

Enquiries to:  
Committee Services

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 8<sup>th</sup> March 2024

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 19<sup>th</sup> March 2024 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 – 19<sup>th</sup> March 2024**

Members are advised that a site visit will take place prior to the Planning Applications Committee in connection with application Site 93A004.  
Woodlands Farm - Woodlands Road.

Members to meet at - 184 Woodlands Road

[https://www.google.co.uk/maps/@52.4832511,-1.4968273,3a,52.3y,250.8h,70.44t/data=!3m6!1e1!3m4!1sQ9IC6pr\\_2U4G4lwnISk6Nw!2e0!7i16384!8i8192?entry=ttu](https://www.google.co.uk/maps/@52.4832511,-1.4968273,3a,52.3y,250.8h,70.44t/data=!3m6!1e1!3m4!1sQ9IC6pr_2U4G4lwnISk6Nw!2e0!7i16384!8i8192?entry=ttu)

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 6<sup>th</sup> February 2024, attached (**Page 6**).

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 12**). 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 16**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**6<sup>th</sup> February 2024**

A meeting of the Planning Applications Committee was held on Tuesday, 6<sup>th</sup> February 2024, in the Council Chamber and was recorded for future publication on the Council's website.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: M. Green, J. Hartshorn, B. Pandher, E. Shiers, R. Smith, D. Brown (substitute for Councillor S. Markham) and M. Walsh (substitute for Councillor K. Wilson).

Apologies: Councillors S. Markham, K. Wilson, J. Sheppard, C. Cape and B. Hammersley.

PLA37 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 16<sup>th</sup> January 2024 be approved and signed by the Chair.

PLA38 **Declarations of Interest**

As substitute Councillors for this meeting, the Declarations of Interest for Councillors D. Brown and M. Walsh were not included in the schedule attached to the agenda.

**RESOLVED** that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interests for Councillors D. Brown and M. Walsh.

PLA39 **Declarations of Contact**

Cllr E. Shiers declared she was aware of the situation in relation to Item 3 (application 039848) but has not discussed the application with the applicant, or given an indication as to how she would vote.

**IN PUBLIC SESSION**

PLA40 **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 PLA40 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 6<sup>th</sup> FEBRUARY 2024

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039976 - Site 105B008 - Bedworth Leisure Centre & Land at Miners Welfare  
Park

Applicant: Nuneaton and Bedworth Borough Council

**Public Speaker: Councillor S. Markham (Ward Councillor)**

**DECISION**

That planning permission be granted, subject to a legal agreement and the conditions as printed in the agenda and addendum.

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039374 – Site 51D013 – Park Avenue, Nuneaton

Applicant – Mr Paul Starkey

**Public Speaker: Ash Starkey (Supporter)**

**DECISION**

That planning permission be granted, subject to the conditions as printed in the agenda and addendum, and subject to there being no new points of objection following the additional consultation letters.

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039848 – 208 Lutterworth Road, Nuneaton. CV11 6PG

Applicant – Dr. Gustav Sharma

**Public Speakers: Councillor J. Gutteridge (Ward Councillor)  
Clive Robinson (Agent)  
Dr. Gustav Sharma (Applicant)**

**DECISION**

That planning permission be granted, subject to the conditions as printed in the agenda and addendum.

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## 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. Director – Holy Spirit Catholic Multi Academy Company. Member of the George Eliot Fellowship Member of Other Bodies:	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> <li>• Friendship Project for Children.</li> <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 – WCC (Portfolio Holder for Children’s Services)	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> <li>• Hammersley, Smith and Orton Charities</li> </ul>	
	B. Pandher		Member of Warwickshire County Council  President & Trustee of Nanaksar Gurdwara Gursikh Temple Coventry; 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> <li>• Conservative Party</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	The Labour Party Coventry East Credit Union  Member of the Pride in Camp	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Dessert Company	<p>Hill Board.</p> <p>Member of the governing board for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p> <p>Director Community Interest Company Chill (alternative education provision for young people)</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>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</li> </ul>	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
			Warwickshire Local Enterprise Partnership Ltd (CWLEP) <ul style="list-style-type: none"> <li>• West Midlands Combined Authority</li> </ul>	

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

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	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
			Warwickshire Local Enterprise Partnership Ltd (CWLEP) <ul style="list-style-type: none"> <li>• West Midlands Combined Authority</li> </ul>	

**Planning Applications Committee**  
**19<sup>th</sup> March 2024**

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

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	039720	SL	Site 93A004, Woodlands Farm, Woodlands Road	17
2.	039975	BE	All Saints Church, High Street, Bedworth, Warwickshire, CV12 8NH	49

<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		



# PLANNING APPLICATIONS

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Item No. 1

**REFERENCE No.** 039720

**Site Address:** Site 93A004, Woodlands Farm, Woodlands Road

**Description of Development:** Hybrid planning application for (i) full planning application for the demolition of the existing Woodlands Farmhouse and agricultural buildings and (ii) outline planning application for the erection of up to 150 residential dwellings (Use Class C3), and associated infrastructure, public open space and landscaping with all matters reserved except for access

**Applicant:** Arbury Estate

**Ward:** SL

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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 a hybrid planning application which seeks full consent for the demolition of the existing Woodlands Farmhouse and agricultural buildings and outline consent for the erection of up to 150 residential dwellings (Use Class C3), and associated infrastructure, public open space and landscaping with all matters reserved except for access at site 93A004, Woodlands Farm, Woodlands Road, Bedworth.

Strategic housing allocation HSG4 covers 38.5ha, and is located on the north-western edge of Bedworth, north of the Bedworth Heath. Woodlands Lane / Woodlands Road bisect the site, effectively splitting HSG4 into eastern and western portions. This site forms a part of the HSG4 allocation and is located to the south and west of Woodlands Lane / Woodlands Road. The site area is 14.46 hectares and comprises of farmland and a farmhouse. Residential housing lies to the north and west of the site. To the south is the Nook Local Wildlife Site with open countryside and the former Newdigate Colliery to the east.

## **BACKGROUND:**

This is a hybrid application with full planning permission sought for the demolition of the existing Woodlands Farmhouse and agricultural buildings. The outline element of the application seeks consent for the erection of up to 150 residential dwellings and associated infrastructure, public open space and landscaping. The following matter is to be considered at this stage:

- Access – accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

The following matters are reserved to be considered at a future stage and do not form part of the application:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – The aspects of a building or place which determine the visual impression it makes, including the external built form of the development.
- Landscaping – Treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

This application is being reported to Committee at the request of Councillor Evans, with the call in request being supported by Councillor Brown, Councillor Coventry-Moreton, Councillor Markham, Councillor Moreton and Councillor Walsh.

### **RELEVANT PLANNING POLICIES:**

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - o DS1 – Presumption in favour of sustainable development
  - o DS2 Settlement Hierarchy and Roles.
  - o DS3 – Development principles.
  - o DS4 – Overall development needs
  - o HSG4 – Woodlands
  - o H1 – Range and mix of housing.
  - o H2 – Affordable housing.
  - o HS1 – Ensuring the Delivery of Infrastructure.
  - o HS2 – Strategic Accessibility and Sustainable Transport.
  - o HS3 – Telecommunications.
  - o HS4 – Retaining community facilities
  - o HS5 – Health.
  - o HS6 – Sport and Exercise.
  - o NE1 – Green Infrastructure.
  - o NE2 – Open Space
  - o NE3 – Biodiversity and Geodiversity.
  - o NE4 – Managing Flood risk.
  - o NE5 – Landscape Character.
  - o BE1 – Contamination and land instability.
  - o BE3 – Sustainable design and construction.
  - o BE4 – Valuing and conserving our historic environment.
- Affordable Housing SPD 2020.
- Air Quality SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022
- Concept Plans for Strategic Allocations: HSG4, Woodlands SPD 2020
- National Policy Planning Framework (NPPF)
- National Planning Practice Guidance (NPPG)

### **CONSULTEES NOTIFIED:**

Active Travel England, Bedworth Society, Cadent Gas, Canal & River Trust, Coal Authority, Environment Agency, George Eliot Hospital Trust, Highways England,

POA

Historic England, Health & Safety Executive, National Amenities Society, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Waste & Refuse, NBBC Sports Development, NBBC Tree Officer, NHS, North Warwickshire Borough Council, Open Space Society, Severn Trent Water, Stagecoach, Warwickshire Wildlife Trust, Warwickshire Police, Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Health, WCC Highways, WCC Infrastructure, WCC Rights of Way.

## **CONSULTATION RESPONSES:**

Objection from:

Bedworth Society, NBBC Parks, National Amenities Society (Victorian Society), CPRE

No objection subject to conditions/contributions from:

WCC Highways, Highways England, NHS, WCC Fire Safety, George Eliot Hospital, NBBC Environmental Health, WCC Infrastructure, WCC Flood Risk Management, WCC Archaeology, NBBC Housing, NBBC Sports Development

No objection from:

Health & Safety Executive, Environment Agency, Natural England, NBBC Waste & Refuse, Coal Authority, Cadent Gas

Comment from:

Active Travel England, WCC Health, NBBC Tree Officer, North Warwickshire Borough Council, WCC Police, WCC Rights of Way, NBBC Planning Policy, Severn Trent Water

No comment from:

Historic England, Canal & River Trust

No response from:

Open Space Society, Stagecoach, Warwickshire Wildlife Trust, Western Power Distribution

## **NEIGHBOURS NOTIFIED:**

Woodlands House Farm and Woodlands Cottage, Bedworth Lane; 1 – 16 Charles Eaton Court, 61-73 (odd inc) Charles Eaton Road; 1-25 (inc) Dove Close; 2-24 (even inc) Flats A & B at no.24, Heather Drive; 1-9(inc) 11a, 11, 15, 17 Judd Close; 4-11 Juniper Close; 1-6 (inc) 150, 152, Missing Oak Close; 357-365 (odd inc) Newtown Road, 1-37 (inc), 38-48 (even inc) The Willows; Woodlands Working Mens Club, 'Site 93c003' Woodlands Road; Woodlands Farm, Norwood Farm, Land adj 164, 176-180 (even inc), Woodlands Villa (182), 184, Blenheim (196), Blennerville (198), Glenville (200), 202, 204, Ferndale, Brettina Cottage (208), Woodland View (210) Woodlands Lane; 91, 95-99 (odd inc), 136, 138, 150-164, 192, 194, 208, 210 Woodlands Road.

Neighbouring properties were sent letters notifying them of the proposed development on 17<sup>th</sup> July 2023, 13<sup>th</sup> November 2023 and 28<sup>th</sup> February 2024. A site notice was erected on street furniture on 19<sup>th</sup> July 2023 and the application was advertised in The Nuneaton News on 26<sup>th</sup> July 2023.

## **NEIGHBOUR RESPONSES:**

There have been objections from 19 addresses and 3 with no address provided and the comments are summarised below;

1. Woodlands Road is not able to take the additional traffic
2. Impact on highway safety and unsuitable access

3. Inadequate amenities and infrastructure to cope with the development
4. Development is not needed
5. Housing figures in 2019 Borough Plan were flawed and this site is to be deallocated
6. Air quality assessment data is outdated
7. Proposal does not comply with key climate change objectives
8. Loss of green space
9. Site would be affected by flooding & increase flood risk elsewhere
10. Woodlands Lane/Road would continue to flood
11. Impact to wildlife, flora and fauna
12. Impact to biodiversity and endangered species
13. Increase in traffic congestion
14. No bus connection to the site
15. Access road would impact residential amenity and health
16. Woodlands Lane is in a poor condition (pot holes)
17. Loss of trees and vegetation
18. Deterioration in air quality
19. Site is not within the Borough Plan
20. Council has a 5 year housing supply
21. Emergency entrance in Judd Close is not acceptable
22. Impact on mental health of current residents
23. Upkeep of a strip of land between residential property and proposed access road which is not a part of the plan
24. Increase in overcrowding
25. Astley Lane site is already having an effect on flooding
26. Increase in dwellings without providing jobs would increase deprivation
27. Land is Green Belt and should be protected
28. Development would be over 1200m from district/local centre
29. The site does not feature a safe emergency access
30. Proposed attenuation pond and existing ponds could overflow
31. Impact on ground stability
32. Site is of high quality agricultural status
33. Impact of construction traffic
34. Roads are already congested
35. Historical and Archaeological importance of the fields and farmhouse
36. Loss of historic landscape and ancient ridge and furrow
37. Possibility of contaminated land
38. Development is not sustainable
39. Site has is to be de-allocated as part of the Borough Plan review
40. Cycle path may result in additional ASB

## **APPRAISAL:**

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

1. The Principle of the Development and Compliance with the Concept Plan
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. Contamination and Land Stability,
8. Air Quality
9. Ecology, Open Space and Biodiversity,
10. Heritage and Archaeology,

11. Planning Obligations,
12. Conclusion

## **1. The Principle of Development and Compliance with the Concept Plan**

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site is within Bedworth and therefore compliant with Policy DS2.

In accordance with Paragraph 226 of the National Planning Policy Framework and recently updated PPG on housing land supply, Nuneaton and Bedworth Borough Council are required to demonstrate a 4 year housing land supply against a 5 year requirement. In January 2024, the Council published its Annual Monitoring Report (AMR) 2022-2023, which set out the housing land supply position of 5.13 years at 1st April 2023. Following the publication of the AMR, as a result of a number of factors including preparation of evidence to inform the Borough Plan Review which was submitted to the Secretary of State on 12th February 2024, further discussions with landowners and agents on the progress of sites and having reviewed Case Law examples following the exchange of evidence on a number of planning inquiries ongoing within the Borough, the Council has reconsidered its position. The Council now considers it can demonstrate a supply of 4.06 years, which is in excess of the 4 years required in accordance with national policy.

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Policy DS4 identifies the overall development needs for the Borough throughout the plan period. The current Borough Plan plans for at least 14,060 homes and the Borough Plan Review plans for a minimum of 9810 homes based on 545 dwellings per annum. Housing allocation HSG4 accounts towards the current Borough Plans figures, however it has not been included within the current draft of the Borough Plan Review. The figures within the Borough Plan Review are yet to be considered by the Secretary of State. Nevertheless, the housing figures within the Borough Plan Review still account for 630 dwellings to come through from Windfall sites.

Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG4. The key development principles under Policy HSG4 are:

1. Provision of approximately 689 dwellings in a mix of dwelling types and sizes.
2. Provision of a local centre including community facilities.
3. Potential on-site GP surgery or financial contribution to new GP or expanded surgery in western Bedworth area (Goodyers End, Newdigate, Bedworth Woodlands).
4. Play and open space to be provided in central position linking together existing local wildlife sites with appropriate management and maintenance arrangements.
5. Provision of on-site park and play facilities.
6. Financial contribution towards the upgrading of play facilities at the park on Heath Road / Newtown Road, and financial contribution towards facilities at Miners Welfare Park in Bedworth, a destination park within the council's Open Space Strategy.
7. New 1 form entry primary school.
8. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
9. Provision of on-site bus infrastructure and contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators.
10. Transport improvements/upgrades required along Woodlands Lane, Woodlands Road, Bedworth Lane, Newtown Road, Heath Lane and surrounding streets as a result of the development.
11. Financial contributions towards borough-wide strategic highway infrastructure works identified within the Bedworth area.
12. Provision of a footway/cycleway on the site, linking through to the cycle path adjacent to the former mineral railway line to Newdigate Colliery.
13. Financial contribution towards provision of footway/cycleway leading to Bedworth Town Centre, running parallel to the former mineral railway line to Newdigate Colliery, and then utilising the further connection via Rectory Drive.
14. Potential local sewage network improvements in order to improve biological treatment capacity to accommodate the development.
15. Financial contributions towards sport and physical activity.

The expected form of development is also set out in Policy HSG4, which includes the retention of adjacent hedgerows and hedgerow trees along Bedworth Lane and Woodlands Lane, the maintenance of a corridor of open space for the public right of way with appropriate tree and hedgerow planting, retention of The Nook and Flash Meadows local wildlife sites and wooded area between The Nook and Woodlands Farm, the retention of high quality ridge and furrow through careful siting of green space, enhancement of the existing ditch system with riparian vegetation and wetland species with the incorporation of other wetland features as part of any landscape framework, the re-establishment of the green infrastructure network, including pockets of woodland that resemble field patterns to the west, the careful design of any highways access from Woodlands Road in order to minimise the effects on the overall rural wooded character of the road, the incorporation of screening along the northern edge in order to preserve the rural prospect from South Farm and Arbury Mill, the protection of existing ecological networks and nationally scarce grassland habitats with offsetting contributions within or related to the site and focussing on low-rise residential development within the highly visible areas of the site.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG4. The Concept Plan SPD establishes a strategic context for planning applications and sets a baseline position in terms of assessing future schemes which will contain more detailed proposals. It is intended to provide a visual

representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements.

The policy states that strategic housing site HSG4 will be developed for a mix of residential and community uses. The overall strategic allocation site should deliver approximately 689 dwellings in a mix of dwelling types and size and a local centre, including community facilities should be provided. On the overall strategic allocation, a new 1 form entry primary school should be provided together with on-site park and play facilities, as indicated on the Concept Plan, and play and open space should be provided centrally linking together existing local wildlife sites with appropriate management and maintenance arrangements. On-site bus infrastructure and transport improvements/upgrades should be brought forward as part of any future development, alongside the provision of a footway/cycleway on the site, linking through to the cycle path adjacent to the former mineral railway line to Newdigate Colliery.

Most of the site is within the settlement boundary, except for the vehicular access. However, this was discussed at pre application stage, where it was considered necessary for highway visibility and to protect some of the larger trees. The Tree Protection Plan, sheet 1 of 6, appears to show that the access provision will retain the main trees within the hedgerow to the road. The land use and movement parameter plans show that no built form other than the access is to be outside of the settlement area. As long as this is conditioned via the scheduling of these plans, then it is considered that in this instance, the proposal meets with the policy and NBBC Planning Policy have no objection to the location of the access.

This application initially sought outline consent for up to 150 dwellings and up to 0.4ha for a community hub (Use Class F2 a&b). However, the community hub was later omitted from the description of development, as WCC Highways advised that this would require the inclusion of a secondary access. The ideal location for the community hub, as shown in the HSG4 Concept Plan SPD, was within the western part of the site boundary for this application. As such, the parcel of land earmarked for the community hub was removed from the site plan so that it is still potentially able to be brought forward as a community hub within the ideal location as part of a future phase. This land, along with the remaining part of the HSG4 allocation to the west, is within the same ownership.

Policy TC3 states that any new residential development should be within 1,200m walking distance of a district or local centre and where new residential development is proposed and the above thresholds can not be demonstrated, the application should include the provision of a new district/local centre. This is why the inclusion of a community hub as a key development principle for the HSG4 allocation is necessary, because of the distance between parts of the allocation to existing services. As previously discussed, a local centre is no longer proposed as part of this first phase. As such, it should be ensured that the development is sustainable should this future phase not materialise. The large majority of this application site is within 1,200m walking distance of the Smorrall Lane and Newtown Road Local Centres. The northern-most part of the site is the furthest from these centres, with the maximum distance being approximately 1,250m (this is approximate as the internal road layout and location of dwellings is not final at this stage). However, this additional 50m (approx.) is not considered to be significant enough as to warrant a refusal; especially given that the large majority of the site is within 1,200m of an existing centre and that the exact location of the proposed dwellings is not set with this being an outline application. Whilst not a designated centre, there is also an existing convenience store

and doctors surgery on the corner of Woodlands Road and Newtown Road. NBBC Planning Policy have no objection to this.

The Council has begun the process of reviewing the current 2019 Borough Plan. Paragraph 48 of the NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Paragraph 49 of the NPPF states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area

Paragraph 50 of the NPPF states that the 'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'

In this instance, the HSG4 site was initially allocated for residential development and hence considered to be an appropriate site for development as part of the 2019 Borough Plan. The Borough Plan Review was submitted to the Secretary of State on 12 February 2024, however it has not yet been reviewed or examined. As part of the review, it is proposed that HSG4 is to be de-allocated. This is because the site was identified as not being deliverable within the plan period. At the time, no planning application or pre-application discussions had taken place and there was no indication that an application may be forthcoming.

The site has not yet formally been de-allocated and the scheme will be assessed on its own merit (ie, assuming that the remainder of HSG4 is to be de-allocated). Despite being submitted, only limited weight can be given to the Borough Plan Review.

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

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. The application proposes 25% of the dwellings to be affordable which is therefore acceptable. As this is an outline application, no further details have been submitted in relation to the affordable housing mix or the location. This would form part of subsequent reserved matters and an assessment would be made at that time regarding compliance with Planning Policy and the Affordable Housing SPD. NBBC Housing have no objections at this time.



In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. As this is an outline application, no further details have been submitted in relation to the housing mix. This would form part of subsequent reserved matters and an assessment would be made at that time.

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

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 which was updated in 2016. As part of the evidence base, it is currently being reviewed. The assessment states that the site is located in the Bedworth Woodlands Rural Fringe Landscape Character Area. It states the strength of landscape character is moderate as the features are relatively uniform and consistent across the landscape. The pattern of small scale primarily pastoral farming with mature hedgerows and a high concentration of hedgerow trees are features representing the older rural landscape. However, the character becomes diluted slightly where past mining has influenced the pattern of the landscape. This occurs particularly around the former colliery where the landform is man made and field pattern no longer evident. Dilution of character also occurs around the settlement fringes where land is used for horse paddocks and fences replace hedgerows. The landscape condition is considered to be moderate and therefore, the landscape strategy is to enhance.

The Concept Plan SPD states that development of the strategic housing site should seek to incorporate and retain existing landscape features such as trees and hedgerows into areas of open space where possible, in line with recommendations in the landscape character section and the TEP Landscape Character Assessment. The indicative layout plan shows that these areas will form part of the network of green space running throughout the site and connecting existing Local Wildlife Sites within and adjacent to HSG4. Furthermore, edge treatments and landscape buffers should align with the Policy requirements and the retention and strengthening of existing hedgerows is encouraged adjacent to existing residential properties. This will be considered at the reserved matters stage. In addition, a Landscape and Visual Impact Appraisal has been submitted with the application which makes a number of recommendations including to retain existing field hedgerows and hedgerow trees, provide green infrastructure corridors to PRoWs, provision of POS and planting, provision of SuDS and ecological enhancements, retain the existing mature trees and create green corridors to break up the perception of development mass.

Policy NE5 of the Borough Plan states that major developments must demonstrate that they are in balance with the setting of the local landscape. With this outline application, there could be many different final forms of development since the details are reserved for consideration later. That said, given the amount of open space provided, especially that to the north-east, and that to the south, regard has been had to the existing setting and it is considered that the site adequately addresses the setting of the area.

Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. In addition, the site is part of an allocated site within the adopted Borough Plan and while its future development in line with Policy HSG4 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Best and most versatile agricultural land is identified as land in grades 1, 2 and 3a of the Agricultural Land Classification. It is within this context that an Agricultural Land Classification Report has been submitted to support the application. The site contains agricultural land in ALC Grades 3a. Grade 3a land is considered to be among the best and most versatile agricultural land for land use planning in England. Food production would be one of the key benefits associated with the best and most versatile agricultural land and it is acknowledged that this area of land would be lost if developed residentially. However, the benefits of the development should be considered and the fact that this is an allocated site does weigh heavily in support of the application.

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 (paragraph 135). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. The Concept Plan SPD states the architectural appearance of the development should respond positively to the design context and height of the existing residential areas surrounding the site, which includes a mix of single storey bungalows and chiefly two storey detached and semi-detached dwellings built in the post-war era of the twentieth century. This should be achieved through the use of variation in building heights, house types and orientation of dwellings to create an attractive, high quality extension to the urban area. The overall design should, where appropriate, use varied building materials which make reference to the local vernacular. Roof materials should be in recessive colours to help reduce the prominence of urban edges. As this is an outline application, details of design and layout are not being considered at this stage and would form part of a future reserved matters application.

#### **4. Residential Amenity**

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

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. 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. Rainwater harvesting systems should also be provided for each dwelling. As this is an outline application, the layout and design are not being considered, however any future reserved matters application would need to ensure that the above requirements are met. Any future reserved matters application would also need to ensure that separation distance standards are met in relation to the existing properties and within the site, in compliance with the Sustainable Design & Construction SPD 2020

Policy HS5 of the Borough Plan and the Sustainable Design and Construction SPD require major planning applications to review the impact of their proposals on health. This can be demonstrated either through a Health Impact Assessment or Health Impact Assessment Screening Report. A HIA screening report and an assessment against the 12 Building for a Healthy Life criteria have been provided. The scheme scores a green rating across all 12 criteria. WCC Health have been consulted with to review the HIA screening report. The WCC Health team mostly had no objection, however they questioned as to why housing for older people is not proposed as part of this application and why a larger percentage of affordable homes is not required (30-40%). With regard to housing for older people, the scheme would provide 35% of M4(2) dwellings, which are those capable of becoming accessible. In addition, bungalows may form a part of the final design and layout and this will be considered at reserved matters stage. There is no policy requirement for this site to provide a care home or any other form of specialised housing for older people and therefore it is considered that the scheme, at outline stage, is able to provide the policy required level of accommodation for older people. With regard to affordable homes, the scheme is compliant with NBBC's policy for 25% affordable dwellings.

Paragraph 180 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It is within this context that a Noise Impact Assessment has been submitted.

The dominant noise source affecting the application site is road traffic using the surrounding highway network and the assessment shows that the highest noise levels will be experienced in the west of the application site, which is closest to Woodlands Road and the A444. The assessment has concluded that a small amount of noise mitigation is likely to be required. During the detailed design phase the principles of good acoustic design will allow the development to reduce and minimise the propagation of noise across the application site and reduce the likelihood for requiring specific acoustic mitigation measures such as glazing, ventilation and barriers.

The NBBC Environmental Health team have reviewed the NIA and have no objection, subject to a condition for the submission of a noise attenuation scheme including glazing, ventilation, orientation and boundary treatment details.

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

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access is proposed directly from Woodlands Lane via a bellmouth junction, and the position of the access is in general accordance with Policy HSG4 and the Concept Plan SPD. The proposed access has been widened to 6.7m in width to accommodate busses and tracking drawings have been provided to show safe manoeuvrability for larger vehicles. The RSA carried out

for the site access identified one problem relating to forward visibility for right turning vehicles into the site. An amended plan showing forward visibility has been provided and reviewed by WCCs Road Safety team. WCC Highways have no objection to the proposal and to the proposed access design, location and width.

In terms of parking provision, the Transport Demand Management Matters SPD 2021 (TDMM) requires 1 space per dwelling + 1 unallocated space per 5 dwellings for 1 bed properties, 2 per dwelling + 1 unallocated space per 10 dwellings for 2 bed properties and 2 per spaces dwelling + 1 unallocated space per 5 dwellings for 3+ bed properties. This will be assessed at the reserved matters stage. Internal road layouts and design would also be assessed at the reserved matters stage, in liaison with WCC Highways.

With regard to assessing the impact of the development on the wider highway network, in order to assess baseline conditions, peak period classified turning counts conducted by Auto Surveys on 10/05/2022 were used at the Newtown Road/Croft Road/Heath Road(s)/Heath Road(w), A444 offslip/Newtown Road and A444 onslip/Newtown Road. WCC records show that these surveys were conducted with an appropriate traffic survey permit.

The modelling also compares the future base year (2031 with no HSG4 development and no A444 improvements) against the future base year with the development of 150 units and no A444 improvements. The Technical Note shows that overall increase in delay at the modelled junctions is 8 seconds. Whilst this may not be significant and WCC Highways state that the development impacts are marginal, this does further reduce capacity and increase queuing and delays. The modelling shows that, overall, there is no capacity in the AM peak and excessive queuing and delay on the Heath Road approach in the AM.

The developers have proposed mitigation (adapting the signals to MOVA control and adding a keep-clear at the Heath Road junction) which mitigates their impacts and offers improvement on the baseline scenario too.

WCC Highways have reviewed this and conclude that with the inclusion of MOVA and the introduction of a hatched area, the impact of the development can be mitigated and provides additional capacity when compared to the baseline (without development) scenario.

Paragraph 115 of the NPPF 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. In light of the above, the residual cumulative impacts are not considered to be severe, subject to the proposed mitigation. This would be provided via S106 contributions to WCC.

In relation to junction 3 of the M6, National Highways originally had concerns that the cumulative impact of this application and allocated growth within the adopted Local Plans, would have an impact on the safe and efficient operation of M6 Junction 3 and the M6 mainline. This concern focused on the M6 Southbound off-slip where the cumulative impact would result in queuing on the slip road and back onto the M6 mainline in future year assessments. This raised significant safety concerns which required mitigation. To identify a solution, National Highways, WCC Highways and Coventry City Council Highways have worked together to resolve the issue. Consequently, a scheme known as the 'M6 Junction 3 Interim Scheme' has been developed by Warwickshire County Council and will signalise the B4113 arm of the junction and provide widening of that approach as well as additional stacking capacity. The mitigation scheme has been tested within the Nuneaton & Bedworth Paramics Model and a junction impact model utilising the modelling programme LINSIG. Based on National Highways assessment and appraisal of the modelling and associated

outputs it has been demonstrated that the scheme would mitigate the operational and safety concerns identified by them. The scheme would be delivered by Warwickshire County Council no later than 2026. To enable the scheme to come forward and be implemented, S106 contributions will be requested from developments and allocations which have a primary or secondary impact upon the junction, based on the modelling outputs. £64,312.00 has been requested towards this scheme and subject to this contribution and a condition, National Highways have no objections.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 108). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 109). There are four public footpaths which currently cross the site (B3, B3a, B4 & B4a). Footpaths B3 and B4 run north-south, with B3 connecting Woodlands Road to Newton Road, and B4 connecting Woodlands Lane to The Willows. Footpath B4a runs west-east connecting B4 with Woodlands Road. Footpath B3a is a spur off footpath 4a and connects with footpath B3. Footpath B1 runs along the northern perimeter of the eastern parcel near Norwood Farm and links to Bedworth to the east. Footpath B2 runs north off B1 towards the Bermuda area of Nuneaton. The inclusion of footpaths and cyclepaths would be addressed at the reserved matters stage, to ensure suitable and sustainable connectivity.

With regard to public transport services, Stagecoach service No. 55 and 56 both run along Newtown Road / Heath Road, which are to the south of the site. Services 55 and 56 both connect Bedworth with Coventry and Nuneaton. Service No. 55 continues to Nuneaton via the George Eliot Hospital and service No. 56 continues to Nuneaton via Bulkington. The access has been designed in order to allow for bus access and WCC Highways have requested a condition for the submission of details for bus infrastructure (road markings and shelters) alongside future reserved matters application. Should local bus services not wish to extend their services to access the site, demand responsive transport (DRT) would be provided. S106 contributions would be provided to fund the DRT service, and/or extend existing public bus services. This approach ensures that the site would still served by some form of a bus service, should existing service providers not wish to extend their services.

## **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 173). 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 Environment Agency have reviewed the submitted information and have stated that they have no bespoke comments to make because the 'more vulnerable' elements of the development (dwellings) are to be located within flood zone 1. Whilst indicative in nature, the site concept plan shows that this is achievable and will be ensured at the reserved matters stage. The site access/egress is also wholly within Flood Zone 1, with a very low risk of surface water flooding and the siting of the access broadly complies with the HSG4 Concept Plan SPD.

Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits

Environment Agency mapping has indicated that isolated parts of the site, most notably along field drainage ditch lines, have a higher potential risk from potential surface water flooding. In order to ensure that the site remains at low risk of flooding and does not increase the risk of flooding elsewhere, the HSG4 SPD states that any development shall include a comprehensive Sustainable Drainage System (SuDS) scheme to take into account potential surface water flooding risk, especially in relation to the proposed developable areas. It is within this context that a Flood Risk Assessment and SuDS Strategy has been submitted. This includes the use of SuDS detention basins, swales, ponds and areas of wetland, along with the use of permeable paving.

WCC Flood Risk Management have reviewed the FRA and SuDS strategy and have no objection, subject to conditions. As such, the impacts of flood risk and drainage are considered to be acceptable.

Severn Trent Water (STW) have been consulted, as they actively manage the public sewers in the area. STW responded to state that foul water/sewage is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. STW also stated that *'Due to the size of this development there are concerns regarding the public sewerage networks capability to accommodate it. A sewer modelling study will be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a comprehensive study of the catchment to determine what capital improvements are required. A reasonable amount of time will need to be determined to allow these works to be completed to provide sufficient capacity before the development is occupied or any additional flows are connected.'*

The developer undertook a 'developer enquiry' with STW prior to the submission of this planning application. The developer enquiry response from Severn Trent states that they would not allow connections to the closest foul sewers on Woodlands Road, however STW state that there is a 450mm foul sewer on Newtown Road with 'more than sufficient capacity' to accommodate 200 dwellings. These new connections will need to be agreed with STW as part of their separate Section 106 process. A copy of the developer enquiry, along with the developers Utilities Assessment was provided to STW and they have no objection to the application.

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

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraph 189). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be

made suitable for the proposed final use. It is within this context that a ground investigation report has been submitted. This shows that there are no major contamination issues at the site. However, Environmental Health have reviewed the report and have identified that no intrusive investigation work has taken place yet on the farm complex itself because the building has not yet been demolished. However, they state that this need not delay the determination of the application and further investigation could be requested via condition. As such, they have no objection subject to conditions.

## **8. Air Quality**

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 192 NPPF).

Paragraph 180 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

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

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

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 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. An ecological assessment and an arboricultural assessment have been submitted with the application. A series of habitats and species surveys were commissioned including bats, birds, reptiles, water vole, otter, badgers and Great Crested Newts.

There is suitable habitat on site for Great Crested Newts (GCN) (notably ponds 4 & 5) and therefore the assessment recommends translocating GCNs to a receptor area (within or adjacent to the Flash Meadows LWS) so that that it is directly connected to pond P4 and P5 so that the receptor site can be excluded from the working area whilst

allowing movement of translocated animals to an appropriate breeding site. The receptor site will be created prior to any other mitigation works and fenced from working areas using amphibian-proof fencing. The report also states that ponds 2, 4 and 5 will be retained and protected and the report concludes that, with the implementation of the mitigation measures outlined, proposals are expected to have a beneficial impact on the local GCN population.

In terms of bats, a total of 51no. trees were recorded on site with bat roosting potential. These included 17no. low, 24no. moderate and 10no. high potential trees. There is a barn located to the south of the site which would be impacted by the proposals.

A total of five buildings were recorded within the site boundary, these included three brick-built barns, one wooden outhouse and a structure of various materials used as storage / stables within the small paddock. The farmhouse was assessed as having a high suitability for roosting bats with the other four buildings having low or negligible suitability for bats. These buildings would be demolished as part of the development proposals and therefore there would be the loss of 'low conservation bat roosts'. In order to compensate for this, the report makes a number of recommendations regarding the method of demolition and the installation of bat boxes on suitable retained trees and integrated into buildings. Numerous mature trees were recorded throughout the site, some of which have features that could provide potentially suitable features for roosting bats. Tree T5 was dead and would require removal for safety reasons, and offered some bat roost potential. Nocturnal survey of this tree was carried out but no bats were recorded emerging or returning to roost and therefore its removal is not considered a constraint. This will require resurvey prior to any removal to reconfirm the status of roosting bats.

The site also provides suitable habitat for birds and hedgehogs. The report makes a number of recommendations for biodiversity mitigation and enhancement measures which includes a Great Crested Newt Protected Species Licence, a sensitive bat lighting strategy, native tree and scrub planting, the installation of bat and bird boxes and hedgehog friendly fencing. NBBC Parks accept the findings of the ecological assessment and have no objections to this element of the proposal, subject to conditions.

The Arboricultural Impact Assessment identified 50no. individual trees and 61no. groups of trees/hedges. A total of 9no. trees/groups are proposed to be removed. Six of these are Category B and 3no. are Category C. None of the trees/groups proposed for removal are considered aged or veteran.

It will be ensured at reserved matters stage that new tree planting will be undertaken within the site following development to mitigate the loss of trees.

NBBC Tree Officer has no objection but has commented that based on the illustrative layout submitted, there may be development within the recommended buffer zones of the existing trees to be retained. However, as this is an outline application and that the masterplan would not be an approved document this issue would not be considered at this stage but would form part of a future reserved matters assessment.

NBBC Parks currently object to this application, however many of the reasons for their objection relate to concerns raised regarding the illustrative masterplan. The reasons as summarised are:

- Layout could achieve greater connectivity between LWS
- Layout inadequately buffers LWS habitats
- Layout would remove pond P3 but this is avoidable
- Play area provision is too dispersed and too close to housing
- Inadequate path networks



Whilst the above points have been duly noted and discussed with the developer, the layout and landscaping elements of this proposal are not a consideration at this stage and a consideration of the above points should be made at the reserved matters stage/s.

Paragraph 185 of the NPPF states that ‘To protect and enhance biodiversity and geodiversity, plans should... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.’ In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site, then off site and finally monetary contributions. Whilst some on-site mitigation would be provided (creation of grassland, mixed scrub and tree planting, SuDS basins and a linear swale ditch), the calculations do show an overall on-site net loss in biodiversity habitat units. In order to mitigate this, an off site habitat creation area would be provided within the wider Arbury Estate (north-west of Arbury Hall). An updated Technical Note and unit calculation has been provided and this shows the creation of 88.27 habitat units and 1.80 hedgerow units at the off-site location. This would provide an overall gain in biodiversity. This gain will be secured via the submission of a further landscaping and ecological management plan via condition and via the S106 agreement.

## **10. Heritage and Archaeology**

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

The NPPF defines a heritage asset as: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). This definition differs to a designated heritage asset, which includes a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

There are no ‘designated heritage assets’ within the site, however the Woodlands farmhouse may be considered as a ‘non-designated heritage asset’ due to its age and features. Paragraph 3.5.3 of the Woodlands Concept Plan SPD states that the “incorporation and retention of older farm buildings, such as the original farmhouse Woodlands Farm should be explored as part of any detailed planning application to retain some of the built heritage associated with HSG4.” A Level 2 Historic Building Record Survey has been undertaken by Cotswold Archaeology to determine the building’s heritage value. The Survey has concluded that (Paragraph 5.13) “the building is not considered to be of sufficient historic interest to be considered as a non-designated heritage asset and the degree of heritage significance overall is low” This is a hybrid planning application, in that outline consent is requested for the erection of dwellings and full planning consent is requested for the demolition of the Woodlands Farmhouse. It is due to this proposed demolition that the Victorian Society have submitted an objection. They consider that the farmhouse features numerous characterful 19th-century details that evocatively reflect the ambitions and resources available to the rural working-class community during that century. Historic England

have stated that they do not wish to offer any comments. NBBC Planning Policy have reviewed the farmhouse as part of their processes to comprise a list of buildings worthy of 'locally listing' and consider that the building does not warrant a local listing. Due to the lack of a listing status, the demolition of this building would be permitted development under Schedule 2, Part 11 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as long as a prior notification application was submitted. Under Schedule 2, Part 11, the only considerations within this application type would be the method of demolition rather than the principle of the demolition. In light of the above, whilst the objection from the Victorian Society does carry weight against the proposal, this must also be assessed against the benefits of the scheme and what could be achieved under permitted development.

With regard to Archaeology, a Heritage assessment has been submitted with the application. This states that there is a known potential for archaeological remains dating to the medieval period to survive across the proposed development area. The potential for archaeological remains dating from the prehistoric, Roman and Anglo-Saxon periods to survive across the proposed development area is currently unknown. The significance, extent, nature and date of any archaeological remains, should they be present, is also unknown. WCC Archaeology have been consulted and have concluded that archaeological implications of the proposal can not be adequately assessed on the basis of the available information and recommended that a programme of archaeological fieldwork is completed before any decision on the planning application is taken.

A programme of evaluative archaeological fieldwork comprising a geophysical survey and trial trenching has since been undertaken across this site. The main objectives of the evaluation were 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 and so allow for an informed planning decision to be made with respect to the archaeological implications of the proposed scheme.

The trial trenching identified a number of undated linear features which were interpreted as possibly relating former field boundaries or drainage systems. A number of abraded medieval and post-medieval pottery sherds and a fragment of possible Roman tegula were recovered from the plough soils. WCC Archaeology have reviewed this and have no objection.

There are extensive areas of ridge and furrow within the HSG4 allocation and areas of high quality ridge and furrow have been identified on the site. Policy HSG4 of the Borough Plan requires that high quality areas of ridge and furrow should be retained where possible. Higher quality ridge and furrow is present within the central part of the site. The condition and extent of these earthworks are considered to be a rare survival within Nuneaton and Bedworth Borough and are therefore assessed as having medium heritage significance. Whilst indicative in nature, the proposed concept plan shows that the majority of this ridge of furrow can be retained as informal open space. Part would likely be removed in the southernmost part of the site for a road which would provide connectivity to the eastern section of the Site and pedestrian/cycle access to Judd Close. NBBC Planning Policy, NBBC Parks and WCC Archaeology have no objection to this and the layout is only indicative at this stage.

## **11. Planning Obligations**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 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 91 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Organisation	Request For	Contribution	Notes
<b>NBBC Sports Development</b>	Provision and maintenance of sports and leisure facilities	£346,132.00	Applicant agreed to contribution
<b>NBBC Parks</b>	Provisions and maintenance of play and open space and allotment provision	£241,039.02	Applicant agreed to pay
	Provision of Biodiversity Off-setting	Off-setting within the Arbury Estate	Applicant agreed to provide
<b>George Eliot Hospital NHS Trust</b>	Provision of healthcare services at George Eliot Hospital	£167,857.00	Not considered to be CIL compliant
<b>NBBC Housing</b>	Provision of affordable housing	25% provision of affordable housing	Applicant agreed to contribution
<b>CCG</b>	Provision of healthcare facilities	£127,592.00	Applicant agreed to contribution
<b>WCC Infrastructure</b>	Improvement, enhancement and extension of library facilities	£3,283.00	Applicant agreed to contribution
	To support the ongoing maintenance of public rights of way	£5,123.02	Applicant agreed to contribution
	Monies for the provision and improvement of schools	£463,245.00	Applicant agreed to contribution
	Road safety initiatives	£7,500.00	Applicant agreed to contribution
	Sustainable travel promotion	To be dealt with via condition	
<b>WCC Highways</b>	To provide bus services either within the site and/or to improve	£330,000.00	Applicant agreed to contribution

existing local bus services to serve the site	£240,000.000	Applicant agreed to contribution
Towards a pedestrian/cycle route towards Bedworth Town Centre	£6,000.00	Applicant agreed to contribution
Process the TRO for a 20mph speed limit within the site	£64,312.00	Applicant agreed to contribution
Towards improvements at M6 J3	£3,500.00	Applicant agreed to contribution
Towards a keep clear lining scheme at the Heath Road/Newtown Road junction	£8,000.00	Applicant agreed to contribution
Towards monitoring of the impacts of development, effectiveness of mitigation measures and modal choice of residents	£45,000.00	Applicant agreed to contribution
Towards the implementation of MOVA control at the Newtown Road/A444 signalised junction		

## 12. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

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

Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the current development plan and

other policies within the NPPF. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

1. In the case of the full element, the development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

2. In the case of the outline elements, his permission is granted under the provisions of Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015, on an outline application and the further approval of the Council shall be required with respect to the undetermined matters hereby reserved before any development commences:

- a) Layout
- b) Scale
- c) Appearance and
- e) Landscaping.

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

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

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

Description	Reference number	Date Received
Site Location Plan	2241020 00101 P07	17 November 2023
Site Block Plan	224120 00104 P05	17 November 2023
Site Demolition Plan	224120 20107 P01	15 September 2023

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

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways and bus stops and shelters:
- b. Residential dwellings;
- c. Provision of public open space;
- d. Provision of ecological and landscaping enhancement areas and
- e. Surface water drainage

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

7. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
  - ii. Hours of work;
  - iii. Loading and unloading of plant/materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. The erection and maintenance of security hoarding.
  - vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
  - vii. A scheme for recycling/disposing of waste resulting from construction works.
  - viii. Measures to control the emission of dust and dirt during construction;
  - ix. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.
- Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

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

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

9. No development, excluding demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the 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. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
2. Where infiltration is demonstrated to not be feasible, 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 22.1 l/s for the site in line with the approved surface water drainage strategy.

3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).

4. 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.

5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, 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.

6. 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.

7. 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.

10. No development, except for demolition, shall commence on the parts of the site which currently feature a farmhouse, ancillary residential outbuildings and agricultural buildings (as shown on Demolition Plan reference 20107 P01) until:

a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;

b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;

c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

11. No phase of development shall commence until a dust management plan has been submitted for that phase and approved in writing by the Council. The plan shall detail measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

12. No phase of development above slab level, except demolition and access shall commence until details of the layout of equipped play areas, public open spaces, ecological and landscaping enhancement areas, boundary details (including knee rail fencing), surfacing, drainage, bins, seating, signage and notice/information boards for that phase, has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

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

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

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements 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.

14. No development, including site clearance, shall commence until a Biodiversity, Landscaping and Ecological Management Plan has been submitted to and approved in writing by the Council. The plan shall set out how the measures detailed in the Ecological Appraisal received by the Council on 17th July 2023 will be implemented and maintained along with details for the off-site biodiversity offsetting location. The content of the plan shall include:

- a.details of planting to provide additional foraging areas for bats;
- b.details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
- c.details of mammal friendly fencing;
- d.habitat creation on and off site (within the wider Arbury Estate)
- e.biodiversity impact mitigation on and off site (within the wider Arbury Estate)
- f.landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. provision of barn owl nest boxes;
- i. timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- j.details of a scheme securing future maintenance and retention;
- k. description and evaluation of features to be managed;
- l. aims and objectives of management;
- m. appropriate management options for achieving aims and objectives;
- n. prescriptions for management actions;
- o.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- p.details of the body or organisation responsible for implementation of the plan;
- q. ongoing monitoring and remedial measures.

The plan shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the plan and address any contingency measures where appropriate. The plan 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 plan 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 plan 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 plan 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.

15. No phase of development, including site clearance, shall commence until details of the protection and mitigation (including any necessary licensing from Natural

England) of potential damage to populations of Great Crested Newts (GCN) (a protected species under The Wildlife and Countryside Act 1981 as amended and Habitats Directive Annex II) and associated habitat during the development have been submitted to and approved by the Council. The scheme shall also include:

- a. preparation of receptor area + receptor ponds including timing and phasing and establishment period ahead of trapping and other site commencement.
- b. details and location for all dropped kerbs and offset gully pots and timing for implementation
- c. details for the provision of GCN 'stepping stone' ponds and timing for implementation
- d. details of the creation of permanent standing water areas to include GCN suitable profiles, cross sections and depths and timing for implementation

Any approved mitigation statement will be implemented in accordance with the approved details.

16. No phase of development, including site clearance, shall commence until a walkover of the site by a suitably qualified and licenced ecologist has been undertaken to verify that there are no badger setts on site, the results of which shall be submitted to and approved in writing by the Council. If badger setts are found a licence, if required by Natural England, and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.

17. No phase of development, including site clearance, shall commence until a further bat roost check on trees being removed by a suitably qualified and licenced ecologist has been undertaken to verify that there are no roosting bats, the results of which shall be submitted to and approved in writing by the Council. If roosting bats are found a licence, if required by Natural England, and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.

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

19. No development, except demolition, shall commence until an updated Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within 'Tree Survey Report and AIA' received by the Council on 18th July 2023 shall be removed unless otherwise agreed in writing. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development.

20. No development, except demolition, shall commence until a Biodiversity Net Gain Plan (BNGP) to demonstrate no net loss in biodiversity from the pre-development biodiversity value has been submitted to the Council and approved in writing. The BNGP shall include:

- a. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b. the pre-development biodiversity value of the onsite habitat
- c. the post-development biodiversity value of the onsite habitat

- d. any offsite biodiversity gain linked to the development and the biodiversity value of that gain
  - e. the timing for the implementation of the proposed mitigation measures
  - f. a management plan for the provision and maintenance of offsetting features for not less than 30 years from the date of implementation
- Any approved mitigation shall be implemented in accordance with the approved details.

21. No development, except demolition, shall commence until a noise attenuation scheme (including glazing, ventilation, orientation, and barrier details where appropriate) to meet the standard for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 -including 45dB LAFmax in bedrooms at night (11pm -7am) has first been submitted to and approved in writing by the local planning authority. Specifically, with reference to those locations that are subject to higher noise levels at Woodlands Road. No building shall be occupied other than in accordance with the approved details.

22. No development above slab level shall commence until full details and samples of materials proposed to be used in the external parts of any building in that phase have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

23. No development above slab level, except demolition, shall commence until full details of the boundary treatments including new walls and fences have been submitted to and approved in writing by Council. No dwelling shall be occupied until the agreed boundary treatment has been carried out in accordance with the approved details.

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

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

26. Access to the site for vehicles from the public highway shall not be made other than at the positions identified on the approved drawing J32-4678-PS-004 Rev C, and shall not be used until a bellmouth junction access has been laid out in general accordance with the approved plans and constructed.

27. The development shall not be occupied until all parts of the existing access(es) within the public highway not included in the permitted means of access have been closed and the (footway/verge) has been reinstated.

28. Detailed plans for the location and layout of bus infrastructure (including road markings, shelters etc) within the site shall be submitted and approved as part of any subsequent reserved matters application(s) relating to layout, unless otherwise agreed in writing by the Council. The approved details shall thereafter be laid out and constructed prior to occupation and permanently retained thereafter.

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

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

31. The development hereby permitted shall not be occupied until a scheme for the provision of adequate detailed supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority.

32. No residential dwellings shall be located outside of the defined settlement boundary, as shown by NBBC's Borough Plan Policies Map

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

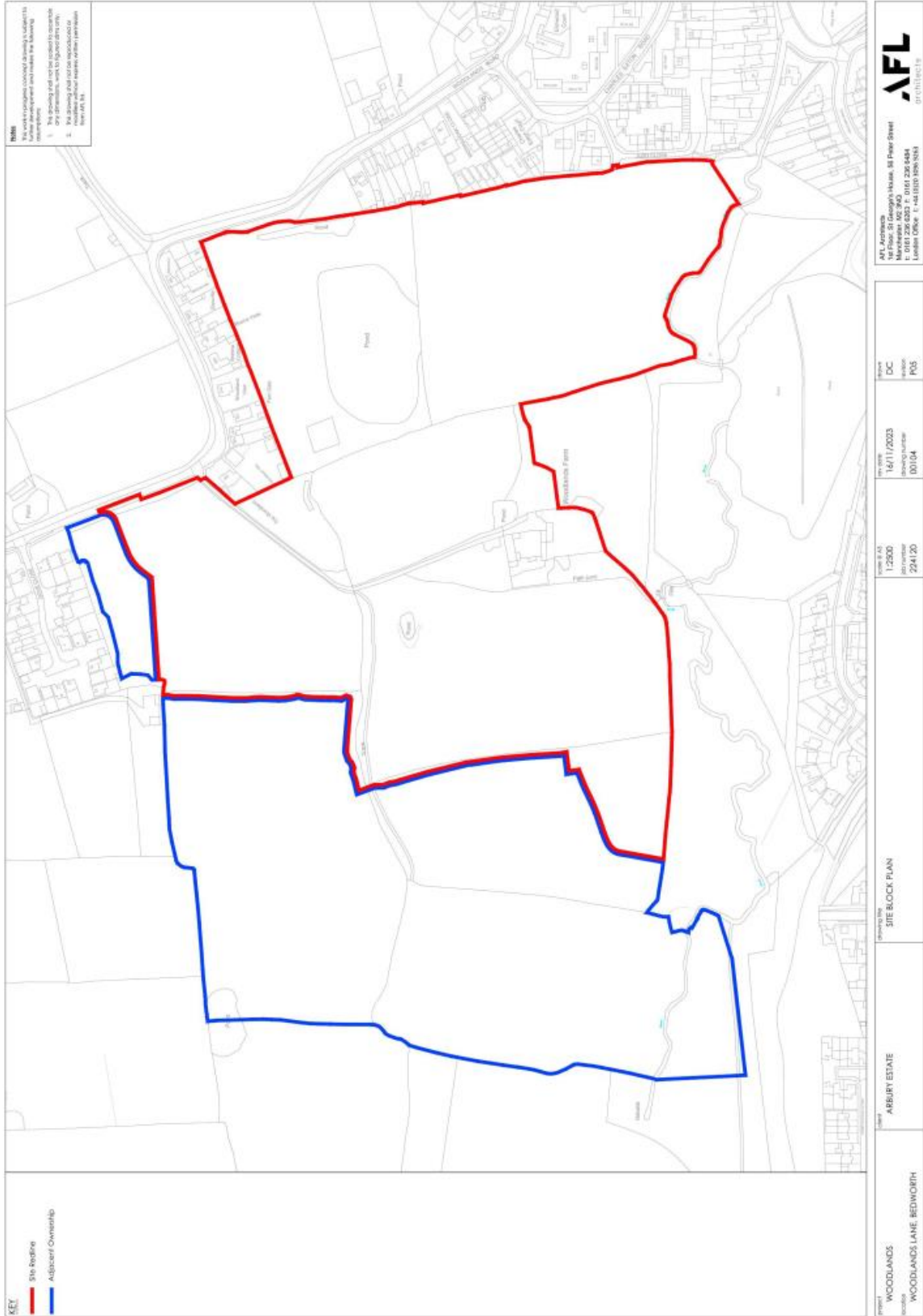
34. The details required by condition 1(e) shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:

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 Council consents in writing to any variation.

35. No site security fencing may be erected on or within 1 metre of any public right of way.

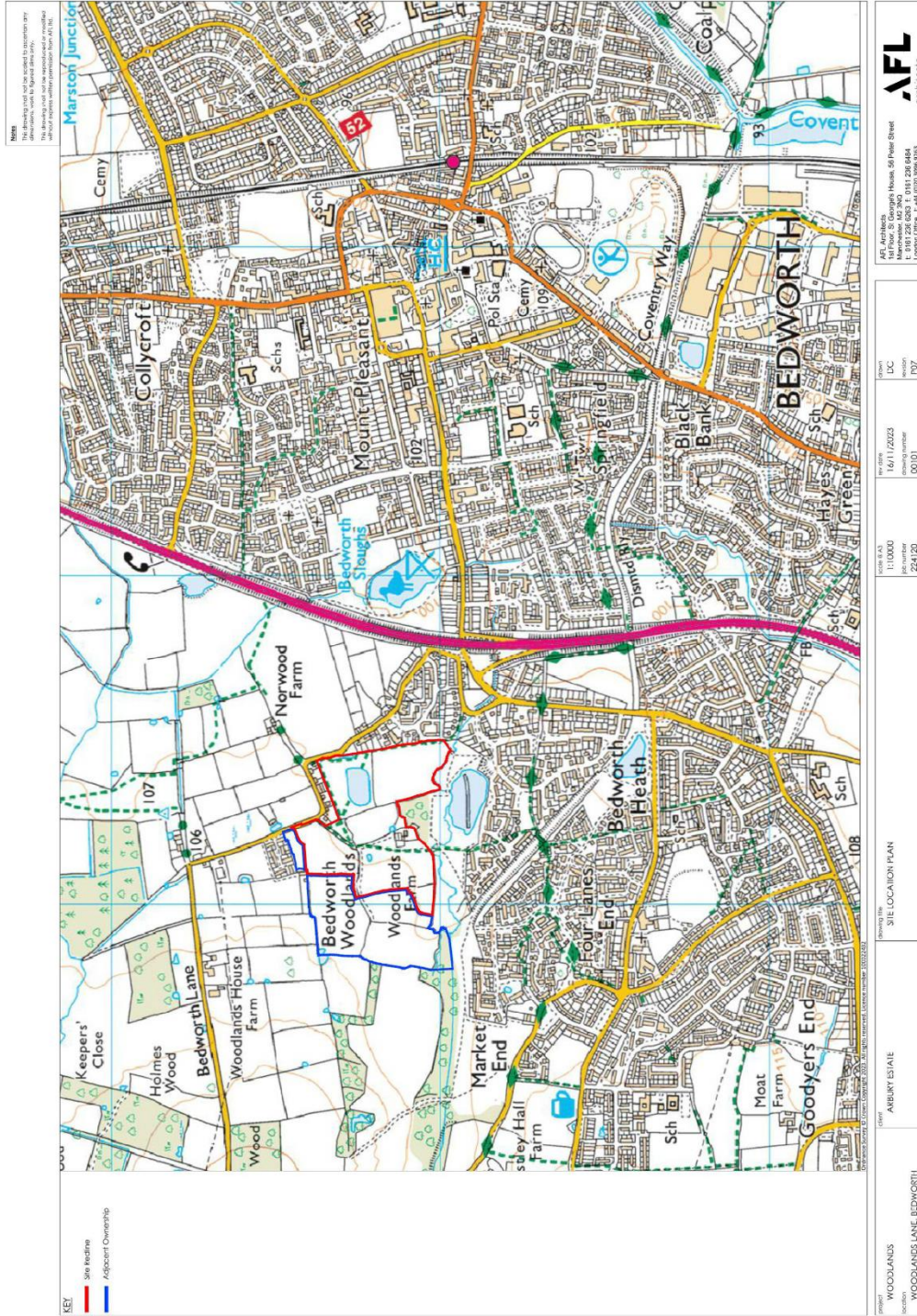
36. A separation gap of at least 2 metres must be allowed between the edge of any public right of way and the edge of any proposed new pond or other water body or water course.

37. Six months after first occupation, an updated Travel Plan will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.

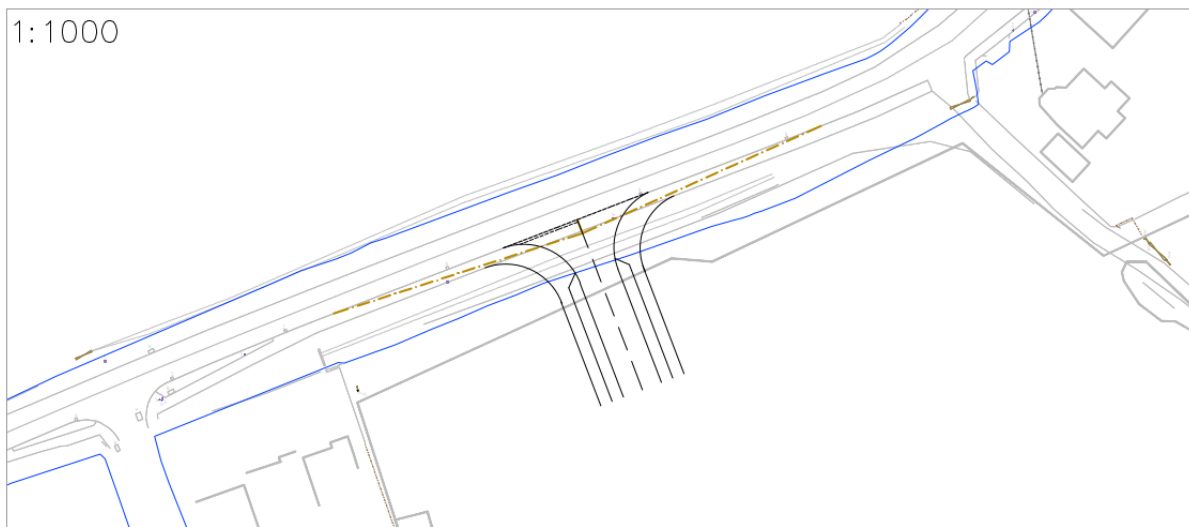
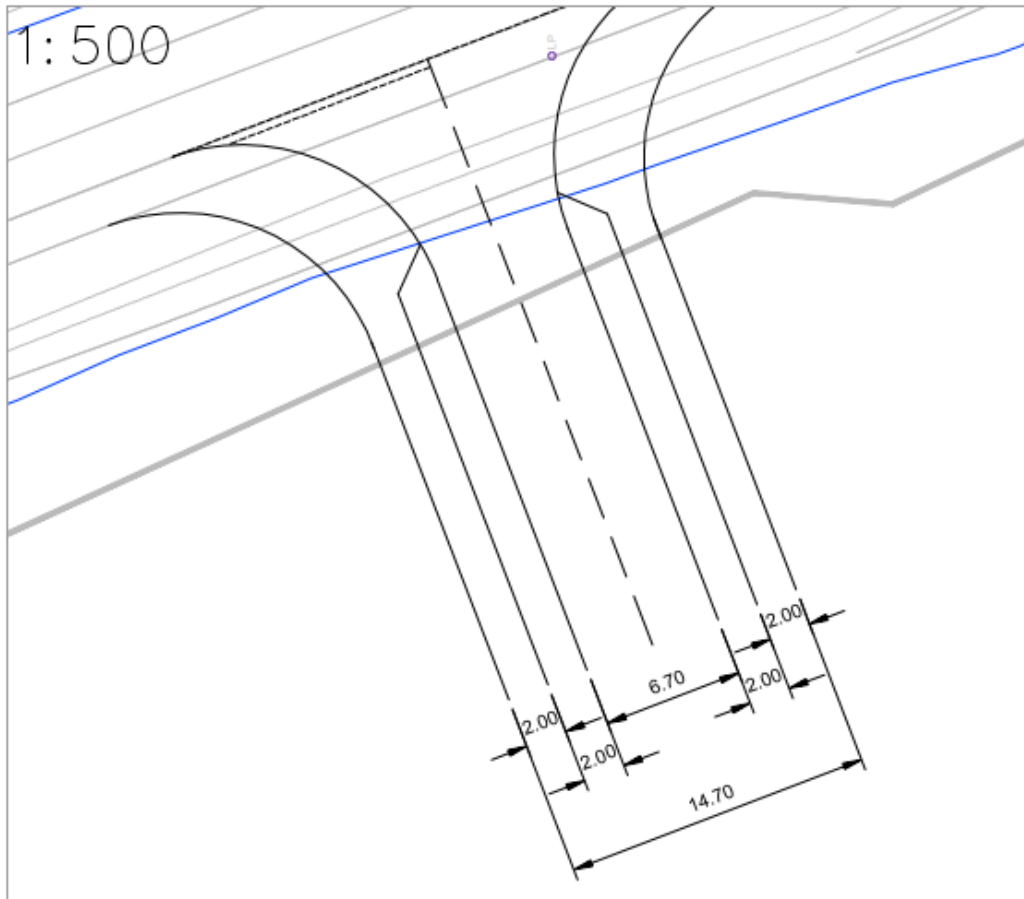


Site Block Plan





Site Location Plan



Proposed Access







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## Item No. 2

**REFERENCE No.** 039975

**Site Address:** All Saints Church, High Street, Bedworth, Warwickshire, CV12 8NH

**Description of Development:** Proposed installation of solar panels to the lower roof on the south side of the building

**Applicant:** Rev. David Poultney

**Ward:** BE

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application seeks consent for the proposed installation of solar panels to the lower roof on the south side of the building at All Saints Church High Street in Bedworth.

All Saints Church was constructed between 1888-1890 and replaced an earlier building that had become unfit for purpose with the exception of the west tower dated circa 14<sup>th</sup>-15<sup>th</sup> Century, which was retained and incorporated into the building. The majority of the church building was designed by G. F Bodley and T. Garner and is formed of red Runcorn sandstone. The tower is formed of grey Attleborough sandstone ashlar, although much of this has been restored.

All Saints is built on a classic layout with the nave running east to west, with the chancel to the east end and bell tower to the west end creating a long south-facing roof. It has a high vaulted ceiling and stone pillars to the worship area. The roofs are pitched and covered in a mix of concrete and clay tiles.

The Church was granted Grade II\* listed building status in 1949 (List entry number 1365052). The architecture of the church is described in detail in the listing description.

The church is described as being significant to the local community including holding regular worship and services as well as bible study, prayer groups and other similar groups for the local community. The solar panels are stated to be required to assist with the Church of England's aim to reduce carbon footprint to net zero by 2030. The introduction of solar panels is stated to make a significant contribution to offset some of the carbon emissions the church produces. The church's annual electricity bill will also be significantly reduced as a result.

### **BACKGROUND:**

This application is being reported to Committee as it has received a number of letters of support and the recommendation is one of refusal.

## **RELEVANT PLANNING HISTORY:**

- 039526 - The proposed work is installation of an array of solar PV panels on the south facing roof of All Saints. This will be around 25kWp (+/- 3kW) which translates to 68 solar panels (+/- 4). This will be on both the steeper roof, and the shallower one over the South aisle. No change of use required of the building or land. The inverter for the array, and the storage battery if purchased, will be installed inside the church in the Lower Vestry, by the power supply. Withdrawn 03/04/2023
- 012223 - Listed Building Consent for signage to Church. Approved 21/02/2008.
- 012193 – Signage to Church. Approved 21/02/2008
- 006698 (TP/0549/95) – Side extension to porch. Approved 20/11/1995

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE2 – Renewable and low carbon energy
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving our historic environment
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Bedworth Conservation Area Appraisal and Management Plan (2022)

## **CONSULTEES NOTIFIED:**

Historic England

## **CONSULTATION RESPONSES:**

Comment from:

Historic England

## **NEIGHBOURS NOTIFIED:**

2 and 2a All Saints Square, 8, “Co operative funeral services” 10, 12, 14, 16, 16a, 16b, 16c and “Bedworth Health Centre” High Street.

Neighbouring properties were sent letters notifying them of the proposed development on 4<sup>th</sup> January 2024. A site notice was erected on street furniture on 10<sup>th</sup> January 2024 and the application was advertised in The Nuneaton News on 24<sup>th</sup> January 2024.

## **NEIGHBOUR RESPONSES:**

There have been 10 letters of support from 10 addresses and 1 letter of support from an unknown address. The comments are summarised below:

1. The proposal should be supported for both environmental and economic reasons, allowing the church to continue providing community activities and supporting vulnerable members of the community
2. It should be accepted that solar panels are an essential part of everyday life and so they should be accepted and welcomed
3. The solar panels will reduce the devastating affect our energy consumption has had on our planet
4. It will help to reduce/ save money on electricity bills

5. The money saved as a result of lower energy bills can be spent on local reach out schemes and help the church to better support the community of Bedworth
6. The solar panels will help to add to the country's energy security
7. The installation of the panels will contribute to the Church of England's intention to work towards a net zero carbon economy. This intention is shared by the Borough and national Government
8. The solar panels will not be visually intrusive
9. The proposal would not result in the loss, concealment or affect any historic features of the church

## **APPRAISAL:**

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

1. The principle of the development
2. Land designation as countryside
3. Landscape character
4. Impact on highway safety
5. Flooding and drainage
6. Planning obligations
7. Conclusion

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

The National Planning Policy Framework (NPPF) (2023) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental.

The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise. The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

The building itself is a Grade II\* listed building. Grade II\* listed buildings, as defined by Historic England, are particularly important buildings of more than special interest with just 5.8% of all listed buildings being II\* listed. The building is also located within the Bedworth Conservation Area.

Policy BE2 of the Borough Plan relates to renewable and low carbon energy. The policy states that schemes to introduce renewable and low carbon technologies will be approved. It goes on to refer to the guidance contained within NPPF paragraph 160 which states that in order to help increase the use and supply of renewable and low carbon energy and heat, local plans should:

- A) Provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that the adverse impacts are addressed appropriately including cumulative landscape and visual impacts;
- B) Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

- C) Identify opportunities for development to draw its energy from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 164 goes on to state that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic. Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 (conserving and enhancing the historic environment) of this Framework.

In summary, the Council supports the principle of solar panels, however, given the listed status of the building and its location within the conservation area, the impact on the historic environment must first be considered. The impact of the development on the historic environment is discussed in full below. It is concluded that in this case, there would be a detrimental impact on the historic environment as a result of this development. Therefore, in this instance, the principle cannot be fully supported as it would conflict with the requirements of Policy BE2 and the NPPF.

#### **14. Impact on Heritage and Visual Amenity**

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.

Development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.

To conserve and enhance the borough's heritage assets, development proposals must:

##### **1. Understand the asset**

Applications affecting the significance of a heritage asset will be required to provide sufficient information and assessments (such as desk-based appraisals, field evaluations, and historic building reports) of the impacts of the proposal on the significance of the heritage assets and their setting, in order to demonstrate how the proposal would contribute to the asset's conservation. The level of detail should be proportionate to the importance of the asset.

##### **2. Conserve the asset**

Great weight should be given to the conservation of the borough's heritage assets, with greater weight being given to assets of higher importance. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the public benefits of the proposal in the following ways:

- Whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset
- Whether the works proposed are the minimum required to secure the long-term use of the asset.

The NPPF (2023) mimics Policy BE4. Paragraph 200 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

As discussed, All Saints Church is a Grade II\* listed building. As per the Bedworth Conservation Area Appraisal (2022), the conservation area is divided into 3 sub areas that are distinguished and defined by various attributes or characteristics. The church falls into Character Area 2: Cemetery and Civic Area. The principle features of this area are the Parish Church of All Saints and is described as the focal point of the town and is closely related to the main streets. Therefore, the Church is of very high significance by virtue of being a Grade II\* listed building, as well as a focal point within the Conservation Area.

It is on the basis of the paragraph 200 of the NPPF that a heritage statement has been written and provided to the council by a member of the Register of Architects Accredited in Building Conservation (AABC). The statement summarises the following:

The listing of the building is Grade II\* and refers to the tower as being C14-15 with the remainder of the listing is a general description of the Victorian rebuild (constructed between 1888-1890). The size and scale of the building, as well as the fact that it occupies the higher ground of the High Street, gives it significance within the locality. The tower, however, is barely visible from the High Street, which runs past the east side of All Saints. The high walls of the aisles obscure much of the upper roof areas and the decorative lantern over the crossing is little noticed.

The proposal is to place photovoltaic panels (solar panels) on the roof of the south aisle. The statement goes on to describe that the south aisle is covered in concrete tiles, so there would be no loss or covering of historic materials. It also states that the proposals would be reversible and cannot be seen from the street. The panels are to be set behind the castellated upstand of the south aisle roof and do not create substantial harm to the appearance of the listed building.

Paragraph 205 of the NPPF 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.

Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings should be exceptional
- b) Assets of the highest significance including grade I and II\* listed buildings, should be wholly exceptional.

In considering the heritage statement, the Council do not consider that the level of detail, which should be proportionate to the assets importance, has been provided. The importance of this asset is clear given its Grade II\* listed status as well as its importance within the Conservation Area. The statement has little to no reference to the historic environment record and has no reference to the impact on the Conservation Area. The statement summarises that the development would not create substantial harm, but does not confirm that the proposal would have no impact or harm to the significance of the building or its setting. It is therefore concluded that the proposal would create harm to the heritage asset.

Whether a proposal causes substantial harm, or less than substantial harm, will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF.

The heritage statement states that the PV panels cannot be seen from the street. The Council wholly disagrees with this statement. A mock up of the panels has been submitted and can be viewed within the list of plans at the end of this report. The panels would be highly visible from several view points on the High Street. The building has been granted Grade II\* listed status as it marks and celebrates the buildings special architectural and historic interest and so that it can be protected for future generations. The installation of PV panels to the roof of the south aisle, which is a highly prominent location and an important element of the building as a whole, would detract from the prominence, importance and setting of the listed building by covering almost the entire section of this roof. The PV panels would also create a visual distraction to the building, by introducing a new material which would be visually harmful and an eyesore and would be considered as a poor form of development. It is on balance considered that this would lead to substantial harm. As per paragraph 206 of the NPPF, it is not considered that the substantial harm would be wholly exceptional.

Paragraph 207 of the NPPF states that where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

It is considered that it is on this basis that the application has been submitted with a Statement of Need. The rationale behind the solar panels is to help achieve the Church of England's aim to reduce carbon footprint to net zero by 2030. The introduction of solar panels is stated to make a significant contribution to offset some of the carbon emissions the church produces. The church's annual electricity bill will also be significantly reduced as a result. It has not been stated that there is a public need for PV panels, nor has it been described what the result of the reduced electricity bills would mean in terms of a public benefit.

Therefore, in assessing the statement of need, it is not considered that there are any substantial public benefits as a result of the proposal and therefore, without any substantial benefits which would outweigh the harm, the proposal fails to be in accordance with the requirements of paragraph 207 of the NPPF. Therefore, local authorities should refuse consent.

It is also important to consider the impacts of the proposal on the Bedworth Conservation Area. The Conservation Area was originally designated in 1986, with a revised management plan for the Conservation Area published in 1996. Conservation Areas are governed under the Planning (Listed Building and Conservation Areas) Act 1990. The NPPF sets out the overarching requirement for local planning authorities to

identify and protect areas of special interest. Planning Practice Guidance provides further details on conserving and enhancing the historic environment.

Policy BE4 of the Borough Plan states that this policy will ensure that heritage assets are safeguarded or, where possible, enhanced.

The proposed solar panels would be placed on the front facing roof slope of the existing property, obscuring much of the roof and tiles of the south aisle of the church. As per the Bedworth Conservation Area Appraisal and Management Plan (2022), under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the local authority has suspended development rights for all development described in any Part, Class or paragraph in Schedule 2 (other than class DA of Part 4 or Class K, KA, or M in Part 17). An Article 4 Direction provides additional control by specifically revoking certain permitted development rights meaning that planning permission needs to be sought before work can be undertaken.

Part of the reasoning behind the Article 4 Direction was to retain the character and appearance of the area and Conservation Area, including the roofscapes. It is considered that the placement of solar panels on this roof slope would have a detrimental and adverse impact upon the building and conservation area, as the roof as well as the building as a whole is an important architectural building which has been granted listed status and is also a focal point of the town within the Conservation Area.

The development would result in harm to the significance of the Conservation Area as a whole, through unacceptable development within its setting. This, combined with the impact on the appearance, character and setting of the listed building would fail to conserve and enhance in a manner appropriate to its significance.

These concerns were raised with the applicant and their appointed agent during the course of the application process. It was suggested by the Council that another form of sustainable development and/ or a relocated form of development may be considered acceptable. It was therefore suggested that the application be withdrawn, and pre application discussions had to find a solution which would better conserve and not detrimentally detract from the building and its setting. However, the agent and applicant declined this request and as such, no amendments have been made to the scheme to overcome the council's concerns.

It is noted that the application has been submitted with a pre-application advice response from Historic England, although a response of no comment was received by the Council from Historic England during the course of this application. In any case, the pre app response stated that the location of the solar panels has been carefully considered to minimise the impact of the scheme. However, as the pre app response does not refer to any drawings, plans or number of solar panels, it is not apparent whether the same scheme which is currently being considered is the same as that which was considered by Historic England. In fact, the response appears to have been written based on a site visit, rather than plans themselves. Therefore, the extent and number of solar panels which is currently being considered cannot be assumed as the same which was considered as part of the pre app with Historic England and therefore, this only affords very limited weight in the planning balance.

On balance, it is considered that the installation of solar panels to the south aisle roof of the church would result in substantial harm to the listed building, its character and its setting. Furthermore, no substantial public benefits exist which would outweigh this harm. In addition, it is considered that the proposal would also fail to conserve or

enhance the Bedworth Conservation Area. Given the significance of this building on the Conservation Area, which is one of the focal points of the town, the development would result in harm to the significance of the Bedworth Conservation Area, through unacceptable development in its setting. The proposal fails to accord with Policy BE4 of the Borough Plan as well as Part 16 of the NPPF.

### **15. Impact on 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. The way buildings relate to each other, their orientation and separation distance must be provided and protect acceptable levels of amenity for both existing and future residents.

The location of the church building in the town centre means much of the development which surrounds it is commercial in nature. Bedworth health centre is located opposite south aisle, separated from it by an open paved area. To the east are a number of shops and the Civic Hall.

Given the commercial nature of the area and the proposed development being solar panels, it is not considered that there would be any impact on residential amenity.

### **16. Conclusion**

In conclusion, The NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The key issues in the assessment of this application is the impact on the historic environment and visual amenity. In conclusion, it is felt that great weight should be attached to the impact of the proposed development on the listed building and its setting as well as the impact on the conservation area. The Council does not consider that the details contained within the heritage statement fully assesses or describes the significance of any heritage assets affected, including any contribution made by their setting, as required by the NPPF. The Council consider that the installation of the solar panels would result in substantial harm to the listed building and its setting. Furthermore, there are no public benefits which exist which would significantly outweigh this harm.

The development would result in harm to the significance of the Conservation Area as a whole, through unacceptable development within its setting. This, combined with the impact on the appearance, character and setting of the listed building would fail to conserve and enhance in a manner appropriate to its significance.

It is therefore recommended that the proposal is refused.

### **REASONS FOR REFUSAL:**

1. (i) Policy BE4 of the Borough Plan (2019) states: 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. Development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.



Applications affecting the significance of a heritage asset will be required to provide sufficient information and assessments of the impacts of the proposal on the significance of the heritage assets and their setting, in order to demonstrate how the proposal would contribute to the asset's conservation. Great weight should be given to the conservation of the borough's heritage assets, with greater weight being given to assets of higher importance. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the public benefits of the proposal.

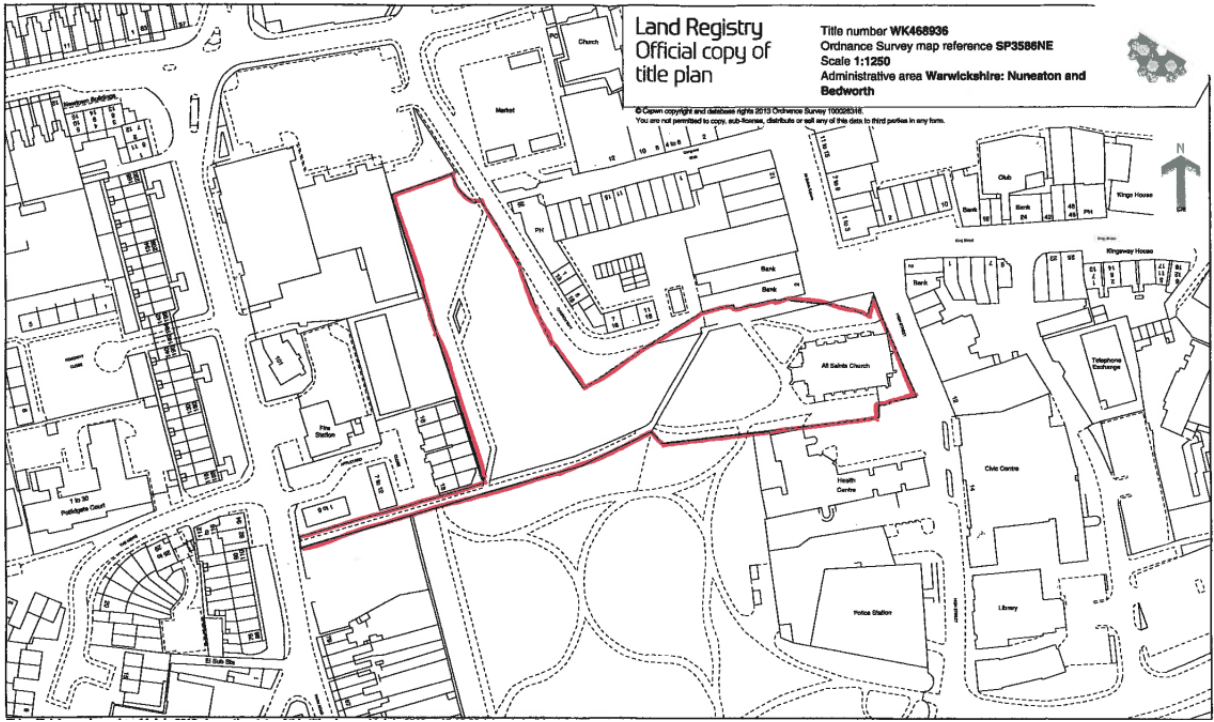
Policy BE4 of the Borough Plan states that this policy will ensure that heritage assets are safeguarded or, where possible, enhanced.

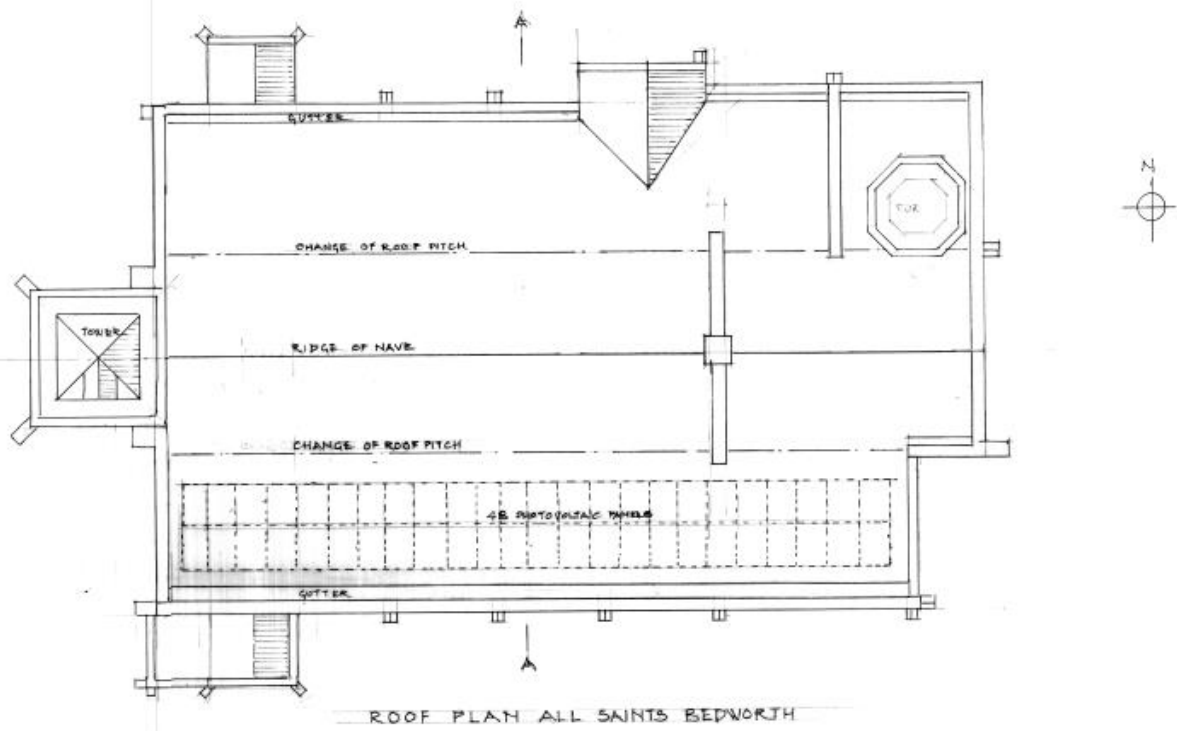
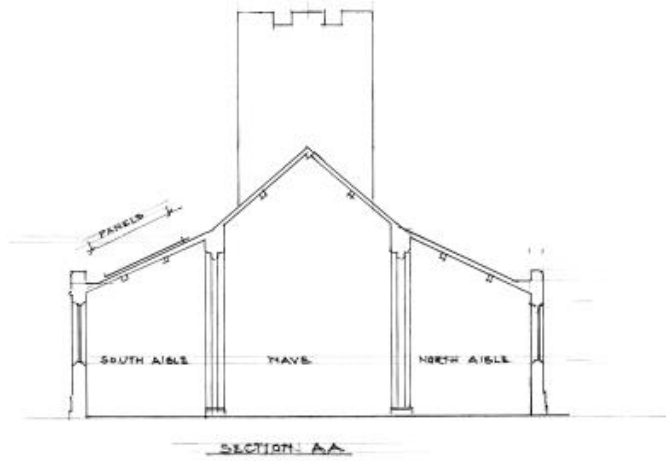
(ii) Paragraph 205 of the NPPF (2023) states: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

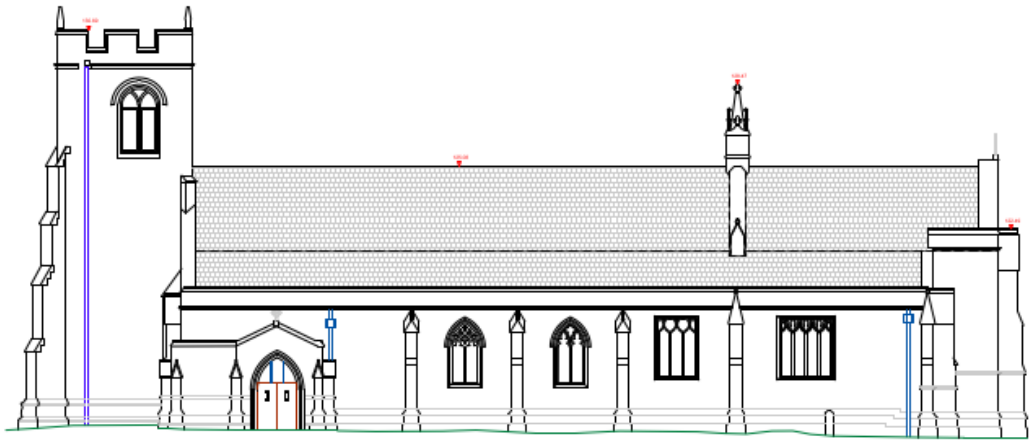
(iii) Paragraph 206 of the NPPF states: any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance including grade I and II\* listed buildings, should be wholly exceptional.

(iv) Paragraph 207 of the NPPF states: where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

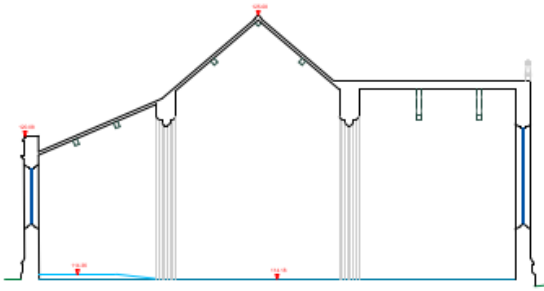
(v) The proposal is contrary to these policies in that the proposed solar panels, by reason of their prominent location, excessive coverage of the roof slope of the south aisle of the building and use of alien materials would appear visually obtrusive and detrimentally detract from the importance and significance of the listed building and its setting, as well as the Bedworth Conservation Area. It is considered that the development would result in substantial harm and that there are no public benefits which would materially outweigh this harm. The proposal would fail to preserve, safeguard or enhance the heritage assets, contrary to Policy BE4 of the Borough Plan (2019) and paragraphs 205-207 of the NPPF (2023).



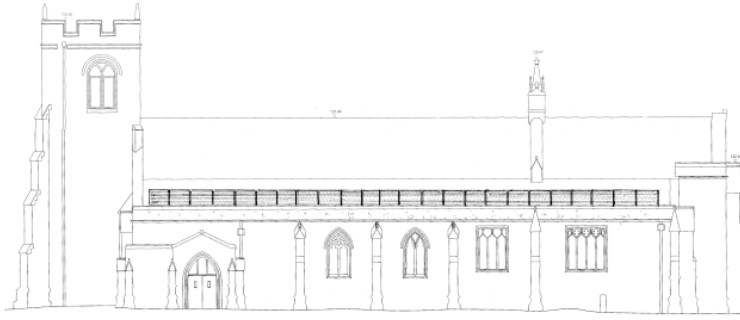




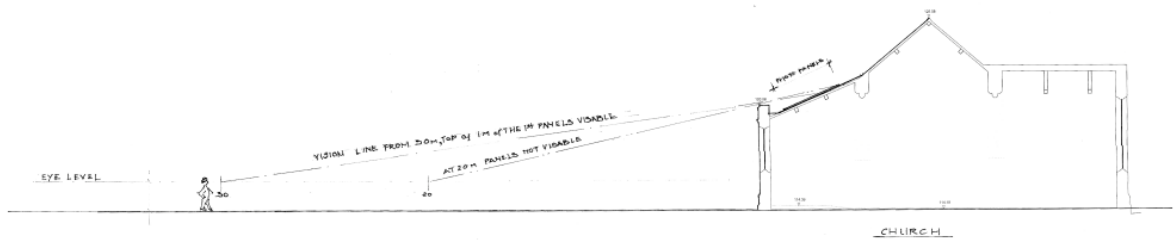
01/2024  
March 19th 2024



01/2024  
March 19th 2024



THIS IS A PURE ELEVATION of THE SOUTH WALL + ROOF of ALL SAINTS, IN REALITY WITH AN EYE LINE AT 1700mm THE TOP OF THE PANELS MAY BE VISIBLE only FROM 35m AWAY







## GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Flood plain – An area prone to flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public inquiry – See Inquiry.

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

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

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

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

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

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

Section 106 – see Planning obligation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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