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Date: 22<sup>nd</sup> July, 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, 30<sup>th</sup> July, 2019 at 5.00 p.m.**

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

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

**Please note that meetings may be recorded for future broadcast.**

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

To: All Members of the Planning  
Applications Committee

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

## **Site Visit Information**

Members are reminded that a site visit will take place in connection with application number 035486, Weston Hall Hotel, Weston Lane, Bulkington.

Members are asked to meet on site at the marquee at 3:30 p.m.

If any Members need a lift, please be at Nuneaton Town Hall at 2.45 p.m. or Bedworth Civic Hall at 3:00 p.m.

### **CODE OF CONDUCT- COMMITTEE SITE VISITS**

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

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

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

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

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

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

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

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

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

#### 3. MINUTES - To confirm the minutes of the meeting held on 2<sup>nd</sup> July, 2019 (attached). **(Page 6)**

#### 4. DECLARATIONS OF INTEREST

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

##### Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda **(Page 10)**. Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

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

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

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

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

5. DECLARATIONS OF CONTACT  
Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered
6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page 13)**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control attached. **(Page 13)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**2<sup>nd</sup> July, 2019**

A meeting of the Planning Applications Committee was held at the Town Hall, Nuneaton on Tuesday, 2<sup>nd</sup> July, 2019.

**Present**

Councillor K. Wilson – Vice-Chair

Councillors J.B. Beaumont, B. Longden, B. Pandher, N. Phillips (Substitute for Councillor W. Hancox), M. Rudkin, A. Sargeant, J. Sheppard, R. Smith, R. Tromans (Substitute for Councillor S. Gran), and C. Watkins.

Councillor A. Llewellyn-Nash entered the Chamber at 5:21 p.m. giving her apologies for being late due to traffic. Councillor Llewellyn-Nash did not take part in the debate nor vote in regards to Planning Application No. 035370.

Apologies from Councillor S. Gran, W. Hancox (Chair).

PLA11 **Chair's Announcements**

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

PLA12 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 11<sup>th</sup> June, 2019, be confirmed and signed by the Chair.

PLA13 **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.

The Council's Head of Planning, declared an interest in regards to Planning Application No. 036087, as a family member was employed by the applicant. The officer left the Chamber during the presentation of the report, debate and vote on this application.

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

PLA14 **Declarations of Contact**

Councillor R. Smith declared that he had been contacted by both the applicants and residents in regards to Planning Application Nos 035486 and 035487, but that he had not given any indication of his voting intention.

Councillor A. Sargeant declared that he had been contacted by businesses in regards to Planning Application No. 035370, but that he had not given any indication of his voting intention.

**IN PUBLIC SESSION**

PLA15 **Planning Applications**

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

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

PLA16 **Any Other Business**

**RESOLVED** that:

- a) Principal Planning Officer, Claire Lucas, be congratulated and thanked for her service to the Council over a period of 25 years, and wished well as she leaves the authority to take up a position elsewhere; and
- b) a recommendation be made that the Portfolio Holder for Planning, Development and Health review the Parking Supplementary Planning Document as a matter of urgency, following the adoption of the Borough Plan.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND RELATED  
MATTERS REFERRED TO IN MINUTE PLA15 OF THE PLANNING  
APPLICATIONS COMMITTEE ON 2<sup>ND</sup> JULY, 2019

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035370: Site 63A023: 14 - 16 The Square, Nuneaton  
Erection of 14 assisted living apartments (including demolition of existing buildings)  
Applicant: Mr John Craddock – Craddock Associates

**DECISION**

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

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036107: 24 Wolvey Road Bulkington Bedworth CV12 9JU  
Proposed first floor rear extension to provide partly enclosed balcony  
Applicant: Mr Paul Burkinshaw

**Speaker: Mr M. Johnson**  
**Mr S. Grove**

**DECISION**

Planning permission be refused on the grounds that the proposed balcony would be to the detriment of the visual and residential amenities of neighbouring properties.

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036169: G&R Scaffolding, Unit 2, Coventry Road, Exhall, CV7 9FU  
Proposed raising of eaves and roof height of existing building and installation of new window openings  
Applicant: Glen McFall

**Speaker: Councillor D. Brown**  
**Mr G. McFall**

**DECISION**

Planning permission be granted, subject to the addition of conditions relating to Highway Safety, on the grounds that given the industrial nature of the area, it was not considered that the impact on visual amenity would be significant enough to warrant refusal.

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036087: Site 37B015 - Camphill Phase 3 parts 4 and 6 Queen Elizabeth Road Nuneaton.  
Application for variation of condition (schedule of approved plans) following grant of planning permission 034128 (and as amended by 034669). Variation is to amend some of the proposed gabled roofs to hipped roofs and removal of three visitor parking bays on Queen Elizabeth Road.  
Applicant: Mr L Webb, Barratt Homes.



**DECISION**

Planning permission for the variation of condition be granted, subject to the conditions printed in the agenda.

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035974: 72 Coventry Road Exhall Coventry CV7 9EU  
Erection of 6 no. assisted living units in 1 no. two-storey building  
Applicant: Dignus Healthcare

**Speaker: Councillor D. Brown**

**DECISION**

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

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

**Speaker: Mr S. Evans**  
**Mr A. Allfray**

**DECISION**

The decision be deferred for a site visit to allow members to experience and assess sound testing at the proposal and without prejudice to allow for officers to prepare suitable conditions if the application were to be approved.

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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

**DECISION**

In view of the decision to defer Planning Application No. 035486 above, the application for Listed Building Consent also be deferred until the next meeting of the Committee.

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036334: 209 Weston Lane, Bulkington.  
Request to fell Ash Tree T4 covered by TPO 11/91.  
Applicant: Mr Andrew Plester

**Speaker: Mr A. Plester**

**DECISION**

Permission for the felling of the tree be refused on the grounds that removal of the tree would be severely detrimental to the visual amenity of the area.

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

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

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

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

**Applications for Planning Permission etc.**  
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**Site Visit**

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**Works to Trees**

**Item**

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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	Whitstone		

## SITE VISIT

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### Item No. 1

**REFERENCE No.** 035486

**Site Address:** Weston Hall Hotel Weston Lane, Bulkington

**Description of Development:** Retention of marquee in connection with the hotel use.

**Applicant:** Mrs Megan Evans

**Ward:** BU

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### **RECOMMENDATION:**

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

### **REASON FOR DEFERRAL/SITE VISIT**

The application was deferred for a site visit to allow members to experience and assess sound testing at the proposal and without prejudice to allow for officers to prepare suitable conditions if the application were to be approved.

### **INTRODUCTION:**

The retention of marquee (324 square metres) in connection with the hotel use at Weston Hall Hotel, Weston Lane, Bulkington.

The application was originally for the erection of the marquee but the Applicant chose to erect the marquee so that noise tests could be carried out within the structure and therefore the description has been amended to the retention of.

The site is washed over by Green Belt. The original part of the Hotel is an Elizabethan stone built grade 2 Listed Building circa 16 and 17<sup>th</sup> Century. There are stone mullions and transoms to the windows with moulded kneelers to the gable parapets, cornices and pilasters and with three main gables to the front. There is a bow window at ground floor to the front and bay to the rear. To the rear is a flat roof painted two storey extension forming an L shape off the main building.

There is a car park to the front and to the rear and a garden to the front and sides with mature trees. The car park that the proposal is located upon is partially surrounded on three sides by the original building and extensions.

To the west of the building are fields and Weston Hall stables that are now converted to residential units. The building is set well back on the junction of Weston Lane and Mill Lane. Opposite the site is the Catholic Church and presbytery with the rest of Mill Lane consisting of dwellings. Weston Lane is also residential with the nearest boundaries of residential properties being 90 to a 100 metres away, with Weston Lane Farm house being the closest residential property. The boundary of residential properties in Claremont Close is approximately 280m away.

The building is currently used as a hotel and for conferences, banqueting and events. Pre-application advice was sought and the Agent was advised that it was unlikely that consent would be granted due to noise concerns. Subsequent to the erection of the marquee, a noise assessment and report was received.

The Agent has advised that the marquee is necessary for the Hotel to remain economically viable and that current market trends dictate the need for choice to customers. They have recognised that the marquee is not a permanent structure and therefore would accept a temporary permission, potentially for five years. The Agent has advised that the main use will be for weddings and entertainment but will not be used exclusively for this.

Planning permission is required for the marquee as it is considered as a building operation or operational development. This is upheld by the Planning Inspectors definition of development in Appeal references: APP/N1920/A/10/2133063, APP/N1920/X/10/2133093 and APP/N1920/C/10/2136252 for the erection of a marquee at Bhaktivedanta Manor, Watford. Whilst the marquee described in the Appeal was larger at 36m by 15m wide equating to 540 square metres; the description of the construction is similar to the Weston Hall marquee. The Inspector considered on the Watford application that due to the construction and the likelihood that it would take a small team 2 to 3 days to erect or remove it, it was considered to be a “building operation” (paragraph 15). This appeal was also referred to a previous Court of Appeal *Skerrits of Nottingham Ltd v SSETR and LB Harrow 2000 JPL 1025* which noted building operations need not create a building. The Inspector for the Watford Appeal determined that the marquee would require planning permission (paragraph 19).

## **RELEVANT PLANNING HISTORY:**

- 035487 Listed Building Consent for erection of marquee in connection with the hotel use. Yet to be determined.
- 011028 Listed Building Consent for pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 010970 Pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 005393 – TP/0441/01 Listed Building Consent for non-illuminated hotel signage. Approval. 29.10.2001.
- 005381 – TP/0440/01 Non-illuminated hotel signage. Approval. 29.10.2001.
- 002233 – TP/0178/96 Listed Building Consent for Single storey extension (amendment to approval tp010396). Approval. 1.05.1996.
- 002245 – TP/0179/96 Single storey extension. Approval. 1.05.1996.
- 001332 – TP/0103/96 Listed Building Consent for two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 001320 – TP/0102/96 Two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 007658 – TP/0631/95 Listed Building Consent for refurbishment of stables bar and part first floor. Approval. 29.12.1995.
- 006787 – TP/0557/95 Listed Building Consent for demolition of outbuildings. Approval. 18.10.1995.
- 000863 – TP/0064/95 vary approval TP029594, remove Cond 1a siting, amend cond 6 to cover trees affected by development. Approval. 4.08.1995.
- 003638 – TP//0295/94 Extensions to hotel (outline). Approval. 11.01.1995
- 007175 – TP/0591/92 Leisure centre and golf driving range. Returned. 15.02.1993.
- 028363 – TP/0142/88 Application for Listed Building Consent for extension to kitchen block. Approved. 28.10.1988.



- 025951 – 860393 Extension to form new 60 bedroom hotel wing, courtyard, banqueting area and kitchens, formation of car parking and landscaping area. Approval. 01.09.1986.
- 023153 – 810736 Neon signs for discotheque and illuminated hotel, pub and restaurant signs. Approval. 15.01.1982.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
- Residential Design Guide 2004

### **CONSULTEES NOTIFIED:**

WCC Highways and NBBC Environmental Health.

### **CONSULTATION RESPONSES:**

Objection:

WCC Highways and NBBC Environmental Health.

### **NEIGHBOURS NOTIFIED:**

117a, Weston Lane Farm, Our Lady of the Sacred Heart Catholic Church, 117 – 121 (odd) Weston Lane. 1, 3 & 5 Weston Hall Stables and The Presbytery Mill Lane.

Neighbouring properties were sent letters notifying them of the proposed development on the 23<sup>rd</sup> March 2018. A site notice was erected on street furniture on the 11<sup>th</sup> April 2018 and the application was advertised in The Nuneaton News on 28<sup>th</sup> March 2018.

### **NEIGHBOUR RESPONSES:**

There have been 8 objections from 6 addresses and one anonymous objection. The comments are summarised below;

1. Noise pollution that marquee and bookings will create.
2. Marquee may mean regular events leading to regular noise as experienced last year often into early hours.
3. Already have problem with noise from internal events held at the hotel with the sound of the bass and people laughing and talking outside.
4. Previous complaints about noise ignored by the hotel and Council.
5. Physically impossible to sound proof a marquee.
6. Extra people smoking outside.
7. Had to leave home until event had ended.
8. Outdoor events at the hotel can be clearly heard at neighbouring houses.
9. Telephone calls to hotel to turn down music is ignored.
10. Music and DJ's are heard very clearly from nearby homes.
11. Peaceful family orientated neighbourhood.
12. Marquee is unnecessary and will tarnish residents relationship with hotel.
13. Loss of parking spaces will be detrimental. Parking previously a problem by hotel users.
14. Previous nightclub at hotel was closed due to noise nuisance.
15. Directing speakers to the 3 walls of the main building will just reflect the noise back.
16. Lower range noises are the issue that are hardest to block.

17. If approved will be impossible to contact Council when the noise would be at its worst.
18. Not notified about the application.

## **APPRAISAL:**

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

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

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

The NPPF paragraph 80 states that decisions should support existing businesses and the principle of extending the commercial element of the site is considered acceptable providing other impacts can be made acceptable.

The proposal is in Green Belt however both the Borough Plan (paragraph 6.61) and the NPPF (Paragraph 145) states that extensions to a building are acceptable as long as it is not proportionately larger than the size of the original building. (The proposed size of the marquee is to be 12m by 27m and 4.5m high.) It is considered that a marquee is proportionate to the hotel. The same paragraph states the need to maintain openness. Since the marquee is in close proximity to the buildings and is partly within the U shape of the existing building and on the land already developed as car park, it is considered it will not impact on the openness of the Green Belt.

It is therefore considered that the principle of the development is acceptable.

### **2. Impact on Residential Amenity**

The Borough Plan Policy BE3 – Sustainable Design and Construction states that development proposals must review the impact on residential amenity. The reasoning for this is given in paragraph 13.38, which states that this policy will ensure development is of a high quality and amongst other things will not cause unreasonable noisy environments or otherwise be obtrusive.

It is considered that the main impact to the residential amenity will be the noise and activity from the marquee.

Defra's Noise Policy Statement for England (NPSE) March 2010 in the Explanatory note (paragraph 2.5) states that the policy can be used for "neighbourhood noise" and noise arising from entertainment premises. It states that noise should be properly taken into account (paragraph 2.6).

This statement states that sound only becomes noise when it contributes to some harmful or otherwise unwanted effect (paragraph 2.9). It also states that the World Health Organisation considers that the highest attainable standard of health is a fundamental right of every human being (paragraph 2.12) and that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life (paragraph 2.14).

The Agent has argued that as the premises is established for business use, this includes the grounds of the hotel and therefore there is no material change in use and therefore noise should not be a consideration. They have stated that the perceived

impact should not be a determining factor, although they do recognise that if noise then becomes a nuisance to neighbours then this is in itself is a determining factor.

However, the Council considers that notwithstanding the fact that the proposal will intensify the use of the site, the structure in itself constitutes development and therefore needs planning permission. The impact of the new structure (including noise) is therefore a material consideration.

The Agent has tried to address the Council's Environmental Health objection in relation to noise by siting the proposal next to the building to provide a noise buffer. However the marquee is not totally surrounded in the buildings so it not completely buffered. The Agent has also stated that speakers and music will be directed towards the main building and that noise limiters will be in operation as per Health and Safety requirements. They also stated that the roof could be insulated for noise.

Policy 180 of the NPPF states that;

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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

Policy 170 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions...”

Due to ongoing concerns from Environmental Health, the Agent commissioned a noise assessment and report once the marquee was erected. This included measuring at boundary points the current ambient levels as well as with amplified music being played in the marquee. The supplementary documents that were then submitted were a Planning Statement; a Noise Management Plan; two reports on the Zone Array of Speaker Systems and an Acoustic Feasibility Study Technical.

The Noise Management Plan recommends that music will cease at midnight and live music will cease at 23:00. That the amplified music within the marquee will be controlled via an in house Zone Array (directional speaker system) via a frequency specific digital signal processor; that the sound level will be fixed and secured to prevent tampering and that all entertainment companies will be made aware of the regulations and this will be monitored on site. It also states that records of the calibration of the equipment will be kept. It further states that no visiting amplification will be able to be used. It also states that bands will be required to use specific equipment and that notices will be put up asking visitors to keep quiet when leaving the premises.

The Technical Memorandum - Acoustic Feasibility Study Report No. 819/001 paragraph 3.4 provides an abstract from the Institute of Acoustics:

“for premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise sensitive property between 23:00 and 07:00 hours, while at other times a balance should be struck between the rights of those seeking and providing entertainment and those who may be disturbed by the noise”

This document also states that Weston Hall would only wish to use the marquee 30 times a year.

The above document tested the background noise and noise levels with music being played in the marquee. The test was carried out on Monday 29<sup>th</sup> April 2019 between 20:00 and 00:30. The results recommended that a conventional PA system would exceed the volume of level considered acceptable but that a frequency specific process limiter and directional zone array would be adequate to mitigate for noise. They also suggested that an acoustic lining could be used to the rear of the equipment to provide attenuation.

The submitted Zone Array Speaker Systems report (408/001) states that a directional zone array speaker is a:

“is a modular speaker system, enabling hundreds of loudspeakers to be installed across a single plane. Due to the alignment and orientation of the speakers, the system becomes highly directional. Through this directionality, it is possible to control acoustic temperatures and volume levels within specific areas, as required.” (Page 3.)

This document goes on to state that:

“The Zone Array has been built primarily to provide a solution for venues that are struggling to control noise, specifically bass. Using constructive and destructive interference to both create and localise low frequencies, the system can achieve results in scenarios of extreme sensitivity, where conventional speaker systems and/or traditional soundproofing methods have proved ineffective.” (Page 4.)

The document then states that the Zone Array speaker system:

“allows you to select specific areas, creating “hot zones” of sound within a single space. Outside of these zones, volume levels decay at a much faster rate than a comparative conventional speaker system. This means whilst areas requiring high volume levels, i.e. dance floors, can be catered for without compromise, surrounding areas, such as tables and bars, can be individually treated according to the specific requirements and noise sensitivity of each venue or event.”(Page 5.)

The report states that a digital signal processor unit is:

“...the control unit of our installations. It enables all inputs/outputs to be processed and limited to the requirements of each venue and any planning/licensing conditions.

This process-limiter controls the output power and therefore the volume level of the visiting DJ or band, who are able to plug in directly via an XLR patch point.

Through an open architecture software program, Direct Acoustics have created a frequency specific limiting module that has the capacity to remove and control troublesome frequencies, dependent on venue specific criteria.

This enables us to setup and limit levels within the venue, to ensure minimal impact upon the nearest noise sensitive receptors.” (Page 6)

The Council's Environmental Health Officer attended the sound tests on site and have assessed the documents received subsequently to this. They have advised that they still have real concerns about the potential noise impacts from the marquee. Their response states:

"The system that was demonstrated at the time of my visit was largely aimed at controlling low frequency noise and I do acknowledge it was impressive at doing this. However many of the other elements listed below remain a concern to me. In relation to music noise, the acoustic report uses noise criteria from the Good Practice Guide on Noise from Pubs and Clubs –draft annex. This uses facade criteria for nearby noise sensitive buildings to do the assessment. In this instance the noise report shows that noise levels will marginally exceed this at the nearest residential property. However this property does have quite a large garden and I am concerned that the proposed criteria will not offer sufficient protection to this space. This, in addition to the other concerns listed below, is why I still have real concerns about the proposal...

...My concern arises because marquee type structures attenuate minimal sound and so anything that does take place within them is not far removed from being an outside event. The application states that the marquee will be used for mixed events, so the noise of concern would be live and amplified music, PA systems and voices, laughter etc., from people attending events. Due to the lightweight structure proposed these types of noise are very difficult to control and residential properties are sufficiently close to be affected. There is also the possibility of people spilling out from the marquee, particularly on warm evenings, and congregating in the vicinity."

At the time of the assessment Environmental Health, advised the acoustic engineer:

"...further to our contact earlier in the week on available standards, as advised we do not have an explicit policy on this however I believe the GPG on the Control of Noise from Pubs and Clubs is the most relevant guidance along with the draft working annex. I wouldn't see that the Noise Council Code of Practice on Env Noise Control at Concerts would have relevance given the nature of events it is aimed at and the higher tolerance of noise it allows. This is also true of BS8233:2014 because of the relatively quiet background noise and therefore the increase in noise this would allow. Having said this we would still want to look at each case on its merits as discussed below.

As far as the assessment goes, my main issue relates to the application of the GPG on the Control of Noise from Pubs and Clubs. I think it is stated that the venue want to do up to 30 events per year until 12 midnight. As there is not a category for this scenario (i.e. events finishing past 23:00 is only available for more than 30 events per year) I think the 'until midnight' category is the most appropriate because I am more concerned with this time element than the number of events (as I assume it would be close to 30 anyway and could be more). This would mean the LAeq level not exceeding the LA90.

This would also allow more protection for the adjacent garden of Weston Lane Farm house as I am also concerned about this. Whilst the guidance refers to noise at façades, this garden is quite large so areas of it would experience higher noise levels than the façade due to the distance across the garden.

Overall I was impressed with the way the Directional Array controlled low frequency noise but did, as per the outcome of the noise assessment, leave some issues at

the higher frequencies, although some extra information was provided on this in the document this problem does need more consideration.

Overall I do still have real concerns about the marquee overall, some related to amplified music as given above, but also in relation to people noise such as raised voices, singing and rowdy behaviour and some related to noise from amplified speech such as speeches, PA systems, live acoustic music etc...”

Following on from the Council’s Environmental Health’s initial comments. Further discussions were held with them following the last Committee and their latest comments are:

“As advised I do not currently believe that the applicant has satisfied us that the proposal will not cause significant adverse impact in respect of noise. The noise assessment was undertaken in the context of the *Good Practice Guide for Noise from Pubs and Clubs* as the most appropriate standard, however it should be noted that the marquee is not and pub or club in itself but effectively a tent and, further, the standard does not protect outdoor garden areas specifically, and I do have concerns about the garden of Weston Lane Farm. Despite these issues it should be noted that at the time of the noise assessment the noise levels in the above guidance were not achieved anyway at the pre 11pm level and by a greater margin at the post 11pm level.”

However, they have advised that if Members are minded to approve the application against recommendation then the following conditions would be appropriate:

1. 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.
2. 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.
3. The marquee shall be removed and the land restored to its former condition within three years of the date of this consent.

On condition 2 the Applicant advised they would have preferred that entertainment including music would cease at 11:00 pm but asked that the public could remain until midnight. However, Environmental Health did not consider that this was acceptable but agreed to 11:30 to allow the public to vacate. Condition 3 has been recommended by Environmental Health due to the likely deterioration of the marquee structure and proposed noise controlling equipment although ideally they would preferred limiting any approval to one year. The applicant advised that they would have preferred five years but that three years was just commercially viable.

Environmental Health advised that whilst a noise assessment had been provided, they did not believe that introducing noise level conditions would be appropriate because;

- “Avoidance of public nuisance is a requirement of the licensing regime and so noise levels could be introduced here.
- There are technical challenges of measuring low frequency noise in the environment and also determining what proportion of total noise is attributable to music noise as oppose to passing cars on Weston Lane for example. These challenges would be applicable to the operator in their own monitoring of the condition and in any enforcement monitoring.
- To maintain the enforcement position of the Council.”

Environmental Health also gave consideration to an acoustic boundary treatment. However, this was not pursued as:

“the boundary currently consists of dense shrubs and trees so physically locating there is likely to be problematic. Further the boundary is located approximately half way between the sound source and receptor which is the worse position for any barrier – the ideal location is either close to the source or receptor so this would detract from its effectiveness. If Weston Hall wanted to include some form of barrier in their management plan located in front of the hedge and trees then this could be done..”

In conclusion as Environmental Health state that not all their noise concerns have been addressed, it is considered that it has not been sufficiently demonstrated that the marquee will not cause detrimental harm in terms of noise to neighbouring properties.

### **3. Impact on Visual Amenity**

The proposal is 12m by 27m and 4.5m high and will largely be hidden by the existing building as it is set behind the original hotel and is to be set back 68m from the road. The surrounding garden is laid to lawn and mature trees.

The Agent recognised that a marquee is a temporary structure and the materials would mean that the outside would deteriorate over a number of years. However this could be overcome by issuing a temporary permission which is normal practise for temporary buildings. In doing this it is considered that the visual amenity could be monitored with time.

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

The Agent responded to County Highways original objection to state that the marquee will accommodate up to 250 people maximum and stated that they would not expect all the hotels entertainment area to be booked at one time. They stated that the side car park was rarely used and that there would still be a total of 225 parking spaces. The Agent has confirmed that the location of the marquee has caused the loss of 25 spaces. They advised that most people travel at least in pairs to the hotel so that at least 450 people could be accommodated at the hotel. They confirmed that even when 400 people have been at the hotel there was still sufficient parking and that parking would be considered when booking events.

County Highways response was that there could be up to 600 people at the hotel and that 200 to 250 spaces is insufficient and could cause parking on adjacent roads and that restricting the number of attendees to the hotel would not be a reasonable condition. Council Officers agree that it would be difficult to enforce.

The Council's Parking Standards are no longer extant but are still used as guidance. This states that there should be one space per hotel bedroom and 1 space per 5 square metres of bar/restaurant space (for areas over 50 square metres). The Hotel's web site confirms there are 38 bedrooms and 4 conference rooms serving up to 250 guests. The Agent has subsequently confirmed that the existing floor space is 98 square metres for the restaurant and 85 square metres for the bar and that the four conference rooms equate to 800 square metres of floor space in total.

Using the Council's Parking Standards the total number of parking spaces for the bedrooms is 38 and for the bar and restaurant (using the average of 1 per 5 square metres) is 37 spaces. There is no category for conference/entertainment rooms, the nearest would be for a public house for bar areas. This equates to 160 parking spaces for the conference rooms. This means that the existing hotel requires 235 parking

spaces. Using the same data for the new marquee this means that an additional 65 spaces will be required. The total parking spaces therefore required would be 300 spaces giving a deficit of 75 spaces.

However, there is some likelihood that some of the uses will overlap, so people in the conference rooms and marquee are likely to also use the bar and that some people using these function rooms are likely to be booked into the hotel overnight. It would also likely not be the case that all the function rooms would be booked at any one time. In addition as stated previously the Parking Standards are no longer extant so it would be difficult to refuse the application based on the standards within this.

## **5. Conclusion**

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

National and local policy states that existing businesses should be supported if impacts can be made acceptable and we certainly would not want to see the Hotel building become vacant or ultimately derelict. The Agent advises that there is an economical need for the marquee in order to provide a competitive business and therefore support should be provided. However, they did recognise that trends change and would therefore accept a temporary permission especially as the type of structure can deteriorate visually over time. Having said that, there is no supporting documentation to state that the proposal is essential for the continued business success and whilst the support of the business can be given some weight this cannot be at the detriment of the neighbouring residential amenity.

The Council's Environmental Health Team considers that noise concerns have not been completely addressed and that it has not been demonstrated that the marquee will not cause detrimental harm in terms of noise to neighbouring properties.

Therefore it is considered that on balance the weight of harm in terms of noise to residential amenity of the surrounding properties (in particular to the residential garden of Weston Lane Farm must outweigh the commercial gain to the area.

### **REASONS FOR REFUSAL:**

1(i) National Planning Policy Framework paragraph 170 states (in part):

Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

(ii) National Planning Policy Framework paragraph 180 states (in part):

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:



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

(iii) Policy BE3 of the Nuneaton and Bedworth Borough Plan states (in part):-

Development proposals must be:

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

Urban character

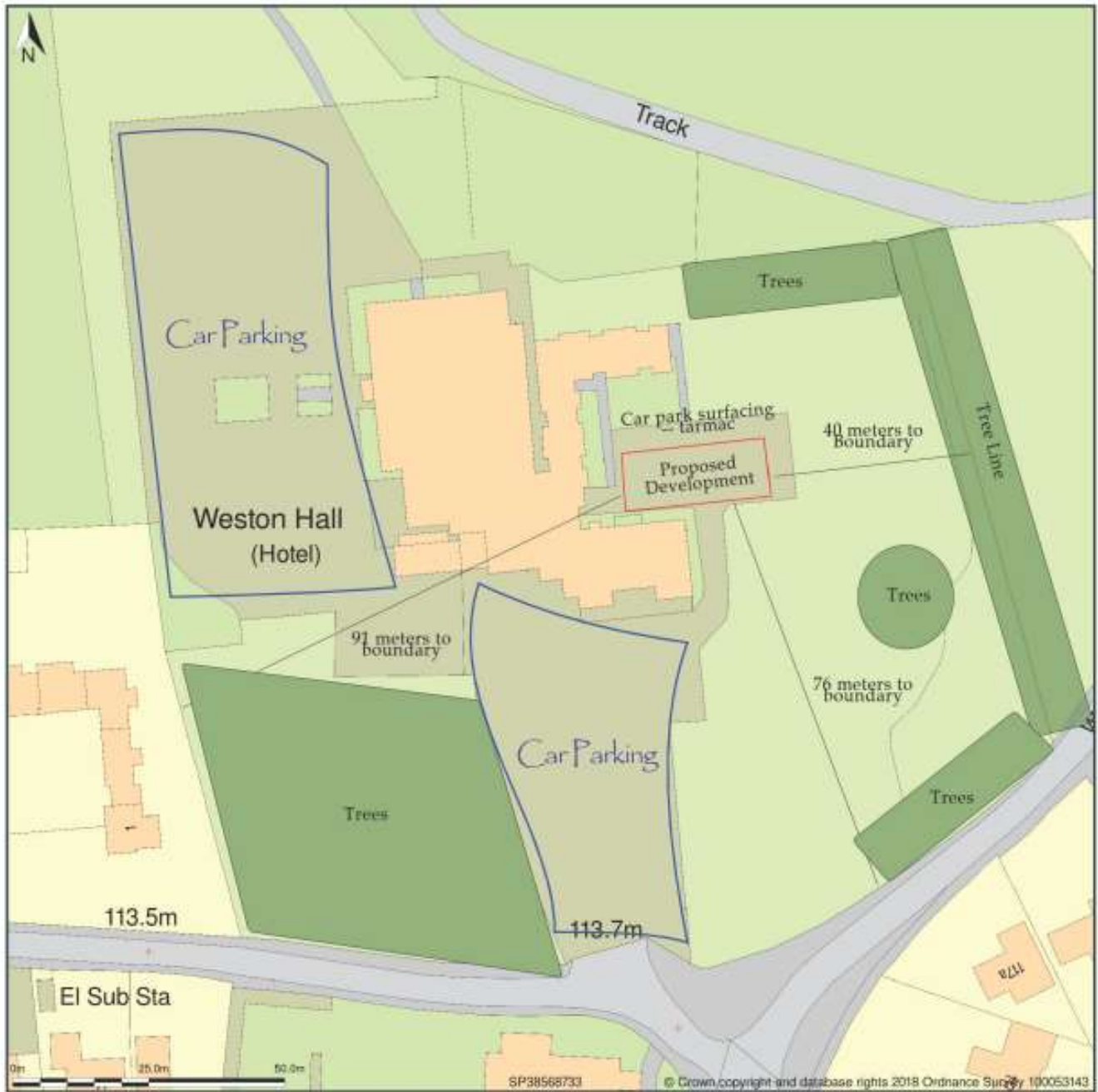
All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

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

(iv) The proposal is contrary to these policies in that it has not been adequately demonstrated that the marquee would not result in unacceptable noise and disturbance to the nearest residential property Weston Lane Farm and its curtilage, which would be detrimental to the residential amenities of the occupants.



## Location Plan



**Site Plan with Proposed Development**



**Photograph of the Side (East) Elevation of the marquee**



**Photograph of the Side (South East) Elevation of the marquee**



**Photograph of the Side Elevation (South East) of part of the marquee**

## PREVIOUSLY CONSIDERED

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### Item No. 2

**REFERENCE No.** 035487

**Site Address:** Weston Hall Hotel Weston Lane Bulkington Bedworth CV12 9RU

**Description of Development:** Listed Building Consent for the retention of marquee in connection with the hotel use

**Applicant:** Mrs Megan Evans

**Ward:** BU

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### **RECOMMENDATION:**

Planning Committee is recommended to grant Listed Building consent subject to the conditions printed.

### **REASON FOR DEFERRAL/SITE VISIT**

Application deferred to allow it to be considered alongside the planning application.

### **INTRODUCTION:**

Retention of marquee (324 square metres) in connection with the hotel use at Weston Hall Hotel, Weston Lane, Bulkington.

Due to its Grade 2 Listing status, Listed Building Consent is required as the marquee is within the curtilage of a listed building. The Listed Building status refers to the house and the gate piers, first given listed status on 1<sup>st</sup> July 1949.

The site is washed over by Green Belt. The original part of the Hotel is an Elizabethan stone built Grade II Listed Building, circa 16 and 17th Centuries. There are stone mullions and transoms to the windows with moulded kneelers to the gable parapets, cornices and pilasters and with three main gables to the front. There is a bow window at ground floor to the front and bay to the rear. To the rear is a flat roof painted two storey extension forming an L shape off the main building.

There is a car park to the front and to the rear on both sides and a garden also to the front and sides with mature trees. The car park that the proposal is located upon is not in good repair and is partially surrounded on three sides by the original building and extensions.

To the west of the building are fields and Weston Hall stables that are now converted to residential units. The building is fairly set well back on the junction of Weston Lane and Mill Lane. Opposite the site is the Catholic Church and presbytery with the rest of Mill Lane consisting of dwellings. Mill Lane is fairly narrow. Weston Lane is also residential with the nearest boundaries of residential properties being 90 to a 100 metres away. The residential curtilage of Weston Lane Farm house is the closest residential property. The boundary of residential properties in Claremont Close is approximately 280m away.

The building is currently used as a hotel and for conferences, banqueting and events.

### **RELEVANT PLANNING HISTORY:**

- 035486 Retention of marquee in connection with the hotel use. To be determined.
- 011028 Listed Building Consent for pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 010970 Pitched roofs to replace flat roofs to rear. Approval. 15.11.2006.
- 005393 – TP/0441/01 Listed Building Consent for non-illuminated hotel signage. Approval. 29.10.2001.
- 005381 – TP/0440/01 Non-illuminated hotel signage. Approval. 29.10.2001.
- 002233 – TP/0178/96 Listed Building Consent for Single storey extension (amendment to approval tp010396). Approval. 1.05.1996.
- 002245 – TP/0179/96 Single storey extension. Approval. 1.05.1996.
- 001332 – TP/0103/96 Listed Building Consent for two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 001320 – TP/0102/96 Two storey extension to form 4 bedrooms, new multi-purpose room. Approval. 1.04.1996.
- 007658 – TP/0631/95 Listed Building Consent for refurbishment of stables bar and part first floor. Approval. 29.12.1995.
- 006787 – TP/0557/95 Listed Building Consent for demolition of outbuildings. Approval. 18.10.1995.
- 000863 – TP/0064/95 vary approval TP029594, remove Cond 1a siting, amend cond 6 to cover trees affected by development. Approval. 4.08.1995.
- 003638 – TP//0295/94 Extensions to hotel (outline). Approval. 11.01.1995
- 007175 – TP/0591/92 Leisure centre and golf driving range. Returned. 15.02.1993.
- 028363 – TP/0142/88 Application for Listed Building Consent for extension to kitchen block. Approved. 28.10.1988.
- 025951 – 860393 Extension to form new 60 bedroom hotel wing, courtyard, banqueting area and kitchens, formation of car parking and landscaping area. Approval. 01.09.1986.
- 023153 – 810736 Neon signs for discotheque and illuminated hotel, pub and restaurant signs. Approval. 15.01.1982.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton and Bedworth Borough Plan 2019
  - BE4 – Valuing and conserving our historic environment.

### **CONSULTEES NOTIFIED:**

Historic England.

### **CONSULTATION RESPONSES:**

No Objection:

Historic England.



## **NEIGHBOURS NOTIFIED:**

117a, Weston Lane Farm, Our Lady of the Sacred Heart Catholic Church, 117 – 121 (odd) Weston Lane. 1, 3 & 5 Weston Hall Stables and The Presbytery Mill Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 23<sup>rd</sup> March 2018. A site notice was erected on street furniture on 11<sup>th</sup> April 2018 and the application was advertised in The Nuneaton News on 28<sup>th</sup> March 2018.

## **NEIGHBOUR RESPONSES:**

There have been 8 objections from 6 addresses and one anonymous objection. The comments are summarised below;

1. Noise pollution that marquee and bookings will create.
2. Marquee may mean regular events leading to regular noise as experienced last year often into early hours.
3. Already have problem with noise from internal events held at the hotel with the sound of the bass and people laughing and talking outside.
4. Previous complaints about noise ignored by the hotel and Council.
5. Physically impossible to sound proof a marquee.
6. Extra people smoking outside.
7. Had to leave home until event had ended.
8. Outdoor events at the hotel can be clearly heard at neighbouring houses.
9. Telephone calls to hotel to turn down music is ignored.
10. Music and DJ's are heard very clearly from nearby homes.
11. Peaceful family orientated neighbourhood.
12. Marquee is unnecessary and will tarnish residents relationship with hotel.
13. Loss of parking spaces will be detrimental. Parking previously a problem by hotel users.
14. Previous nightclub at hotel was closed due to noise nuisance.
15. Directing speakers to the 3 walls of the main building will just reflect the noise back.
16. Lower range noises are the issue that are hardest to block.
17. If approved will be impossible to contact Council when the noise would be at its worst.
18. Not notified about the application.

## **APPRAISAL:**

This application is purely a Listed Building Consent application required as the structure is within the curtilage of a Listed Building and the only issue that can be considered under this application is the impact to the Listed Building. Therefore, the key issue to assess in the determination of this application is;

1. Impact on the Listed Building of Weston Hall.

### **1. Impact on the listed building of Weston Hall.**

The Borough Plan Policy BE4 'Valuing and Conserving our Historic Environment' states that development that sustains, conserves and enhances listed buildings will be approved. It then states that the consideration also needs to be made for the setting of a listed building. This is in line with the NPPF paragraph 185.

It is considered that due to its temporary nature, the marquee does not affect the setting of the Listed Building.

Historic England have been consulted and do not wish to comment.

It is therefore concluded that the impact to the listed building is acceptable in this instance.

**REASONS FOR APPROVAL:**

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

**SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Site plan with proposed development	N/A	20.4.19

2. This permission shall remain in force for a period of 3 years from the date of this permission, after which time the land shall be restored to its former condition



**Photograph of front (South) of Weston Hall Hotel**



**Photograph of corner of building (East) closest to the marquee**



**Newest part of Hotel (East) to the rear and closest to the marquee.**



**Photograph of the Side (East Elevation of part of the marquee**

## PLANNING APPLICATIONS

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### Item No. 3

**REFERENCE No.** 036305

**Site Address:** Garage Site, Pinetree Road, Bedworth, Warwickshire

**Description of Development:** Erection of 10 no. dwellings comprising 6 no. houses and 4 no. apartments(existing garages to be demolished)

**Applicant:** Mrs Dawn Dawson

**Ward:** Bede

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for the erection of 10 no. dwellings comprising 6 no. 2 bed houses and 4 no. 1 bed apartments and includes the demolition of the existing garages on the site. Vehicular access is proposed off Pine Tree Road.

The site is currently a garage site and is fairly triangular in shape. It is accessed off Pine Tree Road. There are currently 35 garages which are located along the western and northern boundaries and in the north-west corner of the site. There are residential properties that surround the site. Adjoining nos 12-20 Pine Tree Road, there is 2 metre high fencing and a mixture of boundary treatments along the boundaries with 22-32 Pine Tree Road. To the west is Conifer Court, which is a sheltered housing complex. There are some windows that face the site. Properties in Oak Close are to the north. There is a footpath that runs from the site through to Oak Close. No 21 has an outhouse on the boundary with the site and has two side facing windows at ground floor and one at first floor which all appear to be non-habitable. No 23 has a two storey extension to the side. Nos 12-20 Pine Tree Road are bungalows. Nos 22-32 Pine Tree Road consist of two storey dwellings and have rear habitable room windows that face the site.

### **BACKGROUND:**

Notwithstanding the comments received, this application is being reported to Committee as it is a major application involving Council owned land.

### **RELEVANT PLANNING HISTORY:**

- There is no relevant planning history.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - DS5- Residential Allocations;
  - H1- Range and Mix of Housing;
  - H2 - Affordable Housing;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS6- Sport and Exercise;
  - NE2- Open Space;
  - NE4- Managing Flood Risk and Water Quality;
  - BE1- Contamination and Land Stability and
  - BE3- Sustainable Design and Construction
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.

### **CONSULTEES NOTIFIED:**

Coal Authority, Environment Agency, George Eliot Hospital Trust, NBBC Environmental Health, NBBC Housing, NBBC Land & Property, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

### **CONSULTATION RESPONSES:**

Objection from:

No objection subject to conditions from:  
WCC Flood Risk Management, WCC Highways

No objection subject to planning obligations from:  
George Eliot Hospital NHS Trust, NBBC Sports Development

No objection from:  
Coal Authority, Environment Agency, NBBC Environmental Health, NBBC Housing, NBBC Refuse, Warwickshire Police, WCC Infrastructure

Comment from:  
NBBC Land & Property, NBBC Parks, NBBC Planning Policy

No response from:  
NHS, Severn Trent Water

### **NEIGHBOURS NOTIFIED:**

12-32 (inc) Conifer Court (plus Wellbeing Officers at Conifer Court), 16 Conifer Close; 12-32 (even), 37-43 (odd) Pinetree Road; 19, 21, 23, 24, 25 & 26 Oak Close

Neighbouring properties were sent letters notifying them of the proposed development on 10<sup>th</sup> April 2019. A site notice was erected on street furniture on 11<sup>th</sup> April 2019 and the application was advertised in The Nuneaton News on 17<sup>th</sup> April 2019.

### **NEIGHBOUR RESPONSES:**



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

1. Work should not disturb wildlife such as hedgehogs.
2. Impact on wildlife.
3. Overlooking and loss of privacy.
4. Loss of light and overshadowing.

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

1. No objection to new dwellings.
2. Require clarification on proposed fencing.

## **APPRAISAL:**

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

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

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

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

The NPPF (paragraph 118) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The site is a garage site containing 35 no. garages, of which 20 no. are currently empty and not being used. All of the garages are in various states of disrepair. It is considered that the site is a brownfield site and would provide a beneficial use and much needed affordable housing. The Borough Plan was adopted by the Council on 10<sup>th</sup> June 2019. Policy DS5 allocates sites for residential development, both strategic and non-strategic. This site is allocated as a non-strategic site and therefore the principle of residential development on this site is considered acceptable.

### **2. Affordable Housing**

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15no. dwellings or more and 2no. units on sites of between 11no. and 14no. dwellings. As the proposed number of dwellings is 10, this is below the thresholds in Policy H2. However, all of the dwellings are proposed as affordable and will be owned and

maintained by NBBC. Housing have confirmed they fully support the application which would provide much needed affordable housing.

### **3. Residential Amenity**

Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. To the west is Conifer Court which is a sheltered housing complex. There are some windows that look on to the site and would face the rear of plots 1 and 2. However, there is 20 metres separation between these windows which complies with paragraph 9.3 of the Residential Design Guide. Properties in Oak Close are to the north. No 21 has an outhouse on the boundary with the site and has two side facing windows at ground floor and one at first floor which all appear to be non-habitable and are therefore not protected. In any case, they do not directly face the side of plot 6. No 21 has habitable room windows to the rear elevation. As plot 6 is set approximately 14 metres away from the rear of no 21 it is not considered that there is a significant impact on the 45 degree guideline. A first floor side facing bathroom window is proposed to plot 6 that would face the rear garden of no 21 at a distance of approximately 5 metres. However, as this is a non-habitable room there are no significant issues with overlooking. No 23 has a two storey extension to the side which is not protected. In relation to no 25, their rear garden adjoins the site. Plots 7-8 have been designed so there is not a first floor rear facing window that could overlook this garden and instead the proposed first floor bedroom is served by a side facing window. Plots 9-10 propose a first floor rear facing bedroom window which would be set approximately 6 metres from the rear garden of no 25. Paragraph 9.4 of the Residential Design Guide normally requires a separation distance of 7 metres. However, the area of garden that it would overlook is not considered to be useable private amenity space as it is the top corner of the garden and would therefore not lead to significant overlooking. No's 22-32 Pine Tree Road consist of two storey dwellings and have rear habitable room windows that face the site. Distance standards are met in relation to these properties. It is also considered that distance standards are met in relation to within the site.

### **4. Visual Amenity**

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. It is considered that the site is of sufficient size to create its own character and would provide a cohesive group. The dwellings would be two storey with pitched roofs. They are to be constructed off site using modern methods of construction and would then be craned onto the site. Materials proposed include brick cladding, render and concrete roof tiles which are considered acceptable. Detailing above and below the windows and an entrance canopy over the main entrance door are proposed which, together with the materials, add some visual interest. It is considered that the proposed layout and design are acceptable and would not have a detrimental impact on the visual amenities of the area.

### **5. Highway Safety**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). The existing access off Pine Tree Road into the site is to be utilised. Traffic calming measures including projected kerb lines which form a chicane and bollards are proposed. A footpath is proposed along the access road which provides safe access for pedestrians. This footpath will run through

the site and out to join the existing footpath in Oak Close. In terms of parking, a total of 22no. spaces are proposed and would consist of 2no. spaces for each house, 1no. space for each of the apartments plus 2no. visitor spaces and 4 no. spaces for general use. The Council no longer has any saved car parking standards but this level of parking is considered acceptable. It is also considered that the site is in a sustainable location and close to facilities such as public transport routes and shops. Of the 35 no. garages on the site, 20 no. are currently empty and not being used. All of the garages are in various states of disrepair. The applicant has confirmed that those which are used will be offered alternatives. WCC Highways have no objection subject to conditions.

## **6. Flood Risk & Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 163). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Further guidance is provided on flooding and flood risk in the National Planning practice Guidance. Borough Plan Policy NE4 also deals with Managing Flood Risk. The site is not within the floodplain (in Flood Zone 1) and therefore has a low level of flood risk. A Flood Risk and Drainage Assessment has been submitted with the application. Consideration has been given to the hierarchy for surface water disposal. SuDS techniques that promote infiltration of surface water are preferred over those which promote attenuation before discharge to a watercourse. The Flood Risk and Drainage Assessment states that infiltration is not suitable due to low permeability soils and there are no surface water bodies within reasonable proximity to the site. It is proposed to discharge the surface water via the existing connection to the Severn Trent surface water sewer in Pine Tree Road. WCC Flood Risk Management have no objections subject to conditions. The Environment Agency have raised no objection in relation to flooding. It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

## **7. Contamination and Land Stability**

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

## **8. Planning Obligations**

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

- a. necessary to make the development acceptable in planning terms;

- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

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

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

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	£16,455.77	Viability Assessment demonstrates contribution can not be paid
<b>NBBC Sports Development</b>	Improvements to sports facilities	£20,000	Viability Assessment demonstrates contribution can not be paid
<b>George Eliot Hospital NHS Trust</b>	Monies for additional staff provision at George Eliot Hospital	£5,183	Viability Assessment demonstrates contribution can not be paid

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations, both for affordable housing and private housing schemes. The NPPG states that in plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. The submitted Viability Assessment has been considered by the Principal Land & Property Officer who has concluded that the assessment appears to be sound and that it would be financially unviable for the developer to pay any requested planning obligations in this case, either for an affordable housing scheme or private housing.

The lack of S106 contributions must be balanced against other positive parts of the scheme and including the viability of the scheme. The site is allocated as a non-strategic housing site in the Borough Plan and would provide a beneficial use of a brownfield site. It would also provide much needed affordable housing in the Borough. It is considered that these considerations would outweigh the lack of S106 contributions.

## 9. Conclusion

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

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

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

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Site Plan	100-231AR/003	5 <sup>th</sup> April 2019
Site Layout	100-231AR/002G	14 <sup>th</sup> June 2019
Floor Plans- Plots 1-6	GS116-DEV-001	14 <sup>th</sup> June 2019
Floor Plans- Plots 7-10	GS116-DEV-003B	17 <sup>th</sup> June 2019
Elevations- Plots 1-6	GS116-DEV-002	14 <sup>th</sup> June 2019
Elevations- Plots 7-10	GS116-DEV-004B	17 <sup>th</sup> June 2019
Boundary Treatment Plan	100-231AR/004E	14 <sup>th</sup> June 2019

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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.

4. Notwithstanding the plans submitted, no development shall commence until full details of the drainage at the boundary with the public highway, including outfalls, have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the drainage arrangement has been laid out in accordance with the approved details.

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

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

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

7. No occupation and subsequent use of the development shall take place until evidence has been provided to and approved by the LPA showing an agreement from Severn Trent Water to connect to the existing surface water sewer network.

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

9. No dwelling shall be occupied until the existing public highway footway crossing has been remodelled so as to provide a new (Type 2 Access Construction) public highway footway crossing no less than 5.4 metres in width and no greater than 6.3 metres in width.

10. No building shall be occupied until the car parking, manoeuvring and service areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

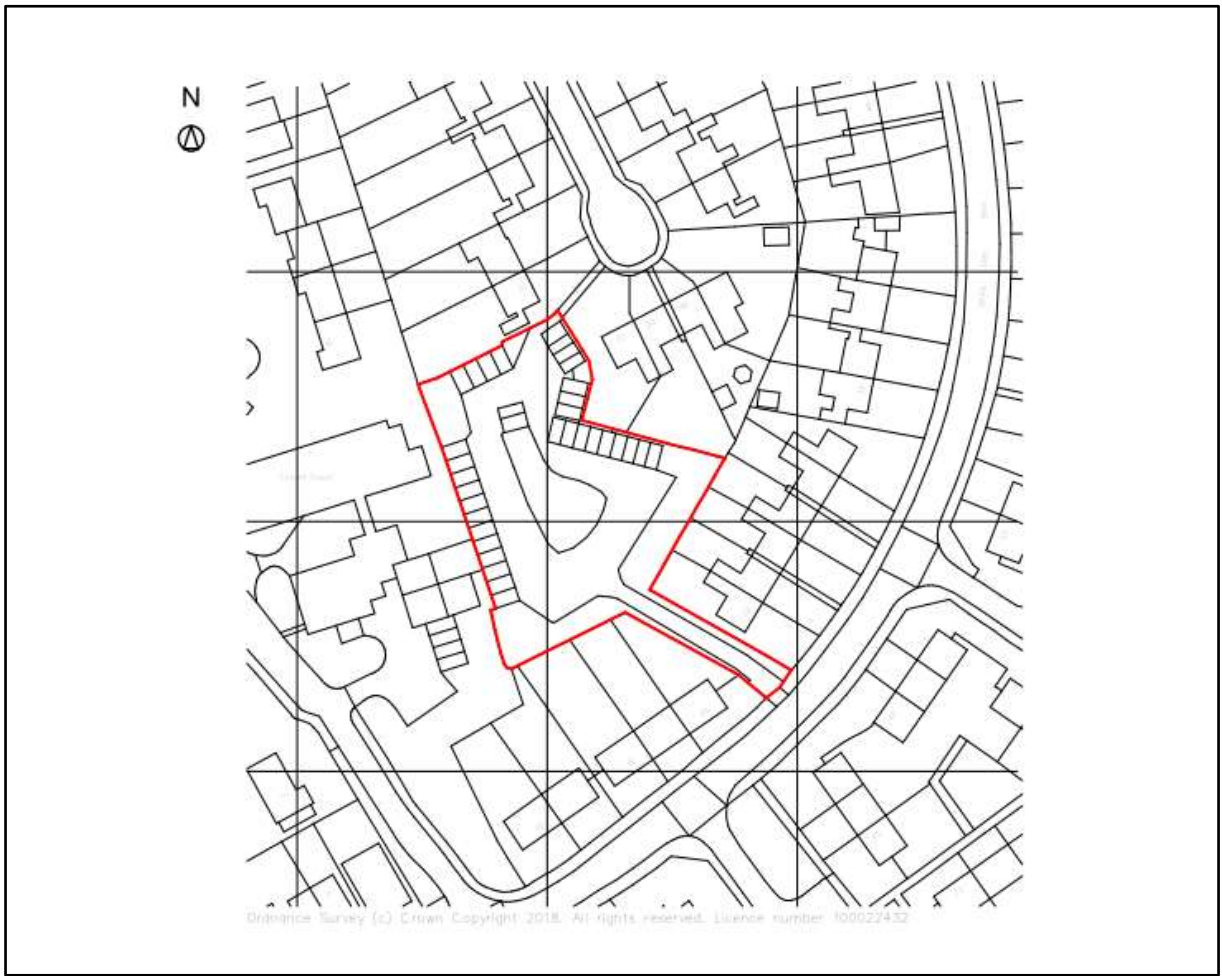
11. Plots 5 and 6 shall not be occupied until a dropped kerb crossing point suitable for pedestrians has been provided on the footway on the opposite side of the private road to the units.

12. The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk and Drainage Assessment (detailed below) and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 3 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA to provide attenuation up to the 1 in 100 year event plus 40% (allowance for climate change), in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

13. The development shall not be carried out other than in accordance with the boundary treatment plan (drawing no. 100-231AR/004E) received by the Council on 14<sup>th</sup> June 2019. No dwelling shall not be occupied until the boundary treatments to that plot have been carried out in accordance with the approved details.

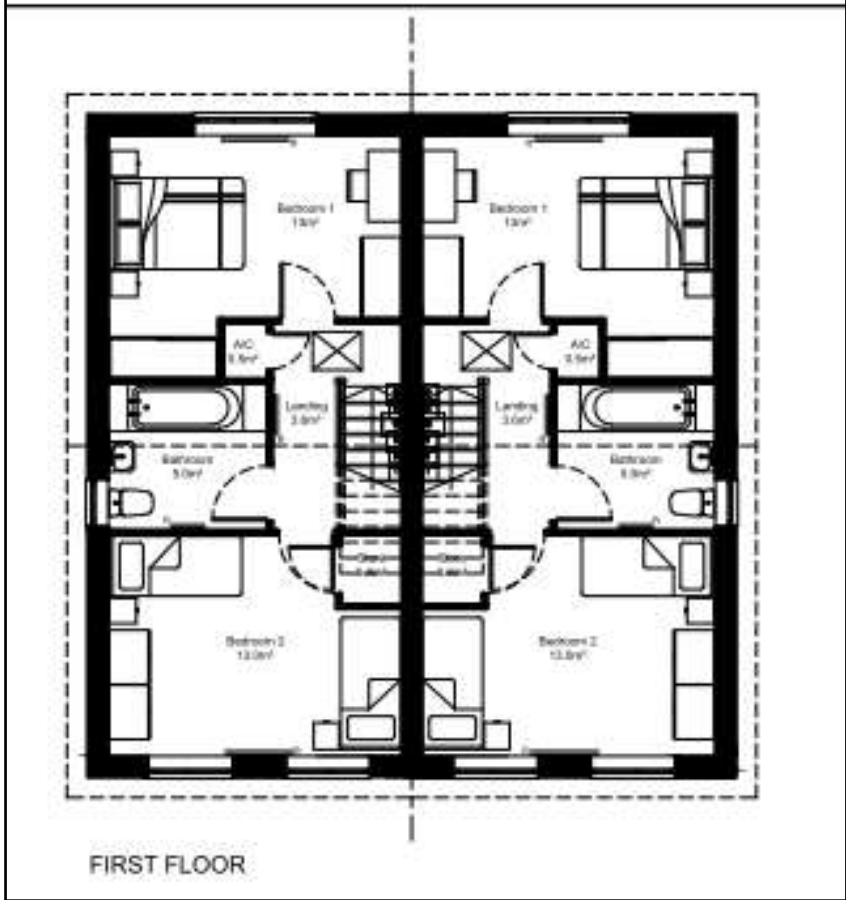


## Site Plan





**Site Layout**



**Floor Plans- Plots 1-6**



**Floor Plans- Plots 7-10**



## Elevations- Plots 1-6



## Elevations- Plots 7-10

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## Item No. 4

**REFERENCE No.** 035037

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

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

**Applicant:** Trenport Investments Limited

**Ward:** WB

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### **RECOMMENDATION:**

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

### **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 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. The site is situated wholly within the ward of Wembrook.

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 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 application with all matters reserved 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. The 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

22-30 (even), 21-25 (odd) Sterling Way

1-5, 19-21 Chilworth Close

24-32, 41-44, 48, 49, 45-47, 50-52 Exbury Way

13-18, 21-24, 25-29 Gold Close

216, 325-337 (odd), 210-214 (even), 301-323 (odd) Marston Lane

81-87 (odd) Raveloe Drive

26-32 (even), 34-42 (even), 88-100 (even) Red Deeps

147-173 (odd), 131-145 (odd) Bradestone Road

1-26 Caldwell Caravan Park, Bradestone Road

Faultlands Farm, Gipsy Lane, Nuneaton



Neighbouring properties were sent letters notifying them of the proposed development on 4<sup>th</sup> August 2017. A site notice was erected on street furniture on 3<sup>rd</sup> August 2017 and the application was advertised in The Nuneaton News on 6<sup>th</sup> September 2017.

## **NEIGHBOUR RESPONSES:**

There have been 22 objections from 20 addresses, and 1 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,

## **APPRAISAL:**

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

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

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

It has taken several years of preparation, but the Borough Plan was adopted by the Council on 10<sup>th</sup> June 2019. This housing site HSG3 forms part of the overall housing allocations which make up the Borough Plan's housing delivery and aims to meet the Borough's housing delivery needs over the plan period, 2011-2031. The housing numbers which informed the Borough Plan included the growth of the Borough over that period and some distribution of housing need/supply from Coventry City Council's area, which in total exceeded 14000 dwellings. The majority of this is to be made up of the strategic development sites such as this site on the north side of Gipsy 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 how 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 Fringe' 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, contains 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 master plan submitted with the scheme.

### **4. Affordable housing**

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

The Borough's need for affordable housing as confirmed by Strategic Housing Manager on the 24<sup>th</sup> May 2019 was 2337 households, and it was stated that "*We have approximately 2,000 on our Housing Register. We have on average between 50 and 70 Households in temporary accommodation each week through homelessness*".

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

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

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

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

It is proposed that access would be gained via two new junctions (a roundabout and a simple priority junction) with Gypsy Lane. Further, Gypsy 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 have requested conditions to be added. Similarly, The Environment Agency 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 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 Gypsy 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: PR118609trB - 24/3/17). The Report provides information about the trees on the site and follows the recommendations of the British Standard 5837: Trees in relation to design, demolition and construction. The Report attempts to identify the quality and value of existing trees on site, allowing

decisions to be made as to the retention or removal of trees in the case of any development.

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

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

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

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

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

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

#### **15. Planning obligations**

Policy HS1 of the Borough Plan 2019 states that: development will be required to provide infrastructure appropriate to the scale and context of the site in order to mitigate any impacts of the development, and address the needs associated with the development.

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

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

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

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

Organisation	Request For	Contribution	Notes
<b>NBBC Parks</b>	Provision and maintenance of play and open space	£946,206.61	Not fully accepted by the applicant, some not considered CIL par. 122 compliant
<b>NBBC Sports Development</b>	For the provision of sporting facilities in the Borough	£1,357,637	Not accepted by applicant as not considered CIL par. 122 compliant
<b>WCC Education</b>	Monies for the provision and improvement of schools	£2,152,890	
	Monies for Libraries	£12,586	
<b>George Eliot Hospital Trust</b>	Provision of healthcare at George Eliot Hospital	£331,478	
<b>WCC Infrastructure</b>	Sustainability Welcome Packs	£43,125	
<b>NBBC Housing</b>	Affordable housing provision at 25% of total	-	
<b>NHS Joint Health Request</b>	For the provision of healthcare	£124,789	
<b>Warwickshire Police</b>	For the support of local police and crime prevention	£73,997	
<b>Canal and Rivers Trust</b>	Canal bridge improvements and enabling of footpath	£22,500	
<b>WCC Highways</b>	Speed limit change proposal	£12,000	
	To enable highway capacity enhancements at the following locations; <ul style="list-style-type: none"> <li>- <i>Bermuda Connectivity Scheme - and,</i></li> <li>- <i>A4113 Coventry Road / Gipsy Lane Signalisation Scheme</i></li> </ul>	£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	

### 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 further west for employment use at Faultlands Farm. 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 Council 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 funds 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 - £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 they also state that the houses will predominantly be occupied by people already resident in the Borough.

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 Riversley Park, as there are other open space facilities in closer proximity to the site such as Marston Lane Meadows and land north of Griff Brook.

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. The Park is close to the site, and within a 15 minute walk, so Officers consider that this is well enough related to the scheme, 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 and they contend that this unique position which means that these two requests 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	9th August 2018
Parameter Plan	TIL002-005	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, and 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.

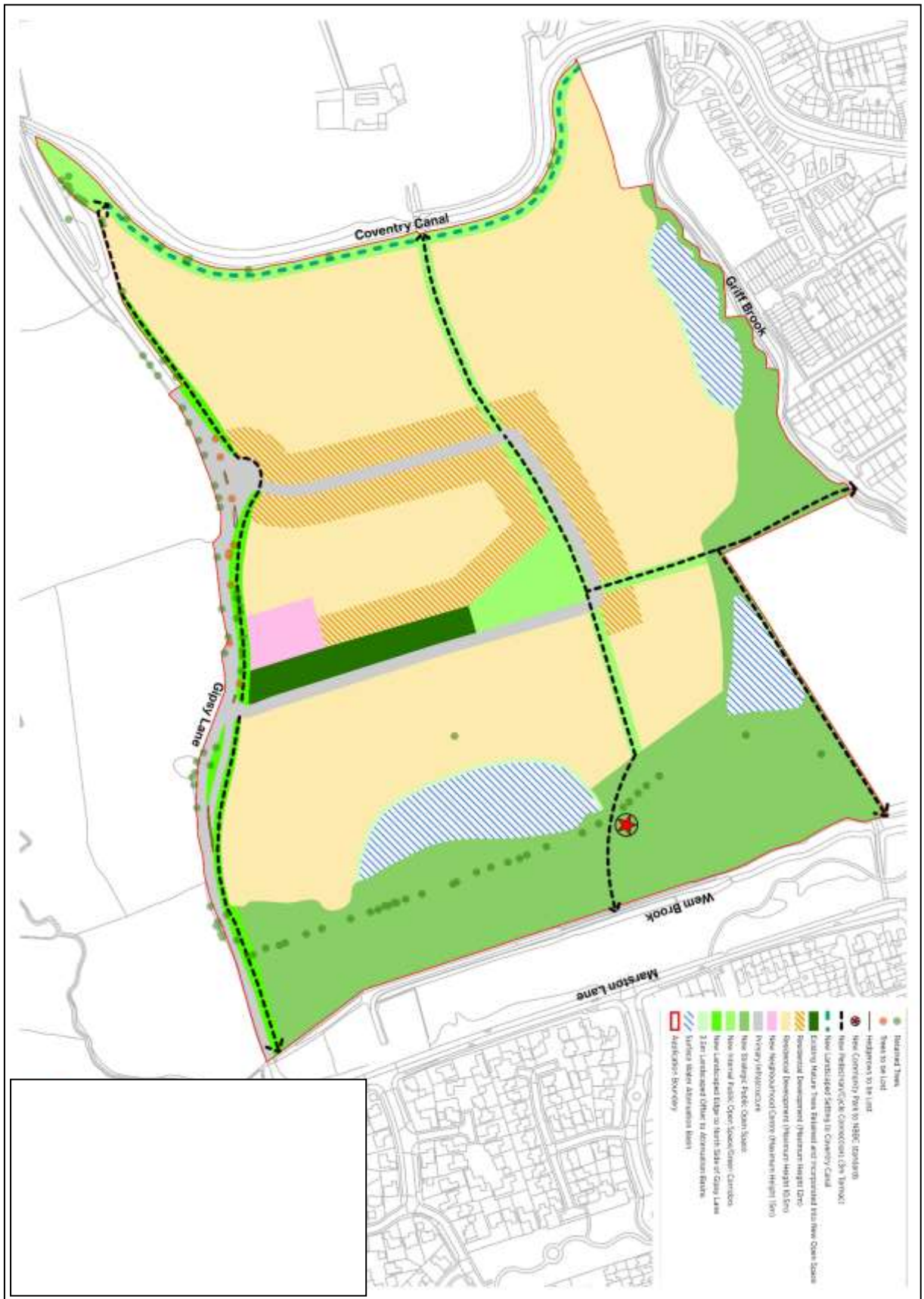
25. No plot shall be occupied until the ducting to that plot to enable the future provision of electric vehicle (EV) car charging has been installed.

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.

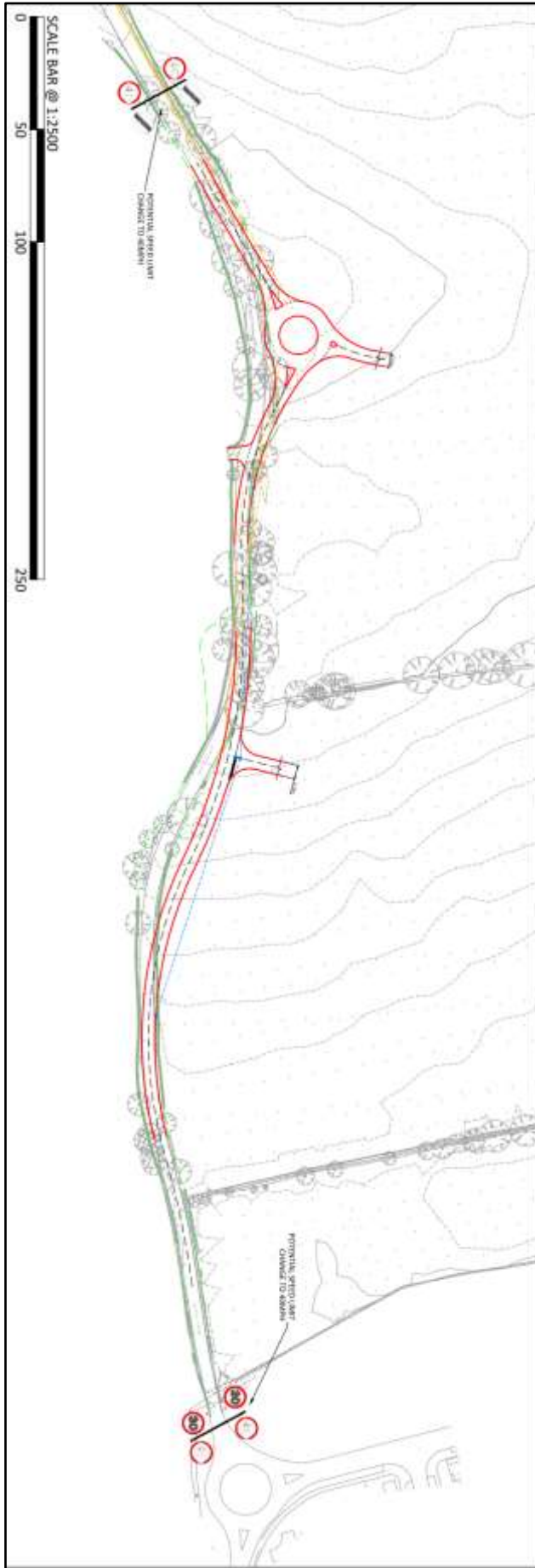
27. No development within the phase in which the cyclepath ramp up to Turnover Bridge is proposed to be constructed shall commence until full details of, including a specification for, that ramp have been submitted to and approved in writing by the Council. No dwelling shall be occupied within that phase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



**Location Plan**



## Parameters (Indicative) Development Plan



**Access Arrangements**

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## Item No. 5

**REFERENCE No.** 036280

**Site Address:** Unit 2 Weddington Terrace Nuneaton Warwickshire CV10 0AG

**Description of Development:** Erection of a containerised biomass boiler facility incorporating boilers, flue stacks, fuel stores and plant room

**Applicant:** Nuneaton Roof Truss Ltd

**Ward:** Weddington

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

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

Nuneaton Roof Truss Ltd is located on Weddington Terrace which is an existing industrial site located in the north of the Borough. The industrial site houses a mix of B uses as well as a few D uses. In the adopted Borough Plan 2019, Weddington Terrace is an existing employment area, neighbouring a local centre.

The existing building is a large industrial unit and the proposed development will be located at the rear of the main building in the service yard, which is not visible from Weddington Terrace or Weddington Road. The boundary of the site is mostly made up of high density shrubbery and 2 metre high metal fencing.

The proposal seeks to include the erection of a containerised biomass boiler facility incorporating boilers, 12 metre flue stacks, fuel stores and a plant room.

### **BACKGROUND:**

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

### **RELEVANT PLANNING HISTORY:**

- Change of use from cash and carry warehouse to storage and distribution warehouse (B8) which was approved in March 2001 (ref 008191).
- Application for a change of use from cash and carry to dry leisure facility which was refused in August 1999 (ref 004088).
- Application for Use of land for extension to warehouse which was approved but no date know (ref 019300)

## **RELEVANT PLANNING POLICIES:**

- Borough Plan 2019
  - DS1 – Presumption in Favour of Sustainable Development;
  - DS2 – Settlement Hierarchy and Role;
  - DS3 – Development Principles;
  - DS4 Overall Development Needs;
  - E2 – Existing Employment Estates;
  - HS1 – Ensuring the Delivery of Infrastructure
  - HS2 – Strategic Accessibility and Sustainable Transport;
  - HS5 – Health;
  - NE3 – Biodiversity and Geodiversity;
  - BE2 – Renewable and Low Carbon Energy;
  - BE3 – Sustainable Design and Construction
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Environmental Health and NBBC Planning Policy

## **CONSULTATION RESPONSES:**

No objection subject to conditions from:  
NBBC Environmental Health

No objection from:  
NBBC Planning Policy

Comment from:  
Network Rail

## **NEIGHBOURS NOTIFIED:**

Neighbouring properties were sent letters notifying them of the proposed development on 16<sup>th</sup> April 2019.

## **NEIGHBOUR RESPONSES:**

There have been 5 objections from 5 addresses as well as objection from Councillor Kondakor, and 3 objections with no addresses provided. The comments are summarised below;

1. Air quality of the local area is already poor
2. Local area cannot cope with any further pollution
3. Health impacts of the boilers on the local community
4. No mitigation included for the boilers (e.g. filtration system)
5. Proximity of the boilers to residential development, the train station, pedestrian areas and local services
6. Impact on the 'Deciduous Woodland' area
7. Impact on the regular users of Nuneaton Gymnastics Club

## **APPRAISAL:**

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

1. The Environmental Impacts
2. The Impact on Residential Amenity



3. The Impact on Visual Amenity
4. Conclusion

## 1. The Environmental Impacts

Policy BE2 – Renewable and low carbon energy. This policy states that schemes to introduce renewable and low carbon technologies (such as biomass) will be approved. The proposal seeks to use a waste product from the on-site manufacturing process to heat the premises, which in turn would help sustain and grow the existing business and offer an alternative to non-renewable sources of energy. Paragraph 154 of the National Planning Policy Framework (2019) states that “when determining planning applications on renewable and low carbon development, local planning authorities should...approve the application if its impacts are (or can be made) acceptable”.

Planning Policy concluded that there is policy support for biomass proposals, and the use of a by-product from the manufacturing process to generate energy for use on site would help sustain and grow an existing business, reduce the need for transportation off-site and prevent the need for energy produced off site (potentially from non-renewable sources). However, the advice of Environmental Health will be important in determining the air quality and amenity impacts of the proposal. Any adverse impacts will need to be weighed against the benefits from the proposal.

The location of the proposal falls within proximity to the Leicester Road Gyrotory Air Quality Management Area (AQMA). The application included an Air Quality Assessment and sought to assess the impact of the proposal on sensitive receptors and the AQMA.

### Environmental response

Environmental Health Officers have assessed the applicant’s Air Quality Impact Assessment and agree with the conclusion of the report that the “impact on local air quality of emission of Nitrous Dioxide (NO<sub>2</sub>), Particulates (PM<sub>10</sub>) and Carbon Monoxide (CO) from the three biomass boilers, will be low and can be screened out as insignificant at local sensitive receptors and is in accordance with guidance provided by the Environment Agency”. EHOs also agree that there will be negligible air quality impacts for NO<sub>2</sub> and PM<sub>10</sub> at nearby residential properties. Additionally, the associated risk to the health of members of the general public living and working nearby will be similarly low.

The report provided as part of the application shows that the air quality impact of the development will be negligible (according to IAQM/EPUK Guidance) at all relevant receptors beyond the site boundary. The concentrations for NO<sub>2</sub> and particulate matter at the nearest dwelling and at the railway station represent about 1% of the Air Quality Standard and are considered insignificant. Therefore there are no objections to the proposals on Air Quality grounds.

As the application is located in a smoke controlled area, the biomass burner’s exemption is required to fall under the Clean Air Act 1993. This means that the burners should be approved as an exempted appliance.

Following these conclusions the conditions below are to be included if approved:

- Evidence shall be submitted to the local authority to demonstrate that the boilers have been tested and certified as an exempt appliance (for use in a smoke controlled area) prior to installation. This shall be supplemented with the technical details of the biomass boiler. Exempted appliances are required to emit less than 5g/h Particulates plus 0.1 g/h per 0.3kW of heat output.

- The biomass boilers shall only be operated using clean untreated wood chippings or wood offcuts of known quality and moisture content, suitable for use as a fuel in accordance with manufacturer's recommendations. No waste or waste derived materials shall be burned.
- The biomass boilers shall be associated with a written schedule of maintenance which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. This schedule shall be submitted and agreed prior to commencing operation.

The detailed dispersion modelling included in the Air Quality Assessment can be used to generate a more accurate stack height requirement where the D1 calculation results in excessively high stack heights but they have not done this. The 12 metre stack is considered to be the maximum height needed to be acceptable. Any boilers which are designed to burn fuel at a rate greater than 45.4 Kg/hr are required to get separate local authority (EH) approval for the chimney height.

It is also worth noting that the proposed wood chipper is expected to produce some additional sound pollution. It has been outlined through further information that the wood chipper will not run outside working hours, and the levels of noise will not be outside the remit of the existing woodworking machinery. Therefore the noise impacts are considered negligible.

Therefore in relation to the environmental impact it is accepted that there will be a small impact on the air quality of the surrounding area but this impact will be too minimal to cause an environmental concern, subject to the conditions requested.

## **2. The Impact on Residential Amenity**

The closest residential properties to the proposal are located over 150 metres away. Therefore there will not be an impact on any residential properties in relation to privacy, light or overbearing. The environmental impacts on the residential properties have been assessed as part of the above points.

Therefore under paragraph 9 of the Residential Design Guide the Proposal is considered acceptable.

## **3. The Impact on Visual Amenity**

Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character. Under this policy the following characteristics should be reviewed as part of the assessment; current use of buildings; ownership/tenure; street layout; patterns of development; residential amenity; plot size and arrangement; built form.

The majority of the proposal will not be visible from the street scene, as the majority of the buildings are located to the rear of the existing industrial units. The stacks are proposed to be 12 metres in height, roughly a similar height to a three storey house. Therefore, whilst the stacks may be visible from Weddington Terrace/ Weddington Road, they will not be detrimental to the street scene. Moreover, the proposal is located in an industrial setting, often associated with having a less sensitive visual impression and lower visual amenity landscapes. As such, it is considered that the proposal is in accordance with Policy BE3 and section 8 of the Residential Design Guide.

## **4. Conclusion**

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

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

The proposal is considered in line with paragraph 154 of the NPPF 2019 and Policies DS3 and BE2 of the Borough Plan 2019 both of which are current up to date policies and guidance. This is due to the promotion of sustainable energy production and there being no evidence that the proposal will cause significant harm on the environmental, residential or visual amenity of the immediate and wider surrounding area.

The stacks will be visual from Weddington Terrace and potentially from Weddington Road, but it is not considered that this will cause a visual amenity issue. Similarly it is noted that the stacks will be releasing some emissions into the local area, but the level of harm to the public and environment is considered insignificant.

Whilst some concerns have been noted by the Environmental Health Team in relation to the boilers use, fuel being used and maintenance of the boilers. The proposed conditions are considered to provide the relevant information for the proposal to be acceptable.

In conclusion the proposal is not considered to have a detrimental impact to the health and wellbeing of the surrounding community or have a negative impact on the visual amenity of the immediate and further surrounding area.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

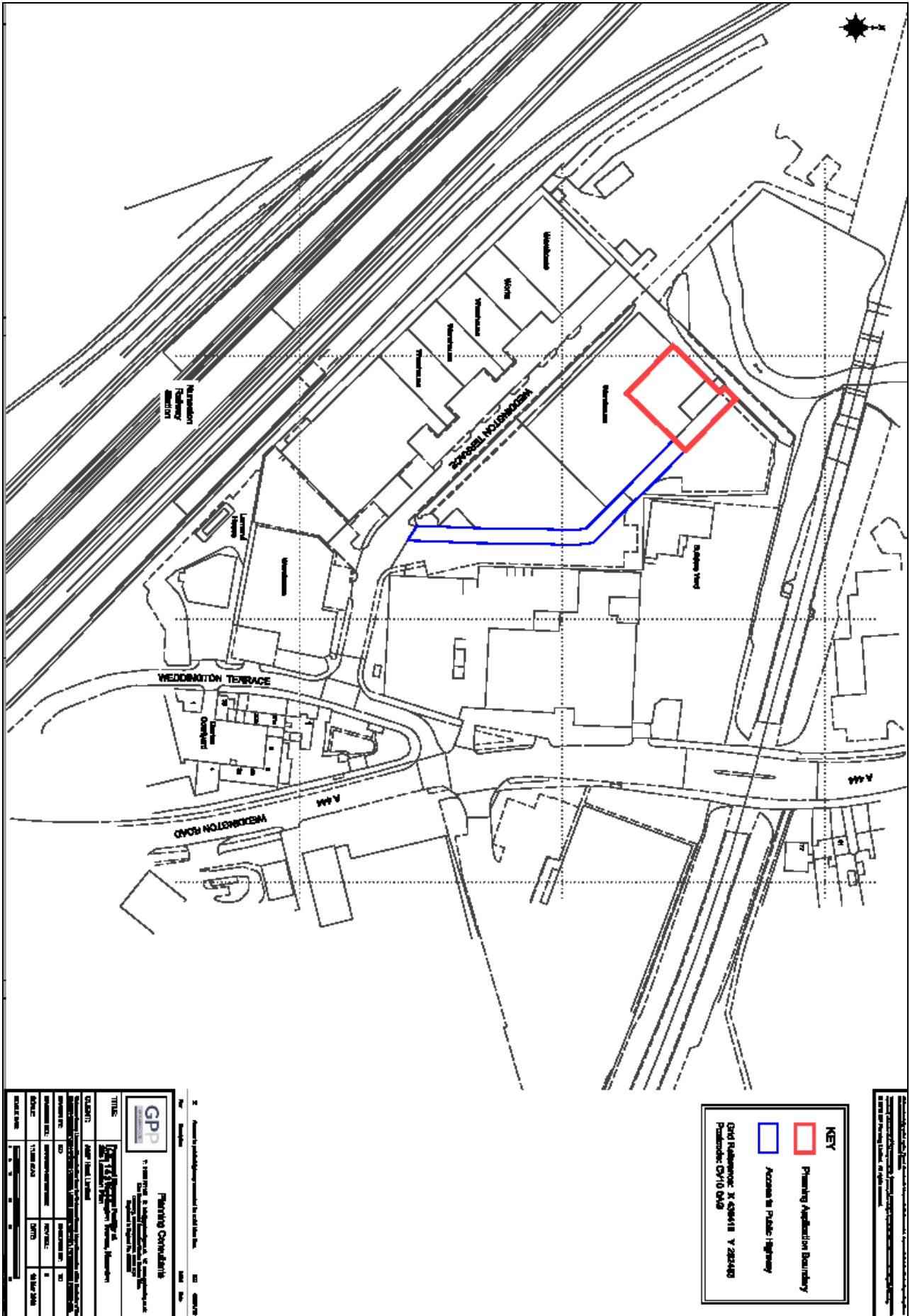
Plan Description	Plan No.	Date Received
Site Location Plan	GPP/AMPH/WTN/19/02	9 <sup>th</sup> April 2019
Biomass Plant Area	M002 P2	3 <sup>rd</sup> July 2019
Plan Layout		
Internal Heating Layout	M001 P2	29 <sup>th</sup> March 2019
Plant Room	HDN10	29 <sup>th</sup> March 2019
Dragon Boiler	HDN09	29 <sup>th</sup> March 2019
Fuel Store	HDN08	29 <sup>th</sup> March 2019

3. Evidence shall be submitted to the local authority to demonstrate that the boilers have been tested and certified as an exempt appliance (for use in a smoke controlled area) prior to installation. This shall be supplemented with the technical details of the biomass boiler. Exempted appliances are required to emit less than 5g/h PM plus 0.1g/h per 0.3kW of heat output.

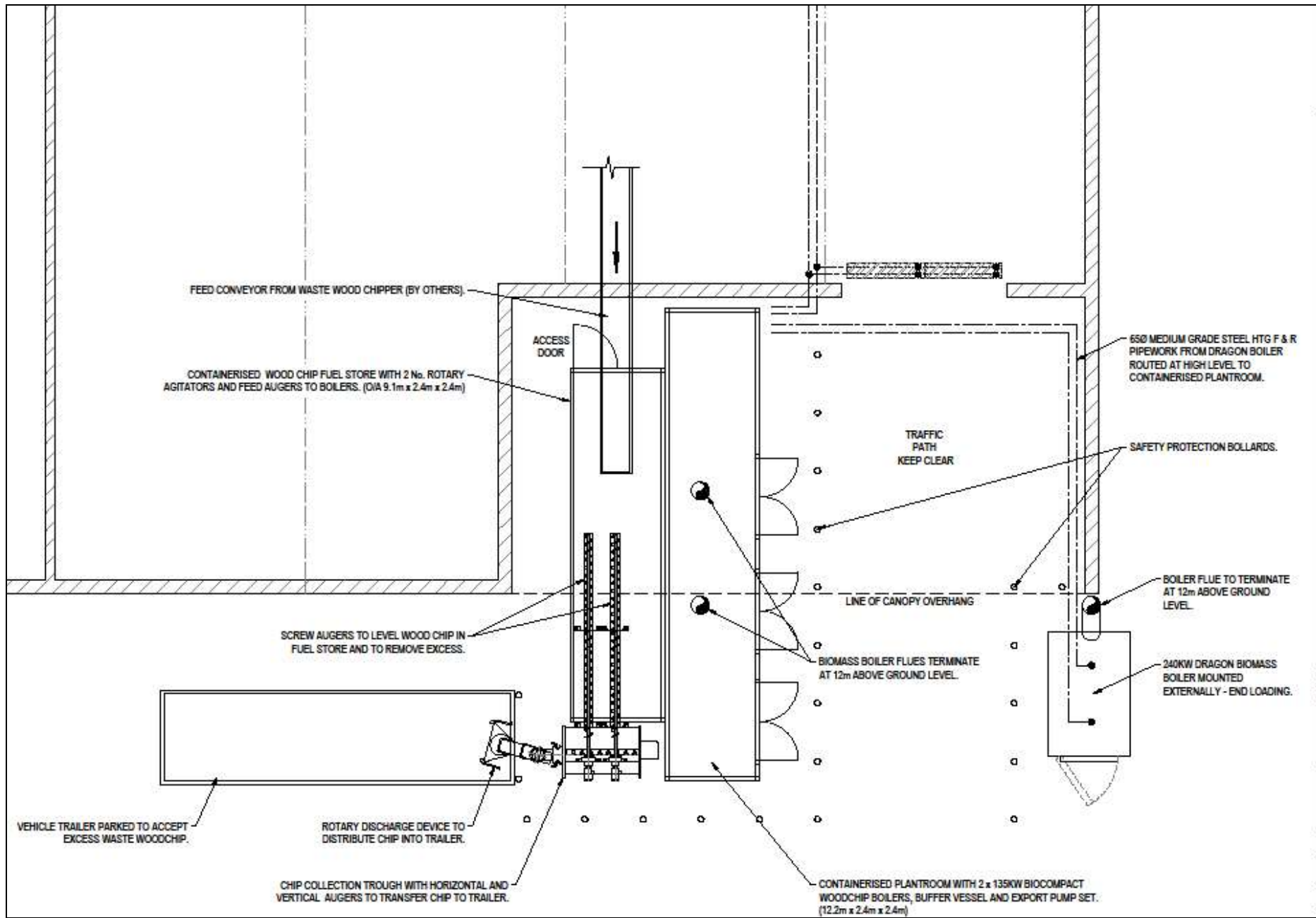
4. The biomass boilers shall only be operated using clean untreated wood chippings or wood offcuts of known quality and moisture content, suitable for use as a fuel in

accordance with manufacturer's recommendations. No waste or waste derived materials shall be burned.

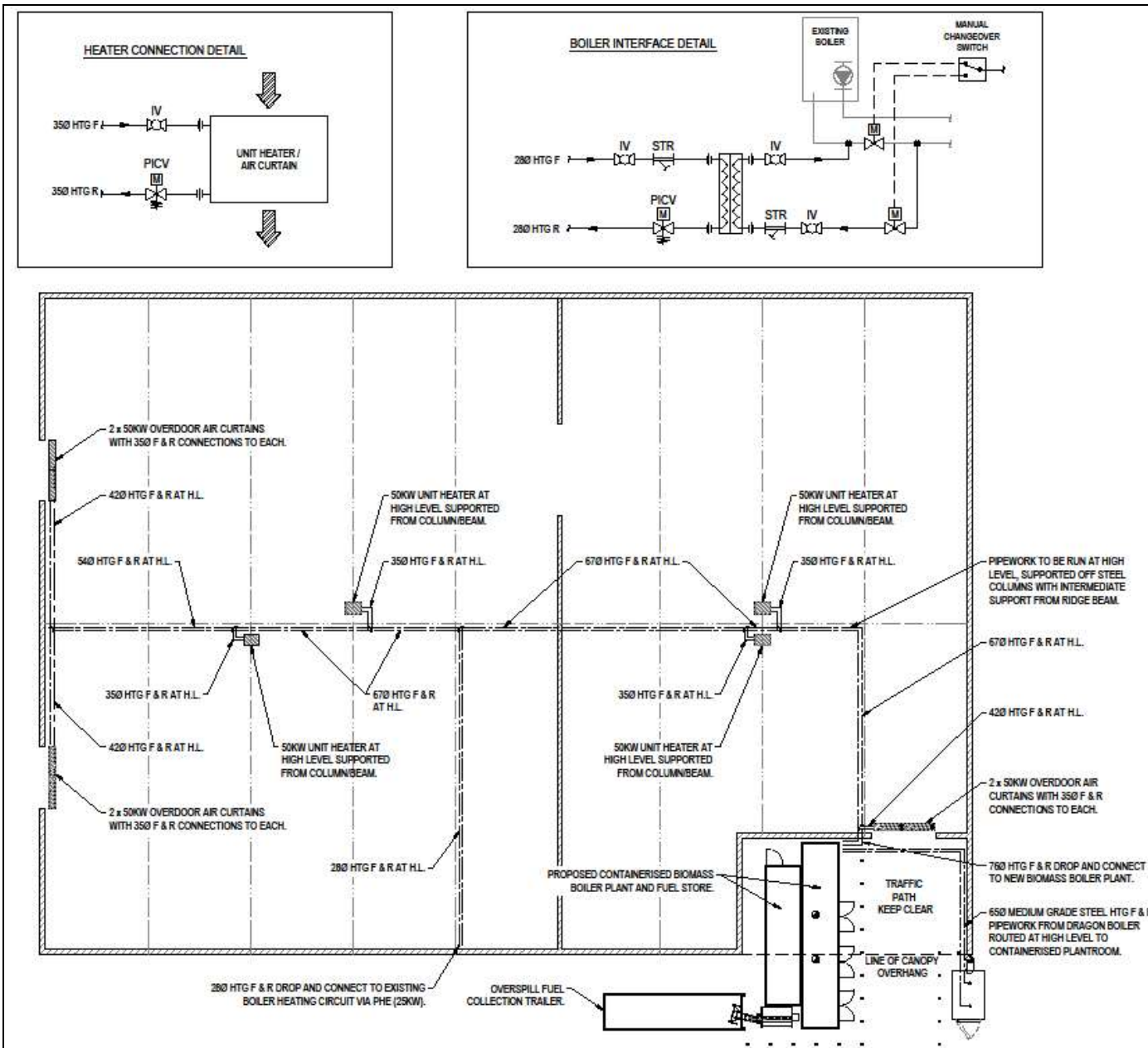
5. The biomass boilers shall be associated with a written schedule of maintenance which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. This schedule shall be submitted and agreed prior to commencing operation.



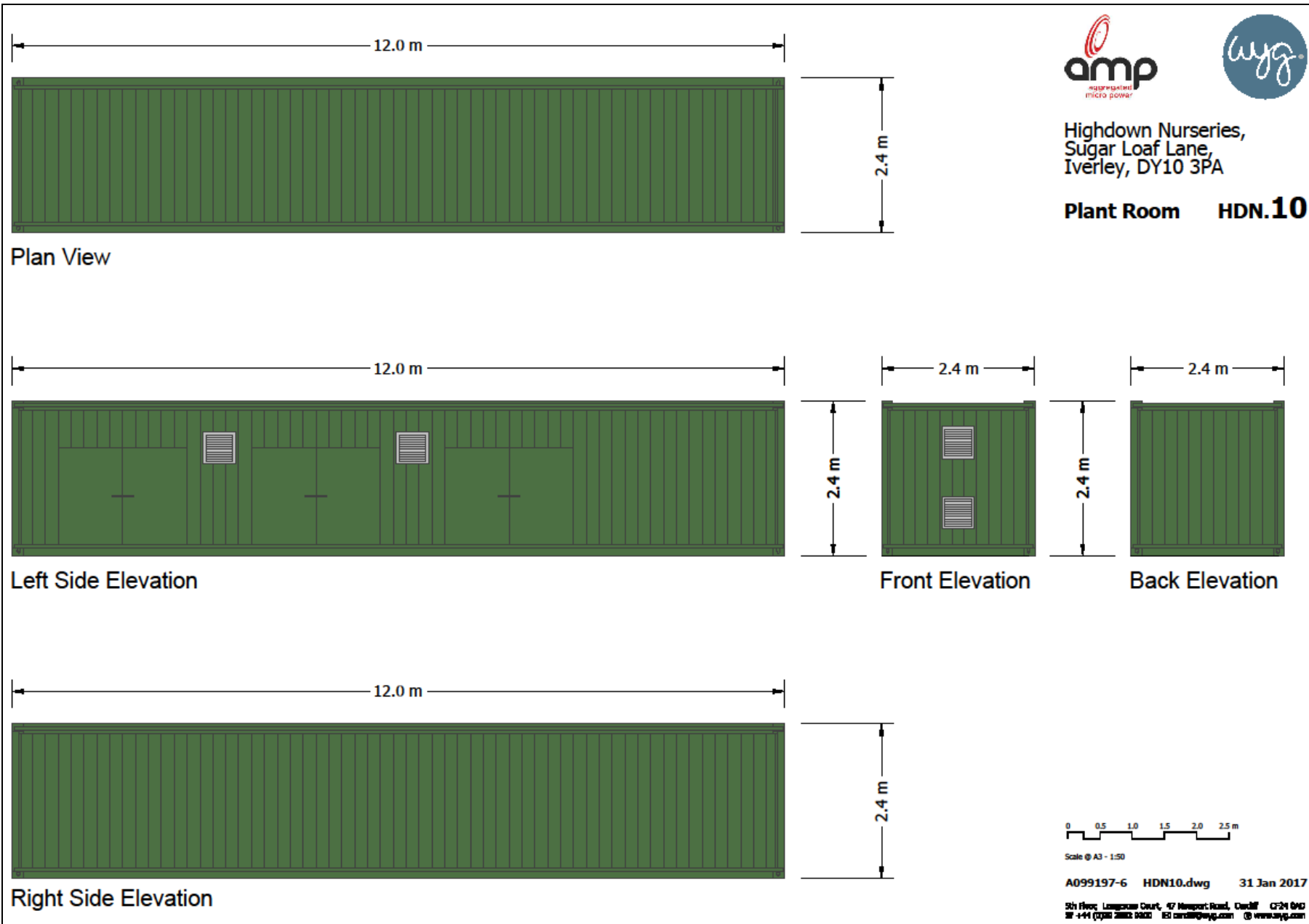
Location Plan



## Biomass Plant Area Plan Layout

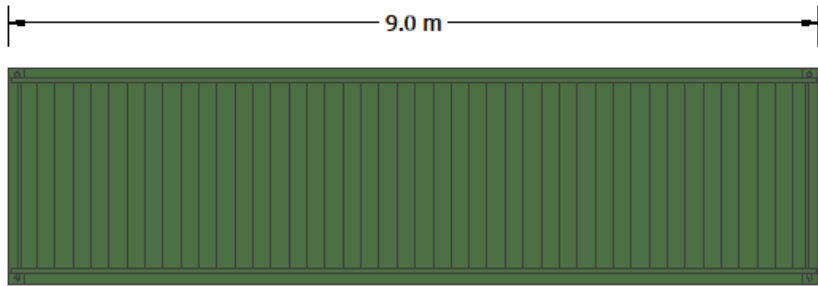


## Internal Heating Layout



**Plant Room**



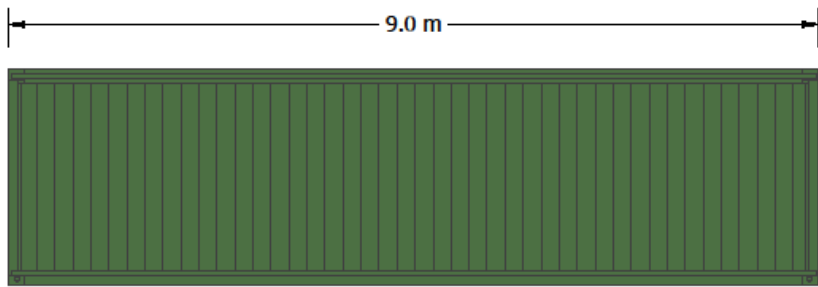


Plan View

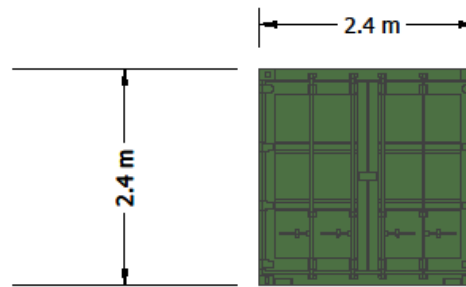


Highdown Nurseries,  
Sugar Loaf Lane,  
Iverley, DY10 3PA

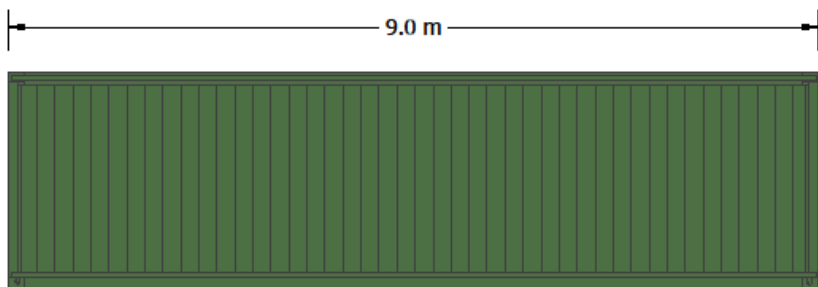
**Fuel Store HDN.08**



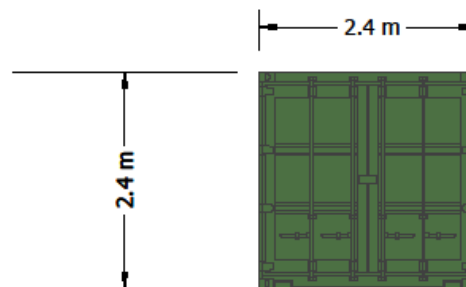
Left Side Elevation



Front Elevation



Right Side Elevation



Back Elevation

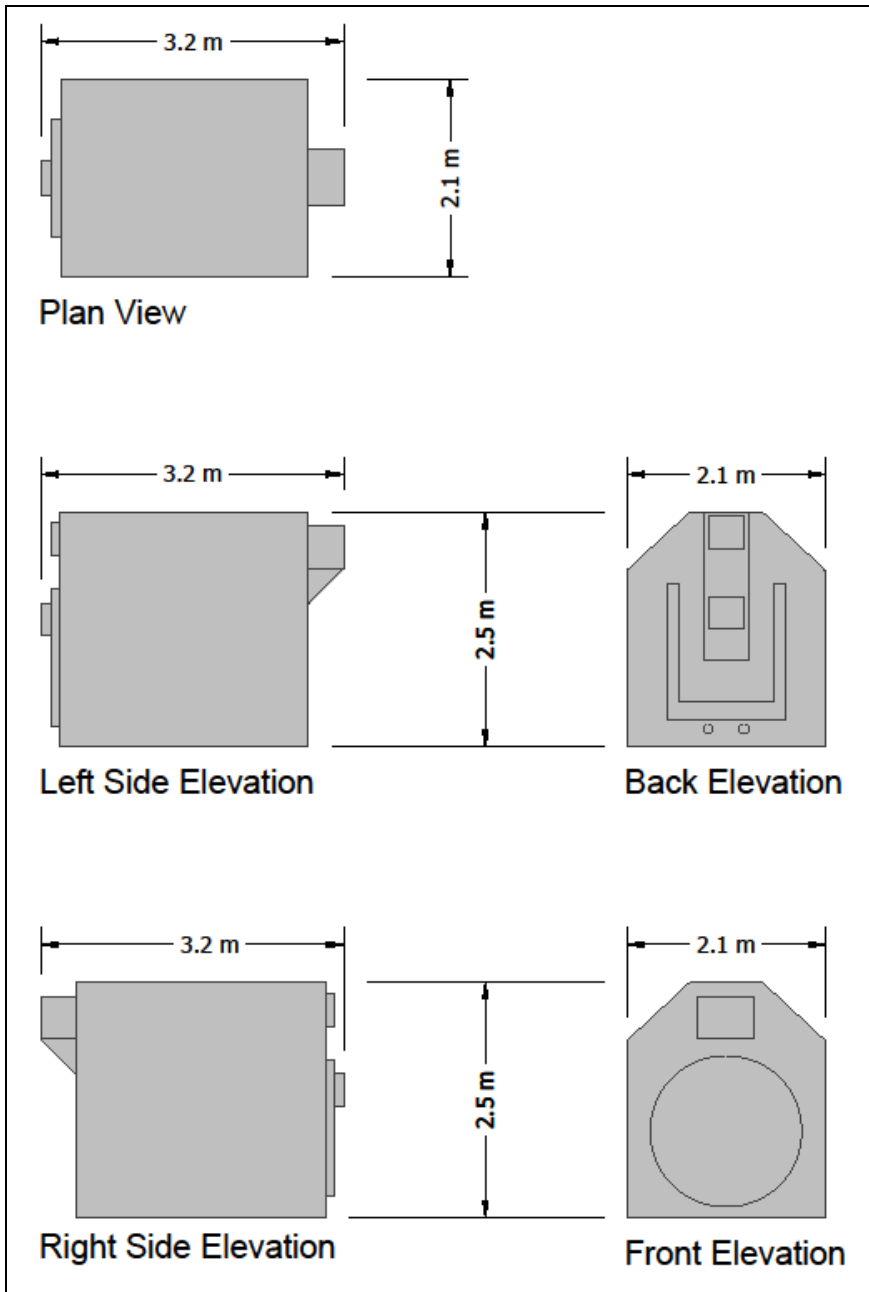


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A099197-6 HDN08.dwg 31 Jan 2017

5th Floor, Longcross Court, 47 Newport Road, Cardiff CF24 0ND  
 ☎ +44 (0)1495 2882 8800 ✉ cards@wyg.com 🌐 www.wyg.com

## Fuel Store



**Dragon Boiler**

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## Item No. 6

**REFERENCE No.** 036338

**Site Address:** Site 63C002 - Land between 10 and 12 Roxburgh Road, Nuneaton

**Description of Development:** Erection of 8 flats in 2no. two storey blocks

**Applicant:** Mrs Dawn Dawson

**Ward:** AT

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This application is for the erection of 8no. flats in 2no. two storey blocks and includes the demolition of the existing garages on the site. All of the flats are 1 bedroom. Vehicular access is proposed off Roxburgh Road.

The site is currently a garage site and the rear elevations of the garages face Roxburgh Road. They project further forward than no.12 Roxburgh Road. There is a grassed area between the garages and Roxburgh Road. To the south there is an area of open land that contains a number of trees. To the west are properties on Marston Lane and the rear of these properties face the site. Some have rear access from the application site. Adjoining no's 188-194 there is a mixture of fencing and gates of between 2 and 2.2 metres in height. There are trees along the rest of the western boundary. No's 2-10 Roxburgh Road are set further back and front the open land. No 10 has windows to the front that serve the lounge and bedroom and a single storey extension/carport to the side. Properties opposite the application site are pitched roof and semi-detached. No 12, to the north, is semi-detached with a hipped roof and an attached garage to the side. There is a first floor side facing window that is obscure glazed. There is a footpath that runs along the northern boundary of the site through to Marston Lane.

### **RELEVANT PLANNING HISTORY:**

- There is no relevant planning history.

### **RELEVANT PLANNING POLICIES:**

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

- H2 - Affordable Housing;
- NE4- Managing Flood Risk and Water Quality;
- BE1- Contamination and Land Stability and
- BE3- Sustainable Design and Construction
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Housing, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Police (Architectural Liaison Officer), WCC Highways.

### **CONSULTATION RESPONSES:**

No objection subject to conditions from:

NBBC Environmental Health, NBBC Parks, WCC Highways

No objection from:

NBBC Housing, NBBC Refuse

Comment from:

NBBC Planning Policy

No response from:

Severn Trent Water, Warwickshire Police (Architectural Liaison Officer)

### **NEIGHBOURS NOTIFIED:**

2-14 (even), 1-21 (odd) Roxburgh Road; 188-196 (even) Marston Lane.

Neighbouring properties were sent letters notifying them of the proposed development on 25<sup>th</sup> April 2019. A further letter was sent on 18<sup>th</sup> June 2019 notifying them of amendments to the application.

### **NEIGHBOUR RESPONSES:**

There have been 9 objections from 9 addresses to the original plans submitted. The comments are summarised below;

1. Loss of garages.
2. Inadequate amount of parking spaces.
3. Impact on existing trees.
4. Design not in keeping with the area.
5. Set too close to the road.
6. Impact on highway safety.
7. Overlooking and loss of privacy.
8. Flats not in keeping with existing properties in the area.
9. Would lead to more on-street parking.
10. Lack of external space for occupiers of proposed flats.
11. Bungalows may be a better alternative.
12. Increased noise and disturbance.
13. Would add to drainage problems.
14. Loss of light.
15. Impact on wildlife.

A petition with 21 signatories to the original plans has been received. The comments are summarised below:

1. Overlooking and loss of privacy.
2. Flats are not in keeping with the surrounding area.
3. Increase in on-street parking.
4. Loss of privacy.
5. Impact on existing drainage system.
6. Potential disturbance to wildlife.
7. Lack of outside facilities for tenants of proposed flats.
8. Potential congregation of tenants on the open areas, causing noise and disturbance.

A further petition with 60 signatories to the original plans has also been received, although no points of objection were included in this.

There have been 3 objections from 3 addresses to the amended plans submitted. The comments are summarised below;

1. Impact on trees.
2. Set too close to the road.
3. Loss of privacy.
4. Increase in on-street parking.
5. Highway safety implications.
6. Location of bin store is not appropriate.
7. Lack of external space for occupiers of proposed flats.
8. Not enough cycle storage provided.
9. Design is not in keeping.

## **APPRAISAL:**

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

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

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

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

The NPPF (paragraph 118) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The site is a garage site containing 19 no. garages, of which 11 no. are currently empty and not being used. All of the garages are in various states of disrepair. It is considered that the site is a brownfield site and would provide a beneficial use of under-utilised land within the settlement boundary and much needed affordable housing. It is therefore considered that the principle of residential development on this site is acceptable.

## **2. Affordable Housing**

Policy H2 of the Borough Plan requires 25% affordable housing on sites of 15no. dwellings or more and 2no. units on sites of between 11no. and 14no. dwellings. As the proposed number of dwellings is 10, this is below the thresholds in Policy H2. However, all of the dwellings are proposed as affordable and will be owned and maintained by NBBC. Housing have confirmed they fully support the application which would provide much needed affordable housing.

## **3. Residential Amenity**

Policy BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and one of the key characteristics to review is residential amenity. To the rear of the site are properties in Marston Lane, the rear of which face the application site. There is over 20 metres separation between the proposed habitable windows and original habitable room windows serving those properties on Marston Lane, in compliance with paragraph 9.3 of the Residential Design Guide. A minimum separation is required under paragraph 9.4 of the Residential Design Guide of 7 metres from proposed habitable room windows and neighbouring private amenity space which is achieved in relation to the properties to the rear on Marston Lane. In relation to no 10 Roxburgh Road, the nearest proposed flats (plots 5-8) would be approximately 23 metres away and would not directly face that property. No 12, to the north, has an attached garage to the side. There is a first floor side facing window that is obscure glazed which is not protected. In any case, the nearest proposed flats (plots 1-4) are approximately 26 metres away. There are residential properties opposite the site, on the other side of Roxburgh Road which have habitable windows that would face the proposed development. Plots 1-4 have habitable room windows on the ground and first floor that would face these properties. However, a separation distance of 20 metres is achieved, in compliance with paragraph 9.3 of the Residential Design Guide. Plots 5-8 also have habitable windows which serve kitchen/living areas on both the ground and first floor. These would be set 17-18 metres away from the properties opposite (no's 11 and 13 Roxburgh Road). Paragraph 9.3 of the Residential Design Guide, however, normally requires 20 metres separation. That said, paragraph 9.3 also states that this distance may be reduced if they are across public viewed areas such as across a front garden, open space or public highway. In this case, the views would be across an open area to the front of the proposed flats, across no 11 and 13's front gardens and across a public highway. It is therefore considered that in this case a shortfall of 2-3 metres separation is acceptable and would not lead to significant overlooking.

In terms of noise and disturbance, NBBC Environmental Health have raised no objections.

In relation to within the site, distance standards are met. There is not a huge amount of outside space provided for the proposed flats. However, this is not uncommon in flat developments and in this case there is lots of open space within the immediate area that the future occupiers could use. There is a large area of grassland adjacent to the

site which is Council owned and is available for use by all residents within the vicinity. The Wembrook trail which provides access through Attleborough to Riversley Park is also within very close proximity to the site.

#### **4. Visual Amenity**

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form. The dwellings would be two storey with pitched roofs. They are to be constructed off site using modern methods of construction and would then be craned onto the site. Materials proposed include brick cladding, render and concrete roof tiles which are considered acceptable, particularly as brick and render are a feature in the area including further down Roxburgh Road. To the front is a brick wall and railings with an overall height of 0.9 metres proposed. The street scene predominantly consists of semi-detached properties but it is considered that the two blocks of flats would appear as two pairs of semi-detached properties. Detailing above and below the windows and an entrance canopy over the main entrance doors are proposed which, together with the materials, add some visual interest. The side elevations that would be visible from Roxburgh Road have a door at ground floor and 3no. windows at first floor. It is considered that this provides active elevations and interest to the benefit of visual amenity in contrast to an exposed blank elevation.

The proposed flats are set closer to the road than the existing properties along Roxburgh Road. However, it is considered that 8no. dwellings would provide a cohesive group of properties and it could also be argued that the siting is not dissimilar to the existing pattern of development. It is also considered that it is a gradual step as plots 1-4 are set slightly further forward than no 12 and then plots 5-8 are set slightly further forward again. On this basis, it is not considered that the proposed development would appear so significantly out of character or overly prominent to warrant a recommendation of refusal. Due to the size and shape of the site which is long and thin it would be difficult to develop the site in any other way which would also meet other policy requirements and therefore the proposed scheme is considered the better option. It is also important to take into account the existing garage site. The rear of the garages face Roxburgh Road and are not a particularly pleasant feature in the street scene. The garages to the northern part of the site already project close to the highway and past the front of no 12. It is considered that the proposed development would be an improvement in terms of visual amenity.

#### **5. Highway Safety**

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). The access is proposed off Roxburgh Road. In terms of parking, a total of 10no. spaces are proposed and would consist of 1no. spaces for each flat, plus 2no. visitor spaces. The parking spaces will be managed under a residents' permit system. The Council no longer has any saved car parking standards but this level of parking is considered acceptable. It is also considered that the site is in a sustainable location and close to facilities such a public transport routes. Of the 19 no. garages on the site, 11 no. are currently empty and not being used. All of the garages are in various states of disrepair. The applicant has confirmed that those which are used will be offered alternatives. The ground floor of each block contains an area for cycle storage which also encourages the use of sustainable forms of transport and reduces the reliance on the private car. Some of the properties on Martson Lane

currently have rear access through the application site. The plans show these will be maintained. WCC Highways have no objection.

## **6. Flood Risk & Drainage**

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

## **7. Contamination & Land Stability**

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

## **8. Ecology**

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

There is a mature tree on the site that is to be retained, together with trees to the west. In terms of the area to the west, this contains a hedge and trees along the boundary with the proposed access road. These will not be removed but where necessary the side limbs that cause obstruction to access road would be removed. Hand digging would also be used where digging is needed within 2 metres of the western boundary hedgerow. To the south there is an area of open space which is Council owned and contains a number of trees which will not be affected by the proposed development. A condition would also be added requiring a landscaping scheme to be submitted. NBBC Parks have no objection.

## **9. Conclusion**

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

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, ecology and contamination have all been considered. The assessment has subsequently



shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of conditions.

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

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Site Plan	100-234AR/002A	17th April 2019
Site Layout	100-234AR/001G	10th July 2019
Floor Plans- Plots 1-4	GS001-DEV-001B	17th June 2019
Floor Plans- Plots 5-8	GS001-DEV-003B	17th June 2019
Elevations- Plots 1-4	GS001-DEV-002C	17th June 2019
Elevations- Plots 5-8	GS001-DEV-004C	17th June 2019
Street Scene	100-234AR/005A	14th June 2019
Boundary Treatment Plan	100-234AR/003B	14th June 2019

3. No development shall commence until:

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

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

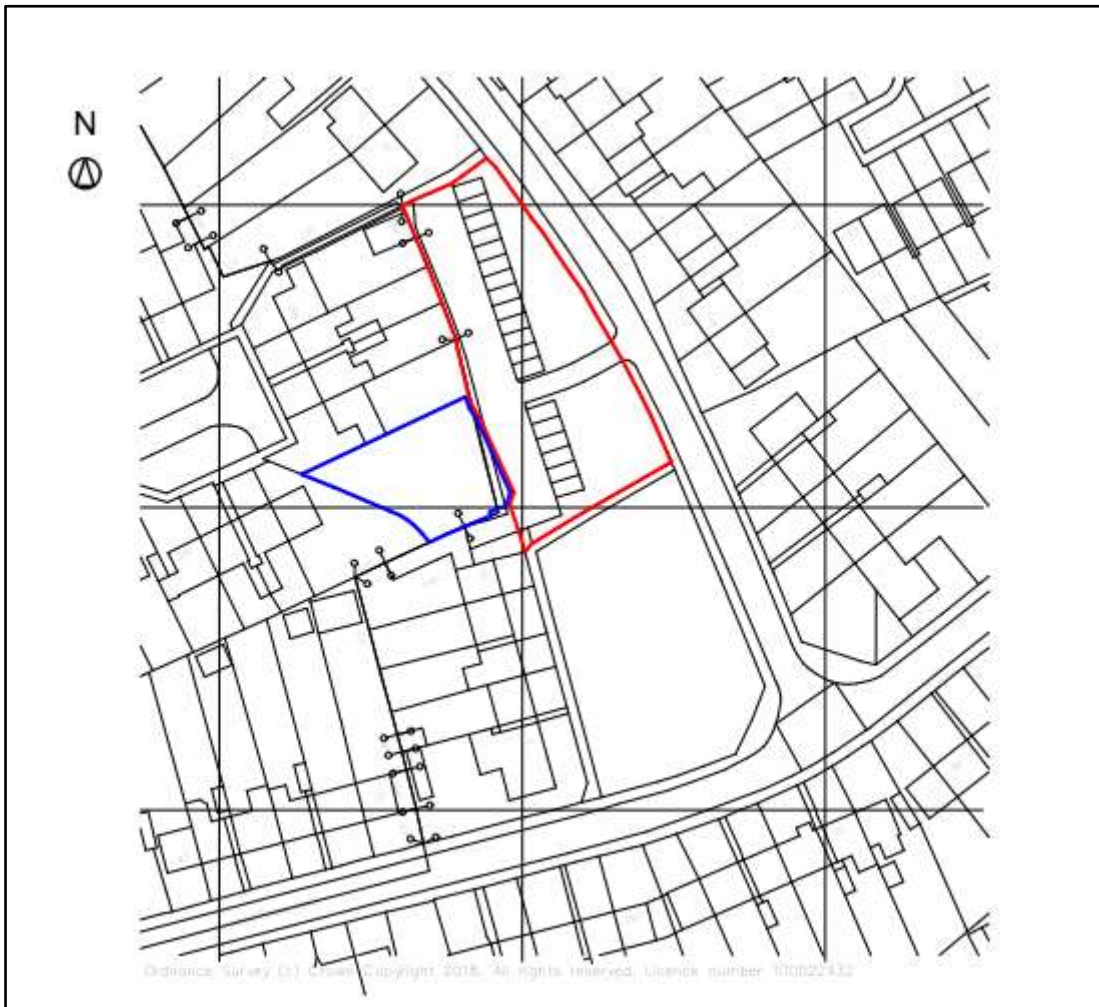
5. No development above damp proof course shall commence until a landscaping scheme including tree and plant species, sizes and planting methodology has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-

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

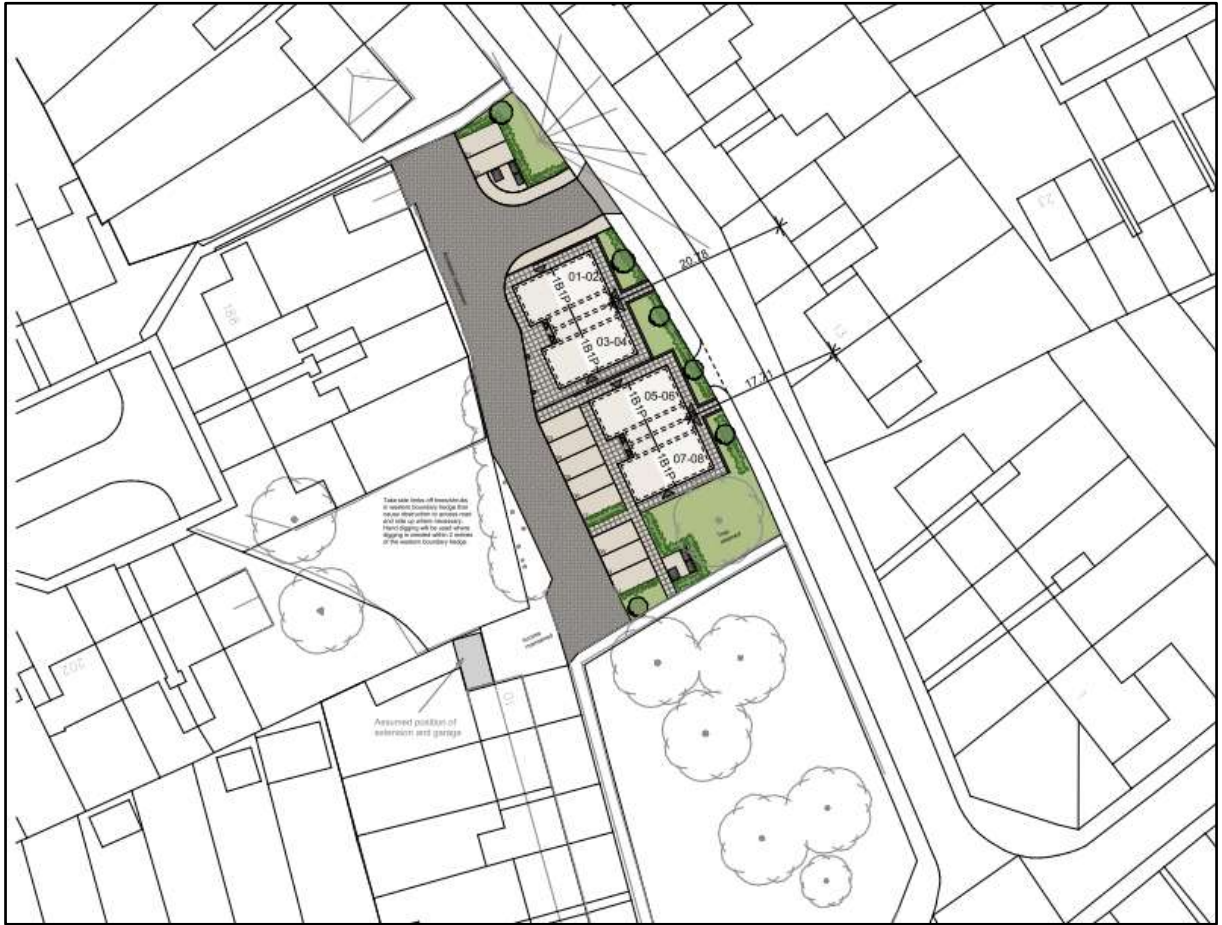
6. Prior to construction a technical drawing detailing the closure of the existing access and reinstatement of the footway shall be submitted to and approved in writing by the Council. No dwelling shall be occupied until the works have been carried out in accordance with the approved details.

7. Prior to occupation the access and driveway for the development site shall be implemented in accordance with the approved site layout (drawing no. 100-234AR/001G) received by the Council on 10<sup>th</sup> July 2019. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

8. The development shall not be carried out other than in accordance with the boundary treatment plan (drawing no. 100-234AR/003B) received by the Council on 14<sup>th</sup> June 2019. No dwelling shall not be occupied until the boundary treatments have been carried out in accordance with the approved details.



## Site Plan



## Site Layout

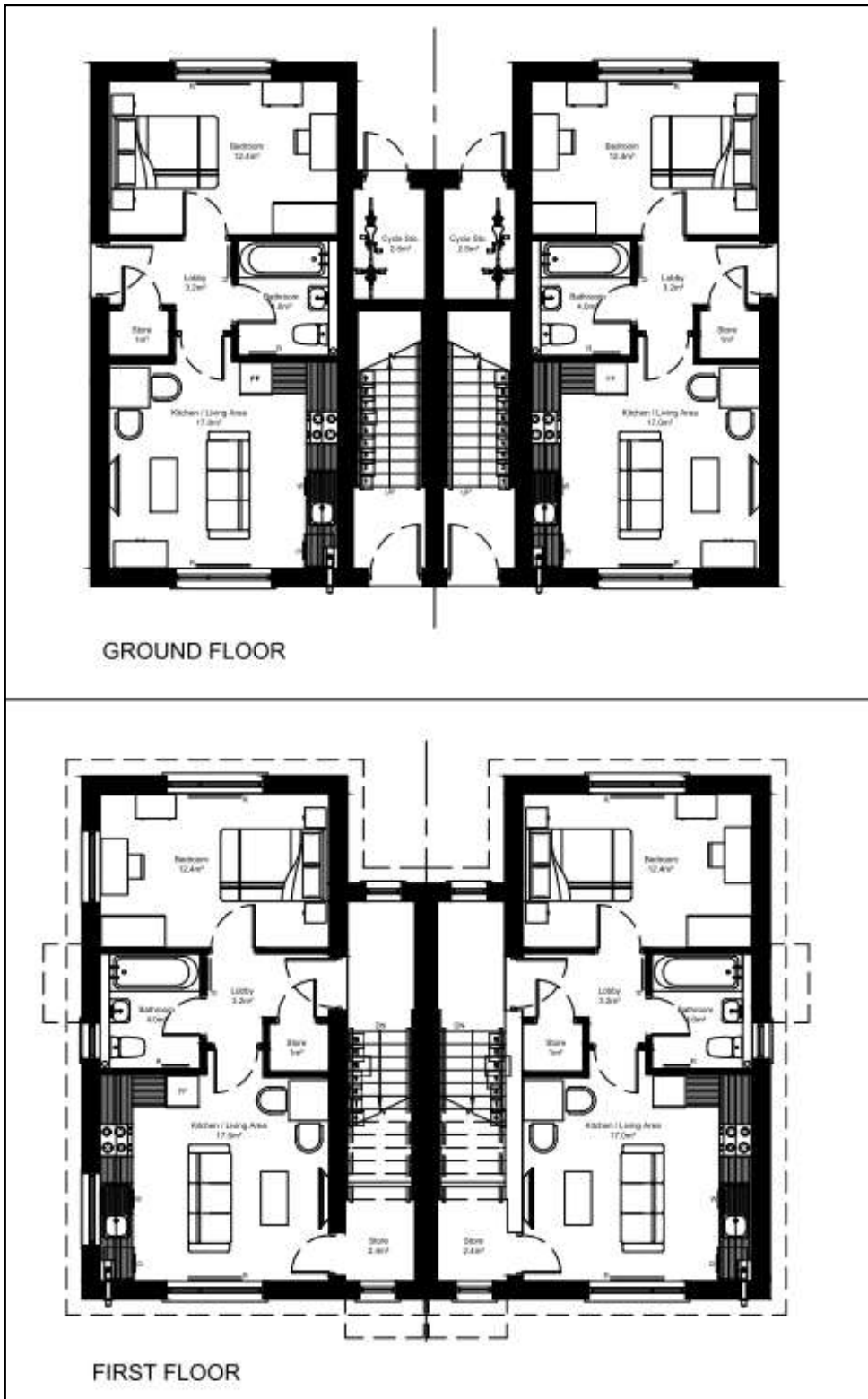


**GROUND FLOOR**



**FIRST FLOOR**

**Floor Plans- Plots 1-4**



GROUND FLOOR

FIRST FLOOR

**Floor Plans- Plots 5-8**



## Elevations- Plots 1-4



## Elevations- Plots 5-8





**Street Scene**

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## Item No. 7

**REFERENCE No.** 035826

**Site Address:** Site 106a014 -The British Queen PH King Street, Bedworth

**Description of Development:** 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

**Ward:** PO

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

To create 13 flats (including vehicular access), it is proposed that a three-storey building will adjoin The British Queen, whilst the pub element is to be converted, with extensions to be added to the rear of the pub. The application is a re-submission following previous approval for 12 flats on the same site.

The application site is located on a busy highway, known as King Street, east of Bedworth Town Centre. The site contains the vacant British Queen public house. The British Queen pub is a two storey gable roofed building situated right on the corner of King Street and Kings Garden. What was the beer garden is now overgrown with trees and vegetation. The proposed development site will front on to King Street, and have its highway access on to Kings Gardens.

To the north of the site is number 2 Kings Gardens. To the east of the site is the former King Street cinema followed by a small row of terraces and to the west, on the other side of Kings Gardens are the semi-detached properties of 82 and 82a King Street.

### **BACKGROUND:**

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

### **RELEVANT PLANNING HISTORY:**

035214 – Erection of 12 apartments and three storey extensions – approved 5<sup>th</sup> April 2018.

032815 – Erection of 28 apartments and 2 houses – approved – 12<sup>th</sup> November 2015.

### **RELEVANT PLANNING POLICIES:**

- Saved Policies of the Borough Plan 2019:
  - DS1 – Presumption on favour of sustainable development
  - BE3 – Sustainable design

- HS1 – Delivery of infrastructure
- Affordable Housing SPD 2007.
- Residential Design Guide 2004.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

NBBC Refuse and Cleansing, NBBC Environmental Health, WCC Highways, The Bedworth Society, NHS Property Services, WCC Infrastructure Team, Warwickshire Archaeology, Network Rail, Severn Trent Water, Warwickshire Police, WCC Flood Risk Team, Coal Authority, NBBC Parks

### **CONSULTATION RESPONSES:**

Objection from:

WCC Highways

No objection subject to conditions:

Environmental Health, Network Rail

No objection from:

WCC Flood Risk Team, Coal Authority, Warwickshire Archaeology, NBBC Parks, Warwickshire Police

### **NEIGHBOURS NOTIFIED:**

MP 8 Kingsway House, King Street, Bedworth; 5, Chopras Auto Spares 75, 75, 82, 82A, The British Queen 84, Bargain Booze 87, Savemore 86, Seventyne Ltd. Railway House, 89, 91, 92, 92A, 93, Feldon Vets 94, 85, 96, 97, Kushiara 98, 99, 101 King Street, Bedworth; 1 – 12 (inc), 17 – 21 (odd), 20, 22, 24, 25, 27 – 31 (inc), 33, 34, 35, 41, 40 – 48 (even) Kings Gardens, Bedworth; 1, 6, 26 Queen Street, Bedworth;

Neighbouring properties were sent letters notifying them of the proposed development on 22<sup>nd</sup> October 2018. A site notice was erected on street furniture on 31<sup>st</sup> July 2018 and the application was advertised in The Nuneaton News on 31<sup>st</sup> October 2018.

### **APPRAISAL:**

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

1. The Principle of Development
2. Impact on Residential Amenity
3. Impact on Visual Amenity
4. Highway Safety and Parking
5. Flooding and Drainage
6. Noise
7. Contaminated Land
8. Coal Mining Risk
9. Planning Obligations

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

The application site has been previously approved for residential use in 2015 (032815) and 2018 (035214).

The earliest of these permissions (28 dwellings) has since expired without being implemented, whilst the second (12 dwellings) is still extant. Taking this in to consideration, the principle of residential development on the site is well established.

Additionally the land is not designated for any specific land use in the Borough Plan. Consequently, this proposal is considered a windfall site (non-allocated sites that come forward during the plan period). The Borough Plan 2019 has an allowance for 247 dwellings to come forward as a windfall site.

### *Sustainability*

The proposed development of 13 flats constitutes development on previously developed land. Previously developed land, often referred to as 'Brownfield Land', is defined within Annex 2: Glossary of the NPPF as; "Land which is or was occupied by a permanent structure, including the curtilage of the developed land".

The development of this land for residential purposes is considered to be an appropriate and sustainable use of the land within the urban area. The surrounding area has a good deal of residential uses and a scattering of commercial uses. Indeed, the Town Centre is only a few hundred metres away to the east. This brings added benefits for a more sustainable way of living due to shorter walking distance to shops, services and facilities, and increased convenience to access sustainable modes of transport to the rest of the Borough and further afield.

Given that the principle of the site for residential use has been established and the site is Brownfield land, within the urban area and close to Bedworth Town Centre, the site accords with the presumption in favour of sustainable development. These factors therefore weigh significantly in favour of the application.

## **2. Impact on Residential Amenity**

Policy BE3 of the Local Plan requires development to comply with Supplementary Planning Guidance and allows for consideration of the Residential Design Guide 2004. Paragraph 9 of this guide provides clear guidance on the way buildings relate to each other and the consequential impact with regards to levels of acceptable amenity for both existing and future occupiers.

### *Impact on 2 Kings Gardens*

Number 2 Kings Gardens is a two-storey, end of terrace property which is immediately to the north of the proposed development. It has a single storey side extension, and a single storey extension to the rear.

The house at 2 Kings Gardens has a habitable room at ground floor to the front, but a 45 degree line drawn from the centre of this front window is not breached by the proposal.

The large three-storey section of the proposed flats which will front on to King Street is well over the prescribed 7m separation distance from the newly proposed habitable room windows and private rear gardens.

There is proposed to be car parking alongside the garden of 2 Kings Gardens, however this is not felt to cause any significant detrimental impact on the residential amenity of the property.

The proposal meets with the specified distances in the Residential Design Guide 2004 and it is considered that the impact on 2 Kings Gardens would not create significant harm.

#### *Impact on 87a King Street*

Number 87a King Street is a flat above Bargain Booze, on the other side of King Street from the proposed development. It has a habitable room window fronting King Street, facing the proposal. The window currently faces on to the gable end of the former picture house/theatre.

This window to the flat will be roughly opposite, but at a slight angle, the two-storey element of the proposal. The separation distance is 17m from the proposed windows in the apartments and the window in the flat. Moreover, the distance is across a public road (King Street) where the guidance states that distances can be relaxed.

The separation distance of 17 metres, therefore, is considered to be acceptable to protect the privacy of this window. It is therefore considered that there would be no unacceptable impact on the privacy to the first floor habitable window of 87a King Street.

#### *Impact on 82a King Street*

82a King Street is a semi-detached property which fronts on to King Street and is on the corner of the entrance to Kings Gardens. The side of the house at 82a will side-on to the proposed apartments within the converted public house.

There are no side facing windows which are affected by the proposal. The rear private garden of 82a King Street runs parallel to the road of Kings Gardens. The RDG2004 sets out a 7m distance standard from new first floor (and higher) windows to rear private amenity space, and the windows of this proposal are 19m away from the nearest boundary of the rear garden of 82a.

It is therefore considered that the proposal is acceptable in terms of its impact on the residential amenity of number 82a King Street.

#### *The Proposed Flats*

The distance standards set out with the Residential Design Guide 2004 all appear to be met when considering the newly proposed apartments and houses. Section 9.2, 9.4 and 9.6 all are adhered to. The distances between newly proposed windows, and other windows (both proposed and original) all appear to adhere to the guidance within the RDG2004.

### **3. Impact on Visual Amenity**

The proposed apartment building joins the existing pub on King Street. The proposal is to be three-storeys, with the frontage facing on to King Street and the existing pub is to be converted, with extensions to the rear.

The corner element of the pub will not change visually, and it is intended that the extension to the side facing on to King Street will blend with the existing pub. A condition will be added to ensure that the materials are of a high quality and mimic those in the main building.

The ridgeline of the proposed extension to create the flats, will be around 2m higher than the ridge of the pub. Although this is higher than the pub, and it will be more

prominent, this rise in heights will serve as a visual segue from the lower pub on the corner to the large buildings further along.

The three-storey element which fronts on the King Street has been designed to look like an older building. It has large windows which line up vertically, and although slightly generic looking, should blend acceptably with the street scene here.

Overall it is considered that the proposal complies with the design guidance in the Residential Design Guide 2004, and that although the development is large this massing is not considered to be significantly detrimental to the visual amenity of the area.

#### **4. Highway Safety and Parking**

Paragraph 103 of the NPPF outlines the need for planning to 'actively manage patterns of growth'. It then further expands on this and sets out the need to consider sustainable transport modes, the suitability and safety of accesses, and whether improvements can be undertaken to the transport network to limit the impact of developments (paragraph 91).

In this case access to the rear parking area of the development is to be made from an access from Kings Gardens. This access will give a vehicular means of entry to the car parking at the rear of the site.

Warwickshire County Council Highways object to the scheme on the basis of insufficient car parking. In regard to parking provision however, the applicant is proposing to provide a total of 17 off road car parking spaces for the 13 proposed flats. This would consequently equate to roughly 1.3 spaces per dwelling which would be in accordance with the Council's traditional, maximum, parking standards which now carry only minimal weight. The site is very close to the town centre, the railway station and other shops, amenities and places of work so it is considered that the proposal would be in a sustainable location and that the parking is sufficient.

It is therefore considered that Officers have no concerns over the impact on highway the harm would therefore not be significantly detrimental to highway safety.

#### **5. Flooding and Drainage**

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 155). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk.

In respect of the above, the applicant has not submitted a Flood Risk Assessment and is not required to do so by the NPPF. The site is not within a Flood Risk Zone and therefore the Environment Agency were not consulted.

WCC Flood Risk Team were consulted and have responded with no objection to the scheme.

It is considered that there would be no unacceptable harm on flooding or land drainage as a result of the scheme.

#### **6. Noise**

The applicant has submitted a noise assessment with the planning application and this has been assessed by the Council's Environmental Health Team and they have

requested that a condition be placed on the approval which requires details of glazing and ventilation to the flats to be submitted and approved in writing prior to development. This condition is felt to be acceptable as it meets with the test for conditions contained with the NPPF and the NPPG.

It is therefore considered that any significant harm to residential amenity of the new occupiers of noise from the surrounding area would be adequately mitigated by the addition of these conditions.

## 7. Contaminated Land

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 170).

No information has been submitted with the application to establish the risk of contamination at this site. NBBC Environmental Health has subsequently requested that the Council's contaminated land conditions be imposed to ensure there is no risk to the health of future occupiers.

## 8. Coal Mining Risk

The proposal is on land that falls within an area defined as a 'High Risk Area', therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically mine entries and probable shallow coal mine workings.

A Coal Mining Risk Assessment was asked for by the Coal Authority, and they were content with the findings of this report in that the report confirms that the mine entries are unlikely to cause any unacceptable influence on ground conditions at the site given their location and the site investigations now proposed. The Coal Authority stated that they are satisfied that the site is safe.

The Coal Authority have requested a condition to ensure that adequate site investigation works take place prior to development. It is considered by Officers that this is acceptable and this shall be placed on any subsequent approval.

## 9. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable (paragraph 56). However, paragraph 56 of the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2012 makes it clear that these obligations should only be sought where they meet all of the following tests:

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

Policy HS1 of the Borough Plan is consistent with this and sets out that the Council is able to request planning obligations to make a scheme acceptable.

Organisation	Request For	Contribution	Notes
NBBC Parks	Provision and maintenance of play and open space	£21,392.50	

<b>NBBC Sports Development</b>	Provision and improvement of sports facilities	£24,108	
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The applicant has submitted a Viability Assessment Report with the planning application, and this has been independently verified by the Valuations Office. The Valuations Office have confirmed that the scheme would not be viable if the contributions were asked for. With the appointed Surveyor of the Valuations Office concluding;

*“Accordingly, it can be concluded that the proposed scheme cannot support the payment of any Section 106 Contributions.”*

It is therefore accepted that the scheme does not need to provide any planning obligations and that this is compliant with the Policy HS1 of the Borough Plan and national guidance.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Existing Elevation (Kings Gardens)	05	24th July 18
Existing GF and Site Plan	01	24th July 18
Existing Elevations to King Street	04	24th July 18
Existing Basement Plan	03	24th July 18
Existing Side Elev (King Street)	06	24th July 18
Existing Rear Elev	07A	24th July 18
Existing FF Plan	02	24th July 18
Proposed Elevation (Kings Gardens)	13	24th July 18
Proposed Rear Elevation	15A	22nd Oct 18
Proposed Basement Plan	11	24th July 18
Proposed First Floor Plan	09	24th July 18
Proposed Side Elevation	14	24th July 18
Proposed Site Layout	08A	30th July 18
Proposed Elevation (King Street)	12	24th July 18
Proposed Second Floor Plan	10	24th July 18

3. Notwithstanding the approved plans, no development shall commence until full details and samples of materials (including bricks, tiles, stone headers and cills), proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.



4. No development shall commence until:

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

5. No development shall commence until full details of the boundary treatments, including new walls and fences, and the vehicular barrier/gates intended to secure the parking area (including the means and method of opening for these gates), have been submitted to and approved in writing by the Council. No dwelling shall be occupied until all boundary treatments, and the vehicular barrier to the car park has been carried out in accordance with the approved details. The vehicular barrier is to be maintained in perpetuity.

6. No development shall commence unless and until a method statement detailing the demolition of the parts of the existing buildings to be lost has been submitted to and approved in writing by the Council. Development shall not be carried out other than in accordance with the approved details.

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

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

9. No development, including any demolition and site clearance, shall commence until an ecological survey of the existing site has taken place and until a related programme for appropriately timed vegetation clearance, vegetation clearance methods and for protection and mitigation for any specific protected species identified on the site as part of the survey has been agreed in writing by the Council. The development, demolition and site clearance shall not take place other than in accordance with these details.

10. No development shall commence until details of noise attenuation, glazing and the proposed methods of ventilation for the apartments have been submitted to and approved in writing by the Council. The development shall not take place other than in accordance with these details.

11. No development, including site clearance and demolition, shall commence until intrusive site investigation works have been undertaken (as detailed within the Coal Mining Risk Assessment (Revision No 1, 6th December 2017, prepared by GIP Ltd)) to establish the situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings, this work must also be carried out prior to any development, site clearance or demolition and in accordance with the recommendations of the Coal Mining Risk Report and the details submitted to and approved in writing by the Council.

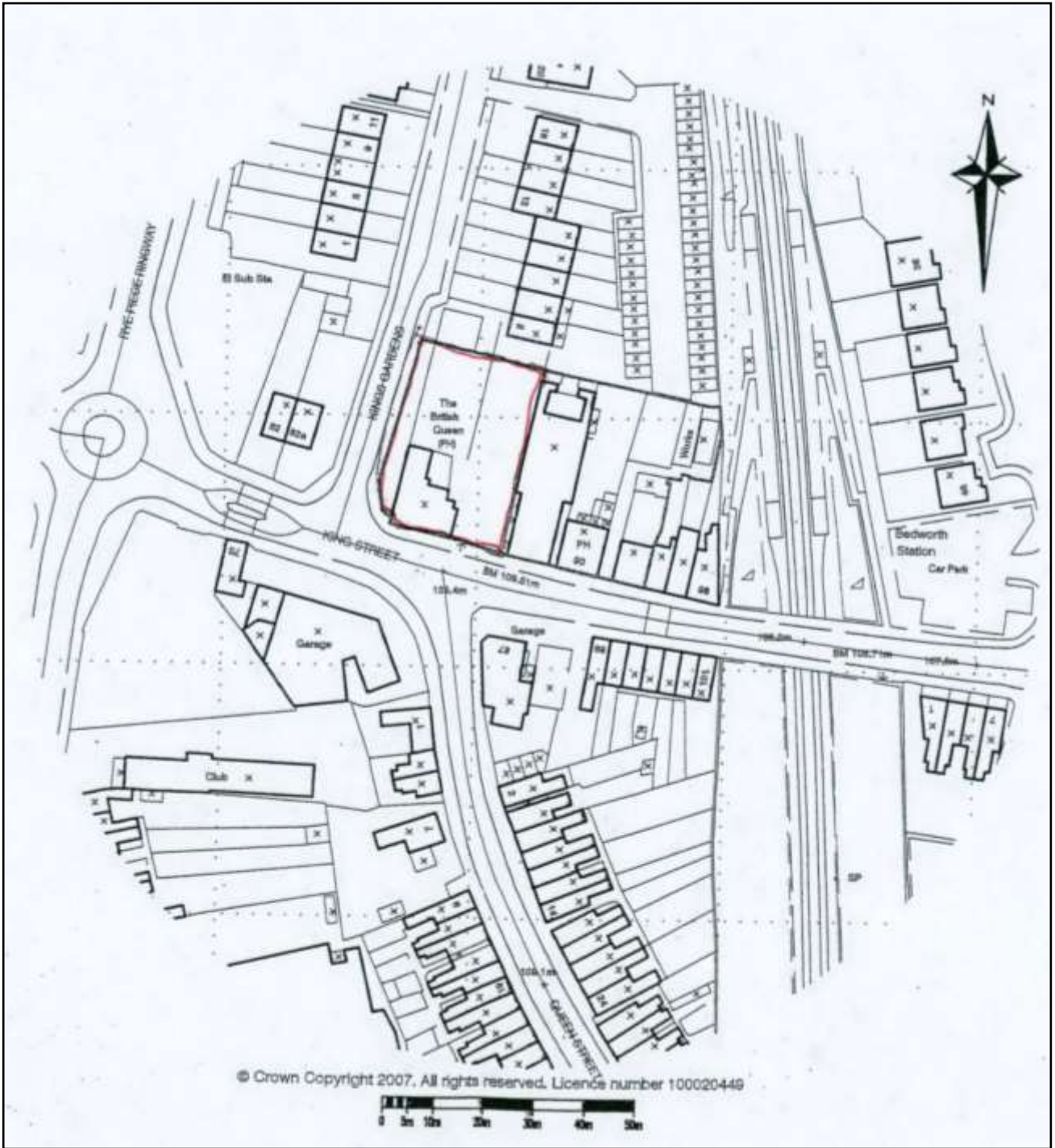
12. The development shall not be occupied until all parts of the existing access within the public highway (King Street) not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

13. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

14. No structure, tree or shrub shall be erected, planted or retained fronting the car parking area along Kings Gardens within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

15. No development shall take place, including any site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period and to prevent construction traffic parking on adjacent roads. The Statement shall provide for:

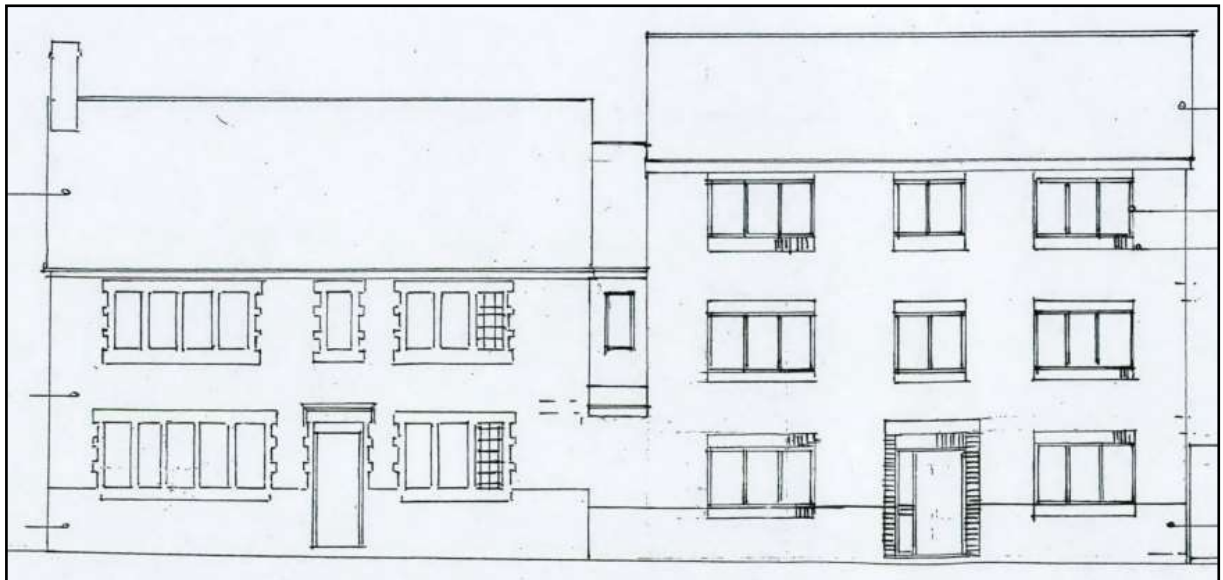
- a. The details of the construction access to the site.
- b. The routing and parking of construction traffic, vehicles of site operatives and visitors;
- c. Hours of work;
- d. Loading and unloading of plant and materials;
- e. Storage of plant and materials used in constructing the development;
- f. Facilities for keeping the adjacent roads clean of extraneous materials.
- g. Measures to control the emission of dust and dirt during construction



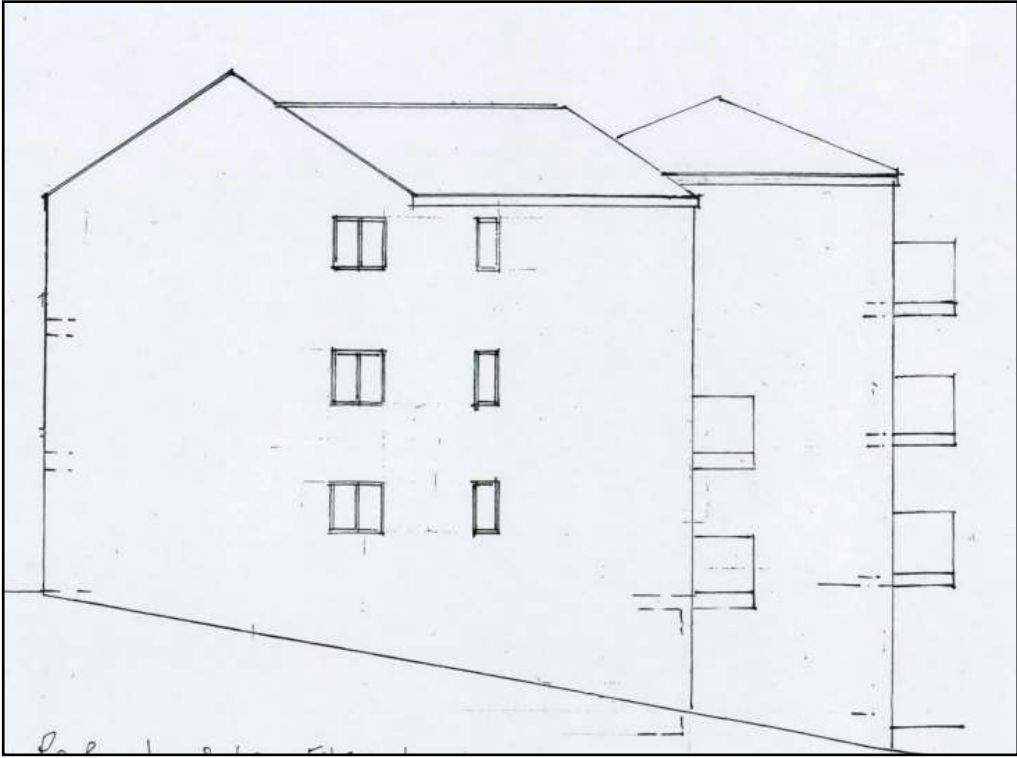
**Site Plan**



**Elevation to Kings Gardens**



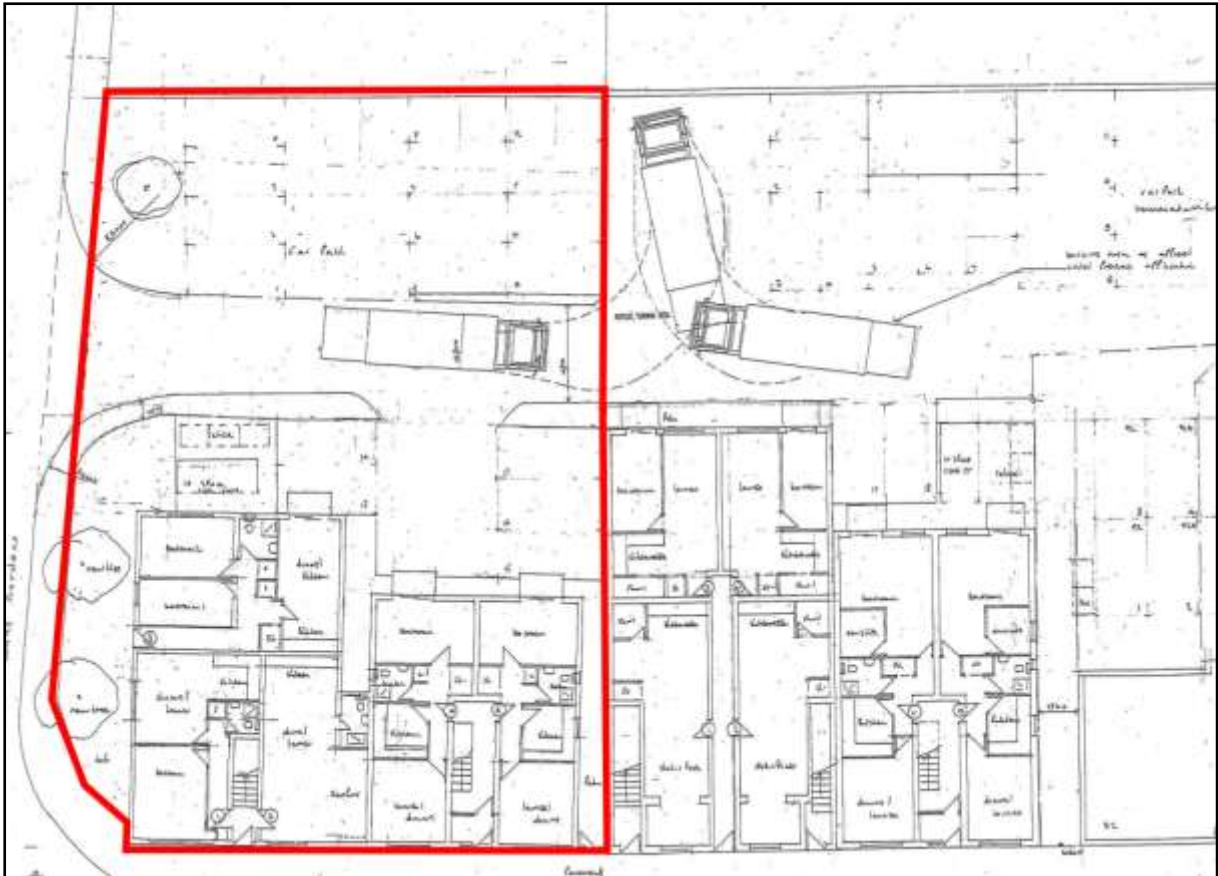
**Elevation to King Street**



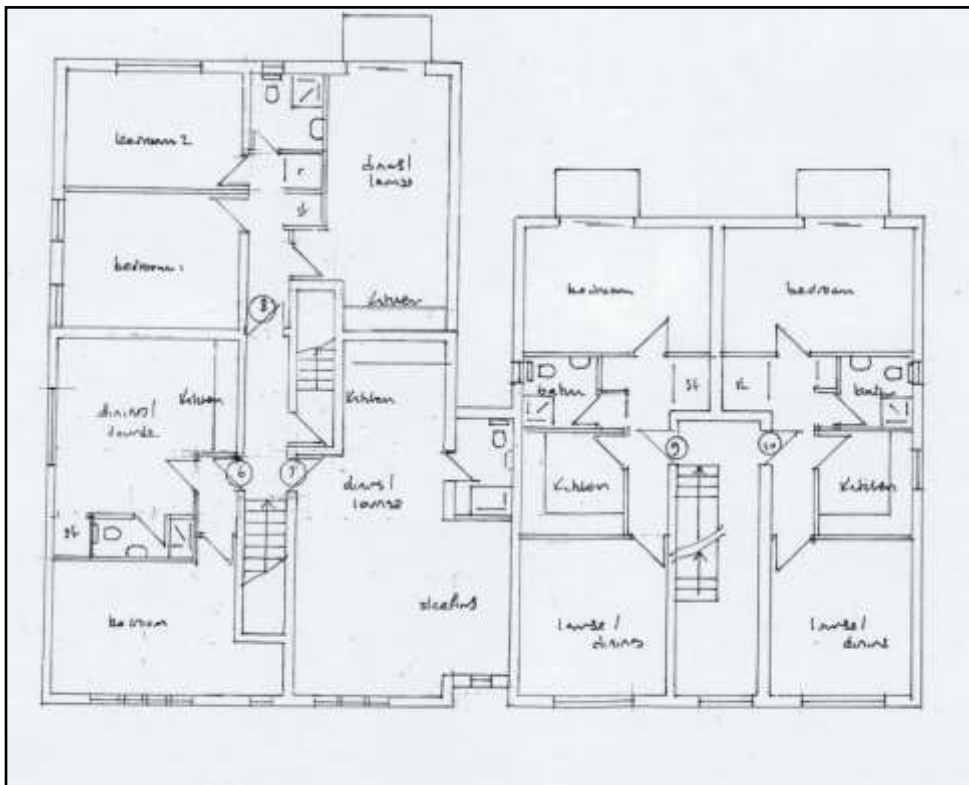
**Side Elevation**



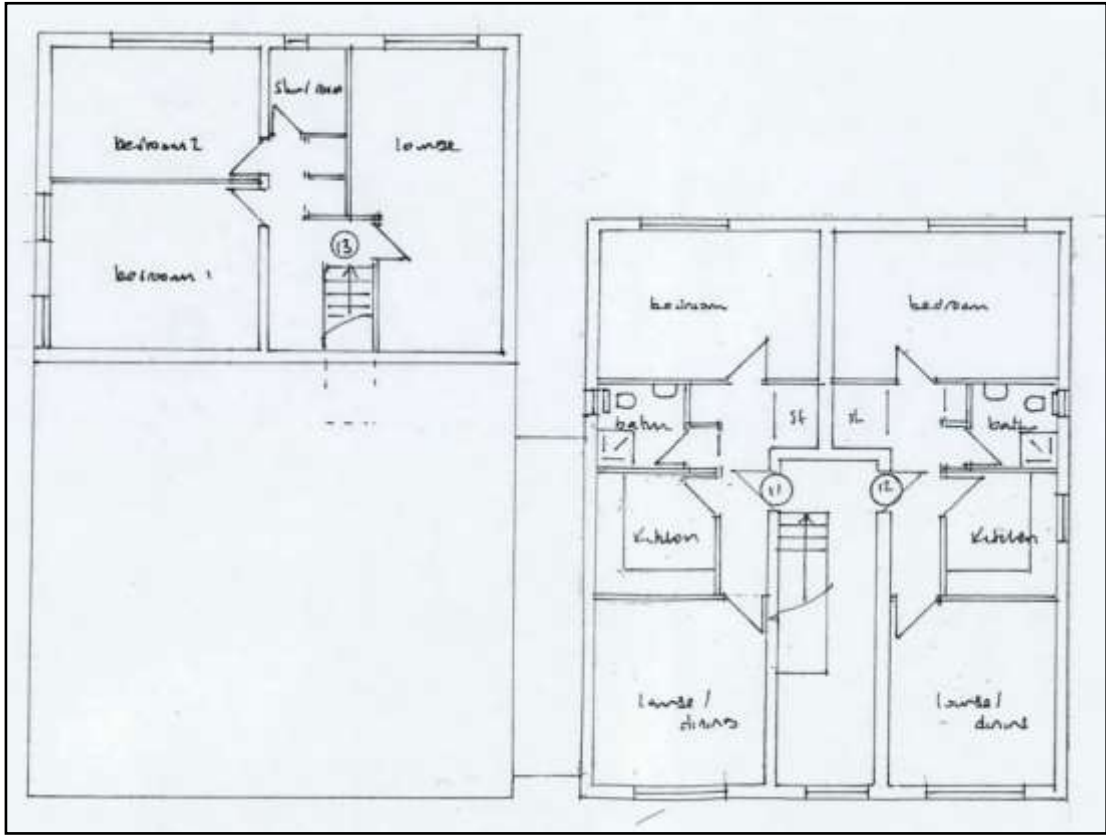
**Rear Elevation**



**Site Layout (and Ground Floor Plan)**



**First Floor Plan**



**Second Floor Plan**

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## Item No. 8

**REFERENCE No.** 034901

**Site Address:** Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH

**Description of Development:** 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

**Ward:** WB

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This is an outline application for the 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 and car parking. Access is being considered at this stage and is proposed off Coventry Road with Gipsy Lane used as an emergency access only.

The 26 hectare site is predominantly agricultural land. Part of the Site comprises a former hard rock quarry that has been restored by infilling. It is located to the north of Gipsy Lane and to the east and south-east of Coventry Road. It is currently a farm and contains a number of buildings associated with the farm. To the northern boundary there is dense vegetation with Griff Brook beyond. Coventry Canal is to the east and Gipsy Lane to the south and Griff Quarry beyond. To the west is Griff caravan Site, the A444 and Griff Roundabout together with Bermuda Industrial Estate and Business Park.

### **BACKGROUND:**

This is an outline application for the redevelopment of existing land for up to 92,904 sqm of B2 (General industrial) and B8 (Storage and distribution) floorspace. The following matter is to be considered at this stage:

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

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



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

This application is being reported to Committee at the request of Councillor Longden and Councillor Jill Sheppard.

### **RELEVANT PLANNING HISTORY:**

- There is no relevant planning history.

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).
- Nuneaton & Bedworth Borough Council Borough Plan 2019:
  - DS1- Presumption in favour of sustainable development;
  - DS2 – Settlement Hierarchy and Roles;
  - DS3- Development Principles;
  - DS6- Employment Allocations;
  - DS7- Green Belt;
  - SA1- Development Principles on Strategic Sites;
  - EMP1- Faultlands;
  - E1- Nature of Employment Growth;
  - HS1 – Ensuring the Delivery of Infrastructure;
  - HS2- Strategic Accessibility and Sustainable Transport;
  - NE1- Green Infrastructure;
  - NE3- Biodiversity and Geodiversity;
  - NE4- Managing Flood Risk and Water Quality;
  - NE5- Landscape Character;
  - BE1- Contamination and Land Stability;
  - BE3- Sustainable Design and Construction and
  - BE4- Valuing and Conserving our Historic Environment
- Residential Design Guide 2004.

### **CONSULTEES NOTIFIED:**

Cadent Gas, Canal & River Trust, Coal Authority, Environment Agency, Highways England, Natural England, NBBC Economic Development, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, Severn Trent Water, Warwickshire Wildlife Trust, Warwickshire Police (Architectural Liaison Officer), Western Power Distribution, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Property Services.

### **CONSULTATION RESPONSES:**

Objection from:

Canal & River Trust, Inland Waterways Association

No objection subject to conditions from:  
Highways England, NBBC Environmental Health, Warwickshire Wildlife Trust, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways

No objection subject to planning obligations from:  
WCC Highways, WCC Infrastructure

No objection from:  
Coal Authority, Environment Agency, NBBC Refuse

Comment from:  
Cadent Gas, Natural England, NBBC Parks, NBBC Planning Policy, Warwickshire Police (Architectural Liaison Officer)

No response from:  
NBBC Economic Development, Severn Trent Water, Western Power Distribution, WCC Property Services.

### **NEIGHBOURS NOTIFIED:**

Griff No 4 Quarry, Faultlands Farm Gipsy Lane; David Lock Associates ( acting on behalf of site to east); 1-25 (inc) Griff Caravan Site, Coventry Road.

Neighbouring properties were sent letters notifying them of the proposed development on 14<sup>th</sup> June 2017. A site notice was erected on street furniture on 14<sup>th</sup> June 2017 and the application was advertised in The Nuneaton News on 21<sup>st</sup> June 2017.

### **NEIGHBOUR RESPONSES:**

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

1. Loss of green fields.
2. Increased traffic.
3. Impact on wildlife.
4. Not against development in principle as it would bring economic benefits but have concerns regarding visual impact and highway safety.
5. Impact on landscape.

### **APPRAISAL:**

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

1. The principle of the development,
2. Employment growth and opportunities,
3. Visual amenity and landscape character,
4. Residential amenity,
5. Highway safety and accessibility,
6. Flood risk and drainage,
7. Contamination and land stability,
8. Ecology,
9. Heritage and archaeology,
10. Planning obligations,
11. Conclusion

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

The National Planning Policy Framework (NPPF) establishes the need for the planning system to achieve sustainable development and it breaks down sustainable

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

Policy DS2 of the Borough Plan sets out the hierarchy and roles for each settlement in the borough with Nuneaton having the primary role for employment, housing, town centre, leisure and service provision. The site was previously in the Green Belt and has been removed, along with other strategic sites, under Policy DS7 of the Borough Plan. Policy DS6 of the Borough Plan refers to a number of sites that will be allocated for employment development and associated infrastructure and Faultlands Farm is one such allocated site. Policy EMP1 sets out that this strategic employment site will be developed for employment uses comprising use classes B1, B2 and B8 on 26 hectares of employment land. The site is currently in agricultural use. Using the Agricultural Land Classification map, this area of the Borough appears to be Grade 4, poor quality.

The site has been allocated for development in the Borough Plan and therefore the principle of development has been considered acceptable.

The key development principles under Policy EMP1 include any proportionate transport improvements and highways improvements, the creation of cycle path links, provision for the crossing of Coventry Canal to facilitate cycle usage and a new access from Coventry Road. The expected form of development is also set out in Policy EMP1 which includes development set back from the northern boundary and Coventry Canal corridor to allow for a landscape buffer and ecological mitigation, an appropriate set back from the boundary with Gipsy Lane and that new development should address the canal.

The full details such as layout and the design of the site will form part of any subsequent reserved matters if an outline application is approved.

An Illustrative Master Plan, Parameters Plan and other supporting documentation have been submitted at this stage to show that the requirements of Policy EMP1 can be accommodated on the site. Therefore, it is considered that the principle of developing this site for employment uses has been established through the allocation of the site in the Borough Plan and the relevant policies within it.

## **2. Employment Growth and Opportunities**

The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, one of which is an economic one (Paragraph 8). The aim is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

The NPPF also states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity (paragraph 80).

The Borough Plan has a number of objectives including to use economically driven growth in a way that will help regenerate the borough and raise its profile as a more attractive place to live and invest in and to seek employment opportunities that will support the diversification of the borough's economy and improve job opportunities.

The Employment Land Review (2014) identifies a total employment land need for the period 2011-2031 of 87.4 hectares. The Council also has an Economic Development Strategy which sets out a number of objectives including to support investment in the borough and wider sub region by working with landowners and agents that have employment land allocations in the Borough Plan, to assist with broadening the employment opportunities available to residents and to identify opportunities for growth or productivity improvements.

Section 7.123 of Policy EMP1 states that this strategic employment site will contribute to meeting the strategic employment needs of the borough as well as the job creation objectives of the Borough Plan. As this is an outline application, there are no details of the actual number of proposed jobs to be created. However, using the Homes and Communities Agency Employment Densities Guide (2015), based upon 30% of the floorspace being for B2 purposes and 70% for B8 purposes the proposed development has the potential to create between 1,578 and 1,664 full-time equivalent jobs. It is considered that this site would contribute to meeting the strategic employment needs of the borough and wider sub-region and provide much needed job opportunities.

The applicant has commissioned and submitted to the Council a Socio-Economic & Market Need Assessment ('SEMNA') which demonstrates that a strong economic case underpins this proposal. The SEMNA states that:

- The West Midlands sees high levels of demand from the logistics sector, particularly in those locations, such as the application site, which offer excellent motorway access and the majority of take up is from occupiers in the logistics sector. The urban areas across the region, such as Nuneaton, are also particularly able to respond to the increasing demand from the manufacturing and automotive sectors. The West Midlands is consequently experiencing very high demand from both the logistics and manufacturing sectors, which is culminating in a critical shortage of employment land and premises.
- Faultlands is well placed to contribute towards the social dimension of sustainable development and encourage sustainable transport movements. - the provision of new employment opportunities of a strategic scale, close to good public transport links and established residential areas, is a significant social and environmental advantage to employers and employees, enabling short journey to work times.
- There is a significant need for additional high quality employment opportunities within the Nuneaton and Bedworth Borough.
- Faultlands is in a location which will attract demand across a wide spectrum of B2 and B8 uses and attract international and national investors and occupiers.
- The Site has a critical mass to create a high quality environment, provide flexibility to respond to a range of requirements and be in a position to maintain supply opportunity over a long development period.

- The proposed development could directly support between 1,578 and 1,664 full-time equivalent job, with research showing that these jobs are likely to be across a range of sectors, including managerial, administration sales and customer service roles.
- It is estimated that the proposed development could provide a direct contribution of some £50 million annually into the economy of the Nuneaton and Bedworth area. There would be indirect benefits with the effects of services and supplies related to the operations of businesses at the Site which are estimated to be worth an additional £14.5 million each year.

The Faultlands proposal would offer economic benefits to the local area by creating long-term employment opportunities

### **3. Visual Amenity and Landscape Character**

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 170).

It is necessary to have regard to the Council's TEP Land Use Designations Study 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. They assess 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.

Volume 1- Landscape Character Assessment indicates that this area falls within the Nuneaton and Bedworth Urban Fringes character area. This character area is typically characterised by a mixture of land uses and urban edges are often visible and in places are prominent within the landscape. Canals are also an important feature within the landscape and provide a transition from the urban to the rural environment. The area is identified as having a moderate strength of character and the landscape condition is deemed to be poor but the condition is generally better along the canals.

This site falls within PDA 3, Parcel 3B of the Stage 2: Individual Site Assessment (2012). This states that Parcel 3B contains some of the key characteristics present in the wider landscape character area. However, there is an absence of characteristics such as regular geometric fields, low closely clipped hedges and large and small blocks of irregular shaped woodland. Although still farmland, the landscape within parcel 3B is in a poor condition with remnants of hedgerows and the storage around Faultlands Farm forming detractions in the landscape. These factors combined with the presence of the overhead power line and views of Griff Quarry result in a less attractive landscape character. The proximity of roads and a railway line on the western and southern peripheries of the parcel result in some interruption. It also states that if the elevated ground within the parcel was developed, although it is partly obscured from the south by the Griff Quarry site, it would have some prominence from open countryside to the south-east as built form would be visible above the mature vegetation along Gipsy Lane. Although the views of the nearest urban edge are obscured, there are views from the majority of the site of partially visible urban edge to the north-east of the parcel. Generally the poorer condition of the farmland means parcel 3B contributes few attractive features to the settlement setting or views of the settlement. Public visual receptors of this parcel, are limited to Gipsy Lane, Centenary

Way and more distant views from public open space along Griff Brook and Wem Brook. The report states that overall, given some of the poorer landscape and visual qualities of parcel 3B it is considered to have capacity to accommodate development. Development of this parcel would not impinge on the open countryside between Gipsy and Marston Lanes which separate Nuneaton and Bedworth and existing mature vegetation along Gipsy Lane would greatly help to soften the edge of new development. Mitigation would be necessary in the form of reinforcing hedgerows and hedgerow trees, particularly along Gipsy Lane.

A Landscape Capacity Study (2017) has also been produced which informed the Borough Plan. This concluded that given the elevated ground on the site, the potential height and massing of B8 units could impinge on the open countryside between Gipsy Lane, Marston Lane and the canal corridor and dominate the surroundings. Notwithstanding this, the report does suggest recommendations for site planning, building form and landscape mitigation if the site is taken forward to the Borough Plan. These include shorter side or gable end of building form to front onto Coventry Canal to reduce the perceived effects of scale and massing, use of varied textures, colours and profiles on building elevations to provide more visual interest and reduce perceived effects of scale and massing, use of colour graduation on elevations from darker colours to base and lighter colours nearer to rooflines (all of which are detailed design matters), propose access off Coventry Road to enable retention of landscape features on Gipsy Lane (as proposed), open land around development footprints and appropriate landscaping, maintain an open corridor next to Coventry Canal (as proposed) and set back development from Gipsy Lane and retain and reinforce existing vegetation along that boundary (as proposed). It does not recommend a restriction in heights of any buildings.

A Landscape & Visual Impact Assessment has been submitted with the application. This does highlight that there would be some moderate adverse effects as a result of the development. It also recommends mitigation that would reduce the visual impact, including buffer planting to the northern, eastern, western and southern boundaries and setting the development away from the northern, eastern and western boundaries.

The LVIA concludes that this proposal would not look “out of character” within the landscape, being located on the edge of Nuneaton and close to established large-scale employment areas such as Bermuda Park and Griff Industrial Estate. It recognises that in allocating Faultlands Farm as a strategic employment site, there is a clear acceptance by the Council of the associated change in landscape character that would occur. This acceptance, along with the clear benefits of the proposal, must form part of the consideration of this planning application.

The Canal & Rivers Trust and the Inland Waterways Association have objected on the grounds that development would be visually intrusive when viewed from the canal corridor and adversely impact on its wider landscaped character. The Canal & Rivers Trust also objected to the allocation of the site within the now adopted Borough Plan. The Canal & Rivers Trust have commented that sufficient landscape buffers to the canal would be required and the heights of units adjacent to the canal should be lower. An illustrative master plan and parameters plan has been submitted with the application which does show landscaped buffers. The parameters plan depicts a setback to the canal where no built development is proposed. However, these plans would not be approved as part of this outline application and the layout, scale and design would be considered as part of any reserved matters application. A note would be added to the decision notice to ensure future developers are aware that sufficient setbacks are required and as a minimum as shown on the submitted parameters plan.

Policy EMP1 states that the form of development should be set back from the northern boundary and Coventry Canal in order to allow for a landscape buffer and ecological mitigation, set back appropriately from Gypsy Lane and should address the canal. An illustrative master plan and parameters plans has been submitted which show that the site could be developed to provide landscaped buffers and open space areas. Policy NE5 of the Borough Plan states that major developments must demonstrate that they are in balance with the setting of the local landscape. The parameters plan illustrates that there will be 'no build zones' of between 20 metres and 30 metres in size in response to the Coventry Canal and Griff Hollow Arm Eco-site and therefore provides appropriate provision for such buffers.

It is clear that the Borough Plan allocation of the land as a strategic employment site and the proposed development would change the character and appearance of this locality. However, the site is an allocated site within the adopted Borough Plan, and while its future development in line with Policy EMP1 will inevitably have some impact on the landscape character of the area, the benefits associated with the proposed development must be taken into consideration also. There are strong economic benefits supporting this development proposal at the present time.

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

The nearest residential properties are Griff Caravan site on Coventry Road and those to the north on Dorlecote Road, Sorrell Road and Bradestone Road. As this is an outline application, layout and the design of the site and buildings are not being considered at this stage. A noise assessment has been submitted with the application. As it is an outline application and therefore there are no details on prospective end-users, assumptions have been made about the activity which could occur. Operational scenarios have been used which include high intensities of unit occupation, use and activity and all business units have been modelled as being occupied by B2 uses which would give a worst case scenario. However, noise assessment points out that the units would be occupied by a mix of B2 and B8 uses, many of which would generate much lower internal noise levels and less activity outside the unit. All units have been modelled as operating on a 24 hour basis. The assessment has found that noise from activity arising from proposals is in accordance with BS4142:2014, BS8233 and WHO Guidelines. Predicted rating levels from the operations of this use including general site-related activities, fixed plant and indoor activity are at or below the background sound level, even when intense night-time use of the site is assumed. It therefore concludes that the proposal to allow use of the whole site without hours of operation restrictions would not give rise to a significant risk of disturbance to nearby residents. NBBC Environmental Health were consulted and requested that consideration was given to the housing allocation under Policy HSG3 of the Borough Plan (Land north of Gypsy Lane) for which there is currently an outline application which is under consideration. A supplementary noise assessment was carried out and submitted which showed the existing sources of noise to HSG3 are from Griff Quarry and road traffic. It concluded that the noise from the proposed Faultlands Farm scheme is not significant in the context of the existing noise sources and complies with guidelines for both internal and external noise levels. NBBC Environmental Health have no objection in principle but would wish to comment further with regards to the orientation of buildings and external plant to ensure the impact on residential properties was acceptable. This would be dealt with at the reserved matters stage.

#### **5. Highway Safety and Accessibility**

The matter of access is being considered at this stage. The main access will be off Coventry Road, in compliance with Policy EMP3, and

will comprise of a single point of access and would be a signalled controlled junction. A Transport Assessment has been submitted with the application which details modelling of the site access has been undertaken, which confirms that the access operates well within capacity. It is also proposed that an emergency ('blue light') access is provided from Gipsy Lane, utilising the existing vehicular access into the site. WCC Highways have been consulted and consider that the proposed signalled access arrangement is acceptable. They have requested a condition for the detailed design to be submitted prior to any works taking place on the site and that the signalled junction will be implemented prior to first occupation of any part of the development. Information has also been submitted demonstrating that comparable sites have one point of access which WCC Highways acknowledge. Highways England have also commented that the development traffic can be accommodated on the strategic highway network.

After reviewing the modelling, WCC Highways consider that the core impact of the development is on the operation of the A444 Corridor between the Ring Road in Nuneaton Town Centre and the M6 Junction 3. They have therefore requested a S106 contribution of £1,920,000 towards highway infrastructure improvements on the A444 Corridor between these two locations. The applicant has agreed to pay this contribution.

The NPPF outlines the need for planning to promote walking, cycling and public transport and to make the fullest possible use of these (paragraph 102). It also states that growth should be focused on locations which are or can be made sustainable (Paragraph 103). A range of schemes are proposed which would improve accessibility to and from the site by sustainable forms of transport and therefore reduce the reliance on the private car. The access road would be 7.3 metres wide with a 3 metre cycleway/footpath on either side and the provision of footway/cycle paths within the site. A condition will be added that details shall be submitted showing the routes of all cycle paths and footways running through the site and that all cycle paths shall be 3m wide and finished in Tarmac, other routes shall be 1.8m wide and finished in tarmac. There is provision for a number of pedestrian and cycle access points which are requirements of Policy EMP1. There is provision of a pedestrian / cycle access at the north-west corner of the site onto Coventry Road. Policy EMP3 also requires a proportionate financial contribution towards the creation of a cycle path leading to the Bermuda Park Station, including a toucan crossing on Coventry Road. The applicant is committed to providing a financial contribution towards the provision of a toucan crossing over Coventry Road.

A pedestrian/cycle access is shown to the path which runs parallel to the northern boundary of the site and which provides an onward connection to the Bermuda Rail Station and the Industrial Estate and the existing footway/cycleway alongside the north bank of Griff Brook.

Provision is also made for a footway/cyclepath over the Coventry Canal utilising the existing Turnover Bridge. The bridge which crosses the Coventry Canal is to be used as a strategic footpath connection between this site, and the housing site to the east which is allocated in the Borough Plan under Policy HSG3 and currently under consideration with an outline application and the other uses further beyond that. The Canal and Rivers Trust 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 mechanism has been introduced which allows for the works to take place while being partly funded by this development, and the development to the east for housing land. The Canal and Rivers Trust 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 cycle connectivity between Maple Park and 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 residential 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. This is to be included within any Legal Agreement should Committee be minded to approved the application. A contribution of £22,500 will be paid towards the provision of a footpath/cycleway across Coventry Canal using Turnover Bridge and the associated administration and legal costs. There is also the provision of cycle path ramp links from the site to Turnover Bridge and these would be secured through a condition.

It is considered 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 there are other legal mechanisms to allow for footpath creation.

A S106 contribution is also been requested towards an extension to the bus service no.48. The applicant has agreed the principle of this. The contribution is only required if there is a "key shift change time" at the site. As the end users are not yet known, it is not possible to establish whether there will be a "key shift change time" necessitating this contribution. Therefore, an appropriate clause will be required in the S106 to enable these funds to be returned in the event that they are not used or committed by contract to extend the service within an appropriate timeframe.

The applicant has also agreed to the provision of a shared footway / cycleway link of 3 metres between the site access and the A444 / B4113 Signalised 'Griff' Roundabout Junction and to the upgrade of the bus stop infrastructure on Coventry Road in the form of a bus shelter. Both of these schemes will be delivered as part of the S.278 works for the delivery of the identified signalised access junction onto Coventry Road.

These infrastructure improvements are in compliance with the requirements of Policies EMP1, HS1 and HS2 of the Borough Plan.

## **6. Flood Risk & Drainage**

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

not within the floodplain (in Flood Zone 1) and therefore has a low level of fluvial flood risk. A Flood Risk Assessment and outline surface water drainage strategy have been submitted with the application. The FRA identifies that there are some localised areas of surface water flooding on the site but the risk from this flood source over the majority of the site is low. The natural topography means that surface water flooding experienced on site is a result of runoff from within the site only. Consideration has been given to the hierarchy for surface water disposal. SuDS techniques that promote infiltration of surface water are preferred over those which promote attenuation before discharge to a watercourse. The infiltration testing that has been carried out has found that infiltration of water to ground is not a viable surface water discharge option and an attenuation led drainage strategy has therefore been proposed to manage surface water runoff from the site. The most sustainable and preferable discharge receptor for the site was found to be the Coventry Canal which is located immediately adjacent the eastern site boundary. Arrangements will need to be made for the discharge as a separate process. Attenuation features are indicatively proposed in the form of two attenuation basins located in the east of the site and the potential for a smaller central SuDS feature, permeable paving and car park surface storage across the development. WCC Flood Risk Management have no objections subject to conditions. The Environment Agency have raised no objection in relation to flooding. It is considered that the conditions proposed will adequately mitigate any potential impact on flood risk, and this complies with Policy NE4 of the adopted Borough Plan 2019.

## **7. Contamination & Land Stability**

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Site Investigation Report and a Coal Mining Risk Assessment have been submitted with the application. The Site Investigation Report recommends further work, particularly in relation to gas monitoring and therefore NBBC Environmental Health have requested the standard contaminated land conditions. The Coal Mining Risk Assessment highlighted that there are no coal seams beneath the site and that shallow foundations will not intersect coal seams. The Coal Authority has no objections.

## **8. Ecology**

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

An Ecology Impact Assessment has been submitted with the application. The south-western part of the site is defined as part of the Griff Hill Quarry Site of Special Scientific Interest (SSSI). However, Natural England has confirmed that the ecological interest in this part of the SSSI has been removed and have confirmed the de-notification of this part of the SSSI. There are three sites of national importance for biodiversity located within 5km of the site. The closest of these sites is Ensor's Pool and is located

1.4km from the site. There are a number of non-statutory sites adjoining or close to the site including Griff Hollow Canal Arm, Gorsey Know Ecosite, Coventry Canal and Griff Hill Quarries. The Ecology Impact Assessment confirms that the site comprises predominantly of an arable field with Faultlands Farm main house and associated agricultural buildings in the eastern section of the site. All of the habitats on site have some value for bird species as nesting or foraging habitat and during the site survey incidental records of several bird species were noted including the Red and Amber List species of bullfinch, common whitethroat, dunnock and song thrush. House sparrows and swallows were also recorded around the farm buildings. A number of the buildings at Faultlands Farm have the potential to support roosting bats together with the trees on site. The report highlights that Coventry Canal has the potential to offer good quality habitat for both otters and water voles. There is no evidence of Great Crested Newts on the site. Surveys have also shown badger sets close to the site.

A condition requiring details of a Construction Ecological Management Plan (CEMP) to be submitted will be added. This requires details of any pre- construction checks required, the species safeguards to be employed, appropriate working practices and timings of construction works, site clearance methods, the extent of buffer zones and stand-offs for sensitive ecological features, what to do if protected species are discovered during construction, methods for checking habitats for nesting birds and the effects of the development on the adjoining section of the Coventry Canal and associated habitats within the Griff and Wem Brooks. A condition would also be added requiring the submission of a Landscape and Ecological Management Plan (LEMP). This will include details of planting to provide additional foraging areas for bats, details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds, habitat creation, landscape and ecological buffer zones, a Reptile mitigation strategy, details of SUDS feature for provision of water vole habitat and associated working method statement for the SUDS creation and construction and a pond drain down method statement to rescue smooth and palmate newts and other amphibians that may be found during the operation and identification of a suitable receptor location or creation of a suitable additional pond/ponds within the habitat areas. A condition will also be added that details would need to be submitted detailing how the lighting scheme avoids lightspill and potential negative effects upon the adjacent woodland and canal and new habitat buffer zones and SUDs areas, as requested by NBBC Parks.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. Whilst the proposals have sought to minimise impacts and maximise enhancements (including proposing robust buffers to boundary habitats and a biodiverse SUDs area adjacent to the canal) as far as practicable the proposals are likely to lead to a negative Habitat Biodiversity Impact Score. As such, it is proposed to create 2.2ha of permanent grassland habitat to the south-east of the site adjacent to the Wem Brook to achieve a positive score. This is land that is in control of the applicant. In this way, off-setting would occur within the Borough relatively close to the development as opposed to the offsetting and wildlife benefits being 'exported' outside the Borough.

## **9. Heritage & Archaeology**

Policy BE4 of the Borough Plan states that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas scheduled monuments, registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

An Historic Buildings Assessment has been submitted with the application. This highlights that the farm buildings are not Listed and have not been identified as of local interest by the Council. The farmstead comprises a Farmhouse, two brick-built farm buildings, and a steel-framed open shed, arranged around a farmyard. The Farmhouse has undergone extensive changes in the 19th and 20th century, and retains only limited elements of its original character. The majority of the building, in its current form, dates to the late 19th and 20th century. The associated cattle sheds have been extensively altered, including replacement modern roofing or are of modern 20th century construction. It is not considered that the significance of the historic buildings is sufficient to outweigh the benefits of the development.

The Canal & Rivers Trust have said that the canal corridor is a non-designated heritage asset. Whilst the NPPF suggests that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 197), a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It does not require a formal heritage impact assessment. Policy BE4 states that the council's list of non-designated heritage assets is in need of review and plans to undertake a comprehensive review of places of local architectural and historical interest. Locally listed heritage assets are not afforded the same degree of legislative protection as statutory listed buildings. In line with national guidance, this policy recognises that local heritage deserves a level of protection appropriate to its value. It is clear that the proposed development would change the character and appearance of this canal corridor. However, the site is an allocated site within the adopted Borough Plan, and while it will impact on the character of the canal corridor, subject to appropriate landscape buffers it is considered that the impact would be limited and would not outweigh the benefits of the development.

A Heritage Desk Based Assessment has been submitted with the application and a subsequent geophysical Survey was carried out. WCC Archaeology have commented on both of these aspects and have suggested a condition that requires further work to be carried out.

## **10. Planning Obligations**

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

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

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

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

Organisation	Request For	Contribution	Notes
<b>NBBC</b>	Enhancement of Turnover Bridge to allow use as a footpath/cycleway	£22,500	Agreed by applicant
<b>NBBC Parks</b>	Biodiversity off-setting	Creation, management and monitoring of 2.2 hectares of permanent grassland habitat to the south-east of the site adjacent to the Wem Brook. Within land owned by the applicant.	Agreed by applicant
<b>WCC Highways</b>	Highway infrastructure improvements on the A444 corridor between the ring road in Nuneaton Town Centre and the M6	£1,920,000	Agreed by applicant
<b>WCC Infrastructure</b>	Extension to bus service no. 48	£200,000	Agreed by applicant
<b>WCC Highways</b>	Creation of a cycle path leading to Bermuda Station including a Toucan Crossing on Coventry Road	Cost to be confirmed by Warwickshire County Council Highways	Agreed by applicant

## 11. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic employment site in the Borough Plan and would contribute to meeting the strategic employment needs of the borough and provide much needed job opportunities.

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

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

that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.

### **REASONS FOR APPROVAL:**

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

### **SCHEDULE OF CONDITIONS:**

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

Plan Description	Plan No.	Date Received
Site Plan	03A	2 <sup>nd</sup> June 2017
Proposed Access Junction Layout	162425-GA-001 C	8 <sup>th</sup> November 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 Council. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:

- a. The provision and routes of all major infrastructure including accesses, roads, pedestrian and cycle routes and access ramps;
- b. Industrial units;
- c. SUDS; and
- d. Ecological and landscaping enhancement areas.

The development, and the release of units for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

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

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

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

7. No groundworks, remediation or built construction will take place until the detailed design of the Traffic Signalled Access Junction on the B4113 Coventry Road (as indicatively shown on Drawing 162425-GA.001 Rev C.), and have first been

submitted to and approved in writing by the Local Planning Authority and address the following matters;

- a. Provision of an engineering layout demonstrating the geometry of the junction layout and lane widths;
- b. Identification of the detection system and cabling routing through the junction;
- c. Identification of the method of control and back-up system for the operation of the junction;
- d. Identification of the location for a maintenance vehicle bay near the traffic signal controllers;
- e. Identification of the locations for two PTZ CCTV cameras for traffic management of the junction;
- f. Identification of the locations for street lighting;
- g. Provision of Stage 2 Road Safety Audits based on the detailed drawings.
- h. Provision of bus stops, shelters and their ancillary infrastructure
- i. Provision of a shared footway / cycleway between the site access and the A444 / B4113 Coventry Road 'Griff' Junction

Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be accessed until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

8. No development shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the Council. No unit shall be occupied until the boundary treatments have been provided in accordance with the approved details.

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

- a. any pre- construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. site clearance methods;
- e. the extent of buffer zones and stand-offs for sensitive ecological features;
- f. what to do if protected species are discovered during construction;
- g. methods for checking habitats for nesting birds;
- h. effects of the development on the adjoining section of the Coventry Canal and associated habitats within the Griff and Wem Brooks;
- i. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding. The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP shall identify all operations which the supervising ecologist should be present at on site and should require submission within 4 weeks of each such occasion of a written report of the visit to the Council summarising the visits and the degree of compliance with the planning conditions and the CEMP. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports

including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

10. No development, including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Council. The LEMP shall set out how the measures and recommendations detailed in the Ecology Impact Assessment (ref. A October 2018) will be implemented and maintained. The content of the LEMP shall include:

- Details of planting to provide additional foraging areas for bats
- Details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds
- Habitat creation
- Landscape and ecological buffer zones
- Reptile mitigation strategy
- Details of SUDS feature for provision of water vole habitat and associated working method statement for the SUDS creation and construction
- A pond drain down method statement to rescue smooth and palmate newts and other amphibians that may be found during the operation and identification of a suitable receptor location or creation of a suitable additional pond/ponds within the habitat areas
- Details of creation of "biodiverse" SUDS to include open water reedbeds and marshy grassland.
- Timing and methodology of site clearance
- A timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures
- Details of a scheme securing future maintenance and retention.
- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

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

11. No development shall commence until a detailed foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the 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:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753, using best practice design through the scheme.
- Surface water is to be provided via a minimum of two trains of treatment using above ground drainage features within the drainage design and additional SuDS features for highway run-off (filter strips, swales or approved proprietary water treatment). Petrol interceptors will not be considered as a train of treatment but should be included in addition to the SuDS features proposed.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from the Canal & Rivers Trust to connect to their existing network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

12. No development shall commence on any phase until:

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

13. No development in any phase shall commence until full details of the provision of car parking, access and manoeuvring areas, including surfacing, drainage and levels for that phase of development have been submitted to and approved in writing by the Council. No unit shall be occupied until the car parking, accesses and manoeuvring

areas for that unit or use have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

14. No development shall commence in any phase until a plan has been submitted to and approved in writing by the Council showing the routes of all cycle paths and footways running through the site. All cycle paths shall be 3m wide and finished in Tarmac, other routes shall be 1.8m wide and finished in tarmac. Only the agreed details shall be implemented on site.

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

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

17. No development in any phase 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 on the site, any to be retained, and measures for their protection in the course of the development. The scheme shall show the typical canopy extent of the retained trees at maturity. No tree or hedgerow other than so agreed shall be removed, and no construction works shall commence unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

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

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

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

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

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

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

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

21. The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA), Faultlands Nuneaton, Issue 4, June 2017, and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the Qbar Greenfield rate.
- Provide provision of surface water attenuation storage as stated within the FRA of 14,546m<sup>3</sup> or subject to detailed design in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Provide two attenuation basins designed in accordance with CIRIA C753 comprising and area of at least 1.16ha providing a minimum of two thirds of the required attenuation storage.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

22. The development hereby approved shall not exceed a total floor space of more than 92,904sqm, of which a maximum of 70% shall fall within the B8 (storage and distribution) use class and a maximum of 30% within the B2 (general industrial) use class.

23. There shall be no outside storage of goods or materials.

24. No development within the phase in which the cyclepath ramp up to the canal Turnover Bridge is proposed to be constructed shall commence until full details and specification for the ramp with appropriate guardrails (as necessary in accordance with relevant British Standards) have been submitted to and approved in writing by the Council. No unit shall be occupied within that phase until the ramp has been provided in accordance with the approved details.



**Site Plan**



**Proposed Access**

## WORKS TO TREES

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### Item No. 9

**REFERENCE No.** 036337

**Site Address:** Site 104A012 - 18 and 19 The Limes Bedworth

**Description of Development:** 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

**Ward:** SL

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### **RECOMMENDATION:**

Planning Committee is recommended to grant the tree works, for the reasons printed.

### **INTRODUCTION:**

Remove trees known as T24 (Rear of number 18) and T25 (Rear of number 19) of Tree Preservation Order (TPO) 5/92 at Site 104A012 - 18 and 19 The Limes, Bedworth.

The two trees are located at the rear of number 18 and 19 The Limes, although both are visible from the street and open space located off Silver Birch Avenue. Both trees are located in an area of trees which were covered by the TPO placed when the houses were built.

The applicant states that the above trees are considered to be responsible for root induced subsidence damage to 19 The Limes, Bedworth, Warwickshire, CV12 0BG.

It is proposed to fell the existing trees covered by the TPO and plant replacement trees.

### **BACKGROUND:**

The application is being reported to Committee due to the number of objection letters received.

### **RELEVANT PLANNING HISTORY:**

- 18 The Limes
  - Works to tree (T24) covered by Tree Preservation Order 5/92 for removal of lowest scaffold branch. This was agreed in July 2018 (ref 035695).
- 19 The Limes
  - Application for a first floor extension to the rear which was approved in April 2007 (ref 011373).
  - Application for a single storey extension to the rear which was approved in December 1992 (ref 007667).

### **RELEVANT PLANNING POLICIES:**

- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

NBBC Parks Tree Officer

## **CONSULTATION RESPONSES:**

No objection from:

NBBC Parks Tree Officer

## **NEIGHBOURS NOTIFIED:**

17, 18 and 19 The Limes. 37 Silver Birch Avenue

Neighbouring properties were sent letters notifying them of the proposal on 1<sup>st</sup> May 2019.

## **NEIGHBOUR RESPONSES:**

There have been 4 objections from 3 addresses and 1 objection with no address. The comments are summarised below;

1. The trees are well established and add significantly to the local area
2. Trees add to the local habitat providing homes for birds and small animals
3. The trees are healthy
4. No prior consultation on neighbour owning other tree
5. Question whether the subsidence is related to the tree and not anything else
6. What would the impact be on the soil if the roots are left
7. Age of the trees is significant
8. Trees for part of a row of mature oaks which use to form an ancient hedgerow

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

1. Removing the trees will stop any further damage to the property of 19 The Limes

## **APPRAISAL:**

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

1. The impact on visual amenity

### **1. The Impact on Visual Amenity**

Before trees can be protected they must be assessed as being an important landscape feature offering significant amenity to the general public. This assessment takes into account the tree's visibility to the public, its condition, age and remaining life expectancy, its function within the landscape and ultimately its importance to the local environment. National Planning Practice Guidance advice directs that if a tree's loss or removal would have a significant impact on the local landscape then the tree warrants protection.

The applicant has stated that that they are willing to plant replacement trees of standard sizes. The species suggested are Hornbeam or Field maple.

The tree officer was consulted as part of this application. The assessment concluded that the removal of the tree at the rear of 19 The Lime would be unproblematic. The Tree Officer stated that the evidence confirms that the roots to the oak tree are responsible for subsidence to No.19 The Limes caused by soil desiccation.

In relation to the tree at the rear of 18 The Limes it was shown through the bore hole investigations that there was some oak roots present. The report puts evidence forward that both trees are at fault for the subsidence to the house, and this cannot be disproved.

It is noted that some neighbour responses that the damage was caused by foundations of the extensions. However, shallow foundations are not a defence to a request to fell a tree". In *Burnclark v Hertfordshire County Council* 1997 it was decided that the issue of poor foundations was not material unless it was "of so overwhelming a nature as to reduce the tree root effect to insignificance". Therefore there is no substantial argument to blame the foundations in this case.

The tree officer also concluded that the replacement of the trees with hornbeam would be acceptable.

Overall it is considered that the information provided gives evidence that both trees are at fault to damage to the property of 19 The Limes and both should therefore be felled, with the option to plant two new replacement trees, of the hornbeam species.

### **REASONS FOR APPROVAL:**

The principle of the removal of the tree has previously been established and it is considered that any replacement tree would only provide limited amenity due to its location. Therefore, the recommendation is of approval with a condition requiring replacement trees.

### **SCHEDULE OF CONDITIONS:**

- 1. Fell to ground level trees T24 and T25 of TPO 5/92 and replace with two standard size hornbeams.**

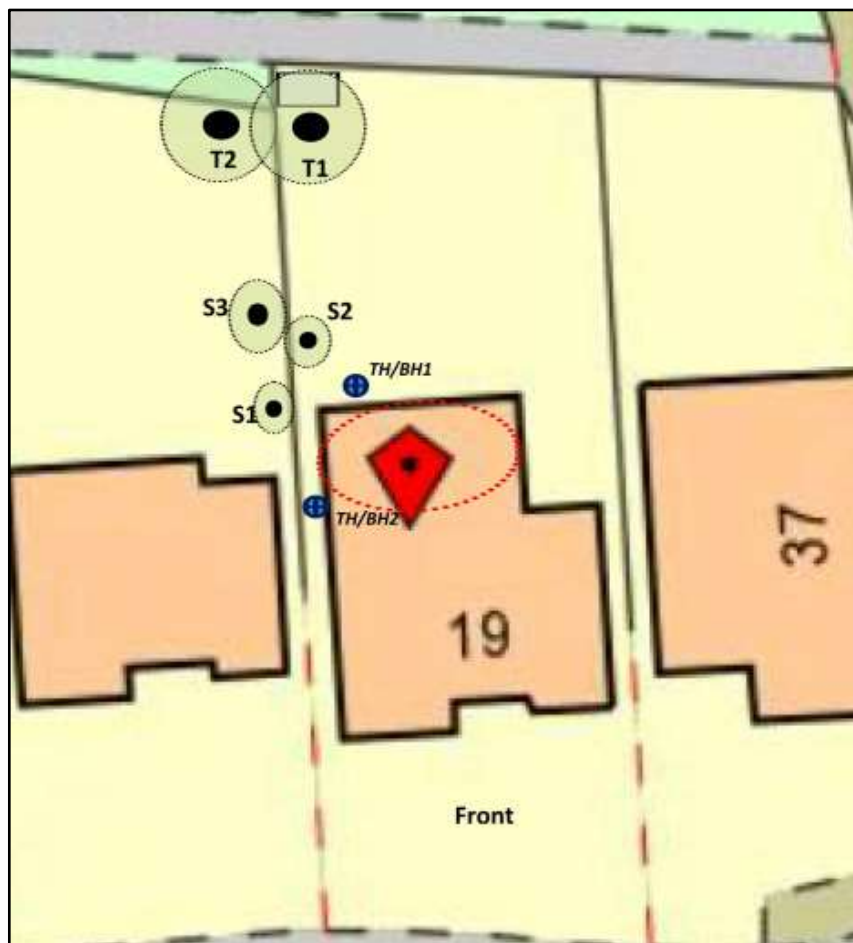
Subject to:

- i) The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 1989).
- ii) The works approved to be carried out within 2 years from the date of consent.





Site Plan



Tree Location Plan

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

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

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

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

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

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

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

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