

Enquiries to:
Committee Services

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committee@nuneatonandbedworth.gov.uk

Date: 5th April 2024

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 16th April 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.

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 19th March 2024, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the

Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 15**).

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

19th March 2024

A meeting of the Planning Applications Committee was held on Tuesday, 19th March 2024, in the Council Chamber and was recorded for future publication on the Council's website.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, S. Markham, B. Pandher, J. Sheppard (Vice-Chair), E. Shiers, R. Smith, K. Wilson and S. Harbison (substitute for Councillor J. Hartshorn).

Apologies: Councillor J. Hartshorn.

PLA41 **Minutes**

RESOLVED that the minutes of the meeting held on the 6th February 2024 be approved and signed by the Chair.

PLA42 **Declarations of Interest**

As a substitute Councillors for this meeting, the Declarations of Interest for Councillor S. Harbison was not included in the schedule attached to the agenda, but is available on the Council website.

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 Councillor S. Harbison.

PLA43 **Declarations of Contact**

Committee Members declared they had received contact from residents in relation to applications 037720 and 039975, but confirmed they had not discussed the application with residents, or given an indication as to how they would vote.

Councillor K. Wilson declared that he had received representation from Ward Councillor K. Evans in relation to the application 039720, but had given no indication as to how he would vote.

Councillors K. Wilson and R. Smith declared that they had previously attended a meeting with Mr Weaver from Arbury Estates in relation to a number of development matters, but confirmed they had not given an indication as to how they would vote in relation to application 039720.

IN PUBLIC SESSION

PLA44 **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.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA44 OF THE PLANNING APPLICATIONS COMMITTEE ON 19TH MARCH 2024

039975 – All Saints Church, High Street, Bedworth, Warks. CV12 8NH

Applicant – Rev. David Poultney

Public Speaker: Councillor Joy Coventry-Moreton
Christine Rigden
Rev. David Poultney

DECISION that

- a) planning permission not be refused at this time; and
- b) the item be deferred to a future Planning Applications Committee in order to allow
 - i) the Applicant to present information setting out the public benefits of the application in more detail; and
 - ii) Planning Officers the opportunity to provide Members with appropriate conditions relating to this application, should the application be approved.

039720 – Site 93A004 – Woodlands Farm, Woodlands Road

Applicant – Arbury Estate

The Vice-Chair, Councillor J. Sheppard, closed the meeting due to a medical emergency in the Council Chamber before this application could be heard.

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"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting 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"> • Building Control Partnership Steering Group 	
	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"> • Friendship Project for Children. • Nuneaton Education Strategy Group 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	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"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	
	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"> • Foleshill Charity Trustee – Proffitt’s Charity • Conservative Party 	
	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"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	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"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and 	

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

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Planning Applications Committee
16th April 2024

Applications for Planning Permission etc.
Agenda Item Index

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Wards:					
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 COMMITTEE

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

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, 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 17th July 2023, 13th November 2023 and 28th February 2024. A site notice was erected on street furniture on 19th July 2023 and the application was advertised in The Nuneaton News on 26th July 2023.

NEIGHBOUR RESPONSES:

There have been objections from 20 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 to be de-allocated as part of the Borough Plan review
40. Cycle path may result in additional ASB
41. Mitigation for the development is unlikely to happen
42. Plans for primary school are flawed, as they only get built after development has started and fill up from reception meaning it is several years before they are fully available to all year groups
43. There are no flood alleviation plans for Bedworth

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 2022 (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 and enhance 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, however no further response have been received despite multiple consultation requests.

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 NO₂, PM₁₀ and PM_{2.5} concentrations at receptors on the development site, and this shows 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 sequentially 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 also 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. NBBBC 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 the NPPF notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 97 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
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£346,132.00	Applicant agreed to contribution

NBBC Parks	Provisions and maintenance of play and open space and allotment provision	£241,039.02	Applicant agreed to pay
	Provision of Bio-diversity Off-setting (this will either be dealt with via condition and/or within the S106).	Off-setting within the Arbury Estate	Applicant agreed to provide
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£167,857.00	Not considered to be CIL compliant
NBBC Housing	Provision of affordable housing	25% provision of affordable housing	Applicant agreed to contribution
CCG	Provision of healthcare facilities	£127,592.00	Applicant agreed to contribution
WCC Infrastructure	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	
WCC Highways	To provide bus services either within the site and/or to improve existing local bus services to serve the site	£330,000.00	Applicant agreed to contribution
	Towards a pedestrian/cycle route towards Bedworth Town Centre	£240,000.000	Applicant agreed to contribution
	Process the TRO for a 20mph speed limit within the site	£6,000.00	Applicant agreed to contribution
	Towards improvements at M6 J3	£64,312.00	Applicant agreed to contribution
	Towards a keep clear lining scheme at the Heath Road/Newtown Road junction	£3,500.00	Applicant agreed to contribution
	£8,000.00		

	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		Applicant agreed to contribution

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:

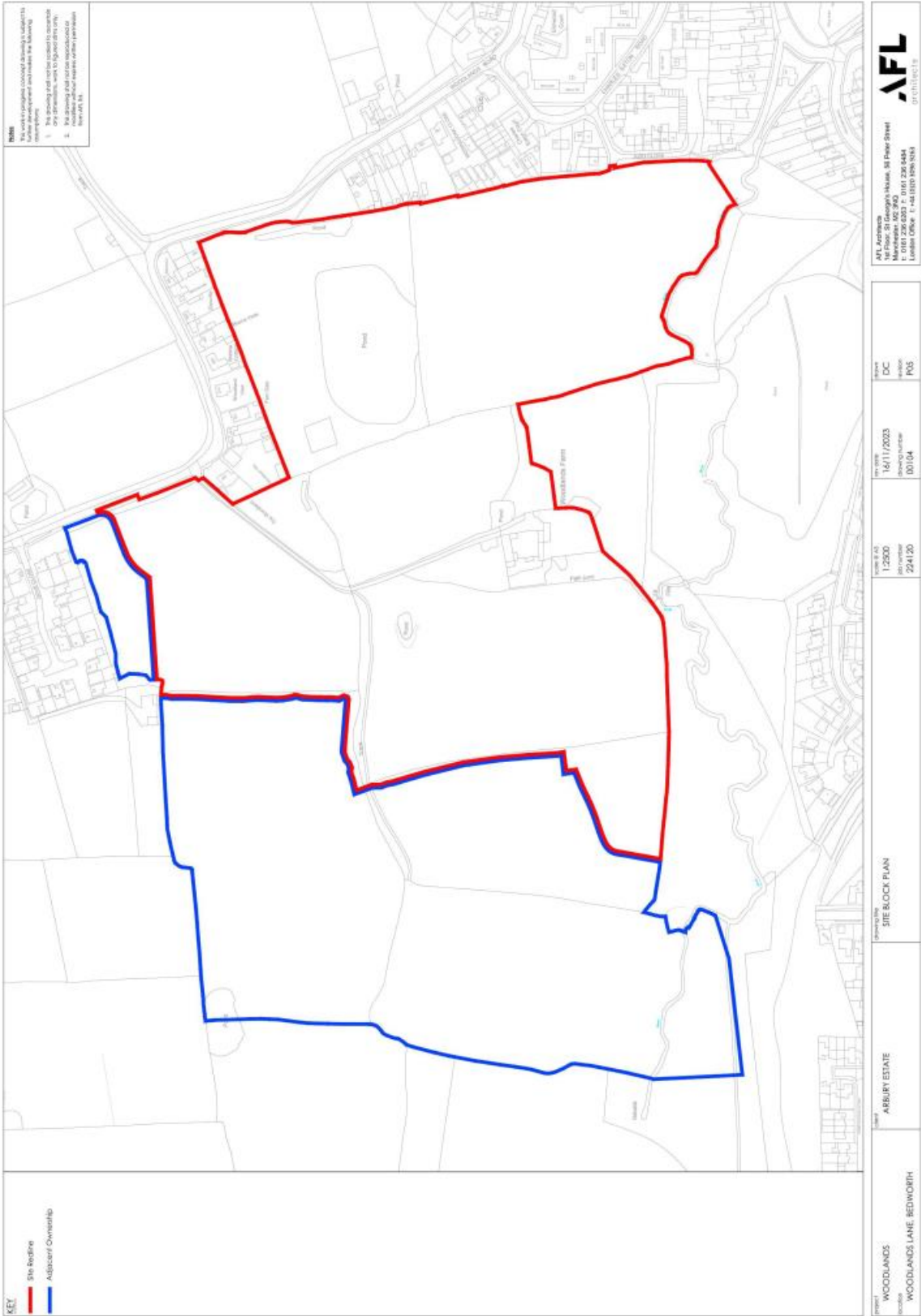
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in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

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

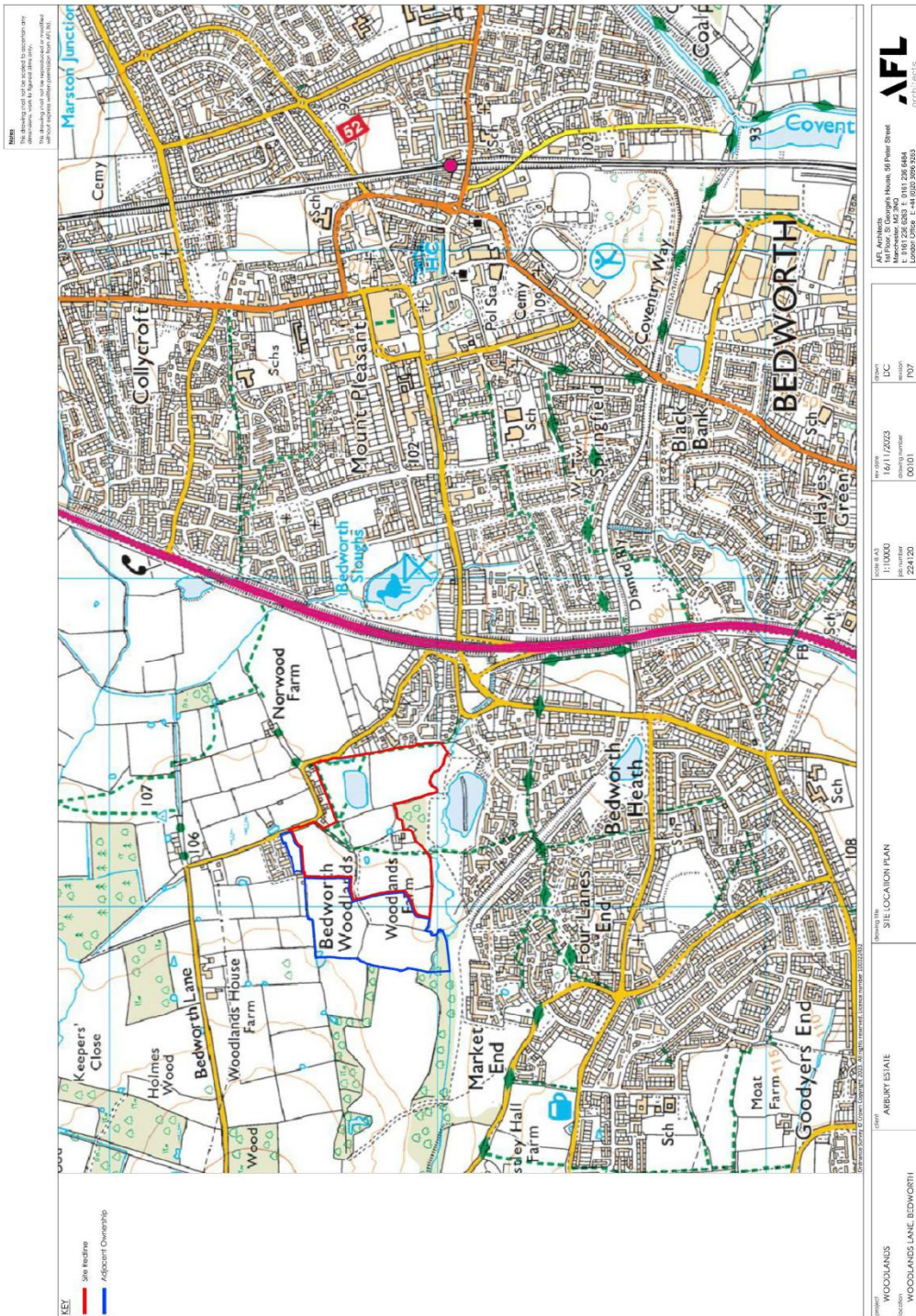
36. A separation gap of at least 2 metres must be allowed between the edge of any public right of way and the edge of any proposed new pond or other water body or water course.

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

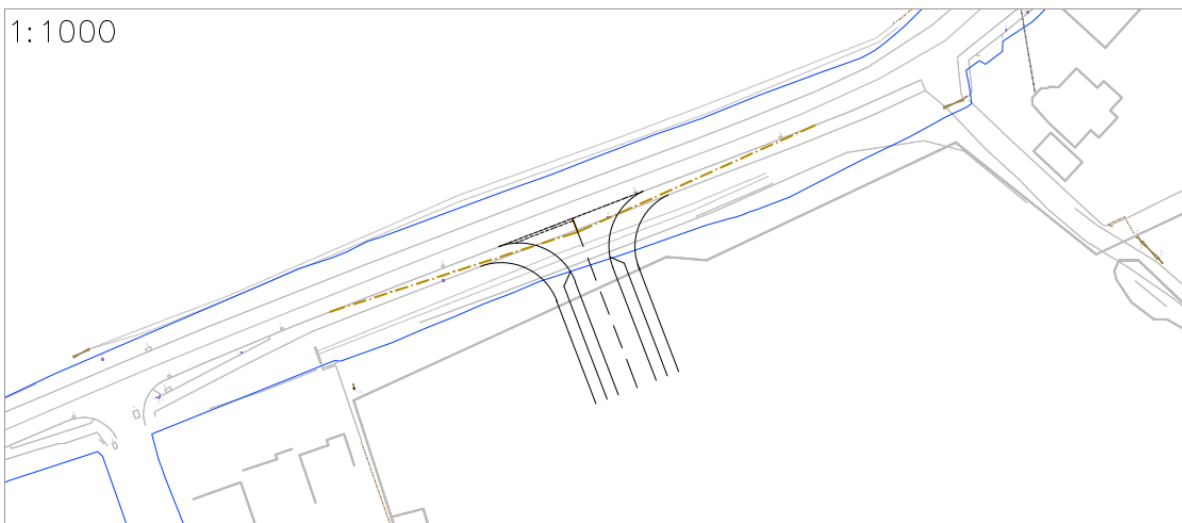
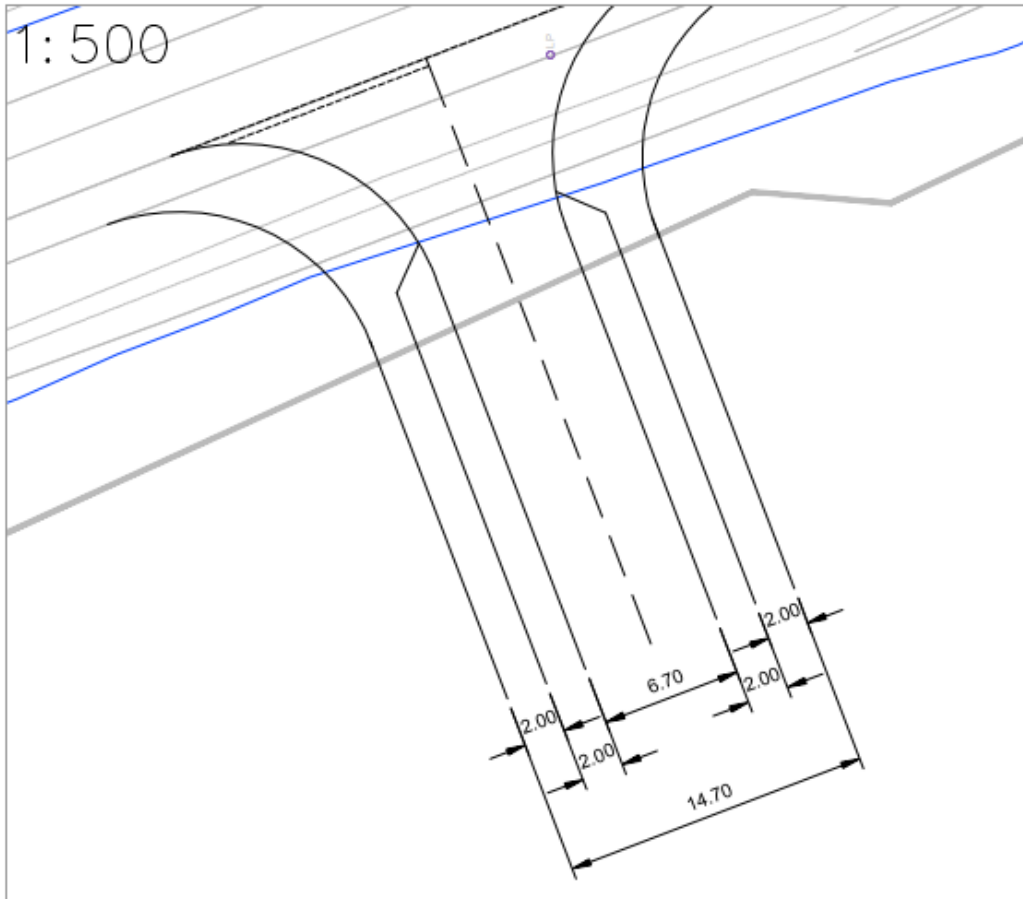
Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.



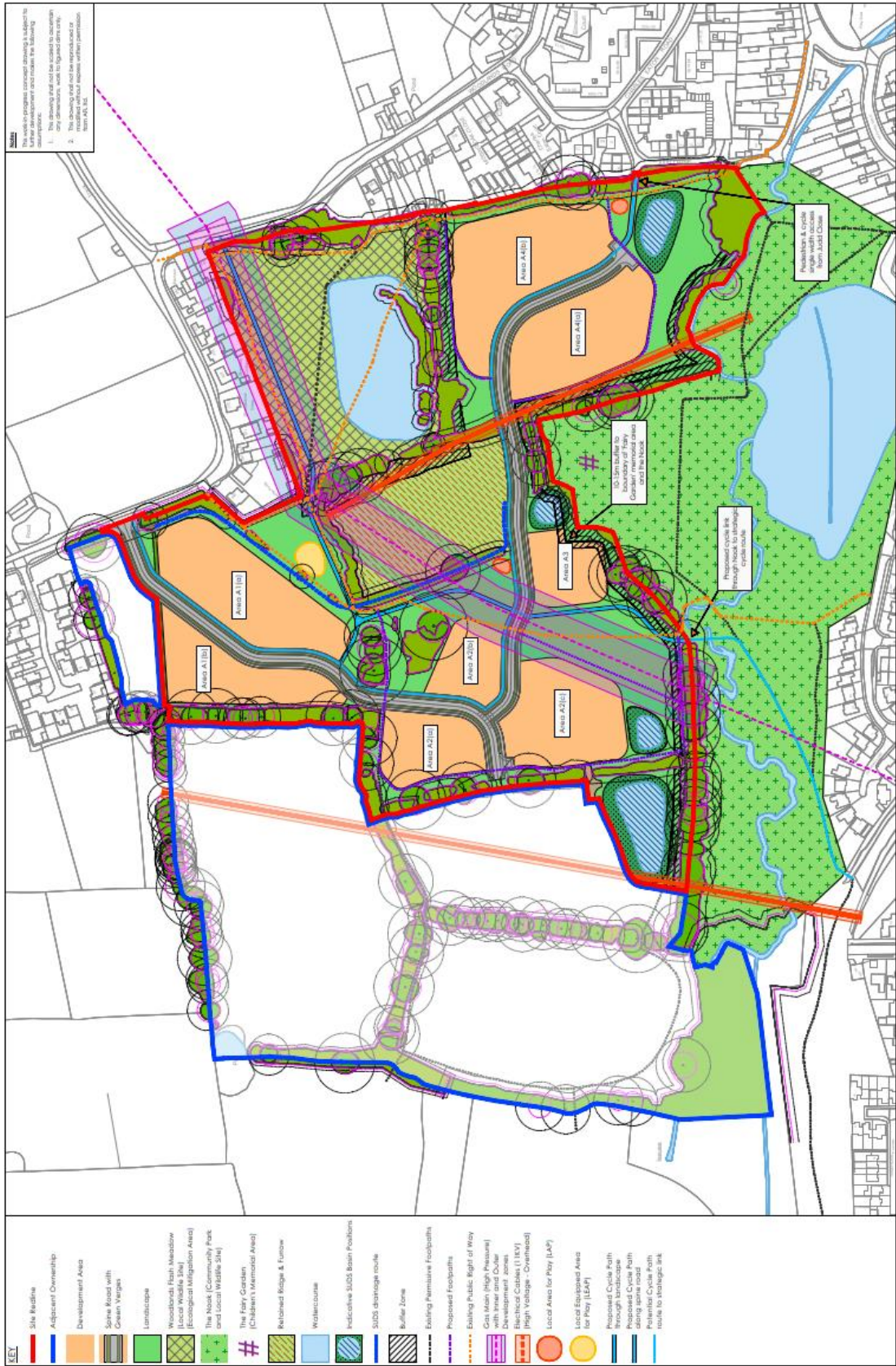
Site Block Plan



Site Location Plan



Proposed Access



Indicative Masterplan

REFERENCE No. 039618

Site Address: Site 51a036 - Burgage Walk, Nuneaton, Warwickshire

Description of Development: Erection of 14 residential apartments

Applicant: CASTLE and NEST LTD

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

This is a full planning application for the erection of 14 residential apartments at 'Site 51a036 - Burgage Walk' in Nuneaton.

The application site is currently used as a private surface-level car park for an existing commercial unit in close proximity to the site. As such, the site is flat and consists of hardstanding.

The site is bounded to the east by Burgage Place and to the north by Burgage Walk. Burgage Place is a narrow single carriageway road, and is accessible by vehicles only from Corporation Street, as bollards prevent vehicle movement at its junction with Abbey Street. Burgage Walk is of insufficient width for vehicles.

To the north of the site are industrial/commercial units on Corporation Street, to the east is a scrap metal yard, and to the south and west are commercial premises and residential apartments.

BACKGROUND:

This application is being reported to Committee as the application may not provide S106 contributions (due to viability).

RELEVANT PLANNING HISTORY:

- 035366 - Change of use from temporary car park to 12 new apartments in two three storey blocks of 6, with associated amenity, footpaths and screened refuse disposal area – approved 2018
- 035090 – Proposed conversion from vacated Electricity Sub Station to two 1 bedroom flats C3 – approved 2017
- 033687 - Erection of 3no. flats in one, three-storey building (Rear of 120 Abbey Street) – refused December 2015

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 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 TC1 – Town centre requirements
 - o TC2 – Nature of town centre growth
 - o TC3 – Hierarchy of centres
 - o BE1 – Contamination and land instability.
 - o BE3 – Sustainable design and construction.
- Affordable Housing SPD 2020.
- Air Quality SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022
 - o BE4 – Valuing and conserving our historic environment.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Coal Authority, Environment Agency, George Eliot Hospital Trust, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Tree Officer, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS CCG, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police Design Out Crime, Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure,.

CONSULTATION RESPONSES:

No objection subject to conditions from:

WCC FRM, Severn Trent , George Eliot Hospital, WCC Highways, WCC Infrastructure, NBBC Sports, NBBC Environmental Health, NBBC Housing

No objection from:

Coal Authority, Warwickshire Police Design Out Crime, NBBC Refuse, NBBC Tree Officer, WCC Fire Safety

Comment/Objection from:
NBBC Parks

No response from:
NBBC Planning Policy, WPD, NHS CCG, National Grid & Cadent Gas, WCC
Archaeology, Environment Agency, Warwickshire Wildlife Trust

NEIGHBOURS NOTIFIED:

113, 114, 114a-j, 115, Flat at 115, 116, 116a, 117, Flat at 117, 117b, 118, 118a-e, 119, 120, 120a-d & Scala House, Abbey Street; 1 & 2 Burgage Place; Cawthornes & Lyon House, Corporation Street.

Neighbouring properties were sent letters notifying them of the proposed development on 15th May 2023 and 4 September 2023. A site notice was erected on street furniture on 21st June 2023 and the application was advertised in The Nuneaton News.

NEIGHBOUR RESPONSES:

There have been 0 objections.

APPRAISAL:

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

1. The Principle of the Development
2. Affordable Housing & Housing Mix
3. Landscape character
4. Impact on Residential Amenity
5. Impact on Visual Amenity
6. Contamination and Land Stability
7. Air Quality
8. Heritage and Archaeology
9. Impact on Ecology, Trees and Open Space
10. Impact on Highway Safety & Accessibility
11. Flooding and Drainage
12. Planning Obligations
13. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions. The NPPF also sets out a presumption in favour of sustainable development. 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 site is well-connected to a good range of local facilities and services that can be accessed by foot and other sustainable means of transport. The site is extremely close to Nuneaton's train and bus stations, as it is within the Town Centre. As such, the site is considered to be in a highly sustainable location and is also within the defined settlement boundary. This is considered to meet policy DS3, subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. In addition, Policy DS2 of the Borough Plan states that Nuneaton will have the primary role for housing. The proposal is within Nuneaton and hence compliant with this policy.

As stated above, the site is within Nuneaton's Town Centre and therefore Policies TC1, TC2 and TC3 of the Borough Plan are relevant. Policy TC3 identifies Nuneaton as the principal town within the Borough and includes residential as an appropriate use type. It is important to ensure that retail and 'E' use class premises are retained at the ground floor within Town Centres. Policy TC2 states that 'proposals for the loss of retail uses (A1-A5) to non-retail uses on the ground level in the defined primary shopping frontage will not be permitted'. The site is outside of the primary and secondary shopping frontage areas and therefore the change of use at the ground floor is considered to be acceptable and appropriate.

Policy DS4 of the Borough Plan states that states that at least 14,060 homes are required between 2011 and 2031. The Council's published Housing Trajectory lists all of the sites that are predicted to meet the housing requirement, as well as the Council's housing land supply position. In accordance with the NPPF (paragraph 226) 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 sets 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. This proposal has not been accounted for in the Trajectory/5YHLS and so would have to be considered as windfall development.

The NPPF states that decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. The site is within the settlement boundary and as a previously development site (commercial car park) the site is considered to be brownfield. As per the NPPF, these factors are considered to carry substantial weight in support of the application.

Policy BE3 of the Borough Plan states that major development proposals must provide a statement with their application showing how their proposal will:

1. Meet all the questions set out in the Buildings for Life 12 standard. Where it is not possible to positively meet all 12 questions, a statement of justification must be

provided to explain why it is not possible, and what mitigation measures will take place to offset this.

2. Meet the optional Building Regulations requirement M4(2) for 'accessible and adaptable dwellings' for 35 % of the development proposal.
3. Install rainwater harvesting systems in the curtilage of all new buildings.
4. Integrate the principles of passive solar design.
5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.
6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.

The Building for Life 12 standard is a traffic light system which assesses the scheme against its connections, facilities and services, public transport, meeting local housing requirements, character, working with the site and its context, creating well defined streets and spaces, easy to find your way around, streets for all, car parking, public and private spaces and external storage and amenity space. A Building for Life Assessment has been submitted to support the application and this shows a green score across all 12 categories. In addition to this, the Secured by Design Officer has no objection to the proposal and the impact on pollution will be considered within section 7 of this report. An assessment against sufficient light for future owners/occupiers will be provided within section 4 of this report. Rainwater harvesting systems can be ensured via condition. Policy BE3 requires 35% of new dwellings to be M4(2) compliant. 35% of 14 is 4.9 and the 4 ground floor units would meet the M4(2) standard. This is a shortfall of 1 unit, however given the town centre location and that these are flats with no lift facilities, this shortfall is considered to carry minor weight against the application.

Policy HS5 states that major development proposals should demonstrate that they would have an acceptable impact on health and wellbeing. This is supported by a Health Impact Assessment SPD. A Health Impact Screening Assessment has been provided. This shows that the scheme would have a predominantly positive and neutral impact against the various health indicators. This is therefore considered to be acceptable.

Planning Permission was granted in 2018 for the erection of 12 residential units (ref 035366). The applicant has provided evidence that the permission did commence in the form of excavations for foundations. Whilst these have been filled in and the car park use has re-commenced, the permission was implemented and it is therefore considered to be extant. Extant permissions are material planning considerations and the permission for 12 units would be a fall back option for the developer. The principle of residential development on this site has also been established within this permission.

In conclusion, the site is brownfield and within the defined settlement boundary. It is considered to benefit from good transport links and within a sustainable location. As such, the principle of residential development on the site is considered to be acceptable.

2. Affordable Housing & Housing Mix

Policy H2 of the Borough Plan states that the Council will seek to negotiate 2 affordable housing units where residential development proposals consist of between 11-14 dwellings. NBBC Housing requested 2 units, however the scheme has been demonstrated to be un-viable should affordable housing and/or S106 contributions be provided. This shall be discussed further within section 12 of this report.

Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up-to-date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The Council commissioned a Housing and Economic Development Needs Assessment (HEDNA) in May 2022 and this provides a more recent development needs assessment. The HEDNA requires the below mix:

	Social/Affordable Rented Housing (%)	Affordable Home Ownership (%)	Market Housing (%)
1-bedroom	25	20	10
2-bedroom	35	40	35
3-bedroom	30	30	45
4-bedroom	10	10	10

The scheme would provide 14no. 1 beds. Whilst this does not specifically accord with the HEDNA, given the town centre location, it is realistic to assume that the units are likely to be occupied by young professionals, couples and potentially the elderly. It is not uncommon for town centre dwellings to be predominantly 1-2 bedrooms and NBBC Housing have no objection to the proposal. As such, the proposed mix is considered to be acceptable, given the site location and circumstances.

3. Landscape Character

Policy NE5 of the Borough Plan requires major development proposals to 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. Major development proposals must also demonstrate that they are in balance with the setting of the local landscape, respect the key characteristics and distinctiveness of that landscape. Major development proposals must take account of the landscape strategy set out in the Landscape Character Assessment. This proposal would see the redevelopment of a car park within the Town Centre. This is an urban area, surrounded by other 2-4 storey built developments and therefore the impact to landscape character is considered to be acceptable.

4. Impact on Residential Amenity

Policy DS3 of the Borough Plan states that there should not be a negative impact to the amenity of the surrounding environment or residents. Policy BE3 – Sustainable Design and Construction refers to development having to comply with the Council's Sustainable Design and Construction SPD in order to protect residential amenity of adjacent properties.

Policy BE3 of the Borough Plan 2019 states that development should:

“Development proposals must be:

1. Designed to a high standard.
2. Able to accommodate the changing needs of occupants.
3. Adaptable to and minimise the impact of climate change.

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

The site is located towards the rear of Abbey Street. There are existing units on Abbey Street which are predominantly commercial, business and service uses at the ground floor with residential at the first and second floors. Certain units on Abbey Street also feature bedrooms within the roof.

The height, location and scale of the building hereby proposed is very similar to that previously approved under application 035366. All rear south-facing windows within application 035366 were to be obscure glazed and non opening below 1.7m. This is also the case within this application. Due to these restrictions, the rear elevation of the building can be treated as a flank wall for the purposes of assessment against the SPD standards.

The SPD states that in the interests of protecting aspect and light, the blank wall of an extension directly facing the window of a habitable room of the same height shall be a minimum 12 metres apart. The minimum distance increases to 14 metres where the extension is a storey higher and 16 metres where the difference is two storeys.

The proposal is three storey and adjacent residential windows are located at first floor and above. As such, the minimal distance between these windows and the proposal should be 14m. This is exceeded in most instances. However, there is a first floor window to the rear of 117 Abbey Street which would be 13.5m from the proposal, rather than 14m. Whilst this is a slight shortfall of the SPD guidance, the proposed building features a flat roof and therefore is not too dissimilar in height to a two storey building with a hip/gable roof. In addition, the residential window is northern facing and therefore this development is considered to have less impact to the light and amenity of this room when compared with a southern facing window. Due to this, it is considered that the slight shortfall would not result in unacceptable harm as to warrant a refusal.

It is also important to ensure that there would be sufficient level of residential amenity for future owners and occupiers of the dwellings.

A shared area of outdoor amenity space has been provided for residents and this is considered to be suitable for the drying of clothes and outdoor recreation. Whilst the area of amenity space is relatively small, there are areas of green space within close proximity to the site (Riversley Park) and the previous extant permission provided a similar level of outdoor amenity space.

Providing a suitable level of amenity also includes ensuring that the units are large enough for the number of bedrooms proposed. The nationally described space standard for 1 bed flats is at least 37m². All apartments exceed this at either 42m² or 50m².

The window to the rear of 117 Abbey Street is 6m from the site boundary and it would overlook the proposed amenity space for the new apartments. Whilst this is 1m short of the 7m minimum SPD standard, given that this is a shared amenity area for all flats, this is considered to cause minimal harm. In addition, there is an element of buyer beware for future owners/occupiers.

In terms of distance standards from the proposed building in relation to its surroundings, nearly all windows fall short of the required minimum standards. However, the kitchen/diners are open plan with windows to the front and rear and this aids somewhat in ensuring sufficient light and amenity. In addition, the positioning and layout of the proposal is very similar to that previously approved under application 035366. This permission has been implemented and would be a fall back option. Whilst the SPD has been updated since this approval, the minimum distance standards have remained the same. As such, the impact to future owners/occupiers would be similar. However, this scheme would provide two additional units which would assist the Council's 4 year housing land supply and is considered to demonstrate a more effective use of the land.

5. Impact on Visual Amenity

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 127). 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 design is fairly modern, with a mixture of red brick and cream render. Doors and windows appear to be grey uPVC and the building features a flat roof. The site is visible from Corporation Street and is adjacent to a four storey red brick building and a two storey red brick building. Contrasting brick coursing lines have also been included to add visual interest.

Surrounding buildings are a mixture of single, two and three storeys and the scale of this development would be in keeping with neighbouring developments.

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

The site is outside of the Coal Authorities' high risk development zone and Environmental Health have raised no objection with regard to contamination or land stability. As such, the impact is considered to be acceptable.

7. Air Quality, Noise & Odour

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.

The Council's Environmental Health Team were consulted with as part of this application and the previous application (035366). Within application 035366, Environmental Health had several concerns around noise pollution, as the apartments are surrounded by commercial and industrial premises. To the front there are the industrial/commercial/distribution units on Corporation Street, to the east is a scrap metal yard and to the south and west are the service areas of all the commercial uses on Abbey Street. Noise arising from these sources might include delivery noise (possibly early morning), plant noise, noise from general operations and clangs and bangs from the scrap metal yard. In addition to noise issues, there are extraction flues serving food premises on Abbey Street which, given their height, could cause odour problems to the flats.

Consequently, the Environmental Health team requested a Noise Impact Assessment and an Odour Risk Assessment. Both of these reports have been submitted and assessed by Environmental Health. Following on from this, application 035366 was approved, subject to conditions to request details of a building ventilation system and noise attenuation scheme. Environmental Health have stated that they are satisfied with a similar approach for this planning application and therefore have no objections, subject to conditions.

8. 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 site does not contain any designated heritage assets. WCC Archaeology have been consulted with, however no response has been received. Within application 035366, it was stated that there is

potential for the proposals to encounter locally important archaeological deposits, including domestic refuse pits, boundary features and structural remains, associated with the development of Nuneaton in the medieval and later periods. As such, a pre-commencement condition was attached to require a WSI & AMS. This condition was discharged as part of application 035366 and excavations were dug in order to implement this permission. Given that this condition was discharged as part of the previous application and foundations were previously dug, along with the lack of response from WCC Archaeology, it is considered that the condition is not necessary for this application and that they have no objection to this application.

9. Impact on Ecology, Biodiversity, Trees and Open Space

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

NBBC Parks state that they have no significant objection on ecological grounds to this development, as it is clearly in a space devoid of much if any ecological value, however there is no ecological (PEA) report or calculation to demonstrate the change in ecological value before/post development. Given the nature and location of the site, it is not considered reasonable to insist on the submission of a PEA.

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible. It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. A Biodiversity Net Gain assessment has been provided and this shows a significant increase in BNG of 948%. This significant increase is due to the lack of existing trees, habitats and hedgerows which hence give a minimal baseline value.

There are no on site trees that would be worthy of retention as part of the proposal. The Tree Officer raises no objection.

Whilst the Open Space and Green Infrastructure SPD requests the inclusion of public open space for major residential applications, it is not considered necessary to request the inclusion of public open space on this site, given its constraints, close proximity to Town Centre parks and because the previously approved scheme did not include public open space. The lack of on-site POS forms the basis of the Parks objection and they have also requested contributions towards the maintenance and improvement of other existing POS land.

10. Impact on Highway Safety

The proposed development would remove all the parking spaces from the current car park and no information has been provided with the application regarding parking spaces for the future occupants or capacity for the associated demand to be accommodated elsewhere. Nonetheless, the Highway Authority considers the application site to be a sustainable location, within the town centre of Nuneaton and in reasonable walking distance of well-served public transport facilities, off-street car parking and other town centre services and facilities. It is considered that the spaces lost as part of this development could be absorbed within the other Town Centre parking facilities.

Although the roads surrounding the site are subject to a comprehensive array of parking restrictions, the Highway Authority considers that any additional parking demand that may result from the development is unlikely to lead to material detriment to the safe and efficient operation of the highway, and raises no objection to this aspect of the proposal.

Overall, the impact to highway safety is considered to be acceptable and WCC Highways have no objection to the scheme.

11. Flooding 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. It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk.

Using the Environment Agency's Fluvial Flood mapping, the site is wholly within flood zone 1. Therefore the proposal is considered to be compliant with the above policies, given that it is within the lowest flood zone area.

With regard to sustainable drainage, WCC Flood Risk Management have no objection, subject to conditions, as the application has demonstrated acceptable drainage and runoff management. This includes the use of cellular attenuation tanks, hydro planters and flow control chambers.

12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2023 notes that these obligations should only be sought where they meet all of the following tests:

- d. necessary to make the development acceptable in planning terms;
- e. directly related to the development; and
- f. fairly and reasonably related in scale and kind to the development.

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.

The requests for this application are as follows:

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£27,855.23	
George Eliot Hospital	Provision of health care services	£9,792.	Not considered to be CIL compliant
NBBC Sports	Provision of sports and leisure facilities	£26,652	
WCC Infrastructure	Sustainable Travel Promotion	£140 (can be dealt with via condition)	
	Road Safety Initiatives	£700	
NBBC Housing	Affordable Housing	2 units	

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development can not support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. This is the Built Value of proposed residential & non-residential uses to get the Gross Development Value (GDV). The development costs such as build costs, professional fees, finance costs, Section 106 Obligations and developers profit are then deducted from the GDV to obtain the Residual Land Value (RLV). The assessment has been independently assessed by a property and regeneration consultant who also tested a 100% private sales scenario to determine whether the scheme is viable. This showed that the scheme is unable to support any affordable housing, generating a deficit of £94,091 on a residual profit basis. The consultant concluded that the scheme is unviable and can not viably meet the required level of affordable housing and S106 contributions.

The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability

evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. As stated, the viability assessment has been scrutinised by an independent consultant who agree that the development would be unviable for the applicant to pay any requested planning obligations in this case.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. It would provide a beneficial use of brownfield land, provide investment in the town centre and assist with supporting the Council's housing supply. The scheme provides much needed housing and would be a car-free development encouraging the use of sustainable travel. It is considered that the merits of the potential for contributing to the regeneration of the town centre would outweigh the lack of S106 contributions.

Notwithstanding the above, market conditions can quickly change and therefore it is recommended to include a review mechanism within the Section 106 agreement to consider the scheme's actual sales values and incurred costs. This will allow the Council to benefit from any significant uplifts in viability resulting from any cost engineering or improvements to the sales market by the time the units come to the market. The applicant agrees to the late stage review and the finer details of this could be agreed as part of the S106 process.

13. 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 a brownfield site within Nuneaton Town Centre and complies with the policies within the Borough Plan.

The potential impacts of the proposed development in relation to residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, air quality, 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 conditions.

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

SCHEDULE OF CONDITIONS:

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

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

Plan Description	Plan No.	Date Received
Location Plan	C765/001	5 May 2023
Proposed block plan	C765/003 Rev C	7 November 2023
Proposed floor and elevation plans	C765/004 Rev D	22 November 2023

3. No development 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. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the runoff rate of 2l/s for the site in line with the approved drainage engineering layout (ref: C023/0672/09_201_P1, dated 25/10/2023).

2. 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).

3. 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.

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

5. 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.

6. 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.

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

5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public surface water sewerage system is considered. No surface water to enter the foul or combined water system by any means.

6. No construction shall commence until a Construction Management Plan, which should contain details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by Council in consultation with the Highway Authority.

7. The development shall not be occupied until covered and secure cycle parking has been provided in accordance with a scheme to be approved in writing by the Planning Authority in consultation with the Highway Authority.

8. The development shall not be occupied until the public highways D1292 Burgage Place and D1293 Burgage Walk have been improved so as to provide for dropped kerbs and tactile paving in order to allow pedestrians using the footway of Burgage Place to cross Burgage Walk in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority

9. The development shall not be occupied until pedestrian access has been provided to and within the site in general accordance with drawing number C765 / 003 Rev C.

10. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment has been submitted in writing by a suitably qualified independent

drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

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

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed

12. The development shall not be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council. The approved packs shall be provided to each dwelling prior to the first occupation of any dwelling.

13. No development shall commence above the damp proof course until full details and samples of materials proposed to be used in the external parts of any building 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.

14. No development shall commence above the damp proof course until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council.

15. No development shall commence above the damp proof course until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the completion 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.

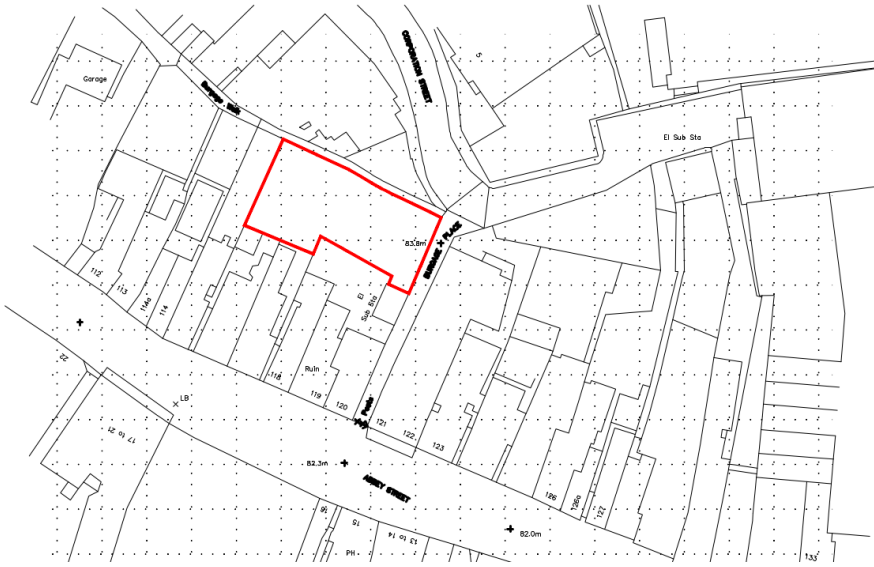
16. No development, shall commence above the damp proof course until:

- a) Full details of a building ventilation system has been submitted to and approved in writing by the Council.
- b) Full details of a noise attenuation scheme to meet the standard for internal noise levels, including 45db LAFmax in bedrooms between 11pm and 7am defined in table 4 of BS8233:2014, to include glazing and ventilation details, shall be submitted and

approved in writing by the Council. No apartment shall be occupied until the work has been carried out in accordance with the approved details.

17. All windows within the southern and western elevations of the building shall be non-opening below 1.7m from the respective floor level and obscure glazed to a high level (to a minimum of level 4 of the "Pilkington" scale of obscuration). Any replacement windows should also be installed in this manner.

18. Notwithstanding the plans hereby approved, the security cameras as shown on the proposed site block plan C765/003 Rev C shall only be erected in accordance with the provisions of Schedule 2, Part 2, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).



Site location plan



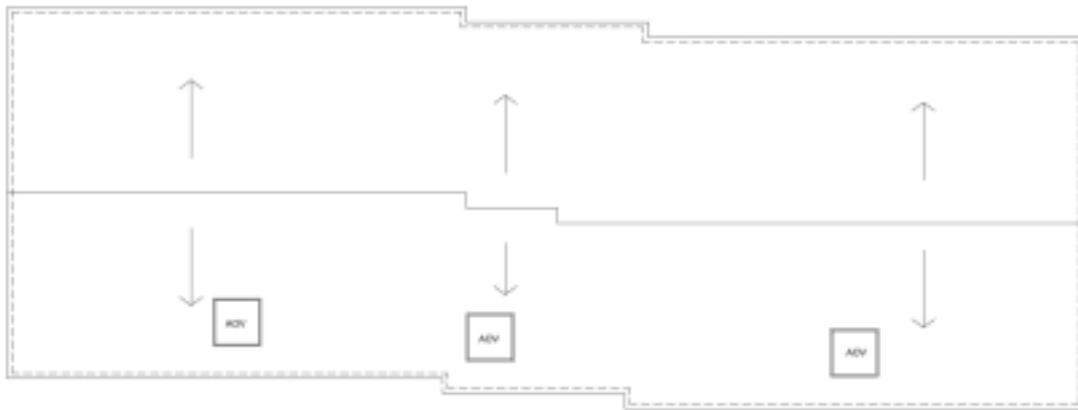
Proposed block plan



Metal Gate with Fence on Burgage Place



Fence detail along Burgage Walk and Burgage Place



PROPOSED ROOF FLOOR PLAN



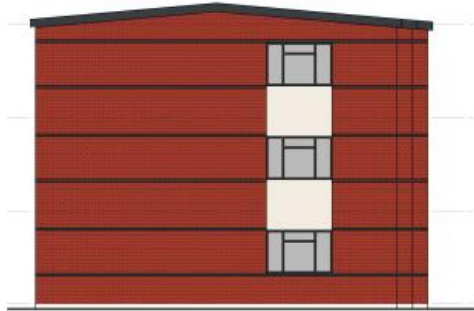
PROPOSED FIRST AND SECOND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



M4(2) Compliant Units



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION

Windows in the South Elevation will be obscured
glazed and non-operable below 1.7m.



PROPOSED SOUTH ELEVATION

REFERENCE No. 039175

Site Address: Site 51A025 - Vicarage Street Nuneaton (Church Street Shops & Justice Walk Car Park).

Description of Development: Outline planning application (with all matters reserved) for the erection of a new Library and Business Centre (Use Class F1 and Class E(c)) and up to 65 no. residential dwellings (Use Class C3), including site clearance and the demolition of the existing library building.

Applicant: Warwickshire Property and Development Group

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

Outline planning application (with all matters reserved) for the erection of a new Library and Business Centre (Use Class F1 and Class E(c)) and up to 65 no. residential dwellings (Use Class C3), including site clearance and the demolition of the existing library building, at Site 51A025 - Vicarage Street Nuneaton (Church Street Shops & Justice Walk Car Park).

This is an outline application with all matters reserved. All matters of detail have been reserved for subsequent consideration and layout and other information relating to the visual impacts of the scheme are to be treated as illustrative. Therefore, the following matters are reserved to be considered at a future stage and do not form part of the application:

- 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.
- Appearance – the aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences and walls.
- 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.

The site is located within Nuneaton Town Centre and is a strategically important site for growth identified in the 'Transforming Nuneaton' vision. Transforming Nuneaton is being funded by its development partners, including Coventry and Warwickshire LEP, The West Midlands Combined Authority and Central Government funds including the Future High Street Funds and the Towns Fund. Nuneaton and Bedworth Borough Council and Warwickshire County Council are working together to deliver the transformation of Nuneaton town centre, to achieve a mixed used regeneration proposal aimed at boosting economic growth in the town and providing new employment and living opportunities.

The application seeks to establish the principles for redevelopment to deliver a new community destination through the delivery of a new Library and Business Centre, up to 65 dwellings, as well as public realm, townscape, permeability and wider accessibility of the site and surrounding areas. The submitted planning statement sets out that the proposal would drive economic growth within the Town Centre through the delivery of a replacement Library and Business Centre, along with new homes to address local housing needs. The Planning statement also asserts that the scheme would be complementary to other Transforming Nuneaton projects at Abbey Street and Mill Street.

The site is owned by the Nuneaton and Bedworth Borough Council (NBBC) and Warwickshire County Council (WCC). WCC owns and maintains the existing Library. The applicant is Warwickshire Property and Development Group (who have no statutory functions) and as such, the application is not subject to Regulation 3 of the Town and Country Planning (General) Regulations 1992 (as amended) and is to be determined by NBBC.

This application is being reported to Planning Applications Committee as the Borough Council is the landowner and the scheme is not of a minor nature, as defined in statistical returns to the Government.

The development does not meet or exceed the thresholds for Environmental Impact Assessment (EIA) development, as set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore, the application has not been accompanied by an Environmental Statement.

RELEVANT PLANNING HISTORY:

- 036043 – Demolition of vacant church hall building – 6.4.22 – approved.
- 031116 – Retention of illuminated and non-illuminated signage (Wilkos) – 15.12.11 – approved.
- 9432 – Erection of flats and shops (Christadelphian Hall) – 31.1.05 – withdrawn.
- TP/0321/01 – New shop front, new entrance doors with shutters (Wilkos) – 13.7.01 – approved
- TP/0320/01 – Illuminated shop sign (Wilkos) – 13.7.01 – approved.
- TP/0693/99 – New shopfront with automatic doors (Wilkos) – 20.01.00 – approved.
- TP/0049/92 – Two external fire escape doors (Library) – 4.3.92 – deemed PD.
- 850362 – Installed of ATM (post office) – 31.7.85 – approved.
- 640919 – New shop premises (2 Church Street) – 28.1.65 – approved.

RELEVANT PLANNING POLICIES:

Policies of the 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 H1 – Range and mix of housing.
- o H2 – Affordable Housing.
- o E1 – Nature of employment growth.
- o TC1 – Town centre requirements.
- o TC2 – Nature of town centre growth.
- o TC3 – Hierarchy of centres.
- o HS1 – Insuring the delivery of infrastructure.
- o HS2 – Strategic accessibility and sustainable transport.
- 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 and water quality.
- o BE1 – Contamination and land stability.
- o BE3 – Sustainable design and construction.
- o BE4 – Valuing and conserving our historic environment.

Supplementary Planning Guidance / Supplementary Planning Documents.

- Affordable Housing SPD 2020.
- Air Quality SPD 2019.
- Health Impact Assessment SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- Sustainable Design and Construction SPD 2019.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Environment Agency, George Eliot Hospital Trust, The National Amenity Societies, NBBC Environmental Health, NBBC Housing, NBBC Land and Property, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Town Centres, , NHS, Severn Trent Water, , Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), WCC Archaeology, WCC Fire and Rescue Service, WCC Flood Risk Management Team, WCC Highways, WCC Infrastructure, NBBC Town Centres and Marketing Manager, Historic England.

CONSULTATION RESPONSES:

Objection from:

The Twentieth Century Society,

No objection subject to conditions from:
WCC Highways, NBBC Environmental Health, NBBC Parks, NBBC Policy, WCC Flood Risk Team, Warwickshire Archaeology,

No objection from:
Natural England, Environment Agency, Highways England, Historic England, NBBC Planning Policy, NBBC Sports Development, Warwickshire Fire Service, NHS, WCC Infrastructure,

Comment from:
Warwickshire Police, NBBC Tree Officer,

No response from:
Severn Trent Water, NBBC Refuse

NEIGHBOURS NOTIFIED:

A R Cartwright Ltd, Vicarage Street, Nuneaton Furniture View, Rosebys, Tan Tropez, Nationwide Building Society, 62 Wheat Street, Nuneaton, St Nicolas Church Centre, Waves39B Church Street, The Black Swan in Hand, 1-7, 8, 9, 10, 11, 12, 12a, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30-40, 41, 42, 43, 44, 45-49 and 50-58 Dempster Court, 2 Knox Crescent, Nuneaton Library, Wilkinson 2 Church Street, Inland Revenue Powell House, Benny's 47 Church Street, Police Justice Centre Vicarage Street, Royal Mail sorting office 3 Church Street, Kwik Fit Leicester Road, Guideposts Carers Support Service, FedEx Bondgate Chambers, NBBC Parking, Flats 1 - 35 Warwick House, Popworld 40 and 41 Church Street, The Close Retirement Village, Professional Office Stationers Ltd, Powell House Church Street.

Neighbouring properties were sent letters notifying them of the proposed development on 16th September 2022. A site notice was erected on street furniture on 21st September 2022 and the application was advertised in The Nuneaton News with the advertisement expiring on 2nd November 2022.

NEIGHBOUR RESPONSES:

There have been 2 letters of objection to the application received during the statutory consultation period. The comments are summarised below;

1. Concerns in relation to the heritage harm arising from the demolition of the existing Library. The objection provides detailed comments relating to the Library's association with Frederick Gibberd (1908-84), the distinctiveness and quality of the architecture and the importance of the library, the loss of a building constructed as part of Nuneaton's post-war building programme, the rarity of surviving buildings within this period in the town.
2. Concerns relating to the environmental harm arising from the demolition of the existing building, with a particular focus of embodied energy and carbon within the existing building and the environmental harm further exacerbated by the additional energy and carbon embodied within a replacement building;
3. Concerns that the application cites the poor condition of the building, which is not considered to be a sufficient justification for demolition. The objection

asserts that instead this reflects a failure to properly invest in ongoing maintenance and care of this asset.

4. Concerns that the existing library should be retained and repurposed and used as office space.

A third representation has been received from Cushman and Wakefield on behalf of Royal Mail Group Limited. The letter of representation outlines the below comments:-

1. Royal Mail currently occupies part of the site and are the long leaseholder (10 years remaining) of Nuneaton Delivery Office (3 Church Street, Nuneaton);
2. Royal Mail is under a statutory duty to collect and deliver six days a week and is operation 7 days a week.
3. Should the Royal Mail site close, 135 jobs would be lost;
4. There is no alternative facility available, Bedworth Royal Mail delivery office has no spare capacity to provide Royal Mail services for Nuneaton;
5. Whilst Royal Mail have been in dialogue with WCC to identify an alternative site, no replacement facility has been secured;
6. Comments have also been received relating to the requirement for the facility to remain operational with unrestricted access should permission be granted and should works start on site and a request has also been received relating to the requirement for a robust Construction Management Plan to be submitted and agreed;
7. The comments also state that permission for the re-development of the site must be contingent on a satisfactory operational relocation of the Royal Mail site.

APPRAISAL:

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

1. The Principle of the Development, Impact upon the Town Centre and Community Facilities
2. Heritage and Archaeology
3. Highway Safety
4. Residential Amenity
5. Visual Amenity
6. Flood Risk and Drainage
7. Ecology, Biodiversity, Open Space
8. Land Contamination and Air Quality
9. Affordable Housing
10. Planning Obligations
11. Public Benefits of the Development
12. Conclusion and Planning Balance

1. The Principle of Development and Impact upon the Town Centre and Community Facilities

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 Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. The site is within Nuneaton and therefore compliant with Policy DS2. This is essentially a mixed-use development with half comprising town centre housing, and the other half being the Library and Business Centre (LABC) which will be an F1 and E(c) use class.

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 allocated sites was had. Then having reviewed Case Law examples following the exchange of evidence on a number of planning inquiries on-going 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.

A Land Use Parameter Plan has been developed and submitted with the planning application. This sets out the sections of the site which will make up the split between C3 residential and the LABC.

The site is Brownfield land, within the town centre, as such the site is the sequentially the most preferable kind of land to be developed. The NPPF sets out this sentiment in Paragraph 124.

124. Planning policies and decisions should:

...;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

Additionally, from a development plan point of view policy TC3 relates to the hierarchy of centres and references table 16 which sets out that residential uses are an appropriate use within Nuneaton Town Centre.

Part of the development would involve the loss of the existing Nuneaton Library, which is a non-designated heritage asset, something that will be dealt with later in this report. However, it is pertinent to the assessment of the principle of development to consider the loss of this community facility. The relevant development plan provisions seeking to protect community facilities are within Policy HS4 of the NBBC Borough Plan 2019 which sets out that proposal for the loss of community facilities will only be permitted in certain circumstances. The Policy states that the loss of community facilities 'will only be permitted' if one of four scenarios are demonstrated.

These criteria are that:

- adequate alternative facilities and services are available locally; or
- access to locally alternative facilities is enhanced; or
- replacement facilities are proposed nearby; or
- it can be demonstrated that there is no longer a demand for the use, the use is no longer viable/appropriate, and that there is a greater benefit to the area resulting from the proposed use.

As is generally accepted library services are a crucial part of County Council community facility provision and serve a very important function for local residents. There is clearly a need and demand for this kind of use as the existing library is well used. The application is proposing replacement facilities nearby, and in fact only a few metres from where the existing library is located.

Obviously the Borough, nor the County Council would want to be a position where there was no library provision for any significant amount of time. Therefore, a condition will be added to any approval to ensure that there is a continuity of library provision within Nuneaton and that the new library must be operational before the existing library (or any temporary replacement) closes.

The scheme would result in a loss of car parking for the town centre, but this is not felt to be significant as the Transforming Nuneaton project includes a number of improvements to the town centre. So, although there will be a loss of spaces here (119 on the site), it is considered that parking in Nuneaton Town Centre is still ample:

- Regent Street No.1 – long stay – 46 car parking spaces
- Regent Street No.2 – long stay – 47 car parking spaces
- Orchard Street – long stay – 47 car parking space
- Upper Abbey Street – long stay – 25 car parking spaces
- Riversley Park– long stay – 13 car parking spaces
- Pool Bank Street – long stay – 67 car parking spaces
- Victoria Street No.2 - long stay – 57 car parking spaces
- Meadow Street – long stay – 44 car parking spaces
- Victoria Street No.1 - short stay – 34 car parking spaces
- Town Hall – short stay – 41 car parking spaces
- Riverside – short stay – 13 car parking spaces
- Rope Walk – Multi Storey – short stay – 463 car parking spaces

- Harefield Road – Multi Storey – long stay – 571 car parking spaces

As well as 405 car parking spaces at the Abbey Street redevelopment site (former Co-Op car park).

2. Heritage and Archaeology

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

The NPPF defines a non-designated 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 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, Nationally Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

NBBC received an objection from the Twentieth Century Society which set out how it was their "view that overall *substantial harm* would be caused to heritage assets."

The NPPF states at paragraph 209: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

It also states at paragraph 205: "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."

In addition to the Nuneaton Town Centre Conservation Area, the vicinity surrounding the site boasts numerous designated and non-designated heritage assets. Across Vicarage Street to the southeast of the site lies a cluster of five listed buildings, with the grade I listed Church of St Nicholas standing out prominently in terms of both visual stature and significance. The adjacent Old Grammar School (King Edwards Collage), listed as grade II, sits between the church nave and Vicarage Street. Further northeast, one finds the Old Vicarage (grade II), accompanied by the Old Boys of Vicarage Street School War Memorial (grade II) and a chest tomb situated to the south of the church porch (grade II) within the churchyard.

Within the site's boundary, are a diverse array of features which are somewhat representative of the wider Nuneaton town centre, encompassing modern and

traditional existing buildings, surface car parks, and pedestrian pathways interspersed with parcels of undeveloped land.

While none of the structures within the site boundary are currently listed on statutory or local registers, the Nuneaton Library, located at the southern periphery, is identified by the Nuneaton Town Centre Conservation Area Character Appraisal as a candidate for inclusion on the local list. Adjacent to the Library, the Christadelphian Hall occupies land outside the site boundary, while farther northeast stands the Former Church Hall (which has an extant permission for its demolition), both falling within the Conservation Area boundary alongside the Library and which are assessed as neutral by the Conservation Area Character Appraisal.

The Impact on Non-Designated Heritage Assets

Nuneaton Library

Nuneaton Library is described as a "positive building" due to its substantial contribution to the character and aesthetic appeal of the Conservation Area, the library has been identified as a potential candidate for local listing. However, despite two previous nominations, it has been determined that the library does not meet the stringent criteria for a national listing. This does not imply a lack of interest in the building, but it serves to underscore the considerable challenge of meeting the elevated standards for listing post-war structures. Given the abundance of post-war buildings and their susceptibility to alterations, a heightened level of selectivity is warranted. Nevertheless, the library holds significance owing to its historical, associative, aesthetic, and communal values.

An independent Heritage Assessment was carried out by LUC and in it they state:

"The demolition would also clear a significant and prominent piece of the planned post-war development of Nuneaton following the damage and loss the town sustained during the Second World War. As the conservation area appraisal makes clear, the mid-20th century is an important stage of the conservation area's historical development. The demolition would also greatly weaken the conservation area's associative value with the architect and town planner Frederick Gibberd, who planned the post-war redesign of Nuneaton, leaving Dempster Court as the only remaining Gibberd-designed development in the conservation area."

The proposed demolition of the library would result in the complete eradication of its significance, with nothing remaining on the site of the original structure. Consequently, this action poses a very tangible, and significant threat to the value of this non-designated heritage asset. In planning decisions, due consideration should be given to the extent of harm inflicted upon a non-designated heritage asset's significance, aligning with its importance in the broader context of heritage preservation.

It is therefore considered that this total loss weighs significantly against the proposal.

The Former Parish Hall

This building has historic and functional associations with the church and the parish office in the Old Grammar School.

Although the loss of this building is regrettable, one must recognise that there is an extant permission for its demolition. With this in mind, its total loss does weigh minimally against the proposal.

Christadelphian Hall

This hall does not form part of the applicant site, but its setting will change as a result of the proposal. This needs to be considered duly in any planning balance and it is considered to weigh very slightly against the proposal because the loss of the former parish hall would harm the overall significance of the Christadelphian Hall as the buildings visually complement each other despite their differences in scale and architectural style.

Powell House

This government office building, which has since been converted to residential, is a component of the same planned post-war civic quarter as the Library. Its design, orientation and siting has responded to the design of the library and the precinct-like area of public realm that fronts both buildings. Powell House is considered to be a non-designated heritage asset. Its total loss as a consequence of the proposal should be given due some weight against the proposal.

1-2 Church Street (Wilko's), and the Royal Mail Sorting Office

These buildings are much more modern, post-war buildings and both are visually prominent in, and from, the Conservation Area. They are both relatively low in terms of their significance, and because of this their total loss weighs neutrally against/for the proposal.

Impact on the Conservation Area by Demolitions

An independent Heritage Assessment was carried out by LUC and in it they state:

“The conservation area appraisal and management plan identifies the library as a ‘positive building’ and recommends it as an addition to the council’s local list. Of the 43 ‘positive buildings’ identified in the appraisal, the library is the only one recommended for local listing. Paragraph 7.2.1 of the appraisal defines ‘positive buildings’ as “those that are not designated but add value to the Conservation Area”.

The former parish hall is identified as a ‘neutral building’, but this report identifies it as a non-designated heritage asset that makes a positive contribution to the conservation area. The appraisal places these two buildings within Character Area 2: Civic and Administrative Area. this area is described as “post-war redevelopment of a bomb-damaged area to the south and east of the town centre comprising mainly or large freestanding buildings of the 1960s.

Subject to design proposals by the Modernist architect and town planner Frederick Gibberd who attempted to create an identifiable civic centre for the town.”

The demolition of the library, a positive building deemed worthy of local listing by the council and fitting the archetype of the type of building found in this character area, and the parish hall would amount to substantial harm to the significance of the conservation area. If the library and the parish hall are demolished, it would be logical at the next conservation area boundary review to de-designate the entire eastern portion of Character Area 2, as the only remaining historic building within it would be the small Christadelphian Hall of 1909.

This likely consequence of the proposed demolition was also raised by Historic England. The demolition would also clear a significant and prominent piece of the planned post-war development of Nuneaton following the damage and loss the town sustained during the Second World War. As the conservation area appraisal makes clear, the mid-20th century is an important stage of the conservation area’s historical development. The demolition would also greatly weaken the conservation area’s associative value with the architect and town planner Frederick Gibberd, who planned the post-war redesign of Nuneaton, leaving Dempster Court as the only remaining Gibberd-designed development in the conservation area.”

With this in mind it is important to make reference back to the NPPF which states in paragraph 207:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

It is important therefore to first consider if this proposed demolition will cause substantial harm to the designated heritage asset of the Conservation Area. Paragraph 213 of the NPPF states: “Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

In accordance with Paragraph 207 of the Framework (as mentioned above) it is considered that the loss of the Library, Former Church Parish Hall, and Powell House,

cumulatively amount to 'substantial harm' due to their total loss and relative, though varying, significance within the Designated Heritage Asset of the Conservation Area.

Consequently, it is considered that this substantial harm weights significantly against the proposal, and unless there are substantial public benefits that outweigh that harm or loss (as set out in 207 above) the proposal should be refused. The benefits of the scheme will be balanced later in this report.

Impact on Conservation Area by New Built Development

Obviously, appearance and layout are reserved matters which will be dealt with at a later date, however, general land use parameters and maximum scales have been presented indicatively as part of this outline application.

The proposed development is situated within the Nuneaton Town Centre Conservation Area and entails the construction of a library and business centre and terraced housing comprising up to 65 dwellings, each spanning two storeys. A notable exception is the segment extending from Church Street to the Christadelphian Hall, where a slightly elongated, arc-shaped terrace with three storeys is envisioned. Despite slight variations in height and layout, the overall design and arrangement of housing remain largely consistent throughout the application site, blurring the distinction between developments within and outside the conservation area boundary.

Although detailed design aspects such as building aesthetics and landscaping are anticipated to be refined in subsequent planning stages, the LUC Heritage Response states that it is evident that any enhancements in these areas will not sufficiently mitigate the significant adverse impact caused by proposed demolitions.

The application suggests that the envisioned development would mirror standard suburban housing typically found in developments by medium- to large-scale housing developers, whether on brownfield or greenfield sites. The only discernible nod to the site's context seems to be the incorporation of true terraces to create cohesive street facades and adhere to traditional building layouts.

It is considered that although there will be some impact on the Conservation Area that this harm by way of the newly constructed residential part of the site would amount to less than substantial harm to this designated heritage asset. This harm is felt to be relatively minor and should be weighed against the public benefits of the proposal (as set out in the Framework at paragraph 207).

Impact on Listed Buildings by New Built Development

As set out above there are some listed buildings surrounding the site, and the impact upon the setting and character by way of this development, must be assessed and balanced here.

It is considered given the spacing between the sites and the listed building that the harm could only be minimal, especially given the scale parameters set out indicatively.

When attempting to take a holistic and comprehensive viewpoint, the proposed development would result in minimal harm to the significance of the Church of St. Nicholas and the Old Grammar School due to alterations in their surroundings. The effects on the Old Vicarage are deemed negligible and weigh neutrally.

Archaeology

In relation to archaeology, the proposed development lies within an area of archaeological potential, located within the probable extent of the medieval settlement of Nuneaton. As highlighted within the submitted Heritage Statement and Archaeological Written Scheme of Investigation, whilst it is likely that the site will have been subject to a degree of relatively modern disturbance there remains a significant potential for archaeological features and deposits dating from the medieval and post-medieval periods to survive across this site. WCC Archaeology have been consulted and requested a condition relating to a scheme for archaeological fieldwork and for it to be carried out, along with any mitigation strategies identified.

3. Highway Safety

As per the National Planning Policy Framework (NPPF) guidelines outlined in paragraph 114, it is imperative to ensure safe and suitable access to the site for all users. Access is a reserved matter in this outline, so will be dealt with at a later date. That said, highway safety still needs to be assessed.

The proposed development is designed indicatively with vehicular accesses off Justice Walk to access the southern section of the proposed residential dwellings, and an access from Wheat Street to access the northern section of residential and the LABC service yard. Again though, these access points are just indicative at this stage and the formal reserved matter of access will be assessed later.

Initially, Warwickshire County Council (WCC) Highways expressed concerns over the assumptions in the application and that conflicting information had been submitted.

A Transport Statement was submitted alongside the application, and following the objection a meeting was had between Highways Officers and the Agent, and a further Technical Note was then submitted to address WCC Highways' concerns.

The Technical Note set out that;

- Trip generation validation – It was advised that WCC's protocol is to only use Tuesdays, Wednesdays and Thursdays – This Technical Note therefore revisited the TRICS database
- Traffic surveys - it was agreed that new traffic surveys would not be required, however WCC provided historic traffic survey data for the local junctions so that an exercise can be undertaken to try to collaborate the existing trips have been discounted correctly.
- Direction of traffic along Justice Walk - WCC requested that, the applicant seek to demonstrate using adjusted TRICS calculations that the impact of the development would be negligible regardless of the direction of travel on Justice Walk.

Following the submission of the technical response, WCC Highways accepted the clarifications provided and raised no objection, pending the fulfilment of a condition relating to a construction management plan.

4. Impact on Residential Amenity

Policy BE3 of the Borough Plan mandates that all development proposals must enhance local distinctiveness and character, with a particular emphasis on residential amenity for both current and future residents.

At least 35% of the dwellings will be required to adhere to the optional Building Regulations standard M4(2), ensuring accessibility and adaptability, as specified in Policy BE3 of the Borough Plan. All house types must adhere to the Nationally Described Space Standards (NDSS), and each plot must provide sufficient private amenity space. Additionally, rainwater harvesting systems are obligatory for each dwelling.

Given that this is an outline application, specific layout and design aspects are not under consideration at this stage. However, any future reserved matters application must ensure compliance with the aforementioned requirements. Moreover, such an application must guarantee adherence to separation distance standards concerning existing properties and within the site, as outlined in the Sustainable Design & Construction SPD 2020.

Without a layout to assess it is not possible, or fair, to assess distances standards, and other guidance relating to future occupiers. This will be applied to the future layout as and when that is submitted.

Paragraph 180 of the NPPF stipulates that planning decisions must actively contribute to enhancing the natural and local environment. This includes safeguarding against various forms of pollution, including noise, and land instability. To comply with these requirements, an Environmental Noise Report has been provided.

The primary noise source affecting the proposed site stems from the adjacent highway network whereby the dominant noise source to affect the site is considered to be road traffic, primarily to the east and south of the site, during the day and night. Therefore, the noise climate across the site varies depending on the proximity to this noise source. Analysis indicates that the highest noise levels will be concentrated in the east and south portion of the site, closest Vicarage Street (the A444). The assessment suggests that some noise mitigation measures may be necessary. Throughout the detailed design phase, adherence to principles of effective acoustic design will enable the development to naturally minimise noise propagation across the site. This approach aims to reduce the need for specific noise mitigation measures such as specialised glazing, ventilation systems, and barriers (such as taller garden fences) but concedes that this may be necessary.

The Environmental Health team of NBBC has evaluated the Noise Report and raised no objections, provided that a condition is met for the submission of an updated noise report and details and specifications of all plant machinery and equipment.

5. Impact on Visual Amenity

According to the NPPF, planning policies and decisions are tasked with ensuring that developments harmonize with the local character and historical context, encompassing both the built environment and landscape setting. This should be achieved without impeding appropriate innovation or change, as outlined in paragraph 135. Additionally, BE3 of the Borough Plan mandates that all development proposals should enhance local distinctiveness and character. Key elements to consider include street layout, plot size and arrangement, and architectural form.

As this is an outline application, details of design and layout are not being considered at this stage and would form part of the assessment of a future reserved matters application. That said, some parameters have been submitted and although they will not be 'set in stone' by this permission it is still pertinent to review them.

The Land Use Parameter Plan shows 3 main sections; the larger southern section of residential units, the smaller northern section of residential units and the library and business centre in the western section of the site.

Whilst scale is also a matter reserved for later approval, the submitted design and access statement, and planning statement, set out that the proposed development is based upon a maximum of 2-3 storeys for the residential units, with the 3 storey units mainly on the southeast corner of the southeast block of residential. The LABC building however will be taller still, at a maximum of +101090 (AOD) which is shown as roughly 18m from the existing ground level shown on the illustrative building heights plan.

Overall, it is considered that there would be no significant harm to the visual amenity of the area as a result of this outline permission, and the other matters can be considered at a later date.

6. Flood Risk and Drainage

The NPPF requires a thorough assessment of flood impacts on new developments while ensuring that flood risk is not exacerbated elsewhere (paragraph 163), advocating a risk-based approach to development location to avoid high-risk areas. Additional guidance on flooding is available in the National Planning Practice Guidance, while Borough Plan Policy NE4 form the development plan basis for flood risk management. Utilising the Environment Agency's Fluvial Flood mapping, the site is identified within flood zones 2 and 3.

Situated in a central and sustainable area of the Borough as a whole, and within the Town Centre, the site is previously developed (brownfield) land, making it suitable for development, contingent upon no objections from the Environment Agency (EA) and

WCC Flood Risk Management (FRM) to safeguard future occupants from flood risk and prevent risk escalation elsewhere.

A Flood Risk Assessment accompanies the application, with the Environment Agency consulted and expressing no objections, providing that the development adheres to their standing advice.

Concerning surface water drainage, a Drainage Strategy has been submitted, aiming to manage on-site surface water runoff to minimize flood risk, mitigate adverse impacts on third parties from surface water discharge, and ensure ongoing operation and maintenance through appropriate management and adoption. WCC Flood Risk has reviewed the strategy and raised no objections, subject to specified conditions.

7. Ecology, Biodiversity, Open Space and Landscaping

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

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

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.'

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

- Ecological Impact

A Preliminary Ecological Assessment was submitted with the scheme and it summarises as follows:

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- Non-Statutory Sites: The proposed works could potentially indirectly impact upon River Anker (LWS) and Nuneaton Parish Churchyard (Ecosite), both of which are located adjacent to the survey area. Precautionary guidance is provided in report.
- Habitats: The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including semi-mature trees. Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to deliver net gains for biodiversity.
- Bats: Recommendations made within the Preliminary Bat Roost Assessment Report RT-MME-155981-02 Rev B must be adhered to.
- Hedgehog: Vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming small mammals (including hedgehog).
- Terrestrial Mammals including Badger and Hedgehog: Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.
- Cotoneaster: The works must not cause invasive cotoneasters to spread in the wild.

- *Biodiversity Net Gain (BNG)*

The County Council's Ecology Officer has assessed the proposal with regard to biodiversity impacts. The application is now supported by the submission of the full biodiversity metric spreadsheet to demonstrate the inputs which have been used within the biodiversity impact calculation.

It is important to note that this application was submitted prior to the requirement for sites to show 10% BNG enhancements, and as such only 'no net loss' is required as a baseline. That said the applicant has committed to providing a 10% BNG gain either on-site or a mix of on and off-site to be secured via a S106 (the exact details of which are to be agreed with Warwickshire Ecology during the S106 negotiations).

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

The County Ecology Officer responded to say:

Habitats and Biodiversity Net Gain

According to the submitted Biodiversity Metric, there would be a loss of 2.98 biodiversity units due to the loss of medium distinctiveness habitats. Of this, 1.92 units are attributed to the loss of healthy mature trees. Mature trees are valuable habitats acting as stepping stones for wildlife, capturing and storing carbon. As in accordance with the recommendations in the Preliminary Ecological Appraisal (PEA) report and NPPF, the mitigation hierarchy should

be applied, thus, significant impacts to biodiversity should be avoided in the first instance. Unless a well-reasoned justification is provided, I recommend that the plans are changed to reflect the retention of the majority of trees within the site. This needs to be provided prior to determination of the application.

As in accordance with the PEA recommendations, tree protection and pollution prevention measures should be adopted to avoid any indirect impacts on retained trees and River Anker. These need to be written into a Construction Environmental Management Plan (CEMP), which can be secured through a condition.

The Ecology Officer has requested more information which at the time of writing has not come forward. An update will appear on the Addendum to the Agenda.

- Open Space Provision

It is recognised that the application is in outline form with all matters reserved. However, matters in relation to open space should be addressed and secured at the outline stage.

The application has been supported by the submission of a Land Use Parameters Plan which shows the two proposed uses across the site, those being residential housing scheme and the Library and Business Centre. The submitted Amount/Quantum Plan shows the proposed LABC gross internal floor area of 4,560m² (maximum) and 3,730m² (minimum). With regard to the residential element of the scheme, the application proposes up to 65 dwellings across 2 plots of up to 54 dwellings per hectare.

The only on-site space would be the 'pocket park' which is proposed. Obviously, the exact nature and layout of this is reserved for RM stage. The site is very close to Riversley Park, (just 71m from the site to the Mill Street entrance to the Park) and a short walk to Louis Park (just over 300m).

8. Land Contamination and Air Quality

The NPPF sets out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land 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 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. NBBC Environmental Health have reviewed the report and have no objection subject to conditions.

Air Quality

The NPPF underscores the importance of planning policies and decisions in maintaining compliance with relevant pollutant limit values and national objectives, considering factors such as Air Quality Management Areas and Clean Air Zones, as well as cumulative impacts from local sites (paragraph 192 NPPF). It emphasises the identification of opportunities to enhance air quality or alleviate its impacts.

Specifically, Paragraph 180 of the NPPF mandates that planning decisions must contribute to preserving and enhancing the natural and local environment, safeguarding against unacceptable levels of pollution or environmental instability.

In support of the application, an Air Quality Impact Assessment has been provided. This assessment outlines the projected concentrations of contaminants at receptors within the development site, indicating compliance with UK Air Quality Standards objectives. Off-site impacts are predicted to be minimal at all receptor locations with most risk associated with the construction phase of the development;

“It was concluded that in the absence of any adequate mitigation, there is a High risk from earthworks activities and Medium risk from the demolition, construction and track-out dust-generating activities associated with the Proposed Development. However, with appropriate mitigation measures implemented, it is anticipated that the dust generation and harmful emissions from construction site activities will not be significant.”

With the adoption of recommended mitigation measures, the residual effects of the proposed development on local air quality, and specifically adoption of appropriate ‘Type 1 and 2’ mitigation measures, the impact is not deemed to be significant.

NBBC Environmental Health has reviewed the assessment findings and raised no objections, subject to conditions including the provision of a dust management plan, installation of electric vehicle charging points, and adherence to specified standards for gas-fired boiler installations.

9. Affordable Housing

Quantum of Affordable Housing and Tenure Mix

Policy H2 outlined in the Borough Plan 2019 mandates that 25% of new developments comprising 15 or more dwellings must be affordable. The proposed project aligns with this policy, ensuring that 25% of the residential units will be designated as affordable, as per Policy H2 - Affordable Housing. This will encompass a suitable variety of property types, totalling 16 out of the 65 dwellings, the exact layout of these is reserved as part of the Layout reserved matter.

Regarding the distribution of tenure, Policy H2 of the Borough Plan 2019 stipulates that the allocation of tenure and the mix of affordable housing should be determined by data from the council's Housing Register and the Strategic Housing Market Assessment (SHMA), subject to regular updates. However, the Council's Affordable

Housing SPD (2020) specifies a target tenure split of 74% for social/affordable rent and 26% for intermediate housing.

Housing Mix

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

Any housing mix at this stage would be purely indicative, however it is not foreseen that the provision of 1, 2, 3 and 4 bed open market housing would be difficult to secure at reserved matters stage.

It is recognised that the layout is not currently for consideration, however it is pertinent to mention that the SHMA 2013 sets this out as follows:

2013 Strategic Housing Market Assessment			
Market		Affordable	
Bedroom	SHMA (%)	Bedroom	SHMA (%)
1	5-10%	1	5-10%
2	35-40%	2	35-40%
3	45-50%	3	45-50%
4	10-15%	4	10-15%

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

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

Source: Derived from a range of sources

This will need to be carefully built in to any future reserved matters submission.

10. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

- g. necessary to make the development acceptable in planning terms;
- h. directly related to the development; and
- i. fairly and reasonably related in scale and kind to the development.

Paragraph 93 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
NBBC Parks	Provision and maintenance of play and open space	£123,328.09	
WCC Education	Monies for the provision and improvement of schools	£419,403	
WCC Infrastructure Team	Sustainable Travel Packs	£650	
	Road Safety Initiative	£3,250	
	Public Rights of Way	£4,485.59	
NBBC Housing	Affordable Housing	25% of total dwellings	
NBBC Sports and Leisure	Capital Contribution as per adopted sports strategy	£123,743	
WCC Highways	Enabling Works and Services	£39,000	
	Environment Works	£39,000	
	STATS	£624,000	
	Highway Works	£2,263,000	
	Signals	£238,000	

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. The consultant concluded that the scheme is unviable and cannot viably meet the required level of affordable housing and S106 contributions.

The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58). As stated, the viability assessment has been scrutinised by an independent consultant who agree that the development would be unviable for the applicant to pay any requested planning obligations in this case.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. It would provide a driver and catalyst of investment in the town centre in the future, employment generation, support of existing uses and the overall vibrancy of the town, an opportunity to increase footfall in the wider area, it would bring an open and partially empty site into beneficial use, it aligns with the wider ambitions of the Transforming Nuneaton Initiative.. The scheme also provides much needed housing within a town centre brownfield site. It is considered that the merits of the potential for contributing to the regeneration of the town centre would outweigh the lack of S106 contributions.

At the time of writing this report the Council has not received a formal response from the District Valuer on the viability issue. It is believed however that it is very likely that the proposal *is unviable*, and confirmation of this and an updated response from the District Valuer will appear on the Addendum to the Agenda.

11. Public Benefits of the Development

As set out in Paragraphs 7 and 8 of the NPPF, the primary aim of the planning system is to foster sustainable development, which encompasses economic, social, and environmental considerations. The Planning Statement submitted with this application attempts to justify how the proposed development intends to positively impact these dimensions by delivering various public benefits.

Regarding the potential substantial harm posed by the proposed development to the significance of non-designated (buildings) and designated heritage asset, namely the Nuneaton Town Centre Conservation Area, NPPF paragraph 207 dictates that such harm must be balanced against the public benefits derived from the development.

Indeed, it states that unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

The Applicant has stated the following as public benefits:

Economic benefits

- The regeneration of a highly sustainable, well connected gateway site into the town centre, comprising the efficient redevelopment of underutilised brownfield land;
- The delivery of an active and vibrant mixed-use development which responds and contributes to achieving the vision and objectives of Transforming Nuneaton;
- A significant investment by WCC to develop a modern library, which will stimulate

- further regeneration and investment in the town centre;
- The proposed LABC will specifically:
 - Comprise 3,407 sq m of new public and commercial premises;
 - Create and safeguard up to 395 gross (247 net additional) jobs;
 - Support up to 120 businesses through the provision of office accommodation and business support;
 - Provide specialist support for start-ups, growing businesses, and SMEs; and
 - Boost the local economy by an estimated £28.3 million net additional GVA in the first 10 years;
 - Create £610,000 additional social benefit per annum during operation;
 - The relocation and local retention of existing businesses and associated jobs to more
 - suitable alternative premises in Nuneaton, including Wilko and Royal Mail – so no net loss;
 - The proposed residential development will specifically:
 - Deliver up to 65 town houses (25% affordable) for new town centre living;
 - Enhance economic benefits in the local area through the delivery of the government's New Homes Bonus and additional Council Tax revenue from new residents;
 - Result in £0.78 million of 'initial occupation' expenditure and £1.5 million per annum total gross expenditure (£0.3 million net additional) which could support a further 4 FTE jobs locally;
 - Potential to capture additional household retail (convenience and comparison) and leisure (goods and services) expenditure every year within Nuneaton town centre, and the wider region as a spin off (indirect) benefit of additional footfall in the town centre created by the library and new residents living in the town centre;
 - Increase capitalised property values by approximately £7.7 million in the project and wider town centre as a result of investment in public realm;
 - The creation of direct and indirect jobs associated with construction of the proposed development and expenditure of residents once complete;
 - Economic benefits arising during construction specifically include:
 - 55 gross direct and indirect FTE construction jobs created;
 - 20 net additional local FTE construction jobs; and
 - £17.2 million of net additional associated GVA.

Social

- The delivery of a new and innovative Library and Business Centre (LABC), providing legacy facilities to serve new and existing residents, visitors, employees and businesses for years to come;
- The delivery of a variety of high-quality residential dwellings, including family homes, contributing towards local housing need in a prime sustainable location;
- The delivery of 25% affordable housing to meet local need and planning policy requirements;
- The creation of improved and well-managed public realm within the Site, including a 'pocket park', contributing to a network of high-quality public spaces in the town centre;
- Improved connectivity and permeability through and around the site, including to and between Justice Walk, Wheat Street, Vicarage Street and Church Street;

- Create a changing places facility; opening up opportunities for disabled adults to visit the town and access WCC services (currently there is not one in Nuneaton town centre);
- Provide publicly accessible toilets; it has been recently shown that the number of public toilets is declining and people are actively choosing not to go out as the number public toilets decreases;
- Provide access to business support for all people and flexible business start-up units, opening up opportunities for all;
- Provide a digitally accessible building where people can access the internet thereby opening up access to information, opportunities and supporting development of skills; and
- Enhancing the availability of literature and research collections for public reading and study through a new and improved library facility.

Environmental

- The Site represents the most suitable location for the proposed development within the town centre at the current location of the existing library, thus focusing development within the site including the replacement LABC facility, and avoiding the development of less sustainable land out of town;
- The Site is in a highly sustainable and accessible location, at a very short walking distance from countless services and facilities within the town centre;
- The proposals positively respond to and address the existing environment on and off site, including the Nuneaton Town Centre Conservation Area and nearby Listed buildings;
- The creation of improved and well-managed public realm and landscaping within the Site, including a 'pocket park', contributing towards biodiversity;
- The retention, enhancement and creation of existing and new habitats and ecological features where possible;
- The inclusion of sustainable initiatives including Electric Vehicle charging infrastructure and sustainable drainage systems, with the intention to supplement these initiatives at the future detailed design stage.

The Applicant has detailed the economic advantages of the proposed scheme, indicating that during the operational phase, it is projected to yield approximately £28.3 million in Gross Value Added (GVA). Additionally, an extra £17.2 million GVA is anticipated during the construction phase. The development is expected to create approximately 247 net, new jobs, directly associated with the mixed-use development of the site. Furthermore, the report underscores various indirect and induced benefits, amongst which it suggests an additional 75 jobs would be generated by the construction of the scheme. Whilst the estimated occupancy level of any office floorspace may be more uncertain in a post-pandemic world, these nevertheless amount to substantial economic benefits. It is considered that this carries significant weight in relation to the public benefits in favour of the proposal.

In regard to the social advantages of the development these are harder to quantify and tend to be more subjective. That said, the delivery of a new Library and Business Centre (LABC), residential dwellings, including family homes and 25% affordable, as

well as the other implied and associated improvements mentioned by the applicant all weigh significantly in relation to the public benefits in favour of the proposal.

In regard to the environmental advantages the on-site pocket park, the contribution of EV charging, and creation of new habitats where possible all also weigh significantly in relation to the public benefits in favour of the proposal.

12. Conclusion and Planning Balance

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

In regard to the principle of the development on this site it is agreed that substantial weight should be given to the regeneration of the site which is currently an under-utilised, 'brownfield' site. This is consistent with paragraphs 120(c) and 120(d) of the Framework which places substantial weight on the use of 'brownfield' land within settlements. It is also considered that significant weight should be given to the continuity and vast proposed improvements to the Library as a public and community facility.

It is felt that the provision of affordable housing in a sustainable location, which is very much needed in the Borough, also weighs in favour of the proposal. The provision of market housing here also weighs minimally in favour of the proposal.

The economic, social and environmental benefits set out by the applicant above all also weigh substantially in favour of the proposal.

The Applicants commitment to provide 10% biodiversity gain, which is over and above the requirement for this application, is also welcomed and weighs in favour.

In regard to heritage; there is considered to be significant harm non-designated heritage assets, and to the designated heritage asset of the Conservation Area. This weighs significantly against the development. As mentioned above Paragraph 207 of the Framework states that development that results in this kind of harm should be refused unless the public benefits clearly outweigh the harm.

It is considered that the impact on archaeology, highway safety, residential amenity, visual amenity, flooding and drainage, land contamination, air quality all weight neutrally towards this balance.

Considering all aspects and after establishing the public benefits, it is concluded that significant weight should be given to the harm posed to the significance of the designated heritage asset, due to total loss of some significant buildings. However, this harm is outweighed by the substantial cumulative impact of the identified public benefits, as endorsed by the Framework. Notably, these benefits include a positive enhancement to public facilities sustainable development on brownfield land and

significant economic benefits to the town, which is a crucial factor in deciding this planning balance.

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 response(s) received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

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

Plan Title	Plan No.	Date Received
Land Use Parameter Plan	3637-AAR-P1-ZZ-SE-A-9026	13.09.22
Location Plan	3637-AAR-P1-ZZ-SE-A-9005	13.09.22
Building Heights Param. Plan	3637-AAR-P1-ZZ-SE-A-9029	13.09.22
Amount Quantum Plan	3637-AAR-P1-ZZ-SE-A-9028	13.09.22

5. Prior to the submission of any applications for approval of reserved matters, a Phasing Plan shall be submitted to and approved in writing by the local planning authority. 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, internal roads, footpaths, and cycle ways.
- b. Residential dwellings.
- c. The Library and Business Centre.
- d. The demolition and clearance of existing buildings.
- e. Ecological and landscaping enhancement areas.
- f. Surface water drainage installation and operation.

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

6. No development shall take place, including any site clearance, until a Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning (within the site) and turning of delivery and

demolition vehicles and the accommodation of all site operatives, visitors and demolition related vehicles during the demolition phase/period;

- ii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- iii) Wheel washing facilities whereby no vehicles shall leave the site until their wheels, chassis and under carriage have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance in so far as is reasonably practicable
- iv) Measures to control the emission of dust and dirt during demolition;
- v) The notification of site neighbours with regard to specific works (particularly those causing significant noise or vibration);
- vi) Advance notification of any access way, pavement, or road closures;
- vii) Details regarding the planned demolition vehicle routes and access to the site;
- viii) Details of waste storage within the site to prevent debris spreading to the surrounding town centre and the highway and a scheme for recycling/disposing of waste resulting from demolition works;

7. No development shall commence (excluding demolition) until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning (within the site) and turning of delivery and construction vehicles and the accommodation of all site operatives, visitors and construction vehicles during the construction period;
- ii) Wheel washing facilities whereby no vehicles shall leave the site until their wheels, chassis and under carriage have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance in so far as is reasonably practicable
- iii) Storage of plant and materials used in constructing the development;
- iv) Measures to control the emission of dust and dirt during construction;
- v) Details regarding the planned construction vehicle routes and access to the site;
- vi) The proposed hours and days of work;
- vii) Details of any proposed external illumination and/or floodlighting during construction;
- viii) Advance notification of any access way, pavement, or road closures;
- ix) The notification of site neighbours with regard to specific works (particularly those causing significant noise or vibration);
- x) Details of waste storage within the site to prevent debris spreading to the surrounding town centre and the highway and a scheme for recycling/disposing of waste resulting from construction works;

8. No development shall commence (excluding demolition) until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

9. No development shall commence (excluding demolition) until full details of the site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. No construction work shall be carried out other than in accordance with the approved details.

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

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

11. No development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 include the following information:

- 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.
- 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 5l/s for the Library and Business Centre site in line with the approved surface water drainage strategy (ref: Flood Risk Assessment and Below Ground Drainage Strategy, revision E, Cundall dated August 2022) and to 5.57l/s for the Residential development in line with the approved surface water drainage strategy (ref: Flood Risk Assessment and Below Ground Drainage Strategy, revision P04, Cundall dated August 2022).
- Where the drainage scheme proposes to connect into a 3rd party asset, for example a Severn Trent Water 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 an agreement under Section 106 of the Water Industry Act (1991).
- 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.

- 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.

- Provide detailed, network level calculations demonstrating the performance of the proposed system.

This should include:

- 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.

- 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

- 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.

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

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

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

- 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.

- 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.

12. 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.

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;

14. No development (excluding demolition) shall commence until full details of the provision of car parking, access and manoeuvring, including surfacing, drainage and levels have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the car parking, access and manoeuvring areas for that dwelling have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

15. To mitigate the potential for fugitive dust emissions during the demolition and construction phases, it is recommended that a condition is included to require the developer to submit a Dust Management Plan for our approval prior to works commencing on site.

16. The developer should provide electric vehicle (EV) charging points at a rate of:
Commercial/Retail: **20%** of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall also be considered and parking time limited to a maximum of 1 hour. Ensure appropriate cabling is provided to enable increase in future provision.

Residential: 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

17. 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 per kWhr.

18. No development including demolition of the existing library building shall take place until a scheme (including plans and timetable) highlighting the proposed transfer of library facilities from the existing provision within Nuneaton Library to another suitable venue to ensure the continuity of those facilities has been submitted to and approved in writing by the Council.

19. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority giving details of all existing trees

and hedgerows on the site, any to be retained, and measures for their protection in the course of the development. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

20. The submission of an updated noise report based on the final layout, together with a scheme of appropriate mitigation including insulation, acoustic fencing etc. where required to meet internal and external noise levels set out in Environmental Noise Report ref NLABC-CLD-XX-XX-RP-AS-45202;

21. Details and specifications of all plant, equipment and machinery proposed, together with details relating to any housing and any other associated mitigation.

22. The details required by any Landscaping reserved matters 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.

23. No development (excluding demolition) shall commence until a scheme for the lighting of the site (both the commercial and residential elements) and associated access roads, parking areas and open spaces has been submitted to and approved in writing by the local planning authority. This scheme should outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist. The development shall not be carried out other than in accordance with the approved details.

24. No development (excluding demolition) shall commence until a noise attenuation scheme to meet the 'good' standard for internal and external noise levels as defined in BS8233:1999, including glazing and ventilation details, has first been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with the approved details.

25 No development (excluding demolition) shall commence until:

- (i) A contaminated land assessment and associated remedial strategy, has been submitted to, and agreed in writing by the local planning authority.
- (ii) The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment.

(iii) 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.

(iv) 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 local planning authority.

26. No development (excluding demolition) shall take place until:

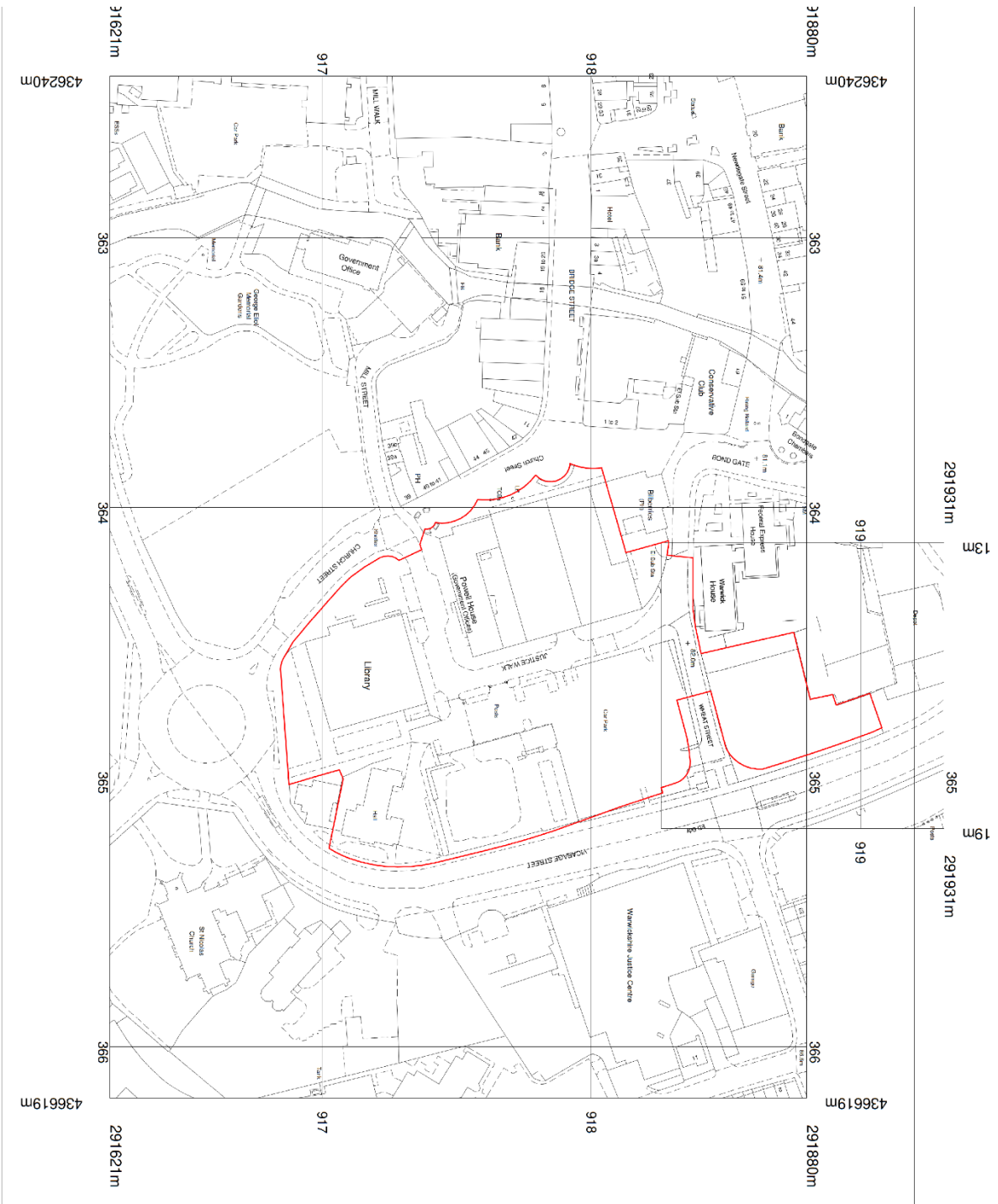
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

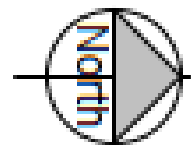
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

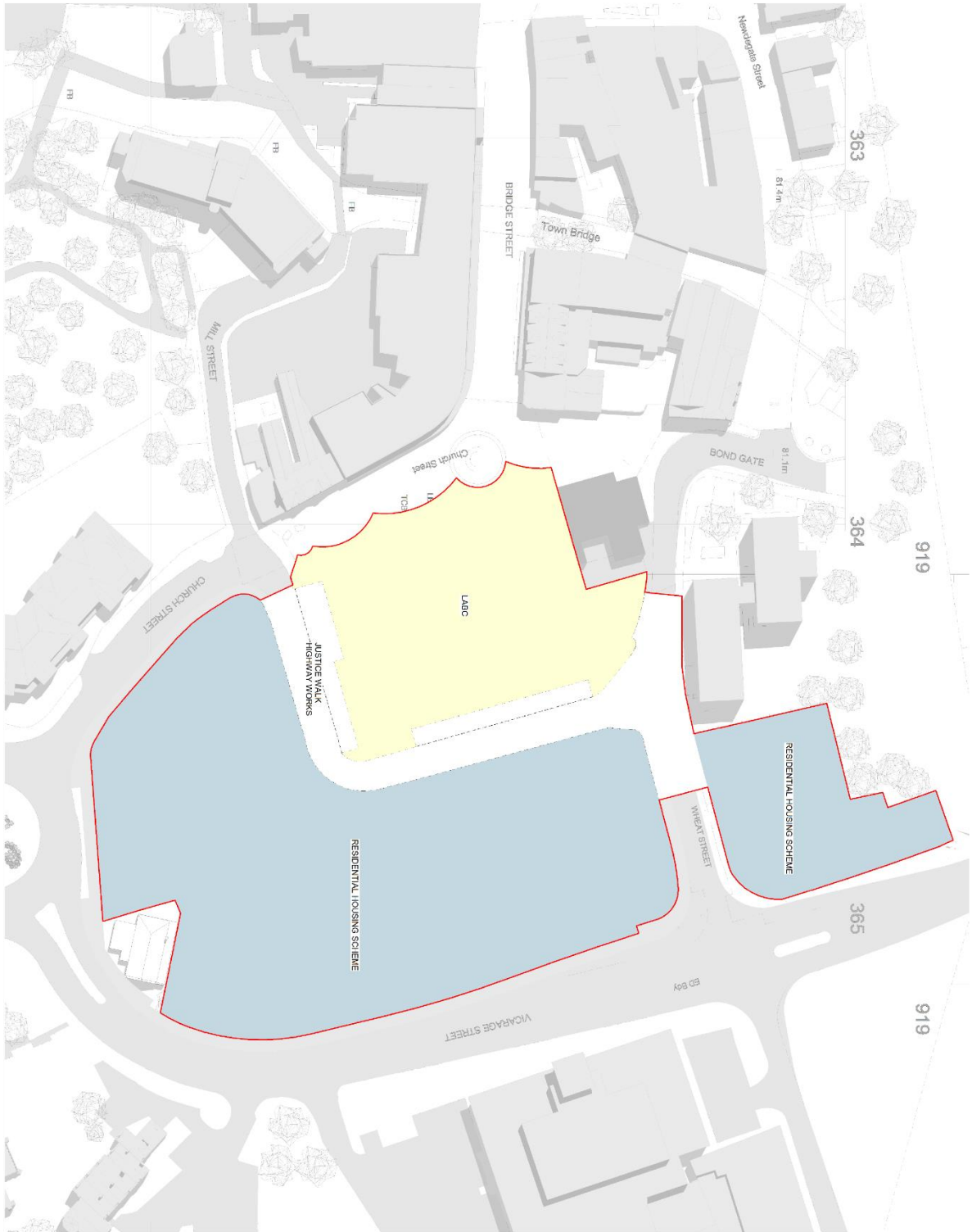
The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

27. No development (excluding demolition) shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until provision has been made in accordance with the approved details.

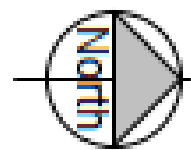


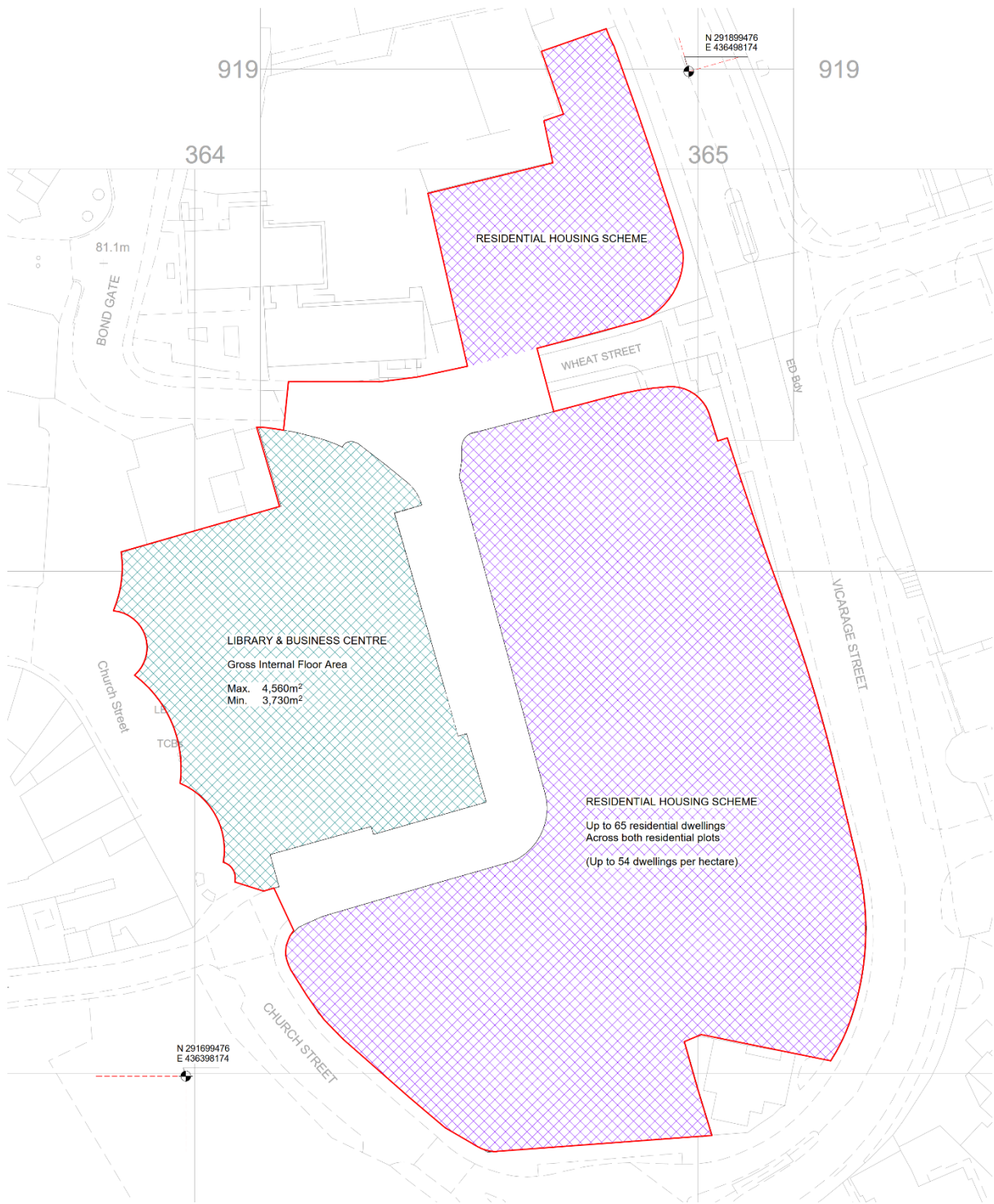
Site Location Plan



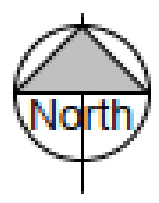


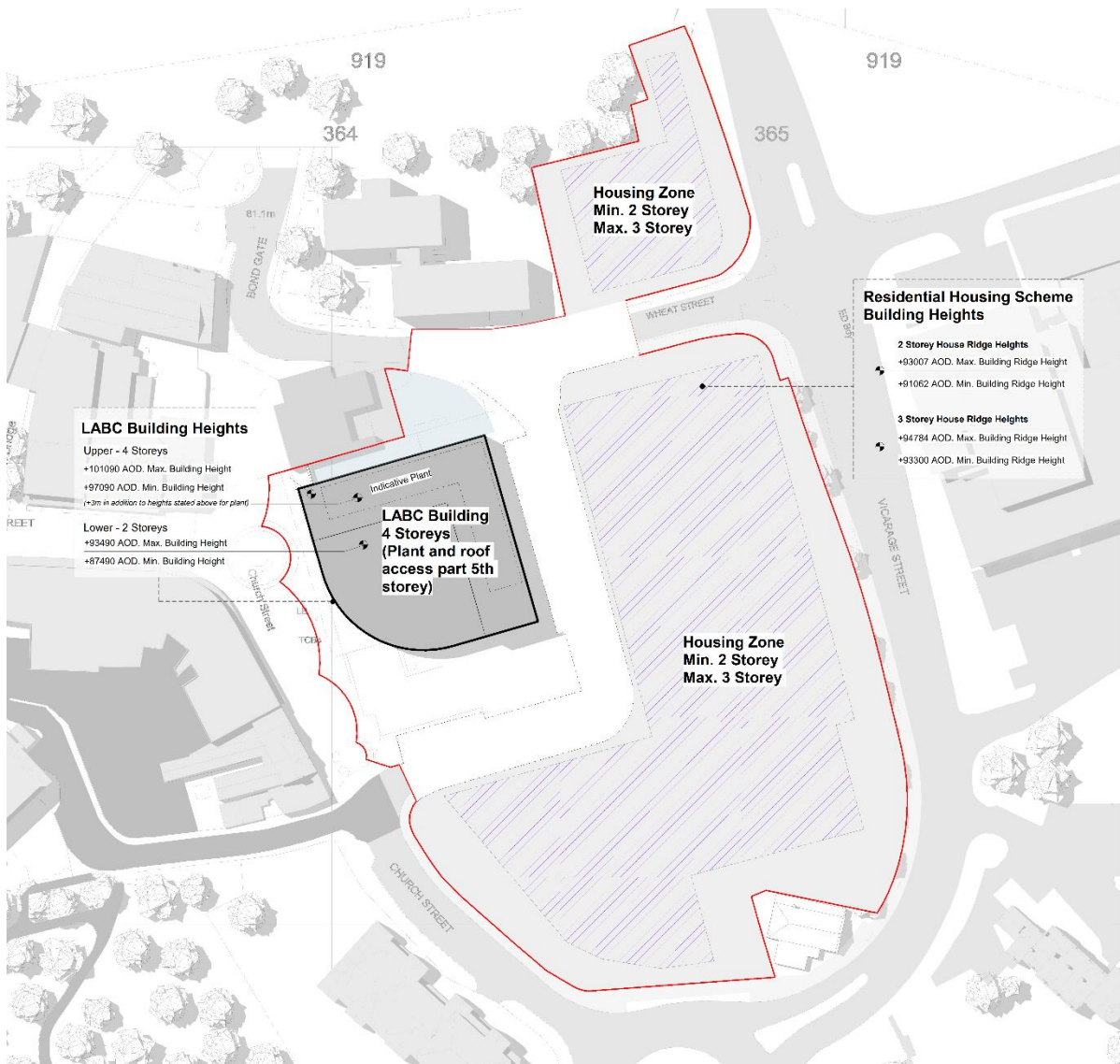
Land Use Parameter Plan





Amount Quantum Plan





Building Heights Parameter Plan



REFERENCE No. 038602**Site Address:** Site 31A004 - Land adj to Watling Street Weddington Wood Farm Nuneaton Warwickshire**Description of Development:** Outline application for up to 700 residential dwellings including a new access roundabout, with associated parking, access roads, public open space, landscaping, sustainable drainage and associated works (with access only, all other matters are reserved)**Applicant:** Richborough Estates Limited**Ward:** WE

RECOMMENDATION:

Planning Committee is recommended to add prematurity as a further reason for refusal, for the reasons as printed.

INTRODUCTION:

This relates to an application which is currently subject to an appeal. The application sought outline planning permission for up to 700 residential dwellings including a new access roundabout, with associated parking, access roads, public open space, landscaping, sustainable drainage and associated works (with access only, all other matters are reserved) at Site 31A004 - Land adjacent to Watling Street Weddington Wood Farm Nuneaton Warwickshire. The application was a cross-boundary application with a small section of the site along the north western boundary falling within North Warwickshire Borough Council's administrative boundary. The appeal site is located to the south west of the A5 and to the north west of Higham Lane, Nuneaton. The site comprises Grade 3b agricultural land (moderate quality) across six agricultural field parcels. The site lies approximately 13km northeast of Coventry and 25km southwest of Leicester.

BACKGROUND:

Planning permission was refused by the Council on 30th May 2023 for the reasons which are set out below:-

Principle of Development

- (i) The site is located outside of the settlement boundary where the principle of new open market residential development would fail to accord with the provisions of Policy DS3 of the Borough Plan 2019. The proposal would therefore result in additional housing being located outside of the defined settlement boundaries which would undermine the Council's strategic housing aims. The proposal is not considered to represent a sustainable form of development and there are no material planning considerations which indicate

that the principle of the development should be assessed other than in accordance with the Council's development plan. Therefore, the principle of the development is considered to be unacceptable.

Safety, Operation and Capacity of the Local Highway Network

(ii) The application fails to demonstrate that the development would not have a detrimental impact on the safety, operation or capacity of the local highway network, that the proposed development would not prejudice the options which may be available for the A5 Hinckley to Tamworth RIS3 Pipeline scheme as identified in the Road Investment Strategy 2 (RIS2), or that the proposal would not adversely affect the safe and efficient operation of the Strategic Road Network. In addition, there are concerns as to how the development addresses the issue of access to public transport with additional detail required in respect of connections and improvements to walking and cycling connections. On this basis, the application fails to accord with the requirements of Policies HS2 and BE3 of the Borough Plan 2019, Paragraphs 104 (c and e), 105, 106 (a-d), 110 (a-c), 111 and 112 (a) of the NPPF, and policies LUT3, LUT4, LUT5 and LUT10 of Warwickshire Local Transport Plan 3 (2011-2026).

Noise Impacts

(iii) The findings set out within the submitted Noise Impact Assessment are considered to be inadequate and fail to assess the noise impacts arising as a result of the adjacent allocated site E4 (Land to the south of Horiba MIRA Technology Park & Enterprise Zone) which has been allocated for 42 hectares of employment land under Policy LP39 of the North Warwickshire Local Plan 2021. On this basis, the application fails to demonstrate that a suitable external and internal noise environment for future occupants would be achieved and that the development proposed would not result in a level of noise pollution which would not result in significant adverse impacts on health and the quality of life. Therefore, the application fails to demonstrate that the proposal would be compliant with the requirements of Policy BE3 of the Borough Plan 2019, or the guidance set out within paragraphs 130, 174 and 185 of the NPPF (2021).

Biodiversity Net Gain

(iv) The application would result in a biodiversity net loss, and it has not been demonstrated that the biodiversity mitigation hierarchy has been followed and whether the potential to avoid, minimise and restore has been fully considered. The application therefore fails to accord with the requirements of Policy NE3 of the Borough Plan 2019, the requirements of the Council's Open Space and Green Infrastructure SPD (2021), or the guidance set out at paragraphs 174 and 180 of the NPPF (2021).

Archaeology

(v) The proposed development lies within an area of significant archaeological potential. The application is not supported by an archaeological site evaluation which enables a proper and detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened by the

proposed development and possibly worthy of conservation in whole or in part or of being fully investigated and recorded. On this basis, the application fails to accord with the provisions of section 16 NPPF (2021) and Policy BE4 of the Nuneaton & Bedworth Borough Plan 2019.

Loss of Agricultural Land

(vi) The application would result in the loss of Grade 2 Best and Most Versatile agricultural land which would amount to a 'large scale of impact' owing to the size of the site is question. In the absence of information relating to the agricultural land loss and the protection of soils, the application fails to demonstrate that the impacts of the agricultural land loss would be acceptable. The application therefore fails to accord with the guidance set out at paragraph 174 of the NPPF (2021).

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - HSG1- North of Nuneaton
- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG).

As part of the adopted Borough Plan process, NBBC committed to undertaking an immediate review of the adopted plan following the publication of the updated National Planning Policy Framework.

In June 2021, the Council embarked upon an eight-week Issues and Options consultation which marked the first stages of this review process. The Council undertook a Preferred Options consultation on the Borough Plan Review which ran from 13th June to the 22nd July 2022. The Council's Regulation 19 Publication consultation ran between 4th September and 16th October 2023 and in accordance with the latest LDS it was submitted to the Secretary of State in January 2024.

The Borough Plan Review does not propose to allocate the site for development and does not propose any changes to the site's policy status, as designated within the adopted Borough Plan. It proposes the provision of 545 dwellings per annum for the plan period 2021-2039.

APPRAISAL:

The key issues to assess is:

- 1) Whether the appeal is premature

1. Prematurity

As stated above, the Council has undertaken a review of it's Borough Plan and submitted to the Secretary of State in January 2024. It will nearly always be the case that a submitted plan can be given limited weight because the plan is still to be examined and objections considered. However, once a plan is submitted for

examination, however, it is clearly open to a decision-maker to take the view that the plan is at "an advanced stage". 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 49).

The NPPF goes on to say that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination (paragraph 50). As the Borough Plan has been submitted for examination it is considered to be at an advanced stage.

The Borough Plan Review does not propose to allocate the site for development and does not propose any changes to the site's policy status, as designated within the adopted Borough Plan. It also does not propose further development to the north of Nuneaton beyond existing allocation HSG1 or outside the settlement boundary. To grant permission for this large site would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging plan.

The NPPF states that 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 (paragraph 50). This site is not part of an allocated site in either the adopted Borough Plan or emerging Borough Plan and does not form part of the Council's development strategy of not allocating more development to the north of Nuneaton and to maintain its strategic allocations and urban dispersal and allocating brownfield sites for development. This is one of three sites that are currently at appeal and cumulatively these three sites are assumed to total around 1,770 dwellings. It is considered that their cumulative effect would be so significant, that to grant permission would undermine yet further the plan-making process by predetermining decisions about the scale and location of new development that are central to an emerging plan. It is therefore considered that this site should be regarded as premature and this should be added as a further reason for refusal for the Council to defend at appeal.

ADDITIONAL REASON FOR REFUSAL:

1.i) Paragraph 49 of the National Planning Policy Framework states:

49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – 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.

ii) Paragraph 50 of the National Planning Policy Framework states:

50. 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

iii) This application is contrary to these policies in that the Borough Plan has been submitted to the Secretary of State for examination and it is therefore considered to be at an advanced stage. This site is not part of an allocated site in either the adopted Borough Plan or emerging Borough Plan and does not form part of the Council's development strategy of not allocating more development to the north of Nuneaton and to maintain its strategic allocations and urban dispersal and allocating brownfield sites for development. The cumulative impact of this site and other sites currently at appeal would be so significant, that to grant permission would undermine yet further the plan-making process by predetermining decisions about the scale and location of new development that are central to an emerging plan.



Site Location Plan



Illustrative Layout

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)