

Enquiries to:
Democratic Services

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Direct Email:
committee@nuneatonandbedworth.gov.uk

Date: 4th July 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 July 2024 at
6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see
Agenda Item No. 6 for clarification).

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning
Applications Committee

Councillor C. Phillips (Chair)
Councillors L. Cvetkovic, E. Amaechi,
P. Hickling, N. King, M. Kondakor,
S. Markham, B. Saru, J. Sheppard,
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.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting held on 21st May 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 9**). 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 12**).

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

21st May 2024

A meeting of the Planning Applications Committee was held on Tuesday, 21st May 2024, in the Council Chamber.

Present

Councillor C. Phillips (Chair)

Councillors: E. Amaechi, L. Cvetkovic (Vice-Chair), P. Hickling, N. King, M. Kondakor, S. Markham, B. Saru, J. Sheppard, R. Smith and K. Wilson

PLA1 **Minutes**

RESOLVED that the minutes of the meeting held on the 16th April 2024 be approved, and signed by the Chair.

PLA2 **Declarations of Interest**

Councillor C. Phillips declared that in relation to application 039975, she attends a Church of England Church, but she confirmed this will not impact her decision or how she will vote.

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 C. Phillips as set out above.

PLA3 **Declarations of Contact**

Councillor R. Smith declared that he had a couple of conversations with the applicant (in relation to application 039975) following the last Planning Applications Committee meeting where this item was discussed. He had also received correspondence in the form an email from the applicant, which had been sent via Democratic Services. He confirmed that this contact would have no impact on his decision, or how he would vote.

All other Committee Members declared they had also received correspondence from the applicant in relation to application 039975 in the form of an email, which had been sent via Democratic Services. Members confirmed they had not discussed the application with residents or the applicant, or given an indication as to how they would vote.

IN PUBLIC SESSION

PLA4 **Planning Applications**

(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).

RESOLVED that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA4 OF THE PLANNING
APPLICATIONS COMMITTEE ON 21st May 2024

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

Applicant – Rev. David Poultney

Public Speaker: Councillor B. Hancox - Ward Councillor
Christine Rigden - supporter
Rev. David Poultney - supporter

DECISION that the application be approved based on less than substantial harm against community benefit, and subject to the conditions as detailed in the agenda.

**Planning Applications Committee –
Schedule of Declarations of Interests – 2024/2025**

	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
	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd 		
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	<ul style="list-style-type: none"> - 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 	
	P. Hickling	Employed by <ul style="list-style-type: none"> - King Edward VI Sixth Form College (Teacher) - Pearson Education (Snr Examiner) 	The Labour Party (sponsorship) <ul style="list-style-type: none"> - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union - Committee Member of Nuneaton Historical Association - Governor of King Edward VI Sixth Form College 	
	N. King	Employed by Love Hair and Beauty		
	M. Kondakor		<ul style="list-style-type: none"> - Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	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 • Trustee of Abbey Theatre 	
	C. Phillips	Warwickshire County Council	Chair of Governors – Stockingford Nursery School	
	B. Saru	Director – Saru Embroidery Ltd	- Labour Party (sponsorship) - Armed Forced Covenant	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
			Director of Wembrook Community Centre.	
			Member of Labour Party	
	R. Smith		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	-Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) -Board Member of the Conservative Association. -Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: -LGA People & Places Board (Member) -Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) -Director of Grayson Place (NBBC) Ltd	

**Planning Applications Committee –
Schedule of Declarations of Interests – 2024/2025**

	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
	E. Amaechi	<ul style="list-style-type: none"> - Employed NHS Wales Shared Services Partnership (NWSSP) - Ricky Global Consultants Ltd -Purple Dove Events Ltd 	<ul style="list-style-type: none"> - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton. - Member of: <ul style="list-style-type: none"> - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Committee of Management of Hartshill and Nuneaton Recreation Ground • EQulP: Equality and Inclusion Partnership • West Midlands Combined Audit, Risk and Assurance Committee 	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	<ul style="list-style-type: none"> - 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 	
	P. Hickling	Employed by <ul style="list-style-type: none"> - King Edward VI Sixth Form College (Teacher) - Pearson Education (Snr Examiner) 	The Labour Party (sponsorship) <ul style="list-style-type: none"> - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union - Committee Member of 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Nuneaton Historical Association - Governor of King Edward VI Sixth Form College Representative on the following Outside Bodies: - Friendship Project for Children	
	N. King	Employed by Love Hair and Beauty	Representative on the following Outside Bodies: - Nuneaton Town Deal Board	
	M. Kondakor		- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra	
	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"> • Hammersley, Smith and Orton Charities • Trustee of Abbey Theatre • Bedworth Board 	
	C. Phillips	Warwickshire County Council	Chair of Governors – Stockingford Nursery School	
	B. Saru	Director – Saru Embroidery Ltd	- Labour Party (sponsorship) Representative on the following Outside Bodies: - Armed Forced Covenant	
	J. Sheppard		- Director of Wembrook Community Centre. _____ - Member of Labour Party. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Nuneaton Neighbour Watch Committee 	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre.
	R. Smith		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice	- Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Association. -Corporate Tenancies:	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Centre, Nuneaton	<p>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"> -LGA People & Places Board (Member) -Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) -Director of Grayson Place (NBBC) Ltd 	

Planning Applications Committee
16th July 2024

Applications for Planning Permission etc.
Agenda Item Index

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3.	040173	WH	21 Foxhills Close, Nuneaton	64
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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	SM	St Mary's

Item No. 1

REFERENCE No. 039611

Site Address: Site 114B008 - Hall Farm, Church Lane, Exhall

Description of Development: Outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works.

Applicant: Opus Land (Nuneaton) Ltd.

Ward: HE

RECOMMENDATION:

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

INTRODUCTION:

This application is for an outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works at Site 114B008 - Hall Farm, Church Lane, Exhall.

The application site is situated on the southern periphery of Bedworth. This site is positioned just to the north of the M6 which runs east/west past the site. To the south of the site is Coventry, rendering it strategically positioned within the region.

Positioned to the west of Bowling Green Lane, it benefits from robust connectivity to both local and strategic road networks. Its geographical coordinates place it approximately 1.90 km (1.18 mi) southwest of Bedworth Town Centre, and 6.18 km (3.84 mi) southwest of Nuneaton Town Centre, while Coventry City Centre lies 6.18 km (3.84 mi) to the south via the A444.

Accessibility to Birmingham is facilitated via the M6, located to the south of the site, which also provides links to London via the M6 and then M1. The sites character is predominantly rural in feel, although it has an 'urban fringe' setting with Goodyers End Land just to its north. The site encompasses verdant agricultural fields with a history of cultivation, arable land use, and grazing activities.

The site exhibits an approximate 11 metre fall from its northwestern to southeastern perimeters, with the lowest points towards the south-east of the site near to the road.

RELEVANT PLANNING HISTORY:

- None relevant.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3 - Development Principles;
 - DS6 - Employment Allocations;
 - DS7- Green Belt;
 - SA1- Development Principles on Strategic Sites;
 - EMP7- Bowling Green Lane;
 - E1- Nature of Employment Growth;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2 - Strategic Accessibility and Sustainable Transport;
 - NE1 - Green Infrastructure;
 - NE3 - Biodiversity and Geodiversity;
 - NE4 - Managing Flood Risk and Water Quality;
 - NE5 - Landscape Character;
 - BE1 - Contamination and Land Stability;
 - BE3 - Sustainable Design and Construction and
 - BE4 - Valuing and Conserving our Historic Environment
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- “EMP7 Land off Bowling Green Lane” Concept Plan SPD 2019.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Active Travel England, Cadent Gas, Coventry City Council, CPRE, Environment Agency, George Eliot Hospital Trust, National Grid Highways England, Natural England, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NHS, Open Space Society, Severn Trent Water, Warwickshire Wildlife Trust, Western Power Distribution, WCC Archaeology, WCC Ecology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection:

The Woodland Trust, NBBC Tree Officer

No objection subject to conditions from:

Coventry City Council, NBBC Environmental Health, NBBC Parks, WCC Archaeology, WCC Fire Safety, WCC Ecology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

No objection from:

Active Travel England, Cadent Gas, Highways England, Natural England, NBBC Planning Policy, National Grid, Warks Police.

No response from:

CPRE, Environment Agency, George Eliot Hospital Trust, NHS, Open Space Society, Severn Trent Water, Western Power Distribution, Warwickshire Wildlife Trust.

NEIGHBOURS NOTIFIED:

1-14 Tudor Court, Church Lane; 121-129 (odd), 151-163 (odd), 167, 169, 173-189 (odd), 195-205 (odd), 289, Goodyers End Lane;

Neighbouring properties were sent letters notifying them of the proposed development on 9th May 2023 and 22nd January 2024. A site notice was erected on street furniture on 9th May 2023 and the application was advertised in The Nuneaton News on 17th May 2023.

NEIGHBOUR RESPONSES:

There have been 117 objections from 76 addresses as well as 1 from Craig Tracey MP, and 7 objections with no address provided. The comments are summarised below;

1. Impact on highway safety, especially through HGVs using the site
2. More employment land/industry not needed, and unnecessary
3. Impact on flood risk and drainage
4. Increase in traffic and congestion
5. Danger to pedestrians
6. Impact from noise and vibration
7. Creation of light pollution
8. Loss of green open land/space
9. Loss of trees
10. Disturbance during construction
11. Disturbance of wildlife and protected species
12. Increased air pollution and impact on air quality
13. Structural damage to existing properties
14. Impact on health of residents
15. Impact on scheduled ancient monuments and listed buildings
16. Loss of 'greenbelt'
17. Impact on rivers and streams
18. This development is out of character and out of keeping with the area
19. Impact on the public right of way and footpaths
20. Planning permission for a horse sanctuary was previously granted
21. Widening of School Lane is not wanted/will cause harm
22. There are empty units elsewhere
23. Insufficient car parking spaces
24. There are schools nearby
25. The application will affect the residents of Goodyers End Lane and other surrounding properties
26. Applicants have not carried out a residential visual amenity assessment
27. Should use brownfield sites first
28. Could cause an increase in crime
29. Will reduce quality of life for local residents

APPRAISAL:

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

1. The principle of the development,
2. Employment growth and opportunities,
3. Visual amenity and landscape character,
4. Residential amenity,
5. Highway safety and accessibility,
6. Air quality
7. Flood risk and drainage,
8. Contamination and land stability,
9. Ecology,
10. Impact on trees
11. Heritage and archaeology,
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 (paragraphs 8 and 10). 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 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 centres, leisure and service provision. The site was previously in the Green Belt and has been removed, along with other strategic sites, under Policy DS7 of the Borough Plan. The Local Plan Inspector detailed the 'exceptional circumstances' case for releasing the site from the Green Belt, noting at Paragraph 229 of their report:

'There are limited options for strategic employment land releases at Bedworth even though its proximity to the M6 and Coventry are significant attractors for investment in new jobs... In terms of strategic exceptional circumstances...the site would be a strategic site capable of accommodating larger premises... being highly visible from the M6, which the evidence base and LEP identifies as a key factor for attracting investment.'

Policy DS6 of the Borough Plan refers to a number of sites that will be allocated for employment development and associated infrastructure and the site at Bowling Green Lane is one of these sites. Policy EMP7 sets out that this strategic employment site will be developed for employment uses comprising use classes B1, B2 and B8 on 26 hectares of employment land. The entire allocation is currently in a mixture of uses (encompassing the HGV storage centre to the west), however this site exhibits an agricultural use. Using the Agricultural Land Classification map this area of the Borough appears to be 'good to moderate' quality.

The site is allocated for development in the adopted Borough Plan and therefore the principle of development is considered acceptable.

The key development principles under Policy EMP7 include transport improvements and highways improvements to Bowling Green Lane and School Lane, financial contributions to Borough-wide strategic highway infrastructure works, contributions to local bus services, cycle networks, bus infrastructure and suitable sewage connections. The expected form of development is also set out in Policy EMP7 which includes development set back from the northern boundary to Goodyers End Lane, to allow for a landscape buffer and ecological mitigation.

The full details such as layout and the design of the site will form part of any subsequent reserved matters if an outline application is approved.

An Illustrative Master Plan, Parameters Plan and other supporting documentation have been submitted at this stage to show that the requirements of Policy EMP7 can be accommodated on the site. Therefore, it is considered that the principle of developing this site for employment uses has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

2. Employment Growth and Opportunities

The National Planning Policy Framework (NPPF) sets out that sustainable development encompasses three primary objectives, one of which is economic (Paragraph 8). This objective aims to encourage a robust, adaptable, and competitive economy by ensuring adequate land of suitable types is available in appropriate locations and timing to foster growth, innovation, and enhanced productivity.

Furthermore, the NPPF emphasises that planning policies and decisions should facilitate conditions conducive for business investment, expansion, and adaptation, with significant emphasis placed on supporting economic growth and productivity (Paragraph 85).

The Borough Plan 2019 outlines various objectives, including leveraging economically driven growth to revitalise the Borough and enhance its appeal as a desirable residential and investment destination. Additionally, it seeks to explore employment opportunities that diversify the Borough's economy and enhance job prospects.

In alignment with these objectives, the Employment Land Review (2014) identifies a total employment land requirement of 87.4 hectares for the period 2011-2031. The Council's Economic Development Strategy further underlines the importance of supporting investment within the Borough and broader sub-region, collaborating with landowners and agents to broaden employment prospects and identify avenues for growth and productivity enhancements.

Policy EMP7, highlights that this proposed strategic employment site will contribute to fulfilling both the Borough's strategic employment needs and the job creation objectives of the Borough Plan. Although specific job figures are not exact in this outline application, given the matters reserved, the Planning Statement estimates that the proposed development could generate between 1300 and 1800 full-time equivalent jobs, with a blend of B2 and B8 uses. This development, like the site's allocation, is necessary to help to address the strategic employment requirements of the Borough and the broader sub-region, offering valuable employment opportunities.

Although the recently submitted Borough Plan Review has not been examined and therefore only carries very minimal weight, it is pertinent to mention that this site's employment land allocation (under reference SEA-6) remains within that Plan and forms part of the submission.

Additionally Paragraph 85 of the NPPF 2023 states that; *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

It is therefore considered that significant weight be applied to the proposals positive impact on economic development both in terms of its local, and its wider regional, impact.

3. Visual Amenity and Landscape Character

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180).

It is necessary to have regard to the Council's TEP Land Use Designations Study which include Volume 1: Landscape Character Assessment (2012); Volume 2: Policy Recommendations (2012); Volume 3 (Site Analysis and Selection); and Stage 2: Individual Site Assessment (2012). These studies were collectively used to inform the Borough Plan. They assess existing landscape character and the capacity of this landscape to accommodate change. To this effect the land outside the urban area has been broken down into a number of parcels for the purpose of further analysis. The conclusions of these studies are consequently material considerations to take into account in the determination of this application.

The Proposed Development site is situated amidst agricultural land between the M6 motorway to the south and the periphery of Bedworth to the north. Adjacent to the site lies the eastbound slip road to Junction 3 of the M6, positioned immediately southeast of the site. To the south of the M6 lies the northern edge of Coventry, with the city centre approximately 6km to the south, placing the site at the fringe of this broader urban area.

The proposed development envisages the demolition of all existing structures on-site and the creation of up to 60,000 sq. m of commercial/industrial floorspace, inclusive of ancillary office space. This development will also encompass internal access roads, service yards, parking facilities, landscaping, drainage systems, and associated infrastructure enhancements, including the widening of School Lane to facilitate footway/cycleway provision.

Within the development zone covering approximately 10.92 hectares of the total 16.86-hectare site area, the proposed buildings are proposed to rise to a maximum height of 124.5m AOD. Additionally, a landscape buffer zone measuring 46m in width along the northern boundary of the site is earmarked to provide separation from the existing housing estate to the north, while a 55m offset from Bowling Green Lane to the east is designated to mitigate impacts on the local environment. Furthermore, a separate outline application proposes residential development for the remaining farmland northeast of the site, bordering Bowling Green Lane.

The site, along with the majority of the study area, falls within National Character Area (NCA): 97 Arden, characterised by farmland and former wood-pasture within the West Midlands conurbation. Additionally, a small section of National Character Area (NCA): 94 Leicestershire Vales is situated east of the site, featuring low-lying clay vales interspersed with varied river valleys.

Landscape character within the study area is further detailed in the Nuneaton and Bedworth Volume 1 Landscape Character Assessment, identifying 12 Landscape Character Areas (LCA) across the region. The site falls within LCA 7: Keresley Urban Fringe. Administrative boundaries cross LCA 7 but the bulk of the area comes under Nuneaton and Bedworth Borough Council, with a small portion in Coventry City Council's jurisdiction and even smaller segments in North Warwickshire Borough Council and Rugby Borough Council.

Moreover, the proposed development's impact on the urban fringe townscape, particularly at the interface with existing development at Goodyers End Lane, is deemed worthy of further exploration within this report.

A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application.

The LVIA concludes that at this stage of the outline planning application, the precise layout for assessment remains unspecified as it is a reserved matter, prompting an evaluation of the entire parameter. In practical terms, the built footprint will be limited by both the description of development and the parameter plan so that only around 55% of the development space would be occupied by buildings, while the remainder would be dedicated to amenities such as parking, service areas, access routes, and landscaping. To illustrate potential configurations, models showcasing two and three-unit layouts have been crafted, aiding in visualising how the proposed development might align within predetermined parameters and facilitating comparisons in terms of scale and structure. The applicant has agreed to exclude the potential for a single large unit of 60,000sqm to be delivered by the outline, to be controlled by condition limiting the maximum size of any individual unit.

Nestled within a pocket of farmland at the southern fringe of Goodyers End Lane, the development site finds itself surrounded by a mosaic of land uses and scales. From expansive linear features like trunk roads to the intimate scale of residential neighbourhoods and commercial ventures, the landscape is a tapestry of diverse elements. Despite this juxtaposition, remnants of farmland intersperse these features, offering varying degrees of separation.

While the proposed development endeavours to retain existing boundary vegetation, a small portion may necessitate removal to accommodate site access and road improvements. To counterbalance this loss, new native shrubs and trees are proposed to be planted within a landscape buffer encircling the site. Moreover, a minimum 46m buffer along the sensitive northern boundary ensures the preservation of nearby residential areas (this is well in excess of the 15m required by the SPD). Additionally, built structures will be set back a minimum of 55m from Bowling Green Lane, thus preserving the area's existing ambiance as much as possible. Furthermore, the existing Public Right of Way (PRoW) traversing the site is earmarked for rerouting along the eastern edge within a landscaped corridor.

Sited amidst farmland, the development area is flanked by existing urban infrastructure at Goodyers End Lane, the M6, and the A444. Although its impacts extend beyond the

immediate vicinity, they are contained within the broader context of the urban fringe. Anticipated landscape character impacts on the Keresley Urban Fringe are expected to be of Moderate/Minor adversity, localised but with lasting effects. Similarly, effects on Goodyers End Lane's townscape character are projected to be Moderate/Minor adverse upon completion, diminishing to a Minor adverse level once mitigation planting matures, including during construction.

Visual effects primarily manifest in the immediate surroundings, notably affecting adjacent Public Rights of Way (PRoW) routes and the local road network within the farmland enclave. Beyond this immediate vicinity, effects on the PRoW network and key routes are deemed by the LVIA submitted with the scheme to be Minor adverse, with negligible impacts expected during construction. Notably, the M6 corridor offers the most significant views of the site, with effects categorised as Minor adverse, with negligible impacts during construction.

In terms of cumulative effects, the proposed development is not anticipated to yield any substantial impacts. To summarise, landscape and visual effects predominantly affect the area immediately adjacent to the site. Given the broader urban fringe context, the landscape is deemed resilient enough to accommodate the proposed development.

It is clear that the physical build out of this Borough Plan allocation as a strategic employment site and the proposed development would change the character and appearance of this locality. However, the site is an allocated site within the adopted Borough Plan, and while its future development in line with Policy EMP7 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. There are strong economic benefits supporting this development proposal at the present time.

Additionally there is a Concept Plan in the form of the Concept Plans for Strategic Allocations: EMP7, Bowling Green Lane SPD 2019. This sets out how the scheme could be development and is designed to act as a guide. Obviously with matters of layout and appearance reserved for consideration at another stage, this SPD is of limited application at this stage. That said however, there is nothing within the Concept Plan which is clearly breached by the outline, nor does the proposal submitted here preclude development form matching the SPD.

Overall it is considered that the impact on landscape character is minimal, and that there is no significant impact on visual amenity as a result of this outline permission.

4. Residential Amenity

The nearest residential properties are the properties on Church Lane near to the site, and Exhall Hall off School Lane and those to the north on Goodyers End Lane. As this is an outline application, the layout and the design of the site and buildings are not being considered at this stage.

The layout plan, although indicative, shows a very large stand off from the northern boundary therefore there is no concern over overshadowing to the properties on Goodyers End Lane. There is also a standoff in terms of built form from the southern boundary with Church Lane.

A noise assessment has been submitted with the application. As it is an outline application and therefore there are no details on prospective end-users, assumptions

have been made about the activity which could occur. Operational scenarios have been used which include high intensities of unit occupation, use and activity.

The noise assessment points out that the units would be occupied by a mix of B2 and B8 uses, many of which would generate much lower internal noise levels and less activity outside the unit than if it were purely B2.

All units have been modelled as operating on a 24 hour basis. The assessment has found that noise from activity arising from proposals is in accordance with BS4142:2014, BS8233 and WHO Guidelines. Predicted rating levels from the operations of this use including general site-related activities, fixed plant and indoor activity are at or below the background sound level, even when intense night-time use of the site is assumed. It therefore concludes that the proposal to allow use of the whole site without hours of operation restrictions would not give rise to a significant risk of disturbance to nearby residents.

NBBC Environmental Health have no objection in principle but would wish to comment further with regards to the orientation of buildings and external plant to ensure the impact on residential properties was acceptable. This would be dealt with at the reserved matters stage.

A condition relating to the noise will be added to any approval, the wording will be:

Noise from fixed plant for both daytime and nighttime periods shall not exceed the background sound level in accordance with Table 12 of the Delta-Simons Noise Impact Assessment-Commercial (Delta-Simons Project No.87989.545596 issued March 2023).

5. Highway Safety and Accessibility

The description of development states;

Outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works.

Whilst technically the majority of the widening works will be carried out under a Section 278 agreement with the County Council and do not need planning permission where they are in WCC Highway land ownership, some of the works extend into the landowner's (applicant's) land on the south side of School Lane, and do therefore require permission. The work will be carried out to an adoptable standard and this land will be put up for adoption by the County Council once the works are complete.

It is proposed that a condition requiring the widening works to be complete prior to occupation of the Units hereby considered, would be applied to any approval here.

The matter of **access** is being considered at this stage. The main access will be off Church Lane, in compliance with Policy EMP7, and will comprise of a single point of access for this employment site and would be a signalled controlled junction. A

Transport Assessment has been submitted with the application which details modelling of the site access has been undertaken, which confirms that the access operates within capacity.

WCC Highways and Highways England have both been consulted and both have no objection on the scheme. WCC Highways have requested conditions, most of which are acceptable apart from three of these which repeat elements which appear elsewhere in the conditions so will be amalgamated with those.

The designated site, EMP7 Bowling Green Lane, outlined in the Nuneaton & Bedworth Borough Council Borough Plan 2019, spans approximately 26 hectares of allocated employment land (uses B1, B2, and B8). This application seeks approval for up to 60,000sqm of employment space, including ancillary office use. Situated on the western side of Church Lane/Bowling Green Lane, across from the Bowling Green Lane/School Lane priority junction, the site underwent traffic modelling using the 'Paramics' model for the Nuneaton and Bedworth Wide Area, and 'Linsig' modelling for specific junctions, revealing potential impacts on Coventry Road/School Lane/Bayton Road, Longford Road/Blackhorse Lane, and M6 junction 3.

To address these impacts, the County Council has proposed improvement schemes such as the Longford Road Corridor Scheme and the M6 junction 3 Interim Scheme. Financial contributions from other developments within the Borough Plan area will support these schemes. 'Linsig' modelling for the site access junction indicates operational capacity within forecasted levels for the year 2031. While the layout is subject to further review, discussions include the removal of a 2m footway on the western side of Bowling Green Lane to minimize impact on the hedgerow and the construction of a 3m footway/cycleway to the north-western side of the hedge.

Regarding HGV routing, Traffic Regulation Orders will prohibit HGVs from accessing the site via Bowling Green Lane or Church Lane, reinforcing the requirement for HGVs to use School Lane only. This routing of HGVs would be in accordance with the requirements of the adopted policy EMP7. The proposed site access junction includes signalised pedestrian crossing facilities on all arms and connects to footway/cycleway facilities on-site and on the northern side of School Lane. Additional footway infrastructure is requested to connect the site to existing retail areas via adjacent land parcels.

While the internal site access road is unlikely to become a public highway, it will remain privately maintained. Nonetheless, intervisibility and vehicular visibility splays will be conditioned as if it were a public highway, with land secured as part of the s106 agreement for potential future connections.

The proposed diversion of the Public Right of Way around the eastern side of the site will provide access to existing bus stops and residential areas. Requests for bus stop improvements and contributions towards extending bus services have been considered reasonable given the catchment area for employees.

A Stage 1 Road Safety Audit has been conducted, with identified issues to be addressed in subsequent Stage 2 audits. A Framework Travel Plan aims to reduce single occupancy car trips by 10% within three years of full occupation, with ongoing monitoring and coordination through a Site Wide Travel Plan Coordinator. Justification for end-of-trip facilities must be provided as part of the Reserved Matters application and the Occupier Unit Travel Plan.

Overall it is considered that with appropriate conditions, and the planning obligations requested by WCC Highways, that there would be no severe impact on highway safety as a result of this outline scheme.

6. 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.

NBBC Environmental Health has reviewed the assessment findings and raised no objections, subject to conditions including the provision of a dust management plan, and installation of electric vehicle charging points.

7. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding upon the 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 site is not within the floodplain (it is entirely in Flood Zone 1) and therefore has a low level of fluvial flood risk.

A Flood Risk Assessment (FRA) has been submitted with the application. The FRA identifies that there are some localised areas of surface water flooding on the site but the risk from this flood source over the majority of the site is low. The natural topography means that surface water flooding experienced on site is a result of runoff from within the site only and will drain eastwards.

The FRA notes that water from the site will flow downhill towards the east. Foul water will connect to a Severn Trent Water sewer. Surface water will discharge into the River Sowe to the east. Sustainable drainage systems (SuDS) are planned, including a detention basin in the southeast corner providing 4000m³ of attenuation. Each commercial plot will connect to the stormwater network with controlled discharge rates and onsite attenuation, likely using permeable paving and underground storage tanks. SuDS features will meet water quality standards. Systems are designed to handle storm events up to 1 in 100 plus 40% for climate change, with controlled drainage into the River Sowe at a rate of 49.5 litres per second. Due to site geology and the site varying between mudstone and sandstone, soakaways and infiltration techniques are not considered appropriate at this stage, but the FRA does recommend that 'BRE 365'

soakaway tests will be required before details layout plans are submitted at the reserved matters stage. The site is classified as less vulnerable to flooding, meeting Flood Zone 1 requirements without needing further tests. There is no increased flood risk to the site or surrounding areas, and it complies with National Planning Policy Framework requirements for flood risk assessment.

WCC Flood Risk Management have no objections subject to conditions. It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

8. Contamination & Land Stability

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 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 with the application. The Ground Investigation Report recommends that no further work is necessary therefore NBBC Environmental Health have requested the standard contaminated land conditions.

9. Ecology

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 185 and 186). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

An Ecology Impact Assessment has been submitted with the application. The Ecology Impact Assessment confirms that the site comprises predominantly of an arable field with associated agricultural buildings in the southern section of the site.

The Site primarily consists of arable fields, which are not ideal for foraging and commuting bats. The hedgerows, scrub, and mature oaks offer better habitats but are poorly connected within the Site and to the surrounding landscape, resulting in an overall 'low' suitability for bats.

During a Phase 1 Habitat survey, two mature oak trees with potential roost features (PRFs) suitable for roosting bats were identified. Tree 12 was initially rated moderate and later upgraded to high suitability upon inspection, while Tree 45 was rated high. No evidence of bats was found.

No signs of badgers or hazel dormice were detected on the Site. However, it provides some habitat for Species of Principal Importance (SPIs) like brown hare, harvest mouse, and hedgehog. Brown hares can utilise the arable fields, and hedgehogs can inhabit the hedgerows, scrub, and adjacent gardens. The intensive farming limits suitable habitat for harvest mice.

For birds, the hedgerows, scrub, trees, and plantation woodland offer suitable habitats for common and SPI bird species. A skylark, an SPI and red-listed species, was observed nesting in one of the arable fields, which provides a suitable habitat away from trees and electricity infrastructure.

No reptiles were found during surveys, suggesting their absence from the Site. Regarding Great Crested Newts, limited suitable terrestrial habitats exist, mainly along hedgerow bases, scrub, and field margins. There are no on-site water bodies for breeding, but two off-site ponds were assessed. Pond P1, about 210 meters west, was deemed 'average' for newts, but an eDNA survey indicated their likely absence.

Overall, the Site's intensively farmed arable fields are of limited value to invertebrates. The small woodland area, hedgerows, and scrub are the primary areas of interest for invertebrates.

A condition will be added for submitting a Construction Ecological Management Plan (CEMP). This plan must detail any necessary pre-construction checks, species protection measures, appropriate construction practices and schedules, site clearance procedures, buffer zones and stand-offs for sensitive ecological features, protocols for discovering protected species during construction, and methods for inspecting habitats for nesting birds.

Additionally, a condition will mandate the submission of a Biodiversity and Landscape Management Plan (BLMP). This plan should outline planting strategies to create additional foraging areas for bats, specify the locations and details of roosting and nesting sites, such as tiles, boxes, and terraces for bats and birds, habitat creation efforts, landscape and ecological buffer zones, a reptile mitigation strategy, details of Sustainable Urban Drainage Systems (SUDS) features to support water vole habitats along with a working method statement for SUDS creation and construction, and a pond drain down method statement to rescue smooth and palmate newts and other amphibians, including identifying a suitable receptor location or creating additional ponds within the habitat areas.

In order to comply with the NPPF to ensure the development has a positive impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential process with avoidance being the preferred methodology followed by mitigation first on site and then off site. Whilst the proposals have sought to minimise impacts and maximise enhancements as far as practicable the proposals are likely to lead to a negative Habitat Biodiversity Impact Score. As such, following consultation with Warwickshire Ecology their response stated;

We recommend that an offsetting scheme for the loss of 19.56 habitat biodiversity units (comprising 2.2 woodland and 17.36 grassland and individual tree units) is secured via a S106 Agreement. For the applicant's information, the loss of 19.56 units equates to a financial contribution of £360,380.81 using the Warwickshire, Coventry and Solihull financial estimation tool.

This will be included in the obligations section of this report.

Overall it is considered that the harm to ecology and biodiversity is being adequately mitigated and is therefore not significant.

10. Impact on Trees

The applicants have submitted a Tree Survey Report and an Arboricultural Impact Assessment prepared by BB Trees Ltd. The Report provides information about the trees on the site and follows the recommendations of the British Standard 5837: Trees in relation to design, demolition and construction. The Report attempts to identify the quality and value of existing trees on site, allowing decisions to be made as to the retention or removal of trees in the case of any development.

The Tree Report states that trees classified as A and B category should be considered as constraints to the development as every attempt should be made to incorporate them into any proposed development. Trees of C and U category will not usually be retained where they would impose a significant constraint to development, and category U trees are often in such a condition that they will be lost within 10 years, and their removal should be considered regardless of any development.

The Report identifies three trees to be worthy of an 'A' classification, these are high quality trees which are proposed to be removed. Five trees and one group of trees classified as 'B', which are trees that would be higher classification were it not for some impaired condition which reduces their overall score. The Tree Report also stated that there are three individual trees and four groups which are classified as a 'C'.

The site has some older trees on the site, which has elicited a response of objection from the Woodland Trust (and from the NBBC Tree Officer who has asked for retention of high value oaks), who have stated that these are 'veteran trees'. The Planning definition of 'veteran trees' is quite specific though and is that contained in the Annex of the NPPF 2023. This states that a Veteran trees is one which 'because of its age, **size and condition**, is of exceptional biodiversity, cultural or heritage value.'

This sets a very high bar for trees to be considered as 'veteran' for planning purposes. For one reason or another, relating to the size and condition, the trees on this site although old, are not considered to be 'veteran' for planning purposes.

Whilst the Arboricultural survey submitted with the application acknowledges that there are features of age and condition that *could* meet veteran criteria, none of the trees identified in the Woodland Trust letter meet the requirement for a veteran of 'size'.

Tree Number	Spp.	BB Measured Diam. mm	Veteran diam. threshold mm (Lonsdale ATF 2013)
12	Oak	820	1500
34	Ash	920	1,180
41	Oak	1,010	1,500
45	Oak	1,160	1,500

This uses the Raven 2 methodology for assessing trees.

It is important to state that at this outline stage there is no finalised layout and therefore the exact impact on which trees will not be known until the reserved matters stage. It

is hoped that the design and layout which will be submitted at a later stage can accommodate as many high value trees as possible.

Overall it is considered that to proceed with this allocated site, it is necessary to lose some trees on this site, and that likely includes some category A trees which are of particular age. This is considered to weigh minimally against the proposal.

11. Heritage & 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.

WCC Archaeology oversaw a program of evaluative trial trenching conducted by Headland Archaeology, following a predetermined project design. The evaluation aimed to provide essential data regarding archaeological implications for the project. It also sought to define the character, extent, preservation status, and significance of any archaeological features present.

Upon review of the recently received report detailing the trial trenching outcomes, it was observed that while no significant archaeological deposits were found across most of the site, the trenching did uncover a portion of a large circular enclosure ditch in the southwest corner. Although no conclusive dating evidence was obtained during the evaluation, the morphology of the feature suggests a likely Bronze Age or Iron Age origin.

Considering the findings of the trial trenching, while no objection to the development's principle was raised, it is deemed necessary to conduct a watching brief to this most sensitive area, the southeast corner during construction. County Archaeology have now reviewed the trial trenching report and confirmed that they do not require any further investigations.

WCC Archaeology therefore have no objection and it is proposed to add a condition covering this watching brief.

Additionally it is recognised that there is nearby listed buildings (Exhall Hall – Grade III; The Bridge over the Moat – Grade II; and The Barn at Exhall Hall – Grade II)) and scheduled ancient monument (the Moated Site and Exhall Hall (list entry 1019141)).

An assessment of the potential harm to the listed buildings and monument has been conducted and submitted by the applicant in the form of a Desk-based Heritage Assessment this considers factors such as architectural integrity, historical significance, and contextual setting. The evaluation revealed that while there may be some minor impacts due to the proposed development, these are minimal and do not compromise the LB's value, character or their setting.

Consequently, it is concluded that the harm to the listed buildings and monument is not significant, and is in accordance with Policy BE4.

12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, the NPPF 2023

(paragraph 57) 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
Warwickshire Ecology	Biodiversity off-setting to mitigate the loss of 19.56 units (if not mitigated by alternative provision on or off site)	£360,380.81 (or reduced proportionate contribution if mitigation is provided in whole or in part on or off site)	Agreed.
WCC Highways	Traffic Regulation Order for double yellow lines at the site access traffic signal Junction	£3,000	Agreed.
	Traffic Regulation Orders for environmental (7.5t) weight limits and signage on Bowling Green Lane and Church Lane in association with the HGV Route Strategy document	£10,000	
	Secure land for an extension of the internal access road, footway and cycleway to the remainder of the allocated employment land	Land	
	Secure connections from the diverted Public Right of Way to the north eastern site boundary to provide connections to the land to the north east (currently	(non-financial)	

	subject to separate application ref 039592)		
	Contributions for Longford Rd Corridor Scheme. (based on 278 development trips at £5,538.81/trip)	£1,539,789	
	8. Contribution for M6 Jct 3 Interim Scheme. (based on 200 development trips at £2,685.55/trip)	£537,110	
WCC Infrastructure	Bus Services	£120,000	Agreed.
	Bus Stop Infrastructure (Real Time Information provision)	£65,000 (plus £5,000 maintenance, £4,000 maintenance after adoption, £2,500 replacement of parts after 15 years)	
	Monitoring Fee	£450	

13. Conclusion

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

In regard to the principle of the development on this site it is felt that substantial weight should be given to the allocation of the land for employment purposes within the adopted Borough Plan 2019.

It is also considered that significant weight should be given to the creation of employment opportunities for a significant number of people and the economic benefits of the scheme, in line with paragraph 85 of the NPPF.

It is felt that the provision of planning obligations also weighs in favour of the proposal.

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

It is also considered that the impact on landscape character weighs very slightly against the proposal, the impact on trees also weighs minimally against the development.

Considering all aspects and after establishing the benefits of the scheme it is considered that these significantly and clearly outweigh the small amount of harm caused by the scheme.

The recommendation is therefore one of approval subject to conditions and a legal agreement.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Title	Plan No.	Date Received
Landscape Parameter Plan	1006 0419-05-03 rev 01	15.01.24
Parameters Plan	20275 – UMC – ZZZZ – SI – DR – A 0602 rev P.16	15.01.24
Overall Commercial Planning Boundary	20275-UMC-XXXX-SI-DR-A-0503-P.05	27.04.23
Employment Access	24078-04 – 1 Rev A	27.04.23
School Lane Works	24078-05 Rev A	27.04.23

5. Prior to the commencement of development of any building hereby approved, approval under s278 of the Highways Act 1980 must be secured for works relating to the access to the site which is broadly in accordance with approved plans:

- 1) Employment Access – ref 24078-04 – 1 Rev A
- 2) School Lane Works – drawing reference 24078-05 Rev A

6. Prior to the approval of any applications for the approval of reserved matters, a Phasing Plan and Strategy shall be submitted to and approved in writing by the local planning authority. The Phasing Plan and Strategy shall provide details of the sequence and timing of development across the entire site, including:

- a. The provision of all major infrastructure including improvements to the surrounding road infrastructure, all site accesses, internal roads, footpaths, and cycle ways.

- b. The industrial buildings.
- c. The demolition and clearance of existing buildings.
- d. Ecological and landscaping enhancement areas.
- e. Surface water drainage installation and operation.

The development shall not be carried out other than in accordance with the approved Phasing Plan and Strategy.

7. No development shall commence on any phase 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.
- x. A Dust Management Plan for both the demolition and construction phases.

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

8. No development of any building shall commence 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 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 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. 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.
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.

11. 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.

12. No development of any phase 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;

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.

13. 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 13th September 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
- e. biodiversity impact mitigation on and off site
- 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.

14. No development of any building shall commence until full details of the provision of car parking, access, servicing and manoeuvring, including surfacing, drainage, levels and end of trip changing facilities for that building have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the car parking, access and manoeuvring areas for that building 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. The developer should provide electric vehicle (EV) charging points at a rate of:

Industrial: 10% of parking spaces 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. Appropriate cabling should also be provided to enable increase for future provision

16. No development shall be occupied until a scheme for the provision of 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.

17. 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.

18. Any details approved under the 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.

19. No use hereby approved shall commence until a scheme for the lighting of the site 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.

20. Noise from fixed plant for both daytime and nighttime periods shall not exceed the background sound level in accordance with Table 12 of the Delta-Simons Noise Impact Assessment-Commercial (Delta-Simons Project No.87989.545596 issued March 2023).

21. No development shall commence other than in accordance with the contaminated land assessment report number (AG3451-22-AP37 Issue 2 dated March 2023) and associated remedial strategy;

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

(ii) 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.

(iii) 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.

22. No development shall take place in the southwest corner of the site (in the area identified in the archaeological report as a potential ditch formation) until the developer has secured the implementation of a watching brief to be undertaken by a suitably qualified archaeologist/specialist (agreed by the Local Planning Authority in consultation with the County Council) so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted and approved.

23. Use of the units hereby approved shall not commence until the road widening scheme set out in drawing number 24078-05 Rev A (Proposed School Lane Works) has been constructed in general accordance with the approved details.

24. Access for vehicles to the site from the public highway (Bowling Green Lane) via a signalised junction shall not be made other than at the position identified on the approved drawing number 24078-04-1 Rev A.

25. No unit shall be occupied until the signalised access to the site for vehicles has been laid out and constructed within the public highway in accordance with the specification of the Highway Authority, with a gradient of 1:50 for the first 15 metres, as measured from the near edge of the public highway carriageway, and no greater than 1:20 thereafter, and all necessary alterations to the carriageway and footway/cycleway links to the site including dropped kerbed pedestrian/cycleway crossing points have been constructed. Notwithstanding the plans submitted, a 3m footway/cycleway shall be constructed on the north western corner of the junction, and a 3m footway/cycleway to the north western side of the existing hedgerow (replacing the 2m footway adjacent to the carriageway) connecting the access arm to the diverted PRow with connections to the junction and potential bus stops as appropriate.

26. No development shall commence until full details showing the location of bus stops to serve the site on Bowling Green Lane, including reference to footway connections,

have been submitted to and approved in writing by the Council. No unit shall be occupied until the bus stop works have been laid out in accordance with the approved details.

27. Within 6 months of occupation each Qualifying Occupier Unit on the site shall submit a Travel Plan to promote sustainable transport choices to the site, in general accordance with the Framework Travel Plan, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all times. The plan shall:

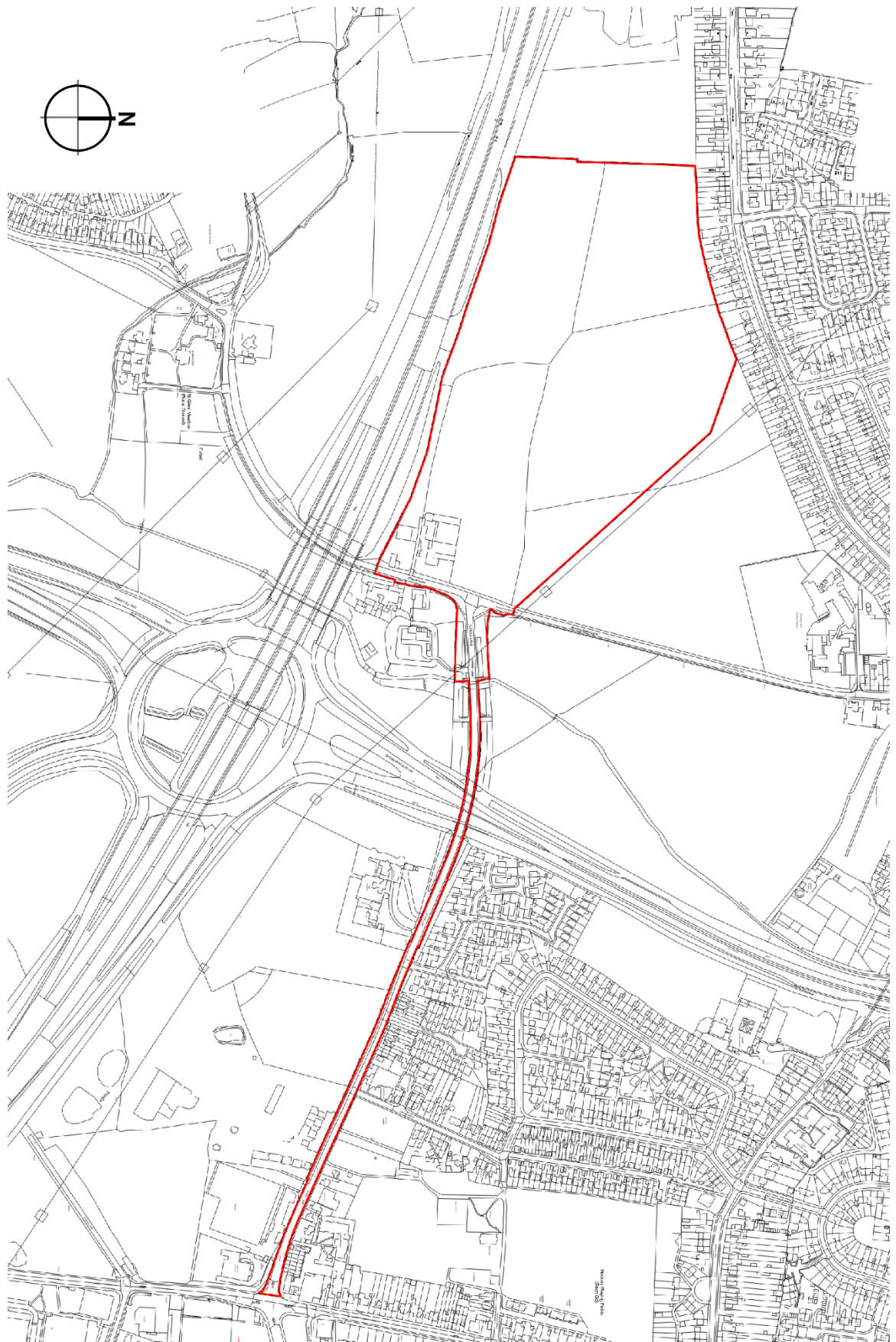
(i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets (including reference to end of trip changing facilities) together with timescales and arrangements for their monitoring, review and continuous improvement;

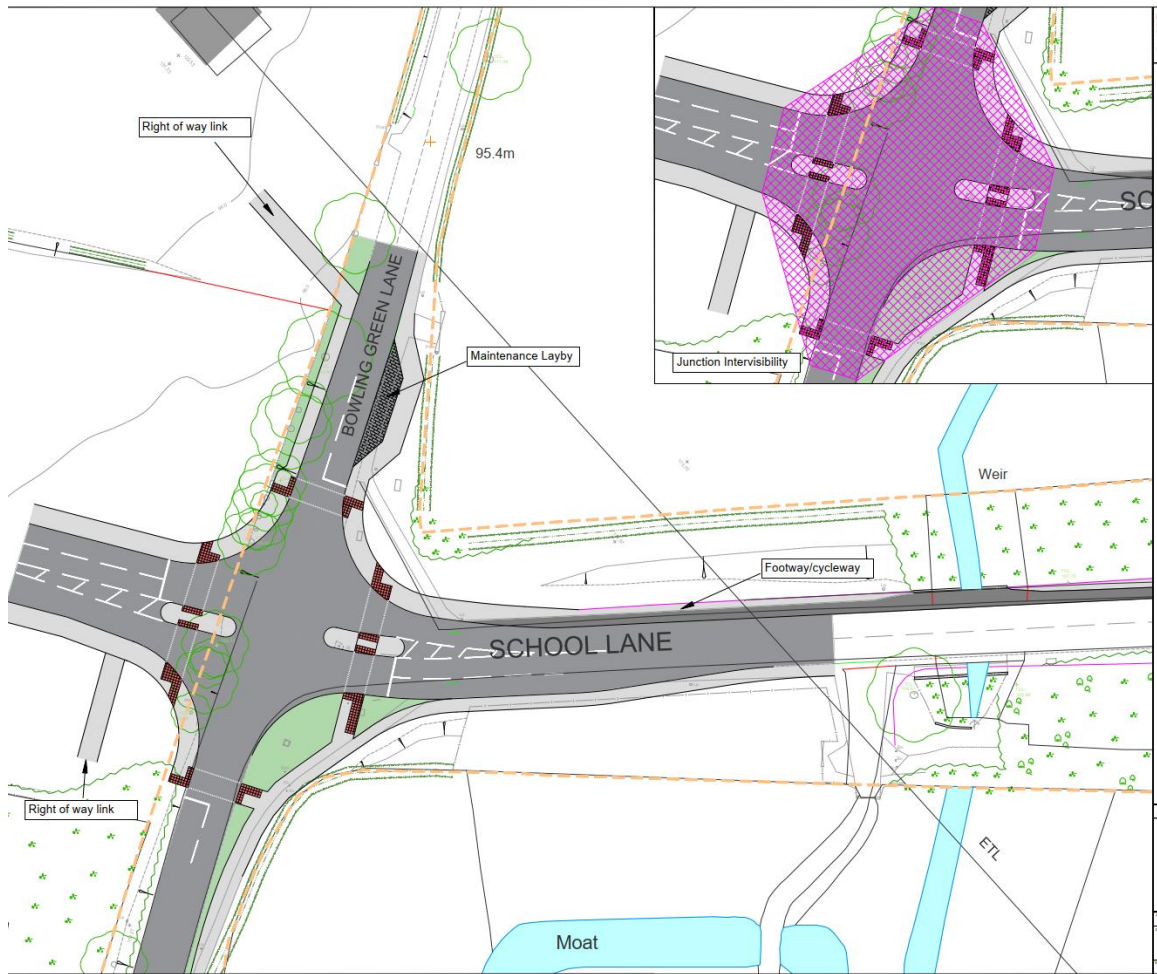
(iii) explain and justify the targets and measures by reference to the transport impact assessment;

(iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

28. The quantity of Publicly Accessible Greenspace (PAG) compliant greenspace provided will match or exceed the minimum requirements as stated within the Open Space and Green Infrastructure Supplementary Planning Document and will therefore provide at least 3.2 hectares of Publicly Accessible Greenspace per 1000 full time or equivalent employees. This space will be formed of fully PAG compliant green network links, communal break out spaces, accessible SUDS (ASUDS) and PAG compliant ecological enhancements.



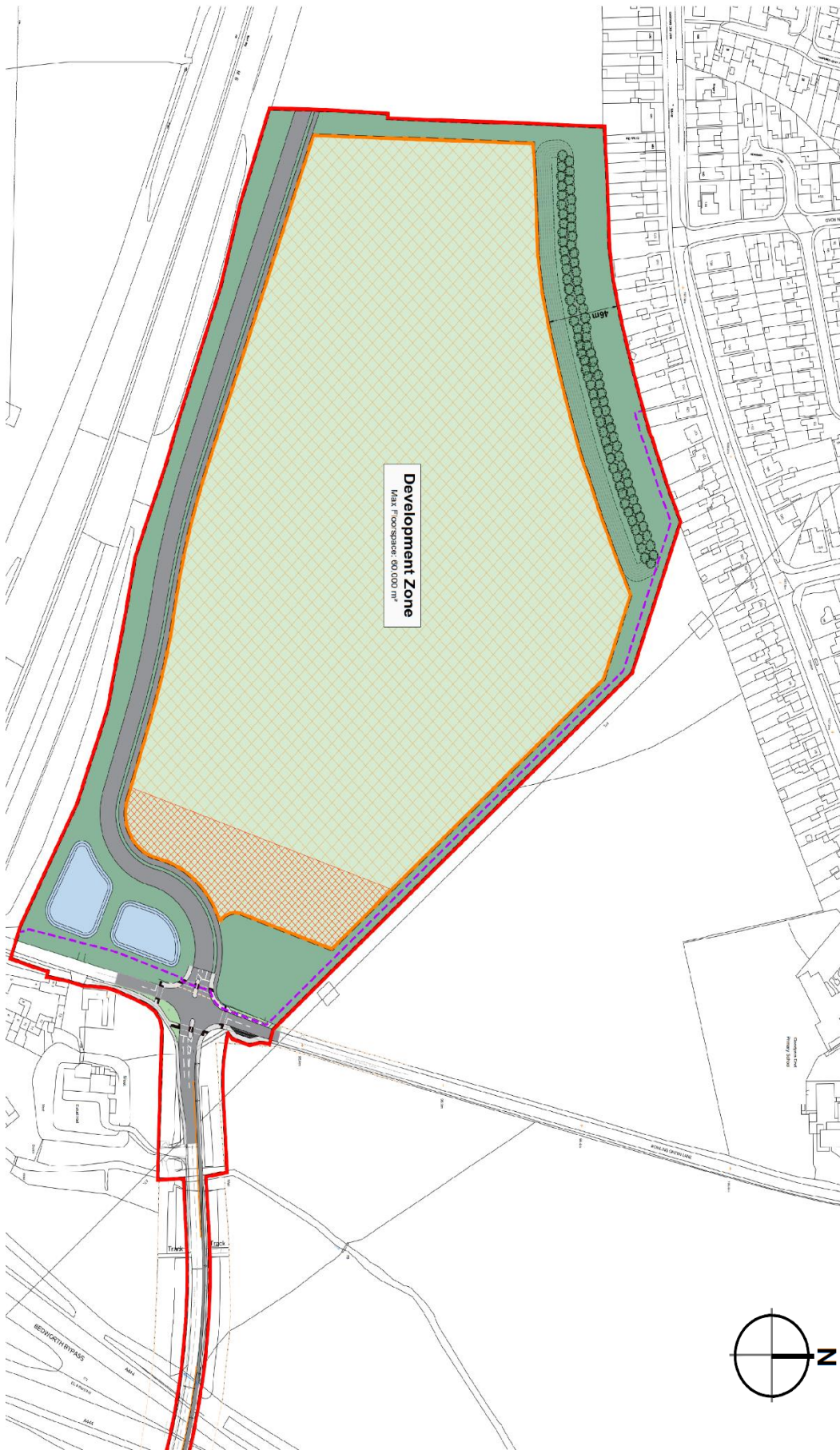
Site Plan



Employment Access Works



Landscape Parameter Plan



Parameter Plan

Item No. 2

REFERENCE No. 039464

Site Address: Site 105C007 - former garage site Rear of 23-43 Armson Road Exhall Coventry

Description of Development: Erection of 15 No. residential units on previous garage site (6 x 1 bed, 6 x 2 bed and 3 x 4 bed)

Applicant: Mrs Dawn Dawson

Ward: Bede

RECOMMENDATION:

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

INTRODUCTION:

Erection of 15 No. residential units on previous garage site (6 No. 1 -bed, 6 No. 2-bed and 3 No. 4 bed) at Site 105C007 - former garage site Rear of 23-43 Armson Road Exhall Coventry .

The application site, formerly a garage area, is situated on land behind 23-43 Armson Road, Exhall, within Bedworth, and part of the Bede ward. It lies between Bedworth town centre and the M6 motorway, about 1 mile south of the town centre. Access to the site is via a narrow, single-lane tarmac track that rises from northwest to southeast between the residential properties at 33 and 35 Armson Road. The site itself is an irregular but broadly rectangular parcel of land covering approximately 0.36 hectares, sloping significantly from northwest to southeast.

The site features a circular internal access track of hardstanding, with the original garages having been demolished and cleared, leaving the remaining land bare but with areas of hardstanding with some short self-set scrub.

Surrounded entirely by residential properties, the site is bordered by the back gardens of homes on Armson Road, Lawrence Road, Grant Road, and Butlers Crescent. Boundary treatments vary, typically consisting of 1.80m high timber fencing. The properties' rear elevations face the site from varying distances, with those to the northwest set lower and those to the southeast set higher than the site. The area showcases a diverse mix of house types and styles, including terraced and semi-detached houses with hipped and gable roofs, brick and render elevations, and bay windows.

Properties at 33 and 35 Armson Road, which are two-storey end-of-terrace houses, have their boundaries adjacent to the access road and first-floor obscure glazed bathroom windows facing the access. The front and rear elevations feature windows for living rooms, kitchens, dining rooms, and bedrooms. Their rear garden side boundaries, adjacent to the access, are defined by 1.80m high timber fences.

The two-storey end-of-terrace house at 41 Armson Road is directly opposite the site access, with a lawn in front and living room and bedroom windows facing the access road. This property has a single-storey ground-floor extension on the side and original habitable room windows on both ground and first-floor rear elevations.

BACKGROUND:

This application is being reported to Planning Applications Committee as it is a major application on Council-owned land.

RELEVANT PLANNING HISTORY:

- 032092 – Erection of 13 dwellings – refused. 2013.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development.
 - DS2 – Settlement Hierarchy.
 - DS3 – Development Principles.
 - DS4 – Overall Development Needs.
 - DS5 – Residential Allocations
 - H2 – Affordable Housing.
 - HS1 – Ensuring the Delivery of Infrastructure.
 - HS2 – Strategic Accessibility and Sustainable Transport.
 - HS3 – Telecommunications.
 - HS5 – Health.
 - HS6 – Sport and Exercise.
 - NE1 – Green Infrastructure.
 - NE2 – Open Space
 - NE3 – Biodiversity and Geodiversity.
 - NE4 – Managing Flood risk.
 - NE5 – Landscape Character.
 - BE3 – Sustainable design and construction.
 - Supplementary Planning Guidance / Supplementary Planning Documents.
 - Affordable Housing SPD 2020.
 - Air Quality SPD 2020.
 - Sustainable Design and Construction SPD 2020.
 - Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

Objection from:

NBBC (Parks) Tree Officer, WCC Ecology;

No objection subject to conditions from:
NBBC Environmental Health, WCC Flood Risk Team, WCC Highways, Fire Safety,

No objection from:
Cadent Gas, GEHT, NBBC Planning Policy, Warwickshire Police, National Grid, NBBC Sports, Warwickshire Archaeology

Support from:
NBBC Housing

No response from:
NHS, NBBC Refuse, Severn Trent Water

NEIGHBOURS NOTIFIED:

23-45 (odd) Armson Road;
5, 6 Bulter Crescent;
32-52 (even) Grant Road;
10-14 (even) Lawrence Road;

Neighbouring properties were sent letters notifying them of the proposed development on 23rd March 2023. A site notice was erected on street furniture on 23rd March 2023.

NEIGHBOUR RESPONSES:

There has been 1 objection from 1 address. The comments are summarised below;

1. Highway safety issues within and outside of the site.
2. The access which is too narrow will need to accommodate HGVs as well as a footway.
3. The access is opposite the junction with Daffern Road.
4. The traffic on Armson Road travels quickly and could be dangerous.

There has been 1 letters of support from Cllr Damon Brown, the comments are summarised below;

1. In support of the development

APPRAISAL:

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

1. The Principle of the Development and Sustainability
2. Affordable Housing
3. Impact on Residential Amenity
4. Impact on Visual Amenity
5. Impact on Biodiversity, Ecology and Trees
6. Impact on Air Quality, Noise and Contamination
7. Impact on Highway Safety
8. Flooding and Drainage
9. Archaeology
10. Planning Obligations
11. Conclusion and Planning Balance

1. The Principle of the Development and Sustainability

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.

The site is set out in Policy DS5 as a non-strategic housing allocation reference NUN239. As such these sites like this have a key role in supporting growth and residential development across the Borough. They are generally within the existing urban area, and are allocated because of their suitability.

The principle of this site being used for residential is therefore acceptable.

2. Affordable Housing

A need for affordable housing is well documented in the Borough, and Policy H2 of the Borough Plan requires 25% of all new developments to be affordable. The site is 100% affordable and this fact is considered to weigh significantly in favour of the proposal.

Additionally, The Housing Strategy and Borough Plan make reference to due consideration being taken of the Council's Housing Register and consultation with the Council's Strategic Housing Lead. The applicant has consulted with these to find it requested to prioritise four bedroom units, and exclude three bedroom units from the development, given the size and location of the development.

Plot	Dwelling	Type	Area	Accessibility	Block
01	House	2B4P	79.4	M4(2)	A
02	House	2B4P	79.4	M4(2)	A
03	House	2B4P	79.4	M4(2)	A
04	Flat	1B1P	50	M4(2)	A
05	Flat	1B1P	50.6	M4(2)	A
06	House	4B6P	106.5	M4(2)	B
07	House	4B6P	106.5	M4(2)	B
08	Flat	1B1P	50	M4(2)	B
09	Flat	1B1P	50.6	M4(2)	B
10	House	2B4P	80.5	M4(2)	C
11	House	4B6P	106.6	M4(2)	C
12	House	2B4P	79.4	M4(2)	C
13	House	2B4P	79.4	M4(2)	C
14	Flat	1B1P	50	M4(2)	D
15	Flat	1B1P	50.6	M4(2)	D

Table 1: 15 Dwellings, Beds and Housing Type.

Following consultation with NBBC Housing; the response from the Housing Manager stated that they had no objections and support this application. Therefore, it would appear that the proposal is helping out in meeting a demonstrable affordable housing need in the Borough.

3. Impact on Residential Amenity

Policy BE3 also refers to the Council's Sustainable Design and Construction SPD which requires properties to meet or exceed the internal minimum Nationally Described Space Standards (NDSS). The proposed dwellings are 100% compliant with this.

The SPD provides a section on residential amenity (chapter 11) which considers the daylight and sunlight and privacy impacts in regard to surveyed heights, position of windows and ground levels for both existing surrounding properties and for future occupiers of the scheme.

With that in mind the scheme has been assessed against chapter 11 in relation to residential amenity.

In relation to the impact of the new dwellings to existing dwellings all distance standards are met, except for a few shortfalls. Firstly Plot 6 has habitable windows less than 20m from the single storey side projection of 14 Lawrence Road. This side projection is non-habitable however so the shortfall (of only a few cm's) is felt to be acceptable.

Another shortfall between the proposed and the existing is a ground floor side facing window on plot 14/15. This shows a secondary living room window facing towards the

boundary with number 46 Grant Road, and facing towards any ground floor habitable windows on the rear elevation at a distance of 17.5m. It is considered though that given the proximity of the proposed window to boundary treatments, and the angle of the window, and the land levels difference up to number 46 Grant Road, that this shortfall will not have a significant effect on amenity.

The only other points of note is that the side elevation of plot 1 is considered to be blank as it only features obscure glazed windows, and therefore it meets with the 14m separation set out in the SPD.

Within the site all of the distance standards are met. With the exception of plot 04/05 which has habitable room windows facing towards plot 10's side facing, secondary habitable window. This is over a publicly accessible highway though so is considered not to have any detrimental impact on the future occupiers and is acceptable. Also, the front facing window of plot 6 is slightly impinged by plot 04/05 but there are views past so light to the window and amenity level should still be acceptable.

The scheme is therefore considered acceptable in terms of residential amenity for future occupiers, and those existing occupiers surrounding the site. This is in accordance with chapter 11 of Council's Sustainable Design and Construction SPD.

4. Impact on Visual Amenity

The NPPF encourages good design and states that planning decisions should respond to local character and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation (paragraph 135). BE3 of the Borough Plan 2019 also sets out that developments must be designed to a high standard.

The dwellings proposed here are contemporary but with a traditional feel and are designed to provide active frontages on to all parts of the site. The materials are proposed to be brick, with brick detailing grey roof tiles. The houses also make use of different roof types and styles to add interest, and cladding to some external parts.

The house types are combined to create strong visually appealing groupings which contribute to the wider place making and individual character of this new development. The roofs are to be pitched with mostly front facing end gables, but with some single sloping roofs, and some flat roof elements, which provide a strong sense of plot identity. Repeated windows and doors have been used throughout for continuity and to create a site wide character.

It is therefore considered that the visual amenity is acceptable. This is in accordance with chapter 13 of Council's Sustainable Design and Construction SPD.

5. Impact on Biodiversity, Ecology and Trees

Policy NE3 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created. At the time that this application was submitted all development only had to show no net loss to Biodiversity, rather than the 10% expected now.

The proposal will not remove any Category A B or C trees, but will stray in to the root protection areas (RPAs) for T01 (a Cat C tree) and T05 (a Cat B tree). The Council's

Tree Officer originally objected on this basis as the development within the RPAs could damage the trees. However, it was stated that the redevelopment could not be delivered without the impact on some of these trees, none of which are protected by any formal protection, and this has to be balanced against the benefits of the scheme.

The applicant has provided an Arboricultural Method Statement, and Impact Assessment.

An Ecological Assessment (March 2023) was received as part of the application. Results concluded that there was only a possibility of bats, reptiles and birds, but with no confirmation of these species on the site.

As part of the application consultation was made with Warwickshire Ecology, they responded with objection requiring further work. Further work was undertaken by the applicant, however the objection remains and although the submitted details were no clear Warks Ecology believe that the site will show a net loss of biodiversity and it has not been demonstrated that this is not the case.

National guidance sets out, and Policy NE3 echoes, that the mitigation hierarchy should be adhered to. This entails firstly avoiding any loss, and then if that is not possible minimising any loss, and then if that is not possible then mitigating, and then only as a last resort should offsetting be considered.

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 calculations were submitted, but these are not consistent with what was expected by Warks Ecology.

Paragraph 186 of the Framework does state that; "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In this case it is likely that some offsetting would be necessary so as to bring the development back to having *no net loss* of biodiversity. As will be discussed later, the scheme has been demonstrated non-viable, so no obligations can be provided.

This lack of any net gain, or demonstrable no net loss, to biodiversity is something which does weigh against the proposal.

6. Impact from Noise and Contamination

In relation to noise, the Council's EHO had no objection subject to an condition asking for a 1.8m high fence to either side of the access toad and behind 35-41 Armson Road and this condition is considered appropriate due to the proximity of the access to these residential properties.

In reference to contamination, development is required to show that the site is suitable for the proposed use. A phase 1 desk study Geo-risk Management was carried out. The Council's Environmental Health Team have replied with no objection subject to the standard contamination conditions.

It is therefore considered that noise and contamination can be made acceptable subject to conditions.

7. Impact on Highway Safety

Borough Plan Policy HS2 discusses strategic accessibility and sustainable transport. This requires development to demonstrate that there is adequate accessibility in relation to all principal modes of transport, demand management measures, connectivity, air quality, sustainable transport options, and acceptable impacts to the existing highway network. It also states that proposals should also target 15% modal shift to non-car-based uses.

Access to the site is to be made via a newly widened access road between 33 and 35 Armson Road. This access served the garages on the site previously, but is to be widened to 5.8m at its narrowest (entrance from Armson Road) and 6.1m at its widest (the opposite end entering the site).

WCC Highways originally asked for amendments to the scheme. The subsequent amendments have led to WCC Highways removing their objection subject to conditions.

The proposal needs to align with the Council's adopted Transport Demand Management Matters SPD which sets out car parking and cycle parking standards and electric vehicle charging points. The SPD gives advice on the size of parking spaces as well as the sizes for domestic garages or which in this instance are carports. The proposal provides 24 allocated spaces and 3 visitor spaces, which equates to an average of 1.6 spaces per new property. The SPD states for 2-bedroom properties that 2 spaces per dwelling should be provided plus 1 unallocated space per 10 dwellings. For 3 or more-bedroom dwellings, the SPD states 2 spaces per dwelling plus 1 unallocated space per 5 dwellings. The new houses each have two parking spaces, with the flats having once space each.

It is therefore considered that highway safety is acceptable subject to conditions.

8. Flooding and Drainage

The site is in Flood Zone 1 which is the least likely to flood. 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 165 - 169). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Borough Plan Policy NE4 also deals with Managing Flood Risk.

It is in this context that the applicant submitted a Flood Risk and Drainage Assessment. WCC Flood Risk Team were consulted and objected originally, however following amendments they subsequently had no objection to the amended Flood Risk and Drainage Assessment subject to conditions. It is considered that the conditions are considered appropriate for the development and will appear on any approval.

It is considered that flooding and drainage can be adequately dealt with via conditions.

9. Archaeology

Policy BE4 of the Borough Plan refers to development proposals which sustain and enhance the Borough's heritage, such as archaeology. WCC Archaeology have responded with no objection.

Therefore, the impact upon archaeology is considered acceptable.

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:

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

Paragraph 93 of the NPPF 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
George Eliot Hospital Trust	Monies for support of emergency and other hospital care	£10,491	This particular request is not considered to be CIL compliant so would not be included
WCC Infrastructure	Sustainable Travel	£150	
	Road Safety	£750	
	Monitoring	£250	
NBBC Sports Development	Meeting sports development needs in the south of the Borough	£34,613	
Biodiversity Offsetting	To balance the loss of on-site biodiversity	No figure supplied	

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. The scheme also provides much needed affordable housing within the existing urban area on a brownfield site. The full planning balance will appear later in this report.

The Council has now received a formal response from the District Valuer on the viability issue. It has confirmed that the proposal *is unviable*, and as such no S106 obligations can be provided.

11. Conclusion and Planning Balance

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 harm caused by the proposed development to on-site biodiversity, by way of not providing for no net loss of biodiversity, such harm must be balanced against the other benefits derived from the development.

In conclusion, the proposed development has been carefully assessed against relevant planning policies and material considerations. While the proposal meets many of the criteria set out in the local development plan, it fails to deliver a net gain (or no net loss) in biodiversity, which is a significant consideration in the context of sustainable development and environmental stewardship.

Paragraph 180(d) of the National Planning Policy Framework (NPPF) emphasises the importance of planning policies and decisions contributing to and enhancing the natural and local environment by providing net gains for biodiversity. The absence of a net gain in biodiversity in this proposal directly conflicts with this policy objective.

Considering these factors and the need to balance environmental harm with development benefits, it must be acknowledged that the loss of biodiversity on site is regrettable but that if the scheme was viable it is likely that some offsetting funds would be liable to be paid. The scheme's lack of viability is driven by it being an entirely 100% affordable scheme, on a brownfield site, and the additional costs that it entails. The significant benefit of the provision of affordable housing does weigh significantly in favour of the proposal.

It is clear that there is some harm resulting from the lack of net gain in biodiversity, but it is considered that the huge benefit of a fully affordable housing scheme within this location on brownfield land, outweighs the harm caused by the proposed development.

Therefore, the proposed development is recommended for approval subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Location Plan	K220190-A-0100revP00	23 rd March 2023
External Works Plan	5019225-RDG-XX-ST-PL-C-1101 P3	15 th August 2023
Topographical Survey	5019225-RDG-XX-ST-PL-B-000	12 th April 2023
Below Ground Drainage	5019225-RDG-XX-ST-PL-C-0501 P2	12 th April 2023
Detailed Landscape Prop.	23-022-P-01C	23 rd March 2023
Arboricultural Method Stat. ----		23 rd March 2023
Elevations – Block A	K220190-A-0300revP00	23 rd March 2023
Elevations – Block B	K220190-A-0301revP00	23 rd March 2023
Elevations – Block C	K220190-A-0302revP00	23 rd March 2023
Elevations – Block D	K220190-A-0303revP00	23 rd March 2023
Floor Layouts Block C D	K220190-A-0201revP00	23 rd March 2023
Floor Layouts Block A B	K220190-A-0200revP00	10 th March 2023
Refuse Vehicle Swept P.	5019225-RDG-XX-ST-PL-C-2201-P3	23 rd March 2023
Roof Layouts	K220190-A-0202revP00	23 rd March 2023
Site Block Plan	K220190-A-0101revP00	23 rd March 2023
Site Layout	K220190-A-0102revP00	23 rd March 2023

3. No development shall commence until full details of the provision of car parking, manoeuvring and service areas, including surfacing, drainage (incorporating plans for the disposal of surface water and foul sewerage) and finished site and floor levels have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas 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.

4. The development shall not be occupied until the existing vehicular access to the site has been remodelled in general accordance with the approved plan 5019225 RDG XX ST PL C 1101 Rev P3.

5. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

6. The development shall not be occupied until the proposed new access to the site has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

7. The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.

6. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

8. The development hereby permitted shall not be occupied 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 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."

9. No development shall commence 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 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.

10. No development shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. These details will include a 1.8 m (minimum) close boarded fencing/or brick wall be installed parallel to the access road between 33 and 35 Armson Road and to run behind 35-41 Armson along the boundary of the site. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

11. No development shall commence 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.

12. The development shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the borough council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

13. 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 a runoff rate of 2l/s for the site in line with the approved Flood Risk Assessment (5019225-RDG-XX-DOC-0001)

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 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.

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.

14. 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 (5019225-RDG-XX-DOC-0001) 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. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
4. Confirmation that the system is free from defects, damage and foreign objects.

15. 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 for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

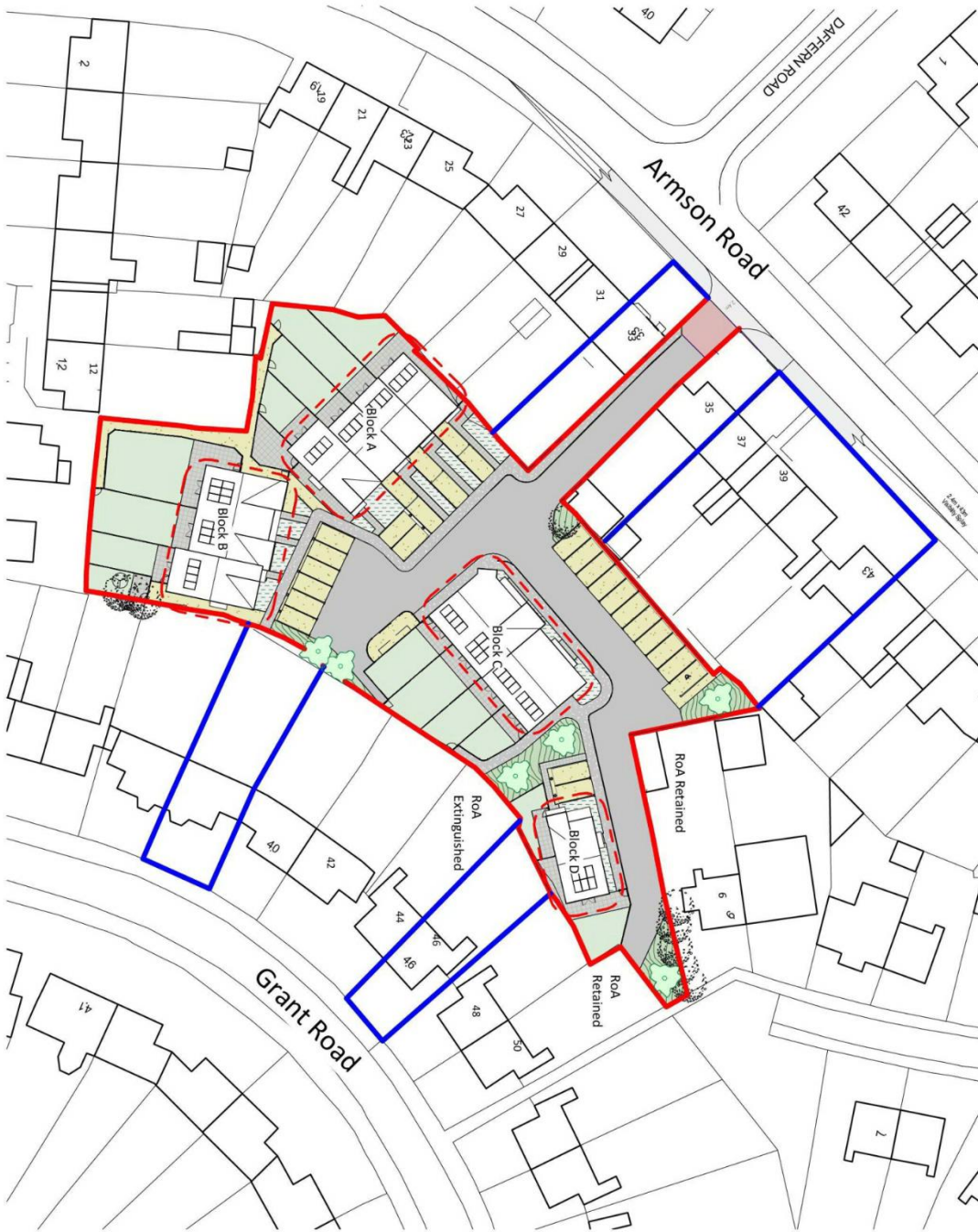


Site Location Plan



N

Site Block Plan



0101
1
Site Block Plan
1 : 500





0201 1
Opt-09 - Block C - Ground floor Layout
1 : 100



0203 3
Opt-09 - Block D - Ground floor Layout
1 : 100



0202 2
Opt-09 - Block C - First floor Layout
1 : 100

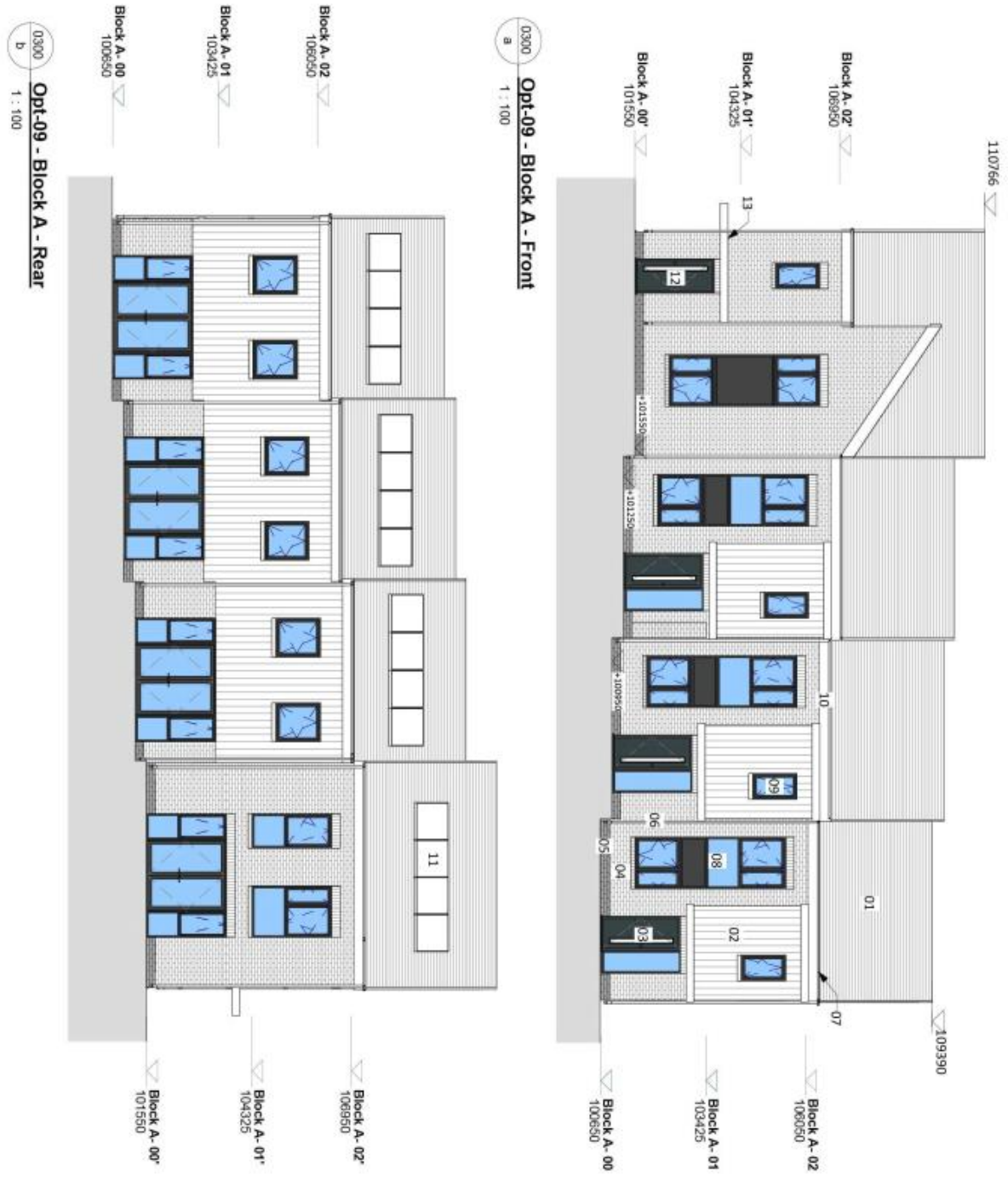


0204 4
Opt-09 - Block D - First floor Layout
1 : 100

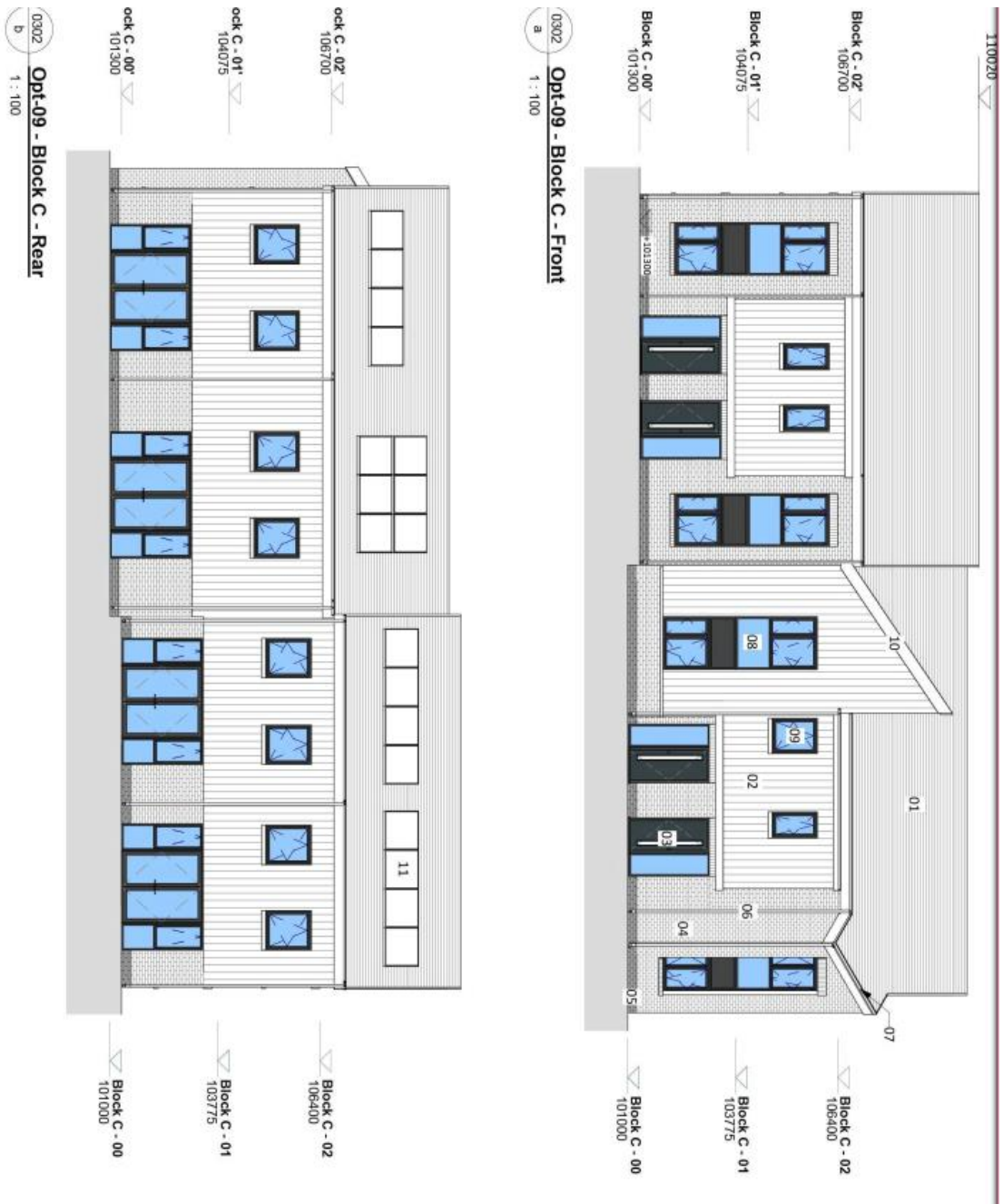
Block C and D Floor Plans



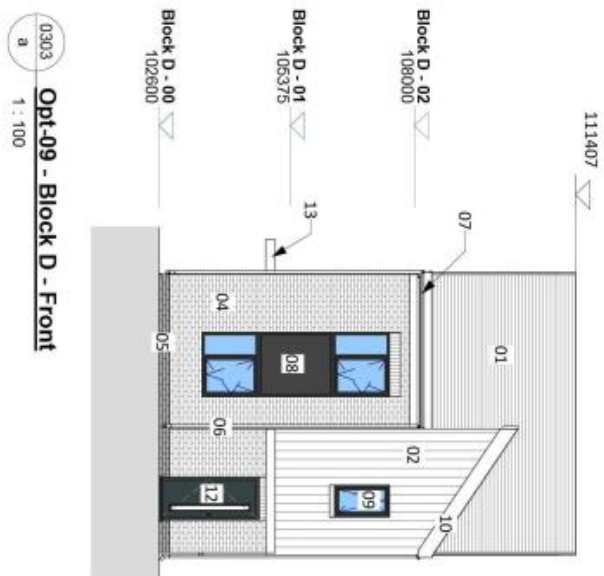
Block A and B Floor Plans



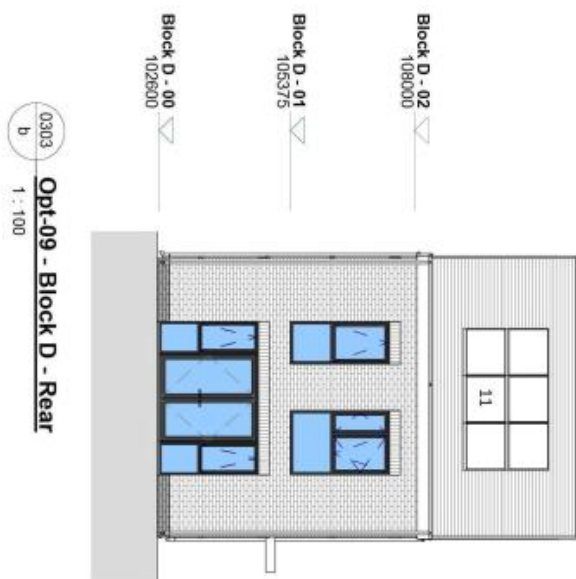
Block A Front and Rear Elevations



Block C Front and Rear Elevations



0303
a
Opt-09 - Block D - Front
1 : 100



0303
b
Opt-09 - Block D - Rear
1 : 100

Block D Front and Rear Elevations



Block B Front and Rear Elevations



Refuse Truck Swept Path Analysis

REFERENCE No. 040173**Site Address:** 21 Foxhills Close Nuneaton Warwickshire CV11 6TP**Description of Development:** Single storey extension to rear and two storey extension to rear, single storey extension to side and two storey extension to side, and single storey to front.**Applicant:** Mr Andrew George**Ward:** WH

RECOMMENDATION:

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

INTRODUCTION:

This proposal seeks consent for a single storey extension to rear and two storey extension to rear, single storey extension to side and two storey extension to side, and single storey to front at 21 Foxhills Close, Nuneaton.

21 Foxhills Close is a two-storey, residential property that is constructed out of a mixture of red brick and white render. The roof is a side facing gable with white uPVC windows and a dark UPVC door. There are no significant level changes either within the applicant property or between the applicant property and the neighbouring residential properties. There is off street parking facilities in the form of a driveway to the front of the property.

The proposal is to erect extensions off 3 of the 4 elevations, with a single storey to front, a single and two storey extension to side off the side elevation facing 20 Foxhills Close and a single and two storey extension off the rear elevation. There is a proposed side facing window on the first floor of the new side extension.

RELEVANT PLANNING HISTORY:

- No previous history

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted on this application were 3, 4 and 5 Muirfield Close, 1, 16 and 20 Foxhills Close and 23 and 25 Turnberry Drive. Neighbouring properties were sent letters notifying them of the proposed development on 21st March 2024 and again on 26th April 2024 and again on 14th June 2024.

NEIGHBOUR RESPONSES:

There have been 7 objections from 6 separate addresses. The comments are summarised below;

1. The visibility of the proposed black cladding and the larger new shaped window.
2. The loss of the garden space will have an impact on local wildlife.
3. Environment issues with the materials and the proposed heating and lighting.
4. Detrimental to neighbouring residents' mental health and will discourage use of the gardens.
5. Loss of light and space for neighbouring residents
6. Over the minimum distance standards
7. Devaluing of house prices
8. The original letters were never received and so the neighbours have not had chance to respond initially.
9. Impact on neighbour gardens will be significant
10. Significant detrimental impact on the amenity of neighbouring residents
11. Significant detrimental impact on the character and appearance of the area
12. Description of development is inaccurate
13. Site visit by members of the committee is welcome at a number of neighbouring properties to view the site and the area

APPRAISAL:

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Conclusion

1. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at 21 Foxhills Close will affect the neighbouring properties, which in this case are the adjacent neighbouring property, 20 Foxhills Close; the perpendicular neighbouring properties, 23 and 25 Turnberry Drive and the neighbouring properties to the south, 3 and 4 Muirfield Close.

Impact on 20 Foxhills Close

20 Foxhills Close is the adjacent neighbouring property and is a detached, two storey property. Therefore, the front, side facing, and rear elevations could be impacted by the proposal.

On the ground floor of the front elevation of this neighbouring property, there are 4 openings, a set of windows for the living room, the front entrance door, a small window

for a non-habitable room and the garage door. Under paragraph 11.9 of the SPD, a 45- and 60-degree line will be drawn from the centre of the large living room window. Once drawn these lines are not breached and so the proposal is acceptable to the ground floor of this elevation. On the first floor, there are 2 original openings and one that forms part of historic side extension. The two original windows can be protected as they look to be for habitable rooms, under paragraph 11.3. As such, a 45-degree line, as specified in paragraph 11.9 is drawn which must not be breached. Once drawn, the line is not breached and so the proposed extensions are acceptable to the front elevation of this property.

The side elevation has a small non-habitable window on the ground floor and forms part of an extension on the first floor and so cannot be protected under the SPD.

The rear elevation has several openings on both the ground floor and first floor. Due to the side extension on the first floor, and ground floor rear extension at this neighbouring property only the two rear facing windows on the first floor could be impacted by the proposal. These are above the rear extension and so a 45- and 60-degree line is drawn from the centre of these openings. Once drawn, these lines are not breached and so the proposal is acceptable and will not have a significant impact on the residential amenity of this elevation. There is a new side facing window which will face towards the residential property, this will be suitably worded condition to be obscurely glazed and non-opening in perpetuity. This will protect the residential amenity of this property.

Impact on 23 and 25 Turnberry Drive

23 and 25 Turnberry Drive are property in which their rear boundary is the side boundary of the applicant property.

23 Turnberry Drive is not in line with any of the proposed works as it faces the side elevation which is not being extended in this proposal. Furthermore, the double garage detached structure is also between the applicant property and this neighbouring property.

25 Turnberry Drive will face towards side elevation of the proposed single storey rear extension; however, this will directly face an extension at this property and so it cannot be protected. There are no side facing windows and so this is not an issue. The proposed single storey rear extension will project 3.35m alongside the boundary with this property. This is below the 4m that is set out in paragraph 11.9 of the Sustainable Design and Construction SPD for single storey extensions, and it does project alongside the rear boundary where the primary rear amenity space is not usually located and so this acceptable.

Impact on 3 and 4 Muirfield Close

3 and 4 Muirfield Close are the neighbouring properties to the rear of the applicant property.

3 Muirfield Close is the property that borders the majority of the rear boundary with the applicant property. There are two main distances which needs to be calculated under the below paragraphs:

11.4 (in part) In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows.

The proposed first floor bedroom window will directly face the rear elevation of the bungalow of 3 Muirfield Close. There are habitable windows on the rear elevation of the bungalow at 3 Muirfield Close. The distance between the applicant property and the rear neighbouring property is 21.23m approximately which is larger than the 20m set out as minimum and therefore it is acceptable. 4 Muirfield Close is situated to the middle and rear of its plot and this is not in line with the applicant property and more directly in line with number 19 and 20 Foxhills Close.

11.6 (in part) Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary.

The proposal does feature a proposed first floor rear window for a bedroom which directly faces the rear amenity space of 3 Muirfield Close. The distance is 10m and as 10 is larger than 7, this distance is acceptable. 4 Muirfield Close is situated to the middle and rear of its plot and this is not in line with the applicant property and more directly in line with number 19 and 20 Foxhills Close.

2. Impact on Visual Amenity

Policy BE3 of the Borough Plan (2019) and Section 13 of the Sustainable Design and Construction SPD 2020 will be used to assess the impact on the visual amenity that the proposal will have.

The proposal has a mixture of elements that will be visible in the street scene and some that are entirely to the rear and so will not be visible in the street scene.

The elements that will be visible in the street scene is the front extensions and the front elevations of the side extensions. The front extensions form a small projection into the street scene; however the dimensions are relatively small and so they will not have a detrimental impact on the street scene. The single storey rear extension does project past the existing side elevation and will be seen in the street scene. However, it is to the rear and projects off the rear elevation this also does not result in a prominent feature that will be harmful to the street scene. The side extensions proposed do incorporate a new garage feature where there is now a bay window and front facing gable feature which would be prominent and seen in the street scene. The loss of the bay window is acceptable as the proposal is creating significant changes and only the adjacent properties feature a bay window, so it is a common feature on all properties on Foxhills Close. The front facing gable, although a change to the existing is similar to the feature at the adjacent neighbouring property and so the introduction of this element would not create a prominent or incongruous feature and will be in harmony with the street scene.

The majority of the proposed extensions to the rear, both the two-storey part and the majority of the single storey proposal will not be seen within the street scene, resulting in a non-prominent feature that will not be harmful to the character and design of the street scene. Whilst it is noted that this proposal would not be viewable from the highway, this does not mean that poor design will be supported, which is being supported within the National Planning Policy Framework. Based on the plans submitted for this application, the design looks to be acceptable.

Therefore, it can be concluded that the principle of the proposed extensions will be acceptable as they will not have a significant impact on the visual amenity of the surrounding area.

The materials were originally proposed to be mainly black cladding which would have looked incongruous and prominent in the street scene and were requested to be changed. The amended plans that were submitted changed the materials to a rendered finish of off white or grey. Both of which would be acceptable in the street scene as there are fully rendered properties present in the street scene. A suitably worded condition will be added to the decision notice, should the proposal be recommended for approval so the materials can be controlled and kept to those proposed in the amended plans.

3. Conclusion

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

In conclusion, the proposal is a significant proposal to the property with three of the existing elevations being impacted and extended upon. Overall, the principle of the extensions is acceptable and the elements themselves will not have detrimental impact on the residential amenity and visual amenity, however there are concerns over the proposed materials and this has been highlighted in the neighbour objections. The amended plans help control this and remove the potential of black cladding being introduced into a street scene where it would have a detrimental impact on the visual amenity. The new material proposed are acceptable and will be controlled by a suitably worded condition to make sure these are used.

Therefore, it can be concluded that this proposal is acceptable, and the recommendation is to approve the application subject to the conditions below.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

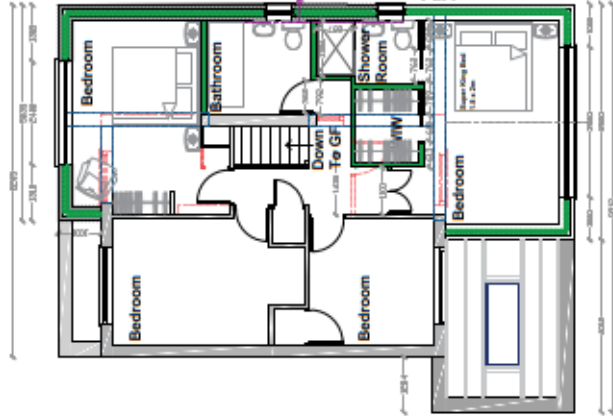
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
EXISTING FLOOR PLANS	21FOXH-PS24-00	12/03/2024
EXISTING ELEVATIONS	21FOXH-PS24-01b	27/06/2024
PROPOSED FLOOR PLANS	21FOXH-PS24-02	12/03/2024
PROPOSED ELEVATIONS	21FOXH-PS24-03B	27/06/2024
PROPOSED SITE BLOCK PLAN	21FOXH-PS24-04	12/03/2024

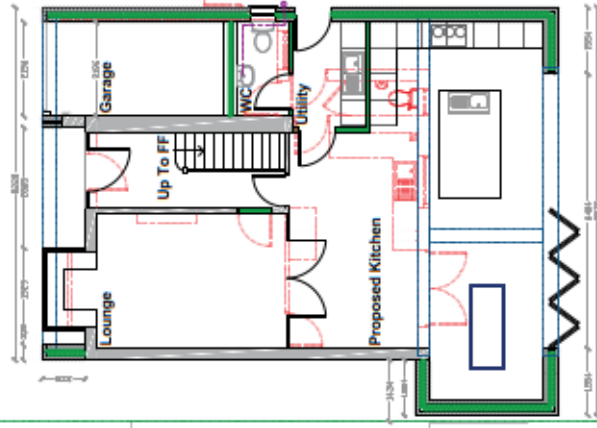
3. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building and those in planning ref 21FOXH-PS214-03B, unless otherwise agreed in writing by the Council.

4. The first-floor window to 21 Foxhills Road as shown on the approved plan, planning ref 21FOXH-PS24-03B in the southern elevation of the building facing towards 20 Foxhills Road shall not be fitted or subsequently maintained other than in obscure glazing and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. No new window or opening shall be provided at first floor level in this elevation without the prior written consent of the Council.

21 Foxhills Close Proposed Roof Plan



21 Foxhills Close Proposed First Floor Plan



21 Foxhills Close Proposed Ground Floor Plan

- Key:**
- Removed Element
 - Lintel
 - Drain Run
 - Existing Structure
 - Site Boundary
 - Proposed 350mm Cavity Wall



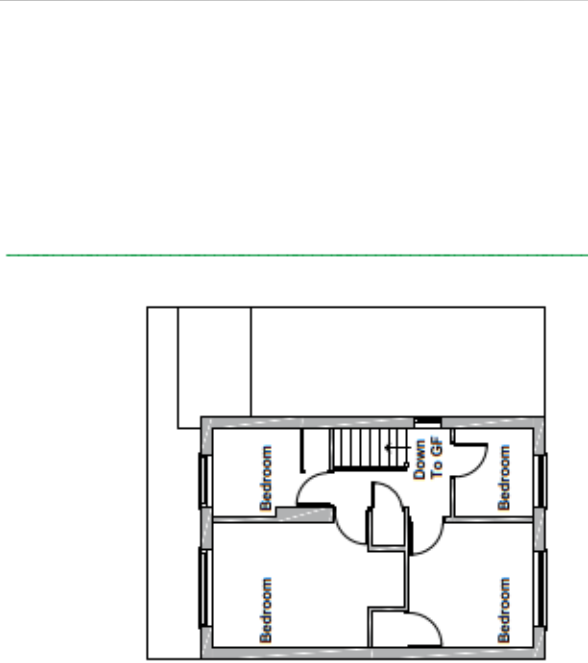
1. ONLY TO BE USED WHEN PRINTED AS A 2. Plans should be checked by the client, architect, engineer and building control, as responsibility will be for the drawings.



	
Lushley Architecture Group 100, HILTON ROAD HILTON, GLASGOW G12 7JL TEL: 0141 2041000 www.lushley.co.uk	
21 FOXHILLS CLOSE NUNEATON, CV11 6TP	
PROPOSED FLOOR PLANS SITE LOCATION PLAN	
DRAWN BY: [Name] CHECKED BY: [Name]	DATE: [Date] SCALE: 1:50
21FOXH-PS24-02	

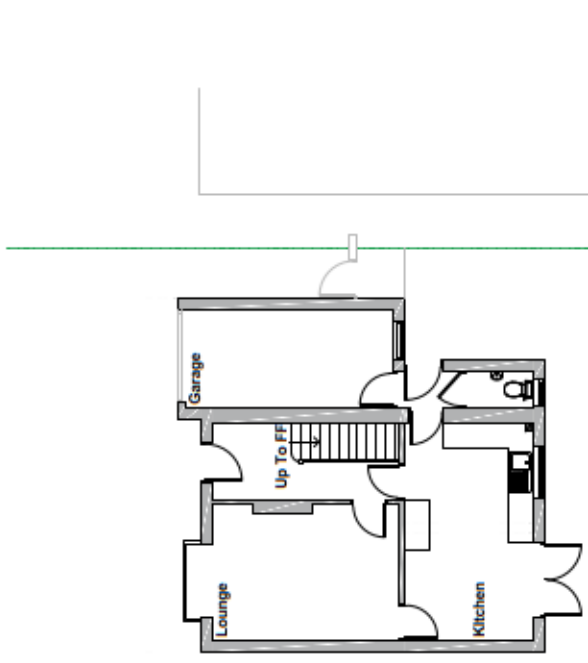
1. ONLY TO BE USED FOR THE PURPOSES OF THIS APPLICATION.
 2. ALL INFORMATION IS TO BE CHECKED AND VERIFIED BY THE APPLICANT.
 3. THE APPLICANT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION AND DOCUMENTS SUBMITTED.
 4. THE APPLICANT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION AND DOCUMENTS SUBMITTED.

21 Foxhills Close Existing Ground Floor Plan



21 Foxhills Close Existing Ground Floor Plan

21 Foxhills Close Existing First Floor Plan



21 Foxhills Close Existing First Floor Plan



 William Lacey Architects 21 FOXHILLS CLOSE NUNEATON, CV11 8TP TEL: 01927 310000 www.williamlacey.co.uk	
Project: 21 FOXHILLS CLOSE NUNEATON, CV11 8TP	
Drawing Title: EXISTING PLANS SITE LOCATION PLAN	
Scale:	1:50 1:1250
Drawing No: 21FOXH-PS24-00	

Notes:

1. ONLY TO BE SCALED FROM PRINTOUT AT 1:1 SCALE.
2. All dimensions are in millimeters.
3. All elevations are shown in black lines on a white background.
4. All elevations are shown in black lines on a white background.
5. All elevations are shown in black lines on a white background.
6. All elevations are shown in black lines on a white background.

21 Foxhills Close Existing Front Elevation

21 Foxhills Close Existing Rear Elevation

21 Foxhills Close Existing Side Elevation

21 Foxhills Close Existing Side Elevation

NO.	DATE	DESCRIPTION	BY	CHECKED
1	20/11/2023	Issue for Approval	WJ	WJ
2	20/11/2023	Issue for Approval	WJ	WJ
3	20/11/2023	Issue for Approval	WJ	WJ
4	20/11/2023	Issue for Approval	WJ	WJ
5	20/11/2023	Issue for Approval	WJ	WJ
6	20/11/2023	Issue for Approval	WJ	WJ
7	20/11/2023	Issue for Approval	WJ	WJ
8	20/11/2023	Issue for Approval	WJ	WJ
9	20/11/2023	Issue for Approval	WJ	WJ
10	20/11/2023	Issue for Approval	WJ	WJ

21 FOXHILLS CLOSE
MUNEATON, CV11 8TP

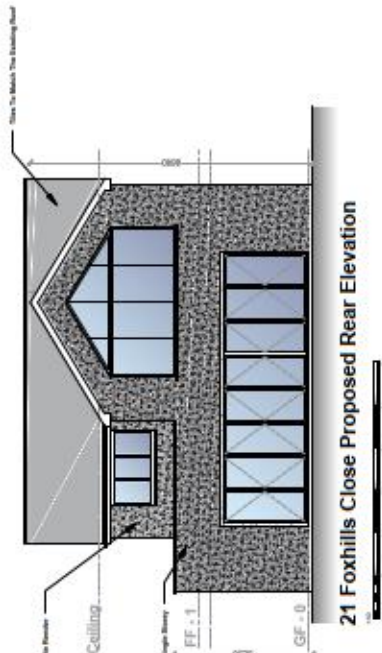
EXISTING ELEVATIONS

Scale: 1:50

Project No: 21FOXH-PS24-01

Sheet No: b

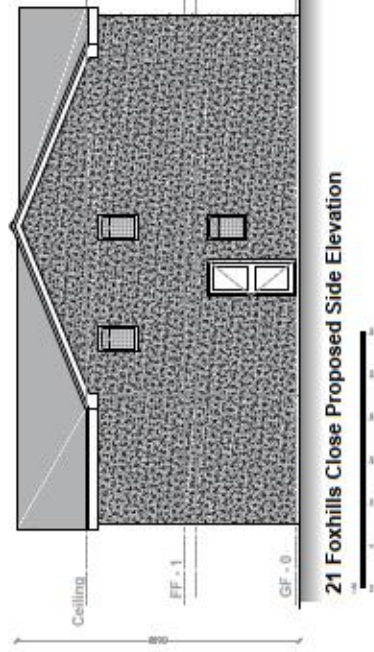
1. ONLY THE ISSUED DRAWING IS VALID
 2. All drawings are the property of the architect
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 drawings and building control are responsible for the
 building work.



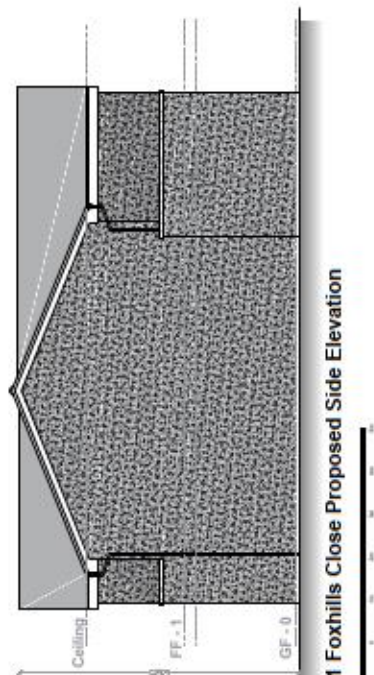
21 Foxhills Close Proposed Front Elevation



21 Foxhills Close Proposed Rear Elevation



21 Foxhills Close Proposed Side Elevation



21 Foxhills Close Proposed Side Elevation

NO.	DATE	DESCRIPTION	BY	CHECKED
1	15/07/2024	ISSUED FOR PERMITTING

Lushmore Architectural Design
 10 HARTWOOD WAY
 BURNHAMTHORPE
 LEICESTERSHIRE
 LE19 1JH
 TEL: 01530 210000
 WWW.LUSHMOREARCHITECTURALDESIGN.CO.UK

21 FOXHILLS CLOSE
 NUNEATON, CV11 6TP
 PROPOSED ELEVATIONS

SCALE: 1:50
 21FOXH-PS24-03 B



Item No. 4

REFERENCE No. 039608

Site Address: Site 72C002, Land at Walsingham Drive, Nuneaton

Description of Development: Erection of a Flexible E(g)(iii)/B2/B8 Use Class unit with associated infrastructure.

Applicant: Mr Siviter

Ward: AR

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 a Flexible E(g)(iii)/B2/B8 Use Class unit with associated infrastructure at Site 72C002, Land at Walsingham Drive, Nuneaton. The site is triangular shaped and located to the south of Nuneaton to the north of the Walsingham Drive roundabout. The site is adjacent to RS Components and Saputo Dairy UK and to the south of the Bermuda Lake. It is understood that the site was historically used as an open storage or a compound when the wider business park was being developed some 20 years previous, however the site is currently undeveloped.

The scheme proposes one unit with dedicated parking, EV charging, service areas, bin store and cycle shelters. New hard and soft landscaping installations would also be provided as part of the proposals.

BACKGROUND:

This application is being reported to Committee due to a viability assessment which has been carried out.

RELEVANT PLANNING HISTORY:

None.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy and roles
 - DS3 – Development Principles
 - E1 – Nature of employment growth
 - E2 – Existing employment estates
 - TC1 – Town centre requirements
 - TC2 – Nature of town centre growth
 - TC3 – Hierarchy of centres
 - HS1 – Ensuring the delivery of infrastructure

- HS2 – Strategic accessibility and sustainable transport
 - HS5 - Health
 - NE1 – Green Infrastructure
 - NE2 – Open Space
 - NE3 – Biodiversity and geodiversity
 - NE4 – Managing flood risk and water quality
 - NE5 – Landscape Character
 - BE1 – Contamination and Land Stability
 - BE2 – Renewable and Low Carbon Energy
 - BE3 – Sustainable Design and Construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
 - Transport Demand Management Matters SPD 2022.
 - Air Quality SPD (2020)
 - Open Space and Green Infrastructure SPD (2021)
 - Transport Demand Management Matters - Parking Standards SPD (2022)
 - Health Impact Assessment SPD (2021)
 - National Policy Planning Framework (NPPF).
 - National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Coal Authority, Cadent Gas, National Gas, NBBC Environmental Health, NBBC Parks, NBBC Tree Officer, NBBC Planning Policy, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Water Officer, WCC Ecology Officer, WCC Health

CONSULTATION RESPONSES:

Objection from:
NBBC Parks, WCC Ecology officer

No objection subject to conditions/contributions from:
WCC Infrastructure, Coal Authority, WCC Highways, WCC Flood Risk Management, WCC Water Officer, National Grid

No objection from:
National Gas, WCC Archaeology, Warwickshire Police (Architectural Liaison Officer), WCC Highways

Comment from:
NBBC Planning Policy

No response from:
NBBC Tree Officer, NBBC Environmental Health, Severn Trent Water, WCC Health

NEIGHBOURS NOTIFIED:

1, 3, 'RS Components Ltd', 'Shimuzu UK Ltd', Walsingham Drive & 37-42 (inc) Marigold Walk

Neighbouring properties were sent letters notifying them of the proposed development on 19th May 2023. A site notice was erected on street furniture on 25th May 2023 and the application was advertised in The Nuneaton News on 7th June 2023.

NEIGHBOUR RESPONSES:

There have been 0 responses.

APPRAISAL:

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

- 1) The Principle of the Development
- 2) Impact on Residential Amenity & Noise
- 3) Impact on Visual Amenity & Landscape Character
- 4) Impact on Highway Safety
- 5) Impact on Flooding and Drainage
- 6) Impact on Ecology & Biodiversity
- 7) Impact on Land Stability and Contamination
- 8) Impact on Archaeology
- 9) Waste & Refuse and Fire Safety
- 10) Planning Obligations
- 11) Conclusion & Planning Balance

1. The Principle of the 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 areas 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.

Paragraphs 85, 86 and 87 (Section 6 Building a strong, competitive economy) of the NPPF are the most significant in the determination of this planning application. Paragraph 85 states that, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The site is located within the boundary of the Bermuda Business Park employment site and the scheme would provide an opportunity for business to invest and expand within the Borough. The Planning Statement explains that once the scheme is fully operational, it could support up to 95 full time equivalent jobs on site and also provide employment during the construction phases. Policy DS4 of the Borough Plan outlines that at least 107.8ha of employment land will be planned for between 2011 and 2031. This development is not within an allocated site, however the site is within an existing employment estate which is to be protected against non-employment uses (Policy E2).

Policy E1 of the Borough Plan states that applications for economic uses, focusing particularly on use classes B1(b), B2 and B8, on the strategic employment sites and the portfolio of existing employment sites will be approved subject to them satisfactorily meeting the policies in the plan. Applications which can demonstrate the following will be considered favourably:

1. Inward investment development, providing high quality and high density employment opportunities.
2. Employment sectors in line with those prioritised in the Economic Development Strategy, which include:

- a. Advanced manufacturing
- b. Professional services
- c. Research and development
3. The generation of permanent jobs that will help diversify the local economy.
4. Employment and training schemes to maximise local employment opportunities and help address skill deficits in the local population.

Policy E2 of the Borough Plan states that the redevelopment, and/or expansion of existing employment sites listed in Table 11 for B use class employment purposes will be approved, subject to them satisfactorily meeting the policies in the plan (Borough Plan). The Bermuda Business Park is listed within Table 11 and the proposal would provide E(giii) and B use class uses.

The planning use classes have changed since the publication of the Borough Plan and B1(b) uses are now part of the wider class 'E'. Whilst some subsections of Class E would not be desirable within an employment estate (for example shops, restaurants, medical practices), the description of development refers specifically to E(g)(iii). E(g)(iii) covers 'any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area'. As such, this is considered to be an appropriate form of development within an employment estate.

As per paragraph 85 of the NPPF, significant weight should be placed on the need to support economic growth and accounting for wider opportunities for development and therefore this is considered to weigh significantly in favour of the proposal. The redevelopment of land within an identified employment estate, creation of jobs and economic benefits of the proposal are also considered to carry weight in favour of the scheme.

Policy HS1 stated that development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development. With regard to infrastructure delivery, WCC Infrastructure have been consulted with and have requested the delivery of bus stop enhancements on Walsingham Drive, along with contributions towards their maintenance. This would assist with enhancing connectivity to the site from Nuneaton and Coventry and the developer has agreed to provide these improvements and contributions. The scheme is therefore considered to be compliant with Policy HS1.

The site is considered to be within a very sustainable location, being within close proximity to Nuneaton, Bedworth, Coventry and the M6. The Bermuda train station is also within a walking distance to the site and provides direct access to Nuneaton and Coventry.

With regard to strategic accessibility and sustainable transport, Policy HS2 states that proposals should target a 15 % modal shift to non-car based uses by including provisions which promote more sustainable transport options. Proposals must also consider how they accord with Air Quality SPD. The application has been supported by an Air Quality Assessment, which concludes that the impacts of the development would be negligible. The AQA also outlines mitigation measures to be incorporated to reduce the impact of dust during construction to a 'not significant' level. Environmental Health have not responded to the consultation request and therefore it is assumed that they have no objection. A designated area for cycles has been provided within the site plan and the provision of EV chargers can also be secured via condition.

Policy BE3 of the Borough Plan states that proposals must meet the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard for new construction projects, using the most up-to date new construction version of BREEAM, where technically and financially feasible. A BREEAM pre-assessment has been submitted to support the application and this shows that a very good rating is achievable with the current design and layout. It is recommended to include a condition to ensure that the developer submits proof that the proposal does meet the very good standard within 6 months after completion. This is because the BREEAM assessors cannot rate the scheme until it has been erected.

Policy BE3 also states that development must minimise or re-use waste generated during the construction phase. This should be done by using materials and construction techniques that generate the least waste and minimise emissions. Waste should be treated as a resource to be re-used, recycled or recovered, and should only be disposed of when all other options have been explored. This overlaps with many of the BREEAM requirements and is therefore considered to be acceptable.

With regard to health impacts, Policy HS5 states that major development proposals are required to have an acceptable impact on health and wellbeing. It is within this context that a Health Impact Assessment (HIA) has been submitted to support the application. The HIA demonstrates that there are to be no expected significant negative impacts on health or wellbeing during either the construction or operational phases of the development. WCC Health have not responded to the consultation request and therefore it is assumed that they have no objection.

In conclusion, the proposal is within an existing employment estate and therefore the type of development is considered to be acceptable for this location, subject to conditions to limit the uses within Class E to (g)(ii) and (g)(iii). Furthermore, it is also considered that the proposal would aid in supporting the growth of business within the Borough and the viability and diversity of the industrial estate. This is considered to carry substantial weight in support of the proposal.

2. Impact on Residential Amenity & Noise

Paragraph 135 of the NPPF (2023) states, amongst other things, that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy BE3 of the Borough Plan 2019 requires consideration to be given to the residential amenity impacts of a proposal.

Section 11.2 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) states that the way buildings relate to each other – their orientation and separation distance – must provide and protect acceptable levels of amenity for both existing and future residents. It goes on to set out that the standards provided within the SPD can be used flexibly. Whilst the SPD generally relates to residential development, the advice provided within the SPD is still relevant in the assessment of commercial proposals and is useful in assessing the impacts upon any neighbouring residential properties.

Paragraph 191 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area

to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The site is located within an existing industrial estate, however there are existing residential properties located to the north of the site. As such, the impact to these properties must be considered.

The proposed unit would feature a maximum height of 13.6 metres and would be sited approximately 132 metres from the closest residential properties on Walsingham Drive. Due to this distance and the existing vegetation to the north of the site, it is considered that there would be no unacceptable impact to these properties in terms of overlooking, overshadowing or an overbearing sense of enclosure.

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 goes on to state that development should, wherever possible, help to improve local environmental conditions such as air and water quality. It is within this context that the applicant has provided a Noise Impact Assessment. The NIA reviewed the existing baseline noise levels at a monitoring site to the rear of properties on Rose Gardens and compared this data to the predicted noise levels associated with the proposal. The report concludes that all noise sources (Warehouse building, HGV movements and HGV reversing alarms) are considered to have a 'low' impact. All noise levels associated with the building, service yards and car parks would be below recommended British Standard levels and therefore it is considered that there would be no unacceptable noise impacts to the closest properties on Rose Gardens. NBBC Environmental Health have not responded to the consultation requires and therefore it is assumed that they have no objection.

On balance, it is considered that the proposal would not have a detrimental impact upon residential amenity or noise.

3. Impact on Visual Amenity & Landscape Character

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 135 of the NPPF encourages good design and states that planning decisions should respond to local character and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation.

Policy BE3 of the Borough Plan 2019 states that 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.

With regard to the impact on landscape character, Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

The scheme proposes a single unit with a flexible open-plan layout with office and meeting room. The building will be finished in various types of cladding, various grey colour treatments and orientations to create an interesting and contemporary façade. The roof will be rounded to reduce visual harm and finished in grey cladding. The materials are considered to be appropriate in style and finish relative to the other industrial units within the locality.

The overall height of the building will be 13.5m tall and set away from the edge of the carriageway. The building will be enhanced by soft landscaping features including existing and proposed planting to soften the impact of the building. The building will be set away from the edges, with the north-western portion of the site remaining open and is to be used as car parking. The overall style of the building is relatively consistent with other existing buildings throughout the industrial estate in terms of size, scale and style.

It is considered that whilst the proposed development would result in the loss of an existing open space, the site is designated within the Borough Plan as an existing employment estate and on balance, there would be no significant harm to visual amenity or landscape character as a result of this development.

4. Impact on Highway Safety

Policy HS2 (Strategic accessibility and sustainable transport) of the Borough Plan 2019 sets out that transport proposals in line with those identified in the Coventry and Warwickshire Local Enterprise Partnership Strategic Economic Plan, Warwickshire

County Council Local Transport Plan 2011 - 2026 and Warwickshire County Council Cycle Network Development Plan will be approved.

Paragraph 114 of the NPPF states that:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

Paragraph 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.

The development proposes a total of 63 car parking spaces including 2 disabled parking spaces and 6 spaces earmarked to be for electric vehicle charging points, although no further details on EV charging has been provided. The number of parking spaces which would be required for this proposal is set out in the Supplementary Planning Document: Transport Demand Management Matters – Parking Standards SPD. For Use Class B2, 57 spaces would be required and for B8 use is 32. Class E(g) uses are considered by the highway authority on a case-by-case basis but are likely to be similar to that of B2. The development proposes a mix of B2, B8 and E(g) uses and with the proposed unit having a GIA of 3412 sq. m, the scheme is found to be acceptable in terms of parking requirements.

An area of cycle parking is included and as per the external furniture plan, these shall include 6 no. Sheffield style (or similar) cycle hoops and shall be covered by propriety falco lite shelter, or similar. The TDMM SPD states that for Use Classes B2 and B8, there shall be 1 cycle space per 300 sq. m and this scheme should therefore provide 12 spaces in total. Sheffield stands allow for 2 bicycles to be secured per 1 stand and as such the scheme is in accordance with the requirements of the TDMM SPD.

WCC as the Highway Authority have been consulted on this application and provided the following comments. The existing access to the site is to be amended to a bellmouth access and as such, a Stage 1 Road Safety Audit would be required. Swept path analyses are also required to show an articulated vehicle leaving the site access and also turning left into the site.

Following the submission of the RSA, which has been fully reviewed, it showed that there were no issues with the access. Amended plans have been received to show a widened access and tracking plans to show that two articulated vehicles can pass each other turning in/ out of the site. Additionally, plans have been submitted to the internal tracking of both static and articulated vehicles turning within the site, which are found to be acceptable.

The proposed vehicle movements to/ from the site have also been assessed and would not have a severe impact on the highway network and are therefore found to be

acceptable by the highway authority. They therefore submit a response of no objection, subject to conditions.

5. Impact on 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 (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. This is mirrored within policy NE4 of the Borough Plan.

The site is predominantly located within Flood Zone 1, however there is a relatively small section of the site that would be sited within Flood Zone 2. There are parts of the site which have a low and medium risk of surface water flooding. The proposed industrial use would fall within the PPGs 'less vulnerable' category and this is an acceptable use within Flood Zones 1 and 2.

The small area of the site which does fall within Flood Zone 2 is the position of the car park/ access road into the site. The application has been submitted alongside a Flood Risk Assessment which states that Fluvial flooding from the Bermuda Lake should be considered. The Bermuda Lake is located approximately 40m to the north of the site and forms a balancing lake, or flood basin, for the surrounding industrial and residential properties. Approximately 10% of the site would be located within Flood Zone 2 and allowing for climate change, the risk of fluvial flooding is considered to be low to very low. In terms of other forms of flooding, these are also considered to be very low risk including groundwater flooding, surface water run off (pluvial flooding), infrastructure and overland flooding.

As the development is classified as a "less vulnerable" development, according to the Flood Risk Matrix for the West Midlands area, produced by the EA, the following guidance is given. As this development would only impact upon the access and parking areas, the EA state that access and egress by vehicular means is a matter for the emergency services. This application has been considered by Warwickshire Fire and Rescue who have made no comment in relation to flooding.

The guidance goes on to refer to Paragraph 43 of the NPPF which states that one of the considerations for safe occupation is whether adequate 'flood warning' would be available to people using the development. Therefore, a Flood Evacuation Management Plan is recommended, and it is considered that this can be included as a condition. It is also recommended that users are recommended to use the flood alert system and this can be included as an informative note.

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.

Policy NE4 of the Borough Plan states that new development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater

than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).

WCC FRM as the LLFA have been consulted on this application and requested further details relating to surface water drainage. It is on this basis that further information was submitted in the form of a foul and storm water drainage strategy report which states that a Sustainable Drainage System (SuDS) is proposed incorporating type C permeable paving, bioretention areas, filter drains, catchpits and bypass separator. Surface water flows are to be discharged ultimately into Bermuda Lake. In terms of foul water, this shall be discharged into a Severn Trent maintained foul sewer asset in Walsingham Drive.

Severn Trent have been consulted as part of this application, but no response has been received. It is therefore considered that they have no objections to this proposal. WCC FRM have reviewed the details of the report and confirm that they have no objections, subject to conditions.

It is noted that the conditions have been slightly amended since the initial consultation response, following comments from the agent. The pre-commencement conditions have now since been agreed by all parties and shall form part of the decision notice subject to the application's approval. On balance, it is considered that the impact on flooding and drainage is acceptable subject to conditions.

6. Impact on Ecology & Biodiversity

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

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.

The western part of the application site is designated as part of "Bermuda Balancing Lake" Local Wildlife Site (LWS). The remainder of the site is recorded as destroyed LWS, however, based on the species found during the 2023 survey by RPS Group LTD, the site itself has now re-naturalised and is likely to qualify as a LWS.

According to submitted surveys, the site comprises an open mosaic habitat on previously developed land (PDL), neutral grassland and scrub. The site was found to support foraging and commuting common pipistrelle, soprano pipistrelle and noctule bats. The eDNA survey of the ponds within the wider area have determined that great crested newts are likely absent.

Paragraph 180 of 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 goes on to state that is significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy NE3 of the Borough Plan also goes on to state that sites on international, national and local levels considered significant to the ecological network, irreplaceable or providing a substantive contribution to nature conservation, will be protected from development.

WCC Ecology have been consulted with and state that there should be clear evidence that there is no practical alternative for the proposed development to be situated elsewhere in the borough, in order to avoid impacting a county important site and habitats of high ecological distinctiveness. This development will result in the loss of an open mosaic habitat on PDL, which is considered to be a habitat of principal importance (HPI). HPIs are listed for the purpose of conserving biodiversity in England, in line with the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. As in accordance with the NERC Act, the conservation of biodiversity includes restoring or enhancing a HPI.

The site was also found to support common spike-rush and goldenrod, which are listed on the Rare Plant Register for Warwickshire as 'rare'. Goldenrod is additionally listed as 'Near Threatened' on the A Vascular Plant Red List for England (BSBI, 2014).

The Ecology officer has suggested that an invertebrate survey should be undertaken, as in accordance with the Buglife 'Good Planning Practice for Invertebrates: Surveys'. An invertebrate survey which includes bees and wasps, butterflies and moths, flies and beetles is recommended to be undertaken for developments on 'brownfield' land.

Section 40 of the NERC Act states that local Planning Authorities should conserve and enhance biodiversity in exercising their functions.

WCC Ecology object to the proposal as it will result in the partial destruction of a county important site, priority habitats, rare plants and potentially impact notable invertebrates and the scheme is therefore found to be contrary to Paragraph 180 of the NPPF, Policy NE3 of the Borough Plan and Sections 40 and 41 of the NERC Act.

However, the officer goes on to state that their assessment does conflict with Policy E2 of the Borough Plan. It is on this basis that they would remove their objection subject to a revised BNG Metric which corresponds with the Soft Landscaping Proposal plan which currently shows that off site habitats would be impacted, as well as confirmation that 'no net loss' of biodiversity can be achieved. It is recommended that a bespoke mitigation plan would be required in view of the high distinctiveness of the habitats within and adjacent to the site. Finally, an invertebrate survey and an outline of appropriate mitigation measures is also required. A condition is also recommended, to ensure the translocation of any rare plants is carried out.

NBBC Parks have also provided comments in relation to the impact on the LWS. As per the Open Space and Green Infrastructure SPD, buffers are recommended between existing habitats and new development. In the case of a river, stream, pond or lake, of which there is within the LWS, there shall be a buffer of 12m from the top of the bank and within that buffer, the SPD recommends that there are no construction activities,

storage of materials or site offices, no services, structures or areas of hardstanding. Where there is existing ecologically valuable grasslands and/ or marshlands, there shall be a buffer of 5m from the edge of the meadow area and within that buffer there shall again be no construction activities, storage of materials or site offices, as well as no services, roads or structures. This development would see hardstanding including internal access roads, parking and turning spaces associated with the use directly adjacent to areas of existing scrub vegetation. There would also be a separation of just 7.6m between the top of the bank of the pond and hard surfacing.

The Parks team also state that it is likely that lighting from the site, which are likely to be in the form of floodlights, would have a detrimental impact upon protected species including bats which are known to utilise the site. No details have been received at this stage in relation to a lighting scheme and as such, it is considered that such a scheme can be conditioned to ensure that the impact is kept to a minimum and in accordance with the requirements of the SPD. Nevertheless, the scheme would fail to comply with the requirements of the SPD in relation to separation buffer distances and it is on this basis that NBBC Parks submit a response of objection.

The landscaping plan drawing no. KL-558-001 (Revision P1) shows an area to the north of the site (S5 and S6) as an area of existing scrub vegetation to be retained as well as G3, which is an off-site tree group. Within the site, sites of existing scrub vegetation (S1, S2 and S3) are to be retained.

As the majority of the site is presently covered by trees, scrub and other planting, it is necessary for the removal of some areas in order to facilitate the development. It has been shown that a total of 17 trees and 689 sq. m of existing dense scrub vegetation are proposed to be removed. In replacement of this, a total of 20 no. native trees are to be planted across the site. In addition, 262 sq. m of species-rich mix native seed/ fruit bearing shrubs shall be planted to compensate for loss of scrub and provide valuable foraging habitats for wildlife. A native mixed hedge species is proposed to be planted to provide greater structural and species diversity, as well as valuable foraging corridors for wildlife. Species rich grassland areas a proposed across the site, which would include seeding with native wildflowers. Finally, a total of 3 no. Schwegler 2GR hole-type bird nest boxes and 3 no. Schwegler 2FN bat boxes are proposed to the front of the site within the retained semi-mature/ mature trees, placed at 1-4m above ground level as appropriate.

As per the submitted BNG calculations, the development would still result in the loss of -76.95% or -12.93 habitat units and an increase in hedgerow of 1227.28% or 1.41 units. Therefore, this proposal does fail to accord with Policy NE3, which requires no net loss to biodiversity. In order to deliver a net gain of habitat units, off-site units would be required to be secured to which the cost would be £549,850. It is on this basis that the applicant has provided a viability assessment which was reviewed independently by Aspinall Verdi and shows that the scheme would not be viable if they were to pay the full BNG fee, however, some contributions could be made.

Further to the initial viability assessment and response from Aspinall Verdi, the council has received updated build costs which are based a real tender process and these were found to be in excess of those within the consultant's viability report. It is based on this new and additional information that the scheme would now not be viable if any contributions are paid.

It is considered that whilst it is regrettable that there shall be no payments received in relation to off-setting, it is also important to consider that the site is a designated employment site within the current Borough Plan, as well as the Borough Plan Review. The LWS designation is a material consideration, however, it does not outweigh the in-principal support afforded to utilising the site for job creation both through the construction process and as a result of the business itself, as well as the economic output of the scheme. In relation to separation buffer distances between areas of hardstanding including the internal access road, car park and other areas of hardstanding proposed for manoeuvring etc., whilst the scheme would not be in accordance with the SPD, the scheme has been designed in a way so that it is set back from the road to reduce the visual impact and to retain and enhance green features along the front (south) and east and west edges. Furthermore, given the limited size and shape of the plot and its constraints, it is considered that the proposal has been designed in a way to ensure that there is the minimal amount of harm to the LWS as possible, whilst delivering a viable scheme. It is therefore considered that on balance, the scheme is considered to be acceptable in this respect.

Given that both WCC Ecology and NBBC Parks have objected to this proposal, no conditions have been recommended, however, it is considered that suitable conditions are necessary to ensure that the retained habitats both within and adjacent to the site are protected during the construction period as well as details of ongoing management proposals and the protection of existing and proposed planting post-construction. It is on this basis that a condition for a Construction Ecological Management Plan (CEMP) and Biodiversity Ecological Management Plan (BEMP) shall be included within the decision notice and these shall include details to be submitted in relation to invertebrates and rare plants to be relocated, as per the Ecology officer's recommendation. Furthermore, as previously stated, a condition in relation to a lighting scheme will also form part of the schedule of conditions.

It is on this basis that the scheme is considered to be acceptable on balance subject to conditions.

7. Impact on Land Stability and Contamination

Policy BE1 of the Borough Plan 2019 states that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate the following:

1. 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.
2. That the development site is or will be made suitable for the proposed final use and will need to provide, as a minimum, the following documents with the planning application (often referred to as a preliminary risk assessment and/or desk study):
 - a. Detailed site history identifying contaminative uses and land instability.
 - b. The nature and extent of the contamination, land instability and the hazards and risks posed.

Paragraph 180 e and f of the NPPF states 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating spoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The site is located within the Coal Authorities high risk area and therefore application has been supported by a Coal Mining Risk Assessment Report. The Coal Authority's information indicates the presence of nine recorded mine entries (shafts and adit) on or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. The Coal Authority's records indicate that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures.

The Risk Assessment Report is able to discount any undue stability risks posed by shallow coalmine workings, specifically as they were removed by the previous past surface mining operations on the site. In terms of any stability risks associated with these operations, the report confirms that the backfill was engineered accordingly to support development. The Report also confirms that the mine entries within close proximity of the building have either been removed or treated and pose no undue risk, but that a mine entry on the periphery of the site will be exposed and assessed prior to development being undertaken to establish any necessary remedial measures. The Planning team at the Coal Authority is therefore satisfied that any residual risks could be addressed as part of the imposition of an appropriate planning condition on any permission given and has no objections to this planning application.

With regard to contaminated land, the land is known to be previously developed. For this reason, it is considered that a suitable contaminated land assessment and associated remedial strategy shall be submitted to the Council to review which shall be required via condition.

8. Impact on 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 is not within, or adjacent to any of the above asset areas, however the WCC Archaeology Team were consulted on this application to review the potential archaeological impacts.

Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

WCC Archaeology have reviewed the proposals and have concluded that the proposed scheme is unlikely to have a significant archaeological impact. As such, they have no comment to make and the impact on below ground heritage assets is considered to be acceptable.

9. Waste & Refuse and Fire Safety

NBBC Refuse and Waste have not responded to the consultation request and therefore it is assumed that they have no objection to the proposal. In addition, given the nature of the area and existing access road, it is considered sufficient for access by refuse collection vehicles. Submitted plans also show areas for bin storage within the site which are considered to be acceptable.

With regard to fire safety, Warwickshire Fire and Rescue Service have been consulted on the application and raise no objection to the proposal. Due to the nature of the site, it is recommended to incorporate a condition subject to secure a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site.

Subject to the imposition of planning conditions, the application is considered to be acceptable when having regard to waste and fire safety.

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 2023 notes that these obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- 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
WCC Infrastructure	Public Transport improvements	£5000	
	Monitoring & Administration	£TBC	

11. Conclusion and Planning Balance

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 located within the boundary of Bermuda Business Park employment site which is also part of an existing employment estate in the Borough Plan as per Policy E2. The scheme once fully operational could support up to 95 FTE jobs, as well as employment opportunities as part of the construction phases and provide economic benefits to the borough as a result.

The potential impacts of the proposed development in relation to the use of the land and the principle of the development, residential amenity and noise, visual amenity and landscape character, highway safety, flood risk and drainage, ecology and biodiversity, land stability and contamination 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:

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	P401	03/05/2023
Proposed Site Plan	P402 Rev. H	31/08/2023
Boundary Treatments Plan	P403 Rev. H	31/08/2023
Surface Treatment Plan	P405 Rev. H	31/08/2023
External Furniture Plan	P406 Rev. H	31/08/2023
Proposed Elevations	P200 Rev. F	03/05/2023
Proposed Floor Plan	P100 Rev. F	03/05/2023
Proposed Roof Plan	P102 Rev. A	03/05/2023

3. The development hereby permitted shall not be commenced 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 Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

4. No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by one recorded mine entry and;
- b) any remediation works and/or mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

5. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved access junction layout drawing no. ADC3075-DR-001-P2 (received by the Council 31st August 2023). The access to the site for vehicles shall not be first used until a bellmouth in accordance with the approved plan has first been laid out and constructed within the public highway.

6. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas 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.

7. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

8. No development shall commence until a Construction Management Plan (CMP) has been submitted and approved in writing by the Council in consultation with the Highway Authority. The approved plan shall be adhered to throughout the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGV's, 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 the construction works
- viii. Emergency contact details that can be used by the Council and WCC and public during the construction period.

9. 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:

- a. 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 4l/s/ha for the site in line with the approved surface water drainage strategy (R-63813-02, dated 09/06/2023).
- b. 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).

c. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme in accordance with the drainage strategy agreed to date.

d. 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.

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

i. 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.

ii. 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

iii. 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.

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

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

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

ii. 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 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 DEFRA in regard to operations affecting Great Crested Newts has been obtained;

j. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase;

k. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015); and

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. 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.

11. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Ecological Appraisal received by the Council on [20th July 2020] will be implemented and maintained. The content of the BEMP shall include:

- a. invertebrate survey and an outline of appropriate mitigation;
- b. details including timing and location of the translocation of all rare plants within the site (as per the species contained within the Rare Plant Register for Warwickshire and/or the Vascular Plant Red List for England);
- c. landscape and ecological buffer zones;
- d. a timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- e. details of a scheme securing future maintenance and retention;
- f. description and evaluation of features to be managed;
- g. aims and objectives of management;
- h. appropriate management options for achieving aims and objectives;
- i. prescriptions for management actions;
- j. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- k. details of the body or organisation responsible for implementation of the plan; and
- l. ongoing monitoring and remedial measures.

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

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

12. No demolition, site preparatory or construction works shall commence until measures for the protection of the trees and hedges to be retained, as well as a timeframe for its provision and retention, have been provided in full and approved in writing by the Council. The development shall be carried out in full accordance with the details and timeframe agreed, unless otherwise agreed in writing by the Local Planning Authority.

13. No development shall commence until full details of the site levels and finished floor levels of all buildings and structures to be erected within each phase, have been submitted to and approved in writing by the Local Planning Authority. No construction work shall be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

14. No development shall commence until:

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

15. The development hereby approved shall not 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.

16. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas for each phase has been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and, together with the measures to reduce overspill and light pollution, shall be retained for the lifetime of the development.

17. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Foul and Storm Water

Drainage Strategy (R-63813-02) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- a. Demonstration that any departure from the agreed design is in keeping with the approved principles.
- b. Any As-Built Drawings and accompanying photos
- c. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- d. Confirmation that the system is free from defects, damage and foreign objects

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

19. No occupation and subsequent use of the development shall take place until a detailed Flood Evacuation Management Plan has first been submitted to and approved in writing by the Council. Thereafter the details as agreed shall implemented prior to occupation and adhered to for the lifetime of the development.

20. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the mine entry.

21. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the highway been reinstated in accordance with the standard specification of the Highway Authority.

22. The development hereby approved shall not be occupied until the development has been carried out in accordance with the details shown on the External Furniture Plan no. P406 Rev. H (received by the Council on 31st August 2023). Thereafter, the details as agreed shall be retained and maintained for the lifetime of the development.

23. The development hereby approved shall not be occupied until the development has been carried out in accordance with the details shown on the Boundary Treatments Plan no. P403 Rev. H (received by the Council on 31st August 2023). Thereafter, the details as agreed shall be retained and maintained for the lifetime of the development.

24. The development hereby approved shall be carried out in accordance with the soft landscaping proposal as per drawing No. KL-558-001 Rev. P1 (received by the council

on 05/06/2023) within 12 months of the commencement of the development and subsequently maintained in the following manner:-

Any tree, hedge, shrub, scrub or plant (including any replacements) 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.

25. The development hereby approved shall not be occupied until the location and details of Electric Vehicle (EV) charging points, at a rate of 10% for the site's parking provision, has been submitted and approved in writing by the local planning authority. The EV charging point shall then be installed in accordance with the approved details and maintained in perpetuity. In addition, at that time, the developer shall also ensure that appropriate cabling is provided to enable increase in future provision.

26. Proof in the form of certificates should be submitted to the Council stating how the development has met the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard within 6 months of completion.

27. No raw materials, equipment, finished products or waste materials shall be stored outside of any building, other than in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such storage. Thereafter, any external storage shall be carried out in accordance with the approved details.

28. The development hereby approved shall not be carried out other than in full accordance with the materials schedule contained on the proposed elevations plan no. P200 Rev. F (received by the Council on 3rd May 2023) unless otherwise agreed in writing by the Council.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking or re-enacting that order with or without modification, the use of the development hereby approved shall be restricted to those uses falling within Use Classes E (g), B2 and B8 of the Town and Country Planning (Use Classes Order) 1987 (as amended), and shall not be used for any other purpose whatsoever.

30. Notwithstanding the details contained within condition X and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking or re-enacting that order with or without modification, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 2 of the Order in respect of:

Class A – the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

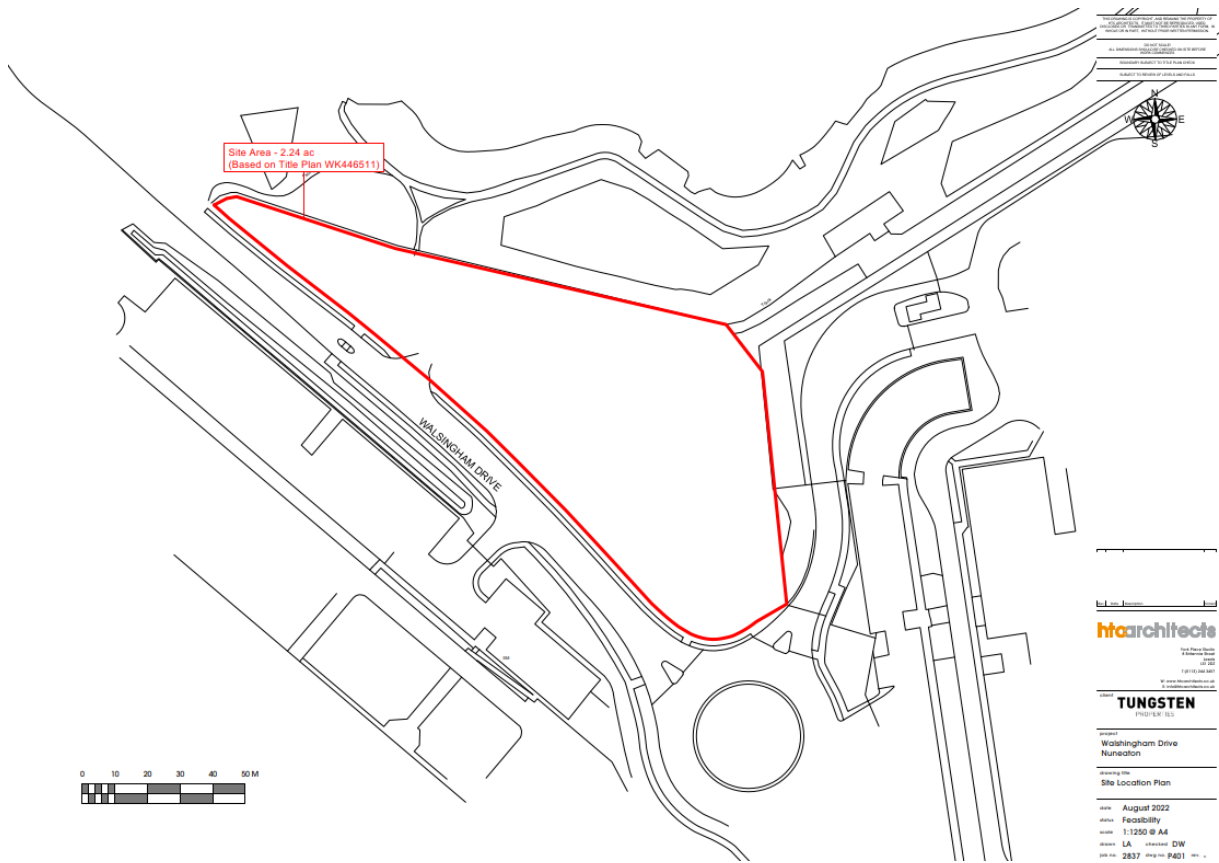
Or Schedule 2, Part 7 of the Order in respect of:

Class H – extensions etc of industrial and warehouse.

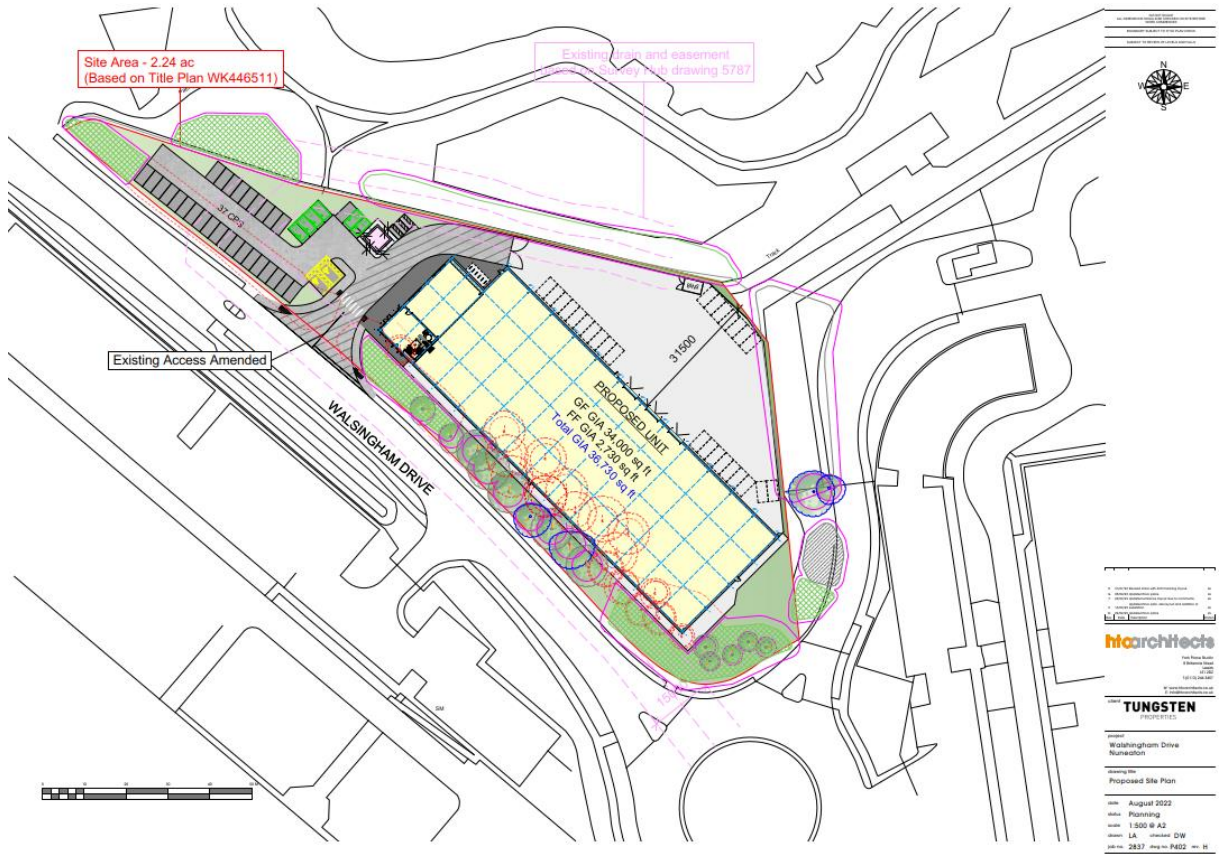
Class I – developments relating to an industrial process.

Class J – hard surfaces for industrial and warehouse premises.

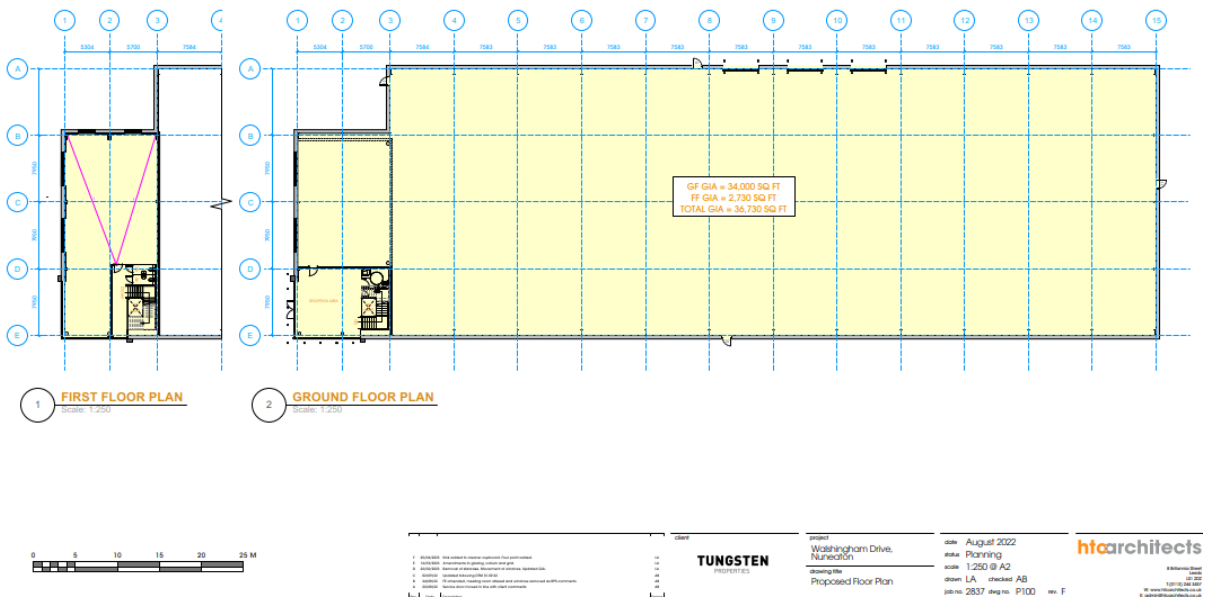
Unless consent has first been granted in the form of a separate planning permission.



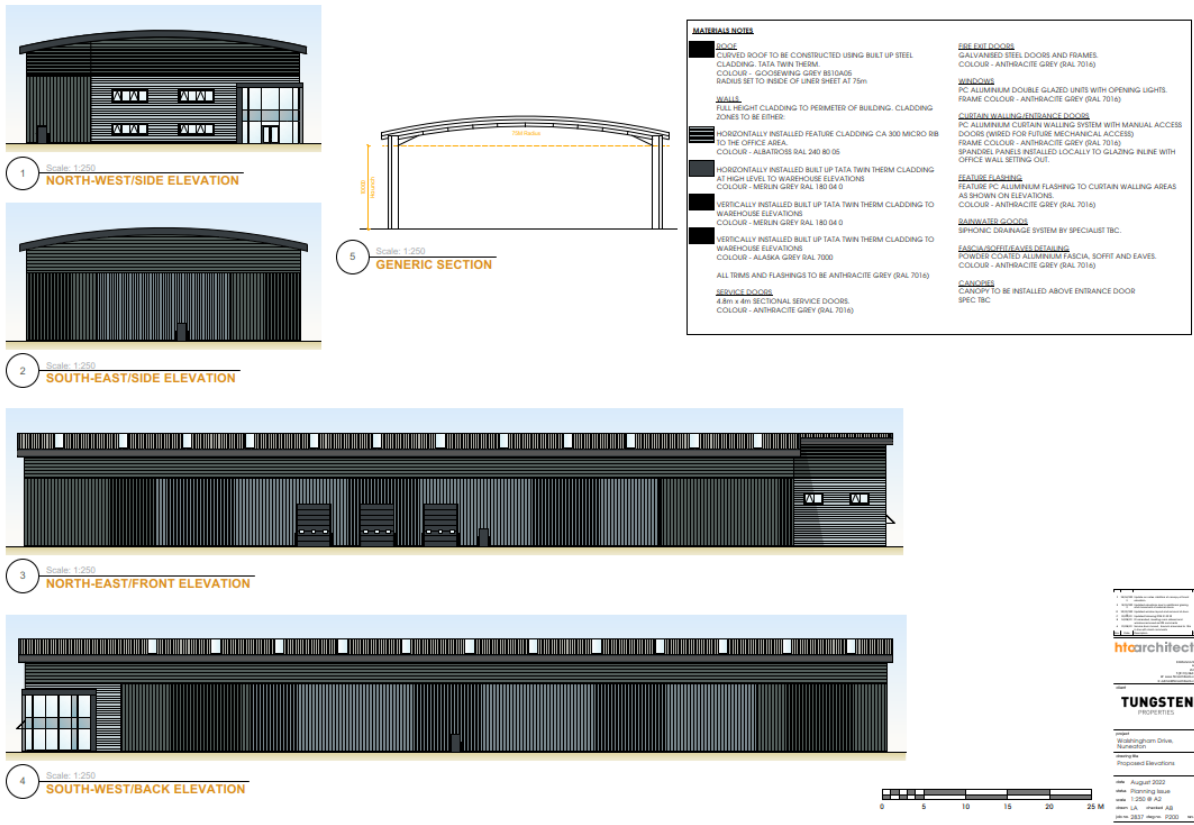
Location Plan



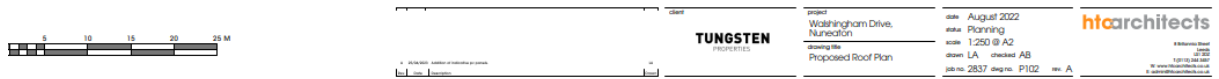
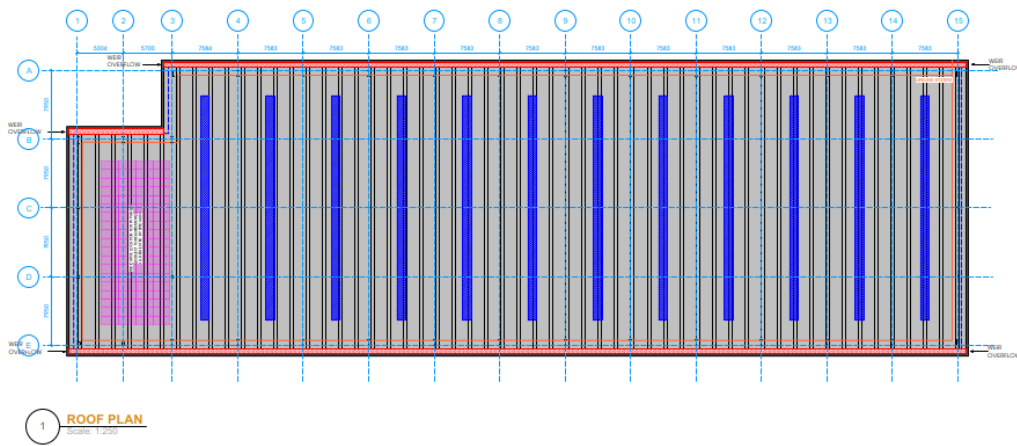
Site plan



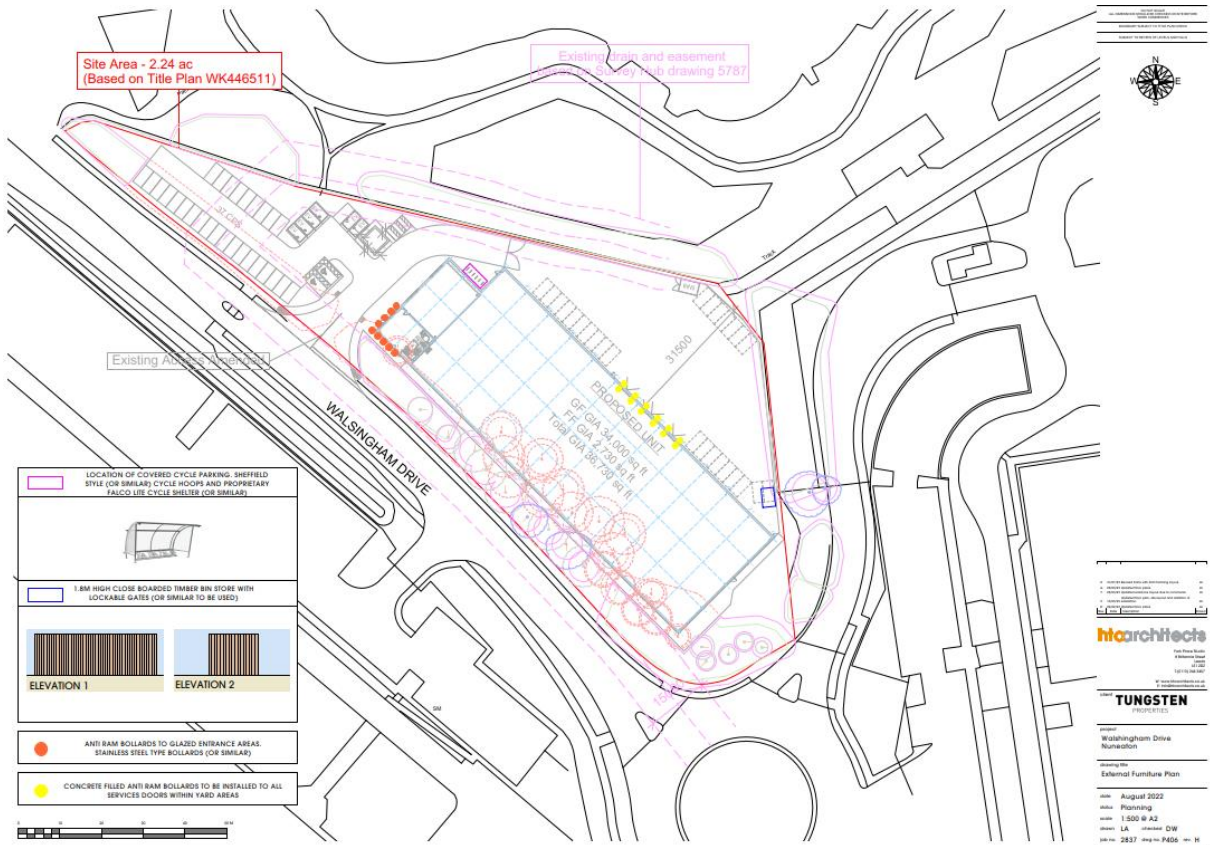
Proposed floor plan



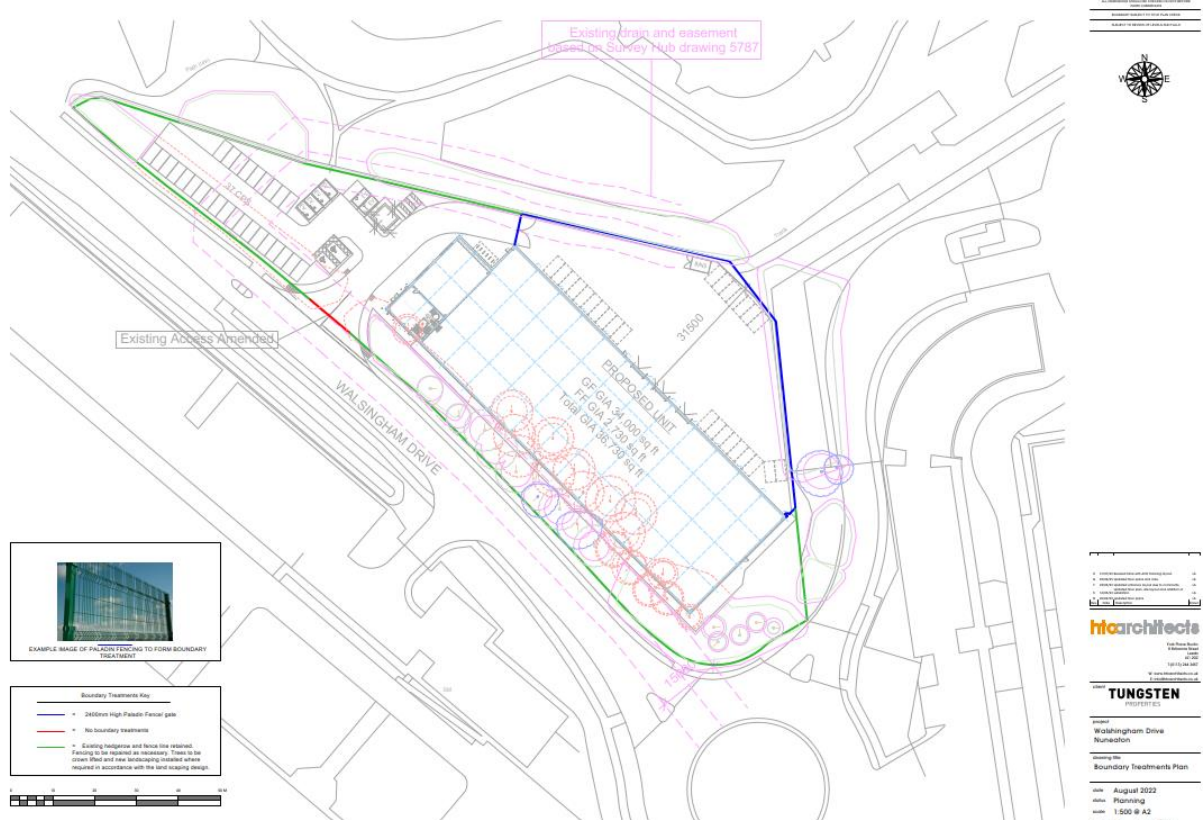
Proposed elevations



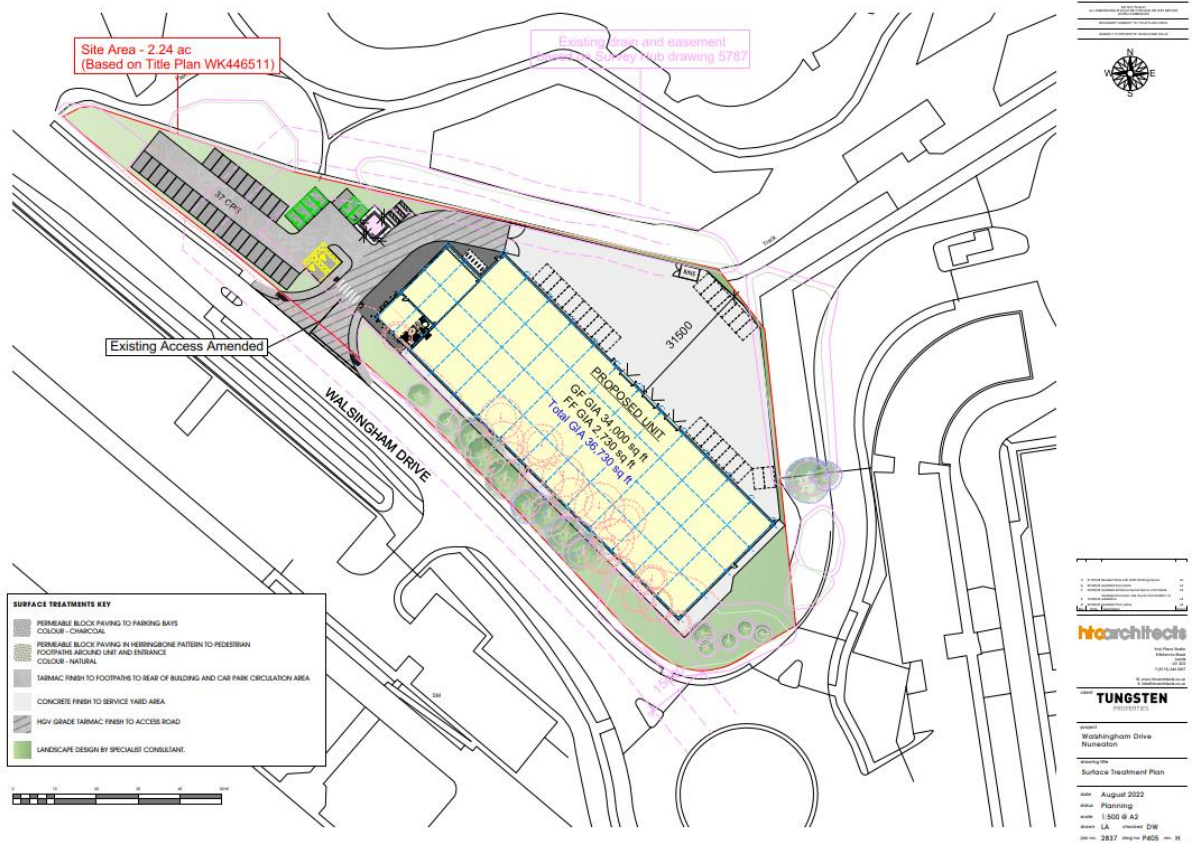
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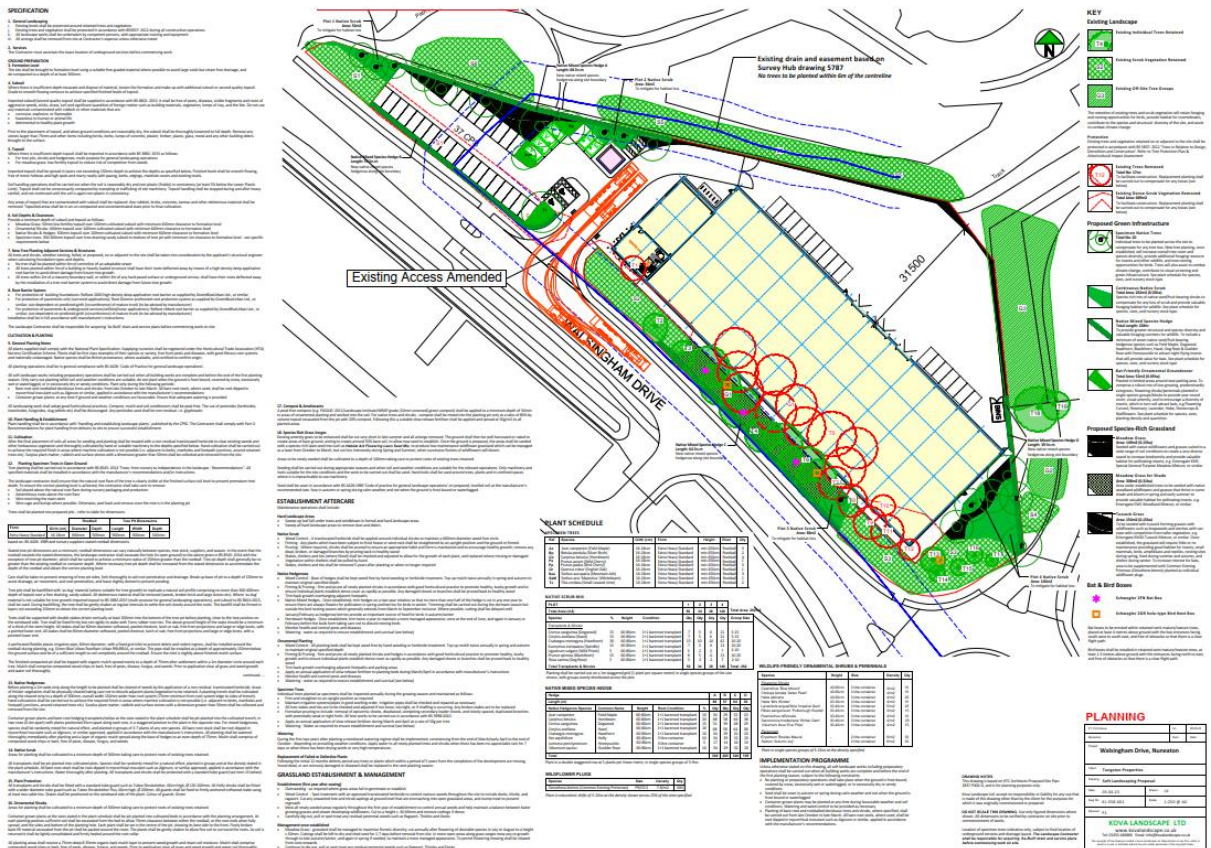
Proposed furniture plan



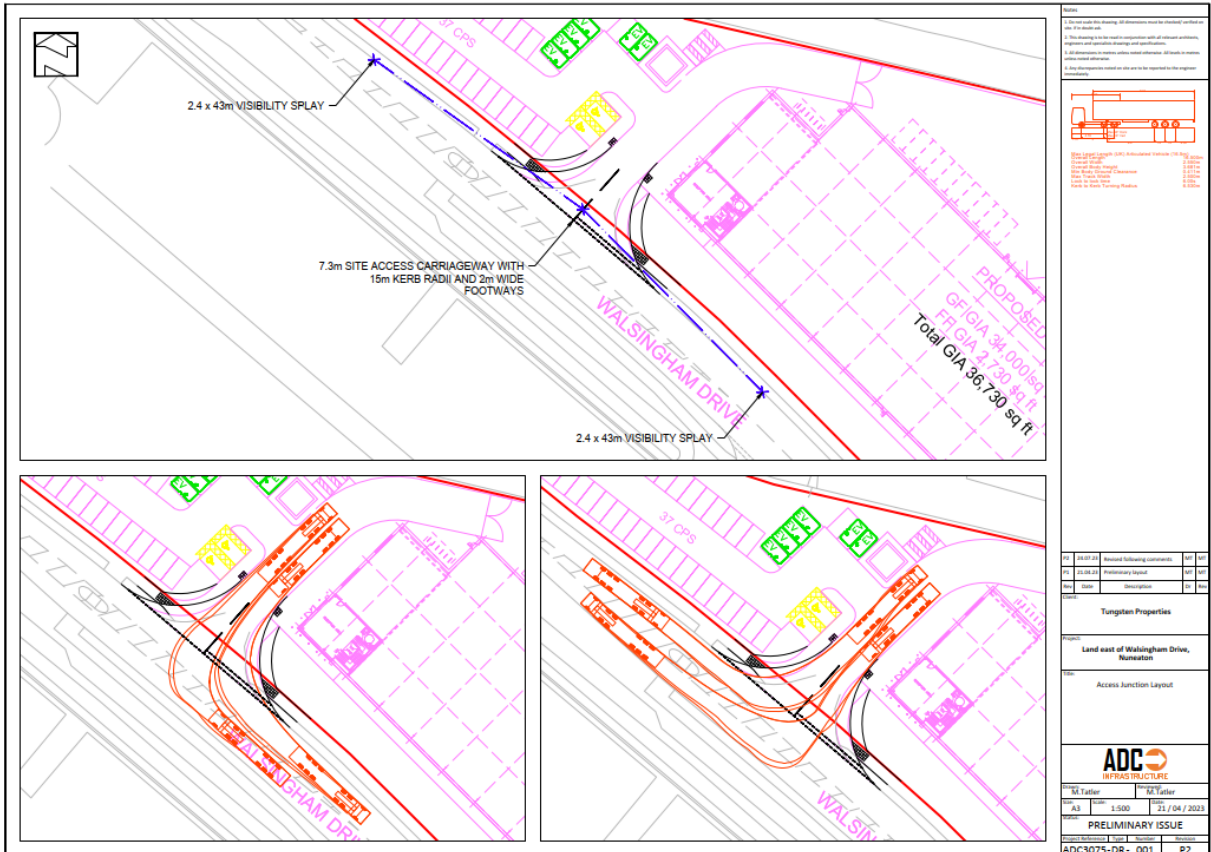
Proposed boundary treatments



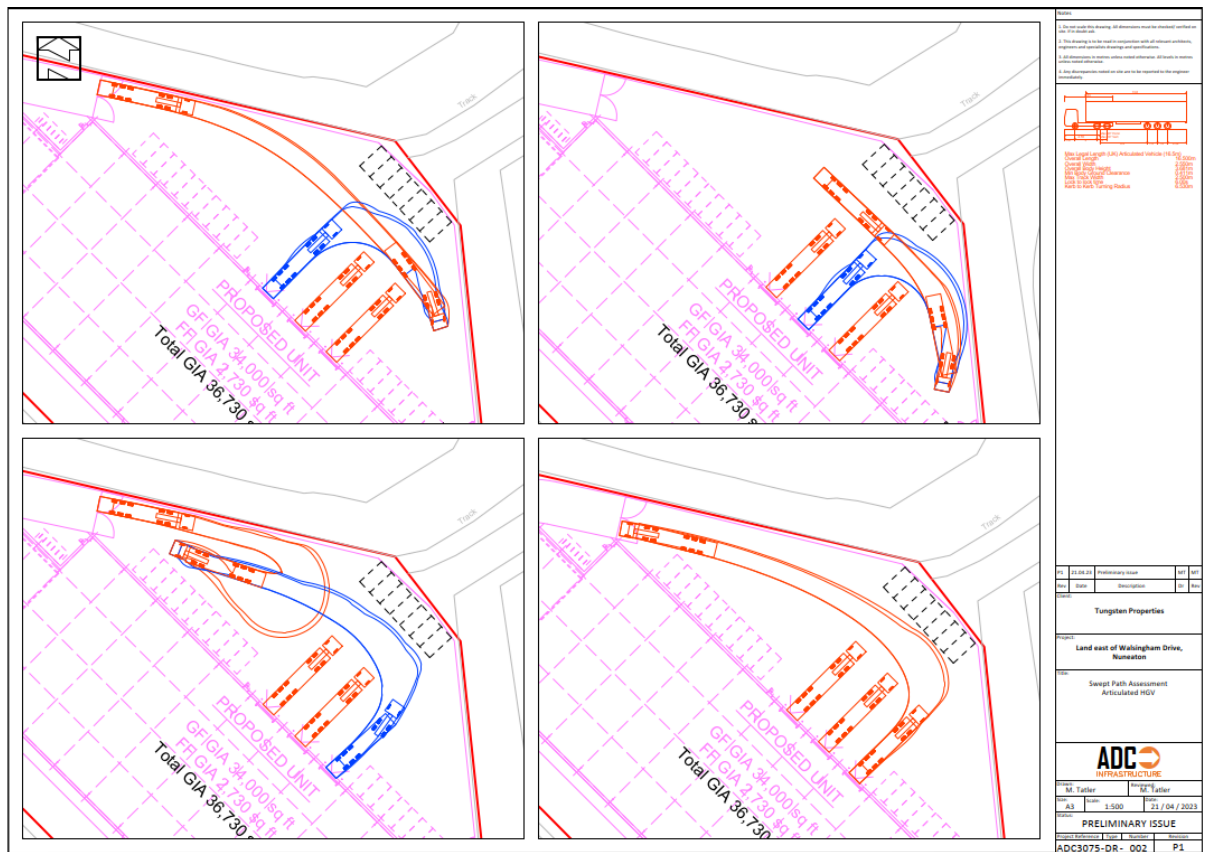
Proposed surface treatments



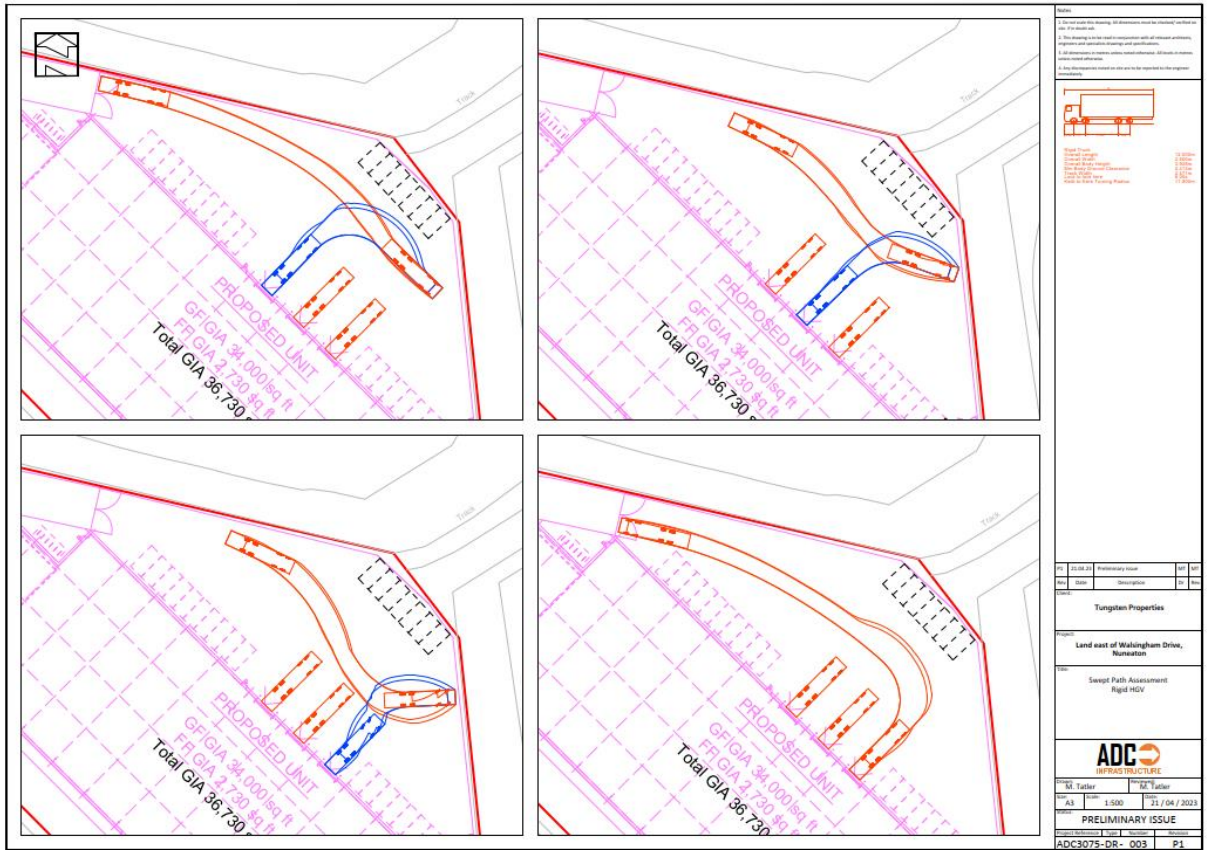
Proposed soft landscaping plan



Proposed access junction layout



Swept path analysis – Articulated HGV



Swept path analysis – Rigid HGV

Item No. 5

REFERENCE No. 039628

Site Address: Site 46a010 - Rear of 89-169, Tunnel Road, Nuneaton, Warwickshire

Description of Development: Erection of 14 dwellings with associated infrastructure and access road

Applicant: Ms Nicola Lea

Ward: GC

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 dwellings with associated infrastructure and access road. Vehicular access to the site is proposed via Tunnel Road in between 155 and 147 Tunnel Road.

The site has previously been used for grazing horses and is located behind the houses on Tunnel Road. It contains a series of semi-derelict single-storey buildings currently used as stables and for storage which are proposed to be demolished as part of the proposal. The scheme would provide 11 two storey dwellings and 3 bungalows and there is already an extant permission in place for the erection of 14 dwellings. In the area to the north of the site an area of surface water balancing is proposed.

The general topography of the site appears flat although there is a gradual fall towards the stream along the northern boundary. The southern boundary is the rear of the 2-storey terraced and semi-detached houses which run as ribbon development along Tunnel Road and the site is to the north of Tunnel Road. The majority of these properties do not have off street parking.

BACKGROUND:

Outline planning permission and reserved matters approval was granted in 2017 for the erection of 14 dwellings. A material start on site was made in October 2019 and this was confirmed in writing by a Principle Planning Officer in January 2020. As such, the previous permission is considered to be extant and a material planning consideration. This proposal seeks to slightly alter the layout and house types and would no longer require the demolition of 147 Tunnel Road.

Affordable housing was not provided as part of outline application 035096, however this application would provide 2 affordable units.

RELEVANT PLANNING HISTORY:

- 039055 - Outline application for up to 70 dwellings with all matters reserved except for access (affecting public footpath N54 and Tree Preservation Order 7/02) (resubmission following the appeal of 037294) – withdrawn in March 2023.
- 037294 - Outline application for up to 70 dwellings with all matters reserved except for access (affecting public footpath N54 and Tree Preservation Order 7/02) – refused and dismissed at appeal in November 2022.
- 035096 - Erection of 14 dwellings (Approval of reserved matters for appearance, landscaping, layout and scale following outline approval, reference 033601) – approved November 2017
- 034561 - Residential development for up to 10 dwellings on land to the rear of 147 Tunnel Road (Outline to include access)(including demolition of 147 Tunnel Road) – resolution to grant permission but withdrawn due to application 033601 being approved via appeal – withdrawn January 2018
- 033601 - Erection of up to 14 dwellings (Outline to include access) (Including demolition of existing 147 Tunnel Road) – Officer recommendation of approval, refused at committee in March 2016 and allowed at appeal in January 2017
- 031585 – Residential development of up to 105 dwellings (up to 26 to be affordable), new access arrangements from Tunnel Road, with public open space, landscaping and associated physical infrastructure (including demolition of 147 Tunnel Road and associated farm buildings)(Outline application with access, all other matters reserved) – Refused at committee in December 2012 and dismissed at appeal in November 2013.

Discharge of conditions applications:

- 036784
- 036551
- 036327

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 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
 - 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:

Cadent Gas, Coal Authority, Environment Agency, George Eliot Hospital Trust, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks/WCC Ecology, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, North Warwickshire Borough Council, Open Space Society, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police, Western Power Distribution, WCC Archaeology, Warwickshire Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way, WCC Water Officer.

CONSULTATION RESPONSES:

No objection subject to conditions/contributions from:

WCC Infrastructure, NBBC Sports Development, George Eliot Hospital, Warwickshire Fire Safety, WCC Water Officer, WCC Highways, WCC FRM, NBBC Parks/WCC Ecology, NBBC Environmental Health

No objection from:

WCC Rights of Way, Warwickshire Police, NBBC Housing, Coal Authority, North Warwickshire Borough Council

Comment from:

WCC Archaeology

No response from:

Western Power Distribution, Warwickshire Wildlife Trust, Open Space Society, Severn Trent Water, NHS, NBBC Planning Policy, NBBC Refuse, Environment Agency, Natural England, Cadent Gas.

NEIGHBOURS NOTIFIED:

3 Auden Close, 2 & 29 Campbell Close, 14 Carlyle Close, 54 Chaucer Drive, 39 Chesterton Drive, 22 Dickens Close, 4 Fielding Way, 'Kindar' Hickman Road, 40, 52 & 146 Hickman Road, 12 Keats Close, 31 Nuthurst Crescent, 49-62 (inc), 64 81-87 (inc), 97-100 Orford Rise, 60 Plough Hill Road, 6 Rock Close, 3 & 14 Sheridan Drive, 9 & 15 Swinburne Close, 8 The Naylor's, Barn Moor Wood Farm, Stables Galley Farm, 'The Hermitage' The Rookery, Galley Farm The Rookery, 1, 1A & 2 The Rookery, 51, 59, 61a, 61b, 63a, 63b, 67-75 (odd inc), 83-119 (odd inc), 131-147 (odd inc), 153-169 (odd inc) Tunnel Road

Neighbouring properties were sent letters notifying them of the proposed development on 28th June 2023 and 12th December 2023. A site notice was erected on street furniture on 12th July 2023 and the application was advertised in The Nuneaton News on 26th July 2023.

NEIGHBOUR RESPONSES:

There have been objections from 18 addresses as well as 3 objections with no address provided and 1 from a former ward Cllr. The comments are summarised below;

1. Galley Common is losing its village feel

2. Insufficient local facilities and infrastructure (doctors, schools, roads, parks, shops etc)
3. Too many new houses have already been built in Galley Common
4. Access is not sufficient for larger vehicles
5. Access to the site is not safe
6. Impact on and damage to wildlife
7. Impact on historical landscape, ridge and furrow fields and archaeology
8. Impact on flooding and surface water drainage
9. Abundance of new developments within Nuneaton already
10. Impact on Plough Hill Road/Coleshill Road junction
11. Evidence to support the application is out of date
12. Speed limit is not adhered to and Tunnel Road is dangerous
13. Recent road accidents within the area
14. Cars park on Tunnel Road and this affects visibility
15. Residents enjoy walking through the local public footpaths and enjoying the historic landscape
16. Previous applications have been refused
17. Highway safety risks associated with the proposed speed measures
18. Loss of countryside
19. Increase in traffic
20. Fields are a non-designated heritage asset
21. Infrastructure should be improved before additional houses should be built
22. Houses are not needed
23. Conflict with policy BE3 & BE4
24. Development should be directed to brownfield land
25. Roads in and out of the village are not of an acceptable standard
26. Increase in noise and pollution
27. Loss of privacy
28. Devaluation of house prices
29. Loss of views

APPRAISAL:

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

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

1. The Principle of Residential Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development in to 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.

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 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.

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.

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. The site has not been accounted for within these figures and therefore the proposal would be a windfall development. 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 currently account for 630 dwellings to come through from windfall sites. As such, it is considered that this proposal would provide a small contribution towards this requirement.

Policy TC3 states that any new residential development should be within 1,200m walking distance of a district or local centre and an 8 minute drive to a district centre. Where new residential development is proposed and the above thresholds cannot be demonstrated, the application should include the provision of a new district/local centre.

Whilst it is not an identified local or district centre, there are a few 'E' use premises on the corner of Valley Road and Hickman Road. There is a pharmacy, a convenience store, a post office, a café and a flower shop. This serves a similar purpose as a local/district centre in that it provides day to day services to local residents. This centre was identified as 'neighbourhood shops' within the Council's Local and District Centres Study 2012. Galley Common Medical Centre is also located adjacent to the neighbourhood shops and all of the above services can be reached, on foot, in less

than 5 minutes (approx. 0.1 miles). The Camp Hill District Centre can be reached in 5 minutes (motor vehicle drive) and therefore the scheme is considered to be broadly compliant with Policy TC3. In addition, Park Lane Primary School and Nursery and Galley Common Infant Schools are both approximately 0.5/0.7miles from the site (10-15 minute walk or 3 minute drive). As such, it is considered that the site is well-connected to a good range of local facilities and services.

The site is outside of the defined settlement boundary and therefore the type of development should typically be limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundary. However, this site does benefit from an extant planning permission for 14 dwellings. Whilst planning policies have been updated since this permission was granted, the proposal could still be implemented and is this is considered to be a material consideration.

Planning Policy have not provided a formal substantial response, however they did advise that 'the two sites are virtually the same, although in conflict with Policy DS3, the fact that they have formally commenced work is a material consideration. There would not be a Policy objection to the principle of the scheme'.

Due to this, it is also considered that the principal of residential development on this site has already been established through permission 033601 and is hence acceptable within this application.

2. Affordable Housing and Housing Mix

Policy H2 of the Borough Plan requires 2 affordable dwellings where residential proposals consist of between 11-14 dwellings. The application proposes 2 of the dwellings to be affordable, which is therefore acceptable. Both affordable units would be 1-bed bungalows.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The 12 market properties would provide 1no. 2 bed, 4no. 3 beds and 7no. 4 beds. By comparison, the previous permission would have provided 4no. 2 bed bungalows, 5no. 3 bed houses and 5no. 4 bed hoses.

The table below shows the SHMA requirements:

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

Whilst not necessarily aligning with the HEDNA, there is also a requirement for larger family and aspirational homes within the Borough and NBBC Housing state that the site provides a good mix of dwelling sizes for the market element and two very much

needed 1 bedroom affordable housing units. As such, they have no objection, and the proposed housing mix and provision of affordable housing is considered to be acceptable. This is considered to carry moderate weight in support of the proposal.

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.

As established through previous assessments of this site and through the planning appeals process, in particular Appeal Decision refs. APP/W/W3710/A/132195900 and APP/W3710/W/22/3301839 the proposed scheme is located within an area where the historic landscape character may certainly be considered to be of local, and potentially, regional importance. As such, it is reasonable to consider the landscape character as a heritage asset.

Paragraph 209 of the NPPF states that “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 affect directly or indirectly 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”

The WCC Historic Environment Officer has stated that: “The application site and the fields to the immediate west form a series of enclosed strips which almost certainly formed part of a medieval open field system. The curvilinear reverse 'S' shape of the boundaries that follow the line of the extant ridge and furrow across this area strongly suggests that these represent a very early phase of enclosure. The historic landscape character of these fields is categorised as ‘piecemeal enclosure’, a type which makes up only 1.22% (96.5 Ha) of Nuneaton and Bedworth Borough. This makes it a very rare historic landscape character feature for the borough.

Whilst the proposed scheme does indicate that existing hedges that survive within the site will be not be removed, and so retaining some element of the site’s former historic landscape, the proposed development will result in the loss of a significant proportion (c.25%) of the remaining areas of identified Piecemeal Enclosure in the north and western parts of the Borough.”

Whilst this is correct, the previous extant permission would also have resulted in this loss.

The WCC Historic Environment Officer has also stated that: “In addition to this direct loss the proposed development will have an impact upon the setting of the fields to the west which also form part of this area of piecemeal enclosure. In particular the positioning of houses close to the hedgerow forming the western site boundary could result in them being visible when viewed from the Centenary Way footpath as it passes through the field to the immediate west of the application site. This is likely result in the creation of a more ‘urban’ feel to the area, rather than the rural character presently experienced. The positioning of houses across this area would also block views of the fields to the west of the application site from Viewpoint A as marked on the attached plan which is one of the few points from which the layout of these fields and their hedge boundaries (including their curvilinear line) can be viewed.

The proposed layout has positioned most of the buildings away from the site’s western boundary. In addition, the buildings proposed for Plots 5 and 6 are shown as single storey dwellings so reducing the roof heights for those buildings closest to the to the

hedge line forming the western boundary to the site. Whilst the buildings proposed for plots 1,13 and 14 are close to the western boundary and therefore likely to remain clearly visible from the Centenary Way footpath these units are less than 100m from the existing houses fronting onto Tunnel Road and consequently will have the effect of blending with the existing building skyline.

The historic landscape character affected by the proposed development is of Medium value. I would consider that the magnitude of impact of the scheme will be Minor.

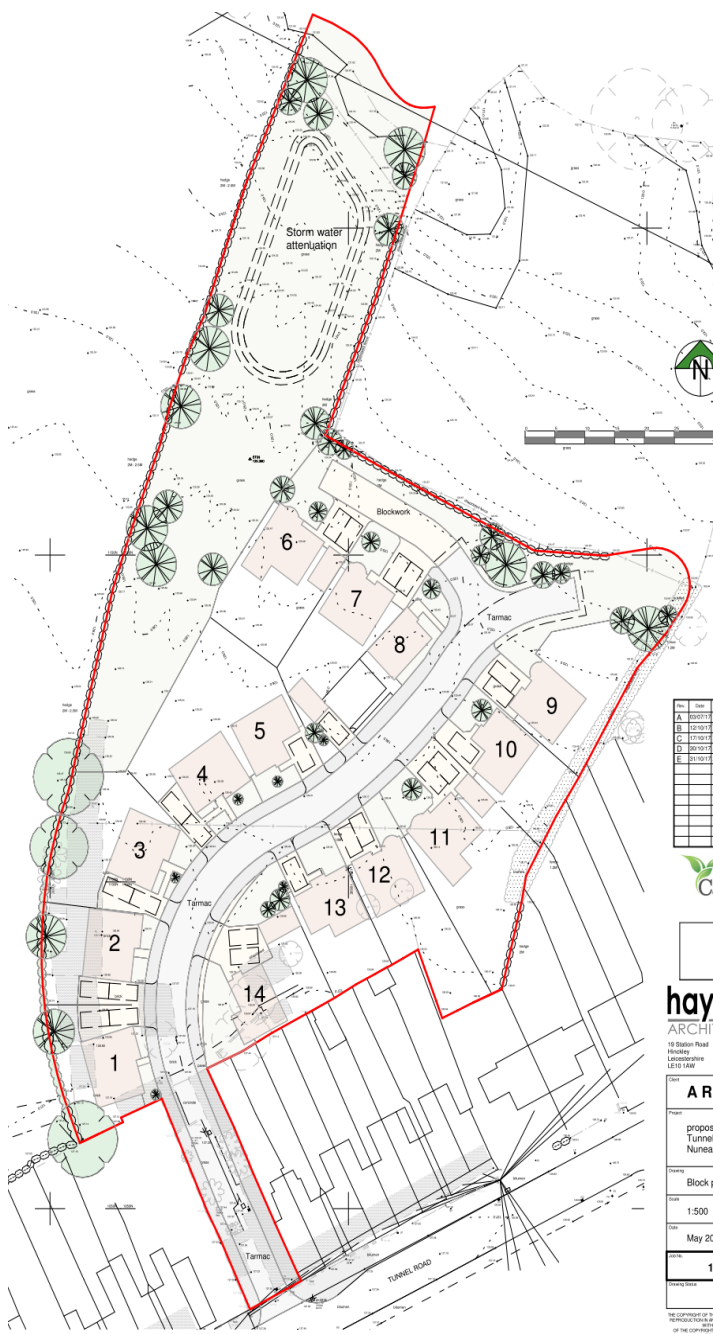
Therefore, I would consider that the overall significance of effect of the proposed scheme will be Slight Adverse. As set out within paragraph 209 of the NPPF, the impacts that the proposed development will have upon the historic landscape character of this site and the wider area should be considered and weighed against the public benefits of this scheme when determining this application.”

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use and Paragraph 209 states that 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.

The WCC Officer has stated that the development would result in the loss of c.25% of the remaining piecemeal enclosure areas, however this would also have been the case within the previous permission which still could legally be implemented.

The previously approved layout is shown below left and the proposed layout is shown below right. A pumping station has been shown to the north western boundary, however this would be underground and therefore is considered to have minimal impact on landscape views and character. In this instance, there remains an extant permission for the erection of 14 dwellings on the land. The layout is slightly different, however it is not considered to be so dissimilar that it would result in more than substantial harm. The public benefits of the proposal include the creation of a SUDS drainage system and improvements to highway safety along Tunnel Road. This scheme would also provide two affordable housing units whereas the previous permission did not and these benefits combined are considered to carry significant weight in favour of the application.

It was also stated within the Inspectors decision for appeal APP/W3710/W/16/3156950 (outline application for 14 units) *‘That the development would contribute, albeit in a modest way, to meeting the housing shortfall is a significant benefit. I have taken account also of the improvements to highway safety in Tunnel Road that would result from the proposed works. When taken together these amount to a substantial benefit overall that would not be outweighed by minor harm to the heritage significance of the non-designated heritage asset.’*



Approved Layout



Proposed Layout

With regard to the design of the proposed dwellings, paragraph 135 of the NPPF states that Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

The proposed dwellings would feature a mixture of brick and render with architectural features such as decorative headers and cills, storm porches and forward facing gables. This is considered to add visual interest to the properties and overall there is a good mix of property types proposed given the scale of the development. The design and scale of the dwellings do differ to those on Tunnel Road, however it would be clear that this is a separate development and therefore not unreasonable for the design to differ. In addition, the dwellings would not be directly visible from Tunnel Road. In conclusion, the impact to visual amenity is considered to be acceptable.

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.

Policy BE3 also refers to the Council's Sustainable Design and Construction SPD which requires properties to meet or exceed the internal minimum Nationally Described Space Standards (NDSS). The proposed dwellings are 100% compliant with this. In addition, all dwellings would feature their own outdoor amenity space.

Policy BE3 also requires that a total of 35% of the dwellings will need to meet the M4(2) 'accessible and adaptable dwellings' standard. This equates to 5 dwellings. Plots 1 and 8 are M4(2) compliant and the three bungalows are M4(3) compliant, which means that they are suitable for wheelchair users. As such, this is considered to be acceptable and the wheelchair user friendly properties is highly welcomed.

In relation to the existing neighbouring properties, distance standards are met, in compliance with the Sustainable Design & Construction SPD 2020. With regard to distance standards within the site itself, distance standards are generally met. There are multiple instances where the window to window distance is less than 20 metres, but this is across a road where distance standards can usually be relaxed and is therefore acceptable, as per section 11.5 of the SDC. There are also instances where distance standards are not met, but there are mitigating circumstances which, on balance, make the shortfall acceptable. These will be assessed in turn below.

- The side elevation of plot 13 would feature two kitchen/dining windows at ground floor. The distance between these windows and the side elevation of plot 12 does not meet the 14m minimum standard at 8.6m. However, the kitchen diner is also served by another window on the principal elevation and therefore it is considered that there would be sufficient light and amenity to this room.
- Plot 14 has a garage on either side of its garden boundary. However the height of the garages have been reduced and the garage to plot 13 has been set back from the boundary by 1m. As such, it is considered that the harm has been mitigated to a level which would be acceptable for future owners/occupiers.

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 has been provided and this demonstrates that the development is likely to have either a neutral or positive impact on health.

It is recognised that there would be a loss of view from some of the neighbouring residential dwellings, however, there is no legal right to a view and it is not a planning consideration. A number of the objections raise comments about traffic, noise and pollution affecting residential amenity. This will require close boarded fencing along the access to the site to mitigate any impact on the existing residential properties.

In conclusion, it is considered that the proposal would result in no unacceptable harm to existing neighbouring properties and that the scheme would provide a suitable level of amenity for future owners and occupiers.

5. Highway Safety, Parking 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 Tunnel Road via a bellmouth junction and WCC Highways have no objection to the design and layout of the access and internal road network. A Road Safety Assessment has also been provided this has been reviewed by the Highway Authority. Double yellow lines would be provided along either side of the access in order to prevent parking within the visibility splays from the access. Cars do currently park on this part of Tunnel Road, and therefore 8 parking spaces have been provided within the site to compensate for this loss.

Originally there was an objection to the previous application on Highway grounds in that there were insufficient highway improvements to reduce existing traffic speed. However, after detailed negotiation an agreement has been made over the design of the access and public highway fronting the site. A series of measures on Tunnel Road would be provide to help to reduce traffic speeds. These includes a gateway feature and signage West of the site, speed cushions and a raised table treatment at the site access. The highway works will be required before occupation of any of the dwellings. Officers have considered this advice from highways and considered that there is an existing speeding problem in the area. The proposed mitigation in terms of traffic calming will provide a benefit to the wider community.

With regard to 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. The scheme does not provide unallocated parking, however there is sufficient space for on street parking within the site and each property (apart from the bungalows) have at least 2 spaces. As such the scheme is considered to be broadly compliant with the SPD and WCC Highways have no objection.

Motorcycle parking has not been addressed, however there remains on road and incidental private and public hard surfacing for the parking of motorbikes, should the demand arise. This is considered to be reasonable, as typically it is preferable to store motorbikes within the curtilage of a property for safety and security reasons.

Similarly, to with motorbike storage, bicycle storage has not been specifically addressed within the layout plan. However, for residential premises it would be preferable to store bicycles within the curtilage of the property for safety reasons and therefore specific bicycle storage is not considered to be necessary. All units feature their own gardens and small garden sheds could be erected under permitted development should future owners/occupiers require additional storage space. Many units would also feature garages which would be sufficient to store bicycles and/or motorcycles.

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. With regard to assessing the impact of the development on the wider highway network, as application 036601 has been implemented, WCC Highways consider that it would be unreasonable to ask for S106 contributions towards improving the Plough Hill Road/Coleshill Road junction as the proposed development should not increase the number of vehicle movements compared to the implemented development.

The principal of providing 14 dwellings within this location has already been established through application 036601 and WCC Highways have no objection with regard to the impact on the wider network.

As many of the objections point out, this is undoubtedly a busy traffic network, however officers are of the opinion that the details provided mean that the development will not add to the current traffic flows so significantly that it would warrant refusal of the application. The proposal should reduce traffic speed and therefore this would be a benefit to the area.

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). With regard to public transport services, bus service No. 18, 18a, 19 and 41 all run along Tunnel Road with the closes stops being adjacent to Orford Rise (2 minute walk from the site entrance). These services provide regular transportation to Nuneaton and Ansley.

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.

Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk. The site also has a very low risk from other sources of flooding.

The NPPF describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. The site is within flood zone 1 and therefore complies with the aims of the Sequential Test.

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

On the previous larger application there were some concerns from the Flood Risk Management team at WCC which indicated that historically the site floods frequently, that there is surface water flooding on the site and the flow path of floodwater could mean that flooding could flow through the site. The current scheme has directed development to the most suitable locality in terms of flood risk for localised flooding and sought to improve the situation by providing a storage area for flood water in the lower part of the land. This includes the creation of an attenuation pond capable of holding approximately 1000m³ and permeable paving. It is considered that subject to appropriately worded conditions to manage the SUDS features, the proposal will not exacerbate the existing flooding problems within the area. The maintenance of this balancing lake would have to be covered by a suitably worded condition.

With regard to foul waste, it should be recognised that developers have an 'absolute right' to connect to the public sewer and section 94 of the Water Industry Act 1991 imposes a duty upon water undertakers to (a) "provide, improve or extend...a system of public sewers.." and (b) "to make provision for the emptying of those sewers and such further provision...for effectively dealing, by means of sewage disposal works or otherwise, with the consents of those sewers." Severn Trent have not responded to the consultation request and it is therefore assumed that they have no objection.

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

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 there are some elevated lead contamination levels identified. Environmental Health have reviewed the report and have no objection subject to standard conditions.

NBBC Environmental Health have reviewed this report and raise no objection subject to standard land contamination conditions. These conditions will cover the necessary further work and review.

With regard to land stability, the Coal Authority have confirmed that the site does not fall within the defined development high risk area. As such, they do not require consultation and it is considered that the impact to land stability is acceptable.

8. Air Quality and Noise

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.

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.

NBBC Environmental Health have reviewed the development proposal and have no objections subject to conditions. One EV charger will be provided per dwelling and the implementation of now NOx boilers can also be secured via condition. Details of boundary treatments, including close boarded fencing along the access will also be requested via condition.

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, and the surveys found potential for the site to support badgers, hedgehogs, reptiles and nesting birds. WCC Ecology have reviewed the information and have stated that the risks associated with the proposed development are low. The report makes recommendations for measures to safeguard protected species and these measures will be secured via a CEMP condition.

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. A Biodiversity Metric was provided and showed that a measurable biodiversity gain can be achieved within the site. There would be a 13.5% increase in habitat units and 26.2% increase in hedgerow units. Prescriptions for habitat creation and management for at least 30 years should be set out in a Landscape and Ecological Management Plan. It should be specified who is responsible for managing of the pond, grassland and trees and include monitoring visits by an ecologist to ensure that habitats are meeting their intended condition and advise if any remediation is required. The LEMP can be secured by condition, as recommended by WCC Ecology.

There are a number of trees and hedgerows on, and adjacent to, the site. This also includes two category 'A' trees, one of which is protected by a TPO (7/02). Both trees would be retained as part of the development. In order to accommodate the proposal, it would be necessary to remove 4 trees (2no cat 'U' and 2no cat 'B') and two mixed groups (1no. cat 'U' and 1 cat. 'C'). Layout changes have been sought as part of the assessment process to minimise the amount of development within root protection areas. There are two instances where a footpath and a parking space would partially be located within an RPA, however tree protection measures including geocell lining could be implemented in order to prevent harm as a result of the development and construction processes. Whilst there would be a small loss of existing trees, the proposal would provide hedgerow enhancements, tree planting and shrub/decorative planting. The NBBC Tree Officer have reviewed the proposals and has no objection to the scheme.

Due to the scale of the development, it is not considered necessary to request on site play equipment or allotment provision. A small area of open space is provided in the north of the development and contributions towards play and open space and allotment improvements/provision have been requested by NBBC Parks and the applicant has agreed to this request.

10. 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.

A programme of evaluative archaeological fieldwork undertaken at this site in 2017 identified a section of a ditch dated to the post-medieval period which was interpreted as probably representing a former plot boundary and an 18th or 19th century wall. Considering this information, WCC Archaeology are of the opinion that the proposed development is unlikely to have a significant archaeological impact and therefore have no further comment to make.

11. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2021 notes that these obligations should only be sought where they meet all of the following tests:

- 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.

Paragraph 91 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Organisation	Request For	Contribution	Notes
WCC Infrastructure	Road Safety Initiatives Sustainable Travel Promotion	£700 Dealt with via condition	Applicant agreed to contribution
George Eliot Hospital	Monies for support of emergency and other hospital care	£15,667	Not CIL compliant
NBBC Housing	Affordable Housing provision	2 units	Applicant agreed to provide
NBBC Parks	POS and Allotment provision	£27,927.04	Applicant agreed to contribution
NBBC Sports	Meeting sports development needs in the Borough	£26,652.00	Applicant agreed to contribution

WCC Highways	Traffic Regulation Order	£7,000.00	Applicant agreed to contribution
	Provision of speed control measures on Tunnel Road	Applicant provide condition	to provide via Applicant agreed to provide

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 outside of the defined settlement boundary and it not within a 1200m walk of an identified centre. However, there is a previous extant permission on this site for 14 dwellings and therefore the principal of residential development has been established. The scheme would provide highway safety improvements, affordable housing and wheelchair access properties. In addition, there would be an overall gain in BNG and the impact to landscape character is not considered to be dissimilar to that previously approved.

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. 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:

<u>Description</u>	<u>Reference number</u>	<u>Date Received</u>
Site Location Plan	22-122-PL01-C	13 December 2023
Proposed Layout Plan	22-122-PL02-Q	22 May 2024
Floor & Elevation Plans:		
Plots 1 & 8	22-122-PL11-C	19 September 2023
Plot 2	22-122-PL06	22 June 2023
Plot 3	22-122-PL07-A	28 June 2023
Plot 4	22-122-PL16	22 June 2023
Plots 5 & 6	22-122-PL18	22 June 2023
Plot 7	22-122-PL17	22 June 2023
Plot 9	22-122-PL09	22 June 2023
Plot 10	22-122-PL10	22 June 2023
Plot 11	22-122-PL08	22 June 2023
Plot 12	22-122-PL13	22 June 2023
Plot 13	22-122-PL15A	16 August 2023
Plot 14	22-122-PL14	22 June 2023
Plot 2 Garage	22-122-PL21	19 September 2023
Single Garage	22-122-PL19 B	19 September 2023
Twin Garage	22-122-PL20	22 June 2023
Tree Retention, Removal & Protection Plan	Tree Protection Plan A	22 March 2024
Highways Improvement Plan	ADC2202-DR-004 P5	20 March 2024

3. No development shall commence until full details of the boundary treatments, including 1.8 metre close boarded fencing adjacent to the access road, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

4. No development shall commence until:

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

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

6. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No development shall be carried out other than in accordance with the approved details.

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

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Details of construction working hours
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan
- vii) Dust Management Plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

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

8. No construction including site clearance shall commence unless until the measures for the protection of the trees and hedgerows as outline within the Arboricultural Impact Assessment (Tree Protection Plan:Rev A) have been installed. Once implemented, the protection measures shall remain throughout the course of the development.

9. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the northern part of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths;
- Lighting should be directed away from vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

10. The development hereby permitted, including site clearance work, shall not commence until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expects to see details concerning appropriate working practices and safeguards for bats, nesting birds, badgers, hedgehogs and reptiles that are to be employed whilst works are taking place on site. The CEMP should also include pollution and lighting control measures during the development. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

11. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan have been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting, details of habitat enhancement/creation measures and management for at least 30 years, such as native species planting, pond and

grassland creation and provision of a swallow house, bat and swift boxes integrated into new buildings and 13x13 cm gaps in new fences. Such approved measures shall thereafter be implemented in full. 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.

12. 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. Provide independent third-party review of the hydraulic modelling undertaken in order to demonstrate the robustness of the assessment.
2. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.1l/s for the site in line with the approved surface water drainage strategy (ref: 82774 103, revision P2, dated 16 February 2024).
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 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.
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.

13. 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. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period

14. No development shall commence above slab level 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 unless otherwise agreed in writing by the Local Planning Authority

15. The development hereby permitted shall not be occupied until the rainwater harvesting system has been installed to that plot.

16. 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 (82774-01, Rev C) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

17. No dwelling shall be occupied until the bellmouth and speed management measures (including the Traffic Regulation Order (TRO) for double yellow lines) as shown on drawing number ADC2202-DR-004 Rev P5 have been constructed and laid out to the satisfaction of the Planning Authority in consultation with the Highway Authority.

18. Access for vehicles to the site from the public highway (Tunnel Road C12) shall not be made other than at the position identified on the approved drawing ADC2202-DR-004 Rev P5. The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public and the visibility splays as shown on the drawing have been provided.

19. 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 for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

20. No dwelling shall be occupied until details of 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 within that phase prior to the first occupation of that dwelling.

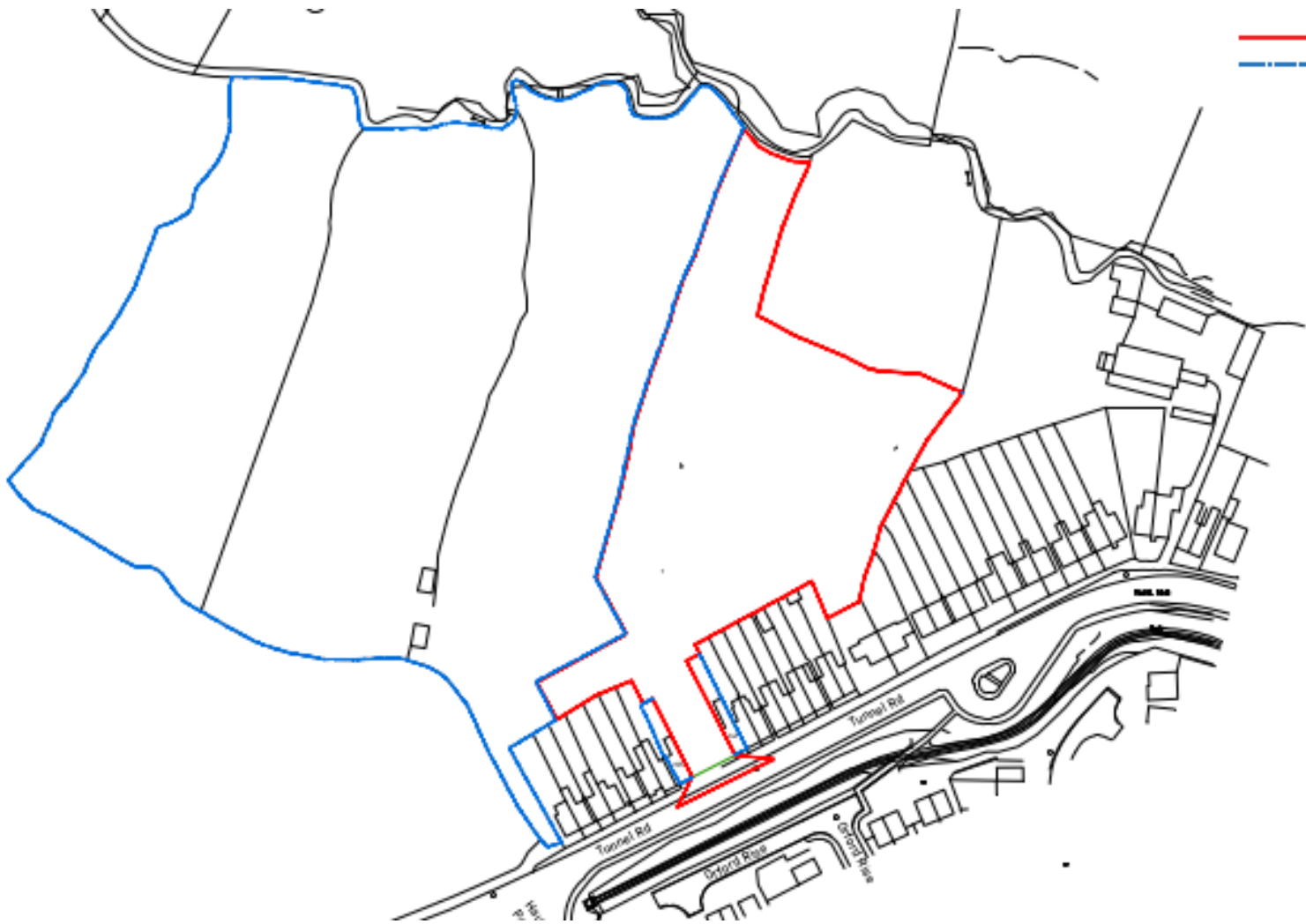
21. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking has been provided to that dwelling.

22. The layout of the estate roads serving the development including footways, verges, footpaths, private drives and means of accessing individual plots shall be in general accordance with Drawing No. 22-122-PL02-Q and shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2022'

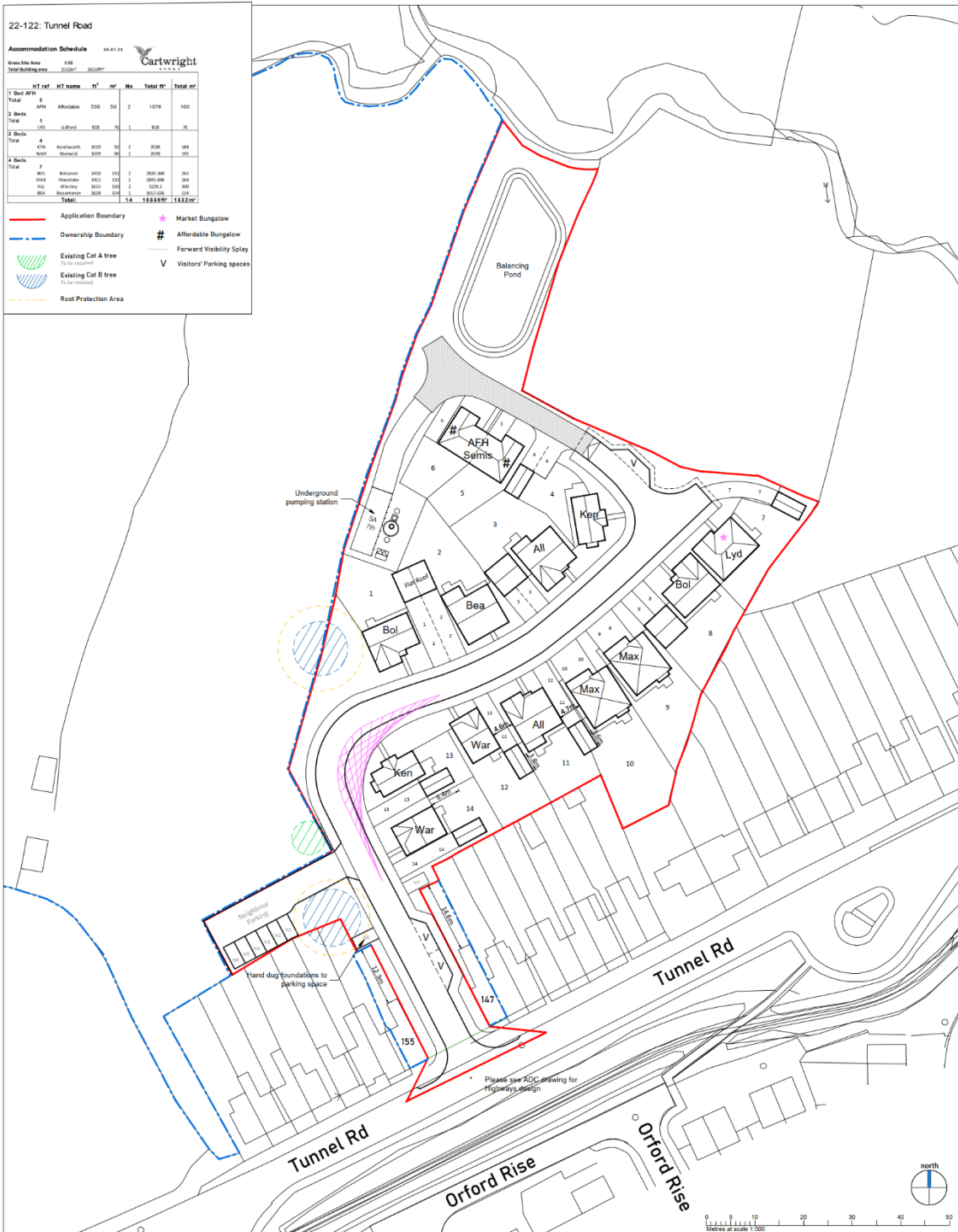
23. Pedestrian intervisibility splays shall be provided to the vehicular accesses to the site with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway.

24. 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.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and enacting that Order) No windows shall be constructed within the first floor rear elevation of plot 4 without the prior written consent of the Council.



Site Location Plan



Proposed Layout Plan



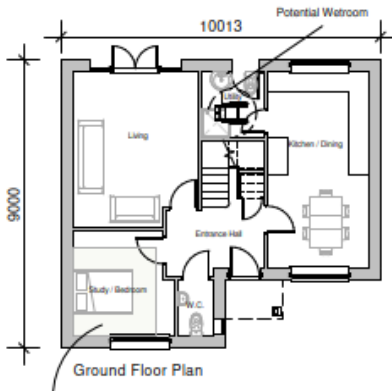
First Floor Plan



Front Elevation



Side Elevation



Ground Floor Plan



Rear Elevation



Side Elevation

Denotes 750mm clear space to allow for a wheelchair user.

Plots 1 & 8



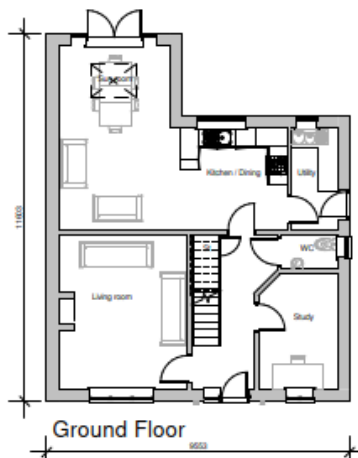
Front Elevation



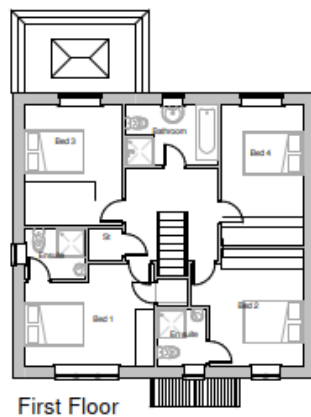
Side Elevation



Side Elevation



Ground Floor



First Floor



Rear Elevation

154.47 m² / 1663 sq ft



The Beauman Town 2

hayward ARCHITECTS LTD

19 Station Road, Haverhill, Cambridgeshire, CB23 7SR

Cartwright Homes

Tunnel Road, Haverhill

Proposed House Type - Plot 2

1:100

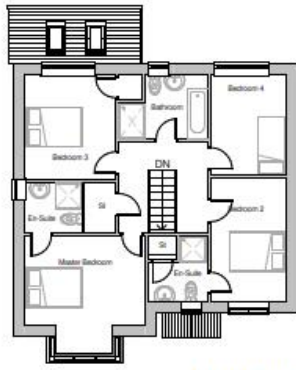
August 2021

22-122

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Planning Application

Plot 2



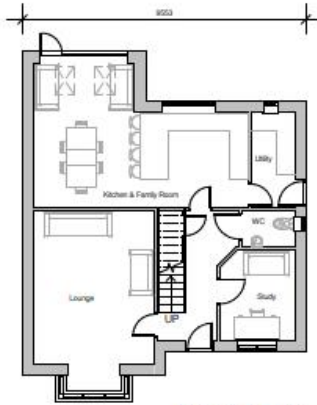
First Floor



Front Elevation



Side Elevation



Ground Floor

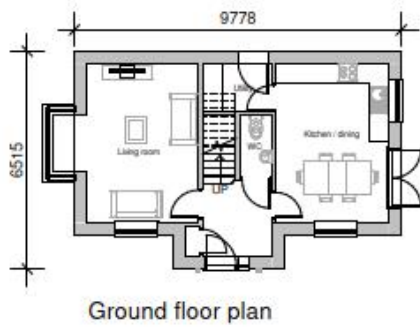
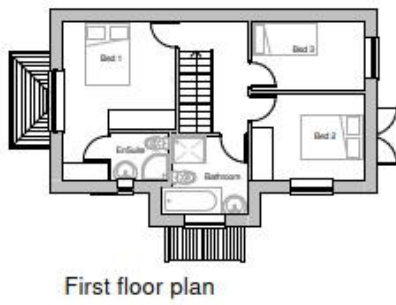


Rear Elevation

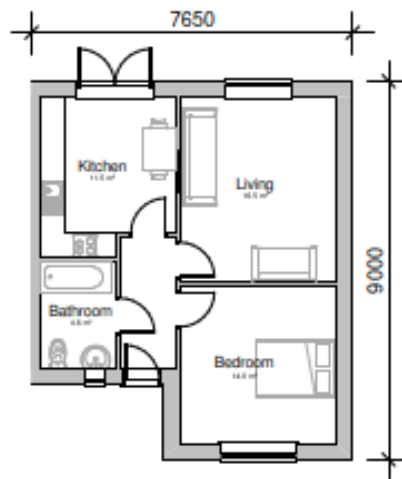


Side Elevation

Plot 3



Plot 4



Ground Floor



Front Elevation

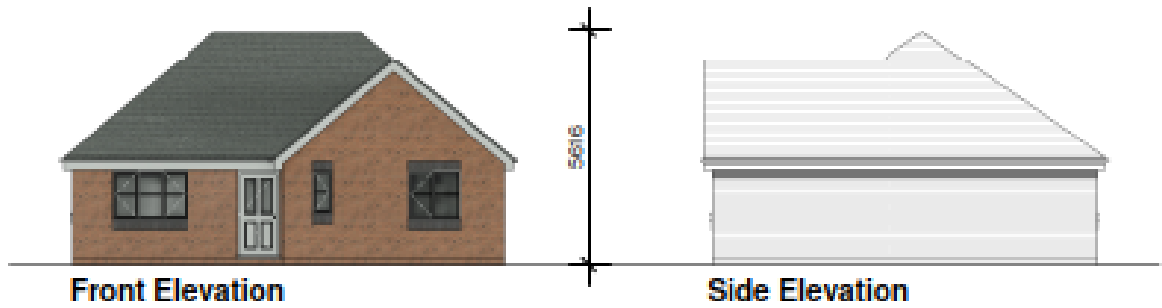
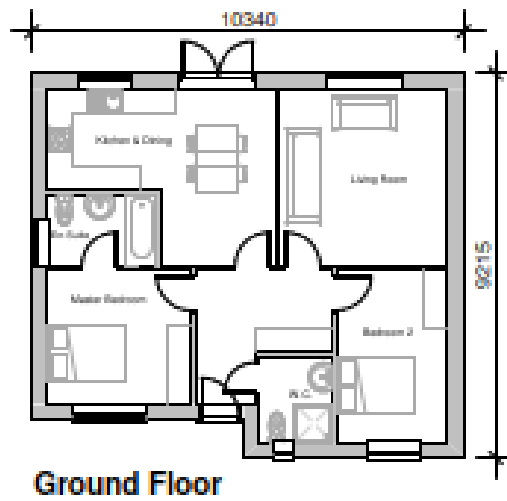


Side Elevation

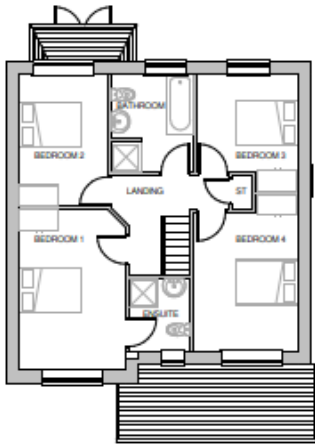


Rear Elevation

Plots 5 & 6



Plot 7



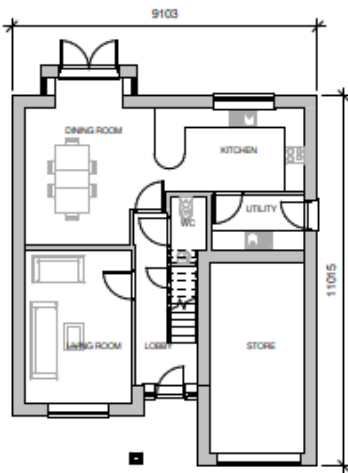
First Floor



Front Elevation



Side Elevation 1



Ground Floor

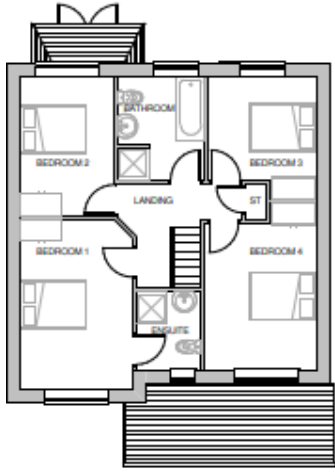


Rear Elevation



Side Elevation 2

Plot 9



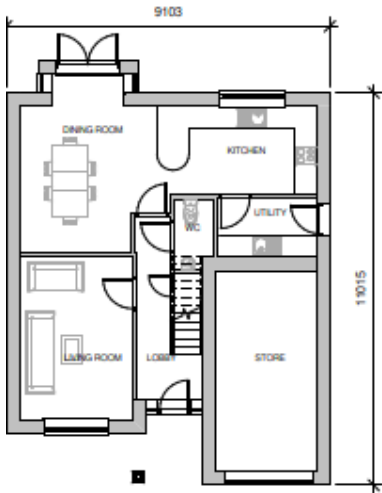
First Floor



Front Elevation



Side Elevation 1



Ground Floor

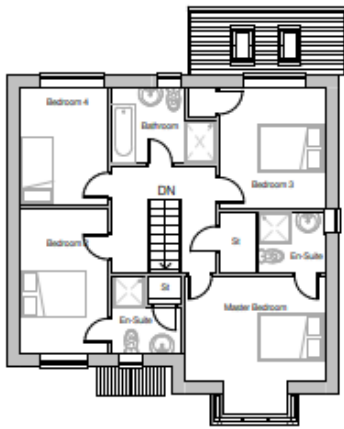


Rear Elevation

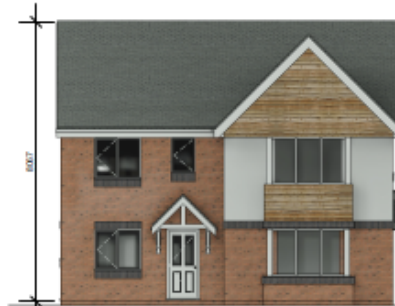


Side Elevation 2

Plot 10



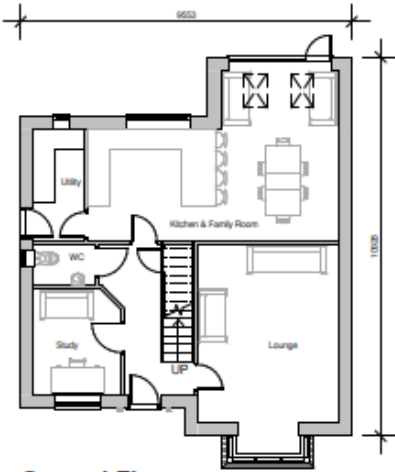
First Floor



Front Elevation



Side Elevation



Ground Floor

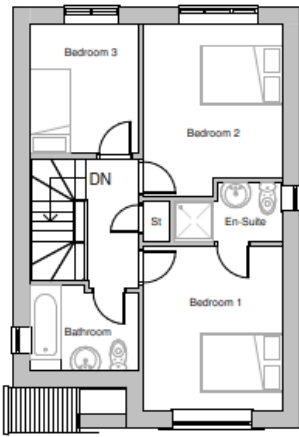


Rear Elevation

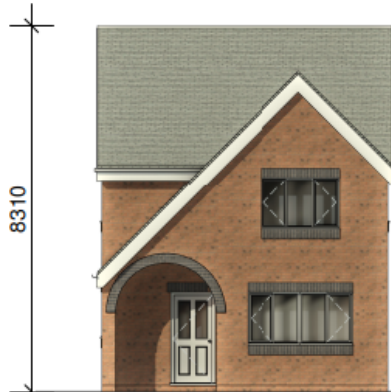


Side Elevation

Plot 11



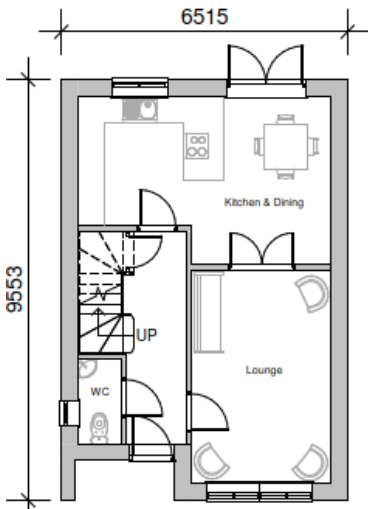
First Floor



Front Elevation



Side Elevation



Ground Floor

Plot 12



Rear Elevation



Side Elevation

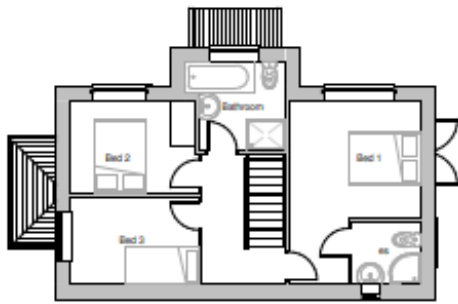
Plot 12



Front elevation



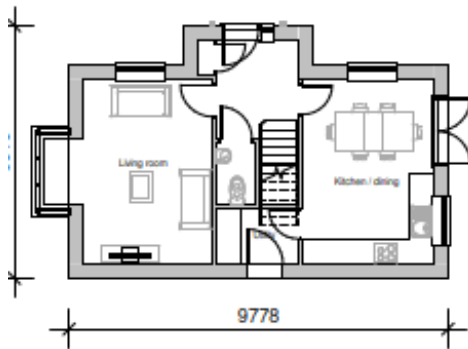
Front / side elevation



First floor plan



Side elevation

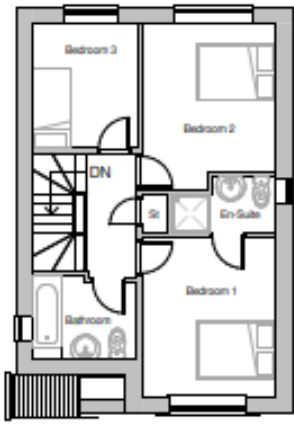


Ground floor plan

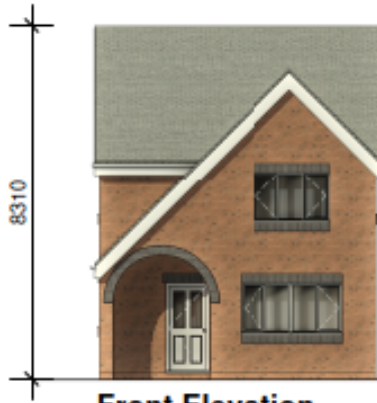


Rear elevation

Plot 13



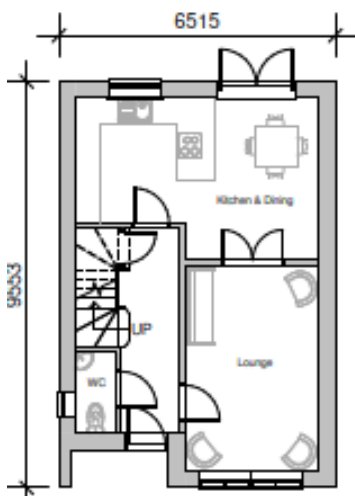
First Floor



Front Elevation



Side Elevation



Ground Floor

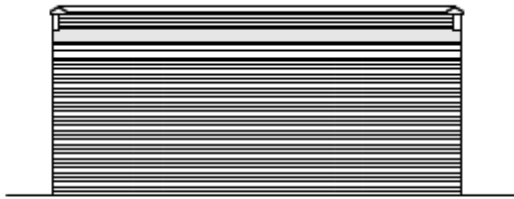


Rear Elevation



Side Elevation

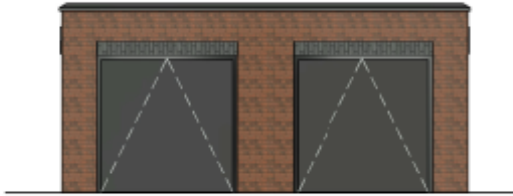
Plot 14



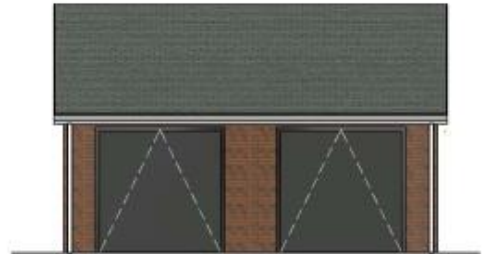
rear elevation



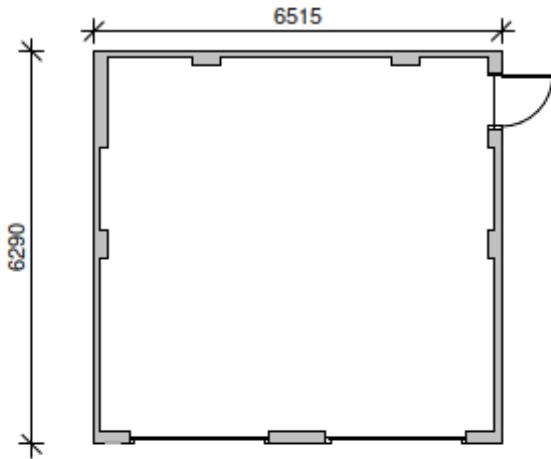
rear elevation



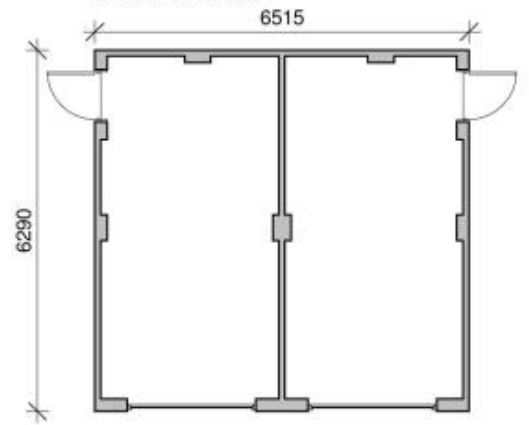
front elevation



front elevation



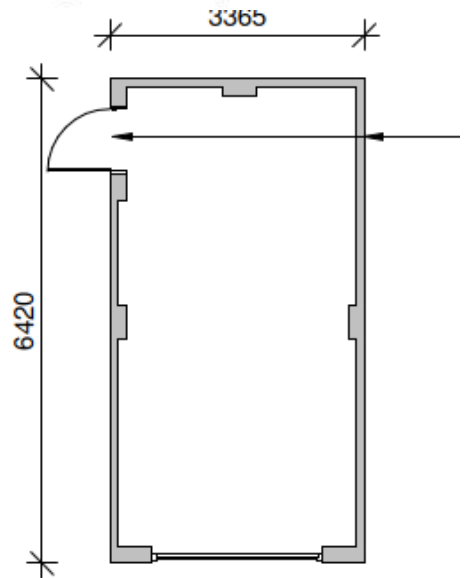
ground floor plan



ground floor plan

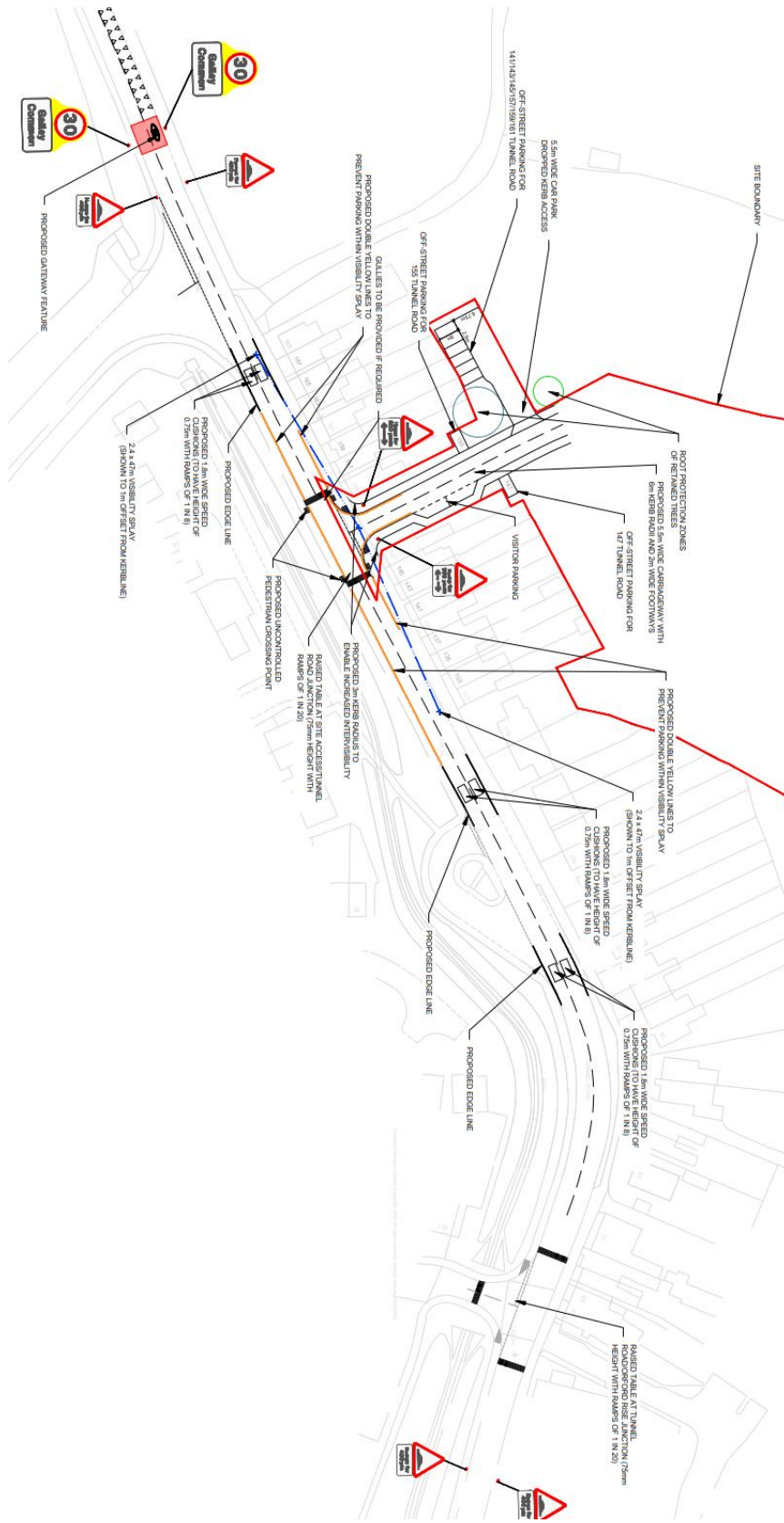


front elevation

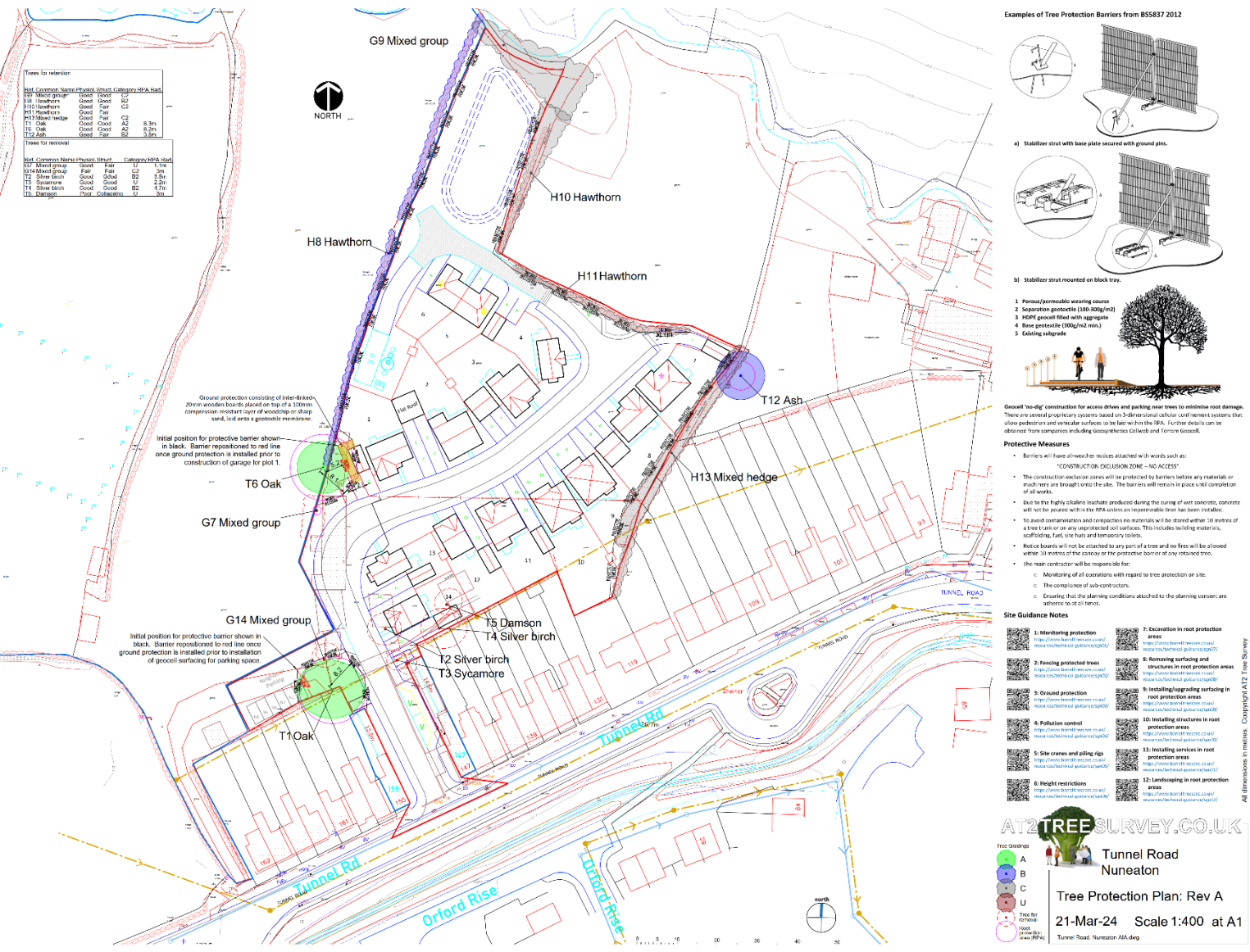


floor plan

Garage Plans



Highways Improvement Plan



Tree removal, retention and protection plan

Item No. 6

REFERENCE No. 040047

Site Address: Anker Street, Nuneaton, Warwickshire, CV11 4JA

Description of Development: Proposed change of use from factory (Use Class E) to 1no. 8 bedroom and 1no. 9 bedroom House of multiple occupation (Sui Generis Use)

Applicant: Mr Russ Dyble

Ward: AT

RECOMMENDATION:

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

INTRODUCTION:

Proposed change of use from factory (Use Class E) to 1no. 8 bedroom and 1no. 9 bedroom House of multiple occupation (Sui Generis Use) at Anker Street Nuneaton Warwickshire CV11 4JA.

The site is a disused factory building, located at the top end of Anker Street. Anker Street is majority residential on one side of the highway and features a commercial site on the other side along with the side boundary of a residential property on Attleborough Road. To the rear of the building, there is the main railway line with is above the applicant site and the rest of the residential buildings on the Anker Street. The has permitted on-street parking and is not a through road as it does not connect for vehicles through to Clarkson Close but it have pedestrian access. The site is in line with the residential properties both in building line and levels.

The development is to change the two floors of the disused factory into 2 self-contained HMO units, one with 8no. bedrooms and one with 9no. bedrooms. No off-street parking is proposed but there is a cycle storage room on the ground floor and a waste and bin storage room adjacent to that.

RELEVANT PLANNING HISTORY:

- No planning history

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.

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

CONSULTEES NOTIFIED:

Cadent Gas, NBBC Environmental Health, NBBC Private Sector Housing, NBBC Planning Policy, NBBC Refuse, Network Rail, Warwickshire Police, WCC Fire Safety, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
WCC Highways,

No objection from:
WCC Highways and Fire Safety

No objection subject to conditions and informative note:
Network Rail

No objection subject to an informative note:
NBBC Waste and Refuse

Comment from:
NBBC Environmental Health, NBBC Planning Policy

No response from:
Cadent Gas, NBBC Private Sector Housing

NEIGHBOURS NOTIFIED:

The neighbouring properties consulted on this application is 37 Anker Street; 43, 44 and 45 Clarkson Close, Jordan Farrington, Anker Street and Units 1 and 2 Stanbeck Engineering, Anker Street.

Neighbouring properties were sent letters notifying them of the proposed development on 24th January 2024.

NEIGHBOUR RESPONSES:

There have been 7 objections from 7 addresses. The comments are summarised below;

1. Impact on car parking on Anker Street
2. Disagrees with the claim about the lack of accessible accommodation in the area
3. Would create a larger disturbance than the original commercial property
4. 17 extra cyclists would be dangerous to local residents
5. Could cause more anti-social behaviour or noise at anti-social times.
6. Increase volume of traffic and a loss of amenity
7. Loss of use of the turning space at the end of Anker Street
8. Level of noise from socialising of younger adults

APPRAISAL:

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

- 1) The Principle of the Development
- 2) Impact on Residential Amenity
- 3) Impact on Visual Amenity
- 4) Impact on Highway Safety
- 5) Impact on the Railway
- 6) Conclusion

1. The Principle of Development

The character of Anker Street, on the side of the street where the proposed units are located, is predominantly residential in nature. The commercial site on the other side of the highway is the only non-residential use on Anker Street. The NPPF Paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safety and health living conditions.

Paragraph 120 goes on to state that planning policies and decisions should give substantial weight to the development under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

The area is predominantly residential in nature and is therefore considered a suitable location for further housing, albeit for HMO's.

Although this application is for the creation of 17 units, they are being considered a 2 units rather than 17 separate units and therefore there are no requirements for any affordable housing to be created.

2. Impact on Residential Amenity

Policy DS3 of the Borough Plan states 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.

Paragraph 7.4 of the Sustainable Design and Construction SPD states that the conversion of all non-residential buildings to residential purposes must:

- Provide a suitable living accommodation for the occupiers in terms of privacy, layout, design and impact from adjacent uses
- Must provide sufficient off-street parking for residents
- It must be suitably located
- The development must have the provision for drying clothes

Paragraph 11.10 goes on to state that all habitable rooms should have access to adequate natural light with windows situated to allow occupants to views of the outside environment.

This proposal is for the conversion of a disused factory building into 2 HMO units. No extensions of the buildings are proposed, but the removal and demolition of single

storey parts of the original building to create space for openings and windows to be added to the elevations. Each room has an adequately sized window to provide adequate natural light

As the proposal is converting a non-residential building to a residential use then all 4 of the statements in paragraph 7.4 should be adhered to. The proposals of both HMO 1 and HMO 2 do provide a suitable living accommodation for future occupiers as the layouts and designs are acceptable, it is suitably private, and the adjacent uses are residential and so the impact does need to be assessed like any other proposal adjacent to neighbouring properties. The property does not provide sufficient off-street parking, however the submitted transport note states that there are 23 spaces available in the survey area, which consisted of Clarkson Close, Anker Street, King Edward Road and Attleborough Road, that occupiers could use and there is ample off-street, covered cycle parking available at the proposed HMO's.

The proposal location is suitably located as it is 120m from the nearest boundary of Nuneaton Town Centre and 1.1km from the Bus Station and 1.2km from Nuneaton Train Station. This shows that it is within a 15-minute walk to all major amenity and transport points in Nuneaton and as the majority of the street is also residential this would be a suitable location.

Impact on Neighbouring Properties

The impacted neighbouring properties are the commercial site directly opposite, the attached commercial use and 37 Anker Street, the final terraced property on this side of the highway which is also attached. To help the impact on all neighbouring properties a demolition condition will be added to the decision notice, should the application be approved, to reduce the impact this will have on the neighbouring properties.

Impact on 37 Anker Street

37 Anker Street is a two-storey terraced property which is attached to the building in question in this application. As the proposal is not extending any parts of the existing building the impact on the elevations and openings of the structure will stay the same.

There are no side facing windows on the boundary with this property and no new windows facing this neighbouring property.

In conclusion, the proposal would have the same impact as the existing building and so it would not have a further detrimental impact on the residential impact on this neighbouring property.

Impact on the Commercial Site opposite

Directly opposite the applicant property is a commercial site which features no residential properties or uses and so has no residential amenity to protect.

Impact on adjacent neighbouring commercial unit to the North

Attached to the north is a single storey commercial unit which features no residential properties or uses and so has no residential amenity to protect.

Impact on Future Occupiers

The main impact on future occupiers in a planning sense is the noise impact of the surrounding uses. NBBC Environmental Health were consulted on the application and raised a query about the impact on the connecting commercial unit and the railway to the rear. To combat this a suitably worded pre-commencement condition will be added to the decision notice so a noise impact assessment can be provided and a pre-occupation condition controlling glazing, ventilation and boundary treatments will also be added to lessen the impact of the noise sources on the proposal.

The second assessment point is to assess the amenity space offered as part of this proposal. The demolition of the two rear structure does open up space and allow for a rectangular shape to be present on the site. This is to the rear and although isn't labelled as amenity space, it is designated as such in the planning statement. The SPD states that all amenity space should be rectangular and reasonable sized. This is both and so is acceptable. Also, Riversley Park is 325m from the site and the town centre is 120m from the site and so it is also sustainable location in terms of access to amenity in off-site locations. Therefore, it can be concluded that the rooms will provide a reasonable level of amenity to the occupiers.

There are no planning policies which specifically relate to minimum bedroom and living/dining/kitchen sizes for HMOs, however a separate HMO license would be required and the proposal would need to comply with the Licencing/Private Sector Housing Teams requirements at that stage. The Nationally Described Space Standards state that double/twin bedrooms should have at floor area of at least 11.5m². All bedrooms, apart from Bed 5 in HMO 2 exceed this standard. However, Bed 5 does exceed the minimum standard for a single occupancy room. NBBC Private Sector Housing have not responded to the consultation request, however it appears that the bedroom, kitchen and living room sizes are likely to comply with their HMO Standards Guide. Confirmation would be sought at Licensing stage.

Category B HMO's Minimum Room Sizes (m2)				
Persons in bedroom		Minimum Room Size	Minimum Room Size if separate Living Room provided	
1		10	6.51	
2		15	11	
Minimum sizes of other rooms (m2)				
Total Residents in House	Kitchen (obligatory)	Dining kitchen (optional)	Living Room (optional)	Dining Rooms (optional)
2-5	7	18	11	11
6-10	10	24	16.5	16.5
11-15	13.5	30	21.5	21.5
All category B houses must have a shared kitchen with a minimum of 7m ² . To take advantage of the lower bedroom size they must also have at least a separate living room but can have additional shared rooms.				

All habitable rooms would feature at least one window and these windows meet the minimum distance standards as specified within the Sustainable Design and Construction SPD. The distance from the windows on the northern elevation to the

properties opposite is short of the 20m minimum standard. However, this is considered to be acceptable as the distance spans across a public highway.

3. Impact on Visual Amenity

Policy DS3 - Development Principles of the Borough Plan states there should not be a negative impact to the amenity of the surrounding environment. Policy BE3 of the Borough Plan 2019 states that development should be designed to a high standard and provide local distinctiveness. It also states that development should reflect the positive attributes of the neighbouring area and have characteristics that are sensitive to the layout, street pattern and built form of the area.

The proposal will not change how the building looks within the street scene and so the proposal is acceptable in terms of visual amenity. The only proposed changes are extra openings which are consistent with each of the proposed openings on the building and the demolition of rear single storey structures which will not be seen in the street scene.

4. Impact on Highway Safety

WCC Highways were consulted on the application and this section will look at the impact in two sections, the impact on the highway and then the parking provisions of the application.

The Impact on the Highway

WCC Highways were consulted on the application and they first provided a response of objection due to the following reasons. They indicated that the proposals would require less parking overall the nature of the parking would be different as it would most likely require more overnight parking than a place of employment. A parking survey was requested to show that there was capacity for the extra buildings. This was to be done in accordance with the Lambeth methodology. In response, a parking survey was completed over 2 nights in March and calculated the occupancy of on-street parking in the surrounding area. Once this was submitted to the highways authority they accepted the findings and approved the parking survey. They had a final comment about the amount of cycle spaces available at the property which have been addressed in the amended plans submitted and is explained below.

Paragraph 115 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. With the acceptance of the transport parking survey and the amended plans meeting the minimum requirements of the cycle storage the proposal will not have an unacceptable impact on highway safety and the residual cumulative impacts on the network as a result of the proposal will not be severe and therefore the proposal is acceptable.

Parking Provisions

Table 1 of the Transport Management-Parking Standards SPD 2022 states that a Sui generis HMO, which this is proposing, should have the parking space numbers decided on a case-by-case basis. This means that there is not a minimum or a maximum amount of parking spaces for this type of development. However, there are related policies which might provide context and guidance as what this proposal should be providing. In the same table, a C4 HMO for 6 people or fewer should provide 0.5

spaces per bedroom and paragraph 7.6 (in part) of the Sustainable Design and Construction SPD 2020 states that:

The change of use from a dwelling house to a house in multiple occupation will not be permitted unless:

- *Where more than six units are proposed, one off-street parking space per 2 bedroom is provided so as to adversely affect the amenities of the occupiers of neighbouring properties. No off-street parking will be required if the property is within or adjacent to a Town Centre*

The proposal is proposing no off-street parking but state in their submitted transport note that the provisions are more than sufficient on-street in the surrounding streets and so this could provide a suitable solution for the parking. This is a sustainable location due to the transport links and so it is concluded that no off-street parking is required. The proposal location is suitably located as it is 120m from the nearest boundary of Nuneaton Town Centre, which makes the applicant site a town centre adjacent site, and 1.1km from the Bus Station and 1.2km from Nuneaton Train Station. This shows that it is within a 15-minute walk to all major amenity and transport points in Nuneaton. Therefore, having no off-street parking facilities is acceptable for this specific application because of the sustainable location, the parking survey results and the close proximity of the bus and train station.

In terms of cycling provisions, the Transport Management Parking Standards SPD 2022 outlines in table 2 the amount of cycle spaces needed for an application of this kind. Again, the Sui Generis use should be done on case-by-case basis and so the guidance from a C4 use is used. This states that one space should be provided per unit and so 15 units requires 15 spaces. This proposal on the plan labelled '23085-B-102B-Proposed Floor Plans' indicate 9no. two level cycle indoor storage facilitate which means that there is space for 18 spaces. This storage is acceptable, as this is a minimum standard rather than an upper limit.

5. Flooding

The site is within Flood Zone 1. This means that proposal is in the zone with the least amount of risk of flooding and no further information is required to be submitted. It can be concluded that the proposal will not have any flooding risks in relation to the building.

6. Impact on the Railway

Network Rail were consulted on the application, as the applicant address borders Network Rail land on the eastern boundary of the site, which includes the railway lines running through the centre. Network Rail returned a response of no objection subject to a number of conditions being added to the decision notice. Network Rail indicated a number of factors which could be impacted by the proposal and provided advice and guidance about how the applicant could overcome the issues with the proposal. The conditions relate to the construction and boundary treatments of the site, risk assessments and method statements, use of scaffolding, drainage and levels, earthworks and excavations near the railway boundary. Each condition will be considered against paragraph 56 of the NPPF which states that conditions should be in the first instance necessary and relevant to the specific development and then enforceable, precise and reasonable.

The guidance and advice not covered by a condition will be added to the decision notice as an informative note.

7. Waste and Refuse

NBBC Waste and Refuse were consulted on the application. They returned a response of no objection subject to an informative regarding the re-charge calculation being added to the decision notice and this will be done.

The proposal does have a clearly defined and labelled bin storage facility which is felt is reasonably size to house the required capacity of waste and storage facilities needed for a development of this kind. Furthermore, as for waste pick up, the bins will be clearly displayed on the side of the highway which is not ideal but is what the other residential properties on Anker Street do and so is an acceptable way on this street.

8. Conclusion

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

This proposal is for a change of use from a disused factory to 2 HMO's, one with 8 bedrooms and one with 9 bedrooms. This report has assessed, the principle of development, the impact on residential and visual amenity, the impact on highway safety, the flooding impacts, the impact on the railway and waste and refuse of the site. These are the key issues which need to be addressed and approved if this application was to be recommended for approval.

This location is a very sustainable location for a residential property, as outlined it is close to the main transport links in Nuneaton and is located on the edge of both the town centre and Riversley Park. This weighs heavily in its favour as this will provide any future occupiers a reasonable level of amenity. The impact on both residential and visual amenity is acceptable and the site in flood zone 1 and so it is least likely to be concerned with the issues of flooding and so no further mitigation was required. The submitted parking survey and 2-storey bike storage aligned the highway issues and waste and refuse had no objection subject to an informative. Therefore, it can be concluded that it is acceptable on all of the main assessment points.

The proposed conditions do control major points such as noise, boundary treatments and the specific details on how the proposal will protect the railway to the rear and it has been decided that all of these are reasonable and enforceable. Therefore, the recommendation is one of approval subject to the conditions below.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
------------------	----------	---------------

Site Location Plan	23085 - P 001	11/01/2024
Existing Floor Plans	23085 - P 002	11/01/2024
Existing Elevations	23085 - P 003	11/01/2024
Proposed Site Layout	23085 - P 101	11/01/2024
Proposed Floor Plans	23085 - P 102B	28/06/2024
Proposed Elevations	23085 - P 103	11/01/2024

3. The development shall not be carried out other than in accordance with the materials shown on the approved plan, planning reference 23085-P-103 unless submitted to and approved in writing by the council.

4. No development shall commence unless and until a method statement detailing the demolition of the existing structures on the site has been submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details.

5. No development shall commence until a Noise Impact Assessment detailing the noise impacts on the proposed development has been submitted to and approved in writing by the Council. The units hereby approved shall not be occupied until the noise insulation, glazing, ventilation solutions and any other mitigation identified in the Noise Impact Assessment (including all exterior walls, windows, openings and between the separate HMO bedrooms and any adjoining dwelling) have been submitted to and approved in writing by the Council. No units shall be occupied until the work has been carried out in accordance with the approved details.

6. No development shall commence until full details of the boundary treatments, including new walls and fences including a suitable trespass proof fence adjacent to the boundary with the railway, have been submitted to and approved in writing by the Council. No units shall be occupied until the work has been carried out in accordance with the approved details.

7. No development shall commence until a method statement and risk assessment detailing the impact the development will have on the railway to be submitted to and approved in writing by the council

8. No development shall commence until full details of ground levels, earthworks, and excavations to be carried out near to the railway boundary shall be submitted to the Council.

9. No development shall commence until the details of scaffolding works within 10m of the railway boundary shall be submitted to the Council for agreement.

10. No development shall commence until the full details of the disposal of both surface water and foul water drainage, including away from the railway shall be submitted to the Council.



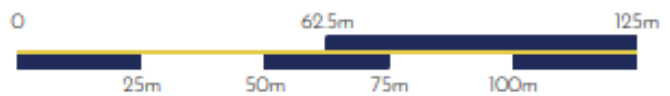
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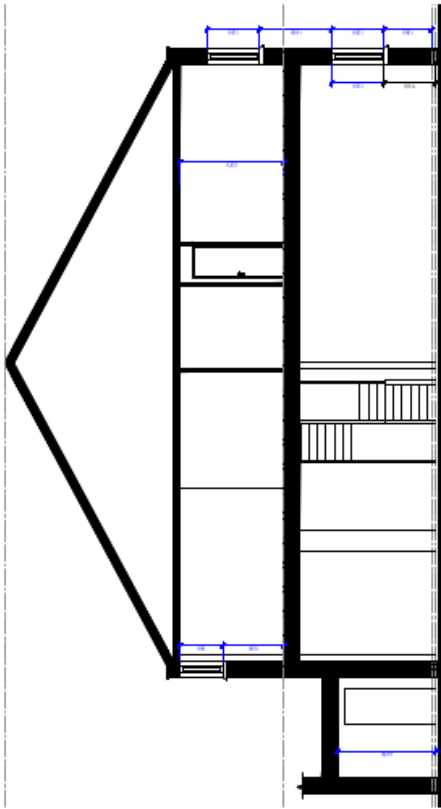
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Ordnance Survey
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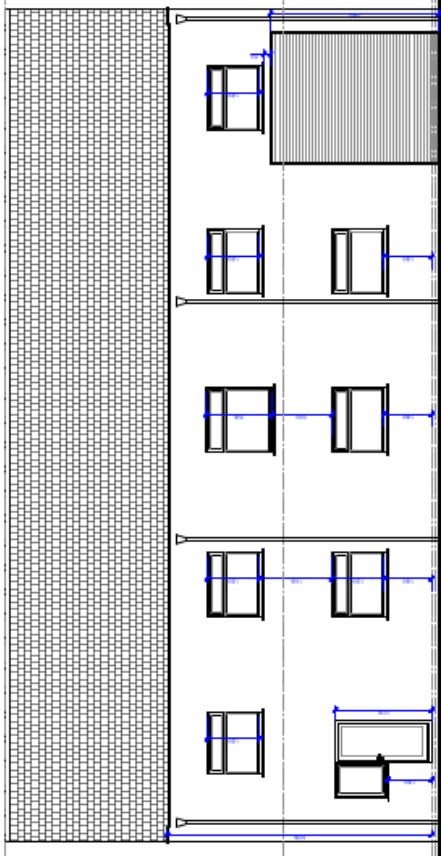


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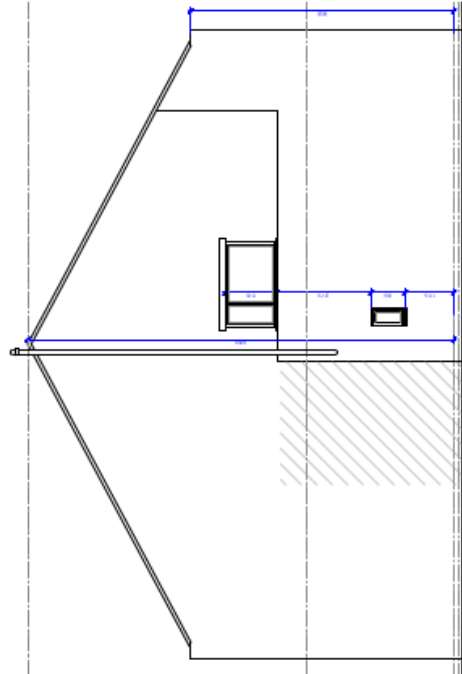


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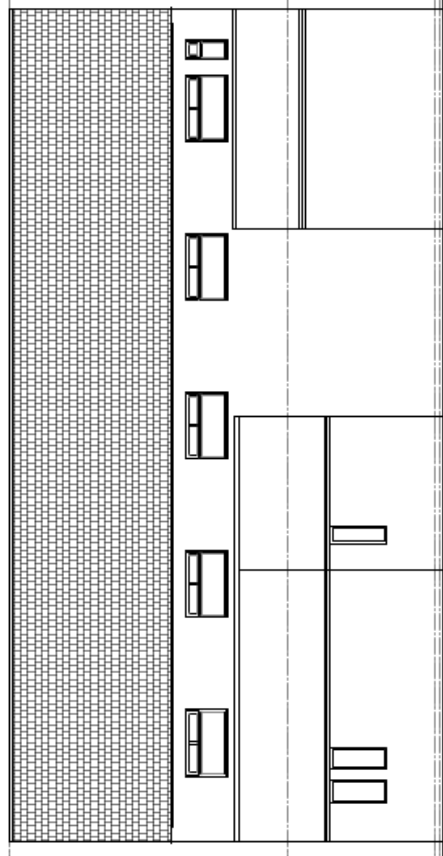


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W: 12.00



Side Elevation
Scale 1:50



Rear Elevation
Scale 1:50

C: 10.00
H: 10.00
W: 12.00



SCALE BAR 1:50

FOR PLANNING

23005 - P - 003

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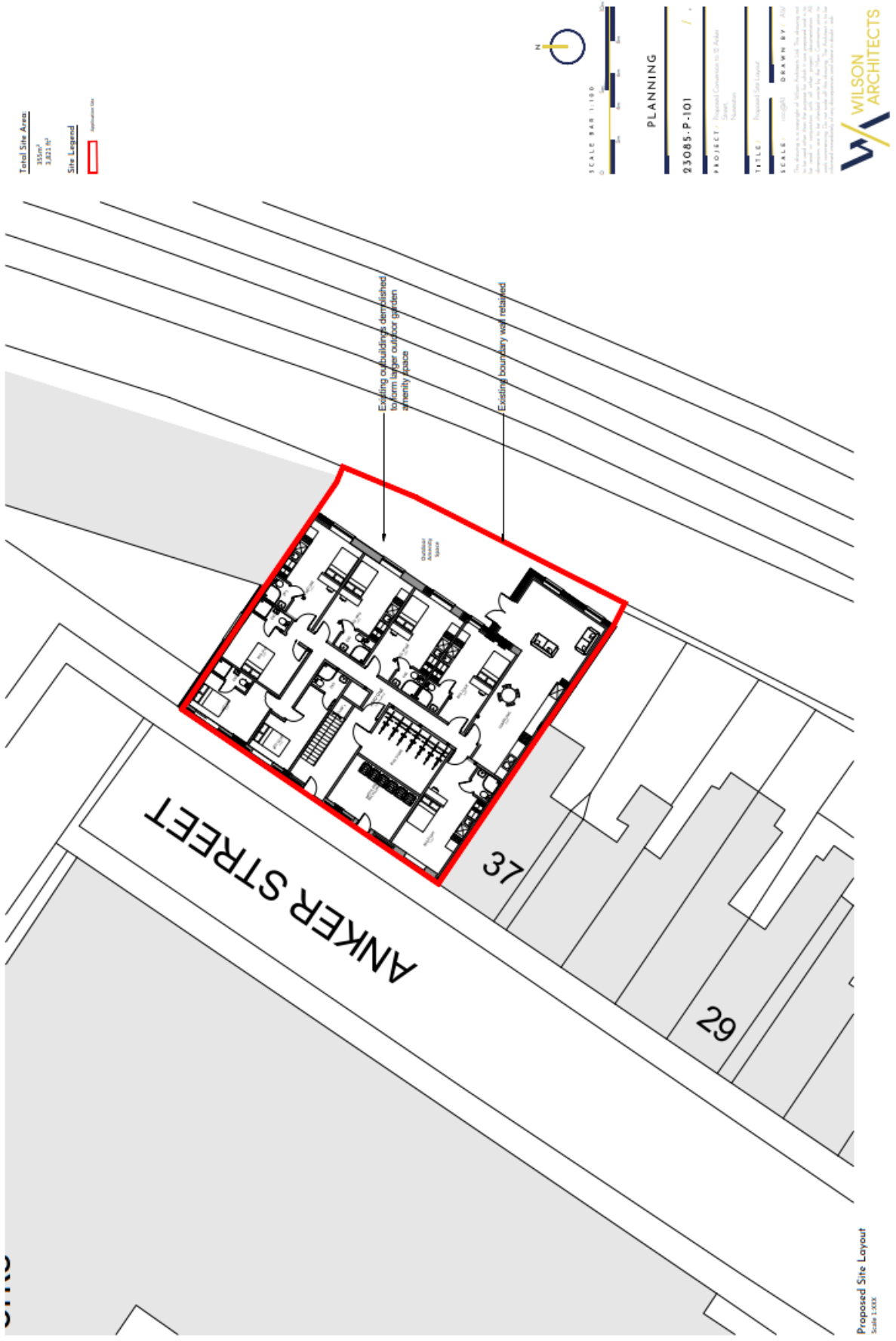
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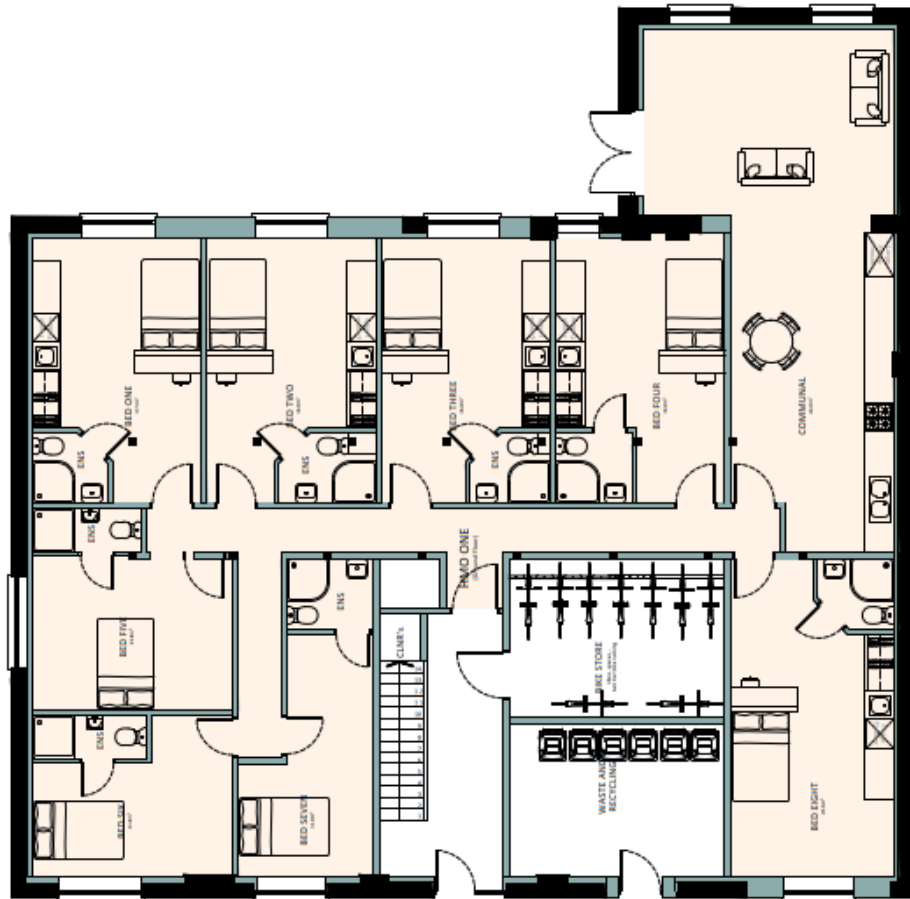
Wilson Architects
1000 West 10th Street, Suite 100
Vancouver, BC V6H 1A7
Tel: 604.681.1111
www.wilsonarchitects.com



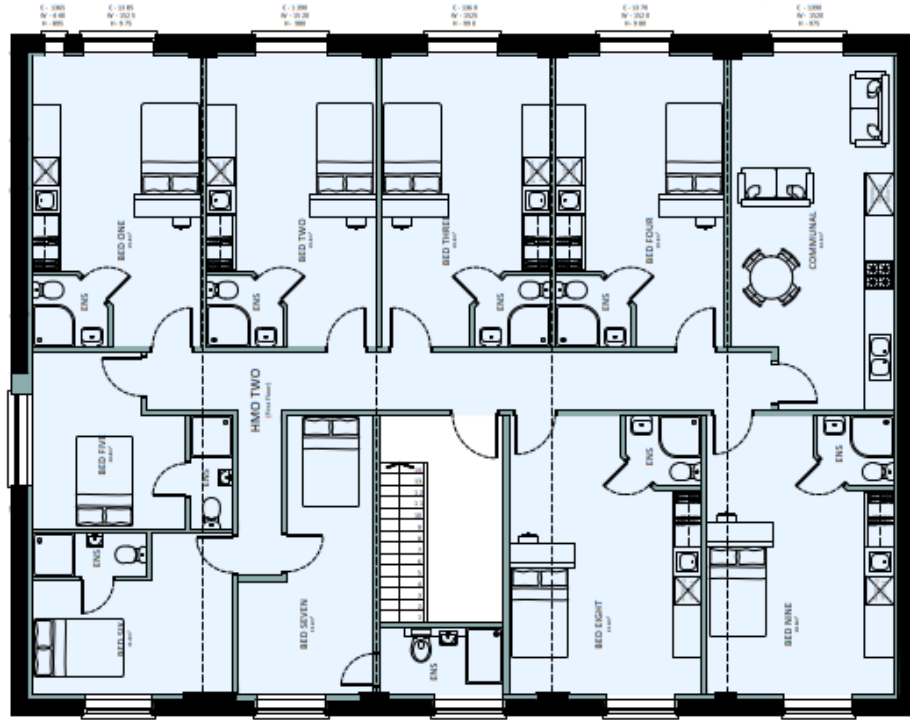
PROFESSIONAL ARCHITECTS INC. (P.A.I.C.)
Vancouver, British Columbia



Proposed Site Layout
Scale: 1:100



Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50



SCALE BAR 1:50

FOR PLANNING

23085 - P - 02

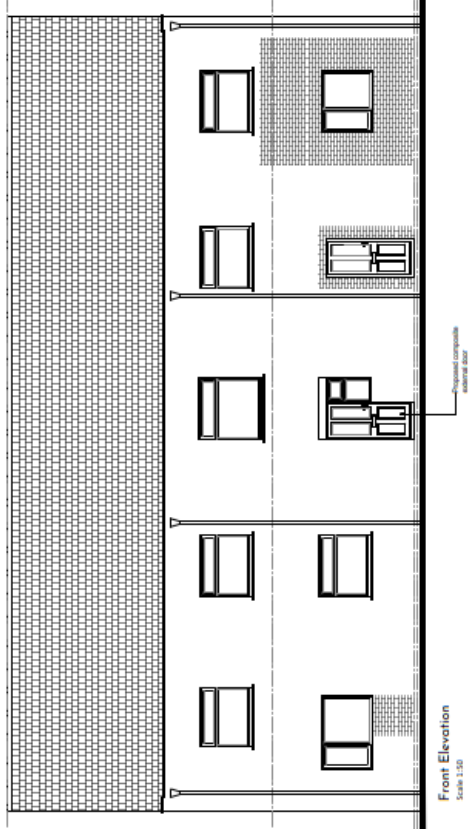
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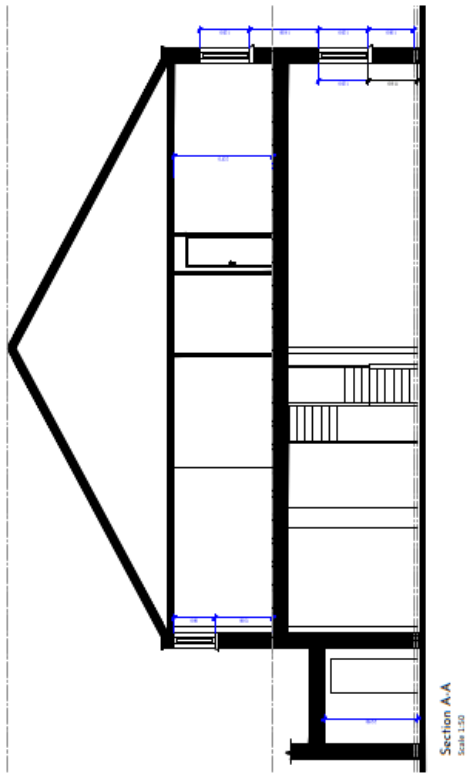
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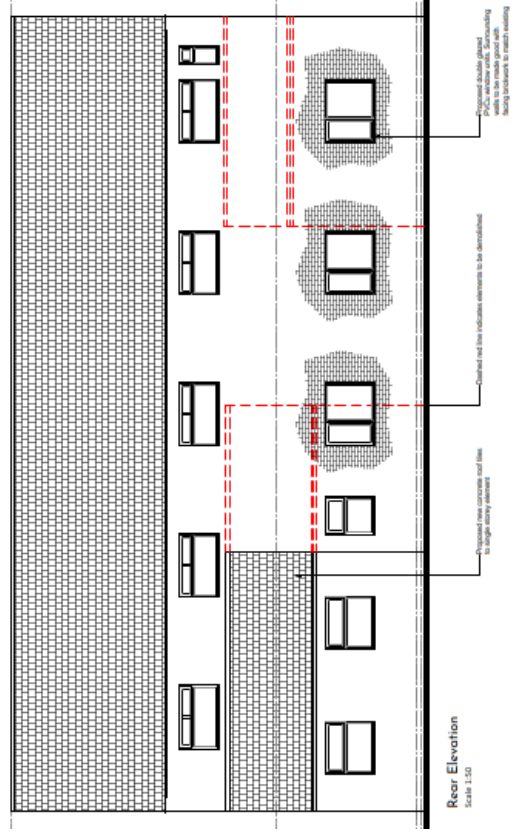
The Planning Applications Committee is a sub-committee of the Planning Committee.



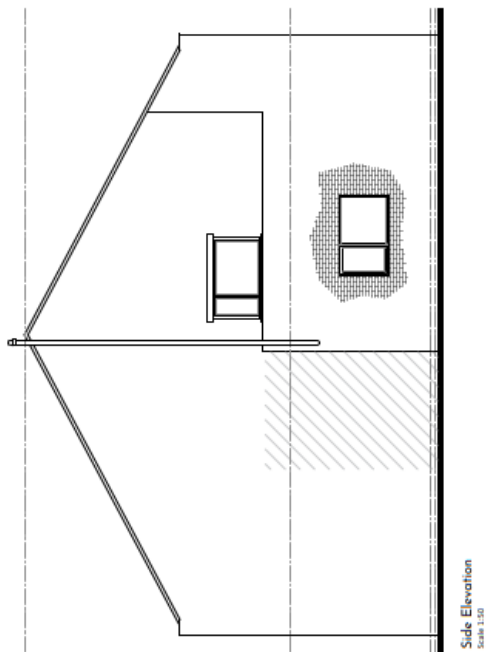
Front Elevation
Scale 1:50



Section A-A
Scale 1:50



Rear Elevation
Scale 1:50



Side Elevation
Scale 1:50

SCALE BAR 1:50

FOR PLANNING

23085 - P. 103

PROJECT: Proposed Conversion of 3 Storey Shop

TITLE: Proposed

SCALE: 1:50

DRAWN BY: J.C.

WILSON ARCHITECTS

REFERENCE No. 040340

Site Address: Lexington Court, Abbey Street, Nuneaton, Warwickshire

Description of Development: Replacement railings to balconies, walkways and link bridges

Applicant: Mr John Rowe (Senior Building Surveyor at Nuneaton and Bedworth Borough Council) on behalf of Nuneaton and Bedworth Borough Council.

Ward: SM

RECOMMENDATION:

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

INTRODUCTION:

The application seeks consent for the installation of replacement railings along communal balconies, walkways and parts of link bridges at Lexington Court, Abbey Street, Nuneaton.

Lexington Court is a 1960s residential complex between two and four storeys in height. All parts of the complex are within a 5-minute walk from Nuneaton's Town Centre boundary (as defined by Appendix C in the adopted Borough Plan (2019)). The complex predominately comprises apartments and mainly features red brick, buff brick, and white render. Communal balconies, walkways and link bridges enclosed by railings are present between the second and fourth storey of the complex. These railings are the subject of this application and are within the ownership of Nuneaton and Bedworth Borough Council ('the Council').

The existing railings (1 metre in height) comprise varnished timber handrails and painted timber panels fixed to metal railings; all in a dark green colour. The proposed metal railings (1.1 metres in height) would comprise steel; power coated in a black colour.

The submission details the existing railings are in a poor condition and unsafe. Temporary scaffolding is currently in place adjacent to several railings, due to safety concerns. Maintenance of the railings has become increasingly challenging and expensive, with many now requiring significant repairs and/ or wholesale replacement. The submission outlines that it is considered more economical and safe, in the long term, to replace the railings across Lexington Court with an enhanced design which requires lower maintenance.

BACKGROUND:

This application is being reported to the Planning Committee in accordance with the Council's current constitution (September 2023 version). Section 5.D7(a) outlines all

development proposals by the Council itself will be determined by Committee, regardless of any Scheme of Delegation in force at the time.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 - Presumption in favour of sustainable development
 - DS2 - Settlement hierarchy and roles
 - DS3 - Development principles
 - BE3 - Sustainable design and construction
- Supplementary Planning Documents (SPDs).
 - Sustainable Design and Construction SPD 2020.
- Other relevant Policies and Guidance
 - National Policy Planning Framework 2023 (NPPF).
 - National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Land and Property, Cadent Gas

CONSULTATION RESPONSES:

No response from:
NBBC Land and Property

No objection subject to an informative note attached to the decision notice:
Cadent Gas

NEIGHBOURS NOTIFIED:

Lexington Court Nos. (inclusive): 1-5, 12-23, 30-36, 38-42, 45-50, 53-58, 61-66, 68-75, 82-93, 100-105, 107-111, 114-119, 122-127, 130-135.

The neighbouring properties listed above were sent letters notifying them of the proposed development on 21st June 2024. Four site notices were erected on street furniture on 20th June 2024.

NEIGHBOUR RESPONSES:

No third-party responses were received by the Council.

APPRAISAL:

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

1. The Principle of the Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Conclusion

1. The Principle of Development

The NPPF 2023 establishes the need for the planning system to achieve sustainable development and outlines this in three key dimensions; economic, social and

environmental (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means applications should be approved providing these are in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 47). 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 2019 states Nuneaton has the primary role for employment, housing, town centre, leisure and service provision in the borough.

Policy DS3 of the Borough Plan 2019 states all new development will be sustainable and of a high quality. It goes on to state that new development within settlement boundaries, as defined by the Borough Plan 2019, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

This application consists of replacement railings at an existing residential complex which is within the Nuneaton settlement boundary. Therefore, the principle of this development in this location is acceptable (subject to all other planning considerations being adequately addressed).

2. Impact on Visual Amenity

Policy BE3 of the Borough Plan 2019 requires development proposals be designed to a high standard. The policy also states that 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 character types within each urban character area.

The existing railings are in a poor condition and require significant repair and/ or wholesale replacement. The timber materials of the existing railings require regular maintenance, which is inherently costly and has resulted in a dated appearance. The existing railings do feature some elements of good design (i.e. a symmetrical and balanced appearance). However, overall it is considered the existing timber handrails and panels are typical of the largely bland elevational detailing on buildings of this design type and age. These lack visual interest and do little to positively impact the street scene. The existing railings are considered to be of a low design quality which now appear dated, unattractive and lack any local distinctiveness.

Any replacement railings should be harmonious with the prevailing character, pattern and scale of Lexington Court. It is considered the proposed railings retain the elements of existing good design (being of a comparable scale, and demonstrating a symmetrical and balanced appearance). None the less, there is also clear opportunity for elevational uplift and enhancement. It is considered the proposed black metal railings would have a more 'timeless' appearance in comparison to the existing situation. The steel material would also require less regular maintenance, which would be more economical and be less likely to appear dated.

The proposed railings are therefore considered to be of appropriate design and scale which would result in visual improvement in comparison to the existing railings.

3. Impact on Residential Amenity

Policy BE3 of the Borough Plan 2019 states that 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.

The policy goes on to state that 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

There are no proposed changes to use of buildings, ownership/ tenure, street layout, patterns of development, plot size and arrangement, or overall built form. The design of the proposed railings would result in matching or improved access to daylight and sunlight for neighbouring occupiers, in comparison to the existing situation. The similar scale of the proposed railings, in comparison to the existing railings, ensures there would be no overbearing impact. The communal nature of the balconies, walkways and parts of link bridges would remain as existing. There would therefore be no detrimental impact on privacy to occupiers of neighbouring properties, in comparison to the existing situation.

Paragraph 135 of the NPPF 2023 outlines that ensuring developments result in safe places is a key aim of the planning system. Significant repairs and/ or wholesale replacement of the existing railings are required due to their deteriorated and unsafe condition.

Any building regulations consents required are entirely separate to this application.

The proposed railings are of a comparable scale to the existing railings, which require significant repair and/ or wholesale replacement. No other changes are associated with the development. Given this, it is considered there would be no detrimental impacts on residential amenity in comparison to the existing situation.

4. Conclusion

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

The potential impacts of the proposed development in relation to the principle of the development, residential and visual amenity have been considered. The assessment has subsequently shown that there would be no adverse impacts in these regards.

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

REASONS FOR APPROVAL:

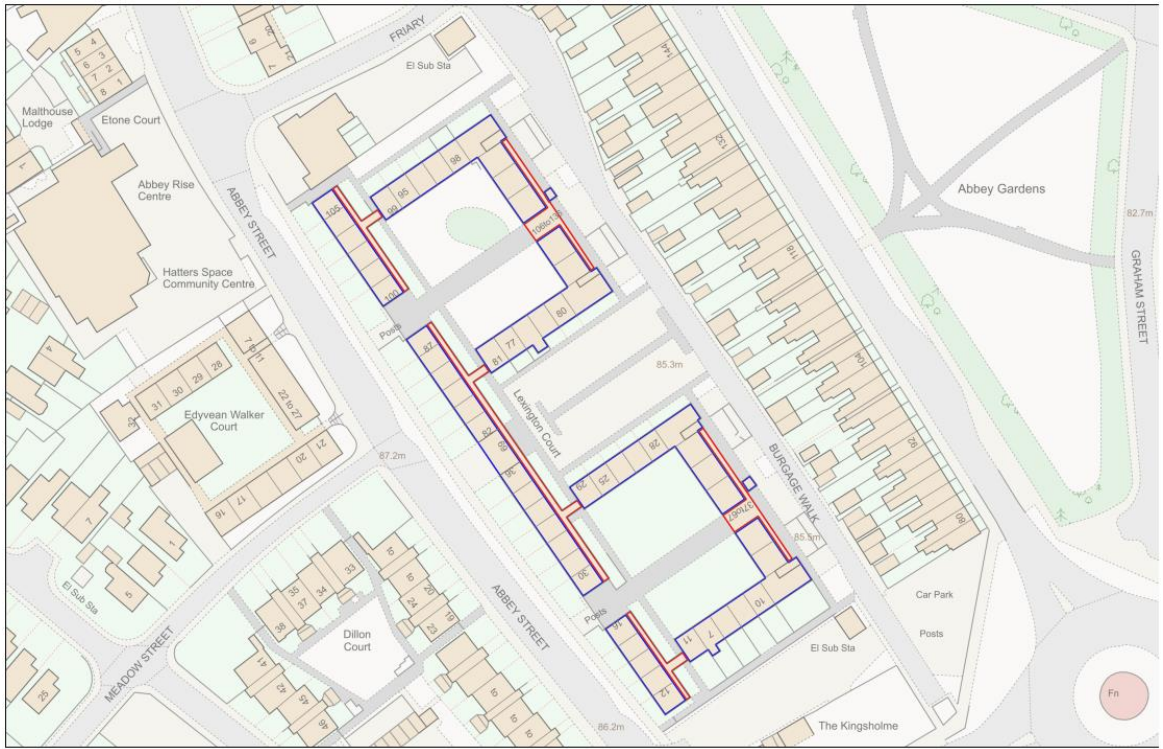
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Location Plan	PP-13124172v2	19 June 2024
Site Plan	420.001	19 June 2024
Existing Elevations 1	420.002	17 June 2024
Existing Elevations 2	420.003	17 June 2024
Existing Elevations 3	420.004	17 June 2024
Existing Railing Details 1	420.005	17 June 2024
Existing Railing Details 2	420.006	17 June 2024
Proposed Elevations 1	420.007	17 June 2024
Proposed Elevations 2	420.008	17 June 2024
Proposed Elevations 3	420.009	17 June 2024
Proposed Railing Details 1	420.010	17 June 2024
Proposed Railing Details 2	420.011	17 June 2024

3. The external materials used shall not be carried out other than in accordance with the details specified in the Application form, and the Design and Access Statement, Ref. No. 420DAS1, both received by the Council on 19 June 2024.



Site Location Plan



Site Plan

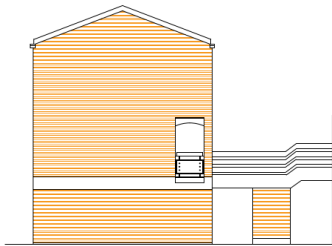


NORTH EAST (FRONT) ELEVATION AS EXISTING- SCALE 1:100
Block No's.106 - 136



NORTH EAST (FRONT) ELEVATION AS EXISTING- SCALE 1:100
Block No's.37 - 67

Existing Elevations 1



SOUTH EAST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100



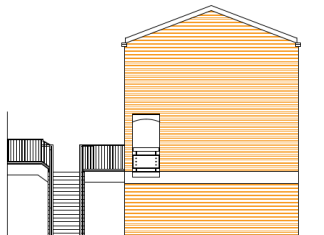
NORTH EAST (FRONT) ELEVATION EXISTING- SCALE 1:100
Block No's.1 - 5 & No's.12 - 16



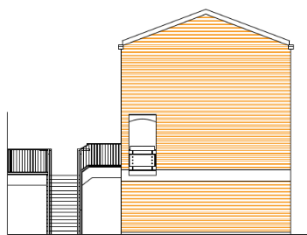
SOUTH EAST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100



NORTH EAST (FRONT) ELEVATION EXISTING- SCALE 1:100
Block No's.88 - 93 & No's.100 - 105

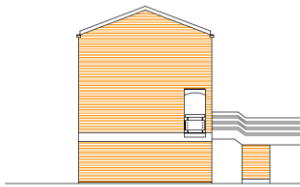


NORTH WEST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100



NORTH WEST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100

Existing Elevations 2



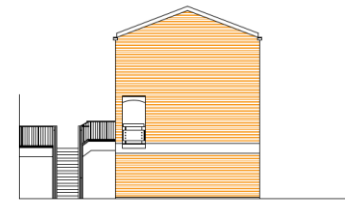
SOUTH EAST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100



FRONT ELEVATION AS EXISTING- SCALE 1:100
Block No's.17 - 23; No's.30 - 36; & No.68

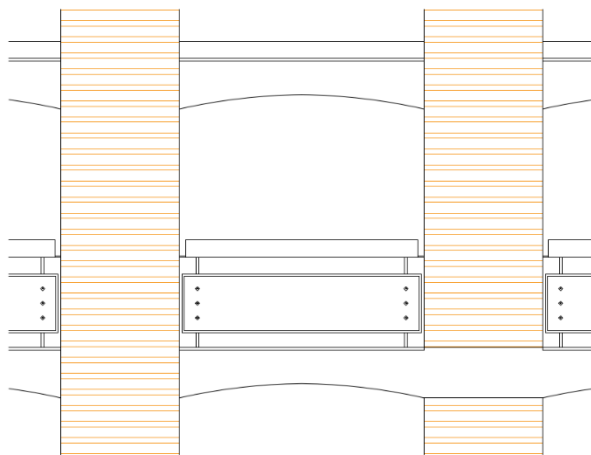


FRONT ELEVATION AS EXISTING- SCALE 1:100
Block No's.69 - 75 & No's.82 - 87

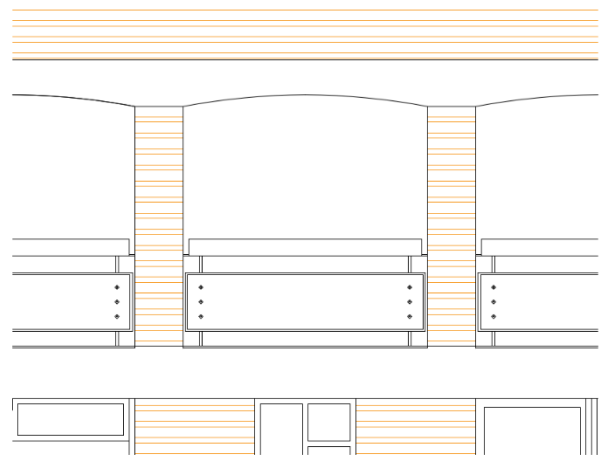


NORTH WEST (SIDE) ELEVATION AS EXISTING
- SCALE 1:100

Existing Elevations 3

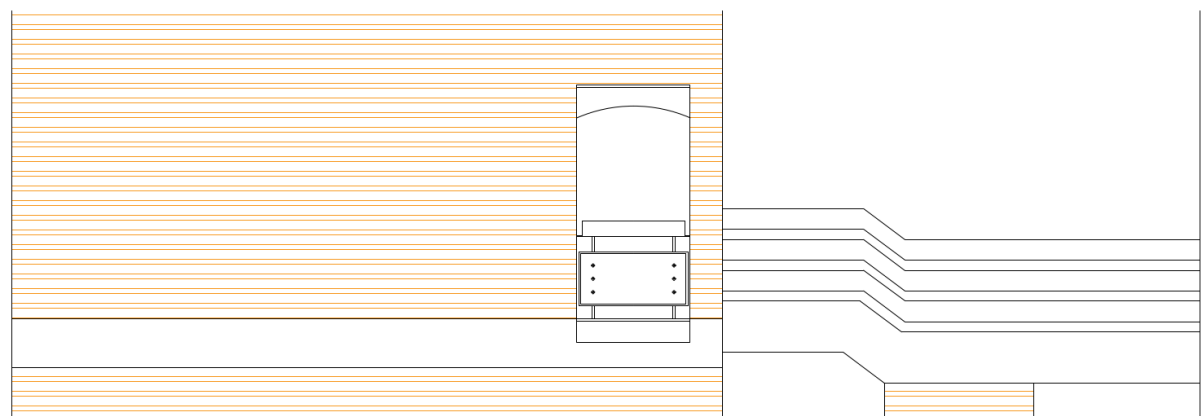


Railing A - Burgage Walk
Existing Elevation



Railing B - Upper Abbey Street
Existing Elevation

Existing Railing Detail 1



Railing C - Side Railing
Existing Elevation

Railing D - Stair Railing
Existing Elevation

Existing Railing Detail 2



NORTH EAST (FRONT) ELEVATION AS PROPOSED- SCALE 1:100
Block No's.106 - 136



NORTH EAST (FRONT) ELEVATION AS PROPOSED- SCALE 1:100
Block No's.37 - 67

Proposed Elevations 1



SOUTH EAST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100



NORTH EAST (FRONT) ELEVATION AS PROPOSED- SCALE 1:100
Block No's.1 - 5 & No's.12 - 16



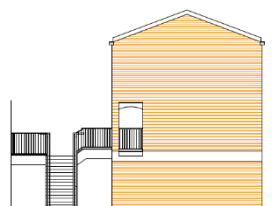
SOUTH EAST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100



NORTH EAST (FRONT) ELEVATION AS PROPOSED- SCALE 1:100
Block No's.88 - 93 & No's.100 - 105



NORTH WEST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100



NORTH WEST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100

Proposed Elevations 2



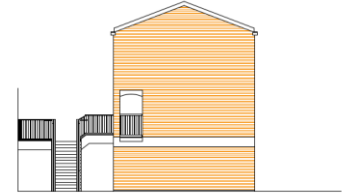
SOUTH EAST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100



FRONT ELEVATION AS PROPOSED- SCALE 1:100
Block No's.17 - 23; No's.30 - 36; & No.68

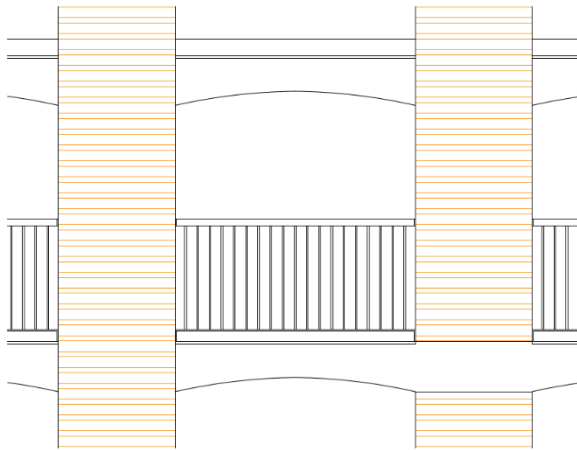


FRONT ELEVATION AS PROPOSED- SCALE 1:100
Block No's.69 - 75 & No's.82 - 87



NORTH WEST (SIDE) ELEVATION AS PROPOSED
- SCALE 1:100

Proposed Elevations 3



Railing A - Burgage Walk
Proposed Elevation

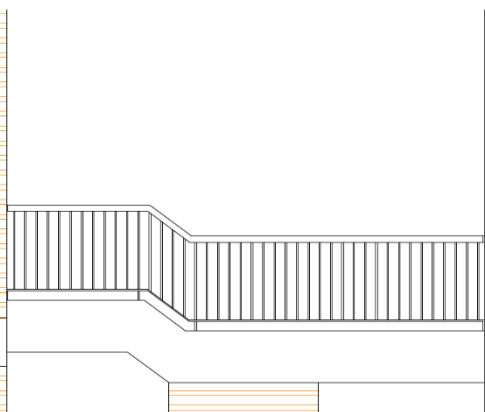


Railing B - Upper Abbey Street
Proposed Elevation

Proposed Railing Details 1



Railing C - Side Railing
Proposed Elevation



Railing D - Stair Railing
Proposed Elevation

Proposed Railing Details 2

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)