

PLANNING APPLICATIONS COMMITTEE

ADDENDUM 16th July, 2024

Item

2 & 5

Items 2 and 5 both state that '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'.

Since the publication of the agenda, two appeal decisions from the recent public inquiries have been published, which both suggest that the actual supply is below 4 years (3.4 years). Therefore, the tilted balance should be engaged in favour of sustainable development. (Appeal decisions APP/W3710/W/23/3330615 & APP/W3710/W/23/3329913). When engaged, the tilted balance should change the 'balancing exercise' which the decision-maker uses when deciding whether or not to grant planning permission. The balance is whether the harms 'significantly and demonstrably' outweigh the benefits of granting permission. The tilted balance 'tilts' the balance in favour of approving an application.

Policy DS8 (in part) states that 'Where it is apparent that delivery rates are falling short of what was anticipated, then the council will take the necessary action to address any shortfall. Such action may include (but are not limited to): - bringing forward additional sites where it can be demonstrated that such sites will assist with delivery to address short-term needs.

Where additional housing sites need to be brought forward, initial priority will be given to sustainable sites, including town centre redevelopment opportunities in Nuneaton and edge of settlement sites, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

The change in the supply position in light of the appeal decisions are considered to carry weight in support of the applications (Item 2 & 5), however these items were already recommended for approval.

1.

ADD Neighbour Responses:

One additional letter was received from one address raising the following additional issues:

1. Traffic modelling does not include Coventry's administrative area
2. Ambiguity in Transport Assessment definitions
3. Additional traffic and highway safety concerns
4. The proposal will impact on air quality including cross-boundary
5. Traffic Regulation Orders are not enough
6. Overnight lorry parking facilities should be included

7. There are likely to be additional risks from increased HGV use
8. Severe impact on local services and infrastructure
9. High level of impact on Heritage and Archaeology
10. Impact on Ecology, flood risk and river management and green infrastructure
11. Impact on landscape character, from the site layout, etc.

One additional letter was also received with no address given raising the following issues:

1. No attention paid to objections
2. Site was removed from Greenbelt
3. Roads will become car parks
4. Highway safety impact
5. Borough Plan Review has not been considered adequately

ADD to Consultees Notified:

NBBC Sports Development, Historic England, Warwickshire Police, NBBC Public Sector Housing, and Ramblers Assoc.

ADD to Consultation Responses:

No Objection:

Historic England, Warwickshire Police

ADD Condition 29.

The development hereby permitted shall not commence until Biodiversity Metric and detailed Habitat Management and Monitoring 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, grassland and woodland creation and provision of habitat for protected and notable species. Such approved measures shall thereafter be implemented in full.

AMEND Condition 25:

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, 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.

Item

2.

ADD:
Consultees notified:
National Grid, GEHT and WCC Ecology

Consultation Responses:
No objection subject to conditions/ contributions for: WCC Infrastructure

AMEND:
Applicant:
NBBC's constitution requires all applications submitted on behalf of the Council to have the job title and name of the relevant Officer/ applicant declared. The applicant is Mrs Dawn Dawson, Strategic Director - Housing and Community Safety at NBBC.

Consultation responses:
No objection amended to no objection subject to conditions/contributions for: GEHT
No objection amended to no response for: Cadent Gas

3.

AMEND Description of Development to read:

Description of Development: Single storey extension to rear and two storey extension to rear, two storey extension to side, and single storey to front, first floor extension to front and two storey extension to front.

AMEND Condition 2:

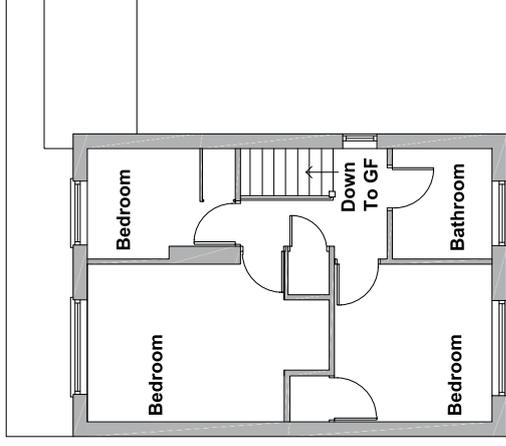
| Plan Description | Plan No. | Date Received |
|----------------------|----------------|---------------|
| Site Location Plan | 23085 - P 001 | 11/01/2024 |
| Existing Floor Plans | 23085 - P 002B | 16/07/2024 |
| Existing Elevations | 23085 - P 003 | 11/01/2024 |
| Proposed Site Layout | 23085 - P 101 | 11/01/2024 |
| Proposed Floor Plans | 23085 - P 102B | 28/06/2024 |
| Proposed Elevations | 23085 - P 103 | 11/01/2024 |

ADD Plan Reference: 21FOXH-PS24-00b EXISTING FLOOR PLANS – please see overleaf

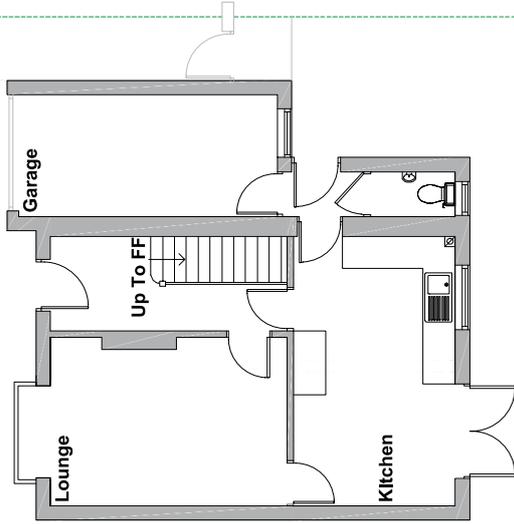
No.

Notes

1. ONLY TO BE SCALED WHEN PRINTED AT A1
2. All dimensions in mm unless indicated.
3. Plans should be checked by the client, structural engineer, contractor, etc. prior to construction. No responsibility will be given to the designer.



21 Foxhills Close Existing First Floor Plan



21 Foxhills Close Existing Ground Floor Plan



Key:

- Removed Element
- Lintel
- Drain Run
- Existing Structure
- Site Boundary



| Rev. | By | Date | Room Name Change | Description | CHK'd |
|------|----|-------|------------------|-------------|-------|
| b | WJ | 27.06 | | | |

Leadbury Architectural Design
 WILLIAM LADBURY
 8 THE BARNARD WAY
 NUNEATON, CV10 0FA
 TEL: 0794 1354894
 leadburyad@gmail.com



Project:
21 FOXHILLS CLOSE
 NUNEATON, CV11 6TP

Drawing Title:
EXISTING PLANS
SITE LOCATION PLAN

| Drawn | CHK'd | App'd | Status | Date | A1 |
|-----------|-------|-------|----------|----------|----|
| W.LADBURY | | | PLANNING | 06.01.24 | |

Scale: @ A1
1:50 1:1250
 Drawing No:
21FOXH-PS24-00

4.

ADD to Consultees notified: National Grid

DELETE from Consultee responses - no objection: WCC Highways (duplication)

Update recommendation to -
Planning Committee is recommended to grant planning permission, subject to no new points of objection being received following the reconsultation of the application and subject to a legal agreement and the conditions printed.

Update Section 106 Planning Obligations

Organisation - WCC Infrastructure
Request for - Public Transport Improvements
Contributions -
Public transport improvements - £5000
Monitoring & administration - £2,000 + (5 hours x £40 officer time x number of triggers)

Amend 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 A | 05/07/2024 |
| Proposed Site Plan | P402 Rev. J | 05/07/2024 |
| Boundary Treatments Plan | P403 Rev. J | 05/07/2024 |
| Surface Treatment Plan | P405 Rev. J | 05/07/2024 |
| External Furniture Plan | P406 Rev. J | 05/07/2024 |
| 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 |

6. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas have been submitted to and approved in writing by the Council. The details shall include finished levels and confirmation on how permeable paving will not result in the adjacent highway being eroded. 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.

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 16th

November 2023 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;
- 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.

16. Notwithstanding the lighting plan submitted (2495 E01 P1), no development shall commence above slab level until an amended lighting plan has been submitted and approved in writing by the Council to show how the lighting scheme avoids light spill and potential negative effects upon ecology and habitat areas within and adjacent to the site, with input to the scheme

from a suitably qualified and experienced ecologist and as evidenced on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also take into account the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details and 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.

21. 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. J (received by the Council on 5th July 2024). Thereafter, the details as agreed shall be retained and maintained for the lifetime of the development.

22. 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. J (received by the Council on 5th July 2024). Thereafter, the details as agreed shall be retained and maintained for the lifetime of the development.

23. The development hereby approved shall be carried out in accordance with the soft landscaping proposal as per drawing No. KL-558-001 Rev. P3 (received by the council on 08/07/2024) 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.

24. The development hereby approved shall not be occupied until the details of the Electric Vehicle (EV) charging points to be installed to the allocated bays as shown on the proposed site plan (received by the Council on 5th July 2024) have been submitted and approved in writing by the Council. The EV charging points 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.

25. 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.

26. 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.

27. 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.

28. 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.

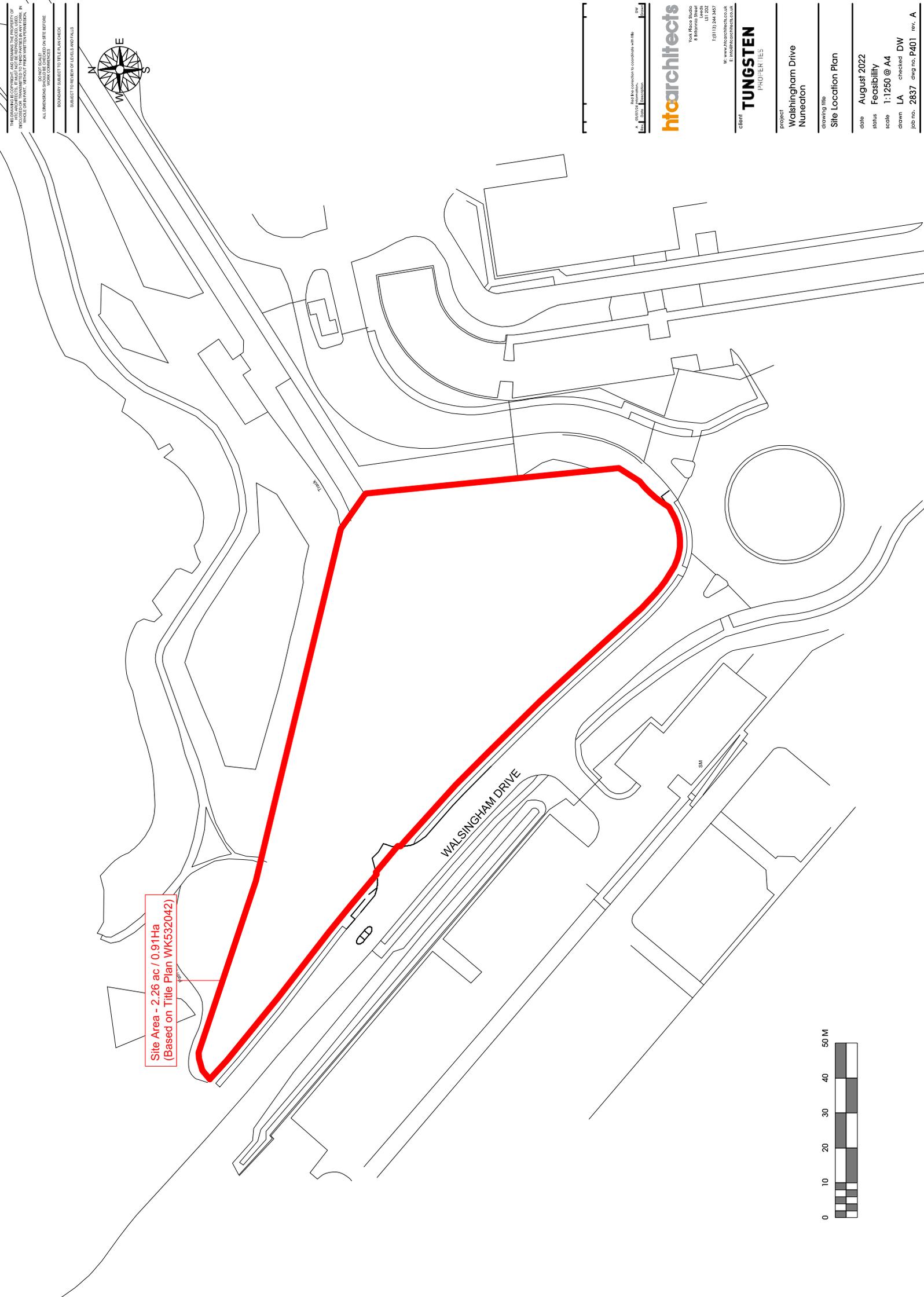
Unless consent has first been granted in the form of a separate planning permission.

Reason: In the interests of residential and visual amenity, highway safety and parking and in order to protect any ecological or biodiversity value of the developed site.

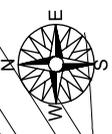
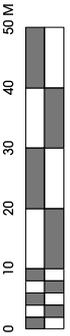
Remove condition 21

Add to schedule of conditions –

No development shall commence above slab level until details have been submitted to and approved in writing by the Council of all plant and machinery to be installed, detailed specifications, noise mitigation and maintenance details as appropriate. The development shall not be occupied until such a time that the appropriate mitigation measures for all plant and machinery, as well as the noise mitigation measures identified within the Assessment (submitted to the Council on 3rd May 2023) have been carried out in full accordance with the approved details and shall remain for the lifetime of the development.



Site Area - 2.26 ac / 0.91Ha
 (Based on Title Plan WK532042)



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client **TUNGSTEN**
 PROPERTIES

project
Walsingham Drive
Nuneaton

drawing title
Site Location Plan

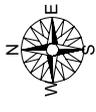
date **August 2022**
 status **Feasibility**
 scale **1:1250 @ A4**
 drawn **LA** checked **DW**
 job no. **2837** dwg no. **P401** rev. **A**

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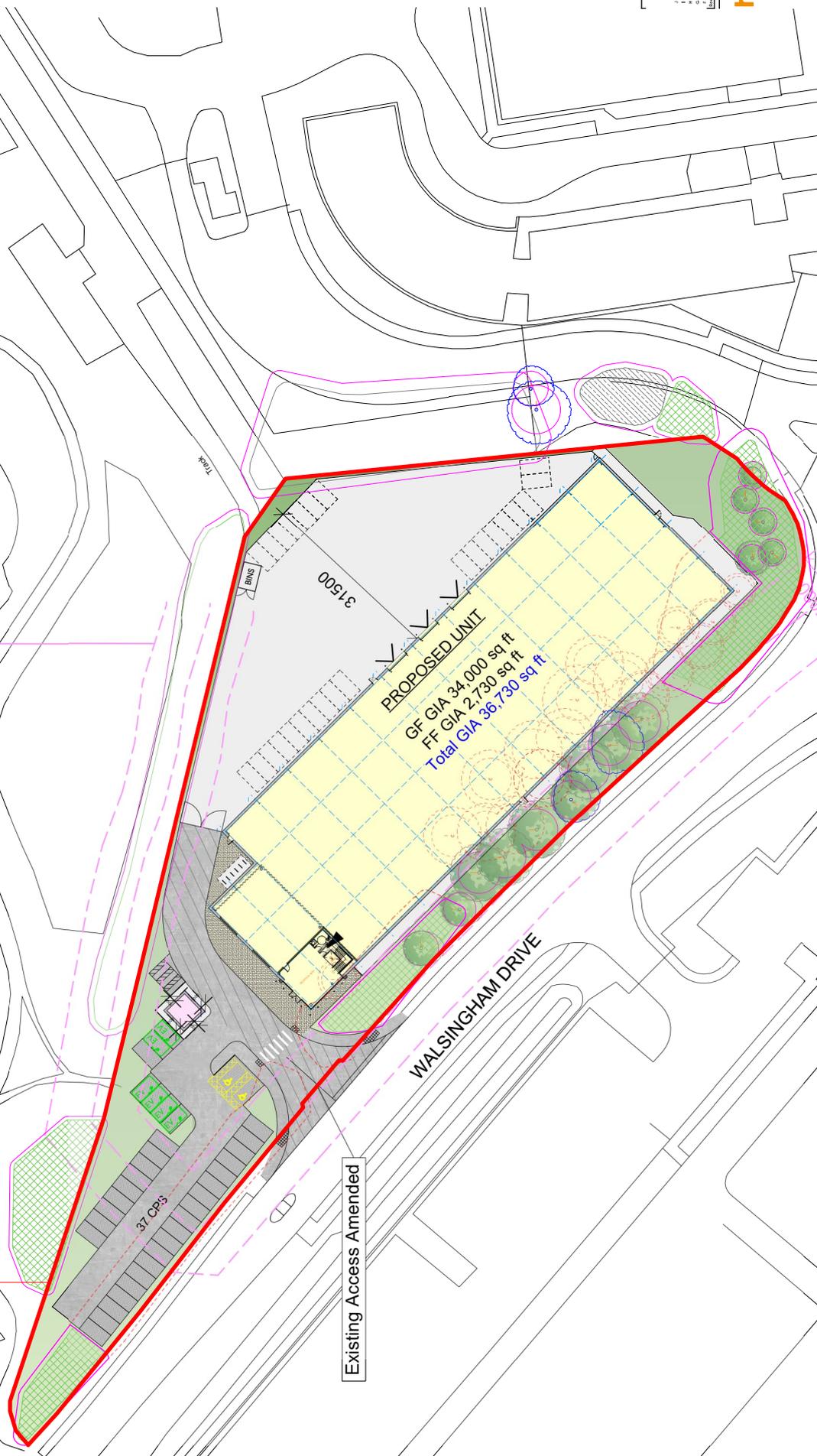
BOUNDARY SUBJECT TO FIELD SURVEY.

BOUNDARY SUBJECT TO LEVEL AND FALLS.



Existing drain and easement
Based on Survey Hub drawing 5787

Site Area - 2.26 ac / 0.91Ha
(Based on Title Plan WK532042)



Existing Access Amended

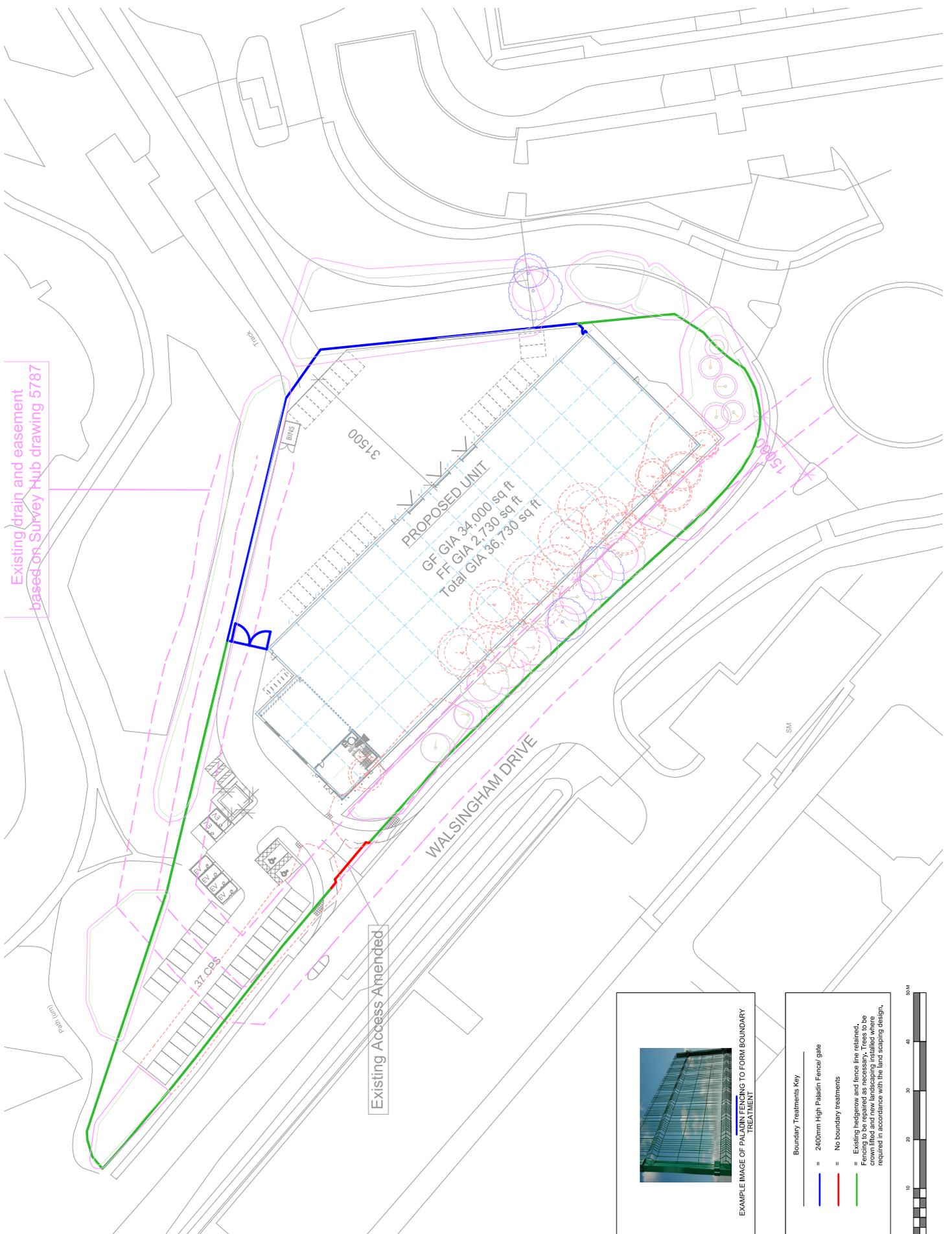
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2. 2017/22 Revised concept to coordinate with the client
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7. 2017/22 Revised concept to coordinate with the client
8. 2017/22 Revised concept to coordinate with the client
9. 2017/22 Revised concept to coordinate with the client
10. 2017/22 Revised concept to coordinate with the client

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Client **TUNGSTEN PROPERTIES**
Project **Walsingham Drive Nuneaton**
Drawing title **Proposed Site Plan**
Date **August 2022**
Status **Planning**
Scale **1:500 @ A2**
Drawn **LA** checked **DW**
Job no. **2837** dwg no. **P402** rev. **J**

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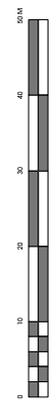
Existing drain and easement based on Survey Hub drawing 5787

Existing Access Amended



EXAMPLE IMAGE OF PALAQUIN FENCING TO FORM BOUNDARY TREATMENT

- Boundary Treatments Key**
- = 2400mm High Palatin Fence/gate
 - = No boundary treatments
 - = Existing hedgerow and fence line retained, Fencing to be repaired as necessary. Trees to be crown lifted and new landscaping installed where required in accordance with the landscaping design.



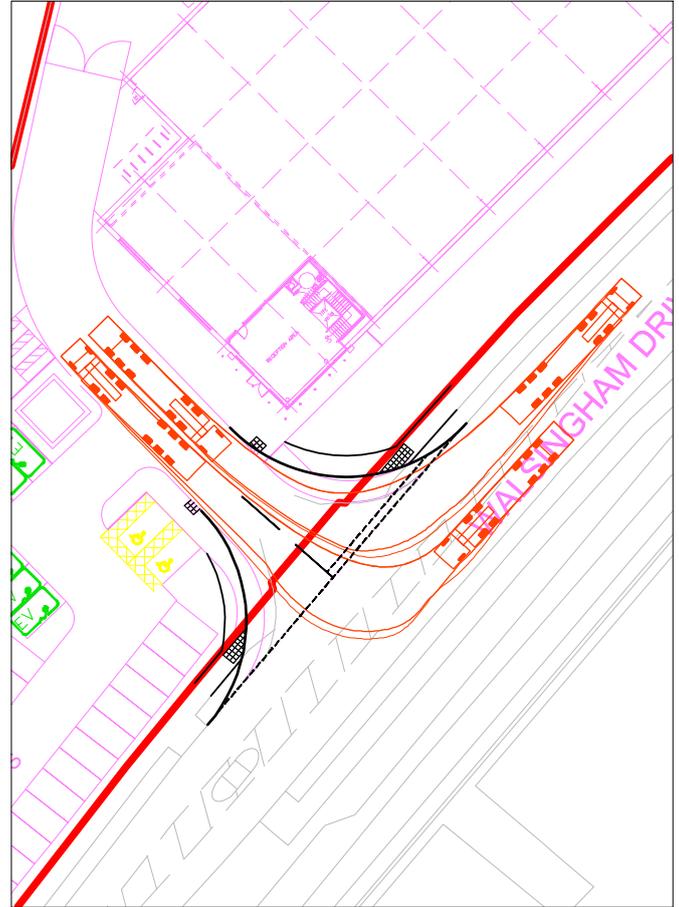
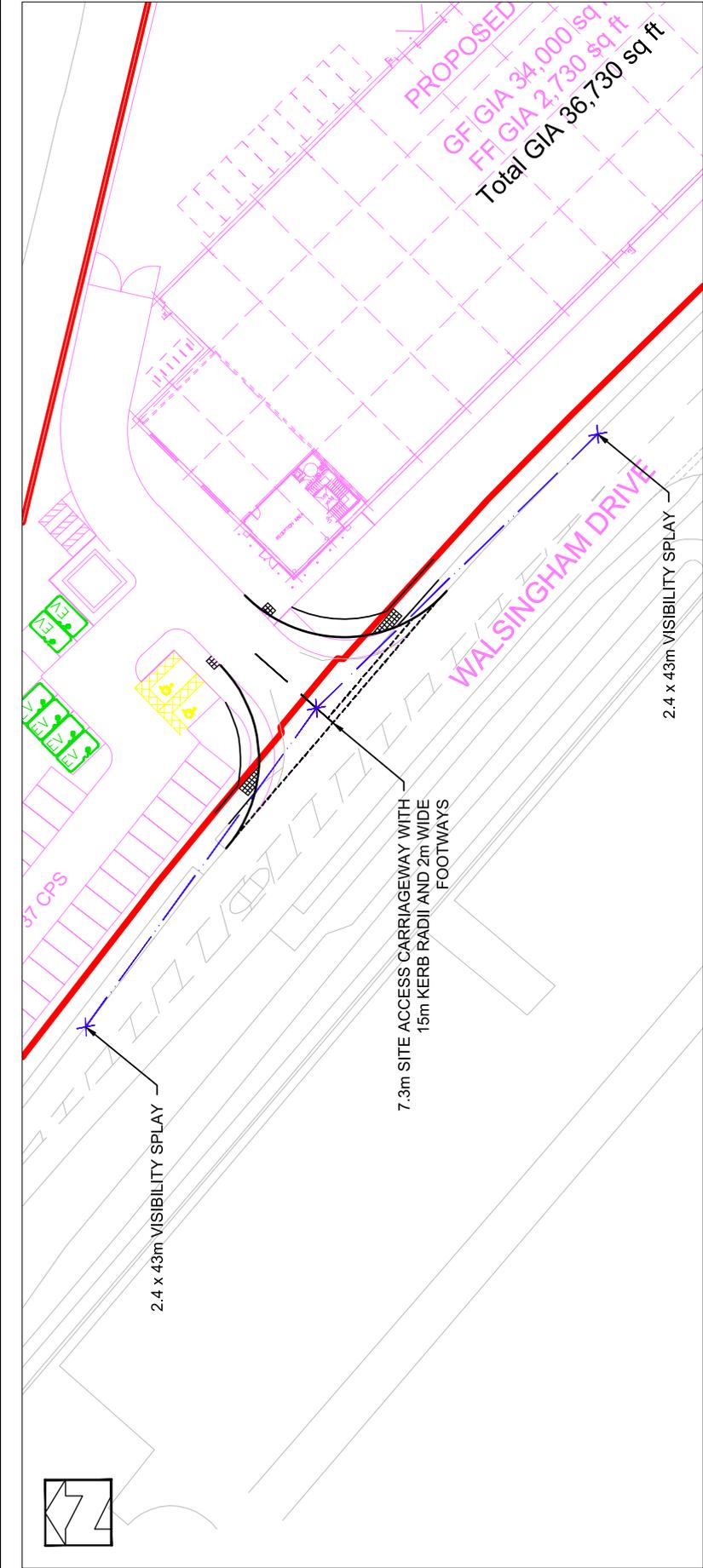
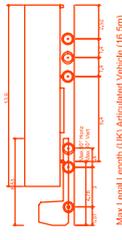
1. All drawings shall be checked for compliance with the JCR, DW, HSE, and other relevant regulations.
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client **TUNGSTEN PROPERTIES**
 project **Walsingham Drive Nunscaiton**
 drawing title **Boundary Treatments Plan**
 date **August 2022**
 status **Planning**
 scale **1:500 @ A2**
 drawn **LA** checked **DW**
 job no. **2837** cwg no. **P403** rev. **J**

Notes

1. Do not scale this drawing. All dimensions must be checked/verified on site, if in doubt ask.
2. This drawing is to be read in conjunction with all relevant architects, engineers and specialist drawings and specifications.
3. All dimensions in meters unless stated otherwise. All levels in meters above sea level.
4. Any discrepancies noted on site are to be reported to the engineer immediately.



| | | | | |
|-----|----------|----------------------------|----|-----|
| P3 | 08.07.24 | Updated red line boundary | MT | MT |
| P2 | 24.07.23 | Revised following comments | MT | MT |
| P1 | 21.04.23 | Preliminary layout | MT | MT |
| Rev | Date | Description | Dr | Rev |

Client: Tungsten Properties

Project: Land east of Walsingham Drive, Nuneaton

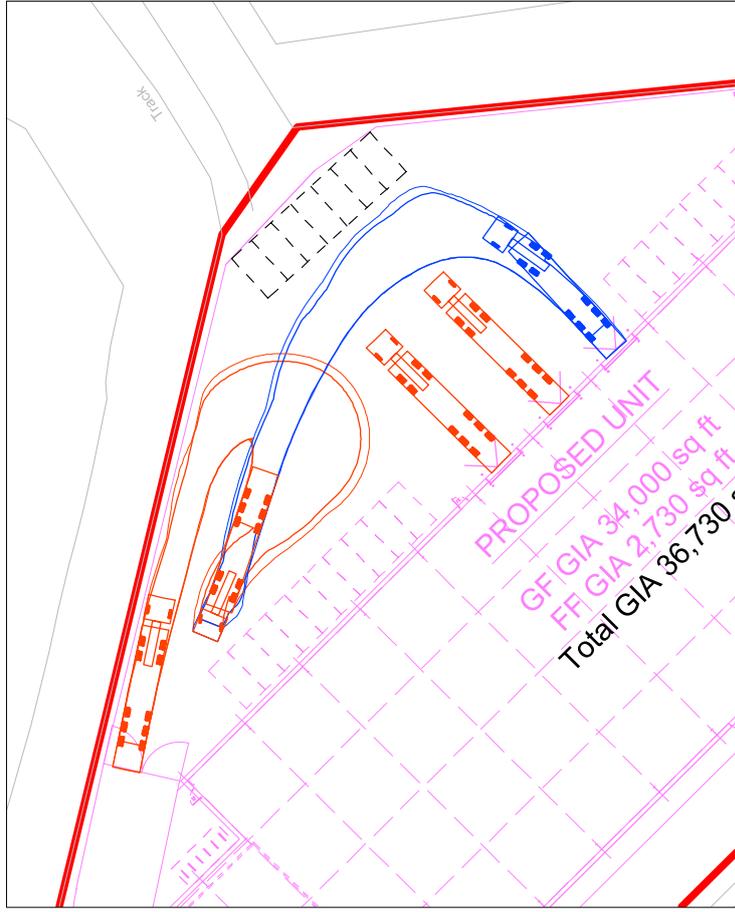
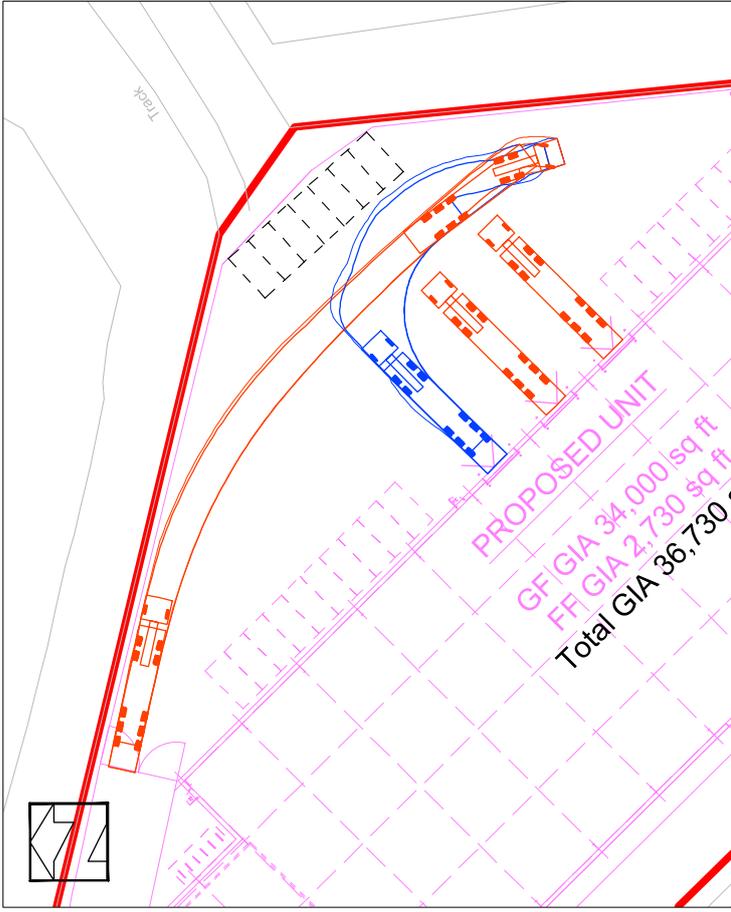
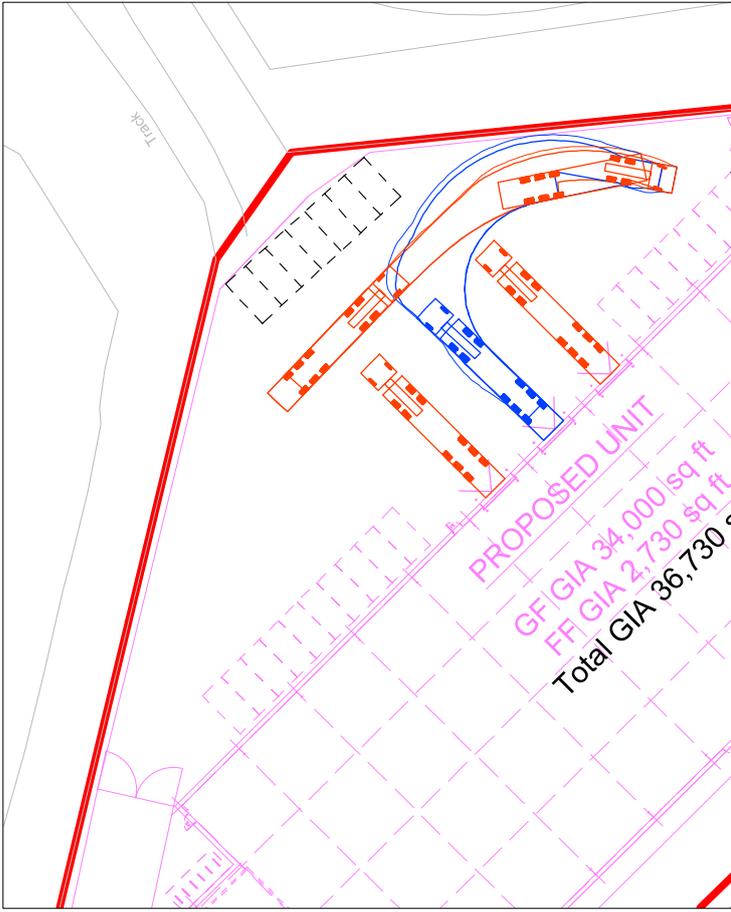
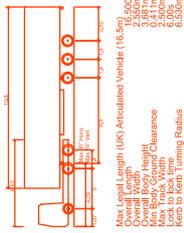
Title: Access Junction Layout



| | |
|---------------------------|--------------------------------|
| Drawn: M. Toller | Reviewed: M. Toller |
| Scale: 1:500 | Date: 21 / 04 / 2023 |
| Sheet: A3 | Project Reference: Type Number |
| Status: PRELIMINARY ISSUE | Revision |

Notes

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4. All dimensions noted on site are to be reported to the engineer immediately.



| Rev | Date | Description | Dr | Rev |
|-----|----------|---------------------------|----|-----|
| P3 | 08.07.24 | Updated red line boundary | MT | MT |
| P2 | 26.07.23 | Updated masterplan | MT | MT |
| P1 | 21.06.23 | Preliminary issue | MT | MT |

Client: Tungsten Properties

Project: Land east of Walsingham Drive, Nuneaton

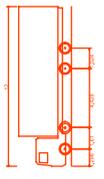
Title: Swept Path Assessment
Articulated HGV



| | |
|---------------------|---|
| Drawn: M. Tatter | Reviewed: M. Tatter |
| Scale: 1:500 | Date: 21/04/2023 |
| Sheet: A3 | Project Reference: Type Number Revision |
| PRELIMINARY ISSUE | |
| ADC3075-DR - 002 P3 | |

Notes

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3. All dimensions in meters unless noted otherwise. All levels in meters above sea level.
4. Any discrepancies noted on site are to be reported to the engineer immediately.



Signal Track
 Overall Width 12.000m
 Overall Height 2.500m
 Min Body Height 0.412m
 Min Body Ground Clearance 6.000m
 Min to Lock Time 1.500m
 Min to Vents Turning Radius

| | | | | |
|-----|----------|---------------------------|----|-----|
| P3 | 08.07.24 | Updated red line boundary | MT | MT |
| P2 | 26.07.23 | Updated masterplan | MT | MT |
| P1 | 21.04.23 | Preliminary issue | MT | MT |
| Rev | Date | Description | Dr | Rev |

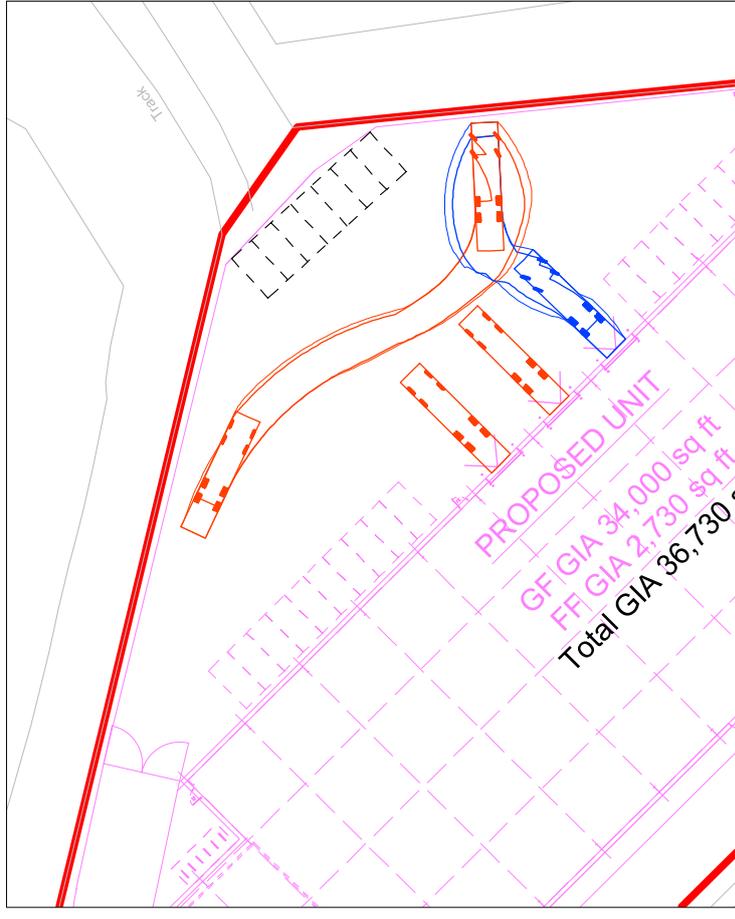
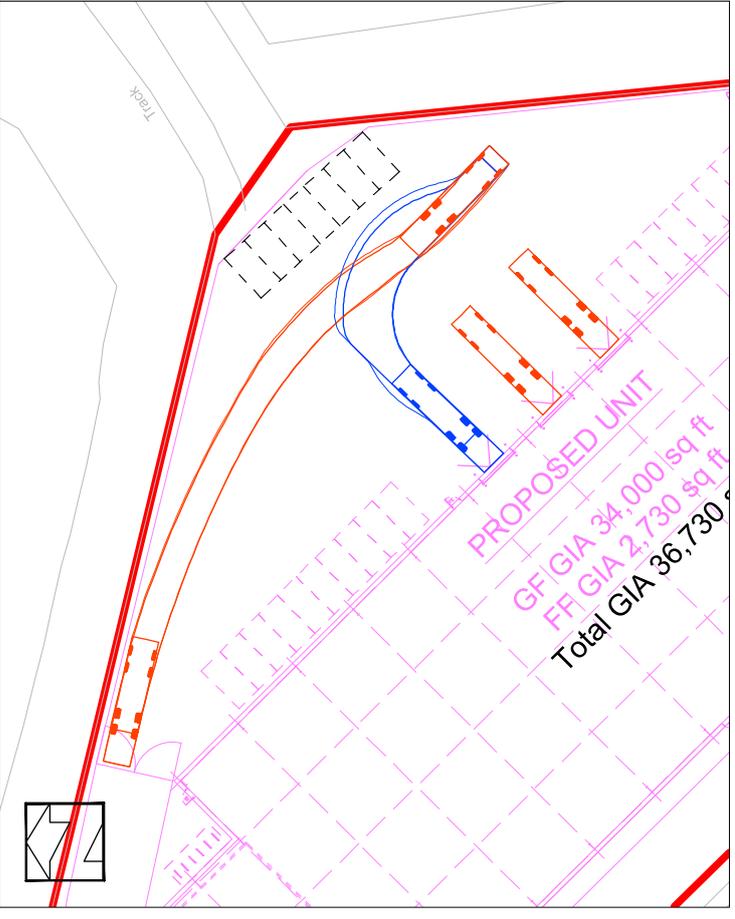
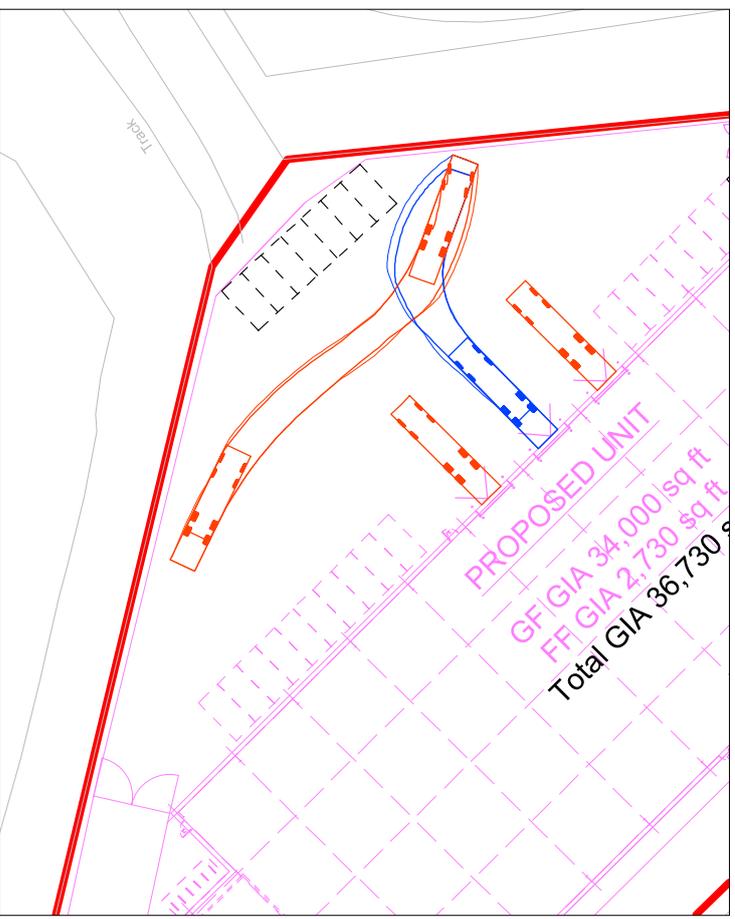
Client: Tungsten Properties

Project: Land east of Walsingham Drive, Nuneaton

Title: Swept Path Assessment Rigid HGV



| | |
|-------------------------------------|----------------------|
| Drawn: M. Taitler | Reviewed: M. Taitler |
| Scale: 1:500 | Date: 21 / 04 / 2023 |
| Sheet: A3 | Issue: 1 |
| PRELIMINARY ISSUE | |
| Project Reference: ADC3075-DR - 003 | Revision: P3 |



Item

6.

Consultee Response:
ADD to no response from:
Warwickshire Police

REMOVE:
No objection subject to conditions from:
WCC Highways

Appraisal:
AMEND all references of the NPPF (2023) to NPPF (2024)

AMEND in the Principle of Development section:
Paragraph 120 of the NPPF to read Paragraph 125 of the NPPF

