

Enquiries to:
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Date: 6th April 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 18th April 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 21st March 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 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

21st March 2023

A meeting of the Planning Applications Committee was held on Tuesday, 21st March 2023, in the Council Chamber and was live streamed and recorded.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, J. Hartshorn, S. Markham,
J. Sheppard, E. Shiers and R. Smith.

Apologies: Councillors B. Pandher and K. Wilson.

PLA49 **Minutes**

RESOLVED that the minutes of the meeting held on the 28th February 2023 be confirmed and signed by the Chair.

PLA50 **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

PLA51 **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 PLA52 OF THE
PLANNING APPLICATIONS COMMITTEE ON 21ST MARCH 2023

038340: Padge Hall Farm, Watling Street, Hinckley, Leicestershire, LE10 3ED
Applicant: Agrarian Development Holdings Limited

Public Speakers: Councillor R. Tromans
Mr Harley

DECISION

Planning permission be granted subject to the conditions printed in the agenda and that the Head of Planning and Building Control (or the Interim Head of Planning and Building Control where relevant) be given powers to determine the final detail and wording of the recommended planning conditions.

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 	

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

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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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	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 Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union Member of the Pride in Camp Hill Board.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<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 • 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 (CWLEP) • West Midlands Combined Authority 	

Applications for Planning Permission etc.
Agenda Item Index

Previously Considered Items

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Planning Applications

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3.	038984	WH	The Crow's Nest, Crowhill Road	85
4.	039033	EX	2 Burbages Lane, Longford	108

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		

PREVIOUSLY CONSIDERED ITEMS

Item No. 1

REFERENCE No. 038340

Site Address: Padge Hall Farm, Watling Street, Hinckley, Leicestershire, LE10 3ED

Description of Development: Hybrid application comprising an outline application for development of distribution and industrial buildings (B2 & B8) including ancillary offices, earthworks, green infrastructure, and landscaping, and demolition of existing (all matters reserved except access) and a full application for the development of a distribution building (B8) (Unit 1) including ancillary offices, with associated access, hard standing, parking, earthworks, and landscaping.

Applicant: Agrarian Development Holdings Limited

Ward: SN

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, **subject to the conditions printed and subject to the applicant entering in to a S106 legal agreement.**

A recommendation is also made that the Head of Planning and Building Control (or Interim Head of Planning and Building Control where relevant) and the Council's Legal Advisors be given powers to determine the final detail and wording of the recommended planning conditions and the S106 legal agreement respectively.

INTRODUCTION:

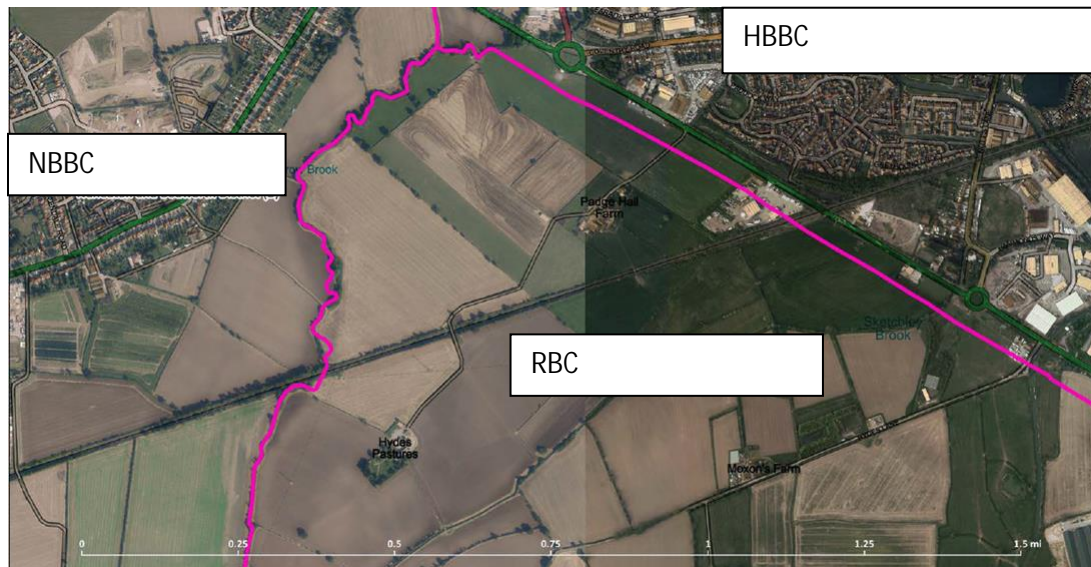
This application is a hybrid planning application comprising an outline application for development of distribution and industrial buildings (B2 & B8) including ancillary offices, earthworks, green infrastructure, and landscaping, and demolition of existing (all matters reserved except access) and a full application for the development of a distribution building (B8) (Unit 1) including ancillary offices, with associated access, hard standing, parking, earthworks and landscaping at Padge Hall Farm, Watling Street, Hinckley, Leicestershire, LE10 3ED.

The application site includes land which straddles three Local Authorities, to include NBBC, Rugby Borough Council (RBC) and Hinckley and Bosworth Borough Council (HBBC) and is therefore a cross-boundary planning application. The element of the site located within NBBC's area is small and is only the north-western bank of the Harrow Brook, as the land to the south-east of the Brook comes under RBC's administration.

RBC and HBBC have not resolved to determine their elements of the application at the time of writing this report, however, RBC took the application to planning committee on 7th December 2022. RBC's agenda for this committee had a recommendation of refusal on highways grounds, however, the application was deferred to resolve the

outstanding highways issues. Although NBBC cannot grant planning permission for the parts of the scheme in RBC and HBBC, they are a material consideration within the determination of this application.

The plan below identifies the appropriate Borough boundaries for each Local Authority adjoining the application site.



The full application site comprises approximately 64 hectares of land, located on the eastern edge of Nuneaton, adjoining and immediately to the south-west of the A5. The southern boundary of the site is defined by the Birmingham-Leicester Rail Line. To the west of the application site lies the urban area of Nuneaton and includes the A47 which connects through to the A5 to the north of the site. The site is surrounded by agricultural fields to the west and Harrow Brook extends through the site on the northern and western sides of the site. A minor part of the site which is not located within the Council's boundary is located within the West Midlands Green Belt.

The application site is gently sloping, with the vast majority of the site falling from south-east to north-west, with a very gentle fall in land from the farm towards the eastern corner of the site.

The context of the site includes industrial and commercial development immediately beyond the A5 and the north-eastern boundary of the site. The area of the site located within the Council's boundary is separated from the rear gardens of the Long Shoot by a number of open fields which range from around 50m away to over 170m away. The built form associated with the residential properties located on The Long Shoot is located beyond the site boundary by another 150+m.

The development proposed is considered to be an Environmental Impact Assessment (EIA) development and as such, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is accompanied by an Environmental Statement (ES). The ES provides an overview of the environmental impact of the proposals with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the

cumulative impact. A series of technical papers consider the range of environmental factors and alternative sites.

BACKGROUND:

The application is a hybrid application, meaning that the applicant is seeking outline permission for most of the site, but with a part of the site being applied for as a detailed permission. The application therefore proposes a hybrid approach, with both outline and full planning permission proposed within one application submission.

It should be noted that the access and some of the proposed development is located within HBBCs administrative area, whilst RBC would accommodate the largest part of the proposed development. The element of the application located within NBBCs boundary is modest considering the scale of the whole proposal, and features no proposed built form based on the illustrative details submitted to support the application.

Outline Planning Permission

The outline permission sought is for the demolition of existing structures and the erection of distribution and industrial buildings falling within Use Classes B2 and B8 including ancillary offices and associated earthworks, infrastructure and landscaping. Layout, landscaping, scale and appearance are all reserved matters to be considered in detail at a later stage. Parameters of the outline area are:

- Finished floor level to 91.00m AOD +/- 300mm
- Maximum height of buildings (from FFL to highest ridge point) – 18 metres
- Up to 136,350 square metres of floorspace (including unit 1 – detailed)

Full Planning Permission

Full planning permission is being sought for the development of a distribution building within Use Class B8, including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals also include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street by lowering the road under the bridge.

Unit 1 – Global Logistics Company

Unit 1 would be sited to the south of the application site and would be located at least 200 metres away from Watling Street (A5). The proposal would have a maximum height of 18 metres with a height of 16.5 metres to the top of the parapet and an internal floor space of 55,740 square metres. The building is required for a global logistics company, who specialise in the design and operation of supply chain solutions for automotive and technology customers.

The applications seeks approval for 63.8 hectares of employment development, however, the developed area, based on the illustrative details submitted, equates to just over half of the site.

Committee Call-in

The application has been called-in by Councillor Kristofer Wilson on grounds that the development relates to strategic development which would have impacts upon the Borough. Additionally, the application has also received a level of neighbour representation, in the form of both objection and support, which would both trigger the application to be decided by the Planning Applications Committee. Further to this, the

application relates to EIA development and has been accompanied by an Environmental Impact Assessment. Therefore, for the above reasons, the application has met the triggers set out within section 3E.8 (b) of the Council's Constitution requiring the application to be referred to the Council's Planning Applications Committee.

- *Changes to the recommendation since Planning Applications Committee on 21st March 2023*

This application was presented to the NBBC Planning Applications Committee on 21st March 2023 where members were advised that the Council did not intend to be party to any S106 legal agreement. Members are now advised that a S106 legal agreement would be required to secure a small section of safeguarded land adjacent to the A5 which is required in connection to the improvement scheme to the A5 falls within NBBCs administrative area. The entire stretch of safeguarded land to the south western edge of the A5 falls within the administrative boundary of all three authorities.

In addition, the non-motorised user (NMU) route (footway/cycle way link) which is proposed to connect the site to the west to The Long Shoot across third party land and across land owned by the Council is also proposed to be secured under a S106 legal agreement. As advised within section 3 of the above report, the Council considers it premature to confirm any use of the land owned by the Council for this purpose until the Council have completed its new Parks and Green Spaces strategy. However, a S106 legal agreement is proposed to be entered in to in the event the connection is achievable in the future. The agent for the application has confirmed that the third party landowner has agreed both in principle to the footway/cycle link, and that they will need to be included as signatory to the S106.

All other elements of the following committee report and recommendation remain the same as those presented to the Planning Applications Committee on 21st March 2023.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS3 – Development principles
 - BE3 – Sustainable design and construction
 - BE4 - Valuing and conserving our historic environment
 - DS3 – Settlement Boundary
 - NE1 – Green Infrastructure
 - NE3 – Biodiversity and geodiversity
 - NE4 – Flood Risk
 - NE5 – Landscape character
 - BE1 – Contamination and land instability
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Open Space and Green Infrastructure Supplementary Planning Document (SPD) (2021)

It is important to note that the Borough Plan policies set out above only apply to the area of the site within Nuneaton and Bedworth Borough Council's administrative area, however the whole planning application is a material planning consideration.

CONSULTEES NOTIFIED:

CPRE, NBBC Environmental Health Team, NBBC Parks and Countryside Team, Severn Trent Water, Warwickshire Wildlife Trust, Rugby BC, Hinckley and Bosworth BC, The Open Space Society, The Environment Agency, National Highways, WCC Planning, NBBC Planning Policy Team, Natural England, WCC Highways, Warwickshire Police, NBBC Refuse and Waste Team, The Nuneaton Society, WCC Archaeology, Western Power, Network Rail, The Ramblers Association, WCC Footpaths, Cadent Gas, NHS.

CONSULTATION RESPONSES:

No objection subject to conditions:

National Highways, NBBC Environmental Health, NBBC Parks and Countryside Team, Network Rail, The Environment Agency, WCC Flood Risk Team, WCC Archaeology, Warwickshire Fire Safety, WCC Highways Authority, LCC Highway Authority.

No objection from:

Cadent Gas, WCC Footpaths, WCC Infrastructure Team, Police, NBBC Refuse and Waste Team.

No response received from:

NBBC Planning Policy Team, Hinckley and Bosworth BC, Rugby BC, Severn Trent Water, CPRE, Open Space Society, WCC Planning, Natural England, Works Wildlife Trust, The Nuneaton Society, Western Power, The Ramblers Association, NHS.

NEIGHBOURS NOTIFIED:

153-179 (odd numbers only), 193-237 (odd numbers only), 253, 255, 255a, 255b, 255c, 257-277 (odd numbers only), 285 and 287 The Long Shoot; Greene King Brewery; The Long Shoot Hotel.

Neighbouring properties were sent letters notifying them of the proposed development on 29th September 2021, the 6th October 2021 and 29th April 2022. A site notice was displayed on street furniture on 24th September 2021 and the application was advertised in The Nuneaton News on 27th October 2021.

NEIGHBOUR RESPONSES:

There have been 8 signatures provided on 6 letters of objection which have been received by the Council from 6 addresses. The letters of objection raise the following points:

1. The site is for a heavy industry area;
2. The site comes under Rugby so NBBC should not be dealing with it;
3. The boundary is unsatisfactory;
4. The proposal will impact existing road layouts;
5. Traffic will increase greatly;
6. Pollution, noise, vibration and congestion will arise;
7. Emergency vehicles currently use the A5 and A47;
8. The Long Shoot is not suitable for heavy traffic;
9. Police do not check traffic speeds;
10. The site will be highly visible to residents of the Long Shoot;

11. The bridge removal will not help residents;
12. The traffic would be 24 hours;
13. The development will impact upon wildlife;
14. Impact on visual amenity and character;
15. External lighting will impact residents;
16. Green space is disappearing;
17. The proposal is of zero benefit to anyone living in the area.

There have been 5 letters of support received from 5 addresses, the comments are summarised below;

1. Retaining the existing workforce of Syncreon;
2. Expanding and creating more jobs for local people;
3. The site will be a 'net zero carbon' development;
4. Improvements to the A5, including the bridge alterations;
5. That this kind of development has grown in demand since the pandemic.

APPRAISAL:

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

1. The Principle of the Development
2. Visual Amenity and Landscape Character
3. Impact on Highway Safety, the Highway Network and Transport Sustainability
4. Flooding and Drainage
5. Ecology and Biodiversity Impacts
6. Residential Amenity Impacts
7. Heritage and Archaeology Impacts
8. Planning Obligations and Infrastructure
9. Other Matters
10. Conclusion

1. The Principle of the Development

As mentioned within the above sections of this report, only a small part of the overall application site is located within Nuneaton and Bedworth Borough Council's administrative boundary.

The part of the site located within the Council's boundary would comprise of open space and riparian habitat, which would be located up to and along the Harrow Brook which forms the boundary of the Borough. The element located within the Council's administrative boundary is in outline form only, with all matters reserved for approval at a later date.

All parts of the site located within the Council's administrative boundary are located outside of the development boundary, and are therefore located within the open countryside for planning policy purposes. For clarity, the land which falls within the Council's boundary is not located within the Nuneaton and Bedworth Green Belt.

Although only a small area of the site is located within NBBCs administrative boundary, the application as a whole is a material consideration and therefore the benefits and harm for each relevant topic, associated with NBBC, which are associated with the whole scheme will be weighed in the assessment of the application.

Policy DS3 of the Borough Plan 2019 sets out that new unallocated development outside the settlement boundaries, as shown on the proposals map, is limited to agriculture, forestry, leisure and other uses that can be demonstrated to require a location outside of the settlement boundaries.

The application proposes trees, scrub and other habitats to the northern side of the Harrow Brook as well as conserved trees and planting, as shown on the submitted illustrative landscape and green infrastructure plan. The scheme, whilst would facilitate the wider development, would ensure that the site remains as an 'open' and undeveloped site and therefore no conflict is identified with the provisions of Policy DS3.

It is not considered reasonable to assess the wider scheme against the employment policies of the Council's Borough Plan 2019 given that the area of the application site situated within the Council's administrative boundary would not be necessarily required to facilitate the wider development.

It is understood that both adjacent authorities have assessed the wider principle of development of the entirety of the scheme, with both authorities assessing matters in relation to employment need, alternative site consideration and the impact of the proposal upon the west midlands green belt.

Considerations have been given to the economic, social and environmental benefits arising from the scheme which includes the creation of 900 construction jobs over 3 year period, approximately 2,000 FTE jobs, contribution to the viability of local centres, landscaping, biodiversity net gain, the provision of sustainable urban drainage systems and the provision of electrical vehicle charging spaces. It is therefore considered that the scheme would result in significant benefits which would weigh in favour of the proposal.

Consideration has been given to the loss of agricultural land, however, the amount of land subject to this application is not significant in its overall area, and whilst the land in question would no longer be available for agricultural uses, the quantum of the loss involved would not be sufficient to justify a refusal on this ground.

The principle of the development is therefore considered to be acceptable.

2. Visual Amenity and Landscape Character

Paragraph 126 of the NPPF (2021) states that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Likewise, paragraph 130 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Policy BE3 of the Borough Plan 2019 sets out that development proposals must be designed to a high standard, able to accommodate the changing needs of occupants, adaptable to, and minimise the impact of climate change

Policy NE5 (Landscape character) of the Borough Plan 2019 sets out that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The Policy goes on to state that

Developers must take account of the Land Use Designations Study and landscape guidelines when preparing their landscape strategy.

Further, the policy sets out that major development proposals must demonstrate that they are in balance with the setting of the local landscape, respect the key characteristics and distinctiveness of that landscape, and in particular show how the proposal will:

1. Conserve or enhance important landmark views.
2. Conserve, enhance or create boundary features and field patterns.
3. Conserve and where necessary enhance the strength of character and landscape condition.

In terms of landscape hierarchy, the Policy sets out that major development proposals must take account of the landscape strategy set out in the Landscape Character Assessment. Outside of the strategic sites and urban area, developers must show they have sequentially considered development opportunities in areas of least landscape value first, prior to any development proposals being permitted in higher value landscape character areas. The areas of search will follow the landscape hierarchy in the order set out below:

1. Restore and create
2. Enhance and restore
3. Enhance
4. Conserve and enhance
5. Conserve

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- *Assessment*

The character of the development to the west of the site is residential with linear residential development located along The Long Shoot. The character of the development along the A5 is both industrial and commercial. The site is adjacent to both Rugby and Hinckley.

Directly to the north-east of the site (off Dodwell's roundabout) is Dodwells Bridge Industrial Estate and Harrowbrook Industrial Estate. Further along the A5 to the south-east is a residential estate, Nutts Lane Industrial Estate and Logix Distribution Park. There is therefore a range of development in the area of varying scales, including warehousing development. The proposed indicative layout and scale of development is similar to other industrial estates within the area. It should however be recognised that the application does not propose built form within the Council's administrative boundary, as already set out above, and the main bulk of the proposed built form is proposed within Rugby Borough Council's administrative boundary, with some development also proposed within Hinckley and Bosworth Borough Council's boundary.

Despite the above, there are areas of open countryside also located to the west of the site and to the south and it is necessary to have regard to the Council's Land Use Designations Study prepared by 'TEP' which include: Volume 1: Landscape Character Assessment (2012); Volume 2: Policy Recommendations (2012); Volume 3 (Site Analysis and Selection); and Stage 2: Individual Site Assessment (2012).

These studies were collectively used to inform the Borough Plan 2019 during its preparation phase prior to adoption. They assessed existing landscape character and the capacity of this landscape to accommodate change. To this effect, the land outside the urban area has been broken down into a number of parcels for the purpose of further analysis. The conclusions of these studies are consequently material considerations to take into account in the determination of this application.

A Landscape and Visual Impact Assessment has submitted as part of the application as part of the Environmental Statement. The Landscape and Visual Impact Assessment (LVIA) states that "the existing wider landscape is generally and relatively more sensitive to the south and south-west and relatively less sensitive to the north, north-west and east and south-east". The LVIA also states that the other wider effects and influences will be largely contained to the south (which is located outside of the Council's administrative boundary). Whilst the proposed built form is located just outside of the West Midlands Green Belt, agricultural land beyond the Leicester/Birmingham railway to the south and south-east enjoys almost complete screening and separation from the adjoining towns of Nuneaton and Hinckley which are located in relative close proximity. Indeed, the rolling nature of the landscape comprises established field hedgerows and trees and is interconnected by a network of public footpaths and bridleways which appear highly used by the local community.

In terms of landscape character, the development would result in the urbanisation of the site which would result in a high magnitude of landscape change. There is a public right of way through the site which is proposed to be diverted, however this footpath is not located within the Council's administrative boundary. Public access to the site is however currently present and the development is of a scale that would make a notable impact to the landscape.

The application proposes 'mitigation mounding' with proposed woodland, tree planting and scrub, this mounding. Illustrative landscape cross sections have been submitted to support the application to show the relationship between the proposed scheme,

landscaping and proposed mounding. When concentrating on the mounding proposed closest to The Long Shoot and adjacent to the Harrow Brook, the scheme proposes to increase the existing ground levels by between 7 and 9 metres above existing levels, depending on which part of the site the measurements are taken from. It should be noted that these details are illustrative at this time owing to the hybrid nature of the application and that the heights provided are approximate and exclude the height of the proposed planting itself. It should be noted that the scale of the development is considerable and will still be visible post 15 years after the construction and establishment of the landscaping planting and that there would therefore be a moderate/major adverse landscape effect.

It should be noted that this part of the proposal falls outside of the land located within the Council's boundary, however, this element of the scheme has the potential (subject to securing appropriate planting details) to provide a natural and visual buffer between existing development on The Long Shoot and the proposed B2 and B8 units. The supporting information submitted as part of the application confirms that the proposed woodland, trees and other planting could be varied to improve the mitigation (in either the short or longer term), and would be willing to consider the selection and mix of species; sizes of planting stock and the density of planting at reserved matters stage.

As part of the Borough Plan review, there is an update to the earlier Landscape Character Background Paper. However, this has not been published so only carries minimal weight, but it too considered this LCA as having a moderate strength of character and that the key characteristics to be preserved are "conserved include farmland contained by intact hedgerows and clusters of hedgerow trees, linear and copse woodlands and wooded streams". This proposal shows the part of the site within the Council's boundary to feature additional trees, scrub and other habitats to the northern side of the Harrow Brook, as well as conserved trees and planting. Whilst the illustrative details submitted demonstrate an acceptable scheme in terms of retaining existing landscaping within the Council's administrative boundary, further consideration of this would be given at the relevant reserved matters stage where landscaping is sought for approval.

It should be recognised that the proposed mitigation mounding and landscape screening would be located within neighbouring authorities, as such, the Council would not be the decision maker in the event a reserved matters planning application is submitted relating to the landscaping of land adjoining NBBCs boundary. The Local Planning Authority have however confirmed with the Planning Case Officer for the application at RBC (on 2nd March 2023) that RBC intend for NBBC to be consulted on any discharge of condition application submitted by the applicant in the event RBCs Planning Applications Committee resolve to grant planning permission, to ensure that the views of NBBCs planning department are considered as part of their decision making.

Overall, subject to the imposition of conditions, it is considered that there would be no unacceptable landscape or visual impacts arising from the element of the scheme located within the Council's boundary.

3. Impact on Highway Safety, the Highway Network and Transport Sustainability

Policy HS2 (Strategic accessibility and sustainable transport) of the Borough Plan 2019 sets out that transport proposals in line with those identified in the Coventry and Warwickshire Local Enterprise Partnership Strategic Economic Plan, Warwickshire County Council Local Transport Plan 2011 - 2026 and Warwickshire County Council Cycle Network Development Plan will be approved.

The Policy goes on to set out that where a development is likely to have transport implications, planning applications are required to clearly demonstrate how the following issues are addressed:

1. How the development ensures adequate accessibility in relation to all principal modes of transport.
2. Whether the development identifies suitable demand management measures.
3. The impact on air quality and measures proposed to ensure impact is not exacerbated. The council would support measures such as the provision and integration of infrastructure which may help to deal with the issues of air quality, such as electric vehicle charging points.
4. The connectivity of the development to strategic facilities.
5. How the development delivers sustainable transport options in a safe way that link to the wider transport network.
6. Whether the proposal will meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Significant consultation between Warwickshire and Leicestershire County Councils, together with National Highways, have taken place throughout the course of the application. Although the proposal will affect both the A5 and the road networks of Warwickshire and Leicestershire, the element of the scheme proposed to be located within the Council's administrative boundary will have no impact on highway safety or the wider road network, as no built development is proposed within the Council's boundary. Additionally, no pedestrian or cycle links are proposed across the area of land within the Council's boundary. The majority of the highway works required would fall within HBBC administrative boundary.

National Highways (NH), LCC Highway Authority (LCC) and WCC Highway Authority (WCC) have been consulted by the relevant Borough Councils. As set out in this report, the element of the scheme within the Council's boundary would not feature any development and it should be noted that the authority which will be controlling access is Hinckley and Bosworth Borough Council. Nuneaton and Bedworth Borough Council are unable to control access arrangements given that it would be unable to enforce such arrangements.

A Transport Assessment (TA) and Framework Travel Plan were originally submitted with the application within the Environmental Statement (ES). Various addendums and technical notes have been submitted throughout the course of the application to respond to highways comments from all three highway authorities. Since the deferment of the application at RBCs planning committee, additional information has also been submitted in relation to the pedestrian/cycle access to the site and the highways modelling relating to the impact on the transport network. This section of the report

sets out the current position of National Highways and both Leicestershire and Warwickshire Local Highway Authorities as technical consultees for this application.

The access to the site is off the A5 which is within Hinckley and Bosworth Borough Council and is within the jurisdiction of National Highways as a strategic highway. National Highways have assessed the impact of the scheme on the strategic road network (SRN). The Local Highway authorities have assessed the impact on the Leicestershire and Warwickshire local road networks (LRN). All authorities have assessed the sustainable access to the site in terms of walking and cycling.

Highways are discussed as a whole in this report for context and to provide the full picture for consideration, however, it should be recognised that Hinckley and Bosworth Borough Council will be determining the application in its own administrative area and that Rugby Borough Council will assess the remaining highways and parking elements of the scheme which relates to the internal access/road layout and parking provision. For clarity, NBBC are not able to resist the application on highways grounds given that the proposed development within NBBCs administrative boundary does not relate to any highway, access, pedestrian links or parking infrastructure.

All highway authorities have no objections to the scheme subject to conditions and obligations.

- *National Highways Assessment*

The site access, trip generation and distribution and traffic modelling have been assessed by NH.

- *Transport Modelling and Network Impact*

NH have reviewed the TA information, together with subsequent clarifications and technical notes including the TA Addendum dated April 2022. NH are satisfied that the proposed development would not have a severe impact on the Strategic Road Network.

- *Mitigation measures*

The application proposes a new site access junction with the A5 and changes to the A5 Dodwells roundabout and the lowering of the A5 carriageway under the Nutts Lane railway bridge. A Walking, Cycling and Horse-riding Assessment and Review was also submitted to support the proposals. Following review, discussion and revision of the submitted drawings and associated documents, the principle of these improvements has been accepted. Stage 1 Road Safety Audits have been undertaken of the proposed schemes with the findings and action approved by National Highways.

- *A5 Future Improvements*

The site is situated on land to the south of the A5 adjacent to the Dodwells Roundabout. It should be noted that this is along the corridor of the A5 Hinckley to Tamworth Road Investment Strategy 3 (RIS3) Pipelines scheme as identified in the Road Investment Strategy 2 (RIS2). Currently the improvements within the RIS3 pipeline are only up to option development. Progress into further stages, including construction, will be determined through the RIS3 process but it is considered that this scheme is not yet sufficiently advanced. It is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. The submitted parameters plan has identified an 'A5 Future Road Corridor (Indicative

Safeguard Area)'. It is uncertain at this stage whether this area will contribute positively to future options being considered as part of NH RIS3 Pipeline scheme. However, the applicant has committed to safeguard this land for NH, such that it would be available for future consideration. This would be secured through a Section 106 agreement.

In summary, having reviewed the submitted information and additional information submitted since December 2022, NH considers that the proposed development would not have a severe impact on the SRN. In addition, the proposed improvements would provide substantial betterment to the operation of the A5. NH therefore are of the opinion that there the application complies with local and national policy subject to conditions and obligations.

- *Local Highway Authorities Assessment*

The Highway Authority for both Warwickshire County Council and Leicestershire County Council have undertaken a full assessment of the development proposals in accordance with National and Local Planning and Transport Policy. Previously three reasons for refusal were recommended concerning safe and suitable access, mitigation of significant impacts on the transport network and issues concerning the strategic improvements to the A5. These reasons for refusal have now been withdrawn based on the following assessment.

Detailed Development Impact Assessment

- *A5 Bridge*

A principal benefit of the development scheme proposed is the inclusion of a potential scheme to lower the A5 carriageway under the rail bridge over the A5. A bridge previously termed "the most bashed bridge in Britain" in the media. The LHA's support this in principle. Previously the LHA's raised concerns in relation to the mitigation proposed if the carriageway under the bridge were to be lowered. Within this LCC LHA also previously raised the issue of increased flood risk associated with the road – this is considered by Lead Local Flood Authority for the A5 which is LCC and the Environment Agency. The LLFA have no objections to the proposal as detailed within the drainage section of this report. Highways are discussed as a whole in this report for context and to provide the full picture for consideration however NBBC does not have any jurisdiction over the access, parking or the sustainable transport access as this is not proposed within the Council's administrative boundary.

Previously both LCC and WCC had concerns surrounding the additional HGV movements on the A5 that could filter through onto the Local Highway networks due to the lowering of the carriageway under the railway bridge. Additional information was submitted in light of this. A revised assessment has been undertaken by the applicant team to understand the potential impact of doubling the 10% HGV fleet to 20%, which is the national average. This was then remodelled, and the revised assessment did not present a material deterioration of the junction performance.

It is understood that HBBCs recommendation is that the A5 carriageway lowering works is conditioned to be completed prior to occupation of the units proposed, therefore, should permission be granted by HBBC, the effects of the improvements will be felt before the occupation of the development.

- *Site Access and A5 Dodwells Roundabout*

The LHA's understand that the principle of access onto the SRN has been agreed with NH and comprises a new signalised junction onto the A5 and a complimentary access scheme at the adjacent Dodwells roundabout junction to facilitate U-turning traffic wishing to travel east on the A5. A short stretch of additional widening on the westbound A5 approach to Dodwells roundabout creates an additional right turn lane whilst preserving the existing two-lane approach. An additional U-turning lane is added on the Dodwells circulatory to facilitate this movement over the existing single lane which serves right turning traffic to the A47, B4666 or the very infrequent U-turn movement that may currently, occasionally occur.

As identified above, the A5 westbound approach currently provides 80m of two-lane approach back from the stop line at Dodwells roundabout. The proposed scheme is presented as providing a 3 lane approach for 60 metres and 2 lanes for 100 metres. This is mainly achieved by provision of land along the development site's frontage with the A5 and which affords the additional third lane approach and enlarged Dodwells roundabout to facilitate the U-turn movements necessitated by the signalised site access being left out only. The LHA notes that the additional 20m of two-lane approach equates to approximately 3 cars or 1 HGV in length.

The LHA's previously raised concerns that the strategic modelling assessment of the development was undertaken prior to an agreed access strategy being finalised. The Saturn network coding information for the Dodwells junction tested in the Pan Regional Transport Model (PRTM) has been provided by the applicant along with a difference plot showing flow change between the latest Dodwells scheme and the one used in the strategic modelling that underpinned the submitted Transport Assessment. Review of this additional information would appear to show that the revised Dodwells mitigation scheme would not have a significant impact on the capacity or routing of trips through the A5 Dodwells junction when considered in the context of the strategic highway model. The PRTM run is therefore considered reasonable and the outputs can be broadly relied on.

In relation to the Leicestershire network select link analysis was also provided to demonstrate the residual impact on Nutts Lane where the flow difference plots previously presented identified traffic routing away from the A5. The analysis identified the origins and destinations of trips routing via Nutts Lane to understand the wider routing of these trips and demonstrated that a proportion of the trips are development trips rather than displaced background traffic which lessens the concerns raised over this specific impact.

Further analysis of the queuing and delay on Coventry Road and the A47 approach to Dodwells roundabout has also been provided. These routes were considered in different modelling scenarios (LinSig model). The Coventry Road results showed no material change in performance, with small fluctuations in degree of saturation, queuing and average delay. The A47 Dodwells Road results also showed no material change in performance, with no severe increases in degree of saturation, queuing or average delay when comparing the different scenarios run. The LHA is therefore satisfied in relation to Leicestershire that there would be no material deterioration on the highway network due to this development. It is also noted that NH considered that impacts on the A5 strategic road network are considered to be acceptable to NH.

In relation to Warwickshire, the additional modelling submitted demonstrated, to the satisfaction of NH and LCC, that the impacts of the additional traffic, on the A5 and at The Long shoot/Dodwells junctions in conjunction with the proposed mitigation schemes at Dodwells junction and the height restricted railway bridge to the east of the

site, would not lead to a severe impact on the network over and above that would occur without the development.

In summary, the applicant has demonstrated that any significant impacts of the cumulative impact of development can be mitigated, complying with the National Planning Policy Framework.

- *Access by sustainable modes*

The LHA's previously raised concerns with the sustainable connectivity proposed to the application site, namely inadequate crossing facilities, lack of provision east along the A5 to connect with the existing provision that terminates under the railway bridge, further details of provision to the residential area to the east (Applebees Meadow) and to the west of the site along the A5 and linkages to Nuneaton.

Previously, the sustainable connectivity to the site was predominantly proposed via a link from Applebees Meadow and crossings at the proposed Dodwells roundabout and signalised access junctions. The routes via Dodwells roundabout rely upon a number of Toucan and uncontrolled crossings. Additional footpaths are now proposed from opposite the site access on the A5 to the A5 railway bridge and from the west of the site to The Longshoot. In addition, the applicant has also provided detailed access proposals for walking and cycling from the emergency access onto the Dodwells roundabout on the A5. It is understood that these pedestrian/cycle routes will either be conditioned by HBBC or secured as a section 106 obligation which HBBC would be party to.

Finally, a way finding strategy inclusive of additional directional signage to clarify safe crossing routes for pedestrians and cyclists crossing the A5 to access the site when approaching the site from the west or east along the recently proposed footway/cycleway.

It was previously considered that a route is required for pedestrians and cyclists from Nuneaton. Given the nature and scale of the proposed development the LHA's would anticipate and welcome significant demand for travel by sustainable modes to the development site from existing residential areas, including from the east such as those adjacent to the existing Syncreon site. Work was carried out by the applicant to attempt to address the concerns raised by the County Highway Authority throughout the course of the application relating to sustainable connections from the site to The Long Shoot to enable a footway/cycle link to be provided across third party land. The Council owns part of the land in question, with the remainder owned by a third party landowner, the connection would only be possible if both landowners agreed to the proposed connection to be carried out on this land. Whilst consideration has been given to the potential for the land owned by the Council to be used to accommodate a permanent connection, the Council has advised the applicant that such an arrangement could not be negotiated until the Council have completed its new Parks and Green Spaces strategy. Whilst the Local Planning Authority would look to support sustainable connections to the site for the residents of Nuneaton in principle, the Council considers it premature to confirm any use of the land due to this review.

Access by modes other than the private car are to be encouraged, and therefore a contribution has been requested in order to extend hours of operation for existing bus services that operate between Nuneaton, Hinckley and Leicester. It is understood that Travel Plans will also be required via condition and that this would be secured by RBC and HBBC. It should be noted that NBBC would not duplicate these requirements on

any permission granted given the nature and quantum of development proposed within NBBCs administrative boundary.

Overall, whilst it is regrettable that an additional link from The Long Shoot to the site from Nuneaton has not been secured, the additional information relating to footpath/cycleway provisions which are now proposed are considered to provide a safe and suitable access for all users in conjunction with the Travel Plan which will be conditioned (as set out above) and the Bus Service contribution which NBBC understand would be secured through a S106 legal agreement by HBBC.

- *A5 Strategy/Improvements*

The development proposals are speculative in nature with no Local Plan Allocation. As such, it is of significant concern to the LHA's that they may be prejudicial to the strategic improvements under development for the A5 corridor in this area with the potential to prejudice the options which may be available for the Road Improvement Strategy 3 (RIS3) Pipeline scheme. NH also raised a potential concern with this, however NH consider the development acceptable subject to the identified 'safeguarded area' within the development. The LHA's note that the A5 Long Shoot to Dodwells dualling scheme, recently removed from the RIS 2 programme, formed part of various evidence bases in the allocation of existing planned growth in the area. The omission of this scheme heightens the importance of avoiding the situation where unallocated, speculative growth prejudices the delivery of the future strategic improvements for the RIS3 Pipeline scheme.

Although National Highways had potential concerns surrounding the future improvements to the A5 in this area, they set out clearly the current status of the work surrounding these potential improvements. The improvements do not have an associated scheme or funding and the area of land which could be safeguarded is also not outlined.

It is understood that HBBCs Planning Officer has recommended that given the current status of the Road Improvement Strategy for this stretch of road and the fact that the land is not safeguarded within a local plan, there would not be a justifiable reason for refusal in relation to this element of the concerns raised. The Local Highway Authorities have withdrawn this reason for refusal due to this.

- *Local Highway Authority Assessment Conclusion*

The proposed employment site located to the south of the A5 is anticipated to lead to significant pedestrian demand. The Local Highway Authorities consider that a deliverable access strategy which enables safe and suitable access for all users has been demonstrated.

The strategic modelling assessment of the development impact in conjunction with the additional information submitted demonstrates that the residual cumulative impacts of development can be mitigated and would not present a severe highway impact subject to conditions and obligations requested by all three highway authorities. Such obligations would be secured by the adjoining authorities and not by NBBC.

- *Public Rights of Way*

Public footpath R282 runs through the site from the A5 to the north, connecting with footways R1, R1a and R2 to the south of the site. These footpaths fall outside of the Council's administrative boundary.

The existing Public Right of Way R282 crosses the development site from the railway bridge in the southeast corner, to the existing site access junction on to the A5 Watling Street. This Public Right of Way would need to be diverted to follow the railway line and then joins the site access road and would connect pedestrians to the A5 Watling Street.

The proposed alterations would also be subject to the submission of a Diversion Order, with the final approval being the subject of confirmation with HBBCs Public Rights of Way team.

- *Highways Conclusion*

There are no objections from National Highways, Warwickshire County Council or Leicestershire County Council subject to conditions and obligations which would be addressed by HBBC and RBC as necessary.

Based on the assessment undertaken above, it is considered that the applicant has overcome the previous reasons for refusal put forward by the Local Highway Authorities. Therefore, it is considered that a safe and suitable access for all users would be provided and that any significant impacts on the transport network from the development can be mitigated through appropriate conditions and through the various obligations set out above which would be secured by HBBC and RBC. It should be noted that the conditions requested by the Highway Authorities are not likely to be duplicated and imposed upon any planning permission granted by both HBBC and RBC, as not all the proposed sustainable transport routes fall within the Leicestershire administrative area. It is understood that HBBC and RBC have been working closely to ensure that all highways and rights of way conditions will be imposed upon the relevant decision notices (should it be resolved that each respective application be granted planning permission).

It is therefore considered that there would not be a severe impact upon the highway network in accordance with paragraph 111 of the NPPF. Additionally, given the scope of the proposal and the lack of development and built form proposed within NBBC's borough boundary, it is not considered that there would be any severe detrimental harm to highway safety as a result of any approval and it is not considered that the application could be resisted on any highway safety grounds.

4. Flooding and Drainage

Policy NE4 of the Borough Plan 2019 relates to managing flood risk, sustainable drainage systems and water quality. Paragraph 159 of the NPPF (2021) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The policy also states that new development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).

Paragraph 167 of the NPPF (2021) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific

flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 of the NPPF (2021) states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Warwickshire County Council Flood Risk Team have been consulted on the application and have raised no objection to the application and requested conditions to be imposed upon any permission granted to secure a detailed surface water drainage scheme to be submitted to the Council and agreed. Similarly, the Environment Agency also raise no objection to the scheme, subject to the imposition of a condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment and the mitigation it details.

Overall, it is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and no conflict is identified with the guidance set out within the PPG, the NPPF (2021) or the requirements of Policy NE4 of the Borough Plan 2019.

5. Ecology and Biodiversity Impacts

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

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

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

- *Ecological Impacts*

The Harrow Brook extends through the site and forms part of the western site boundary and is buffered from the arable fields by a narrow corridor of poor semi-improved grassland and tall ruderal vegetation within the southern half of the site, and by the improved grassland fields in the north. Broadleaves trees and other trees with bat potential line the brook itself.

Additional habitats recorded include tall ruderal vegetation, dense and scattered scrub, bare ground, and mature tree belts. The wider site located outside of the Council's boundary is dominated by arable land and improved grassland used for pasture, with field boundaries formed by native hedgerows, some with associated ditches and mature trees. A farm complex is present to the east of the site which is also located outside of the Council's boundary.

With regard to the impact upon species, the Preliminary Ecological Appraisal draws on data records and surveys which indicate that the development has the potential to impact on birds, bats, badger, reptiles and great crested newts. In addition to these, other notable mammals located within close proximity to the development site include otters, water vole and hedgehogs. A variety of measures are proposed to offset such potential impacts.

The application has been supported by the submission of a habitat retention plan. The plan shows areas of habitat lost, retained and enhanced as part of the application. The area of land within the Council's boundary would result in enhancements of the brook and the area of land to the north western side of the brook. The proposed enhancements would include the provision of a retained tree line, scattered scrub planting and wet wildflower planting.

It is recognised that the Council's Parks and Countryside Officer does not object to the proposal on ecological grounds, but requests that conditions be imposed upon any permission granted relating to the following:-

- Lighting impacts, with a detailed lighting scheme (with input from an ecologist), together with a light spillage diagram, be submitted and agreed by the Council to ensure the impacts upon habitat and species would be acceptable.

It is considered that NBBC would be unable to attach such a condition given that lighting is not proposed within the Council's administrative boundary. A condition could be imposed ensuring that no lighting would be installed on NBBC land, other than in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. NBBC would be consulted on any lighting scheme submitted to RBC for approval.

- Conditions to require the submission of a Construction Environmental Management Plan and a Biodiversity Enhancement Management Plan to be agreed by the Council.

It is considered reasonable for NBBC to impose such a condition to protect the ecological value of the Harrow Brook.

- A condition to require full details of the proposed tree screening planting, which should include significantly more trees which would provide an acceptable degree of leaf screening in the winter through evergreen or partly evergreen habits. The Parks and Countryside Officer notes that whilst one of the mixes includes some occasional scots pine trees, the Council would wish to see the use of other pines /coniferous trees and/or the use of a significant proportion of Holm Oak (*Quercus Ilex*) to increase the degree of winter time leaf covered screening.

The proposed tree screening and planting referred to above would not be located on NBBC land. NBBC would be consulted on any landscaping scheme submitted to RBC for approval.

In addition, whilst it is noted that whilst Warwickshire County Council's Ecology team are not consultees for NBBC, the County Ecology Team have reviewed the application as submitted to RBC and are satisfied that the potential impact to these species could be mitigated against through planning conditions. It is considered reasonable for NBBC to attach such conditions to any permission granted to ensure the ecological impacts upon land within the Council's administrative boundary would be acceptable.

- *Biodiversity Net Gain and Landscaping*

Section 15 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including trees and woodland.

A Biodiversity Impact Assessment (BIA) has been submitted which quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site (land within the blue line). With regard to biodiversity net gain impacts, the development proposed within the Council's boundary would result in a net gain based on the illustrative details submitted which show an intention to retain existing habitat and planting and implement additional planting and habitat creation.

With regard to the wider proposal, to include land located outside of the Council's boundary, the assessment concluded that there would be a net biodiversity gain arising from the proposed development of 3.43 habitat units and 12.34 hedgerow units. Again, whilst WCC Ecology Team are not consultees for NBBC, WCC Ecology have commented on the application submitted to RBC and have confirmed there is a biodiversity net gain on the site which will be secured through a section 106 agreement (which NBBC would not be party to) as the offsetting will occur on land within the blue line not currently within the applicant's control.

The habitat creation and enhancement is considered to be realistic and achievable with the long term management and monitoring being secured through a Landscape and Ecological Management Plan (LEMP). A condition will also be imposed to secure the management of the site.

Overall, the results of the Preliminary Ecological Appraisal are considered to be acceptable. The proposed development would not give rise to detrimental and adverse

impacts at statutory and non-statutory ecological sites. The proposal would result in a net gain of biodiversity. The potential impact on species would be mitigated against through the use of planning conditions. It is therefore considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain. Therefore, the application is considered to accord with the requirements of Policy NE3 of the Borough Plan 2019, the requirements of the Council's Open Space and Green Infrastructure SPD (2021), or the guidance set out within paragraph 174 of the NPPF (2021).

6. Residential Amenity Impacts

It is recognised that a number of objections have been received relating to residential amenity impacts to include (but not limited to) noise, light pollution, vibration and disturbance.

Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. The policy also states that one of the key characteristics to review includes residential amenity.

Section 18 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) relates to Air, Soil, Noise and Light Pollution.

Paragraph 174 of the NPPF (2021) requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It goes on to state that development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 185 of the NPPF (2021) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

It should be recognised that the element of the scheme within the Council's boundary is minimal when compared to the wider development, and the application does not propose any built form or other development to include lighting or other structures within this land which would have any unacceptable neighbouring amenity impacts to existing residents located along The Long Shoot.

There would be a clear change to the character of the area if the development is approved by the two adjacent authorities, but it is considered possible that the

development could be designed to comply with the requirements of Policy BE3 of the Borough Plan 2019 and the guidance set out within the Council's Sustainable Design and Construction Supplementary Planning Document 2019. The parameters plan submitted to support the application shows a maximum ridge height of 18 metres within the area of the site subject to the outline proposal and the submitted illustrative masterplan shows the location of units 2-5 located significantly away from the nearest residential dwellings on The Long Shoot.

In addition, a landscape buffer is proposed between the proposed buildings and the dwellings. The service yards are also shown to be internal to the site which would ensure that any impacts in relation to noise and light spillage would be reduced. The detailed designs would be assessed at reserved matters stage. It should be noted that as the proposed lighting and landscape screening/mounding would not be located within the Council's administrative boundary, NBBC cannot control these elements of the scheme and would instead be consulted as a neighbouring authority as part of any discharge of condition application submitted to RBC.

Based on the illustrative details submitted, the properties located along The Long Shoot would be sited approximately 400 metres away off the common boundary to the rear elevation of Unit 1 (as proposed under the full element of the application). Taking into consideration the separation distance from the proposal, along with the enhanced landscaping mitigation measures proposed. It is considered that there will be no materially adverse impacts in terms of overbearing impact, loss of light or loss of privacy on the occupiers of these properties.

- *Noise*

A Noise Assessment has been submitted as part of the application. Section 9.3.45 of the document sets out that for the outline element of the application, only the approximate sizes, general location and anticipated amount of activity of the units is known at this point and the assessment is based on a reasonable worst-case scenario taking these factors in to account. In addition, it should be noted that the proposed use would operate 24 hours a day, 7 days a week, and as such, a proposed B8 storage/distribution use has been assumed as the indicative worst-case scenario in terms of the number of vehicle movements which would take place to and from the site.

As part of the mitigation of the scheme, it is proposed to construct a bund along the north-western, western and southern side of the development site. The bund is proposed to provide a visual and noise barrier for the residential receptors on The Longshoot, as well as for other neighbouring properties. Additional mitigation measures are proposed within sections 9.6.3-9.6.6 of the submitted noise report.

The Council's Environmental Health Team have been consulted on the application and have advised that the proposed development has the potential to result in a noise nuisance, however, the Environmental Health Officer has advised that the proposed mounding around the site should give sufficient protection and the noise assessment does appear to take this in to account.

In addition, the Environmental Health Officer has advised that as the end users of some of proposed units are unknown, for added noise protection, it is recommended that conditions be attached to any permission granted relating to the orientation of the building which would ensure that no loading bays or any other opening would be provided on the façade facing the noise sensitive receptors along The Long Shoot and Watling Street. Further to this, the Environmental Health Team have advised that

where possible, there should be no external plant installed. However, if this is not achievable, then a condition should be attached to any permission granted to secure full details of any proposed mechanical plant to be submitted and approved by the Council prior to installation and operation. Again, it should be noted that the Council would be unable to attach conditions relating to this given the units would not be located within the Council's boundary, however, such details would come forward as part of any reserved matters submission which RBC would consider in full.

In terms of the 4 units subject to the outline element of the application, the full and detailed impact of the proposed development would not be comprehensively known until the reserved matters stage, given the outline nature of the proposed development. It is however noted that RBC have recommended that a planning condition be imposed to require that prior to each reserved matters application, a new noise assessment is undertaken to update the baseline and the details of the updated noise assessments (together with any proposed mitigation) which would be submitted to RBC for approval in the event the permission is granted.

It is also noted that RBC have recommended that further conditions are imposed upon any permission granted to ensure that only electric fork lift trucks would be used in the stockyard area and that any reversing alarms shall be broadband alarms. RBC have also recommended a demolition and construction management plan to be secured through the imposition of a planning condition in order to regulate noise throughout the construction period. Such a condition would include the control of construction hours.

Whilst it is noted that third party letters of objection have been received relating to noise impacts and other disturbances which would arise during the construction phase, it is considered that such impacts would be a temporary manifestation of any development project and this particular matter would not result in a reason to refuse planning permission.

It is understood that the control of construction and operational hours (to include delivery hours) would fall within RBCs jurisdiction to impose and enforce.

- *Lighting*

The proposed development will be lit after dark as a 24/7 operation is proposed. Presently there are sources of light in the local environment from other commercial Estates, as well as residential areas. The submitted Environmental Statement assesses lighting and sets out recommendations. These recommendations, when considering the impacts upon the residential amenities of the area only, are considered to be acceptable and it is noted that RBC have recommended that these be conditioned as per the details set out within chapter 7 of the submitted Environmental Statement. It should also be noted that NBBCs Environmental Health Team have not objected to the proposal on grounds of light pollution.

- *Vibration*

With regard to the impact upon neighbouring properties relating to vibrations arising throughout or from the construction period, the Local Planning Authority would look for consultation comments from the Council's Environmental Protection Team. In this particular case, no concerns relating to vibration impacts have been raised.

- *Other Matters*

Given the separation distances between the proposed units and the closest neighbouring properties and garden areas, the scheme is not considered likely to result in any unacceptable overbearing, overshadowing, oppressive or oppressive impacts.

A detailed assessment of these impacts should be undertaken at the relevant reserved matters stage/when scale and layout are sought for approval.

- *Residential Amenity Summary*

In summary, it is not considered that the application could be resisted on the basis of its impacts upon the residential amenities of nearby residents and the scheme is considered to be in accordance with the requirements of Policy BE3 of the Borough Plan 2019, the guidance set out within section 18 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) and the guidance set out within paragraphs 174 and 185 of the NPPF (2021).

7. Heritage and Archaeology Impacts

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Section 72 of the same Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 199-202 of the NPPF (2021) require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

Paragraph 203 of the NPPF (2021) states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Paragraph 206 of the NPPF (2021) states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that

preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Consideration has been given to the impacts of the proposal upon heritage assets, to include any potential for the development to impact upon below ground heritage assets given that the proposed development lies within an area of significant archaeological potential. The wider site (those parts of the site located outside of the Council's boundary) does not contain any designated Heritage Assets but does contain a non-designated Heritage Asset in the form of Padge Hall Farm and is located within close proximity to a Grade II Listed Farmhouse, however, the parts of the proposal proposed within the Council's boundary, owing to the lack of built form, would have no adverse impacts upon the significance of the heritage asset when having regard to archaeological, architectural, artistic or historic heritage interests.

With regard to below ground heritage assets, the County Archaeologist has been consulted on the application and has advised that the proposed development lies in an area of significant archaeological potential and that recent archaeological work undertaken approximately 800m to the north west of the proposed development at Callendar Farm has identified extensive Iron Age and Roman period settlement evidence including round houses, industrial activity and a pit alignment.

The County Archaeologist has advised that a geophysical survey followed by a programme of evaluative trial trenching was undertaken across the main central area of the proposed development site. Areas along the western and eastern boundaries to the site were excluded from the initial phase of trial trenching due to access issues. The results of both of these phases of work have been submitted as appendices to the Environmental Statement submitted with this application. Other than traces of former ridge and furrow ploughing, the geophysical survey did not identify any magnetic anomalies that were interpreted as representing probable archaeological features. Other than four large clay pits, former field boundary ditches and two undated features identified within a trench on the southern edge of the evaluation area no significant archaeological deposits were recovered from the area that was trial trenched.

The County Archaeologist does not object to the application, but has acknowledged that whilst relatively small in comparison the rest of the proposed development area, that part of the site located within Nuneaton & Bedworth will need to be evaluated in order to be able to understand the potential archaeological impact of the scheme. The scheme relates to mainly soft landscaping, tree planting and habitat creation, however the County Archaeologist has advised that trees can have a significant impact on below ground archaeological deposits.

Further to this, for the majority of the landscaping, which includes tree and scrub and other habitat creation, such as wetlands, these elements offer a much greater level of flexibility and it would likely be easier to mitigate the archaeological impact across these areas should archaeological deposits be identified at the evaluation stage. It is therefore recommended that conditions could be attached to any permission granted, rather than requiring the developer to undertake further pre-determination work.

Given that extensive archaeological remains have recently been identified less than 1 km to the northwest of the site, that it is adjacent to the line of a Roman road and that that part of the site within Nuneaton & Bedworth runs alongside a watercourse, which may have been a focus for activity during the prehistoric and later periods, the County Archaeologist considers it appropriate that some evaluative archaeological fieldwork be undertaken on the part of the application site located within the Council's administrative boundary.

Overall, subject to the imposition of a condition requiring the submission of a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, associated reports and an Archaeological Mitigation Strategy, the application is considered to be acceptable when having regard to heritage and archaeological impacts and would accord with the requirements of Policy BE4 of the Borough Plan 2019, section 16 of the NPPF (2021) and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Planning Obligations and Infrastructure Impacts

The NPPF (2021) sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF (2021) notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 93 of the NPPF (2021) also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all sections of the community. It further states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

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.

It is recognised that the application relates to a cross-boundary application which straddles three separate authorities. This application was presented to the NBBC Planning Applications Committee on 21st March 2023 where members were advised that the Council did not intend to be party to any S106 legal agreement. Members are now advised that a S106 legal agreement would be required to secure a small section of safeguarded land adjacent to the A5 which is required in connection to the improvement scheme to the A5 falls within NBBCs administrative area. The entire stretch of safeguarded land to the south western edge of the A5 falls within the administrative boundary of all three authorities.

In addition, the non-motorised user (NMU) route (footway/cycle way link) which is proposed to connect the site to the west up to The Long Shoot across third party land and across land owned by the Council is also proposed to be secured under a S106 legal agreement. As advised within section 3 of the above report, the Council considers it premature to confirm any use of the land owned by the Council for this purpose until the Council have completed its new Parks and Green Spaces strategy. However, a S106 legal agreement is proposed to be entered in to in the event the connection is achievable in the future. The agent for the application has confirmed that the third party landowner has agreed both in principle to the footway/cycle link, and that they will need to be included as signatory to the S106.

9. Other Matters

It is understood that Rugby Borough Council have considered the following aspects as part of their application and have found no major conflict with policies subject to proposed conditions and obligations:

- 1) Green Belt

- 2) Land designation and use
- 3) Character and Design - Detailed layout for Unit 1 and Illustrative masterplan (including parameters) for Units 2-5
- 4) Pollution – Noise, Lighting, Air Quality, Contaminated Lane, Asbestos
- 5) Parking Provision
- 6) Trees and Hedgerows
- 7) Archaeology
- 8) Heritage
- 9) Planning Obligations – it is understood that HBBC will be a party and signatories to the S106 agreement.

It is also understood that Hinckley and Bosworth Borough Council has assessed the scheme in full with an intention for the application to be presented at the Council's Planning Applications Committee imminently, with a recommendation of approval subject to the imposition of conditions and the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations.

10. Conclusion

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

The application proposes no built form on the land falling within the Council's administrative boundary, and appropriate conditions are recommended to be attached to ensure that development within this area of the site would be submitted for approval, either through subsequent reserved matters applications, or through the discharge of conditions process. The red line does incorporate land north of the Harrow Brook and as this land being intended to remain open and undeveloped, there would be no unacceptable impacts when having regard to the provisions of the relevant policies set out within the Borough Plan 2019.

Subject to the imposition of conditions, no harm has been identified with regard to residential amenities (to include noise impacts, vibration and light pollution), ecology, biodiversity, landscaping, flood risk, highway safety, impacts upon trees and hedgerows, heritage impacts (both below and above ground assets), landscape, or visual impacts.

In addition, the development proposed within the Council's boundary would not contribute towards any unacceptable highway impacts to warrant a refusal of this application on highway safety grounds. Overall, the proposal is considered to be acceptable subject to conditions.

There are no material planning considerations which indicate that the application should be assessed other than in accordance with the development plan and it is therefore recommended that the application be granted, **subject to the imposition of conditions and subject to the applicant and all other required land owners entering into a S106 legal agreement.**

REASONS FOR APPROVAL:

Having regard to the scale and nature of the proposed works which would be carried out within the Council's boundary, together with the 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 acceptable in principle, 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 landscape impacts, landscaping, flood risk, heritage and archaeology, ecology impacts and biodiversity net gain.

SCHEDULE OF CONDITIONS:

1. The development hereby permitted shall be carried out in complete accordance with the details shown on the following submitted plans and documents received by the local planning authority:

- Site Location Plan 18-144 PP-01 Rev L
- Site Plan – as existing 18-144 PP-02 Rev L
- Site Plan – as proposed 18-144 PP-03 Rev K
- Unit 1 – Site Plan – as proposed 18-144 PP-04 Rev M
- Unit 1 – Overall Building Plan – as proposed 18-144 PP-05 Rev K
- Unit 1 – Elevations & Section – as proposed 18-144 PP-06 Rev K
- Unit 1 – Roof Plan – as proposed 18-144 PP-08 Rev L
- Boundary Treatment & Cycle Shelter Details – as proposed 18-144 PP-09 Rev K
- Gatehouse Details – as proposed 18-144 PP-10 Rev K
- Illustrative Masterplan (excluding Unit 1) 18-144 PP-03 Rev L
- Landscape Concept Proposal 01 Rev H
- Landscape Concept Proposal – Spine Road 02 Rev C
- Detailed Planting Plan Sheet 1 of 2 03 Rev E
- Detailed Planting Plan Sheet 2 of 2 04 Rev A
- Landscape Concept Sections 05 Rev A
- Detailed Planting Plan Spine Road 06 Rev A
- Illustrative Landscape and Green Infrastructure Plan 8815-L-30 Rev M
- Accessibility Plan ADC1839-DR-009 Rev P2
- Development Parameters Plan 8815-L-08 Rev V
- Design and Access Statement Rev E
- Flood Risk Assessment and Drainage Strategy (ref 19-7712-FRA Issue 9)

REASON: To ensure that the details of the development are acceptable to the Local Planning Authority.

2. Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a Site Phasing Plan shall be submitted to the Local Planning Authority for approval. Any subsequent applications for approval of reserved matters which result in amendments to the phasing shall include an updated Site Phasing Plan submitted for approval by the Local Planning Authority. The Site Phasing Plan shall include the areas of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary, as well as information relating to which phase/s such parts of the application site fall within. The phasing plan shall provide details relating to the timeframe for carrying out all proposed planting, green

infrastructure and 'Biodiversity Net Gain' habitat creation features within the area of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary. No development shall commence, apart from Enabling Works and Archaeological Investigations, until such time as the Site Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the Site Phasing Plan.

REASON: To ensure the comprehensive development of the site.

3. No compound or any other construction related activities, nor the display or storage of goods, materials, plant, temporary structures, machinery or equipment shall be erected on, carried out within, or take place on any part of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary, unless otherwise required by another condition imposed upon this permission, or unless in accordance with details first submitted to and agreed by the Council in writing.

REASON: To ensure that the development has a satisfactory external appearance, to protect ecological networks and water quality and to protect the visual amenities of the countryside in accordance with Policies BE3, NE1, and NE3 of the Borough Plan 2019.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development of any kind, to include changes in land levels, surfacing, the installation or erection of any buildings, lighting, structures, signage or advertisements, shall be carried out, installed, or erected on land within Nuneaton and Bedworth Borough Council's administrative boundary, unless otherwise required by another condition imposed upon this permission, or unless in accordance with details first submitted to and agreed by the Council in writing.

REASON: To ensure that the development has a satisfactory external appearance, to protect ecological networks and water quality and to protect the visual amenities of the countryside in accordance with Policies BE3, NE1, and NE3 of the Borough Plan 2019.

5. 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.

REASON: In the interest of archaeology in accordance with Policy BE4 of the Borough Plan 2019.

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref 19-7712-FRA dated 08/03/2022 Issue 9) and the mitigation measures it details.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the existing storage of flood water within the red line boundary is maintained in accordance with Policy NE4 of the Borough Plan 2019.

7. Notwithstanding the agreed submitted details to date, nor condition 1 above, in the event that works relating to the provision of the surface water drainage scheme are required to be carried out on land within Nuneaton and Bedworth Borough Council's administrative boundary,

then no development, excluding site clearance and preparation and any works associated with archaeological investigations, shall take place for each phase, until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved surface water drainage strategy (ref: 19-7712- FRA, Issue 9, dated 08/03/22).
2. Further details regarding the Harrow Brook outfall;
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.
4. Provide detail drawings including cross sections, of proposed features such as swale, attenuation features, and outfall structures.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system.
6. Provide external levels plans, supporting exceedance and overland flow routing plans.
7. Provide details of the disposal of surface water and foul water drainage directed away from the railway.

The scheme shall subsequently be implemented in accordance with the approved details prior to the development being first brought into use. The approved details shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies NE3 and NE4 of the Borough Plan 2019.

8. In the event that works relating to the provision of the surface water drainage scheme are required to be carried out on land within Nuneaton and Bedworth Borough Council's administrative boundary in accordance with condition 7 above, then prior to the development within each phase being first brought into use, a detailed, site specific SUDS maintenance plan, shall be submitted to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number.

2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The development must be carried out in accordance with these approved details.

REASON: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE4 of the Borough Plan 2019.

9. Application for approval of the reserved matters specified in Condition 11 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of five years from the date of this permission.

REASON: To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

10. Each phase of development must be begun not later than the expiration of two years from the final approval of the last such matter to be approved in respect of that phase.

REASON: To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

11. Details of the following reserved matters relating to the area of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary shall be submitted to and approved in writing by the Local Planning Authority for each phase of development before any part of the development of that phase is commenced and shall be implemented as approved:

- a - Layout (to include all works relating to the proposed habitat creation on site),
- b - Scale,
- c - Appearance,
- d - Access (excluding the site access) &
- e - Landscaping, including hard and soft landscaping, details of planting mix and species and quantity, size, species, position and the proposed time of planting of all trees to be planted.

REASON: To ensure that the details of the development are acceptable to the Local Planning Authority.

12. The reserved matters submitted to the Council, as required by Condition 11 above shall be strictly in accordance with the principles and parameters described and illustrated in the Design and Access Statement and the Plans within Condition 1 hereby approved. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure a satisfactory appearance and impact of the development.

13. Ecology surveys relating to the area of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary are to be completed and submitted in support of reserved matters application/s for each phase where development or other works within each phase are proposed within land forming part

of Nuneaton and Bedworth Borough Council's administrative boundary. The ecology surveys supporting a reserved matters application should be no more than two years old at the date of submission of the reserved matters application.

REASON: To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy NE3 of the Borough Plan 2019 and paragraph 174 of the National Planning Policy Framework (2021).

14. A Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement Management Plan (BEMP) relating to the phase/s of the development which include the area of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary shall be submitted to, and be approved in writing by, the Local Authority prior to any of the development within that phase/s first brought into use. The content of the LEMP and BEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP and BEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plans will be secured by the developer with the management body(ies) responsible for their delivery. The plans shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP and 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 ecological and biodiversity objectives of the originally approved scheme. The approved plans will be implemented in accordance with the approved details.

REASON: To ensure the borough's green infrastructure assets will be created, protected, managed and enhanced, to secure appropriate ecological and landscaping management and to ensure a net biodiversity gain in accordance with Policies NE1 and NE3 of the Borough Plan 2019 and paragraph 174 of the National Planning Policy Framework (2021).

15. Prior to the commencement of any works in any phase, a Demolition and Construction Environmental Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Mitigation. It shall include details relating to the following considerations, insofar as the development impacts upon the parts of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary:

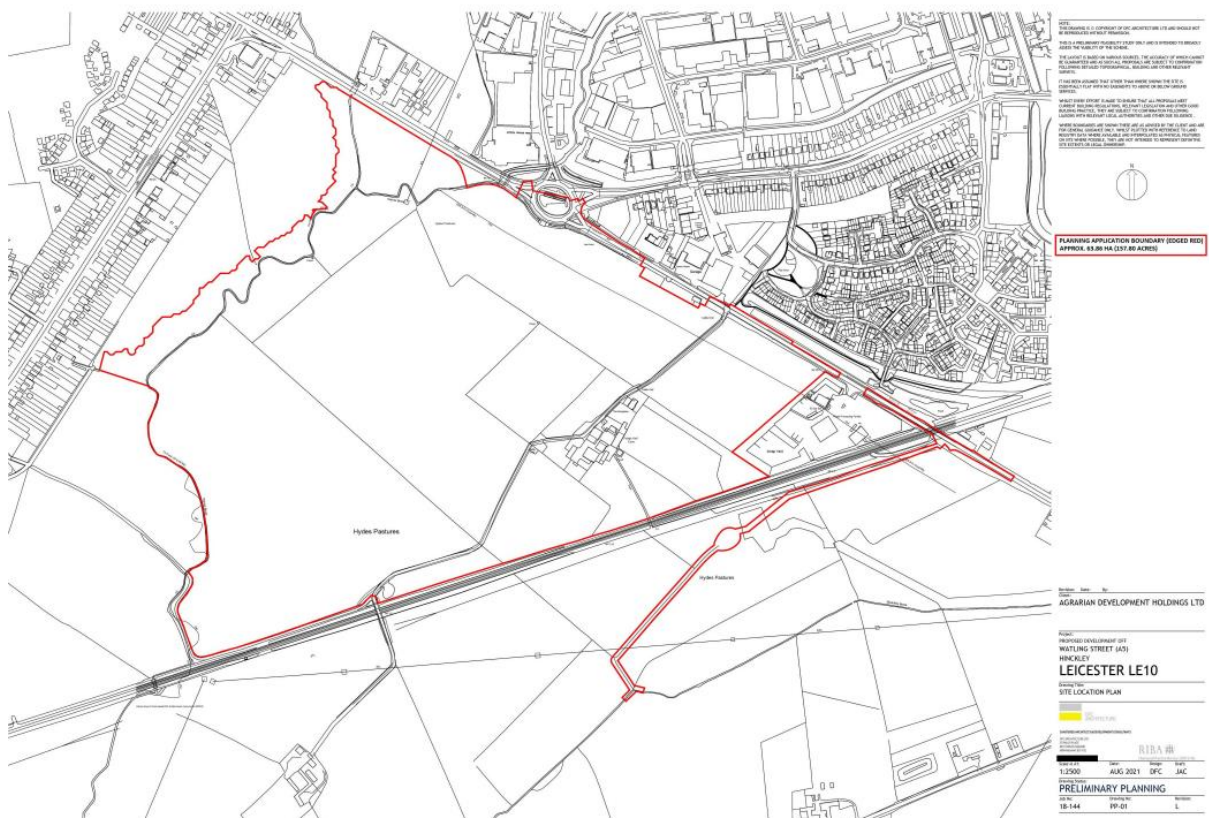
- a) the control of noise and vibration emissions from demolition and construction activities including groundwork's and the formation of

- infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase
- b) the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Air Quality Mitigation.
- c) measures to reduce mud deposition offsite from vehicles leaving the site.
- d) details concerning pre-commencement ecology checks (including badgers, bats, breeding birds, otter and water vole) and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site.
- e) a method statement and confirmed tree protection details during the construction phase, with regard to the approved Tree Retention Plans (8815-T-10 – 8815-T-18) contained in the ES Chapter 11.

Development shall be carried out in compliance with the approved Demolition and Construction Environmental Management Plan.

REASON: In the interests of residential amenity and protected species, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts in accordance with Policies NE1, NE3 and BE3 of the Borough Plan 2019.

Site Location Plan (not to scale)



Illustrative masterplan (excluding unit 1) (not to scale)



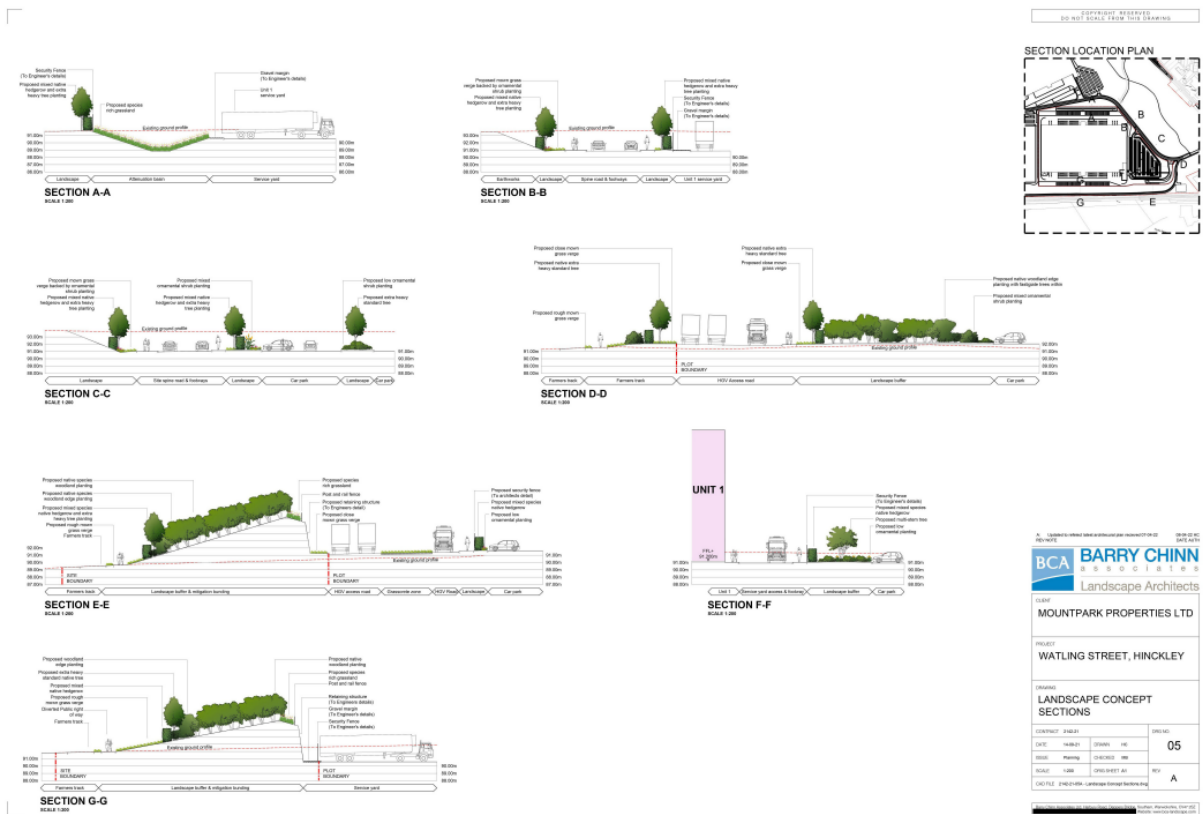
Development Parameters Plan (not to scale)



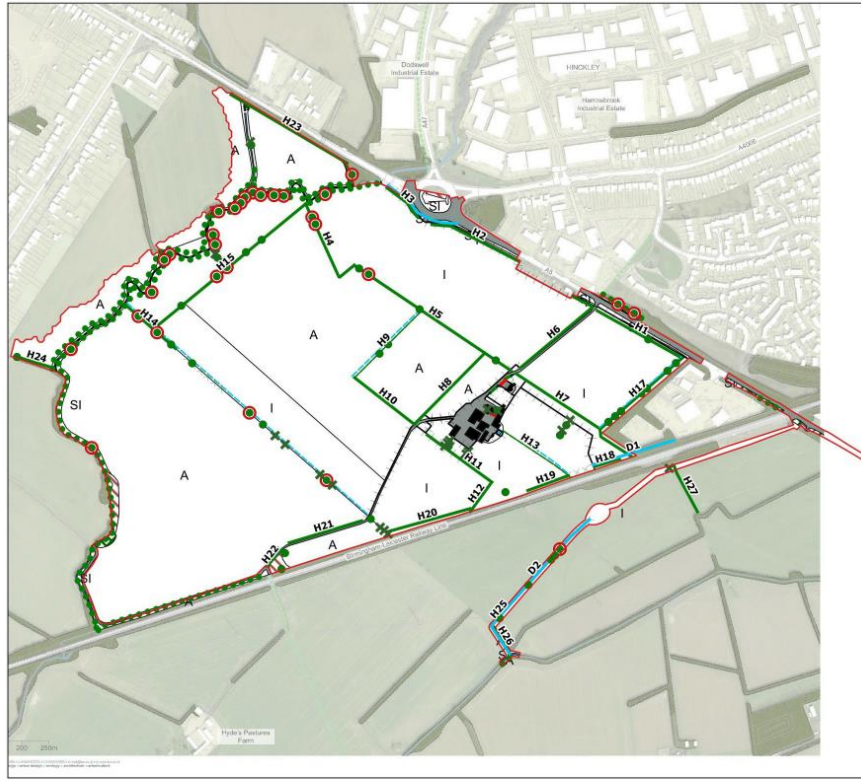
Illustrative Landscape and Green Infrastructure Plan (not to scale)



Landscape Concept Sections (not to scale)



Phase 1 Habitat Plan (not to scale)



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- Key**
- Site Boundary
 - Buildings
 - Built Environment: Buildings/hardstanding
 - Coniferous Parkland/scattered trees
 - Cultivated/disturbed land - arable
 - Improved grassland
 - Other tall herb and fern - ruderal
 - Poor semi-improved grassland
 - Quarry
 - Running water
 - Scrub - dense/continuous
 - Scrub - scattered
 - Standing water
 - Broadleaved trees
 - Standing water
 - Wall
 - Intact hedge - species-poor
 - Fence
 - Dry ditch
 - Defunct hedge - species-poor
 - Scrub - scattered line
 - Scrub - scattered
 - Tree with bat potential
 - coniferous trees
 - Broadleaved tree

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Agrarian Development
 Padge Hall Farm, Hinckley
 fpcr
 HABILITATION PLAN
 Figure 1
 1:5000
 25/02/2023

Habitat Retention Plan (not to scale)



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- Key**
- Site Boundary
 - Habitats**
 - Lost
 - Retained
 - Enhanced
 - Hedgerow/Treelines**
 - Lost
 - Retained

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Agrarian Development
 Padge Hall Farm, Hinckley
 fpcr
 HABILITATION PLAN
 Figure 2
 1:5000
 25/02/2023

Habitat Creation Plan (not to scale)



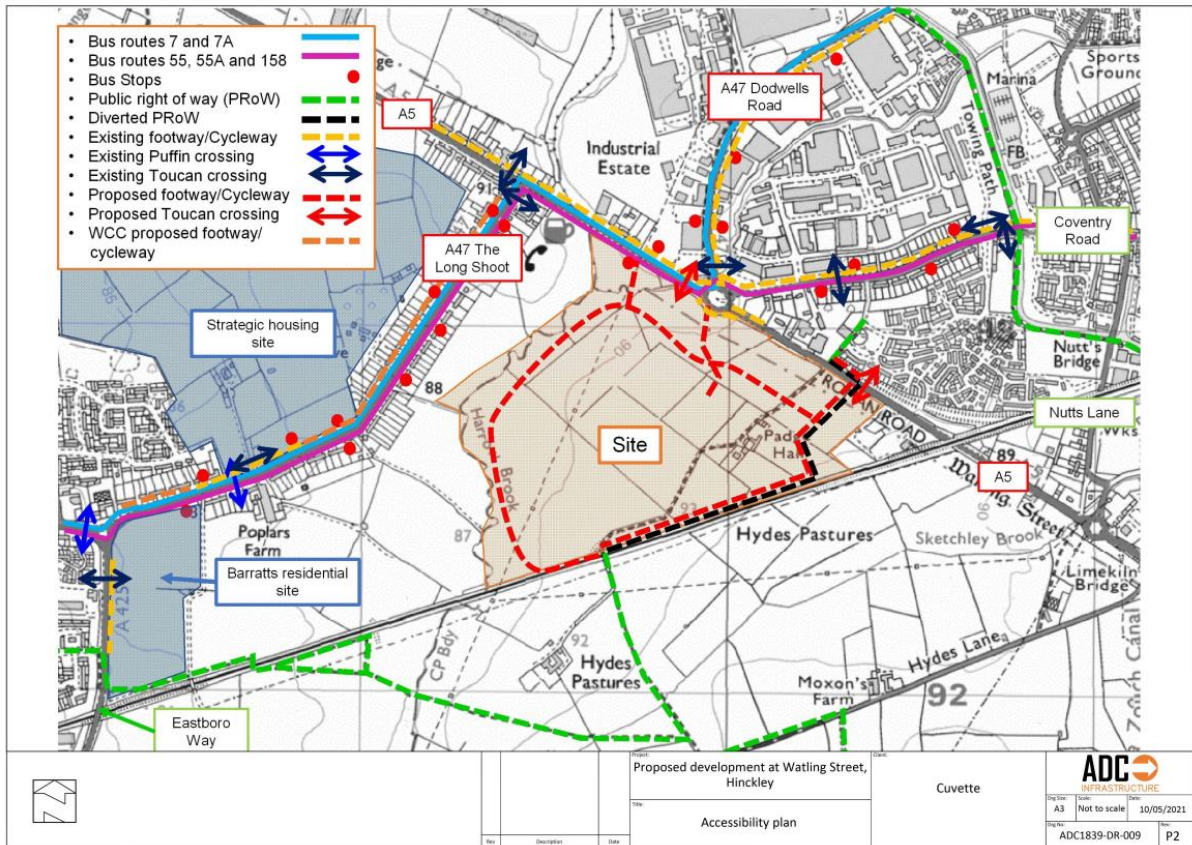
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- Key**
- Site Boundary
 - Habitats**
 - Hardstanding
 - Amenity Grassland
 - Meadow Grassland
 - Wet Wildflower
 - Scattered trees
 - Retained and enhanced poor semi-improved grassland
 - Retained scrub
 - Scattered scrub planting
 - Retained and enhanced woodland
 - Structural woodland planting
 - Ponds
 - SUDS
 - Reed Bed
 - Running Water
 - Retained scattered trees
 - Retained tall ruderal
 - Retained arable
 - Hedgerow/Treeline**
 - New Native Species-Rich Hedgerow
 - Retained Hedgerow
 - Retained Treeline
 - New Native Hedgerow

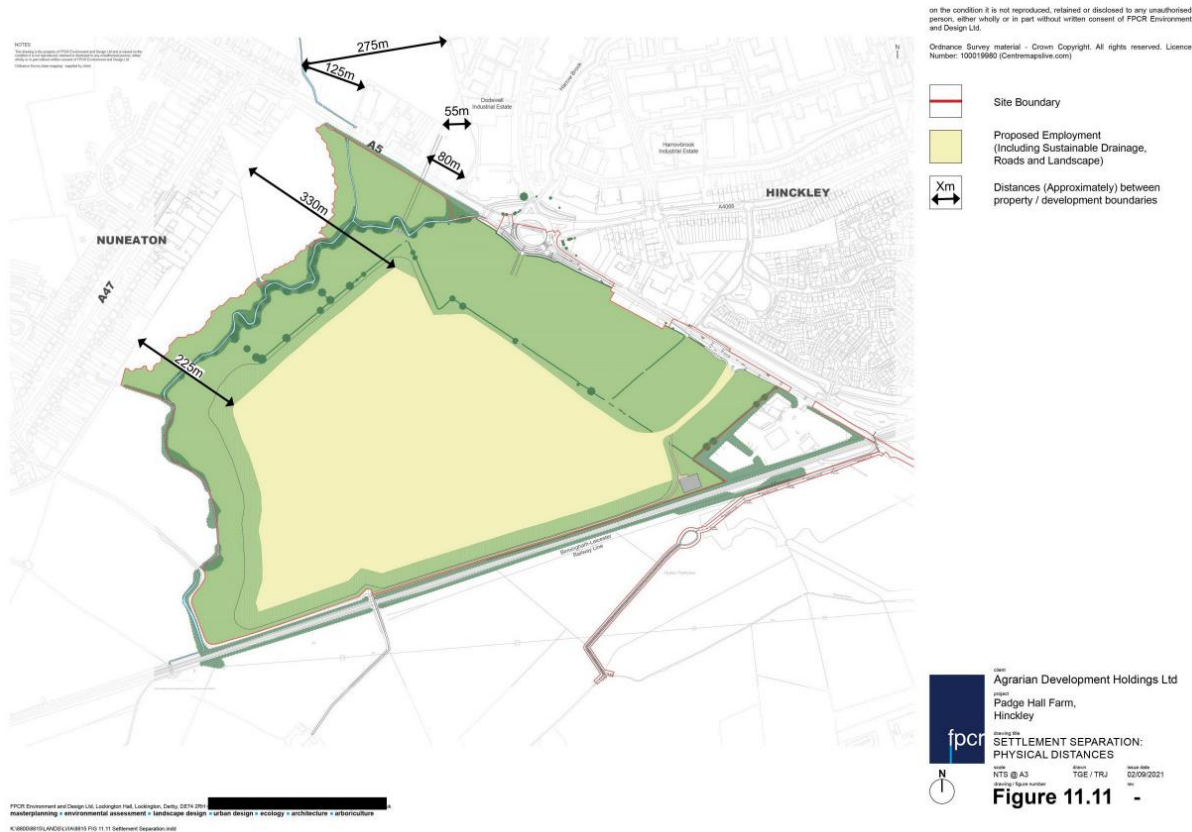
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Agrarian Development
 Padge Hall Farm, Hinckley
 fpcr
 HABILITATION PLAN
 Figure 3
 D

Accessibility Plan (not to scale)



Settlement Separation: Physical Distances Plan (not to scale)



Operational Noise Contours (Night)



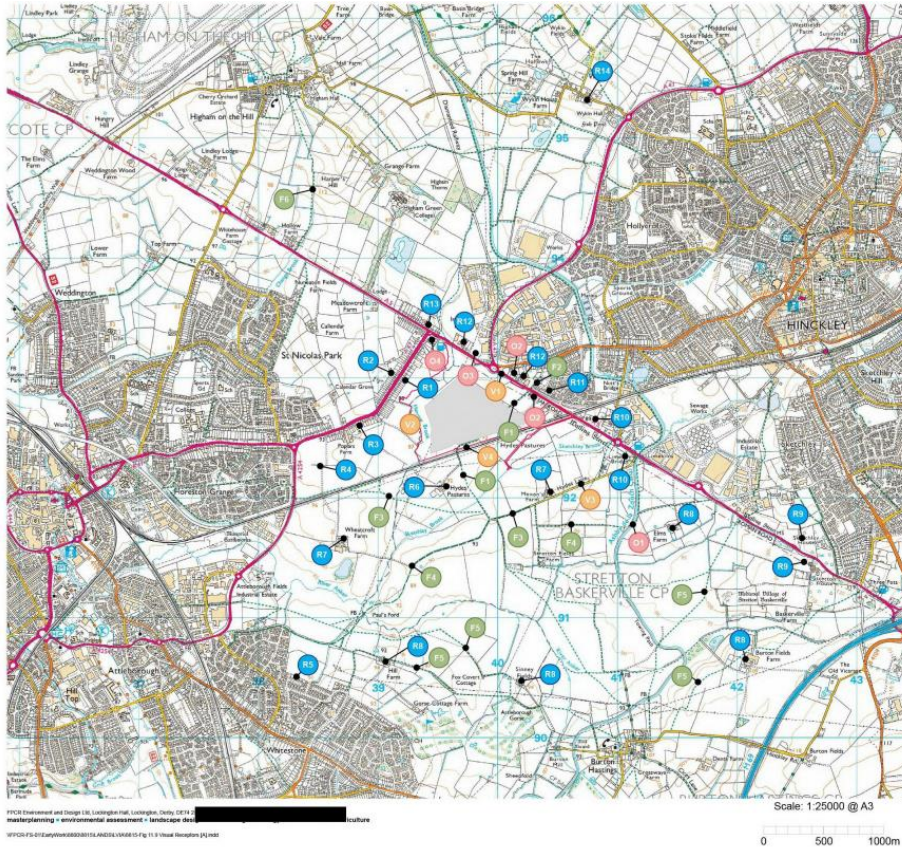
Figure iv Operational Noise Contours (Night) 4.5m height:

Operational Noise Contours (Day)



Figure iii Operational Noise Contours (Day) 1.5m height:

Visual Receptors Plan (not to scale)

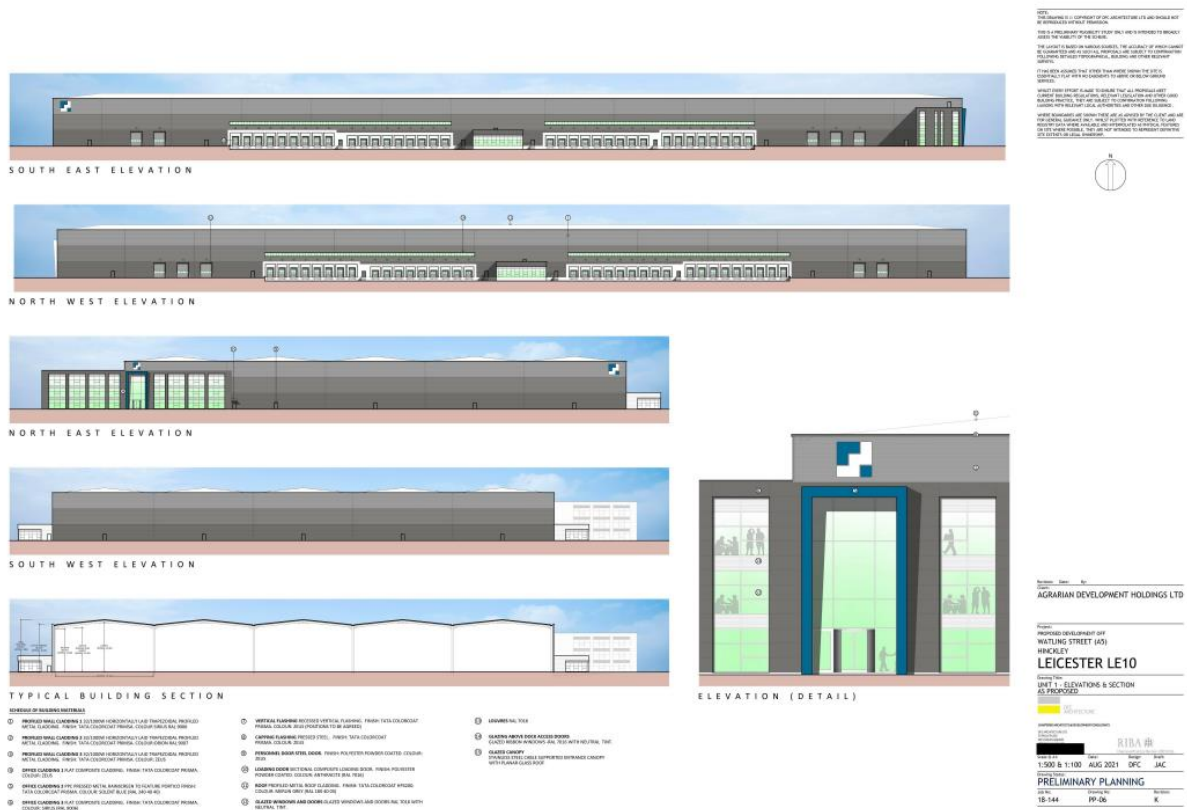


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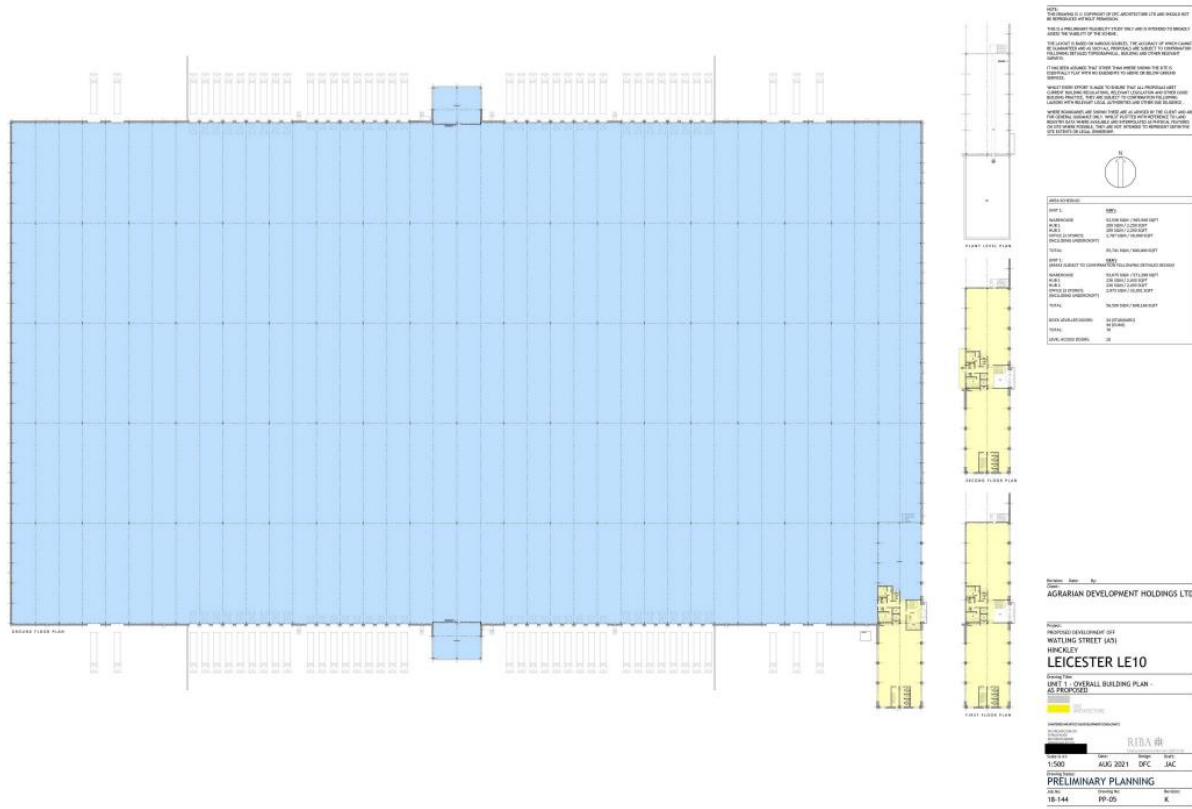
- Site Boundary
- Visual receptors**
- Residential Properties (with Reference)
- Public Rights of Way or other footways or cycleways (with Reference)
- Roads and Transport (with Reference)
- Other Visual Receptors (with Reference)

Agrarian Development Holdings Ltd
 Project: Padge Hall Farm, Hinckley
fpcr VISUAL RECEPTORS
 Scale: 1:25,000 @ A3
 Date: 08 September 2021
Figure 11.9 A

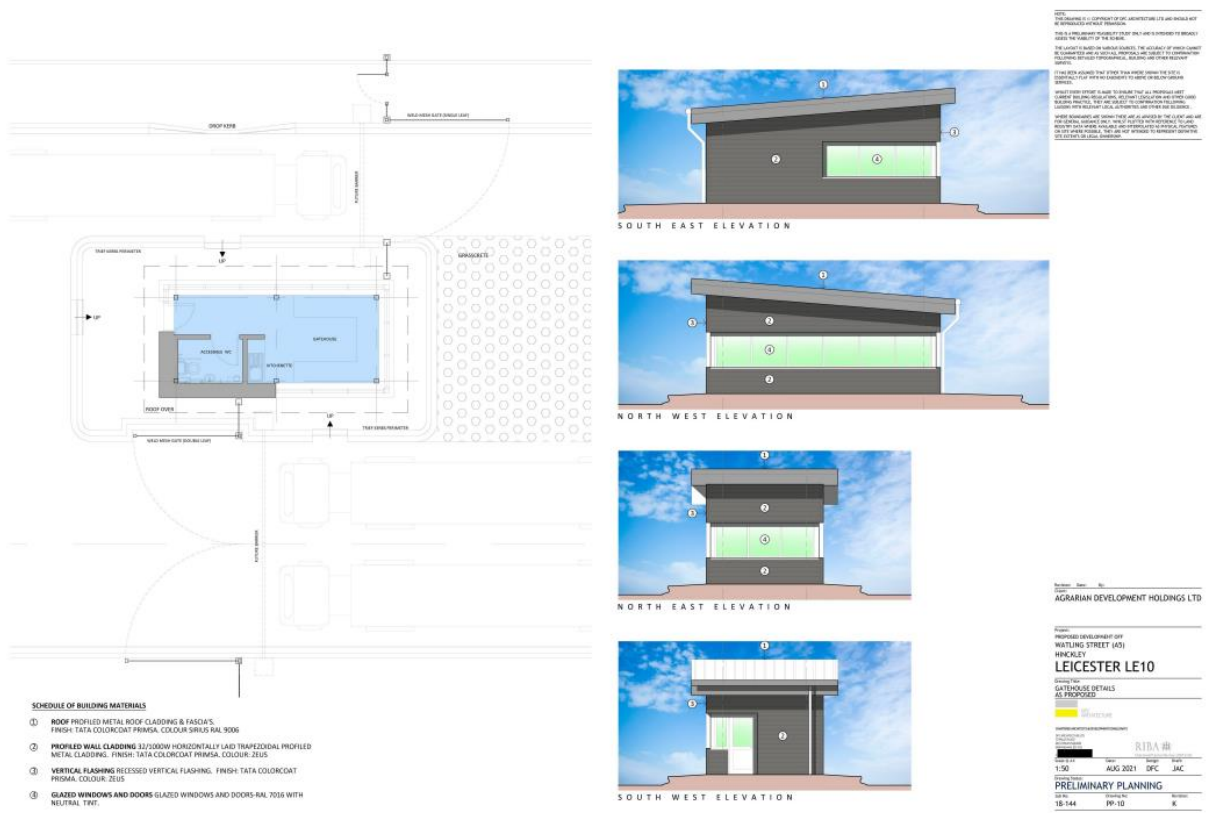
Unit 1 (full planning permission) Proposed Elevations (not to scale)



Unit 1 (Full Planning Permission) Proposed Floor Plan (not to scale)



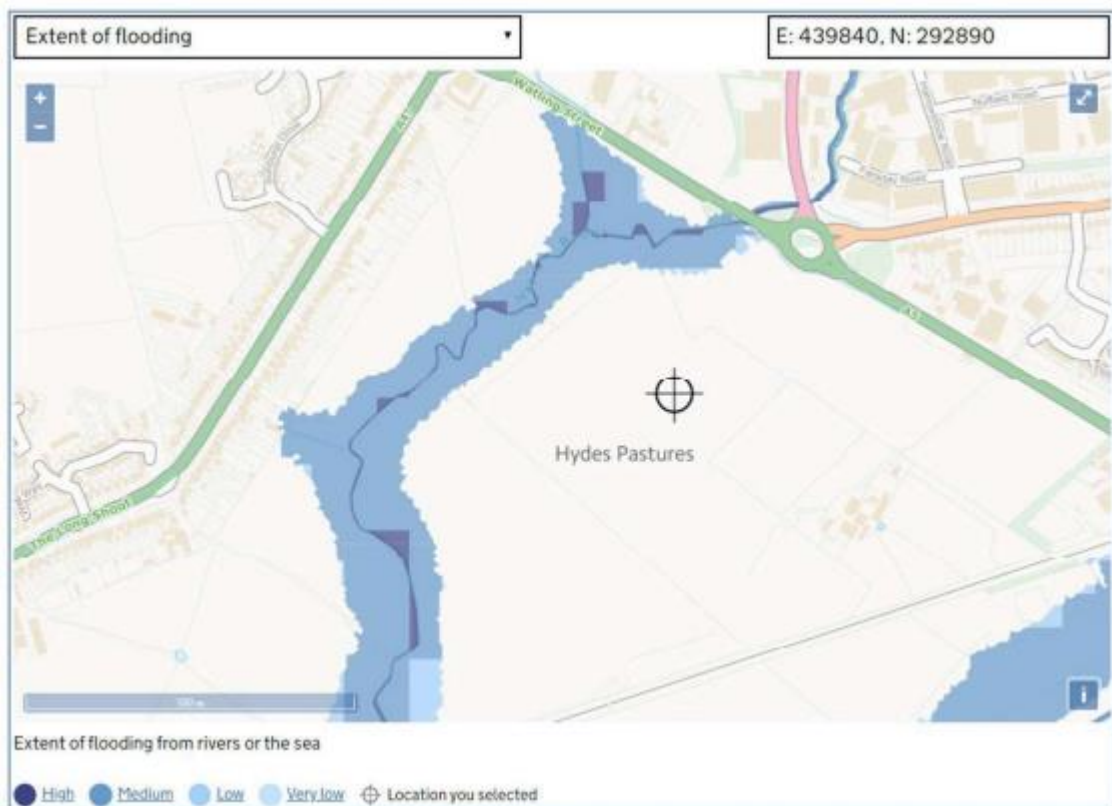
Gatehouse Details as Proposed (not to scale)



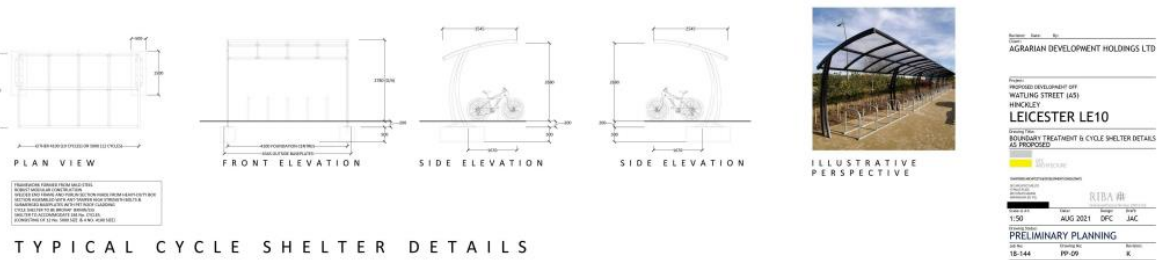
GOV.UK Surface Water Flood Map



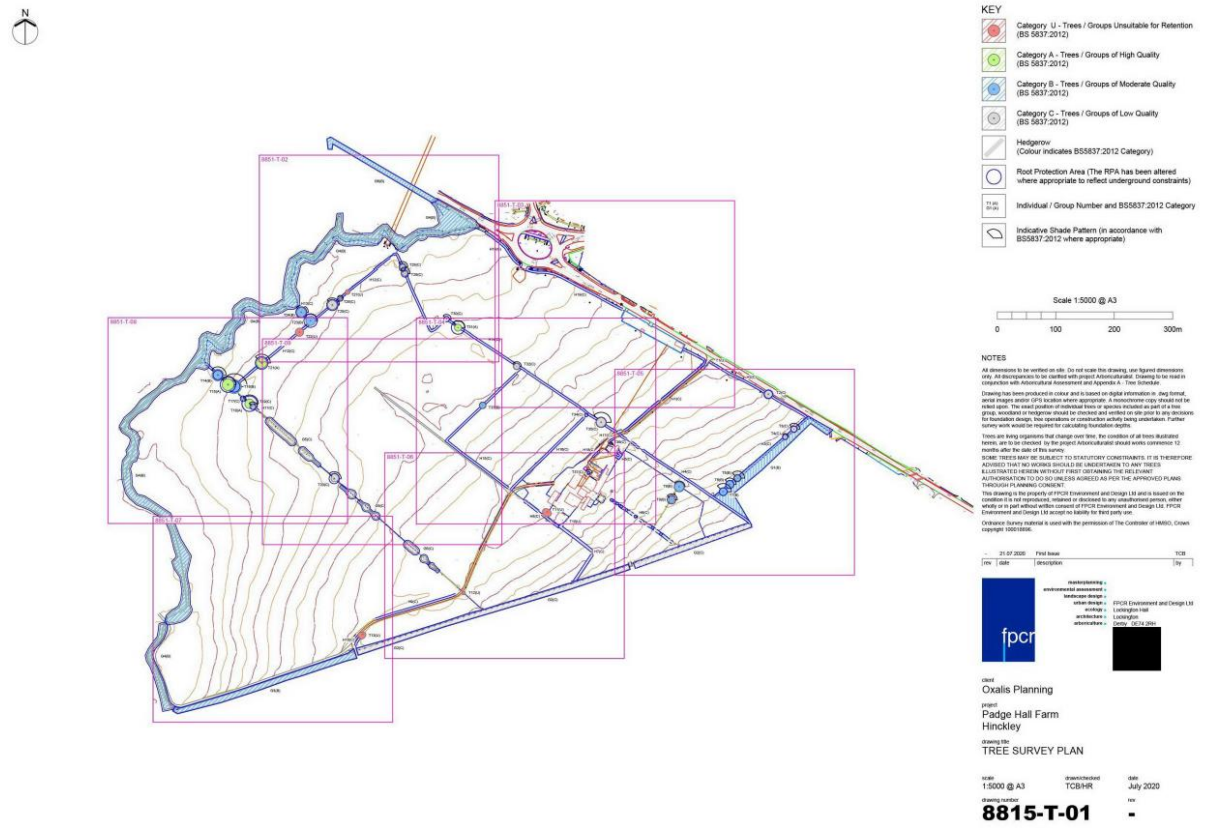
GOV.UK Flood Risk From Rivers and Sea Map



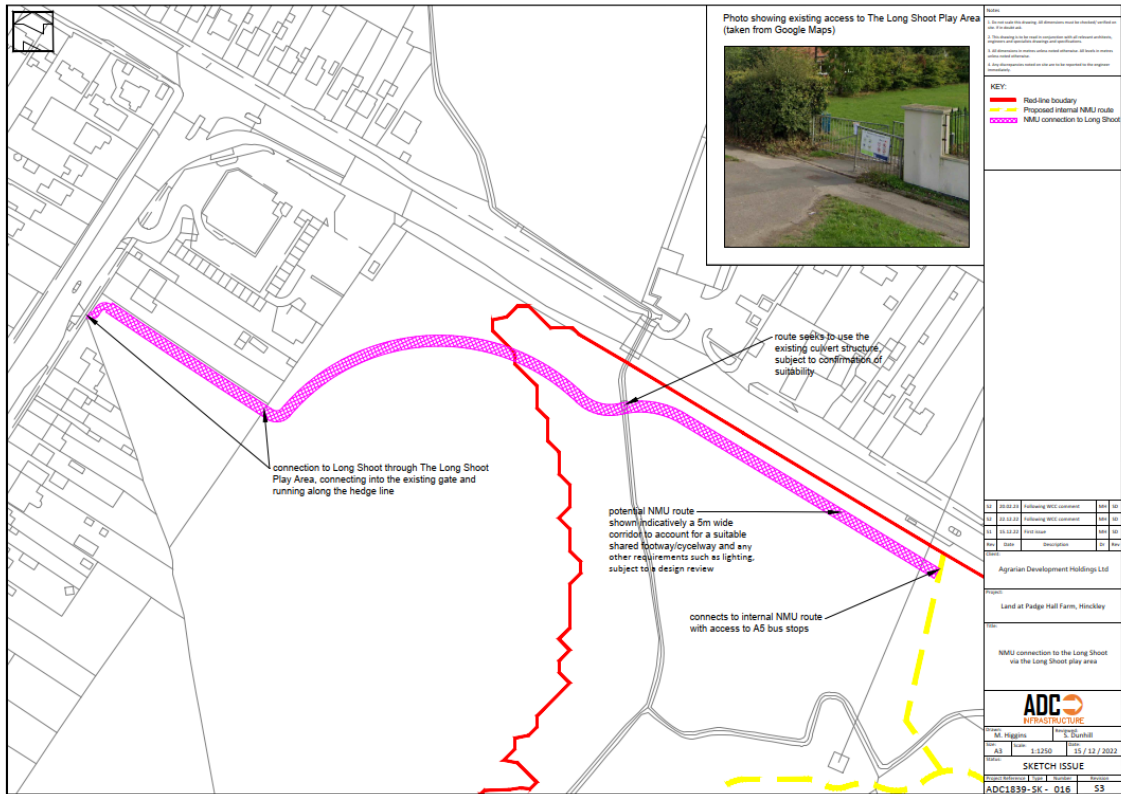
Boundary Treatment and Cycle Shelter Details as Proposed (not to scale)



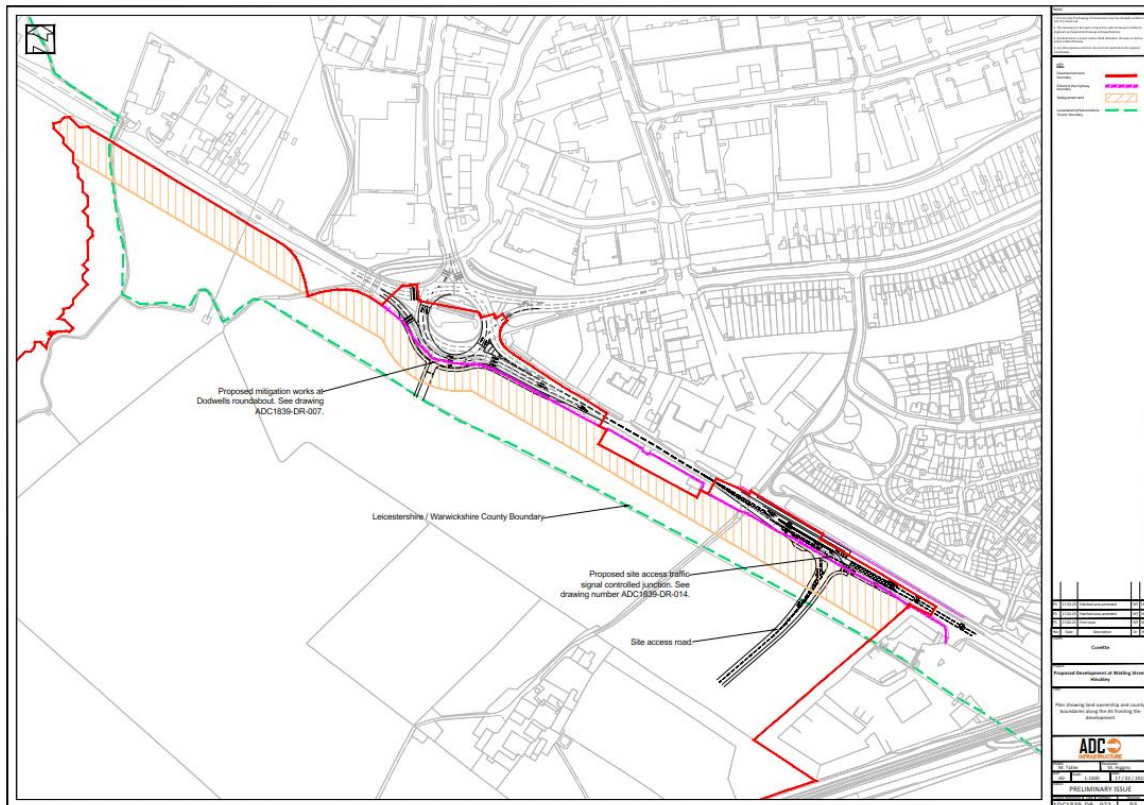
Tree Survey Plan (whole site) (not to scale)



NMU connection via The Long Shot Play Area (not to scale)



Plan showing land ownership and county boundaries along the A5 fronting the development (not to scale)



PLANNING APPLICATIONS

Item No. 2

REFERENCE No. 039049

Site Address: Site 114A007, Hospital Lane, Bedworth

Description of Development: Development of up to 455no. dwellings (C3), a 1.4ha District Centre including up to 55 senior living units (C2) and approximately 2,000sqm of floorspace (E, F1 and F2) and associated infrastructure and open space (outline including access)

Applicant: Richborough Estates

Ward: HE

RECOMMENDATION:

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

INTRODUCTION:

This application is for a development of up to 455no. dwellings (C3), a 1.4ha District Centre including up to 55 senior living units (C2) and approximately 2,000sqm of floorspace (E, F1 and F2) and associated infrastructure and open space. It is an outline application including access. The site is 23.17 hectares of agricultural land. Hospital Lane is to the west of the site with residential properties to the south, east and north. Newdigate Primary School and Anderton Playing Fields are to the north. There are two public footpaths that run through the site.

BACKGROUND:

This is an outline application for the erection of 455no. dwellings, a 1.4ha District Centre including up to 55 senior living units (C2) and approximately 2,000sqm of floorspace (E, F1 and F2) and associated infrastructure and open space. 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:

- None

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;
 - HSG5- Hospital Lane;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - TC3- Hierarchy of Centres;
 - 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.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, Environment Agency, George Eliot Hospital NHS Trust, Health & Safety Executive, Natural England, National Grid, National Highways, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, NBBC Tree Officer, 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:

National Highways, NBBC Environmental Health, NBBC Parks, NBBC Tree Officer, Warwickshire Fire & Rescue, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Rights of Way

No objection subject to planning obligations:

George Eliot Hospital NHS Trust, NBBC Parks, NBBC Sports Development, NHS, Warwickshire Police (Place Partnership), WCC Highways, WCC Infrastructure

No objection from:

Cadent, Environment Agency, Health & Safety Executive, Natural England, NBBC Housing, NBBC Planning Policy, NBBC Refuse, Warwickshire Fire Safety

Comment from:

National Grid, Warwickshire Police (Architectural Liaison Officer)

No response from:

Severn Trent Water, Western Power Distribution

NEIGHBOURS NOTIFIED:

13, 13a, 15-37 (odd), 41-91 (odd) Cardigan Road; 36, 178, 180, Moat Farm, Coach House Moat Farm, The Stables Moat Farm, The Galleries Moat Farm, Church Farm, flats 1-4 (inc) Larkspur Court Bede Village, flats 1-12 (inc) Kingston House Bede Village, Richmond Lodge Bede Village Hospital Lane; 1-8 (inc) Tenby Close; 12-18 (even), 19 Pembroke Close; Newdigate Primary School Anderton Road; 2-74 (even), 24a, 24b, 9-43 (odd) Mavor Drive; 1-5 (inc) Breach Brook View; 7 & 12 Maynard Avenue; 6 & 7 Jeffrey Close; 248-270 (even), 270a, 272a Goodyers End Lane; 1, 2, 3, 5, 7, 9, 11, 15, 17, 19, 21, 23 & 25 Moat Farm Drive.

Neighbouring properties were sent letters notifying them of the proposed development on 15th July 2022. A site notice was erected on street furniture on 20th July 2022 and the application was advertised in The Nuneaton News on 27th July 2022.

NEIGHBOUR RESPONSES:

There have been 11 objections from 11 addresses. The comments are summarised below;

1. Consideration has to be given to long-term impact on nature, climate, and local peoples' wellbeing.
2. Loss of agricultural land.
3. Loss of privacy.
4. Existing flooding problems.
5. Would not be sufficient drainage.
6. The land was left for the benefit and good of the people of Nuneaton and Bedworth under the Chamberlaine Trust.

7. Loss of green space which is important for mental health.
8. Increased noise and pollution.
9. Lack of school places.
10. Local GP surgeries and dental surgeries are all over subscribed.
11. Increased dust.
12. Increased accidents.
13. Impact on wildlife.
14. Increased traffic.
15. Power lines cross the site.
16. Brownfield sites should be developed first.
17. Traffic congestion is already a problem.

APPRAISAL:

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

11. The principle of the development,
12. Affordable Housing,
13. Visual amenity and landscape character,
14. Residential amenity,
15. Highway safety and accessibility,
16. Uses on the site,
17. Flood risk and drainage,
18. Contamination and land stability,
19. Air quality,
20. Ecology and Biodiversity,
21. Heritage and archaeology,
22. Planning obligations,
23. Conclusion

11. 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 HSG5. The site falls within the defined settlement boundary as identified under Policy DS3.

The key development principles under Policy HSG5 are:

1. Provision of at least 398 dwellings in a mix of dwelling types and sizes. - The proposal is for 455 dwellings which is 14% more than the minimum. Any

- forthcoming reserved matters application will need to establish that policy and infrastructure requirements will not be compromised by the additional dwellings.
2. Potential on-site GP surgery or financial contribution to new GP or expanded surgery in western Bedworth area (Goodyers End, Newdigate, Bedworth Woodlands).
 3. Provision of outdoor green gym, as well as older and younger equipped children's play facilities.
 4. Play and open space to be provided with appropriate management and maintenance arrangements.
 5. Financial contribution towards the upgrading of the existing sports pitches at Anderton Road and facilities at Newdigate Recreation Ground and Miners Welfare Park
 6. Allocation of land on site for expansion of Newdigate Primary School to increase capacity to a 2 form entry school.
 7. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
 8. Provision of on-site bus infrastructure and contribution to secure diversion of frequent local bus services in order to access the strategic housing site based on dialogue with Warwickshire County Council and bus operators.
 9. Any transport improvements/upgrades required along Hospital Lane, Smorrall Lane, Goodyers End Lane and surrounding streets as a result of the development.
 10. Financial contributions towards borough-wide strategic highway infrastructure works identified within the Bedworth area.
 11. Provision of a footway/cycleway network through the site and contributions to the wider cyclepath network, including links towards Bedworth Town Centre
 12. Financial contribution towards the expansion of the police's Safer Neighbourhood Team, in line with requirements within the council's Infrastructure Delivery Schedule.
 13. Provision of new district centre.
 14. Local sewage network improvements in order to improve capacity to accommodate the development.
 15. Provision of wayleave for electricity pylons, which should consist of a corridor of open space between existing and new housing.
 16. Financial contributions towards sport and physical activity.

The expected form of development is also set out in Policy HSG5 which includes a density of 40 dwellings per hectare, a maximum building height of 2 stories, given the nature of existing built form, ensuring new high quality houses face onto the northern side of Hospital Lane in order to form an attractive urban edge to southwest Bedworth, a buffer of fields should be preserved so as to retain the isolated character of Moat Farm on Hospital Lane and provision of landscaping to the northern side of Hospital Lane in order to soften and limit views of the new urban edge.

An Illustrative master Plan has been submitted to show that most of the requirements of Policy HSG5 can be accommodated on the site. Policy HSG5 states there would be provision of at least 398no. dwellings. This application proposes up to 455no. dwellings together with up to 55no. senior living units. This is above the provisions under Policy HS5. However, the NPPF requires efficient use of land, particularly when released from the Green Belt. The density as shown on the illustrative masterplan equates to 38 dwellings per hectare which is below the 40 dwellings per hectares as set out in Policy HSG5. It could be argued that the proposals are adopting the principle of effective use of land rather than looking to cram smaller units at a higher density. It is considered

that providing all other policy requirements are met then the proposed number of dwellings would be acceptable. Therefore, it is considered that the principle of developing this site for a mix of residential, district centre and open space has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG5 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 illustrative masterplan deviates from the concept plan in some ways such as the location of the district centre, areas of open space and the location of housing. However, as stated, it is conceptual in nature and sets a baseline position and subject to appropriate justification deviations from it can be considered acceptable. Layout is also not being considered at this stage and would form part of a future reserved matters application. The senior living units would be located within the district centre. A district centre is defined in the Borough plan as 'for the day-to-day shopping and service needs of local people'. The provision of senior living units in close proximity to the district centre is acceptable but does not constitute as a component of a district centre as defined in the Borough Plan. The agent has submitted further information stating that the Concept Plan SPD states that housing will be incorporated into the District Centre to create a well-used and sustainable commercial area and that they consider there to be many examples where C2 uses have been successfully integrated into new District Centres. It is also not the intention for C2 uses to be the dominant or sole use class within the District Centre. NBBC Planning Policy have reviewed this and accept that position and have no objection. The submitted illustrative masterplan does not allocate land for the expansion of Newdigate Primary School as shown on the Concept Plan SPD. However, discussions have taken place between the agent and WCC who have confirmed that they do not need land for the school.

12. 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 25% of the dwellings to be affordable which is therefore acceptable. As this is an outline application, no further details have been submitted in relation to the affordable housing mix or the location. This would form part of subsequent reserved matters and an assessment would be made at that time regarding compliance with Planning Policy and the Affordable Housing SPD. NBBC 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. Policy H1 states that development of extra care housing, residential care homes and other housing options which allow older people to stay in

their own homes will be approved where a local need can be demonstrated. The HEDNA indicates that the elderly population is expected to increase by up to 73% by 2039. The evidence therefore suggests there is a need for the proposed senior living units.

13. Visual Amenity & Landscape Character

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

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 which was updated in 2016. The HSG5 strategic site is situated in the southern part of Landscape Character Area 7 (LCA7) – Keresley Urban Fringe. The landscape strength was considered weak and the landscape condition considered poor. The Landscape Character Assessment update has suggested a number of guidelines for new development which includes restoration of hedgerows, enhanced tree cover, restoration and enhancement of hedgerow pattern through planting new hedgerows using locally occurring species, enhancement of urban fringes through planting new trees and woodland to reduce their prominence and siting of new buildings close to existing established development.

A Landscape and Visual Appraisal has been submitted with the application which makes a number of recommendations including to retain existing field hedgerows and hedgerow trees around the site perimeter and within the interior of the site, retain the existing mature trees and creation of green corridors to break up the perception of development mass.

The Concept Plan SPD states that edge treatments and landscape buffers should align with the policy requirements and recommendations of the 2017 Landscape Capacity Study for the site. Given the nature of Hospital Lane, as a relatively minor road and as a distinct break between urban to the east and rural to the west, built form should front this road, with suitable set back space for individual front gardens. The majority of the site's northern edge of the site will form a larger area of open space combined with the existing open space off Tenby Close and the playing fields on Anderton Road. An illustrative master plan has been submitted which shows open space to the north of the site plus other areas across the site. The site could also be developed with dwellings fronting Hospital Lane with a suitable set back. This would be considered further as part of a future reserved matters application.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 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 be considered at this stage and would form part of a future reserved matters application. The information submitted with the application states that some areas of the development will exceed the Concept Plan guidance of a maximum of two storeys in height and that increased massing will be used to enhance the layout at nodal points and terminate key vistas hence promoting legibility and placemaking. This issue can be assessed as part of the reserved matters application.

Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. The built development would partly be seen in context to the existing residential development. However, the site is an allocated site within the adopted Borough Plan and while its future development in line with Policy HSG5 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.

14. 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 shows that road traffic noise from major road sources will not be an issue. It has also shown that Newdigate Primary School would not have an impact on the proposed development. Road traffic noise generated by the incoming residents of the development has been identified as a potential noise source. However, NBBC Environmental Health consider that the proposed noise mitigation such as glazing and ventilation is adequate to offer protection, as will the orientation of buildings to protect the outdoor amenities. NBBC Environmental Health have no objection.

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.

15. 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 directly from Hospital Lane via two new priority T-junctions and the position of the accesses are in general accordance with Policy HSG5 and the Concept Plan SPD. Visibility splays in accordance with the recorded speeds are achievable and have been shown on the provided plans. Additional plans have been provided to show forward visibility along Hospital Lane for right turners to see ahead and for vehicles to see any left turners slowing into the accesses. Visibility splays for the proposed site access, Moat Farm and Moat Farm Drive have been shown to ensure there is no mutual obstruction of visibility between the accesses. WCC Highways have no objection.

A Transport Assessment has been submitted with the application. Capacity assessments undertaken at the site access junctions indicate that they will operate well within capacity with minimal increases in queue or delay predicted along Hospital Lane. A Stage 1 Road Safety Audit (RSA) has been carried out for the site access proposals. This has not raised any issues that can not be mitigated at the detailed design stage. Modelling has been undertaken to assess the impact of the proposed development on the local highway network and this has indicated that the development would not have a material impact on the local highway network. This modelling included the impacts of allocated sites in the Borough Plan as well as taking into account highway improvement plans in the Infrastructure Delivery Plan (IDP). In addition, isolated junction assessments were undertaken at the following junctions:

- Goodyers End Lane/Hospital Lane priority junction
- Smorrall Lane/Hospital Lane priority junction
- Goodyers End Lane/Heath Road/Smarts Road/Bowling Green Lane double mini-roundabout junction
- Heath Road/Smorrall Lane signalised junction.

- School Lane/ Coventry Road/Bayton Road signalised junction.

The impacts at the junction of B4113/Wilsons Lane are shown to be mitigated by the proposed scheme at that location. The Paramics microsimulation model also identified impacts at two signalised junctions- School Lane/B4113 and Smorrall Lane/Heath Road, although impacts in both cases were reduced in the Local Plan scenario which contains a number of highway improvements. Both of these junctions have been tested in Linsig modelling which does not replicate the impacts shown in the Paramics model. In the 2031 Local Plan scenario, the Smorrall Lane/Heath Road junction operates more effectively even without any specific improvements to the junction. This suggests that wider network improvements are having a positive impact to the operation of the network overall. Similarly, although not specifically modelled in Paramics, the approach to the Newtown Road/A444 off-slip signalised junction shows increases in delay in the reference case which are not evident in the Local Plan case containing the proposed junction remodelling and signal scheme. The Linsig model of the existing junction shows no impact of development. Overall, the Paramics modelling identifies some queuing and delay impacts along the Heath Road corridor and the School Lane approach to the Longford Road corridor which are mitigated in the Local Plan scenario containing schemes identified in the IDP. The operation of the Smorrall Lane/Heath Road junction also improves in the Local Plan scenario and this is supported by the Linsig model. The development impacts are shown to be mitigated by improvement schemes identified within the IDP/ Local Plan.

At the request of National Highways, an additional assessment was carried out at M6 Junction 3 to understand the potential impact of the development on the interim improvement scheme set out as part of the IDP. The assessment concluded that the development would not have a material impact at this location. National Highways have no objection subject to conditions.

Initially a change to the posted speed limit on Hospital Lane was proposed to 30mph however, after discussions with WCCs Road Safety team concerns were raised regarding this change. An ATC speed survey was carried out which showed 85th percentile speeds of 43.7mph & 46.4mph. No changes are proposed on Hospital Lane to change the environment of the carriageway and the development would be screened from Hospital Lane with no direct frontage, so these speeds are likely to continue. Based on the recorded speeds, WCC Highways have stated that a reduction in the speed limit to 50mph could be acceptable however this will be subject to the Traffic Regulation Order (TRO) process. Visibility splays in accordance with the recorded speeds are achievable so the proposals are not dependent on the speed limit change.

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). There are two public footpaths which currently cross the site. A range of 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. Links will be provided to Anderton Road to the north and Mavor Drive to the east via the existing Public Right of Way network. The existing footway fronting the site is proposed to be improved to a shared footway/cycleway for its whole length and priority has been shown at all 3 proposed access junctions. WCC Highways have requested S106 contributions towards the design and construction of a cycleway following route B07 in the LCWIP linking Hospital Lane to Ash Green Secondary School and for the proposed cycle route towards Bedworth Town Centre via Smarts Road, identified as routes B06 & B07 in the LCWIP.

The site is in close proximity to bus routes 55 and 79 with bus stops on Hospital Lane and Anderton Road which are approximately 450 metres from the centre of the site. The scheme also provides a separate bus Gate which will enable a bus to enter and leave the site. WCC Highways have requested £848,300 to contribute towards improvements to bus Infrastructure to serve the proposed development. They have also requested a condition for the provision of bus stops on Hospital Lane. 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 application is proposing the provision of a district centre. Manual for Streets states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800 metres) walking distance of residential areas which residents may access comfortably on foot. The site is within 800 metres of a number of facilities such as shops, post office and a public house. There are two local primary schools located within the preferred maximum walking distance to schools of 2.0km which is according to the Institution of Highways and Transportation – Guidelines for Providing for Journeys on Foot including Newdigate Primary School which is 240 metres from the centre of the site. The local senior school is also within the preferred maximum walking distance.

These infrastructure improvements are in accordance with the requirements of Policies HSG5, HS1 and HS2 of the Borough Plan.

16. Uses on the site

In addition to the residential development on the site, a number of other uses are proposed in accordance with the requirements of Policy HSG5 and the Concept Plan SPD. The proposal provides for approximately 8.9 hectares of green infrastructure and open space, including a number of play areas across the site. A wildlife area for Newdigate Primary School and allotments are also proposed. NBBC Parks have confirmed that a S106 contribution towards allotment provision is no longer required on the premise that the reserved matters deliver the allotment provision to suitable standards in terms of facilities, utilities and boundary treatments to the usual NBBC minimum requirements. They have also stated that a S106 contribution towards local parks is not required on the basis of the on-site open space provision and local play provision fully meeting the Local park and play facility standards as set out in the Open space and Green Infrastructure SPD.

A district centre of 1.4 hectares is proposed including E, F1 and F2 uses. This will offer a variety of uses that will support and enhance both the emerging and existing community.

17. 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 development will continue to discharge surface water to the watercourse to the south of the site at the equivalent greenfield QBAR rate. Surface water storage will be provided in the form of SuDS detention basins which are designed to provide capacity for events up to (and including) the 1 in 100-year storm +40% climate change. WCC Flood Risk Management have no objection subject to conditions.

18. 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. A Phase 1 GeoEnvironmental Assessment has been submitted which recommends that a Phase 2 intrusive investigation is carried out. NBBC Environmental Health have no objection subject to the imposition of the standard contaminated land conditions.

19. 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). An Air Quality Impact Assessment has been submitted with the application. A qualitative construction phase dust assessment was undertaken in accordance with the relevant guidance and measures were recommended for inclusion in a Dust Management Plan to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions was considered to be not significant. A detailed operational phase road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. The development was not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development on local air quality was predicted to be negligible in accordance with guidance. Pollutant concentrations of NO₂, PM₁₀ and PM_{2.5} were predicted to be below the relevant air quality objectives and the site was therefore considered suitable for the proposed use. NBBC Environmental Health have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided for the dwellings and commercial uses and that all gas-fired boiler installations should be a specified standard.

20. Ecology & 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. A series of habitats and species surveys were commissioned including bats, birds, reptiles, Water Vole, otter, White Clawed Crayfish, badgers and Great Crested Newts. There is suitable habitat on site for Great Crested Newts and the assessment recommends mitigation by retaining and enhancing the land adjacent to the ponds and create new habitat features capable of providing a range of habitats for this species. In terms of bats, a total of 51no. trees were recorded on site with bat roosting potential. These included 17no. low, 24no. moderate and 10no. high potential trees. There is a barn located to the south of the site which would be impacted by the proposals. A bat building assessment was conducted on the building which identified it as having High Roosting potential warranting further nocturnal investigation. On the initial bat building assessment unidentified bat droppings were located inside the building. The sample size was insufficient to provide genetic analysis, therefore a precautionary extra static bat detector was deployed which found no further bats utilising the building and a roost was not confirmed. It is likely transient bats are utilising the building and there is a residual chance that the building may be used by transient and opportunistic bats on infrequent occasions in the summer months. The site also provides suitable habitat for reptiles, water vole, otters, badgers and hedgehogs. The report makes a number of recommendations for biodiversity mitigation and enhancement measures which includes a Great Crested Newt Protected Species Licence, a sensitive bat lighting strategy, native tree and scrub planting, the installation of bat and bird boxes and hedgehog friendly fencing. NBBC Parks accept the findings of the ecological assessment and have no objections subject to conditions.

The Arboricultural Impact Assessment identified 95no. individual trees, 5no. groups of trees and 40no. hedges. A total of 5no. trees are proposed to be removed. One of these is a Category B trees, 3no. are Category C and 1no. is Category U. None of the trees proposed for removal are considered aged or veteran. New tree planting will be undertaken within the site following development to mitigate the loss of trees. NBBC Tree officer has no objection but has commented that based on the illustrative layout submitted, it could result in the loss of 6no. Category B Oak trees. However, as this is an outline application and that the masterplan would not be an approved document this issue would not be considered at this stage but would form part of a future reserved matters assessment.

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 which NBBC Parks accept.

21. Heritage & Archaeology

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. A Heritage assessment has been submitted with the application. This states that there is a known potential for archaeological remains dating to the medieval period to survive across the proposed development area. The potential for archaeological remains dating from the prehistoric, Roman and Anglo-Saxon periods to survive across the proposed development area is currently unknown. The significance, extent, nature and date of any archaeological remains, should they be present, is also unknown. WCC Archaeology have been consulted and have concluded that archaeological implications of the proposal can not

be adequately assessed on the basis of the available information and recommended that a programme of archaeological fieldwork is completed before any decision on the planning application is taken. A programme of evaluative archaeological fieldwork comprising a geophysical survey and trial trenching has been undertaken across this site. The fieldwork identified a number of field boundaries and ditches, some of which pre-date the modern mapping and the remains of medieval moated site within the southern part of the site. WCC Archaeology have no objection subject to a condition covering a Written Scheme of Investigation for a programme of archaeological work.

22. 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	£945,365.77	Applicant agreed to contribution
WCC Education	Monies for the provision and improvement of schools	Secondary: £1,319,398 Post 16: £271,641 SEND: £109,143	Applicant agreed to contribution
NBBC Housing	Provision of affordable housing	25% provision of affordable housing	Applicant agreed to contribution
CCG	Provision of healthcare facilities	£574,164 and land allocation for a new primary medical care facility or £344,499 for improvements to off-site primary medical care and healthcare facilities	Applicant agreed to contribution

George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£447,746	Applicant agreed to contribution
Warwickshire Police	Police infrastructure consisting of recruitment and equipping of officers and staff, police vehicles and police premises	£102,072	Applicant agreed to contribution
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£1,127,525	Applicant agreed to contribution
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point	£9,959	Applicant agreed to contribution
	Sustainable travel information	£4,450	To be provided through a condition
	Provisions to support road safety initiatives within the community associated within the development	£22,750	Applicant agreed to contribution
WCC Highways	Creation of an upgraded footway/cycleway along Hospital Lane from the limits of the footway/cycleway being provided as part of the S278 works to Goodyers End Lane, connecting to route B07 of the LCWIP.	To be confirmed	Applicant agreed in principle to contribution
	Design and construction of a cycleway following route B07 in the LCWIP linking Hospital Lane to Ash Green Secondary School.	To be confirmed	Applicant agreed in principle to contribution
	Traffic Regulation Order for the reduction of the speed limit along Hospital Lane fronting the site to 50mph.	£3,000	Applicant agreed to contribution
	Proposed cycle route towards Bedworth Town Centre via Smarts Road, identified as routes B06 & B07 in the LCWIP.	To be confirmed	Applicant agreed in principle to contribution
	Improvements to bus infrastructure to serve the proposed development.	£848,300	Applicant agreed to contribution
	Longford Road Corridor improvement scheme.	To be confirmed	Applicant agreed in principle to contribution
	M6 Junction 3 improvement works	To be confirmed	Applicant agreed in principle to contribution

	Validation of the Traffic Signals at the Heath Road/Smorrall Lane junction.	£1,500	Applicant agreed to contribution
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23. 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	RE-HLB-LP-01 A	12 th July 2022

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

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways and bus stops and shelters;
- b. Residential dwellings;
- c. Provision of public open space;
- d. Provision of ecological and landscaping enhancement areas;
- e. Provision of allotments;
- f. Provision of district centre;
- g. Surface water drainage and
- h. Provision of highway infrastructure providing safe connections to facilities for pedestrians, cyclists, buses and other vehicles from the existing adopted highway network and residential phases within the development site.

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

6. 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.

7. No phase of 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; and
- vi) Noise and Vibration Management Plan
- vii) Dust management plan detailing measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction.

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

8. Alongside submission of the reserved matters, hydraulic modelling of the unnamed Ordinary Watercourse that passes through the site should be submitted to the Council. The hydraulic modelling should be revised where revisions to the site layout are made during detailed design to ensure the correct representation of the proposals. The modelling must be reviewed by an independent third party and submitted to the Council. Such review should demonstrate the submitted modelling and flooding outlines are valid and provide the appropriate level of confidence.

9. No development shall take place until a detailed surface water drainage scheme for the site, based on the submitted Flood Risk Assessment (BWB, Revision P03) received by the Council on 12th July 2022 and Sustainable Drainage Statement (Revision P03) received by the Council on 12th July 2022 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:

i. Provide results of 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.

ii. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved Sustainable Drainage Statement (Revision P03 June 2022). As the site has been designed as three catchments, each with an attenuation basin due to the shape and topography of the site, each catchment shall continue to discharge at the QBar Greenfield runoff rate (ref: Illustrative Drainage Strategy, revision P06, dated 10/05/2022).

iii. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum, and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

iv. Provide evidence that the surface water drainage strategy provides appropriate surface water treatment trains to mitigate an impact on water quality before being discharged into the unnamed ordinary watercourse. This can be done using the Simple Index Approach (CIRIA C753 SuDS Manual).

v. Demonstrate that the provision of 7296.2m³ of surface water run-off attenuation storage provided is in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments', also noting any change to design that could impact the attenuation storage required.

vi. Provide detail drawings including cross sections of proposed features such as attenuation features and outfall structures. These should be feature-specific

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

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

a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

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

viii. Provide plans and details showing the allowance for exceedance flow and overland flow routing. Such overland flow routing should:

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

b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels. As mentioned within the FRA, FFL's should be set no lower than 150mm above the top of the bank level on site.

c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

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

i. Provide the name of the party responsible, including contact name, address, email address and phone number;

ii. Include plans showing the locations of features requiring maintenance and how these should be accessed;

iii. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development; and

iv. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

11. No development shall commence until detailed drawings have been submitted to and approved in writing by the Council showing the location and layout of Bus stop infrastructure along Hospital Lane. Such details should include all relevant drawings showing shelters, markings, crossing points and a Stage 1 Road Safety Audit, with the brief to be agreed beforehand by the Highway Authority.

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

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

14. No development, including site clearance, shall commence until a Biodiversity 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 4th November 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, bricks 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 barn 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; and
- 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.

15. No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted to and approved in writing by Council. The archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved Written Scheme of Investigation, shall be undertaken in accordance with that document.

16. No phase of 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.

17. No phase of 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.

18. No phase of development shall commence until full details of the provision of car parking, access and manoeuvring areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No dwelling shall be occupied and no use shall commence until the car parking, accesses and manoeuvring areas for that dwelling or use have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

19. No development shall commence until full details of 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 estate roads including footways serving that dwelling have been laid out and substantially constructed.

20. No phase of development shall commence until an Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within Arboricultural Impact Assessment received by the Council on 12th July 2022 shall be removed unless otherwise agreed. 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.

21. No phase of development shall commence until details of the layout of equipped play areas, public open spaces, ecological and landscaping enhancement areas, boundary details (including knee rail fencing), site securing (including gates, trip rails and kissing gates), surfacing, drainage, bins, seating, signage and notice/information boards for that phase, has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

22. No phase of 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 2, 1 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.

23. No phase of development above slab level shall commence in any 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.

24. No phase of development above slab level shall commence until full details of the boundary treatments including new walls and fences have been submitted to and approved in writing by Council. No dwelling shall be occupied or use commence until

the agreed boundary treatment has been carried out in accordance with the approved details.

25. No phase of 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.

26. No dwelling shall be occupied in any phase until the highway access and associated highway infrastructure serving that phase has been constructed in general accordance with the approved plans T21584 001 Rev E, T21584 002 Rev E & T21584 003 Rev E and a Certificate of Substantial Completion has been issued by the Highway Authority.

27. No more than 150 dwellings shall be occupied in any single phase of development unless and until that phase is served by more than one highway access approved pursuant to this planning permission.

28. No more than 200 dwellings shall be occupied in any single phase of development unless either:

i. An internal loop road has been constructed with a short connection that is designed so that a fire tender / emergency vehicle would be able to pass a stranded or broken-down vehicle without leading to an unacceptable risk; or

ii. An emergency access scheme approved by the Council has been constructed.

29. No more than 200 dwellings on a particular phase of development shall be occupied unless and until:

i. that particular phase is served by more than one highway access approved pursuant to Condition 25 of this planning permission and is subject to a Certificate of Substantial Completion issued by the Highway Authority; and

ii. internal roads have been constructed to an adoptable standard which connect the accesses.

30. No dwelling shall be occupied until the proposed upgraded footway/cycleway fronting the site along Hospital Lane has been laid out and constructed in general accordance with the approved plans and is subject to a certificate of Substantial Completion issued by the Highway Authority.

31. 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 has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

32. No unit in the district centre shall be occupied until Electric Vehicle (EV) charging points at a rate of 10% of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level has been provided. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall also be considered and parking time limited to a maximum of 1 hour for public access car parks.

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

34. Six months after first occupation, an updated Travel Plan shall be submitted to and approved in writing by the Council. This shall include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site. 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.

35. In accordance with the phasing plan, prior to the occupation of the 200th dwelling, full details of allotment provision shall be submitted to and approved in writing by the Council. These details shall include:

- a. The exact positioning of the allotments;
- b. Details of plot numbers and size;
- c. The design, size and location of pedestrian and vehicle access gates;
- d. The design size and position of boundary fencing;
- e. Provision of roads and pathways and materials storage and composting bays;
- f. The design, size and location of sheds;
- g. The provision of a water supply with access for each plot;
- h. The provision of a composting or plumbed toilet;
- i. The provision of a secure communal storage unit with electrical supply including a small meeting room and small kitchen; and
- j. Details of car parking including numbers of spaces at a ratio of 20% of the total plot numbers and size and surfacing.

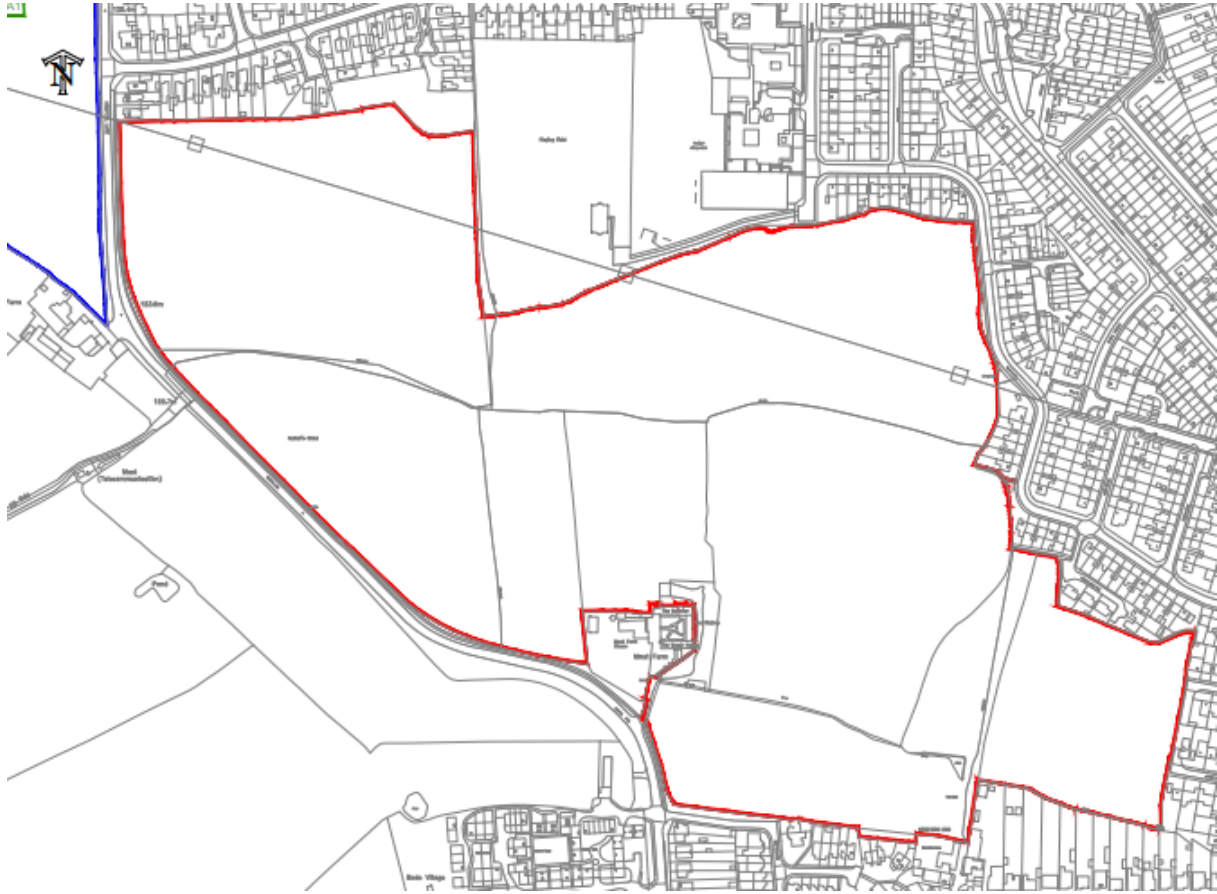
The agreed details shall be implemented in accordance with the phasing plan for the site.

36. The development shall be carried out in accordance with the recommendations in the submitted Noise Assessment (210607-002_NIA) received by the Council on 12th July 2022. No dwelling shall be occupied until the mitigation measures including glazing and ventilation have been provided in accordance with the recommendations of the Noise Assessment.

37. No development shall commence until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Council, and all tree planting shall be carried out in accordance with those details and at those times.

If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

38. 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 Masterplan

REFERENCE No. 038984

Site Address: The Crow's Nest, Crowhill Road, Nuneaton, Warwickshire, CV11 6PJ

Description of Development: Erection of a single storey shop (E use class) with ATM, reconfigured car parking, cycle stands and revised access arrangements.

Applicant: C/O Agent, Pegasus Planning Group

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

This is a full planning application for the erection of a single storey shop (E use class) to be sited upon the existing carpark belonging to the Crow's Nest pub in Nuneaton. The scheme also proposes alterations to the existing site access and parking arrangements for the pub, along with a built in ATM machine and cycle stands.

The Crow's Nest pub sits on the corner of Crowhill Road and Eastboro Way with vehicular access from Raven Way. Raven Way leads through into a precinct of shops and commercial premises. The units are all mostly 'E' class uses with the exception of a nursery and a hot food takeaway.

The pub, the existing premises on Raven Way, and the application site are all within a designated local centre known as the 'Crow Hill Local Centre' within Policy TC3 of the Borough Plan.

Apart from the local centre, the surrounding area is predominantly residential, with industrial premises to the north of Eastboro Way.

As an existing car park, the site predominantly consists of hardstanding. However, there are existing trees and hedges bordering the carpark and a few small sections of hedges within the car park to break up the access and parking areas. Current boundary treatments consist of low-level walls and picket fences.

The site is within flood zone 1, which has the lowest risk of flooding. This site is not within any designated conservation areas, nor are there any TPOs on, or adjacent to, the site.

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
 - HS2 – Strategic Accessibility and Sustainable Transport.
 - HS3 – Telecommunications.
 - NE1 – Green Infrastructure.
 - NE3 – Biodiversity and Geodiversity.
 - NE4 – Managing Flood risk.
 - BE1 – Contamination and land instability.
 - BE3 – Sustainable design and construction.
 - 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, National Grid, NBBC Environmental Health, NBBC Licencing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Western Power Distribution, WCC Design Out Crime Officer, WCC Fire Safety and WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, WCC Water Officer and WCC Highways

No objection from:

Cadent Gas, NBBC Parks, WCC Fire Safety, and WCC Design Out Crime Officer

Comment from:

NBBC Planning Policy

No response from:

NBBC Licensing, Severn Trent Water, NBBC Refuse, Western Power Distribution, National Grid

NEIGHBOURS NOTIFIED:

12 & 13 Blenheim Close; 1 & 2 Chatsworth Drive; Flat at The Crows Nest and The Crows Nest, Crowhill Road; 1, Lloyds Chemist 2-3, Paradise Found Day Nursery, 4, 5, 6, 7, 8 Raven Way and 16, Salon, 30 & 32 Stable Walk

Neighbouring properties were sent letters notifying them of the proposed development on 28th June 2022. A site notice was erected on street furniture on 4th July 2022.

NEIGHBOUR RESPONSES:

There have been 342 objections as well as 1 from Marcus Jones MP and 1 from Cllr Cooper. The comments are summarised below;

1. Not sufficient car parking for existing shops and pub and could increase on-street parking on neighbouring residential streets
2. Another shop is not needed and already a convenience store and butchers in the area
3. Existing stores provide facilities to community and care for elderly
4. Negative impact on wider road network and increase in traffic
5. Larger company could damage smaller businesses
6. Unwanted by the community
7. Layout blocks existing shops from view and doesn't link to existing centre
8. Safety of children and with close proximity to nursery
9. Increase in noise
10. Increase in anti-social behaviour
11. Increase in light pollution
12. Trees should not be removed
13. Raven Way is too narrow and difficult to turn right onto Crowhill Road
14. People already park on Raven Way which blocks the road
15. Increase in litter
16. Would prefer a GP surgery, dentists, vets, optician, school, takeaway or houses instead of a shop
17. Increase in pollution and effect on air quality
18. Dangerous to cross the road to access the shops
19. Site is not suitable for cyclists
20. Design is not in keeping
21. Store should be built within the newer residential estates instead
22. Will devalue property prices
23. Site is used for polling station
24. Opening hours are not appropriate for a local centre shop
25. Lack of consultation
26. Removal of pubs play area
27. Abundance of shops within the locality (Whitestone, Attleborough, Horeston Grange and Town Centre)
28. Staff of existing businesses park in the pub car park
29. Residents would boycott the pub and new store
30. Increase in delivery vehicles and safety concerns
31. Location and style of cycle facility is not appropriate
32. Will result in businesses closing down and loss of jobs

There have been 3 letters of support, the comments are summarised below;

1. There is enough parking for the pub and the community will have access to shopping facilities
2. Reduction in congestion as no need to travel to other parts of the town to shop
3. Job opportunities
4. Reduction in anti-social behaviour

A petition was also received with 1505 signatures. The comments are summarised below;

1. Loss of local business
2. Add to existing car parking problems

APPRAISAL:

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

1. The Principle of the Development
2. Impact on the Town Centre
3. Impact on the Crow Hill Local Centre
4. Residential Amenity
5. Visual Amenity
6. Impact on Trees
7. Impact on Highway Safety
8. Flooding and Drainage
9. 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 in to three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 and DS3 of the Borough Plan refer to the settlement hierarchy, roles and development principals. The application site is within Nuneaton, which has the primary role for employment, housing, town centre, leisure and service provision. The site is also within the settlement boundary and so development is acceptable in principle, subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

Policy DS4 outlines the Borough's development needs and states that 107.8 ha of employment land is required between 2011 and 2031. In principle, the development could

provide a small contribution towards this total and this carries a small amount of weight in support of the scheme. The site is within a designated local centre and the impact to this centre, along with the impact to the town centre, shall be assessed within sections 2 and 3 of this report.

2. Impact on the Town Centre

In addition to the need for employment land, Policy TC1 refers to town centre requirements for retail space. The proposal is not within the Town Centre or adjacent to the edge of the Town Centre but is instead within the Crow Hill Local Centre.

The National Planning Policy Guidance in paragraph 11 of Planning for town centre vitality and viability states that:

“In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.”

Paragraph 12 of the same guidance states that “Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.”

Whilst retail would generally be considered as a town centre use, consideration needs to be given to whether this is purely a town centre use when considering its scale. The sequential test requirement is to ensure there is no detrimental impact to any town centres rather than to local or district centres.

The Council’s Retail, Leisure and Office Study June 2022 figure 6.3 considers that convenience stores in local centres only provide 4.3% of the overall convenience goods purchased in Nuneaton. Appendix A of this, provides the results of a household telephone survey. As a percentage of Nuneaton’s food and grocery shopping, Aldi on Weddington Road provides 4.8%, Lidl on Hinckley Road provides 3.4%, Lidl on Queens Road provides 3.8% and Aldi on Kingswood Road provides 5.4%. These stores are all considered to be large out of centre stores.

These levels of shopping all come below in Asda Nuneaton and Tesco Bedworth, which are both within Town Centres.

These larger out of town supermarkets are much larger than that proposed under this current scheme with Aldi at Weddington Road having a gross floor space of 1,550 sqm and retail space of 1,140 sqm and Lidl in Hinckley Road having a gross floor space of 2,458 sqm and 1,424 sqm of retail space.

Therefore, the size of the proposed convenience store is likely to serve as a ‘top up’ or ‘day to day’ shop store rather than for a main food shop.

The smaller Costcutters, Budgens and Spar shops in the area equate to 0.0% total of Nuneaton's food and grocery shopping and these shops are much more comparable with the proposed scheme. Therefore, given the low percentage of overall share of food and grocery shopping, it is considered that the proposal is unlikely to impact the existing stores within Nuneaton and Bedworth Town Centres.

In addition, in terms of its scale and floor area, figure 8.1 of the Retail Leisure and Office Study predicts that convenience goods within local centres are between 350 sqm up to 2029 and 400 sqm from 2034 to 2039.

The proposed store is to be 400sqm and this further shows that the proposal is consistent with a local centre use rather than a town centre use. This subsequently indicates again that that the proposal is unlikely to cause harm to the Nuneaton and Bedworth Town Centres.

In terms of a sequential test, paragraph 87 of the NPPF 2021 states that Local Planning Authorities should apply a sequential test to town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan and only if suitable sites are not available, should out of centre sites be considered. The NPPF defines in the glossary that "town centre" is defined as:

"Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres."

Therefore, as the proposal is in a Local Centre it is considered that the proposal does not require a sequential test.

The NPPF refers to the requirements for an impact assessment for town centre uses placed outside of a town centre, however, paragraph 90 states that this is only required where a site exceeds 2,500sqm, which is not the case in this instance. The current 2019 Plan does not currently have local thresholds although this is being considered for the emerging Borough Plan, as per the recommendations in the Councils recently produced Retail, Leisure and Office Study June 2022. The local threshold currently recommended as part of the review is likely to be 1,000 sqm.

Whilst emerging Policy has limited weight, the application would comply with this lower threshold.

Therefore, it is considered that a sequential tests and impact assessments are not applicable for this scheme, It is also concluded that the proposal would not detrimentally affect vitality of the Town Centre and that the scale of the proposal is considered to be appropriate for a local centre.

3. Impact on the Crow Hill Local Centre

Policy TC3 of the Borough Plan refers to the hierarchy of centres and acceptable uses within each type of centre.

The Policy states that small convenience stores are considered appropriate for local centres. The glossary refers to convenience stores ‘as a type of retail selling every day essential items, including food, drinks, newspapers/magazines and confectionery’. It does not provide a threshold of size of the units considered appropriate. However, the size considered appropriate for a convenience store within the Retail, Leisure and Office Study (350/400sqm) is in line with the proposed scheme.

Policy TC3 requires that new residential development be within 1,200m walking distance of a local centre. The site would increase the number of stores at the Crow Hill Centre, which could serve HSG10 (Attleborough Fields) and HSG9 (Golf Drive).

The existing facilities at Crow Hill Local Centre, including the existing Costcutter, would also cover these needs, together with Lutterworth Road Local Centre and Horeston Grange District Centre. There is an existing footpath to the south of the site extending eastwards, which is intended to be incorporated within these two adjacent development sites, thereby making the proposal sustainable to the adjacent new developments. Pedestrian access between the footpath and the centre would be improved as part of this application.

Policy TC3 also states that:

“Development within district or local centres will be considered acceptable in principle, subject to the following:

- 1. The function, vitality and viability is maintained or improved.*
- 2. Contributes positively to the range of services on offer.*
- 3. Does not harm the amenities of local residents.*
- 4. Does not result in the loss of ground floor retail/commercial floor space to residential use”.*

It is considered that an additional store would aid in maintaining and improving the function and vitality of the local centre, as it would support in providing customer choice and a diverse retail offer. These elements are also mentioned within policy TC3.

Many of the objections have raised concern that an additional convenience store may impact the viability of existing competitor stores within the Local Centre. Currently, the existing centre features a fish and chip shop, a butchers, a convenience store, a hairdressers, a chemist, a nursery and a beauticians/coffee shop. All of these premises, apart from the nursery and the hot food takeaway, would be categorised as planning use ‘E’. Use ‘E’ covers commercial, business and service premises and this means that the existing ‘E’ uses premises within the centre could all change use to become the same type of store without planning permission. For example, the butchers, shop and hairdressers could all change use to become a pharmacy. This would likely affect the existing pharmacy, however planning permission wouldn’t be required for this change and it would be out of the Council’s control.

In addition, on appeal for the provision of a convenience store in 2018 at Cross Keys Bedworth, (Appeal Ref: APP/W3710/W/17/3189481) the Inspector considered that one of the main issues to consider was the:

6. The main issues in the appeal are;whether the sequential test which has been applied is adequate, and secondly, the effect of the proposal on the vitality and viability of nearby local centres;

Within the Inspector's decision, it was stated that: *'There was local concern raised in relation to the potential effect of the proposed convenience store on the local shops in the area by way of increased competition and that this could force existing businesses that serve the local community to close. However, competition and choice are not planning matters. I therefore cannot afford them any weight in my decision.'*

Appeal decisions are material planning considerations and from this decision, it has been concluded that no weight can be given to the grounds of competition to other shops in the Local Centre and that competition and choice are not planning considerations.

In 2021, an application was refused for a convenience food retail store with associated car parking in Comberton, Cambridgeshire (Appeal Ref: APP/W0530/W/21/3282482). Whilst outside of the Borough, parts of the discussion are still relevant. This decision was overturned at appeal in May 2022 and the Inspector stated that:

'The new retail unit would compete with the two existing shops in Comberton, and with the Toft Shop, which provides a range of range of food and general convenience goods, as well as some more specialist items. The submitted retail assessment statement does not quantify the effects on these businesses, and on that basis I accept that some impact on the existing retailers in Comberton and Toft cannot be ruled out. But nevertheless, there is no basis in local or national planning policies for seeking to protect existing businesses from legitimate commercial competition.

'...I am fully mindful of the importance of local shops and services to rural communities, and of the difficulties faced by small businesses in such areas. However, the way that the relevant policies seek to tackle issues of competition is primarily to allow for innovation and enhanced consumer choice, by giving equal support and encouragement to all types of rural enterprises, including new entrants as well as established businesses. In the present case, the new retail unit would add to the range of food shops available in the Comberton area. I accept that there is no certainty that all of these shops would then survive. But that cannot be not guaranteed anyway, irrespective of the appeal proposal. Nationally, many villages have struggled to hold onto any retail provision at all. Having regard to the medium and longer term prospects, it seems to me that the development now proposed would add to the range of choice, and thus strengthen the chances that the area will continue to be served by one or more viable convenience stores well into the future

With regards to points 3 and 4 of Policy TC3:

3. Does not harm the amenities of local residents.

4. Does not result in the loss of ground floor retail/commercial floor space to residential use

Point 3 will be covered within the impact to residential amenity section of this report and point 4 of the Policy is not relevant as there is no loss of retail/commercial floor space to a residential use.

In conclusion, it is considered that the proposal is an acceptable use within the defined local centre and that the scheme would comply with the relevant planning considerations contained within policy TC3.

4. Residential Amenity

Policy BE3 of the Borough Plan states that development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. In addition, point 3 of Policy TC3 states that development within district or local centres will be considered acceptable in principle, providing that the proposal does not harm the amenities of local residents (along with other requirements as assessed within section 3).

The closest residential properties to be considered are those to the south (16, 30 & 32 Stable Walk), those to the west (12, 13 and 14 Blenheim Close and 1 & 2 Chatsworth Drive) and to the north (flat at the Crows Nest).

The rear elevations of 30 and 32 Stable Walk face towards the application site but not the proposed store itself. Nevertheless, the minimum distance standards of 12m is exceeded at approximately 30 metres. The side elevation of 16 Raven Way is opposite the proposed store, however the distance between this elevation and the proposed building exceeds the 12m minimum standard at 24 metres. As such, the impact to light and amenity to these properties is considered to be minimal. In addition, these properties and the application site are not directly adjoined, as they are separated by Raven Way and a footpath leading through towards the Crowhill Recreation Ground.

The side/rear elevations of 12, 13 and 14 Blenheim Close face towards the application site at an angle. The distance from these properties to the proposed store is over 50 metres and this distance is also spread across Crowhill Road. As such, the impact to these dwellings is considered to be acceptable.

It is understood that there is a flat at the Crows Nest Pub and this property is within the same ownership as the application site. Having visited the Crows Nest, it is understood that this flat would be at first floor level. The proposed store is to be single storey with a flat roof and maximum height of 4.6 metres. As such, it is considered to have minimal impact to first floor windows. Nevertheless, the minimum distance standard of 12 metres is exceeded and therefore the impact to light and amenity to this dwelling is considered to be acceptable.

With regard to noise, NBBC Environmental Health were consulted with as part of the application. Noise assessments have been submitted to address the three main potential noise sources. These sources are from the car park, plant and deliveries.

With regard to car park noise, the survey concludes that that noise from cars and customers within the store car park are unlikely to lead to an adverse noise impact on the neighbouring existing residential properties and Environmental Health agree with this conclusion.

With regard to plant noise, whilst an area for plant has been identified within the plan, at this stage we do not know what form of plant will be installed. The erection of plant in itself may require a separate planning application once it has been established what form and scale is required and the noise of this plant could be considered at that stage. Nevertheless, Environmental Health recommend the implementation of a condition to limit noise levels for plant equipment and this is considered to reduce noise impacts to an acceptable level.

The noise report relating to deliveries states that the majority of deliveries are likely to take place between 7:00-12:00. Environmental Health initially stated that 7:00am was too early for large, refrigerated lorry deliveries and would suggest no large deliveries before 8:00am. The agent's noise consultant has confirmed that the background noise levels between 07:00-08:00 hours are approximately 48dB L_{A90} (inclusive of Sunday) and the background noise levels between 07:00-12:00 hours are approximately 50dB L_{A90} . The noise consultant confirmed that the ambient $L_{Aeq,T}$ levels are the same between 07:00-08:00 and 07:00-12:00 hours at approximately 60dB $L_{Aeq,T}$. As a result, it is the noise consultant's view that when assessed against the estimated noise levels, the impact will be negligible. In light of this information, NBBC Environmental Health have no objection, subject to the imposition of a condition limiting deliveries to between the hours of 7am and 6pm. As such, the impact of noise is considered to be acceptable and generally it is considered that the scheme would result in minimal harm to neighbouring properties.

5. Visual Amenity

The store would not be visible from Eastboro Way, as the view would be blocked by the existing Crows Nest pub. From Crowhill Road, the proposal would not project past the side elevation of the existing Crows Nest pub. As such, it is considered that the siting is not overly prominent or incongruous within the street scene. The side elevation of the proposed store would be close to the southern boundary adjacent to Raven Way. However, Raven Way is a small road leading only to the site and the Crow Hill shops and therefore this is not considered to cause material harm. The front elevation facing to Crowhill Road is the most visible and this elevation provides an active frontage with advertisements, a large window and slide entrance door. The side elevation facing to Raven Way and the rear elevation facing towards the Crow Hill shops car park would feature varied materials to improve the visual amenity and visual interest.

The proposed store is to be single storey with a flat roof with walls comprising of a mixture of plain and textured brick and sections of metal cladding. The neighbouring pub and neighbouring residential properties are predominantly two storey, however the existing shops within the Crowhill centre are single storey. In terms of scale, the principal of a single storey building is considered to be in keeping with the existing stores to the east and hence acceptable.

Surrounding buildings comprise predominantly of red brick with a mixture of hip and gable roof types. Whilst a flat roof does not match with this, it is considered that it would not cause harm to the visual amenity of the area. This is because it is not uncommon for shops to vary in design to residential properties and the design of this proposal is considered to be fairly typical for a modern store of this size. Details and samples of proposed materials can be requested via condition to ensure that they are in keeping with the area and subject to the imposition of this condition, the impact to the visual amenity of the area is considered to be acceptable.

6. Impact to Trees

The scheme initially proposed the removal of multiple trees within the southern corner of the site and along the southern and eastern boundaries and two of these were category B trees. It was questioned as to whether the removal of these trees was actually necessary for the development and a revised protection plan has been received which shows fewer trees to be removed. The trees to be removed are necessary for the development and they are all category C trees. The trees to be removed are T1 & T2 (Italian Alders both category C) and T5-T11 (all category C trees and a mixture of Silver Birch and Portuguese Laurel). Category C trees are defined as specimens of low quality and value which only be retained in the short term (.e, 5-15 years) and that have little landscape impact due to poor form or condition.

T13-15 (all category C Silver Birch trees) and T17 (category A Oak tree) would be retained, but would require a crown lift. The Tree Officer has no objection to this.

A tree protection plan has been provided which shows how the retained trees would be protected during the construction and development stages and the Tree Officer has no objection to the revised tree removal and protection plans. There are no TPOs on any of these trees and the site is not within a Conservation Area. As such, consent would not be required for the removal/works to any of the on site trees and therefore the removal of the lower category trees is considered to be acceptable and necessary for the development.

7. Impact on Highway Safety and Parking

With regard to parking, the Transport Demand Management Matters Parking SPD does not contain a specific standard for public houses and requires these to be assessed on a case-by-case basis. Initially a parking accumulation assessment was submitted based on TRICS data, however Highways requested a parking survey of the existing car park for a more robust assessment of parking demand. It was also recommended that for comparison the old NBBC parking standard for public houses was used.

The parking survey was carried out over 3 days with half-hourly counts on a Thursday, Friday and Saturday to establish parking demands for the existing public house use on various days. The parking survey indicated that the highest accumulation within the car park through the 3 days was 44 vehicles, with an average demand of 21 across the survey period. These results are not too dissimilar to the initial assessment using the TRICS database, which indicated a maximum accumulation of 35 vehicles.

In order to accord with NBBCs TDMM SPD, the proposed 400sqm store would be required to provide 16 parking spaces. Only 14 parking spaces are proposed specifically for the store, however it is noted that the public house car park would be shared informally

with the store. The 2 additional parking spaces, if required, should be able to be accommodated in the additional spare capacity as outlined within the submitted parking survey.

As a worst-case scenario the total accumulation of 44 vehicles for the public house and 16 for the store would result in 60 spaces being required which would be able to be accommodated by the 65 proposed. In light of this, the level of parking provision is considered to be acceptable and Highways have no objection. There is no designated motorcycle parking, however motorcycles would be able to park in standard vehicular spaces and WCC Highways have no objection.

With regard to deliveries, a delivery management plan was submitted to confirm how deliveries would be managed so as to not conflict with the public house deliveries and measures have been included to avoid multiple deliveries to the store itself. Whilst making deliveries, 3 parking spaces would be obstructed so would be coned off 30 minutes prior to the delivery being made. Whilst this would reduce the available parking by 3 spaces, it is considered that these spaces should be able to be accommodated within the wider car park for the temporary period of the deliveries. It should however be noted that during deliveries the only accessible/disabled parking space would be obstructed which will not be ideal for any blue badge holders visiting during that period. However given the close proximity of other parking spaces and relatively short period of time, on balance this is considered to be acceptable. WCC Highways have reviewed the management plan and have no objection.

Many objections raised concern with regard to parking and it is understood that some users of the local centre shops use the pubs car park. The pub car park should technically only be used by pub visitors, however it is appreciated that this may not realistically be the case. This proposal can only be expected to provide a suitable level of parking provision for the proposed shop and existing pub and cannot be expected to provide for neighbouring premises. However, the parking survey should have encapsulated and covered current parking demands and as per the survey, the level of parking provision is considered acceptable in meeting the likely demands of the proposal.

With regard to the site layout and accessibility, WCC Highways recommended the implementation of a formal pedestrian crossing with tactile paving across Raven Way. This would improve connectivity and promote sustainable methods of travel for pedestrians for the proposed store, existing public house and the existing local centre. It is considered that a significant number of pedestrians would access the site from the south, as they are likely to cross at the Zebra crossing, as well as potentially travel to the site from PRow N39, which leads to the Housing development off Heart of England Way. No crossing facilities are in place as existing and therefore a formal crossing is therefore required.

Discussions have been held between the agent and highways regarding this crossing point and the crossing point as currently shown on the plans would not be accepted. The drawings have been through a Stage 1 RSA and the audit team and review team (WCCs Road Safety team) both raised concern with the proposed crossing width and potential reduced visibility.

Ideally the crossing should be setback into Raven Way, reducing the crossing width, with a suitable location being that behind the advertising boards and Raven Way street sign where it appears that pedestrians may be crossing informally due to the wear on the verge.

However, this verge is not within the Highway extent so its use cannot be guaranteed at this time. Further investigations are underway to determine the ownership of this verge to determine whether a suitable crossing point could be constructed.

As these investigations are as of yet incomplete, a condition is required to ensure that final details of the crossing are provided prior to construction. WCC Highways are satisfied with this approach and have stated that a suitable location can be agreed should the verge not be available.

Two 'Sheffield' cycle stands are to be provided and this would provide space for 4 bicycles. This level of provision is in accordance with the TDMM and therefore considered to be acceptable.

In conclusion, the impact to highway safety and cycle and parking provision is considered to be acceptable and WCC Highways have no objection, subject to conditions.

The scheme would not be contrary to the Framework's requirement to only refuse development on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. It is also considered that the proposal would improve pedestrian accessibility to the both the proposal and the existing premises within the local centre and this carries weight in support of the scheme.

8. Flooding and Drainage

The site is within Flood Zone 1 and as a minor application, consultation with WCC FRM is not required.

The application form sets out that foul waste would be disposed of via the mains sewer which is considered to be acceptable in this location and separate agreement for such a connection would be required from Severn Trent Water under separate legislation.

The application form also states that surface water would be disposed of via the mains sewer. The EA flood map data shows the site to be at a very low risk of surface water flooding. Whilst this disposal method is not considered to be the most sustainable form of disposal, as set out within the drainage hierarchy provided within the PPG, it is noted that the area of the site to be development currently comprises hardstanding which would already generate an increase surface water run-off rate when compared to an undeveloped site. Additionally, it is likely that the existing arrangement on site is disposing of surface water via the mains sewer, and therefore, on this particular occasion, it is not considered necessary to require the extension to dispose of surface water via a more sustainable method.

Overall, the drainage and flood risk impacts of the proposal are considered to be acceptable.

9. 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 proposal has drawn a significant number of objections from residents, and whilst the points raised are important and should be considered, committee are advised to clearly differentiate between material planning considerations and non-planning matters. Previous Inspector decisions are material considerations and the two examples provided have concluded that the competition and choice are not planning matters and that providing additional stores can improve the range of choice, and thus strengthen the chances that the area will continue to be served by one or more viable convenience stores well into the future.

The impact on highway safety and parking is a key consideration, however it has been demonstrated that the level of parking provision is suitable for the proposal and existing pub and the scheme would improve pedestrian accessibility to the site and the local centre as a whole. WCC Highways have no objection and the impact to flooding, trees, residential and visual amenity are all considered to be acceptable. As such, the recommendation is one of approval, subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

<u>Plan Description</u>	<u>Plan Reference</u>	<u>Date Received</u>
Site Location Plan	21-1880/005	17.6.2022
Proposed Site Layout Plan	21-1880/012 D	31.3.2023
Proposed Block Plan	21-1880/007 C	31.3.2023
Tree Protection Plan and AMS	11261 Rev 2	13.1.2023
Delivery Management Plan	ADL/AM/5431/10A	10.1.2023

Proposed front and side elevation	21-1880-031 A	7.7.2022
Proposed rear and side elevation	21-1880832 A	7.7.2022
Proposed floor plan	21-1880-021 B	31.3.2022
Proposed roof plan	21-1880-022	17.6.2022

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

4. No deliveries shall be made to the store other than between the hours of 7:00am and 6:00pm.

5. No external plant and equipment (e.g. refrigeration, air conditioning or ventilation) shall be fitted until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) have been submitted to and approved in writing by the Council. The external plant, equipment and machinery shall be installed, operated and maintained thereafter in accordance with the approved details and maintenance schedule.

6. No development shall commence until the measures for Tree Protection Plan have been put into place as per the Tree Protection Plan and AMS dated 10/1/2023 Rev 2. No tree or hedgerow other than so agreed within this report shall be removed, and no construction works including site clearance shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development. Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme 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.

7. In the event the clearance of vegetation is carried out between March and end of September in any year, the affected vegetation are to be thoroughly searched by a suitably qualified ecologist immediately prior to clearance. In the event a bird's nest is found this should remain undisturbed and a 5m buffer zone created around the nest including above and below it. The zone is to remain free of construction activities and disturbance until the young have fledged and left. In the event bats are discovered then contractors are to stop work immediately and advice be sought from an experienced ecologist or ornithologist.

8. The development shall not be open to customers outside the hours of 07:00 to 23:00 on any day.

9. 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.

10. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

11. No development shall commence above the ground floor slab level until an external lighting and CCTV scheme has been submitted to and approved in writing by the Council. The scheme shall include details of the luminaires and any columns, including their location, type, specification, expected luminance output, measures to minimise energy consumption and avoid excessive illumination. The agreed scheme shall be implemented prior to first occupation of the development and maintained thereafter for the duration of the development.

12. The use of the store hereby permitted shall not commence until the litter bin has been constructed in accordance with the approved site layout plan reference 21-1880/21 D. Once implemented, the bin (or its equivalent replacement) shall remain in perpetuity unless otherwise agreed in writing by the Council.

13. The use of the store hereby approved shall not commence until the developer has provided electric vehicle (EV) charging points at a rate of; 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any order revoking and re-enacting that Order with or without modification) the development shall be used only as a Retail/shop unit formally known as Class Use A1 of the schedule and not for any other purpose.

15. The use of the store hereby approved shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied the approved scheme has been implemented.

16. The use of the store hereby approved shall not commence until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

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

- a. The routing and parking of vehicles of HGVs, site operatives and visitors;
- b. Hours of work;
- c. Loading and unloading of plant/materials.

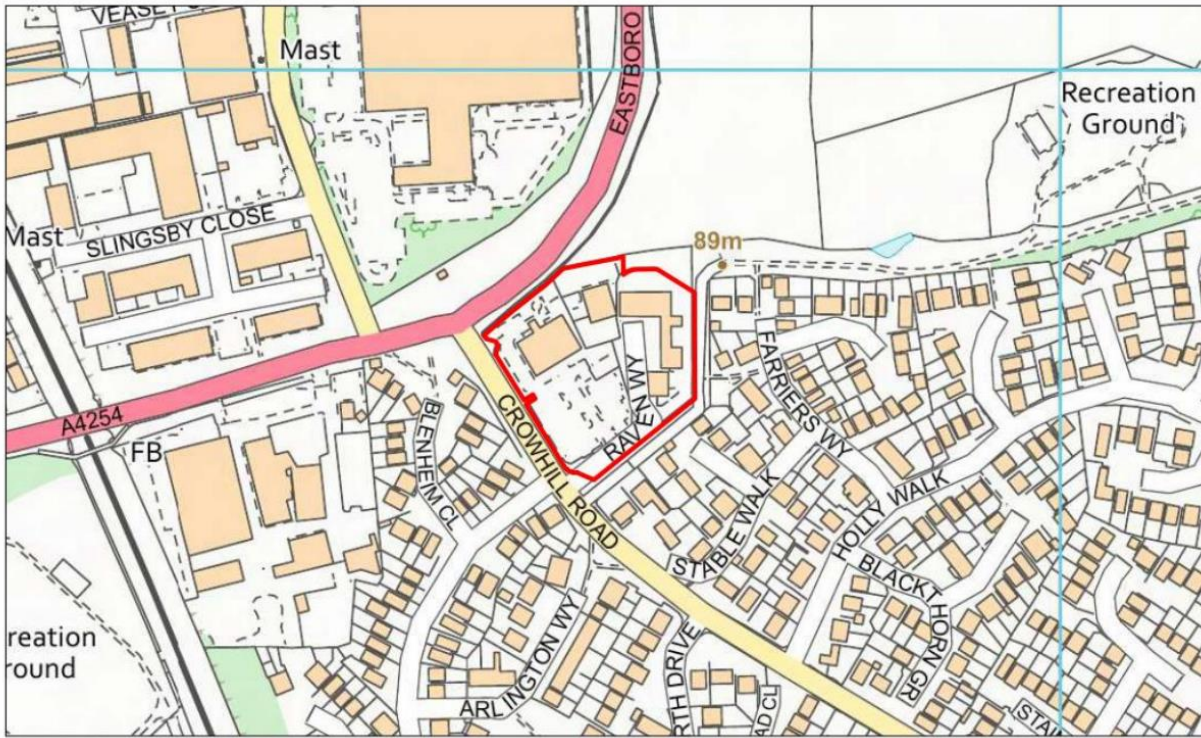
- d. Storage of plant and materials used in constructing the development.
- e. The erection and maintenance of security hoarding.
- f. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- g. A scheme for recycling/disposing of waste resulting from construction works.
- h. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

18. The site shall not operate other than in accordance with the approved Car Park & Delivery Management Plan reference ADL/AM/5431/10A dated January 2023, including size of vehicles able to service the site, times of deliveries, routing and details of refuse collection and storage. This shall be adhered to at all times whilst the site is used for the purpose approved.

19. Notwithstanding the plans submitted, no development shall commence until details of the pedestrian crossing points across Raven Way and the site access have been submitted to and approved in writing by the Council, in consultation with the Highway Authority. The development shall not be occupied until such works have been implemented in accordance with the approved details.

20. The use of the store hereby permitted shall not commence until the two Sheffield cycle stands have been constructed in accordance with the approved site layout plan reference 21-1880/21 D. Once implemented, the stands (or their equivalent replacement) shall remain in perpetuity unless otherwise agreed in writing by the Council.

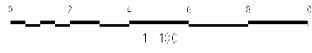
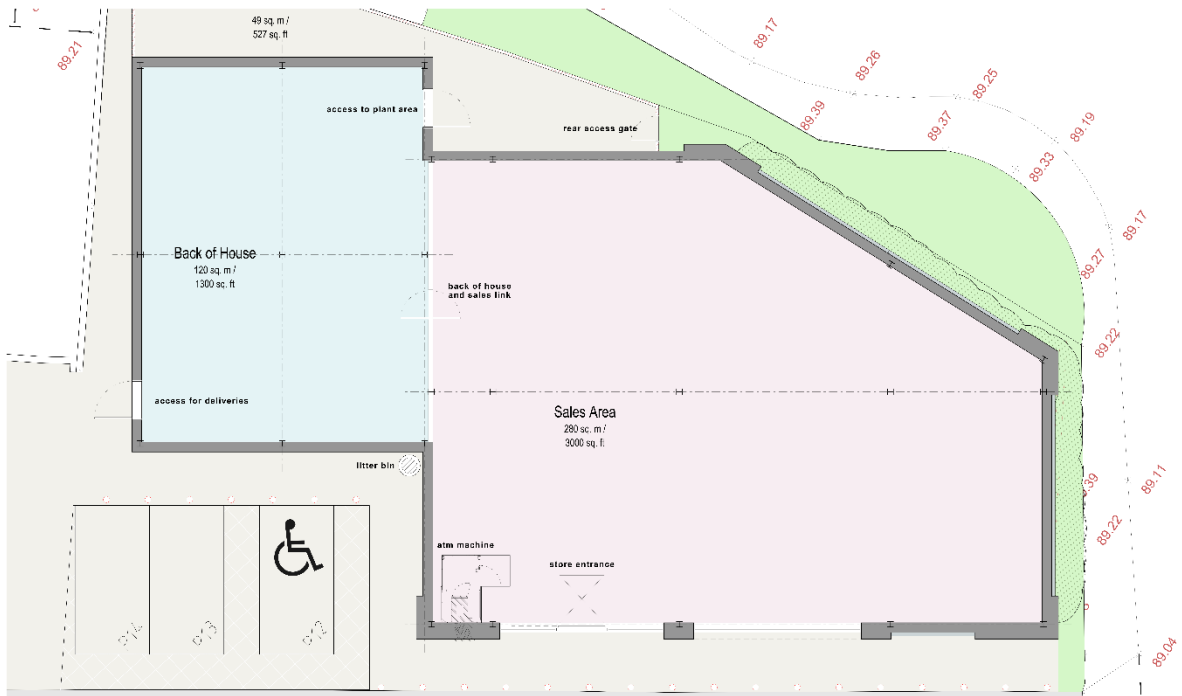
Crow Hill Local Centre



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Site Location Plan (above) and Floor Plan (below)



Ref. No.	Date	Description of Action	Author	Page
Ref. 1	21.02.21	Pre-Application Advice	WJH/SLA	10
Ref. 2	19.06.22	Pre-Application Submission	WJH/SLA	10
Ref. 3	23.03.22	Client Pre-Application Meeting	WJH/SLA	10

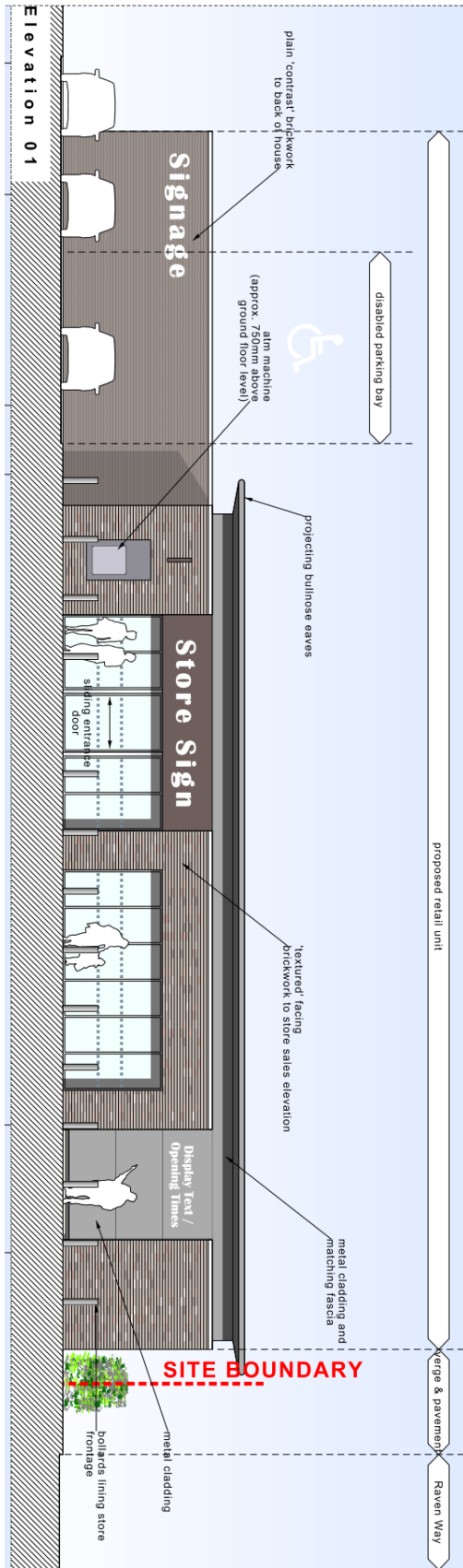
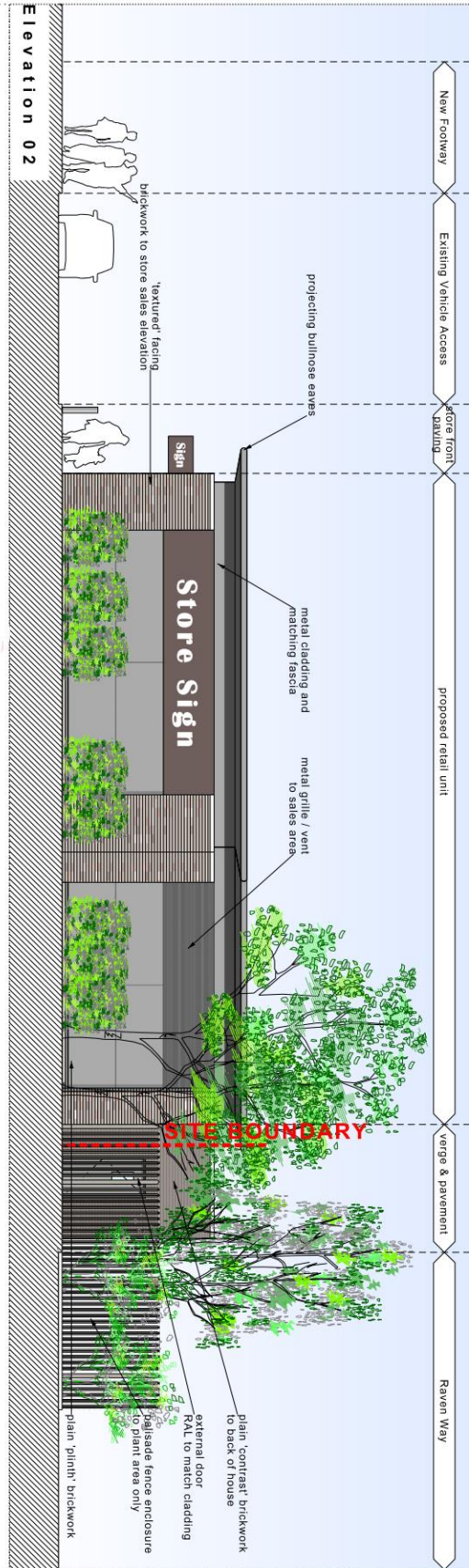
Gould Singleton Architects

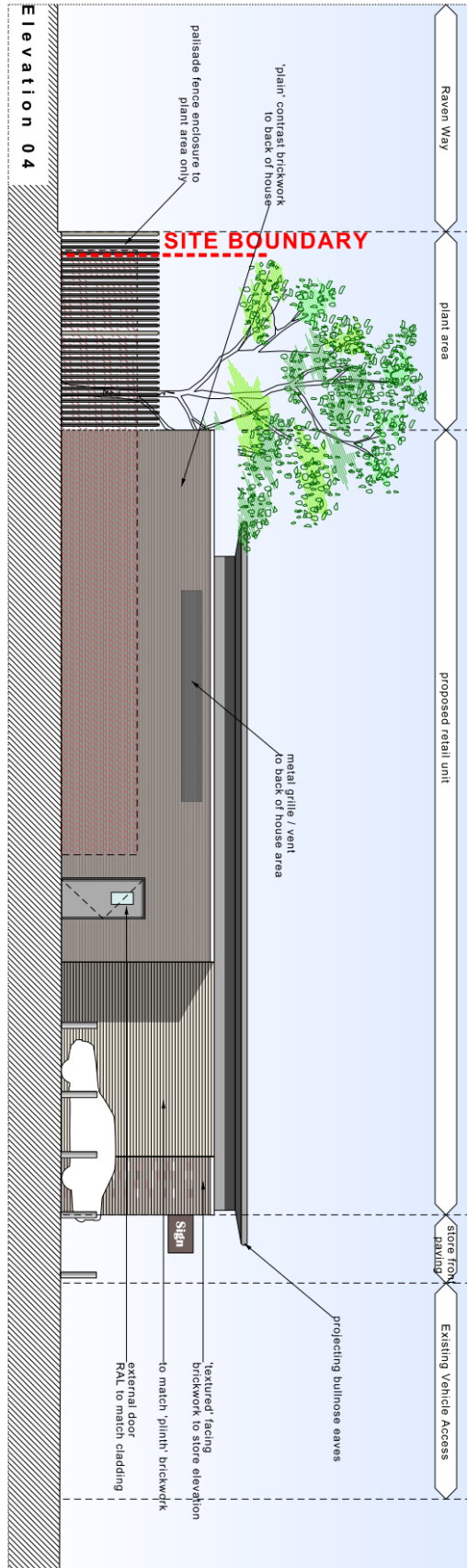
1:10005A3 Proposed Retail Scheme
Crow Hill
Crowhill Road
Nuneaton

April 2022

ID: 05A Ground Floor Plan - Processed

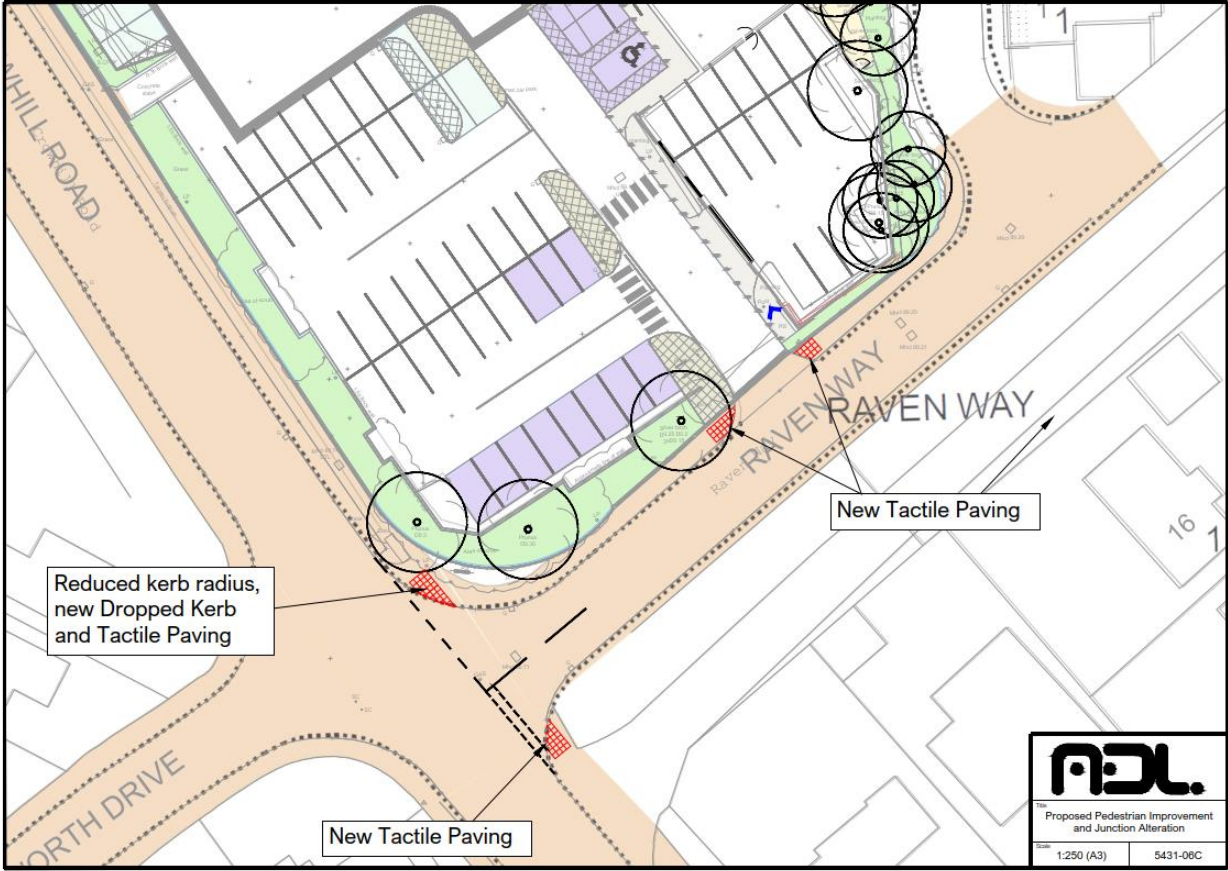
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Proposed layout plan



Indicative pedestrian crossing points (actual location to be agreed via grampian condition)

Item No. 4

REFERENCE No. 039033

Site Address: 2 Burbages Lane Longford Coventry CV6 6AY

Description of Development: Demolition of the existing dwelling and associated outbuildings and the erection of 8 new dwellings

Applicant: Miss Jenny Brader

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

This application is for the demolition of the existing dwelling and associated outbuildings and the erection of 8 new dwellings at 2 Burbages Lane Longford Coventry CV6 6AY.

The current dwelling of No. 2 Burbages Lane is a detached bungalow set within a large plot of land, which is occupied by 2 ancillary single storey outbuildings. The site at present is boarded off from the front with Burbages Lane, and a new fence has been erected which separates the site from the newly formed road, known as Owen Road, and the adjoining housing development. The front garden of the site is mixed planting and shrubbery and hard standing which would have formed the driveway and off-street parking spaces for the dwelling. To the rear, the garden is mostly grassed with a number of trees within it.

This application as originally submitted proposed to create 10 new dwellings. However, following comments from the planning case officer and other statutory consultees, the scheme has been significantly amended and the proposed scheme now only proposes the erection of 8 detached dwellings. Of these proposed dwellings, 5 will be accessed via a new access road from Burbages Lane, whilst the remaining 3 will be accessed off the newly formed access road (Owen Road).

The surrounding area is characterised by residential development. The site to the north, known as Land off Burbages Lane and Wheelwright Lane, has planning permission for residential development for up to 85 dwellings. This development is currently being built out. 2 Burbages Lane is not a site allocation in the Borough Plan (BP) 2019, but it is adjacent to a non-strategic housing allocation titled NUN286 within the BP 2019.

RELEVANT PLANNING HISTORY:

Relevant Previous History for 2 Burbages Lane:

- 026241 – Extension to form Granny flat. Approved 23/02/1987
- 034487 – Erection of 1 detached bungalow (existing outbuilding to be demolished). Withdrawn February 2017

Planning History for Site 125d001 Land off Burbages Lane and Wheelwright Lane:

- 035479 – Residential development of up to 85 dwellings with public open space, sustainable urban drainage system (SuDS), landscaping and vehicular access. Outline with all matters reserved apart from access and spine road. Approved subject to Section 106 Agreement 03/08/2020
- 037582 - Erection of 85 dwellings (approval of Reserved Matters relating to appearance, landscaping, layout and scale of Outline approval reference (035479) Includes diversion of footpath B18. Approved 11/06/2021

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy
 - DS3 – Development principles
 - DS4 – Overall development needs
 - HS2 – Strategic accessibility and transport
 - HS3 – Telecommunications
 - HS5 – Health
 - HS6 – Sport and exercise
 - NE1 – Green infrastructure
 - NE2 – Open space
 - NE3 – Biodiversity and geodiversity
 - NE4 – Managing flood risk
 - NE5 – Landscape character
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Policy, NBBC Environmental Health, NBBC Parks, NBBC Private Sector Housing, NBBC Refuse & Waste, NBBC Sports and recreation, Warwickshire Police, Warwickshire Fire Safety, WCC FRM, WCC Archaeology, WCC Infrastructure, WCC Highways, Cadent Gas, National Grid, GEH, Warwickshire CCG, Severn Trent

CONSULTATION RESPONSES:

No objection subject to conditions:

WCC Highways, NBBC Environmental Health

No objection from:

WCC FRM, NBBC Sports and recreation, WCC Archaeology, WCC Infrastructure

No objection subject to informative note:

Cadent Gas, Warwickshire Police, National Grid, Warwickshire Fire Safety

No objection subject to Section 106:

GEH NHS

Comment from:

NBBC Tree officer, NBBC Housing

Objection from:

NBBC Policy

No response from:

Severn Trent Water, NBBC Private sector housing, NBBC Refuse, Warwickshire CCG, NBBC Parks (ecology officer)

NEIGHBOURS NOTIFIED:

11-21 (odds), 28, 88 Burbages Lane, Wheelwright Lane Primary School, 247 Wheelwright Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 13th July 2022 and 3rd October 2022. A site notice was erected on street furniture on 2nd August 2022.

NEIGHBOUR RESPONSES:

There have been 2 letters of objection from 2 addresses plus a petition containing 12 signatures. The comments are summarised below:

- 1) Loss of light
- 2) Loss of view
- 3) Dangerous access onto the new access road
- 4) Loss of mature trees and impact on biodiversity including protected species (bats) – trees removed before the planning application was submitted
- 5) Increase in noise from M6 motorway
- 6) Dust, dirt, noise and pollution from the adjacent development
- 7) Not enough capacity at local doctors, dentists and schools to accommodate further development
- 8) Increase in road traffic, traffic jams and major disturbances to the highways network, increased noise from drivers stuck in road traffic (worse at peak times)

- 9) Risk and disturbance to children attending the local school – difficult for parents to comfortable and safely collect and drop children off at the school
- 10) Difficult for existing residents exiting/entering driveways due increased traffic on the road
- 11) Loss of ease of access, space and on-street parking resulting from the new access road to the dwellings
- 12) Loss of privacy from dwellings being located opposite
- 13) Impact resulting from lights and increased noise from additional dwellings
- 14) Aggressive, abusive, unpleasant and unfair language and experiences from contractors on the existing site
- 15) The handling of the previous application was misleading and neighbours feel misinformed
- 16) Insufficient time to respond to the current application as the “next steps” informative sheet was missing from the original neighbour letters. Neighbours lead to believe that the case officer would be responding to all letters of objection received

APPRAISAL:

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding and drainage
6. Waste and refuse
7. Ecology and biodiversity
8. Conclusion

1. The Principle of Development

The Town and Country Planning Act 1990 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Council’s Borough Plan (BP) 2019 was adopted at Full Council on 10th June 2019.

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

The following are the most relevant current Policies within the BP to consider:

DS1 – Presumption in Favour of Sustainable Development - Proposals that accord with the policies in the Borough Plan will be approved without delay unless material considerations indicate otherwise.

2 Burbages Lane is not a site allocation in the BP 2019, but it is adjacent to a non-strategic housing allocation titled NUN286 within the BP 2019 and several of the proposed plots under this new planning application share the same new road for this adjacent development. The Outline for this adjacent site was approved under 035479 and the Reserved Matters was approved under 037582 for 85 dwellings and is currently undergoing construction.

The same access is also the proposed access for non-strategic site allocation under reference NUN317 within the BP 2019. This adjacent proposed non-strategic site is also to be included in the emerging BP, the Preferred Options (PO) currently re-names this adjacent site as EXH-8 and is proposed to be at least for 30 dwellings. (Although an application that was submitted but finally disposed, for this adjacent site was for 47 dwellings. (Although two of the proposed dwellings in this adjacent scheme have now subsequently been given consent under the reference 037770).

NBBC planning policy have confirmed that the site is sustainable if it does not prevent the adjacent proposed site from coming forwards. WCC Highways would need to confirm that the width of the new road plus cumulative number of houses off the one access 1 (without an emergency access) and which is likely to be in the region of 136 dwellings) is acceptable.

The site is shown as white land in the Borough Plan so there is no specific allocation to it that precludes the use as residential. In addition, the site is currently residential.

The draft Policy DS1 on the PO refers to the need for development to:
“..to address the prudent use/safeguarding of natural resources, adaptation to climate change and transition to a net zero carbon economy. This will include the planting of trees and orchards and sustaining and enhancing the historic environment.”

It must be noted that the Preferred Options (PO) stage currently carries little if no material weight should the application be determined in the near future. However, this will gain weight as time progresses, with more weight attached at an advanced stage of preparation, and where objections have been considered at Examination.

DS2 – Settlement Hierarchy and Roles – This identifies that the ‘northern fringe’ of Coventry provides a supporting role for housing development. Therefore, the proposal meets this Policy.

DS3 – Development Principles – The 2019 Policy DS3 outlines that “new development within the settlement boundaries as shown on the Proposals Map will be acceptable subject to there being a positive impact on amenity, the surrounding environment and

local infrastructure". The site falls within the defined settlement boundary on the Proposals Map.

Consultation will need to be undertaken with the consultees associated with local infrastructure provision.

Paragraph 134 of the NPPF states that applications must meet with the National Design Guide and National Model Design Codes and the layout would appear to comply.

The Draft Policy DS3 of the PO actually refers for development to meet the ten characteristics of the National Design Guide, National Model Design Codes and any future council design supplementary planning documents. The draft Policy also requires that 100% of the dwellings comply with the Future Homes and Buildings Standard and be flexible to consider future needs. Although this carries little if no material weight should the application be determined in the near future.

Policy DS4 identifies the number of houses required over the current plan period 2011 – 2031. The Council is at present able to demonstrate a five year housing land supply figure of 5.41 years. The proposal has not been accounted for within the Council's housing trajectory and so would be considered to be a windfall site. The Borough Plan allows for, at paragraph 6.22, windfall sites to make up 247 dwellings over the plan period.

DS8 – Monitoring of housing delivery – This states that the Council will monitor the delivery of houses and priority will be given to sustainable sites. The site is considered sustainable as per Policy DS1.

H1 – Range and mix of housing - This policy requires development to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up-to-date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The Council's commissioned Housing and Economic Development Needs Assessment (HEDNA) which as more recently been published states that the proposal fails to meet the HEDNA calculations as there is no provision of 1 or 2 bedroom market dwellings and an overprovision of 3 and 4 bedroom dwellings.

Planning Policy consider the site to be an extension of the adjacent site and therefore the cumulative mix should be considered. The adjacent site provides market housing in the ratio of zero 1-bedroom (0% of the 64 market houses), thirteen 1-bedroom houses (20.3%), twenty-nine 3- bedroom houses (45.3%) and twenty-two 4-bedroom houses (34.4%). Therefore, in order to reflect the HEDNA, the extensions site should likely be weighted more to 1- and 2-bedroom dwellings unless there is clear market evidence to justify any difference in demand.

H2 Affordable Housing – In the opinion of Planning Policy, the site is a continuation of an existing site and therefore it is considered affordable housing is required.

Whether a site should be combined with an adjoining development for the purposes of affordable housing can be determined based upon a high court judgement “R (Westminster City Council) v First Secretary of State and Brandford Limited [2003]”. In that case, the Court found that to be a matter of planning judgement and suggested 3 ways in which a conclusion may be reached:

- Is the site in the same ownership
- can the areas of land be considered a single site for planning purposes
- should the development be treated as a single development

In this case, the outline planning permission to the north, which is currently under development, was submitted to the Council on 5th March 2018, was considered by Planning Committee on 12th November 2019 and the decision was issued following the signed Section 106 on 3rd August 2020. The Affordable Housing SPD states that we should consider it as one whole site if it would be “artificial or contrived subdivision of land to circumvent the affordable housing thresholds”. In this case, this house site came up for sale several years after the other land.

At present, the site of 2 Burbages Lane is fenced off from the wider development. There are several trees which exist between the rear boundary of the site and the housing site to the North, which provides a degree of separation between the sites.

It is noted that 3 of the 8 dwellings which are proposed under this application will be accessed via the access road which currently serves 2 dwellings on the wider site and this is accessed off the new road which has been created off Burbages Lane. The remaining 5 dwellings will be accessed via a new access road off Burbages Lane. It is also noted that the applicant/agent is the same for the 2 sites – Bloor Homes. The site to the north is also edged in blue on the location plan.

The housing site to the North is made up of mostly semi-detached and terraced dwellings, with only a few detached properties. The proposed scheme will introduce 5 new house types, with only the Lyford house type being used on 1 occasion on the adjacent housing site. The dwellings on the proposed scheme have been designed to reflect the wider character. On Burbages Lane, dwellings are made up of semi-detached and detached properties, predominately 2 storeys, with the occasional 2.5 storeys present within the area, set within the largely consistent building lines. It is within this street scene that the proposed dwellings would be read against. The proposed development would then be set against the backdrop of the recently commenced Bloor Homes Development.

The matter of whether the scheme represents an artificial or contrived subdivision of land which has been purposefully to avoid affordable housing is a matter of planning judgement. Based on the high court judgement “R (Westminster City Council) v First Secretary of State and Brandford Limited [2003]”, the Council have considered all of the factors. However, it has ultimately been determined that although the site is now within the same ownership (Bloor Homes), it was not at the time of the outline or reserved matters applications. The site was purchased by Bloor Homes sometime after these decisions were approved. Furthermore, the proposed dwellings have been designed to

reflect the character and appearance of the existing dwellings on Burbages Lane and it is with these properties in which the majority of the proposed dwellings would be read against. In weighing up all of the factors, it is not considered that in this case that the development should be treated as a single development. Given that the site proposed to demolish 1 dwelling and erect 8 new dwellings, this would not meet the tests set out in HS2, which seeks to negotiate 25% affordable housing on proposals of over 11 dwellings. As such, no affordable housing obligations are required as part of this application.

On balance, the development can be considered acceptable in terms of the principle of residential development.

2. Impact on Residential Amenity

The proposal has had several amendments since its original submission. The original scheme intended to create 10 dwellings, however, this has since been reduced to just 8 dwellings. It is on this basis that the impact on residential amenity will be considered.

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. The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on-site circumstance. The Sustainable Design and Construction SPD (2020) (SDC SPD) contains detailed information to help developers comply with this policy.

Firstly considering the impact of Plot 93, of which the rear of the property will face towards the blank side wall of plot 45 to the north. The separation distance between the rear habitable windows of plot 93 to the blank wall of plot 45 is 12.5m. The SDC SPD states the blank wall of an extension directly facing the window of a habitable room of the same height shall be a minimum 12 metres apart; this increases to 14m where the extension is a storey higher. The room in which the window which is most affected is the ground floor dining room/kitchen. This room is served by 2 windows, including a window to the front of the dwelling which will overlook the access road and is therefore unrestricted. Therefore, although there is a slight breach to the SPD requirements, this window can be considered a secondary window to the room. The remaining 3 rear windows exceed the required distance standards.

The rear windows to plot 92 face towards the rear garden of Plot 45. Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary. The rear of the proposed dwelling will be some 19.1m from the boundary of Plot 45 and is therefore acceptable.

The rear windows to plot 91 faces the rear of plots 21-24, which is a two-storey apartment block. A significant separation distance is proposed of 28m between the rear of plot 91 and the rear of the nearest part of the building for plots 21-24. The SDC SPD states that, in the interest of protecting privacy, a minimum of 20m separation distance is required

between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. The proposed dwelling therefore exceeds these separation distances.

Plot 90 proposes a ground floor rear window which will face the blank side wall of plot 87 and will be separated from it by 13.8m. This is slightly below the requirement set out in the SPD (by 0.2m). The window serves the kitchen, dining and family room and this room extends the entire ground floor to the rear of the dwelling and as such is served by 2 other windows. These 2 windows have views past the side of plot 87 and therefore it is not considered that the small shortfall to 1 window is sufficient to cause detrimental harm to residential amenity or warrant refusal of the application.

Plot 89 proposed a ground floor rear window (glazed doors to garden area) which will face the blank side wall of plot 87 and will be separated from it by 14.5m. This is considered to be acceptable.

The front elevation of plot 87 faces towards the blank side wall of plot 2 and is separated from it by the access road and parking area for the dwelling. The separation distance between the ground floor lounge window and the side wall of Plot 2 is 13.2m. On balance, it is considered that as there are public viewed areas which separate the dwellings, the shortfall of 0.8m is not considered to be detrimental to residential amenity or sufficient justification to refuse the planning permission.

The front elevation of plot 86 faces towards the rear garden of Plot 2 and has a separation distance of 12m which is acceptable and would not result in overlooking or loss of privacy. The rear of this dwelling will face towards plots 21-24, although not directly. The corner of plots 21-24 will be separated from plot 86 by 13.2m. The SDC SPD states that the blank wall of an extension which directly faces a habitable room window shall be a minimum of 14m apart. It cannot be considered in this case that there will be direct facing and the distances are therefore acceptable and will not cause detrimental harm to residential amenity.

3 detached garages are also proposed as part of the development. Plot 92 proposes a single garage to the rear of its allocated parking spaces and is to be located on its boundary as well as the boundary of plot 93. The SDC SPD states that an extension shall not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level. There will be a breach of this to plot 92, however, as the garage is to serve the dwelling, the harm is not considered to be detrimental. The garage building will be set some 5.2m from the rear of plot 93 and as a result there will be no breach of the 60 degree line to the nearest habitable ground floor rear window.

As well as assessing the impact on light, the Council also has a duty to protect residential amenity in terms of overbearing impact from development, particularly from development which is located close to the boundary. The proposed garage will be just 2.3m to eaves with gable roof which slopes away from the rear garden of the dwellings. Although the garage will be on the boundary with plots 92 and 93, given the low height to eaves, which

will be just over the height of a standard fence, it is not considered that the proposed garage would create a significant overbearing impact on the dwellings. Additionally, the impact on No. 93 is further reduced due to its position away from the main outdoor amenity space and the property benefits from the garden space being free of built form to the north-west. On balance, it is not considered that the proposed garage would have a detrimental impact on the residential amenity of plots 92 or 93 in terms of loss of light or overbearing impact.

A further double garage is proposed to the rear of the parking spaces for plots 90 and 91 and will be located on the boundary with both of these dwellings. The garage building will breach the 60 degree line from the nearest habitable ground floor rear window to both plots 90 and 91, however, the harm is not considered to be detrimental as the garage buildings will serve the dwelling. The proposed garage building will be 2.26m to eaves and 4.44m to ridge in a gable roof design. The Council has a duty to protect residential amenity in terms of overbearing impact from development. The garage building will be located on the boundary with both neighbours on 1 side, however, the opposite side will be free of any built form. It is considered that although there will be some impact on the residential amenity of future occupiers of plots 90 and 91, this will not be to a detrimental degree and the double garage is found to be acceptable.

The SDC SPD states that all new dwellings should meet and ideally exceed the national described space standards. The proposed dwellings would meet the NDSS.

In terms of residential amenity, it is also important to consider the impacts of outdoor amenity space/ gardens. The Council's Sustainable Construction and Design SPD states within Para 11.11 onwards that gardens should be of a useable rectangle garden shape. New housing development should provide sufficient amenity space to meet the recreation and domestic requirements of the occupant. Amenity space should be provided for passive recreation activities, such as reading, active recreational uses such as gardening and domestic uses such as drying clothes. Each of the dwellings will have a rear garden, the smallest length garden is 10.8m. The shape of the gardens are roughly rectangular in shape and this is considered to be in accordance with the SPD.

NBBC Environmental Health have been consulted on the application and submit a response of no objection subject to conditions. Some of the conditions have been reworded to remove any ambiguous wording so that they comply with the conditions test as set out in the NPPF paragraph 56 and 57.

On balance, the impact on residential amenity is considered to be acceptable.

3. Impact on Visual Amenity

Policy DS3 of the Borough Plan states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure. Paragraph 126 of the NPPF 2021 states that good design is a key aspect of sustainable development and helps make

development acceptable to communities. Paragraph 130 of the NPPF 2021 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any supplementary planning documents.

Policy BE3 of the Borough Plan refers to the need for development to be of a high standard and in keeping with the character of the locality. Accompanying Policy BE3 is the Council's Supplementary Planning Document: Sustainable Design and Construction SPD 2020. Paragraph 10.9 states that residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement and paragraph 10.2 refers to the need for development to maintain the "traditional settlement pattern" by respecting the form of the local environment and should "reinforce the line of the street".

The surrounding area is residential in nature. The application site as existing is formed of 1 detached bungalow which is proposed to be demolished. The existing character of Burbages Lane is made up of semi-detached and detached properties, predominately 2 storeys, with the occasional 2.5 storeys present within the area, set within the largely consistent building lines. It is within this street scene that the proposed dwellings would be read against. The proposed development would then be set against the backdrop of the recently commenced Bloor Homes Development, which is located to the north of the site. The overall character of dwellings within Burbages Lane is quite mixed, further emphasised by the mix of ages of dwellings and the materials used which vary from brick to render finishes.

The materials layout plan shows that the dwellings will use either Ibstock Hardwicke Sherwood Blaze or Forterra Atherstone Red Multi bricks and either Russell Highland Slate Grey or Russell Highland Cottage Red roof tile. The same materials can be seen on the Bloor Homes development to the north of the site as well as the 2 dwellings which have been more recently built on the opposite side of the access road. It is therefore considered that the use of materials are deemed to be appropriate within the streetscene.

Overall, the design of the dwellings is considered to be acceptable and in keeping with the character and appearance of the existing varied streetscene. The introduction of the dwellings to this part of the streetscene, although will appear different, is not materially harmful to the character and appearance of the area and is found to be acceptable.

4. Impact on Highway Safety

WCC Highways were consulted as part of this proposal and initially raised some concerns with the access and parking arrangements. Amendments were sought and submitted.

The amendments have reduced the number of dwellings to 8 and no more than 5 dwellings will share a dropped kerb footway crossing access. As such, the principle of the development can be considered as acceptable. Swept path analysis for the parking areas to plot 89-93 and the visitor space fronting plot 91 have been submitted to show that

vehicles can turn around from the parking areas in the designated turning areas without the shared access to the site.

A total of 18 car parking spaces are proposed, with 16 being designated space and 2 visitor parking spaces. This is in accordance with the parking standards SPD, which requires 2 car parking spaces (for dwellings with 2 or more bedrooms) plus 1 unallocated visitor parking space per 5 dwellings.

Based on the amended plans, the highway authority submit a response of no objection, subject to conditions. One of the conditions have been reworded to remove any ambiguous wording so that they comply with the conditions test as set out in the NPPF paragraph 56 and 57.

It is therefore concluded that the development would not have a detrimental impact upon highway safety or the highway network and is therefore found to be acceptable.

5. 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). 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. As the application is not a major, the WCC Flood Risk Team have not been consulted in relation to surface water drainage.

Severn Trent have been consulted on this proposal, however, no response has been received.

6. Waste and Refuse

NBBC Waste & Refuse were consulted as part of this application, however, no comments were received. The proposed site plan shows 2 bin collection points located close to the access roads which would allow collections from Burbages Lane and Owen Road (the newly formed access road which leads to the Bloor Homes development). The drag distances from the BCPs to the roads is less than 25m, in accordance with the SPD requirements.

No details have been submitted in regard to the visual appearance of the BCPs. A condition will be included on the decision notice for elevational details and finishes to be submitted to the Council for approval.

The 8 proposed dwellings are detached and each have side gates/accesses and therefore although there are not designated bin storage points, there is sufficient space within the ownership of each dwelling for the storage of wheelie bins.

7. Ecology and biodiversity

The application site is currently formed of a number of deciduous and coniferous trees, as well as grassed areas both to the front, rear and side garden areas. In relation to arboriculture, the NPPF states that: Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that existing trees are retained wherever possible (Paragraph 131). Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity (Paragraph 180).

In turn, Local Authorities have a duty under the T&CPA to create Tree Preservation Orders (TPO) in order to protect and preserve specific trees and woodlands that bring significant amenity benefit to a particular site or location. At present, none of the trees on the site are protected by way of a TPO.

An Arboricultural Assessment has been submitted alongside the application. Although some of the plans within it are not based on the most recent set of drawings and therefore indicative only, the information contained within the assessment remains relevant.

The result of the assessment were that the vast majority of the tree stock was regarded as being of low quality (Category C) due to either is poor overall condition or age. A lesser proportion of the trees were considered to be of moderate quality (Category B), these trees had only minor defects. A single specimen was regarded as high quality (Category A), this tree was a good example of its species with no major defects being noted. One specimen was regarded as being unsuitable for retention (Category U) due to it being dead.

A site landscaping plan has also been submitted alongside this application, which shows the retention of the Category A tree, which is a mature grand fir tree located on the northern boundary of the site. Due to the location of the proposed dwellings within this site and the site to the north, no other trees are proposed to be retained. The Council's tree officer has considered the proposal and determined that none of the trees at present, including the Category A tree due to its location within the rear garden of plot 86, would be worthy of a TPO.

The Council's tree officer requested further amendments to the layout of the dwellings in order to retain additional Category B trees, which would in turn result in the retention of 7

trees in total. It is noted that all but 1 of the Category B trees is located along the boundary with proposed plot 86 and plots 21-24.

Although unfortunate, it is not considered acceptable to insist on the removal or relocation of plot 86 in order to retain the additional 6 trees which are not worthy of a TPO. Furthermore, there will already be some restrictions on the root protection areas of these trees by the presence of the buildings on plots 21-24.

A landscaping plan has been submitted with the application. A selection of trees, ornamental and native hedges, shrubs and perennial plants including grasses are proposed. No comments in support or objection to the planting scheme have been received. A total of 14 trees are proposed to be planting and although this would not make up for the number which are proposed to be removed, it is considered to be an acceptable compromise which would result in new high quality tree planting and the introduction of some UK native trees to the site.

On balance, it is considered that the proposed removal of the trees on the site is acceptable, subject to the site landscaping plan as proposed being carried out. A suitably worded condition shall be included on the decision notice to ensure this.

8. 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.

It is considered that the principle of the erection of 8 detached dwellings on this site is acceptable. Furthermore, there would be no detrimental harm caused to residential amenity, visual amenity, highway safety, flooding and drainage or ecology and biodiversity to warrant refusal of the application.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Drawing No.	Date Received
Location plan	EM003-SL-230	06/07/2022
Layout plan	EM003-PD-201L	12/01/2023
Lyford house type	NSS.301-1.PL-01	12/01/2023
Surface materials plan	EM003-SL-204H	12/01/2023
Reynolds house type	NSS.374.PL-01	12/01/2023
Huxley house type	NSS.382-1.PL-01	12/01/2023
Saunders house type	NSS.480-1.PL-01	12/01/2023
Saunders floor plans	NSS.480-01.PL-05	12/01/2023
Saunders house type	NSS.480.PL-01	12/01/2023
Saunders floor plans	NSS.480.PL-05	12/01/2023
Hulford house type	NSS.486-1.PL.01	12/01/2023
Gwynn house type	NSS.489-1.PL-01	12/01/2023
Gwynn floor plans	NSS.489-1.PL-05	12/01/2023
Gwynn house type	NSS.489.PL-01	12/01/2023
Gwynn floor plans	NSS.489.PL-05	12/01/2023
Garage single	GL01.PL-01	12/01/2023
Garage paired	GL02.PL-01	12/01/2023

3. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, as shown on Drawing No's EM003-SL-001B and EM003-SL-201L, including drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the accesses and areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

6. No development shall commence on site, to include any demolition hereby approved, until a Dust Management Plan has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the agreed details.

7. No dwelling shall be occupied until details of the bin storage area has been provided, in accordance with details to be submitted to and approved in writing by the Council including elevational details, materials and finishes of the bin store.

8. The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site in accordance with Drawing No. EM003-SL-201L. 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 highway carriageway.

9. The development shall not be occupied until Electric Vehicle (EV) charging points, at a rate of one charging point per allocated parking space has been provided. In addition, at that time, the developer shall also ensure that appropriate cabling is provided to enable increase in future provision.

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

11. No deliveries, demolition or construction shall be carried out on the site, other than between the hours of 8:00am-6:00pm Monday to Friday, 8:00-1:00pm Saturday and at no times on Sundays or Public or Bank Holidays.

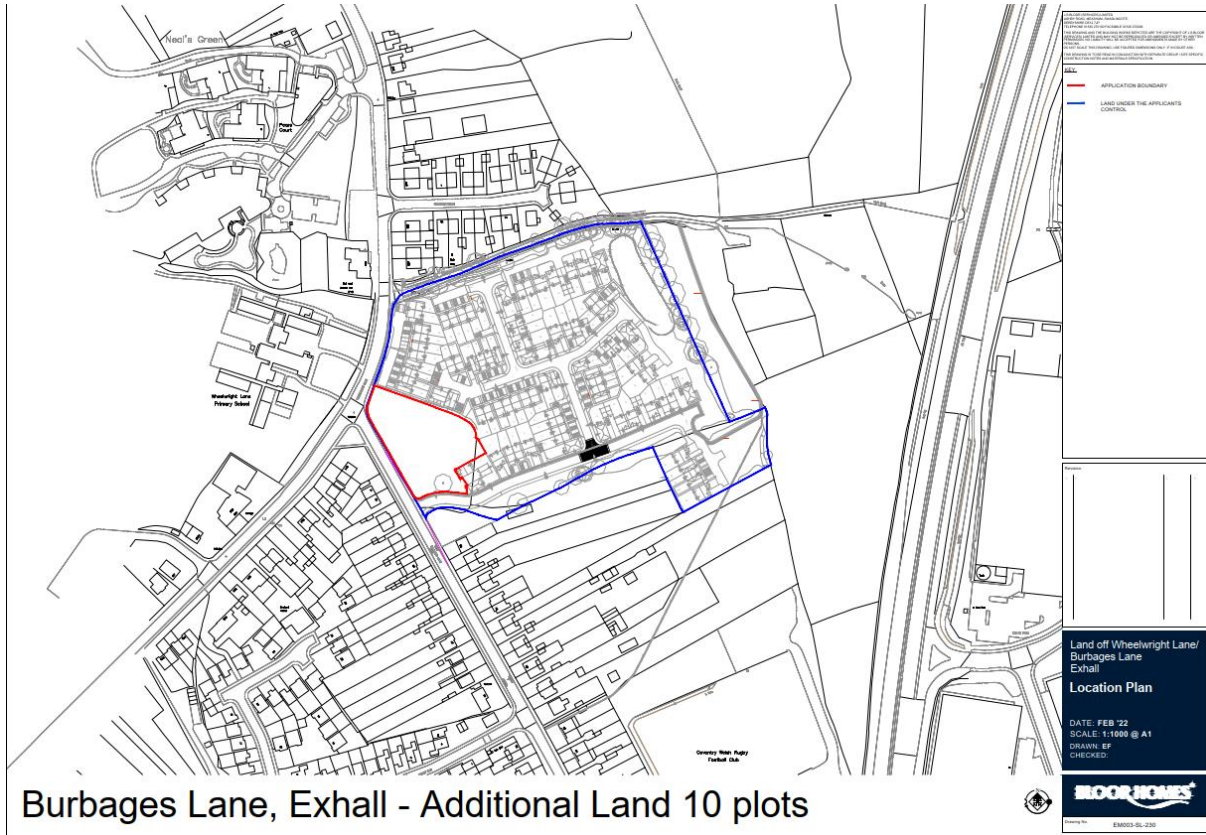
12. The soft landscaping shall be carried out in accordance with the details provided within site landscaping drawing No. EM003-LS-008h received 25th January 2023. The said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

13. The development hereby approved shall be carried out in accordance with the schedule of materials as shown on drawing No. EM003-SL-202H received 12th January 2023.

14. The development hereby approved shall be carried out in accordance with the means of enclosure drawing No. EM003-SL-203H received 12th January 2023. The dwellings shall not be occupied until the approved boundary treatments have been erected.

PLANS



Burbages Lane, Exhall - Additional Land 10 plots

Location plan

Drawing no: EM003-PD-201L
Drawn: IBC
Scale: 1:500 @ A1



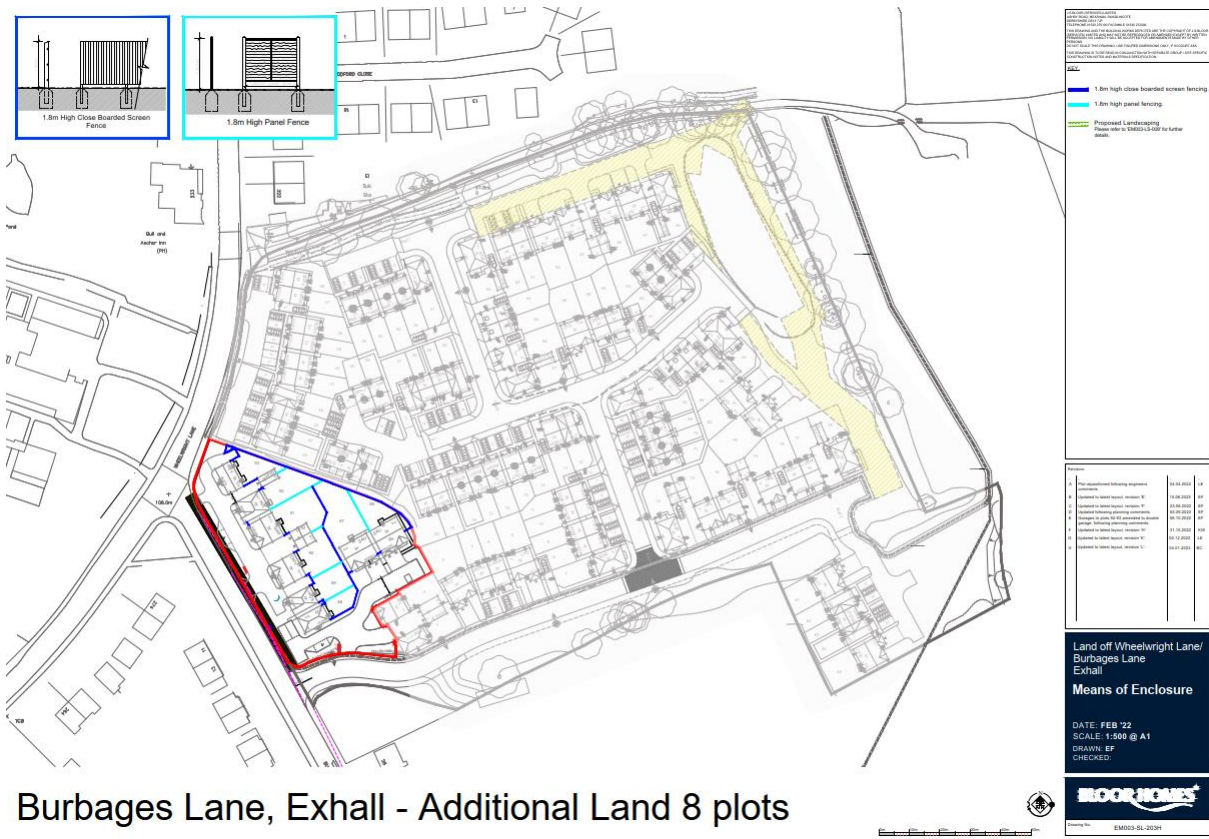
Proposed residential development at
Burbages Lane, Exhall - Additional Land

January 2023

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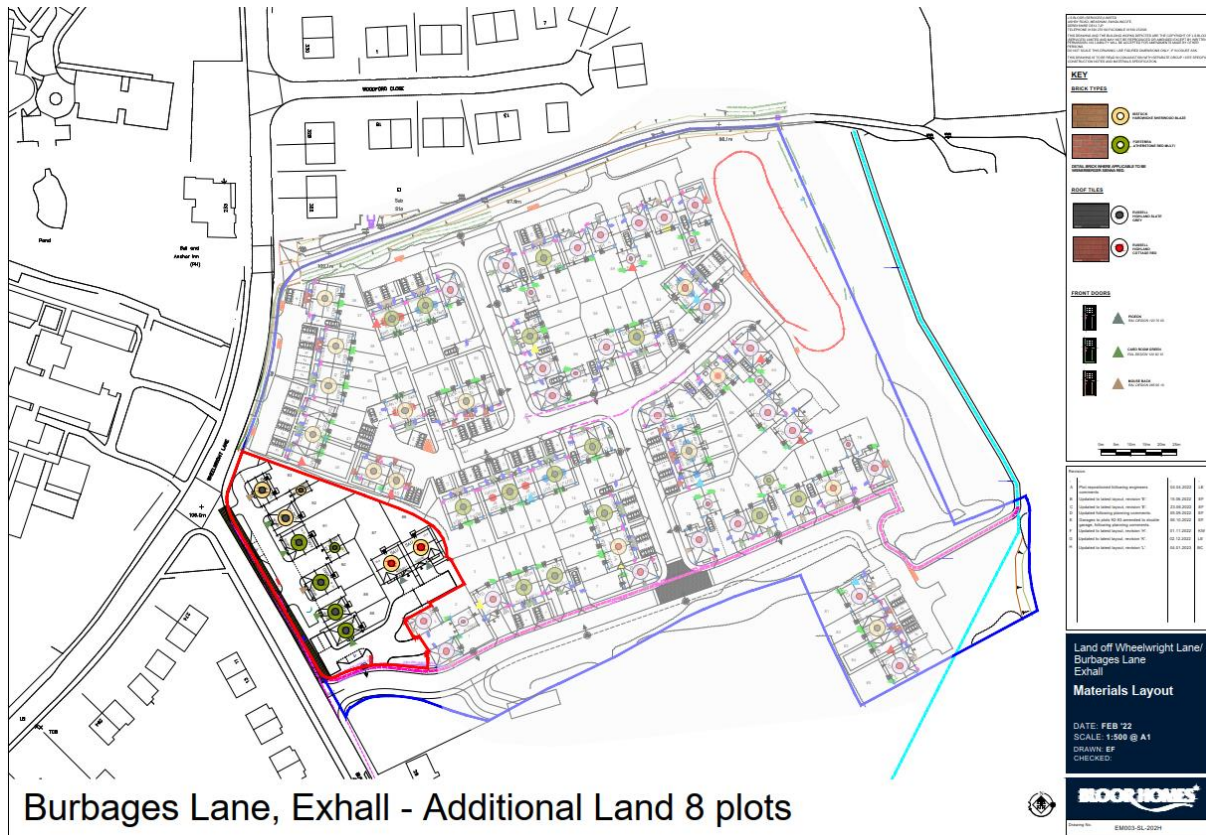


Layout plan



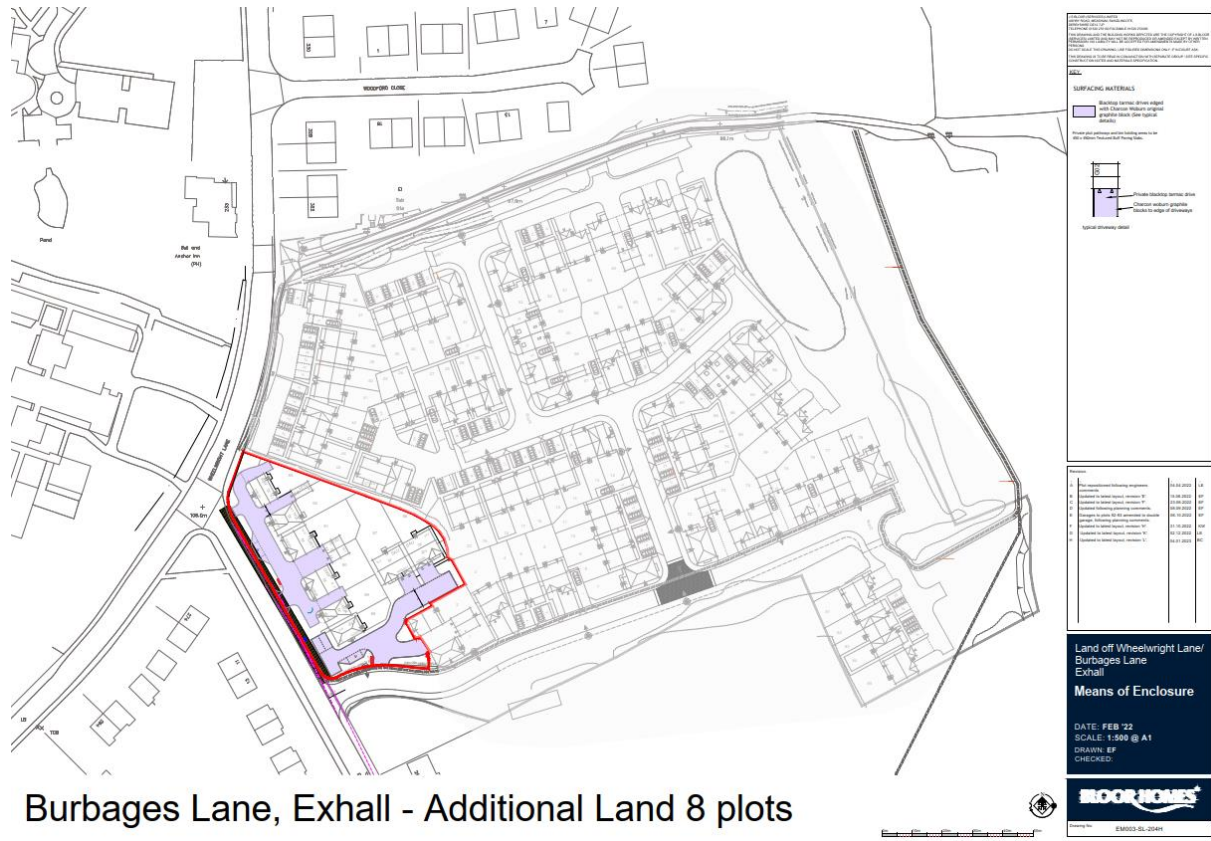
Burbages Lane, Exhall - Additional Land 8 plots

Means of enclosure

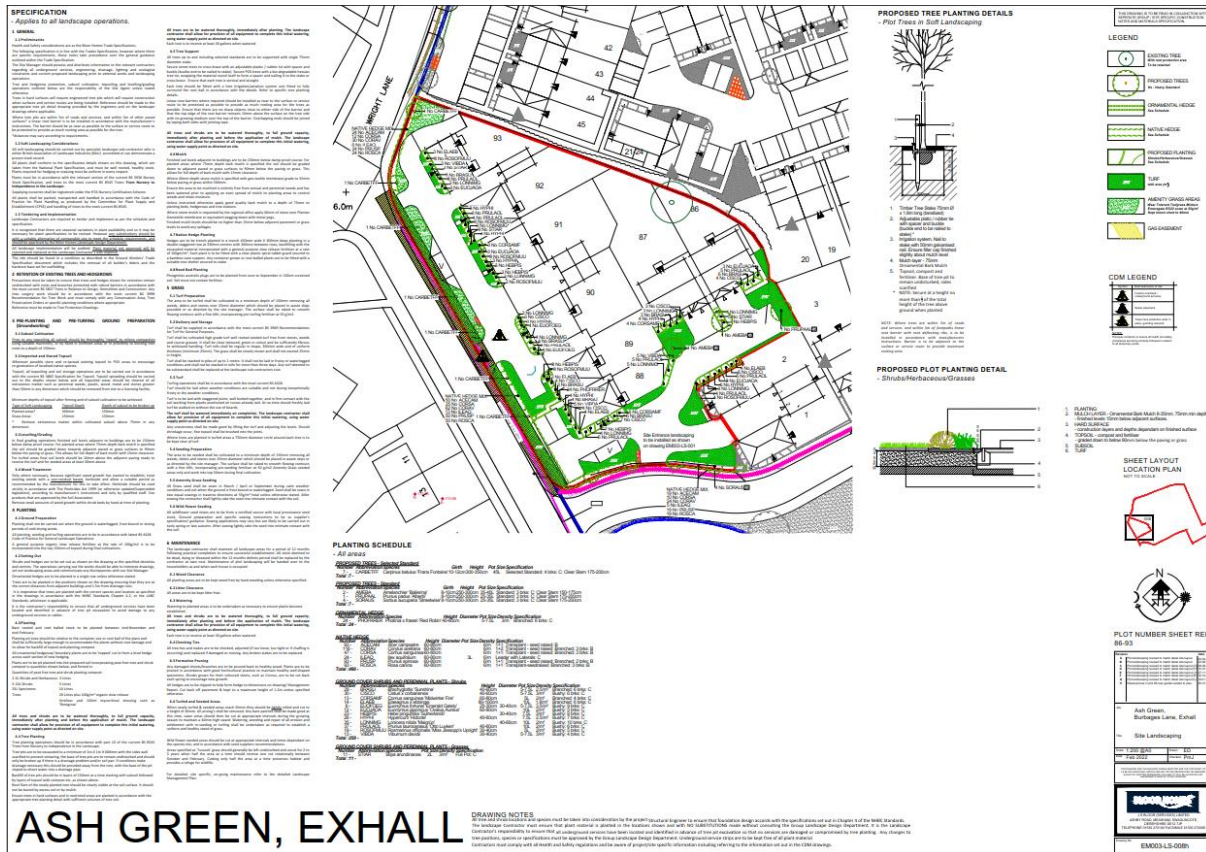


Burbages Lane, Exhall - Additional Land 8 plots

Materials layout



Surface materials



Landscaping plan

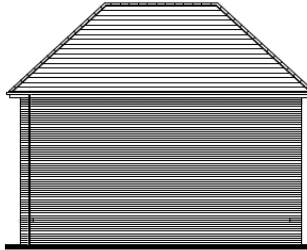
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Issue 4.4



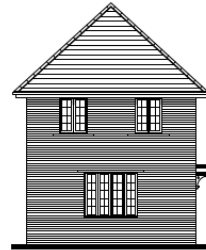
FRONT ELEVATION



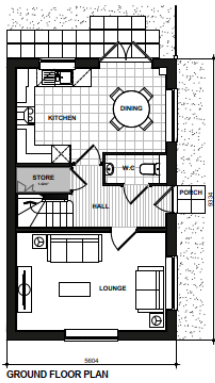
SIDE ELEVATION



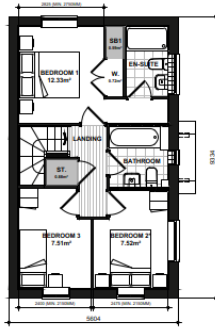
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

* Denotes floor areas shown to comply with National Described Space Standards (see schedule). Room layout shown as furnished and does not demonstrate compliance.

	National Space Standards	
3B4P	Actual Area	NSS Requirement
Ground Floor Plan	42.97m ²	
First Floor Plan	42.97m ²	
Total floor area m ²	85.93m ²	84.00m ²
Total floor area ft ²	925ft ²	904ft ²
Bedroom 1	12.32m ²	11.5m ²
Bedroom 2	7.52m ²	7.5m ²
Bedroom 3	7.51m ²	7.5m ²
Store Under Stair	1.42m ²	
Store Landing	0.88m ²	
Store Bedroom 1	0.88m ²	
Built in store total	2.88m ²	2.5m ²

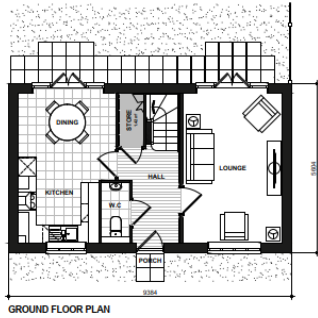
Lyford
BRICK
NSS.301-1.PL-01

DATE: JAN 2021 REV:
SCALE: 1:100 @ A3

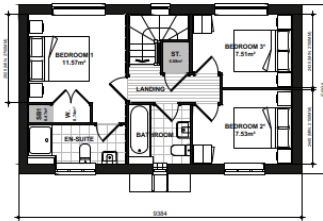
DRAWN: MJE 87.50m²
CHECKED: GPM 940ft²

BLOOR HOMES

Scale 1:100
Issue 4.4



GROUND FLOOR PLAN



FIRST FLOOR PLAN

* Denotes floor areas shown to comply with National Described Space Standards (see schedule). Room layout shown as furnished and does not demonstrate compliance.

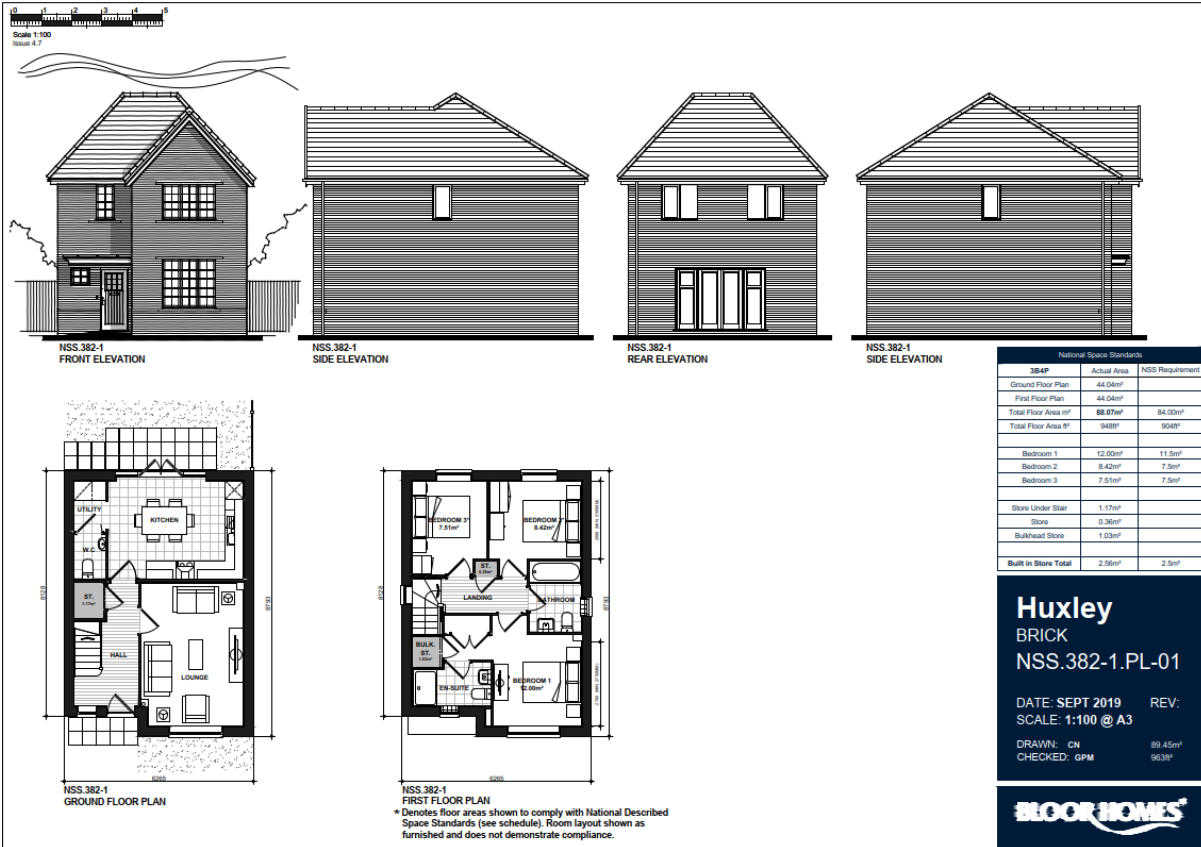
National Space Standards		
SB4*	Actual Area	NSS Requirement
Ground Floor Plan	43.21m ²	
First Floor Plan	43.21m ²	
Total floor area m²	86.43m²	84.00m ²
Total floor area ft²	930ft²	904ft ²
Bedroom 1	11.57m ²	11.5m ²
Bedroom 2	7.53m ²	7.5m ²
Bedroom 3	7.53m ²	7.5m ²
Store Under Stair	1.42m ²	
Store Landing	0.88m ²	
Store Bedroom 1	0.47m ²	
Built in store total	2.78m²	2.5m²

Reynolds
BRICK
NSS.374.PL-01

DATE: SEPT 2019 REV:
SCALE: 1:100 @ A3

DRAWN: VO 87.80m²
CHECKED: TP 945ft²

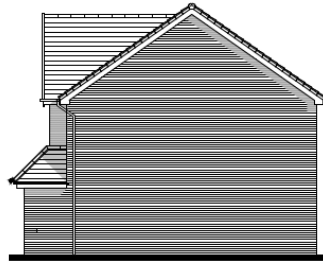




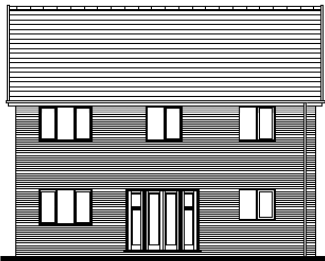
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Issue 4.3



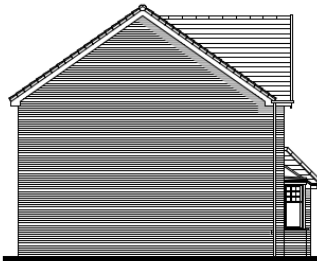
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

National Space Standards		
4B&P	Actual Area	NSS Requirement
Ground Floor Plan	80.18m ²	
First Floor Plan	73.51m ²	
Total floor area m ²	153.69m ²	150.00m ²
Total floor area ft ²	1669ft ²	1641ft ²
Bedroom 1	15.49m ²	11.5m ²
Bedroom 2	11.89m ²	11.5m ²
Bedroom 3	11.19m ²	7.5m ²
Bedroom 4	11.30m ²	7.5m ²
Store Landing 1 (ST1)	0.34m ²	
Store Landing 2 (ST2)	0.58m ²	
Store Bedroom 1 (SB1)	0.67m ²	
Store Bedroom 2 (SB2)	1.21m ²	
Built in store total	3.10m ²	3.0m ²

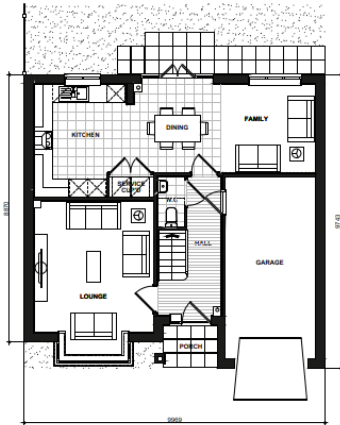
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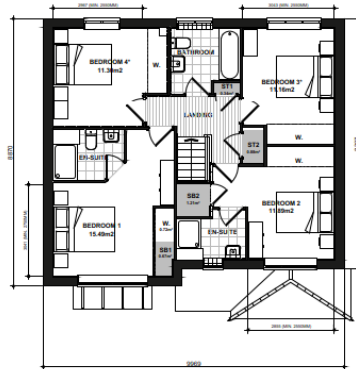
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GROUND FLOOR PLAN



FIRST FLOOR PLAN

National Space Standards		
4BSP	Actual Area	NSS Requirement
Ground Floor Plan	60.18m ²	
First Floor Plan	73.51m ²	
Total floor area m ²	133.69m ²	106.00m ²
Total floor area ft ²	1439ft ²	1141ft ²
Bedroom 1	15.49m ²	11.5m ²
Bedroom 2	11.89m ²	11.5m ²
Bedroom 3	11.15m ²	7.5m ²
Bedroom 4	11.30m ²	7.5m ²
Store Landing 1 (ST1)	0.34m ²	
Store Landing 2 (ST2)	0.88m ²	
Store Bedroom 1 (SB1)	0.67m ²	
Store Bedroom 2 (SB2)	1.21m ²	
Built in store total	3.10m ²	3.0m ²

Saunders
 FLOOR PLANS
 NSS.480-1.PL-05

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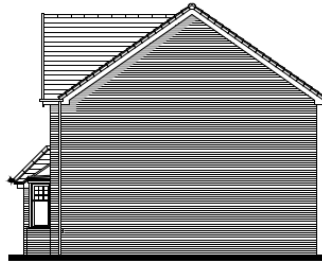
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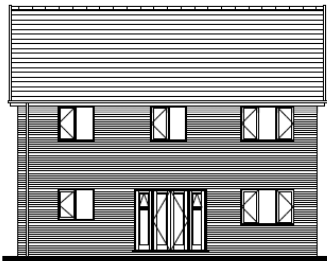
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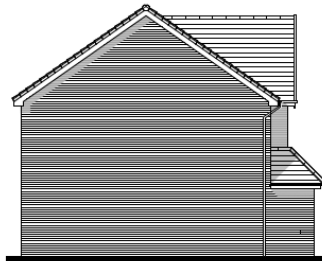
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

National Space Standards		
4BSP	Actual Area	NSS Requirement
Ground Floor Plan	60.18m ²	
First Floor Plan	73.51m ²	
Total floor area m ²	133.69m ²	106.00m ²
Total floor area ft ²	1439ft ²	1141ft ²
Bedroom 1	15.49m ²	11.5m ²
Bedroom 2	11.89m ²	11.5m ²
Bedroom 3	11.19m ²	7.5m ²
Bedroom 4	11.30m ²	7.5m ²
Store Landing 1 (ST1)	0.34m ²	
Store Landing 2 (ST2)	0.89m ²	
Store Bedroom 1 (SB1)	0.67m ²	
Store Bedroom 2 (SB2)	1.21m ²	
Built in store total	3.10m ²	3.0m ²

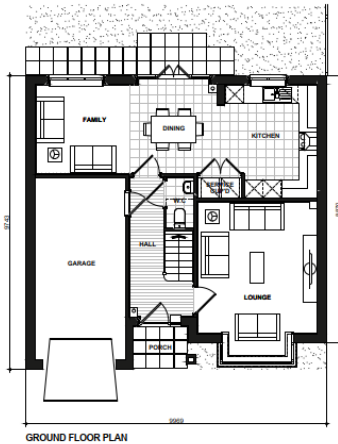
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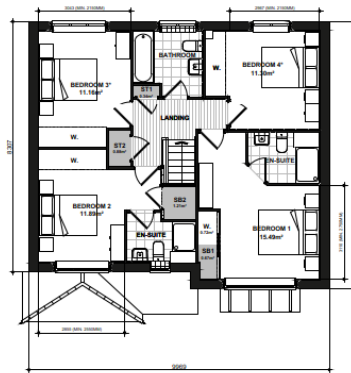
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Scale 1:100
Issue 4.3



GROUND FLOOR PLAN



FIRST FLOOR PLAN

* Denotes floor areas shown to comply with National Described Space Standards (see schedule). Room layout shown as furnished and does not demonstrate compliance.

National Space Standards		
4BSP	Actual Area	NSS Requirement
Ground Floor Plan	60.18m ²	
First Floor Plan	73.51m ²	
Total floor area m ²	133.69m ²	106.00m ²
Total floor area ft ²	1439ft ²	1141ft ²
Bedroom 1	15.49m ²	11.5m ²
Bedroom 2	11.89m ²	11.5m ²
Bedroom 3	11.19m ²	7.5m ²
Bedroom 4	11.30m ²	7.5m ²
Store Landing 1 (ST1)	0.34m ²	
Store Landing 2 (ST2)	0.89m ²	
Store Bedroom 1 (SB1)	0.67m ²	
Store Bedroom 2 (SB2)	1.21m ²	
Built in store total	3.10m ²	3.0m ²

Saunders
FLOOR PLANS
NSS.480.PL-05

DATE: APR 2021 REV:
SCALE: 1:100 @ A3

DRAWN: JG 135.63m²
CHECKED: MF 1460ft²





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 Scale 1:100
 Issue 4.10



NSS.489-1
 FRONT ELEVATION



NSS.489-1
 SIDE ELEVATION



NSS.489-1
 REAR ELEVATION



NSS.489-1
 SIDE ELEVATION

National Space Standards		
489P	Actual Area	NSS Requirement
Ground Floor Plan	65.45m ²	
First Floor Plan	63.95m ²	
Total floor area m ²	129.43m²	106.00m ²
Total floor area ft ²	1393ft ²	1141ft ²
Bedroom 1	12.28m ²	11.5m ²
Bedroom 2	12.04m ²	11.5m ²
Bedroom 3	10.03m ²	7.5m ²
Bedroom 4	8.61m ²	7.5m ²
Store Under Stair	1.00m ²	
Store Utility	0.72m ²	
Store Landing	0.85m ²	
Store Bedroom 1	0.85m ²	
Built in store total	3.04m ²	3.0m ²

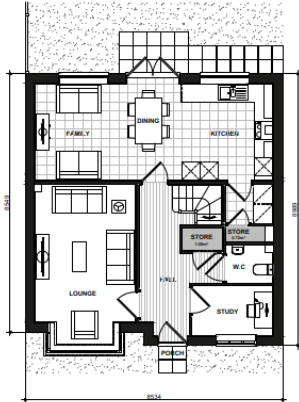
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DATE: SEPT 2019 REV:
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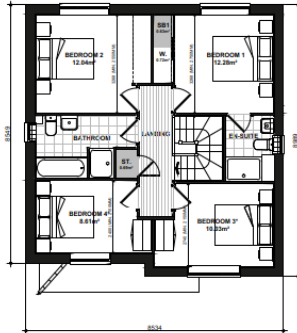
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0 1 2 3 4 5
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 Issue 4.10



NSS.489-1
 GROUND FLOOR PLAN



NSS.489-1
 FIRST FLOOR PLAN
 * Denotes floor areas shown to comply with National Described Space Standards (see schedule). Room layout shown as furnished and does not demonstrate compliance.

National Space Standards		
489P	Actual Area	NSS Requirement
Ground Floor Plan	65.42m ²	
First Floor Plan	63.95m ²	
Total floor area m ²	129.43m²	106.00m ²
Total floor area ft ²	1393ft ²	1141ft ²
Bedroom 1	12.28m ²	11.5m ²
Bedroom 2	12.04m ²	11.5m ²
Bedroom 3	10.22m ²	7.5m ²
Bedroom 4	8.61m ²	7.5m ²
Store Under Stair	1.00m ²	
Store Utility	0.72m ²	
Store Landing	0.69m ²	
Store Bedroom 1	0.63m ²	
Built in store total	3.04m²	3.0m²

Gwynn
 FLOOR PLANS
 NSS.489-1.PL-05

DATE: SEPT 2019 REV:
 SCALE: 1:100 @ A3

DRAWN: VO 131 01 m²
 CHECKED: TP 1410 ft²





NSS.489
FRONT ELEVATION



NSS.489
SIDE ELEVATION



NSS.489
REAR ELEVATION



NSS.489
SIDE ELEVATION

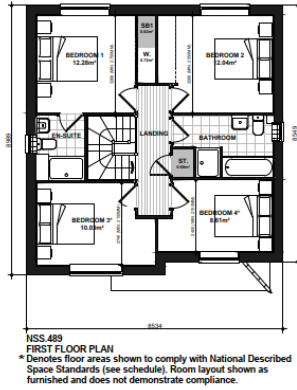
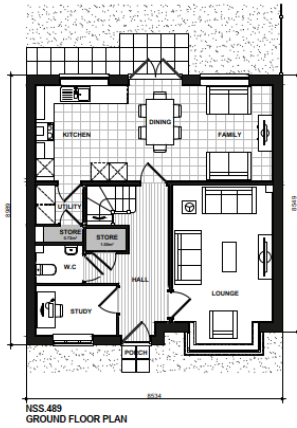
National Space Standards		
4BSP	Actual Area	NSS Requirement
Ground Floor Plan	65.48m ²	
First Floor Plan	63.95m ²	
Total floor area m ²	129.43m ²	105.00m ²
Total floor area ft ²	1393ft ²	1141ft ²
Bedroom 1	12.28m ²	11.5m ²
Bedroom 2	12.24m ²	11.5m ²
Bedroom 3	10.53m ²	7.5m ²
Bedroom 4	8.61m ²	7.5m ²
Store Under Stair	1.00m ²	
Store Utility	0.72m ²	
Store Landing	0.89m ²	
Store Bedroom 1	0.82m ²	
Built in store total	3.04m²	3.0m²

Gwynn
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NSS.489.PL-01

DATE: SEPT 2019 REV:
SCALE: 1:100 @ A3

DRAWN: VO 131.01 m²
CHECKED: TP 1410 ft²



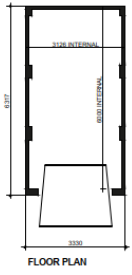
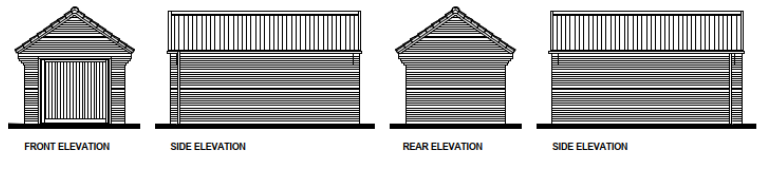


National Space Standards		
489P	Actual Area	NSS Requirement
Ground Floor Plan	65.48m ²	
First Floor Plan	63.95m ²	
Total floor area m ²	129.43m²	106.00m ²
Total floor area ft ²	1393ft ²	1141ft ²
Bedroom 1	12.28m ²	11.5m ²
Bedroom 2	12.24m ²	11.5m ²
Bedroom 3	10.53m ²	7.5m ²
Bedroom 4	8.61m ²	7.5m ²
Store Under Stair	1.90m ²	
Store Utility	0.72m ²	
Store Landing	0.55m ²	
Store Bedroom 1	0.63m ²	
Built to store total	3.04m²	3.0m²

Gwynn
FLOOR PLANS
NSS.489.PL-05

DATE: SEPT 2019 REV:
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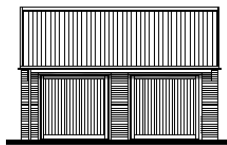
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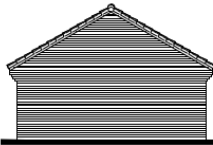
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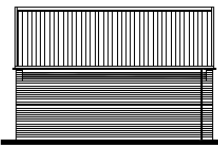
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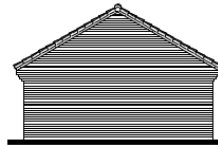
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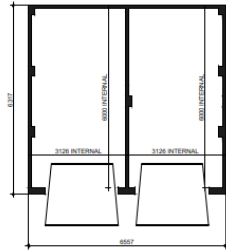
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FLOOR PLAN

Paired
BRICK
GL02.PL-01

DATE: APRIL 2019 REV:
SCALE: 1:100 @ A3

DRAWN: KS
CHECKED: GPM

Drawing no: EM003-PD-210L
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Proposed residential development at
Burbages Lane, Exhall - Additional Land

January 2023

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Street scene

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)