

Enquiries to: Victoria McGuffog
Telephone Committee Services: 024 7637 6220

Direct Email: committee@nuneatonandbedworth.gov.uk

Date: 20th January 2021

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held **on Tuesday, 2nd February 2021 at 5.00 p.m.** **Confidential items will begin at 4.00pm.** Due to Government guidance on social-distancing and the Covid-19 virus this meeting will be held **VIRTUALLY AND LIVE STREAMED**. Public and press can follow the decision making online at www.nuneatonandbedworth.gov.uk/live-meetings. Please note that meetings will be recorded for future publication on the Council's website.

Public Consultation on planning applications will commence at 5.00 p.m. (see Agenda Item No. 6 for clarification). Public participation will be by written submissions or orally through invitation to the meeting either via the internet, or by telephone, utilising MS Teams.

Members of the public wishing to make comments or representations via a written submission are asked to do this electronically by e-mailing planning@nuneatonandbedworth.gov.uk by no later than 12 noon on the working day before the date of the meeting, and identify the agenda item(s) that their submission(s) relate(s) to. All written submissions should take no longer than 3 minutes to present and will be read out by an officer of the Council.

Members of the public wishing to make an oral submission to the meeting are asked to notify the Planning Department of this by either calling 024 7637 6328 or e-mailing planning@nuneatonandbedworth.gov.uk by no later than 12 noon on the working day before the date of the meeting. Access to the meeting will then be arranged by Committee Services. All oral submissions should be no longer than 3 minutes.

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

To: All Members of the Planning
Applications Committee

Councillors W.J. Hancox (Chair);
S. Gran; I. Lloyd; B. Pandher; N.J. Phillips; M.
Rudkin; A. Sargeant; J. Sheppard; R. Smith; J.
Tandy, R. Tromans; C. Watkins and K. Wilson
(Vice-Chair)

AGENDA

PART I - PUBLIC BUSINESS

1. ANNOUNCEMENTS

The meeting will be live streamed and recorded for later publication on the Council's website.

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

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

3. MINUTES - To confirm the minutes of the meeting held on 12th January 2021 **(Page 4)**

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 OR HAVE SUBMITTED A WRITTEN STATEMENT TO BE READ OUT BY AN OFFICER OF THE COUNCIL. EACH SPEAKER/STATEMENT WILL BE ALLOWED 3 MINUTES ONLY – the report of the Head of Development Control attached. **(Page 16)**
7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK OR SUBMITTED A WRITTEN STATEMENT – the report of the Head of Development Control attached. **(Page 16)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

12th January 2021

A meeting of the Planning Applications Committee was held on Tuesday, 12th January 2021. Due to Government guidance on social-distancing and the COVID-19 virus this meeting was held virtually and live streamed.

Present

Councillor W. Hancox – Chair

Councillors S. Gran,, I. Lloyd, B. Pandher, N. Phillips, M. Rudkin, A. Sargeant, J. Sheppard, R. Smith, J. Tandy, R. Tromans, C.M. Watkins, and K. Wilson.

Apologies: None

PLA55 **Chair's Announcements**

The Chair wished everyone a Happy New Year and asked that those impacted by the COVID-19 pandemic be kept in our thoughts. The Chair also took the opportunity to welcome Officers from Warwickshire County Council; Sophie Wynne (Flood Risk), Joanne Archer and Karen Watkins (Highways.)

The meeting was being live streamed and recorded for future publication on the Council's website.

PLA56 **Minutes**

RESOLVED that the minutes of the meeting held on the 8th December, 2020 be confirmed and signed by the Chair.

PLA57 **Declarations of Interest**

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

PLA58 **Declarations of Contact**

Councillor N. Phillips and Councillor J. Sheppard both declared that they had been contacted by residents regarding Planning Application 037457 (87 Edward Street, Nuneaton.)

A written statement from N. Fentimen was provided regarding Planning Application Number 036870 - on behalf of Hawksbury Village Action Group.

A written statement was also submitted to the Panel regarding Planning Application Number 037457 from the applicant Mr S. Sheik.

IN PUBLIC SESSION

PLA59 **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.

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA47 OF THE
PLANNING APPLICATIONS COMMITTEE ON 27th OCTOBER, 2020

**036870 - Site 117c003 - Blackhorse Road, Exhall, Coventry, West
Midlands**

Applicant: Terra Strategic

**Public Statements: Councillor D. Brown, Mr J. Adams, Ms N. Fentimen
(Written statement)**

DECISION

The application be deferred to allow the traffic surveys and other information submitted by the Hawkesbury Village Action Group (HVAG) to be assessed by WCC Highways and for further clarification to be provided on which parts of the site are proposed to be adopted by WCC

037022 - Site 115d001 - School Lane, Exhall, Coventry

Applicant: Keepmoat Homes Limited.

Public Statements: Councillor D. Brown

DECISION

Planning permission be granted subject to conditions printed on the agenda and addendum. and to the completion of a supplemental deed to the S106 agreement as detailed in the addendum

037457 - 87 Edward Street, Nuneaton, Warwickshire, CV11 5RE

Applicant: Mr Saleem Sheikh

Public Statements: S. Sheikh (written statement)

DECISION

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

Chair

**Planning Applications Committee
Schedule of Declarations of Interests – 2020/2021**

	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. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Daughter holds employment position within NBBC Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	I. Lloyd		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton & Bedworth Sports Forum • Camp Hill Urban Village and Pride in Camp Hill • Poor's Piece Charity • Committee of Management of Hartshill & Nuneaton Recreation Group • Towns Board 	
	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	
	N.J. Phillips		Member of: <ul style="list-style-type: none"> • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	
	M. Rudkin	Employee of Coventry City Council	Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	A. Sargeant		Member of Warwickshire County Council Chairman of The Nook (Nuneaton) Residents Association. Chair of Attleborough Community Matters group. Chair of Attleborough Neighbourhood Watch Volunteer at Volunteer Friends Bulkington. Member of Nuneaton Carnival Committee Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	

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
		Member of the Management Committee at the Mental Health Drop in.	
		<p>Champion for Safeguarding (Children & Adults)</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Local Government Superannuation Scheme Consultative Board • Warwickshire Direct Partnership • Warwickshire Waste Partnership • West Midland Employers • Nuneaton Neighbour Watch Committee 	
R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Board of Directors at Bulkington Village Community and Conference Centre</p> <p>Trustee of Bulkington Sports and Social Club</p>	
J. Tandy		<p>Partnership member of the Hill Top and Caldwell Big Local.</p> <p>Member of Unite the union.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton Festival of Arts • Warwickshire Race Equality Partnership • Warwickshire Race Equality Partnership • West Midlands Combined Authority Audit Group 	
R.Tromans		Director of RTC Ltd	
C.M. Watkins	Landlord of a privately rented property	<p>Representative on the following outside bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Home Improvement Agency. • Nuneaton and Bedworth Safer and Stronger Communities Partnership. • Safer Warwickshire Partnership Board. • Warwickshire Housing Support Partnership. • Warwickshire Police and Crime Panel. 	
K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote
Planning Applications Committee - 2nd February 2021			

**Planning Applications Committee
Schedule of Declarations of Interests – 2020/2021**

	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. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Daughter holds employment position within NBBC Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	I. Lloyd		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton & Bedworth Sports Forum • Camp Hill Urban Village and Pride in Camp Hill • Poor's Piece Charity • Committee of Management of Hartshill & Nuneaton Recreation Group • Towns Board 	
	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	
	N.J. Phillips		Member of: <ul style="list-style-type: none"> • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	
	M. Rudkin	Employee of Coventry City Council	Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	A. Sargeant		Member of Warwickshire County Council Chairman of The Nook (Nuneaton) Residents Association. Chair of Attleborough Community Matters group. Chair of Attleborough Neighbourhood Watch Volunteer at Volunteer Friends Bulkington. Member of Nuneaton Carnival Committee Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	

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
		Member of the Management Committee at the Mental Health Drop in.	
		<p>Champion for Safeguarding (Children & Adults)</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Local Government Superannuation Scheme Consultative Board • Warwickshire Direct Partnership • Warwickshire Waste Partnership • West Midland Employers • Nuneaton Neighbour Watch Committee 	
R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Board of Directors at Bulkington Village Community and Conference Centre</p> <p>Trustee of Bulkington Sports and Social Club</p>	
J. Tandy		<p>Partnership member of the Hill Top and Caldwell Big Local.</p> <p>Member of Unite the union.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton Festival of Arts • Warwickshire Race Equality Partnership • Warwickshire Race Equality Partnership • West Midlands Combined Authority Audit Group 	
R.Tromans		Director of RTC Ltd	
C.M. Watkins	Landlord of a privately rented property	<p>Representative on the following outside bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Home Improvement Agency. • Nuneaton and Bedworth Safer and Stronger Communities Partnership. • Safer Warwickshire Partnership Board. • Warwickshire Housing Support Partnership. • Warwickshire Police and Crime Panel. 	
K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote
Planning Applications Committee - 2nd February 2021			

**Applications for Planning Permission etc.
Agenda Item Index**

Previously Considered Planning Applications (Deferred)

Item No.	Reference	Address	Page No.
1.	036870/PO	Site 117c003 - Blackhorse Road, Exhall, Coventry, West Midlands	

Planning Applications

Item No.	Reference	Address	Page No.
2.	037206/HE	Site 103b007 - Marriott Road, Bedworth. Warwickshire.	

Wards:					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

PREVIOUSLY CONSIDERED

Item No. 1

REFERENCE No. 036870

Site Address: Site 117c003 - Blackhorse Road, Exhall, Coventry, West Midlands.

Description of Development: Erection of 204 no. dwellings, site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works and infrastructure.

Applicant: Terra Strategic.

Ward: PO

RECOMMENDATION:

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

REASON FOR DEFERRAL:

To allow the traffic surveys and other information submitted by the Hawkesbury Village Action Group (HVAG) to be assessed by WCC Highways and for further clarification to be provided on which parts of the site are to be adopted by WCC Highways.

INTRODUCTION:

This application is for the erection of 204 no. dwellings, site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works and infrastructure at the former Hawkesbury Golf Course. This application is for phase one of the whole site and an outline application will be submitted for the rest of the site in the near future.

The application site area is 12.96 hectares and is accessed off Stockley Road. The whole site is 29 hectares. It is an open site and the previous use as a golf course has ceased. To the west is the Nuneaton to Coventry railway line with Bayton Road Industrial Estate beyond. A residential housing estate lies to the south of the site as well as to the far north of the site beyond Coalpit Fields Balancing Lake. The Coventry Canal denotes the eastern and north-eastern boundaries of the site with fields beyond. A network of footpaths cross and run adjacent to the site linking the residential development to the south with Bayton Road Industrial Estate to the west as well as to northern and eastern parts of the site. The canal towpath lies on the eastern side of the Coventry Canal.

RELEVANT PLANNING HISTORY:

- 031950: Creation of canal marina up to 150 berths, 40 allotments, community centre, up to 169 dwellings (42 affordable), public open space with retention & creation of foot & cycle paths, creation of play area & landscaping. (Outline

including access) following refusal of 031405: Refused 23/03/2013 and dismissed at appeal 14/11/2013.

- 031405: Creation of canal marina up to 150 berths, 40 allotments, community centre, up to 200 dwellings (up to 50 to be affordable), public open space including retention & creation of foot & cycle paths, creation of natural play area & associated landscaping. (Outline including access): Refused 21/11/2012 and dismissed at appeal 14/11/2013.
- 009792: 120 berth marina, ablution block, 72-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Recommended for approval but called-in by Secretary of State subsequently refused on 19/1/2007.
- 009389: 120 berth marina, ablution block, 72-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Refused 02/02/2005.
- TP/0499/02: 120 berth marina, ablution block, 35-bed hotel with associated leisure facilities, modifications to golf course, clubhouse and driving range: Deemed Refused 15/3/2004.
- TP/0050/98: Extension to form golf shop and enlarged clubroom: Withdrawn 03/07/1998
- TP/0159/94: Reserved matters application for clubhouse, 30-bed hotel, 18-hole golf course, golf driving range, landscaping and associated facilities: Approved 24/10/1996.
- TP/0046/94: Variation of time condition to allow further 3 years for the submission of details: Approved 01/04/1996.
- TP/0117/89: Outline application for residential, 9-hole golf course, clubhouse, hotel, car parking and associated facilities: Approved 19/03/1991

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - SA1- Development Principles on Strategic Sites;
 - HSG12- Former Hawkesbury Golf Course;
 - H1- Range and mix of housing;
 - H2- Affordable Housing;
 - TC3- Hierarchy of Centres;
 - HS1 – Ensuring the Delivery of Infrastructure;

- HS2- Strategic Accessibility and Sustainable Transport;
- HS5- Health;
- HS6- Sports and exercise;
- NE1- Green Infrastructure;
- NE2- Open Space;
- NE3- Biodiversity and Geodiversity;
- NE4- Managing Flood Risk and Water Quality;
- NE5- Landscape Character;
- BE1- Contamination and Land Stability;
- BE3- Sustainable Design and Construction and
- BE4- Valuing and Conserving our Historic Environment
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Concept Plans SPD for Strategic Allocation HSG12 2020.

CONSULTEES NOTIFIED:

Cadent Gas, Canal & Rivers Trust, Coal Authority, Coventry City Council, Environment Agency, George Eliot Hospital Trust, Health & Safety Executive, Highways England, Inland Waterways Association, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, Network Rail, NHS, The Ramblers Association, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection from:

Ramblers Association

No objection subject to conditions from:

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

No objection subject to planning obligations from:

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

No objection from:

Natural England, NBBC Housing, NBBC Refuse

Comment from:

Coventry City Council, Health & Safety Executive, NBBC Environmental Health, NBBC Planning Policy, Warwickshire Police (Architectural Liaison Officer), Warwickshire Wildlife Trust, WCC Rights of Way

No response from:

Cadent Gas, Severn Trent Water, Western Power Distribution

NEIGHBOURS NOTIFIED:

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

Neighbouring properties were sent letters notifying them of the proposed development on 20th January 2020 and 13th May 2020. Site notices erected on street furniture on 13th January 2020 and 15th May 2020 and the application was advertised in The Nuneaton News on 22nd January 2020 and 20th May 2020.

NEIGHBOUR RESPONSES:

There have been 38 objections from 31 addresses as well as 1 objection with no address provided. The comments are summarised below;

1. Increased traffic and congestion.
2. Infrastructure not in place to cope with extra traffic.
3. There are only two ways in and out of the village- either over the level crossing or a hump back bridge. Will be dangerous.
4. Concerns over how emergency services will get through.
5. Need for more school places.
6. Existing GP surgeries not coping.
7. Any development would change Hawkesbury from a village to a town.
8. Has the site been checked for protected species?
9. Loss of countryside and open space.
10. A suitable additional access road should be built.
11. Trains are due to increase leading to the level crossing gates being down more.
12. Increased flooding.
13. Loss of wildlife.
14. Loss of Green Belt land.
15. Poor existing bus service.
16. Do not object to first phase of development but do object to development of the rest of the site.
17. Should utilise empty buildings before building new site.
18. This development and others that have been approved will cause major problems.
19. Presence of mine shafts.
20. Increased noise.
21. Increased pollution.
22. Loss of views.
23. Increased overlooking.
24. Crime and anti-social behaviour will increase.
25. Lack of shops and other community facilities.
26. Issues with contamination.
27. How will the Coventry Canal be improved?

28. Impact on air quality.
29. Impact on facilities in Coventry.
30. Appreciate the need for further housing but this should be supported by the right infrastructure.
31. Potential impacts would be felt over a very wide area.
32. Would set a precedent.
33. No biodiversity gains.
34. No schools that are within Warwickshire in walking distance.
35. Development should be adapted around the existing trees.

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

1. The Borough Plan indicates that the whole site would be for at least 380 dwellings.
2. Concerns over future application for the rest of the site and how many dwellings in total.
3. There are currently 750 dwellings in the area that is defined as Hawkesbury Village, which falls between the railway level crossing on Blackhorse Road and the humpback bridge that goes over the Coventry Canal at Blackhorse Road/Grange Road. A housing development on Grange Road consisting of 107 dwellings is currently being constructed, 8 town houses are being built off Ironbridge Way, Hawkesbury Village and recently a development of 80 dwellings on Stockley Road, Hawkesbury Village has been agreed by the NBBC Planning Committee.
4. The nearest schools are within the area of Coventry, not Warwickshire and therefore not the catchment for the proposed dwellings.
5. Lack of facilities in the area.
6. Increased traffic.
7. The current road infrastructure, due to the railway crossing, can not take the associated increase in traffic that the proposed dwellings would cause.
8. Lack of spaces at health care providers.
9. If NBBC Planning Committee are minded to allow this application to be approved, we request that a condition is put on this application to ensure that the community building, allotments, orchard, open spaces, cycle/pedestrian routes and landscaping must form part of the development
10. Potential flooding.
11. Presence of mineshafts on the site.
12. Additional road calming on Blackhorse Road and amendments to the mini island on Blackhorse Road should be provided.
13. A play area should also be added to this site along with a Multi-Use Game Area (MUGA) for older children.
14. A Section 106 agreement could be added to the development for money to reinstate a station at the Hawkesbury Lane level crossing, to allow residents to use the train directly from Hawkesbury Village to Coventry and also Bedworth/Nuneaton.
15. Dialogue between the developers and local bus companies should also be undertaken to increase the scope and number of bus services that are available in Hawkesbury Village.

16. Request that Planning Committee members attend this area prior to the meeting to get an understanding of the layout of this area and the issues created by only having two points of entry/exit with a level crossing at one end and a weight restricted bridge at the other.

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

1. The development is more than likely to cause an increase to already significant traffic problems generating additional traffic and creating access issues within both Hawkesbury Village and the local feeder roads into the village, particularly Grange Road and Jackers Road.
2. Local infrastructure is not adequate to service the proposed development.
3. The potential impact of the development is likely to be felt over a very wide area, extending beyond the locality and the NBBC area in which the site is situated.
4. The development is not considering the wider aspect of the community and planning permission that is both being granted and applied for within the wider local area and has yet to be applied for.
5. The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
6. Approval would create a precedent meaning that it would be difficult to object to similar proposals.
7. The development is not in keeping with the HSG12 Concept Plan dated 08.10.19. In addition, the consultation event itself stated it was for 380 houses, within the borough plan this has been increased to at least 380.
8. The proposed development is not in keeping with Warwickshire County Council (WCC) statement of common ground between WCC and Terra Strategic which lead to WCC withdrawing their objections and concerns in relation to insufficient transport infrastructure.
9. The schools cited as being within walking distance on all documentation presented, including HSG12 concept plan, both to WCC and NBBC and within the planning proposal are not within the catchment area of NBBC.
10. There is lack of detail surrounding the Sustrans route and any agreement reached in how this will be connected to its current end point at The Greyhound Inn, Sutton Stop.
11. The Doctors surgery stated as being within walking distance is not within the catchment area of NBBC.
12. The limitations of the current bus service, times and frequency, are not stated.
13. Water Management and how it affects current housing (particularly Heritage Drive which is already subject to flooding) has not been addressed
14. Concern that the development has not adequately addressed species protected by the Wildlife and Countryside Act 1981, particularly hedgehogs and skylarks.
15. There are no biodiversity gains as required by Borough Plan Policy NE3.

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

1. Increase in traffic at the railway crossing will cause congestion.
2. Restricting access for emergency vehicles.

3. Lack of health care facilities and school places.

APPRAISAL:

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

1. The Principle of the Development.
2. Affordable Housing.,
3. Visual Amenity and Landscape Character.
4. Residential Amenity.
5. Highway Safety and Accessibility.
6. Uses on the Site.
7. Flood Risk and Drainage.
8. Contamination and Land Stability.
9. Air Quality.
10. Ecology and Biodiversity.
11. Heritage and Archaeology.
12. Planning Obligations.
13. Conclusion.

1. The Principle of Development

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable development into three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8).

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

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

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site was previously in the Green Belt.

Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG12. This application is for phase one of the whole site and an outline application will be submitted for the rest of the site in the near future. The key development principles under Policy HSG12 are:

- Provision of at least 380 dwellings in a mix of dwelling types and sizes.
- Provision of a canal marina of up to 75 berths.
- Provision of a community building.
- Financial contributions to Warwickshire County Council towards the provision of the expansion of primary and secondary school places .

- Provision of public open space, including a public park around the existing and proposed pools.
- Accessible cycle routes and footpaths to neighbouring facilities, including schools.
- Provision of allotments.
- Financial contributions towards appropriate management and maintenance of the public open space.
- Financial contribution towards sport and physical activity.
- Financial contribution towards bus services in the area, based on dialogue with Warwickshire County Council and bus operators.
- Transport improvements/upgrades to local and wider strategic highway infrastructure.

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

This current application is for 204no. dwellings which is less than the number of dwellings identified in the allocation. An application is expected to be submitted for the rest of the site and it is anticipated that this would be for approximately 296no. dwellings. This would therefore be a total of approximately 500no.. dwellings on the whole site and Policy HSG12 refers to the provision of at least 380no. dwellings. However, this current application is only considering the proposed 204no.dwellings and cannot consider any part of the allocation which is outside the application site boundary. An Illustrative Master Plan has been submitted at this stage to show that most of the requirements of Policy HSG12 can be accommodated on the site. Therefore, it is considered that the principle of developing this site for a mix of residential, community uses and open space has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

A Concept Plan SPD has been produced for all the strategic sites allocated in the Borough, including HSG12 which were adopted in July 2020. The Concept Plan SPD establishes a strategic context for planning applications and sets a baseline position in terms of assessing future schemes which will contain more detailed proposals. A key objective of the Concept Plan is to ensure that the strategic land allocation is brought forward in a strategic and comprehensive manner. It is intended to provide a visual representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements. It is a material consideration when deciding planning applications. It is considered that the current application is in general accordance with the requirements of Policy HSG12 and the Concept Plan SPD.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more. A total of 51no. affordable units are proposed which equates to 25% and is therefore acceptable. Of the affordable units, 12no. are 1 bed (of which 4no. are bungalows), 19no. are 2 bed, 17no. are 3 bed and 3no. are 4 bed. NBBC Housing have confirmed they have no objection to this mix.

The Affordable Housing SPD 2020 recommends a tenure split of 74% social/affordable rent to 26% intermediate housing mix which will be provided on the site. The Affordable Housing SPD 2020 states that to promote inclusive communities, affordable housing should not be identifiable from other forms of housing within a housing development. Affordable housing should not be located in the least desirable areas of the site but distributed evenly amongst market housing. The SPD also provides appropriate cluster sizes which depend on the size of the development. For sites of 200-500 dwellings it recommends 3-8 clusters with a maximum of 15no. units in each. It is considered that this is met as 5 clusters are provided which are spread evenly throughout the site. There is one cluster of 18no. units. However, taking into consideration the layout of the site the clustering of 18no. units is sensible as the cluster forms a reasonably sized development parcel, and as the figure is marginally above the maximum figure set out, it is considered that this is acceptable. NBBC Planning Policy have no objections on that basis.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area. The SHMA 2013 indicates there is greatest need in the borough for three bed properties (53.3% modelled market need), followed by two bedroom properties (33.1%) then 4 bedroom properties (8.9%). The proposal will provide 1 bed properties (3%), 2 bed properties (38%), 3 bed properties (48%) and 4 bed properties (11%). It is considered that the proposed provision is in general accordance with the SHMA and therefore acceptable.

3. Visual Amenity & Landscape Character

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

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2017 and have been used to inform the Borough Plan. This site falls within the southern part of Landscape Character Area 6- Nuneaton and Bedworth Urban Fringes. The landscape strength was considered moderate and the landscape condition considered poor for the area.

The Landscape Character Assessment update has suggested a number of guidelines for new development within HSG12 which includes using woodland to soften views of the urban edge, creating a high quality frontage to new development along the canal, variation of built form of the new urban edge, for example by varying building heights, house types and/or materials and incorporating existing waterbodies and public rights of way within the development.

The Concept Plan SPD states that the western edge will add a new linear woodland parallel to the railway, in order to reinforce existing outgrown hedgerows, and to screen views of the industrial estate from the park. A Landscape Master Plan has been

submitted with the application which shows an area of woodland planting to part of the western boundary. However, the majority of that boundary is shown as wildflower grassland. Notwithstanding the details shown on the Landscape Master Plan, a condition is suggested that full landscaping plans including the planting species along the western boundary is submitted.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127).

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The proposed built development is outward facing in relation to the existing residential development, the proposed open space and the proposed allotments. This provides visual interest and a positive relationship between the different uses. The primary north-south spine road is designed as a boulevard flanked by semi-detached and link-detached houses. The dwellings are arranged to clearly define the line of the street. A similar approach is taken to the east-west primary link road. Three cul-de-sacs on the western edges and one on the northern edge of the landscaped areas provide access to private drives designed as shared surfaces with frontage parking designated to the houses. A series of mews street within the core of the site are designed with shared surfaces and links to the adjoining streets at each end, avoiding enclosed courts and allowing alternative access points for emergency vehicles in the event they are required.

The dwellings are predominantly two storey apart from 4no. bungalows. Materials consist of brick with some render and other details such as canopies, chimneys, cill detailing and bay windows. It is considered that this adds interest to the site. A Materials Plan has been submitted which proposes brick walls where private gardens adjoin roads and close boarded timber fencing elsewhere which is considered acceptable in terms of visual amenity.

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

4. Residential Amenity

BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity.

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

In relation to the existing properties, distance standards are met, in compliance with the Sustainable Design & Construction SPD 2020. In terms of inside the site, distance standards are generally met. Plot 92 has detached garages on both side boundaries which can lead to the creation of a sense of enclosure. However, the garages are staggered which is considered to reduce the impact on that plot. There is also an element of buyer beware. Plots 45/46 each have a bedroom window that face the blank wall of plot 31 at a distance of approximately 9 metres where distance standards normally require 12 and 14 metres. However, these rooms are shown to be served by angled windows which means there are views past plot 31 which results in a better standard of amenity.

5. Highway Safety & Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access is proposed off Stockley Road/Sephton Drive and the position of the access is in accordance with Policy HSG12 and the Concept Plan SPD.

The entrance to the site at the junction with Sephton Drive would take the form of a junction, inside the site boundaries, linking to Stockley Road and the two new primary routes into the site. The character of the primary roads is marked visually by the 'boulevard' treatment with verges and tree planting. Secondary roads are short cul-de-sacs, clearly differentiated from the main routes. The mews and private drives would be denoted by alternative road surface materials or banding to clearly differentiate their hierarchy and their use as shared surfaces. WCC Highways have no objection to the proposed layout subject to conditions.

In terms of parking provision, one space per dwelling is provided for each one bed property, two spaces for each two-bed property, two spaces for each smaller three bed property and two spaces plus a single garage for each three- and four-bedroom properties. The Council does not have any saved car parking standards and this level of provision is considered acceptable. In addition, 18no. spaces are proposed to serve the community building.

A Transport Assessment has been submitted with the application. This details the modelling that has been undertaken to assess the traffic impact of the development on the local and strategic highway network. This has included assessments of the level crossing on Blackhorse Road, the Blackhorse Road traffic signal junction, the Longford Road/Oakmoor Road junction, the School Lane/Coventry Road junction, the Longford Road corridor and junction 3 of the M6. In relation to junction 3 of the M6, Highways England had concerns that the cumulative impact of this application and allocated growth within the adopted Local Plans, would have an impact on the safe and efficient operation of M6 Junction 3 and the M6 mainline. This concern focused on the M6 Southbound off-slip where the cumulative impact would result in queuing on the slip road and back onto the M6 mainline in future year assessments. This raised significant safety concerns which required mitigation. To identify a solution, the Highways Agency, WCC Highways and Coventry City Council Highways have worked together to resolve the issue. Consequently, a scheme known as the 'M6 Junction 3 Interim Scheme' has been developed by Warwickshire County Council and will signalise the B4113 arm of the junction and provide widening of that approach as well as additional stacking capacity.

The mitigation scheme has been tested within the Nuneaton & Bedworth Paramics Model and a junction impact model utilising the modelling programme LINSIG. Based on Highways England's assessment and appraisal of the modelling and associated outputs it has been demonstrated that the scheme would mitigate the operational and safety concerns identified by Highways England. The scheme would be delivered by Warwickshire County Council no later than 2026. To enable the scheme to come forward and be implemented, S106 contributions will be requested from developments and allocations which have a primary or secondary impact upon the junction, based on the modelling outputs. The contribution is currently being calculated by WCC Highways based on the impact of this development. The applicant has agreed in principle to pay a contribution. Highways England have no objections subject to conditions and S106 contributions.

WCC Highways have also requested highway capacity improvements along the Hawkesbury/Longford Rd Corridor including the provision of a cycleway and junction mitigation schemes at the Bayton Road Industrial Estate access, Blackhorse Road junction, Longford Road roundabout and carriageway widening and a cycle route to connect the development site to existing infrastructure. These S106 contributions are currently being calculated by WCC Highways based on the impact of this development. The applicant has agreed in principle to pay a contribution.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 102). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 103).

There are three public footpaths which currently cross the whole allocated site of HSG12, which provide links between Hawkesbury and Bedworth. Public footpath B36 is within this application site and runs along the western site boundary, parallel to the railway and adjacent to the south western boundary. A range of schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. A series of footpaths

and cycleways are proposed within the site which would link into the existing highway network. These generally run north to south and east to west and provide key links to and through the proposed open space and link through to the northern part of the site through to the Miners Welfare Park and Bedworth Town Centre beyond. The future application for the rest of the site will also have a connection to National Cycle Route 52. Cycle path links are also proposed to the allotments and community building. NBBC Parks have no objection to the proposals.

The Concept Plan SPD identifies a bridge crossing containing pedestrian and cycle routes over the retained central pool which would run from north to south. However, the plans submitted do not propose a bridge and instead propose the footpaths and cycle ways around the pool. The Concept Plan SPD provides guidance on the delivery of the development principles set out in the adopted Borough Plan for the site and are intended to provide a visual representation of policy requirements, as well as other key elements, and so are conceptual in nature. They are not intended to be exhaustive and show all required elements. The SPD does state that alternative solutions and land use arrangements may come forward as part of the planning application process.

The agent has submitted supporting information for not including the bridge. In terms of ecology, the pond and area around it would be valuable wildlife habitat. Following discussions with NBBC Parks, it was agreed to enable some pedestrian access at a viewing area on the south side but to deter pedestrian intrusion around the rest of the pond by pulling the proposed foot/cycle path away from the pond. A bridge across the pond would result in people encroaching nearer and over the pond, which will inevitably threaten the wildlife habitat. The agent also states that the proposed foot/cycle path would allow level access around the pond for all users including the less able and parents with buggies and all would have views of the pond without encroaching too close and protecting the wildlife habitat. They state that even a ramped bridge would not be suitable for all users. The agent has also pointed out that the proposed landscaping scheme has been carefully drawn up in liaison with Officers and it is considered that a footbridge is an unsuitable feature in this wildlife habitat setting. It is also considered that the footbridge will detract from the nearby canal foot/cycle bridge that will come forward in the Master Plan area.

It is considered that these are sufficient reasons and given that footpaths are provided around the central pool and still provide suitable links it is not considered that the omission of the bridge is significant. Users would still be able to travel north and south circling the pool. It could also be argued that the omission of the bridge is marginally better in wildlife terms to not have people crossing a bridge across the centre of the pool. NBBC Planning Policy have confirmed they are satisfied with the justification provided by the agent. A viewing area is proposed at the central pool which NBBC Parks have no objection to subject to further details of the fencing around it and the position of the benches which can be covered by a condition.

The site is in close proximity to bus route 78/78A and the nearest bus stops are on Blackhorse Road. The scheme also provides the opportunity for a circular bus route through the site. Policy TC3 of the Borough Plan states that any new residential development should be within 1,200m walking distance of a district or local centre. The site is 1,150m from the local centre at Coventry Road/School Lane which therefore meets this requirement. This policy also states that new residential

development should be 8 minutes motor vehicle drive time to a district centre. The nearest district centre within the borough is Bulkington and this is approximately 9 minutes drive time. The site is also approximately 7-8 minutes drive from Bedworth Town Centre. In addition, Arena Park shopping centre which is allocated as a major district centre in Coventry City Council's Local Plan is approximately 8-9 minutes drive time away from the site.

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

6. Uses on the Site

In addition to the residential development on the site, a number of other uses are proposed in accordance with the requirements of Policy HSG12 and the Concept Plan SPD. These include a community building that will provide a flexible space that can be used for a range of uses that may even include, in part, retail or café use. This is to be sited to the south-west of the site which means it is well located to serve the new development and the existing residents. This is to be a single storey building and provide approximately 185 sq metres of floor space. A condition can be added requiring details of the long term management and maintenance of this building and use to be submitted and details regarding the management company provisions could be included in the S106 agreement.

To the north west of the community building an area of land is designated as allotments with facilities such as a communal building and composting area. NBBC Parks have requested that full details of the allotment building are submitted which can be covered by a condition.

A community orchard is also proposed between the allotments and the community building. As with the community building, the long term management of the allotments and orchard can be dealt with through conditions and a S106 agreement. NBBC Parks have requested that details of a planting plan for the orchard are submitted which can be included as a condition.

The application proposes both formal and informal public open space and the location of this has been influenced by existing features of the site. The open space provided on this application site will tie into the wider site as illustrated on the submitted Master Plan and in accordance with the requirements of Policy HSG12 and the Concept Plan SPD.

In terms of the formal open space, an area for a BMX track is provided as part of this application and a condition can be added for it's detailed design. This will form part of the future community park to the northern part of the allocation but ensures some facilities are available for residents of this part of the site. The Health and Safety Executive have commented that the proposed BMX track is within the inner, middle and consultation zones of the site previously operated by Puma Energy which is a major hazard site. They would object if it was located within the inner zone but would find it acceptable in the middle zone but has suggested a condition that restricts its use to no more than 100 people. The location of the BMX track is indicative only and the agent has confirmed that it only needs to be pulled in slightly to take it out of the inner zone and fully into the middle zone. A condition has been added requiring full

details of the BMX track including siting of the track including areas for queuing and spectating, details of its size which should be no more than 300 metres in length and landscaping to be provided around the edges and within the track. The design of the track should limit the number of people that can use it at any one time. A further condition has also been added which prevents it being used by any club being based in association with the track and for any organised competitive use.

Towards the south, a local park is to be provided. This will include a multiplay tower, swings, seesaw, activity area and a toddler multiplay area.

NBBC Parks have stated that they have full general support for the application and believe it will be a high quality development and an attractive place to live.

These uses are acceptable and are in compliance with the Key Development Principles set out in Policy HSG12 of the Borough Plan.

7. Flood Risk & Drainage

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

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

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

8. Contamination & Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180).

Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use.

It is within this context that a GeoEnvironmental Assessment has been submitted with the application. Due to the site's coal mining history, a significant amount of preparatory work has been undertaken to understand the ground conditions of the site area. The GeoEnvironmental Assessment includes a coal mining report from the Coal Authority which, according to its records, confirms that within 20 metres of the boundary there are four mine entries. This information was supplemented by further research which confirmed that 18 shafts have been recorded and eight have been backfilled. Shaft records also confirmed the location of the shafts, however they also confirm that the Coal Authority has no records of how these have been infilled or treated. Coal was recorded at 34.00 metres below ground level.

Site works undertaken in summer 2019 comprised trial pitting, deep drilling and rotary drilling together with coal mine shaft probing and monitoring visits. Exploratory holes were located across the site to provide geotechnical parameters for the proposed new development and adjacent to potential sources identified from the desk study, and to determine the location and depth of the coal workings and mineshafts. All 18 coal shafts identified in the desk study were probed with the exception of three which were centred in the ponds on the site, however these have still been probed around the outside of the existing ponds. Of the nine shafts which were encountered only one was capped. The Coal Authority have confirmed that they are satisfied that a thorough assessment of former coal mining activity, informed by the intrusive ground investigations, has been undertaken for the application and note that the site layout has been informed by the presence of the mine entries. They subsequently have no objection subject to a condition covering submission of an approved scheme of treatment works for the mine entries on site and implementation of those remedial works.

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

9. Air Quality

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

An Air Quality Impact Assessment has been submitted with the application. This assessment considers the impacts associated with the full allocated site of 500 homes and not just this current application, in order to take into account the cumulative impacts of both schemes. It also takes into account other committed developments.

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

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

10. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. An ecological assessment and an arboricultural assessment have been submitted with the application.

Habitat and species surveys have been undertaken for the whole allocation area and confirms that the entire site is not subject to any statutory ecological designations. Hawkesbury Farm Pool is located at the northern boundary and is a Local Wildlife Site as is Bayton Lakes. Hawkesbury Junction which is an ungraded ecosite is located beyond the south eastern boundary and is also a non-statutory nature conservation site.

A series of habitats and species surveys were commissioned including badger, water vole, otter, reptiles, bats and Great Crested Newts.

A walkover field survey was undertaken to assess the habitats and flora of the site which noted semi-improved grassland, tree groups and scattered trees, dense scrub and tall ruderal. Other potential ecological habitats include four ponds and a drainage ditch. The species surveys indicated that there was no evidence of badger, water vole, otter or reptiles. A barn owl and kingfisher were observed during site surveys. Bat surveys identified the presence of six common pipistrelle, noctule, Leisler's bat, unidentified Myotis species, soprano pipistrelle and brown long-eared bats foraging or commuting around the site. The majority of bat activity was noted to be in association with the central and northern ponds and eastern boundary canal corridor, western

boundary scrub and grassland to the east and south of the site. The most dominant species being a common pipistrelle. A tree survey indicated that five had low bat roosting potential and one with moderate bat roosting potential.

A total of 28 water bodies were identified within 500 metres of the development site boundary and seven were assessed for their suitability to support breeding Great Crested Newts. The pond to the east of the site was identified as having a small Great Crested Newt population. The report makes a number of recommendations for biodiversity mitigation and enhancement measures which includes the installation of bat, bird and barn owl boxes and native tree and scrub planting. The northern part of the site, which will be retained as natural open space, will assist in boosting the biodiversity of the site.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a net gain in biodiversity. The net gain does rely on a significant contribution coming from reedbed creation in the two retained ponds but this planting is dependent on the depth of the ponds. These details have not been submitted and therefore NBBC Parks have requested a condition that further details are submitted, to establish the depth of the retained pools to inform whether reed planting in the pools will be of benefit to their biodiversity value. Those findings would inform a detailed planting plan.

11. Heritage & Archaeology

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

An archaeological assessment has been submitted with the application and has concluded that there are potential remains of buildings and industrial structures which are of local importance on the site. These features include two canal basins which were used to load coal from nearby coal pits onto barges on the Coventry Canal. Other buildings associated with Nuneaton's important industrial heritage would have been present in the area and could include warehouses and other ancillary structures.

The Warwickshire Historic Environment Record identifies the possibility that archaeological remains relating to the deserted medieval settlement of Tackley could also be present across the site. Whilst it is probable that archaeological deposits may have been destroyed or truncated across parts of the site there remains a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this site, to survive. Any such features are likely to be impacted upon by the proposed development. WCC Archaeology have been consulted and have suggested a condition that requires further work to be carried out.

12. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph

56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

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

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space facilities	£242,856.05	Applicant agreed to contribution
WCC Education	Monies for the provision and improvement of schools	£901,859.52	Applicant agreed to contribution
WCC Infrastructure	Improvement, enhancement and extension of the facilities or services of a specified library service point	£4,465	Applicant agreed to contributions To be provided through a condition
	Ongoing maintenance of public rights of way within a one and a half miles radius of the site.	£9,946.50	
	Sustainable travel information	£2,040	
	Provisions to support road safety initiatives within the community associated within the development	£10,200	
NBBC Housing	Provision of affordable housing	25% to be affordable	Applicant agreed to contribution
George Eliot Hospital NHS Trust	Provision of healthcare services at George Eliot Hospital	£168,951.00	Applicant agreed to contribution
WCC Public Health and NHS Warwickshire North CCG	Provision of healthcare improvement and/or extension of primary medical care facilities	£283,254	Applicant agreed to contribution
NBBC Sports Development	Provision and maintenance of sports and leisure facilities	£481,666	Applicant agreed to contribution

Warwickshire Police	Police infrastructure consisting of recruitment and equipping of officers and staff, police vehicles and police premises	£34,856	Applicant agreed to contribution
WCC Highways	Highway capacity improvements at: M6 Junction 3 Hawkesbury/Longford Rd Corridor including the provision of a cycleway and junction mitigation schemes at the Bayton Road Industrial Estate access, Blackhorse Road junction, Longford Road roundabout and carriageway widening A Cycle route to connect the development site to existing infrastructure	To be finalised	Applicant agreed in principle to contribution

13. Conclusion

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

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

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

It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to

this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

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

<i>Description</i>	<i>Reference number</i>	<i>Date Received</i>
Site Location Plan	SLP-01 P8	5 th August 2020
Site Plan	07E	16 th November 2020
Site Layout	01S	16 th November 2020
Affordable Housing Layout	08E	16 th November 2020
Car Parking Layout	04F	16 th November 2020
Community Building- Floor Plans & Elevations	CB01	5 th May 2020
Housing Mix Layout	05F	16 th November 2020
Landscape MasterPlan	PR069-02F	17 th November 2020
Landscape MasterPlan	PR069-01F	16 th November 2020
Local Park & LEAP Play Area	PR069-04B	20 th July 2020
Children's play area within local park (detailed design)	PR069-03B	20 th July 2020
One bed apartments	HHA2-500	20 th July 2020
2 Bed Mais V1	2 Bed Mais V1	20 th July 2020
2 Bed Mais V2	2 Bed Mais V2	5 th May 2020
Aston	Aston	5 th May 2020
Buckland	Buckland	5 th May 2020
Bungalow	BUNG-513	5 th May 2020
Farnborough	Farnborough-01	5 th May 2020
Shared Garage	Shared Garage	5 th May 2020
Single Garage	Single Garage	5 th May 2020
Hatton V2	Hatton-02	5 th May 2020
Hatton	Hatton-01	5 th May 2020
Hawford	Hawford	5 th May 2020
Hornton	Hornton	5 th May 2020
Kingston	Kingston	5 th May 2020
Lulsley	Lulsley A	16 th November 2020
Lulsley V2	Lulsley V2	5 th May 2020
Malvern	Malvern-01	5 th May 2020
Martley	Martley- 01A	5 th May 2020
Social A2 V2	A2 V2	5 th May 2020
Social A2	A2 A	5 th May 2020
Social A3 V2	A3 V2	5 th May 2020
Social A3	A3	5 th May 2020
Social A4	A4	5 th May 2020
Social Maisonettes HHA1	HHA1B	16 th November 2020
Street Scenes	02B	20 th July 2020

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

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

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

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

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

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

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

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

vi) Noise and Vibration Management Plan

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

6. No development shall commence until an approved scheme of treatment works for the mine entries on site has been submitted to and approved in writing by the Council and those remedial works have been implemented in accordance with the approved details.

7. No development shall commence until:

- a. A contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the Council;
- b. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and
- d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.

8. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA (ref no. 19172_FRA received by the Council on 9th September 2020), and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Council in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 3.5 l/s/ha for the site.
- 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.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing based on the final drainage and external levels strategy, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Further details of the proposed Ordinary Watercourse Culvert and diversion to demonstrate they are sized appropriately and are design in accordance with CIRIA C786 'Culvert, Screen and Outfall Manual'.

9. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

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

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

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

11. No development, including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Council. The LEMP shall set out how the measures detailed in the Ecological Appraisal received by the Council on 20th July 2020 will be implemented and maintained. The content of the LEMP shall include:

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

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

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

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

12. Notwithstanding the Landscape Master Plan submitted, no development including site clearance shall commence until full landscaping plans including the planting species along the western boundary, location and specification of knee rails and details of the proposed surface material for public footpath B36 have been submitted to and approved in writing by the Council. Any landscaping within a phase shall be completed within 12 months of the completion of the construction of the dwellings in that phase and subsequently maintained in the following manner:

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

13. No development shall commence until depth and profile mapping / cross sections have been submitted to the Council to establish the depth of the retained pools and to inform whether reed planting in the pools will be of benefit to the biodiversity value of the pools. The results of the profile mapping and cross sections will then inform a detailed planting scheme for emergent and marginal vegetation in the pools which, before development commences, shall be submitted to and agreed in writing by the Council. The approved planting scheme shall be implemented in accordance with the approved details.

Once a final pools planting scheme has been prepared and agreed, a revised Biodiversity Impact Calculation for the site as a whole must be calculated, submitted and agreed in writing by the Council. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire, Coventry & Solihull Biodiversity Impact Assessment Calculator (version 18.3). Should net loss of biodiversity units result then the following should be submitted:

- Details of the off-site biodiversity offsetting scheme so as to compensate for the net biodiversity loss which either

a) Includes:

- i) The identification of appropriate receptor site(s);
- ii) A management and monitoring plan for the provision and maintenance of such measures for not less than 30 years from the date of implementation of the scheme;
- iii) The provision of contractual terms by which the delivery of the offsetting scheme will be secured; or

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

In both cases a) or b) such provision must be within the Borough of Nuneaton and Bedworth (or immediately adjacent to the Borough directly joining good quality habitat). Offsetting beyond those locations will only be accepted by NBBC if it is shown all possibilities to make offsetting provision within or in direct relation to the Borough have been explored and exhausted. The written approval of the Council shall not be

issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

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

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

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

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

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

19. No development shall take place until:

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

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

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

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

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

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

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

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

24. No development above slab level shall commence until full details of the BMX track have been submitted to and approved in writing by the Council. The details shall include:

- a. siting of the BMX track including areas for queuing and spectating;
- b. details of it's size which should be no more than 300 metres in length;
- c. landscaping to be provided around the edges and within the track;

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

25. No development above slab level shall commence until full details of the allotment building including a small kitchen, meeting area, secure shared machinery and tools storage, allotment shop storage, individual plot holder storage and plumbed toilet provision have been submitted to and approved in writing by the Council. The allotments shall not be brought into use until the building has been provided and made available for use in accordance with the approved details.

26. No development above slab level shall commence until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that

include 5, 1, 0.5 and 0.3 lux contours . The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

27. No development above slab level shall commence until details of the long term management and maintenance of the community building by a body approved by the Council have been submitted to and approved in writing by the Council. The subsequent management shall be undertaken in accordance with the approved details.

28. No development above slab level shall commence until details on the long term management and maintenance of the allotments and community orchard by a body approved by the Council have been submitted to and approved in writing by the Council. The subsequent management shall be undertaken in accordance with the approved details.

29. No development above slab level shall commence until full details of the fencing for the promontory viewpoint and the position of benches in proximity to the central pool have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details and the viewing area shall not be brought into use until the fencing has been provided.

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

31. No dwelling shall be occupied until a detailed planting plan for the community orchard prepared with input from any allotment or residents group that may have been able to be formed by that point has been submitted to and approved in writing by the Council. The planting plan shall be carried out in accordance with the approved details and subsequently maintained in the following manner:

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

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

33. No more than 100 dwellings shall be occupied until the allotments and community orchard have been provided and made available for use.

34. No more than 100 dwellings shall be occupied until the community building has been constructed and made available for use.

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

36. The removal of existing trees and hedgerows on the site, those to be retained, and measures for their protection in the course of the development shall not be carried out other than in accordance with the details in the Arboricultural Assessment received by the Council on 9th September 2020 and the Landscape Master Plans (drawing nos. PR069-01F and PR069-02F) received by the Council on 16th November and 17th November respectively. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

37. 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.

38. The BMX track shall not be used by any club being based in association with the track and not for any organised competitive use.



Site Location Plan



Site Plan



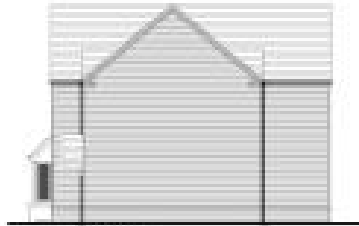
Site Layout



SIDE ELEVATION



FRONT ELEVATION



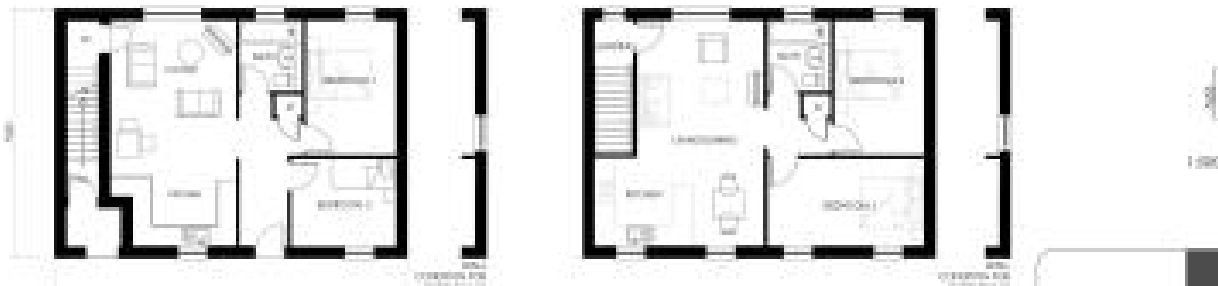
SIDE ELEVATION



FRONT ELEVATION



One bed apartments



Two bed maisonettes



Aston house type

1:50



1:50

Buckland house type



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



1:5



Bungalow house type



10.475
66.70
1:500 PLOTTING I



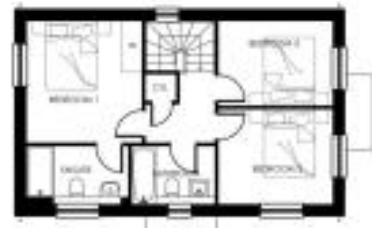
Farnborough house type



FRONT ELEVATION



Hatton house type



Hawford house type



Hornton house type



SIDE ELEVATION



REAR ELEVATION



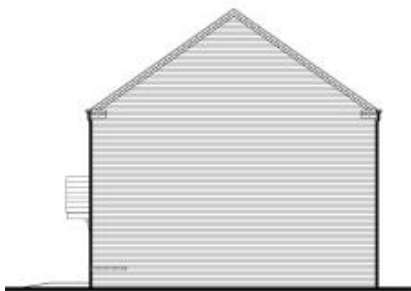
SIDE ELEVATION



FRONT ELEVATION



Kingston house type



SIDE ELEVATION



REAR ELEVATION



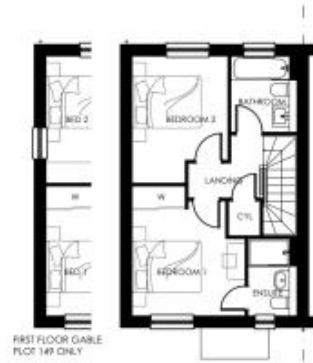
SIDE ELEVATION



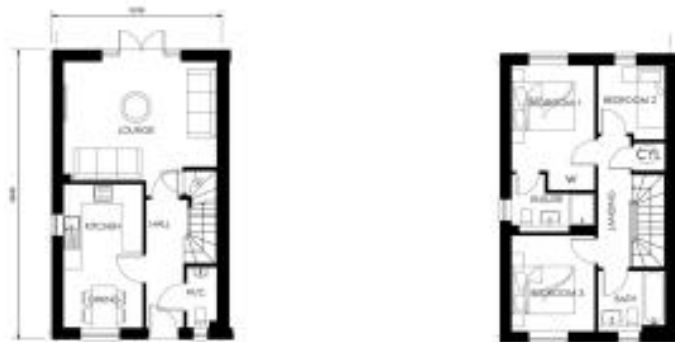
FRONT ELEVATION



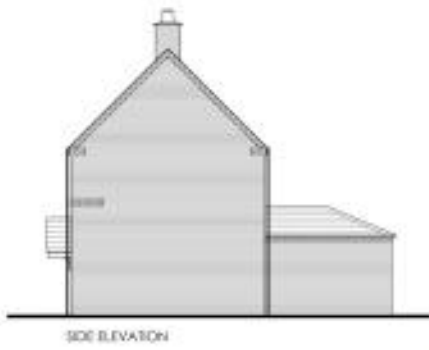
SIDE ELEVATION (Plot 149 only)



Lulsley house type



Malvern house type



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



1:500 FT



Marley house type



REAR ELEVATION



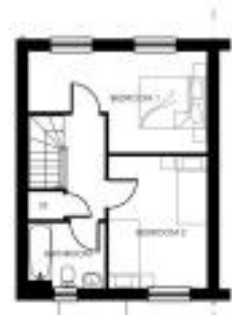
FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION



Social A2 house type



1:500 P1



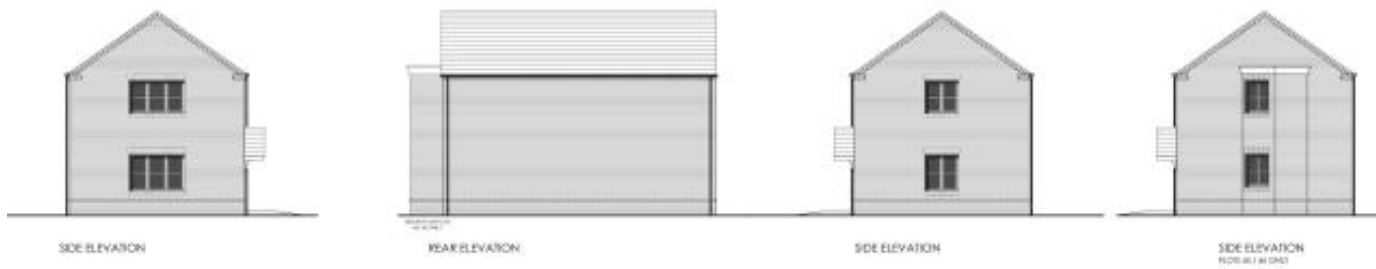
Social A3 house type



FRONT ELEVATION



Social A4 house type

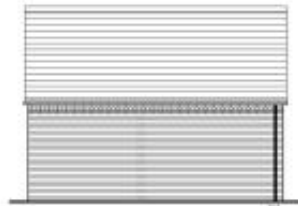


TERRA Drawing No. 1001

Social Maisonettes



SIDE ELEVATION



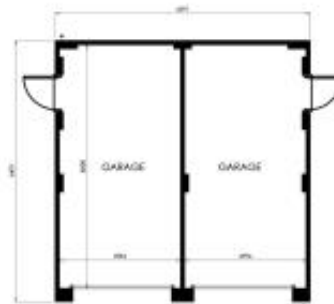
REAR ELEVATION



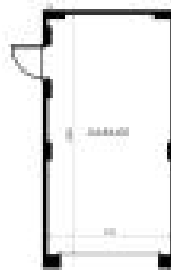
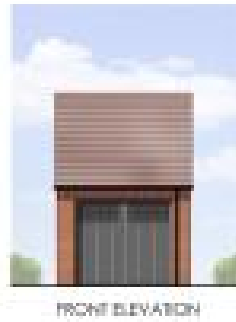
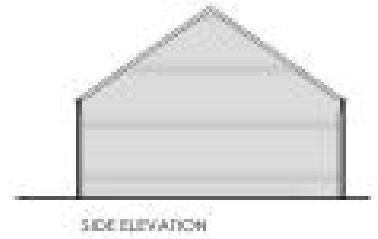
SIDE ELEVATION



FRONT ELEVATION



Shared garage



Single garage



Street Scenes

PLANNING APPLICATIONS

Item No. 2

REFERENCE No. 037206

Site Address: Site 103b007 - Marriott Road, Bedworth. Warwickshire.

Description of Development: 3 New detached dwellings and associated parking (land to the rear of 1 to 5 Marriott Road)

Applicant: Mr. R. Burriss C/O Lloyd-Thomas Architects.

Ward: HE

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

INTRODUCTION:

The application is for 3 new detached dwellings and associated parking to land to the rear of 1 to 5 Marriott Road, (Site 103b007) Bedworth Warwickshire.

The immediate adjacent surrounding are either semi or groups of 4 terraced houses and the design is known as Cornish Type 1 units which were prefabricated houses built after the Second World War with a number of the same estates across the Borough. Many thousands of these types of properties were built around the country after the war to fulfil a crisis of shortage of homes. They were originally built as precast reinforced concrete over a concrete frame with concrete panels at ground level with the first floor being within an almost vertical mansard roof finished in roof tiles with a more standard hipped roof again above. Some of the houses have been refurbished at ground floor with bricks or brick slips (predominantly in red bricks) in order to provide a cavity wall to increase the insulation in order to extend the lifespan of the dwellings. The overall height of these is approximately 7m.

Beyond this local area is a mix of house types along Smorrall Lane, the circa 1980's development of The Lawns and the more recent Woodlands development built in the last 20 years comprising of a mix of houses of both two, two and a half and three storey dwellings.

The site previously housed residential garages rented out to neighbouring properties and which have been demolished. The site is off Marriott Road and accessed via a single width vehicular access to the side of 1 Marriott Road. The site is fairly rectangular in shape.

The western boundary of the site is to the rear garden boundaries of 1, 3 and 5 Marriott Road; the northern boundary being the side of the dwelling known as 18 Himley Road

and this properties side boundary fence to its garden; to the east the boundary sides onto 18 Himley Road and to the south with the rear boundaries of 9 to 23 Lindley Road. The site seems relatively level to the surrounding area.

Much of the site is hard surfaced although it has become overgrown and there is evidence of fly tipping. The surrounding fences are a mix of materials and are largely approximately 1.8m in height.

RELEVANT PLANNING HISTORY:

No previous planning history.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development.
 - DS2 – Settlement hierarchy and roles.
 - DS3 – Development principles.
 - DS4 – Overall development needs.
 - H1 – Range and mix of housing.
 - HS1 – Ensuring the delivery of infrastructure.
 - HS2 - Strategic accessibility and sustainable transport.
 - HS3 Telecommunications and broadband.
 - BE3 – Sustainable design and construction.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.

CONSULTEES NOTIFIED:

Cadent Gas, Coal Authority, NBBC Environmental Health, NBBC Housing, NBBC Land Asset, NBBC Parks, NBBC Policy, NBBC Refuse and Recycling, Severn Trent Water, Warwickshire County Council Highways and Western Power Distribution.

CONSULTATION RESPONSES:

Objection from:
WCC Highways.

No objection subject to conditions from:
NBBC Environmental Health.

No objection from:
Coal Authority, NBBC Housing, NBBC Planning Policy and NBBC Refuse and Recycling.

Comment from:
NBBC Parks.

No response from:
Cadent Gas, NBBC Land Asset, Severn Trent Water and Western Power Distribution.

NEIGHBOURS NOTIFIED:

7 - 23 Lindley Road, 16 and 18 Himley Road, 1 – 7 (odd), 10 – 18 (even) Marriott Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 17th July 2020.

NEIGHBOUR RESPONSES:

There have been 4 objection responses (one from two people) from 4 addresses. The comments are summarised below;

1. The proposed houses are too tall.
2. Will overlook existing neighbours' gardens.
3. Will overshadow a third of nearest existing garden as it is right on boundary.
4. Access is wrong too tight for emergency vehicles.
5. Siting and layout would be cramped not in keeping with the area.
6. Design is out of character with area and will provide three storey dwellings in an area of two storey dwellings.
7. Increase in traffic on Marriott Road which is already overloaded with traffic, leading to more pollution and health and safety concerns especially for children and elderly.
8. Increase in road use for existing 'rat run' through to nearby housing estate.
9. Marriott Road should be shut at one end.
10. Disruption and damage during construction with use of heavy plant and deliveries of construction material.
11. Access not adequate for construction traffic.
12. Trees and bushes will be removed.
13. Loss of a wildlife haven.
14. Concerns engines will be left idling.
15. Over ambitious plans not sympathetic to surrounding area.

There has been one letter of support from The Bedworth Society. The comments are summarised below:

1. Offer support to Applicant and would recommend approval of planning application.
2. Bedworth Society Committee looked at design and comments were favourable.
3. Innovative and attractive designs are to be encouraged.
4. Could be a future winner of Bedworth Society award.
5. Site has been derelict for many years.
6. Would be a small private development hardly visible from its immediate surroundings and one of quality and innovation.
7. Existing houses in Marriott Road are themselves an individual unusual design from the 1950's. Recent new development nearby is a hotch-potch of house types with nothing to commend them other than maximising accommodation at reasonable prices.
8. Hope Councillors will give full support.

APPRAISAL:

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

1. The Principle of Development and Land Designation.
2. Impact on Residential Amenity.
3. Impact on Visual Amenity.
4. Access to the Site and Impact on Highway Safety.
5. Impact on Biodiversity and Ecology.
6. Flooding and Drainage.
7. Contamination.
8. Conclusion.

1. The Principle of Development and Land Designation

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 where are not allocated within a plan but come forward within the plan period, are called Windfall Sites. The Borough Plan allows at paragraph 6.22, windfall sites to make up 247 dwellings over the plan period. This site would contribution 3 houses to this.

According to the adopted Plan (Policy DS4) the Council's housing target for 2011-2031 is at least 14,060 dwellings. The latest available five-year housing land supply information indicates that for the period 2018-2023, there is a 5.13 year supply (with a 20% buffer) utilising the "Liverpool method" (dealing with the shortfall over the remainder of the period).

The Borough Plan is reliant on a number of larger sites which are historically slow to start and may have a slower build out rate. The proposed site, if considered acceptable, could offer additional flexibility in supply by delivering homes to residents early in the plan period.

Additionally, the site is classed as previously developed and as such it is classified as 'brownfield' land. Paragraph 117 of the NPPF aims to promote the efficient use 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 land is considered to be in a sustainable location and Policy DS1 of the Borough Plan similarly to the NPPF encourages sustainable development. Borough Plan Policy DS2 states that Bedworth is identified as a secondary 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 to the most up to date Strategic Housing Market Assessment (SHMA). The latest SHMA is from 2013 and states that there is greatest need in the borough for three-bedroom properties (53.3% modelled market need), followed by two-bedroom properties (33.1%) then 4-bedroom properties (8.9%). The proposed four-bedroom

dwellings would therefore not be contributing the most needed type of dwelling. However, as this proposal is only for 3 houses rather than a large development site, it is considered the mix is not as crucial and weighing this one point against the fact that the principle of the development of the site being a windfall and brownfield site in a sustainable location which carries great weight is considered that the housing mix in this instance is insufficient reason to refuse the application upon.

2. Impact on Residential Amenity

The application does not reference the recently adopted Sustainable Design and Construction SPD. However, in terms of the sustainability of the design it is considered that it largely meets this document and fully meets the National internal space standards included in this SPD.

The application must have consideration to existing and proposed residential amenity as required by tranche 'f' of Paragraph 127 of the NPPF which states:

“f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Similarly, the Council's Sustainable Design and Construction SPD section 11 refers to residential amenity and Policy 11.2 of this SPD states that:

“The way buildings relate to each other – their orientation and separation distance – must provide and protect acceptable levels of amenity for both existing and future residents. The following standards of amenity can be used flexibly, depending on house layout and on site circumstances such as orientation, window, ceiling and roof height, levels, garden size and shape. The standards are appropriate to both extensions and new residential development. With regard to the latter, care should be taken to provide scope for later extensions and alterations that will not erode these standards.

Therefore, in order to consider the impact to residential amenity each of the surrounding properties has to be assessed in turn, in relation to section 11 of the Council's SPD.

The site is accessed to the side of 1 Marriott Road and the rear garden boundaries of 1, 3 and 5 Marriott Road form the boundary with the site. The nearest area of the site to the rear boundaries of these properties is to the new internal road and parking area and the frontages of the new properties.

Impact to 1 Marriott Road

The side of this property and side of the garden is adjacent to the vehicular access, the Council's Environmental Health have not cited any concerns about noise and the coming and goings from the new 3 properties.

Impact to rear garden – The front habitable windows of proposed unit 1 are set off this neighbour's rear boundary by 19.3m and from the front windows of unit 2 by 17m. The minimum distance in terms of overlooking to private amenity space is 7m in the SPD (paragraph 11.6) so the distance in terms of overlooking to the garden is considered

acceptable. There is also a gap of 1.5m to 1.7m between the units which will provide some views beyond. It is therefore considered that in terms of the sense of enclosure and overlooking to this neighbour's garden the proposal is acceptable.

Impact to original rear windows - This existing property is extended to most of the rear at ground floor so there are no original habitable ground floor rear windows to consider. The first-floor original windows are at least 37m from the nearest proposed first floor windows at unit 1 and 39m to the second-floor windows at unit 1. The distance between windows of unit 2 to the rear first floor windows of this existing property is approximately 36m and therefore 38m to the new second floor windows. Therefore the distance fully complies with the 30m set out in the SPD at paragraph 11.4. It is therefore considered that in relation to the impact to original rear windows the proposal is acceptable.

Impact to 3 Marriott Road.

Impact to rear garden – The front habitable windows of unit 2 are set off this neighbour's rear boundary by approximately 16.8m and from the front windows of unit 3 by 14.5m. The minimum distance in terms of overlooking to private amenity space is 7m in the SPD (paragraph 11.6). There is also a gap of 1.7m between unit 2 and unit 3 which will provide some views beyond the new houses. It is therefore considered that in terms of the sense of enclosure and overlooking to this neighbour's garden the proposal is acceptable.

Impact to original rear windows - This existing property is extended to the rear at ground floor so there are no habitable ground floor rear windows to consider. The first-floor original windows are at least 35.8m from the nearest first floor windows at unit 2 and 37.8m to the second-floor windows at unit 2 and 34.8m and 36.8m to the windows of unit 3. Therefore, the distance fully complies with the 30m set out in the SPD at paragraph 11.4. It is therefore considered that in relation to the impact to original rear windows of this neighbour's property, the proposal is acceptable.

Impact to 5 Marriott Road

Impact to rear garden – The front habitable windows of unit 3 are set off this neighbour's rear boundary by approximately 14.4m. The minimum distance in terms of overlooking to private amenity space is 7m in the SPD (paragraph 11.6). It is therefore considered that in terms of the sense of enclosure and overlooking to this neighbour's garden the proposal is acceptable.

Impact to original rear windows – There is approximately 35.2m from the original ground and first floor windows of this neighbouring property to the new ground and first floor windows of the front of unit 3 and 37.2m to the second-floor windows at unit 3 therefore the distance fully complies with the 30m set out in the SPD at paragraph 11.4. It is therefore considered that in relation to the impact to original rear windows the proposal is acceptable.

Impact to 18 Himley Road

The existing property and the garden of Number 18 Himley Road is to the side of the curtilage of unit 3.

Impact to rear garden – The rear garden of this neighbouring is comparatively long at 30m. However, the side wall of unit 3 (which is 10.6m deep for two storeys and 7.2m

deep at third floor is within 1 to 1.2m of the side garden boundary of this property for a third of this garden length and which is only approximately 5.2m from the rear of 18 Himley Road. Therefore, there will be a large degree of sense of enclosure to this neighbour's garden. There is no direct guidance in the SPD that can be used to assess this impact except for paragraph 11.9 which states that two storey projections directly to the side of a neighbour's residential amenity would only be considered acceptable up to 3m in depth, therefore the depth of 10.6 to this garden is considerably more than considered acceptable in the guidance. It is slightly mitigated by the fact that unit 3 is set off the boundary by a metre to 1.2m but this is considered not enough to mitigate the sense of enclosure.

In addition, the proposed side wall is within south and south west of the closest two thirds of this adjacent garden to its house (likely to be the most used area) and this orientation is likely to provide shade for approximately half of the day to a relatively large part of the garden. In terms of privacy, unit 3 would have a bathroom window to the side at first floor and within 7m of this neighbouring garden but as this is a bathroom it would likely be obscured glazed but could be conditioned that this is maintained in perpetuity and to have no opening lights below 1.7m from the finished floor level.

Impact to rear windows - The rear of this neighbouring property has habitable rear windows which will be infringed by 45 and 60 degrees by the rear and side of unit 3 although it is recognised that the distance is likely to be at least 7m away which will lessen the impact somewhat.

It is therefore considered that the sense of enclosure to this neighbour's garden is considered to be contrary to paragraphs 11.2 and 11.9 of the Council's SPD in terms of residential amenity of this existing neighbour.

Impact to 16 Himley Road

The proposed new rear garden boundaries are to the side of this house and rear garden.

Impact to rear garden – The windows of the new proposed properties are staggered to the side garden boundary of this neighbouring property and north west of this garden. Unit 3 is virtually to the side of number 16 Himley Road so will have no impact to its rear garden. The first-floor rear habitable windows of unit 2 will be approximately 9.2m from the side garden boundary (and will overlook the middle of this neighbour's garden). The rear first floor habitable windows of unit 1 will overlook the bottom of this neighbour's garden at a distance of approximately 7.22m.

Therefore, these two distances in terms of overlooking meet the criteria of the 7m distance provided in paragraph 11.6 of the Council's SPD. The second-floor windows of these new properties will be set back by a further 2m and are windows to a bathroom and dressing room and which are not considered to be habitable and which are likely in any case to be obscure glazed for privacy.

Whilst there is no doubt these two units will provide a sense of overlooking to this garden, as they comply with the distance standards in the SPD it would be unreasonable to refuse the application in terms of overlooking or sense of enclosure to this neighbour's garden.

Impact to side and rear windows – The rear windows of this neighbouring property are at 45 degrees to the new rear windows so there will be direct overlooking between windows. Unit number 3 is more or less in line with this property and there is an existing side window to this existing property which the owner states is to a Utility/Boiler room whilst the main kitchen window is to the rear. This Utility window would be classed as a non-habitable window within paragraph 11.3 of our SPD so the distance of 13m from the rear windows of unit 3 to this window is considered acceptable.

Impact to 15 to 23 (odd numbers) Lindley Road

The rear gardens of these properties back onto either the existing vehicular access to the site or the new driveway; parking area and new front gardens. Environmental Health have no issues with noise, and it is considered that the impact to these properties is acceptable.

Impact to 13 Lindley Road

Impact to rear garden - This will have the ground and first floor of the side of unit 1 along a third of this neighbour's rear garden boundary. The proposed second floor element of the proposal will only be in line with about 700mm of this neighbour's rear garden. The side of this nearest proposed unit is approximately 1.6m off this neighbour's rear boundary fence. The new unit will be north east of this neighbour's rear garden so the loss of direct sunlight will be limited, and it is considered that the sense of enclosure will be acceptable. Especially as there appears to be detached buildings towards the end of this neighbour's rear garden.

Impact to rear windows - The distance from the rear original windows of this existing property and the side of unit 1 is 23.7m and the proposed second floor is set in a further 300cm. The Council's SPD states that the distance between habitable original windows and a wall should be 14m between two storey houses and 16m between a two-storey house and a three-storey dwelling (paragraph 11.8 of the SPD). The distance therefore easily complies with this.

In terms of overlooking - There is to be a ground floor side window to unit 1 but any views will be protected by the fence and in any case as it is to a cloakroom window it will be obscure glazed for privacy. Similarly, on the first floor there is to be landing window part way up the stairs to the side elevation and set off the boundary by 1.6m. This would be considered a non-habitable window and is likely to be obscure glazed but if approved this could be conditioned to be permanently obscured glazed with no opening below 1.7m from the adjacent landing area to prevent any overlooking. There is no side window proposed to the second floor to provide overlooking.

Impact to 11 Lindley Road

Impact to rear garden - This will have the ground and first floor of the side of unit 1 along the entire rear garden boundary. The proposed second floor element of the proposal which is stepped in will be in line with two thirds of this neighbour's rear garden. The side of this nearest proposed unit is approximately 1.6m off this neighbour's rear boundary fence which will provide some mitigation for the sense of enclosure. The new unit will again be north east of this neighbour's rear garden so the loss of direct sunlight will be limited. There is no doubt there will be some sense of enclosure to this neighbour's rear garden, and therefore the distance from this

neighbour's rear windows to the side wall of the proposal has to be considered in terms of enclosure. The distance is 23.7m and therefore the proposal would meet the 14 and 16m distance set out in paragraph 11.8 of the Council's SPD guidance.

Impact to rear windows – As stated, the distance from the rear original windows of this existing property and the side of unit 1 is 23.7m and the proposed second floor is set in a further 300cm. The distance required would be similarly 14 and 16m as above and therefore complies with paragraph 11.8 of the SPD in terms of the impact to this neighbour's rear windows.

In terms of overlooking - There is to be a ground floor side window to unit 1 but any views will be protected by the fence and in any case as it is to a cloakroom window it will be obscure glazed for privacy. Similarly, on the first floor there is to be landing window part way up the stairs to the side elevation and set off the boundary by 1.6m. As stated previously, this would be considered a non-habitable window and is likely to be obscure glazed but if approved this could be conditioned to be permanently obscured glazed with no opening below 1.7m from the adjacent landing area. There are no side windows to the second floor to provide a sense of overlooking.

In terms of residential amenity between the new properties, the properties are staggered by approximately 2.2m. The SPD considers that two storey projections cannot exceed 3m when they are on the boundary with residential amenity space in order not to provide impact (paragraph 11.9). Similarly, the nearest rear and front windows are not impacted at 45 or 60 degrees between the properties and therefore the residential amenity of the new properties is considered acceptable.

In conclusion, it is considered that whilst most of the residential amenity is acceptable or can be made acceptable via condition and therefore complies with the Council's SPD; that the impact to the garden at 18 Himley Road cannot be made acceptable and would be to the detrimental impact of the residential garden amenity enjoyed by this existing property.

3. Impact on Visual Amenity

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.

The units are of a modern individualistic style different to the surrounding area with facing brickwork for the ground and first floor on three elevations (render on the fourth elevation) and vertical pre weathered zinc walls at second floor. The roof is proposed to be in slate grey metal roofing sheets. The brickwork will be broken up by the first-floor line externally and the second floor is to be set in from the ground and first floor. The first and second floor roofs are to extend beyond the building providing curved overhangs and are to be mono-pitched.

The units will be much taller than the surrounding houses at 9m in height which is approximately 2m taller than the existing neighbouring properties. The windows are also of a contemporary design with many being floor to ceiling.

In terms of the design a grouping of 3 is just considered sufficient for the development to provide its own cohesive form and the units will largely not be seen from existing public spaces due to the surrounding houses with just glimpses down the access way and between houses.

The contemporary nature and height is considered to be acceptable in terms of Visual Amenity due the cohesive grouping of the 3 and due to their set back from the surrounding roads.

4. Access to the Site and Impact on Highway Safety

In terms of the access to the site, Warwickshire Fire and Rescue Services originally objected to the scheme as the access is only 3.35 to 3.4m in width and they require the access to be at least 3.7m. However, they said their objections could be overcome by the fitting of sprinkler systems to the houses and which was agreed by the Applicant and could be conditioned. Warwickshire Fire and Rescue subsequently removed their objection.

NBBC Refuse and Recycling Team considered that whilst they considered that the 30m length of the vehicular access was an excessive pull distance, they did not object to the proposal as long as the bins were placed on Marriott Road by the residents to be emptied and that they were then returned to the properties by the individual residents.

WCC Highways Authority have been involved throughout the application process. Their initial objections to the scheme were:

1. Vehicular movements to the site would be significant in comparison to the previous use.
2. Shared access should be 5m in width to allow two way flows of traffic and as the access is less than 3.8m this would mean that vehicles may wait within the highways to allow vehicles to leave the site which could lead to shunts or reversing back onto the highway if an oncoming vehicle was met part way along the access.
3. Poor intervisibility between the site and the public highway would exacerbate the above.
4. The shared driveway for both pedestrians, cyclists and vehicular traffic would not be safe or suitable with no demonstration to show how speeds will be reduced or lighting provided.
5. Not demonstrated that delivery vehicles could access the site and turn within the site.
6. Visibility splays from the vehicular access are not in accordance with guidance and could not be improved as not within the ownership of the land so could be obstructed in the future.
7. Pulling distance for refuse bins would exceed the maximum distance in the Manual for Streets and BS5906:2005 Waste Management in Buildings – code of Practice.
8. Refuse bins left on the footpath on Marriott Road could cause highway visibility issues.

This resulted in their objection which they quoted were on the grounds of:

- Safe and suitable access for all has not been provided.

- Priority to pedestrian movements has not been provided.
- The needs of those with disabilities or reduced movement has not be provided.
- The reduction of conflict between pedestrians, cyclists and vehicles has not been provided.
- Nor has providing a layout to allow efficient delivery of goods, and access by service and emergency vehicles been achieved.

WCC Highways considered that the application was contrary to Paragraphs 108 and 110 of the NPPF. These paragraphs are:

“108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

Following further consultations and amended plans, WCC Highways second response considered that much of the 4th objection could be conditioned so that speed restrictions and lighting could be required via condition. In respect of the 2nd objection, the Agent stated that a covenant could be placed on the new residents to ensure that traffic within the site would give way to oncoming traffic but WCC Highways similarly to the Planning Case Officer considered that this was not practicable or enforceable to all visitors to the site. In regard to the 5th objection the plans were amended to provide a turning space within the site which was considered acceptable by Highways for delivery drivers.

WCC Highways were surprised that NBBC Refuse and Recycling had no objections to the scheme as no swept path analysis was provided within the scheme to show that Refuse vehicles could safely enter the site or alternatively that the Council’s Refuse

Team did not object to the pull distances for residents to take their bins onto Marriott Road for collection.

This second WCC Highways response remained of objection as they considered the site was still contrary to Paragraphs 108 and 1110 of the NPPF. This second response of objection was forwarded to the Agent and further discussions were held but no further amended plans were received.

The responses from Warwickshire Fire and Rescue and NBBC Refuse and Recycling Team were forwarded to WCC Highways and Highways responded a third time and reiterated that 6 bins on the path near to the access could affect visibility and recommended that the Agent provided a bin collection point within the access which they considered could also provide a speed reduction feature. No amended plans were received but it is considered that this could be overcome by providing a condition to show a bin collection point within the access. In addition, as the Council's own Refuse Team do not have objections to the scheme it would be unreasonable to refuse the application on this basis.

WCC Highways were also concerned that Warwickshire Fire and Rescue Services had no objection bearing in mind that appliances could not get within 45m of the new dwellings as required by Building Regulations, but they considered that this was for the Fire and Rescue Services to guide upon and not Highways. As Fire and Rescue have no objection subject to the installation of sprinkler systems, it is considered that this would not be reason to refuse the application upon.

This final response from WCC Highways remained of objection as they considered the scheme was still contrary to Paragraphs 108 and 110 of the NPPF.

Paragraph 102 of the NPPF outlines the need for planning to 'promote walking, cycling and public transport' and to make the fullest possible use of these. Paragraph 103 states that growth should be focused on locations which are or can be made sustainable. A cycle storage area has been provided within the site and the site is relatively close to bus routes.

The site plan provides two parking spaces per property within the site and whilst WCC Highways normally state that larger properties should have more than two spaces each, no reference to parking has been made on this application by WCC Highways. At this current time the Council have no extant Parking standards so it is considered that the provision of more than two spaces per property could not be insisted upon.

It is considered that whilst many of WCC Highways objections can be overcome via condition that not all concerns can be addressed such as visibility splays, conflicts due to the narrowness of the access between vehicles and with other road users in terms of highways safety.

5. Impact on Biodiversity and Ecology

Policy NE3 of the Borough Plan mirrors National Policy and refers to the protection and enhancement of ecology. No Ecological report, surveys or biodiversity calculations have been received with the application.

The Council's Parks initial response in July was that the site appeared to be of semi natural grassland which they considered would likely be species poor but that a Preliminary Ecological Appraisal and any additional surveys linked to species, together with offsetting calculations for biodiversity should be provided and which are required prior to determination. This request was forwarded to the Agent but no such documents were received.

In order to bring the application to Committee the Council's Parks Team were contacted again and whilst they would have preferred receiving the information before responding; they did consider that the site was small and ecologically isolated and considered as such that the likelihood of protected species being present was very low. They therefore suggested that conditions could alleviate any concerns. They requested that a vegetation condition was included to ensure that an ecologist was present at the time the site was cleared to direct and supervise the clearance and who would then order the clearance to halt if any protected species were found and which would prevent an offence being committed. In the absence of the surveys Parks also requested conditions for biodiversity mitigation including the requirement for bird and bat bricks in each dwelling, a landscape condition to make full use of garden and boundary areas and to include mammal gaps to fences and a lighting condition to take into account ecology within the area to prevent or limit light spill.

In conclusion it is considered that the impact to biodiversity and ecology can be made acceptable via 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 (paragraphs 155-165). This mirrors Policy NE4 of the Borough Plan.

The development site is located in Flood Zone 1, which is considered suitable for all land uses, so this is acceptable. Neither the Environment Agency nor WCC Flood Risk Management were consulted as the application was not a major.

Severn Trent Water have not responded to the consultation.

In conclusion it is considered that flooding and drainage is acceptable.

7. Contamination

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraph 178). The Council's Environmental Health have advised they have no objections subject to the standard four contamination conditions.

In conclusion it is therefore considered that contamination is acceptable or can be made acceptable via conditions.

8. Conclusion

The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be

made in line with an adopted Development Plan, unless material considerations indicate otherwise.

The proposal has some key benefits which is the provision of housing in a sustainable location and reuse of a brownfield site which is just currently derelict and would provide 3 dwellings to the Council's allocation of windfall sites.

WCC Highways have objected to the scheme on the grounds of highways safety and which does carry weight against the application.

Carrying out an assessment of the proposed dwellings in relation to the impact on existing properties using the design guidance set out in the Sustainable Design and Construction SPD section 11 shows that the impact to the residential amenity of 18 Himley Road would be to the detriment of this neighbouring property and contrary to Guidance.

Therefore it is considered that the disadvantages of harm created outweigh the benefits of the scheme and is reason for refusal of the application in terms of residential amenity and highway safety.

REASONS FOR REFUSAL:

Refusal is recommended due to the following Policies:

1 (i) Paragraph 127 of the National Planning Policy Framework 2019 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

(ii) Nuneaton & Bedworth Borough Plan 2019 Policy BE3 - Sustainable design and construction states (in part):

Development proposals must be:

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

Urban character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

Supplementary planning documents:

Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction supplementary planning document.

(iii) This application is contrary to these Policies in that Unit 3 would have a significant impact on the residential amenity of the existing private garden at 18 Himley Road due to the proximity and orientation of this proposed new dwelling to this neighbouring garden. This could be detrimental to the residential amenity enjoyed by this neighbouring property. (Contrary to guidelines contained in paragraph 11.2 and 11.9 of the Council's Sustainable Design and Construction Supplementary Planning Document 2020).

2 (i) Paragraph 108 of the National Planning Policy Framework 2019 states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

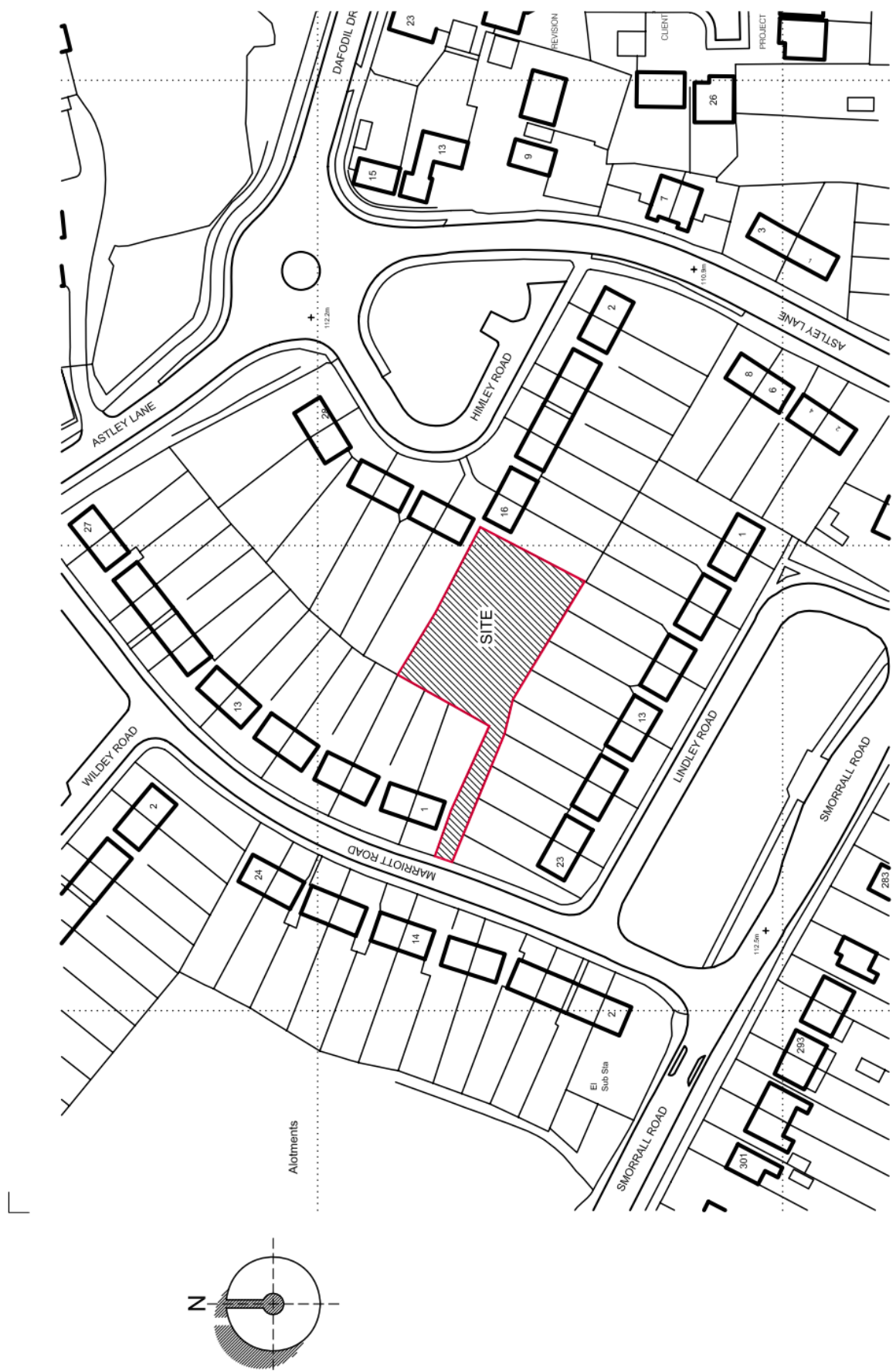
(ii) Paragraph 110 of the National Planning Policy Framework 2019 states:

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

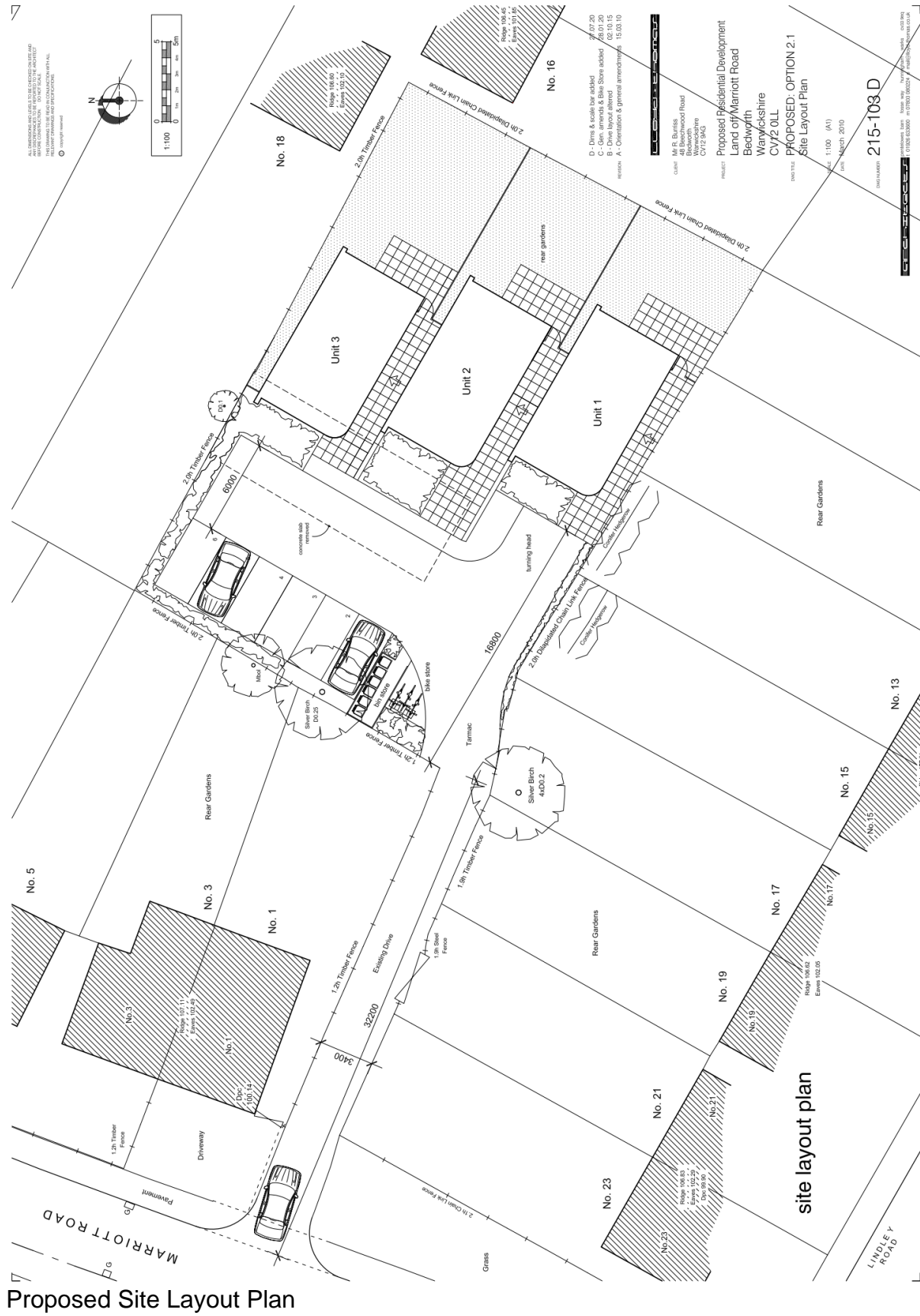
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

(iii) This application is contrary to these Paragraphs in that it has not been adequately demonstrated that the proposal would not result in an intensification of a sub-standard access which could have a detrimental impact on pedestrian and highway safety.

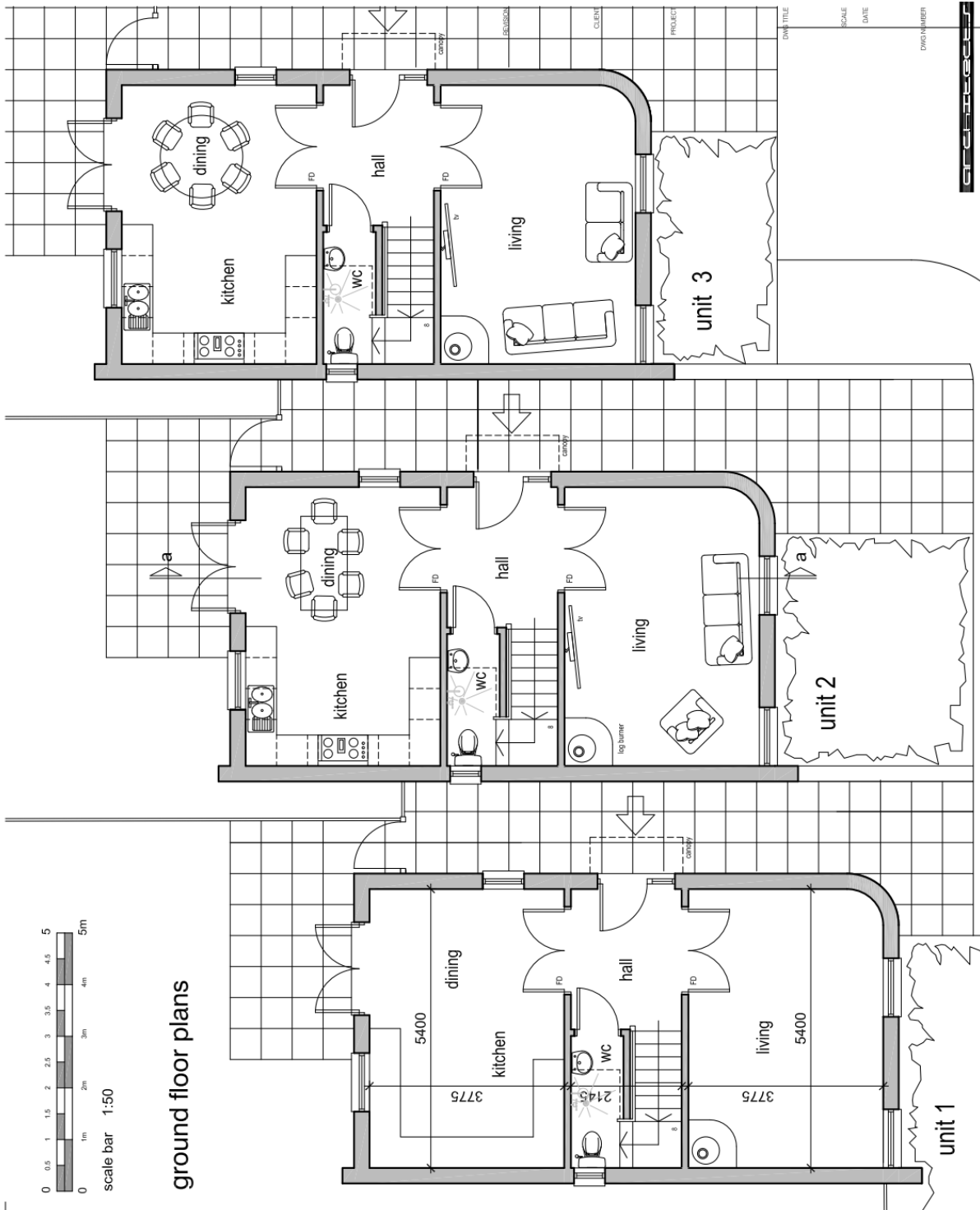


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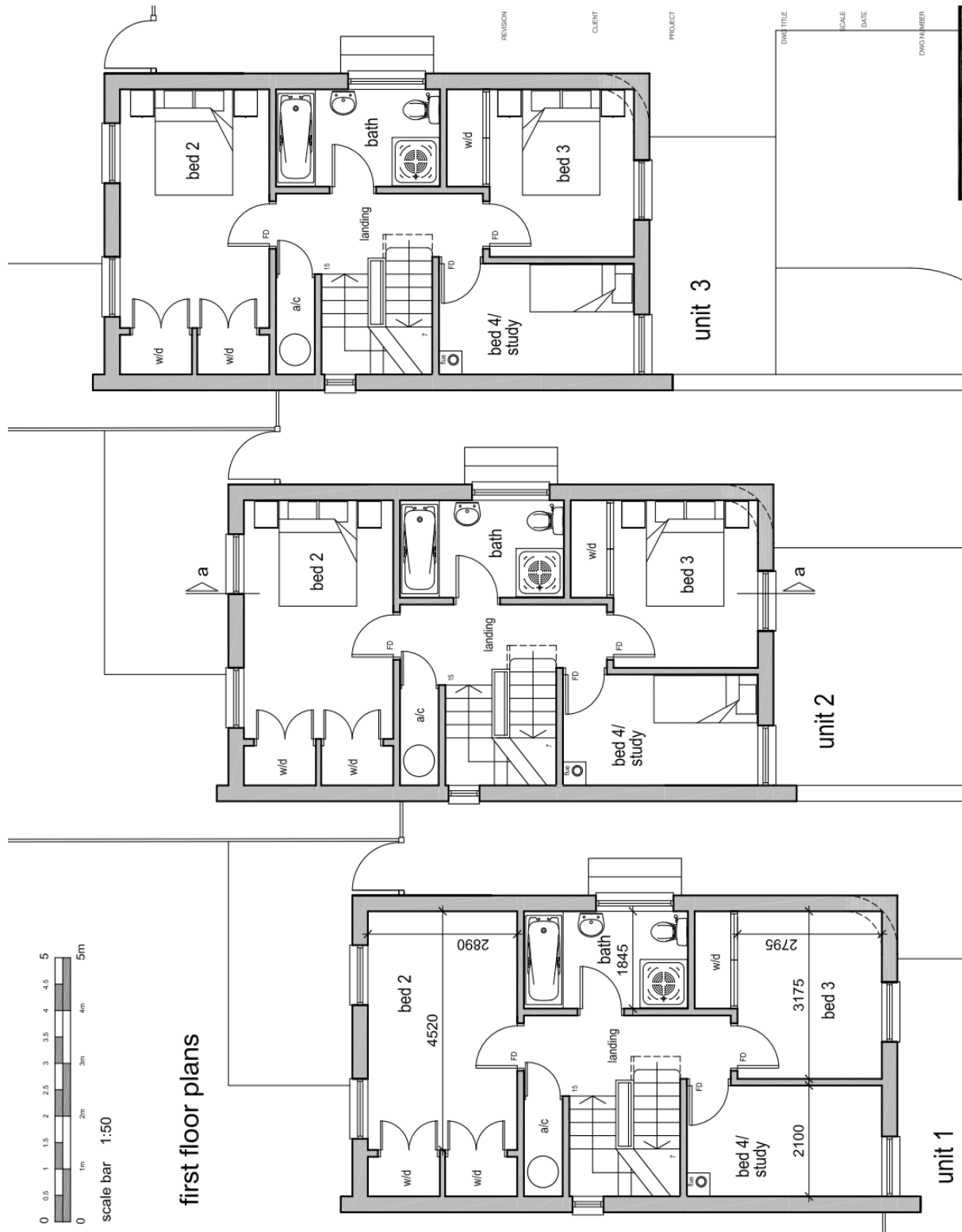
Location Plan



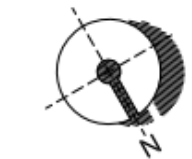
Proposed Site Layout Plan



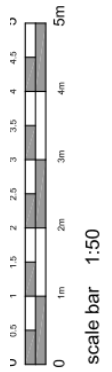
Proposed Ground Floor Plans



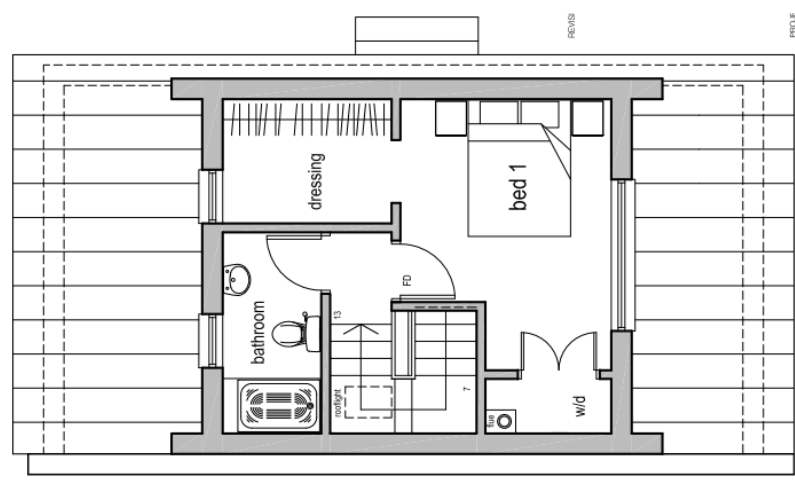
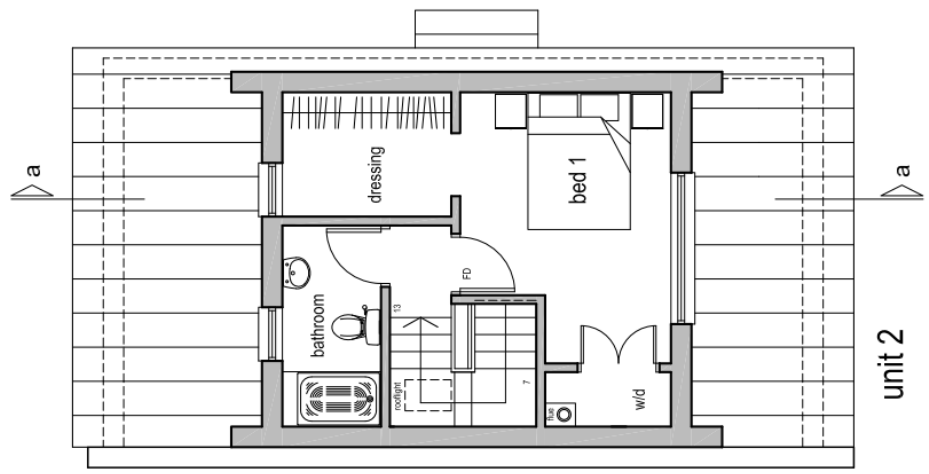
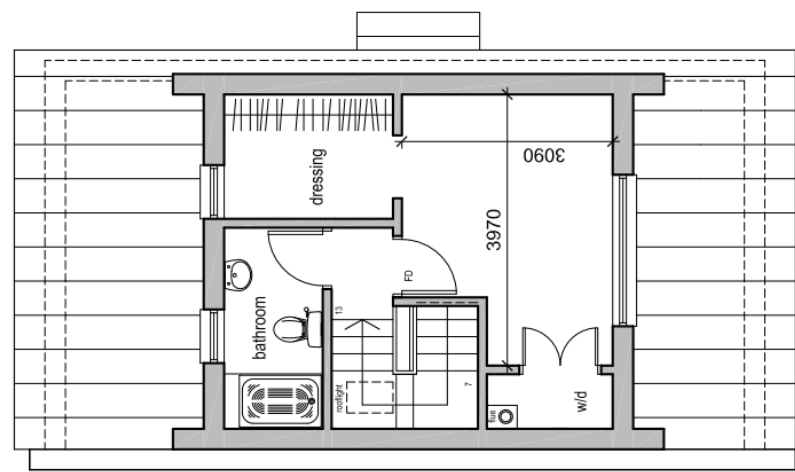
Proposed First Floor Plans



Proposed Second Floor Plans



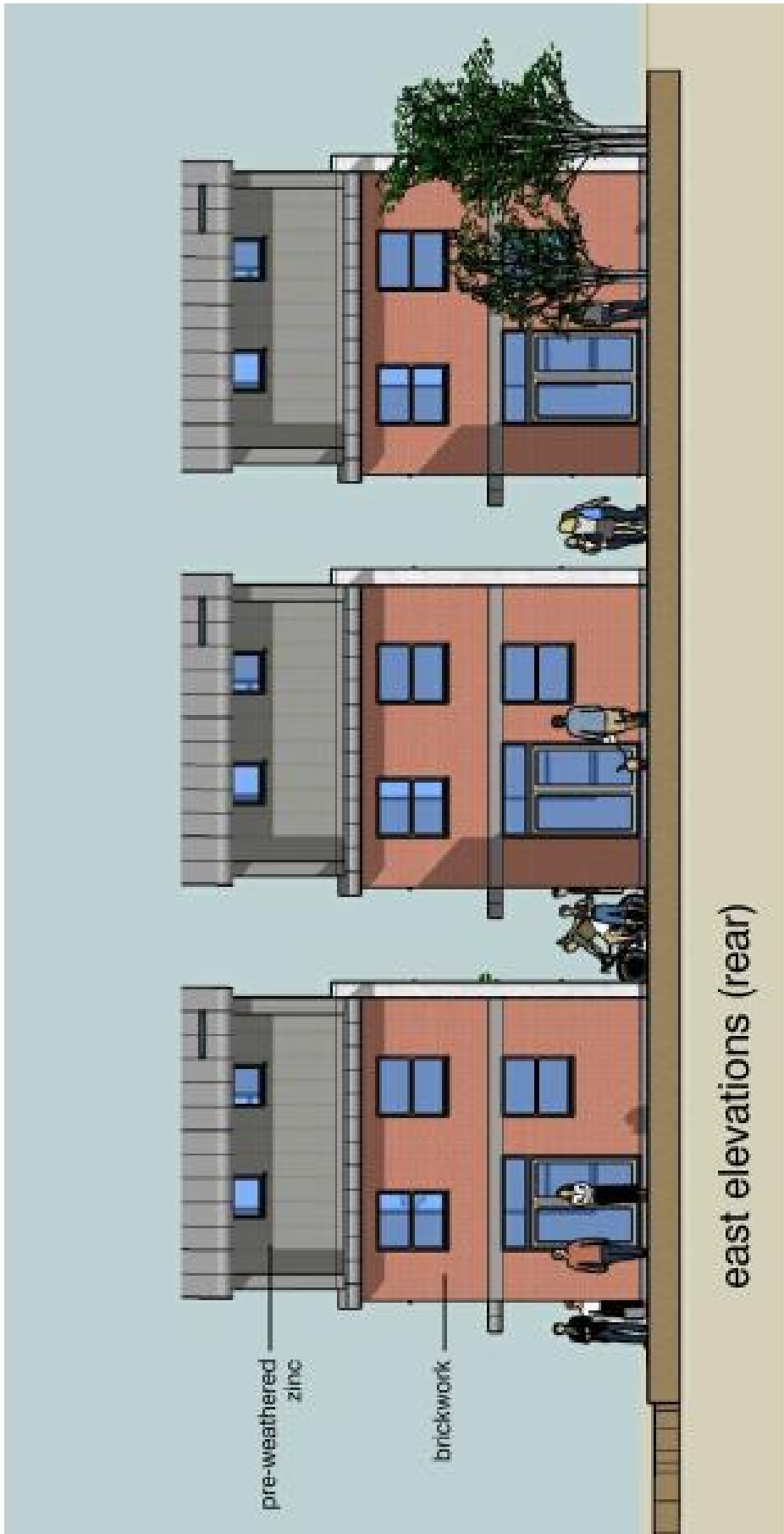
second floor plans



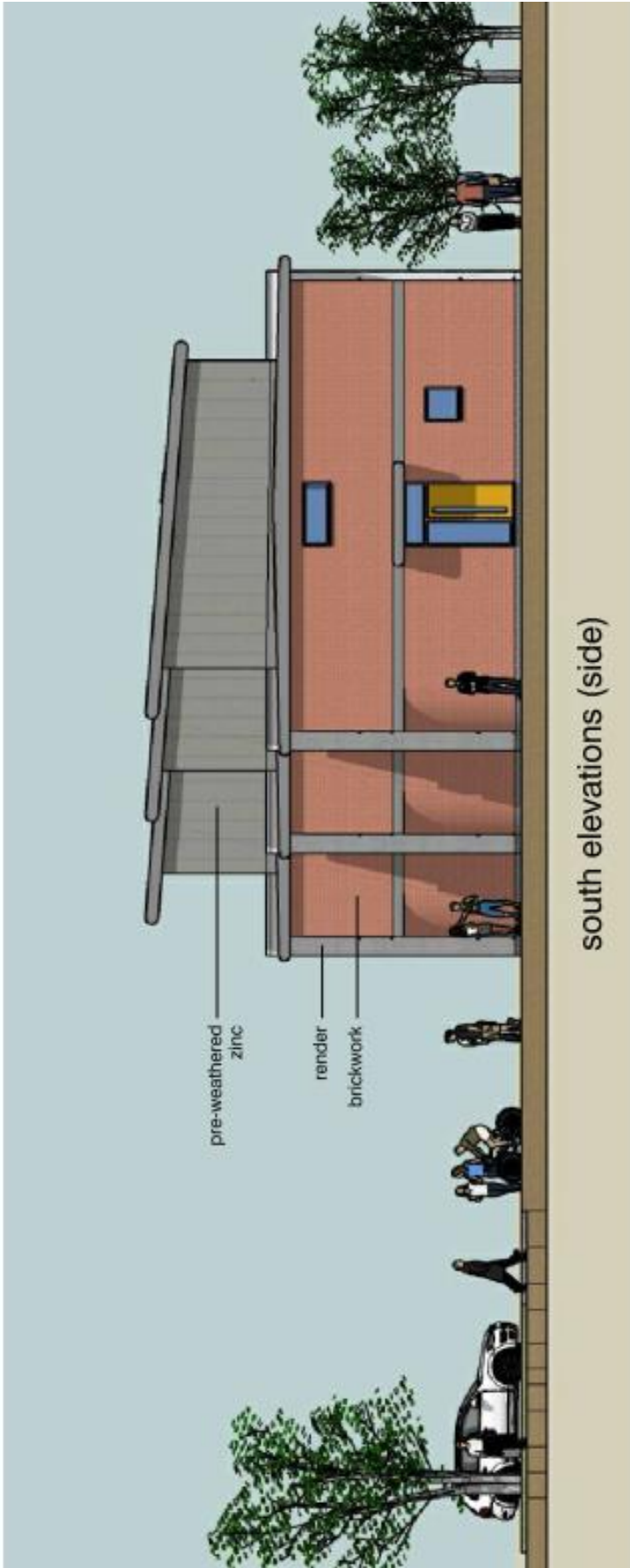
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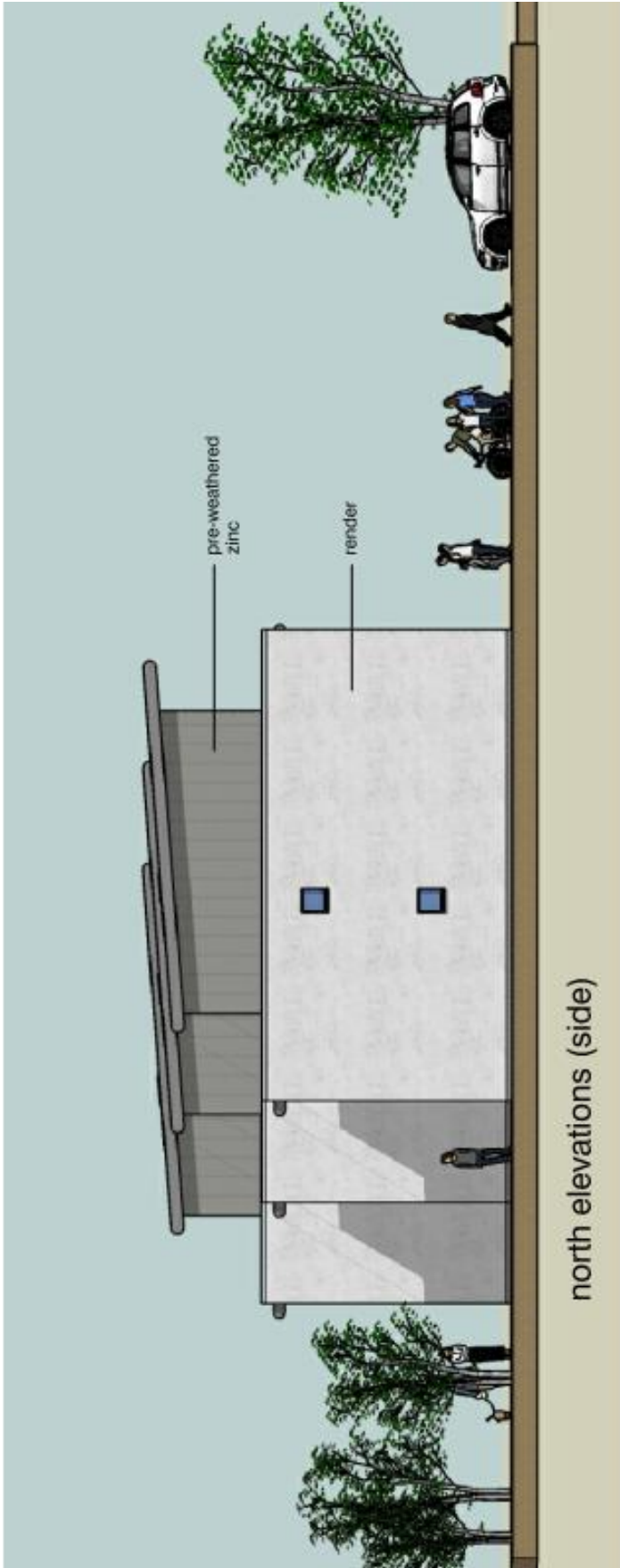
Proposed Front Elevations



Proposed Rear Elevations

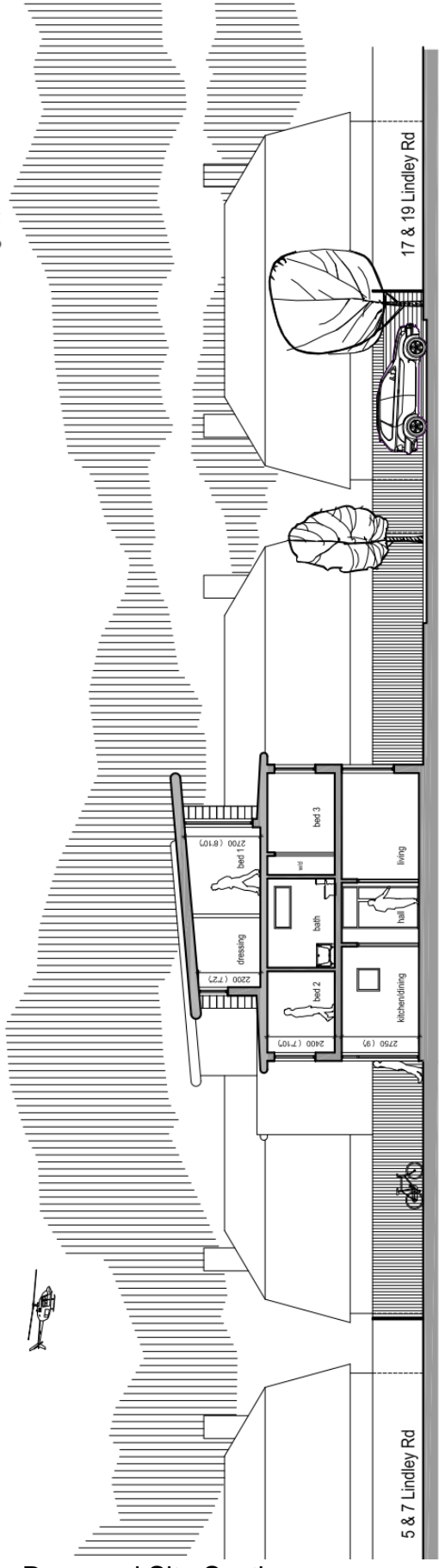


Proposed Side (South) Elevation



Proposed Side (North) Elevation

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONDITIONS AND SPECIFICATIONS
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Proposed Site Section.

11.11.19
 B - Section updates (A2)
 24.05.12
 A - Sketch Section B.B added

unit 2
 site section A-A



Mr R. Burris

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)