

Enquiries to:
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Date: 13th March 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 21st March 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 28th February 2023, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 12**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control, attached (**Page 16**)
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

28th February 2023

A meeting of the Planning Applications Committee was held on Tuesday, 28th February 2023, in the Council Chamber and was live streamed and recorded.

Present

Councillor L. Cvetkovic (Chair)

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

Apologies: Councillors B. Hammersley, E. Shiers and K. Wilson.

PLA45 **Minutes**

RESOLVED that the minutes of the meeting held on the 7th February 2023 be confirmed and signed by the Chair.

PLA46 **Declarations of Interest**

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

PLA47 **Declarations Contact**

Councillor Hartshorn declared that he had received an invitation to the ground-breaking for Planning Application 039279 – Site 49B005 – Byford Court, Byford Street, Nuneaton, but he did not feel there was a conflict of interest as it would not influence how he would vote.

During the discussion of Planning Application 039279 – Site 49B005 - Byford Court, Byford Street, Nuneaton Councillor Gutteridge declared that he is the Cabinet Portfolio Holder for Health and Environment and as such works with the Tree Officer and Parks and Open Spaces team, but had not been in contact with them in relation to this application as he had only become a substitute for the meeting in recent days.

Councillor Markham declared that she had spoken with another Councillor who had been contacted by the objector for Planning Application 039316 – 8 Salvia Way, Bedworth, Warwickshire, CV12 0QF (Mr Chung) but had not given any indication of how she intended to vote.

Councillor Sheppard noted that all members of the Planning Application Committee had been provided with information from the objector for Planning Application 039316 – 8 Salvia Way, Bedworth, Warwickshire, CV12 0QF (Mr Chung) via email prior to the meeting.

IN PUBLIC SESSION

PLA48 **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 PLA48 OF THE
PLANNING APPLICATIONS COMMITTEE ON 28TH FEBRUARY 2023

039279: Site 49B005 – Byford Court, Byford Street, Nuneaton
Applicant: Mrs Dawn Dawson

Public Speakers: Mr Smith

DECISION

Planning permission be granted subject to the conditions printed in the agenda and addendum with the additional condition that the applicant submit a scheme for additional planting on the site.

039316: 8 Salvia Way, Bedworth, Warwickshire, CV12 0QF
Applicant: Mrs Shin Cheung

Public Speakers: Mr Chung

DECISION

Planning permission be refused pm residential amenity impacts to numbers 2, 3 and 9 Salvia Way and 5 Jasmine Way (overlooking, loss of privacy to numbers 2 and 3 Salvia Way and overbearing, overshadowing and oppressive impacts upon 2, 3 and 9 Salvia Way and number 5 Jasmine Way.)

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 	
	J. Gutteridge		Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board 	
	M. Walsh	Employed by MacInnes Tooling Ltd. – UK Sales Manager	Member of NABCEL	

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

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

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Ward	Address	Page No.
1.	038340	SN	Padge Hall Farm, Watling Street, Hinckley, Leicestershire, LE10 3ED	17

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		

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.

A recommendation is also made that the Head of Planning and Building Control (or Interim Head of Planning and Building Control where relevant) be given powers to determine the final detail and wording of the recommended planning conditions.

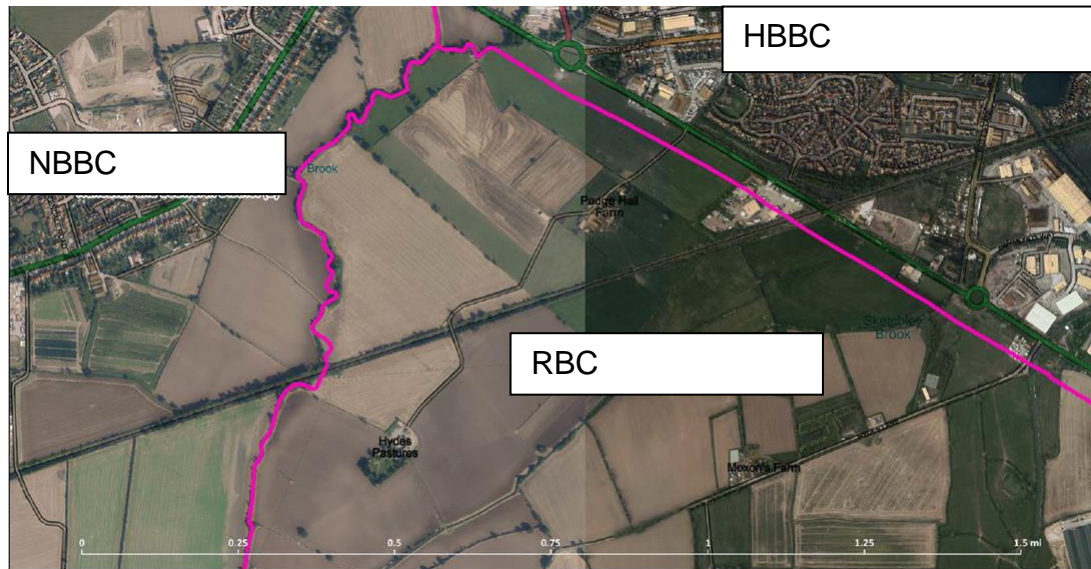
INTRODUCTION:

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.

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, Warks 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, but such S106 agreement would not include NBBC (as set out in further detail within section 8 of this report).

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 the land in question and whilst consideration has been given to the potential for this land 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. Under usual circumstances, all authorities affected by the proposal would be party to any S106 legal agreement, however, in this particular case, the Council have sought legal advice from the Council's Legal Team who have confirmed that when having regard to the circumstances of this case, the Council would not look to be party to any S106 legal agreement entered in to.

It is advised that restrictions or controls required on the land could be successfully secured adequately through the imposition of appropriately worded planning conditions given that the changes proposed within the Council's boundary would result in no requirement for additional infrastructure and would result in no additional built form.

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.

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

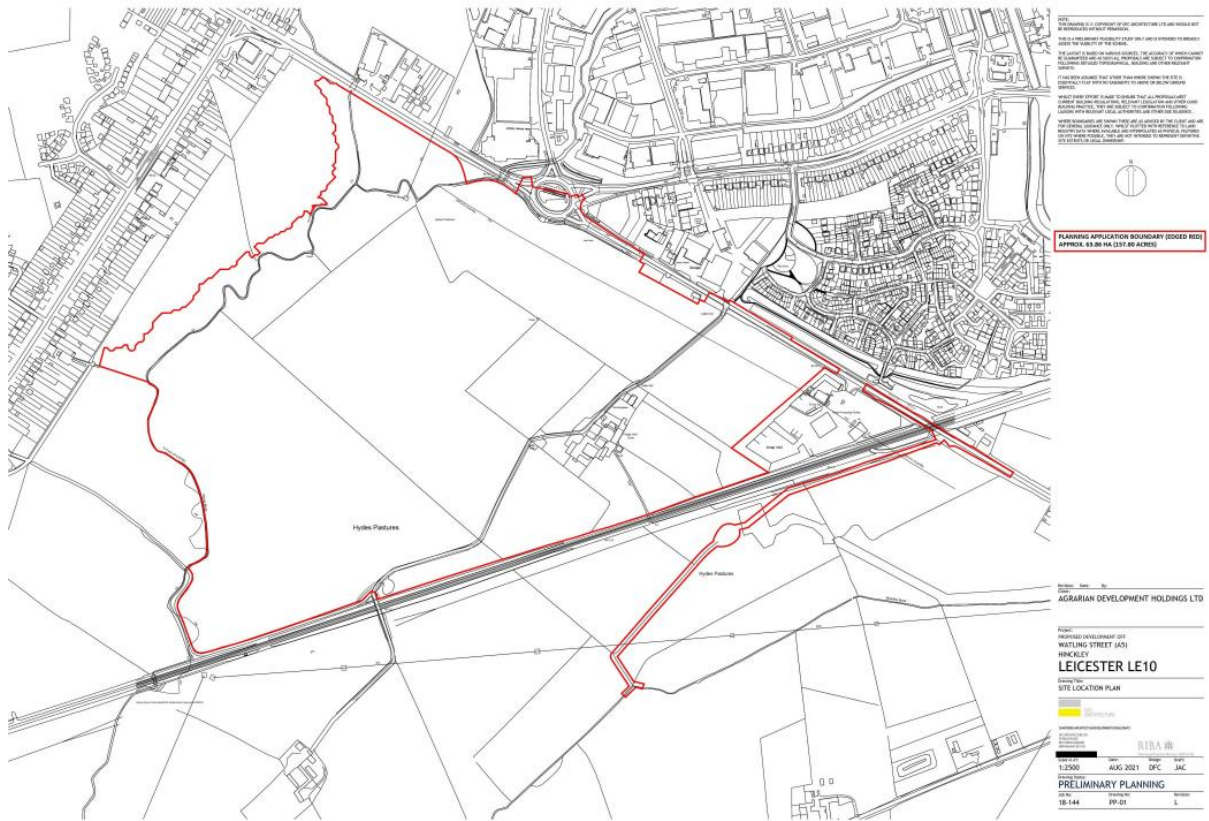
'Environmental Statement September 2021' Chapter 8.6 Mitigation. It shall include details relating to the following considerations, insofar as the development impacts upon the parts of the application site located within Nuneaton and Bedworth Borough Council's administrative boundary:

- 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)



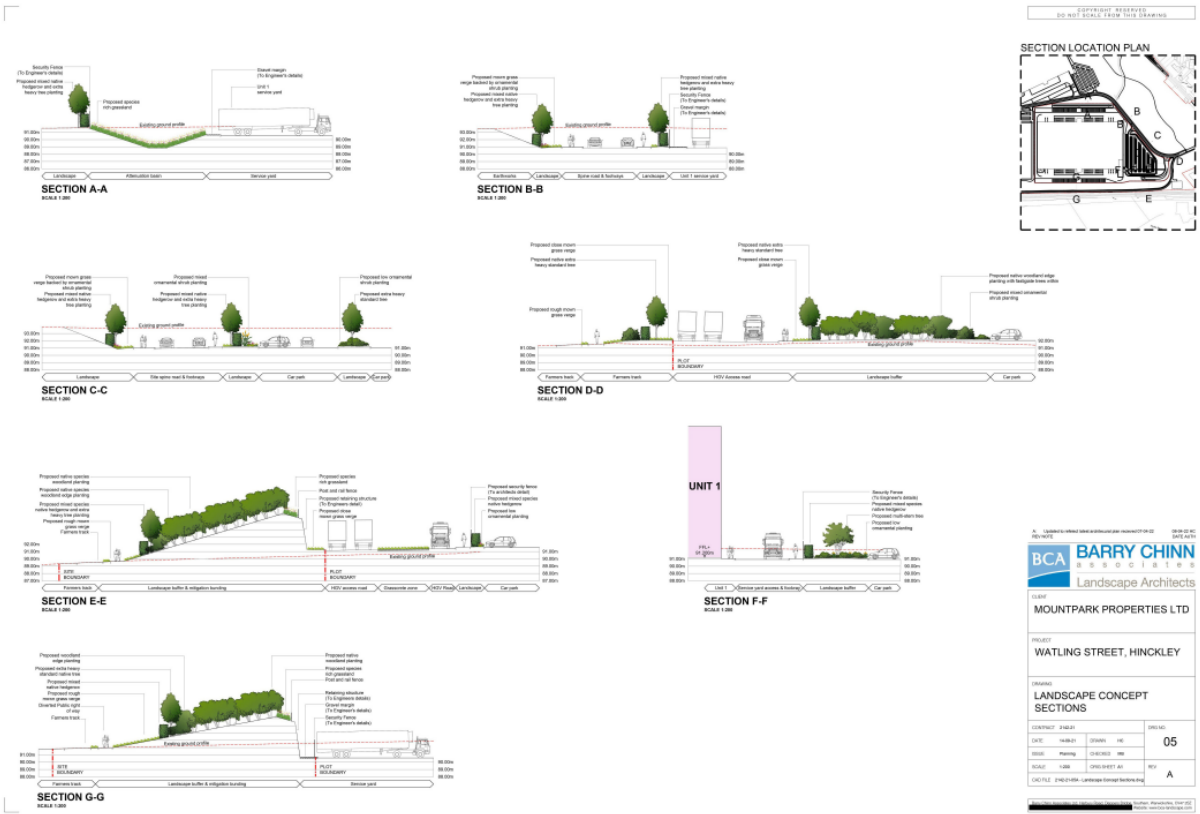
Development Parameters Plan (not to scale)



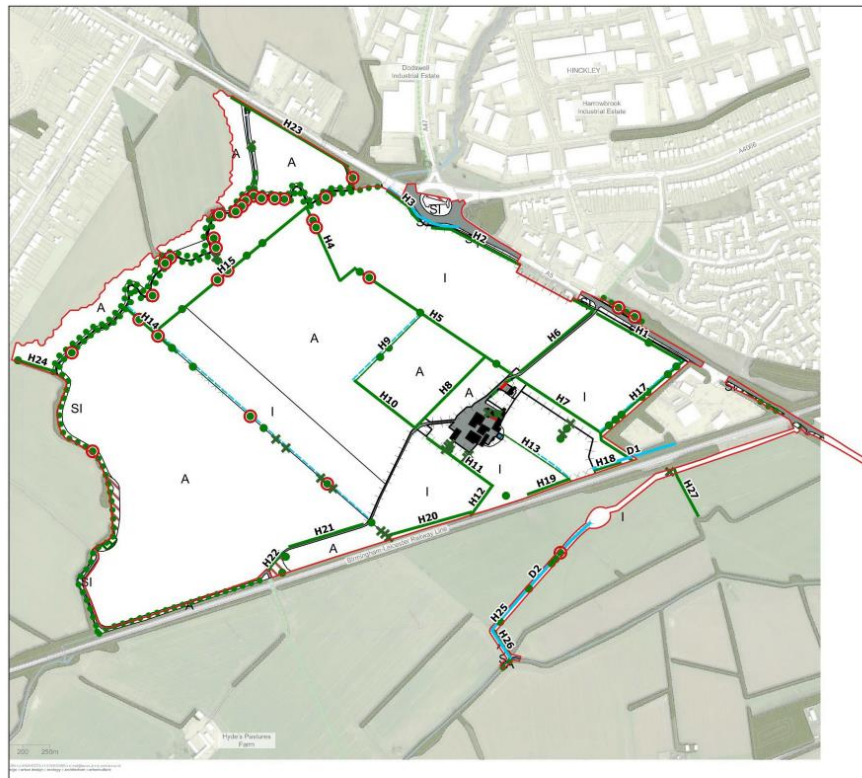
Illustrative Landscape and Green Infrastructure Plan (not to scale)



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

Agrian Development
Padge Hall Farm, Hinckley

fpcr

PHASE 1 HABITAT PLAN

DATE: 15/05/2023
SCALE: 1:200
DRAWN BY: [Name]
CHECKED BY: [Name]

Figure 1

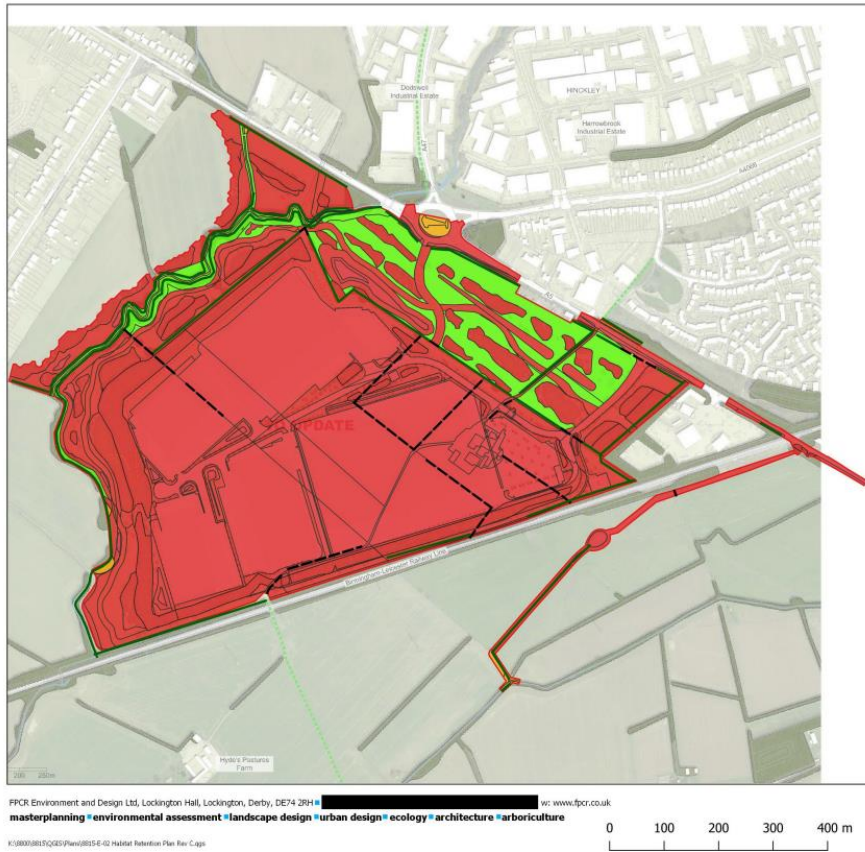
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masterplanning # environmental assessment # landscape design # urban design # ecology # architecture # arboriculture

©188008815/035/Plan/28154-01 Phase 1 Habitat Plan Rev B.dwg

0 100 200 300 400 m

Habitat Retention Plan (not to scale)



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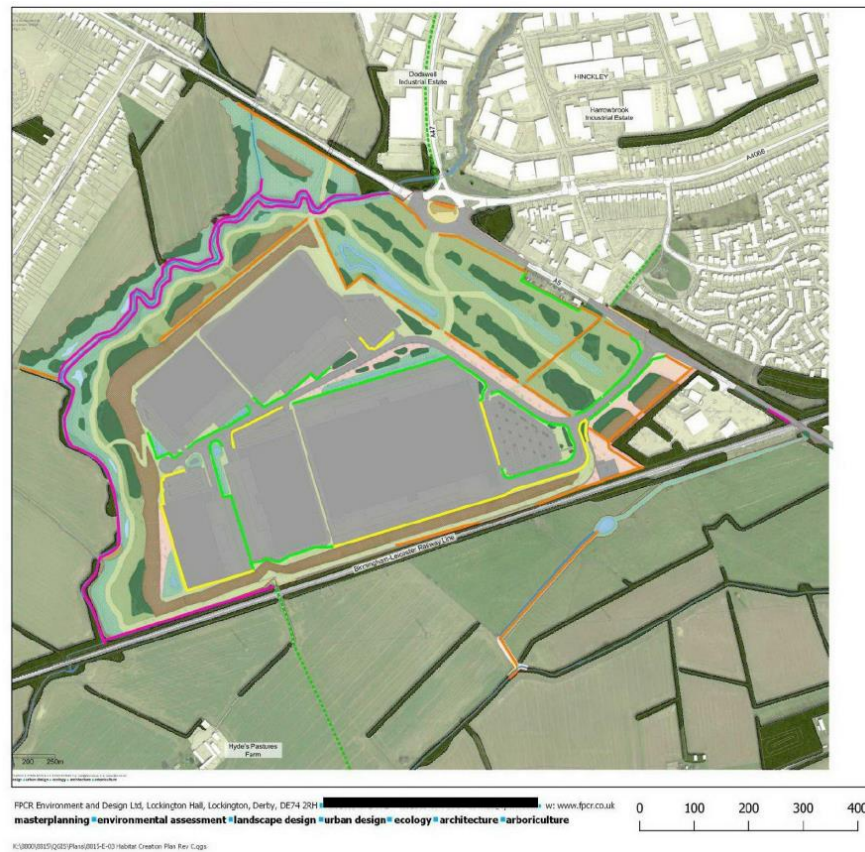
- Key**
- Site Boundary
 - Habitats**
 - Lost
 - Retained
 - Enhanced
 - Hedgerow/Treelines**
 - Lost
 - Retained

Agrarian Development
 Padge Hall Farm, Hinckley

HABITAT RETENTION PLAN

Scale: 1:5000
 Date: 20/02/2023
 Figure 2

Habitat Creation Plan (not to scale)



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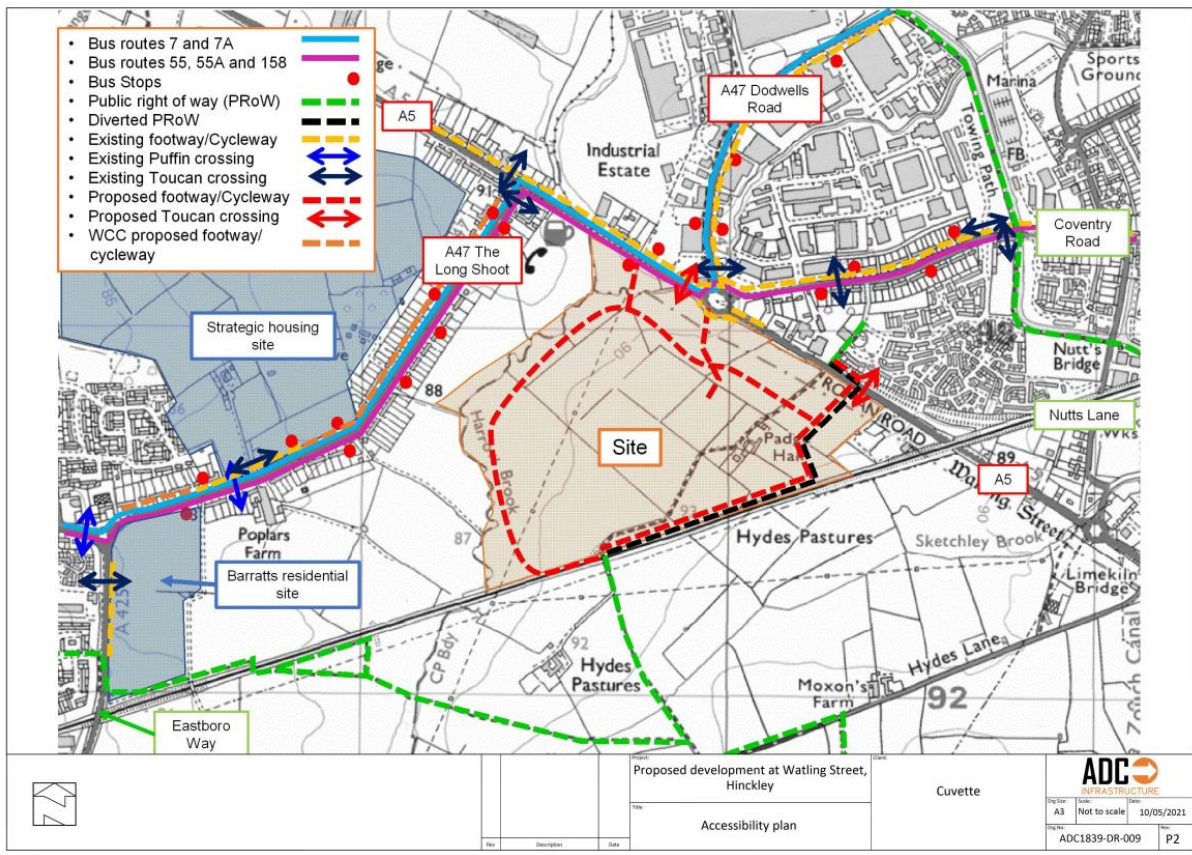
- Key**
- Site Boundary
 - Habitats**
 - Hardstanding
 - Amenity Grassland
 - Meadow Grassland
 - Wet Wildflower
 - Scattered trees
 - Retained and enhanced poor semi-improved grassland
 - Retained scrub
 - Scattered scrub planting
 - Retained and enhanced woodland
 - Structural woodland planting
 - 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

Agrarian Development
 Padge Hall Farm, Hinckley

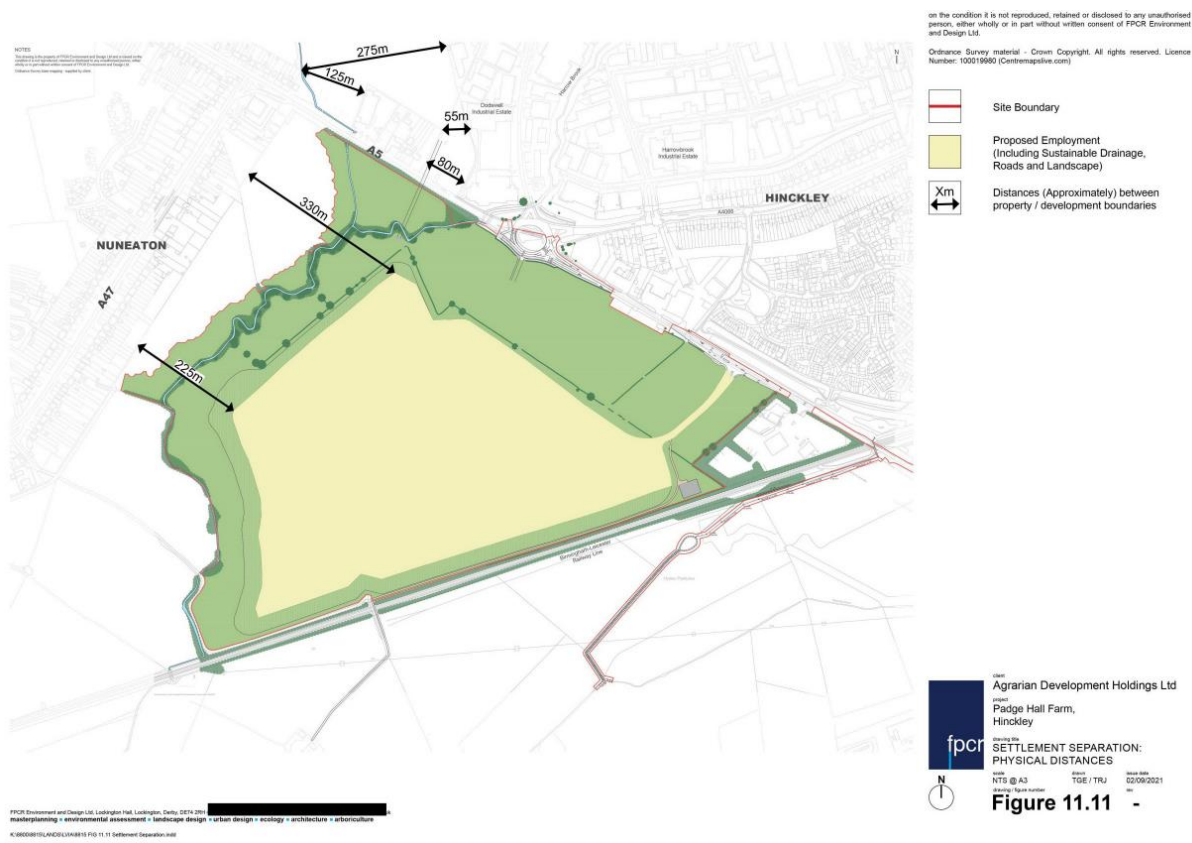
HABITAT CREATION PLAN

Scale: 1:5000
 Date: 20/02/2023
 Figure 3

Accessibility Plan (not to scale)



Settlement Separation: Physical Distances Plan (not to scale)



Operational Noise Contours (Night)



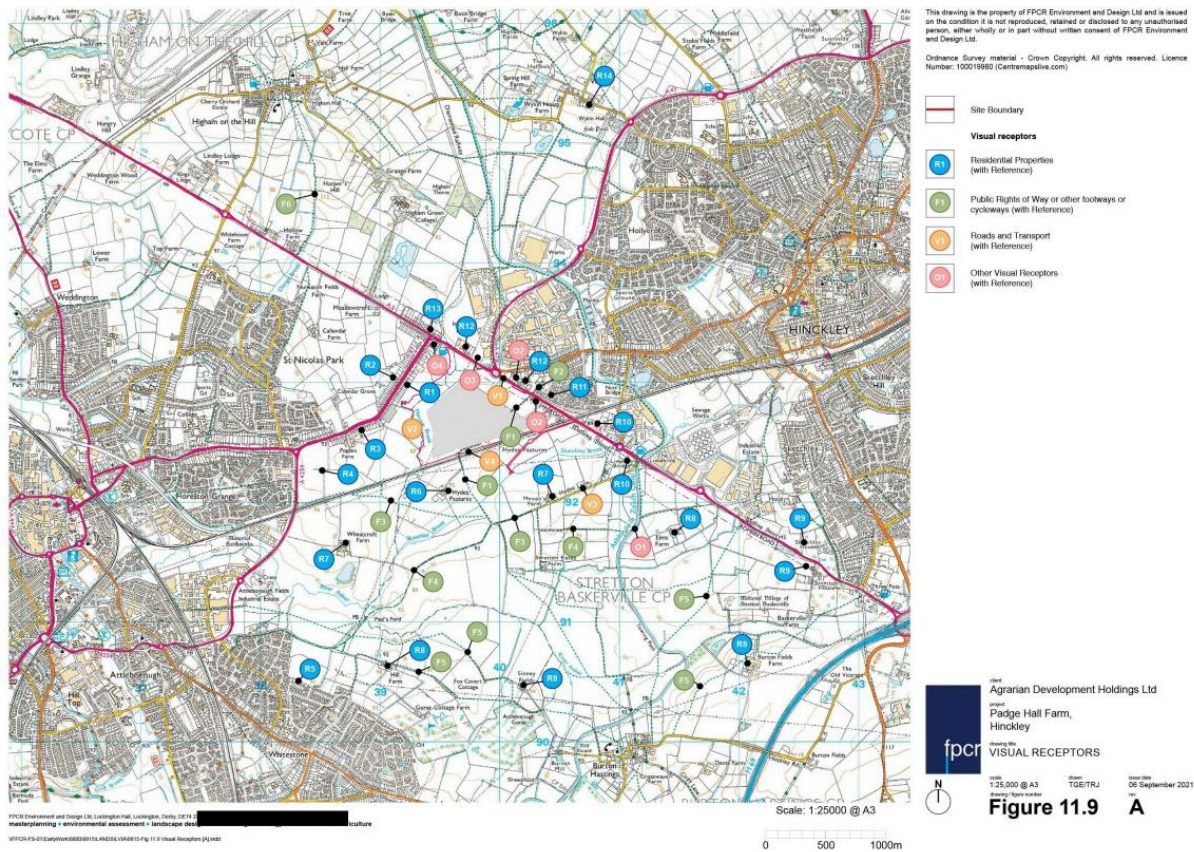
Figure iv Operational Noise Contours (Night) 4.5m height:

Operational Noise Contours (Day)

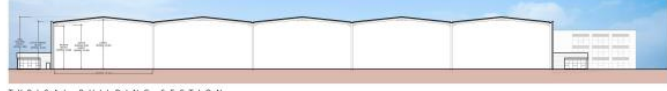
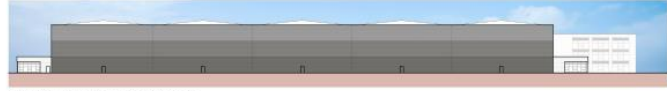
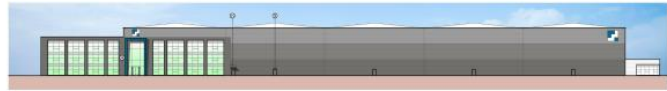


Figure iii Operational Noise Contours (Day) 1.5m height:

Visual Receptors Plan (not to scale)



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



- LEGEND OF BUILDING MATERIALS**
 - EXTERNAL WALL: CONCRETE BLOCK WITH FACED BRICKWORK
 - INTERNAL WALL: CONCRETE BLOCK WITH FACED BRICKWORK
 - ROOF: CORRUGATED GALVANIZED STEEL
 - FLOOR: POLISHED CONCRETE
 - GLAZING: GLASS
 - WINDOWS: ALUMINUM FRAME GLAZING
 - DOORS: ALUMINUM FRAME GLAZING
 - STAIRS: CONCRETE
 - LIFT: CONCRETE
 - CORE: CONCRETE
 - COLUMNS: CONCRETE
 - FOUNDATIONS: CONCRETE
 - RETENTION WALL: CONCRETE
 - FENCING: METAL
 - LANDSCAPING: GRASS AND PLANTS
 - SITE BOUNDARY: RED LINE

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Scale: 1:25,000 @ A3

Project: Agrarian Development Holdings Ltd
Pudge Hall Farm, Hinkley

Scale: 1:25,000 @ A3

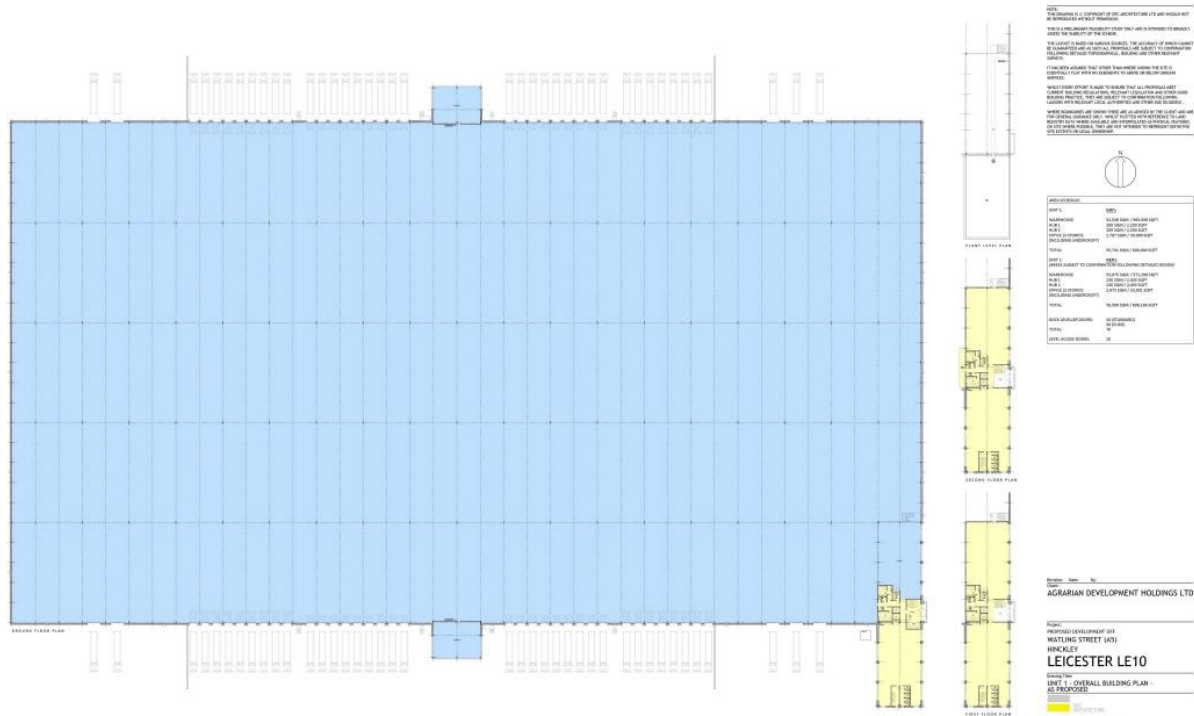
Drawn by: TGT/BJJ

Checked by: TGT/BJJ

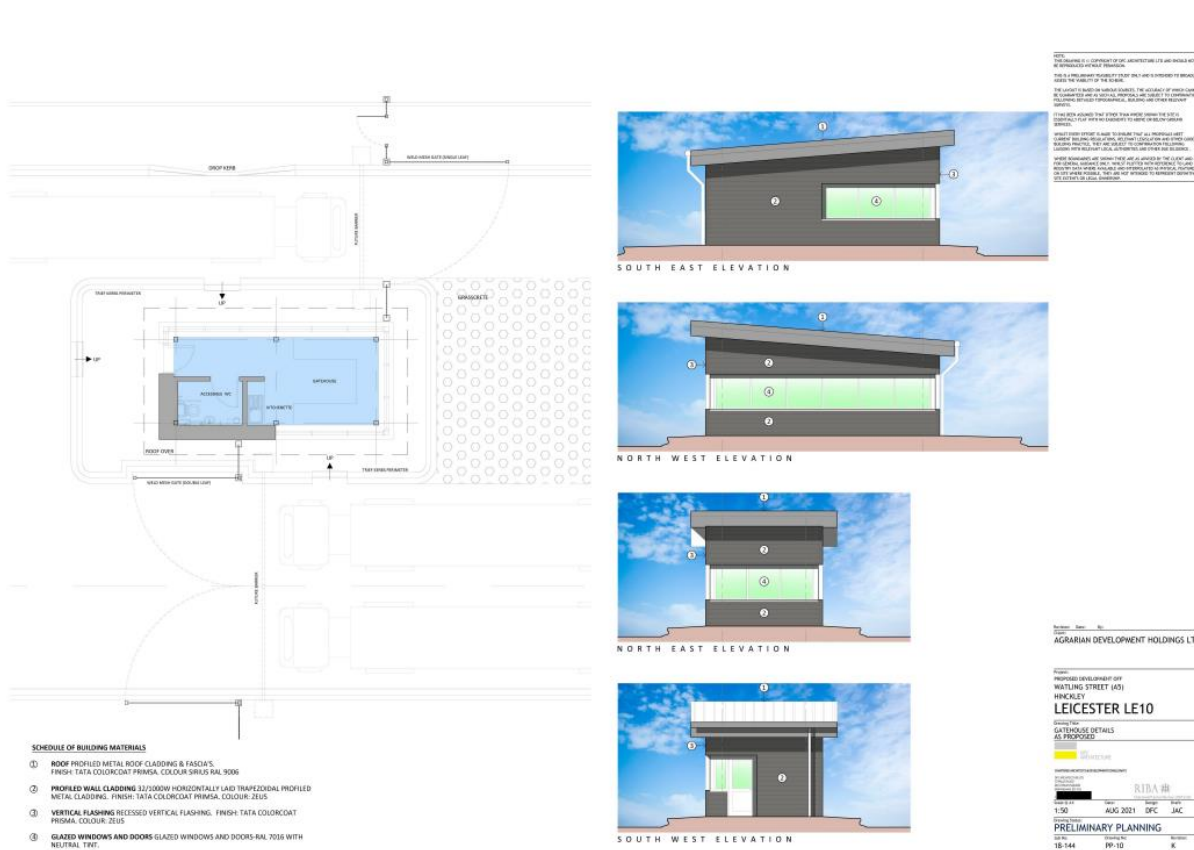
Date: 05 September 2021

Figure 11.9 A

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



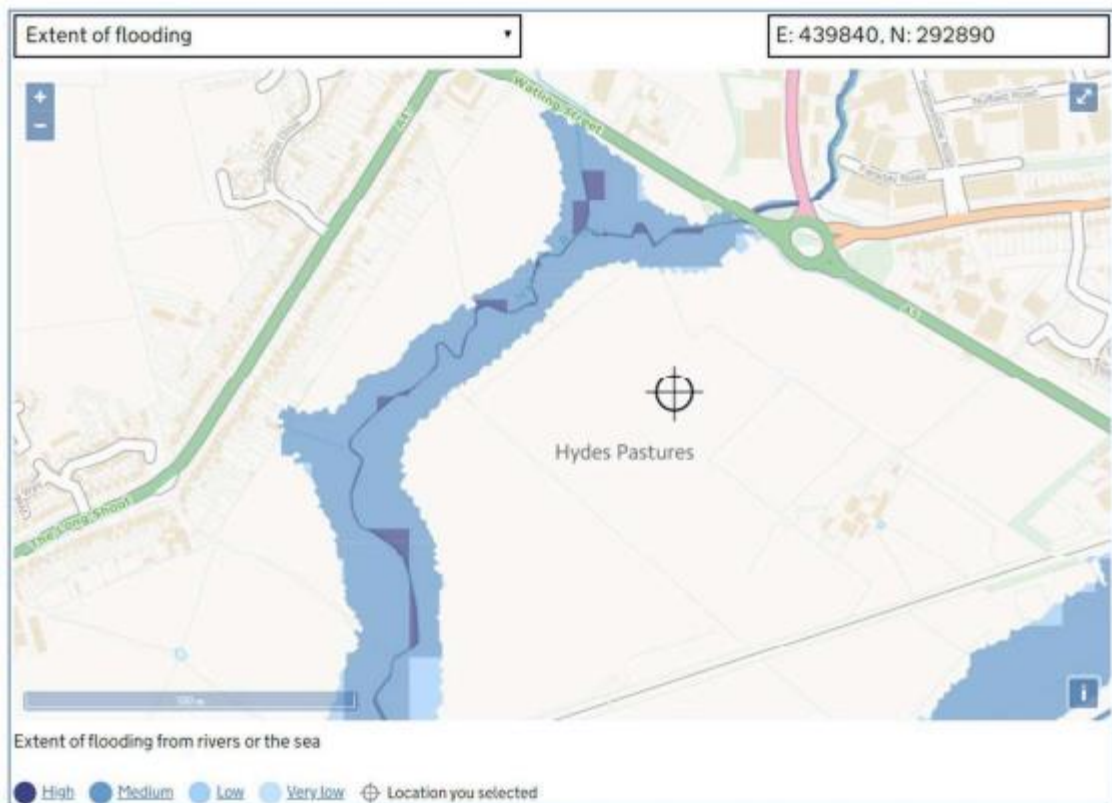
Gatehouse Details as Proposed (not to scale)



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)

TYPICAL WELD MESH GATE DETAILS

TYPICAL WELD MESH FENCE DETAILS

TYPICAL CYCLE SHELTER DETAILS

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

KEY

- Category U - Trees / Groups Unsuitable for Retention (BS 5837:2012)
- Category A - Trees / Groups of High Quality (BS 5837:2012)
- Category B - Trees / Groups of Moderate Quality (BS 5837:2012)
- Category C - Trees / Groups of Low Quality (BS 5837:2012)
- Hedgerow (Colour indicates BS5837:2012 Category)
- Root Protection Area (The RPA has been altered where appropriate to reflect underground constraints)
- Individual / Group Number and BS5837:2012 Category
- Indicative Shade Pattern (in accordance with BS5837:2012 where appropriate)

Scale 1:5000 @ A3

NOTES

All information is to be verified on site. Do not scale this drawing, use signed dimensions only. All measurements are unless otherwise stated. Dimensions are in millimetres unless otherwise stated. Dimensions are in millimetres unless otherwise stated.

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There are many variables that change over time, the condition of all trees and hedgerows may not be covered by the present information. Please refer to the site for the most up-to-date information. The user should verify the accuracy of the information on site.

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Indicative Shade Pattern (in accordance with BS5837:2012 where appropriate)

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21.07.2020 Final Issue TCB

Scale: 1:5000 @ A3 Date: TCB/HR Date: July 2020

815-T-01

client: Oxalis Planning
project: Padge Hall Farm Hinckley
drawing: TREE SURVEY PLAN

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)