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Date: 24th November 2021

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 7th December 2021 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00 p.m. (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

Councillor L. Cvetkovic (Chair)
Councillors S. Croft, K. Evans, B.
Hammersley, K. Kondakor, S. Markham, B.
Pandher, M. Rudkin, J. Sheppard (Vice-
Chair), R. Smith, and K. Wilson.

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside 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 16th November 2021, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.
2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

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

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

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

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

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

5. DECLARATIONS OF CONTACT
Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered
6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page 15)**

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 15)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

16th November 2021

A meeting of the Planning Applications Committee was held on Tuesday, 16th November 2021, in the Council Chamber.

Present

Councillor L. Cvetkovic (Chair)

Councillors: D. Brown (substitute for Councillor B. Pandher), S. Croft, K. Evans, B. Hammersley, K. Kondakor, S. Markham, J. Sheppard, R. Smith and K. Wilson.

Apologies: Councillor B. Pandher

PLA38 **Minutes**

RESOLVED that the minutes of the meeting held on 2nd November 2021 be confirmed and signed by the Chair.

PLA39 **Declarations of Interest**

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

Councillor Brown noted that his Declarations of Interests are available on the regular Schedule of Interests for Council meetings which can be found on the Nuneaton and Bedworth Borough Council website.

PLA40 **Declarations of Contact**

Councillor Smith declared that for Planning Application 038347 he had been in contact with Marcus Jones MP, but had given no indication as to how he intended to vote.

Councillor Wilson declared that for Planning Application 038347 he had been in communication with local Councillors and objectors, but had given no indication as to how he intended to vote.

Councillor Brown declared that for Planning Application 037912 he had received contact with the applicant and had written a letter of support for the application, as such he left the meeting for the debate and vote on the application.

Councillor Evans declared that for Planning Application 038094 he had received contact from local residents and had noted their concern but had not given any indication as to how he intended to vote.

IN PUBLIC SESSION

PLA41 **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 PLA41 OF THE PLANNING APPLICATIONS COMMITTEE ON 16TH NOVEMBER 2021

038151 – 109 Hinckley Road, Nuneaton, Warwickshire, CV11 6LJ.

Applicant: Mr Lewis Jackson

Public Statements: None.

DECISION

Planning permission be granted subject to the conditions as printed in the agenda and addendum.

038347 – Site 63D004 – Mill Close, Nuneaton

Applicant: CK Hutchison Networks UK Ltd.

Public Statements: Mr C. King and Mrs Lancaster.

DECISION

The Committee confirmed that prior approval is not required, with the added condition that the colour of the mast is in olive green in line with the visual amenity of the area.

037912 – Site 95c008 – Green Yard, King Street and 12-14 Croxhall Street, Bedworth

Applicant: Mr David Godfrey

Public Statements: Councillor M. Walsh, Mrs G. White, and Mrs J. Earnshaw.

Councillor Brown excused himself from the debate and vote.

DECISION

Planning permission be granted subject to the conditions as printed in the agenda and addendum.

038094 – 10 Wood Street, Bedworth, Warwickshire, CV12 8AY

Applicant: Mrs Monica Kang

Public Statements: None

DECISION

Planning permission be granted subject to the conditions as printed in the agenda and addendum.

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
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	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 	
	K. Evans	Employed by UK Parliament	Sponsorship: Election Expenses – North Warwickshire Conservative Association Membership of Other Bodies: <ul style="list-style-type: none"> • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; West Midlands Combined Authority Audit Committee. Executive Officer – North Warwickshire Conservative Association; Member of the Conservative and Unionist Party; Member of the Governing Body – Race Leys Infant School	
	B. Hammersley	County Councillor – W.C.C.		
	K.A. Kondakor	Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed)	Unpaid director of 100PERCENTRENEWABLEUK LTD 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	
	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. Director of Wembrook Community Centre.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Member of the Management Committee at the Mental Health Drop in.	
	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 	

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	K.A. Kondakor	Electronic Design Engineer (self-employed semi-retired); Statistical data analyst and expert witness (self employed)	Unpaid director of 100PERCENTRENEWABLEUK LTD Spouse: Leafleting for your Call Magazine one day every 6 weeks	
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Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

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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. 037862

Site Address: Site 60a005 - Atholl Crescent, Nuneaton, Warwickshire.

Description of Development: Erection of 16 self contained one bedroom supported living apartments together with associated open space and car parking (Use Class C3).

Applicant: Homelife Holdings Ltd

Ward: AR

RECOMMENDATION:

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

INTRODUCTION:

The application is for a full planning application for the erection of a largely 3 storey, 'L' shaped building providing 16 self contained one bedroom supported living apartments together with associated open space and car parking. The applicant requires that this is considered as a Use Class C3 (dwelling houses) rather than Use Class C2 (residential institution) for mortgage reasons. The proposal also provides staff rooms and one private garden and community gardens for the residents and staff and a separate bin/scooter store.

The site is located within a residential area. Atholl Crescent was largely built out between 1960 and 1969 with a mixture of terraced and semi-detached properties. Opposite the site are terraced properties.

Immediately adjacent to the site is Atholl Court built between 2000 and 2009 and which are flats in an L shape to reflect the shape of the corner of Atholl Crescent and Heath End Road. These are in red brick, and are largely three storeys, with an undercroft at ground floor to a car park to the rear. These have habitable windows to the front, rear and to the side gable facing the site.

The site is a triangular piece of land and the southern boundary consists of a mature hedgerow with at least one mature tree. Beyond this boundary is arable open land which is part of the Strategic Housing Allocation of HSG2. Almost touching the south western corner point of the site are allotments. The site is currently boarded off from Atholl Crescent.

The main part of the site is a dense growth of brambles.

RELEVANT PLANNING HISTORY:

- 010399: Erection of 11 dwellings in two 2/3 storey blocks with car parking and amenity space: Approved 13/07/2006.

- TP/0587/95: Vary condition 1 of TP/058290 to extend development commencement date by 2 years: Approved 27/11/1995.
- TP/0489/93: Detached house: Withdrawn. 28/09/1993.
- TP/0582/90: Erection of 2 detached houses and 1 detached bungalow: Approved 22/10/1990.
- TP/333/89: Residential Development (Outline): Approved 26/06/1989.
- 850564: Residential Development (Outline): Approved 15/11/1985.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development.
 - DS2 – Settlement hierarchy and roles.
 - DS3 – Development principles.
 - DS4- Overall development needs.
 - H1 – Range and mix of housing.
 - H2 - Affordable housing.
 - HS5 – Health.
 - HS6 - Sport and exercise.
 - NE1 - Green infrastructure.
 - NE2 - Open space.
 - NE3 - Biodiversity and geodiversity.
 - NE4 - Managing flood risk and water quality.
 - BE1 - Contamination and land instability.
 - BE3 – Sustainable design and construction.
 - Supplementary Planning Guidance / Supplementary Planning Documents (SPD).
 - Affordable Housing SPD 2020.
 - Sustainable Design and Construction SPD 2020.
 - Open Space and Green Infrastructure SPD 2020.
 - Appendix 1, Part B residential developments of 10 or more dwellings and Part C supported Living Developments
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, CCG NHS, Coal Authority, CPRE, Environment Agency, George Eliot Hospital Trust, Natural England, Open Space Society, NBBC Environmental Health, NBBC Environmental Housing, NBBC Housing, NBBC Parks (Greenspace), NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NBBC Tree Officer, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Commissioner – Accommodation Based Support for Adults, WCC Extra Care Housing, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way and WCC Water Officer (Fire).

CONSULTATION RESPONSES:

Objection from:
NBBC Tree Officer.

No objection subject to conditions from:
Environment Agency, NBBC Environmental Health, WCC Flood Risk Management and WCC Highways.

No objection from:
Natural England, NBBC Policy, NBBC Refuse, WCC Archaeology and WCC Infrastructure.

No objection subject to S106 or notes:
CCG NHS, Coal Authority, George Eliot Hospital Trust, Warwickshire Police, WCC Fire and Rescue and WCC Rights of Way.

Support from:
WCC Commissioner – Accommodation Based Support for Adults.

Comment from:
NBBC Housing.

No response from:
Cadent, CPRE, NBBC Parks, Open Space Society, Severn Trent Water and WCC Extra Care Housing.

NEIGHBOURS NOTIFIED:

Flats 1-18 Atholl Court, 1 – 27 (odd) Atholl Crescent, 118, 361 – 383 (odd), 406 – 420 (even), 438 – 448 (even) Heath End Road, 71 Charnwood Ave, A R Cartwright Ltd, Vicarage Street and Arbury Estate Office Windmill Hill.

Neighbouring properties were sent letters notifying them of the proposed development on the 23rd March 2021 and amended plan letters were sent on the 12th July 2021. One further letter was sent on the 15th November 2021 to an adjacent landowner not previously notified. A site notice was erected on street furniture on the 31st March 2021 and the application was advertised in The Nuneaton News on the 21st April 2021.

NEIGHBOUR RESPONSES:

There have been 7 responses of objection from 17 people of 9 addresses. The comments are summarised below;

- 1) Loss of amenity.
- 2) Loss of visual amenity.
- 3) Overlooking/ loss of privacy.
- 4) Adequacy of parking/turning and loading.
- 5) Traffic generation. Traffic on Heath End Road is already a problem.
- 6) Already a lot of coming and goings and disturbance from the existing apartments. Not a good environment for children growing up in the area.
- 7) Increase noise and disturbance and noise pollution.
- 8) Children playing in the front are going to be at a larger risk especially due to the blind bend.
- 9) Moved to house for senses of freedom.
- 10) Atholl Court is enough as causes parking issues on the road due to inadequate parking spaces and workmen to the site also park on the road as they cannot fit under the under-croft.
- 11) The sun rises from this direction so the 3-storey apartment will cause overshadowing and loss of sunlight.

- 12) Should be a legal limit of distance for 3 storeys as only 16-17m from neighbour's front windows. Parking should be at the front to increase distance.
- 13) No need for one-bedroom apartments. Are they homeowners or rent and how much is social housing?
- 14) Not in keeping with the rest of the estate so should be terraced or semis.
- 15) Already loss Tv reception due to Atholl Court and had to increase height of aerial.
- 16) When piling was carried out for Atholl Court it caused damaged to neighbouring properties.
- 17) Increase of 17 to 20 dustbins.
- 18) Requires a fence to protect privacy to existing neighbours.
- 19) Concerns from adjacent flats due to disturbance during construction and by the new occupiers for people working from home.
- 20) Nature of the new occupiers' disabilities are a concern.
- 21) Nature of occupiers would make area more dangerous for local residents. And is inappropriate if overlooks neighbour gardens.
- 22) A secure housing block will make antisocial behaviour in the area much worse.
- 23) Loss of habitat for birds that roost, nest and forage on the site.
- 24) Hedge is over a hundred years old.
- 25) Area was not part of the clay pit.

APPRAISAL:

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

- 1) The Principle of Development
- 2) Residential Amenity.
- 3) Visual Amenity.
- 4) Ecology and Biodiversity.
- 5) Impact on Highway safety.
- 6) Flooding and Drainage.
- 7) Contamination, Noise and Air Quality.
- 8) Archaeology.
- 9) Planning Obligations.
- 10) Conclusion.

1. The Principle of Development

The principle of use for the land as residential has already been established, with planning approval in 1985, 1989 and 2006.

The land is not designated for any specific land use in the adopted Borough Plan meaning that there is no specific restriction on this land in regard to residential use. Sites not allocated within a plan but come forward within the plan period, are called Windfall Sites.

The site appears to have previously been used in conjunction with quarrying operations, so the site is therefore considered 'Brownfield land' for the purposes of this application. Paragraph 119 of the NPPF aims to promote the efficient use of this type of land. It places emphasis on making as much use as possible of previously developed or 'Brownfield' land. This is especially so where 'Brownfield land' is located within the existing urban settlement area, such as this site.

The site is within 400 metres of a bus route and is therefore considered sustainable in terms of alternative modes of travel to the car. Policy DS1 of the Borough Plan similarly to the NPPF encourages sustainable development. Borough Plan Policy DS2 states that Nuneaton is identified as a primary role for housing. The site is

within the settlement boundary and Borough Plan Policy DS3 states development should be approved within the settlement boundaries as long as there is a positive impact on amenity to the surrounding area and local infrastructure.

Policy H1 of the Borough Plan refers to the mix of housing types and refers the need approve specialised housing where a local need can be demonstrated

As this is a major application for 16 apartments, the requirements of Policy H2 and the Affordable Housing SPD would normally require that 25% is affordable. However, after discussions with WCC and the Council's Housing Team, the Council's Housing Team have confirmed that given the unique and specialist nature of this development they are happy that there would be no S.106 requirement for 'affordable homes'. This type of facility is not one that will be advertised to NBBC Homes housing register, and instead will be allocated following discussions between Health, Social Care and Housing Managers, to ensure that they are tenanted by those needing this type of accommodation, and that have a local connection to the Borough. Therefore, no affordable housing will be required for this application.

In conclusion, the principle of the development of the site being a Windfall and Brownfield site in a sustainable location for specialised housing needs, carries great weight in considering the application.

2. Residential Amenity

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

Atholl Court

Atholl Court is a two and a half/three-storey apartment block and there are habitable windows on the gable elevation closest to the site at first and second floor. These bedroom windows are the sole source of light to these rooms. The proposed building directly in line with these windows is a three-storey blank wall at a distance of almost 14.6m. The Council's Sustainable Design and Construction SPD paragraph 11.8 states the distance to a blank wall at a storey higher should be a minimum distance of 14m. Therefore, the proposal complies in terms of the direct views in line with these windows. Beyond this proposed blank wall gable the proposed building then steps in a further 2m and has a landing and one staff room window at first and second floor which are not quite in line with these existing bedroom windows. To avoid any indirect overlooking, it is considered that conditioning the landing window and the one staff room window that is in line with this neighbour's gable is considered acceptable in order to be obscure glazed and no opening lights below 1.7m. This will not affect the staff rooms as there is a secondary window to these rooms. In addition, the furthest end of the corridors away from this neighbouring property has a further window that overlooks the communal gardens.

In terms of the rest of the windows affected at Atholl Court these are to the rear and overlooking the car park of these existing apartments. The nearest rear windows at first floor above the under-croft are not infringed by a 45-degree line so in compliance with paragraph 11.9 of the SPD.

Where windows are opposite the proposal, the minimum distance from window to window at ground floor is 30m and 31m at first and second floor. Therefore, the

proposal follows the minimum 30m distance set out in the Council's SPD paragraph 11.4.

It is therefore considered that the proposal is in full compliance with Atholl Court.

Opposite side of Atholl Crescent numbers 1,3,5 and 7

These two storey terraced properties are set off the footpath by driveways. The distance from these existing property habitable windows to the proposed ground floor habitable windows of the proposed three storey element is 19m increasing to 20m at first and second floor. The Council's SPD paragraph 11.4 states that where a proposal is three storeys; the habitable window to habitable window distance should be 30m to avoid an oppressive sense of enclosure. This shortfall is made worse as the proposal is south east to these frontages. However, paragraph 11.5 of the SPD states that where the window-to-window distance is across front gardens or a highway that this distance can be reduced.

In conclusion whilst there is no doubt there will be an impact to the front of these neighbouring properties, it is considered that it does comply with the Council's SPD.

418 and 420 Heath End Road

The proposed building is not in line with these properties, but the rear garden boundaries of these existing properties back on to the side of the site at the end of the parking bays and landscaping beyond. It is considered therefore that the proposal should provide a 1.8m close boarded fence to these properties for privacy and noise and as requested by the most affected property.

Residential amenity for the new occupants of the proposed development.

The windows to window distances are considered acceptable as per the assessment to adjacent existing properties.

The proposal will have one ground floor apartment with a private garden and the rest of the apartments will share a communal garden that is close to the rear hedgerow and trees which will therefore provide some shading to the area. The stance of the Council's Housing Team is that all apartments should have private outdoor space. However, they have stated due to the nature of the proposal as assisted living they have deferred to WCC to the Commissioner of Accommodation Based Support for Adults in terms of whether the outdoor space is acceptable.

The Commissioner has recognised that ideally the larger garden area as shown on the original plans would have been preferable, but which has been reduced slightly in order to reduce the impact on the neighbouring hedgerow trees. However, they acknowledged that as the Applicant had stated that 16 units were necessary in order to keep the scheme viable, so the Commissioner concluded that the outdoor space was acceptable.

The Commissioner has stated that due to the scheme being built as a Specialised Supported Housing Scheme for adults with complex needs and disabilities that the building has to accommodate greater floor space than would normally be associated for apartments to enable adequate space for wheelchair users and for staffing facilities. They consider that this type of accommodation requires extra indoor space at the sacrifice of outside space which they stated was nonetheless critical for the cohorts. They have concluded that whilst the garden will be shaded in summer months, they consider that the plans have maximised the use of light in the flats, which for individuals moving to the property is key. They have confirmed that they are

supportive of the development given the intended cohort and the greater need for the accommodation space that has been provided.

As part of the Council's SPD criteria the apartments have to meet Nationally Described Space Standards. The apartments are much larger than the minimum requirements when considering them for one person per apartment and which the Agent has advised will be the case. It is therefore considered that conditioning the proposal so that there is only one resident per apartment is considered appropriate.

In conclusion it is considered that the proposal meets the SPD in terms of residential amenity.

3. Visual Amenity

Policy DS3 - Development Principles of the Borough Plan states there should not be a negative impact to the amenity of the surrounding environment. Policy BE3 of the Borough Plan 2019 states that development should be designed to a high standard and provide local distinctiveness. It also states that development should reflect the positive attributes of the neighbouring area and have characteristics that are sensitive to the layout, street pattern and built form of the area.

There is no doubt the massing of the building is large, and the proposal is largely 3 storeys similar to the adjacent flats at Atholl Court, although the part of the existing flats closest to the proposal is two and a half storeys as it includes dormers. The proposal does not have dormers, but the front is broken up by three gables.

The adjacent flats are of a design for the period they were built, and the proposal has some differing features to bring a more contemporary design, this includes full height windows, but which have brick headers to match the adjacent flats. The proposal also has brick detailing between some of the windows.

The Agent has requested that a Material Plan is considered and scheduled rather than requiring it to be approved via a condition. This plan shows the roof tiles as Russell Lothian plain concrete slate grey tiles with UPVC Dark Grey fascia's and soffits, UPVC Dark Grey Windows and PPC Aluminium Anthracite Grey RAL7016 entrance doors. The walls are to be buff brick of Wienerberger Harvest Multi Buff to the ground floor which is separated from the first floor by a York coping stone. The first and second floor are set back from the ground floor providing a small parapet wall. The first and second floor are to be constructed of Wienerberger Tuscan Red Multi bricks. The end closest to the open countryside has been reduced to single storey to reduce the impact on the open adjacent land and in order not to affect the neighbouring trees. All of these features together with the three separate front gables means the massing is broken up slightly.

In terms of the height the proposed ridge height is to be 10.6m. The overall ridge height of the adjacent flats at Atholl Court are taller at approximately 11.9m.

In conclusion, it is considered that the visual amenity is acceptable.

4. Ecology and Biodiversity

Policy NE3 of the Borough Plan mirrors National Policy and refers to the protection and enhancement of ecology.

The submitted Ecology Report has photographs from December 2020 which show the main part of the site as cleared with evidence of fly tipping but states that the site

was previously dense brambles. The Ecology Report concludes that there is no significant ecological value to the main part of the site other than the hedgerow. The site visit carried out by Officers in November 2021 shows that these brambles have grown back.

The submitted Ecology Report states the southern boundary consists of a mature hedgerow of mainly old holly and hawthorn with some ivy and bramble. It also states there is blackthorn, oak, cherry elder, laurel and ash (suffering from ash dieback) within the hedgerow. The Report states that the hedge was likely to be over 100 years old and indeed has medieval characteristics. It states that the hedge has significant ecological interest and whilst it has limited potential for roosting bats, it has a wide potential for foraging bats and for birds. In addition, it states that the hedgerow provides a corridor to other neighbouring habitats suitable for invertebrates, birds, small mammals and amphibians and the Report concludes the hedgerow should be retained and preserved thereafter.

The Ecology Report states that the hedge should be maintained annually by trimming in the winter months but not flailed; that bird and bat boxes should be provided in the hedgerow and that lighting should be limited and installed with baffles in order to reduce light to the wildlife corridor. The red line of the site indicates that the hedge is not entirely within the ownership of the applicant so it is considered that conditioning the hedge to be trimmed in its entirety could not be conditioned.

In terms of the impact to the hedgerow trees an Arboricultural Assessment has been provided stating the trees are largely Hawthorn and Holly with one Oak tree, one Ash tree and one Lawson Cypress. The report states that the trees are largely Class C trees (low quality) or Class U (trees that should be removed). However, the Ash, Oak, Lawson Cypress and one Holly tree are Class B trees (medium quality). However, this classification is purely for the individual trees and does not take into consideration the cumulative value of the trees within the hedgerow.

The submitted Arboricultural Assessment states that two Hawthorn trees are to be felled (shown as T6 and T10). T6 is quoted as having decay within the main stem and T10 as being very poor. Both have a classification of being unclassified. These are both below the tree canopy of the Oak tree. The document states that these will be replaced in another part of the hedge with Acer trees. As part of the Assessment a Hawthorn tree (shown as T11) is to have a crown reduction of 20% and the Ash tree (shown as T2) is to be crown reduced by 30%. The Council's Tree Officer does not appear to have issues with the removal of the trees or the works to these two trees.

However, the Council's Tree Officer has objected due to the proximity of the building to the trees. The layout has been amended to take into consideration these concerns, and the height of the building near to the larger trees has been reduced to single storey. However, the building is still within the Tree Protection Area for the Oak tree (T5). The amended Arboricultural Statement states that the root protection area will be dealt with carefully to include only hand digging, with no materials or site compound to be situated in the area; that levels cannot be changed and where necessary a cellular grid is used to protect the root area. The Council's Tree Officer still objects on the grounds that there is no guarantee this will secure the longevity of the tree. The Agent states that the plans cannot be amended further as this would mean the loss of units and which would mean the scheme would not be viable.

In terms of biodiversity and ecology, it is considered that the proposal can be conditioned to ensure that it is acceptable and whilst the objections from the Tree

Officer have been noted, these have to be assessed against the planning balance and benefits of the scheme.

5. Impact on Highway Safety

Policy HS2 – Strategic Accessibility and Sustainable Transport states that proposals with transport implications should be addressed. The policy also requires a 15% modal shift to non-car-based uses and states that electric vehicle charging points would be supported. The adopted Air Quality SPD and emerging Transport Demand Management SPD also refers to the requirement for electric charging points and which can be conditioned. There is no cycle provision shown on the plans, but it is considered that if approved this can be conditioned.

The Design and Access Statement advises that due to their learning and physical disabilities, most residents are unable to drive and the majority of staff will be local and either walk or take public transport. The proposal will provide 10 parking spaces plus one disabled space. The emerging Transport Demand Management SPD states that care homes should have 1 space per 4 residents and 1 space per 2 full time staff. The proposal does not state the number of staff. However, the proposal is unlikely to require more than 14 staff or visitors at any one time, therefore the amount of parking spaces is considered acceptable providing the scheme remains as assisted living.

As part of the proposal a Construction Management Plan has been submitted which WCC Highways have no objection to. There is no provision for delivery vehicles to be able to directly access the site but WCC Highways consider that this can be conditioned via a Delivery Management Plan to prevent multiple deliveries at any one time.

WCC Highways have no objection to the scheme subject to conditions restricting the use to assisted living; with no gates across the access; no doors on the bin store opening outwards and subject to details of surfacing; levels; parking; the submission of a Delivery Management Plan; adherence to the submitted Construction Management Plan and the provision of visibility splays prior to occupation.

In conclusion it is considered that the impact on highway safety can be made acceptable subject to conditions.

6. Flooding and Drainage

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

The site is within Flood Risk Zone 1 and has no rivers or local water courses nearby and therefore the site is classified as least likely to flood.

The submitted Flood Risk Assessment and Drainage Strategy and Phase 2 Ground Investigation Report states that the ground is contaminated so infiltration for rainwater which is normally the preferred option is not possible for this site. The next preferred option for discharging surface water would be via a watercourse but there are none nearby. Due to the density of the site, Severn Trent Water have advised that a connection can be made to the surface water network, but this must be at a controlled limited rate of 5l/s per hectare to consider 1:100-year storm events plus 40% for climate change. As the site is relatively small the report states that ground attenuation in the form of swales, basins or ponds is not an option. The most suitable

option for the site is therefore underground cellular storage tank/crate to act as a Hydro-Brake for controlled discharge rate into Severn Trent surface water drains. WCC Flood Risk Management have no objection to this, subject to conditions.

In terms of foul water, the submitted documents states Severn Trent Water will allow this into existing adjacent drains at an uncontrolled rate.

It is therefore considered that flood risk, foul and surface water discharge can be made acceptable subject to conditions.

7. Contamination, Noise and Air Quality

The NPPF and Borough Plan Policy BE1 sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraph 178).

A Phase 1 and more thorough Phase 2 document has been submitted due to the previous use of the site as a quarry and potential infill with contaminated materials. The Council's Environmental Health Team have no objection subject to conditions. The Environment Agency has also responded with no objection subject to similar conditions.

In terms of noise, the Council's Environmental Health have no objection subject to the erection of a 1.8m close boarded fence to the eastern edge to Atholl Court and to the neighbouring houses. Whilst it is acknowledged there is already a wall and fence to Atholl Court, Environmental Health still consider that the provision of another boundary treatment is appropriate via a condition. A Construction Management Plan (October 2021 revision B) has been submitted which includes the hours of operation during construction. The hours of operation have been amended at the request of Environmental Health to be 8:00-6:00pm Mon-Friday; 8:00-1:00pm Saturday and no noise on a Sunday/public/Bank holidays. Environmental Health have no objection in terms of noise subject to the adherence to the amended Construction Management Plan, fence condition and conditioning the requirement of details of any external plant.

In relation to air quality, charging points and low emission boilers are required as part of the Air Quality SPD and can be required via condition. A Dust Management Plan has been submitted and is considered acceptable by Environmental Health.

In conclusion, it is considered that the proposal can be made acceptable subject to conditions in terms of Contamination, Noise and Air Quality.

8. Archaeology

WCC Archaeology have been consulted and have no objection and require no conditions.

9. Planning Obligations

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.

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

Organisation	Request For	Contribution	Notes
George Eliot Hospital Trust	Provision of healthcare at George Eliot Hospital.	£4,458.00	
CCG/ NHS	Local improvement works to deliver additional capacity in local primary care facilities to support the population growth from this development	£14,673	
NBBC Sports	For indoor facilities only including swimming, community halls.	£7,715.47	

10. 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 terms of the principle of development, the site has previously been approved for residential development and the site is within the settlement boundary and non-designated in the Borough Plan so is considered a Windfall site. There is a need for this type of housing and the site is in a sustainable location and therefore the principle of development is considered acceptable.

In terms of residential amenity, there is no doubt that there will be an impact to neighbouring properties, but it is considered that the proposal complies with the Council's SPD in terms of distance standards and the reduced distance allowed across a highway.

Whilst the proposal is fairly large, the massing is reflective of the adjacent existing apartments and the materials and design provide a contemporary feel whilst mirroring some of the characteristics of the existing apartments. Therefore, the visual impact is considered acceptable.

In terms of ecology and biodiversity whilst the Council's Tree Officer has objections it is considered that this can be conditioned and has to weigh within the larger planning balance of the benefits of the proposal.

WCC Highways, WCC Flood Risk Team and the Council's Environmental Health Teams have no objections subject to conditions in terms of impact on highway safety, flooding, drainage, contamination, noise and air quality. WCC Archaeology have no objection and have not requested conditions.

A number of Planning obligations have been requested and are considered CIL compliant.

Therefore, there is a very clear planning balance that weighs heavily in favour of approving the application and the scheme is considered to be acceptable subject to conditions and a S106 Legal Agreement for the contributions required for infrastructure.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Location Plan	001	23.03.2021
Proposed Site Plan	010 Rev H	06.07.2021
Proposed Site Plans Sheet 1	100 Rev D	06.07.2021
Proposed Site Plans Sheet 2	101 Rev C	06.07.2021
Proposed Elevations	200 Rev E	06.07.2021
Existing & Proposed Street Scenes	300 Rev C	06.07.2021
Existing & Proposed Site Sections	301 Rev B	06.07.2021
Proposed Materials	400 Rev C	15.11.2021
Landscape Layout	01 Rev D	06.07.2021
Planting Plan	02 Rev D	06.07.2021
Bin Store & Elevations	220 Rev B	23.03.2021
Accommodation Schedule	10.02.2021 Rev D	06.07.2021
Flood Risk Assessment and Drainage Strategy Report	Dec 2020 20-B-12817.100	16.04.2021
Email correspondence re drainage From Calderpeel Architects	Dated 04.10.2021	04.10.2021
Drainage Maintenance Plan	September 2021	04.10.2021
SuD's Suitability Assessment	Carley Daines & Partners	Oct. 2021
Severn Trent Water - Developer Enquiry	8444780	Oct. 2021
Engineering Layout	20-B-12187-11	25.08.2021
Longitudinal Sections	20-B-12187-21	25.08.2021
SW Catchment Area Plan	20-B-12187-23	25.08.2021
Standard Drainage Details	20-B-12187-SD02	25.08.2021
Causeway Surface Water Drainage Design	14.08.2021	25.08.2021
Preliminary Investigation Report	March 2020	23.03.2021
Phase 2 Site Investigation	July 2009	16.04.2021
Ground Investigation Report	May 2021	18.05.2021
Initial Ecological Survey		23.03.2021
Arboricultural Implications Study	Revised June 2021	06.07.2021

Construction Management Statement	October 2021 (Rev b)'. 14.10.2021
Dust and Emission Management Plan	Version Number: 1.0 14.10.2021
	Dated October 2021.

3. The Construction Management Statement dated: October 2021 (Rev b) and the Dust Management Plan titled 'Dust and Emission Management Plan Version Number: 1.0 Dated October 2021 shall be strictly adhered to throughout the clearance and construction period.
4. No development including site clearance shall commence until:
 - a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the local planning authority;
 - 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, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the additional contamination is 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 local planning authority.
5. No development including site clearance, shall commence until an Arboricultural Method Statement and Tree Root Protection Plan and details of specific protective fences for the trees and hedgerow (including adjacent trees) has been submitted and approved in writing by the local planning authority. The submitted information must include the details of a no dig methodology within the protection area to conform to BS5837:2012.

Details are to include any proposed changes in site levels and appropriate cellular system (specification and installation methodology as per BS5837:2012) where hardstanding is to be provided. There shall be no material/spoil storage, or level alterations within the tree protection area unless approved under the submitted scheme. No further tree work or removal other than that indicated within the Arboricultural Implication Study – Revised June 2021 is to be carried to the trees.

No construction including site clearance shall be carried out until the above approved measures have been fully implemented and retained during the course of development.

Any tree or plant (including any replacement) which, within a period of five years from the implementation of that phase, 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 local planning authority consents in writing to any variation.

6. No site clearance shall commence or continue without the supervision of a Qualified Ecologist. (The Ecologist will be able to advise and act upon in the event protected species or nesting birds are encountered.) Written evidence of the Ecologist's presence and details of any mitigation measures carried out, shall be maintained on

record for six months after completion of the clearance work, in the event the records are required for inspection by the local planning authority.

7. No development including site clearance shall commence until details of external lighting to be used during the construction period have been submitted to and approved in writing by the local planning authority. (These details shall include measures to prevent light spill to neighbouring residential properties and sensitive ecological areas/habitat). No lighting shall be used other than in accordance with the approved details.
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 that the proposed discharge rate has been limited /to QBAR / as far as reasonably practicable; providing a minimum of 50% betterment on the existing run off rates.
 - 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 other than site clearance shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the local planning authority (to include a reference point to the neighbouring adjacent residential properties). No construction work shall be carried out other than in accordance with the approved details.
11. The proposed vehicular access to the site shall not be used until it has been laid out in general accordance with the approved plan 19162 (PL) 010 Rev H and shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specifications of the highway authority.

12. 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.
13. Notwithstanding the approved landscaping plans, no development shall commence above ground floor slab level until details of the specification for bird and bat bricks and their precise locations within buildings, have been submitted to and approved in writing by the local planning authority. The detail of the bricks must be integral to the fabric of the buildings. The approved bricks shall be installed as per the approved plans thereafter.
14. 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.
15. No external plant and equipment (e.g., refrigeration, air conditioning or ventilation shall be fitted until the exact position and full details (including specification of noise attenuation measures and maintenance schedules) have been submitted to and approved in writing by the local planning authority. The external plant, equipment and machinery shall be installed, operated and maintained thereafter in accordance with the approved details and maintenance schedule.
16. Notwithstanding the approved bin store Drawing number 220 Revision B, the bin store doors adjacent to the driveway are to be fitted and maintained as opening inwards.
17. No permanent lighting for the finished development shall be erected until details of the lights have been submitted to and approved in writing by the local planning authority. These details shall include measures to prevent light spill to neighbouring residential properties and sensitive ecological areas/habitat. The details shall be implemented prior to the first occupation.
18. The development shall not be occupied until a detailed maintenance plan is implemented and provided to the local planning authority 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 local planning authority within the maintenance plan. The approved maintenance plan is to be implemented for the lifetime of the development.
19. The development shall not be occupied until a Delivery Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. The approved plan shall be adhered to throughout the operation of the site. The approved plan shall provide for:
 - i. The size of delivery vehicles servicing the site.
 - ii. Frequency of deliveries to the site.
 - iii. Hours of deliveries.
20. 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.
21. The development shall not be occupied until pedestrian visibility splays of at least 2.4 metres x 2.4 metres have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall

thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above the level of the public highway footway.

22. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway to the East and a minimum of 36 metres to the West. 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.
23. The development shall not be occupied until the boundary treatments have been installed as per the Landscape Layout Drawing number 01 Revision D. Notwithstanding the approved landscaping drawing, prior to first occupation a 1.8m close boarded fence is to be installed to the north eastern boundary adjacent to the car park of Atholl Court and to the rear garden boundaries of 418 and 420 Heath End Road.
24. The development shall not be occupied until Electric Vehicle (EV) charging points at a rate of one charging point per 10 spaces has been submitted and approved in writing by the local planning authority. The approved charging points must be installed prior to occupation. In addition, at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.
25. The development shall not be occupied until secure cycle storage has been provided within the site and is maintained in perpetuity.
26. The proposed landscaping including the enhancement to the southern boundary with native species and as shown on the Planting Plan Drawing 02 Revision D and Landscape Layout Drawing number 01 Revision D shall be completed within 12 months of occupation.
27. The development hereby permitted shall only be used as supported living units with on-site support/care and for no other purposes.
28. No apartment shall be occupied by more than one resident.
29. The proposed side windows at first and second floor on the north east elevation (to the corridor and the closest office window) shown on the approved plans facing onto Atholl Court are to be fitted with obscure glazing and any opening lights to be at least 1.7m above the finished floor level of the room or landing they serve. The windows are to be retained in perpetuity in accordance with these details.



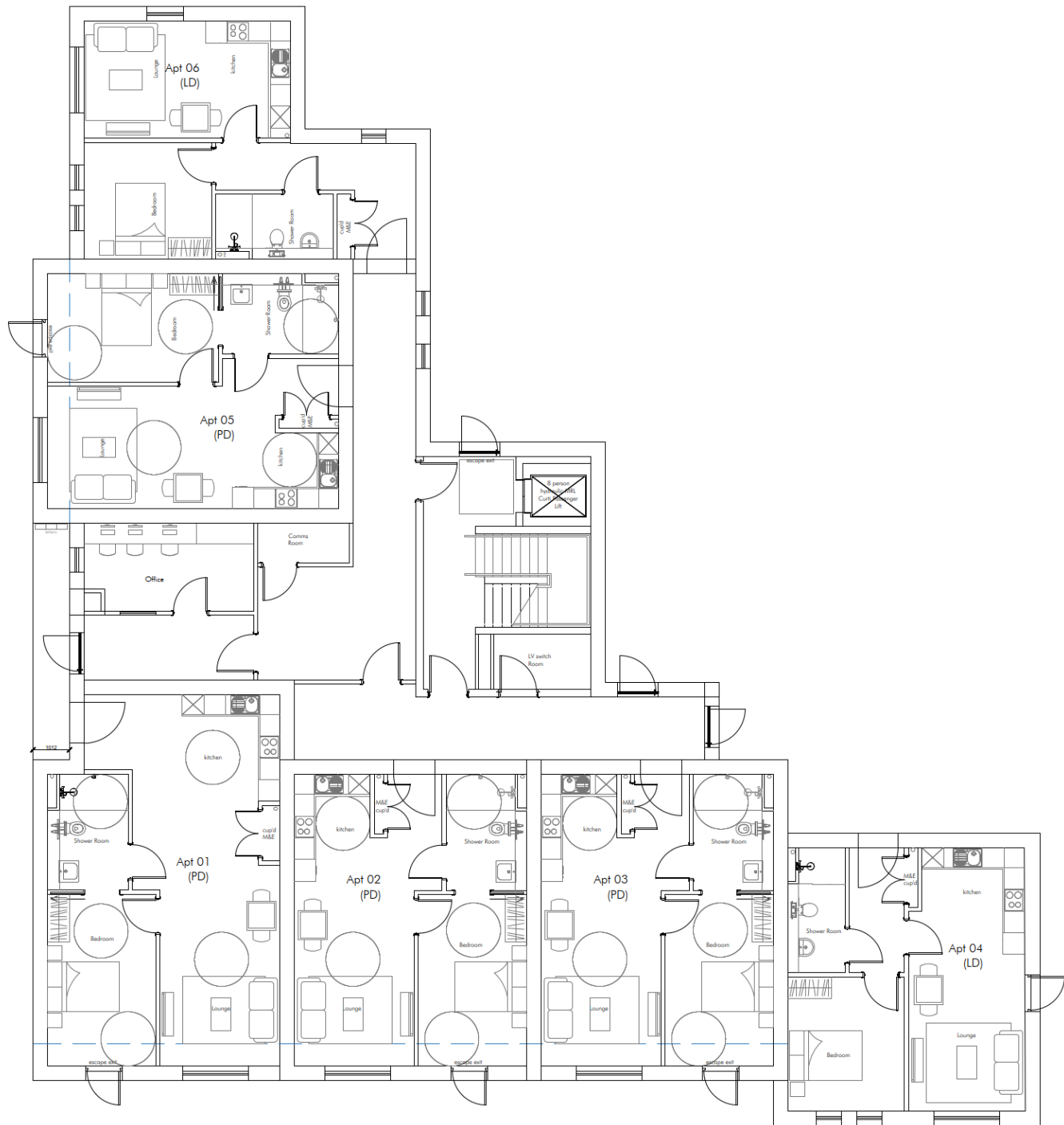
Location Plan



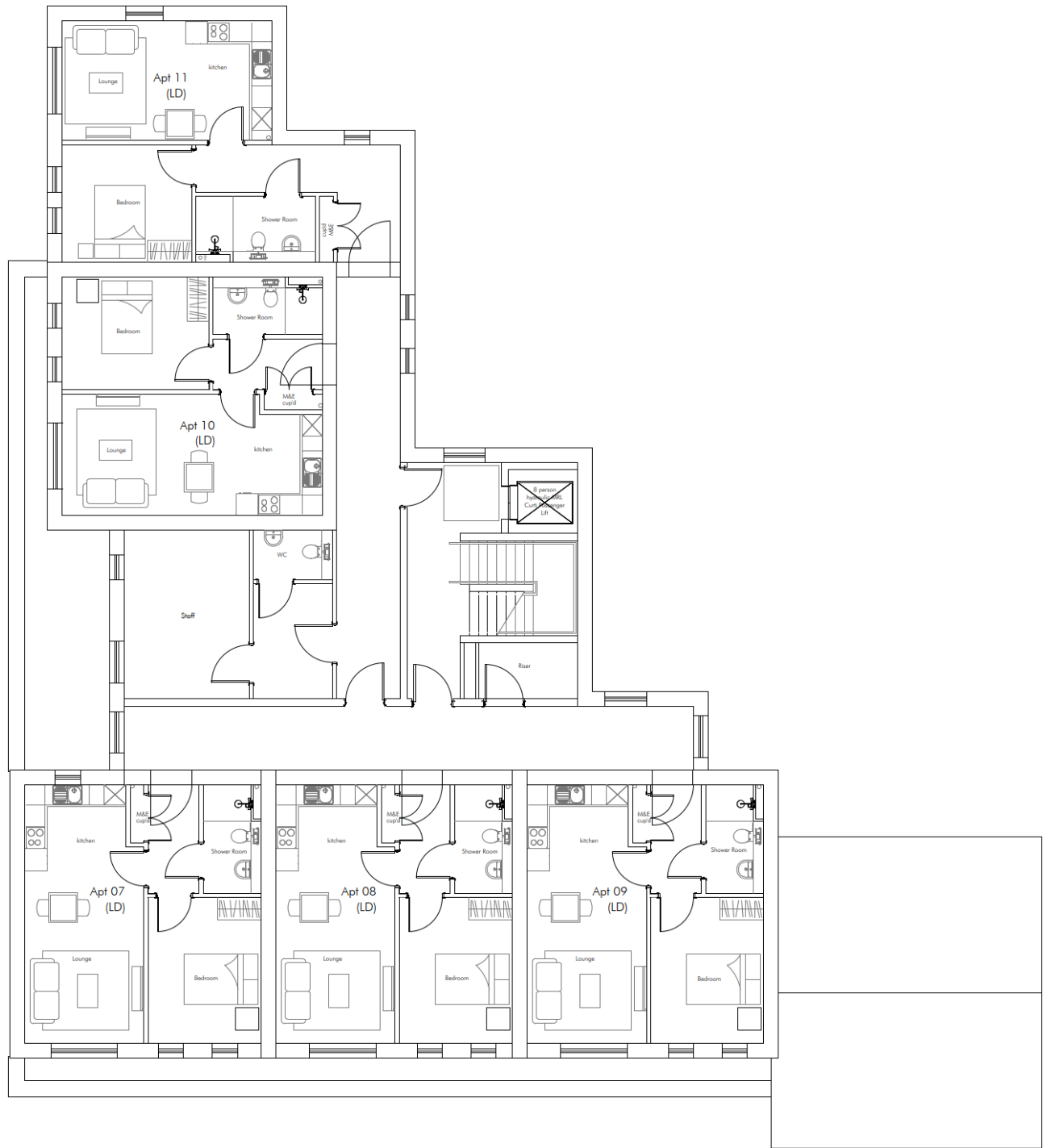
Existing Site Plan



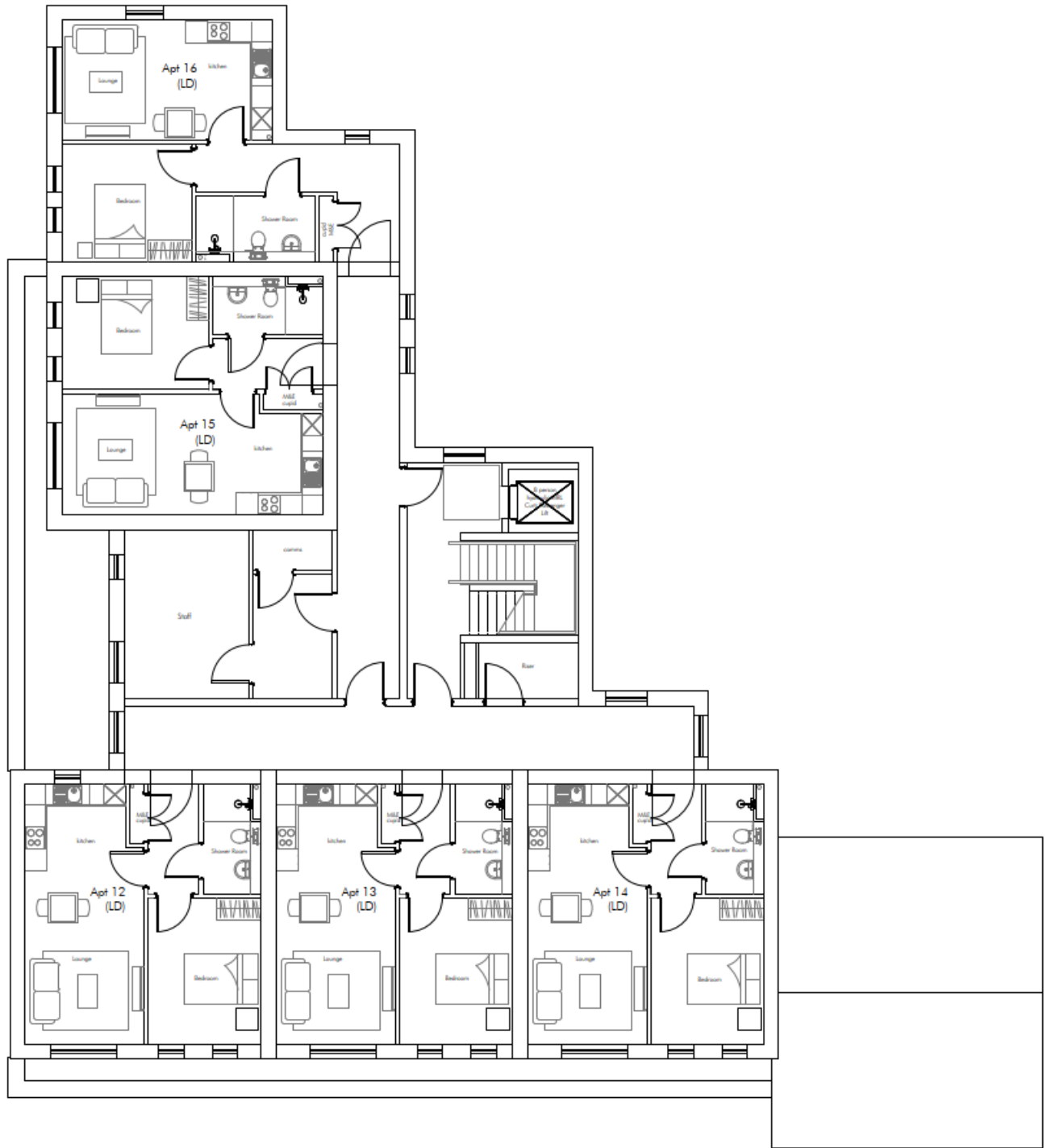
Proposed Site Plan



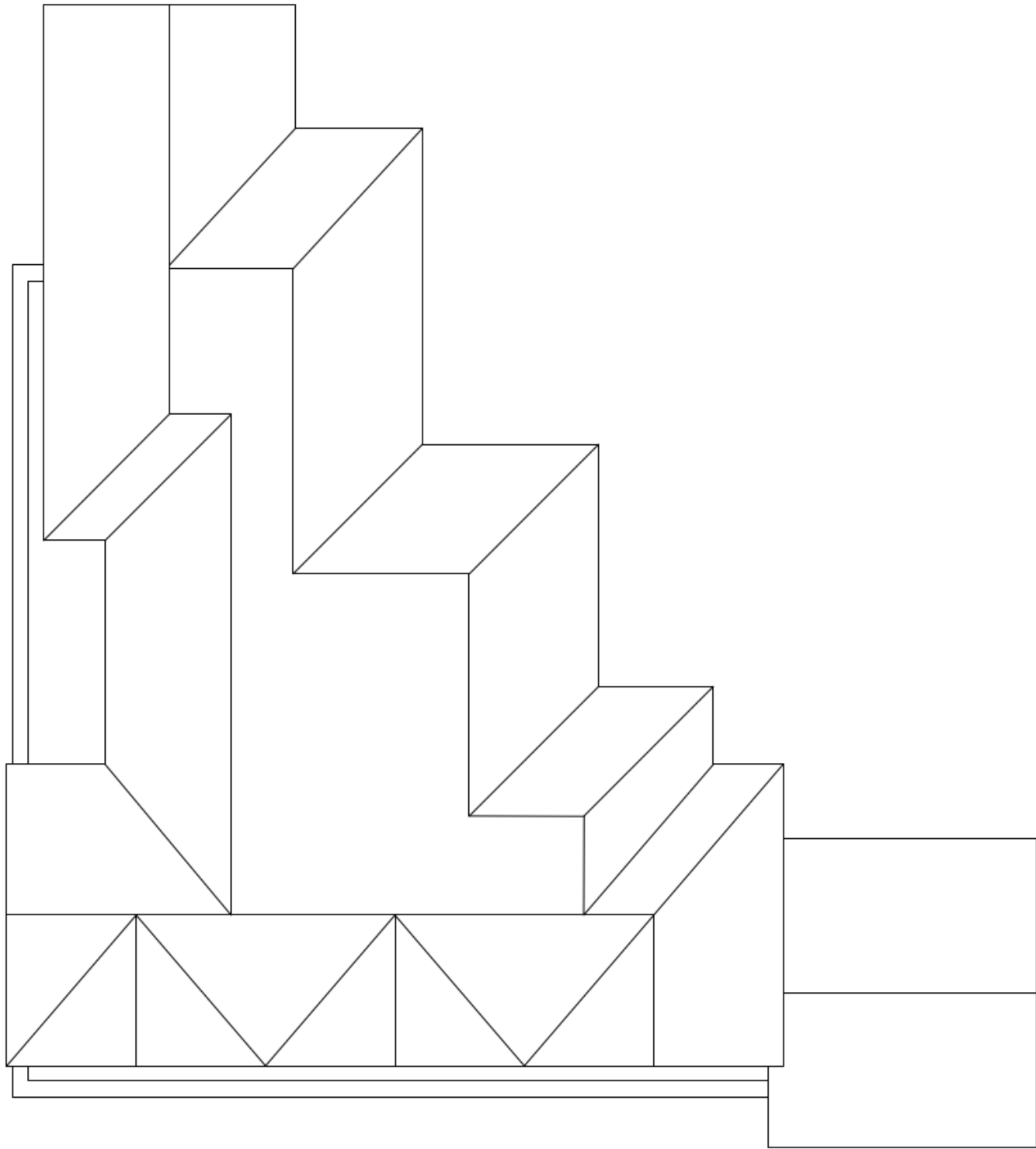
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan



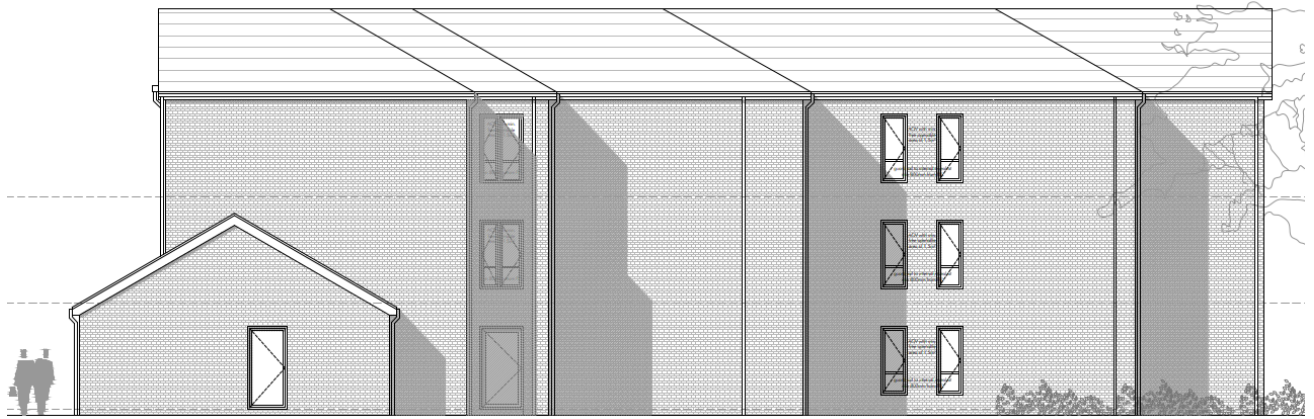
Proposed Elevation to Front (North West)



Proposed Elevation to Rear (South East)



Proposed Elevation to car park (North East)












Proposed Elevation to garden (South West)



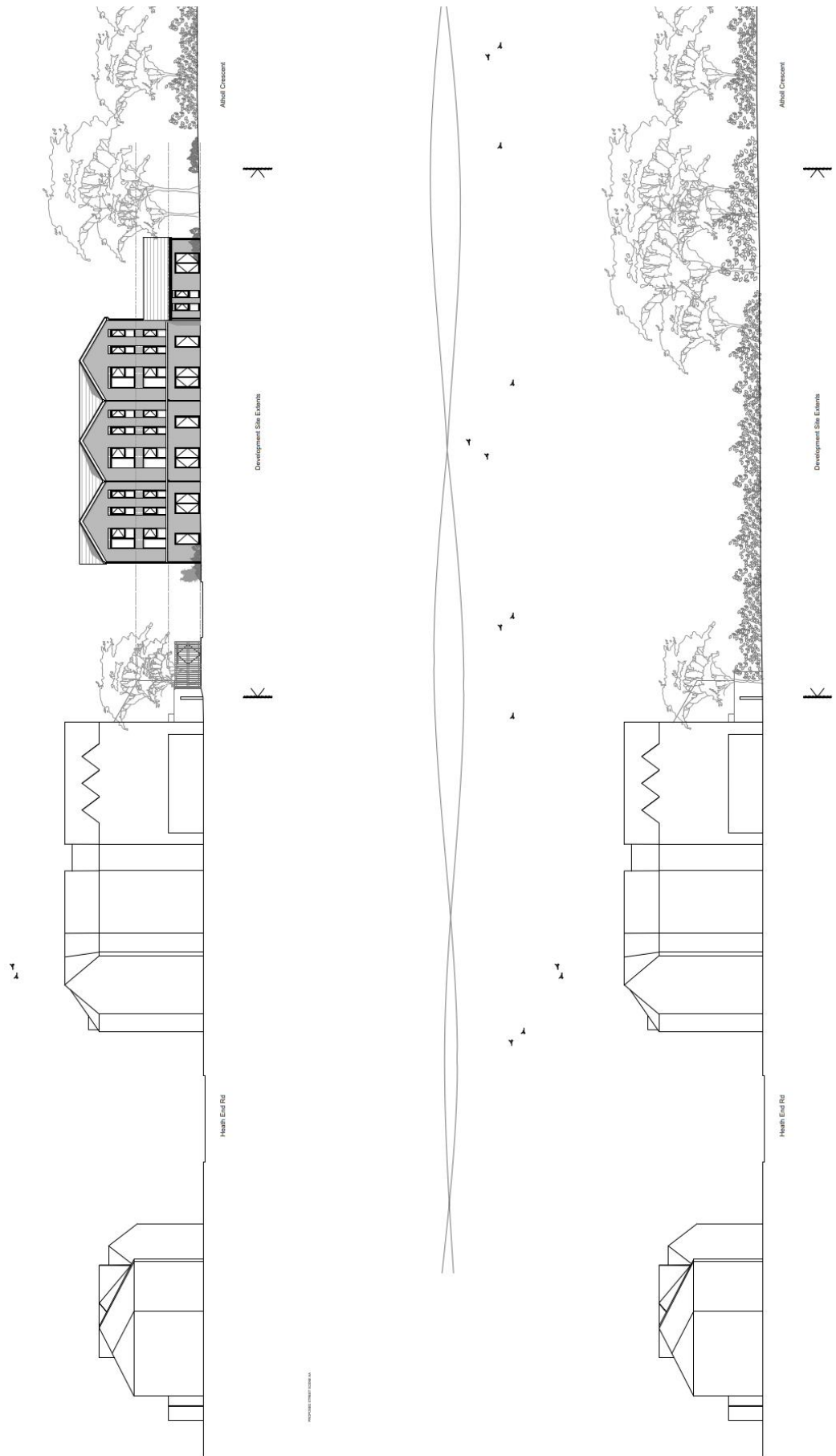
Street Elevation



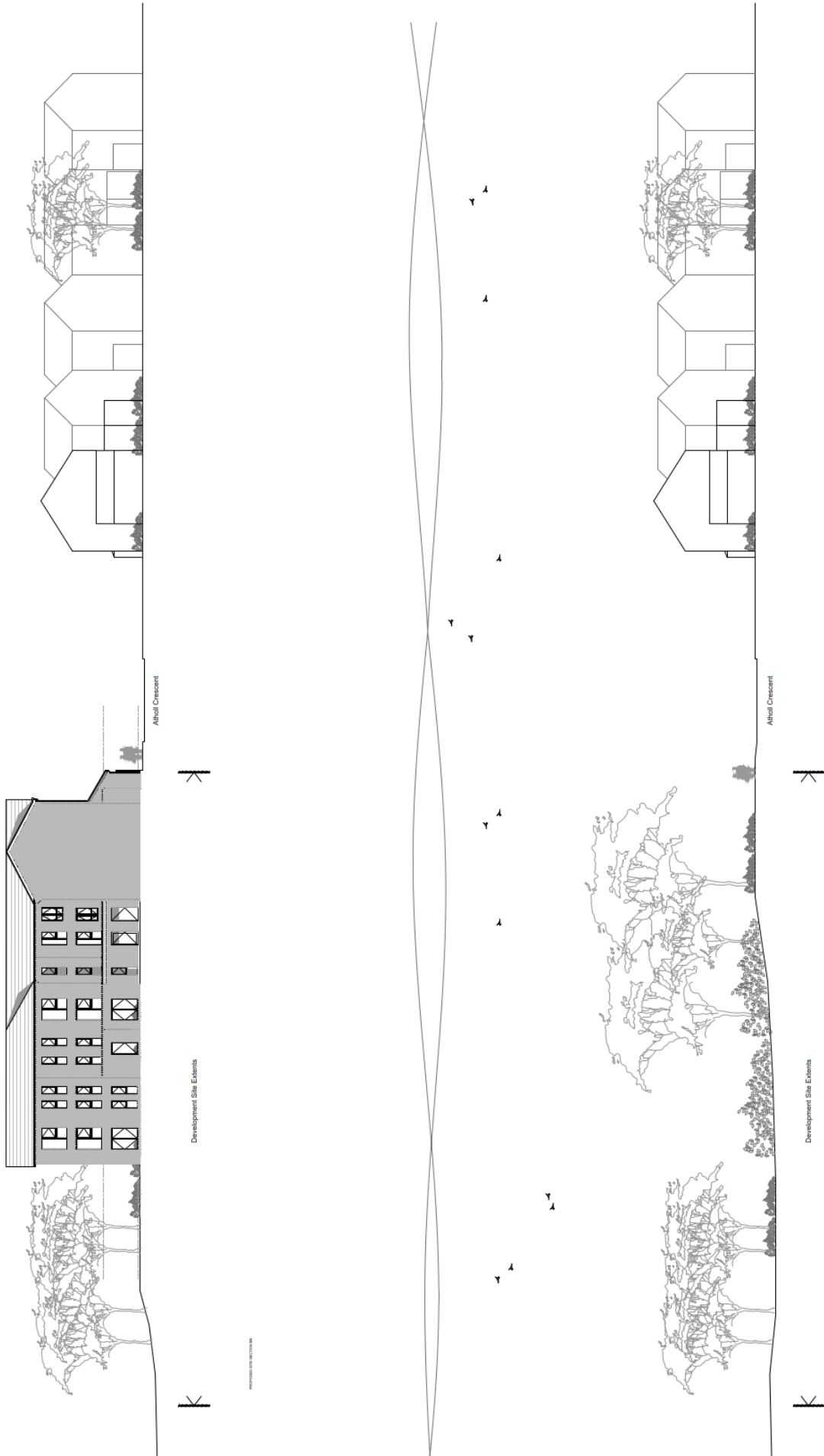
3D View

	
Facing Brick WIENERBERGER Toscan Red Multi	Rainwater Goods uPVC Colour: Dark Grey
	
Facing Brick WIENERBERGER Honor Red Multi	Fascia and Soffits uPVC Colour: Dark Grey
	
Coping GRECON ARTSTONE Colour: York Stone	Window uPVC LINEAR CASSEMENT WINDOWS Colour: Dark Grey
	
Roof Tile RUSSELL LOTHIAN CONCRETE TILE Colour: Slate Grey	Main Entrance Doors PVC Aluminium Colour: Anthracite Grey RAL 7016
	
SARNAFIL TG/5-F	
Application Adhesed	
Colour Window grey (RAL 7045)	
Flat Roof SINGLE PLY MEMBRANE Colour: Window Grey RAL 7040	

Proposed Materials Street Elevation and 3D View.



Existing and Proposed Street Scenes



Existing and Proposed Site Sections

REFERENCE No. 037857

Site Address: Coventry Welsh RFC, Burbages Lane, Longford, Coventry, West Midlands CV6 6AY

Description of Development: Change of use from vacant land to sports training pitch (D2/F2) with the erection of associated access steps

Applicant: Mr Russell Hughes

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

This application is a full application of use for the change of use from vacant land to sports training pitch (D2/F2) with the erection of associated access steps at the Coventry Welsh Rugby Club at Burbages Lane in Longford.

The parcel of land is triangular shaped with area of approx. 0.31 hectares / 3140 sqm. It can be accessed through the existing Rugby Club on Burbages Lane and the proposed use is to be as an ancillary training area to the existing club. The plot lies within the West Midland Green Belt, it is within Flood Zone 1 and is not within the high risk Coal Authority zone.

The site is currently very overgrown with relatively dense vegetation. The vegetation on the site has not been specifically planted as such and is more likely to be the result of un-maintained open space. There is a difference in land level between the existing pitch and car park and the piece of land of approximately 1.5 metres. Therefore, this application is also for the erection of access steps down onto the site. The initial plans depicted a ramp, however this has since been changed to steps. The construction of the base of a ramp did begin in May 2020, however work ceased following an enforcement complaint. The base of the ramp was the only section to be laid and this has since also become quite overgrown and unkept.

The site is adjacent to the A444 (Jimmy Hill Way) to the east and the existing club's carpark and pitch to the west. To the north and south is open green space. Residential gardens back onto these adjacent green spaces rather than the parcel of land itself.

RELEVANT PLANNING HISTORY:

- TP/0202/91: Erection of entrance porch and changes to front and front and side elevations: Approved 24/05/1991.
- TP/0202/91: Erection of timber building for use as a temporary store and changing room: Approved 09/01/1985.
- 820559: Extension to existing clubhouse: Approved 17/11/1982.
- 800007: 6 floodlighting pylons for training purposes: Approved 05/03/1980.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS7- Green Belt
 - NE3- Biodiversity & Geodiversity
 - 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:

Environment Agency, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, Severn Trent, Sport England, WCC Highways, Western Power, WCC Fire Safety

CONSULTATION RESPONSES:

Objection from:
NBBC Parks

No objection subject to conditions from:
WCC Highways

No objection from:
Sport England, NBBC Environmental Health, WCC Fire Safety

No response from:
Environment Agency, NBBC Planning Policy, Severn Trent, Western Power

NEIGHBOURS NOTIFIED:

11 Burbages Lane, 54 – 90 (even) Burbages Lane, 1 – 14 (inclusive) The Ridings, Burbages Lane and Unit 2 and Unit 1, Mallory Way.

Neighbouring properties were sent letters notifying them of the proposed development on 8th April 2021.

NEIGHBOUR RESPONSES:

There have been 2 objections from 2 addresses as well as a petition with 17 signatures from 12 addresses. The comments are summarised below;

- 1) Use of Green Belt land for parking cars (especially on match days or for concerts etc at the Ricoh Arena)
- 2) Damage to property by large vehicles accessing the site

Two letters of comment/no objection were received from two addresses. The comments are summarised below:

- 1) Complaint in regards to disruption caused by housing developments on Burbages Lane (no objection to this application specifically).
- 2) No objection as long as noise, parking and litter are considered.

APPRAISAL:

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

- 1) The Principle of Development in the Green Belt
- 2) Highway Safety
- 3) Ecology
- 4) Visual Amenity
- 5) Residential Amenity
- 6) Conclusion

1. The Principle of Development in the Green Belt

The proposal site is located in the Green Belt, therefore any proposed development must be assessed as being acceptable, or not in the Green Belt. Paragraph 150 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

Therefore, it is clear that outdoor sports uses are usually considered to be acceptable in the Green Belt, and it would be considered that the principle of the change of use of the adjoining land to create additional warm up pitches/ training grounds would be acceptable.

The NPPF states that outdoor sports is an acceptable use providing that this new use would preserve the openness of the Green Belt. The scheme would also include access steps to adjoin the site to the existing club grounds. The erection of these steps is considered to be acceptable in principle as they are ancillary to the outdoor sport use. Following on from advice given within a pre-app and Warwickshire County Council Highways, the ramp has been altered to reduce the size. The club has also decided to change the ramp to steps. The steps would feature a width of 1.5 metres, project down by a 1.5 metres and out by 2 metres. This is considered to be relatively small when considering that 2 metre fencing can be erected under permitted development and it is felt that these amendments are compliant with Officers and consultee recommendations. The size of the ramp is sufficient to provide access for players, however it would not be substantial enough to provide vehicular access. This should also aid in alleviating residents concerns in regards to the site being used for overspill parking for the Arena. The steps would not impact the views across the site and as such, it is considered that they would have little impact on the openness of

the site. The use of the site as a training pitch would also mean that the land is clear and there are no other buildings or structures proposed within the scheme.

2. Highway Safety

Warwickshire County Council Highways initially objected to the scheme, as they had concerns that the change of use would result additional vehicular movements and as such an intensified use of the access. They also had concerns in regards to the gradient of the ramp and that clearing the site would create an open space from the A444 and as there does not appear to be a vehicle restraint system in front of the site, a vehicle leaving the carriageway could enter the proposed site or bring trees down on those within the site.

The applicant altered the scheme to show steps rather than a ramp. They also stated that a buffer strip would be retained in between the site and the A444 of a width matching that of neighbouring residential gardens. They emphasised that the land would only be used for warm-ups and training rather than competitive sport (i.e. separate matches) and as such the number of players using the site would remain similar to that of the existing.

WCC Highways are satisfied with these amendments and justifications and they have removed their objection subject to conditions. It is therefore considered that the impact to highway safety is considered to be acceptable.

3. Ecology

The parcel of land is currently very overgrown with lines of hedges and trees around the perimeter of the site. The majority of the site is covered by an abundance of mixed shrubs, bushes, weeds and grasses. None of the trees are protected by TPOs and the site is not a designated wildlife site.

NBBC Parks requested a Tree Survey, a tree removal and retention plan, an Arboricultural Impact Assessment and an Arboricultural Method Statement. The applicants acquired quotes for these surveys and assessments, however they have stated that the cost for these would be £2225 (excluding VAT). On site, a member of the Club expressed that the Club has suffered financially during Covid-19 and this is a factor as to why they cannot afford the requested documents.

NBBC Parks are concerned that the clearing of the site could potentially result in a large net loss of biodiversity. From the aerial photographs, they believe that there may be good quality habitat land within the site and as such, they are insisting on the requested surveys and reports.

Paragraph 180 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest,*

and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

In regards to point A, it is acknowledged that some harm may be created within the partial clearing of the site, however it should be assessed whether this constitutes as 'significant' enough to warrant a refusal. The applicants have stated that they would retain the vertical strip of land to the east. This would provide a wildlife corridor adjoining onto neighbouring sites and this aids in mitigating some harm. Also, it should be considered that the site would still be covered in vegetation (grass) rather than tarmac, gravel etc. Due to these factors and considering that the site is relatively small in size, whilst there may be some harm, it is not considered to be significant.

In regards to points B and C, the scheme would not impact a Site of Special Scientific Interest, nor is it ancient woodland. Point D is not considered to be relevant for this proposal.

4. Visual Amenity

The ramp is to be relatively small in size and would feature timber sections in between each step. As this is a very minor alteration and as it is location to the rear of the site, it would not be visible from the public realm. As such, it is considered that there would be very minimal/no impact to visual amenity of the area.

5. Residential Amenity

There are residential dwellings located along Burbages Lane, however no residential properties or gardens directly border the parcel of land. As such, it is considered that the proposed use and ramp would have very little impact on the residential amenity of neighbouring dwellings. The intensity of the use of the club should not significantly increase, as the pitch is to be used for warm ups/cool downs and training only. Therefore, it is considered that there would be little additional noise or disturbance created by the change of use. In addition, NBBC Environmental Health have no objection to the proposal.

6. 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 proposed use is in keeping with the existing club use and Sport England have stated that the training area will help create additional capacity to support the Club and ease the overplay of the single natural turf rugby pitch, as identified within Nuneaton and Bedworth Borough Council Playing Pitch Strategy. This is considered to carry moderate weight in favour of the application.

The use is acceptable within the Green Belt and it is considered that the use and the steps would not negatively impact the openness of the Green Belt.

All of the objections received, apart from one, are solely based on opposing the use of the land for car parking for events held at the Arena. If approved, it is recommended that a condition is placed to ensure that the use is only for warm-ups and training purposes.

There is still an objection outstanding from NBBC Parks with concerns raised in regards to the loss of habitats and vegetation. This does carry moderate weight within the final assessment. However, it is considered that the scheme is compliant with paragraph 180 of the NPPF in that the harm is not significant and mitigations have been incorporated. Also, it should be considered that the clearing of vegetation on the site does not require any permission, as none of the trees are protected (TPOs or within a Conservation Area). Whilst it is a very finely balanced decision, as permission is not required for this element of the scheme, it is considered that it would be unjust to refuse the application for this part alone. As such, the recommendation is one of approval, subject to conditions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Date Received
Front and side elevation of proposed steps (stepsrough1)	11 th August 2021
Buffer Strip shown within Planning Statement	10 th November 2021
Site plan with location of ramp	6 th April 2021

3. The site shall only be used for sports training or warm-up / cool-down purposes only and it shall not be used for competitive use as its own independent pitch.

4. The site clearance area shall not encroach beyond the blue line buffer area shown in within the Planning Statement received by the Council on the 10th November 2021.



Coventry Welsh Rugby Club, Burbages Lane statement regarding planning application ref. 037857

Our proposed change of use is for a small area of overgrown, unused land next to our rugby pitch and close to our changing rooms in order to make it a productive, useful warm up/training area for our mens and ladies rugby teams. This area will also help preserve the condition of our only pitch which is heavily used by our three club teams.

To make the land fit for purpose we require the clearing of bushes/vegetation (there are no trees), steps to enable access as it is on a slope and the laying of grass. We will be retaining the existing vegetation between the land and the A444.



N

Scale 1:1250



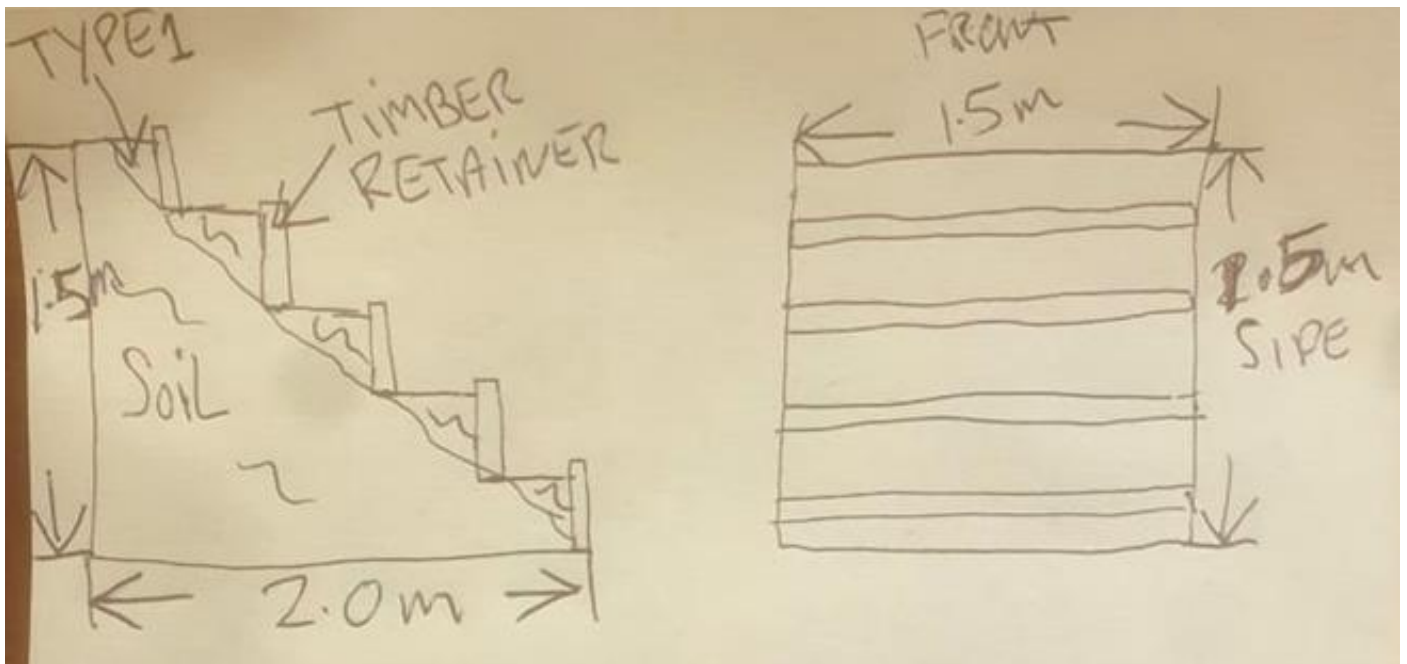
Scale 1:500

N

- Vegetation on site
There are low bushes only present on the site - no trees. We intend to clear the bushes and replace them with grass.
- There is existing vegetation between the A444 and the proposed training area which will be retained. See image below.



Buffer Strip



Proposed Steps

REFERENCE No. 037927

Site Address: Site 52a041 - Weddington Road, Nuneaton.

Description of Development: Application for prior notification of proposed demolition for bridge over River Anker.

Applicant: Mr R Guest.

Ward: WE

RECOMMENDATION:

Planning Committee is recommended to consent to: 'prior notification is required and granted subject to conditions'.

INTRODUCTION:

The application is for a prior notification of a proposed demolition of an old railway bridge near to Weddington Road Nuneaton. For the Council's records the site is known as 'site 52a041'.

The site is part of a much longer dismantled railway line that spurs off the main existing railway lines at the rear of St Marys Road through to where it joins again with the main existing line to the rear of Whitacre Road/Launceston Drive and Hemdale Industrial Estate. Other parts of this line have been sold and redeveloped.

The bridge is part of the dismantled railway branch line. The Applicant owns the part of the line where it branches off the main railway line in Abbey Ward at the rear of St Marys Road through to Weddington Road. The centre of the disused line is the boundary between St Nicolas Ward and Weddington Ward.

The bridge is elevated and spans above the River Anker. The line within the application site was originally on an embankment and the site includes the embankment. Part of this embankment from the bridge to Weddington Road has already been cleared by the previous landowner but which a planning application has not yet come forwards for its re-development. Any application for its redevelopment will need to consider the unauthorised loss of biodiversity for the cleared part of the site formally a Local Wildlife Site.

The bridge consists mainly of blue bricks with some concrete lintels and has a number of large arches. The bridge is a substantial structure but there are signs that the parts of the parapet walls have fallen away.

Beneath the bridge is an informal pathway (likely unauthorised) with evidence of antisocial behaviour and which starts from the Old Edwardians rugby and cricket ground and continues under the bridge beyond the site. The new owner cites the reason for the bridge removal is due to safety concerns as people are gaining unauthorised access up on to the bridge deck from this area and states that the bridge is deteriorating and becoming unsafe.

The bridge deck appears to have just a low brick parapet wall approximately 600mm high separating it from the drop off to the sides. Some of this brickwork is missing entirely and there is no guard railing. The deck of the bridge is approximately 7m above the ground level of the informal track and riverbank.

Beneath the bridge the land is densely vegetated with a good deal of habitat including trees. The river corridor and the dismantled railway line are both classed as Local Wildlife Sites, and which have a high level of biodiversity and ecological value.

Demolition of a building is permitted development under the General Permitted Development Order (GPDO) Act under Schedule 2, Part 11, Class B. This requires that the demolition of a building that is not included within a planning application requires prior notification to the Council before any demolition. Demolition is defined as development within the Town & Country Planning Act and the definition of a building within the Act includes any structure or erection. On that basis, the bridge is deemed as a building and requires prior notification for its removal.

Prior notification is different to a normal planning application and the Council can only consider the method of demolition and the restoration of the land.

BACKGROUND:

This application is being reported to Committee at the request of Councillor K. Kondakor.

RELEVANT PLANNING HISTORY:

- 037928: Creation of a new vehicular access onto Weddington Road (A444): Withdrawn 23/11/2021.
- 037037: Retrospective application for already completed engineering operation to remove railway embankment: Returned 14/07/2021.
- 029211: Creation of a new Tree Preservation Order for Oak tree: Granted 21/05/2009.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - NE3 – Biodiversity and geodiversity.
 - NE4 – Managing flood risk and water quality.
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance/Supplementary Planning Documents.
 - Air Quality SPD.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Ancient Monument Society, Cadent Gas, Canal and River Trust, Environment Agency, Highways England (historic railway) Historic England, Joint Committee of the National Amenity Societies, Local Authority Building Control, Natural England, NBBC Parks, NBBC Environmental Health, Network Rail, Nuneaton and Bedworth Society, Nuneatonian, Severn Trent Water, Warwickshire Waterways, WCC Archaeology, WCC Flood Risk Management, WCC Highways, Western Power Distribution, Warwickshire Wildlife Trust.

Marcus Jones MP responded to previous applications on the site so has been consulted on this application.

CONSULTATION RESPONSES:

Objection from:
NBBC Parks (Greenspace).

No objection subject to conditions from:
NBBC Environmental Health.

No objection from:
Natural England, Environment Agency, Highways England, Historic England
Nuneatonian and WCC Archaeology.

No objection but note requested:
Environment Agency and Network Rail.

Comment from:
WCC Highways.

No comment from:
Cadent Gas, Canal and River Trust, Historic England, Natural England and WCC
Flood Risk Management.

No response from:
Ancient Monument, Joint Committee of the National Amenity Societies, Local
Authority Building Control, Nuneaton and Bedworth Society, Severn Trent Water,
Warwickshire Waterways, Western Power Distribution, Warwickshire Wildlife Trust.

NEIGHBOURS NOTIFIED:

ABC Skip Hire, Units 1 and 2 Weddington Terrace, Cleaver Squash Club, Niall Bailey
Buildabase, Nuneaton Cricket Ground, Old Edwardians Rugby Football club, Wickes,
ATS, 77-97 Weddington Road, 15 Southfield Close and 1 Westfield Close

Neighbouring properties were sent letters notifying them of the prior notification on
the 9th April 2021.

Email consultations were sent to a number of neighbours that had responded by
email to a previous application but who had only previously provided an email
address.

Site notices were erected on street furniture on the 8th April 2021 and 20th April 2021.

Under the legislation the Agent/Applicant must display a site notice. This was
confirmed as carried out by the Agent on the 29th March 2021.

NEIGHBOUR RESPONSES:

There have been 4 objections from 4 addresses. The comments are summarised
below;

- 1) Objected to previous application where land was cleared without consent and
a large amount of natural habitat which support an array of wildlife was lost.

- 2) Application will destroy more wildlife habitat which is abundant next to the river.
- 3) Inadequate information provided.

APPRAISAL:

The only issue that can be considered under this type of prior notification is the method of demolition and the restoration of the land.

No proposed method of demolition has been provided, although the Agent states that a professional bridge demolition contractor using a crane and other plant is the proposed method of demolition and where the application form asks for how the spoil/rubble be disposed of, the Agent has replied to advise the crushed and stored spoil will remain on site for future use and any surplus will be removed by a licensed waste contractor. Where the application form asks for details of the proposed restoration of the site, the Agent has just advised the bridge is to be removed.

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

- 1) Air quality and noise.
- 2) How the adjacent land and river is to be protected during construction.
- 3) How protected species are to be protected.
- 4) Highway safety.
- 5) Flooding and drainage.
- 6) Conclusion.

1. Air Quality and Noise

In terms of the impact to air quality and noise, the NPPF paragraph 174 states that development should not adversely affect 'soil, air, water or noise pollution or land instability'. The Council's Air Quality SPD mirrors this and states that development should not have an unacceptable impact (such as dust) on local sensitive receptors and biodiversity. The SPD recognises that conditions can be necessary in terms of mitigation.

The Agent has advised in terms of dust suppression, that '*a specialist licensed demolition contractor will be used who will follow best environmental health practices on dust suppression*'.

However, this does not provide adequate information to advise what practices will be used on site. The Council's Environmental Health Team have no objection subject to a condition for the management of dust to be submitted and approved prior to demolition. In addition, they have requested that the hours of operation be restricted to Monday to Friday 8.00am-6.00pm, Saturday 8.00am - 1.00pm and no noise on Sunday/Bank/Public Holidays.

2. How the adjacent land and river is to be protected during construction

The bridge is in an area of abundant habitat and is land allocated as a Local Wildlife Site (Borough Plan Biodiversity policies clearly state that designated Local Wildlife Sites will be protected as the core component and highest ecological value components of the ecological network in the Borough and the Borough Plan has specific annual targets that align with those policies to avoid any loss of LWS to development.) Therefore, the method of demolition and any restoration needs to be considered carefully to protect these areas. It is therefore considered that a condition is imperative in order for the Council to approve a methodology statement to include restoration, in order to protect this adjacent land.

3. How protected species are to be protected

The nature of the construction of the bridge and the location of which it sits means that bats could likely be nesting or roosting within the structure. Equally the habitat including the river could potentially include other protected species which are present in other parts of the river.

The disturbance or harm to protected species would be a breach of National and European law and be contrary to the Wildlife Act 1981 and as amended within the CROW Act 2000. Similarly, the NERC Act 2006 places a duty on public authorities to conserve biodiversity and priority species. While protected species are not specifically referred to in the GPDO, regulation 9 of 'The Conservation of Habitats and Species Regulations 2010' still applies. This states that the '*competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives*'. There have been Appeal decisions where Inspectors have taken the view that even though there is no "reminder" in the GPDO, that protected species must still be considered. The NPPF and Policy NE3 of the Borough Plan outlines the need to conserve and enhance the natural environment. With all of this in mind, a protected species survey and report has been requested, carried out and subsequently submitted to the Council.

The submitted Report states that an initial walkover survey completed on the 23rd April 2021 recognised that the bridge did indeed have potential to support roosting bats, that the land could support nesting birds and reptiles and that the River Anker at this point could support otters and water vole populations. Surveys were therefore subsequently carried out.

Dusk emergency and dawn re-entry surveys were carried out in June and August 2021 and whilst bats were seen foraging within close proximity to the bridge no bats were seen entering or egressing the parts of the structure that the surveyors were safely able to access. The survey concluded therefore that a Natural England Protected Species Licence was not required but that a non-licensed method statement was recommended as a precautionary measure.

Surveys in August confirmed the presence of water voles and otters and the Report stated that a 10m buffer to the top of the riverbank is recommended to be retained as an area of no construction/demolition activities.

The survey also recorded two invasive species of Himalayan balsam and signal crayfish.

The Report recommended that in order to prevent incidental impacts on protected species, reptiles and mammals that a method statement approach for vegetation clearance was appropriate together with an ecological watching brief. The Report also recommended that tree mounted bat boxes should be provided to compensate for loss of roosting features within the bridge.

The Report concluded that as a precautionary measure, the construction should be undertaken under the auspices of a Method Statement to detail sensitive working methods, and procedures to be followed in the event of a bat being present during construction. It also stated that should more than 18 months elapse between the date of the surveys and the construction works being completed, that the surveys should be updated, in line with current guidance and that if the work did not commence before Spring 2021 that a further wolver and otter survey was carried out.

The Methodology also recommended that construction lighting should be cowed to prevent direct light to the wildlife corridor and foraging area and that appropriate measures are taken to avoid impacts upon the site ecology. The Report also concluded that expert advice prior to development should be taken to prevent the spread of Himalayan balsam (invasive species) and that vegetation should be cleared outside of the bird nesting season and that pre checks be carried out before any clearance, to check for birds, bats, mammals and reptiles. The Report suggested that native species are planted after the completion to ensure a no nett loss of biodiversity.

The Council's Parks Team responded to the Report with concerns that only the arches that were accessible were surveyed and that no search of the bridge deck was carried out for reptiles as cited as necessary within the Local Wildlife Site designation. Parks therefore considered the survey was deemed incomplete. They also had concerns that the Report omitted to include a methodology for the proposed work.

The Applicants Ecologist responded to state that they considered the Report had been 'sufficiently thorough' but that in: *'hindsight it might be to expand further on survey limitations but everything else is in there including precautionary measures where advice cannot be clear-cut due to those limitations'*. They considered that any omissions were due to persistent antisocial behaviour in the area and that there was no safe access to the eastern arch due to the river. They concluded that more intense survey work of the bridge could only be carried out using scaffold which would require *'considerable clearance of vegetation (that could achieve more ecological harm than benefit)'*. They concluded that a method statement and watching brief was a more appropriate approach. The Ecologist concluded that reptiles were unlikely *'due to extensive shade, fragmented habitat, unsuitable adjacent sites, extent of human activity'*.

4. Highway Safety.

The Agent advised that a crane and other plant would be required and that the majority of the spoil and rubble would be crushed and stored on site for future use but that any surplus would be removed by a licensed waste contractor. Therefore, there was no doubt that the demolition will require some substantial vehicular access to the site.

The initial response from WCC Highways was that if large machinery needs delivering to the site and workers are required to remove the bridge, then a Construction Management Plan was required to be submitted and approved. They stated this was to include a routing map showing how the site will be accessed and egressed. A later response from WCC Highways stated they could not support the use of the unauthorised access fronting the site on Weddington Road, which was used previously by HGV's and that if this access was to be used then the application should be refused on highway safety grounds. However, they stated that access through the adjacent ATS site would be acceptable subject to conditions.

5. Flooding and drainage.

As the bridge is above the river, WCC Flood Risk Management; the Environment Agency and the Canal and River Trust were consulted. The responses were either of no comment or no objection other than the Environment Agency who advised that a Flood Risk Activity Permit would be required prior to commencement. As this is outside of the planning remit it is considered that any consent would require this to be added as a note rather than a condition.

6. 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.

Whilst no structural report of the bridge was submitted with the application the Officers site visit and comments on the submitted Protected Species Report clearly shows that the condition of the brickwork on the bridge is deteriorating and will no doubt increase over time. Whilst it is the owner's responsibility to ensure the site is secure; there is evidence that unauthorised access by the public is happening onto the bridge decking. The Applicant states that they are repeatedly trying to prevent this with fencing etc but that this is regularly broken down. The bridge deck is of significant height (over 7m approximately) from the ground level below and which has no guard rails and missing brickwork to the parapet wall which is in any case relatively low and therefore there is a bona fide health and safety reason to demolish the bridge. This would likely have no development benefit for the site as a whole, although will likely be a costly operation for the Applicant.

It is considered that whilst the submitted details fail to provide sufficient information on the method of demolition or restoration, that this could be conditioned. This would largely be in the form of pre commencement conditions in order to ensure the impacts on adjacent land and river; protected species; air quality; noise; highway safety and flooding and drainage could be made acceptable.

Whilst the submitted Ecology Report demonstrates that protected species are not likely to be harmed, it does state that the impact on ecology and biodiversity should be subject to pre commencement conditions for the submission of an appropriate method statement and that a condition to include an ecological watching brief is appropriate.

In conclusion, it is considered that due to the additional information required that the prior notification is required but granted subject to conditions

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

2. No demolition including any site clearance shall take until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall have specific reference and precautionary measures in relation to protected species and nesting birds. 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. Site clearance methods.
- e. The extent of buffer zones and stand-offs for sensitive ecological features and for protected species including the buffer zone to the river.
- f. What to do if protected species are discovered during construction.
- g. Details of protection for nesting birds and bats including site clearance.
- h. Details of the body or organisation responsible for the implementation and ongoing management, monitoring (watching brief) 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.

The approved CEMP shall be adhered to throughout the site clearance and demolition period.

3. No demolition including any site clearance shall take place until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed work.
- b) Details of retained ecological areas.
- c) Detailed design including any hardstanding and/or working method(s) necessary to achieve stated objectives.
- d) Extent and location of proposed works shown on appropriate scale maps and plans.
- e) Timetable for implementation.
- f) Details of lights used during construction. The lighting scheme shall be developed with the input of a suitably qualified ecologist to outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats. The scheme will include a lighting contour lux diagram demonstrating that there will be no increased light reaching ecological habitat and corridor areas.
- g) Details of restoration measures and timings to compensate for biodiversity losses including details of replacement native planting and bat boxes.
- h) Details of how the removal of the bridge deck will be dealt with on nearby habitats.
- i) Persons responsible for implementing the works shall be carried out in strict accordance with the approved details and shall be retained in that manner thereafter.

The approved BEMP shall be adhered to in accordance with the approved details throughout the demolition and site clearance period. Existing trees and other vegetation should, where practicable, be retained and protected during the demolition.

4. No demolition or site clearance shall commence until a Arboricultural Method Statement, has been submitted and approved in writing by the Local Planning

Authority, to include a Tree Root Protection Plan showing the existing trees/hedgerows including those to be removed. To include measures for the protection of the retained trees/hedgerow in the course of the works. 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 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.

5. No vehicular access to the site associated with the site clearance and demolition shall commence until a Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for:

- a) Routes for construction traffic.
- b) Clear routing plan showing how the site will be accessed/egressed and the directions vehicles will be travelling in.
- c) Arrangements for turning vehicles on the site including a turning area to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.
- d) Any proposed temporary traffic restrictions.
- e) Pedestrian and cyclist protection.
- j) Measures to control the emission of noise, dust, dirt and mud and other debris being carried onto the highway during the .
during construction
- k) Site security.

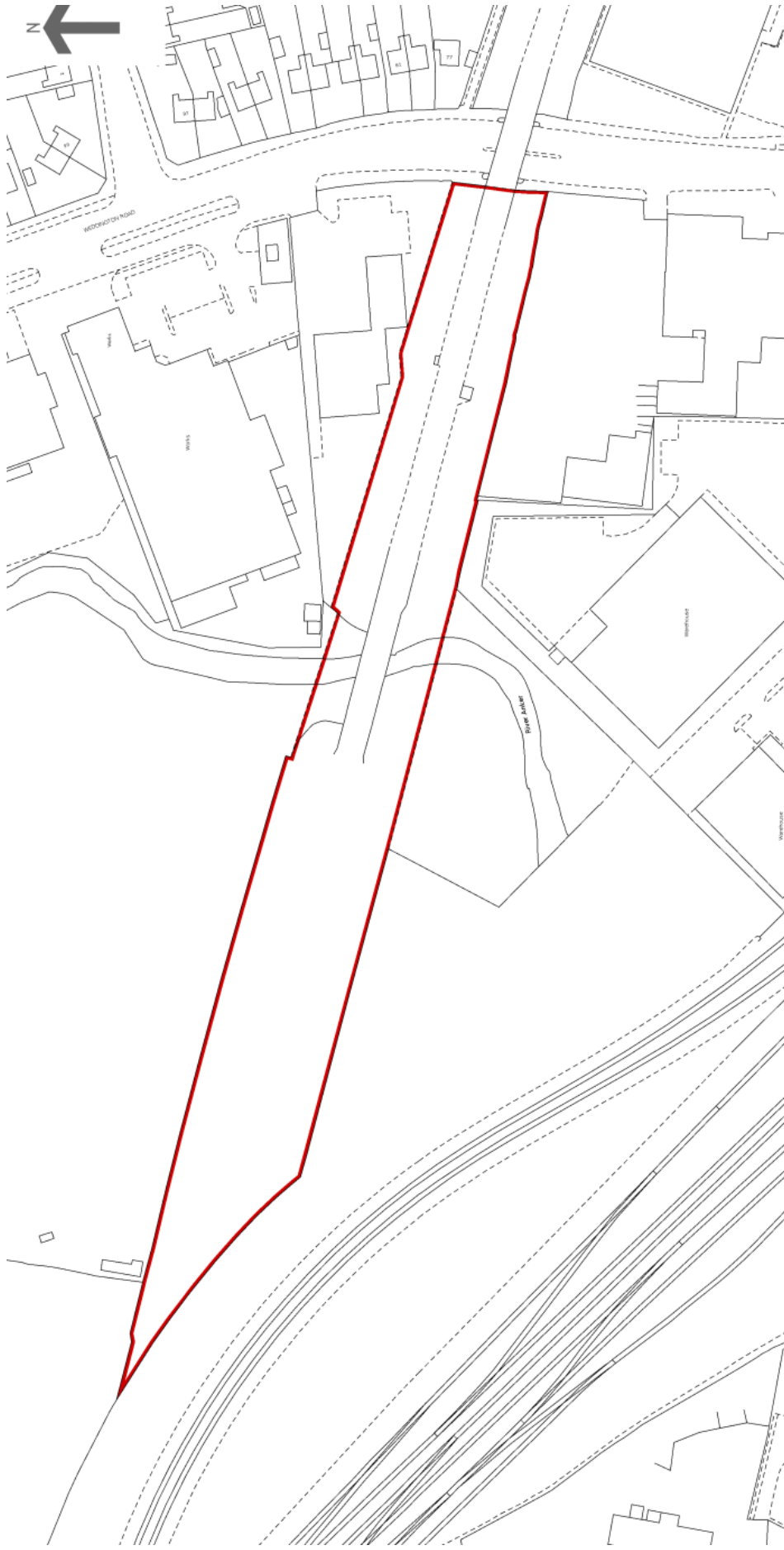
At no point shall the unauthorised vehicular access from Weddington Road be used by vehicles or plant The approved plan/statement shall be adhered to throughout the site clearance and demolition period.

6. No demolition including site clearance, shall commence until a Dust Management Plan is submitted and approved by the Local Planning Authority. The approved Management Plan is to be adhered to during the site clearance and demolition process.

7. No operation shall be carried out other than Monday to Friday 8.00am-6.00pm, Saturday 8.00am - 1.00pm and no noise on Sunday/Bank/Public Holidays.

8. In the event the work is not commenced prior to Spring 2022, a second survey for otters and water voles is to be carried out by a Suitably Qualified Ecologist in the Spring of 2022.

9. Should more than 18 months elapse from the date of this consent, the surveys carried out in the Protected Species Assessment dated 13th October 2021 (2021-04(12) should be updated in line with current guidance.



Location Plan



Site Photograph



Aerial Plan

Glossary

Adoption – The final confirmation of a local plan 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

Green belt – A designated band of land around urban areas, designed to contain urban sprawl.

Greenfield site – Land where there has been no previous development.

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.

Guide to changes to the Use Classes Order in England

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)