

Enquiries to:  
Committee Services

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Date: 2<sup>nd</sup> September, 2019

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **The Council Chamber of the Town Hall, Nuneaton on Tuesday, 10<sup>th</sup> September, 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 20<sup>th</sup> August, 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 10**). 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 13)**

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 13)**
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**

**20<sup>th</sup> August, 2019**

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 20<sup>th</sup> August, 2019.

**Present**

Councillor K. Wilson – Vice-Chair

Councillors J.B. Beaumont, K. Evans (Substitute for Councillor B. Pandher) S. Gran, A. Llewelyn-Nash, I. Lloyd, N. Phillips (Substitute for Councillor W. Hancox), M. Rudkin, A. Sargeant, J. Sheppard, R. Smith and C. Watkins.

Apologies from Councillors W. Hancox (Chair), B. Longden and B. Pandher.

PLA23 **Chair's Announcements**

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

PLA24 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 30<sup>th</sup> July, 2019, be confirmed and signed by the Chair.

PLA25 **Declarations of Interest**

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

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

PLA26 **Declarations of Contact**

Councillor K. Evans declared contact with residents in regards to Planning Application No 036344, but that he had not given any indication of his voting intention.

Councillor R. Smith declared contact with a member of the applicant's family and also residents in regards to Planning Application No 036452, but that he had not given any indication of his voting intention.

Councillor A. Sargeant declared contact with residents in regards to Planning Application No 035037, but that he had not given any indication of his voting intention.

**IN PUBLIC SESSION**

PLA27 **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.

PLA28 **Any Other Business**

None

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA27 OF THE PLANNING APPLICATIONS COMMITTEE ON 20<sup>TH</sup> AUGUST, 2019

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

Applicant: Trenport Investments Limited

**Speakers:** Councillor K. Kondakor  
Mr B. Sheppard  
Mr C. Hall – Trentport Investments Ltd

**DECISION**

The decision be deferred to a future meeting of the Committee to enable Counsel's opinion of the situation to be sought in order to aid Members in considering the application, and also for officers to assess a recommendation for emergency Tree Preservation Orders.

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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**

The application be deferred to a future meeting of the Committee at the request of the applicant to allow further negotiations with WCC Highways to be carried out.

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036452: Smithfields, 157 Coventry Road, Bulkington, CV12 9NB Erection of one residential dwelling. Outline to include access.

Applicant: Mrs D. Smith

**Speakers:** Mr M. Jones

**DECISION**

Contrary of Officer recommendation, the Committee were minded to grant Planning Permission on the grounds that the proposal was considered acceptable limited infilling in a wider village setting, but with the condition that permitted development rights be removed.

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**Audit & Standards Committee**  
**Schedule of Declarations of Interests – 2019/2020**

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	D. Brown	Employed by H.M Land Registry		
	S. Croft (Vice-Chair)	Employed at Holland & Barrett Retail Ltd	Treasurer of Nuneaton Conservative Association	
	G. Daffern	Trainee teacher at Sidney Stringer Academy, Coventry; Teacher of History, Etone College, Nuneaton	Co-opted Governor at Newdigate Primary School	
	P. Elliott	Employee of CW Mind ASD Support Service Mentor	Governor at Stockingford Nursery Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children</li> </ul>	
	K. Evans	Employee of Wildlife Fundraising (Central) Ltd.	Executive Officer at the North Warwickshire Conservative Association	
	J. Glass	None	None	
	L. Hocking	Employed by Openreach	Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Committee of Management of Hartshill and Nuneaton Recreation Ground</li> </ul>	
	G.D. Pomfrett	None	None	



	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	J.A. Tandy (Chair)		Partnership member of the Hill Top and Caldwell Big Local.  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Nuneaton Festival of Arts</li> <li>• Warwickshire Race Equality Partnership</li> <li>• Warwickshire Race Equality Partnership</li> <li>• West Midlands Combined Authority Audit Group</li> </ul>	
	R. Tromans	Director of RTC Ltd		
	H. Walmsley	Chief of Staff to Julian Knight MP Self-employed Public Relations Consultant.	Chartered Institute of Public Relations	

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

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	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"> <li>• Nuneaton and Bedworth Older People's Forum</li> </ul>	
	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"> <li>• Building Control Partnership Steering Group</li> <li>• Hammersley Smith &amp; Orton Charity</li> </ul>	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group  Representative of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Hospice Charity</li> </ul>	

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

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

**Planning Applications Committee**  
**10<sup>th</sup> September 2019**

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

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**Planning Applications**

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

## PREVIOUSLY CONSIDERED

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### Item No. 1

**REFERENCE No.** 035037

**Site Address:** Site 74C004 - West of Maple Park, land north of Gipsy Lane, Nuneaton.

**Description of Development:** Residential development of up to 575 houses including a mixed use neighbourhood centre, public open space, footpaths, cycleways, water attenuation basins and associated infrastructure, including realignment of Gipsy Lane (Outline with all matters reserved).

**Applicant:** Trenport Investments Limited.

**Ward:** WB.

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### **RECOMMENDATION:**

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

### **REASON FOR DEFERRAL:**

Members will recall deferring this application at the previous meeting to enable Officers to further discuss section 106 contributions towards Sports Development funding and Play and Open Space monies and to obtain Counsel's legal opinion on the matter.

### ***The Policy Situation***

Although the proposal is a strategic allocation within the Borough Plan 2019 and has a site specific policy, it is also covered by the other policies in the Borough Plan. The following relevant policies are:

Policy SA1- Development principles on strategic sites and includes;

11. Community, sport, physical activity, play and open space facilities should relate well to each other and to existing areas, and the new facilities and spaces should be safe, convenient, accessible, well designed, and easy to maintain and function well. Where any of the requirements of this Policy or those in the specific policies are deemed unviable, an independent viability assessment

The justification for this policy states as follows;

Community, sports and physical activity facilities.

7.17 The provision of new facilities or the enhancement of existing facilities will be brought forward as part of each of the strategic allocations

7.18 These facilities will include, but are not limited to, local centres, community halls, sports and physical activity facilities, play provision and open space provision within the Council's Open Space Strategy

7.19 Sport, physical activity, play and open space facilities should relate well to each other and to existing areas and the new facilities and space should be safe, convenient, accessible, well designed, and easy to maintain and function well.

7.20 The sports and physical activity facilities identified in the housing site specific policies as requiring contributions have all been justified through relevant strategies, have been costed and contributions from each housing site have been calculated. Details of the justification for the sports facilities, their costs and Community Infrastructure regulation compliance is provided in the Infrastructure Delivery Plan.

7.21 If it is unviable to provide facilities on site, the financial contributions to enhance or expand existing local facilities will be sought.

Policy H2 – Affordable housing sets out the Policy for all sites and its provisions are not duplicated within the site specific policy.

#### Policy HS6 Sport and Exercise

... New developments, and in particular strategic housing sites, will be required to plan from the outset for the integrated planning of a healthy environment for its communities. This includes the provision and maintenance for sport, physical activity, and community facilities, as well as green infrastructure, open space, allotments, and walking and cycling routes in line with policies NE1 – Green infrastructure and NE2 – Open space. They should relate well to each other and to existing areas, and the new facilities and spaces should be safe, convenient, accessible and functional.

Where justified on-site, strategic housing sites will need to provide the land for the facility at no cost, in a suitable location. Where the site-specific policies identify the need for a strategic facility to be located in particular strategic housing sites, then developers will be expected to collaborate on the provision of infrastructure which is needed to serve more than one site. Where provision is justified, but not on-site, then an off-site contribution will be required. This will need to fund the facility and the land required for the facility.

In ensuring the timely delivery of infrastructure requirements, development proposals must demonstrate that full regard has been paid to the Infrastructure Delivery Plan and all other policies and relevant strategies, including the Playing Pitch Strategy; Sport, Recreation and Community Facilities Strategy; Open Space Strategy; Green Infrastructure Strategy and Allotment Strategy. The on-site provision, maintenance and management of sports and recreation facilities provided will be secured through planning obligation, as they will be needed to make the development acceptable in planning terms.

The scale, design and specification of facilities sought will be calculated and provided based on provision standards, facility specifications and needs, and costs as set out in relevant strategies. Additionally, the facilities will need to meet the Regulation 122 Tests set out in The Community Infrastructure Levy Regulations 2010.

The justification and supporting text for this policy states as follows;

11.55 The sport, physical activity and healthy communities policies directly relate to the National Planning Policy Framework (NPPF) paragraphs 70, 73 and 156; noting that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities such as sports venues to enhance the sustainability of communities and residential environments, and
- ensure an integrated approach to considering the location of housing, economic uses, and community facilities and services.

11.56 The Council has undertaken studies to identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required, and to set strategic priorities for the area.

11.57 Paragraph 74 of the NPPF contains detailed planning application requirements associated with playing pitch losses. These are identified below:

11.58 “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

11.59 The policy does not repeat these requirements; however, it is expected that applications take account of this policy and the wider NPPF requirements.

11.60 Where there is provision of new on-site sports and recreation facilities these will also require contributions for maintenance. This also applies to open space, green infrastructure, playing fields and allotments. Open space and other green infrastructure will be funded for 20 years. Developments which have facilities that can reasonably be expected to fund their own maintenance will not pay for the maintenance of these facilities. This includes facilities within leisure/sports centres (swimming pools, sports halls, gyms, and studios), artificial grass pitches, tennis, facilities in community halls and cycle tracks. The current sports facilities priorities listed in the Infrastructure Delivery Plan (2017) at Table 18 Financial contributions for physical activity will not require contributions for maintenance. If future facilities do require maintenance, contributions for these will be funded for 20 years.

11.61 The requirement for the maintenance of on-site facilities will be based on the whole strategic housing site area, so the co-operation of landowners/developers/house builders is required to ensure this cost is fairly met.

#### Policy NE2 – Open Space

New development will create an improved green network of publically accessible and linked open spaces to support growth by:

1. Protecting and enhancing the hierarchy of open spaces which are made up of destination parks, community parks and local parks. This includes:

a. Improving open spaces at Change Brook Close, Buttermere Recreation Ground, St Giles, Blackberry Lane and Anderton Road in order to create community parks...

and;

4. Addressing open space through new provision or improving existing provision in line with standards set out in the Open Space Strategy.

With the supporting text highlighting at 12.23 that; The Open Space Strategy recognises the need for children and young people to have access to play provision



and teenage facilities to meet their needs. Quality, quality and accessibility standards are linked to the hierarchy of open space standards.

There are Site Specific Policies for each of the strategic housing and employment sites. 11 of the 12 of the site specific Policies have the following as a Key Development Principle;

*Financial contributions towards Sport and Physical activity:*

HSG 3, the site specific policy for Gipsy Lane, does not have this statement as a Key Development Principle.

HSG 4, HSG 5, HSG 6, HSG 7, HSG 8, HSG 9, all have Key Development Principles relating to contributions towards destination parks being either the Miners Welfare Park or Riversley Park.

HSG3 again does not have any statement about destination parks as a Key Development Principle.

*Borough Plan Evidence Base*

Additionally Officers have looked at records of the publication of the evidence base for the Borough Plan which included the Infrastructure Delivery Plan (IDP). At the Publication Stage of the Plan a request was made by the Applicant's Agent for site specific references to sports development to be removed from the IDP since they were not, and never had been, in the site specific policies in HSG 3, and related to a contribution for Newdigate Recreation Ground. This was then removed from the latest drafts IDP.

## **INTRODUCTION:**

Residential development of up to 575 houses including a mixed use neighbourhood centre, public open space, footpaths, cycleways, water attenuation basins and associated infrastructure, including realignment of Gipsy Lane (Outline with all matters reserved) (Land adjacent to Gipsy Lane/Marston Lane) at Site 74C004-West of Maple Park, Land North of Gipsy Lane, Nuneaton. The site is situated wholly within the ward of Wembrook.

The application site is located to the southern edge of the urban area of Nuneaton, and extends over 28 Hectares in total. The site is bounded by Gipsy Lane to the south, the Coventry Canal to the west, the Griff Brook and the playing fields of George Eliot School to the north and Wem Brook to the east.

The land is currently open and is used for arable farming. The land slopes gently up from the lowest points at the south east, east and from the north, and the land undulates more gently over the rest of the site. To the north and the east of the site lies the existing built-up area of Nuneaton, specifically its residential suburbs of Maple Park to the east and approaching Whitestone further to the east, and Caldwell to the north, approaching eventually towards Attleborough further to the north.

To the west and south of the site there is open land used for agriculture either by farmers who own the land or tenant farmers. The northern and eastern edges of the site lie within the 1 in 100 year and 1 in 1000 year flood risk extents (FZ 2 and FZ 3). Nearby, to the north, there is a mix of early-mid 20th century housing, and some more recent development, at Bradestone Road and Red Deeps.

There are a number of mature trees on site which are arranged in two columns, some form a column roughly centrally starting on the Gipsy Lane side of the site and extending approximately halfway in to the site, and the other column of trees flank the flood plain of the Wem Brook towards the east of the site. These tree lines delineate historic field boundaries. Some other mature trees and hedges form the boundary of the site with Gipsy Lane.

To the east of the site a spur of the National Cycle Route runs over Marston Lane and through some of the Maple Park development. The site exhibits good linkages to the nearby National Cycle Network, both Nuneaton and Bedworth Town Centres, the existing town centre train stations and the more recent Bermuda Park Station on St. Georges Road.

## **BACKGROUND:**

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

This is an outline with all matters reserved application for the erection of up to 575 dwellings including a mixed use neighbourhood centre, public open space, footpaths, cycleways, water attenuation basins, and associated infrastructure including the realignment of Gipsy Lane.

**All matters** are reserved to be considered at a future stage and do not form part of this application, these reserved matters not considered with this application are:

- 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. Although the detailed form of the proposed arrangements for vehicular access is, however, submitted for approval at this stage.
- 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
- 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.

## **RELEVANT PLANNING HISTORY:**

032436 – Residential development for up to 575 house including mixed use neighbourhood centre, open space, etc. – Refused – April 2014.

## **RELEVANT PLANNING POLICIES:**

- The Borough Plan 2019;
  - HSG3 – Gipsy Lane Strategic Housing Site
  - BE3 – High Standard of Design
  - BE4 – Valuing the Historic Environment
  - DS1 – Presumption in favour of Sustainable Development
  - DS2 – Settlement Hierarchies
  - DS5 – Residential Allocations

- DS7 – Land Removed from the Green Belt
- H2 – Affordable Housing
- HS1 – Delivery of Infrastructure
- HS2 – Strategic Accessibility
- NE2 – Open Space
- NE4 – Managing Flood Risk
- NE5 – Landscape Character
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.
- National Policy Planning Framework 2019 (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Canal and Rivers Trust, Coal Authority, CPRE Warwickshire, Environment Agency, Inland Waterways, Natural England, NBBC Environmental Health, NBBC Planning Policy Team, NBBC Housing Department, NBBC Parks, WCC Flood Risk Team, NBBC Land Drainage Engineer, National Grid, Network Rail, NHS, Nuneaton Society, Open Space Society, Ramblers Association, Severn Trent Water, Warwickshire Wildlife Trust, WCC Archaeology, WCC Countryside Access, WCC Highways, WCC Minerals Team, WCC Police, WCC Rights of Way, WCC Structure Plan, Whitestone Residents Association.

### **CONSULTATION RESPONSES:**

Objection:

Canal and Rivers Trust, Inland Waterways, NBBC Parks,

No objection subject to conditions:

Environment Agency, George Eliot Hospital Trust, NBBC Environmental Health, NBBC Sports Development, NHS, Warwickshire Police, Warwickshire Wildlife Trust, WCC Archaeology, WCC Education, WCC Flood Risk Team, WCC Highways, WCC Water Officer

No objection from:

Coal Authority, NBBC Housing, Natural England, Network Rail, WCC Footpaths

No response from:

NBBC Drainage, NBBC Planning Policy, The Nuneaton Society, Open Space Society, Severn Trent Water, Whitestone Residents Association, CPRE Warwickshire, National Grid

### **NEIGHBOURS NOTIFIED:**

5-15 Abbotsbury Way, 1, 2, 4, Northbourne Drive, 1-8, 14, 15 Marwood Close, 4, 17-27 Cliveden Walk, 9 & 10, 22-30 (even), 21-25 (odd) Sterling Way, 1-5, 19-21 Chilworth Close, 1, 24-32, 41-44, 48, 49, 45-47, 50-52 Exbury Way, 13-18, 21-24, 25-29 Gold Close, 216, 237, 255 325-337 (odd), 210-214 (even), 301-323 (odd) Marston Lane, 81-87 (odd) Raveloe Drive, 14-24 (even), 26-32 (even), 34-42 (even), 72-86 (even), 88-100 (even) Red Deeps, 147-173 (odd), 131-145 (odd) Bradestone Road, 1-26 Caldwell Caravan Park, Bradestone Road, 16, 26, Faultlands Farm, Gipsy Lane, Nuneaton, 36 Nuneaton Road Bedworth, 1 Fairlands Parks.

Neighbouring properties were sent letters notifying them of the proposed development on 4<sup>th</sup> August 2017. A site notice was erected on street furniture on 3<sup>rd</sup>

August 2017 and the application was advertised in The Nuneaton News on 6<sup>th</sup> September 2017.

## **NEIGHBOUR RESPONSES:**

There have been 22 objections from 20 addresses, and 2 from Cllr Keith Kondakor. The comments are summarised below;

1. Impact on traffic and congestion,
2. Impact on highway safety,
3. Would exacerbate existing highways issues,
4. Impact on flood risk,
5. Danger to school children,
6. Lack of amenities and additional pressure on services such as, impact on schools, doctors, community facilities, etc.
7. Trigger points for payments should be sooner,
8. Impact on the community,
9. Impact on wildlife and habitats,
10. Brownfield land should be given priority before Green Belt,
11. The site is arable farmland,
12. The air quality report has flaws,

There has been 2 responses of support from 1 addresses, the comments are summarised below;

1. The area is growing and delivering more opportunities,
2. Some conditions will be necessary,

Letter of comment from Councillor Kondakor raising the further additional points:

1. There is no pavement on Gypsy Lane toward Griff
2. The air quality is not increased by the development
3. All trees should have a TPO put on them
4. Object to the highways contribution being paid to WCC Highways unless they agree to adopt the Turnover Bridge cycling connection
5. Any bus service must link the site to the A444.Coventry Road Corridor and adjacent employment site

## **APPRAISAL:**

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

1. The principle of development.
2. Visual amenity and landscape character.
3. Residential amenity.
4. Affordable housing.
5. Highway safety, traffic flows and accessibility.
6. Archaeology.
7. Flood Risk.
8. Contamination.
9. Air Quality.
10. Noise.
11. Local Centre.
12. Ecology.
13. Trees and Arboriculture.
14. Green Infrastructure Improvements.
15. Planning Obligations.

## **1. The principle of the development**

It has taken several years of preparation, but the Borough Plan was adopted by the Council on 10<sup>th</sup> June 2019. This housing site HSG3 forms part of the overall housing allocations which make up the Borough Plan's housing delivery and aims to meet the Borough's housing delivery needs over the plan period, 2011-2031. The housing numbers which informed the Borough Plan included the growth of the Borough over that period and some distribution of housing need/supply from Coventry City Council's area, which in total exceeded 14000 dwellings. The majority of this is to be made up of the strategic development sites such as this site on the north side of Gypsy Lane. This development site was previously designated as Greenbelt under the previous, now un-saved, Local Plan 2006. With the new Borough Plan this site was removed from the Greenbelt and allocated for residential land.

Since the plan's adoption, the principle of this site for housing land has been somewhat established given the amount of background research, and consultation on the intentions of the plan over a long period. The Borough Plan Policy HSG3 sets out that this strategic site will be developed principally for residential use, but this is to also include a mix of community uses. 'The Key Development Principles' included in the policy mention that this land will provide circa 575 dwellings in a mix of dwelling types and sizes, play and open space facilities to be included on site, footways, cycleways, provision of on-site bus infrastructure and contributions for various off-site provisions. In shaping this development site, the Policy suggests several Key Development Principles (KDPs) and these will be referred to throughout this report where they are relevant.

Policy HSG3, under point 6.52 states that this development allocation will form a sustainable and deliverable extension to the Attleborough area of Nuneaton.

Broadly the Policy HSG3 sets out the form of development which is to be accommodated on site. A density of 35-40 dwellings per hectare should be provided with lower densities concentrated along the new urban edges. Obviously the detailed phase of the planning application is yet to come forward, and we are dealing with the Outline at this stage, but this density parameter should easily be met.

The Policy sets out that the development should; enhance and maintain open space corridors, provide landscape buffers, include woodland tree planting to compliment the irregular shaped woodland copses on the site, include an open space area opposite Red Deeps, create footpaths and cycleways and enhance accessibility to the Canal. As with the above, the detailed phase of the planning application is still to come, but the Outline has shown how all of these provisions are possible and have made allowances for this. Many of the guidelines on the form of development also really relate to the detailed phase, however the Illustrative Master Plan, coupled with other documents supporting the application, does indicate that these can be accommodated within the site and the proposal.

## **2. Visual amenity and landscape character**

Section b) of paragraph 170 of the NPPF 2019 establishes the importance of 'recognising the intrinsic character and beauty of the countryside'.

In view of the above it is necessary to have regard to the Council's Land Use Designations Study prepared by 'TEP' which include: Volume 1: Landscape Character Assessment (2012); Volume 2: Policy Recommendations (2012); Volume 3 (Site Analysis and Selection); and Stage 2: Individual Site Assessment (2012).

These studies were collectively used to inform the Borough Plan during its preparation phase prior to adoption. They assessed existing landscape character and the capacity of this landscape to accommodate change. To this effect the land outside the urban area has been broken down into a number of parcels for the purpose of further analysis. The conclusions of these studies are consequently material considerations to take into account in the determination of this application.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) (prepared by David Jarvis Associates, dated 30.03.17) with the application, and this forms the most up-to-date and site specific review of the development site.

In this case the application site, parcel 3C of the Griff Brook PDA (within Stage 2: Individual Site Assessment (2012)) falls within the locally defined Character Area 'Nuneaton and Bedworth Urban Fringes'. The landscape features described on this site within this study are broadly consistent with the features of this 'Nuneaton and Bedworth Urban Fridge' Character Area. The key features of this area are indicative of combination of low level pastoral and arable farmland, small streams and brooks with associated wet habitats and wet woodlands, evidence of a more industrialised recent past such as roads and canals, and views of the urban edge which is present to varying degrees across the whole Area. The Stage 2: Individual Site Assessment (2012) highlights the following features for this Character Area:

- Flat to very gently undulating land influenced by small brooks.
- Frequent small brooks and streams such as Wem Brook and Griff Brook.
- Wet woodland around streams is common.
- Coventry Canal, Oxford Canal and Ashby de la Zouch Canal are important unifying features throughout the landscape often providing an edge to development.
- The land use is varied and typical of urban fringe landscapes including: recreational areas and pasture and arable farming.
- A medium to small-scale pattern of regular geometric fields.
- There are many low, closely clipped hedges; these are of variable condition including fragmented sections of relic hedge and isolated trees in fields close to the edge of Nuneaton. Hedgerow trees are often present as small groups or clusters and isolated trees in fields.
- Wooded narrow valleys close to the settlement edges include Griff Brook.
- Views include both short distance channelled views along canals and open views towards urban development and farmland.
- Built development is often visible as a continuous line of buildings although in places landform and planting are successful in softening edges.
- Rapid transition from the urban to rural landscape is often experienced along the canals which typically retain a peaceful and tranquil character.
- Land provides separation between Nuneaton and Bedworth, although at Griff this is reduced to a narrow pocket of farmland between Coventry Road and the A444.

The same study also acknowledges in a more in depth site analysis that this particular parcel, 3C of Griff Brook PDA, does contain some of the key characteristics present in the wider landscape character area. However it is noted that there is an absence of some characteristics such as a lack of "regular geometric fields and large and small blocks of irregular shaped woodland. Although still arable farmland, the landscape within parcel 3C is not in a good condition with remnants of hedgerows indicating the former field pattern which once divided the parcel. The mature Oak trees along Gipsy Lane combine to form an attractive feature within the

landscape and the parcel itself is considered pleasant. Gipsy Lane is a well-used road and the urban edges on two sides means that some interruption is experienced.” All of these features, or lack of them, combine to make this parcel of land less attractive, and of a lower quality of character than other sites within the Borough and within the Nuneaton and Bedworth Urban Fringe Area.

The report (LVIA 30.03.17) submitted with the application does state that the indirect effects on the local landscape character would likely be restricted to moderate levels, and that the effects on visual amenity would be substantial to moderate in terms of significance. Taking into account all of the relevant considerations above it is clear that the proposed development would change the character and appearance of this locality, despite the addition of a good amount of green infrastructure. Indeed, it would result in the loss of open agricultural fields and the permanent replacement of this with suburban development in the form of housing and associated built form, albeit with provisions for green open space. Within a wider context this site falls within the Nuneaton and Bedworth Urban Fringe Landscape Character Area which is deemed to be of moderate value in need of enhancement with the conservation of farmland, hedgerows and trees. However, the evidence indicates that this specific site is of a lower value and sensitivity than the wider character area and therefore has the capacity to accommodate residential development without causing substantial harm to the character area.

It is within this context that the site was taken forward by the Borough Plan and subsequently designated as a strategic residential allocation in the plan. Policy NE5 of the Borough Plan states that major developments must demonstrate that they are in balance with the setting of the local landscape. With this outline application, there could be many different final forms of development since the details are reserved for consideration later. That said, given the amount of open space provided, especially that which flanks the site on the eastern side, and that to the north, regard has been had to the existing setting and it is considered that the site adequately addresses the setting of the area.

The site is an allocated site within the adopted Borough Plan, and while it will impact on the landscape character of the site itself, this has been done in a sensitive and balanced way which can be more thoroughly assessed at the reserved matters stage at some point in the future.

### **3. Residential amenity**

The nearest residential properties are those to the north east on Bradestone Road to the immediate north on Red Deeps. These residential properties will be separated from the site by a good amount of open space and green landscaping and while the reserved matters will dictate the final layout there are no concerns over the loss of residential amenity as a result of this development. All distance standards in the Council’s adopted Residential Design Guide 2004 are more than met in the illustrative mater plan submitted with the scheme.

### **4. Affordable housing**

A need for affordable housing is well documented in the Borough, and Policy H2 of the Borough Plan requires 25% of all new developments to be affordable. This has been agreed by the applicant and will be included later in the Planning Obligations section.

The Borough’s need for affordable housing as confirmed by Strategic Housing Manager on the 24<sup>th</sup> May 2019 was 2337 households, and it was stated that “We

*have approximately 2,000 on our Housing Register. We have on average between 50 and 70 Households in temporary accommodation each week through homelessness”.*

This is considered to weigh significantly in favour of the proposal.

## **5. Highway safety, traffic flows and accessibility**

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

It is with this in mind that the application has been accompanied by a Transport Assessment (TA) (reference PH/DF/WH/ITB8112-006A\_R). The TA assesses the highways and transport implications of the proposed development on the application site on Gipsy Lane.

It is proposed that access would be gained via two new junctions (a roundabout and a simple priority junction) with Gipsy Lane. Further, Gipsy Lane would be realigned within the site in order to remove a sharp bend that is the subject of local safety concern. This would improve safety, and along with the introduction of lighting, and potentially a reduced speed limit and ‘gateway features’, would further enhance road safety.

The junctions and road realignment have been designed in such a way that buses could potentially access the site in future, and indeed it has been requested by Highways Authority that a bus service would be partially funded by the development through a section 106 agreement. This potential for a bus service helps to increase the sustainability of the proposal.

The TA concludes that the proposed development would have no material adverse impact upon the operation of the nearby road network and would be accessible to a range of services and facilities, enabling journeys by sustainable modes of travel, consistent with policy.

The response from the Highway Authority is no objection subject to conditions and planning obligations. Of the four conditions proposed the first two of these will be amalgamated in to other conditions to save any duplication, the second two have been seen by the applicant as not being reasonable and therefore not meeting the tests of conditions as they relate to the submission of details prior to site investigation and all groundworks, rather than simply ‘prior to development’. This is considered to be acceptable by Officers so will be included on any recommendation of approval.

Additionally planning obligations are being sought by the Highways Authority, and this will be discussed in more detail later in this report.

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

## **6. Archaeology**

Policy BE4 of the Borough Plan, and its supporting text, states that where archaeological sites, or heritage assets are affected by development adequate recording and analysis of the site should be carried out.



The Heritage Statement (April 2017) which accompanied the planning application adequately summarises the site and its situation. The report concludes that; *“On the basis of the available evidence, it is considered unlikely that the proposed development would have a significant archaeological impact. However due to the discovery of the Palaeolithic handaxe in the north of the site and the later prehistoric potential of the site, it is anticipated that pre-determination investigation will be required. This could comprise geophysical survey in order to investigate the Bronze Age and later potential of the study site and, depending on the survey results, targeted trial trenching may be required.”*

WCC Archaeology (Museum and Field Service) have raised no objection to the proposal and have suggested a condition which asks for some limited further work, and this has been agreed by the applicant so will be added to any approval.

## **7. Flood Risk**

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

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.

It is in this context that the applicant submitted a Flood Risk Assessment (FRA) with the application. This was subsequently assessed by both the County Council Flood Risk Team and the Environment Agency.

Warwickshire County Council Flood Risk Team (the Lead Local Flood Authority) have no objection but requested condition that will be added, similarly The Environment Agency also raised no objection subject to conditions. These conditions have been agreed with the applicant (with some minor alterations agreed with WCC FRM) and these will be added to any approval.

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.

## **8. Contamination**

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121).

It is within this context that the applicant has submitted a Geo-Environmental Assessment (February 2012 (October 2013)). This report is comprised of a desk-based geo-environmental preliminary risk assessment.

The Councils Environmental Health team (contamination) were consulted during the application and stated that they are content with the development, providing a condition is placed on any permission which requires a site investigation prior to development to determine the gas regime and the extent of any land contamination associated with the on-site recorded historic landfill.

It is considered that this, along with the findings of the Geo-Environmental Assessment, is sufficient in order to protect future users and other 'receptors' from harm at a later date and during the construction phase. It is therefore considered that this would not cause a significant level of harm, and limited weight in favour should be given to the proposed mitigation and remediation which may take place.

## 9. Air Quality

Policy HS2 part C refers to the need to consider the impact to Air Quality Management Areas (AQMA). Similarly paragraph 181 of the NPPF (2018) states that decisions should take into account AQMA's. The nearest AQMAs 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 produced an Air Quality Action Plan setting out measures to improve air quality within the town.

In respect of the above the applicant has submitted an Air Quality Assessment (Air Quality Assessment July 2017). The scope of this report included consideration of the existing air quality at the site and the impact that the development will have on sensitive receptor locations in the local area.

The report concludes that operation of the completed development is predicted to result in a 'slight' increase in pollution levels with pollution concentrations remaining below the UKAQS AQSs at 15 of the 17 existing receptors. Pollution concentrations are predicted to be well below the Air Quality Standards (AQSs) at the application site.

The introduction of receptors to the area as part of the proposed development would therefore not increase exposure to poor air quality within the town of Nuneaton. The development will comply with all relevant national and local planning policies as it is not expected to cause any negative air quality impacts.

The Councils Environmental Health Team have no concerns over the potential impact of the scheme of air quality and have requested conditions which will be added/amalgamated in to the conditions on any approval.

## 10. Noise

The NPPF states that planning policies and decisions should aim to:

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

An acoustic report has been submitted with the application and the Council's Environment Health Team are confident that the impact from noise is acceptable subject to a condition, which will be added to any approval. The wording of the condition was the subject of negotiation between the applicant and the EH Team, and both are now happy with the proposed wording so the condition will be added to any approval.

## 11. Local centre

Policy HSG3, which is the policy that designates this particular strategic housing site, states (at paragraph 6.54) that a new local centre will be provided as part of the development. This is proposed on the Illustrative Master Plan, and is shown at the south of the site.

The inclusion of the Local Centre helps to to reduce the need to travel and to promote sustainability by introducing a mixture of uses within easy access of this development and nearby residential developments.

Overall the inclusion of the development's intention to provide a local neighbourhood centre to provide shops, amenities and potentially other facilities is welcomed. This is in accordance with the adopted policy.

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

It is within the context of the above that the applicant has submitted an Ecological Planning Report (July 2017) with the application. Methodologically it consisted of a full desktop study, an extended phase 1 habitat survey and a range of field surveys for endangered species which may have been present on the site.

The desktop study identified all international, national and locally designated sites within a 2m radius of the site. It found that; there are no internationally designated nature conservation sites within a 2 km radius of the site. Although there is one nationally designated site that was identified within a 2 km radius and that is the Griff Hill Quarry Site of Special Scientific Interest (SSSI). This SSSI lies, at its closest point, approximately 267 m west of the site. This SSSI is designated for its geological value and is not therefore considered to be a constraint to the development.

In regard to habitats on the site the Phase 1 Survey identified several types of habitat which fall within the site boundary. The site is predominantly arable land which is interspersed with mature trees and bordered by water courses, tall ruderal vegetation, scrub and hedgerows. More specifically the types of habitats found within the site are:

- Arable is the main habitat within the site. Also present on the site are narrow arable field margins along all of the site boundaries. These areas comprised both scrub and tall ruderal habitat.
- Tall Ruderal. Tall Ruderal vegetation was largely confined to narrow linear strips adjacent to the hedgerows and watercourses bordering the boundaries of the site. This habitat was dominated by typical species including rosebay willowherb and common nettle. White dead-nettle, cleavers, false-oat grass and cock's-foot were also present in these areas. A small narrow strip in the south-western corner of the site was also dominated by tall ruderal vegetation with species including common nettle, rosebay willowherb, cow parsley and creeping thistle. Field bindweed, false-oat grass and cock's foot were also recorded in this area.
- Woodland. An area of broadleaved woodland was located immediately adjacent to the north western corner of the site.

- Scattered trees. There are numerous semi-mature and mature tree scattered around the site, many of which feature in remnant field boundaries. Such trees, within and adjacent to the site, are likely to support breeding birds.
- Scrub. Several areas of dense scrub were noted within and immediately adjacent to the site. The most extensive areas of dense scrub within the site boundary were noted along the north western edge of Wem Brook and along Griff Brook on the northern boundary of the site. A small dense stand out of bramble was also noted along the western boundary of the site and an extensive area of scrub was present immediately adjacent to the eastern site boundary.
- Defunct hedgerows. A defunct hedgerow was noted along the southern site boundary running parallel to Gipsy Lane. Species recorded include dog rose, oak, field maple, elder and blackthorn. This hedgerow was identified as having poor structure with numerous small and large gaps along the entire length. A section of defunct hedge was also noted forming the northern part of a field boundary on the eastern side of the site. Species recorded including blackthorn, hawthorn, elder and dog rose.
- Running Water. Wem Brook and Griff Brook form the site's eastern and north western boundaries respectively and were lined with trees, and scrub. These watercourses supported extensive stands of bulrush. Coventry Canal also borders the western edge of the site. Drainage ditches are present along part of the southern field boundary and along the eastern tree line forming a partial field boundary. Neither of these ditches contained any running water at the time of the initial Extended Phase 1 Habitat Survey.
- Standing water. Four bodies of standing open water were identified within 500m of the site boundary. Three of these are located to the south of the site between Gipsy Lane and the Ashby De La Zouch Canal and one to the north west of the site.

The Warwickshire Wildlife Trust have been consulted and have raised no objection to the scheme, subject to conditions, which are to be added to any approval.

In regard to a number of protected and/or notable species the site has the capacity to accommodate the habitat for a varied mix of species.

The Ecological Survey provided by the applicant has surveyed the site with protected/notable species in mind. Firstly in regard to Bats, the two trees to be removed (numbers 11 and 12 on the parameter plan) which are near the edge of the site were categorised as having low suitability for roosting bats. The survey did pick up use of the site by foraging and commuting bats, mainly within the features which are to be retained such as rows of trees and hedgerows. New lighting, or lighting during construction, can affect bats roosts and their commuting or foraging routes.

In regard to badgers; in April 2017, no evidence of recent use by badger was found at the potential outlier sett adjacent to the tree line in the south-east area of the site, according to the Ecological Survey. A single sett entrance identified on site in April 2017 was assessed as potentially partially active. Pre-commencement checks and specific species safeguards will be included as part of the Ecological Construction Management Plan condition.

In regard to Water Vole their presence was confirmed along Wem Brook, the Coventry Canal and Griff Brook through the presence of field signs including feeding stations, burrows and latrines historically. The report from July 2017 states that they are present and makes recommendations for their protection. A condition has been

negotiated with the Warwickshire Wildlife Trust and they are content with this and it will be added to any approval.

Similarly for birds and reptiles, a careful approach to construction should enable minimal harm to existing species providing conditions are added and adhered to.

It is therefore considered that there would be no significant harm on ecology or biodiversity as a result of the scheme, once the recommended conditions area applied.

### **13. Trees and arboriculture**

The applicants have prepared a Tree Report (Ref: PRI18609trB - 24/3/17). The Report provides information about the trees on the site and follows the recommendations of the British Standard 5837: Trees in relation to design, demolition and construction. The Report attempts to identify the quality and value of existing trees on site, allowing decisions to be made as to the retention or removal of trees in the case of any development.

The Tree Report states that trees classified as A and B category should be considered as constraints to the development as every attempt should be made to incorporate them into any proposed development. Trees of C and U category will not usually be retained where they would impose a significant constraint to development, and category U trees are often in such a condition that they will be lost within 10 years, and their removal should be considered regardless of any development.

The Report identifies five trees to be worthy of an 'A' classification, these are high quality trees. The report goes on to state that there are 37 individual trees and 1 group of trees classified as 'B', which are trees that would be higher classification were it not for some impaired condition which reduces their overall score. The Tree Report also stated that there are 20 individual trees and 9 groups which are classified as a 'C'.

The trees to be retained are of a high/relatively high quality, and although these trees are not directly protected by a Tree Preservation Order, adequate protection of these trees should be made. It is therefore felt that a condition to protect the retained trees during construction will be required, and that this is appropriate and reasonable. The retention of so many valuable trees on the site is an asset which is welcomed.

### **14. Green infrastructure improvements**

In regard to the provision of green infrastructure the application proposes a good deal of open space, in fact it totals 8.74 Hectares of this across the site. There is also to be three surface water attenuation basins extending to some 1.9 Hectares, and although not used as formal open space they are to be kept permanently open to attenuate surface water. Conditions are to be included so as to ensure that there is provision of a Community Park on the site.

The NBBC Parks Team have responded with an objection to the scheme on the grounds that parts of the indicative layout and master plan do not do enough in regard to footpaths to access open space and to facilitate movement across the site.

### **15. Planning obligations**

Policy HS1 of the Borough Plan 2019 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.

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. Obligations should be:

- 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 and 92 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	£946,206.61	Not fully accepted by the applicant, some not considered CIL par. 122 compliant
<b>NBBC Sports Development</b>	For the provision of sporting facilities in the Borough	£1,357,637	Not accepted by applicant as not considered CIL par. 122 compliant
<b>WCC Education</b>	Monies for the provision and improvement of schools	£2,152,890	
	Monies for Libraries	£12,586	
<b>George Eliot Hospital Trust</b>	Provision of healthcare at George Eliot Hospital	£331,478	
<b>WCC Infrastructure</b>	Sustainability Welcome Packs	£43,125	
<b>NBBC Housing</b>	Affordable housing provision at 25% of total	-	
<b>NHS Joint Health Request</b>	For the provision of healthcare	£124,789	

<b>Warwickshire Police</b>	For the support of local police and crime prevention	£73,997	
<b>NBBC</b>	Canal bridge improvements and enabling of footpath	£22,500	
<b>WCC Highways</b>	Speed limit change proposal	£12,000	
	To enable highway capacity enhancements at the following locations; - <i>Bermuda Connectivity Scheme - and,</i> - <i>A4113 Coventry Road / Gipsy Lane Signalisation Scheme -</i>	£1,900,375.00	
	The implementation and upgrade of cycle routes and infrastructure to provide connections to Nuneaton Town Centre and Bermuda Railway Station.	£400,000.00	
	To enable the diversion of the bus service into the development site.	£450,000.00	
<b>Whitestone Community Centre</b>	Requests to improve existing facilities	£35,000	Not CIL par 122 compliant. since the requests are to address existing issues and are not sufficiently precise in terms of costing

#### Key Development Principles

Many of the Key Development Principles (KDPs) set out in Policy HSG3 refer to contributions, including NHS, education, transport and highways, open space provision and maintenance, footpath links and their facilitation, and provision for these has been made so these contributions listed above meet with the relevant KDPs.

#### Turnover Bridge

The bridge which crosses the Coventry Canal is to be used as a footpath/cycle connection between this site, and the employment site to the west and the other uses found further beyond that. The Canal and Rivers Trust (CRT) objected to the scheme as there was no mechanism to allow for the use of this bridge without the Canal and

Rivers Trust funding the work. Since then a draft legal agreement has been prepared which features a mechanism which allows for the works to take place while being partly funded by this development, and the development to the west for employment land. The CRT maintain their objection since they are not party to the Section 106, however there are other mechanisms through which the footpath can be delivered, either through the Borough, or County, Council and the statutory powers they have. The Canal and Rivers Trust continue to object to the scheme on the grounds that the proposed Legal Agreement which would provide monies to facilitate improvements to the Coventry Canal Crossing, would not in the Trust's consideration, make adequate arrangements for the use of Turnover Bridge. They also state that as the owner of the bridge they should not be forced to increase their future liabilities. As things stand The Trust do not believe that the Section 106 would provide a suitable basis for the future use of the Bridge as a pedestrian and cycle path.

The wider strategic purpose of the route is to enable safe and direct pedestrian and cycle connectivity between Maple Park, and Attleborough more generally, with Bermuda Park. With this in mind the applicant prepared a Statement of Common Ground (in partnership with the Council and the applicants of the nearby employment site) during the Local Plan Examination which made it clear that responsibility for delivering the crossing should not rest with the applicants of this site (nor with those of the nearby site). Nevertheless, proportionate s106 contributions from both developments would mean that the Council would not have to fully fund the cost of these works. It is considered that this is fair since the burden for the provision of a strategic route should not solely fall on this, or any other developer. This is to be included within any Legal Agreement should Committee be minded to approved the application.

It is considered by Officers that although the Canal and Rivers Trust have objected, the legal mechanism for the footpath contributions is acceptable in that it would provide monies towards the future Coventry Canal Crossing. And, as mentioned above, there are other legal mechanisms to allow for footpath creation.

#### CIL Compliancy:

There are two planning obligation requests which have been made by NBBC which have been queried by the applicant these are;

- Sports Development Funding for;
  - Swimming pools - £299,796.53
  - Sports halls - £256,058.67
  - Community halls - £621,597.79
  - Athletics - £58,758.59
  - Cycling - £67,675.41
  - Artificial Grass Pitch - £53,750.43
  - **Total - £1,357,637**
- Play and Open Space Monies for;
  - Destination Park capital contribution, specifically for the Pingles area event facility improvements, equipped play improvements and riverside facility and river frontage improvements - £181,397.01
  - Destination Park maintenance contribution - £55,823.24
  - **Total - £237,220.25**

The applicants contend that neither of these contributions meet the tests of the CIL Regulations. This means the three tests of planning obligations set out in CIL Regulations at paragraph 122 as mentioned above in this report, all contributions must be;



- 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.

The applicants argue that the Sports Development contribution request does not meet with these tests in that the proposed sports facility improvements to which the contributions would be directed are within the south of the Borough, whereas residents of the proposed development would tend to use sports facilities within Nuneaton itself.

NBBC Officers contend that these contributions are CIL Compliant in that they are to address an identified need for sports facilities that will arise as a result of the development. Officers also believe that the contribution is necessary, directly related to the development and is fairly related in scale and kind.

In regard to the specific Play and Open Space Destination Park request the applicants argue that this is not sufficiently well related to the development to meet the CIL tests, redressing existing deficiencies rather than being necessitated by the development itself.

Again, NBBC Officers contend that these contributions are CIL Compliant in that Destination Parks make up the highest level of park provision in the Borough. With only two; Riversley Park and Miners Welfare Park being the two Destination Parks in the Borough. Riversley Park is within a 15 minute walk, so Officers consider that this is well enough related to the scheme. The contributions requested have been formulated to help balance the additional pressure created by the proposed 575 homes, and would meet with the other tests of CIL paragraph 122.

Overall, although there have been some discussion between the applicant and Officers no agreement has been reached with Officers considering these contributions to be CIL Compliant in that they meet the tests.

Additionally, the applicant has correctly pointed out that within the strategic housing site policy HSG3, which allocates this land for residential use in the newly adopted Borough Plan, neither sports development monies nor destination park contributions are included as a necessary requirement of the development. They also point out that all other strategic sites within the Borough Plan do, except this one, and they contend that this unique position means that these two request cannot be included.

### **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
Site Location Plan	TIL002-001 rev D	9th August 2018
Parameter Plan	TIL002-005 rev J	10th April 2019
Access Arrangement Plan	ITB8112-GA-012/013	27th July 2017

5. Prior to the submission of any applications for approval of reserved matters, a Phasing Plan shall be submitted to and approved in writing by the local planning authority. The Phasing Plan shall provide details of the sequence of development across the entire site, including:

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

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

6. No phase of development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period for that phase of development unless otherwise agreed in writing by the Council. The Statement shall provide for:

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

7. No development shall take place until an Ecological Construction Management Plan (ECMP) has been submitted to and approved in writing by the local planning authority. 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; appropriate working practices and sequence of construction works; and the extent of buffer zones and stand-offs for sensitive ecological features; details of any new habitat created on site, including channel

improvements; details of treatment of site boundaries and/or buffers around water bodies; details of weir removal or modifications. 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.

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

9. No phase of development shall commence until full details and samples of materials proposed to be used in the external parts of any building in that phase have been submitted to and approved in writing by the 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.

10. No phase of development shall commence 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.

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, Sterling Gate Nuneaton FRA\_WSP\_July 2017 and additional addendum September 2017 and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of 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 to a maximum of the greenfield runoff rate, the max rates allowable would be 2.6l/s/ha for the site, with a further control at the Qbar greenfield rate of 1.88l/s/ha, as detailed in the FRA.

- 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.
- Finished floor levels are set no lower than 150mm above existing ground level.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 2017-08-04 035037-31 and the following mitigation measures detailed within the FRA:

- a) More Vulnerable development (as classified by the Flood Risk Vulnerability classification table) will not be sited within flood zones 2 or 3.
- b) There should be no ground level raising within the functional flood plain.
- c) There should be no ground level raising within flood zones 2 and 3 without appropriate compensation measures.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

13. No development shall take place until a plan has been submitted to and approved in writing by the local planning authority detailing the protection and mitigation of damage to populations of Water Vole and Otter (a protected species under The Wildlife and Countryside Act 1981 as amended and Habitats Directive Annex II) and associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The species protection plan shall be carried out in accordance with a timetable for implementation as approved.

14. No phase of development shall commence until full details of the provision of car parking, access and manoeuvring for that phase, including surfacing and drainage have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the car parking, access and manoeuvring areas for that dwelling have been laid out in accordance with the approved details, unless otherwise agreed in writing by the Council. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

15. No development shall take place 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.

16. No phase of the development hereby permitted 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 that phase, 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 for that phase shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

17. No development shall take place until details of the layout of the New Strategic Public Open Space shown on the Parameter Plan, including the Community Park, and ecological and landscaping enhancement areas, the associated boundary details (including fencing), paths / cycle paths, surfacing, drainage, bins, seating, signage and notice/information boards, has 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.

18. 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.

19. No phase of development shall commence 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 local planning authority. 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. No phase of development shall commence until a noise attenuation scheme to meet the standard for internal\* and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 (including glazing and ventilation details) has first been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with approved details and the recommendations of the Noise Assessment (RA00469 – Rep1).

\*including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise

21. No development shall commence until a site investigation to determine the gas regime and the extent of any land contamination associated with the on-site recorded historic landfill site has been carried out and the results submitted to the Council, along with the details of any remedial measures. 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.

22. No phase of development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes, for that phase has been submitted to and approved in writing by the local planning authority. Development within any phase shall not be occupied until provision has been made in accordance with the approved details.

23. No construction of the neighbourhood centre shall commence until details of the proposed uses and hours of operation have been submitted to and approved in writing by the Council.

24. Prior to the submission of any Reserved Matters applications for any phase of development:

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

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

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

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

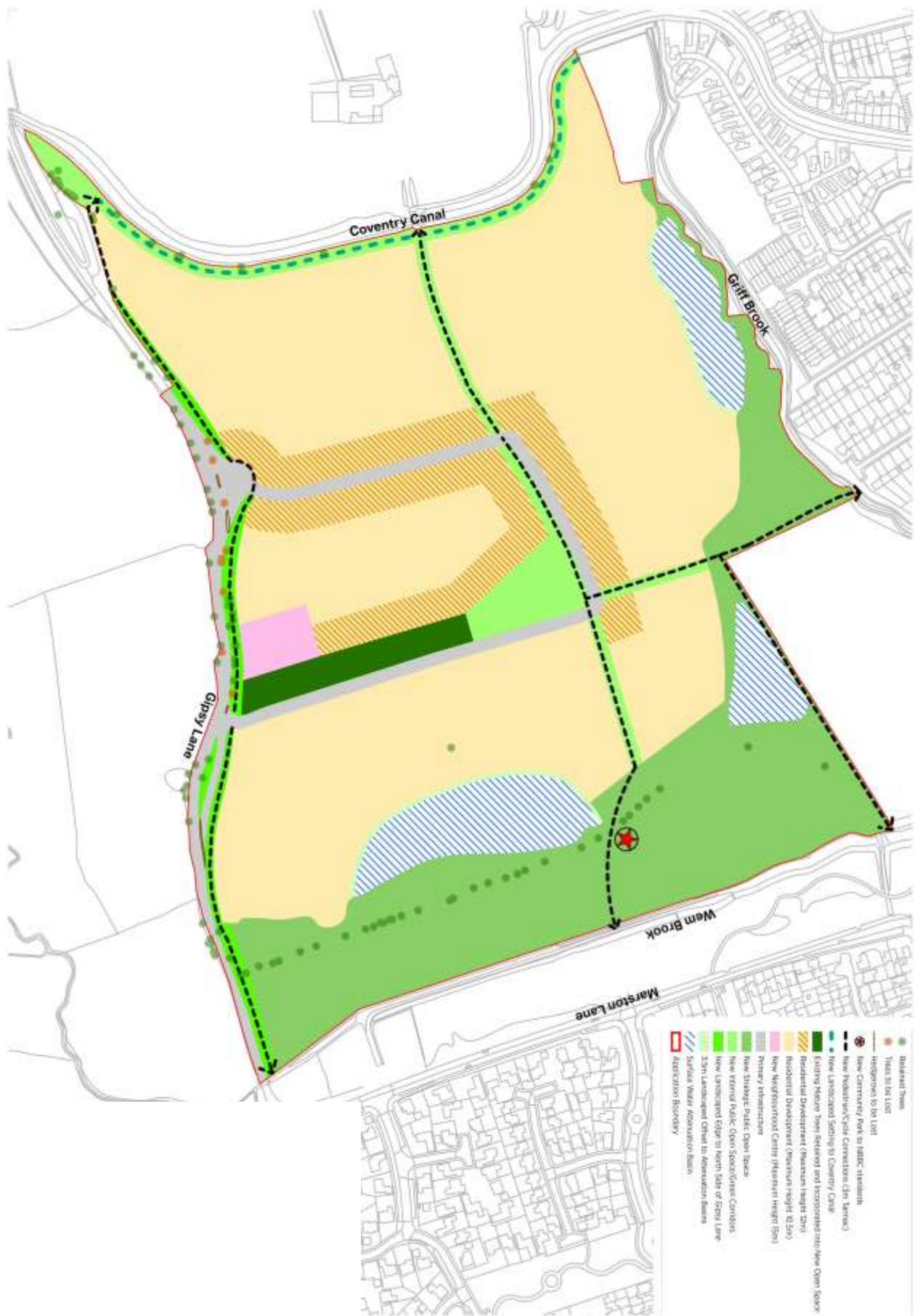
26. No built construction will take place until the detailed design of the access arrangements on Gipsy Lane (as indicatively shown on Drawing ITB8112-GA-012/13) has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

27. No development within the phase in which the cyclepath ramp up to Turnover Bridge is proposed to be constructed shall commence until full details of, including a specification for, that ramp have been submitted to and approved in writing by the Council. No dwelling shall be occupied within that phase until the ramp has been constructed in accordance with the approved details.



Site Location





Parameters (Indicative) Development Plan



SCALE BAR @ 1:2500  
0 50 100 250



## Road Works to Straighten Gipsy Lane

# PLANNING APPLICATIONS

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## Item No. 2

**REFERENCE No.** 036201

**Site Address:** "Site 37b008" - Edinburgh Road, Nuneaton

**Description of Development:** Erection of 142 dwellings (Approval of reserved matters - layout, scale, appearance, landscaping and access of outline permission 029715) Camp Hill Phase 3) (part 5 of 6)

**Applicant:** Mr David Green, Barratt Homes Mercia

**Ward:** CH

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### **RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the conditions from the outline approval and the new conditions as printed.

### **INTRODUCTION:**

This is for the approval of reserved matters for stage 5 of Phase 3 for 142 dwellings. Phase 3 was given outline approval under planning permission 030128B.

The application site is located in Camp Hill and forms part of the wider regeneration area currently being managed by the Pride in Camp Hill Partnership.

The site encompasses part of Edinburgh Road, Hazel Road and Hillcrest Road and comprises of partly cleared vacant land and partly of dwellings that are now boarded up (some which are derelict) or are becoming vacant as part of the current compulsory purchase for this phase. The Compulsory Purchase Order has been served on owners and due to objections will be determined by the Planning Inspectorate in a Public Inquiry in November.

The red line application site originally included part of the service road at the rear of Hillcrest Road but this has subsequently been removed from the red line due to concerns from residents in Hillcrest Road about losing access to this service.

The site is quite severely restrained due to the steep gradient changes from the south up to the north of the site.

### **RELEVANT PLANNING HISTORY:**

- 036087 Application for variation of condition (schedule of approved plans) following grant of planning permission 034128 (and as amended by 034669). Variation is to amend some of the proposed gabled roofs to hipped roofs and removal of three visitor parking bays on Queen Elizabeth Road. Variation agreed. 27/05/2019.

- 034669 Variation of Condition application to omit Condition 7 following grant of 034128. (Erection of 163 dwellings, approval of reserved matters - phases 4 and 6). Variation is to omit the retaining wall. Variation agreed.
- 034128 Erection of 163 dwellings (Approval of reserved matters - layout, scale, appearance landscaping and access of outline planning permission 030128B) (Camp Hill Phase 3) (4 & 6 of 6). Approved 11/01/2017.
- 034169 Application for removal of condition 21 of planning permission 030128B to exclude the provision of affordable housing for the last phases yet to be determined. Approved October 2016.
- 033312 Erection of dwellings (Approval of reserved matters for landscaping following outline approval reference 029715). Approval 30/06/2015.
- 032920 Partial re-design of phase 3. Omission of pedestrian link, layout changes of 6 units and 3 plot substitutions. Approved 18/11/2014.
- 032302: Erection of 6 apartments (Approval of reserved matters: access, appearance, layout and scale of outline planning permission 030128B) (Camp Hill Phase 3) (Amendment to part of approved reserved matters application 031849 relating to access, appearance, layout and scale for sub-phase 2a). Approved 17/12/2013.
- 032172: Amendments to 8 plots (Plots 222-225, 270, 292-294) (Approval of reserved matters: layout, scale, appearance, landscaping and access of outline planning permission 030128B) (Camp Hill Phase 3) (2 of 6) Approved 23/08/2013.
- 031849: Erection of 134 dwellings (Phase 2A & 3. Approval of reserved matters following approval of phase 3 outline planning permission 030128B) Approved 07/03/2013.
- 031862: Erection of 63 (extra care supported housing) self-contained dwellings and shared communal/community facilities. Approved 7/03/2013.
- 030128A and 030128B: Vary condition 12 of Approval 10153 and condition 21 of Approval 29715 to remove the last sentence which reads as follows: No more than 50% of units in any phase shall be occupied unless and until the affordable housing for that phase has been provided and is available for use. Approved 07/06/2010.
- 029715: Residential development (Outline with all matters reserved). (Existing houses demolished, resubmission following the expiration of previous outline permission reference 010153). Approved 11/11/2009.
- 010153: Residential development (Outline) (Existing houses demolished). Approved 09/06/2006.

## **BACKGROUND:**

This application is being reported to Planning Applications Committee as it is a major application on land owned by Nuneaton and Bedworth Borough Council.

The following reserved matters from outline application 030128B are to be considered at this stage:

Access – Accessibility to and within the site for vehicles, cycles and pedestrians. In this case the existing roads layout has been re-used.

Appearance – The aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Landscaping – Treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences and walls;

Layout – The way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;

Scale – The height, width and length of each building proposed in relation to its surroundings.

## **RELEVANT PLANNING POLICIES:**

- Saved 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
  - H1 – Range and mix of housing
  - H2 – Affordable housing
  - BE1 – Contamination and land instability
  - BE3 Sustainable design and construction
- Residential Design Guide 2004
- National Policy Planning Framework (NPPF)
- National Planning Practice Guidance (NPPG)

## **CONSULTEES NOTIFIED:**

Cadent, Environment Agency, Severn Trent Water, Western Power Distribution, Coal Authority, Natural England, Warwickshire Wildlife Trust, Warwickshire Police, WCC Highways, WCC Infrastructure, WCC Flood Risk Management, WCC Rights of Way, NBBC Environmental Health, NBBC Housing, NBBC Land Asset, NBBC Parks, NBBC Policy, NBBC Refuse & Cleansing and Pride in Camp Hill

## **CONSULTATION RESPONSES:**

Objection from:

WCC Highways and NBBC Parks

No objection from:

Environment Agency, Coal Authority, Natural England, WCC Flood Risk Management, WCC Rights of Way, NBBC Environmental Health and NBBC Housing

Comments from;

Warwickshire Police, NBBC Policy and NBBC Refuse & Cleansing

No response from:

Cadent, Severn Trent Water, Western Power Distribution, Warwickshire Wildlife Trust, WCC Infrastructure, Pride in Camp Hill (PinCH), and NBBC Land Asset

## **NEIGHBOURS NOTIFIED:**

1, 2, 6, 9, 10, 11, 26, 31, 32, 34, 64, 65, 66, 177, 178, 179, 180, 181, 182, 183, 184 Edinburgh Road. 20-24 (even), 21 Hazel Road. 12, 18-26 (even), 30-34 (even) 38, 40, 44, 64-110 (even), 120-158 (even) Hillcrest Road. Friends of Whittleford Park. 1-14 (inc) Holyrood Court, 165-187 (odd), 201-273 (odd), 301 Queen Elizabeth Road, 20-36 (even) Tulip Tree Road. Stirling Housing Association Poole, Course and Shelton Nuneaton, 51 Chippenham Road Maidavale, 2-4 Devoran Close Exhall, 92

Glen Road Leicester, 183 Higham Lane Nuneaton, 13 Lilleburn Drive Nuneaton, 258 Soho Road Handsworth, 18 Brympton Road Stoke

Neighbouring properties were sent letters notifying them of the proposed development on the 14<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> March 2019 and confirmation of amended plans were sent on the 12<sup>th</sup> July 2019. Site notices were erected on street furniture on the 28<sup>th</sup> March 2019 and the application was advertised in The Nuneaton News on the 27<sup>th</sup> March 2019

## **NEIGHBOUR RESPONSES:**

There have been 9 objections from 7 addresses specific to the planning application. The comments are summarised below:

1. Failure to provide play areas for children
2. Requires a new green space, as the green in front of existing properties currently encourages youths to congregate causing anti-social behaviour
3. Whilst welcoming this development to finish off the scheme; inadequate existing boundary treatment to existing properties and lack of barriers to the existing pedestrian access means existing local residents experience antisocial behaviour and therefore requests Committee Members make a site visit to see how this will affect this next phase.
4. Needs access to back garden
5. Will cause loss of privacy, cause overlooking and loss of light to existing neighbours
6. Concerns that houses will be 3.5 storeys
7. Was previously assured dwellings would be built in same location as previous ones and that it is now 3 storeys
8. No pre application with developer about the layout on this phase
9. Ongoing disruption over last ten years due to the redevelopment has been considerable – including noise and dust pollution

The consultation for the Compulsory Purchase Order (CPO) was carried out at the same time as the consultation for the planning application. There has been a petition to the CPO of 41 signatories. The comments are summarised below:

1. Object to the acquisition of the service road to the rear of Hillcrest Road.
2. Object to the building of any dwellings higher than 2 storeys due to loss of privacy to existing houses

## **APPRAISAL:**

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

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

### **1. Principle of Residential Development**

The principle of residential development and adherence to policy has already been established through the granting of outline planning permission. The development of this site would bring in to use a piece of brownfield land in a sustainable location in line with paragraphs 7, 8, 10 and 11 of the NPPF which states the need for the

presumption in favour of sustainable development. The site has easy walking access to the community facilities in the Camp Hill local centre in line with the NPPF, as well as proximity to bus routes. Similarly Policy DS1 of the Borough Plan 2019 states that there should be a presumption in favour of sustainable development. The application also complies with Policy DS2 which states that Nuneaton is identified as having a primary role for housing. Likewise the application conforms to Policy DS3 which states that development should be fully supported within the settlement boundary.

In relation to Policy HS3 telecommunications and broadband which states that provision must be made for the delivery of broadband. No provider has requested additional connectivity in the area and the proposal does not affect any existing provision.

Policy HS5 refers to the requirement to submit a Health Impact Assessment. No such assessment has been submitted; however there is no doubt that the development will improve the area socially, environmentally and economically and therefore will have no detrimental impact on health.

As this is a Reserved Matters application there are no Section 106 contributions required as this was dealt with at the Outline stage and in this instance was dealt with via a Developer Agreement. Therefore this application is exempt from Policy HS6 which requires payment for sports and exercise and towards parks and play areas.

## **2. Impact on Visual Amenity**

Policy BE3 of the Borough Plan 2019 states that development should be designed to a high standard and provide local distinctiveness. It also states that development should reflect the positive attributes of the neighbouring area and have characteristics that are sensitive to the layout, street pattern and built form of the area. The design of the units is to be in keeping with the rest of the regeneration scheme with a mix of two, two and a half storey and three storey properties.

The features on this phase will mirror the previous schemes and the design principles are in keeping with the specification initially set out in the Camp Hill Supplementary Planning Document that is no longer extant but which was driven by a number of agencies including the Princes Trust.

To address the significant slope on the site, the existing street scene in the area means that many of the existing houses due to be demolished are two storey and are elevated above the road level. This means that parking on existing premises is often to the rear and which is at different levels to the houses they serve. The proposed houses will be at road level with parking to the front or side of properties. The new development similarly to the previous phase will address some of the land level differences by retaining walls and in some cases by providing split level houses. The split level house types are the Alvecote; Cherrington; Claverton and Ettington that are three storeys on one side and two storeys on the opposite side. This type of design deals with the significant land level difference between the front and rear of properties and reduces the amount of terracing or retaining walls required.

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

Policy DS4 of the Borough Plan 2019 states that 14,060 dwellings are required up to 2013. The proposal will provide 142 gross and 86 net homes towards this requirement. As the site is deliverable, the housing numbers for this phase have been included within the Housing Trajectory for the Council's Five Year Housing Supply as per Policy DS4. The site meets the Council's latest Strategic Housing

Market Assessment (SHMA) which states there is a greatest need for 2 and 3 bedroom properties. The site will provide 19 two bedroom dwellings, 105 three bedroom dwellings and 18 four bedroom dwellings as per Policy H2.

As approved by Committee Members in October there is no longer a requirement for the last three phases to provide affordable units due to viability issues and the over provision in the first phase so therefore Policy H2 does not need to be adhered to.

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

Policy BE3 states that 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. It also recommends that all new developments meet the standards of the Building For Life 12 assessment, and other positive development principles such as Secured by Design.

It has not been evidenced that the proposal will meet the enhanced non mandatory building; adaptability to climate change; adherence to Building for Life 12 but as this is a new Policy in the Borough Plan these were not deliberations for the Outline application or were reflected in the viability of the developer when they tendered for the regeneration scheme. It is therefore considered that as this is purely Reserved Matters, refusal due to the lack of demonstration of meeting this criteria would be difficult to defend and on balance the benefits of the development to finish the entire regeneration scheme outweighs the lack of demonstration of these requirements.

Part of Policy BE3 states that consideration should be made to ensure the design is sensitive to the residential amenity of the area. In order to assess the impact between the proposed and existing properties and between the new properties the Council's Residential Design Guide 2004 (RDG) has been used. The RDG provides clear guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. The development has been assessed against paragraphs 9.0-9.6 of the RDG to ascertain the impact the proposal would have on the privacy, aspect and light.

The RDG gives distance standards that are designed to be applied across level sites but in paragraph 9.1 states that levels and garden shape and size are considerations. Due to some extreme level differences across this site, this also has to be considered within the assessment for instance section BB on drawing number P210 rev A shows that there is a height difference of 7m from the ridge of the new houses to the finished floor level of some of the houses in Hillcrest Road with the existing houses in Hillcrest Road being higher than the adjacent plots and vice versa to the south of the site where the existing neighbouring houses in Queen Elizabeth Road are lower than the proposed houses.

The scheme largely meets with the distance standards stated in the Council's RDG. The infringements are:

Paragraph 9.2 of the RDG states that habitable rooms are where occupants spend significant time and include lounge, kitchen, study, dining room and bedrooms.

The RDG states that there should be a distance of 20 metres from two storey windows to neighbouring two storey windows and 30 metres between two storey and three storey windows.

There is a short fall of distance across Edinburgh Road and part of Hillcrest Road from new window to new window and between plots 95/96 to 201 and 203 Queen Elizabeth Road. There is also a slight shortfall of two metres to existing houses in Hazel Road. However the RDG states that distance standards can be shortened when across a road and therefore in this instance the distances are considered acceptable.

The distance from the proposed three storey apartment's front windows (plots 117-122) to the existing front windows of 22 and 24 Hazel Road is 20 to 21m and should be 30m. However these existing properties have secondary and tertiary windows to the rooms affected. There is a two metre shortfall from front windows of plots 123 and 125 to the front windows of 20 and 22 Hazel Road. However again this is across open space and a walkway and therefore the RDG states it is acceptable to reduce standards in these instances.

The distance standards of 20 and 30m also apply to rear and side windows. In most instances these distance standards from proposed properties to existing property rear windows are exceeded.

There is some shortfall between rear windows within the scheme between new properties. For instance a short fall of 3m between plots 89 to 90 and plots 83/84 to 91 and 9m between plot 85 and 90 and 7m shortfall from plots 114 to 133. Other infringements are an 11m shortfall between plot 112 and 135 and 14m from plot 111 to 137 and plot 110 to 138. In the majority of these cases the infringement is mitigated to a great degree due to the level differences between these plots where there is at least a 5m height difference mitigating direct views between windows. Also in many cases the distance is between windows and roof lights which are within the slope of the roofs, which will not give as much of a sense of overlooking as a normal window. In any case this is when considering a distance of 30m, as many of the houses are two and a half storeys rather than three storeys it would be more reasonable to consider a distance midway between 20 and 30m making most of the distances acceptable.

The main issue with window to window distances are for the house type Ettington's of which there are 11 on this phase. These have ground floor side primary kitchen windows. Six of these are next to each other so have views between the two properties, and do not meet the 30m distance standards. However the boundary wall will in some cases protect views and in other cases the view is across drives so will provide natural surveillance. This house type has been used across the previous phases and been popular with buyers.

There is also an issue between two bedroom windows between the sides of plots 108 and 109. The applicant has tried to address this by putting a double driveway between the properties but it still means there are two windows in direct line with each other serving bedrooms within 6m of each other whereas the distance should be 20m. To an extent this will be 'buyer beware' and again these windows will provide natural surveillance to drives.

In order to protect amenity space the RDG states there must be a distance of 7m from windows above ground floor to neighbours private amenity space.

Plot 27 has first floor windows at a distance of less than 7m to the side of plot 26. However this is a secondary window and therefore the sense of overlooking can be



overcome by conditioning that this is fitted and maintained as fixed obscure glazed windows.

Other infringements to this are plot 90 to plot 85; plot 86 to plot 89; plot 89 to 88; plot 90 to 89; plot 93 to 92; plot 110 to plot 138 and plot 142 to plot 108. However in these cases there is some mitigating circumstances such as extreme level differences between properties reducing in most cases entirely overlooking issues or where the infringements are to areas of gardens furthest from the house of the affected property or where the distance increases due to angles between properties.

There is only one instance where a habitable window is proposed facing towards an existing property and this is from plot 105 to the bottom of the garden of 187 Queen Elizabeth Road. The impact is worsened as plot 105 is 3 storeys and this neighbours house is a storey lower than this nearest new plot. However it is considered that this is acceptable because the view is across a turning area at the end of the road and the contravention of distance is only to the rear boundary of this existing property and the distance between houses and to the most usable amenity space close to the house is 30m. In addition the storey level difference is at this rear boundary which makes this boundary very steep and unusable as amenity space. The area is also densely planted with trees and shrubs but this is not a considering factor as it could be cleared.

The RDG states that distances from habitable windows to blank walls should be 12m where on the same level, 14m where there is a level difference and 16m where the window is two storeys below the wall that it faces. This is to protect from a sense of enclosure to the window.

Plots in contravention to this include a shortfall of 2m between plots 106 and plot 88; 5m between plot 108 and 141; 2m between plot 109 and plot 140; 1m shortfall between plot 130 and plot 129 and 2m between plot 116 and plot 118. However, in these cases, there are often mitigating factors such as level differences or secondary windows.

Plot 27 has a side kitchen window which is only 6m from a retaining wall to plot 91 and should be 12m. Similarly there is a shortfall of 11m to the side kitchen window of plot 57 from the retaining wall of plot 56.

Paragraph 9.6 is to protect outlook from windows and to amenity space. The RDG states the middle of windows should not be infringed at 60 degrees when at the same storey or 45 degrees where the neighbouring wall is a storey higher and that neighbouring properties should not project more than 4m on boundaries at ground floor or 3m at first floor and above.

To break up the continuous frontage and expanse of parking, some of the properties are stepped to the neighbouring properties. Plot 9 is stepped back compared to plot 8 by over 4m which is more than the guidance of 3m. However the projection is north east of this property and stepped away from the boundary by a metre which slightly lessens the impact. Permitted development for rear extensions could be removed from plot 9 to ensure the impact is not made worse by future extensions. There is a similar relationship between plot 57 to plot 56 and plot 62 to 63 where windows are slightly infringed. Again permitted development could be removed for plot 57 and 62. There is a similar step between plots 18 to 19 but the impact is mitigated as there is a distance of 3m between properties and windows are not infringed and again permitted development rights could be removed for rear extensions at plot 18. There

is a step between plots 131 to plot 130 but at only 3.3m projection is only just over the guidance acceptable and no windows are infringed.

Some objections have been made to the scheme from existing neighbouring properties and these objections will now be addressed:

Number 64 Hillcrest Road states they were assured when they purchased their house that the new houses would be built in the same location as the houses that have been demolished. The proposed house (plot 70) is roughly in the same position to this neighbour, but the new house is deeper so rather than being 21.6m from the back of the demolished house to the back of this neighbour's original house, the distance is now 17.5m. The RDG only protects original windows and as this neighbour's house has a two storey extension across the entire rear of the property there are no original rear windows to consider. There is at least 9.5m from the rear of the new proposed property to the boundary with this property and therefore the distance complies with the 7m distance in the RDG (paragraph 9.4) to protect overlooking to private amenity space. In addition the main part of the garden to this property is to the side and not in line with the new development.

This neighbour also has concerns that the proposed house is three storeys and the previous demolished dwellings were only two storeys. The dwellings backing onto this neighbour are three storeys to the front but two storeys to the rear which faces onto their property (this is to cater for the land level difference). The demolished houses were elevated to the road whereas the proposed dwellings are at road level, so the front of the nearest proposed property is lower than was previously built. Site Sections - drawing number P210 Rev A. (CD10) shows Section C-C which is through 78 Hillcrest Road (which is a few doors away) and shows there is such a height difference in this area that the top of the ridge of the proposed house in line with 78 is actually 3m lower than the ground floor level of the nearest house in Hillcrest Road. As this is a few doors away it cannot be claimed to be an identical level difference but is likely to be similar to provide some mitigation to the impact between properties. Therefore, whilst there is no doubt there will be some impact as there is currently no house to the rear of this property; the impact is considered acceptable when considered against the Council's RDG.

The above property also objected that there had been no pre application discussions prior to the submission of the Reserved Matters. There was intensive pre application discussions for the whole regeneration scheme but this was many years ago at the Outline stage. The Council cannot insist that this is carried out at each Reserved Matters stage.

Objections on the grounds of loss of privacy and light and concerns about overlooking have been received (154 and 156 Hillcrest Road). The nearest plots to the rear of these properties are plots 1 and 2. These are 2.5 storey and have dormers to the front but just roof lights to the rear facing the rear of these neighbouring properties. There is a distance of 42m from the rear windows of these new properties to the rear windows of these existing neighbouring properties. The RDG (paragraph 9.3) states that to protect privacy, aspect, light and to prevent an oppressive sense of enclosure, there should be a distance of 30m from window to window where one is two storey and one is three storey. The distance provided is therefore more than what is considered acceptable in the RDG and is mitigated further by the fact that the proposed houses are at a much lower level than these neighbouring houses. In addition the windows at roof level are roof lights (angled within the roof) and therefore provide a lesser sense of overlooking than a

conventional window. There is a distance of 21m from the rear windows of these new properties to the boundaries of these neighbouring properties, so easily complies with the 7m distance that is considered the minimum in paragraph 9.4 of the RDG in terms of privacy. It is therefore considered that the impact to these properties is more than acceptable.

One of the objections was that the proposed houses were to be 3.5 storeys (156 Hillcrest Road). There are no 3.5 storey houses intended in this scheme.

The petition to the Compulsory Purchase Order cites that objections are on the grounds of the acquisition of the service road to the rear of Hillcrest Road and objections to new dwellings being taller than 2 storeys due to loss of privacy to existing houses. In relation to the service road, this does not form part of the planning application site and therefore access to the rear of properties is not affected. With reference to the proposed dwellings not being any taller than two storeys; the heights of the houses and thus the associated impact has been considered for each individual neighbouring property as per the assessment of the application.

Sixteen of the plots are considered to be in noncompliance with the RDG without mitigating circumstances to make the impact acceptable and it is very much a case of buyer beware for these plots. The impact from the scheme to existing properties is acceptable and where distance standards are not met there are mitigating circumstances such as a reduction in distance due to views across roads or public space or due to level differences.

## **5. Highways and Parking Provision**

With the exception of four properties one side of the development (plots 1 to 70 on Edinburgh Road and Hillcrest Road) is entirely laid as parking to the front of properties, although there are small breaks in this which will be front gardens. It is considered that this means that parked cars will be visually dominant in the street scene and is contrary to paragraph 6.2 of the RDG. This was brought to the attention of the Agent to give them the opportunity to amend the layout but they advised that due to the constraints of the site this could not be overcome. On the opposite side of the road the layout is different and parking is to the side of properties and this will therefore reduce the visual dominance if looking at the street in a wider area. Therefore whilst the layout is contrary to this paragraph of the RDG, it is considered not reason on its own to refuse the application.

On plot parking or proximity parking to the dwellings are provided where possible. The majority of plots have two allocated external spaces per property (some of which are tandem spaces) with the exception of plots 31 to 38, 47 to 56, 115 and 131 which only have one external space with the second space being incorporated within integral garages. Plots 130 and 116 are both two bedroom flat over garages and only have one parking space which are within integral garages. Highways consider that the integral garages are not parking spaces as they do not reflect the increasing width required by modern cars. This potentially means that these two plots have no usable parking spaces.

Plots 123 to 128 (two bedroom houses) also only have one allocated parking space per property and these are within a rear courtyard of 7 spaces. These spaces do have some natural surveillance from neighbouring properties.

The two bedroom apartment's plots 117 to 122 have one parking space per property which again is within a rear courtyard of 7 spaces which have some limited surveillance.

The Council's Supplementary Planning Guidance (SPG) states that there should be an average of 1.5 spaces per dwelling across a scheme. The scheme more than complies with this. In addition this is purely used for guidance as the document is no longer extant.

WCC Highways originally objected to the layout and the scheme has been amended to take in to consideration their concerns. It is expected to receive their amended response by the time of Committee.

## **6. Flood Risk**

The site is in Flood Zone 1 which is the least liable to flooding. The scheme is to use the balancing pond created for the entire regeneration scheme which will provide sustainable drainage. Neither the Environment Agency nor Warwickshire Flood Risk Team have concerns.

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

Two neighbour objections include a request for the provision for a play area and formal open space. This appears to have been requested as these neighbours referred to the fact that youths are congregating on an existing open space and walkway causing antisocial behaviour and therefore a formal park and open space would cater for these youths. No formal play area was shown on the master plan for this phase and it is considered that it would unreasonable to request the inclusion of this (especially as our Parks Team have not requested this). In relation to existing antisocial behaviour, the footpath and open space this refers to is outside of the application site and therefore cannot be dealt with under the planning application. However, the comments have been forwarded to PinCH to see if the issues can be addressed through them. The new properties will also provide increased natural surveillance to this area which may be of benefit.

In reference to biodiversity, development should enhance and improve biodiversity as per national and local policy (NE3 Biodiversity and Geodiversity) and should enhance green infrastructure (Policy NE1 Green Infrastructure and NE2 Open Space of the Borough Plan). For guidance on this the Council's Parks Team and Warwickshire Wildlife Trust have been consulted. Warwickshire Wildlife Trust have not responded.

An ecological report was submitted and considered during the Outline application but this was only valid for three years and the Agent was requested and duly submitted an up to date report as part of the Reserved Matters. This latest ecological report provides several recommendations such as biodiversity enhancement and that a Construction Ecological Management Plan should be provided via condition to minimise the impact of the construction phases on the existing ecology both on and off site and to deal with the treatment of invasive fauna such as cotoneaster.

Unfortunately, this new ecological report fails to cover the whole of the development area and omitted the area immediately adjacent to Whittleford Park and Barpool Valley Local Wildlife Site (LWS). Some of the housing near to the LWS has already been demolished and the land cleared for some years which has resulted in much of

the land becoming reclaimed by nature. This means there could be protected species in this area. Parks have therefore objected on several grounds:

1. Insufficient information to show that protected species will not be affected during the clearing of land and during the construction period.
2. Part of the land may now be suitable for inclusion within the LWS.
3. Clearing this land will provide a loss of biodiversity.
4. Biodiversity should be increased elsewhere within the site e.g. back gardens and street corners.
5. Houses near to open space need to have dual frontages for natural surveillance.

Parks also have concerns that due to the above the scheme is in contravention to the Natural Environment and Rural Communities Act 2006.

Due to further discussions with the Parks Team, they have agreed that objection 1 can be overcome by the inclusions of a pre commencement condition requiring a Construction Ecological Management Plan and which will cover how the land is cleared.

Planning Officers consider that in reference to objections 2 and 3, these cannot now be considered at the Reserved Matters stage as they would affect the principle of development approved in the Outline application and should have been considered during the Outline.

In relation to objection 4 there is little insufficient areas that biodiversity could be improved within the site as there is no formal open space and any planting of trees/shrubs within rear gardens could be pointless if new owners were to remove them.

In reference to objection 5 sufficient natural surveillance has been provided by secondary frontages containing windows as per 'Secure by Design'.

It is therefore considered that ecology can be protected via condition.

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

Paragraph 178 of the NPPF and Policy BE1 of the Borough Plan both state that land stability and contamination must be considered in determining applications. In this instance the Outline application requires the discharge of condition for each of the phases for contamination and therefore the Council's Environmental Health have no objection in terms of contamination.

One objection to the planning application is about the environmental impacts of noise and dust during the last ten years of the construction of the regeneration scheme and that the new scheme will lengthen this. There are no conditions about dust or noise restrictions on the Outline application. However complaints of this nature would be dealt with by the Council's Environmental Health under different legislation. On checking with the Council's Environmental Health Team in relation to this specific issue, they have advised:

*"There have been only sporadic complaints about dust during the demolition phase around Edinburgh Rd but none in the past two years. The contractors generally respond well and promptly to reports of excess dust from Environmental Health, water bowsers and road sweeping in use. We have had relatively few complaints in the last 5 years about noise and vibration but these have been about;*

- i. *Pile driving operations (on the steeper slopes), where this construction method for foundations was necessary. Works were disruptive for a few weeks but only took place during the day.*
- ii. *Construction work commencing very early in the mornings, remedied by talking to the contractors who now enforce the hours to our suggested 8am – 6pm for noise generating works.*

In conclusion it is noted that noise and dust during construction will be covered by Environmental Health under their own legislation.

## 9. Conclusion

There is no doubt this is a dense development but is in line with the ethos of the scheme and the design approach that was unique to the Camp Hill Design Code and which allows for this high density to be achieved without creating the impression of overcrowding and poor urban quality. The layout on this phase is hugely restricted due to the constraints of the site in terms of the gradient of the site which makes any design within the site to be problematic.

The overall scheme will aspire to make a positive contribution to the character and quality of the area. It is considered that the proposal will enhance the area whilst achieving a density appropriate to the design principles set out in the Outline. The proposal will make efficient use of the land and provide a mix of dwelling types and sizes, thus following policy guidance on residential development and adding to the diversity of housing stock in the area.

## 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 previously provided under the outline application and the new conditions attached to this permission; the proposed development would be in accordance with the development plan and would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

## SCHEDULE OF CONDITIONS:

### Schedule 1

The details and plans contained in the following Schedule 1 be approved in accordance with Condition 1 a), b), c), d) and e) of outline planning permission reference 030128B granted on the 7th June 2010 relating to siting, design, external appearance and access.

### Schedule of approved documents

<i>Plan Description</i>	<i>Reference</i>	<i>Date Received</i>
Location Plan	P100 Rev B	11 <sup>th</sup> July 2019
Proposed Layout	P001 Rev P	9 <sup>th</sup> Aug 2019
Site Sections	P210 Rev A	11 <sup>th</sup> July 2019
Boundary Treatment Plan	P003 Rev D	11 <sup>th</sup> July 2019
Courtyard 1 Vehicle Tracking Private Car sheet	1.7584-ATR-102 P3	7 <sup>th</sup> Aug 2019
Courtyard 2 Vehicle Tracking Private Car sheet	1.7584-ATR-103 P4	7 <sup>th</sup> Aug 2019
Courtyard 1 Vehicle Tracking Private Car sheet	2.7584-ATR-104 P2	7 <sup>th</sup> Aug 2019
Courtyard 2 Vehicle Tracking Private Car sheet	2.7584-ATR-105 P3	7 <sup>th</sup> Aug 2019
Surface Water Drainage	0705/D/005 Rev A	14 <sup>th</sup> Aug 2019

Camp Hill Flood Risk Technical Note	15 Aug 2019	20 <sup>th</sup> Aug 2019
Apartment Floor Plans	P420 Rev	11 <sup>th</sup> July 2019
Apartment Floor Plans	P421 Rev	11 <sup>th</sup> July 2019
Apartment Elevations	P422 Rev	11 <sup>th</sup> July 2019
House Type - Alverton	P401 Rev	11 <sup>th</sup> July 2019
House Type - Richmond	P403 Rev B	11 <sup>th</sup> July 2019
House Type - Brentford	P404 Rev B	11 <sup>th</sup> July 2019
House Type - Buchanan	P405 Rev A	11 <sup>th</sup> July 2019
House Type - Ennerdale	P407 Rev B	11 <sup>th</sup> July 2019
House Type - Alvecote	P408 Rev	11 <sup>th</sup> July 2019
House Type - Sutton	P409 Rev A	11 <sup>th</sup> July 2019
House Type - Kingsville	P410 Rev A	11 <sup>th</sup> July 2019
House Type - Cherrington	P411 Rev B	11 <sup>th</sup> July 2019
House Type - Claverdon	P413 Rev	11 <sup>th</sup> July 2019
House Type - Norbury	P414 Rev A	11 <sup>th</sup> July 2019
House Type - Moresby	P406 Rev C	9 <sup>th</sup> Aug 2019
House Type - Moresby V1	P406a Rev	9 <sup>th</sup> Aug 2019
House Type - Ettington	P412 Rev B	9 <sup>th</sup> Aug 2019
Materials Distribution Plan	P002 Rev D	11 <sup>th</sup> July 2019
Parking Allocation Plan	P004 Rev C	11 <sup>th</sup> July 2019
Soft Landscape General Arrangement	100 rev B	11 <sup>th</sup> July 2019
Soft Landscape Proposals – Sheet 1	101 rev B	11 <sup>th</sup> July 2019
Soft Landscape Proposals – Sheet 2	102 rev B	11 <sup>th</sup> July 2019
Soft Landscape Proposals – Sheet 3	103 rev B	11 <sup>th</sup> July 2019

## Schedule 2

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

- a. Any pre- construction checks required.
- b. The species safeguards to be employed; - including undertaking additional protected species habitat assessments (and undertaking any necessary resulting protected species surveys) for any vegetated areas currently lacking such assessments to inform the preparation of the CEMP.
- c. Appropriate working practices and timings of construction works.
- d. Site clearance methods.
- e. The extent of buffer zones and stand-offs for sensitive ecological features.
- f. What to do if protected species are discovered during construction.
- g. Where and how the hedgehog passes will be created and identify what permanent enhancements have been made for amphibians, hedgehogs and reptiles.
- h. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

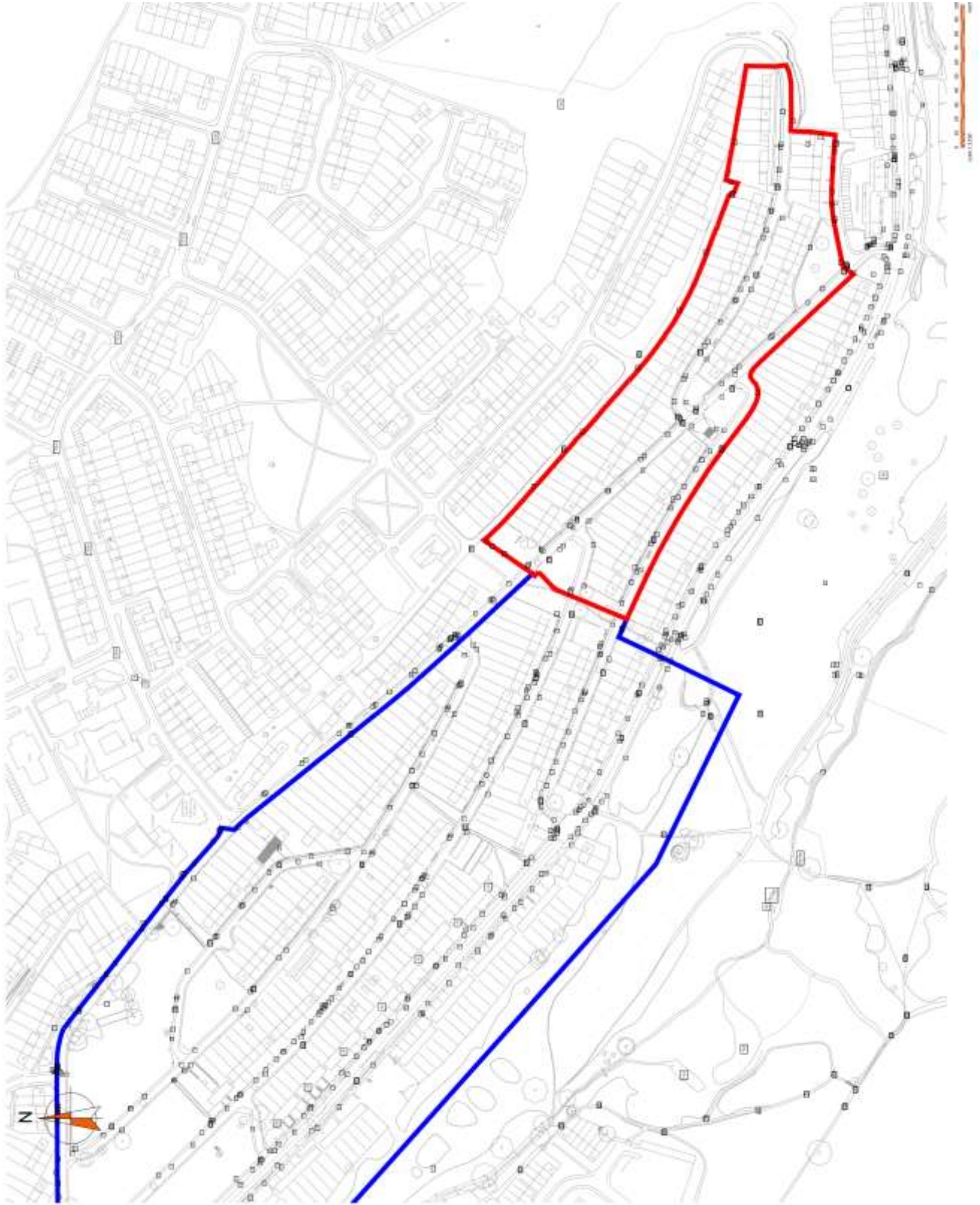
The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site

actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

2. The first floor secondary side window to the lounge to plot numbers 27, 57 and 93 on the approved plan shall not be fitted or subsequently maintained other than in fixed and obscure glazing.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and en-acting that Order) no rear extensions shall be erected on plots 9, 18, 57 and 62 without the prior written consent of the Council.





Site Location Plan with adjacent phases.

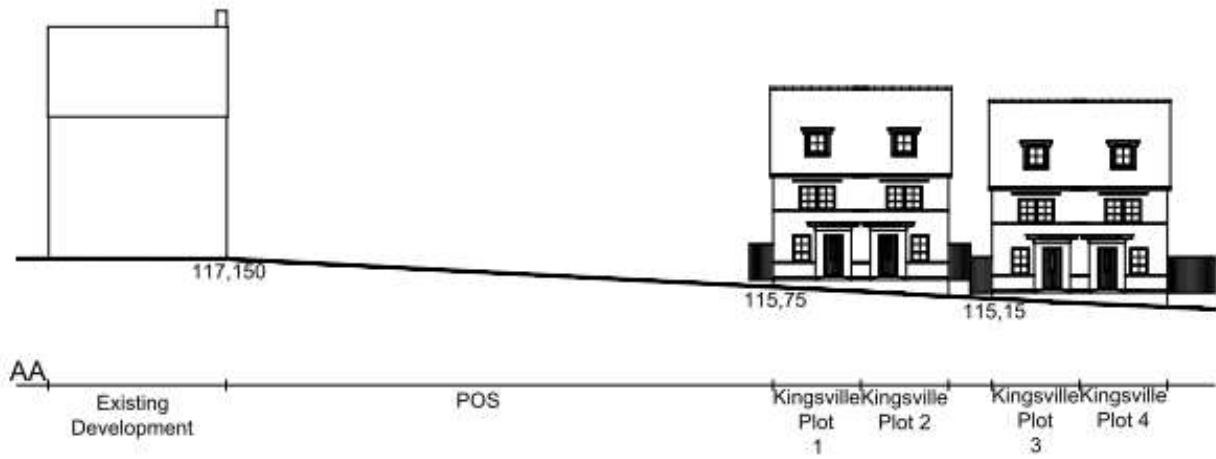


Site Location Plan for part 5.

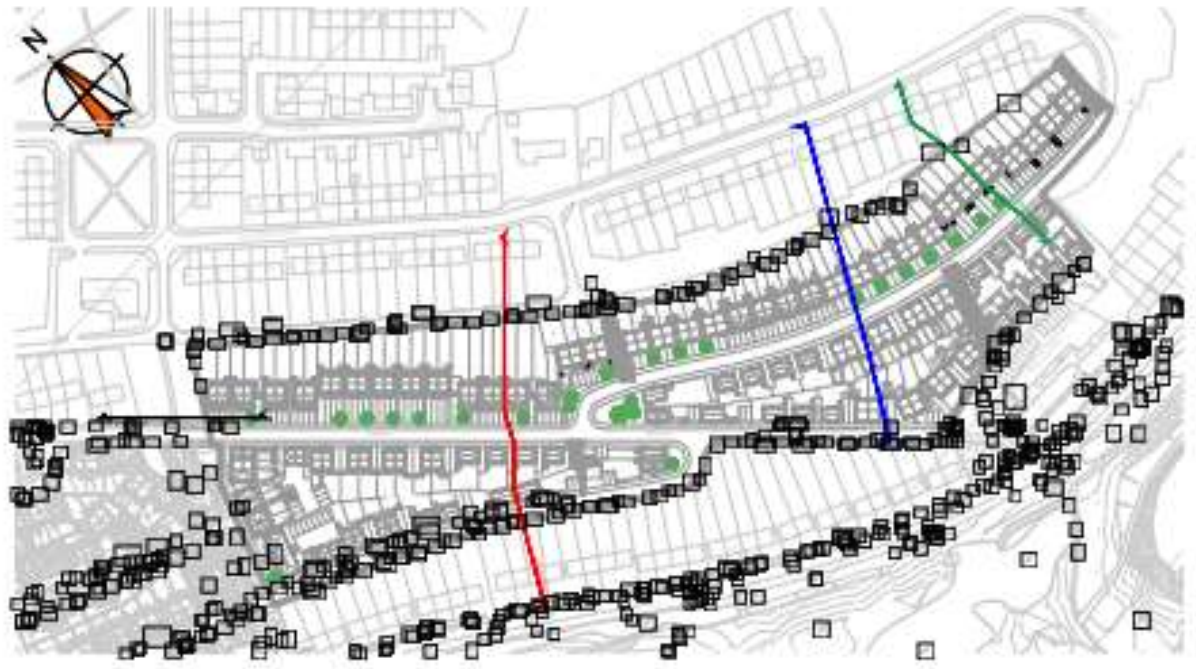




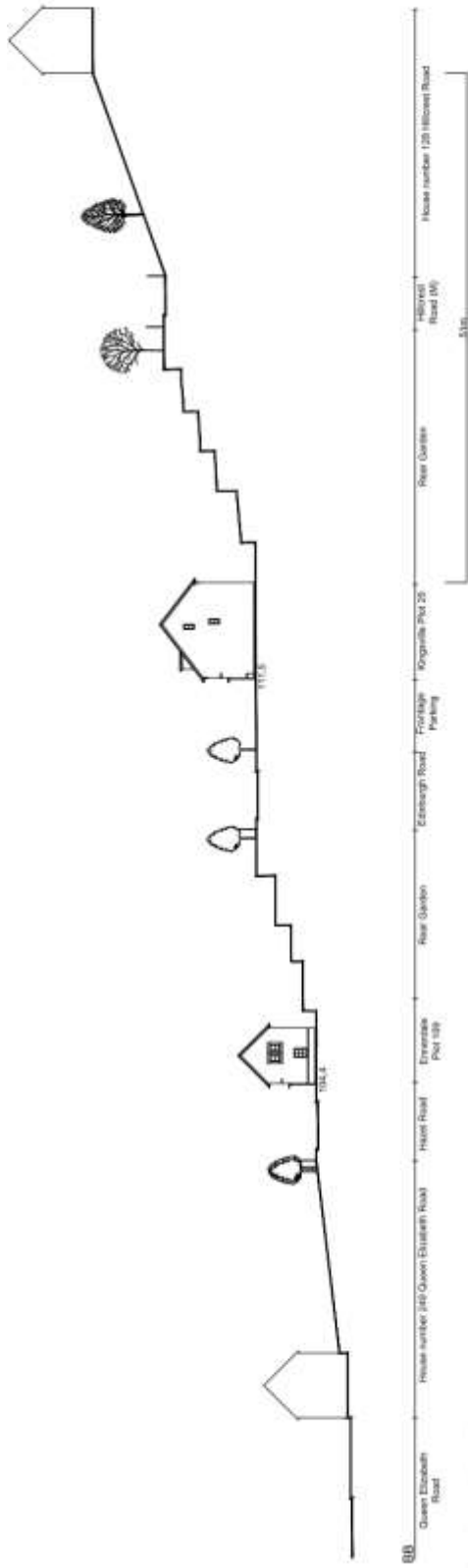
Lay Out Plan Rev P



## Section A - A



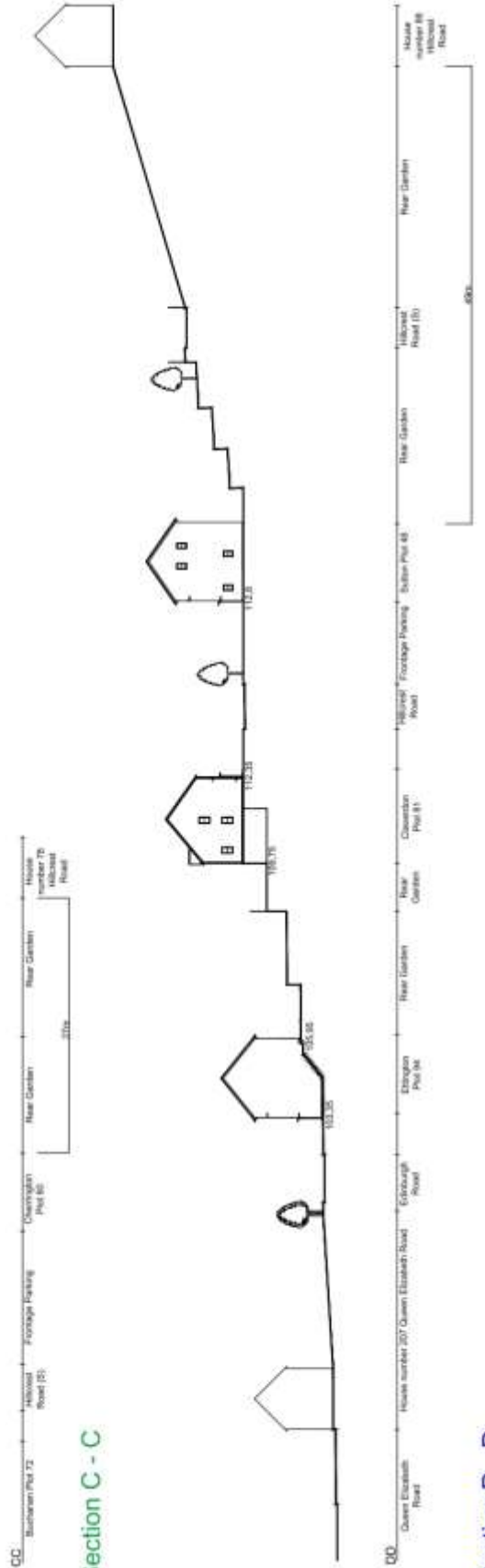
Site Section A-A and Site Section Plan.



**Section B - B**



**Section C - C**



**Section D - D**

Sections B-B to D-D



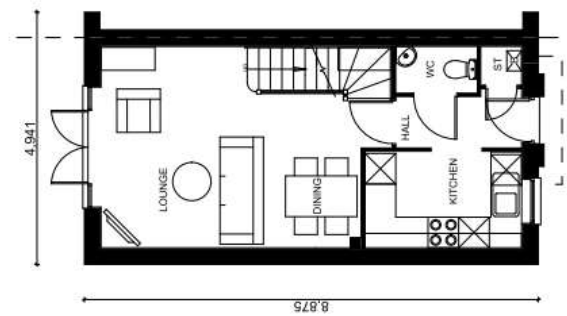
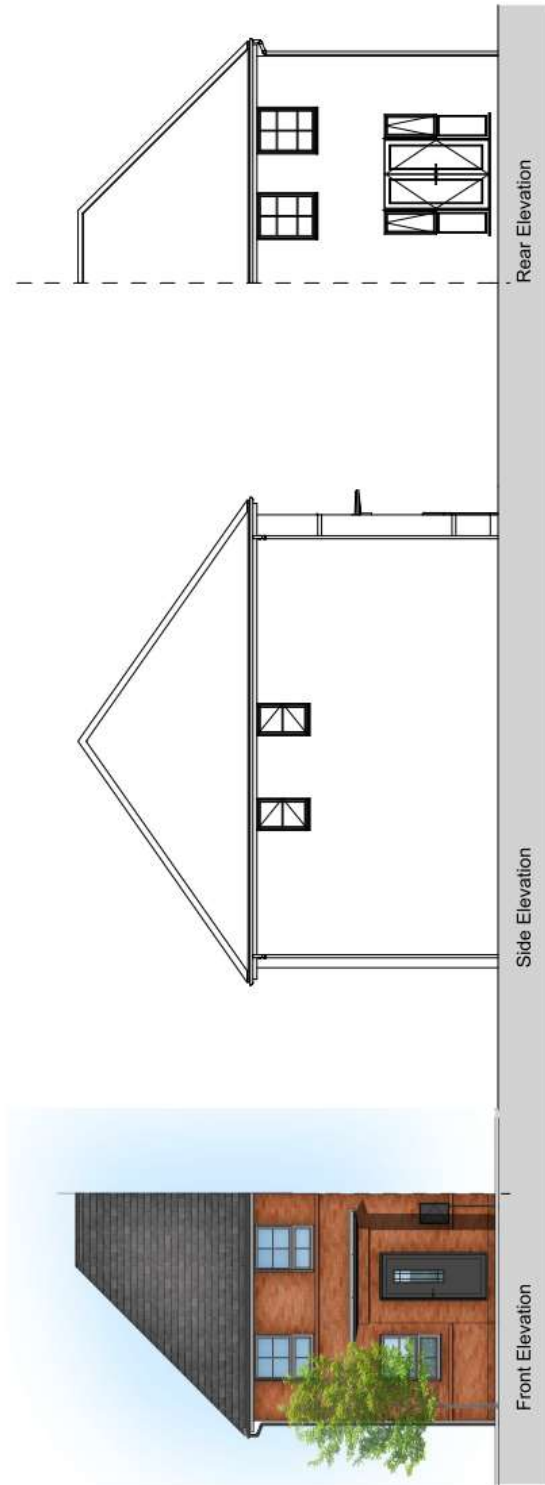
# House type – Alverton

**ARCHITECTS**  
**URBAN DESIGNERS**  
**PLANNERS**  
**PROJECT MANAGERS**  
**LANDSCAPE ARCHITECTS**  
**WE ARE IAP**

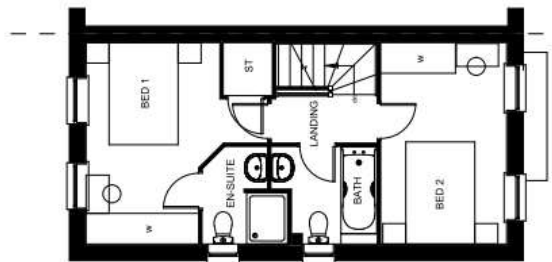
**PLANNING** Full Stage 3

**Site:** Berrell / DWH Alverton  
**AP:** Comp 184 Phase 5  
**Site:** House Type - Alverton  
**Drawn:** CH / 100  
**Issue:** Jan 2019  
**Project:** 302 scale @ 1:100

**Job No:** C2481 Rev 01 **P401 Rev**  
**GP GROUP 27 BRICKS STREET, COVENTRY CV1 2SA**  
**T: +44 (0)24 762 7888 E: info@iapa.com**



Ground Floor



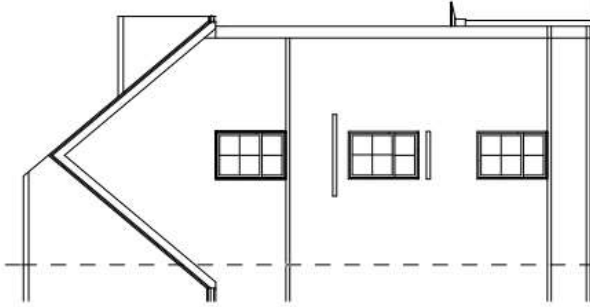
First Floor



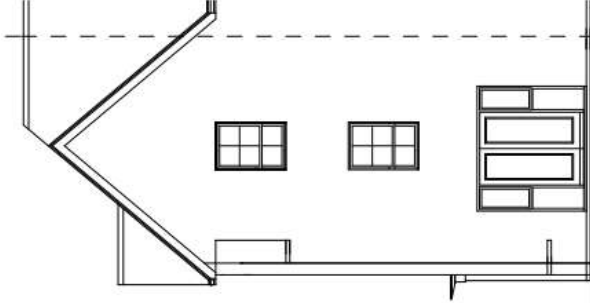
House type – Richmond



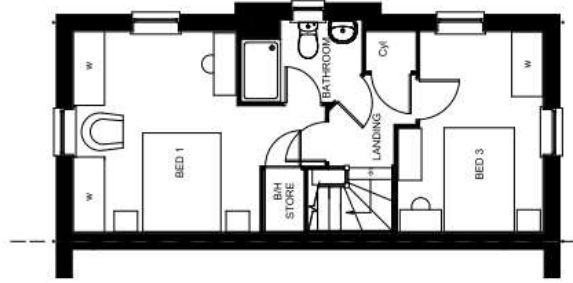
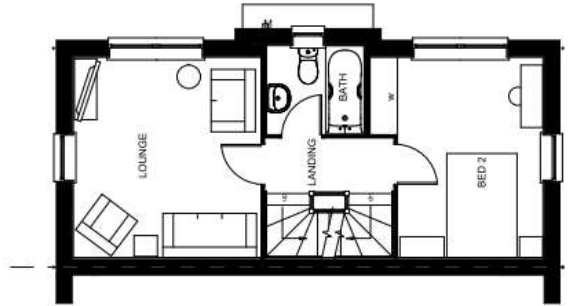
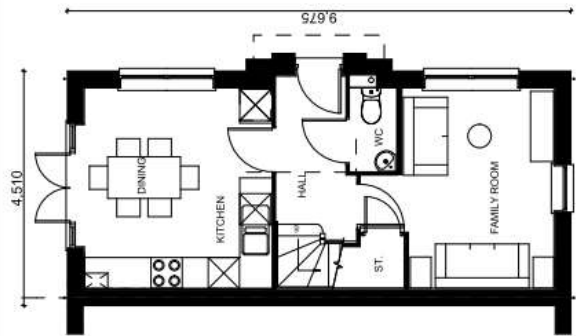
Front Elevation



Side Elevation



Side Elevation



Ground Floor

First Floor

Second Floor



House type – Richmond



142.  
OPP Plots: 110.



Front Elevation

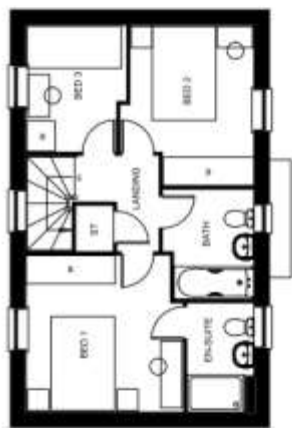
Side Elevation

Rear Elevation

Side Elevation



Ground Floor



First Floor

A: 10/19 P405/Assembled J.D.W. J.D.W.

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LANDSCAPE ARCHITECTS  
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status: **PLANNING** 100% Stage: 3

client: Baratz / DWH Morcia

job: Camp Hill Phase II

site: House Type - Buchanan

date: Jan 2019

location: 505

scale: 1:100

ref: **C2491** rev: **P405 Rev A**

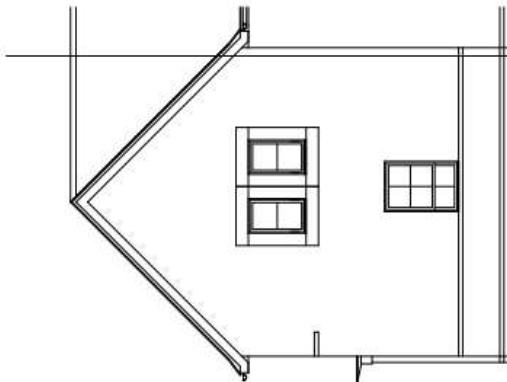
EP 0003/19 37 SPINA STREET, COVENTRY CV3 9BA



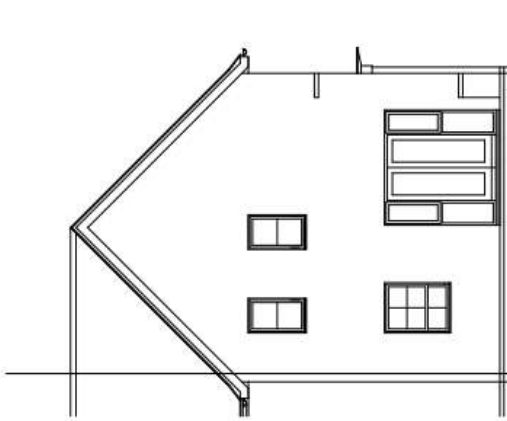
House type – Buchanan



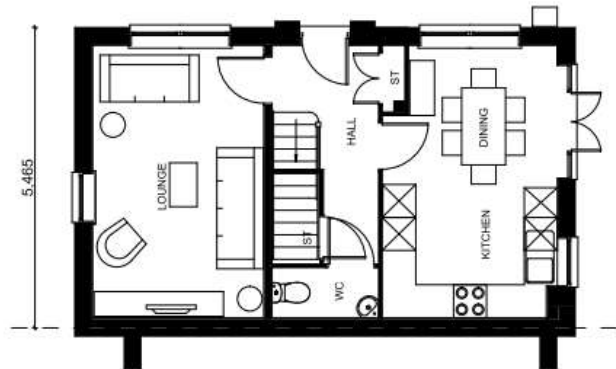
Front Elevation



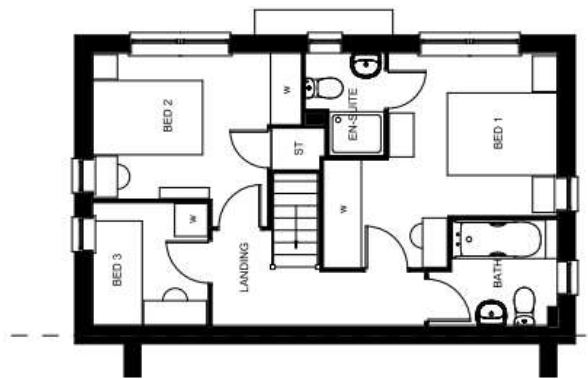
Side Elevation



Rear Elevation



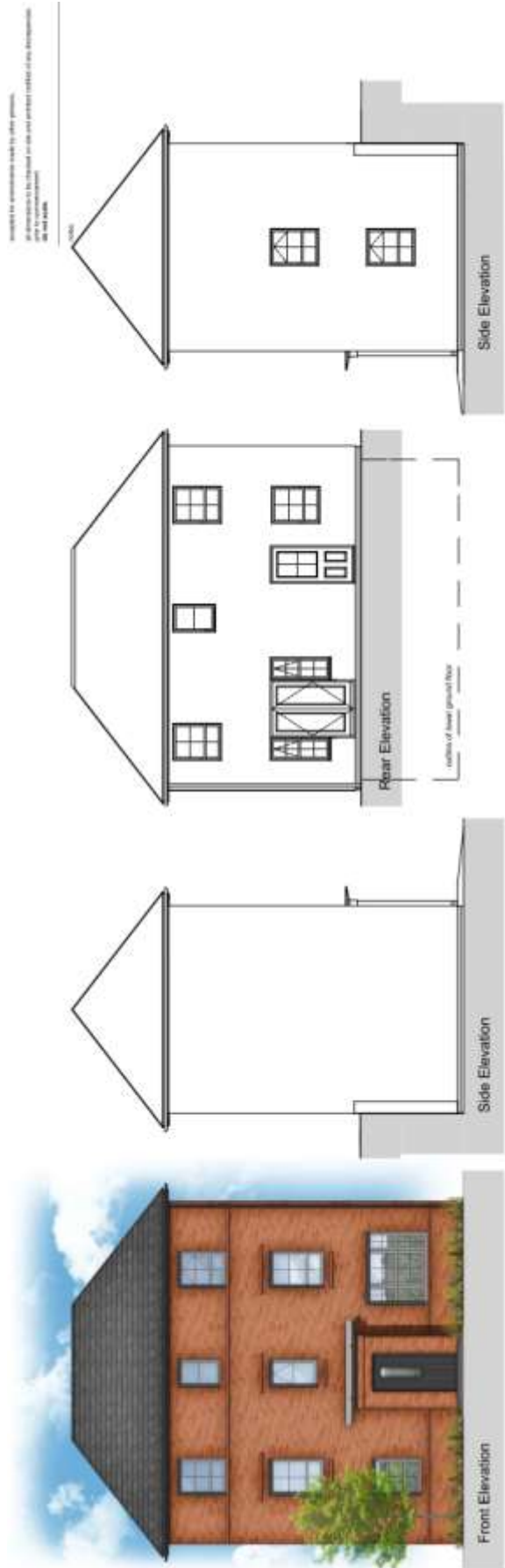
Ground Floor



First Floor



House type – Ennerdale



House type – Alvecote

Key  
 AS Plots: 92, 102.  
 OPP Plots: 101, 103, 104, 105.

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 IAN DUNN  
 PLANNING  
 PROJECT MANAGER  
 LANDSCAPE ARCHITECTS  
 018 237 037

ARCHITECTS  
 IAN DUNN  
 PLANNING  
 PROJECT MANAGER  
 LANDSCAPE ARCHITECTS  
 018 237 037

DATE: 2019-08-08  
 PROJECT: P408 Ray  
 CLIENT: P408 Ray  
 ADDRESS: Camp Hill Phase 5  
 HOUSE TYPE: Alvecote

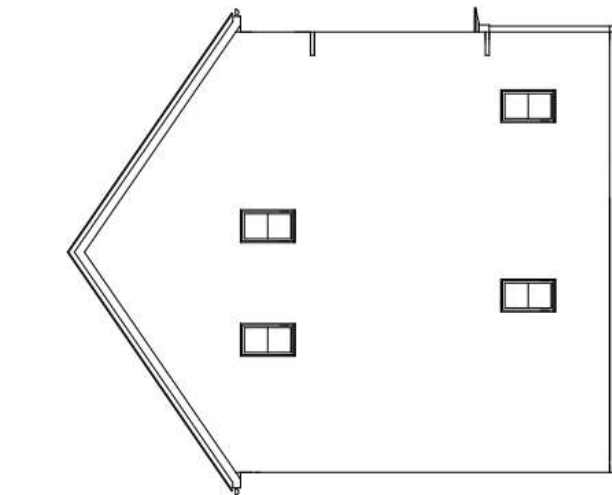
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 CLIENT: P408 Ray  
 ADDRESS: Camp Hill Phase 5  
 HOUSE TYPE: Alvecote

DATE: 2019-08-08  
 PROJECT: P408 Ray  
 CLIENT: P408 Ray  
 ADDRESS: Camp Hill Phase 5  
 HOUSE TYPE: Alvecote

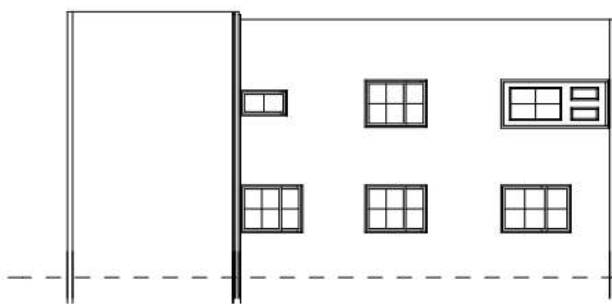




Front Elevation

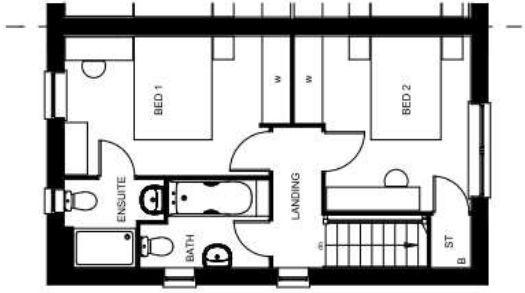
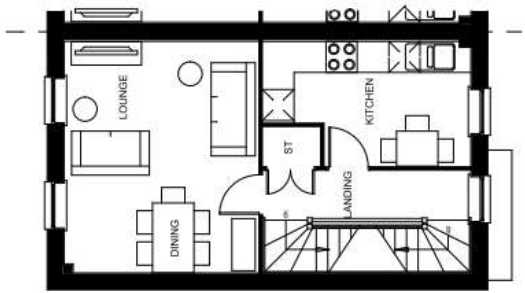
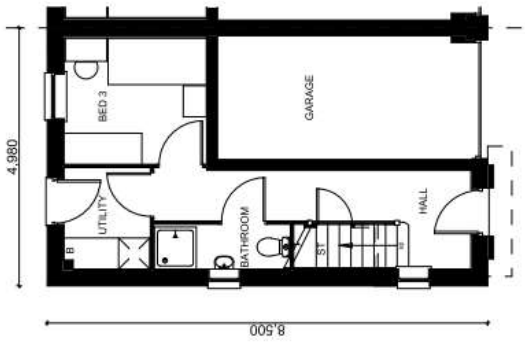


Side Elevation



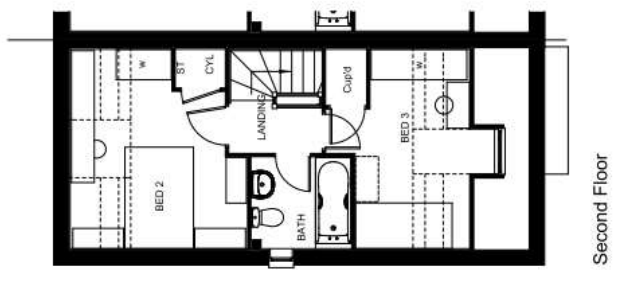
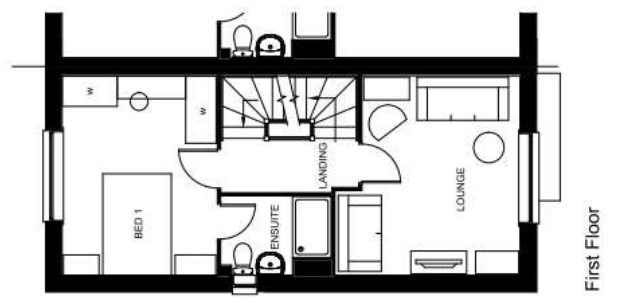
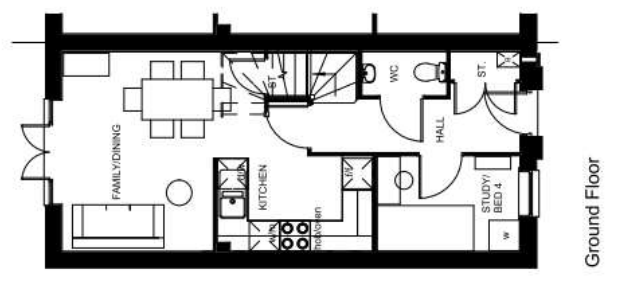
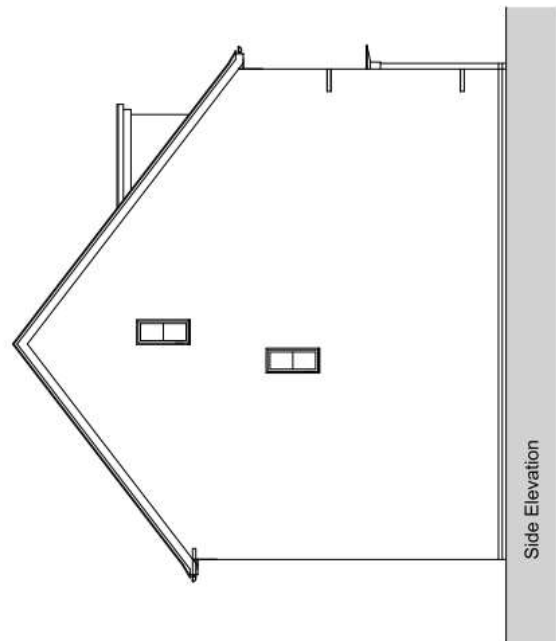
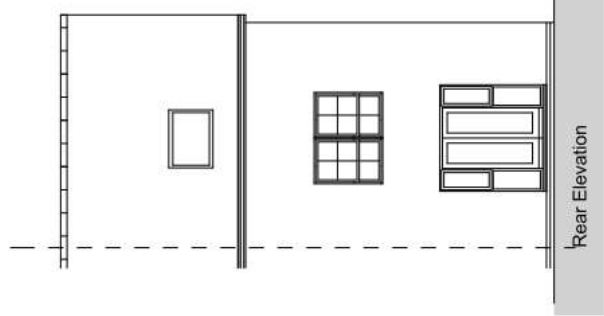
Rear Elevation

House type – Sutton





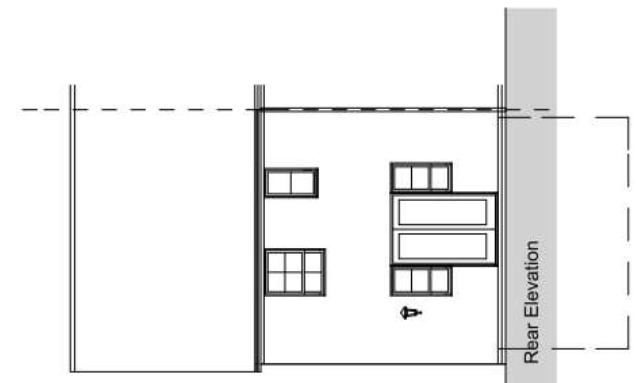
House type – Kingsville



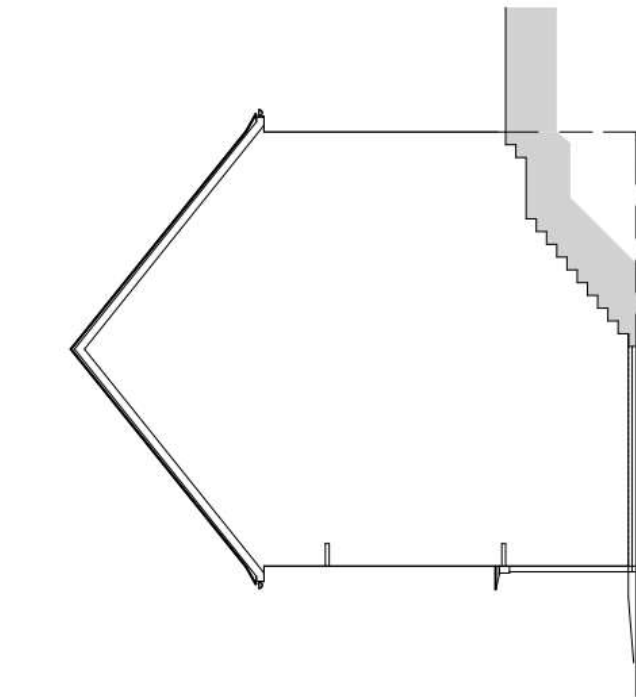


Front Elevation

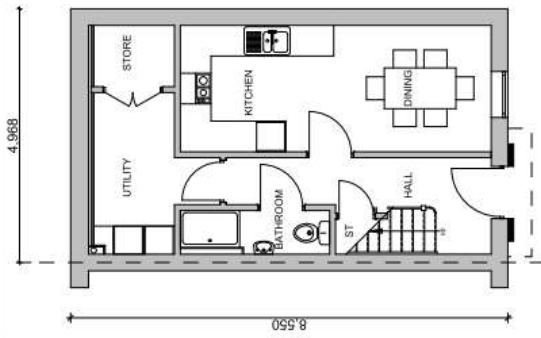
House Type – Cherrington



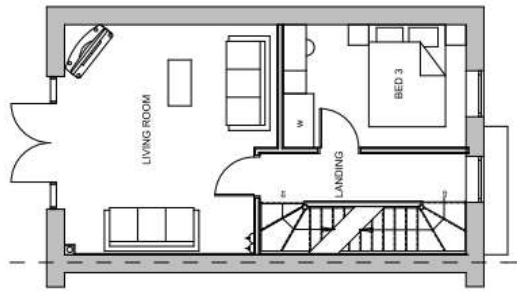
Rear Elevation



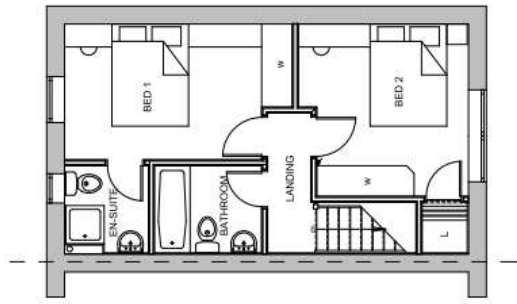
Side Elevation



Lower Ground Floor



Ground Floor



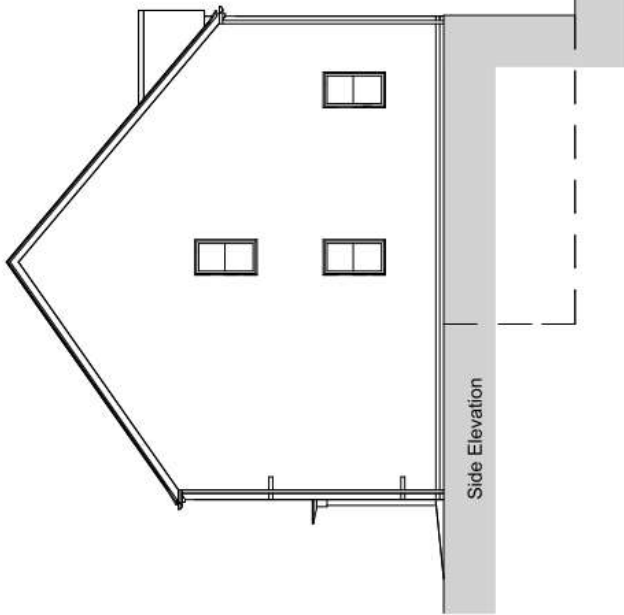
First Floor



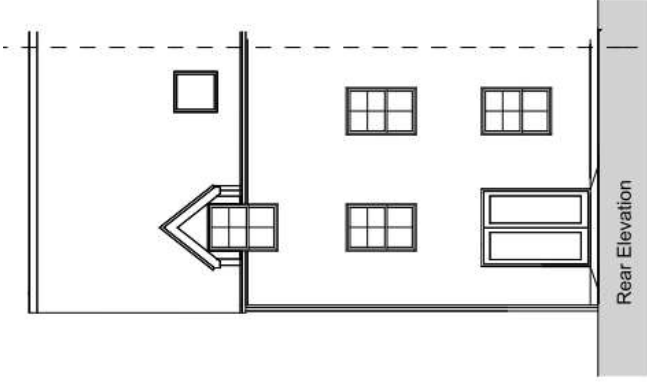




Front Elevation

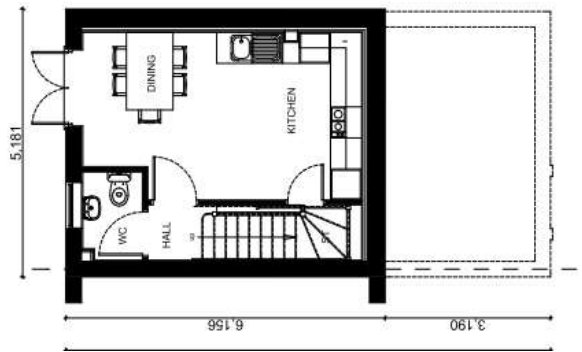


Side Elevation

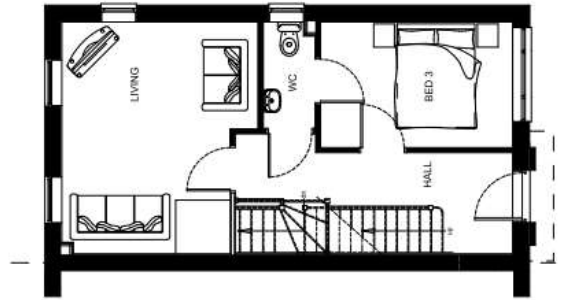


Rear Elevation

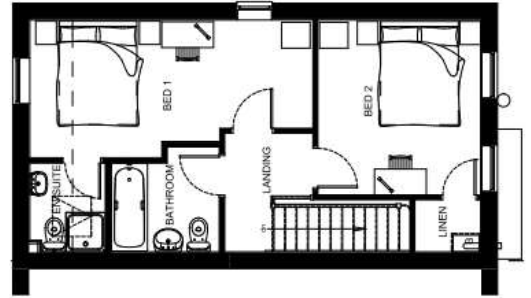
House Type - Claverton



Lower Ground Floor



Ground Floor

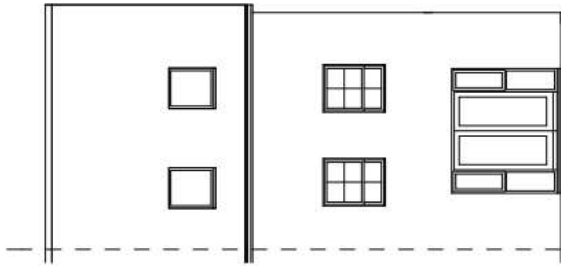


First Floor

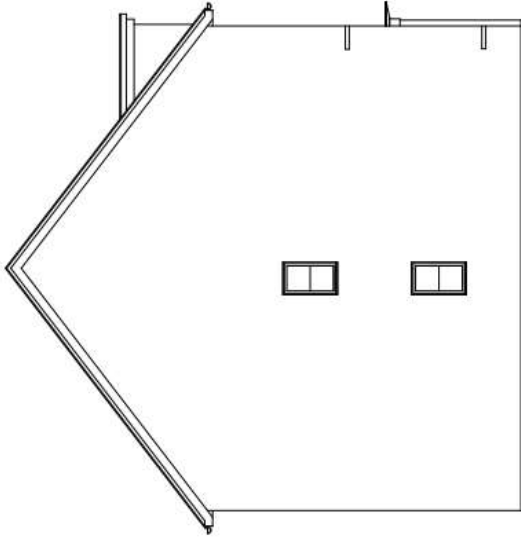




Front Elevation

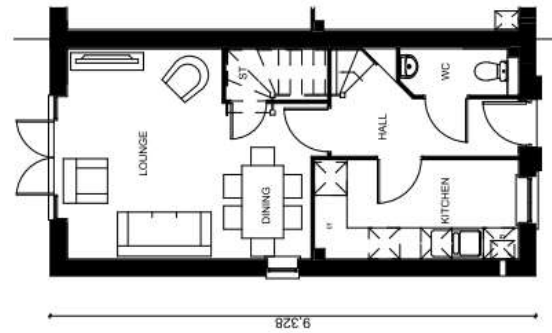


Rear Elevation

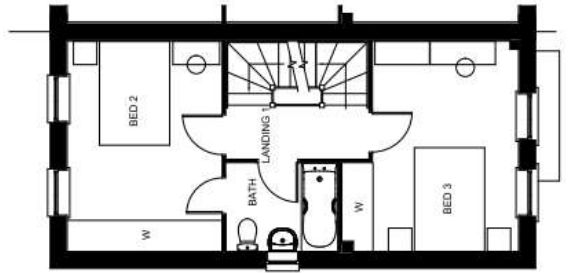


Side Elevation

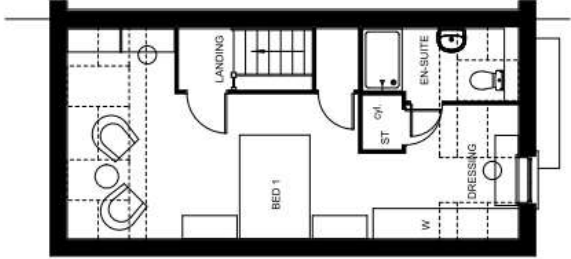
House Type – Norbury



Ground Floor



First Floor



Second Floor

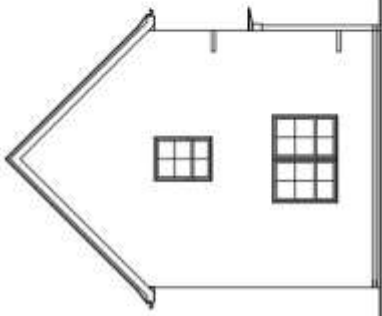




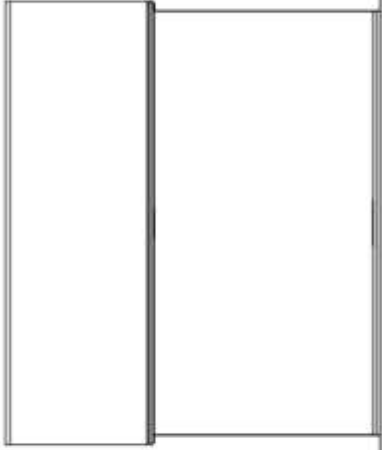


Front Elevation

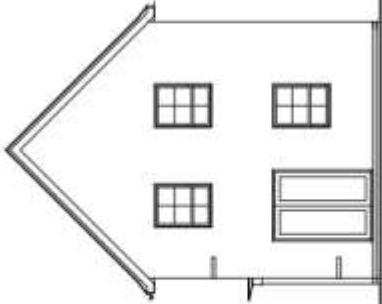
AS Plots:  
Opp Plots: 87.



Side Elevation

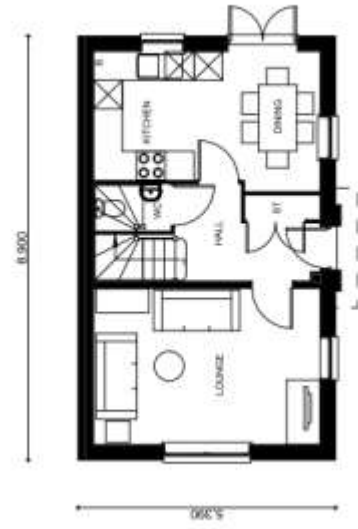


Side Elevation

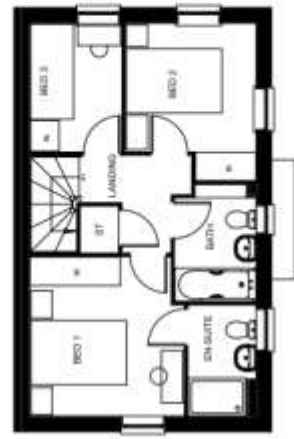


Side Elevation

House Type – Moresby



Ground Floor



First Floor

C 09.8.19 Plot No's Amended JDW BAR  
 B 10.7.19 Plot No's Amended JDW JDW  
 A 28.1.19 Render indicated down CW 505  
 to plots

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PLANNING 100% Stage 3

Client: Barndt / DWH Media  
 Site: Camp Hill Phase 5  
 Title: House Type - Moresby

Project: CW Date: Jan 2019

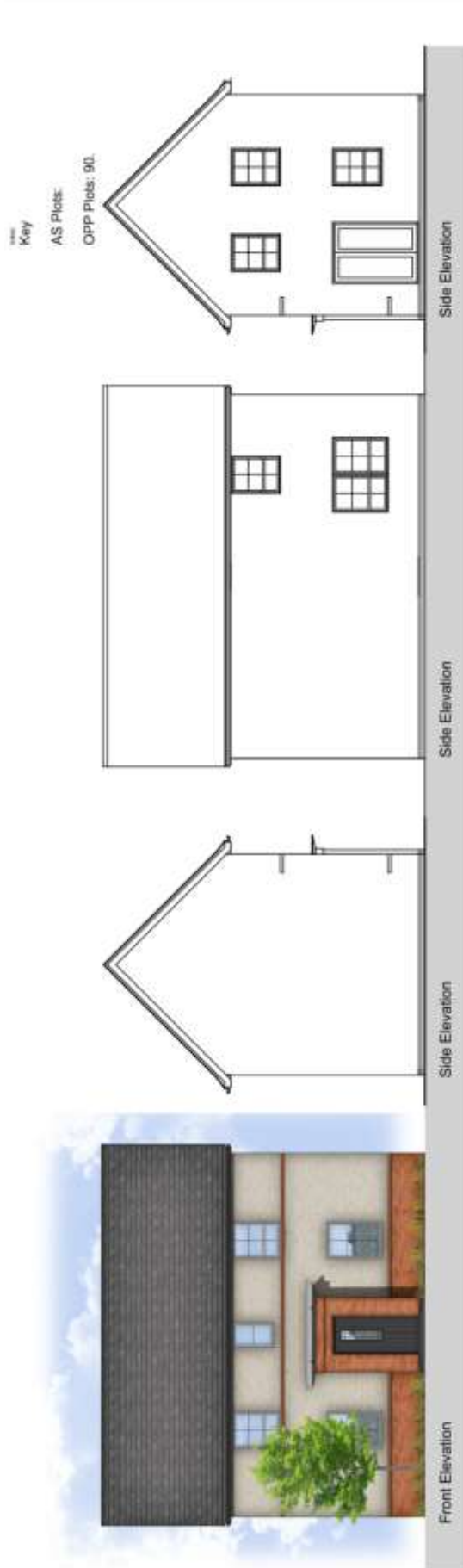
Reference: 505 Scale: 1:100

Plot No: C2491 Plot No: P406 Rev C

IPP GROUP, 27 SPON STREET, COVENTRY, CV1 5BA  
 T: +44 (0)24 7532 7000 E: info@ippgroup.com



# House Type – Moresby V1



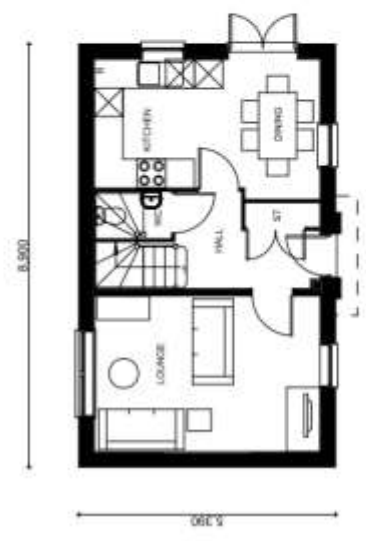
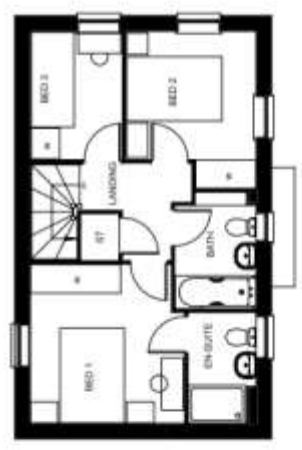
B - 10.7.18 Plan No's Amended - JMW, JDW  
A - 28.1.18 Tracker submitted down - CW, SOS  
to plan.

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PLANNING  
Barnet / DWH/Mercia  
Camp Hill Phase 5  
House Type - Moresby V1  
CW  
Jan 2019  
Scale @ 1:100

C2491  
P406a Rev

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www.waka.co.uk

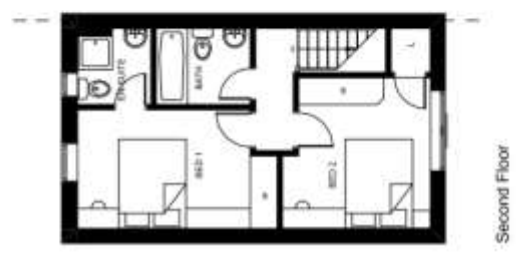
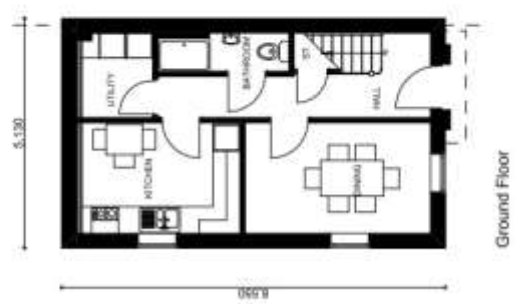
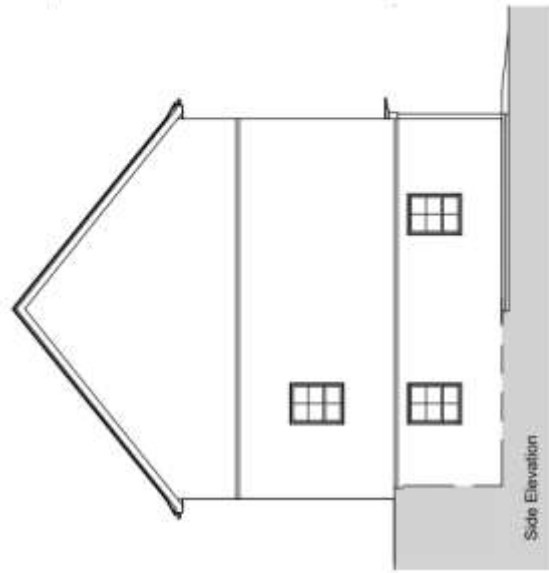
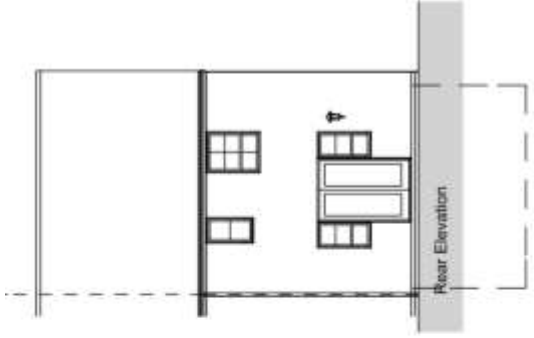


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**Key**

AS Plans: 27, 37, 93, 95, 97, 99.

DPP Plans: 30, 70, 94, 96, 98, 100.



**B** 09.8.19 Gate window revised JOW BAR  
**A** 10.7.19 PM No's Amended JOW JOW

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 PLANNERS  
 PROJECT MANAGERS  
 LANDSCAPE ARCHITECTS  
 015 236 2761

PLANNING | 101st Issue

Client: Barrett / DVM Movie  
 Site: Camp Hill Phase 5  
 Use: House Type - Ettington  
 Author: CW Date: Jan 2019  
 Project: 806 Scale: @ 1:100

Job No: C2401  
 Rev No: P412 Rev B

87 GROUP, 27 SPON STREET, COVENTRY, CV1 3BA  
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[www.iandp.co.uk](http://www.iandp.co.uk)

House Type - Ettington

**REFERENCE No.** 036484

**Site Address:** 56 Aston Road, Nuneaton, CV11 5EJ.

**Description of Development:** Proposed change of use from commercial to an 8 bedroom house in multiple occupation (HMO) (Sui Generis use class) and alterations to the front elevation.

**Applicant:** Mrs P Ugbene

**Ward:** AB

---

**RECOMMENDATION:**

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

**INTRODUCTION:**

Proposed change of use from commercial to 8 bedroom house in multiple occupation (HMO). This would be a Sui Generis use class in that it would be a 'use class of its own' and would not fall within the standard uses in the Use Classes Order. The proposal is to include alterations to the front elevation at 56 Aston Road Nuneaton.

The proposal is in a residential area in Abbey Green. The street pattern here is Victorian terraced properties with on-street parking. There are a few commercial properties in the area but the properties both sides and opposite are all residential.

The property is an end terraced but attached to the next group of semi-detached properties by a ground floor building and car port. The previous use appears to be commercial. The property appears from the outside to need substantial renovation. There is no vehicular access to the property.

The rear boundary backs onto Aston Park Industrial Estate which is an employment site of various uses. To the rear of the property is an old lean-to extension which extends from the single storey area of the original house to the rear boundary. This extension together with the two storey and single storey projection of the original houses means that the garden to the neighbouring property number 58 is completely enclosed on this boundary. There is a small overgrown garden to the rear which is to provide amenity space and storage for 10 bicycles.

The nature of the application has changed during the process to try to address concerns by neighbouring properties and Officers. The application was originally for 10 bedrooms with the further two being in the roof space. These have now been removed from the scheme along with the associated dormer window in the roof. The layout has changed so that it only proposes 8 bedrooms and a number of the en-suite facilities have now also been removed.

## **BACKGROUND:**

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

## **RELEVANT PLANNING HISTORY:**

- 025608 Change of use from office accommodation to house in multiple occupation. Refused. 02/12/1985 and Appeal Upheld in 1987.

## **RELEVANT PLANNING POLICIES:**

- The Policies of the Borough Plan 2019:
  - BE3 - Sustainable Design and Construction
  - DS1 – Presumption in favour of Sustainable Development
  - DS2 – Settlement Hierarchies and
  - DS4 – Overall Development Needs
- Affordable Housing SPD 2007
- Residential Design Guide 2004
- National Policy Planning Framework (NPPF)
- National Planning Practice Guidance (NPPG)

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Environmental Housing, NBBC Housing, NBBC Refuse and WCC Highways

## **CONSULTATION RESPONSES:**

No objection from:

NBBC Environmental Health, NBBC Housing, WCC Highways

Comment from:

NBBC Refuse, NBBC Environmental Housing, WCC Infrastructure Team

## **NEIGHBOURS NOTIFIED:**

Unit 5 – 9 (inc.), unit 10 and 11, unit 12 Aston Park Industrial Estate, 51, 53, 54, 55, 58 Aston Road.

Neighbouring properties were sent letters notifying them of the proposed development on the 26<sup>th</sup> June 2019. A site notice was erected on street furniture on the 2<sup>nd</sup> July 2019.

## **NEIGHBOUR RESPONSES:**

There have been 19 objections from 13 addresses as well as 1 with no address provided. The comments are summarised below;

1. Meeting of local residents about the application was well attended with over 30 residents all who were objecting.
2. Aston Road is family orientated with families with small children.
3. Already been a significant change to the area.
4. Number of vehicles is out of proportion at least ten more residents' vehicles than houses.
5. Parking is already intolerable and cars get damaged by lorries using the area.
6. Road is dangerous with cars speeding and more cars would increase the danger.

7. Close to nurse and school and will be additional danger walking to school.
8. Will provide strangers in the area.
9. Already an issue trying to get a doctor's appointment.
10. Abbey Green has more than its fair share of HMO's. There is two on the corner of Aston Road and Jodrell Street. With a couple more HMO's between.
11. No one is currently living at the property.
12. Even a parking space marked for disabled use opposite the proposal is often not available for the designated resident.
13. Already a high crime rate and antisocial behaviour in the area.
14. Noise and disturbance will increase in area.
15. Could be used as half way house for offenders, addicts or used as a refuge.
16. Disruption to residents during development.
17. Already issue with rubbish in the street.
18. Short term residents can change dynamics of area.
19. Property only stopped trading a few months ago.
20. As a local business, clients already have problems parking and deliveries can't be made.
21. Access for emergency vehicles already a problem.
22. Cars get left in the Industrial Estate causing problems to the businesses using the units.

A petition of objection has also been received with 5 signatories, objecting on the grounds of:

1. Detrimental impact to the local area due to congestion and negative impact on local businesses.
2. Over development of the site.

Objection from MP Marcus Jones stating:

1. Objecting to the application.
2. Contacted by a number of residents concerned by the impact of another HMO.
3. Aston Road is a small road with a number of family dwellings a HMO would be a loss of a family house which are in high demand for family accommodation.
4. Already several HMO's in the area, if another is granted, it will be an over proliferation and diminish the character of the road and significantly damage the quality of life for existing residents.
5. Cars are already double parked on the road the street cannot accommodate another 10 cars.
6. Do not agree that smaller HMO's have permitted change and the law should be tighter.

Comment from Cllr N Phillips:

1. HMO's in this area are out of control.
2. Aston Road cannot sustain another ten residents.

## **APPRAISAL:**

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

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

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

Policy, DS1 of the borough Plan, 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”.

Aston Road is within Abbey Green and within walking distance of the District Centre of Abbey Green with a bus route; local shops; services and school and furthermore is a relatively short distance from Nuneaton Town Centre. Therefore the proposal is considered to be sustainable development providing it improves the economic, social and environmental conditions in the area and complies with all other Policies.

The building does not appear to be in use at the moment although residents state it has only been empty for a couple of months. Nonetheless, the proposal will bring back into use a vacant building. The use at the moment is commercial/office but as it is not directly in a Town Centre or a District Centre the office use is not a use that needs to be preserved in the area. The Borough Plan map shows this area (it is unclear whether it includes this particular building) Aston Road Industrial Estate as being an employment estate suitable for alternative uses. Given that the property is between residential properties a Class C use is considered appropriate for the area. The Borough Plan paragraph 3.3 states that there is an ongoing need for family housing but also recognises the need for housing for younger people living on their own and an HMO would provide for that need.

If the use had been a dwelling then it would not have required planning permission for a house in multiple occupation (HMO) for up to six people (class use C4) as there is a permitted change from a normal dwelling for a family (class use C3) to a HMO. However as this is an office there is no such permitted development although it could be converted to a dwelling (class use C3) subject to a prior approval consent from the Council.

In conclusion it is considered that, purely in terms of the principle of the change, this is acceptable.

## **2. Impact on Visual Amenity**

The building is existing and only a small amount of work is proposed. To the front the proposal is to brick in an existing projection extension to provide a small amount of floor space to one of the rooms. The rest of the work is to generally tidy up the building.

This should have only a limited impact on visual amenity and the minor changes will blend acceptably with the street scene.

It is therefore considered that the proposal is acceptable in terms of visual amenity.

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

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

“All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area,

respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

At ground floor any overlooking to the nearby amenity space of the adjacent property (number 54) is protected by the existing boundary fence. However at first floor there is a side window which is proposed to be a primary, habitable window to a bedroom which is only 4.6m from the boundary with this neighbouring property and therefore does not comply with the 7m distance prescribed in paragraph 9.4 of the Residential Design Guide and will cause overlooking to the private amenity space of this neighbour. In relation to the impact to neighbouring windows, the only direct window it faces is a utility room that is not considered a habitable room. The harm by way of overlooking from the residential use of this first floor window would be significant, and would result in a loss of residential amenity from the rear private garden of 54 Aston Road.

One key concern of residents and MP Marcus Jones is that the addition of this HMO to others in the area will change the dynamics of the area to a more transient nature whereas the area appears to be predominantly of family homes with long term residents. The Council's Environmental Housing Team have advised there are 5 other HMO's in the area that are licenced. 1 in Toler Road; 1 in Aston Road and 3 in Manor Court Road. A further HMO is likely to be licenced shortly in Duke Street. However, as only HMO's having 5 or more residents needs to be licenced not all will show on the Council records and housing are aware there are another 6 in the vicinity that do not need a licence.

The proposal is for 8 bedrooms which will provide a home for at least 8 adults and it is unclear whether the sizes of the rooms could accommodate more residents. It is considered that this is a larger amount of adults than one would normally expect in an average residential house and the associated coming and goings will be more than a family home. These additional comings and goings will cause a detrimental adverse impact on existing neighbouring residents in terms of health and living conditions. This is highlighted as a material consideration in Paragraph 180 of the NPPF. It is also considered that the development will also not reflect the positive attributes of the neighbouring area as set out in Policy BE3 of the Borough Plan.

#### **4. Impact on Highway Safety**

There is to be provision for 10 bicycles to be secured in the rear garden but there is no policy that can be used to make people use this mode of transport. The proposal has no off street parking and a common objection with neighbours to this proposal is that on-street parking in Aston Road is already over-used.

The Council's Car Parking Standards 2003 is no longer extant but is still used as reference in the absence of any up to date guidance. There is no reference to a HMO use in this, the nearest reference to it is self-contained flats in Town Centres which require a maximum of 1 space per dwelling. Whilst it is not expected that all residents for the HMO will have a car there is a likelihood that some will and according to the



Council's Environmental Housing, parking is a common complaint when HMO's are introduced into an area.

WCC Highways originally objected due to the lack of parking and a parking survey was subsequently carried out by the Applicant. A survey was completed over two weekdays between midnight and 5am on the 10<sup>th</sup> and 11<sup>th</sup> of July 2019.

This illustrated that on the 10<sup>th</sup> July there was 91.5% occupancy of parking spaces in Aston Road and 89.4% on the 11<sup>th</sup> July. This equated to there being 4 or 5 spaces available on Aston road. Toler Road and St Marys Road were similarly busy but there were spaces in quieter adjacent roads which equated to 72 available spaces. Highways concluded that they did not consider the proposed development as having a severe impact on the public highway. It is considered that it would be difficult to defend any refusal on this basis at appeal especially as Paragraph 109 of the NPPF states that; *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

However, what the survey did conclude was that parking on Aston Road is indeed problematic and as these are predominantly family houses, having to park away from people's homes is inconvenient particularly to those having young children or disability issues and an 8 bedroom property some which could have cars could exacerbate this.

## **5. 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.

There is no doubt that there are benefits to the scheme as it will bring back into use a vacant building and will improve the visual amenity as the building is to receive cosmetic work. It also brings into use a building in a sustainable location. However the disadvantages are that it may make parking worse in Aston Road and will exacerbate the transient character that HMO's can bring to an area. It is also considered that converting the house to 8 bedrooms with the associated coming and goings could be to the detriment of existing residential properties and contrary to the NPPF. This therefore weighs against the application and the recommendation is therefore of refusal.

## **REASONS FOR REFUSAL**

1 (i) NPPF Paragraph 180 (in part):

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.

(ii) NPPF Paragraph 38:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and

environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

(iii) Policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 states (in part):-  
Development proposals must be:

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

#### Urban character

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

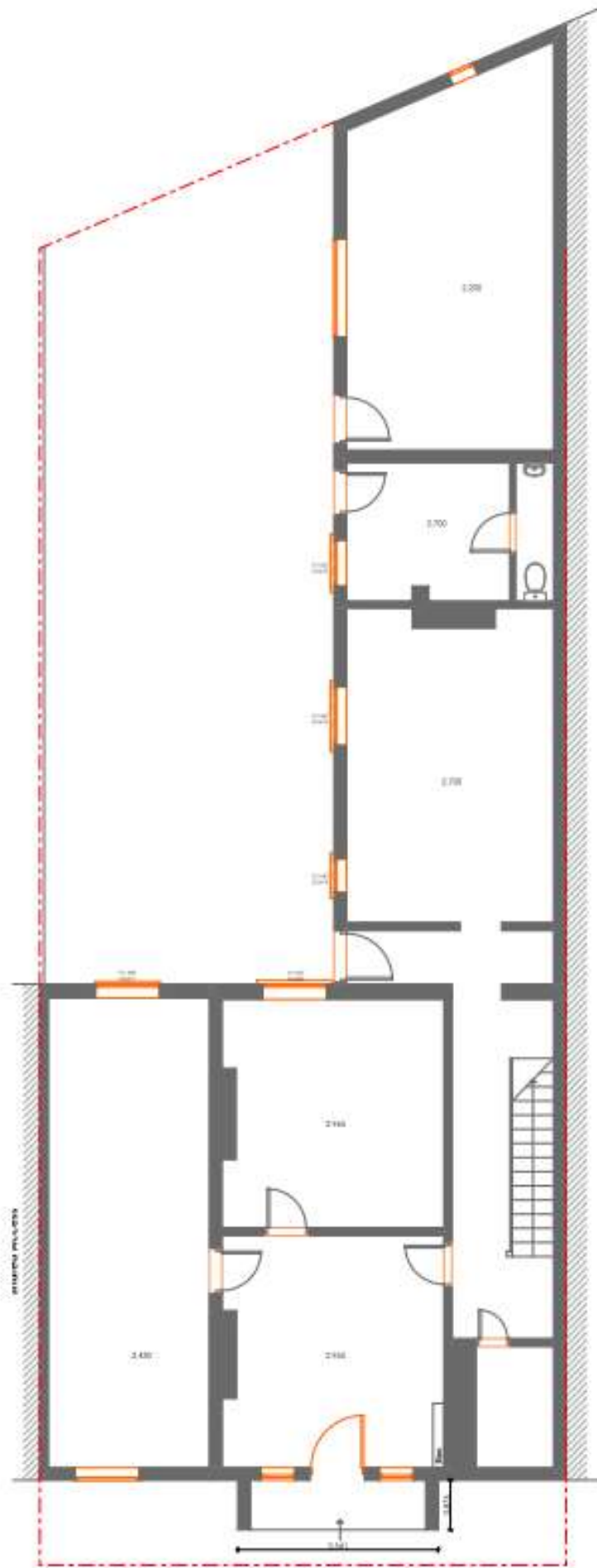
1. Current use of buildings
2. Ownership/tenure
3. Street layout
4. Patterns of development
5. Residential amenity
6. Plot size and arrangement
7. Built form

(iv) The proposal is contrary to these policies in that the use would result in at least 8 adults living in the unit which is likely to incur a large amount of coming and goings and subsequently have a detrimental adverse impact to the neighbouring residents in terms of noise issues and living conditions.

(v) The proposal is contrary to these policies in that it would introduce a residential use at first floor which would use an existing window to serve a habitable room, and would overlook the rear private amenity space of number 54 Aston Road to the detriment of the residential amenity of this property (contrary to paragraph 9.4 of the Residential Design Guide 2004).

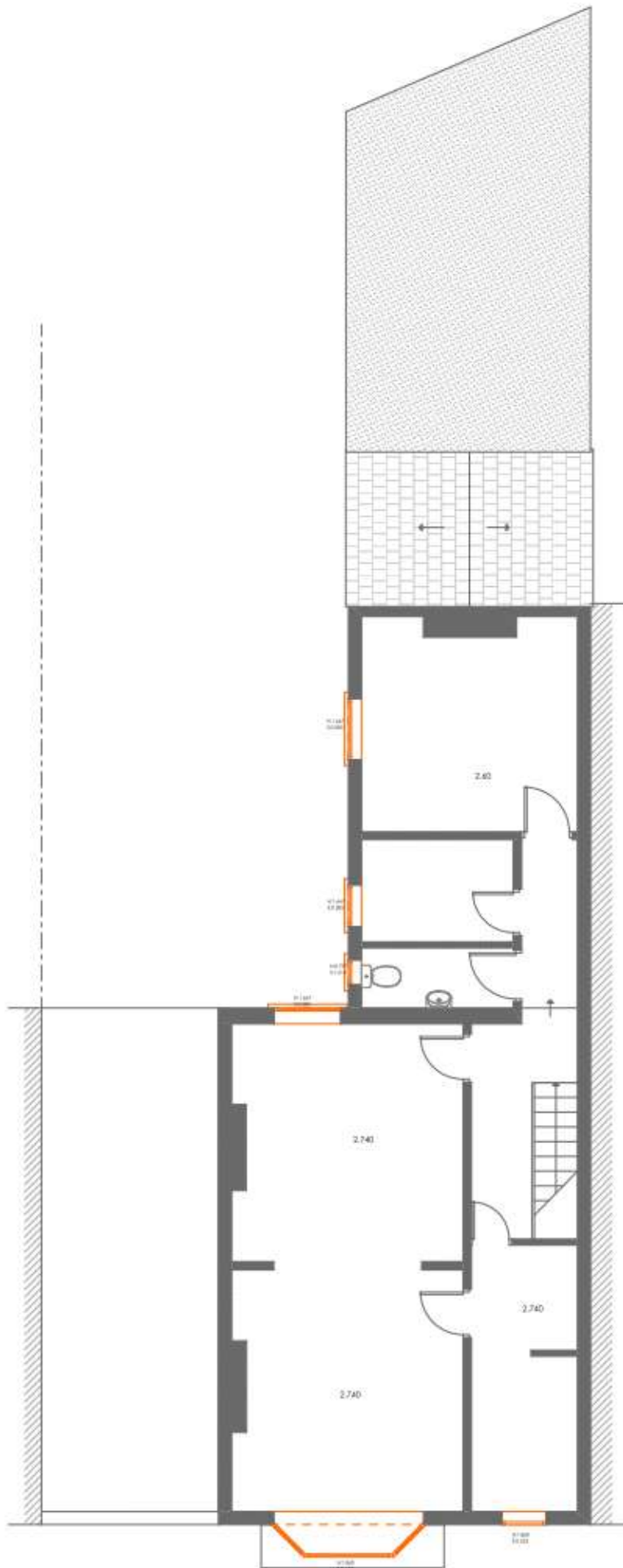


Location Plan

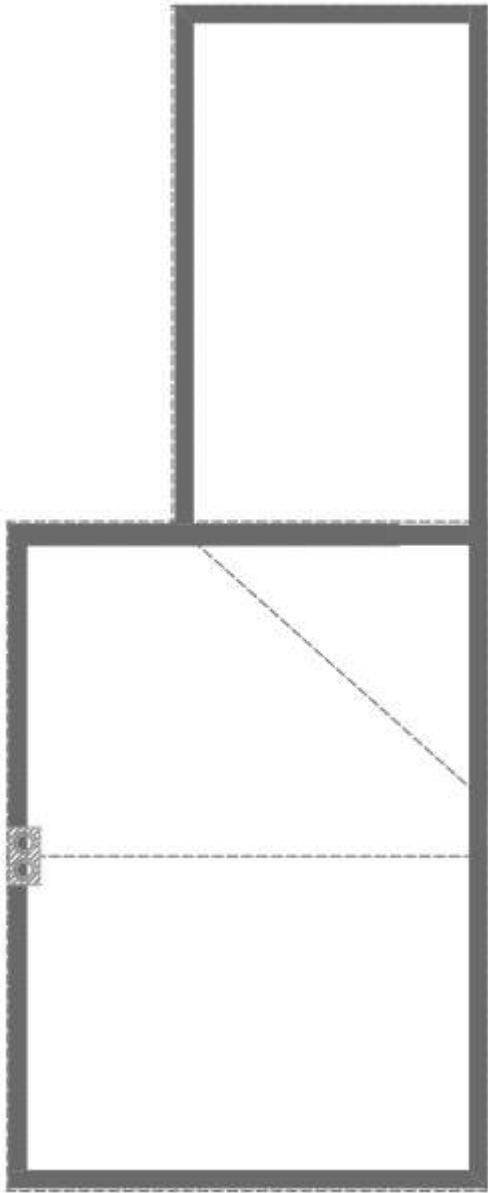


Existing Ground Floor / Site Plan @ 1:100

### Existing Ground Floor Plan



Existing First Floor Plan



Existing Roof Plan



Proposed Ground Floor



Proposed First Floor Plan



**REFERENCE No.** 036417

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

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

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

**Ward:** AB

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**RECOMMENDATION:**

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

**INTRODUCTION:**

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

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

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

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

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

## **BACKGROUND:**

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

## **RELEVANT PLANNING HISTORY:**

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

## **RELEVANT PLANNING POLICIES:**

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

## **CONSULTEES NOTIFIED:**

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

## **CONSULTATION RESPONSES:**

Objection:  
NBBC Refuse

No objection subject to conditions from:  
WCC Highways, NBBC Environmental Health and Severn Trent Water

No objection subject to notes:  
Network Rail and WCC Fire Safety

No response from:  
Cadent Gas, NBBC Land and Property and NBBC Parks

## **NEIGHBOURS NOTIFIED:**

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

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

## **NEIGHBOUR RESPONSES:**

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

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

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

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

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

## **APPRAISAL:**

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

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

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

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

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

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

The Policy, DS1, states:

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

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

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

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

## 2. Visual Amenity

The RDG paragraph 3.1 states that:

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

The design has changed during the application process and the front is now two storey with eaves and ridge height at the same level as the existing neighbouring properties. Whilst the windows do not match the same height or width of the adjacent properties a stone head and cill is proposed to mirror the adjacent properties. Two bay windows are proposed to the front of the new development which are not a feature on the front elevations of the existing houses but is a feature to the side of the end property opposite.

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

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

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

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

## 3. Residential Amenity

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

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

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

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

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

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

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

#### *Impact to 14 James Street*

There are no side facing windows on number 14 to be affected by the proposal. The nearest part of the proposed development projects approximately 1.2m beyond the rear of this neighbouring property. Guidance in RDG states that projections adjacent to the boundary with private garden space can be up to 3m for those two-storey in height, it is considered that this development will not provide a sense of enclosure to private amenity space and neither will it impact the nearest windows.

The nearest proposed outside space to this neighbour is proposed to be a communal area for drying clothes. Beyond this, there is to be two parking spaces next to the boundary with this property but these are either at the end of the garden or half way down the boundary so any disturbance will be limited.

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

#### *11, 13 and 15 James Street*

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

#### *18, 20 and 22 Charles Street*

The nearest proposed window to the rear windows of these neighbouring properties is a second floor window to a bedroom. However the distance is 38.5m from window to window and the 30m distance set out in paragraph 9.3 of the RDG is therefore well met. This window is 17m from the rear boundary with these properties so will meet the 7m set out in paragraph 9.4 of the RDG.

### *Residential amenity for new occupiers of the apartments*

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

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

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

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

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

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

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

### **Impact on Highway Safety**

Paragraph 109 of the NPPF states that; *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

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

The Council's Car Parking Standards 2003 is no longer extant but is still used as reference in the absence of any up to date guidance; but carries limited weight in a reason for refusal. Nonetheless, the Guidance states that there should be a maximum of 1 space per one bedroom dwelling and 1 to 2 spaces per two bedroom

dwelling. It states that there should be an average of 1.5 spaces per dwelling. Ten parking spaces are proposed for one 1 bedroom dwelling and 5 two bedroom flats. Therefore the provision of 1.5 spaces per dwelling is exceeded by one. There is no doubt that parking is limited in the area but considering the amount of spaces proposed off street; the provision of space for ten bicycles and the sustainable location of the proposal, it would make it difficult to defend refusal on this basis at Appeal, especially without an objection from County Highways.

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

It is therefore considered that highway safety is acceptable.

#### **4. Contamination and Noise**

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121).

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

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

The NPPF states that planning policies and decisions should aim to:

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

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

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

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

It is therefore considered that contamination and noise can be addressed via condition.

#### **5. Conclusion**

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



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

The site is considered sustainable and makes good use of a brownfield site and provides a windfall of residential dwellings within the existing urban area. These reasons weigh in favour of the proposal and it is considered that the benefits outweigh any harm created.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Site Location Plan	18/08403/100 rev A	4th July 2019
Proposed Site Plan	18/08403/103 rev B	4th July 2019
Proposed Floor Plans	18/08403/104 rev A	4th July 2019
Proposed Elevations & Sections	18/08403/105 rev A	4th July 2019

3. No development shall commence until:

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

5. No development (other than site clearance) shall commence until details of a noise assessment and noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal noise levels as defined in table 4 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and

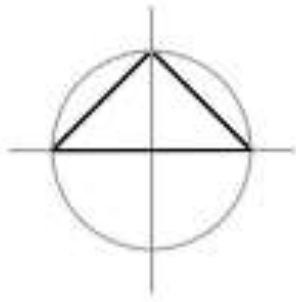
approved in writing by the Council. The dwellings shall not be occupied other than in accordance with the approved details.

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

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

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

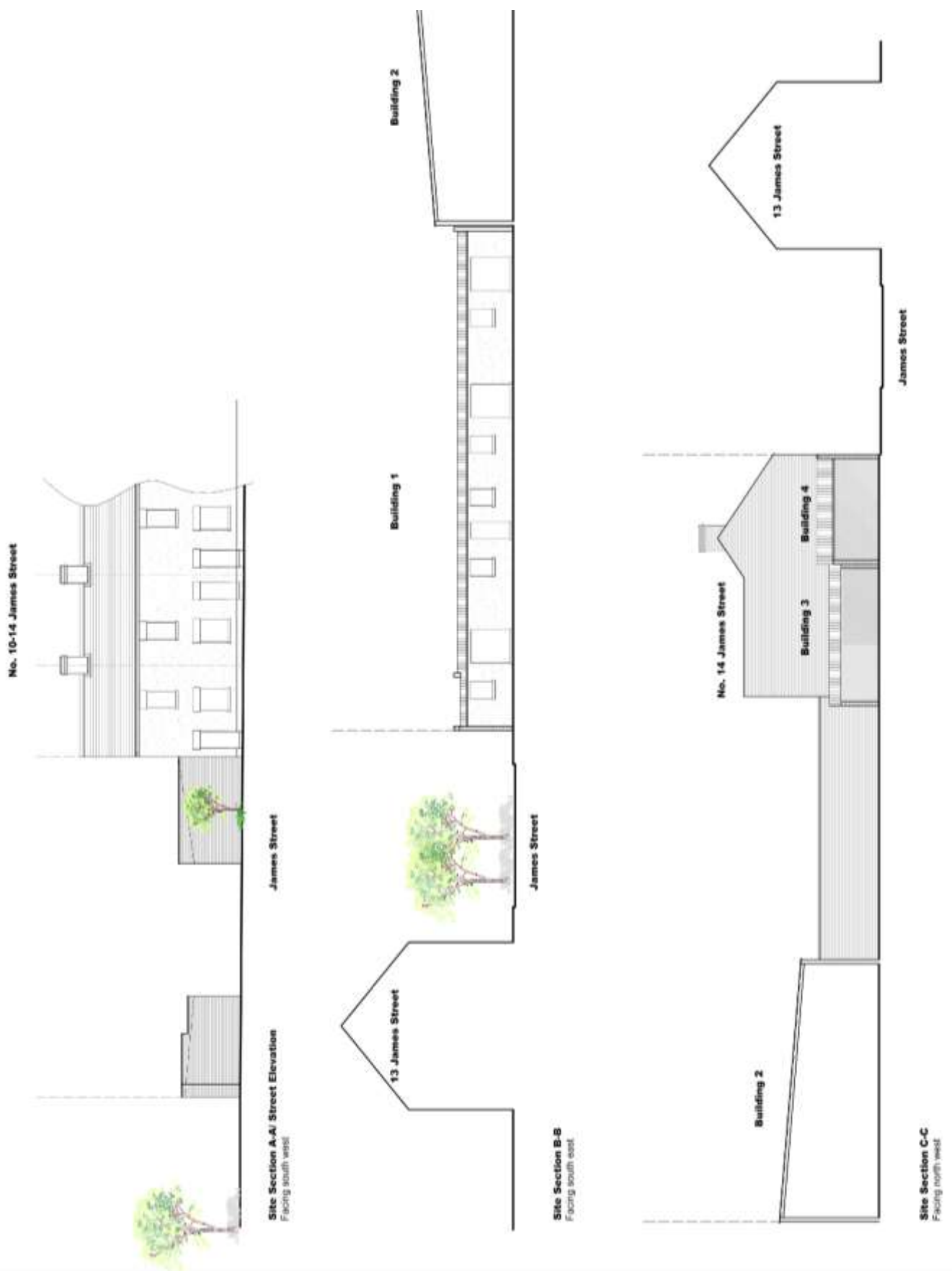
9. The dwelling shall not be occupied until details of the boundary treatments have been approved in writing by the Council and subsequently erected on site.



Location Plan



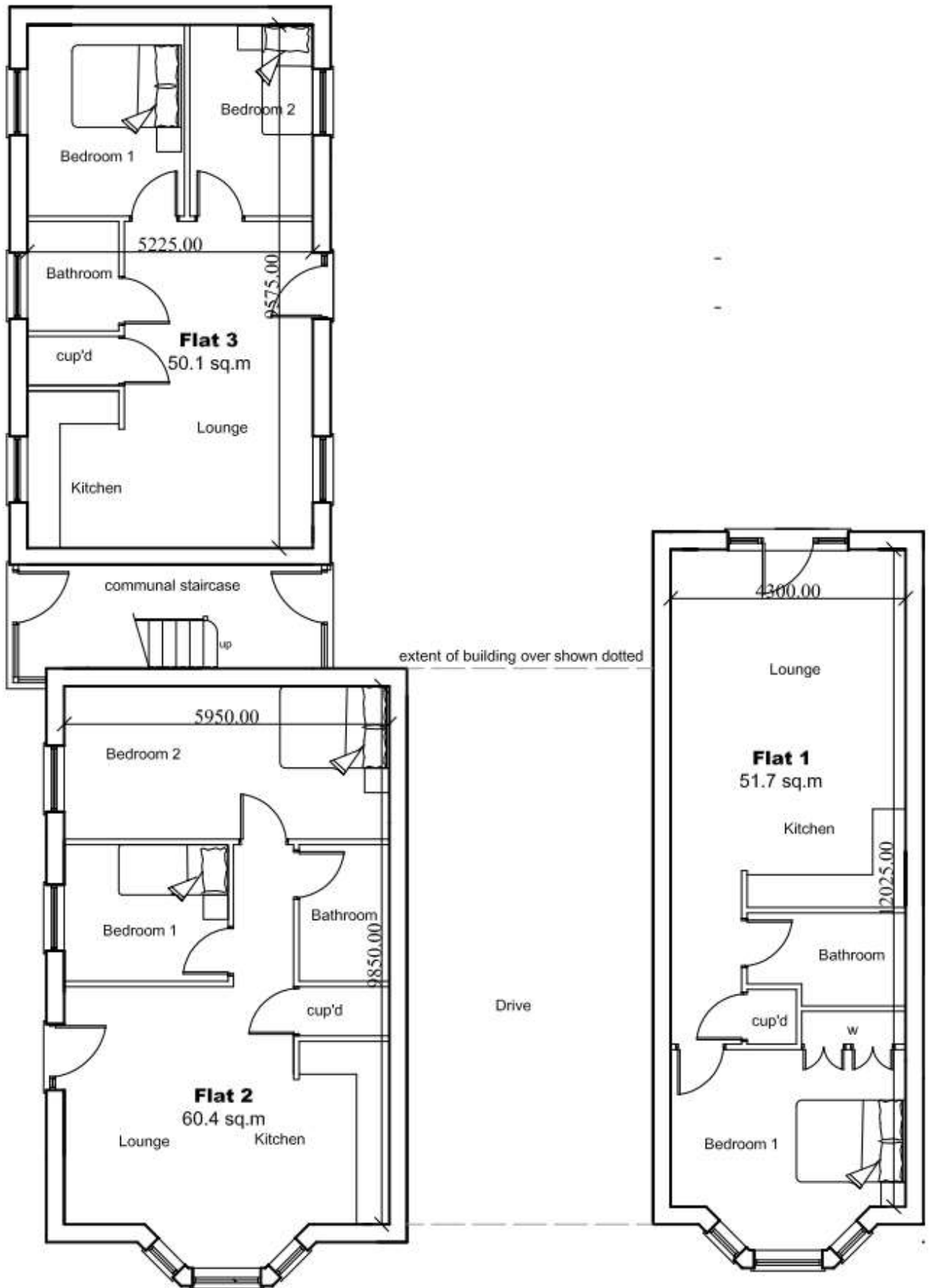
Existing Site Plan



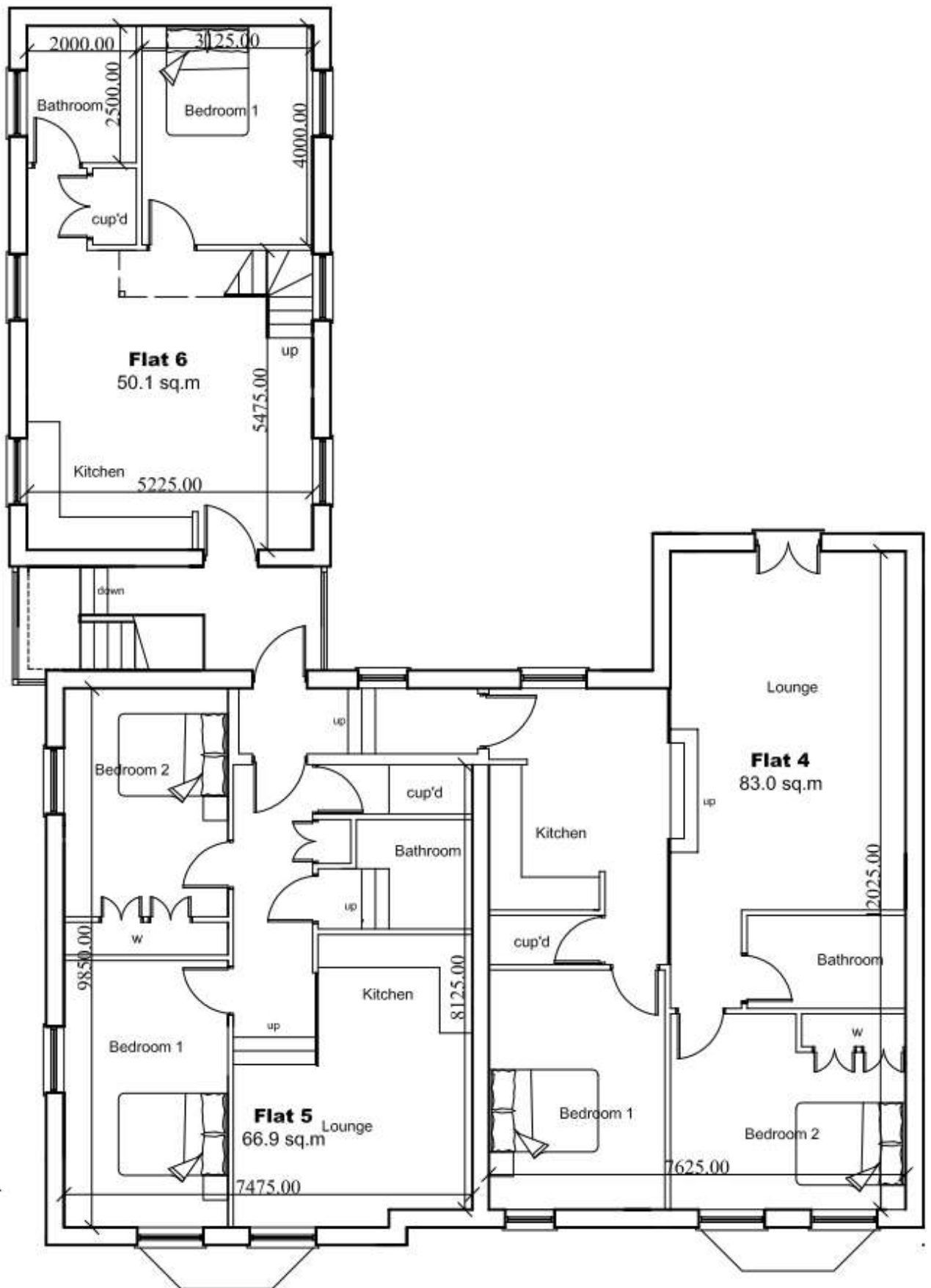
Existing Elevations





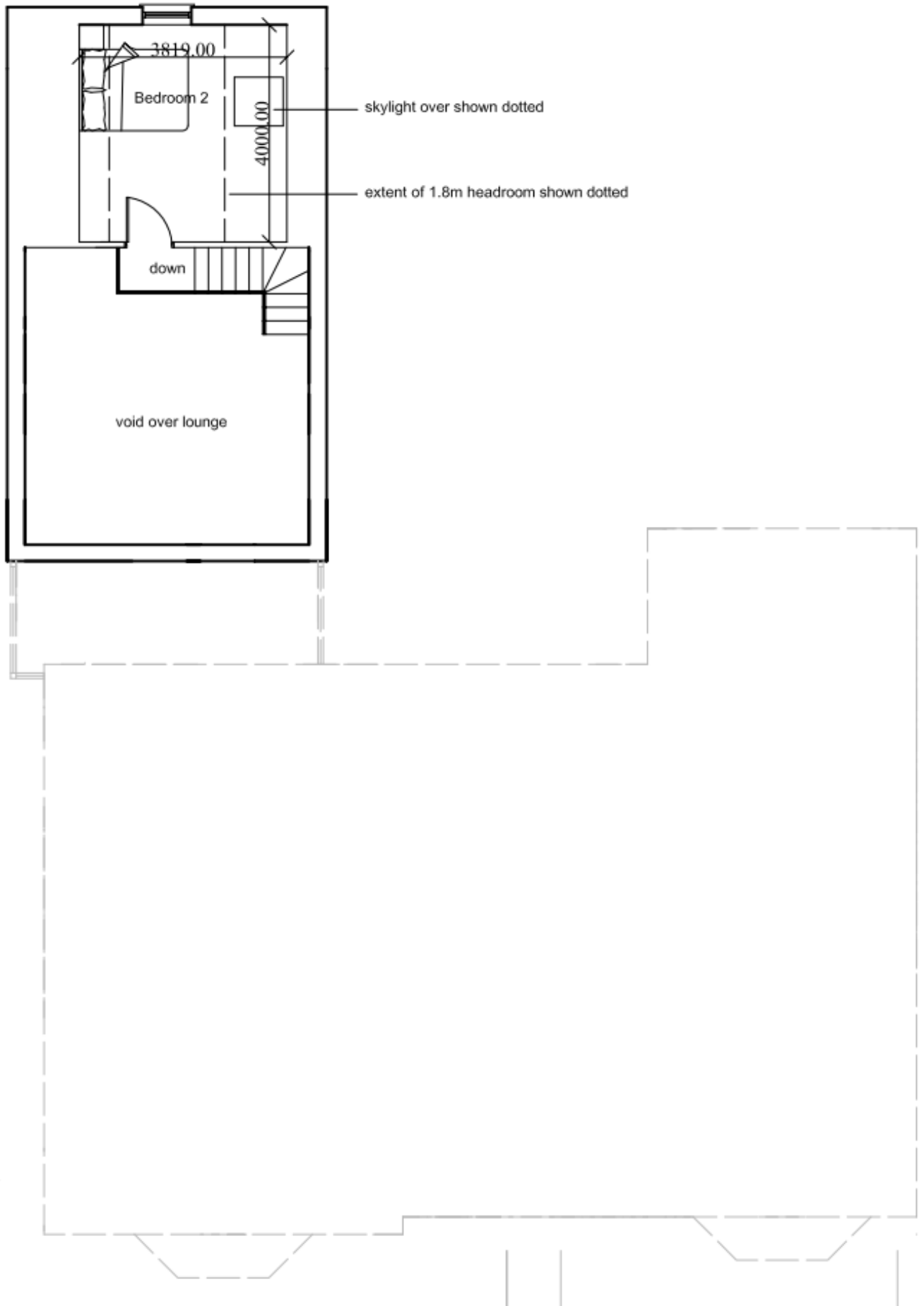


Proposed Ground Floor Plan



Proposed First Floor Plan





Proposed Second Floor Plan

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

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

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

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

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

**NB:**

Any building in any Use Class, except Class A4 or Class A3 and A4 use (drinking establishment with expanded food provision), can be used as a state-funded school for up to two academic years (with limitations and conditions).

Certain vacant commercial land (with all buildings demolished) may be developed to provide temporary school buildings, and the land used as a state-funded school for up to 3 academic years, subject to prior approval, and with limitations and conditions, including that the building must be removed at the end of the third academic year.

Where planning application made after 5 December, 1988, permitted development rights allow the use to be changed to another use granted permission at the same time for a period of ten years from the date of planning permission, unless consisting of a change of use to a betting office or pay day loan shop: [GPD0 \(2015\) Schedule 2 Part 3 Class V.](#)

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

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