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Date: 22<sup>nd</sup> December 2020

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held **on Tuesday, 12<sup>th</sup> January 2021 at 5.00 p.m.** 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](http://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](mailto: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](mailto: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 8<sup>th</sup> December 2020 (**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 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT  
Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered
6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK 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 15)**
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 15)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**8<sup>th</sup> December 2020**

A meeting of the Planning Applications Committee was held on Tuesday, 8<sup>th</sup> December, 2020. 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, G. Pomfrett (substituting for Councillor Rudkin) A. Sargeant, J. Sheppard, R. Smith, J. Tandy, R. Tromans, C.M. Watkins, and K. Wilson.

Apologies: Councillor M. Rudkin. Councillor Tromans also apologised as he was unable to join the meeting until 5pm.

**PLA48 Chair's Announcements**

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

**PLA49 Minutes**

**RESOLVED** that the minutes of the meeting held on the 27<sup>th</sup> October, 2020 be confirmed and signed by the Chair.

**PLA50 Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes. In the addition the following was declared:

Councillor K. Wilson and Councillor R. Tromans declared a non pecuniary interest in relation to agenda item 10 in that they are both members of Chilvers Coton Conservative Club but had not discussed the matter with management. .

**PLA51 Declarations of Contact**

All Members received a letter from Sulaiman Ahmedabadi Regarding Planning Application Number 037333.

Also, a letter was submitted to all members from the Senior Planner Jen Beardsall from DEPOL Chartered Town Planners, and Dr Stacey Mann an agent from Warwickshire County Council regarding Agenda Planning Application Number 037398 (confidential item)

**IN PUBLIC SESSION**

PLA52 **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.

PLA53 **Exclusion of Public and Press**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 12 of Part I of the Schedule 12A to the Act.

**PART 2: PRIVATE SESSION**

PLA54 **Certificate of Lawful Development – 3 Freesland Rise, Nuneaton**

**RESOLVED** that authority is given to the Director – Democracy Planning and Public Protection to issue a Certificate of Lawfulness of Proposed Use or Development.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA40 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 8<sup>th</sup> December, 2020

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037333 Site 62A011 John Street, Nuneaton . Erection of a 4 bed detached  
dwellinghouse

Applicant: Mr Bally Dhaliwal

**Public Statements: Mr Sulaiman Ahmedabadi**

**DECISION**

Planning Committee is recommended to refuse planning permission, for the reasons as printed in the agenda and the addendum.

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

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	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"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	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"> <li>• Building Control Partnership Steering Group</li> <li>• Hammersley Smith &amp; Orton Charity</li> </ul>	
	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"> <li>• Nuneaton &amp; Bedworth Sports Forum</li> <li>• Camp Hill Urban Village and Pride in Camp Hill</li> <li>• Poor's Piece Charity</li> <li>• Committee of Management of Hartshill &amp; Nuneaton Recreation Group</li> <li>• Towns Board</li> </ul>	
	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"> <li>• Nuneaton Labour CLP</li> <li>• The Fabian Society</li> <li>• The George Eliot Society</li> <li>• The PCS Union</li> <li>• Central Credit Union</li> <li>• Stockingford Sports and Allotment Club</li> <li>• Haunchwood Sports and Social Club</li> </ul> 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"> <li>• Bedworth Neighbourhood Watch Committee</li> </ul>	
	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"> <li>• Advice Rights</li> </ul>	



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 &amp; Adults)</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Local Government Superannuation Scheme Consultative Board</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</li> <li>• West Midland Employers</li> <li>• Nuneaton Neighbour Watch Committee</li> </ul>	
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"> <li>• Nuneaton Festival of Arts</li> <li>• Warwickshire Race Equality Partnership</li> <li>• Warwickshire Race Equality Partnership</li> <li>• West Midlands Combined Authority Audit Group</li> </ul>	
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"> <li>• Nuneaton and Bedworth Home Improvement Agency.</li> <li>• Nuneaton and Bedworth Safer and Stronger Communities Partnership.</li> <li>• Safer Warwickshire Partnership Board.</li> <li>• Warwickshire Housing Support Partnership.</li> <li>• Warwickshire Police and Crime Panel.</li> </ul>	
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  
Schedule of Declarations of Interests – 2020/2021**

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

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Address</b>	<b>Page No.</b>
1.	036870	Site 117c003 - Blackhorse Road, Exhall, Coventry, West Midlands	
2.	037022	Site 115d001 - School Lane, Exhall, Coventry	
3.	037457	87 Edward Street, Nuneaton, Warwickshire	

<b>Wards:</b>					
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		

**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

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**RECOMMENDATION:**

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

**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 20<sup>th</sup> January 2020 and 13<sup>th</sup> May 2020. Site notices erected on street furniture on 13<sup>th</sup> January 2020 and 15<sup>th</sup> May 2020 and the application was advertised in The Nuneaton News on 22<sup>nd</sup> January 2020 and 20<sup>th</sup> 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 in to three key constituents which are; economic, social and environmental dimensions (paragraphs 7 and 8). The NPPF also sets out a presumption in favour of sustainable development (paragraph 11). In broad terms, this

means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 11). The presumption in favour of sustainable development is also set out in Policy DS1 of the Borough Plan (2019) which should be seen as a golden thread running through both plan making and decision taking.

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Bedworth having the secondary role for employment, housing, town centre, leisure and service provision. The site was previously in the Green Belt. Policy DS5 of the Borough Plan refers to a number of sites that will be allocated for residential development and associated infrastructure and this application site forms part of allocation HSG12. This application is for phase 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 296 no. 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 can not 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 the railway embankment although some sound insulation measures are recommended for the nearest proposed dwellings. NBBC Environmental Health have requested a condition for a noise attenuation scheme including glazing, ventilation, orientation and boundary treatment details.

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 reduces 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. Cyclepath 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 masterplan 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 it's 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 (NO<sub>2</sub>) 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
<b>NBBC Parks</b>	Provision and maintenance of play and open space facilities	£242,856.05	Applicant agreed to contribution
<b>WCC Education</b>	Monies for the provision and improvement of schools	£901,859.52	Applicant agreed to contribution
<b>WCC Infrastructure</b>	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	
<b>NBBC Housing</b>	Provision of affordable housing	25% to be affordable	Applicant agreed to contribution
<b>George Eliot Hospital NHS Trust</b>	Provision of healthcare services at George Eliot Hospital	£168,951.00	Applicant agreed to contribution
<b>WCC Public Health and NHS Warwickshire North CCG</b>	Provision of healthcare improvement and/or extension of primary medical care facilities	£283,254	Applicant agreed to contribution
<b>NBBC Sports Development</b>	Provision and maintenance of sports and leisure facilities	£481,666	Applicant agreed to contribution
<b>Warwickshire Police</b>	Police infrastructure consisting of recruitment and equipping of officers and staff, police vehicles and police premises	£34,856	Applicant agreed to contribution
<b>WCC Highways</b>	Highway capacity improvements at: M6 Junction 3	To be finalised	Applicant agreed in principle to contribution



	<p>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</p> <p>A Cycle route to connect the development site to existing infrastructure</p>		

### 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:

Description	Reference number	Date Received
Site Location Plan	SLP-01 P8	5 <sup>th</sup> August 2020
Site Plan	07E	16 <sup>th</sup> November 2020
Site Layout	01S	16 <sup>th</sup> November 2020
Affordable Housing Layout	08E	16 <sup>th</sup> November 2020
Car Parking Layout	04F	16 <sup>th</sup> November 2020
Community Building- Floor Plans & Elevations	CB01	5 <sup>th</sup> May 2020
Housing Mix Layout	05F	16 <sup>th</sup> November 2020
Landscape MasterPlan	PR069-02F	17 <sup>th</sup> November 2020
Landscape MasterPlan	PR069-01F	16 <sup>th</sup> November 2020
Local Park & LEAP Play Area	PR069-04B	20 <sup>th</sup> July 2020
Children's play area within local park (detailed design)	PR069-03B	20 <sup>th</sup> July 2020
One bed apartments	HHA2-500	20 <sup>th</sup> July 2020
2 Bed Mais V1	2 Bed Mais V1	20 <sup>th</sup> July 2020
2 Bed Mais V2	2 Bed Mais V2	5 <sup>th</sup> May 2020
Aston	Aston	5 <sup>th</sup> May 2020
Buckland	Buckland	5 <sup>th</sup> May 2020
Bungalow	BUNG-513	5 <sup>th</sup> May 2020
Farnborough	Farnborough-01	5 <sup>th</sup> May 2020
Shared Garage	Shared Garage	5 <sup>th</sup> May 2020
Single Garage	Single Garage	5 <sup>th</sup> May 2020
Hatton V2	Hatton-02	5 <sup>th</sup> May 2020
Hatton	Hatton-01	5 <sup>th</sup> May 2020
Hawford	Hawford	5 <sup>th</sup> May 2020
Hornton	Hornton	5 <sup>th</sup> May 2020
Kingston	Kingston	5 <sup>th</sup> May 2020
Lulsley	Lulsley A	16 <sup>th</sup> November 2020
Lulsley V2	Lulsley V2	5 <sup>th</sup> May 2020
Malvern	Malvern-01	5 <sup>th</sup> May 2020
Martley	Martley- 01A	5 <sup>th</sup> May 2020
Social A2 V2	A2 V2	5 <sup>th</sup> May 2020
Social A2	A2 A	5 <sup>th</sup> May 2020
Social A3 V2	A3 V2	5 <sup>th</sup> May 2020
Social A3	A3	5 <sup>th</sup> May 2020
Social A4	A4	5 <sup>th</sup> May 2020
Social Maisonettes HHA1	HHA1B	16 <sup>th</sup> November 2020
Street Scenes	02B	20 <sup>th</sup> 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 9<sup>th</sup> 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 20<sup>th</sup> 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 (may not be needed) 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 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:
- siting of the BMX track including areas for queuing and spectating;
  - details of it's size which should be no more than 300 metres in length;
  - 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 9<sup>th</sup> September 2020 and the Landscape Master Plans (drawing nos. PR069-01F and PR069-02F) received by the Council on 16<sup>th</sup> November and 17<sup>th</sup> 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



One bed apartments



Two bed maisonettes



Aston house type



Buckland house type



Bungalow house type



Farnborough house type





Hatton house type



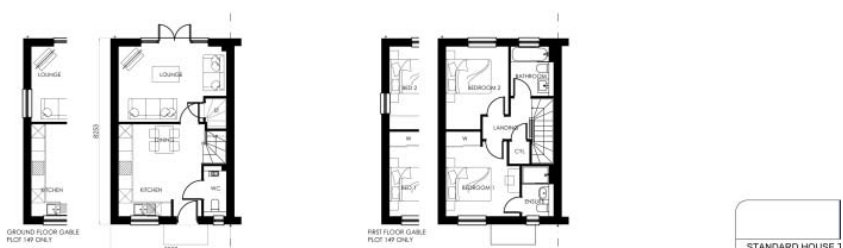
Hawford house type



Horton house type



Kingston house type



Lulsley house type



Malvern house type



FRONT ELEVATION



Marley house type



FRONT ELEVATION



Social A2 house type



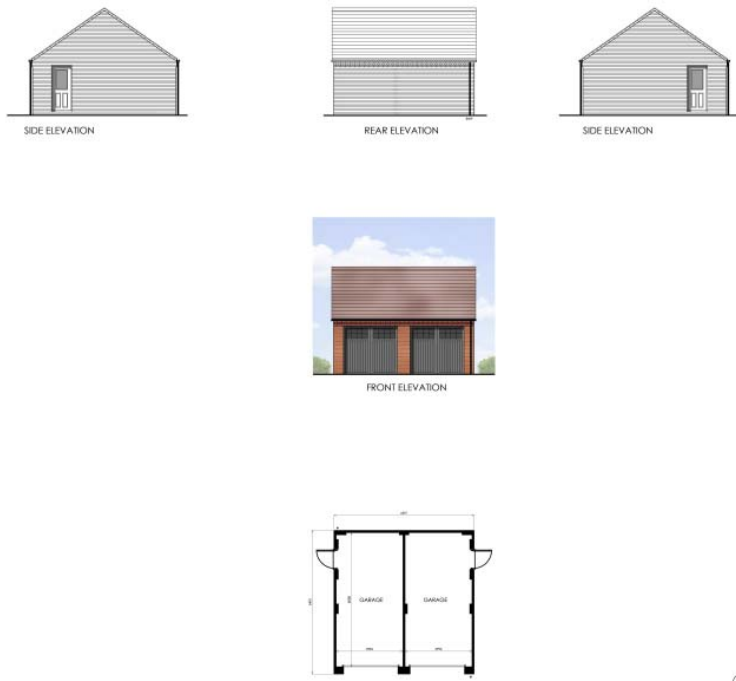
Social A3 house type



Social A4 house type



### Social Maisonettes



### Shared garage



1:5

Single garage



Street Scenes

**REFERENCE No.** 037022

**Site Address:** Site 115d001 - School Lane, Exhall, Coventry.

**Description of Development:** Erection of 129 dwellings - Approval of Reserved Matters relating to appearance, landscaping, layout and scale of approved Outline application reference 035503.

**Applicant:** Keepmoat Homes Limited.

**Ward:** EX

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This is for the erection of 129 dwellings and is for the approval of Reserved Matters relating to appearance, landscaping, layout and scale of approved Outline application reference 035503 at 'site 115d001' - School Lane, Exhall. The site was granted Outline consent by Members in 2019.

The site was originally Green Belt but this status was removed with the introduction of the 2019 Borough Plan. The site is part of the Strategic Housing Allocation HSG6 of the Borough Plan 2019 (2011-2031) and therefore the housing numbers it can provide have been assessed within the Council's Five Years Housing Land Supply. To the south east of the site and adjacent to it is the strategic Employment site EMP6 also within the new Borough Plan.

The site comprises 5.62 hectares of agricultural land. The site is bordered by School Lane to the north; the newly developed Red Kangaroo Trampoline Park and industrial buildings to the east; with existing tree and hedgerow planting and Wilsons Lane to the east. The M6 motorway is to the south which is elevated from the site. The site slopes down to the Motorway to the south. To the west is an existing tree lined hedgerow.

The site is in close proximity to connections with the A444 and M6, Bayton Road Industrial Estate is in close proximity to the site. Electricity pylons cut across the southern end of the site south east to north west and which run parallel with the Motorway and which necessitate a 15m easement and stand off for development and therefore which somewhat constrains the site. There are a number of hedgerows on the boundary and within the site.

There are bus stops at approximately 360m away on Coventry Road connecting the site to Bedworth, Coventry and beyond. Exhall Cedars Infant, Nursery and preschool is 1km north of the site; St Giles Junior School is approximately 800m north west of the site and Ash Green Secondary school is 2km away to the west of the site. The nearest Doctors surgery is Colehouse approximately 1.8km north of the site and



accessible by bus from Coventry Road. There are allotments on School Lane with the Heckley Recreation Grounds to the north. There is a local centre on the junction with Coventry Road.

## **BACKGROUND:**

This application is being reported to Committee at the request of Councillor Damon Brown.

The following reserved matters from Outline application 035503 are to be considered at this stage:

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

## **RELEVANT PLANNING HISTORY:**

035503: Residential Development of up to 150 dwellings, landscaping, public open space (Outline to include access) at Site 115d001 - School Lane Exhall: Approved by Committee 20/12/2019.

## **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2019:
  - HSG6 and EMP6 – School Lane/Longford
  - DS1 Presumption in favour of sustainable development.
  - DS3 – Development principles.
  - DS4 – Overall development needs.
  - DS5 – Residential Allocations
  - DS7 – Land Removed from the Green Belt
  - H1 – Range and mix of housing.
  - H2 – Affordable housing.
  - BE1 – Contamination and land instability.
  - HS2 – Strategic Accessibility
  - NE2 – Open Space
  - BE3 Sustainable design and construction.
- Concept Plans for Strategic Allocations: HSG6 and EMP6, School Lane and Longford Road Bedworth Supplementary Planning Document 2020.
- Sustainable Design and Construction Supplementary Planning Document 2020
- Affordable Housing Supplementary Planning Document 2020

## **CONSULTEES NOTIFIED:**

Cadent Gas, Coal Authority, CPRE, Coventry City Council, Environment Agency, Highways England, Natural England, NBBC Environmental Health, NBBC Housing,

NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Fire and Rescue Service, Warwickshire Police, Western Power Distribution, WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Rights of Way.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

NBBC Environmental Health, WCC Flood Risk Management, WCC Highways.

No objection from:

Cadent, Environment Agency, National Grid, Natural England, Highways England, NBBC Housing, NBBC Planning Policy NBBC Refuse, Warwickshire Fire and Rescue Service, Warwickshire Police, WCC Rights of Way, Western Power Distribution.

Comment from:

Coventry City Council, NBBC Parks and Tree Officer.

No response from:

CPRE, Warwickshire Wildlife Trust and WCC Archaeology.

### **NEIGHBOURS NOTIFIED:**

1 – 33 (odd), 41, 43, 59 – 77 (odd), 85 - 95 (odd), Red Kangaroo Trampoline, The School House, Chasewood Residential Home, Grove House, The Spinney, The Paddocks, Rivendell, Exhall Old School Community Centre, John Haynes Court (1 – 31 (incl), School Lane, 1 – 8 (incl) High Ash Close, 1 – 11 (odd) Davies Road, 2 – 8 (even) Startin Close, 7a, 58 – 66 (even), 66a, JP's Kitchen, Self-Storage, Coventry Road, 16 and 19 Windmill Road, 21 Exhall Green, 36 Mavor Drive, 12 Hayes Lane, 12 Park View, 5 McMahan Road, Lonford C.A.N Forum - 2 Sutton Stop, Ash Green Residents Association - 56 Vicarage Road

Neighbouring properties were sent letters notifying them of the proposed development on 21<sup>st</sup> April 2020 and Ash Green Residents Association and Longford C.A.N forum on the 24<sup>th</sup> April 2020. Site notices were erected on street furniture on 23<sup>rd</sup> April 2020 and the application was advertised in The Nuneaton News on the 8<sup>th</sup> April 2020.

### **NEIGHBOUR RESPONSES:**

There have been 3 objections from 3 addresses and 1 with no address provided. The comments are summarised below;

36. Already congestion on School Lane at peak periods so cars from new estate will not be able to join the queue and will cause more noise and air pollution.
37. The new access will be directly opposite the entrance to the park providing safety issues of the users of the park.
38. Access road should be closer to Exhall Green.
39. A road should be created to the rear of the site to reduce congestion on School Lane at peak periods.
40. The access is close to a short cut to the nearby pavilion in Heckley Fields which is used daily and visitors to it, park near the new proposed access.
41. Should be a green corridor to the front with property 1 being more stepped back and sufficient room to maintain hedgerows.
42. Access will conflict with drives to neighbouring properties.
43. Property 1 is directly overlooking existing property across the road.
44. Area is already densely populated and industrial uses in the area at full capacity not including the new industrial areas proposed in the area.

45. Loss of green space.
46. Loss of trees should not be allowed including a 200 year Oak tree.
47. Lots of wildlife on the site which will be lost.
48. Concerns about connecting to sewage system in School Lane.
49. Often a blue haze over the area from pollution off the M6. Air Quality needs monitoring.
50. Not able to see plans at Town Hall or Bedworth centre due to Covid and Council's system should be reviewed accordingly.
51. Should not have to accommodate housing for Coventry.

There has been one letter from Ash Green Residents Associations, the comments are summarised below;

17. Called in by Cllr Brown.
18. Covid has highlighted how important green space, parks and Green Belt are to the health of everyone. These areas are essential for reducing air quality, congestion, exercising and reducing ill health and for farming.
19. Ash Green now has only a few fields left.
20. Nuneaton, Bedworth, Ash Green and Coventry will soon be joined up.
21. Ash Green Residents Association joins with Exhall Residents Association to ask NBBC to re-consult with Coventry City Council about the 4,000 extra houses required in NBBC by Coventry City Council. These should regularly be reviewed and reduced where necessary. as legislation changes. as these should now be reduced.
22. Objection from Highways should be in public realm.

Councillor Brown has commented as follows:

1. Layout is generic.
2. Provision of parking spaces could be better as no visitor parking and even the 4 bedroom properties only have 2 spaces per property.
3. Query as comment box did not come up immediately the application was validated.

## **APPRAISAL:**

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

1. Principle of Residential Development.
2. Impact on Visual Amenity.
3. Housing Mix and Affordable.
4. Residential Amenity.
5. Highways and parking provision.
6. Flood Risk.
7. Play, Open Space, Ecology and Biodiversity.
8. Contamination, Dust and Noise.
9. Conclusion

### **1. The Principle of Development**

The principle of residential development has already been established through the granting of Outline planning permission and the site is part of the Strategic Housing Allocation HSG6 and is therefore necessary to fulfil the Council's Five Years Housing Land Supply.

The application was received prior to the adoption of the Concept Plan for the area and the new Supplementary Planning Document Sustainable Design and Construction 2020. In order to meet the new Policies, the number of dwellings provided on the site

have been reduced several times over the application process in order to meet the new SPD requirements and the final yield for the site is 129 dwellings.

The site is in keeping with the Concept Plan for the area with informal space to the south and west of the site and the principle of development is acceptable.

## **2. 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 design of the units is to be in keeping with the Concept Plan with a mix of both two and two and a half storey dwellings.

The elevations for the housing types have been improved since the original submission to improve their character within the street. The house type Dovenby is designed to provide interest to corner plots as these semis are angled to follow the street corners. The scheme now includes chimneys to some of the properties, brick header and windowsills some with contrasting brick, contemporary canopy's and traditional canopy's to front doors, gable projections, flat roof dormers and a mix of two and two and a half storey dwellings of a varied design of detached, semi-detached, terraced and apartments designed to look like semi-detached properties. The materials are proposed to be Russell Lothian-Slate-Grey tiles with a mixture of Wiernerger Terca Tawny buff, cinnabar red multi and Ibstock Hardwicke Minister Sandstone Mixture bricks and smooth white render which is in keeping with the vernacular of the area.

The scheme originally provided large numbers of front parking to properties, which is against the Sustainable Design and Construction 2020 SPD and led to an objection from the Council's Policy Team and Case Officer. This has been reduced as much as possible and whilst there is still a large percentage of front parking, this has been broken up to some extent with landscaping as required by the SPD and Policy have removed their objection on this.

The development is therefore considered to be acceptable in terms of visual amenity.

## **3. Housing Mix and Affordable.**

Policy DS4 of the Borough Plan 2019 states that 14,060 dwellings are required up to 2031. The proposal will provide 129 dwellings of a mix that meets the Council's latest Strategic Housing Market Assessment (SHMA) which states there is a greatest need for 2 and 3 bedroom properties. The site will provide 20 two bedroom market houses, 66 three bedroom market dwellings and 11 four bedroom market dwellings.

The proposal provides 25% affordable dwellings which is a total of 32 dwellings of a tenure mix of 53% rental properties and 47% shared ownership as in line with the approved S106 Legal Agreement tenure mix requirement for the site. The mix of the affordable units are 2 one bedroom dwellings, 14 two bedroom dwellings, 14 three bedroom dwellings and 2 four bedroom dwellings and the mix has been agreed with the Housing Team as per Policy H2.

Since the application was submitted the Council's new Affordable Housing SPD has been introduced which introduces maximum cluster sizes for affordable homes. This has meant that the layout has changed in order to comply with this. The SPD states that for this size of development there should be a maximum of 7 affordable dwellings in each cluster and there should be 4 to 5 groups of affordable units. There is only 1

cluster of 7 dwellings and the rest are below this with one group of 6 dwellings, four groups of 4 dwellings and one group of 3 dwellings. The affordable dwellings are split into 7 groups which exceeds the SPD in terms of the number of clusters. The groups are spread around the site.

The site therefore meets the Council's requirements for housing mix and the newly adopted Affordable Housing SPD.

#### **4. Residential Amenity.**

Policy BE3 of the Borough Plan 2019 states that development should:

*“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*

##### *Residential*

*Major development proposals must provide a statement with their application showing how their proposal will:*

- 1. Meet all the questions set out in the Buildings for Life 12 standard. Where it is not possible to positively meet all 12 questions, a statement of justification must be provided to explain why it is not possible, and what mitigation measures will take place to offset this.*
- 2. Meet the optional Building Regulations requirement M4 (2) for ‘accessible and adaptable dwellings’ for 35 % of the development proposal.*
- 3. Install rainwater harvesting systems in the curtilage of all new buildings.*
- 4. Integrate the principles of passive solar design.*
- 5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.*
- 6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.*

*Where a developer considers meeting any of the above requirements is unviable or can demonstrate that they are not suited to local circumstances, an independent viability assessment must be submitted with the application.*

The layout and housing types did not originally comply with the new Sustainable Design and Construction 2020 SPD for a number of reasons including Passive Solar Design and Nationally Described Internal Space Standards. The site originally only had 37% of the houses meeting the internal space standards and the house types have now been amended to be 98% compliant. Similarly, the Council's Policy Team now

considers the scheme acceptable in terms of Passive Solar Design and outside drying areas for the apartments.

38% of the dwellings comply with the additional Building Regulations standards (M4(2)) which means they are classed as lifetime homes suitable for adaptation from young families to older individuals and for adaptation for temporary or permanent physical impairments enabling people to stay in their houses longer giving choice for people with disabilities. The Council's SPD states that 35% of the dwellings should be adaptable so the site exceeds these standards.

In terms of the layout only two existing neighbours are in proximity to the site which is 41 and 43 School Lane but these are across School Lane to the site and the window to habitable window distance is a minimum of 23.6m so complies with the 20m distance standards in the Council's SPD (paragraph 11.4).

Within the site, the distance from new front windows to new front windows are less than the prescribed 20 metres in some instances such as 18.5m from plot 25 to plots 2 and 3; 19.5m from plot 26 to plots 6 and 7; for part of plot 52 to plots 11 and 12 with a distance of 18.8m, 19.6m from plot 53 to plot 16 and 17; 17.4m from plot 67 to 60 and 61 and 16.7m from plots 78-81 to 68 and 69. This is also the case to some of the window to window distance across the road to the 2.5 storey dwellings where the distance is normally prescribed at 30m. The distance from plot 106 to 67 is 18m (although this affected property has secondary windows to other elevations) and plots 111-114 to plots 97 and 98 at 18.1m. However, these shortfalls are considered acceptable under the SPD which specifically states that the distance can be reduced if across roads or public areas and these distances are therefore not considered to be detrimental for residential amenity.

Plots 5 to 18 have their rear elevations and gardens facing onto the new commercial units of the Red Kangaroo building. This adjacent building has been approved since this residential application was first registered and is so new, as not to show on plans to allow for an accurate assessment. However, using the approved plans of the Red Kangaroo application an assessment has been made as accurately as possible. For most of the properties the distance is between 14.5m to 22m to the side of the Red Kangaroo building. This adjacent commercial building is 8.7m to the eaves which is the area closest to these properties, this height is slightly taller than most two storey dwellings but not as tall as a 2.5 storey dwelling. There are no distance standards within the SPD for this type of arrangement but from habitable ground floor windows to a blank two storey building the distance would generally be expected to be 14m. Only plot 17 has a shortfall of this distance at approximately 13.2m. This is a market house and as the commercial building is already under construction so it would be to an extent buyer beware and refusal on this basis would be difficult to support at Appeal as there is no specific policy to relate to. Furthermore there are no first floor windows on this elevation of the commercial building so there will be no overlooking.

One of the house types named as The Seaton is 2.5 storeys, for normal 2.5 storeys the Council would generally look for a distance of approximately 25m between these properties and others. On the proposed layout, the distance between plots 56 and 57 to plots 50 and 51 is 20.5m 49 through to 51 to plots 56 to 58. Similarly, between plots 72 and 73 to 101 and 102 is just over 20m and from 111 through to 113 to plot numbers 125 to 127. However, the rear of these 2.5 storey dwellings are only approximately 1.3m taller than the two storey so the height difference would have minimal impact and this 2.5 storey house only has one window to the rear at roof level which is a roof light and which has a window sill height of 1.9 to 2m so there would be no views from these

windows to provide any sense of overlooking. The separation distance is therefore considered acceptable.

Paragraph 11.9 of the SPD refers to how adjacent houses relate to one another and that one should not project by more than 3m to the other in order not to provide a sense of enclosure to windows or to provide a sense of enclosure to rear private amenity space. There are occasions on the layout where the projection is more than 3m such as between plots 35 to 36; plots 26 to 27 and plots 51 to 52. On plot 26 the projection difference is 5m and the rear ground floor window is slightly infringed. However, there are two windows serving this room and the second window is not affected and the projection is north west to it so there is no direct loss of sun light. In addition, the length of the affected garden runs along the road so is open to the full length providing a sense of permanent openness. This is similar to the impact to plot 53 although the projection is south west to the nearest window. Similarly, the same issue relates to plot 36 but the projection is less at 4.4m and the orientation of west to the window. These projections mean that the front ground floor windows of the adjacent plots are slightly infringed. However, as these have views to the front, these views will remain open. It is therefore considered that with the removal of permitted development to rear extensions to these adjacent plots that along with the mitigating circumstances stated above it is considered there would be no reason to refuse the application on this basis and it would be buyer beware to these plots.

Paragraph 11.6 states there has to be a minimum, of 7m from first floor habitable windows to neighbouring private amenity space. This is very slightly infringed on plot 67 but this is only to the very end of the garden which is not considered the most important private amenity space which would normally be considered to be immediately outside of the rear of the house. Plots 88, 89, 115 and 116 are corner plots with the houses angled to one another in order to provide a pleasant street scene. This means that some of the windows overlook their attached neighbour by less than 7m. However, these rear windows are to a landing and bathroom so would not be considered as habitable windows providing a sense of overlooking. The third first floor rear window is a secondary window to a bedroom and it is considered appropriate to condition that this secondary window and the landing window is maintained as obscure glazing to overcome any overlooking issues.

In conclusion, whilst there are minor infringements to the SPD in terms of distance standards, it is considered that in the majority of cases there are mitigating circumstances for this to be acceptable.

## **5. Highways and parking provision.**

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.

The proposed access is to be off School Lane and is proposed to have dropped kerbs and the site is to provide for a toucan crossing on School Lane to provide access to Heckley Park and the wider area and will benefit both the new residents but also the local area. Trees will be trimmed back for access and the proposal includes a new 2m footpath to School Lane and in line with the Outline and S106 Legal Agreement enable a strip of land at the front of the site to be given to WCC Highways for future highways improvements within School Lane.

With the exception of the four apartments (comprising of two apartments with one bedroom each and the other two having 1 bedroom plus a single bedroom each) all of the properties have two parking spaces. The four apartments have one parking space each. There are also some limited visitor spaces within the site. The parking spaces are mostly parking to the front or tandem parking to the side, some properties have their parking to the rear gardens. WCC Highways request that the larger properties have more than two spaces each, however at this current time as the Council or WCC has no adopted Parking SPD it is considered that this cannot be insisted upon.

WCC Highways have no objection to the scheme and consider that most outstanding points including pedestrian crossing points can be addressed at the Section 38 technical stage. However, WCC Highways have asked for a knee high fence where the pond is in close proximity to the road and parking and which can be addressed by conditions.

Overall, it is considered that with the relevant conditions there would be no significant harm on highway safety.

## **6. Flood Risk.**

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.

The site is in Flood Zone 1 which is the least liable to flooding. The scheme is to use Suds to the south of the site and which have been designed to also encourage the movement of wildlife around the site. The Environment Agency have no objection similarly to the Warwickshire Flood Risk Team who have no objection subject to further conditions in addition to those added to the Outline approval.

STW have no objection subject to conditions.

Highways England originally had concerns as the drainage to the adjacent elevated M6 south of the site was in close proximity to the proposed Suds. However, with the introduction of a 1m bund to the site edge to ensure that the Suds would not impact on Highways England drainage they removed their objection.

It is therefore considered that subject to the conditions on the Outline approval and additional conditions, the proposal will adequately mitigate any potential impact on flood risk, and therefore complies with National and Local Policy NE4 of the adopted Borough Plan 2019.

## **7. Play, Open Space, Ecology and Biodiversity.**

In terms of Policy HSG6 of the Borough Plan, this stated that a Locally Equipped Play Area (LEAP) for younger children should be provided in the centre of the site. The Concept Plan also refers to this but does not show one on the illustrative masterplan. During the Outline process the Council's Parks Team had concerns how this was going to be provided within the site and did not actually want the play area in the centre due to the overhead powerlines.

The Reserved Matters application originally showed a LEAP on the west of the site, however, the Parks and Environmental Health Teams had concerns with this as it was



located within 30 metres of dwellings. Whilst play areas need to have natural surveillance; good practice means that it has to be set away from properties by 30m due to concerns about noise, not necessarily by the younger children using the park but by any use later on in the evenings. Parks were also concerned due to the proximity of the LEAP to the existing pond that is to be retained.

The Parks Team recognised that the dwellings were to be within 400m of the LEAP within the southern area of Heckley Park and which was to be connected by the sites provision of a pedestrian crossing over School Lane. The Parks Team therefore requested a preference for offsite contributions instead of the provision of the Leap within the site. This has been agreed with the Developer and is to be provided via a supplemental document to the Outline S106 Legal Agreement and will be £39,249.31 towards local capital contributions for younger children's play facilities, green gym and path provision to the southern section of Heckley Park plus £10,662.76 towards future maintenance of the same and £3,924.93 which is 10% of capital costs for design and management fees. The total additional contribution required will be £53,837. This is in addition to the £1,357.81 per dwelling already agreed via the S106 for the capital and maintenance costs for improvements to teenage and older children's play facilities at Heckley Park and Miners Welfare Park and towards allotments in the area. This approach for this particular site is also more in keeping with the Council's emerging Open Space SPD.

In terms of connectivity of open space and to the wider cycle route, the proposal provides a 3m cycle/pedestrian path to the west of the site which then goes across the front of the site to link onto the wider cycle network. The Outline includes a requirement of approximately £666.67 per new property towards improving cycle provision in the locality and wider area. There is also a footpath to the east side of the development to provide links within the site and to ultimately connect with the adjacent development also part of HSG6 when this adjacent land comes forwards. The connection of this link has been included within the existing S106 Legal Agreement and via a new condition.

In reference to biodiversity, development should enhance and improve biodiversity as per national and local policy (NE3 Biodiversity and Geodiversity) and should enhance green infrastructure (Policy NE1 Green Infrastructure and NE2 Open Space of the Borough Plan). 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 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. To this end the Applicant has rerun biodiversity calculations which were provided at the Outline stage to take into consideration the layout and this has indicated that the site can still provide a net biodiversity gain within the site.

The Landscape Character Assessment carried out on the Strategic Housing Allocations formalised the recommendations in the Concept Plan for the site and which suggests that existing hedgerows are retained and reinforced and this is what is proposed. The hedgerows are to be retained and enhanced on the site (except for a small area requiring removal for the access) and an existing pond is to be retained required by the Council's Parks Team. Existing grassland is also proposed to be enhanced. Initial concerns by the Parks Team and Councils Tree Officer were to the proximity of the houses to the western hedgerow which also serves as a wildlife corridor. The final design has moved the houses and footpath away from this as much as possible. There is still a pinch point close to plot 87 which Parks are not entirely happy with, but which is set off the boundary and hedgerow by almost 6m and which would not be a reason enough for refusal of the whole scheme.

The Concept Plan recommends a landscape buffer to the M6 with open space in this area to protect some of the ridge and furrow and recommends wildflower meadow mix and increased ponds for wildlife and which have been utilised within the design.

In respect to the trees on the site, an Arboriculture Impact Assessment and Method Statement have been received during the application process and updated with the amended layout scheme. The scheme is largely in compliance with the loss of trees shown under the Outline scheme with the exception of a group of Ash trees to the east of the site shown on the Assessment as Group 4. The Arboriculture report provided with the application has deemed these as having a good physiological and structural condition but still consider they are only category 'class c' trees. Any loss of trees is regrettable, but the trees are not deemed to be worthy of a Tree Preservation Order and the loss of these trees has to be considered against the planning balance as a whole for the merits of the scheme.

The Council's Tree Officer has concerns with the proximity of buildings and new footpaths to the trees that are to be retained and plans have been amended where possible to relocate buildings away from the trees to be retained. Information has been provided to show that where paths have to be within tree protection areas that protection measures and no dig methods and appropriate ground coverings cushioning roots can be provided and adhered to by condition. Therefore, whilst the council's Tree Officer still considers that more could be done, it is considered that providing conditions to protect the trees during construction will largely overcome any concerns.

It is therefore considered that whilst there are some concerns from the Parks Team and Tree Officer; that these have largely been addressed via an amended layout and via conditions and the issues only weigh slightly within the merits of the planning balance of bringing the site forwards for development.

## **8. Contamination, Dust and Noise.**

In terms of air quality, the site is close to the Coventry City boundary that has a City-wide Air Quality Management However, air quality was addressed at the Outline stage and an Air Quality Assessment (March 2018) was submitted with the Outline application. The Outline included conditions for the submission of a Dust Mitigation scheme during the construction period, the provision of electric charging points to parking areas and the requirements for low emission boilers. It is considered that whilst the Council have adopted an Air Quality SPD since the Outline that the conditions provided at the Outline stage are in line with this new SPD.

In terms of noise, conditions were placed on the Outline which included a Noise Assessment which was to include the proposed improvements to the M6 for Smart motorway running and to include an assessment of noise to the approved commercial units that were to be built to the north east of the site. This also included a noise bund to the M6 boundary.

The Noise Assessment has been carried out showing that the site can be accommodated to include a 3m high acoustic fence to the commercial units to the east and with the careful design of the elevations to the houses facing the M6 that the noise bund is no longer necessary. The Council's Environment Health Team have no objection to the scheme although cite disappointment of the loss of the noise bund.

Contamination was addressed at the Outline stage with the submission of a Phase I. Geo-Environmental Assessment (March 2018) which considered that there was limited

potential for ground contamination and was addressed via a condition on the Outline. This Assessment also considered there was a medium risk for unexploded ordnance on the site and that a specialist study should be carried out and which was added to the Outline approval via an advisory note.

Overall, it is considered that with conditions on the Outline and an additional condition about noise, that there would be no significant harm in terms of air quality, noise and contamination.

## **9. Conclusion**

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

The site is allocated in the Borough Plan for residential development as a Strategic Housing Allocation and therefore the principle of development has been established and agreed by the Planning Inspectorate during the Borough Plan process. Furthermore, Outline consent for the site has already been granted by Committee. This provides considerable weight in favour of the application similar to the provision of 25% affordable homes.

The site is deliverable and the application has been submitted by the Developer Keepmoat Homes Limited so is likely to be developed relatively soon. The housing numbers provided by the site are necessary in order to meet the Council's crucial Five Year Housing Land Supply in order to comply with the Government requirements and weighs heavily in favour of approving the application.

The visual amenity of the layout and design is considered to be acceptable and complies with local policy for housing mix and affordability. The residential amenity is considered acceptable and largely in compliance with Local Policy.

Highways, flood risk, impact to ecology, biodiversity, contamination, dust and noise can be made acceptable via the existing conditions on the Outline application or by the new suggested conditions on the Reserved Matters.

The site will provide open space and will provide contributions to play and open space and allotments in the Borough and will provide a cycle link from the adjacent site yet to come forwards as part of the allocation and connections and improvements within the larger cycle network including improvements to School Lane.

Therefore there is a very clear planning balance that weighs heavily in favour of approving the application and the scheme is considered to be acceptable subject to the conditions on the Outline and the additional recommended conditions for the Reserved Matters.

## **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:**

### **Schedule 1**

The details and plans contained in the following Schedule 1 be approved in accordance with Condition 1 a), b), c) and d) of Outline planning permission reference 035503 granted on the 20<sup>th</sup> December 2019 relating to layout, scale and external appearance.

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

Plan Description	Plan No.	Date Rec
Location Plan	876 - 30	17.06.2020
House Type Brochure	03.12.2020	03.12.2020
Design and Access Compliance Statement	Rev D	03.12.2020
Planning layout with trees and root protection	876- 39	03.12.2020
Planning Layout	876 - 40A	16.12.2020
Coloured Planning Layout	876 - 41A	16.12.2020
Facing Materials Plan	876 - 42A	16.12.2020
Means of Enclosures Plan	876 - 43A	16.12.2020
Occupancy Plan	876 - 44A	16.12.2020
Tenure Plan	876 - 45A	16.12.2020
Refuse Plan	876 - 46A	16.12.2020
Parking Plan	876 - 47A	16.12.2020
Dimensioned Highways Layout	876 - 48	16.12.2020
Solar Passive Design Concept	A876 037B	03.12.2020
Solar Passive Design Concept	A876 038B	03.12.2020
External Works Layout Sheet 5	AB121 - 03 - 05 Rev A	03.12.2020
Private Drainage Sheet 5	AB121 - 04 – 05 Rev	03.12.2020
Section 38 Layout	Rev C	16.12.2020
Engineering Layout Sheet 1	Rev B	16.12.2020
Engineering Layout Sheet 2	AB154 - 01 - 02 Rev B	16.12.2020
Engineering Layout Sheet 3	AB154 - 01 - 03 Rev C	16.12.2020
Refuse Tracking Sheet 1	AB154 - 08 - 01 Rev D	16.12.2020
Car Tracking	AB154 - 08 - 02 Rev D	16.12.2020
Vis Splays Layout	AB154 - 08 - 03 Rev E	16.12.2020
Refuse Tracking Sheet 2	AB154 - 08 - 04 Rev B	16.12.2020
MPV Tracking	AB154 - 08 - 05 Rev B	16.12.2020
Refuse Tracking	AB154 - 08 - 06 Rev B	16.12.2020
Fire Tender Tracking NDSS	AB154 - 08 - 08 Rev-	
NDSS LLFA Consultation letter		03.12.2020
Speed Control Bend Visibility	AB154 - 08-07 Rev B	16.12.2020
Existing Pond Section	AB154 - 08- 09	16.12.2020
Landscape Management Schedule	LDS470(L)-LMS	18.12.2020
Landscape Specification	LDS470(L)-LS	18.12.2020
Planting Plan 1 of 3	LDS470 – 01 Rev M	18.12.2020
Planting Plan 2 of 3	LDS470- 02 Rev M	18.12.2020
Planting Plan 3 of 3	LDS470- 03 Rev M	18.12.2020
Landscape Management Plan	LDS470-04 Rev M	18.12.2020
Landscaping Bunding Details	AB154.03.05 Rev B	20.11.2020
M4 (2) Compliant Units	876 - 49A	16.12.2020
WCC Sub Base & The Earthworks	Outline A701.3 Issue 2	16.12.2020
Arboricultural Method Statement	Dec 2020 V3.0 Rev A	07.12.2020

Noise Assessment Report	Sept.2020 V3.1	14.12.2020
Biodiversity Impact Assessment	Dec.2020 V6.0 Final	7.12.2020
Correspondence from A. Bradley (AB Civils Design Ltd) to D. Lamb (WCC)	Dated 22.11.2020	
Surface water drainage calculations (Causeway Flow) by AB Civils Design Ltd.	Dated 22.11.2020	

## Schedule 2

2. Notwithstanding the Construction Ecological Management Plan, no site clearance will commence until details of a Heras fence including a newt barrier is submitted and approved in writing and thereafter secured in place during the construction period to the existing pond and surrounding wildlife area to prevent disturbance and to provide details of checks of the fence for wildlife during the construction period.

3. Notwithstanding the submitted Arboricultural Method Statement September 2020 11<sup>th</sup> Sept Version V1.0 and Tree Protection Plan, no site clearance shall commence until a further Method Statement has been submitted and approved in writing by the Council and the details thereby approved to be carried out during the construction period. The details that are required include:

- i. The name of the developers project Arborist who will be carrying out a watching brief during works within the tree root protection areas and for when work is required to the trees which would be subject to BS: 5837:2012. The details to include information on monthly inspections by the site arborist thereafter during the construction period.
- ii. Details of tree protection during the times the barriers are to be changed during the construction period.
- iii. Evidence how written details will be kept by the sites arborist when unexpected tree roots are found and who will be responsible for finding and logging solutions in these cases including the written details of solutions and cellular confinement materials to be used in the no dig areas.

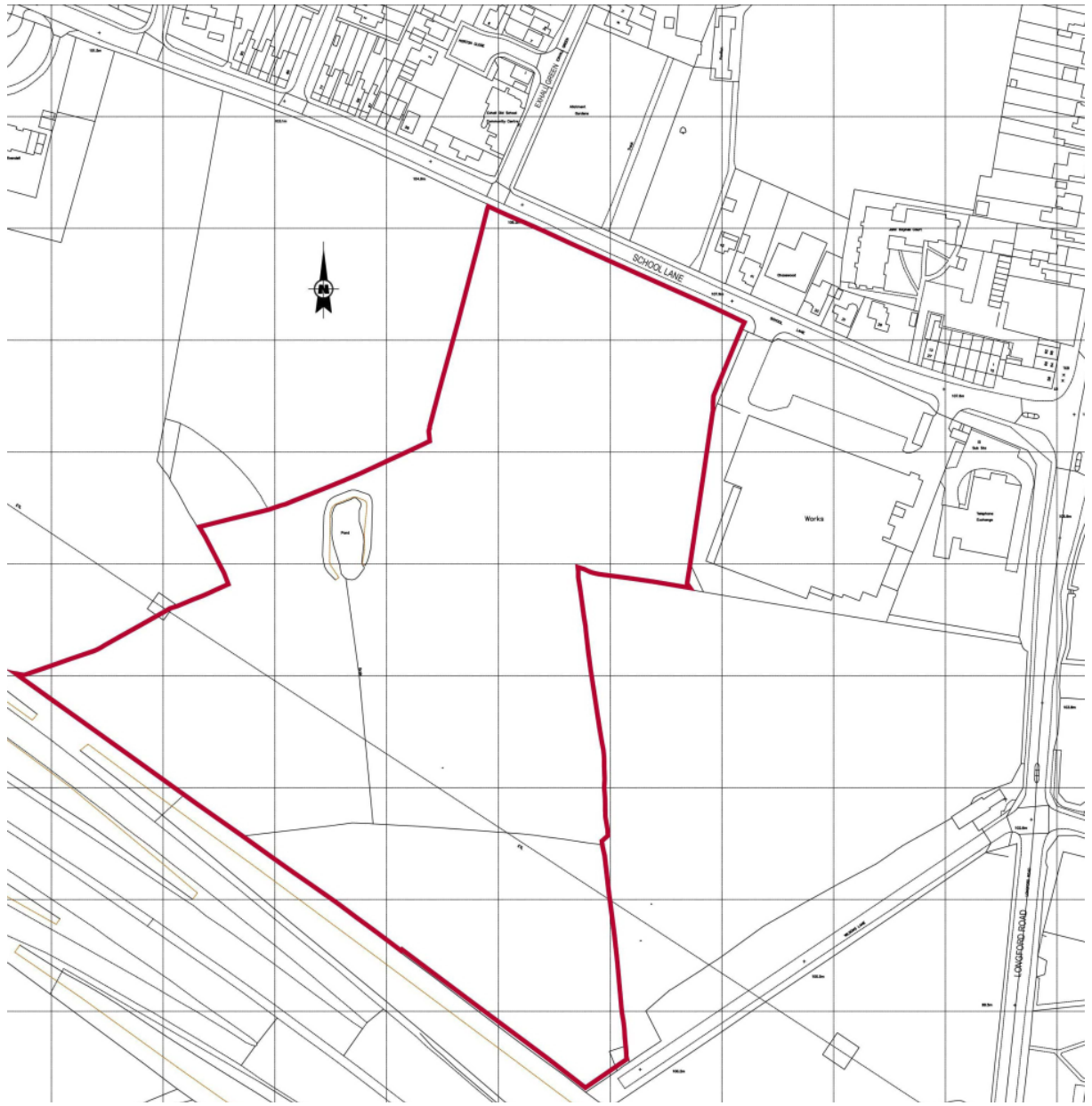
4. Notwithstanding the approved landscaping and boundary treatment plans, details of the planting in proximity to the cycle and footpath routes and final alignment of the cycle and footpath routes must be submitted prior to commencement above first floor level of the dwellings and approved by the Council and thereafter laid out as per the approved plans prior to 50% occupation of the dwellings.

5. Notwithstanding the approved landscaping plans, details of the planting of the drainage bund including new trees and seeding to the open space must be submitted prior to commencement above first floor level and approved in writing by the Council and thereafter laid out as per the approved plans prior to 50% occupation of the dwellings.

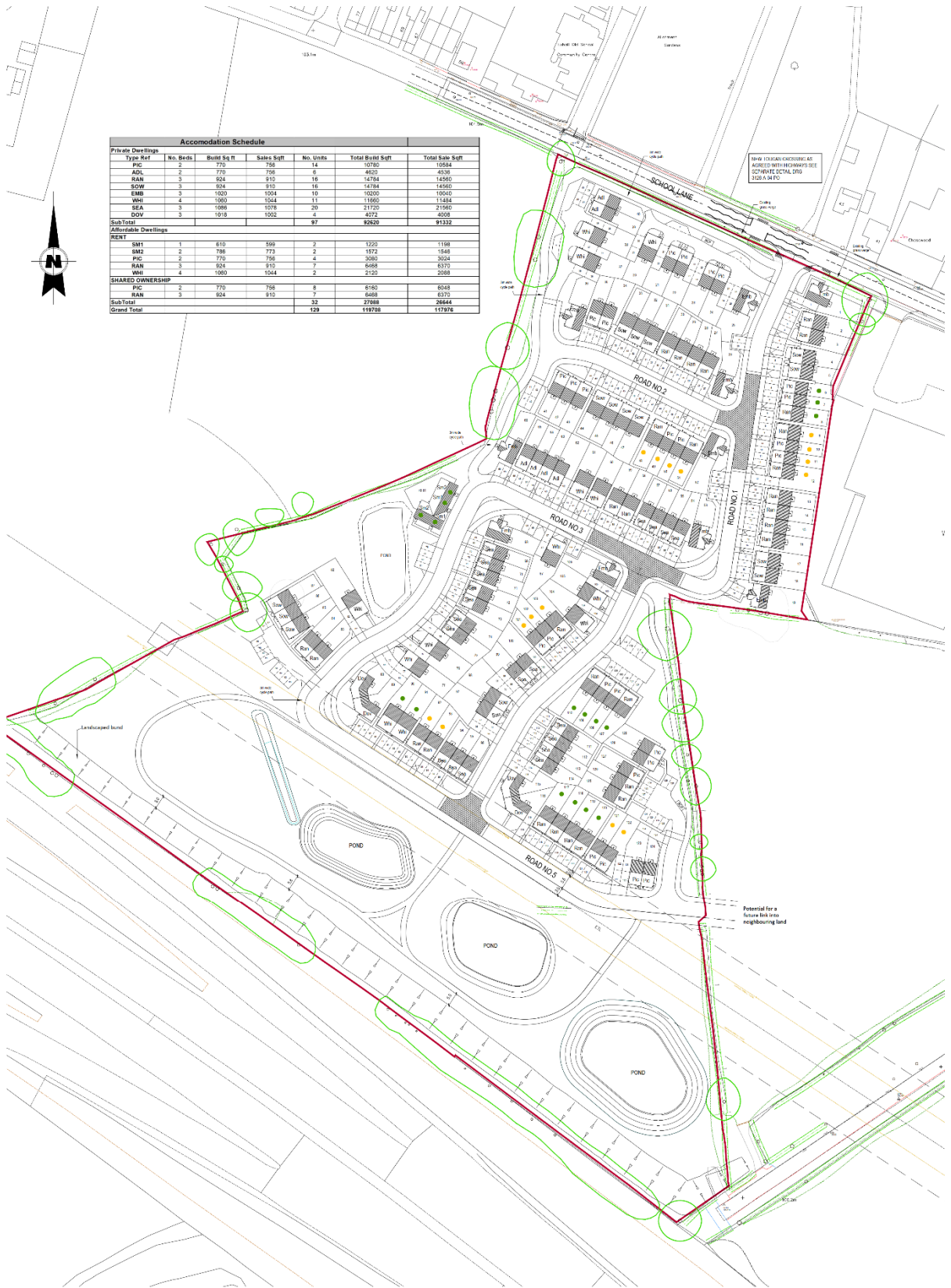
6 Notwithstanding of the approved landscaping plans details of the permanent boundary fence to the existing pond and open spaces are to be submitted and approved in writing by the Council and thereafter laid out as per the approved plans prior to 50% occupation of the dwellings.

7. No more than 50% of the dwellings shall be occupied until the connection to the east of the site with the adjacent land also within HSG6 is provided contiguous to the boundary.

8. No dwelling shall be occupied or subsequent use of the development until the results of further ground investigation works in the vicinity of the attenuation basins and the details of any required mitigation works have been submitted to and approved in writing by the Council in consultation with the LLFA. These works shall subsequently be implemented in accordance with the approved details.
9. No dwelling shall be occupied until the site has been laid out and constructed in general accordance with drawing no. A876-40 Rev A.
10. No dwelling shall be occupied until the estate roads including footways serving it, have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.
11. No dwelling shall be occupied until that dwelling has been provided with the requirements of the recommendations as specified in chapter 6 of the Wardle Armstrong Acoustic Report September 2020. Noise Assessment Report September 2020 V3.1 Dated 14.12.2020
12. The construction of the estate roads serving the development including footways, verges and footpaths shall not be carried out other than in accordance with the standard specification of the Highway Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order) no rear extensions (Class A of The Order) shall be erected on plots 27, 35, 51, 90, 101 and 103.
14. The first-floor secondary rear bedroom window and rear landing window to plot numbers 88, 89, 115 and 116 shall not be fitted or subsequently maintained other than in fixed and obscure glazing.



Location Plan

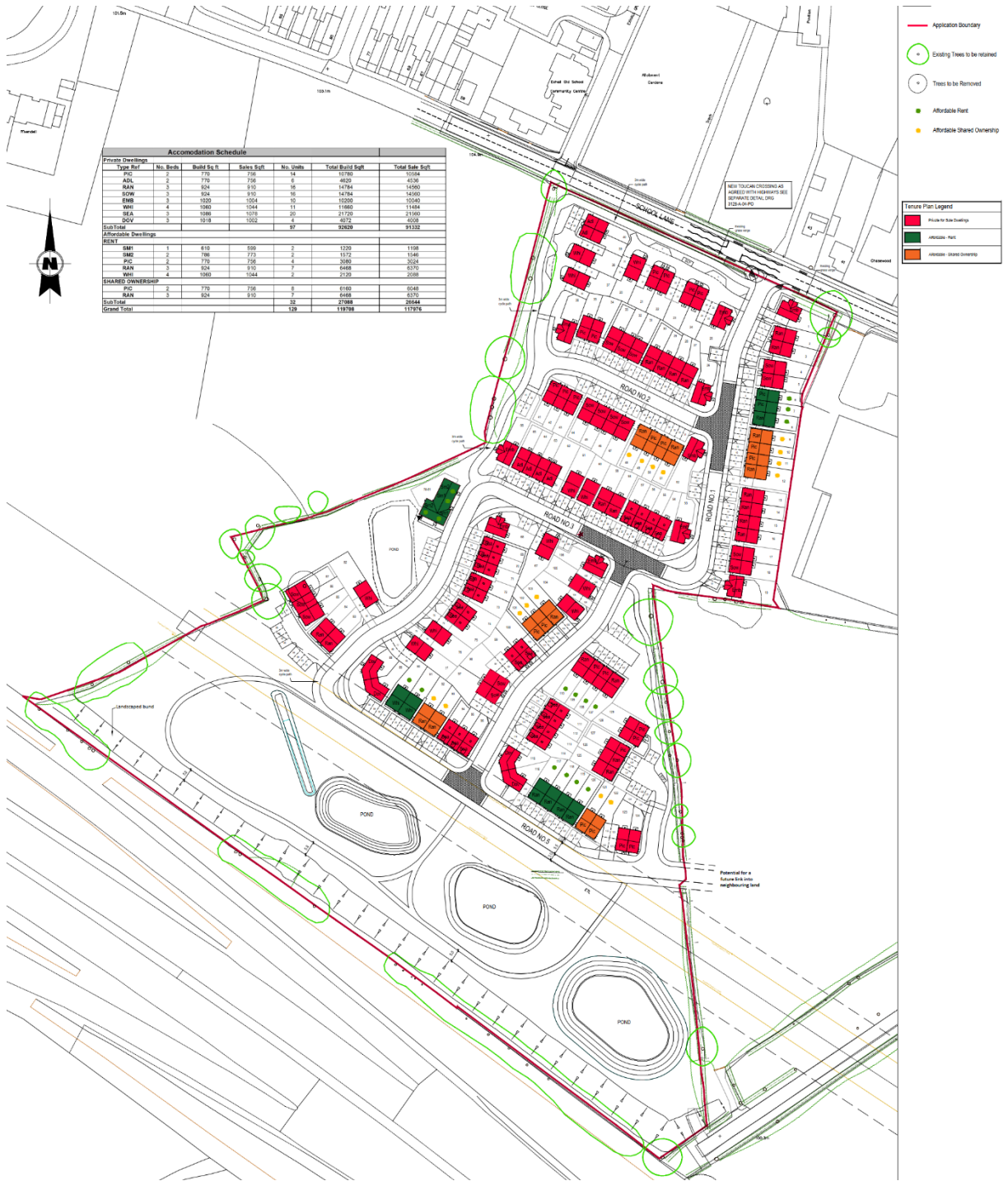


## Planning Layout

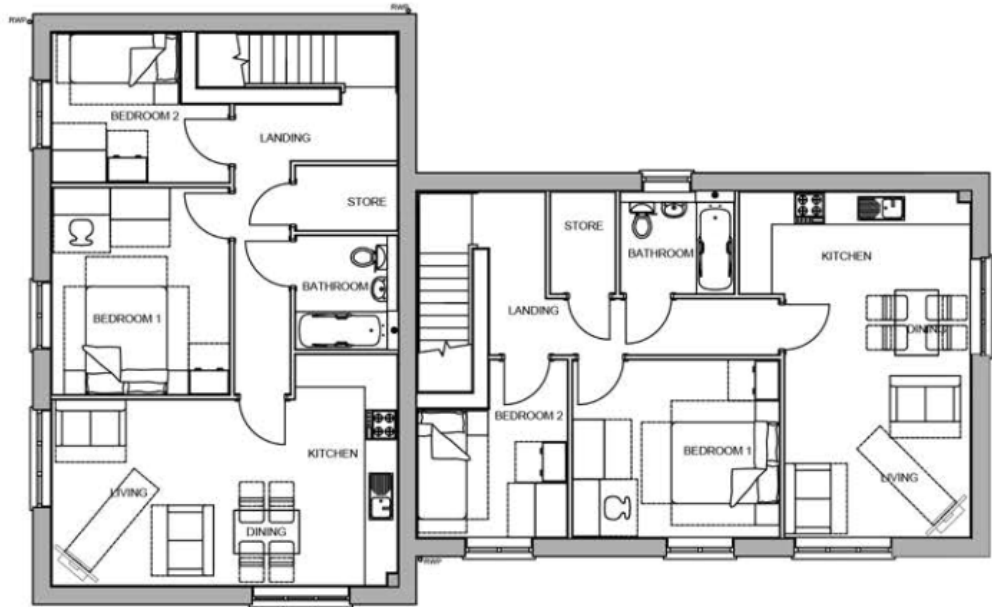




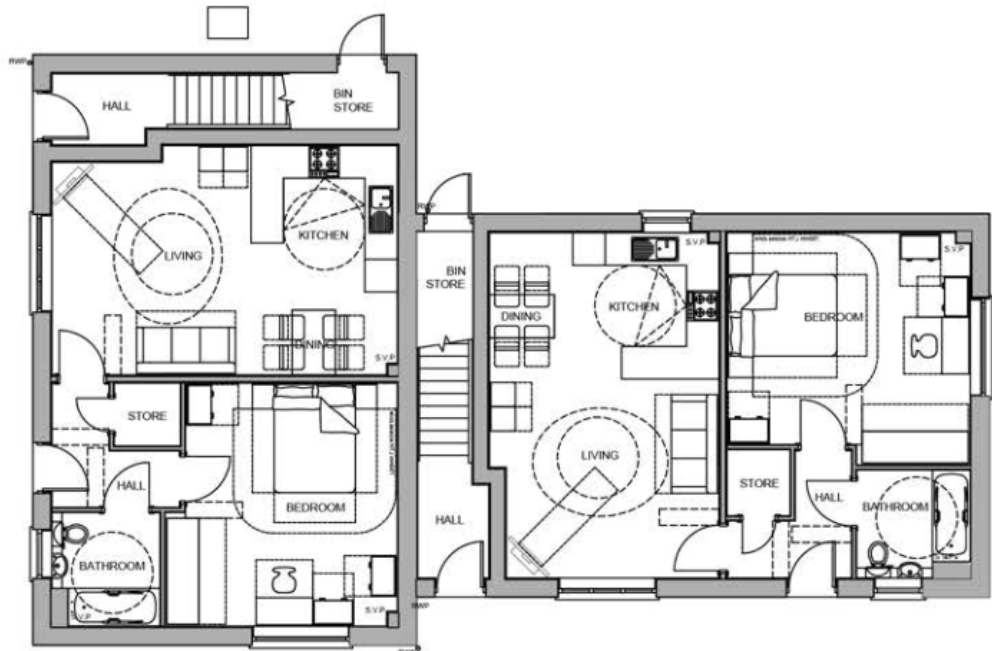
Coloured layout



Tenure Plan



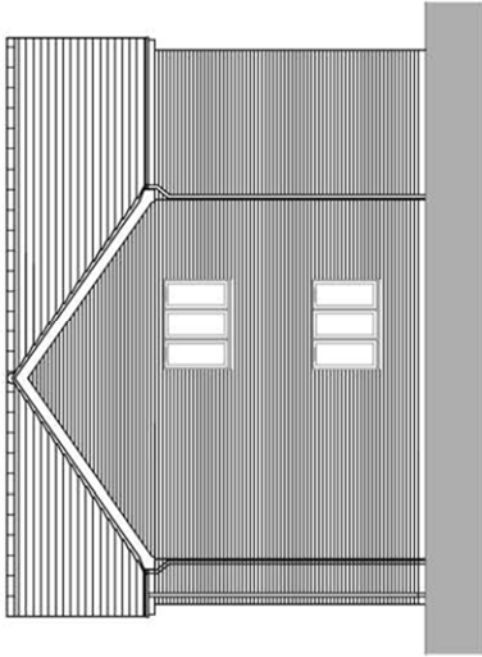
SM2  
FIRST FLOOR PLAN



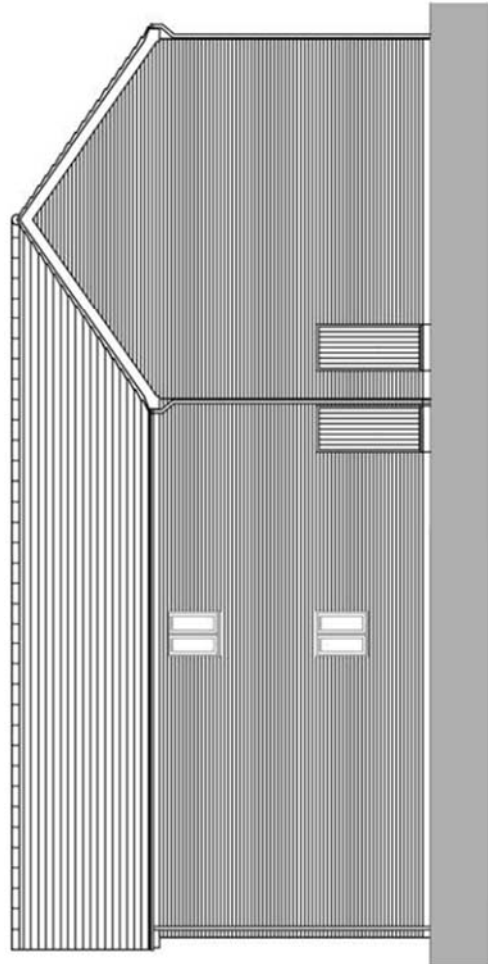
Plans for House types: SM1 and SM2



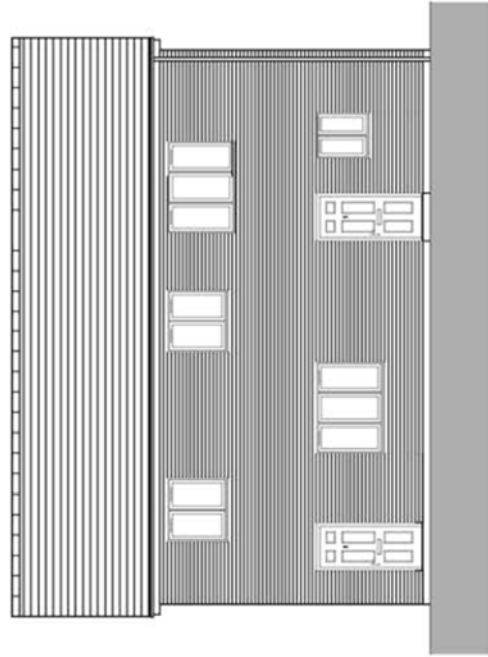
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

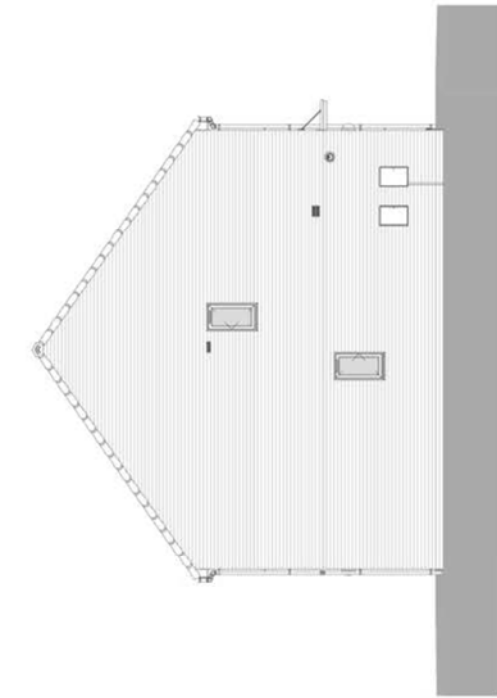


SIDE ELEVATION

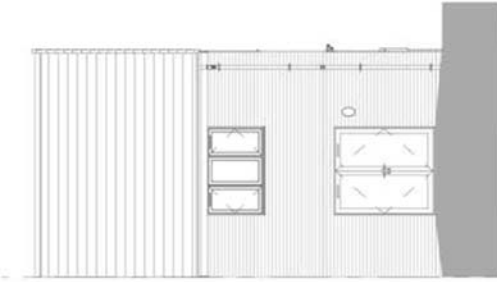
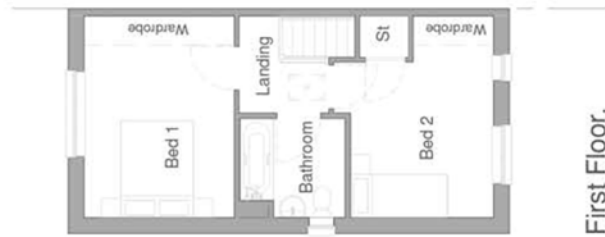
Proposed Elevations for House types: SM1 and SM2



Front Elevation.



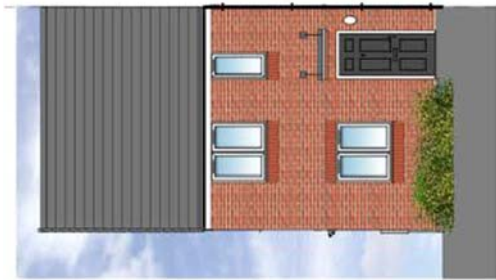
Left Elevation.



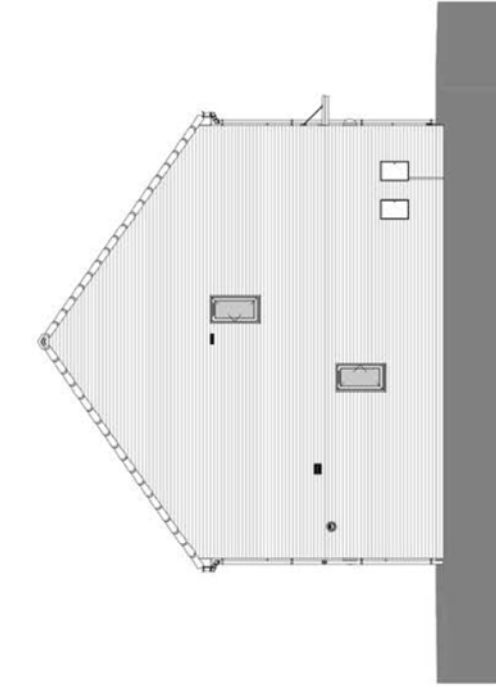
Rear Elevation.

<p><b>Geof Asso</b> The Old 28 Kings Avenue, Wotton, Worcestershire W10 3AA T: 0192 41 5996</p>	<p><b>Kee</b></p>	<p><b>Project:</b> SCHOOL LANE, NUNEA'</p>	<p><b>Date:</b> December 2020 EW</p>
		<p><b>House Type:</b> THE PIXTON - PLANS &amp;</p>	<p><b>Drawn:</b> EW</p>
		<p><b>Job No.:</b> A 876</p>	<p><b>Drwg No.:</b> 000</p>
		<p><b>Scale Check:</b> 1:20-0 200mm 400mm 6</p>	

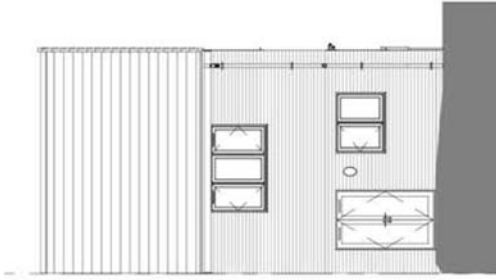
House Type: The Pixton



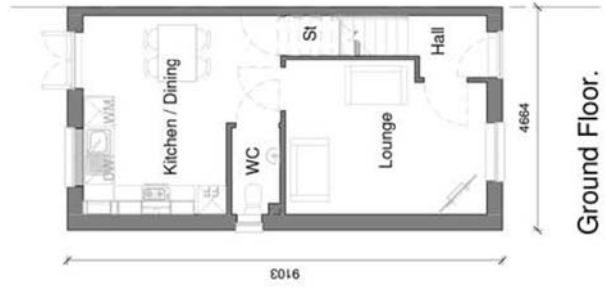
Front Elevation.



Left Elevation.



Rear Elevation.



Ground Floor.



First Floor.

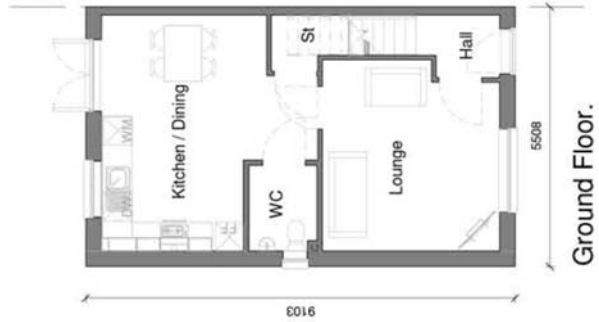
 Geo Assc The Shire 28 Long Wood Wotton Oxford OX10 9 11	 Kei	Project: SCHOOL LANE, NUNEA	Date: December 2020	Job No. A 876	Drg No. 051
		House Type: THE ADLINGTON - PLA	Drawn: EW	Scale Check: 1:20-0 200mm 400mm 1 1:100-0 1m 2m	

House Type: The Adlington

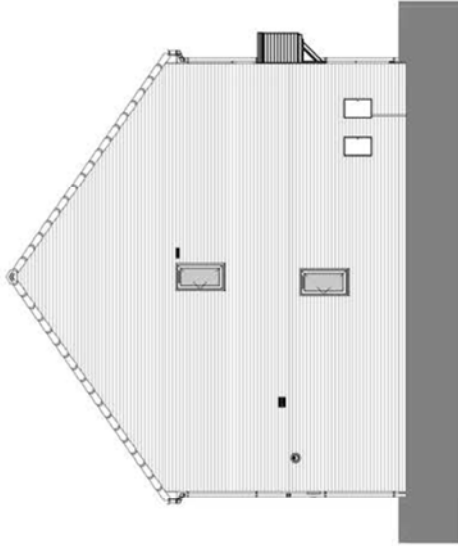




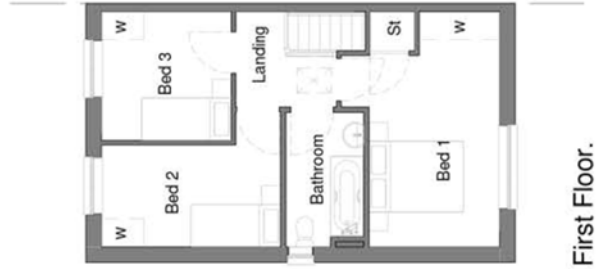
Front Elevation.



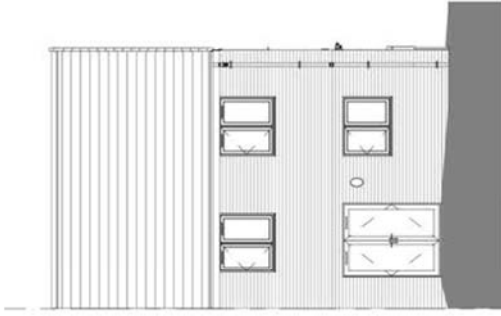
Ground Floor.



Left Elevation.



First Floor.



Rear Elevation.

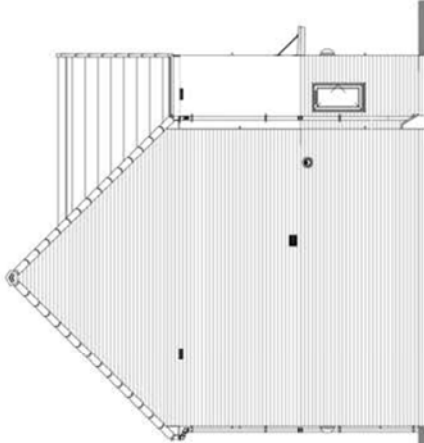
	<b>Geo Assist</b> The Sols 214 The Docks Abingdon Oxfordshire OX9 2LJ Tel: 01235 831111 Fax: 01235 831112 Email: info@geoassist.co.uk
	<b>Kei</b> Project: SCHOOL LANE, NUNEZ
House Type: THE SOWERBY - PLANS	Date: December 2020
Drawn: ETR	Job No. A 876
Drg No. 003	Scale Check: 1:20 0 1:200mm 400mm

House Type: The Sowerby

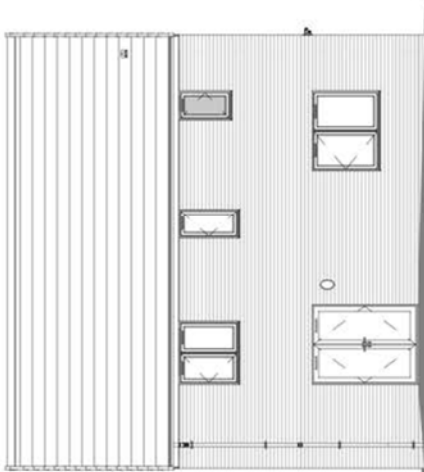




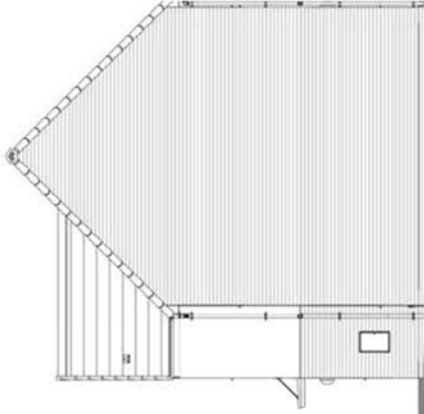
Front Elevation.



Left Elevation.



Rear Elevation.



Right Elevation.

House Type: The Embleton, Plot 19



Ground Floor.



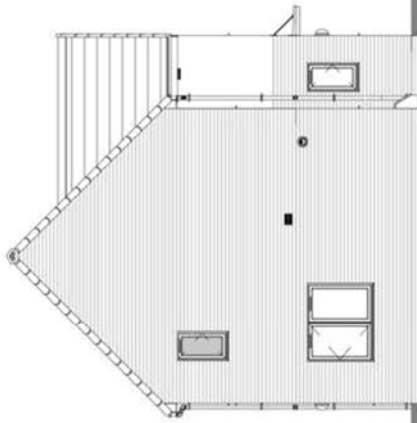
First Floor.

<p><b>Geoff Perry Associates Limited</b> The Studios, 28 Erdington Road, Aston, Birmingham B4 7DQ UK T: 0121 744 900 E: enquiries@geoffperry.co.uk</p>		<p><b>Keepmo</b> DRAWING DATA</p>	
<p>Project: SCHOOL LANE, NUNEATON</p>			
<p>House Type: THE EMBLETON - PLANS &amp; ELEVATIONS</p>			
Date:	December 2020	Drawn:	EV
Scale:	1:100 @ A3	Job No.:	A 876
Rev.:	054	Scale Check:	~

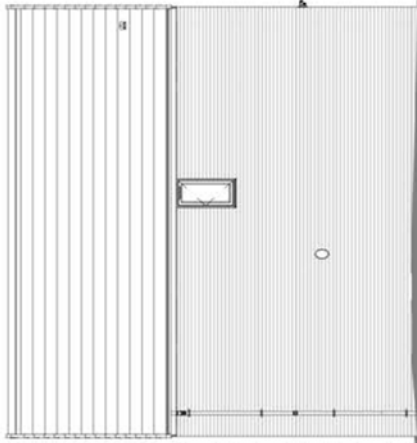


House Type: The Embleton

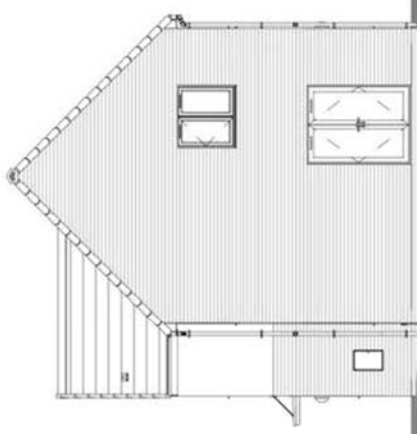
Front Elevation.



Left Elevation.



Rear Elevation.





Right Elevation.



Ground Floor.

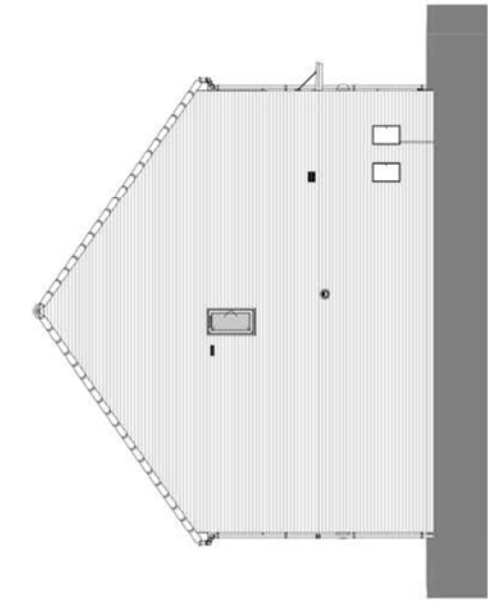


First Floor.

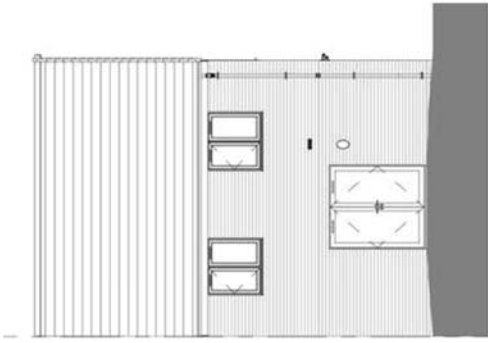
 <b>Geoff Perry Associates Limited</b> <small>The Stradbury,          28 Ervington Road,          Woking,          Surrey GU24 0BA          T: 01753 714 000          E: <a href="mailto:geoff@geoffperry.co.uk">geoff@geoffperry.co.uk</a></small>			
<b>Project:</b> SCHOOL LANE, NUNEATON			
<b>House Type:</b> THE EMBLETON - PLANS & ELEVATIONS			
<b>Date:</b> December 2020	<b>Drawn:</b> SS	<b>Scale:</b> 1:100 @ A3	<b>Rev.:</b> ~
<b>Job No.</b> A 876	<b>Draw No.</b> 001		



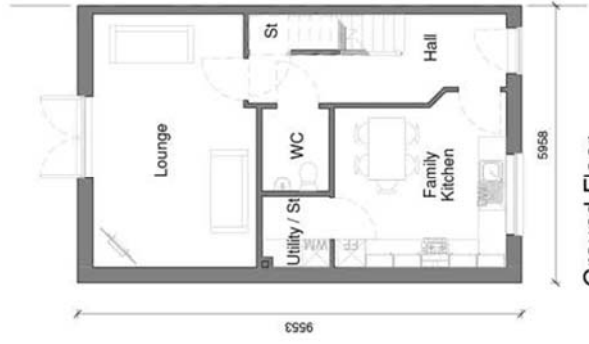
Front Elevation.



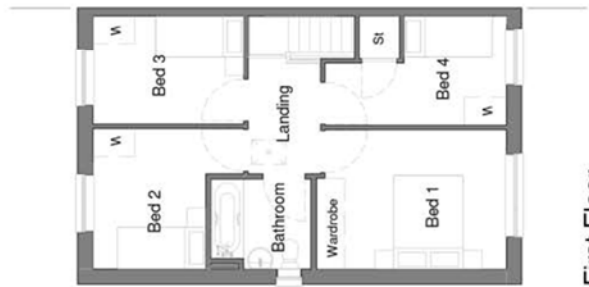
Left Elevation.



Rear Elevation.



Ground Floor.



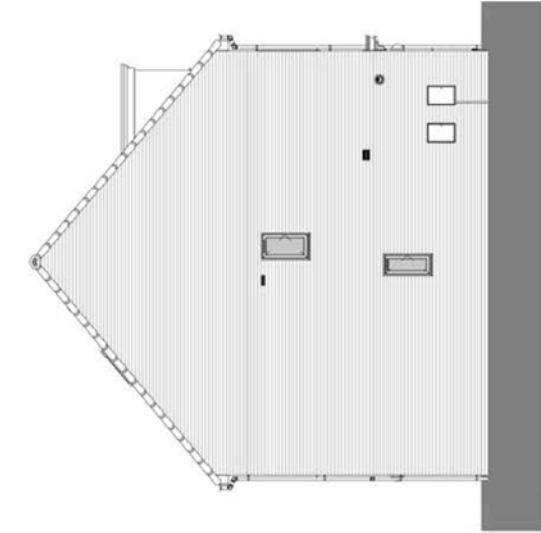
First Floor.

<p><b>Geoff Pei Associates</b> The Stylabery, Anson House Road, Woking, Surrey, UK. GU24 0PU T: 01423 794 900 F: 01423 794 901 E: info@peipai.co.uk</p>	<p><b>Keep</b></p>	<p><b>Project:</b> SCHOOL LANE, NUNEATON</p>	<p><b>House Type:</b> THE WHITTON - PLANS &amp; ELE</p>	<p><b>Date:</b> December 2020</p>	<p><b>Drawn:</b> EN</p>
		<p><b>Job No.:</b> A. 876</p>	<p><b>Drwg No.:</b> 055</p>	<p><b>Scale Check:</b></p> <p>1:20-0 </p> <p>1:100-0 </p> <p>1m 2m 3m</p>	

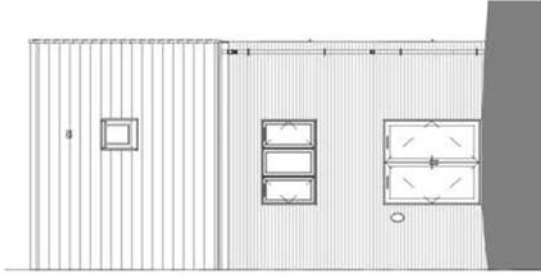
House Type: The Whitton



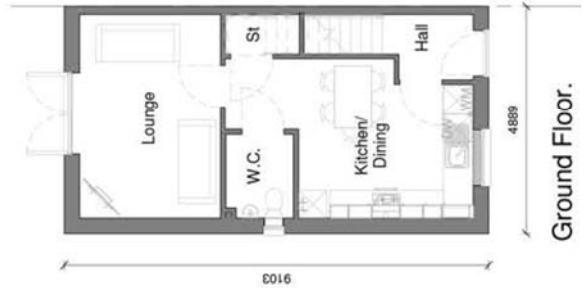
Front Elevation.



Left Elevation.



Rear Elevation.



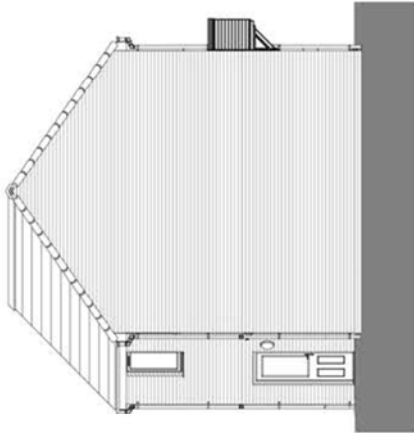
Project:	SCHOOL LA
House Type:	THE SEATC
Date:	December 2020
Job No.	A 876
Scale Check:	01/11/2020
	1:200 - 1:200

House Type: The Seaton

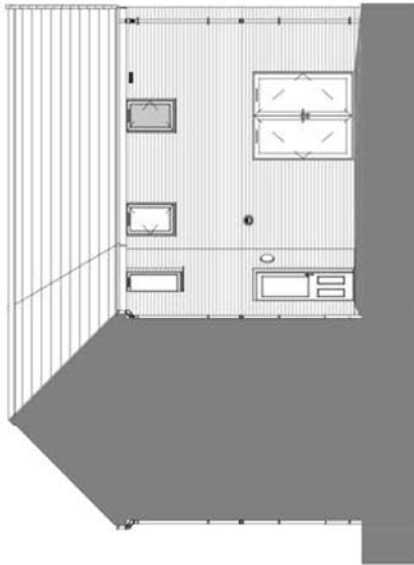
House Type: The Dovenby



Front Elevation.



Left Elevation.



Rear Elevation.



Ground Floor.



First Floor.

<b>GP</b>	<b>KE</b>
<b>Project:</b> SCHOOL LANE, NUN	<b>House Type:</b> THE DOVENBY - PLAI
<b>Date:</b> December 2020	<b>Drawn:</b> EW
<b>Job No.:</b> A 876	<b>Drg No.:</b> 051
<b>Scale Check:</b> .....	

**REFERENCE No.** 037457

**Site Address:** 87 Edward Street, Nuneaton, Warwickshire, CV11 5RE

**Description of Development:** Retention of new garage to side of dwelling

**Applicant:** Mr Saleem Sheikh

**Ward:** AB

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**RECOMMENDATION:**

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

**INTRODUCTION:**

This application is for the retention of a new garage to the side of the existing dwelling, at the site address 87 Edward Street, Nuneaton, Warwickshire, CV11 5RE. The application site is a two-storey end terrace house, characterised by buff brick, with a garden which exists on the side of the application site. The garage has already been built and is located towards the North west of the site, and replaces a garage which existed, that neighbours the driveway and garage to the side of the neighbouring property at 85 Edward Street.

The property is set back from the street frontage, and has a small front garden, with the majority of the garden land on the side of the property. The garage is within the curtilage of the application site boundary. Neighbouring the site towards the North West exists 85 Edward Street, which is also a two storey end terraced property characterised by light brown buff brick, which is also set out in the same style as the application site, with a driveway located towards the side of the property, however this site does not have a garage within its curtilage.

Neighbouring the site towards the South East exists 89 Edward Street, which is the adjoining two storey terraced characterised by render and on street parking. The street scene consists of terraced properties, of which very few have any private parking available, with most cars parking on-street. The terraced housing is largely of a similar two storey scale, however use different building materials, including buff brick and render.

The garden of the application site extends 31 metres from the front where the garden starts, to the end where the garden backs onto the boundary of 88 and 90 Norman Avenue. The topography of the garden is slightly sloping upwards towards the rear boundary.

The garage measures 4.9 metres wide and 8.9 metres long, and measures 2.5 metres from ground to eaves at the front, and 2.6 metres from ground to eaves towards the rear, with a flat roof. The garage has a door on the side elevation facing the application site address at 87 Edward Street, and has a roller shutter at the front.

## **RELEVANT PLANNING HISTORY:**

- There is no relevant planning history for the site

## **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Sustainable Design and Construction Supplementary Planning Document (SPD) 2020.

## **CONSULTEES NOTIFIED:**

WCC Highways.

## **CONSULTATION RESPONSES:**

No objection from:

WCC Highways

## **NEIGHBOURS NOTIFIED:**

82, 84, 85, and 89 Edward Street, and 88 and 90 Norman Avenue.

Neighbouring properties were sent letters notifying them of the application on the 8<sup>th</sup> October 2020.

## **NEIGHBOUR RESPONSES:**

There were objections to the proposal in the form of a signed petition, which included a total of 17 signatures from 8 addresses. The comments are summarised below:

1. Concerns over loss of daylight to the property at 87 Edward Street, due to increased size of the new garage
2. The increased length of the garage resulting in surrounding occupiers having to cut hedges and trees to accommodate the new build garage
3. Concerns that three cars will be used within the storage capacity of the new garage (over intensification of use concerns)
4. Increased feelings of vulnerability and risk to safety as a result of the garage
5. Overbearing and overshadowing as a result of the garage including negative overall impact on visual amenity.
6. General concerns over the increased size of the garage compared with the previous garage.

## **APPRAISAL:**

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

1. Residential Amenity
2. Visual Amenity
3. Highway Safety
4. Conclusion

## **1. Residential Amenity**

The garage is located in between the application site address, 87 Edward Street, and 85 Edward Street. The garage is situated on its own plot and is next to an available parking space to the property of 85 Edward Street. The garage is not located on an adopted highway. It is only slightly larger than the previous garage, which was in its place, roughly 2.3 metres in height, whereas the new garage is 2.6 metres in height.

The neighbour at 85 Edward Street has side facing windows which include 2 habitable room windows. The outbuilding is located approximately 5.6 metres from these habitable room windows. However, it is not considered that the garage affects the residential amenity of this property, as it is only 0.1 metres taller than what would be allowed under permitted development. It also replaces an existing garage and it is not considered that it would create additional significant loss of daylight any more than the previous garage. No other properties are affected.

The objections received in the form of the petition included concerns such as loss of daylight, overshadowing effect, and increase in size of the garage. On balance, the new garage is roughly only 0.3metres taller than the existing garage, therefore does not have an overall net larger negative impact on the loss of daylight caused by the previous garage. Further to this, the garage is only 10cm over what would be permitted development, therefore the concerns over the increased size are not that significant.

The garage is replacing an existing garage, and there are no protected trees or hedges within this site, therefore boundary maintenance would be the responsibility of individual site owners, and do not carry weight in this application.

## **2. Visual Amenity**

The garage faces out onto Edward Street. There are a number of similar outbuildings facing the same direction. There are a mix of different materials and styles used and none match the existing properties they are related to. Therefore, there is no set 'street style' which the garage would have to be in keeping with. Similarly, there are different materials and roof styles used in the building to those on the existing dwelling. The garage currently consists of breeze blocks and a condition is suggested that it is rendered and painted in a colour to be agreed by the Council.

## **3. Highway Safety**

The proposal would provide parking for a vehicle to the application site. WCC Highways were consulted as part of this application and raised no objection. The hardstanding fronting the garage has also been extended further to the south to around 5.8 metres. WCC Highways considers the hardstanding to be suitable for a single vehicle to park off-street. They do not consider that the garage would result in an intensification of use of the access.

## **4. Conclusion**

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The potential impacts of the proposed development in relation to residential amenity, visual amenity and highway safety 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 conditions.



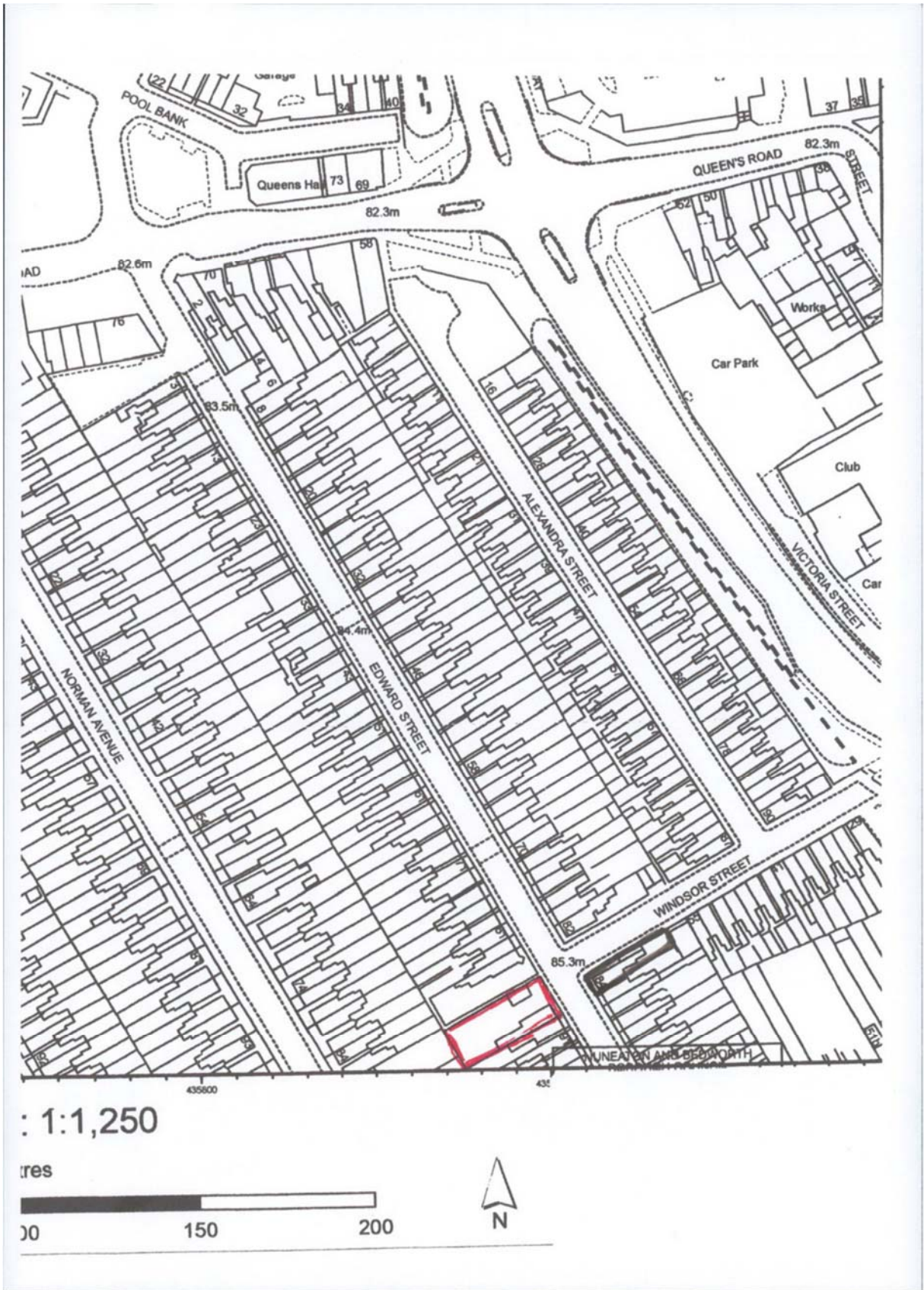
Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the development plan and other policies within the NPPF. Furthermore, there are no material considerations or adverse impacts which indicate that the application should be refused. It is therefore considered that the proposed development should consequently be approved subject to conditions. The garage is only 0.1 metres taller than what would be allowed under permitted development, and as the garage replaces an existing garage, on balance, the garage does not significantly cause a loss of daylight any more than the previous garage.

## **REASONS FOR APPROVAL:**

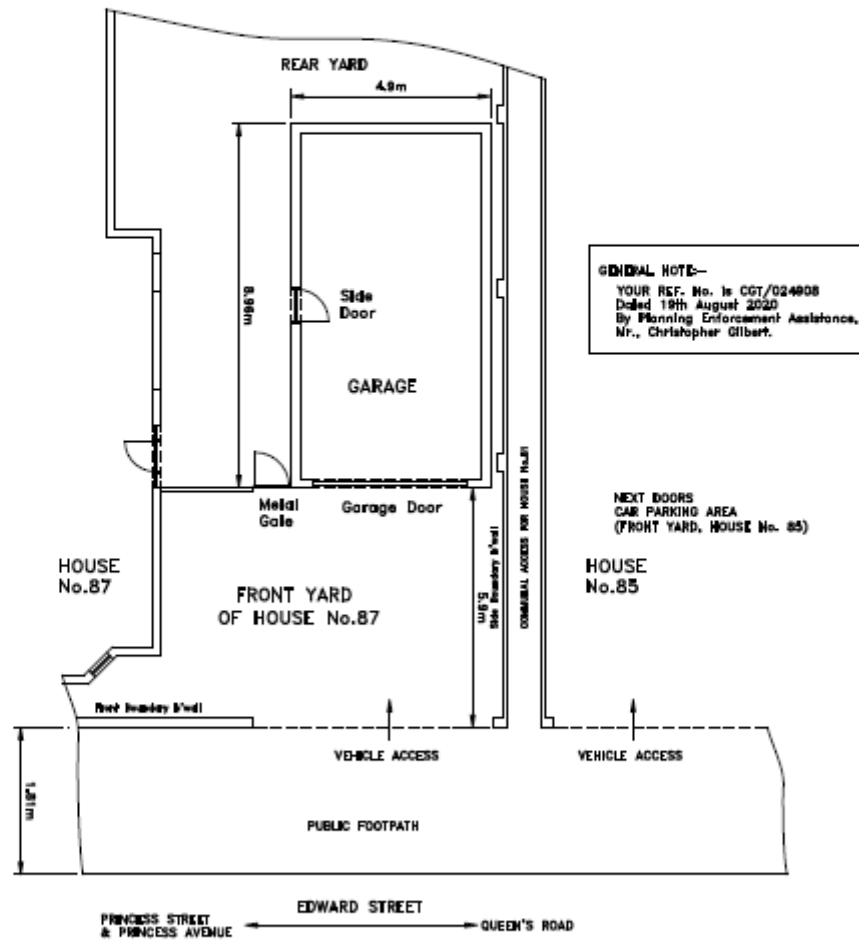
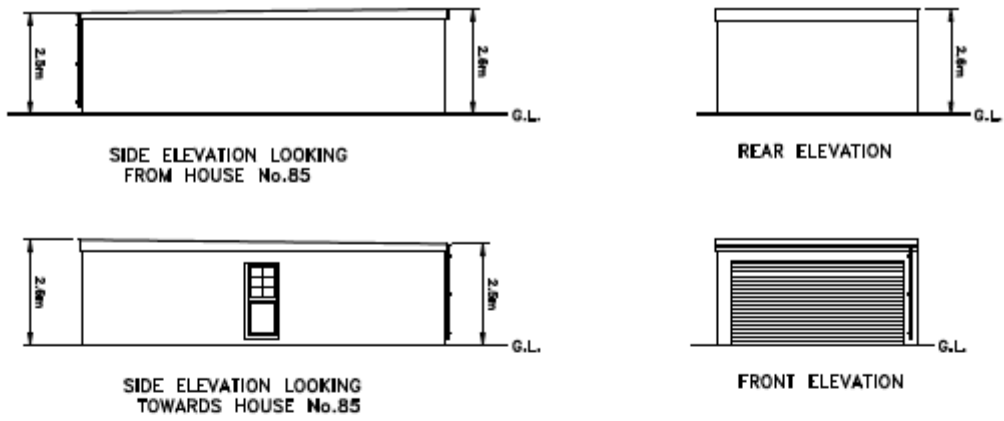
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in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

## **SCHEDULE OF CONDITIONS:**

1. Within 3 months of the date of this permission the side and rear walls of the garage are to be rendered, painted and subsequently maintained in a colour to be agreed in writing by the Council.
2. The garage shall not be used other than for any purpose incidental to the enjoyment of the dwelling house as such.



Site Location Plan



**GENERAL NOTE--**  
 YOUR REF. No. is CGT/024908  
 Dated 19th August 2020  
 By Planning Enforcement Assistant,  
 Mr., Christopher Gilbert.

NEXT DOORS  
 CAR PARKING AREA  
 (FRONT YARD, HOUSE No. 85)

HOUSE No.85



ALL DIMENSIONS ARE IN MILLIMETRES  
 UNLESS OTHERWISE STATED  
 SCALE 1:100

REV.	Date:
1	09/10/2020
New Elevation added.	

**RE-BUILT EXISTING GARAGE**  
 AT 87 EDWARD STREET, NUNEATON, CV11 5RE  
 FOR Mr., S. SHEIKH.

DATE: 23-09-2020

Site Layout, Floor Plans & Elevations

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)**