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Date: 21<sup>st</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, 4<sup>th</sup> July 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

Councillors L. Cvetkovic (Chair),  
C. Cape, M. Green, B. Hammersley,  
J. Hartshorn, S. Markham, B. Pandher,  
J. Sheppard (Vice-Chair), E. Shiers,  
R. Smith and K. Wilson.

## **Committee Site Visits**

### **Planning Applications Committee – 4<sup>th</sup> July 2023**

**Members are reminded that a site visit will take place prior to the Planning Applications Committee in connection with application 039111- Site 108C002, Land off Leyland Road, Bulkington.**

**Members are asked to meet at the site at 4:30pm.**

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

The purpose of a site visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:

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

## 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 13<sup>th</sup> June 2023, attached (**Page 6**) and the minutes of the extraordinary meeting held on 26<sup>th</sup> June 2023 (**To Follow**).

#### 4. DECLARATIONS OF INTEREST

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

##### Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
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**

**13<sup>th</sup> June 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 13 June 2023, in the Council Chamber and was live streamed and recorded.

**Present**

Councillor J. Sheppard (Vice-Chair)

Councillors: M. Green, B. Hammersley, J. Hartshorn, S. Markham, B. Pandher, R. Smith, K. Wilson and M. Walsh (substituting for Councillor L. Cvetkovic).

Apologies: Councillors C. Cape, E. Shiers and L. Cvetkovic

PLA5 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 23rd May 2023 be approved and signed by the Chair.

PLA6 **Declarations of Interest**

Councillor Smith declared that it is public knowledge that in respect of application 039005, he has opposed the principle of development on this piece of land since its inclusion in the current Borough Plan, and, as Portfolio Holder, it is his intention as part of the review to remove the site. So, on that basis and bearing in mind the rules on predetermination, he confirmed he would remove himself from this meeting and any further decisions in respect of this application.

As Councillor M. Walsh was a substitute Councillor for this meeting, his declarations were not detailed in the Schedule attached to the agenda.

**RESOLVED** that the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interest for Councillor M. Walsh.

**IN PUBLIC SESSION**

PLA7 **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 13<sup>th</sup> JUNE 2023

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039005 – Site 98C003 – Land off Lancing Road, Findon Close, Bulkington.  
Applicant: Tarmac Trading Limited.

**DECISION**

That this item be deferred to an Extraordinary Planning Applications meeting to be held on Monday, 26 June 2023 to:

- a) allow for Highways Officers to attend the meeting; and
  - b) allow for a site visit to take place.
- 

038144: Site 108D008 – Land rear of 46-80 Coventry Road, Bulkington.  
Applicant: Vistry West Midlands and The Official Custodian For Charities on  
behalf of Bond's Hospital Estate Charity.

**DECISION**

That this item be deferred to an Extraordinary Planning Applications meeting to be held on Monday, 26 June 2023 to:

- a) allow for Highways Officers to attend the meeting; and
  - b) allow for a site visit to take place.
-

## Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

	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 – 2023/2024

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**Planning Applications Committee**

**4<sup>th</sup> July 2023**

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

**Previously Considered/Site Visits**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	039111	BU	Site 108C002 Land off Leyland Road, Bulkington, Bedworth	15
2.	039556	BU	7 St Ives Way, Nuneaton	62

<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	Whitestone		

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## Item No.1

**REFERENCE No.** 039111

**Site Address:** Site 108C002 Land off Leyland Road, Bulkington, Bedworth, CV12 9LW

**Description of Development:** Outline application for up to 95 dwellings with access (all other matters reserved) and associated infrastructure including demolition of 7A Leyland Road (affecting footpath B41)

**Applicant:** Rosconn Strategic Land

**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 up to 95 dwellings on a site of approximately 3.8 hectares with access (all other matters reserved) and associated infrastructure including demolition of 7A Leyland Road (affecting footpath B41) at site 108C002 Land off Leyland Road Bedworth CV12 9LW. Access would be taken from Leyland Road and Benn Road to the north west of the site, whilst an indicative layout has 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.

This site forms part of the strategic housing allocation HSG8 'West of Bulkington' which is allocated within Policy DS5 of the Borough Plan 2019 which sets out a provision for at least 495 dwellings in a mix of dwelling types and sizes, spread across 3 separate parcels of land. The application site forms one part of the largest of the 3 parcels of land forming the allocation.

Strategic Housing allocation HSG8 covers 25.1 ha of land adjoining the western edge of Bulkington. The application site forms part of the southern parcel of the strategic allocation, which is located north of residential properties on Coventry Road, west of residential properties on Leyland Road, and to the south of two small linear fields with a central smallholding. The west coast main railway line forms the western boundary with all elements of the strategic site.

The wider parcel of land which this proposed development would form part of is well contained on all four sides by existing residential development and the railway embankment. This limits views into and out of the central and southern parcels and provides separation from the wider countryside to the west, beyond the railway line.

Public footpath B41 runs east west through the site along the south eastern boundary of the site and leads from Leyland Road to agricultural fields to the west. These agricultural fields separate Bulkington from Bedworth.

The site and the wider allocation consist of a number of arable or pastoral fields defined by a combination of hedgerows and post and rail fencing. The site is relatively flat, differing slightly from the northern parcels of the allocation which slope gently from the current edge of Bulkington down to the railway line.

Residential properties directly to the north, east and south of the strategic housing site are predominantly two storey, post war properties, with single storey bungalows located on Leyland Road to the east.

### **RELEVANT PLANNING HISTORY:**

There is no relevant planning history for this parcel of HSG8, however, the adjacent parcel of land located immediately to the south east of the site also forms part of the allocation. Planning application reference 038856 relates to this adjacent parcel of land and proposes the residential development of 149 dwellings with public open space, landscaping, highways and drainage infrastructure and associated works. This application is currently pending consideration and is a material planning consideration in the assessment of this application.

### **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.
  - HSG8 – West 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: HSG8, West of Bulkington Supplementary Planning Document (2020)

### **CONSULTEES NOTIFIED:**

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

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

NBBC Environmental Health, Warwickshire Water Officer, WCC Rights of Way, WCC Highway Authority, WCC Flood Risk Management Team, WCC Archaeology Team.

Comments/requests for S106 contributions from:

NBBC Tree Officer, WCC Fire and Rescue Authority, George Elliot Hospital Trust, NBBC Housing, NHS, Warwickshire Police, NBBC Parks and Open Spaces Officer, NBBC Sports and Recreation, NBBC Planning Policy Team, NBBC Waste and Recycling, WCC Infrastructure Team.

No objection from:

Network Rail.

No comments to make from:

Natural England.

No response from:

Severn Trent Water, Environment Agency, Western Power, Cadent Gas.

### **NEIGHBOURS NOTIFIED:**

9, 11, 13, 15, 17, 19, 21, 23, 24, 25, 26, 27, 28, 30, 32, 34, 36, 38, 40, 42 Benn Road, 1, 1a, 3, 3a, 5, 5a, 7, 7a, 7b, 9, 9a, 11, 11a, 13, 13a Leyland Road, 14 Bedworth Close, 14 Mersey Road, 21 Amberley Avenue, 19 Gloucester Close, 3 Smiths Way, Grove Park.

Neighbouring properties were sent letters notifying occupants of the proposed development on 15<sup>th</sup> August 2022. A site notice was erected on street furniture on 15<sup>th</sup> August 2022 and the application was advertised in The Nuneaton News with the press advertisement expiring on 28<sup>th</sup> September 2022.

### **NEIGHBOUR RESPONSES:**

There have been 18 letters of objection received from 16 separate addresses.

A petition has also been received objecting to the proposal, with the petition signed by 117 individuals.

Councillor Keith Kondakor has also submitted a letter of objection.

The comments received are summarised below;

1. Overlooking and loss of privacy impacts for existing and future occupants.
2. Increased traffic on the roads and associated pollution, noise impacts and headlight glare.
3. Capacity and adequacy of the local road network to accommodate the proposed development and highway safety impacts of the proposed access arrangement.
4. Concerns in relation to the settlement hierarchy and whether there has been confusion as to where Leyland Road is located within the settlement hierarchy.
5. Impacts upon the junction between Benn Road and Bedworth Road and impacts on turning right on to Bedworth Road.
6. Requests for traffic management to be implemented at the junction of Benn Road and Bedworth Road.
7. Concerns in relation to the environmental impacts arising as a result of increased traffic.
8. Concerns stating that the Borough Plan is not scheduled to be finalised until 2024 and that planning permission should not be considered until the final results are published.
9. Concerns relating to the development of greenfield sites over brownfield sites.
10. Concerns relating to a lack of infrastructure to accommodate the proposed increase in occupants.
11. Loss of wildlife and habitats and biodiversity impacts.
12. Impacts upon the countryside and the enjoyment of the countryside.
13. Inadequacy of local road network to accommodate construction traffic.
14. Concerns that the village is being destroyed and is becoming a town.
15. Concerns relating to the adequacy of the highway information/survey data submitted to support the application.
16. Concerns in relation to the impacts arising throughout the construction period, to include potential damage which would be caused.
17. Highway safety concerns relating to the proposed bus route, lack of bus access to the site itself and bus stop location.
18. Concerns in relation to the proposed footpath arrangement.
19. Concerns that an existing property would be demolished.
20. Impacts upon vegetation on site and protected trees.
21. Concerns in relation to flood risk.
22. Noise impacts arising from the location of the train line and the mitigation measures which would be required.
23. Concerns that the number of houses to be built in the borough is under review due to the numbers not required to accommodate the overflow from Coventry City Council and as such all proposal should not be reaching the planning permission stage until this has all been established. The latest 2021 census shows around 40,000 less people in the city than expected.
24. Lack of information relating to the adoption and maintenance of the roads and public areas.
25. Concerns that the development of the land is not supported by local residents.
26. Concerns in relation to sewage infrastructure, low water pressure, poor internet connection and light pollution.
27. Lack of parking within the village shopping area to accommodate the increased demand.
28. Requests that the planning committee carry out a site visit to see the land and the proposed access and highway arrangements.
29. Increase crime rates.
30. Impacts upon the agricultural land which produces food and fodder.
31. Increased pressure on public services.
32. Impacts upon house prices.

33. Impacts upon the Green Belt and concerns that the proposal would constitute an undesirable development in the countryside / Green Belt and would thereby detract from the pleasant character and appearance of this attractive rural area.
34. Concerns in relation to overdevelopment and that the proposal would not follow the existing density or pattern of development locally.
35. Concerns in relation to ground stability impacts.
36. Comments and evidence submitted to demonstrate that further collisions and near misses have occurred at the junction between Benn Road and Bedworth Road than those provided within the data submitted to support the application.
37. Requests that alternative access arrangements are considered.
38. Concerns that parked cars line Benn Road, resulting in traffic and highway safety concerns.
39. Concerns raised by a neighbouring land owner setting out that the proposed footpath link shown on the submission would encroach on to land not owned by the applicant and that the landowner will not consent to the link. A request has also been received to amend this element of the application.
40. Concerns in relation to a lack of safe cycling provision from this site to the nearest railway station and the local 6<sup>th</sup> form.
41. Concerns that the access from the site is not compatible with latest LTN1/20 requirements. There is no cycle access to the site except illegally on 2m wide pavements or narrow carriageway of 30MPH roads. The site needs a segregated LTN1/20 access route and internal roads need to have 20MPH limit.
42. Comments that the development should be as zero carbon as possible and that every home should include solar panels and be as close to Passive House standards as possible.

## **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. 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 HSG8 'West of Bulkington' which is allocated within Policy DS5 of the Borough Plan 2019 and sets out a provision for at least 495 dwellings in a mix of dwelling types and sizes, spread across 3 separate parcels of land. The application site forms one part of the largest of the 3 parcels of land forming the allocation.

The Council's Concept Plans for Strategic Allocations: HSG8, West of Bulkington Supplementary Planning Document (2020) sets out within section 2.8 of the document that the site is located within walking distance of Bulkington Village District Centre. 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. In addition, Arden Forest Infant and St James CofE Academy (junior) are within Bulkington village and are also located within walking distance from 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 Bedworth Road which provide services from Bulkington to Nuneaton, Bedworth and Coventry, as well as services from the centre of Bulkington which connects Bulkington with Nuneaton and Coventry via Wolvey and Walsgrave Hospital. In addition, whilst not within walking distance, the Bedworth Train Station is located less than 2 miles from the application site and it is reasonable to assume that future occupiers would make use of this service.

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. The first stage of the review was the Issues and Options stage (that was required by Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012). Consultation on the Issues and Options document took place between 11th June 2021 and 6th August 2021. Following this, the Council produced a Preferred Options document which is an informal stage between the Issues and Options and Publication stages. Within this document, it is proposed to remove the third parcel of land to the north of Bedworth Road as part of Policy SHA-5, however two parcels of land would remain part of the proposed new allocation, one being the southern parcel which the application forms part of.

Notwithstanding the above issues relating to the impacts upon the wider allocation, given the stage of preparation of the emerging plan, and in accordance with the advice set out within Paragraph 48 of the NPPF (2021), the Borough Plan review can only be afforded limited weight.

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 the residential development of the site would accord with the Borough Plan as a whole when having regard to its allocated status.

The scheme would generate an economic benefit relating to 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. 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 which would be secured via condition and through a S106 legal agreement.

- *Impacts upon the wider allocation*

Given that the site only forms part of the wider HSG8 allocation, consideration should be given as to whether the proposed development of the application site would prejudice the ability for the wider allocation to meet the policy requirements of Policy HSG8 of the Borough Plan, particularly when having regard to the key development principles.

Policy HSG8 sets out 28 key development principles across the wider allocation, as set out below:-

1. Provision of at least 495 dwellings in a mix of dwelling types and sizes.
2. Provision of under 12s children's play facilities on central parcel of site.
3. Play and open space to be provided with appropriate management and maintenance arrangements.
4. 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.
5. Provision of community allotments on northern parcel of HSG8.
6. 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.
7. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.

8. 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.
9. Any transport improvements/upgrades required along Bedworth Road, Coventry Road and surrounding streets as a result of the development.
10. Financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington.
11. 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.
12. A toucan crossing on Bedworth Road between the northern and central parcels of HSG8.
13. Financial contributions towards the development of a dedicated cycle path along the B4029 between Bulkington and Bedworth
14. Potential local sewage network improvements to improve capacity to accommodate the development, subject to discussions with Severn Trent Water.
15. Financial contributions towards sport and physical activity.
16. Financial contribution towards community facilities.
17. Financial contribution for primary medical care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body.

*- Form of development*

18. Landscape buffer along Bedworth Road to enhance the character and approach into the village from the west.
19. Development along Bedworth Road should mirror the existing landscape treatment and scale of development, and should be designed so as to frame views towards the church and refrain from dense planting which may limit views towards the church.
20. Creation of substantial hedgerow with hedgerow trees along northern, western and southern boundary (to be maintained as a Green Belt defensible boundary).
21. Enhancement of linear woodland along the railway line.
22. Conserve and enhance the pattern of small and medium sized fields bounded by intact hedgerows where possible.
23. Retain and enhance field ponds through incorporating into a network of interconnected open spaces and undertake related protected species surveys including for great crested newts.
24. Creation of a green corridor along public right of way N41 (actual footpath reference being B41) as part of an interconnected network of open spaces.
25. 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. Species rich hedgerows should be incorporated within areas of open space.
26. Site will require a concept framework to ensure the parcels that make up the site come forward in a comprehensive manner and cohesive manner. Development proposals should be in accordance with the concept plan, including access arrangements.
27. The northern parcel will require a strategic green edge to the north of the boundary to provide a defensible boundary. This area should include open space and the proposed allotments.

Following a review of the above key development principles, the residential development of this site, when having regard to the fact that layout, scale, landscaping and appearance are all reserved matters, would not prejudice the ability for all other parcels of the allocation to be delivered 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: HSG8, West of Bulkington Supplementary Planning Document (2020).

In addition, the scheme proposes the demolition of 7A Leyland Road to facilitate the access in to the site and its loss should be considered within this assessment. 7A is a single storey detached bungalow located to the south west of Leyland Road. The property is not considered to be of any historic or architectural interest which would warrant its retention and the loss of this dwelling to facilitate the development of the wider site is considered to be acceptable in principle.

- *Principle of Development Summary*

Overall, 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. Additionally, whilst the Borough Plan review attracts limited weight at this time, the scheme would also be supported under Policy SHA-5 set out within the Nuneaton & Bedworth Borough Council Borough Plan Review Preferred Options Paper 2024-2039.

The principle of the development is therefore considered to be acceptable and would accord with Policies DS1, DS2, DS3 and HSG8 of the Borough Plan 2019, as well as the Council's Concept Plans for Strategic Allocations: HSG8, West 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 planning statement sets out that the scheme "will provide the required proportion of affordable housing (up to 25%)."

It should be noted that the policy compliant level of affordable housing is 25% and not 'up to' 25%, however, the 25% policy requirement could be secured through a S106 legal agreement and this would be the Council's intention should permission be granted. It is also recognised that section 7.3 of the submitted planning statement sets out draft heads of terms which states that 25% of the dwellings will be affordable homes in any case. Page 23 of the submitted Design and Access statement also sets out that 71 of the 95 properties would be open market dwellings and that 24 properties would be affordable homes.

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.

The submitted application form sets out a tenure split of 18 social, affordable or intermediate rented properties and 6 affordable home ownership properties which is a split of 75%/25% respectively. No comments from the Council's Housing Team have been received relating to tenure mix. The precise split would be confirmed at the reserved matters stage when the precise number of proposed units is known. A condition is recommended to be attached to ensure the first application seeking reserved matters approval is supported by a schedule of the mix of dwellings

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).

- *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 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 submitted planning statement confirms that the housing mix is indicative at this stage, but that the mix has been informed by discussions carried out with the Council's Housing Officer, the latest SHMA evidence and the applicants' own assessment of market demand.

It is recognised that the layout is not currently for consideration, however the supporting documents do state a likely housing mix and the site 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 - 0%	1	6 – 25%
2	35-40%	2	35-40%	2	25 - 35%	2	10 – 42%
3	45-50%	3	45-50%	3	28 - 40%	3	6 – 25%
4	10-15%	4	10-15%	4	18 – 25%	4	2 – 8%

In terms of the SHMA, there is an under provision of 1-bedroom and 3-bedroom market houses and an over provision of 4-bedroom market houses. In terms of affordable housing, the proposal also provides an overprovision of 1-bedroom properties, and a slight overprovision of 2-bedroom affordable houses, a large under provision of 3-bedroom affordable houses and an under provision of 4-bedroom affordable houses. 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 and is as follows:

	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, this clearly indicates that there is an under provision of 1-bedroom open market housing and an overprovision of 4-bedroom dwellings. The submitted application form sets out that the scheme would result in 18 properties for affordable rent and 6 for affordable homeownership, however this does not provide the full breakdown of the housing mix for the affordable housing other than the 26%/74% split (required by the Council's SPD). It is therefore unclear whether the site can accommodate the HEDNA projections.

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.

It is also noted that a different mix of housing was agreed on the Taylor Wimpey element of this same strategic site, as it was anticipated that the market for Bulkington may differ from other areas. However, the HEDNA now provides more up to date data and therefore carries more weight than the 2013 SHMA.

Overall, whilst the above concerns have been raised, the housing mix set out is indicative at this stage, owing to the outline nature of the application. A detailed housing mix, based on a detailed layout plan, would form part of subsequent reserved matters application (to be secured through the imposition of a planning condition) 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). These comments relating to housing mix are also considered to be equally relevant to the open market housing split. In addition, the Council's Planning Policy Team and the Strategic Housing Team have no objections to the application.

Subject to the applicant entering in to a S106 legal agreement to secure the appropriate policy compliant level of affordable housing, and subject to the imposition of a planning condition to secure the submission of the precise housing mix to be submitted at the reserved matters stage, 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).

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 sought for approval at this stage and would form part of the assessment of a future reserved matters application.

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 visual prominence of HSG8 was considered to be moderate-low with few attractive features or views in relation to settlement setting and views of Bulkington. The Landscape Character Assessment update has suggested a number of guidelines for new development on HSG8 which includes;

- Conserve and enhance the pattern of small and medium sized fields bounded by intact hedgerows where possible on southern and central parcels;
- Retain and enhance the field pond on the central parcel and creation of green corridor either side of public footpath B41 through incorporating into a network of inter-connected open spaces;
- Enhance wooded fringes of village edge through planting new small woodland copses and trees and incorporating trees across the site;
- Enhanced tree cover along site boundaries;
- Landscape buffer along the Bedworth Road frontage of the northern parcel to enhance the character and approach into Bulkington from the west; and
- For the central parcel, mirror existing landscape treatment and scale of development along Bedworth Road.

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 and 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 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 also be taken into consideration.

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 terms of precise visual impacts, these cannot be ascertained at this stage given the outline only nature of this application, however, a design and access statement has been submitted to support the application which provides details in relation to the placemaking strategy and provides illustrative details relating to the proposed appearance, scale and layout of the scheme. The indicative layout provided also shows the proposed land uses across the site and the proposed pedestrian and vehicular connections to Leyland and Benn Road, as well as the adjoining two parcels of land.

With regard to the form of development, Policy HSG8 of the Borough Plan 2019 sets out various criteria which has been reproduced below. Some of the below criteria relates more to the allocation as a whole, as opposed to this parcel of the site specifically.

18. Landscape buffer along Bedworth Road to enhance the character and approach into the village from the west.

19. Development along Bedworth Road should mirror the existing landscape treatment and scale of development, and should be designed so as to frame views towards the church and refrain from dense planting which may limit views towards the church.

20. Creation of substantial hedgerow with hedgerow trees along northern, western and southern boundary (to be maintained as a Green Belt defensible boundary).
21. Enhancement of linear woodland along the railway line.
22. Conserve and enhance the pattern of small and medium sized fields bounded by intact hedgerows where possible.
23. Retain and enhance field ponds through incorporating into a network of interconnected open spaces and undertake related protected species surveys including for great crested newts.
24. Creation of a green corridor along public right of way B41 as part of an interconnected network of open spaces.
25. 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. Species rich hedgerows should be incorporated within areas of open space.
26. Site will require a concept framework to ensure the parcels that make up the site come forward in a comprehensive manner and cohesive manner. Development proposals should be in accordance with the concept plan, including access arrangements.
27. The northern parcel will require a strategic green edge to the north of the boundary to provide a defensible boundary. This area should include open space and the proposed allotments.

Criteria 18-19 is not considered to be particularly relevant to the application site given it would not be located adjacent to Bedworth Road. With regard to criterion 20, the submitted illustrative masterplan shows soft landscaped areas to the south western boundary. Any application submitting seeking reserved matters approval should demonstrate that the scheme would result in the creation of 'substantial hedgerow with hedgerow trees' to be maintained as a Green Belt defensible boundary. Similarly, any reserved matters application applied for would need to demonstrate the enhancement of linear woodland adjacent to the railway (criterion 21). With regard to criterion 22, the illustrative details appear to show the boundary hedgerows remaining intact, other than where a single vehicular access point and three pedestrian accesses are proposed to be formed within the hedgerow to the south eastern boundary of the site,

In terms of criterion 23, there are no field ponds within the application site to be retained and enhanced, however it is noted that one is located in the adjacent field to the south east of the site, although the development of this parcel is not considered to prohibit the ability for the southern parcel to enhance and retain this pond.

In terms of criterion 24, the HSG8 Concept Plan shows areas of proposed formal open space to the south eastern boundary of the site. The illustrative layout shows an access point immediately adjacent to this open space area and the likely location of the internal access road would prohibit the ability for the site to accommodate any significant open space to the south eastern boundary. The public footpath, in the main, would be accommodated along the footpaths adjacent to the internal access road which is not considered to be the intention of criterion 24 of Policy HSG8. The illustrative layout shows a triangular section of open space with a pedestrian connection in to the southern parcel. On this basis, it cannot be said that the indicative masterplan would achieve the creation of a green corridor along public right of way B41 as part of an interconnected network of open spaces, however an increased amount of open space to the south western boundary of the site is proposed above that shown on the concept plan.. Whilst access is sought for approval at this stage, the internal access arrangement is not, and it is considered that a revised layout could be secured at the

relevant reserved matters stage/s to ensure that an acceptable green corridor along footpath B41 would be achieved.

In terms of criterion 25, it is inevitable that some hedgerow would be lost to facilitate access points, however, the illustrative masterplan shows that these losses are likely to be minimal. Any reserved matters application for layout and landscaping would need to demonstrate that the site boundaries should be enhanced through new planting of woodland copses and trees whilst maintaining adequate distances from housing, and all veteran hedgerows are retained where possible and surveyed prior to development and that species rich hedgerows would be incorporated within areas of open space.

In terms of criterion 26, the application would not be in accordance with the concept plan, to include its proposed access arrangements. Therefore, conflict has been identified with criterion 26 of Policy HSG8. A concept framework has not been submitted, however this could be secured through the imposition of a planning condition to ensure that the development of this parcel of the site comes forward in a comprehensive manner and cohesive manner. Conflict is therefore identified with criterion 26 of Policy HSG8.

Criterion 27 relating to a strategic green edge and open space and allotment areas is not relevant to the application site as it related to the northern parcel of strategic site HSG8.

- *HSG8 Site Concept Plan*

With regard to the Site Concept Plan provided within the Concept Plans for Strategic Allocations: HSG8, West of Bulkington Supplementary Planning Document (2020), the plan shows the majority of this parcel of the site to comprise of residential development, with the PRow to be retained to the south eastern boundary of the site. Formal open space is also proposed to span across the PRow retention area to the south eastern boundary of the site. A landscaping buffer is also shown to the south western, north western and north eastern boundaries of the site. Vehicular access is not proposed to lead from Leyland Road or Benn Road to the north east of the site and instead access locations are shown at two points to the south east of the site from Coventry Road. In contrast, the illustrative layout proposes its own access from Leyland Road to the north east of the site. As already discussed above, this arrangement fails to accord with criterion 26 of Policy HSG8.

The Concept Plan also shows proposed pedestrian/cycle connections around the perimeter of the majority of the allocation, but also between the application site itself and the southern parcel, and two further pedestrian/cycle connections to the north western parcel of land which would require access over third party land which does not form part of the strategic housing site. In terms of pedestrian/cycle connections, the illustrative details are in general accordance with the Concept Plan and are not considered to result in any unacceptable impacts. As already set out above, the retention of PRow B41 would result in conflict with criterion 24 of Policy HSG8 given that it would not be retained within a green corridor.

Overall, the above assessment has identified conflict with both criterion 24 and criterion 26 of Policy HSG8 of the Borough Plan 2019. Whilst layout is not sought for approval at this stage, the proposed access arrangement would dictate several layout matters, particularly those relating to the retention of the PRow and the creation of a green corridor as part of an interconnected network of open spaces. Any reserved matters applied for would need to show changes to the internal access arrangement (which

are not sought for approval under this outline application) to ensure that a green corridor would be achieved.

The conflict arising with criterion 26 arises as a result of the proposed access location not being in accordance with the concept plan. The impacts arising from the proposed access arrangement can be demonstrated above through the conflict with criterion 24.

The development of the adjacent parcel of land to the south east is currently pending consideration under planning application reference 038856. This scheme relates to a full planning application, where all matters are sought for approval within one planning application. The layout of the adjacent parcel would dictate the internal access arrangement proposed at reserved matters stage for this planning application. The layout of the adjacent site shows three pedestrian access locations through the boundary hedgerows along the south eastern boundary, along with one vehicular access point to connect the two sites. The access points do not precisely match those proposed under planning application 038856, however, as the internal access arrangement, landscaping and layout are not sought for approval at this stage, this would not be a reason to resist the scheme. The applicant would be required to ensure that the connection and access points proposed at the relevant reserved matters stage/s would align with those of the adjacent site. A S106 legal agreement would be utilised to ensure that unrestricted access between the two sites via the dedicated pedestrian and vehicular access points is secured in perpetuity,

In addition, whilst the demolition of number 7A Leyland Road would have an impact upon the existing character and pattern of development along Leyland Road, the impacts arising from the break in the streetscene would not result in any adverse impacts upon the character and appearance of the area in this instance.

- *Summary*

It should 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 HSG8 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.

Conflict has been identified with criteria 24 and 26 of Policy HSG8 and the Concept Plan for HSG8, however, the level of conflict arising is not considered to be unacceptable and it is recognised that the Concept Plans are primarily used to provide a visual representation of policy requirements and are conceptual in nature. They are not intended to be exhaustive, nor dictate how all elements of an allocated site are to be developed.

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. Concerns have also been raised in relation to the noise environment achieved for future users and the mitigation measures which might be required.

The west coast main railway line along the western boundary of HSG8 is a potential source of noise. The sewage works to the west of the railway line, close to the central and southern parcels of HSG8 is a potential source of odour. The sewage works are located approximately 65 metres to the west of the site.

A Noise Assessment has been submitted to support the application. The Council's Environmental Protection Team have reviewed the findings set out within the noise report which identifies some elevated noise arising from the railway which would require mitigation. A condition has been recommended to be attached to secure a noise and vibration attenuation scheme, including glazing and ventilation details to meet the standard for internal and external noise levels, as defined in table 4 and paragraph 7.7.3.2 of BS8233:2014. A 1.8 metre high acoustic fence is also requested to be erected to the side boundaries of the two existing houses on Leyland Road to mitigate the noise impact of vehicles utilising the site access.

The Environmental Protection Officer has identified that the indicative layout includes a 'lay-off; from the railway of around 50 metres. The Officer has advised that this lay-off should be adhered to and that buildings located closer to the railway would not be supportable. The precise layout would be a matter to address fully when layout is sought for approval, in the event outline planning permission is granted.

An odour report has also been submitted to support the application which concludes that the odour effect on the site from identified nearby sources (to include agricultural uses and the nearby sewage works) would not be significant. The impacts would mainly arise when sludge removal takes place and when the wind blows towards the site, and during the application of organic matter to nearby fields such as slurry and manure, however this would take place sporadically. No mitigation in relation to odour is proposed and the Council's Environmental Protection Team have no objection to the application on ground of odour impacts.

As this is an outline application, the layout is not being considered. 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. A total of 35% of the dwellings will need to meet the optional Building Regulations requirement M4(2) 'accessible and adaptable dwellings' as set out in Policy BE3 of the Borough Plan 2019 and a condition is recommended to be imposed to secure this requirement. 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, such matters would be addressed at the relevant reserved matters stage/s when layout and appearance 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. Conditions are however 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.

Subject to the imposition of a condition to secure the submission of a suitable noise and vibration attenuation scheme to be submitted and approved in writing, a condition to secure the submission of a boundary treatment scheme, 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 sets 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 proposes one primary vehicular access from Leyland Road to the north western boundary of the site between existing residential properties located to the south western edge of Leyland Road. The demolition of number 7A Leyland Road is also proposed to ensure the appropriate access width is achieved.

The County Highway Authority have been consulted on the application and no objections are raised to the scheme, subject to the imposition of planning conditions and a S106 legal agreement to secure various financial contributions.

- *Impact upon the road network*

The impact of the potential vehicle movements associated with the proposed development on the public highway network has been assessed. Traffic modelling has been carried out which shows that the development would have a very severe impact (an increase in queue length of over 20 vehicles) at the junction of Weston Lane/Nuneaton Road which is likely to be the result of development traffic queuing to turn right to use Weston Lane to approach the development site.

Other impacts with regard to queuing relate to the addition of development traffic at the Bedworth Road/Severn Road Junction in a 2031 Reference Case scenario. This is a mini-roundabout junction and the queuing on Bedworth Road is likely to be the result of development traffic using Severn Road as a southbound approach to the development site, requiring westbound traffic on Bedworth Road to give way. Additional impacts in terms of journey time delays have also been noted by the County Council.

In terms of isolated junction modelling relating to the Benn Road/Bedworth Road junction, this shows that there is a marginal impact on queuing and delay as a result of development traffic and that the junction continues to operate with considerable spare capacity.

As part of policy HSG8, the development site is required to contribute to the highway mitigation identified in the Infrastructure Delivery Plan (IDP). The County Council are currently reviewing the IDP through a modelling assessment to determine the effectiveness of the schemes and impacts at Weston Lane. The proposed development would make a proportional contribution to mitigation west of Bulkington to mitigate the impacts set out above.

Subject to securing the requested financial contributions towards highway mitigation, the impact of the development on the public highway network is considered to be acceptable.

- *Highway Safety*

No concerns are raised by the County Highway Authority in relation to vehicular turning and manoeuvring in and out of the proposed junction. Swept path analysis drawings have been submitted to indicate that this would be possible.



Drawing No. DWG-07 was submitted for consideration showing the potential locations for pedestrian crossing points. Splays are measured from a setback of 1.2 metres, however a larger set back is required. The County Highway Authority have advised that visibility can be achieved and an amended visibility splay drawing could be addressed through the imposition of a planning condition.

No concerns are raised in relation to vehicular visibility, subject to ensuring that the land within the vehicular visibility splays from the new junctions form part of the public Highway and are offered for adoption.

The County Highway Authority have also requested that the speed limit within the site is limited to 20mph. In order to achieve this a Traffic Regulation Order (TRO) is required and a sum of £3,000 is requested to process the order.

Subject to the imposition of various planning conditions, to include the stopping up of the existing vehicular access to No.5a Leyland Road and adjacent field gate access, the provision of visibility splays, and a condition to secure the submission of a Construction Management Plan, no concerns are raised in relation to highway safety. Access between the HSG8 sites being made available for the lifetime of the development would be secured under a S106 legal agreement.

- *Accessibility*

With regard to sustainable transport links, the nearest bus stops are situated on Benn Road, approximately 320 metres from the proposed site access on Leyland Road.

This stop operates the number 213 service which only operates on Tuesdays, once a day in each direction, between Bedworth and Rugby. The stop is also serviced by the numbers 56, 74, 74A and 74B which offer more frequent services. 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 furthest properties on site are likely to be located approximately 1km from Bulkington District Centre when walking via Leyland Road, Benn Road, Bedworth Road and School Road which therefore meets this requirement.

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.

The layout of the site would retain the existing public right of way which enters the site from Leyland Road to the north, runs along much of the south eastern boundary before crossing the hedgerow into the adjacent parcel of land following its northern and south western boundaries. The illustrative details submitted show the public right of way route as retained. Whilst the submitted illustrative layout shows the provision of footpaths within the site, such provision would be assessed further at the relevant reserved matters stage/s when the precise layout is sought for approval.

To improve connectivity, WCC Highway Authority have requested a condition that pedestrian, vehicular or cycling access to the adjacent HSG8 plots shall not be prevented and that the layout of the site should 'tie-in' with any approved layouts for adjacent plots. Such a matter, in the event outline planning permission is granted,

should be secured within a S106 legal agreement, and compliance with this obligation would also be further assessed by the Local Planning Authority when an application for reserved matters seeking approval of layout is submitted to the Local Planning Authority.

- *Highway Specific Obligations and Contributions*

Criterion 8 of Policy HSG8 of the Borough Plan 2019 requires bus infrastructure improvements within or adjacent to HSG8. Criterion 9 of Policy HSG8 seeks to secure any transport improvements/upgrades required along Bedworth Road, Coventry Road and surrounding streets as a result of the development. Criterion 10 seeks financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington. Criterion 11 seeks the provision of a footway/cycleway network. Criterion 12 seeks the provision of a toucan crossing on Bedworth Road between the northern and central parcels of HSG8. Criterion 13 seeks a financial contribution towards the development of a dedicated cycle path along the B4029 between Bulkington and Bedworth. The County Highway Authority have requested these contributions, as per the obligations table provided in section 11 of this report and the applicant has agreed to meet these requests.

The development would also provide financial contributions towards the maintenance of PRoWs within a 1.5 mile radius of the site and a financial contribution towards the delivery of road safety initiatives.

- *Highway Safety and Accessibility Summary*

Overall, subject to the imposition of conditions, together with the applicant entering in to a S106 legal agreement to secure the requested financial contributions and to ensure that access across the adjacent HSG8 sites is made available for the lifetime of the development, the application is considered to be acceptable when having regard to highway safety and accessibility and would accord with the requirements of policies HS1 and HS2 of the Borough Plan 2019, as well as the guidance set out within paragraphs 104, 105 and 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 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.

The NPPF (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.

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. A Flood Risk Assessment has been submitted with the application. This confirms the surface water (pluvial) flood risks on site, indicating that the majority of the site has a low risk of pluvial flooding; however, the southwestern corner of the site adjacent to the railway line is at high risk of surface water flooding. Due to the site's topography, surface water runoff generated will flow in a south westerly direction towards the topographical depression in the southwestern corner of the site, providing an area for surface water to pool.

Surface water runoff generated by the proposed development is proposed to be disposed of via sustainable drainage to ensure there is no increase in runoff discharge off the site, which could result in an increased flood risk elsewhere to downstream third-party land. In addition, finished floor levels of the proposed dwellings are proposed to be set above finished ground levels. Additionally ground levels will be profiled to direct runoff to the development drainage system which comprises of an attenuation pond to the western corner of the site.

In terms of the specific surface water drainage, the applicant has addressed the original objection received by the County Council's Flood Risk Management Team who have confirmed that the applicant has demonstrated the principles of an acceptable surface water management strategy at the site, however further information is still required which is recommended to be secured through the imposition of planning conditions. Three conditions are recommended to secure a detailed surface water drainage scheme for the site, 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.

Whilst Network Rail originally objected to the scheme on the basis of the attenuation basin's location adjacent to the railway line, the applicant's project team have had detailed discussions with Network Rail's Asset Protection Engineer (which has been submitted as Appendix B in the submitted drainage Technical Note February 2023) who has confirmed that the Network Rail drainage team have no objection to the scheme.

In terms of foul waste disposal, the application form states that foul waste would be disposed of via the mains sewer. The submitted drainage Technical Note (February 2023) states that the connection would be to an existing Severn Trent Water Public Asset in Leyland Road. Criterion 14 of Policy HSG8 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. On this basis, in the absence of any evidence relating to a lack of capacity, the requirement set out within criterion 14 of Policy HSG8 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 ensure that foul waste would be disposed of via the mains sewer.

Overall, the scheme, subject to the imposition of conditions, is considered to be acceptable when having regard to flood risk and drainage and would accord with the requirements of Policy NE4 of the Borough Plan 2019 and the advice set out within section 14 of the NPPF (2021).

## **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."

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.

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.

### *- Ecological Impact*

Paragraph 2.6.1 of the Council's Concept Plans for Strategic Allocations: HSG8, West 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 some field boundaries. There are field ponds in both the central and southern parcels of HSG8. The field pond in the southern parcel of HSG8 was considered to be of low ecological value from habitat surveys undertaken by others during site promotion.

A Preliminary Ecological Appraisal has been submitted to support the application. Within this appraisal, it is confirmed that the majority of the site was of low wildlife

interest, comprising mainly of improved grassland, with small sections of dense scrub, tall ruderal vegetation and scattered broadleaved trees. The appraisal also concludes that the improved grassland was of poor botanical diversity with no rare or notable vascular plants recorded, and all species common and widespread, although it would hold some limited value for invertebrates, small mammals, and foraging birds. Trees and hedgerows to the boundaries of the site are considered to offer suitable habitat for bird nesting as noted by the applicants' Ecologist on their site visit, and the north western and south eastern lengths of hedgerow are species rich, and classed as 'Important' under the Hedgerow Regulations 1997. The northeastern hedgerow is intact but species poor and forms the boundary with private gardens along Leyland Road. A condition is recommended to be attached to any permission granted to ensure hedgerow removal takes place outside of the bird nesting season.

Two boundary trees (Ash Trees to the north western boundary) also featured decay cavities, old woodpecker holes, fissures and exfoliating bark which would be suitable for bat roosting and hibernation – these trees would be unaffected by the proposal based on the illustrative details submitted. The majority of the site was thought to be of low value to foraging or commuting bats as the grassland was botanically poor and the site was open and relatively exposed.

There were no signs of Badger activity within the site, but there was some Fox digging, and there was a Rabbit warren in the southeastern boundary hedgerow. The appraisal raises no concerns in relation to reptiles given that the grassland is botanically poor for invertebrates.

The submitted Ecological Appraisal states that the site was considered unsuitable for Great Crested Newts (GCN), as there were no permanent still water or other wetland features, and no refugia or hibernacula. It is however noted that a pond is located within the adjacent field. Survey work submitted to support planning application 038856 suggests that that GCN are likely to be absent from the adjacent site. Furthermore, the nearest population of Great Crested Newts was over 500 m away with no direct connectivity and largely sub-optimal habitat in between. On this basis, no concerns are raised in relation to GCN.

Adjoining the western boundary is Weston Wood Railway Embankment potential Local Wildlife Site (pLWS), this separated from the application land by the railway perimeter fence. Additionally, a buffer of open space to the south would be maintained between the development and the pLWS. Further, the scheme is not considered to affect any other designated sites as there is no direct connectivity from the site, and they are separated from the application site by arable farmland under continuous cultivation, roads, and residential areas, which all create significant barriers for wildlife dispersal.

With regard to the demolition of 7A Leyland Road, the property has been surveyed and this survey found no evidence of bat occupation or activity was found and the property was not identified as a bat roost site. No further survey work has been recommended.

The Parks and Greenspaces Planning Officer raises no objection to the application on ecological grounds, but has requested that a CEMP, BEMP, lighting scheme, the provision of integral bat and bird bricks and the retention of landscape and boundary features all to be secured through the imposition of planning conditions.

- *Biodiversity Net Gain*

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 Net Gain Report (ethos Environmental Planning, dated June 2022) has been submitted to support the application, however only a screenshot of the metric excel spreadsheet has been submitted, which is not in accordance with the SPD requirements.

The report however sets out that the scheme would result in a net gain in linear and area habitat biodiversity. The metric calculations undertaken show a net gain of 0.57 units in area-based habitats, a net gain of 0.57 units for linear habitats, and 0.35 net gain for connectivity features. The Council's Greenspaces Planning Officer has requested the full spreadsheet of the metric calculation to be submitted to support the application, however the full spreadsheet has not been submitted for review. The Council's Greenspaces Planning Officer has also advised that the proposed post-development habitat map submitted does not appear to show features such as the paths and the SuDS basin which would be required.

On this basis, a revised Biodiversity Impact Assessment was requested by the Council's Greenspaces Planning Officer during the course of the application to set out an accurate post-development value of the site which has not been submitted. Nevertheless, it is recognised that the indicative layouts submitted are not for approval at this stage, and it is not recommended to include any indicative layout plans within the 'approved plans' condition. Whilst biodiversity net gain is not a reserved matter, the baseline value of the site referred to within the submitted report is considered to be accurate and accords with the habitat plan submitted as part of the Preliminary Ecological Appraisal. The Local Planning Authority are confident that a biodiversity net gain could be achieved on site, however this may require amendments to the illustrative layouts and/or a reduction in unit numbers or increased densities. An alternative layout and habitat/landscaping proposal to that shown in the indicative plans would need to be submitted as part of any reserved matter/s submission. The agent for the application has been advised of this approach and is aware that layout changes, and possible unit losses, would be needed to secure an acceptable scheme at the relevant reserved matters stages.

A condition is therefore recommended to be attached to any permission granted to secure the submission of a revised Biodiversity Impact Assessment (BIA) which 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 Net Gain report. The Biodiversity Impact Assessment would 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. Biodiversity net gain would also form part of the S106 legal agreement.

Overall, subject to the imposition of conditions and a S106 legal agreement, there are no concerns relating to biodiversity.

*- 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. 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: HSG8, West 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.

Section 3.2.1 of the SPD states that development of the strategic housing site should seek to incorporate existing landscape features into areas of open space where possible. These would form part of the enhanced areas of wildlife habitat and open space along the western edge of the site adjoining the railway line. A larger area of green space for formal and informal open space is proposed on the central parcel close to the existing field pond.

Open space on site is proposed to the south west along the railway line providing land for active recreation and general amenity land, younger children's play provision, as well as natural / semi-natural habitat provision across the site incorporating an attenuation basin, which would largely accord with the requirements set out within section 3.2.1 of the SPD referred to above.

With regard to the requirements of Policy HSG8, the policy requires the development to address the following criteria: -

- Criterion 2. Provision of under 12s children's play facilities on central parcel of site.
- Criterion 3. Play and open space to be provided with appropriate management and maintenance arrangements.
- Criterion 4. 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.

Comments from the Council's Parks and Greenspaces Planning Officer have been received relating to the proposed layout and the open space provision as follows:

- A requirement for further cycle tracks to be provided on site above those shown on the illustrative masterplan;

- Changes to the siting/layout of the pumping station required to reduce its visual intrusion upon green spaces;
- Increased hedge gap to the southern corner of the site to increase personal safety, incorporation of trees to either side with significant crowns to form bat bridge;
- Relocation of play provision to achieve a distance from the front elevation of proposed properties in excess of 30 metres to accord with the SPD requirements;
- A request that the pedestrian connections shown to link to the adjacent site should be shown on a submitted composite plan;
- Reduction of the number of scattered trees shown on the layout and a greater structure planting with fewer more prominent trees provided;
- Reorientating to one property in order to better turn the corner plot;
- The adoption of the 3 metre wide cycle path by the County Council;
- Areas of formal short mown grassland and species rich flower meadows and flowering lawns to be provided;
- SuDS to be at least half permanent standing water through overdeepening and planted and profiled to maximise ecological value. Slopes of SuDS to be no greater than 1 in 6.

A number of the above comments could be addressed at the relevant reserved matters stage/s when landscaping and layout are sought for approval, however, given the number of comments raised at this stage, it is recommended that the submitted illustrative drawings 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 comments raised above, should be submitted as part of any reserved matter/s submissions.

Public Open Space contributions have been requested, as set out within the table provided at section 11 of this report, which would address criterion 4 of Policy HSG8. The applicant would be expected to meet these requests which would be secured under a S106 legal agreement. With regard to management and maintenance arrangements, these could be secured via the imposition of planning conditions to address criterion 3 of Policy HSG8.

- *Trees and Hedgerows*

Section 2.2.3 of the Concept Plans for Strategic Allocations: HSG8, West of Bulkington Supplementary Planning Document (2020) states that there is a strong hedgerow along the northern boundary of the southern parcel of the site, along with a hedgerow to the Bedworth Road frontage of the central parcel of HSG8. There are further references made in relation to hedgerows within the SPD, to include that areas of hedgerows on existing site boundaries should be retained and enhanced to minimise the impact on the amenity of existing residential properties.

In addition, the Landscape Character Assessment update suggests a number of guidelines for new development on HSG8 which includes the creation of new hedgerows and hedgerow trees along the northern, western and southern boundaries of the northern parcel.

The scheme would result in the loss of small sections of hedgerow to the north western and south eastern boundaries. The proposal also requires the removal of a category 'C' ornamental shrub group and field maple.



The hedgerow losses referred to above affect species rich hedgerow which are classed as 'important' under the Hedgerow Regulations 1997. The losses appear to be minimal and required solely to achieve pedestrian connectivity and one vehicular access connection. To mitigate the losses proposed, the Council's Tree Officer has advised that, to ensure optimal tree cover and ecological gains, the establishment of new hedge-trees, especially to the southern boundary, should be considered. The Tree Officer has advised that such a requirement may require some redesigning of the southern portion of the proposed development, to ensure that the required buffer distances set out within the Council's adopted Open Space and Green Infrastructure SPD (2021) are met.

No further information has been submitted during the course of the application to address the Tree Officer's consultation comments and the Local Planning Authority cannot be certain that the indicative layout proposed would allow for the establishment of hedge-trees to address the comments made by the Tree Officer. On that basis, given that this application is an outline application seeking approval of access only, it is not recommended to approve the submitted layouts which have been submitted to support this outline application. Such an approach would avoid conflict at the relevant reserved matters stages when layout and landscaping are both sought for approval.

The Tree Officer raised no further concerns relating to trees and hedges on site.

- *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, subject to the imposition of planning conditions and a S106 legal agreement, it is considered that a Biodiversity Net Gain would be secured once full detailed layouts, landscaping/habitat provision are sought for approval, in line with the requirements of Policy NE3 of the Borough Plan 2019. Whilst the illustrative masterplan results in conflict with the Council's Open Space and Green Infrastructure SPD (2021), the requirements of Policy HSG8 of the Borough Plan 2019 and the requirements of the Concept Plans for Strategic Allocations: HSG8, West 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 95 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.

## **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.

Paragraph 194 of the NPPF (2021) states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

With regard to above ground heritage assets, no designated or non-designated heritage assets lie within or close to the site. The closest heritage assets are the Bulkington Conservation Area (CA) itself and the listed buildings contained within it. The CA is located approximately 400m to the north east of the site and the scheme is not considered to result in any harm to its setting, nor would it result in any harm to the significance or setting of any other designated or non-designated heritage assets given the likely scale of the proposal, the separation distances involved, and when considering the existing intervening built form.

With regard to above ground assets, an Archaeology and Heritage Statement has been submitted with the application which advises that there is a potential for archaeological deposits to survive within the application site. WCC Archaeology Team have been consulted on the application and requested that archaeological fieldwork be undertaken prior to any decision on the application being made.

Evaluative fieldwork has been undertaken across the site which comprised the excavation of 14 no. 50m x 1.8m trenches. The objective of the evaluation was to gather sufficient information to establish presence / absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development. The evaluation identified the remnants of ridge and furrow cultivation, a small quantity of post-medieval pottery and three linear features which were interpreted as ditches which most likely represented former field boundaries.

The County Council's Archaeologist has advised that the submitted evaluation report (May 2023 Version 1.2) is satisfactory, and that in light of the results, the proposed development is unlikely to have a significant archaeological impact. Therefore, no further archaeological fieldwork will be required for the scheme. No archaeological conditions are required.

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 2019 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 Land Contamination Assessment has been submitted with the application. NBBC Environmental Health have confirmed that they are satisfied with the findings and as such no contaminated land conditions will be necessary.

## **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 Assessment has been submitted to support the application. The Council's Environmental Protection Team have been consulted on the application and have confirmed that the submitted assessment is satisfactory and that it is anticipated that there will be negligible impacts on air quality.

The impact does require mitigation within the development or offsetting measures elsewhere. The Council's Environmental Health Officer has advised that the damage cost calculation value for NO<sub>2</sub> and PM<sub>2.5</sub> is estimated to be £22,988 in the Air Quality Assessment, and as such, the Environmental Health Team have recommended a number of conditions to be attached to any permission granted. These conditions include requiring the developer to submit a Dust Management Plan to the Council for approval prior to works commencing on site, the installation of 1 electric charging point per residential unit and 1 charging space per 10 unallocated parking spaces (together with the required cabling), a third condition is required to ensure that all gas-fired boiler installations would be low NO<sub>x</sub> emission type that meet a minimum standard of less than 40mg NO<sub>x</sub> per kWhr.

Section 9.1.1 of the submitted Air Quality Assessment suggests additional mitigation measures relating to air quality. The Environmental Health Officer has recommended that these are also imposed as planning conditions to any consent granted.

Overall, subject to the imposition of conditions, the scheme is considered to be acceptable when having regard to air quality impacts and no conflict is considered to arise 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.

<b>Requested Financial Contributions Table</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>£86,919</b>	Not considered to be CIL compliant
<b>NBBC Housing</b>	Affordable Housing Provision on site.	24 affordable homes as per the 25% requirement.	Applicant has agreed to pay
<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 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.	<b>£219,217</b> (updated from the originally incorrect figure of £180,856 provided by Public Services which was based on 70 dwellings as opposed to 95)	Applicant has agreed to pay

<b>NBBC Parks and Spaces</b>	<b>Open</b> Requests financial contributions as per the below based on 95 dwellings:-  Destination Park Capital Contribution of £32,171,12 (+ 10% design and maintenance fees on top)  Destination Park maintenance (Miners Welfare Park) contribution of £9,900.36  Community Park Capital Contribution of £55,037.02 (+ 10% design and maintenance fees on top) (Bulkington Recreation Ground and/or Barnacle Lane)  Community Park Maintenance Contribution of £16,154.92  Local Park Maintenance Contribution of £7,972.31 and allotment provision of £5,067.90. Allotment design fees on top of £506.79. (Local Park Capital contribution omitted on the basis that the scheme is proposing to deliver this on site)	Total of <b>£135,531.23</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.	Applicant has agreed to pay
<b>NHS Coventry and Warwickshire Integrated Care Board</b>	Capital contribution towards the improvement to off-site primary medical care and healthcare facilities.	Estimated at <b>£80,383</b> (index linked)	Applicant has agreed to pay
<b>NBBC Waste Services</b>	Developer waste receptacle Funding (breakdown 1 x 240 ltr household waste bin = £29.04, 1 x 240 ltr recycling bin = £29.04, 1 x 40 ltr paper and card insert = £8.75)	95 x £66.83= <b>£6,348.85</b>	Applicant has agreed to pay
<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>£2,079</b>	Applicant has agreed to pay

<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.	The requested calculation is based on the length of public rights of way within a one-and-a-half-mile radius of the site and is estimated at <b>£4,270</b>	Applicant has agreed to pay
<b>Education Provision</b>	The contribution will be used towards enhancing existing accommodation or delivering new build to support the provision of additional school places.	The County Council expects to secure an estimated contribution of <b>£321,962</b> towards education provision (Primary) as a result of this development.	Applicant has agreed to pay
<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 95 dwellings the request will be <b>£950</b>	Applicant has agreed to pay
<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 95 dwellings the contribution requested will be <b>£4,750</b>	Applicant has agreed to pay
<b>Public Transport</b>	Bulkington is away from the Warwickshire core bus network, and a contribution is sought to maintain two buses per hour (0700-1900 Monday to Saturday) to both Coventry and Nuneaton, for shopping education and onward transport links.	Year 1 - £ 30,400 Year 2 - £ 30,400 Year 3 - £ 30,400 Year 4 - £ 30,400 Year 5 - £ 30,400 <b>Total - £ 152,000</b>	Applicant has agreed to pay
<b>Bus Stop Infrastructure Contribution</b>	A developer contribution is sought to secure the delivery of the minor hardstanding improvements to the bus stops on Bedworth Road near junction with Benn Road and Bedworth Road opposite junction with Benn Road.	Design and Site Supervision Charges (WCC Design Services) - £5,000; and Construction Costs - £13,000 (£6,500 per bus stop). <b>Total £18,000</b>	Applicant has agreed to pay

<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 95 dwellings the calculation is as follows: £500 + (5 hours x £40 Officer time x Number of triggers)	Applicant has agreed to pay
<b>WCC Highway Authority request the following:-</b>			
<b>Cycle/footway</b>	Monies for the construction of a cycleway / footway from Bulkington to Bedworth.	A sum of £75,000 is requested on commencement of the development on site to enable detailed design, with the remaining monies to be paid on occupation of the 50th dwelling. The project is to be shared with the other HSG8 sites and HSG7. <b>Total £120,013.50</b>	Applicant has agreed to pay
<b>Junction improvements</b>	Monies for the necessary junction improvement works.	A sum of £75,000 is requested on commencement of the development on site to enable detailed design, with the remaining monies to be paid on occupation of the 50th dwelling. The project is to be shared with the other HSG8 sites and HSG7. <b>Total £189,494.60</b>	Applicant has agreed to pay
<b>Toucan Crossing</b>	A sum to contribute towards the toucan crossing on Bedworth Road. The project is to be shared with the other HSG8 sites.	<b>Total £17,352.70</b>	Applicant has agreed to pay
<b>Traffic Regulation Order (TRO)</b>	A sum to process the 20mph speed limit TRO within the adoptable areas within the site.	<b>Total £3,000</b>	Applicant has agreed to pay
<b>Bulkington Village</b>	Requests a financial contribution towards the community facility to deliver	<b>Total of £41,837.05</b> based on 95 dwellings.	Applicant has agreed to pay

<b>Community &amp; Conference Centre</b>	additional capacity at the centre.		
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As set out in the above report, the S106 legal agreement would also include an obligation to ensure that accesses (both pedestrian and vehicular) between the HSG8 sites are provided, made available for use maintained for the lifetime of the development.

## 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 principle of the development, affordable housing, visual amenity, landscape character, residential amenity, highway safety and accessibility, flood risk and drainage, ecology, landscaping, open space, biodiversity, heritage, archaeology, contamination, land stability and air quality have all been considered. The assessment has subsequently shown that there would be no adverse impacts in the majority of 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 or that the scheme should be assessed other than in accordance with the development plan. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions and a S106 legal agreement.

## 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:

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

Plan Description	Plan No.	Date Received
Location Plan	Drawing No. 01	9 <sup>th</sup> February 2023
Site Access Arrangement		



Visibility Splay Review	Drawing No. DWG-06	21 <sup>st</sup> December 2022
Refuse Vehicle Swept Path Analysis	Drawing No. DWG-09	21 <sup>st</sup> December 2022

5. No construction, groundworks or remediation work shall be undertaken until a Construction Environmental Management Plan (CEMP) 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.

6. Construction working hours 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.

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. 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. 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 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.

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 content of the BEMP shall include details of:

- a. Description and evaluation of the features to be managed;
- 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 submitted and approved pursuant to condition 9 of this permission.

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.

9. 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 Net Gain Report (ethos Environmental Planning, dated June 2022). 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.

10. No site preparatory or construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided in full, in accordance with the details set out within the submitted Tree Constraints, Tree Impacts and draft Tree Protection Method Statement for residential development report (B. J. Unwin Forestry Consultancy Ltd. updated July 2022). The development shall be carried out in full accordance with the details set out within the submitted Tree Constraints, Tree Impacts and draft Tree Protection Method Statement for residential development report, unless otherwise agreed in writing by the Local Planning Authority.

11. 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.

12. No development shall take place until details of the layout of the Open Space, including the integrated play provision, and ecological and landscaping enhancement areas, the associated boundary details (including fencing and acoustic 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.

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

Soft landscaping shall be carried out in full in the first planting season following the first occupation of the development. Hard landscaping works shall be carried out in full prior to the first occupation of the development. The above applies unless an alternative timeframe for the provision of landscaping is first agreed in writing by the Local Planning Authority.

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.

14. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas 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.

15. No development shall commence until full details of the site levels and finished floor levels, which shall propose floor levels of the proposed houses to be set above finished ground levels, as per the details set out within the submitted Flood Risk Assessment (dated December 2022, Revision 3), 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.

16. No development shall commence until a noise and vibration 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 shall be occupied, unless in full accordance with approved details.

17. No development shall commence until full details and samples of materials proposed to be used in the external parts of any building to be erected on site 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.

18. No development shall commence until full details of the boundary treatments, including new walls, fences (to include acoustic fencing), 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. Once provided, any acoustic fencing shall be maintained in perpetuity for the lifetime of the development.

19. No 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.

20. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Flood Risk Assessment (dated December 2022, Revision 3) 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 QBar Greenfield runoff rate of 15l/s for the site in line with the approved Flood Risk Assessment (dated December 2022, Revision 3).
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.
  - o Further incorporation of swale features should be considered, with consideration to utilising the ditch easements along the site boundary where appropriate, as agreed with the LLFA. Where further above ground SuDS features such as swales are incorporated into design increasing above ground attenuation, underground attenuation tanks may be reduced in size.
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.

21. 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 (dated December 2022, Revision 3) 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.

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

22. No occupation of any dwelling 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 shall:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how each surface water relevant feature shall be maintained and managed for the life time of the development, including the existing ditch that is to be utilised within the drainage scheme.
4. 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.

23. Foul waste generated as a result of the development shall be disposed of via a connection to the public foul sewer, unless an alternative disposal method is otherwise agreed in writing by the Local Planning Authority.

24. 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.
25. 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. The approved packs shall be provided to the occupiers of each dwelling prior to the first occupation of that dwelling.
26. No development shall commence until full details of the provision of car parking (to include compliant garage spaces), access and manoeuvring, 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 purposes of parking and manoeuvring of vehicles for the lifetime of the development.
27. No plot shall be occupied 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 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 of the relevant dwelling and shall be retained in that form thereafter for the lifetime of the development.
28. No 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.
29. Access to the site from the public highway shall not be made other than at the position identified on the approved drawing number DWG-06. No dwelling shall be occupied until the access has been constructed in general accordance with the drawing and to the specification of the Highway Authority.
30. Notwithstanding the plans submitted, nor condition 4 above, no dwelling shall be occupied until the junction alterations to the public highway in general accordance with Drawing No. DWG-06 and the specification of the Highway Authority have been completed to the satisfaction of the Highway Authority.
31. Within 3 months of the primary access being constructed and occupied, the existing vehicular access to No.7a Leyland Road and adjacent field gate access shall be stopped-up, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Highway Authority.
32. Notwithstanding the details submitted, prior to the first occupation of the development hereby approved, pedestrian visibility splays shall be provided to the new

junction arrangement with Leyland Road and Benn Road in accordance with a pedestrian visibility splay drawing which shall first be submitted to and approved in writing by the Local Planning Authority. The visibility splay drawing shall be based on the details shown on the Site Access Arrangement Pedestrian Visibility Splay Drawing, Drawing No. DWG-07, submitted to the Local Planning Authority on 21<sup>st</sup> December 2022 and shall provide visibility splays to the satisfaction of the Highway Authority.

33. No structure, tree or shrub shall be erected, planted or retained within the vehicular or pedestrian visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.

34. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes, has been submitted to and approved in writing by the Local Planning Authority. No development shall be occupied until provision has been made in accordance with the approved details.

35. 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 the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

36. 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 Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

37. 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 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.'

38. No more than 95 dwellings shall be erected on site.

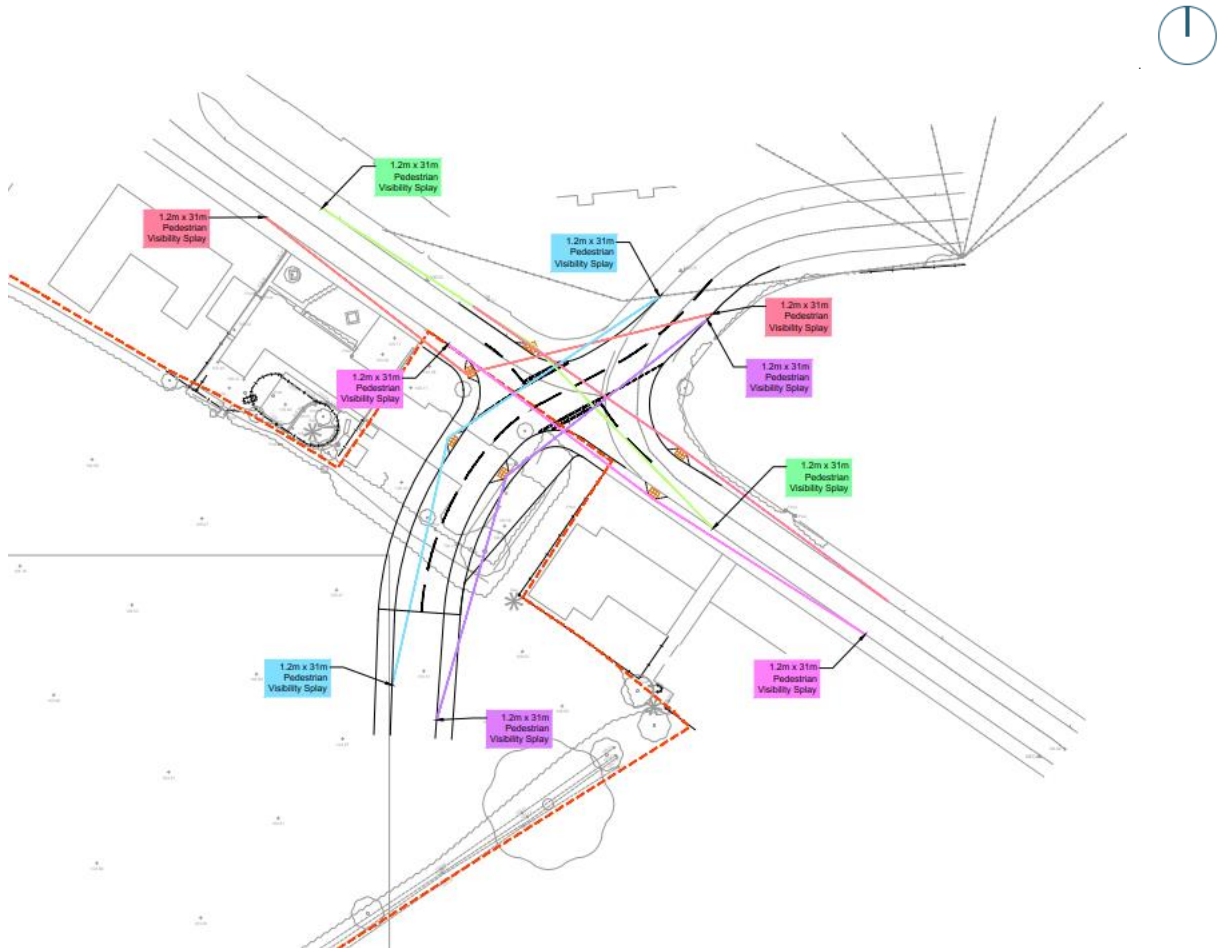




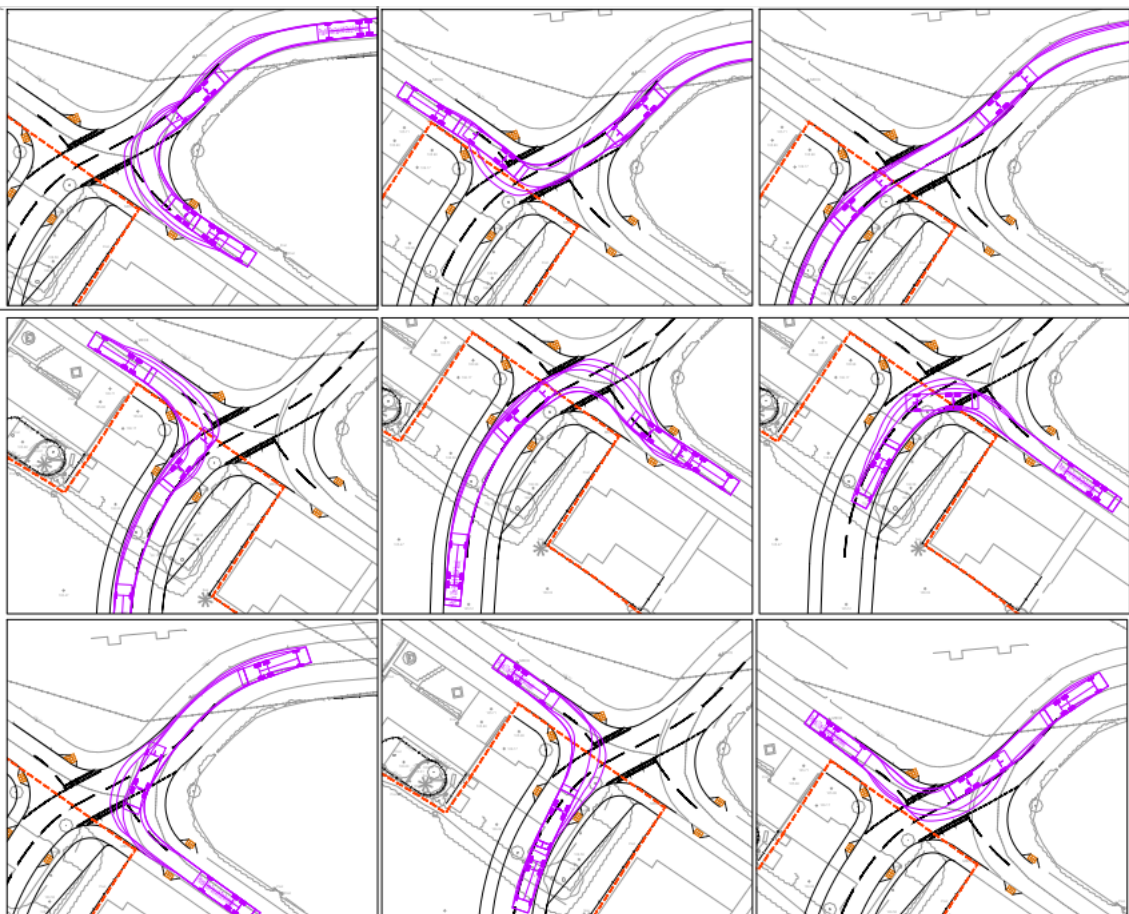
Site Location Plan (not to scale)



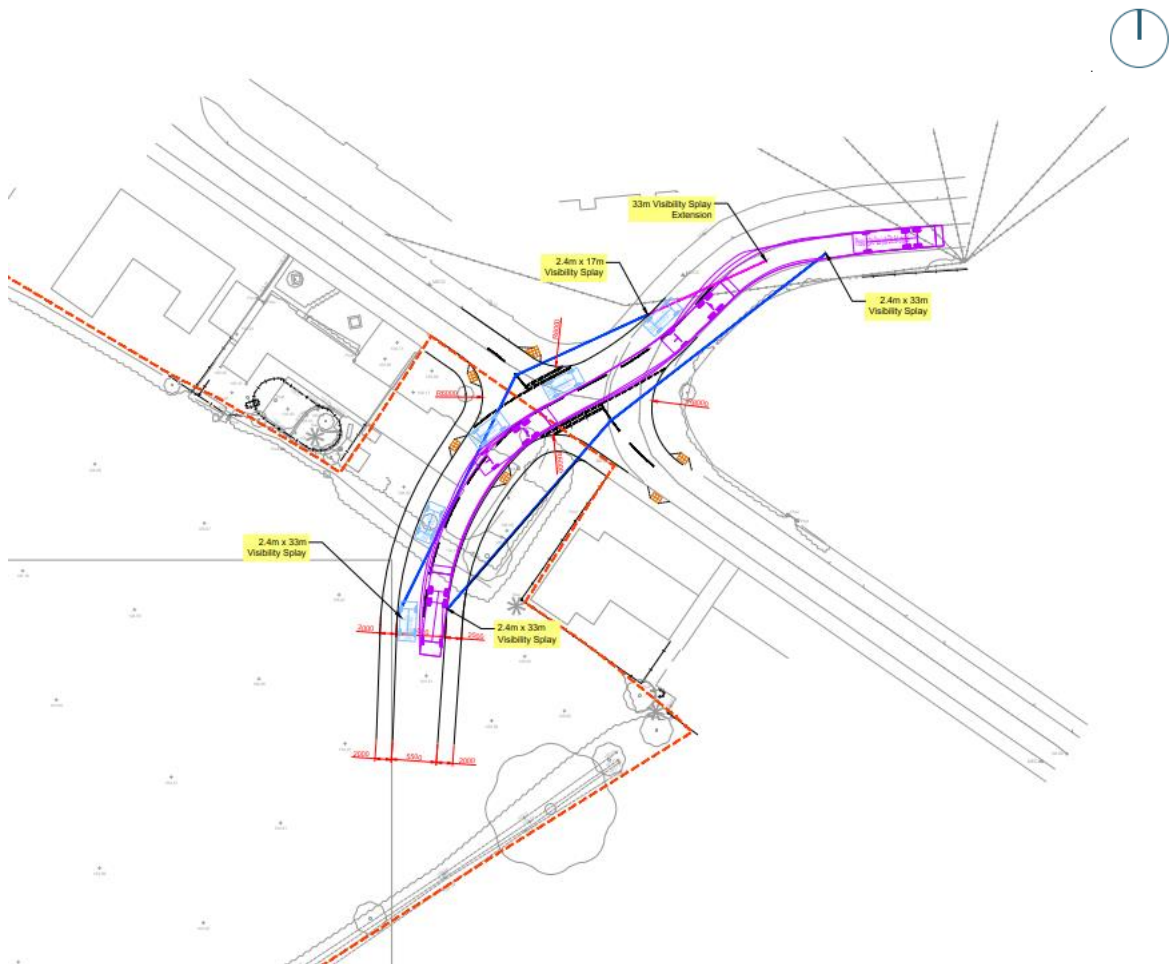
Illustrative Masterplan (not to scale)



Site Access Arrangement Pedestrian Visibility Splay (not to scale)



Refuse Vehicle Swept Path Analysis (not to scale)



Site Access Arrangement Visibility Splay Review (not to scale)

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## Item No. 2

**REFERENCE No.** 039556

**Site Address:** 7 St Ives Way, Nuneaton, Warwickshire, CV11 6FR

**Description of Development:** Change of use from C3 (residential dwelling) to C2 (children's home)

**Applicant:** Ms E Holland

**Ward:** SN

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application seeks consent for a change of use from a residential dwelling (class C3) to a children's home (class C2) at 7 St Ives Way. The site is within the Horeston Grange housing estate in northern Nuneaton. The children's home would provide care for up to four children aged between 8-18 years of age.

The existing property is a 5-bed detached dwelling with three bathrooms, a lounge, dining room, conservatory, kitchen, study, and utility with a rear garden.

As part of the change of use, all 5 bedrooms are to be retained; four for the children and one as a staff bedroom. An additional staff bathroom would be created at the ground floor and the study would be used as a staff office. The conservatory would be used as a games room and the current en-suite would become a shared bathroom. It should be noted that none of these internal alterations require planning permission.

The property also features an existing grassed front garden and driveway which is suitable for 2 vehicles. The grass would be covered with grass-crete in order to provide an additional parking space. As a permeable surface, this also does not require planning permission.

### **RELEVANT SITE HISTORY:**

- TP/0586/99: Conservatory to rear: Approved 11/11/1999.
- TP/0329/95: First floor extension to side: Approved 28/06/1995.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.



- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Planning Policy, Ofsted, Warwickshire County Council, Warwickshire Police (Architectural Liaison Officer), WCC Highways.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
WCC Highways

No objection from:

NBBC Environmental Health, Warwickshire Police (Architectural Liaison Officer)

Comment from:

Warwickshire County Council

No response from:

NBBC Planning Policy, Ofsted

### **NEIGHBOURS NOTIFIED:**

5 & 9 St Ives Way and 11 & 12 Lamorna Close

Neighbouring properties were sent letters notifying them of the proposed development on 13<sup>th</sup> April 2023.

### **NEIGHBOUR RESPONSES:**

There have been 37 objections from 22 addresses as well as objections from Cllr Mandy Tromans and Cllr Robert Tromans and 1 objection with no address provided. The comments are summarised below:

1. Increase in anti-social behaviour
2. Devalue property prices
3. Mature trees are present in the garden which are a danger to children
4. Existing children could be exposed to negative influences
5. Looked after children gain priority over resources and school placements over local children
6. The home could host children aged 8-18 and it is not healthy to home and 8 year old child with an 18 year old
7. There is not a continuous footpath along St Ives Way
8. Children may have social emotional and/or mental health issues and there is not enough staff to care for such children
9. Increase in people walking past property and invasion of privacy
10. Disturbance from increased comings and goings
11. Property is located within a small and quiet cul-de-sac with elderly residents and children
12. The conservatory is to be changed into a games room but there is not sufficient insulation or sound proofing measures which would cause noise disturbances
13. The proposal would remove the property from housing stock
14. Proposed is a commercial profit making business and not a residential use
15. Increase in vehicular movements

16. The proposal would change the character of the cul-de-sac
17. Increase in police presence in the area
18. Another children's home has been created in Stains Close and police/support services may not be able to deal effectively with an additional home in the same ward
19. There is no guarantee that older children won't have their own vehicles
20. There is no need or demand for additional children's homes
21. The house is not suitable for the number of occupants
22. Local schools are already over-subscribed
23. Street lights are turned off at night and this causes safeguarding issues
24. Shift changes would be disruptive
25. Public transport links are not sufficient
26. The applicant does not live at the property
27. Other children's homes are already being developed within Nuneaton
28. Site cannot provide 4 parking spaces
29. Parking is not sufficient
30. Limited off-site parking
31. Extending the driveway may cause flooding
32. Planning statement is not accurate
33. Current refuse bins may not be sufficient
34. Will exacerbate existing blocked drains with the creation of additional bathrooms
35. Local amenities are not sufficient for children

## **APPRAISAL:**

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

1. The principle of the development
2. The impact on residential amenity
3. Impact on highway safety and parking
4. Other considerations
5. Conclusion

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

Policy DS1 of the Borough Plan states 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 will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. 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.

The application site is located within an established residential estate in Nuneaton. Nuneaton has the primary role for employment, housing, town centre, leisure and service provision within the Borough. Policy DS2 states that most development will be directed to Nuneaton as the primary town. The site is also within the defined settlement boundary, as outlined within Policy DS3. As such, the site is considered to be within an acceptable and sustainable location for development.

Policy H1 of the Borough Plan states that development proposal for specialised housing will be approved where a local need can be demonstrated. Within one of their responses, WCC have stated that there is a need for children's home placements in



the county and specifically within Nuneaton. It should be noted that it cannot be guaranteed that this home, if approved, would be used for children through the WCC care framework to specifically meet WCCs need. However, the end user of the development is not considered to be a planning consideration. WCC have explained that the process for housing looked after children is typically referring the children firstly to a block provider, then a provider on the West Midlands Framework and then all other spot providers. WCC confirmed that this home would be a spot provider, unless they joined the West Midlands Framework. Providers can join the Framework at any time but WCC state that they are seeing an increased use of spot providers, as the WM Framework is unable to meet the need to match with existing children in placements. It is understood that throughout the application process, the developer has been in liaison with WCC to join the West Midlands Framework.

Within Warwickshire County Council's application for a change of use from C3 to C2 (children's home) on Staines Close, it was stated that 72 Warwickshire children are in residential care placements (in a Home for Children), and that 25 originate from a Nuneaton and Bedworth Borough area address (nearly 35%). At present, only 5 of the total of 72 Warwickshire children, are looked after in Warwickshire itself, this is less than 7%, with the remaining majority (93%) being cared for out of the county. It has been argued that there is not the need for this development within this area, however WCC state that they are seeing higher levels of children in care originating from the Nuneaton and Bedworth Borough. Having homes located in areas where we see need enables children to maintain stability in other areas of lives, for example consistent support from family and friends, education provisions and access to other universal or specialist support services they may be accessing. Therefore, it is considered that there are clear social benefits associated with the scheme.

It has also been suggested that the proposal would cause an unacceptable impact on school places and local services. However, this is a very small scale proposal and given that this is a 5-bed property, it would not be unusual for a family with 4 children to occupy the home. This would have the same impact on schools and services when compared with the proposed change of use. In addition, up to 9 dwellings can be granted planning permission without being required to contribute towards schools and services. This would have a significantly larger impact on local infrastructure than this proposal would.

Whilst select resident objections have stated that children's home are commercial uses and should not be located within residential areas, it should be clarified that use class C2 is an umbrella category for 'residential institutions'. As such, this is a residential type of use and therefore appropriate to be located within an established residential area. It is considered that residential estates are the most appropriate locations for small children's homes, so that the children are not ostracised from society and benefit from the same access to local schools, parks and facilities that any other child would. The site is located within a sustainable location, in close proximity to nurseries, primary and secondary schools, bus stops, shops and parks. As such, the site is considered to be an acceptable location for a small scaled children's home.

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

The proposal would provide accommodation for up to four children with three members of staff at any one time. Concerns have been raised by residents with regard to safety, noise and loss of privacy, all of which are considerations which may impact the residential amenity of the area.

With regard to noise generated from the comings and goings, a similar application was refused and overturned at appeal in January 2023 in Burnley (ref APP/Z2315/W/22/3305898). This proposal provided four bedrooms for children and two for staff. Within the appeal decision, the Inspector stated that *'the proposed use would function very much like a typical family home with older adults caring for children of mixed ages'* and *'the numbers that would present in the dwelling at any one time would not be greater than could be expected to be present in the existing five bedroomed dwelling'*. The Inspector acknowledges that there would inevitably be comings and goings to and from the site at shift handover times as well as occasional visits by family members and representatives of agencies and other professions. These would generate a degree of noise and disturbance, although this is likely to be spread out through the day. The Inspector stated that *'given the scale of the proposal, the noise and disturbance associated with the comings and goings would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwellings'*. The Inspector goes on to say that a family dwelling could consist of adults, children and teenagers. In occupying the property, they could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day. This decision is a material consideration for this application. In this case, it is also considered that the numbers of comings and goings would not be dissimilar to that expected from a 5-bed family home.

With regard to noise from the future occupiers, whilst it has been assumed within select objections, it is considered unreasonable to assume that looked after children are any more noisy or disruptive than any other family or children that may move into the property. In addition, the Inspector's decision for APP/Z2315/W/22/3305898 concluded that any noise arising from the property would be unlikely to significantly exceed the levels that could be generated by a typical family home with children of a variety of ages. NBBC Environmental Health have been consulted with and have no objection, stating that *'Whilst this is a change of use, it essentially is still a place of dwelling. Given the size of the property and number of available bedrooms the proposed occupancy is not unlike a large family occupying the house and the potential activities that occupancy might involve would pretty much be the same. If anything, it may well be possible to manage the site better as a children's home over those fears of anti-social behaviour etc. with the legislative powers that are available'*. As such, it is considered that noise impacts associated with the change of use are considered to be of an acceptable level.

Select objections have also raised concerns that the children living at the proposed facility would represent a threat to local children and may attract criminals and anti-social behaviour to the area. The NPPF seeks to ensure that development is inclusive and the fear of crime does not undermine quality of life, community cohesion and resilience and the fear or crime can be a material consideration. However, there must be evidential basis for that fear. WCC Police have been consulted with as part of the application process and they have no objection. In addition, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Children would be looked after by staff members and therefore it is considered that sufficient safeguards are in place to minimise the risk of crime for local children and future occupants. As such, it is not considered to be reasonable to refuse the application on this basis.

There are no physical changes proposed to the property that require planning permission and therefore there would be no impact to neighbours in terms of loss of light and/or privacy.

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

The Transport Demand Management Matters SPD states that one space is required per four residents and one space per two (FTE) staff members. However, when considering that this is to be a children's home, it is not considered necessary to provide parking for the residents as the children are unlikely to drive or own a car. WCC Highways agree that the children are unlikely to drive themselves so consideration should only be given for staff parking. Two parking spaces are provided currently and this would be sufficient for the three staff members and one home manager on shift at any one time, according to the SPD standards. However, a third space could be provided on the existing grass area to the front. This would exceed the SPD standards. The creation of additional parking space to the front of the property does not require planning permission as permeable surfacing would be used (grass crete). An application to WCC Highways would be required if the dropped kerb needs to be extended, but planning permission is not required for the dropped kerb due to the road classification. WCC Highways have reviewed the proposals and have no objection, subject to conditions.

At worst case scenario, 4 children, three staff members and the home manager would all be present at the property at one time and potentially 1/2 visitors. To look at comparable alternatives, under Part 3, Class L of The Town and Country Planning (General Permitted Development) Order, a C3 dwelling can change use to become a house in multiple occupation (HMO) for 6 adults. In terms of parking impacts, it is considered that the impact of 6 adults living at the property is likely to be greater than this proposal.

In addition, it should be considered that this is a large 5 bedroomed property. As such, it would not be unusual for a couple with 4 children to occupy the house or potentially a couple, grandparents and 2-3 children. These children may stay in the family home until their 20s and own their own cars, which could result in 2 adults and 4 young adults/teenagers. It is considered that this scenario is likely to have more of an impact on parking than this proposal would. Therefore, it is considered unreasonable to refuse the application on the basis of highway safety or parking, as the permitted development fall back could cause greater vehicular movements and require greater parking provision. In addition, the level of parking provision is considered to be in accordance with the Transport Demand Management Matters SPD and paragraph 111 of the NPPF is clear in 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.

### **4. Other Considerations**

This application is clearly contentious within the local area, however, it should be clear as to which matters are material planning considerations. Issues relating to the internal re-configuration of the property and the changes to the parking arrangements do not need planning permission and therefore the impact of those changes cannot be considered.

Concerns have been raised due to the ages of the children (ranging from 8-18 years) because it may not be appropriate to house an 8 year old with an 18 year old. Similar issues have also been raised to say that the home is not big enough to be a children's home and that there would not be enough staff in the area to look after the children.

These are not considered to be planning considerations and these issues would be reviewed by the care governing bodies. For clarification, the minimum internal space standards for a 2-storey 5-bed property is 128m<sup>2</sup> and this home is approximately 169m<sup>2</sup> and Ofsted have not responded to the consultation request. Should any further internal alterations be required to meet industry standards, these would not require planning permission.

## 5. Conclusion

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

In conclusion, the principle of the change of use is considered to be acceptable, given that the property is location within a residential area and within the defined settlement boundary. The proposed use is a form of residential accommodation and it is considered that the levels of noise and vehicular movements would not be dissimilar to that created by a 5-bed C3 dwelling. The level of parking provision is considered to be acceptable for the type and scale of the use and WCC Highways, NBBC Environmental Health and Warwickshire Police all have no objection to the scheme.

On balance, whilst there have been multiple objections to the scheme, it is considered that there are no reasonable grounds for refusal. As such, the recommendation is one of approval, subject to conditions.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

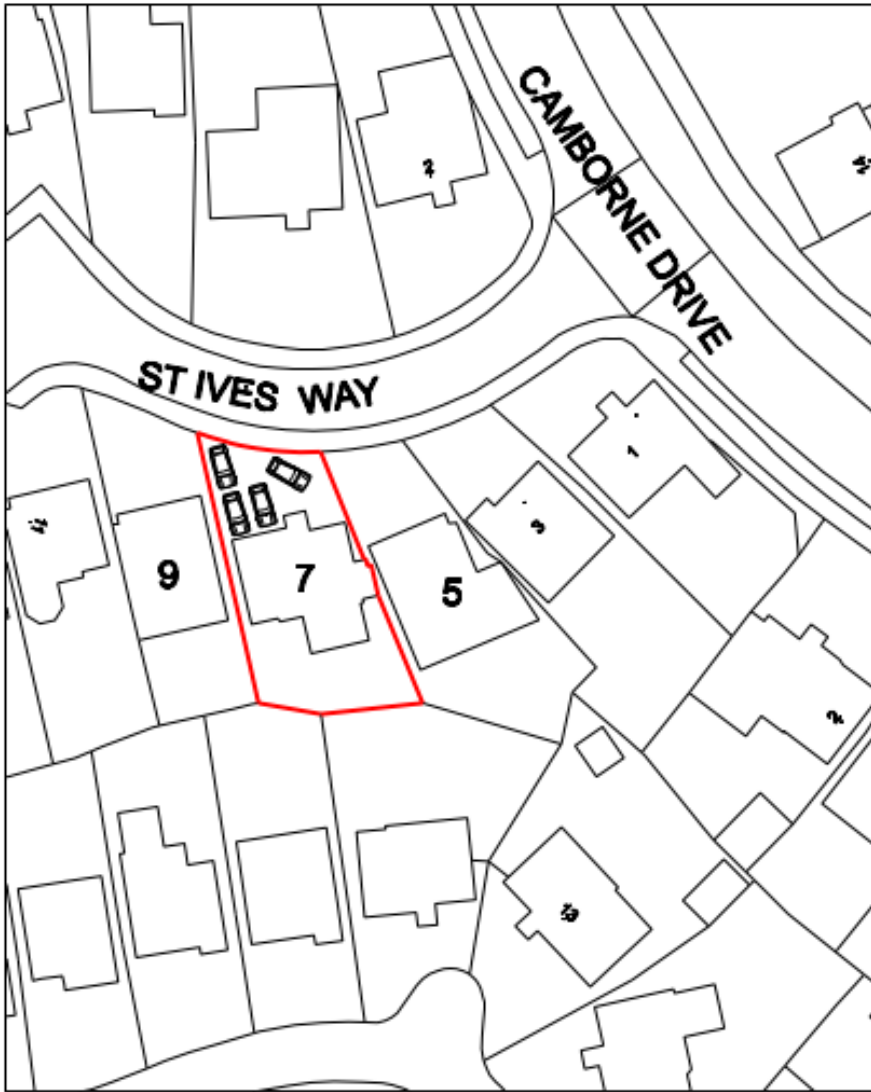
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan Reference	Date Received
Proposed floor plan	2B	12 May 2023
Site plan	3	6 April 2023

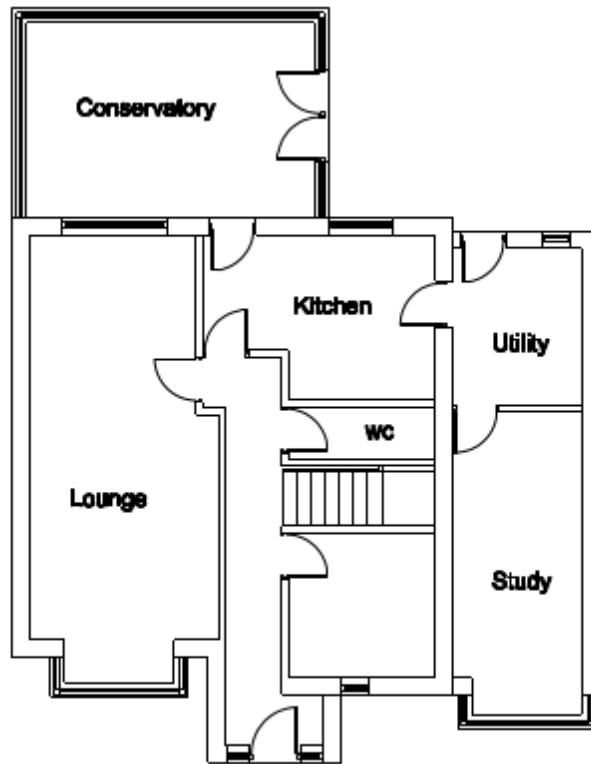
3. The site shall not operate other than in accordance with the Planning Statement received by the Council on the 6 April 2023, specifically the number of children and staff members occupying the property at any one time.

4. The development shall not be occupied until the proposed parking has been provided in general accordance with the approved drawing 'Site Plan Drawing no 3' and has been surfaced with a bound permeable material.

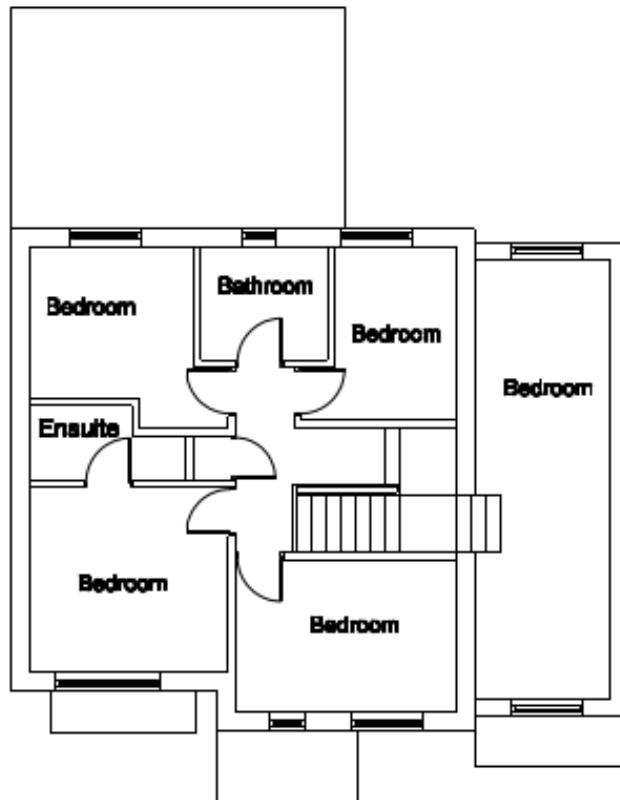
5. Notwithstanding the provisions within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order, with or without modification) the use of the development hereby approved shall be restricted to the use as a care home for no more than 4 residents. In particular, it shall not be used for any other purpose within Use Class C2, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order.



Site plan

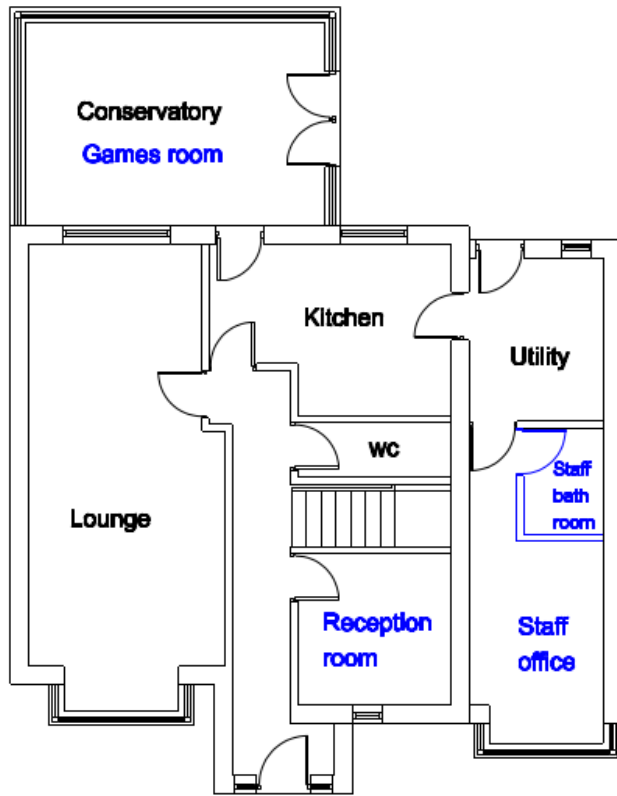


**Existing Ground Floor Plan**

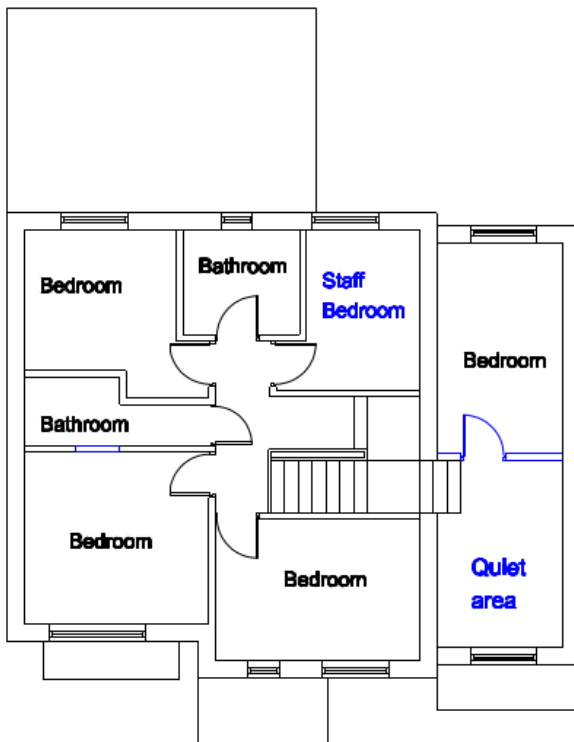


**Existing First Floor Plan**

Existing floor plans



**Proposed Ground Floor Plan**



**Proposed First Floor Plan**

Proposed floor plans



## GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

## Guide to changes to the Use Classes Order in England

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

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

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

Class E (Commercial, business and service uses),	Class F.1 (Learning and non-residential institutions)	Class F.2 (Local community uses)
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