

Enquiries to:
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Date: 23rd September, 2019

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **The Council Chamber of the Town Hall, Nuneaton on Tuesday, 1st October, 2019 at 5.00 p.m.**

A Site Visit will take place prior to the meeting as detailed overleaf.

Public Consultation on planning applications will commence at 5.00 p.m. (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

To: All Members of the Planning
Applications Committee

Councillor W.J. Hancox (Chair).
Councillor K. Wilson (Vice-Chair).
Councillors J. Beaumont, S. Gran,
A. Llewellyn-Nash, I Lloyd,
B. Longden, B. Pandher, M. Rudkin,
A. Sargeant, J. Sheppard, R. Smith
and C. Watkins.

Site Visit Information

Members are reminded that a site visit will take place in connection with application number 036417, James Street, Nuneaton.

Members are asked to meet at the front of the site in James Street at 3:45 p.m.

If any Members need a lift, please be at Nuneaton Town Hall at 3:20 p.m. or Bedworth Civic Hall at 3:00 p.m.

CODE OF CONDUCT- COMMITTEE SITE VISITS

The purpose of a visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:-

- (a) A site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis of the Officers' report to the Committee alone.
- (b) Authorised attendance at a site visit shall be limited to members of the Planning Applications Committee and appropriate Officers.
- (c) There shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee.
- (d) Applicants or their representative shall not be permitted to make representations to members of the Committee during a site visit. They may, however, give any purely factual information which is requested by members through the representative of the Development Control Department and which cannot be ascertained by viewing alone.
- (e) At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Development Control Department will explain and make clear to all those attending the Code's requirements for the conduct of site visits.

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

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

Chair to advise the meeting if all or part of the meeting will be recorded for future broadcast.

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

3. MINUTES - To confirm the minutes of the meeting held on 10th September, 2019 (attached). **(Page 6)**

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page 16)**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control attached. **(Page 16)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

10th September, 2019

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 10th September, 2019.

Present

Councillor W Hancox - Chair

Councillors J.B. Beaumont, S. Gran, L. Hocking (substitute for Councillor B.Longden), A. Llewelyn-Nash, I. Lloyd, B. Pandher, M. Rudkin, A. Sargeant, J. Sheppard, R. Smith, C. Watkins and K. Wilson.

Apologies from Councillor B. Longden.

PLA29 Chair's Announcements

The meeting was being recorded for future broadcast to the public via the Council's website.

PLA30 Minutes

RESOLVED that the minutes of the meeting held on the 20th August, 2019, be confirmed and signed by the Chair.

PLA31 Declarations of Interest

Councillor J. Sheppard declared an interest in regards to Planning Application No. 035037, being a Director of Wembrook Community Centre, and also as a family member had requested to speak on the item at the meeting.

Councillor Llewellyn-Nash requested that her interests be updated as she was not a representative on the Hospice Charity.

Councillor I. Lloyd requested that his interests be updated on the Schedule as he was no longer employed by Jaguar Land Rover.

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

PLA32 Declarations of Contact

Councillor J. Sheppard declared contact with residents in regards to Planning Application Nos. 035037, 036484 and 036417 but that she had not given any indication of her voting intention.

IN PUBLIC SESSION

PLA33 **Planning Applications**

(Note: Names of the members of the public who 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.

PLA34 **Any Other Business**

None

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA 33 OF THE
PLANNING APPLICATIONS COMMITTEE ON 10TH SEPTEMBER, 2019

035037: Site 74C004 - West of Maple Park, land north of Gipsy Lane Nuneaton
Residential development of up to 575 houses including a mixed use
neighbourhood centre, public open space, footpaths, cycleways, water
attenuation basins and associated infrastructure, including realignment of
Gipsy Lane (Outline with all matters reserved)

Applicant: Trenport Investments Limited

Speakers: Mr B. Sheppard
Mr C. Hall – Trentport Investments Ltd

DECISION

Planning permission be granted, subject to a legal agreement and the conditions printed in the agenda and addendum.

036201: Site 37b008 - Edinburgh Road, Nuneaton
Erection of 142 dwellings (Approval of reserved matters - layout, scale,
appearance, landscaping and access of outline permission 029715) Camp Hill
Phase 3) (part 5 of 6)

Applicant: Mr David Green, Barratt Homes Mercia

Speakers: Mr S. Bilek
Mr P. Keegan

DECISION

Planning permission be granted, subject to the conditions from the outline approval and the new conditions as printed in the agenda and addendum and subject to an additional condition removing permitted development rights in respect of dormer windows on those properties overlooking rear properties in Hillcrest Road and a condition regarding the installation of bollards along the footpath which links the two roads on the west side boundary of the development.

036484: 56 Aston Road, Nuneaton, CV11 5EJ.
Proposed change of use from commercial to an 8 bedroom house in multiple
occupation (HMO) (Sui Generis use class) and alterations to the front elevation.

Applicant: Mrs P Ugbene

Speaker: Mr J. Lewis

DECISION

Planning permission be refused for the reasons printed in the agenda and addendum.

036417: Site 39C011, James Street, Nuneaton
Partial demolition of existing buildings and erection of one block for 6
apartments including access, 10 parking spaces, cycle storage and communal
area

Applicant: Mr Adam Taylor, Prestige Homes (Midlands) Ltd.

Speakers: Ms L. Jennings
Mr Holt

DECISION

That the decision be deferred for a site visit to assess the design and impact of the proposed development on the street scene, the size of the proposed development in relation to the size of the plot and highway implications.

**Planning Applications Committee
Schedule of Declarations of Interests – 2019/2020**

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Older People's Forum 	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Representative of the following Outside Bodies: <ul style="list-style-type: none"> • Hospice Charity 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	I. Lloyd	Employee of Jaguar Land Rover	<p>Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton & Bedworth Sports Forum • Camp Hill Urban Village and Pride in Camp Hill • Poor's Piece Charity • Committee of Management of Hartshill & Nuneaton Recreation Group 	Dispensation to speak and vote
	B.J. Longden		<p>Daughter and son-in-law work in the NHS</p> <p>Member of the Stockingford Community Centre</p> <p>Ex-Officiate of the Veterans Contact Point Board</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Trust – Public/User Board • George Eliot Hospital NHS Foundation Trust Governors • Armed Forces Covenant Meeting • Astley Charity 	
	B. Pandher		<p>Member of Warwickshire County Council</p> <p>Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple;</p> <p>Coordinator of Council of Sikh Temples in Coventry;</p> <p>Secretary of Coventry Indian Community;</p> <p>Trustee of Sikh Monument Trust</p> <p>Vice Chair Exhall Multicultural Group</p>	
	M. Rudkin	Employee of People in Action	<p>Unite the Union</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	A. Sargeant		<p>Member of Warwickshire County Council</p> <p>Chairman of The Nook (Nuneaton) Residents Association.</p>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Chair of Attleborough Community Matters group. Volunteer at Volunteer Friends Bulkington. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children & Adults) • Local Government Superannuation Scheme Consultative Board • Warwickshire Direct Partnership • Warwickshire Waste Partnership • West Midland Employers • Nuneaton Neighbour Watch Committee 	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	R. Smith		Director of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre	
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Home Improvement Agency. • Nuneaton and Bedworth Safer and Stronger Communities Partnership. • Safer Warwickshire Partnership Board. • Warwickshire Housing Support Partnership. • Warwickshire Police and Crime Panel. 	
	K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote

**Planning Applications Committee
Schedule of Declarations of Interests – 2019/2020**

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	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	J. Beaumont		Board member of Bulkington Community Library CIC in addition to an unpaid Manager of the library. Board member of Bulkington Village Centre Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Older People's Forum 	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth	
	I. Lloyd		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton & Bedworth Sports Forum • Camp Hill Urban Village and Pride in Camp Hill • Poor's Piece Charity • Committee of Management of Hartshill & Nuneaton Recreation Group 	
	B.J. Longden		Daughter and son-in-law work in the NHS Member of the Stockingford Community Centre Ex-Officiate of the Veterans Contact Point Board Representative on the following Outside Bodies: <ul style="list-style-type: none"> • George Eliot Hospital NHS Trust – Public/User Board • George Eliot Hospital NHS Foundation Trust Governors • Armed Forces Covenant Meeting • Astley Charity 	
	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	
	M. Rudkin	Employee of Coventry City Council	Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	A. Sargeant		Member of Warwickshire County Council Chairman of The Nook (Nuneaton) Residents Association. Chair of Attleborough Community Matters group. Volunteer at Volunteer Friends Bulkington.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children & Adults) • Local Government Superannuation Scheme Consultative Board • Warwickshire Direct Partnership • Warwickshire Waste Partnership • West Midland Employers • Nuneaton Neighbour Watch Committee 	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	R. Smith		Director of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre	
	C.M. Watkins	Landlord of a privately rented property	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Home Improvement Agency. • Nuneaton and Bedworth Safer and Stronger Communities Partnership. • Safer Warwickshire Partnership Board. • Warwickshire Housing Support Partnership. • Warwickshire Police and Crime Panel. 	
	K.D. Wilson	Employee of the Courts Service	Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote

Planning Applications Committee
1st October 2019

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Wards:					
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SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

SITE VISIT

Item No. 1

REFERENCE No. 036417.

Site Address: "Site 39C011", James Street, Nuneaton.

Description of Development: Partial demolition of existing buildings and erection of one block for 6 apartments including access, 10 parking spaces, cycle storage and communal area.

Applicant: Mr Adam Taylor, Prestige Homes (Midlands) Ltd.

Ward: AB.

RECOMMENDATION:

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

REASON FOR SITE VISIT

Deferred by members for a site visit to assess the intensity of the use on this site; the design and impact on character of the area; the impact on car parking and highway safety.

INTRODUCTION:

Partial demolition of existing buildings and erection of one block for 6 apartments including access, 10 parking spaces, cycle storage and communal area adjacent to 14 James Street Nuneaton (Site 39C011).

The application was originally for 9 apartments but the layout was amended and the amount of flats reduced after discussions with the Agent due to concerns of Officers in relation to the design and intensity.

James Street is within Abbey Green and there is a walkway from the end of James Street to Midland Road. The site is close to the District Centre of Abbey Green and relatively close to Nuneaton Town Centre.

This appears to have been a commercial site consisting of a number of brick buildings built around a courtyard area which has vehicular access from James St via double gates. The property is almost at the end of the road and is immediately adjacent to the residential property of 14 James Street which is the end of a group of Victorian terraced properties. On the opposite side is another row of terraced properties that are similar in character to that of the houses on adjacent roads. Parking in the area is largely on-street.

To the north of the property is the driveway to another commercial property that is still in use. To the side of this access is a footpath leading through to a car park at the end of Charles Street. This is separated from Network Rail land by a hedgerow and trees. Behind the adjacent commercial building appears to be a further workshop in 24 Charles Street.

BACKGROUND:

Notwithstanding the level of objection received, this application is being reported to Committee at the request of Councillor Jill Sheppard.

RELEVANT PLANNING HISTORY:

- TP06493 Change of Use from scrap Yard to haulage and storage depot. Refused. 07.01.1994.
- TP005292 Processing of salvaged scrap metal, parking of skip vehicles and storage of empty skips. Approved. 9.06.92.
- 780630 Change of use of 2 lock up garages to textile sorting. Refused. 15.1.78.
- 720236 Conversion of four lock up garages to workshop and stores for restoring antiques. Approved. 22.02.72
- 680113 Proposed demolition of lock up garages and erection of warehouse for scrap metal. Approved.
- 590604 Proposed 32 lock up garages. Approved.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - BE3 – Sustainable Design and Construction.
 - DS1 – Presumption in favour of Sustainable Development.
 - DS2 – Settlement Hierarchies.
 - DS4 – Overall Development Needs.
- Residential Design Guide 2004.
- National Policy Planning Framework 2019 (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, NBBC Environmental Health, NBBC Land and Property, NBBC Parks, NBBC Refuse, Network Rail, Severn Trent Water, WCC Fire Safety and WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

WCC Highways, NBBC Environmental Health and Severn Trent Water

No objection subject to notes:

Network Rail and WCC Fire Safety

No objection:

NBBC Refuse

No response from:

Cadent Gas, NBBC Land and Property and NBBC Parks

NEIGHBOURS NOTIFIED:

R P Motors, Station Workshop, 1 -15 (inclusive), site adjacent to 14 James St. 14, 18, 20, 22, 24, 24a Charles Street. 65 and 67 Stanley Road. 37 – 47 (odd) Sheelin Crescent, Nuneaton; Fosse Way Lodge, Brinklow;

Neighbouring properties were sent letters notifying them of the proposed development on the 4th June 2019 and on the 5th July 2019 due to amended plans.

NEIGHBOUR RESPONSES:

There have been 10 objections from 10 addresses to the application in its original form. The comments are summarised below;

1. Will provide inadequate off street parking. Parking is already a severe issue in the area often meaning roads are reduced to one way and to the extent emergency; refuse and delivery vehicles cannot get through.
2. No consideration given to visitor parking spaces.
3. Existing neighbours often have to parks streets away.
4. Noise and air pollution including dust during construction will be problematic to neighbours with existing health concerns.
5. Construction traffic will have difficult accessing the site and will block the road and there is nowhere for large vehicles to turn on road.
6. Loss of privacy from new flats.
7. Adjacent garage has cars coming and going all the time for repairs.
8. Bushes overgrown in area.
9. Will not benefit the existing residents in any way.
10. Devalue properties in area.
11. Development too big (shoehorned) and not in keeping with the area. Site was previously 3 terraced properties which had to be demolished due to bomb damage during war.
12. Proposed housing should be of similar size to existing properties.
13. Concerns about demolition/construction causing damage to existing properties.
14. Will increase vermin in area.
15. Accommodation of this type not needed in area.
16. By demolishing existing buildings, security will be lost for neighbouring properties as building to the rear is to be replaced with low wall.
17. The car park needs to be secure.
18. Existing buildings on site contain asbestos which will be released into air during demolition.

A petition has been received of 21 signatories objecting to the application.

One further objection was received following re-consultation after receiving amended plans stating:

1. Still provides loss of privacy to neighbouring properties.
2. Still disproportionate number of parking spaces to flats 1.5 vehicles per flat doesn't work.
3. Still no provision for visitor parking.
4. Need to provide parking permits to existing residents.
5. Still concerns about damage during construction, site management and house prices being devalued.

A letter was received from Cllr N Phillips raised the following points:

1. Would Committee be minded to make a site visit?
2. Grave concerns about the impact of the development
3. Do not think the reduction from the 9 apartments applied for to the 6 now applied for fully mitigates the concerns
4. There is also impact on the character of the Victorian terraces as design is not in-keeping

5. There have been 18 objections from 10 properties and a petition with 21 signatures
6. Car parking in this road is a nightmare
7. The site has been empty for over 17 years
8. The site does warrant development but developed with care

APPRAISAL:

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

1. The Principle of the Development
2. Visual Amenity
3. Residential Amenity
4. Impact on Highway Safety
5. Contamination and Noise
6. Conclusion

1. The Principle of the Development

The site is within the urban area of Nuneaton and Policy DS2 of the Borough Plan states that development should be directed to Nuneaton as the primary town.

Policy DS4 of the Borough Plan 2019 refers to the number of homes required over the plan period. The land is not designated for any specific purpose in the Borough Plan meaning that there is no specific restriction on this land in regard to residential use.

Sites such as this, which are not allocated within the Plan but come forward within the Plan period, are called Windfall Sites. The Borough Plan at paragraph 6.22, states that windfall sites are expected to make up 247 dwellings over the plan period.

Policy DS1, states:

“When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

James Street is within Abbey Green and there is a walkway from the end of James Street to Midland Road. The site is therefore considered to be in close proximity to the District Centre of Abbey Green with a bus route; local shops; services and school and furthermore is a relative short distance from Nuneaton Town Centre. Therefore the proposal is considered to be sustainable development providing it improves the economic, social and environmental conditions in the area and complies with all other Policies.

Paragraph 117 of the NPPF states that use should be made as much as possible for previously developed land and 118 further goes on to state that substantial weight should be given for using brownfield land for homes and other identified needs and to support opportunities to remediate land. This paragraph states that decisions should promote and support underutilised land and buildings especially if this can help meet identified need for housing. Furthermore paragraph 137 of the NPPF states that brownfield sites should be used as much as possible. The glossary in the Borough Plan refers to the sequential approach necessary for developing land and states that previously developed land should be considered before greenfield sites and the site complies with all of these Policies.

The site is adjacent and opposite residential properties and it is considered that as per the above, that residential use is appropriate in the area.

2. Visual Amenity

The RDG paragraph 3.1 states that:

“Residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement. Whilst it is generally good practice for large areas of new housing to have a coherent and identifiable character, this should not be at the expense of the traditional settlement pattern. Local distinctiveness is best achieved by respecting the form, scale, architecture and materials of the local built environment where appropriate”.

The design has changed during the application process and the front is now two storey with eaves and ridge height at the same level as the existing neighbouring properties. Whilst the windows do not match the same height or width of the adjacent properties a stone head and cill is proposed to mirror the adjacent properties. Two bay windows are proposed to the front of the new development, which are features seen on two properties in the area.

The front elevation also provides a subsidiary gable which is not a feature seen on front elevations in the street but gables of the existing buildings are seen in the wider area.

The side visible from the footpath adjacent to the railway line is consistent with the street scene and will provide surveillance to this path, albeit the windows to this side will be firstly overlooking an access and parking area to the neighbouring workshop.

The plans state that materials are to be approved by the Council so can be controlled via condition.

It is therefore considered that the visual amenity of the proposal is largely in keeping with the area.

3. Residential Amenity

The relevant policy in the Nuneaton and Bedworth Borough Plan 2019 in assessing residential amenity is BE3: Sustainable Design and Construction, particularly the section on Urban Character, which states that designs must be to a high standard and that the urban character must:

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

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

The Residential Design Guide 2004 (RDG) is a material consideration supported by this Policy, and forms part of the assessment of applications. The RDG paragraph 9.1 states that:

“The way buildings relate to each other—their orientation and separation distance—must provide and protect acceptable levels of amenity for both existing and future residents”.

Paragraph 9.2 then states primary windows to habitable rooms will be protected from significant overlooking, shadowing and oppressive sense of enclosure.

In order to assess residential amenity the impact to neighbouring properties needs first be considered. The neighbouring properties most affected are 14 James Street which is adjacent to the site and 11, 13 and 15 James Street that are opposite and 18, 20 and 22 Charles Street that back onto the site.

Impact to 14 James Street

There are no side facing windows on number 14 to be affected by the proposal. The nearest part of the proposed development projects approximately 1.2m beyond the rear of this neighbouring property. Guidance in RDG states that projections adjacent to the boundary with private garden space can be up to 3m for those two-storey in height and therefore it is considered that this development will not provide a sense of enclosure to private amenity space or impact windows of this neighbouring property.

The nearest proposed outside space is to a communal area for drying clothes; bin area and beyond this are parking spaces next to the boundary with this property but these are either half way down or at the bottom boundary with this neighbouring property so any disturbance will be limited.

It is considered that the main impact to this property will be a two and a half storey projection which is to the opposite side boundary. (This is apartment numbers 3 and 6). This will project a further 10m from the back of the properties but is to be set off the boundary with this neighbour by 11m and is due north to it so it is considered that it will have little impact in terms of enclosure or loss of light. However this projection is to have primary side windows overlooking this neighbours property. At ground floor this is to serve a lounge and bedroom but this area will largely be screened by the boundary treatment. There are also windows proposed at first floor which is to a kitchen, staircase and bedroom and a skylight at second floor level. The cill height of this roof light is 1.2m above the floor level so there will be views from this window (albeit at an angle). These windows are to be at least 11m to the boundary with this property and although no doubt they will give a sense of overlooking to this neighbours garden, the distance is well in excess of the 7m separation distance recommended in paragraph 9.4 of the RDG.

11, 13 and 15 James Street

These neighbouring properties have windows to the front. As these are across the street the distance of 20m set out in the RDG for window to window distance does not apply as there would be views into these neighbours' windows from the street in any case.

18, 20 and 22 Charles Street

The nearest proposed window to the rear windows of these neighbouring properties is a second floor window to a bedroom. However the distance is 38.5m from window to window and the 30m distance set out in paragraph 9.3 of the RDG is therefore well

met. This window is 17m from the rear boundary with these properties so will meet the 7m set out in paragraph 9.4 of the RDG.

Residential amenity for new occupiers of the apartments

Flat 1 is at ground floor and has a bay window serving a bedroom to the front and a combined door and window to the rear that serves the lounge/kitchen. This rear window is slightly infringed by the projection of flat 3 which is contrary to paragraph 9.6 of the RDG. However this is at a diagonal distance of 23.7m so therefore the sense of enclosure is somewhat offset by the distance; which in any case is over the shared public space of the rear access. The main views will be directly outwards to the shared communal area and to their car park beyond.

In relation to flat 2 this is also at ground floor and the property will have views to the street for the kitchen/lounge with a secondary window looking north across the access of the adjacent workshop to the railway line. The other windows to this flat also overlook the railway line and are to the two bedrooms.

Flat 3 to the rear and at ground floor, has dual aspect windows to the kitchen/lounge into the courtyard and opposite to the railway line. Bedroom 1 will overlook the railway line and bedroom 2 the courtyard area.

Flat 4 at first floor has the bedroom windows overlooking the street. The kitchen and lounge/kitchen are served by windows to the rear. The lounge/kitchen window is to be a Juliet balcony.

Flat 5 is at first floor level and has the kitchen/ lounge window to the front with bedroom 1 having a window to the front and side. Bedroom 2 has a window overlooking the railway line.

Flat 6 is at first floor level with a second bedroom in the roof space. The kitchen/lounge has windows both into the courtyard and across to the railway line. Bedroom 1 has a window overlooking the courtyard whilst bedroom 2 has a window to the rear and roof light to the courtyard.

It is considered that whilst there may be some limited impact to the residential amenity of existing neighbours. The proposal fully meets the RDG. Whilst there is one minor contravention to flat 1 (rear window) the proposal is also considered acceptable in terms of the residential amenity to the future occupiers of the new apartments.

4. Impact on Highway Safety

Paragraph 109 of the NPPF states that;

“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

WCC Highways have weighed the coming and goings of the proposal of 6 apartments to the potential vehicular movements of the previous commercial use of the site and consider that once constructed the proposal would significantly reduce the number of HGV's to that which could potentially visit the site if the previous commercial use was ever reinstated. They consider this to be a betterment. They therefore have no objection subject to conditions. However, they do point out that the amount of parking is considered less than should be provided within NBBC's Car Parking Standards 2003.

The Council's Car Parking Standards 2003 is no longer extant but is still used as reference in the absence of any up to date guidance; but carries limited weight in a reason for refusal. Nonetheless, the Guidance states that there should be a maximum of 1 space per one bedroom dwellings and 1 to 2 spaces per two bedroom dwellings. It states that there should be an average of 1.5 spaces per dwellings. Ten parking spaces are proposed for one 1 bedroom dwelling and 5 two bedroom flats. Therefore the provision of 1.5 spaces per dwelling is exceeded by one. There is no doubt that parking is limited in the area but these proposed spaces are off street and the proposal also includes the provision of space for ten bicycles. The location is sustainable and it is considered that it would make it difficult to defend refusal on this basis at Appeal, especially without an objection from County Highways.

Existing residents have concerns about construction traffic and how this will impact the area. It is considered that this will be for a limited time and Highways have requested no conditions in relation to construction traffic.

It is therefore considered that highway safety is acceptable.

5. Contamination and Noise

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).

Policy BE3 in the Borough Plan deals with contamination and land instability. It states that development will need to demonstrate that measures can be taken to mitigate any impacts, and that the development site is or will be made suitable for the final use.

A Ground Investigation Report has been provided which concludes that further investigation will need to be carried out. The Council's Environmental Health Team have no objection subject to the standard contaminated conditions to deal with this concern.

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 Council's Environmental Health Team initially had concerns about the potential for noise impacts to new residents due to the adjacent commercial use and railway line. They removed these concerns when the design was amended, subject to conditions.

Network Rail has also requested notes to be added to the decision in relation to noise and vibration from the adjacent railway line. It is considered that the conditions requested by Environmental Health will cover the notes from Network Rail.

Neighbours have concerns about noise and dust including concerns about the removal of asbestos during the construction period. These issues will be covered by separate legislation through the Environmental Health Team.

It is therefore considered that contamination and concerns about noise to new residents can be addressed via condition.

6. Conclusion

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

The site is considered sustainable and makes good use of a brownfield site and provides a windfall of residential dwellings within the existing urban area. These reasons weigh in favour of the proposal and it is considered that the benefits outweigh any 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
Site Location Plan	18/08403/100 rev A	4th July 2019
Proposed Site Plan	18/08403/103 rev C	27th Aug 2019
Proposed Floor Plans	18/08403/104 rev A	4th July 2019
Proposed Elevations & Sections	18/08403/105 rev A	4th July 2019

3. No development shall commence until:

- A contaminated land assessment and associated remedial strategy, has been submitted to, and agreed in writing by the Council;
- The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
- 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
- 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.

4. No development (other than site clearance) shall commence until full details of the provision of the access, car parking and manoeuvring areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No unit shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

5. No development (other than site clearance) shall commence until details of a noise assessment and noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal noise levels as defined in table 4 of BS8233:2014

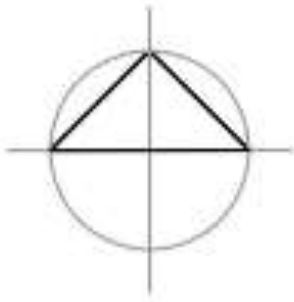
(including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and approved in writing by the Council. The dwellings shall not be occupied other than in accordance with the approved details.

6. No development (other than site clearance) shall commence until details for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

8. Notwithstanding the plans submitted the development shall not be occupied until the footway crossing fronting the site has been remodelled to reinforce pedestrian priority in and out of the site and within the public highway.

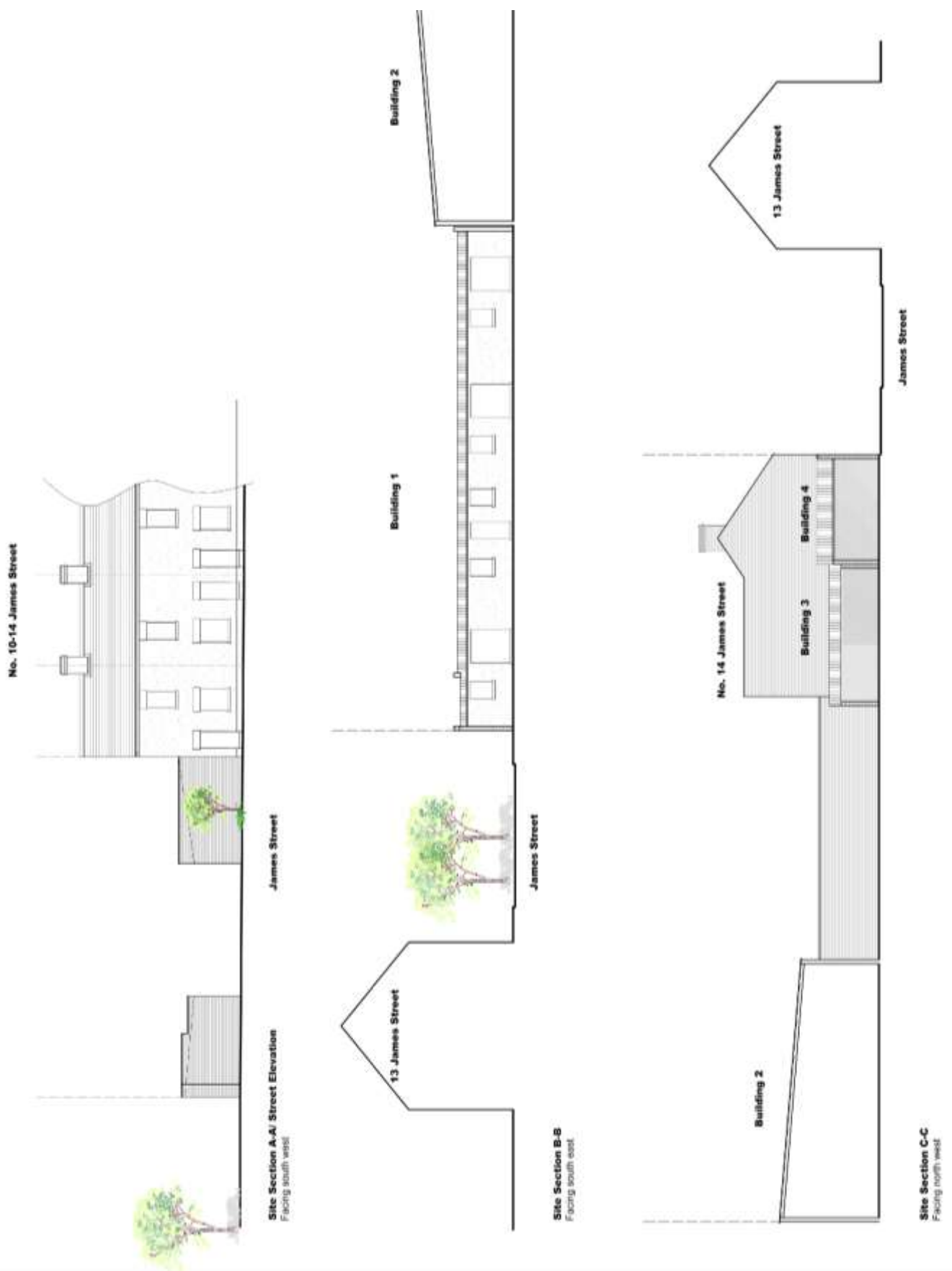
9. The dwelling shall not be occupied until details of the boundary treatments have been approved in writing by the Council and subsequently erected on site.



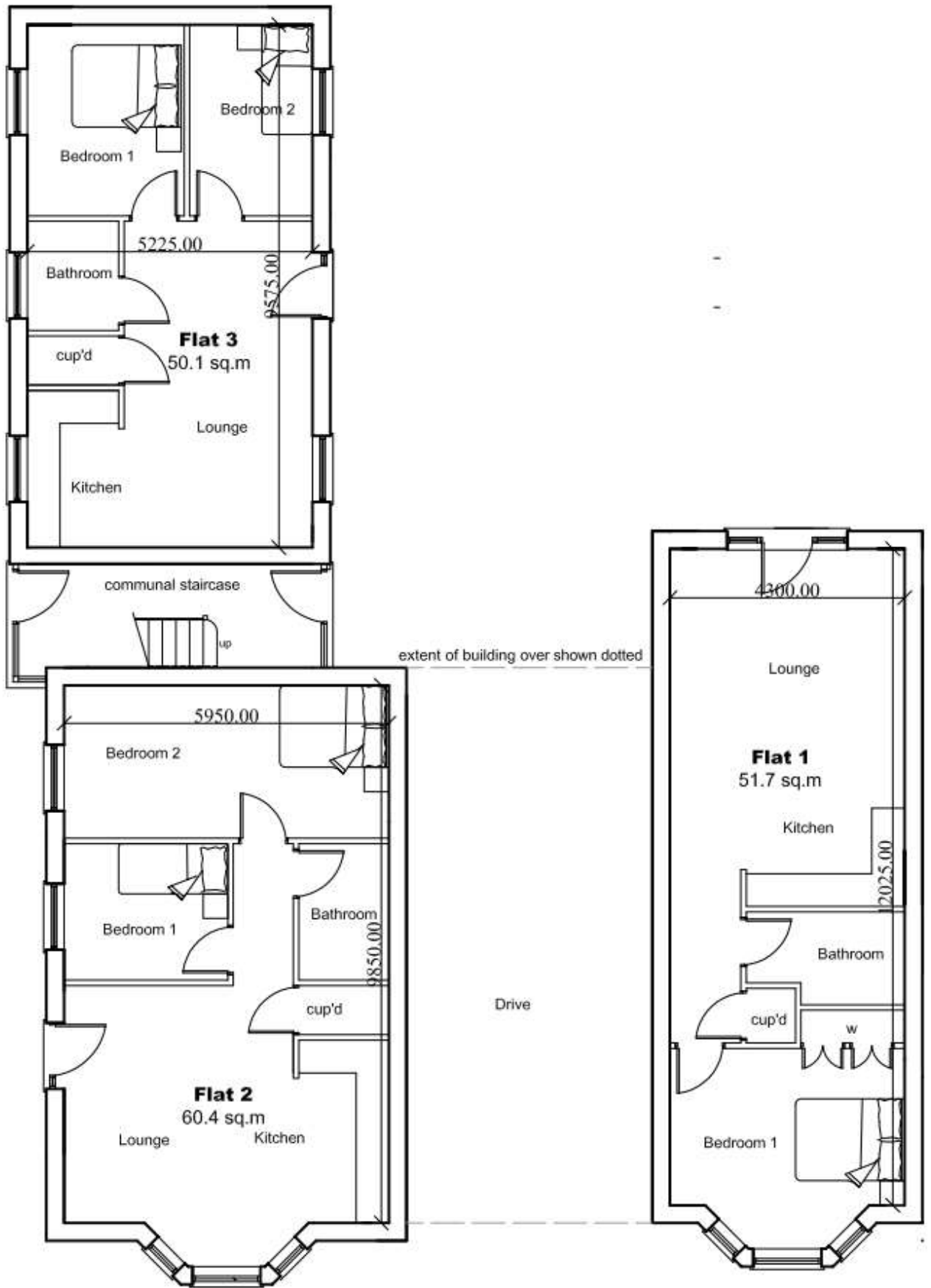
Location Plan



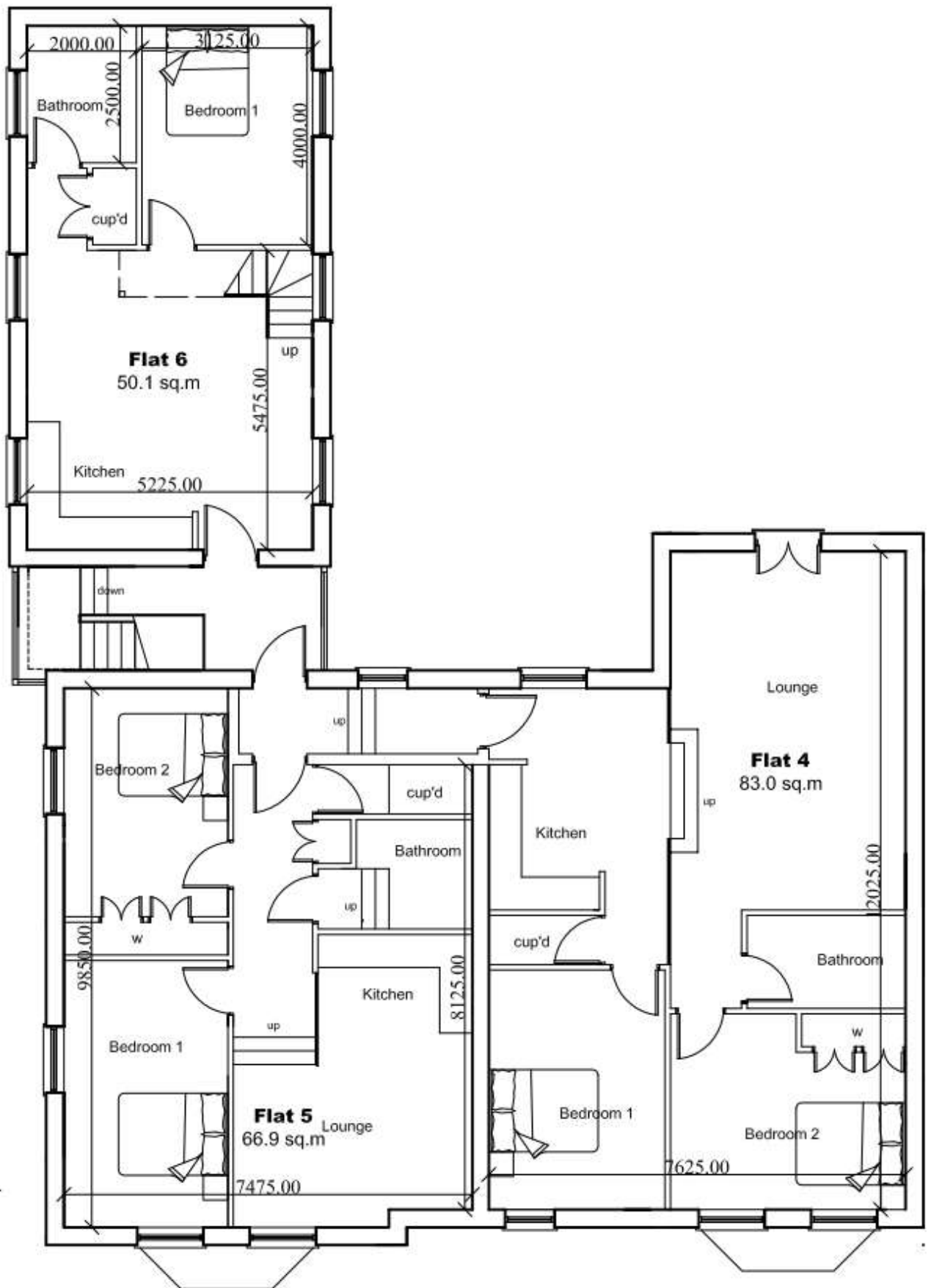
Existing Site Plan



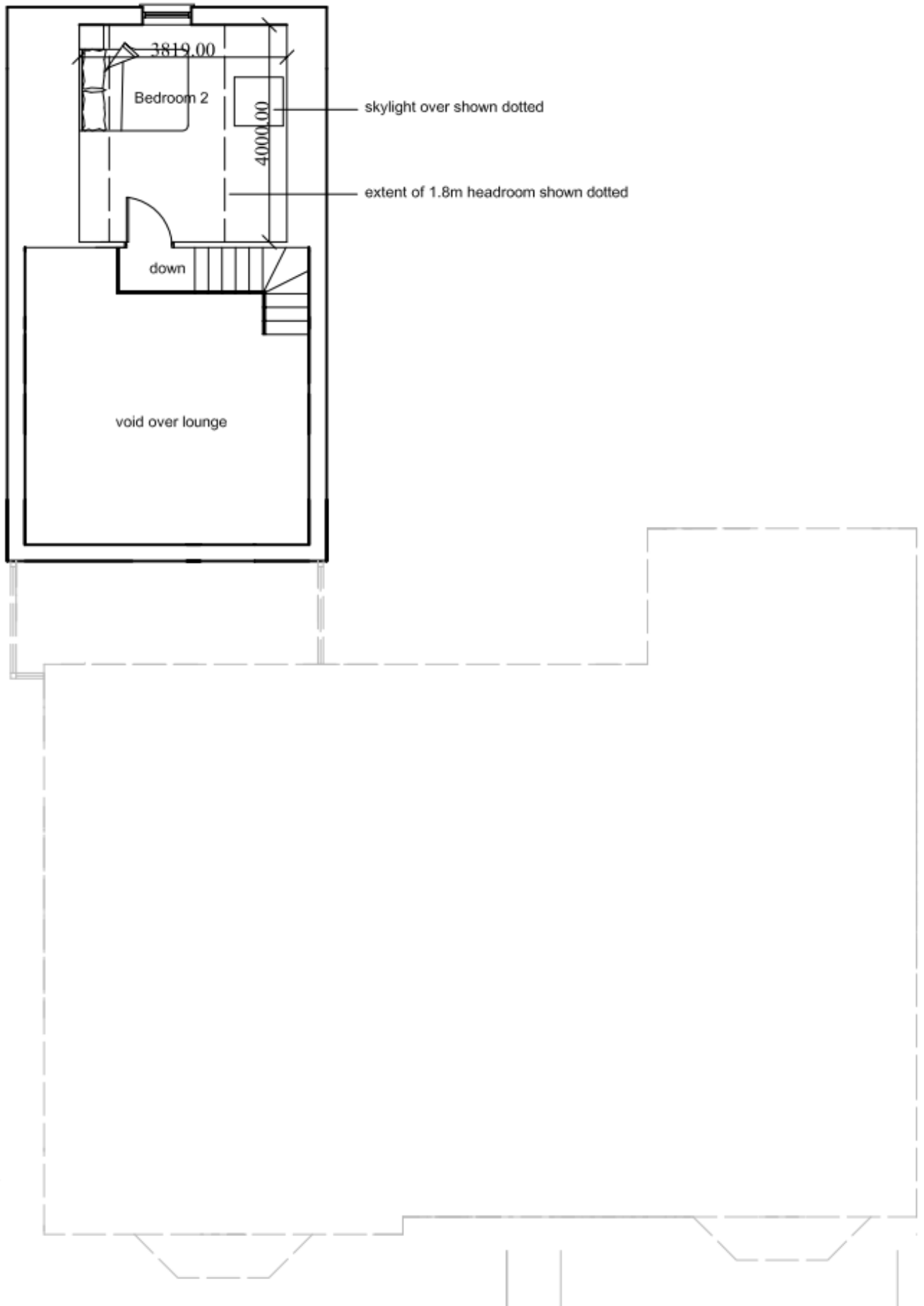
Existing Elevations



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan

PLANNING APPLICATIONS

Item No. 2.

REFERENCE No. 035587.

Site Address: Discovery Academy, Beaumont Road, Nuneaton, Warwickshire, CV11 5HJ.

Description of Development: Erection of up to 46 houses, 12 flats and 1 two and three storey extra care facility of up to 65 units including the demolition of existing buildings (outline including access).

Applicant: Warwickshire County Council.

Ward: AB.

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of up to 46 houses, 12 flats and 1 two and three storey extra care facility of up to 65 units including the demolition of existing buildings. It is an outline application including access.

The site is a former secondary school. Part of the site is still occupied and runs as a school for children with special educational needs. The site adjoins Beaumont Road and Vernons Lane. There is a vehicular access off Beaumont Road and Vernons Lane. To the south there are hedges and trees which are substantial. The school buildings are two storey with single storey wings off it. To the northern part of the site there are flat roof buildings which are single and two storey. There are two and three storey flat roof buildings to the north-east part of the site with properties on Earls Road beyond. Adjoining the boundary with Vernons Lane there is 2 metre high galvanised fencing. Properties along Beaumont Road are 1930's and are two storey and a mixture of pitched and hipped roofs. They have features such as chimneys and bay windows and some have off-street parking.

BACKGROUND:

This is an outline application for residential development. The following matter is to be considered at this stage:

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

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

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.

- Appearance – The aspects of a building or place which determine the visual impression it makes, including the external built form of the development.
- Landscaping – Treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

RELEVANT PLANNING HISTORY:

- 034821: Erection of up to 63 houses, 14 Apartments and one two storey extra care apartment block of up to 60 units including demolition of existing buildings (outline including access): Withdrawn 26/09/2017.
- 033289: Extension, alteration and refurbishment of existing school building. New access, parking and associated hard and soft landscaping works. (Consultation from Warwickshire County Council): No objections 08/04/2015.
- 031074: Temporary change of use of vacant school to provide accommodation for a Security by occupation service (Consultation from Warwickshire County Council): No objections 28/09/2011.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - H1- Range and Mix of Housing;
 - H2 - Affordable Housing;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS6- Sport and Exercise;
 - NE2- Open Space;
 - NE3- Biodiversity and Geodiversity;
 - NE4- Managing Flood Risk and Water Quality;
 - BE1- Contamination and Land Stability and
 - BE3- Sustainable Design and Construction
- Residential Design Guide 2004.
- Affordable Housing SPD 2007.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Coal Authority, Environment Agency, George Eliot NHS Trust, NBBC Housing, NBBC Environmental Health, NBBC Parks, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, Sport England, Warwickshire Fire & Rescue, Warwickshire Police, Warwickshire Wildlife Trust, WCC Archaeology, WCC Flood Risk, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Wildlife Trust, WCC Archaeology, WCC Flood Risk, WCC Highways.

No objection subject to planning obligations:
George Eliot Hospital NHS Trust, NBBC Parks, NBBC Sports Development, NHS,
WCC Infrastructure.

No objection from:
Coal Authority, Environment Agency.

Comment from:
Cadent, NBBC Housing, NBBC Refuse, Sport England, Warwickshire Police.

NEIGHBOURS NOTIFIED:

2-84 even), 7, 67-89 (odd) Beaumont Road; 101-111 (odd) Vernons Lane; 1 & 2 Olton Place; 109a, 111-129 (odd), 117a, 117b, 128, 133, 135, 137, Flats 1-5 (inc) 139, 141, 143, 144, 145, 161, 163, 167 Earls Road; 15, 16, 17, Warden Priory Court, Flat 1-6 (inc) 2, 4-22 (even) Countess Road; 133 Manor Court Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 8th May 2018. A site notice was erected on street furniture on the 9th May 2018 and the application was advertised in The Nuneaton News on the 16th May 2018.

NEIGHBOUR RESPONSES:

There have been 15 objections from 13 addresses. The comments are summarised below;

1. Increased parking.
2. Increased on-street parking.
3. Object to loss of mature trees.
4. Increase in air pollution.
5. New houses should be built to enhance the area.
6. Site should only be built on if not required for education purposes.
7. More information is required regarding the type of care facility.
8. Three storey building is not in keeping with surrounding area.
9. Impact on wildlife.
10. Increased flooding.
11. Potential contamination.
12. Should remain as a school.
13. Noise and disruption during construction.
14. Old unused mines in the area.
15. Loss of privacy.
16. Devaluation of property.

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

1. Would enhance the area.
2. Need for sheltered accommodation and care facilities are increasing.
3. A mixed selection of housing would fit into the area.
4. As it is a small development, the increase in traffic will be minimal.

APPRAISAL:

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

1. Principle of residential development,
2. Affordable housing,
3. Residential amenity,
4. Visual amenity,
5. Highway safety,
6. Flood risk and drainage,
7. Contamination and land stability,
8. Ecology & Biodiversity,
9. Planning obligations,
10. Conclusion

1. Principle of Residential Development

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

The NPPF (paragraph 118) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The site was previously a secondary school and is still occupied and run as a school for children with learning difficulties. It is considered that the site is a brownfield site and would provide a beneficial use and much needed affordable housing.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15 no. dwellings or more and 2 no. units on sites of between 11 no. and 14 no. dwellings.

The NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount (paragraph 63). The National Planning Practice Guidance contains the Vacant Building Credit which states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floor space (paragraph 026 - Planning Obligations). The existing floor space and what the increased floor space would be as a result of the development has to be taken into account.

This Vacant Building Credit is worked out thusly; the existing floor space is 5,288 sq metres. The indicative floor space of the proposed houses and flats is 4,459 sq metres and the extra care facility is 5,595 sq metres, giving a total proposed floor space of 10,054 sq metres. This is an increase of 4,766 sq metres which equates to 47%. There are 123 proposed units (46 houses, 12 flats and 65 extra care) and applying the usual 25% for affordable housing would require 31 dwellings to be

affordable. The NPPG states that a 'credit' should be applied to the development meaning that only 47% of the affordable housing required can be asked for. When applying the 47% credit (47% of 31 dwellings) this would reduce to a requirement of 15 dwellings to be affordable. This should then be apportioned and pepper potted across the site. The Extra Care equates to 53% of the total number of proposed dwellings and therefore 53% of the affordable properties should be provided in the extra care- i.e. 8 units. The housing and flats equates to 47% of the total number and therefore 47% should be affordable- i.e. 7 units. The applicant has confirmed that 7 units of the housing and flats would be provided as affordable and that 100% of the extra care units would be affordable. It is considered that this would provide a mix of affordable housing across the site of varying unit sizes to meet the specific needs of the Borough. NBBC Housing have no objection to this provision.

3. 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. There are residential properties that surround the site. As this is an outline application, matters such as layout, scale and appearance are not being considered at this stage.

An illustrative layout has been submitted which demonstrates that the site could be developed to meet distance standards as set out in the Residential Design Guide. The proposed extra care facility would be two and three storey. There are residential properties opposite on Beaumont Road. Paragraph 9.3 of the Residential Design Guide normally requires 20 metres separation between existing and proposed habitable room windows for two storey development and 30 metres separation for three storey development. The illustrative layout shows that a separation of 20 and 30 metres could be achieved. However, matters such as layout, scale and appearance are not being considered at this stage and it is not known which parts of the extra care building would be three storey. This would be considered at the reserved matters stage.

It is considered that the site could be developed to meet distance standards within the site and therefore provide a satisfactory level of amenity for existing and future occupiers.

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

As this is an outline application, matters such as layout, scale and appearance are not being considered at this stage. An illustrative layout has been submitted which demonstrates that the site could be developed to provide a cohesive development that would not have a detrimental impact on the character and visual amenities of the area. Information submitted with the application states that the proposed houses would be two storey with a ridge height of no more than 8.4 metres. The proposed apartments would be approximately 9.5 metres in height which is considered acceptable. The extra care facility is to be two and three storey. In principle, it is

considered that some form of three storey development would be acceptable but this would have to be considered carefully at the reserved matters stage.

5. Highway Safety

Access is a matter that is being considered at this stage. The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Two accesses are proposed, one off Beaumont Road and one off Vernons Lane.

A Transport Assessment has been submitted with the application together with a Road Safety Audit and swept path analysis of the proposed accesses. WCC Highways have been consulted and have no objections subject to conditions. They acknowledge that the proposed development would have an impact on the surrounding junctions but the number of vehicle movements would not be considered severe. The internal layout would be considered at the reserved matters stage.

6. Flood Risk and Drainage

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

The site is not within the floodplain (in Flood Zone 1) and therefore has a low level of flood risk. An area to the south is within Flood Zones 2 and 3 but this no longer forms part of the application site boundary. The Environment Agency therefore has no objection. A Flood Risk Assessment has been submitted with the application. In terms of surface water drainage, the Flood Risk Assessment refers to the use of SUDS techniques. WCC Flood Risk have no objections subject to a condition that a surface water drainage scheme is submitted.

7. Contamination and Land Stability

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

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

The site does not fall within the Coal Authority's Development High Risk Area and consequently the Coal Authority have no objections. NBBC Environmental Health have no objections but have requested the standard contaminated land condition due to the adjacent historic landfill and the sites former use as a farm complex.

8. 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 (paragraphs

170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

A preliminary ecology appraisal has been submitted with the application. This concludes that there are no statutory or non-statutory nature conservation designations present within or adjacent to the site and none of the designations within the surrounding area are likely to be adversely affected by the proposals.

The site has overall limited ecological value. A number of mitigation measures are suggested to minimise the risk of harm to protected species. These include tree protection during construction; further bat surveys to be carried out; sensitive lighting; new planting and bat and bird bricks. These can be covered by conditions.

Policy 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. Given that the site is a school with buildings, hardstanding and playing field, it could be argued that what is habitat currently and what the development could provide in means the impact can be minimised. Neither NBBC Parks nor Warwickshire Wildlife Trust have raised this as an issue.

An Arboricultural Report has been submitted with the application which categorises all of the trees on site from category A (highest quality) to category U (Trees that cannot realistically be retained). The report states there are 2no. Category A, 53no. Category B, 69no. Category C and 5no. Category U. NBBC Parks have raised concerns on the grounds that as a result of the illustrative site layout that has been submitted half of the 55 Category A and Category B trees that might normally be expected to be retained within a development proposal would be removed along with 69 other trees being removed and consider that this impact would be very significant.

It is considered that a key loss would be of one of the most prominent groups of trees impacting visual amenity in Beaumont Road and Beaumont Place. This loss combined with the full loss of other Category B trees that also front onto Beaumont Road opposite the entrance to Beaumont Place would cause an excessive loss of visual amenity in an area that is otherwise almost completely devoid of mature trees.

As a result, the NBBC Tree Officer has assessed the trees on the site to see if they are worthy of protection under a Tree Preservation Order (TPO). It was concluded that 23no. trees are worthy of a TPO. These are located to the north-east corner of the site on the boundary with Vernons Lane, to the south and south-west boundary close to the boundary with Beaumont Road, opposite Beaumont Place and to the corner of Beaumont Road and Countess Road.

An Emergency TPO was subsequently made on the 6th June 2019. This was made because the trees have significant amenity to the area, visible from various public viewpoints and ecological habitat value. This is yet to be confirmed and forms a separate item on the agenda.

9. Planning Obligations

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

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and

c. fairly and reasonably related in scale and kind to the development.

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£136,582 (£95,443 for houses and apartments and £15,613 for extra care units)	Agreed by applicant
NBBC Sports	Provision and maintenance of sports facilities	£75,000	Agreed by applicant
George Eliot Hospital NHS Trust	Monies for additional staff provision at George Eliot Hospital	£49,049 (£33,436 for houses and apartments and £15,613 for extra care units)	Agreed by applicant
WCC Infrastructure	Monies to improve, enhance and extend the facilities or services of a specified library service point	£1,620	Agreed by applicant
NHS	Monies towards primary medical care/GP services	£98,256	Agreed by applicant
NBBC Housing	Affordable housing provision		Agreed by applicant

10. 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 development of the site would provide a beneficial use of a brownfield site and 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; highway safety; flood risk and drainage; contamination and ecology 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:

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

Plan Description	Plan No.	Date Received
Site Plan	3873-01	20th April 2018
Site Plan with access points	100	29th March 2019

5. No development shall commence, including any site clearance and demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

6. 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.

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

- a. any pre- construction checks required;

- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. site clearance methods;
- e. the extent of buffer zones and stand-offs for sensitive ecological features;
- f. what to do if protected species are discovered during construction;
- g. methods for checking habitats for nesting birds;
- h. addressing any proposed loss of trees with suitability for roosting bats;
- i. identify tree protection measures, seasonal timing of tree and vegetation removal;
- j. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding. The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP shall identify all operations which the supervising ecologist should be present at on site and should require submission within 4 weeks of each such occasion of a written report of the visit to the Council summarising the visits and the degree of compliance with the planning conditions and the CEMP.

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

8. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures and recommendations detailed in the Preliminary Ecological Appraisal (ref. 5368-PreEcoAp.vf /FJ/MJ) will be implemented and maintained.

The content of the LEMP shall include:

- Details of planting to provide additional foraging areas for bats
- Details and position of roosting and nesting areas, tiles, bricks, boxes and terraces for bats and breeding birds
- Hedgehog gaps in fencing
- Habitat creation
- Tree and shrub planting scheme incorporating plants and trees of benefit to native species
- Timing and methodology of site clearance
- A timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures
- Details of a scheme securing future maintenance and retention.
- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.

- Ongoing monitoring and remedial measures.

The BEMP shall identify all operations which the supervising ecologist should be present at on site and should require submission within 4 weeks of each such occasion of a written report of the visit to the Council summarising the visits and the degree of compliance with the planning conditions and the BEMP. The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage (SuDS) principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Council in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- Evidence that the discharge rate generated by all rainfall events up to and including the 1 in 100 year return period plus 40% (allowance for climate change) critical rain storm has been limited to the existing site runoff rates for all return periods.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Evidence from Severn Trent Water granting approval in principle for discharge of surface water into their assets including discharge rate(s) and connection point(s).
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Council.

10. No development shall commence on any phase until:

- A contaminated land assessment, particularly gas monitoring and a comprehensive ground gas risk assessment, and associated remedial strategy for that phase of development, has been submitted to, and agreed in writing by the Council;

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

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

12. 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.

13. No development shall commence until a scheme for the lighting of the site and associated access roads and parking areas has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme avoids light spill and potential negative effects upon ecology and habitat areas with input to the scheme from a suitably qualified and experienced ecologist and as evidenced on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also take into account the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

14. No development shall commence until a scheme has been submitted to and approved in writing by the Council giving details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development. The scheme shall show the typical canopy extent of the retained trees at maturity. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

15. 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 work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be 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.

16. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Council. No dwelling shall be occupied until provision has been made in accordance with the approved details.

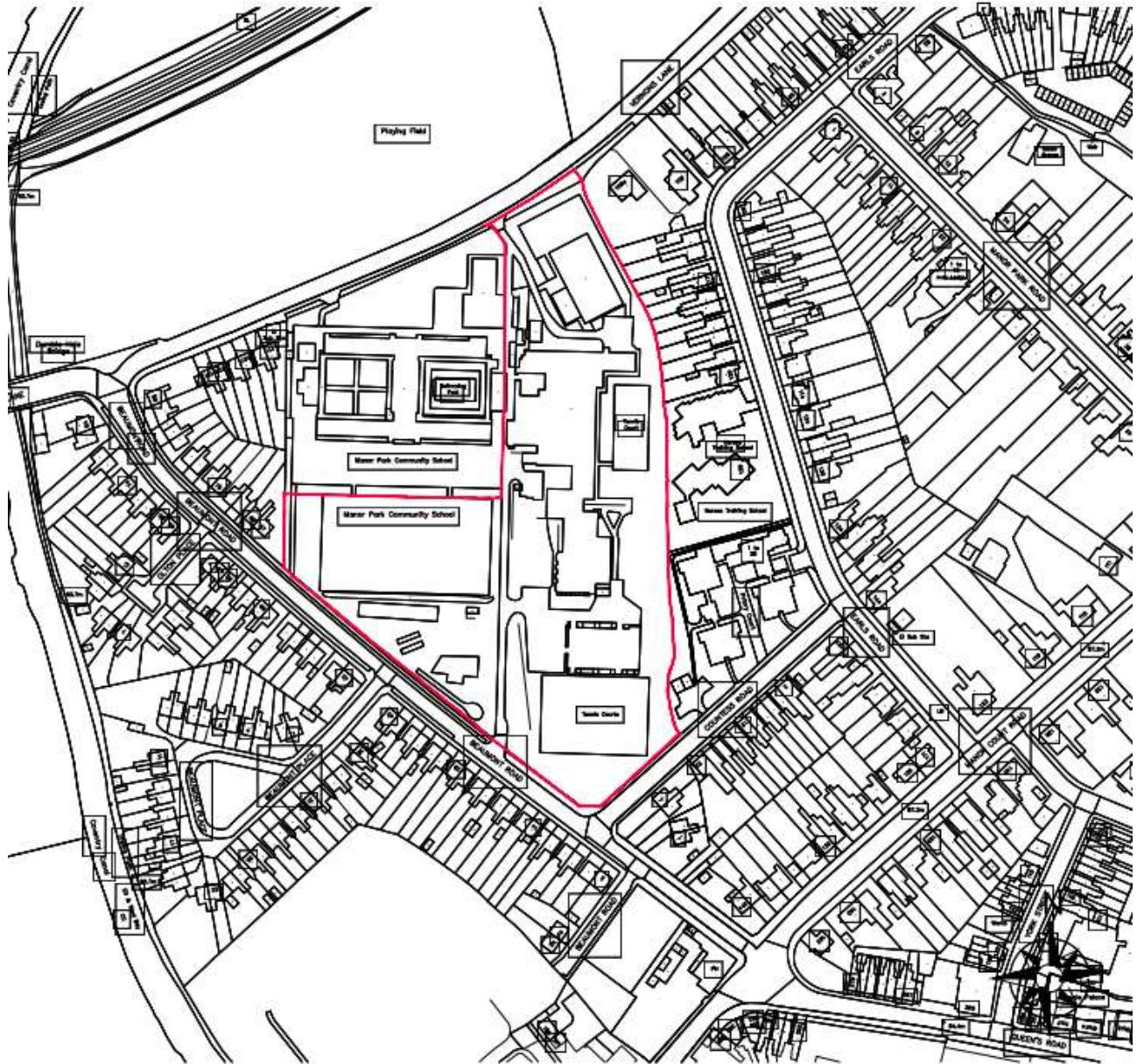
17. No development above damp proof course shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved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

18. The accesses to the site for vehicles shall not be used unless bell mouths have been laid out and constructed within the public highway in accordance with the approved plan (drawing no. 100) received by the Council on 29th March 2019.

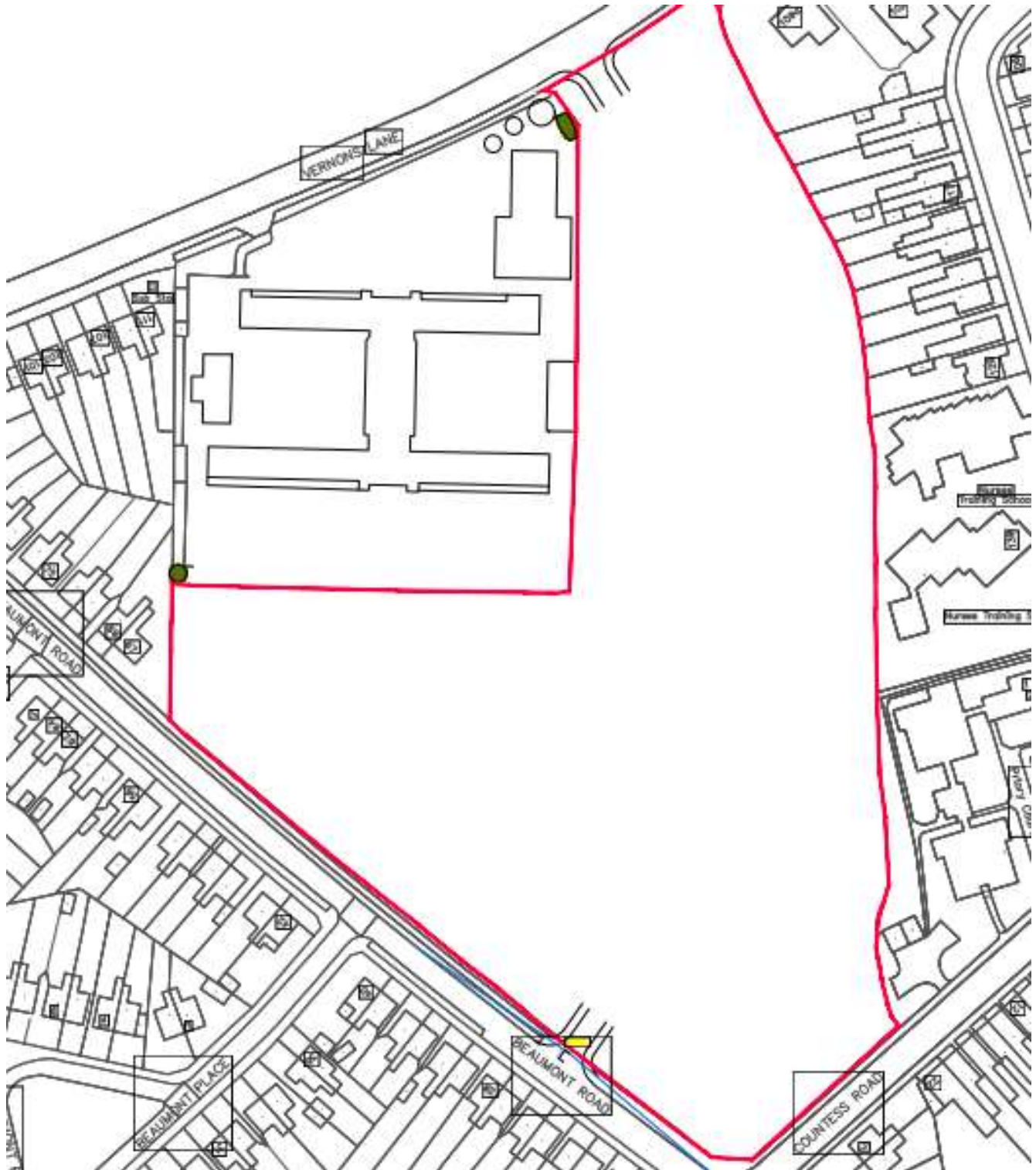
19. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council. The approved packs shall be provided prior to the first occupation of that dwelling.

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

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



Site Plan



Site Plan with access points

REFERENCE No. 036064.

Site Address: Site 31A002-r/o 1-91a Milby Drive Higham Lane Nuneaton.

Description of Development: Application for variation of conditions following grant of permission (034076). Variation is to condition 2 - to substitute Phasing Plan and substitute materials palette drawing. Also variation of condition 18 with a new materials palette drawing.

Applicant: Persimmon Homes, North Midlands.

Ward: WE.

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to a Deed of Variation to the Legal Agreement and the conditions printed.

INTRODUCTION:

The application is for the variation of conditions previously approved under planning permission 034076 for site 31A002 off Higham Lane to the rear of Milby Drive.

The variation is to condition 2 to substitute the previously approved Phasing Plan with an amended plan and for the substitution of some of the proposed external materials also previously approved in condition 2 within a palette of materials document. Condition 2 was the schedule of approved plans and documents.

The application also includes the variation of condition 18 which stated:

“No development shall commence other than using the materials provided in the Materials Palette April 16 received on the 22nd April 2016, unless agreed otherwise in writing by the Council. The development shall not be carried out other than in accordance with the approved details”.

The site is part of the Strategic Housing Allocation - HSG1 of the Borough Plan. The site has full planning permission for the erection of 453 dwellings with associated infrastructure, play and open space and SUD's and also includes a proposed link road through Nuneaton Fields Farm to the approved Callendar Farm development to ultimately provide a link through to The Long Shoot. The proposal will provide detached; semi detached; terraced houses; detached bungalows and apartments. The proposal comprises a mixture of 1, 2, 3 and 4 bedroom homes, 25% of the proposal is to be affordable housing (113 dwellings).

The site is approximately 2.5km north of Nuneaton Town Centre and partly abuts the urban area of the St Nicolas Park Estate and comprises of approximately 19 hectares. The site includes public open space; a skateboard park and Multi Use Games Area (MUGA) and a Locally Equipped Area for Soft Play (LEAP). Whilst the site does not provide any amenity buildings; there are existing shops and schools within the St Nicolas Estate. New amenity buildings, including a new local centre;

doctors surgery and schools are proposed on the two adjacent planning application sites of Callendar Farm (approved) and Top Farm (not yet determined).

RELEVANT PLANNING HISTORY:

Most relevant history is:

- 034076 Full planning application for the erection of 453 dwellings and associated infrastructure. Approved. 10.08.2018.

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - HSG1 – North of Nuneaton.
- Affordable Housing SPD 2007.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

George Eliot Hospital Trust, NHS, WCC Infrastructure, WCC Fire and Rescue, WCC Flood Risk Team, WCC Highways, NBBC Housing, NBBC Parks, NBBC Policy, NBBC Sports, Nuneaton Society and SWORD.

CONSULTATION RESPONSES:

No objection from:
WCC Highways.

Comment from:

WCC Flood Risk Team, NBBC Housing, NBBC Parks and NBBC Sports.

No response from:

George Eliot Hospital Trust, NHS and WCC Infrastructure, WCC Fire and Rescue, NBBC Policy, Nuneaton Society and SWORD.

NEIGHBOURS NOTIFIED:

Neighbours Notified:

183, 286, 290, 348, 354, 414, Dubh-Linn (431), 429, The Courtyard (433) Whitehouse Farm, Higham lane. Swallow House, Overbrook Grange, 1 – 23 (incl) , 7A, 9a, 18a Overbrook Grange, Callender Farm, Nuneaton Fields Farm, 283, Old Hollow Farm, Hollow Farm (289), 291, Anchor Works (315), 321, Automatic Valve Systems (321a) 331 – 359 Watling Street. 1, 7 – 107 (odd), 91a, Milby Drive. 8 Burnham Rise. 14, 19 – 37 (inc), 43 (inc) Norwich Close. 129 Earls Road. 140 Lutterworth Road. 20 Callendar Close. 138 The Long Shoot. 18 Pallett Drive. 401 Weddington Road. 31 Canterbury Way. 5 Abingdon Way. 5 Weft Way. 10 Newquay Close. 17 Hilary Bevins Close. SWORD 67 Church Lane, Pegasus Planning Cirencester (Agent of adjacent site), Wood Planning (agent of adjacent land), WCC (as adjacent land owner) and Redrow Plc.

Neighbouring properties were sent letters notifying them of the proposed development on the 11th December 2018 and following amended plans on the 14th February 2019. Two additional neighbours were consulted on the 29th August 2019.

A site notice was erected on street furniture on the 13th December 2018 and 4th March 2019 and the application was advertised in The Nuneaton News on the 12th December 2018.

NEIGHBOUR RESPONSES:

There have been 7 objections from 7 addresses. The comments are summarised below;

1. Phasing will mean houses are rushed through before infrastructure is in place, roads are already a problem in the area.
2. Shortage of schools, GPs shops etc.
3. Development commenced before conditions were discharged.
4. Impact on highway safety.
5. Homes aren't selling in the area.
6. Area not in Borough Plan.
7. Too many houses already in area.
8. Should be building on brownfield land.
9. Already lots of building in area.
10. Loss of green fields.

Comments from Cllr Kondakor as follows:

1. Must ensure that the deliverability of the affordable housing is not delayed by amending the phase plan.

APPRAISAL:

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

1. The impact of the phasing change.
2. The impact of the materials change.
3. Conclusion.

1. The impact of the phasing change

The phasing plan was originally split into four phases which was for:

- Phase 1. Plots 1 - 78, 112 - 133, 184 - 194, 200 – 238. (150 dwellings includes 30 affordable dwellings and 10 social housing dwellings). Includes LEAP and some public open space.
- Phase 2. Plots 79 – 111, 134 – 183, 195 – 199, 340 – 362 (111 dwellings includes 21 affordable dwellings and 8 social housing dwellings).
- Phase 3. Plots 239 – 339 (101 dwellings includes 17 affordable dwellings and 4 social housing dwellings). Includes MUGA, skateboard park and some public open space.
- Phase 4. Plots 363 – 453 (91 dwellings includes 17 affordable dwellings and 6 social housing dwellings).

The new phasing plan consists of two phases for:

- Phase 1. Plots 1 – 163, 168 – 228, 233 – 234. (226 dwellings includes 45 affordable dwellings and 14 social housing dwellings). Includes LEAP and some public open space and one of the balancing basins.
- Phase 2. Plots 164 - 167, 229 – 232, 235 – 453. (227 dwellings includes 40 affordable dwellings and 14 social housing dwellings). Includes MUGA, skateboard park and some public open space.

In relation to the previously approved conditions there are a number of conditions that refer to the phasing plan;

- a) Condition 3 requires that the approved landscaping should be carried out within 12 months of the commencement of the relevant phase. However, it is considered that the new phasing plan will not dramatically affect this as the condition is from commencement of the phase.

- b) Condition 4 requires a Construction Ecological Management Plan for each phase.
- c) Condition 7 requires details of the infrastructure, dwellings, open space and ecology for each phase.
- d) Condition 8 requires details of lighting for each phase.
- e) Condition 9 requires a Construction Management Plan prior to the commencement of each phase.
- f) Condition 15 requires details of a contaminated land assessment for each phase.
- g) Condition 17 requires boundary treatments for each phase.
- h) Condition 25 requires details for play and open space and landscaping to be submitted and approved prior to the commencement of each phase.

It is considered that the new phasing will not have any detrimental impact on these conditions in fact other than for conditions 3 and 25 all of these conditions have either already been approved or are in the process of being approved.

Open Space and contributions towards play and open space

Part 1 of the Third Schedule of the 106 Legal Agreement states that the public open space must be provided prior to the occupation of 50% of the dwellings within the phase.

The LEAP and part of the open space is included within phase 1 of both the previous phasing plan and the new phasing plan both at 50% occupation. This would mean the provision before the occupation of the 75th dwelling from commencement for the previous phasing plan. On the amended phasing plan the trigger would be before occupation of the 112th dwelling.

On the assumption that the build out rate on average is 50 dwellings a year, it could mean a delay of six months difference between the two phasing plans for the delivery of the LEAP and part of the open space.

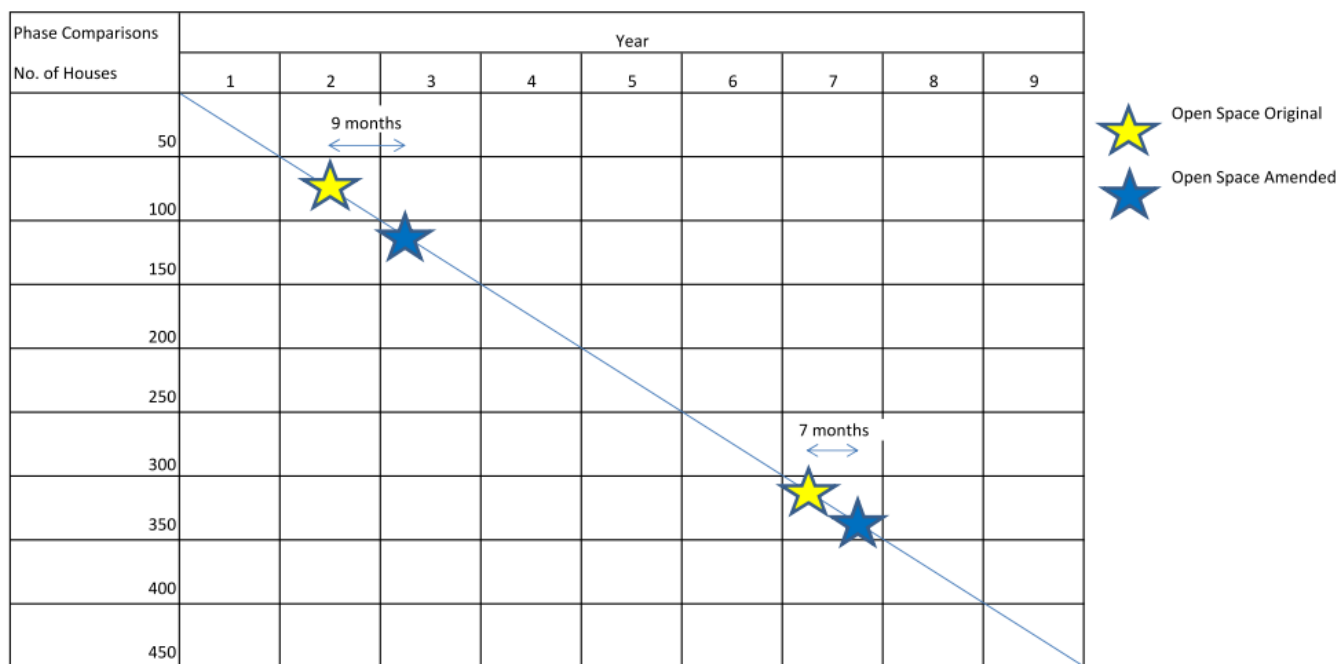
The MUGA, skateboard park and remaining open space were to be provided in the previous scheme in phase 3 which would be before the 311th dwelling was occupied. (50th dwelling in phase 3 - Approximately 6 years into the build.) On the amended phasing plan the provision would be before occupation of the 339th dwelling. (113th dwelling of phase 2 – Approximately 6 years 7 months into the build.)

Due to concerns that the proposal will delay delivery, the Parks Team has carried out discussions with the Developer and the Developer has agreed to amend the wording in the 106 Legal Agreement for phase 1 to: “provision on occupation of the 113th dwelling in phase 1” (which equates to the same as the 50% trigger point for phase 1 of the amended phasing plan) and also that the Legal Agreement is changed so that the remaining open space is provided on the “occupation of the 86th dwelling of the second phase”. (This would be 6 months earlier than would be expected if the new phasing plan was approved but the wording was not changed). The Parks Team have no objection to the amended phasing plan, subject to these amendments to the 106 Legal Agreement wording.

The following table shows a comparison of the delivery between the original phasing plan and the proposed if the wording in the Legal Agreement was not changed. (The grey part of the table is the previous phasing plan. Below this is the two comparisons shown graphically:

Open Space and play provision	Previous scheme	Expected no. of years from commencement (based on 50 dwellings per year).	Amended phasing plan	Expected no. of years from commencement (based on 50 dwellings per year).
LEAP and part open space	Trigger point Prior to 75 th dwelling from commencement. (75 th dwelling into build).	1.5 years	Trigger point Prior to 112 th dwelling from commencement. (112 th dwelling into build).	Between 2 years to 2 years 3 months.
MUGA, skateboard and remaining open space	Trigger point Prior to 311 th dwelling from commencement. (50 th dwelling of phase 3)	6 years two months.	Trigger point Prior to 339 th dwelling from commencement. (113 th dwelling of phase 3)	6 years 7 months.

Provision of open space and play equipment



Open space provision shown graphically

Part 2 of the Third Schedule of the Legal Agreement refers to the target for the provision of offsite play and open space contributions and contributions towards Sports. These are purely based on percentage of occupation of the whole scheme so will not be affected by the phasing plan.

Affordable Housing

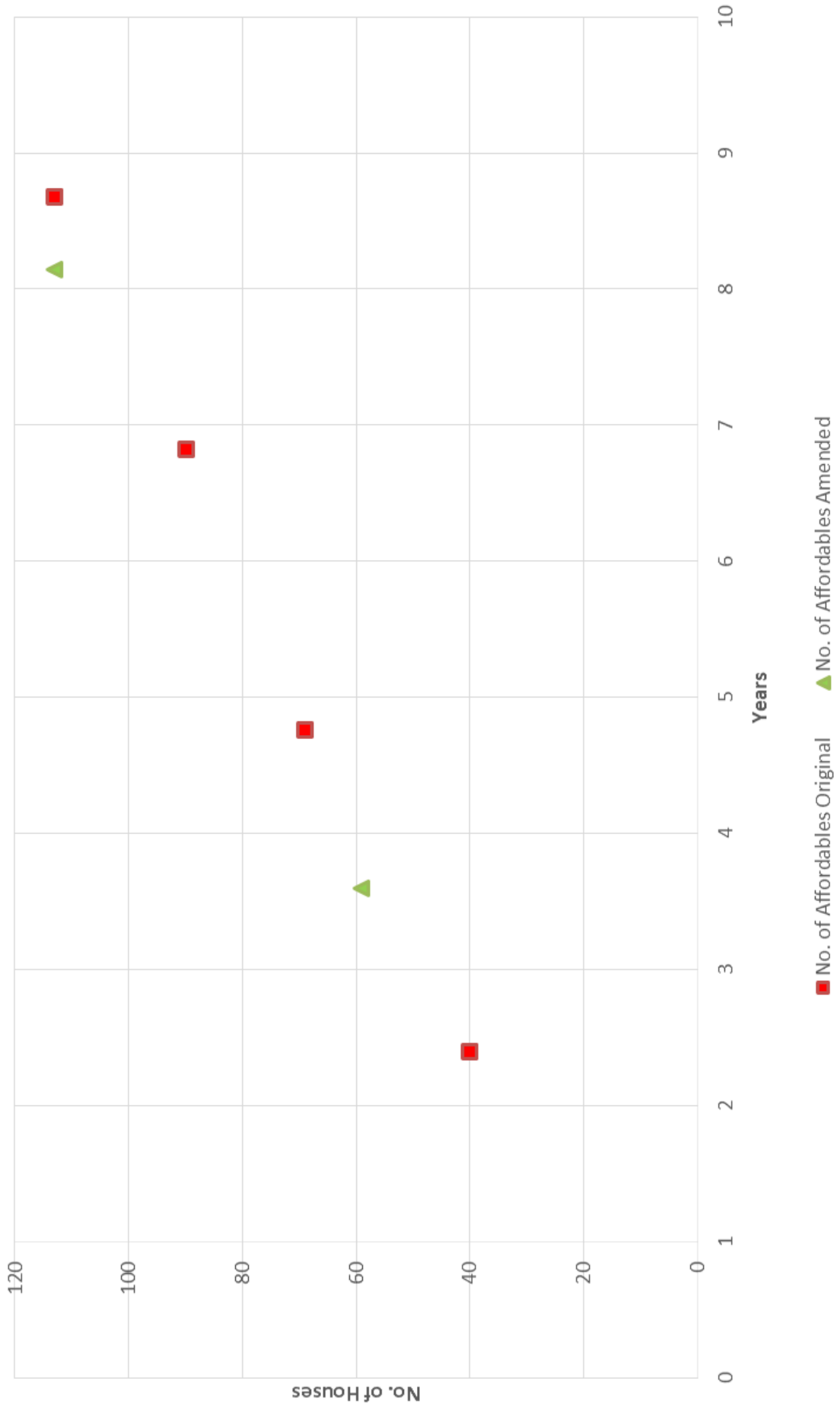
Part 3 of the Third Schedule refers to the provision of affordable housing. The total number of affordable units provided will be the same and equates to 113 dwellings.

The trigger point is to remain the same which is the occupation of 80% of the Market housing in each phase. However, as the number of phases have been reduced the delivery of the affordable houses will be at a different time. The table below shows the comparison of the trigger points. The triggers for the previous phasing plan are highlighted in grey. These are again both based on the assumption of a build out rate of 50 dwellings per year, the graph below this shows this illustratively:

Phase	Number of affordable units provided at 80% occupation of market housing on phase.	Number of dwellings occupied at point of provision across whole scheme.	Time span in from commencement of development.
Phase 1 Previous phasing scheme.	40	120 th dwelling.	2 years 4 months.
Phase 2 Previous phasing scheme.	29	238 th dwelling. (150 + 88) (88 th dwelling of phase 2).	4 years 7 months.
Phase 3 Previous phasing scheme.	21	341 st dwelling. (150 + 111 + 80) (80 th dwelling of phase 3).	6 years 8 months.
Phase 4 Previous phasing scheme.	23	434 th dwelling. (150 + 111 + 101 + 72) (72 nd dwelling of phase 4)	8 years 6 months.
Phase 1 Proposed phasing plan.	59	180 th dwelling.	3 years 6 months.
Phase 2 Proposed phasing plan.	54	407 th dwelling (226 + 181)	8 years 1 month.

Provision of affordable units.

Affordable Housing



Affordable housing delivery

The results show that there would be a delay of 1 year 2 months from the first trigger point of the previous phasing plan to the proposed first trigger point of the new phasing plan but that 19 more affordable units would be provided at this first trigger. It also clearly shows that the overall number of affordable units would be provided earlier by 5 months across the whole scheme.

The remaining 106 contributions are based on a percentage of occupation across the whole site rather than on each phase. Therefore a different phasing mechanism would not affect these other contributions.

2. The impact of the materials change

There have been some minor changes to the proposed materials palette. Two of the previous bricks proposed both manufactured by Forterra bricks and were to be 'Lindum Cottage Red Multi' and 'Rufford Red Multi'. These have now changed to Forterra bricks 'Caton Russet', 'Anston Stock' and 'Braithwell Brindle' these are all red bricks that will fit in with the area.

In addition the eaves details have now changed to a boxed eaves.

It is considered that the changes to the materials palette is acceptable.

3. Conclusion

In conclusion it is considered that the application to vary conditions 2 and 18 by way of an amended phasing plan and amended external materials document is acceptable and neither the Council's Parks Team nor Housing Team have an objection to the new phasing plan and refusal would therefore be difficult to defend at Appeal.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

<i>Description</i>	<i>Reference number</i>	<i>Date Received</i>
Location Plan	NUN/LOC/01	10th Nov 2017
Detailed Planning Layout	NUN/01 Rev AT	28th March 2018
Planning House Types	Rev G	8th March 2018
Proposed Section	NUP-J	15th February 2018
Proposed Section	NUP-T	15th February 2018
Adoption & Management Plan	Nun/06 Rev P	16th March 2018
Phasing Plan	Nun/14 Rev A	24th January 2019
Affordable Housing Location	NUN/12 Rev B	16th March 2018
Street Hierarchy Plan	Nun/02 Rev N	16th March 2018
Boundary Treatment Plan	AG/NUN-BT Rev K	16th March 2018
Proposed Plan of Plots Permitted for Occupation	NUN/02 Rev J	16th March 2018

Affordable Housing Statement	Revision G March 2018	28th March 2018
Noise Assessment	March 2018	13th March 2018
Geophysical Report	15/208/ Nov – 15	22nd April 2016
Archaeological Trial Trench Evaluation	16/143 June-July 2016	23rd August 2016
Materials Palette	July 2019 Rev C	1 st Aug 2019
Ecological Assessment & Protected Species Report-Update	May 16 Rev A	19th May 2016
Arboricultural Report	Oct 2016	8th November 2016
Flood Risk Assessment	Part 1 Issue 2 AAC 5317 04.01.17	3rd October 2017
Flood Risk Assessment	Part 2 Issue 2 AAC 5317 04.01.17	3rd October 2017
Landscape Strategy Document	Feb18 JBA 15/180 DC01	9th February 2018
Landscape Masterplan for Plots & POS	SK01 Rev H	13th February 2018
Landscape Masterplan for Plots & POS	SK02 Rev H	13th February 2018
Landscape Masterplan for Plots & POS	SK03 Rev H	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-01 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-02 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-03 Rev E	13 th February 2018
Detailed Hard & Soft POS Landscaping	15/180-04 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-05 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-06 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-07 Rev E	13th February 2018
Detailed Hard & Soft POS Landscaping	15/180-08 Rev E	13th February 2018

3. Notwithstanding the submitted landscaping plans, no development including site clearance shall commence until a Landscaping Strategy Management Plan (LSMP) and full landscaping plans have been submitted to and approved in writing by the Council. The approved scheme for each phase shall be carried out within 12 months of the commencement of its relevant phase.

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

- a. any pre- construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. site clearance methods;
- e. the extent of buffer zones and stand-offs for sensitive ecological features; and
- f. what to do if protected species are discovered during construction.

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

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

5. No development including any site clearance shall take place until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Council. The approved BEMP shall be adhered to throughout the construction period and will include a method statement for the translocation of GCN and other reptiles. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed work;
- b) Detailed design and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works shall be carried out in strict accordance with the approved details and shall be retained in that manner thereafter.

6. No development shall commence until an Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within the Arboricultural Report October 2016 received on the 8.11.16 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 submitted information must include details of a no dig methodology in relation to Tree T8 and T19. The scheme shall conform to BS5837:2012. The general dead wooding and ivy removal recommended within the Arboricultural assessment (para 4.3.6) and within appendix 4 must be carried out in all Play and Open Spaces prior to adoption.

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

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

- a. The provision of all major infrastructure including accesses, roads, footpaths and cycle ways and bus stops and shelters;
 - b. Residential dwellings;
 - c. Provision of public open space;
 - d. Provision of ecological and landscaping enhancement areas.
- The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

8. No development shall commence other than in accordance with the lighting details approved under reference 20.11.330.90 / A 1 of 2 – Contours Higham Lane S38 Warwickshire County Council Street Lighting dated 25.03.2019; 20.11.330.90 / A 2 of 2 – Contours Higham Lane S38 Warwickshire County Council Street Lighting dated 25.03.2019 and 20.11.330.89 & 90 / 3-3/A Higham Lane S278 Warwickshire County Council Street Lighting dated 09/03/2019. Approved in writing by the Council on the 29th April 2019. The approved plan will be implemented in accordance with the approved details.

9. No construction will be undertaken other than in accordance with the Construction Management Plan Revision A, dated September 2018 approved in writing by the Council in a letter dated 10th October 2018. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

10. No development shall take place other than in accordance with the the flood modelling WSP Hydraulic Model Approval Certificate, Higham Lane, Nuneaton dated 16/05/2019; WSP Infoworks ICM Watercourse Model Review, Higham Lane, Nuneaton dated 15/05/2019 and RPS Watercourse Modelling Report, Higham Lane, Nuneaton CLE30231 v6 dated 14/05/2019. These were approved in writing by the Council in consultation with Warwickshire County Council on the 3rd July 2019. The findings from the model should thereafter be incorporated into the final site layout using the sequential approach and in accordance with national guidance on development within floodplain.

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, 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:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 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 for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide a maintenance plan to the Council giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Council.

12. No development shall commence until drainage plans for the disposal of foul sewage has been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the dwellings are occupied.

13. The development permitted by this planning permission shall not be carried out other than in general accordance with the location of attenuation ponds as detailed in the Conceptual Levels and Drainage Strategy and with the details approved under condition 11.

14. On completion of the attenuation ponds, the developer must procure a post installation inspection of balancing features by ROSPA (or a similarly recognised safety body agreed by the Council). Based on the recommendations of the approved site visit, a report must be submitted providing details of the signage and fencing recommended at the site visit. Once approved by the Council, these safety measures are to be installed and maintained in perpetuity by the Developers Management Company.

15. No development shall commence other than in accordance with the details approved on the 12th July 2019 for the land outside the 'no build zone' and 20m buffer marked on drawing 2176212 subject to installation of the gas protection measures; validation and receipt of validation report in accordance with the submitted verification plan. For other areas no development shall commence on any phase until:

- a) A contaminated land assessment and associated remedial strategy for that phase, 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 Council 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.

16. No development shall take place other within the area highlighted in blue other than in accordance with:

- i) The Written Scheme of Investigation (WSI) approved under document *T1574 Written Scheme of Investigation for archaeological trail trench evaluation on land east of Higham Lane Nuneaton, Warwickshire April 2018* dated 27/06/2018 approved by the Council on the 6th November 2018.
- iii) The Archaeological Mitigation Strategy approved under documents T1574 Written Scheme of Investigation for archaeological trail trench evaluation on land east of Higham Lane Nuneaton, Warwickshire April 2018 dated 27/06/2018; Archaeological

Trial Trench Evaluation on land at Higham Lane, May 2019 Report No. 19/60 dated 20 June 2019 and DJ/ML/16120/LET/GE02 Higham Lane, Nuneaton – Additional Site Investigation – Former Whitehouse Farm Buildings Area. Approved by the Council on the 6th November 2018 and 26th July 2018.

ii) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI must be undertaken and a report detailing the results of this fieldwork shall be submitted to and approved by the Council.

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

17. No development shall commence until full details of the boundary treatments for that phase, including new walls, fences, retaining walls, have been submitted to and approved in writing by Council. No dwelling shall be occupied until the agreed boundary treatment has been carried out in accordance with the approved details.

18. No development shall commence other than using the materials provided in the Materials Palette July 2019 Rev C received on the 1st Aug 2019, unless agreed otherwise in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

19. No development shall take place until a scheme for the provision and management of a 4 metre wide buffer zone alongside the Change Brook shall be submitted to and agreed in writing by the Council. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Council. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping;

and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone.
- Details of any proposed planting scheme (for example, native species).
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management.
- Plus production of detailed management plan.
- Details of any proposed footpaths, fencing, lighting etc. 035947

20. No development shall commence other than in accordance with the two emergency access details approved under ADC/1274/131 Rev P8 Series 1100 Construction Kerbing, Footways and Paved Areas Layout dated 09/08/18 16120-301 Rev C Highway Construction Details dated 04.09.18 and Persimmon Cover Letter dated 06/09/2018. Approved by the Council on the 9th October 2018. The development shall not be occupied until provision has been made in accordance with the approved details.

21. No development shall commence other than in accordance with the glazing, ventilation and fencing details approved under CW/Nun-NMP Rev A Noise Mitigation Plan dated 25.05.18 and 21797/03-18/5823 Noise Assessment dated March 2018 approved in writing by the Council on the 4th October 2018. No dwelling shall be occupied other than in accordance with the approved details.

22. No development shall commence until details of a 2m high fence and gates is provided to the buffer zone (to prevent public access to the north of plots 1 to 239 whilst providing egress for mammals). These plots shall not be occupied until the approved fence and gates have been erected in accordance with the approved details and maintained in perpetuity thereafter unless otherwise agreed in writing by the Council.

23. No development shall commence other than in accordance with the provision of adequate water supplies and fire hydrants approved under the documents A6W/12208/04/04/46 1 of 2 Higham Lane Nuneaton, Severn Trent Water AMP6 Rev B dated 16/03/18 and A6W/12208/04/04/46 2 of 2 Higham Lane Nuneaton, Severn Trent Water AMP6 Rev B dated 16/03/18. On the understanding that eleven hydrant are installed at points TW01, WO06, WO19, WO32, WO35, WO36, FH01, FH02, FH03, FH04, AND FH05 as per drawings supplied and approved by the Council on the 4th October 2018. The development shall not be occupied until provision has been made in accordance with the approved details.

24. No development shall commence until a Management Plan providing the proposed details of the private maintenance of the green areas including the wildlife buffer not being adopted. The approved Management Plan shall be implemented in full in perpetuity unless agreed otherwise by the Council.

25. No development shall take place in any phase until details of the layout of the open space, including the equipped play area, public open space, ecological and landscaping enhancement areas, boundary details (including knee rail fencing), site securing (including gates, trip rails and kissing gates), surfacing, drainage, bins, seating, signage and notice/information boards, has been submitted to and approved in writing by the Council. No development shall be carried out other than in accordance with the approved details.

26. No development shall take place other than in accordance with the details of bird and bat bricks approved under reference 6882-E-1 Rev B Bat & Bird Box Plan dated 21/11/2018 received on the 27/11/2018 and approved on the 27th November 2018. The approved bricks shall be installed before the occupation of that plot.

27. No development shall commence until detailed design arrangements and technical drawings, in accordance with preliminary drawings ADC1274/002 Rev D (Provided within the Additional Transport Assessment) shall be submitted and approved in writing by the Council. Prior to first occupation of the development the access to the site from Higham Lane shall be constructed, located and laid out in general accordance with the approved arrangements and technical drawings. Minor alterations maybe required during the detailed design process.

28. No more than 250 dwellings can be occupied until completion and opening of the Northern Link Road is provided between Higham Lane, A5 and/or the A47 The Longshoot.

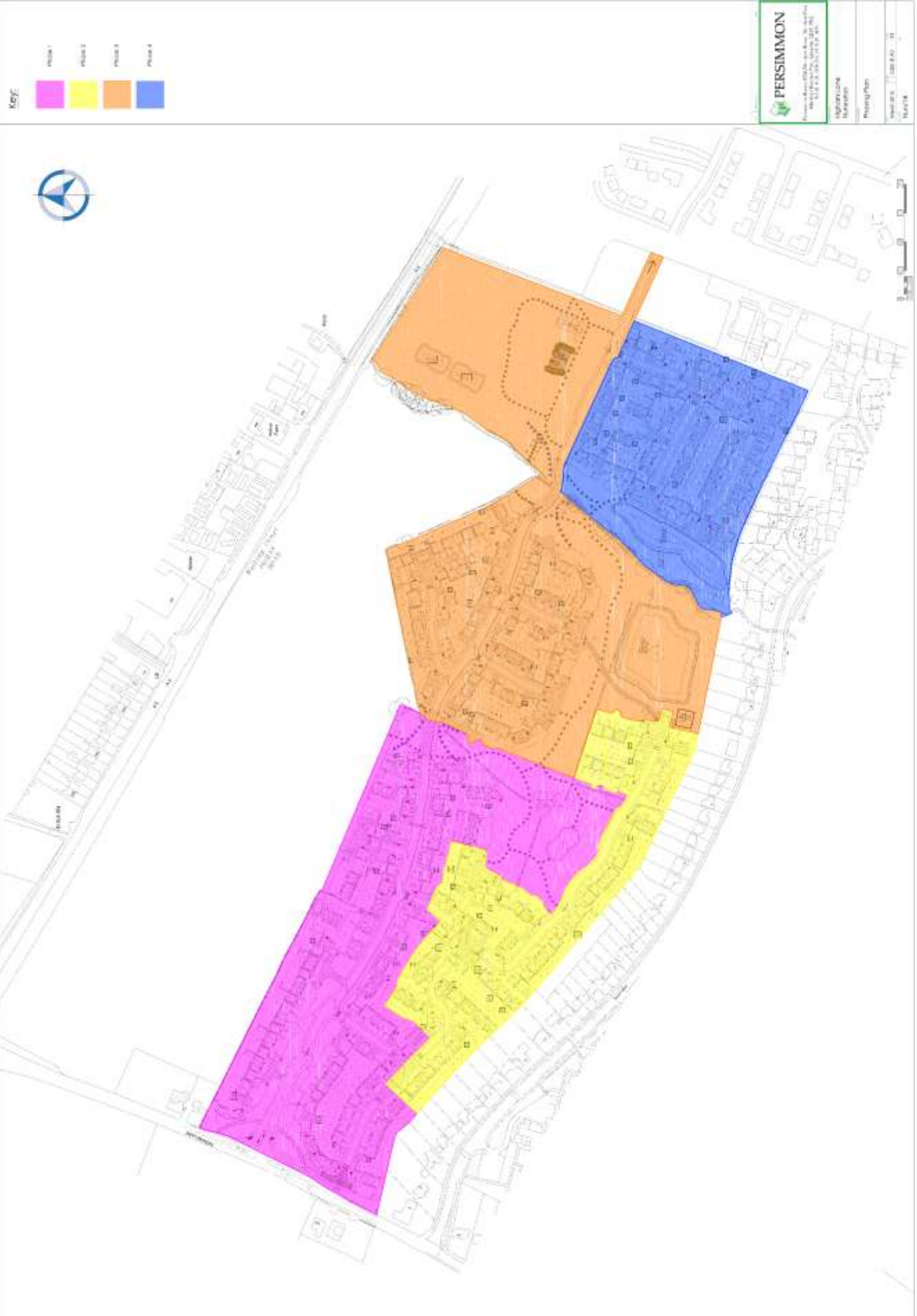
29. The development shall be constructed and laid out in accordance with the approved Site Plan Nun/01 Rev AT and Street Hierarchy Plan Nun/02 Rev N. Minor alterations maybe required during the detailed design process and technical approval process under Section 38 of the Highways Act 1980.

30. No more than 175 dwellings can be occupied until completion and opening of the emergency access is provided onto Higham Lane.

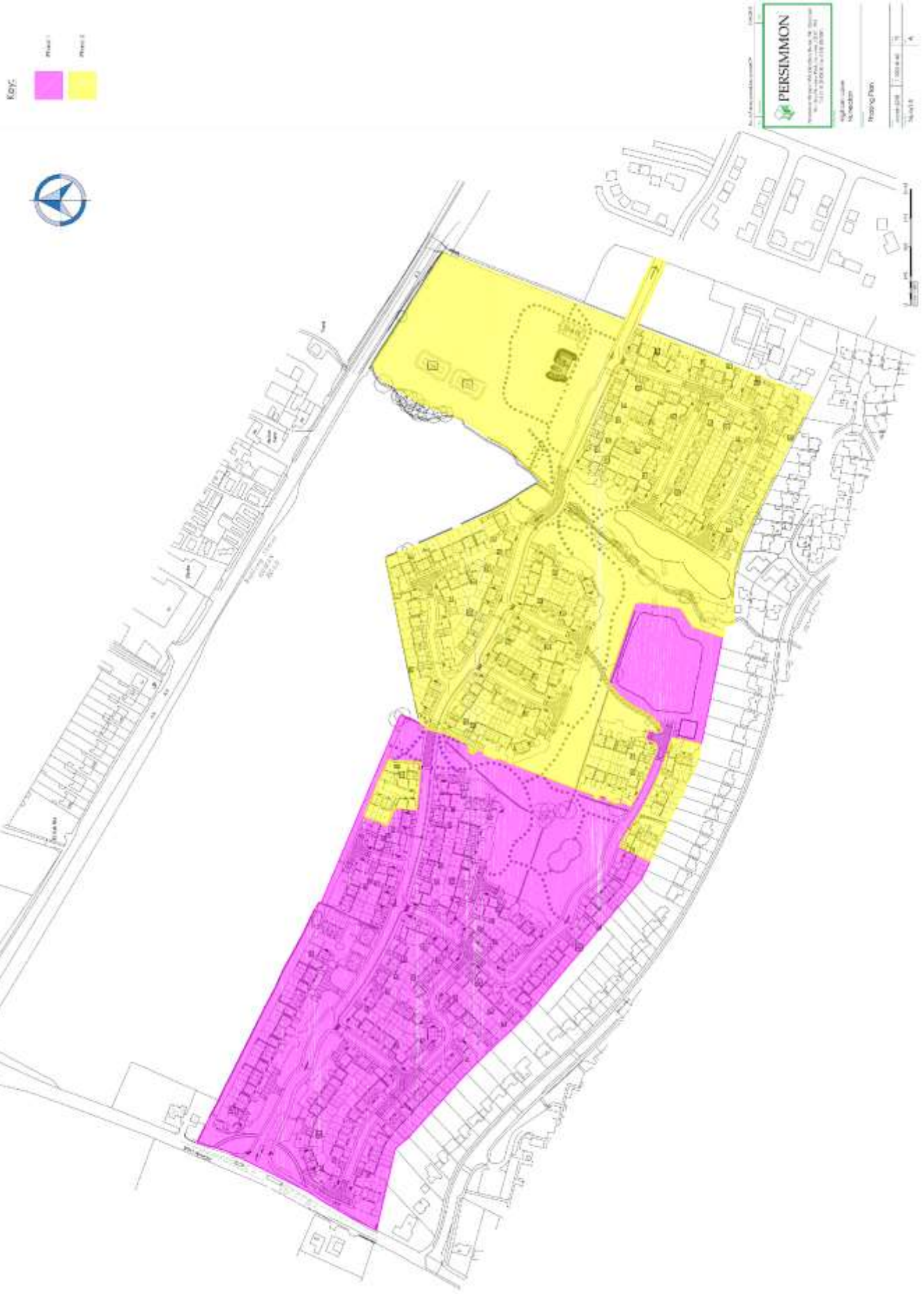
31. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council for each phase. The approved packs shall be provided prior to the first occupation of that dwelling.



Locaiton Plan



Previously Approved Phasing Plan



Proposed Current Phasing Plan.

Item No. 4.

REFERENCE No. 036188.

Site Address: Meadowcroft Farm Watling Street Nuneaton, CV11 6BG.

Description of Development: Residential development for 59 dwellings, including access, landscaping and other associated works.

Applicant: Countryside Properties UK Ltd.

Ward: WE.

RECOMMENDATION:

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

INTRODUCTION:

Residential development for 59 dwellings, including access, landscaping and other associated works at Meadowcroft Farm Watling Street Nuneaton CV11 6BG.

The application site is a small site accessed from the A5, and is currently home to A5 Aquatics, an aquatics supply shop which is no longer open, along with a dwelling house and other assorted buildings and hardstanding which forms the access roads and a car park.

There are bushes and trees around much of the site, some of which screen the site from the A5, and from the lower land to the east and south. There are also some non-native species of trees such as conifers near to the access and dotted around the site.

There is a pond on site, and some well-manicured lawned areas. The buildings range from the older, two-storey detached house which has good original features, to the more utilitarian shop and storage structures, the most recent of which are mostly flat roofed.

Surrounding the site is farm land to the east, south, west and to the north beyond the A5 (Watling Street). The land this site is on is slightly higher than the land which slopes down to the south and east.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- 034587 – Erection of up to 23 dwellings (outline to include access with all other matters reserved) – resolution to approve subject to a section 107 – July 2017.

- 032879 - Construction of a new two storey detached dwelling with attached garage – Application Returned – August 2014
- 030759 – Erection of steel framed storage building – Approved – 7th April 2011
- 004185 – Rear extension to covered area and roof over existing – Approved - 7th August 2000
- 002236 – Erection of horticulture shelter – Refused – 30th April 1999
- 004653 – Erection of glass house for retail display area – Refused – 11th November 1998
- 001454 – Erection of building to form enclosure over existing retail space – Approved – 24th April 1998
- 000696 – Amendment to earlier approved TP/0543/95 (006631) – Approved – 8th March 1996
- 006631 – Swimming pool and enclosure – Approval – 6th December 1995
- 006842 – Retention of poly tunnel – Approved – 18th November 1994
- 000187 – Retention of car park – Approval – 9th March 1993

RELEVANT PLANNING POLICIES:

- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy
 - DS3 – Development principles
 - DS4 – Overall housing needs
 - DS5 – Residential allocations
 - H2 – Affordable housing
 - HS1 – Delivery of infrastructure
 - HS2 – Strategic accessibility
 - HS3 – Telecommunications
 - HS5 – Health
 - HS6 – Sports and exercise
 - NE2 – Open space
 - NE3 – Biodiversity
 - NE4 – Managing flood risk
 - BE3 – Sustainable design
- Affordable Housing SPD 2007
- Residential Design Guide 2004
- National Policy Planning Framework (NPPF)
- National Planning Practice Guidance (NPPG)

CONSULTEES NOTIFIED:

Hinckley and Bosworth Borough Council, Highways England, NBBC Environmental Health, NBBC Housing Services, NBBC Parks, NBBC Planning Policy, Severn Trent Water, Warwickshire Archaeology, Environment Agency, Warwickshire Wildlife Trust, WCC Flood Risk, WCC Highways, WCC infrastructure, Highways England.

CONSULTATION RESPONSES:

No objection subject to conditions from:

Highways England, NBBC Environmental Health, NBBC Parks, Warwickshire Archaeology, Warwickshire Fire and Rescue, WCC Flood Risk,

No objection from:

Environment Agency, George Eliot Hospital Trust, Hinckley and Bosworth Borough Council, NBBC Housing Services, NBBC Planning Policy, NBBC Sports

Development Team, NHS Property Services, Warwickshire Police, WCC Highways, WCC Infrastructure,

No comment from:
Warwickshire Wildlife Trust,

No response from:
Severn Trent Water,

NEIGHBOURS NOTIFIED:

15 Langdale Drive, Nuneaton; 53 Milby Drive, Nuneaton; Calendar Farm, 17 Watling Street, Nuneaton; 5 Weft Way, Nuneaton;

Neighbouring properties were sent letters notifying them of the proposed development on 21st February 2019. A site notice was erected on street furniture on 21st February 2019 and the application was advertised in The Nuneaton News on 6th March 2019.

NEIGHBOUR RESPONSES:

There have been 2 objections from 1 address. The comments are summarised below;

1. Impact on highway safety
2. Site is not sustainable
3. Lack of school places
4. Impact on health facilities
5. Loss of trees
6. Increased flood risk
7. Lack of public open space
8. There is no need for new houses

A letter of comment from Councillor Kondakor was also received raising the following points;

1. There could be a footway on the south side of the site.
2. The site could cause danger to pedestrians and school children.

APPRAISAL:

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

1. The Principle of Residential Development.
2. Impact on Visual Amenity.
3. Impact on Residential Amenity.
4. Impact on Ecology and Landscaping.
5. Impact on Flood Risk.
6. Impact on Highway Safety, and Sustainable Location.
7. Planning Obligations.

1. The Principle of Residential Development

The use of the site for housing land has been established by a previous outline permission on the site, as a resolution to approve Planning Committee was given to the proposal although this was never actually issued as the legal agreement was not signed.

This previous application proposed 59 affordable dwellings on the site, which is obviously a sought after type of housing in the Borough and indeed across the country.

In the original consultation version of the Borough Plan this site formed a small part of the land south of the A5 which was designated as a 'landscape buffer zone' – this was subsequently removed from the Borough Plan after the Inspector conducted the Examination.

The Planning Inspector in his Post Hearing Advice set out in relation to HSG1 that; “the proposed landscape buffer between HSG1 and the A5 would not be justified in terms of the character and attributes of the landscape at this location requiring a particular status in policy”.

The Inspector stated that:

“the Landscape Buffer Zone should therefore be removed from the Plan and Policies Map as a main modification”.

The buffer was subsequently removed from the adopted version of the Borough Plan.

As such the land is not designated for any specific land use in the Borough Plan meaning that there is no specific restriction on this land in regard to a residential use. Sites which are not allocated within a plan but come forward within the plan period, are called Windfall Sites. The Borough Plan at paragraph 6.22 allows for windfall sites to make up 247 dwellings over the plan period.

Additionally the site has been previously developed and as such it is classified as 'brownfield' land. Paragraph 117 of the NPPF aims to promote the efficient use of land. It places emphasis on making as much use as possible of previously developed or 'brownfield' land. The proposed development is for 59 affordable residential dwellings on this site, which will *eventually* become subsumed within the large housing allocations to the north of Nuneaton, and will then become the northern edge of the urban area in the fullness of time.

In regard to the supply of housing land, The Council can now demonstrate a deliverable, five-year supply of housing land thanks to the housing allocations in the Borough Plan.

2. Impact on Visual Amenity

Views from outside the site as one approaches along Watling Street will be slightly screened given the current foliage on the boundary and the existing dwelling house on the site, although this could be removed. The A5 is at the highest point here, and the site is a little lower, with land sloping down beyond this to the south. Views from the south towards the site, and from the east and west will be at first quite stark, but as the developments allocated within the Borough Plan come forward and the rural nature of this parcel of land becomes more urban, views will soften somewhat.

Upon entering the site the views will be mainly of the semi-detached, two-storey properties at plots 1 and 2; the side of plot 53 and the fronts of plots 46-49 flanking the road with their private driveways. As one travels around the site views of the rest of the houses which front on to the new access road become visible, as does some of the small areas of incidental open space within the site and pumping station. The pumping station will be quite visible on one corner of the site, it is set at roughly 45

degrees to the road; though much of the apparatus involved is below the ground so really only the boundary treatment will be visible.

There is one large private drive which serves plots 33-36 and plots 53-59 for vehicular movements; although pedestrian footpaths within the site will give access in other directions. The surfacing of this private drive will be different to delineate its use as a private drive.

The site is rather densely laid out, however there is a logical housing placement and consistency in plot size and type across the site. The two-storey development, with mostly semi-detached housing and hipped roofs should help to make the development feel less dense. There is no specific guidance on density either within national guidance or in the Borough Plan, so there is no policy basis for concern over this.

On corners within the site the Highways Authority have requested visibility splays to make vehicular movements acceptable. These do leave a slightly contrived effect on visual amenity, but overall this would not cause any significant harm.

The majority of individual properties are semi-detached with the exceptions being the terraced properties at plots 29-34 and the apartments at plots 53-59. The two-storey properties all have logical window placement; detailing in elevations and a mixture of brick and render in some plots. The hipped roofs help to reduce the massing of the roofs and provide views of open sky beyond.

The houses are designed acceptably, a materials conditions will be placed on any approval to ensure the materials are of a high standard. The traditional build materials to reflect local style such as red brick and clay tiles will be promoted at condition stage.

3. Impact on Residential Amenity

Across the majority of site the distance standards within the Residential Design Guide 2004 are met. There are some slightly shortfall of distances but these are usually outweighed by other circumstances, as highlighted below.

The rear windows of plot 40 are 13.4m from the blank side elevation of plot 38, where 14m should be the minimum distance between a window and a blank elevation. However there are views past the blank side elevation, so the 600mm shortfall here is considered acceptable.

Similarly plots 46 and 47 are close to the 14m separation distance from windows to blank walls, but again there are views past the plot at number 45 so this is again acceptable.

Plot 36 is also within this 14m separation distance between the windows and the side elevation of plot 54, but there are views past this elevation too, so this is considered acceptable.

Plots 44, 45 and 46 all have habitable front facing windows within the 20m of those properties opposite them. The distance standard is normally 20m between habitable windows and the habitable windows of other properties. In this case however, the 20m is across a public road, so this is again considered acceptable and meets with the Residential Design Guide where it states that these distances can be shortened when measured over public space.

The effect of the forthcoming nearby housing sites may have some impact of this site on those new dwellings, but obviously without knowing the details of those forthcoming layouts, this application can only consider what is actually agreed. The outline on nearby sites at Top Farm is on-going and any detailed design stage in the future will need to take account of committed developments nearby.

Overall it is considered that there would be no significant harm to the residential amenity of these new properties.

4. Impact on Ecology and Landscaping

NBBC Parks Team have following various requested amendments confirmed they have no objection. A condition to protect the roots of existing trees will be added to any decision as will a condition regarding ecological and landscape management. Another condition regarding lighting will also be included.

NBBC Parks have requested monies to help offset any harm to biodiversity, but this will be covered later in this report.

Overall, there are no significant concerns over the loss of ecology or landscaping.

5. Impact on Flood Risk

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 155-165). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk and states that sustainable drainage should be provided on the site. The development site is located in Flood Zone 1, which is considered suitable for all land uses, and means that the Environment Agency were not a statutory consultee.

Policy NE4 in the Borough Plan requires that development be prioritised to areas with the lowest flood risk. This site is Flood Zone 1 so this is acceptable.

The WCC Flood Risk Team were consulted with the submitted Flood Risk Assessment. Their response was one of no objection subject to some conditions relating to ensuring that the development is carried out in accordance with the details of the Flood Risk Assessment; a surface water drainage scheme to be submitted and a maintenance plan. These conditions are considered to be acceptable in terms of managing flood risk and will be added to any approval.

In addition to the above the site also proposes a foul water pumping station to ensure that foul drainage is adequately managed on site.

6. Impact on Highway Safety and Sustainable Location

Highways England and WCC Highways Authority have both been involved during the application process and have no objection subject to conditions.

One of the core planning principles outlined within 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.

Sustainable Location

Economically speaking the proposal will have a positive impact by generating employment during construction, and new householder spending to the local area. This is seen as weighing in favour of the application.

Turning to the social aspects of sustainability, the application for housing here would contribute towards boosting the housing supply which is relevant to social sustainability. The application would also provide for 100% affordable housing, and promote a mixture of tenures promoting a mixed community, which is a socially beneficial attribute.

The site is slightly physically isolated but there is a bus service which passes the site and stops on The Long Shoot (around 650m walk from the site along the busy Watling Street) and this will change considerably once the housing allocations in the adopted Borough Plan and those with existing permissions are built out in the coming years.

With regard to environmental sustainability the application site is a brownfield site with existing buildings; tarmac parking areas and man-made features. The grass is also well maintained, and therefore unlikely to harbour any significant environmental features. Nevertheless the site is in a fairly isolated location, surrounded by relatively open countryside.

7. Planning Obligations

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

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

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£97,089	
WCC Education and Libraries	Monies for the provision and improvement of schools and for Library improvements	£376,138 for schools And £955 for libraries	
George Eliot Hospital Trust	Provision of healthcare	£60,465	

NBBC Sports Development	For the provision and maintenance of sports facilities within the Borough	£79,579	
NBBC Housing	25% of the development to be affordable dwellings	100% affordable dwellings to be provided	Policy requirement exceeded by the proposal
NBBC Parks	Biodiversity offsetting	£9391.29	

Viability

The applicant has submitted a Viability Appraisal with the planning application which makes the case that the scheme for 100% affordable housing in this location could not reasonably pay the financial obligations and remain a viable scheme.

This report has been independently assessed by the District Valuer who agreed that the scheme is not viable and therefore in accordance with national guidance and local policy no planning obligations should be sought. Affordable housing will be provided however, and this will be 100% of the dwellings, which will be included within a Section 106 legal agreement. The obligations on the scheme is in accordance with national and local policy for non-viable schemes.

8. Conclusion

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

The proposal will provide 100% affordable housing within what will be a well populated and serviced part of the Borough. There is no reason to believe that the full allotment of allocations in the north of Nuneaton will not come forward. The site is sustainable given this is a small Borough well served by bus links, road and rail as well as cycle and pedestrian facilities.

On balance while there are clear considerations which weigh against the proposal, those in favour of it outweigh the harm created, and overall it is considered that the scheme should be approved subject to the conditions listed and legal agreement to cover the affordable housing provision.

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:

3. No development (other than demolition) shall commence until a Construction Method Statement 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;
- vii) A scheme for recycling/disposing of waste resulting from construction works.

4. No development (other than demolition) shall commence until full details of the site levels and finished floor levels 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.

5. No development (other than demolition) 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 unless otherwise agreed in writing by the Council.

6. No development (other than demolition) shall commence until full details of the boundary treatments, including new walls, railings 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 unless otherwise agreed in writing by the Council.

7. The development (other than demolition) hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8. No development (other than demolition) 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.

9. No development (other than demolition) shall commence until a scheme has been submitted to and approved in writing by the Council giving details of all existing trees and hedgerows on the site, those to be retained, and measures for their protection and the protection of root zones, in the course of the development. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to

be retained have been provided and are maintained during the course of development.

10. The construction of the development hereby permitted shall not commence until works to improve the access to the site off the A5 Trunk Road and construct the proposed pedestrian crossing on the SRN, as per Drawing No. 18363-01 (or as amended by Road Safety Audit or detailed design stage), have been implemented and open to traffic. The scheme shall be carried out in accordance with the details approved as part of Stage 1 RSA and a Walking, Cycling & Horse-riding Assessment and Review (WCHAR).

11. No part of the development hereby permitted shall commence until details of all surface water drainage matters have been submitted to and approved in writing by the Council in consultation with Highways England. These should include a survey of the existing drainage assets along the A5 to be conducted prior to construction of the site access and pedestrian crossing shown in drawing 18363-01, to assess whether these cause detriment to the Highways England's drainage assets. Any necessary drainage mitigation strategy identified shall be approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme shall thereafter be constructed in accordance with the approved plans prior to first occupation of the development.

12. The development (other than demolition) hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Council. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Council.

13. No development (other than demolition) shall take place until:

a) A programme of archaeological evaluative work and associated post- excavation analysis, report production and archive deposition detailed within the document called "Written Scheme of Investigation for Archaeological Evaluation, Site: Meadowcroft Farm, Watling Street (A5), Nuneaton" has been undertaken by University of Leicester Archaeological Services. A report detailing the results of this fieldwork shall be submitted to the planning authority.

b) 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 Council. 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 Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

14. The development (other than demolition) permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and additional documents outlined in this letter, 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 plus
- 40% (allowance for climate change) critical rain storm to 49.6l/s for the site.

- Provide provision of surface water attenuation storage as stated within the FRA and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Finished floor levels are set no lower than 150mm above existing ground level.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

15. No development (other than demolition) and subsequent use of the 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:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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

17. No construction will be undertaken other than in accordance with the Construction Phase Environmental Management Plan (QE-09 Rev O received 22nd February 2019).

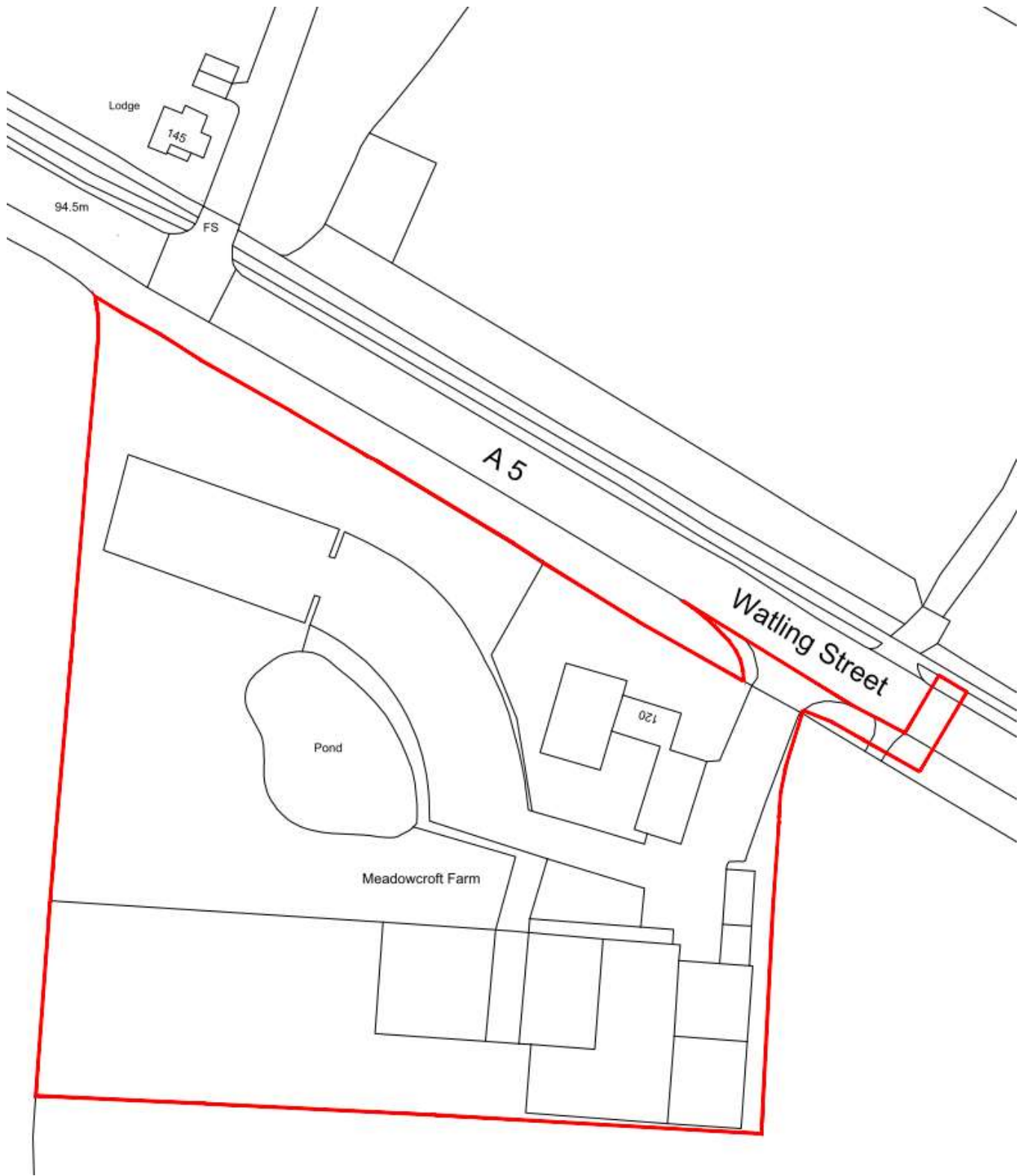
18. No deliveries shall take place during the construction phases, Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.

19. The development proposals and highway layout shall be laid out, constructed and implemented in general accordance with the drawing 70472-D01 Rev AP, or other layout as approved in writing by the Council in consultation with the Highway Authority.

20. No development (other than demolition) shall commence until:

- a. A contaminated land assessment and associated remedial strategy, has been submitted to, and agreed in writing by the Council; No individual phase of development shall commence until:
- b. The approved remediation works are 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 Council before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the phase of development; 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.

21. No development above ground level shall commence until a scheme for the lighting of the site and associated access roads and parking areas has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme avoids light spill and potential negative effects upon ecology and habitat areas with input to the scheme from a suitably qualified and experienced ecologist and as evidenced on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also take into account the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

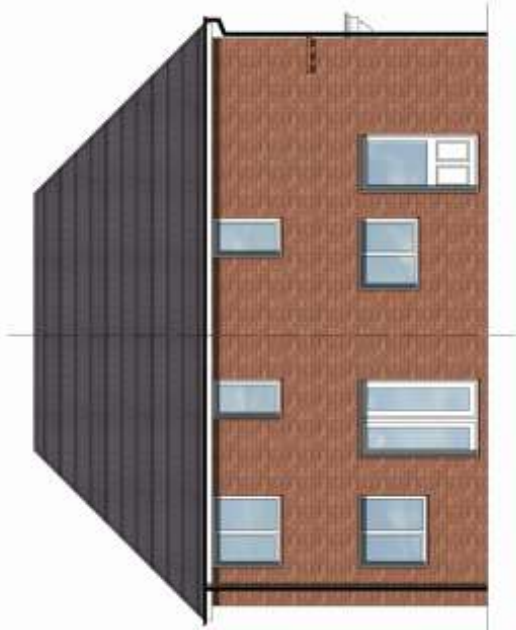


Site Location Plan

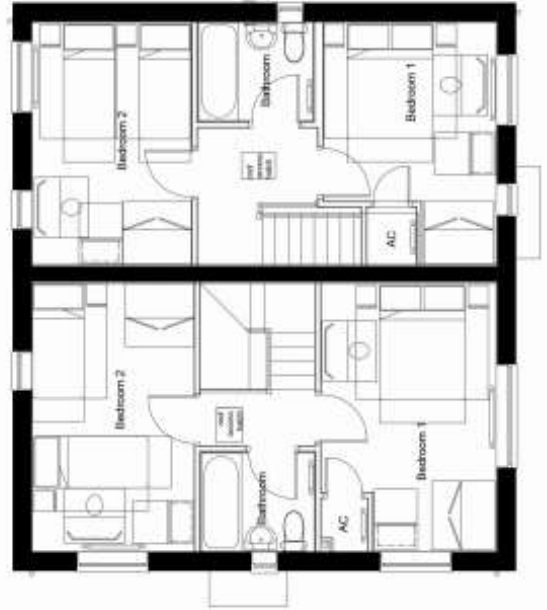


Site Layout Plan

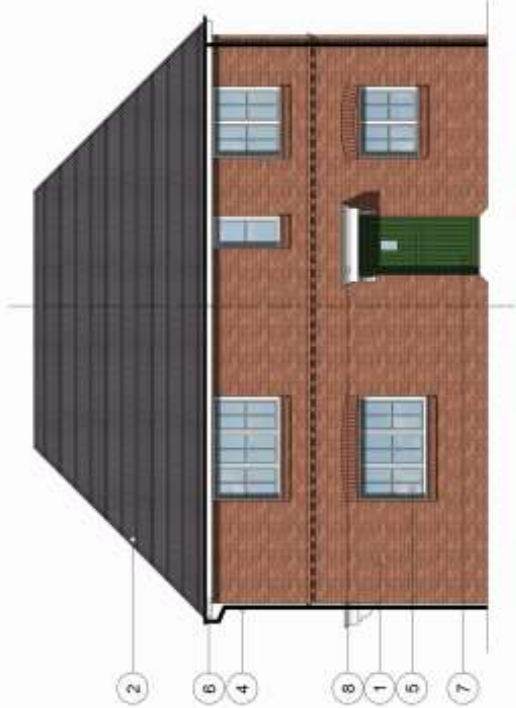
House Types



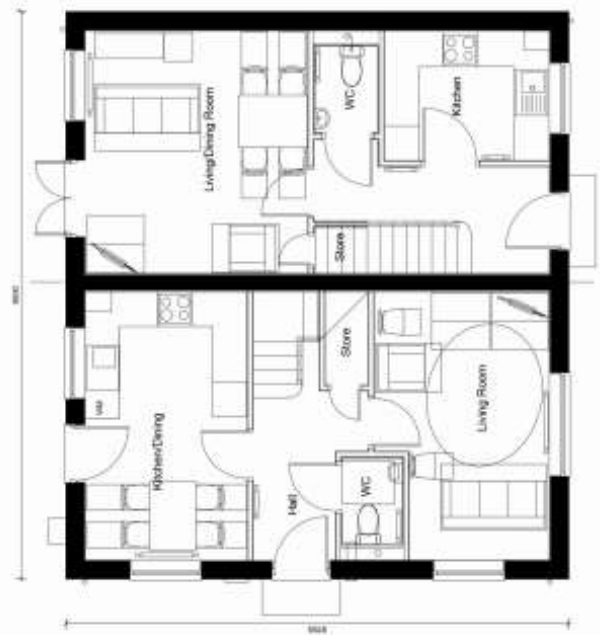
Rear Elevation



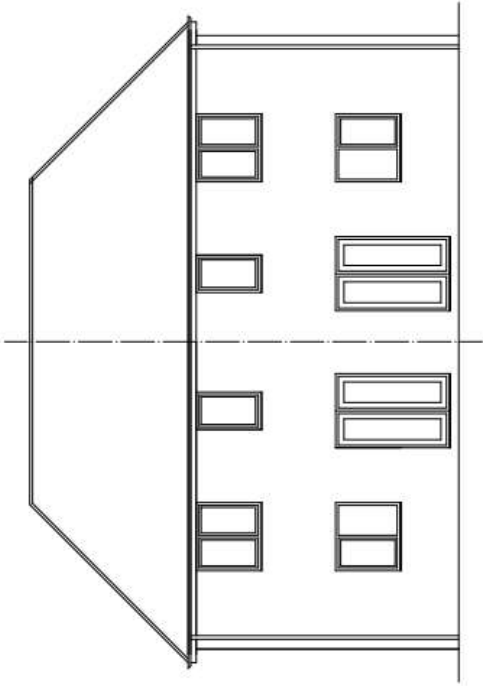
First Floor Plan



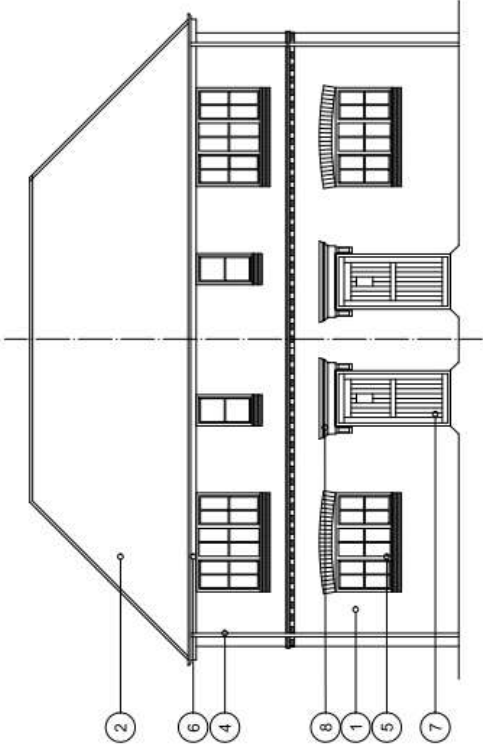
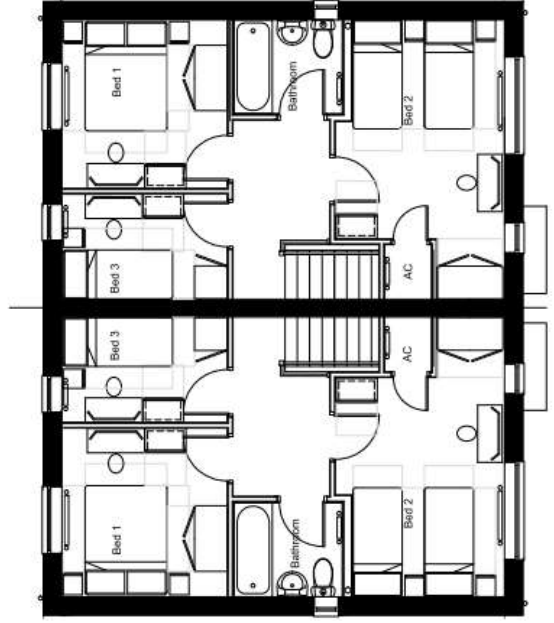
Front Elevation
Plots 39-40, 46-47



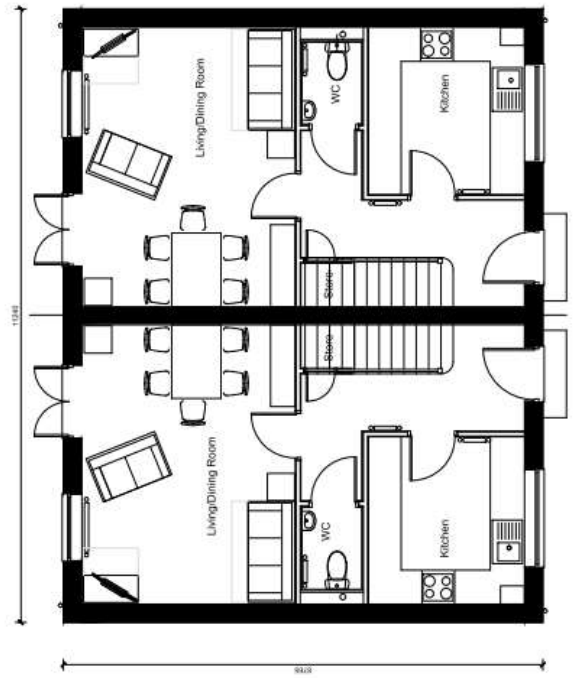
Ground Floor Plan

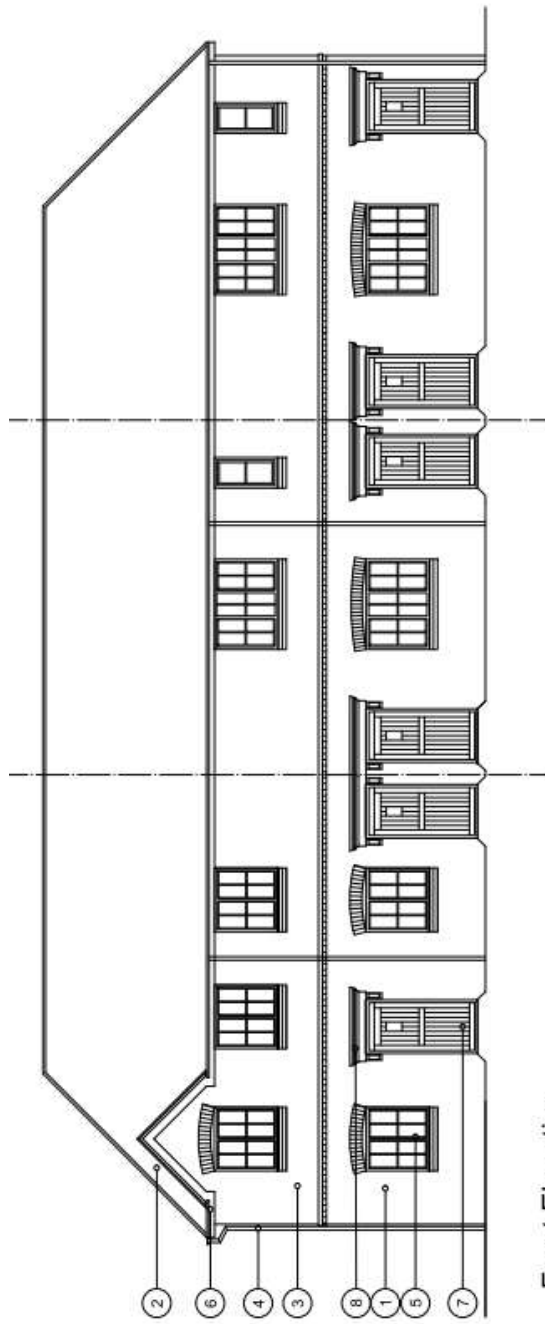


Rear Elevation

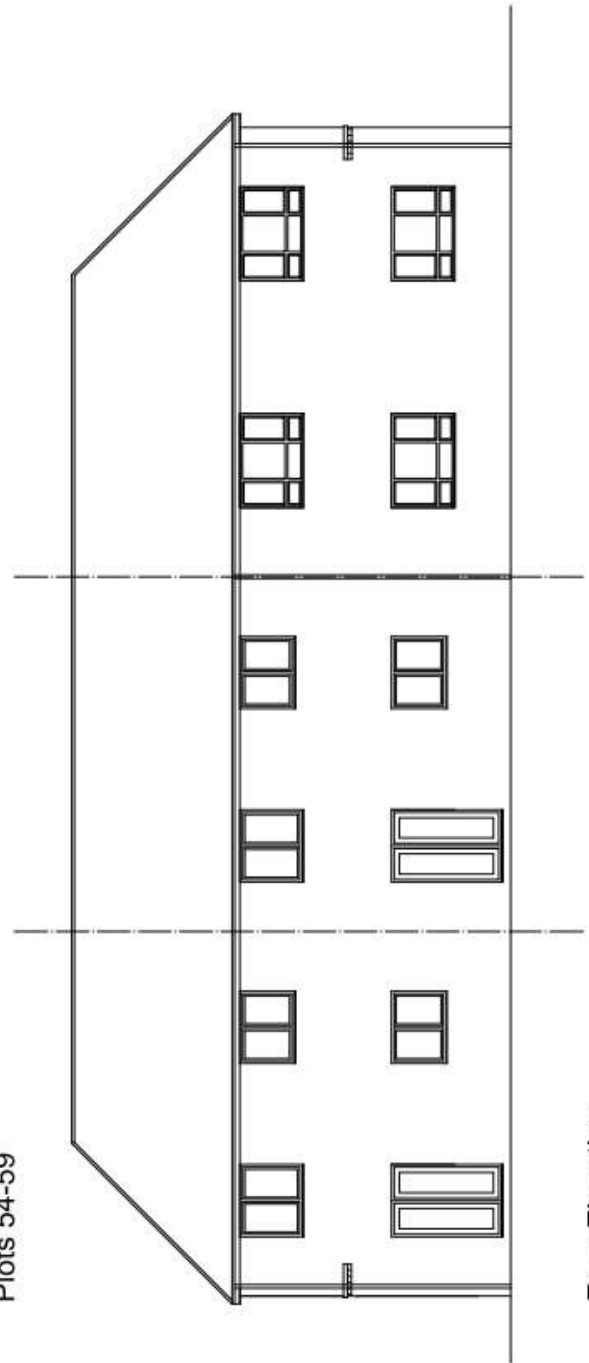


Front Elevation
Plots 3-4, 13-14, 19-20, 23-24, 27-28, 37-38
44-45, 48-49

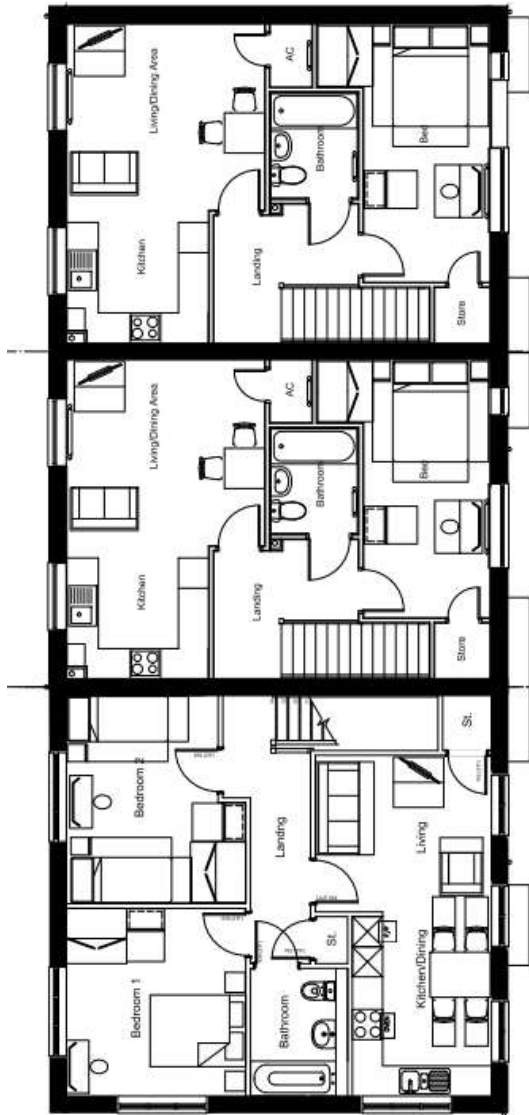




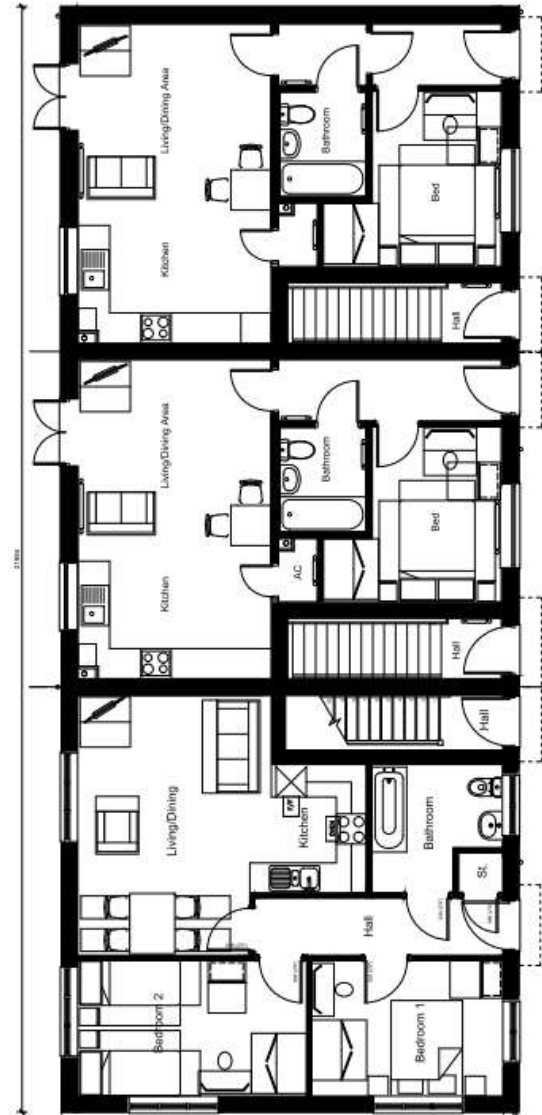
Front Elevation
Plots 54-59

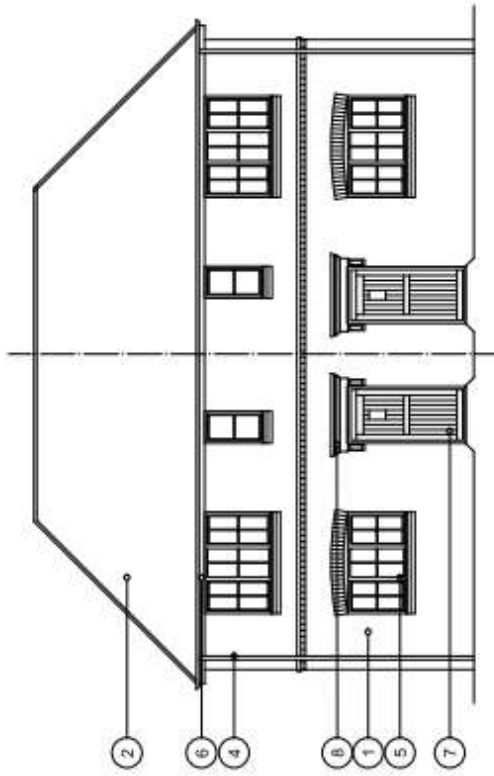


Rear Elevation

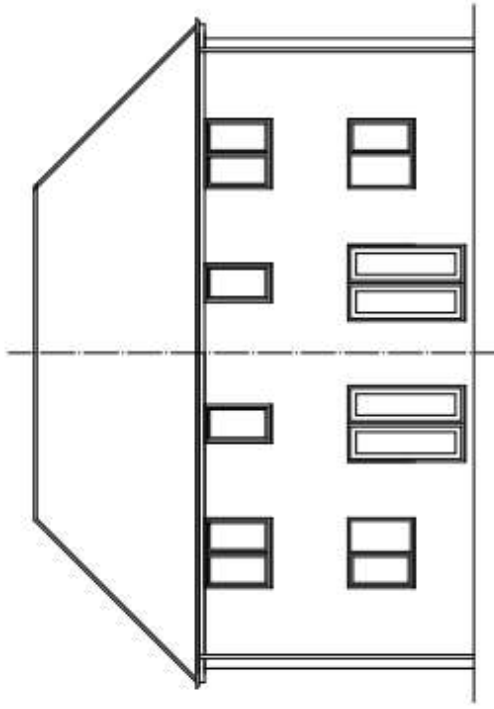


First Floor Plan

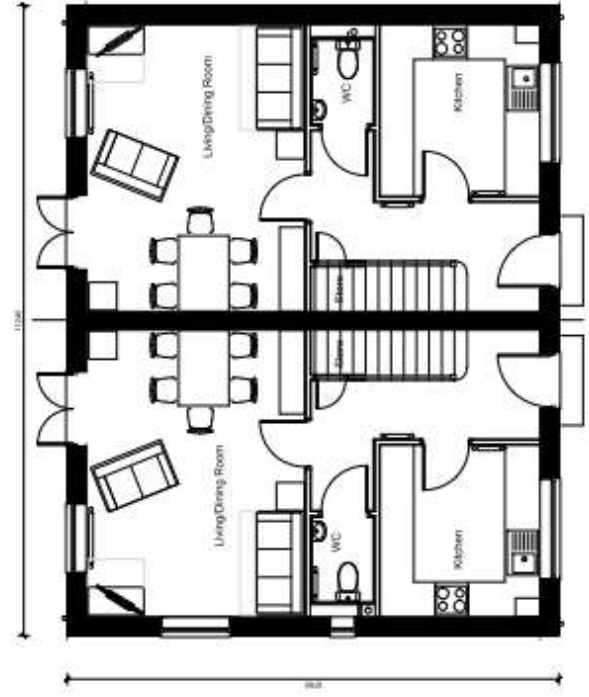




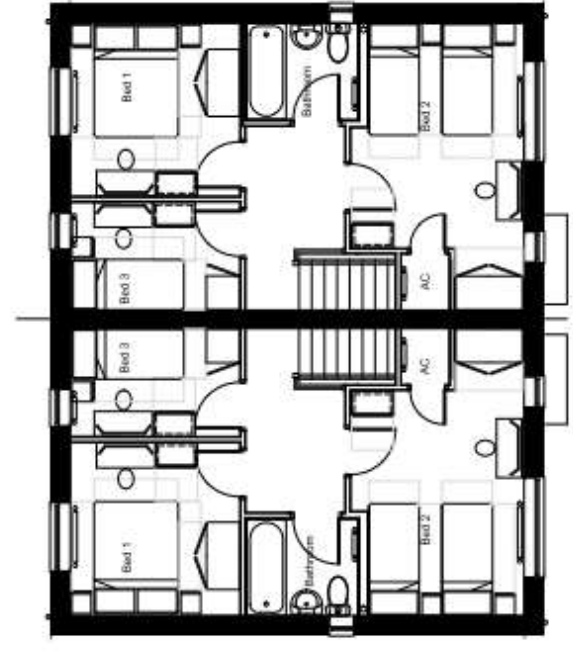
Front Elevation
Plots 17-18



Rear Elevation



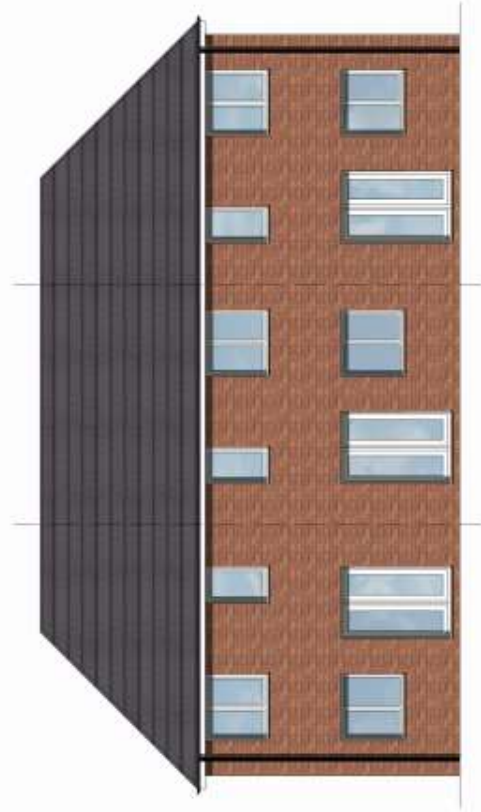
Ground Floor Plan



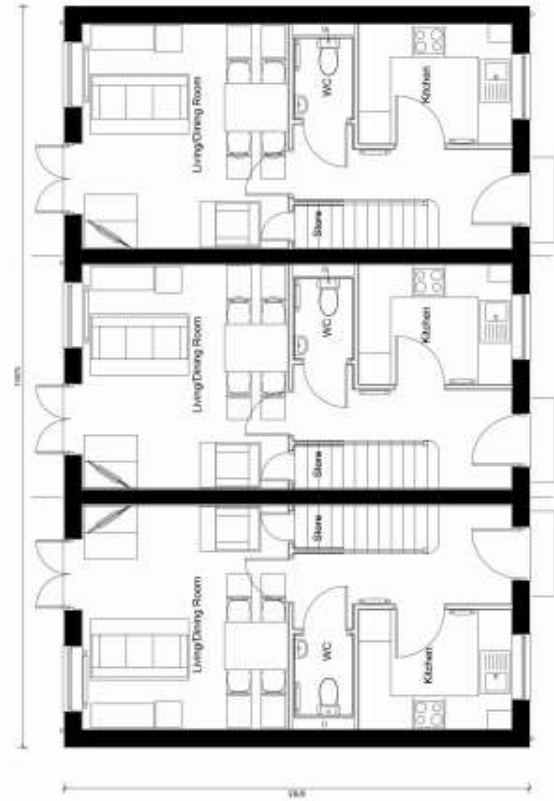
First Floor Plan



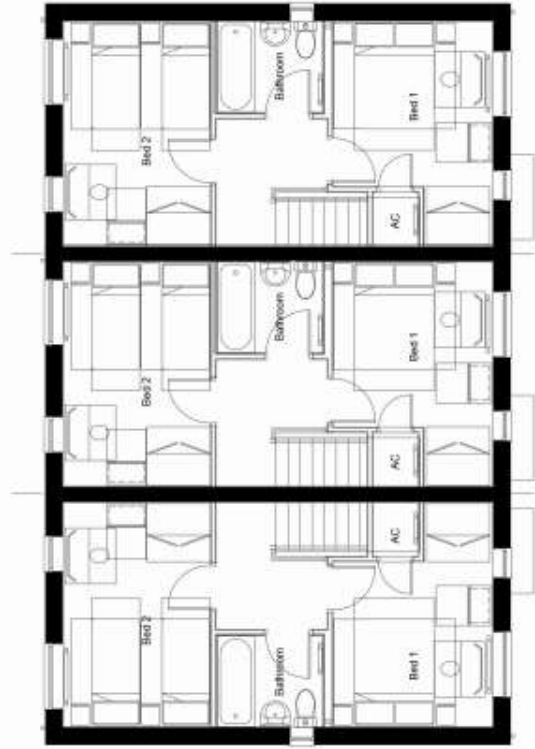
Front Elevation
Plots 29-31, 32-34



Rear Elevation



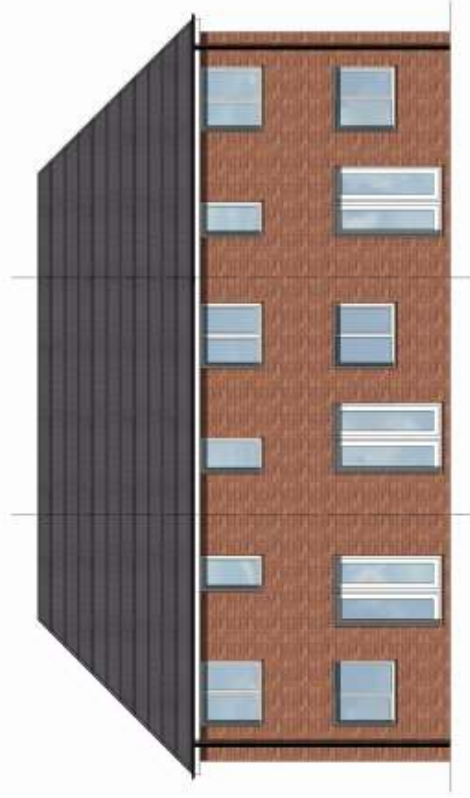
Ground Floor Plan



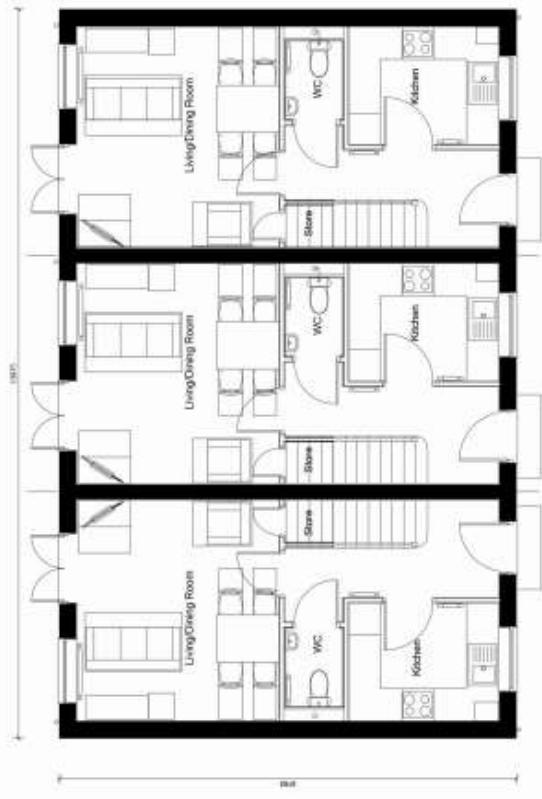
First Floor Plan



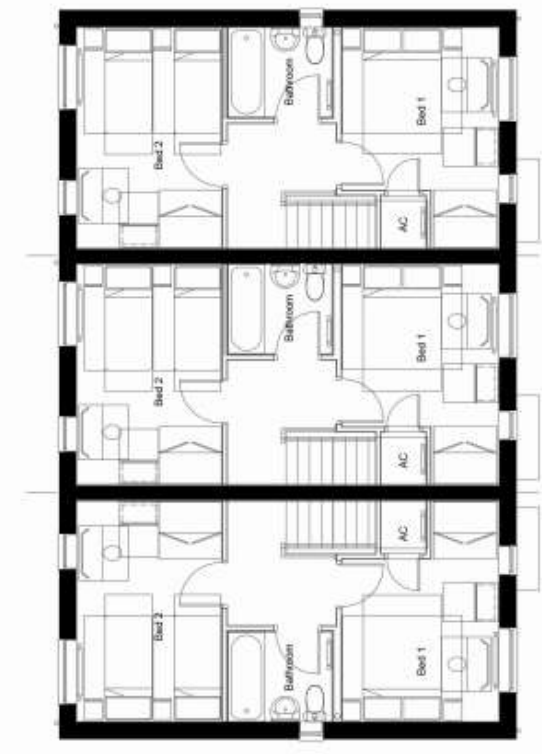
Front Elevation
 Plots 5-12, 15-16, 21-22, 25-26, 35-36, 41-43



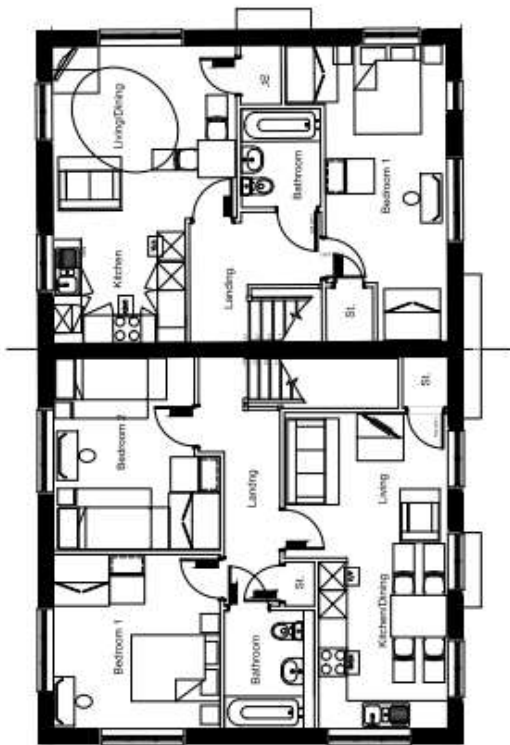
Rear Elevation



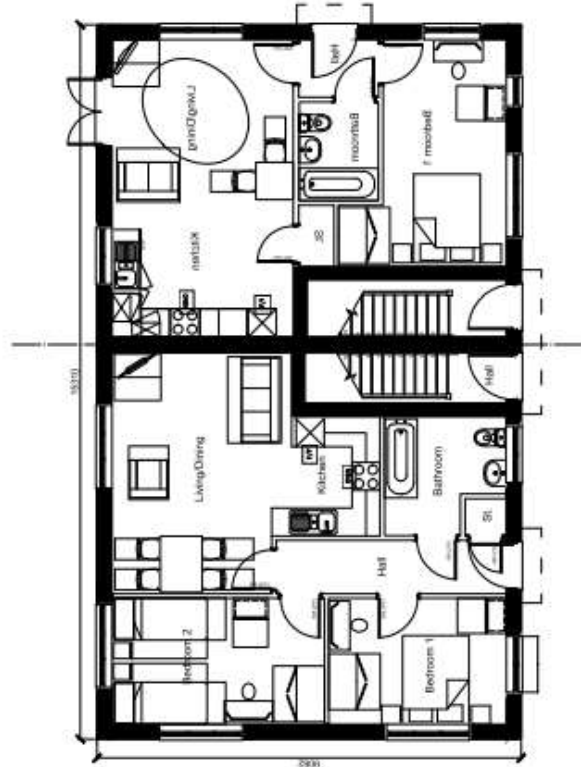
Ground Floor Plan



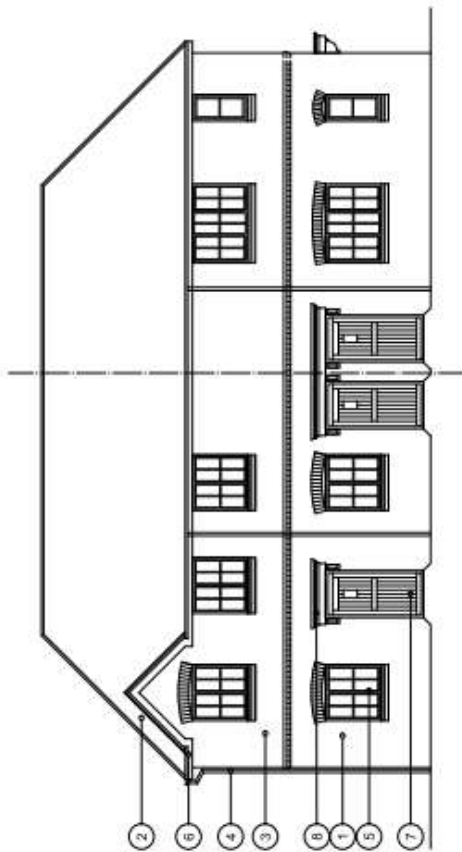
First Floor Plan



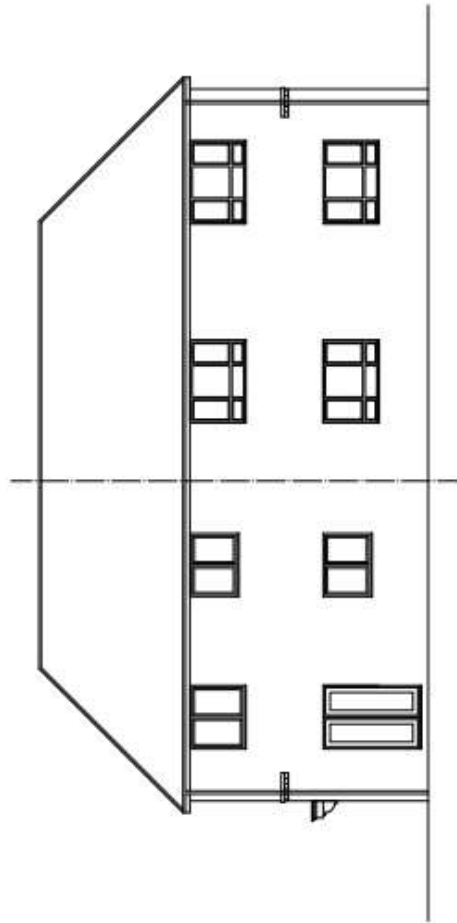
First Floor Plan



Ground Floor Plan



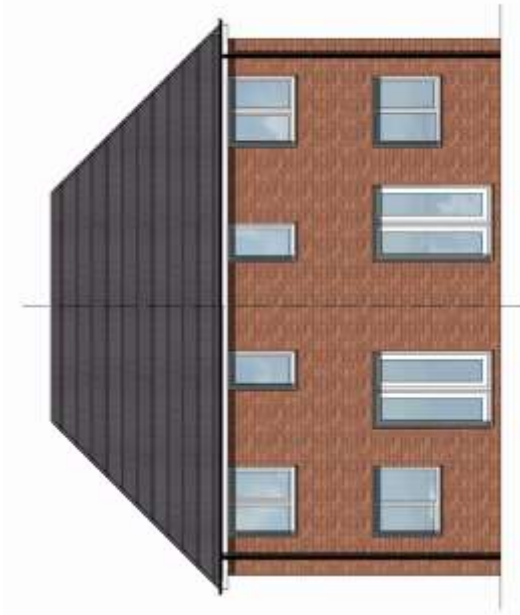
Front Elevation
Plots 50-53



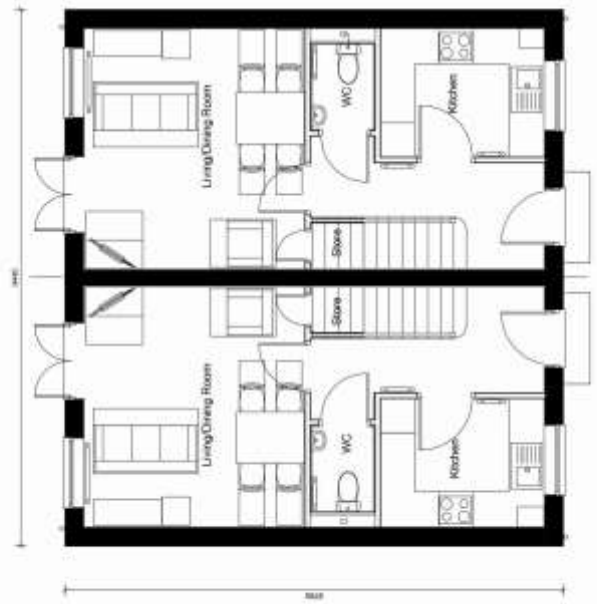
Rear Elevation



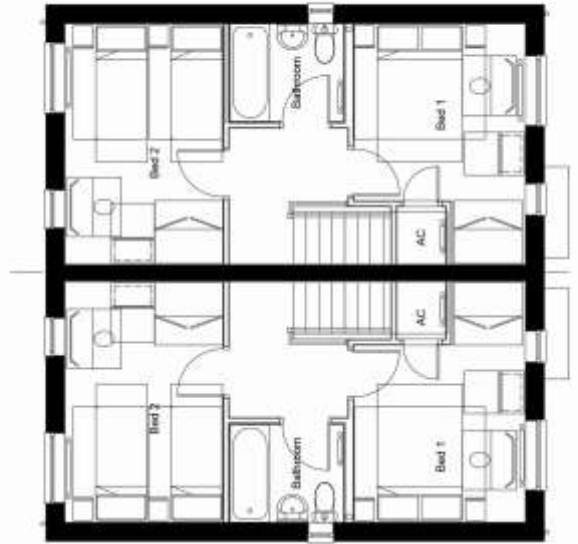
Front Elevation
Plots 11-12, 15-16, 21-22, 25-26, 35-36



Rear Elevation



Ground Floor Plan



First Floor Plan

TREE PRESERVATION ORDER

Item No. 5.

REFERENCE No. 036454.

Site Address: Discovery Academy, Beaumont Road Nuneaton Warwickshire CV11 5HJ.

Description of Development: Creation of Tree Preservation Order for 23 trees to be known as T1-T23 of TPO 1/19.

Applicant: Nuneaton & Bedworth Borough Council.

Ward: AB.

RECOMMENDATION:

Planning Committee is recommended to confirm Tree Preservation Order 1/19.

INTRODUCTION:

This report is in connection with the creation of a Tree Preservation Order for 23no. trees at the the former Manor Park School, Beaumont Road, Nuneaton. The trees are identified as T1-T23 of TPO 1/19.

The site is a former secondary school. Part of the site is still occupied and runs as a school for children with special educational needs. The site adjoins Beaumont Road and Vernons Lane. There is a vehicular access off Beaumont Road and Vernons Lane. To the south there are hedges and trees which are substantial. The site also contains a number of substantial trees. The school buildings are two storey with single storey wings off it. To the northern part of the site there are flat roof buildings which are single and two storey. There are two and three storey flat roof buildings to the north-east part of the site with properties on Earls Road beyond.

The creation of the TPO is as a result of a planning application for the redevelopment of the site- application ref 035587 (agenda item 2) which proposes the erection of up to 46 houses, 12 flats and 1, two and three storey extra care facility of up to 65 units including the demolition of existing buildings. It is an outline application including access.

NBBC Parks raised concerns with the outline planning application on the grounds that as a result of the illustrative site layout that was submitted, half of the 55 Category A and Category B trees that might normally be expected to be retained within a development proposal would be removed along with 69 other trees being removed. They considered that this impact would be very significant.

A key loss of the removal of trees would be of one of the most prominent groups of trees impacting visual amenity in Beaumont Road and Beaumont Place. This loss combined with the full loss of other Category B trees that also front onto Beaumont Road opposite the entrance to Beaumont Place would cause an excessive loss of visual amenity in an area that is otherwise almost completely devoid of mature trees.

As a result of the concerns NBBC's Tree Officer has assessed the trees on the site to see if they are worthy of protection under a Tree Preservation Order. It was concluded that 23no.trees are worthy of a TPO. These are located to the north-east corner of the site on the boundary with Vernons Lane, to the south and south-west boundary close to the boundary with Beaumont Road, opposite Beaumont Place and to the corner of Beaumont Road and Countess Road.

An emergency TPO was subsequently made on the 6th June 2019. This was made because the trees have significant amenity to the area, visible from various public viewpoints and ecological habitat value. The Order took effect on a provisional basis, on the 6th June 2019. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs. The Council has to consider whether the Order should be confirmed, that is to say, whether it should take effect formally.

RELEVANT PLANNING HISTORY:

- 035587: Erection of up to 46 houses, 12 flats and one two and three storey extra care facility of up to 65 units including the demolition of existing buildings (outline including access): Under consideration.

RELEVANT PLANNING POLICIES:

- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Parks.

CONSULTATION RESPONSES:

No objection from:
NBBC Parks.

NEIGHBOURS NOTIFIED:

2-84 (even), 7, 67-89 (odd) Beaumont Road; 101-111 (odd) Vernons Lane; 1 & 2 Olton Place; 109a, 111-129 (odd), 117a, 117b, 128, 133, 135, 137, Flats 1-5 (inc) 139, 141, 143, 144, 145, 161, 163, 167 Earls Road; 15, 16, 17, Warden Priory Court, Flat 1-6 (inc) 2, 4-22 (even) Countess Road; 133 Manor Court Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 6th June 2019. A site notice was erected on street furniture on the 6th June 2019 and the application was advertised in The Nuneaton News on the 19th June 2019.

NEIGHBOUR RESPONSES:

There have been 2 objections from 2 addresses. The comments are summarised below;

1. Trees are in need of cutting back as make property dark.
2. In favour of planning application for housing.
3. If TPO is confirmed, the planned development cannot be realised in its current form.

There has been 1 letter of objection from Warwickshire County Council - Extra Care Housing Programme Lead. The comments are summarised below;

1. An Outline Planning Application was submitted on 20th April 2018, which includes a potential development of 65 much-needed Extra Care Housing (ECH) units suitable for older people aged 55+. Whilst design will be a reserved matter, we have previously provided the design/layout proposals for the ECH element of the scheme and so the council is aware of where the proposed extra care is intended to go.
2. There are clear requirements in terms of the form, scale and layout needed to cater for extra care residents with a wide range of care needs. This gives rise to a form of development which is not easy to change to the extent that there is no room for manoeuvre within the site in terms of the positioning of the development.
3. It is clear from the indicative layout for the ECH accommodation that its development will lead to the loss of some category B trees and impacts on other trees. The principle of the development is to be established through this outline planning consent and to realise the development applied for will require the utilisation of this part of the site, in which the trees subject to the newly proposed TPO are located.
4. In this context, the insertion of a suitably worded condition into the outline consent would provide the right balance between recognising the principle that strategic development is being consented (and that this may impact on trees), whilst providing a mechanism for more detailed consideration of the potential for impacts on trees, and potential for mitigation of loss and enhancement through new landscape strategy and tree planting. This would take place at the Reserved Matters stage when detailed proposals would be available.
5. If the TPO is confirmed, then the benefits of the outline planning consent are reduced because there would be a further TPO process. The consent gives certainty with one hand the TPO takes it away with the other.
6. The overall objective of developing ECH in Warwickshire is to modernise housing with care and support services by offering older people a very real alternative to residential care homes – a ‘home for life’ - as well as responding to current demographic pressures/changes. As a distinct care accommodation service model, the benefits of customers living in an ECH environment include:
 - Living at home, not in a home – your own front door
 - Support in maintaining independence for both the ‘cared for’ and carer
 - Keeping couples together
 - Mixed tenure scheme offering rental and shared ownership units
 - Balanced mix of low, medium and high level care needs
 - 24-hour care and support, inc. night care as needed
 - Assistive Technology available to underpin support
 - Social activities available
 - Safer and more secure than living in the wider community
 - Potential ‘home for life’
 - Integration into local community
7. The proposed ECH scheme at the former Manor Park school site needs to deliver 60 – 65 units in order to maintain viability. If this number reduces, the scheme will become unsustainable, and WCC and its partners will have no choice but to abort the scheme and look at alternative sites for delivery. This will cause further delay to the delivery of the first ECH scheme in the town, and will see customers continue to be diverted to residential care rather than the independent living environment offered by ECH.

There has been 1 letter of support from 1 address. The comments are summarised below;

1. Endorse the preservation order.
2. The trees have been there for many years.
3. They are vital for habitats.
4. Provide protection from exhaust fumes.

There have been 2 letters of comment with no address provided. The comments are summarised below;

1. Good news that trees on the site would be protected but some on the corner of Countess Road require pruning.
2. Why aren't all of the Category B trees included in the order?

APPRAISAL:

Tree Preservation Orders are normally placed on trees due to their public amenity value; their size; form and type of tree. Tree Preservation Orders prohibit both the trees removal; works to the trees or damage to the trees and requires written consent from the Council in order to do any works.

The National Planning Practice Guidance states that Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value. (Paragraph 005 of Tree Preservation Orders and trees in conversation areas).

The National Planning Practice Guidance states that amenity is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. (Paragraph 007 of Tree Preservation Orders and trees in conversation areas).

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account certain criteria. (Paragraph 008 of Tree Preservation Orders and trees in conversation areas). This includes visibility and the extent to which the trees or woodlands can be seen by the public. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. The individual, collective and wider impact should also be considered as public visibility alone would not be sufficient to warrant an Order. This includes assessing size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.

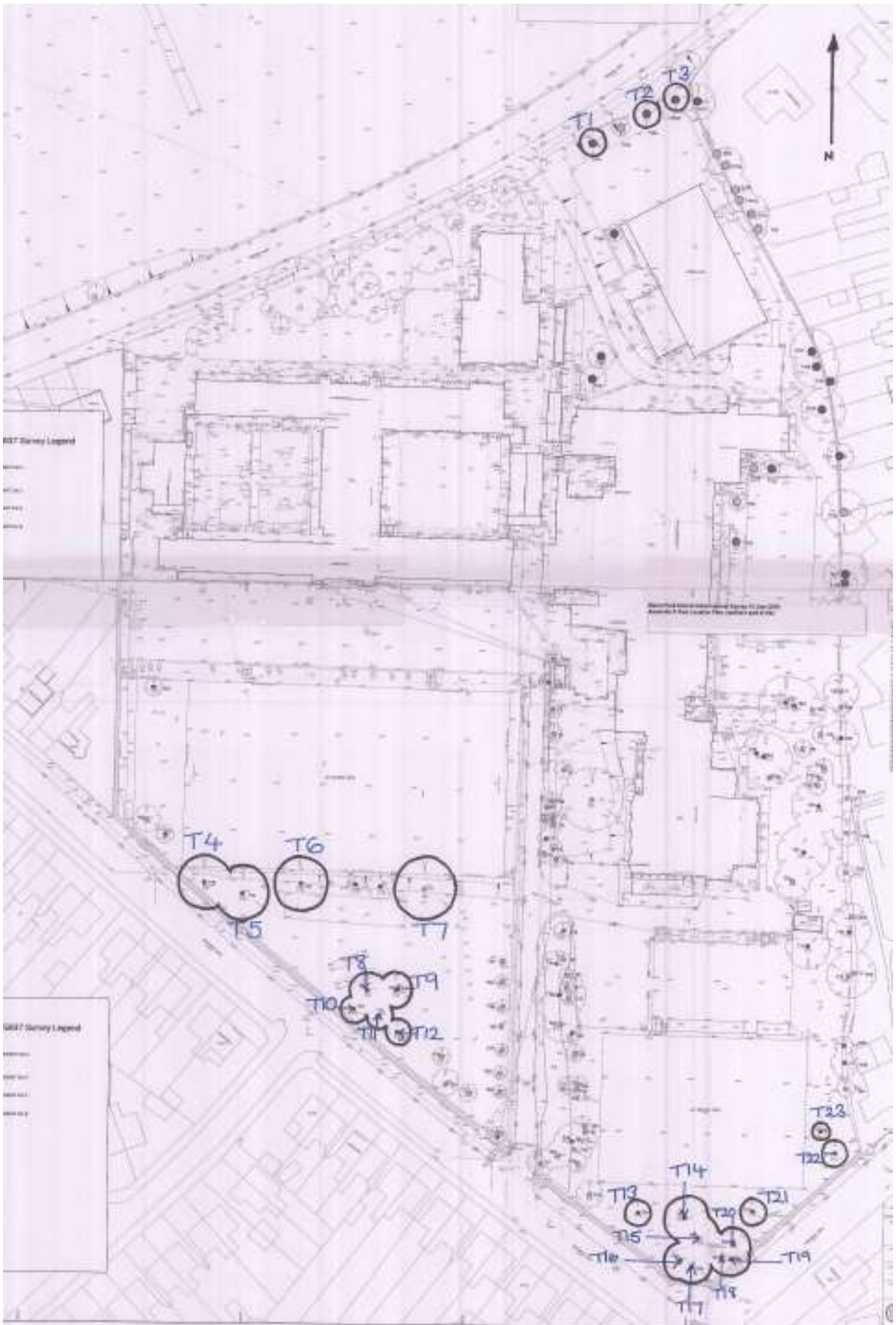
The National Planning Guidance states that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area such as a result of development pressures (Paragraph 010 of Tree Preservation Orders and trees in conversation areas).

It is within this context that the NBBC Tree Officer has carried out a full assessment of the trees on the site and completed a: 'Tree Evaluation Method for Preservation Orders' (TEMPO). This involves a scoring system based on a number of factors. The first part of the assessment covers amenity and includes the condition of the trees, retention span, visibility and other factors such as the form and whether there are groups of trees which are important for their cohesion.

The 23no. trees were considered to be in satisfactory condition which makes them suitable for TPO's: have a high retention span which makes them highly suitable for TPO's; be large or medium in size and clearly visible to the public which means they are suitable for TPO's and contain groups which are important for their cohesion.

The second part of the evaluation covers expediency and it was considered that there was a foreseeable threat to the trees.

Taking these factors into account, the scoring system identified that the trees definitely merit a TPO. It is therefore considered that the trees have significant amenity to the area, visible from various public viewpoints and ecological habitat value and therefore the TPO should be confirmed.



Plan from TPO Schedule

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Cherry	To the north-east corner of the site and located on the boundary with Vernons Lane.
T2	Cherry	To the north-east corner of the site and located on the boundary with Vernons Lane.
T3	Hawthorn	To the north-east corner of the site and located on the boundary with Vernons Lane.
T4	Horse Chestnut	To the south-west boundary of the site and located on the boundary with Beaumont Road.
T5	Sycamore	To the south-west boundary of the site and located on the boundary with Beaumont Road.
T6	Sycamore	To the south-west part of the site and located close to the boundary with Beaumont Road.
T7	Ash	To the south-west part of the site.
T8	Lime	To the south-west part of the site and located close to the boundary with Beaumont Road and opposite Beaumont Place.
T9	Tree of Heaven	To the south-west part of the site and located close to the boundary with Beaumont Road and opposite Beaumont Place.
T10	Lime	To the south-west part of the site and located close to the boundary with Beaumont Road and opposite Beaumont Place.
T11	Beech	To the south-west part of the site and located close

		to the boundary with Beaumont Road and opposite Beaumont Place.
T12	Beech	To the south-west part of the site and located close to the boundary with Beaumont Road and opposite Beaumont Place.
T13	Black Walnut	To the southern part of the site and close to the boundary with Beaumont Road.
T14	London Plane	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T15	London Plane	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T16	Norway Maple	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T17	Norway Maple	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T18	Norway Maple	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T19	Norway Maple	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T20	Norway Maple	To the southern part of the site and close to the corner of Beaumont Road and Countess Road.
T21	Sweet Chestnut	To the southern part of the site and close to the boundary with Countess Road.
T22	Norway Maple	To the south-east part of the site and close to the boundary with Countess Road.
T23	Norway Maple	To the south-east part of the site and close to the boundary with Countess Road.

Schedule

TPO

Guide to Use Classes Order in England (from 6 April 2018)

This two page guide is intended as general guidance only. Reference must be made to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended by the [2016 Amendment Order](#), the [2017 Amendment Order](#), and the [2017 \(No2\) Amendment Order](#) and the [2018 Amendment Order](#) for limitations (e.g floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required, (which may include the prior approval of building operations).

Use Class	Use	Permitted Change
A1 Shops	Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes	<p>Permitted change to or from a mixed use as A1 or A2 & up to 2 flats</p> <p><u>Temporary permitted change (2 years) to A2, A3, B1 (interchangeable with notification)</u></p> <p>Permitted change of A1 or mixed A1 and dwellinghouse to C3 (subject to prior approval) (see also 2018 Order)</p> <p>Permitted change to A2 (see also 2016 Order)</p> <p>Permitted change to A3 (subject to prior approval) (see also the 2018 Order)</p> <p>Permitted change to D2 (subject to prior approval)</p>
A2 Financial and professional services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)	<p>Permitted change to A1 where there is a display window at ground floor level. Permitted change to or from a mixed use for any purpose within A2 and up to 2 flats. To A1 and up to 2 flats, where there is a display window at ground floor level</p> <p><u>Temporary permitted change (2 years) to A1, A3, B1 (interchangeable with notification)</u></p> <p>Permitted change from A2 or mixed A2 and dwellinghouse to C3 (subject to prior approval)</p> <p>Permitted change to A3 (subject to prior approval)</p> <p>Permitted change to D2 (subject to prior approval)</p>
A3 Food and drink	Restaurants and cafes	<p>Permitted change to Class A1 and Class A2</p> <p><u>Temporary permitted change (2 years) to A1, A2, B1 (interchangeable with notification)</u></p>
A4 Drinking establishments	Public houses, wine bars or other drinking establishments	<p>Permitted change to or from a use falling "within Class A4 with a use falling within Class A3" ("drinking establishments with expanded food provision")</p>
A5 Hot food takeaways	For the sale of hot food for consumption off the premises	<p>Permitted change to A1, A2 or A3</p> <p><u>Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)</u></p>
B1 Business	<p>a. Office other than a use within Class A2</p> <p>b. Research and development of products or processes</p> <p>c. For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)</p>	<p>Permitted B1 change to B8</p> <p>B1(a) office permitted change to C3 (to be completed within a period of 3 years from prior approval date) (see 2015 and 2016 orders)</p> <p><u>Temporary permitted change (2 years) to A1,A2,A3 (interchangeable with notification)</u></p> <p>Permitted B1 change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)</p> <p>Permitted change from B1(c) light industrial to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by 30 September 2020)</p>

Use Class	Use	Permitted Change
B2 General industry	Industrial process other than that falling within Class B1	Permitted change to B1 and B8
B8 Storage or distribution	Use for storage or as a distribution centre	<p>Permitted change to B1</p> <p>Permitted change to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by 10 June 2019)</p>
C1 Hotels	Hotels, boarding and guest houses (where no significant element of care is provided)	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2 Residential institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2a Secure residential institutions	Prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barracks	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C3 Dwelling houses	<p>Use as a dwellinghouse (whether or not a main residence) by:</p> <p>A single person or by people to be regarded as forming a single household</p> <p>Not more than six residents living together as a single household where care is provided for residents; or</p> <p>Not more than six residents living together as a single household where no care is provided to residents (other than use within Class C4)</p>	Permitted change to C4
C4 Houses in multiple occupation	<p>Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO)</p> <p>NB: Large HMOs (more than 6 people) are unclassified therefore sui generis</p>	Permitted change to C3

Use Class	Use	Permitted Change
D1 Non-residential institutions	Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	<u>Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)</u>
D2 Assembly and leisure	Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms	<u>Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)</u> <u>Temporary permitted change (2 years) to A1,A2,A3,B1 (interchangeable with notification)</u>

NB:
Any building in any Use Class, except Class A4 or Class A3 and A4 use (drinking establishment with expanded food provision), can be used as a state-funded school for up to two academic years (with limitations and conditions).
Certain vacant commercial land (with all buildings demolished) may be developed to provide temporary school buildings, and the land used as a state-funded school for up to 3 academic years, subject to prior approval, and with limitations and conditions, including that the building must be removed at the end of the third academic year.
 Where planning application made after 5 December, 1988, permitted development rights allow the use to be changed to another use granted permission at the same time for a period of ten years from the date of planning permission, unless consisting of a change of use to a betting office or pay day loan shop: [GPD0 \(2015\) Schedule 2 Part 3 Class V.](#)

Use Class	Use	Permitted Change
SUI GENERIS (uses which do not fall within the specified use classes above)	Includes theatres, large HMO (more than 6 people sharing), hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting office, pay day loan shop	<u>Casino to A3 (subject to prior approval)</u> <u>Casino to D2</u> <u>Amusement centre or casino to C3 (subject to prior approval) (see also 2018 Order)</u> Betting office or pay day loan shop to A1, A2, A3, D2 (subject to prior approval) <u>Betting office or pay day loan shop to mixed use A1 and up to two flats (if a display window at ground floor level), or mixed A2 and up to two flats, or mixed use betting office or pay day loan shop and up to two flats</u> <u>Betting office, pay day loan shop or launderette to C3 (subject to prior approval)</u> <u>Mixed use betting office, pay day loan shop or launderette and dwellinghouse to C3 (subject to prior approval)</u> <u>Mixed use betting office and up to two flats to A1 (if a display window at ground floor level), A2 or betting office</u> <u>Temporary permitted change (2 years) from betting office or pay day loan shop to A1, A2, A3 or B1</u>
OTHER CHANGES OF USE	Agricultural buildings	<u>Permitted change to C3 (subject to prior approval) (the provisions of the 2015 Order must be read with the provisions of the 2018 Amendment Order)</u> <u>Flexible changes to A1, A2, A3, B1, B8, C1, D2 (subject to limitations and prior approval process): new use is sui generis</u> <u>Permitted change to state-funded school or registered nursery (subject to prior approval)</u>

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