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Date: 16th May 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 24th May 2022 at 6.00p.m, with a confidential item considered at 5.30pm.**

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

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 the Virgin Money building (formally the Yorkshire 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 1st March 2022, attached (**Page**).

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control, attached **(Page)**
8. MEMBER CALL IN PROCEDURE – a report of the Head of Planning and Building Control, attached **(Page)**.
9. 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).
10. EXCLUSION OF PUBLIC AND PRESS
RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 12 of Part I of Schedule 12A to the Act.
11. 038626: 228 HEATH ROAD, BEDWORTH, WARWICKSHIRE, CV12 0BN – report of the Head of Planning and Building Control, attached **(Page)**

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

1st March 2022

A meeting of the Planning Applications Committee was held on Tuesday, 1st March 2022, in the Council Chamber.

Present

Councillor L. Cvetkovic (Chair)

Councillor K. Evans (substitute for Councillor B. Hammersley), J. Hartshorn, K. Kondakor, S. Markham, B. Pandher, J. Sheppard, R. Smith, C. Watkins (substitute for Councillor M. Rudkin) and K. Wilson.

Apologies: Councillor M. Rudkin and Councillor B. Hammersley.

PLA54 **Minutes**

RESOLVED that the minutes of the meeting held on 8th February 2022 be confirmed and signed by the Chair.

PLA55 **Declarations of Interest**

Councillor K. Evans informed the Committee that he is on the All-Party Parliamentary Groups for Cricket and for New & Advanced Technologies.

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

PLA56 **Declarations of Contact**

Councillor K. Wilson declared that as Leader of the Council he had met with the agent of Planning Application:038542 at their request. He advised them of his role on the Planning Applications Committee and gave no indication as to how he intended to vote.

IN PUBLIC SESSION

PLA57 **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 PLA57 OF THE
PLANNING APPLICATIONS COMMITTEE ON 1ST MARCH 2022

038542: Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH
Variation of condition 22 of planning permission 034901 to allow a higher
percentage of the employment site to be used for B8 (Storage and
Distribution) purposes.

Applicant: Mr Amit Babbar

Public Statements: None

DECISION

Planning permission be granted, subject to the completion of a Deed of Variation to the original S106 obligation for planning application reference 034901.

038224: 1A Sherbourne Avenue, Nuneaton, CV10 9JH
Change of Use from Commercial (A1/E) to hot food takeaway (A5/ Sui
Generis).

Applicant: Mr D Singh-Sanghera

Public Statements: Councillor M. Tromans

DECISION

Planning permission be refused for the reasons as printed on the agenda.

Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

	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
	L. Cvetkovic	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 	
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Poor's Piece Charity Astley Charity	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	K.A. Kondakor	Electronic Engineer (self-employed)	Design (self-employed) Unpaid director of 100PERCENTRENEWABLEUK LTD	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch • Governor at Ash Green School • Bedworth Neighbourhood Watch • Governor at Ash Green School • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; 	
	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 	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
Director of Wembrook Community Centre.				
Member of the Management Committee at the Mental Health Drop in.				

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	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 <p>Representative on the Digital Infrastructure Board.</p>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>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:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority • Deputy Chairman – Nuneaton Conservative Association • District Council Network • Local Government Association 	

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

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2.	037807	PO	Site 117c003 – Blackhorse Road, Exhall Coventry	
3.	035279	WE	Top Farm, Higham Lane, Nuneaton, Warwickshire, CV11 6BD	
4.	037922	BA	Site 49B005 – Byford Court, Byford Street Nuneaton	
5.	038371	AB	18 Bracebridge Street, Nuneaton, Warwickshire CV11 5PA	
6.	038713	GC	146 Hickman Road, Nuneaton, Warwickshire CV10 9NG	
7.	038634	BE	4-6 Congreve Walk, Bedworth, Nuneaton CV12 8LY	
8.	038769	WB	Faultlands Farm Gipsy Lane, Nuneaton, Warwickshire CV10 7PH	

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. 037237

Site Address: Site 126a001-Wilsons Lane/Pickards Way (B4113) Exhall Coventry, West Midlands.

Description of Development: Outline application for the demolition of existing buildings and the erection of up to 73 dwellings and up to 55,750 sqm of employment/commercial floor space (comprising of 50,000 sqm of B8 use (including 2,500 sqm ancillary E(g)(i) office) and 5,750 sqm of B2/B8/E(g)(iii) uses (including 300 sqm ancillary E(g)(i) office)), complete with access, local area for play (LAP), land remodelling, landscaping, attenuation and the diversion of a Public Right of Way (REF B25) with all matters reserved except for access.

Applicant: Mr Andeep Gill, Pegasus on behalf of L and Q Estates Ltd.

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

This is an Outline application for the demolition of existing buildings and the erection of up to 73 dwellings and up to 55,750 sqm of employment/commercial floor space (comprising of 50,000 sqm of B8 use (including 2,500 sqm ancillary E(g)(i) office) and 5,750 sqm of B2/B8/E(g)(iii) uses (including 300 sqm ancillary E(g)(i) office)), complete with access, local area for play (LAP), land remodelling, landscaping, attenuation and the diversion of a Public Right of Way (REF B25) with all matters reserved except for access.

The site is on the corner of the A444 Jimmy Hill Way to the west, the B4113 Pickards Way to the north which joins via a roundabout to the A444 and junction 3 of the M6 motorway. To the east of the site is Wilsons Lane which is formed largely of 20th Century houses with some earlier cottages. Old Farm Lane is spurred off Wilsons Lane and runs adjacent to part of the site and comprises of residential properties built much more recently. To the south is Gallagher Business Park and Silverstone Drive comprising of industrial and commercial units. To the south is also the open space and Local Wildlife Site (LWS) of Bassford Bridge Meadows. The River Sowe is to the south-western boundary.

The site is pastoral and grass land which is currently accessed from Wilson's Lane. There is a farm complex of buildings (post 1955) which are to be demolished to the north-east of the site. The agricultural land is made up of a number of irregular fields which are bounded by hedgerows. The northern part of the site is constrained by overhead National Grid powerlines and pylons and a Severn Trent Water easement. There are two existing public rights of way across the site defined as B23 and B25. The site gradually falls to the south-west. On the southwestern edge of the site is the

pond/ditch and culvert which provides surface water drainage to the houses in Old Farm Lane and flows into the River Sowe.

The site comprises of approximately 23.14 hectares and is largely within the boundary of Nuneaton and Bedworth Borough Council (NBBC), the rear garden fences in Wilsons Lane and Old Farm Lane are the Local Authority boundary between NBBC and Coventry City Council (CCC) although in minor places the red line extends across the boundary line within Wilsons Lane and also for a small area of land that the proposed employment land is located. The existing residential properties and road for Old Farm Lane (and therefore access to the proposed residential properties) are within CCC's boundary. CCC are also processing a planning application for the part of the site within CCC and which is yet to be determined.

The site was formally Green Belt but was removed from the Green Belt when the site was designated as an Allocated Strategic Residential and Employment site in the 2019 Borough Plan. The Strategic site is known as EMP2. The site is also required to meet some overspill from CCC. As the site is a Strategic Allocated site this has already undergone vigorous investigation as part of the Borough Plan evidence base and was considered acceptable by the Planning Inspectorate for employment and residential development.

The proposed vehicular access for the employment area of the site is off Pickards Way and is to be via a new signal-controlled left in/left out junction with a diverge lane into the site replacing the existing layby. The employment site is to have an emergency access via the proposed shared foot/cycle access path to the north of the site, which carries the diverted Right of Way, terminating in Wilsons Lane. In addition, a 'pick up and drop off area' is to be provided within the employment site to prevent the residential streets close to the site being used for dropping off people travelling to the employment site. A mitigation scheme for the Longford Roundabout has been developed by the Applicant and agreed with WCC Highways for the junction, to be delivered by a Section 278 Agreement works and will include a mitigation scheme to include a new Toucan Crossing on Longford Road, new signage to warn of the HGV ban on Wilsons Lane and to direct HGV traffic into the employment site via the new access on Pickards Way. The vehicular access for the residential element is to be off Old Farm Lane.

An indicative Master Plan has been provided to illustrate that the site can accommodate four industrial employment units which have been split into two employment areas with a likely maximum building height of 18m in employment area 1 (reduced from 24m originally submitted) and 13m in employment area 2 (reduced from 15m in the original plans submitted.) Up to 73 dwellings together with open space and Suds is also proposed. Diversion of the public Rights of Way is also required within the application site. The new residential properties are to be accessed off Old Farm Lane which connects onto Wilsons Lane. A testing layout has been provided to indicate a possible layout for the residential area.

The application has been undetermined for two years with several iterations of amended plans to overcome objections. The amendments include altering the employment access to a traffic signal control; an emergency access to the employment area; widening of the site access road for the residential access; amendments to the rerouting of the footpaths; access from Old Farm Lane to Sowe Meadows for maintenance; greater tree planting and buffers; the addition of an equipped children's play area; increasing the offsetting of the buildings to residential properties and indicating that the employment loading areas and car parks can be located on the opposite side of the new buildings to the residential properties.

BACKGROUND:

Notwithstanding the level of objection, this application is being reported to Committee at the request of Councillor Damon Brown.

This is an Outline application, the only matter to be considered at this stage is:

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

To be considered at a future Reserved Matters stage are:

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

RELEVANT PLANNING HISTORY:

- Proposed drainage details including proposed swale/ditch and attenuation pond in association with approved residential development (outline) at Land to the West of Wilsons Lane, Longford, Coventry (Appeal reference APP/U4610/A/11/2158113). Conditional Approval. 22.03.2013.
- 027482 (5/88). Industrial development (Outline) (Consultation from CCC).
- 0268867 (880036). Industrial development (Outline) (Consultation from Coventry City Council). Objection. 16.03.1988. Appeal Dismissed 23.12.88.
- 023451 (870715). Industrial Development (Outline) comprising Uses B1 and B8. Refused. 23.12.1988.
- 5/88. Industrial development (Outline).
- 10/87. Industrial development (Outline) (Consultation from CCC).
- 113/74. Residential development: warehousing: light industrial use. Refused. 09.09.74.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development.
 - DS2 – Settlement Hierarchy.
 - DS3 – Development Principles.
 - DS4 – Overall Development Needs.
 - DS5 -- Residential Allocations.
 - DS6 – Employment Allocations.
 - DS7 – Land removed from the Green Belt.
 - SA1 – Development Principles on Strategic Sites.
 - EMP2 – Wilsons Lane.
 - E1 – Nature of Employment Growth.
 - H2 – Affordable Housing.
 - HS1 – Ensuring the Delivery of Infrastructure.
 - HS2 – Strategic Accessibility and Sustainable Transport.

- HS3 – Telecommunications.
- HS5 – Health.
- HS6 – Sport and Exercise.
- NE1 – Green Infrastructure.
- NE2 – Open Space
- NE3 – Biodiversity and Geodiversity.
- NE4 – Managing Flood risk.
- NE5 – Landscape Character.
- BE3 – Sustainable design and construction.
- EMP2 - Concept Plan SPD.
- Air Quality SPD 2020.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Aerodromes, Air Police, Birmingham Airport, Cadent Gas, Civil Aviation Authority, Civil Aviation Authority, Coal Authority, Coventry Airport, Coventry City Council, CPRE, Environment Agency, George Eliot Hospital Trust, National Highways, Defence Infrastructure Organisation (Ministry of Defence-Safeguarding), National Grid, Natural England, National Highways, NBBC Environmental Health, NBBC Housing, NBBC Open Space and Tree Officer, NBBC Planning Policy, NBBC Sports Development, NHS/CCG, Open Space Society, The Ramblers Association, Severn Trent Water, Sport England, Stagecoach, Warwickshire Air Ambulance, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection from:

Coventry City Council (Environment Health Officer re noise) and CPRE.

No objection subject to conditions from:

Coventry City Council (Planning, Highways, Flood Risk Management, Rights of Way and Education), Environment Agency, National Highways, NBBC Environmental Health, NBBC Tree Officer, Stagecoach, WCC Flood Risk Management and WCC Rights of Way.

No objection subject to S106 contributions:

NBBC Housing, NBBC Sports Development, WCC Infrastructure and WCC Transport.

No objection subject to S106 contributions and conditions:

WCC Highways and NBBC Open Space.

No objection from:

Defence Infrastructure Organisation, Natural England, NBBC Policy, Sport England, Warwickshire Air Ambulance and WCC Archaeology.

No objection but note required:

Cadent/ National Grid, Civil Aviation Authority, Coal Authority, Warwickshire Police and WCC Fire Safety.

Support from:
The Ramblers Association.

No response from:
Aerodromes, Air Police, Birmingham Airport, Coventry Airport, Severn Trent Water, Open Space Society, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Place Partnership) and Western Power Distribution.

NEIGHBOURS NOTIFIED:

20 Brockenhurst Way, 80 Armson Road, Hawkesbury Village Residents Association 15 Baker Street, 18 Deans Way, Exhall Residents Association 12 Park View Close, 663 Woodway Lane, 213 Longford Road, 93C Bennetts Road South, Ash Green Residents Association 56 Vicarage Lane, 140 St. Giles Road, 1-10 (inclusive) The Moat House, Chasewood Lodge, McDonnell Drive, Longford Community Action for our Neighbourhood (C.A.N) forum 2 Sutton Stop, 7, 37 & 52 Woodshires Lane, 292 Bedworth Road, 13 & 17 Grindle Road, 65 Grange Road, 3 Sydnall Road, Applied House, Novotel, 10 – 72 (even), 14A, 23 – 43 (odd), 49 – 119 (odd), 96 – 104 (even), 116 – 126 (even) Wilsons Lane, Units 1 – 9 (inclusive) Amphion Business Park Silverstone Drive, The Trade Centre UK, 1, 2 Silverstone Drive, 2 – 48 (even) 1 – 39 (odd) Old Farm Lane 1 – 7 (inclusive) 9, 1B, 1C, 3B, 3C, 5B, 5C, 7A, 34, 55, 62 Rowleys Green Lane.

Neighbouring properties were sent letters notifying them of the proposed development on the 29th July 2020 and further letters on the 6th August 2020 and amended plans sent on the 18th June 2021 and 22nd March 2022. Four further properties were notified on the 4th April 2022. 15 site notices were erected on street furniture on the 28th July and 9th August 2020 and the application was advertised in The Nuneaton News on 26th August 2020.

Consultations were sent to Ward Councillors of NBBC and CCC as well as MP's Marcus Jones, Craig Tracey, Zarah Sultana, Colleen Fletcher and Taiwo Owatemi.

NEIGHBOUR RESPONSES:

There have been 59 responses from 26 addresses and 26 responses from 12 people with no address provided. The comments are summarised below;

1. Changes to plans are welcome but still inappropriate.
2. Access to planning details limited due to Covid.
3. Location address and description was originally misleading, and documents were missing.
4. Site notices were pulled down.
5. The adopted Concept Plan and Air Quality Supplementary Planning Documents are a material consideration and have not been considered.
6. Unclear on petition arrangement.
7. Need to consider petitions sent to CCC as well as the petitions sent to NBBC.
8. Design doesn't follow the Concept Plan in terms of locations of houses and 100m buffer.
9. Should be treated like the planning application for Prologis that has an acoustic bund topped with a 2m acoustic fence, woodland edging, outer core of 52-53m and 10m height restriction near houses increasing to 18m which is 95-98m from houses. The gap to houses on this site is too narrow and will cause an alleyway.

10. Approval for the other strategic employment site in Wilsons Lane was approved and requires a landscape buffer and limits use to Class Use E(g) (formally B1) which is for industry that can be carried out in residential areas without detriment to residents. 100m landscape buffers have been used in adjacent development and which has extended the Local Wildlife Site.
11. Use of a 2m noise barrier is insufficient
12. Units are closer to houses than previously envisaged and there should be wider gap to allow wildlife corridor and for tree planting. This will exacerbate fly tipping.
13. Should be a 100m buffer to houses as required by Secretary of State.
14. Should limit building height to 10m.
15. Devaluation of houses.
16. Would put significant pressure on infrastructure in area.
17. Already empty units in area, don't need more industrial sites.
18. Inappropriate to put this type of use near to houses. Warehouses can regularly catch fire, no emergency access to the employment use is to be provided.
19. The footpaths B23 and B25 are precious to local residents providing walks and have historical significance and has been used since Medieval times. The underpass and bridges require works. Diverting B25 will mean this can't be used instead of the underpass. Footpaths are to be diverted near to SUDS so will be impassable during prolonged rain.
20. Site is part of a historic landscape and will include loss of ridge and furrow.
21. Pedestrian and cycle path into site from Wilsons Lane will mean employees will be waiting for lifts so there could be people and car noise on Wilsons Lane 24 hours a day.
22. Severe impact to views. Visual Impact assessment states views will be severe. Impact Assessment is flawed as doesn't show proposed views. There will be views of units as far as Corley Services, Sole End Farm (past Bedworth Woodlands), Tamworth Road (Coundon Hall Park), Whitmore Park, Old Church Road, Wyken Slough, Bulkington Bridge and the area of Shilton and Barnacle and will have even more impact than the Ricoh.
23. Due to proximity and height of buildings this will cause loss of privacy, loss of sunlight; oppressive sense of enclosure; loss of views and overlooking to the existing residential properties.
24. Appeals and previous objection letter provided from 1988. Site was refused in the 1980s for industry/warehousing.
25. There was a Longford Area Action Plan in 1978 which should be considered as well as Bedworth Local Plan from 1987 and letter from Severn Trent dated 1987? re land required for flood storage.
26. Type of buildings proposed will not require a large amount of employment.
27. ONS figures for Coventry have been overestimated and are being contested. The overspill necessary for Coventry City Council is likely to be reduced.
28. Housing layout doesn't demonstrate that 73 houses can be built or information on parking, cycling and bin storage for these houses.
29. Building for life not used.
30. No Construction Management Plan has been provided.
31. Question the removal of the site from Green Belt. Inspectors in 1980's considered the land functioned well as Green Belt. The area of the land considered for Green Belt at the 2019 Borough Plan Examination included a larger area which had development and therefore the Green Belt assessment

- concluded it had low Green Belt score. The Borough Plan Review might consider the removal of this as a Strategic Employment land.
32. Undermine distinctiveness of Woodshires Green and locally listed buildings in Wilsons Lane.
 33. Doesn't use Secured by Design guidance.
 34. Height of proposed units are not in keeping with area.
 35. The path diversion is inappropriate.
 36. Area currently used as carbon capture, and which will be lost.
 37. Doesn't consider global warming.
 38. Local residents' gardens already flood and some have to run pumps during heavy rainfall which are costly. Photographs provided of flooded gardens.
 39. Will lose a floodplain.
 40. Large amount of excavation will be required for the proposed units which could mean they flood, and piles could affect historical mining shafts and contaminated landfill.
 41. Flood Risk Assessment has flaws. Area floods and needs to provide flooding alleviation for other areas prone to flooding. Houses in Old Farm Lane require the existing Suds on the site and it's unclear if these will be affected.
 42. New footpath to rear of houses in Old Farm Lane will give easy access to burglars.
 43. Area is prone to flooding.
 44. Will impact health and wellbeing of people in area.
 45. Noise is already bad in the area. Development will increase noise over legal limits and will be 24/7. Units will increase pollution due to size.
 46. Noise from external plant could be an issue such as cold stores for nearby residents and users of the footpath. This was conditioned for another application.
 47. Will cause vibration and noise issues whilst being constructed.
 48. Urgent need for play facilities in the area.
 49. Will be noisy forklift trucks moving around.
 50. New units will have 24 hours a day impact of noise, light and air pollution to local residents.
 51. Air Quality Assessment is flawed and there will be an impact to air quality as Coventry City Council has a city-wide Air Quality Management Area. Especially a problem in the B4113 - B4119 corridor as well as from dust, noise and odour. Will make residents asthma worse?
 52. Health Impact Assessment may not consider height and proximity of the proposed units. Noise Assessment is flawed, and noise will impact existing and proposed houses and flora and fauna in the area.
 53. Doesn't provide adequate contributions to transport upgrades, schools, play and open spaces or cycle routes.
 54. Health Impact Assessment should be updated to reflect new layout.
 55. Need to put restrictions for business hours.
 56. Noise impact should include dropping off and picking up.
 57. Will have to move as work from home and will be too noisy.
 58. Negative affect on biodiversity and loss of green infrastructure. The area provides great ecological value for endangered birds; bats; hedgehogs; frogs and deer and proposal may affect protected species such as birds, bats, voles and slow worms.
 59. Hedgerows and footpath need to be retained.
 60. Site should not be used for employment and housing but for green space, wildlife, biodiversity, flood storage, adaptation to climate change and to improve health.

61. New road into Sowe Meadows will impact biodiversity. Secondary access should be considered at this stage not through another planning application. This will affect the Local Wildlife Site (LWS). Also, foul water drainage run is proposed through the LWS.
62. Badger details should not have been released to public and the mitigation proposed of moving the sett is not acceptable.
63. Possible impact on LWS and potential local wildlife sites.
64. Preliminary Ecological Appraisal is insufficient.
65. Needs larger buffers to woodland, watercourse, ponds and hedgerows.
66. Site needs to provide green infrastructure, children's play area, community facilities and sports equipment as well as allotments.
67. Wilsons Lane already inappropriately used by HGV's causing damage.
68. As no proposed bus infrastructure, this will mean more people waiting at the bus stop which will cause noise nuisance.
69. Transport Assessment and Employment Trip Assessments are inadequate.
70. The site is not sustainable. Distances to schools are 'as the crow flies' and schools are full so residents will have to use cars to get school children to school.
71. Already impossible to park on Wilsons Lane.
72. GP surgeries in area already stretched.
73. Travel Assessment is inadequate; will there be adequate parking and doesn't include new consents in the area like the 300 houses at Hawkesbury.
74. Vector modelling is out of date.
75. Already long queues in area and takes an hour to get to work.
76. Queues on Longford roundabout will impact response times for ambulances especially when events are on at the Ricoh.
77. Impact on highway safety especially when the area becomes grid locked.
78. Cycle lanes need to be funded and bus route is limited.
79. National Cycle Network Route 52 is unsuitable for commuting.
80. Impact on highway safety, already serious incidents and fatalities along Longford Road. B4113 was stated in newspaper as being the worst area for serious and fatal collisions. Old Farm Lane can't take another further 73 dwellings.
81. Surveys carried out during Covid so give inaccurate readings.
82. Traffic modelling doesn't include Ricoh and Kersley Link Road.
83. Should provide HGV stacking plan and air quality modelling. What precautions will there be to prevent HGV's driving into Wilsons Lane? Are HGV Good Vehicles Operators Licence monitored for impact to road modelling.
84. Is the Coventry North Transport Package and residential locations for the Keresley SUE considered in the modelling?
85. ONS article states transport and storage is the largest increased industry in the area but employment has not increased proportionately. Transport and storage workers have lower pay than average and work longer hours and industry has highest carbon footprint so is not economically or environmentally beneficial.
86. Land for employment since previous Borough Plan Examination has decreased. Already a doubt on the gigafactory proposed at Coventry. If this factory fails, what impact would it have on the employment land in Coventry?
87. The desperately needed improvements to the M6 Junction 3 will impact on this site, so development should not be planned until there is a clear understanding of what the roadwork improvements will entail.
88. People are leaving Coventry as it is turning into a concrete jungle.
89. Once land is lost to development it can never be turned back to green fields.
90. Plans show a dotted line and potential for road extension to Gallagher Business Park which could lead to a future planning application.

91. Will impact on Coventry North Transport Package. Roadwork plans don't show impact of bridge or the proposed road widening.

Additionally, 5 responses of objection from CCC Councillors L Bigham and G Duggins have also been received raising the following additional points:

1. Will have catastrophic impact on residents in the area.
2. Particularly concerned about effect of increased pollution on people's physical and mental health, air pollution and other effects on the environment.
3. Concerned with increased flood risk.
4. Longford is most deprived wards in Coventry and this development will exacerbate health issues including air quality.
5. Air quality and NO2 monitoring sites at sites at Oakmoor Road and Windmill Road have not been considered. Traffic from this site would of necessity use the Longford and Foleshill Roads, which are areas of dense population. Currently whenever there is an incident on the M6 junction 3 there are traffic queues on the B4113 Bedworth/Longford Road on Grange Road, Oakmoor Road and Windmill Road. Why are these monitoring sites not being considered within the application?
6. Should be height restrictions like the strategic site at Prologis currently being considered which has a height restriction of 10 to 16 metres.
7. The new footpath will be noisy with car doors banging with people being dropped off and picked up. and will cause light pollution day and night against design principles. Cycle route and footpath should be on different paths.
8. The fields are the last vestige of open space and instead of a small park proposed should provide a football pitch and games area as there is too long a distance to other play and sports areas. Other pitches have been lost over the years and built on.
9. Overdevelopment.
10. The Royal Commission on Environmental Pollution in 1971 and the Deposit of Poisonous Waste Act of 1972 came about because of what was dumped in near vicinity to this site as well as others. Much of Longford is built on tips, disused coalmines and shafts. Previous decade's view of using Longford as a tip area and for industry is now outdated.
11. Heavy traffic is not acceptable in a residential area. The extra traffic will stop the expansion of the Arena and other employment areas in the north of Coventry.
12. Flooding is common in this area and flood storage would be reduced.
13. Land is important for greenspace and biodiversity and could be used for climate change mitigation.
14. Land has historic interest.
15. The excavation could unearth contamination, mining and effect water table.
16. Ricoh events have not been considered or safety with regard to walkers and cyclists or the impact to Tesco's or the Ambulance station.

Petitions:

Both CCC and NBBC have received petitions. An electronic petition of 182 signatories was sent to CCC in 2021 but receipt of this type of petition is not currently available at NBBC. However, a local resident requested this was included in the agenda. This electronic petition stated:

1. Development is inappropriate within a residential setting and would have a detrimental impact on health and wellbeing. Residents within Woodshires Green would suffer from oppressive views, poor air quality and be constantly disturbed by light and noise pollution. The 'shared use path' could also increase levels of

crime within the area; it is unsafe to create what would effectively be an alleyway behind people's homes. Furthermore, we believe the development would cause traffic chaos along the B4113-B4119 Corridor, A444 and M6 J3.

2. We also request that L&Q Estates resubmits a masterplan and assessments which include the following so that they can be addressed at the outline planning stage:

- A landscaped buffer zone of at least 100m to the east of the site as stipulated in the past by a Secretary of State to 'provide an important environmental safeguard for local residents.'
- A limit of 10m on building height.
- Details about the route of the second access road if there is an intention to connect the site to Silverstone Drive at any point in the future.
- Junction analysis at Oakmoor Road and Windmill Road.
- Analysis using data from the air quality monitoring sites at Oakmoor Road and Windmill Road (i.e., LR1-3).
- HGV route plan including alternative routes for when there are issues on the M6 or A444 with traffic and air quality modelling for these routes.
- Traffic modelling which takes the Coventry Building Society Arena (e.g., Major Event Days) and the Keresley Link Road into account.
- Stacking plan for HGVs.
- Noise impact of the 'shared use path' and pick-up/drop-off in the wider area.
- Noise and vibration impact of piling on properties within Old Farm Lane and Wilson's Lane.
- Impact of light pollution especially on the River Sowe, Local Wildlife Sites and residents living in Old Farm Lane and Wilson's Lane (e.g., employee car parks and 'shared use path').

The initial consultation period was carried out during lock down so petitions were problematic and necessitated these being sent from single households. However, the petitioners requested that these were considered as one petition. There were 293 signatories in total stating:

1. 24 hours industrial buildings in a commercial area are not appropriate and will impact health and quality of life.
2. Will cause oppressive views, poor air quality and light and noise pollution and disturbance.
3. Air Quality and Transport Assessments are not fit for purpose. Doesn't include impact to air quality on B4114/B4119, impact of HGV movements including the proposed fuel area close to residential properties or up to date traffic modelling. Impact to air quality within the area especially within Ash Green and its neighbouring communities, A444 and M6 J3.
4. Height of units is equivalent to the height of 5.5 double decker buses.
5. Impact on traffic levels.
6. Ash Green Residents' Association believes that infrastructure should be put in place before construction is permitted.
7. Furthermore, a review of road signage and weight restrictions should be undertaken, and protections implemented to ensure that HGVs do not use residential roads.
8. A transport assessment which include analyses for through roads and their junctions within Ash Green.
9. A transport assessment which includes the impacts of the Keresley Link Road and proposals to remove the right-hand turn into Ash Green.

10. A transport assessment which takes major event days at the Coventry Building Society Arena into account.
11. An HGV routing plan which includes alternative routes that may be used within Ash Green and its neighbouring communities. Particularly, covering circumstances when there are traffic related issues on the M6 or A444. The transport and air quality assessments should also include analyses for these.
12. An HGV stacking plan.

Two letters of objection from Ash Green Residents Association objecting on grounds of:

1. Visual Impact Assessment doesn't give true illustration.
2. Will be blot on the landscape.
3. Impact on traffic levels and air quality which are already an issue, especially when an accident occurs on the M6.
4. Infrastructure should be put in place before development.
5. Will need to review road signage.
6. Transport Assessment should include impact to Ash Green, Ricoh and HGV stacking plan.

APPRAISAL:

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

1. The Principle of the Development
2. Compliance with the Concept Plan.
3. Employment Growth.
4. Impact on Greenbelt.
5. Impact on Residential Amenity.
6. Affordable Housing.
7. Impact on Visual Amenity and Landscape Character.
8. Impact on Biodiversity, Footpaths, Open Space and Trees.
9. Health, Air Quality, Noise and Contamination.
10. Impact on Highway Safety, Traffic Flows and Accessibility.
11. Flooding and Drainage.
12. Impact on Heritage and Archaeology.
13. Planning Obligations.
14. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraph 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

The site is considered to be sustainable with schools, bus stops, post office and a local store in fairly close proximity as well as existing employment sites, the Ricoh Arena commercial shopping centre and train station. The National Cycle Network Route 52 also borders the site.

In terms of the Borough Plan Policies the application is considered as follows:

Policy DS2 which refers to settlement hierarchy and states that most development will be directed to Nuneaton as the primary town in the Borough. It also states that development will be directed to other settlements at a scale that reflects the role and function of the settlement, as well as the settlement's ability to accommodate change. The application site is considered to be within the 'northern fringe' of Coventry and so in principle is considered to be a sustainable location for development especially due to its proximity to the motorway and Classified 'A' roads.

Policy DS3 states that all new development is to be sustainable and high quality and should be fully supported by infrastructure provision, environmental mitigation and enhancement. It states that new development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment, and local infrastructure. The proposal is within the settlement boundary.

Policy DS4 refers to the overall development needs between 2011 and 2031 to provide at least 14,060 homes and 107.8 hectares of employment land. This proposal would contribute 73 homes and 55,750 square metres of employment floorspace (on a site of some 19.09ha), which would contribute to this Policy requirement.

Policy DS5 discusses strategic and non-strategic residential allocations. The housing numbers which informed the Borough Plan included the growth of the Borough over that period and some distribution of housing need/supply from CCC's area (Memorandum of Understanding). The site has been allocated for residential development and associated infrastructure uses. The site to which this application relates is EMP2 and which is allocated for 73 dwellings. These Strategic Allocations and housing numbers are critical for the Council to meet its Five Years Housing Land Supply. Failure to do so would mean speculative applications for non-allocated sites would come forward and without five years supply the tilted balance would be to approve these as has happened previously over the years.

Policy DS6 discusses employment allocations and the site is EMP2 allocated for 18 hectares of employment uses. This application states that 55,750 square metres of employment uses will be provided.

Policy DS7 refers to Green Belt and sets out the areas of land within the Borough that have been removed from the Green Belt which is relevant to this site. However, this removal and the site for its allocated use was assessed by the Inspector when the Borough Plan was examined and considered acceptable by the Planning Inspectorate.

Policy SA1 sets out 11 requirements that proposals on all strategic sites should meet. Where relevant, the principles have been met by this proposal with the exception of bullet points 2 and 9, namely the loss of the hedgerow which runs along public right of way B25 and the loss of ridge and furrow features. This is dealt with in more detail later on in the report.

Policy EMP2 deals specifically with this site. The Policy for this site identifies two areas for housing and one area for employment. This application covers these areas but instead, offers the housing element in one area in the southern part of the allocation. Notwithstanding this, the key development principles of the Policy would largely be met by this proposal and are as follows.

Strategic employment site EMP2 will be developed for employment, comprising use classes B1, B2 and B8, as well as residential uses.

Key development principles

- 1. Provision of approximately 18 ha of employment land.*
- 2. Provision of approximately 73 dwellings in a mix of dwelling types and sizes.*

Employment

The strategic employment site will deliver the following infrastructure and facilities:

- 3. Any transport improvements / new junctions and upgrades required along Phoenix Way.*
- 4. Financial contribution towards the management and enhancement of the wildlife areas to the south of the site.*
- 5. Developer contribution towards diverting existing frequent local bus service(s) into the employment site in order to enhance accessibility for local residents.*
- 6. Developer contribution to secure provision of bus infrastructure at prominent locations within the employment site in order to complement the point above.*

Housing

The strategic housing site will deliver the following infrastructure and facilities:

- 7. Transport improvements and upgrades required along Wilsons Lane, including the junction with the A444, and appropriate provision for pedestrians and cyclists.*
- 8. Play and open space to be provided with appropriate management and maintenance arrangement, or a financial contribution towards the upgrading of local play/sports facilities.*
- 9. Financial contribution towards primary education at local schools in order to meet anticipated demand for school places.*
- 10. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.*
- 11. Financial contributions towards borough-wide strategic highway infrastructure works.*
- 12. Potential local sewage network improvements in order to improve capacity to accommodate the development, subject to discussions with Severn Trent Water.*
- 13. Contribution towards the delivery of Sustrans' proposal to provide an enhanced cycle route along Coventry/Longford Road.*
- 14. Financial contribution for primary medical care to be given to NHS Warwickshire North Clinical Commissioning Group or successor body.*

Form of development

- 15. Locate larger B2 and B8 uses to west of the landscape corridor on the lower ground, with smaller scale development on the more visible higher ground next to the housing site EMP2 and existing residential development on Wilsons Lane.*
- 16. Retain areas of ridge and furrow within open spaces.*
- 17. For the housing sites, provide appropriate tree planting in the street scene and rear gardens to help the development integrate into the landscape.*
- 18. Maintain an appropriate landscape buffer to western and northern boundaries.*

19. Provide an appropriate landscape treatment to the eastern boundary of the site with a mix of open ground, shrubs and trees in order to provide a mix of open and filtered views westwards across the River Sowe valley.
20. Retain the section of public right of way routed through the middle of the site within a landscape corridor (with appropriate tree & shrub planting and open ground) and maintain views from the public right of way towards the western side of the River Sowe Valley.
21. Provide ecological enhancements and maintenance to the River Sowe and its floodplain in the south-west corner of the site, as well as a vehicular access route to Sowe Meadows local wildlife site to allow maintenance of the site's wildflower meadows.
22. Retain and strengthen the central hedgerow in order to maintain an east-west network of green infrastructure.
23. Provide a wayleave for the electricity pylons through the site.

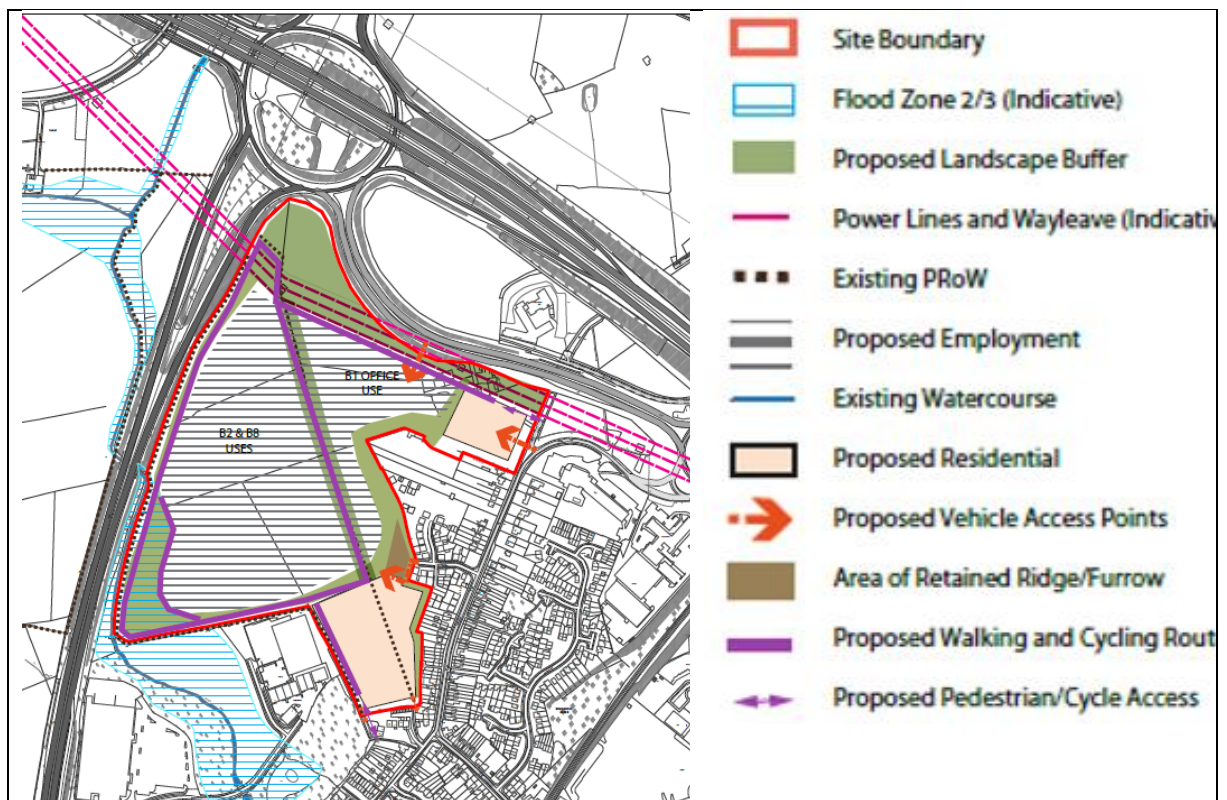
It is considered that the only points that have not been met are 16, 20, and 22. These are similar to the points not met in SA1 and will be addressed later in the report.

Since the plan's adoption, the principle of this site for development has been established given the amount of background research, and consultation on The Borough Plan over a long period.

Overall, it is considered that the principle of development is already established by its Strategic Allocation status. The application details shows that the principle of the development is acceptable.

2. Compliance with Concept Plan

A Concept Plan has been created for the site and is as follows:



The Concept Plan shows the area of employment but with two areas for residential. The proposal is contrary to the above as the northern parcel indicated as housing has been allocated as employment land with all the quantum of housing provided within the southern residential section. This would have meant that the proposed northern residential element would have been in close proximity to overhead powerlines and would be closer to the road noise and air quality of the B4113 Pickards Way and M6. It is considered that this non-conformity is not significant.

The Concept Plan shows the existing footpath retained through the middle of the site as well as the retention of the adjacent hedgerow. However, the Applicant has advised that having the footpath through the employment area could provide a safety risk for pedestrians and instead the footpath has been diverted to the western edge within the landscape buffer. The loss of the hedge whilst very disappointing is because this dissects the site in the middle of the employment land and would in reality be difficult to make the site viable and practicable as an employment site.

The proposal is considered to be largely in compliance with the Concept Plan and where it is not, there is sound reasoning for the deviation. The design has come about by the gradual evolution of the scheme over time necessary to facilitate the employment use on the site. The Concept Plan states that existing roadside hedges on the boundaries are to be retained and enhanced and this is still the case.

3. Employment Growth

Policy E1 of the Borough Plan establishes the nature of employment growth. This application is for an economic use on a Strategic Employment Allocation. The Policy states that applications for economic uses on Strategic sites will be approved subject to them satisfactorily meeting the Policies in the plan and that applications will be considered favourably if they can demonstrate the following:

1. Inward investment development, providing high quality and high-density employment opportunities.
2. Employment sectors in line with those prioritised in the Economic Development Strategy, which include:
 - a. Advanced manufacturing
 - b. Professional services
 - c. Research and development
3. The generation of permanent jobs that will help diversify the local economy.
4. Employment and training schemes to maximise local employment opportunities and help address skill deficits in the local population.

The proposal being considered is for use classes E(g) offices (formally known as class use B1); B2 which is for general industry and B8 which is for storage and distribution. These uses are all explicitly mentioned in EMP2, and the Policy provides no limitations on which uses are where. Therefore, it would be difficult to refuse any of these uses as it would be against the Policy wording.

According to the supporting Planning Statement submitted with the application, the employment element of the site could potentially accommodate an estimated 1,074 jobs. This is considered to weigh in favour of the proposal.

4. Impact on Greenbelt

The site was removed from the Green Belt when it was established as a strategic site. Justification for this would have been provided at the time of the Examination. In the

Inspectors Comments in the Final Report on the Borough Plan in 2019 in relation to the removal of this site from the Green Belt for employment purposes, the Inspector stated that:

61. Ash Green, Neal's Green and parts of Keresley are situated very close to the urban edge of the northern fringe of Coventry. I recognise that the narrow green wedges of open countryside to the south of the M6 which separate these communities from Bedworth, the M6 and parts of Coventry are important to local communities. Nonetheless, the proximity of urban Coventry and the M6 are palpable. These are not detached, isolated settlements. The submitted plan appropriately responds to this and allocates an appreciable area of land at Pickards Way (EMP2) for primarily employment purposes.

238. The proposed allocation would be contained by the existing physical features described above and the A444 to the west would form a clear, recognisable and permanent new boundary to Green Belt. The degree of encroachment into countryside would be limited and the allocation would not result in unrestricted sprawl or result in the merging of Longford with Ash Green. There would remain a good degree of separation to Neal's Green (even when taking site NUN286/317 into account) and Ash Green to the west. EMP2 would, in a modest way, consolidate the extent of development along the B4113 corridor but I do not find it harmful to the purposes of Green Belt which are already weak at this urban location. Overall, there are exceptional circumstances, at both the strategic and site-specific levels, to alter the Green Belt boundary at this location.

It is therefore considered that the removal from the Green Belt has been established by the Planning Inspectorate.

5. Impact on Residential Amenity

Policy BE3 of the Borough Plan refers to sustainable design and construction and states that development proposals must be designed to a high standard and must also contribute to the local distinctiveness and character by reflecting the positive attributes of the area. The Policy lists key characteristics to review in relation to urban character.

In terms of layout, scale, appearance and landscaping, these are all elements that are not to be considered under this current application but at Reserved Matters. Only the principle of the development and access is currently being considered. Whilst an illustrative Master Plan has been provided, this is purely to demonstrate that the proposed development can be achieved. It is a legal requirement for Outline applications to provide enough information to allow a proposal to be properly assessed and this includes details of the proposed uses; amount of development; indicative layout and access and the upper and lower scale parameters. The submitted Land Use Plan provides the parameters for the development and is the plan currently for consideration.

During the extended application process the Land Use and Master Plans have changed. The Land Use Plan has been amended to provide a smaller footprint for the employment areas. This includes pulling the built form back from the northern corner and to Pickards Way. The reasons for this are ecology; reduce impact to landscaping by allowing larger landscaping areas and increasing the retention of trees.

To the southwest the open space area has increased to include an area to allow for flood alleviation and mitigation for downstream areas to address current flooding

issues. This has been provided voluntarily and could not be insisted upon but will provide a betterment for flooding.

The Land Use Plan is 1:2500 so is difficult to scale at finite detail but indicates to 206 Wilsons Lane the built form has been pushed further northeast (although somewhat minimally) from 10m to over 15m from the boundary of this property and is in a northern direction to it. The pinch point and landscape buffer required to the east adjacent to the rear gardens in Old Farm Lane has been increased from between 9 to 10m to between 31 to 35m from the potential built form (not necessarily the proposed buildings) to the boundary garden fences. There is a pinch point of 24.8m distance to the boundary of the nearest neighbour and at the maximum point there is a distance of 35m. This area is to include a shared use path. To the south the distance to the proposed new residential area has increased and is approximately 50m to the front face of the proposed houses.

The Agent was requested to reduce the overall height of the buildings to lessen the impact on neighbouring residential properties. The overall heights have reduced from 24m to 18m for employment area 1 and from 15m to 13m for employment area 2. Undoubtedly the employment buildings will be prominent to the neighbouring residential properties as the area is currently open space. However, whilst the Council has standards from window-to-window distances between residential properties (which is a minimum of 30m between 3 storeys), there are no distance standards between commercial and residential properties. Therefore, refusal on this basis would be difficult to defend at appeal. Consideration also has to be given to the fact that the employment areas are largely (but not in all instances) to the north or northwest of residential properties, so the impact would be more of a sense of enclosure or loss of views rather than a large loss of light throughout the day.

The sense of enclosure is likely to have the most impact on 206 Wilsons Lane where the footprint of the nearest new buildings is shown at a distance of 15m to the side of this neighbouring property and 25m to the rear. The 15m distance is considered very tight but confirmation from this dwellings owner is that the windows to the side of this neighbouring property are not considered to be habitable windows (Landing and Bathroom). Loss of views is not a planning consideration.

The Agent has also demonstrated by indicative sections that the land level for employment area 1 for building number 2 is illustrated as approximately 2m lower than the land level in Old Farm Lane and the land for the new buildings is likely to be reduced by a further 1.4m. Therefore, in effect the new employment buildings shown at 18m to the ridge height would make the height of the units to be approximately 14.5m in overall height to Old Farm Lane. Also, the nearest part of the new units to these properties would be the eaves which would likely be lower than the ridge. The illustrative plans show the eaves height as approximately 15m which would thus appear to be around 11.5m in height with the level difference. In relation to the height difference from employment land area 1 to the new proposed residential properties to the south, the land level difference would mean the new units are 1m lower than the proposed houses. The new employment units would be 'buyer beware' to these proposed new residential properties.

Many of the neighbour concerns are about overlooking, however the only guidance the Council has relates to residential and is from first floor (and above) habitable residential windows to private amenity space. This states there should be a minimum distance of 7m. (Sustainable Design and Construction SPD 2020 paragraph 11.6). This distance would be far exceeded on the Land Use Plans.

The layout for the proposed residential units is also not for consideration at this point, but an indicative testing layout has been provided to indicate that 73 dwellings can be provided. On the assumption the proposed properties are all two storeys there are a couple of distances that do not meet the Council's design standards so the layout will require minor amendments. However, overall, it is considered that it has been demonstrated that a maximum of 73 dwellings is possible. The testing layout also shows a large number of garages, many of which would need to be removed due to the sense of enclosure to new gardens and proposed habitable windows. Parking is likely to have to be increased to be in line with the Council's SPD and will need to include visitor spaces. Private gardens will also be required for all properties. The new properties will also have to comply with the sustainable design requirements within the Councils adopted SPD and Policy BE3. This will include but is not limited to requirements to meet Nationally Described Space Standards and the requirement for 35% of the dwellings to meet M4(2) standards (a higher building regulations standard for accessible and adaptable dwellings).

At the request of both Councils a young children's play areas has been included as part of the scheme as the distance to existing facilities is too far as to be considered acceptable. The testing layout has illustrated that this can be accommodated 30m from neighbouring existing and proposed properties in order to reduce any noise nuisance.

Overall, it is considered that whilst there will definitely be an impact to existing neighbouring residential properties, the proposed employment and residential dwellings can be carefully designed at Reserved Matters to minimise impact as much as possible. As such it is considered that when the layout and scale is submitted that a supporting daylight and sunlight assessment is provided (via a condition) to ensure the impact to existing neighbouring properties is acceptable.

6. Affordable Housing

A need for affordable housing is well documented in the Borough, and Policy H2 of the Borough Plan requires 25% of all new developments to be affordable. For Outline applications the provision of affordable housing is secured at the time of the Outline planning permission and will be included in the S106 legal agreement. The principle of providing 25% affordable units has been agreed by the Applicant. The indicative plan shows the affordable mix as 8 one-bedroom units 6 two-bedroom units and 4 three-bedroom units (18 in total). The likely mix required by Housing (but this could change due to any new needs assessments) is 6 one bedroom, 6 two bedroom and 5 three-bedroom affordable dwellings.

The provision of affordable dwellings is considered to weigh significantly in favour of the proposal.

7. Impact on Visual Amenity and Landscape Character

The NPPF encourages good design and states that planning decisions should respond to local character and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation (paragraph 130). Section b) of paragraph 174 of the NPPF 2019 establishes the importance of 'recognising the intrinsic character and beauty of the countryside'.

Borough Plan Policy NE5 refers to landscape character and that major development proposals must demonstrate how it will conserve, enhance, restore or create a sense

of place, as well as respond positively to the landscape setting in which the development is located. The application is supported by a Landscape and Visual Impact Assessment dated May 2020. This concludes that there will be impacts to the local area but that given the urban fringe location and other existing areas of industrial/commercial units across the study area the magnitude of impact on individual receptors is generally limited.

As part of the evidence base for the Borough Plan an independent assessment of the landscape character was carried out. This was carried out by TEP in 2016 and included a capacity study. It identified that the site was within the Keresley Urban Fringe. The key features of relevance to the site include:

- Urban fringe character created through the mixture of land uses and the fragmentation and isolation of farmland as a result of roads (M6 & A444) and urban development.
- The use of land for horse paddocks and recreation and views of development creates a strong association with the urban environment.
- Varied field pattern although represents primarily post-medieval and 18th and 19th century enclosure. Many fields are small and irregular in shape close to streams becoming larger where arable farming takes place on higher ground.
- Fields are bordered by variable hedgerows and hedgerow trees.
- Woodland is present as linear belts along the M6 and A444. Elsewhere a wooded character is created by mature trees along the River Sowe and Breach Brook and trees within mature hedgerows.
- Hedgerow trees and woodland are primarily oak.
- Urban fringes are common within the landscape with built development always visible on at least two sides of farmland.
- Built development tends to appear as linear bands along roads or as rising rooflines on higher ground.
- Large warehouse development is often prominent above trees and woodland on the fringes of the character area.

The landscape character was concluded as unremarkable, not tranquil and visual qualities were considered moderate to low. The recommendations from this study entailed maintaining an appropriate landscape buffer of an open corridor with appropriate trees & shrubs to the western and southern boundaries; and that smaller scale development would be more appropriate on the more visible higher part of the site to the north and locating the larger B2 and B8 uses to the lower ground.

Whilst the proposed development will result in the loss of an area of agricultural land; by retaining the outer boundary hedgerow trees and the provision of open space around the periphery of the site; it is considered that this will provide some mitigation to the landscape changes. Overall, it is considered that there would be no significant harm on visual amenity or landscape character. In addition, the easement for the overhead power lines to the northern edge necessitating the buildings to be set back will give some sense of openness that is not normally present on industrial estates.

Overall, the proposal is considered to be consistent with the previous landscaping studies.

8. Impact on Biodiversity, Footpaths, Open Space and Trees

Policy NE3 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created.

The site comprises of three arable fields and four improved grassland fields which are bounded by hedgerows and trees, with standing water and the River Sowe. The site currently has ecological and biodiversity value, although much of the grassland has been grazed or agriculturally improved and the remaining fields for arable crops have been ploughed at different times so there is varying values of biodiversity across the site.

An Ecological Impact Assessment was submitted as part of the application and updated in March 2022. Surveys were carried out as part of this for bats, badgers, riparian mammals, reptiles including Great Crested Newts, fauna, hedgerows and trees.

The native hedgerows were assessed but in the main were considered to be generally poor but with some areas of relict hedgerow specimens. The report concluded that the hedgerows were not considered to meet the requirements of 'Important' hedgerows under the Hedgerows Regulations 1997, but they are categorised as a Section 41 Habitat of Principal Importance and provide opportunities for wildlife to shelter, forage and disperse at the local level.

Trees and buildings were assessed for the likelihood of bat roosting and a number were identified as having high suitability for bats. The buildings have been surveyed several times over recent years and were either found to have low suitability or negligible suitability for bats. However, the habitat is suitable for foraging bats. New lighting, or lighting during construction, can affect bat roosts and their commuting or foraging routes as well as affecting wildlife corridors in general, but it is considered that this can be limited and dealt with via a lighting condition. Bird and bat bricks will also be necessary via condition and as requested by the Council's Open Spaces Officer.

There is evidence of badgers present in the area and there will be some impact due to the development. However, the main impact to them will likely be due to infrastructure road improvements not related to the application. Any impact will require the licencing from Natural England, but it is also considered that a condition is appropriate for the provision of details for badger impact mitigation.

The protection and enhancement of the Local Wildlife Site (LWS) to the south at Sowe Meadows known as Bassford Bridge Meadows and to the potential LWS of the River Sowe will need to be carefully considered as part of the development as well as the impact to water quality in the existing Suds, ditch and river.

In terms of ecology and LWS, NBBC Parks Team have no objection to the ecological impact providing conditions are applied. General good practice is to include conditions for a Construction Environmental (including ecological) Management Plan and Landscape and Biodiversity Enhancement Management Plan. A number of measures are possible to mitigate some impact and will be included in these conditions.

National legislation requires development to provide a net gain of biodiversity. The ecological mitigation hierarchy requires a sequential demonstration of how biodiversity loss is approached. The hierarchy is avoid, mitigate and as a last resort compensate. The Ecological Impact Assessment confirms that net gains to biodiversity cannot be achieved solely within the site, despite making every attempt to retain or enhance areas where possible.

In line with Policy NE3, Biodiversity Offsetting Calculations have been provided in order to provide a measure to compare existing biodiversity to what the site would provide post development. With onsite enhancing and creation of species rich hedgerows on site, it was determined that hedgerow biodiversity score could actually provide a gain of 3.5 units. However, the overall metrics recorded a likely loss of 12.85 units of habitat.

NBBC Parks have agreed that just over 2.21 units of net loss can be mitigated by improvements within the Sowe Meadows LWS. This mitigation would be by the Developer providing a contribution of £107,248.12 to NBBC via a S106 legal agreement. This may take the form of the creation of a species-rich meadow to replace the existing lower value grassland and possibly the creation of three ponds to benefit water voles and other species within the River Sowe, to benefit a wide variety of wildlife, whilst improving habitat diversity.

The resultant net loss of 10.64 units can also be accommodated within the Borough as NBBC are willing to act as offset providers. The value of this number of units would be £425,402.00. The payment would be primarily used to enhance existing semi-natural habitats and has been costed based on WCC's rates for the same habitat creation. This would be for the creation of new wetland habitat or enhancement of existing wetland habitat on greenspace sites owned by NBBC situated along the River Anker, River Sowe, Bar Pool Brook, Wem Brook and Griff Brook and other tributaries or adjacent to the Coventry and Ashby Canals. The payment would include a 30-year maintenance plan as well as the initial costs for habitat creation. It is not mandatory to use the Local Authority to do this offsetting, although this is the preferred option to NBBC as it provides assurance that the biodiversity gain is within the Borough and can be guaranteed in perpetuity. However, the Developer can choose to use land within their ownership, but it would need to be within the Borough to comply with Policy NE3. Alternatively, they may use a third-party provider. These options would be written into the legal agreement.

One of the potential foul drainage links is to the south and through the Local Wildlife Site, but in an area owned by the Applicant which is outside of the red line. This is only shown as a potential drainage run and may not be used. As it is outside of the development area the loss of biodiversity for a potential drainage run cannot be considered.

It is therefore considered that whilst there would be harm to the biodiversity on site, this could be mitigated as a last resort as required via the legislation.

A vehicular access suitable for a tractor is proposed as part of the development into the Sowe Meadows which is managed by NBBC. Whilst objectors have concerns that this could mean an increase of development; the access is actually at the request of NBBC Parks purely for the Council to better access and therefore maintain the meadow area. The access provision in perpetuity would be included within the S106.

NBBC's Parks Team originally requested S106 contributions to create/enhance two offsite paths to Silverstone Drive and Gallagher Business Park. One request was for a new cycle tarmac path through the LWS (fee requested £54,066.88). The second was to upgrade the existing footpath through the LWS (£46,803.10) which whilst in a different location also leads to Silverstone Drive. Planning Officers consider that the requests are not CIL compliant as it is an aspiration for the area rather than solely due to the impact of the development.

Details are shown below of the proposed requested new cycle route; the proposed route is marked in red versus the much longer existing path shown in yellow. The Council's Open Space Officer advised it was necessary to comply with paragraphs 92, 93, 104, 105, 106, 110 and 112 of the NPPF. These Policies refer to opportunities to promote and give priority to inclusive safe and attractive links away from vehicles and to provide a choice of sustainable transport modes as well as reducing congestion, emissions and opportunities of cycling to provide a healthier lifestyle.

The ethos of this is also ingrained throughout the Borough Plan. Specifics are made at Policy HS2 which refers to strategic accessibility and sustainable transport; Policy HS6 promoting sport and exercise sport and exercise and Policies NE1 and NE2. Equally sustainable links are within the environmental and ecological necessities (including NBBC) due to the declared Climate Emergency and National Planning, Transport and Environmental policy drivers.



NBBC Parks requested cycle route in red. (Existing in yellow)

The Parks Team stated that the new cycle way would provide a direct path for people who would normally travel through the informal paths in Sowe Meadows especially as this development would likely intensify foot/cycle traffic in the area leading to likely increased maintenance and liability claims for inadequate paths.

NBBC Open Space Officers consider that it would not harm the LWS as the red line proposed would be following earth and crushed stone paths already in the park so the ecological impact of a 2.5m tarmac path would be minimal. In addition, NBBC would apply biodiversity offsetting principles and would undertake compensatory habitat enhancement or creation within the LWS to mitigate for this. The Officer stated:

“As such we believe the provision within the site (or a shorter variant of it linking to the highway within the housing area and an offsite contribution to deliver the remainder within the Sowe Meadows LWS site are an appropriate requirement and contribution request.”

NBBC Open Space Officer stated that without the provision for this cycle route they would maintain their objection. The Applicant subsequently confirmed (without prejudice) that they would pay for the cycle route, and this can be ensured via the S106 Legal Agreement. The Council will undertake this work separately from this current application. This cycle route will need to continue within the new residential development and travel past the new play area and will then need to terminate at an adoptable highway. This continued pathway in the development site will need to be finalised on the submitted Reserved Matters. The Council's Open Space Team have subsequently removed their objections.

In terms of footpaths across the site, there are two Rights of Way one is the B23 which is to the southern and part western boundary terminating onto the A444 at the underpass and is to remain intact and improved to a 3m path. The second affected route is the B25 which currently intersects the site, and which is to be diverted through the open space to the west and provide a loop with the B23. The reasoning given for this by the Applicant is for safety reasons as the existing line would be through car parks and delivery areas of the employment use. A third new 3m path is to be included within the site to the eastern edge to link from Old Farm Lane to Pickards Way. WCC Rights of Way have confirmed this would need to be privately managed. These routes have been formed after numerous discussions between the Agent, NBBC Parks, WCC Rights of Way and CCC Rights of Way. WCC and CCC Rights of Way have no objection subject to conditions and S106 funding for adjacent footpaths.

NBBC Open Space Officer requires that the proposed residential element of the application will have to contribute to play and open space in the area. This is broken down into different tiers of parks, destination parks, community parks and local parks and also contributions towards allotments in the area. The Destination Park in this instance is the Miners Welfare Park and the capital contribution towards the Destination Park would be £34,277.39. The contribution would be towards recreation and fitness facilities and user access works within the park.

In terms of contributions towards community and local play after discussions between the Applicant, NBBC and CCC, the Applicant agreed to provide a local park on the site within the residential area and which would be provided via the S106 legal agreement. The onsite provision means that the capital costs for the community and local park would not be required. However, if the park was adopted by NBBC, maintenance contributions would be required by the Developer.

The open space contributions also require payment towards local allotments. This has been costed at £4,219.29 which would be spent on the allotments at School Lane, Bedworth.

In reference to the removal of trees, the latest Arboricultural Impact Assessment updated in May 2022 states that ten individual trees, six groups of trees, and eleven hedgerows are proposed to be removed. None of these trees are considered to be Category A trees (highest quality trees).

Within the proposed residential area in the south, the trees and hedgerows along the south and west boundaries are to be retained and the tree removal would be category C trees of Hawthorn and Elder hedges H7 and H8 (category C is considered to be low quality trees).

The layout of the employment area requires the removal of most of the internal trees and hedges. The most significant removals are of the category B English oaks T17 and

T18 and, to a lesser extent, English oaks and hawthorn forming G9. These are the most significant trees within the site in terms of mass and proportion.

The new pedestrian access and right of way from Wilsons Lane in the east of the site is adjacent to Hawthorn, Common Ash, Holly trees G12 and G13 (B2) but which can be retained with the use of a no-dig cellular confinement system. The access track into Sowe Meadows to the south is likely to require the removal of a section of mixed broadleaf hedgerow H13 (B2). The further footpaths will require the removal of other low-quality trees or alternatively where possible they can be retained by using a no-dig construction method. The required noise mitigation fence to the boundary of Old Farm Lane is close to trees but again posts can be hand dug by hand in order to protect the trees and it is considered that any crown raising associated with this would also not impact the trees.

NBBC's Tree Officer originally objected and asked the Developer to readdress the amount of tree removal. Initially there was some confusion on the Arboricultural Report as it included tree removal for the separate future infrastructure work and lane widening to be carried out by WCC and not related to the development. Similarly, CCC Tree Officer in May 2021 also originally required changes but when the Agent pointed out that the requested changes were not on the City's part of the site, they deferred to NBBC's Tree Officer.

An amended Arboricultural Report May 2022 has been provided to just show the trees that are to be removed as part of the development and not the future works to be carried out by WCC and shows reduced amount of tree removal. NBBC Tree Officers final response to the amended plans was asking for more screening of trees and conditions for an Arboricultural Method Statement, Tree Protection Plan and Tree Planting Plan to be submitted and carried out on site and can be conditioned. The need for replacement trees will be dealt with via the Reserved Matters.

Overall, it is considered that the impact to biodiversity, footpaths, open space and trees can be made acceptable subject to conditions and S106 payments.

9. Health, Air Quality, Noise and Contamination

A large number of neighbour objections were received in relation to the proposal being detrimental to health as it would be a loss of open countryside walks on Rights of Way (all be it on private land); loss of views and concerns that the development would impact on noise and air quality.

As required by Local Plan Policy HS5 a Health Impact Assessment was requested and received. This was forwarded to WCC Clinical Commissioning Group (CCG) to assess but no response was received. Objectors suggested that this Assessment was revised due to the amended plans. However, Officers considered, that as amendments were to mitigate noise and air quality concerns which improved the scheme, that this was not required.

In reference to noise, the NPPF states that planning policies and decisions should aim to:

“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”

The Noise Assessment originally submitted was dated December 2019 and the noise surveys were carried out between Friday 29th June and Monday 2nd July 2018. NBBC EHO objected as this did not provide true readings as it was over a weekend. Following these comments and due to amendments, the Noise Assessment was revisited and submitted again in May 2021. This included new noise testing over a week from the 7th December 2020 to the 14th December 2020.

NBBC and CCC Planning Officers and Environment Health Officers (EHO's) had issues with the original plans as this showed the loading area and car parking close to existing houses. Objections lead to an amended plan demonstrating that the loading areas and parking can be placed on the opposite side of the new buildings to the existing dwellings meaning that the new buildings will provide an acoustic barrier. Conditions were discussed between all parties and NBBC and CCC Planning Officers removed their objections subject to conditions. The conditions include limiting the location of the loading and parking areas; acoustic fences; mobile plant or vehicles to only be fitted with 'white noise reversing alarms; submission of a Noise Assessment; details of any external plant including noise levels and maintenance plan; hours of construction and no external storage near to the residential properties.

Despite the above CCC EHO's have not yet removed their objection and were querying specifics in terms of air quality and information in the Noise Impact Assessment (NIA) (despite having possession of this Assessment for ten months). The comments were as follows:

Air Quality Assessment

- *Indication of the proposed spaces and provision for electric vehicle recharging is required.*
- *Air quality damage costs should be applied to the development.*
- *A Construction Environmental Management Plan is required to control of dust and noise.*

Noise Impact Assessment 2021

- *This has not been updated to consider the new layout.*
- *References to car parking needs to be removed and confirmation there will be no car parking or loading bays facing residential receptors.*
- *Noise monitoring carried out in December 2020, when COVID restrictions were in place. Uncertain how this have affected the readings.*
- *Condition restricting tonal vehicle reversing signals required.*
- *Querying source of the library noise data Used.*
- *Criteria comparison; appears to be showing exceedances of the WHO limits?*
- *The report needs to specify measurable site boundary noise limits.*
- *Boundary noise conditions are required.*
- *Noise contour plans do not provide noise parameters.*
- *LAmx noise contours plan has unclear noise sources*
- *Plant and machinery is unspecified.*
- *Alternative assisted ventilation required to new houses.*

Site Investigation

- *A watching brief required for assessing contamination during the works.*

The Agent provided a further Technical Note in relation to this (Appendix A) but CCC EHO's have retained their objection and stated:

"I am not satisfied that the points raised under further information have been adequately addressed and answered and therefore I recommend refusal of the proposed development.

In particular, the response to the point regarding reversing signals is of great concern."

2.8. Coventry City Council comment:

Condition restricting tonal vehicle reversing signals.

Response:

2.9. For on-site vehicles this is fine and broadband reversing alarms can be conditioned. While visiting vehicles may not have broadband reversing alarms the reversing operations of a visiting vehicle would have limited use, only during the docking manoeuvre

This is unacceptable; if visiting vehicles have tonal signals (which have not been included in the noise assessment) then there is a high likelihood of noise nuisance resulting. As the report indicates the following vehicle movements:

6.2.11 *It is understood that there will be 34 events in the worst hour during the daytime and 27 events in the worst hour during the night-time for buildings 1 and 2.* There are no HGV movements for building 3 and 4.

This could result in tonal reversing signals being heard by residents any time of the night, with a possible 27 HGV's reversing signals at 3am this is not acceptable.

In addition, the noise modelling has not included:

- *Noise from forklifts and other ancillary operations, shunters etc.,*
- *HGV noise, air brakes, peak noise events.*
- *Shift change over times- how have these been accounted for? Large numbers of cars and people could be arriving at any time of night during a short time period of concentrated noise."*

However, NBBC's EHO's and Planning Officers from both NBBC and CCC have no objection, as it is considered that conditions can overcome all of these issues.

In terms of air quality residents, there were concerns as the loading areas and car parks were shown on the illustrative Master Plan as being adjacent to residential properties. This could potentially increase air pollution to these neighbouring properties. As discussed above the amended illustrative Master Plan now shows the loading bays and parking to the opposite side of the employment buildings and which will be conditioned if approved.

Due to the size of development and due to CCC's established city wide Air Quality Management Area (AQMA) an Air Quality, Noise, Vibration and Odour Assessment has been submitted with the application. This included readings taken at the site and adjacent receptors.

The submitted report concluded that:

"7.9 With the exception of receptors 1, 2, 3, 9 and 10, the increases in pollutant concentrations as a result of development traffic are expected to lead to a 'Negligible' impact at all remaining assessed receptor locations. For receptors 1, 2, 3, 9 and 10, the increases in pollutant concentrations as a result of development traffic range from 'Slight' to 'Moderate' impacts. None of the changes exceed 11% of the AQAL.

7.10 Therefore, since the air quality assessment indicates that the annual mean air quality objective will be met at the most exposed receptor locations, and since the actual changes due to traffic generated by development are small and insignificant, it can be concluded that the air quality over the site is acceptable for development and that baseline plus local plan development, plus proposed development traffic will not have any adverse impacts upon local air quality.

7.11 Despite the above and in line with the draft SPD, mitigation measures to reduce potential impacts associated with development traffic have been considered and include electric vehicle charging provision (type 1 mitigation), gas boilers with a dry NOx emission rate of <40mg/kWh (type 1 mitigation), and a monitored Framework Travel Plan (type 2 mitigation). “

The above mitigation measures in are consistent with NBBC's Air Quality SPD 2020 which requires mitigation Type 1 and Type 2 for this type of development and the response from NBBC's EHO in relation to air quality was of no objection subject to a condition to supply these mitigation measures and to provide a Dust Management Plan. CCC's response was on similar grounds but asked for clarity in relation to the receptors in Coventry. A Technical Note was received to overcome CCC concerns. CCC's EHO's responded to advise:

“The AQ addendum/technical note only contains details of AQ mitigation measures. It doesn't make any reference to road traffic, highway changes or include any plans to show access points and junctions.”

“The application form states that car parking is unknown, some indication of the proposed spaces would be helpful with provision for electric vehicle recharging. Air quality damage costs should also be applied to the development as a major scheme.

Construction Environmental Management Plan – will be required for the control of dust and noise.”

The damage costs details were queried with CCC and was not requested their Planning Officer. As NBBC do not have such Policy in place, this cannot be requested. The other two points can be dealt with via conditions for electric vehicle charging points and Construction Environment Management Plan and are consistent to conditions required by NBBC EHO's.

Each time a response has been received from CCC in relation to air quality or noise these comments have been forwarded to NBBC EHO's and who have maintained their no objection subject to conditions.

In relation to contaminated land, the NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 174 and 183). It is within this context that the applicant has submitted a Ground Conditions Assessment Report May 2020. This report is comprised of a desk-based geo-environmental preliminary risk assessment and testing on site. The contamination risk summary stated:

“All of the samples tested were below the relevant guidelines for the individual contaminants for human health for both commercial/industrial development and for residential with plant uptake, with no source material found, therefore the risk to human health is considered low.

Five groundwater samples were tested, with two of the samples slightly exceeding the water quality targets for copper and zinc. These are considered to originate from the natural geology and are not considered to represent a significant risk of pollution to controlled waters.

The ground gas regime is determined as Characteristic Situation 1 with a very low risk classification. Based on this classification, there are no specific precautions required for ground gas on site.

No specific mitigation measures are required in terms of protection of human health from site soils.

Standard task specific PPE and good hygiene practices should be adopted by site groundworkers.”

In relation to the submitted documents neither NBBC nor CCC EHO had any objections in relation to contamination. CCC required a watching brief and NBBC Officers requested the following condition:

“If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.”

A hybrid of the two requirements is considered appropriate as a condition.

The intrusive works required for the above assessment meant a risk assessment for UXO's was carried out and concluded there was a medium risk from German and anti-aircraft unexploded ordnance on the site. This is therefore something to be aware of during the construction process but is outside of the planning remit and if approved would be added as an advisory note.

In conclusion, it is considered that with the addition of conditions; any harm can be sufficiently mitigated to protect existing and future users. It is therefore considered that the development would not cause a significant level of harm.

10. Impact on Highway Safety, Traffic flows and Accessibility

Borough Plan Policy HS2 discusses strategic accessibility and sustainable transport. This policy lists the issues to be addressed where a development is likely to have transport implications. It is with this in mind, that the application has been accompanied by a Transport Assessment dated May 2021 and Transport Assessment Addendum dated March 2022 and a Stage 1 Road Safety Audit for both elements of development. The application also contained an Employment Framework Travel Plan dated May 2021 which set out how the Travel Plan would seek to reduce single occupancy car travel.

Discussions between WCC Highways, National Highways (formally Highways England), the Applicant and Transport Consultants have been ongoing for almost two years and WCC Highways advised the delay was due to:

“There has been a significant amount of data to go through with the requirement for more assessments to have been carried out and further technical notes

produced. Complicating the application is the fact that the application crosses two planning authority boundaries and given the proximity of M6 junction 3 has required discussion with National Highways.”

During that time the proposed access has evolved and changed, modelling and sensitivity and capacity modelling has been carried out to ensure the surrounding road network is not effected and a Road Safety Audit was submitted. The proposed development had to consider infrastructure improvements in the area including road widening, work to ensure the safe and efficient use of the M6 junction 3, M6 slip road and the M6 mainline; as well as an 'Interim Scheme' to ensure sufficient capacity to accommodate the cumulative impact of allocated planned development within both NBBC and CCC.

Highways England stated:

“we were concerned regarding the cumulative impact of the development and the allocated sites within the adopted Local Plans for CCC and NBBC on junction 3 of the M6 Motorway.

Subsequently Highways England has been working collaboratively with both Coventry City Council and Warwickshire County Council, as the respective Local Highway Authorities. This work has focused on the development of an interim scheme and agreement on a suitable mechanism for its agreement...

... The scheme known as the ‘M6 Junction 3 Interim Scheme’ has been developed by Warwickshire County Council and will signalise the B4113 arm of the junction and provide widening of that approach as well as additional stacking capacity.”

This mitigation scheme is required to be delivered by WCC no later than 2026. To enable this development in the area is required to provide contributions via a S106 legal agreement. The Applicant has agreed to pay a contribution to this of £512,617. The amount has been split 23% to the proposed residential element and 77% to the employment element and the fee will be required at certain development stages. Mitigation is required in the form of altering the Longford Road / Pickards Way / Wilsons Lane / McDonnell Drive roundabout and towards a planned Longford Road corridor cycle/pedestrian improvement scheme.

The proposal provides a signalised left-in/left-out junction to the B4113 and necessitates the removal of the adjacent layby (which necessitated a study to consider frequency of use). The speed needs to be reduced due to the new access and is intended to be reduced to 50mph which will require a Traffic Regulation Order and a new speed limit will be required. An emergency access has also now been included. A proposed dual toucan crossing to the south of the roundabout will be required as well as a shared cycle /pedestrian route into Wilsons Lane.

In conclusion, National Highways stated:

“satisfied that the impact of the development proposals can be suitability mitigated against”.

They therefore had no objection subject to conditions and S106 obligations.

HGVs already enter Wilsons Lane despite existing signage, and which have become trapped on the narrow roads. As part of the development of the employment scheme, road signage will be provided to deter HGV's from entering Wilsons Lane and to make clear the access to the employment site is from Pickards Way and the works will either

be agreed and paid for within the Section 278 / 38 works or as a separate contribution within the S106 legal agreement.

The proposal will also need to ensure that parking issues are not a problem during events/matchdays at the adjacent arena and the proposed employment site (which is proposed to remain private) will need to ensure that parking is not permitted for events as such use has not been modelled. Therefore, a condition to ensure this is adhered to is considered appropriate. The proposed residential road extension is intended to become adopted so will require a Traffic Regulation Order (TRO) to prevent parking during events/matchdays. Signage for this will be required as part of the Section 38 Highway adoption and to which the applicant has agreed.

CCC Highways have confirmed they have liaised with WCC Highways in relation to S106 requirements and have no objection to the scheme subject to S106 contributions.

Stagecoach bus company were consulted as part of the application, and they advised that getting a bus onto the employment site would be important for shift changes. However, as the access is signalised, and the employment roads would remain private, and it was agreed with WCC Transport that this was unfeasible. WCC Transport therefore requested contributions via the S106 legal agreement of £73,000 for the residential element and £110,000 for the employment area to secure and enhance bus services in the area. This has been agreed by the Applicant. At the last minute WCC Transport put in a further request totalling £920,000. They stated this was:

“to secure enhancement of existing bus services in the local area, and thus, improve bus connectivity between the overall development and the following locations:

- *Bedworth;*
- *George Eliot Hospital;*
- *Nuneaton; and*
- *Parts of the western side of Coventry (i.e., Aldermans Green, Bell Green, Wood End, Henley Green & University Hospital).*

The £920k will secure improvements to bus services providing transportation and access for residents of the housing development and the workforce of the commercial development over a period of 5 years (£184k per annum).”

However, NBBC Planning Officers consider that this is unreasonable and not CIL compliant as only the impact of the development can be considered for such contributions not the upgrade of entire services.

The access for the residential element of the application is off Old Farm Lane and will be a continuation of the existing carriageway. Neither CCC Highways or WCC Highways have any objection to this subject to S106 contributions and conditions.

In conclusion, WCC Highways, National Highways and CCC have no objection subject to conditions and S106 contributions and it is considered that the proposal will have no significant detrimental impact on highway safety.

11. Flooding and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 160-162). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. The Borough Plan Policy NE4 also deals with Managing Flood Risk. It is in this context that

the applicant submitted a Flood Risk Assessment and Drainage Strategy Report Dated May 2021 16117-FRA&DS-01 v10.

The majority of the area is in Flood Zone 1 which is the least likely to flood; however adjacent to the river is within Flood Zone 2 (chance of flooding between 0.1%-1% chance of flooding in any year and Flood Zone 3 (1% or greater probability of flooding from rivers).

The River Sowe is near to the southwestern boundary of the site and there is an existing Suds consisting of a section of pipework, a swale / ditch, attenuation feature and outfall which flows into the River Sowe. The existing drainage serves the surface water from the Bellway housing development of Old Farm Lane to the east of the site. This Suds is proposed to be enlarged and made suitable to also provide the Suds for the new proposed houses.

A new Suds feature is proposed on the site parallel with the western boundary and employment buildings. This feature will be used for the surface water from the employment area, and which will act as a storage, brake and slow release to the River. The Flood Risk Strategy states that:

“It is anticipated that the development proposals will alleviate an element of the risk of flooding by collecting, conveying and discharging surface water flows from the site and preventing these flows from ponding in the south-western corner of the site.”

During the application process whilst the Environment Agency maintained a no objection subject to conditions, they requested that the site provided a betterment for flood relief downstream by providing additional rainwater storage. WCC Flood Risk Management also requested this betterment, and which is consistent with Borough Plan Policy NE4 as well as CCC policies.

The Applicant agreed to this and the updated Flood Risk Assessment states:

“8.1.8 It is also proposed to provide further flood storage capacity within the site for downstream flood risk betterment.

8.1.9 It is proposed to provide additional flood volume by lowering the existing surface of the existing flood zone, creating a flat plateau which will generate approximately 650m³ of additional storage.”

A new foul water drainage network will be required to service the proposed development. The new network will collect and convey foul water discharge from the development to a proposed connection point on the existing public Severn Trent Water network. The likely proposed option is to connect to existing drains south of the site, but this could change.

CCC have no objections subject to conditions. They stated:

We encourage and recommend the applicant to consider rainwater harvesting techniques to reduce surface water run-off and potable water usage and this is consistent with the Borough Council’s Sustainable Design and construction SPD (2020) and will be noted within the consent.

In conclusion, it is considered that with the conditions proposed any potential impact on flood risk would be adequately mitigated and would actually provide a betterment for downstream and is therefore consistent with National and Local Policies.

12. Impact on Heritage and Archaeology

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the Borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

A Geophysical Report was submitted during the application process and was supported by an Archaeological Evaluation Report prepared by Cotswold Archaeology. This showed that 94 trial trenches were dug in 2020 and confirmed that the finds were fairly limited and stated:

"Dating evidence was sparse, but where dated none of the features investigated produced any evidence for activity earlier than the Late Medieval period."

The report also looked at the ridge and furrow mentioned in the Policy EMP2 and the Concept Plan which states it should be retained where possible. In reference to the ridge and furrow the report stated:

"Relatively little evidence for human activity beyond agricultural practices was identified by the evaluation, with the archaeological features revealed comprising remnant furrows associated with now almost entirely levelled ridge and furrow cultivation earthworks."

However notwithstanding this, WCC Archaeology considered that the ridge and furrow was in good condition but that it was isolated and:

"sitting within a field pattern of planned enclosure that is much latter in date (the field boundaries don't relate to the ridge and furrow). If we had been looking at a much wider survival of the ridge and furrow across an area of planned enclosure, say for example over the larger part of a parish or township, then there might be more of an argument to retain since this would preserve the integrity of the wider historic landscape. This tends to be more the case in the southern part of the county".

WCC Archaeology then went on to state:

"I had seen the SPD Concept Plan and it is nice that it at least suggests that there should be an area where the ridge and furrow should be retained, (although the suggested area for this does look like it was levelled to make way for a site compound for the adjacent development) but, in all honesty I think retention of what would be such a small sample of ridge and furrow is rather pointless since it cannot really be understood within its wider context.

We do always try to consider about what we would be happy to defend at appeal and I just think that it would be difficult to argue the case for the retention of what is such a relatively small example of ridge and furrow that now appears out of context to its surrounding landscape.

I do think the loss of ridge and furrow, is a real shame as it really is an ever-diminishing element of our historic landscape, and I understand how locally there might, potentially, be some objections to the scheme. However, for what is an isolated block of ridge and furrow its preservation is something that might be hard to argue for at appeal.

Whilst we always regret seeing the loss of ridge and furrow within the county, I am not of the opinion that this isolated example is of such significance as to merit preservation in situ. I have advised the Planning Authority that I do not wish to

object to the development and will not have any further comments to make in respect of this proposal.

WCC Archaeology concluded that no further investigative work was required and that they were confident with the findings submitted.

13. Planning Obligations

Policy HS1 of the Borough Plan 2019 states that; development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development.

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF 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 also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Organisation	Request For	Contribution	Notes
NBBC Housing	Affordable housing provision at 25% of total 742% affordable rent and 26% shared ownership.		Considered CIL compliant and applicant agreed to provide
NBBC Parks play and open space provision	Provision and maintenance of play and open space. Miners Welfare Park, Destination Park – towards recreational and fitness facility provision and user access works Community Park To be omitted as on-site play provision is needed due to total local absence of facilities and so the contribution for capital and management fees will not be required. Community element to be combined with 'Local' element to deliver a reasonable 'Local' play provision - NBBC will	Total offsite provision for Destination Park £34,277.39. Total fee towards Community Park if provision not on site would be £58,048.30 but if provided on site and adopted by NBBC only the maintenance fee of £12,227.10 will be required.	Considered CIL compliant and applicant agreed to provide

	<p>wish to adopt play facilities and immediate surrounding land.</p> <p>Local Park To be omitted as on-site play provision is required due to the absence of a local park and so the contribution for capital and management fees will not be required.</p> <p>Allotment – School Lane Bedworth.</p>	<p>Total fee for Local Park if not provided on site will be £30,465.91. If provided on site and adopted by NBBC only the maintenance fee of £6,033.97 will be required.</p> <p>£3,835.72 capital contribution plus 10% management fees £383.57</p>	
NBBC Parks Biodiversity	<p>Biodiversity Offsetting agreed can be carried out in Sowe Meadows for 2.21unit values of offsetting.</p> <p>Vehicular access to Sowe Meadows to be retained in perpetuity.</p>	£107,248.12	Considered CIL compliant and applicant agreed to provide
NBBC Parks Biodiversity	<p>Biodiversity Offsetting. Cost if NBBC were providing remaining Biodiversity Offsetting after taking off the 2.21 units that are to be provided in the adjacent LWS. Total units remaining 10.64. NBBC would utilise for wetland habitat creation within Borough. Alternatively, Developer can provide this on other land or through third party but has to be within the Borough.</p>	£425,402.00	Considered CIL compliant and applicant agreed to provide
NBBC Parks offsite cycle route	<p>Offsite contribution towards cycle path through Sowe Meadows to Silverstone Drive</p>	£54,066.88	Not considered CIL compliant but Applicant agreed to pay.

NBBC Parks offsite footpath route	Offsite contribution towards footpath through Sowe Meadows to Silverstone Drive. (Different position to above cycle path).	£46,803.10	Not considered CIL compliant THEREFORE, THE FEE TO NBBC IS NOT REQUESTED.
NBBC Sports Development	To enhance facilities in the South of the Borough. The contribution is built up from Sport England (SE Quarter 2 - 2018 evidence) and the Birmingham County Football Association costs and similar demand calculators and nationally standardised construction costings etc. along with any local factors. This contribution would be an offsite sum to support delivery of identified projects. A £100 per property is required for upfront costs for design of (and management delivery) of capital items. This will be deducted from the final developer's contribution of which NBBC request 50% payment upon 25% of dwellings occupied and then the final payment of 50% contribution upon 50% of the dwellings occupied	£2,307.54 per dwelling. £168,451.00 max.	Considered CIL compliant and accepted by applicant.
George Eliot Hospital Trust	Provision of healthcare at George Eliot Hospital.	£60,458.00	Considered CIL compliant and applicant agreed to provide
NHS Coventry and Warks CCG Comm	Primary Care to provide shortfall of clinical rooms in the locality.	£46,954 index linked.	Considered CIL compliant and applicant agreed to provide
WCC Infrastructure	Sustainability Welcome Packs - Provision of information packs for owners/occupiers to include information on sustainable modes of transport to promote	£10 per dwelling £730	Or can be provided via condition by Developer.

	sustainable travel and road safety in the local area.		
WCC Infrastructure	Libraries – seek a financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities. This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improved family facilities and targeted promotions to inform new residents of services available to them.	£1,598	Considered CIL compliant and applicant agreed to provide.
WCC Infrastructure	WCC Rights of Way The rights of way affected are B4 B5 B5a B7-B10 B12-B32 B34-B38 B54 B55 B58 R27. The requested calculation is based on the length of public rights of way within a one-and-a-half-mile radius of the site.	£1,571	Considered CIL compliant and applicant agreed to provide.
WCC Infrastructure	Education. <ul style="list-style-type: none"> o £48,294 - The increase of Early Years/Pre-school provision within 2 miles of the development o £213,432 - Additional Secondary and Post 16 provision at Ash Green School o There will be no request towards primary education in respect of this application. <p>It should be noted that the County Council will not be seeking a financial contribution in respect of additional primary school places as there is forecast</p>	£261,726	Considered CIL compliant and applicant agreed to provide.

	to be sufficient capacity within the local area.		
WCC Infrastructure	<p>Road Safety</p> <p>A contribution of £50.00 per dwelling is sought to support road safety initiatives within the community associated with the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area.</p>	Based on 73 dwellings the total contribution requested will be £3,650.	Considered CIL compliant and applicant agreed to provide.
WCC Infrastructure	<p>Monitoring and administration of S106.</p> <p>The County Council requires a monitoring fee for the monitoring and administration of County Council obligations, due upon signing of the agreement.</p> <p>£500 + (5 hours x £40 Officer time x Number of triggers)</p>	£500	Considered CIL compliant and applicant agreed to provide.
WCC Highways	<p>M6 Junction 3 Interim Improvement Scheme/M6 junction 3 improvement works split between residential and employment elements.</p> <p>Residential trips = 23% of total development trips. Residential total contribution = £117,901.91.</p> <p>Residential Trigger Point 1 – 50% at 50% occupation (36 dwellings) or within 3 years of first occupation, whichever comes first = £58,950.96.</p> <p>Residential Trigger Point 2 – remainder of contribution at 75% occupation or</p>	£512,617	Considered CIL compliant and applicant agreed to provide.

	<p>within 3 years of first payment, whichever comes first = £58,950.95</p> <p>Employment trips = 77% of total development trips. Employment total contribution = £394,715.09</p> <p>Employment Trigger Point 1 - 50% at 50% occupation (27,875sqm) or within 3 years of first occupation, whichever comes first = £197,357.55.</p> <p>Employment Trigger Point 2 – remainder of contribution at 75% occupation or within 3 years of first payment, whichever comes first = £197,357.</p>		
WCC Highways	Contribution to process and install the speed limit reduction to 50mph on Pickards Way (B4113). The sum is requested to be paid no later than implementation of works so that the speed limit is in place for when the access to the commercial area is constructed and ready for use.	£3,000	Considered CIL compliant and applicant agreed to provide.
WCC Highways	A contribution to process and install the Traffic Regulation Order (TRO) on the housing site to prevent matchday / events parking associated with the adjacent arena, currently known as the Coventry Building Society Arena.	£3,000	Considered CIL compliant and applicant agreed to provide.
WCC Highways/CCC	A contribution to the process and install the TRO of weight limit on Wilson Lane	£3,000	Considered CIL compliant and applicant agreed to provide.
WCC Highways	Secure bus services £73 000 for residential development and	£183,000 To be confirmed.	Considered CIL compliant and applicant

	<p>£ 110,000 for employment site for the funding towards the enhancement of existing services in the local area, particularly to Bedworth, Nuneaton and the west side of Coventry (Aldermans Green, Bell Green, Wood End, Henley Green & University Hospital.)</p> <p>The total fee of £183,000 is based on an estimated cost of an average of £45,750 per annum for a period of 4 years, by which time the service should have become sufficiently established to operate on a commercial basis.</p> <p>An additional fee towards bus services in lieu of a bus stop within the employment site. To secure enhancement of existing bus services to Bedworth, George Eliot Hospital, Nuneaton; Parts of the western side of Coventry (i.e., Aldermans Green, Bell Green, Wood End, Henley Green & University Hospital).</p>	<p>£920,000</p>	<p>agreed to provide.</p> <p>NOT considered to be CIL compliant by NBBC and is therefore not requested.</p>
<p>National Highways</p>	<p>M6 Junction 3 Interim Improvement Scheme.</p> <p>Obligation 1: A contribution shall be identified and obtained from the developer and paid to WCC Highways prior to first occupation of a dwelling on the development site; to enable the implementation of the M6 Junction 3 Interim Improvement Scheme (drawing ref 24.2 – 200-004) by WCC. This scheme will be implemented no later than 2026, unless</p>	<p>Contribution to be identified and paid to WCC prior to first occupation of a dwelling</p>	<p>THIS IS TO BE PAID TO WCC HIGHWAYS AND IS UNDER THEIR REQUEST</p>

	another scheme which provides the same or greater capacity is identified and agreed for implementation in writing by Highways England, WCC and Coventry City Council.		
Coventry City Council	Ecology within adjacent LWS	£523,489	This referred to the LWS within NBBC's ownership & payment amount is to be determined by NBBC not CCC. THEREFORE, THE FEE TO CCC IS NOT REQUESTED
Coventry City Council	CCC Rights of Way to CAP228. This PROW connects to the residential area of the Site (at the southeast corner) and connects to Rowley's Green Lane. This then leads to the public footpath 226 that goes through Sowe Meadows and to Silverstone Drive.	£57,542.40	Applicant agreed.

14. Conclusion

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

In regard to the principle, the land is allocated within adopted Policy EMP2 in the Borough Plan, and this is felt to carry significant weight in favour of the proposal. In addition, the principle of the development is already established by the Planning Inspectorate for the Borough Plan Examination.

In conclusion, the application site is within the 'northern fringe' of Coventry and an area allocated as a Strategic Allocation in the Borough Plan and necessary to provide for the Borough's employment and residential needs. The proposal is largely in compliance with the Concept Plan and will provide employment as well as residential properties including much need affordable housing.

The application contains green infrastructure, footpath and cycle links, ecological protection and biodiversity mitigation measures as required by the Borough Plan.

In reference to residential amenity, whilst there will definitely be an impact to neighbouring residential properties, the proposed employment and residential dwellings can be carefully designed at Reserved Matters to minimise impact as much as possible and a supporting daylight and sunlight assessment will need to be provided via condition when the layout and scale is submitted.

In reference to health, air quality, noise and contamination, it is considered that with the addition of conditions; any harm can be sufficiently mitigated to protect existing and future users.

Similarly, in terms of the visual amenity and landscape character, again there will be an impact to the area, but the proposal is considered to be consistent with the previous studies.

Intensive discussions, modelling, amended plans and requirements for contributions have been carried out and the development will need to contribute to required traffic infrastructure mitigation in the area for the future planned development within NBBC, CCC and M6. It is considered that the proposal will have no significant detrimental impact on highway safety.

The Land Use Plan and indicative Master Plan and testing layer demonstrates that the proposal meets most of the broad principles required by the Borough Plan. The proposal will provide enhanced bus services, a local play area and flood mitigation for downstream. Warwickshire County Archaeology are satisfied that the ridge and furrow is not worthy of preservation, and it is considered that the application accords with the Development Plan.

The proposal is therefore recommended for approval subject to conditions and a legal agreement.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan	BIR.4240_02 Rev E	20 th July 2020
Land Use Plan	BIR.4240_021_01 Q	2 nd March 2022
Residential site access	SK_T_093 (P1) In Transport Assessment Addendum March 2022	2 nd March 2022
Swept Path Residential Site Access	16117_SK_T_077 Rev P 2	

	In Transport Assessment Addendum March 2022	
General arrangement left in/left out signalised junction to employment zone	SK_T_086 Rev P10 In Transport Assessment Addendum March 2022	2 nd March 2022
Combined Pedestrian / Cycle Path & Emergency Access off Wilsons Lane	SK_T_026 (P8) In Transport Assessment Addendum March 2022	2 nd March 2022

The following plans and documents have been considered as part of the application process:

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Proposed connection to Bedworth to Coventry Cycle route.	16117_SK_T_069 Rev P2 In Transport Assessment Addendum March 2022	2 nd March 2022
Proposed Longford Road roundabout improvement scheme geometry	SK_T_088 P2 In Transport Assessment Addendum March 2022	2 nd March 2022
Proposed Longford Road roundabout improvement scheme deflection	SK_T_089 P6 In Transport Assessment Addendum March 2022	2 nd March 2022
Left turn swept path analysis of proposed Longford Road roundabout improvement scheme	SK_T_90 P1 In Transport Assessment Addendum March 2022	2 nd March 2022
U-turn swept path analysis of proposed Longford Road roundabout improvement scheme	SK_T_091 P1 In Transport Assessment Addendum March 2022	2 nd March 2022
Indicative Signage	SK_T_094 Rev P2 In Transport Assessment Addendum March 2022	2 nd March 2022
Proposed Dual Toucan Crossing		12 th April 2022
Indicative Signage Strategy	16117_SK_T_094 Rev P2	12 th April 2022

Proposed Diversion of Public Footpath B25	BIR.4240_26 Rev L	2 nd March 2022
Flood Risk Assessment and Drainage Strategy	May 2021, 16117-FRA&DS-01 v10	7 th July 2021
Floodplain Volume Sheet 1'	SK_C_033 Rev. P5 SK_C_034 Rev P4	

Covering Letter_ Land at Wilsons Lane/A444, Coventry_BIR.4240_03.03.2022		
Flood Risk Assessment & Drainage Strategy Report	16117-FRA&DS-01 v10	10 th June 2021
Arboricultural Impact Assessment	May 2022 Rev H	6 th May 2022
Biodiversity Offsetting Briefing Note	May 2022	6 th May 2022
Ecological Impact Assessment	March 2022, CSA/2918/03	2 nd March 2022
Employment Framework Travel Plan	May 2021, 16117-FTP-02	7 th July 2021
Geophysical Survey Report	Feb 2020, MSSP615	4 th April 2022
Health Impact Assessment	April 2020, BIR.4240	28 th July 2020
Landscape and Visual Impact Assessment	May 2021, BIR.4240	7 th July 2021
Landscape Strategy	CSA/2918/105 Rev C	6 th May 2022
Noise Assessment	May 2021	7 th July 2021
Planning Statement		28 th July 2020
Utilities Assessment	May 2021, 16117-UTIL-01 v7	7 th July 2021
Air Quality Assessment	14 th May 2020 23992-04-AQA-01 Rev D	7 th July 2021
Air Quality Technical Note	14 th May 2021 BM12018/001	10 th June 2021
Air Quality Technical Note	17 th September 2021 BM12018	20 th Sept.2021
Air Quality Technical Note	12 th April 2022 100372	12 th April 2022
Design and Access Statement	June 2020, BIR.4240	28 th July 2020
Design and Access Statement	April 2021 BIR.4240	7 th July 2021
Public Rights of Way Strategy	May 2021, v5	7 th July 2021
Transport Assessment	May 2021, 16117-TA-01	7 th July 2021
Transport Assessment Addendum	March 2022, 16117-TAA-01	2 nd March 2022
Ground Conditions Assessment	May 2020, 16117-GCA-3	10 th June 2021
Ground Conditions Assessment Addendum	May 2021, 16117-GCA-01	7 th July 2021

5. No development including groundworks, remediation and site clearance shall take place until a Construction Management Plan (CMP) has been submitted for that

particular phase for either a) employment area, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14). This must be approved in writing by the Local Planning Authority in conjunction with WCC Highways, Coventry City Highways and National Highways prior to any commencement on site. The CMP must include:

- i) Access including swept paths for traffic to the site during clearance and construction.
- ii) Schedule of HGV and construction traffic delivery times, phasing and routing Plan.
- iii) Hours of work.
- iv) Loading and unloading of plant and materials.
- v) Storage of plant and materials used in constructing the development.
- vi) The erection and maintenance of security hoarding including any displays, if appropriate.
- vii) Details to prevent mud, debris and obstructions on the highway.
- viii) A Dust Management Plan which details measures to control the emission of dust and dirt during construction.
- ix) A construction phasing plan.
- x) Contractor parking arrangements and
- xi) A scheme for recycling/disposing of waste resulting from construction works.
- xii) Signage.

Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction. No construction or deliveries traffic during the construction phase will take place Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00 to minimise the impact construction traffic has on the operation of M6 Junction 3 during the peak travel periods.

6. No development including site clearance, groundworks and demolition shall commence for that particular phase for either the a) employment, b) residential area or (c) signalised junction on to the B4113 (as listed in condition 14), until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved CEMP shall contain details of:

- i. Timing, method, forms of and extent of vegetation clearance.
- ii. Any pre- construction checks required including for the demolition.
- iii. Site clearance/demolition methods.
- iv. The species safeguards to be employed
- v. Extent of buffer zones and stand offs for retained habitat and sensitive ecological features.
- vi. Any temporary lighting to include a scheme to outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist and will demonstrate the full prevention of light spill into open space and ecological areas on lighting contour diagrams and to ensure no impact to neighbouring residential properties.
- vii. Timetable for presence of ecologist for key operations as applicable such as vegetation and tree clearance / demolition of farm buildings, works to existing Suds.
- viii. Details of protective fencing and stand offs to sensitive ecological and water areas.
- ix. What to do if protected species are discovered during construction.
- x. Badger Mitigation Strategy: A detailed Badger Mitigation Strategy will be produced, informed by updated badger survey work on-site. The strategy will

include impact avoidance and mitigation measures and the necessity for a Natural England derogation licence, as necessary.

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

The CEMP shall be adhered to throughout the clearance/construction period as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

7. No development including site clearance shall commence for that particular phase of either the a) employment, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14) until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The content of the management plan shall include the:

- i. Purposed and objectives for the proposed mitigation works.
- ii. Detailed design and/or working method(s) necessary to achieve stated objectives
- iii. Traditional hedge laying and gapping up with wide range of native shrub species.
- iv. Details of retained ecological areas and extent and location of proposed works shown on appropriate scale maps and plans.
- v. Details of provision of bird and bat boxes and hedgehog friendly fencing.
- vi. Marginal and Emergent Pond planting for the Suds and pond features.
- vii. Timings for implementation and grassland creation methods.
- viii. Future management plan to sustain created habitat for the lifetime of the development.
- ix. Timetable for ecologist monitoring visits to check habitat creation, establishment and ongoing management and maintenance to ensure BIA targeted habitat conditions and time to targeted conditions are met and sustained.

The works shall be carried out in strict accordance with the approved details and shall be retained in that manner thereafter.

8. No development including site clearance shall commence in either a) employment, b) residential or (c) the signalised junction on to the B4113 (as listed in condition 14) until a scheme for that phase has been submitted to and approved in writing by the Council for an Arboricultural Method Statement giving details of all existing trees and hedgerows on the site and any to be retained. No tree or hedgerow other than those shown within the Arboricultural Impact Assessment (April 2022) shall be removed unless otherwise agreed. The Method Statement scheme shall show the typical canopy extent of the retained trees at maturity. The scheme shall also include details of the gapping of the hedgerows and measures for the protection of the trees and hedgerows in the course of the development in accordance with BS 5837:2012. No construction including site clearance shall commence unless the approved measures for the protection of the trees and hedgerows have been provided and are maintained during the course of development.

9. No groundwork including site clearance and demolition shall commence or continue without the attendance of a Geotechnical Consultant present for the groundwork in that phase. If during implementation of this development, contamination is encountered which has not previously been identified, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority before the additional remediation works are carried out. The remediation strategy shall be implemented as approved.

10. No development including site clearance and demolition shall commence for that particular phase of development for either the a) employment, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14), until a Construction Environmental Management Plan has been submitted to and approved in writing for that phase by the Local Planning Authority in conjunction with the Environment Agency and Lead Local Flood Authorities at Warwickshire County Council and Coventry City Council. The content of the management plan shall include the details for the wider environmental controls and best practice construction management and avoidance methods. Details to include the protection of waters including the river, ditches and existing Suds during the proposed works and provisions made to the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase. This must include the planned demolition/construction works and the deposition of silts and cementitious materials. The works shall be carried out in strict accordance with the approved details.

11. No development other than site clearance shall commence in the residential phase until details of a noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal* and external noise levels as defined in table 4 and paragraph 7.7.3.2 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied other than in accordance with the approved details.
(*including 45dB LAFmax in bedrooms at night (11pm -7am).

12. No development shall commence for that particular phase for either a) employment or b) residential area, until a detailed surface water drainage scheme has been submitted to and approved for that phase by the Local Planning Authority in conjunction with the Environment Agency and Lead Local Flood Authorities at Warwickshire County Council and Coventry City Council. The scheme is to be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme to be submitted shall include the following information:

- Finished floor levels shall be set no lower than 600mm above the relevant 100 year flood event plus relevant climate change percentage uplift.
- All built development shall be sited within Flood Zone 1.
- There shall be no ground level raising within Flood Zones 3 or 2.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 79.8 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- Evidence must be provided to show the management of overland flow routes in the event of exceedance or blockage of the drainage system. Details should include demonstration of how the buildings will be protected in such an event.
- Details of a scheme to install vehicular traffic pollution control measures within the car parking facilities, shut-off valve together with oil and petrol separators with high level alarm.
- Provide evidence to show an agreement from Environment Agency to connect to the outfall from the development into the River Sowe.
- Provide evidence to show an agreement from Severn Trent Water to connect to the outfall from the development into their mains foul drainage.

The scheme shall subsequently be implemented in accordance with the approved details before the areas come into use.

13. No development shall commence until full details of the site levels and finished floor levels on that particular phase of either the a) employment, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14) has been submitted to and approved in writing by the Local Planning Authority. No construction work shall be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

14. There shall be no occupation of the employment area of the site until the signalised junction on the B4113 has been completed to the satisfaction of the planning authority in consultation with the Highway Authority, broadly in accordance with Drawing No. SK_T_086 Rev P10. Should the Highway Authority formally make the TROs for the reduction in speed limit on the B4113 and the HGV signage scheme in broad accordance with Drawing No. SK_T_094 Rev P2, the installation of the associated signage shall also be completed.

15. The Toucan crossings shall be constructed in general accordance with Drawing 'Proposed Dual Toucan Crossing' and the specification of the Highway Authority as part of the Section 278 works to construct the Longford Road roundabout mitigation scheme.

16. No development above ground level shall commence for that particular phase of either the a) employment, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14) until a Landscape and Ecology Management Plan (LEMP) and habitat establishment plan has been submitted and approved in writing by the Local Planning Authority for that phase. The Plan is to indicate a scheme for the long-term management and details of the future management organisation including open space, green infrastructure and planting within the public realm and details of biodiversity management. This will need to provide details of the competencies of these management bodies. The open space, green infrastructure and planting shall thereafter be managed in accordance with the approved Landscape Management Plan for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

17. No built development above slab level shall commence for that particular phase for either the a) employment, b) residential area or (c) the signalised junction on to the B4113 (as listed in condition 14) until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in

writing by the Council for that phase. The development shall not be carried out other than in accordance with the approved details.

18. No built development above ground level shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, on that particular phase of either the a) employment, b) residential or (c) the signalised junction on to the B4113 (as listed in condition 14) area has been submitted to and approved in writing by the Local Planning Authority for that phase. The development phase shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

19. No development above ground level for that particular phase of either the a) employment or b) residential area, shall commence until details of the following are submitted and approved in writing by the Local Planning Authority for that phase:

- i) Open Air storage or attenuation in the form of a wet pond, dry basin, swale or other similar surface feature, aimed at managing water quantity, quality and introducing biodiversity at the ground surface.
- ii) Rainwater harvesting systems.
- iii) Use of water quality control medium such as permeable paving, filter drains, rain gardens, ponds or swales aimed at improving the quality of water passing through the system either above or below ground.
- iv) The use of grey water systems where appropriate.
- v) Maximise the use of green roof technology on suitable roof structures within the development.

No unit shall be occupied until the agreed system has been provided in accordance with the approved details. (Failure to make the most of these water saving devices/water brakes will need written justification.)

20. No employment units shall be occupied until a Green Travel Plan (to promote sustainable transport choices to the employment site) has been submitted to and approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council Highways, Coventry City Council Highways and National Highways. The measures (and any variations so approved shall continue to be implemented in full at all times. The plan shall include:

- (i) Specify targets, measures, ways of monitoring and support for employees and visitors traveling to and from the site to be encouraged to travel by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels.
- (ii) Set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement.
- (iii) Identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.
- (iv) Monitored Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies.
- (v) Measures to support an Electric Vehicle Plan.
- (vi) Designated parking spaces and differentiated parking charges for low emission vehicles

21. No dwelling shall be occupied until the location, gates and track details into the Sowe Meadows Local Wildlife Site, suitable for a tractor has been submitted and approved in writing by the Local Planning Authority. This shall be created prior to the first occupation of any dwelling to provide direct access from the southern boundary to

allow access into the Local Wildlife Site for maintenance. The gate and access are to be retained for the lifetime of the development for the use of the Council.

22. There shall be no occupation or subsequent use for that particular phase of either the a) employment or b) residential area until a detailed long-term inspection and maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority in consultation with WCC and Coventry City Council Lead Local Flood Management Authorities. Details within the management plan are to include how surface water systems shall be maintained and managed for the lifetime of the development including the installation of vehicular traffic pollution control measures within areas for parking including shut-off valves together with oil and petrol separators with high level alarm along with a periodic maintenance plan. This must include the name of the party responsible, including contact name and details. The details should also mention any notable Health and Safety or specialist training, and special equipment required as part of the routine maintenance. The approved maintenance plan shall be carried out for the lifetime of the development.

23. No development shall be occupied until a scheme for the permanent lighting to be used on that particular phase of either the a) employment, b) residential or (c) the signalised junction on to the B4113 (as listed in condition 14) area has been submitted to and approved in writing by the Local Planning Authority for that phase. This scheme should outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist and will demonstrate the full prevention of light spill into open space and ecological areas on lighting contour diagrams as well as impact to residential properties. The development shall not be carried out other than in accordance with the approved details.

24. Prior to the occupation of any dwelling, details of the Local Park equipment (to meet NBBB Local Park standards as set out in NBBB Open Space and Green Infrastructure Supplementary Planning Document 2021) must be submitted to and approved in writing by the Local Planning Authority. The approved details are to be laid out and available for operational use at 50% occupation of the dwellings. (NB The proposed park must be minimum of 30m from any residential properties.)

25. No development shall be occupied on that particular phase of either the a) employment or b) residential area until full details of the boundary treatments necessary for that particular phase, including new walls and fences (including acoustic fences have been submitted to and approved in writing by the Council. No unit shall be occupied on that phase until the boundary treatments have been provided in accordance with the approved details. This is to include:

- i) For the employment phase, acoustic fences between the proposed employment uses and existing and proposed residential properties.
- ii) For the residential phase, close boarded/acoustic fence to Gallagher Business Park.

26. No mobile plant or vehicles used within the employment site and controlled by the operator shall be used on the site unless fitted with broad band 'white' noise reversing alarms and maintained in accordance with the manufacturer's recommendations.

27. Any reserved matters submission pertaining to scale and layout, for the employment development, shall be supported by a Noise Assessment undertaken in accordance with BS 4142:2014+A1:2019. The Noise Assessment shall consider the impacts of the potential noise resulting from activity of the employment development,

including use of service yards and parking areas, and where necessary shall identify mitigation measures to ensure that noise rating level from the development is less than 5 dB above the representative background sound levels at the proposed neighbouring residential development and the existing properties off Wilsons Lane and Old Farm Lane.

28. There shall be no external plant fitted to the employment units, until the details are submitted and approved in writing by the Local Planning Authority. The details are to include a maintenance schedule; details of expected noise output from the plant and details of any noise acoustic attenuation required. Once approved the plant, approved maintenance plan and any acoustic attenuation are to be retained in lifetime of the plants operation.

29. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Local Planning Authority. The approved packs shall be provided prior to the first occupation of that dwelling.

30. No employment unit shall be occupied until the emergency link connecting the employment site to Wilsons Lane has been completed. (NB. Access to Wilsons Lane is shown on plan: SK_T_026 (P8) Combined Pedestrian / Cycle Path & Emergency Access off Wilsons Lane.

31. Neither the employment area or residential area shall be occupied until the footway /cycleway connections is constructed broadly in accordance with Drawings 16117_SK_T_069 Rev P2 and 'Bedworth to Coventry Cycle Route Sheet 6 of 6 to the satisfaction of the Local Planning Authority in consultation with the Highway Authority

32. No employment unit shall be occupied until ground levels within Flood Zone 3 of the River Sowe will be lowered to create an additional 650 cubic metres of fluvial floodplain storage, as detailed in drawing SK_C_034 Rev P4; SK_C_033 Rev. P5, and the submitted flood risk assessment ref: 16117-FRA&DS-01 v10 dated May 2021, to benefit areas downstream of the site. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

33. No dwellings or employment units shall be occupied until electric vehicle (EV) charging points are provided for that phase, at a rate of;

Residential: 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

Commercial/Retail: 10% of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall be provided.

Industrial: 10% of parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall be provided.

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

34. No dwelling shall be occupied until the relevant domestic gas boiler to that plot is installed to be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.

35. Access to the residential development shall be in general accordance with Drawing SK_T_093 (P1) Residential Site and 16117_SK_T_077 Rev P2. No dwelling shall be occupied until the access has been completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority; including infrastructure required for the Traffic Regulation Order for event / matchday parking restrictions.

36. Prior to 50% occupation of the employment area of the site (27,875sqm) the developer shall undertake the construction of the Longford Road roundabout mitigation scheme in general accordance with Drawing No's SK_T_088 P2, SK_T_089 P6, SK_T_90 P1 and SK_T_091 P1 and to be technically approved by Warwickshire County Council as the Highway Authority.

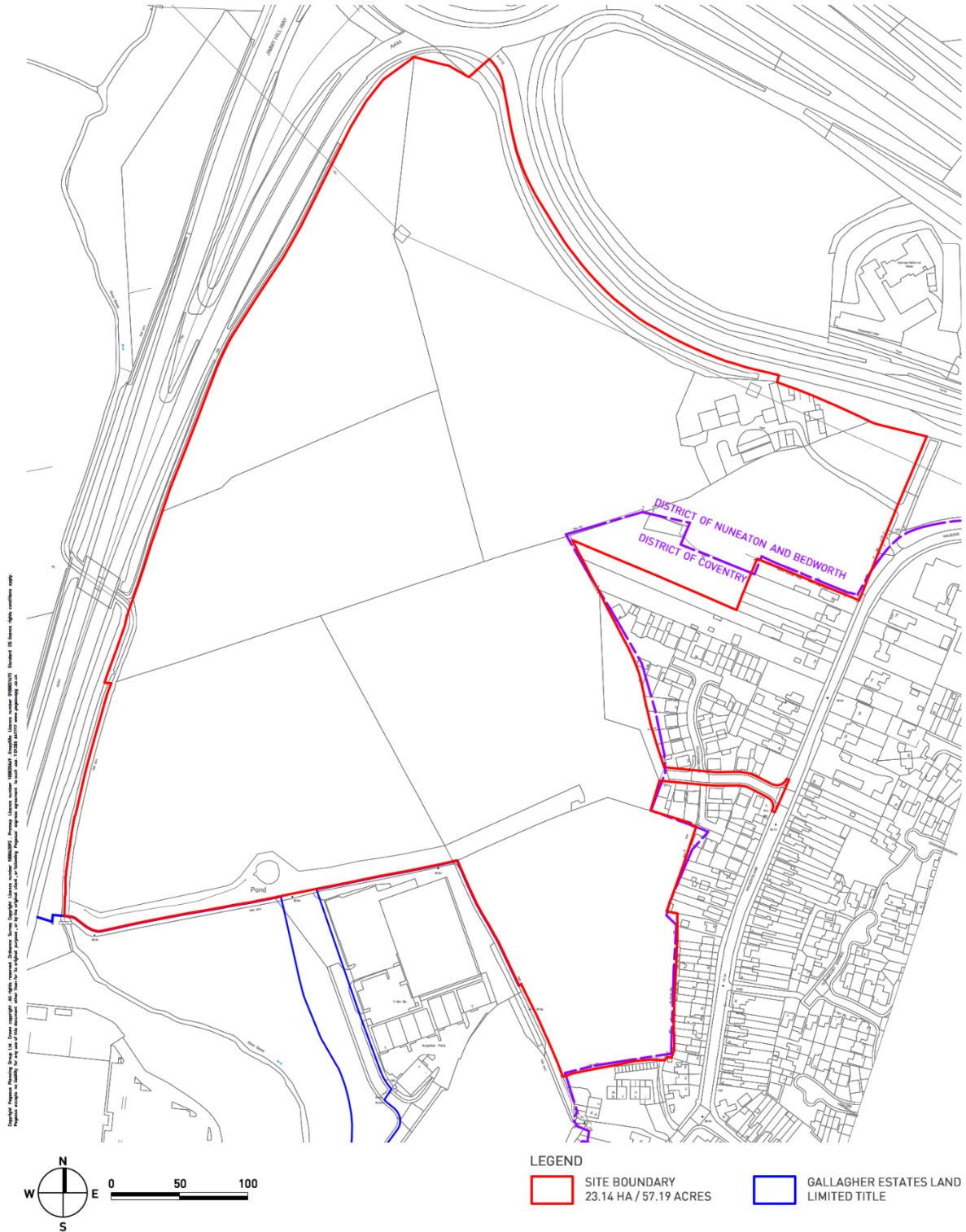
37. Notwithstanding the approved Land Use Plan, the position, width and material of the proposed footpaths and cycle routes will need to be agreed during the Reserved Matters stage for that phase of work. This is to include the provision up to the boundary of the application site to connect into the proposed new cycle route within the Local Wildlife Site through the residential area and connection to the highway. The details will also include details of motorcycle barriers.

38. For the submission of the Reserved Matters, the employment area will need to demonstrate that all parking, loading bays, manoeuvring and dock areas are on the opposite side of the proposed buildings to residential properties.

39. The details required by condition 1(d) (The Landscaping Reserved Matter) shall be carried out within 12 months of occupation of the relevant development phase and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

40. There shall be no external storage (including fuel storage) associated with the employment units to be situated between the employment buildings and residential properties.

41. The employment site shall not be used for matchday, or event parking associated with the adjacent arena, currently known as the Coventry Building Society Arena.



LEGEND

SITE BOUNDARY
23.14 HA / 57.19 ACRES

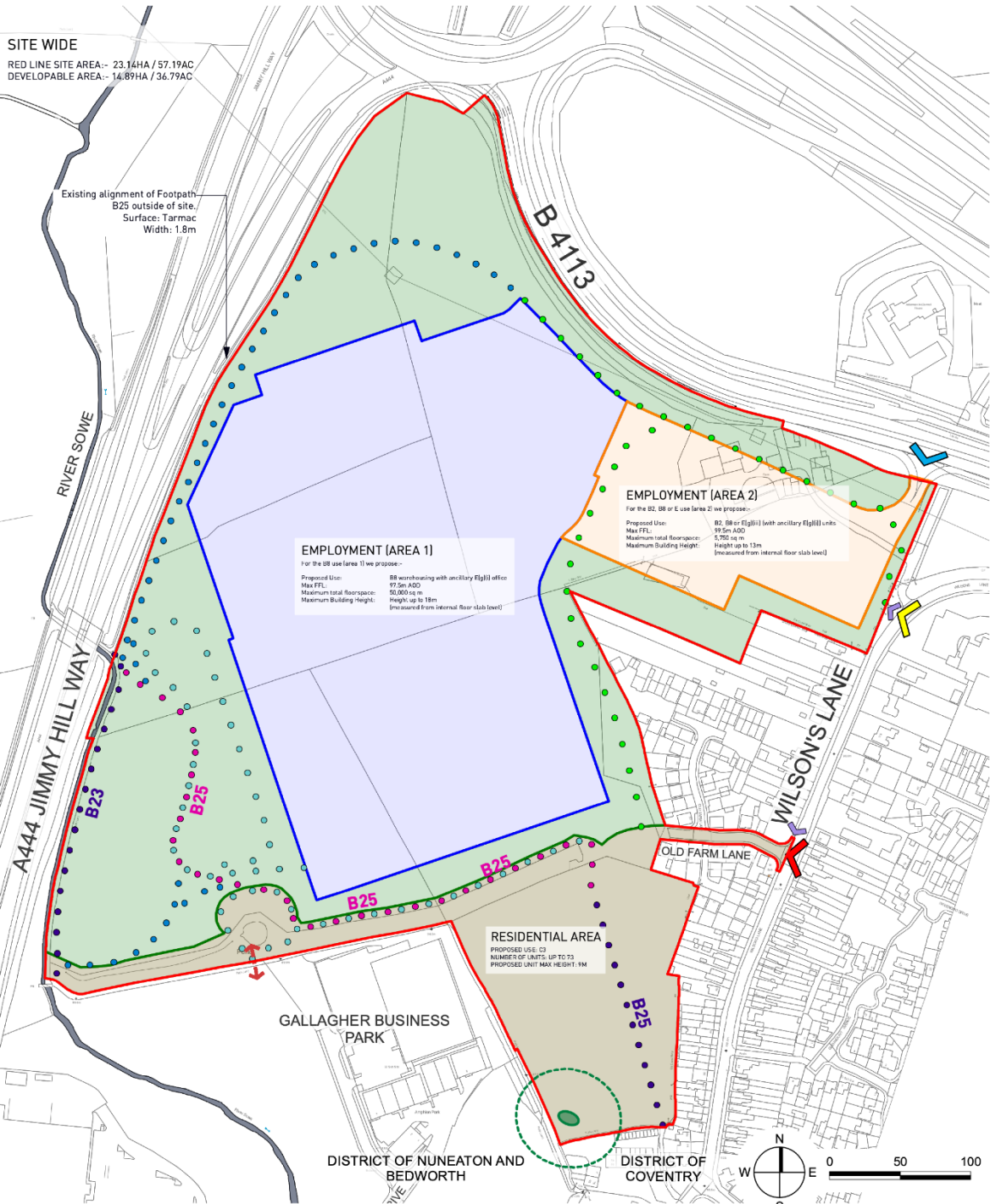
GALLAGHER ESTATES LAND
LIMITED TITLE

LAND AT WILSONS LANE/ A444, COVENTRY
SITE LOCATION PLAN



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM/DRAWN BY: JT | APPROVED BY: SJW | DATE: 17/07/19 | SCALE: 1:2500 @ A3 | DRWG: BIR4240_02 REV: E | CLIENT: GALLAGHERESTATESLTD |

Location Plan



LAND AT WILSON'S LANE/ A444, COVENTRY
 LAND USE PLAN



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM/DRAWN BY: JT | APPROVED BY: HS | DATE: 17/07/19 | SCALE: 1:2500 @ A3 | DRWG: BIR.4240_021_01 | REV: Q | CLIENT: L&Q ESTATES |

Land Use Plan



LAND AT WILSON'S LANE/ A444, COVENTRY
ILLUSTRATIVE MASTERPLAN

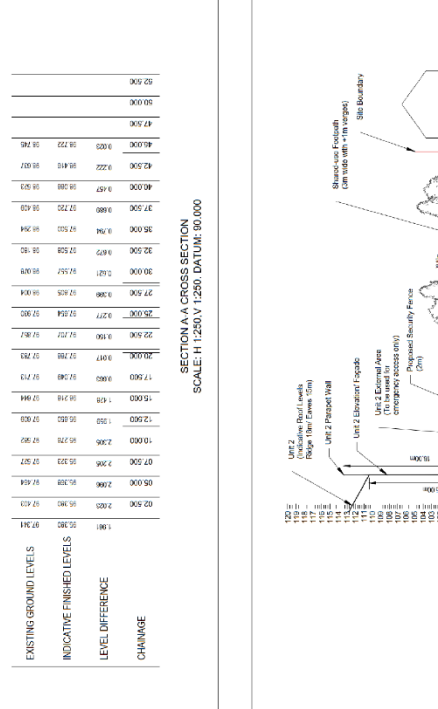
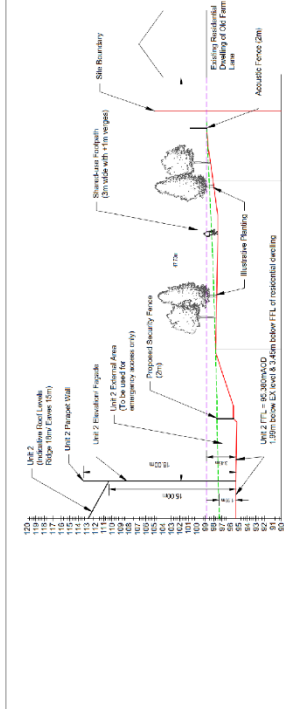
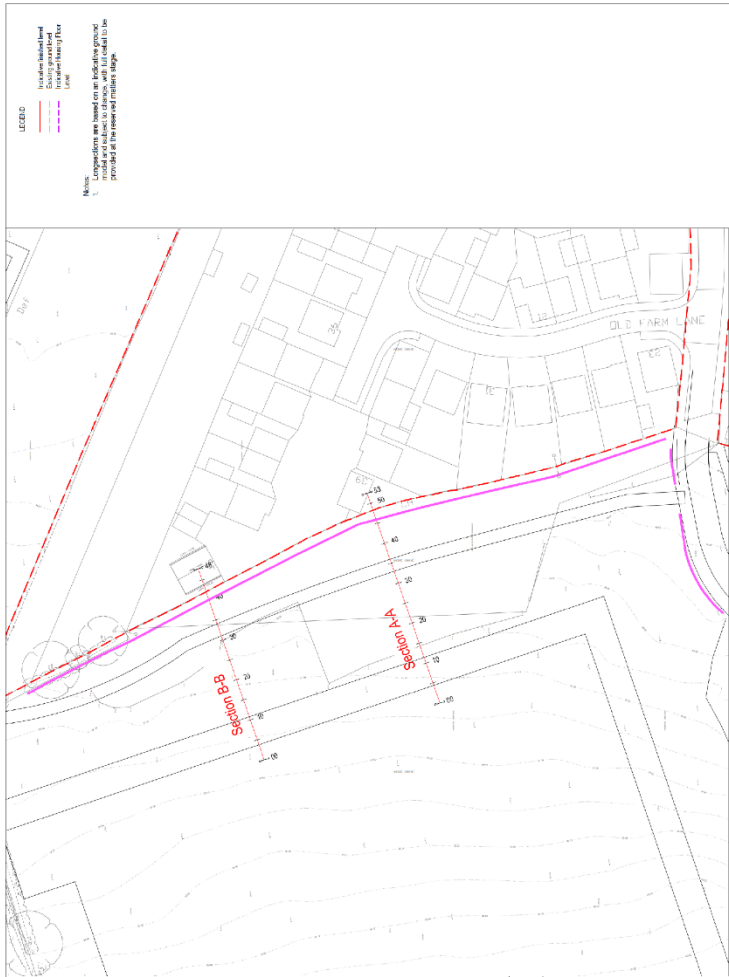


PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM/DRAWN BY: JT/JSB | APPROVED BY: HS | DATE: 17/07/19 | SCALE: 1:2500 @ A3 | DRWG: BIR.4240_008_01 | REV: W | CLIENT: L&Q ESTATES |

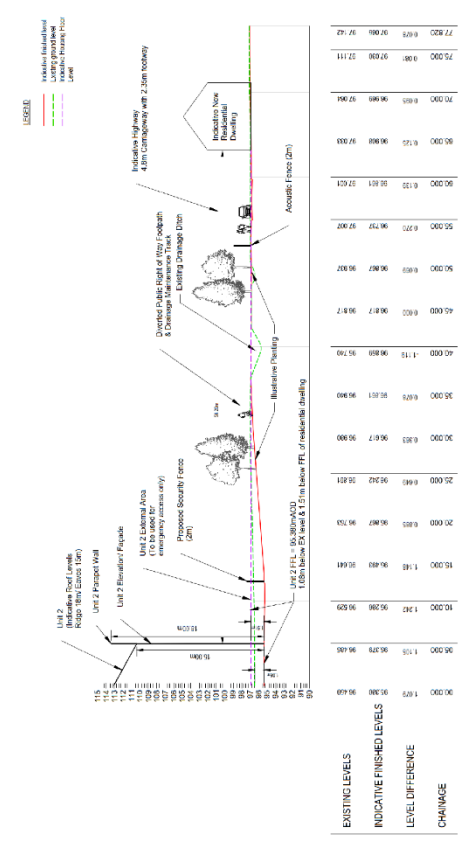
Illustrative Master Plan (Indicative)



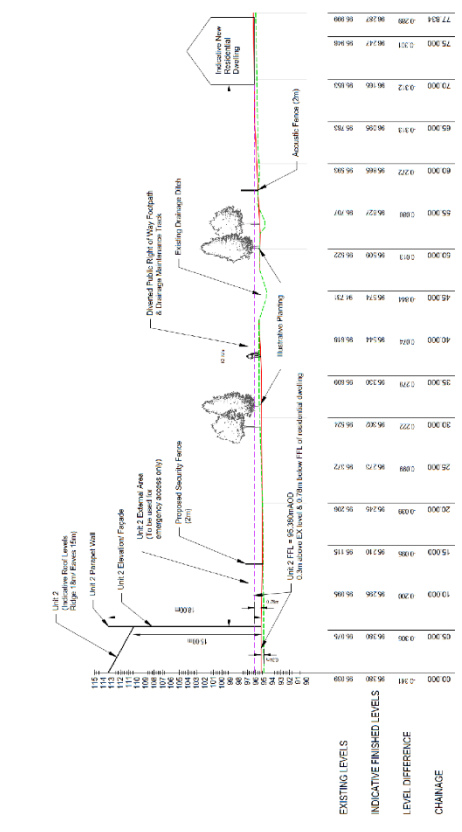
Testing Layout for Residential (Indicative)



Cross Sections from Unit 2 and Old Farm Lane (Indicative)



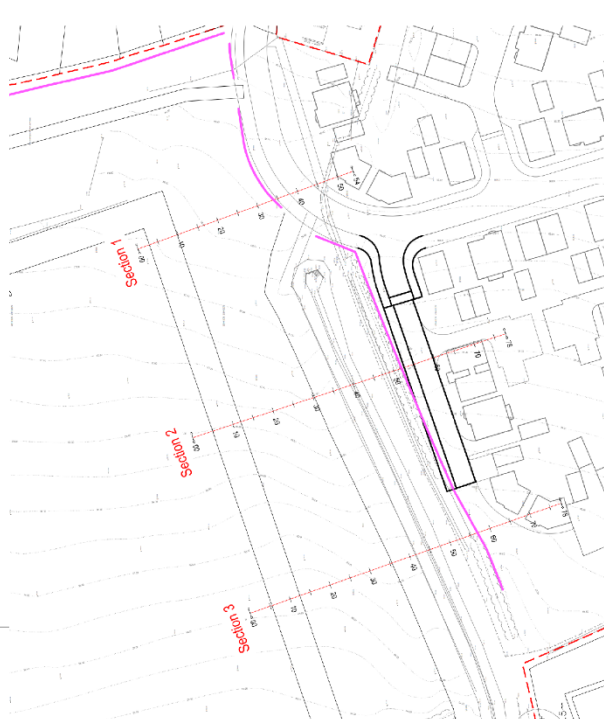
UNIT 2 SOUTH SECTION 2 CROSS SECTION
SCALE: H 1:250 V 1:250. DATUM: 90.000



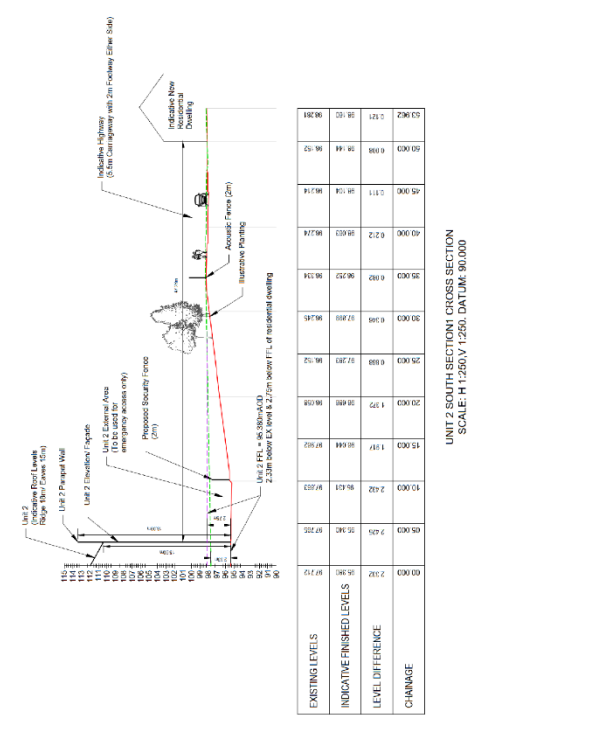
UNIT 2 SOUTH SECTION 3 CROSS SECTION
SCALE: H 1:250 V 1:250. DATUM: 90.000

Notes:
1. Indicative levels are based on our indicative site model and are subject to change, with full detail to be provided at the assessment mature stage.

77.10	77.10	0.00	0.00	0.00	0.00
77.12	77.12	0.00	0.00	0.00	0.00
77.14	77.14	0.00	0.00	0.00	0.00
77.16	77.16	0.00	0.00	0.00	0.00
77.18	77.18	0.00	0.00	0.00	0.00
77.20	77.20	0.00	0.00	0.00	0.00
77.22	77.22	0.00	0.00	0.00	0.00
77.24	77.24	0.00	0.00	0.00	0.00
77.26	77.26	0.00	0.00	0.00	0.00
77.28	77.28	0.00	0.00	0.00	0.00
77.30	77.30	0.00	0.00	0.00	0.00
77.32	77.32	0.00	0.00	0.00	0.00
77.34	77.34	0.00	0.00	0.00	0.00
77.36	77.36	0.00	0.00	0.00	0.00
77.38	77.38	0.00	0.00	0.00	0.00
77.40	77.40	0.00	0.00	0.00	0.00
77.42	77.42	0.00	0.00	0.00	0.00
77.44	77.44	0.00	0.00	0.00	0.00
77.46	77.46	0.00	0.00	0.00	0.00
77.48	77.48	0.00	0.00	0.00	0.00
77.50	77.50	0.00	0.00	0.00	0.00
77.52	77.52	0.00	0.00	0.00	0.00
77.54	77.54	0.00	0.00	0.00	0.00
77.56	77.56	0.00	0.00	0.00	0.00
77.58	77.58	0.00	0.00	0.00	0.00
77.60	77.60	0.00	0.00	0.00	0.00
77.62	77.62	0.00	0.00	0.00	0.00
77.64	77.64	0.00	0.00	0.00	0.00
77.66	77.66	0.00	0.00	0.00	0.00
77.68	77.68	0.00	0.00	0.00	0.00
77.70	77.70	0.00	0.00	0.00	0.00
77.72	77.72	0.00	0.00	0.00	0.00
77.74	77.74	0.00	0.00	0.00	0.00
77.76	77.76	0.00	0.00	0.00	0.00
77.78	77.78	0.00	0.00	0.00	0.00
77.80	77.80	0.00	0.00	0.00	0.00
77.82	77.82	0.00	0.00	0.00	0.00



PLAN @ 1:500

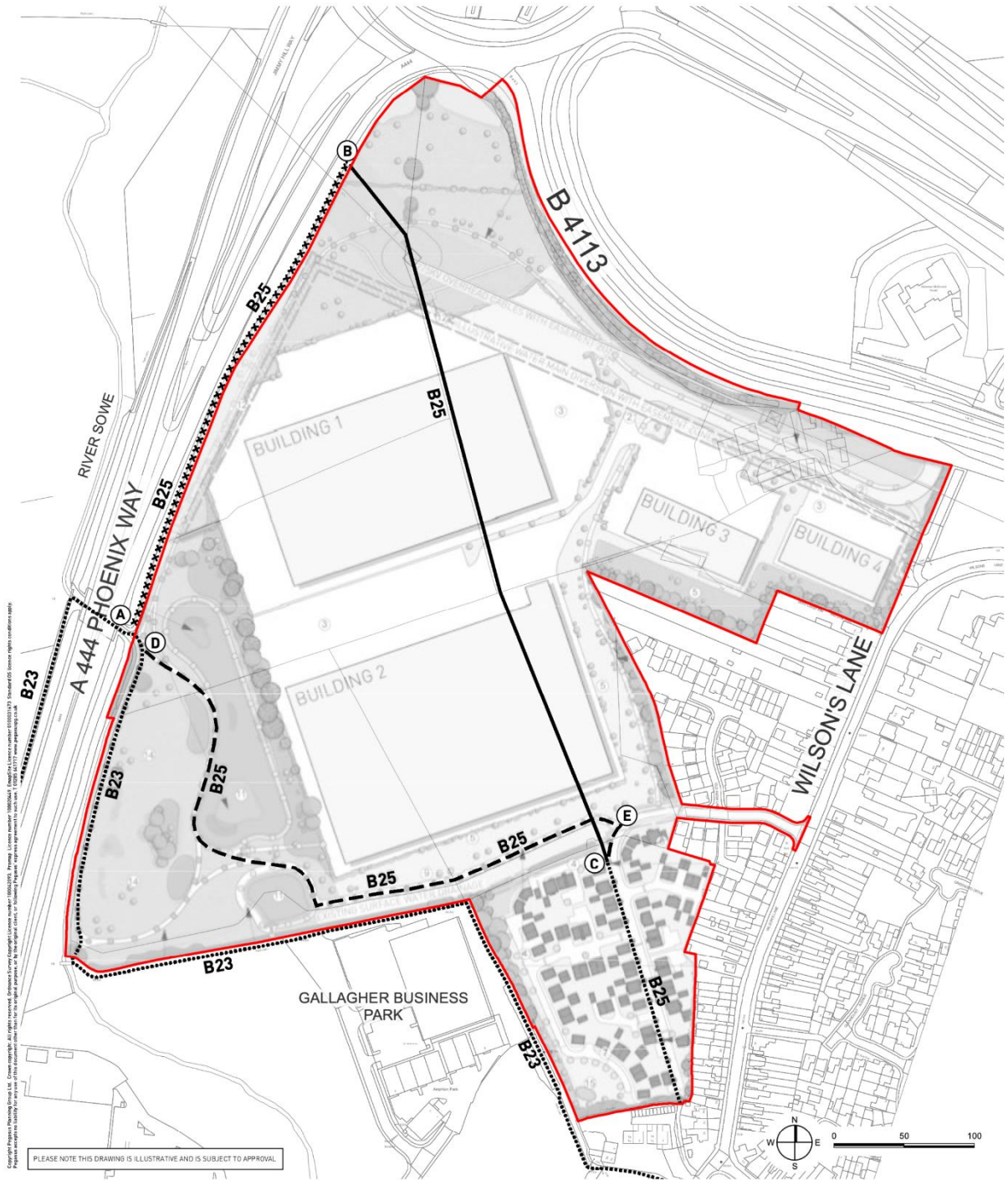


UNIT 2 SOUTH SECTION 1 CROSS SECTION
SCALE: H 1:250 V 1:250. DATUM: 90.000

Cross Sections South of Unit 2 (Indicative)



100% JUBB IS A REGISTERED COMPANY IN THE UK
REGISTRATION NUMBER: 11252812
VAT NUMBER: 265 622 812



PLEASE NOTE THIS DRAWING IS ILLUSTRATIVE AND IS SUBJECT TO APPROVAL

- KEY**
- REDLINE
23.14HA/57.19ACRES
 - EXISTING PUBLIC FOOTPATH
TO BE RETAINED
 - PROPOSED PUBLIC
FOOTPATH
 - EXISTING PUBLIC FOOTPATH
TO BE DIVERTED
 - EXISTING PUBLIC FOOTPATH
TO BE DIVERTED
- DISTANCES -
 A - B = 361m
 B - C = 535m
 D - E = 388m

LAND AT WILSON'S LANE/ A444, COVENTRY
 PROPOSED DIVERSION OF PUBLIC FOOTPATH B25
 WITHIN THE NON CIVIL PARISH/COMMUNITY OF NUNEATON AND BEDWORTH
 AND COVENTRY CITY TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

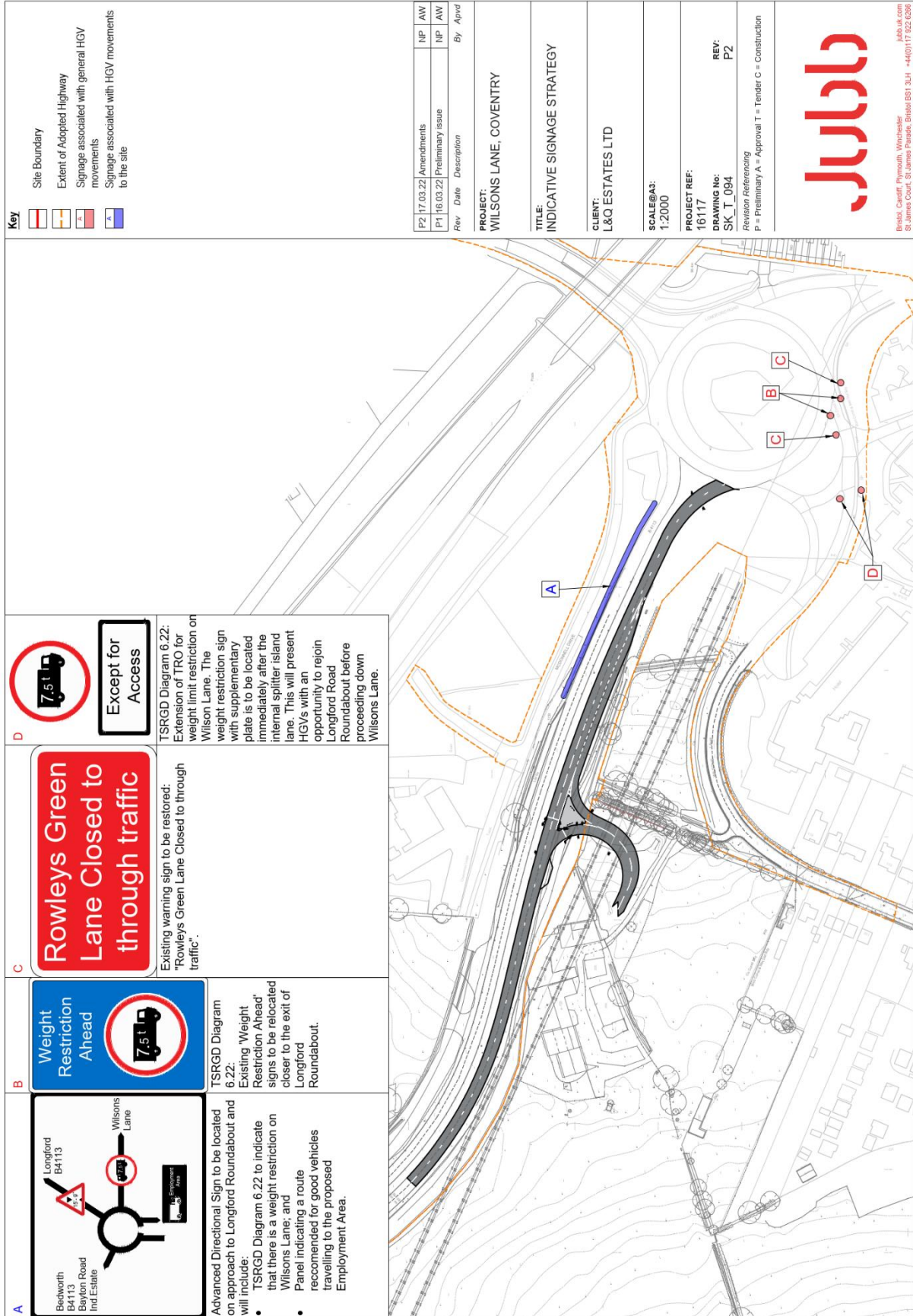


PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM/DRAWN BY: OS | APPROVED BY: SJW | DATE: 17/05/21 | SCALE: 1:2500 @A3 | DRWG: BIR.4240_26 REV: L | CLIENT: L&O ESTATES |

Proposed Diversion of Public Footpath

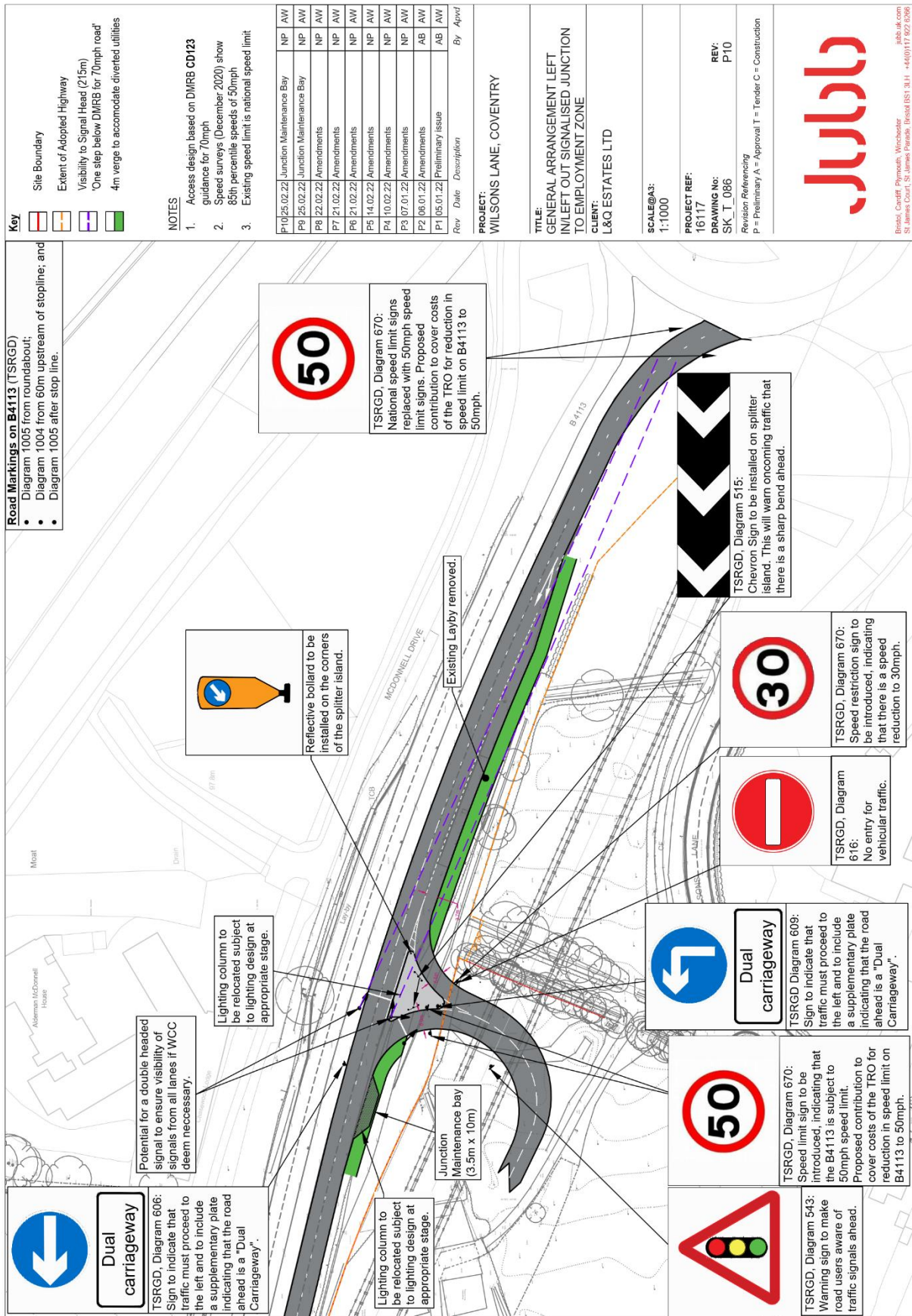


Larger Plan of suggested new cycle route requested by NBBC Parks.(Yellow being the existing route and red the requested proposed route.)



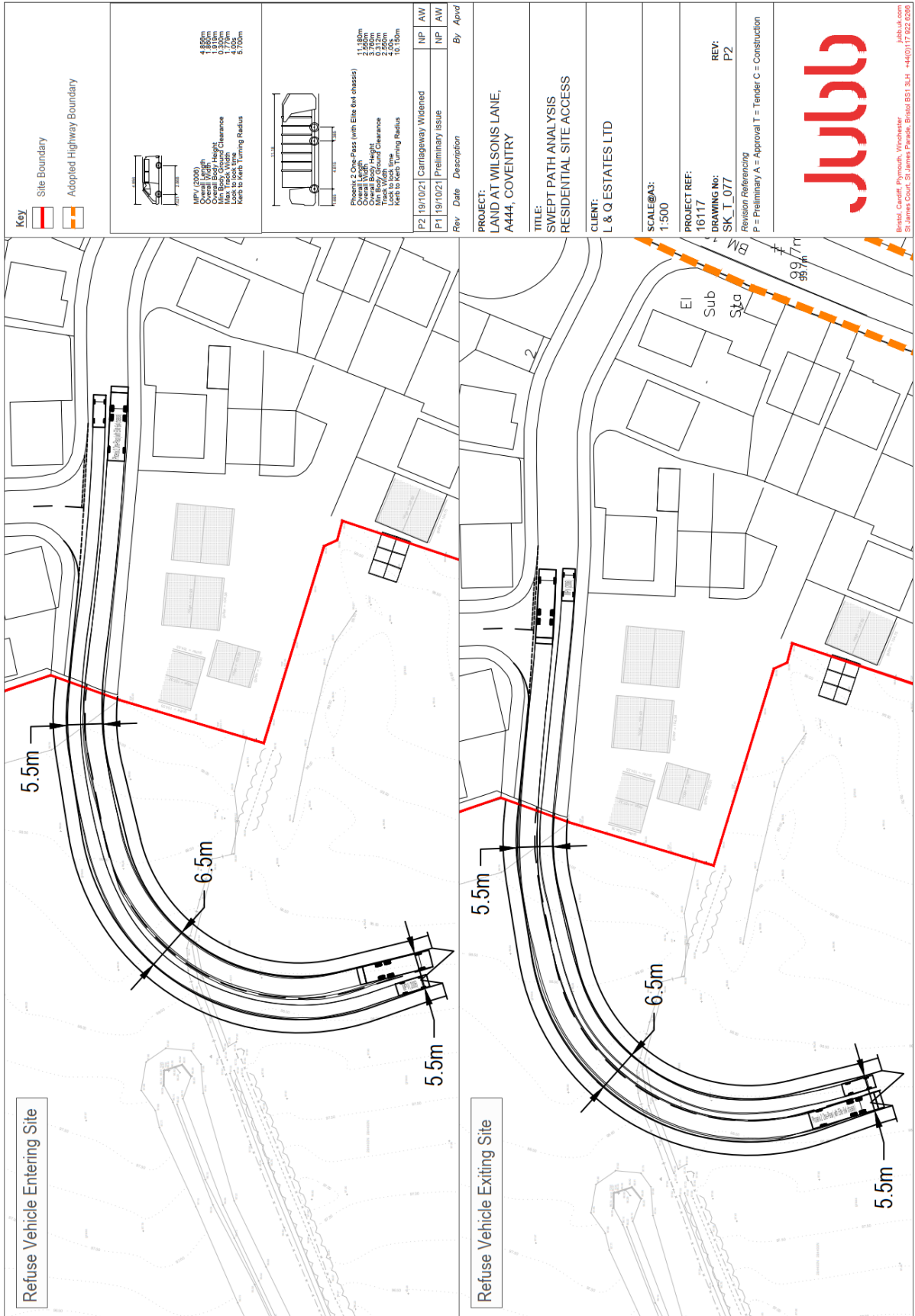
Bristol, Cardiff, Plymouth, Winchester
 St James Court, St James Parade, Bristol BS1 3JH +44(0)117 932 6296
 jubb.co.uk

Indicative Signage

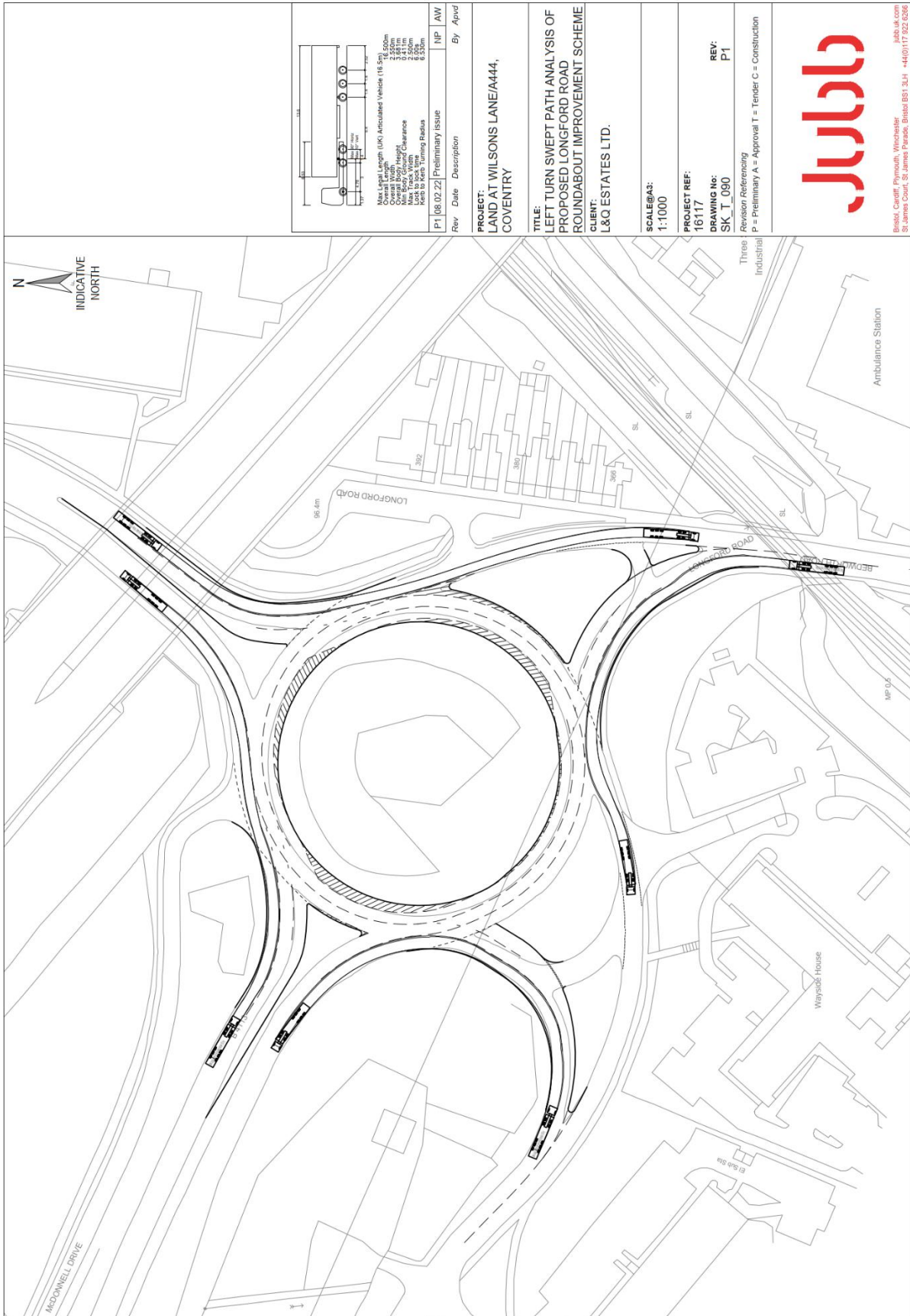


Bridle Court Plymouth, Winchester
St James Court, St James Parade, Bristol BS1 3BJ +44(0)117 927 0266
jubb.co.uk

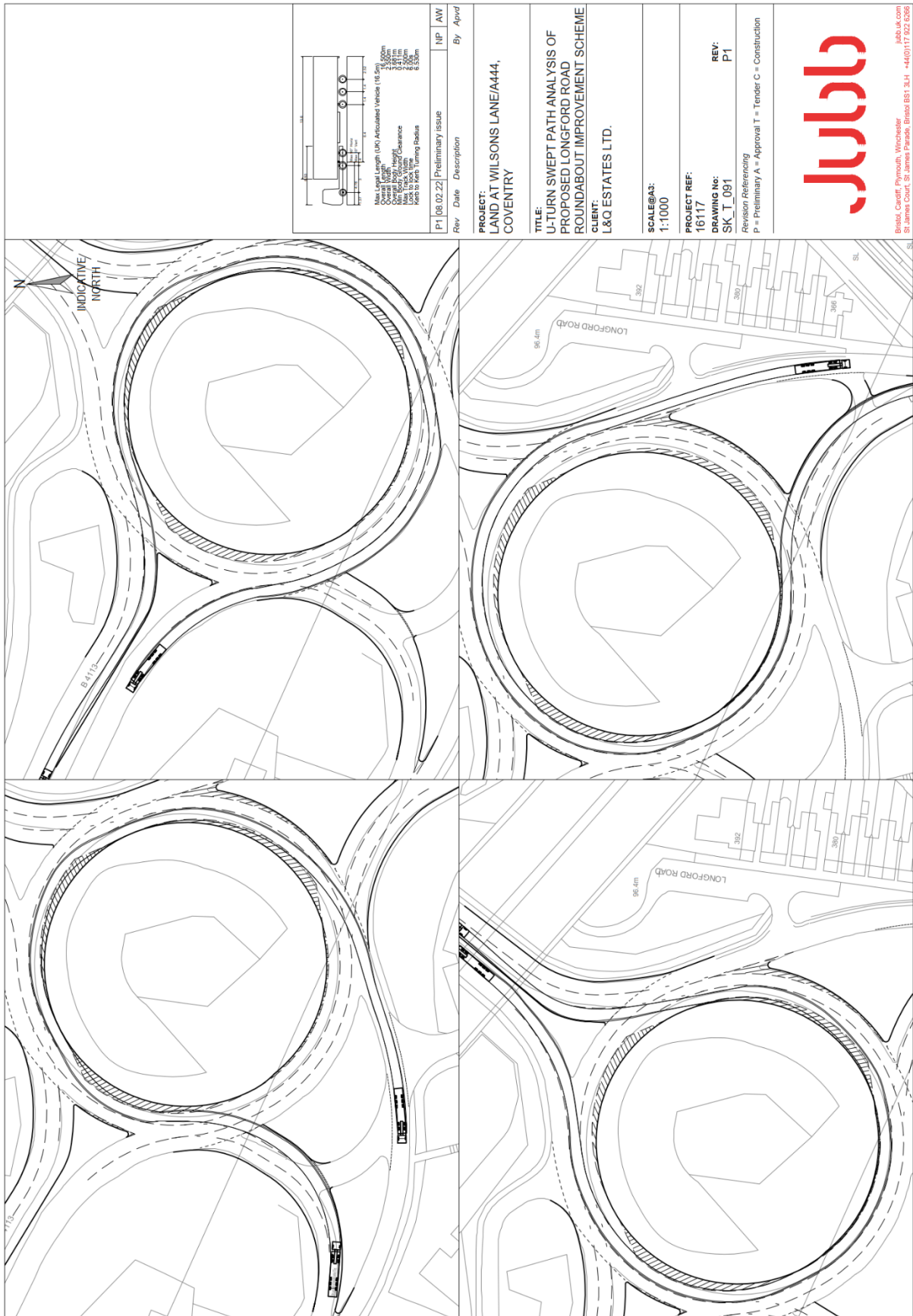
General arrangement left in/left out signalised junction to employment zone



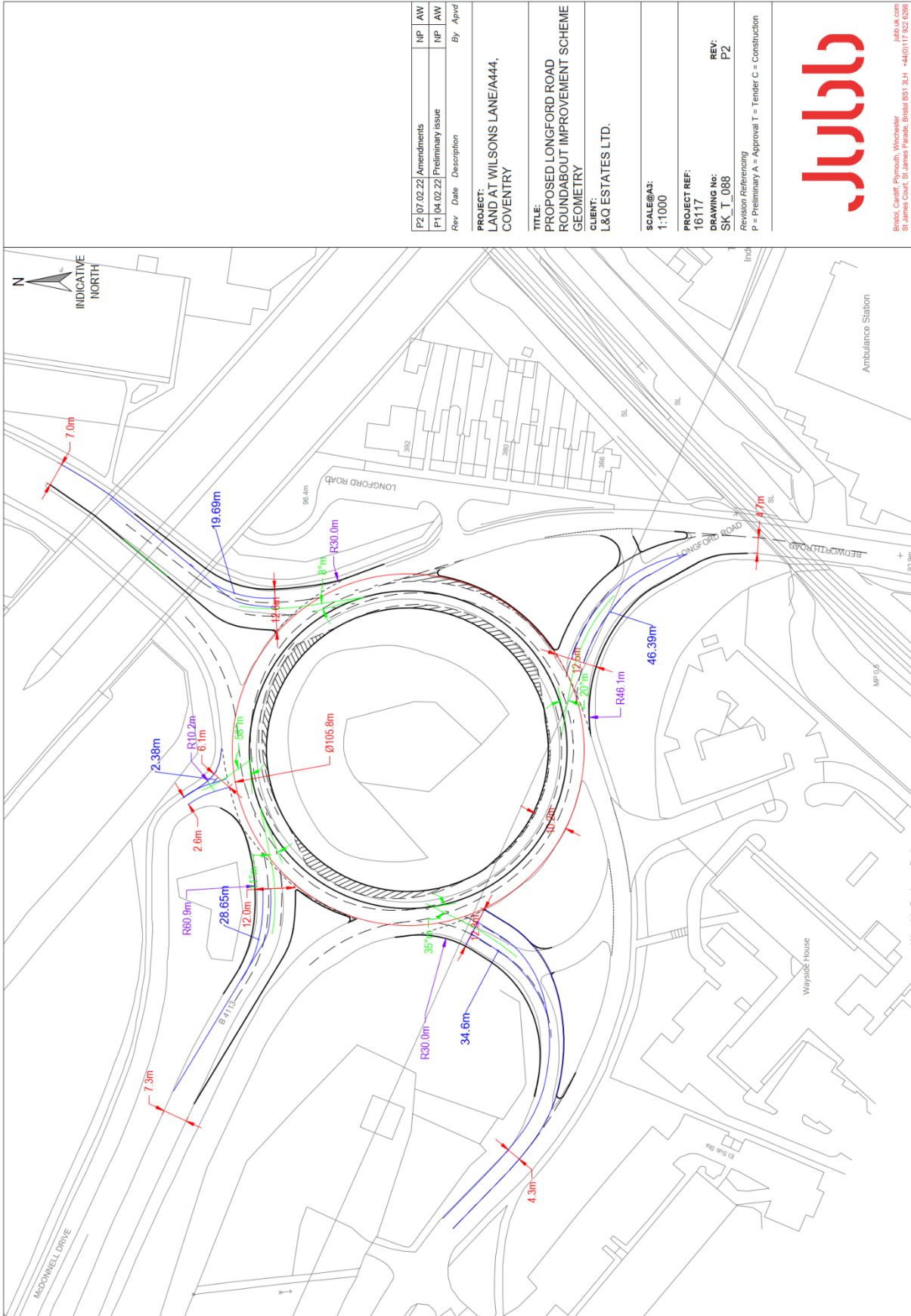
Swept Path Analysis residential site access



Left turn swept path analysis of proposed Longford Road roundabout improvement scheme



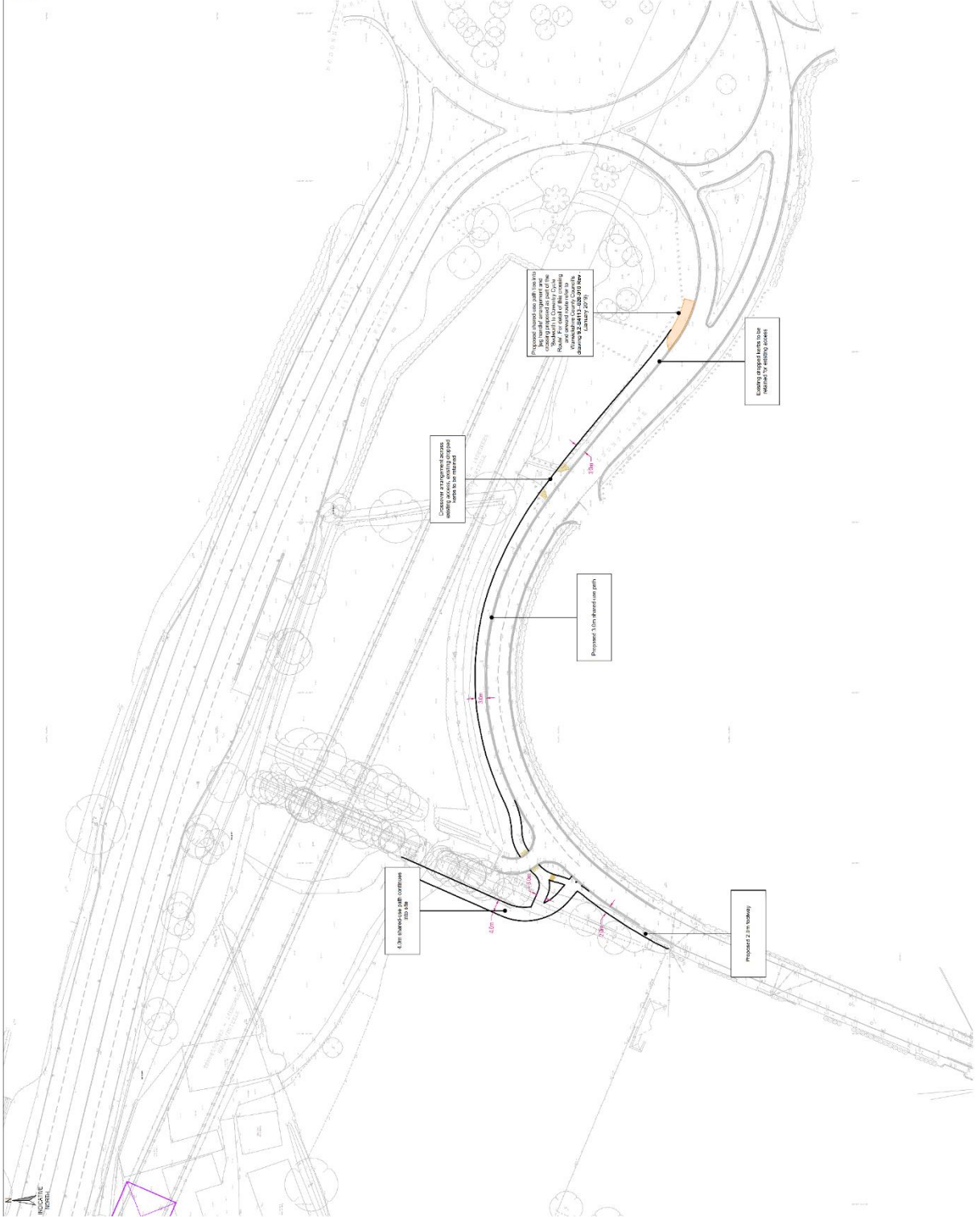
U-turn swept path analysis of proposed Longford Road roundabout improvement scheme.



Proposed Longford Road roundabout improvement scheme geometry

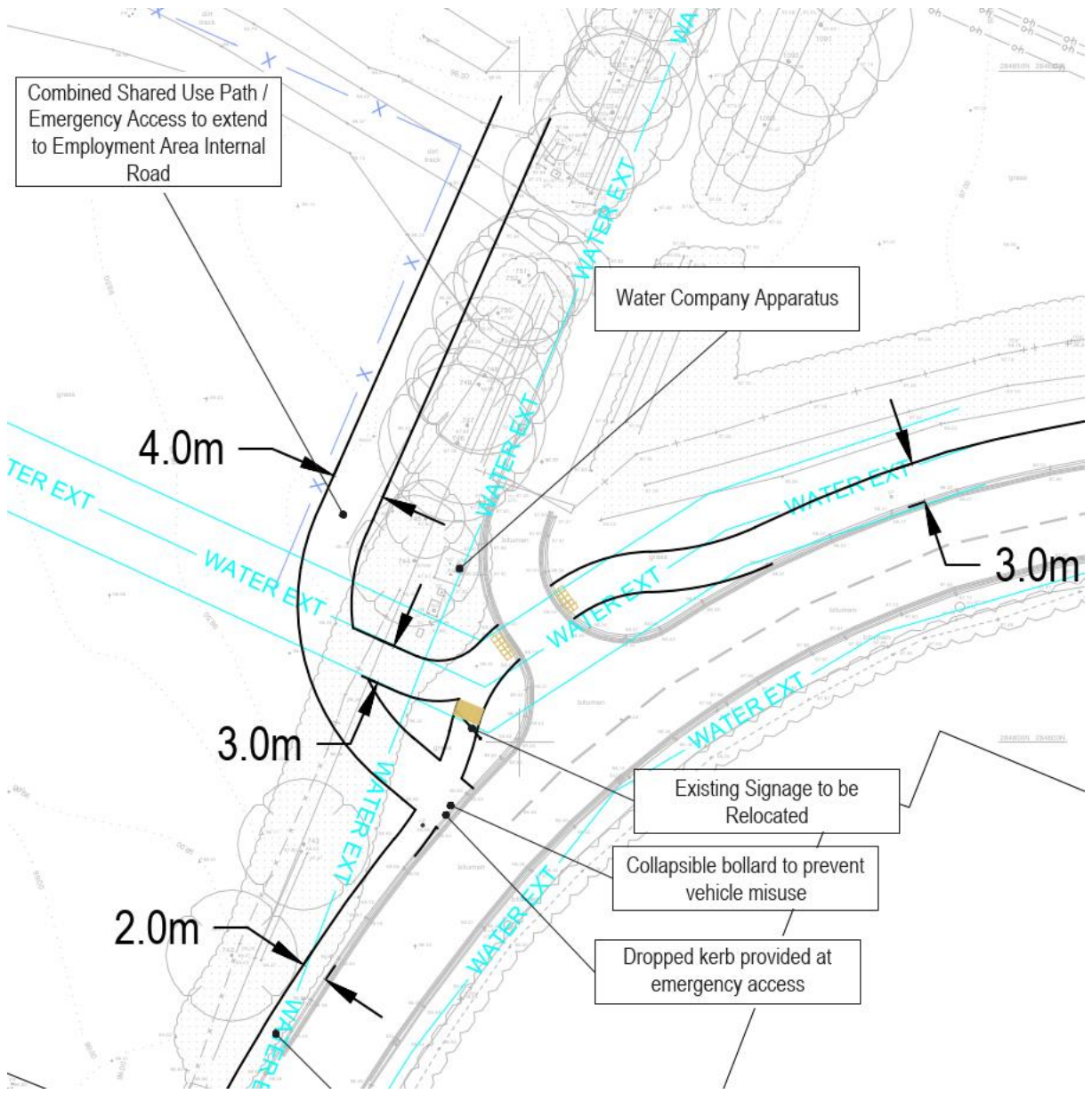
KEY

- Works forming part of Warwickshire County Council's Research in Coventry City Centre
- Proposed shared use path. All means reception of existing amenity and impacts



15117-01-01
10.03.22
15117-01-01

Proposed connection Bedworth to Coventry Cycle route.



Emergency Access into employment area from Wilsons Lane.

Appendix A

Technical Note



Lombard House
145 Great Charles Street
Birmingham
B3 3LP

airandacoustics.co.uk

Wilson's Lane, Coventry

Job Number: 100372	Date: 12 April 2022	Client: L & Q Estates Ltd
Prepared By: BB	Approved By: DS	

1. Introduction

- 1.1. This Technical Note (TN) has prepared by Air & Acoustic Consultants Limited (AAC) in response to comments raised by the Environmental Health Officer (EHO) at Coventry City Council (CCC) in respect to a Noise Assessment undertaken by AAC (ref: 100372 Land at Wilson's Lane/A444, Coventry. Noise Assessment. May 2021). The submitted noise assessment was in support of an application for outline permission for a mixed use residential and employment development.
- 1.2. This TN will cover each specific query that has been raised in the order that they have been raised and where appropriate will be combined to provide a complete response. The responses to these comments are set out in the following section.

2. Noise

- 2.1. Coventry City Council comment:

The noise impact assessment has not been updated.

Response:

- 2.2. The 2021 noise impact assessment appropriately assesses the noise impacts on the proposed residential element of the development which has not been substantially changed. The assessment does include the changes to the masterplan that results in the proposed commercial buildings shielding the noise sensitive receptors noise associated with the development. The impacts of the employment element of the development on the existing and proposed residential receptors are likely to be lower because the noise sources have been moved further from the residential receptors; this includes the car parks located at the southern and eastern elevations of Unit 2. The report demonstrates that adverse impacts due to noise are unlikely and thus robustly assesses the proposals.
- 2.3. Coventry City Council comment:
References to car parking needs to be removed and confirmation that there will be no car parking around the commercial units on facades facing residential receptors.
Response:
- 2.4. As above, is this necessary? The updated submitted plans show that the car parking will not be located close to receptors.
- 2.5. Coventry City Council comment:

Noise monitoring was carried out in December 2020, what COVID restrictions were in place at the time for Coventry? How might these have affected the readings?

Response:

2.6. Consultation was undertaken with the EH department at Nuneaton and Bedworth Council concerning this and it was agreed that it was unlikely that traffic flow numbers would be more than 25% different which would equate to a change in road traffic noise of 1 dB or less which is very minimal. This reduction would make the assessment of industrial noise more onerous because lower background sound levels are used in the assessment and in terms of the residential noise levels a change of 1 dB is negligible, all calculations concerning mitigation include an extra 3 dB to account for potential errors.

2.7. Traffic flow surveys were carried out at the time which showed at most 12.2% decrease in road traffic, this equates to an approximate change in noise level of 0.5 dB, see Appendix A for road traffic survey results.

2.8. Coventry City Council comment:

Condition restricting tonal vehicle reversing signals.

Response:

2.9. For on-site vehicles this is fine and broadband reversing alarms can be conditioned. While visiting vehicles may not have broadband reversing alarms the reversing operations of a visiting vehicle would have limited use, only during the docking manoeuvre.

2.10. Coventry City Council comment:

What is the reference for the source of the library noise data?

Response:

2.11. The AAC library is an inhouse database of specific noise source measurements that we have recorded and a number of these sources have been used in the noise assessment.

2.12. Coventry City Council comment:

Table B.3 please explain criteria comparison; these appear to be showing exceedances of the WHO limits?

Response:

2.13. These are the worst case predicted noise levels prior to any mitigation being applied. The mitigation measures are designed so that the resulting noise level at the receptor is below the relevant criteria which include the WHO limits.

2.14. Coventry City Council comment:

The report needs to specify measurable site boundary noise limits.

Response:

2.15. While not specifying boundary limits there are levels predicted at the sensitive receptors which are measurable. Adverse impacts have been demonstrated to be unlikely so this would be unnecessary especially because this is an outline application where site specifics have not been finalised.

2.16. Boundary noise conditions have been used in the past, however these require significant time and resources to investigate and often the noise has changed or stopped by the time a planning investigation can be undertaken so we would also question if this is reasonably enforceable.

2.17. Coventry City Council comment:

Appendix D noise contours, plans do not say which noise parameters are being displayed?

- 2.18. The title of each page states which contour profile is displayed. The first page, Appendix D.1, shows the daytime $L_{Aeq,15hour}$ contour. The second page, Appendix D.2, shows the night-time $L_{Aeq,8hour}$ contour. The third page, Appendix D.3, the night-time L_{AFmax} contours from existing noise sources. The fourth page, Appendix D.4, the daytime noise rating level $L_{A,T1}$. The fifth page, Appendix D.5, the night-time noise rating level $L_{A,T1}$. The sixth page, Appendix D.6, the night-time L_{AFmax} contours from proposed noise sources.
- 2.19. Coventry City Council comment:
- L_{Amax} noise contours D.6 : Showing red spots as noise sources, what are these noise sources?
- Response:**
- 2.20. They are the sources that were defined in Table 6.5; HGV movement, HGV loading and a car door slam, while the car parking and traffic route has been removed from this part of the development the sources placed here only make the assessment more robust.
- 2.21. Coventry City Council comments:
- Plant and machinery is unspecified, a design target needs to be incorporated so that all plant and machinery can achieve -10dB below the existing background noise level.
- Response:**
- 2.22. At this point no specific fixed plant or machinery has been specified so has not been assessed, 10 dB below background can be added as a condition and we would normally expect a standard condition to prevent the installation of any new plant unless the details have been submitted and approved by the LPA.
- 2.23. Coventry City Council comment:
- Mitigation Section 7- will need alternative assisted ventilation (trickle vents not suitable) where proposing closed windows to meet internal noise levels.
- Response:**
- 2.24. The assessment has demonstrated that under reasonable worst-case conditions the ventilation requirement of Part F can be met with the inclusion of trickle ventilators and this strategy is generally considered to be acceptable. We have tried to contact the EHO for further details on the specific expectations and what kind of mitigation options would be considered acceptable if trickle ventilator are not accepted?
- 2.25. It is considered that for much of the time the ambient conditions will not be at the reasonable worst-case scenario level and as a result the ambient noise levels are likely to be lower.

APPENDIX A – ROAD TRAFFIC SURVEY RESULTS

Daily Flow B4113									
Year	July 2018			December 2020			% change		
	EW	WB	2-way	EW	WB	2-way	EW	WB	2-way
Weekday Average	10125	10274	20399	9842	9223	19065	-2.8	-10.2	-6.5
7-day average	9285	9295	18580	8706	8165	16871	-6.2	-12.2	-9.2

REFERENCE No. 037807**Site Address:** Site 117c003 - Blackhorse Road, Exhall Coventry, West Midlands**Description of Development:** Erection of 176no. dwellings, open spaces and park provision, cycle and pedestrian routes, highway works, landscaping and associated infrastructure (outline including access)**Applicant:** Terra Strategic**Ward:** PO

RECOMMENDATION:

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

INTRODUCTION:

This is an outline application for the erection of 176no. dwellings, open spaces and park provision, cycle and pedestrian routes, highway works, landscaping and associated infrastructure. This application is for phase two of the whole site. The application previously proposed 296no. dwellings but following discussions with WCC Highways and further traffic modelling being undertaken it has resulted in the reduction in the number of dwellings proposed to 176no. dwellings. A previous application for the erection of 204 no. dwellings including site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works has been approved under reference 036870.

The application site area is 15.85 hectares and is accessed off Stockley Road. The whole site is 29 hectares. It is an open site and the previous use as a golf course has ceased. The dwellings approved under reference 036870 are under construction. To the west is the Nuneaton to Coventry railway line with Bayton Road Industrial Estate beyond. A residential housing estate lies to the south of the site as well as to the far north of the site beyond Coalpit Fields Balancing Lake. The Coventry Canal denotes the eastern and north-eastern boundaries of the site with fields beyond. A network of footpaths cross and run adjacent to the site linking the residential development to the south with Bayton Road Industrial Estate to the west as well as to northern and eastern parts of the site. The canal towpath lies on the eastern side of the Coventry Canal.

BACKGROUND:

This is an outline application for the erection of 176no. dwellings, open spaces and park provision, cycle and pedestrian routes, highway works, landscaping and associated infrastructure. The following matter is to be considered at this stage:

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

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

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

RELEVANT PLANNING HISTORY:

- 038633: Non material amendment to approval 038193 to show stone head and cills window replaced with brick head and cills, the omission of eaves brick details, addition of windows and doors and amendments to the size of windows: Approved 03/03/2022.
- 038193: Variation of condition 2 of planning permission 036870 to show amended house types on 108no. plots and associated amendments to the plot arrangements and the re-distribution of 6no. affordable housing plots: Approved 06/01/2022.
- 036870: Erection of 204 no. dwellings, site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works and infrastructure: Approved 10/05/2021.
- 031950: Creation of canal marina up to 150 berths, 40 allotments, community centre, up to 169 dwellings (42 affordable), public open space with retention & creation of foot & cycle paths, creation of play area & landscaping. (Outline including access) following refusal of 031405: Refused 23/03/2013 and dismissed at appeal 14/11/2013.
- 031405: Creation of canal marina up to 150 berths, 40 allotments, community centre, up to 200 dwellings (up to 50 to be affordable), public open space including retention & creation of foot & cycle paths, creation of natural play area & associated landscaping. (Outline including access): Refused 21/11/2012 and dismissed at appeal 14/11/2013.
- 009792: 120 berth marina, ablution block, 72-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Recommended for approval but called-in by Secretary of State subsequently refused on 19/1/2007.
- 009389: 120 berth marina, ablution block, 72-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Refused 02/02/2005.

- TP/0499/02: 120 berth marina, ablution block, 35-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Deemed Refused 15/3/2004.
- TP/0050/98: Extension to form golf shop and enlarged clubroom: Withdrawn 03/07/1998
- TP/0159/94: Reserved matters application for clubhouse, 30-bed hotel, 18-hole golf course, golf driving range, landscaping and associated facilities: Approved 24/10/1996.
- TP/0046/94: Variation of time condition to allow further 3 years for the submission of details: Approved 01/04/1996.
- TP/0117/89: Outline application for residential, 9-hole golf course, clubhouse, hotel, car parking and associated facilities: Approved 19/03/1991

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - SA1- Development Principles on Strategic Sites;
 - HSG12- Former Hawkesbury Golf Course;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - TC3- Hierarchy of Centres;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS5- Health;
 - HS6- Sports and exercise;
 - NE1- Green Infrastructure;
 - NE2- Open Space;
 - NE3- Biodiversity and Geodiversity;
 - NE4- Managing Flood Risk and Water Quality;
 - NE5- Landscape Character;
 - BE1- Contamination and Land Stability;
 - BE3- Sustainable Design and Construction and
 - BE4- Valuing and Conserving our Historic Environment
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021.
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, Canal & Rivers Trust, Coal Authority, Coventry City Council, Environment Agency, George Eliot Hospital Trust, Health & Safety Executive, Inland Waterways Association, Natural England, National Highways, NBBC Environmental Health, NBBC

Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, Network Rail, NHS, The Ramblers Association, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection from:

Ramblers Association

No objection subject to conditions from:

Canal & Rivers Trust, Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Parks, Network Rail, Warwickshire Fire & Rescue, Warwickshire Fire Safety, WCC Archaeology, WCC Flood Risk Management, WCC Highways

No objection subject to planning obligations from:

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

No objection from:

National Highways, Natural England, NBBC Planning Policy, NBBC Refuse, NBBC Housing, Warwickshire Police (Architectural Liaison Officer), WCC Rights of Way

Comment from:

Coventry City Council, Health & Safety Executive, Inland Waterways Association

No response from:

Cadent Gas, Severn Trent Water, Warwickshire Wildlife Trust, Western Power Distribution

NEIGHBOURS NOTIFIED:

1-57 (odd), 2-38 (even) Sinclair Drive; 1-47 (odd), 2-10 (even), 16-22 (even) Sephton Drive; 69- 85 (odd), 95, 97, 99a & 99b, 101-109 (odd), 105a and 105b, 125, 127, 129, Handmade Speciality Products Ltd 67, AML Welders Ltd unit 1 rear of 67, Hyfore Workholdings units 2 & 3 rear of 67, Atritor Turbo Separators Division unit 4 rear of 67 Blackhorse Road; 1-27 (odd), 2-58 (even) Heritage Drive; 1-48 (inc) Aspen Drive; Hawkesbury Village Residents Association; Hawkesbury Hall Farm, Coventry Road, Bulkington, agent acting on behalf of owner of adjoining site at Stockley Road

Neighbouring properties were sent letters notifying them of the proposed development on 24th February 2021 and 21st February 2022. Site notices erected on street furniture on 25th February 2021 and 2nd March 2022 and the application was advertised in The Nuneaton News on 17th March 2021 and 16th March 2022.

NEIGHBOUR RESPONSES:

There have been 49 objections from 33 addresses as well as 1 objection with no address provided. The comments are summarised below;

1. Increased traffic and congestion.

2. Infrastructure not in place to cope with extra traffic.
3. There are only two ways in and out of the village- either over the level crossing or a hump back bridge. Will be dangerous.
4. Concerns over how emergency services will get through.
5. Need for more school places.
6. Existing GP surgeries not coping.
7. Any development would change Hawkesbury from a village to a town.
8. Has the site been checked for protected species?
9. Loss of countryside and open space.
10. A suitable additional access road should be built.
11. Trains are due to increase leading to the level crossing gates being down more.
12. Increased flooding.
13. Loss of wildlife.
14. Loss of Green Belt land.
15. Poor existing bus service.
16. Do not object to first phase of development but do object to development of the rest of the site.
17. Should utilise empty buildings before building new site.
18. This development and others that have been approved will cause major problems.
19. Presence of mine shafts.
20. Increased noise.
21. Increased pollution.
22. Loss of views.
23. Increased overlooking.
24. Crime and anti-social behaviour will increase.
25. Lack of shops and other community facilities.
26. Issues with contamination.
27. How will the Coventry Canal be improved?
28. Impact on air quality.
29. Impact on facilities in Coventry.
30. Appreciate the need for further housing but this should be supported by the right infrastructure.
31. Potential impacts would be felt over a very wide area.
32. Would set a precedent.
33. No biodiversity gains.
34. No schools that are within Warwickshire in walking distance.
35. Development should be adapted around the existing trees.
36. Brownfield sites should be developed first.
37. Hundreds of properties being built. How many new homes are needed?
38. A second vehicular access is needed.
39. NBBC should re-evaluate the Borough's housing needs.

There have been 2 objections from Hawkesbury Village Residents Association. The comments are summarised below;

1. The Borough Plan indicates that the whole site would be for at least 380 dwellings.
2. Concerns over future application for the rest of the site and how many dwellings in total.
3. There are currently 750 dwellings in the area that is defined as Hawkesbury Village, which falls between the railway level crossing on Blackhorse Road and the humpback bridge that goes over the Coventry Canal at Blackhorse Road/Grange Road. A housing development on Grange Road consisting of 107

dwellings is currently being constructed, 8 town houses are being built off Ironbridge Way, Hawkesbury Village and recently a development of 80 dwellings on Stockley Road, Hawkesbury Village has been agreed by the NBBC Planning Committee.

4. The nearest schools are within the area of Coventry, not Warwickshire and therefore not the catchment for the proposed dwellings.
5. Lack of facilities in the area.
6. Increased traffic.
7. The current road infrastructure, due to the railway crossing, can not take the associated increase in traffic that the proposed dwellings would cause.
8. Lack of spaces at health care providers.
9. If NBBC Planning Committee are minded to allow this application to be approved, we request that a condition is put on this application to ensure that the community building, allotments, orchard, open spaces, cycle/pedestrian routes and landscaping must form part of the development
10. Potential flooding.
11. Presence of mineshafts on the site.
12. Additional road calming on Blackhorse Road and amendments to the mini island on Blackhorse Road should be provided.
13. A play area should also be added to this site along with a Multi-Use Game Area (MUGA) for older children.
14. A Section 106 agreement could be added to the development for money to reinstate a station at the Hawkesbury Lane level crossing, to allow residents to use the train directly from Hawkesbury Village to Coventry and also Bedworth/Nuneaton.
15. Dialogue between the developers and local bus companies should also be undertaken to increase the scope and number of bus services that are available in Hawkesbury Village.
16. Request that Planning Committee members attend this area prior to the meeting to get an understanding of the layout of this area and the issues created by only having two points of entry/exit with a level crossing at one end and a weight restricted bridge at the other.

There have been 2 objections from Hawkesbury Village Action Group. The comments are summarised below;

1. The development is more than likely to cause an increase to already significant traffic problems generating additional traffic and creating access issues within both Hawkesbury Village and the local feeder roads into the village, particularly Grange Road and Jackers Road.
2. Local infrastructure is not adequate to service the proposed development.
3. The potential impact of the development is likely to be felt over a very wide area, extending beyond the locality and the NBBC area in which the site is situated.
4. The development is not considering the wider aspect of the community and planning permission that is both being granted and applied for within the wider local area and has yet to be applied for.
5. The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
6. Approval would create a precedent meaning that it would be difficult to object to similar proposals.
7. The development is not in keeping with the HSG12 Concept Plan dated 08.10.19. In addition, the consultation event itself stated it was for 380 houses, within the borough plan this has been increased to at least 380.

8. The proposed development is not in keeping with Warwickshire County Council (WCC) statement of common ground between WCC and Terra Strategic which lead to WCC withdrawing their objections and concerns in relation to insufficient transport infrastructure.
9. The schools cited as being within walking distance on all documentation presented, including HSG12 concept plan, both to WCC and NBBC and within the planning proposal are not within the catchment area of NBBC.
10. There is lack of detail surrounding the Sustrans route and any agreement reached in how this will be connected to its current end point at The Greyhound Inn, Sutton Stop.
11. The Doctors surgery stated as being within walking distance is not within the catchment area of NBBC.
12. The limitations of the current bus service, times and frequency, are not stated.
13. Water Management and how it affects current housing (particularly Heritage Drive which is already subject to flooding) has not been addressed
14. Concern that the development has not adequately addressed species protected by the Wildlife and Countryside Act 1981, particularly hedgehogs and skylarks.
15. There are no biodiversity gains as required by Borough Plan Policy NE3.

There has been a petition with 824 signatures. The comments are summarised below;

1. Increase in traffic at the railway crossing will cause congestion.
2. Restricting access for emergency vehicles.
3. Lack of health care facilities and school places.

APPRAISAL:

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

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

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development in to three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption

in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site was previously in the Green Belt. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG12. This application is for phase two of the whole site. A previous application for phase one for the erection of 204 no. dwellings including site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works has been approved under reference 036870.

The key development principles under Policy HSG12 are:

- Provision of at least 380 dwellings in a mix of dwelling types and sizes.
- Provision of a canal marina of up to 75 berths
- Provision of a community building
- Financial contributions to Warwickshire County Council towards the provision of the expansion of primary and secondary school places
- Provision of public open space, including a public park around the existing and proposed pools
- Accessible cycle routes and footpaths to neighbouring facilities, including schools
- Provision of allotments
- Financial contributions towards appropriate management and maintenance of the public open space
- Financial contribution towards sport and physical activity
- Financial contribution towards bus services in the area, based on dialogue with Warwickshire County Council and bus operators
- Transport improvements/upgrades to local and wider strategic highway infrastructure

The expected form of development is also set out in Policy HSG12 which includes the retention of the valuable existing natural landscape, ponds and trees, dwellings should address areas of open space and the canal, the habitat requirements of protected species to be retained and connectivity enhanced and that the development shall not occur within the prescribed easements around the mine shafts that are on the site.

This current application is for 176no. dwellings. Policy HSG12 refers to the provision of at least 380no. dwellings. The application on phase one was for 204no. dwellings and therefore with this current application the total amount of dwellings is 380, in compliance with Policy HSG12. An Illustrative master Plan has been submitted to show that most of the requirements of Policy HSG12 can be accommodated on the site. Therefore, it is considered that the principle of developing this site for a mix of residential, community uses and open space has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG12 which were adopted in July 2020. The Concept Plan SPD establishes a strategic context for planning applications and sets a baseline position in terms of assessing future schemes which will contain more detailed proposals. A key

objective of the concept plan is to ensure that the strategic land allocation is brought forward in a strategic and comprehensive manner. It is intended to provide a visual representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements. It is a material consideration when deciding planning applications. It is considered that the current application is in general accordance with the requirements of Policy HSG12 and the Concept Plan SPD.

2. Affordable Housing

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

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

3. Visual Amenity & Landscape Character

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

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2017 and have been used to inform the Borough Plan. This site falls within the southern part of Landscape Character Area 6- Nuneaton and Bedworth Urban Fringes. The landscape strength was considered moderate and the landscape condition considered poor for the area. The Landscape Character Assessment update has suggested a number of guidelines for new development within HSG12 which includes using woodland to soften views of the urban edge, creating a high quality frontage to new development along the canal, variation of built form of the new urban edge, for example by varying building heights, house types and/or materials and incorporating existing waterbodies and public rights of way within the development. The Concept Plan SPD states to the east, the existing views of the open countryside will be maintained, however where views are limited, linear woodland blocks will be added to the edge of the Coventry Canal to soften views of the urban edge from the canal. An illustrative master plan has been submitted which shows open space predominantly along the boundary with the canal and proposed linear groups of tree planting and an arts trail which would create a green buffer between the proposed residential development and the canal.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging

appropriate innovation or change (paragraph 127). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. As this is an outline application, details of design and layout are not be considered at this stage and would form part of a future reserved matters application. The information submitted with the application states that the dwellings could be 2-2.5 storey which is acceptable in principle. However, the dwellings adjoining the canal should be no more than 2 storey which would allow a transition from the canal through to the rest of the development. This issue can be assessed as part of the reserved matters application.

Clearly, the proposals would have an impact on the landscape character of the area but it is not considered that this would be significant. The built development would partly be seen in context to the existing residential development. Views from the public footpaths to the northern part of the site would be of open space with residential properties beyond. However, the site is part of an allocated site within the adopted Borough Plan and while its future development in line with Policy HSG12 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

4. Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. A Noise Assessment has been submitted with the application. This has involved carrying out noise measurements at a number of locations along the westernmost part of the site. The most obvious noise source in the area is the Coventry to Nuneaton railway which runs mostly on an embankment parallel to the western site boundary. This is used by passenger trains and some freight trains. The assessment found that where the trains pass on the embankment the resulting noise exposure levels were acceptable on the development, even allowing for a planned increase in passenger services. The railway embankment provides significant acoustic screening of any industrial noise, such as noise from vehicle movements and vehicle loading/unloading, from commercial premises on the other side of the railway, at Bayton Road Industrial Estate. The assessment found that residential development can take place in most of the area next the railway embankment although some sound insulation measures are recommended for the nearest proposed dwellings. NBBC Environmental Health have requested a condition for a noise attenuation scheme including glazing, ventilation, orientation and boundary treatment details.

As this is an outline application, the layout is not being considered. Any future reserved matters application would need to ensure that distance standards are met in relation to the existing properties and within the site, in compliance with the Sustainable Design & Construction SPD 2020.

5. Highway Safety & Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access is proposed off Stockley Road/Sephton Drive and the position of the access is in accordance with Policy HSG12 and the Concept Plan SPD. This was approved as part of the previous application for 204no. dwellings under reference no. 036870. The entrance to the site at the junction with Sephton Drive would take the form of a junction, inside the site boundaries, linking to Stockley Road and the two new primary routes into the site. A second vehicular

emergency access is also proposed off Stockley Road/Sephton Drive. WCC Highways have confirmed that this is acceptable.

A Transport Assessment has been submitted with the application. This details the modelling that has been undertaken to assess the traffic impact of the development on the local and strategic highway network. This has included assessments of the level crossing on Blackhorse Road, the Blackhorse Road traffic signal junction, the Longford Road/Oakmoor Road junction, the School Lane/Coventry Road junction, the Longford Road corridor and junction 3 of the M6. In relation to junction 3 of the M6, National Highways originally had concerns that the cumulative impact of this application and allocated growth within the adopted Local Plans, would have an impact on the safe and efficient operation of M6 Junction 3 and the M6 mainline. This concern focused on the M6 Southbound off-slip where the cumulative impact would result in queuing on the slip road and back onto the M6 mainline in future year assessments. This raised significant safety concerns which required mitigation. To identify a solution, National Highways, WCC Highways and Coventry City Council Highways have worked together to resolve the issue. Consequently, a scheme known as the 'M6 Junction 3 Interim Scheme' has been developed by Warwickshire County Council and will signalise the B4113 arm of the junction and provide widening of that approach as well as additional stacking capacity. The mitigation scheme has been tested within the Nuneaton & Bedworth Paramics Model and a junction impact model utilising the modelling programme LINSIG. Based on National Highways assessment and appraisal of the modelling and associated outputs it has been demonstrated that the scheme would mitigate the operational and safety concerns identified by them. The scheme would be delivered by Warwickshire County Council no later than 2026. To enable the scheme to come forward and be implemented, S106 contributions will be requested from developments and allocations which have a primary or secondary impact upon the junction, based on the modelling outputs. The previous application under reference no. 036870 was required to pay a S106 contribution towards this scheme as this current application is required to pay £323,327.96. National Highways have no objections.

The Transport Assessment is based on a total of 500no. dwellings across the whole site. This application originally proposed 296no. dwellings. Following discussions with WCC Highways, the applicant amended the application to reduce the number of dwellings to 176. Following the approval of the full application under reference no. 036870 for 204no. this results in the total number of dwellings at the whole site being 380. WCC Highways have confirmed that the reduction in the number of dwellings proposed and the further modelling work undertaken has identified that the lower level of development is acceptable to them and are in line with those identified in the Local Plan scenario and is considered to be a robust assessment. WCC Highways have confirmed that the modelling assessment considers the cumulative impact of the nearby Sutton Stop development on Blackhorse Road and the assignment of traffic from the Sutton Stop development is applied in a manner which is likely to overestimate the impact on Blackhorse Road.

As with the previous full application, WCC Highways have requested improvements to the Hawkesbury/Longford Rd Corridor, including the provision of a cycleway and junction mitigation schemes at the Bayton Road Industrial Estate access, Blackhorse Road junction, Longford Road roundabout and carriageway widening. The requested contribution from this application is £1,590,432.40.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 102). It also states that growth should be focused on locations which are or can be made sustainable

(Paragraph 103). There are three public footpaths which currently cross the whole allocated site of HSG12, which provide links between Hawkesbury and Bedworth. A range of schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. A series of footpaths and cycleways are proposed within the site which would link into the existing highway network. These generally run north to south and east to west and provide key links to and through the proposed open space and link through to the northern part of the site through to the Miners Welfare Park and Bedworth Town Centre beyond. A new Footpath Cycleway to facilitate part of the missing section of Sustrans Route 52, providing a new link between Hawkesbury and Bedworth Town Centre and Railway Station is also proposed. A bridge is also proposed over the Coventry Canal which would link the application site with the towpath on the other side of the canal. Discussions have been held between the applicant, NBBC and the CRT regarding this. The CRT have no objections to the principle of a bridge. Further details of the bridge can be secured through a condition and the CRT are content with that approach. NBBC Parks have no objection to the proposals.

The site is in close proximity to bus route 78/78A and the nearest bus stops are on Blackhorse Road. The scheme also provides the opportunity for a circular bus route through the site. Policy TC3 of the Borough Plan states that any new residential development should be within 1,200m walking distance of a district or local centre. The site is 1,150m from the local centre at Coventry Road/School Lane which therefore meets this requirement. This policy also states that new residential development should be 8 minutes motor vehicle drive time to a district centre. The nearest district centre within the borough is Bulkington and this is approximately 9 minutes drive time. The site is also approximately 7-8 minutes drive from Bedworth Town Centre. In addition, Arena Park shopping centre which is allocated as a major district centre in Coventry City Council's Local Plan and is approximately 8-9 minutes drive time away from the site.

These infrastructure improvements are in accordance with the requirements of Policies HSG12, HS1 and HS2 of the Borough Plan.

6. Uses on the site

In addition to the residential development on the site, a number of other uses are proposed in accordance with the requirements of Policy HSG12 and the Concept Plan SPD. A community building, community orchard, allotments, BMX track and local park were provided as part of application 036870. This application proposes both formal and informal public open space and the location of this has been influenced by existing features of the site. In accordance with the requirements of Policy HSG12 and the Concept Plan SPD. This includes a community park and an arts trail. NBBC Parks have stated that they have full general support for the application.

Policy HSG12 requires the provision of a canal marina of up to 75no. berths. This is the only requirement of the policy that is not being provided. The application states that there had always been a long-standing intention to provide a canal marina as part of the proposed development which relates back to the previous appeal proposals. However, in preparing the application further, advice was sought from a marina consultant to assess whether a canal marina was still needed. A Marina Demand Study has been submitted with the application. The application also states that the Canal and River Trust (CRT) requested deletion of the reference to the marina proposals in its representations to the Borough Plan Main Modifications consultation in late 2018. In its letter, the CRT recognised the difficulties of delivering a canal marina and whilst it may be acceptable in land use planning terms it would also need to obtain the

necessary connection agreement which would permit it to physically connect to the waterway network. Other factors such as availability of water resources, implications for safe navigation, other proposals elsewhere on the network, and cross-boundary proposals in other authority areas also need to be considered. A canal marina takes a long time to deliver due to complexities of the CRT consenting process. The CRT has been consulted on the application and have not raised any issues regarding the loss of the marina.

The Marina Demand Study identifies that since 2014 4no. new marinas have opened at Market Bosworth, Dunchurch, North Kilworth and Mancetter. These marinas are all within a radius of 20 miles of Hawkesbury Junction and, collectively have delivered nearly 1,000 new berths into the local market. Three of these marinas have opened since 2018 and the Mancetter Marina which is the closest to the application site (nine miles) opened recently in October 2020. Other canal marinas have been granted planning permission but not built such as a site at Alderman's Green, immediately south of the junction less than a mile from the application site. A 225 berth marina was consented in August 2014, but development has not commenced and planning permission has now expired. It is considered that the evidence provided in the Marina Demand Study demonstrates that there is not a demand for a canal marina nor is there likely to be in future. Recent marina developments in the vicinity have satisfied any historic demand and provides a surplus. NBBC Planning Policy have no objection to the loss of the marina. In lieu of the provision of a canal marina, discussions having been taking place between the applicant, NBBC and the CRT about alternative canalside enhancements which include a bridge over the canal and additional canalside moorings alongside the site. The bridge would be built over Coventry Canal linking the application site with the towpath. Details of the bridge and a trigger for when it should be provided can be included as a condition. Moorings are also proposed along the east embankment of the canal. A condition can be added requiring full details and a trigger for their provision. An upgrade of the towpath along Coventry Canal to a pedestrian/cycle path between Hawkesbury Junction and the towpath alongside the north boundary of the application site is also proposed which can be controlled through a condition. It is proposed to refurbish the existing boating facilities building at Sutton Stop to include toilet, shower and washing up facilities. Further details can be secured through a condition. It is considered that these proposals and enhancements are acceptable in lieu of the provision of a canal marina.

7. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk.

The NPPF (paragraphs 157 and 158) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment has been submitted with the application. This states that the site is within flood zone 1, therefore complying with the aims of the Sequential Test.

In terms of surface water drainage, there is some evidence that the south-west of the site becomes waterlogged. It is estimated that approximately seven hectares of the site drains towards the southwest corner and with no obvious outfall it is assumed drainage is ultimately achieved through a combination of infiltration, both to ground and into the public sewerage, and evapotranspiration. The proposed surface water drainage strategy makes use of existing site features including the central watercourse and ponds. A series of additional sustainable drainage systems (SuDS) are proposed throughout the site to manage surface water drainage. WCC Flood Risk Management have no objection subject to conditions.

8. Contamination and Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a GeoEnvironmental Assessment has been submitted with the application. Due to the site's coal mining history, a significant amount of preparatory work has been undertaken to understand the ground conditions of the site area. The GeoEnvironmental Assessment includes a coal mining report from the Coal Authority which, according to its records, confirms that within 20 metres of the boundary there are four mine entries. This information was supplemented by further research which confirmed that 18 shafts have been recorded and eight have been backfilled. Shaft records also confirmed the location of the shafts, however they also confirm that the Coal Authority has no records of how these have been infilled or treated. Coal was recorded at 34.00 metres below ground level.

Site works undertaken in summer 2019 comprised trial pitting, deep drilling and rotary drilling together with coal mine shaft probing and monitoring visits. Exploratory holes were located across the site to provide geotechnical parameters for the proposed new development and adjacent to potential sources identified from the desk study, and to determine the location and depth of the coal workings and mineshafts. All 18 coal shafts identified in the desk study were probed with the exception of three which were centred in the ponds on the site, however these have still been probed around the outside of the existing ponds. Of the nine shafts which were encountered only one was capped. The Coal Authority they have no objection subject to conditions.

In terms of contamination, the GeoEnvironmental Assessment identified elevated levels of contaminants and ground gases and subsequently proposes remediation. NBBC Environmental Health have no objection subject to the imposition of the standard contaminated land conditions.

9. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). An Air Quality Impact Assessment has been submitted with the application which assesses

the air quality implications from a 500 unit development. The site is close to an Air Quality Management Area (AQMA) declared by Coventry City Council for exceedances of the annual mean nitrogen dioxide (NO₂) objective. The development will lead to changes in vehicle flows on local roads, which may impact on air quality at existing residential properties. The new residential properties may also be subject to the impacts of emissions from the adjacent road and railway network. The main air pollutants of concern related to road traffic emissions are nitrogen dioxide and fine particulate matter whilst that from railway lines is nitrogen dioxide. There is also the potential for the construction activities to impact upon existing properties.

The assessment finds that concentrations of nitrogen dioxide and particulate matter will remain below the relevant objectives at all receptors with or without the proposed development. The impacts of local road traffic and railway emissions on the air quality for residents living in the proposed development have been shown to be acceptable at the worst-case locations assessed, with concentrations being well below the air quality objectives. In relation to construction, works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these measures in place, it is expected that any residual effects will be not significant. In addition, as the proposed number of dwellings have been reduced, the impact on local air quality would be less than what the original assessment predicted. NBBC Environmental Health are satisfied with the findings of the assessment and have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

10. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. An ecological assessment and an arboricultural assessment have been submitted with the application. Habitat and species surveys have been undertaken for the whole allocation area and confirms that the entire site is not subject to any statutory ecological designations. Hawkesbury Farm Pool is located at the northern boundary and is a Local Wildlife Site as is Bayton Lakes. Hawkesbury Junction which is an ungraded ecosite is located beyond the south eastern boundary and is also a non-statutory nature conservation site. A series of habitats and species surveys were commissioned including badger, water vole, otter, reptiles, bats and Great Crested Newts. A walkover field survey was undertaken to assess the habitats and flora of the site which noted semi-improved grassland, tree groups and scattered trees, dense scrub and tall ruderal. Other potential ecological habitats include four ponds and a drainage ditch. The species surveys indicated that there was no evidence of badger, water vole, otter or reptiles. A barn owl and kingfisher were observed during site surveys. Bat surveys identified the presence of six common pipistrelle, noctule, Leisler's bat, unidentified Myotis species, soprano pipistrelle and brown long-eared bats foraging or commuting around the site. The majority of bat activity was noted to be in association with the central and northern ponds and eastern boundary canal corridor, western boundary scrub and grassland to the east and south of the site. The most dominant species being a common pipistrelle. A tree survey indicated that five had low bat roosting potential and one with moderate bat roosting potential. A total of 28 water bodies were identified within 500 metres of the development site boundary and seven were assessed for their suitability to support breeding Great Crested Newts. The pond to the east of the site was identified as having a small great crested newt population. The report makes a number of recommendations for biodiversity mitigation and enhancement measures

which includes the installation of bat, bird and barn owl boxes and native tree and scrub planting. The northern part of the site, which will be retained as natural open space, will assist in boosting the biodiversity of the site.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a net gain in biodiversity. NBBC Parks have requested a number of conditions.

11. Heritage & Archaeology

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough’s heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved. An archaeological assessment has been submitted with the application and has concluded that there are potential remains of buildings and industrial structures which are of local importance on the site. These features include two canal basins which were used to load coal from nearby coal pits onto barges on the Coventry Canal. Other buildings associated with Nuneaton’s important industrial heritage would have been present in the area and could include warehouses and other ancillary structures. The Warwickshire Historic Environment Record identifies the possibility that archaeological remains relating to the deserted medieval settlement of Tackley could also be present across the site. Whilst it is probable that archaeological deposits may have been destroyed or truncated across parts of the site there remains a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this site, to survive. Any such features are likely to be impacted upon by the proposed development. WCC Archaeology have been consulted and have suggested a condition that requires further work to be carried out.

12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

- d. necessary to make the development acceptable in planning terms;
- e. directly related to the development; and
- f. fairly and reasonably related in scale and kind to the development.

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

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

Organisation	Request For	Contribution	Notes

NBBC Parks	Provision and maintenance of play and open space facilities	£141,109.74- awaiting updated figure in relation to 176no. dwellings	Applicant agreed to contribution in principle
WCC Education	Monies for the provision and improvement of schools	£786,940	Applicant agreed to contribution
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point	£3,852	Applicant agreed to contributions To be provided through a condition
	Ongoing maintenance of public rights of way within a one and a half miles radius of the site.	£8,585	
	Sustainable travel information	£1,760	
	Provisions to support road safety initiatives within the community associated within the development	£8,800	
NBBC Housing	Provision of affordable housing	25% to be affordable	Applicant agreed to contribution
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£117,681	Applicant agreed to contribution
WCC Public Health and NHS Warwickshire North CCG	Provision of healthcare improvement and/or extension of primary medical care facilities	£186,603	Applicant agreed to contribution
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£402,994	Applicant agreed to contribution
Warwickshire Police	Police infrastructure consisting of recruitment and equipping of officers and staff, police vehicles and police premises	£27,487- awaiting updated figure in relation to 176no. dwellings	Applicant agreed to contribution in principle
WCC Highways	Highway capacity improvements at: M6 Junction 3	£323,327.96	Applicant agreed to contributions
	Hawkesbury/Longford Rd Corridor including the provision of a cycleway and junction mitigation schemes at the Bayton Road Industrial Estate access, Blackhorse Road junction, Longford Road roundabout and carriageway widening	£1,590,432.40	

13. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as an strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Site Location Plan	OSLP-01 P9	23 rd February 2021

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

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways and bus stops and shelters;
- b. Residential dwellings;
- c. Provision of public open space;
- d. Provision of ecological and landscaping enhancement areas;
- e. Provision of arts trails

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

6. No construction, groundworks or remediation will be undertaken until a Construction Management Plan for that phase has been submitted to, and approved in writing by,

the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan

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

8. No phase of development shall commence until details have been submitted which identify the location of the mine entries including their calculated zones of influence (no build exclusion zone) to demonstrate the interrelation between the mine entries and the layout seeking approval.

9. No phase of development shall commence until all remediation works and/or mitigation measures to address land instability arising from coal mining legacy, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance (CIRIA C758D – Abandoned mine workings manual).

10. No phase of development shall commence until:

- a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;
- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed

and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

11. No phase of development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Council in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 3.5l/s/ha for the site in line with the approved surface water drainage strategy (ref: Flood Risk Assessment, Former Hawkesbury Golf Course, revision 04).

2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).

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

4. Provide detail drawings including cross sections, of proposed features such as attenuation features and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

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

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

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

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

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

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

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

b. Consider property finished floor levels and thresholds in relation to exceedance flows.

The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

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

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

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

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

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

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

13. No phase of development shall commence until a dust management plan has been submitted for that phase and approved in writing by the Council. The plan shall detail measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

a. any pre- construction checks required;

b. the species safeguards to be employed;

c. appropriate working practices and timings of construction works;

d. timing and methodology of site clearance;

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

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

g. methods for checking habitats for nesting birds;

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

i. Evidence that a protected species licence from Natural England in regard to operations affecting Great Crested Newts within 100 metres of Pond P10 has been obtained;

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

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

l. measures during construction operations to protect the canal and water quality in the Coventry Canal.

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

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

15. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Ecological Appraisal & Protected Species Surveys received by the Council on 23rd February 2021 will be implemented and maintained. The content of the BEMP shall include:

- a.details of planting to provide additional foraging areas for bats;
- b.details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
- c.details of mammal friendly fencing;
- d.habitat creation;
- e.biodiversity impact mitigation
- f.landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. provision of bar owl next boxes;
- i.details of Japanese Knotweed removal, treatment and control methods;
- j. details of the location on a scaled plan of all Japanese Knotweed on all land to be transferred as open space and a timetable for implementation. All Japanese Knotweed shall be removed before all of the land is transferred as open space. j.a timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- k.details of a scheme securing future maintenance and retention;
- l. description and evaluation of features to be managed;
- m. aims and objectives of management;
- n. appropriate management options for achieving aims and objectives;
- o. prescriptions for management actions;
- p.preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- q.details of the body or organisation responsible for implementation of the plan;
- r. ongoing monitoring and remedial measures.

The BEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the BEMP and address any contingency measures where appropriate. The BEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the BEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in

accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

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

16. No phase of development, including site clearance, shall commence until details of the protection and mitigation (including any necessary licensing) of potential damage to populations of Great Crested Newts (a protected species under The Wildlife and Countryside Act 1981 as amended and Habitats Directive Annex II) and associated habitat during the development have been submitted to and approved by the Council. Any approved mitigation shall be implemented in accordance with the approved details

17. No phase of development, including site clearance, shall commence until a walkover of the site by a suitably qualified and licenced ecologist has been undertaken to verify that there are no badger setts on site, the results of which shall be submitted to and approved in writing by the Council. If badger setts are found a licence, if required by Natural England, and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.

18. No phase of development, including site clearance, shall commence until a further bat roost check on trees being removed by a suitably qualified and licenced ecologist has been undertaken to verify that there are no roosting bats, the results of which shall be submitted to and approved in writing by the Council. If roosting bats are found a licence, if required by Natural England, and mitigation statement shall be submitted to and approved in writing by the Council prior to the commencement of any development. Any approved mitigation statement will be implemented in accordance with the approved details.

19. No phase of development shall commence until a method statement and risk assessment in relation to the railway has been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

20. No phase of development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

21. No phase of development shall commence until details of appropriate vehicle safety protection measures along the boundary with the railway have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

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

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

24. No development shall commence until full details of the design of the estate road layout

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

25. No phase of development shall commence until:

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

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

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

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

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

27. No development shall commence until an Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within Arboricultural Assessment received by the Council on 23rd February 2021 shall be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development.

28. No phase of development above slab level shall commence until a noise attenuation scheme (including glazing, ventilation, orientation and boundary treatment details where appropriate) to meet the standard for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 - including 45dB LAFmax in bedrooms at night (11pm -7am) has first been submitted to and approved in writing by the Council. Specifically, with reference to those locations that are subject to higher noise levels from Industry and those located nearest to the railway. No building shall be occupied other than in accordance with the approved details.

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

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

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

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

33. Prior to the occupation of each phase of the development, or it being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Council. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

34. No dwelling shall be occupied until details of a foot/cycle bridge over Coventry Canal linking the application site and towpath has been submitted to and approved in writing by the Council. The details shall include a timetable for the construction and availability for use of the foot/cycle bridge and the long-term management and maintenance. No more than 65% of the dwellings shall be occupied until the foot/cycle bridge has been provided in accordance with the approved details.

35. No dwelling shall be occupied until details of moorings for boats along the east embankment of Coventry Canal between Hawkesbury Junction and the towpath alongside the north boundary of the application site has been submitted to and

approved in writing by the Council. The details shall include a timetable for the construction and availability for use of the moorings and the long-term management and maintenance. No more than 80% of the dwellings shall be occupied until the moorings have been provided in accordance with the approved details.

36. No dwelling shall be occupied until details of an upgrade of the towpath along Coventry Canal to a pedestrian/cycle path between Hawkesbury Junction and the towpath alongside the north boundary of the application site has been submitted to and approved in writing by the Council. The details shall include a timetable for the construction and availability for use of the upgrade to the towpath. No more than 50% of the dwellings shall be occupied until the upgrade to the towpath has been provided in accordance with the approved details.

37. No dwelling shall be occupied until details of refurbishment of the boating facilities building to include toilet, shower and washing up facilities has been submitted to and approved in writing by the Council. The details shall include a timetable for the construction and availability for use of the boating facilities building. No more than 80% of the dwellings shall be occupied until the boating facilities building has been provided in accordance with the approved details.

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

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

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

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

41. No construction or deliveries traffic during the construction phase will take place Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00 to minimise the impact construction traffic has on the operation of M6 Junction 3 during the peak travel periods.

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



Site Location Plan



Illustrative Master Plan

Item No. 3

REFERENCE No. 035279

Site Address: Top Farm, Higham Lane, Nuneaton, Warwickshire, CV11 6BD

Description of Development: The construction of residential dwellings (Class C2 and C3), mixed-use district centre (Class A1 to A5) and community and/or health centre uses (Class D1), a primary school plus land safeguarded for a secondary school and 6th form (Class D1), Green Infrastructure with formal and informal open spaces, children's play areas, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System, three new vehicular accesses off Higham Lane, car parking, new footpaths and cycleways, ground remodelling and demolition of existing agricultural buildings. (Outline to include access)

Applicant: Warwickshire County Council

Ward: WE

RECOMMENDATION:

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

INTRODUCTION:

This application is for the construction of up to 1,700 residential dwellings including affordable housing, a mixed-use district centre with a range of retail and community uses, a primary school with a pre-school plus land safeguarded for a secondary school and 6th form, green Infrastructure, public open space, allotments and enhanced pedestrian and cycle links.

Top Farm is located to the northern part of Nuneaton and is currently an operational farm. The buildings on the site consist of a farmhouse, a number of barns and agricultural buildings. The northern part of the site is at a higher level as the site slopes down to the south. To the west there are residential sites that are currently under construction with Weddington Road beyond. To the south and south-west are residential areas in Weddington. Higham Lane is to the east and to the north-east there are sites that have planning permission for residential development. The A5 is to the north which is separated from the site by agricultural land. The surrounding area has a number of facilities such as a local centre, retail units, primary schools and a secondary school.

BACKGROUND:

This is an outline application for the construction of up to 1,700 residential dwellings including affordable housing, a mixed-use district centre with a range of retail and community uses, a primary school with a pre-school plus land safeguarded for a secondary school and 6th form, green Infrastructure, public open space, allotments and enhanced pedestrian and cycle links. The following matter is to be considered at this stage:

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

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

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

RELEVANT PLANNING HISTORY:

- There is no relevant planning history.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - SA1- Development Principles on Strategic Sites;
 - HSG1- North of Nuneaton;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS2- Strategic Accessibility and Sustainable Transport;
 - HS5- Health;
 - HS6- Sports and exercise;
 - NE1- Green Infrastructure;
 - NE2- Open Space;
 - NE3- Biodiversity and Geodiversity;
 - NE4- Managing Flood Risk and Water Quality;
 - NE5- Landscape Character;
 - BE1- Contamination and Land Stability;
 - BE3- Sustainable Design and Construction and
 - BE4- Valuing and Conserving our Historic Environment
- Sustainable Design & Construction SPD 2020.
- Affordable Housing SPD 2020.
- Air Quality SPD 2020.
- Transport Demand Matters SPD 2021
- Open Space and Green Infrastructure SPD 2021.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

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

CONSULTATION RESPONSES:

No objection subject to conditions from:

Environment Agency, NBBC Environmental Health, Warwickshire Wildlife Trust, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways

No objection subject to planning obligations from:

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

No objection from:

Highways England, Natural England, The Ramblers Association

Comment from:

Hinckley & Bosworth Borough Council, NBBC Housing, NBBC Parks, Warwickshire Police (Architectural Liaison Officer)

No response from:

Cadent Gas, CPRE, DEFRA, NBBC Planning Policy, NBBC Refuse, Open Space Society, Severn Trent Water, The National Planning Casework Unit, The Nuneaton Society, WCC Rights of Way, Western Power Distribution.

NEIGHBOURS NOTIFIED:

Taylor Wimpey, Barratts, Persimmon, Richborough Estates (developers/agent of adjoining sites); Weddington Wood Farm, Watling Street; Top Farm, Greenacres Top Farm Higham Lane; 34-74 (even), Top Farm House 76, 41 & 43 Bramdene Avenue; 2-50 (even) Romsey Avenue; 70-76 (even), 81-85 (odd), Weddington Primary School Winchester Avenue; 108-142 (even) Oakdene Crescent; 82-94 (even), 109-119 (odd) Glenfield Avenue; 60, 62, 68, 70, 76, 78, 84, 86, 92, 94, 100, 102 Ryde Avenue; 1-105 (odd) Brookdale Road; 189-203 (odd), 245, 247, Dubh-Linn 431, 433, Whitehouse Farm, 194-210 (even), One Stop 212, 228-298 (even), 330-366 (even), 366a, 368-378 (even), 382-388 (even) Higham Lane; 1 Milby Drive; 2 St Nicholas Park Drive; 47 Peake Avenue

Neighbouring properties were sent letters notifying them of the proposed development on 30th November 2017. A site notice was erected on street furniture on 1st December 2017 and the application was advertised in The Nuneaton News on 13th December 2017.

NEIGHBOUR RESPONSES:

There have been 37 objections from 26 addresses. The comments are summarised below;

1. Increased traffic.
2. The existing network would be unable to cope.
3. Increased air pollution.
4. Impact on drainage system.
5. More infrastructure such as doctors surgeries, dentists and support services are required.
6. Taking up valuable Green Belt.
7. Loss of farm land.
8. Devaluation of property.
9. Already have a supply of housing.
10. Disruption during a long build time.
11. Loss of green space.
12. Proposed green space is insufficient.
13. Impact on wildlife.
14. Loss of countryside.
15. Loss of historic land.
16. Increased pollution.
17. Impact on air quality.
18. Proposed junctions would make situation worse.
19. Carcasses of animals affected by Foot and Mouth were buried on the site.
20. Increased noise.
21. Additional pressure on emergency services and health care system.
22. Over development in the area.
23. Increased flooding.
24. The town centre is dying. Need to encourage residents to use the town.
25. A bigger buffer to Higham Lane is required.
26. More detail should be submitted.
27. People moving onto this site would have to travel for work as there are very limited employment opportunities in Nuneaton.
28. Need to encourage upmarket retailers to the town.
29. Too much new housing development in this area.
30. Two proposed schools are not necessary and would add to existing traffic and parking problems.
31. Proposed local centre is not required and would impact on existing services.
32. Many local people would not be able to afford the new properties.

There have been 1 letter of support from 1 address, the comments are summarised below;

1. The next few generations and the whole town would benefit enormously when this estate is built.
2. Would urge the development of green field areas on the outskirts of town.

APPRAISAL:

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

1. The principle of the development,
2. Affordable Housing,
3. Visual amenity and landscape character,
4. Residential amenity,

5. Highway safety and accessibility,
6. Uses on the site,
7. Flood risk and drainage,
8. Contamination and land stability,
9. Air quality,
10. Ecology and Biodiversity,
11. Heritage and archaeology,
12. Planning obligations,
13. Conclusion

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in *favour* of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this site forms part of allocation HSG1. Policy HSG1 sets out that this strategic housing site will be developed for a mix of residential, schools, local centres and community uses.

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

The key development principles under Policy HSG1 include the provision of at least 4,419 dwellings in a mix of dwelling types and sizes, provision of a district centre and local centre including community facilities, provision of primary and secondary school, community use sports provision, community parks, allotments, play and open space, footway and cycleway provision, provision of on-site bus infrastructure and contributions to improved bus services and financial contributions towards strategic highway infrastructure works. The expected form of development is also set out in Policy HSG1 which includes incorporating the Change Brook and existing public right of way within the green/open space network, use of lower densities and 1-2 storey dwellings towards the northern edge of development and retaining and enhancing hedgerows in order to form green infrastructure corridors.

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

An Illustrative master Plan, Parameters Plan and other supporting documentation have been submitted at this stage to show that the requirements of Policy HSG1 can be accommodated on the site. Therefore, it is considered that the principle of developing this site for a mix of residential, schools, community uses and open space has been

established through the allocation of the site in the Borough Plan and the relevant policies within it.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. This has been agreed by the applicant and will be included in a S106 agreement. NBBC Housing have requested that the affordable housing should be dispersed across the development to encourage tenure mix on the site. The mix and location of the affordable housing will be determined at the reserved matters stage.

3. Visual Amenity & Landscape Character

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 174). Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located.

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

Volume 1- Landscape Character Assessment indicates that this area falls within the Anker Valley Estates Farmland character area. This character area is typically characterised by rural fringe landscape of arable and pastoral fields with frequent glimpses of urban edges, generally a rural landscape but roads such as the A5 and Weddington Road and the visible urban edges reduce the tranquil character, well-maintained hedgerows, frequent settlement edges and built form which are softened by clusters of hedgerow trees and larger urban areas on slightly lower ground. The area is identified as having a moderate strength of character and the landscape condition is deemed to be moderate. The site and the surrounding area does have some positive attributes such as trees and hedgerows, ponds and public rights of way but due to the presence of existing urban development and sites that are under construction these features have been diluted.

A Landscape Capacity Study (2017) has also been produced which informed the Borough Plan. This states that parts of the site are already influenced by neighbouring residential development and roads and the moderate-low visual prominence judgement, particularly from the north and west mean there is a moderate-high landscape capacity and scope for mitigation. Landscape treatment of the northern edge of the site is particularly important as this will have the greatest effect on the setting to Nuneaton's northern edge. It is considered that the parcel has the ability to accommodate development up to its high point at Top Farm. North of Top Farm the land should be retained as open space and should be landscaped appropriately to maintain a soft well vegetated urban edge and sustain an appropriate setting to Nuneaton. The report does suggest recommendations for site planning, building form and landscape mitigation if the site is taken forward to the Borough Plan. These include retaining and maximising the width of a 'farmland buffer' between HSG1 and the A5,

reducing the prominence of existing urban edges by retaining and reinforcing existing hedgerows and hedgerow trees, ensuring a sensitive treatment of the urban edge, with variation in built form to create an attractive, high quality settlement setting, considering an average density of 35 dwellings per hectare as appropriate for the site, with lower densities concentrated toward the new urban edge, ensure buildings of maximum height of 3 storeys are sited toward the existing urban edge, with 1 to 2 storey dwellings at the edge of farmland and the use varied building materials which make reference to the local vernacular to break-up the mass of development in views. These recommendations have been carried forward into Policy HSG1. Whilst layout, scale and design would be considered at the reserved matters stage an illustrative master plan and parameters plans have been submitted with the application. These show potential building heights of two storey towards the north of the site, two and a half storey along the eastern, western and part southern boundary with any three storey development mostly within the central part of the site. Density is indicated to be lower towards the edges of the site with higher densities within the central part of the site. The application indicates that the average density would be 35 dwellings per hectare.

The Inspectors report to the Borough Plan Main Modifications (2019) states that the area to be protected by the buffer is no different in landscape character from the wider countryside east of the A5 and that the submissions that the buffer would protect the remaining countryside in this part of the Borough ignores the fact that countryside and landscape washes over artificial administrative boundaries. The report goes on to say that there are no special landscape qualities that support particular protection for this area which is already influenced by inter-visibility with the existing urban edge of Nuneaton and sporadic development along the A5. The policy for HSG1 as submitted requires public open space and appropriate landscape treatment along its northern edge which the Inspector considered to be a justified approach.

The site to the east which is currently being developed by Persimmon has built development at a similar distance to the A5 to what is proposed. In addition, the site to the north of that site has also been given planning permission.

A Landscape & Visual Impact Assessment has been submitted with the application. This does highlight that visual changes associated with the operational phase of the proposed development would result from the permanent change in land-use and the introduction of the new built development. The main visual changes would be caused by the introduction of built form on existing agricultural land. However, these changes would be moderated by the proposed green infrastructure network associated with the proposed development. The potential change to views and visual amenity of people with public access to the site or within the surrounding area would be lessened through the retention of existing hedgerows/trees and the introduction of new tree planting to the eastern and northern edges of the proposed development. These would minimise the visual intrusion of built development and movement within the site. A number of receptors have been assessed and in most cases the impact would not be significant. The most significant impacts would be from the public right of way (N29) and for residents on Higham Lane where views of large scale fields would be replaced by views of new development. The LVIA states that the built form would be designed to be of a scale and type that would be both appropriate to adjacent settlement land uses and sensitive to the sites elevated landform to the north. It also points out that the residential built form would be predominantly two storey with a limited number of three storey which would reflect existing building heights within the vicinity of the Site. New landscape elements such as multi-use green corridors and public open space with additional tree/vegetation cover would embed the development into the wider setting and break up the massing.

It is clear that the Borough Plan allocation of the land as a strategic housing site and the proposed development would change the character and appearance of this locality. However, the site is part of an allocated site within the adopted Borough Plan, and while its future development in line with Policy HSG1 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also.

4. Residential Amenity

A noise assessment has been submitted as part of the Environmental Impact Assessment with the application. This has assessed the impact on a number of receptors. One of these are existing dwellings and schools within the vicinity of the proposed construction areas and the report highlights that there would be disturbance from noise and vibration from construction plant, traffic and general activities during construction. However, the impact would not be significant as the assessment demonstrates that the day time noise levels would not be exceeded. The assessment also suggest a noise and vibration management plan is produced which could be added as a condition. The assessment also assesses the impact on the proposed dwellings from road traffic noise and from the existing and proposed schools and local centre. It suggests that the residential units are designed to achieve the internal noise level criteria of BS 8233:2014 and that fixed plant at the proposed schools and local centre should not exceed the standards as set out in BS 4142:2014 which could be added as conditions. The assessment also confirms that external noise levels in rear gardens of new houses across the development can be achieved through the appropriate design considerations such as the location and orientation of the houses to help screen noise from traffic and other identified sources. The assessment does predict that approximately 50no. dwellings on the adjoining site at Lower Farm that is currently being developed by Taylor Wimpey would experience a minor increase in noise levels from road traffic noise as the proposed road would link to the Lower Farm development. However, it should be noted that the predicted change in noise level at properties within the Taylor Wimpey site is due to the provision of the link road through the site which would connect to the Taylor Wimpey development and Higham Lane in accordance with the Borough Plan. The outline planning permission for the Taylor Wimpey development at Lower Farm made provision for the main estate road to connect with the neighbouring development site to the east which is the site at Top Farm subject of this application, to facilitate delivery of the Link Road between the two. A condition was also added to that permission for a noise attenuation scheme to be submitted including glazing and ventilation to those properties and therefore it is considered that Taylor Wimpey development at Lower Farm was future proofed in terms of noise and the impacts associated with the proposed Link Road. NBBC Environmental Health are satisfied with the findings of the assessment.

5. Highway Safety & Accessibility

The matter of access is being considered at this stage. The site is proposed to be accessed from Higham Lane via three accesses. The principle vehicular access off Higham Lane would be in the form of a signal controlled junction located to north of Milby Drive. This would access a link road which would run east-west and join a further vehicular access proposed on the western boundary to connect to Weddington Road via the Taylor Wimpey development at Lower Farm. This link road is intended to serve as component part of a wider northern distributor road required as part of the Borough Plan. Two other main site accesses are proposed off Higham Lane. The southern access is proposed to have a standard roundabout. The middle access was originally to have a mini-roundabout but design standards no longer permit new junctions to be mini-roundabouts, therefore it is likely to be a junction similar to the proposed southern

roundabout. A condition can be added for full details of this access to be submitted. WCC Highways has assessed the proposed access arrangements. They have no objection subject to conditions such as the timings of the provision of the accesses and northern link road.

A Transport Assessment has been submitted with the application. This details the modelling that has been undertaken to assess the traffic impact of the development on the local highway network. WCC Highways strategic traffic model has been used to identify any significant impacts through an analysis of the queue length and journey time increases generated as a result of the proposed development. For the proposed site accesses, the Local Plan model was used to test whether the proposed access designs could accommodate the expected traffic increases as a result of the Borough Plan implementation. The strategic modelling revealed no significant issues at proposed junctions, which was further confirmed through the use of standalone modelling. In terms of the impact on the existing network, the strategic modelling revealed significant impacts at three junctions (A5/Higham lane roundabout, The Long Shoot/A5 signal controlled T-junction and Higham Lane/A47 roundabout. As a result further standalone modelling was conducted at each of the junctions to determine whether there were any specific capacity issues.

For the A5/Higham lane roundabout, the standalone modelling indicated no significant capacity issues. In relation to The Long Shoot/A5 signal controlled T-junction), the standalone modelling indicated that the junction is expected to exceed capacity both 'without' and 'with' the development, with the former exacerbated by the latter, but this is largely attributed to the fact that the junction is already exceeding Capacity. There was a previous scheme for the dualling of the A5 but it has been confirmed by National Highways that the scheme will no longer be going ahead. As a result, WCC Highways commissioned further Paramics modelling work in order to assess the impact that the absence of the scheme is forecast to have. This modelling showed that the effects would be localised, however there are likely to be additional queues and delays during the AM Peak on the A5 Eastbound and The Long Shoot Northbound. No significant adverse impacts were identified elsewhere on the local network as a result of the removal of the dualling scheme from the model. As the A5/Long Shoot junction is on the edge of the Paramics model area, discussions WCC Highways held with National Highways and the applicants agents over the use of a VISSIM model for the A5 Longshoot-Dodwells network. This model was considered to cover a larger part of the Strategic Road Network, and would ensure that the potential for additional queues and delays as a result of the development traffic to be assessed. The update that was required to the VISSIM model was scoped with WCC's Transport Planning Team, and the updated model agreed to be acceptable. The model was run for a 2031 Reference Case Scenario which used the latest (April 2021) published housing trajectory; a 'With Development Scenario 1' (1020 dwellings, schools and district centre); and a 'With Development Scenario 2' (1700 dwellings, schools and district centre). Both 'With Development' Scenarios show that additional queues and delays are forecast on the A5 Eastbound approaches to The Long Shoot and Dodwells roundabout but minimal additional queues on The Long Shoot. For the 'With Development Scenario 2' (ie. full development), in the AM Peak an additional 44 vehicles are forecast on the A5 EB approach to The Long Shoot and an additional 12 vehicles on the approach to Dodwells, giving forecast queues of 54 vehicles and 24 vehicles respectively. In the PM Peak, an additional 12 vehicles are forecast on the A5 EB approach to The Long Shoot and an additional 6 vehicles on the approach to Dodwells, giving forecast queues of 189 vehicles and 34 vehicles respectively. The model shows a minimal increase in queues on The Long Shoot – 1 additional vehicle in the AM Peak and 0 in the PM Peak. Given the modelling results for the local network

do not demonstrate a severe impact, WCC Highways has no technical reason to object to the development or require mitigation.

For the Higham Lane/A47 roundabout, it is expected to operate above its theoretical capacity both 'without' and 'with' the development, despite the minor increase in expected traffic. Through discussions between the transport consultants and WCC Highways it is understood that a scheme to improve this junction has been designed and will be delivered by WCC. WCC Highways have confirmed that this junction has secured part funding through the National Productivity Investment Fund (NPIF) to support the delivery the signalisation of this junction and capacity increase with the removal of the former railway bridge over the A47 Hinckley Road. Funding has also been secured to support the delivery of the capacity enhancement at the A47 Hinckley Road / A47 The Longshoot / A4254 Eastboro Way Roundabout Junction.

National Highways have no objection.

The Transport Assessment also demonstrates that the required visibility splays can be achieved at each proposed access and that, with proposed development traffic, they will operate within acceptable capacity at peak periods.

Although this is an outline application and therefore the detailed layout of the site would be considered at the reserved matters stage, it is envisaged that the road hierarchy within the site would consist of the strategic link road, primary residential road which links the primary roads with the residential neighbourhood areas, secondary residential roads which links secondary roads with lanes and drives which generally face onto major public open spaces and edges.

WCC Highways has requested S106 contributions to contribute to highway mitigation schemes to enable the of the housing and employment allocations with the Borough Plan, as identified within the Infrastructure Delivery Plan. They have requested £5,701,125.00 from this development which will be utilised for the junctions of the A47 Hinckley Road/Higham Lane (£201,125.00) and the A444 Leicester Road/A47 Hinckley Road (Ring Road Junctions) (£5,500,000.00). In terms of the Hinckley Road/Higham Lane junction, WCC Highways have confirmed that a core route of traffic from the development has been identified to utilise the Higham Lane and A47 Hinckley Road Corridors. The Strategic Assessment has identified a link capacity issue based on the growth, and the requirement for a capacity enhancement. Whilst the scheme has be subject of a successful bid to the National Productivity Infrastructure Fund, this did require a level of match funding which was identified from planning obligations from developments which impact on this junction. A contribution was secured from the Persimmon development for this junction with the remaining funds being allocated to this proposed development. In relation to the A444 Leicester Road/A47 Hinckley Road (rind road junctions), the proposed development has an impact on the operation of this junction, as do other sites which form the HSG 1 allocation as identified within the Borough Plan. This is a core route into Nuneaton from the northern part of the Town. The identified mitigation will see improvements at this location which comprise of new junctions, capacity enhancements on links and other alterations to the junction. The cost of the scheme has been identified as £13.5 million and will be required by 2027. At present there are two other contributions to this location.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 104). It also states that growth should be focused on locations which are or can be made sustainable

(Paragraph 105). A range of schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. The existing local cycle network would be improved. WCC Cycling Officer via WCC Highways has requested a contribution of £361,000.00 for improvements along Weddington Road. Whilst there is existing on-carriageway provision for cyclists on Weddington Road, this does not cater for novice cyclists, families and children due to the high traffic flows on Weddington Road. Recent cycling design guidance recommends cycle routes segregated from traffic on main roads such as the A444 and therefore the developments sites on Weddington Road generate the need for alternative traffic free links to key destinations in order to encourage cycling for local journeys. The proposed cycle route would provide traffic-free cycle access to the town centre and railway station from the site. It would consist of 0.9km footway widening / conversion to shared use on the western side of road, between Change Brook and Leicester Road bridge. NBBC Parks have requested £212,688 towards cycle improvements at Change Brook and would consist of the provision of a cycle path from the bridged crossings of the Change Brook through Change Brook Park to Weddington Road.

At the proposed northern access there would be a 3 metre footway along the southern edge of the site access to connect to the internal combined footpath/cycle way. At the proposed southern access junction, a 3 metre shared footpath /cycleways are proposed along both sides of site access. The northern foot/cycleway would connect to internal combined foot/cycleway along the eastern edge of a primary residential road. The southern foot/cycleway would connect to internal off-road combined foot/cycleway routing east to connect to Glenfield Avenue. On-road advisory cycle lanes are proposed on the northbound approach to the site access junction

New footpath and cycle routes will be created through-out the site and would connect into existing and proposed routes in the wider area. A condition will be added that details shall be submitted showing the routes of all cycle paths and footways running through the site, their width and that all cycle paths shall be finished in Tarmac. There is an existing public right of way (N29) that crosses the northern part of the site in a west-east direction, connecting Weddington Road/Grove Fields to Higham Lane. This would be retained but its alignment may need to be legally diverted.

WCC Highways have requested a contribution of £450,000.00 for a new bus service. The new bus service would pass through the development linking both Hinckley and Nuneaton Town Centres. The service would operate between 0700 and 1900 on Mondays to Fridays and 0800 and 1800 on Saturdays. The frequency to be a minimum of every 30 minutes. WCC Highways also point out that the internal layout must be configured to allow a bus service using full size buses to pass through the development without obstruction. There will be a need for improved bus stop infrastructure within the development site which will be secured through the Section 38 process under the Highways Act.

These infrastructure improvements are in compliance with the requirements of Policies HSG1, HS1 and HS2 of the Borough Plan.

6. Uses on the site.

In addition to the residential development on the site, a mixed use district centre is proposed on a site of 1.5 hectares with up to 3,500 sq metre gross floor area made available for retail development (with uses such as retail, restaurants and cafes, public houses and hot food takeaways) and social, community and/or health centre uses. However, the exact uses will be determined at reserved matters stage.

A 2 form entry primary school with pre-school is proposed on the site and is proposed to be located as an integral part of an all-through school campus, to include a secondary school and 6th form, on land safeguarded for education with a total of 11 hectares. An additional 2 hectares is also safeguarded for outdoor and/or indoor sport to be made available to the general public under a proposed shared facility/Community Use Agreement. NBBC Sports have requested on-site provision of a sports hall, including badminton courts, artificial grass pitch, fitness gym and studio and football and cricket pitches. The sports hall and artificial pitch will be shared with the school. They have also requested off-site provision relating to swimming pool provision, cycling centre at Bedworth, Pingles athletics facility, Rugby pitch improvements at Nicholas Chamberlaine, community centre and outdoor tennis at the Pingles. The total S106 financial contribution is £3,236,366. The applicant has confirmed they accept this request plus the additional 2 hectares of land safeguarded for sport and leisure subject to the re-assessment of the contribution downwards once the exact land take is known.

Both formal and informal public open space areas (POS) would be provided throughout the site. The location of these areas of POS have been influenced by existing landscape features and surface water drainage considerations, with a large area of POS concentrated in a north-south spine running through the centre of the Site. There will also be new POS provided adjacent to and serving as an extension to Coronation Walk Park along the site's southern boundary. Land is provided to the west of the site which would adjoin and complement the provision within the adjacent Barratt Homes development, which is currently under construction. New equipped areas of play will be included in the scheme, with a centrally located NEAP and five LEAPs. These will serve both new residents of the development and provide new play areas for existing residents surrounding the Site. Allotments also proposed and indicated to the south-west boundary of the site. The details of the additional uses on the site will be considered at reserved matters stage.

These uses are acceptable and are in compliance with the Key Development Principles set out in Policy HSG1 of the Borough Plan.

7. Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 167). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. Using the Environment Agency's Fluvial Flood mapping the site is within flood zone 1 and therefore has a low level of fluvial flood risk. However, when using the Nuneaton & Bedworth Borough Council Strategic Flood Risk Assessment (Level 2) which provides more detailed flood risk information on specific sites, a large part of the central area of the site is covered by Flood Zone 2, 3a or 3b. This is because this area is affected by surface water flooding in and around the site's agricultural land drainage network, and therefore is not included in the EA fluvial flood risk mapping.

The NPPF (paragraphs 162) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment and Outline Drainage Strategy has been submitted with the application. This states that the

majority of the site is within flood zone 1 and that all new development on the site will be directed to areas within flood zone 1, therefore complying with the aims of the Sequential Test.

In the Outline Drainage Strategy, consideration has been given to the hierarchy for surface water disposal. SuDS techniques that promote infiltration of surface water are preferred over those which promote attenuation before discharge to a watercourse. However, with the site underlain by Mercia mudstone the infiltration rate at the site is thought to be insufficient to enable the use of infiltration based SuDS techniques. As such, attenuation based features are therefore proposed. Attenuation basins and swales are proposed throughout the site. Both the Environment Agency and WCC Flood Risk Management have no objections subject to conditions.

8. Contamination and Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 183 and 185). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a GeoEnvironmental Desk Study has been submitted with the application. This has found that there are potential contaminants from the animal burial site for those animals affected by the Foot and Mouth outbreak in the early 2000's, from manure storage areas and from on-site fuel tanks. DEFRA have been consulted but have not responded. NBBC Environmental Health have requested the standard contaminated land conditions which they say should deal with these potential contaminants.

9. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 186). An Air Quality Impact Assessment has been submitted as part of the Environmental Impact Assessment. This assessment has utilised the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) (IAQM, 2017) methodology to quantify the magnitude and significance of air quality effects from road traffic during the operational phase of the development at several sensitive receptors. In relation to road traffic emissions, the pollutants of concern that have been considered in this assessment are nitrogen dioxide and particulate matter. Sensitive receptors have been identified at those roads in the area which are forecast to experience a significant change of Annual Average Daily Traffic flows on local roads. An assessment of the risk posed to sensitive receptors from dust effects during the construction phase has also been undertaken.

The assessment finds that in relation to road traffic, the change in pollutant concentrations is small and pollutant levels are likely to be well below the Air Quality Objectives. The development would have a negligible sensitivity and risk level and would not have a significant impact. In terms of dust emissions from construction, the

assessment states that the effects from construction dust would not be significant providing suitable site specific mitigation measures are provided such as a dust management plan. NBBC Environmental Health have no objection subject to conditions covering a dust management plan, electric vehicle charging points are provided and that all gas-fired boiler installations should be a specified standard.

10. Ecology and Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 174 and 180). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

An ecological assessment has been carried out as part of the submitted Environmental Impact Assessment. The site predominantly comprises improved grassland and arable fields with rough grass and tall ruderal field margins. A network of generally intact hedgerows and ditches define most field boundaries, with some small ponds, a small block of plantation woodland, scrub and mature trees also found on the site. The Site is not subject to any nature conservation designations, and all statutory designated biodiversity sites in the locality are well-separated from the site and would not be adversely affected by the proposed development. There are a number of non-statutory biodiversity sites in the vicinity of the site and although there may be an increase in recreational use of these sites as a result of the proposed development, the impact on these sites are not predicted to be significant. Coronation Walk Ecosite is located immediately adjacent to the south of the site.

There is approximately 11km of hedgerows that are of value for nature conservation on the site. An illustrative master plan has been submitted which seeks to retain hedgerows wherever possible, with 8km of existing hedgerow to be retained. The loss of hedgerows will be compensated for by the creation of 2km of new hedgerow planted within the scheme design and the enhancement of the retained hedgerows. There are also a number of mature trees on the site that are of value for nature conservation and it is envisaged that these will all be retained within the scheme design.

Small populations of Great Crested Newt (GCN) are present on and close to the site. The proposed development would result in the loss of ponds supporting this species. This is because the location of the east-west link road is effectively fixed, due to transport planning requirements. However, it is proposed to relocate the GCN population from the ponds to a purpose-built receptor area located in the north-western boundary area. This area would contain ponds and terrestrial habitat created and managed for GCN, and provide connectivity to an off-site existing pond and other ponds within 250 metres of each other, as may be required. Approximately 1ha of terrestrial habitat is needed to support a breeding GCN pond. The application indicates that there would be provision of 7 hectares of interconnected, semi-natural habitat across the site which would support the GCN population in the off-site pond, the translocated population from the pond to be lost and to allow the expansion of newts from these ponds into new ponds to be created in this corridor.

A small roost of common pipistrelle has been identified in one of the buildings on the site. Whilst this building would be lost due to the proposed development, the proposed development would incorporate new alternative roost sites within existing trees and new buildings which can be secured by condition. The site is used by a number of species of bat for foraging and commuting and also supports a variety of bird species. The proposed development will include mature trees and new tree and woodland planting, new and retained hedgerows, grassland and wetland habitats, as well as

wildlife-friendly allotments and details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds can be secured by condition.

There is also the potential for the site to support badgers as they have occurred on the site in the past. Pre-construction checks would be carried out to determine whether badgers have re-inhabited the site which can be included in a condition.

The proposed development includes extensive areas devoted to green infrastructure, which has been designed to retain valued habitats where possible and to provide a diversity of new habitats, including new plantation woodland, tree planting, meadow grasslands, biodiversity ponds and wetlands associated with the SuDS system. The green infrastructure incorporates north-south and east-west aligned corridors through the site, connecting new and retained habitats within the site and providing links to off-site areas such as Coronation Walk Ecosite to the south.

There are more substantial buffers proposed along the northern and western boundaries which are both ecological and landscape buffers.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. Whilst the proposals have sought to minimise impacts and maximise enhancements the proposals as shown on the illustrative master plan would lead to a negative Habitat Biodiversity Impact Score. As this master plan is only illustrative and that the site is likely to be developed in a number of phases, it is prudent to address biodiversity through a suitably worded condition and a formula with a S106 agreement. Warwickshire Wildlife Trust are happy with this approach. NBBC Legal Services have also confirmed that a formula approach in any S106 agreement is acceptable.

11. Heritage and Archaeology

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

There are no designated heritage assets within or immediately surrounding the site that have settings that would be likely to be affected by the proposed development. In addition, there is no evidence of any extensive areas of archaeological interest which may extend from the Site into the surrounding area. A small area of probable medieval ridge and furrow earthworks survives within the site, as does a pattern of field boundaries that have remained largely intact since the early nineteenth century.

In addition, the geophysical survey that has been carried out has identified a small number of dispersed anomalies indicative of small pit like features. However, there remains a possibility that sub-surface features of archaeological interest may occur that have not been previously identified using survey methods employed to date. WCC Archaeology have been consulted and have suggested a condition that requires further work to be carried out.

12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

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

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

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

Organisation	Request For	Contribution	Notes
WCC Highways	Junction improvements on the A444 Leicester Road/A47 Hinckley Road (ring road junctions)	£5,500,000 (£3,305 per dwelling)	Applicant agreed to contribution
	Junction improvements to A47 Hinckley Road/Higham Lane junction	£201,125	Applicant agreed to contribution
	Bus service improvements	£450,000	Applicant agreed to contribution
	Cycling infrastructure improvements- 0.9km footway widening / conversion to shared use on western side of road, between Change Brook and Leicester Road bridge.	£361,000	Applicant agreed to contribution
	Sustainable travel packs	£129,375	Included as a condition
	Road Safety Initiatives	£85,000 (£50 per dwelling)	Applicant agreed to contribution
NBBC Housing	Provision of affordable housing	25% to be affordable	Applicant agreed to contribution
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£980,022	Applicant agreed to contribution
NBBC Parks	Provision and maintenance of play and open space facilities	£1,242,177.87	Applicant agreed to contribution
	Provision of a cycle path from bridged crossings of the Change Brook through Change Brook Park to Weddington Road	£212,688	Applicant agreed to contribution

NBBC Sports Development	Provision of land for sport/leisure purposes Provision and maintenance of sports and leisure facilities	2 hectares £3,236,366	Applicant agreed to contribution subject to the re-assessment of the contribution downwards once the exact land take is known.
Warwickshire Police	Police infrastructure consisting of recruitment and equipping of officers and staff, police vehicles and police premises	£221,349	Applicant agreed to contribution
WCC Education	Provision of land for education purposes Early Years /Pre-School provision, Primary provision, Secondary provision, Primary SEN provision, Secondary SEN provision.	11 hectares £15,887,795 (full contribution) £10,596,235 (adjusted amount based on the currently agreed level of land requested for education) The final contribution will be based how much land is ultimately required for education and would be adjusted downwards based on the land take required	Applicant agreed to contribution
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point.	£37,210	Not considered to be CIL compliant
WCC Public Health and NHS Warwickshire North CCG	Provision of healthcare including contribution towards construction costs of new GP practice in Weddington	£1,799,899	Applicant agreed to contribution

13. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as an strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the Council shall be required in writing with respect to the undetermined matters hereby reserved before any development in any phase, other than works to complete the approved site access points, commences: a) Layout
b) Scale
c) Appearance and
d) Landscaping. The development shall be carried out in accordance with the approved details and agreed order of phasing.

2. The first application for the approval of Reserved Matters shall be made to the Council not later than three years from the date of this permission. All subsequent Reserved Matters shall be submitted to the Local Planning Authority for approval no later than 15 years from the date of the commencement of the development.

3. The development to which this permission relates shall begin within three years of the date of this permission or within two years of reserved matters approval for phase 1, whichever is the later.

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

Plan Description	Plan No.	Date Received
Site Plan	35378- Lea202	15th November 2017

5. Prior to the submission of any applications for approval of reserved matters a Phasing Plan shall be submitted to and approved in writing by the Council. The Phasing Plan shall provide details of the sequence of development and of key strategic infrastructure across the entire site, including surface water drainage, green infrastructure, formal and informal public open space, district centre, schools and highway infrastructure for pedestrians, cyclists, buses and other vehicles from the existing adopted highway network and residential phases within the development site.

The development shall not be carried out other than in accordance with the approved Phasing Plan, or any revised phasing plan that has been submitted to and approved in writing by the Council

6. No construction other than works directly associated with remediation of the animal burial site will be undertaken on any phase of development until a Construction Management Plan for that phase has been submitted to and approved in writing by the Council. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

- i) Schedule of HGV delivery times and a HGV routing Plan demonstrating all HGV deliveries are made via the A5 and directly off Higham Lane;
 - ii) Hours of work;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials used in constructing the development;
 - v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) Details to prevent mud, debris and obstructions on the highway;
 - vii) Measures to control the emission of dust and dirt during construction;
 - viii) Compound location:
 - ix) A construction phasing plan;
 - x) Contractor parking arrangements: and
 - xi) A scheme for recycling/disposing of waste resulting from construction works.
- Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

7. No dwellings, school or buildings shall be occupied in a particular phase until the highway access serving that phase has been completed and a Certificate of Substantial Completion issued by the Highway Authority.

8. No more than 150 dwellings shall be occupied in any single phase of development unless and until that phase is served by more than one highway access approved pursuant to condition 4 of this planning permission. No more than 200 dwellings shall be occupied in any single phase of development unless either:

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

No more than 200 dwellings on a particular phase of development shall be occupied unless and until (i) that particular phase is served by more than one highway access approved pursuant to Condition 4 of this planning permission and is subject to a Certificate of Substantial Completion issued by the Highway Authority; and (ii) internal roads have been constructed to an adoptable standard which connect the accesses. No more than 500 dwellings shall be occupied until either (i) the Northern Link Road is completed and a Certificate of Substantial Completion issued by the Highway Authority; or (ii) further traffic modelling (scoped and agreed with the Council in consultation with the Highway Authority) has been submitted to the Council for approval and an alternative occupation threshold has been approved.

9. No construction on that part of the Northern Link Road which crosses the site shall take place until detailed drawings have been submitted and approved demonstrating the alignment and design standards for the Northern Link Road providing connections between Northern Junction on Higham Lane and the site's western boundary with the Lower Farm residential development site (app ref. 033184). With the exception of works directly associated with remediation of the animal burial site, archaeological evaluation work and approved access works, no phase of development shall commence until the following have been submitted to the Council:

(i) detailed drawings and a technical note demonstrating how access to the school is to be provided for pedestrians, cyclists and vehicles; and

(ii) a programme to demonstrate that this infrastructure will be delivered before the opening of the school.

10. With the exception of works directly associated with remediation of the animal burial site and approved access works no groundworks, remediation or built construction shall take place in any phase until the detailed drawings and a technical note have been submitted to and approved in writing by the Council for that phase demonstrating the alignment, design standards and justification of the pedestrian and cycle infrastructure points with existing footpaths, adopted highway and neighbouring development sites.

11. With the exception of works directly associated with remediation of the animal burial site and approved access works, no groundworks, remediation or built construction shall take place in any phase until the detailed drawings and a technical note have been submitted for that phase demonstrating the alignment, design standards, and justification of the site layout and highway hierarchy supported by the following technical drawings:

a. Highway Adoption Plan;

b. Technical Drawings which demonstrate the following;

i. Horizontal alignments including widths of carriageways, cycleways and footpaths;

ii. Forward visibility splays;

iii. Visibility splays of junctions within the development site;

iv. Street lighting and tree planting; and,

c. Technical vehicle tracking drawings for the following vehicles;

i. Refuse Vehicle – Mercedes Econoic with a length of 10.8 metres.

ii. Bus Vehicle – Scania Enviro 300 'Kub' Chassis with a length of 12.2 metres.

iii. Fire Tender – CARP Fire Engine with a length of 9.8 metres

d. Provision of a Road Safety Audit - Stage 1.

12. No development shall take place in any phase, including any works of demolition, until a dust management plan has been submitted for that phase and approved in

writing by the Council. The plan shall detail measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction. The dust management plan shall be adhered to throughout the duration of construction.

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

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan

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

14. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall commence until a scheme to ensure adequate compensation for the loss of flood storage along the on-site tributary to the Change Brook due to the development up to a 1 in 100 year plus climate change critical flood event, as outlined in Figure 3.4 of the Flood Risk Assessment (ref 35378rr014i6), received by the Council on 15th November 2017, has been submitted to and approved in writing by the Council. The scheme should:

- (i) demonstrate through the submission of plans, drawings and calculations that the floodplain storage to be created exceeds the loss of floodplain storage as identified in the modelling submitted as part of this application;
- (ii) show the location of the compensation areas and provide detailed designs of any retaining structure/s and the flood plain compensation areas through the submission of plans and cross-sectional drawings, showing each 200mm horizontal slice through the scheme;
- (iii) demonstrate like for like storage over and above that provided in the areas of flood zone 3 identified; and
- (iv) ensure no increase in downstream flood risk and contribute to a reduction in the current level of flood risk.

The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

15. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall commence until details of site levels and finished floor levels for that phase are submitted to and approved in writing by the Council. The

development shall not be carried out other than in accordance with the approved details.

16. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall take place until a detailed surface water drainage scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). The approved scheme shall be fully complied with.

The scheme to be submitted for a given phase shall:

(i) be based on sustainable drainage principles and the approved Flood Risk Assessment (ref 35378rr014i6) received by the Council on 15th November 2017 and an assessment of the hydrological and hydrogeological context of the development;

(ii) Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;

(iii) Ensure that surface water flow paths on site are maintained and conveyed through the developed site. Where possible storage and conveyance should be provided as surface water flows move across the site;

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

(v) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate;

(vi) Ensure that any parcel of development does not exceed the determined QBar rate;

(vii) Ensure land parcels (phases of development) that receive water from upstream can control discharge from both that parcel at QBar and any preceding parcel at the prescribed rate, and identify where flow controls are required;

(viii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';

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

(x) Provide plans and details showing the allowance for exceedance flow and overland flow routing. Overland flow routing should look to reduce the impact of an exceedance event.

(xi) Provide a maintenance plan to the LPA giving details on how the surface water scheme shall be maintained and managed after completion for the life time of the

development. The name of the party responsible, including contact name and details shall be provided to the LPA.

17. With the exception of works directly associated with remediation of the animal burial site, no development including any site clearance shall take place in any phase until a Construction Ecological Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Council. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include details of:

- a. any pre-construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. timing and methodology of site clearance;
- e. the extent of buffer zones and stand-offs for sensitive ecological features;
- f. what to do if protected species are discovered during construction;
- g. methods for checking habitats for nesting birds;
- h. measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice.
- i. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase.
- j. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015).
- k. Evidence that a protected species licence from DEFRA in regard to operations affecting Great Crested Newts has been obtained;
- l. full details of receptor pond proposals (minimum of 4 new ponds) and timing for pond creation, trapping and translocation proposals and exclusion fencing proposals
- m. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

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

For those land parcels that are adjacent to the Change Brook watercourse the CEMP shall also:

- n. Demonstrate the adoption of standard 'works in river' guidance to minimise effects due to any works in close proximity to the Change Brook.
- o. Demonstrate the adoption of best practice measures to minimise risks of erosion and sediment mobilisation when conducting works near the Change Brook, drainage ditches and unnamed watercourse on the northern boundary of the site.

18 a. No phase of development shall commence until a contaminated land assessment and associated remedial strategy for that phase of development has been submitted to and agreed in writing by the Council.

b. The approved remediation works for each phase of development shall be completed on site in accordance with a quality assurance scheme agreed as part of the contaminated land assessment;

c. If, during implementation of this development, contamination is encountered which has not previously been identified the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

19. With the exception of works directly associated with remediation of the animal burial site and approved access works, no phase of development shall commence until a noise attenuation scheme to meet the standard for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 (including glazing and ventilation details) has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with the approved details.

20. With the exception of works directly associated with remediation of the animal burial site and approved access works, no phase of development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site has been submitted to and approved in writing by the Council and the scheme has been implemented in full.

21. With the exception of works directly associated with remediation of the animal burial site and approved access works, no phase of development shall commence until a plan has been submitted to and approved in writing by the Council showing the routes of all cycle paths and footways running through that phase and demonstrating ready feeder cyclepath access from all housing areas onto spinal cyclepaths and then onto the wider cycle network. Unless otherwise agreed in writing by the Council, all cycle paths shall be provided in accordance with LTN1/20, all footways shall be a minimum 2.0m wide and finished in tarmac. Only the agreed details shall be implemented on site.

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

23. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall commence until a scheme has been submitted to and approved in writing by the Council giving details of all existing trees and hedgerows within that phase, any to be retained, and measures for their protection in the course of the development. The scheme shall show the typical canopy extent of the retained

trees at maturity. No tree or hedgerow other than so agreed shall be removed and no construction works shall commence unless the approved measures for the protection of those trees to be retained have been provided; and such approved measures shall be implemented in full thereafter.

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

25. With the exception of works directly associated with remediation of the animal burial site and approved access works, no phase of development, including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Council. The LEMP shall set out how the measures detailed on the Biodiversity Mitigation and Enhancement Measures Plan (ES Figure 12.1; Drawing No. 35378-Lea134b) received by the Council on 1st July 2019, or an amended version of this drawing that has been submitted to and agreed in writing by the Council, will be implemented and maintained. The content of the LEMP shall include:

- Details of planting to provide additional foraging areas for bats
- Details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds
- Habitat creation
- Landscape and ecological buffer zones
- A timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures
- Details of a scheme securing future maintenance and retention.
- Description and evaluation of features to be managed.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

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

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

26. No phase of development shall commence until a Protected Species Mitigation Plan for that phase has been submitted to and approved in writing by the Council. The content of the plan shall include:

- Details of the avoidance, mitigation and compensation measures for each of the species to be affected by the development.
- Details of what habitat is to be lost (area, quality, location) and that which is to be provided as mitigation.
- Location of any receptor site for translocated animals including Great Crested Newts
- Management prescriptions for receptor sites to make any necessary habitat enhancement and/or creation for the species concerned
- Details of any capture and translocation exercise that needs to be undertaken including timing, capture effort and trapping procedure
- Location of replacement features such as bat roosts, nesting features, ponds, hibernation areas for reptiles or amphibians etc
- Details of long-term management and security of the site from future development
- Details of any compensatory measures that are to be provided to remove any residual impacts which cannot be avoided or mitigated
- Details of post-construction monitoring proposals to ensure that the aims of the mitigation are realised.
- Details of the short, medium and long-term management for the habitats and species affected by the proposal including funding for the implementation of the management plan.
- Details of the body or organisation responsible for implementation of the plan.

The approved plan will be implemented in accordance with the approved details.

27. With the exception of works directly associated with remediation of the animal burial site, no phase of development, including ground clearance, shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Council. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire, Coventry & Solihull Biodiversity Impact Assessment Calculator (version 18.3) and the scheme shall include:

- Proposals for on-site mitigation (full details of which will be provided in accordance with Condition 27 and 28 of these conditions) and where necessary;
- Details of the off-site biodiversity offsetting scheme so as to compensate for the net biodiversity loss which either
 - a) Includes:
 - i) The identification of appropriate receptor site(s); and
 - ii) A management and monitoring plan for the provision and maintenance of [the offsetting] measures for not less than 30 years from the date of implementation of the scheme; and
 - iii) The provision of contractual terms by which the delivery of the offsetting scheme will be secured; or

b) Provides for a fixed sum contribution to be paid to Nuneaton & Bedworth Borough Council or an approved Biodiversity Offsetting broker (such as Warwickshire County Council or the Environment Bank) whereby the fixed sum is used by the broker to secure the necessary biodiversity gains.

In both cases a) or b) such provision must be within or immediately adjacent to the Borough of Nuneaton and Bedworth). Offsetting beyond those locations will only be accepted by NBBC if it is shown all possibilities to make offsetting provision within or in direct relation to the Borough have been explored and exhausted. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

28. No development within phase 1 shall commence until details of the provision and protection of a minimum 20 metre development stand-off from the Change Brook during construction has been submitted to and approved in writing by the Council. Only the agreed details shall be implemented on site and shall be maintained during construction.

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

30. No phase of development shall commence until full details of the boundary treatments for that phase, including new walls and fences for that phase have been submitted to and approved in writing by Council. No dwelling shall be occupied or use commence until the approved boundary treatment has been implemented.

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

Two Community Parks facilities are required to be provided for – one to the southern part of the development and one adjacent to the western boundary (adjoining the principal open spaces and play provision in the adjacent developments). In the case of the western Community Park- full facility provision conforming with the requirements in the Open Space and Green infrastructure SPD will be achieved by providing the SPD listed Community Park facilities not already provided within the adjacent developments. The formal Community Park provision would be expected to be no less than 5.9Ha within the wider greenspace provision with a minimum requirement of 1/3rd of this 5.9ha needing to be provided as part of the western Community Park.

No development shall be carried out other than in accordance with the approved details.

32. In accordance with the phasing plan, prior to the occupation of the 750th dwelling, full details of allotment provision shall be submitted to and approved in writing by the Council. These details shall include:

- a. The exact positioning of the allotments,
- b. A size of 4930 sqm with a least 17 plots,
- c. The design, size and location of pedestrian and vehicle access gates,
- d. The design size and position of boundary fencing,

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

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

33. Prior to the submission of any Reserved Matters applications for any phase of development:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, including trial trenching, across that phase shall be submitted to and approved in writing by the LPA.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA.

This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

Unless otherwise agreed with the Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

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

35. No deliveries shall take place during the construction phases, Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.

36. The details required by condition 1(d) shall include the provision of the enhancement of hedgerows along the northern boundary and details of additional hedgerows throughout the site and shall be carried out within 12 months of the commencement of the development in that phase and subsequently maintained in the following manner:

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

37. There shall be no raising of ground levels or erection of any building or above

ground level structure or any other such obstruction of flood flows within the area of floodplain compensation hereby approved under condition 15.

38. A minimum 8 metre protected strip should be maintained between any development and the top of bank of The Change Brook.

39. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of; one charging point per dwelling with dedicated parking and one charging point per 10 spaces for unallocated parking, 10% of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level for non-residential uses. At least 1 charging unit should be provided for every 10 disabled parking spaces. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.

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

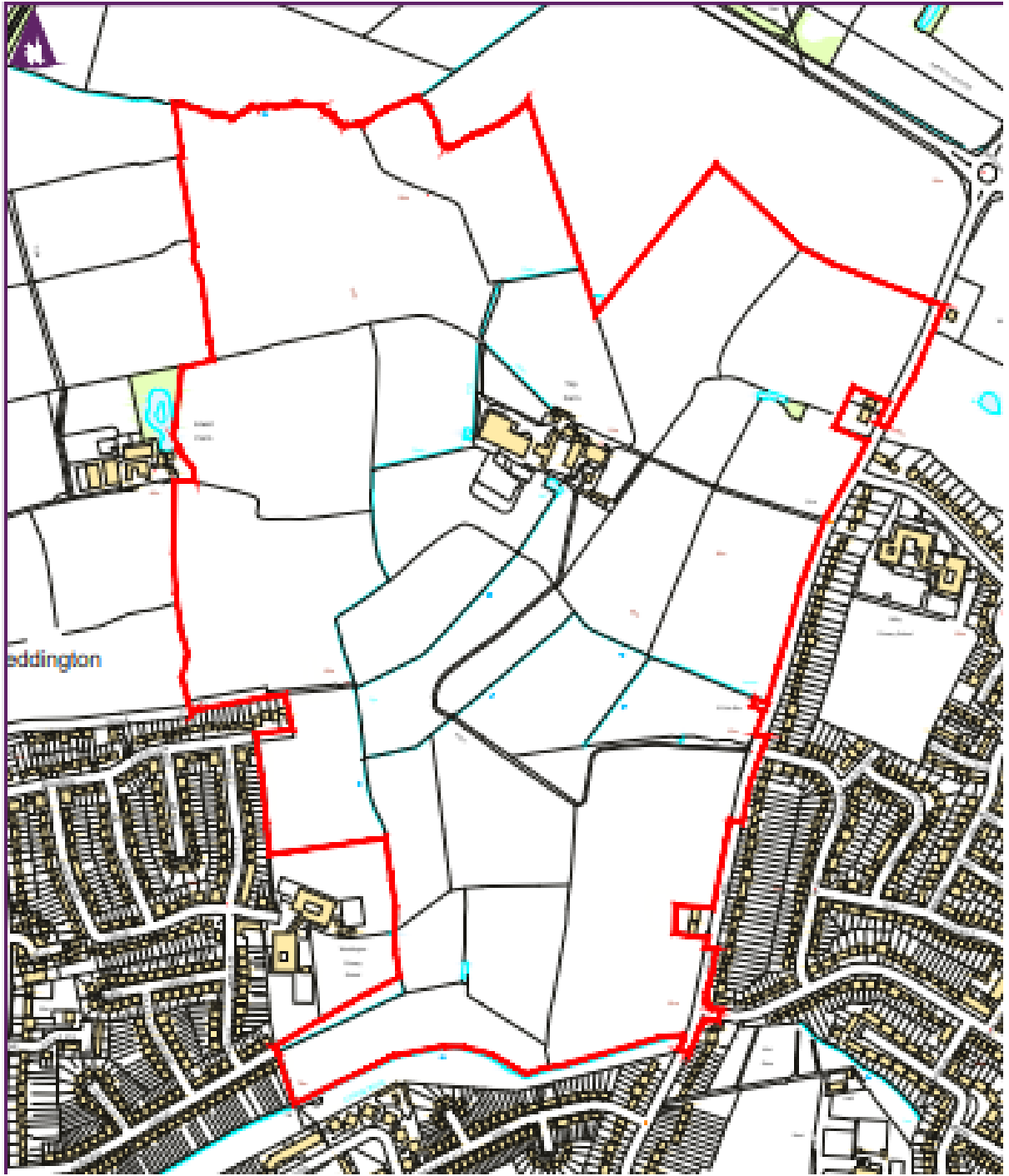
41. All school buildings shall be designed to meet the internal noise level criteria of BB93:2015: Acoustic Design of Schools (Education Funding Authority, 2015) within specified noise sensitive use areas.

42. Any health facility that may be constructed within the district centre shall be designed to meet the internal noise level criteria of Health Technical Memorandum 08-01: Acoustics (Department of Health, 2008).

43. The sound emissions (rating level, L Ar) for the uses within the proposed district centre shall be designed to meet an Environmental Sound Criterion (ESC) not to exceed background sound level at the nearest noise sensitive façade in accordance with guidance set out in BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. (BSI, 2014c).

44. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall commence until full details of the design of the mid-access junction have been submitted to and approved in writing by the Council. The construction of the access shall not be carried out other than in accordance with the approved details.

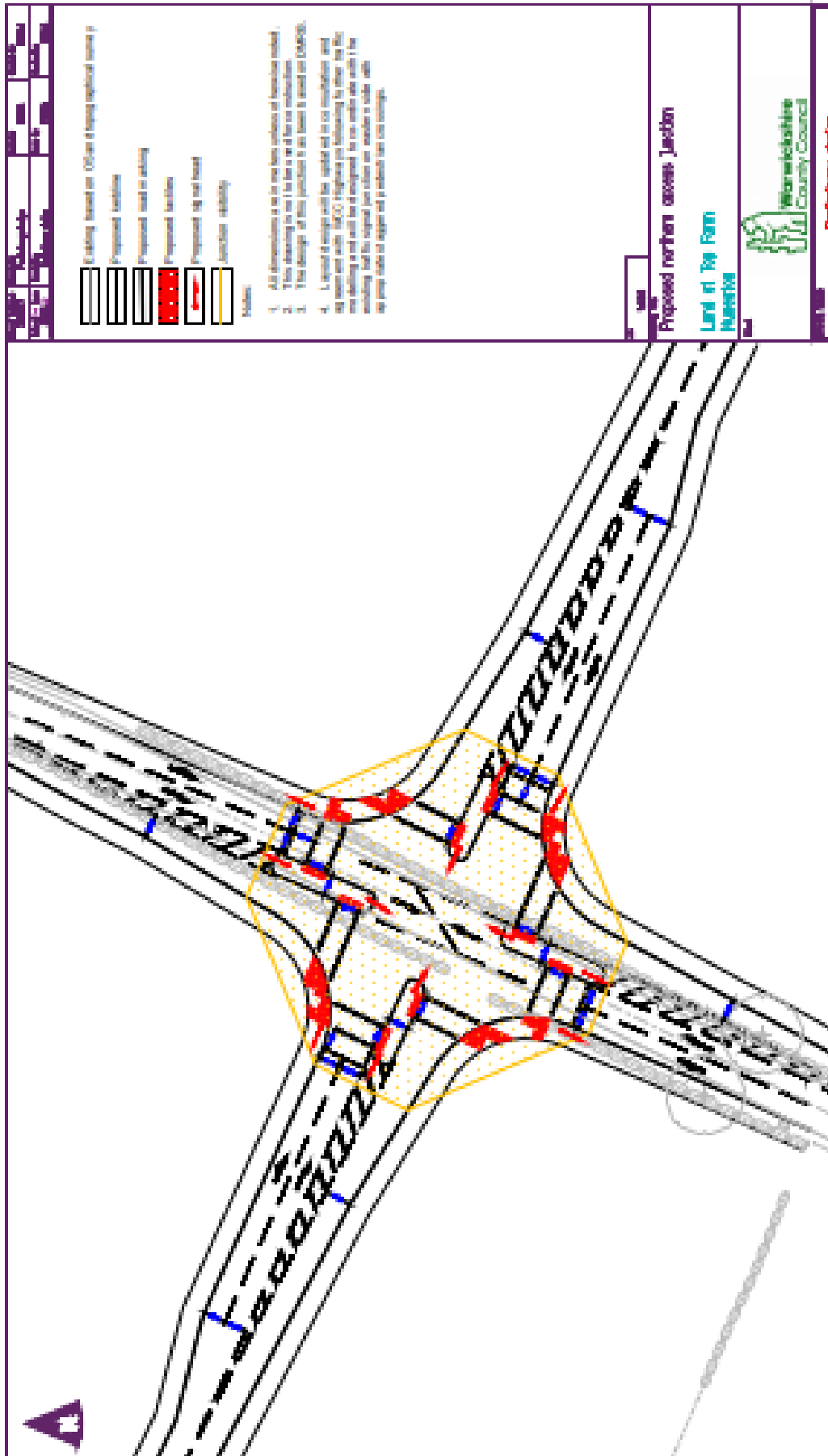
45. With the exception of works directly associated with remediation of the animal burial site, no phase of development shall be occupied until a bus strategy to establish (a) the bus routes around the site; and (b) the timing for implementation of the bus routes has been submitted to and approved in writing by the Council. The bus strategy shall reflect the phasing arrangements and be implemented in accordance with the approved details prior to occupation of the first dwelling within that phase.



Site Location Plan

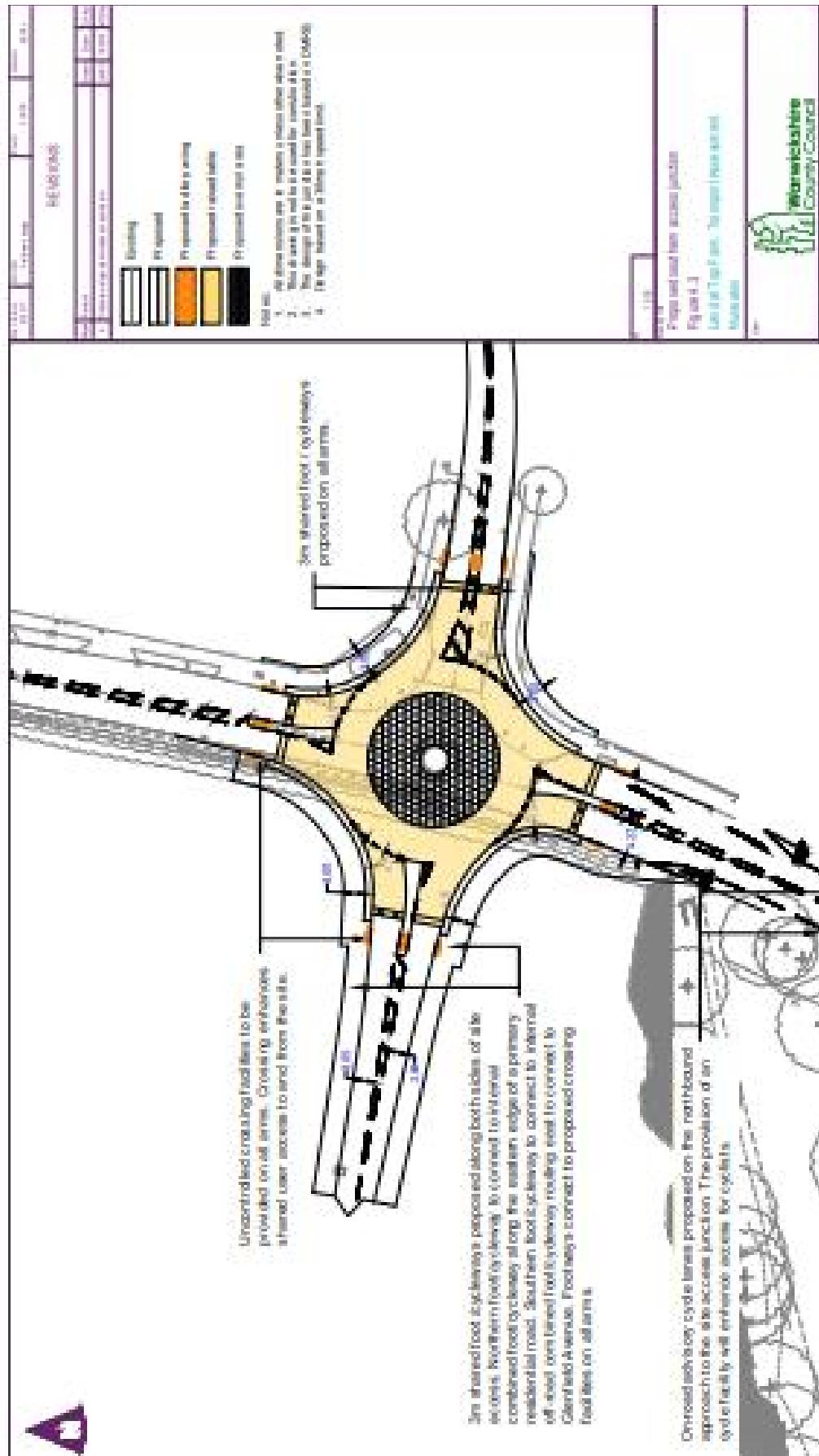


Illustrative Masterplan



Proposed Northern Access Junction

Proposed Southern Access Junction



REFERENCE No. 037922

Site Address: Site 49B005 - Byford Court, Byford Street Nuneaton.

Description of Development: Erection of 12 two storey dwellings (original apartment block to be demolished which was consented to under separate application reference 038257)

Applicant: NBBC Housing.

Ward: BA

RECOMMENDATION:

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

INTRODUCTION:

This is a full application by the Council's Housing Team for the erection of 12 two storey dwellings (the original apartment block has been demolished and which was consented to under separate application reference 038257). The site is at Byford Court, Byford Street Nuneaton and has the planning site reference of 49B005.

The site is part of Byford Court, which is a larger complex consisting of two and three storey flats which are bordered by residential roads on all four sides by Wood Street, Vernons Lane, Byford Street and Vernons Court off The Circle. (Vernons Court are three storey flats). The remaining area consists of two storey residential houses.

The parts of Byford Court to remain is the wing to the west which is the three-storey element and wing to the north which is a more modern two storey block. There is a small car park which is accessed from Byford Street which is to remain and a courtyard area in the middle of the site with semi mature trees which is also to remain as private amenity for existing residents.

The actual site that is to be redeveloped is the eastern block of two storey apartments and which sides onto Byford Street and Wood Street. The one-bedroom flats demolished were numbers 43 to 67 Byford Court and were for the over 55's. Flat roof garages to the southern area of the site have also been demolished and the land cleared. A line of False Acacias have been felled as part of the demolition stage which were fronting onto Wood Street. The land is slightly lower than the remaining flats to the west of the site.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 038257 Application for prior notification of proposed demolition of apartment block (East block - numbers 43-67) and row of 8 garages. Delegated Prior Approval Required. 03.09.2021
- TP/0474/94 Boiler House (Permitted Development).
- 870522 Flat roof to pitched roof (numbers 25-67).
- 860692 Flat roof to pitched roof (numbers 1-24).
- 711148. Proposed 67 flats. Approved. 23.11.71.

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

Cadent Gas, Coal Authority, Environment Agency, George Eliot Hospital Trust, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse and Recycling, NBBC Sports Development, NHS, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health (noise, air quality and contamination), NBBC Parks, WCC Highways and WCC Flood Risk Management.

No objection from:
Environment Agency and WCC Archaeology.

No objection subject to note:
Coal Authority, Warwickshire Police (Architectural Liaison Officer), WCC Fire Safety.

Do not require S106 contributions from:
NHS and WCC Infrastructure.

Request for S106 contributions from:
NBBC Sports Development.

Support from:
NBBC Housing.

Comment from:
NBBC Planning Policy and NBBC Tree Officer.

No response from:
Cadent Gas, George Eliot Hospital Trust, Severn Trent Water, NBBC Refuse and Recycling, Western Power Distribution.

NEIGHBOURS NOTIFIED:

1 - 43, 8a, 10a, Byford Court, 2, 4, 6, 8a, 8b, 10a, 10b, 12a, 12b, 14a, 14b, 16, 18, 20 Byford Street, 1a, 1b, 3a, 3b, 3 - 19 (odd), 21a, 21b, 22, 23a, 23b, 25, 27 Wood Street, 39, 42, 44 Vernons Lane, 111, 132, 134 Tryan Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 21st April 2021 and amendments on the 23rd September 2021. A site notice was erected on street furniture on the 7th May 2021 and the application was advertised in The Nuneaton News on the 19th May 2021.

NEIGHBOUR RESPONSES:

There has been 1 objection from 1 address and 1 objection with no address. The comments are summarised below;

33. Neighbour has autism and depression. The noise and building work and the amount of construction employees on site will cause stress to a number of people.
34. The benefit to new occupiers shouldn't be at expense of existing occupiers.
35. The Council will ignore objections anyway, but existing residents will lose out on a place to hang washing and to enjoy outdoor space and to be able to meet up with neighbours.

APPRAISAL:

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

1. The Principle of the Development
2. Sustainable Development and Impact on Residential Amenity.
3. Affordable Housing.
4. Impact on Visual Amenity.
5. Impact on Open Space, Biodiversity, Ecology and Trees.
6. Health, Air Quality, Noise and Contamination.
7. Impact on Highway Safety.

8. Flooding and Drainage.
9. Archaeology.
10. Planning Obligations.
11. Conclusion

1. The Principle of the Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development. Sustainable development is in three key constituents which are economic, social and environmental (paragraph 8).

The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise.

The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) and states that proposals that accord with the policies in the Borough Plan will be approved without delay unless material considerations indicate otherwise. It is considered that the site is sustainable.

Policy DS2 of the Borough Plan states that Nuneaton should have the primary role for development. Policy DS3 states that development that falls within the settlement boundary should be approved. The site is well within the settlement boundary. The proposal is a brownfield site and is not allocated so would be considered to be a windfall site. Notwithstanding this, the proposal will be a loss of 25 social housing flats for just 12 family dwellings.

Policy DS4 identifies the number of houses required over the current plan period 2011 - 2031. The latest available five-year housing land supply information (April 2021) calculated a five-year supply figure of 5.42 years (using the Liverpool method). The proposal has not been accounted for within the Council's housing trajectory.

Policy H1 relates to the range and mix of housing currently required. The proposal is to provide a social rental housing need consisting of 6 two-bedroom dwellings, 4 three-bedroom dwellings and 2 four-bedroom dwellings.

It is therefore considered that the principle of development is acceptable; although it is regrettable that the proposal provides a loss of dwellings to those that were there previously.

2. Sustainable Development and Impact on Residential Amenity.

Policy BE3 of the Borough Plan refers to sustainable design and construction and states that development proposals must be designed to a high standard and must also contribute to the local distinctiveness and character of the area by reflecting the positive attributes of the area.

The Policy refers to the need to meet Building for a Healthy Life 12 standard, 35% of the optional Building Regulations requirement M4(2) for 'accessible and adaptable dwellings, integration of Passive Solar Design and Secured by Design principles and rainwater harvesting. The development meets these standards and the need for Secured by Design and rainwater harvesting can be covered by conditions and notes.

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

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

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

In relation to the impact of the new dwellings to existing flats, these exceed the minimum distance standards required. There is only one distance where there is a shortfall of 1.8m from the primary lounge windows of apartments which appear to be 18, 21 and 24 Byford Court to the building of plot 9. However, it is only across half of the affected living room window and so there are views beyond the building. In addition, this affected window is a corner window and there are views out of the side to the north. This room also has a secondary window. There is only 9.586m from side windows of plot 9 to a secondary living room window of what appears to be apartments 39 to 42. There should be a distance of 20m window to window. However, the affected window of the apartments is a secondary window and paragraph 11.3 of the Council's SPD specifically states only primary windows can be protected. The primary window to the apartments living room faces west and has clear views to the residential amenity space. Therefore, it is considered that whilst there will be an impact to the existing apartments the impact follows the Design guidance.

In terms of the impact to houses in Wood Street the minimum distance is exceeded and in any case is across the road. In terms of the distance from the new properties to the front of houses in Byford Street the distance is 17.6m to 18.4m. The distance from window to window should be 20m but the SPD paragraph 11.5 states there can be a reduction if the view is across front gardens and the highway.

It is therefore considered that the proposed is acceptable to existing occupiers.

Within the scheme the properties are quite dense, and amendments to the layout, windows openings and the loss of a dwelling had to be carried out to make the scheme acceptable. Plots 1, 3, 4, 6 and 10 fully meet the distance standards. On the remaining plots there are shortfalls in distance, but in each instance, it is considered that there are mitigating circumstances such as secondary windows. It is proposed that a condition be included to remove permitted development rights (Class A) to ensure that any impact between properties is not made worse over time by extensions.

The scheme on balance is therefore considered acceptable in terms of residential amenity for future occupiers.

3. Affordable Housing.

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

It is noted that the application is for the loss of 25 one bedroom of over 55's council flats to be replaced with just 12 family council social affordable homes. However, the

demolition was granted separately under a prior notification which was approved subject to conditions in 2021 under reference number 038257. The loss of the housing could not be considered under the prior notification legislation.

The Design and Access Statement says that there is a proliferation of one-bedroom apartments in the area and that such grouping can lead to anti-social behaviour. It advised that the previous 1970's flats did not meet the Nationally Described Space Standards and the only way the flats could meet this would be to combine two apartments into one dwelling which would have significantly reduced the number of dwellings provided. It also stated that the apartments were served off excessively long corridors, did not provide private amenity space or allow for Passive Solar Design and that the structure did not meet current insulation standards. It was therefore considered that demolishing and rebuilding was an opportunity to readdress the layout and needs in the area. The response from the Housing Manager states:

“We have no objections and support this application, which will provide much needed affordable homes.”

Therefore, it would appear that the proposal is to meet a demonstrable affordable shortage need.

4. Impact on Visual Amenity.

The NPPF encourages good design and states that planning decisions should respond to local character and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation (paragraph 130).

The dwellings are contemporary but with a traditional feel and are designed to provide active frontages. The materials are proposed to be red brick, brick detailing and stringing and grey roof tiles. The house types are combined to create strong visually appealing groupings which contribute to the wider place making and individual character within the street. The roofs are to be pitched with mostly front facing end gables which provide a strong sense of plot identity. Repeated windows and doors have been used throughout for continuity and to create a site wide character.

It is therefore considered that the visual amenity is acceptable.

5. Impact on Open Space, Biodiversity, Ecology and Trees.

Policy NE2 refers to open space and that new development should address deficiencies of open space through improving existing provision and is in line with the Council's Open Space Strategy and the Council's adopted Open Space and Green Infrastructure SPD.

In reference to amenity space within the site, some of the existing neighbours have raised concerns about the loss of amenity space for the existing flats. In terms of the new houses, these will have private gardens so will not share the communal areas of the remaining flats. To ensure that amenity space is not lost for existing residents, confirmation of amenity space has been requested and received as part of the application. This document is titled 'Amenity Area and Parking Assessment for Byford Court'. This document states that the existing private amenity space for all the flats was 1,976 sqm, which at 67 flats equates to 29.5 sqm per flat (1976 divided by 67 = 29.5 sqm). The document states that by removing 25 flats this would reduce the requirement. The document states that whilst 555 sqm of amenity space is to be lost

another area of 39 sqm is to be provided. Therefore, the proposed amount of new space is 1,460 sqm (1976-555+39). Basing this on the reduced number of existing flats to remain (1460 sqm divided 42), it would equate to an increase of amenity space of 34.7 sqm per flat and which would equate to an increase of just over 5 sqm per flat. Therefore, it has been demonstrated that amenity space for existing residents will be increased.

Policy NE3 refers to biodiversity, to ensure this is conserved, enhanced, restored and where appropriate, created. The proposal requires the loss of some trees which includes the loss of 5 False Acacia trees facing onto Wood Street. The Council's Tree Officer originally objected as these trees provide amenity as a group in the area and he requested a redesign. However, it was stated that the redevelopment could not be delivered without the loss of these trees, and this has to be balanced against the benefits of the scheme.

It must be noted that these trees have already been removed during the demolition process. These trees were classified as category B trees (of moderate quality) and the submitted tree report (by a qualified Arborist) advised that physiological condition of the majority of these were considered to be average or below average and whose structural condition were considered to be indifferent. Therefore, their removal is considered on balance to be acceptable, providing tree replacements are agreed.

The removal of the trees will need to be considered when calculating the biodiversity of the site. The final figure for biodiversity is still outstanding but using the data provided thus far, the Council's Open Space Officer is confident that the scheme can be made to provide a net gain even if this means that provision is made off site but in the area. As the client is the Council this could be carried out via an informal agreement rather than require a S106 legal agreement.

In order to ensure that the retained trees are not damaged it is considered appropriate to have conditions to provide an Arboricultural Method Statement, Tree Maintenance and Tree Protection Plan.

An Ecological Assessment (March 202) was received as part of the application, and which provided night-time bat surveys carried out on the 14th May 2021. Results concluded that no bats were present during the survey work but that if more than two years should elapse prior to commencement, that a new bat survey should be required. The report also advises that lighting should be conditioned to ensure no impact to wildlife. The Assessment considered that the site could be enhanced with native tree planting and new roosting opportunities for bats and nesting birds and mammal gaps in fencing. These conditions are considered appropriate.

It is therefore considered that whilst the loss of the False Acacia street trees is regrettable that on balance the benefits of the scheme override this.

6. Health, Air Quality, Noise and Contamination.

In terms of air quality, the Council's Environmental Health (EHO's) Officers have no objection subject to the standard Type 1 mitigation measures as required via the adopted Air Quality SPD. This includes conditions for a Dust Management Plan, low emission boilers and electric charging points.

It is unclear whether there is District Heating for the neighbouring flats as this was common practice in previous years for these larger council schemes and if this is the case, then the new dwellings should connect to this rather than having separate boilers for each dwelling. It is noted that the scheme includes solar panels and increased energy saving properties within the building fabric which is welcomed.

In relation to noise, the Council's EHO had no objection subject to limiting the hours of construction and this condition is considered appropriate due to the proximity of residential properties.

In reference to contamination, development is required to show that the site is suitable for the proposed use. A phase 1 desk study Geo-risk Management (Report No. 20263/1 January 2021 Final) was carried out and whilst no evidence of any potential significant contamination, including fuel/oil storage tanks, was identified during the site walkover, the phase 1 did suggest that a phase II should be carried out. This phase II was also submitted (Geo-environmental Assessment Report No. 20263/2 March 2021 Final). This concluded that some form of remediation action will be required to address human health risk issues. The Council's Environmental Health Team have replied with no objection subject to the standard contamination conditions.

In terms of a Coal Authority Risk Assessment, the majority of the site is within the low-risk area and therefore the Coal Authority requests that a standard note be included.

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

7. Impact on Highway Safety.

Borough Plan Policy HS2 discusses strategic accessibility and sustainable transport. This requires development to demonstrate that there is adequate accessibility in relation to all principal modes of transport, demand management measures, connectivity, air quality, sustainable transport options, and acceptable impacts to the existing highway network. It also states that proposals should also target 15% modal shift to non-car-based uses. WCC Highways originally had objections to the scheme which has meant that the scheme size has reduced from thirteen to twelve dwellings. The subsequent amendments have led to WCC Highways removing their objection subject to conditions.

The proposal needs to align with the Council's adopted Transport Demand Management Matters SPD which sets out car parking and cycle parking standards and electric vehicle charging points. The SPD gives advice on the size of parking spaces as well as the sizes for domestic garages or which in this instance are carports. The proposal provides two allocated spaces per new property. The SPD states for 2-bedroom properties that 2 spaces per dwelling should be provided plus 1 unallocated space per 10 dwellings. For 3 or more-bedroom dwellings, the SPD states 2 spaces per dwelling plus 1 unallocated space per 5 dwellings. The new dwellings each have two parking spaces. It is noted that there is a loss of garages and parking spaces for existing flats due to the scheme, although it is recognised that the loss of 25 flats will reduce parking requirements in the area.

At the request of the Planning Case Officer a document was received to illustrate that the parking needs for the existing and proposed dwellings can be met within the site. This document was titled 'Amenity Area and Parking Assessment for Byford Court'. This states that the garages were leased out, but none were leased to residents of

Byford Court. This area did not provide any additional parking and therefore it is considered that the loss of the garages will not impact on parking for Byford Court residents.

The submitted document states that when there were 67 apartments within the site, these were served by twelve parking spaces to the north and within the red line. The document states that car use for the flats is low and that the car park is rarely full. The ratio of the number of parking spaces to the number of flats was originally 0.18 spaces per flat, or 5.5 flats per one parking space. This parking area is proposed to be reduced to ten spaces. However, the number of existing apartments is to be reduced to 42 which equates to a ratio of 0.24 spaces per flat or 4.2 flats per parking space and therefore the proposal is a betterment. In addition, WCC Highways have not mentioned any concerns in relation to the amount of off-road parking.

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

8. Flooding and Drainage.

The site is in Flood Zone 1 which is the least likely to flood. The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 160 - 162). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Borough Plan Policy NE4 also deals with Managing Flood Risk.

It is in this context that the applicant submitted a Flood Risk Assessment and Drainage Strategy Report and to which amendments were carried out at the request of WCC as Lead Local Flood Authority. They subsequently had no objection to the amended Flood Risk and Drainage Assessment (March 2021 5009229-RDG-XX-ST-DOC-C-0006 P03) subject to conditions. This document shows that cellular underground surface water drainage will be used within the new road and existing car park as well as within each driveway. Foul Water is proposed to drain into STW mains drainage. It is considered that the conditions are considered appropriate for the development.

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

9. Archaeology

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

Therefore, the impact to archaeology is considered acceptable.

10 Planning Obligations

Policy HS1 of the Borough Plan 2019 states that; development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development.

There has only been one request for S106 contributions which is from the Council's Sports Development Team for £22,845. The Parks and Open Space Team have not requested any S106 provision as they calculate the contributions on the number of

dwelling provided and, in this case, there is a loss of 13 dwellings. Neither WCC, CCG or George Eliot Hospital have requested any S106 contributions.

A viability assessment has been completed as the Housing Team consider that no S106 requests can be supported by the scheme and the District Valuation Office has been tasked at providing an independent review of the Assessment. They have responded to advise that the scheme would not be viable if the site had to provide S106 contributions. Indeed, the DVO concluded to state:

“Therefore, sensitivity testing has been undertaken, and this has concluded that the proposed scheme is also considered unviable even on the basis of zero Section 106 provision, and that accordingly the scheme could not support the payment of any amount by way of Section 106 Contributions.”

11. Conclusion

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

In conclusion, it is considered that the principle of development is acceptable as well as the need for affordable housing. The proposal also provides sustainable development and the impact on residential amenity is considered acceptable. The design will establish that the houses fit within the character of the area, whilst having a character of their own. The impact to open space biodiversity, ecology and trees can be made acceptable via condition as well as the impact to health, air quality, noise and contamination. WCC Highways have no objection in relation to highway safety subject to conditions similarly to the impact of flooding and drainage. WCC Archaeology consider that as the site has been previously developed that it would not provide any archaeological value. No planning obligations have been requested as viability of the scheme has been assessed

Therefore, in conclusion there are clear considerations which weigh heavily in favour of the scheme. The proposal is therefore recommended for approval subject to the stated conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

<i>Plan Description</i>	<i>Plan Number</i>	<i>Date Received</i>
Site Location Plan	100-552AR/016	17 th Sept. 2021
Site Layout Plan	100-552AR/009 Rev S	17 th Dec. 2021
House Type AA Plots 8 & 9)	100-552AR/010 Rev G	17 th Dec. 2021
House Type B (Plot 4)	100-552AR/011 Rev G	17 th Dec. 2021

House Type C (Plots 2,3 & 6)	100-552AR/012 Rev G	17 th Dec. 2021
House Type DB1D (Plots 10,11 & 12)	100-552AR/013 Rev G	17 th Dec. 2021
House Type B (Plot 5)	100-552AR/017 Rev D	17 th Dec. 2021
House Type B2 (Plot 1)	100-552AR/018 Rev A	17 th Dec. 2021
House Type C (Plot 7)	100-552AR/019 Rev B	17 th Dec. 2021
Boundary Treatment Plan	100-552AR/014 Rev C	17 th Dec.2021
Landscape Plan	7510.LP.1.0 Rev A	20 th April 2022
Flood Risk and Drainage Assessment (ref: 5009229-RDG-XX-ST-DOC-C-0006 P03)		2 nd Oct.2021
Letter Correspondence from Severn Trent Water (ref: 1011894, 26/07/2021)		12 th Aug 2021
Ecological Appraisal	March 2021	15 th April 2021
Arboricultural Impact Assessment	March 2021 Rev A	15 th April 2021

3. No construction shall be carried out other than between the hours of 8am-6pm Monday to Friday, 8am – 1pm on Saturdays with none on Sundays or Bank Holidays.

4. No development including any further site clearance/demolition, shall commence until an Arboricultural Method Statement, and Tree Maintenance Plan have been submitted and approved in writing by the Local Planning Authority. This is to include a Tree Root Protection Plan showing the existing trees/hedgerows including those to be removed and to include measures for the protection of the retained trees/hedgerow in the course of the development. The scheme shall show the typical canopy extent of the retained trees at maturity. The submitted information must include details of a no dig methodology where necessary to conform to BS5837:2012. Where hardstanding is to be provided within the Tree Root Protection Areas; details of an appropriate cellular system (specification and installation methodology as per BS5837:2012) is to be submitted and approved and implemented.

No tree or hedgerow other than so agreed within this report shall be removed, and no construction works including site clearance shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development. Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.”

5. No development including any further site clearance shall commence on any phase until:

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

d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

6. No development shall commence including any further site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Loading and unloading of plant/materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding.
- vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- vii. A scheme for recycling/disposing of waste resulting from construction works.
- viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

7. No development shall commence until a Dust Management Plan has been submitted and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout any further clearance and construction phase.

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

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

9. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Local Planning Authority. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

10. No development shall commence until a scheme for the lights used during construction and lights and lighting columns for the final scheme have been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist and will demonstrate the full prevention of lightspill into open space and ecological areas on lighting contour diagrams. The development shall not be carried out other than in accordance with the approved details.”

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

12. No built development above ground level shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development phase shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

13. No development above slab level shall commence until details of the specification for bird and bat bricks and their precise locations within buildings, has been submitted to and approved in writing by the Local Planning Authority. The approved bricks shall be installed before the occupation of that plot.

14. Notwithstanding the approved boundary treatment plan (100-552AR/014C) mammal gaps are to be provided to the new boundary treatments.

15. Access to the site for vehicles from the public highway shall not be made other than at the positions identified on the approved drawing 100-552AR/009 Rev S, and shall not be used until public highway footway crossings have been laid out and constructed in accordance with the standard specifications of the Highway Authority.

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

17. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

18. The development shall not be occupied until each vehicular access to the site has been provided with pedestrian visibility splays of at least 2.4 metres by 2.4 metres on either side of the access in accordance with the approved plan 100-552AR/009 Rev S. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

19. The development shall not be occupied until vehicular visibility splays have been provided to each vehicular access to the site with ‘x’ distances of 2.4 metres and ‘y’ distances of 25 metres measured to the near edge of the public highway carriageway in accordance with the approved plan 100-552AR/009 Rev S. No structure, tree or

shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

20. The development shall not be occupied until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

21. No dwelling shall be occupied unless the provision of any domestic gas boilers are installed as low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.

22. No dwelling shall be occupied until electric vehicle (EV) charging points are provided at a rate of; 1 charging point per dwelling (16amp) with dedicated parking and 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

23. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Local Planning Authority. The approved packs shall be provided prior to the first occupation of that dwelling.

24. No dwelling shall be occupied until rainwater saving devices such as a rainwater butts are fitted.

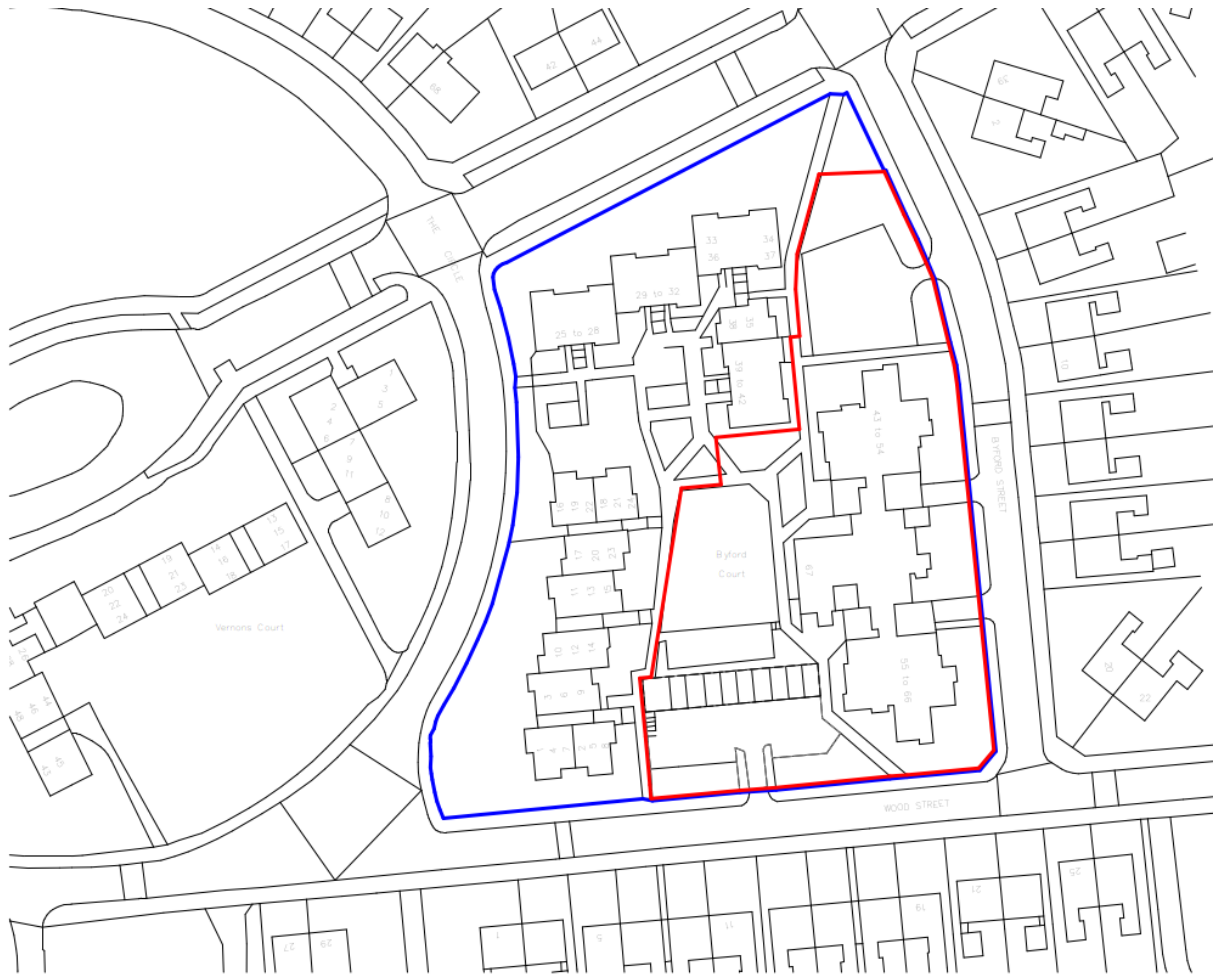
25. No dwelling shall be occupied until the boundary treatment for that plot has been installed.

26. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

27. The front face of the car ports/undercrofts shall be retained at all times clear of any door, barrier, gate or other such means of enclosure.

28. In the event that demolition/tree removal is not carried out prior to May 2023, a new bat survey must be carried out by a qualified ecologist to establish that bats are not present.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order) no rear extensions (Class A of The Order) shall be erected on plots 2, 3, 6, 10, 11 and 12 and no side extensions to plots 8 and 9 shall be erected without planning permission first being submitted and approved by the Council.

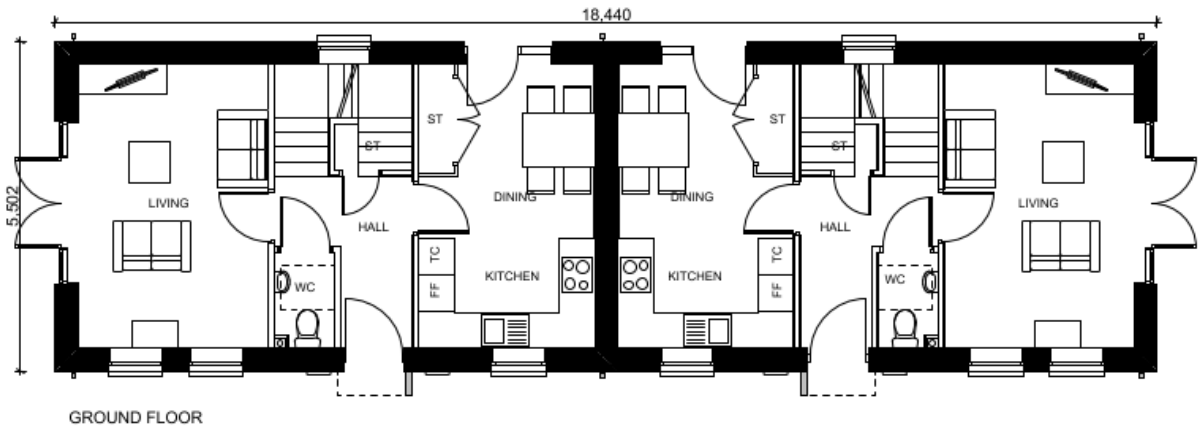
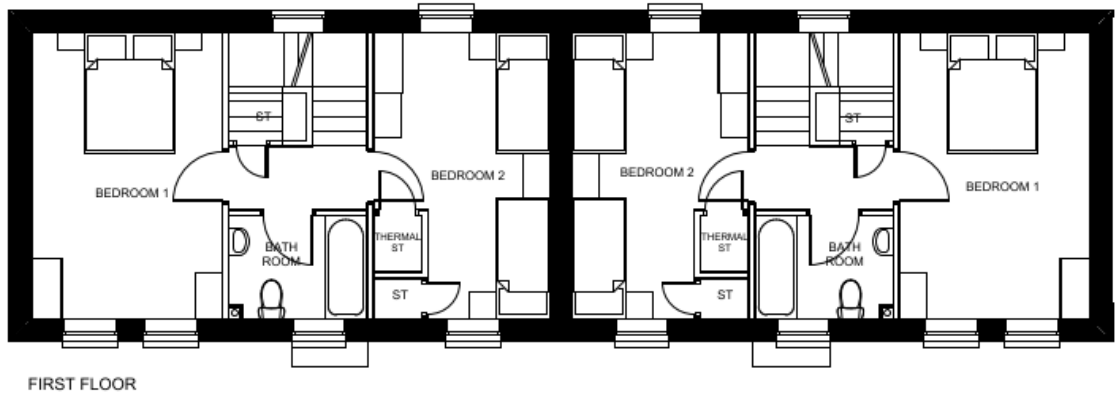


- Development site
- Byford court overall development site

Site Location Plan



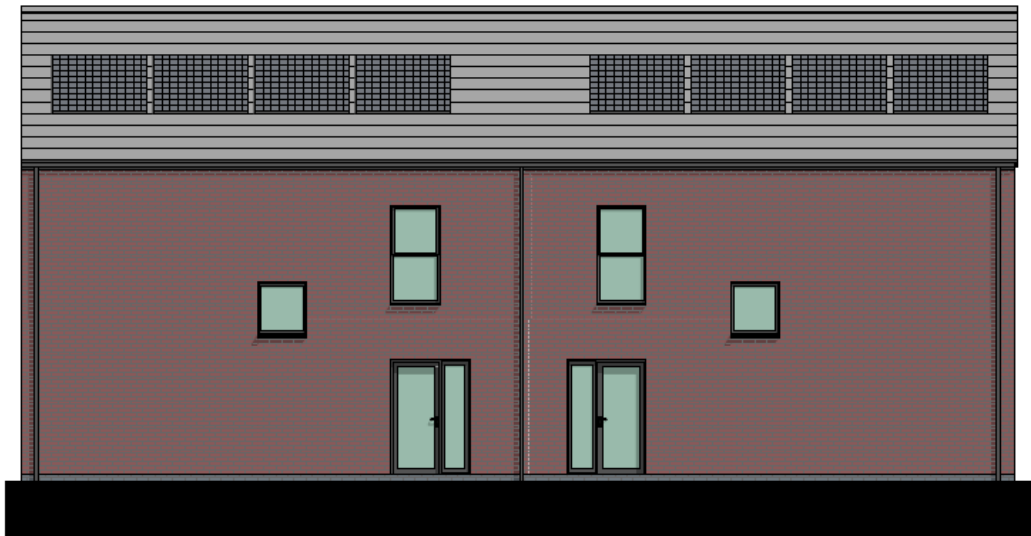
Site Layout



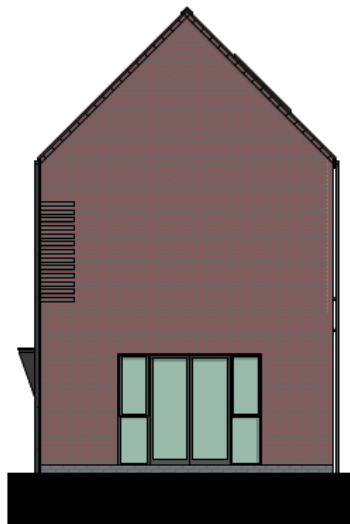
Proposed Floor Plans - House Type AA (Plots 8 & 9)



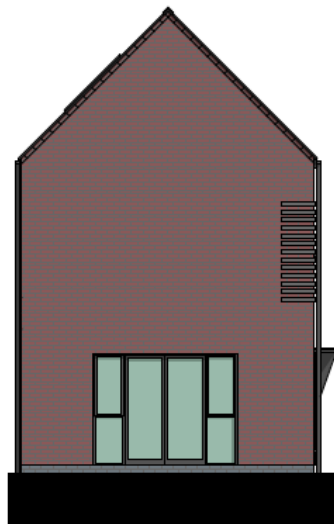
FRONT ELEVATION



REAR ELEVATION

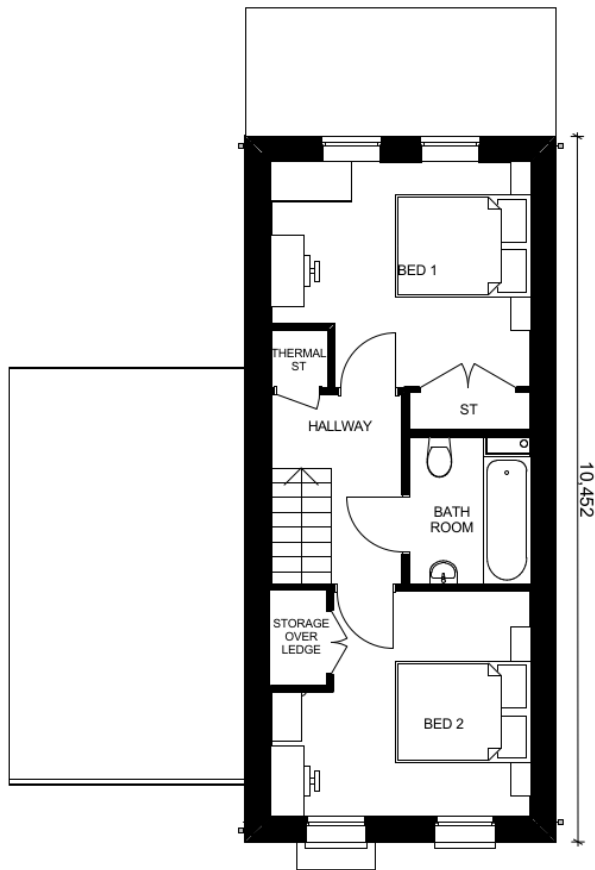


SIDE ELEVATION

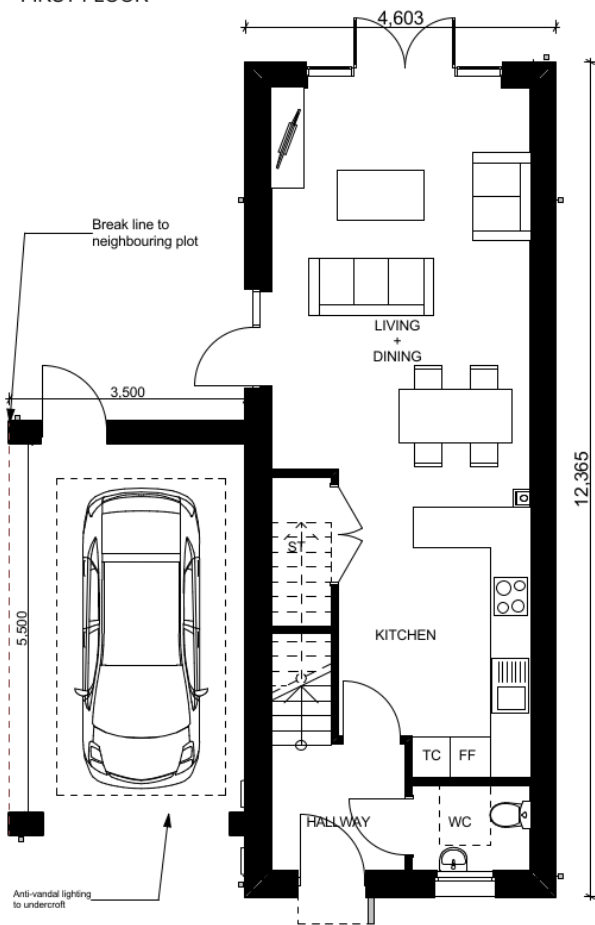


SIDE ELEVATION

Proposed Elevations - House Type AA (Plots 8 & 9)



FIRST FLOOR

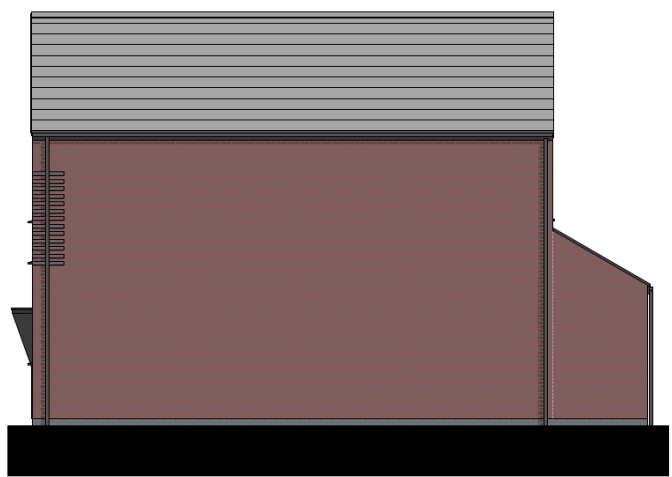


GROUND FLOOR

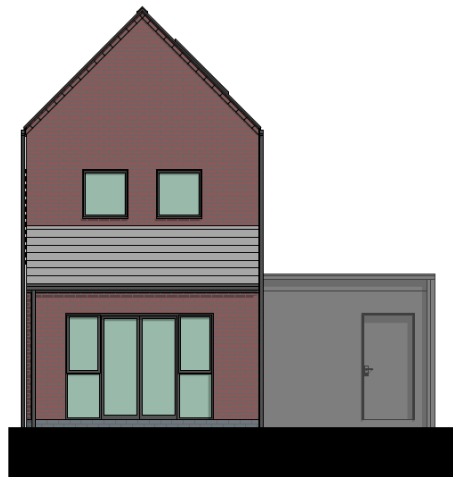
Proposed Floor Plans - House Type B (Plot 4)



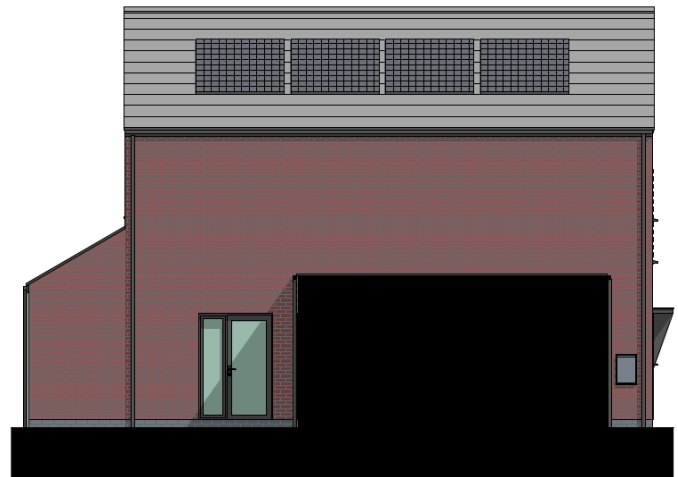
FRONT ELEVATION



SIDE ELEVATION

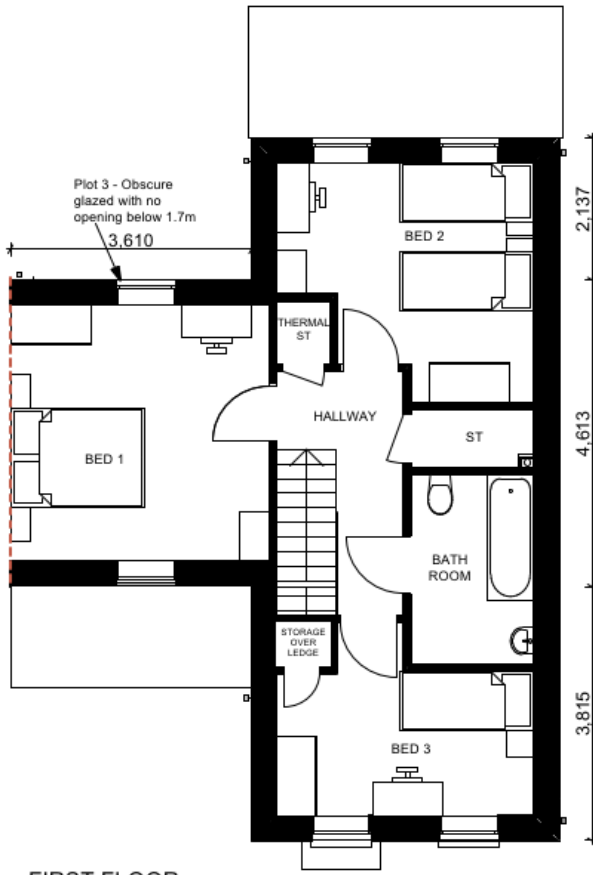


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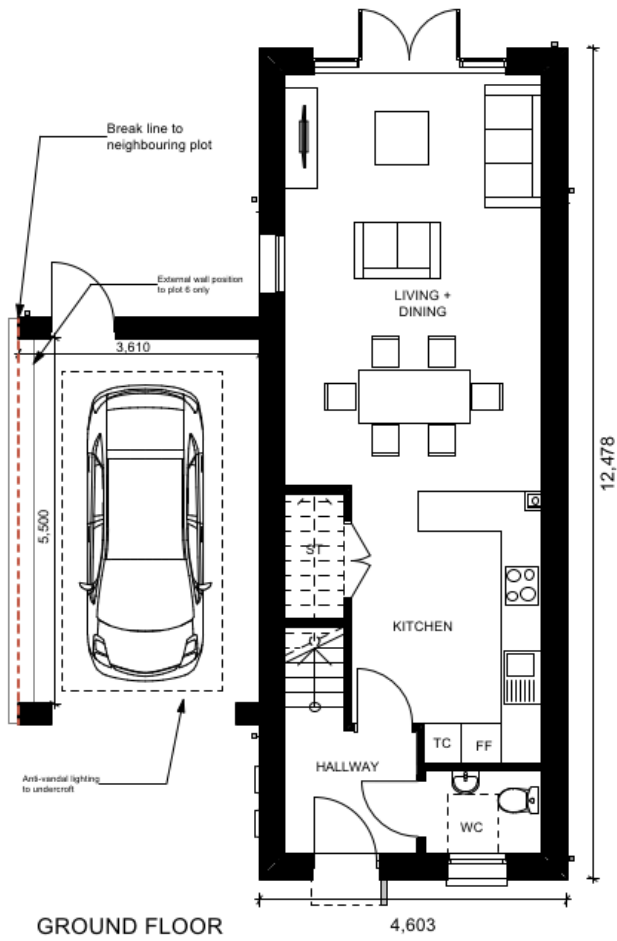


SIDE ELEVATION

Proposed Elevations - House Type B (Plot 4)



FIRST FLOOR

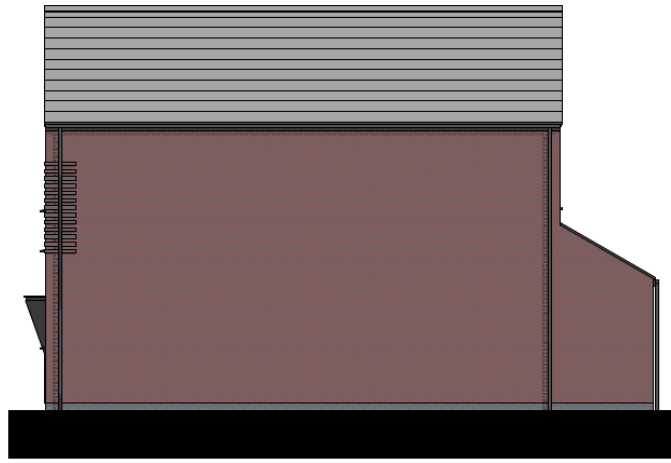


GROUND FLOOR

Proposed Floor Plans – House Type C (Plots 2, 3 & 6)



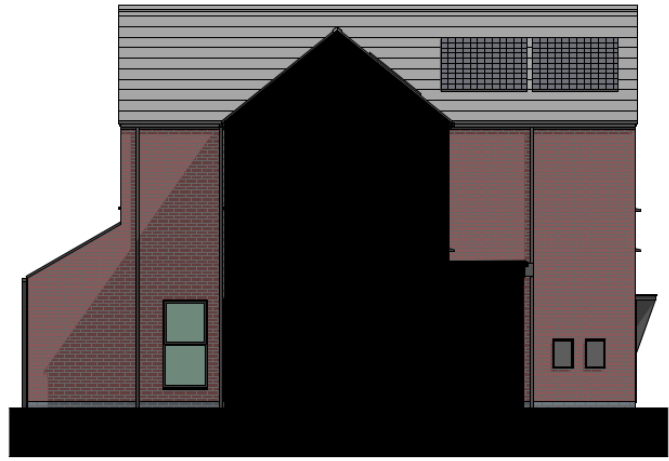
FRONT ELEVATION



SIDE ELEVATION

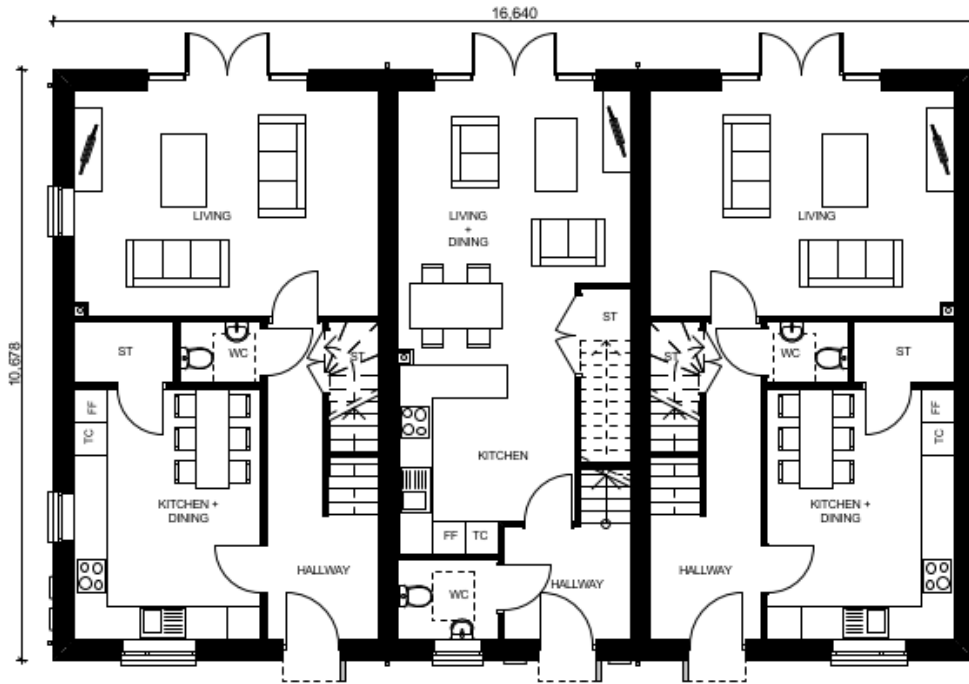


REAR ELEVATION

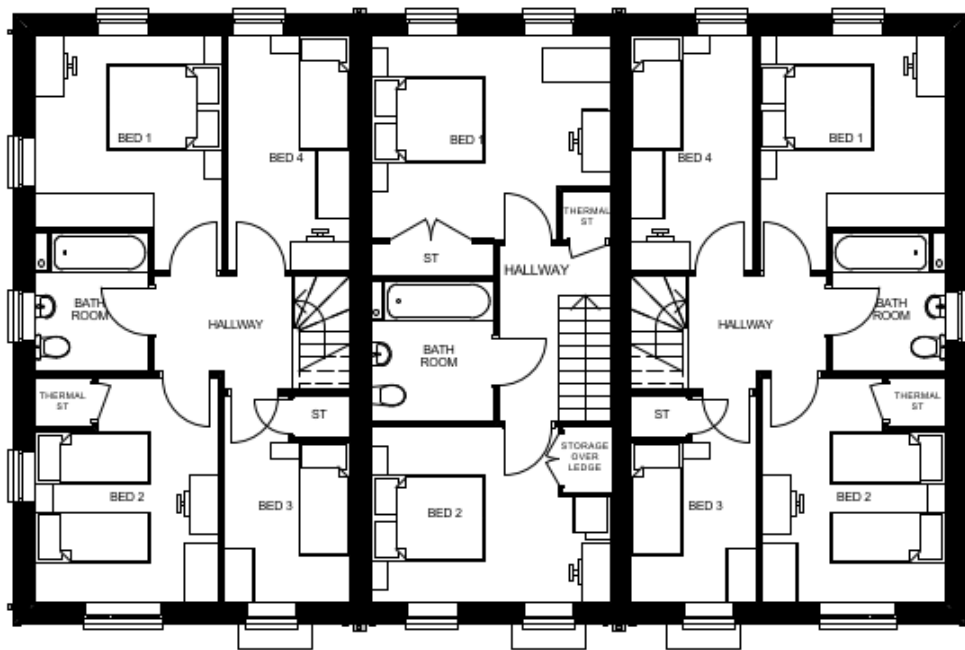


SIDE ELEVATION

Proposed Elevations – House Type C (Plots 2, 3 & 6)



GROUND FLOOR

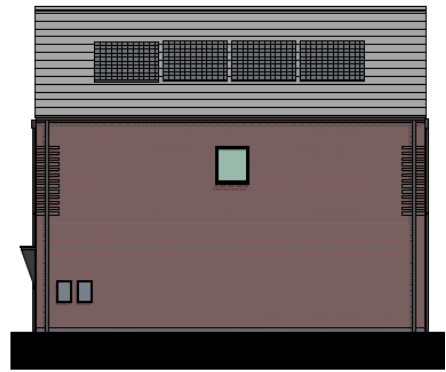


FIRST FLOOR

Proposed Floor Plans - House Type DB1D (Plots 10, 11 & 12)



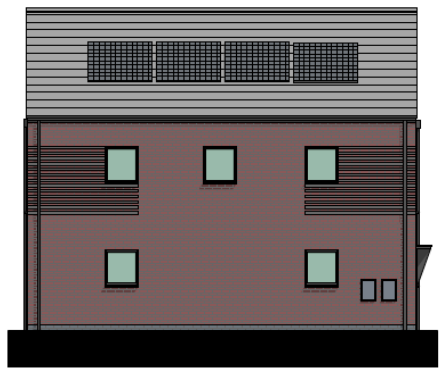
FRONT ELEVATION



SIDE ELEVATION

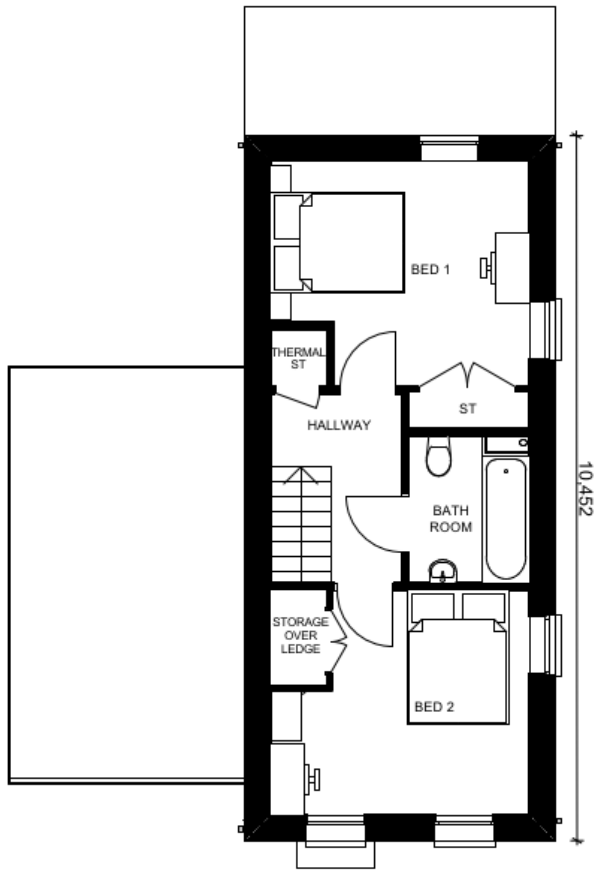


REAR ELEVATION

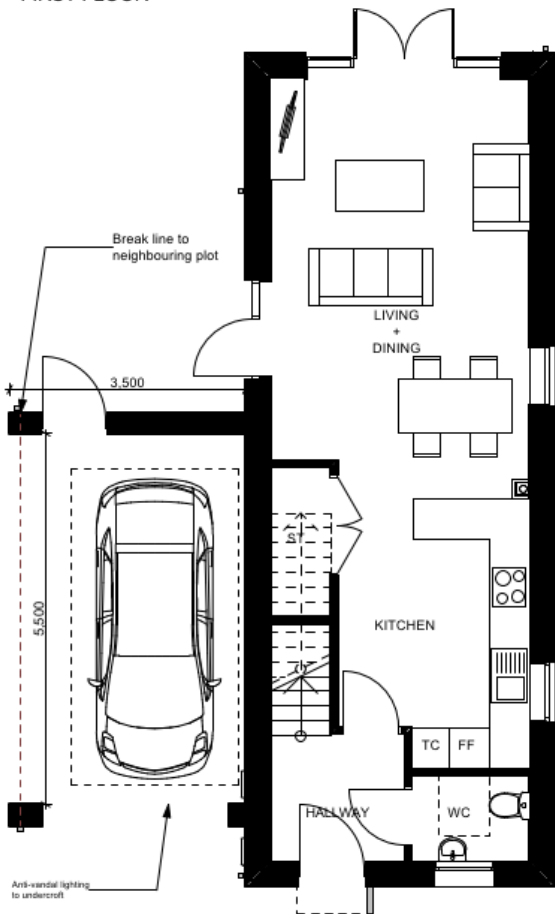


SIDE ELEVATION

Proposed Elevations - House Type DB1D (Plots 10, 11 & 12)



FIRST FLOOR

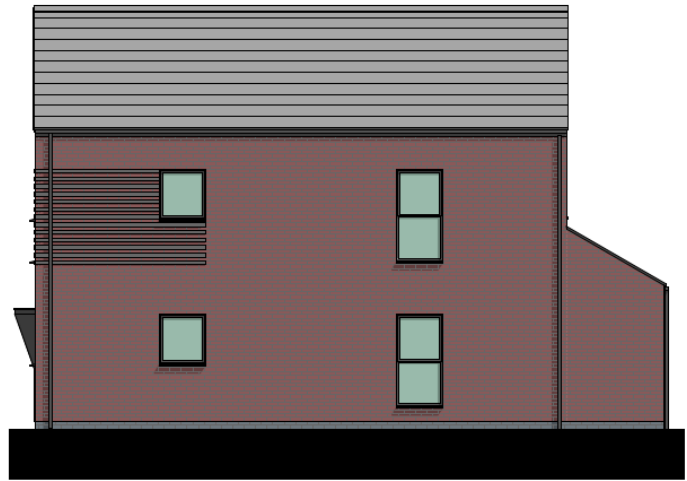


GROUND FLOOR

Proposed Floor Plans - House Type B (Plot 5)



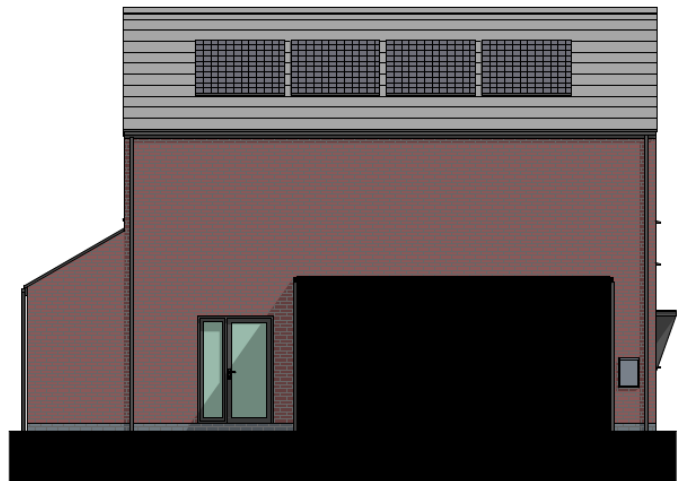
FRONT ELEVATION



SIDE ELEVATION

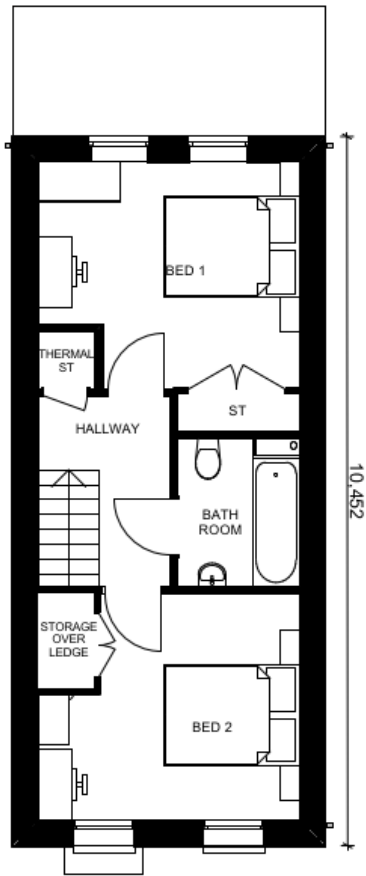


REAR ELEVATION

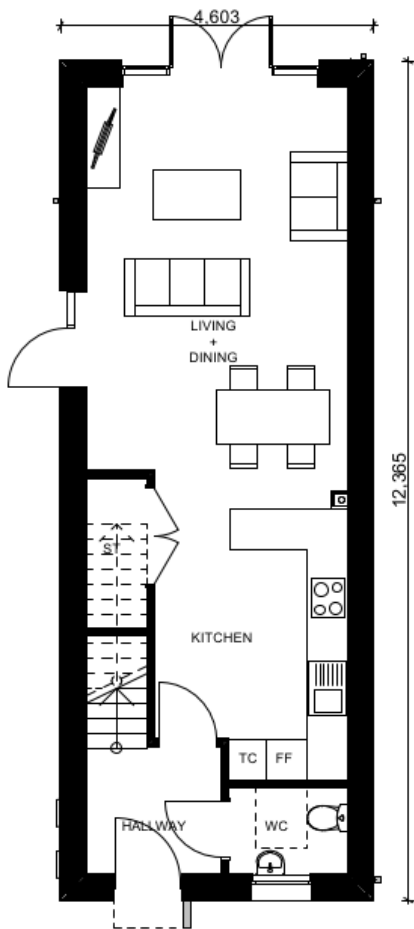


SIDE ELEVATION

Proposed Elevations - House Type B (Plot 5)

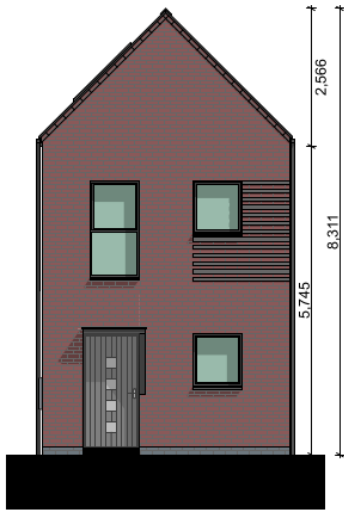


FIRST FLOOR

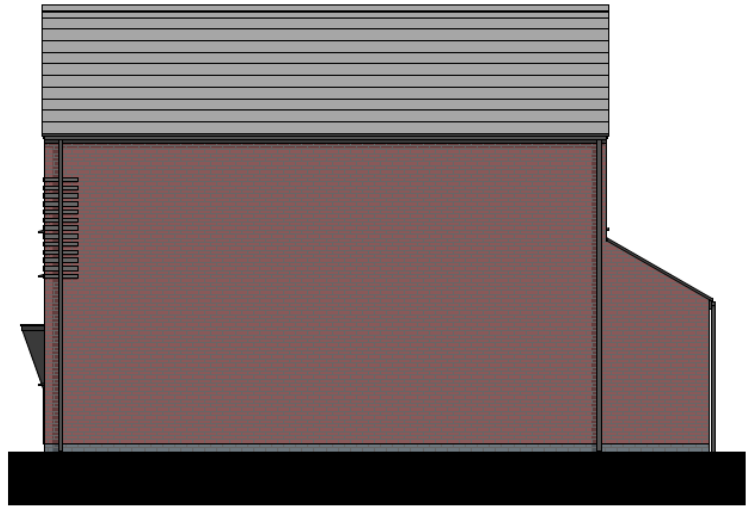


GROUND FLOOR

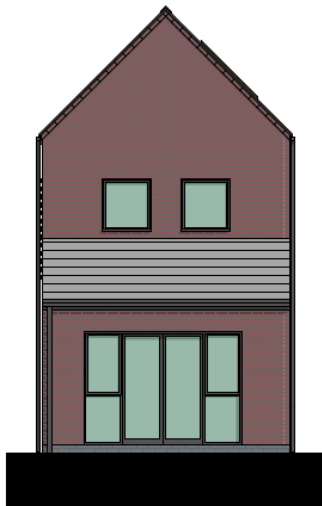
Proposed Floor Plans – House Type B2 (Plot 1)



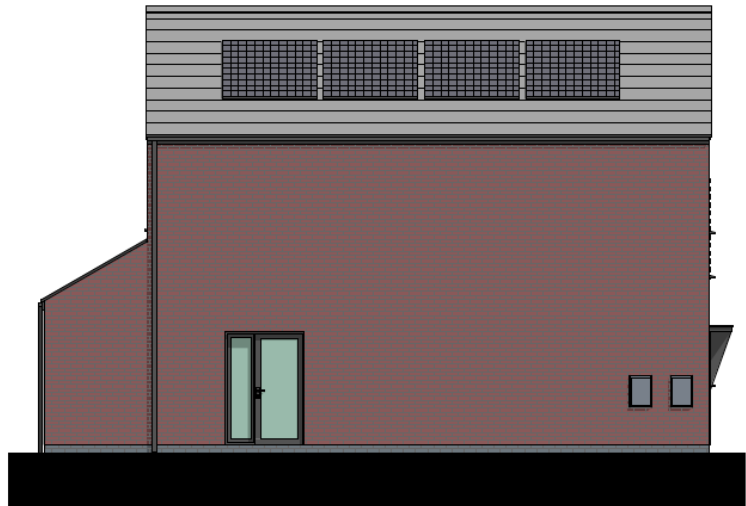
FRONT ELEVATION



SIDE ELEVATION

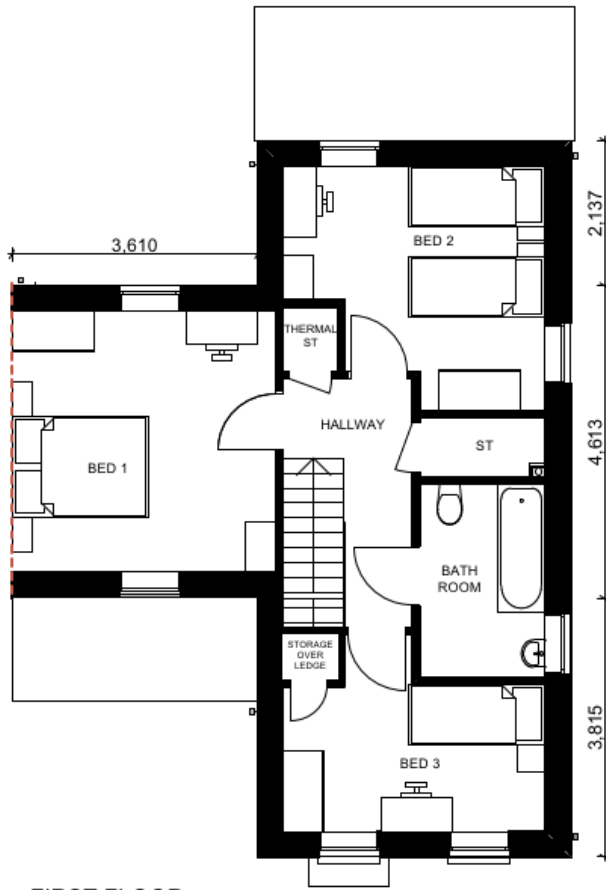


REAR ELEVATION

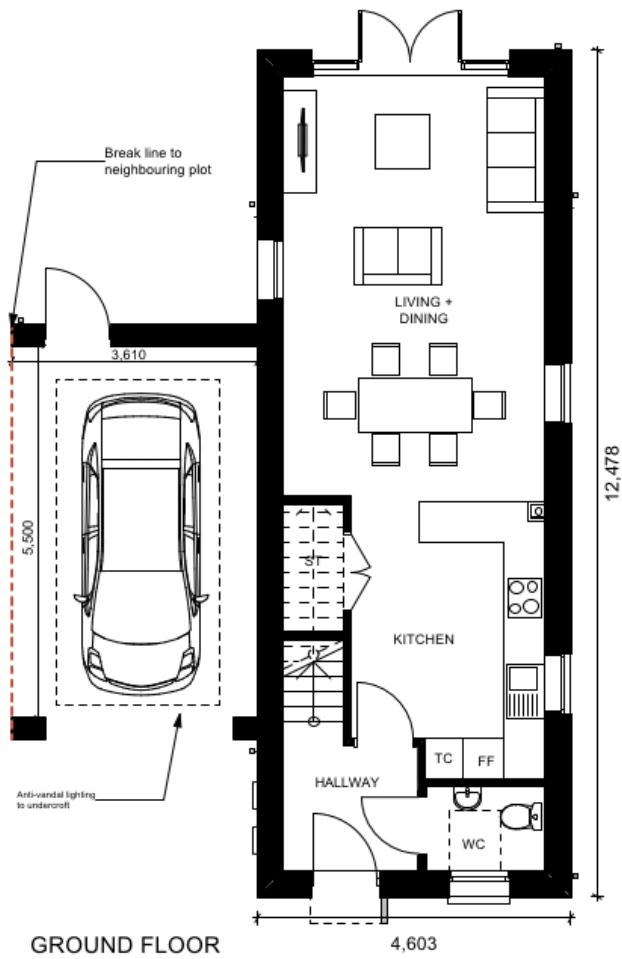


SIDE ELEVATION

Proposed Elevations – House Type B2 (Plot 1)



FIRST FLOOR

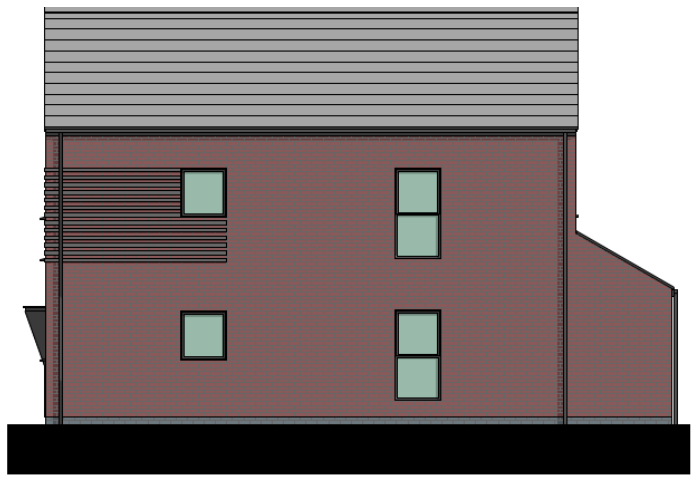


GROUND FLOOR

Proposed Floor Plans – House Type C (Plot 7)



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Proposed Elevations – House Type C (Plot 7)



Proposed Landscape Plan

REFERENCE No. 038371

Site Address: 18 Bracebridge Street Nuneaton Warwickshire CV11 5PA

Description of Development: Part single storey, part two-storey rear extension to house and existing outbuilding, including installation of dormers to the outbuilding (amendment to previous application 036349)

Applicant: Mr Muhammed Badat

Ward: AB

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission subject to no new points of objection being received following the re-consultation of the amended plans, for the reasons as printed.

INTRODUCTION:

This application is for the regularisation of a part single storey, part two-storey rear extension to house and existing outbuilding, including installation of a dormer to the outbuilding (amendment to previous application 036349) at 18 Bracebridge Street Nuneaton Warwickshire CV11 5PA.

The site gained planning permission in October 2016 to change the use of the rear outbuilding, formerly No. 20 Bracebridge Street under planning reference 034210 and No.18 to be used under Use Class E (was previously Use Class D1) – clinic, health centre, creche, day nursery and day centre type use.

The application site comprises of No 18 Bracebridge Street, which is a Victorian end of terrace property, with gabled roof consisting of red clay tiles. To the side of No. 18 is the access driveway which leads to the outbuilding pertaining to this proposal.

Works have commenced on the site above and beyond what has been granted planning consent. The main amendments that are being considered under this application that have not previously been given planning approval are to raise the height of the eaves and ridge and the installation of 4 windows side facing windows – 3 of which will be at ground floor and 1 at first floor.

RELEVANT PLANNING HISTORY:

- 036349: First floor extension to rear and over existing outbuilding, addition of two second storey windows (amendment to 034519): Approved 13/06/2019
- 035796: Non-material amendment to previous permission 034519 to move one of the proposed side walls and provide 5 new windows to the side elevation: Approved 03/08/2018
- 034519: First floor extension to rear above existing outbuilding: Approved 13/01/2017
- 034210: Change of use rear outbuilding from B1 to D1: Approved 12/10/2016

- 751583: Extension to doctors surgery – approved 12/1/1976

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

N/A

NEIGHBOURS NOTIFIED:

16, 20, 22, 24, Bracebridge Street; 9, 11, 13 Norman Avenue

Neighbouring properties were sent letters notifying them of the proposed development on 3rd November 2021.

NEIGHBOUR RESPONSES:

There have been 9 objections from 7 addresses. The comments are summarised below;

1. Overlooking
2. Loss of light
3. Poor design
4. Overdevelopment of the site
5. Overbearing impact to neighbours
6. Impact on highway network and impact on parking as a result of the use
7. Devaluation of property

APPRAISAL:

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

1. Residential amenity
2. Visual amenity
3. Conclusion

1. Residential amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on site circumstance.

The principle of the development has already been established. Therefore, the only points to be considered in terms of residential amenity are the increase in height of the

eaves and the ridge and the side facing windows and whether these changes would cause harm to the amenity of neighbours. It is considered that the main harm would be to the adjacent neighbours at No. 16 and No. 22 Bracebridge Street.

The height of the eaves is to be increased from the previously approved application from 2.7m to 3.15m (0.45m increase). The ridge height is also proposed to increase from 5.78m to 6.28m (0.5m increase). The roof of the building is proposed to be gabled.

Although the principle of the extension to the existing garage has already been established through previously approved planning consents, the garage building will fill the entire rear garden of No. 18 meaning that there is built form for the entire length of the gardens for both No. 16 and 22 Bracebridge Street. The building is also built up to the boundaries of these gardens whereby the walls of the building act as the boundary treatments (i.e. there are no fences or other means or boundary treatment which separates the building from the neighbour gardens).

A typical domestic outbuilding within a rear garden can be built without planning consent (under permitted development) so long as the height does not exceed 2.5m. It is therefore clear that the proposed increase to the eaves and ridge of this building would create an oppressive sense of enclosure to the neighbours and would be completely overbearing and overly dominant to the neighbours rear gardens and private amenity space. This harm is increased by the gable-style roof and the position being up to the boundaries of the gardens. Although the principle of development has been established, it is considered that the accumulation of height increases has reached its limit in terms of impact on residential amenity.

The application also seeks consent for 2 side facing windows facing towards No. 16 at ground floor level. There is also 1 ground floor and 1 first floor side facing window proposed facing towards No. 22. As the extension at 18 Bracebridge has been constructed so that it fills what was the rear garden, there is no fencing separating the neighbours garden and the building. As such, the proposed windows would directly look into both neighbours gardens and this is of particular concern to officers at ground floor level.

The plans state that these windows will be obscurely glazed and non-opening. Amended plans have repositioned the ground floor windows so that they are positioned at a higher level, with the lowest point of the window sitting at 1.65m from the external ground floor level. The plans also state that these windows will be obscurely glazed and fixed. However, it is considered that even with such measures, the windows will still allow for a perceived sense of overlooking, which in turn will create a loss of privacy for both neighbours. As such, the 3 windows at ground floor level are not considered to be acceptable as they would create harm to residential amenity. The applicant has stated that there is a need for these windows to allow natural light into the downstairs room of the building, which is to be used as a toddler room. Without any windows, the room would rely completely on artificial lighting. However, no such issues were raised with any of the previous applications and officers believes that this is something that should have been considered by the applicant before any building works commenced.

The first-floor side facing window would not have such direct, overlooking views into the neighbours garden and private amenity areas as it is at first floor. It is thought that if this window was obscurely glazed and non-opening and conditioned to be retained as such for the lifetime of the development, that this would be acceptable.

Objection comments have been received in relation to the impact on the highway network and possible future issues with parking. However, the use of the building has already been approved and the proposed amendments will not exacerbate the use of the building above and beyond what has already been granted planning consent. Therefore, such issues cannot be considered as part of this application.

2. Visual amenity

Firstly, it must be considered what has already been granted planning consent which is a first floor extension to the rear of No. 18 and an extension over an existing outbuilding and the addition of two second storey windows. These windows are within the dormer and face towards the rear of No. 18.

The extensions and additions that have been built on site are different from what is being applied for as part of this application. The eaves of the extension on site are much taller than what is being applied for here. This application seeks to increase the height to the eaves and ridge above what has been granted previously. Although these changes have the potential to somewhat alter the appearance, it would not be considered as an unreasonable addition and would not create any detrimental harm to visual amenities. As such, the changes are considered to be acceptable in terms of visual amenity.

The addition of 4 windows to the side elevations of the building will have very limited views from public view points. It is therefore considered that the addition of windows would not create harm to visual amenities and is also acceptable.

3. Conclusion

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

The proposal would create harm to residential amenity by introducing 3 large side windows which would be built directly on the boundary with the adjoining neighbours. The windows would therefore give the perceived sense of overlooking to neighbours. Given the scale of the building, which has been built up to the boundary line, there is no way of potentially mitigating this harm such as through the introduction of fencing, as this would be outside of the ownership of No. 18. Although the windows have been amended to be shown at a higher level, they are still only 1.65m above ground level and would therefore still allow most adults to be above the window level. Officers also consider that even if the windows were fixed (non-opening) and obscurely glazed, this would not be sufficient to overcome the harm that the windows would have on the amenity of neighbours. In addition to this, the increase in height to the eaves and ridge of the building would result in an oppressive feature to the adjacent neighbours to the detriment of residential amenity.

It is therefore considered that the proposal fails to accord with policy BE3 of the Borough Plan, the Sustainable Design and Construction SPD and NPPF 2019. As such, the application is recommended for refusal based on the reasons below.

REASONS FOR REFUSAL:

1.i) Policy BE3 of the Nuneaton & Bedworth Borough Plan 2019 states (in part):-
Development proposals must be:

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

Urban character

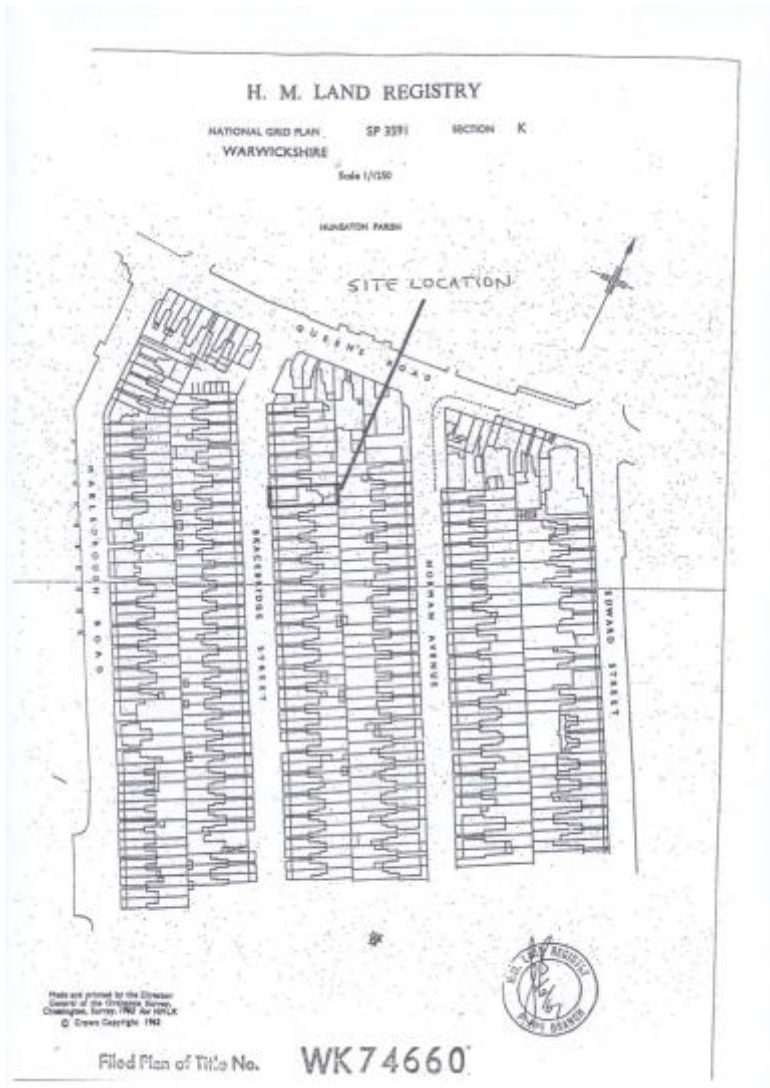
All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

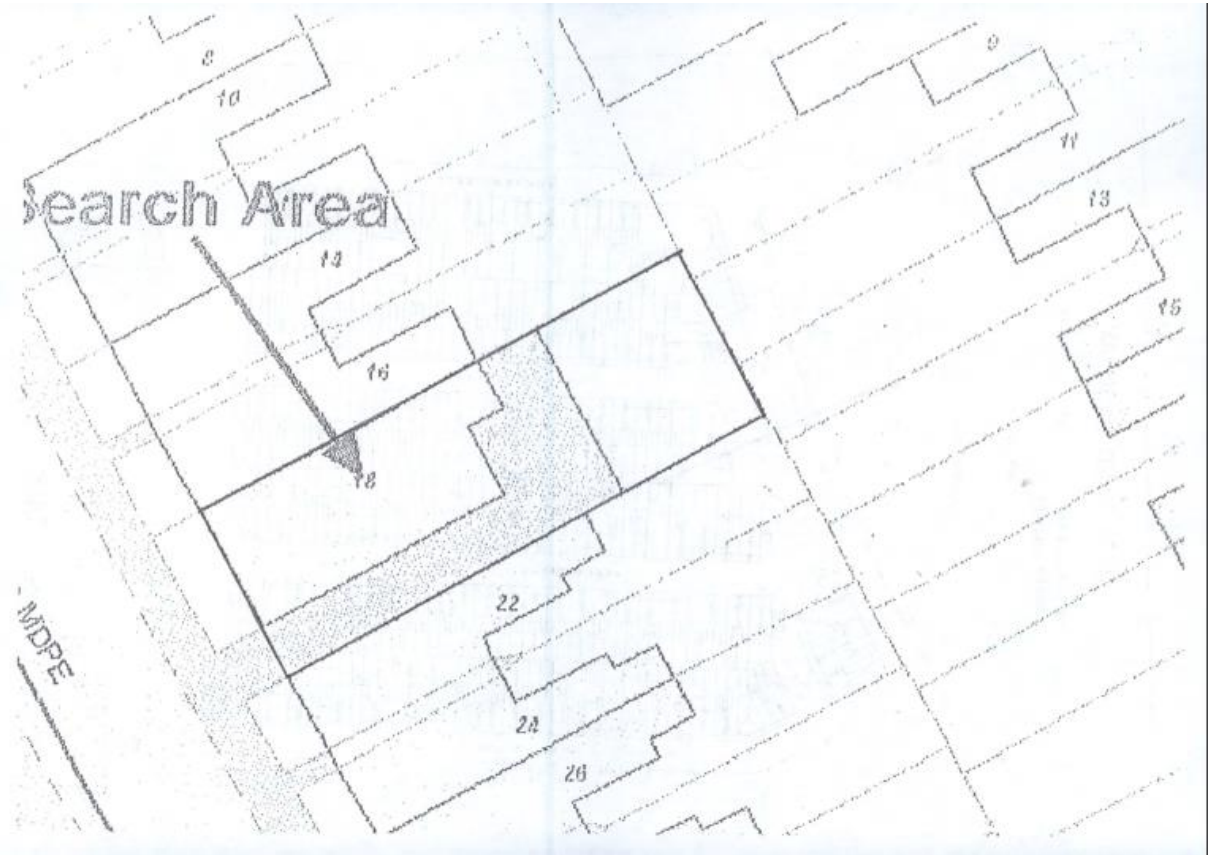
Supplementary planning documents - Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

ii) The proposal is contrary to this policy in that the 3 No. proposed ground floor side facing windows will cause a perceived sense of overlooking, resulting in the loss of privacy to both No. 16 and 20 Bracebridge Street to the detriment of the residential amenity of the existing dwellings (contrary to Section 11.6 of the Sustainable Design Construction SPD 2020).

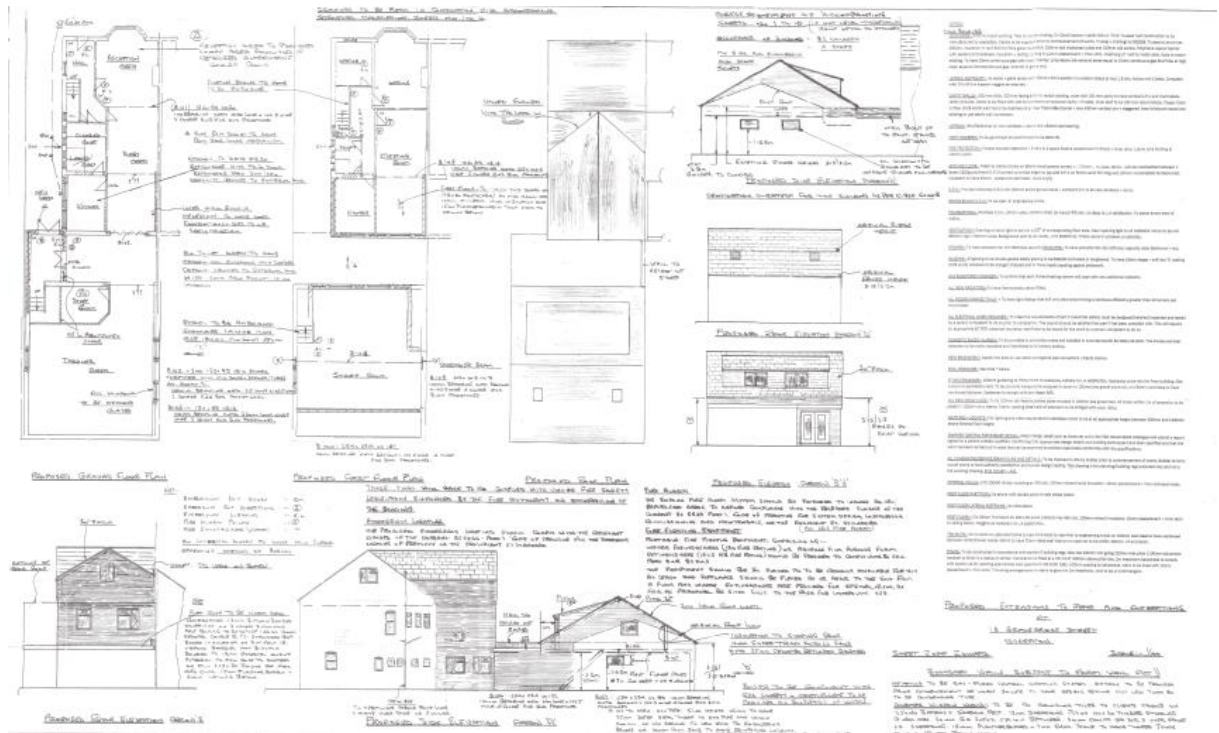
iii) The proposal is also contrary to this policy in that the increase in height to the eaves and ridge will result in an overly dominant and oppressive feature which runs the entire length of the garden to the detriment of residential amenity to the adjacent neighbours of No. 16 and 20 Bracebridge Street



Site Location plan



Site plan



Proposed Floor Plans & Elevations

REFERENCE No. 038713

Site Address: 146 Hickman Road Nuneaton Warwickshire CV10 9NG

Description of Development: Retention of outbuilding to rear

Applicant: Ms Michelle Hill

Ward: GC

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

INTRODUCTION:

Retention of outbuilding to the rear at 146 Hickman Road Nuneaton Warwickshire CV10 9NG.

The development proposed is the retention of the detached outbuilding, which is currently being used as a general outbuilding in the rear garden of 146 Hickman Road. It is located within the front half of the rear garden of this property, and as this application is described as a 'retention of...' it is already constructed. This was an enforcement complaint and as it breached the limits set out under permitted development, the applicants were advised to apply for planning permission for the proposal.

146 Hickman Road is a 2-storey semi-detached property constructed out of render with a significant single storey rear extension (planning reference 036926). The rear garden slopes down towards the rear boundary but the main house is on a slightly lower level than 152 Hickman Road and a slightly higher level than the detached bungalow at 144. The property has a gable roof with green uPVC windows to the rear and yellow windows and doors to the rear.

The application for the detached outbuilding was submitted following an enforcement enquiry. The outbuilding cannot be considered as permitted development as the height to the tallest part of the roof is more than 2.5m and it is within 2m of the boundary with the neighbouring property at 152 Hickman Road.

BACKGROUND:

This application is being reported to Committee at the request of Councillor M Tromans.

RELEVANT PLANNING HISTORY:

- 036926 Proposed Single Storey rear extension
Received: January 2020 and Approved: March 2020

RELEVANT PLANNING POLICIES:

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

CONSULTEES NOTIFIED:

None

CONSULTATION RESPONSES:

None

NEIGHBOURS NOTIFIED:

The neighbouring properties that were consulted were 55, 57, 144, 152 and 154 Hickman Road; 'Mon-Abri', Hickman Road; 'The Parsonage,' Hickman Road; and 'Parkfield,' Hickman Road.

Neighbouring properties were sent letters notifying them of the proposed development on 21st March 2022.

NEIGHBOUR RESPONSES:

There have been 2 objections from 2 addresses. The comments are summarised below;

1. Not well considered in terms of design, siting, and materials
2. Overbearing development resulting in a significant detrimental impact on neighbouring properties residential amenity
3. Against Local and National Planning Policy:
 - a. NPPF
 - b. Local Borough Plan
 - c. The National Design Guide
 - d. Sustainable Design and Construction SPD 2020
 - e. Building for Life
4. Severe overlooking impacts
5. Reduces amenity of existing and future residents
6. Increased privacy issues
7. No enjoyment of private rear amenity space possible
8. Materials not in keeping with the area
9. Out of context
10. Harms to character of the surrounding area
11. Worried about potential future uses of the detached outbuilding
12. It is a retrospective application and so they are showing contempt for planning laws and legislation
13. Not in keeping with the history of the area
14. Area to the rear that is most used is now overlooked

APPRAISAL:

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

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

1. Impact on Residential Amenity

The way buildings relate to each other, their orientation and separation distance must provide and protect acceptable levels of amenity for both existing and future residents. These standards can be used flexibly, depending on house layout and on site circumstance. Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the retention of the detached outbuilding at 146 Hickman Road will affect the neighbouring properties. In this case, the neighbouring properties which may be impacted are 144 Hickman Road, the attached neighbour at 152 Hickman Road and 154 Hickman Road.

Impact on 144 Hickman Road

144 Hickman Road is a detached bungalow which is located west of the site, although there is a separation distance of some 7.9m between the dwelling and the outbuilding. To the rear of the bungalow there are original habitable windows. The dwelling is deeper in footprint compared to the host dwelling and due to its siting within its plot, and the position of the outbuilding which is set some distance away, there will be no breach to the 60 degree line.

The side elevation which faces the outbuilding and the application property has an original side facing window serving a habitable room and there is also a side facing door. The door cannot be protected, under paragraph 11.3, as it does not serve a habitable room. The window looks out onto the rear extension at No. 146, rather than the outbuilding. There are no side facing windows which look out onto the outbuilding.

On balance, it is considered that given the separation distance between 144 Hickman Road and the outbuilding, there will be no undue harm to the residential amenity of this neighbour as a result of the proposal.

Impact on 152 Hickman Road

152 Hickman Road is a semi-detached residential property that is attached to the application property and is the property that the detached outbuilding is located closest to. Due to the position of the outbuilding, only the rear elevation of this property could be impacted by the detached outbuilding.

On the rear elevation there are openings on both the ground and first floor. The ground floor has 2 rear windows which both serve habitable rooms including living room and a study. The study steps out further to the rear than the living room and so firstly, it needs to be established whether the ground floor of this property is original or if there has been any extensions.

On the previously approved permission for a ground floor rear extension to No. 146 Hickman Road (036926), the officer concluded that there were no extensions to No. 152 Hickman Road and all rear facing windows were original. Furthermore, it has been

confirmed by the resident/owner that the dwelling is as original as confirmed by a 1950's OS Map. In addition, the resident/owner has confirmed that the window serves a study/office space, which under paragraph 11.3 is stated as a habitable room and so can be protected from any unreasonable loss of light or overbearing impact development may have.

As per paragraph 11.7 of the Sustainable Design and Construction SPD, there should be at least 12m separation distance between a habitable window and the blank wall of an extension. The separation distance was measured on site by officers during a site visit at just 10.7m. As such, the outbuilding would not be in accordance with the SPD. The resultant development is therefore considered to be overbearing on residential amenity.

On the other half of the rear elevation is a window serving a lounge. The distance between this window and the side elevation of the outbuilding is 14m. In addition, this window does not directly face the outbuilding and there are views past it. Therefore, the separation distance is acceptable in terms of the SPD and there is unlikely to be any undue harm to residential amenity as a result of the outbuilding.

As this outbuilding is single storey only, the first-floor windows to the rear of this property will not unduly impacted by the outbuilding.

On balance, it is considered that given the separation distance between the study window to 152 Hickman Road and the outbuilding is just 10.7m, the outbuilding will have a detrimental and unacceptable impact on residential amenity by creating an oppressive sense of enclosure and overbearing impact.

Impact on 154 Hickman Road

Due to the distance and irregular shape of the rear garden of 154 Hickman Road, the main dwelling will not be impacted by the detached outbuilding. However, the outbuilding has been built up the boundary with this neighbour and site alongside the rear garden for the dwelling. The depth of the outbuilding along the boundary with this neighbour is 6.1m. Paragraph 11.9 of the SPD states that near the boundary of an adjoining useable rear private amenity space, a proposed single storey extension shall be less than 4m long and so the outbuilding does not technically accord with this requirement. However, it has been concluded that the primary rear amenity space to No. 154 is directly behind the dwelling itself. Therefore, due to the shape and length of the rear garden of No. 154 and the location of the dwelling relative to the outbuilding, it has been concluded that outbuilding will not project alongside primary rear amenity space and on balance, is acceptable in terms of residential amenity.

2. Impact on Visual Amenity

Section 13, paragraphs 13.8-13.12, of the Sustainable Design and Construction SPD 2020, indicates how extensions and alterations to the existing houses should impact the visual amenity of an area.

It is considered that the single storey outbuilding respects the form and size of the original building (Paragraph 13.8) being only single storey and sited in the rear garden. The outbuilding will not appear out of place as single storey wooden structures are common in rear gardens. Therefore it is considered to be in harmony with the design, character and layout of the property and the surrounding area (Paragraph 13.9).

The outbuilding is completely detached from the main house and is only single storey. Furthermore, it is not considered to be a prominent, incongruent, or intrusive feature within the street scene as it is entirely to the rear of the host dwelling and not visible in the street scene of Hickman Road. Paragraph 13.10 states that extensions and alterations should not result in large blank elevations visible in the street scene. Since the outbuilding is not visible in the street scene there are no concerns over the impact from any blank elevations. The Sustainable Design SPD states that new extensions should not reduce the car parking provision of the existing house to the extent where significant on street parking may result. This outbuilding does not take up a car parking space, nor does it reduce any car parking manoeuvring areas (Paragraph 13.12).

Overall, the detached outbuilding, is considered as acceptable in terms of visual amenity under section 13, paragraphs 13.8-13.12 of the Sustainable Design and Construction SPD 2020.

3. Conclusion

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

In conclusion, as outlined in section 11 of the Sustainable Design and Construction SPD 2020, which sets out the distance standards between the blank wall of an extension and any original habitable windows, the proposal would be in breach of these distance standards. The distance between the side elevation of the detached outbuilding and the rear elevation of number 152 would be 10.7m. The SPD requires a minimum separation distance of 12m to protect residential amenity from undue harm. The development would result in an oppressive sense of enclosure and would appear overbearing on residential amenity to the office/study window to the rear of the dwelling.

The proposal would have no detrimental harm to the visual amenities of the area.

On balance, it is considered that the application should be refused based on the significant impact the proposal will have on the residential amenity of 152 Hickman Road.

REASONS FOR REFUSAL:

1. Policy BE3 of the Nuneaton & Bedworth Borough Plan 2019 states (in part):-

Development proposals must be:

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

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

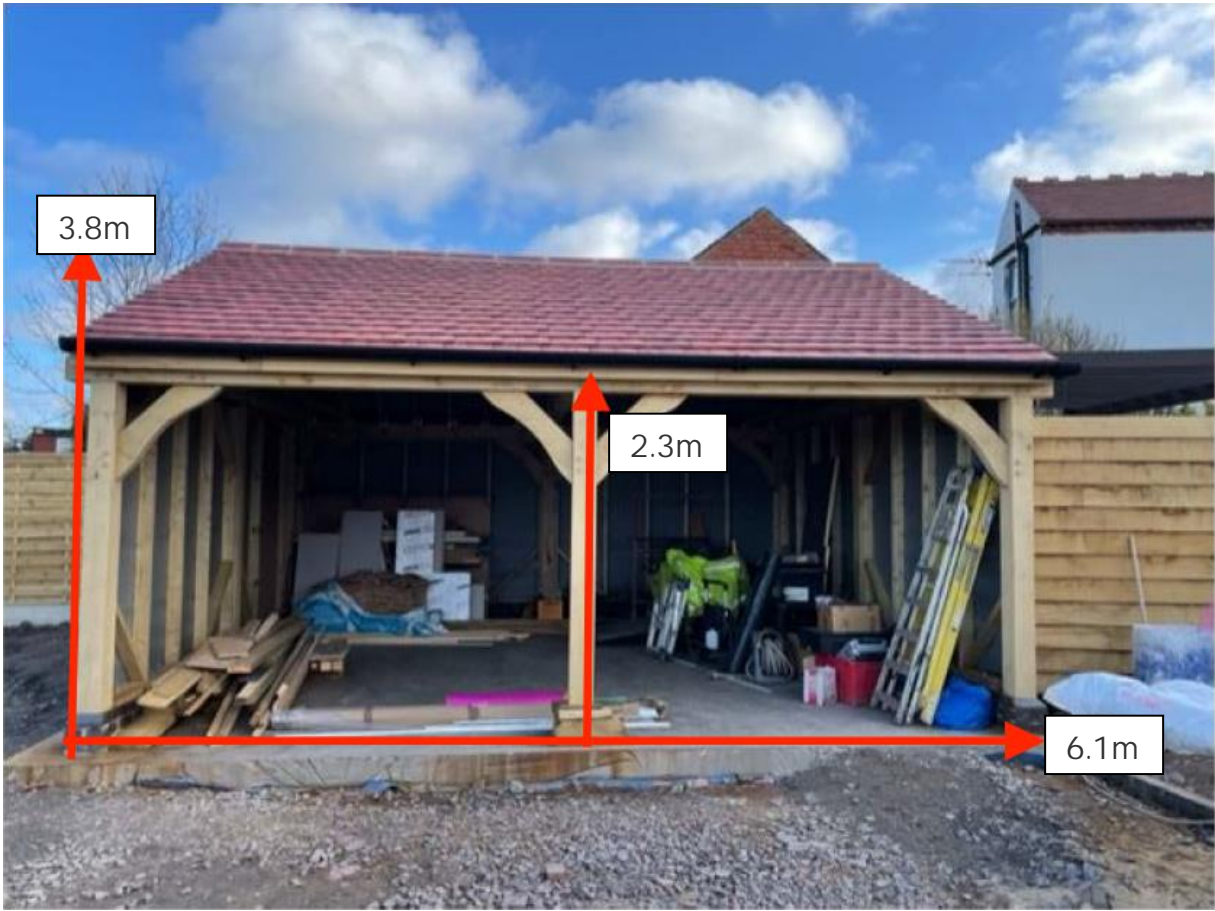
1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

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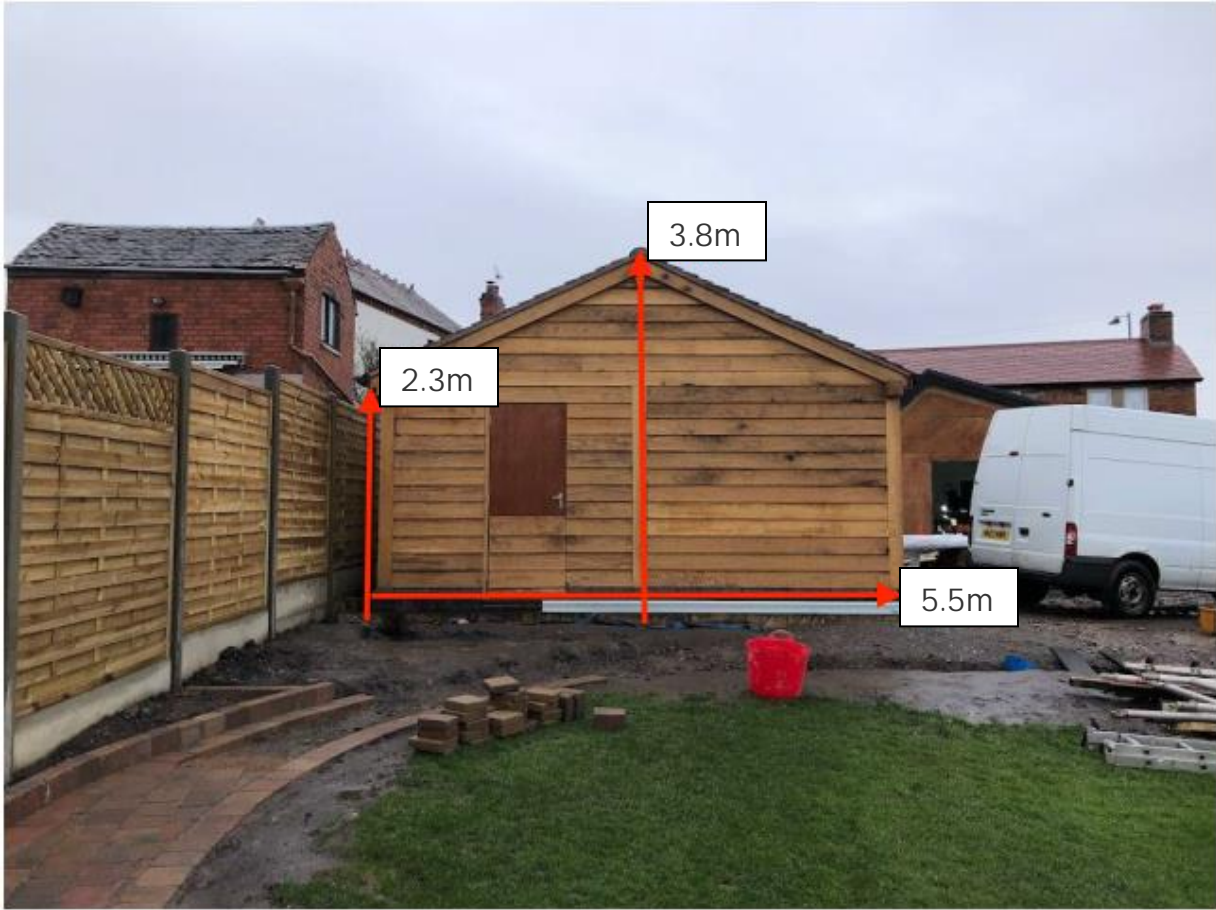
Supplementary planning documents

Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

(ii) The proposal is contrary to this policy in that the distance between the proposed single storey blank side elevation of the detached outbuilding, is 10.7m away from the habitable, ground floor window at 152 Hickman Road which breaches the minimum distance standards and would result in a significant detrimental impact on the residential amenity of number 152 Hickman Road (contrary to paragraph 11.8 of the Sustainable Design and Construction SPD 2020).



Front elevation



Proposed side elevation



1:500 @ A3



Location plan

REFERENCE No. 038634

Site Address: 4-6 Congreve Walk Bedworth Warwickshire CV12 8LY

Description of Development: Change of use from a furniture shop (Use Class E) to mixed use site including charity shop and office space (Use Class E) and space for community activities, training and selling of hot and cold drinks (Use Class F2)

Applicant: Mr Mike Lee

Ward: BE

RECOMMENDATION:

Planning Committee is recommended to grant planning permission for the reasons as printed.

INTRODUCTION:

Change of use from a furniture shop (Use Class E) to mixed use site including charity shop and office space (Use Class E) and space for community activities, training and selling of hot and cold drinks (Use Class F2) Congreve Walk Bedworth Warwickshire CV12 8LY.

The site is currently vacant but was most recently used as a furniture shop. It is located within Bedworth Town Centre. The building is two-storey and the proposal is for the change of use to: charity shop at ground floor level as well as some community space for activities and training groups for the local community. The first floor will be office space for the staff.

BACKGROUND:

This application is being reported to Committee at the request of Councillor Walsh.

RELEVANT PLANNING HISTORY:

- 007636 (TP/0629/97) – Use of premises for A3 purposes – refused (committee) 07/01/1998
- 020601 – Change from butchers shop to fish and chip shop (take away and eat-in hot meals) – refused 08/05/1978

RELEVANT PLANNING POLICIES:

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

- Town Centres Action Plan 2021
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Planning Policy, WCC Highways

CONSULTATION RESPONSES:

No objection from:

NBBC Environmental Health, WCC highways

No response from:

NBBC Policy

NEIGHBOURS NOTIFIED:

Evans & Son 1 Congreve Walk, Skeltons Chemist 2 Congreve Walk, 3 Congreve Walk, Coventry Mobility Centre 7 Congreve Walk, Boots Opticians 8 Congreve Walk, 27, 29, 31, 33 Congreve Walk, 14 All Saints Road

Neighbouring properties were sent letters notifying them of the proposed development on 3rd March 2022. A site notice was erected on street furniture 10th March 2022.

OBJECTIONS:

There has been 1 from Cllr Walsh. The comments are summarised below;

1. The change of use does not fit the vision the Council has for the regeneration of Bedworth Town Centre
2. The use would also involve the sale of hot and cold drinks which could add competition to existing cafes in the town centre
3. The change of use will not increase footfall to the town centre but rather dilute the income of the other existing charities and traders

APPRAISAL:

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on highway safety
4. Conclusion

1. The Principle of Development

The site is located within Bedworth Town Centre. The current use of the site is a shop which is Use Class E. The proposal is for a shop and office space (also Use Class E) and so this use could occur without the need for any planning consent. In addition, the application seeks to include a space within the building for a community space (Use Class F1). The applicant has confirmed that the ground floor will be used almost “flexibly”, but as an approximation will be 1/3 charity shop and 2/3 community space. The community space will be used for things such as craft workshops, upcycling and other “training” opportunities for the local community. Tea and coffee will be provided

for those attending the training/workshops for a donation towards the charity. The ground floor will be open plan in nature, but mobile acoustic screens are proposed in order to separate the space as required. The first floor of the unit will be for office.

The unit is currently unoccupied. The Town Centres Action Plan 2021 states that the vision for Bedworth Town Centre is for it to be a vibrant, attractive location for residents and visitors, forming the basis of a successful market centre that complements the wider functions of Nuneaton and Coventry.

Following the Issues and options consultation, the chosen spatial land use option for development in Bedworth is the mixed-use option. Under this option a range of uses from retail, residential, offices, arts, cultural, leisure, tourist and educational will be pursued to enhance the diversity of the town centre for residents and visitors.

It is considered that the additional use of the unit for community space would be beneficial and may attract more visitors to the site as well as the town centre than just a single use. It would also comply with the recommendation within the Town Centres Action Plan. For these reasons, it is considered that the principle of development is acceptable.

2. Impact on residential amenity

As the site is located within the town centre and the existing use is a shop, it is not considered that the change of use would create any undue harm to residential amenity.

NBBC Environmental Health were consulted on the application and submitted a response of no objection.

3. Impact on Highway Safety

There is no on-site parking as existing or proposed. However, the site is located within a town centre where there is easy access to public transport. There are also pay and display car parks located close to the site.

WCC Highways were consulted on the application and submitted a response of no objection. It was considered that the change of use would result in comparable/lower movements to the existing use.

On balance, it is considered that the proposal will not have a detrimental impact upon highway safety.

4. Conclusion

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

It is considered that, as the existing use class is Class E the change of use to a mixed use site comprising Class E and F1 would be beneficial to the town centre as it would also bring a vacant unit back into use and has the additional benefit of potentially attracting a more varied clientele than if the use remained as a single use (i.e. just a charity shop) and would also be supporting the aims of the Town Centres Action Plan. It is not considered that there will be any detrimental harm to residential amenity or

highway safety as a result of the proposal and therefore the recommendation is one of approval.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

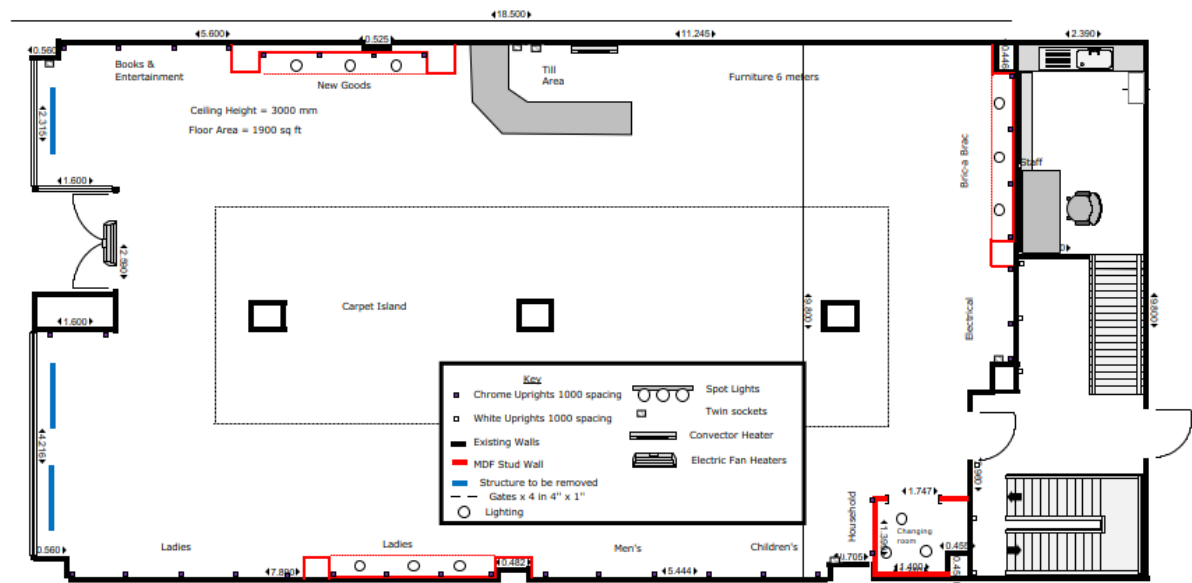
Plan Description	Date Received
Location plan	09/02/2022
Ground floor plan	09/02/2022
First floor plan	09/02/2022



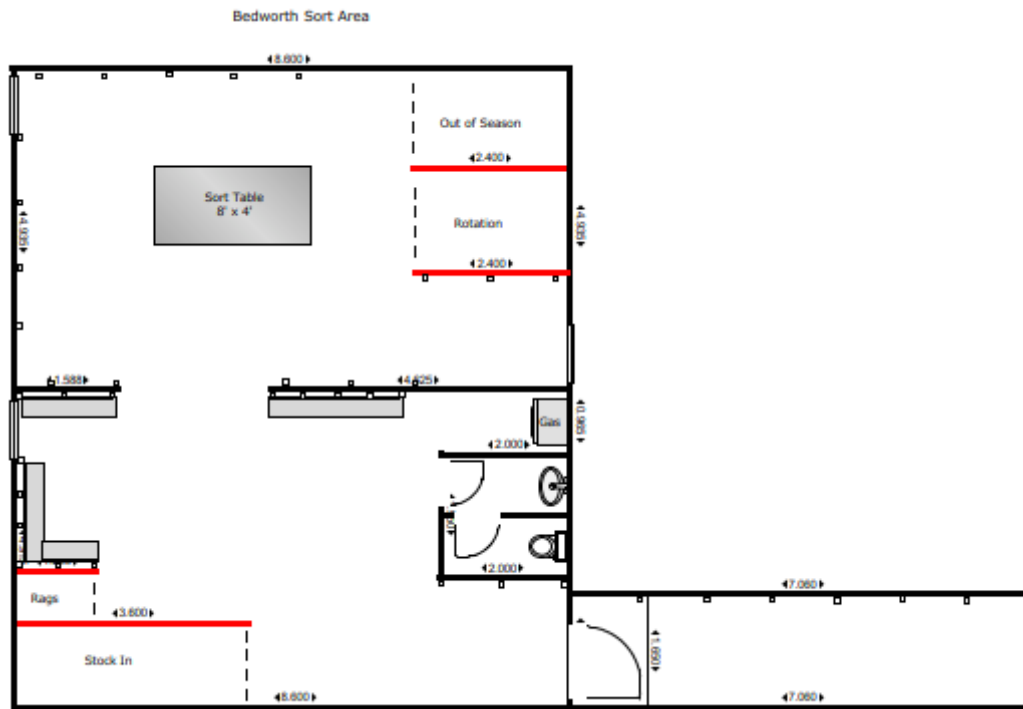
Bedworth Community Corner
4 - 6 Congreve Walk

Location plan

Floor Plan Bedworth 4-6 Congreve Walk, CV12 8LY



Proposed ground floor plan



Proposed first floor plan

REFERENCE No. 038769

Site Address: Faultlands Farm Gipsy Lane Nuneaton Warwickshire CV10 7PH

Description of Development: Application for approval of details reserved by condition Planning reference 038406

Applicant: Mr Amit Babbar

Ward: WB

RECOMMENDATION:

Planning Committee is recommended to grant approval.

INTRODUCTION:

Application for approval of details reserved by condition Planning reference 038406 at Faultlands Farm Gipsy Lane Nuneaton Warwickshire CV10 7PH.

The application site is located to the north of Gipsy Lane and to the east and south-east of Coventry Road. The site is included within the Borough Plan 2011-2031 as a strategic employment site EMP1 – Faultlands, for employment uses comprising B1, B2 and B8.

The site has two phases of development, for two separate buildings and surrounding schemes, referred to as phase 1 (building 1) and phase 2 (building 2). This application relates only to phase 1, building 1, and as such all relevant history provided relates to this portion of the site only.

The application is for the approval of details reserved by condition, specifically Condition B on the Reserved Matters permission 038406 *Erection of employment building on phase 1 including all associated works and infrastructure (Approval of reserved matter relating to appearance, landscaping, layout and scale of already approved outline application ref 034901)*.

The details submitted are for the purposes of approving Schedule 2, Condition B below:

Schedule 2, Condition B

No implementation of the submitted detailed foul and surface water drainage scheme for the site shall occur until the sustainable drainage connection to the existing network in Griff Hollow as shown on drawing no. 20025-BGL-XX-XX-DR-S-00250 P7 (received by the Council on 7th December 2021) has been agreed with land owner. Evidence of the approval in principle for the connection shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be

implemented in accordance with the approved details before the development is completed.

The condition was imposed by the Lead Local Flood Authority (LLFA) with the reason being to ensure a viable outfall for the surface water drainage scheme.

BACKGROUND:

This application is being reported to Committee at the request of Councillor Kondakor.

RELEVANT PLANNING HISTORY:

- 038406 - Erection of employment building on phase 1 including all associated works and infrastructure (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 034901)
- 034901 - Redevelopment of existing land for up to 92,904 sqm of B2 (General industrial) and B8 (Storage and distribution) floorspace including associated engineering and ground modelling works, vehicular access, landscaping, sustainable drainage, car parking and all ancillary enabling and infrastructure works (including demolition of existing buildings) (Outline including access)

RELEVANT PLANNING POLICIES:

- NE3 – Biodiversity and Geodiversity
- NE4 – Managing Flood Risk and Water Quality
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Lead Local Flood Authority (LLFA) Warwickshire Flood Risk Management Team
NBBC Land and Property

CONSULTATION RESPONSES:

No objection from:

Lead Local Flood Authority (LLFA) Warwickshire Flood Risk Management Team
NBBC Land and Property

NEIGHBOURS NOTIFIED:

NBBC do not consult neighbours in relation to applications for the approval of details reserved by condition. This type of application is reflected on the website and plans are provided on request.

NEIGHBOUR RESPONSES:

One objection was received from Councillor Kondakor regarding the following:

- 1) Hedge and vegetation removal for the outflow
- 2) Damage to Griff Hollows.

APPRAISAL:

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

1. Flood risk and drainage
2. Ecology and biodiversity
3. Satisfactorily meeting the requirement of the condition
4. Conclusion

1. Flood Risk and Drainage

The condition was imposed by the Lead Local Flood Authority (LLFA) with the reason being to ensure a viable outfall for the surface water drainage scheme.

The documentation provided was reviewed by the LLFA and the following was confirmed in the correspondence dated 12/04/2022: "Based on the information submitted the LLFA has no objection and can recommend the discharge of Condition B."

Access to the land to ensure the drainage works can be carried out is dependent on the permission of the landowner. As Nuneaton and Bedworth are the landowner, liaisons between NBBC and the developer have been undertaken.

NBBC Land and Property were consulted on the application for approval of details of Condition B and formally replied to the consultation on 27/04/2022 to note "The Drainage Easement required across the Council's land has now been agreed between the Council, as Landowners, and the developers."

As the LLFA imposed the condition, their support of the information provided satisfies the condition in relation to the flood risk and drainage element. Formal agreement to the works to take place on NBBC land has also been confirmed to allow such required drainage works to take place.

2. Ecology and biodiversity

The Parks and Countryside team were consulted on the original proposals and recommended a biodiversity calculation to reduce the loss of habitat as a separate matter. The Local Authority liaised with the developer to agree a biodiversity off-setting sum of £19,000.00 to undertake woodland and other habitat creation (such as scrub habitat) works delivering 0.24 units of biodiversity gain within Griff Hollows (and if necessary other sites within Nuneaton).

The exact details of the specification of the habitat creation works, including specific wildflower seed mixes, tree and shrub species and sizes, along with the timing of the planting and planting methodology is to be agreed with the input of NBBC Officers to ensure satisfactory delivery.

3. Satisfactorily meeting the requirement of the condition

The condition imposed was at the request of the LLFA and the Local Authority has received notification that the proposed works are in accordance with the requirements set out in the condition and are therefore suitable for approval from their perspective.

A drainage easement has been agreed to formalise the permission to undertake the works on NBBC land, allowing such drainage works to be implemented.

NBBC have worked with the developer on a strategy to mitigate the impact of the works on Griff Hollow and the Local Authority's Parks and Countryside team is satisfied that the biodiversity off-setting obligation is suitable in equalising the effect of such works on Griff Hollows.

4. Conclusion

In conclusion, it is acknowledged that the proposed works may cause changes to Griff Hollow, yet these works are pivotal in ensuring appropriate drainage works are carried out to guarantee viability of an appropriate drainage scheme on the site.

The works are to be undertaken in consultation with appropriately qualified NBBC officers to ensure minimal impact. The agreement of contributions to mitigate the harm will allow for rectification or betterment at or in the immediate vicinity of Griff Hollows.

The required elements of the condition have been consulted on with relevant interested parties. The consultees have agreed in their profession opinion that the proposals are acceptable and each element of the condition has been sufficiently satisfied to recommend approval.

REASONS FOR APPROVAL:

Having regard to the approved scheme and the consultation responses received for the condition, it is considered that the proposals comply with Condition B attached to the reserved matters permission. The proposals would be in accordance with the development plan and relevant condition and is considered acceptable.

LICENCE AGREEMENT

LAND AT GRIFF HOLLOW, NUNEATON

The Licensor is Nuneaton & Bedworth Borough Council of the Town Hall, Coton Road, Nuneaton CV11 5AA

The Licensee is Glencar Construction Limited, 1st Floor, 4 Beaconsfield Road, St Albans AL1 3RD

The area of land at Griff Hollow, Nuneaton to be subject to the terms of this Licence is shown coloured yellow on the attached plan.

The period will be for 7 (seven) days commencing on 3 March, 2022.

The Licence fee is to be £1.00 (If demanded) exclusive of rates and all other outgoings and is payable in advance.

The area of land is and is to be used only for the purpose of hedge clearance and tree removal in accordance with the attached ecological Appraisal & Ecological Watching Brief" and "Hedge trimming & Tree Removal Method Statement"

The Licensee shall pay and discharge all rates, taxes, charges, assessments, duties and outgoings which are now, or during the Licence period shall be imposed or charged, in connection with or arising out of the grant of the Licence.

The Licence is personal to the Licensee only and is not transferable.

The Licence is a bare Licence only and no legal interest in the land is granted to the licensee.

The Licensee will indemnify the Licensor from and against all costs, claims, damages or any liabilities whatsoever arising out of the grant of this Licence and will take out public liability insurance in the sum of not less than £10m and shall produce a copy of such insurance certificate to the Licensor prior to commencement of the Licence.

The Licensee shall not permit or do anything on the land anything which may be noxious, noisy or offensive or which cause any nuisance or obstruction whatsoever to the licensor, the general public or to any nearby residents, tenants or occupiers.

The Licensee shall make good to the Licensor's satisfaction, any damage caused as a result of the grant of this Licence.

The Licensee will not discharge or permit any oil or grease or any other deleterious or objectionable materials from the site into any drain or sewer. All

drains, pipes, wires, cables and sewers etc. on the land are to be protected from damage as required at the Licensee's expense.

The Licensee will be responsible for complying with any Acts, Statutory Instruments or Order imposed on the land or the use thereof and must indemnify the Licensor against any breach or failure.

The Licensee shall be responsible for obtaining any planning permission and/or all other consents, statutory or otherwise, if required.

The Licensee shall not display any notices, signs or advertisements, except for a sign bearing the Licensee's name and/or their duly authorised contractors and sub-contractors names without the prior consent of the Licensor.

The Licensee will make his own arrangements for access to the land and any road, path or footpath so used is to be protected from damage and maintained in a clean safe condition and at the Licensee's own expense.

The Licensee shall not grant franchise or rights to a third party to sell, display or store goods or machinery on the land.

Should the Licensee and/or their duly authorised contractors and sub-contractors be in breach of the above terms and conditions for more than 48 hours of being notified in writing of the breach by the Licensor, then the Licence shall be deemed null and void.

No compensation shall be paid by the Licensor upon expiration of termination of the Licence.

The Licence will be created by exchanged correspondence and to accept the Licence being offered, you should sign and date the appropriate spaces below and return the duplicate copy to me as soon as possible, together with the Licence fee and surveyor's fees payable.

I hereby accept the Licence on the above terms.

Signed on behalf of the Licensee (Glencar Construction)



By:

Name: Jason Giblett

Position/Capacity: Senior Project Manager

Date: 1st March 2022

Signed on behalf of the Licensor (Nuneaton & Bedworth Borough Council)

by L. W. Snowden

Name L. W. SNOWDON

Position/Capacity HEAD OF ESTATES & REGENERATION

Date 2/3/2022

Licence Agreement Land at Griff Hollow, Nuneaton dated 02/03/2022

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)

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Planning Application Committee

From: Head of Planning and Building Control

Subject: Member Call in procedure

1. Purpose of Report

- 1.1 To request Planning Application Committee review and revise the Planning Application call in procedure to ensure appropriate use of Call in powers by elected members

2. Recommendations

- 2.1 To recommend to Full Council that the revised Call in procedure (Appendix A) be adopted.

3. Background

- 3.1 The current call in process is set out within the Council's Constitution at 3E.8.iv. This states:

Where a Member requests that an application should be dealt with by the Planning Applications Committee, and that request has been made to the Head of Development Control in writing, by e-mail or telephone message within 28 days of the date of the relevant weekly list of planning applications (or 14 days in the case of a non-material amendment or proposals submitted to other authorities).

- 3.2 A revised and more rigorous Call in procedure has been drafted (Appendix A). This has been prepared to avoid the risk of severe impact to the day to day business of the Council due to inappropriate use of call in powers by Elected Members.
- 3.3 The revised procedure requires approval at Full Council. In the interim, the Member Call-in has been suspended via a delegated decision.

4. Appendices

4.1 Appendix A – Revised Planning Application Committee Member call in procedure

5. Background Papers

5.1 Delegated Decision - [DO/63/2022 \(BD\)](#)

Requested By:	Date:	Planning App. No:
Case Officer	Date application listed on weekly list: (NB - within 28 days of the date of the relevant weekly list of planning applications (or 14 days in the case of a non-material amendment or proposals submitted to other authorities))	
Call in notes	<ol style="list-style-type: none"> 1. A <u>ward</u> Councillor can request that a <u>minor in that ward</u> be called in for determination by the Committee 2. 3 Councillors need to request a major; 3. In both cases sufficient and rational reasons need to be given for the call in to be determined by Head of Planning and Building Control, in consultation with the chair of Planning Application Committee. 	
<p>Confirmation that a discussion with the case officer has been held. If the case officer is on leave please contact Head of Planning and Building Control.</p> <p>Please provide details.</p>		

Please provide valid Planning reasons which could include the following:

The principle of the development, the impact on the character and appearance of the area, the impact on residential amenity, the design, appearance or layout of the proposed development, highway considerations, flood risk, noise, disturbance or smell, historic buildings or conservation area issues, trees and landscape, planning policies (local, regional and/or national)

You may choose one or more of these and then expand to exemplify the call-in requirement.

Reason(s) for call in:

Please describe the relevance to your ward:

What action do you wish the planning officer to take to address your concerns?

Please indicate if you will remove your request for the item to be determined by committee if the officer is recommending refusal for the scheme or has met your concerns through negotiation and amended plans.

Please submit call in request to case officer, Head of Planning and Building Control and Chair of Planning Committee.