

Anca Seaton

From: Stefan Stojsavljevic <[REDACTED]>
Sent: 12 October 2023 16:45
To: Planning Policy
Cc: Jacqueline Padbury; David Green
Subject: Nuneaton and Bedworth Draft Borough Plan (Reg 19) Consultation - representations by Deeley Group
Attachments: Response to Draft Borough Plan Reg 19 obo Deeley Group.pdf; Representation Forms A and B - Deeley Group.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: WIP

Dear Sir/Madam,

On behalf of our client, Deeley Group, please find attached representations to the Nuneaton and Bedworth Draft Borough Plan (Reg 19) Consultation.

The following documents are including with this submission:

- Completed response forms; and
- Compiled Representations Covering Letter including Extent of Ownership Plan appended.

Should you have any questions or queries or would like to discuss these representations further, please do not hesitate to contact me or my colleague David Green.

Can you please confirm receipt for these representations.

Kind Regards,

Stefan Stojsavljevic
Senior Planner
Delta Planning




Cornwall Buildings, 45 Newhall Street, Birmingham, B3 3QR | Tel: 0121 285 1244 | www.deltaplanning.co.uk

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 <p>Nuneaton & Bedworth United to Achieve</p>	<p>Borough Plan Review Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

Borough Plan Review Publication Stage

Please return to Nuneaton and Bedworth Borough Council by 16th October 2023 via:

Email: planning.policy@nuneatonandbedworth.gov.uk

Post: Planning Policy, Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, NUNEATON, CV11 5AA

This form has two parts –

Part A – Personal details.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

	<p>1. Personal details* * If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</p>	<p>2. Agent's details (if applicable)</p>
Title	c/o agent	Mr
First name	c/o agent	Stefan
Last name	c/o agent	Stojsavljevic
Job title (where relevant)		Senior Planner
Organisation (where relevant)	Deeley Group	Delta Planning
House no. and street		Cornwall Buildings, 45 Newhall Street
Town		Birmingham
Postcode		B3 3QR
Telephone number		
Email address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation: Delta Planning obo Deeley Group

3. To which part of the Borough Plan does this representation relate?

Paragraph	7.39 – 7.51
Policy	SHA2 – Arbury
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Deeley Group's interest in proposal SHA2 is as owner and long leaseholder of land immediately to the south east of the allocation within Bermuda Park as shown on the Deeley ownership plan accompanying these representations. The Deeley land primarily comprises of a large industrial/warehouse unit currently occupied by IFCO, the new Royal Mail depot currently under construction together with numerous other smaller industrial plots/units and Harefield Lane. It also owns the Bermuda Park and the Bermuda Phoenix Club premises. The SHA2 proposal shows that some of the requirements for transport connections will impact upon land within Deeley's control and therefore as an affected landowner Deeley's wish to engage with the Local Plan process.

Deeley Group made submissions to the Reg 18 Draft Plan in respect of SHA2 and subsequently entered into detailed discussion with the Council (NBBC) over the extent of the allocation and other details. The outcome of those discussions is that the majority of concerns Deeley's initially raised regarding SHA2 have been resolved and there is now no outright objection to the Policy or the proposal in general terms, particularly Deeley's support the revised site boundary which now excludes the existing industrial warehouse building occupied by IFCO. Deeley's have welcomed this positive engagement to date.

There are however a number of points that still need clarification as follows:

1. The concept plan shown on page 65 of the Publication Plan is not clear as to what transport links are required. Specifically, the plan notation appears to indicate a spine road link to the south east connecting to Hazell Way/Bermuda Park. It is not however clear from the plan whether this is a vehicular link or just a pedestrian/cycle link. Draft Policy SHA2 indicates at Paragraph 7, that the link is solely for pedestrian/cycles, as does the supporting text at Paragraph 7.48, but this is not clear on the concept plan and requires clarification. The links will ultimately be dictated by detailed transport modelling and it is the opinion of Deeley that the SHA2 land does need to be properly integrated with the existing community of Bermuda with an appropriate transport corridor between the two, and Deeley is willing to support this. Deeley Group initiated early negotiations with the adjoining landowner but these have yet to progress. Therefore currently, the land within the Deeley Group ownership cannot yet be relied on to deliver this link. The text at Paragraph 7 of SHA2 and Paragraph 7.44 of the supporting text should therefore include an acknowledgement that delivery of any links (vehicular or pedestrian) is dependent upon agreement with 3rd party landowners.
2. The concept plan indicatively shows a separate cycling route connection to Hazell Way in between the large industrial/warehouse unit currently occupied by IFCO and Ensor's Pool. Given the restrictive ecological designation of Ensor's Pool and the existence of the Deeley's warehouse building this additional cycle link is undeliverable and unnecessary given the link proposed to the south of the IFCO building and appears to have been included in error. This should be clarified by NBBC and the Concept Plan amended.
3. Paragraphs 8 and 31 of draft Policy SHA2, and paragraph 7.44 of the supporting text, further reference the enhancement of Harefield Lane. This footpath/cycle link was enhanced in approximately 2005 as part of the planning permission granted for residential development to the south of Harefield Lane and a significant part of it remains in Deeley's ownership as shown on the accompanying ownership plan (please see attached to this representation). It is therefore already an established route that also serves as an important ecological corridor and we are not convinced that it requires upgrading given the policy also requires a new footpath/cycle way connection immediately to the north of it. We would therefore suggest that these paragraphs are omitted or, if not, any reference to

upgrading/enhancing should be caveated by stating that delivery of this element is dependent upon agreement with 3rd party landowners.

4. Given some significant changes to SHA2 from earlier proposals, the Plan should make reference to the fact that the adopted SPD for this strategic allocation will require revising following the adoption of the Plan.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As set out above, to ensure the Plan is sound it must be justified and effective and therefore, owing to the extent of Deeley's land interests and ownership constraints given their long leasehold, we consider that the following modifications are required:

- To confirm whether the proposed spine road link to the south east connecting to Hazell Way/Bermuda Park is a vehicular link or just a pedestrian/cycle link;
- The text at Paragraph 7 of SHA2 and Paragraph 7.44 of the supporting text should therefore include an acknowledgement that delivery of any links (vehicular or pedestrian) is dependent upon agreement with 3rd party landowners;
- Removal of separate cycling route connection to Hazell Way in between the large industrial/warehouse unit currently occupied by IFCO and Ensor's Pool as shown on the Concept Plan;
- Removal of requirement to upgrade Harefield Lane or make reference and caveat that delivery of this element is dependent upon agreement with 3rd party landowners; and
- The Plan should make reference to the fact that the adopted SPD for this strategic allocation will require revising following the adoption of the Plan.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No , I do not wish to participate at the oral examination	
Yes , I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To help ensure Policy SHA2 provides a deliverable development and takes into account 3rd party land constraints.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	S. Stojsavljevic
Date:	12/10/2023

Part B – Please use a separate sheet for each representation

Name or Organisation: Delta Planning obo Deeley Group

3. To which part of the Borough Plan does this representation relate?

Paragraph	6.56 – 6.60
Policy	Policies DS4 – Residential allocations and NSRA10 - Land at Bermuda Road, Nuneaton
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Deeley Group is the owner of Proposal Site NSRA10 and are in support of the allocation of this site as a non-strategic residential allocation. However, the policy text requires some changes to fully reflect the opportunity the site brings and its' constraints as follows:

1. The site is partly affected by flood plain, a right of way and an existing surface water balancing pond, which means the net developable area is less than indicated in the Draft Policy and more like 0.7 ha.

2. The range of uses that are acceptable on this site should include care home use (Use Class C2), as this is currently considered the most viable use for the site.
3. The reference to provision of a GP surgery should be removed as a mandatory requirement and included as an option only. Whilst Deeley's obtained permission for a surgery in 2011 and were willing to deliver such, the NHS has advised Deeley that they will not be able to approve such a facility here at the current time and it is therefore far from certain this will ever be taken up.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As set out above, to ensure the Plan is sound it must be justified and effective and therefore, owing to the site constraints given their long leasehold, we consider that the following modifications are required:

- Reduce developable site area to 0.7ha;
- Expand the range of acceptable uses to include for care home use (Use Class C2); and
- Remove reference to the provision of a GP surgery as a mandatory requirement and included as an option only.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No , I do not wish to participate at the oral examination	x
Yes , I wish to participate at the oral examination	

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

--

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	S. Stojsavljevic
Date:	12/10/2023

Part B – Please use a separate sheet for each representation

Name or Organisation: Delta Planning obo Deeley Group

3. To which part of the Borough Plan does this representation relate?

Paragraph	9.18 – 9.26
Policy	Policy E2 – Existing Employment Estates
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Deeley Group support the inclusion of the Hazell Way employment area (Site Ref. E33) within draft Policy E2. The site forms an important part of the employment offer for Nuneaton and policy should support re-use/redevelopment of employment buildings in this area for employment use, especially given the number of new residents that will live in close proximity after the SHA2 – Arbury land has been developed.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

(Continue on a separate sheet / expand box if necessary)

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No , I do not wish to participate at the oral examination	x
Yes , I wish to participate at the oral examination	

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	S. Stojsavljevic
Date:	12/10/2023

Planning Policy,
Nuneaton and Bedworth Borough Council,
Town Hall,
Coton Road,
Nuneaton
CV11 5AA

Date: 12th October 2023
Our ref: DEE15

Dear Sir/Madam,

**Nuneaton and Bedworth Borough Plan – Draft Borough Plan (Regulation 19) Consultation
– Compilation of Deeley Group Representations**

On behalf of our client, Deeley Group, we are writing to you in respect of the Nuneaton and Bedworth Draft Borough Plan (Regulation 19) consultation. The requisite response forms A and B have been completed however for completeness this letter has been prepared which consolidates all of the responses on to one document and also appends the 'Extent of Ownership' Plan.

Draft Policy SHA2 – Arbury

Deeley Group's interest in proposal SHA2 is as owner and long leaseholder of land immediately to the south east of the allocation within Bermuda Park as shown on the Deeley ownership plan accompanying these representations. The Deeley land primarily comprises of a large industrial/warehouse unit currently occupied by IFCO, the new Royal Mail depot currently under construction together with numerous other smaller industrial plots/units and Harefield Lane. It also owns the Bermuda Park and the Bermuda Phoenix Club premises. The SHA2 proposal shows that some of the requirements for transport connections will impact upon land within Deeley's control and therefore as an affected landowner Deeley's wish to engage with the Local Plan process.

Deeley Group made submissions to the Reg 18 Draft Plan in respect of SHA2 and subsequently entered into detailed discussion with the Council (NBBC) over the extent of the allocation and other details. The outcome of those discussions is that the majority of concerns Deeley's initially raised regarding SHA2 have been resolved and there is now no outright objection to the Policy or the proposal in general terms, particularly Deeley's support the revised site boundary which now excludes the existing industrial warehouse building occupied by IFCO. Deeley's have welcomed this positive engagement to date.

There are however a number of points that still need clarification as follows:

1. The concept plan shown on page 65 of the Publication Plan is not clear as to what transport links are required. Specifically, the plan notation appears to indicate a spine

road link to the south east connecting to Hazell Way/Bermuda Park. It is not however clear from the plan whether this is a vehicular link or just a pedestrian/cycle link. Draft Policy SHA2 indicates at Paragraph 7, that the link is solely for pedestrian/cycles, as does the supporting text at Paragraph 7.48, but this is not clear on the concept plan and requires clarification. The links will ultimately be dictated by detailed transport modelling and it is the opinion of Deeley that the SHA2 land does need to be properly integrated with the existing community of Bermuda with an appropriate transport corridor between the two, and Deeley is willing to support this. Deeley Group initiated early negotiations with the adjoining landowner but these have yet to progress. Therefore currently, the land within the Deeley Group ownership cannot yet be relied on to deliver this link. The text at Paragraph 7 of SHA2 and Paragraph 7.44 of the supporting text should therefore include an acknowledgement that delivery of any links (vehicular or pedestrian) is dependent upon agreement with 3rd party landowners.

2. The concept plan indicatively shows a separate cycling route connection to Hazell Way in between the large industrial/warehouse unit currently occupied by IFCO and Ensor's Pool. Given the restrictive ecological designation of Ensor's Pool and the existence of the Deeley's warehouse building this additional cycle link is undeliverable and unnecessary given the link proposed to the south of the IFCO building and appears to have been included in error. This should be clarified by NBBC and the Concept Plan amended.
3. Paragraphs 8 and 31 of draft Policy SHA2, and paragraph 7.44 of the supporting text, further reference the enhancement of Harefield Lane. This footpath/cycle link was enhanced in approximately 2005 as part of the planning permission granted for residential development to the south of Harefield Lane and a significant part of it remains in Deeley's ownership as shown on the accompanying ownership plan (please see Appendix 1 attached). It is therefore already an established route that also serves as an important ecological corridor and we are not convinced that it requires upgrading given the policy also requires a new footpath/cycle way connection immediately to the north of it. We would therefore suggest that these paragraphs are omitted or, if not, any reference to upgrading/enhancing should be caveated by stating that delivery of this element is dependent upon agreement with 3rd party landowners.
4. Given some significant changes to SHA2 from earlier proposals, the Plan should make reference to the fact that the adopted SPD for this strategic allocation will require revising following the adoption of the Plan.

Draft Policies DS4 – Residential Allocations and NSRA10 – Land at Bermuda Road, Nuneaton

Deeley Group is the owner of Proposal Site NSRA10 and are in support of the allocation of this site as a non-strategic residential allocation.

However, the policy text requires some changes to fully reflect the opportunity the site brings and its' constraints as follows:

1. The site is partly affected by flood plain, a right of way and an existing surface water balancing pond, which means the net developable area is less than indicated in the Draft Policy and more like 0.7 ha.
2. The range of uses that are acceptable on this site should include care home use (Use Class C2), as this is currently considered the most viable use for the site.
3. The reference to provision of a GP surgery should be removed as a mandatory requirement and included as an option only. Whilst Deeley's obtained permission for a surgery in 2011 and were willing to deliver such, the NHS has advised Deeley that they will not be able to approve such a facility here at the current time and it is therefore far from certain this will ever be taken up.

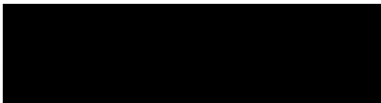
Draft Policy E2 – Existing Employment Estates

Deeley Group support the inclusion of the Hazell Way employment area (Site Ref. E33) within draft Policy E2. The site forms an important part of the employment offer for Nuneaton and policy should support re-use/redevelopment of employment buildings in this area for employment use, especially given the number of new residents that will live in close proximity after the SHA2 – Arbury land has been developed.

I trust the above is clear however if you wish to discuss this further, please do not hesitate to get in touch with myself or my Director, David Green.

Yours faithfully,

Stefan Stojsavljevic MRTPI
Senior Planner

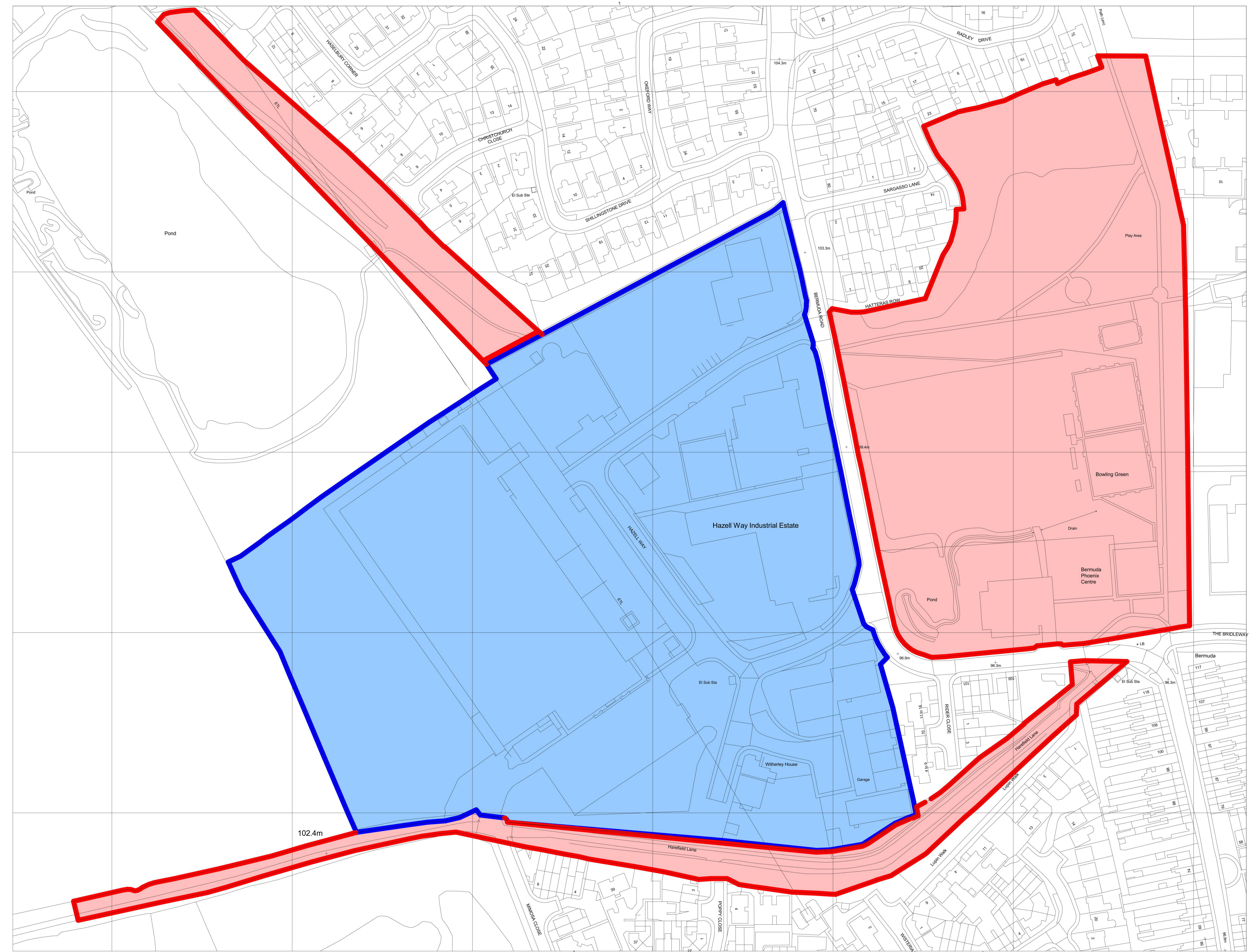


Appendix 1 – Extent of Ownership Plan

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 all dimensions are to be checked on site and the architect notified of any discrepancies prior to commencement.
DO NOT SCALE.

notes:

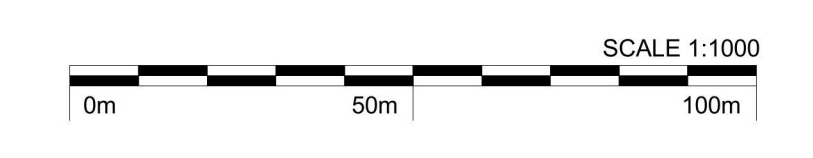
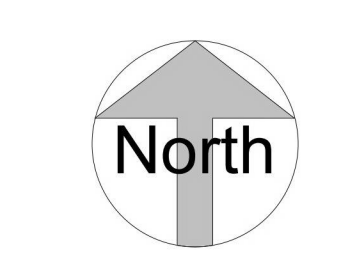
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1 Site Ownership Plan
 1 : 1000

- FREEHOLD
- LONG LEASEHOLD (140 YEAR INTEREST) approx 8.58Ha / 21.20Acre



FOR ILLUSTRATIVE PURPOSES ONLY



Rev. No.	Description	Date



client: **Deeley Properties Ltd.**
 job: **Bermuda, Nuneaton**
 title: **Deeley Ownership Plan**
 drawn: **RJW** date: **October 2023**
 checked: **GB** scale (A0): **1 : 1000**
 suitability: **S** purpose:
 dfg no: **H6150- ZZ-00-DR-A-101**

111 Berkeley Road South//Earlsdon//Coventry//CV5 6EF
 hello@exi-group.com