

Enquiries to:  
Victoria McGuffog

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Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 5<sup>th</sup> June 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 13<sup>th</sup> June 2023 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (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

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

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 18<sup>th</sup> April 2023, 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 )**

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 )**
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****23<sup>rd</sup> May 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 23<sup>rd</sup> May 2023, in the Council Chamber and was live streamed and recorded.

**Present**

Councillor L. Cvetkovic (Chair)/ Cllr J Sheppard (Vice-Chair)

Councillors: C. Cape, B. Hammersley, J. Hartshorn, S. Markham,  
B. Pandher, R. Smith and K. Wilson.

Apologies: Councillors M. Green and E. Shiers

**PLA1 Minutes**

**RESOLVED** that the minutes of the meeting held on the 9th May 2023 be confirmed and signed by the Chair.

**PLA2 Declarations of Interest**

Councillor Smith declared that the applicant on Planning Application 038858 is also an accountant who work for the firm which produces the accounts for a charity that he is the Chair of. Councillor Smith noted that he had not discussed the application with the applicant.

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

**PLA3 Declarations of Contact**

Councillor Cvetkovic noted that as Ward Councillor he had had considerable contact with MS Fencing, the Applicant for Planning Application 038858, and as such would excuse himself from Chairing the remainder of the meeting as he intended to speak in support of the application as Ward Councillor and then leave the meeting as per protocol.

Councillor Smith declared that as Ward Councillor he did not have the same relationship with the applicant for Planning Application 038858, however, he did note that he had visited the site the day before and conversed with the applicant about the application, but had given no indication as to how he intended to vote.

**IN PUBLIC SESSION**

Councillor Cvetkovic stepped down as Chair of the meeting and handed over to Councillor J Sheppard, Vice-Chair.

PLA4 **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 PLA4 OF THE PLANNING  
APPLICATIONS COMMITTEE ON 23<sup>RD</sup> MAY 2023

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038858: Weston Hill Farm, 195 Nuneaton Road, Bedworth, Warwickshire,  
CV12 9RY

Applicant: Mrs Jane Biggs

**Public Speakers:** Councillor Lubs Cvetkovic  
Mr Farndon  
Jane Biggs  
Lindsey Upperdine

**DECISION**

Planning permission be granted on the grounds that the application does not have an adverse impact on the Greenbelt and would not impact on its openness or function.

Highways impact would be no better or worse than the existing use class already in operation on the site.

Delegated Authority be given to the Assistant Director – Planning in consultation with the Ward Councillor and Vice-Chair to apply appropriate approval conditions.

Following the presentation and speaking on the application as Ward Councillor, Councillor Cvetkovic recused himself from the debate and vote and left the Chamber.

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## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	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>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	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>	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children.</li> </ul>	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> <li>Nuneaton Education Strategy Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	Governor at Ash Green School  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Nuneaton and Bedworth Sports Forum</li> <li>Warwickshire Direct Partnership</li> <li>Warwickshire Waste Partnership</li> <li>Sherbourne Asset Co Shareholder Committee</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>	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local.  Director of Wembrook Community Centre.  Member of Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union  Member of the Pride in Camp Hill Board.  Member of the governing board for Camp Hill Primary School.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Director of NABCEL;</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>• West Midlands Combined Authority and Land Delivery Board</li> </ul>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</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> </ul>	

## Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

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**Applications for Planning Permission etc.**  
**Agenda Item Index**

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
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2.	038856	BU	Site 108D008 – Land rear of 46-80 Coventry Road, Bulkington	66

<b>Wards:</b>					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitstone		

**REFERENCE No.** 039005

**Site Address:** Site 98C003-Land off Lancing Road Findon Close Bulkington  
Bedworth CV12 9QT

**Description of Development:** Outline application for residential development of up to 230 dwellings with access off Nuneaton Road and Bramcote Close (with all other matters reserved)

**Applicant:** Tarmac Trading Limited

**Ward:** BU

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This is an outline application for residential development of up to 230 dwellings with access off Nuneaton Road and Bramcote Close (with all other matters reserved) at Site 98C003-Land off Lancing Road Findon Close Bulkington Bedworth CV12 9QT.

The site is a strategic housing allocation known as HSG7 'East of Bulkington' which is allocated within Policy DS5 of the Borough Plan 2019 and sets out a provision for at least 196 dwellings in a mix of dwelling types and sizes. In order to accommodate the residential development proposed, the site has also been removed from the Green Belt through the adopted Borough Plan 2019.

Strategic housing allocation HSG7 covers 10.25ha in land, adjoining the eastern edge of Bulkington. The site is effectively split into two parcels; the northern parcel comprising land to the east of Nuneaton Road, to the north of residential properties on Arundel Road; and the southern parcel to the east of residential properties on Lancing Road.

The B4112 Nuneaton Road forms the western boundary of the northern parcel of HSG7, with the northern and eastern boundaries defined by a tall mature hedgerow with occasional hedgerow trees. The southern parcel of HSG7 adjoins gardens of residential properties on Lancing Road, Oakham Crescent, Bramcote Close and Long Street to the south, east and partly to the west. The remainder of the western boundary adjoins an access track to a pumping station which has the rear gardens of residential properties of Lancing Road and Findon Close beyond. The northern boundary of the southern parcel of HSG7 follows field boundaries and is defined by a mature hedgerow.

Public footpath B46 runs roughly east-west through the southern parcel of the site, from Firleigh Drive to Lancing Road. However, parts of the footpath fall outside of the site boundary.

HSG7 consists of arable or pastoral fields defined by a combination of hedgerows and mature trees, there are no existing structures located on site. There are more domestic

boundary treatments on parts of the site where it meets existing residential properties. Residential properties are directly to the east, south and west of the strategic housing site. These are a mixture of two storey houses and single storey bungalows dating from the post war period, as well as newer one and half storey houses.

There are agricultural fields to the north of the Strategic Housing Site and the open areas of land beyond the settlement boundary of Bulkington are located within the Green Belt.

The southern parcel of the strategic site falls gradually from east to west, with the northern parcel relatively flat, land levels are between heights of 102mAOD and 110mAOD. Existing boundary trees and hedgerows reduce the visual prominence of the site, with the exception of the relatively open boundaries to the rear gardens of residential properties on Arundel Road, Findon Close, Bramcote Close and Ryton Gardens. However, the boundary hedgerows limit views into and out of HSG7. There are field drains running in line with hedgerows on the northern and southern boundaries of the northern parcel and along the western boundary of the southern parcel.

The strategic housing site lies wholly within Flood Zone 1 (land at the lowest risk of fluvial flooding). There are some small areas of the site susceptible to surface water flooding associated with the drainage ditches on the western boundary of the southern parcel and the northern and southern boundaries of the northern parcel of the site.

Access would be taken from Nuneaton Road and Bramcote Close, with the access off Nuneaton Road serving up to 132 dwellings and the access from Bramcote Close serving up to 98 dwellings. The submitted illustrative masterplan splits the site in to two separate areas of built form, with the two areas of built form connected by landscaping, public paths, public open space, open play areas and surface water attenuation ponds. An emergency access route would also connect the two parcels which is further discussed within the report.

Whilst an indicative masterplan and a parameters plan have been submitted to support the application, it should be noted that all other matters excluding access, to include scale, layout, landscaping and appearance are reserved for approval.

### **BACKGROUND:**

This application is being reported to Committee as more than 5 letters of objection have been received by the Local Planning Authority during the course of the statutory consultation period.

### **RELEVANT PLANNING HISTORY:**

There is no relevant history to the assessment of this application, the site has however been the subject of promotion during the local plan adoption process and pre-application advice requests relating to the proposed development.



## **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.
  - DS5 – Residential Allocations.
  - DS9 – Review.
  - SA1 – Development Principles on Strategic Sites.
  - H1 – Range and mix of housing.
  - H2 – Affordable Housing.
  - HS1 – Ensuring the Delivery of Infrastructure.
  - HS2 – Strategic Accessibility and Sustainable Transport.
  - HS5 – Health.
  - HS6 – Sport and Exercise.
  - HSG7 – East of Bulkington.
  - NE1 – Green Infrastructure.
  - NE2 – Open Space.
  - NE3 – Biodiversity and Geodiversity.
  - NE4 – Managing flood risk and water quality.
  - NE5 – Landscape Character.
  - BE1 – Contamination and Land Stability.
  - BE3 – Sustainable design and construction.
  - BE4 – Valuing and conserving our historic environment.
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Air Quality SPD 2019.
- Health Impact Assessment SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- Sustainable Design and Construction SPD 2019.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Warwickshire Local Transport Plan 3 (2011-2026).
- Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020).

## **CONSULTEES NOTIFIED:**

Campaign to Protect Rural England, Environment Agency, George Eliot Hospital Trust, National Highways, Natural England, NBBC Environmental Health, NBBC Strategic Housing Team, NBBC Parks and Open Spaces Planning Officer, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, Network Rail, NHS, Open Space Society, The Ramblers Association, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Western Power Distribution, National Grid, WCC Archaeology, Warwickshire Fire and Rescue Service, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way, Rugby Borough Council.

## **CONSULTATION RESPONSES:**

Objection from: NBBC Planning Policy Team.

No objection subject to conditions/securing financial contributions from: Warwickshire Fire and Rescue Service, WCC Flood Risk Management, WCC Highways, NBBC Parks and Open Spaces Planning Officer, NBBC Environmental Protection Team (Air Quality, Noise and Land Contamination).

No objection from: National Highways, Rugby Borough Council, NBBC Strategic Housing Team, NBBC Refuse and Waste, WCC Archaeology.

Comments from: NBBC Tree Officer, WCC Rights of Way GIS and Access Information Officer, NBBC Sport Development, Warwickshire Police Architectural Liaison Officer, WCC Infrastructure, NHS, George Eliot Hospital Trust, Ramblers Warwickshire.

No comments to make from: Network Rail.

No response from: Severn Trent Water, Warwickshire Wildlife Trust, Natural England, Environment Agency, Western Power, National Grid, Campaign to Protect Rural England.

### **NEIGHBOURS NOTIFIED:**

1, 2 – 30 (even numbers only) Arundel Road, 1 – 24 inclusive and 26 – 50 (even number only) Lancing Road, 71, 73, 92, 94, 98, 100, 102, 104, 106, 108, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 162, 164 and 166 Nuneaton Road, 1 – 12 (inclusive), 15, 17, 19, 20 and 21 Long Street, 1 - 13, Bramcote Close, 1 - 3 Firleigh Drive, “Mi Casita”, 4, 4a, 6, 8, 12 Wolvey Road, 11, 12, 13, 15, 17, 19, 21, 23, 25, 27, 29 and 31 Amberley Avenue, 20 - 23 Oakham Crescent, 1 - 6 Ryton Gardens, Bulkington Residents Voice.

Neighbouring properties were sent letters notifying occupiers of the proposed development on 1<sup>st</sup> July 2022. A site notice was displayed on street furniture on 4<sup>th</sup> July 2022 and the application was advertised in The Nuneaton News on 27<sup>th</sup> July 2022.

### **NEIGHBOUR RESPONSES:**

There have been 13 objections from 13 addresses received during the course of the statutory consultation period, as well as letters of objection from Councillor Ljubisa Cvetkovic on behalf of Bramcote Close Residents, and 2 letters from “Bulkington Residents Voice.” There has also been 1 letter of neutral comments received. The comments are summarised below:

1. Concerns that there are too many developments being built nearby and that Bulkington will become a town;
2. Impact upon wildlife, ecology and trees;
3. Increase in pollution and poor air quality;
4. Loss of habitat for species;
5. Loss of green spaces and public access to the countryside;
6. Suitability of the proposed access arrangements;
7. Highway safety, parking and congestion impacts upon the local road network;
8. Inadequate arrangements for refuse collection and emergency service vehicles;
9. Concerns that the number of houses to be built in the borough is under review due to the numbers not required from overflow from Coventry City Council;
10. Increase in noise and disturbance;
11. Concerns relating to a lack of infrastructure to accommodate the proposed increase in occupants;

12. Concerns that development should be focussed on sites of disrepair or towards empty buildings;
13. Inadequacy of the submitted noise assessment which was undertaken during the COVID-19 pandemic and that the suggested mitigation measures may not be sufficient to address the noise levels;
14. Concerns that during the Borough Plan consultation, the Highway Authority did not want the access in to the development to come off Bramcote Close;
15. Concerns relating to deeds and right of access;
16. Concerns relating to the adequacy of the submitted transport assessment and concerns relating to the adequacy of the mitigation proposed;
17. Concerns that the submitted supporting reports should contain up-to-date plans within them to avoid confusion;
18. A request that the S106 contributions should be spent within Bulkington;
19. A request for traffic calming measures to be introduced and for on street parking controls to be provided to increase highway safety;
20. Impacts upon neighbouring residents when having regard to headlight glare;
21. Lack of need for additional housing;
22. Impact upon global warming;
23. Loss of green belt land;
24. Impacts upon existing views;
25. Impacts upon parking problems locally;
26. Concerns that the proposed development will ruin the village;
27. Loss of existing greenspace and impacts upon the tranquillity of the area;
28. Concerns that the site has been proposed for 'de-allocation' and that the scheme should not be approved for this reason and for the reasons set out within the local plan review sustainability appraisal;
29. Concerns in relation to flood risk and surface water impacts;
30. Impacts upon species during the construction phase when having regard to wildlife displacement;
31. Impacts upon protected species;
32. Concerns that the planning application makes provision for the removal of some of the poor-quality trees and to strengthen the margins to the green belt land;
33. Comments have been received relating to boundary treatments which may be erected;
34. Concerns that the development of the site will be based on inaccurate census figures and that the scheme should not be permitted;
35. Concerns that the applicant has not carried out the appropriate consultation with local residents;
36. Concerns relating to a ransom strip and whether agreements are in place to ensure that access to the land can be secured;
37. Concerns that the residents of Bramcote Close do not want a community car park in the development due to a risk of increased anti-social behaviour,
38. Concerns relating to the lack of consideration of alternative access arrangements;
39. Concerns in relation to the accuracy of the calculation carried out in relation to traffic volumes;
40. Concerns in relation to the layout shown on the submitted illustrative plan;
41. concerns relating to the housing requirement set out within the HEDNA and that the Council are not required to accommodate the overspill housing need from Coventry City;
42. Concerns have also been raised relating to the status of this allocated site and that its de-allocation may not take place quick enough owing to the timeframes associated with the Borough Plan review;

43. Concerns have also been set out that should permission be granted for this site, Bulkington may be required to accommodate more strategic housing sites given that HSG7 is proposed to be replaced with another site also located in Bulkington.

There have been no letters of support received.

## **APPRAISAL:**

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

1. The Principle of Development,
2. Affordable Housing and Housing Mix,
3. Visual Amenity and Landscape Character,
4. Residential Amenity,
5. Highway Safety and Accessibility,
6. Flood Risk and Drainage,
7. Ecology, Landscaping, Open Space and Biodiversity,
8. Heritage and Archaeology,
9. Contamination and Land Stability,
10. Air Quality,
11. Planning Obligations,
12. Other Matters,
13. Conclusion.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a planning application is determined in accordance with the development plan unless material planning considerations indicate otherwise.

Policy DS1 of the Borough Plan 2019 sets out that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It goes on to say that planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Policy DS2 of the Borough Plan 2019 defines the Borough's settlement hierarchy and its roles. It defines Nuneaton and the primary town, Bedworth and the secondary and Bulkington as the tertiary settlement. The policy goes on to state that most development will be directed to Nuneaton as the primary town. Other development will be directed to, or adjacent to, other settlements, at a scale that reflects the role and function of the settlement and its order in the hierarchy, as well as the settlement's ability to accommodate change.

Policy DS3 of the Borough Plan 2019 sets out that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

As set out earlier within the introduction section of this report, the site forms part of the strategic housing allocation HSG7 'East of Bulkington.' Following public examination of the Borough Plan 2019, the site was removed from the Green Belt and allocated for housing in the Nuneaton and Bedworth Borough Plan which was adopted in June 2019.

HSG7 is allocated within Policy DS5 of the Borough Plan 2019 and sets out a provision for at least 196 dwellings in a mix of dwelling types and sizes.

As part of the local plan adoption process, the site was assessed against 21 sustainability appraisal objectives and subsequently allocated in the adopted Borough Plan 2019. With regard to local amenities and facilities, there are a number of independent stores and local supermarkets in Bulkington. The site is located with walking distance of Bulkington Village District Centre, with HSG7s western edge being located approximately 310 m away. The village district centre has facilities to meet day-to-day local needs including: retail shops; public houses; a bank; a cafe; hairdressers; and, hot food takeaways. There is also a small parade of shops off Rugby Road, around 170 m to the south of HSG7s southern edge.

In addition, St James CofE Academy (junior) is within Bulkington village and is also located within walking distance from the site, whilst Arden Forest Infant is located over walking distance at approximately 0.8 miles away. Other schools, Nicholas Chamberlaine Secondary School, St Michael's Church of England Academy and Chetwynd Junior School are all located within 4km from the site.

Community and recreation facilities are provided at Bulkington Recreation Ground and Bulkington Village Community Centre, both within approximately 500 m of HSG7s western edge. The nearest allotments are off Barnacle Lane, around 370 m from the southern edge of the Site.

Other facilities to include GP surgeries and allotments are also located within walking distance and services and facilities located beyond Bulkington can be accessed via sustainable transport options to include via public bus services with bus stops located on Nuneaton Road which provide services from Bulkington to Nuneaton and Coventry, as well as services from the centre of Bulkington which connects Bulkington with Nuneaton and Coventry via Wolvey and Walsgrave Hospital. Whilst not all of the bus services are frequent and regular, service 56 (operating between Nuneaton and Coventry via Bulkington) operates on a 30-minute frequency Monday to Saturday and a 60-minute frequency on Sundays. Additionally, service 74 (operating between Coventry and Nuneaton) operates at a frequency of three services a day Monday to Friday and four services on Saturdays. There are also some services on Sundays. In addition, whilst not within walking distance, the Bedworth Train Station is located just over 2 miles from the application site which provides further transport options.

- *Borough Plan 2019 status*

A number of third-party letters of objection have been received during the course of the application relating to the Borough Plan review, the proposed de-allocation of HSG7 and the concerns that the housing requirements set out within the Borough Plan 2019 are based on out-of-date and inaccurate census data. A number of the received objections state that the allocation is no longer required and that the housing figures are no longer accurate.

The current Nuneaton and Bedworth Borough Plan was adopted on 11th June 2019 and covered the period up to 2031. The Council has committed to undertaking an immediate review of the adopted Borough Plan following the publication of the updated National Planning Policy Framework (2021). The Borough Plan review has included a comprehensive review of national policy, the regional context, updates to the evidence base and monitoring data. The timescale for the review is set out in the Council's Local Development Scheme. The Council has recently undertaken a preferred option

consultation of the Borough Plan Review, in which site HSG7 has been de-selected and alternative housing allocations selected. The responses to the consultation are currently being evaluated including a representation on behalf of the landowner proposing that the site is not de-selected.

Notwithstanding the above issues relating to the potential de-allocation of the site and the lack of need for the Council to address the shortfall in neighbouring authority housing delivery, given the stage of preparation of the review version of the Borough Plan which is yet to be subject to examination, and in accordance with the advice set out within Paragraph 48 of the NPPF (2021), the proposed de-allocation of the site can only be afforded limited weight in the decision making process.

Paragraph 218 of the NPPF (2021) (Annex 1) sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Paragraph 219 of the NPPF (2021) sets out that due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The above section of this report outlines that the site is considered to be in a sustainable location and one which would be within walking distance of a range of services and facilities and would provide access to a range of sustainable transport options. It is considered that residential development of the site would accord with the Borough Plan 2019 as a whole when having regard to its allocated status.

The scheme would generate an economic benefit relating to the additional construction jobs associated with the deliverability of the site, although it is noted that these are not long-term benefits. The scheme would also result in an additional population which would generate additional support for local businesses and shops, which would be a long-term benefit. The scheme would also result in social benefits arising from the delivery of affordable housing units. Whilst the scheme would be delivered on an existing undeveloped site, the scheme would still deliver biodiversity enhancements and is considered to result in an environmental gain from this perspective.

Policy HSG7 sets out 18 key development principles as set out below:-

*Key development principles*

1. Provision of at least 196 dwellings in a mix of dwelling types and sizes.
2. Play and open space, including younger children's play, to be provided with appropriate management and maintenance arrangements.
3. Financial contribution towards the upgrading of sports facilities and teenage play provision at Bulkington Recreation Ground and financial contribution towards facilities at Miners Welfare Park in Bedworth.
4. Financial contribution towards primary education at Arden Forest Infant and St James Academy Junior schools in order to meet anticipated demand for school places.
5. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
6. Bus infrastructure improvements adjacent to HSG7 with a potential contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators.

7. Any transport improvements/upgrades required along Nuneaton Road, Lancing Road, Bramcote Close and surrounding streets affected as a result of the development. The main access points are likely to be from Nuneaton Road and Lancing Road.
8. Financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington.
9. Provision of footpaths/cycleways through the open space on the site, including linking the existing public footpath on the southern parcel of the site with the northern parcel, and through the development area to Nuneaton Road.
10. Financial contributions towards the development of a dedicated cycle path along the B4029 between Bulkington Village Centre and Bedworth, and towards links to Bulkington Village Centre and Nuneaton.
11. Potential local sewage network improvements in order to improve capacity to accommodate the development, subject to discussions with Severn Trent Water.
12. Financial contributions towards sport and physical activity.
13. Financial contribution toward community facilities.
14. Financial contribution for primary medical care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body.

*Form of development*

15. Maintain and enhance vegetated boundaries that front onto the wider rural area (to be maintained as Green Belt defensible boundaries).
16. Provide an open space corridor incorporating the public right of way with specimen trees and small groups of trees interspersed amongst grassed areas and wildflower meadows.
17. Provide street trees to the internal road network.
18. Enhancement of the brook which follows the south-western boundary.

Following a review of the above key development principles, the outline application as submitted, when having regard to the fact that layout, scale, landscaping and appearance are all reserved matters, would allow a scheme to come forward at the reserved matters stage/s which could be in accordance with the development principles set out above or the illustrative site concept plan and other guidance set out within the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020).

It should be noted that Policy HSG7 does not set a limit of 196 dwellings and is worded so as to ensure the delivery of at least 196 dwellings. The scheme proposes the erection of up to 230 dwellings which would therefore be acceptable. An indicative density (based on 230 units) of 28 dwellings / units per hectare has been provided within the submitted Design and Access statement. It should be noted that paragraph 3.4.1 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) states that the site should be developed at an overall net density of around 28 dwellings per hectare. The final proposed layout and density of the scheme would be assessed at the relevant reserved matters stage when layout is sought for approval.

The relevant financial contributions set out within the key development principles section of Policy HSG7 have been requested by the County Council, the Borough Council's Leisure and Parks teams, the NHS and the George Eliot Hospital Trust, as appropriate, and as detailed within the Planning Obligations section of this report. Planning conditions are also imposed to address the above criteria.

It is also acknowledged that the development of the site would result in the loss of existing agricultural land which is classified as Grade 3 (good to moderate). However, the site is an allocated strategic housing site within the Borough Plan 2019 and therefore the loss of this agricultural land is an inevitability arising from the sites allocated status and would not represent a reason to resist the application.

- *Principle of Development Summary*

Overall, the Borough Plan review attracts limited weight at this time given the stage of preparation of the emerging plan. In accordance with the advice set out within Paragraph 48 of the NPPF (2021), the proposed de-allocation of the site can only be afforded limited weight. When having regard to the location of the site and the ability for future residents to access a range of day-to-day services and facilities via sustainable transport options, the principle of the proposed development is considered to represent a sustainable form of development on a site which is allocated for development in the Borough Plan 2019. It should also be noted that the Council's Planning Policy Team have been consulted on the application and have advised that the principle of the development is acceptable.

Based on the information submitted to support the application, the scheme would ensure comprehensive delivery of the site to fulfil the strategic aims of the Borough Plan, and in particular the requirements set out in Policy HSG7.

The principle of the development is therefore considered to be acceptable and would accord with Policies DS1, DS2, DS3 and HSG7 of the Borough Plan 2019, as well as the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020).

## **2. Affordable Housing and Housing Mix**

- *Quantum of Affordable Housing and Tenure Mix*

Policy H2 of the Borough Plan 2019 requires 25% of all new developments to be affordable on sites of 15 dwellings or more. The submitted design and access statement sets out that "25% of the proposed residential dwellings would be affordable, in accordance with Policy H2 Affordable Housing, and would provide an appropriate mix of property types mixed within market housing and in a maximum cluster size of 15 units."

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

- *Housing Mix*

In terms of general market housing, Policy H1 of the Borough Plan 2019 states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area.

The submitted planning statement confirms that the housing mix is indicative at this stage, however the indicative mix would result in 2, 3 and 4 bed open market housing.



It is recognised that the layout is not currently for consideration, however the supporting documents do state a likely housing mix and the proposal has therefore been compared in relation to the SHMA 2013 as follows:

2013 Strategic Housing Market Assessment				Proposed mix			
Market		Affordable		Market housing		Affordable housing	
Bedroom	SHMA (%)	Bedroom	SHMA (%)	Bedroom	No. of houses and %	Bedroom	No. of houses and %
1	5-10%	1	5-10%	1	0%	1	19%
2	35-40%	2	35-40%	2	25.5%	2	55%
3	45-50%	3	45-50%	3	49%	3	17%
4	10-15%	4	10-15%	4	25.5%	4	9%

In terms of the SHMA, there is an under provision of 1-bedroom and 2-bedroom market houses and an over provision of 4-bedroom market houses. The proposal also provides an overprovision of 1-bedroom and 2-bedroom affordable properties, a significant under provision of 3-bedroom affordable properties and a slight under provision of 4-bedroom affordable properties. Therefore, it is not considered that the proposal would meet the SHMA requirements.

The Council's commissioned Housing and Economic Development Needs Assessment (HEDNA), May 2022 provides a more recent development needs assessment. The HEDNA provides the below mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
<b>Market</b>	5-10%	30-35%	40-45%	15-20%
<b>Affordable home ownership</b>	20-25%	40-45%	25-30%	5-10%
<b>Affordable housing (rented)</b>	25-30%	30-35%	30-35%	5-10%

*Source: Derived from a range of sources*

In terms of the indicative mix provided, and when turning to the open market provision, this clearly indicates that there is an under provision of 1 and 2-bedroom properties when assessed against both the SHMA and HEDNA requirements. With regard to open market 3-bedroom properties, the amount proposed would meet the requirements of the SHMA, but would represent a slight over provision against the HEDNA figures. In terms of 4-bedroom properties, there would be an over provision of over 10% when compared to the SHMA requirements, but only a 5.5% overprovision when compared to the HEDNA requirements. It should be noted that the HEDNA now provides more up to date data and therefore carries more weight than the 2013 SHMA.

Whilst the HEDNA calculations may change once the recently published ONS Census data are factored into the HEDNA; the Council's Planning Policy Team have advised that it is unlikely that this will affect the mix. The Planning Policy Team have advised that the mix should therefore more readily reflect the HEDNA requirements as the most up to date evidence base, unless evidence is provided to illustrate that the demand in Bulkington differs.

The Council's Strategic Housing Team have been consulted on the application and have confirmed that the number of affordable homes, tenure type and housing mix is acceptable. The Strategic Housing Team have however commented that whilst the proposed location of the affordable units would also appear to be acceptable, information in relation to where each affordable tenure type would be located would be required. Such a matter could be addressed at the reserved matters stage when the precise layout and quantum of units is sought for approval.

Whilst the above concerns have been raised at this stage, the housing mix set out is indicative at this stage, owing to the outline (access only) nature of the application. A detailed housing mix, based on a detailed layout plan, would form part of subsequent reserved matters application and an assessment would be carried out by the Council at that time to ensure compliance with Planning Policy and the Council's Affordable Housing SPD (2020). Such details are recommended to be secured through the imposition of a condition given that the Local Planning Authority are not in a position to fix a housing mix at outline stage where the number of dwellings planned for the site is yet to be determined and given that unit numbers are likely to have a bearing on housing mix. Additionally, the number of bedrooms for each dwelling necessarily informs issues of scale and layout and therefore a condition requiring a final housing mix to accompany subsequent reserved matter/s applications which seek layout and/or scale is reasonable and necessary.

The Council's Planning Policy Team and the Strategic Housing Team have no objections to the application.

- *Other Matters*

As a major development, the following element of Policy BE3 of the Borough Plan 2019 is relevant to the assessment of this application. There should be a statement submitted with the application demonstrating how the proposal will meet the optional Building Regulations requirement M4(2) for 35% 'accessible and adaptable dwellings.

The submitted Development Health Assessment (which forms part of the submitted Planning Statement) sets out that "the application does not include details of the design and standards of homes, these matters are reserved for a later stage. It is therefore not possible to determine whether proposal seeks to meet the stated design criteria. However, the submitted Design and Access Statement states that the Illustrative Masterplan has been produced in accordance to local and national space standards."

Whilst the application fails to demonstrate how the scheme would accord with the above requirement of Policy BE3 of the Borough Plan 2019, given the outline access only nature of the application, it is considered that a suitably worded condition could be imposed upon any permission granted to ensure that any application brought forward as part of any future reserved matters submission would demonstrate that the amount and location of accessible and adaptable dwellings proposed would meet the optional Building Regulations requirement M4(2) of 35%.

In summary, subject to the imposition of planning conditions relating to housing mix and M4(2) housing, and subject to the applicant entering in to a S106 legal agreement to secure the appropriate policy compliant level of affordable housing, the application is considered to be acceptable when having regard to the provisions of Policies H1 and H2 of the Borough Plan 2019.

### 3. Visual Amenity and Landscape Character

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. The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170).

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2017 and has been used to inform the Borough Plan. The site is located in Landscape Character Area 4, 'Bulkington Rolling Farmlands.' The visual prominence of HSG7 was considered to be moderate-low with few attractive features or views due to the established nature of vegetated boundaries on the settlement edge. The Landscape Character Assessment update has suggested a number of guidelines for new development on HSG7 which includes:

- Maintain all vegetated boundaries whilst accommodating access proposals;
- Provide an open space corridor incorporating the public right of way with specimen trees and small groups of trees interspersed amongst grassed areas and wildflower meadows;
- Provide additional hedgerow and hedgerow tree planting to the southern and eastern boundary (northern part of the site) and eastern boundary (southern part of the site); and,
- Provide street trees to the internal road network.

Paragraph 3.2.1 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) states that development of the strategic housing site should seek to incorporate existing landscape features into areas of open space where possible. It goes on to state that retention of existing boundary trees and hedgerows would form a base to enhance site landscape buffers, especially to the northern edges of the site, providing additional screening to the Grade II listed Weston Hill Farmhouse and softening the urban edge of Bulkington where it meets the countryside. Paragraph 3.2.3 of the same document states that retention and strengthening of existing hedgerows is encouraged adjacent to existing residential properties. These trees and hedgerows should be left as part of residential garden space rather than separate areas of isolated green space to form a defensible boundary.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) (paragraph 130). Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. As this is an outline application, details of design and layout are not being considered at this stage and would form part of the assessment of a future reserved matters application.

Residential properties are directly to the east, south and west of the strategic housing site. These are a mixture of two storey houses and single storey bungalows dating from the post war period, as well as newer one and half storey houses. There are agricultural fields to the north of the site.

A design and access statement has been submitted to support the application and provides details in relation to the placemaking strategy and provides illustrative details relating to the proposed appearance, scale and layout of the proposal. The indicative layout provided also shows the proposed land uses across the site and the proposed vehicular connections to Nuneaton Road and Bramcote Close. Pedestrian cycle and footways are also shown across the site, with two potential footway/cycleway connections on to Lancing Road and a third on to Firleigh Drive.

Whilst scale is a matter reserved for later approval, the submitted design and access statement sets out that the proposed development is based upon a maximum of two storeys for houses and 2.5 storeys for apartments. With regard to layout, as referred to within the above report, the development would comprise of two main parcels of built form, one to the north (132 units based on indicative plans) and one to the south (98 units based on indicative plans). The submitted Design and Access Statement sets out that *“the central Public Open Space (POS) provision provides physical separation between the built development phases / areas, enabling the perception of proposed built development as comprising two small scale cluster extensions to the built edge of Bulkington, rather than a single addition. Each of these respecting and reflecting their individual characters i.e that of the Bramcote Close proposed access point and its more intimate adjacent built residential characters, and that of the Nuneaton Road proposed access, which is contrastingly formal and of a larger visual scale, including the B4112 Nuneaton Road itself.”*

The illustrative layout shows that the two sections of built form would be connected by central open space which would feature biodiversity led surface water management, integrated play provision, public open space, central open space, footpaths/cycle routes and strengthened boundary vegetation. The layout submitted generally aligns with the HSG7 Site Concept Plan provided within the Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020). It should be noted that based on the illustrative details submitted, the proposal would result in an increased area of open space in the northern section of the site and increased buffers to the north-eastern boundary, over and above those shown on the Council's Site Concept Plan.

The proposal would evidently have an impact on the landscape character of the area, however, its impact is not considered to be significant to warrant a refusal of outline planning permission, particularly given that boundary vegetation against the countryside and green belt backdrop could be secured at the relevant reserved matters stage/s. In addition, the acceptability of the proposed housetypes, the scale, appearance and layout of the scheme would all be matters to assess at the relevant reserved matters stage/s.

It should also be recognised that the site is part of an allocated site within the adopted Borough Plan 2019 and whilst its future development in line with Policy HSG7 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must also be taken into consideration.

Overall, the visual and landscape impacts of the proposal are not considered to be unacceptable to warrant a refusal of this outline application, a full assessment of these matters would be addressed at the reserved matters stages.

#### 4. Residential Amenity

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

Paragraph 130 of the NPPF (2021) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

A number of third party letters of objection raise concerns with regard to the noise and disturbance impacts arising from the scheme, to include noise impacts and headlight glare arising from increased traffic volumes and concerns relating to impacts upon tranquility and the enjoyment of nearby residential dwellings.

Paragraph 2.10.3 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) sets out that the pumping station between the two parcels of the site is a potential source of noise. In addition, an Environmental Noise Assessment Report has been submitted to support the application which does identify some elevated noise associated with road traffic and affecting those properties nearest the main road. The report concludes that the issue can be resolved through enhanced glazing and ventilation and provides an option for how this could be achieved.

The Council's Environmental Health Officer has been consulted on the application and raises no objection to the proposal, subject to the imposition of a condition to secure the submission of a suitable noise attenuation scheme to meet the standard for internal and external noise levels (which should include glazing and ventilation details) to be agreed in writing.

As this is an outline application, the layout and scale of the proposal is not being considered at this time. Any future reserved matters application would need to ensure that distance standards are met in relation to the existing properties and within the site, in compliance with the Sustainable Design & Construction SPD 2020. The house types will all need to comply with the Nationally Described Space Standards and all plots will need to have sufficient private amenity space.

It is noted that the Council's Tree Officer has raised concerns relating to the compatibility between the proposed tree retentions and the impacts arising from their proximity to proposed rear garden areas. The Tree Officer has stated that the overhanging of garden spaces from T31 – T36 (the trees located to the southern boundary of the northern parcel), or the degree to which they will in the future, might be under-represented within the submission. Additionally, the Tree Officer has advised that trees within or adjacent to gardens would not be suitably protected for their remaining years by default. This is especially the case where they significantly overhang properties/gardens, have roots and canopies enclosed on all sides and/or are likely to cast significant shade over gardens and dwellings.

On this basis, the Tree Officer has advised that the scheme should accord with the buffers proposed within the Council's Open Space and Green Infrastructure SPD (2021) to keep the potential impacts development away from these trees. The Tree Officer suggests that this could be achieved through the inclusion of a verge design to the southern boundary of the northern parcel of the development which would redistribute housing and gardens to the benefit of the residents, public and trees.

Similarly, the Tree Officer has advised that a redesign should take place near to T20 - T23 to buffer the trees from the impacts of development. The RPA of T23 goes through the adjacent building and the Tree Officer has stated that T20 and T21 would almost fill the proposed gardens. Whilst the Arboricultural impacts of the scheme are assessed in this report separately, such an arrangement would not be acceptable for a residential amenity perspective when having regard to shading and compatibility issues. It is likely that changes to the illustrative layout would be required to ensure that any scheme brought forward would not result in any future pressures arising from future residents for tree felling or severe pruning to take place. Such layout changes would be addressed at the relevant reserved matters stage/s when landscaping and layout are sought for approval.

Whilst concerns have been raised by neighbours in relation to noise and disturbance impacts, particularly during the construction period, additional noise and disturbance is considered to be a temporary and unavoidable manifestation of any development project, however conditions are recommended to be attached to any permission granted relating to construction hours, and to secure a Construction Environmental Management Plan (CEMP) which would ensure that the impacts arising would not be unacceptable.

Overall, whilst concerns have been raised relating to compatibility between existing tree coverage and shading impacts, such issues could be addressed at the relevant reserved matters stages. Subject to the imposition of a condition to secure the submission of a suitable noise attenuation scheme to be submitted and approved in writing and other conditions relating to construction hours and a CEMP, no conflict has been identified with the requirements of Policy BE3 of the Borough Plan 2019, the guidance set out within paragraph 130 of the NPPF (2021), or the guidance set out within the Council's Sustainable Design & Construction SPD 2020.

## **5. Highway Safety and Accessibility**

Policy HS1 (Ensuring the delivery of infrastructure) of the Borough Plan 2019 set out that development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development. The delivery of infrastructure provision and/or improvement will be secured through the use of planning obligations/agreements (e.g. Community Infrastructure Levy, Section 106 and Section 278) and/or conditions.

Policy HS2 (Strategic accessibility and sustainable transport) of the Borough Plan 2019 sets out that transport proposals in line with those identified in the Coventry and Warwickshire Local Enterprise Partnership Strategic Economic Plan, Warwickshire County Council Local Transport Plan 2011 - 2026 and Warwickshire County Council Cycle Network Development Plan will be approved.

The Policy goes on to state that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport.
2. Whether the development identifies suitable demand management measures.
3. The impact on air quality and measures proposed to ensure impact is not exacerbated. The council would support measures such as the provision and integration of infrastructure which may help to deal with the issues of air quality, such

as electric vehicle charging points.

4. The connectivity of the development to strategic facilities.

5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.

6. Whether the proposal will meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

Paragraph 110 of the NPPF (2021) sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is proposed to be served by two primary accesses, one from Nuneaton road and a second via an extension to Bramcote Close.

The Council's Planning Policy Team have been consulted on the application and have set out that there are concerns regarding the access to the southern part of the site, as the STA and Concept Plan indicate primary access off Lancing Road and not Bramcote Close. The access point off Bramcote Close includes a narrow strip of land that connects the site to the wider network and does not appear in the red line plan submitted to support the application. The Council's Planning Policy Team have therefore advised that it is uncertain if access to the site is possible due to the ownership of the land.

Section 3.3.3 of the Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) sets out that the primary access for vehicles will be provided from Nuneaton Road for the northern parcel of the site. The same section goes on to state that the southern parcel of HSG7 has a potential primary vehicular access point from Lancing Road. The concept map shows a proposed vehicle access point leading from Lancing Road to the south-west of the site, as opposed to the proposed extension to the Bramcote Close highway to the south-east of the site. It should however be noted that paragraph 7.87 of the Borough Plan 2019 sets out that the southern parcel of HSG7 has two potential access points from Lancing Road and Bramcote Road (presumably intending to refer to Bramcote Close and not Bramcote Road). In addition, the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) states that the main access points are likely to be from Nuneaton Road and Lancing Road, however it does not suggest that the secondary access must be formed off Lancing Road.

National Highways have been consulted on the application and have advised that the applicant has provided further information as requested by National Highways within

their original consultation response. The additional information has detailed the forecast traffic impact of the development on the Strategic Road Network. The additional information shows that the forecast impact on the M6/M69 Junction 2 will be approximately 11 two-way vehicle trips in the AM peak hour and 12 two-way vehicle trips in the PM peak hour. National Highways agree with the conclusion of the applicant that the impact of development on the SRN will not be severe and no objections to the application have been raised.

A Transport Assessment has been submitted to support the application, along with various technical notes and emails. The County Highway Authority have been consulted on the application and detailed dialogue has been carried out between NBBC Officers, WCC Highway Authority and the agent for the application and their transport consultants throughout the application process. The Highway Authority originally raised objections to the proposal on grounds of the achievable visibility when looking right at the proposed junction alteration of Wolvey Road and Long Street. In addition, concerns were raised in relation to the lack of detail in relation to off-site highways works.

- *Nuneaton Road Access*

An isolated junction assessment of the proposed new site access onto B4112 Nuneaton Road shows that the access operates without any significant issues and with minimal queuing or delay. Information has been submitted to confirm where the 2027 base flows have been derived from, with the information setting out that the 2027 base flows for the proposed site access junction model have been derived by using the 2018 survey data for Nuneaton Road and factoring these flows to 2027 using TEMPro growth factors. These have been reproduced for ease in the below table. The County Highway Authority are satisfied with the information submitted.

Year	Local AM Growth Figure	Local PM Growth Figure
2018-2027	1.0759	1.0747

- *Bramcote Close with Long Street*

With regard to the Bramcote Close with Long Street visibility splays, visibility splays have been provided, the 43m splay looking right from the junction is based on the 30mph speed limit of the road. The 30.5m looking left from the junction is what can be achieved within the public highway and reflects a (broad 40kph / 25mph) design speed. Drawing No. 18158-08b has been submitted to support the application, along with an email from DTA dated 11 May 2023 @ 11:06 explaining the amount of traffic that will go through the Bramcote Close junction on the drawing and turning right into Long Street. According to the calculation there will be less than 1 extra movement in the AM Peak on the highway network and up to 4 extra movements in the PM Peak on the highway network, from 4 to 7 or 8 movements. The County Highway Authority has confirmed that these numbers are not significant and that it would be difficult to demonstrate that the number of extra movements which would be generated would represent a severe safety risk in the context of paragraph 111 of the NPPF (2021).

Based on the County Council's records, there is no collision history at the junction. A Stage 1 Road Safety Audit has been carried out and no issues were raised. The County Council's Road Safety Team have reviewed the Audit and have agreed with the findings. Bollards are also proposed to be installed on the footways at the junction of Bramcote Close with Long Street within the radii to prevent parking on the footways and still provide the necessary visibility splays as shown on the submitted drawing. These off-site works are recommended to be secured via the imposition of planning



conditions and precise details would be submitted for approval as part of the discharge of condition application process.

- *Wolvey Road and Long Street Junction*

The junction between Wolvey Road and Long Street would be realigned, the footway widened, and new road markings would be provided. The junction would also have improved splay distances by over 25% and visibility splays from the vehicular accesses to 14 Long Street and 14 Wolvey Road would also be improved. As such, the County Highway Authority's original objection relating to visibility splay has been addressed.

Further off-site highways works to alter the bus stop layout on Nuneaton Road to protect the visibility splay can be conditioned through the imposition of a Grampian planning condition. It is recognised that the changes required to the bus stop layout may require a Road Safety Audit, however, this information could be secured by the condition with the County Highway Authority being consulted on any application submitted to discharge such a condition. The County Highway Authority have advised that there are multiple options available that could be suitable including moving the bus stop further northwards or including a yellow bus stop box (which would require a Traffic Regulation Order). Further off-site highways works are also required to alter the existing turning head within Bramcote Close which can also be conditioned. Overall, it is considered appropriate to impose a condition preventing development from commencing until details of the off-site highways works have been submitted and approved by the Local Planning Authority.

- *Emergency Access*

The County Highway Authority have advised that an emergency access between the two parcels of development is required and this requirement could be secured through the imposition of a planning condition. The County Highway Authority have advised that it is essential that the emergency access is suitable for HGV's to use. Advice has also been provided to confirm that each end of the emergency access will need to attach to public highway roads, not private cul-de-sacs, assuming that the development will be put forward for adoption as public highway. Such a matter would be assessed when layout and internal access arrangements are submitted to the Local Planning Authority for approval, in the event the application is approved.

- *Connectivity Obligations and Contributions*

Criterion 9 of Policy HSG7 requires the provision of footpaths/cycleways through the open space on the site, including linking the existing public footpath on the southern parcel of the site with the northern parcel, and through the development area to Nuneaton Road. Any future reserved matter/s application submitted should demonstrate compliance with this element of the policy.

Criterion 6 of Policy HSG7 of the Nuneaton and Bedworth Borough Plan 2019 requires bus infrastructure improvements adjacent to HSG7 with a potential contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators. The County Council's Infrastructure Team have been approached in relation to this requirement and an updated contribution request has been received to request a financial contribution to support the maintenance of a minimum of 2 buses per hour (Monday – Saturday 07:00-19:00) between Bulkington and both Coventry and Nuneaton for a period of 5 years, financial contributions towards bus stop improvements works to include Real Time Information displays, an overall maintenance contribution, and pedestrian connectivity between the dwellings and the bus stops.

- *Highway Specific Obligations and Contributions*

Criterion 7 of Policy HSG7 of the Borough Plan 2019 requires any transport improvements/upgrades required along Nuneaton Road, Lancing Road, Bramcote Close and surrounding streets affected as a result of the development to be secured. Criterion 8 of Policy HSG7 requires financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington. In addition, criterion 10 of Policy HSG7 requires financial contributions towards the development of a dedicated cycle path along the B4029 between Bulkington Village Centre and Bedworth, and towards links to Bulkington Village Centre and Nuneaton.

The County Highway Authority have requested these contributions, as per the obligations table provided in section 11 of this report.

- *Highway Safety and Accessibility Summary*

Overall, subject to the imposition of conditions, to include Grampian conditions to secure the various off-site highway works discussed above, together with the applicant entering in to a S106 legal agreement to secure the requested financial contributions, the application is considered to be acceptable when having regard to highway safety and would accord with the requirements of policies HS1 and HS2 of the Borough Plan 2019, as well as the guidance set out within paragraph 110 of the NPPF (2021).

## **6. Flood Risk and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 159). 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.

The NPPF (paragraphs 162 and 163) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. Using the Environment Agency's Fluvial Flood mapping the site is within Flood Zone 1 and therefore has a low risk of fluvial flooding, the principle of residential development within Flood Zone 1 is acceptable for the purposes of flooding and the Council is not required to engage the sequential or exception tests. Areas of the site are however at risk of high, medium and low risks of surface water flooding.

The submitted application form sets out that disposal method for foul waste is unknown at this time. Criterion 11 of Policy HSG7 of the Borough Plan 2019 refers to an obligation for potential local sewage network improvements in order to improve capacity to accommodate the development, subject to discussions with Severn Trent Water. Severn Trent Water have been consulted on the application, however no response has been received.

It should be recognised that developers have an 'absolute right' to connect to the public sewer and section 94 of the Water Industry Act 1991 imposes a duty upon water undertakers to (a) "provide, improve or extend...a system of public sewers.." and (b) "to make provision for the emptying of those sewers and such further provision...for effectively dealing, by means of sewage disposal works or otherwise, with the consents of those sewers."

Whilst it is recognised that the planning system can intervene to dictate when a connection to a public sewer takes place (to allow for any upgrades to the sewerage system to cope with additional loads for example), in the absence of any objection from Severn Trent, and in the absence of any evidence to demonstrate that the proposed development would exceed any permits in place, it would be unreasonable to refuse the proposal on grounds that the Water Recycling Centre may have limited capacity to receive the foul waste associated with the development in this particular case. In the absence of any evidence relating to a lack of capacity, the requirement set out within criterion 11 of Policy HSG7 is unlikely to be 'CIL compliant' when having regard to section 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) which sets out the tests for the use of planning obligations. Obligations should only be sought where they meet the relevant tests and the obligations are:

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

It is also considered that the imposition of a Grampian condition to control the timing of such a connection, in the absence of any objection and when having regard to the requirements set out within section 94 of the Water Industry Act 1991, would also fail the tests set out within paragraph 56 of the NPPF (2021). A condition is however recommended to be attached to any planning permission granted to secure foul waste disposal details.

In terms of surface water drainage, WCC Flood Risk Management have been consulted on the application and have no objection to the scheme, subject to the imposition of four conditions to secure a detailed surface water drainage scheme for the site, to secure the submission of a hydraulic model of the site representing overland flow paths and surface water flooding along with any details regarding mitigation measures, to secure a Verification Report for the installed surface water drainage system for the site (which shall be based on the approved Flood Risk Assessment), and to secure the submission of a site-specific maintenance plan for all surface water features which would provide details on how surface water for each relevant feature shall be maintained and managed for the lifetime of the development.

Overall, subject to the imposition of conditions relating to surface water management and foul waste disposal, the application is considered to be acceptable when having regard to flooding and drainage and would accord with the requirements of policy NE4 of the Borough Plan 2019 as well as the guidance set out within section 14 of the NPPF (2021) and the PPG.

## **7. Ecology, Landscaping, Open Space and Biodiversity**

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

Paragraph 180 of the NPPF (2021) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

Paragraph 3.2.8 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) states that development proposals brought forward shall be accompanied by an Ecological Assessment and deliver net biodiversity gains in line with Borough Plan Policy NE3. Paragraph 3.2.9 of the same document states that with the exception of new access points proposed on Nuneaton Road and Lancing Road, all boundary trees and hedgerows should be retained and enhanced as part of the development. Net biodiversity benefits should be delivered as a result of the development in accordance with Policy NE3.

Paragraph 3.2.10 of the SPD also states that the indicative layout (provided within the HSG7 Concept Plan) aims to create an area of open space adjacent to the pumping station and access track on the southern parcel of the site. Combined with enhanced planting on the northern boundaries of HSG7, this will provide a wildlife corridor and screening to the strategic housing site from areas of countryside to the north.

In terms of open space, paragraph 3.2.11 of the SPD sets out that informal public open space will be concentrated along the northern edges of HSG7 as a landscape buffer and adjacent to the pumping station and its associated track on the southern parcel of the site. As part of this, the central open space should include wildflower meadows.

- *Ecological Impact*

Paragraph 2.6.1 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) states that the site comprises intensively farmed agricultural land or managed arable fields with elements of hedgerows and mature trees along field boundaries. Paragraph 2.6.3 of the same SPD states that protected species surveys will be required and that any associated or valuable habitats will be retained and connectivity should be enhanced within any development layout. The site also lies adjacent to a Potential Local Wildlife Site.

An Ecological Appraisal has been submitted to support the application. Within this appraisal, it is confirmed that the majority of the site comprises an agricultural field with ruderal margins (southern parcel). The site also includes a field of neutral semi-improved grassland surrounded by native species hedgerows, trees and scrub (northern parcel). A brook runs along the south-western boundary of the arable field. The site is flanked to the north and north-east by arable and grassland fields with residential development to the west, south and east.

With regard to protected species, specifically Great Crested Newts (GCN), the Parks and Greenspaces Planning Officer has been consulted on the application and requested a survey of an additional pond located approximately 45 metres away from the site boundary which was originally omitted from the survey. This survey has been

carried out with the results submitted to the Local Planning Authority. The results show a negative result for the presence of GCN and the Parks and Greenspaces Planning Officer is satisfied with the submitted information.

No evidence of badger was recorded, however a note to applicant is advised to be attached to any permission granted advising the applicant of their legal protection.

The submitted Ecological Appraisal identifies that one tree on site was identified as having bat roosting potential, this tree is not proposed to be felled and the tree should be retained as part of the proposed layout submitted at reserved matters stage. Whilst section 5.22 of the submitted Ecological Appraisal sets out recommendations for a lighting strategy, a suitable lighting strategy would need to be secured via condition to ensure minimal impacts upon bats when commuting and foraging, as well as other species and habitat.

The Ecological Appraisal identifies that due to the sub-optimal nature of the stream and wet ditches, the stream is unlikely to support riparian species such as otter, water vole and white clawed crayfish.

Minimal hedgerow removal would be required to facilitate the development. Any hedgerow, tree or shrub clearance should be carried out outside of the bird breeding season (March-September inclusive) and a condition is recommended to be attached to control this.

No other concerns have been raised by the Parks and Greenspaces Planning Officer in respect of protected species and the wider ecological impacts of the scheme, to include impacts upon non-statutory sites (to include the adjacent potential Local Wildlife Site), nor any internally or nationally designated sites.

- *Biodiversity Net Gain and Enhancements*

The Council's adopted Open Space and Green Infrastructure SPD (2021) requires the submission of the full spreadsheet calculation and underpinning maps of habitat areas used to input into the calculation to allow the inputs to be reviewed and to allow the Council to assess whether a net loss of biodiversity has been avoided. The Council's Open Space and Green Infrastructure SPD (2021) sets out the required documents to accompany an outline planning application and specifically states; *"the submission must include the full calculation in an editable excel format as well as any other summaries of outcomes presented as text / images etc."*

A Biodiversity Impact Assessment (BIA) and Metric was not originally submitted to support the application, however, both were submitted in March 2023.

The Council's Green Spaces Planning Officer has been consulted on the application and requested that the habitat plan be submitted to show where the BIA calculations have been derived from. An amended BIA was also requested to include the biodiversity impact as a result of the emergency access which would be formed between the two parcels of development within the Open Space area. Confirmation was also sought as to whether or not the scrub area which was removed on site in 2022 at the connection point of the site has been allowed for within the BIA figure submitted.

The BIA calculation shows an 8.57% net gain in biodiversity when compared to the baseline value of the site. The Council's Green Spaces Planning Officer has been consulted on the revised information relating to the scrub removal, the width of the

emergency access route and the habitat plans and considers that a net gain could be secured on site. A planning condition has been recommended to be attached to ensure that the Biodiversity Net Gain calculations are revisited at the relevant reserved matters stages when landscaping and layout are sought for approval, to ensure that a net gain would still be secured at reserved matters stage.

*- Open Space Provision and Landscaping*

It is recognised that the application is in outline form with the only matter sought for approval being access. However, matters in relation to open space should be addressed and secured at the outline stage and this would be included within the Section 106 legal agreement.

Whilst landscaping is not sought for approval at this stage, consideration should also be given to the impacts upon existing hedgerows and tree cover on site.

The Nuneaton and Bedworth Borough Council Concept Plans for Strategic Allocations: HSG7, East of Bulkington Supplementary Planning Document (2020) provides a concept plan which, whilst is not a masterplan, highlights key principles that will help inform and guide subsequent planning applications which are brought forward on the strategic housing site.

This concept plan seeks to ensure comprehensive delivery of the site to fulfil the strategic aims of the Borough Plan. Key elements of the concept plan have been derived from stakeholder engagement and policy requirements within the Borough Plan and are split into the following sections:

- Landscape, open space and biodiversity;
- Movement;
- Land Uses;
- Character and design; and
- Sustainability.

Paragraph 3.2.1 of the Council's Concept Plans for Strategic Allocations: HSG7, East of Bulkington SPD (2020) states that retention of existing boundary trees and hedgerows would form a base to enhance site landscape buffers, especially to the northern edges of the site, providing additional screening to the Grade II listed Weston Hill Farmhouse and softening the urban edge of Bulkington where it meets the countryside. A larger area of green space for landscaping and informal open space is proposed on the southern parcel of HSG7 adjacent to the pumping station and access track.

Paragraph 3.2.3 of the SPD states that retention and strengthening of existing hedgerows is encouraged adjacent to existing residential properties. These trees and hedgerows should be left as part of residential garden space rather than separate areas of isolated green space to form a defensible boundary. Paragraph 3.2.4 of the same SPD states that the site's northern edge, along with the land on the southern parcel adjacent to the pumping station and access track, will form enhanced areas of soft landscaping and open space. Additionally, a structural tree planting belt should be created to the north and east edges of the central open space.

An Arboricultural Assessment (revision B, dated February 2022) has been submitted to support the application. A tree survey plan has been submitted within this assessment which shows that the majority of existing trees, hedgerows and groups

are located to the boundaries of the site, although there are examples of existing groups (groups G16, G13 and G14) which extend into the main developable areas of the site.

The assessment shows that the site features three Category A trees (high quality/value), two located to the southern boundary of the northern parcel and one located to the staggered eastern boundary on land connecting the two parcels. 11 Category B trees (moderate quality/value) are also situated on site and one Category B group (G19) is also located to the southern boundary of the northern parcel. The majority of the higher quality or higher value trees are located to the boundaries of the northern parcel, although two higher value trees are located to the staggered eastern boundary to the central and southern parcels of the site. The higher quality trees on site are Ash and English Oak trees.

The remainder of the existing tree and hedgerow cover (21 trees, 1 hedge and 19 groups) are categorised as Category C (low quality/value). One tree on site (T2) and one group (G8) are categorised as Category U (unsuitable for retention) and are proposed to be removed in part or full.

The submitted assessment, at Table 2, sets out that no Category A or B trees are proposed to be removed, but that T15, T29, G2, G7, G10, G16 and G18 (all Category C low quality/value) are all proposed to be removed to facilitate the scheme.

As already set out in the above report, the Council's Tree Officer has raised some concerns relating to potential compatibility issues between existing trees, their canopies and future growth and their impacts upon amenity spaces proposed to a number of dwellings within the northern parcel of the site. A number of the trees in question, based on the illustrative layout, would be located within and close to garden areas, these trees are mainly Category A and Category B trees, although one is also a Category C tree. Whilst such matters can be addressed at the reserved matters stage/s, the Council considers it beneficial to raise this matter at the earliest opportunity to ensure that tree impacts are adequately factored into layout developments prior to the submission on any reserved matters applications, in the event that planning permission is granted. The Parks and Greenspaces Officer has also identified numerous instances where the indicative layout would result in conflict between existing trees and hedges and future occupants in terms of pressure for severe felling or pruning.

Additional Arboricultural concerns have been raised by the Council's Tree Officer that the application has not been accompanied by a dedicated Tree Constraints Plan and that the illustrative masterplan fails to show all trees which are proposed to be retained, such matters could be addressed at the relevant reserved matters stage. It is recommended that a condition be imposed to secure the submission of an accurate Tree Constraints Plan to accompany any application seeking layout and/or landscaping.

With regard to the requirements of Policy HSG7, the policy requires the development to address the following criteria: -

- Criterion 15. Maintain and enhance vegetated boundaries that front onto the wider rural area (to be maintained as Green Belt defensible boundaries).
- Criterion 16. Provide an open space corridor incorporating the public right of way with specimen trees and small groups of trees interspersed amongst grassed areas and wildflower meadows.

- Criterion 17. Provide street trees to the internal road network.
- Criterion 18. Enhancement of the brook which follows the south-western boundary.

In terms of criterion 15 above, the Parks and Greenspaces Planning Officer has also stated that the indicative masterplan and parameter plan seem to show limited or no such enhanced buffers where housing and gardens are placed close to trees and hedgerows being retained. The Council's Open Space and Green Infrastructure SPD (2021) sets out buffer distances between buildings, roads and retained ecological features and trees and these do not appear to be reflected in the development proposals.

In addition, the Parks and Greenspaces Planning Officer has raised further concern in relation to the indicative layout proposed, to include a lack of detail in terms of 'strengthened' agricultural and woodland margins, and a proposed layout which shows narrow retained stream and hedge incorporated in to garden areas which would be problematic and detrimental to wildlife.

An Open Space corridor is proposed as part of the indicative details, criterion 16 could be addressed in full when layout and landscaping are sought for approval.

Further, the illustrative masterplan does not show the provision of street trees to the internal road network (criterion 17 of Policy HSG7). The scheme also fails to demonstrate the required brook corridor enhancements (criterion 18 of Policy HSG7) and concern is raised in relation to how this would be sustained as the brook looks likely to form part of residential gardens rather than Public Open Space. As layout and landscaping are not sought for approval, it is not recommended that the application be refused on this ground, however, a condition should be imposed to secure habitat management of the brook corridor in the south-western part of the site, east of Lancing Road, Amberley Avenue and Oakham Crescent.

On the above basis, it is recommended that the submitted outline parameters plan and the illustrative residential masterplan are not included within any 'approved plans' condition, in the event the application is approved. An alternative layout and landscaping proposal to that shown in the indicative plans, which would need to address the landscaping and tree impacts raised above, would need to be submitted as part of any reserved matter/s submissions. The agent for the application has been advised of this approach and are aware that layout changes, and possible unit losses, would be needed to secure an acceptable scheme at the relevant reserved matters stages.

With regard to the open space and play areas, the Council's Parks and Greenspaces Planning Officer has advised that the labelling on the submitted indicative masterplan which reads 'Early Years (0-10 Years) Local Park would need to be described as 'Local Park (including equipped play provision) fully meeting provision standards within the Open Space and Green Infrastructure SPD.' Such a matter could be addressed at the reserved matters stage when full details of the open space and play provision would be submitted for approval.

It is worth stating that should the application be approved, and development proceed, then the Council would be willing to adopt at least 1.43 Ha of the central open space around and including play area subject to the maintenance sum stated in the POS contributions table. Above 1.43 Ha a pro rata sum per metre squared would be required.



Public Open Space contributions have been requested, as set out within the table provided at section 11 of this report. The applicant would be expected to meet these requests which would be secured under a S106 legal agreement.

*- Summary of Ecology, Biodiversity, Landscaping and Open Space*

No ecological concerns or impacts upon protected species are raised, subject to the imposition of planning conditions. No conflict is considered to arise with the requirements of the Natural Environment & Rural Communities (NERC) Act 2006 (section 40), the Wildlife and Countryside Act 1981, Circular 06/05, the Conservation of Habitats and Species Regulations 2010. In addition, it is considered that a Biodiversity Net Gain would be secured, in line with the requirements of Policy NE3 of the Borough Plan 2019.

Whilst the indicative masterplan and parameters plan results in conflict with the Council's Open Space and Green Infrastructure SPD (2021), the requirements of Policy HSG7 of the Borough Plan 2019 and the requirements of the Concept Plans for Strategic Allocations: HSG7, East of Bulkington SPD (2020), it is considered that a suitable scheme could still be secured at the relevant reserved matters stage/s for a scheme of up to 230 dwellings which could be in accordance with the aforementioned policies and SPDs.

Overall, when having regard to the scope of this specific application and the minimal ecology, landscaping, open space or biodiversity impacts arising from the access elements of the scheme, it is considered that the application would not warrant a refusal of planning permission on the basis of the conflict arising from its indicative plans. The indicative plans are not recommended to be approved as part of any planning permission granted.

## **8. Heritage and Archaeology**

Policy BE4 of the Borough Plan 2019 states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

There are a number of designated heritage assets within 500m of the strategic site. Bulkington Conservation Area boundary is approximately 350m to the west of the western edge of the site. The grade II\* listed Church of St James, the church railings, two tombs within the church grounds and 3-4 Church Street (all grade II listed) are all within Bulkington Conservation Area. 560m to the east of the northern parcel of HSG7's western edge is the Grade II listed Weston Hall Hotel and attached gate piers. These heritage assets are screened from the strategic site by existing modern suburban development.

Approximately 240m from the northern boundary of HSG7's northern edge is the grade II listed Weston Hill Farmhouse. It should be noted that development on the northern boundary of the northern parcel of the site may potentially change views from Weston Hill Farmhouse, however, such matters would be addressed at the relevant reserved matters stages where the full impacts of the scheme can be assessed and mitigated as necessary.

With regard to below ground heritage assets, the site lies within an area of significant archaeological potential; current land and historic mapping for the area suggests that

it is likely that the site will have been in agricultural use from at least the medieval period. Archaeological work recently undertaken on land to the north of Bedworth Road, Bulkington (approximately 950m west of the proposed application site) identified a large, ditched enclosure along with pits and parallel ditches, possibly representing a trackway, most likely established during the late Iron Age and continuing in use until the early to mid-Roman period. Evidence for early medieval (Anglo-Saxon) occupation consisting of at least one sunken-featured building, pits and a four-post structure was also identified together with the remains of a later medieval post mill.

A Desk Based Assessment (DBA) and a Geophysical survey have been undertaken and reports (Cousins. T, 2021, Historic Environment Desk-Based Assessment: Land off Lancing Road, Bulkington, Warwickshire, Trent & Peak Archaeology and Legg. R, 2021, Geophysical Survey Report: Bulkington Warwickshire, Magnitude Surveys for Trent & Peak Archaeology) have been submitted to support the application.

In order to adequately understand the archaeological potential of this site, the County Archaeologist advised that an archaeological evaluation would need to be undertaken before the application is determined to help to define the character, extent, state of preservation and importance of any archaeological remains present and to provide information useful for identifying potential options for minimising or avoiding damage to them.

Despite the agent for the application enquiring as to whether such further archaeological evaluation work could be secured through the imposition of a condition, the County Archaeologist advised the Council that the work would need to be carried out prior to the determination of the application given that insufficient baseline information had been provided which did not enable the County Archaeologist to adequately understand the archaeological potential of this site.

In response to the above, the agent for the application submitted a Written Scheme of Investigation (WSI) proposing a programme of archaeological trial trenching to be undertaken across this site by TVAS East Midlands in September 2022. The County Archaeologist was consulted on the submitted WSI and has confirmed that the document detailed an appropriate strategy to evaluate this site.

The trial trenching has been carried out on site which identified modern drainage features, undated and late post-medieval ditches which were interpreted as the possible former field boundaries, a number of furrows relating to former agricultural regimes across this site as well as some late post-medieval or early modern pit features. The County Archaeologist has confirmed that the evaluation report provides a satisfactory account of the fieldwork undertaken across this site. Having considered the results from the both the trial trenching and earlier geophysical surveys undertaken across this site, the County Archaeologist is of the opinion that the proposed development is unlikely to have a significant archaeological impact. No further comments are made by the County Archaeologist and no further conditions are required to be imposed upon any permission granted.

Overall, the application is considered to be acceptable when having regard to impacts upon heritage assets and would accord with the requirements of Policy BE4 of the Borough Plan 2019, and the advice set out within section 16 of the NPPF (2021).

## **9. Contamination and Land Stability**

Paragraph 185 of the NPPF (2021) sets out that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and

the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

The site is not located within the Warwick Coal Mining Reporting Area, nor within a Coal Mining High Risk Area, and therefore no concerns are raised in this regard. A Phase 1 Land Contamination Assessment has been submitted with the application which confirms that three key contaminants may be present at the site, to include metals and metalloids associated with any potential localised made ground beneath the site, Polycyclic Aromatic Hydrocarbons from any ashy inclusions and/or carbonaceous inclusions near surface soils and pesticides associated with the agricultural use of the site. The submitted assessments advise that further investigation work is necessary. The Council's Environmental Health Officer has no objection to the application but has advised that the standard land contamination condition be imposed upon any permission granted.

## **10. Air Quality**

Policy HS2 of the Borough Plan 2019 states that where a development is likely to have transport implications, planning applications are required to clearly demonstrate the impact on air quality and measures proposed to ensure impact is not exacerbated.

Paragraph 174 of the NPPF (2021) requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It goes on to state that development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 185 of the NPPF (2021) sets out that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

An Air Quality Damage Cost Assessment has been submitted to support the application following a request from the Council's Environmental Protection Team. The assessment calculates a total five year exposure cost of £52,312 which would be mitigated for by providing secure cycle storage, travel packs for each dwelling, installing individual gas-fired boilers with emissions rated at <40mg NOx/kWh and by installing Electric Vehicle (EV) charging points, all of which would have a total cost of £1,041,000 which outweighs the damages.

The mitigation measures and their associated costs are provided within Table 4 of the submitted Air Quality Damage Costs Assessment. In addition, The Council's Environmental Protection Team have requested that a Dust Management Plan is secured through the imposition of a condition.

Overall, subject to the imposition of conditions, the scheme is considered to be acceptable when having regard to air quality impacts and no conflict with the provisions of Policy HS2 of the Borough Plan 2019, the advice set out within the Council’s Air Quality SPD 2019, or the guidance set out within paragraphs 174 and 185 of the NPPF (2021).

## 11. Planning Obligations

The NPPF (2021) sets out that planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF (2021) notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 93 of the NPPF (2021) also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all sections of the community. It further states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

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

Policy HSG7 of the Borough Plan 2019 sets out various planning obligations within criterion 1-14 of the policy. Details of the obligations, so far as they are relevant to each of the requests received, are provided within the notes column of the below table.

<b>Requested Financial Contributions</b>			
<b>Organisation</b>	<b>Request For</b>	<b>Contribution</b>	<b>Notes</b>
<b>George Elliot Hospital Trust</b>	Monies to be used directly to provide additional health care services to meet patient demand generated by the development.	<b>£210,435</b> based on 230 dwellings	
<b>NBBC Housing</b>	Affordable Housing Provision on site.	25% of the properties should be affordable housing.	
<b>NBBC Sports and Recreation</b>	The occupiers of this new development will generate demand for leisure provision and Nuneaton and Bedworth is not in a position to accommodate	<b>£530,736</b> based on 230 dwellings	Criterion 12 of Policy HSG7 of the Borough Plan 2019 requires financial contributions

	<p>this increased demand. Therefore, new developments need to contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site as per this application and request from NBBC.</p>		<p>towards sport and physical activity. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.</p>
<p><b>NBBC Parks and Open Spaces</b></p>	<p>Requests financial contributions as per the below based on 230 dwellings:-</p> <p>Destination Park Capital Contribution of £83,660.54 (+ 10% design and maintenance fees on top)</p> <p>Destination Park maintenance contribution of £25,745.75.</p> <p>Community Park Capital Contribution of £143,122.97 (+ 10% design and maintenance fees on top)</p> <p>Community Park Maintenance Contribution of £42,010.62.</p> <p>Local Park Maintenance Contribution of £20,731.87 and allotment provision of £13,179.00 (+ 10% design and maintenance fees on top).</p> <p>(Local Park Capital contribution omitted on the basis that the scheme is proposing to deliver this on site)</p>	<p>Total of <b>£352,446.99</b> subject to the on-site Local Park provision shown within the submission being provided on site and in accordance with the Council's Park and Green Infrastructure SPD Local Park criteria.</p>	<p>Criterion 2 of Policy HSG7 requires play and open space, including younger children's play, to be provided with appropriate management and maintenance arrangements.</p> <p>Criterion 3 of Policy HSG7 requires a financial contribution towards the upgrading of sports facilities and teenage play provision at Bulkington Recreation Ground and financial contribution towards facilities at Miners Welfare Park in Bedworth. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.</p>
<p><b>NHS Coventry and Warwickshire Integrated Care Board</b></p>	<p>Capital contribution towards the improvement to off-site primary medical care and healthcare facilities.</p>	<p>Estimated at <b>£283,254</b> based on 230 dwellings</p>	<p>Criterion 14 of Policy HSG7 of the Borough Plan 2019 requires a financial contribution for primary medical</p>

			care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.
<b>NBBC Waste Services</b>	Developer waste receptacle funding (breakdown 1 x 240 ltr household waste bin = £34.15, 1 x 240 ltr recycling bin = £34.15, 1 x 40 ltr paper and card insert = £13.86)	230 x £82.16= <b>£18, 896.80.</b>	
<b>WCC Infrastructure Team requests the following:-</b>			
<b>Libraries</b>	Financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities.	Estimated at <b>£5,034</b>	
<b>Public Rights of Way</b>	Financial contribution to support the ongoing maintenance of public rights of way within a one and a half miles radius of the site.	Estimated at <b>£12,901.90</b>	
<b>Education Provision</b>	The contribution will be used towards enhancing existing accommodation or delivering new build to support the provision of additional primary and SEND school places.	Estimated at <b>£845,472</b>	Criterion 4 of Policy HSG7 of the Borough Plan 2019 requires a financial contribution towards primary education at Arden Forest Infant and St James Academy Junior schools in order to meet anticipated demand for school places. Therefore, this obligation must be met to

			<p>ensure the requirements of this criterion of Policy HSG7 is met.</p> <p>Criterion 5 of Policy HSG7 of the Borough Plan 2019 requires a financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry. The County Council originally requested contributions towards secondary school places, however this part of the request has since been removed by the County.</p>
<b>Sustainable Travel Promotion</b>	The County Council is keen to promote sustainable travel and requests that either the Developer contributes £10 per dwelling towards the cost of the provision of such information, <b>or</b> that they provide it under a planning condition as part of their new dwelling welcome information.	Based on 230 dwellings the request is <b>£2,300</b>	This is also required as a mitigation measure to off-set the air quality impacts of the development, as set out within section 10 of this report.
<b>Road Safety</b>	A contribution of £50.00 per dwelling is sought to support road safety initiatives within the community associated within the development.	Based on 230 dwellings the contribution requested is <b>£11,500</b>	
<b>Monitoring and Administration</b>	The County Council requires a monitoring fee for the monitoring and administration of County Council obligations, due upon signing of the agreement.	Based on 230 dwellings the calculation is as follows: £500 + (5 hours x £40 Officer time x Number of triggers)	

<p><b>Public Transport Service Request</b></p>	<p>The County Council is seeking a financial contribution to support the maintenance of a minimum of 2 buses per hour (Monday – Saturday 0700-1900) between Bulkington and both Coventry and Nuneaton for a period of 5 years.</p>	<p>The total request sought is <b>£345,000</b> payable in 5 annual payments of £69,000.</p>	<p>Criterion 6 of Policy HSG7 of the Nuneaton and Bedworth Borough Plan 2019 requires bus infrastructure improvements adjacent to HSG7 with a potential contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.</p>
<p><b>Enhancement of existing Bus Stop Infrastructure</b></p>	<p>A total of 3 no. bus stops are situated on Nuneaton Road (B4112) within 400 metres walking distance to the red line boundary for the proposed residential development site. It is strongly advised that the bus stops are enhanced to Warwickshire Quality Bus Corridor (QBC) specification in line with County Council policy stipulated in the Warwickshire Local Transport Plan and supporting aspirations in the Warwickshire Bus Service Improvement Plan. Various specific enhancement measures are requested.</p>	<p>The County Council advises that the Developer manages delivery of the bus stop improvement works as part of Section 278 Agreement highway commitments.</p> <p>The Developer is asked to contribute a commuted sum to cover the cost of cleaning and maintaining the new wooden bus shelter provided through the Section 278 Agreement works for a period of 5 years upon at a sum of <b>£5,000</b> (£1,000 per annum).</p>	<p>Criterion 6 of Policy HSG7 of the Nuneaton and Bedworth Borough Plan 2019 requires bus infrastructure improvements adjacent to HSG7 with a potential contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.</p>
<p><b>Real Time Information</b></p>	<p>The Developer is to be asked to ensure that Real Time Information (RTI) provision is provided at Existing Bus Stop on</p>	<p>It is anticipated that the cost of implementing the RTI provision would be in the region of</p>	<p>Criterion 6 of Policy HSG7 of the Nuneaton and Bedworth Borough Plan 2019 requires</p>



	<p>Nuneaton Road (B4112) opposite Cleveland Road and Existing Bus Stop on Nuneaton Road (B4112) near Cleveland Road, in the form of either a display attached to interior of the wooden bus shelter or separate bus flag type display (as provided at key bus stops in Bedworth).</p>	<p><b>£40,000 per display</b> covering hardware, communications, electrical connections and VIX Technology / contractor project management fees. However, this would be dependent on the extent of the electrical connection requirements. The County Council advises that the Developer should also manage delivery of the RTI provision at the bus stop as part of Section 278 Agreement highway commitments.</p> <p>The Developer is asked to contribute a commuted sum covering the maintenance of the RTI display(s) at a sum of £4,000 (£800 per annum) per display over a 5-year period (<b>£8,000 in total</b>).</p> <p>The Developer is also asked to contribute a commuted sum covering the replacement of the RTI display(s) at the end of their 15-year lifespan at £2,500 per RTI display (<b>£5,000 in total</b>), which is a similar approach undertaken by Developers as WCC puts in place for traffic signals provided via new development.</p>	<p>bus infrastructure improvements adjacent to HSG7 with a potential contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators. Therefore, this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.</p>
<p><b>Pedestrian Connectivity</b></p>	<p>The Developer is to ensure that there is excellent standard of pedestrian infrastructure put in place providing connectivity between the dwellings in the proposed</p>	<p>It is suggested that the Section 278 Agreement highway works design include consideration of a crossing facility to support pedestrian</p>	

	residential development and the bus stops, particularly bus stop C.	accessibility between the proposed residential development and bus stop B.	
<b>WCC Highway Authority request the following:-</b>			
<b>Junction Improvements</b>	The cumulative impact of HSG8 and HSG7 requires improvements to the junctions of Rugby Road / New Street, Rugby Road / Withybrook Road / Shilton Lane, Rugby Road/ Arden Road and Nuneaton Road / Cleveland Road. The costs of the works should be in the region of £1,500,000. The monies to carry out the works will be collected by way of the Section 106 Agreement split between the forthcoming sites.	A sum of £1994.68 per house is requested, totalling £458,776.40 (based on 230 dwellings).  To enable commencement of the detailed design work it is requested that £75,000 is paid on commencement of the development with the rest of the money paid on occupation of the 150th dwelling.	
<b>Footway / cycleway link</b>	A footway / cycleway link from Bulkington to Bedworth is required. An option was put forward which required a new bridge over the railway line to be constructed, the cost of which was not considered CIL compliant. A further design was considered acceptable at a cost of £950,000. Again, the cost will be divided between HSG7 and HSG8.	A sum of £290,559.00 in total (£1263.30 / house) is requested (based on 230 dwellings), with £75,000 requested at commencement of the development to enable detailed design and legal, with the rest paid at occupation of the 150th dwelling. The figure is different to the initial response from the Highway Authority, as the figures are based on a per house basis.	
<b>Bulkington Village Community &amp; Conference Centre</b>	Requests a financial contribution towards the community facility to deliver additional capacity at the centre.	<b>Total of £101,289.70</b> based on 230 dwellings.	Criterion 13 of Policy HSG7 of the Borough Plan 2019 requires a financial contribution toward community facilities. The

			request is considered to be CIL compliant and therefore this obligation must be met to ensure the requirements of this criterion of Policy HSG7 are met.
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**12. Other Matters**

It is noted that letters of objection received during the course of the application raise concerns that the applicant has failed to undertake adequate community involvement. The Local Planning Authority consider community involvement to be an integral part of the planning process, endorsed by national planning guidance and the Council's Statement of Community Involvement (2020).

Developers are required to consult local communities on certain types of development (in line with the Localism Act 2011) before submitting a planning application. Pre-application community involvement should be tailored to the nature and scale of the proposed development. A Statement of Community Involvement (dated June 2022) has been submitted to support the application. The statement confirms the engagement taken place, the methodology adopted and the timeframes associated with the community involvement. The statement also sets out the feedback received and how the scheme has been amended to reflect the feedback. Specifically, whilst recognising that layout is not sought for approval, it is noted that the applicant has amended the red line plan, removed the original proposals for a car park within the scheme and relocated the proposed flat block (such matters are however not sought for approval at this stage).

Overall, the Local Planning Authority are satisfied that the applicant has carried out satisfactory community engagement leading up to the submission of this application and the recommendation to approve the application would not conflict with the aims and principles of community involvement.

**13. Conclusion**

In conclusion, the NPPF (2021) 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 housing site in the Borough Plan and would provide housing and other social and leisure facilities.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, air quality, ecology, biodiversity and heritage and archaeology 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 planning obligations and 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 conditions and subject to a signed S106 legal agreement.

## **REASONS FOR APPROVAL:**

Having regard to the provisions of Policy HSG7 of the Nuneaton and Bedworth Borough Plan 2019, the principle of the development is considered to be acceptable and there are no technical objections to the proposal. It is considered that subject to compliance with the conditions attached to this permission, and subject to obligations being secured under a S106 legal agreement, the proposed development would be in accordance with the development plan and would not result in any unacceptable highway safety impacts.

## **SCHEDULE OF CONDITIONS:**

1. No development shall take place within any phase of the development unless and until full details of the following (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority for that phase:

- a) Access (save for the details of the accesses in to the site from Nuneaton Road and Bramcote Close);
- b) Layout;
- c) Scale;
- d) Appearance; and
- e) Landscaping.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development.

3. In the case of the reserved matters specified above, application for approval accompanied by all detailed drawings and particulars, must be made to the Council not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

**Plan Description**

Location Plan

**Plan No.**

TAR-032-C.D 003A

**Date Received**9<sup>th</sup> February 2023

Reason: To determine the scope of this permission.

6. No construction, groundworks or remediation work within any phase shall be undertaken until a Construction Environmental Management Plan (CEMP) relating to that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. Schedule of HGV delivery times and a HGV routing Plan;
- b. Construction routes into the site;
- c. Loading and unloading of plant and materials;
- d. Storage of plant and materials used in constructing the development;
- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. Details to prevent mud, debris and obstructions on the highway;
- g. Dust Management Plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction;
- h. Noise and Vibration Management Plan;
- i. Measures to minimise the visual effects of temporary lighting during the construction period;
- j. Compound location;
- k. A Construction Phasing Plan;
- l. Contractor and visitor parking arrangements;
- m. A scheme for recycling/disposing of waste resulting from construction works;
- n. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o. Arrangements for liaison with the Council's Environmental Protection Team;

Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

Reason: In the interests of highway safety, air quality, environmental and residential amenity.

7. Construction working hours for all phases shall be restricted to between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Construction work shall not be permitted on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

The CEMP shall include details of:

- a. Any pre- construction checks required;
- b. The species safeguards to be employed;

- c. Appropriate working practices and timings of construction works;
- d. Timing and methodology of site clearance;
- e. The extent of buffer zones and stand-offs for sensitive ecological features;
- f. Actions to be taken if protected species are discovered during construction;
- g. Methods for checking habitats for nesting birds;
- h. Measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice;
- i. Evidence that a protected species licence from Natural England in regard to operations affecting Great Crested Newts has been obtained;
- j. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase;
- k. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015);
- l. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding;

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

Reason: In order to protect existing ecological networks and features and to ensure the protection of species and habitat.

9. No development, including site clearance, shall commence within any phase until a Biodiversity and Ecological Management Plan (BEMP) relating to that phase has been submitted to and approved in writing by the Council.

The content of the BEMP shall include details of:

- a. Description and evaluation of the features to be managed, to include the brook corridor in the south western part of the site east of Lancing Road, Amberley Avenue and Oakham Crescent;
- b. Details of habitat creation and the extent and type of new planting;
- c. Details of landscaping to site boundaries, SuDS features and ecological buffer zones;
- d. Ecological trends and constraints on site that may influence management;
- e. Aims and objectives of management;
- f. Appropriate management options for achieving aims and objectives;
- g. Prescriptions for management actions;
- h. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- i. Details of initial aftercare and long-term maintenance and retention;
- j. Details of the body or organisation responsible for the implementation of the plan;

k. Details for on-going monitoring and remedial measures.

The BEMP shall fully accord with the results set out within the submitted Biodiversity Impact Assessment (Bulkington BNG Metric 3.1\_V2).

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

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and timescales pre, during and post construction.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the biodiversity enhancement of the site and to ensure suitable maintenance and management of landscaped areas.

10. Notwithstanding the details submitted, a revised Biodiversity Impact Assessment (BIA) shall be submitted with the applications for 'Reserved Matters' when seeking approval of landscaping and layout, to assess the ecological impact of the development which shall be based on the agreed baseline ecology measurement, as set out in the submitted Biodiversity Impact Assessment received by the Local Planning Authority via email on 28<sup>th</sup> March 2023. The Biodiversity Impact Assessment shall be accompanied by a scheme of ecological mitigation measures to offset any biodiversity losses and to provide compensation which would result in an overall biodiversity net gain on site, along with timescales for implementation. The development shall be carried out in accordance with the approved ecological mitigation measures and the approved timescales.

Reason: To secure the biodiversity enhancement of the site within a suitable timeframe.

11. No site preparatory or construction works shall commence within any phase until measures for the protection of the trees and hedges to be retained within that phase have been provided in full, in accordance with the details set out within the submitted Arboricultural Assessment Revision B (FPCR Environment and Design Ltd February 2022). The development of all phases shall be carried out in full accordance with the details set out within the Arboricultural Assessment Revision B (FPCR Environment

and Design Ltd February 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate tree and hedgerow protection is in place, and in the interests of ecology.

12. Notwithstanding the details submitted, nor condition 9 above, the submission of any application seeking approval of any landscaping or layout pursuant to this outline permission shall include an accurate scaled Tree Constraints Plan.

Reason: To ensure a detailed assessment of the Arboricultural Impacts of the development takes place.

13. No hedgerow, tree or shrub shall be removed from the site between 1st March and 30<sup>th</sup> September inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority, development shall then be carried out in strict accordance with the approved details.

Reason: To ensure that wild birds building or using their nests are protected.

14. No development shall take place within any phase until details of the layout of the Central Public Open Space, including the integrated play provision, and ecological and landscaping enhancement areas, the associated boundary details (including fencing), paths (to include any Public Rights of Way) / cycle paths, surfacing, drainage, bins, seating, signage and notice/information boards, together with a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a suitably designed scheme is provided within an agreed timescale.

15. The details required by condition 1(e) (Landscaping) shall be carried out in the following manner:

Soft landscaping within each phase shall be carried out in full in the first planting season following the first occupation of that phase. Hard landscaping works within each phase shall be carried out in full prior to the first occupation of each phase.

Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Local Planning Authority consents in writing to any variation.

Reason: To ensure that suitable landscaping and replacement landscaping is provided within a suitable timeframe.

16. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour



diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme shall also be carried out in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual and residential amenity and ecology.

17. No phase of development shall commence until full details of the site levels and finished floor levels for that phase have been submitted to and approved in writing by the Local Planning Authority. No construction work shall be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

18. No phase of development shall commence until a noise attenuation scheme to meet the standard for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise), to include glazing and ventilation details, has been submitted to and approved in writing by the Local Planning Authority. No dwelling within any phase shall be occupied, unless in full accordance with approved details.

Reason: To ensure an adequate noise environment for future occupiers is achieved.

19. No phase of development shall commence until full details and samples of materials proposed to be used in the external parts of any building in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

20. No phase of development shall commence until full details of the boundary treatments in that phase, including new walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

21. No phase of development above slab level shall commence until details of rainwater harvesting systems to be installed in the curtilage of all dwellings has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed system has been provided in accordance with the approved details. Once provided, the rainwater harvesting systems shall be maintained in perpetuity for the lifetime of the development.

Reason: In the interests of sustainability.

22. No development shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles has been 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. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the runoff rate of 16.3l/s for area A and 2.5l/s for area B in line with the approved surface water drainage strategy (ref: LRBT-BSP-XX-XX-DR-W-0001, revision P02).
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
3. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
4. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
  - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
  - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

The development shall be carried out in accordance with the agreed details.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

23. No development shall take place until a suitable hydraulic model of the development site, representing overland flow paths and surface water flooding, along with any details regarding mitigation measures have been submitted to and approved by the LPA, in consultation with the LLFA. Such information shall:

- Appropriately represent the catchment topography and features, such as the relevant outfall watercourses and any necessary culverts.
- Appropriately represent the post development scenario including proposed levels, features and any other mitigation measures.

- Demonstrate the development is safe from flooding through appropriate mitigation (such as raised finished floor levels) and the on-site drainage is not overwhelmed by runoff from elsewhere.
- Demonstrate the development does not exacerbate flood risk elsewhere.
- Be independently reviewed to ensure that the hydraulic model meets the required industry standard and that the LLFA can be confident in the output from the model. The applicant can choose to use an independent consultant to do this, or the LLFA can provide a quotation to do this on their behalf.

The development shall be carried out in accordance with the agreed details.

Reason: To provide a greater understanding of flood risk to the development and wider area.

24. No occupation of any dwelling shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (LRBT-BSP-ZZ-XX-RP-C-0001-P03) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

The development shall be carried out in accordance with the agreed details.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

25. No occupation of any dwelling in each phase and subsequent use of the development shall take place until a detailed site-specific maintenance plan for the drainage features in that phase has been provided to the Local Planning Authority in consultation with the LLFA. Such maintenance plan should:

- a. Provide the name of the party responsible, including contact name, address, email address and phone number
- b. Include plans showing the locations of features requiring maintenance and how these should be accessed.
- c. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
- d. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the future maintenance of the sustainable drainage structures.

26. No development within any phase shall be carried out until details of the means of foul drainage disposal has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the provision of satisfactory foul sewage disposal.

27. All gas-fired boiler installations within each dwelling shall be low NOx emission type that meet a minimum standard of less than 40 mg NOx per kWhr.

Reason: In order to mitigate increased emissions associated with the development.

28. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted to and approved in writing by the Local Planning Authority for each phase of development. The approved packs shall be provided to the occupiers of each dwelling prior to the first occupation of that dwelling.

Reason: In order to mitigate increased emissions associated with the development and in the interests of sustainable travel and connectivity.

29. No phase of development shall commence until full details of the provision of car parking (to include compliant garage spaces), access and manoeuvring for that phase, including surfacing and drainage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the car parking (to include compliant garage spaces), access and manoeuvring areas for that dwelling have been provided in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles for the lifetime of the development.

Reason: In the interests of highway safety and to ensure adequate parking provision is provided for future residents.

30. No plot shall be occupied within any phase until details of the total number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points within each phase has been submitted to and approved in writing by the Local Planning Authority. Charging points shall be provided at a rate of 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). The Electric Vehicle Charging Points as approved shall be installed and provided prior to the first occupation the relevant dwelling and shall be retained in that form thereafter for the lifetime of the development.

Reason: In order to provide mitigate the Air Quality impacts arising from the development.

31. The access to the site for vehicles from Nuneaton Road (B4112) shall not be used at any time unless and until a bellmouth has been laid out and constructed within the public highway in accordance with Drawing No. 18158-02 Rev F and the specification of the Highway Authority. The above applies unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety.

32. Notwithstanding the plans submitted, nor condition 31 above, the bellmouth access from Nuneaton Road shall not be used at any time unless and until alterations to the existing layby / bus stop have been carried out in full accordance with a scheme for off-site highways works which shall first be submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority. The scheme shall ensure that the required visibility splays are not obstructed and are in accordance with the information provided within the Stage 1 Road Safety Audit and Review.

Reason: In the interests of highway safety.

33. The access to the site for vehicles from Bramcote Close shall not be used until the road and footways have been laid out and constructed within the public highway in accordance with Drawing No. 18158-08-03 and the specification of the Highway Authority. The above applies unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.

Reason: In the interests of highway and pedestrian safety and accessibility.

34. Notwithstanding the details submitted, the access from Bramcote Close shall not be used at any time until such time as the existing turning head fronting No's 11 & 13 Bramcote Close has been permanently closed and the vehicular accesses to each property reconstructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety.

35. No dwelling hereby permitted which would utilise Bramcote Close for access shall be occupied at any time until bollards have been installed on the footways within the radii. The bollards shall be installed in full accordance with the details shown on Drawing No. 18158-08. The above applies unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.

Reason: To prevent parking on the footways and within the necessary visibility splays, in accordance with highway safety.

36. No dwelling hereby permitted which would utilise Bramcote Close for access shall be occupied until the junction improvement scheme on Long Street, as shown on Drawing No. 18158-08-2 Rev B has been carried out in full. The above applies unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety.

37. No more than 60 dwellings shall be occupied on any phase/s of the development accessed from Bramcote Close, unless in accordance with a scheme for the provision of an emergency access, which shall first be submitted to and agreed in writing by the Local Planning Authority, to the satisfaction of the Highway Authority. The scheme shall propose an emergency access between the phase/s of the development accessed from Bramcote Close and the phase/s the development accessed from

Nuneaton Road, together with the necessary link road/s and junction on to Nuneaton Road and shall be supported by vehicle tracking/swept path drawings.

Reason: In order to ensure suitable emergency access is provided within a reasonable timeframe.

38. Neither the phase/s of the development accessed from Nuneaton Road, nor the phase/s of the development accessed from Bramcote Close shall be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access for that phase have been closed in full, with the highway reinstated, in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority and to the satisfaction and specification of the Highway Authority.

Reason: In the interests of highway safety.

39. No phase of development shall be occupied at any time unless in accordance with a scheme for the provision of cycle parking (to include secure cycle parking), which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted cycle parking scheme shall be in full accordance with the details set out within the Nuneaton and Bedworth Borough Council Supplementary Planning Document: Transport Demand Management Matters – Parking Standards SPD 2022, or its equivalent in replacement guidance. Once provided, the cycle parking and secure cycle parking provision shall be maintained in perpetuity for the lifetime of the development.

Reason: In order to mitigate increased emissions associated with the development and in the interests of sustainable travel and connectivity.

40. No development shall commence until:

- a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;
- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and
- d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

41. No phase of development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes for that phase, has been submitted to and approved in writing by the Local Planning Authority.

No development within any phase shall be occupied until provision within each phase has been made in accordance with the approved details.

Reason: In the interests of fire safety.

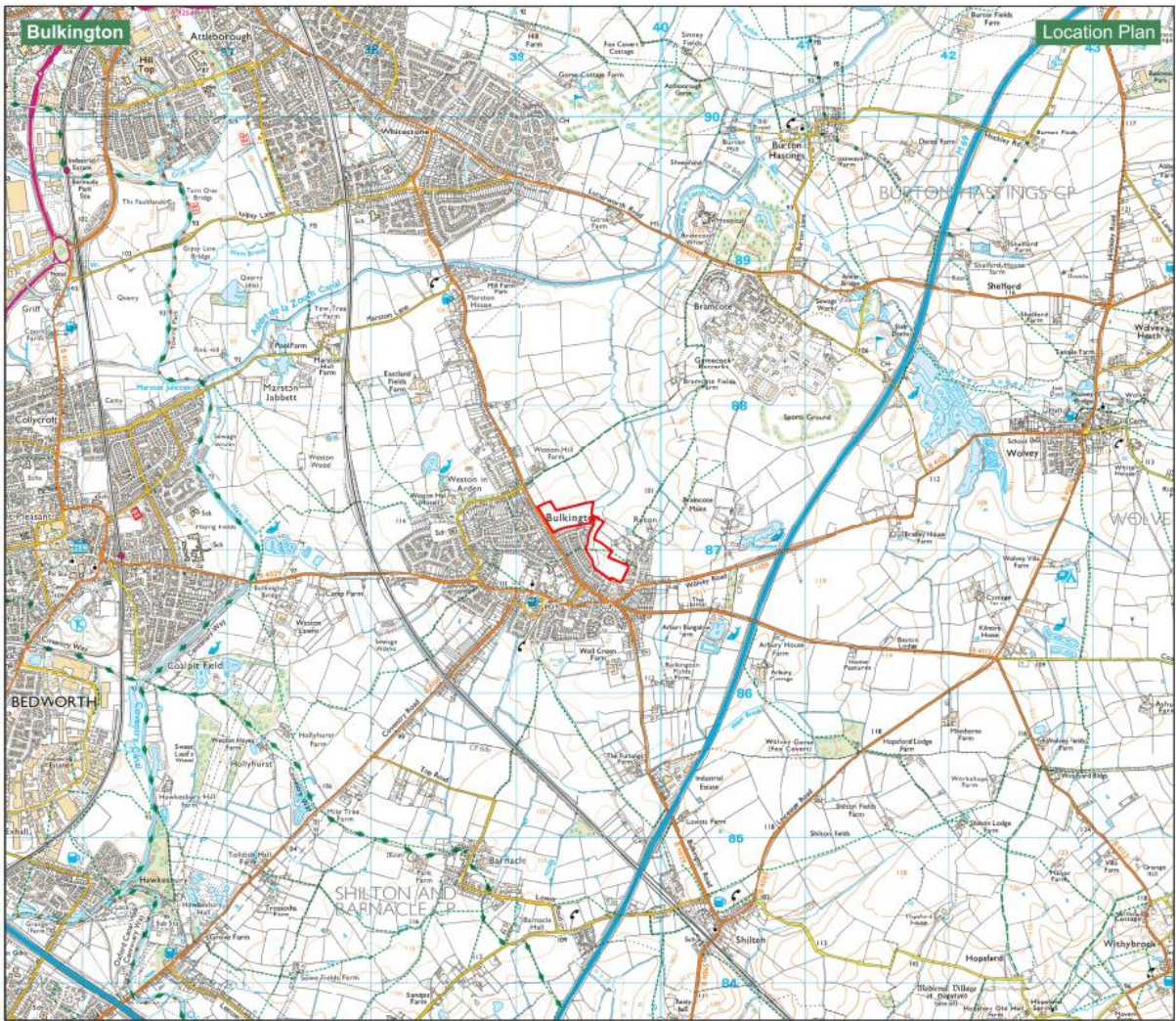
42. Notwithstanding the details submitted, the submission of the first application seeking approval of any reserved matters pursuant to this outline permission shall include a schedule of the mix of dwellings proposed across the whole site (irrespective of phases) demonstrating how the proposed housing mix takes into account and accords with the most up to date Strategic Housing Market Assessment (SHMA) and Housing and Economic Development Needs Assessment (HEDNA) and which 35% of the total dwellings proposed would accord with the Building Regulations requirement M4(2) for 'accessible and adaptable dwellings.'

Reason: In order to ensure a suitable housing mix is secured and to ensure that 35% of the dwellings would accord with the Building Regulations requirement M4(2) for 'accessible and adaptable dwellings,' in accordance with Policy BE3 of the Borough Plan 2019.

43. No more than 230 dwellings shall be erected on site.

Reason: To determine the maximum number of dwellings to be erected on site.





Site location plan

Land to the North of Bulkington, Warwickshire - Outline Parameters Plan (230 Dwellings)





# Indicative parameters plan



# Indicative illustrative masterplan

**REFERENCE No.** 038856

**Site Address:** Site 108D008 - Land rear of 46-80 Coventry Road Bulkington Warwickshire

**Description of Development:** Residential development of 149 dwellings with public open space, landscaping, highways and drainage infrastructure and associated works

**Applicant:** Vistry West Midlands and The Official Custodian For Charities on behalf of Bond's Hospital Estate Charity

**Ward:** BU

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for residential development of 149 dwellings with public open space, landscaping, highways and drainage infrastructure and associated works. The dwellings comprise 112no. open market dwellings and 37no. affordable homes. A total of 6no. 1 bed, 36no. 2 bed, 72no. 3 bed, 13no. 4 bed and 22no. 5 bed are proposed.

The site is 6.92 hectares and is currently an agricultural field. It is allocated for residential development under strategic housing allocation HSG8 of the Borough Plan. It is located on the western side of Bulkington. To the north-east are residential properties in Leyland Road which are predominantly bungalows. To the south-east are properties along Coventry Road which are predominantly two storey. To the north-west of the site is agricultural land which also forms part of allocation HSG8 of the Borough Plan. To the south-west is a railway line.

### **BACKGROUND:**

This application is being reported to Committee as more than 5 letters of objection have been received by the Local Planning Authority during the course of the statutory consultation period.

### **RELEVANT PLANNING HISTORY:**

- There is no relevant history.

### **RELEVANT PLANNING POLICIES:**

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - DS5- Residential Allocations;
  - SA1- Development Principles on Strategic Sites;
  - HSG8- West of Bulkington;
  - H1- Range and mix of housing;
  - H2- Affordable Housing;

- HS1 – Ensuring the Delivery of Infrastructure;
- HS2- Strategic Accessibility and Sustainable Transport;
- HS5- Health;
- HS6- Sports and exercise;
- NE1- Green Infrastructure;
- NE2- Open Space;
- 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
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Open Space & Green Infrastructure SPD 2021.
- Transport Demand Matters SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Cadent, Environment Agency, George Eliot Hospital NHS Trust, Natural England, Network Rail, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, NHS, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way, Western Power Distribution.

### **CONSULTATION RESPONSES:**

Objection from:

NBBC Tree Officer

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, Network Rail, Warwickshire Fire & Rescue, WCC Flood Risk Management, WCC Highways, WCC Rights of Way

No objection subject to planning obligations from:

Bulkington Village Centre, George Eliot Hospital NHS Trust, NBBC Parks, NBBC Sports Development, NHS, WCC Infrastructure

No objection from:

Environment Agency, Natural England, NBBC Housing, NBBC Refuse, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology

Comment from:

NBBC Planning Policy

No response from:

Cadent, Severn Trent Water, Warwickshire Police (Place Partnership), Western Power Distribution

### **NEIGHBOURS NOTIFIED:**

16, 16a, 16b, 20-110 (even), 47-57 (odd), 90a Coventry Road; 1a, 2, 3a, 5a, 7a, 7b, 9a, 11a, 13a, 15a, 17a, 17b, 19a Leyland Road; agents for adjoining sites.

Neighbouring properties were sent letters notifying them of the proposed development on 9<sup>th</sup> May 2022. Site notices were erected on street furniture on 12<sup>th</sup> May 2022 and the application was advertised in The Nuneaton News on 1<sup>st</sup> June 2022.

### **NEIGHBOUR RESPONSES:**

There have been 11 objections from 9 addresses. The comments are summarised below:

1. Increased traffic and congestion.
2. Loss of wildlife habitats.
3. Loss of trees and hedgerows.
4. Would destroy the character of Bulkington village.
5. Another encroachment into an area that separates Bedworth, Coventry and Bulkington.
6. Increased traffic, light and noise pollution.
7. Increased pressures on already overstretched services in the village such as Doctors, Dentist, schools and the emergency services.
8. Coventry Road is a very busy through road. Whilst the development is being undertaken what impact will this have when plant and building material are being brought to the site?
9. Impact in traffic flows.
10. Impact on pedestrian and vehicle safety.
11. Proposed cycleways are inadequate.
12. Increased vibration from vehicles using the access road.
13. Loss of privacy.
14. Insufficient parking.
15. Adverse visual impact on the landscape.
16. Affordable housing not adequately dispersed through the site.
17. Concerns with anti-social behaviour.
18. Concerns with how the ditches will be maintained.
19. Increased flooding.
20. Development is out of character with existing properties.
21. Loss of light.
22. Loss of views.
23. Loss of agricultural land.

### **APPRAISAL:**

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

1. The principle of the development
2. Affordable Housing
3. Visual amenity and landscape character
4. Residential amenity
5. Highway safety and accessibility
6. Flood risk and drainage

7. Contamination and land stability
8. Air quality
9. Ecology, Open Space and Biodiversity
10. Heritage and archaeology
11. Planning obligations
12. 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 into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 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 Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site was previously in the Green Belt. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG8. The key development principles under Policy HSG8 are:

- Provision of at least 495 dwellings in a mix of dwelling types and sizes.
- Provision of under 12s children's play facilities on central parcel of site.
- Play and open space to be provided with appropriate management and maintenance arrangements.
- Financial contribution towards the upgrading of sports facilities and teenage play provision at Bulkington Recreation Ground, as well as financial contribution towards facilities at Miners Welfare Park in Bedworth, a destination park within the council's Open Space Strategy.
- Provision of community allotments on northern parcel of HSG8.
- Financial contribution and/or on-site land swap with Arden Forest Infant and St James Academy Junior schools in order to meet anticipated demand for school places.
- Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
- Bus infrastructure improvements within or adjacent to HSG8, with a potential contribution to secure diversion of frequent local bus services to access the strategic housing site based on dialogue with Warwickshire County Council and bus operators.
- Any transport improvements/upgrades required along Bedworth Road, Coventry Road and surrounding streets as a result of the development.
- Financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington.
- Provision of a footway/cycleway network through the open space on the site, linking Coventry Road with Bedworth Road and up to Severn Road and Mill Lane.

- A toucan crossing on Bedworth Road between the northern and central parcels of HSG8.
- Financial contributions towards the development of a dedicated cycle path along the B4029 between Bulkington and Bedworth
- Potential local sewage network improvements to improve capacity to accommodate the development, subject to discussions with Severn Trent Water.
- Financial contributions towards sport and physical activity.
- Financial contribution towards community facilities.
- Financial contribution for primary medical care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body.

The expected form of development is also set out in Policy HSG8 which includes the creation of substantial hedgerow with hedgerow trees along northern, western and southern boundary, enhancement of linear woodland along the railway line, all site boundaries should be enhanced through new planting of woodland copses and trees whilst maintaining adequate distances from housing, and all veteran hedgerows should be retained and surveyed prior to development and species rich hedgerows should be incorporated within areas of open space.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG8 which were adopted in July 2020. The Concept Plan SPD establishes a strategic context for planning applications and sets a baseline position in terms of assessing future schemes which will contain more detailed proposals. A key objective of the concept plan is to ensure that the strategic land allocation is brought forward in a strategic and comprehensive manner. It is intended to provide a visual representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements. It is a material consideration when deciding planning applications. The proposed layout is in general accordance with the concept plan.

Therefore, it is considered that the principle of developing this site for a mix of residential and open space has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

## **2. Affordable Housing**

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. A total of 37no. affordable units are proposed which equates to 25% and is therefore acceptable. Of the affordable units, 6no. are 1 bed 14no. are 2 bed and 17no. are 3 bed. NBBC Housing have confirmed they have no objection to this mix.

The Affordable Housing SPD 2020 states that to promote inclusive communities, affordable housing should not be identifiable from other forms of housing within a housing development. Affordable housing should not be located in the least desirable areas of the site but distributed evenly amongst market housing. The SPD also provides appropriate cluster sizes which depend on the size of the development. For sites of 101-150 dwellings, there should be approximately 4-5 clusters with a maximum of 7no. dwellings in each. Following discussions and the submission of amended plans, it is considered that this requirement has been met. There are 6 clusters which is considered acceptable as the Affordable Housing SPD only provides an approximate number of clusters, not a maximum. Due to the site being at the upper end of the numbers within the bracket (101-150), it is impossible to deliver the required affordable

houses in maximum clusters of 7 and only using 5 clusters in total. The site is required to deliver 37no. affordable units, with maximum clusters of 5 clusters and 7 units per cluster, this would only deliver 35 affordable units. They have to exceed either the number of affordable units per cluster, or as they have done, the number of clusters. There are now 2no. less affordable dwellings to the south and 2no. more to the north which is considered acceptable. NBBC Housing and NBBC Planning Policy have confirmed they accept the amended layout.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The SHMA 2013 indicates there is greatest need in the borough for three bed properties (45-50% modelled market need), followed by two bedroom properties (35-40%) then 4 bedroom properties (10-15%).

The application deviates from the SHMA in that there is an under provision of 1 and 2 bedroom market houses and an over provision of 4+ bedroom market houses. The Council has commissioned Housing and Economic Development Needs Assessment (HEDNA) in May 2022. The current proposal also does not meet the current HEDNA calculations, as there is an under provision of 1 and 2 bedroom market houses and overprovision of 3 and 4+bedroom market houses. However, Policy H1 does refer to the lack of executive and aspirational homes in the borough and the impact this has on attracting potential business investors to the area. As the development is providing 14no. 4 bed and 21no. 5 bed, it is considered that this would contribute to that type of housing and still provide a mix of housing. The agent has also submitted justification in support of the proposed mix which states that whilst the housing mix is not in direct accordance with the guidance mix, through a reduction in the provision of one and two bed units, the mix responds to the context of the site's location and character of the area.

The application site is within the tertiary settlement of Bulkington and with the surrounding area comprising a suburban context with a generally low density of development. In order to accord with the character of the area comprising a lower density of development, a greater provision of larger family dwellings are proposed. The gross density of development is approximately 22 dwellings per hectare and increasing the provision of one- and two-bedroom units would increase the density of development and deliver a development that does not accord with, or is sympathetic to, the existing character of the area. The proposed mix has been prepared in consultation with the Applicant's Sales Director, who has confirmed that the housing mix would be as expected for this type of location and would be achievable. Concerns were raised regarding the level of demand for a greater provision of smaller units, particularly one-bed units. It would be anticipated that a greater provision of one and two bedrooms properties would be sought from urban areas, where higher density development would be acceptable and encouraged.

Therefore, to ensure a balance across the district in order to meet the guidance, it would be expected that developments within the more rural areas of the Borough are more likely to be at a lower density, with a higher provision of larger family dwellings. It is therefore considered that the proposed mix is acceptable, as it responds to the character of, and demand within, this area of Bulkington.

### **3. Visual Amenity & Landscape Character**

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170). 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 2017 and have been used to inform the Borough Plan. The site is located in Landscape Character Area 5, 'Bulkington Village Farmlands'. The guidelines for the Landscape Character Area recommend enhancing the wooded fringes of the village through the planting of wooded copses and linear woodlands. It is also recommended the prominence of the railway line is reduced by augmenting existing woodland planting. A Landscape and Visual Impact Assessment is included with the application which concludes on balance that any impact will be localised and that there are no overriding landscape or visual effects that prevents the site from being developed.

The NPPF (2021) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130). BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The proposed built development is outward facing in relation to the proposed open space, SuDS and the primary roads within the site. This provides visual interest and a positive relationship between the different uses. The dwellings are predominantly two-storey with some bungalows and two and a half storey which is acceptable. Materials consist of brick with some render and other details such as canopies, chimneys, cill detailing and bay windows are introduced. Where plots have side elevations that face the road/public realm, features such as false chimneys and additional windows are proposed to provide more of an active frontage.

Clearly, the proposals would have an impact on the landscape character of the area, but it is not considered that this would be significant. The site is part of an allocated site within the adopted Borough Plan and while its future development in line with Policy HSG8 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

### **4. Residential Amenity**

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. A Noise Assessment has been submitted with the application. This found that the dominant noise sources affecting the proposed development site were road traffic movements on Coventry Road and train movements on the railway line. NBBC Environmental Health have confirmed that they are satisfied with the methodology and conclusions of the assessment. The report sets out that some mitigation is required, such as enhanced glazing and ventilation to properties facing towards the railway. Therefore, NBBC Environmental Health have requested a condition which ties the development to the mitigation set out in the report.



In relation to the existing properties, distance standards are met, in compliance with the Sustainable Design & Construction SPD 2020. In terms of distance standards within the site, these are generally met. There are some instances where there are shortfalls but there are mitigating circumstances. Examples of this are plot 93 to plot 102 which is 15.8m but is across a road. Plot 92 to plot 104 is 13m but is also across a road. Plot 136 to side of plot 137 is 2m but the windows affected are either secondary or non-habitable. Plot 145 to plots 4 & 5 is 18m but this is across a road. Plot 136 to plot 7 is 14.5m, plot 35 to plot 25 is 13.5m and plot 33 to plot 24 is 14.5m but these are all across a road. Plot 70 to plots 61 & 62 is 13-14m but again this is across a road. Plots 65 & 66 to plots 63 & 64 are 15.5m but are across a road. Plot 87 to the side of plot 85 is 13m but this is across a road and plot 85 is angled away with views past. Plot 76 to detached garage at plots 84 and 85 is 11m but the room affected is served by a window and patio doors and there are views past from the patio doors. Plot 99 to the side of plot 93 is 13m but this is across a road. Plot 149 to the side of plot 148 is 5m but the windows affected are either secondary or non-habitable. Plot 19 to the side of plot 20 is 6m but the windows affected are either secondary or non-habitable. Plot 132 to the side of plot 131 is 3.5m but the windows affected are either secondary or non-habitable. Plots 140/141 to plots 142/143 are 16m but this is across a parking area. Plot 20 to the side of plot 18 is 13.7m but the room affected is served by a window and French doors with some views past and is only a 30cm shortfall. Plot 28 to detached garage at plot 31 is 11.7m but the rooms affected are served by windows and patio doors with some views past and it is only a 30cm shortfall. Plot 37 to the side of plot 38 is 7m but the windows affected are either secondary or non-habitable. Plot 68 to the side of plot 69 is 6.5m but the windows affected are either secondary or non-habitable. Plot 59 to plot 68 is 16m but this is across a road. The windows at plot 96 face the side facing windows at plot 95 at a distance of 15.5m but the windows affected are either secondary or non-habitable.

There are also instances where there are detached garages on both side boundaries but again there are mitigating circumstances. In terms of Plot 69, the height to the eaves is 2.5m which is just above a boundary treatment that could be built under permitted development with the roof sloping away. One of the garages on the boundary of plot 115 has a hipped roof and the height to the eaves is 2.5m which is just above a boundary treatment that could be built under permitted development with the roof sloping away. In terms of plot 102, both garages have hipped roofs with the roof sloping away. In terms of plot 33, one of the garages has a hipped roof with the height to eaves at 2.5m with the roof sloping away.

In terms of rainwater harvesting, no details have been provided. However, this can be secured through a condition. A total of 50% of the dwellings meet the optional Building Regulations requirement M4(2) 'accessible and adaptable dwellings' which exceeds the 35% requirement as set out in Policy BE3 of the Borough Plan. The house types all comply with the Nationally Described Space Standards and all plots have private amenity space.

## **5. 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). Access is proposed off Coventry Road between no's. 44 and 46. The access is designed with a junction radii of 6 metres, 2.4 x 160 metre visibility splays, a carriageway width of 5.5 metres and shared footways approximately 3 metres wide. WCC Highways have no objection.

The proposed layout demonstrates that, subject to agreement, vehicular linkages between the site and the adjoining parcels to the north and south-west can be delivered to ensure a comprehensive layout across all parcels.

In terms of parking provision, the Transport Demand Matters SPD 2021 requires 1 space per dwelling + 1 unallocated space per 5 dwellings for 1 bed properties, 2 per dwelling + 1 unallocated space per 10 dwellings for 2 bed properties and 2 per spaces dwelling + 1 unallocated space per 5 dwellings for 3 bed properties. The proposal largely meets the Transport Demand Management Matters SPD in terms of numbers of spaces and some visitor spaces have been provided. Cycle parking will be provided either within garages or to the secure rear of individual properties. WCC Highways have no objection to the level of parking provided.

A Transport Assessment has been submitted with the application. The development would result in an increase of slightly over 30no. two-way vehicle movements per hour at the junction of School Road/New Street/Aden Road/Stafford Close and the Nuneaton Road/Rugby Road/Arden Road junction. The junction forming the site access will operate with spare capacity during both peak hour periods. The mini-roundabout at the junction of Coventry Road (B4109) / Bedworth Road (B4029) / School Road (B4029) continues to have spare capacity in 2031 with background traffic growth plus traffic added to account for the full HSG8 allocation being developed out. Notwithstanding this, mitigation to address the cumulative impacts of the whole allocation of HSG8 would be required. WCC Highways have requested a contribution of £297,207.32 towards improvements to the Rugby Road / Witherbrook Road corridor.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 104). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 105). Schemes are proposed as outlined in the submitted Travel Plan which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. As part of the site allocation for strategic housing at site HSG8, it is proposed by WCC for a dedicated cycle route to be provided along the B4029 between Bulkington and Bedworth and this application would contribute to that. WCC Highways have requested £188,187 towards this. The layout of the site has regard to the route of the existing public right of way which enters the site in the southwest corner, runs along the western boundary and then the northern boundary before crossing the hedgerow into the parcel to the north. The public right of way route is retained through the open space, passing adjacent to the attenuation basin and play facilities. Provision of footpaths and cycleways will be made within the site. The development would also provide a contribution towards a toucan crossing on Bedworth Road and WCC Highways have requested £27,216.34 from this application for this.

The nearest bus stops are situated on Coventry Road, approximately 400m walking distance from the application site, between Bedworth Road/School Road and Chequer Street. These stops are only currently used by bus service no. 213 which only operates on Tuesdays, once a day in each direction, between Bedworth and Rugby. The nearest set of bus stops to the site, with frequent services, are situated along School Road, approximately 700m walking distance from the application site. These will be accessible from the site via the public right of way, which runs through the site and then alongside the northern boundary, and links into Leyland Road leading to Benn Road. This provides a slightly shorter route to the nearest bus stops from most of the proposed properties.

Policy TC3 of the Borough Plan states that any new residential development should be within 1,200m walking distance of a district or local centre. The site is approximately 0.8km from Bulkington District Centre which therefore meets this requirement.

## **6. Flood Risk & Drainage**

The NPPF (2021) 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. Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk.

The NPPF (2021) within paragraphs 161 and 162 describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment has been submitted with the application. This states that the site is within flood zone 1, therefore complying with the aims of the Sequential Test.

In terms of surface water drainage, due to the site having no infiltration capabilities, the SuDS are proposed to be incorporated on site utilising an attenuation basin and conveyance swales. The proposed development will have an outfall discharging to existing drainage and watercourse. The discharge rate will be restricted to a maximum of 30 l/s which is equivalent to the greenfield runoff from the site and therefore the development will be safe, without increasing flood risk elsewhere. The implications of climate change of up to 40% have been considered when establishing the drainage requirements. WCC Flood Risk Management have no objection subject to conditions.

## **7. Contamination and Land Stability**

The NPPF (2021) sets out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 183 and 185). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Site Investigation Assessment has been submitted with the application. This assessment has not identified any elevated contamination risk and NBBC Environmental Health have confirmed that they are satisfied with the findings and as such no contaminated land conditions are necessary.

## **8. Air quality**

The NPPF (2021) states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 186).

An Air Quality Impact Assessment has been submitted with the application. The predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at receptors on the development site show that future residents will not be exposed to air quality exceeding the UK AQS objectives. Elsewhere (off-site) the impacts are predicted to be 'negligible' at all receptor locations. NBBC Environmental Health are satisfied with the findings of the assessment and have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

## **9. Ecology, Open Space and Biodiversity**

The NPPF (2021) outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 174, 179 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

An ecological assessment and an arboricultural assessment have been submitted with the application. The ecological assessment is based on the findings of an extended Phase 1 habitat survey, an assessment of trees for bat roost potential, an assessment and survey of waterbodies, and transect and static detector surveys of bat activity. It states that no statutory sites of international significance for nature conservation were identified within 10km of the application site, and no statutory sites of national significance within 2km. No adverse impacts upon non-statutory wildlife sites in the vicinity are anticipated as a result of the proposed development. Trees with potential to support roosting bats will be retained within the green infrastructure of the proposed development. Presence/absence surveys suggest that Great Crested Newts are likely to be absent from the site. The report also makes recommendations for a number of measures to enhance the ecological value of the development site including the use of species rich grassland and existing ponds for SuDS to provide optimal wildlife habitats, suitable lighting, hedgehog friendly fencing and provision of bat and bird boxes.

Hedgerow Meadow Grassland and Flowering Lawn Grassland comprise the large area of green space along the western edge of the development site including a SuDS attenuation basin that will provide additional wetland. The existing field pond on site shall be regraded and enhanced with native trees and shrubs and Flowering Meadow Grassland to serve as additional amenity space and encourage linked habitats through the site. Existing hedgerows through and around the site are to be retained and buffered with native tree and shrub mix, to maintain field patterns and promote wildlife corridors. Hedgerows planted to enclose car parking areas will form additional habitats for local wildlife. Native trees along the perimeter of the development will be planted to match the local context. NBBC Parks have no objection to the proposed planting mix and the requests for amendments have been taken on board by the applicant.

A total of four non-U category individual trees (T3, T4, T42 & T47), one tree group (G68) and part of another tree group (G50) have been identified in the assessment findings as requiring removal. The trees and tree groups were found to be category C. Additionally, some category U trees may need removal.

NBBC Tree Officer has concerns regarding the potential impact on trees, particularly when canopies reach full maturity and that some of the plots have garages in root protection areas (RPA's) and some RPA's are in gardens. The agent has responded that this needs to be balanced against many other policies including the need to deliver housing and at appropriate densities. The site already has a low density of development, well below the other parcels of HSG8 due to the field boundaries, which

they have sought to retain as far as possible and respect as much of the vegetation as possible. Their arboricultural consultant has advised that the RPA buffers within the Open Space SPD are in excess of the British Standard, and if they seek to strictly adhere to them, it will stifle development in some locations.

The mix and layout has been amended to ensure that all development sits outside of the RPAs (within the exception of a small area of a garage). Notwithstanding this, the agent has confirmed they would be agreeable for all permitted development rights to be removed for those dwellings identified being close to the RPA's. A condition to this effect will be added and it is considered that this would significantly limit the prospect of harm to the RPAs.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a net loss in biodiversity. At the time of writing the report, NBBC Parks have not provided information regarding the type of off-setting to be provided, the final monetary figure and where this will be spent in the Borough. The agent has agreed in principle to provide biodiversity off-setting.

In relation to open space, 1.44 hectares of open space on site is proposed which includes open space to the southwest along the railway line providing land for active recreation and general amenity land equipped play provision to be delivered as part of a cross-boundary LEAP with the land parcel to the north and natural / semi-natural habitat provision across the site incorporating ponds, enhanced field boundaries and the attenuation basin. NBBC Parks have no objection.

## **10. Heritage and Archaeology**

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas, scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes will be approved.

An archaeological assessment has been submitted with the application. WCC Archaeology have stated that the site lies in an area of significant archaeological potential including for prehistoric, Roman and Anglo-Saxon remains to survive across the proposed development area. As the significance of any archaeological remains is unknown, they have requested a programme of archaeological fieldwork be completed. This has been carried out in the form of trial trenching. The main objectives of the evaluation were to gather sufficient information to establish the presence / absence, character, extent, state of preservation and date of any archaeological deposits which may be present within the area of proposed development. Other than a number of furrows which were interpreted as remnants of the previous ridge and furrow agricultural regime and modern drainage features, no significant archaeological deposits were identified within the site. As a result, WCC Archaeology are of the opinion that the proposed development is unlikely to have a significant archaeological impact and have no objections.

## **11. Planning Obligations**

The NPPF (2021) sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable (Paragraph 55). However, paragraph 57 of the NPPF notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 93 of the NPPF (2021) also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	£233,878.19	Applicant agreed to pay
	Biodiversity off-setting	NBBC Parks to confirm off-setting units and figure	Applicant agreed to pay in principle
<b>NBBC Housing</b>	Provision of affordable housing	25% affordable	Applicant agreed to provide
<b>WCC Education</b>	Monies for the provision and improvement of schools	Secondary: £426,864	Applicant agreed to pay
		SEND: £36,381	Applicant agreed to pay
<b>WCC Highways</b>	A footway / cycleway link from Bulkington to Bedworth	£188,187.00	Applicant agreed to pay
	Junction improvements on the Rugby Road / Withybrook Road corridor.	£297,207.32	Applicant agreed to pay
	Provision of Toucan Crossing on Bedworth Road	£27,216.34	Applicant agreed to pay
	Traffic Regulation Order to control the speed limit within the adopted site to be 20mph.	£3,000	Applicant agreed to pay
<b>NBBC Sports Development</b>	Provision of sports and leisure facilities	£343,824	Applicant agreed to pay
<b>Bulkington Village Centre</b>	Improvement of facilities at Bulkington Village Centre	£65,618.11	Applicant agreed to pay
<b>CCG</b>	Provision of healthcare facilities	£126,316	Applicant agreed to pay

<b>George Eliot Hospital NHS Trust</b>	Provision of additional health care services	£136,272	Not considered to be CIL compliant
<b>WCC Infrastructure</b>	Improvement, enhancement and extension of the facilities or services of a specified library service point	£3,261	Applicant agreed to pay
	To support the ongoing maintenance of public rights of way within a one and a half miles radius of the site.	£6,230.66	Applicant agreed to pay
	Sustainable travel information	£1,490	To be provided through a condition
	Provisions to support road safety initiatives within the community associated within the development	£7,450	Applicant agreed to pay

## 12. 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 housing site in the Borough Plan and would provide housing and other social and leisure facilities.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, ecology and heritage and archaeology 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 planning obligations and 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 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:

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

Description	Reference number	Date Received
Site Location Plan	31006 00	3 <sup>rd</sup> May 2022
Site Layout	31006 01G	19 <sup>th</sup> May 2023
Site Layout- Colour	31006 01G	19 <sup>th</sup> May 2023
Boundary Treatments Plan	31006 03B	19 <sup>th</sup> May 2023
External Works Plan	31006 04B	19 <sup>th</sup> May 2023
Materials Plan	31006 02B	19 <sup>th</sup> May 2023
Parking Plan	31006 05B	19 <sup>th</sup> May 2023
Refuse Plan	31006 06B	19 <sup>th</sup> May 2023
Storey Heights Plan	31006 07B	19 <sup>th</sup> May 2023
Mature Tree Plan	07106-FPCR-XX-XX-DR-L-0009	19 <sup>th</sup> May 2023
On Plot Landscape Proposals (Sheet 1 of 5)	07106-FPCR-XX-XX-DR-L-0004	19 <sup>th</sup> May 2023
On Plot Landscape Proposals (Sheet 2 of 5)	07106-FPCR-XX-XX-DR-L-0005	19 <sup>th</sup> May 2023
On Plot Landscape Proposals (Sheet 3 of 5)	07106-FPCR-XX-XX-DR-L-0006	19 <sup>th</sup> May 2023
On Plot Landscape Proposals (Sheet 4 of 5)	07106-FPCR-XX-XX-DR-L-0007	19 <sup>th</sup> May 2023
On Plot Landscape Proposals (Sheet 5 of 5)	07106-FPCR-XX-XX-DR-L-0008	19 <sup>th</sup> May 2023
POS Landscape Proposals (Sheet 1 of 2)	07106-FPCR-XX-XX-DR-L-0002	19 <sup>th</sup> May 2023
POS Landscape Proposals (Sheet 2 of 2)	07106-FPCR-XX-XX-DR-L-0003	19 <sup>th</sup> May 2023
POS Landscape Proposals- General Arrangement	07106-FPCR-XX-XX-DR-L-0001	19 <sup>th</sup> May 2023
House Type 1BM	HTPD-1BM F Rev A	8 <sup>th</sup> March 2023
House Type 2BB	HTPD-2BB-F _ Rev C	8 <sup>th</sup> March 2023
House Type AF222	HTPD-AF222 F Rev A	8 <sup>th</sup> March 2023
House Type AF333	HTPD-AF333 F _ Rev C	8 <sup>th</sup> March 2023
House Type S461	HTPD_S461-F Rev B	8 <sup>th</sup> March 2023
House Type WM222	HTPD-WM222 F rev B	19 <sup>th</sup> May 2023
House Type X307	HTPD-X307-F 02 Rev A	8 <sup>th</sup> March 2023
House Type X307	HTPD-X307-F 01 Rev A	8 <sup>th</sup> March 2023
House Type X307CT	HTPD-X307CT F02 Rev A	8 <sup>th</sup> March 2023
House Type X307CT	HTPD-X307CT F01 Rev A	8 <sup>th</sup> March 2023
House Type X308V	HTPD-X308V N 02 Rev B	8 <sup>th</sup> March 2023
House Type X308V	HTPD-X308V N 01 Rev B	8 <sup>th</sup> March 2023
House Type X309	HTPD-X309 F Rev A	8 <sup>th</sup> March 2023
House Type X414	HTPD-X414 _ Rev B	8 <sup>th</sup> March 2023
House Type X416	HTPD-X416 _ Rev B	8 <sup>th</sup> March 2023
House Type X518	HTPD-X518 F Rev A	8 <sup>th</sup> March 2023
House Type X520	HTPD-X520 01 Rev C	8 <sup>th</sup> March 2023
House Type X520	HTPD-X520 02	8 <sup>th</sup> March 2023
House Type X3413CT	HTPD-X3413CTF01Rev B	8 <sup>th</sup> March 2023
House Type X3413CT	HTPD-X3413 F 02 Rev B	8 <sup>th</sup> March 2023
House Type X3413CT	HTPD-X3413CTN 01Rev B	8 <sup>th</sup> March 2023
House Type X5415V	HTPD-X5415V N rev A	8 <sup>th</sup> March 2023



Double Garage- Pyramid Roof	HTPD_AGD2VT _ Rev A	8 <sup>th</sup> March 2023
Double Garage- Pyramid Roof	HTPD_AGD1VT _ Rev A	8 <sup>th</sup> March 2023
Double Garage X 2	HTPD_AGD2VT X 2	3 <sup>rd</sup> May 2022
Single Garage	HTPD_AGS2VT _ Rev A	8 <sup>th</sup> March 2023

3. No development, groundworks or remediation shall be undertaken until a phasing plan is submitted and approved in writing by the Council. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways;
- b. Residential dwellings;
- c. Provision of public open space;
- d. Provision of ecological and landscaping enhancement areas;

The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

4. No construction, groundworks or remediation will be undertaken until a Construction Management Plan has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Schedule of HGV delivery times and a HGV routing Plan;
- ii) Construction routes into the site;
- iii) Hours of work;
- iv) Loading and unloading of plant and materials;
- v) Storage of plant and materials used in constructing the development;
- vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) details to prevent mud, debris and obstructions on the highway,;
- viii) Measures to control the emission of dust and dirt during construction;
- ix) Compound location
- x) A construction phasing plan;
- xi) Contractor and visitor parking arrangements and
- xii) A scheme for recycling/disposing of waste resulting from construction works.

Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

5. No development shall commence until a Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and site lighting. The plan should include, but not be limited to:

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan

- vii) Dust Management Plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

The agreed details shall be adhered to throughout the duration of construction.

6. No development shall commence until a detailed surface water drainage scheme for the site, based on the sustainable drainage principles set out within the approved surface water drainage strategy (ref: CRBW-BSP-ZZ-XX-RP-C-0001-P04\_FRA\_&\_Drainage\_Strategy, revision P04, dated 20 October 2021) has been 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. The scheme to be submitted shall:

- i) Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.38l/s/ha for the site in line with the proposed strategy.
- ii) Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.

The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

- iii) Provide detail drawings including cross sections, of proposed features such as detention basins, swales, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

- iv) Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

- a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

- c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

- d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

- v) Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.

- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

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

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

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

8. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Ecological Appraisal received by the Council on 3<sup>rd</sup> May 2022 will be implemented and maintained. The content of the BEMP shall include:
- a.details of planting to provide additional foraging areas for bats;
  - b.details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
  - c.details of mammal friendly fencing;
  - d.habitat creation;
  - e.biodiversity impact mitigation
  - f.landscape and ecological buffer zones;
  - g. provision of hibernacula;
  - h. provision of barn owls nest boxes;
  - i.details of a scheme securing future maintenance and retention;
  - j. description and evaluation of features to be managed;
  - k. aims and objectives of management;
  - l. appropriate management options for achieving aims and objectives;
  - m. prescriptions for management actions;
  - n.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- o. details of the body or organisation responsible for implementation of the plan;
- p. ongoing monitoring and remedial measures.

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

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

9. No phase of development shall commence until full details of the construction of the roads serving that phase including footways, private drives and means of accessing individual plots, drainage (including the outfalls) and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The site shall not be occupied until the areas have been laid out and substantially constructed. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

10. No development shall commence until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres 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.

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

12. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Council. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development.

13. No development shall commence within 30 metres of the railway line until a method statement and risk assessment in relation to the railway has been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

14. No development shall commence within 30 metres of the railway line until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

15. No development above slab level shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be occupied until provision has been made in accordance with the approved details.

16. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

17. No development above slab level shall commence until full details of a suitable trespass proof fence adjacent to the boundary with the railway have been submitted to and approved in writing by Council. The development shall not be carried out other than in accordance with the approved details.

18. No development above slab level shall commence until details of rainwater harvesting systems to be installed in the curtilage of all new dwellings has been submitted to and approved in writing by the Council. No dwelling shall be occupied until the agreed system has been provided in accordance with the approved details.

19. Within one month of practical completion, a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (CRBW-BSP-ZZ-XX-RP-C-0001-P04\_FRA\_&\_Drainage\_Strategy, revision P06, dated 18<sup>th</sup> May 2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

20. No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

- i) Provide the name of the party responsible, including contact name, address, email address and phone number

- ii). Include plans showing the locations of features requiring maintenance and how these should be accessed.
- iii). Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
- iv) Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

21. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking and one charging point per 10 spaces for unallocated parking has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

22. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted to and approved in writing by the Council for each phase of development. The approved packs shall be provided prior to the first occupation of that dwelling.

23. No dwelling shall be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed.

24. No dwelling shall be occupied until the visibility splays from the vehicular access to that plot, passing through the limits of the site, adjacent properties fronting the highway, have been provided in accordance with the approved plans. 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 carriageway.

25. No dwelling shall be occupied until the boundary treatment to that plot has been erected in accordance with the details on the Boundary Treatments Plan, drawing no. 31006 03B (received by the Council on 19<sup>th</sup> May 2023).

26. No occupation of any dwelling shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Council. The schedule shall include details of the arrangements for its implementation. No development shall be carried out other than in strict accordance with the approved schedule.

27. No development shall be carried out other than in accordance with the noise mitigation measures set out in the Noise Risk Assessment and Acoustic Design Statement Report ref 21452-1-R1 received by the Council on 3<sup>rd</sup> May 2022.

28. Access to the site from the public highway shall not be made other than at the positions identified on the approved drawing, number 31006/01 Rev G (received by the Council on 19<sup>th</sup> May 2023). No access shall be used until constructed in accordance with the approved plans.

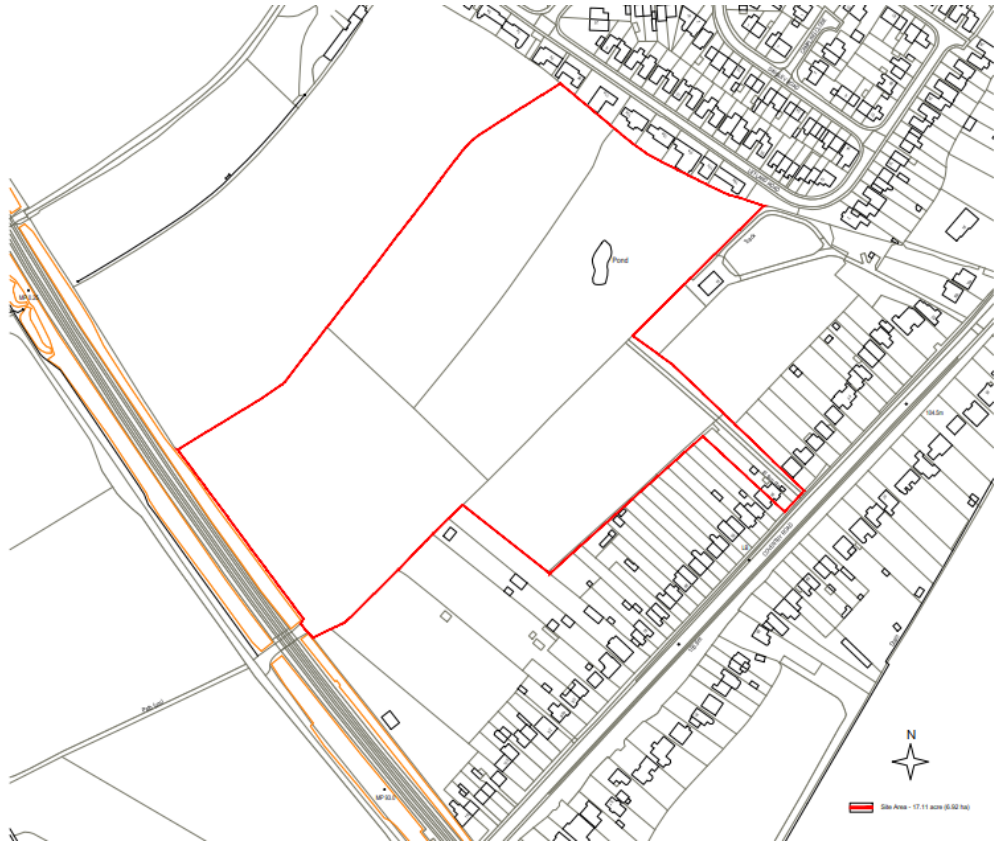
29. Junction visibility splays shall be provided within the site, passing through the limits of the site fronting the highway, with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.

30. No structure, tree or shrub shall be erected, planted or retained within the shown pedestrian intervisibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the footway.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and enacting that Order) no extension (under Class A) or outbuilding (under Class E shall be erected at plots 1, 2, 3, 4, 5, 15, 16, 17, 18, 102, 103, 104, 105, 106 and 107 without the prior written consent of the Council.

32. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.





Site Location Plan



Site Layout

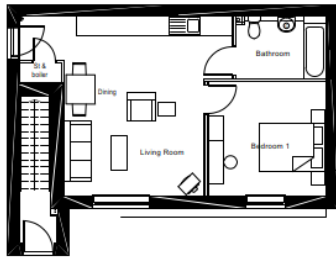




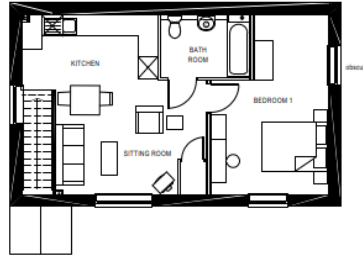
REAR ELEVATION

SIDE ELEVATION

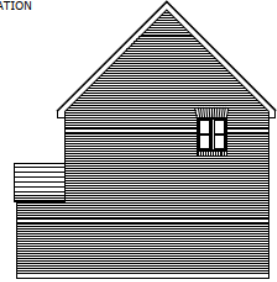
FRONT ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

Rev A- Solar info added.

### House Type 1BM



FRONT ELEVATION

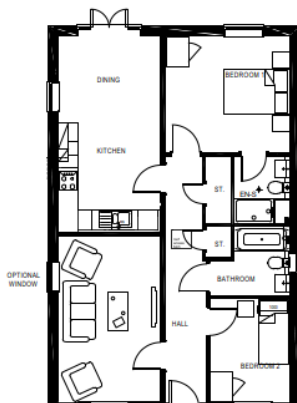


SIDE ELEVATION

OPTIONAL WINDOW



REAR ELEVATION



### House Type 2BB



SIDE ELEVATION

CENTRALLY ON ROOF (INDICATIVE LAYOUT AND POSITIONING TO BE BY SPECIALIST DESIGNER). INSTALLED WITH AN EXPORT CAPABLE METER. ORIENTATION WILL VARY ON A SITE/PLANT BASIS.

Rev C- Solar info added.  
 Rev B- Chimney omitted and optional window added to focal elevations only  
 Rev A- Chimney and false window added to focal elevation



House Type AF222



House Type X307



House Type X414



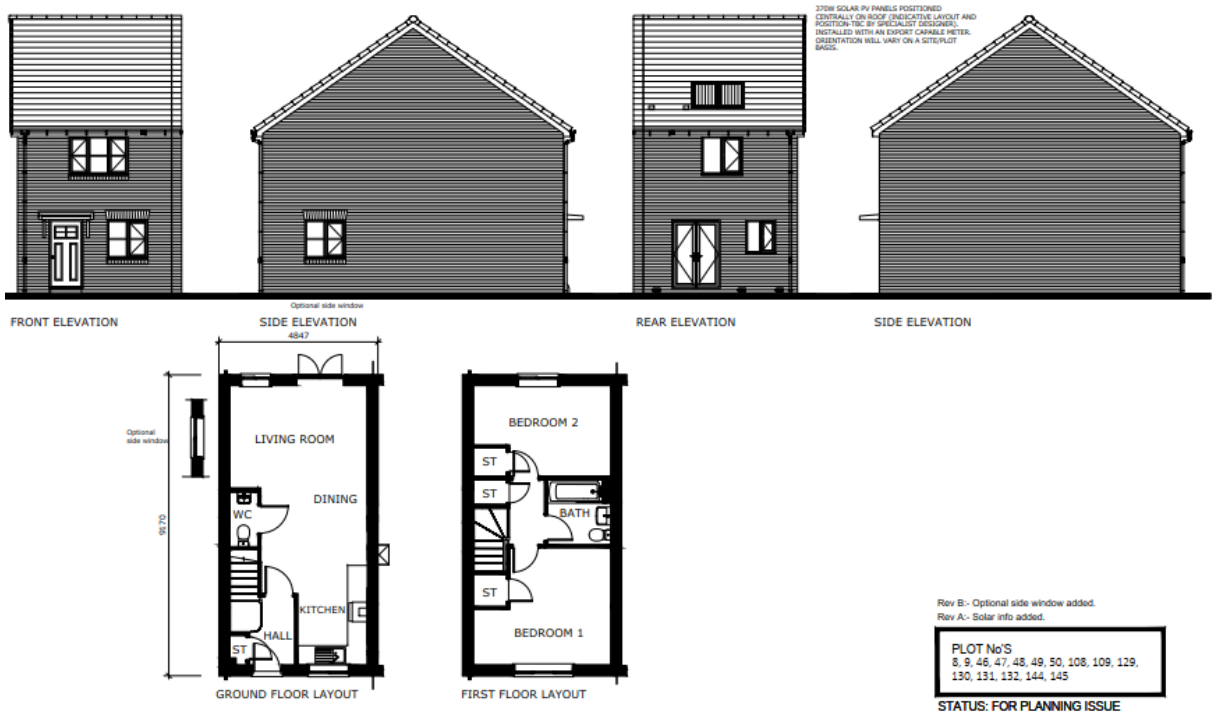
House type AF333



House Type S461



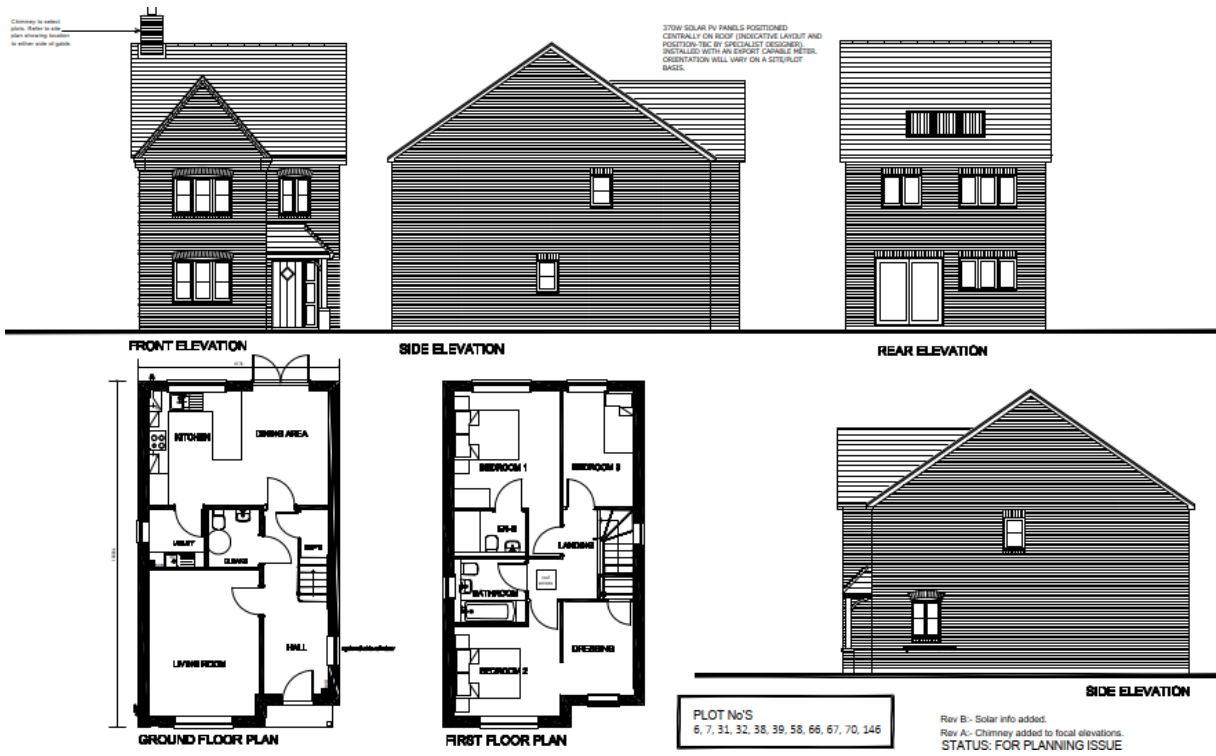
House Type X518



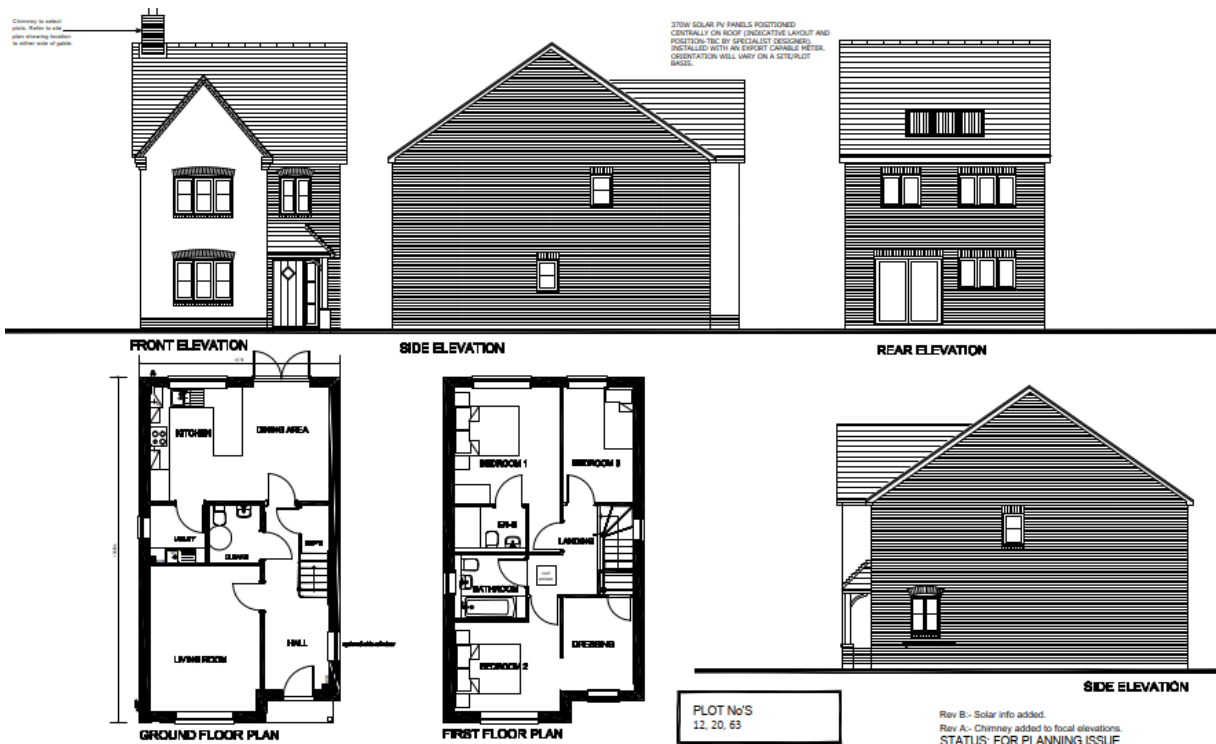
House Type WM222



House Type X307CT (1)



House Type X308V (1)



House Type X308V (2)



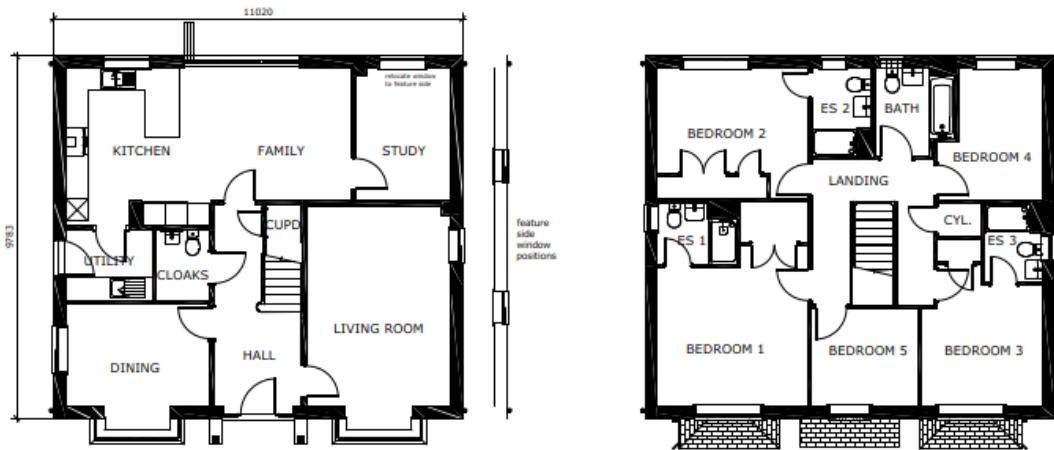
House Type X309



House Type X416



House Type X520 (Elevations)



House Type X520 (Floor plans)





House Type X3413CT (Informal)



House Type X3413CT (Formal)



House Type X3413CT (Formal render)



House Type X5415V

## **Glossary**

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

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

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

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

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

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

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

Brownfield – Land which has had a former use.

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

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

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

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

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

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the

environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system.

Can contain documents such as development plans and statements of community involvement.

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

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)**