1 refers to the fact that there is a presumption in favour of sustainable development unless material considerations indicate otherwise. Policy BE3 of the Borough Plan refers to sustainable development. The proposal does make use of existing buildings and this could therefore be considered to be sustainable.

Policy DS3 of the Borough Plan states that new development should be sustainable, of a high quality, fully supported by infrastructure and by environmental mitigation. It states that development outside the settlement boundaries, of the Borough Plan map should be limited to agriculture, forestry, leisure, and other uses that can be demonstrated to require a location outside of the settlement boundaries. The site is outside of a defined settlement boundary but in principle a dog boarding kennels, and associated facilities could warrant a location outside of a settlement boundary.

The NPPF and Policy DS7 of the Borough Plan refers to Green Belt policies to restrict inappropriate Green Belt Development, except where very special circumstances can be demonstrated. Any development proposals considered not inappropriate for locating within the Green Belt should demonstrate how their plans will retain the five key purposes of the Green Belt. These state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Only existing structures are to be used for the proposal; paragraph 149 of the NPPF lists certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The list includes the re-use of buildings (provided that the buildings are of permanent and substantial construction. The proposal therefore meets this criterion.

The National Planning Practice Guidance (Paragraph 001 Reference ID: 64-001-20190722) identifies several matters that court cases have shown may need to be

taken into account when assessing the impact of a proposal on the openness of the Green Belt. These include but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- The duration of the development, and its remediability – considering any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

The dog exercise area has low-level timber fencing. Mesh has been added so that dogs cannot escape out of the area, but it is considered that the timber fence or mesh does not materially change the visual openness of the fence.

The proposed development would re-use existing structures and whilst it would be a material change of use of the land, it could be considered not inappropriate in the Green Belt under Paragraph 149 of the NPPF. The re-use of existing structures means the openness of the Green Belt is not affected than what is there at present.

Therefore, the proposal is considered to be acceptable in principle under Borough Plan Policy DS7 and national planning policy as it would be redevelopment of previously developed land with no new structures being added.

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

In terms of residential amenity, the Council's Environmental Health Team have been consulted. They originally had concerns in relation to noise as they stated that:

"I do have real concerns about the noise impact of this proposal, specifically the boarding kennels. It is notoriously difficult to control or fully mitigate noise from dog barking and I cannot see a realistic scenario where it could be mitigated sufficiently. Boarding kennels are particularly problematic as the dogs are in unfamiliar surroundings, away from owners and in the vicinity of other dogs they don't know. All of this can cause particular problems with barking. Also, the more dogs there are the more potential for a problem. This proposal shows kennelling for 20+ dogs. Noise is likely to arise from the kennels themselves and the outside exercise area.

Boarding kennels are much better suited to locations that are much more isolated. This site has a number of residential properties just 70m away and is in close proximity to the general residential area of Coventry Road. Dog barking is noticeable over a notable distance."

They originally concluded that:

"Overall I do not think this is a suitable location for a development of this nature and have real concerns about the noise impact".

However, a site visit was subsequently carried out by them to assess this individual situation. Their final response was:

"Further to my previous response in respect of this application, as previously advised I do have noise concerns relating to dog barking. However, I have since met with the applicant at the site where we conducted some testing by allowing the applicants own dogs to bark inside the kennel building. The noise was only very faint at the boundary of the site when there was no traffic passing. I still have some residual concerns about barking noise from outside areas when dogs are dropped off and during exercise etc. However, if, as discussed with yourself and the applicant, a 12 month temporary

permission is possible then I'd suggest this in conjunction with conditions would be the best approach."

The kennel building would need some further noise insulation, so I'd request a condition requiring a scheme of sound insulation be submitted and agreed prior to occupation. Secondly, and particularly to deal with any barking noise from outside areas, I'd request a condition requiring that a noise management plan be submitted and agreed prior to occupation.

In conclusion, the Council's Environmental Health consider that a 12-month temporary consent is appropriate subject to conditions.

### **3 Impact on Highway Safety.**

Policy HS2 of the Borough Plan refers to the impact of development on the highway network. WCC Highways have responded

WCC Highways initial response was of objection due to restricted visibility splays due to hedgerows and general plantings on either side of the access but that with some cutting back and general trimming the visibility splays should be able to be improved and that maintenance of this could be conditioned.

WCC Highways also had concerns with the width of the access if more than this use could continue at the site. The Applicant has confirmed that this would be the only use on the site, and this could be conditioned. WCC Highways subsequently withdrew their objection as they considered the access was suitable for the largest vehicles visiting the site for this type of use, subject to a condition restricting this to the sole use and for the visibility splays to be maintained. They also requested a condition to ensure the bin was not stored within the access.

In terms of parking, the Council's emerging Transport Demand Management Matters states that Sui Generis uses should be considered on a case-by-case basis. The proposal provides 16 parking spaces. This is considered acceptable for this use.

### **4 Flooding and Drainage.**

Policy NE4 of the Borough Plan refers to the managing of flood risk and water quality and the need to consider flooding within development and that this is not exacerbated elsewhere. The buildings are in Flood Zone 1 which is the least likely to flood; whereas the menage is within Flood Zones 2 and 3 which are areas more likely for flooding. Due to this and that the site area when including the exercise area was considered to be a major application, the Environment Agency and WCC Flood Risk Management were consulted.

The Environment Agency advised that providing there was no raising of the ground level that they had no objections to the scheme.

WCC Flood Risk Management stated that given as this was a change of using existing buildings, with no additional impermeable areas and as long as the existing surface water drainage regime was to remain, that they would have no objection subject to conditions. The conditions are considered relevant and acceptable.

### **5 Conclusion.**

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be

made in line with an adopted Development Plan, unless material considerations indicate otherwise.

It is considered that making use of the existing buildings and manage that the proposal is acceptable in relation to the principle of the development in Green Belt. In terms of residential amenity, the main issue is considered to be barking dogs but that the Council's Environmental Health after carrying out tests at the site considered that a 12-month temporary use would be appropriate subject to conditions. WCC Highways have no objections in terms of highway safety again subject to conditions. Equally the Environment Agency and WCC Flood Risk Management have no objection with the Flood Risk Team requesting conditions.

In conclusion, it is considered that a temporary consent would be considered appropriate.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Date Received
Power-point - Location and Site Plans	7 <sup>th</sup> May 2021
Power-point - Site Plan and Floor Plans	5 <sup>th</sup> May 2021

3. The use shall not commence until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the northeast and 160 metres to the southwest measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. These visibility splays shall be maintained in perpetuity of the use.

4. The use shall not commence until details showing a bin collection area have been submitted to and approved by the Local Planning Authority. This bin collection area shall be within land under the control of the applicant and shall be maintained thereafter for those purposes.

5. The use shall not commence until a scheme of sound insulation is submitted and approved in writing by the Local Planning Authority. The agreed measures shall be put into place prior to the first occupation and maintained in perpetuity of the use.

6. The use shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The use shall not commence or continue other than to the agreed details.

7. No permanent lighting for the use shall be erected until details of the lights have been submitted to and approved in writing by the Local Planning Authority. These details shall include measures to prevent light spill to neighbouring residential properties and sensitive ecological areas/habitat. The details shall be implemented prior to the first occupation.

8. No use other than those approved under this approval shall be operated from the site.

9. The part change of use development permitted by this planning permission shall follow the following mitigation measures:

- No changes to the existing buildings or the surrounding hardstanding that could result in an increase in impermeable area shall be implemented.
- The performance of the existing surface water system is the responsibility of the site owner who must carry out any necessary maintenance.
- Existing overland flows must be maintained, therefore no changes that results in alterations to the external levels shall be carried out including any raising of the ground levels.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

10. No additional fences shall be provided on the site.

11. No public events shall be carried out on the site.

12. The approved use shall cease 14 months from the date of this approval unless a further planning application has been submitted and subsequently approved.



NORTH

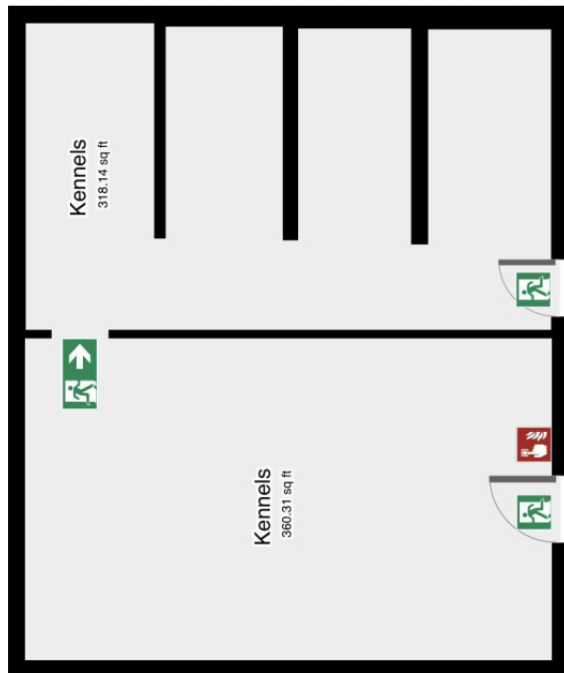
Location Plan





Site Plan

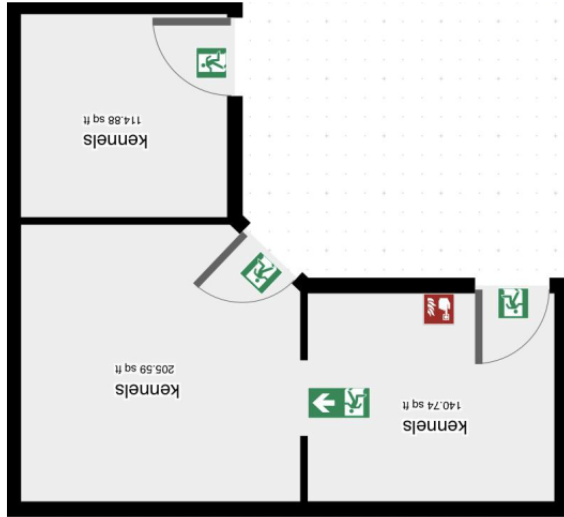
Building layout



**Building 4**

9 Kennels will be housed.

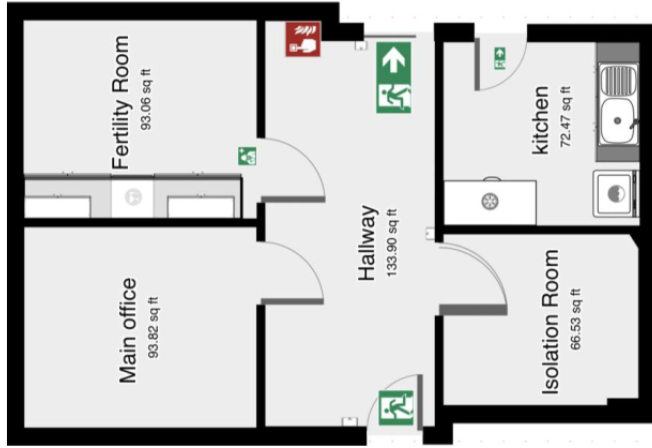
Kennel size - 1.4m x 1.4m



**Building 2**

10 Kennels will be housed between 3 rooms.

Kennel size - 1.4m x 1.4m



**Building 1**

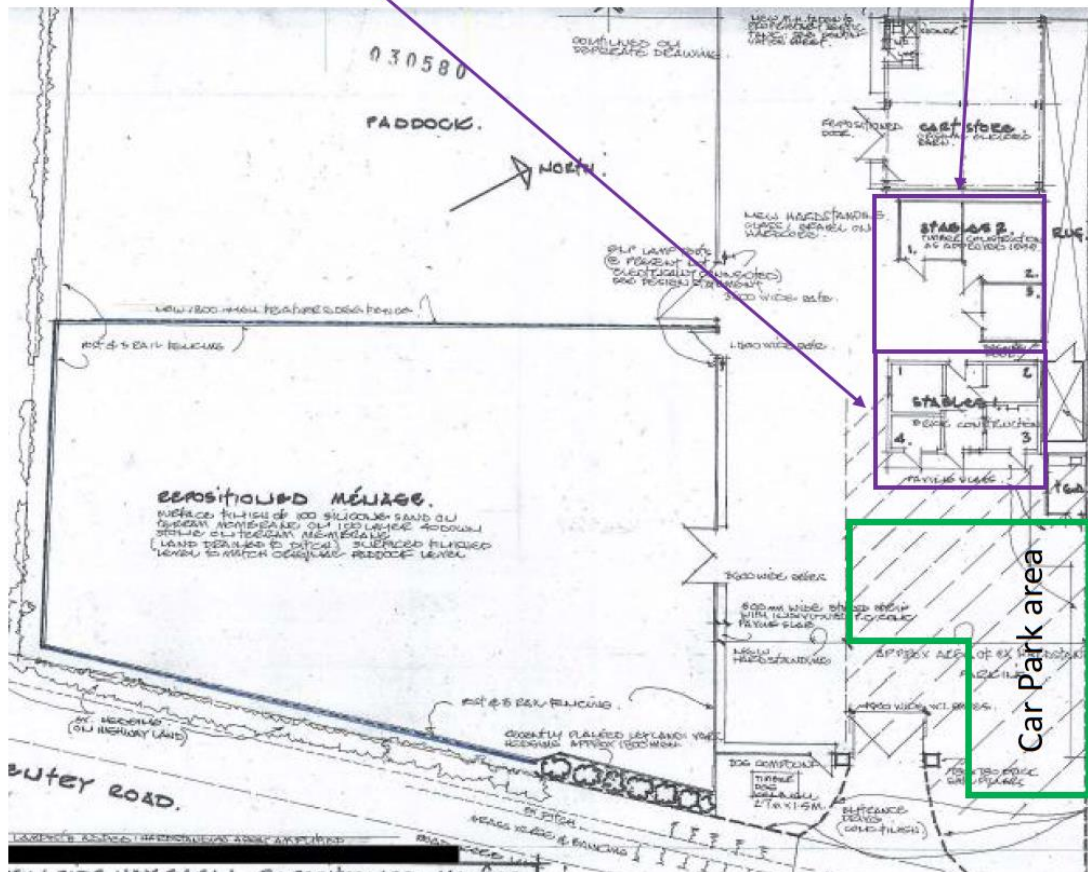
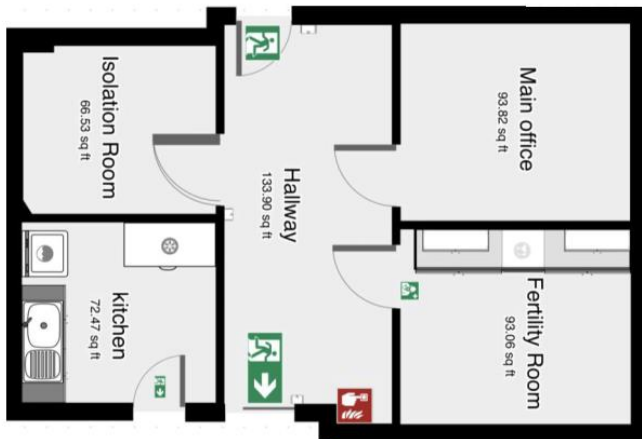
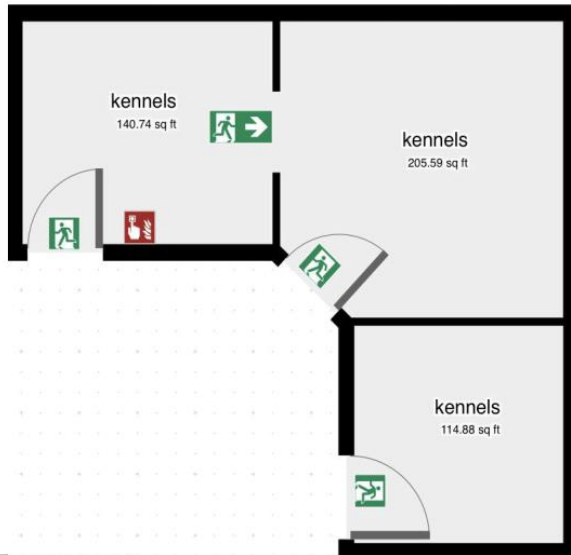
Room 1 – Kitchen / Clean room

Room 2 – Isolation Room

Room 3 – Main Office

Room 4 – Fertility Room





Position of Buildings



Security Office 24hrs



Building 1



Building 2



Building 3 & 4

Photographs of Buildings

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## Item No. 3

**REFERENCE No.** 038380

**Site Address:** Site 47D005 - Opposite Junction Wiclif Way & Malvern Avenue, Nuneaton, Warwickshire

**Description of Development:** Application for prior notification for 18.0m 'Phase 8' Telecommunications Street Pole with wraparound Cabinet at base plus associated equipment cabinets

**Applicant:** CK Hutchison Networks (UK) Ltd

**Ward:** KI

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### **RECOMMENDATION:**

Planning committee is recommended to confirm that prior approval is required and refused.

### **INTRODUCTION:**

This is an application for prior notification for 18.0m 'Phase 8' Telecommunications Street Pole with wraparound Cabinet at base plus associated equipment cabinets at "Site 47D005" Junction of Wiclif Way & Malvern Avenue, Nuneaton.

Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 16 Communications Class A – Electronic communications code operators, development is permitted by or on behalf of an electric communications network in, on, over or under land controlled by that operator or in accordance with the electronic communication code consisting of the installation of any electric communication apparatus, subject to conditions.

In the case of the installation of a mast, the mast, excluding any antenna, should not exceed 20 metres above ground level on highway land. The proposed mast would be 18m to the top of the street pole (including the antenna).

As such, the development is considered to be permitted development subject to the conditions that:

- The siting and appearance of a mast which has been installed are such that the visual impact of the development on the surrounding area is minimised, so far as practicable.
- Before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether prior approval of the authority will be required as to the siting and appearance of the development.

The site is a grass verge which is owned and maintained by Warwickshire County Council (WCC) Highways located close to the junction of Wiclif Way and Malvern Avenue. The surrounding area is mostly residential in nature with a mix of two-storey

detached and semi-detached houses. To the north of the site is a row of shops with flats above. A car parking area separates these shops from the site. The proposed street pole will be located on the grass verge between 2 mature trees, which are approximately 12m tall and there is also an existing BT pole at 7m tall close to the proposed mast. The site would most be read against the existing street furniture/ trees and the buildings to the north which are 9m to the ridge.

### **BACKGROUND:**

Notwithstanding the level of objection received, the application is being reported to Committee at the request of Councillor Beetham.

### **RELEVANT PLANNING HISTORY:**

030761: Prior notification for a 13.8 metre high street pole, antennas within a shroud and electronic equipment cabinet (Opposite junction of Wiclif Way and Malvern Avenue): Refused 31/03/2011

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - HS3 – Telecommunications and broadband connectivity
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

WCC Highways

### **CONSULTATION RESPONSES:**

Objection received from:  
WCC Highways

### **NEIGHBOURS NOTIFIED:**

40, 65, 67, 69, 71, 73, 73a, 75 Wiclif Way, 2 Malvern Avenue

Neighbouring properties were sent letters notifying them of the proposed development on 20<sup>th</sup> October 2021 and a site notice was erected on street furniture on 21<sup>st</sup> October 2021.

Further letters were sent to neighbours on 6<sup>th</sup> December 2021 due to amended plans being received.

### **NEIGHBOUR RESPONSES:**

There has been 8 objections from 5 addresses received as well as a petition containing 23 signatures from 17 addresses. There has also been 5 anonymous objection letters received. The comments are summarised below;

- 1) Harm to visual amenity of the street scene
- 2) Impact on highway safety (could be a potential distraction for road users and pedestrians)
- 3) Loss of house value

- 4) Health concerns
- 5) Residents feel that there is no need/demand for the service in the area
- 6) Impact on wildlife due to the position of nearby trees
- 7) Concerns regarding anti-social behaviour
- 8) Better locations for the mast where there is more space and less of an impact on the residents

## **APPRAISAL:**

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

1. The siting and appearance of the mast
2. Conclusion

### **1. Siting and appearance**

The developer has provided, as part of the submission of the application, a site specific supplementary information and planning justification statement.

The very nature of installing new 5G mast infrastructure within such an urban setting requires a highly considered balance between the need to extend practical coverage reach with that of increasing risk of visual amenity intrusion. The developer has concluded that, in this location, any existing mast sites are not capable of supporting additional equipment to extend coverage reach across the target area and prospective 'in-fill- mast sites' are extremely limited.

The developers submitted statement confirms that the proposed site has been carefully considered and confirm that the site will allow for the best available compromise between extending the 5G services across the target coverage hole with the selected street works pole height and associated antenna and ground-based cabinets, which have been restricted in height to the minimum which is capable of providing the required essential 5G coverage.

The Government attaches great importance to the design of the built environment and outlines this within Section 12 (para. 124) of the National Planning Policy Framework (NPPF July 2021) where it states:

*"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".*

The applicant considers that the communications infrastructure shown in the proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing street furniture, having similar vertical lines and overall appearance to the numerous street lighting columns in this area. It is considered that the appearance of the mast is similar in appearance to the existing street light columns in the area and therefore it would not appear significantly over prominent.

The National Planning Policy Framework clearly states that authorities should NOT question the need for the service, nor seek to prevent competition between operators. Notwithstanding this fact, the applicant considers that the site is required to provide new 5G coverage for CK Hutchison Networks (UK) Ltd in order to improve coverage in the Stockingford area of the borough. The cell search areas for 5G are extremely constrained, with a typical cell radius of approximately 50m, meaning that it would not be feasible to site the column outside of this radius.



The proposed installation of the mast will also help to support the UK Government Digital Connectivity vision and provide a basis for support from the local planning authority to speed up digital infrastructure rollout set by Ministers on 27<sup>th</sup> August 2020. In addition, such development will help to facilitate educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling e-commerce and working from home, as well as enjoying access to social media and gaming for leisure time activities.

ICNIRP (International Commission on Non-Ionizing Radiation Protection) aims to protect people and the environment against adverse effects of non-ionizing radiation (NIR). Public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/ or barriers and signage as necessary. Objections have been received which refer to the health issues associated with masts. However, the developer has provided confirmation that the proposal will be ICNIRP compliant.

In accordance with the sequential approach outlined in the NPPF, the following search criteria was adopted. Firstly, consideration is given to sharing an existing telecommunication structures in the immediate area, secondly; consideration is then given to utilising any suitable existing structures or building and thirdly; sites for freestanding ground-based installation are investigated. The applicant has confirmed that all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed and the Ofcom Site Finder mast register is always examined prior to the submission of an application.

A total of 3 sites were shortlisted and 8 were discounted. Of the sites that were shortlisted (other than the one selected for this application site), the sites were ultimately discounted due to the overhead tree canopies. Since the application was originally submitted, amended plans have been received which has relocated the cabinets so that they will not be directly underneath the tree canopies at this site.

WCC Highways were consulted on this application and initially raised an objection based on the original plans that were submitted. It was considered that the installation of the mast and associated equipment cabinets would have an adverse effect on a tree located within the highway, which would have been contrary to the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees; NJUG Volume 4, Issue 2.

The amended plans now show the larger of the 2 equipment cabinets located to the west of the pole and the other on the east side. In doing so, the cabinets will not be underneath the canopy of the trees and in turn is outside of the tree protection zones.

Furthermore, WCC Highways also objected to the position of the cabinets in relation to the footway. The cabinet doors of the larger central cabinet measure at 0.9m each and would have originally opened out onto the footway which would have created an obstruction to pedestrians. The amended plans show that the cabinets have been set back by 1m from the back of the footway. Based on the amendments, WCC Highways withdraw their initial objection.

It is therefore considered that the proposed siting and appearance of the mast and cabinets would be appropriate.

## 2. Conclusion

To conclude, the Government considers that the high-speed mobile connectivity is the 'lifeblood' of a Community and that prior approval should be granted where the council considers that the siting and appearance of the telecommunications equipment is appropriate.

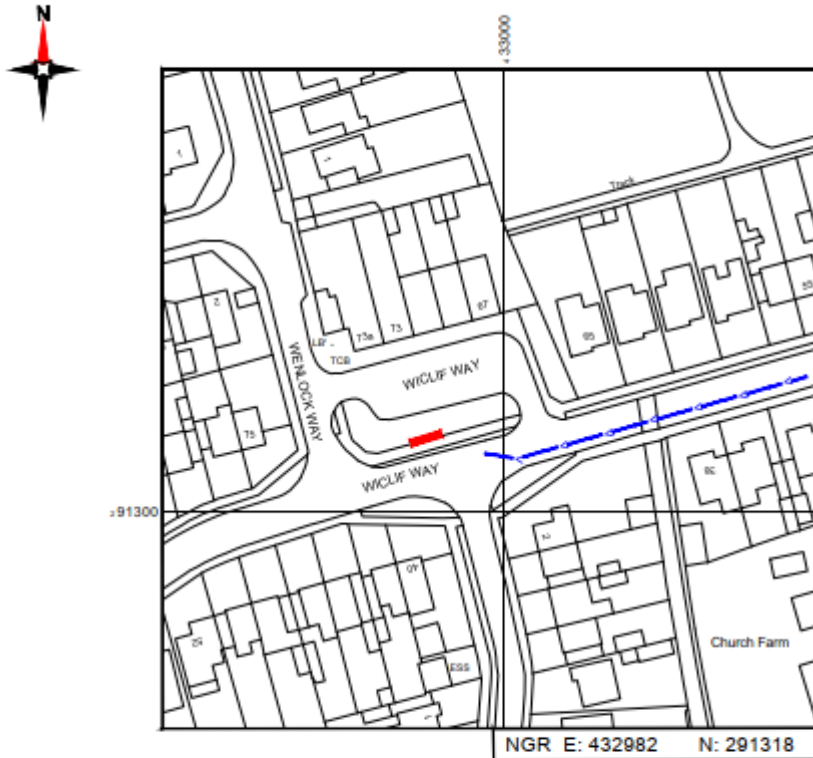
Furthermore, the use of the public highway to accommodate a new telecommunications installation complies with both central government and local planning policy guidance, where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community, while minimising visual impact.

In accordance with a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the National Planning Policy Framework as well as the conditions set out within Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, it is considered that prior approval is not required for the development.

### **SCHEDULE OF CONDITIONS:**

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

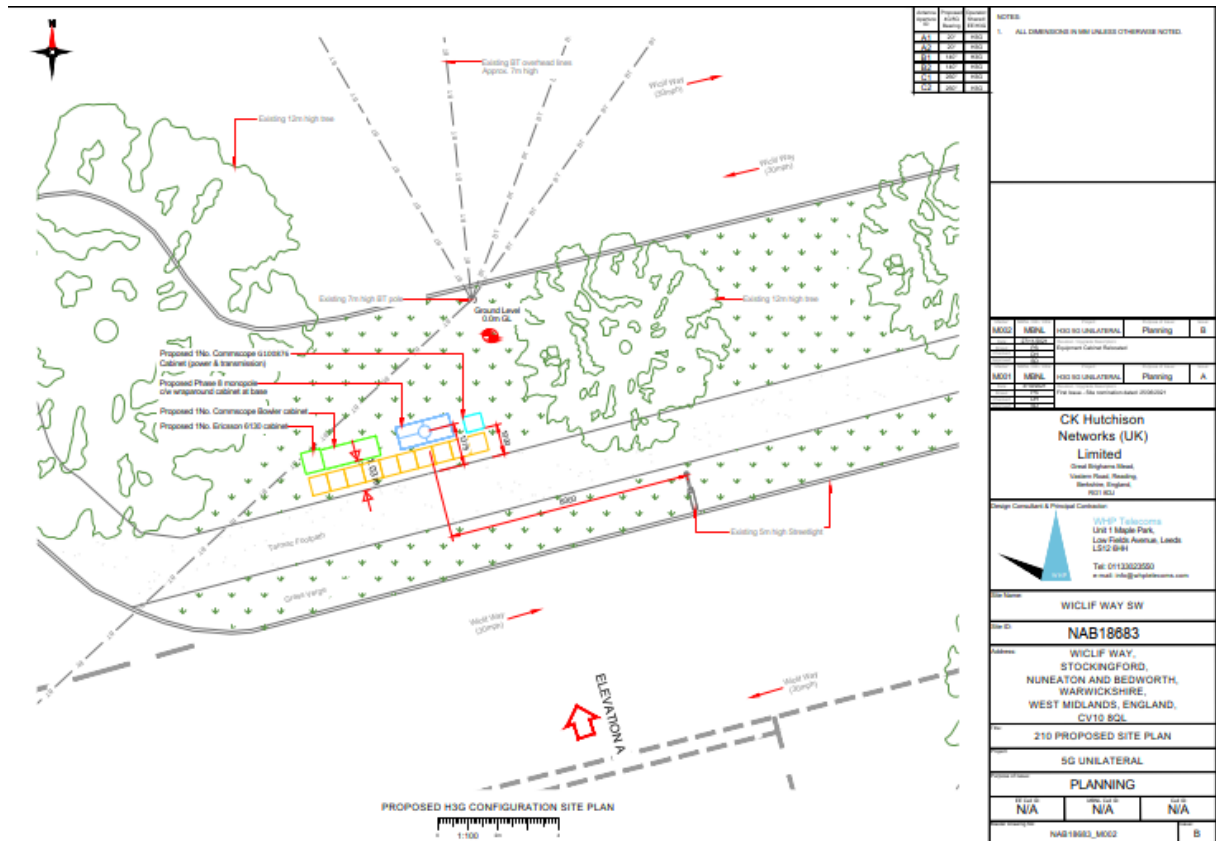
Plan description	Drawing No.	Date received
Planning Rev. B	NAB18683	30 <sup>th</sup> November 2021



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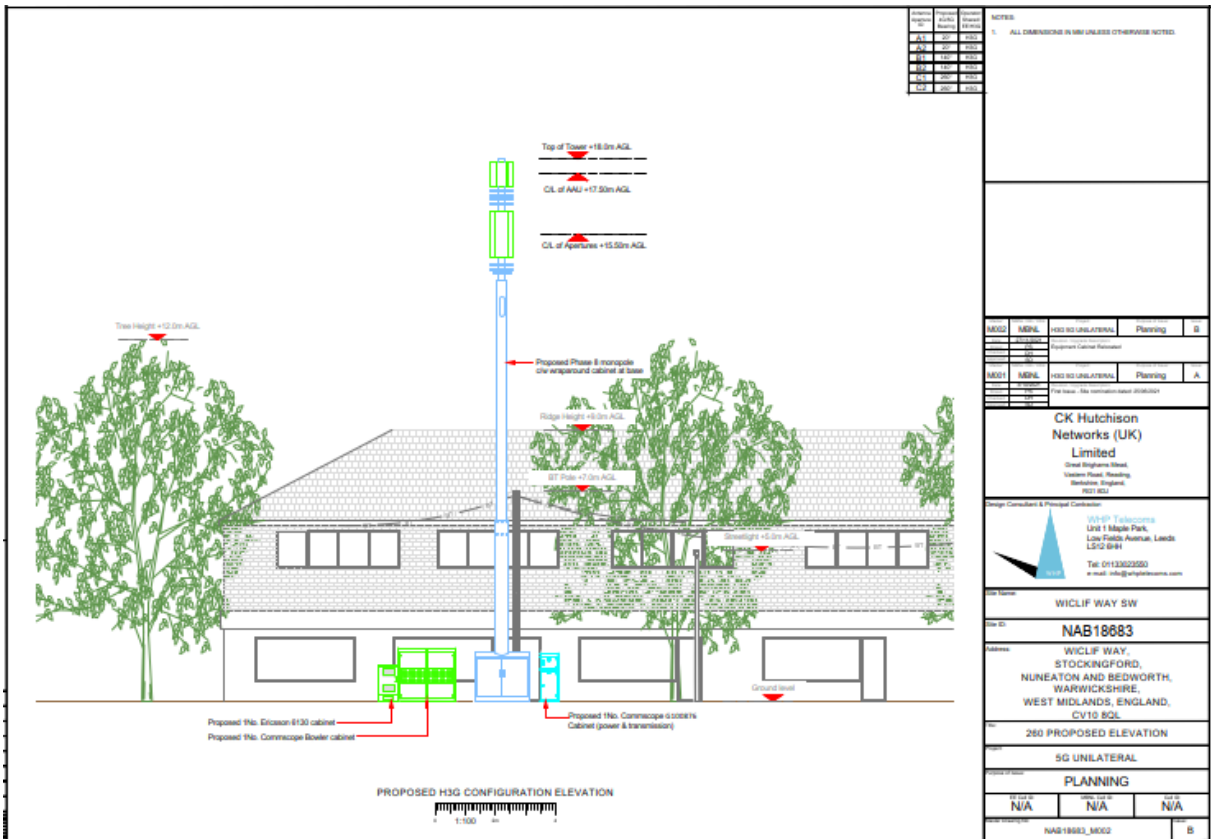


Location plan



Proposed site/ floor plan





Proposed elevation

**REFERENCE No.** 038252

**Site Address:** 33b Coventry Road Bulkington Bedworth CV12 9LY

**Description of Development:** Proposed front gates and wall.

**Applicant:** Mr K Singh

**Ward:** BU

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for proposed front gates and wall, at the site address 33b Coventry Road Bulkington Bedworth CV12 9LY. The application property is a two-storey detached house, characterised by red/brown brick, with a driveway that extends 18 metres towards the front of the house. The property is set back from the street frontage, with an extensive driveway.

Neighbouring the site towards the North East is 33A Coventry Road, which is also a two-storey detached property characterised by red/brown brick, which is also set out in the same style as the application site, with a driveway located towards the front of the property which extends around 18 metres at the front and provides parking for the property.

Neighbouring the site towards the South West exists 35A Coventry Road, which is the second neighbouring two storey detached dwelling characterised the same red/brown brick with a driveway extending 18 metres at the front providing parking for the dwelling. The street scene consists of detached properties on a graduated slope, with some semi-detached properties nearby, of which most are set far back from the street frontage with considerable driveways providing off-street parking on site. There are a mixtures of ages and styles but most properties are relatively large and set back from the road.

The garden of the application site extends 15 metres from the rear where the garden starts, to where the garden backs onto the boundary of 58 Villa Close.

### **RELEVANT PLANNING HISTORY:**

- 038287 - Proposed re positioning of dropped kerb (Approved 2021)
- 037041 - Front and rear extensions, conservatory and retention of garden room (Approved 2020)

- 036707 - Application for front and rear extensions, conservatory and retention of garden room (approved in December 2019)
- 036566 – Two storey extension to rear, single storey front and rear extension. (Approved in September 2019)
- 035621 – Two storey extension, single storey extension and conservatory to rear and dormer windows to front roof slope. (Withdrawn in June 2018).
- 035185 – Two storey extension to rear, single storey extension to rear and conservatory to rear (Approved in December 2017).

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document (SPD) 2020.

### **CONSULTEES NOTIFIED:**

NBBC Planning Policy; WCC Highways;

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways

No comments from:  
NBBC Planning Policy

### **NEIGHBOURS NOTIFIED:**

35A, 33A, and 16B Coventry Road, and 58 Villa Close

Neighbouring properties were sent letters notifying them of the proposed development on 31st August 2021. A site notice was erected on street furniture on 14<sup>th</sup> September 2021.

### **NEIGHBOUR RESPONSES:**

There have been 9 objections from 9 addresses. The addresses include 7, 16, 16A, 22, 24, 33, 33A, 35, and 35A Coventry Road. The comments are summarised below;

1. Application not in keeping with other premises in the locality.
2. Concerns of the metal gate and wall not in keeping with other properties along Coventry Road and not in keeping with surrounding area.
3. Concern that the development will be directly in line with the living room window of 16 Coventry Road.
4. Not in keeping with the property frontages of the surrounding dwellings.
5. Concerns that the proposed dark grey metal gates and rendered walls are not in keeping with the surrounding road and openness of the character of Coventry Road.
6. Concerns that the 7-foot structure is out of place on the street scene.
7. Concerns over work that has been constructed over 3 years which has been problematic and has included vans and lorries parked outside is a nuisance to occupants at 33 Coventry

8. Negative impact on visual amenity.
9. Concerns that the proposal is not in keeping with the surrounding property frontages and that other properties in the street have high brickwork pillars with low brick walls and railings with wrought iron gates.

## **APPRAISAL:**

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Impact on Highway Safety
4. Conclusion

### **1. Impact on Residential Amenity**

The way in which the buildings relate to each other on Coventry Road, their orientation and separation distance must protect the acceptable levels of amenity for both existing and future residents.

#### Impact on 33A Coventry Road

The neighbouring property to the application site, is 33A Coventry Road, for which there is a concern to protect residential amenity. The proposed wall and gates are to be located 19 metres away from the fronts of the existing houses, therefore the proposed structure does not impact the residential amenity of the dwelling located at 33A Coventry Road.

Paragraph 11.7 of the Sustainable Design and Construction SPD states that in order to protect light and aspect new blank walls at ground floor (as in this case) should be 12m away from any existing windows. Therefore with the existing distance being 19 metres away, on balance, the proposed wall and gates will not have a detrimental impact on residential amenity to the habitable room windows within the property at 33A Coventry Road.

#### 35A Coventry Road

The second neighbouring property to the application site, is 35A Coventry Road, for which there is a concern to protect residential amenity. The proposed wall and gates are to be located 19 metres away from the positioning of the wall and gates, therefore the proposed structure does not impact the residential amenity of the dwelling located at 35A Coventry Road.

Again, paragraph 11.7 of the Sustainable Design and Construction SPD states that in order to protect light and aspect new blank walls at ground floor (as in this case) should be 12m away from any existing windows. Therefore with the existing distance being 19 metres away, on balance, the proposed wall and gates will not have a detrimental impact on residential amenity to the habitable room windows within the property at 35A Coventry Road.

In conclusion, the proposed wall and gates are within the acceptable distances from the existing properties at 33A and 35A Coventry Road. It is considered that although the above distances have been taken from the Sustainable Design and Construction SPD and a section which relates to new extensions, the overall ethos of protecting windows from blank walls is correct.

## **2. Impact on Visual Amenity**

The design of the proposed wall and gates would relate to the original dwelling, although the materials used for the wall and gates will include a grey colour with wall to be rendered, on balance, as the wall and gates will be located on the front driveway to the application site next to the street frontage, the siting of the wall and gates mean that the materials proposed will not appear out of character to the existing street scene as the structure pertains to the entranceway of the property, not the dwelling itself.

The proposed wall and gates would be visible from the street scene, however would not be an intrusive addition to the property as the development pertains to the entranceway to the property. Therefore, in conclusion, the proposed wall and gates would be acceptable on the street frontage. The proposed wall and gates would not be out of keeping to the existing street scene and pattern of development, as the driveway extends far from the existing dwelling by 19 metres, therefore does not impact the existing street scene within the surrounding area.

## **3. Impact on Highway Safety**

WCC Highways provided a response of no objection subject to conditions (which have been agreed in writing by the agent) on the 11<sup>th</sup> October 2021. There are therefore no concerns over highway safety, visibility or other highway matters.

The proposal is therefore considered, with conditions, to have no severe or significant impact on highway safety.

## **4. Conclusion**

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

Although the proposed wall and gates include a grey colour and render type of material to be used, on balance, the proposed wall and gates are acceptable due to being sited on the front of the property and pertains to the entranceway of the dwelling, therefore the materials proposed do not have a negative impact on the visual amenity of the existing dwelling or surrounding street scene.

With regards to objections, most of the objections are in relation to impact on views to residents with the proposed wall and gates being visible from habitable rooms, however due to distances from the development and rules regarding protecting habitable room windows and amenity space rather than views out of these windows, the objections do not weigh significantly against development in the balance of the application.

Therefore, on balance, there are clear considerations which weigh in favour of the proposal meaning the final recommendation for the proposed wall and gates at 33B Coventry Road is for approval subject to conditions.

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

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

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

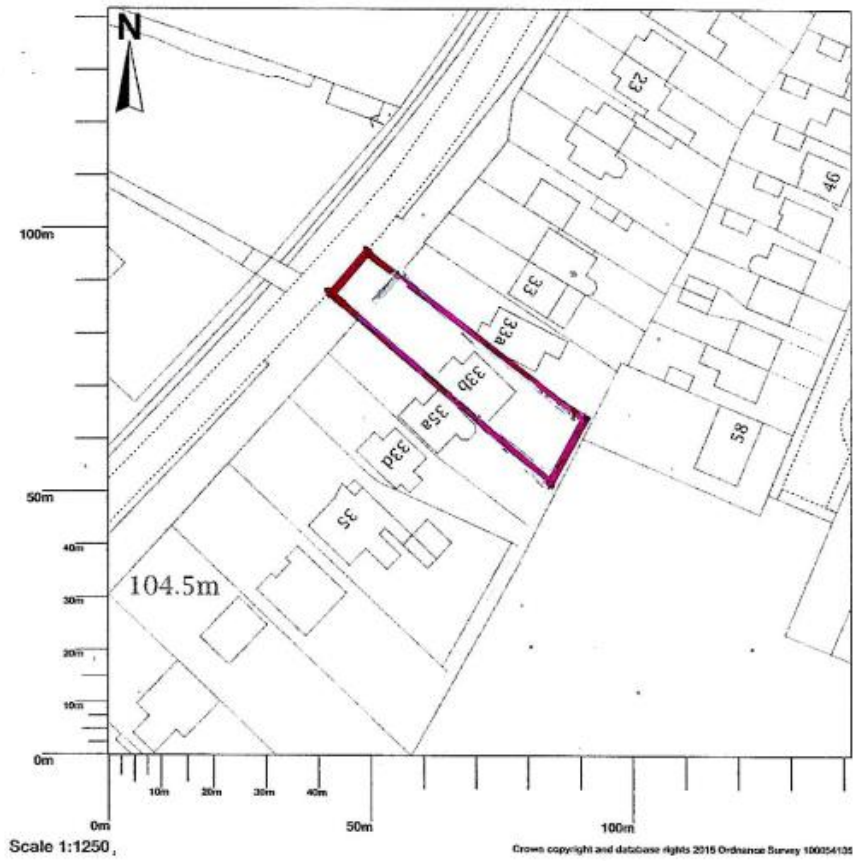
Plan Description	Plan No.	Date Received
Location Plan	01	6 <sup>th</sup> August 2021
Proposed image view	02	6 <sup>th</sup> August 2021
Existing and proposed ground floor plan and Proposed front elevation 2021	03	24 <sup>th</sup> September

3. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary and all such features erected beyond that distance are to be hung to open inward away from the highway.

4 The proposed vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specifications of the highway authority.

Location Plan

**33b, Coventry Road, Bulkington, Bedworth, CV12 9LY**



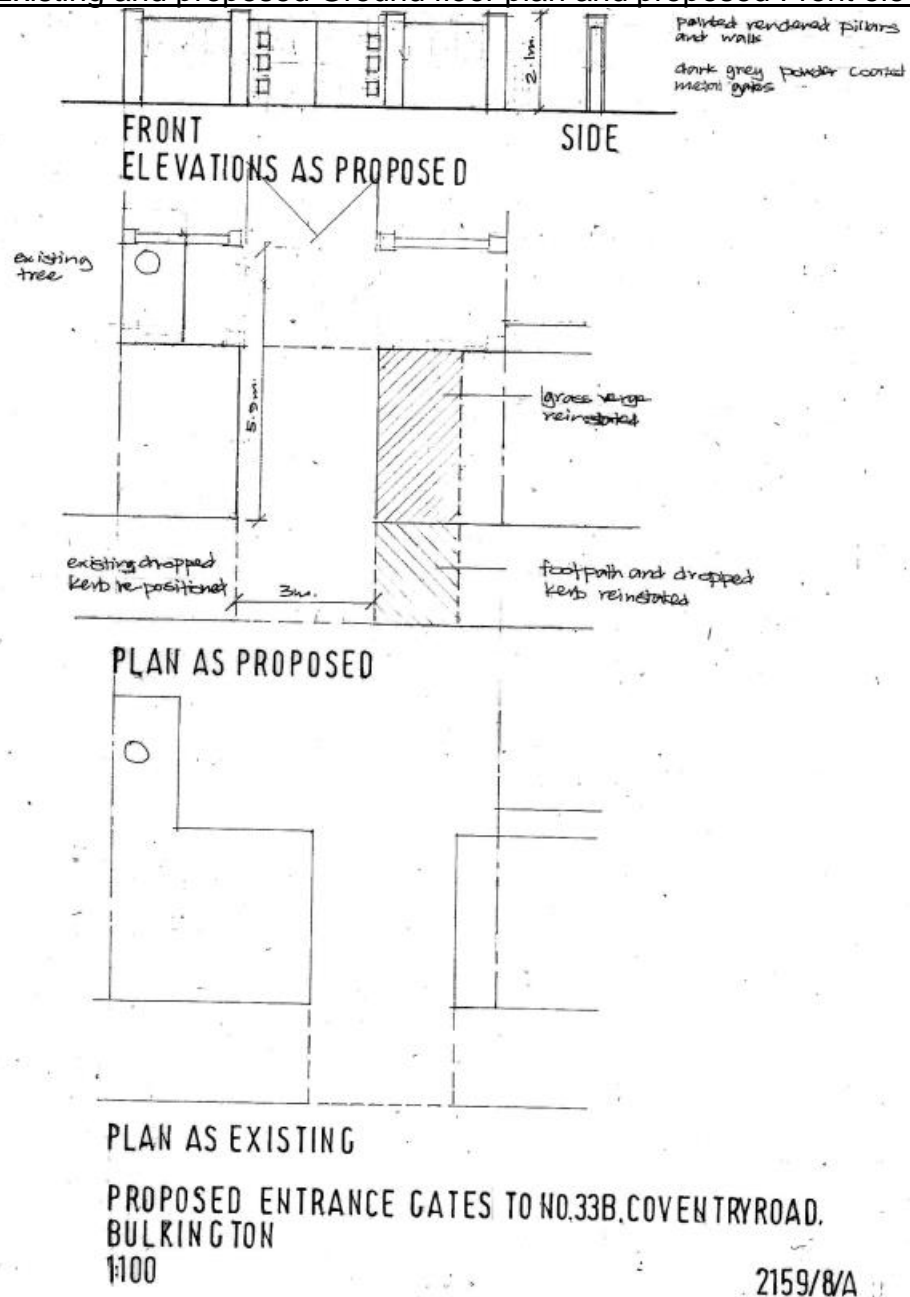
Proposed Image View



**STAINLESS COLLECTION**  
(Powder Coated)



Existing and proposed Ground floor plan and proposed Front elevation



## **WORKS TO TREES COVERED BY A TREE PRESERVATION ORDER**

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### **Item No. 5**

**REFERENCE No.** 038182

**Site Address:** 11 Ribbonbrook, Nuneaton, CV11 4LN

**Description of Development:** Removal of Lime tree T4 covered by Tree Preservation Order 11/97

**Applicant:** Alan Hollyhoke

**Ward:** AT

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### **RECOMMENDATION:**

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

### **INTRODUCTION:**

This application seeks consent to remove a Lime tree (T4) which is covered by Tree Preservation Order 11/97.

The application property is a two storey detached dwelling located towards the end of Ribbonbrook in Attleborough. The property features a north-west facing garden which backs onto an area of greenery and the railway line. To the north of the railway is Riversley Park.

T4 is located within the rear garden of the property, close to the western boundary with 10 Ribbonbrook and it forms part of an original row of 5 Lime trees covered by the TPO.

The applicant states that the removal is required due to concerns regarding the proximity of the tree to 10 and 11 Ribbonbrook, shading within the rear garden and the falling of excess branches and sticky sap.

### **BACKGROUND:**

This application was originally presented to the committee on the 12<sup>th</sup> October 2021 with a recommendation from Officers of refusal. However, Members considered that

the tree could be removed subject to the planting of a replacement tree which was to be agreed between the Applicant and the Council.

Unfortunately, Officers have been unable to agree the type of replacement with the Applicant. The Council's Tree Officer considered that the tree should be replaced with a native tree that would still be visible from the public realm. However, the Applicant did not want to replace a nuisance tree with another tree that could then become a nuisance itself.

### **RELEVANT PLANNING HISTORY:**

None for 11 Ribbonbrook, however similar applications for the felling of Lime trees along Ribbonbrook are listed below.

#### **T1 11/97**

- 037160 – Application to fell Lime tree was refused at committee in August 2020. The applicant has since appealed the decision; however, the appeal has not been determined as of yet.

#### **T2 11/97**

- 036712 – Application to fell Lime tree was approved at committee in May 2020.

#### **T3 11/97**

- 035268 – Application to fell Lime tree was refused at committee in January 2018.
- 035786 – Application to fell Lime tree was approved at committee in August 2018, subject to the implementation of a replacement tree.
- 036035 – Application to fell Lime tree without the need for a replacement was approved at committee in 2019.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - BE3 – Sustainable design and construction
- Affordable Housing SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Parks and National Rail

### **CONSULTATION RESPONSES:**

Objection from:  
NBBC Parks

Comment from:  
National Rail

*National Rail were consulted with due to the close proximity to the railway line. They requested that the applicants complete an asset protection questionnaire. This was*

*completed and returned to National Rail however they did not provide a further response.*

## **NEIGHBOURS NOTIFIED:**

10 and 13 Ribbonbrook.

Neighbouring properties were sent letters notifying them of the proposed development on 13<sup>th</sup> August 2021. A site notice was erected on street furniture on 12<sup>th</sup> August 2021.

## **APPRAISAL:**

The key issue to assess in the determination of this application is:

1. Impact on visual amenity of a replacement tree.

### **1. The Impact on visual amenity of a replacement tree**

The NBBC Parks Officer was consulted on the application. The recommendation received was one of refusal, as no technical evidence has been provided that justifies the removal. The Officer stated that the shading has not been shown to be extreme as the tree is situated to the north-west of the property. Ariel images show clear vegetative growth in the garden that would evidence sufficient natural light provision. They also state that height and size are not justifiable reasons to remove a tree without other factors being present. It has also been argued that fall from trees is a common natural phenomenon and the Parks Officer has advised that tree removals in relation to general fall from trees would set a precedent that would undermine the TPO process. However, members previously voted against this recommendation and voted to approve the removal of the tree due to the impact on light and the felling of leaves and sap, subject to a the planting of a replacement tree.

The Town and Country Planning Act 1990 states that: 'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can'. However, this legislation then states that the local planning authority can dispense with this requirement. The Planning Practice Guidance states that: 'The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public'.

When discussing the options for a replacement tree, the Tree Officer advised that the ideal replacement would be a large native tree, such as a Lime tree.

However, it is acknowledged that it would not be appropriate to approve the removal of a large Lime tree for it to be replaced with an identical tree, as this would likely cause the same concerns (impact to light, leaves and sap). This would also question the validity of removing the original tree in the first place. The Tree Officer is unable to recommend a suitable replacement which meets the Town and Country Planning Act guidance and the expectations of the applicant because all trees drop their leaves and detritus and according to the guidance, any replacement should be visible from the public realm. Therefore, the replacement would obviously need to be large and the applicant would argue that this could still impact light. The Tree Officer has stated that they 'would not like to suggest we should be replacing large amenity trees with trees that cannot be seen by the public – as this sets another negative precedent and further undermines the TPO'.

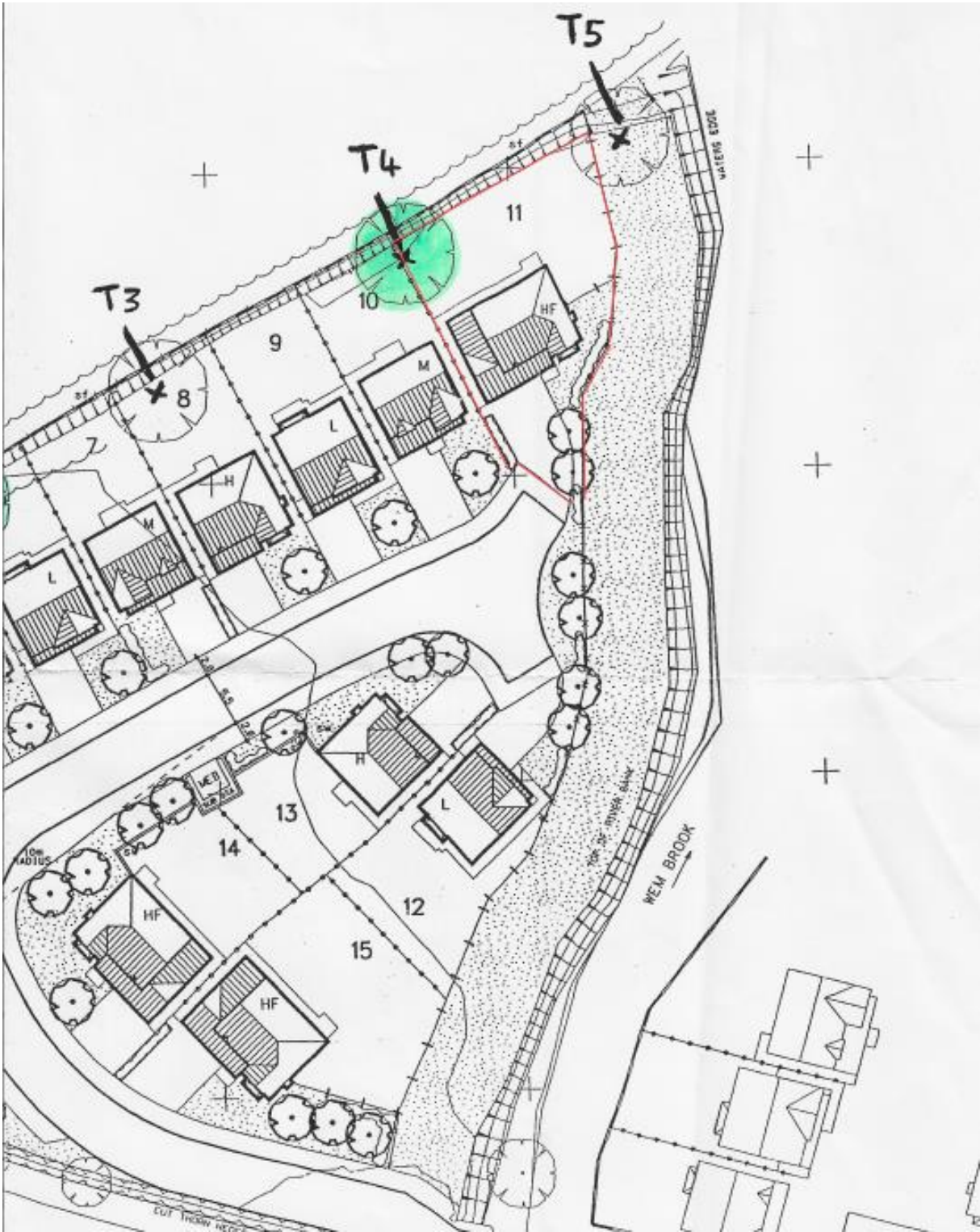
There is a similar tree in every other rear garden along this row, allowing the removal of this tree with no replacement could set a precedent for the loss of all of these trees covered by the same TPO.

### **CONCLUSION:**

In conclusion, whilst the applicant argues that the tree is worthy of felling due to the close proximity to the house, shading within the garden and excess leaves and sap, the Tree Officer argues that these reasons do not adequately justify the full removal of the tree. Committee previously voted to approve the removal of the tree subject to the planting of a replacement. However, it is considered that any replacement would need to be large so that it is visible from the street. As such, any suitable replacement would likely cause the same issues as the original Lime tree. Therefore, the recommendation is to refuse application.

### **REASONS FOR REFUSAL:**

It has not been adequately demonstrated that the tree is no longer worthy of a Tree Preservation Order. There is no technical evidence to suggest the health of the tree is compromised and it was assessed that the tree still provides amenity value to the local landscape.



Location plan of tree and 11 Ribbonbrook





View from neighbour's garden





View of tree and railway embankment from applicant's property





Photo to show shade in applicant's garden



Overhang on neighbour's garden

## Glossary

Adoption – The final confirmation of a local plan 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

Green belt – A designated band of land around urban areas, designed to contain urban sprawl.

Greenfield site – Land where there has been no previous development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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