

Enquiries to:
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Date: 30th January 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 7th February 2023 at 6.00p.m.**

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

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

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

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

3. MINUTES - To confirm the minutes of the meeting held on 17th January 2023, 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 12)**. Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached **(Page 16)**

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, attached (**Page 16**)
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

17th January 2023

A meeting of the Planning Applications Committee was held on Tuesday, 7th January 2023, in the Council Chamber and was live streamed and recorded.

Present

Councillor L. Cvetkovic (Chair)

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

Apologies: Councillor J. Hartshorn.

PLA38 **Minutes**

RESOLVED that the minutes of the meeting held on the 13th December 2022 be confirmed and signed by the Chair.

PLA39 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

IN PUBLIC SESSION

PLA40 **Planning Applications**

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

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

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA40 OF THE
PLANNING APPLICATIONS COMMITTEE ON 17TH JANUARY 2023

038706: Site 51A074 17-23 Abbey Street
Applicant: Nuneaton and Bedworth Borough Council

Public Speakers: Peter Smith
Councillor Keith Kondakor

DECISION

Planning permission be granted subject to the conditions printed in the agenda, and with condition 24 amended as follows: “24. Prior to the occupation of the scheme, the 30no. cycle spaces (Sheffield Stands) as shown on the Proposed Ground Floor Plan (drawing no. 2331-GHA-1B-00-DR-A-(05)100 P01) received by the Council on 17th February 2022 shall be provided and made available for use with appropriate hard landscaping access”

038960: 88 Coventry Road, Exhall, Coventry, CV7 9EU
Applicant: InPost UK

Public Speakers: Councillor D. Brown
Hazel Allen (written statement)

DECISION

Planning permission be refused due to the reasons printed in the agenda.

038563: Watling Inn, 291 Watling Street, Nuneaton, CV11 6BQ
Applicant: Mr A Barot

Public Speakers: Councillor Keith Kondakor

DECISION

Delegated Authority be given to the Head of Planning to grant planning permission, subject to the conditions as printed, after the expiration of the weekly list advertisement period on 18 January 2023, subject to no new issues being raised.

039285: 15 Treviscoe Close, Exhall, Coventry, CV7 9FE
Applicant: Mr Gagandeep Singh

DECISION

Planning permission be granted, after the expiration of the neighbour letters on 18 January 2023, subject to no new issues being raised and the conditions as printed in the agenda.

Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	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 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd.	The Labour Party Coventry East Credit Union	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Director of The Fresh Dessert Company	<p>Member of the Pride in Camp Hill Board.</p> <p>Member of the governing board for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth Older Peoples Forum • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			(CWLEP) <ul style="list-style-type: none"> • West Midlands Combined Authority 	
	S. Harbison	Self Employed	Member of Conservative and Unionist Party. Member on the following Outside Bodies: <ul style="list-style-type: none"> • Astley Charity 	

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	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy	

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

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Address	Page No.
1.	038144	Site 25c001 - Land rear of 11-49 Lilleburne Drive, Nuneaton	17
2.	037425	Site 108d003 – Land rear of 86-110 Coventry Road, Bulkington	37

Works to Trees

Item No.	Reference	Address	Page No.
3.	039094	142 Smorrall Lane, Bedworth	57
4.	038937	St Giles Church, St Giles Road, Exhall	62

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		

REFERENCE No. 038144

Site Address: Site 25c001 - Land rear of 11-49 Lilleburne Drive, Nuneaton.

Description of Development: Outline application with all matters reserved except for access off Willow Close for up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure. (Affecting footpaths N7 and N9). (Land abuts to Willow Close/Alders Lane/Lilleburne Drive and Chancery Lane.)

Applicant: Rosconn Strategic Land.

Ward: GC

RECOMMENDATION:

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

INTRODUCTION:

This is an outline application with all matters reserved except for access off Willow Close for up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure and affects footpaths N7 and N9). The Council's site reference is Site 25c001.

The site is greenfield land within Nuneaton between the residential streets of Chancery Lane, Lilleburne Drive, and Willow Close. The site is broadly rectangular running north-west to south-east and is approximately 2.15 hectares (5.30 acres) in size. The land is currently used as a paddock for keeping horses with stable buildings located along the north-eastern boundary. Running along the west and southern boundaries is a culverted section of the Bar Pool Brook. A public right of way runs from the north-western edge of the site to the south-east close to the eastern boundary.

Most of the site is within Nuneaton and Bedworth Borough but the northernmost part lies within the administrative area of North Warwickshire. Therefore, two identical planning applications have been made to the two local planning authorities.

The proposal is to seek permission for the principle of erecting 29 residential dwellings upon the site with 25% of the total number of dwellings to be affordable housing. Access would be achieved by upgrading the existing agricultural access on Willow Close within North Warwickshire.

BACKGROUND:

Notwithstanding the level of objection, this application is being reported to Committee at the request of Councillors Samuel Croft and Mandy Tromans.

This is an Outline application. The following matter is to be considered at this stage:

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

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

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

RELEVANT PLANNING HISTORY:

- TP/0334/99: Retention of chicken pen: Approved 16/09/1999.
- TP/0021/95: Improvement to Barpool brook: Approved 10/03/1995.
- 810313: Residential Development (Outline): Refused 29/06/1981.
- 800651: Residential Development (Outline Application): Refused 20/10/1980.
- 880035: Improvements to Barpool brook: Approved 11/04/1988.
- 810314: Residential Development (Outline): Deemed Refused. 26/05/1981.
- 810312: Residential Development: Deemed Refused 26/05/1981.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 Settlement Hierarchy and Roles.
 - DS3 – Development principles.
 - DS4 – Overall development needs
 - H1 – Range and mix of housing.
 - 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.
 - BE1 – Contamination and land instability.
 - 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
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, Coal Authority, CPRE, Environment Agency, George Eliot Hospital Trust, National Grid, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Tree Officer, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, North Warwickshire Borough Council, The Nuneaton Society, Open Space Society, The Ramblers Association, Severn Trent Water, Stagecoach, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

No objection subject to conditions from:

Environment Agency, NBBC Planning Policy, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, and WCC Rights of Way.

No objection from:

NBBC Housing, NBBC Refuse, NBBC Tree Officer, Severn Trent Water, The Ramblers Association, and Warwickshire Police (Architectural Liaison Officer).

No comment:

Coal Authority and Natural England.

No objection subject to S106:

George Eliot Hospital Trust, NBBC Sports Development, NBBC Parks, NBBC Housing, WCC Highways and WCC Infrastructure.

No response from:

Cadent Gas, CPRE, National Grid, NBBC Environmental Health, NHS, North Warwickshire Borough Council, The Nuneaton Society, Open Space Society, Stagecoach, Warwickshire Wildlife Trust, Warwickshire Police (Place Partnership), and Western Power Distribution.

NEIGHBOURS NOTIFIED:

(1 – 3), 5 – 13 (odd), 2 – 10 (even) Alders Lane, 11 – 21 (odd), 27 – 29 (odd), 31 – 35 (odd), 39 – 57 (odd) Chancery Lane, Supermart (78 – 82), 84 – 92 (even), 88b, 92a, Triple A Lodge (94 – 96), Triple A Chippery (98), 98a, The Chase, 100 – 102 Coleshill Road, 11 – 59 (odd) Lilleburne Drive, 1, 3, 9 - 29 (odd), 26 – 38 (even) Plough Hill Road, 14 – 24 (even), 53 – 63 (odd) Salisbury Drive, 2 – 20 (even), 1 – 11 (odd), 15 – 29 (odd) Willow Close.

Neighbouring properties were sent letters notifying them of the proposed development on the 15th July 2021. A site notice was erected on street furniture on the 20th July 2021 and the application was advertised in The Nuneaton News on 28th July 2021.

NEIGHBOUR RESPONSES:

There have been 17 objections and 5 comments received from 17 addresses with 6 responses providing no address. The comments are summarised below;

1. Impact on highway safety.
2. Impact on ecology.
3. Impact on amenity.
4. Impact on flooding and surface water drainage.
5. Impact of building on greenfield land to meet housing needs.
6. Potential architectural, heritage and landscape merit.
7. Air and noise pollution.
8. Impact on existing infrastructure.

There was also a petition of 9 signatories stating:

1. Against planning application to build 29 dwellings at rear of Lilleburne Drive Nuneaton.

APPRAISAL:

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

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

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (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.

The site is well-connected to a good range of local facilities and services that can be accessed by foot and other sustainable means of transport. Less than 150m to the north of the site, on Coleshill Road, lies a local centre, which includes amenities such as convenience shops, doctor's surgery and pharmacy. Located around 600m walk to the north are Nathaniel Newton Infant School, Hartshill Secondary School and Michael Drayton Junior School.

The site has good public transport links and is located circa 200 metres away from two bus stops that are served by the N18 bus service. The N18 service runs three times

an hour, providing direct access to Nuneaton town centre. Nuneaton Railway Station is located within the town centre and provides services along the West Coast Main Line, Birmingham to Peterborough Line and Coventry to Nuneaton Line.

As such, the site is considered to be in a highly sustainable location and within the defined settlement boundary. This is considered to meet policy DS3, subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. In addition, Policy DS2 of the Borough Plan states that Nuneaton will have the primary role for housing. The proposal is within Nuneaton and hence compliant with this policy.

The land is not designated for any specific land use in the adopted Borough Plan meaning that there is no specific restriction on this land preventing a residential use. Sites not allocated within a plan, but which come forward within the plan period, are referred to as windfall sites. The Council can demonstrate a deliverable, five-year supply of housing land but this does not prohibit otherwise acceptable residential developments being permitted.

The Borough Plan 2019 sets out at Paragraph 6.22 an estimated target of 247 dwellings from windfall sites (unallocated sites) between 2021 and 2031. This will make a small contribution to this estimate. Policy H1 of the Borough Plan refers to the mix of housing types and the exact housing types would be assessed at the reserved matters stage.

The site is considered greenfield land for the purposes of this application. Paragraph 119 of the NPPF aims to promote the efficient use of brownfield land. It places emphasis on making as much use as possible of previously developed or 'brownfield land'. This is especially so where 'brownfield land' is located within the existing urban settlement area. However, this does not preclude greenfield land in the urban area being developed.

It is considered that the proposal will meet the above requirements. Consequently, and in principle, the development of this land for residential purposes is considered to be appropriate.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. The application proposes 7 of the dwellings to be affordable which is therefore acceptable. As this is an outline application, no further details have been submitted in relation to the affordable housing mix or the location. This would form part of subsequent reserved matters and an assessment would be made at that time regarding compliance with Planning Policy and the Affordable Housing SPD. NBBC Planning Policy and NBBC Housing have no objections at this time.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. As this is an outline application, no further details have been submitted in relation to the housing mix. This would form part of subsequent reserved matters and an assessment would be made at that time. It is anticipated that it will include a range of housing both in terms of their size (1-4 bedrooms) and tenure.

3. Landscape Character

Policy NE5 of the Borough Plan requires major development proposals to demonstrate how they will conserve, enhance, restore, or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. Major development proposals must also demonstrate that they are in balance with the setting of the local landscape, respect the key characteristics and distinctiveness of that landscape. Major development proposals must take account of the landscape strategy set out in the Landscape Character Assessment.

The site lies within the Whittlefield Park and Barpool River Valley landscape character area. This is an area within which, to enhance, emphasis should be placed on enhancing Whittleford Park, Bar Pool Valley and Nuneaton Common Local Wildlife Sites, valley woodland, wooded watercourses and the balance of meadows, woodland and wetlands. It is also important to ensure that development reflects the character of development on valley sides.

The site to which this proposal relates forms part of the northern extent of the landscape character area and Nuneaton Common is located to the immediate south of the site. Nuneaton Common is also a Local Wildlife Site (LWS). Currently, the land is used for the grazing of horses with stable buildings along one boundary. Therefore, the site has a generally open feel and remains substantially undeveloped. The illustrative layout of the proposal shows development being focussed on the northern side of the site with the eastern and southern sides given over to landscaping and the redirected footpath. In the north-eastern corner of the site would be two attenuation basins. No statutory consultees have raised concerns regarding the loss of this greenfield site or the illustrative landscape scheme, although the final details of landscaping would be a reserved matter.

The proposal would permanently change the landscape of the site through the development of residential houses. However, the site is surrounded on three sides by residential developments and this form of development would not be incongruous to the immediate landscape and the wider area. As such, the change that this development would bring is considered to be acceptable. Furthermore, with the proposed landscaping the impacts of the development, particularly in the longer term as it becomes established, will be lessened. Therefore, the impact of the development on the landscape is acceptable. In addition, the benefits associated with the proposed development must be taken into consideration.

4. Impact on Residential Amenity

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

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

"Development proposals must be:

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

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to

change of the generic character types within each urban character area. Key characteristics to review include:

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

Paragraph 130 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

The development is adjacent on three sides to residential properties on Salisbury Drive, Chancery Lane, Willow Close, and Lilleburne Drive, although the land next to Lilleburne would be given up for landscaping and the redirected footpath.

The Sustainable Design and Construction SPD 2020 sets out minimum separation distances that are required between existing and proposed dwellings and in between the proposed units themselves, in order to protect light, amenity and privacy. The exact details of the layout, size, scale and fenestration of the dwellings would be provided at the reserved matters stage and the policies within the SDC would be applied at this stage. Although purely indicative, at present, the indicative layout plan shows that the minimum separation distances set within the Sustainable Design and Construction SPD 2020 between the proposed properties and existing neighbouring properties could be met. As such, it has been demonstrated that the impact to residential amenity could be acceptable.

5. Impact on Visual Amenity

In terms of visual amenity, the indicative layout provides an illustrative plan of how the proposed dwellings may look. However, this is purely illustrative and could change as part of the future reserved matters applications. Consequently, a detailed assessment of the impact on the visual amenity will be undertaken at the reserved matters stage. Notwithstanding, it is expected that the final design and materials will be of a high quality and should have some connection with the existing neighbouring properties and that it accords with Borough Plan Policy BE3 and Section 9 of the Sustainable Design and Construction SPD.

6. Contamination and land stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

The site is adjacent to the Coal Authorities' high risk development zone, however the Coal Authority have reviewed the application and the submitted Coal Mining Report and have no adverse comments to make.

In terms of contamination, the Ground Conditions Assessment identified elevated levels of contaminants and ground gases and subsequently proposes remediation. NBBC Environmental Health has not responded to the application and therefore it is assumed that they have no objection. However, it is recommended that the Council imposes the standard contaminated land conditions regardless. The Environment Agency also review land contamination and they have no objection subject conditions (not relating to contamination).

7. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). The site is not within an Air Quality Management Area nor a Clean Air Zone. In addition, the proposal is located in a highly sustainable location which will encourage the use of walking and public transport thereby reducing the impact of air pollution. NBBC Environmental Health have not raised any objection and it is considered that the scheme would not have a material effect on air quality. It is recommended to include conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

8. Heritage and Archaeology

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. An archaeological assessment has been submitted with the application. WCC Archaeology have stated that development lies within an area of significant archaeological potential, adjacent to the site of the former Stockingford Colliery (Warwickshire Historic Environment Record MWA5893) and the site of a former Brick and Tile Works (MWA5892) on Nuneaton Common. Whilst relatively little evidence for pre-medieval activity has been identified from the area surrounding the proposed development, this may well be a reflection of a lack of previous investigations across this area, rather than providing any evidence of a lack of archaeological remains. As highlighted within the Historic Environment Desk-Based Assessment submitted with the supporting information accompanying this application there is a potential for archaeological deposits dating from the prehistoric, medieval, post-medieval and industrial to survive across the application site. They have therefore requested a programme of archaeological fieldwork be completed which can be covered by a condition and have no objection subject to the inclusion of conditions.

9. Impact on Ecology and Open Space

The NPPF and Policies NE1, NE2 and NE3 of the Borough Plan refers to the protection and enhancement of ecology. This is mirrored in the Council's adopted Open Space SPD.

The indicative plan shows that the proposal would retain a significant amount of open space (approximately 64%) and the majority of this is formed within a corridor along the southern part of the site and the provision of attenuation basins to the east. However, this open space does not include any on-site equipped play provision. The Open Space Strategy sets out that residents should have access to three principal types of park provision – Destination, Community and Local. Each of those types of provision includes type specific equipped play provision. However, there are minimum distance requirements which are needed for play equipment to water courses, roads,

houses and SUDS features. Due to the presence of all of these elements, it is reasonable to say that the scheme would not be able to provide on site play provision. As on-site provision is not feasible on this site, NBBC Parks have requested contributions towards the maintenance and improvement of local destination, community and local parks and allotments. The applicant has agreed to this request. As such, it is considered that the scheme would meet Policy NE1 as it would create and enhance new green infrastructure assets.

Policy NE1 also discusses blue infrastructure and states that where development proposals include a watercourse within their site boundary, providing an easement between the development edge and the watercourse can help contribute to the delivery of green corridors. The policy states that an 8 m easement is typically used, and should be included in proposals wherever possible. The indicative layout plan shows that this 8m set back could easily be achieved and the set back on the plan currently measures as approx. 28 metres.

Many of the neighbour comments raised that the site holds wildlife value. The application is supported by a preliminary ecological assessment and this incorporates a habitat survey, a badger survey and a reptile survey. The assessment has also reviewed local ecological records of protected species and habitats within a 2km radius of the site. Para 175 of the NPPF states that planning permission should only be refused if significant harm to biodiversity cannot be avoided, mitigated or compensated for. In this instance, the preliminary ecological assessment (PEA) concludes that no amphibians, badgers, otters, water voles or reptiles have been surveyed on site.

However, the PEA does state that that the watercourse is considered to be of local value due to habitat connectivity and that it may be suitable for foraging/commuting bat species. The watercourse would be uninterrupted by this development and the adjacent land would be enhanced as a landscaped area, according to the indicative plan. As such, it is considered that the site would be capable of developing up to 29 dwellings without causing significant harm to ecology.

Whilst the landscaping element of the proposal is a reserved matter, the submitted BNG assessment displays that the scheme has the potential to provide biodiversity net gain of over 10% in habitat units and over 30% in hedgerow units. NBBC Parks have no objection to the information contained within the BNG calculation or the PEA and therefore the scheme is considered to be compliant with Policy NE3 and the effect of the proposal on ecology and biodiversity is acceptable. Whilst the extent of the net gain may vary upon receipt of the landscaping reserved matters, Policy NE3 only requires no net loss and as there is a fairly large buffer in terms of the net gain, it is considered that the at outline stage the scheme is able to comply with this policy.

10. Impact on Highway Safety

Policy HS2 states that proposals with transport implications should be addressed and the matter of access is being considered at this stage.

The site is proposed to be accessed from Willow Close, which is within North Warwickshire Borough Council's boundary. Willow Close is a residential cul-de-sac and measures approximately 5.5m in width with an approximately 30m long turning head at the end of the close. The road is subject to a 30mph speed limit and has lit footways on both sides. The existing access would be re-designed to be 5.5m in width with 2m footpaths on either side. As the access is within North Warwickshire Borough Council's boundary, it would be for them to determine the suitability of the access

arrangements. Their application has not yet been determined, however WCC have no objection to both applications, subject to conditions.

Whilst the access is for North Warwickshire's consideration, the impact to the wider highway network by the impacts of this development is a consideration. However, Paragraph 109 of the NPPF is clear that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In terms of the impact on highway safety, a transport statement has been submitted with the application and this outlines collision data from November 2015 to April 2020. The area analysed was Willow Close, Plough Hill Road south to the end of the residential dwellings and north to the junction with Coleshill Road, a section of Coleshill Road, and the Coleshill Road/ Camp Hill Road/ Bucks Hill/ Victoria Road crossroads. This data shows that 16 collisions occurred in the area – 12 'slight' in severity and 4 'serious'. The transport statement acknowledges these collisions, however it states that 'there are no existing road safety issues on the local road network that give rise to specific concern or warrant any intervention as part of the site proposals'.

WCC Highways did previously raise concern with regards to the impact on the wider highway network, as they stated that the existing Coleshill Road/Plough Hill Road junction is over capacity as existing and so any further development would result in the cumulative affect being severe at that junction. However, following on from additional modelling and mitigation discussions, WCC Highways are satisfied that the movements created from this development could be mitigated against and could also provide a minor improvement to the base arrangement, although the junction would still be over capacity.

Whilst mitigation has been discussed for this development, WCC Highways has been working hard in the background to identify a wider improvement scheme to improve the overall capacity of the junction to accommodate the various allocated sites within the area with spare capacity for additional windfall sites. WCC Highways would therefore prefer a S106 contribution to the wider highway improvement scheme rather than minor changes to the highway. The Council is awaiting the final figure requested by WCC Highways, however this can be agreed as part of the S106 process. The agent has agreed to the principal of providing a S106 contributions.

Also of relevance to this application is an appeal decision dated 11th November 2022 for 89-169 Tunnel Road. In the decision letter, the Inspector states that in terms of the effect on the highway network the additional vehicle movements created by 70 new dwellings would not amount to a severe impact. The report still recognised moderate harm arising in terms of the operation of the highway network which would conflict with Policy HS2 of Borough Plan. This decision is a material planning consideration of relevance to this application. Limited weight is to be given to harm on the highway network, but this harm will be considered alongside all other matters as part of the overall planning balance in this report.

11. Flooding and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). This mirrors Policy NE4 of the Borough Plan.

The NPPF (paragraphs 157 and 158) 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 risk zones 1, 2 and 3 and has Bar Pool Brook running along its western and southern boundaries. All of the proposed built development would be located along the northern side of the site and this is the land that lies within flood risk zone 1; land classified as least likely to flood. As such, this is considered to be compliant with the the aims of the sequential test.

Surface water generated from the development would be routed and stored within the two attenuation basins in the southeastern corner of the site and discharged at a greenfield rate back into Bar Pool Brook.

Neither the EA nor the Lead Local Flood Authority have objected to the proposal and therefore the impact on flooding is considered to be acceptable.

In terms of drainage this is within Building Regulations rather than planning as new drainage will require Building Regulation consent. Therefore, the effect on flooding and drainage is acceptable.

12. 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 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 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
George Eliot Hospital	Provision of healthcare services at George Eliot Hospital	£19,391.00	Applicant agreed to contribution
WCC Highways	Highway improvements at the Plough Hill Road/Coleshill Road junction.	To be agreed	Applicant agreed in principle to pay. If this changes or cannot be agreed, the case will be brought back to committee.
NBBC Parks	Provision and maintenance of play and open space	£51,226.71	Applicant agreed to contribution

NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£55,209.00	Applicant agreed to contribution
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point	£635	Applicant agreed to contribution
	Ongoing maintenance of public rights of way within a one and a half miles radius of the site.	£1448	
	Provisions to support road safety initiatives within the community associated within the development	£1450	
	Sustainable travel information	£290	Dealt with via condition
NBBC Housing	Provision of affordable housing	25% to be affordable	Applicant agreed to provide

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.

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Location Plan	01	25 June 2021

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

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 20895-01-FRA-01 REV A dated June 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower 600mm above the 1 in 100 year event plus relevant climate change.
- All built development shall be sited in flood zone 1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

7. No development shall take place until:

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

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

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

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

8. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, Internal drainage board, Highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Overland flow routing should look to reduce the impact of an exceedance event.
- The major and minor issues indicated in the JBA review of Willow Close, Nuneaton model dated 24/08/2021 and JBA Hydrology Review of Willow Close, Nuneaton Flood Modelling Study dated 12/08/2021 are corrected

9. 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 & Protected Species Surveys received by the Council on 23rd February 2021 will be implemented and maintained. The content of the BEMP 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;
- e.biodiversity impact mitigation
- f.landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. provision of bat and bird boxes and bricks;
- i.details of a scheme securing future maintenance and retention;
- j. description and evaluation of features to be managed;
- k. aims and objectives of management;
- l. appropriate management options for achieving aims and objectives;
- m. prescriptions for management actions;
- n.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- o.details of the body or organisation responsible for implementation of the plan;
- p. 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. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity

objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase.
- j. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015).
- k. measures during construction operations to protect the water quality in the Bar Pool Brook.
- i. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

11. 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) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays

- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- 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.

12. No phase of 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.

13. No construction, groundworks or remediation will be undertaken until a Construction Management Plan for that phase has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Schedule of HGV delivery times and a HGV routing Plan;
- ii) Construction routes into the site;
- iii) Hours of work;
- iv) Loading and unloading of plant and materials;
- v) Storage of plant and materials used in constructing the development;
- vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) details to prevent mud, debris and obstructions on the highway,;
- viii) Measures to control the emission of dust and dirt during construction;
- ix) Compound location
- x) A construction phasing plan;
- xi) Contractor and visitor parking arrangements and
- xii) A scheme for recycling/disposing of waste resulting from construction works.

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

14. No development shall commence until full details of parking provision, manoeuvring areas and the design of the estate road layout serving the development including footways, cycleways, verges and footpaths have been submitted to and approved in writing by the Council. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling shall be occupied until the until the parking provision, manoeuvring areas and estate roads including footways serving that dwelling have been laid out and substantially constructed.

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

16. No development above slab level shall commence until full details of the boundary treatments including new walls and fences and the provision of a suitable trespass proof fence adjacent to the boundary with the railway have been submitted to and approved in writing by Council. No dwelling shall be occupied or use commence until the agreed boundary treatment has been carried out in accordance with the approved details.

17. No development above slab level shall commence until full details and samples of materials proposed to be used in the external parts of any building 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.

18. 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 dwelling to the satisfaction of the Local Planning Authority.

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

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

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

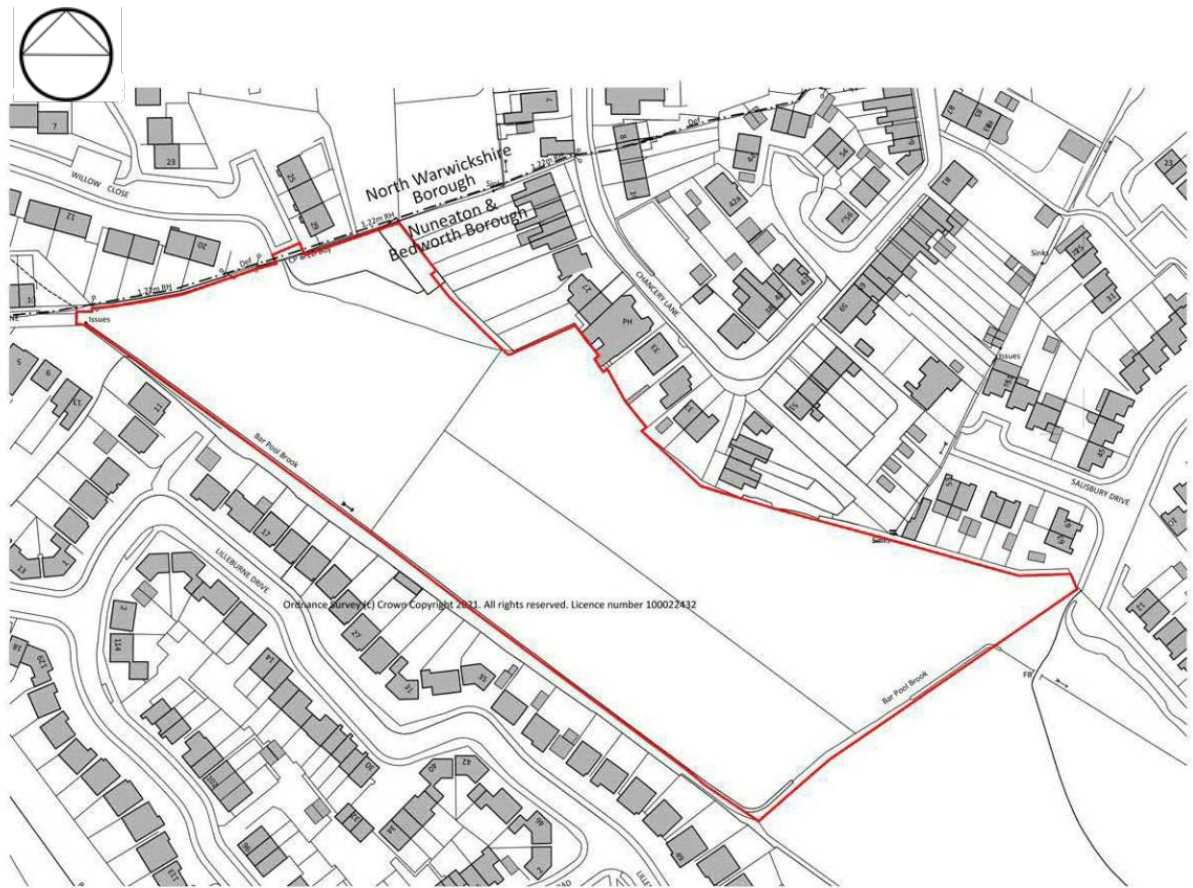
21. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking and one charging point per 10 spaces for unallocated parking and one charging point per 10 spaces for non-residential uses (community building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

22. No dwelling shall be occupied until a Site Wide Residential Travel Plan including details of Sustainable Welcome Packs (including public transport information) has been submitted to and approved in writing by the Council in consultation with National Highways. No dwelling within the site shall be occupied until the Travel Plan has been approved and the approved sustainable welcome packs shall be provided prior to the first occupation of that dwelling. The approved Travel Plan measures shall be

implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter be adhered to in accordance with the approved Travel Plan.

23. No tree or hedgerow other than those shown within Tree Retention Plan reference WCTRP-JUN21 dated June 2021 be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained has been implemented in accordance with the Tree Constraints, Tree Impacts and Tree Protection Method Statement for new residential development, received by the Council on the 25 June 2021 and the agreed measures are to be implemented in full during the course of development.

24. Notwithstanding the information to be submitted within the future Reserved Matters application/s, no less than 35% of dwellings are to meet Building Regulations M4(2) requirements for accessible and adaptable dwellings.



Site location plan



Indicative layout plan



Indicative layout and landscaping plan

REFERENCE No. 037425

Site Address: Site 108d003, Land rear of 86-110 Coventry Road, Bulkington

Description of Development: Outline application with all matters reserved except for access for up to 42 dwellings with associated works to include the demolition of 90A Coventry Road. (Land to rear of 86 to 110 Coventry Road)

Applicant: Mr N Misselke, Elford Homes C/O CT Planning

Ward: BU

RECOMMENDATION:

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

INTRODUCTION:

This is an outline application with all matters reserved except for access for up to 42 dwellings with associated works to include the demolition of 90A Coventry Road.

The site is 1.44 hectares and is currently grassland and woodland. It is to the rear of 86-110 Coventry Road. It is allocated for residential development under strategic housing allocation HSG8 of the Borough Plan. It is located on the western side of Bulkington. To the south-west is the West Coast Main Line. To the south-east are residential properties on Coventry Road.

BACKGROUND:

This is an outline application for the erection of up to 42no. dwellings. The following matter is to be considered at this stage:

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

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

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

RELEVANT PLANNING HISTORY:

- 032014: Erection of 49 dwellings and associated works (including the demolition of 84 Coventry Road): Refused 27/01/2015
- 009370: Erection of 44 dwellings with associated roads and sewers(rear of 82-100 Coventry Road No 92 to be demolished): Refused 02/02/2005
- TP/0677/94: Erection of 38 dwellings, roads and sewers: Refused 10/02/1995: Appeal dismissed
- 870447: Erection of two houses and new access road (outline): Refused 24/08/1987: Appeal dismissed

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - SA1- Development Principles on Strategic Sites;
 - HSG8- West of Bulkington;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS5- Health;
 - HS6- Sports and exercise;
 - NE1- Green Infrastructure;
 - NE2- Open Space;
 - NE3- Biodiversity and Geodiversity;
 - NE4- Managing Flood Risk and Water Quality;
 - NE5- Landscape Character;
 - BE1- Contamination and Land Stability;
 - BE3- Sustainable Design and Construction and
 - BE4- Valuing and Conserving our Historic Environment
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Open Space & Green Infrastructure SPD 2021.
- Transport Demand Matters SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Bulkington Village Centre, Cadent, Environment Agency, George Eliot Hospital NHS Trust, National Highways, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, Network Rail, NHS, Open Space Society, Severn Trent Water, Stagecoach, Warwickshire Wildlife Trust, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, Network Rail, Severn Trent Water, Warwickshire Fire & Rescue, WCC Archaeology, WCC Flood Risk Management, WCC Highways

No objection subject to planning obligations from;

Bulkington Village Centre, George Eliot Hospital NHS Trust, NBBC Parks, NBBC Sports Development, NHS, WCC Highways, WCC Infrastructure

No objection from:

Cadent, Environment Agency, National Highways, Natural England, NBBC Refuse , NBBC Tree Officer, Open Space Society, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), WCC Rights of Way, Western Power Distribution

Comment from:

NBBC Housing, NBBC Planning Policy, Stagecoach

No response from:

Warwickshire Wildlife Trust

NEIGHBOURS NOTIFIED:

79-103 (odd), 82-110 (even) Coventry Road; 274 Bedworth Road.

Neighbouring properties were sent letters notifying them of the proposed development on 2nd October 2020. A site notice was erected on street furniture on 2nd October 2020 and the application was advertised in The Nuneaton News on 21st October 2020.

NEIGHBOUR RESPONSES:

There have been 9 objections from 9 addresses and 1 objection with no address provided. The comments are summarised below;

1. Coventry Road is very busy.
2. Not a good idea to have a junction close to the railway bridge.
3. Lack of facilities such as doctors and schools.
4. Increased noise and pollution.
5. Impact on wildlife.
6. Increased traffic.
7. Increased flooding.
8. Would materially detract from the character, form and setting of this part of Bulkington.
9. Overlooking and loss of privacy.
10. Noise, disruption and mess during demolition and construction.
11. Loss of countryside
12. Would encourage further encroachment into the Green Belt.
13. Light pollution.
14. The houses are not needed.
15. The demolition of a perfectly sound and habitable property should not be approved.
16. Loss of views.

There have been 1 letter of support with no address provided, the comments are summarised below;

1. Need for more housing in Bulkington.

APPRAISAL:

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

1. The principle of the development,
2. Affordable Housing,
3. Visual amenity and landscape character,
4. Residential amenity,
5. Highway safety and accessibility,
6. Flood risk and drainage,
7. Contamination and land stability,
8. Air quality,
9. Ecology, Open Space and Biodiversity,
10. Heritage and archaeology,
11. Planning obligations,
12. Conclusion

1. The Principle of Development

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 was previously in the Green Belt. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG8. The key development principles under Policy HSG8 are:

- Provision of at least 495 dwellings in a mix of dwelling types and sizes.
- Provision of under 12s children's play facilities on central parcel of site.
- Play and open space to be provided with appropriate management and maintenance arrangements.
- Financial contribution towards the upgrading of sports facilities and teenage play provision at Bulkington Recreation Ground, as well as financial contribution towards facilities at Miners Welfare Park in Bedworth, a destination park within the council's Open Space Strategy.
- Provision of community allotments on northern parcel of HSG8.
- Financial contribution and/or on-site land swap with Arden Forest Infant and St James Academy Junior schools in order to meet anticipated demand for school places.

- Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
- Bus infrastructure improvements within or adjacent to HSG8, with a potential contribution to secure diversion of frequent local bus services to access the strategic housing site based on dialogue with Warwickshire County Council and bus operators.
- Any transport improvements/upgrades required along Bedworth Road, Coventry Road and surrounding streets as a result of the development. 10. Financial contributions towards highways infrastructure identified in the Strategic Transport Assessment for Bulkington.
- Provision of a footway/cycleway network through the open space on the site, linking Coventry Road with Bedworth Road and up to Severn Road and Mill Lane.
- A toucan crossing on Bedworth Road between the northern and central parcels of HSG8.
- Financial contributions towards the development of a dedicated cycle path along the B4029 between Bulkington and Bedworth
- Potential local sewage network improvements to improve capacity to accommodate the development, subject to discussions with Severn Trent Water.
- Financial contributions towards sport and physical activity.
- Financial contribution towards community facilities.
- Financial contribution for primary medical care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body.

The expected form of development is also set out in Policy HSG8 which includes the creation of substantial hedgerow with hedgerow trees along northern, western and southern boundary, enhancement of linear woodland along the railway line, all site boundaries should be enhanced through new planting of woodland copses and trees whilst maintaining adequate distances from housing, and all veteran hedgerows should be retained and surveyed prior to development and species rich hedgerows should be incorporated within areas of open space.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG8 which were adopted in July 2020. The Concept Plan SPD establishes a strategic context for planning applications and sets a baseline position in terms of assessing future schemes which will contain more detailed proposals. A key objective of the concept plan is to ensure that the strategic land allocation is brought forward in a strategic and comprehensive manner. It is intended to provide a visual representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements. It is a material consideration when deciding planning applications. The concept plan shows the application site as proposed formal open space including playing fields. The remainder of the southern parcel of HSG8 is shown as proposed residential development (this is subject of a separate planning application under reference 038856). The SPD states that a linear greenspace will be created adjacent to the railway line along the western edge of HSG8. It also states that new areas of formal open space will be created in the central and southern parcels of the site. This is an outline application but the illustrative layout shows a linear green space along the western part of the site. Providing there are connections through to the adjoining site which contains open space it is considered that the principle of residential development would be acceptable. The illustrative layout shows connections through to the adjoining

site and provisions can be added to the S106 agreement to ensure connectivity from this site to the rest of HSG8.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. The application proposes 26% of the dwellings to be affordable which is therefore acceptable. As this is an outline application, no further details have been submitted in relation to the affordable housing mix or the location. This would form part of subsequent reserved matters and an assessment would be made at that time regarding compliance with Planning Policy and the Affordable Housing SPD. NBBC Planning Policy and NBBC Housing have no objections at this time.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. As this is an outline application, no further details have been submitted in relation to the housing mix. This would form part of subsequent reserved matters and an assessment would be made at that time. It is anticipated that it will include a range of housing both in terms of their size (1-5 bedrooms) and tenure.

3. Visual amenity and Landscape Character

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

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2017 and have been used to inform the Borough Plan. The site is located in Landscape Character Area 5, 'Bulkington Village Farmlands'. The guidelines for the Landscape Character Area recommend enhancing the wooded fringes of the village through the planting of wooded copses and linear woodlands. It is also recommended the prominence of the railway line is reduced by augmenting existing woodland planting. An illustrative layout has been submitted which shows open space and planting to the western part of the site.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. As this is an outline application, details of design and layout are not being considered at this stage and would form part of a future reserved matters application. The information submitted with the application states it is anticipated that this form of development will be consistent with the character and appearance of development to be found on Coventry Road.

Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. However, the site is part of an allocated site within the adopted Borough Plan and while its future development in line

with Policy HSG8 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

4. Residential Amenity

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. A Noise Assessment has been submitted with the application. This found that the dominant noise sources affecting the proposed development site were road traffic movements on Coventry Road and train movements on the railway line. The report does set out some required mitigation such as enhanced glazing and ventilation, screening to gardens of plots nearest to the railway and vibration control measures. NBBC Environmental Health have requested a condition covering a noise and vibration attenuation scheme. They have also requested a 1.8m close boarded fence to the boundaries of 90 and 92 Coventry Road on the sides that front the access road to the development to mitigate noise impact of vehicles accessing and exiting the site. This can be covered under a boundary treatments condition.

As this is an outline application, the layout is not being considered. Any future reserved matters application would need to ensure that distance standards are met in relation to the existing properties and within the site, in compliance with the Sustainable Design & Construction SPD 2020. A total of 35% of the dwellings will need to meet the optional Building Regulations requirement M4(2) 'accessible and adaptable dwellings' as set out in Policy BE3 of the Borough Plan. The house types will all need to comply with the Nationally Described Space Standards and all plots will need to have sufficient private amenity space.

5. Highway Safety & 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 off Coventry Road which will necessitate the demolition of 90A Coventry Road. The proposed access will be 5 metres wide with a 2 metre wide footpath on each side. WCC Highways have no objection.

A Transport Assessment has been submitted with the application. This shows that the proposed use could generate in the order of 22no. two-way vehicle movements in the morning and 20no. two-way movements in the evening peak hours respectively. This equates to approximately 1 extra vehicle on the highway network every 3 minutes. In isolation the scheme would not be considered to have any material impact or harm in terms of the wider transport network. Notwithstanding this, mitigation to address the cumulative impacts of the whole allocation of HSG8 would be required. WCC Highways have requested a contribution of £83,776.56 towards improvements to the junctions of Rugby Road / New Street, Rugby Road / Witherbrook Road / Shilton Lane, Rugby Road / Arden Road, Nuneaton Road / Weston Lane and Nuneaton Road / Cleveland Road.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 102). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 103). Schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. As part of the site allocation for strategic housing at site HSG8, it is proposed by WCC for a dedicated cycle route to be provided along the B4029 between Bulkington and Bedworth and this application would contribute to that. WCC Highways have requested £53,058.60 towards this. The development would also provide a

contribution towards a toucan crossing on Bedworth Road and WCC Highways have requested £7,671.72 from this application. To improve connectivity, WCC Highways have requested a condition that a combined cycleway / footway provided, preferably on the northern side of the access to the site, which would link Coventry Road, through the site, connecting to the rest of the HSG8 allocations and beyond.

The nearest bus stops are situated on Coventry Road, approximately 650m walking distance from the application site. This stop operates the number 213 service which only operates on Tuesdays, once a day in each direction, between Bedworth and Rugby. There is also a bus stop located on School Road which is approximately 800m from the proposed site access. This stop is serviced by the numbers 56, 74, 74A, 74B and 74S and offer more frequent services. Policy TC3 of the Borough Plan states that any new residential development should be within 1,200m walking distance of a district or local centre. The site is approximately 1km from Bulkington District Centre which therefore meets this requirement.

6. Flood Risk & 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 163). 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 NPPF (paragraphs 157 and 158) 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. A Flood Risk Assessment has been submitted with the application. This states that the site is within flood zone 1, therefore complying with the aims of the Sequential Test.

In terms of surface water drainage, the site will drain its surface water to a new piped balancing facility with an ultimate discharge to the surface water sewer. Development flows will be attenuated to the 1 in 100 year event plus a 40% allowance for climate change and carry forward flows will be restricted to 8.8l/s. WCC Flood Risk Management have no objection subject to conditions.

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 (paragraphs 178 and 180). 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 Assessment has been submitted with the application. This assessment has not identified any elevated contamination risk and shows the land suitable for development. NBBC Environmental Health have confirmed

that they are satisfied with the findings and as such no contaminated land conditions will be necessary.

8. Air quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). NBBC Environmental Health have confirmed that the development does not meet any of the triggers that require a formal Air Quality Impact Assessment to be completed and have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

9. Ecology, Open Space and Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. An ecological assessment and an arboricultural assessment have been submitted with the application. The Ecological Impact Assessment recommended further protected species surveys for Bat, Reptile and Great Crested Newts which have been carried out. The surveys showed there was no evidence of bats using the dwelling that is to be demolished as a place of shelter and that there are poor roosting opportunities in the building. The demolition of the dwelling will not affect nesting birds or bats. There are bats foraging across the land to the rear of the dwelling but there are no roosting opportunities in the trees at the boundary of the site. Bats are foraging around the trees. The removal of shrubs and trees may affect nesting birds and must not be removed between the beginning of March to the end of August in any year without first being checked for nesting birds. If birds are nesting then the shrubs or trees cannot be removed until the young have fledged. The site is known to hold a population of great crested newt (GCN). Due to the gradual decline in pond quality on the site there is no method by which to establish the current population size. The longevity of GCN suggests they may well remain present on site despite the loss of viable breeding ponds. A GCN Programme of Works has been submitted with the application. NBBC Parks have reviewed this and have requested that a further GCN document including a sequencing plan is submitted which they have confirmed can be conditioned.

The Ecological Impact Assessment makes recommendations for a number of measures to enhance the ecological value of the development site including suitable lighting, a further badger survey before development commences, enhancements to the existing pond through re-lining to aid water retention and possible re-landscaping to create a variety of depths suitable to support amphibians, marginal planting of native species, creation of a variety of reptile and great crested newt hibernacula and egg laying piles, hedgehog friendly fencing and provision of bat and bird boxes.

The Arboricultural Assessment states that a total of 112no. trees were recorded on the site. No A category, 1no B category, 97no C category and 14no U category trees were recorded. In addition there were 9no category C groups and 3 hedges. The trees are of mixed quality but are generally of poor or fair quality due to lack of management, age, structure and competition. It also states that the proposed development can be completed without significant risk of harm to the retained vegetation or to the local aesthetic amenity. NBBC Tree Officer has no objection at this stage.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a net gain in biodiversity. NBBC Parks have requested some amendments to the landscape plan which could have an impact on the biodiversity calculations. They have suggested that a clause can be added to the S106 in that a final BIA will be agreed and that if a net loss is occurring a payment at a specified rate will be made to offset that loss.

10. Heritage and Archaeology

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough’s heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. An archaeological assessment has been submitted with the application. WCC Archaeology have stated that it is probable that this site was in agricultural use from at least the medieval period. Whilst there is an absence of known archaeological sites predating the medieval and later agricultural use of this area from the immediate vicinity of this site, this may be due to a lack of previous archaeological investigations across this area, rather than an absence of activity during the pre-medieval periods. There is therefore a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this site, to survive across this area. They have therefore requested a programme of archaeological fieldwork be completed which can be covered by a condition.

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 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 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
NBBC Parks	Provision and maintenance of play and open space	£79,688.92	Applicant agreed to pay
	Biodiversity off-setting	Clause to be added to the S106 in that a final BIA will be agreed and	Applicant agreed to clause

		that if a net loss is occurring a payment at a specified rate will be made to offset that loss.	
NBBC Housing	Provision of affordable housing	25% affordable	Applicant agreed to provide
NBBC Sports Development	Provision of sports and leisure facilities	£99,167	Applicant agreed to pay
WCC Highways	A footway / cycleway link from Bulkington to Bedworth	£53,058.60	Applicant agreed to pay
	Improvements to the junctions of Rugby Road / New Street, Rugby Road / Withybrook Road / Shilton Lane, Rugby Road / Arden Road, Nuneaton Road / Weston Lane and Nuneaton Road / Cleveland Road.	£83,776.56	Applicant agreed to pay
	Provision of Toucan Crossing on Bedworth Road	£7,671.72	Applicant agreed to pay
	Traffic Regulation Order to control the speed limit within the adopted site to be 20mph.	£3,000	Applicant agreed to pay
	Sustainable Welcome Packs	£3,150.00	To be secured through a condition
WCC Infrastructure	Improvement, enhancement and extension of library facilities	£919	Applicant agreed to pay
	To support the ongoing maintenance of public rights of way	£1627.25	Applicant agreed to pay
	Road Safety Initiatives	£2,100	Applicant agreed to pay
CCG	Provision of healthcare facilities	£29,246	Applicant agreed to pay
Bulkington Village Centre	Improvement of facilities at Bulkington Village Centre	£18,496.38	Applicant agreed to pay

12. Conclusion

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

material considerations indicate otherwise. The site is allocated as an strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Site Location Plan	5503.99	21 st September 2020

5. No construction, groundworks or remediation will be undertaken until a Construction Management Plan has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Schedule of HGV delivery times and a HGV routing Plan;
- ii) Construction routes into the site;
- iii) Hours of work;
- iv) Loading and unloading of plant and materials;
- v) Storage of plant and materials used in constructing the development;
- vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) details to prevent mud, debris and obstructions on the highway,;
- viii) Measures to control the emission of dust and dirt during construction;
- ix) Compound location
- x) A construction phasing plan;
- xi) Contractor and visitor parking arrangements and
- xii) A scheme for recycling/disposing of waste resulting from construction works.

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

6. 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) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- 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.

7. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved drainage strategy (EC49_20_38_L_01, Rev 0, Mar 2021) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Council. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. 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.

b. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

c. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.4l/s for the site.

d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments' and the approved Drainage Strategy.

e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods.

f. Updated written agreement from any third party asset or land owners required to enable the operation of the drainage infrastructure

g. Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

h. Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

i. Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

a. any pre- construction checks required;

b. the species safeguards to be employed;

c. appropriate working practices and timings of construction works;

d. timing and methodology of site clearance;

e. the extent of buffer zones and stand-offs for sensitive ecological features;

f. what to do if protected species are discovered during construction;

g. methods for checking habitats for nesting birds;

h. measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice.

i. Evidence that a protected species licence from Natural England in regard to operations affecting Great Crested Newts 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).

l. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

9. 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 Impact Assessment received by the Council on 21st September 2020 and Bat Roost Assessment & Bird Survey received by the Council on 14th October 2022 will be implemented and maintained. The content of the BEMP 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;
- e.biodiversity impact mitigation
- f.landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. provision of bar owl nest boxes;
- i.details of a scheme securing future maintenance and retention;
- j. description and evaluation of features to be managed;
- k. aims and objectives of management;
- l. appropriate management options for achieving aims and objectives;
- m. prescriptions for management actions;
- n.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- o.details of the body or organisation responsible for implementation of the plan;
- p. 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. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

10. Notwithstanding the details submitted, no development shall commence until a further revised Great Crested Newt document including a sequencing plan that also sets out seasonal factors and windows in which the ecological activities and the habitat creation works can be undertaken in accordance with ecological and horticultural good practice has 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.

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

12. Notwithstanding the plans submitted, no development shall commence until details of a combined cycleway / footway provided within the primary access to the site from Coventry Road on the northern side of the access road have been submitted to and approved in writing by the Council. No dwelling shall be occupied until it has been provided in accordance with the approved details.

13. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Council. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development.

14. No development shall commence until:

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

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

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

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

15. 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

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

17. No development above slab level shall commence until details of a noise and vibration attenuation scheme, including glazing and ventilation details, to meet:

a) the standard for internal and external noise levels as defined in table 4 and paragraph 7.7.3.2 of BS8233:2014 (including consideration of maximum sound levels in-line with the World Health Organisation's Guidelines for Community Noise) and
b) the requirement for vibration levels to fall within the 'low probability of adverse comment' category when assessed in accordance with BS6472:2008, has first been submitted to and approved in writing by the Council. The dwellings shall not be occupied other than in accordance with the approved details.

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

19. No development above slab level shall commence until full details of the boundary treatments including new walls and fences and the provision of a 1.8 metre high close boarded fence to the boundaries of 90 and 92 Coventry Road on the sides that front the access road to the development have been submitted to and approved in writing by Council. No dwelling shall be occupied until the agreed boundary treatment has been carried out in accordance with the approved details.

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

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 and one charging point per 10 spaces for unallocated parking has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

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

23. Within 3 months of the primary access being constructed the existing vehicular access to No.90 Coventry Road shall be stopped-up to the satisfaction of the Highway Authority and the new access to No.90 constructed as shown on the approved drawings.

24. Access to the site from the public highway shall not be made other than at the positions identified on the approved drawings 22182-03-02d, 22182-03-03d and 22182-03d. No access shall be used until constructed in accordance with the approved plans.

25. Visibility splays shall be provided to the vehicular access to No.90 Coventry Road, passing through the limits of the site fronting the highway, with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the 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 carriageway.

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

27. The submission of any reserved matters application pursuant to this outline permission, shall include a schedule of the mix of dwellings proposed demonstrating how the proposed mix takes into account and complies with the most up to date Strategic Housing Market Assessment (SHMA) and Housing and Economic Development Needs Assessment (HEDNA).

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

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

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



Site Location Plan



Illustrative Site Layout

WORKS TO TREES

Item No. 3

REFERENCE No. 039094

Site Address: 142 Smorrall Lane, Bedworth, Warwickshire, CV12 0GD

Description of Development: Works To tree Quercus robur T19, covered by Tree preservation Order 7/07, including Crown lift by 5.5m over carriageway and crown lift by 3m over footway to provide required clearance over the highway.

Applicant: Forestry - Warwickshire County Council

Ward: HE

RECOMMENDATION:

Planning Committee is recommended to approve the application, for the reasons as printed.

INTRODUCTION:

This application seeks consent for works to 1 no. Quercus robur (common Oak) tree covered by Tree Preservation Order (TPO) 7/07.

The specific works proposed relate to a crown lift by 5.5m over the carriageway and a crown lift by 3m over the footway. The applicant, Warwickshire County Council, has confirmed that the works are required to provide the required clearance over the highway.

The tree in question is located within a verge located to the front of numbers 142 and 144 Smorrall Lane and to the northern side of the highway.

RELEVANT PLANNING HISTORY:

None pertinent to the assessment of this application.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - BE3 – Sustainable design and construction
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Town and Country Planning Act 1990
- Town and Country Planning (Tree Preservation) (England) Regulations 2012

CONSULTEES NOTIFIED:

NBBC Tree Officer

CONSULTATION RESPONSES:

No objection from:
NBBC Tree Officer

NEIGHBOURS NOTIFIED:

1 and 2 Foxglove Close, 1 Bellairs Avenue and 125, 127 and 144 Smorrall Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 23rd August 2022. A site notice was erected on street furniture on 27th September 2022.

NEIGHBOUR REPRESENTATIONS:

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

1. Requesting that all trees in front of 142 are retained as they provide a level of privacy to a private residential dwelling located on Smorrall Lane.

APPRAISAL:

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

1. The impact upon the Public Amenity Value of the tree, the impact upon the long-term health of the tree and whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.

1. The impact upon the Public Amenity Value of the tree, the impact upon the long-term health of the tree and whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.

When assessing proposed works to a tree covered by a TPO the following are considered; the tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape and ultimately its importance to the local environment. The advice from the National Planning Practice Guidance (NPPG) on Tree Preservation Orders and trees in Conservation Areas is that the Local Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

The application proposes a crown lift of the Common Oak by 5.5m over the carriageway and 3m over the footway to provide required clearance over the highway.

The Council's Tree Officer has been consulted on the application and no objection has been raised to the proposed tree works. Given the scope of the proposed works, the application is not considered to result in any adverse impact upon the public amenity value offered by the tree and the works proposed will ensure that the tree is appropriately managed.

The details set out within the letter of objection have been reviewed, however, the Planning Practice Guidance, at paragraph: 090 Reference ID: 36-090-20140306, makes it clear which matters the Local Planning Authority can consider as part of the

assessment of applications for tree works. On this basis, it is not considered that matters relating to the impacts upon the privacy afforded to surrounding neighbouring properties can be considered as part of this application for tree works.

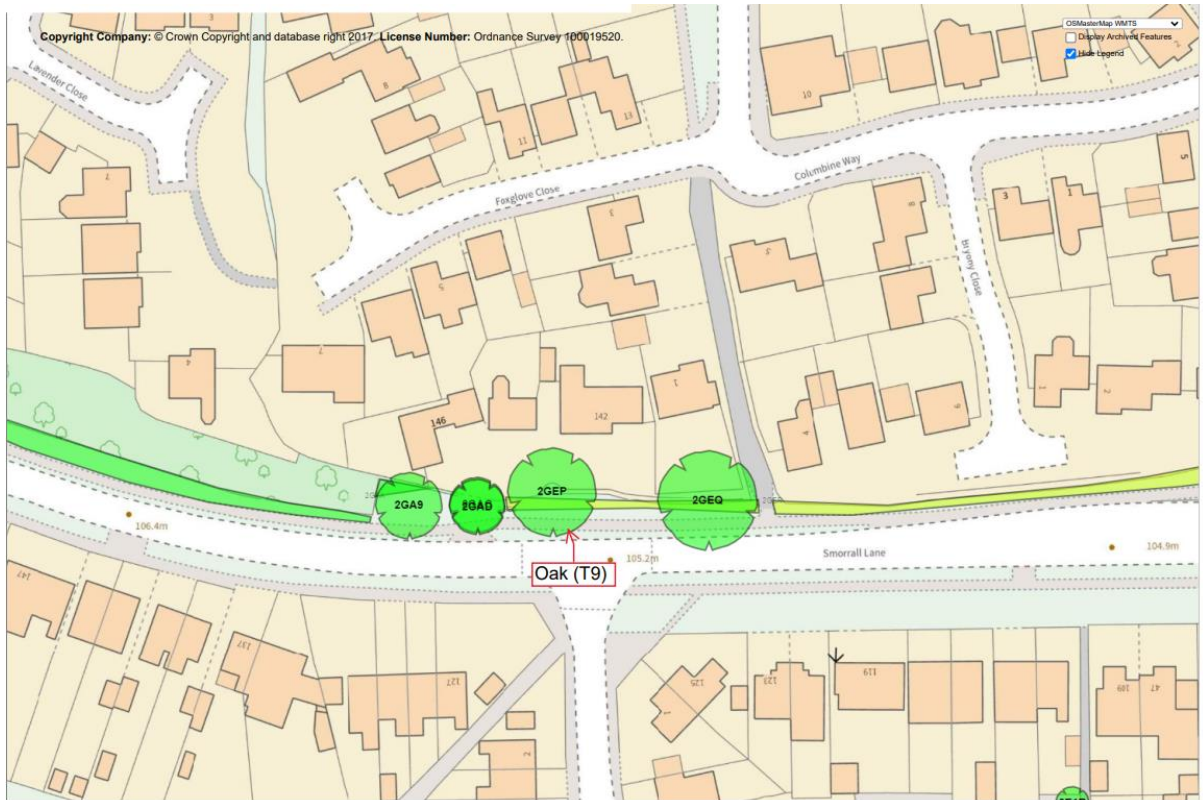
CONCLUSION:

In conclusion, on the basis of the above assessment, the proposal is considered to be justified and would be a proportionate solution to the concerns of the applicant and meets the requirements of sound arboriculture. The proposal would result in no unacceptable public amenity impacts and would ensure the long-term health of the tree would be protected. It is therefore recommended that the application be approved.

SCHEDULE OF CONDITIONS:

Approval Subject to:

- i) The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 2010).
- ii) The works approved to be carried out within 2 years from the date of consent.



TPO Plan (not to scale)



Image of Tree within Streetscene

Item No. 4**REFERENCE No.** 038937**Site Address:** St Giles Church, St Giles Road, Exhall, Coventry, CV7 9GZ

Description of Development: Works to trees in St Giles church yard covered by TPO 3/00. Pollard back to previous points (clean cuts to minimise wounds as much as practicable). Thereafter, carry out same works on an ongoing maintenance basis every 3 to 9 years as per BS 3998 2010. New application will be required if no pollarding works have been actioned over a 9-year period. Epicormic growth to be carried out on an annual basis as required up to 6m in height. Pollarding work to be carried out during favourable weather conditions between late Spring or Summer only.

Applicant: Councillor Damon Brown**Ward:** EX

RECOMMENDATION:

Planning Committee is recommended to approve the application, for the reasons as printed.

INTRODUCTION:

This application seeks consent for works to trees in St Giles church yard covered by Tree Preservation Order (TPO) 3/00.

The TPO covers 15 trees, comprising 12 no. Common Lime trees located to the southern boundary of the site, as well as 1 no. Common Ash, 1 no. Sweet Chestnut and 1 no. Italian Alder, all located to the western boundary of the site.

The specific works proposed as part of this application relate to the pollarding of the trees back to the previous pollarded points (clean cuts to minimise wounds as much as practicable). Thereafter, it is proposed to carry out same works on an ongoing maintenance basis every 3 to 9 years as per British Standard 3998 2010.

The proposed description of development also sets out that a new application will be required if no pollarding works have been actioned over a 9-year period and that epicormic growth to be carried out on an annual basis as required up to 6m in height. Pollarding work to be carried out during favourable weather conditions between late Spring or Summer only.

The submitted application form sets out that Nuneaton and Bedworth Borough Council are responsible for maintaining the trees within the churchyard and that the existing maintenance schedule for the trees has lapsed. Therefore, a new maintenance schedule is proposed and the trees on the southern and western boundaries of the

churchyard have been identified as being in need of maintenance. The application form also sets out that the trees were pollarded many years ago by the Council.

BACKGROUND:

This application is presented to planning committee as the applicant, Councillor Damon Brown, is a member of the Council.

RELEVANT PLANNING HISTORY:

None pertinent to the assessment of this application.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - BE3 – Sustainable design and construction.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Town and Country Planning Act 1990.
- Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CONSULTEES NOTIFIED:

NBBC Tree Officer

CONSULTATION RESPONSES:

No objection from:
NBBC Tree Officer

NEIGHBOURS NOTIFIED:

86 and 91 Church Lane; 3 St Giles Road and 1, 2, 3, 4 and 5 Bell Drive.

Neighbouring properties were sent letters notifying them of the proposed development on 29th July 2022. A site notice was erected on street furniture on 6th September 2022.

NEIGHBOUR REPRESENTATIONS:

None

APPRAISAL:

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

1. The impact upon the Public Amenity Value of the tree, the impact upon the long-term health of the tree and whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.

1. The impact upon the Public Amenity Value of the tree, the impact upon the long-term health of the tree and whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.

When assessing proposed works to a tree covered by a TPO the following are considered; the tree's visibility to the public, its condition, age and remaining life-

expectancy, its function within the landscape and ultimately its importance to the local environment. The advice from the National Planning Practice Guidance (NPPG) on Tree Preservation Orders and trees in Conservation Areas is that the Local Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

The application proposes the pollarding of 15 trees, comprising 12 no. Common Lime trees located to the southern boundary of the site and 1 no. Common Ash, 1 no. Sweet Chestnut and 1 no. Italian Alder, all located to the western boundary of the site.

The specific works proposed relate to the pollarding of the trees back to the previous pollarded points with clean cuts to minimise wounds as much as practicable. Thereafter, it is proposed to carry out same works on an ongoing maintenance basis every 3 to 9 years as per British Standard 3998 2010.

The Council's Tree Officer has been consulted on the application and no objection has been raised to the proposed tree works. Given the scope of the proposed works, which is limited to maintenance works, the application is not considered to result in any adverse impact upon the public amenity value offered by each of the trees and the works proposed will ensure that the trees are appropriately maintained and managed.

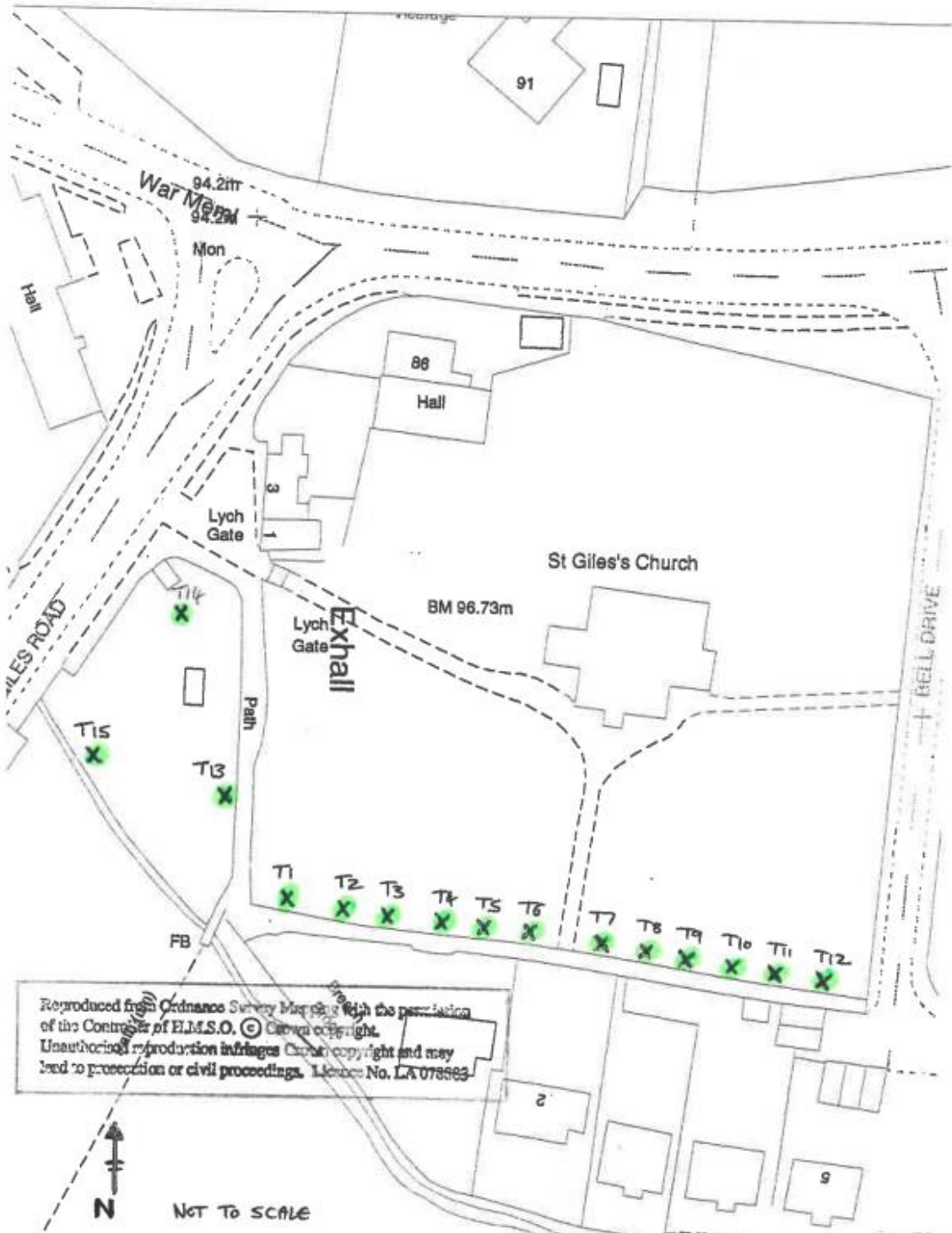
CONCLUSION:

In conclusion, on the basis of the above assessment, the proposal is considered to be justified and would be a proportionate solution to the concerns of the applicant and meets the requirements of sound arboriculture. The proposal would result in no unacceptable public amenity impacts and would ensure the long-term health of the trees would be protected. It is therefore recommended that the application be approved.

SCHEDULE OF CONDITIONS:

Approval Subject to:

- iii) The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 2010).
- iv) The works approved to be carried out within 2 years from the date of consent.



TPO Plan (not to scale)



Aerial view of the site

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)