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Date: 11<sup>th</sup> February 2021

Our Ref: VM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held **on Tuesday, 23<sup>rd</sup> February 2021 at 5.00 p.m. Confidential items will begin at 4.00pm.** Due to Government guidance on social-distancing and the Covid-19 virus this meeting will be held **VIRTUALLY AND LIVE STREAMED.** Public and press can follow the decision making online at [www.nuneatonandbedworth.gov.uk/live-meetings](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 2<sup>nd</sup> February 2021 **(Page )**

#### 4. DECLARATIONS OF INTEREST

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

#### Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda **(Page )**. 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 )**
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 )**
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**

**2nd February 2021**

A meeting of the Planning Applications Committee was held on Tuesday, 2<sup>nd</sup> February 2021. Due to Government guidance on social-distancing and the COVID-19 virus this meeting was held virtually and live streamed.

**Present**

Councillor W. Hancox – Chair

Councillors , , B. Pandher, N. Phillips, G. Pomfrett (substitute for Councillor Lloyd) M. Rudkin, A. Sargeant, J. Sheppard, R. Smith, J. Tandy, R. Tromans, C.M. Watkins, H. Walmsley (substituting for Councillor Gran) and K. Wilson.

Apologies: Councillor I. Lloyd, Councillor S. Gran

PLA60 **Chair's Announcements**

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

PLA61 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 12<sup>th</sup> January 2021 be confirmed and signed by the Chair.

PLA62 **Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes and on the Council website for those substituting on behalf of committee members.

PLA63 **Declarations of Contact**

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

A written statement was also submitted to the Panel regarding Planning Application Number 037206 from the applicant Mr R. Burriss.

A written statement was provided by Bedworth Society in regards to Planning Application Number 037206

**IN PUBLIC SESSION**

PLA64 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).**

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA47 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 2<sup>nd</sup> February 2021

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

Applicant: Terra Strategic

**Public Statements: Councillor D. Brown, Mr J. Adams, , Mr C. Young QC,  
Councillor J. Glass, and Ms N. Bettes (Written statement)**

**DECISION**

The application be approved subject to the legal agreement and the conditions as printed on the agenda.

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**037206 - Site 103b007 – Marriott Road, Bedworth, Warwickshire**

Applicant: Mr R. Burriss

**Public Statements: Mr R. Burriss (Applicant.)**

**DECISION**

Planning permission be granted subject to conditions agreed by the Officers with the Applicant, in addition to the following conditions.

Conditions as recommended by attending Officer as follows:

- i. Submission for approval 4 standard contaminated conditions;
- ii. submission for approval of levels;
- iii. submission for approval Bin Collection point within access;
- iv. submission for approval Low level lighting and speed control measures to the shared access and details of signage road markings for give way within the site and maintenance plan;
- v. submission for approval Boundary treatments;
- vi. submission for approval Arboriculture Method Statement and Root Protection Plan including neighbouring trees;
- vii. submission for approval for bird and bat bricks;
- viii. submission for approval of a landscape condition;
- ix. submission for approval a lighting condition including during the construction period;
- x. ensure that an ecologist present at the time the site was cleared to direct and supervise the clearance;
- xi. domestic sprinkler system;
- xii. PD removal for Unit 1 for rear extensions;

- xiii. PD removal to ensure Obscure glazing and no opening lights within 1.7m of adjacent floor level to side landing window of unit 1 and side first floor bathroom window of unit 3;
- xiv. for domestic heating provision, all gas-fired boiler installations should be low NOx emission, and;
- xv. electric Vehicle (EV) charging points.

Plus, conditions requested by Members to include:

- i. Permitted development for extensions and alterations to be removed as stated in (xii) above;
- ii. sprinkler system. Already stated above;
- iii. bin storage. Already stated above, and;
- iv. hours of work.

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#### **PLA65 Any Other Items**

Councillor Hancox asked whether it would be possible to look into possibly using drones if approved to provide video of sites, as in current circumstances site visits are not always possible.

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Chair

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

**Previously Considered Planning Applications (Deferred)**

<b>Item No.</b>	<b>Reference</b>	<b>Address</b>	<b>Page No.</b>
N/A	N/A	N/A	

**Planning Applications**

<b>Item No.</b>	<b>Reference</b>	<b>Address</b>	<b>Page No.</b>
1	036877	"Site 103B009 - Land off", Astley Lane, Bedworth, (adj The Heath)	17
2	037066	"Site - 37C008 land to the rear of", 79-117 Vale View, Nuneaton	48
3	037609	99 Woodlands Road, Bedworth	68
4	037449	"Milverton House Preparatory School", Holman Way, Nuneaton	106

<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		



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## Item No. 1

**REFERENCE No.** 036877

**Site Address:** Site 103B009 - Land off Astley Lane Bedworth (adj The Heath)

**Description of Development:** Residential development of 169 dwellings including public open space, associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works

**Applicant:** Bellway Homes West Midlands

**Ward:** SL

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Residential development of 169 dwellings including public open space, associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works at Site 103B009 - Land off Astley Lane Bedworth (adj The Heath).

The site is 11.7ha in size, and lies on the western edge of Bedworth Heath. In the period from the 1900's to the 1980's it formed part of the Newdigate Colliery, with associated infrastructure that included Colliery buildings and a mineral railway line which ran across the northern part of the site, into central Bedworth. Beyond this railway was the former spoil heap.

The application site falls into three distinct parts: a central area; western area; and eastern area. The central area within the site is a large open field of semi-improved grassland, with a continuous mature hedgerow on its southern side that runs along the length of Astley Lane. The land slopes gently northwards towards a small watercourse that runs parallel to the northern boundary of the site. The central area is bordered to the west by a belt of secondary vegetation, which dips sharply before rising again within the western area. This is a single field of improved pasture that is accessed via a gated track at the far western end, and relates more to the countryside character beyond than to the urban fringe of Bedworth. The woodland belt results in a strong separation between the western area and the rest of the site.

The eastern area of the site is a spur which extends towards existing development on the edge of Bedworth. It is a strip of grassland and scrub which also contains a number of ponds which were constructed as newt mitigation for the adjoining recent, housing development (see below). Both the central and eastern areas form part of a wider area that is designated as the Newdigate Colliery Local Wildlife Site (LWS).

### **RELEVANT PLANNING HISTORY:**

- 033230 - Residential development of up to 180 dwellings together with associated open space, landscaping, parking and access. (Outline to include

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 - Presumption in favour of sustainable development.
  - BE1 - Contamination and land instability.
  - BE3 - Sustainable design and construction.
  - BE4 - Valuing and conserving our historic environment.
  - DS2 - Settlement hierarchy and roles.
  - DS3 - Development principles.
  - H1 - Range and mix of housing.
  - H2 - Affordable housing.
  - HS1 - Delivery of Infrastructure.
  - HS2 - Strategic accessibility and sustainable transport.
  - HS5 - Health.
  - NE1 - Green infrastructure.
  - NE2 - Open space.
  - NE3 - Biodiversity and geodiversity.
  - NE4 - Managing flood risk and water quality.
  - NE5 - Landscape character.
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

Environment Agency, George Eliot Hospital Trust, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:

Environment Agency, NBBC Environmental Health, NBBC Parks, WCC Archaeology, WCC Flood Risk, WCC Highways.

No objection from:

Central Networks, Coal Authority, National Grid, Natural England, NBBC Policy, Police Architectural Liaison Officer, WCC Footpaths

No objection subject to S106 requests:

George Eliot Hospital Trust, NBBC Sports Development, NHS, Police Place Partnership, WCC Infrastructure Team

No response from:

NBBC Housing, NBBC Refuse, North Warwickshire Borough Council, Severn Trent Water, Warwickshire Wildlife Trust

### **NEIGHBOURS NOTIFIED:**

1-36 (inc) The Lawns, 1-4 (inc) Roisins Vineyard, 1-24 (inc), 25, 27 Marriott Road, 2-28 (even) Himley Road, 2-8 (even), 1-15 (odd) Astley Hall Farm, Orchard Farm, Market End House, 1-3 Market End Cottages Astley Lane, 2-28 (even) Wildley Road, 296-298 (even) Smorrall Lane, 1-24 (inc) Forsythia Close, 1-28 Jasmine Way, 1-14 (not 13) Passionflower Close, 1-15 Salvia Way, 12-22 Buttercup Way, 24-44 (even), 29-41 (odd) Clover Way

Neighbouring properties were sent letters notifying them of the proposed development on 10<sup>th</sup> January 2020. A site notice was erected on street furniture on 9<sup>th</sup> January 2020 and the application was advertised in The Nuneaton News on 22<sup>nd</sup> January 2020.

### **NEIGHBOUR RESPONSES:**

There have been 6 objections from 6 addresses received. The comments are summarised below;

1. Increase in traffic using the entrance/exits to the site.
2. Would increase already heavy HGV usage
3. There would be an impact on highway safety and it could cause additional accidents with motorists and pedestrians
4. Loss of a greenfield site
5. Destroying a wildlife habitat and wildflowers, loss of flora and fauna
6. No sequential test relating to flooding carried out
7. Transport Assessment needs to be updated
8. Materials are not in keeping with the surroundings
9. There is no mention of the public right of way to the west of The Lawns which will be used more
10. Biodiversity impact assessment does not appear correct
11. Ecology data was captured in 2014
12. The layout is contrived
13. Affordable housing is not sufficient
14. Insufficient archaeological investigation
15. Where will the NEAP/LEAP go?
16. No noise impact assessment appears to have been undertaken
17. Potential for increased crime
18. Disruption due to building works
19. Object to building anywhere around The Woodlands area
20. The gap between Nuneaton and Bedworth would be eroded

There have been 2 letters of objection from The Friends of the Nook, the comments are summarised below;

1. Additional water will run in to The Nook
2. Risk of flooding will increase
3. Should be refused to protect the nature reserve
4. Will do damage to the pathways in The Nook
5. The Nook is a place of natural beauty

## **APPRAISAL:**

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

1. The Principle of the Development
2. Landscape Character
3. Impact on Residential Amenity
4. Impact on Visual Amenity
5. Open Space, Ecology and Biodiversity
6. Contamination
7. Noise and Air Quality
8. Flooding
9. Archaeology
10. Impact on Highway Safety
11. Planning Obligations
12. Conclusion

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

This planning application is a full application, but the context in which it is applied for is important. An outline on this site for residential dwellings was approved in December 2017. The former outline permission is still extant, but changes to the access made it simpler to apply for a full permission. Since the outline is still extant the housing applied for here already contributes to the Council's 5 year housing land supply, and in effect has already been 'counted' so to speak.

It is considered that the principle of the development is largely established as a result of this extant outline.

### **2. Landscape Character**

The Council's TEP Land Use Designations Study, which is a background paper created to support the Borough Plan during the preparation phase assesses this individual site, and states that this site is influenced by its proximity to neighbouring residential development and is surrounded by roads.

The site itself is within the area to *Bedworth Woodlands Rural Fringe* Landscape Character Area where the strength of landscape character is moderate, the landscape condition is moderate and the landscape strategy is to enhance.

In the previous outline permission it was determined that the impact on landscape character could be mitigated and enhanced. This is still considered to be the case, and is especially so given that the more detailed landscape proposals accompanying this application will help to blend external views of the site with the surrounding landscape character and attempt to respect existing field boundaries. This is echoed by the LVIA which accompanies the planning application.

Overall it is considered that the impact on landscape character arising from the proposal is not significant.

### **3. Impact on Residential Amenity**

Inside the site:

Through an iterative process over the course of the application the developer has worked with the Local Authority to overcome any small concerns over the residential amenity of the proposed dwellings. The distance standards are met across the site, but with a few notable shortfalls.

Plot 27 has a 65cm shortfall to the side of plot 26, which is considered to be negligible and therefore the impact on any future residents of the dwelling is acceptable.

Similarly Plot 60 has a 60cm shortfall to its neighbour but again this is so minimal so as to be negligible and therefore is acceptable.

Plot 101 is only 13.1m (rather than 14m) to its neighbour, however there are views and an open aspect beyond this, which mitigate harm, so this again is considered acceptable.

To existing dwellings:

All distance standards are met between the proposed dwellings and the existing dwellings which are near to the site including those on Forsythia Close, Salvia Way, Jasmine Close and those dwellings at 1-3 Colliery Cottages.

Overall the impact on residential amenity to both new and existing properties is acceptable and is compliant with the guidance contained in the Sustainable Design and Construction SPD 2020.

### **4. Impact on Visual Amenity**

In regard to visual amenity the design style of the new properties is largely modern but with traditional elements and features.

From outside the site many of the new properties will be built so as to face on to Astley Lane. These are mainly detached and semi-detached house types. As the houses are sited along Astley Lane, to the west, they curve northwards in an attractive crescent which addresses the corner well and maintains active frontages on to the open space to the west.

To the south east of the site is a small access road serving 13 plots which are a mixture of terraced dwellings and flat units within two storey buildings resembling the other terraced units. This small part of the site connects to the main section via a small 2m wide walkway through some incidental open space, which doubles as a wayleave for the gas pipe which crosses the site.

As one enters the larger part of the site from Astley Lane, one is met with plots 120 and 121 which are a pair of semi-detached dwellings and feature a rendered front element, with brick plinth, soldier coursing over windows in a flat arch style and stone cills.

Through the site the houses follow the contours of the typical estate roads well, placing dual aspect dwellings on corners to enhance street scenes. To the eastern parts of the site plots such as 20 and 21 follow the corner of the road well to address it with their frontages.

To the north of the site the dwellings are orientated so as to face on to the open space and the wildlife corridor. Again dual aspect dwellings are used occasionally to give better relation to the roads and private drives which surround them.

The materials are a mixture of a few different types of brick, with some render and concrete tiles with a thin leading edge.

Overall it is considered that the impact on visual amenity is acceptable.

## **5. Open Space, Ecology and Biodiversity**

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

It is within the context of the above that the applicant has submitted an Ecological Appraisal (December 2019) with the application. Methodologically it consisted of a full desktop study, an extended phase 1 habitat survey and a range of field surveys for endangered species which may have been present on the site.

The appraisal concluded that there was no evidence of water voles or otters, some limited invertebrate habitat including that of the 'Dingy Skipper' which will be enhanced through the development. A small population of grass snakes was discovered. Some populations of bats, birds and great crested newts were on site although their habitats are being retained and enhanced. The report states on the matter of great crested newts: "the presence of GCN is considered a statutory constraint to the proposed works therefore a licence from Natural England will be required be in place before works to legitimise development."

While no response was received from the Warwickshire Wildlife Trust a response from Parks did deal with Ecology and Biodiversity.

After extensive discussions with Parks various elements of the site were added to and built upon including the butterfly bank, ponds features and other habitat enhancements and creation on site.

Conditions will be added to ensure that there is an adequate provision for the on-site ecology and habitat creation.

NBBC Parks have no objection and because of this it is considered that there would be no significant harm to ecology or biodiversity as a result of the approval.

The proposal sets out a large area of open space to the west of the site which is to be enhanced, as well as a wide landscape corridor to the north of the built development which is also to be enhanced significantly with broadleaf woodland planting, lower level scrub planting and other features.

NBBC Parks and Countryside have been involved with a number of discussions relating to the site. The disused railway line to east of the site has been indicated as a proposed green infrastructure link proposal and has been sought after for several years (gaining its own permission in 2018). This is a positive green link from The Nook to Smorrall Lane and then via existing links onwards to Bedworth Town Centre. Originally as part of the first applications for the Smorrall Lane development the link was going to be provided, however this never came to fruition. It is proposed to include this cycle link provision within the S106 legal agreement for this planning application and both the Councils Legal Team and the applicant are content this can be achieved, to ensure its provision.

The landscaping and open space parts of this proposal have changed several times through the course of this application and there has been a dialogue between Parks and the applicant. We have now reached a stage where Parks are content to remove their objection, subject to some conditions.

## **6. Contamination**

In reference to contamination, the NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121). Borough Plan Policy *BE1 – Contamination and Land Instability* also states that land stability and contamination needs to be considered.

The former use of part of the site was associated with Newdigate Colliery and as such the extent of any remaining contamination is unclear. It is within this context that the applicant has submitted a Geo-Environmental Assessment and a Mitigation Report. These reports comprise of a desk-based geo-environmental preliminary risk assessment and takes data from various sources.

The Councils Environmental Health Team (contamination) were consulted during the application process and conclude that the contaminated land conditions are required, so these will be added to any approval.

## **7. Noise and Air Quality**

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

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

The NBBC Environmental Health Team were consulted on this scheme and, consistent with the previous (and extant) outline permission, have requested no noise conditions to be placed on the new properties.

The Construction Hours will be enforced via a Construction Management Plan, which is detailed in the conditions.

In regard to Air Quality the NBBC Environmental Health Team were again consulted and responded to state that they considered that Air Quality will be good within the development as there is no industry or trunk roads nearby so that is of less concern but the road trips generated by this number of houses will have an impact on nitrogen dioxide and particulates on surrounding roads. EHO then recommended three

conditions regarding; a dust management plan, electric vehicle charging points and gas fired boiler installations.

With these conditions the impact on air quality is felt to be acceptable.

## **8. Flooding**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 155-157). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Based on a desktop review of flood mapping obtained from the Environment Agency and flood evidence records contained in the Council's Strategic Flood Risk Assessment (SFRA), the development site is located in Flood Zone 1, which is considered suitable for all land uses. There are areas of the site within Flood Zones 2 & 3 but these are not subject to residential development. The proposed development presents no significant impact to existing flood dynamics, either on or adjacent to the site.

The approach taken in the report confirms that locating the proposed buildings and parking areas in Flood Zone 1 does not increase the risk of flooding. In accordance with NPPF guidance the development proposed is compatible with the degree of flood risk. To ensure the risk of flooding either to or from the proposed development can be managed, a surface water drainage strategy is proposed. The strategy includes a range of devices that attenuate surface water and treat pollution as flows proceed through the network such as swales and detention basins which would limit the run-off to greenfield rates.

Consequently WCC Flood Risk have no objections to the scheme subject to some conditions.

The Environment Agency also have no objection to the scheme subject to conditions.

It is therefore considered that the proposal will have no unacceptable impact on food risk.

## **9. Archaeology**

The applicant has submitted an Heritage Statement. This indicates the central and eastern parts of the site have been used as part of the Newdigate Colliery during the 20<sup>th</sup> century. This assessment draws together available archaeological, topographic and land use information to establish the archaeological potential of the site. Warwickshire County Council's Archaeology Department have requested a condition to ensure that a written scheme of investigation is submitted prior to work beginning.

## **10. Impact on Highway Safety**

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.



It is with this in mind that the application has been accompanied by a Transport Assessment. This along with the site specifics and a Road Safety Audit were scrutinised by WCC Highways.

It is proposed to access the site via two main accesses of Astley Lane. The first will provide access for the 13 dwellings to the east, and the other to the rest of the development. Inside the development will be the normal estate road, turning heads and pedestrian footpaths.

WCC Highways have no objection to the scheme subject to conditions and these are felt to be appropriate and will be added to any approval. One condition recommended asked for bus stops to be improved prior to occupation, however this will be adequately dealt with through a legal agreement.

With these conditions it is considered that there would be no unacceptable impact on highway safety.

### 11. 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>George Eliot Hospital Trust</b>	For support and provision of healthcare at George Eliot Hospital	£139,964.00	
<b>Police Place Partnership</b>	For police funding	£27,487.00	
<b>NBBC Sports Development</b>	For improvement of sporting facilities	£399,027.00	
<b>NHS CCG</b>	Improve existing GP premises in Bedworth primary care network	£59,467.00	
<b>WCC Infrastructure</b>	Rights of way	£7,372.25	

<b>WCC Infrastructure</b>	Libraries	£3,480.00	
<b>WCC Infrastructure</b>	Road safety initiatives	£8,450.00	
<b>WCC Education</b>	Monies for the provision and improvement of schools, SEN, Newdigate Primary, within 2 miles, early years provision	£788,843.00	
<b>NBBC Parks</b>	Provision and maintenance of play and open space  Legal tie to provide footpath/cycleway, etc.	£312,366.02	
<b>WCC Highways</b>	New Bus Infrastructure Improvements:  Improve No.79 Service  Bus stop provision  Real Time Information provision at bus stops  Maintenance and cleaning, etc.	£180,000  £42,000  £48,000  £18,000	(£12,000 x 2 bus stops) plus £12,000 per bus stop for replacement after 15 years  5 years of cleaning and maintenance for each bus stop and RTI board.

To explain slightly on what was mentioned in the Open Space section of this report, Parks have responded to state that it is regrettable that the cycleway from The Nook to Smorrall Lane was never provided with some earlier development in the area. It is therefore proposed to include this in the legal agreement, legal advice has been that this is acceptable and appropriate.

## 12. 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 provision of housing, open space, habitat improvements, potential contaminated land mitigation as well as the significant planning obligations all weight significantly in favour of the proposal.

In conclusion therefore, and on balance, while there are some considerations which weigh in a very limited way against the proposal, those favour of it outweigh any small amount of harm created.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date received:
Proposed Site Plan	19054_01AE –	21 <sup>st</sup> January 2021
Ecology Plan	6207 T 08	12 <sup>th</sup> November 2020
Bat and Bird Box Plan	6207 E 01 A	1 <sup>st</sup> October 2020
Hibernacula Details	6207 E 02	1 <sup>st</sup> October 2020
Boundary Treatments Rev E	AG-BOUND-01	10 <sup>th</sup> January 2020
Materials Plan Rev C	AG-MATS-01	14 <sup>th</sup> August 2020
Invertebrate Bank Details	031220 6207	12 <sup>th</sup> January 2021
Soft Landscape Proposals	GL1273 01H	27 <sup>th</sup> January 2021
Soft Landscape Proposals	GL1273 02H	12 <sup>th</sup> January 2021
Soft Landscape Proposals	GL1273 03H	12 <sup>th</sup> January 2021
Soft Landscape Proposals	GL1273 03H	12 <sup>th</sup> January 2021
Soft Landscape Proposals	GL1273 05G	12 <sup>th</sup> January 2021
Play Area Proposals	GL1273 06B	6 <sup>th</sup> April 2020
Pond Detail	AG-POND-01	12 <sup>th</sup> January 2021
POS Access Gate Detail	AG-GATE-01	12 <sup>th</sup> January 2021
Sections - Rev	A-AG-SEC-01	31 <sup>st</sup> December 2019
Single Garage - Country Brick R1	A_218_CB_R1	31 <sup>st</sup> December 2019
Double Garage - Country Brick R1	A_436_CB_R1	31 <sup>st</sup> December 2019
Single Garage - Town Brick R1	A_218_TB_R1	31 <sup>st</sup> December 2019
Double Garage - Town Brick R1	A_436_TB_R1	31 <sup>st</sup> December 2019
Artisan-PLANNING ARTISAN CB (Gable)	2017 SO4_LTH (3)	31 <sup>st</sup> December 2019
Planning Drawings Artisan CB	2017 SO8_LTH (3)-	31 <sup>st</sup> December 2019
Artisan-PLANNING ARTISAN CB	2017 SO2 PLUS_LTH (4)	31 <sup>st</sup> December 2019
Artisan-PLANNING ARTISAN CB (Standard Roof)	2017 SO3_LTH (4)	31 <sup>st</sup> December 2019
Artisan-PLANNING ARTISAN CB (Front Gable)	2017 SO3_LTH (4)	31 <sup>st</sup> December 2019
Artisan-PLANNING ARTISAN CB (Front Gable 2)	2017 SO3_LTH (4)	31 <sup>st</sup> December 2019
The Bowyer - Planning Elevs E (1)	A_1356_00_CB_02 -	31 <sup>st</sup> December 2019
The Bowyer Planning Elevations - Country Render		31 <sup>st</sup> December 2019
The Bowyer - Planning Layouts		

E (1)	A_1356_00_AT_01 –	31 <sup>st</sup> December 2019
The Bowyer Planning Elevs - Town Render		31 <sup>st</sup> December 2019
The Cutler - Planning Elevs – D	A_1335_00_CB_02 –	31 <sup>st</sup> December 2019
The Cutler Planning Elevations - Country Render		31 <sup>st</sup> December 2019
The Cutler - Planning Layouts – D		
	A_1335_00_AT_01 –	31 <sup>st</sup> December 2019
The Fletcher - Planning Elevations (-) – A		
	A_1057_00_CB_02 - A_1057_00_CB_02-	
		31 <sup>st</sup> December 2019
The Fletcher - Planning Layouts (-) - A		
A_1057_00_AT_01 - A_1057_00_AT_01-		
		31 <sup>st</sup> December 2019
The Fletcher Planning Elevations - Town Render		31 <sup>st</sup> December 2019
The Joiner Planning Elevations - D		
	A_680_00_CB_02 –	31 <sup>st</sup> December 2019
The Joiner Planning Layouts – D		
	A_680_00_AT_01 -	31 <sup>st</sup> December 2019
The Joiner - Planning Elevations - D		
	A_680_00_TF_02 -	31 <sup>st</sup> December 2019
The Mason - Planning Elevations - J		
	A_1059_00_CB_02 –	23 <sup>rd</sup> January 2020
The Mason - Planning Layouts - J		
	A_1059_00_AT_01 –	23 <sup>rd</sup> January 2020
The Mason - Planning Elevations - J		
	A_1059_00_TF_02 –	23 <sup>rd</sup> January 2020
Naylor CB Elevations		
	A_818_00_CB_02_NY-3B-2S-CB-E –	
		31 <sup>st</sup> December 2019
Naylor Plans - - (1)		
	A_818_00_xx_01_NY-3B-2S-P1 –	
		31 <sup>st</sup> December 2019
Naylor TF Elevations - -		
	A_818_00_TF_02_NY-3B-2S-TF-E –	
		31 <sup>st</sup> December 2019
The Quilter Planning Elevations - Town Render		31 <sup>st</sup> December 2019
The Quilter Planning Layouts - H		
	A_954_00_AT_01 –	31 <sup>st</sup> December 2019
The Sawyer - Planning Elevations - B		
	A_1083_00_CB_02 -	31 <sup>st</sup> December 2019
The Sawyer Planning Elevations - Country Render		31 <sup>st</sup> December 2019
The Sawyer - Planning Layouts - B	A_1083_00_AT_01 -	31 <sup>st</sup> December 2019
The Scrivener - Planning Elevations - G	A_1214_00_CB_02 –	
		31 <sup>st</sup> December 2019
The Scrivener Planning Elevations - Country Render		31 <sup>st</sup> December 2019
The Scrivener - Planning Layouts - G	A_1214_00_AT_01 -	31 <sup>st</sup> December 2019
The Scrivener - Planning Elevations - G	A_1214_00_TF_02 –	31 <sup>st</sup> December 2019
The Tailor - Planning Elevations – D	A_802_00_CB_R1_02 -	31 <sup>st</sup> December 2019
The Tailor - Planning Elevations - D	A_802_00_CB_R2_02 -	31 <sup>st</sup> December 2019
The Tailor - Planning Layouts - D	A_802_00_0_01 -	31 <sup>st</sup> December 2019
The Tailor - Planning Elevations - D	A_802_00_TF_R1_02 -	31 <sup>st</sup> December 2019
The Tailor - Planning Elevations – D	A_802_00_TF_R2_02 -	31 <sup>st</sup> December 2019
The Tailor Planning Elevations - Town Render		31 <sup>st</sup> December 2019
The Thespian Planning Elevations - Country Render		31 <sup>st</sup> December 2019
The Thespian - Planning Layouts – F	A_921_00_AT_01 -	31 <sup>st</sup> December 2019

The Thespian - Planning Elevations - F A\_921\_00\_TF\_02 - 31<sup>st</sup> December 2019  
The Thespian Planning Elevations - Town Render 31<sup>st</sup> December 2019  
The Turner - Planning Elevations – G A\_921TU\_00\_CB\_02 - 31<sup>st</sup> December 2019  
The Turner - Planning Layouts – G A\_921TU\_00\_AT\_01 - 31<sup>st</sup> December 2019  
The Turner - Planning Elevations (-) - G A\_921TU\_00\_TF\_02 - 31<sup>st</sup> December 2019

3. No development shall commence until a Phasing Plan has been submitted to and approved in writing by the Council. The Phasing Plan shall provide details of the sequence of development across the entire site, including:

- a. The provision of all major infrastructure including accesses, roads, footpaths, and cycle ways
- b. Residential dwellings
- c. Public open space
- d. Balancing ponds
- f. Ecological and landscaping enhancement areas

The development shall not be carried out other than in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Council.

4. No phase of development shall take place until a Construction Method Statement 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 for that phase of development unless otherwise agreed in writing by the Council. The Statement shall provide for:

- i) The routing and parking of vehicles of site operatives and visitors;
- ii) Hours of work;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials used in constructing the development;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction; and
- vii) A scheme for recycling/disposing of waste resulting from construction works.

5. No development shall take place other than in accordance with the details set out in the Ecological Construction Management Plan (6207 CEMP Rev C) received by the Council on 12<sup>th</sup> November 2020.

6. No development, including demolition, shall commence until a written method statement of demolition for the existing buildings on site including;

- timescales,
- storage of materials,
- methods for the control of dust/extraneous materials
- the parking on contractors and visitors
- the turning of HGVs and the loading and unloading of materials

has been submitted to and approved in writing by the Council.

Development, including demolition, shall not take place other than in accordance with the approved details, unless otherwise agreed in writing.

7. No phase of development shall commence until full details of the site levels and finished floor levels for that phase have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Council.

8. The construction materials shall be in accordance with the Materials Plan Rev C (AG-MATS-01) received by the Council on 14<sup>th</sup> August 2020.

9. No dwelling is to be occupied until the boundary treatment to that plot has been carried out in accordance with the Boundary Treatments Plan Rev E (AG-BOUND-01) received by the Council on 10<sup>th</sup> January 2020.

10. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the 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 include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 17.2 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

11. No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Council giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the Council and LLFA within the maintenance plan.

12. The development shall be carried out in accordance with the submitted flood risk assessment (ref: Flood Risk Assessment and Drainage Strategy Addendum Report by Travis Baker for Bellway Homes dated 3 February 2020, Appendix C JBA Consulting Hydraulic Modelling Study Draft Report at Astley Lane, "Hydraulic Modelling Study at Astley lane, Bedworth Final Report January 2020 Rev 4.0 January 2020" and the following mitigation measures it details:

Section 3.1.3 page 14 Finished Floor Levels shall be set no lower than 110.30 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Council) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

14. 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.

15. Notwithstanding condition 2 of the planning permission, no development shall commencement until full details of the two proposed butterfly banks located to within the Public Open Space and the eastern area of Public Open Space as shown on Plan reference GL1273 05G have been submitted and approved in writing by the Council.

16. To mitigate the potential for fugitive dust emissions during the construction phase it is recommended that a condition is included to require the developer to submit a Dust Management Plan for our approval prior to works commencing on site.

17. The developer should provide electric vehicle (EV) charging points at a rate of; 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.

18. For domestic heating provision, all gas-fired boiler installations should be low NO<sub>x</sub> emission type that meet a minimum standard of less than 40mg NO<sub>x</sub> /kWh.

19. 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.

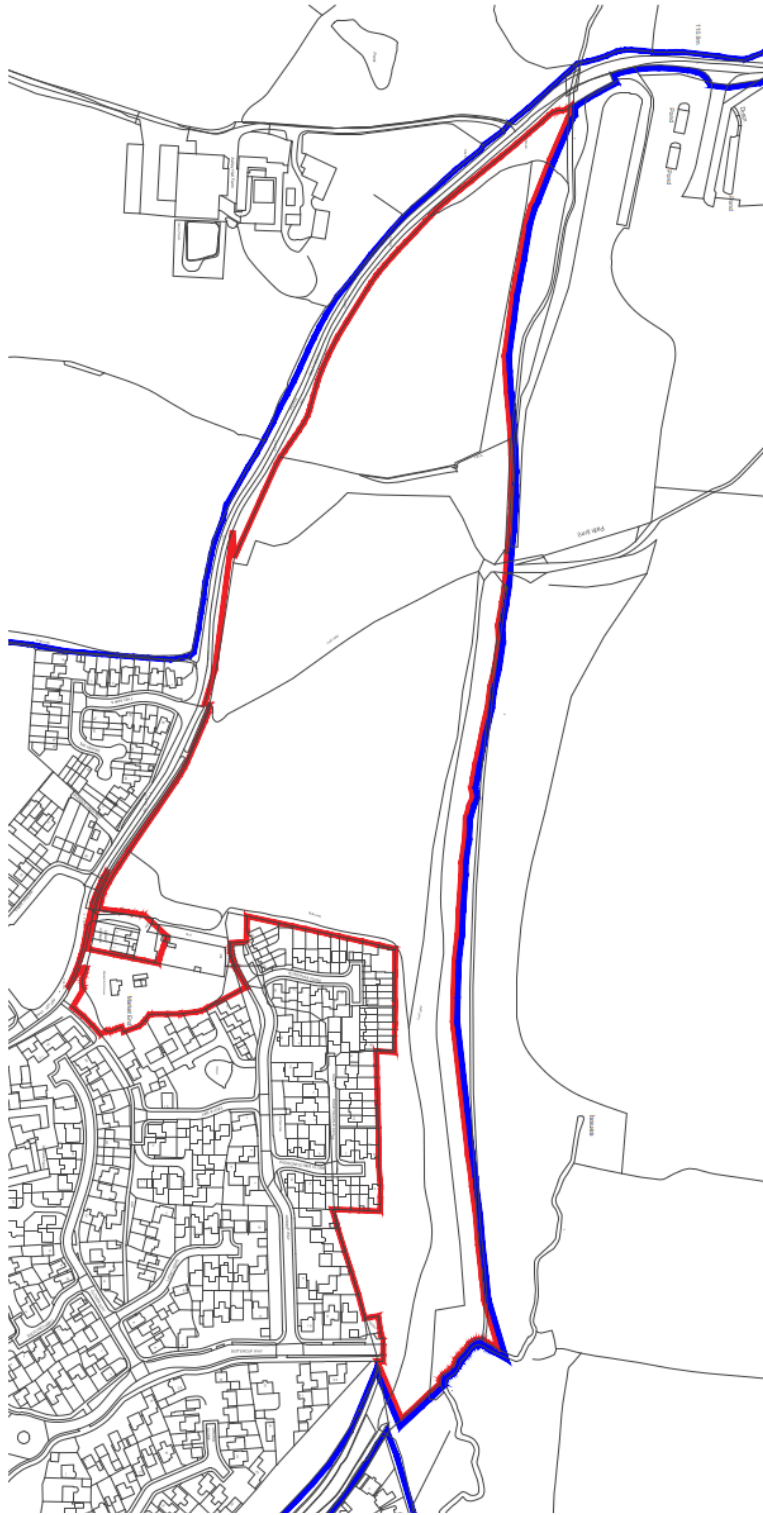
20. Access to the site shall not be made other than at the positions identified on the approved drawing Proposed Site Layout Plan 19054-01 Rev AE. No access shall be used until constructed in accordance with the approved plans, including visibility splays, and the specification of the Highway Authority.

21. No dwelling shall be occupied until the estate road (including footways) serving it has been laid out and substantially completed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the planning authority. The site shall be laid out in accordance with Proposed Site Layout Plan 19054-01 Rev AE and the specification of the Highway Authority. Gradients within junctions shall not exceed 1:50 for the first 15 metres, and thereon the gradients of carriageways, shared accesses, footways, and parking areas shall be no greater than 1:20.

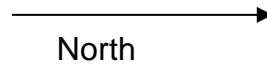
22. No dwelling shall be occupied until the car parking area for that building including the necessary vehicular footway crossing have been laid out and are available for use in accordance with the approved plan and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

23. No structure, tree or shrub shall be erected, planted, or retained within the visibility splays shown on Proposed Site Layout Plan 19054-01 Rev AE exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.





Site Location Plan



North

# Proposed Site Plan and Layout







Street Scenes



1 Front Elevation  
1:100



2 Gable Elevation  
1:100



3 Rear Elevation  
1:100



4 Gable Elevation  
1:100

## The Cutler



1 Front Elevation  
1 : 100



2 Gable Elevation  
1 : 100



## The Turner



1 Front Elevation  
1:100



2 Gable Elevation  
1:100



3 Rear Elevation  
1:100

## The Joiner



1 Front Elevation  
1:100



2 Gable Elevation  
1:100



3 Rear Elevation  
1:100



4 Gable Elevation  
1:100

## The Sawyer



1 Front Elevation  
1 : 100



2 Gable Elevation  
1 : 100



3 Rear Elevation  
1 : 100



4 Gable Elevation  
1 : 100

## The Boyer





1 Front Elevation  
1 : 100



2 Gable Elevation  
1 : 100



3 Rear Elevation  
1 : 100



4 Gable Elevation  
1 : 100

## The Scrivener



1 Front Elevation  
1 : 100



3 Gable Elevation  
1 : 100



2 Rear Elevation  
1 : 100



4 Gable Elevation  
1 : 100

## The Thespian



1 Front Elevation  
1:100



2 Gable Elevation  
1:100



3 Rear Elevation  
1:100

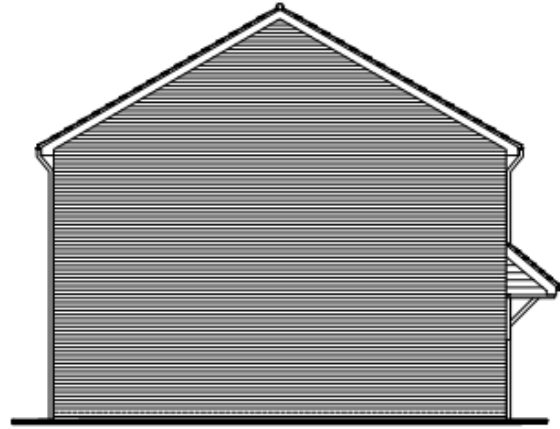


4 Gable Elevation  
1:100

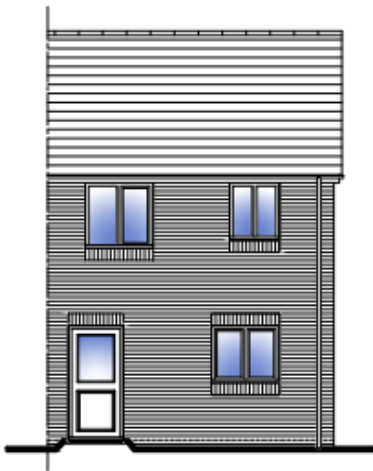
## The Mason



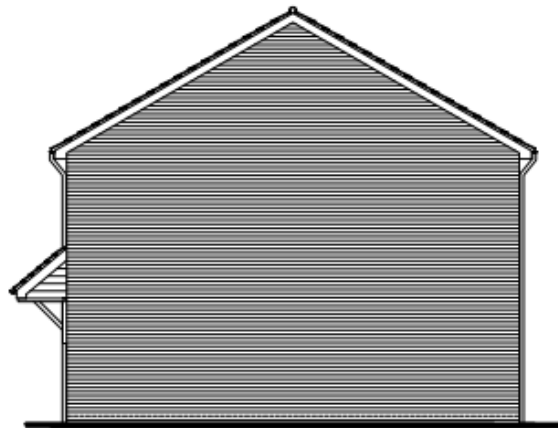
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Artisan (Country Brick)



1 Front Elevation  
1:100



3 Gable Elevation  
1:100



2 Rear Elevation  
1:100

## The Tailor



Front Elevation  
1: 100



3 Gable Elevation  
1: 100



Rear Elevation  
1: 100

## The Fletcher



1 Front Elevation  
1 : 100



3 Gable Elevation  
1 : 100



2 Rear Elevation  
1 : 100



4 Gable Elevation  
1 : 100

## The Quilter

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## Item No. 2

**REFERENCE No.** 037066

**Site Address:** Site - 37C008 land to the rear of 79-117 Vale View Nuneaton

**Description of Development:** Development of 14 dwellings (10 x semi-detached houses and 4 apartments) for affordable housing. Development will be a mixture of 1B1P apartments, 2B4P houses and 3B5P houses

**Applicant:** Mrs Dawn Dawson (Nuneaton and Bedworth Borough Council)

**Ward:** BA

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This proposal is for the development of 14 residential dwellings. The dwellings will be in the form of 5 sets of semi-detached two storey properties, and 1 set of semi-detached styled properties which will provide 4 flats. In total there will be four 1 bedroom apartments, eight 2 bedroom houses and two 3 bedroom houses.

The site itself is currently a large open space along the east section of Vale View. The site was overgrown and covered in vegetation, however this was all removed prior to the application being received. The site itself is mostly flat with a slight decrease in level from the south of the site to the north. There are a few boundary trees remaining on the site, and the majority of the boundary at the rear of the site is made up of the rear boundary fences on Vale View, these are mostly wooden fences of differing heights and colours. The southern boundary to the site, which borders an electricity sub station, is comprised of a mesh fence.

The majority of Vale View is characterised by two storey terraced groups. With hipped roofs and a mixture of red brick, stone brick and rendering. Across Vale View to the site is Windsor Gardens which is a newer development, mostly providing apartments which are styled as semi-detached houses. This development is of a different style to the original dwellings on Vale View, as there are gable detailing facing on to the road, the building line is set back further and some of the dwellings are situated perpendicularly to the road.

### **BACKGROUND:**

This application is being reported to Committee because it is a major planning application on council-owned land.



## **RELEVANT PLANNING HISTORY:**

- No relevant history

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement hierarchy and roles
  - DS3 – Development principles
  - DS4 – Overall development needs
  - DS5 – Residential Allocations
  - H1 – Range and mix of housing
  - H2 – Affordable housing
  - HS1 – Ensuring the delivery of infrastructure
  - HS2 – Strategic accessibility and sustainable transport
  - HS6 – Sport and Exercise
  - NE1 – Green infrastructure
  - NE2 – Open space
  - NE3 – Biodiversity and geodiversity
  - NE4 – Managing flood risk and water quality
  - BE1 – Contamination and land instability
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

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

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:

WCC Highways, NBBC Environmental Health, George Elliot Hospital Trust, NBBC Sports Development, WCC Flood Management, WCC Parks

No objection from:

Coal Authority, Environment Agency, NBBC Planning Policy, WCC Infrastructure, Warwickshire Police (Architectural Liaison Officer), Warwickshire Wildlife Trust

No response from:

Severn Trent Water, Western Power Distribution, NBBC Housing, NHS, NBBC Refuse, WCC Water Officer

## **NEIGHBOURS NOTIFIED:**

75-117 (odd) Vale View

Neighbouring properties were sent letters notifying them of the proposed development on 30<sup>th</sup> April 2020. A site notice was erected on street furniture on 30<sup>th</sup> April 2020.

## **NEIGHBOUR RESPONSES:**

There has been 1 objection from 1 address. The comments are summarised below;

21. Removal of the trees could increase the risk of flooding at the bottom of Vale View
22. There is already overcrowding of parking in the surrounding area

## **APPRAISAL:**

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

13. The principle of the development
14. Impact on residential amenity
15. Impact on visual amenity
16. Impact on highway safety
17. Impact on environmental health
18. Flooding and drainage
19. Biodiversity and trees
20. Impact on coal risk area
21. Planning Obligations
22. Conclusion

### **13. The Principle of Development**

The proposal site is located within the defined settlement boundary of Nuneaton. Under policy DS3 of the Borough Plan 2019 residential development which is within the settlement boundary is considered acceptable.

The site is not accounted for in the overall development needs for residential development in the borough and is therefore considered as a windfall site. The site itself is not a strategic site however it is shown on the proposals map as being a non-strategic housing site – reference NUN348 Vale View. This is supported by policy DS5 of the Borough Plan 2019, which gives an expected yield for the site as 27 dwellings. The application only seeks to provide 14 residential units, which is significantly below the expected yield for the site. However, in this case this level of development is considered acceptable taking into account the justification described in Section 3 of the Design and Access Statement which details significant constraints in the form of a sewer easement along the site frontage which effectively removes a significant proportion of developable area, combined with the need to provide off-street parking on the site.

The proposal provides a range of residential dwellings, in the form of 1 bed apartments and 2 and 3 bed houses. This is considered an acceptable mix under policy H1 of the plan where the greatest need is for 3 bedroom properties. The proposal is for 100% affordable rented properties. Policy H2 is supported by the adopted Affordable Housing SPD 2020 which states that affordable rent housing is the highest needed affordable

housing in the Borough. As this proposal seeks to only provide affordable renting this is considered compliant with policy H2 and the Affordable Housing SPD 2020.

From the above assessment the principle of the development is considered acceptable, and therefore as long as there is compliance with other policies and stakeholders the proposal should be recommended for approval.

#### **14. Impact on 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. Plots 1 – 10 front onto Vale road, while plots 11-14 face inside the site, perpendicular to the road. The proposal maintains at least a 20 metre separation distance from existing neighbouring properties and thus complies with the distance standards set out in paragraph 11.4 of the Sustainable Design SPD. Furthermore Plots 1 & 2 on the south end of the site have no first floor habitable room windows in the side elevation thus avoiding any overlooking to existing neighbouring properties.

In relation to inside the site, it should be noted there are two first floor habitable room windows in the side elevation of plots 3 and 4 (both flats) opposite the side wall of plot 5 with a separation distance of 6.5 metres. There is also a relatively wide side garden at Plot 5. Given these are only secondary windows it is considered appropriate to condition these windows for obscure glazing to avoid overlooking into the neighbouring side garden. There are also first floor habitable room windows for small bedrooms in the side elevations at plots 7 and 8, however given that the neighbouring side gardens are significantly narrower and that there are no opposite facing habitable rooms, there would be no adverse overlooking caused.

#### **15. Impact on Visual Amenity**

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 requires development proposal to be: (1) designed to a high standard, (2) able to adapt to, and minimise the impact of climate change. The policy also sets out the criteria for achieving this.

A key determining factor is how the development fits with the urban character of the area: Policy BE3 requires development to contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. In this case the proposal extends the building line along Vale View in the form of plots Nos 1 – 10, with plots 11-14 running perpendicular to the side. The development consists of pairs of semis and flats which are similar and consistent in appearance being two storey with pitched roofs and dark red bricks and first floor render. This layout, along with the spacing, scale, materials, form and massing of the individual houses is considered acceptable, respecting the existing building lines and responding well to the local characteristics of Vale View.

The overall design satisfies the requirements of Policy BE3 and can be considered 'good quality'. The submitted Design and Access Statement (DAS) does not include a statement concerning Building for Life 12, however when assessed against the criteria the proposal scores satisfactorily. The Secured by Design element of the DAS lacks detail, however there are no noticeable problems with the layout. The need to install

rainwater harvesting systems is not addressed in the application but can be added as a suitably worded condition. The proposal is therefore assessed to be in compliance with policy BE3.

Warwickshire Police have no objections but recommended the following interventions:

- All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
- all lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

The proposed boundary treatment shows there are no fences backing onto public open space and the fences are 1.8m in height.

### **16. Impact on Highway Safety**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Vehicular access is proposed off Vale View for plots 11 – 14. In terms of parking, 24 parking spaces have been provided. The level of parking provided is therefore considered acceptable and WCC have no objections. Furthermore the site is in a sustainable location and close to facilities such as public transport routes.

Amendments to the proposal have been carried out to address highway concerns such as the positioning of parking spaces, visibility splays and the provision of bin storage. The WCC Highways have no objections to the amended scheme subject to conditions.

### **17. Land contamination and noise/air pollution**

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.

The council's Environmental Health team was consulted in relation to both land contamination and noise/air pollution.

In regard to contaminated land an investigation report has been included in the application which indicates that remediation will be required for the site. Environmental have no objection subject to conditions which would cover any remediation work being approved, such as a remediation strategy, implementation of the remediation and validation.

With regard to the noise impacts and impact on the air quality the comments received from Environmental Health noted that there would be no adverse impact on noise but that the development should include measures for mitigation/offsetting of air quality impacts in accordance with the Air Quality SPD 2020. It was concluded that a full assessment would not be required subject to the following conditions:

- electric vehicle (EV) charging points at a rate of; 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.
- 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.

Therefore, the requested conditions will overcome all of the potential issues which have been assessed by the Environmental Health.

### **18. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 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 Environmental Agency were consulted on the application and responded with no comment. The WCC Flood Risk Management team were also consulted on the application and objected to the lack of a drainage strategy. However following amendments to the scheme in the form of a submitted flood risk and drainage strategy, WCC no longer object to the scheme subject to conditions requiring the scheme is built in accordance with the approved flood risk and drainage assessment and its mitigation measures.

### **19. Biodiversity and trees**

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. NE3 of the Borough Plan states that in relation to biodiversity offsetting, the mitigation hierarchy should be applied where relevant which follows the order of avoid, minimise, restore and offset. The site has been cleared of young trees and scrub, and there are semi-mature and mature small trees on the edge of the site mainly along the western boundary. An ecology audit for the site identified a biodiversity loss and recommended an off-site Biodiversity Offsetting Scheme. NBBC Parks have no objections subject to conditions for landscaping details, provision of bat and bird boxes, and tree protection.

### **20. The Coal Authority**

The application site is located within a defined High Risk Area which meant the Coal Authority were consulted on the application and following an initial objection further information was submitted in the form of a geo-environmental-assessment and this was overcome.

The original comments received by the Coal Authority gave a wider understanding of the site and their records indicate that the site is likely to have been subject to unrecorded underground coal mining at shallow depth and that a thick coal seam

outcropped across the site. The records also indicate that one recorded mine entry (adit) is present within the planning boundary and that there are an additional two (shafts) within close proximity of the eastern boundary.

Following further information submitted in favour of the application which followed the guide of what was requested by the Coal Authority they concluded that they were happy to remove their objection. The submitted Geoenvironmental Assessment (March 2019, prepared by Georisk Management Ltd) confirms that as a result of intrusive site investigations the site is not affected by potential shallow coalmine workings. This report also goes on to confirm that the two recorded mine entries to the east of the planning boundary have been treated, are not within the site and will not implicate on ground stability within the planning boundary, the Coal Authority withdraws its objection to this planning application and no conditions are required.

## 21. Planning Obligations

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

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

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

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

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Biodiversity Offsetting Scheme	£44,805.00	Viability Assessment demonstrates contribution cannot be paid.
<b>George Elliot Hospital</b>	Monies for maintaining service delivery during first year of occupation for each unit.	£11,595.00	Viability Assessment demonstrates contribution cannot be paid.
<b>WCC Sports Development</b>	Offsite sum to support delivery of identified projects	£18,214	Viability Assessment demonstrates contribution cannot be paid.

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations. The NPPG states that in plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. The submitted Viability Assessment has been considered by the Principal Land & Property Officer who has concluded that the assessment appears to be sound and that it would be financially unviable for the developer to pay any requested planning obligations in this case for an affordable housing scheme.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. The site is allocated as a non-strategic housing site in the Borough Plan and would provide a beneficial use of a brownfield site. It would also provide much needed affordable housing in the Borough. It is considered that these considerations would outweigh the lack of S106 contributions.

## **22. 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 application site is a previously developed site identified as a non strategic allocation for development within the settlement boundary. It would also provide much needed affordable housing in the Borough.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, land stability, highway safety, flood risk and drainage, ecology and contamination 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 would achieve sustainable development which should consequently be approved subject to conditions.

### **REASONS FOR APPROVAL:**

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

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

#### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Location Plan	100-236AR 002	7.10.2020
Site Layout	100-236AR 001M	7.10.2020
Boundary Treatment Plan	100-236AR 003F	7.10.2020
Street Scene	100-236AR 004G	7.10.2020
Plots 1-4 – Plans	100-236AR 006	7.10.2020
Plots 1-4 Elevations	100-236AR 007	7.10.2020
Plots 5-6, 9-10, 11-12 – Plans	100-236AR 008	7.10.2020
Plots 5-6, 9-10, 11-12 – Elev.	100-236AR 009	7.10.2020
Plots 7-8 – Plans	100-236AR 010	7.10.2020
Plots 7-8 – Elevations	100-236AR 011	7.10.2020
Plots 13-14 – Plans	100-236AR 012	7.10.2020
Plots 13-14 – Elevations	100-236AR 013	7.10.2020

2. The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk & Drainage Assessment (FRA) by Ridge & Partners LLP dated 18 December 2020, and in particular the following mitigation measures detailed within the FRA:
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year return period plus 40% (allowance for climate change) critical rain storm to 2 l/s for the site.
  - Provision of surface water attenuation storage as stated within the FRA of 91 cubic metres.
  - Use of permeable paving to parking spaces across the development to manage water quality.
3. No development above damp proof course shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
4. The first floor windows shown on the approved plan in the north side elevation of Plots 3-4 shall not be fitted or subsequently maintained other than in obscure glazing. No new window or opening shall be provided at first floor level in the elevation without the prior written consent of the Council.
5. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.
6. The proposed vehicular accesses to the site shall not be used in connection with the development hereby permitted until they have been surfaced with a bound material for their whole length as measured from the near edge of the public highway carriageway.



7. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing No. 100-236AR/001M, and shall not be used until public highway footway crossings have been laid out and constructed. NB. This will require the relocation of the existing street light on Vale View fronting the site, all costs associated with the relocation of the streetlight will be at the expense of the developer.
8. The development shall not be occupied until vehicular visibility splays have been provided to each vehicular access to the site with 'x' distances of 2.4 metres and 'y' distances of 25 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
9. The development shall not be occupied until each vehicular access to the site has been provided with pedestrian visibility splays of at least 2.4 metres by 2.4 metres on either side of the access. These measurements are taken from and along the highway boundary. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
10. No development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:
  - I. The routing and parking of vehicles of HGVs, site operatives and visitors;
  - II. Hours of work;
  - III. Loading and unloading of plant/materials.
  - IV. Storage of plant and materials used in constructing the development.
  - V. The erection and maintenance of security hoarding.
  - VI. Wheel washing facilities to prevent mud and debris being passed onto the highway.
  - VII. A scheme for recycling/disposing of waste resulting from construction works.
  - VIII. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.
11. 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.

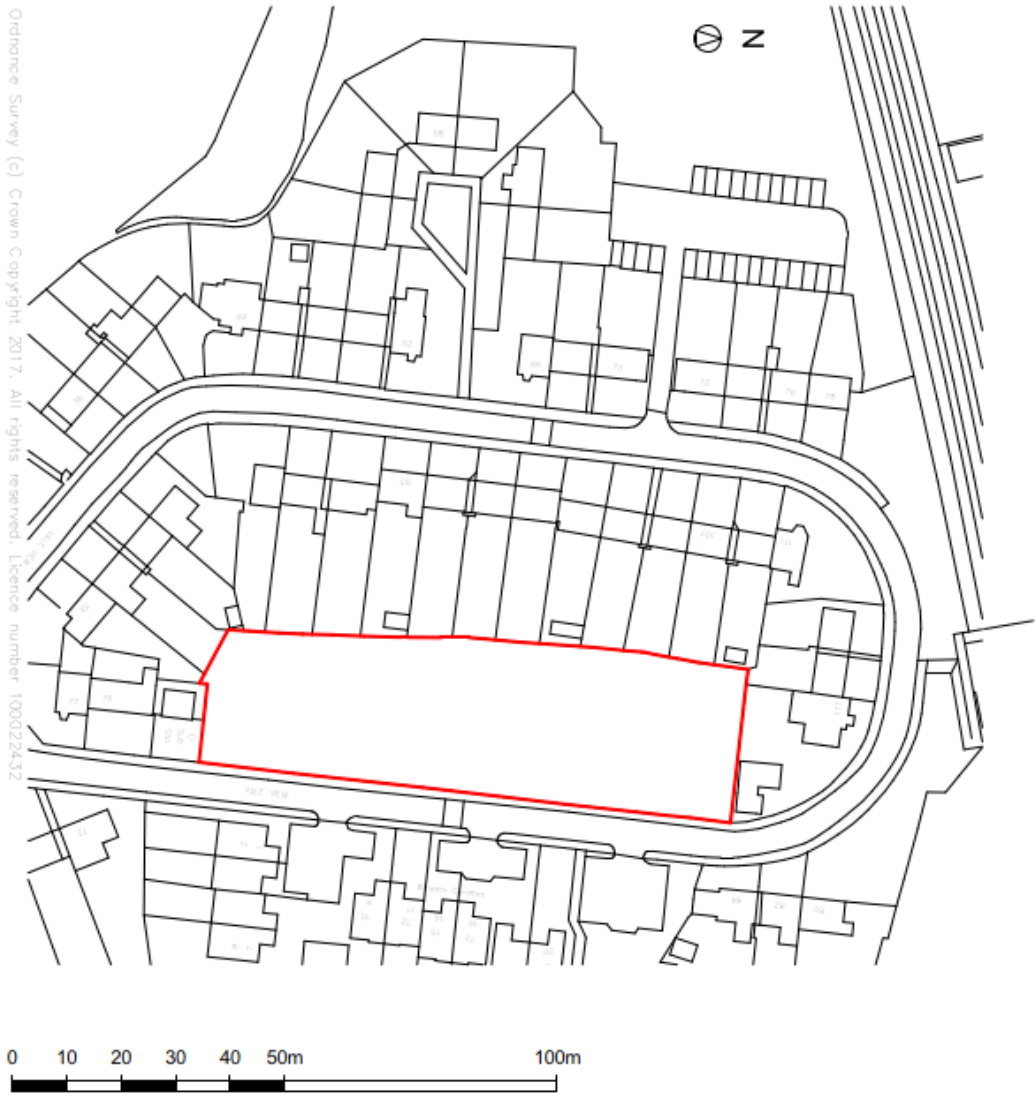
12. There shall be no occupation of any dwelling until Electric Vehicle (EV) charging points at a rate of 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) has been provided. In addition at that time, the developer is to ensure appropriate cabling is provided to enable increase in future provision.
13. 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.
14. No development above damp proof course shall commence until details of the provision of bat and bird boxes on suitable retained trees or incorporated into a proportion of new buildings within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
15. No development above damp proof course shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

16. No development (including site clearance) other than the construction of the main site access and any S278 works in the highway shall commence until, as a minimum requirement, a finalised Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Council. No tree or hedgerow other than those shown within the approved landscaping and layout drawings shall be removed unless otherwise agreed. No construction works shall commence until measures for the protection of the trees and hedges to be retained have been provided and approved in writing by the Council and the agreed measures are to be implemented in full during the course of development. The scheme shall conform to BS5837:2012. Sufficient minimum detail is to be provided to the Council be, as per Table B.1 (page 38) of BS 5837:2012, to evidence that all remaining trees will be satisfactorily protected throughout all stages of development. A clear justification shall be submitted in writing, and approved by the LPA, for the non-inclusion of such documentation (as per Table B.1 (page 38) of BS 5837:2012).

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

17. All lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.



## Location Plan

- A. Floor plate amendments. 15-03-19 CW JR
- B. Clusters related to ground floor flats. Trees indicated to be retained to be retained subject to tree survey. 15-03-19 CW JR
- C. Building footprints updated. 16-04-19 CW JR
- D. Plot 9 changed to 3 bed type. 02-07-19 CW JR
- E. Bin presentation areas added. 09-07-19 CW JR
- F. Plot 1-4 bin and cycle store moved out from canopy of adjacent tree. 05-08-19 JR JR
- G. Footprints updated to latest assessment. 28-10-19 CW JR
- H. Retaining walls shown and replanting. 13-02-20 CAW JER
- I. 1b1p and 2b4p footprints and BPA plots 11-14 moved. 05-03-20 CAW JER
- J. Scheme amended to retain existing speed ramp. 23-06-20 KMW JER
- K. Turning head to plots 11-14 re-located. 24-06-20 KMW JER
- L. Parking for plots 5, 6 & 10 amended re highways comments. 01-07-20 CAW JER



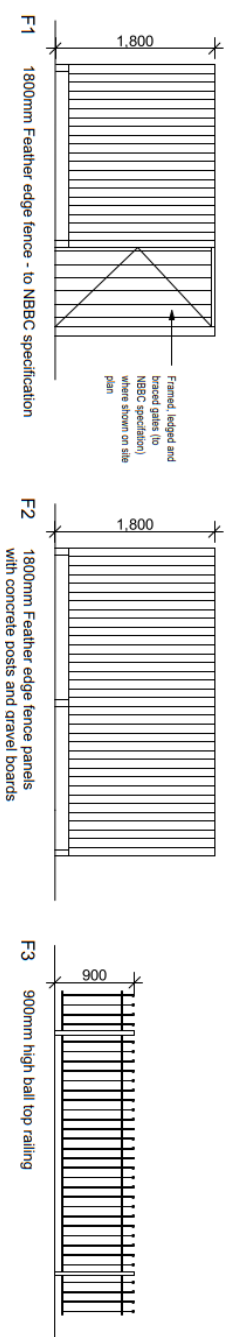
Project: A development at Vale View Land, Nuneaton

Status: Planning

Client: Nuneaton & Bedworth Borough Council



Site Layout



- KEY**
- F1 - 1800mm feather edge fence
  - Existing boundary treatment retained where suitable or replaced with F2
  - F3 - 900mm ball top railings
  - Retaining structure max 1m with boundary treatment on top, including railings where dr is greater than 600mm - Refer to Engineers notes.



Project: A development at Vale View Land, Nuneaton

Drawn	Planning
Client	Nuneaton & Bedworth Borough Council
Sheet title	Boundary Treatment Plan
Scale	1:500, 1:500@A3
Date	16/04/2019
Drawn	CMV
Checked	JR
Ref	100-236AR/003F

London | Birmingham | Leicester  
0203 272 1242 | 01223 2649271 | 0153 254 1800

**Boundary treatment Plan**

pins in updates  
 B. Paving area added to front of site  
 Forming area added to front of site  
 updated to suit.  
 C. Pits repositioned due to retaining  
 wall in front of site  
 D. Door style amended  
 E. Door style amended  
 F. Street Scene amended to site layout  
 G. Door style updated to match  
 elevations.

29-10-19 CW JR  
 25-02-20 CAW JER  
 03-03-20 CAW JER  
 12-03-20 CAW JER  
 21-07-20 AMJ YNM  
 01-10-20 CAW JER



Street Scene A-A - 1:200 @ A2



Street Scene





**ROUND GA Plan**  
50



**FIRST GA Plan**  
1:50

Project	A.1
Site	10
Drawn	PL
Checked	SL
Date	01/20

- External Arcylic Render
- White UPVC Windows
- Black UPVC Rainwater Gutter & Downpipes
- White UPVC Fascia & Soffit
- Marley Duo-Modern Concrete Interlocking Roof Tiles



**REAR**  
1:50



**FRONT**  
1:50



**SIDE**  
1:50



**SIDE**  
1:50

Project	A.1
Site	10
Drawn	PL
Checked	SL
Date	01/20
Scale	1:100 (0.1)
Sheet	100-2
Notes	1. See drawings for details of construction and materials.

**Plots 1 – 4 Plans and Elevations**





**rcp**

Project	A development of 12 new town houses
Site	Kingsley
Client	Housing & Business Group Council
Architect	Plots 5-6, 9-10 & 11-12 - Plans
Date	1/10/2021



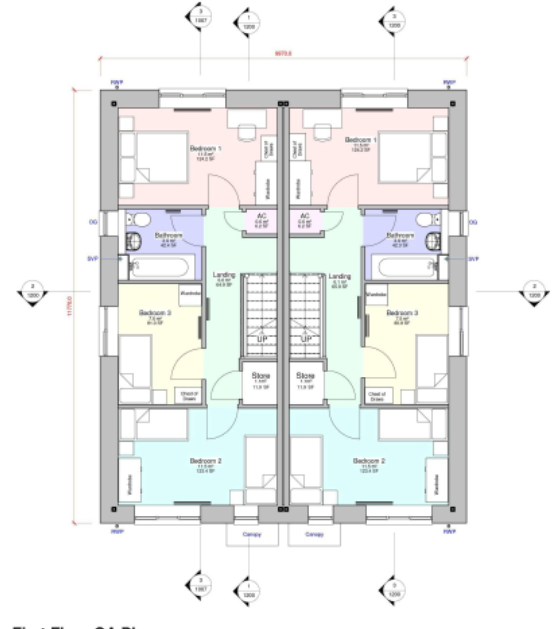
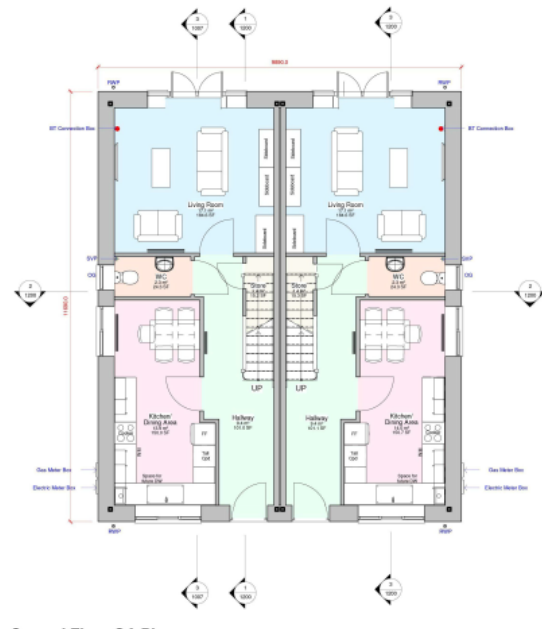
- Key**
1. Composite E
  2. External BR
  3. External BR
  4. External BR
  5. White UPVC
  6. Black UPVC
  7. White UPVC
  8. Marley Duo-Roof Tiles



Plots 5-6, 9-10 & 11-12 – Plans and elevations

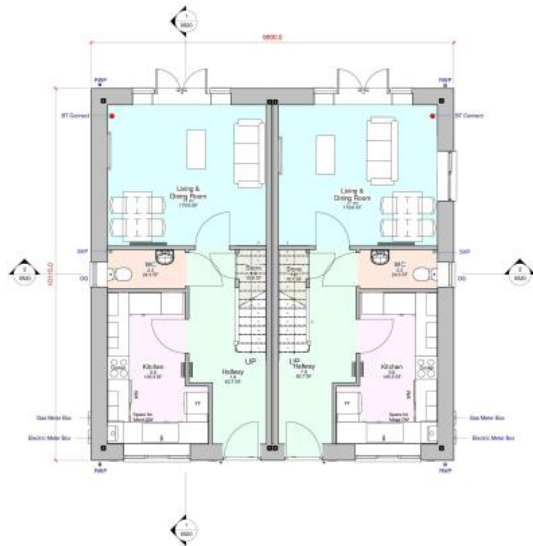


**Key**  
1.  
2.  
3.  
4.  
5.  
6.  
7.  
8.

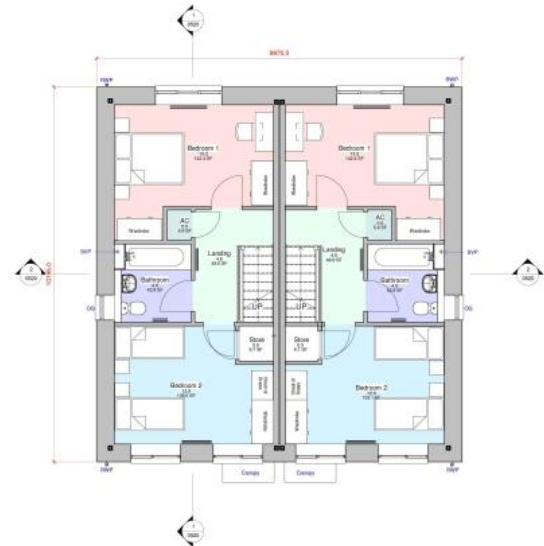


Plots 7-8 Plans and elevations

01 - Supermarket supply connection in Living & Dining Room



Ground Floor GA Plan  
1 : 50



2 First GA Plan  
1 : 50



1 FRONT  
1 : 50



2 SIDE  
1 : 50



3 REAR  
1 : 50



4 SIDE  
1 : 50

Plots 13-14 – Plans and Elevations

**REFERENCE No.** 037609

**Site Address:** 99 Woodlands Road, Bedworth, CV12 0AD

**Description of Development:** Erection of 9 dwellings including associated infrastructure

**Applicant:** Mr A Cartwright

**Ward:** SL

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**RECOMMENDATION:**

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

**INTRODUCTION:**

Erection of 9 dwellings including associated infrastructure at 99 Woodlands Road Bedworth CV12 0AD.

Members will recall an application at this site for 9 dwellings was refused by Planning Committee in 2020 with highway safety grounds being the sole reason for refusal. At the time of writing an appeal to this refusal has been lodged with the Planning Inspectorate. The applicant has resubmitted this permission since they believe that they have overcome the highway safety concerns of WCC Highways Authority.

The site is a roughly rectangular parcel of land which fronts on to Woodlands Road, Bedworth. The site encompasses the domestic curtilage of 99 Woodlands Road, the land to the side and the parcel of land to the rear. The first part of the site is accessed via a relatively narrow access, which becomes slightly more open as the space to the side of the track widens up to the side of number 99. Further in to the site the next parcel of land is gated off with a five bar gate. Beyond the gate there appears to be a small area of hardstanding and some vehicles parked at the time of the site visit.

To the north and east are open agricultural fields, and most notably to the east and south east (as well as on the site) is an area of ridge and furrow field system. To the west is Woodlands Road and beyond this more fields.

Woodlands Road itself is a busy arterial route which runs roughly south-north before it meets Bedworth Lane. At this point of the road the settlement pattern is primarily linear, ribbon style development. There are a mixture of housetypes, ages and styles but there are some prominent Victorian terraces, some inter-war semi-detached properties, and some more recent housing. The feel of this part of Woodlands Road is transitional as it represents the subtle change from the more urban town to the more rural countryside.

The nearby terraced housing which fronts on to Woodlands Road are numbers 97, 95 and 91 Woodlands Road. These are relatively traditional, two storey terraced properties which back on to the site. There is a mix of materials here and in the rest of the street with brick colours mostly being darker/ red and browns, and some render.

## **BACKGROUND:**

Notwithstanding the objections received, this application is being presented to Planning Committee at the request of Councillor Kyle Evans.

## **RELEVANT PLANNING HISTORY:**

- 036687 – Erection of 9 dwellings including associated infrastructure – Refused August 2020.

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - DS2 – Settlement Hierarchy and Roles
  - DS3 – Development Principles
  - DS4 – Overall Development Needs
  - DS5 – Residential Allocation
  - SA1 – Development on Strategic Sites
  - BE3 – Sustainable design and construction
  - BE4 – Valuing and conserving historic environment
  - HSG4 – Woodlands Strategic Housing Site
  - H1 – Range and Mix of Housing
  - H2 – Affordable Housing
  - NE1 – Green Infrastructure
  - NE2 – Open Space
  - NE3 – Biodiversity and geo diversity
  - NE4 – Managing Flood Risk
  - NE5 – Landscape Character
  - HS1 – Delivery of Infrastructure
  - HS2 – Strategic Accessibility and Sustainable Transport
- Sustainable Design and Construction SPD 2020.
- Concept Plans for Strategic Allocations: HSG4, Woodlands SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Archaeology, Warwickshire Police, Warwickshire Wildlife Trust, WCC Highways.

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
Warwickshire Archaeology, WCC Highways

No objection from:  
NBBC Environmental Health, Warwickshire Police

No response from:  
Severn Trent Water, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Warwickshire Wildlife Trust,

## **NEIGHBOURS NOTIFIED:**

8 Charles Eaton Road, Bedworth; 74 Dalton Road, Bedworth; 6 Dove Close, Bedworth, 5, 9 Heather Drive, Bedworth; 337 Newtown Road, Bedworth; 25 The Willows, Bedworth; 57, Woodlands Road Farm 89, 91, 95, 97, 150-164 (even), 194 Woodlands Road; Norwood Farm, Woodlands Farm, Glenville 200, Woodlands Lane, Bedworth; 114 Wood Street, Bedworth; Nicholas Chamberlaine Hospital Trust;

Neighbouring properties were sent letters notifying them of the proposed development on 7<sup>th</sup> December 2020.

## **NEIGHBOUR RESPONSES:**

There have been 6 objections from 5 addresses. The comments are summarised below;

18. Impact on highway safety and traffic movements, and visibility issues
19. Would increase on street car parking
20. Contrary to adopted concept plans, which should be changed
21. Concept Plans show site as informal open space
22. Impact on flooding and surface water drainage
23. There is no pedestrian footpath within the site
24. Adverse impact on pedestrian movements and safety
25. Impact on existing infrastructure
26. Would cause light pollution
27. The proposal would not retain ridge and furrow
28. The site is currently used to graze cattle
29. The hedge could become owned residentially thus increasing the chances of its removal
30. Could cause safety issues through a lack of emergency service access
31. Impact on loss of wildlife and habitat
32. The road layout is dangerous and speed and traffic surveys should not be carried out during a pandemic
33. Cars are often parked opposite the site entrance
34. Planning Policy will need to subtract these 9 dwellings from the overall HSG4 total of 693
35. Site visit by the planning committee should take place to see the danger for themselves

## **APPRAISAL:**

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

1. The principle of residential development
1. Impact on a non-designated heritage asset
2. Impact on residential amenity
3. Impact on visual amenity
4. Ecology and habitat
5. Impact on highway safety
6. Conclusion

### **36. The Principle of Development**

The site falls within the HSG4 Strategic Housing Allocation Boundary and fronts on to Woodlands Road. The allocation in the Borough Plan states that the site will be

developed for a mix of residential and community uses with approximately 689 dwellings delivered within the entire allocation. This policy sets out the development principles and infrastructure requirements for the allocation. The Key Development Principles set out for HSG4 are:

1. Provision of approximately 689 dwellings in a mix of dwelling types and sizes.
2. Provision of a local centre including community facilities.
3. Potential on-site GP surgery or financial contribution to new GP or expanded surgery in western Bedworth area (Goodyers End, Newdigate, Bedworth Woodlands).
4. Play and open space to be provided in central position linking together existing local wildlife sites with appropriate management and maintenance arrangements.
5. Provision of on-site park and play facilities.
6. Financial contribution towards the upgrading of play facilities at the park on Heath Road / Newtown Road, and financial contribution towards facilities at Miners Welfare Park in Bedworth, a destination park within the council's Open Space Strategy.
7. New 1 form entry primary school.
8. Financial contribution towards secondary level education in order to expand existing secondary provision in the area to an additional 3.5 form entry.
9. Provision of on-site bus infrastructure and contribution to secure diversion of frequent local bus services in order to access the strategic housing site, based on dialogue with Warwickshire County Council and bus operators.
10. Transport improvements/upgrades required along Woodlands Lane, Woodlands Road, Bedworth Lane, Newtown Road, Heath Lane and surrounding streets as a result of the development.
11. Financial contributions towards borough-wide strategic highway infrastructure works identified within the Bedworth area.
12. Provision of a footway/cycleway on the site, linking through to the cycle path adjacent to the former mineral railway line to Newdigate Colliery.
13. Financial contribution towards provision of footway/cycleway leading to Bedworth Town Centre, running parallel to the former mineral railway line to Newdigate Colliery, and then utilising the further connection via Rectory Drive.
14. Potential local sewage network improvements in order to improve biological treatment capacity to accommodate the development.
15. Financial contributions towards sport and physical activity.

It is appreciated that this application is for only 9 dwellings, and occupies only a relatively small, peripheral site when compared to the allocation as a whole. As such many of these higher level aspirations are not feasible, and nor are any financial contributions for these given that the site is a minor application of less than 10 dwellings.

That said, paragraph 7.55 of the Borough Plan states it is important that "...all landowners see the value in working together to bring the site forward in a comprehensive and integrated manner. It is essential that landowners come to a voluntary agreement based on sharing the cost of off-site and on-site infrastructure requirements".

The applicant has submitted information advising that they have attempted to correspond with other land owners throughout the HSG4 allocation, however during this correspondence, both other parties approached by the applicant have confirmed that they are not willing to enter into discussions with the applicants nor indeed with



each other which is obviously disappointing. It is considered that it would be harsh to penalise the current applicants for the apparent lack of engagement from other land owners, despite their best attempts.

### *Concept Plans*

The Council has adopted a Concept Plan for HSG4 to act as guidance to help shape the entire allocation. The Concept Plan for HSG4 shows (in figure 5 of that document) the majority of this planning application site to be earmarked for informal open space, which is principally driven by the ECUS Heritage Assessment which was carried out as part of the evidence base of the Borough Plan. The Heritage Assessment stated that the strategic allocation contains high quality ridge and furrow which should be retained where possible. The Concept Plan supporting text states "Policy HSG4 of the Borough Plan requires that high quality areas of ridge and furrow should be retained where possible. The Heritage Assessment notes that there may also be potential for archaeological remains across the site" (Para 2.9.3). The non-designated heritage asset status of the ridge and furrow will be dealt with later in this report.

Figure 6 on concept plan shows the rear part of this site as residential, and the front part as informal open space. As mentioned this was driven by the quality of the ridge and furrow features across the entire strategic allocation. It is important to state that Warwickshire Archaeology have been consulted and have no objection to this small site and its impact on the ridge and furrow stating (in their previous response) that;

*"The proposed development lies within an area of archaeological potential, within an area of ridge and furrow earthworks suggesting that it may have been in agricultural use during the medieval and later periods. While there is an absence of other known archaeological sites from the immediate vicinity of this site prior to this period, this may be due to a lack of previous archaeological investigations across this area, rather than an absence of activity during the pre-medieval periods. There is therefore a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this site, to survive across this area. Any such features are likely to be impacted upon by the proposed development. Although I do not wish to object to the principle of development, I do consider that some archaeological work should be required if consent is forthcoming. I would envisage this work taking a phased approach, the first element of which would include trial trenching, in advance of any development on the site."*

It is recommended that a condition is added to ensure that the correct archaeological work is carried out prior to development.

Additionally the applicant has commissioned a site specific, and up-to-date report analysing the ridge and furrow on this application site prepared by Cotswold Archaeology. The conclusion to this report stated;

*The earthworks within the Site comprise a series of parallel ridges, aligned broadly south-east to north-west. There are approximately three 'strips' or 'lands' extending across the Site for a maximum length of 25m and surviving to a maximum height of 0.3m. These remains are fragmentary but are likely to have formed part of a furlong which extended into the field to the north of the Site and also to the south-west of Woodlands Road. The remains have been truncated through the construction of Woodlands Road, present by the mid-19th century and the residential development in the early 20th century along the eastern and western extents of Woodlands Road*



*which has severed the remains within the Site from the western extent of the furlong.*

*The ridge and furrow earthworks within the Site have been assessed in accordance with the criteria contained in 'Turning the Plough', and due to their low score and fragmentary nature the remains are not considered to comprise a non-designated heritage asset, and therefore do not warrant consideration in the context of paragraph 197 of the NPPF.*

It is a finely balanced consideration, but it is considered that the comments from Warwickshire Archaeology and from the applicant's commissioned assessment provides up to date, site specific assessment of this archaeological feature. Subsequently it is felt that this, to a certain extent, supersedes the earlier advice which informed the more general assessment which in turn informed the Borough Plan and the Concept Plan. So in essence, this small part of HSG4 does not have sufficiently significant impact on the ridge and furrow to necessitate the Concept Plan's recommendation that this land is retained for informal open space.

It is important to mention that the Concept Plan is adopted guidance, and sets out at Paragraph 1.2.3:

*Alternative solutions and land use arrangements may come forward as part of the planning application process, but the concept plans should be viewed as fundamental principles for the site, and any significant differences in approach would need to be justified at the planning application stage.*

It is considered that the use of this site beyond the use as 'informal open space' principally for the retention of the ridge and furrow has been adequately justified.

## **2. Impact on a Non-designated Heritage Asset**

As mentioned above, Paragraph 197 of the NPPF relates to non-designated heritage assets. Policy BE4 of the Borough Plan also sets out how to protect the historic environment.

The Heritage Assessment submitted with the scheme by Cotswold Archaeology attempts to justify the loss of the ridge and furrow land on the site. It states, as mentioned above, that;

*The ridge and furrow earthworks within the Site have been assessed in accordance with the criteria contained in Turning the Plough, and due to their low score and fragmentary nature the remains are not considered to comprise a non-designated heritage asset, and therefore do not warrant consideration in the context of paragraph 197 of the NPPF.*

Additionally, as also mentioned above, Warwickshire Archaeology services were consulted and they have requested that a condition for trial trenching prior to development to log any archaeological finds.

Some residents have pointed out the high quality ridge and furrow, and their comments have been weighed in the assessment of this material consideration.

The policy BE4 states that where harm to any heritage asset can be fully justified, and on this occasion, it is considered to be so, and development would result in the partial

loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of the asset, ensuring the publication of the record to an appropriate standard. This would be adequately covered by the condition recommended by the Warwickshire Archaeology Team, which is deemed to meet the tests of planning conditions and could be added to any approval.

### **3. Impact on Residential Amenity**

The development site is to the rear of some of the existing dwellings on Woodlands Road, namely 99, 97, 95 and 91 (which is a double width property, presumably having subsumed 93, which no longer exists as an address, at some point in the past). The impact on these dwellings in regard to amenity will be assessed here.

#### *Impact on 99 Woodlands Road*

99 Woodlands Road is set back from the road compared to its attached neighbours. It has a two-storey flat roof section to the rear which is attached to the main two-storey house which has a gabled roof.

The rear facing windows in this two-storey element are considered to not be original to the dwelling and as later additions they are not protectable by the Sustainable Design and Construction SPD (SDC 2020).

The new property in closest proximity to number 99 is plot 1, which is a bungalow and as such there are no concerns over overlooking from any first floor windows. The bungalow is also set away from the boundary with 99 by around 3m so it is not considered that the bungalow would enclose the rear garden of number 99, and it is over 12m from any ground floor habitable window.

A boundary treatment condition could be added to help protect the amenity of the neighbouring rear garden at 99 Woodlands Road.

#### *Impact on 97 Woodlands Road*

Number 97 Woodlands Road is an attached terraced property which is two-storey. There are some rear facing windows within a large two-storey flat roofed element, which is a later addition (approved in 1984), and a rear facing window in the original rear of the house.

The proposed bungalow at plot 1 is set 11m from the rear of this two-storey element. The windows in it are serving a kitchen but cannot be protected by the SDC 2020 since they are not original. The original rear window is over the required 12m separation distance (actually 13.4m) set out in the SDC 2020 between windows and blank elevations.

The bungalow at plot 1 is to be set, at its closest, just under 3m from the rear boundary of the garden of number 97 Woodlands Road. The new plot will be orientated so as to have the side gable facing the rear garden, albeit at an angle. The ridge height is to be 5.4m and the eave 2.1m. It is considered that this 3m separation distance, and the angled siting of the bungalow, should help to mitigate any impact on the rear garden to an extent where it is not significantly enclosed by the bungalow.

#### *Impact on 95 Woodlands Road*

Number 95 Woodlands Road, similarly to 97 Woodlands Road, is a two storey mid-terraced property. It also has a two-storey extension to the rear (also approved in 1984) the windows in this are not considered to be original so cannot be protected by the SDC 2020.

The rear garden on number 95, similarly to 97 is within 3m of the newly proposed bungalow at Plot 1. Again given the separation and the distance of nearly 3m the impact on the rear garden is not considered to be significant.

Overall it is considered that there would be no significant impact on the residential amenity of the nearby, existing residential properties and this accords with the guidance set out in the SDC 2020.

#### *Within the Development*

Within the development the distance standards are generally met across the entire site. There are a few points worth mentioning however and these are discussed here.

Plot 7 follows the curve of the new road and as such is set slightly further back than Plot 6. This means that the house runs, at two storey, for longer than the 3m suggested by the SDC 2020. It runs for 3.5m along the side of the rear garden of Plot 6, however this 0.5m breach is considered acceptable given that the new occupier will purchase any property in full knowledge of this small infringement and consequently it is considered that it is not significant enough to warrant a refusal of the scheme.

Elsewhere on the site the garages to Plot 2 and Plot 5 are arranged so as to run along the gardens of their neighbouring properties for 6m. Again though, it is considered that this kind of infringement is a case of 'buyer beware'.

#### **4. Impact on Visual Amenity**

The site is accessed from Woodlands Road, next to the established cottages which front the highway. These cottages are terraced, and two-storey in character and back on to the development site.

Number 99 is set back from the road when compared to 97 and 95, which are together in a row. This part of the road has a somewhat transitional feel and is sited on the edge of the settlement before one travels to more rural countryside further along Woodlands Road.

The properties will be mainly arranged on the south side of the new access road and as such views when travelling north along Woodlands Road will be minimal until one is alongside the development. When travelling south along Woodlands Road the properties would be more prominent and visible within the street scene but as plans show the existing boundary hedge is to be retained (and this could be enforced by condition) views will again be somewhat limited.

The site is large enough to have a character of its own and is typified by relative large detached properties. This is at odds to the general street scene of this part of Woodlands Road, but as said the site is large enough to have its own character rather than having to obey that of the existing built form.

There is limited development in depth along this part of Woodlands Road, but Missing Oak Close and the slightly further away Dove Close do exist close to the development. As such it is not considered that the ribbon development of the 19<sup>th</sup> Century part of

Woodlands Road would have such a strong linear character so as to have concern over the development in depth of these 9 dwellings.

The design of the proposed dwellings exhibit traditional elements such as brick and render with soldier coursing, brick courses, bow windows, and brick cills. All the properties show gabled roofs, some with their front roof slope facing the road, and others with gable features facing the road, and a mix of the two elements. One housetype also has a decorative arch over the front door, and low side eaves, and is handed as a pair next to each other.

Plots 1 and 7 will be bungalows which is a little out of the ordinary in a development of mainly two-storey properties, but they are sited at the beginning and end of the longest row of new properties so it will add interest to the row.

Overall the proposal will have only a limited effect on the visual amenity and character of the area. Any approval could include conditions relating to the submission of materials details.

## 5. Ecology and Habitat

Warwickshire Wildlife Trust (WWT) objected to the previous scheme (however no response was made to this current application) although this objection was principally concerned with the fact that this small scheme is not part of a comprehensive development across the whole strategic site. They also have concerns that the scheme does little to relate to the existing vernacular and the character of the area. They have concerns that the site could be developed in a piecemeal way but it is considered that given the applicant has shown an effort to liaise with other landowners but has been ignored by them that it would be unfair to refuse on this basis.

In regard to ecology and habitat creation, the WWT have stated that if the Council are minded to approve the scheme then regard should be had to the hedgerows on site as habitats for protected species and foraging and commuting spaces. The plan shows the retention of the hedge on the northern boundary of the site and a condition relating to its retention could be included on any approval. This condition would be adequate to deal with the concerns over the hedge since it will protect it in perpetuity. The WWT have concerns over management of the hedge going forward, but it would be difficult to include details of hedge trimming and the regularity of this, other than preventing its total loss and removal, via the condition already mentioned.

The applicant has responded to these comments to say that the proposed development will have bat and bird boxes, and following comments from WWT they have incorporated 'Waney Edge' Cladding to some housetypes (which aids bats and small birds). The fencing (which will be reserved by condition) will include 'hedgehog streets' to allow movement for habitat and foraging.

The Ecological Appraisal which accompanied the application stated that the likelihood of habitat for:

- Bats:
  - Low within the existing house and outbuildings
  - No trees or hedges had obvious signs of bat habitat
  - North south and east hedgerows are likely to be used by foraging bats and be important for commuting bats

- Other Mammals:
  - Potential use of the site is deemed to be low
  - Possible presence of small mammals and passing badgers
- Birds
  - Nest material was recorded within the roof structure of the existing house on site
  - New development should provide nesting opportunities for birds
- Reptiles
  - Small areas of potential habitat
  - No further surveys recommended due to the very limited areas of habitat and low potential
- Amphibians
  - The site provides potential amphibian habitat in the form of tall ruderal and scatters scrub habitats, but the majority of the site is short grassland and is unlikely to provide a permanent habitat
  - There are two ponds within 250m, pond 1 recorded a rating of 'below average' and pond 2 rated as excellent
  - Further survey work is required in relation to Great Crested Newts in these nearby ponds (20m and 80m respectively) and their presence or absence can be determined in a single DNA visit.
  - Natural England's Great Crested Newt Rapid Risk Assessment identified that the proximity of these potential newt habitats means that there is a potential risk of an offence occurring during site clearance, etc.,

Overall it is considered that the addition of bat and bird boxes and the 'hedgehog street' mentioned by the applicant could all be included in conditions on any approval. The fact Great Crested Newts are likely to be nearby means that prior to clearance work the developer would be bound by other legislation to ensure that they do not harm a protected species (such as newts). This could not be conditioned since the habitats are not on the site itself, but would be added as a note to advise the developer of this (on any approval).

## **6. Impact on Highway Safety**

WCC Highways were consulted and returned a response of no objection subject to conditions.

The Highways Authority noted in their response that the previous application had been objected to and refused and was currently going through the appeals process. The Highways Authority and the applicant's highways consultant met on site to discuss matters. They agreed the site dimensions, including the road width, during the site visit.

They go on to state that the speed survey submitted was just a speed survey and that it was not carried out to assess capacity. With this in mind they agree that the speed survey is broadly representative despite being carried out during the Covid-19 Pandemic. This is because both nationally and locally it has been shown that speeds have, if anything, increased.

Additionally they highlight that some concerns over on-street parking have been raised however they point out that during the several site visits no cars were witnessed parked

directly opposite the site. They go on to say though that if/when the access is constructed vehicles should not be parked within 10 metres of the junction.

The Highways Authority then suggest five conditions which are to be added to any approval. These are concerning; construction of the access and visibility splay and construction of the bellmouth access, one requiring details of roads, footways, private drives, drainage and levels, another requiring the maintenance of the visibility splays, one requiring the footway connection with Woodlands Road including the crossing point and finally one requiring a Construction Management Plan.

It is considered that these conditions are acceptable and will be added to any approval.

## **7. Conclusion**

The National Planning Policy Framework promotes a presumption in favour of sustainable development, and in accordance 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 in this proposal the balance of considerations places the benefits from the provision of housing against any harm arising from the development.

When considered in the round, the extent of any harm is not significantly detrimental and would therefore represent sustainable development, and that the benefits of granting permission would significantly and demonstrably outweigh any harm when assessed against the policies in the Borough Plan 2019 and The Framework taken as a whole.

In conclusion therefore this decision is a very finely balanced one, but it is one where having assessed all the material considerations the recommendation is one of approval subject to conditions.

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

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

Plan Title	Plan No.	Date Received
Location Plan	19 38 01	30 <sup>th</sup> November 2020
Site Layout	19 38 07 N	18 <sup>th</sup> January 2021
Street Elevation	19 38 18 D	30 <sup>th</sup> November 2020
Plot 1 and 7	19 38 21A	30 <sup>th</sup> November 2020
Plot 2	19 38 22B	30 <sup>th</sup> November 2020
Plot 3 and 6	19 38 23B	30 <sup>th</sup> November 2020

Plot 4	19 38 26B	30 <sup>th</sup> November 2020
Plot 5	19 38 25A	30 <sup>th</sup> November 2020
Plot 8	19 38 24B	30 <sup>th</sup> November 2020
Plot 9	19 38 20A	30 <sup>th</sup> November 2020
Plot 2 and 5 Garage	19 38 40	30 <sup>th</sup> November 2020
Plot 3 and 4 Garage	19 38 41	30 <sup>th</sup> November 2020
Plot 8 Garage	19 38 42	30 <sup>th</sup> November 2020
Access Plan	ADC2126-DR-001-P8	19 <sup>th</sup> January 2021

3. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Council. The CMP shall provide details of:
  - i) The routing and parking of vehicles of site operatives and visitors;
  - ii) Hours of work;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities (including their location, frequency of use and means of operation) which are to remain for the duration of the construction process;
  - vi) Measures to control the emission of dust and dirt during construction; and
  - vii) A scheme for recycling/disposing of waste resulting from construction works.
  
4. No development shall commence until full details of the construction of the roads serving the development including footways, private drives and means of accessing individual plots, drainage (including the outfalls) and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The site shall not be occupied until the areas have been laid out and constructed, including the turning area. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.
  
5. No development shall commence until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway in accordance with approved drawing number ADC2126-DR-001 Rev P8. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
  
6. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

This landscaping scheme will show details of protection for the hedge on the northern boundary of the site, and details of its longer term management.
  
7. No development shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.
  
8. No development shall commence until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings,

have been submitted to and approved in writing by the Council. No construction work creating surface water run off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details.

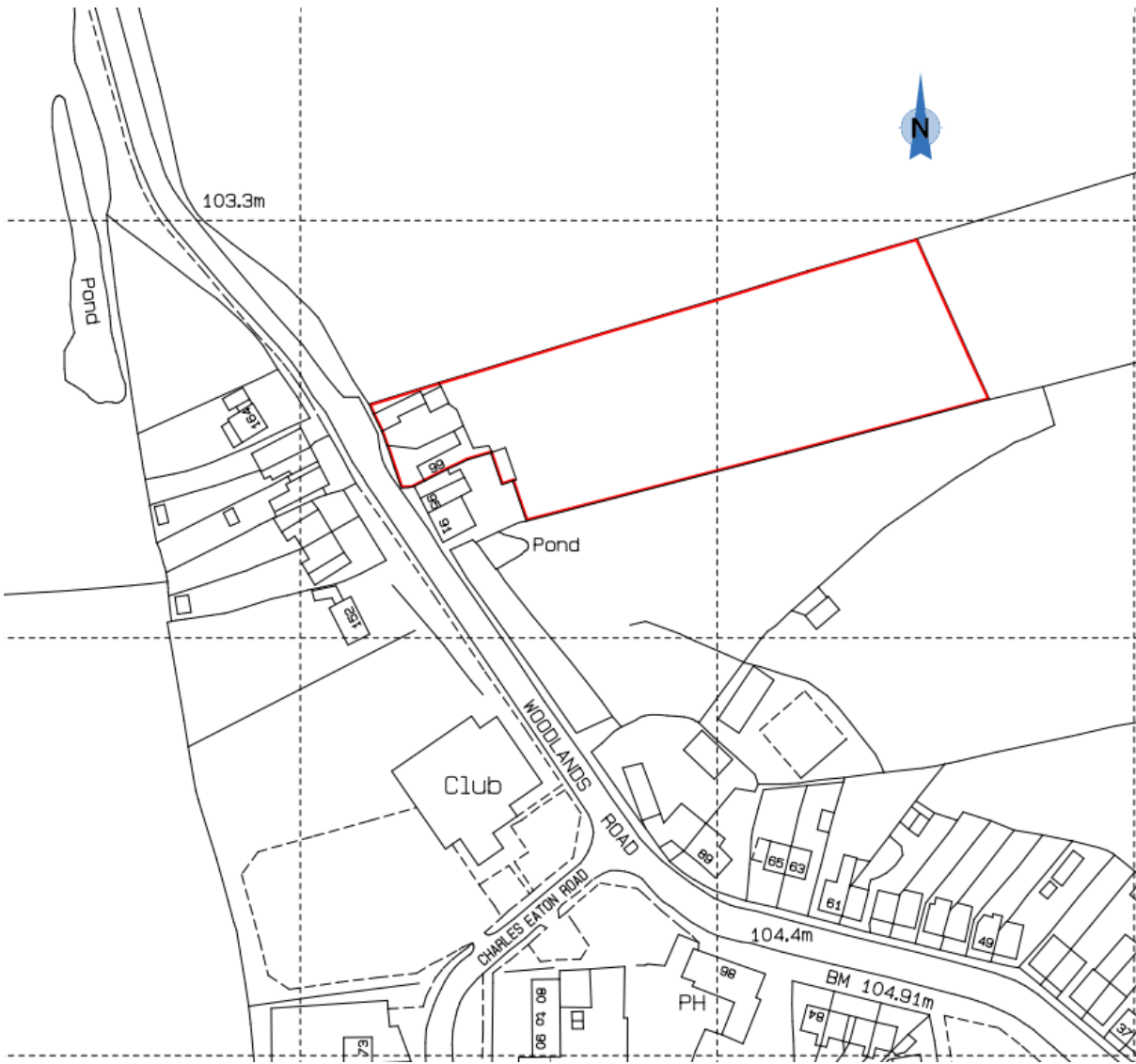
9. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details.
10. No development shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
11. 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.

12. No development shall commence until details for the provision of bat and bird boxes on the site have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the bat and/or bird box to that plot has been installed in accordance with the approved details unless otherwise agreed in writing by the Council.
13. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number ADC2126-DR-001 Rev P8, at a position whereby the visibility splay requirements shown on the drawing will be satisfied. No access shall be used until constructed as a bellmouth junction in accordance with the approved plans and the specification of the Highway Authority.
14. No dwelling shall be occupied until the footway connection with Woodlands Road has been constructed including the pedestrian crossing point on Woodlands Road in accordance with the approved drawings and the specification of the Highway Authority.



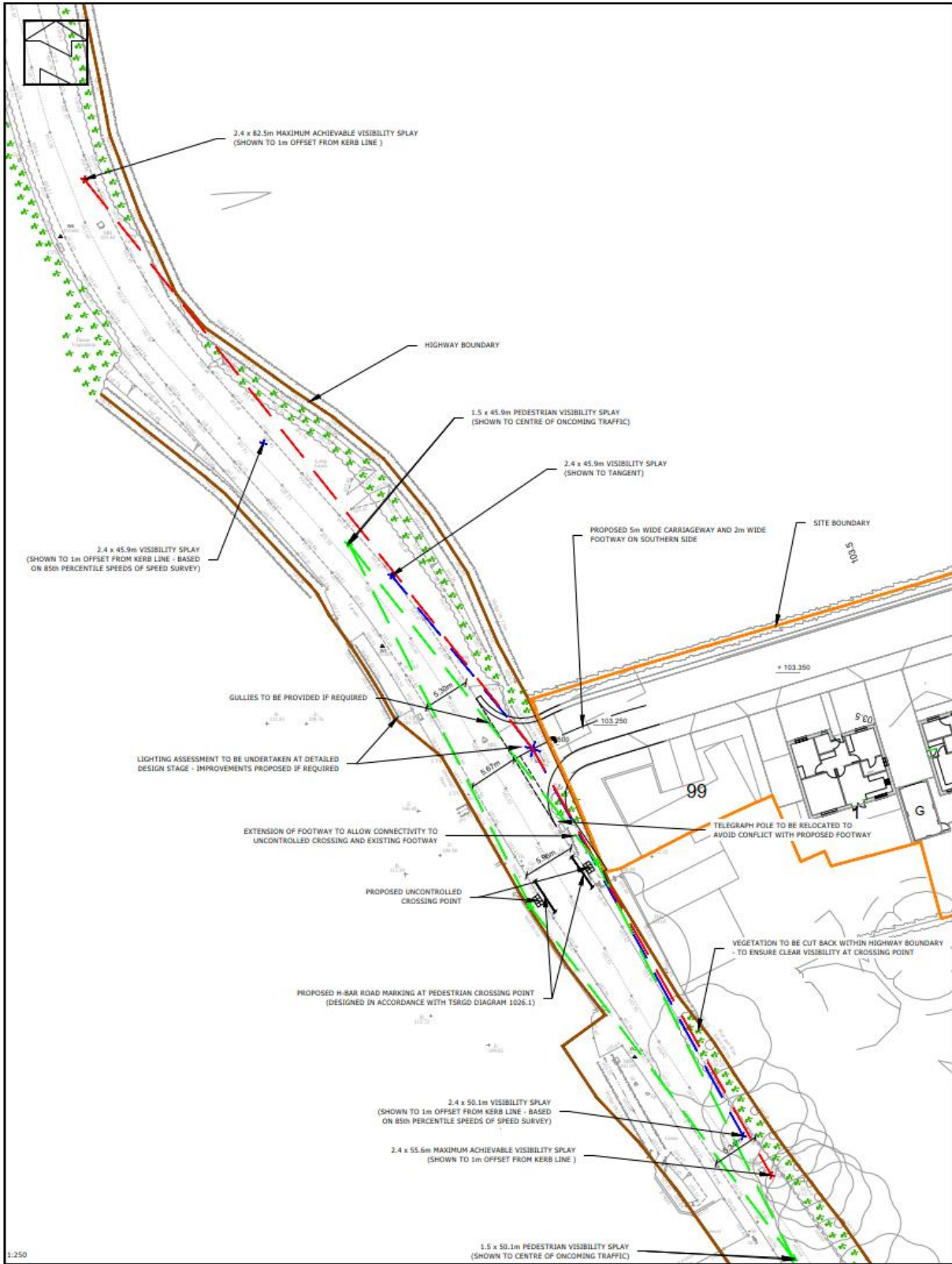
Site



Location Plan

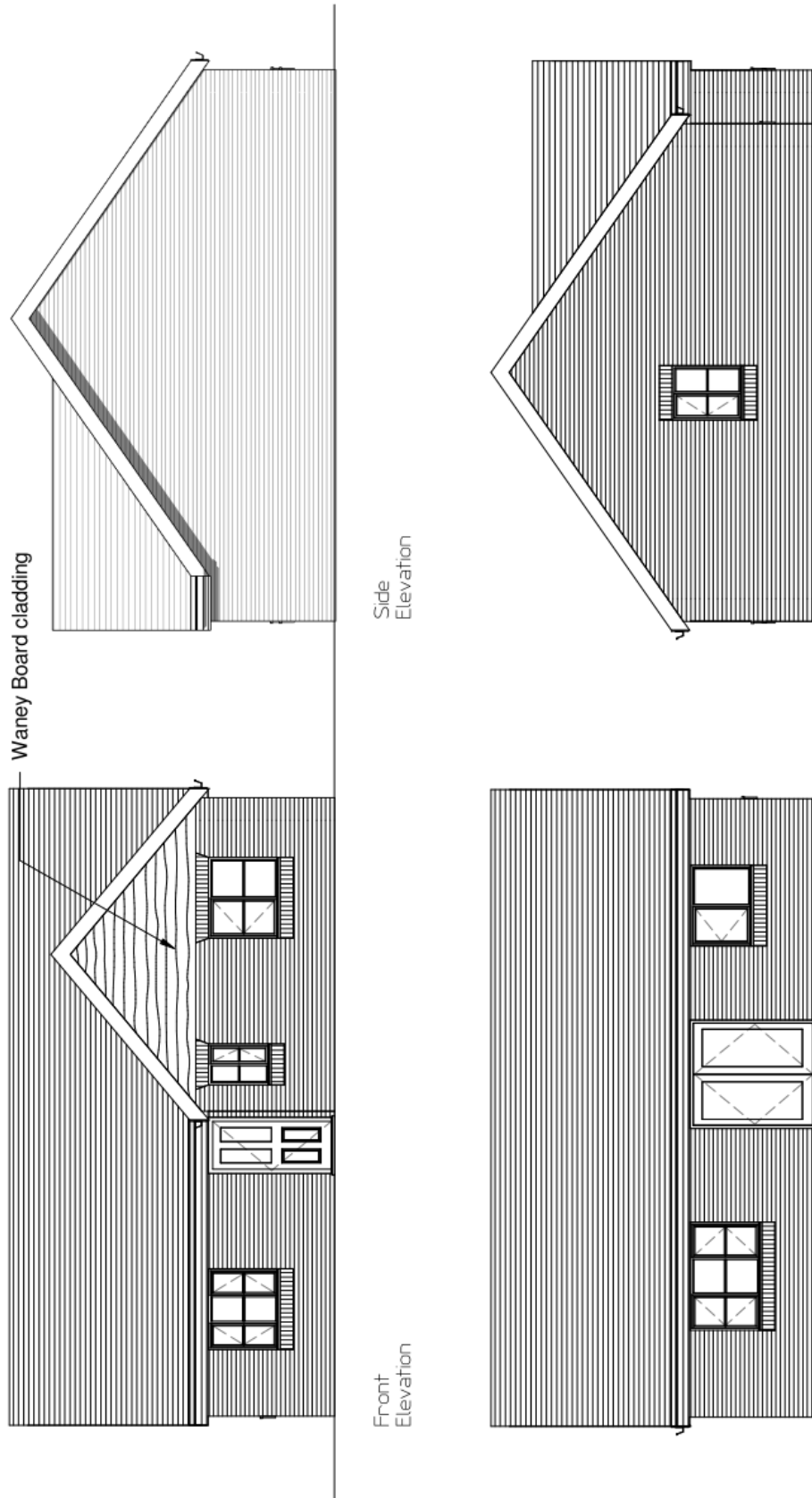




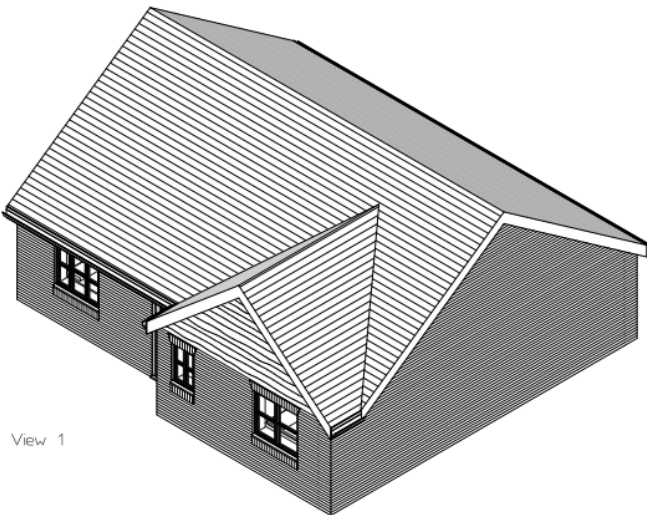
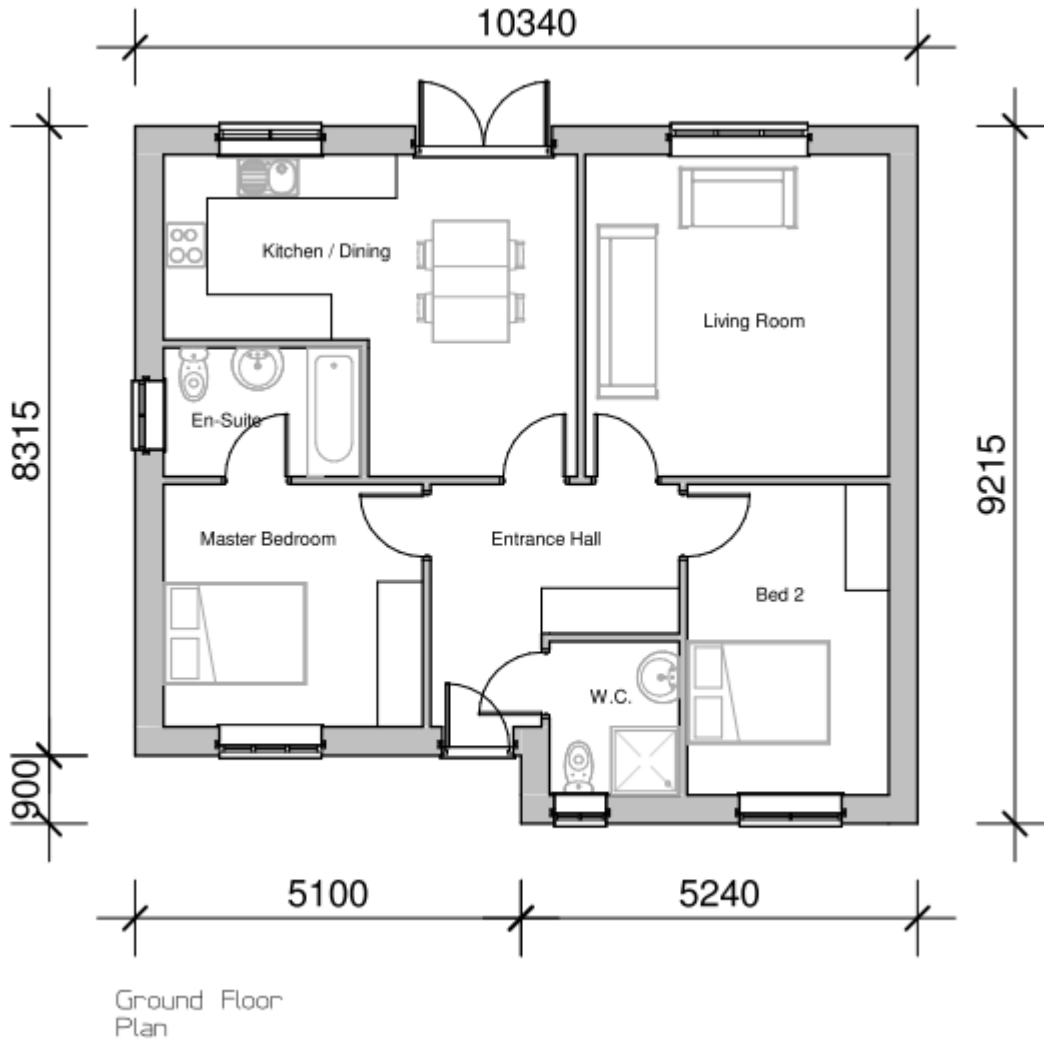


Proposed Access Plan

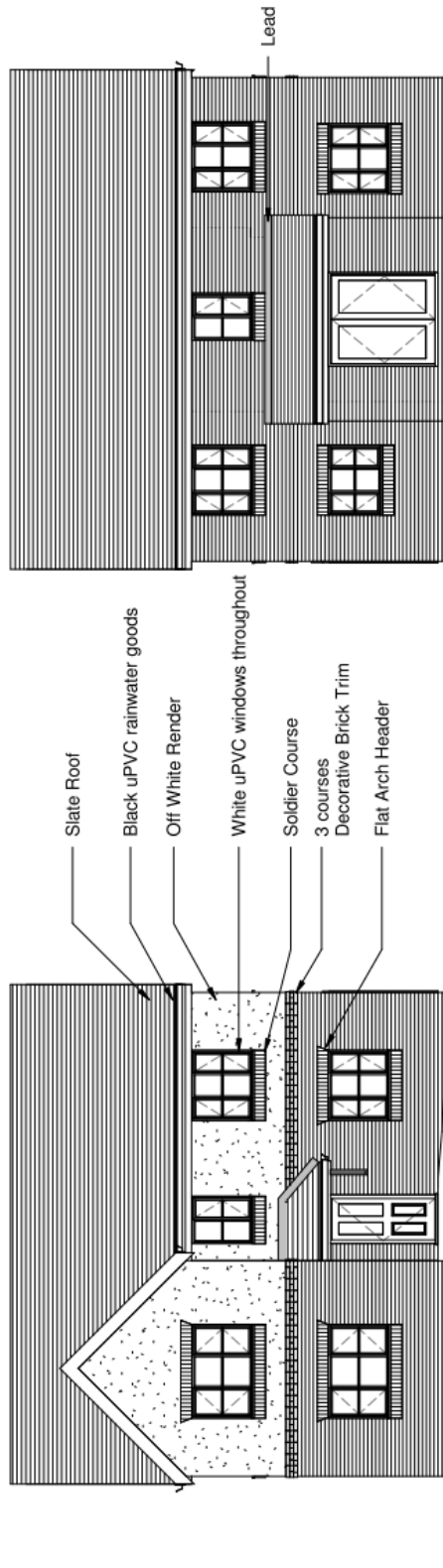




Plots 1 & 7 - Proposed Elevations

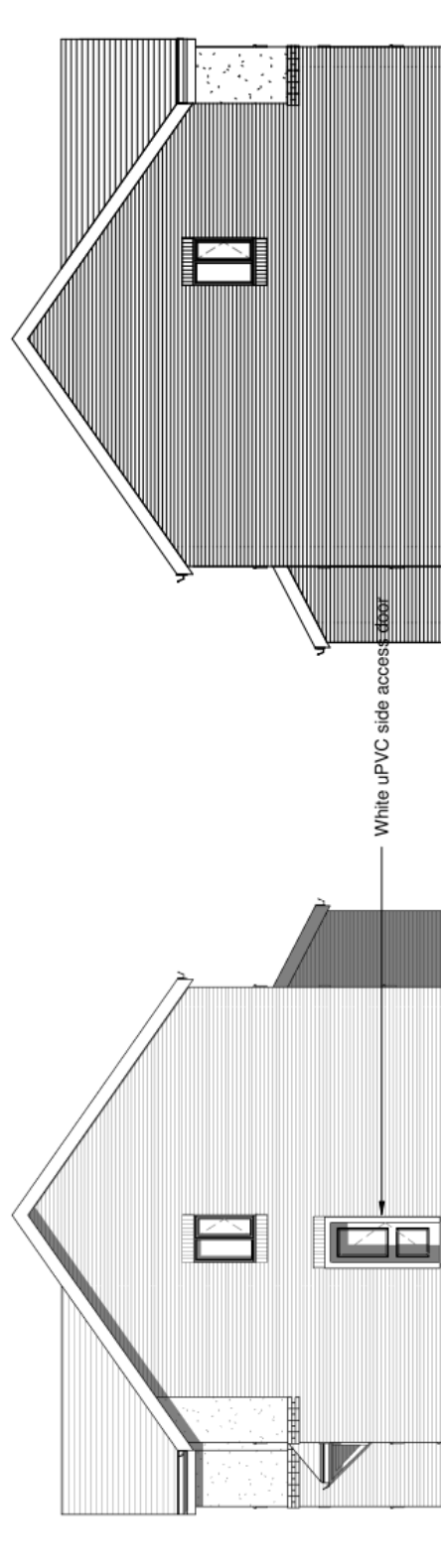


Plot 1 – Proposed Floor Plan and Isometric view



Rear Elevation

Front Elevation

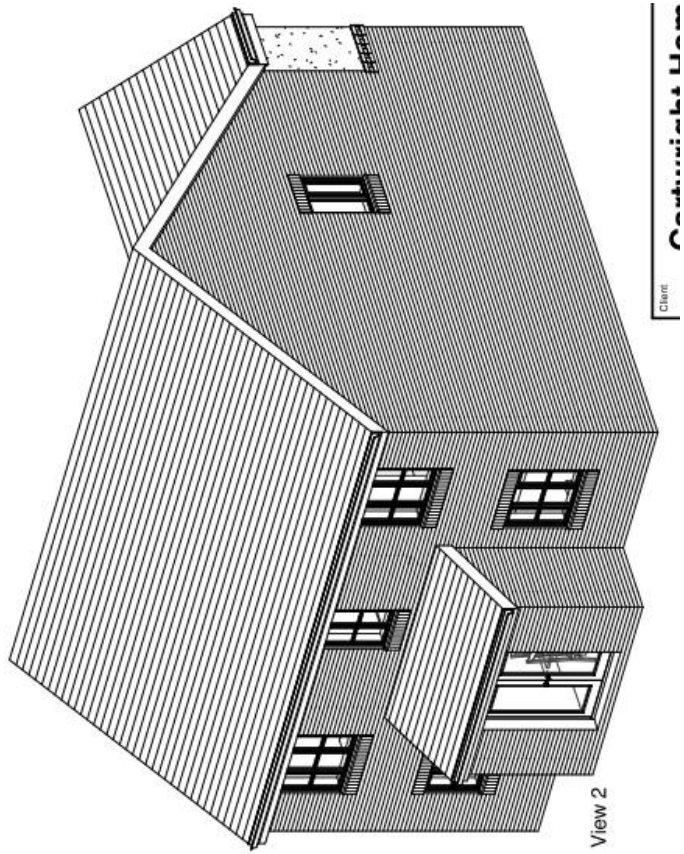


Side Elevation

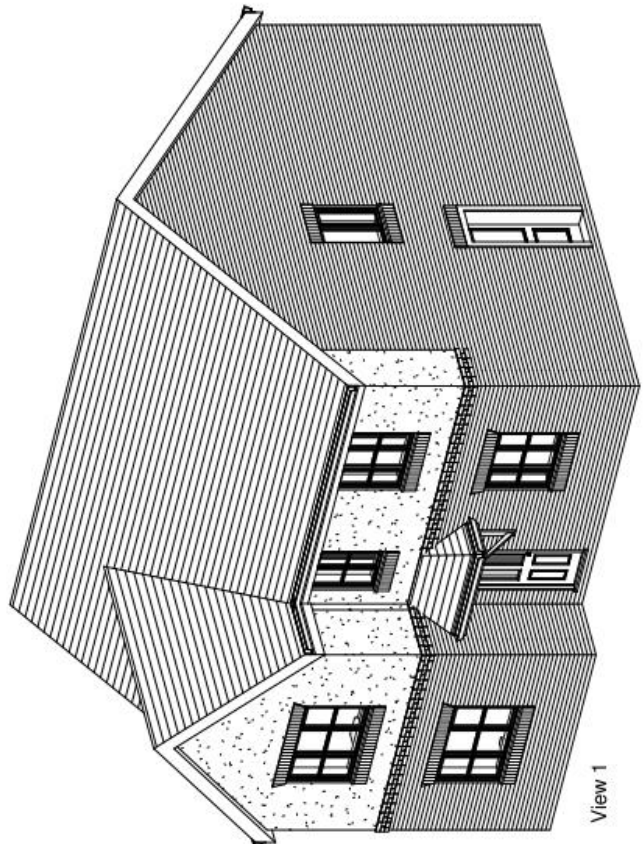
Side Elevation

Plot 2 – Proposed Elevations.

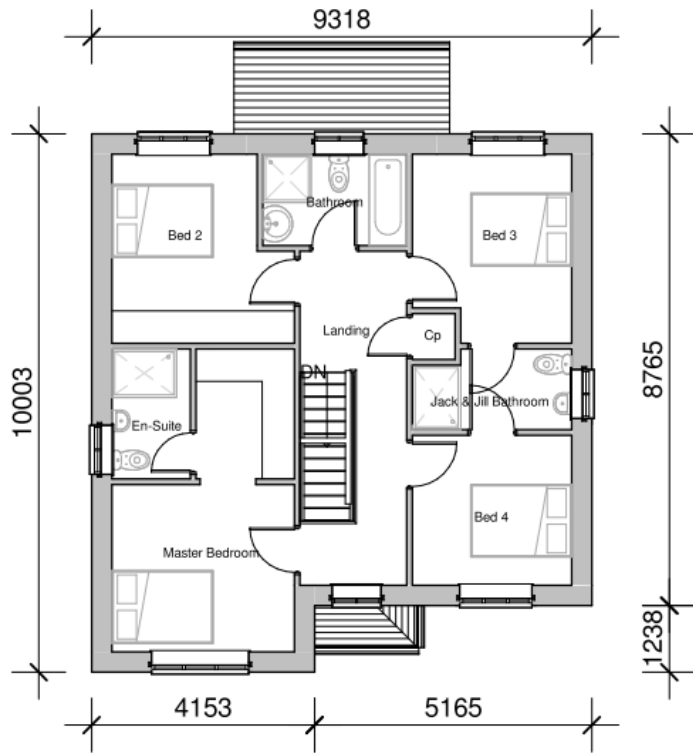




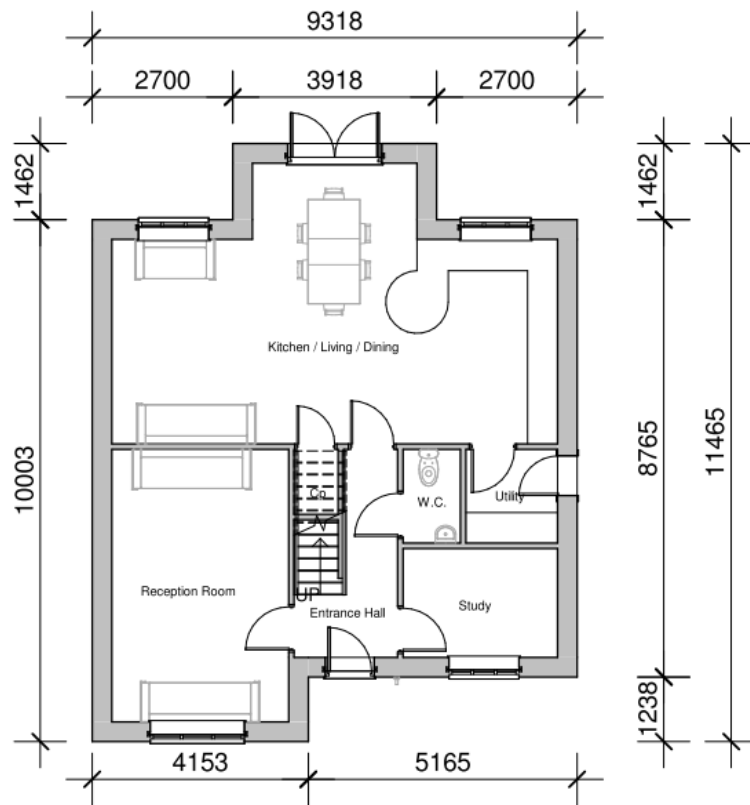
Client: **Southwest Hill**



Plot 2 – Proposed Isometric views

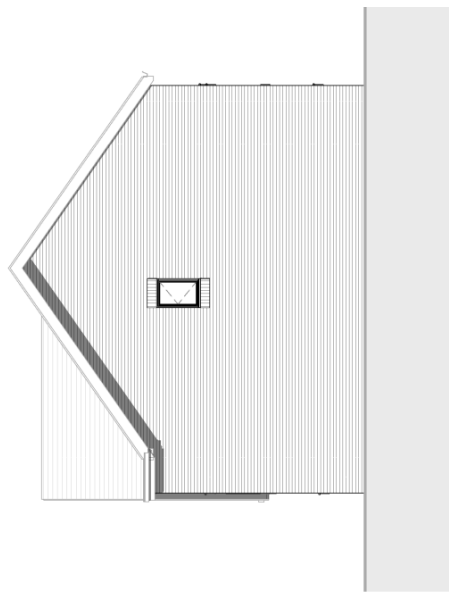


First Floor Plan

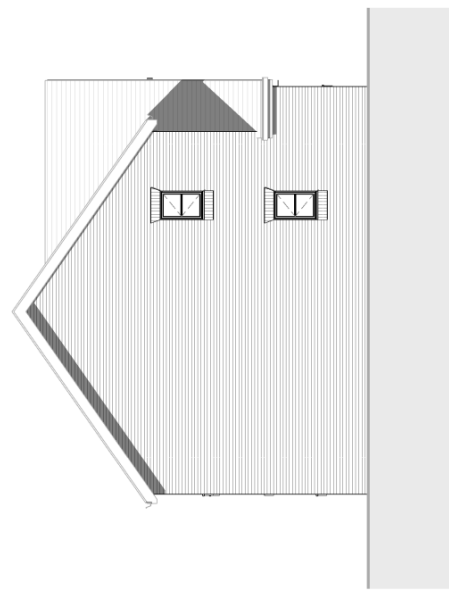


Ground Floor Plan

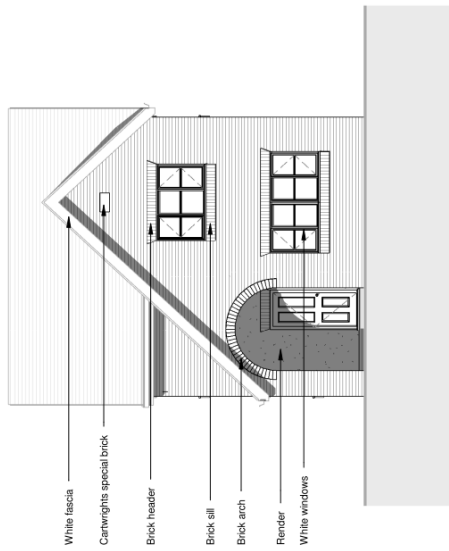
Plot 2 – Proposed Floor Plans.



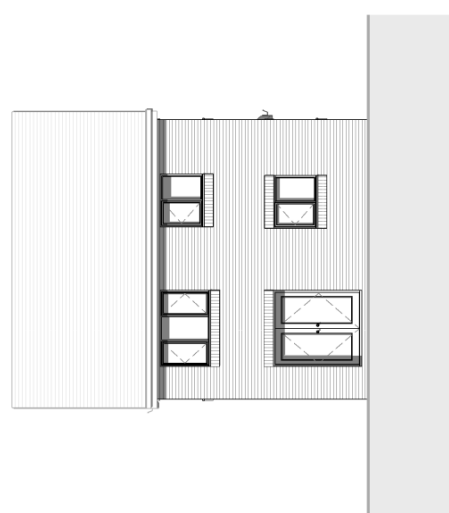
Side Elevation



Side Elevation

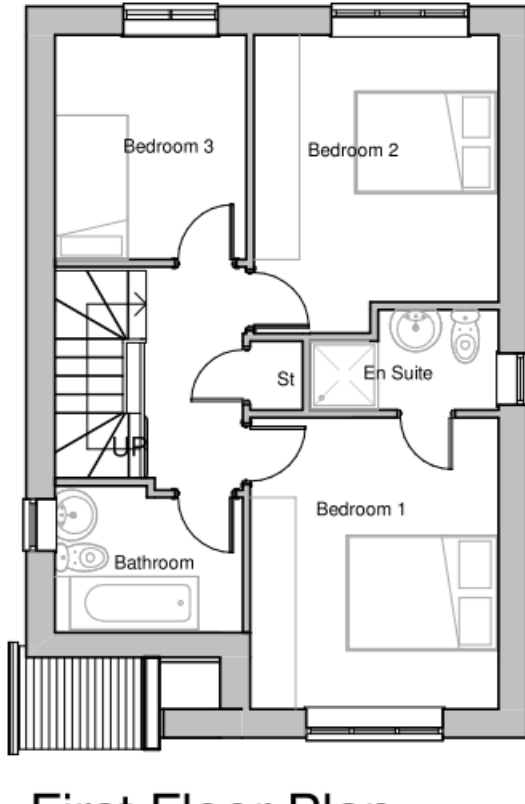


Front Elevation

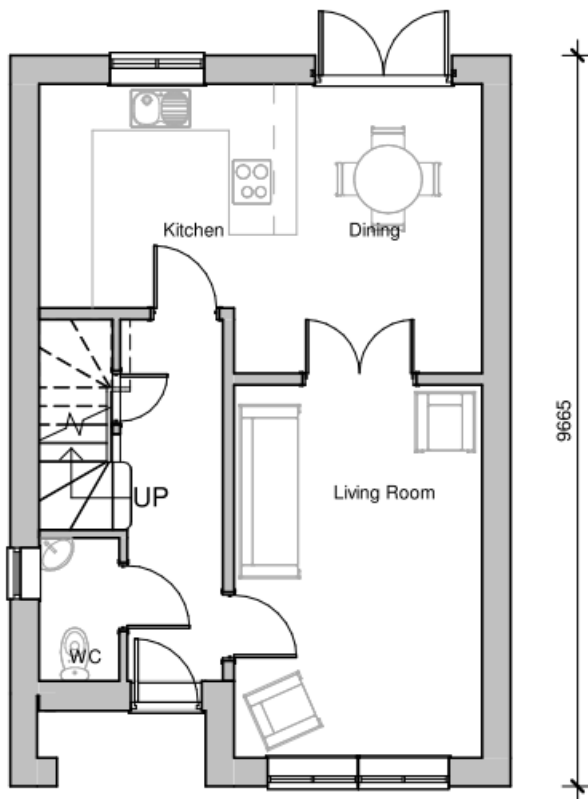


Rear Elevation

Plots 3 and 6 – Proposed Elevations



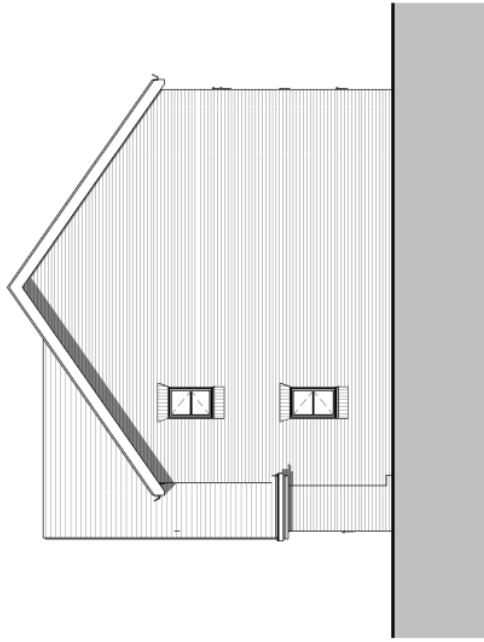
First Floor Plan



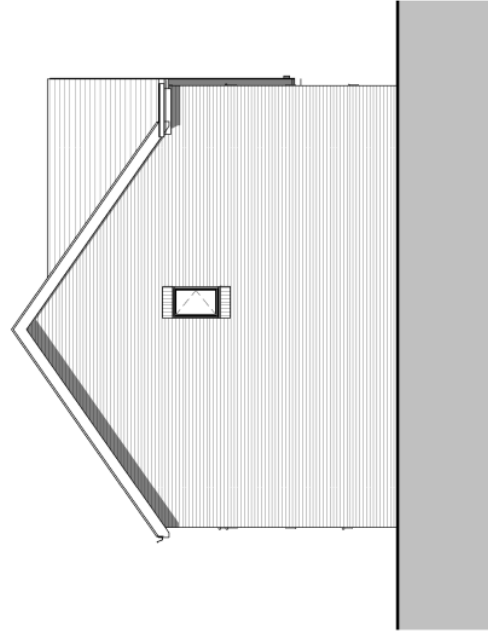
Ground Floor Plan

Plots 3 and 6 –Proposed Floor Plans

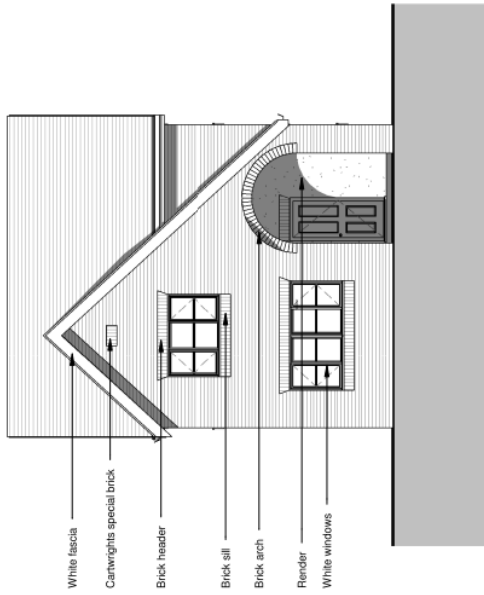




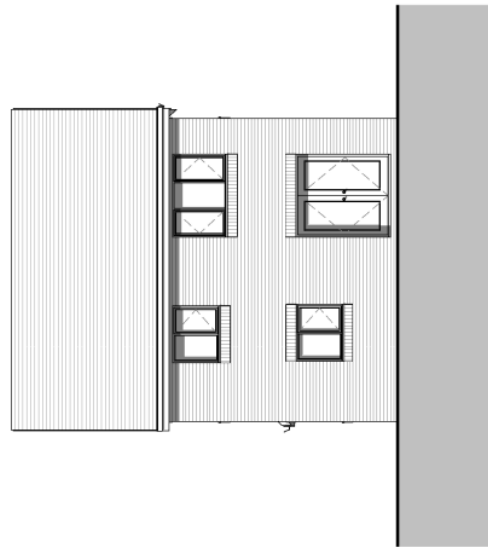
Side Elevation



Side Elevation

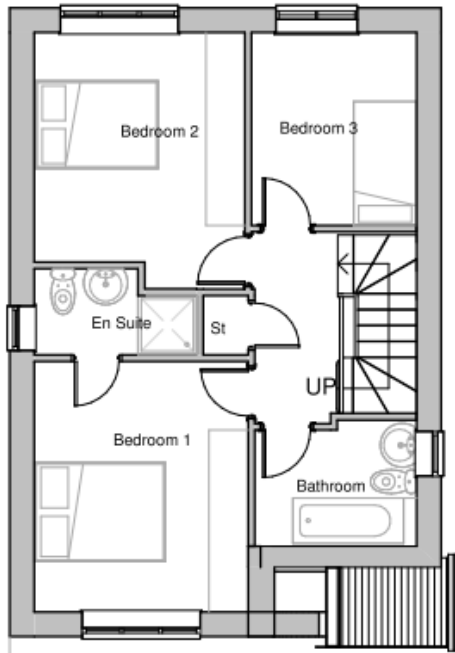


Front Elevation

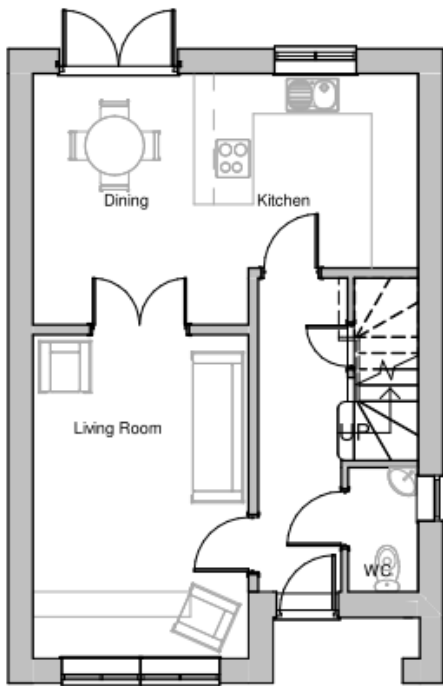


Rear Elevation

Plot 4 - Proposed Elevations

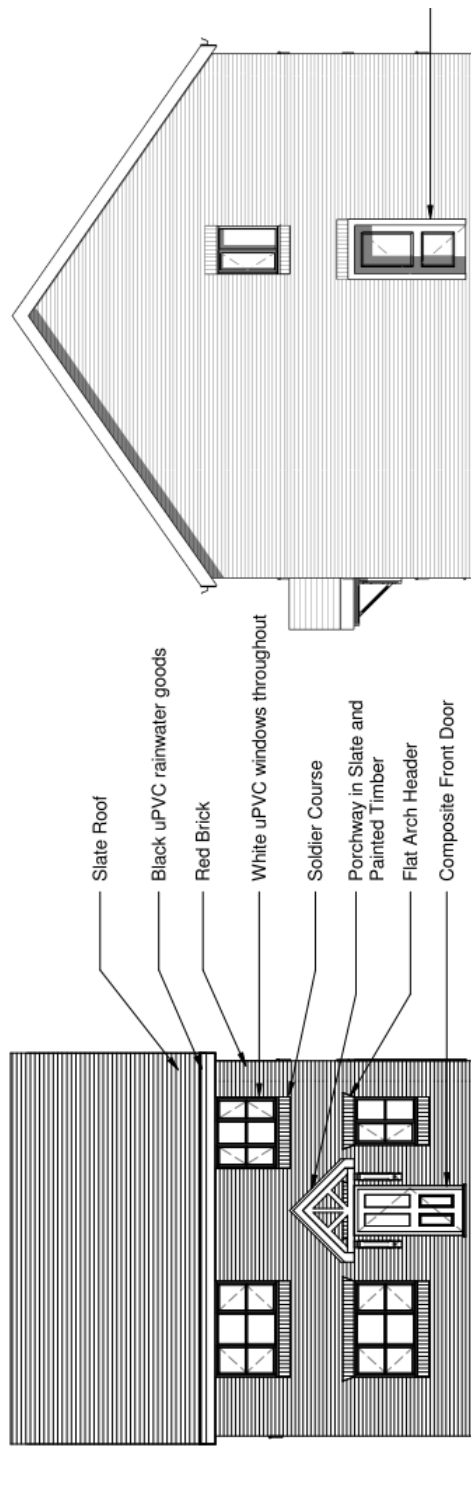


First Floor Plan

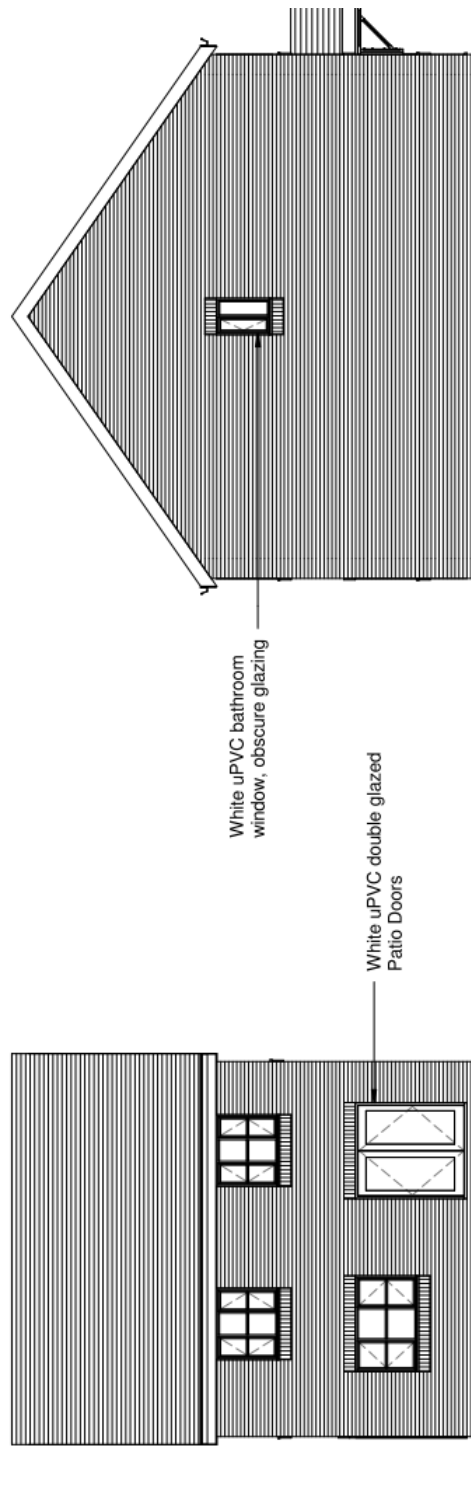


Ground Floor Plan

Plot 4 – Proposed Floor Plans



Side Elevation



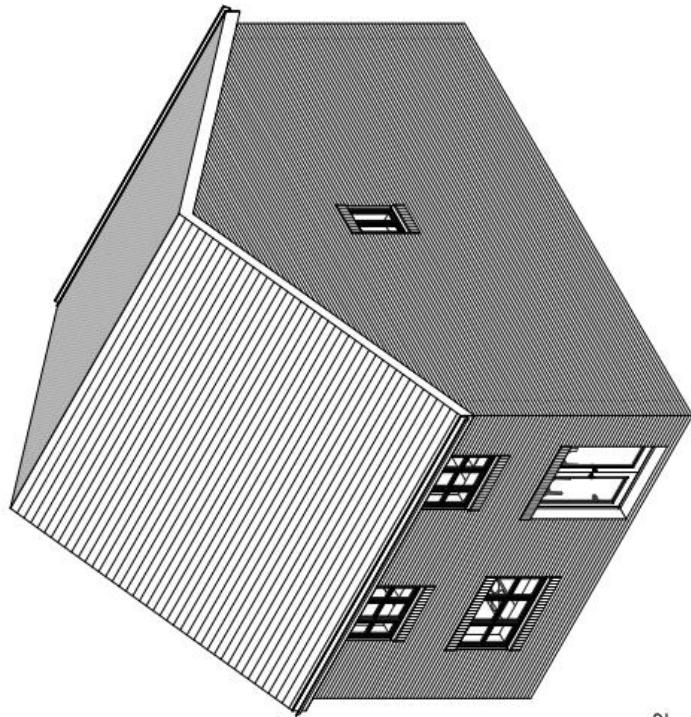
Side Elevation

Front Elevation

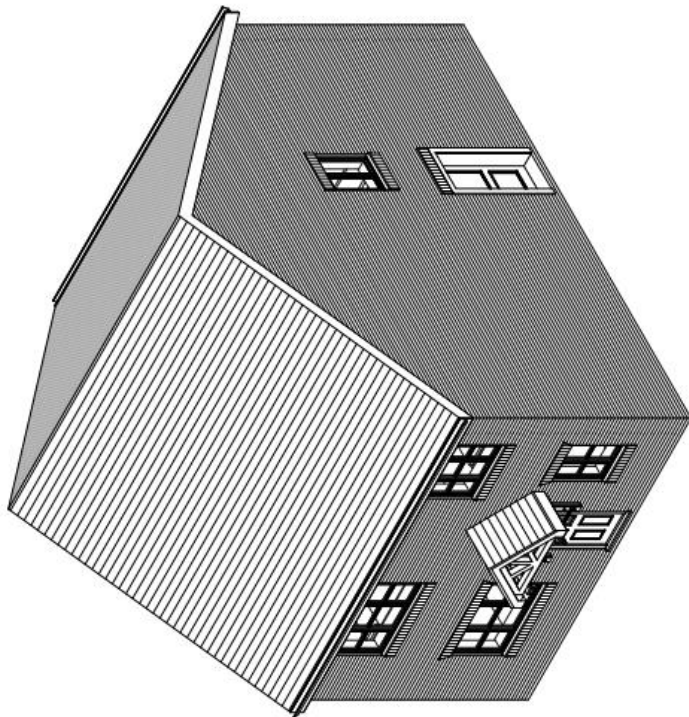
Rear Elevation

Plot 5 – Proposed Elevations.



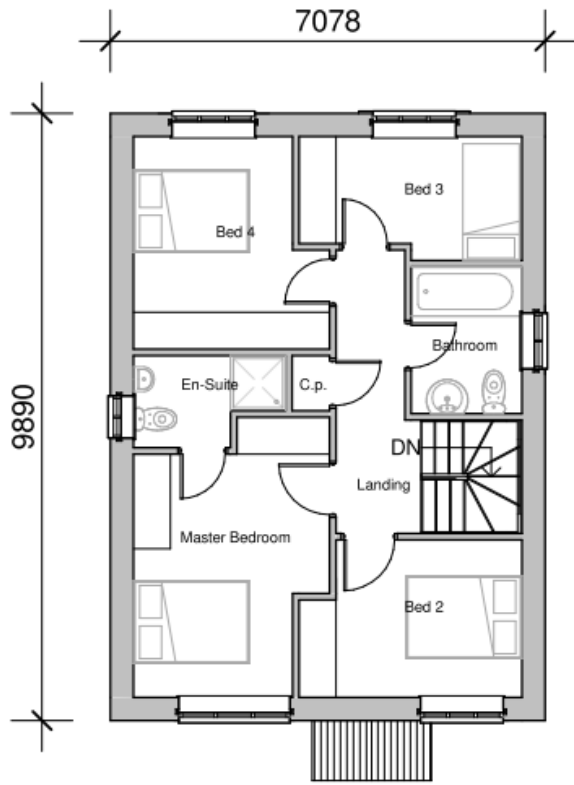


View 2

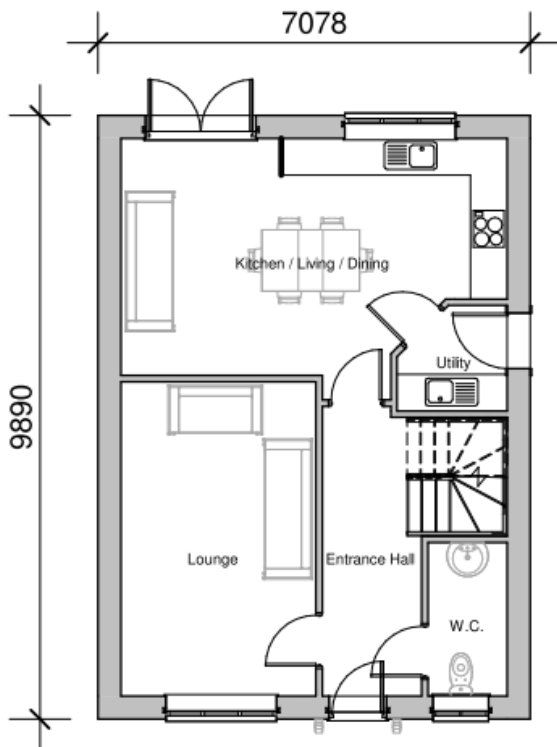


View 1

Plot 5 – Proposed Isometric Views.

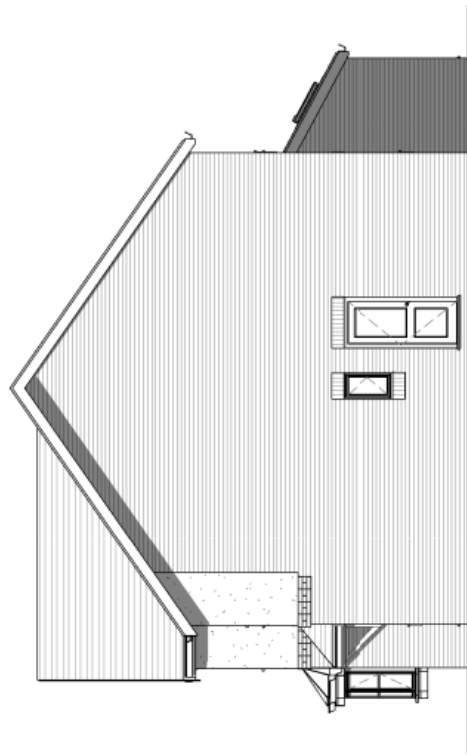


First Floor Plan

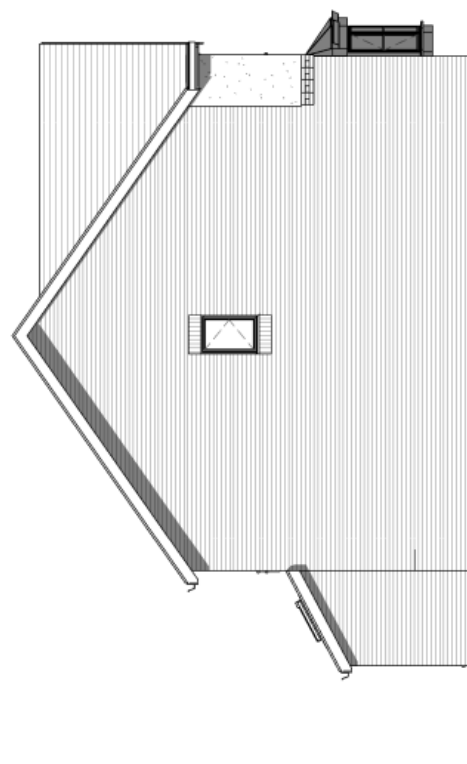


Ground Floor Plan

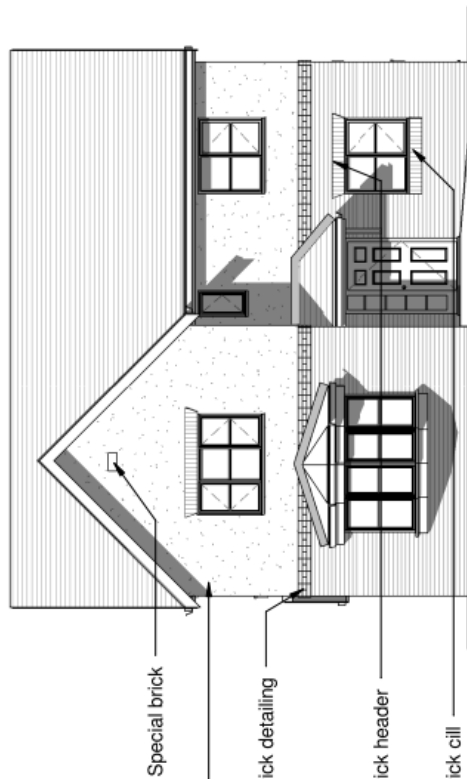
Plot 5 – Proposed Floor Plans



side elevation



side elevation

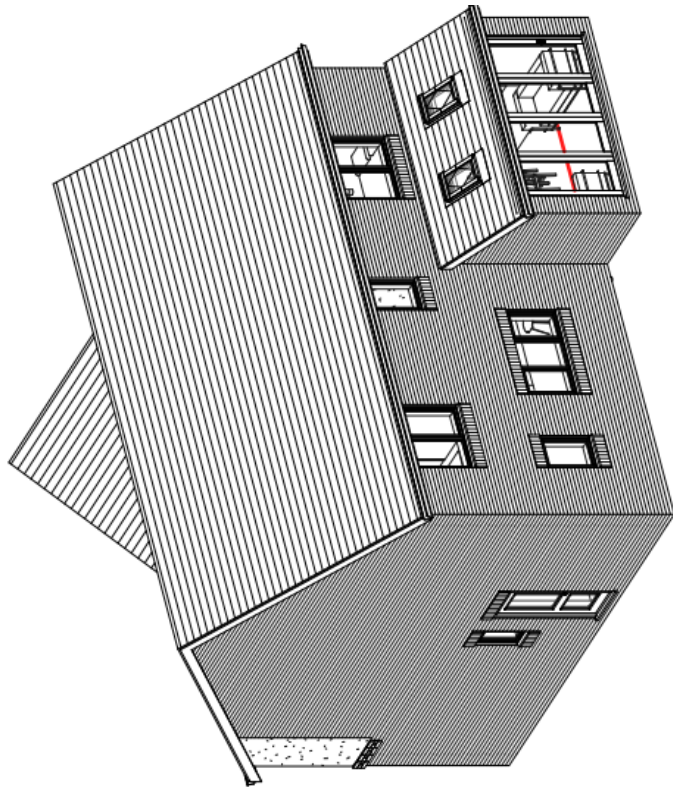


front elevation

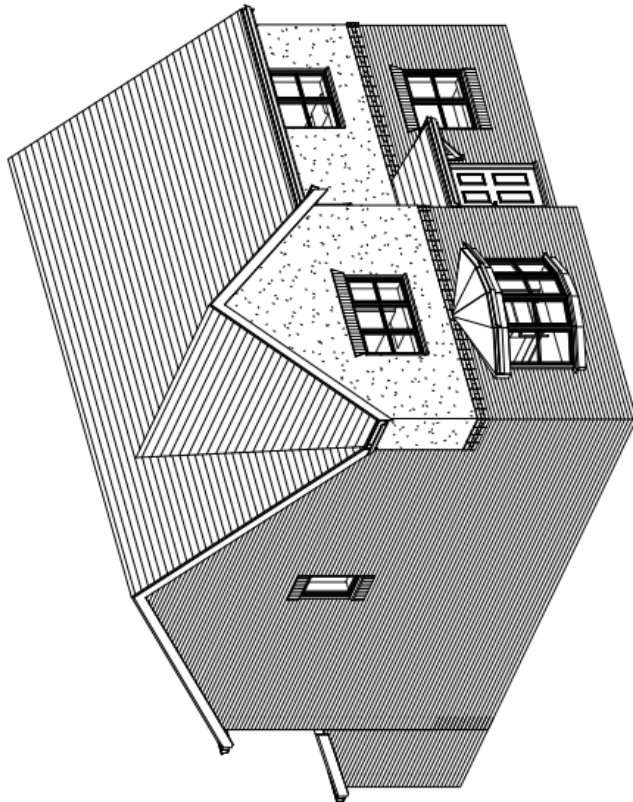


rear elevation

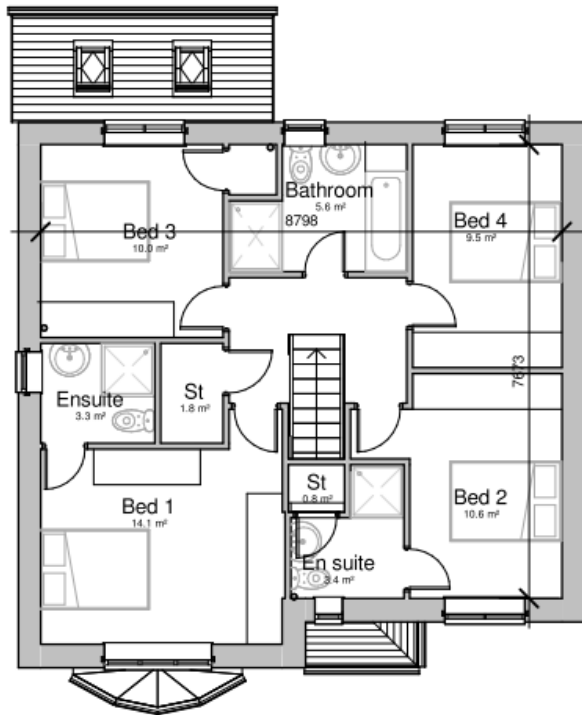
Plot 8 – Proposed Elevations



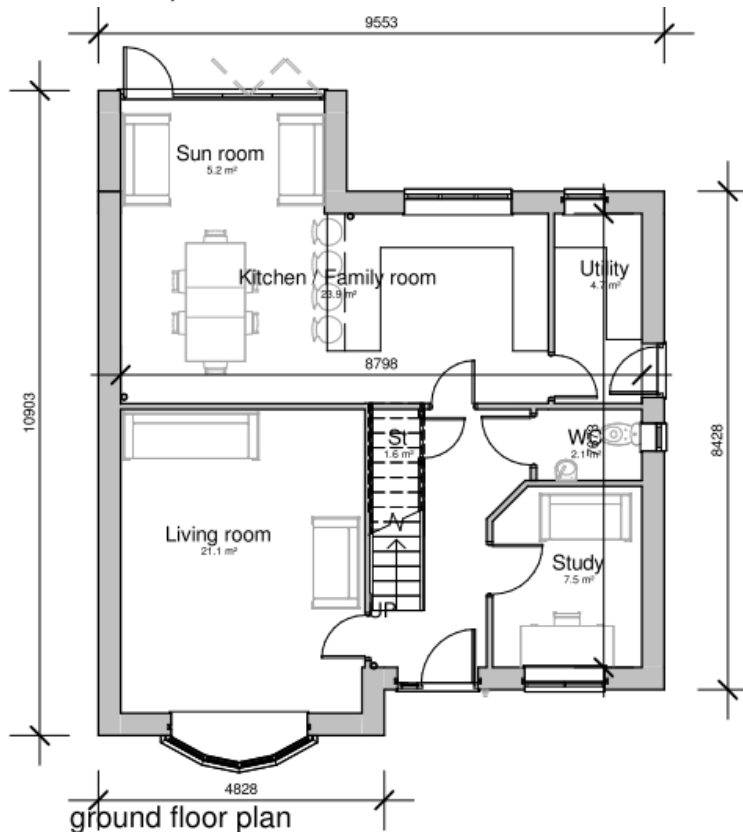
3D Views



Plot 8 – Isometric Views



first floor plan



ground floor plan

Plot 8 – Proposed Floor Plans



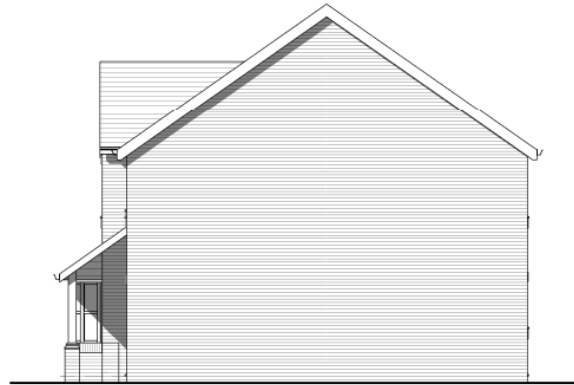
Front elevation



Rear elevation



Side elevation

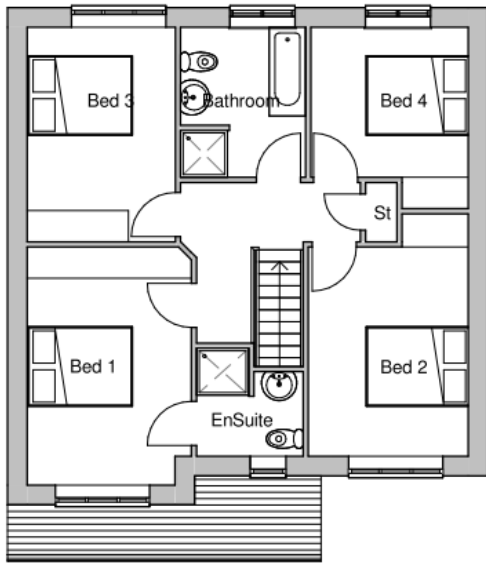


Side elevation

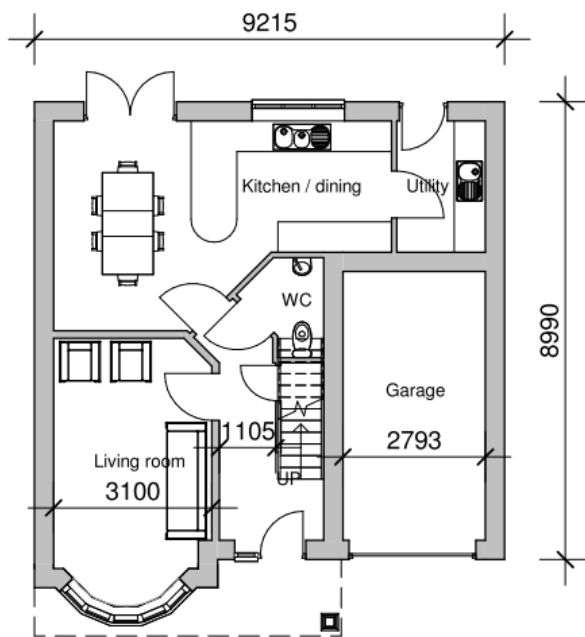
Plot 9 - Proposed Elevations



Plot 9 – Isometric View.



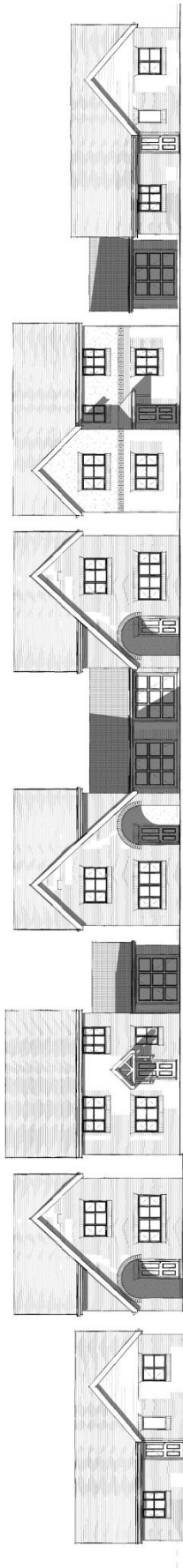
First floor plan



Ground floor plan

Plot 9 – Proposed Floor Plans





Proposed Street Scene.

## PLANNING APPLICATIONS

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### Item No. 4

**REFERENCE No.** 037449

**Site Address:** Milverton House School, Holman Way, Park St, Nuneaton CV11 4NS

**Description of Development:** Request to remove two trees T8 and T9 Sycamores on the right hand side of the playground covered by Tree Preservation Order 2/80, to ground level.

**Applicant:** Mr Graham Gosden

**Ward:** AT

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### **RECOMMENDATION:**

Planning Committee is recommended to grant consent to the tree works, for the reasons as printed.

### **INTRODUCTION:**

This application is for works to trees covered by TPO 2/80 including removal of two trees T8 and T9 Sycamores on the right hand side

Both trees are located towards the North of the site. Both trees are visible in the street scene and overhang the site boundary.

### **RELEVANT PLANNING HISTORY:**

- 037229: Works to trees covered by Tree Preservation Order 2/80 including crown lift and pruning of T1, T3, T4, T6, T8, T9 and T10. Fell sycamore T7 to ground level. (approved 2020)
- 011305: Retention of play frame equipment with play top flexible floor surface (Milverton School) (approved 2007)
- 01128: Retention of extensions to two classrooms and disabled ramp. (Milverton House Prep School) (approved 2007)
- 002910: Two storey extension to form gymnasium at first floor, covered play area below. (approved 200)
- 003832: two storey rear extension to extend classrooms and provide science study room (Approved 1996)
- 004024: First floor extension over swimming pool. (approved 1995)
- 027346: First floor extension (refused 1992)
- 028561: Single and 2-storey extensions to provide swimming pool classroom, staff room and gymnasium (approved 1990)
- 028637: Single storey extension to school/kindergarten (approved 1989).

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Parks and Countryside

### **CONSULTATION RESPONSES:**

No objection from:

NBBC Parks and Countryside

### **NEIGHBOURS NOTIFIED:**

Flats 1, 2, 3, and 4, of 99 Attleborough Road, and 56, 64, 95, 95A, 95B, 97, 99, 101, 103, and 105 Attleborough Road, and 1A, 2A, 4, and 6 Park Street.

Neighbouring properties were sent letters notifying them of the proposed tree works on 5<sup>th</sup> October 2020. A site notice was erected on street furniture on 27<sup>th</sup> October 2020.

### **NEIGHBOUR RESPONSES:**

There has been 1 objection from 1 address. The comments are summarised below.

1. Concerns have been raised that the full removal of the tree would further impact the amenity enjoyment gained from the bedroom window view from property number 97 Attleborough Road

### **APPRAISAL:**

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

1. Impact on Visual Amenity

#### **1. Impact on Visual Amenity**

Tree Preservation Orders are put on trees which are considered to have a significant amenity value to the general public.

A statement was provided by the Agent in the description of works to the trees which included the following:

Having recently worked in August 2020 on the trees at this property, I noticed there are signs of decay in some cavity's of T8 & T9 and quite severe flaking bark on the main stem and secondary limbs. These secondary limbs are reaching out over the playing grounds and road and still have a lot of living growth on. This means the decay hasn't fully affected the transportation of nutrients. Meaning, the tree could look like it is in good health because of a large amount of natural leaf, but realistically, the actual structure of the tree's trunk and boughs could be compromised.

Seeing as these trees are roadside and will also be accompanied by playing children and pedestrians, I strongly feel there is the high possibility that the trees could continue to decline and even possibly fail due to these defects being present and spreading. As

much as we look to try and avoid the removal of trees, in this instance, I do deem necessary the removal of these two Sycamores within an 18-month period.

The NBBC Tree Officer was consulted as part of the application. The tree officer requested additional information including a VTA report be submitted, which enabled the officer to make their final recommendation on the 26<sup>th</sup> of January 2021. This included that the officer had no objection to agreeing to the works in principle, however that the felling of the trees would result in significant visual amenity loss and recommended that replacement trees be planted in line with legislation.

The officer went on to describe how there is no clear 'sooty' to the sooty bark disease. However, it was clear to the officer that bark had separated from the trees as would be expected with SBD which will also be physiologically (and ultimately structurally) detrimental regardless. The officer had inspected that one of the trees had co-dominant stems with inclusion, which further adds to the argument for potential removal. To add to this sooty bark disease is known to cause inflammation of the lungs (pneumonitis) which is a factor worthy of consideration perhaps in relation to local residents and area users and potential liability.

The tree officer also referred to relevant legislation surrounding the Duty to Replace Trees whereby Under section 206 part (1) of the Act, the landowner is under a duty to replace a tree which is removed in contravention of the TPO. The act also states that outside woodlands, the duty also applies if the tree is removed because it is dead, dying or has become dangerous. Therefore, based on section 11.3 The duty on the landowner is: (1) to plant another tree, (2) of an appropriate size and species, (3) at the same place, (4) as soon as he or she reasonably can. Further to this, section 11.4 states that the duty transfers to the new owner if the land changes hands.<sup>135</sup> When planted, the replacement tree is automatically protected by the original TPO,<sup>136</sup> even if it is a different species, although in these circumstances the LPA may wish to vary the TPO to bring it formally up to date (but see paragraph 11.15 below about the status of a replacement tree planted in accordance with a condition of consent). 11.5 There is no duty to replace one tree with two or more trees. A landowner may well be prepared to replace a large species of tree with two smaller ones, but the LPA have powers only to enforce the duty, which is to plant one tree with one replacement.

The trees proposed to be felled do carry significant amenity value, which has been further supported by the view of the tree officer, and the concerns of the objector, although the trees are considered dangerous in the view of the specialist and NBBC tree officer, therefore the recommendation should consider replacing the trees lost.

Therefore, after consideration of the impact on visual amenity and the officer assessment, it is recommended that the tree works be approved in line with tree work legislation Recommendations for Tree Work 2010 (British Standard: 3998), subject to conditions.

### **REASONS FOR APPROVAL:**

The works to trees are considered acceptable and are not considered to cause significant harm to the protected trees.

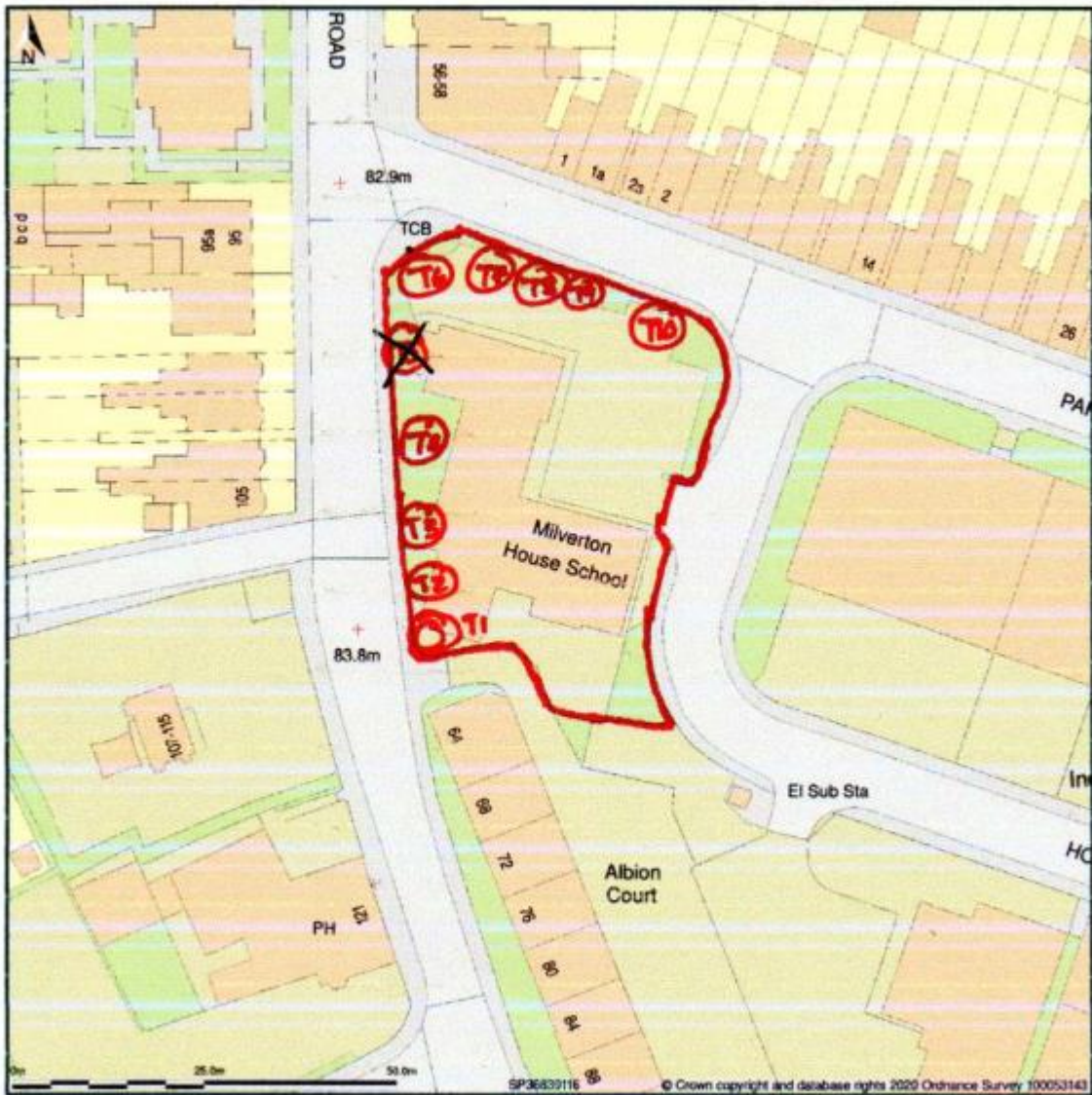
### **SCHEDULE OF CONDITIONS:**

1. Carry out the following: removal of two trees T8 and T9 Sycamores on the right hand side of the playground covered by Tree Preservation Order 2/80, to ground level.
2. Under section 206 (11.3) of Tree Preservation Orders: A Guide to the Law and Good Practice; (1) the landowner must plant another tree, (2) of an appropriate size and species, (3) at the same place, (4) as soon as he or she reasonably can.

Subject to:

- i) The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 2010). All tree works shall be carried out during the dormant season only, but not during periods of extreme frost or severe weather
- ii) The works approved to be carried out within 2 years form the date of the consent.

### **Location Plan**



**Photograph of the tree from the objector's property:**



**Photograph taken of the tree damage by applicant's agent.**







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)**