

Enquiries to:
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Date: 4th November, 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, 12th November, 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 22nd October, 2019 (attached). **(Page 5)**

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT
Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered
6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page 15)**

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

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

22nd October, 2019

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 22nd October, 2019.

Present

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

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

Apologies from Councillors B. Longden and J. Sheppard.

PLA41 **Chair's Announcements**

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

PLA42 **Minutes**

RESOLVED that the minutes of the meeting held on the 1st October, 2019, be confirmed and signed by the Chair.

PLA43 **Declarations of Interest**

Councillor J. Tandy declared a pecuniary interest in regards to Planning Application No. 036050, being that a family member was an employee of North Warwickshire and South Leicester College. Councillor Tandy left the Chamber and took no part in the consideration of or vote on this application.

Councillor B. Pandher declared a pecuniary interest in regards to Planning Application No. 036667, being that he was the joint applicant, but that he had not had any contact with other Councillors regarding his application. Councillor Pandher left the Chamber and took no part in the consideration of or vote on this application.

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

PLA44 **Declarations of Contact**

The Chair declared that all Councillors had been contacted by email by Councillor K. Kondakor, by Warwickshire County Councillor J. Clarke and a resident in regards to Planning Application No. 036050.

Councillor K. Wilson declared that he had had telephone contact with County Councillor J. Clarke and a resident in regards to Planning Application No. 036050 but that he had not given any indication of his voting intention.

Councillor S. Gran declared that he had had contact with a resident in regards to Planning Application No. 036050 but that he had not given any indication of his voting intention.

Councillor W. Hancox declared contact with residents in regards to Planning Application No. 036653 but that he had not given any indication of his voting intention.

IN PUBLIC SESSION

PLA45 **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.

PLA46 **Any Other Business**

None

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA45 OF THE
PLANNING APPLICATIONS COMMITTEE ON 22nd OCTOBER, 2019

036050: North Warwickshire and South Leicester College, Hinckley Road,
Nuneaton, Warwickshire, CV11 6BH.

Erection of up to 195 dwellings (Outline to include access) with 3G sports pitch,
associated public open space and other green infrastructure landscaping and
car parking of up to 400 spaces including disabled parking

Applicant: Raj Joshi

Speakers: Councillor R. Tromans
Mr J. Foster
Ms M. Chetwynd
Mr R. Linforth
Ms M. Plant

DECISION

Contrary to Officer recommendation, Planning permission be refused on the grounds that the development falls outside of the overall strategic allocations in the Borough Plan, that we have an existing five year housing land supply and that it is contrary to the Inspector's comments in his report on the Borough Plan at paragraphs 40 and 41 in which he states that any more development in this area would be unsustainable as we are already dependent on maximum delivery rates.

035503: Site 115d001 - School Lane, Exhall, Coventry

Residential Development of up to 150 dwellings, landscaping, public open
space (Outline to include access)

Applicant: Heyford Developments Ltd

Speakers: Councillor D. Brown
Mr J. Pearce

DECISION

Planning permission be granted, subject to a legal agreement and the conditions printed in the agenda and addendum, with an additional condition that the Parks Department be provided with indicative plans for footpaths and cycle ways.

036653: 35 Cleveley Drive, Nuneaton

Single storey rear extension following demolition of existing garage to rear

Applicant: Mr Mark Laidler

Speaker: Mr T. Tredwell
Mr J. Watts

DECISION

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

036667: 29 Mercers Meadow, Bedworth.

First floor extension to side.

Applicant: Mr & Mrs Pandher

DECISION

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

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

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

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

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

**Planning Applications Committee
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"> • Nuneaton and Bedworth Older People's Forum 	
	S. Gran		Member of Warwickshire County Council	
	W.J. Hancox		Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Governor at Newdigate Primary and Nursery School, Bedworth	
	I. Lloyd		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.	Dispensation to speak and vote

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

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

Planning Applications Committee
12th November 2019

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

PLANNING APPLICATIONS

Item No. 1

REFERENCE No. 035479

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

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

Applicant: UK Land Development Ltd.

Ward: EX

RECOMMENDATION:

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

INTRODUCTION:

This application is for residential development of up to 85 dwellings with public open space, sustainable urban drainage system (SuDS), landscaping and vehicular access. It is an Outline with all matters reserved apart from access and spine road at (Site 125d001) land off Burbages Lane and Wheelwright Lane, Ash Green, Coventry.

The site was originally within the Green Belt but this status was removed for the area with the introduction of the Borough Plan this year. The site is part of the non-strategic housing allocations Policy DS5 (NUN286) of the Borough Plan 2019 (2011-2031).

The site lies 2.4km south west of Exhall and 2.5km south east of Bedworth. It is 6.5km north of Coventry and 10km south of Nuneaton. The area benefits from accessible connections to Nuneaton, Rugby, Leicester and Coventry.

The site comprises 3.24 hectares (Ha) of agricultural land. The boundaries of the site are largely defined by existing tree and hedgerow planting, with the northern boundary also defined by an existing track and ditch, and the western boundary adjoining Wheelwright Lane, Burbages Lane with existing dwellings. The site includes an additional area to the North East which is proposed to be used for biodiversity offsetting.

BACKGROUND:

This is an outline application, the only matter to be considered at this stage is:

- 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.

To be considered at a future Reserved Matters stage and not at this current application are:

- 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.

This application is being reported to Committee at the request of Councillor S. Gran and Councillor D. Brown.

RELEVANT PLANNING HISTORY:

- BUDC 835/72 Residential Development. Refused. 1972
- 7952 Erection of two houses Refused. Dismissed at Appeal. 11.01.65

RELEVANT PLANNING POLICIES:

- The Borough Plan 2019;
 - DS5 – Residential allocations
 - BE3 – High Standard of Design
 - 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
 - HS5 – Health
 - HS6 Sport and Exercise
 - NE1 – Green Infrastructure
 - 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:

Cadent Gas, Coal Authority, Coventry City Council, CPRE, Environment Agency, George Eliot Hospital Trust, Natural England, NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, Open Space Society, The Ramblers Association, Severn Trent Water, Stagecoach, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), Warwickshire Wildlife Trust, Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

CONSULTATION RESPONSES:

Objection from:
NBBC Parks.

No objection subject to conditions from:
Severn Trent Water, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, and NBBC Environmental Health.

No objection subject to 106 contributions/Legal agreement:
George Eliot Hospital Trust, NBBC Housing, NBBC Sports Development, Warwickshire Police (Place Partnership), WCC Highways and WCC Infrastructure.

No objection from:
Cadent Gas, Coal Authority, Coventry City Council, Environment Agency, Natural England, NBBC Housing, NBBC Planning Policy, NHS, Stagecoach, Warwickshire Police (Architectural Liaison Officer), WCC Archaeology, WCC Fire Safety and WCC Rights of Way.

Comment from:
CPRE, NBBC Planning Policy and Warwickshire Wildlife Trust.

No response from:
NBBC Parks, NBBC Refuse, The Ramblers Association, Open Space Society, Western Power Distribution

NEIGHBOURS NOTIFIED:

Barratts Farm, Bull and Anchor, Exhall Grange School, Pre School, 274, 322 – 328 (even) Wheelwright Lane Primary School, Wheelwright Lane, Annex (2), Office (2), 2, 11, 13, 15, 17 19, 21, 23, 25, 28 30, 32 34, 36, 38, 40 42 Burbages Lane, 14 Nolan Close, 10 – 18 (incl) Woodford Close, 36 Pepper Street Sidwell and Tyler Parkes Partnership.

Neighbouring properties were sent letters notifying them of the proposed development on the 19th March 2018. Site notices were erected on street furniture on the 22nd March 2018 and the application was advertised in The Nuneaton News on the 28th March 2018.

NEIGHBOUR RESPONSES:

There have been 3 objections from 3 addresses. The comments are summarised below;

1. Submission is flawed as it does not consider peak traffic time which will put children's lives at risk. Impact on highway safety
2. Will delay emergency vehicles entering the estate.
3. Cause frustration to existing residents in delays especially during school drop off times.
4. Need to open up bottom of Burbages Lane.
5. Create and exit from the new development straight onto Wheelwright Lane.
6. Create infrastructure and traffic problems in an already congested area.
7. Green Belt should not be built upon.
8. Loss of open space of benefit to public and wildlife.
9. Loss of wildlife habitat.
10. Burbages Lane and Wheelwright Lane already busy with traffic.
11. Several schools within vicinity.

12. Increased pollution to the environment.

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. Noise
10. Ecology. And Biodiversity
11. Trees and Arboriculture
12. Green Infrastructure Improvements
13. Planning Obligations

1. The principle of the development

This housing site forms part of the non-strategic housing allocation NUN286 and is adjacent to non-strategic housing allocation NUN317 within the Borough Plan 2019. This adjacent site was granted approval subject to the signing of a legal agreement; However as the legal agreement was never signed, the application was finally disposed of on the 30th October 2018, so no approval was issued.

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 DS5 sets out that this non-strategic site will be developed for residential use.

Additional reports were submitted with this application to comply with the new adopted policy. A Health Impact Assessment report concluded that there would be a positive impact on the health of future residents.

Overall it is considered that the principle of development already established together with the submitted information for the application shows that the principle of the development is acceptable.

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'.

As part of assessing this strategic site for the Adopted Plan, a landscaping assessment would have been carried out as part of the Borough Plan evidence base and which concluded that the development of the site was acceptable. However, to comply with the new Adopted Policy NE5 a Landscape and Visual Appraisal has been submitted which shows the site lies within the Arden and Keresley Urban Fringe (Landscape Character Assessment 7). Key characteristics include frequent hedgerow trees, linear bands of built development, prominent large warehouses and tree belt associated with the A444 and M6.

Whilst the proposed development will result in the loss of an area of agricultural land; by retaining the hedgerow trees, hedgerow shrubs and the open space around the periphery of the site it is considered a sensitive and considered approach can limit any negative impacts to the landscape.

Overall it is considered that there would be no significant harm on visual amenity or landscape character.

3. Residential amenity

Where existing residential properties are adjacent to the site, these mostly back onto the site with the rear gardens within Woodford Close and Burbages Lane. The layout is not for consideration at this point but a master plan shows that where proposed dwellings are in close proximity to dwellings careful consideration will need to be taken in order to protect these adjacent houses. Within the site the indicative masterplan shows some distance infringements and again careful consideration will need to be taken with the design in order to achieve the guidance within the Residential Design Guide 2004 when the layout is formally submitted at any future detailed stage.

Overall it is considered that any layout to be submitted as part of the Reserved Matters can with careful design comply with the Council's Residential Design and therefore be acceptable in terms of residential amenity.

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 24th 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 Statement (December 2017) which concluded that the site was sustainable with access to bus routes and local amenities including schools and that the site would not have a significant impact on the highway network. The site is well connected to the existing pedestrian network.

The proposed access is to be off Burbages Lane, with four properties having frontages and vehicular access direct from Wheelwright Lane.

WCC Highways have no objection subject to conditions and Section 106 contributions of £35,000 towards the walking safer routes to school programme to introduce a School Safety Zone Advisory 20 mph zone for Wheelwright Lane Primary School and for improved signing/interactive signs. In addition, £10,000 has been requested to the provision of a new 30m length of shared use footway / cycleway at the southern end

of Burbages Lane and £70,000 contributions towards the strategic Nuneaton – Bedworth – Coventry cycle route.

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.

An initial desk based study was submitted but WCC Archaeology objected as they considered that trial trenching was necessary prior to determination.

Intensive trial trenching (14 evaluation trenches were excavated) and an Archaeological Evaluation Report July 2019 was submitted which stated there were little findings of activity within the site. Subsequent to the submission of this report, WCC Archaeology (Museum and Field Service) removed their objections and did not require any further conditions.

It is concluded that the proposal is acceptable in relation to archaeology.

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 and Foul and Surface Water Drainage Assessment were submitted with the application. The site is entirely within Flood Zone 1 which is the least likely to flood. The report advised that Severn Trent Water had confirmed that an existing foul water sewer along the northern boundary could be used for the proposed development and that surface water run off would be via the existing water course running along the northern edge subject to SUDS to ensure there would no increase in peak surface run off rates. The Flood Risk Assessment confirmed there should be an undeveloped buffer strip to the drainage as an easement.

The FRA was assessed by the Warwickshire County Council Flood Risk Team (the Lead Local Flood Authority). This demonstrated that development would not have any adverse impacts or increase flooding elsewhere. They responded with a no objection

but requested conditions be added. These conditions have been agreed with the applicant.

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).

In regard to contaminated land, the applicant has submitted a Geo-Environmental Desk Study (November 2015). This report is comprised of a desk-based geo-environmental preliminary risk assessment. This concluded that there was a 'low' to 'low to moderate' risk of the potential of contaminants and that further intrusive investigations were necessary.

The Council's Environmental Health Team (contamination) were consulted during the application and consider that there are some potential for ground contamination and requested the standard contamination conditions.

In conclusion, it is considered that with the addition of conditions; any harm can be sufficiently mitigated to protect future users and other 'receptors'. It is therefore considered that this would not cause a significant level of harm.

9. Noise

The NPPF states that planning 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.

A Noise Assessment Report (September 2015 and Updated October 2017) has been submitted with the application. This concluded that the dominant noise was from road traffic from the A444, Wheelwright Lane and Burbages Lane and that mitigation would be required via acoustic glazing and ventilation and needs to be assessed on a plot by plot basis. The Council's Environment Health Team (noise) have no objection subject to a condition that requires details of the mitigation provided on a plot by plot basis to meet acceptable standards.

In conclusion it is considered that subject to conditions, noise can be mitigated against to an acceptable level for future occupiers.

10. Ecology and Biodiversity

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

The hedgerows are to be retained and enhanced on the site. Existing grassland is also proposed to be enhanced.

A Biodiversity Impact Assessment was submitted and it was shown that subject to the use of an adjacent site within the applicants ownership (highlighted in a blue line) offsetting could be provided. The Council's Parks Team provided last minute concerns that some of the calculations were likely to be unrealistic due to the nature of the site

but that this could be overcome by increasing shrubs elsewhere. Another concern Parks had was about footpath connections and habitat for slow worms all of which can be conditioned. It is the intention, if approved, that the drawings are not included within the schedule of plans (as standard process on Outline applications); so that Parks outstanding objections can be dealt with via conditions.

Warwickshire Wildlife Trust have been consulted and have raised no objection providing there is a net gain.

Various surveys were provided within the ecological report including bat activity; testing for Great Crested Newts; badgers and other wildlife. There was found to be a low bat activity in the area. New lighting, or lighting during construction, can affect bats roosts and their commuting or foraging routes but it is considered that this can be limited and dealt with via a lighting condition and has been requested by the Council's Parks Team.

DNA testing and trapping on and close to the site showed there were no Great Crested Newts. It is considered that Construction Ecological and Landscape Ecological Management Plans are required via condition to ensure adequate protection for wildlife and enhancement of biodiversity.

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

11. Trees and arboriculture

An Arboricultural Assessment (December 2017) was submitted. 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 identifies 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 identifies that tree cover was predominantly confined to the field boundaries. The report concluded that the general condition of the trees was considered poor to fair and recorded as either moderate or low in Arboricultural quality. It concluded there was 1 category A tree (high quality - identified on the information as T1) and 2 category B trees (moderate quality - identified as T2 and T18 and also 2 groups of category B trees (identified as G2 and G11). The remaining 26 individual trees and 13 groups of trees were identified as category C (low quality). The report concluded that there would be no significant tree loss for the main development and the only loss would be due to the access point to the west along with a small portion of trees for the link road and residential edges.

It is considered that the tree retention and protection can be dealt with via condition.

12. Green infrastructure improvements

In regard to the provision of green infrastructure, the application proposes open space to the boundaries and a larger area to the north. A footpath that has been blocked from Burbages Lane will also be included to allow pedestrian access back to this footpath. WCC Rights of Way have foregone any requests for 106 contributions due to the fact that this footpath will be brought back into use. The proposal includes the provision of surface water attenuation basins.

During the application process the Locally Equipped Play Area was removed from the scheme and instead the Council's Parks Team have requested 106 contributions towards existing facilities. The area of open space is limited and therefore Parks are

unlikely to adopt this and it will have to be privately maintained. 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 go far enough to show footpaths. Officers consider that this can be conditioned.

Overall it is considered that with the relevant conditions the open space and links will be acceptable.

13. 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.

Requested contributions are outlined in the table below:

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space. Miners Welfare Park, Destination Park – Towards BMX provision and ball court and to maintain same. Blackberry La. Community Park - play area provision , paths and signage and to maintain same. Blackberry La. Local park destination – as above. Allotments – Wheelwright Lane or nearest site where plot capacity can be increased.	£139,874.02 Max.	Considered compliant and accepted by applicant. CIL and by
NBBC Sports Development	To enhance facilities in the South of the Borough.	£2,146.46 per dwelling. £200,694 max.	Considered compliant and accepted by applicant. CIL and by

George Eliot Hospital Trust	Provision of healthcare at George Eliot Hospital	£49,001 max.	Considered CIL compliant and accepted by applicant.
WCC Infrastructure	Sustainability Welcome Packs - Provision of information packs for owners/Occupiers to include information on sustainable modes of transport to promote sustainable travel and road safety in the local area.	£6,375	NOT considered CIL compliant by Officers but acceptable to be included as condition.
	Libraries – To improve, enhance and extend the facilities or services of a specified library service point	£1,860	Not considered CIL compliant.
	Walking Route Safer Routes to School Programme and new development. Introduce a School Safety Zone Advisory 20 mph zone. Wheelwright Lane Primary School directly next to development. £35,000 for improved signing/interactive signs – Safer Routes to School Programme.	£35,000	Considered CIL compliant and applicant agreed.
	Cycle Route - . 1.New 30m length of shared use footway / cycleway southern end of Burbages Lane	£10,000	Considered CIL compliant and applicant agreed.
	2. Contribution towards strategic Nuneaton – Bedworth – Coventry cycle route	£70,000	Considered CIL compliant and applicant agreed.
NBBC Housing	Affordable housing provision at 25% of total 52% rent and 48% shared ownership.	-	Considered CIL compliant and applicant agreed. .
Warwickshire Police	For the support of local police and crime prevention. -Recruitment and equipping of officers and staff Recruitment and equipping of officers and staff £1,676 Police Vehicles £2,181	£11,068 max.	Considered CIL compliant and applicant agreed.

	Police Premises £7,211		
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REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Site Location Plan	9000 Revision F	5 th March 2018
Access Arrangement	0008	10 th July 2019
Spine Road Alignment	0009	10 th July 2019
Land Use and Access Parameter Plan	9600 Revision C	10 th July 2019
Archaeological Desk Based Assessment	November 2017	2 nd April 2019
Written Scheme of Investigation For Archaeological Evaluation	May 2019 v1	21 st May 2019
Archaeological Evaluation Report	July 2019 v2	28 th August 2019
Flood Risk Assessment 2017	November 2017 final report v1.2	5 th March 2018
Foul and Surface Water Drainage Assessment	Final report V1.1	5 th March 2018
Phase 1 Geo-Environmental Desk Study	November 2015	14 th March 2018 12 th March 2018
Noise Assessment Report	September 2015 & updated October 2017	5 th March 2018
Ecological Appraisal	November 2017 Final.	5 th March 2018
Arboricultural Assessment	December 2017 Final	5 th March 2018
Transport Statement	December 2017 version A	5 th March 2018

5. No development including site clearance shall commence until details of suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. (including type, method of operation and control of use) shall be submitted in writing to the Council for their approval in consultation with the Highway Authority. The Approved details shall be implemented in full for the lifetime of the construction period.
6. No development including site clearance shall commence until a Dust Management Plan for the construction period has been submitted and approved in writing by the Council. The approved scheme shall be fully complied with for the duration of the construction period.
7. No development including any site clearance shall take place until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to and approved in

writing by the Council. The approved BEMP shall be adhered to throughout the construction period and will include :

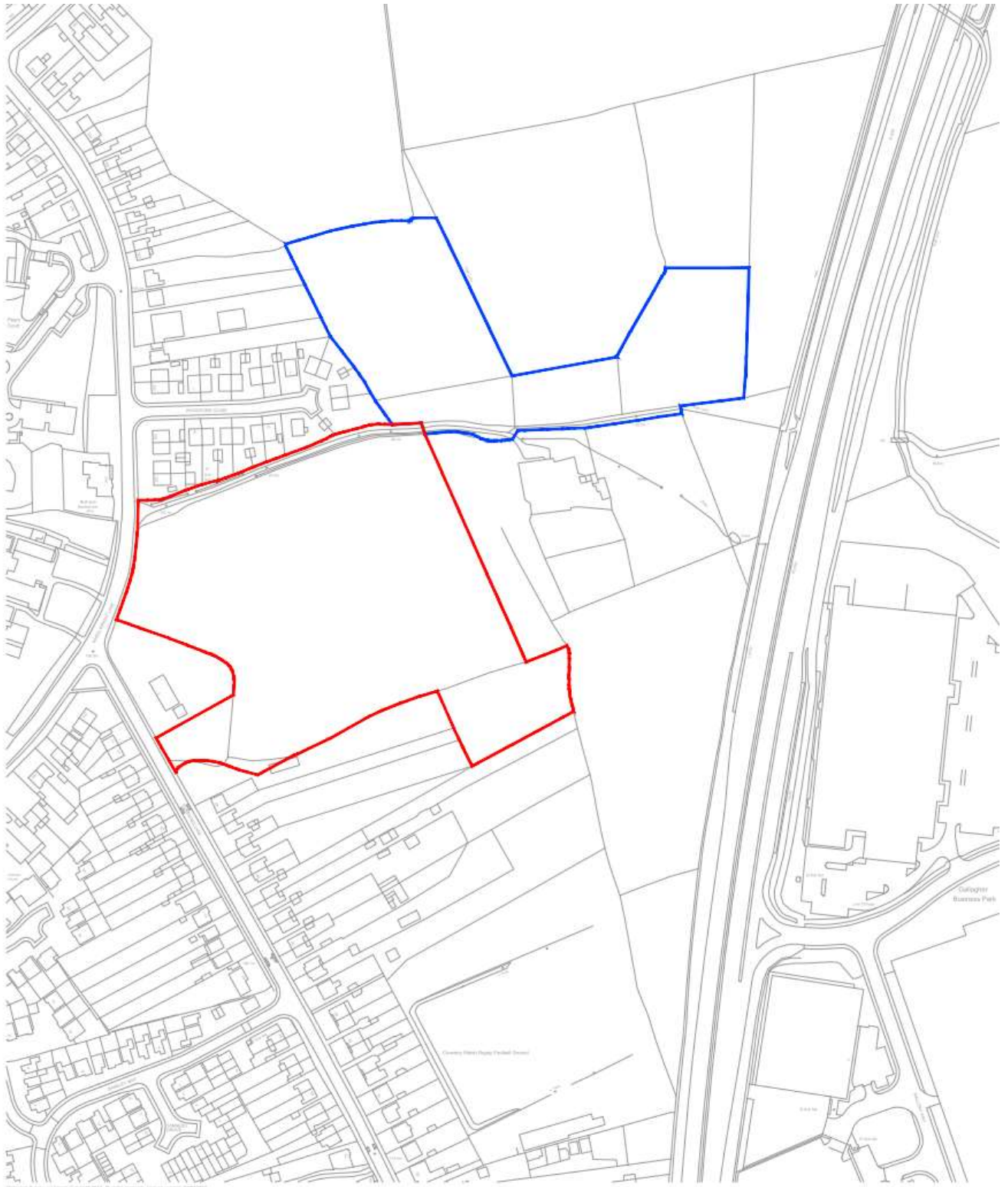
- a) Purpose and objectives for the proposed work including details of proposed new habitat and buffers to the south east to enable migration of the slow worms from the adjacent site.
- b) Details of retained ecological areas;
- c) Detailed design and/or working method(s) necessary to achieve stated objectives;
- d) Extent and location of proposed works shown on appropriate scale maps and plans;
- e) Timetable for implementation;
- f) Persons responsible for implementing the works shall be carried out in strict accordance with the approved details and shall be retained in that manner thereafter.



8. No development including 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 Plan shall include details of any pre-construction checks required; the species safeguards to be employed; appropriate working practices and sequence of construction works; including the protection for slow worms; extent of buffer zones and stand-offs for sensitive ecological features; details of protective fencing to ecological areas; details of lighting to be used during site clearance and construction; details of any new habitat created on site, including channel improvements; details of treatment of site boundaries and/or buffers around water bodies. 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 Plan will also include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens). The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Council. Due to the passage of time a new Ecological Report may need to be submitted to update the original report in the event the details are submitted in excess of three years from the creation of the original Ecological Assessment.
9. No development shall commence including site clearance until an Arboricultural Method Statement has been submitted and approved in writing by the Council. No tree or hedgerow other than those shown within the Arboricultural Assessment (December 2017) shall be removed unless otherwise agreed. The scheme shall include details of the gapping of the hedgerows and measures for the protection of the trees and hedgerows in the course during the development in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. No construction works shall commence unless the approved measures for the protection of the trees and hedgerows have been provided and are maintained during the course of development.
10. No development including site clearance shall commence until:
 - a. A contaminated land assessment and associated remedial strategy for that phase of development, has been submitted to, and agreed in writing by the Council;
 - b. The approved remediation works for that phase of development shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment.
 - c. If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

- d. On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Council.
11. No development shall commence until 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 the approved details.
*including 45dB LAFmax in bedrooms at night (11pm -7am)
12. No development shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Council.
13. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Council in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - b. Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
 - c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - d. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
 - e. Provide a Maintenance Plan to the Council giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Council.
 - f. No development shall take place within 8 metres of the top bank of any ordinary watercourse.
14. No development above ground level shall take place until a Landscape Management Plan and habitat establishment plan, indicating a scheme for the long-term management and details of the future management organisation for both the red and blue line application site including 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 in perpetuity, unless otherwise agreed in writing by the Council. This will need to provide details of the competencies of these management bodies.

15. No development above ground level shall commence until a scheme for the lighting of the housing and associated access roads, parking areas and open spaces has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme avoids potential negative effects upon the habitats used by foraging and commuting bats as evidenced by a suitably qualified and experienced ecologist. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Council.
16. No development above ground level shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be occupied until provision has been made in accordance with the approved details.
17. No development above ground level, shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Council.
18. No development above ground level shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. 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.
19. No development above ground level shall commence until details of the specification for bird bricks and bat bricks and their precise locations within buildings, has been submitted to and approved in writing by the Council. The approved bricks shall be installed before the occupation of that plot.
20. No development above ground level shall commence until details of surfaced footpaths to the north east and connection to the existing footpath to the south east corner have been submitted and approved in writing by the Council. The dwellings shall not be occupied until these links are put into place.
21. No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Council.
22. No dwelling shall be occupied until electric vehicle (EV) charging points have been provided at a rate of; 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.
23. No dwelling shall be occupied until the relevant domestic gas boiler to that plot is installed to be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.
24. No dwelling shall be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council for each phase. The approved packs shall be provided prior to the first occupation of that dwelling.

25. The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.
26. The details required by condition 1(d) (The Landscaping Reserved Matter) shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.



-  Site Boundary 3.24 Ha
-  Additional Land 1.8 Ha

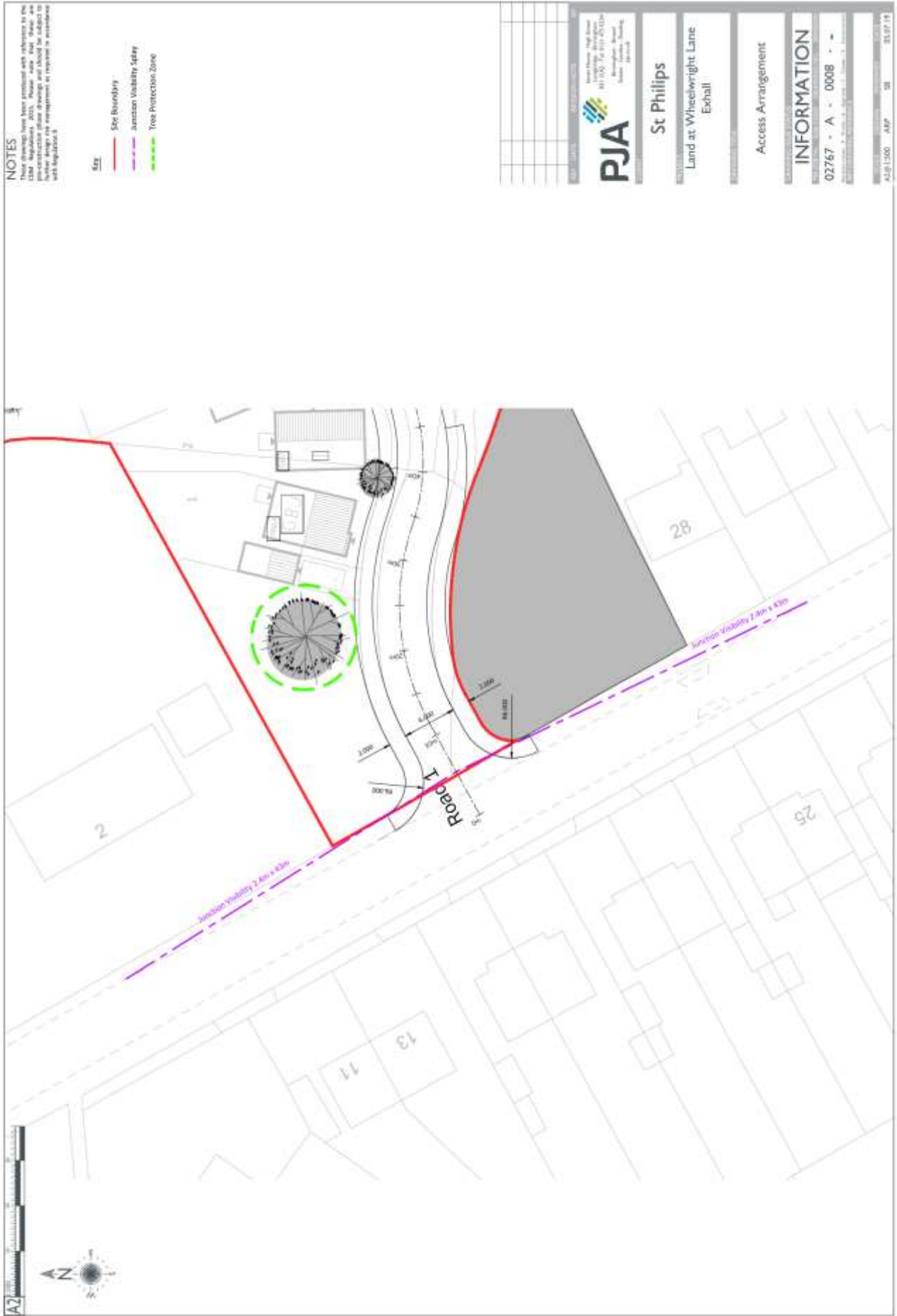


Project
 Land at Wheelwright Lane
 Burbages Lane, Ash Green
 Drawing Title
 Site Location Plan

Site Location Plan



Spine Road Alignment



Access Arrangement

- LEGEND**
- Site Boundary
 - Primary Vehicular Access
 - Vehicular Link to adjoining site
 - Existing Pedestrian Access
 - Proposed Emergency Access
 - Existing Track Access
 - Direct Frontage Access
 - Residential Development
 - Public Open Space
 - Existing Tree/ Hedgerow Planting
 - New Tree/ Hedgerow Planting
 - Proposed Area for Attenuation
 - Pedestrian Route
 - Existing PROW- Footpath
 - Green Belt Boundary



Project:
 Land at Wheelwright Lane/
 Burbages Lane, Ash Green
 Illustrative Masterplan

Date: 03/07/19
 Scale: 1:1000 @ A2
 Project No: 25070
 Client No: 9401
 Sheet No: B

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1000 Woodlands Way, 121 2LH



Illustrative Master Plan

REVISION:
C: Updated as per latest concept plan 02.07.19 A.J. CDG



-  Site Boundary
-  Additional Land
-  Residential
(to inc. incidental green space, access roads, drainage and infrastructure)
-  Infrastructure
-  Public Open Space
(to inc. drainage, existing & proposed structural planting, infrastructure, pedestrian and cycle routes and associated informal and formal play / recreation facilities)
-  Vehicular access point
-  Direct vehicular access to frontage
-  Emergency and pedestrian/ cycle only access point
-  Pedestrian access



Land Use and Access Parameter Plan

Project
Land at Wheelwright Lane/
Burbages Lane, Ash Green
Drawing Title
Land Use and Access
Parameter Plan

Date 03.07.19
Scale 1:1250 @ A3
Project No 25070
Drawing No 96500
Drawn By NT
Checked By CDG
Revision C

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REFERENCE No. 036638

Site Address: 25 Weston Lane, Bulkington, CV12 9RS

Description of Development: Erection of dwelling

Applicant: Mr Sandip Sahota

Ward: BU

RECOMMENDATION:

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

INTRODUCTION:

The proposal is for the erection of one dwelling at 25 Weston Lane, Bulkington, CV12 9RS.

The site is a plot of land which is currently part of the domestic curtilage of number 25 Weston Lane and as such forms part of the house's side garden. The land is bordered to the north-east by a public footpath which leads through to Hemsworth Drive. Further to the north is 25a Weston Lane; a gable roof bungalow built in the latter half of the 20th Century.

To the south-west of the site is the main property of 25 Weston Lane. This is a two-storey, semi-detached property with a hipped roof to the main part of the dwelling and a two storey gabled section to the front which is finished in render. The pair of semis has a shared central chimney in the roof, and a small ground floor canopy which joins at the central point between the two houses.

The site is to be accessed off Weston Lane, from the large 'lay-by' area which is formed by the curve of the road and the right angle of the domestic curtilages. The site is bounded by relatively mature hedging which appears to be a mixture of coniferous and deciduous species.

RELEVANT PLANNING HISTORY:

- 7904 – Three bedroom detached dwelling (outline) – refused – 4th March 2002

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2 – Settlement hierarchy
 - DS4 – Overall development needs
 - BE3 – Sustainable design and construction. Supplementary Planning Guidance / Supplementary Planning Documents.

- Affordable Housing SPD 2007.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Severn Trent Water, WCC Footpaths, WCC Highways

CONSULTATION RESPONSES:

No objection subject to conditions:
WCC Highways

No objection from:
WCC Footpaths

No response from:
Severn Trent Water

NEIGHBOURS NOTIFIED:

20-26 (even) Hemsworth Drive; 23a, 23-27 (odd), 33, 33a, 35 Weston Lane;

Neighbouring properties were sent letters notifying them of the proposed development on 13th September 2019.

NEIGHBOUR RESPONSES:

There have been 10 objections from 8 addresses. The comments are summarised below;

13. Impact on natural light to surrounding properties
14. May make the footpath nearby even darker and less used as a result
15. Traffic will increase
16. Use of nearby 'lay-by' will increase
17. There will be insufficient car parking
18. Increase in noise pollution
19. Loss of privacy
20. The construction work will disturb neighbours
21. The proposal will impact on the character of the area by not being in keeping
22. Could result in oppressive enclosure to neighbours
23. The site is surrounded by existing mature hedge
24. Plans seem to show removal of hedge
25. Overall density in the area will increase
26. Will impact on highway safety
27. Would result in overdevelopment of the site

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 Development

The site is part of a residential curtilage within the existing urban area. There is an Inspectors Decision (APP/W3710/A/02/1097643) made on the site in the past which was a dismissal. This carries only very minimal weight however since it was made back in 2002 and both local policy and national guidance has changed significantly since then.

This application aims to continue the residential nature of the surrounding area by introducing a new conforming use, which would not contrast the existing uses within this suburban area.

The NPPF 2019 states that there should be a presumption in favour of sustainable development, and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

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

2. Impact on Visual Amenity

The site is part of a domestic garden in a predominantly residential area. In the area surrounding the site are a wide variety of houses including detached, semi-detached, bungalows all in a mixture of styles and ages.

The area is sub-urban in nature and has a residential feel to it despite being close to the edge of the countryside. The street scene wraps around the curves of Weston Lane, and forms a right angle near to the site where the road curves and leaves and an expanse used for car parking and is bounded by the footpath.

The site on which it is proposed to erect the new house is separated from a bungalow (25A Weston Lane) to the north by a public footpath that links Weston Lane and Hemsworth Drive.

The site is close to the existing run of semi-detached houses from 25 Weston Lane, running south to 9 Weston Lane. It is considered that the two-storey proposed property would sit well within this row of two-storey properties in terms of scale. Although detached in style, which would slightly contrast the row of semi's, there are other detached dwellings in the street.

In terms of siting the detached house is to be set back from the frontage of 25 Weston, and slightly forward of 25A Weston Lane. This setback would help to reduce prominence, while at the same time respecting the shape of the built form of this part of Weston Lane.

The design of the dwelling would use a gabled roof, with a ridge line of around 8.9m and an eave height of around 5m. There are other gabled roofs in the immediate area, on the bungalow of 25A Weston Lane and 33 and 33A Weston Lane amongst others. In regard to design detailing the proposed house would exhibit brick flat-arches over ground floor windows and doors, a gabled storm porch and decorative string coursing

shown at plinth level, and at first floor and in the form of narrow brick corbelling to the first floor corners.

A condition will be added to ensure that the materials are agreed prior to construction above ground level.

3. Impact on Residential Amenity

Impact on 25A Weston Lane

25A Weston Lane is the nearby bungalow. The proposed two-storey house would be in fairly close proximity but separated from the bungalow by the public footpath. The bungalow has an extension to the side closest the application site which houses a garage.

Paragraph 9.6 of the Residential Design Guide 2004 (RDG) aims to protect any neighbouring property's habitable window from significant enclosure. To do this a 45 degree line is drawn from the centre of any ground floor, original, habitable windows. This line drawn from the front window of 25A Weston Lane is not breached by the proposal.

Given the proposed siting of the house, it is considered that all distance standards contained in the RDG, including from habitable windows on the existing property, are met and that there would be no significant harm to the residential amenity of the property at 25A.

Impact on 22 Hemsworth Drive

Number 22 Hemsworth Drive is a semi-detached house sited to the east of the site. It has a large two-storey side extension.

Paragraph 9.3 in the RDG aims to protect the privacy of existing dwellings by advising a distance of 20m (for two storey development) is maintained between proposed habitable windows and existing habitable, original, windows. There is much more than 20m (actually closer to 40m) between the proposed rear windows and the existing rear windows of 22 Hemsworth Drive.

It is considered that the proposal accords with the guidance contained in the RDG and as such there would be no significant harm to the amenity of neighbours.

Impact on 24 and 26 Hemsworth Drive

Similarly to 22, both 24 and 26 Hemsworth Drive are a pair of two storey semi-detached houses, and also similarly there is far more than the prescribed 20m between the proposed windows and the existing habitable windows of 24 or 26 Hemsworth Drive.

Consequently, and in consideration of other guidance in the RDG, it is considered that there would be no unacceptable harm by way of loss of amenity on these properties.

Overall the development meets with the distance standards contained in the RDG.

4. Impact on Highway Safety

In regard to the impact on highway safety the WCC highways authority have no objection to the scheme subject to some conditions.

The NPPF 2019 states at paragraph 109:

“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.”

It is not considered that the harm to highway safety would be severe.

Additionally, in regard to car parking, the application states that they are proposed 2 car parking spaces. This is considered to be acceptable.

5. Conclusion

In conclusion it is considered that although there is some objection to the scheme locally the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

It is felt that the scheme would help to add to housing in the Borough within the existing urban area, whilst blending acceptably with the character of the area and having no unacceptable harm on the amenity and on balance the scheme would represent sustainable development, and therefore should be approved.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Title	Plan No.	Date received
Site Location Plan	001WL	29 th August 2019
Existing Site Layout	002WL	29 th August 2019
Proposed Site Layout	003WL	29 th August 2019
Prop Floor and Elevations	004WL	29 th August 2019

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

4. No development above ground level shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

5. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

6. No development above ground level shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the boundary treatment to that plot has been carried out in accordance with the approved details.

7. No development above ground level shall commence until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the Council. No construction work creating surface water run off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details.

8. No development above ground level shall commence until full details of the site levels and finished floor levels have been submitted to and approved in writing by the Council. No construction work shall be carried out other than in accordance with the approved details.

9. Prior to occupation of the dwelling pedestrian visibility must be improved on the northern side by cutting back the hedgerow to enable pedestrians using the public footway to see and be seen by any cars manoeuvring out of the development. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the public highway extent exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

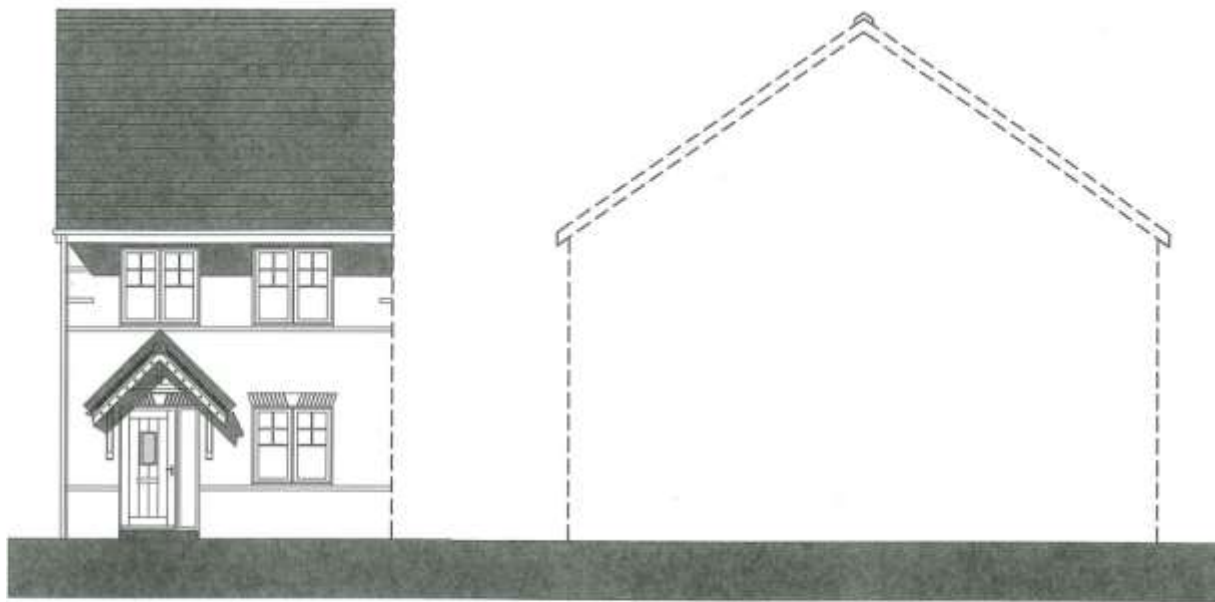
10. Any gates within the vehicular access to the site must be hung as to not open outwards onto the public highway.



Site Location Plan

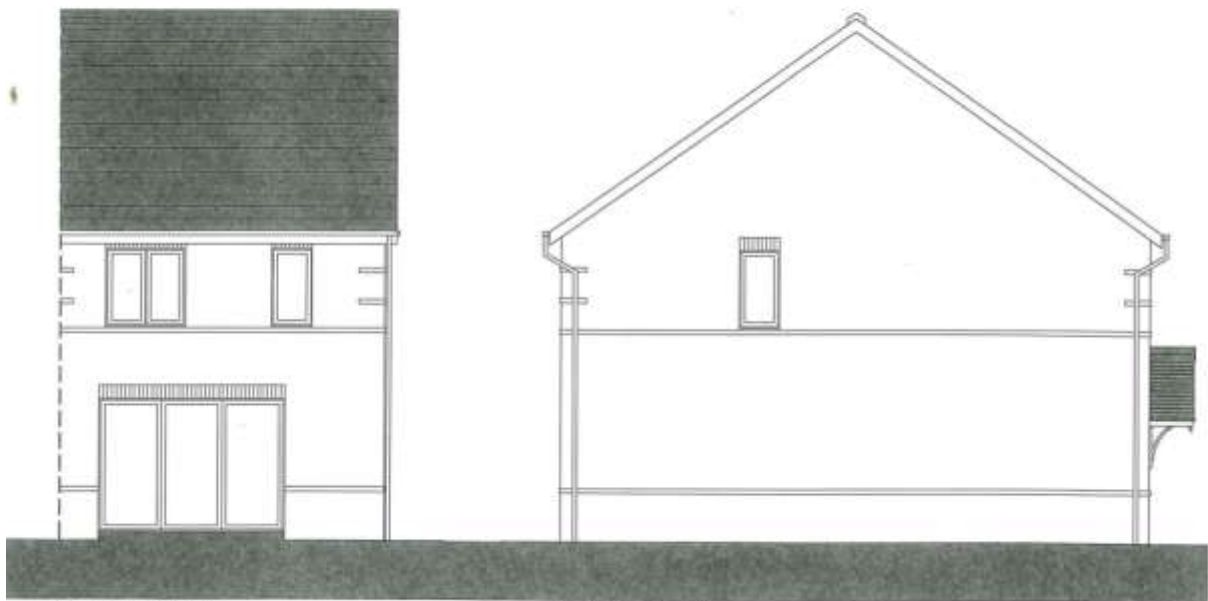


Proposed Site Layout



Front Elevation

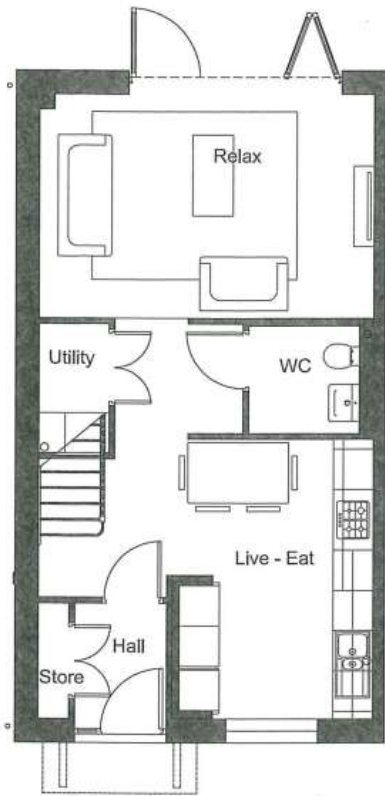
Right Elevation



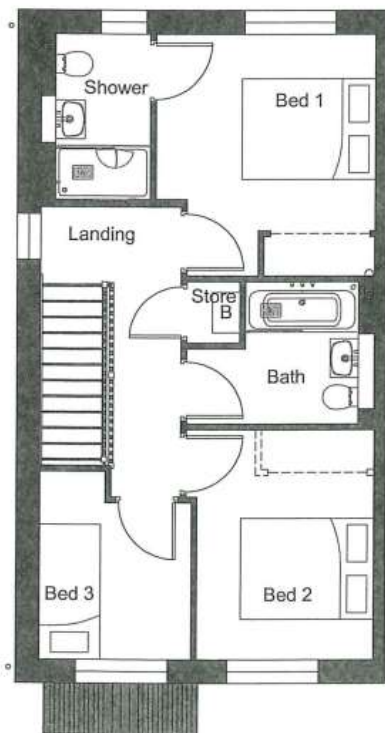
Rear Elevation

Left Elevation

Elevations



Ground Floor Plan



First Floor Plan

Floor Plans

Item No. 3

REFERENCE No. 035513

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

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

Applicant: Mr Neil Beards

Ward: CH

RECOMMENDATION:

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

INTRODUCTION:

The majority of this application site is within North Warwickshire Borough, with only the southern access being within Nuneaton and Bedworth's Borough.

This is an Outline application (to include access) for a mixed use development comprising the erection of up to 382 residential dwellings, 28 x two, three and four bedroom discount-for-sale starter homes, a courtyard bungalow development consisting of two-bedroom sheltered bungalows, together with a local centre with 22 parking spaces. It also includes the demolition of 116 and 118 Camp Hill Road, Nuneaton.

The area immediately surrounding the site can generally be characterised as residential. The overall development site lies on the northern edge of Nuneaton and extends from Camp Hill Road to Castle Road within Hartshill, North Warwickshire, covering an area of 16.52 ha.

More specifically, the proposal adjoins existing houses fronting Castle Road with school playing fields adjoining the south west boundary of the site. On the south side the site includes Snow Hill Wood and residential development fronting onto Camp Hill Road and off Hillside Road (in Nuneaton). To the north is an embankment that is designated as a Local Wildlife Site and is topped by the 'Quarryman's Walk' long distance footpath.

Within NBBC the application seeks outline planning approval for the construction of a 6.1m wide carriageway, along with a 2m footway on the west side and a 3m wide combined footway and cycle path on the east side of the access. The Camp Hill Road access is served by six buses with stops located adjacent to the site entrance operating between 07.30 and 18.00 hrs.

The proposal requires the demolition of 116 and 118 Camp Hill Road (a pair of semi-detached properties) to provide the 11.1m wide corridor of land required to construct the new access off Camp Hill Road.

The road junction with Camp Hill Road is proposed as a priority junction with a dedicated ghost island right-turn lane into the site to serve the proposed 382 dwellings.

Although details of the application are yet to be applied for since this is an Outline application, it is envisioned that the development will be spread out over three phases and will include a variety of house types and sizes to meet the needs of the area, including those of Nuneaton and Bedworth residents. During Phase 1 it is envisioned that 122 dwellings will be built, of which 25 will be affordable. Phase 2 will deliver 123 dwellings, 25 being affordable and phase 3 will complete the rest, of which 28 will be affordable and a further 28 will be starter homes.

Issues Within North Warwickshire

The application site crosses the administrative boundary of Nuneaton and Bedworth Borough Council and North Warwickshire BC with only the access off Camp Hill Road, visibility splays and the two properties to be demolished falling within Nuneaton and Bedworth's administrative control. North Warwickshire Borough Council took their part of the application to their Planning and Development Board on 8th April 2019 and this was deferred by their Members to seek clarity on some issues.

These issues have now been resolved, and the application is going to North Warwickshire's Planning Application Committee on the 4th November 2019 with a recommendation of approval, subject to the signing of a s106 agreement and conditions. At the time of writing this report the outcome of that Planning Committee meeting is not known, however by the date of Nuneaton and Bedworth's Planning Committee it will be.

BACKGROUND:

This is an outline application (to include access) for a mixed use development comprising the erection of up to 382 residential dwellings, 28 x two, three and four bedroom discount-for-sale starter homes and a courtyard bungalow development consisting of two-bedroom sheltered bungalows.

The application is cross-boundary, with Nuneaton and Bedworth Borough Council dealing with the access from Camp Hill Road in to the site, whilst North Warwickshire Borough Council is dealing with the rest of the application.

The following matter is to be considered at this stage:

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

The remaining matters will be dealt with at a later stage and relate to:

- 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:

- No relevant planning history

RELEVANT PLANNING POLICIES:

- Nuneaton and Bedworth Borough Plan 2019:
 - DS1: Presumption in Favour of Sustainable Development
 - BE3: Sustainable Design & Construction, along with the Residential Design Guide 2004 Supplementary Planning Document
- National Policy Planning Framework 2019 (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, WCC Highways

CONSULTATION RESPONSES:

No objection subject to conditions from:

Warwickshire Fire & Rescue, Warwickshire Highways

No objection from:

NBBC Environmental Health, WCC Highway Authority

NEIGHBOURS NOTIFIED:

North Warwickshire Borough Council consulted residents in Nuneaton and Bedworth Borough Council’s area:

26, 26a, 28 and 28a Berrington Road; 83 – 161 (odd), 64 – 92 (even), and 112 – 172 (even) Camp Hill Road; 1, 2, 3, 4, 5, 6, 8, 9; 10 Grange Close; and 1 – 23 (odd) Hillside Drive

NEIGHBOUR RESPONSES:

There have been 13 objections from 8 addresses as well as a petition with 93 signatories of objection. Marcus Jones MP has also objected to NWBC. The comments are summarised below:

1. Oppose the demolition of 116 and 118 Camp Hill Road and the new access road
2. Proposed access road will have a major impact on the overall safety to road users and pedestrians, particularly when pulling on and off driveways.
3. The volume of traffic will be increased, particularly as there are other major developments in the area - Galley Common - Ansley Common - Queen Elizabeth Road.

4. The roads leading into town are already congested.
5. It will be a very unsafe junction for traffic coming off the new estate and trying to turn right towards Chapel End due to the closeness of the brow of the hill and the proposed ghost lane will alleviate traffic accidents.
6. Object to the new placement of the bus stop on Camp Hill Road. A bus stop built in that position will prevent access to my driveway and while a bus is at the stop it would cover the driveways either side as well. The entrance to 138 and 140 is already limited by a shorter than usual drop curb and a telegraph pole. Could the bus stop be placed 50 yards further down the road where there is a gap between the driveways of 2 houses. This is big enough for the bus stop without having an impact on anyone else's access.

APPRAISAL:

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

1. The Impact on Residential Amenity,
2. The Impact on Visual Amenity,
3. The Impact on Highway Safety, and
4. Planning Obligations.

1. Impact on Residential Amenity

Separation Distances

Matters such as layout, scale and appearance are not being considered at this stage. However, the indicative layout complies with the separation distances relating to the impact on residents of this Borough closest to the development. Once the full details are submitted a more thorough assessment of the layout can be undertaken in accordance with Borough Plan policy BE3 and the Residential Design Guide 2004 (RDG).

Noise and Air Quality

Paragraph 180 of the NPPF states *that planning policies and decisions should aim to: "a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."*

In addition, policy BE3 states that *"Major development proposals must provide a statement with their application showing how their proposal will:*

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

The main impact from noise to the residents of this Borough is that from the access adjacent to the residential properties on either side of the access. NBBC Environmental Health Officers were consulted and do not object to the proposal subject to the implementation of noise mitigation measures along the access road.

In order to assess the potential for impacts on air quality, an Air Quality Report has been submitted with the application. NBBC Environmental Health do not object to the scheme on the grounds of air quality.

2. Impact on Visual Amenity

Although, as discussed above, matters such as layout, scale and appearance are not being considered at this stage, the development will be set back from Camp Hill Road by approximately 90 metres and will only be visible in glimpses. Nevertheless, the proposals will aim to seek to retain the existing character of the properties near the Camp Hill Road access. Tree planting and landscaping is also proposed along the main avenue within the site to soften the impact of the development. There will clearly be an impact on the visual amenities of the area in that 2 properties are to be demolished as a result of the proposal, No 116 and 118 Camp Hill Road. These are semi detached properties joined to each other, and this will create a gap in the row of quite regular semi detached properties. The properties are not of such special character or designated as a heritage asset and as such the loss of these properties is not considered to be a sufficient reason to refuse the planning application.

Submitted with the application is a Vision Statement and Illustrative Masterplan, both of which indicate how the development could be laid out and designed, providing indicative locations of buildings across the site, and how the built form could relate to the streets/public realm.

The Vision Statement identifies an appropriate average density of 35 dwellings per hectare. Density across the development will vary with lower densities towards the edges and higher densities closer to the centre.

The exact details of the appearance, landscaping, layout and scale will be provided at the Reserved Matters Stage with this outline merely seeking to establish the principle of development along with vehicular access (which is within NBBC's boundary). These details will need to accord with adopted policies and guidance if and when it is submitted.

3. The Impact on Highway Safety

Paragraph 108 of the NPPF requires that a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF confirms 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.

The main issues considered by WCC Highways revolved around the two access points (one on to Camp Hill Road within the NBBC boundary and one on to Church Road, Hartshill outside of NBBC's area) into the site and the extent of likely impacts on the surrounding highway network.

In relation to Nuneaton, the applicants are proposing an access road to the site from Camp Hill Road. This will require the demolition of Nos. 116 and 118 Camp Hill Road. WCC Highways were consulted and have fully assessed highway safety issues and have considered the proposal is acceptable and will not have a detrimental impact upon the safe and efficient operation of the highway network.

With regards to off-site impacts, Highways were concerned with the Camp Hill/Buck Hill/Coleshill Road/Victoria Road cross roads and the Nuneaton Road/Atherstone Road/Woodford Lane junction. In order to mitigate highway safety concerns, the applicant will fully fund the cost of installing signals at the Camp Hill/Buck Hill/Coleshill

Road/Victoria Road cross roads and contribute towards improvements at the Nuneaton Road/Atherstone Road/Woodford Lane junction. These will be delivered through a Section 78 Agreement under the 1980 Highways Act and these will be secured through a legal agreement that the developer is to enter into with North Warwickshire Borough Council as the improvements which are required as a result of the housing are within their administrative boundary rather than the access application that NBBC are dealing with here.

Furthermore, in order to satisfy the National Planning Policy Framework's increased emphasis of alternative modes of transport, the County Council is requesting cycle infrastructure improvements in Camp Hill Road and Green Lane in order to connect cycle lanes from the proposed Camp Hill junction to existing lanes in Nuneaton on these two roads.

4. Planning Obligations

Although the red line for this application includes land within NBBC, there is no 106 obligation that results in contributions going directly to NBBC. However, the obligations going directly to North Warwickshire Borough Council will have wider benefits beyond their administrative area to the benefit of residents within NBBC.

Organisation	Request For	Contribution	Notes
WCC Education	Hartshill Secondary School; Michael Drayton Junior School and Camp Hill Primary School, as well as for early years' provision and for sixth form and SEN support.	£1,746,415	
WCC Libraries	Hartshill Library	£7053	
NHS Primary Care	Towards new Hartshill Surgery	£250,000	
George Eliot NHS Trust	Contribution towards services	£200,217	
Warwickshire Police	Contribution towards services	£48,240	
NWB--Sport Facilities	Contribution towards enhancing local facilities	£24,200	
NWBC--Open Space and Recreation	On-site play area; improvements to Snow Hill Recreation ground; maintenance of Snow Hill Wood	£368,000	
NWBC--Bio-Diversity off-setting	Enhancements at Hartshill Hayes	£140,583	
WCC Highways	Traffic lights the B4111 Nuneaton Road/Atherstone Road/Woodford Lane junction; and extending cycle	£300,000	

	way marking on Camp Hill Road and Green Lane;		
WCC Highways	Additionally, the applicant will undertake to add traffic lights to the Bucks Hill/Victoria Road/Coleshill Road junction. This would be agreed under Section 278 of the Highways Act 1980.		
NWBC-- Affordable Housing	To include four bungalows and the 28 starter homes	27% provision	

Additionally, the applicant will undertake to add traffic lights to the Bucks Hill/Victoria Road/Coleshill Road junction. This would be agreed under Section 278 of the Highways Act 1980.

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.

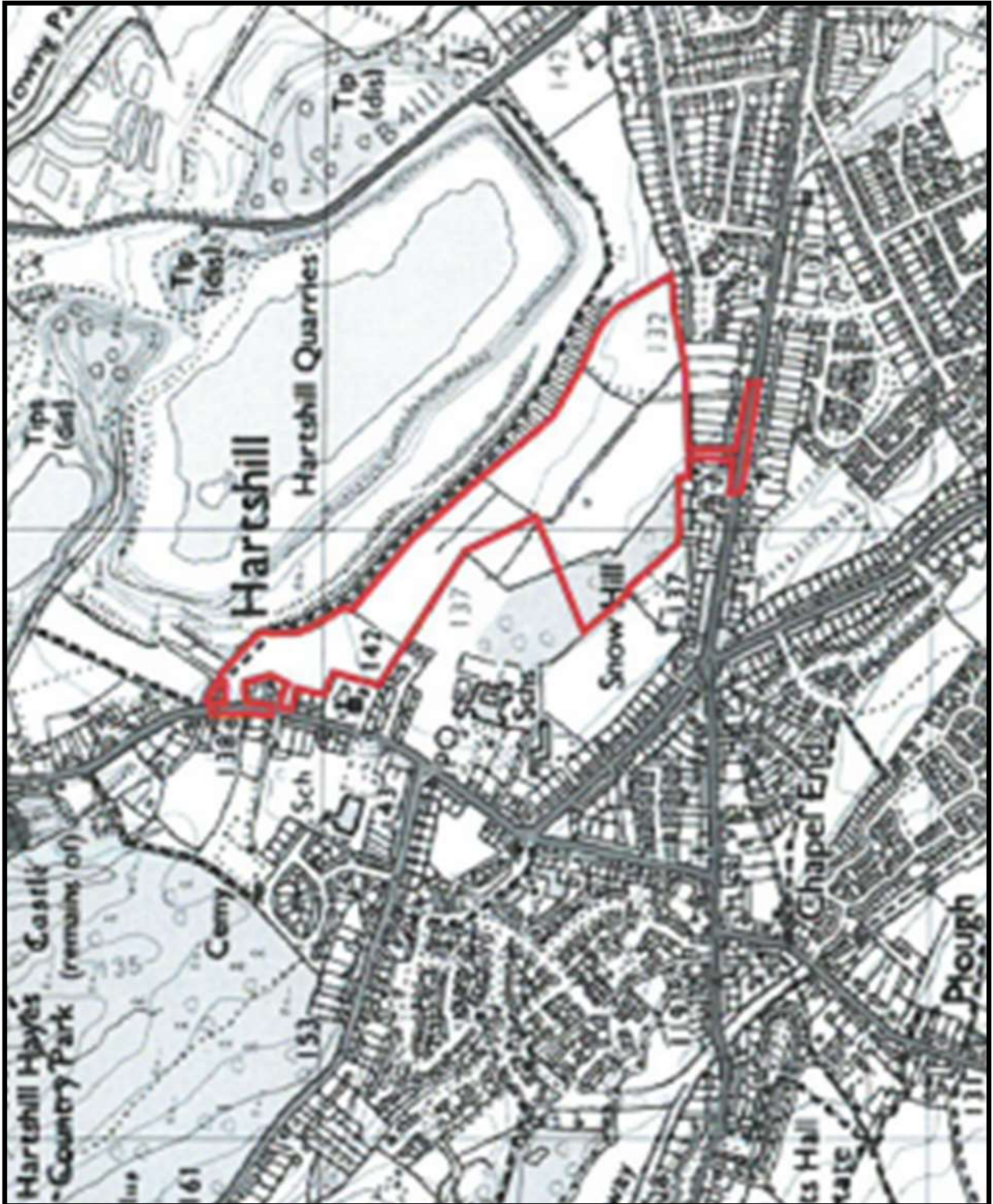
SCHEDULE OF CONDITIONS:

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

<i>Plan Description</i>	<i>Plan No.</i>	<i>Date Received</i>
Site Location Plan		07/03/2018
Hartshill Masterplan	N001-00216	07/03/2018
Hartshill Phasing Plan	N001-00218	07/03/2018
Hartshill Planning Application Area	N001-00219	07/03/2018
Swept Path Analysis Camp Hill Road	MID3709-121 RevB	07/03/2018
Road Traffic	R18.10173/2/JS	11/02/2019
Noise Assessment Amended Air Quality Assessment	471815	13/02/2019
Proposed Cycle Link	2019-02-01	07/02/2019
General Arrangements For Camp Hill Road	MID3709-120 RevG	05/04/2019

3. The development shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be occupied until the scheme has been implemented to the satisfaction of Council.

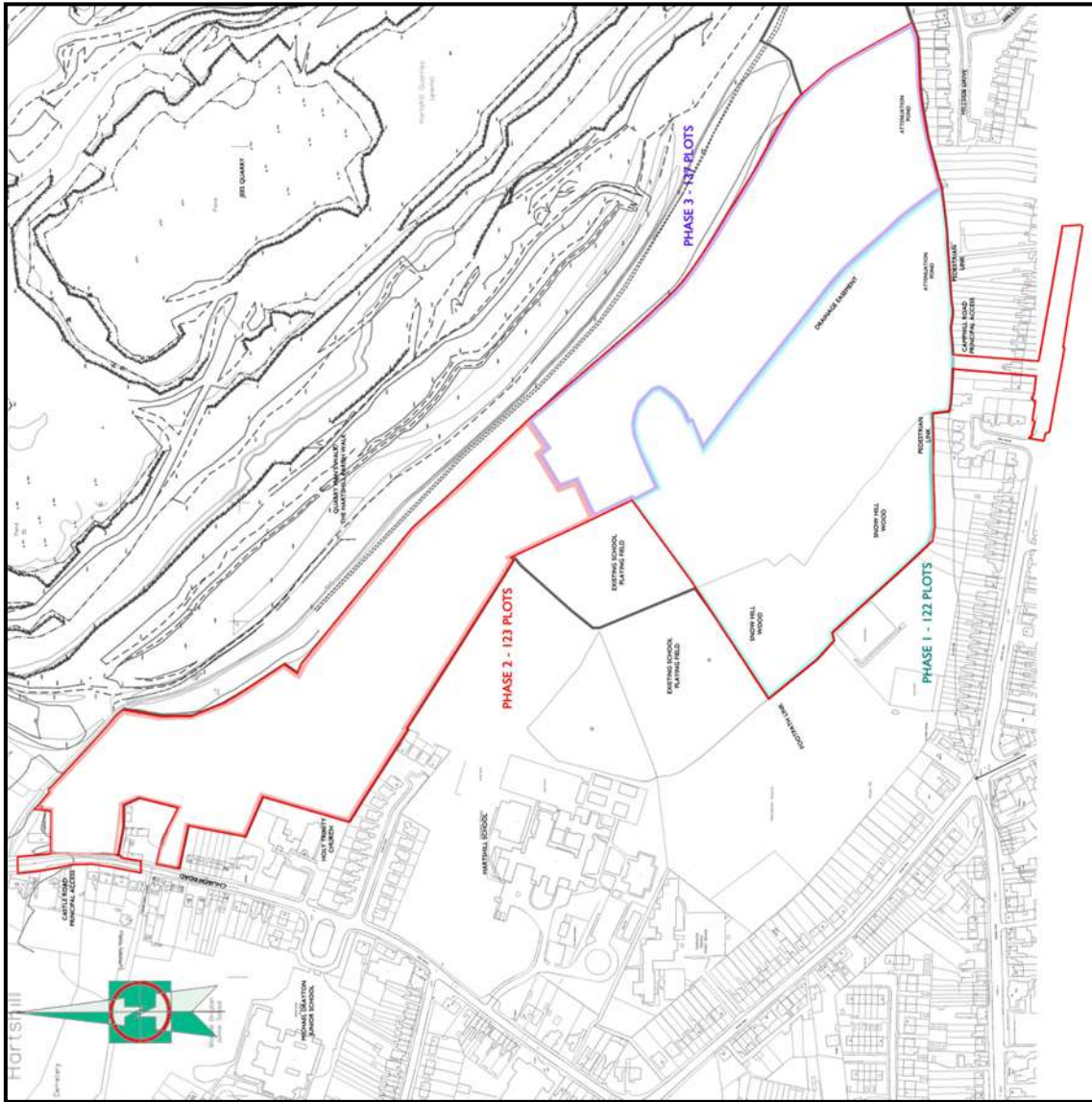
4. The development shall not commence until a demolition method statement detailing the demolition of the properties Nos. 116 and 118 Camp Hill Road has been submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details.



Location Plan (rear of 116 and 118 Camp Hill Road)



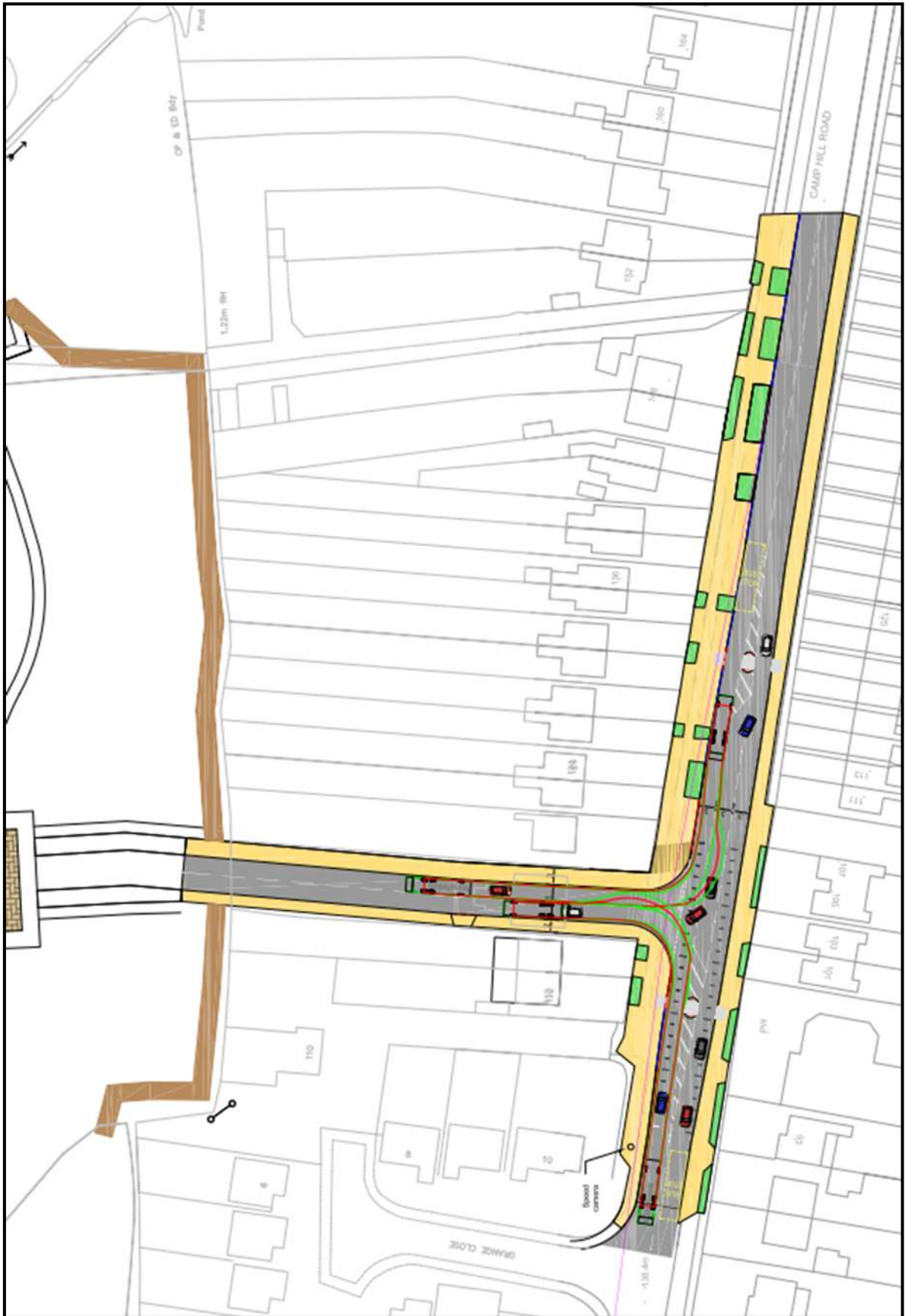
Proposed Masterplan



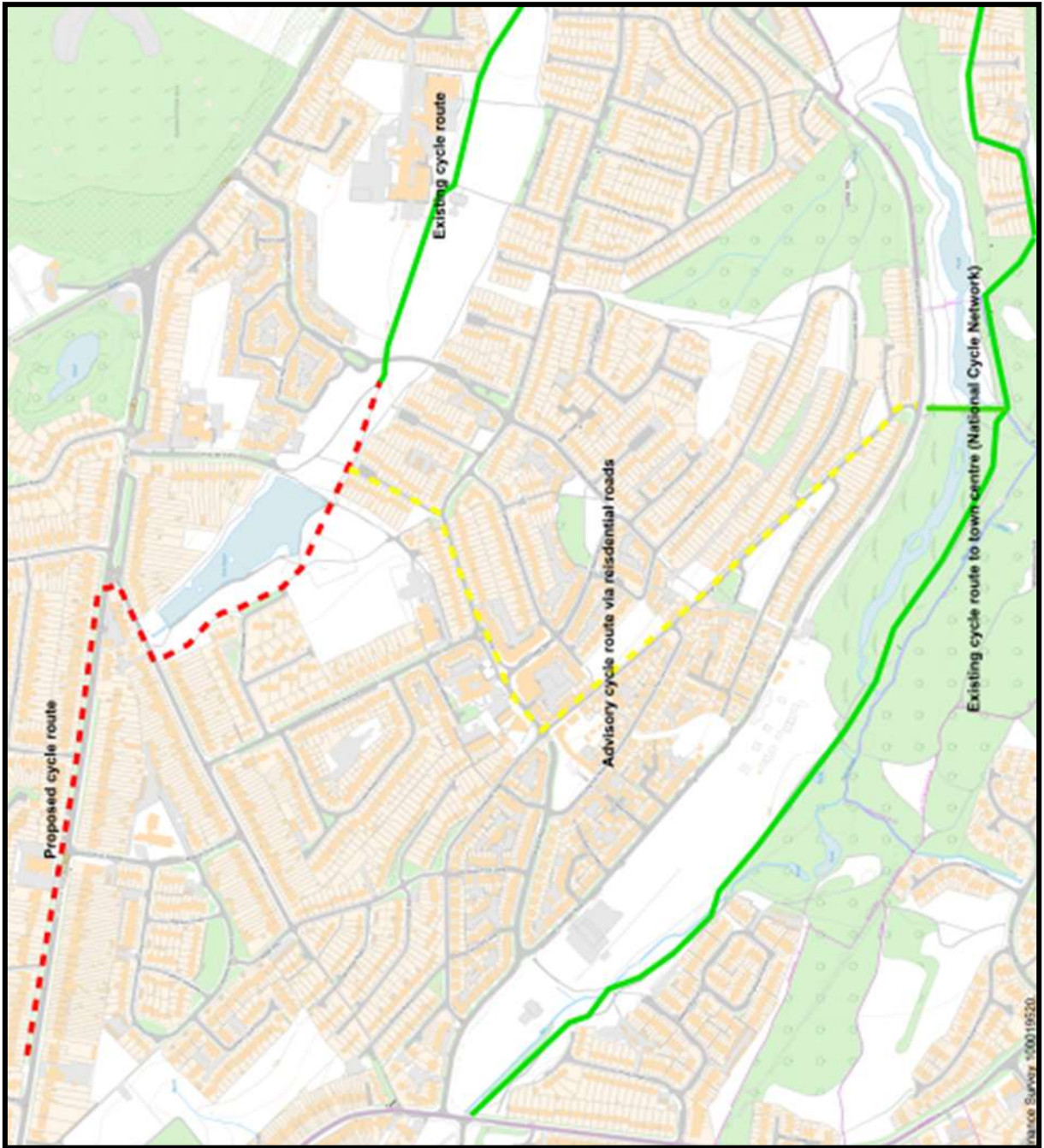
Phasing Plan



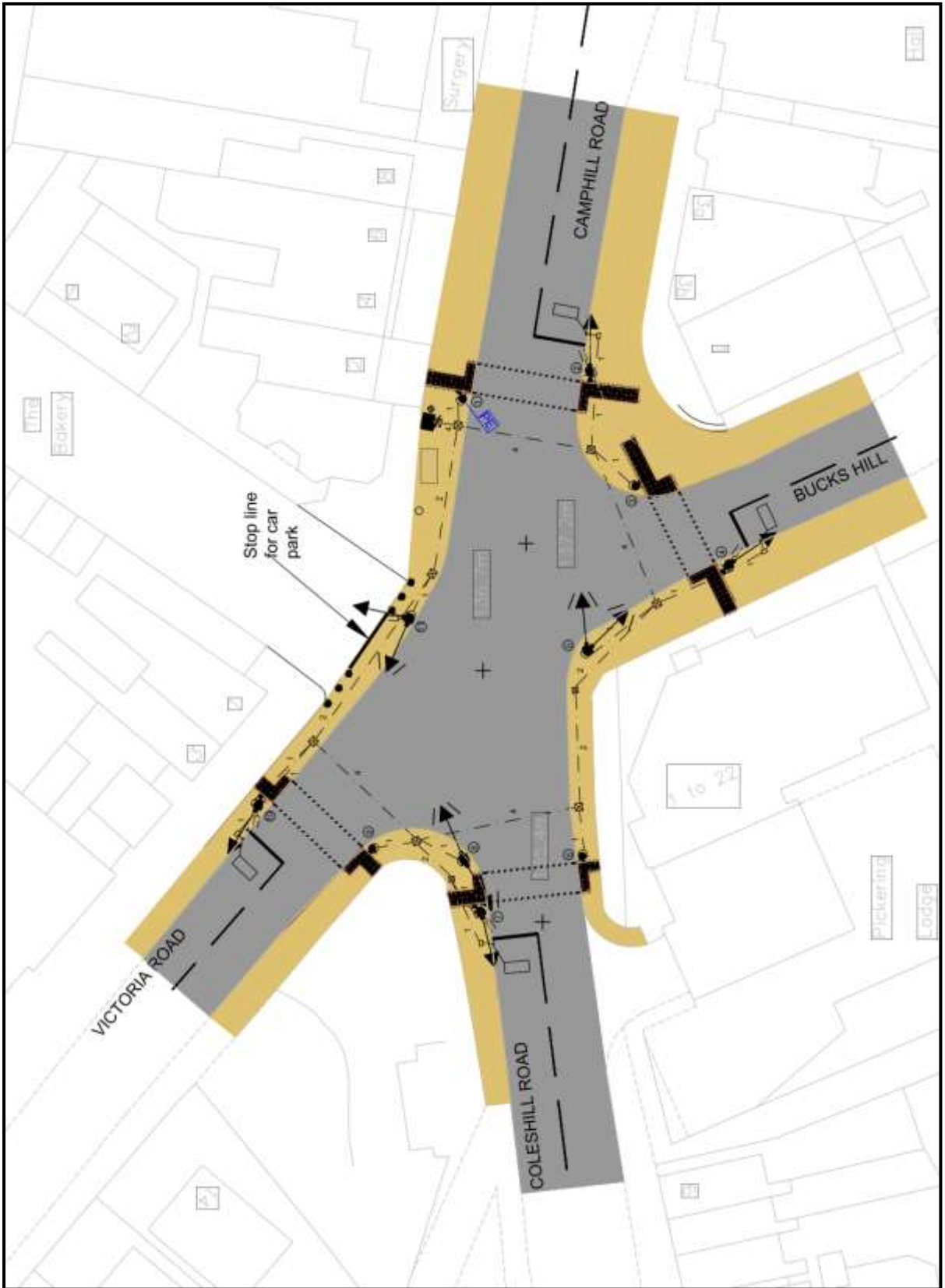
General Access Arrangements off Camp Hill Road



Swept Path Analysis



Proposed Cycle Route



Coleshill Road / Bucks Hill General Arrangement Traffic Signals

REFERENCE No. 036474

Site Address: 31 Plough Hill Road, Nuneaton, Warwickshire CV10 0PJ

Description of Development: Demolition of 31 Plough Hill Road and erection of 10 dwellings and associated works

Applicant: S Hughes

Ward: GC

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of 10 no. dwellings with associated external works and formation of access off Plough Hill Road. Unlike previously approved outline application 035534, this is a full application. The proposal mainly differs in that this application restricts the homes to be two storey rather than three as previously approved. This application does, however, retain the access in its approved location and keeps to previous pattern of development.

The proposals would involve the demolition of no 31 Plough Hill Road. The dwellings would consist of 2no. 2 bed houses, 3no. 3 bed houses and 5no. 4 bed houses. Three of the dwellings will be terraced, two will be semi-detached and five will be detached. Access is proposed off Plough Hill Road and there will be 23 car parking spaces proposed, including 6 visitor spaces. The majority of the site is within the jurisdiction of North Warwickshire Borough Council with only the access and a small part of the frontage within Nuneaton and Bedworth Borough Council's area.

BACKGROUND:

The application is cross-boundary, with Nuneaton and Bedworth Borough Council dealing with the access in to the site from Plough Hill Road and the visual impact of plot 3, whilst North Warwickshire Borough Council is dealing with the rest of the application.

RELEVANT PLANNING HISTORY:

- 035534: Erection of 10 no. dwellings with associated external works and formation of access off Plough Hill Road (Outline to include access, appearance, layout and scale). Approval with conditions on the 31/07/2019
- 033769: Variation of condition 4 of planning permission 031210 to show an amended site layout and the omission of condition 12 relating to the closing off of Fletchers Drift Lane: Application returned 28/03/2018.

- 033653: Application for removal or variation of a condition following grant of planning permission: Application returned 04/11/2015.
- 031210: Erection of 12 dwellings (9 houses, 1 dormer bungalow and 2 flats) with associated external works, new access off Plough Hill Road to plot 12 and closure of Fletchers Drift Lane (including demolition of existing dwelling) (Outline to include Access, Appearance, Layout and Scale): Refused 22/11/2012: Allowed at appeal 18/11/2013.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development;
 - DS2 – Settlement Hierarchy and Roles;
 - BE3 – Sustainable Design and Construction, along with the Residential Design Guide 2004 Supplementary Planning Document.

CONSULTEES NOTIFIED:

George Eliot Hospital Trust, Severn Trent Water, NBBC Environmental Health Team, Warwickshire Fire & Rescue, WCC Infrastructure, WCC Highways, WCC Flood Risk Team

CONSULTATION RESPONSES:

No objection subject to conditions from:

NBBC Environmental Health, North Warwickshire Borough Council, Warwickshire Fire & Rescue, WCC Flood Risk Team, WCC Highways

No objection from:

George Eliot Hospital Trust, WCC Infrastructure

No response from:

Severn Trent Water

NEIGHBOURS NOTIFIED:

29, 34, 36, 38, 39 and 79 Plough Hill Road; 1 & 9 Waggestaff Dr; 67 and 117 Chaytor Drive; 8 Bettina Close; 5 Buchan Close; 15 Campbell Close; 3 Lilleburne Drive; 3 Ruskin Close; 1 Hardy Close, Rugby; 27 Thorncliffe Way, Ansley.

Neighbouring properties were sent letters notifying them of the proposed development on 17th June 2019 and the application was advertised in The Nuneaton News on 10th July 2019.

NEIGHBOUR RESPONSES:

There have been 13 objections from 11 addresses and 1 anonymous objection. The comments are summarised below:

1. This development will introduce another junction at an already dangerous location. The bend on Plough Hill Rd is a bottleneck and, along with parked cars, reduces visibility and causes collisions.
2. Pedestrians will also be affected either trying to cross Plough Hill Road or the various side roads.
3. 10 houses adds an extra 20 cars at least.

4. The local doctors' surgeries are already over subscribed, as are the schools and other local services and amenities.

APPRAISAL:

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

1. The principle of the development
2. Impact on residential amenity
3. Impact on visual amenity
4. Impact on highway safety
5. Flooding, drainage and air quality
6. Planning obligations

1. The Principle of Development

The application site has been previously approved for residential use in 2013 (on appeal) for 12 dwellings and in 2019 (outline) for 10 dwellings. The earliest of these permissions has since expired without being implemented, whilst the second is still extant. Taking this in to consideration, the principle of residential development on the site is well established.

Whilst the site is not designated for any specific land use in the Borough Plan 2019, the proposal would be considered a windfall site (non-allocated sites that come forward during the plan period), for which the Borough Plan has an allowance of 247 dwellings.

The application site was formally a residential garden, no longer in use and is therefore considered a green-field site. Notwithstanding, the development of this land for residential purposes is considered to be an efficient use of the land in a sustainable location within the urban area.

These factors therefore weigh significantly in favour of the application.

2. Impact on Residential Amenity

The relevant Borough Plan Policy to this application is BE3: Sustainable Design and Construction (part there-of). The relevant part refers to an area's urban character, stating:

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

Furthermore, the Council's Supplementary Planning Document: Residential Design Guide 2004 (RDG) is a material consideration in support of this policy. The RDG 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 and that primary front, rear and side facing windows to habitable room windows will be protected from significant overlooking, shadowing and oppressive sense of enclosure (Section 9).

The nearest residential dwelling is no 39 Plough Hill Road and this is on average 18.7 metres away from Plot 3 across from the access road.

In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. This is in the interests of preventing an oppressive sense of enclosure. However, since the distance is across a public highway greater flexibility can be used. In this case it is just over a metre short of the required. Besides, there are no windows to the side wall of No.39 Plough Hill Road.

In terms of distance standards within the site, this layout has already been considered and approved by North Warwickshire Borough Council.

A 1.8 metre high wall or fence is shown on the proposed layout. Environmental Health have commented that either a 1.8 metre high brick wall or 1.8 metre close boarded fence would be suitable in this position in order to protect the occupants of no 39 Plough Hill Road from noise. Notwithstanding, condition 4 requires details of the boundary treatments including that adjacent to number 39 Plough Hill Road, to and approved in writing by the Council prior to occupation.

It is considered that residential amenity is not impacted and the proposal therefore accords with policy.

3. Impact on Visual Amenity

The majority of the site is within the jurisdiction of North Warwickshire Borough Council with only the access and a small part of Plot 3 (which fronts the access) within Nuneaton and Bedworth Borough Council's area.

It is considered that the development would enhance the surrounding area by providing initially a development that fronts Plough Hill Road. The design reflects the original traditional built form of the area, including the use of terraced properties fronting Plough Hill Road. It is considered that the site is of sufficient size to create its own character but design features that reflect the local area have also been introduced such as chimneys and cill and header details.

It is therefore considered that the appearance of the properties will be of a good design and contribute to local distinctiveness and character and is in accordance with policy BE3.

4. Impact on Highway Safety

WCC Highways have confirmed they do not have an objection. They have confirmed that it is likely that the development will generate a low number of trips which will be dispersed across the network and therefore the actual traffic flow to the junction of

Plough Hill Road and Coleshill Road would be minimal. Based on the scale of the development there would be no severe impact on the highway.

5. Flooding, Drainage and Air Quality

Environmental Agency flood maps and the Council's Strategic Flood Risk Assessment Levels 1 and 2 show the site as being within Flood Zone 1, and therefore is at least risk of river flooding.

Furthermore, the WCC Flood and Drainage Team were consulted and consider the applicant has provided sufficient information to demonstrate that measures to reduce both the volume and velocity of water run-off to the existing drainage environment will be achieved and that the development will be protected from surface water flooding for a range of storm periods, from 1 in 2 years, 1 in 30 years and 1 in 100 years, including 40% for climate change. Consequently, the applicant's Drainage Strategy and SUDS Report concludes that the proposed development will provide at least 50% betterment for all assessed storm durations.

In relation to the impact on air quality, Environmental Health have confirmed that the proposed development is too far removed and distant from either of the boroughs Air Quality Management Areas to be able to show any measurable impact on pollutant concentrations and that air Quality in this locality is good and is therefore not a planning consideration.

6. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, whilst the application is for 10 dwellings, which constitutes a major application, the net gain is only 9 new dwellings since No.31 Plough Hill is to be demolished. As such, the application is under the threshold to qualify for planning contributions.

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Plan Description	Plan No.	Date Received
Proposed House Type Plans & Elevations (Types D & E)	1518-01_	12/06/2019
Proposed House Type Plans & Elevations (Types A & B)	1518-02_	12/06/2019
Proposed House Type Plans & Elevations (Type C)	1518-03_	12/06/2019
Proposed Access & Tracking Plan	1518-SP-02_B	17/07/2019

- 3 No works shall commence to construct the external surfaces of the buildings hereby permitted until details of all facing materials (including facing bricks, roof and wall cladding, surfacing materials and screening details) have been submitted to and approved by the Council in writing. The approved materials shall then be used.

- 4 Notwithstanding condition 2, no development shall take place until details of the boundary treatments, including that adjacent to number 39 Plough Hill Road have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved treatments and no house shall be occupied until the approved treatments have been fully completed. The boundary treatment to No.39 shall be 1 metre away from the boundary and extend past the main dwelling.

- 5 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Council in consultation with Warwickshire County Council. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR or provide a 50% betterment on existing runoff rates for all return periods.
 - c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - d. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
 - e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

- 6 No development shall take place until an Environmental Management Plan (EMP) has been submitted to, and approved in writing by the local planning authority. The nature of the site and proposal indicates there is high potential for nuisance to existing residents. It is recommend that developer avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable. The EMP shall include:
 - Wheel washing facilities;
 - Measures to control the emission of dust during site works;
 - Noise control during site works;
 - Site lighting details;

- Record all complaints in a site log book to be made available to the LPA on request and
 - Details of the contact for any local concerns with the construction activities on the site.
- 7 The development hereby permitted shall not commence until full details of the site levels and finished floor levels of all properties have first been submitted to and approved in writing by the Council. Development shall only be carried out in accordance with the approved details.
- 8 No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Council prior to commencement of development.

In the event that contamination is found after the demolition and during construction, it must be reported in writing immediately to the Council. An investigation and risk assessment must be undertaken by a competent person, and where remediation is necessary a remediation scheme must be submitted to and approved in writing by Council.

Where remediation works have been carried out, a post remediation verification report shall be submitted in writing to and approved by the Council before the development is first occupied.

- 9 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Council and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for:
- the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles;
 - the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles;
 - wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan
 - Storage of plant materials used in conjunction with the development
 - Measures to control the emission of dust during construction
 - Noise levels on the site
 - Site lighting details, and
 - Details of the contact for any local concerns with the construction activities on the site.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

- 10 No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building 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. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

The scheme shall be implemented within six calendar months of the date of occupation of the first house.

In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

- 11 No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Council in writing.
- 12 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 32.6 metres looking left (north-easterly) from the access and 31.0 metres looking right (south-westerly) to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 13 The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.
- 14 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Council.
- 15 Notwithstanding condition 2 and drawing 1518-SP-01_D, no occupation of the dwellings shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Council.

These details shall include, as appropriate, proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services).

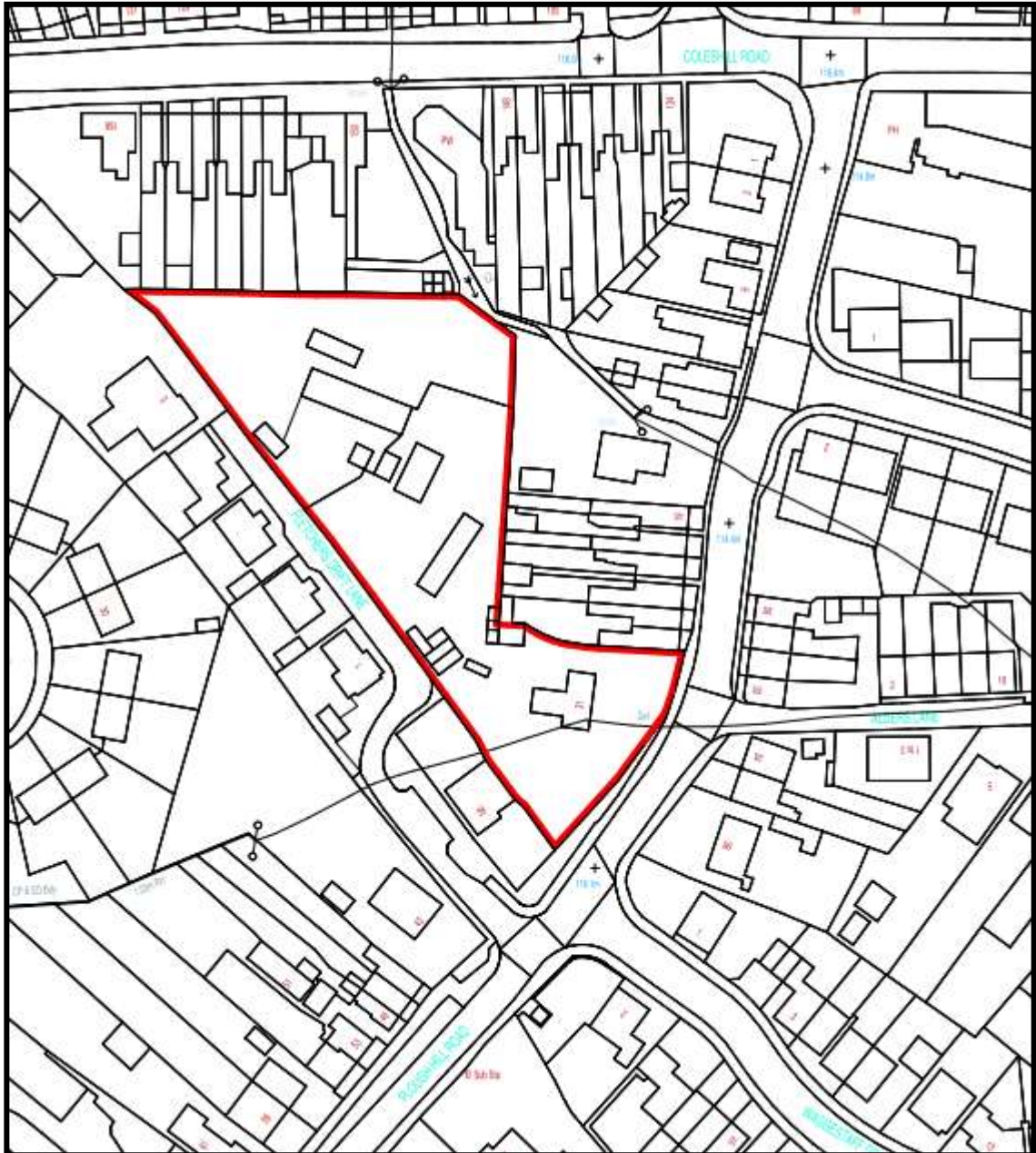
Soft landscape details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the Council.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

- 16 No occupation of any dwellings shall take place until details of electric vehicle charging points have been submitted and approved in writing by the Council. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details.
- 17 No occupation of the dwellings shall take place on site until details of the street lighting including light spillage, has been submitted to and approved in writing by the Council. The equipment shall be installed, operated and maintained in accordance with the approved scheme before the development is first occupied.
- 18 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Council within the maintenance plan.
- 19 No occupation of plots 1, 2 and 3 shall take place until measures have been provided to the Council outlining how the parking spaces will be kept private. The parking to plots 1, 2 and 3, to which each dwelling shall have two spaces, shall only be for these dwellings area hereby approved shall not be used for any purpose other than the parking of cars.
- 20 Prior to the occupation of the dwelling houses, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately-owned, domestic gardens) has been submitted to and approved in writing by the Council. The landscape management plan shall be carried out as approved.
- 21 Prior to occupation of any of the dwellings hereby approved no occupation of the dwellings shall take place until details of hedgehog friendly fencing within and around the site shall be submitted to and approved in writing by the Council. The approved fencing shall be installed and maintained as such at all times thereafter.
- 22 The visitor parking spaces shall be retained as such at all time unless agreed in writing by the Local Planning Authority.
- 23 The Integral garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages, unless approved in writing by the Local Planning Authority.
- 24 Access for vehicles to the site from the public highway (Plough Hill Road C12) shall not be made other than at the position identified on the approved drawing, number 1518-SP-01_D. No gates shall be located within the vehicular access to the site so as to open within 20 metres of the near edge of the public highway carriageway.

- 25 The access to the site for vehicles shall not be used unless a bell-mouth has been laid out and constructed within the public highway in accordance with the specification of the Highway Authority, including the necessary pedestrian dropped kerb crossing points within the highway extent.
- 26 The bell-mouth junction to the development shall not be used until visibility splays have been provided to the pedestrian / NMU crossing point with 'x' distances of 1.5 metres and 'y' distances of 11.0 metres as measured from the rear edge of the highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the highway footway.
- 27 The existing vehicular access to the site shall be closed off and the public highway footway reinstated to the satisfaction of the Highway Authority within 1 month of the new access being formed.
- 28 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 29 No additional windows or door openings in all elevations and roof plains shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.
- 30 Any ground or first floor windows that serve bathrooms / en suites shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.
- 31 No burning shall be carried out on the site.



Location Plan (between 31 and 39 Plough Hill Road)



Proposed Site Layout Plan



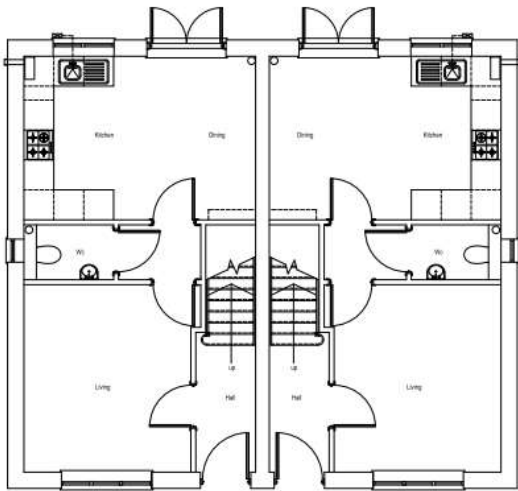
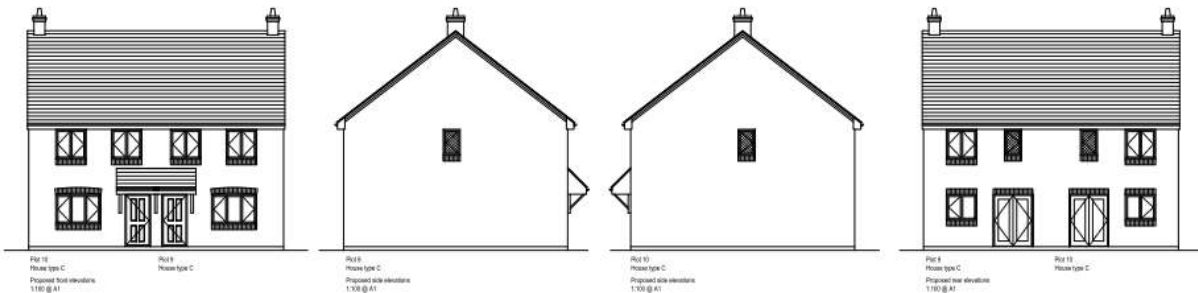
Michael Rawes Architects
 38 Pirbright Road, Havant, Hampshire, PO9 1EG
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 info@rawes-architects.co.uk

House Types D & E	
Prepared by	Michael Rawes Architects
Checked by	Michael Rawes Architects
Approved by	Michael Rawes Architects
Date	2019

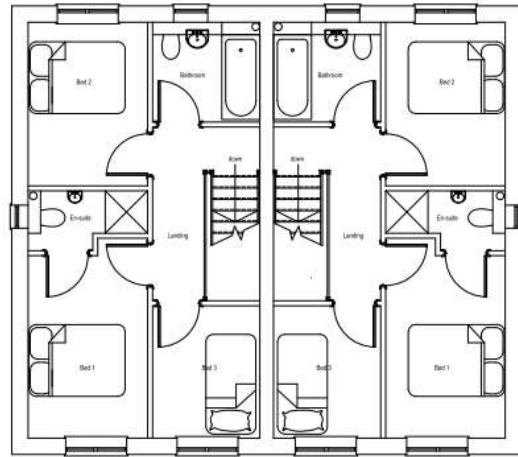
House Types D & E, Plots 1, 2 & 3



House Types A & B, Plots 4 - 8



Proposed ground floor plans
1:50 @ A1



Proposed first floor plans
1:50 @ A1



REFERENCE No. 036344

Site Address: Site 95A001 - Land rear of 32-35 Willis Grove Bedworth

Description of Development: 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

Ward: BE

RECOMMENDATION:

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

INTRODUCTION:

Erection of four-storey building to provide 9 no. two bedroom apartments with car parking on ground floor and associated works at Site 95A001 - Land rear of 32-35 Willis Grove, Bedworth.

The proposal site is a roughly triangular piece of land which is bounded to the north east and south east by a mixture of 1m and 2m high close-boarded fencing of various materials, sizes and qualities there are also some trees including leylandii in this area. These two boundaries both adjoin the rear private amenity space of properties 32-35 Willis Grove and 29-37 Downing Crescent. On the other side of the site, the west boundary is bounded with 2m high palisade fencing which bounds with land owned by Network Rail.

Willis Grove is characterised by terraced properties in groups of four. The properties are all gabled roofed with concrete pan-tiles, and are constructed of reddy-brown rough textured bricks.

32-35 Willis Grove's gardens slope up to the rear, no 32's by not as much, as the others but this does increase with the other dwellings.

The site itself has a levels difference of around 3m higher than the road level of Willis Grove at the point where the properties are to be situated, beyond this the land continues to rise. Downing Crescent properties back onto the site at the same level as the land to the rear and have habitable room windows backing onto the site, as do the properties at Willis Grove.

Significant earthworks have taken place on site over the past few years, with some attempted remedial action also have taken place to halt the potential for the land to slip. The land is now dug in, where a good deal of land has been removed. The previous permission for two houses was never implemented and has now expired.

RELEVANT PLANNING HISTORY:

- 032163 – Erection of two two-storey houses – Approved – 17/4/2014
- 030973 – Erection of two two-storey houses – Refused – 19/10/2011
- 030737 – Erection of two two-storey houses – Withdrawn – 27/5/2011

RELEVANT PLANNING POLICIES:

- Saved Policies of the Borough Plan 2019:
 - BE1 – Development on unstable land
 - BE3 – Sustainable design
 - DS1 – Presumption in favour of sustainable development
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent, Coal Authority, NBBC Environmental Health, NBBC Housing, NBBC Policy, Network Rail, Severn Trent Water, WCC Highways

CONSULTATION RESPONSES:

Objection from:

WCC Highways, NBBC Policy

No objection subject to conditions from:

NBBC Environmental Health, Network Rail, Warwickshire Fire and Rescue, Coal Authority

No objection from:

Cadent

No response from:

Severn Trent Water

NEIGHBOURS NOTIFIED:

23-45 (odd) Downing Crescent; 28-39 Willis Grove;

Neighbouring properties were sent letters notifying them of the proposed development on 29th April 2019.

NEIGHBOUR RESPONSES:

There have been 13 objections from 11 addresses and 1 objection with no address provided. The comments are summarised below;

- 1) Loss of privacy and increased overlooking
- 2) Loss of light and amenity for neighbours
- 3) Insufficient off-street parking
- 4) Not enough space for loading/turning of large vehicles
- 5) Bins may cause smells
- 6) Access would make existing road much busier
- 7) Impact on highway safety and extra traffic
- 8) Increased noise and air pollution
- 9) Layout and density is out of place

10) Large build would be out of character with the area

APPRAISAL:

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

1. The Principle of Residential Development
2. The Impact on Potentially Unstable Land
3. The Impact on the Visual Amenity and Character of the Area
4. Impact on Highway Safety
5. Impact on Residential Amenity

1. Principle of Residential Development

The proposed use of the site for residential purposes has been somewhat established previously by the Inspectors decision back in 2012 which, although it was dismissed, this decision was only on the basis of land instability and therefore by implication the principle was accepted.

Following this appeal decision, another planning application was submitted which demonstrated that the land was safe and the matter of land instability was removed. Given the weight applied to that previous Inspectors decision from 2012 the proposal (which was for a pair of semi-detached houses) was deemed acceptable and was approved. This permission has since expired without the development being implemented, it is reasonable therefore to state that purely the principle of using the site for residential is acceptable.

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

2. The Impact on Potentially Unstable Land

A Coal Mining Risk Assessment was submitted at the request of the Coal Authority, a request they made with reference to the coal mining heritage of this part of the Borough. The Coal Authority responded removing their previous objection stating that the Coal Mining Risk Assessment adequately demonstrated that the scheme would not cause a hazard.

Policy BE1 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.

To this end, it is considered that it has been adequately demonstrated that the proposed use can be adequately accommodated on site without a potential risk to public health, as a result of the Coal Authority removing their objection.

3. Impact on Visual Amenity and Character of the Area

The area is typified by a mixture of two-storey, semi-detached properties, with very few exceptions apart from some single storey garage blocks dotted around the area. The street scene against which this proposal would be viewed is almost entirely road facing, following the straight roads and turning heads of Willis Grove.

The siting of the proposed block of 9 apartments is considered to be contrived, being as it is on the land to the rear existing dwellings and sat awkwardly on a plot to the rear of the main built form.

The site is surrounded by houses on two sides, and the railway line on the other, being roughly triangular in shape. There would be no dedicated road frontage, and further to that, the apartment block would be sited so as to be concealed from much of the road with only a fleeting glimpse visible from the access road and between houses.

In view of this, it is considered that this 'backland' development would be out of character and not be in keeping with the existing layout of the area, contrary to 3.1 in the Residential Design Guide 2004.

4. Impact on Highway Safety

Access to the site is intended to be via the small track to the side of number 32 Willis Grove and the land owned by Network Rail as a buffer to the railway line which runs roughly north south past this side of the site. The access is narrow, and meets the highway just at the turning head of Willis Grove.

WCC Highways Authority were consulted on the scheme and objected. The applicant then commissioned a Highways Consultant to put forward their viewpoint.

WCC Highways maintained their objection on 3 grounds. Firstly, that it has not been demonstrated that refuse vehicles can safely access and egress the site or that there is sufficient space to manoeuvre, secondly that there is insufficient detail on how the access will be incorporated into the existing turning head and finally that it has not been demonstrated that sufficient forward visibility can be achieved in both directions and that further information should be submitted to demonstrate that two vehicles passing each other on the access would have sufficient space.

It is considered that the impact on highway safety could be severe, and without these matters being sufficiently demonstrated by the applicant a refusal on these grounds should be included. 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.' – in this case it is considered that it has not been demonstrated that the harm to highway safety as a result of the scheme would not be severe.

5. Impact on Residential Amenity

A good deal of land has been excavated from the site and it is the intention of the proposal to site its ground floor car parking area under ground level, with the three storeys of residential above the newly made ground level. Plans show the excavated part of the site some 2-3m lower than the land in the rear gardens of those properties on Downing Crescent. Consequently the three storey building proposed would be lower than expected, but still tall enough to top over any rear fence of Downing Crescent's gardens. This rear elevation features some habitable windows, including the primary windows to some bedrooms, and as such 7m is expected between habitable windows over ground floor level and the rear private amenity space of neighbouring properties. This distance standard is not met and the proposal is therefore in breach of this distance standard within the Residential Design Guide 2004 (RDG) to the detriment of residential amenity of properties at 31, 33, 35, 37 and 39 Downing Crescent.

The proposed windows in the rear elevation of the apartment block will also face the rear elevations of properties on Downing Crescent. Many of these properties have rear facing habitable, ground floor windows. Given the amount the proposal is to be 'dug in' to the site by 3-4m this three storey unit will likely only have the actual height of two storeys above ground level. Consequently 20m between the proposal's new habitable windows and any existing habitable windows should be met. The gardens on Downing Crescent are relatively long, and all give this 20m separation, therefore this distance standard is met in regard to a loss of privacy to existing windows.

No windows are shown in the elevation facing south towards the rear of properties on Willis Grove – there is however a blank elevation. Blank elevations should be 14m from nearby original, habitable windows. This is met, and therefore there are no concerns over an oppressive sense of enclosure from the proposal on these windows.

6. Conclusion

To conclude, while there are some obvious positives to the scheme such as the provision of housing within the urban area, there are some clear reasons for refusal. These include the impact on the character of the area by way of a lack of cohesion with the pattern of development, the impact on highway safety, and the impact on residential amenity.

REASONS FOR REFUSAL:

1(i) The NPPF paragraph 124 states (in part):

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

(ii) The NPPF Paragraph 127 states (in part):

"Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

(iii) The NPPF Paragraph 109 states:

"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."

(iv) 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:

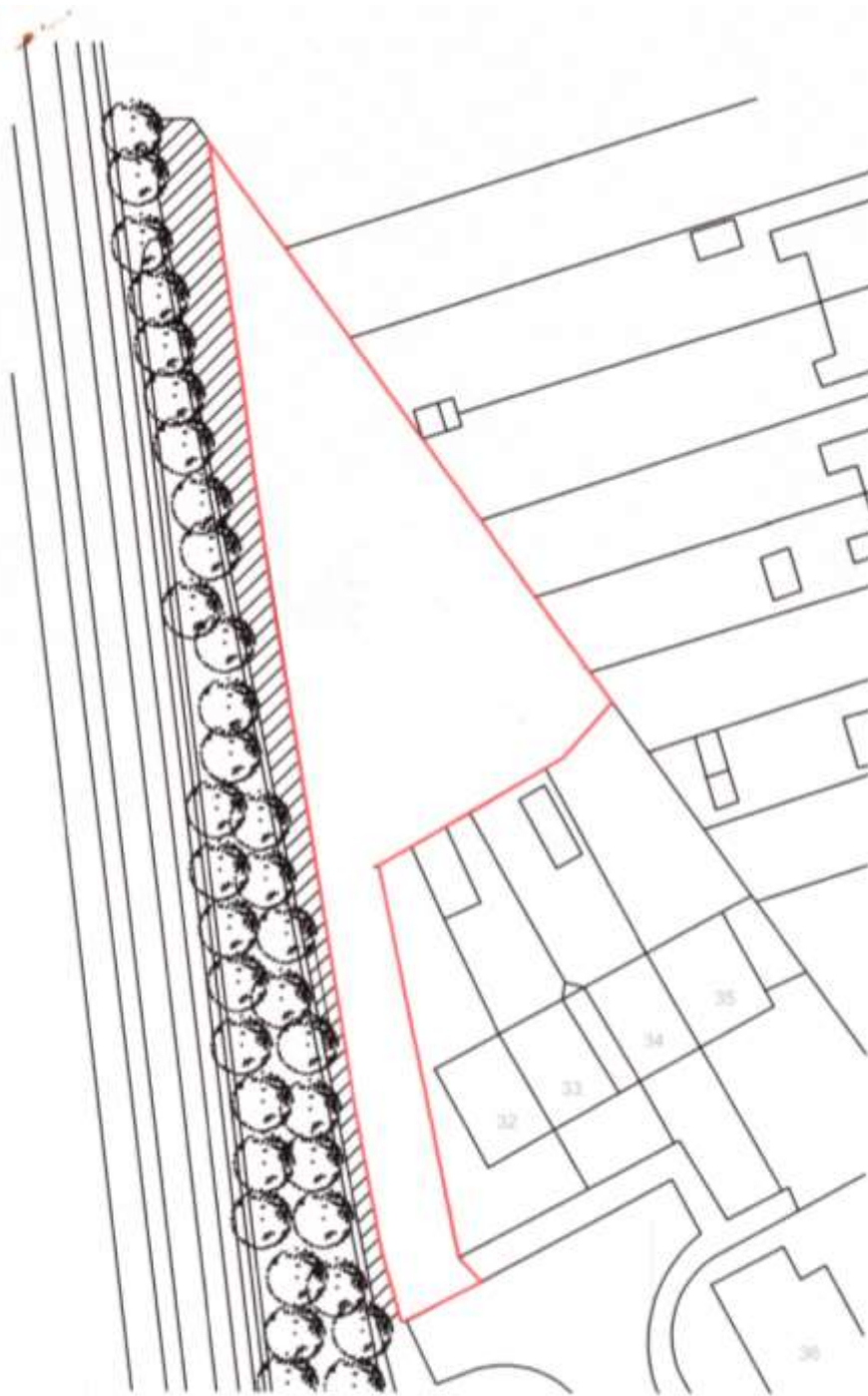
1. Current use of buildings

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

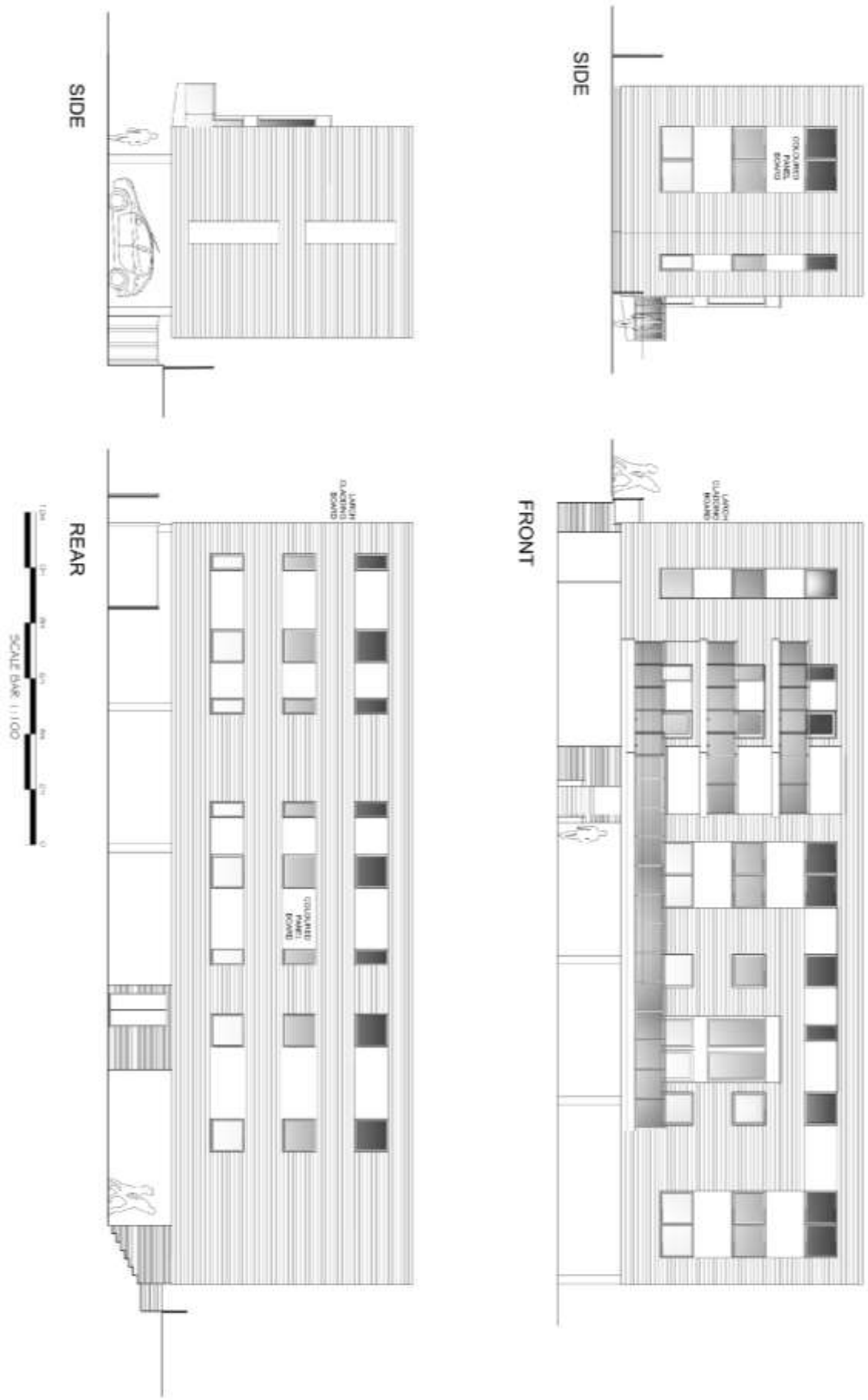
(v) The proposal is contrary to these policies in that the proposed windows in the eastern elevation will result in a sense of overlooking and loss of privacy to the rear gardens of 31, 33, 35, 37 and 39 Downing Crescent to the detriment of the enjoyment of these gardens (Contrary to guidance contained in 9.4 of the Residential Design Guide 2004).

(vi) The proposal is contrary to these policies in that it does not create a cohesive group in relation to neighbouring buildings or the local area. It does not follow the existing pattern of development and its isolated backland location exacerbates this to the detriment of the character and visual amenities of the area (contrary to the guidance contained in 3.1 of the Residential Design Guide 2004).

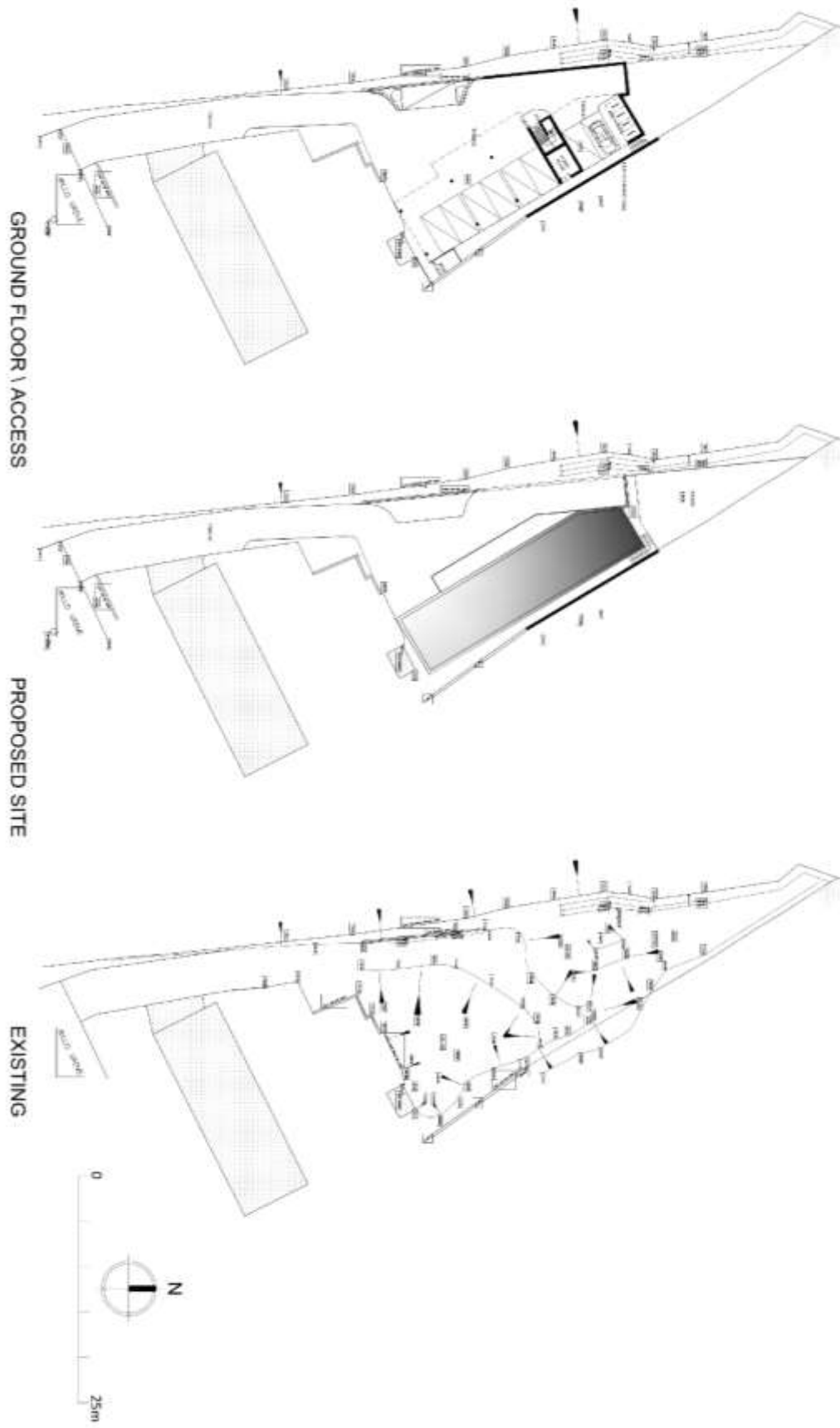
(vii) The proposal is contrary to these policies in that it has not been demonstrated that there would not be a severe detriment to the highway safety of the area.



BLOCK PLAN - 1:500



Elevations



Layout Plan



THIRD



SECOND



FIRST

Floor Plans

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

This two page guide is intended as general guidance only. Reference must be made to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended by the [2016 Amendment Order](#), the [2017 Amendment Order](#), the [2017 \(No2\) Amendment Order](#), the [2018 Amendment Order](#), and the [Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) Regulations 2019](#) for limitations (e.g. floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required (which may include the prior approval of building operations).

Use Class	Use	Permitted Change
A1 Shops	Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes	<p>Temporary permitted change (3 years) to A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted change of A1 or mixed A1 and dwellinghouse to C3 (subject to prior approval) (see also 2018 Order)</p> <p>Permitted change to A2 (see also 2016 Order)</p> <p>Permitted change to A3 (subject to prior approval) (see also the 2018 Order)</p> <p>Permitted change to B1(a) offices (subject to prior approval)</p> <p>Permitted change to D2 (subject to prior approval)</p> <p>Permitted change from A1 to mixed use (A1 or A2 & up to 2 flats); and from mixed use (A1 & up to 2 flats) to A1 or A2</p>
A2 Financial and professional services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)	<p>Temporary permitted change (3 years) to A1, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted change from A2 or mixed A2 and dwellinghouse to C3 (subject to prior approval)</p> <p>Permitted change to A3 (subject to prior approval)</p> <p>Permitted change to B1(a) offices (subject to prior approval)</p> <p>Permitted change to D2 (subject to prior approval)</p> <p>Where there is a display window at ground floor level, permitted change from A2 or mixed use (A2 & up to 2 flats) to mixed use (A1 & up to 2 flats) or A1</p> <p>Permitted change from A2 to mixed use (A2 & up to 2 flats); and from mixed use (A2 & up to 2 flats) to A2</p>
A3 Food and drink	Restaurants and cafes	<p>Permitted change to A1 or A2</p> <p>Temporary permitted change (3 years) to A1, A2, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p>
A4 Drinking establishments	Public houses, wine bars or other drinking establishments	Permitted change to or from a use falling "within Class A4 with a use falling within Class A3" ("drinking establishments with expanded food provision")
A5 Hot food takeaways	For the sale of hot food for consumption off the premises	<p>Permitted change to A1, A2 or A3</p> <p>Temporary permitted change (3 years) to A1, A, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted change to B1(a) offices (subject to prior approval)</p> <p>Permitted change to C3 (subject to prior approval)</p>

Use Class	Use	Permitted Change
B1 Business	<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 change to B8</p> <p>B1(a) office permitted change to C3 (see 2015 and 2016 orders)</p> <p>Temporary permitted change (3 years) to A1, A2, A3, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)</p> <p>Permitted BI change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)</p> <p>Permitted change from B1(c) light industrial to C3 (temporary permitted development right: prior approval application must be determined / expired without determination by 30 September 2020)</p>
B2 General industry	Industrial process other than that falling within Class B1	Permitted change to B1 and B8
B8 Storage or distribution	Use for storage or as a distribution centre	Permitted change to B1
C1 Hotels	Hotels, boarding and guest houses (where no significant element of care is provided)	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2 Residential institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C2a Secure residential institutions	Prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barracks	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
C3 Dwelling houses	<p>Uses as a dwellinghouse (whether or not as main residence) by:</p> <p>A single person or by people to be regarded as forming a single household</p> <p>Not more than 6 residents living together as a single household where care is provided for residents; or</p> <p>Not more than 6 residents living together as a single household where no care is provided to residents (other than use within Class C4)</p>	Permitted change to C4
C4 Houses in multiple occupation	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO) NB: Large HMOs (more than 6 people) are unclassified therefore sui generis	Permitted change to C3

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

This two page guide is intended as general guidance only. Reference must be made to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended by the [2016 Amendment Order](#), the [2017 Amendment Order](#), the [2017 \(No2\) Amendment Order](#), the [2018 Amendment Order](#), and the [Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) Regulations 2019](#) for limitations (e.g. floorspace maxima), restrictions, conditions and details of any requirements for any application for determination as to whether the prior approval of the local planning authority will be required (which may include the prior approval of building operations).

Use Class	Use	Permitted Change
D1 Non-residential institutions	Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	Temporary permitted change (3 years) to A1, A2, A3, B1 (interchangeable with notification)
D2 Assembly and leisure	Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval) Temporary permitted change (3 years) to A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)

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

Use Class	Use	Permitted Change
SUI GENERIS (uses which do not fall within the specified use classes above)	Includes theatres, large HMO (more than 6 people sharing), hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting offices, pay day loan shops	Casino to A3 (subject to prior approval) Casino to D2 Amusement centre or casino to C3 (subject to prior approval) (see also 2018 Order) Betting office or pay day loan shop to A1, A2, A3, D2 (subject to prior approval) Betting office or pay day loan shop to mixed use A1 and up to 2 flats (if a display window at ground floor level), or mixed A2 and up to 2 flats, or mixed use betting office or pay day loan shop and up to 2 flats Betting office, pay day loan shop or launderette to B1(a) offices (subject to prior approval) Betting office, pay day loan shop or launderette to C3 (subject to prior approval) Mixed use betting office, pay day loan shop or launderette and dwellinghouse to C3 (subject to prior approval) Mixed use betting office or pay day loan shop and up to two flats to A1 (if a display window at ground floor level), A2, betting office or payday loan shop Temporary permitted change (3 years) from betting office or pay day loan shop to A1, A2, A3, B1, public library, exhibition hall, museum, clinic or health centre (interchangeable with notification)
OTHER CHANGES OF USE	Agricultural buildings	Permitted change to C3 (subject to prior approval) (the provisions of the 2015 Order must be read with the provisions of the 2018 Amendment Order and 2019 Amendment Regulations) Flexible changes to A1, A2, A3, B1, B8, C1, D2 (subject to limitations and prior approval process): new use is sui generis Permitted change to state-funded school or registered nursery (subject to prior approval)

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