

Enquiries to:
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Date: 12th August, 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, 20th August, 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 30th July, 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 13)**. Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT

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

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

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

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

30th July, 2019

A meeting of the Planning Applications Committee was held in the Council Chamber of the Town Hall, Nuneaton on Tuesday, 30th July, 2019.

Present

Councillor W. Hancox – Chair

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

Apologies from Councillors I. Lloyd, B. Pandher and K. Wilson (Vice-Chair).

PLA17 **Chair's Announcements**

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

PLA18 **Minutes**

RESOLVED that the minutes of the meeting held on the 2nd July, 2019, be confirmed and signed by the Chair.

PLA19 **Declarations of Interest**

Councillor R. Smith declared that he was a resident living in the area in regards to Planning Application Nos 035486 and 035487, and that as a resident had been invited and attended Weston Hall Hotel when a noise assessment had been undertaken.

Councillor C. Watkins declared an Other interest in regards to Planning Application Nos 035486 and 035487 having attended events at the premises and also received support for Mayoral Charity fundraising during his term as Mayor in 2018-2019.

Councillor C. Watkins also declared an interest in respect of Planning Application Nos 036305 and 036338, being the Portfolio Holder for Housing and Communities.

Councillor J. Sheppard declared an interest in regards to Planning Application No. 035037, being a Director of Wembrook Community Centre.

Councillor J. Tandy declared that she had previously voted against a Planning Application in regards to the land north of Gypsy Lane, Nuneaton, and had made a statement that should it come back to Committee again she would vote against it. Councillor Tandy left the Chamber when Planning Application No. 035037 was discussed and did not take part in the vote.

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

PLA20 **Declarations of Contact**

Councillors J. Tandy and A. Sargeant declared that they had attended a meeting with residents in regards to Planning Application No 036338, but that they had not given any indication of their voting intention.

Councillor C. Watson declared that he had had contact with residents in regards to Planning Application No. 036338, but that he had not given any indication of his voting intention.

IN PUBLIC SESSION

PLA21 **Planning Applications**

(Note: Names of the members of the public who spoke are recorded in the Schedule)

RESOLVED that Standing Orders be suspended with reference to Procedure Rule 4A.8, to enable all items of business on the agenda to be concluded.

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.

PLA22 **Any Other Business**

None

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED MATTERS REFERRED TO IN MINUTE PLA21 OF THE PLANNING APPLICATIONS COMMITTEE ON 30TH JULY, 2019

035486: Weston Hall Hotel Weston Lane, Bulkington
Retention of marquee in connection with the hotel use
Applicant: Mrs Megan Evans

Speakers: Mr S. Evans
Mr A. Allfray

DECISION

Contrary to Officer recommendations, the Committee were minded to grant Planning permission on the grounds that following the site visit, the Committee consider that the retention of the marquee will not have an impact on the neighbouring property, however the Committee requested that the following conditions apply:

- a) The use shall not commence until a Noise Management Plan has been submitted and approved in writing by the Council and the actions in the agreed Noise Management Plan are carried out during the time the marquee is in place.
- b) The marquee shall not be used for entertainment including live or amplified music other than between the hours of 10 am until 11pm and the marquee shall be vacated by the guests by 11:30pm.
- c) The marquee shall be removed and the land restored to its former condition within three years of the date of this consent.

035487: Weston Hall Hotel Weston Lane Bulkington Bedworth CV12 9RU
Listed Building Consent for the retention of marquee in connection with the hotel use
Applicant: Mrs Megan Evans

Speakers: Mr S. Evans
Mr A. Allfray

DECISION

Listed Building consent be granted, subject to the conditions printed in the agenda.

036305: Garage Site, Pinetree Road, Bedworth, Warwickshire
Erection of 10 no. dwellings comprising 6 no. houses and 4 no. apartments(existing garages to be demolished)
Applicant: Mrs Dawn Dawson

Speaker: Mr J. Roberts – RG & P Ltd

DECISION

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

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

Applicant: Trenport Investments Limited

Speakers: Councillor K. Kondakor
Mr A. Wintersgill – David Lock Associates

DECISION

That the decision be deferred to a future meeting of the Committee, to facilitate further discussions between Officers and the applicant / agent to aim to resolve the dispute regarding planning contributions requested by Parks and Countryside and the Sports Development Team.

036280: Unit 2 Weddington Terrace Nuneaton Warwickshire CV10 0AG Erection of a containerised biomass boiler facility incorporating boilers, flue stacks, fuel stores and plant room

Applicant: Nuneaton Roof Truss Ltd

Speakers: Councillor K. Kondakor
Mrs M. Kondakor
Mrs R. Pullen
Mr T. Cox – GP Planning Ltd

DECISION

Planning permission be granted, subject to the conditions printed in the agenda and addendum, with the following additional condition: No biomass fuel material shall be used from off-site sources, other than those specified in condition 4.

036338: Site 63C002 - Land between 10 and 12 Roxburgh Road, Nuneaton Erection of 8 flats in 2no. two storey blocks

Applicant: Mrs Dawn Dawson

Speakers: Mr S. Prince
Mrs Riley
Mr J. Roberts – RG & P Ltd

DECISION

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

035826: Site 106a014 -The British Queen PH King Street, Bedworth
Conversion of existing public house and three-storey extensions to create 13 flats
(including vehicular access) (resubmission following previous approval for 12 flats)
Applicant: Mr V Bikumandla

DECISION

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

034901: Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH
Redevelopment of existing land for up to 92,904 sqm of B2 (General industrial) and
B8 (Storage and distribution) floorspace including associated engineering and ground
modelling works, vehicular access, landscaping, sustainable drainage, car parking
and all ancillary enabling and infrastructure works (including demolition of existing
buildings) (Outline including access)
Applicant: The Arbury Estate

Speakers: Councillor K. Kondakor
Mr A. Weaver
Ms S. Lucas – Savills

DECISION

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

036337: Site 104A012 - 18 and 19 The Limes Bedworth
Remove trees known as T24 (Rear of number 18) and T25 (Rear of number 19) of
Tree Preservation Order 5/92
Applicant: Ms Emma Medcalf

DECISION

Permission be granted for the tree works to be carried out, 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 Representative of the following Outside Bodies: <ul style="list-style-type: none"> • Hospice Charity 	

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

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

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

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	W.J. Hancox		Unite the Union Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group • Hammersley Smith & Orton Charity 	
	A. Llewellyn-Nash	Employee of BMI Healthcare	Treasurer of Exhall Multi-cultural Group Representative of the following Outside Bodies: <ul style="list-style-type: none"> • Hospice Charity 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	I. Lloyd	Employee of Jaguar Land Rover	<p>Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton & Bedworth Sports Forum • Camp Hill Urban Village and Pride in Camp Hill • Poor's Piece Charity • Committee of Management of Hartshill & Nuneaton Recreation Group 	Dispensation to speak and vote
	B.J. Longden		<p>Daughter and son-in-law work in the NHS</p> <p>Member of the Stockingford Community Centre</p> <p>Ex-Officiate of the Veterans Contact Point Board</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Trust – Public/User Board • George Eliot Hospital NHS Foundation Trust Governors • Armed Forces Covenant Meeting • Astley Charity 	
	B. Pandher		<p>Member of Warwickshire County Council</p> <p>Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple;</p> <p>Coordinator of Council of Sikh Temples in Coventry;</p> <p>Secretary of Coventry Indian Community;</p> <p>Trustee of Sikh Monument Trust</p> <p>Vice Chair Exhall Multicultural Group</p>	
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	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
20th August 2019

Applications for Planning Permission etc.
Agenda Item Index

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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		

PREVIOUSLY CONSIDERED

Item No. 1

REFERENCE No. 035037

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

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

Applicant: Trenport Investments Limited.

Ward: WB.

RECOMMENDATION:

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

REASON FOR DEFERRAL:

Members will recall deferring this application at their last meeting to enable Officers to further discuss section 106 contributions towards Sport Development Funding and Play and Open Space monies, specifically the contribution towards the destination park. The applicant has indicated that they are not willing to consider these requested contributions and would wish for you to determine the application before you.

The Policy Situation

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

Policy SA1- Development principles on strategic sites and includes;

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

The justification for this policy states as follows;

Community, sports and physical activity facilities.

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

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

7.19 Sport, physical activity, play and open space facilities should relate well to each other and to existing areas and the new facilities and space should be

safe, convenient, accessible, well designed, and easy to maintain and function well.

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

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

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

Policy HS6 Sport and Exercise

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

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

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

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

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

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

- plan positively for the provision and use of shared space, community facilities such as sports venues to enhance the sustainability of communities and residential environments, and

- ensure an integrated approach to considering the location of housing, economic uses, and community facilities and services.

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

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

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

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

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

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

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

Policy NE2 – Open Space

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

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

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

and;

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

With the supporting text highlighting at 12.23 that; The Open Space Strategy

recognises the need for children and young people to have access to play provision and teenage facilities to meet their needs. Quality, quality and accessibility standards are linked to the hierarchy of open space standards.

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

Financial contributions towards Sport and Physical activity:

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

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

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

Borough Plan Evidence Base

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

INTRODUCTION:

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

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

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

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

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

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

BACKGROUND:

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

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

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

- Access – accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Although the detailed form of the proposed arrangements for vehicular access is, however, submitted for approval at this stage.
- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- Scale – the height, width and length of each building proposed in relation to its surroundings; and
- Appearance – the aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences and walls.

RELEVANT PLANNING HISTORY:

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

RELEVANT PLANNING POLICIES:

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

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

CONSULTEES NOTIFIED:

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

CONSULTATION RESPONSES:

Objection:

Canal and Rivers Trust, Inland Waterways, NBBC Parks,

No objection subject to conditions:

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

No objection from:

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

No response from:

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

NEIGHBOURS NOTIFIED:

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

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

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

NEIGHBOUR RESPONSES:

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

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

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

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

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

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

APPRAISAL:

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

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

1. The principle of the development

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

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

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

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

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

2. Visual amenity and landscape character

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

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

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

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

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

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

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

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

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

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

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

3. Residential amenity

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

4. Affordable housing

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

The Borough’s need for affordable housing as confirmed by Strategic Housing Manager on the 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 (TA) (reference PH/DF/WH/ITB8112-006A_R). The TA assesses the highways and transport implications of the proposed development on the application site on Gipsy Lane.

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

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

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

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

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

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

6. Archaeology

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

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

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

7. Flood Risk

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

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

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

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

It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

8. Contamination

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

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

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

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

9. Air Quality

Policy HS2 part C refers to the need to consider the impact to Air Quality Management Areas (AQMA). Similarly paragraph 181 of the NPPF (2018) states that decisions should take into account AQMA's. The nearest AQMAs are located in the centre of Nuneaton approximately 2.5 km north of the application site. The first of these is along the Leicester Road Gyratory, and the other covering Central Avenue. Subsequent to declaring the AQMA the Council produced an Air Quality Action Plan setting out measures to improve air quality within the town.

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

The report concludes that operation of the completed development is predicted to result in a Slight increase in air quality with pollution concentrations remaining below the UKAQS AQSs at 15 of the 17 existing receptors. Pollution concentrations are predicted to be well below the Air Quality Standards (AQSs) at the application site. The introduction of receptors to the area as part of the proposed development would therefore not increase exposure to poor air quality within the town of Nuneaton. The development will comply with all relevant national and local planning policies as it is not expected to cause any negative air quality impacts.

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

10. Noise

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

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

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

11. Local centre

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

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

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

12. Ecology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Trees and arboriculture

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

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

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

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

14. Green infrastructure improvements

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

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

15. Planning obligations

Policy HS1 of the Borough Plan 2019 states that; development will be required to provide infrastructure appropriate to the scale and context of the site in order to

mitigate any impacts of the development, and address the needs associated with the development.

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

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

Paragraph 91 and 92 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

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

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

Key Development Principles

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

Turnover Bridge

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

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

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

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

CIL Compliancy:

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

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

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

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

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

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

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

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

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

- a) Layout;

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

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

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

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

Plan Description	Plan No.	Date Received
Site Location Plan	TIL002-001 rev D	9th August 2018
Parameter Plan	TIL002-005 rev J	10th April 2019
Access Arrangement Plan	ITB8112-GA-012/013	27th July 2017

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

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

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

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

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

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

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

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

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

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

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

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any

attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods to a maximum of the greenfield runoff rate, the max rates allowable would be 2.6l/s/ha for the site, with a further control at the Qbar greenfield rate of 1.88l/s/ha, as detailed in the FRA.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Finished floor levels are set no lower than 150mm above existing ground level.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

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

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

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

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

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

16. No phase of the development hereby permitted shall commence until a scheme has been submitted to and approved in writing by the local planning authority giving details of all existing trees and hedgerows within or adjoining that phase, any to be retained, and measures for their protection in the course of the development which is to be carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. No tree or hedgerow other than so agreed shall be removed, and no construction works for that phase shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

17. No development shall take place until details of the layout of the New Strategic Public Open Space shown on the Parameter Plan, including the Community Park, and ecological and landscaping enhancement areas, the associated boundary details (including fencing), paths / cycle paths, surfacing, drainage, bins, seating, signage and notice/information boards, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Council.

18. The details required by condition 1(e) (The Landscaping Reserved Matter) shall be carried out within 12 months of the commencement of the relevant phase of the development and subsequently maintained in the following manner: Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.

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

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

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

21. No development shall commence until a site investigation to determine the gas regime and the extent of any land contamination associated with the on-site recorded historic landfill site has been carried out and the results submitted to the Council, along with the details of any remedial measures. No development shall commence until either (a) the Council has agreed in writing that no remedial measures are required, or (b) details of remedial measures have been approved in writing by the Council, in which case the works shall not be carried out other than in accordance with the approved details.

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

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

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

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

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

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

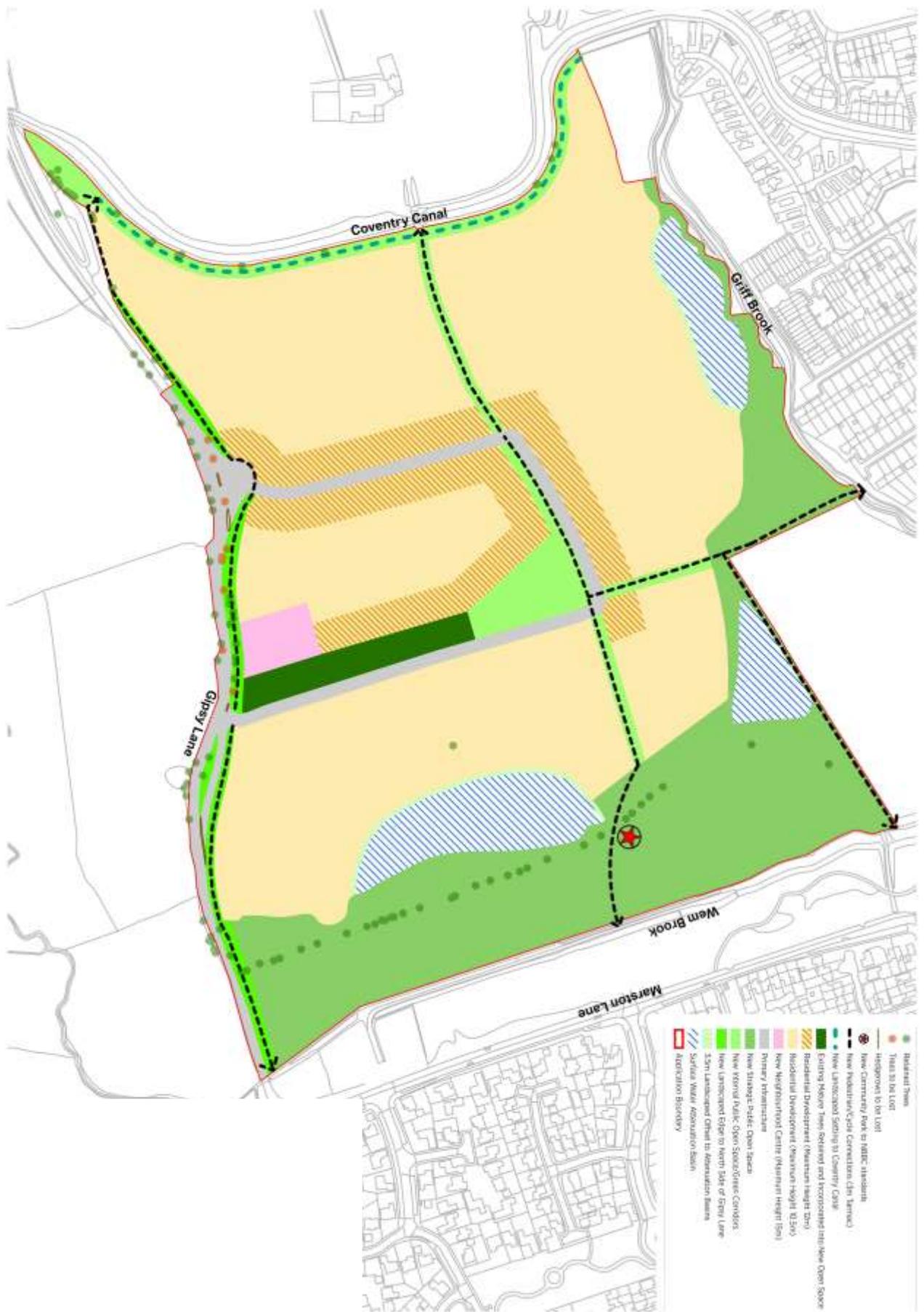
25. No plot shall be occupied until the ducting to that plot to enable the future provision of electric vehicle (EV) car charging has been installed.

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

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



Site Location



Parameters (Indicative) Development Plan

SCALE BAR @ 1:2500
0 50 100 250



Road Works to Straighten Gipsy Lane

PLANNING APPLICATIONS

Item No. 2

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 Leylandi 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 red-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 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:

- 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:

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

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 have objected to the proposal on three separate points. 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 resolved 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

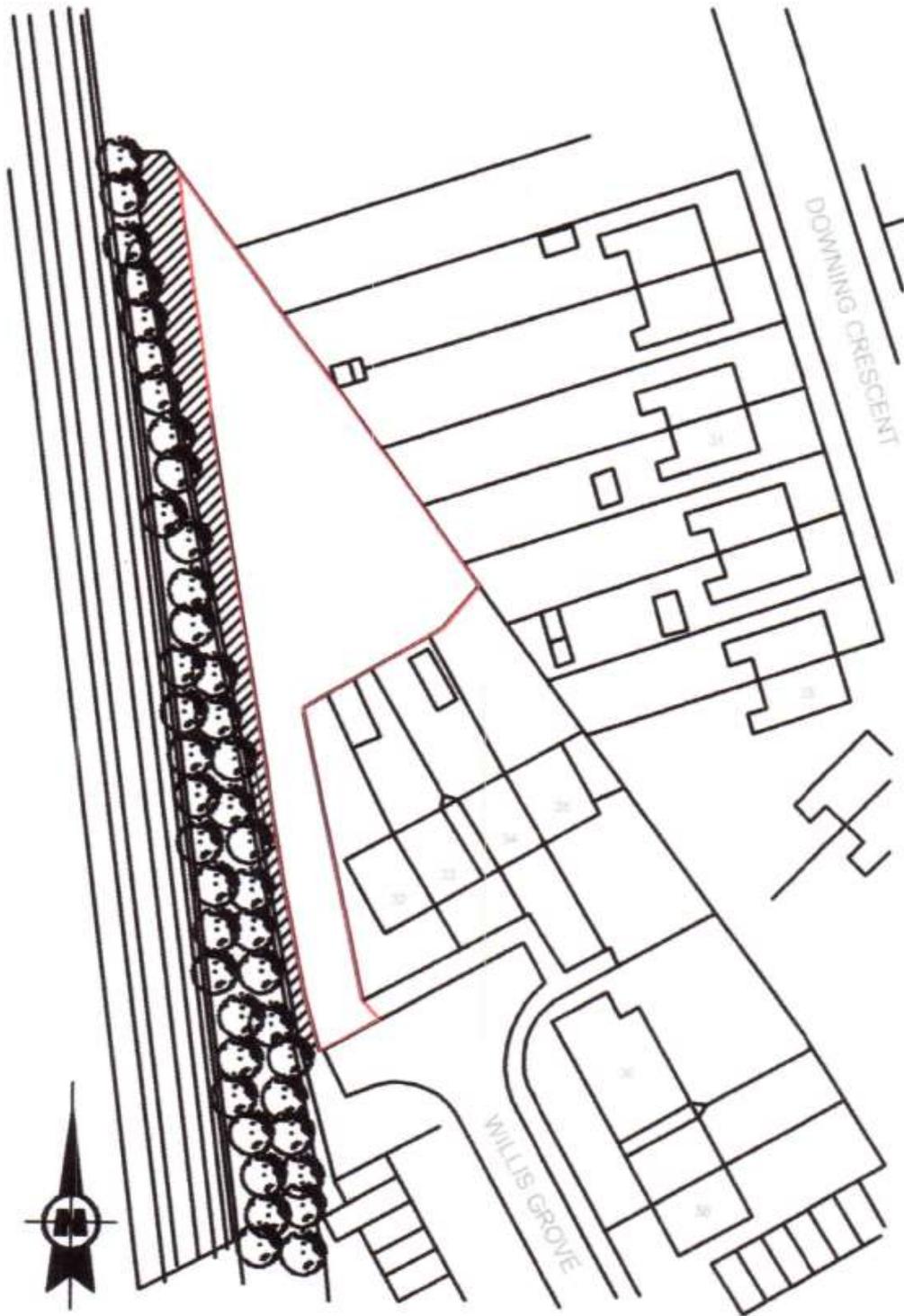
All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

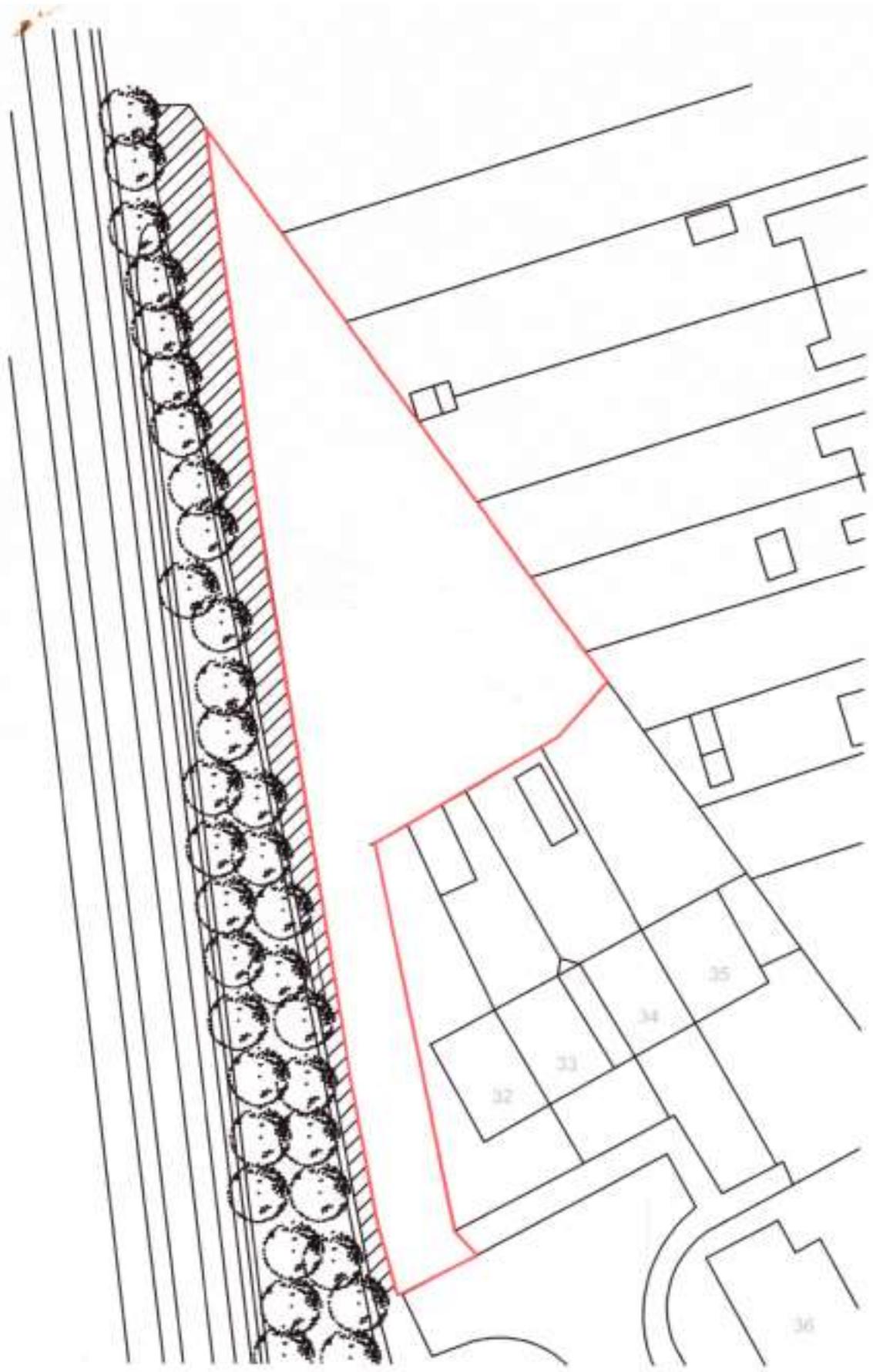
(v) The proposal is contrary to these policies in that the proposed windows in the eastern elevation will result in a sense of overlooking and loss of privacy to the rear gardens of 31, 33, 35, 37 and 39 Downing Crescent to the detriment of the enjoyment of these gardens (Contrary to guidance contained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

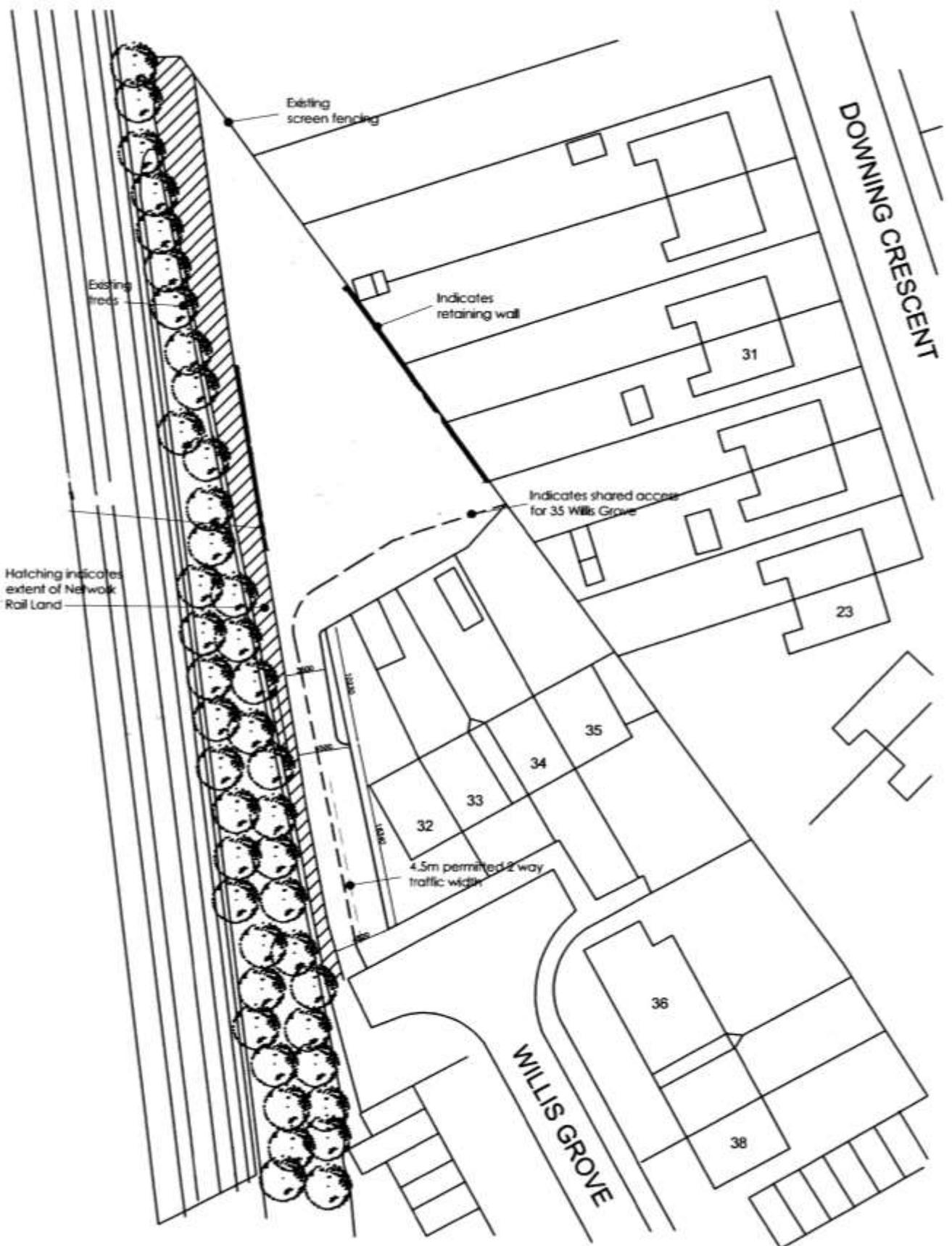
(vii) The proposal is contrary to these policies in that it has not been demonstrated that there would not be a severe detriment to the highway safety of the area.



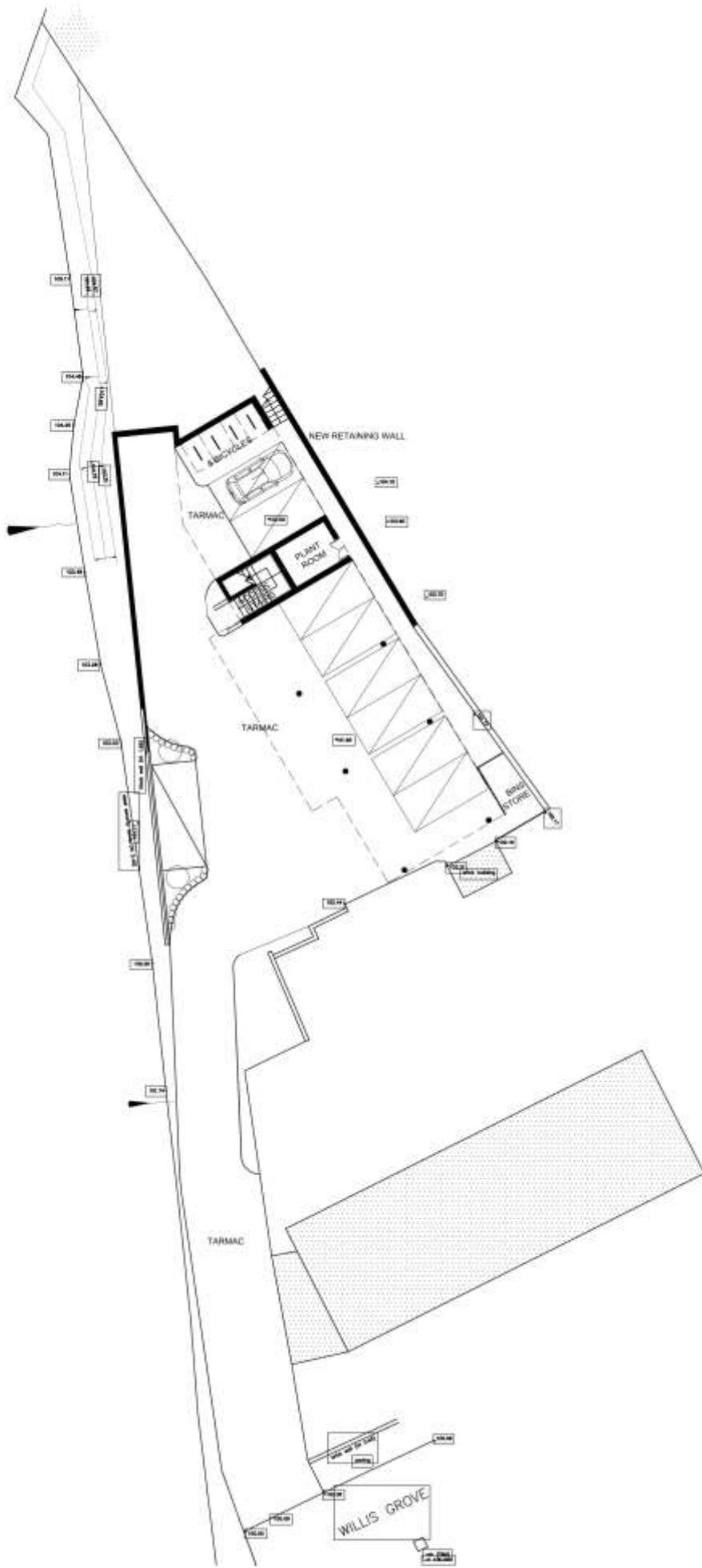
LOCATION PLAN - 1:1250



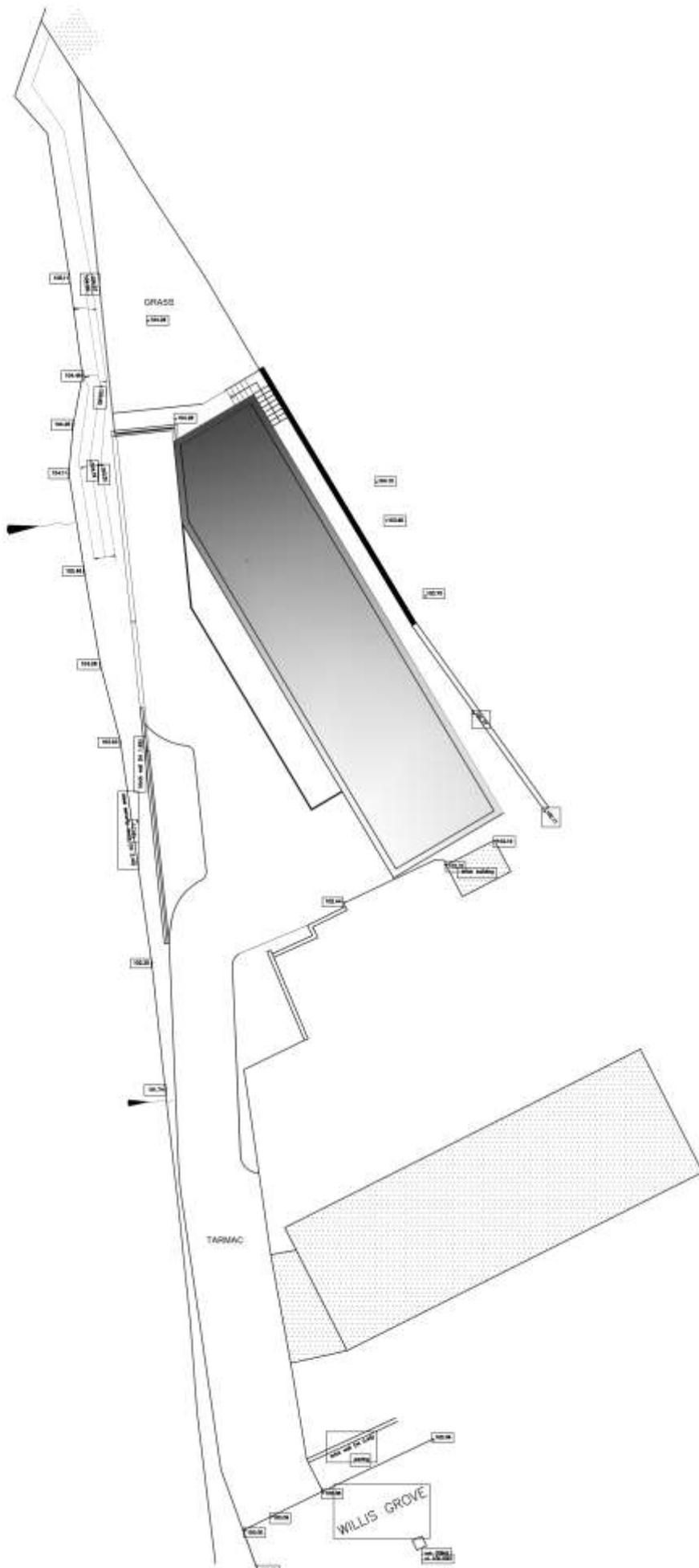
BLOCK PLAN - 1:500



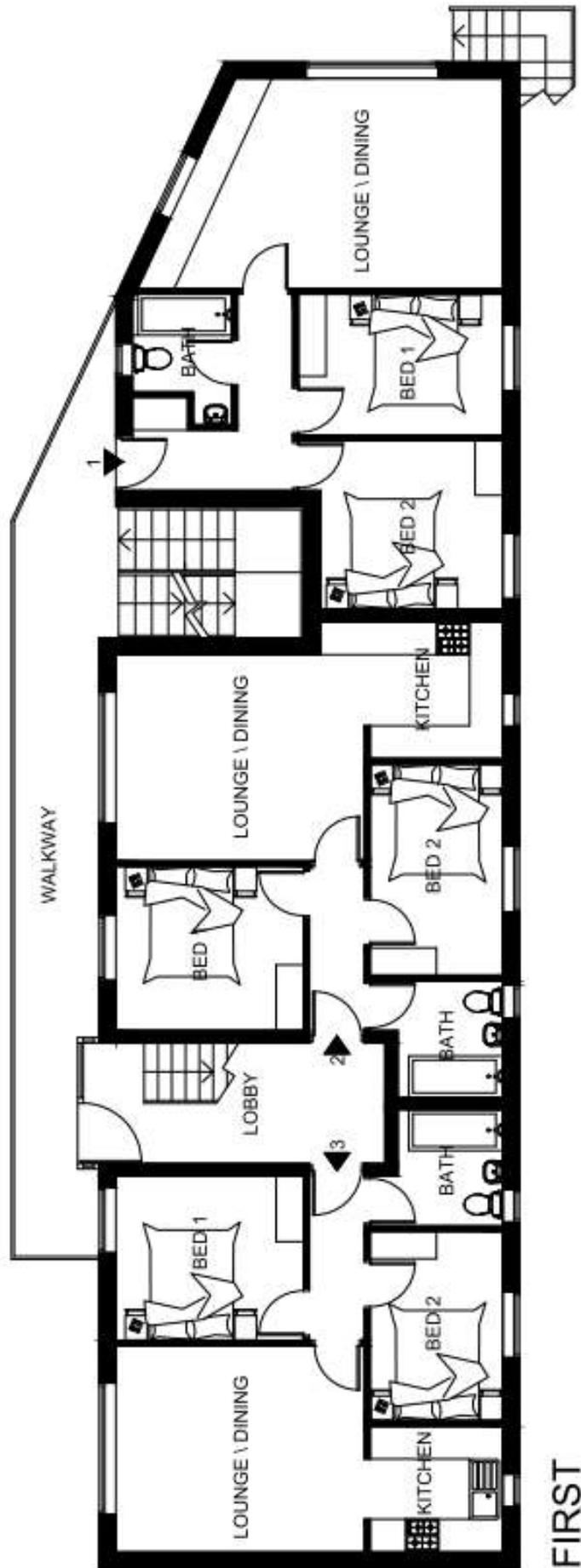
SITE LAYOUT PLAN - 1:500



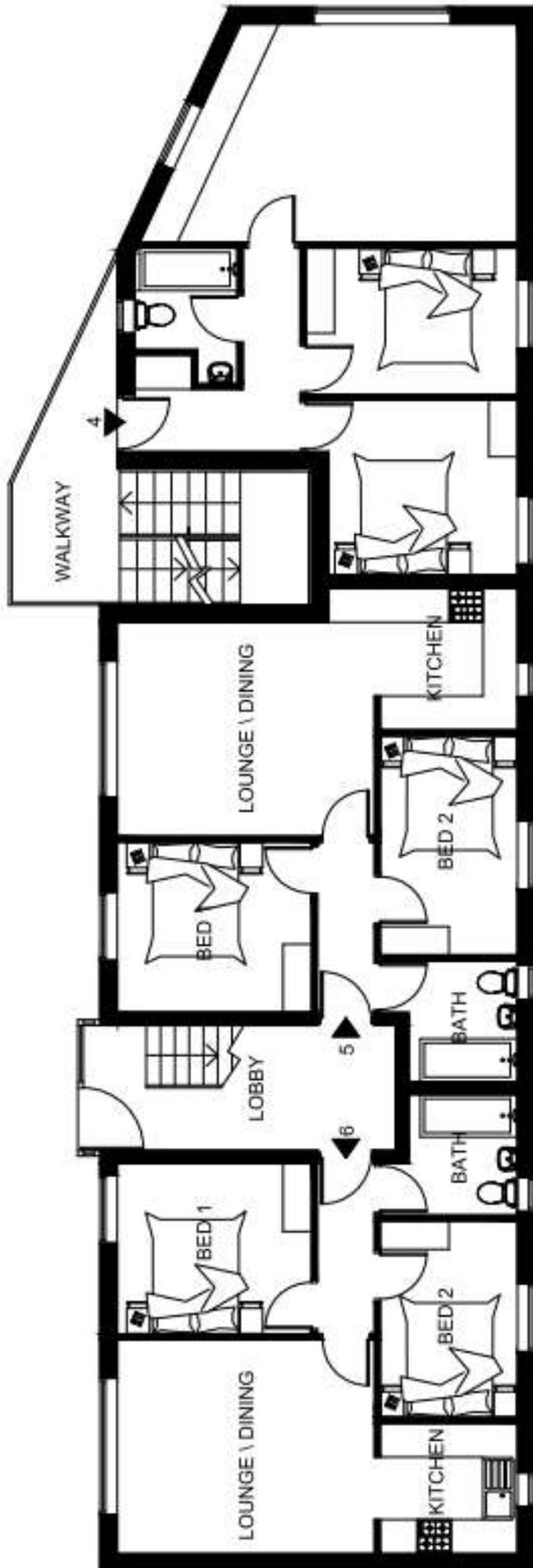
Ground Floor/Access



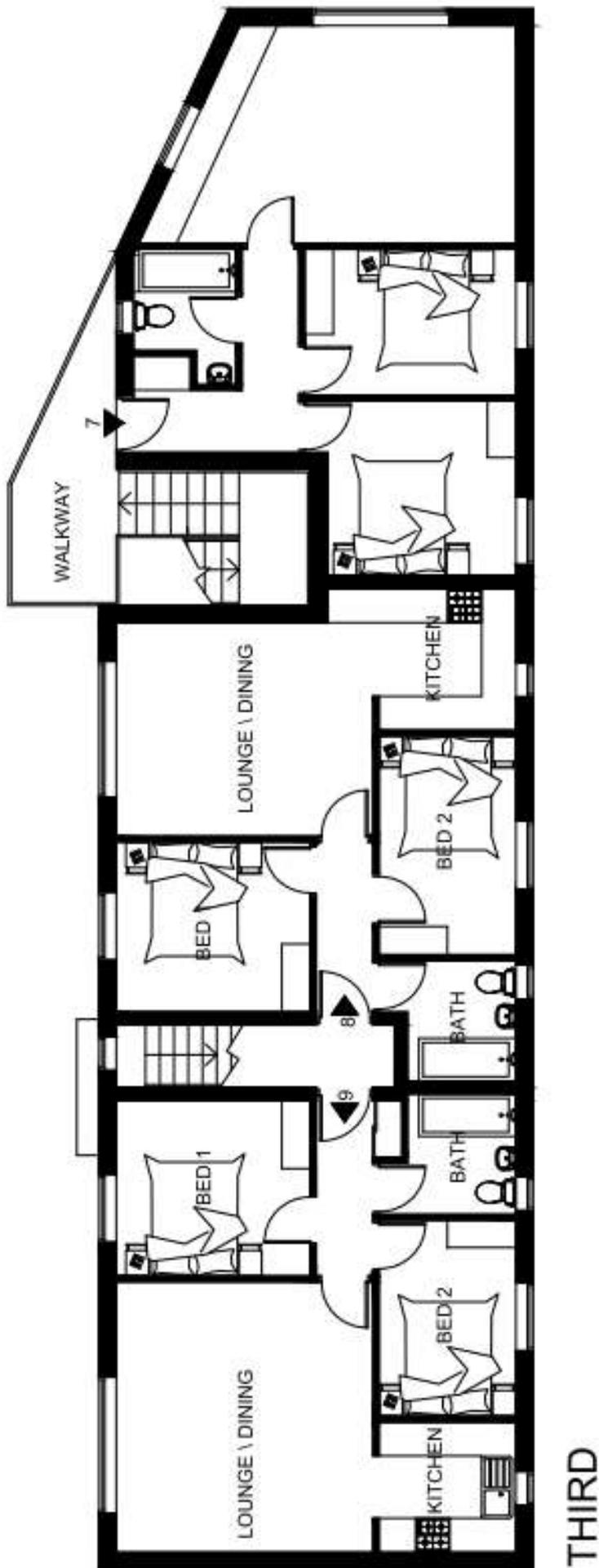
Proposed Site



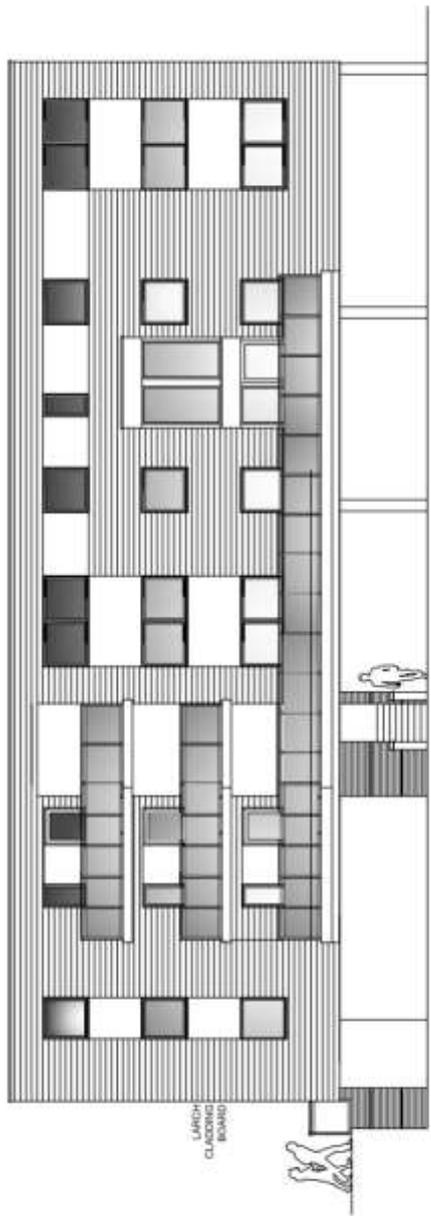
Proposed First Floor Plan



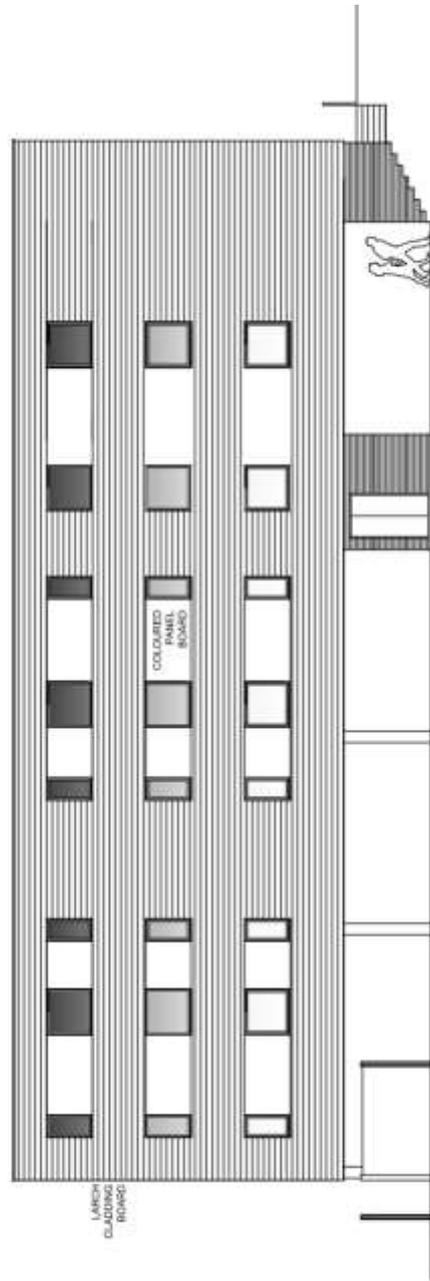
Proposed Second Floor Plan



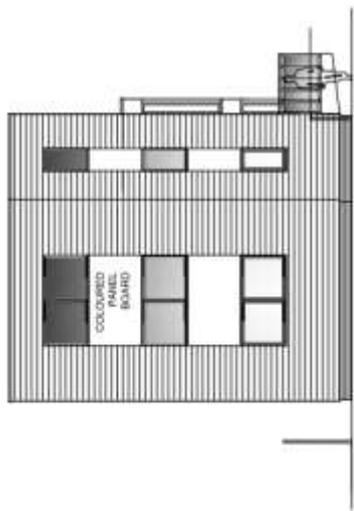
Proposed Third Floor



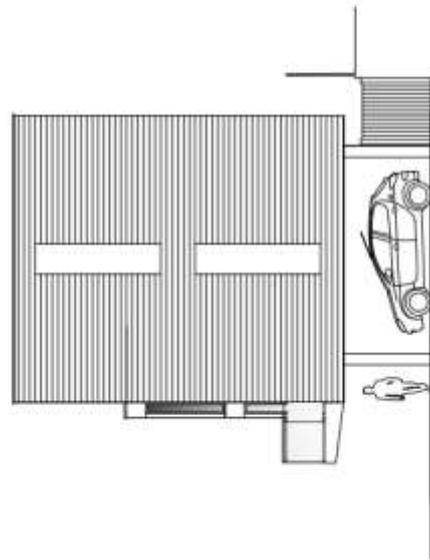
FRONT



REAR



SIDE



SIDE

Proposed Elevations

REFERENCE No. 036452

Site Address: Smithfields, 157 Coventry Road, Bulkington, CV12 9NB

Description of Development: Erection of one residential dwelling. Outline to include access

Applicant: Mrs D Smith

Ward: BU

RECOMMENDATION:

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

INTRODUCTION:

The application site is located in the Warwickshire Green Belt, which is part of the wider West Midlands Green Belt. To the west is No.159 Coventry Road and to the east is open land, which has recently been granted planning permission for 6 dwellings, and further on is No.151 Coventry Road.

This application is for the erection of 1 dwelling. It is an outline application to include access. Whilst this is an outline application, illustrative plans show a detached 4 bedroom dwelling. Notwithstanding, no further details are provided, other than that access will be to the front. The site is currently occupied by one mobile home, which has temporary planning permission until 23 May 2021.

BACKGROUND:

This is an outline application for the erection of 1 no. dwellings. The following matters are to be considered at this stage:

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

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

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

The site is adjoined by land which was granted outline planning consent for 6 residential dwellings in October 2018 (035756). Planning Policy recommended refusal based on inappropriate development within the Green Belt. The application was determined by Planning Applications Committee where it was found that there were special circumstances as the development would be limited infilling and improve a small area of land and would be in keeping with the existing pattern of development. Approval of the reserved matters was granted March 2019 (036155).

RELEVANT PLANNING HISTORY:

- Appeal, ref: APP/W3710/W/17/3181561, allowed 23rd May 2018.
- Planning application 034843 for continued use of land for residential purposes for 1 No gypsy pitch comprising a dayroom and the siting of caravans, together with the retention of ancillary hardstanding and boundary fences. Refused 4th July 2017.

The Development Plan for the area relevant to this application is the Nuneaton and Bedworth Borough Plan 2019. The relevant policies to this application are DS1, DS7 and BE3, and the Residential Design Guide 2004 Supplementary Planning Document. The National Planning Policy Framework February 2019 and National Planning Practice Guidance are also material considerations in the determination of this application.

RELEVANT PLANNING POLICIES:

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019:
 - DS1: Presumption in Favour of Sustainable Development,
 - DS7: Green Belt,
 - BE3: Sustainable Design and Construction
- Residential Design Guide 2004.

CONSULTEES NOTIFIED:

NBBC Planning Policy, NBBC Refuse & Cleansing, Severn Trent Water and WCC Highways,

CONSULTATION RESPONSES:

No Objection

NBBC Planning Policy

No Objection Subject to Conditions
WCC Highways

Objection

NBBC Refuse & Cleansing—concerned with no provision of refuse bins.

NEIGHBOURS NOTIFIED:

149 and 159 Coventry Road, Bulkington.

Neighbouring properties were sent letters notifying them of the proposed development on 6th June 2019.

NEIGHBOUR RESPONSES:

There have been no neighbour objections.

APPRAISAL:

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

1. The appropriateness of the proposed development in the Green Belt including the impact on the openness, character and visual amenity of the Green Belt.,
2. Residential amenity.
3. Visual amenity.
4. Highway safety.
5. Presumption in Favour of Sustainable Development.
6. Conclusion.

1. The appropriateness of the proposed development in the Green Belt including the impact on the openness, character and visual amenity of the Green Belt.

The application site lies within the West Midlands Green Belt, where, in line with paragraphs 143 and 145 of the NPPF, Policy DS7 of the Borough Plan 2019 (BP) makes it clear that there is a general presumption against inappropriate development in the Green Belt, which by definition is harmful unless very special circumstances demonstrate otherwise or such harm is outweighed by the benefits of the proposal.

Paragraph 145 of the National Planning Policy Framework (NPPF) sets out certain types of development which are acceptable within the Green Belt. Two of these criteria could relate to this application:

“limited infilling in villages” and

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)”.

One of these relates to “limited infilling in villages”. The application site is considerably outside the boundary of the urban area of Bulkington. Consequently, the proposal cannot be considered as a small infill in the village.

The other possible criterion refers to “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)”. The key phrase in this criterion is “excluding temporary buildings”. The application site currently has temporary permission for the continued use of land for the residential purposes of 1 gypsy pitch comprising a dayroom and the siting of caravans, together with the retention of ancillary hardstanding and boundary fences. The temporary permission is for a period of three years, which is to lapse in May 2021, after which time the permitted use shall cease and all caravans, building, structures, materials and equipment brought onto the land, or works undertaken on it, shall be removed and the land restored to its original condition before the development took place.



Photo 1: Site as existing



Photos 2 and 3: Site prior to development and temporary permission

As the photographs 2 and 3 show, the site was a greenfield site within the Green Belt. Therefore, whilst it may appear at present the site is previously developed land, it is not, as Condition 3 of the Appeal Decision requires that the site is restored to its original state i.e. that of a non-developed greenfield site. Consequently, the second criterion is not applicable to this site.

Further, paragraphs 143 and 144 of the NPPF, and Policy DS7 of the Borough Plan 2019, state that when considering any planning application, substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This application has no supporting documentation that demonstrates any very special circumstances exist that outweigh harm, by reason of inappropriateness, and impact on the openness of the Green Belt. Consequently, the proposal is contrary to both national and local policy.

However NBBC's Planning Policy Team were consulted and stated that they have no objection to the proposal. The Policy Team concluded that Permission granted to the land adjacent to the proposed site has diluted the purpose of the Green Belt in this area. There is no policy reference point to determine if special circumstances exist to allow development in the Green Belt, such decisions are based on 'planning judgement'. Objectively assessed against the policies within the Borough Plan and the NPPF, the application fails to address the issues related to the Green Belt. However, weight should be given to the outline permission granted for 6 residential properties on land adjacent to the proposed site. The proposal can therefore be seen as limited infilling. Planning Policy have no objections to the application.

It should be made clear that Planning Policy's response is centred around the planning permission for six dwellings within the adjacent site. Indeed, no development has taken place on this site yet, and whilst there is a good chance of the site being built out, there remains the possibility that it will not. Consequently, it is not appropriate to consider the purposes of or any harm to the Green Belt should be viewed as being diluted on account of a previous permission adjacent to this site. Rather, the Green Belt should be viewed and carried out in full force of its objectives to prevent inappropriate development from harming the Green Belt, unless very special circumstances, which have not, demonstrate that such harm will be outweighed by the benefits of the development.

Impact on Openness of the Green Belt

Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Whilst the site currently is not an open field, it was prior to the occupation of the caravan and associated works carried out on the site. Moreover, once the temporary permission expires all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken in connection with the use shall be removed and the land restored to its original condition before the development took place.

The site currently maintains a gap between the two properties to the north-east (no's 149 and 151) and the rest of the ribbon development to the south-west, although much of this gap does have planning permission for six dwellings. It is considered that the loss of this remaining open gap would have a detrimental impact on the openness of the Green Belt and would introduce a permanent dwelling. Indeed, the

land to the south east predominantly open countryside, of which the application site adjoins, whereas No.159 screens views from Coventry Road to the south-west, Consequently, it is considered that the proposal would introduce development in an area which currently, once restored to its original condition, has an open feel and therefore would create a materially significant reduction to the openness of the Green Belt without demonstrating very special circumstances to outweigh the harm to the Green Belt.

Purposes of the Green Belt

Paragraph 134 of the NPPF sets out the five purposes of including land in the Green Belt. These are to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. It is considered that there is some conflict with the third purpose, to assist in safeguarding the countryside from encroachment. As already stated, the site currently maintains a gap between the two properties to the north-east (no's 149 and 151) and the rest of the ribbon development to the south-west. It is clear that the proposed development will encroach into the Green Belt. Moreover, not only will the dwelling encroach in to the Green Belt it will encroach deeper in to the Green Belt than the existing properties either side of the site, as indicated in the illustrative plans submitted with the application, which shows the detached property has greater depth and has a detached garage to the rear of the dwelling. Whilst the application is outline and substantive details regarding layout, size and type of dwelling are to follow, the indicative plans raise concerns that the proposal will create development in depth that would intrude further into the Green Belt.

Impact on Character and Visual Amenity of the Green Belt

In terms of the general character of the area, the present group of semi-detached properties is a small ribbon of development in the open rural gap between Bulkington and the outskirts of Coventry. Although public views of the site are relatively limited, they do exist. The form of the use proposed will be extensively set deeper in to the Green Belt well away from the road. Consequently, the proposal will result in moderate visual and spatial harm to the openness of the Green Belt and moderate harm to the character and appearance of the area.

2. The Impact on Residential Amenity

The relevant policy in the Nuneaton and Bedworth Borough Plan 2019 in assessing residential amenity is BE3: Sustainable Design and Construction, particularly the section on Urban Character, which states:

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 only property that the proposed dwelling could impact is No.159 Coventry Road, Bulkington. The side elevation facing the application site has no habitable room windows that need protecting. The existing window is a non-habitable bathroom window. As such there would be no impact on their residential amenity.

If this outline is approved, the reserved matters application will provide full details with regards to the layout, size, scale and fenestration of the dwelling. Therefore, at that stage, submitted details will allow for a more detailed analysis of the proposal and it will be expected that plans will provide enough information to determine whether the proposed development will allow for adequate living environment for future occupants and existing neighbouring residents.

3. The Impact on Visual Amenity

In relation to design and visual amenity, the RDG states that “Residential development, including small infilling and individual dwellings, should be designed to appear as part of an extension to an existing settlement. Whilst it is generally good practice for large areas of new housing to have a coherent and identifiable character, this should not be at the expense of the traditional settlement pattern. Local distinctiveness is best achieved by respecting the form, scale, architecture and materials of the local built environment where appropriate” (3.1).

In terms of visual amenity, the indicative layout provides an illustrative plan of how the dwelling might look. However, this could change. Consequently, a detailed assessment of the impact on the visual amenity will be undertaken at the reserved matters stage. Notwithstanding, it is expected that the final design and materials will be of a high quality and should have some connection with the existing neighbouring properties and that it accords with Borough Plan Policy BE3 and Section 8 of the Residential Design Guide.

4. Highway Safety

WCC Highways were consulted and stated that movements associated with one dwelling should not result in the capacity of the public highway network being exceeded and the location of the access appears acceptable. However, Highways note that there is a telegraph pole adjacent to the proposed access. As such the vehicular access needs to be a minimum of 500mm away from the pole to allow for the swept paths of vehicles leaving and entering the access. Highways further note that there is a supporting cable within the access. Consequently, it will be the applicant's responsibility to pay for all costs in moving the telegraph pole and support wires.

Alternatively the applicant may wish to consider moving the access to the other side of the plot to avoid the structures in the highway.

5. Presumption in Favour of Sustainable Development

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and

decision-taking. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The policies in the Borough Plan 2019 deliver the NPPF's core planning principles for local circumstances.

The Policy, DS1, states:

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

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

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

The Borough Plan 2019 was adopted in June 2019. It is therefore an up-to-date plan. In assessing this application policies from the NPPF have been used as well as from the adopted Borough Plan 2019. These policies indicate that the proposal is not in accordance with either. As such the development proposal would not be considered a sustainable development as the adverse impacts cannot be mitigated and there are no benefits to the proposal that demonstrably outweigh its detriment.

6. Conclusion

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

In summarising the above, it is considered that Planning Policy's comments carry moderate weight in favour of the application with reference to planning permission having been granted for six dwelling on land adjacent to the application site. Nonetheless, it has clearly not been demonstrated that the proposed dwelling will provide any positive benefits that can be considered as outweighing any harm to the Green Belt. This in itself weighs significantly against the proposal. Furthermore, the fact that the proposal does not meet any of the criteria in relation to limited infilling in the Green Belt ascribes further significant weight against the proposal to them.

In light of the above it is considered that the proposal is refused on the grounds of inappropriate development in the Green Belt and subsequent harm to it.

REASONS FOR REFUSAL:

1 (i) Paragraph 143 of the National Planning Policy Framework 2018 states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

(ii) Paragraph 144 of the National Planning Policy Framework 2018 states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

(iii) Paragraph 145 of the National Planning Policy Framework 2018 states: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

(iv) Green Belt policy, DS7, of the Borough Plan 2019 states (in part):

Development in the remaining Green Belt

To ensure the remaining Green Belt across the Borough continues to serve its fundamental aim and purpose, and maintains its essential characteristics, it will be protected by restricting development to only that which is considered by national planning policy as not inappropriate Green Belt development, except where very special circumstances can be demonstrated.

Proposals on previously developed sites in the Green Belt will be restricted to the limited infilling and redevelopment of previously developed land, and will be assessed in accordance with national planning policy.

Any development proposals considered not inappropriate for locating within the Green Belt should demonstrate how their plans will retain the five key purposes of the Green Belt.

Opportunities to enhance the beneficial use of the Green Belt will be approved, including opportunities to provide access, provide outdoor sport and recreation, retain

and enhance landscapes, provide visual amenity and biodiversity, or to improve damaged or derelict land.

2 (i) Policy DS1: Presumption in favour of Sustainable Development, of the Borough Plan 2019 states:

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

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

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

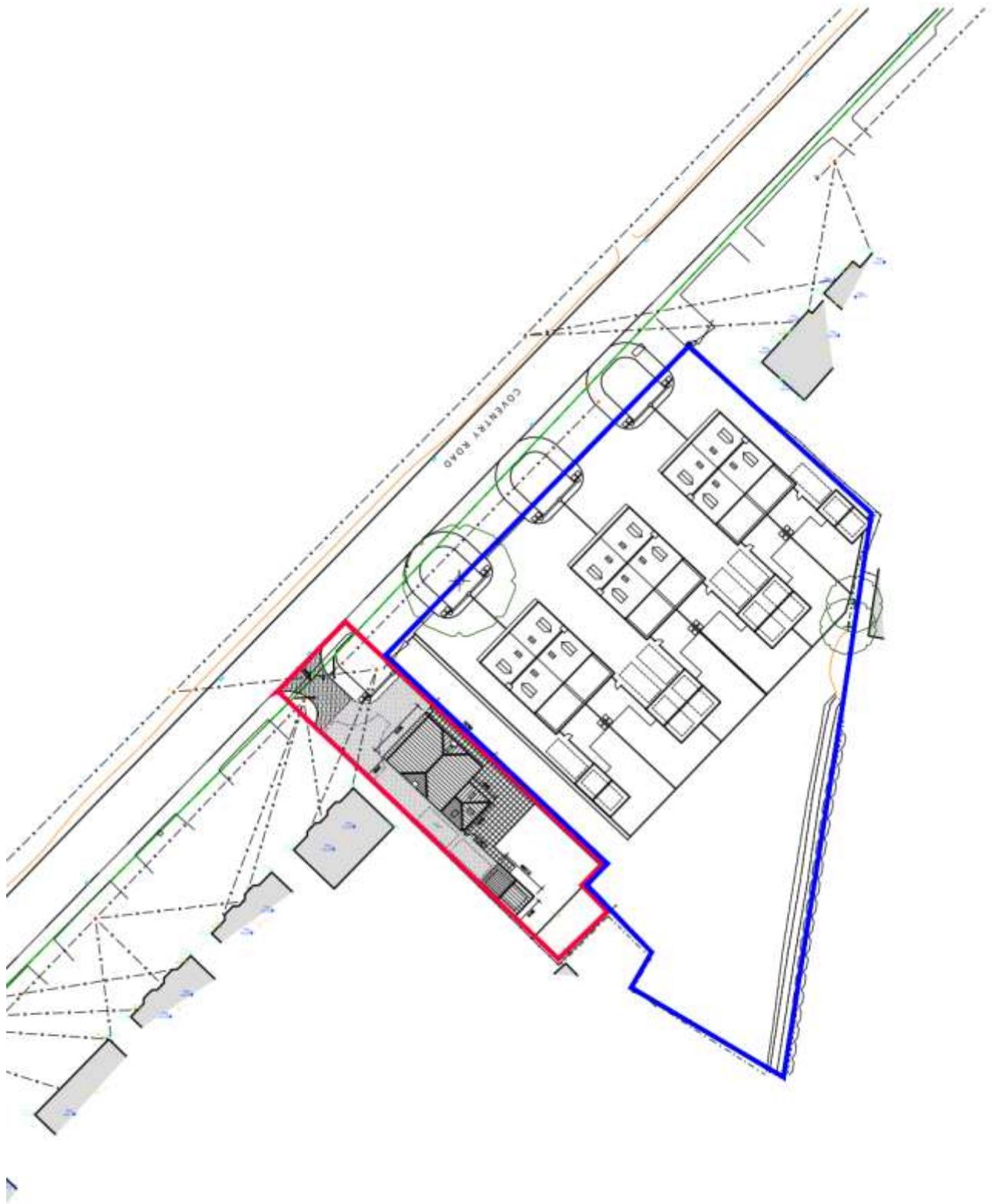
2 (ii) This application is contrary to the stated policies above in that it would constitute inappropriate development within the Green Belt. The proposals would have a material impact on the openness of the Green Belt and would lead to further encroachment within the Green Belt. It is not considered that very special circumstances exist which would outweigh the harm by reason of inappropriateness to the Green Belt. Additionally, the Borough Plan 2019 is an up-to-date plan with relevant policies pertaining to the application. Furthermore, it has not been demonstrated that in not adhering to these policies the development can achieve a sustainable development that outweighs any harm to the development plan.



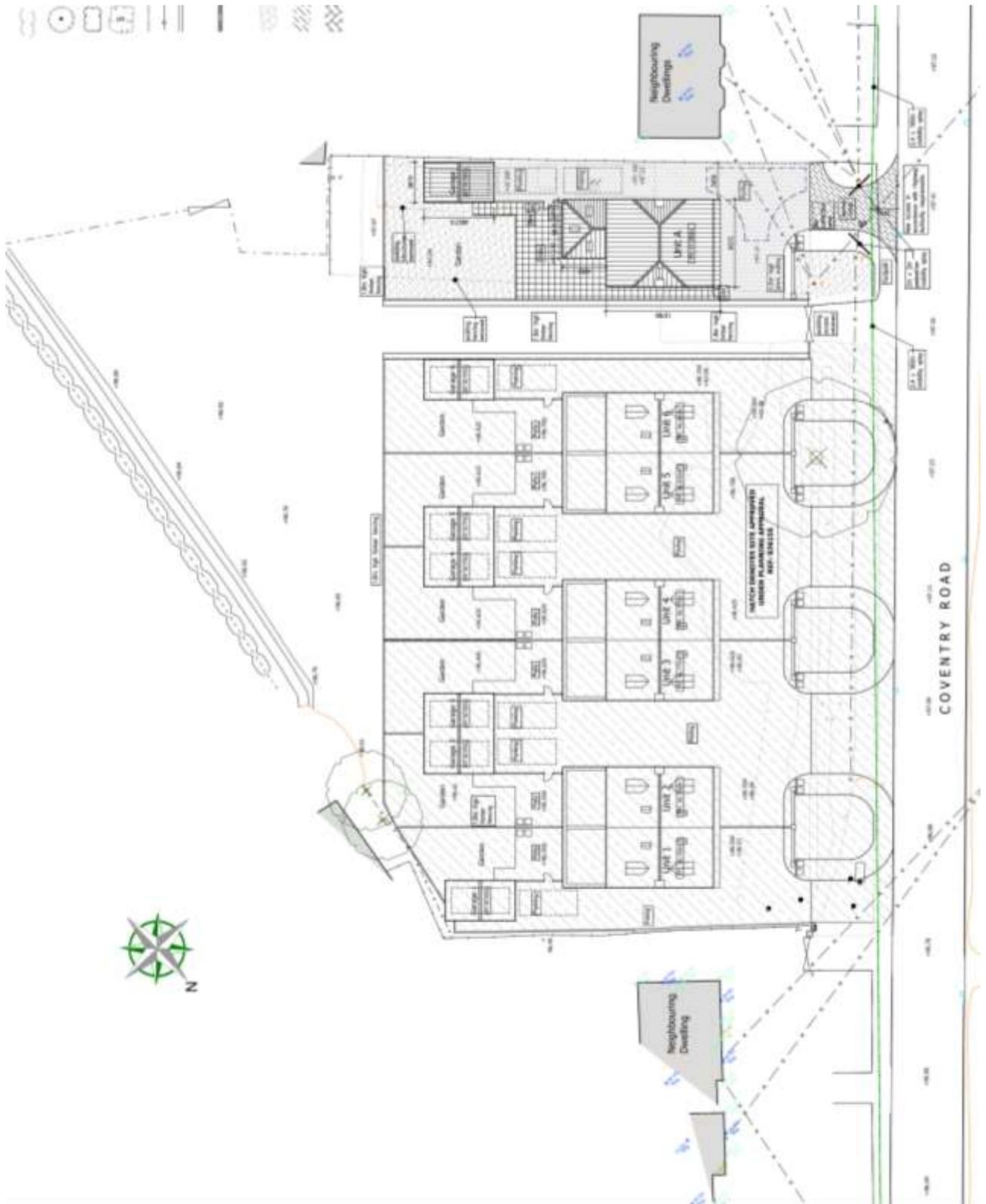
North



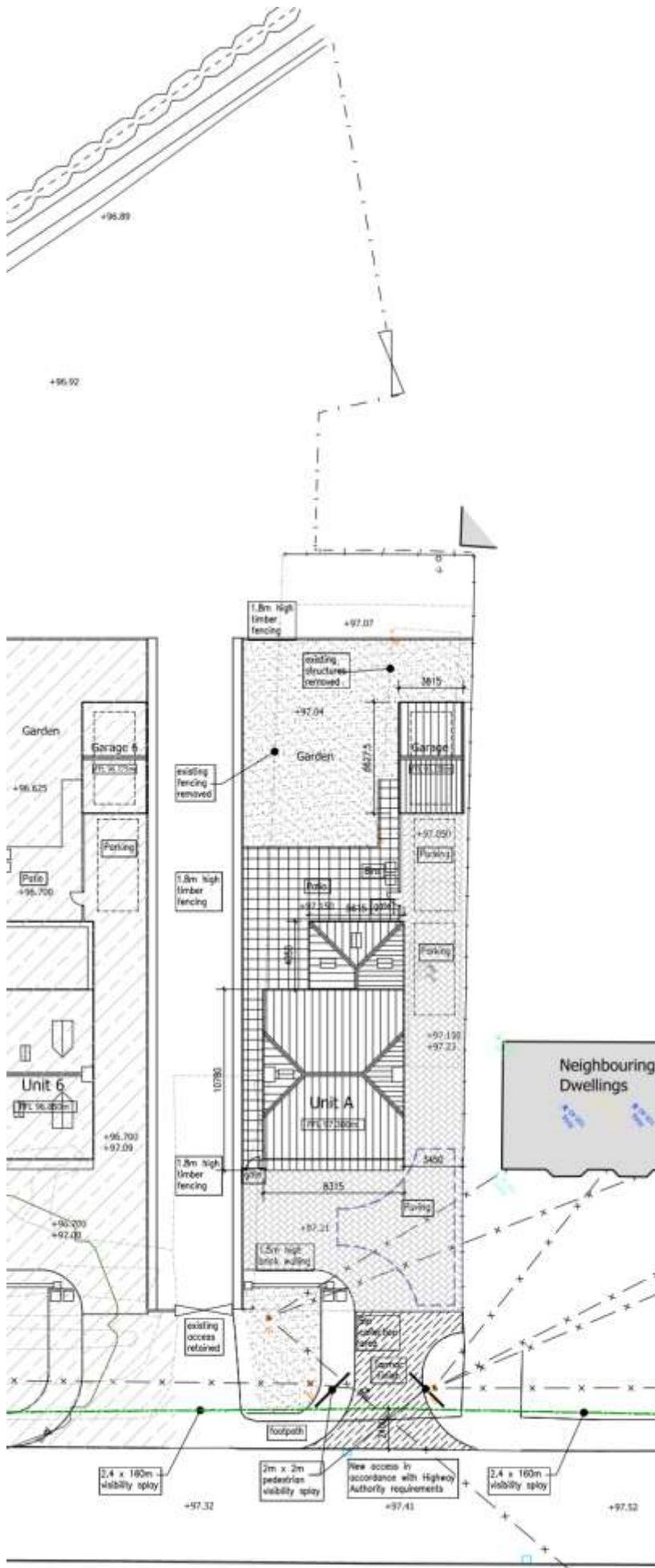
Site Location Plan



Block Plan



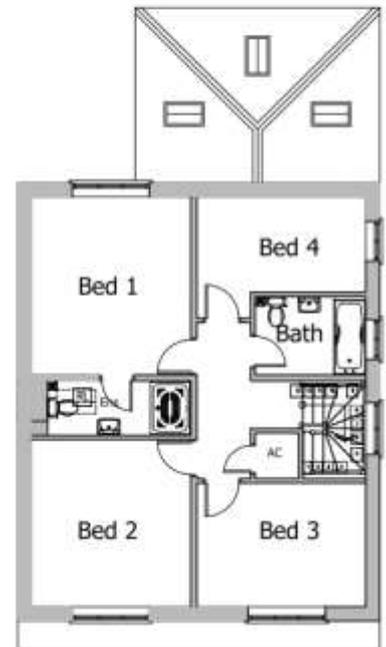
Illustrative Site Layout Plan



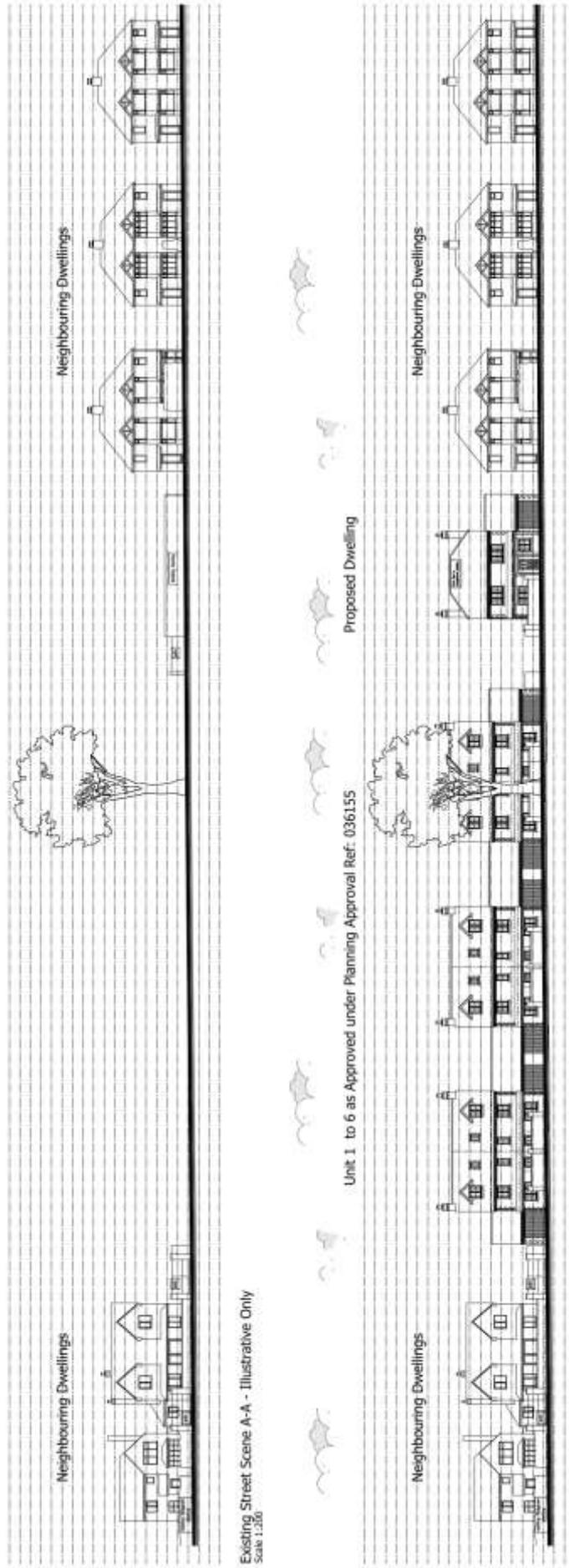
Illustrative Site Plan



Typical Front Elevation - Illustrative
Scale 1:100



Illustrative Plans



Existing Street Scene and Illustrative Street Scene.

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

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

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

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

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

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

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

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