

Enquiries to:
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Date: 2nd December, 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, 10th December, 2019 at 5.00 p.m.**

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.

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 12th November, 2019 (attached). **(Page 5)**

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page 15)**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control attached. **(Page 15)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

12th November, 2019

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 12th November, 2019.

Present

Councillor W. Hancox – Chair
Councillor K. Wilson – Vice-chair

Councillors J.B. Beaumont, S. Gran, A. Llewelyn-Nash, J. Jackson (Substitute for Councillor I. Lloyd), B Longden, M. Rudkin, A. Sargeant, J. Tandy (Substitute for Councillor C. Watkins), R. Tromans (Substitute for Councillor B. Pandher) and R. Smith.

Apologies from Councillors I. Lloyd, B. Pandher, J. Sheppard and C. Watkins.

PLA47 **Chair's Announcements**

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

PLA48 **Minutes**

RESOLVED that the minutes of the meeting held on the 22nd October, 2019, be confirmed and signed by the Chair.

PLA49 **Declarations of Interest**

Councillor J. Jackson, attending the meeting as a substitute, declared that her interests were not included on the Schedule of Interests attached to the agenda. Councillor Jackson declared a pecuniary interest in relation to her husband being employed by the Council and also Sports and Leisure Management Ltd, but stated that she had been granted a dispensation to speak and vote on matters that did not relate specifically to her husband's contract of employment.

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

PLA50 **Declarations of Contact**

The Chair declared that all Members had received an email in regards to Planning Application No. 036638.

Councillor R. Smith declared contact with residents in regards to Planning Application No. 036638, but that he had not given any indication of his voting intention.

IN PUBLIC SESSION

PLA51 **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.

PLA52 **Any Other Business**

None

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA51 OF THE
PLANNING APPLICATIONS COMMITTEE ON 12th November, 2019

035479: Site 125d001 - land off Burbages Lane and Wheelwright Lane, Ash Green Coventry.

Residential development of up to 85 dwellings with public open space, sustainable urban drainage system (SuDS), landscaping and vehicular access. Outline with all matters reserved apart from access and spine road.
Applicant: UK Land Development Ltd.

Speakers: Councillor P. Gilbert
Mrs I. Jacques
Mr John Pearce, Harris Lamb

DECISION

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

036638: 25 Weston Lane, Bulkington, CV12 9RS

Erection of dwelling

Applicant: Mr Sandip Sahota

Speakers: Mr G. Elson
Mr S. Sahota

DECISION

Planning permission be granted, subject to the conditions printed in the agenda, including a strengthening of condition 5 in regards to the protection of hedgerow.

035513: Site 26c007 - Land North Camp Hill Road, Camp Hill, Nuneaton.

Mixed use development comprising the erection of up to 382 residential dwellings, 28 x two, three and four bedroom discount-for-sale starter homes, a courtyard bungalow development consisting of two-bedroom sheltered bungalows, together with a local centre with 22 parking spaces. Access from Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road. (Outline to include access)

Applicant: Mr Neil Beards

This application had been withdrawn by the applicant.

036474: 31 Plough Hill Road, Nuneaton, Warwickshire CV10 0PJ
Demolition of 31 Plough Hill Road and erection of 10 dwellings and
associated works
Applicant: S Hughes

DECISION

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

036344: Site 95A001 - Land rear of 32-35 Willis Grove Bedworth
Erection of four-storey building to provide 9 no. two bedroom apartments with
car parking on ground floor and associated works
Applicant: Mr J Di Marco

DECISION

Planning permission be refused on the grounds that the proposed development would impact on the character of the area by way of a lack of cohesion with the pattern of development, and also on highways safety and residential amenity, as detailed in the agenda.

**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 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. Member of Nuneaton Carnival Committee Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Advice Rights 	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Director of Wembrook Community Centre.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
			Member of the Management Committee at the Mental Health Drop in.	
			Champion for Safeguarding (Children & Adults) Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Local Government Superannuation Scheme Consultative Board • Warwickshire Direct Partnership • Warwickshire Waste Partnership • West Midland Employers • Nuneaton Neighbour Watch Committee 	
	R. Smith		Chairman of Volunteer Friends, Bulkington; Board of Directors at Bulkington Village Community and Conference Centre Trustee of Bulkington Sports and Social Club	
	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
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	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	
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Planning Applications Committee
10th December 2019

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Planning Applications

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

PLANNING APPLICATIONS

Item No. 1

REFERENCE No. 035745

Site Address: Site 117C019 - Land off Stockley Road Exhall (rear of 67 Blackhorse Road)

Description of Development: Residential development of up to 82 dwellings (Outline to include access)

Applicant: Harton Limited .

Ward: PO

RECOMMENDATION:

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

INTRODUCTION:

Residential development of up to 82 dwellings (Outline to include access). The site is located on open land associated with Hawkesbury Golf Course and is approximately 2km south of Bedworth Town Centre. The site is currently overgrown with grassland and vegetation and covers approximately 3 Hectares. Access into the land is by an existing public highway and mini roundabout on Stockley Road. There is also a gated access off Sephton Drive, which forms the present primary access to the golf course complex and car park.

The land is bounded by Stockley Road and Sephton Drive to the east, beyond which are recently developed residential properties. To the south are older residential properties off Blackhorse Road. To the west lies a small Industrial Estate, beyond which is located the Coventry to Nuneaton main railway line. Predominantly to the north lies the open fields associated with the former Golf Course, where there is a public right of way adjacent and outside of the north boundary

The site is allocated in the Borough Plan 2019 as a non-strategic site, under policy DS5: Residential Allocations.

BACKGROUND:

This is an outline application for up to 82 dwellings (Outline to include access). 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:

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

RELEVANT PLANNING HISTORY:

- A Preliminary application was received in 2017 and a response was issued on the 31st August 2017 providing advice on the key issues to address should a formal application be submitted.
- An Outline Application 032668, for the erection of up to 80 dwellings, a community hall, allotments, open space, water attenuation basins and associated infrastructure was refused on the 28/10/2014.

RELEVANT PLANNING POLICIES:

- Nuneaton and Bedworth Borough Plan 2019:
 - DS1: Presumption in Favour of Sustainable Development
 - DS2: Settlement Hierarchy
 - DS3: Development Principles
 - DS4: Overall Development Needs
 - H1: Range and Mix of Housing
 - H2: Affordable Housing
 - HS1: Ensuring the Delivery of Infrastructure
 - HS2: Strategic Accessibility and Sustainable Transport
 - HS3: Telecommunications and Broadband Connectivity
 - HS5: Health;
 - NE1: Green Infrastructure
 - NE2: Open Space
 - NE3: Biodiversity and Geodiversity
 - NE4: Managing Flood Risk and Water Quality
 - NE5 Landscape Character
 - BE1: Contamination and Land Instability
 - BE3: Sustainable Construction and Design
 - BE4: Valuing and Conserving Our Historic Environment
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.
- National Policy Planning Framework 2019 (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Coventry City Council, Environment Agency, George Eliot Hospital Trust (Shakespeare Martineau), NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, Network Rail, NHS, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Western Power Distribution, WCC Archaeology (Museum and Field Services), WCC Fire Safety, WCC Flood & Drainage, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

Objection from:

Environment Agency

No objection subject to conditions from:

George Eliot Hospital (s106); NBBC Environmental Health; NBBC Housing (AH); NBBC P & C (s106); NBBC Sports Development (s106); STW (s106); Warwickshire Fire & Rescue; WCC Highways; WCC Museum and Field Services (Archaeology); WCC Flood & Drainage; WCC Infrastructure (s106)

No objection from:

Network Rail

Comment from:

Warwickshire Police; WWT

No response from:

Coventry City Council; NBBC Planning Policy; NBBC Refuse; NHS; Western Power Distribution

NEIGHBOURS NOTIFIED:

Ashurst Close: 3; Aspen Drive: 16, 29, 30, 31, 32, 47; Baker Street: 15, Hawkesbury Village Residency Association; Blackhorse Road: 67, The Handmade Flapjack; 67, Unit 1, LA. R Welders; 67, Unit 2, Hyfore Engineering Co.; 67, Unit 3, Aerocom; 67, Unit 4, Turbo Separator; The Boat Inn, 73, 75, 77, 79, 81, 83, 85, 95, 97, 99a, 99b, 101, 103, 105a, 105, 105b, 105, 107, 109, 112, 113, 115, 117, 119, 127, 129, 148, 168, 170, 172, 218; Brockenhurst Way: 8; Chapel Lane: 14; Heritage Drive: 27; Lymington Drive: 26; Lyndhurst Close: 9; Montague Road, Warwick: 9; Pumphouse Close: 22; Sanders Road: 30; Sephton Drive: 4, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47; Sinclair Drive: 2, 4, 6, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25; Sutton Stop: 32; Towpath Close: 59; Waterside: 6, 8.

Neighbouring properties were sent letters notifying them of the proposed development on 5th July 2018. A site notice was erected on street furniture on 10th July 2018 and the application was advertised in The Nuneaton News on 25th July 2018.

NEIGHBOUR RESPONSES:

There have been 39 objections from 36 addresses as well as an objection from Hawkesbury Village Residency Association. The comments are summarised below:

- The road and infrastructure cannot support the increased traffic.
- The current level crossing, when in operation, will result in further traffic delays.
- There will be too much traffic going in and out of the village. The extension to the industrial estate on Blackhorse Road will add more commercial traffic to. This will make it even worse.
- The railway crossing and the increase train service between Coventry and Nuneaton to 3 trains an hour will gridlock the whole village. When there are problems with railway crossing or when works are carried out on the humpback bridge, there is no other way out of the village.
- Parents already struggle to get kids in the local schools. The schools are full to over-flowing and there's only one nursery and one shop with limited supplies to serve the area.
- A lot of the grassed areas are disappearing. The villagers like the fact there is easily accessible open green land, which encourages local wildlife.
- The transport links are already atrocious and a further 82 houses with a possible 164 more vehicles will severely add to this nightmare.
- The land is Greenbelt Land in both 2011 and 2017 surveys, making it unsuitable for housing.
- The access/egress routes throughout the estate are inadequate for an emergency situation, for example, a house fire or gas mains emergency. The only access is via Stockley Road and egress via Sephton Drive, or vice versa. This would be compromised if an incident occurred on either road. Should there be an incident on the aforementioned level crossing or surrounding rail track, there is no through route around the area for pedestrianised traffic other than an extended route via Longford.
- Noise surveys completed for this plan are dated from 2012. This does not account for increases in rail travel, changes in types of rail locomotives, increases in traffic and roadwork noise from the M6, increases in workload from the industrial units and increases in air traffic as the flight path inwards and outwards from a major international airport within the nearby area.
- There is already a lack of community facilities within the area for a wide radius. The current plans, amended from the 2014 submission, show no community facilities, and no healthcare facilities such as health centres/ GP surgery or other services for wider community use. Since the two large estates have been built we have not had any other amenities such as schools, doctors, dentists we are already too overcrowded. There are no proper food shops or even a regular reliable bus service that runs to take us to any of these places if needed, the 6a is every 30 minutes and quite a walk away, so that means driving and with all the traffic already and the one way system in grange Rd now this will be even furthermore impacted by the extra housing you are proposing.
- With all the recent development there is already considerable noise and air pollution, from traffic, exhaust fumes, dust and mud. This is especially bad in the heat.

APPRAISAL:

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

1. The Presumption in Favour of Sustainable Development
2. Impact on Residential Amenity,
3. Impact on Visual Amenity
4. Highway safety, Traffic Flows and Accessibility
5. Potential for Archaeological Remains

6. Potential for Land Contamination
7. Impact on Air Quality
8. Impact on Noise Pollution
9. Impact on Ecology
10. Impact on Fluvial and Surface Water Flooding
11. Impact on Landscape Character
12. Planning Obligations
13. Planning Balance

A pair of planning appeals were considered by the Planning Inspectorate on the nearby adjacent site of Hawkesbury Golf Course in 2013 (APP/W3710/A/13/2192451 & APP/W3710/A/13/2195969) for the erection of 200 houses (with associated development including a marina) and 169 houses (again with the same associated development), respectively. These Planning Appeals were the subject of a Public Inquiry and the final decision was made by the Secretary of State through the recovered appeals process. In the case of Hawkesbury Golf Course the appeal was dismissed by the Secretary of State. Where relevant, the Inspectors Report, and the Secretary of State's report, and decision are material considerations in the determination of this planning application.

The main issue in both appeals is whether the substantial weight that must be attached to the harm caused by inappropriate development in the Green Belt is clearly outweighed by other considerations, such that very special circumstances exist that would justify granting planning permission. In both cases the SoS considered the benefits associated with the development would not clearly outweigh the harm to the Green Belt and therefore there are no special circumstances to outweigh the harm to the Green Belt.

With regards to this site, it is no longer designated Green Belt.

1. The Principle of Residential Development

The development site is located on a greenfield site within the urban area. Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states "Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Furthermore Policy DS1: Presumption in Favour of Sustainable Development of the Borough Plan 2019 (BP) is relevant. The policy 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.

Planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the Framework that indicate development should be restricted.

It is considered that Bedworth, along with Nuneaton and Bulkington, is one of the most sustainable locations for growth. Indeed, Policy DS2: Settlement Hierarchy and Roles, sets out Bedworth has the secondary settlement, behind Nuneaton, to maximise opportunities for growth. Moreover, it is considered that a development of up to 82 dwellings is at a scale appropriate for Bedworth's role in the settlement hierarchy.

BP Policy DS4: Overall Development Needs, sets out the level of housing and employment development planned for the period 2011 and 2031. For housing there is a minimum of 14,060 dwellings to be built. Up to 82 dwellings will help to meet this target. However, it is not enough to just meet minimum targets, development will need to be of a high quality and fully supported by infrastructure provision as well as environmental mitigation and enhancement, as set out in BP Policy DS3: Development Principles. This will, in part, be achieved through the provision of planning contributions and conditions imposed, if granted permission.

In addition, since the application site is within the urban area and in close proximity to other residential dwellings, as well as being an allocated non-strategic site in the BP, it is considered that the site is an appropriate and sustainable site for residential dwellings, unless material considerations determine otherwise. An assessment of all relevant material considerations, as far as can be reasonably undertaken due to the nature of the application, follows.

2. Impact on Residential Amenity

This is an Outline application to include access only. As such it not possible to assess distance standards. This will be, if approved, dealt with at the Reserved Matters stager. The reserved matters will deal with the building line, size, scale and fenestration of the proposed 82 dwellings. Therefore, at the Reserved Matters stage, submitted details will allow for a more detailed analysis of the proposal and it will be expected that plans will provide enough information to determine whether the proposed development will allow for adequate living environment for future occupants and existing neighbouring residents. The details should be in accordance with BP policy BE3: Sustainable Design and Construction and the Residential Design Guidance 2004. Policy BE3 states: *Development proposals must be:*

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

Urban character

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

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

Residential

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

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

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

Commercial

Major non-domestic development proposals must meet the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard for new construction projects, using the most up-to-date new construction version of BREEAM, where technically and financially feasible. Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

Sustainable construction

Development must minimise or re-use waste generated during the construction phase. This should be done by using materials and construction techniques that generate the least waste and minimise emissions. Waste should be treated as a resource to be re-used, recycled or recovered, and should only be disposed of when all other options have been explored.

On-site management of waste will be preferred, unless the activities would result in unacceptable harm through impacts on the environment, transport or on neighbouring uses, or that management elsewhere would have wider sustainability benefits.

Supplementary planning documents

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

3. Impact on Visual Amenity

The application is for outline permission with all matters reserved except access. Consequently, at this time, there is no information with regard to the design of the proposed properties and therefore it is not possible to assess the proposal against policies in the BP, particularly BE3 and the RDG and section 12 of the National Planning Policy Framework 2019.

The overall design features will be considered at the reserved matters stage, where it will be expected that a sensitively designed development fits in within the existing pattern of development and is consistent with policy BE3.

4. Impact on Highway Safety, Traffic Flows & Accessibility

The National Planning Policy Framework 2019 states that *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”* (paragraph 102).

The NPPF further states that *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed”* (paragraph 111).

Abington Consulting has undertaken a Transport Assessment (TA) on behalf of the applicant. The TA sets out the transport and highway issues associated with the proposed development.

The TA states that the site would be accessed off Stockley Road, which has a small roundabout along its length and a priority junction, where it meets both Black Horse Road and the smaller residential Sephton Drive. The TA states that the development will add around 23% to the overall peak hour traffic travelling through the Black Horse Road/Stockley Road junction, with the vast majority of the proposed development being distributed towards and from the west i.e. the B4113 Coventry Road. The overall impact on the junction is calculated to be less than 2% whilst the impact on Black Horse Road is around 6% increase. The Consultants state that given that traffic volume on a highway will generally fluctuate by some plus or minus 10% day-to-day the proposed

development is unlikely to have a material impact on the operation of the surrounding highway network.

The Council received 39 neighbour objections as well as an objection from Hawkesbury Village Residency Association. All these objections made reference to highways concerns, including increased traffic congestion and concerns with the railway level-crossing. Consequently, WCC Highways were consulted. In response WCC Highways state that they have undertaken a full assessment of the applicant's Transport Assessment (TA) line with national and local policy documents.

Based on their assessment WCC Highways conclude that with suitable mitigation the development's impact on the network can be managed and that the development will not cause severe highway safety issues and is therefore in accordance with paragraphs 32, 34, 35 and 38 of the NPPF. Subject to conditions and a financial obligation, WCC Highways has no objections to the proposal.

The financial obligations are set out below in section 11.

In the Inspectors Report for the Hawkesbury Decision (APP/W3710/A/13/2192451 & APP/W3710/A/13/2195969) at paragraph 11.19 to 11.32 it was stated that the evidence demonstrated that the additional traffic likely to be generated by the proposed development could be adequately accommodated within the existing transport network, without any significant adverse impact on the safety of pedestrians and other road users. The SoS also agreed when the appeal was recovered that this was the case.

Consequently, in this case, given the details submitted and the consultation responses received, and the reasons given above it is also considered that there would be no harm which would weigh against the proposal in regard to highway safety, access or sustainable transport issues.

5. Potential for Archaeological Remains

Chapter 16 of the National Planning Policy Framework outlines the need to assess the impact of proposed developments on the historic environment when considering planning applications. Paragraph 189 states: *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

As part of the consultation process Warwickshire County Archaeologists were consulted. They responded, stating that *The proposed development lies within an area of archaeological potential. It is probable that this proposed site was in agricultural use throughout the medieval and later periods and the possible site of Hawkesbury/Tackley deserted medieval settlement (Warwickshire Historic Environment Record MWA463) may have been located just to the north-east of the proposed development. While there is an absence of other known archaeological sites from the immediate vicinity of this site prior to this period, this may be due to a lack of previous archaeological*

investigations across this area, rather than an absence of activity during the pre-medieval periods. There is therefore a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this site, to survive across this area. Any such features are likely to be impacted upon by the proposed development.

The NPPF makes clear that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

Furthermore BP Policy BE4: Valuing and Conserving Our Historic Environment states: Development proposals which sustain and enhance the borough’s heritage assets including listed buildings, conservation areas (Appendix B), scheduled monuments (Appendix H), registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

Development affecting a designated or non-designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.

To conserve and enhance the borough’s heritage assets, development proposals must:

1. Understand the asset

Applications affecting the significance of a heritage asset will be required to provide sufficient information and assessment (such as desk-based appraisals, field evaluations, and historic building reports) of the impacts of the proposal on the significance of heritage assets and their setting, in order to demonstrate how that proposal would contribute to the asset’s conservation. The level of detail should be proportionate to the importance of the asset.

The Warwickshire Historic Environment Record, the borough’s Conservation Area Character Appraisals and Management Plans, the local list of non-designated heritage assets and Historic Landscape Characterisation Project are examples of sources of information that will be used to inform the consideration of future development, including potential conservation and enhancement measures.

Applicants should take account of the heritage asset’s communal, aesthetic, evidential and historical values.

2. Conserve the asset

Great weight will be given to the conservation of the borough’s heritage assets, with greater weight being given to assets of higher importance. Any harm to the significance of a designated or non-designated heritage asset must be justified.

Proposals causing harm will be weighed against the public benefits of the proposal in the following ways:

- *Whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset*

- *Whether the works proposed are the minimum required to secure the long term use of the asset.*

Scheduled monuments and other non-designated archaeological sites of equivalent importance should be preserved in-situ.

Where harm to any heritage assets can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, archaeological excavation where relevant, and ensure the publication of that record to an appropriate standard.

In this case County Archaeologists consider that any potential harm can be mitigated by the scheme of works proposed by a condition on any approval, and consequently the harm to any potential heritage or archaeology on the site can be minimised.

6. Potential for Land & Ground Water Contamination

Policy BE1 Contamination and Land Instability of the BP states that *Development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate the following:*

1. *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.*
2. *That the development site is or will be made suitable for the proposed final use and will need to provide, as a minimum, the following documents with the planning application (often referred to as a preliminary risk assessment and/or desk study):*
 - a. *Detailed site history identifying contaminative uses and land instability.*
 - b. *The nature and extent of the contamination, land instability and the hazards and risks posed.*

Development proposals should also demonstrate consideration of pollution prevention measures during construction.

Additionally, part of Policy NE4: Managing Flood Risk and Water Quality refers to ground water contamination, stating: *Where source contamination is located on site, a groundwater risk assessment demonstrating that the development proposal and subsequent works required will not lead to deterioration in groundwater quality and quantity is required to accompany the planning application.*

If a deterioration in groundwater quality cannot be avoided, there will be a presumption against the development proposal.

The National Planning Policy Framework (NPPF) provides guidance on how to deal with land contamination and instability. It states that the planning system is the process by which areas of land contamination and instability will be effectively remediated in relation to its location and use. However, the responsibility for securing a safe development rests with the developer and/or landowner (paragraph 179).

Nuneaton and Bedworth's long history of coal mining, quarrying and heavy engineering has left behind a legacy of land contamination and land instability hazardous to human health and safety. This is reflected in the identification of over 3,100 potentially contaminated sites across the borough, and a Coal Authority development high risk

area that stretches across the borough from Hawkesbury / Bedworth / Bermuda / Stockingford / Whittleford / Nuneaton Common through to North Warwickshire.

Consequently, NBBC Environmental Health Officers (EHO) and the Environment Agency (EA) were consulted.

EHO stated that they have no objection subject to standard contamination conditions being imposed, if approved.

The EA initially objected as there was no preliminary Risk assessment to assess potential impact on controlled waters. Phase I and II Reports have since been received.

This Phase I Geo-Environmental Assessment has been produced for Harton Ltd to provide a pre-development contamination and geotechnical assessment of the site. The Phase 2 Report provides a finer grained assessment of the application site with regards to contamination of land and controlled waters. Both the Phase I and Phase II Reports conclude that the proposed development of the site for residential use does pose a low risk to end users of the site or the environment, but can be mitigated.

The EA were re-consulted and stated that they are now satisfied that the reports demonstrate that the site poses a low risk of contamination to the groundwater environment. The EA state Further to their objection being withdrawn that *“Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner”* (NPPF, paragraph 179).

7. Impact on Air Quality

The NPPF establishes the need to consider whether the proposed development would result in unacceptable levels of air quality to the detriment of new or existing development (paragraph 109). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 181).

There are two Air Quality Management Areas (AQMA) in the Borough due to nitrogen dioxide (NO₂) levels exceeding the annual mean Air Quality Standards for NO₂. Both of these AQMA are located in the centre of Nuneaton approximately 2.5 km north of the application site. The first of these is along the Leicester Road Gyratory, and the other covering Central Avenue. Subsequent to declaring the AQMA the Council has produced an Air Quality Action Plan setting out measures to improve air quality within the town.

Since the proposal would be far from the existing AQMA and would have a negligible impact on air quality, this should have limited weight in favour of the proposal. The Councils Environmental Health Team have some concerns over the potential impact of the scheme of air quality, however they have suggested conditions which would overcome this concern. It is therefore considered that there would be no unacceptable impact on Air Quality.

8. Noise Pollution

The National Planning Policy Framework 2019 (NPPF) sets out policies on protection public health and the environment from noise pollution. Paragraph 180 states *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative*

effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) 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”.

Additionally, the BP BE3 (partly) also relates to noise pollution, stating,

Major (residential) development proposals must provide a statement with their application showing how their proposal will:

6. *Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.*

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

The applicant has submitted a Noise Impact Assessment (NIA) to determine typical ambient sound levels. NBBC Environmental Health Officers (EHO) were consulted on the application and they have assessed the NIA. EHO have confirmed that they consider that the NIA demonstrates that sources of external noise impacting the occupants of the development can be mitigated, subject to conditions should the application be approved.

9. Impact on Ecology

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible. It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats in order to redress biodiversity losses from new development, as it promotes the concept of biodiversity net gains. This creates a more holistic approach to the protection of the wider ecological network. Paragraph 170 states “*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.*

Furthermore, “*When determining planning applications, local planning authorities should apply the following principle:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

Policy NE3 of the NP refers to Biodiversity and Geodiversity. The policy has some crossover with the NPPF but also has distinct aspects to it. Referring to the Fragmentation of Habitats, the policy states “*Development proposals will ensure species are able to positively respond to the impacts of climate change by preventing*

the fragmentation of existing habitats. Links and habitats should be created where there are gaps to the ecological network of wildlife sites, stepping stones, wildlife and canal corridors, and green spaces, regardless of whether they are of international, national or local importance. The joining up of watercourses of all sizes can also contribute to providing natural linkages for ecological networks, and proposals should utilise opportunities to do this where possible.

Biodiversity offsetting

Biodiversity offsetting will be required as a last resort, once all available options in the mitigation hierarchy have been explored. Developers must use Warwickshire County Council's biodiversity offsetting metrics to quantify the impact, and to calculate an appropriate level of compensation to replace the lost habitat. If the habitat loss cannot be replaced on site, the replacement habitat should be provided in the borough in the following order:

- *A biodiversity strategic location.*
- *A location adjoining and/or linking a biodiversity strategic location.*
- *A location that does not contribute to the offsetting strategy.*

The applicant has submitted an Extended Phase 1 Survey Report undertaken by Consultants Lockhart Garratt. It should be noted that the site is neither a statutory or non-statutory designation. The Report, however, states that there is 1 statutory designation within 2km of the site, and 11 non-statutory designations, the closest being Hawkesbury Spinney and Old Tip Local Wildlife Site located approximately 0.3km from the site. A range of protected amphibian, reptile and bird species were identified within 2km of the Site by the desk study.

The Report identifies that the majority of the site is formed of semi-improved grassland with scrub and scattered trees also present. The proposed development will lead to the loss of approximately 2.3ha of semi-improved grassland and recommends that the loss of this habitat will need to be mitigated for through site enhancement to ensure there is no loss in biodiversity. The Report makes several other recommendations, notably that further survey work in respect of great crested newts and reptiles is recommended due to the extent of suitable terrestrial habitat on the site and waterbodies within the local vicinity.

The objectives of the Reptile Survey Report, also undertaken by Consultants Lockhart Garratt were to undertake a survey of the presence/absence of reptiles on the site, and provide recommendations for mitigation and enhancement, taking into account the findings of the assessment. The Report states that the habitats on site were considered to be suitable for a range of reptile species. The open areas of grassland, tussocky field margins, and boundary scrub would provide optimal foraging and basking opportunities for these species. Hibernation potential may also be found along the railway line to the north amongst stone and ballast materials. The site supports a confirmed low population of common lizard. Whilst the current habitats are suitable for reptiles, they are frequently disturbed and require management in order to sustain and increase current populations. The Report sets out several recommendations to mitigate the impact of the development on habitats used by reptiles and amphibians.

As part of process of determining the application, Warwickshire Wildlife Trust (WWT) and NBBC's Parks & Countryside Team (P&C) were consulted. WWT stated that Extended Phase 1 Survey Report was inconclusive with regards to the site being able to provide opportunities for bat roosting potential and that this should be clarified. Whilst the WWT agreed with Survey's recommendation that a further survey to determine the presence or absence of reptiles (common lizard, grass snake,

slow worm) should be undertaken, no comments were received on the Reptile Survey and the Biodiversity Offsetting Habitats Metric Calculator.

The P&C Officer had similar comments to WWT but also stated that The Reptile Survey Report does not address the relevant steps set out in Natural England's standing advice flow chart, box 13:

- ensure no net loss of habitat capacity
- maintain habitat links
- secure long-term management of the site for the benefit of reptiles

The P&C Officer further states that there is brief mention of retaining an unidentified area of scrub on the northern side of the site. A plan needs to be supplied showing where this would be and how this has been incorporated into the site layout within the red line boundary, but also justification needs to be made by the ecologists of how that area alone meets those requirements or what additional measures will enable the application to meet those requirements.

In terms of the very limited recommendations that are made we note the 12 month re-appraisal point mentioned is approaching – though are unclear how a walkover appraisal alone will allow population to be assessed and ask that indication is made of both when it is anticipated works will commence should consent be granted and in what way the walkover assessment would allow population change to be established?

Secondly in terms of the recommendation for log pile creation that is welcomed but log piles in urban settings are very vulnerable to removal and displacement so should be described as being partially buried and wired. It would also be appropriate to create one or more reptile hibernaculum combined with basking banks in the form of buried rubble and partly exposed rubble.

NBBC Parks and Countryside originally raised concerns stating that firstly several reports were outstanding, but these have now been submitted, and that mitigation and offsetting on biodiversity is not adequate and does not address impacts on protected species.

This objection from Parks and Countryside is noted and it is accepted that some *limited* harm to biodiversity may arise from allowing the proposed development. Notwithstanding, if approved, there are 9 conditions relating to ecological and biodiversity enhancements that, overtime, will improve the existing habitats and increase biodiversity. With this in mind, the outcome will be in general accordance with the NPPF and Borough Plan Policy NE3. On balance, it is therefore considered that the grounds for objection from Parks and Countryside are not of sufficient weight to warrant refusal of the application, and any approval should include conditions on ecology matters.

10. Impact on Fluvial and Surface Water Flooding

Fluvial Flooding

The National Planning Policy Framework 2019 (NPPF) requires that "*Inappropriate development in areas at risk of flooding should be avoided by directing development*

away from areas at highest risk (whether existing or future)” (paragraph 155). It further states that “Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards” (156).

This site has been identified on the Council’s GIS as being located within Flood Zone 1, comprising of land assessed as having less than 1 in 1000 annual probability of river flooding (<0.1%) and is therefore within an area least at risk of fluvial flooding. Flood Zones 2 & 3 lay some 1000m from the site to the south-east of the application site and are related to the potential Flood Levels off the River Sowe tributary at Wyken Pool.

Residential development is classified as being “more vulnerable” in accordance with Table 2 of Technical Guidance to the National Planning Policy Framework. Notwithstanding, the proposed land use would be considered to be appropriate development within Zone 1. However, as the site is over 1 Hectare the effect of the new development on surface water run-off is the primary consideration with regard to flood risk.

Surface Water Flooding

Policy NE4: Managing Flood Risk and Water Quality of the BP states “*New development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).*”

Surface water run-off should be managed as close to its source as possible, in line with the surface water drainage hierarchy, with surface water sewers being the last resort. Above ground storage should be considered in preference to below ground attenuation due to the additional benefits they offer, such as improved water quality, enhanced biodiversity and amenity/leisure value.

All redevelopment of brownfield sites should seek to remove existing connections to the public sewer for surface water drainage.

Details of the sustainable drainage systems proposed to be used, including operation and maintenance, must be agreed at the earliest possible stage with the LLFA”.

In view of the above it is necessary to have regard to the Council’s ‘Climate Change – Strategic Flood Risk Assessment (SFRA)’ at Level 1 (2008) and Level 2 (2012). The level 1 SFRA outlines the results of a review of available flood related policy and data across the region. It then sets out recommendations and guidance in relation to flood risk and drainage policy which generally underpins national guidance. The level 2 SFRA builds on this and also outlines a detailed assessment of potential development sites that have been put forwards in relation to flood risk. It also sets out recommendations for Flood Risk Assessments for individual sites and general guidance for flood risk.

The application site itself is classified in the SFRA Level 2 as being within ‘PDA9’, although this encompasses a large piece of land in this area, including this site and the rest of the former Hawkesbury Golf Course Site. This identifies that the primary flood

risk is 'from surface water flooding and overland flows. With further development and the creation of impermeable ground surfaces, surface water may become a problem.'

The application was accompanied by a Flood Risk Assessment (FRA), this stated within its conclusions that based upon available information, there is not considered to be a significant risk from fluvial or pluvial storm water run-off from the surrounding roads or land. WCC, as the Lead Local Flood Authority (LLFA), has been consulted and have stated that the "*Additional information provided by the applicant identifies two linked attenuation basins, which provide surface water management for the development site. The proposed system then discharges surface water at a maximum rate of 13l/s into the existing Severn Trent Water sewers adjacent to the development. The LLFA also notes the inclusion of written confirmation from Severn Trent Water, which confirms that the connection is acceptable to the water company. Consequently, the proposed development would be considered acceptable to the LLFA, subject to planning conditions*".

It is considered that with the conditions requested by the LLFA will adequately manage its impact on flooding and flood risk. It is therefore considered that there will be no unacceptable harm as a result of the development with regards to fluvial or surface water flooding.

11. Impact on Landscape Character

The National Planning Policy Framework states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes" (170).

Consequently, the Council has commissioned several Landscape Character Studies to provide evidence and support its BP Landscape Character Policy, NE5. These studies include the Land Use Designations Study: Volume 1: Landscape Character Assessment (2012); Volume 2: Policy Recommendations (2012); Volume 3 (Site Analysis and Selection); and Stage 2: Individual Site Assessment (2012). The studies assess the existing landscape character and the capacity of the landscape to accommodate change i.e. development. The Landscape Character Assessment identifies the area in which this application site is located as the Nuneaton and Bedworth Urban Fringe Character Area, an area of moderate landscape character and in poor landscape condition. The Site Analysis and Selection study refines its assessment by breaking down the LCAs into smaller areas referred to as Parcels. The parcel associated with this application is NB5a.

The Stage 2: Individual Site Assessment goes on to refine the areas in to more discrete areas, referred to Potential Development Areas. This application is located within PDA9. The assessment concludes that the PDA is of little landscape value with a high capacity to accommodate development and mitigation to enhance its current status, stating that "Given the urban character of the PDA and poor quality of the existing urban edge this site is considered to have a high capacity for residential development. There is scope to improve views of the settlement using high quality development and the use of greater vegetation screening to break up views of the urban edge from the canal and countryside beyond". Consequently, and along with other considerations, part of the site has been allocated as a Strategic Housing site and a smaller area, to which this application pertains, is allocated as a non-strategic housing allocation site.

It is considered therefore that in regard to the impact on Visual Amenity and the Landscape Character of the area, the provision of houses, as recommended by the

Stage 2 study, would not have a serious detrimental impact on the landscape character of the area. In the Hawkesbury Golf Course Appeal Inspector's Report the Inspector attributed some weight to the fact that the site has been assessed as being, in landscape terms, a strong potential candidate for development,, of which the Secretary of State (SoS) also agreed with. *This* application site has similar features, strengths and weaknesses to the Hawkesbury golf course site, so it is reasonable to assume that the Inspector's and SoS's views of the Hawkesbury landscape are equally applicable to this site. On the nearby Hawkesbury Golf Course Scheme, the Inspector reasoned (IR11.45-46) that there was no significant impact on visual amenity caused by the proposal and that the overall impact would not harm the visual amenity of the area. The SoS followed this up by stating that the development would not harm visual amenity, neither would it result in sufficient enhancement to weigh in favour of the proposed development. This proposal offers much less open space than the previous scheme.

It is considered in this case that a similar conclusion should be reached. The urbanising effect of 82 houses on this site, and the other built form is considered to have a minimal impact on the visual amenity of the area and its immediate surroundings.

Policy NE5: Landscape Character of the BP states that:

Major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. Developers must take account of the Land Use Designations Study and landscape guidelines when preparing their landscape strategy.

In taking account of landscape guidelines there will also be opportunities to create green infrastructure and quality open spaces in accordance with BP Policies NE1: Green Infrastructure and NE2: Open Space.

Key characteristics and distinctiveness

Major development proposals must demonstrate that they are in balance with the setting of the local landscape, respect the key characteristics and distinctiveness of that landscape, and in particular show how the proposal will:

1. Conserve or enhance important landmark views.
2. Conserve, enhance or create boundary features and field patterns.
3. Conserve and where necessary enhance the strength of character and landscape condition.

Consequently, if outline permission is granted the applicant must submit a landscape scheme demonstrating how it meets the above criteria.

12. Planning Obligations

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

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

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

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

Additionally, Policy HS1: Ensuring the Delivery of Infrastructure, of the BP states that *“Development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development. Where this is considered unviable, the applicant should provide clear evidence to demonstrate this.*

Infrastructure delivery should be suitably phased with the associated development, and where appropriate, arrangement should be made for subsequent maintenance. Applications which co-locate new facilities will be approved, subject to agreement with appropriate service delivery partners.

The delivery of infrastructure provision and/or improvement will be secured through the use of planning obligations/agreements (e.g. Community Infrastructure Levy, Section 106 and Section 278) and/or conditions.

The council’s Infrastructure Delivery Plan identifies the key infrastructure requirements associated with the Borough Plan, and planning proposals should have regard to this.”

The Council has consulted with various consultees during the application and some of these have requested planning obligations to make the proposal acceptable in planning terms.

The Table below sets out the agreed planning obligations and affordable housing units that will be gained as part of the proposed development, all of which are compliant with these three tests.

Table 1: Agreed Planning Contributions

Organisation	Request For	Contribution	Notes
George Eliot Hospital NHS	Provision of additional health care services to meet patient demand	£47, 272.00	Agreed
NBBC Housing	Provision of Affordable Housing units	21 (25%)	Agreed
NBBC Sport and Leisure	Provision for new or enhanced play and sports facilities and the future maintenance of those facilities	£68,300	Agreed
NBBC Parks	Provision and maintenance of play and open space	£134,937.29	Agreed
WCC Highways	Monies for the implementation of junction improvements on the B4113 Coventry Road / Longford Road / Blackhorse Road signalised junction	£271,010.00 To be paid prior to the occupation of the 75 th dwelling	Agreed

Warwickshire Wildlife Trust			
Total		£521,519.29	

Whilst the above contributions have been agreed by the applicant there are no details as yet when instalments are to be made. This will be dealt with shortly after planning permission is granted.

13. Conclusion

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

The application site is allocated as a non-strategic housing site in Nuneaton and Bedworth's Borough Plan 2019 (BP). It is therefore considered that the principle of residential development on the site is well established. This weighs significantly in favour of the application.

The Council received 39 objections to the development, all relating one way or another to highway safety and congestion. Notwithstanding, WCC Highways have no objection to the proposal as they consider any adverse impacts to the highway and free flow of traffic can be adequately mitigated through conditions and planning contributions towards highway improvements. The Secretary of State (SoS), in relation to the Hawkesbury Golf Course Site, also considered that the additional traffic likely to be generated by the proposed development could be adequately accommodated within the existing transport network without any significant adverse impact on the safety of pedestrians and other road users. It is therefore considered that this is afforded substantial weight in favour of the proposal.

With regards to historic or cultural artefacts being potentially found on-site, the County Planning Archaeologist has requested that some archaeological work should be required to include trial trenching in advance of any development on the site in accordance with proposed conditions. It is therefore considered that this should be given neutral some weight in favour of the application as the development provides an opportunity to unearth artefacts that would otherwise be undiscovered.

NBBC's Environmental Health Officers (EHO) and the Environment Agency and were consulted for the their views on the site's potential for being contaminated as well as the development's impact on controlled waters. EHO have concerns relating to land contamination as a result of surrounding former and current land uses, including an adjacent historic landfill, and the potential for made ground (in fill material, reworked soils [as commonly found on arable land], or a combination of a variety of materials

from past demolition) on the site and have therefore requested conditions to mitigate any contamination found on site. The EA withdrew their initial objection stating that the applicant has provided sufficient information that demonstrates the proposal will have no more than a low risk of contamination to the groundwater environment. Since there is a low risk of groundwater contamination, some weight must be attributed against the application, although *Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.*

Whilst there are two Air Quality Management Areas in the Borough, both of which are near to Nuneaton Town Centre, 2.5 miles away. It is, therefore, considered that any additional nitrogen dioxide effluents will have no impact on the existing AQMAs or be at such a level to be hazardous to those living and working in the vicinity or to the future occupants of the new development. As such some weight can be given in favour of the development. However, EHOs consider that surrounding uses, trains and road traffic is likely to result in noise nuisance for the future occupants and have suggested several conditions to mitigate the impact. Consequently some weight should be given against the development proposal.

The site is located within Flood Zone 1, an area at least risk of river flooding. Nonetheless, the site is susceptible to surface water flooding. Consequently the Lead Local Flood Authority have requested several conditions be attached to the planning permission, if granted, and are satisfied that these will adequately manage the risk of surface water flooding. Some weight, therefore, should be given in favour of the application.

The landscape has been thoroughly scrutinised by several landscape character reports undertaken by Consultants, TEP. The landscape has been generally assessed as larger character areas down to a more refined evaluation of discrete areas, referred to as potential development areas (PDA), including this site as part of PDA9. These smaller areas have been subject to a finer grained analysis to identify areas capable of accommodating development whereby the landscape would benefit from development rather than deteriorate from it.

On the nearby Hawkesbury Golf Course Scheme that went to appeal, the Inspector reasoned (IR11.45-46) that there was no significant impact on visual amenity caused by the proposal and that the overall impact would not harm the visual amenity of the area. The SoS followed this up by stating that the development would not harm visual amenity, neither would it result in sufficient enhancement to weigh in favour of the proposed development. Since the appeal the Council has adopted its BP, which includes a comprehensive Landscape Policy, NE5. Along with landscape enhancement conditions and adherence to Policy NE5, it is considered that the landscape can be improved, despite the urban/industrial setting, resulting in in substantial weight in favour of the development.

Approval of the application is subject to agreeing to sign a s106 agreement. The proposed development will result in gains of approximately £527,669.29 and 21 affordable housing units. The money is to go towards play and open space, health, sports facilities, biodiversity and highway enhancements. It is considered that these benefits go somewhat towards making the development more acceptable in planning terms and therefore not be afforded weight.

In reviewing the main body of this report and the conclusion above, it is clear that on balance, the planning application should be recommended for approval. Subject to conditions and signing a s106 agreement.

REASONS FOR APPROVAL

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

SCHEDULE OF CONDITIONS:

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the Council shall be required with respect to the undetermined matters hereby reserved before any development commences:

- a) Layout;
- b) Scale;
- c) Appearance;
- d) Access; and
- e) Landscaping.

2. In the case of the reserved matters specified above, application for approval accompanied by all detailed drawings and particulars, must be made to the Council not later than the expiration of ten years from the date of this permission.

3. The development to which this permission relates must be begun not later than the expiration of five years from the final approval of all reserved matters.

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
Revised Site Location Plan		16/08/2018
Indicative Layout Plan	2524/5 RevB	19/06/2018
Transport Assessment by Abington Consulting		19/06/2018
Flood Risk Assessment by Preece Consultants Ltd		14/08/2018
Noise Risk Assessment & Acoustic Design Statement by Noise.co.uk Consultants		19/06/2018
Phase 1 Extended Habitat Survey by Lockhart Garratt Consultants	18-0048 V1	19/06/2018
Reptile Survey Report by Lockhart Garratt	18-1197 V1	07/11/2018
Phase 1 Environmental Assessment by Ivy House Environmental	IV.237.18	02/10/2019
Phase 2 Geo-environmental Assessment by Ivy House Environmental	IV.237.18	02/10/2019

5. No groundworks, remediation or built construction will take place until the detailed design of the Access Arrangements onto A47 Stockley Road (as indicatively shown on 2524/5 Rev B), and have first been submitted to and approved in writing by the Council and provide the following matters;
- a. Full technical drawing demonstrating the horizontal alignment and vertical alignment of the junction, as well as forward visibility splays;
 - b. Technical vehicle tracking drawings for the following vehicles;
 - i. Refuse Vehicle – Mercedes Economic with a length of 10.8 metres.
 - ii. Fire Tender – CARP Fire Engine with a length of 9.8 metres
 - c. Provision of a Road Safety Audit Stage 1;
 - d. Identification of the locations for street lighting; and,
 - e. Footways connecting bus stops and rights of ways to the estate roads.

Thereafter the approved highway access works shall be implemented in accordance with the approved plans.

6. No groundworks, remediation or built construction will take place until the detailed drawings and technical note shall be submitted demonstrating the alignment, design standards, and justification of the site layout and highway hierarchy and supported by the following technical drawings;
- a. Highway Adoption Plan;
 - b. Technical Drawings which demonstrate the following;
 - i. Horizontal alignments including widths of carriageways, cycleway and footpaths;
 - ii. Forward visibility splays;
 - iii. Visibility splays of junctions within the development site;
 - iv. Street lighting and tree planting; and,
 - c. Technical vehicle tracking drawings for the following vehicles;
 - i. Refuse Vehicle – Mercedes Econic with a length of 10.8 metres.
 - ii. Fire Tender – CARP Fire Engine with a length of 9.8 metres
 - d. Provision of a Road Safety Audit Stage 1.

7. No construction will be undertaken until a Construction Management Plan (which should contain a Construction Phasing Plan) details measures to prevent mud, debris and obstructions on the highway, compound location, contractor parking arrangement, schedule of HGV delivery times and phasing and a HGV routing plan, is submitted and approved by both the Council and Highway Authorities.

8. No part of the site shall be accessed until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority. Minor alterations maybe required during the detailed design process.

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Council in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a. Provide an assessment of flood risk from all sources of Flooding including fluvial, pluvial and groundwater flooding.

- b. Infiltration testing, in accordance with BREE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (Suds).
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- d. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- e. 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.
- f. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

10. No occupation and subsequent use of the development shall take place until a detailed 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.

11. No development shall commence until a scheme for offsetting biodiversity impacts on the site shall be submitted to the local planning authority. Any proposed offsetting scheme shall include:

- Details of the offset requirements of the development
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period agreed with the local planning authority)

Any site clearance cannot be undertaken prior to the condition being discharged and the development shall not be commenced prior to the written approval of the scheme by the local planning authority. The developer shall thereafter secure and implement such measures in accordance with the requirements of the approved scheme.

12. No development, including ground works and site clearance, shall commence until a Great Crested Newt Survey has been submitted to and agreed in writing by the Council. The Survey shall include a presence/likely absence survey of GCN on the site and shall be undertaken in line the Great Crested Newt (GCN) Mitigation Guidelines published by English Nature, 2001. As recommended by the Reptile Survey undertaken by Lockhart Garratt, the Survey shall include a minimum of four survey visits conducted on each waterbody to determine presence/likely absence. Where GCN are found, a further two survey visits shall be carried out to establish a population

size estimate. The results of the survey shall determine appropriate mitigation and must be undertaken between March and mid-June, with a minimum of three surveys between mid-April and mid-May. Should GCN be found, it will be necessary to obtain a European Protected Species derogation licence from Natural England.

13. No development, including ground works and site clearance, shall commence until details (to also be clearly shown on a map), of where bat boxes will be installed shall be submitted to, and approved in writing by, the Council. As recommended by the Phase 1 Extended Habitat Survey undertaken by Lockhart Garratt, a minimum of five bat boxes (such as the Scwegler 2FF type) shall be installed on new buildings and scattered trees.

14. No development, including ground works and site clearance, shall commence until details (to also be clearly shown on a map) of areas of scrub to be used as a habitat for the common lizard shall be submitted to, and approved in writing by, the Council. As recommended in the Reptile Survey undertaken by Lockhart Garratt, the habitats shall be located in the north of the Site.

15. No development, including ground works and site clearance, shall commence until details (to also be clearly shown on a map) of new log piles to provide basking spots for common lizards shall be submitted to, and approved in writing by, the Council. These log piles shall be installed once development works are complete. The log piles shall be comprised of at least 10 logs, approximately 10cm in diameter, and shall be stacked to create a pile approximately 50cm high.

16. No development, including ground works and site clearance, shall commence until details of site mitigation measures to safeguard reptiles shall be submitted to, and approved in writing by, the Council. The list of measures, below, shall be included:

- a. As the last survey was taken well over twelve months ago, the site shall be substantially resurveyed to re-assess the reptile suitability and population on site.
- b. The removal of vegetation should be phased and take in to account the potential for nesting birds. All grassland/vegetation above 30cm height within the site is to be strimmed to 15cm height.
- c. Once the grass has been cut all suitable refugia within the site are to be removed. Suitable refugia will include wooden sleepers, plastic sheeting, corrugated roofing sheets, piping, concrete slabs or rocks.
- d. After five days the remaining vegetation upon site can be strimmed to 5cm height, or bareground as appropriate.
- e. In the event that any amphibians or reptiles are encountered as part of the clearance works all works must stop immediately and a member of the Lockhart Garratt Ecology Team, or Natural England should be contacted for advice.

17. No development, including groundworks and site clearance, shall commence until an Ecological Construction Management Plan (ECMP) has been submitted to and approved in writing by the Council. The approved ECMP shall be adhered to throughout the construction period. The Plan shall include details of any pre-construction checks required; the species safeguards to be employed (including for amphibians, badgers, bats and reptiles); appropriate working practices and sequence of construction works; and the extent of buffer zones and stand-offs for sensitive ecological features (including habitats suitable for amphibians, badgers bats and reptiles); details of any new habitat created on site, including channel improvements; details of treatment of site boundaries and/or buffers around water bodies and native

species known to provide foraging opportunities for breeding birds and nectar sources for invertebrates.

- The ECMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the ECMP and address any contingency measures where appropriate. The Plan will also include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens).
- The ECMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

18. No development, including groundworks and site clearance, shall take place above the damp proof course until a Landscape Management Plan, indicating a scheme for the long-term management of open space, green infrastructure and planting within the public realm and details of biodiversity management has been submitted to and approved in writing by the Council. The open space, green infrastructure and planting shall thereafter be managed in accordance with the approved Landscape Management Plan, unless otherwise agreed in writing by the Council.

19. No development shall commence above the damp proof course until a scheme for the lighting of the housing and associated access roads, parking areas and open spaces in that phase has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Council.

20. Prior to the submission of Reserved Matters archaeological investigations across the site area shall be undertaken and include:

a. A programme of archaeological evaluation is to be undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Council prior to, or concurrently with, the Reserved Matters submission.

b. An Archaeological Mitigation Strategy document shall be submitted to the Council. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance.

c. Unless otherwise agreed in writing with the Council, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Council and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

21. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

22. No development shall commence until details of fencing and landscaping along the boundary with the industrial units and railway line have been submitted to and approved in writing by the Council. The fencing and landscaping shall be capable of protecting against the noise generating industrial units, both off Blackhorse Road and beyond the railway in Bayton Road.

23. No development shall commence until details of the specification of the glazing to be installed in the dwellings have been submitted to and approved in writing by the Council. As a minimum, the dwellings shall be fitted with the glazing units as specified in the submitted Noise Risk Assessment and Acoustic Design Statement, reference 11227A-1, in particular the windows facing the railway.

24. No development shall commence until a detailed site investigation scheme to determine the extent of any land contamination has been carried out and the results submitted to the Council, along with the details of any remedial measures where contamination is found. No development shall commence until either (a) the Council has agreed in writing that no remedial measures are required, or (b) details of remedial measures have been approved in writing by the Council, in which case the works shall not be carried out other than in accordance with the approved details.

Where a scheme of remedial works are required, the scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

25. No development shall commence above the damp proof course 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 unless otherwise agreed in writing by the Council.

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

27. No development shall commence above the damp proof course until full details of the boundary treatments in that phase, 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 unless otherwise agreed in writing by the Council.

28. No development shall take place above the damp proof course until a Landscape Management Plan, indicating a scheme for the long-term management of open space, green infrastructure and planting within the public realm and details of biodiversity management has been submitted to and approved in writing by the Council. The open space, green infrastructure and planting shall thereafter be managed in accordance

with the approved Landscape Management Plan, unless otherwise agreed in writing by the Council.

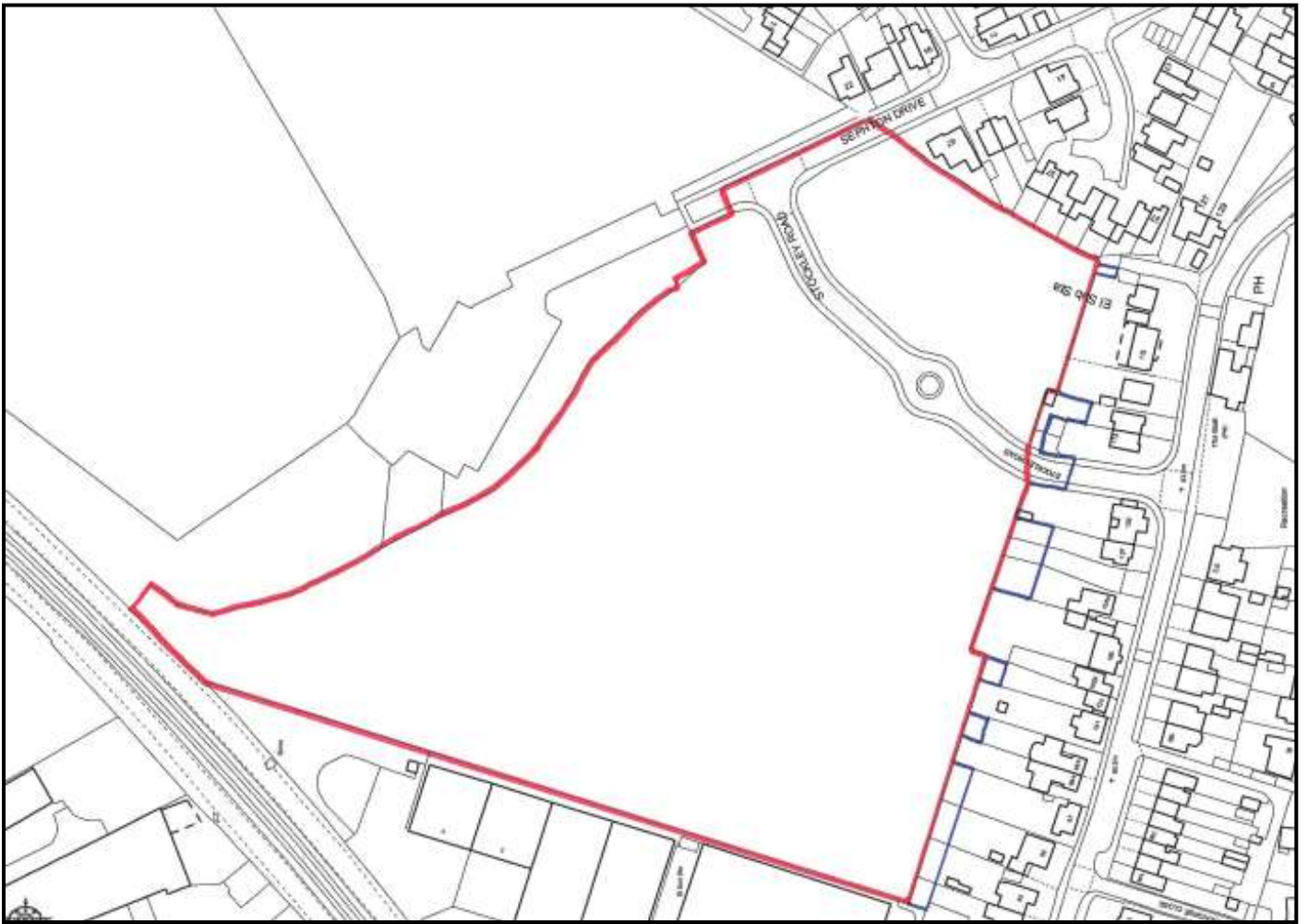
29. The details required by condition 1(e) (The Landscaping Reserved Matter) shall be carried out within 12 months of the commencement of the relevant phase of the development and subsequently maintained in the following manner:

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.

30. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority giving details of all existing trees and hedgerows within or adjoining the site, any to be retained, and measures for their protection in the course of the development which is to be carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. 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 trees to be retained have been provided and are maintained during the course of development.

31. No plot shall be occupied until the ducting to all plots to enable the future provision of electric vehicle (EV) car charging has been installed.

32. No dwellings shall be occupied until details of Sustainable Welcome Packs (including public transport information) have been submitted and approved in writing by the local planning authority. The approved packs shall be provided to each dwelling prior to the first occupation of any dwelling.



Site Plan: Land off Stockley Road, Hawkesbury



Indicative Layout Plan



Drainage Strategy

REFERENCE No. 035894

Site Address: P And C Coils Ltd, Anker Street, Nuneaton, CV11 4JL

Description of Development: Erection of 5 no houses and 6 no apartments (existing factory to be demolished)

Applicant: GPH Ltd

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 5 no. houses and 6 no. apartments and includes the demolition of the existing factory buildings. The houses are to be two storey and all 3 bed. The apartments are proposed in a three storey block and consist of all 2 bed.

The site consists of industrial buildings which are currently vacant. The building directly adjoins the footpath on Anker Street. There is a two storey building towards the north end of the site with a shallow pitched roof. The rest of the buildings are a mixture of single and two storey. Anker Street has a residents parking permit scheme in place. There are bollards at the end of Anker Street with Clarkson Close beyond. On the opposite side of Anker Street there is an industrial building which appears vacant. Properties on Anker Street are traditional terraced and set directly adjacent to the footpath. No's 43-46 Clarkson Close are to the north-east and are part of a development that was built around 15 years ago. There are two storey properties with parking to the front. To the north-west is a block of flats which are three storey and have a hipped roof and gable projections to the front. To the south there is a driveway that serves the properties on Attleborough Road.

BACKGROUND:

Notwithstanding the number of objections received, this application is being reported to Committee at the request of Councillor Jill Sheppard and Councillor Phillips.

RELEVANT PLANNING HISTORY:

- 032266: Residential development (Outline with all matters reserved) (Existing buildings to be demolished): Approved 21/10/2014
- 032155: Residential development of 9 No. three storey terrace houses and 6 No. three storey semis with carports (Existing building demolished) (Outline with all matters reserved): Withdrawn 02/07/2013.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - H1- Range and Mix of Housing;
 - H2 - Affordable Housing;
 - E2- Existing Employment Estates;
 - HS1 – Ensuring the Delivery of Infrastructure;
 - HS6- Sport and Exercise;
 - NE2- Open Space;
 - NE4- Managing Flood Risk and Water Quality;
 - BE1- Contamination and Land Stability and
 - BE3- Sustainable Design and Construction
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.

CONSULTEES NOTIFIED:

Environment Agency, George Eliot Hospital NHS Trust, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NHS, WCC Flood Risk, WCC Highways, WCC Infrastructure.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, Severn Trent Water, WCC Flood Risk, WCC Highways

No objection subject to planning obligations:

George Eliot Hospital NHS Trust, NBBC Parks, NBBC Sports Development, WCC Infrastructure

No objection from:

Environment Agency, NBBC Housing, Warwickshire Police

Comment from:

NBBC Planning Policy, NBBC Refuse

No response from:

NHS

NEIGHBOURS NOTIFIED:

Stanbeck Engineering P & C Coils; The Bungalow 7; 9-37 (odd) Anker Street, 16-26 (even); 27-33 (odd) Attleborough Road, 43-58 (inc) Clarkson Close

Neighbouring properties were sent letters notifying them of the proposed development on 5th October 2018. A site notice was erected on street furniture on 8th October 2018 and the application was advertised in The Nuneaton News on 24th October 2018.

NEIGHBOUR RESPONSES:

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

1. Impact on existing boundary treatments
2. Concerns how demolition will be carried out.
3. Loss of existing on-street parking.
4. Impact on rear access to properties.
5. Insufficient on-site parking provided.
6. Anker Street is not wide enough for two-way traffic.
7. Will the access off King Edward Road be used?
8. Proposes the maximum number of dwellings for the size of the site.
9. One of the proposed houses would be close to three storey flats.
10. Increased parking problems.
11. Will there be vehicular access into Clarkson Close?

A petition with 17 signatories has been received. The comments are summarised below:

1. Impact on parking amenities.
2. Increased traffic.
3. Impact on safety.
4. Increased noise.

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 & drainage,
7. Contamination and land stability,
8. Planning Obligations,
9. Conclusion

14. The 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 consists of industrial buildings that are currently vacant. Policy E2 details a number of existing employment sites that will not

be protected from non-economic development type proposals. Such sites are considered acceptable for alternative uses during the plan period. Anker Street is included in these sites and therefore it is considered that the principle of an alternative use such as residential is acceptable. The proposal would also remove a non-conforming use in a predominantly residential area and would be more in keeping with the surrounding uses.

15. Affordable Housing

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15no. dwellings or more and 2no. units on sites of between 11no. and 14no. dwellings. As the proposal is for 11no. dwellings there is therefore a policy requirement for 2no. dwellings to be provided as affordable. However, a Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations including affordable housing. This will be covered later on in the report. For the size of the site and the number of dwellings proposed, it is considered that the proposal would provide a range and mix of housing as required by Policy H1 of the Borough Plan. The 5no. houses would be 3 bed and the 6no. apartments would be 2 bed. The latest Strategic Housing Market Assessment (SHMA) information indicates that there is a demand for 2 and 3 bedroom properties and so the proposal could contribute to meeting that demand.

16. 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 opposite on Anker Street which have habitable room windows that face the site. There would be between approximately 14 and 16 metres separation between the existing and proposed dwellings whereas paragraph 9.3 of the Residential Design Guide normally requires 20 metres. However, paragraph 9.3 also states that this distance may be reduced if they are across public viewed areas such as across a front garden, open space or public highway. In this case, the views would be across the proposed front gardens and a public highway. It is therefore considered that in this case this shortfall would not lead to significant overlooking. In relation to no's 43-46 Clarkson Close which are to the north-east, the proposed apartment block would be set across the road from these properties. The proposed apartments are three storey and have habitable room windows on the elevation that faces Clarkson Close. There would be approximately 20 metres separation and paragraph 9.3 of the Residential Design Guide normally requires 30 metres separation for three storey development. However, due to the position of the proposed windows at the first and second floors, it is not considered that they would not directly face the habitable room windows at these properties and would face down the road. Taking this into account together with the fact that the distance would be across a highway it is considered to be acceptable. There would not be an issue with overlooking to the block of flats in Clarkson Close. The rear of properties on Attleborough Road face the site and distance standards would be met in relation to them.

In relation to within the site, distance standards are met. There are no habitable room windows at plot 5 that would face the predominantly three storey blank wall of the apartment block. That block would project near to the boundary with plots 5's private amenity space but as it would be set over 1 metre away this is considered acceptable. There are 3no. windows proposed at the first floor and 3no. at the second floor of the apartment block that would face plot 5's private amenity space. These are to non-habitable rooms such as stairwells and landings. However, a condition can be added that these windows are obscure glazed and fixed shut to protect privacy and amenity.

In terms of noise and disturbance, NBBC Environmental Health have commented that the site has the potential to be noisy as a result of the railway line and nearby factory. However, the existing terraced houses on the other side of Anker Street provide a good noise barrier and the garden spaces to the proposed houses are set to the North West which will also provide further screening. The proposed apartments could be more subjected to noise as they are three storey. However, that end of the building is proposed as living rooms rather than bedrooms so this is considered to be acceptable.

17. 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. The houses would be two storey with pitched roofs. The ridge heights of plots 1, 4 and 5 would be approximately 8.8 metres and plots 2 and 3 would be approximately 7.8 metres. Plots 2 and 3 would be set further back from the front than the other plots and it is considered that this would add visual interest. The majority of the properties along Anker Street are terraced but it is not considered that the proposed development would appear significantly out of character to warrant a recommendation of refusal. It could also be argued that the development would be an improvement to visual amenity compared to the existing buildings. Materials consist of brick and render with features such as brick detailing above and below the windows and gables and canopies to the front. The apartment block would be three storey with a ridge height of approximately 11 metres. Whilst there are no other three storey properties in Anker Street, the block would be at the end of the development and the street and it is therefore not considered that it would appear significantly over prominent. The main frontage would be onto Clarkson Close which does have a three storey apartment block in close proximity to the site. An active frontage with visual interest is provided to the elevation facing Anker Street through windows, brick detailing and a canopy above the ground floor and materials would consist of brick and render. It is therefore considered that the proposed development would be acceptable in terms of visual amenity.

18. Highway Safety

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access to each house is proposed off Anker Street with the provision of 2no. spaces each. The car park serving the apartments is to the rear and also accessed off Anker Street. This provides 8no. spaces. As the Council does not currently have any saved car parking standards this level of provision is considered acceptable. The site is in a sustainable location, close to the town centre, services and public transport facilities. WCC Highways have not raised an objection in relation to parking. An internal bin store is proposed to the front of the apartment block which NBBC Refuse have no objections to. The plans show the existing fence adjoining Clarkson Close is to be removed and the wall to the southern boundary is to be reduced to 0.6 metres for a distance of 2.5 metres from the back of the footpath which both improve pedestrian intervisibility. WCC Highways have no objection subject to conditions.

19. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a

result of it (paragraph 163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. The site is not within Flood Zone 1 and therefore has a low level of flood risk. A Flood Risk Assessment has been submitted with the application. This confirms that as the site is currently fully impermeable the surface water discharges into the sewer. The use of infiltration has been considered but as the ground is clay which has poor infiltration qualities this would not be appropriate. It is therefore proposed that surface water will discharge to the surface water sewer in Anker Street. Permeable paving is proposed and each dwelling would have a below ground attenuation tank. WCC Flood Risk Management have no objections subject to conditions. The Environment Agency have raised no objection in relation to flooding. It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

20. Contamination & Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. NBBC Environmental Health have no objections subject to a condition.

21. Planning Obligations

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

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

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£18.101.34	Viability Assessment

			demonstrates contribution can not be paid
George Eliot Hospital	Monies for additional staff provision at George Eliot Hospital	£6,341	Viability Assessment demonstrates contribution can not be paid
Sports Development	Improvements to sports facilities	£22,000	Viability Assessment demonstrates contribution can not be paid
Sustainable Travel Packs	Provision of sustainable travel packs	£825	Can be provided through a condition
Affordable Housing	Provision of 25% affordable housing		Viability Assessment demonstrates contribution can not be paid

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations. The NPPG states that in plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. The submitted Viability Assessment has been considered by the Principal Land & Property Officer who has concluded that the assessment appears to be sound and that it would be financially unviable for the developer to pay any requested planning obligations in this case. However, they state that the projected sales values appear a little low but the site could be difficult to develop. They have suggested that the Council reserve the right to a second viability assessment so at a future point it could be seen how sales values compared with the projections which could be included in a S106 agreement. The agent has agreed to this.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. The development would provide a beneficial use of a brownfield site. It would also provide much needed housing in the Borough. It is considered that these considerations would outweigh the lack of S106 contributions. The requirement for a second viability assessment would also ensure that this is assessed again in the future to determine if the development is still unviable.

22. Conclusion

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

material considerations indicate otherwise. The site would provide a beneficial use of a brownfield site. It would also provide much needed 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 and contamination have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of conditions.

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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 Plan	01	7th September 2018
Site Layout	008E	2nd July 2019
Ground Floor Plans	009F	14th November 2019
First Floor Plans- Plots 1-5	011D	2nd October 2018
Flats- First and Second Floor Plans	010D	2nd July 2019
Elevations- North East and South West	013D	2nd July 2019
Elevations - Side- Plots 1-5	014C	2nd October 2018
Elevations- South East and North West	012E	2nd July 2019

3. No development shall until:

a. 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.

4. No development shall commence 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 runoff rate of 3.6 l/s 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 evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

5. No development 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 dwelling 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.

6. 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.

7. No development above ground 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. No development above ground level 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. The boundary treatments between Plot 1 & 18-26 Attleborough Road and the apartments and Clarkson Close shall be in accordance with the approved drawing (drawing no. 009F) so that no feature higher than 600mm above the level of the public highway footway shall be retained for a distance of 2.4 metres, as measured from the near edge of the public highway footway. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

9. 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.

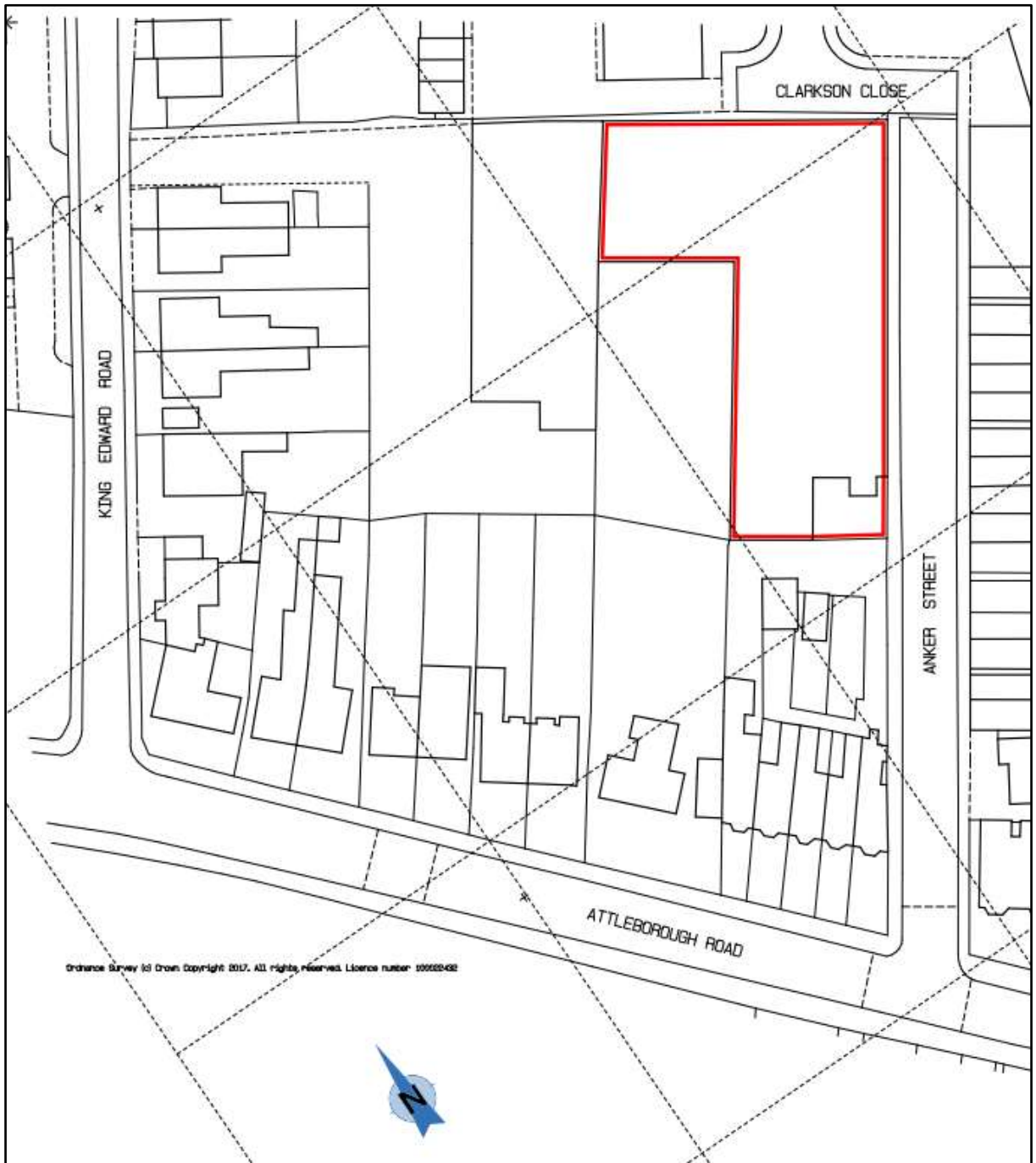
10. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Council giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including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

11. Accesses for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing (drawing no. 008E and 009F) and shall not be used unless public highway footway crossings have been laid out and constructed.

12. All parts of the existing vehicular accesses within the public highway not included in the permitted means of access shall be closed and the kerb and footway reinstated within one month of the last dwelling being occupied.

13. No structure, tree or shrub shall be erected, planted or retained between the dwellings and the public highway footway exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway.

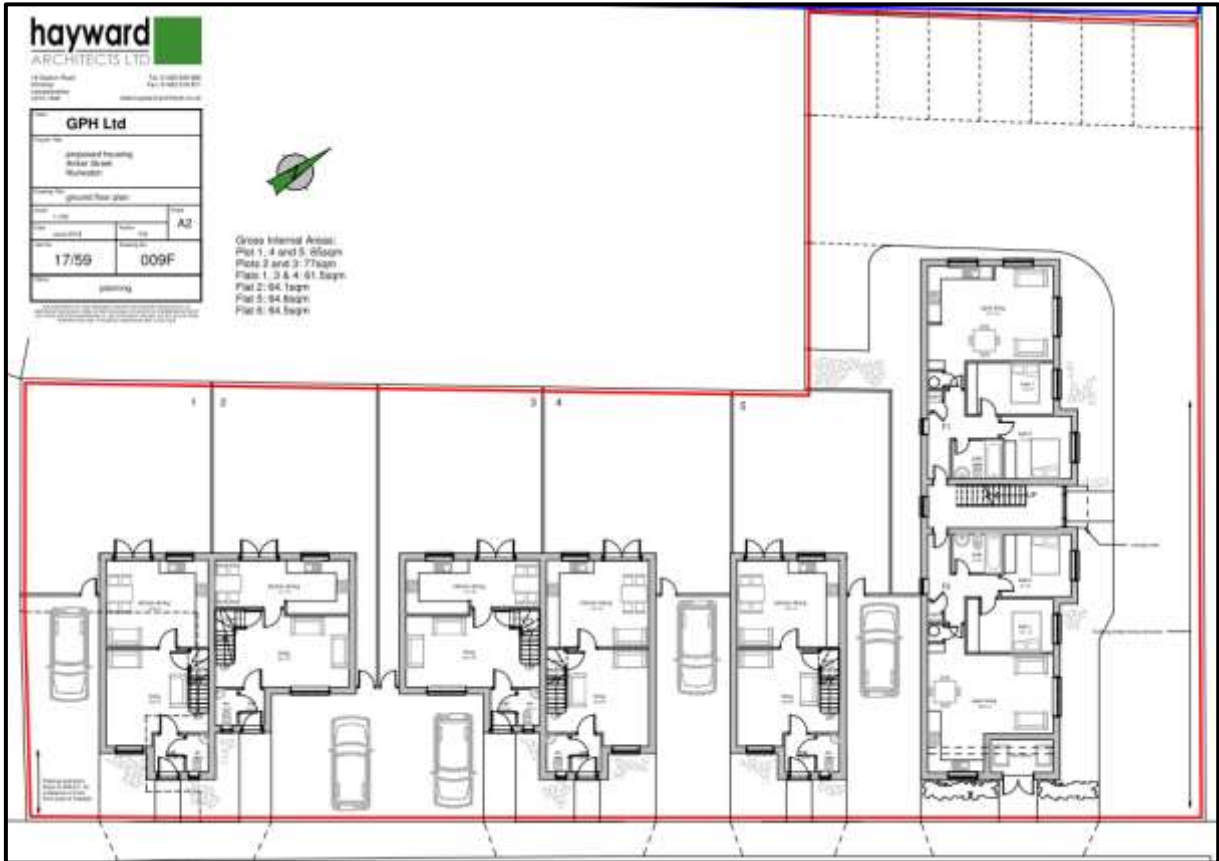
14. The first and second floor windows shown on the approved plan in the rear elevation (facing plot 5) of flats 3, 4, 5 and 6 shall be non-opening and shall not be fitted or subsequently permanently maintained other than in obscure glazing with level 5 obscurity. No new window or opening shall be provided at first floor level in the rear elevation (facing plot 5) elevation without the prior written consent of the Council.



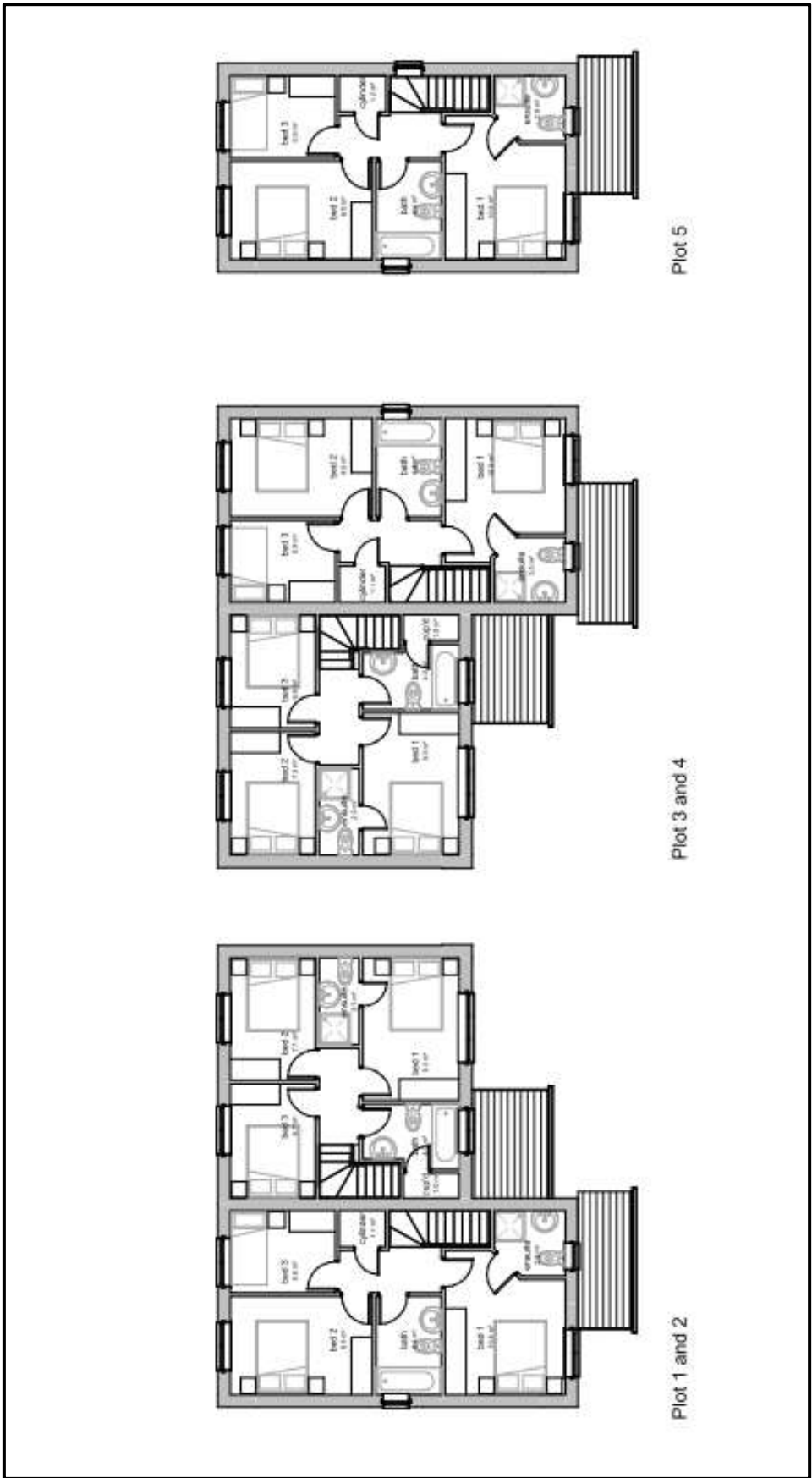
Site Plan



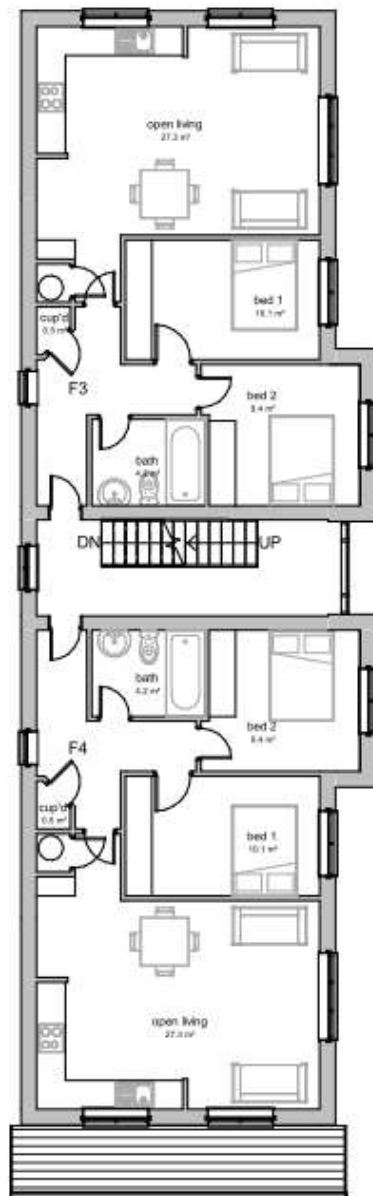
Site Layout



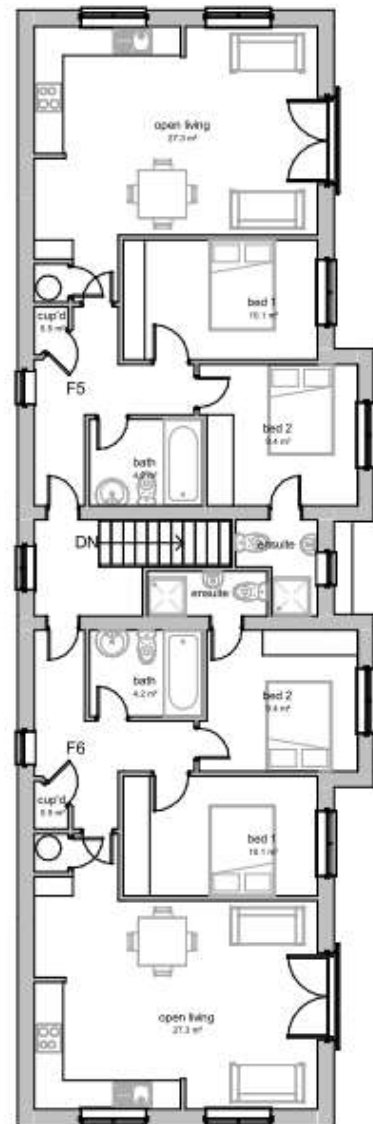
Ground Floor Plans



Plots 1-5 First Floor Plans

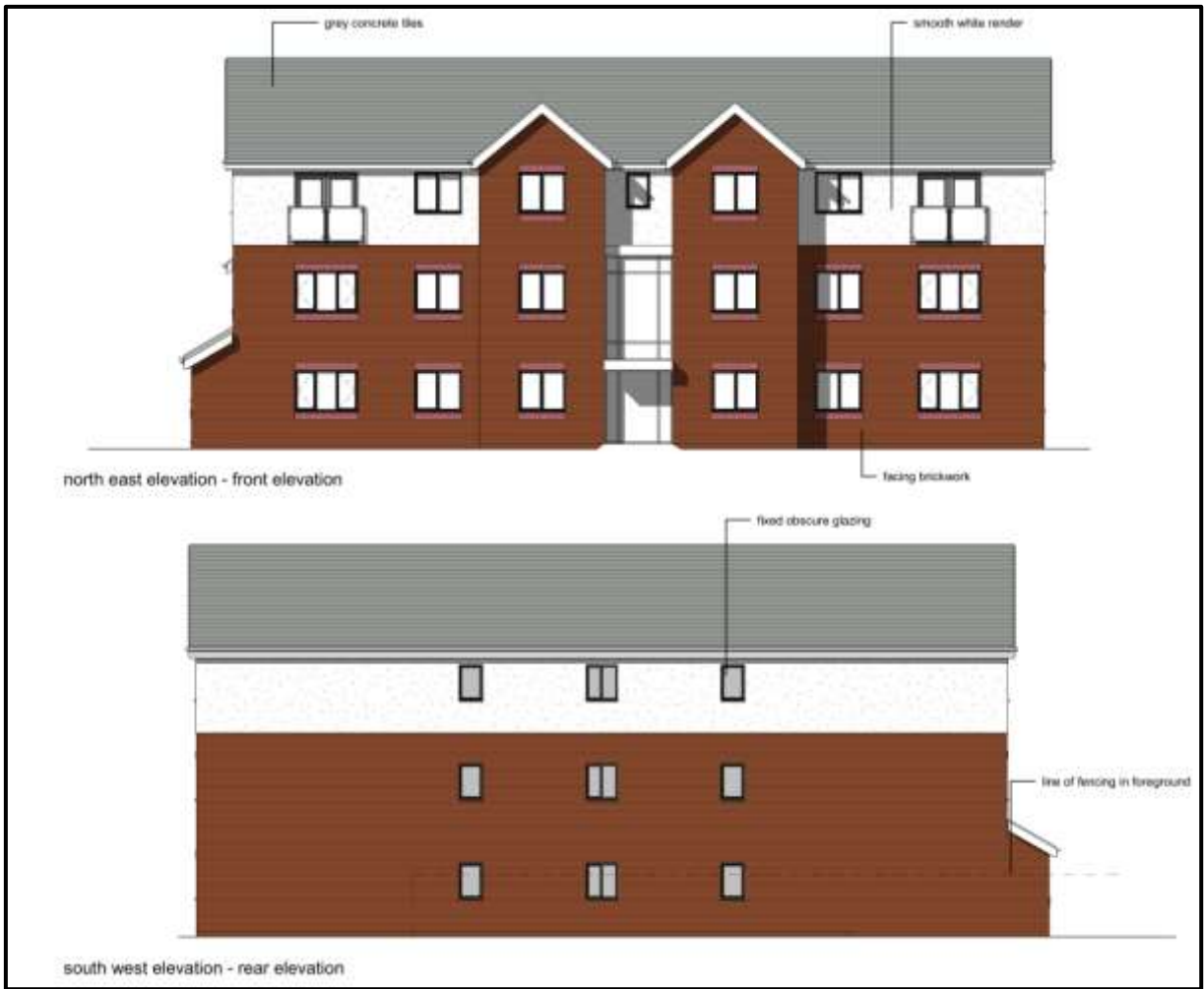


first floor plan - F3 & 4

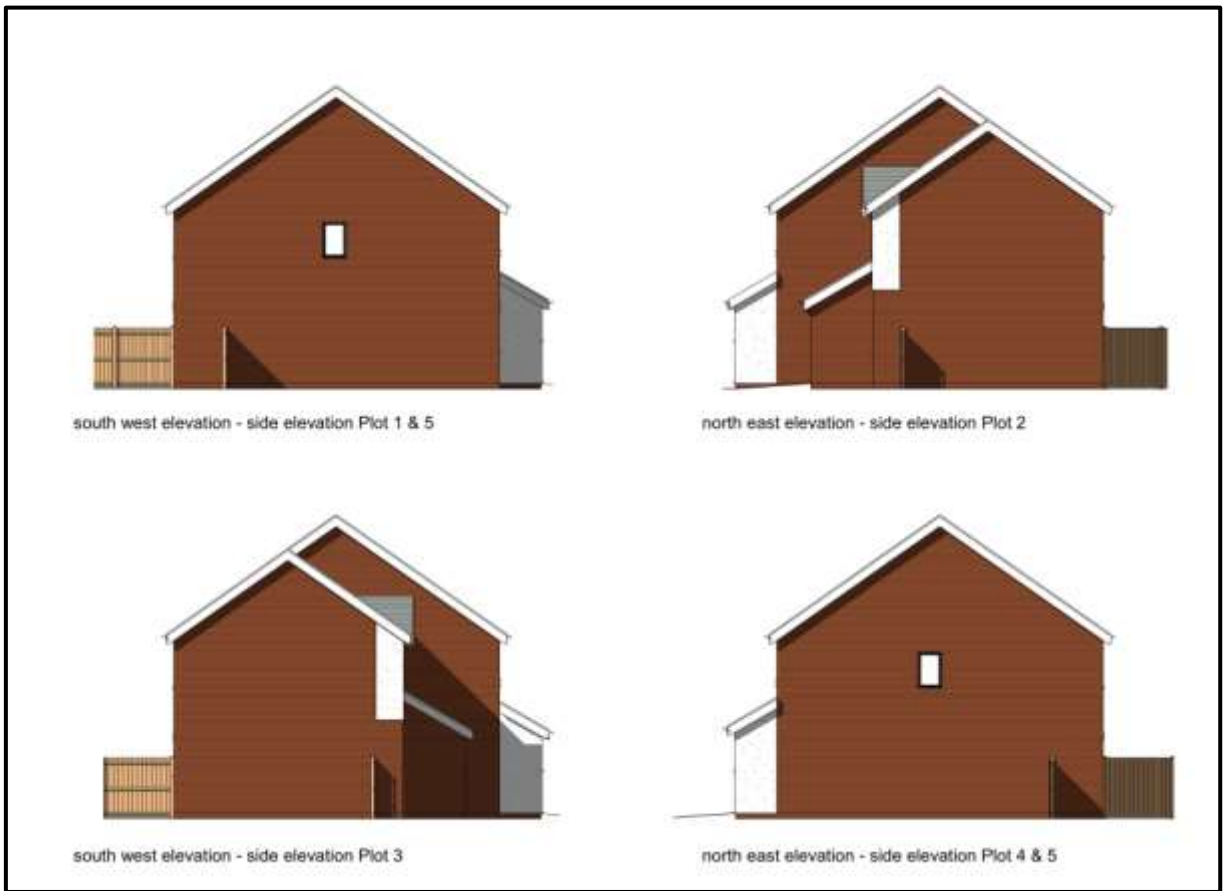


second floor plan - F5 & 6

Flats- First & Second Floor Plans



Elevations- North East & South West



Elevations- Side Plots 1-5



Elevation- South East & North West

REFERENCE No. 036306

Site Address: Site 73B005- Land opposite 87-81 Raveloe Drive, Nuneaton

Description of Development: Erection of 8 no. dwellings comprising 4 no. houses and 4 no. apartments

Applicant: Mrs Dawn Dawson

Ward: Wem Brook

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of 8 no. dwellings comprising 4 no. houses (2no. 3 bed and 2no. 4 bed) and 4 no. 1 bed apartments.

The site was previously a garage site but the garages have been demolished. It is accessed at the end of Raveloe Drive. The site is fairly level. To the south/south –west there is a grassed area with residential properties beyond. These are two storey pitched roof with materials consisting of brown bricks and concrete tiles. To the west is George Eliot School. The boundary treatment between the site and the school consists of 2.5 metre high palisade fencing. Griff Brook is to the east/south-east and school playing fields beyond. To the north there is a footpath that runs between George Eliot School and the playing fields. There is open space beyond the footpath that leads to the Wembrook Trail.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

- There is no relevant planning history.
-

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1- Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - DS3- Development Principles;
 - DS5- Residential Allocations;
 - H1- Range and Mix of Housing;
 - NE1- Green Infrastructure;

- NE2- Open Space;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability and
- BE3- Sustainable Design and Construction
- Residential Design Guide 2004.

CONSULTEES NOTIFIED:

Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Police, WCC Rights of Way, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, WCC Fire & Rescue, WCC Highways

No objection from:

Environment Agency, NBBC Refuse, Warwickshire Police (Architectural Liaison Officer), WCC Rights of Way

Comment from:

Cadent, NBBC Planning Policy

No response from:

Coal Authority, NBBC Housing, Severn Trent Water

NEIGHBOURS NOTIFIED:

65-87 (odd), George Eliot School Raveloe Drive.

Neighbouring properties were sent letters notifying them of the proposed development on 18th April 2019. A site notice was erected on street furniture on 24th April 2019.

NEIGHBOUR RESPONSES:

There have been 4 objections from 2 addresses. The comments are summarised below;

1. Increase in noise and pollution from building work and from new occupants.
2. Loss of footpath.
3. Loss of space where children play.
4. Existing parking problems in the area.
5. Increased traffic and on-street parking.
6. Would prevent emergency vehicles getting through.
7. Increased flooding.
8. Overlooking and loss of privacy.
9. Impact on wildlife.
10. Will look out of place.

There has been a petition with 33 signatures. The comments are summarised below;

- 1) Impact on wildlife.
- 2) Loss of play facilities.
- 3) Popular dog walking area.
- 4) Will look out of place.
- 5) Loss of privacy.
- 6) Make journey to and from school more difficult.

- 7) Area is already congested. This would be made worse.
- 8) Increased noise and pollution.

There has been 1 letter of comment from Councillor Jackson. The comments are summarised below;

- 1) Have been approached by residents who are concerned about the traffic implications.
- 2) Parking is very difficult and with the number of activities held, particularly at the weekend, congestion is a very real problem.
- 3) The design of the properties needs to be carefully considered to ensure that they do not disturb the street scene.

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 & drainage,
7. Contamination and land stability,
8. Ecology,
9. Conclusion

1. The Principle of Development

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

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 is a disused garage site and the garages have been demolished. It is considered that the site is a brownfield site and would provide a beneficial use of a vacant site and much needed affordable housing. The Borough Plan was adopted by the Council on 10th June 2019. Policy DS5 allocates sites for residential development, both strategic and non-strategic. This site is allocated as a non-strategic site and therefore the principle of residential development on this site is considered acceptable. Policy DS5 proposes 12 dwellings on the site. The applicant has confirmed there are a number of reasons for the reduced number of dwellings including that the Strategic Housing Manager identified a specific need for three and four bedroom homes which are larger properties, all dwellings are built to Technical House Standard which are built to be more spacious, the provision of a road was made in order to allow the homes to face the open space and connectivity along

the Griff Brook was required which meant a 3 metre wide foot/cycle path was incorporated into the design.

2. Affordable Housing

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15no. dwellings or more and 2no. units on sites of between 11no. and 14no. dwellings. As the proposed number of dwellings is 8, this is below the thresholds in Policy H2. However, all of the dwellings are proposed as affordable and will be owned and maintained by NBBC. The applicant carried out consultation with the Strategic Housing Manager who identified a specific need for 3 and 4 bedroom dwellings over 2 bedroom dwellings, which was a preferred mix based on the Housing Register and local Housing needs.

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. No's 81-87 Raveloe Drive are to the south-west. The nearest proposed plots to these properties are plots 1-4. However, there would be over 20 metres separation which complies with the distance standards set out in paragraph 9.3 of the Residential Design Guide.

In relation to inside the site, plot 5 proposes a ground floor side facing window that would face the blank elevation of plots 1-4. However, as this is a secondary window with a larger primary window to the front serving that room it is acceptable. At first floor, two side facing windows are proposed which would face the blank elevation on plots 1-4. One serves a bathroom which is a non-habitable room and is therefore acceptable. The other would serve a bedroom and would be sited approximately 9 metres away from the blank wall opposite, contrary to paragraph 9.5 of the Residential Design Guide which normally requires 12 metres. However, it is considered there would be views from this window past plots 1-4 which would reduce the impact on that window and therefore it is considered acceptable. Plots 6 and 7 both have first floor side facing bedroom windows that face the other. This is at a distance of approximately 6 metres, contrary to paragraph 9.3 of the Residential Design Guide which requires 20 metres. However, amended plans have been submitted which propose angled windows. The parts of the windows that would face the other are obscure glazed with clear glazing to the front facing parts of the windows. This is considered acceptable and would provide a satisfactory level of amenity to the 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. It is considered that the site is of sufficient size to create its own character and would provide a cohesive group. The majority of the dwellings would be two storey with pitched roofs.

They are to be constructed off site using modern methods of construction and would then be craned onto the site. Materials proposed include brick, cedar weatherboarding and concrete roof tiles which are considered acceptable. Detailing above and below the windows and an entrance canopy over the main entrance doors are proposed which, together with the materials, add some visual interest. The development would front Raveloe Drive and Griff Brook. The side elevations of plots 1-4 and plot 8 would

contain windows which provide an active elevation which would be visible from the access road and open space to the north. The ridge height of plots 1-4 is approximately 8.3 metres which would not be out of character with the existing area. Plots 5-8 would be approximately 10.3 metres high to the ridge and a dormer to the front is proposed on plots 5 and 8. Whilst they would be taller than plots 1-4 and the existing properties it is considered that as they would be set further into the site they would not appear significantly out of character. The proposed dormers to plots 5 and 8 provide a balanced street scene. It is considered that the proposed layout and design are acceptable and would not have a detrimental impact on the visual amenities of the area.

5. Highway Safety

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Vehicular access is proposed off Raveloe Drive. Footpaths are provided within site. There is an existing footpath which runs along the southern boundary. This will be upgraded to 3 metres in width to create a cycle/footpath as part of the proposals. Provision is also made for a 3 metre wide cycle/footpath to run parallel with the Griff Brook along the eastern boundary to maintain connections to the north up to the Wembrook Trail. The path which runs along the northern boundary and is currently used by George Eliot School to access the school playing field will be retained. Removable bollards are proposed which will allow mowing equipment to access the playing fields. In terms of parking, each of the flats are proposed to have 1no. parking space. Plots 6, 7 and 8 would have 2no. spaces each with plot 5 having 4no. spaces. There would also be 4no. visitor spaces near the entrance to the site which would be available for use by existing residents in Raveloe Drive. The Council no longer has any saved car parking standards but this level of parking is considered acceptable. It is also considered that the site is in a sustainable location and close to facilities such a public transport routes. WCC Highways had previously questioned why a footpath had not been created to link to the eastern side of Raveloe Drive. However, this section is outside the application site and it is considered that access for pedestrians on and off the site has been provided via the existing footpath along the western boundary which is being upgraded to a cycle path and would connect to the new cycle/footpath along the eastern boundary on one side and directly onto the foot path on Raveloe Drive on the other. Pedestrians using the footpath that runs in front of plots 1-4 could cross the private road and then utilise the footpath running alongside the visitors' parking spaces and onto the path on Raveloe Drive. WCC Highways now consider that based on predicted and existing movements the proposed layout is acceptable. WCC Highways have no objections subject to conditions.

6. Flood Risk & Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. A Flood Risk Assessment has been submitted with the application that clarifies that the development lies within low risk Flood Zone 1 and as such is not at risk of flooding from the river.

7. Contamination & Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising

from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Geo-Environmental Assessment has been submitted with the application. Environmental Health have no objections subject to the four standard contaminated land conditions being added.

8. Ecology

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. The site is a disused garage site and the majority is hardstanding. There is a small grassed area to the south/south-west. NBBC Parks have no objection subject to conditions covering landscaping, lighting and vegetation clearance methods and timing. 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 previous garage site and the majority is hardstanding and what is habitat currently and what the development would result in it could be argued that the impact is being minimised. NBBC have not raised this as an issue.

9. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The application site is a brownfield site and would provide a beneficial use of under-utilised land within the settlement boundary. It would also provide much needed affordable housing in the Borough.

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

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

REASONS FOR APPROVAL:

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

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

SCHEDULE OF CONDITIONS:

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 Plan	100-232AR/003A	5th April 2019
Site Layout	100-232AR/001R	8th November 2019
Floor Plans- Plots 1-4	GS126-DEV-001C	8th November 2019
Ground Floor Plans- Plots 5-6	GS126-DEV-003	14th June 2019
First Floor Plans- Plots 5-6	GS126-DEV-004B	18th June 2019
Loft Floor Plans- Plots 5-6	GS126-DEV-005	14th June 2019
Ground Floor Plans- Plots 7-8	GS126-DEV-007	14th June 2019
First Floor Plans- Plots 7-8	GS126-DEV-008B	18th June 2019
Loft Floor Plans- Plots 7-8	GS126-DEV-009	14th June 2019
Elevations Plots 1-4	GS126-DEV-002D	8th November 2019
Elevations Plots 5-6	GS126-DEV-006C	20th November 2019
Elevations Plots 7-8	GS126-DEV-010C	8th November 2019
Boundary Treatment Plan	100-232AR/004G	8th November 2019

3. No development shall commence until:

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

4. No development shall commence, including any site clearance, 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.

5. 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 lightspill 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.

6. No development above ground 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.

7. No development above ground level 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.

8. No dwelling shall be occupied until the access (including Give-Way markings), car parking, manoeuvring and service 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.

9. Within one month of the last dwelling being occupied the footway, footpath and cycleway extensions as shown on the approved drawing shall be completed and available for use.

10. 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.

11. The development shall not be carried out other than in accordance with the boundary treatment plan (drawing no. 100-232AR/004G) received by the Council on 8th November 2019. No dwelling shall not be occupied until the boundary treatments to that plot have been carried out in accordance with the approved details.

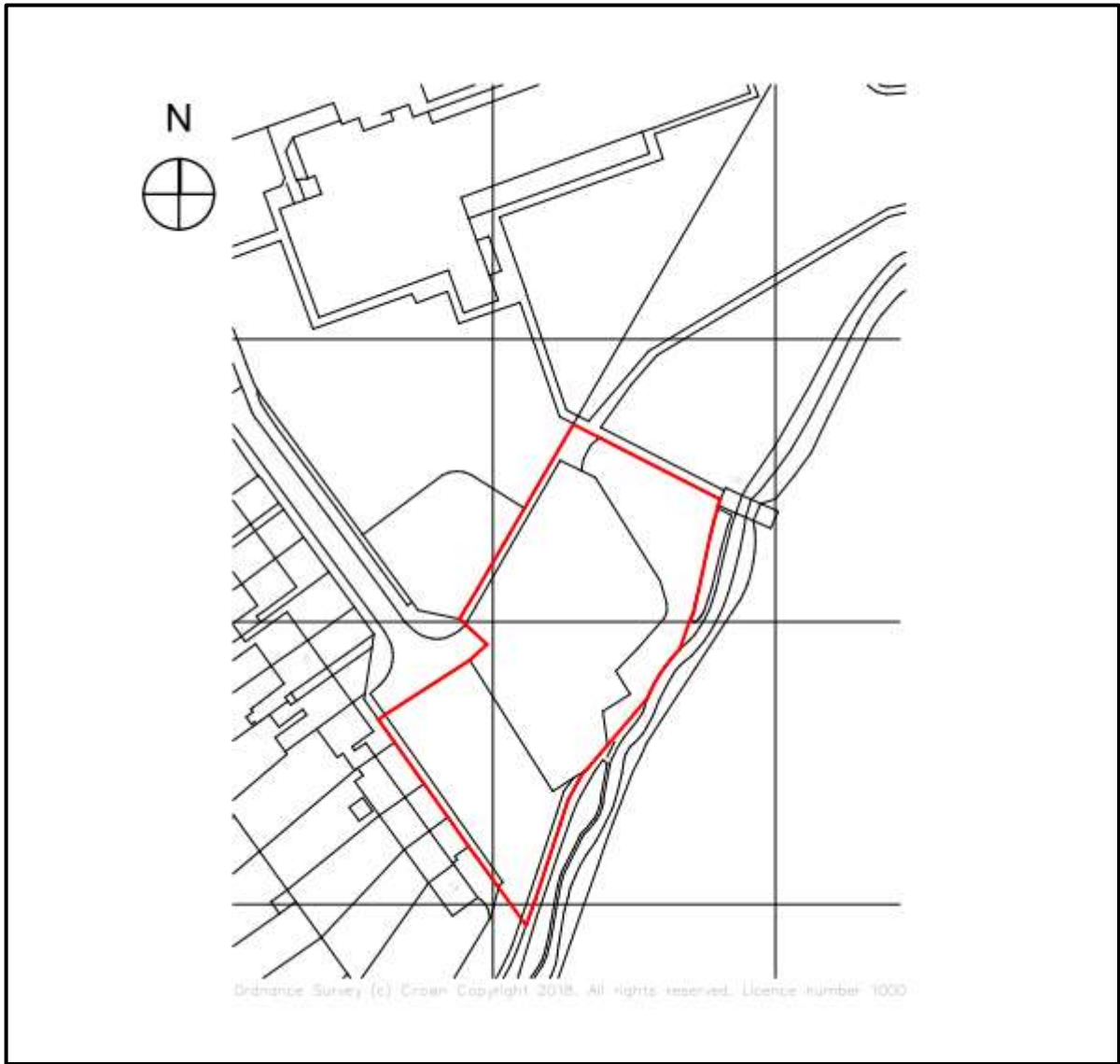
12. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway fronting the access, path and for a distance of 2 metres either side of the paths exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

13. No vegetation clearance and cutting work should be carried out other than in August and September (to minimise potential impacts on any birds or reptiles etc that

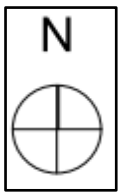
may be present). Outside of these times clearance must only be undertaken with an ecologist present supervising the works and a brief written report with dated photographs must be submitted to the Council within two weeks of the visit to evidence the works being undertaken in the presence of the supervising ecologist who can take appropriate action should fauna be found as items and materials are removed. At all times vegetation clearance works must be undertaken in warm dry conditions and must be undertaken by starting the cutting / clearance at a point which will gradually drive any animals present outward toward the brook. Once vegetation has been cut short it should be regularly maintained so as to deter any return by animals to areas of regrowth until development fully commences.

14. No development shall commence until a temporary newt / reptile protection fence has been erected along the southern edge of the development on the southern kerb edge line for the cyclepath as shown on the Site Layout Plan (Drawing no. 100-232AR/001R) and is to remain and be checked daily in perpetuity for the duration of the works.

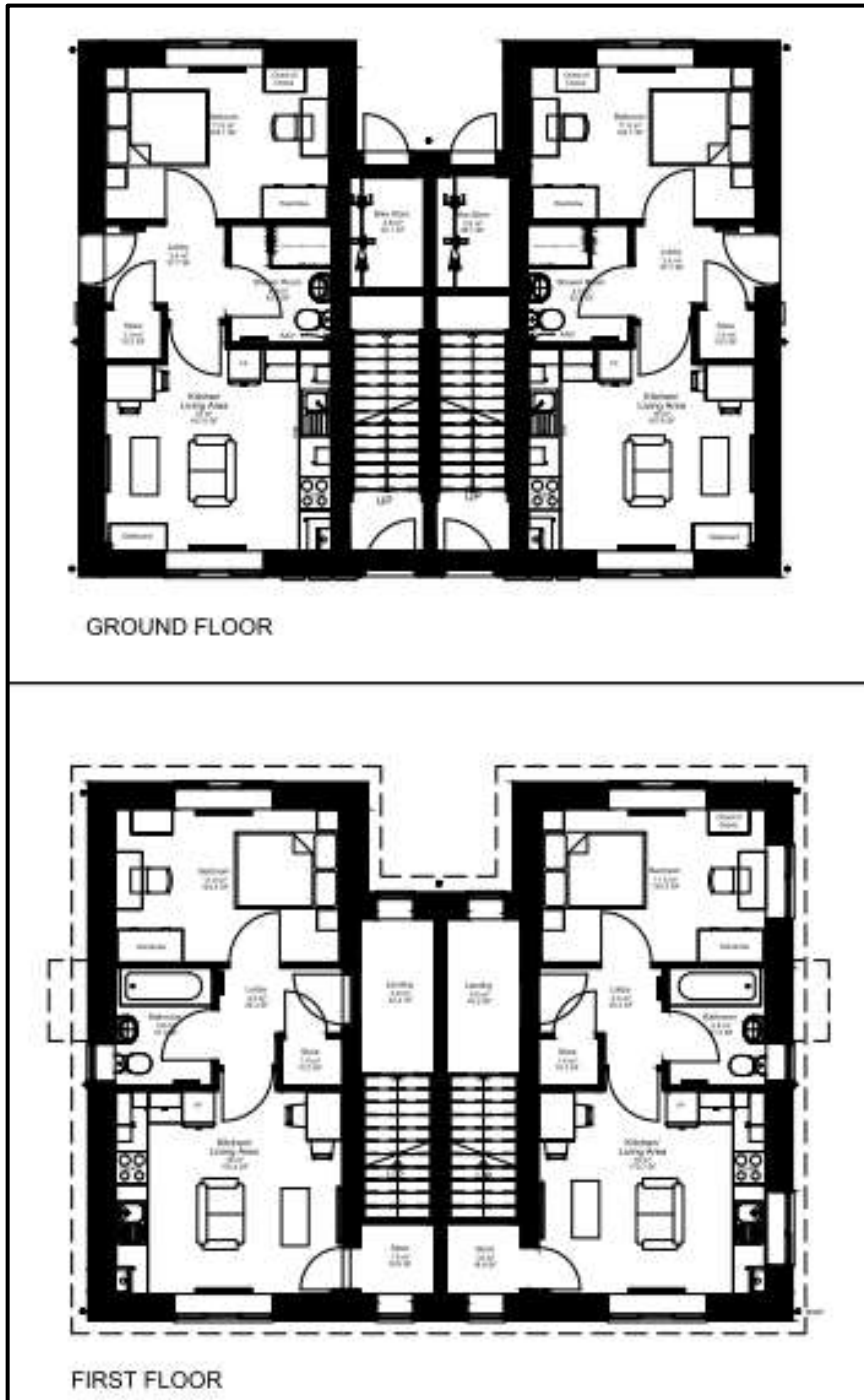
15. No development shall commence until suitable measures for the protection of the trees and adjacent hedgerow (including roots) has been put into place and is to be retained and checked daily during the development period, in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction.



Site Plan



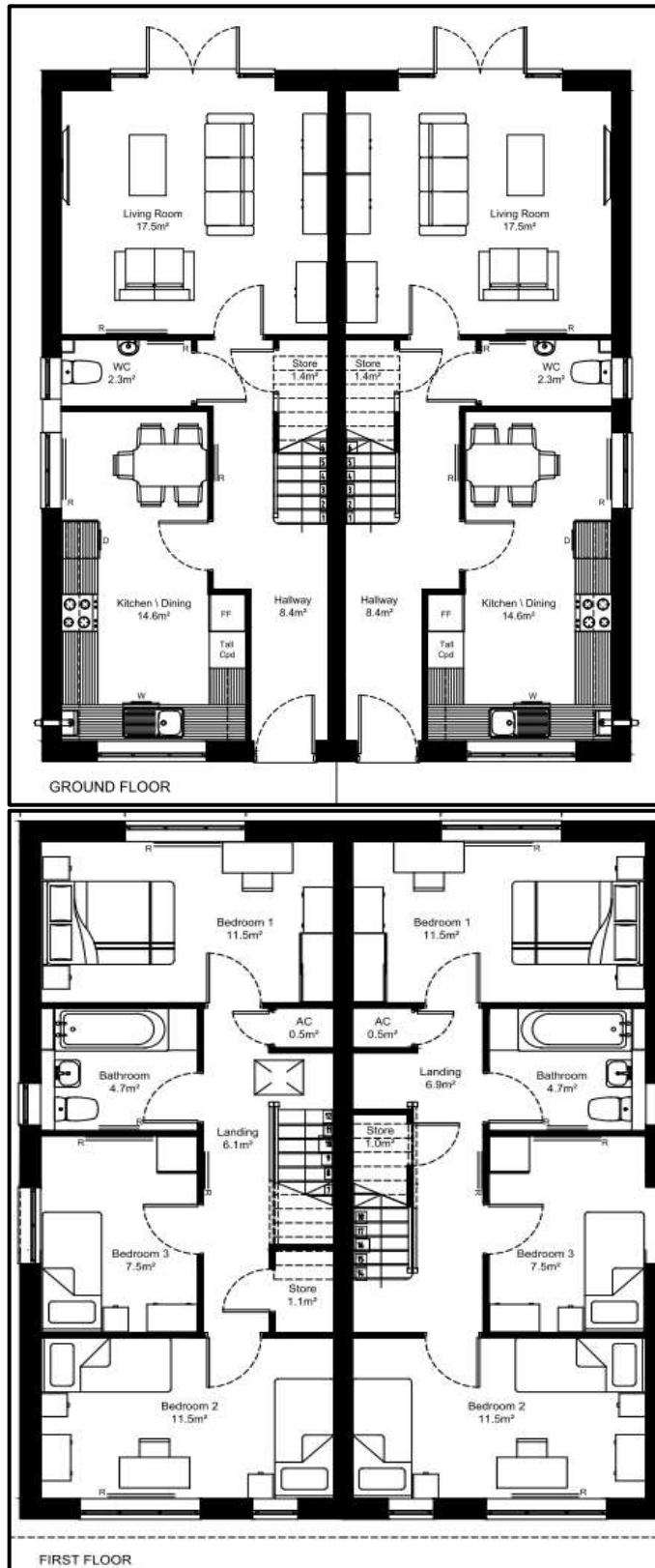
Site Layout



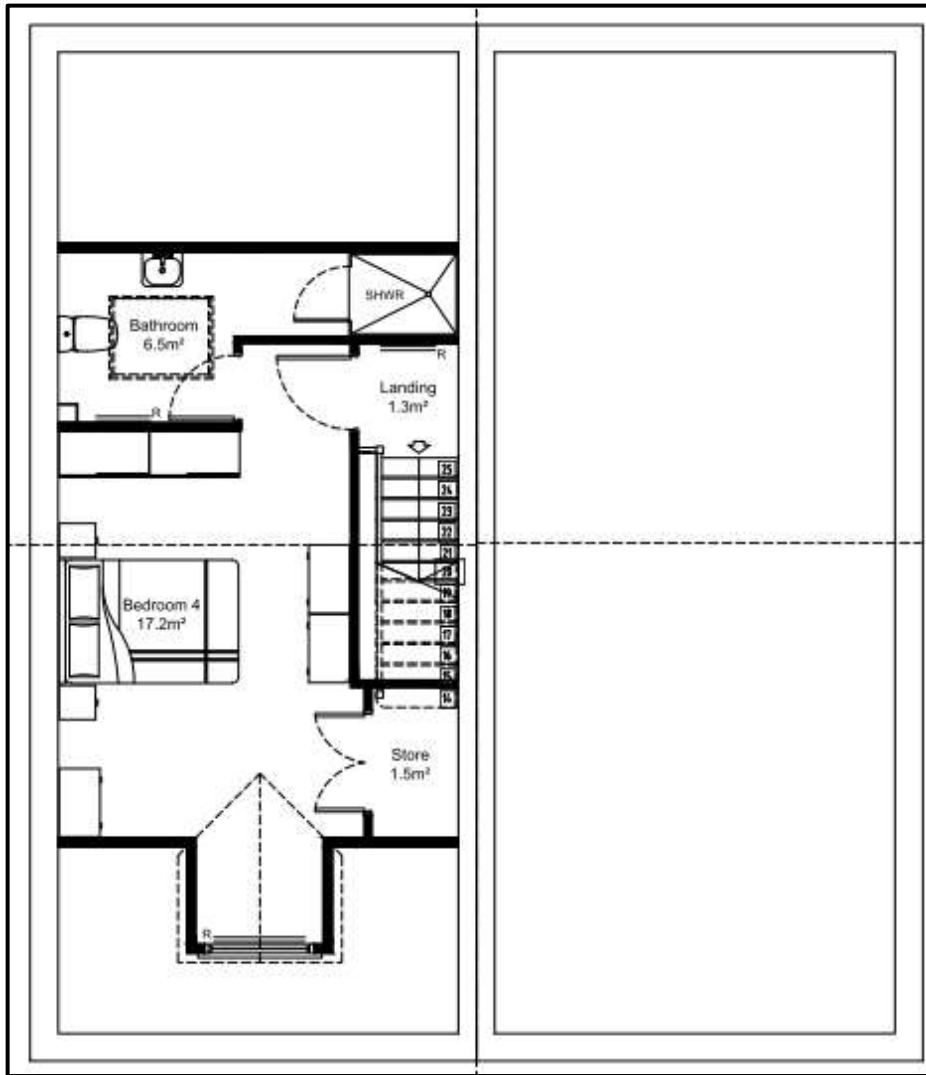
Floor Plans- Plots 1-4



Elevations- Plots 1-4



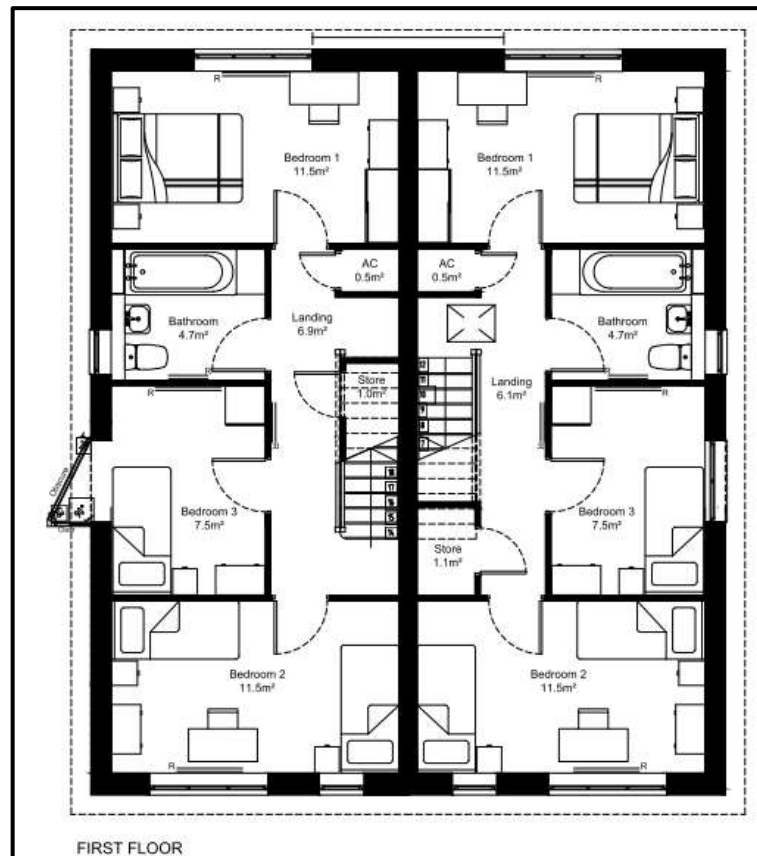
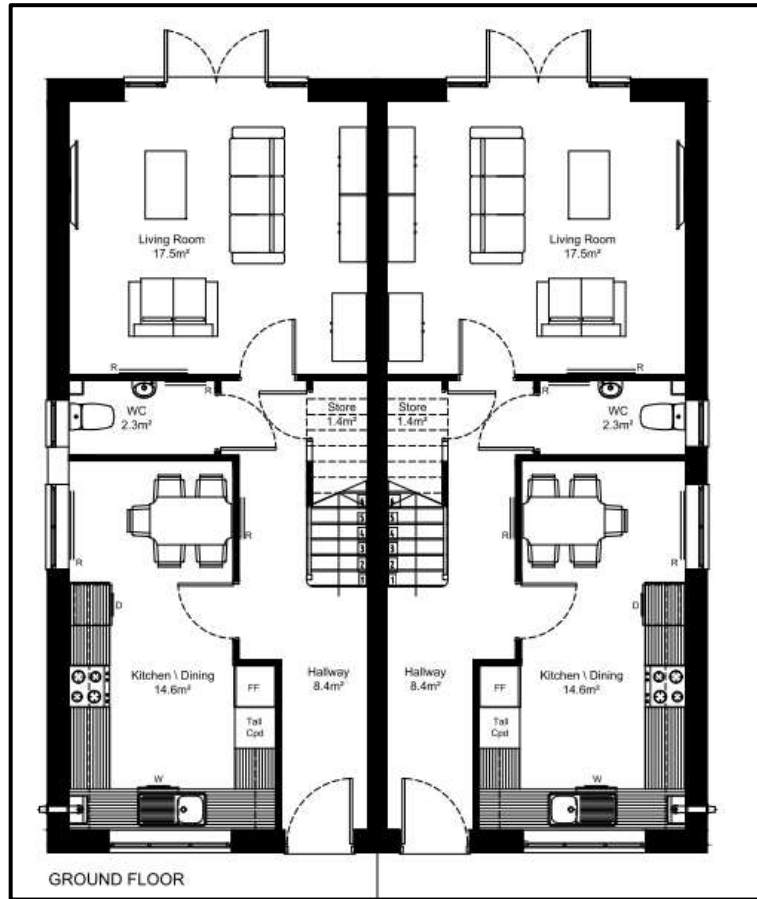
Floor Plans- Ground & First Floor- Plots 5-6



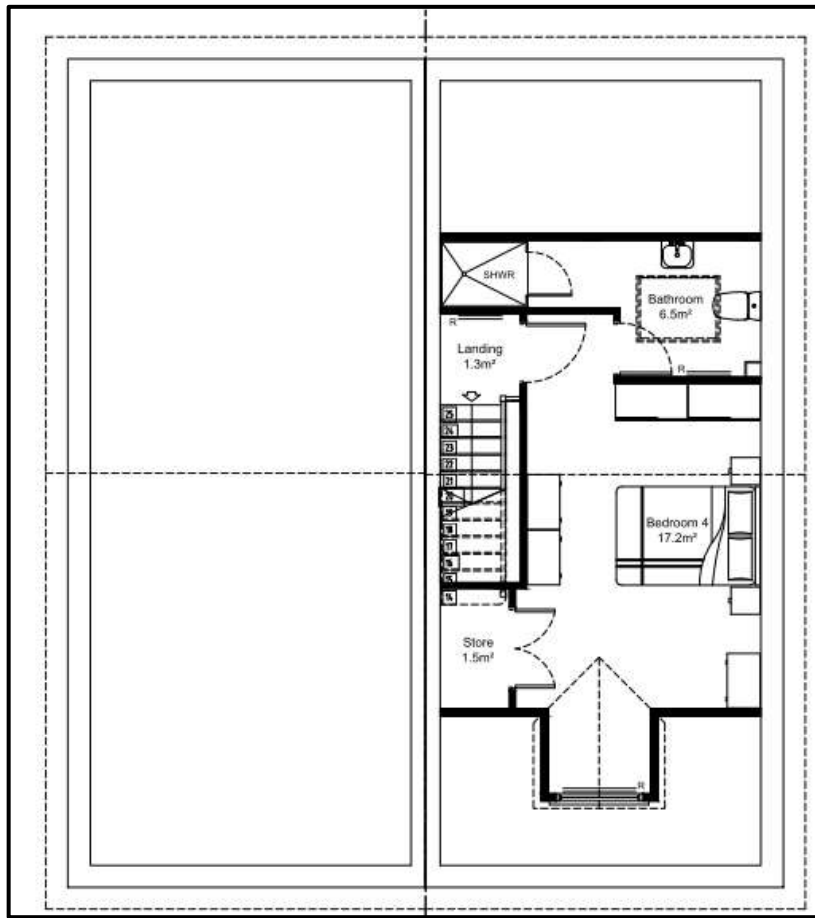
Floor Plan- Loft- Plots 5-6



Elevations- Plots 5-6



Floor Plans- Ground & First Floor- Plots 7-8



Floor Plan- Loft- Plots 7-8



Elevations- Plots 7-8



Street Scene

Item No. 4

REFERENCE No. 036513

Site Address: Anker Service Station Weddington Road Nuneaton. CV10 0AD.

Description of Development: Change of use from a car wash (sui generis) to hot food takeaway and cafe at ground floor (Class A3/A5). First floor extension and external staircase to provide new offices (Class B1(a)/A2).

Applicant: Mr Shaan Chaudry.

Ward: SN

RECOMMENDATION:

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

INTRODUCTION:

Change of use from a car wash (sui generis) to hot food takeaway and cafe at ground floor (Class A3/A5). First floor extension and external staircase to provide new offices (Class B1(a)/A2) at Anker Service Station, Weddington Road, Nuneaton.

The Service Station is within Weddington Terrace Local Centre and is part of a wider development site which includes an existing petrol fuel station, convenience store and car wash (the car wash previously had consent via Appeal in 2012 to be re-developed into a sandwich bar with an extension to provide a first floor offices above to a similar design and layout as the new proposal. This approval has now lapsed). There is also a detached building with MOT bays for cars and light commercial vehicles (class 4 and 7) with waiting area and reception. There are a number of parking spaces laid out around this development site.

To the north of the application site there is a service road to other retail units 'To the east of the application site there is a residential dwelling of 26 Old Hinckley Road which is a two-storey property. The rear garden of this property borders the application site and there are a number of residential properties located along this road.

Weddington Road is located to the west of the application site and beyond this on the opposite side of the road there is a KFC restaurant and various industrial and retail units.

This current application is to extend the width of the detached flat roofed car wash by 1.5 metres to provide a change of use to a café/hot food takeaway on the ground floor and to provide a new first floor with flat roof to provide new offices to be accessed via a new external staircase to the side.

BACKGROUND:

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

RELEVANT PLANNING HISTORY:

Most recent history:

- 035069. Demolition of car wash facility. Replacement of 4 No. pump islands. 2 No. new underground storage tanks. 12 No. car parking spaces. External shop alterations and ancillary forecourt boundary treatments. Affecting trees covered by a Tree Preservation Order. Withdrawn. 13/09/17.
- 034817 Extension and alteration to MOT bay. Approved. 08/08/2017.
- 032394 Extension to rear, alteration of existing MOT bay, increase in height of building and blocking up of existing reception entrance. Approval 19/02/14.
- 031847: Vary condition 8 of planning approval 030611 to allow the sandwich bar to operate independently of Anker Service Station. Approved 17/01/2013.
- 031072: Increase in height of roof and rear extension to MOT Service Station. Withdrawn 23/11/2011.
- 030611: Extensions and change of use of car wash building to sandwich bar on ground floor with offices over (Offices to be directly associated with existing uses on site - ancillary to garage). Refused 08/06/2011. Appeal allowed 05/03/2012.
- 029387: Extension and change of use car wash building to sandwich bar on ground floor with offices over. Refused 14/07/2009. Appeal dismissed 02/12/2009.
- 012772: Extension and change of use of the existing car wash building to a sandwich bar on the ground floor with offices above. Withdrawn 20/11/2008.
- 011810: Extensions to the retail area to include the conversion of 24 Old Hinckley Road to retail and first floor to a flat (resubmission following refusal of 11392). Approved 10/9/07.
- 011643 Extension to retail area to include conversion of ground floor of No 24 Old Hinckley Road to retail and first floor to self-contained flat with new enclosed staircase (Resubmission following refusal of 11392). Withdrawn 11/11/07.
- 011392: Extensions to the retail area to include the conversion of 24 Old Hinckley Road to retail and first floor to a flat. Refused 11/4/2007.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 - Presumption in favour of sustainable development
 - DS2 - Settlement hierarchy and roles
 - DS3 - Development principles
 - DS4 - Overall development needs
 - E1 - Nature of employment growth
 - TC3 - Hierarchy of centres
 - HS2 - Strategic accessibility and sustainable transport
 - HS5 - Health
 - HS7 - Creating a healthier food environment
 - BE1 - Contamination and land instability
 - BE3 - Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Licensing, NBBC Planning Policy, Severn Trent Water, WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, Severn Trent Water and WCC Highways.

Comment from:

NBBC Planning Policy.

No response from:

NBBC Licensing.

NEIGHBOURS NOTIFIED:

13 – 35 (odd), 26, 30, Flats 1 – 9 28 Old Hinckley Road, 31a, 33, Stone and Heating Centre, Earth Spirit Crystals 30a, Weddington Terrace, Flooring Empire unit 3, Kitchen World 3b, Unit 4, The Hayloft Unit 6, Davies Courtyard, Match Kit Fit, Budgens, Midlands Golf, Russell Francis Interiors, May Ann Evans Hospice shop, Plumbing and Heating Weddington Road.

The Neighbouring properties were sent letters notifying them of the proposed development on 5th July 2019. A site notice was erected on street furniture on 11th July 2019 and the application was advertised in The Nuneaton News on 31st July 2019.

NEIGHBOUR RESPONSES:

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

1. Late evening is already unbearable due to the garage being open 24 hours with damage to properties and litter. The forecourt is also used as a taxi rank.
2. No more eating houses are necessary, as there is already a KFC opposite which encourages groups of younger children to meet.
3. Does not promote healthy living.
4. Just because this is a main road, private properties in the area should still be protected.
5. Impact on highway safety.
6. Impact on car parking.
7. Impact on flooding and surface water drainage.
8. Lack of borough plan.
9. Impact on existing infrastructure.

Response from Councillor Kondakor advising that:

1. Too close to Etone School.
2. Will have significant impact on litter.
3. Policies against this in the new Borough Plan.

APPRAISAL:

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

1. The Principle of Development.
2. Impact to Residential Properties.
3. Impact on Visual Amenity.
4. Impact on Highway Safety.

5. Conclusion.

1. The Principle of Development

The principle for a sandwich bar and offices with a similar design has already been established in 2012 by Appeal. However since this time, there has been the introduction of the new Borough Plan with new Policies.

In regard to the principle of development, the proposal is on the edge of Nuneaton Town Centre and is within the Weddington Terrace Local Centre and is considered to be within a sustainable location. Policy DS1 of the Borough Plan states there should be a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is also within the Nuneaton settlement and Policy DS2 states that development should be directed to Nuneaton as the primary town.

In relation to the proposed office space, Policy E1 of the Borough Plan states that offices should be directed to Nuneaton to Bedworth Town Centre. Whilst the proposal is not within the Town Centre it is close to the edge of Nuneaton Town Centre. Policy DS4 of the Borough Plan states that almost 108 hectares of employment land should be provided over the plan period. Whilst the proposal is not within a strategic employment site, it is nonetheless considered to be an in an employment site and will provide an addition 82 square metres of employment floor space. In addition the Agent has confirmed that the office is to be ancillary to the use on the site.

Policy TC3 of the Borough Plan states that development within local centres will be considered acceptable in principle subject to:

1. The function, vitality and viability is maintained or improved.
2. Contributes positively to the range of services on offer.
3. Does not harm the amenities of local residents.
4. Does not result in the loss of ground floor retail/commercial floor space to residential use.

It is considered that the proposal will not impact the function, vitality or viability of the local centre and will provide a further range of service. The impact to local residents will be discussed later. Section 4 of the above does not apply. Paragraph 10.23 of this Policy states that health eating establishments will be considered favourably. It is unclear what type of food will be served and this could not be conditioned as it is the principle of the class use being considered not the type of food. Policy HS5 of the Borough Plan refers to health and requires demonstration that the proposal will have limited impact on health. Again as the class use is being determined not the exact specific use, the type of food could change.

Policy HS7 of the Borough Plan states that hot food takeaways will be permitted providing:

- The proposal is not within a 400 m radius of the principal point of access to an existing secondary school or sixth form college. This will not apply when the buffer zone overlaps with a town or local centre.
- The proposal does not jeopardise the provision of an essential local service.
- The proposal does not increase the number of units under the A5 use class to over 20% of the centre's total usage.
- Customer visits by car would not have an unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety.

- A sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.

In this case the takeaway is within that 400m radius of Etone School. However the policy does state that the policy will not apply if the buffer zone overlaps with a town or local centre. The proposal is within a local centre and it would therefore be difficult to defend at appeal. In relation to the second point, the proposal will not jeopardise the provision of a local service and will not increase the amount of A5 units to over 20% within the local centre. The impact of parking will be discussed later. As the application site is within a defined centre, the sequential assessment is not necessary in this instance.

In relation Policy BE1 contamination and land instability, the Council's Environmental Health Team have not requested contamination conditions.

In conclusion, it is considered that the principle of the development is acceptable.

2. Impact to Residential Properties

Policy DS3 of the Borough Plan and TC3 states there should not be a negative impact to the amenity of the surrounding environment or residents. The Council's Environmental Health have no objection subject to conditions for:

- Requesting details for ventilation and filtration to be submitted to the Council and maintained in perpetuity.
- The requirements for plant/machinery and equipment (including refrigeration and air conditioning) to be within an acoustic enclosure to prevent noise and vibration to neighbouring properties.
- Restricting the hours of use to Monday to Sunday 07:00 until 23:00.
- Restricting deliveries to the hours of 08:00 until 18:00 Monday to Friday and 09:00 until 18:00 Saturdays. No deliveries or servicing including refuse on Sundays or Bank Holidays.
- Any litter associated with the running of the sandwich bar shall be adequately disposed of and regular litter picking should take place within 100m of the site. Adequate numbers of litter bins shall be provided on site and the contents regularly and adequately disposed of.

It is considered that the above conditions are reasonable with the exception of the requirement for litter picking in the area which is not considered enforceable.

In relation to the physical impact of the new proposed first floor, the nearest residential property is 26 Old Hinckley Road the proposal is in a westerly direction to this neighbour's garden and is at least 15 metres away and separated from it by parking. There are no first floor windows proposed to the rear of the new first floor building to overlook this neighbour but there will be a new external staircase to the side of the building which will allow people to look from this into gardens. The Council's Residential Design Guide 2004 has no specifications on external staircases but does state first floor windows and above should be at least 7 metres from the boundary to neighbour's gardens to prevent overlooking. As the staircase is at least 15 metres away it could be stated that in principle the staircase would be acceptable in terms of overlooking.

In conclusion it is considered that the residential amenity can be protected via conditions.

3. Impact on Visual Amenity

Policy BE3 of the Borough Plan states that consideration should be given to the proposed design and layout to be in keeping with the surrounding area. The building for the petrol fuel station is largely single storey approximately 4 metres in height but with a two storey pitched roof element set back to the rear of this building. The canopy above the petrol pumps is 5 to 6 metres in height. The adjacent MOT station on the site is approximately 4 metres in height and is flat roofed. The existing car wash is flat roofed and is 3.62 metres in height. The proposal is to increase the height to 6.2 metres. The length of the building is to remain the same at 10.4 metres but the width is to be increased from 6.6 metres to 8.1 metres. The adjacent building to the site is two storey with a pitched roof and some of the buildings opposite are approximately 6 metres. Whilst the car wash is slightly further forwards than the brick buildings in the area it will be seen against the backdrop of the fuel station canopy and it is considered that the scale of the building is considered acceptable.

In relation to the materials the ground floor is to remain in the existing yellow brick representative of the rest of the site with the new first floor being clad in timber. Whilst timber will weather, it is becoming a frequently more common building material for walls and it is considered that as a commercial building it would unlikely be allowed to deteriorate to an extent that it became visually unattractive. As the area has different materials of yellow and red brick and cladding it is considered that the proposed materials are acceptable.

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

4. Impact on Highway Safety

Policies DS3; HS1 and HS2 of the Borough Plan states that development should not have a negative impact on local infrastructure. WCC Highways have no objection subject to a condition that the parking and manoeuvring is laid out prior to the first use of the building.

The proposal shows a minimum of 3 spaces for staff and 9 spaces for customers/visitors; other spaces in proximity to this are shown on the plan. The Council's only parking guidance is no longer valid but states 1 space per 3 square metres for a hot food takeaway and 1 space per 5 square metres for a restaurant and 1 space per 30 square metres for offices. The café/hot food takeaway is 72 square metres so if 4 spaces per 5 square metres is used this equates to 18 spaces and 2.4 spaces for the offices. This does mean there is a deficit of 8 spaces. As previously stated, the Agent has advised that the offices are to be used ancillary to the uses on the site, therefore the people using the office are likely to already be on site. In addition it is considered that as the proposal is within a local centre there will be a certain amount of customers visiting the use on foot. Notwithstanding this, the parking guidance is no longer extant and without an objection from Highways it would be difficult to defend at Appeal if refused on parking.

A previous approval (reference 034817) was for an extension and alteration to the adjacent MOT building and which was approved in August 2017. This application has not been implemented but is still extant. This previous application showed that ten of the proposed parking spaces for this current application was to be used for the MOT station and for the existing shop. The previous approval specifically included the parking layout as an approved plan and conditioned that the extension could not be used until the parking was laid out as per the approved plan. Therefore, it is considered that this previous approval could not be completed in addition to this current application if approved, as it would be breaching the previous conditions. To strengthen this

further, it is considered that a condition that the proposed café/hot food takeaway and offices could not be occupied until the parking was laid out to the approved plan is acceptable. There are other parking spaces within the site to accommodate both the existing MOT station and the retail element within the site.

It is therefore considered that Highway safety is acceptable.

5. Conclusion

In conclusion, the NPPF and local policy promotes a presumption in favour of sustainable development, and 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 key issues in this case being the Principle of Development; Impact to Residential Properties; Impact on Visual Amenity and Impact on Highway Safety. It is considered that whilst the proposal introduces an element of hot food takeaway close to a school the policy exempts this when the use is within a local centre and the proposal largely complies with the other local policies in terms of the principle of the development and this in its own right weighs in favour of the proposal. In terms of the impact to residential amenity, it is considered that this can be made acceptable subject to conditions. The visual amenity is considered acceptable and whilst the proposal does not meet previous guidance in terms of parking standards, this carries little weight as the guidance for parking is no longer extant and because WCC Highways have no concerns.

It is therefore considered on balance, that whilst there are considerations against the proposal, those in favour of it, outweigh the 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:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

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
Block and Location Plan	03	26th June 2019
As Proposed	01	26th June 2019

3. No development shall commence until details of the ventilation and filtration equipment to suppress and disperse fumes and/or smell created from the operations on the premises shall be submitted to and approved in writing by the Council. (Details to include outlet height, which in general should be at least 1 metre above roof ridge height of the nearest building.) The equipment shall be installed in full working order to the satisfaction of the Council prior to the commencement of use and shall be effectively operated and maintained in accordance with the manufacturers' instructions

for as long as the proposed use continues. (The equipment will need to incorporate carbon filtration within the system).

4. No development shall 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.

5. The units shall not be occupied until the parking and manoeuvring areas have been laid out in accordance with the approved drawing and are available for use. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

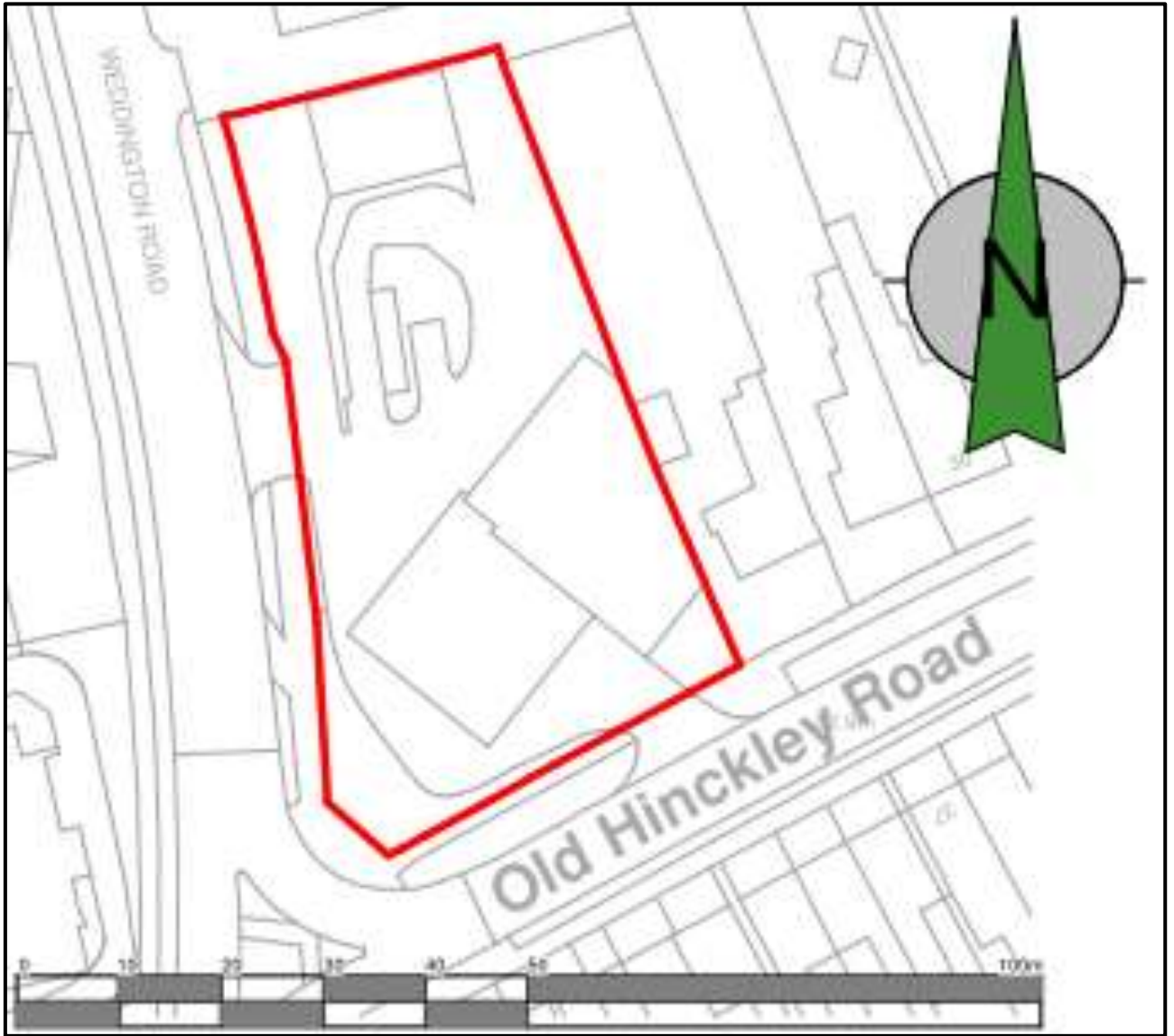
6. All plant, machinery and equipment (including refrigeration and air conditioning system) to be used by the reason of the granting of this permission shall be so installed, maintained and operate so as to prevent the transmission of noise and vibration into any neighbouring premises. The plant is to be incorporated within an acoustic enclosure which is to be maintained for the perpetuity of the equipment.

7. The use shall not commence until full details of the provision of refuse bins, including their location, have first been submitted to and approved in writing by the Council and the approved bins installed in accordance with the approved details.

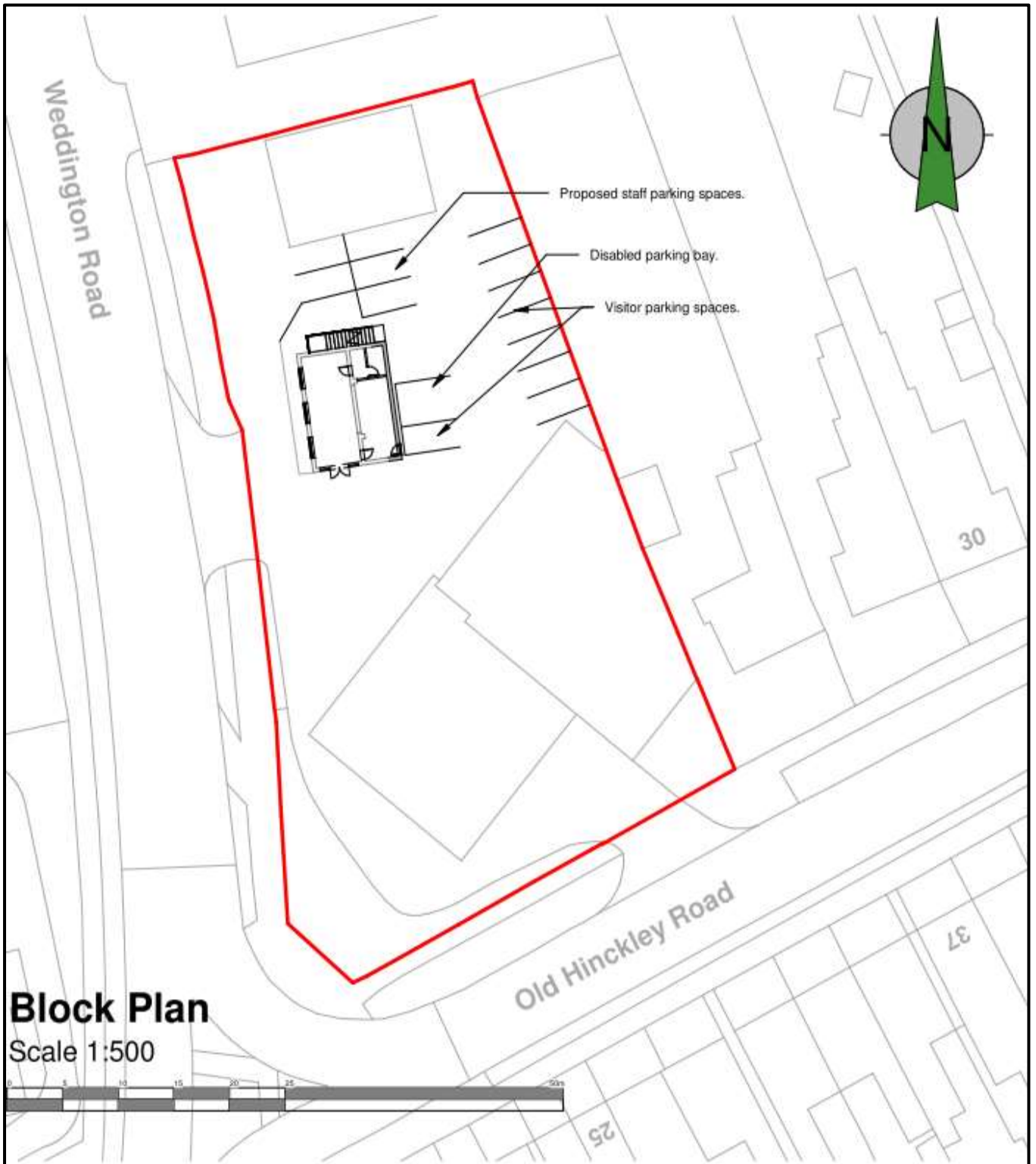
8. The uses shall not operate other than between the hours of Monday to Sunday, 07:00 until 23.00.

9. No deliveries or servicing to the building, including refuse collection, shall be carried out other than between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 18:00 Saturday. No deliveries/servicing, including refuse collection, shall take place at any time on Sundays or Bank Holidays.

10. The first floor offices shall not be used other than ancillary to the existing uses on the site or for ancillary offices to the proposed cafe and hot food takeaway use.



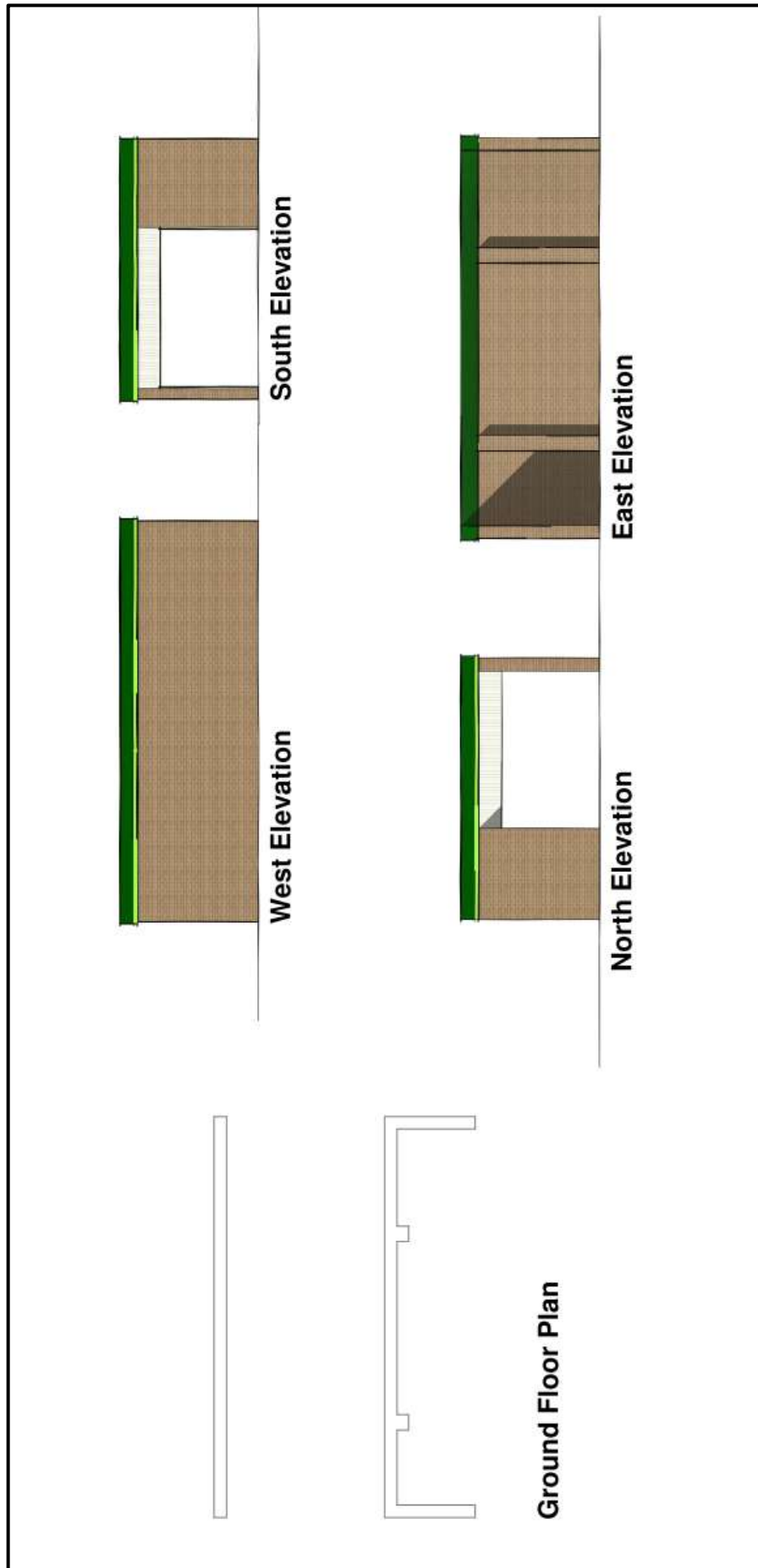
Location Plan



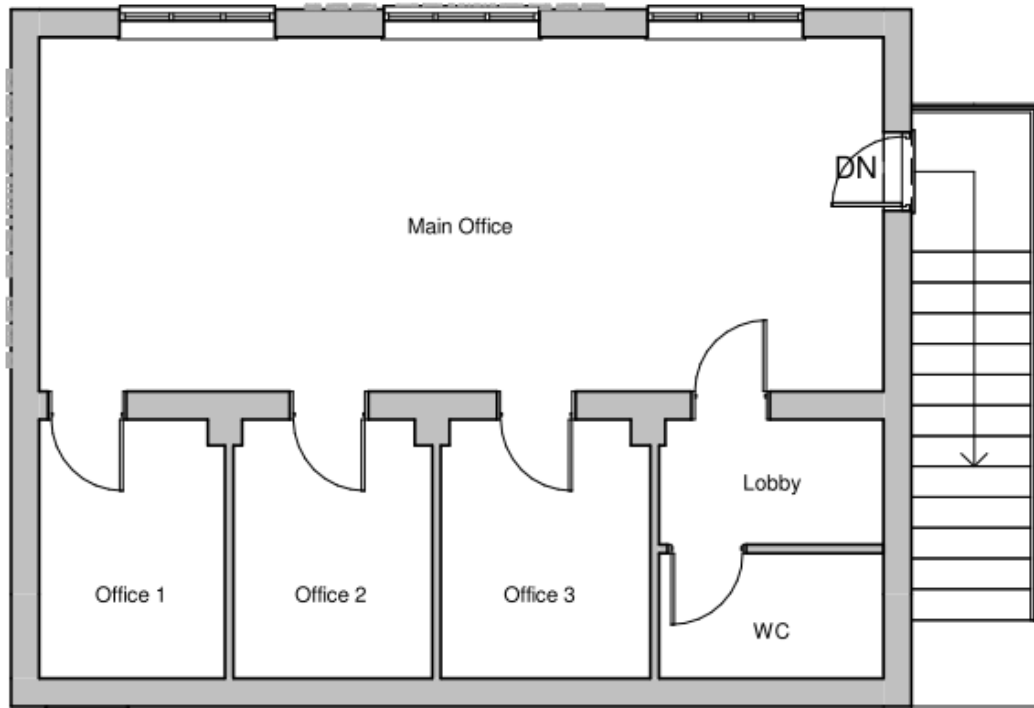
Block Plan

Scale 1:500

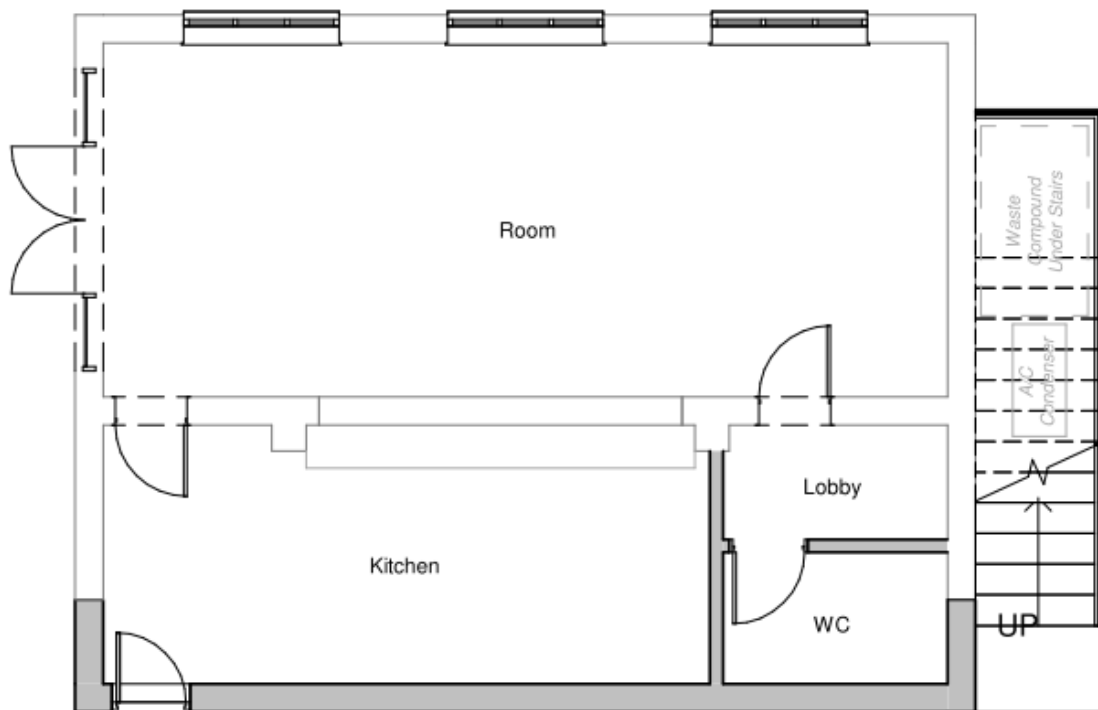




Existing Plan and Elevations

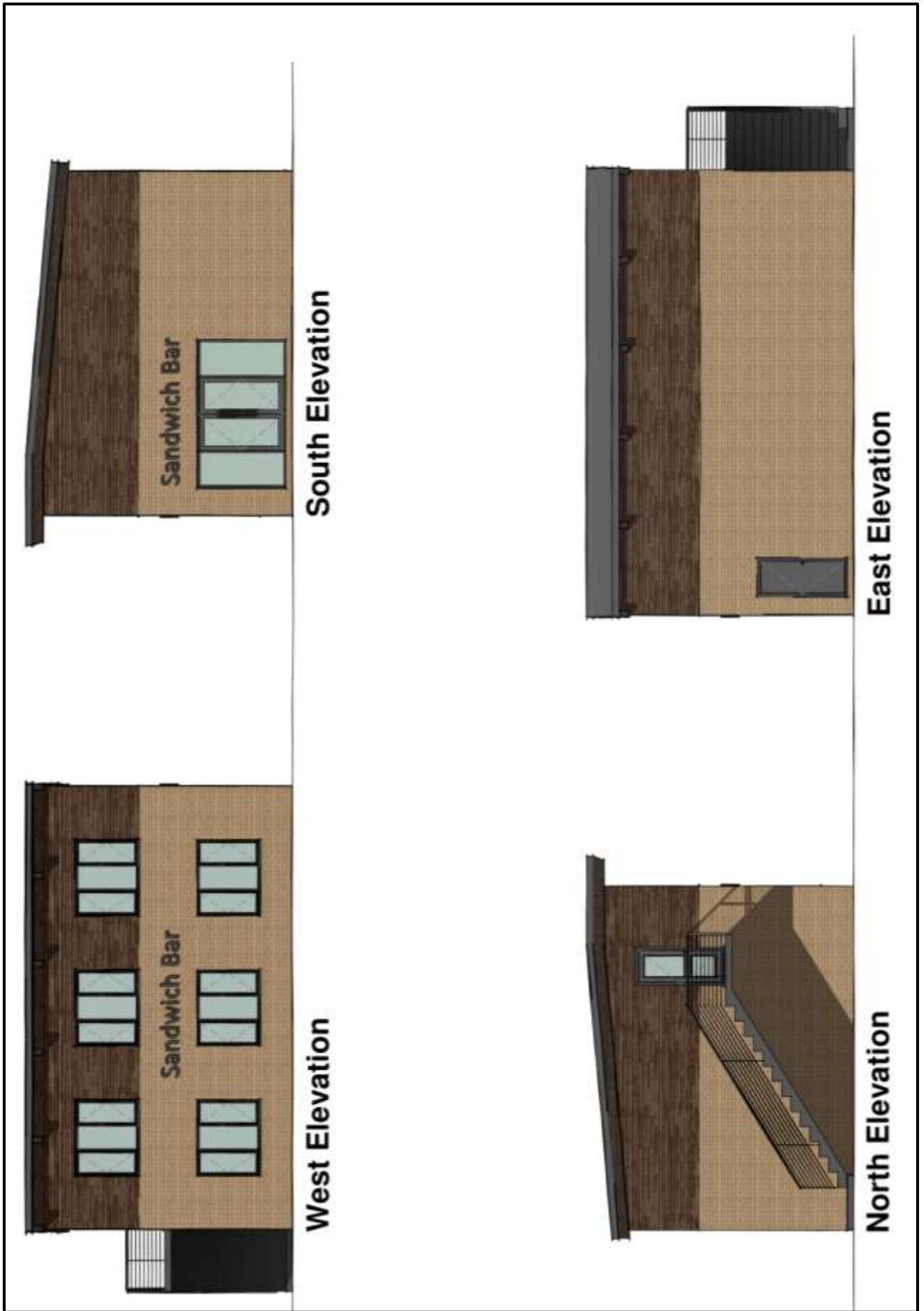


First Floor Plan

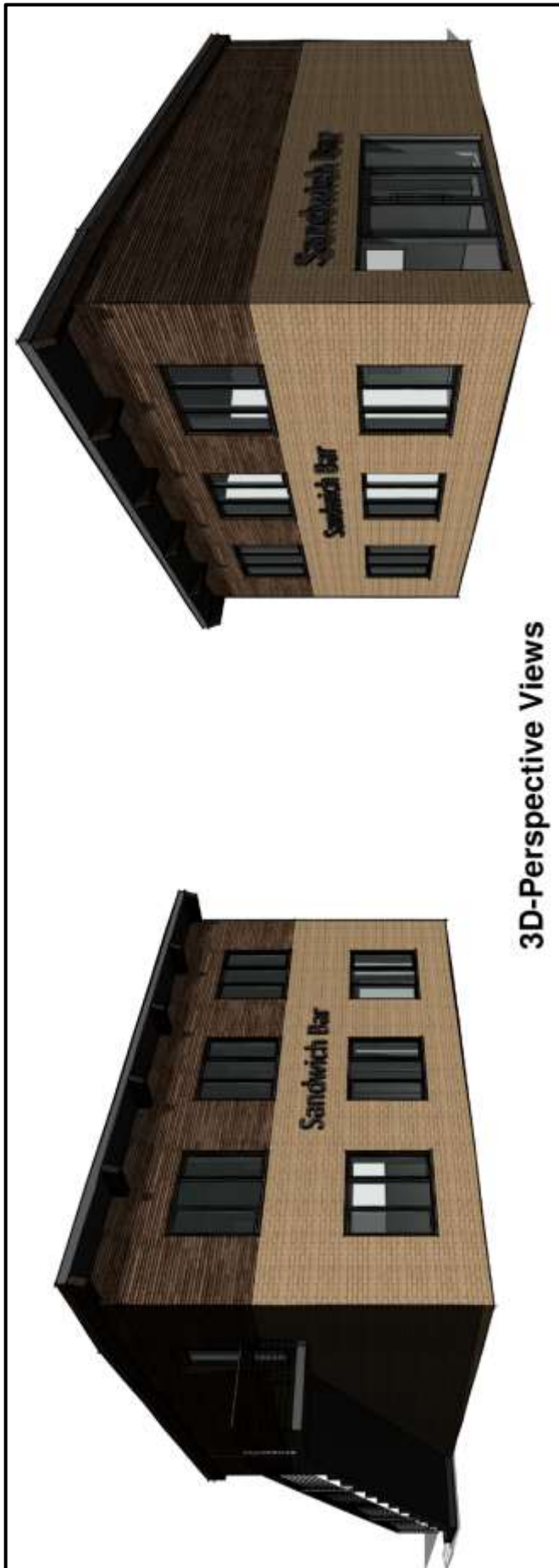


Ground Floor Plan

Proposed Floor Plans



Proposed Elevations



3D-Perspective Views

3D Perspective Views

REFERENCE No. 036692

Site Address: 7 Stonewell Crescent, Nuneaton, CV11 4SX

Description of Development: Single storey front, side and rear extension

Applicant: Mr Rugveer Narwall

Ward: WH

RECOMMENDATION:

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

INTRODUCTION:

The application seeks approval for a single storey front, side and rear extension of 7 Stonewell Crescent. The proposed single storey front extension is to measure 3.9 metres across the front elevation, with ground to eaves measurement of 2.3 metres, and hipped roof with overall height of 3.7 metres.

The application site is a two storey, three bedroom semidetached property, with a driveway providing parking for up to four cars, located at 7 Stonewell Crescent, Nuneaton, and Warwickshire, CV11 4SX. The garage was converted into a hallway under permitted development previously.

The neighbouring property towards the South West is the adjoined property of 9 Stonewell Crescent, a three bedroom, two storey semidetached property with driveway and garage providing parking for up to 5 cars. This property is characterised by buff brick and has a ground floor front facing lounge window. Neighbouring the site towards the North East exists 5 Stonewell Crescent, a single storey semi-detached bungalow style property finished in buff brick.

The street scene consists of a mix of detached and semidetached properties, of differing scales and designs, and which use different building materials. The character of the street scene varies considerably, and the properties are largely set back from the street frontage with generous driveways. The surrounding properties to the application site use different building materials, for example the application site uses buff brick.

The garden of the proposal site backs onto 245 Lutterworth Road, and the garden extends approximately 9.6 metres to the rear, and the topography is flat and level.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - BE3 – Sustainable design and construction. Supplementary Planning Guidance / Supplementary Planning Documents.

- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

None.

CONSULTATION RESPONSES:

None.

NEIGHBOURS NOTIFIED:

5 and 9 Stonewell Crescent; 245 Lutterworth Road;

Neighbouring properties were sent letters notifying them of the proposed development on 1st October 2019.

NEIGHBOUR RESPONSES:

There have been 3 objections from 3 addresses as well as a petition of objection with 9 signatures and a letter with no address provided. The comments are summarised below;

10. Impact on character and visual amenity
11. Impact on residential amenity by way of loss of light
12. The proposal is causing stress and disturbance to neighbours

APPRAISAL:

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

6. Impact on Residential Amenity
7. Impact on Visual Amenity

1. Impact on Residential Amenity

Impact on 9 Stonewell Crescent

The property adjoining the application property is 9 Stonewell Crescent, which is the other half of this pair of semi-detached houses. It has a ground floor lounge window to the front which is already somewhat enclosed by the garage projection. The garage projections are matched on both 7 and 9 Stonewell Crescent.

The Residential Design Guide 2004 (RDG2004) sets out guidelines to protect amenity for neighbouring dwellings. Paragraph 9.6 of the RDG sets out a 60 degree line drawn from the centre of habitable windows. In this case the proposed extension does not breach the 60 degree line to the ground floor, habitable lounge window at the front of 9 Stonewell Crescent.

There are no side windows proposed on the extension which would be the elevation facing this property. Further to this, the extension at the rear of the host dwelling also does not impact the 60 degree line drawn from the midpoint of the ground floor original habitable room window within this property, as the extension is on the other rear side of the dwelling, on the side adjacent to 5 Stonewell Crescent.

Impact on 5 Stonewell Crescent

The second neighbouring property which is of concern is 5 Stonewell Crescent. The proposed extension would not breach the 60 degree line from the midpoint of the nearest habitable room on the ground floor, within the front of the property of 5 Stonewell Crescent. Further to this, the extension at the rear of the property does not impact the 60 degree code from the midpoint of the nearest habitable room window within this property.

There are two side facing windows in 5 Stonewell Crescent which are in close proximity to the proposed front extension, however these are obscure glazed and as such there are no concerns over any loss of light to these windows.

The extension proposed is single storey both at the front and the rear, therefore there are no concerns of overlooking from the proposal into the neighbouring properties or the properties at the rear. There are no side facing windows in this proposal, therefore the privacy will be maintained in the adjacent dwellings.

2. Impact on Visual Amenity

The design of the single storey front, side and rear extensions would relate well to the original dwelling, as the proposed plans indicate that materials to match the material design of the existing dwelling will be used. The proposed hipped roof at both the front and rear of the extension is lower than the existing roof ridge line, and the window alignment is proportionate to the windows on the existing ground floor of the property. Although the main property is gabled, the small hip on the proposed front extension is not considered to cause any significant harm.

The proposed front and extension would be visible from the street. Notwithstanding this, the design, scale and appearance of the extension will be in keeping with the existing house, and although will be visible from the street scene, will not be an obtrusive addition to the area, as the property is set back, and the character and scale of the surrounding houses vary.

There are no proposed windows on the side of the extension therefore the privacy will be maintained in the neighbouring properties, and there are no blank walls of the proposed extension which would face any habitable room windows.

REASONS FOR APPROVAL:

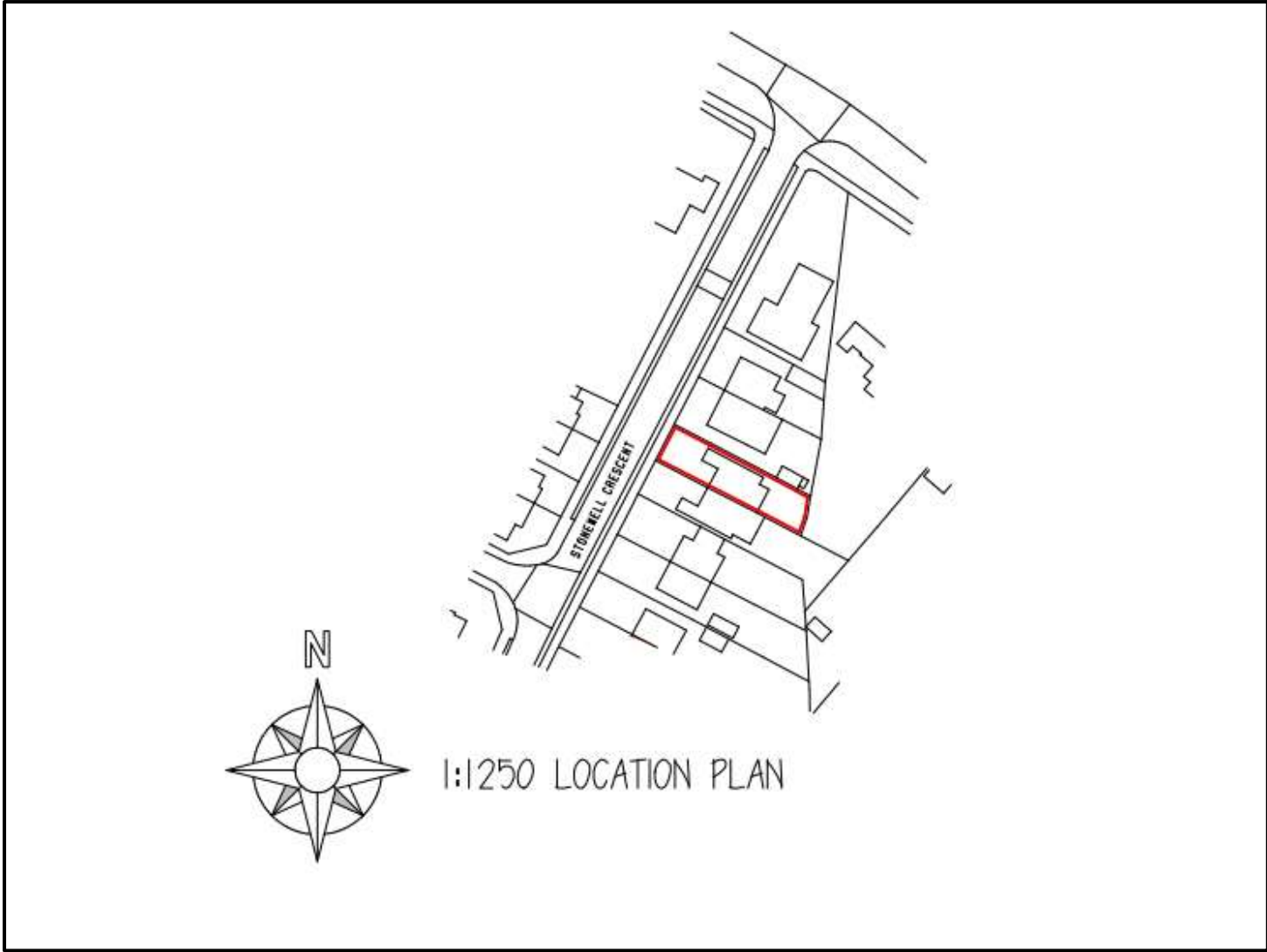
Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation response(s) received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be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

SCHEDULE OF CONDITIONS:

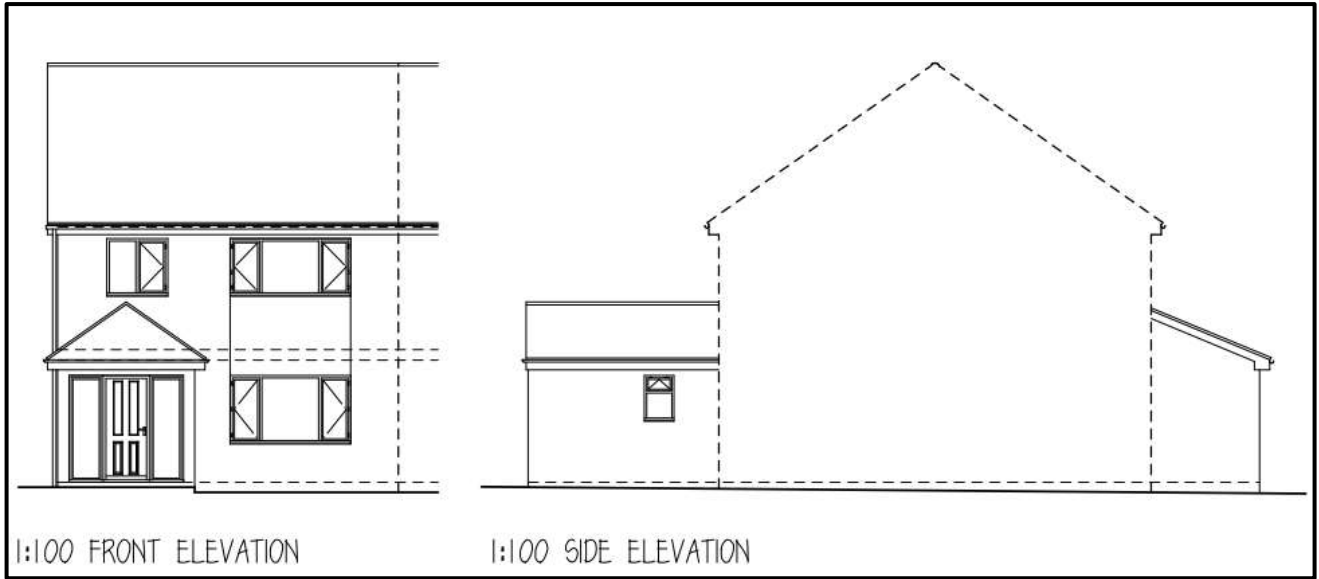
2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Title	Plan No.	Date received
Existing plans	7247-01a	1st October 2019
Proposed plans	7247-02d	1st October 2019

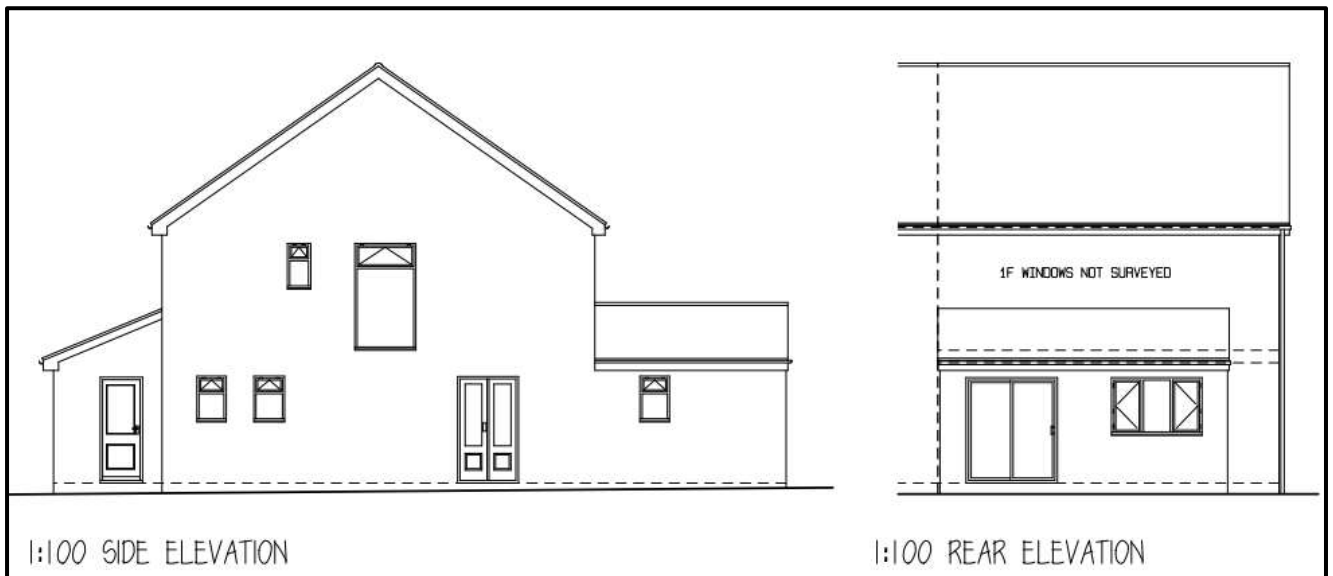
3. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Council.



Location Plan



Existing



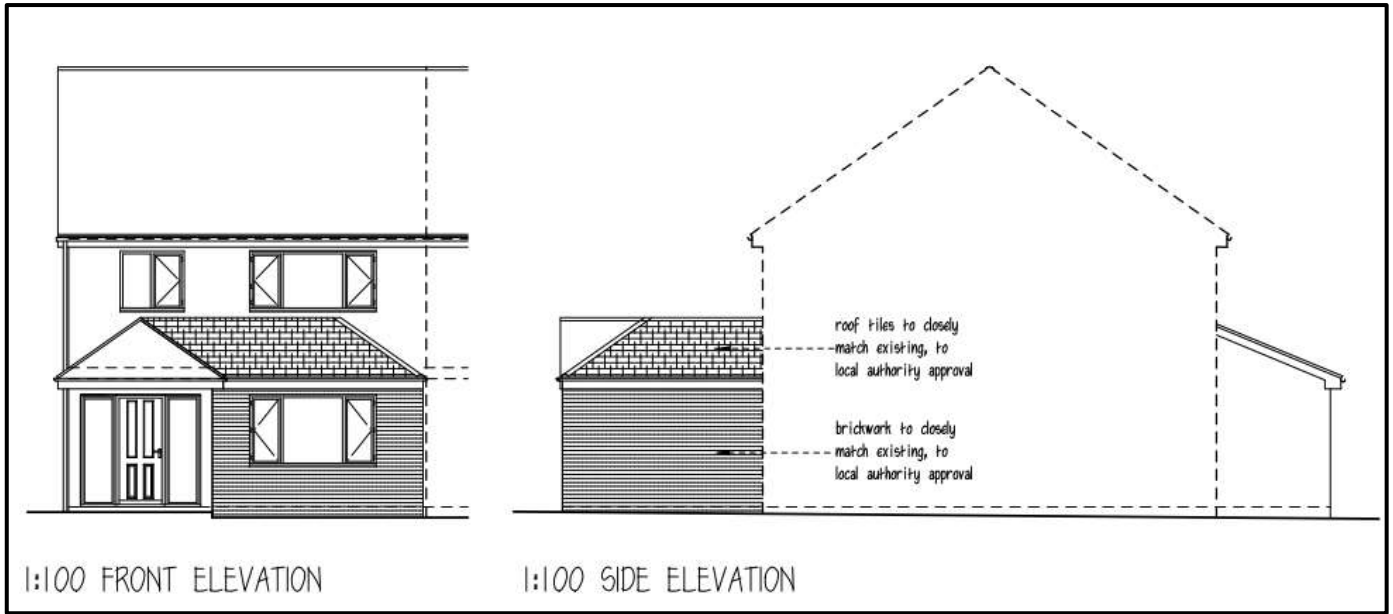
Existing



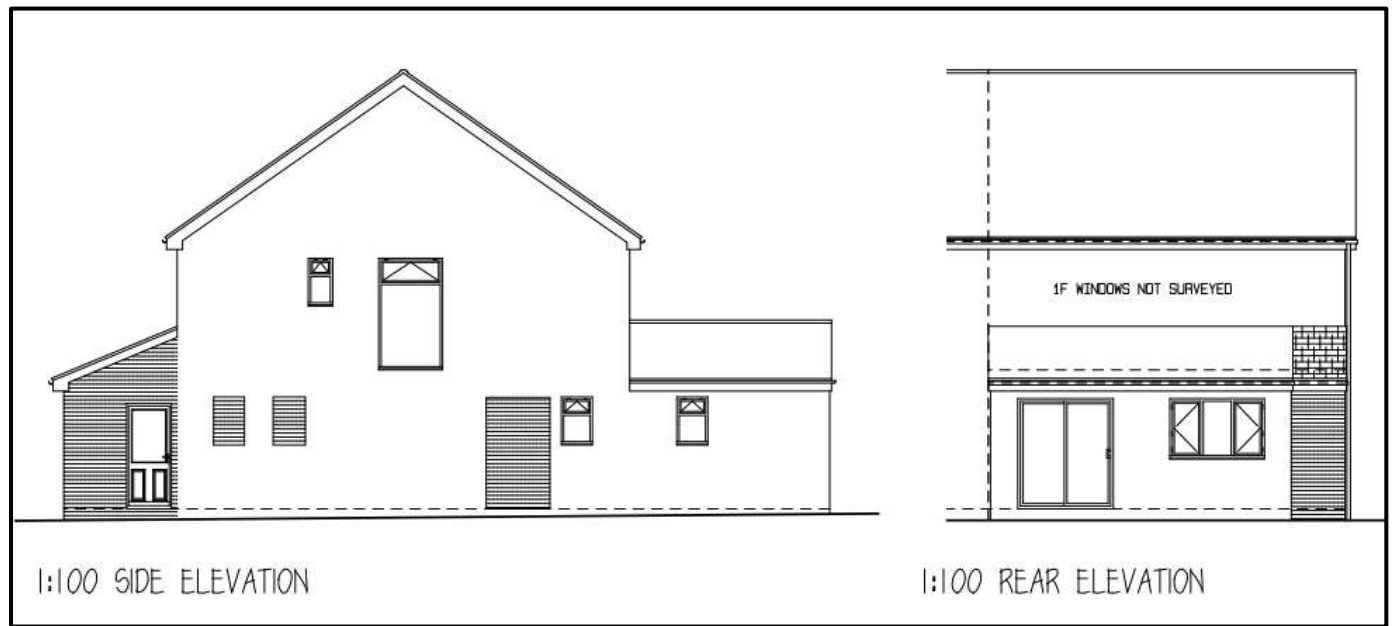
Existing Floor Plans



Proposed Floor Plans



Proposed



Proposed

Guide to Use Classes Order in England (from 25 May 2019)

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](#), the [2017 \(No2\) Amendment Order](#), the [2018 Amendment Order](#), and the [Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) Regulations 2019](#) 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>Temporary permitted change (3 years) to A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</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 B1(a) offices (subject to prior approval)</p> <p>Permitted change to D2 (subject to prior approval)</p> <p>Permitted change from A1 to mixed use (A1 or A2 & up to 2 flats); and from mixed use (A1 & up to 2 flats) to A1 or A2</p>
A2 Financial and professional services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)	<p>Temporary permitted change (3 years) to A1, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</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 B1(a) offices (subject to prior approval)</p> <p>Permitted change to D2 (subject to prior approval)</p> <p>Where there is a display window at ground floor level, permitted change from A2 or mixed use (A2 & up to 2 flats) to mixed use (A1 & up to 2 flats) or A1</p> <p>Permitted change from A2 to mixed use (A2 & up to 2 flats); and from mixed use (A2 & up to 2 flats) to A2</p>
A3 Food and drink	Restaurants and cafes	<p>Permitted change to A1 or A2</p> <p>Temporary permitted change (3 years) to A1, A2, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p>
A4 Drinking establishments	Public houses, wine bars or other drinking establishments	Permitted change to or from a use falling "within Class A4 with a use falling within Class A3" ("drinking establishments with expanded food provision")
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>Temporary permitted change (3 years) to A1, A, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted change to B1(a) offices (subject to prior approval)</p> <p>Permitted change to C3 (subject to prior approval)</p>

Use Class	Use	Permitted Change
B1 Business	<ul style="list-style-type: none"> a. Office other than a use within Class A2 b. Research and development of products or processes c. For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) 	<p>Permitted change to B8</p> <p>B1(a) office permitted change to C3 (see 2015 and 2016 orders)</p> <p>Temporary permitted change (3 years) to A1, A2, A3, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted BI 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>
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	Permitted change to B1
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>Uses as a dwellinghouse (whether or not as main residence) by:</p> <p>A single person or by people to be regarded as forming a single household</p> <p>Not more than 6 residents living together as a single household where care is provided for residents; or</p> <p>Not more than 6 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	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO) NB: Large HMOs (more than 6 people) are unclassified therefore sui generis	Permitted change to C3

Guide to Use Classes Order in England (from 25 May 2019)

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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	Temporary permitted change (3 years) to A1, A2, A3, B1 (interchangeable with notification)
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	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval) Temporary permitted change (3 years) to A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)

NB:
 Any building in any Use Class and any land within its curtilage, [except Class A4 or Class AA use](#) ("drinking establishments with expanded food provision"), can be used as a state-funded school for up to 2 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: [GPDO \(2015\) 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 offices, pay day loan shops	Casino to A3 (subject to prior approval) Casino to D2 Amusement centre or casino to C3 (subject to prior approval) (see also 2018 Order) Betting office or pay day loan shop to A1, A2, A3, D2 (subject to prior approval) Betting office or pay day loan shop to mixed use A1 and up to 2 flats (if a display window at ground floor level), or mixed A2 and up to 2 flats, or mixed use betting office or pay day loan shop and up to 2 flats Betting office, pay day loan shop or launderette to B1(a) offices (subject to prior approval) Betting office, pay day loan shop or launderette to C3 (subject to prior approval) Mixed use betting office, pay day loan shop or launderette and dwellinghouse to C3 (subject to prior approval) Mixed use betting office or pay day loan shop and up to two flats to A1 (if a display window at ground floor level), A2, betting office or payday loan shop Temporary permitted change (3 years) from betting office or pay day loan shop to A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)
OTHER CHANGES OF USE	Agricultural buildings	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 and 2019 Amendment Regulations) Flexible changes to A1, A2, A3, B1, B8, C1, D2 (subject to limitations and prior approval process): new use is sui generis Permitted change to state-funded school or registered nursery (subject to prior approval)

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