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Date: 23<sup>rd</sup> August 2024

Our Ref: MM

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in  
**Council Chamber of the Town Hall, Nuneaton on Tuesday, 3<sup>rd</sup> September 2024 at  
6.00p.m.**

Public Consultation on planning applications with commence at 6.00pm (see  
Agenda Item No. 6 for clarification).

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillor C. Phillips (Chair)  
Councillors L. Cvetkovic, E. Amaechi,  
P. Hickling, N. King, M. Kondakor,  
S. Markham, B. Saru, J. Sheppard,  
R. Smith and K. Wilson.

## **Committee Site Visits**

### **Planning Applications Committee – 3rd September 2024**

**Members are advised that a site visit will take place prior to the Planning Applications Committee in connection with application 040173, 21 Foxhills Close, Nuneaton**

**Members are asked to meet at the site at 4.30 pm.**

#### **Committee Site Visits- Code of Conduct**

The purpose of a site 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 on 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 Lloyds 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.

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

3. MINUTES - To confirm the minutes of the meeting held on 16<sup>th</sup> July 2024, attached (**Page 6**) and the extraordinary meeting held on 30<sup>th</sup> July 2024 (**Page 12**).

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 17**). 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 20**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The Chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or Officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the Chair. The Chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the Chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

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.
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**

**16<sup>th</sup> July 2024**

A meeting of the Planning Applications Committee was held on Tuesday, 16<sup>th</sup> July 2024, in the Council Chamber.

**Present**

Councillor C. Phillips (Chair)

Councillors: E. Amaechi, L. Cvetkovic (Vice-Chair), P. Hickling, M. Kondakor, S. Markham, B. Saru, J. Sheppard, R. Smith, B. Hughes (substitute for Councillor N. King) and M. Walsh (substitute for Councillor K. Wilson).

Apologies: Councillor N. King and K. Wilson.

PLA5 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 21<sup>st</sup> May 2024 be approved, and signed by the Chair.

PLA6 **Declarations of Interest**

As Councillors B. Hughes and M. Walsh were substitute Councillors for this meeting, their Declarations of Interest were not listed in the schedule for this meeting..

**RESOLVED** that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interests for Councillors B. Hughes and M. Walsh.

PLA7 **Declarations of Contact**

Councillor L. Cvetkovic declared that he had received email contact from Councillor R. Roze, Councillor T. Jenkins and Ms A. Price in relation to application 039611. All other Committee Members declared they had also received the same contact/correspondence in relation to application 039611. Members confirmed they had not discussed the application with those who had made contact with them, or given an indication as to how they would vote.

**IN PUBLIC SESSION**

PLA8 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or 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.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA8 OF THE PLANNING  
APPLICATIONS COMMITTEE ON 16<sup>TH</sup> JULY 2024

039611 – Site 114B008 – Hall Farm, Church Lane, Exhall

Applicant – Opus Land (Nuneaton) Ltd

**Public Speakers:** Councillor W. Markham (Ward Councillor)  
Councillor D. Brown (Ward Councillor)  
Ms Amber Price (Objector)  
Mr David Parr (Objector)  
Mr Keith Fenwick (Agent)

**DECISION** that the decision on the planning permission be deferred, to allow time for the residents traffic survey to be looked at and assessed, more information to be received in relation to the scheduled junction and road improvements (including timescales), a review of condition 23, and clarity in relation to flood mitigation areas and sizes.

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039464 – Site 105C007 – Former garage site Rear of 23-43 Armson Road,  
Exhall, Coventry

Applicant – Mrs Dawn Dawson (NBBC)

**Public Speakers:** Councillor D. Brown (Ward Councillor)  
Mr D. Parr (Objector)

**DECISION** that planning permission be granted, subject to a legal agreement and the conditions printed in the agenda.

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040173 – 21 Foxhills Close, Nuneaton. CV11 6TP

Applicant – Mr Andrew George

**Public Speakers:** Mr T. O'Hara (Objector)  
Ms Lizzie Beresford on behalf of Mr Richard Bentall  
(Objector)

**DECISION** that the planning application be deferred to allow Planning Committee Members the opportunity to carry out a site visit of the site.

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**Councillor Cvetkovic moved in accordance with Council Procedure Rule 4A.21 to suspend standing orders to allow the business of the meeting to be concluded.**

**This was seconded by Councillor Smith. A vote was taken and the motion was passed.**

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039608 – Site 72C002, Land at Walsingham Drive, Nuneaton

Applicant – Mr Siviter

**Public Speaker:** Mrs Marie Stacey (Agent)

**DECISION** that planning permission be granted, subject to a legal agreement and the conditions printed in the agenda and addendum.

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039628 - Site 46a010, Rear of 89 -169, Tunnel Road, Nuneaton

Applicant – Mrs Nicola Lea

**DECISION** that planning permission be granted, subject to a legal agreement and the conditions printed in the agenda.

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040047 – Anker Street, Nuneaton. CV11 4JA

Applicant – Mr Russ Dyble

**Public Speakers:** Mr Mark Goggins (Objector)  
Mr Russ Dyble (Applicant)

**DECISION** that planning permission be granted, subject to the conditions printed in the agenda.

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040340 – Lexington Court, Abbey Street, Nuneaton

Applicant – Mr John Rowe (NBBC)

**DECISION** that planning permission be granted, subject to the conditions printed in the agenda.

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**Planning Applications Committee –  
Schedule of Declarations of Interests – 2024/2025**

	<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>
	E. Amaechi	<ul style="list-style-type: none"> <li>- Employed NHS Wales Shared Services Partnership (NWSSP)</li> <li>- Ricky Global Consultants Ltd</li> <li>-Purple Dove Events Ltd</li> </ul>	<ul style="list-style-type: none"> <li>- Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton.</li> <li>- Member of:               <ul style="list-style-type: none"> <li>- British Computer Society.</li> <li>- Igbo Community Coventry.</li> <li>- Mbaise Community, Coventry.</li> </ul> </li> </ul> Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Committee of Management of Hartshill and Nuneaton Recreation Ground</li> <li>• EQulP: Equality and Inclusion Partnership</li> <li>• West Midlands Combined Audit, Risk and Assurance Committee</li> </ul>	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	<ul style="list-style-type: none"> <li>- The Bulkington Volunteers (Founder);</li> <li>- Bulkington Sports and Social Club (Trustee)</li> </ul> Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>- Building Control Partnership Steering Group</li> </ul>	
	P. Hickling	Employed by <ul style="list-style-type: none"> <li>- King Edward VI Sixth Form College (Teacher)</li> <li>- Pearson Education (Snr Examiner)</li> </ul>	The Labour Party (sponsorship) <ul style="list-style-type: none"> <li>- Member of The Labour Party (CLP and Secretary of Nuneaton West)</li> <li>- Member of National Education Union</li> <li>- Committee Member of</li> </ul>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>Nuneaton Historical Association - Governor of King Edward VI Sixth Form College</p> <p>Representative on the following Outside Bodies: - Friendship Project for Children</p>	
	N. King	Employed by Love Hair and Beauty	<p>Representative on the following Outside Bodies: - Nuneaton Town Deal Board</p>	
	M. Kondakor		<p>- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra</p>	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Hammersley, Smith and Orton Charities</li> <li>• Trustee of Abbey Theatre</li> <li>• Bedworth Board</li> </ul>	
	C. Phillips	Warwickshire County Council	Chair of Governors – Stockingford Nursery School	
	B. Saru	Director – Saru Embroidery Ltd	<p>- Labour Party (sponsorship)</p> <p>Representative on the following Outside Bodies: - Armed Forced Covenant</p>	
	J. Sheppard		<p>- Director of Wembrook Community Centre.</p> <hr/> <p>- Member of Labour Party.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Sherbourne Asset Co Shareholder Committee</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</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		<p>- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.</p>	
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice	<p>- Deputy Chairman – Nuneaton Conservative Association - Nuneaton Conservative association (sponsorship) - Board Member of the Conservative Association. -Corporate Tenancies:</p>	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
		Centre, Nuneaton	<p>properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>-LGA People &amp; Places Board (Member)</li> <li>-Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>-Director of Grayson Place (NBBC) Ltd</li> </ul>	

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**30<sup>th</sup> July 2024**

An extraordinary meeting of the Planning Applications Committee was held on Tuesday, 30<sup>th</sup> July 2024, in the Council Chamber.

**Present**

Councillor C. Phillips (Chair)

Councillors: E. Amaechi, L. Cvetkovic (Vice-Chair), N. King, S. Markham, B. Saru, J. Sheppard, R. Smith, T. Venson (substitute for P. Hickling), M. Wright (substitute for M. Kondakor) and J. Clarke (substitute for K. Wilson).

Apologies: Councillors P. Hickling, M. Kondakor and K. Wilson.

PLA9 **Declarations of Interest**

As Councillors J. Clarke, T. Venson and M. Wright were substitute Councillors for this meeting, their Declarations of Interest were not listed in the schedule for this meeting, but are available to view on the NBBC website.

**RESOLVED** that the declarations of interests are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interests for Councillors J. Clarke, T. Venson and M. Wright.

PLA10 **Declarations of Contact**

Councillor C. Phillips declared that she had received email contact from a resident in relation to application 039256. All other Planning Application Committee Members declared they had also received the same correspondence in relation to application 039256.

**PART 1: PUBLIC SESSION**

PLA11 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or 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.

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA11 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 30<sup>TH</sup> JULY 2024

039256 – 5 Bridge Street, Nuneaton, Warwickshire. CV11 4DY

Applicant – Bridge Street Nuneaton Ltd

**Public Speakers:** Mr Peter Smith – Objector  
Mr Richard Howl - Applicant

**DECISION**

That planning permission be granted, subject to the conditions printed in the agenda and addendum

PLA12 **Exclusion of Public and Press**

**RESOLVED** that under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 1, 5, 6 & 7 of Part I of Schedule 12A to the Local Government Act 1972.

**PART 2: PRIVATE SESSION**

PLA13 **039720 - Site 93A004 – Woodlands Farm, Woodlands Road, Bedworth.**

**RESOLVED** that

- a) the Council write to the Planning Inspectorate to advise that it will not be defending the reasons for refusal; and
- b) the Strategic Director for Place and Economy be authorised to take appropriate action to secure the most cost-effective action in handling the appeal whilst still ensuring that if the Planning Inspectorate are minded to uphold the appeal that appropriate planning conditions and legal agreements are imposed.

Councillors J. Clarke, L. Cvetkovic, S. Markham, R. Smith and M. Wright requested that their votes against the proposal be recorded.

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Chair

**Planning Applications Committee –  
Schedule of Declarations of Interests – 2024/2025**

	<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>
	E. Amaechi	<ul style="list-style-type: none"> <li>- Employed NHS Wales Shared Services Partnership (NWSSP)</li> <li>- Ricky Global Consultants Ltd</li> <li>-Purple Dove Events Ltd</li> <li>- Director – Techealth Ltd</li> </ul>	The Labour Party (sponsorship) - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton.  - Member of: - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry.  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>- Committee of Management of Hartshill and Nuneaton Recreation Ground</li> <li>- EQuIP: Equality and Inclusion Partnership</li> <li>- West Midlands Combined Audit, Risk and Assurance Committee</li> <li>- Pride in Camp Hill (PinCH)</li> </ul>	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>- Building Control Partnership Steering Group</li> </ul>	
	P. Hickling	Employed by <ul style="list-style-type: none"> <li>- King Edward VI Sixth Form College (Teacher)</li> <li>- Pearson Education</li> </ul>	The Labour Party (sponsorship) <ul style="list-style-type: none"> <li>- Member of The Labour Party (CLP and Secretary of Nuneaton West)</li> <li>- Member of National Education</li> </ul>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		(Snr Examiner)	Union - Committee Member of Nuneaton Historical Association - Governor of King Edward VI Sixth Form College  Representative on the following Outside Bodies: - Friendship Project for Children	
	N. King	Employed by Love Hair and Beauty	Representative on the following Outside Bodies: - Nuneaton Town Deal Board	
	M. Kondakor		- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Hammersley, Smith and Orton Charities</li> <li>• Trustee of Abbey Theatre</li> <li>• Bedworth Board</li> </ul>	
	C. Phillips	Member of Warwickshire County Council	- Chair of Governors – Stockingford Nursery School - Member of Labour Party - Part-time Carer	
	B. Saru	- Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer	- Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association  Representative on the following Outside Bodies: - Armed Forces Covenant	
	J. Sheppard		- Director of Wembrook Community Centre.  <hr/> - Member of Labour Party. Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Sherbourne Asset Co Shareholder Committee</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</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		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	<ul style="list-style-type: none"> <li>- Deputy Chairman – Nuneaton Conservative Association</li> <li>- Nuneaton Conservative association (sponsorship)</li> <li>- Board Member of the Conservative Councillors' Association.</li> <li>-Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</li> <li>Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>- LGA People &amp; Places Board (Member)</li> <li>- Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>- Director of Grayson Place (NBBC) Ltd</li> </ul> </li> </ul>	



**Planning Applications Committee –  
Schedule of Declarations of Interests – 2024/2025**

	<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>
	E. Amaechi	<ul style="list-style-type: none"> <li>- Employed NHS Wales Shared Services Partnership (NWSSP)</li> <li>- Ricky Global Consultants Ltd</li> <li>-Purple Dove Events Ltd</li> <li>- Director – Techealth Ltd</li> </ul>	The Labour Party (sponsorship) - Foundation Governor - Our Lady and St. Joseph Academy, Nuneaton.  - Member of: - British Computer Society. - Igbo Community Coventry. - Mbaise Community, Coventry.  Representative on the following Outside Bodies: - Committee of Management of Hartshill and Nuneaton Recreation Ground - EQuIP: Equality and Inclusion Partnership - West Midlands Combined Audit, Risk and Assurance Committee - Pride in Camp Hill (PinCH)	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: - Building Control Partnership Steering Group	
	P. Hickling	<ul style="list-style-type: none"> <li>- Employed by Wyggeston and Queen Elizabeth I College (Teacher)</li> <li>- Pearson Education (Snr Examiner)</li> </ul>	The Labour Party (sponsorship) - Member of The Labour Party (CLP and Secretary of Nuneaton West) - Member of National Education Union	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			- Committee Member of Nuneaton Historical Association Representative on the following Outside Bodies: - Friendship Project for Children	
	N. King	Employed by Love Hair and Beauty	Representative on the following Outside Bodies: - Nuneaton Town Deal Board	
	M. Kondakor		- Member of the Green Party - Member of Nuneaton Harriers AC - Chair – Bedworth Symphony Orchestra	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Hammersley, Smith and Orton Charities</li> <li>• Trustee of Abbey Theatre</li> <li>• Bedworth Board</li> </ul>	
	C. Phillips	Member of Warwickshire County Council	- Chair of Governors – Stockingford Nursery School - Member of Labour Party - Part-time Carer	
	B. Saru	- Director – Saru Embroidery Ltd - Co-founder and Owner – Fish Tale Ale Beer	- Labour Party (sponsorship) - Chair of the British Gurkha Veterans Association  Representative on the following Outside Bodies: - Armed Forces Covenant	
	J. Sheppard		- Director of Wembrook Community Centre.  - Member of Labour Party.  Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Sherbourne Asset Co Shareholder Committee</li> <li>• Warwickshire Direct Partnership</li> <li>• Warwickshire Waste Partnership</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		- Conservative Party Member - Chair of Trustees - Volunteer Friends, Bulkington; - Trustee of Bulkington Sports and Social Club.	

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts & West Midlands and Warwickshire Bailiffs, HMCTS, Warwickshire Justice Centre, Nuneaton	<ul style="list-style-type: none"> <li>- Deputy Chairman – Nuneaton Conservative Association</li> <li>- Nuneaton Conservative association (sponsorship)</li> <li>- Board Member of the Conservative Councillors' Association.</li> <li>-Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</li> <li>Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>- LGA People &amp; Places Board (Member)</li> <li>- Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>- Director of Grayson Place (NBBC) Ltd</li> </ul> </li> </ul>	

**Applications for Planning Permission  
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**Deferred Items**

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1.	039611	HE	Land to the rear of 59-189 Goodyers End Lane "Site 114B008 - Hall Farm", Church Lane, Exhall	

**Site Visits**

Item No.	Reference	Ward	Address	Page No.
2.	040173	WH	21 Foxhills Close, Nuneaton	

**Planning Applications**

Item No.	Reference	Ward	Address	Page No.
3.	039652	SW	The Green Bear, 51-53 Church Road, Nuneaton	
4.	040304	CC	217 Edward Street, Nuneaton	
5.	040414	PO	3 Shelley Close, Bedworth	
6.	040386	SE	15 Barpool Road, Nuneaton	

Wards:					
AR	Arbury	EA	Eastboro	SL	Slough
AT	Attleborough	EX	Exhall	SM	St Marys
BE	Bede	GC	Galley Common	SN	St Nicolas
BU	Bulkington	HE	Heath	SE	Stockingford East
CH	Camp Hill	MI	Milby	SW	Stockingford West
CC	Chilvers Coton	PO	Poplar	WE	Weddington
				WH	Whitestone

## DEFERRED APPLICATIONS

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### Item No. 1

**REFERENCE No.** 039611

**Site Address:** Site 114B008 - Hall Farm, Church Lane, Exhall

**Description of Development:** Outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works.

**Applicant:** Opus Land (Nuneaton) Ltd.

**Ward:** HE

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### **RECOMMENDATION:**

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

### **REASON FOR DEFERRAL:**

The planning application was deferred from the Planning Applications Committee on 16<sup>th</sup> July to allow time for the residents traffic survey to be considered and assessed, for more information to be received in relation to the scheduled junction and road improvements (including timescales), a review of condition 23 especially in regard to trigger points, and clarity in relation to flood mitigation catchment areas and sizes.

### **INTRODUCTION:**

This application is for an outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works at Site 114B008 - Hall Farm, Church Lane, Exhall.

The application site is situated on the southern periphery of Bedworth. This site is positioned just to the north of the M6 which runs east/west past the site. To the south of the site is Coventry, rendering it strategically positioned within the region.

Positioned to the west of Bowling Green Lane, it benefits from robust connectivity to both local and strategic road networks. Its geographical coordinates place it approximately 1.90 km (1.18 mi) southwest of Bedworth Town Centre, and 6.18 km (3.84 mi) southwest of Nuneaton Town Centre, while Coventry City Centre lies 6.18 km (3.84 mi) to the south via the A444.

Accessibility to Birmingham is facilitated via the M6, located to the south of the site, which also provides links to London via the M6 and then M1. The sites character is predominantly rural in feel, although it has an 'urban fringe' setting with Goodyers End Land just to its north. The site encompasses verdant agricultural fields with a history of cultivation, arable land use, and grazing activities.

The site exhibits an approximate 11 metre fall from its northwestern to southeastern perimeters, with the lowest points towards the south-east of the site near to the road.

### **RELEVANT PLANNING HISTORY:**

- None relevant.

### **RELEVANT PLANNING POLICIES:**

- Policies of the 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;
  - EMP7- Bowling Green Lane;
  - 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
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- “EMP7 Land off Bowling Green Lane” Concept Plan SPD 2019.
- National Policy Planning Framework (NPPF).

- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Active Travel England, Cadent Gas, Coventry City Council, CPRE, Environment Agency, George Eliot Hospital Trust, National Grid Highways England, Natural England, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NHS, Open Space Society, Severn Trent Water, Warwickshire Wildlife Trust, Western Power Distribution, WCC Archaeology, WCC Ecology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way, NBBC Sports Development, Historic England, Warwickshire Police, NBBC Public Sector Housing, and Ramblers Assoc.

### **CONSULTATION RESPONSES:**

Objection:

The Woodland Trust, NBBC Tree Officer

No objection subject to conditions from:

Coventry City Council, NBBC Environmental Health, NBBC Parks, WCC Archaeology, WCC Fire Safety, WCC Ecology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way.

No objection from:

Active Travel England, Cadent Gas, Highways England, Natural England, NBBC Planning Policy, National Grid, Historic England, Warwickshire Police

No response from:

CPRE, Environment Agency, George Eliot Hospital Trust, NHS, Open Space Society, Severn Trent Water, Western Power Distribution, Warwickshire Wildlife Trust.

### **NEIGHBOURS NOTIFIED:**

1-14 Tudor Court, Church Lane; 121-129 (odd), 151-163 (odd), 167, 169, 173-189 (odd), 195-205 (odd), 289, Goodyers End Lane;

Neighbouring properties were sent letters notifying them of the proposed development on 9<sup>th</sup> May 2023 and 22<sup>nd</sup> January 2024. A site notice was erected on street furniture on 9<sup>th</sup> May 2023 and the application was advertised in The Nuneaton News on 17<sup>th</sup> May 2023.

### **NEIGHBOUR RESPONSES:**

There have been 117 objections from 76 addresses as well as 1 from Craig Tracey MP, and 7 objections with no address provided. The comments are summarised below;

1. Impact on highway safety, especially through HGVs using the site
2. More employment land/industry not needed, and unnecessary
3. Impact on flood risk and drainage
4. Increase in traffic and congestion

5. Danger to pedestrians
6. Impact from noise and vibration
7. Creation of light pollution
8. Loss of green open land/space
9. Loss of trees
10. Disturbance during construction
11. Disturbance of wildlife and protected species
12. Increased air pollution and impact on air quality
13. Structural damage to existing properties
14. Impact on health of residents
15. Impact on scheduled ancient monuments and listed buildings
16. Loss of 'greenbelt'
17. Impact on rivers and streams
18. This development is out of character and out of keeping with the area
19. Impact on the public right of way and footpaths
20. Planning permission for a horse sanctuary was previously granted
21. Widening of School Lane is not wanted/will cause harm
22. There are empty units elsewhere
23. Insufficient car parking spaces
24. There are schools nearby
25. The application will affect the residents of Goodyers End Lane and other surrounding properties
26. Applicants have not carried out a residential visual amenity assessment
27. Should use brownfield sites first
28. Could cause an increase in crime
29. Will reduce quality of life for local residents
30. Traffic modelling does not include Coventry's administrative area
31. Ambiguity in Transport Assessment definitions
32. Additional traffic and highway safety concerns
33. The proposal will impact on air quality including cross-boundary
34. Traffic Regulation Orders are not enough
35. Overnight lorry parking facilities should be included
36. There are likely to be additional risks from increased HGV use
37. Severe impact on local services and infrastructure
38. High level of impact on Heritage and Archaeology
39. Impact on Ecology, flood risk and river management and green infrastructure
40. Impact on landscape character, from the site layout, etc.

One additional letter was also received with no address given raising the following issues:

1. No attention paid to objections
2. Site was removed from Greenbelt
3. Roads will become car parks
4. Highway safety impact
5. Borough Plan Review has not been considered adequately



## 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. Air quality
7. Flood risk and drainage,
8. Contamination and land stability,
9. Ecology,
10. Impact on trees
11. Heritage and archaeology,
12. Planning obligations,
13. Condition amendments
14. 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 dimensions (paragraphs 8 and 10). 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 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 centres, 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. The Local Plan Inspector detailed the 'exceptional circumstances' case for releasing the site from the Green Belt, noting at Paragraph 229 of their report:

*'There are limited options for strategic employment land releases at Bedworth even though its proximity to the M6 and Coventry are significant attractors for investment in new jobs... In terms of strategic exceptional circumstances...the site would be a strategic site capable of accommodating larger premises... being highly visible from the M6, which the evidence base and LEP identifies as a key factor for attracting investment.'*

Policy DS6 of the Borough Plan refers to a number of sites that will be allocated for employment development and associated infrastructure and the site at Bowling Green Lane is one of these sites. Policy EMP7 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 entire allocation is currently in a mixture of uses (encompassing the HGV storage centre to the west), however this site exhibits an agricultural use. Using the Agricultural Land Classification map this area of the Borough appears to be 'good to moderate' quality.

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

The key development principles under Policy EMP7 include transport improvements and highways improvements to Bowling Green Lane and School Lane, financial contributions to Borough-wide strategic highway infrastructure works, contributions to local bus services, cycle networks, bus infrastructure and suitable sewage connections. The expected form of development is also set out in Policy EMP7 which includes development set back from the northern boundary to Goodyers End Lane, to allow for a landscape buffer and ecological mitigation.

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 EMP7 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 National Planning Policy Framework (NPPF) sets out that sustainable development encompasses three primary objectives, one of which is economic (Paragraph 8). This objective aims to encourage a robust, adaptable, and competitive economy by ensuring adequate land of suitable types is available in appropriate locations and timing to foster growth, innovation, and enhanced productivity.

Furthermore, the NPPF emphasises that planning policies and decisions should facilitate conditions conducive for business investment, expansion, and adaptation, with significant emphasis placed on supporting economic growth and productivity (Paragraph 85).

The Borough Plan 2019 outlines various objectives, including leveraging economically driven growth to revitalise the Borough and enhance its appeal as a desirable residential and investment destination. Additionally, it seeks to explore employment opportunities that diversify the Borough's economy and enhance job prospects.

In alignment with these objectives, the Employment Land Review (2014) identifies a total employment land requirement of 87.4 hectares for the period 2011-2031. The Council's Economic Development Strategy further underlines the importance of supporting investment within the Borough and broader sub-region, collaborating with landowners and agents to broaden employment prospects and identify avenues for growth and productivity enhancements.

Policy EMP7, highlights that this proposed strategic employment site will contribute to fulfilling both the Borough's strategic employment needs and the job creation objectives of the Borough Plan. Although specific job figures are not exact in this outline application, given the matters reserved, the Planning Statement estimates that the proposed development could generate between 1300 and 1800 full-time equivalent jobs, with a blend of B2 and B8 uses. This development, like the site's allocation, is necessary to help to address the strategic employment requirements of the Borough and the broader sub-region, offering valuable employment opportunities.

Although the recently submitted Borough Plan Review has not been examined and therefore only carries very minimal weight, it is pertinent to mention that this site's employment land allocation (under reference SEA-6) remains within that Plan and forms part of the submission.

Additionally Paragraph 85 of the NPPF 2023 states that; *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

It is therefore considered that significant weight be applied to the proposals positive impact on economic development both in terms of its local, and its wider regional, impact.

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

The NPPF establishes the importance of recognising the intrinsic character and beauty of the countryside (paragraph 180).

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.

The Proposed Development site is situated amidst agricultural land between the M6 motorway to the south and the periphery of Bedworth to the north. Adjacent to the site lies the eastbound slip road to Junction 3 of the M6, positioned immediately southeast of the site. To the south of the M6 lies the northern edge of Coventry, with the city centre approximately 6km to the south, placing the site at the fringe of this broader urban area.

The proposed development envisages the demolition of all existing structures on-site and the creation of up to 60,000 sq. m of commercial/industrial floorspace, inclusive of ancillary office space. This development will also encompass internal access roads, service yards, parking facilities, landscaping, drainage systems, and associated infrastructure enhancements, including the widening of School Lane to facilitate footway/cycleway provision.

Within the development zone covering approximately 10.92 hectares of the total 16.86-hectare site area, the proposed buildings are proposed to rise to a maximum height of 124.5m AOD. Additionally, a landscape buffer zone measuring 46m in width along the northern boundary of the site is earmarked to provide separation from the existing housing estate to the north, while a 55m offset from Bowling Green Lane to the east is designated to mitigate impacts on the local environment. Furthermore, a separate outline application proposes residential development for the remaining farmland northeast of the site, bordering Bowling Green Lane.

The site, along with the majority of the study area, falls within National Character Area (NCA): 97 Arden, characterised by farmland and former wood-pasture within the West Midlands conurbation. Additionally, a small section of National Character Area (NCA): 94 Leicestershire Vales is situated east of the site, featuring low-lying clay vales interspersed with varied river valleys.

Landscape character within the study area is further detailed in the Nuneaton and Bedworth Volume 1 Landscape Character Assessment, identifying 12 Landscape Character Areas (LCA) across the region. The site falls within LCA 7: Keresley Urban Fringe. Administrative boundaries cross LCA 7 but the bulk of the area comes under Nuneaton and Bedworth Borough Council, with a small portion in Coventry City Council's jurisdiction and even smaller segments in North Warwickshire Borough Council and Rugby Borough Council.

Moreover, the proposed development's impact on the urban fringe townscape, particularly at the interface with existing development at Goodyers End Lane, is deemed worthy of further exploration within this report.

A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application.

The LVIA concludes that at this stage of the outline planning application, the precise layout for assessment remains unspecified as it is a reserved matter, prompting an evaluation of the entire parameter. In practical terms, the built footprint will be limited by

both the description of development and the parameter plan so that only around 55% of the development space would be occupied by buildings, while the remainder would be dedicated to amenities such as parking, service areas, access routes, and landscaping. To illustrate potential configurations, models showcasing two and three-unit layouts have been crafted, aiding in visualising how the proposed development might align within predetermined parameters and facilitating comparisons in terms of scale and structure. The applicant has agreed to exclude the potential for a single large unit of 60,000sqm to be delivered by the outline, to be controlled by condition limiting the maximum size of any individual unit.

Nestled within a pocket of farmland at the southern fringe of Goodyers End Lane, the development site finds itself surrounded by a mosaic of land uses and scales. From expansive linear features like trunk roads to the intimate scale of residential neighbourhoods and commercial ventures, the landscape is a tapestry of diverse elements. Despite this juxtaposition, remnants of farmland intersperse these features, offering varying degrees of separation.

While the proposed development endeavours to retain existing boundary vegetation, a small portion may necessitate removal to accommodate site access and road improvements. To counterbalance this loss, new native shrubs and trees are proposed to be planted within a landscape buffer encircling the site. Moreover, a minimum 46m buffer along the sensitive northern boundary ensures the preservation of nearby residential areas (this is well in excess of the 15m required by the SPD). Additionally, built structures will be set back a minimum of 55m from Bowling Green Lane, thus preserving the area's existing ambiance as much as possible. Furthermore, the existing Public Right of Way (PRoW) traversing the site is earmarked for rerouting along the eastern edge within a landscaped corridor.

Sited amidst farmland, the development area is flanked by existing urban infrastructure at Goodyers End Lane, the M6, and the A444. Although its impacts extend beyond the immediate vicinity, they are contained within the broader context of the urban fringe. Anticipated landscape character impacts on the Keresley Urban Fringe are expected to be of Moderate/Minor adversity, localised but with lasting effects. Similarly, effects on Goodyers End Lane's townscape character are projected to be Moderate/Minor adverse upon completion, diminishing to a Minor adverse level once mitigation planting matures, including during construction.

Visual effects primarily manifest in the immediate surroundings, notably affecting adjacent Public Rights of Way (PRoW) routes and the local road network within the farmland enclave. Beyond this immediate vicinity, effects on the PRoW network and key routes are deemed by the LVIA submitted with the scheme to be Minor adverse, with negligible impacts expected during construction. Notably, the M6 corridor offers the most significant views of the site, with effects categorised as Minor adverse, with negligible impacts during construction.

In terms of cumulative effects, the proposed development is not anticipated to yield any substantial impacts. To summarise, landscape and visual effects predominantly affect the area immediately adjacent to the site. Given the broader urban fringe context, the landscape is deemed resilient enough to accommodate the proposed development.

It is clear that the physical build out of this Borough Plan allocation 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 EMP7 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.

Additionally there is a Concept Plan in the form of the Concept Plans for Strategic Allocations: EMP7, Bowling Green Lane SPD 2019. This sets out how the scheme could be development and is designed to act as a guide. Obviously with matters of layout and appearance reserved for consideration at another stage, this SPD is of limited application at this stage. That said however, there is nothing within the Concept Plan which is clearly breached by the outline, nor does the proposal submitted here preclude development form matching the SPD.

Overall it is considered that the impact on landscape character is minimal, and that there is no significant impact on visual amenity as a result of this outline permission.

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

The nearest residential properties are the properties on Church Lane near to the site, and Exhall Hall off School Lane and those to the north on Goodyers End Lane. As this is an outline application, the layout and the design of the site and buildings are not being considered at this stage.

The layout plan, although indicative, shows a very large stand off from the northern boundary therefore there is no concern over overshadowing to the properties on Goodyers End Lane. There is also a standoff in terms of built form from the southern boundary with Church Lane.

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.

The 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 than if it were purely B2.

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 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.

A condition relating to the noise will be added to any approval, the wording will be:

*Noise from fixed plant for both daytime and nighttime periods shall not exceed the background sound level in accordance with Table 12 of the Delta-Simons Noise Impact Assessment-Commercial (Delta-Simons Project No.87989.545596 issued March 2023).*

## 5. Highway Safety and Accessibility

The description of development states;

*Outline planning application for the demolition of all existing structures on site, the development of up to 60,000 sq m of commercial/industrial floorspace (Use Classes B2/B8/E(g)(ii and iii)) including ancillary office space (Use Class E(g)(i)) together with internal access roads, service yards, parking, landscaping, drainage and associated works with all matters reserved (appearance, landscaping, layout and scale) except for access to Bowling Green Lane and the widening of the carriageway of School Lane and associated works.*

Whilst technically the majority of the widening works will be carried out under a Section 278 agreement with the County Council and do not need planning permission where they are in WCC Highway land ownership, some of the works extend into the landowner's (applicant's) land on the south side of School Lane, and do therefore require permission. The work will be carried out to an adoptable standard and this land will be put up for adoption by the County Council once the works are complete.

It is proposed that a condition requiring the widening works to be complete prior to occupation of the Units hereby considered, would be applied to any approval here.

The matter of **access** is being considered at this stage. The main access will be off Church Lane, in compliance with Policy EMP7, and will comprise of a single point of

access for this employment site 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 within capacity.

WCC Highways and Highways England have both been consulted and both have no objection on the scheme. WCC Highways have requested conditions, most of which are acceptable apart from three of these which repeat elements which appear elsewhere in the conditions so will be amalgamated with those.

The designated site, EMP7 Bowling Green Lane, outlined in the Nuneaton & Bedworth Borough Council Borough Plan 2019, spans approximately 26 hectares of allocated employment land (uses B1, B2, and B8). This application seeks approval for up to 60,000sqm of employment space, including ancillary office use. Situated on the western side of Church Lane/Bowling Green Lane, across from the Bowling Green Lane/School Lane priority junction, the site underwent traffic modelling using the 'Paramics' model for the Nuneaton and Bedworth Wide Area, and 'Linsig' modelling for specific junctions, revealing potential impacts on Coventry Road/School Lane/Bayton Road, Longford Road/Blackhorse Lane, and M6 junction 3.

To address these impacts, the County Council has proposed improvement schemes such as the Longford Road Corridor Scheme and the M6 junction 3 Interim Scheme. Financial contributions from other developments within the Borough Plan area will support these schemes. 'Linsig' modelling for the site access junction indicates operational capacity within forecasted levels for the year 2031. While the layout is subject to further review, discussions include the removal of a 2m footway on the western side of Bowling Green Lane to minimize impact on the hedgerow and the construction of a 3m footway/cycleway to the north-western side of the hedge.

Regarding HGV routing, Traffic Regulation Orders will prohibit HGVs from accessing the site via Bowling Green Lane or Church Lane, reinforcing the requirement for HGVs to use School Lane only. This routing of HGVs would be in accordance with the requirements of the adopted policy EMP7. The proposed site access junction includes signalled pedestrian crossing facilities on all arms and connects to footway/cycleway facilities on-site and on the northern side of School Lane. Additional footway infrastructure is requested to connect the site to existing retail areas via adjacent land parcels.

While the internal site access road is unlikely to become a public highway, it will remain privately maintained. Nonetheless, intervisibility and vehicular visibility splays will be conditioned as if it were a public highway, with land secured as part of the s106 agreement for potential future connections.

The proposed diversion of the Public Right of Way around the eastern side of the site will provide access to existing bus stops and residential areas. Requests for bus stop improvements and contributions towards extending bus services have been considered reasonable given the catchment area for employees.



A Stage 1 Road Safety Audit has been conducted, with identified issues to be addressed in subsequent Stage 2 audits. A Framework Travel Plan aims to reduce single occupancy car trips by 10% within three years of full occupation, with ongoing monitoring and coordination through a Site Wide Travel Plan Coordinator. Justification for end-of-trip facilities must be provided as part of the Reserved Matters application and the Occupier Unit Travel Plan.

Overall it is considered that with appropriate conditions, and the planning obligations requested by WCC Highways, that there would be no severe impact on highway safety as a result of this outline scheme.

**Following deferral** from the previous Committee, two main outcomes in relation to Highways matters were sought. These were:

- 1) The desire for the resident's traffic survey (October 2023) to be submitted, and analysed by both the County and the Applicant.
- 2) More information on the delivery of the School Lane Improvements and their relationship to Longford Road Corridor Scheme and M6 Junction 3 'Interim Scheme'.

**The Resident's Traffic Survey:**

In regard to the resident's traffic survey, the applicant has submitted a supporting statement, which is précised below:

*The applicant has submitted a supporting Technical Note, prepared by DTA on behalf of the applicant, which addresses the Resident's Survey. The initial Transport Assessment (TA) used a 2018 base model for trip distribution and assignment, while the detailed impact analysis along School Lane/Longford Road Corridor was based on the County Council's March 2023 traffic counts. Discrepancies in the data between different count periods are explained in the Technical Note.*

*The residents' survey, while appreciated, has some methodological concerns. It used peak hours from different days for morning and afternoon surveys, which is not standard practice. Additionally, the survey was not conducted under a County Council licence, meaning residents lacked access to information about external factors, such as road closures or accidents, that could have affected the data.*

*Despite these issues, both the residents' and the County Council's counts show broadly similar data, with no significant differences that would call into question the validity of the March 2023 traffic data.*

*The residents' survey predicts post-development traffic levels to be double those of the applicant's model. However, this projection is not agreed upon. The applicant's model, which uses industry-recognised data sources and has been verified by the County Council, is considered more reliable.*

WCC Highways have been consulted and asked to respond to these matters, but at the time of preparing this agenda this is yet to be received. Once received this will be circulated to all Members of Planning Committee and will also appear on the addendum to the agenda.

### The Infrastructure Improvements

In regard to the request by members for further information on the proposed infrastructure improvements to School Lane, the Longford Road Corridor Scheme and the M6 Junction 3 Scheme, the applicant has submitted a statement, which is briefly précised here:

*The applicant proposes to widen the entire length of School Lane to create a dedicated 3m-wide footpath and cycleway on the north side only, with some minor adjustments around the A444 bridge. This will require widening the south side of School Lane, to achieve a consistent 7.3m carriageway width, suitable for HGVs and an improvement over the current road, which already accommodates lorries.*

*The Longford Road Corridor Scheme is a significant County Council project aimed at improving transport options in the local area, extending to Junction 3 of the M6. An interim improvement scheme is also planned for this junction, with a more extensive upgrade to follow.*

*The DTA note provides details of all three schemes, including the funding and delivery relationships between the Longford Road and M6 Junction 3 interim schemes. Although the development will have an impact, it is not considered 'severe' according to the National Planning Policy Framework (NPPF), a view supported by County Highways. Therefore, contributing to the Longford Road Scheme (£1.5m) and the M6 Interim Scheme (£0.5m) is deemed an appropriate way to mitigate this impact.*

*The Inspector's Report from the 2019 Local Plan Inquiry acknowledged that the development would lead to "appreciable volumes of additional traffic" on School Lane and considered a widened School Lane suitable for access, provided a new junction at School Lane/Bowling Green Road is implemented.*

WCC Highways have been consulted and asked to respond to these matters, but at the time of preparing this agenda this is yet to be received. Once received this will be circulated to all Members of Planning Committee and will also appear on the addendum to the agenda.

## **6. Air Quality**

The NPPF underscores the importance of planning policies and decisions in maintaining compliance with relevant pollutant limit values and national objectives, considering factors such as Air Quality Management Areas and Clean Air Zones, as well as cumulative impacts from local sites (paragraph 192 NPPF). It emphasises the identification of opportunities to enhance air quality or alleviate its impacts.

Specifically, Paragraph 180 of the NPPF mandates that planning decisions must contribute to preserving and enhancing the natural and local environment, safeguarding against unacceptable levels of pollution or environmental instability.

In support of the application, an Air Quality Impact Assessment has been provided. This assessment outlines the projected concentrations of contaminants at receptors within the development site, indicating compliance with UK Air Quality Standards objectives.

NBBC Environmental Health has reviewed the assessment findings and raised no objections, subject to conditions including the provision of a dust management plan, and installation of electric vehicle charging points.

## **7. Flood Risk & Drainage**

The NPPF requires that consideration is given to the potential impact of flooding upon the new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraph 173). 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 (it is entirely in Flood Zone 1) and therefore has a low level of fluvial flood risk.

A Flood Risk Assessment (FRA) has 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 and will drain eastwards.

The FRA notes that water from the site will flow downhill towards the east. Foul water will connect to a Severn Trent Water sewer. Surface water will discharge into the River Sowe to the east. Sustainable drainage systems (SuDS) are planned, including a detention basin in the southeast corner providing 4000m<sup>3</sup> of attenuation. Each commercial plot will connect to the stormwater network with controlled discharge rates and onsite attenuation, likely using permeable paving and underground storage tanks. SuDS features will meet water quality standards. Systems are designed to handle storm events up to 1 in 100 plus 40% for climate change, with controlled drainage into the River Sowe at a rate of 49.5 litres per second. Due to site geology and the site varying between mudstone and sandstone, soakaways and infiltration techniques are not considered appropriate at this stage, but the FRA does recommend that 'BRE 365' soakaway tests will be required before details layout plans are submitted at the reserved matters stage. The site is

classified as less vulnerable to flooding, meeting Flood Zone 1 requirements without needing further tests. There is no increased flood risk to the site or surrounding areas, and it complies with National Planning Policy Framework requirements for flood risk assessment.

WCC Flood Risk Management have no objections subject to conditions. 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.

**Following deferral** from the previous Committee, WCC Flood Risk Team were approached for more comment and responded with the following:

*The total site area is 15.0ha with a site catchment area of 14.95ha. Of this, 74% is set to be development, creating 11.0ha impermeable surfaces.*

*The surface water strategy will be designed to cater for storm events up to 1 in 100 plus 40% climate change.*

*The greenfield run off rate (QBar) for the site has been calculated using IH24 at 49.5l/s. It is proposed that the site will drain at a restricted rate of 49.5 l/s via a vortex flow control device before discharging into the River Sowe to the east of the site.*

*The natural topography of the site flows towards the southeast corner of the site where it will enter a proposed detention basin rather than towards the main road which is what currently occurs. The total volume of storage required across the entire site will be 10850m<sup>3</sup>, which will be achieved via a series of attenuation crates and basins. There is still scope of this to change as the current design is treated as a minimum and the LLFA seek additional SuDS where possible.*

*I cannot say for certain that the localised flooding will be 'solved' however, we would expect it to lead to a level of reduction as it will no longer run directly off the fields when they are saturated or dry.*

*Soakaways and infiltration techniques have not been considered at this stage as it is an outline application, however it is expected that BRE 365 soakaway tests are provided through the next stage of the planning application.*

Additionally the Applicant chose to submit a supporting statement which covered, among other issues, the impact from flood risk. It is précised here:

- *The Flood Risk Assessment (FRA) confirms that the proposed development site is in Flood Zone 1, which is the lowest risk zone for flooding. While there are minor areas at risk of surface water flooding, these are considered low risk with only a*

*1% to 0.1% chance of flooding annually. The site's topography directs potential surface water flooding towards Bowling Green Lane.*

- The FRA includes calculations of Greenfield Runoff Rates for various storm return periods. It is proposed to manage site runoff by limiting discharge to 49.5 litres per second (l/s), aligning with national guidelines. This approach will significantly reduce peak discharge rates during larger storm events (30-year and 100-year events), thereby reducing the risk of flooding on Bowling Green Lane. Specifically, a 50% reduction for the 30-year event and a 61% reduction for the 100-year event are expected, improving the current situation.*
- While there is a slight increase in runoff for the 1-year event (Q1), it is not expected to cause localised flooding. Overall, the drainage plan provides substantial betterment, particularly for the more severe flooding events.*
- The development also proposes incorporating rainwater harvesting, reusing some roof rainwater as greywater. Though this is not included in the drainage calculations, it may further reduce rainwater leaving the site.*
- The methodology and proposals have been approved by the County Lead Local Flood Authority, which has no objections to the application.*

## **8. Contamination & Land Stability**

The NPPF sets 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 (paragraph 189).

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 Ground Investigation Report has been submitted with the application. The Ground Investigation Report recommends that no further work is necessary therefore NBBC Environmental Health have requested the standard contaminated land conditions.

## **9. 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 185 and 186). 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 Ecology Impact Assessment confirms that the site comprises predominantly of an arable field with associated agricultural buildings in the southern section of the site.

The Site primarily consists of arable fields, which are not ideal for foraging and commuting bats. The hedgerows, scrub, and mature oaks offer better habitats but are poorly connected within the Site and to the surrounding landscape, resulting in an overall 'low' suitability for bats.

During a Phase 1 Habitat survey, two mature oak trees with potential roost features (PRFs) suitable for roosting bats were identified. Tree 12 was initially rated moderate and later upgraded to high suitability upon inspection, while Tree 45 was rated high. No evidence of bats was found.

No signs of badgers or hazel dormice were detected on the Site. However, it provides some habitat for Species of Principal Importance (SPIs) like brown hare, harvest mouse, and hedgehog. Brown hares can utilise the arable fields, and hedgehogs can inhabit the hedgerows, scrub, and adjacent gardens. The intensive farming limits suitable habitat for harvest mice.

For birds, the hedgerows, scrub, trees, and plantation woodland offer suitable habitats for common and SPI bird species. A skylark, an SPI and red-listed species, was observed nesting in one of the arable fields, which provides a suitable habitat away from trees and electricity infrastructure.

No reptiles were found during surveys, suggesting their absence from the Site. Regarding Great Crested Newts, limited suitable terrestrial habitats exist, mainly along hedgerow bases, scrub, and field margins. There are no on-site water bodies for breeding, but two off-site ponds were assessed. Pond P1, about 210 meters west, was deemed 'average' for newts, but an eDNA survey indicated their likely absence.

Overall, the Site's intensively farmed arable fields are of limited value to invertebrates. The small woodland area, hedgerows, and scrub are the primary areas of interest for invertebrates.

A condition will be added for submitting a Construction Ecological Management Plan (CEMP). This plan must detail any necessary pre-construction checks, species protection measures, appropriate construction practices and schedules, site clearance procedures, buffer zones and stand-offs for sensitive ecological features, protocols for discovering protected species during construction, and methods for inspecting habitats for nesting birds.

Additionally, a condition will mandate the submission of a Biodiversity and Landscape Management Plan (BLMP). This plan should outline planting strategies to create additional foraging areas for bats, specify the locations and details of roosting and nesting

sites, such as tiles, boxes, and terraces for bats and birds, habitat creation efforts, landscape and ecological buffer zones, a reptile mitigation strategy, details of Sustainable Urban Drainage Systems (SUDS) features to support water vole habitats along with a working method statement for SUDS creation and construction, and a pond drain down method statement to rescue smooth and palmate newts and other amphibians, including identifying a suitable receptor location or creating additional ponds within the habitat areas.

In order to comply with the NPPF to ensure the development has a positive impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential process 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 as far as practicable the proposals are likely to lead to a negative Habitat Biodiversity Impact Score. As such, following consultation with Warwickshire Ecology their response stated;

*We recommend that an offsetting scheme for the loss of 19.56 habitat biodiversity units (comprising 2.2 woodland and 17.36 grassland and individual tree units) is secured via a S106 Agreement. For the applicant's information, the loss of 19.56 units equates to a financial contribution of £360,380.81 using the Warwickshire, Coventry and Solihull financial estimation tool.*

This will be included the obligations section of this report.

Overall it is considered that the harm to ecology and biodiversity is being adequately mitigated and is therefore not significant.

## **10. Impact on Trees**

The applicants have submitted a Tree Survey Report and an Arboricultural Impact Assessment prepared by BB Trees Ltd. 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 three trees to be worthy of an ‘A’ classification, these are high quality trees which are proposed to be removed. Five trees and one 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 three individual trees and four groups which are classified as a ‘C’.

The site has some older trees on the site, which has elicited a response of objection from the Woodland Trust (and from the NBBC Tree Officer who has asked for retention of high value oaks), who have stated that these are ‘veteran trees’. The Planning definition of ‘veteran trees’ is quite specific though and is that contained in the Annex of the NPPF 2023. This states that a Veteran trees is one which ‘because of its age, **size and condition**, is of exceptional biodiversity, cultural or heritage value.’

This sets a very high bar for trees to be considered as ‘veteran’ for planning purposes. For one reason or another, relating to the size and condition, the trees on this site although old, are not considered to be ‘veteran’ for planning purposes.

Whilst the Arboricultural survey submitted with the application acknowledges that there are features of age and condition that *could* meet veteran criteria, none of the trees identified in the Woodland Trust letter meet the requirement for a veteran of ‘size’.

Tree Number	Spp.	BB Measured Diam. mm	Veteran diam. threshold mm (Lonsdale ATF 2013)
12	Oak	820	1500
34	Ash	920	1,180
41	Oak	1,010	1,500
45	Oak	1,160	1,500

This uses the Raven 2 methodology for assessing trees.

It is important to state that at this outline stage there is no finalised layout and therefore the exact impact on which trees will not be known until the reserved matters stage. It is hoped that the design and layout which will be submitted at a later stage can accommodate as many high value trees as possible.

Overall it is considered that to proceed with this allocated site, it is necessary to lose some trees on this site, and that likely includes some category A trees which are of particular age. This is considered to weigh minimally against the proposal.

## 11. 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.

WCC Archaeology oversaw a program of evaluative trial trenching conducted by Headland Archaeology, following a predetermined project design. The evaluation aimed to provide essential data regarding archaeological implications for the project. It also sought to define the character, extent, preservation status, and significance of any archaeological features present.

Upon review of the recently received report detailing the trial trenching outcomes, it was observed that while no significant archaeological deposits were found across most of the site, the trenching did uncover a portion of a large circular enclosure ditch in the southwest corner. Although no conclusive dating evidence was obtained during the evaluation, the morphology of the feature suggests a likely Bronze Age or Iron Age origin.

Considering the findings of the trial trenching, while no objection to the development's principle was raised, it is deemed necessary to conduct a watching brief to this most sensitive area, the southeast corner during construction. County Archaeology have now reviewed the trial trenching report and confirmed that they do not require any further investigations.

WCC Archaeology therefore have no objection and it is proposed to add a condition covering this watching brief.

Additionally it is recognised that there is nearby listed buildings (Exhall Hall – Grade III; The Bridge over the Moat – Grade II; and The Barn at Exhall Hall – Grade II) and scheduled ancient monument (the Moated Site and Exhall Hall (list entry 1019141)).

An assessment of the potential harm to the listed buildings and monument has been conducted and submitted by the applicant in the form of a Desk-based Heritage Assessment this considers factors such as architectural integrity, historical significance, and contextual setting. The evaluation revealed that while there may be some minor impacts due to the proposed development, these are minimal and do not compromise the LB's value, character or their setting.

Consequently, it is concluded that the harm to the listed buildings and monument is not significant, and is in accordance with Policy BE4.

## **12. Planning Obligations**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, the NPPF 2023 (paragraph 57) 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 97 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>Warwickshire Ecology</b>	Biodiversity off-setting to mitigate the loss of 19.56 units (if not mitigated by alternative provision on or off site)	£360,380.81 (or reduced proportionate contribution if mitigation is provided in whole or in part on or off site)	Agreed.
<b>WCC Highways</b>	Traffic Regulation Order for double yellow lines at the site access traffic signal Junction	£3,000	Agreed.
	Traffic Regulation Orders for environmental (7.5t) weight limits and signage on Bowling Green Lane and Church Lane in association with the HGV Route Strategy document	£10,000	
	Secure land for an extension of the internal access road, footway and cycleway to the remainder of the allocated employment land	Land	
		(non-financial)	

	Secure connections from the diverted Public Right of Way to the north eastern site boundary to provide connections to the land to the north east (currently subject to separate application ref 039592)	£1,539,789	
	Contributions for Longford Rd Corridor Scheme. (based on 278 development trips at £5,538.81/trip)	£537,110	
	8. Contribution for M6 Jct 3 Interim Scheme. (based on 200 development trips at £2,685.55/trip)		
<b>WCC Infrastructure</b>	Bus Services	£120,000	Agreed.
	Bus Stop Infrastructure (Real Time Information provision)	£65,000 (plus £5,000 maintenance, £4,000 maintenance after adoption, £2,500 replacement of parts after 15 years)	
	Monitoring Fee	£450	

**13. Condition Amendments**

**Following deferral** from the previous Committee the applicant has considered amending Condition 23 which was a subject of discussion at the previous Committee meeting. They propose instead to amend Condition 7 which would serve to exclude deliveries of good, plant and machinery to the site by lorries and HGVs during School travel times. Their comments are précised below:

*During the Committee meeting, concerns were raised about Condition 23, specifically regarding potential conflicts between construction vehicles*

*(HGVs/lorries) and children using footpaths near Goodyers End Primary School if School Lane hadn't been widened yet.*

*To address these concerns, the client considered the impact on residents and recognized the genuine safety concerns for school users. As a solution, they proposed modifying Condition 7, which covers the Construction Management Plan, to restrict deliveries of materials and machinery during school travel hours. This would ensure that no deliveries occur during the critical times when children are traveling to and from school, thereby addressing safety concerns without significantly extending the overall construction period.*

It is therefore proposed to amend Condition 7 to read as follows (amendment in bold):

*7. No development shall commence on any phase including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:*

*i. The routing and parking of vehicles of HGVs, site operatives and visitors;*

*ii. Hours of work;*

***iii. Details of Delivery Hours for site materials and HGV/Lorries to exclude the period around travel to/from Goodyers End Primary School opening and closing.***

*iv. Loading and unloading of plant/materials.*

*v. Storage of plant and materials used in constructing the development.*

*vi. The erection and maintenance of security hoarding.*

*vii. Wheel washing facilities to prevent mud and debris being passed onto the highway.*

*viii. A scheme for recycling/disposing of waste resulting from construction works.*

*ix. Measures to control the emission of dust and dirt during construction;*

*x. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.*

*xi. A Dust Management Plan for both the demolition and construction phases.*

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

This is considered acceptable in planning terms.

## **14. Conclusion**

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

In regard to the principle of the development on this site it is felt that substantial weight should be given to the allocation of the land for employment purposes within the adopted Borough Plan 2019.

It is also considered that significant weight should be given to the creation of employment opportunities for a significant number of people and the economic benefits of the scheme, in line with paragraph 85 of the NPPF.

It is felt that the provision of planning obligations also weighs in favour of the proposal.

It is considered that the impact on archaeology, highway safety, residential amenity, visual amenity, flooding and drainage, land contamination, air quality, and archaeology, all weigh neutrally towards this balance.

It is also considered that the impact on landscape character weighs very slightly against the proposal, the impact on trees also weighs minimally against the development.

Considering all aspects and after establishing the benefits of the scheme it is considered that these significantly and clearly outweigh the small amount of harm caused by the scheme.

The recommendation is therefore one of approval subject to conditions and a legal agreement.

## **REASONS FOR APPROVAL:**

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

## **SCHEDULE OF CONDITIONS:**

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

Plan Title	Plan No.	Date Received
Landscape Parameter Plan	1006 0419-05-03 rev 01	15.01.24

Parameters Plan	20275 – UMC – ZZZZ – SI – DR – A 0602 rev P.16	15.01.24
Overall Commercial Planning Boundary	20275-UMC-XXXX-SI-DR-A-0503-P.05	27.04.23
Employment Access	24078-04 – 1 Rev A	27.04.23
School Lane Works	24078-05 Rev A	27.04.23

5. Prior to the commencement of development of any building hereby approved, approval under s278 of the Highways Act 1980 must be secured for works relating to the access to the site which is broadly in accordance with approved plans:

- 1) Employment Access – ref 24078-04 – 1 Rev A
- 2) School Lane Works – drawing reference 24078-05 Rev A

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

- a. The provision of all major infrastructure including improvements to the surrounding road infrastructure, all site accesses, internal roads, footpaths, and cycle ways.
- b. The industrial buildings.
- c. The demolition and clearance of existing buildings.
- d. Ecological and landscaping enhancement areas.
- e. Surface water drainage installation and operation.

The development shall not be carried out other than in accordance with the approved Phasing Plan and Strategy.

7. No development shall commence on any phase including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
- ii. Hours of work;
- iii. Details of Delivery Hours for site materials and HGV/Lorries to exclude the period around travel to/from Goodyers End Primary School opening and closing.
- iv. Loading and unloading of plant/materials.
- v. Storage of plant and materials used in constructing the development.
- vi. The erection and maintenance of security hoarding.
- vii. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- viii. A scheme for recycling/disposing of waste resulting from construction works.
- ix. Measures to control the emission of dust and dirt during construction;
- x. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

xi. A Dust Management Plan for both the demolition and construction phases.

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

8. No development of any building 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 local planning authority. The development shall not be carried out other than in accordance with the approved details.

9. 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 local planning authority. No construction work shall be carried out other than in accordance with the approved details.

10. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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:

1. Undertake 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.
2. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate.
3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where

relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in

2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

7. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:

a. Demonstrate how runoff will be directed through the development without exposing

properties to flood risk.

b. Consider property finished floor levels and thresholds in relation to exceedance flows.

The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground

levels.

c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

11. No development, except demolition, shall commence until a Biodiversity Net Gain Plan (BNGP) to demonstrate no net loss in biodiversity from the pre-development biodiversity value has been submitted to the Council and approved in writing. The BNGP shall include:

a. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

b. the pre-development biodiversity value of the onsite habitat

c. the post-development biodiversity value of the onsite habitat

d. any offsite biodiversity gain linked to the development and the biodiversity value of that gain

e. the timing for the implementation of the proposed mitigation measures

f. a management plan for the provision and maintenance of offsetting features for not less than 30 years from the date of implementation

Any approved mitigation shall be implemented in accordance with the approved details.

12. No development of any phase 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. timing and methodology of site clearance;
- 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;

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. 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.

13. No development, including site clearance, shall commence until a Biodiversity, Landscaping and Ecological Management Plan has been submitted to and approved in writing by the Council. The plan shall set out how the measures detailed in the Ecological Appraisal received by the Council on 13th September 2023 will be implemented and maintained along with details for the off-site biodiversity offsetting location. The content of the plan shall include:

- a. details of planting to provide additional foraging areas for bats;
- b. details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
- c. details of mammal friendly fencing;
- d. habitat creation on and off site
- e. biodiversity impact mitigation on and off site
- f. landscape and ecological buffer zones;
- g. provision of hibernacula;
- h. provision of barn owl nest boxes;
- i. timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
- j. details of a scheme securing future maintenance and retention;
- k. description and evaluation of features to be managed;
- l. aims and objectives of management;
- m. appropriate management options for achieving aims and objectives;
- n. prescriptions for management actions;
- o. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- p. details of the body or organisation responsible for implementation of the plan;

q. ongoing monitoring and remedial measures.

14. No development of any building shall commence until full details of the provision of car parking, access, servicing and manoeuvring, including surfacing, drainage, levels and end of trip changing facilities for that building have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the car parking, access and manoeuvring areas for that building 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.

15. The developer should provide electric vehicle (EV) charging points at a rate of:

Industrial: 10% of parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall also be considered and parking time limited to a maximum of 1 hour. Appropriate cabling should also be provided to enable increase for future provision

16. No development shall be occupied until a scheme for the provision of water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until provision has been made in accordance with the approved details.

17. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority giving details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development. 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. Any details approved under the Landscaping reserved matters 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.

19. No use hereby approved shall commence until a scheme for the lighting of the site and associated access roads, parking areas and open spaces 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.

20. Noise from fixed plant for both daytime and nighttime periods shall not exceed the background sound level in accordance with Table 12 of the Delta-Simons Noise Impact Assessment-Commercial (Delta-Simons Project No.87989.545596 issued March 2023).

21. No development shall commence other than in accordance with the contaminated land assessment report number (AG3451-22-AP37 Issue 2 dated March 2023) and associated remedial strategy;

(i) The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment.

(ii) 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.

(iii) 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 local planning authority.

22. No development shall take place in the southwest corner of the site (in the area identified in the archaeological report as a potential ditch formation) until the developer has secured the implementation of a watching brief to be undertaken by a suitably qualified archaeologist/specialist (agreed by the Local Planning Authority in consultation with the County Council) so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted and approved.

23. Use of the units hereby approved shall not commence until the road widening scheme set out in drawing number 24078-05 Rev A (Proposed School Lane Works) has been constructed in general accordance with the approved details.

24. Access for vehicles to the site from the public highway (Bowling Green Lane) via a signalised junction shall not be made other than at the position identified on the approved drawing number 24078-04-1 Rev A.

25. No unit shall be occupied until the signalised access to the site for vehicles has been laid out and constructed within the public highway, with a gradient of 1:50 for the first 15 metres, as measured from the near edge of the public highway carriageway, and no greater than 1:20 thereafter, and all necessary alterations to the carriageway and

footway/cycleway links to the site including dropped kerbed pedestrian/cycleway crossing points have been constructed. Notwithstanding the plans submitted, a 3m footway/cycleway shall be constructed on the north western corner of the junction, and a 3m footway/cycleway to the north western side of the existing hedgerow (replacing the 2m footway adjacent to the carriageway) connecting the access arm to the diverted PRow with connections to the junction and potential bus stops as appropriate.

26. No development shall commence until full details showing the location of bus stops to serve the site on Bowling Green Lane, including reference to footway connections, have been submitted to and approved in writing by the Council. No unit shall be occupied until the bus stop works have been laid out in accordance with the approved details.

27. Within 6 months of occupation each Qualifying Occupier Unit on the site shall submit a Travel Plan to promote sustainable transport choices to the site, in general accordance with the Framework Travel Plan, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all times. The plan shall:

(i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets (including reference to end of trip changing facilities) together with timescales and arrangements for their monitoring, review and continuous improvement;

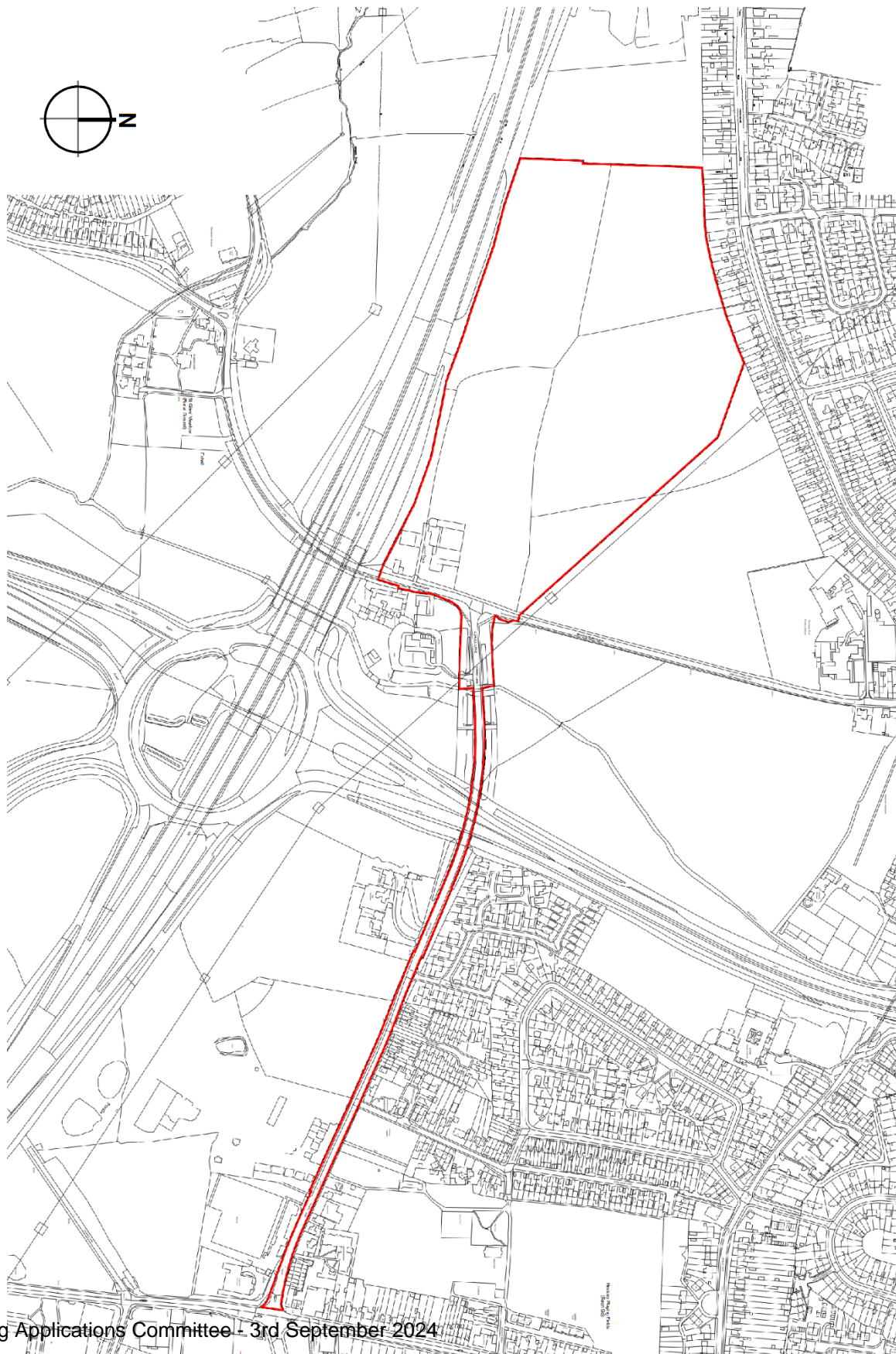
(iii) explain and justify the targets and measures by reference to the transport impact assessment;

(iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

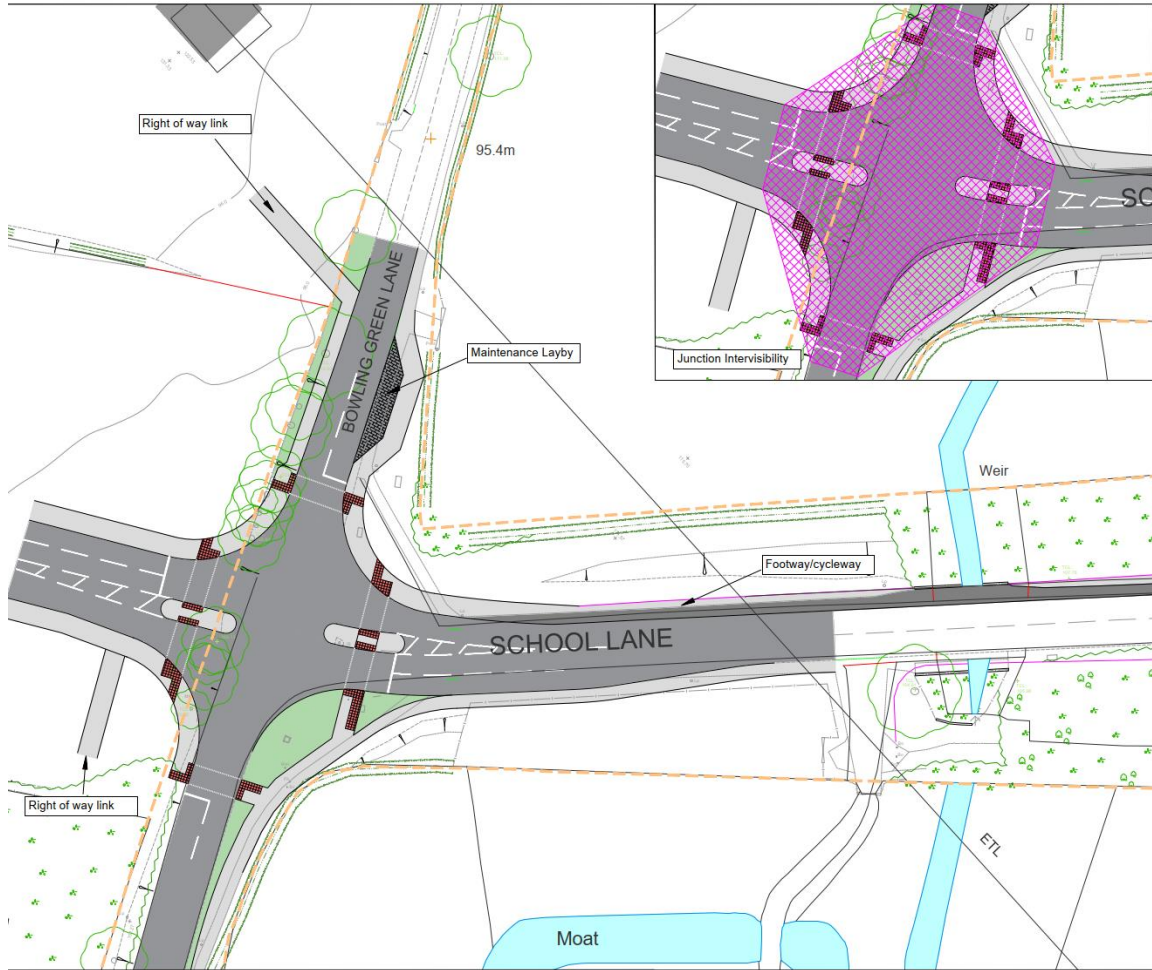
28. The quantity of Publicly Accessible Greenspace (PAG) compliant greenspace provided will match or exceed the minimum requirements as stated within the Open Space and Green Infrastructure Supplementary Planning Document and will therefore provide at least 3.2 hectares of Publicly Accessible Greenspace per 1000 full time or equivalent employees. This space will be formed of fully PAG compliant green network links, communal break out spaces, accessible SUDS (ASUDS) and PAG compliant ecological enhancements.

29. The development hereby permitted shall not commence until Biodiversity Metric and detailed Habitat Management and Monitoring Plan have been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting, details of habitat enhancement/creation measures and management for at least 30 years, such as native species planting, grassland and

woodland creation and provision of habitat for protected and notable species. Such approved measures shall thereafter be implemented in full.



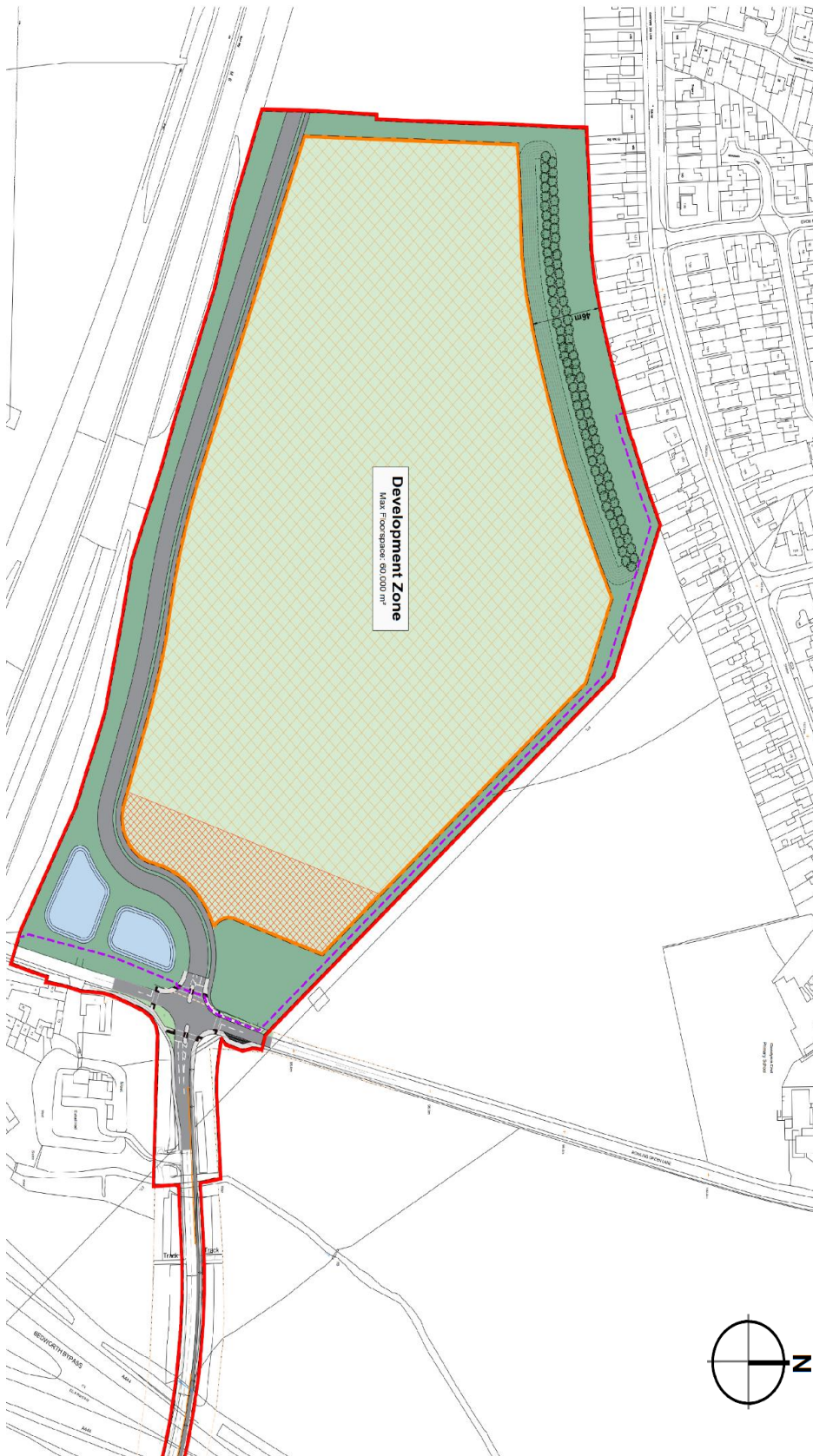
# Site Plan



# Employment Access Works



Landscape Parameter Plan





## SITE VISITS

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### Item No. 2

**REFERENCE No.** 040173

**Site Address:** 21 Foxhills Close Nuneaton Warwickshire CV11 6TP

**Description of Development:** Single storey extension to rear and two storey extension to rear, single storey extension to side and two storey extension to side, and single storey to front.

**Applicant:** Mr Andrew George

**Ward:** WH

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This proposal seeks consent for a single storey extension to rear and two storey extension to rear, single storey extension to side and two storey extension to side, and single storey to front at 21 Foxhills Close, Nuneaton.

21 Foxhills Close is a two-storey, residential property that is constructed out of a mixture of red brick and white render. The roof is a side facing gable with white uPVC windows and a dark UPVC door. There are no significant level changes either within the applicant property or between the applicant property and the neighbouring residential properties. There is off street parking facilities in the form of a driveway to the front of the property.

The proposal is to erect extensions off 3 of the 4 elevations, with a single storey to front, a single and two storey extension to side off the side elevation facing 20 Foxhills Close and a single and two storey extension off the rear elevation. There is a proposed side facing window on the first floor of the new side extension.

## **RELEVANT PLANNING HISTORY:**

- No previous history

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **NEIGHBOURS NOTIFIED:**

The neighbouring properties that were consulted on this application were 3, 4 and 5 Muirfield Close, 1, 16 and 20 Foxhills Close and 23 and 25 Turnberry Drive. Neighbouring properties were sent letters notifying them of the proposed development on 21<sup>st</sup> March 2024 and again on 26<sup>th</sup> April 2024 and again on 14<sup>th</sup> June 2024.

## **NEIGHBOUR RESPONSES:**

There have been 7 objections from 6 separate addresses. The comments are summarised below;

1. The visibility of the proposed black cladding and the larger new shaped window.
1. The loss of the garden space will have an impact on local wildlife.
2. Environment issues with the materials and the proposed heating and lighting.
3. Detrimental to neighbouring residents' mental health and will discourage use of the gardens.
4. Loss of light and space for neighbouring residents
5. Over the minimum distance standards
6. Devaluing of house prices
7. The original letters were never received and so the neighbours have not had chance to respond initially.
8. Impact on neighbour gardens will be significant
9. Significant detrimental impact on the amenity of neighbouring residents
10. Significant detrimental impact on the character and appearance of the area
11. Description of development is inaccurate
12. Site visit by members of the committee is welcome at a number of neighbouring properties to view the site and the area

## **APPRAISAL:**

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

1. Impact on Residential Amenity

- 2. Impact on Visual Amenity
- 3. Conclusion

### **1. Impact on Residential Amenity**

Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at 21 Foxhills Close will affect the neighbouring properties, which in this case are the adjacent neighbouring property, 20 Foxhills Close; the perpendicular neighbouring properties, 23 and 25 Turnberry Drive and the neighbouring properties to the south, 3 and 4 Muirfield Close.

#### *Impact on 20 Foxhills Close*

20 Foxhills Close is the adjacent neighbouring property and is a detached, two storey property. Therefore, the front, side facing, and rear elevations could be impacted by the proposal.

On the ground floor of the front elevation of this neighbouring property, there are 4 openings, a set of windows for the living room, the front entrance door, a small window for a non-habitable room and the garage door. Under paragraph 11.9 of the SPD, a 45- and 60-degree line will be drawn from the centre of the large living room window. Once drawn these lines are not breached and so the proposal is acceptable to the ground floor of this elevation. On the first floor, there are 2 original openings and one that forms part of historic side extension. The two original windows can be protected as they look to be for habitable rooms, under paragraph 11.3. As such, a 45-degree line, as specified in paragraph 11.9 is drawn which must not be breached. Once drawn, the line is not breached and so the proposed extensions are acceptable to the front elevation of this property.

The side elevation has a small non-habitable window on the ground floor and forms part of an extension on the first floor and so cannot be protected under the SPD.

The rear elevation has several openings on both the ground floor and first floor. Due to the side extension on the first floor, and ground floor rear extension at this neighbouring property only the two rear facing windows on the first floor could be impacted by the proposal. These are above the rear extension and so a 45- and 60-degree line is drawn from the centre of these openings. Once drawn, these lines are not breached and so the proposal is acceptable and will not have a significant impact on the residential amenity of this elevation. There is a new side facing window which will face towards the residential property, this will be suitably worded condition to be obscurely glazed and non-opening in perpetuity. This will protect the residential amenity of this property.

#### *Impact on 23 and 25 Turnberry Drive*

23 and 25 Turnberry Drive are property in which their rear boundary is the side boundary of the applicant property.

23 Turnberry Drive is not in line with any of the proposed works as it faces the side elevation which is not being extended in this proposal. Furthermore, the double garage detached structure is also between the applicant property and this neighbouring property.

25 Turnberry Drive will face towards side elevation of the proposed single storey rear extension; however, this will directly face an extension at this property and so it cannot be protected. There are no side facing windows and so this is not an issue. The proposed single storey rear extension will project 3.35m alongside the boundary with this property. This is below the 4m that is set out in paragraph 11.9 of the Sustainable Design and Construction SPD for single storey extensions, and it does project alongside the rear boundary where the primary rear amenity space is not usually located and so this acceptable.

### *Impact on 3 and 4 Muirfield Close*

3 and 4 Muirfield Close are the neighbouring properties to the rear of the applicant property.

3 Muirfield Close is the property that borders the majority of the rear boundary with the applicant property. There are two main distances which needs to be calculated under the below paragraphs:

*11.4 (in part) In the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows.*

The proposed first floor bedroom window will directly face the rear elevation of the bungalow of 3 Muirfield Close. There are habitable windows on the rear elevation of the bungalow at 3 Muirfield Close. The distance between the applicant property and the rear neighbouring property is 21.23m approximately which is larger than the 20m set out as minimum and therefore it is acceptable. 4 Muirfield Close is situated to the middle and rear of its plot and this is not in line with the applicant property and more directly in line with number 19 and 20 Foxhills Close.

*11.6 (in part) Habitable room windows above ground floor which overlook neighbouring private amenity space shall be at least 7 metres from the boundary.*

The proposal does feature a proposed first floor rear window for a bedroom which directly faces the rear amenity space of 3 Muirfield Close. The distance is 10m and as 10 is larger than 7, this distance is acceptable. 4 Muirfield Close is situated to the middle and rear of its plot and this is not in line with the applicant property and more directly in line with number 19 and 20 Foxhills Close.

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

Policy BE3 of the Borough Plan (2019) and Section 13 of the Sustainable Design and Construction SPD 2020 will be used to assess the impact on the visual amenity that the proposal will have.

The proposal has a mixture of elements that will be visible in the street scene and some that are entirely to the rear and so will not be visible in the street scene.

The elements that will be visible in the street scene is the front extensions and the front elevations of the side extensions. The front extensions form a small projection into the street scene; however the dimensions are relatively small and so they will not have a detrimental impact on the street scene. The single storey rear extension does project past the existing side elevation and will be see in the street scene. However, it is to the rear and projects off the rear elevation this also does not result in a prominent feature that will be harmful to the street scene. The side extensions proposed do incorporate a new garage feature where there is now a bay window and front facing gable feature will would be prominent and seen in the street scene. The loss of the bay window is acceptable as the proposal is creating significant changes and only the adjacent properties feature a bay window, so it is a common feature on all properties on Foxhills Close. The front facing gable, although a change to the existing is similar to the feature at the adjacent neighbouring property and so the introduction of this element would not create a prominent or incongruous feature and will be in harmony with the street scene.

The majority of the proposed extensions to the rear, both the two-storey part and the majority of the single storey proposal will not be seen within the street scene, resulting in a non- prominent feature that will not be harmful to the character and design of the street scene. Whilst it is noted that this proposal would not be viewable from the highway, this does not mean that poor design will be supported, which is being supported within the National Planning Policy Framework. Based on the plans submitted for this application, the design looks to be acceptable.

Therefore, it can be concluded that the principle of the proposed extensions will be acceptable as they will not have a significant impact on the visual amenity of the surrounding area.

The materials were originally proposed to be mainly black cladding which would have looked incongruous and prominent in the street scene and were requested to be changed. The amended plans that were submitted changed the materials to a rendered finish of off white or grey. Both of which would be acceptable in the street scene as there are fully rendered properties present in the street scene. A suitably worded condition will be added to the decision notice, should the proposal be recommended for approval so the materials can be controlled and kept to those proposed in the amended plans.

### **3. Conclusion**

The NPPF 2023 (Paragraph 11) promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states

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

In conclusion, the proposal is a significant proposal to the property with three of the existing elevations being impacted and extended upon. Overall, the principle of the extensions is acceptable and the elements themselves will not have detrimental impact on the residential amenity and visual amenity, however there are concerns over the proposed materials and this has been highlighted in the neighbour objections. The amended plans help control this and remove the potential of black cladding being introduced into a street scene where it would have a detrimental impact on the visual amenity. The new material proposed are acceptable and will be controlled by a suitably worded condition to make sure these are used.

Therefore, it can be concluded that this proposal is acceptable, and the recommendation is to approve the application subject to the conditions below.

### **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:

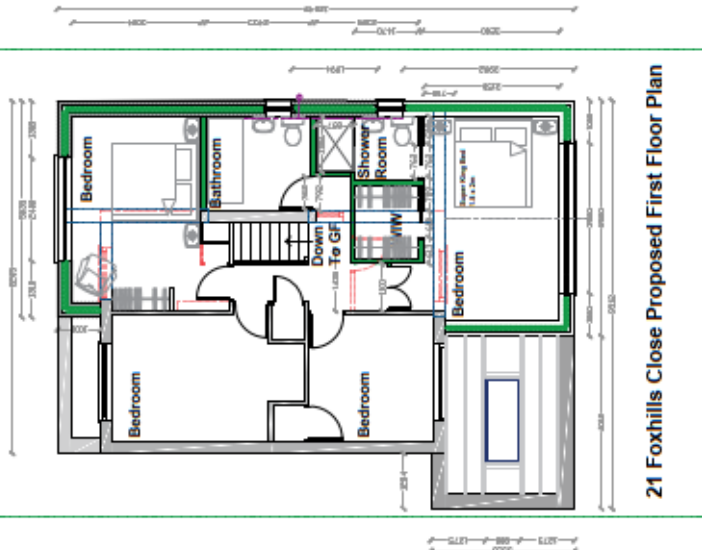
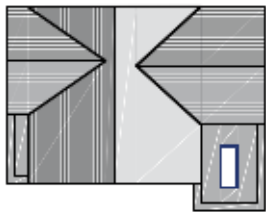
Plan Description	Plan No.	Date Received
Site Location Plan	23085 - P 001	11/01/2024
Existing Floor Plans	23085 - P 002B	16/07/2024
Existing Elevations	23085 - P 003	11/01/2024
Proposed Site Layout	23085 - P 101	11/01/2024
Proposed Floor Plans	23085 - P 102B	28/06/2024
Proposed Elevations	23085 - P 103	11/01/2024

3. No external materials shall be used in the extensions other than of the same type, texture and colour as those used in the existing building and those in planning ref 21FOXH-PS214-03B, unless otherwise agreed in writing by the Council.

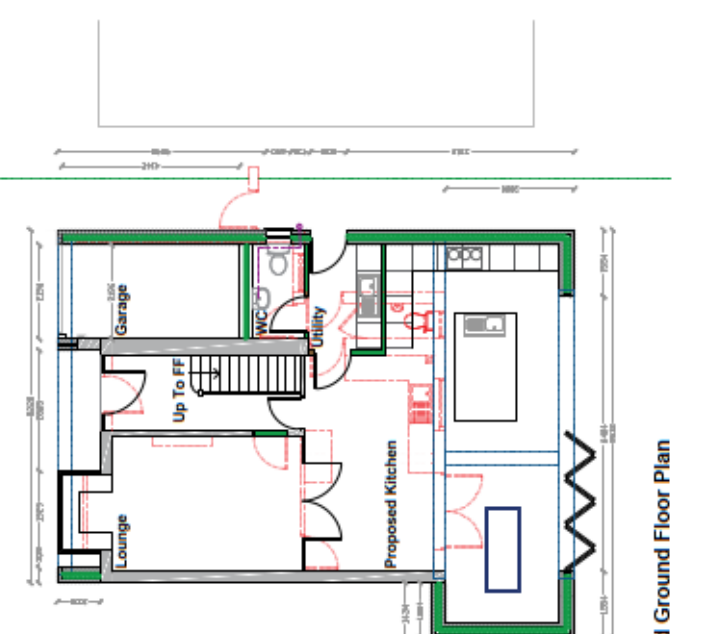
4. The first-floor window to 21 Foxhills Road as shown on the approved plan, planning ref 21FOXH-PS24-03B in the southern elevation of the building facing towards 20 Foxhills Road shall not be fitted or subsequently maintained other than in obscure glazing and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. No new window

or opening shall be provided at first floor level in this elevation without the prior written consent of the Council.

21 Foxhills Close Proposed Roof Plan



21 Foxhills Close Proposed First Floor Plan



21 Foxhills Close Proposed Ground Floor Plan



- Key:
- Removed Element
  - Lintel
  - Drain Run
  - Existing Structure
  - Site Boundary
  - Proposed 350mm Cavity Wall

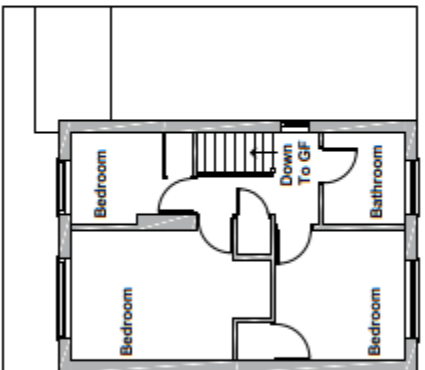


Planning Application WILLIAM LADBURY ARCHITECTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 TEL: 01203 333333 info@williamladbury.com	
Project Name	21 FOXHILLS CLOSE NUNEATON, CV11 8TP
Project Type	PROPOSED FLOOR PLANS SITE LOCATION PLAN
Scale	1:50
Project No.	21FOXH-PS24-02

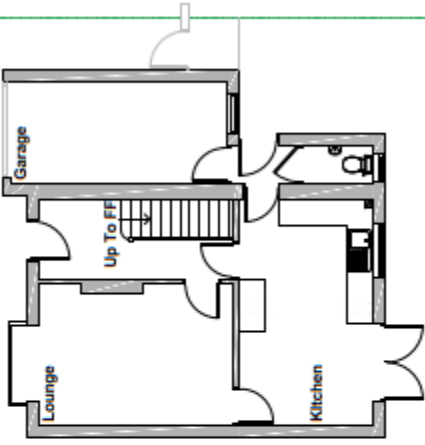
1. THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.  
 2. THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.  
 3. THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.



NOTES  
 1. ONLY TO BE READ IN CONJUNCTION WITH 21  
 2. All dimensions in mm unless indicated  
 3. All work to be carried out in accordance with the  
 4. All work to be carried out in accordance with the  
 5. All work to be carried out in accordance with the  
 6. All work to be carried out in accordance with the



21 Foxhills Close Existing First Floor Plan



21 Foxhills Close Existing Ground Floor Plan

**Key:**

- Removed Element
- Lintel
- Drain Run
- Existing Structure
- Site Boundary



Author	21 Foxhills Close
Client	21 FOXHILLS CLOSE NUNEATON, CV11 6TP
Project Name	EXISTING PLANS SITE LOCATION PLAN
Scale	1:50 1:1250
Date	21FOXH-PS24-00
Sheet	b

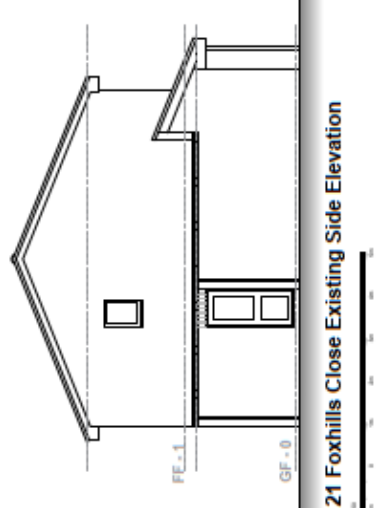
Lushmore Architectural Design  
 100 MILL LANE  
 NUNEATON, CV11 6TP  
 TEL: 02475 333333  
 www.lushmoread.com



21 Foxhills Close Existing Front Elevation



21 Foxhills Close Existing Rear Elevation



21 Foxhills Close Existing Side Elevation



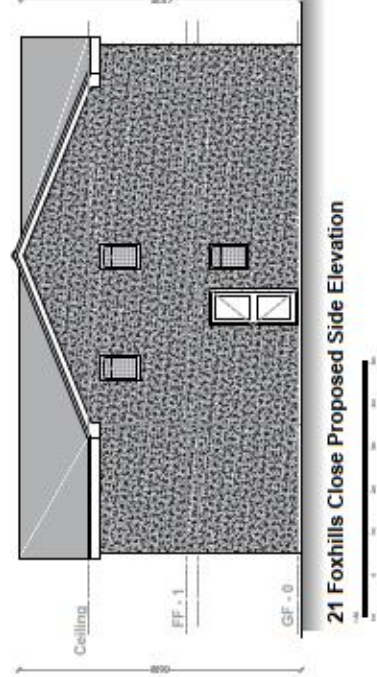
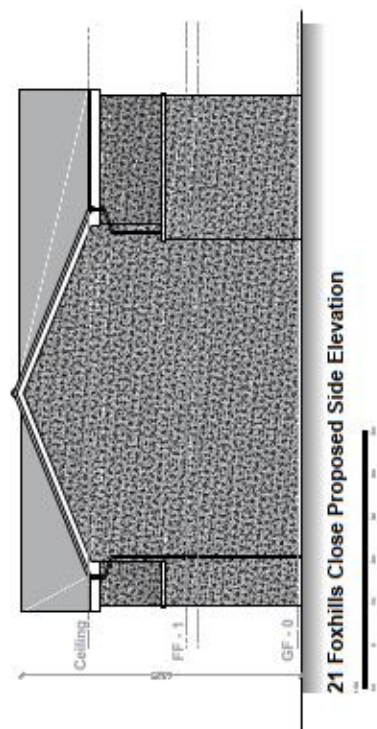
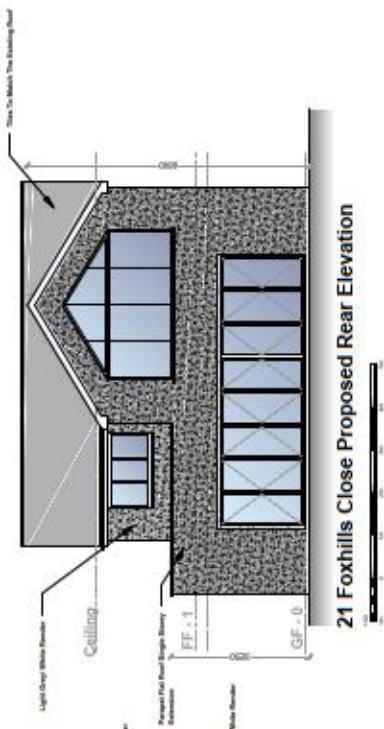
21 Foxhills Close Existing Side Elevation

No.	Date	Description	By	Check	Scale	Sheet	Total



Landscape Architecture Design  
 10 HUNTERSWOOD ROAD  
 WINDYBUSH NSW  
 2150  
 TEL: 02 9311 3188

Project Name		21 FOXHILLS CLOSE
Project Address		NUNEATON, CV11 6TP
Project Type		EXISTING ELEVATIONS
Scale	1:50	
Sheet No.	21FOXH-PS24-01	
Sheet	b	



21 FOXHILLS CLOSE  
 NUNEATON, CV11 8TP  
 PROPOSED ELEVATIONS

NO.	DATE	DESCRIPTION	BY
1	10/20/2023	ISSUED FOR PERMIT	WILLIAM LABARETT

Scale: 1:50  
 21FOXH-PS24-03 B



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## Item No. 3

**REFERENCE No.** 039652

**Site Address:** The Green Bear, 51-53 Church Road, Nuneaton, Warwickshire CV10 8LB

**Description of Development:** Demolition of existing buildings and the erection of up to 12 apartments (outline application with all matters reserved apart from access)

**Applicant:** Mr Brent Nichols

**Ward:** SW

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

This is an outline planning application for the demolition of existing buildings and the erection of up to 12 residential dwellings at the former Green Bear Public House on Church Road, Nuneaton.

The application site comprises of a derelict Public House with associated beer garden and parking area to the rear. The building is two storey with a flat roof and is positioned on the corner of Church Road and Webb Street in Nuneaton. There is a larger three storey building (Manchester House) opposite on the corner of Church Road and St Declan Close, however the surrounding area is predominantly residential, comprising of traditional style, two storey, terraced properties. There are other commercial and service type premises along Church Road, The design and access statement explains that the building is in a derelict state and a Prohibition Notice has been served on the premises by Warwickshire Fire and Rescue.

### **BACKGROUND:**

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.

### **RELEVANT PLANNING HISTORY:**

- 009274 - Change of use of first floor from meeting rooms to bed & breakfast accommodation – Application returned October 2005
- 011117 - Conversion of part of club to 8 residential dwellings with elevational changes to existing building(The Green Bear) – Withdrawn in January 2007

### **RELEVANT PLANNING POLICIES:**

Nuneaton & Bedworth Borough Council Borough Plan 2019:

- DS1 – Presumption in favour of sustainable development
- DS2 Settlement Hierarchy and Roles.
- DS3 – Development principles.
- DS4 – Overall development needs
- H1 – Range and mix of housing.
- H2 – Affordable housing.
- HS1 – Ensuring the Delivery of Infrastructure.
- HS2 – Strategic Accessibility and Sustainable Transport.
- HS3 – Telecommunications.
- HS4 – Retaining community facilities
- HS5 – Health.
- HS6 – Sport and Exercise.
- NE1 – Green Infrastructure.
- NE2 – Open Space
- NE3 – Biodiversity and Geodiversity.
- NE4 – Managing Flood risk.
- NE5 – Landscape Character.
- BE1 – Contamination and land instability.
- BE3 – Sustainable design and construction.
- BE4 – Valuing and conserving our historic environment.
  - Affordable Housing SPD 2020.
  - Air Quality SPD 2020.
  - Sustainable Design and Construction SPD 2020.
  - Transport Demand Management Matters SPD 2022
  - Concept Plans for Strategic Allocations: HSG4, Woodlands SPD 2020
  - National Policy Planning Framework (NPPF)

- National Planning Practice Guidance (NPPG)

### **CONSULTEES NOTIFIED:**

Coal Authority, Cadent Gas, George Eliot Hospital Trust, NBBC Environmental Health, NBBC Housing, NBBC Parks/WCC Ecology, NBBC Tree Officer, NBBC Planning Policy, NBBC Private Sector Housing, NBBC Refuse, NBBC Sports Development, NHS, Severn Trent Water, Water Officer, Warwickshire Police (Place Partnership), Warwickshire Wildlife Trust, WCC Archaeology, WCC Fire Safety, WCC Flood Risk Management, WCC Highways, WCC Infrastructure.

### **CONSULTATION RESPONSES:**

No objection subject to conditions/S106 Contributions from:

NBBC Environmental Health, WCC Fire Safety, George Eliot Hospital, WCC Highways, NBBC Housing, WCC Infrastructure, Severn Trent, NBBC Sports, WCC Parks/WCC Ecology

No objection from:

WCC Archaeology, Coal Authority, WCC FRM, NBBC Tree Officer, Warwickshire Police (Place Partnership).

No response from:

NBBC Planning Policy, Cadent Gas, NBBC Private Sector Housing, NBBC Refuse, Water Officer, Warwickshire Wildlife Trust.

### **NEIGHBOURS NOTIFIED:**

Flats 1-9 'Manchester House' no. 62, 'The Green Bear' no. 51-53, 43, 43a, 45, 47, 49, 'Flat 1' 51-53, 'Flat 2' 51-53, 52, 'Flat 2' 52, 54, 56, 57, 57A, 57-59, 58, 59, 60, 64 Church Road. 1, 2, 2a, 2b, 4 & 6 Webb Street.

Neighbouring properties were sent letters notifying them of the proposed development on 16<sup>th</sup> June 2023, A site notice was erected on street furniture on 51<sup>st</sup> June 2023 and the application was advertised in The Nuneaton News on 28<sup>th</sup> June 2023.

### **NEIGHBOUR RESPONSES:**

There have been 4 objections and 1 letter of comment. The comments are summarised below;

1. Good news that the site is being developed
2. Design and aesthetics are not in keeping with the residential nature of the area
3. Would be good if some of the original details could be replicated
4. 12 apartments is excessive and units would be too small
5. Turning area within the parking court would be tight
6. Existing building materials could be reused to reduce carbon footprint.
7. Impact on car parking
8. Impact on flooding and surface water drainage

9. Lack of borough plan
10. Impact on existing infrastructure
11. Swift/bird bricks should be used within the development
12. Parking may be an issue if the families have more than one car
13. Other flats in the area have caused trouble (ASB)
14. Increase in traffic congestion and parking problems
15. Additional rubbish could exacerbate the current rat problem
16. Impact on privacy to adjoining houses
17. Parking on Church Road and Webb Street is busy and dangerous
18. There are currently 4 schools (2 primary 1 secondary and 1 SEN college), a nursery, and 2 supported living accommodations, meaning a large number of vulnerable people at risk in the area.

## **APPRAISAL:**

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

1. The Principle of the Development
2. Impact on Residential Amenity
3. Noise, Contamination, Land Stability & Air Quality
4. Impact on Visual Amenity & Landscape Character
5. Affordable Housing & Housing Mix
6. Impact on Highway Safety & Parking
7. Flooding & Drainage
8. Ecology, Biodiversity & Trees
9. Heritage & Archaeology
10. Waste & Refuse and Fire Safety
11. Planning Obligations
12. 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.

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 is within Nuneaton and within the defined settlement boundary and therefore compliant with Policy DS2.



Policy DS4 identifies the overall development needs for the Borough throughout the plan period. The current Borough Plan plans for at least 14,060 homes and the Borough Plan Review plans for a minimum of 9810 homes based on 545 dwellings per annum. The site has not been accounted for within these figures and therefore the proposal would be a windfall development.

The Council has published its updated housing land supply position as at 1st April 2024. In accordance with paragraph 77 of the NPPF given the adopted Borough Plan is more than 5 years old, housing land supply should be calculated against local housing need. On this basis, the Council can demonstrate a position of 9.03 years and therefore the presumption in favour of sustainable development does not apply.

The figures within the Borough Plan Review are yet to be considered by the Secretary of State. Nevertheless, the housing figures within the Borough Plan Review currently account for 630 dwellings to come through from windfall sites. As such, it is considered that this proposal would provide a small contribution towards this requirement.

Policy TC3 states that any new residential development should be within 1,200m walking distance of a district or local centre and an 8 minute drive to a district centre. Where new residential development is proposed and the above thresholds cannot be demonstrated, the application should include the provision of a new district/local centre. The site is located within the Church Road South Local Centre and the Nuneaton Town Centre can be reached within 8 minutes. As such, the site is considered to be within a very sustainable location.

Policy TC3 also states that development within district or local centres will be considered acceptable in principle, subject to the following:

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

The existing use is as a former public house and this not considered to be a retail/commercial use. The proposal is not considered to harm the amenities of local residents and this will be addressed within the residential amenity section of the report. Whilst the residential use would not necessarily contribute to the range of services on offer, it would bring a disused site back into a sustainable use and thus would aid in maintaining the function and viability of the remaining local centre commercial premises. It should also be noted that there are many other residential properties at ground floor level within this local centre. In light of this, on balance, the residential use within the local centre is considered to be acceptable and in keeping with the nature of the area.

As discussed above, the previous use of the site was as a public house. Policy HS4 provides examples of community facilities and a public house is listed as one of these examples. The policy states that proposals for development which would lead to the loss of community facilities will only be permitted where:

- adequate alternative facilities and services are available locally; or
- access to locally alternative facilities is enhanced; or

- replacement facilities are proposed nearby; or
- it can be demonstrated that there is no longer a demand for the use, the use is no longer viable/appropriate, and that there is a greater benefit to the area resulting from the proposed use.

The proposal would not provide replacement or enhance alternative facilities. However, there are many other public houses within the area, including The Royal Oak and The Hearty Goodfellow on Arbury Road, The Lamb & Flag on Church Road and The Pavillion Club. All of these establishments can be reached within a 5-10 minute walk from the application site. In addition, the Green Bear has been disused for several years and the agent has stated that due to the state of the building, it cannot be bought back into use as a public house. NBBC Environmental Health have advised that there had been multiple noise complaints associated with the pub when it was operational, as the site is directly adjacent to residential properties. As such, the proposed residential use would likely be a betterment to the area and to neighbours. In light of this, it is considered that the proposal would broadly comply with Policy HS4.

In addition to the above, paragraph 124(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. As a previously developed site, this would be considered as brownfield development and therefore, as per the NPPF, this carries substantial weight in support of the proposal.

## **2. Impact on 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 for both existing and future residents.

A total of 35% of the dwellings will need to meet the optional Building Regulations requirement M4(2) 'accessible and adaptable dwellings' as set out in Policy BE3 of the Borough Plan. The apartments will all need to comply with the Nationally Described Space Standards and the dwellings should feature sufficient outdoor amenity space. As this is an outline application, the layout and design are not considerations at this stage, however any future reserved matters application would need to ensure that the above requirements are met. Indicative plans have been provided to demonstrate that this could be achieved.

Policy HS5 of the Borough Plan and the Sustainable Design and Construction SPD require major planning applications to review the impact of their proposals on health. This can be demonstrated either through a Health Impact Assessment or Health Impact Assessment Screening Report. A HIA screening report has been provided and this shows that there would be predominantly positive or neutral impacts. As such, the proposal is considered to comply with Policy HS5.

In order to protect the privacy, amenity and outlook of neighbouring properties, any future reserved matters application would also need to ensure that separation distance standards are met in relation to the existing properties and within the site are in compliance with the Sustainable Design & Construction SPD 2020. Indicative plans have been provided to demonstrate that this could be achieved and this will be assessed at reserved matters stage.

### **3. Noise, Contamination, Land Stability & Air Quality**

Paragraph 180 of the NPPF requires (amongst other things) that planning decisions should contribute to and enhance the natural and local environment by 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.

The NBBC Environmental Health team have reviewed the proposals and have raised no concerns with regard to contaminated land and no objection with regard to the impact on air quality, subject to conditions to request low emission boilers, EV charging points and a dust management plan.

With regard to noise, NBBC Environmental Health have stated that they would welcome the conversion from a public house to apartments as there is a long history of noise and anti-social behaviour from the establishment. As this is a predominantly residential area, noise impacts for future owners and occupiers are considered to be acceptable.

There are established residential properties to the eastern and southern boundaries of the proposed car park. To protect these properties from any noise disturbance from cars or intrusion from car headlights, Environmental Health recommend that a 1.8m close board fence is erected along both of these boundaries. This can be secured via condition. In addition, to minimise noise disturbance to nearby residents during the demolition and constructions phases of the development, Environmental Health recommend restricting construction hours via condition.

The site is not within the Coal Authorities high risk development zone and therefore they have no comment to make on this application. Subject to conditions it is considered that the noise and air quality impacts can be adequately mitigated.

### **4. Impact on Visual Amenity & Landscape Character**

Policy NE5 of the Borough Plan states that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The site is located within an urban setting and therefore the proposed development would be in keeping with the existing landscape.

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 135). 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. As this is an outline application, details of design, scale and layout are not being considered at this stage and would form part of a future reserved matters application. The indicative plans show a two storey development and this scale would be in keeping with the surrounding properties.

**5. Affordable Housing & Housing Mix**

Policy H2 of the Borough Plan requires 25% of all new developments to be affordable on sites of 15 dwellings or more and 2 units on sites of 11-14 dwellings.

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. The consultant concluded that the scheme is unviable and cannot viably meet the required level of affordable housing and S106 contributions.

In terms of general market housing, Policy H1 of the Borough Plan states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA), as well as the characteristics of the surrounding area.

The table below shows the SHMA requirements:

Market		Affordable	
Bedroom	SHMA (%)	Bedroom	SHMA (%)
1	5-10	1	5-10
2	35-40	2	35-40
3	45-50	3	45-50
4+	10-15	4+	10-15

It is expected that the proposal would provide predominantly 1 and 2 bed units, however as this is an outline application, no further details have been submitted. This would form part of subsequent reserved matters and an assessment would be made at that time. Whilst the greatest need is for 3 beds, the proposed housing mix should also take into

account the surrounding area. There are 1 and 2 bed dwellings within the vicinity and therefore the indicative mix would be in keeping with the surrounding area.

## **6. Impact on Highway Safety & Parking**

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 would be utilised from Webb Street and WCC Highways have no objection to this, subject to conditions.

In terms of parking provision, the Transport Demand Management Matters SPD 2022 (TDMM) requires 1 space per dwelling + 1 unallocated space per 5 dwellings for 1 bed properties, 2 per dwelling + 1 unallocated space per 10 dwellings for 2 bed properties and 2 per spaces dwelling + 1 unallocated space per 5 dwellings for 3+ bed properties. WCC Highways initially objected to the scheme as on-street parking within the area is limited, as many properties do not have on-site parking. As such, WCC Highways advised that the proposal would need to provide its own onsite parking in order to be acceptable. The indicative plans show 12 parking spaces and this broadly complies with the TDMM, subject to the final housing size mix. This will be assessed at the reserved matters stage, in liaison with WCC Highways.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. WCC highways have no objection with regard to the impact of 12 dwellings on the highway network in this location. WCC Highways also have no objection to the proposal and to the proposed access design, location and width. As such, the impact to highway safety is considered to be acceptable.

## **7. Flooding & 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 173). 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 within Flood Zone 1 with a very low risk of surface water flooding and therefore the proposal is considered to be compliant with Policy NE4 and follows the sequential approach.

Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits

It is within this context that the application has been supported by a Drainage Strategy Report. WCC Flood Risk Management have reviewed the report and have no objections and additional information will be required as part of the reserved matters application/s. It is anticipated that ground conditions at the site will be largely impermeable and will not be suitable for the discharge of all surface water to the ground via infiltration methods. As a result, it is anticipated that surface water runoff will be connected to the surface water sewers as specified by Severn Trent Water. It is proposed that surface water flowing from the rear roof and impermeable area to the rear of the property could be directed through the proposed planted area/rain garden to the rear of the property, acting as a surface water attenuation area whilst irrigating the plants in conjunction. In addition, permeable paving is recommended for the car parking areas to provide further water quality treatment.

## **8. Ecology, Biodiversity & Trees**

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

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

It is within this context that the application has been supported by a Preliminary Ecological Appraisal and this included an internal and external inspection of the building. Suitable access and roosting features were identified, and the building was assessed as being of low bat roosting potential. A further nocturnal survey was provided which showed observations of foraging and commuting common and soprano pipistrelle bats. WCC Ecology have reviewed the submitted appraisal and have no objection subject to conditions.

There are no trees within or adjacent to the site that would be impacted by this development and the NBBC Tree Officer has no objection.

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 sequentially with avoidance being the preferred methodology followed by mitigation first on site, then off site and finally monetary contributions. A Biodiversity Metric was provided and showed that biodiversity gain can be achieved within the site.

## 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. The site is not within, or adjacent to any of the above asset areas, however the WCC Archaeology Team were consulted on this application to review the potential archaeological impacts.

WCC Archaeology have reviewed the proposals and have concluded that the proposed scheme is unlikely to have a significant archaeological impact. As such, they have no comment to make and the impact on below ground heritage assets is considered to be acceptable.

## 10. Waste & Refuse and Fire Safety

NBBC Refuse and Waste have not responded to the consultation request and therefore it is assumed that they have no objection to the proposal. In addition, given the nature of the area and existing access, it is considered sufficient for collection by refuse collection vehicles. Details for bin storage within the site will be provided at reserved matters stage. With regard to fire safety, Warwickshire Fire and Rescue Service have been consulted on the application and raise no objection to the proposal.

## 11. Planning Obligations

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 57 of the NPPF notes that these obligations should only be sought where they meet all of the following tests:

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

Paragraph 58 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>George Eliot Hospital</b>	Monies for support of emergency and other hospital care	£8,393.	Not considered to be CIL compliant.
<b>NBBC Sports</b>	Meeting sports development needs in the Borough	£22,845	
<b>NBBC Housing</b>	Affordable Housing	2 units	
<b>WCC Infrastructure</b>	Sustainable Travel Promotion	£120	Dealt with via condition
	Contribution towards Road Safety Initiatives	£600	

A Financial Viability Assessment has been submitted as part of the application to demonstrate that the development cannot support any planning obligations including the provision of affordable housing. The financial viability of development proposals is determined using the residual land valuation method. The consultant concluded that the scheme is unviable and cannot viably meet the required level of affordable housing and S106 contributions.

The NPPF states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58). As stated, the viability assessment has been scrutinised by an independent consultant who agree that the development would be unviable for the applicant to pay any requested planning obligations in this case.

The lack of S106 contributions must be balanced against other positive parts of the scheme. The scheme would redevelop a disused building, constitute as brownfield development and provide biodiversity net gain. The full planning balance will appear later in this report.

The Council has received a formal response from an independent valuer, commissioned by NBBC. They have confirmed that the proposal *is unviable*, and as such no S106 obligations can be provided.

**12. Conclusion**

As set out in Paragraphs 7 and 8 of the NPPF, the primary aim of the planning system is to foster sustainable development, which encompasses economic, social, and environmental considerations.

The proposal would provide a small gain in biodiversity and this carries minor weight in support of the proposal. The scheme would see the permanent loss of a public house,



however there are many other facilities within the area and the establishment has been closed for some time. In addition, given the location of the site, it would not be preferable for another public house to open in this location because of the impact to neighbours that this may cause in terms of noise and ASB. In addition, the site is within a very sustainable location, would constitute as brownfield development and the surrounding area is predominantly residential. These factors are considered to carry significant weight in support of the proposal.

Therefore, the proposed development is recommended for approval 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:

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site Location Plan (block plan indicative only and not approved)	3934-00 Rev B	23 <sup>rd</sup> May 2023
Access plan (layout as shown is indicative only and not approved)	3934-07A	10 <sup>th</sup> October 2023

5. No development shall commence, excluding demolition, until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

6. No development shall commence, excluding demolition, until details of site levels and finished floor levels have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

7. No development shall commence, including demolition, until a scheme for the provision of integrated bat boxes in the new buildings within the site, has been submitted and approved by the Local Planning Authority. The scheme must include box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

8. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The dwellings shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

9. No development shall commence including any site clearance and demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- a. The routing and parking of vehicles of HGVs, site operatives and visitors;
- b. Hours of work;
- c. Loading and unloading of plant/materials.
- d. Storage of plant and materials used in constructing the development.
- e. The erection and maintenance of security hoarding.
- f. Wheel washing facilities to prevent mud and debris being passed onto the highway.
- g. A scheme for recycling/disposing of waste resulting from construction works.
- h. Dust of measures for the control, management and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction and demolition;
- i. Emergency contact details that can be used by the Local Planning Authority, NBBC Environmental Protection Team, Warwickshire County Council and public during the construction period.

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

10. Details of the following additional matters shall, where relevant, concurrently with the submission of each reserved matters application, be submitted to and approved in writing by the Local Planning Authority before development of any part of the site to which the submitted details relate is commenced. The development shall be implemented in accordance with the details so approved prior to that part of the development being occupied or brought into use.

- a) A schedule of the mix of dwellings across the whole site (irrespective of phases) demonstrating how this takes into account and accords with the most up-to-date Strategic Housing Market Assessment (SHMA) and Housing and Economic Development Needs Assessment (HEDNA).
- b) A schedule of the amount and types of accessible, adaptable and wheelchair user dwellings across the whole site (irrespective of phases) to meet Building Regulations requirement M4(2) and M4(3) and
- c) A schedule of the number of bedrooms, number of persons expected to occupy each dwelling, storey height, total GIA floorspace area and total built-in storage areas for each dwelling type to demonstrate compliance with the most up-to-date publication of the Nationally Described Space Standards.

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

12. No development above slab level shall commence until full details of the boundary treatments including new walls and fences have been submitted to and approved in writing by Council. This shall include a 1.8m (minimum) close board fence along the eastern and southern boundaries. No dwelling shall be occupied or use commence until the agreed boundary treatment has been carried out in accordance with the approved details. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

13. Electric Vehicle (EV) charging points shall be provided at a rate of one charging point per dwelling with dedicated parking. No dwelling shall be occupied until the respective EV charging point for that dwelling has been provided and made available for use with appropriate cabling.

14. The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.

15. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

16. The development shall not be occupied until the existing vehicular access has been widened/remodelled in accordance with the approved plan 3934 – 07 Rev A and a public highway footway crossover has been laid out and constructed in accordance with the standard specifications of the Highway Authority.

17. For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh

18. 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.

19. Notwithstanding the plans submitted, any future reserved matters application shall be for the provision of a maximum of 12 1-bed apartments or equivalent scale that parking provision can be provided on-site in accordance with NBBCs parking standards SPD.

20. Demolition and construction working hours and deliveries shall be restricted to take place between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturday. No demolition or construction works or deliveries shall be permitted to take place on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

21. The development shall not be occupied until details of Sustainable Welcome Packs (including public transport information) has been submitted and approved in writing by the Council. The approved packs shall be provided to each dwelling prior to the first occupation of any dwelling.



Location Plan





Access plan (layout is indicative only)



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## Item No. 4

**REFERENCE No.** 040304

**Site Address:** 217 Edward Street, Nuneaton, Warwickshire, CV11 5RP

**Description of Development:** Retrospective rear roof dormer, and proposed change of use to a 7-person 7-bedroom HMO (Sui Generis) from existing 6-person 6-bedroom HMO (C4)

**Applicant:** Mr Michal Kuziorowicz (Headway Property Development Ltd)

**Ward:** CC

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

The application site relates to 217 Edward Street, Nuneaton. The application seeks full permission for a retrospective rear roof dormer, and a proposed change of use to a 7-person 7-bedroom HMO (Sui Generis) from an existing 6-person 6-bedroom HMO (C4).

The site was originally a 2-storey mid-terrace dwelling, with a part two-storey and part single-storey rear wing. The only access to the property is via the front door. There is currently no off-street car or bicycle parking. Bins are stored in the small courtyard between the front elevation and the front boundary wall. The rear of the site features block paving, gravel and stones.

Correspondence with NBBC Private Sector Housing has confirmed the property has been licensed as a 6-person 6-bedroom HMO since 7<sup>th</sup> March 2023. The change of use from a C3 dwellinghouse to a C4 HMO for no more than 6 residents did not require planning permission. A change of use to a Sui Generis HMO for more than 6 residents does require planning permission.

The submission states construction of the flat-roof rear roof dormer commenced in May 2022 and was complete by December 2022 (i.e. before the change of use from a C3 Dwellinghouse to a C4 HMO). A rear roof dormer can be erected on a C3 dwellinghouse via permitted development, however this must comply with the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015. Where the cubic content of the resulting roof space exceeds the cubic content of the original roof space by more than 40 cubic metres - as in this case - planning permission is required. The rear roof dormer is in a 'L' shape with an overall 2.65 metres height,

4.75 metres width and 9.2 metres length. Windows are situated on the dormer's rear elevation. A recommended condition would ensure the dormer windows have obscure glazing, and are non-opening to no less than 1.7 metres above the floor of the room in which they are installed (see below). The structure is clad in dark grey tiles. No further external changes to the building are proposed. A front bin store, and a store for 7 bicycles to the rear, would be provided.

The site is ≈385 metres from Nuneaton's Town Centre boundary (as defined by Appendix C in the adopted Borough Plan (2019)). There are a range of uses and design types in the locality, although the area is predominately residential.

### **BACKGROUND:**

Due to the number of third-party objections received the application has been reported to Committee.

### **RELEVANT PLANNING HISTORY:**

- 038359 - Prior notification for a single storey extension to the rear. Length of 6 metres, maximum height of 3.35 metres and eaves height of 2.1 metres. Prior Approval Not Required - 28<sup>th</sup> October 2021. NB - this had not been carried out at the time of the Planning Officer's site visit on 16<sup>th</sup> July 2024.

### **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 - Presumption in favour of sustainable development
  - DS2 - Settlement hierarchy and roles
  - DS3 - Development principles
  - BE3 - Sustainable design and construction
- Supplementary Planning Documents (SPDs)
  - Sustainable Design and Construction SPD 2020
  - Transport Demand Management Matters SPD 2022
- Other relevant Policies and Guidance
  - National Policy Planning Framework 2023 (NPPF)
  - National Planning Practice Guidance (NPPG)

### **CONSULTEES NOTIFIED:**

NBBC Environmental Health, NBBC Private Sector Housing, NBBC Strategic Housing, NBBC Refuse, WCC Highways, Warks Fire Safety, Warks Police (Crime Prevention Designer Advisor).

### **CONSULTATION RESPONSES:**

No objection from: NBBC Environmental Health, NBBC Private Sector Housing, WCC Highways, WCC Fire Safety.

No comment to make from: NBBC Strategic Housing.



Comment from: NBBC Refuse, Warks Police (Crime Prevention Designer Advisor).

### **NEIGHBOURS NOTIFIED:**

Properties adjoining the application site were consulted via a letter notifying them of the development on 8<sup>th</sup> July 2024. These properties were 3 Stewart Street, 215 Edward Street and 219 Edward Street.

### **NEIGHBOUR RESPONSES:**

There have been 14 letters of objection from 12 addresses. The comments are summarised below:

- Overdevelopment of site and area
- Impact on car parking and/ or highway and pedestrian safety
- Impact on anti-social behaviour and/ or noise
- Impact on character of the locality
- Impact on existing infrastructure
- Impact on waste generation and/ or storage
- Impact on property values
- Retrospective permissions should not be granted
- HMOs should be subject to stricter licensing requirements

No written comments were received from properties adjoining the application site. The objections received comprise a variety of addresses:

- Brooklyn Road, Foleshill ward Coventry (1)
- Cheverel Street, Chilvers Coton ward (2)
- Deacon Street, Chilvers Coton ward (1)
- Earls Road, Stockingford East ward (1)
- Edward Street, Chilvers Coton ward (2)
- Hinckley Road, St Nicolas ward (1)
- Marlborough Road, St Mary's ward (1)
- Norman Avenue, St Mary's ward (1) and Chilvers Coton ward (1)
- The Parade, Princes Street, Chilvers Coton ward (1)

### **APPRAISAL:**

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

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

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

The NPPF 2023 establishes the need for the planning system to achieve sustainable development and outlines this in three key dimensions; 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 applications should be approved providing these are in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraph 47). 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.

NPPG Paragraph 008 Ref. ID 21b-008-20140306 notes a material planning consideration is one which is relevant to making the planning decision in question (i.e. whether to grant or refuse planning permission). The scope of what constitutes a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so the protection of purely private interests such as the impacts on neighbouring property values are not a material consideration. Matters which are addressed separately to planning, e.g. licensing, are also generally viewed as not relevant to making a planning decision.

NPPG Paragraph 012 Ref. ID 17b-012-20140306 notes Section 73A of the Town and Country Planning Act 1990 entitles applicants to apply for planning permission retrospectively. The Local Planning Authority should take care not to fetter its discretion prior to the determination of any application for planning permission. Any retrospective application must be considered in the normal way.

Policy DS2 of the Borough Plan 2019 states Nuneaton has the primary role for employment, housing, town centre, leisure and service provision in the borough.

Policy DS3 of the Borough Plan 2019 states all new development will be sustainable and of a high quality. It goes on to state that new development within settlement boundaries, as defined by the Borough Plan 2019, will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.

This application consists of a retrospective rear roof dormer, and a proposed change of use to a 7-person 7-bedroom HMO (Sui Generis) from an existing 6-person 6-bedroom HMO (C4). The site is in a sustainable location within the Nuneaton settlement boundary, and in close proximity of Nuneaton's Town Centre. Therefore, the principle of this development in this location is acceptable (subject to all other planning considerations being adequately addressed).

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

Policy BE3 of the Borough Plan 2019 states that development 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

The policy goes on to state that all development 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

#### Impact on neighbouring occupiers

The application would result in a change of use from a C4 HMO to a Sui Generis HMO. In practice this would involve one additional resident, which is not considered to constitute an unacceptable change of use, ownership or tenure. There would be no changes to the street layout, plot size/ arrangement or pattern of development. The additional built form and impact on amenity are considered below. Matters relevant to licensing are separate to this application, however NBBC Private Sector Housing did not raise any objections in their consultation response.

#### Anti-social behaviour/ noise

The site functions as a C4 HMO, and therefore the impacts resulting from a change of use to a Sui Genesis HMO with one additional resident can be more readily assessed. None the less, there are related policies which help to guide what standards should be applied. Section 7.6 of the Sustainable Design and Construction SPD 2020 notes the change of use from a dwellinghouse to a HMO will not be permitted unless an area for outside drying, and adequate sound insulation, can be provided. Paragraph 8 of the NPPF 2023 sets out key objectives of planning, including the social objective of supporting strong, vibrant and healthy communities. Paragraph 96 of the NPPF states planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime or anti-social behaviour are therefore a material consideration in planning decisions, although the weight that can be given is often limited unless there is significant evidence to show crime/ anti-social behaviour would likely actually occur.

The existing rear space is suitable for outside drying. Whilst other HMO applications have been subject to conditions requiring a noise assessment and/ or scheme of noise mitigation, all applications are considered on their own merits. Paragraph 56 of the NPPF 2023 notes conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. No comments raising concerns with existing or future noise nuisance or anti-social behaviour have been received from addresses in the immediate vicinity of the site. The relevant technical consultee with expertise on noise nuisance are NBBC Environmental Health, who submitted a consultation response of no objection. The relevant technical consultee with expertise on crime prevention are Warwickshire Police's Crime Prevention Design Advisor, who raised no objections in their

consultation response. In the absence of substantive evidence to the contrary, the impact of one additional resident is considered unlikely to exacerbate noise nuisance or anti-social behaviour potential - in comparison to the existing situation - to the extent that neighbouring residential amenity would be materially harmed. In this instance it therefore isn't considered necessary or reasonable to impose a noise assessment and/ or scheme of noise mitigation condition.

#### Distances to neighbouring properties

Section 11.4 of the Sustainable Design and Construction SPD 2020 notes in the interests of protecting privacy, a minimum 20 metres separation distance is required between the existing ground and first floor habitable room windows and proposed ground and first floor habitable room windows. Where a three-storey development is proposed a distance of 30 metres will normally be required where such an elevation containing windows faces another elevation with windows. This is in the interests of preventing an oppressive sense of enclosure. No new windows have been installed or are proposed at ground or first floor levels. New windows were installed in the rear of the roof dormer, which are approximately 17 metres from habitable room windows at 3 Stewart Street at their narrowest point. This would be a considerable breach of guidance without appropriate mitigation. A condition is therefore recommended to ensure the dormer windows have obscure glazing, and are non-opening to no less than 1.7 metres above the floor of the room in which they are installed. The agent has consented to this pre-commencement condition (i.e. before the change of use is implemented) and in any case installed no later than 3 months from the date of permission. The arrangement would be maintained in perpetuity, and no new windows or opening could be installed in the dormer without permission. In line with paragraph 55 of the NPPF 2023, this is considered to render an unacceptable aspect of the development acceptable through the use of conditions, and therefore a refusal would not be justified. Whilst this condition would prevent views of the outside environment for future residents in the dormer, the prevention of significant impacts on privacy/ enclosure to existing neighbouring residents is considered necessary. It is acknowledged the obscure glazing/ non-opening aspects would be an inconvenience to future residents, however it is not considered that this would amount to an unacceptable impact on their living conditions to the extent refusal would be justified. Any planning decision is public record, and this condition is pre-commencement, so future residents would be aware of this arrangement prior to choosing to live there.

No part of the rear dormer extends beyond the footprint of the existing property. Therefore, no relevant line drawn at 45 or 60 degrees from the centre point of the window of an adjacent habitable room of the same floor level is breached to neighbouring properties, in accordance with section 11.9 of the Sustainable Design and Construction SPD 2020.

#### Impact on site occupiers

There are no planning policies which specifically relate to room sizes for HMOs, however a new HMO license would be required and the development would need to comply with the NBBB Private Sector Housing's requirements at that stage. None the less, it appears that the bedroom and kitchen sizes are likely to comply with their HMO Standards Guide.

For 1-person bedrooms the minimum room size is 10 square metres where a living room is not provided. For a 6-10 person HMO the minimum kitchen size is 10 square metres. Confirmation would be sought via licensing.

The Nationally Described Space Standards, as also contained within the Sustainable Design and Construction SPD 2020, state a single bedroom should have a floor area of at least 7.5 square metres, and be at least 2.15 metres wide. All bedrooms comfortably meet these thresholds. To create habitable rooms with adequate daylight; ceiling heights measured from the floor should be a minimum of 2.5 metres. No habitable room in the property - original to the property or otherwise - has a ceiling height exceeding 2.5 metres. However, all ceiling heights are close to this threshold (between 2.32-2.45 metres). It therefore isn't considered reasonable to refuse permission on this basis.

All habitable rooms feature an ensuite WC/ shower room and have at least one window.

The proposed waste store would result in bins being stored away from direct sunlight, in accordance with paragraph 11.25 of the Sustainable Design and Construction SPD 2020. This would be considered an improvement on the existing open situation, and help reduce potential for any foul smells. One additional occupier would reside at the property in the event permission was granted, which is considered unlikely to result in significant additional waste generation.

On balance, overall this application is considered to comply with Policy BE3 of the Borough Plan 2019, although there is some limited conflict with the Sustainable Design and Construction SPD with regards to residential amenity.

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

Policy BE3 of the Borough Plan 2019 requires development be designed to a high standard. The policy also states that all development must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the character types within each urban character area. There are a variety of uses, design types and materials in the locality, although the area is predominately residential.

#### Rear Roof Dormer

The rear roof dormer is a retrospective aspect of the application, and therefore the impact on visual amenity of this can be readily assessed. The Sustainable Design and Construction SPD 2020 notes dormers should be designed to fit into the existing roof form. In this case the overall roof height of the dormer is lower than the overall height of the original roof by 0.35 metres. This aspect is therefore not visible from Edward Street. The dormer is visible from Stewart Street, however is set back from that street scene by at least 17 metres. The dormer is set back from the original building's eaves by 0.5 metres. This aspect is clad in dark grey tiles which match those on the rear roof. Overall, this is considered to ensure a subservient appearance which is in keeping with existing roof form. This aspect is considered to represent a typical rear roof dormer

design which is not overly noticeable from any street scene and would not justify a refusal.

#### Waste Store

At present bins are openly stored in the small courtyard between the front elevation and front boundary wall. Bins stored at the front of properties is a common arrangement in the area, given the only access to many properties is via the front door. It is considered there is sufficient space to continue storing bins in the current location, and that this is the most practicable location, however this is also visually unappealing. NBBC Refuse's consultation response did not raise any objections, however this did note storage and access to bins should comply with relevant policy/ guidance.

Paragraph 11.27 of the Sustainable Design and Construction SPD 2020 notes developments must not provide for wheeled bins to be stored at the front of the property unless a design solution is proposed which significantly limits the impact of the storage of bins on the street scene. The submitted plans show a timber bin enclosure would be installed. The uppermost parts of this enclosure would be visible from Edward Street, however this would be considered a visual betterment in comparison to the existing situation where the uppermost parts of bins are visible.

The agent has agreed to a pre-commencement condition requiring the bin enclosure to be fully installed prior to an approved change of use being enacted, and in any event installed no later than 3 months from the date of permission being granted. The condition would require this store be maintained for the duration of the development.

#### Bicycle Store

The bicycle store to the rear of the property would not be visible from any street scene. This is not considered to have any impact on visual amenity.

Overall, this application is considered to comply with Policy BE3 of the Borough Plan 2019 and the Sustainable Design and Construction SPD, with regards to visual amenity.

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

#### Highway/ Pedestrian Safety

Policy HS2 of the Borough Plan 2019 requires development result in acceptable levels of impact on existing highways networks. The relevant technical consultee with expertise on highway and pedestrian safety are WCC Highways, who submitted a consultation response of no objection. Paragraph 115 of the NPPF (2023) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. One additional occupier would reside at the property in the event permission was granted, which is considered unlikely to result in any significant impacts on highway or pedestrian safety. There is sufficient space to site the proposed bin and bicycles stores off-street within the site.

#### Parking Provision

The Transport Demand Management Matters - Parking Standards SPD 2022 notes parking provision for Sui Genesis HMOs will be determined on a case-by-case basis. None the less, there are related policies which help to guide what standards should be applied:

- Table 1 in the 2022 SPD outlines HMOs accommodating up to 6 people (C4) are required to provide 0.5 car parking spaces per bedroom.
- Table 2 in the 2022 SPD outlines HMOs accommodating up to 6 people (C4) are required to provide 1 secure cycle parking space per unit.
- Section 7.6 of the Sustainable Design and Construction SPD 2020 notes the change of use from a dwellinghouse to a HMO will not be permitted unless where more than 6 units are proposed, 1 off-street parking space per 2 bedrooms is provided so as not to adversely affect the amenities of the occupiers of neighbouring properties. However no off-street parking will be required if the property is within or adjacent to a Town Centre.

The above standards would not be applicable to a permitted development change of use from a C3 dwellinghouse to a C4 HMO.

The application would provide a store for 7 bicycles to the rear (one stand per unit). It is acknowledged it is not ideal for cycle storage to only be accessible through the building, however access to the site is only possible via the front door. There would not be sufficient space to store both bicycles and bins to the front of the property. The rear of the site is therefore the only practicable location for a secure bicycle store. The agent has agreed to a pre-commencement condition requiring the bicycle store be fully installed prior to an approved change of use being enacted, and in any event installed no later than 3 months from the date of permission. The condition would also require the arrangement be maintained for the duration of the development.

Appeal decision APP/E3715/W/23/3323021 dated 4<sup>th</sup> December 2023 allowed the change of use from a dwellinghouse (C3) to a 6-bed 10-person HMO (Sui Generis) at 39 Park Road, Rugby, CV21 2QU. This appeal is considered to have relevant considerations for this application, as this relates to a site also approximately 400 metres from a town centre boundary. Paragraphs 5-9 state '*... The proposal would create only 2 additional bedrooms, it is unlikely to result in a notable difference to on-street parking demand compared to that generated by a large family home or a 6-person HMO ... I accept that additional demand for on-street parking could result in residents taking longer to find a parking space or having to park further away from their homes, particularly on evenings and weekends. Whilst I acknowledge that this would be an inconvenience to residents, I do not find that this would amount to an unacceptable impact on their living conditions ... I am also mindful that the Highways Authority did not object to the proposal on highway safety grounds. Moreover, the appeal property is within walking distance of the town centre, bus stops and the train station. Additionally, on-site cycle storage would be provided. Therefore, a range of shops and facilities to meet the day to day needs of future residents are accessible by walking, cycling and public transport. As such, the appeal property is in a sustainable location. Therefore, it is likely that a high proportion of future residents would not need access to a car. Future residents would also be aware of the parking constraint at the appeal site prior to choosing to live there. Consequently, in the*

*absence of substantive evidence to the contrary, the proposal would not exacerbate on-street parking to the extent that neighbouring residential amenity would be materially harmed.'*

The application would not provide any off-street car parking, however the site is in close proximity to Nuneaton Town Centre, which is the most sustainable location in the Borough. The site is approximately 0.4 kilometres from Nuneaton's Town Centre boundary, 0.8 kilometres from Nuneaton Bus Station and 1.05 kilometres from Nuneaton Train Station. It is considered a range of shops and facilities to meet the day to day needs of residents are accessible by walking, cycling and public transport. Therefore, it is considered no off-street parking provision is required in this instance.

Overall, this application is considered to comply with Policy HS2 of the Borough Plan 2019 and the relevant provisions of the 2020 and 2022 SPDs, with regards to highway safety and parking provision.

## **6. Other Matters**

The site is within Flood Zone 1 and considered to have the lowest probability of flooding. Therefore, no further information is required to be submitted in this regard.

The application is subject to the Biodiversity Net Gain de minimis exemption (development impacts less than 25 square meters of non-priority habitat). There are no trees or other notable foliage on site. Therefore, no further information is required to be submitted in this regard.

There would be no changes to existing boundary treatment. The rear/ side boundaries comprise timber fencing approximately 1.8 metres above ground level. Therefore, no further information is required to be submitted in this regard.

## **7. Conclusion**

In conclusion the NPPF 2023 (Paragraph 11) 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 potential impacts of the development in relation to the principle of the development, the impacts on residential and visual amenity, and the impacts on highway safety/ parking provision have been considered. The assessment has shown that there would be no unacceptable adverse impacts in these regards subject to appropriate conditions, notwithstanding some minor conflict with the Sustainable Design and Construction SPD with regards to residential amenity. Paragraph 55 of the NPPF 2023 notes if an unacceptable development can be rendered acceptable through the use of conditions, a refusal would not be justified. Therefore, taking into account the above assessment, it is considered the development overall would be in accordance with the development plan and other policies within the NPPF, subject to the recommended conditions. There are no material considerations or adverse impacts which indicate that the application should



be refused. It is therefore considered that the 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 development would be in accordance with the development plan, would not unduly materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of highway safety and convenience.

### **SCHEDULE OF CONDITIONS:**

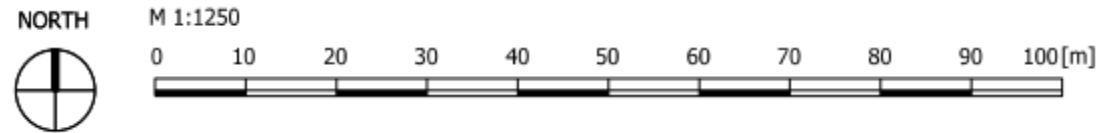
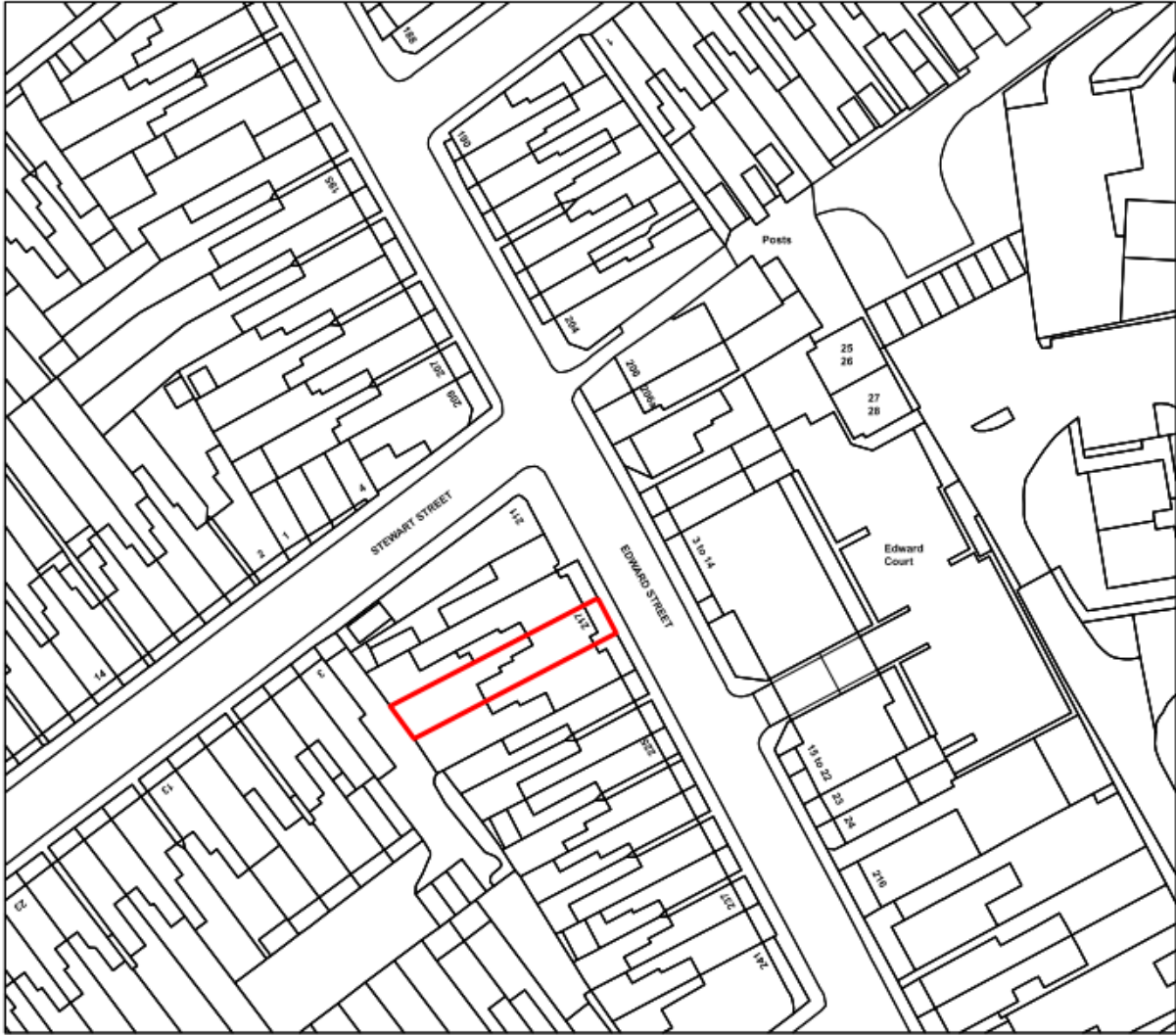
2. The development shall not be carried out or retained other than in accordance with the approved plans contained in the following schedule:

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Amended site location plan	S-01	31-Jul-2024
Amended pre-existing ground and first floor plans	S-02	31-Jul-2024
Amended pre-existing loft floor and roof plans	S-03	31-Jul-2024
Amended pre-existing section and front/ rear elevations	S-04	31-Jul-2024
Amended existing ground and first floor plans	S-05	31-Jul-2024
Amended existing loft floor and roof plans	S-06	31-Jul-2024
Amended existing section and front/ rear elevations	S-07	31-Jul-2024
Amended existing side elevation	S-08	31-Jul-2024
Amended existing side elevations	S-08	04-Jul-2024

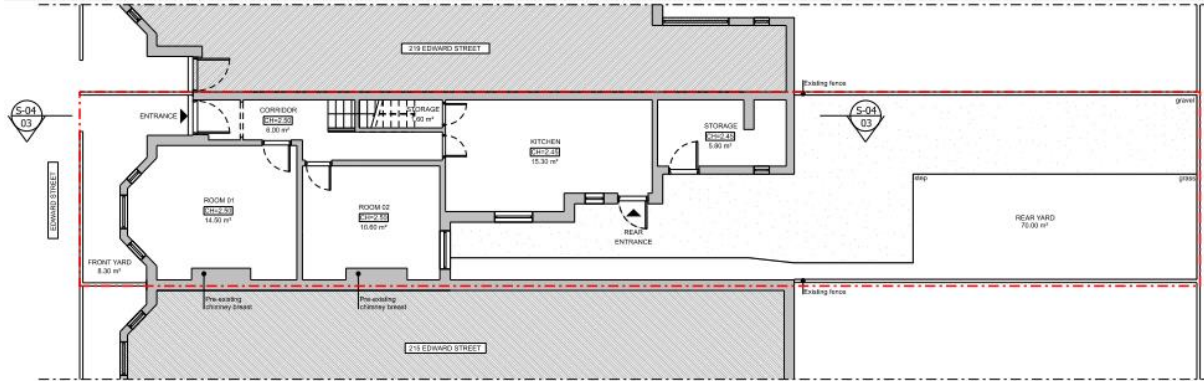
3. The external materials used shall not be carried out or retained other than with the same type, texture and colour as those used on the existing building, and as specified on plans detailed in the schedule above.

4. Prior to the commencement of the approved change of use the bicycle and bin stores as specified on plans in the schedule above shall be fully installed and retained for the duration of the development. These shall be fully installed no later than 3 months from the date of this decision.

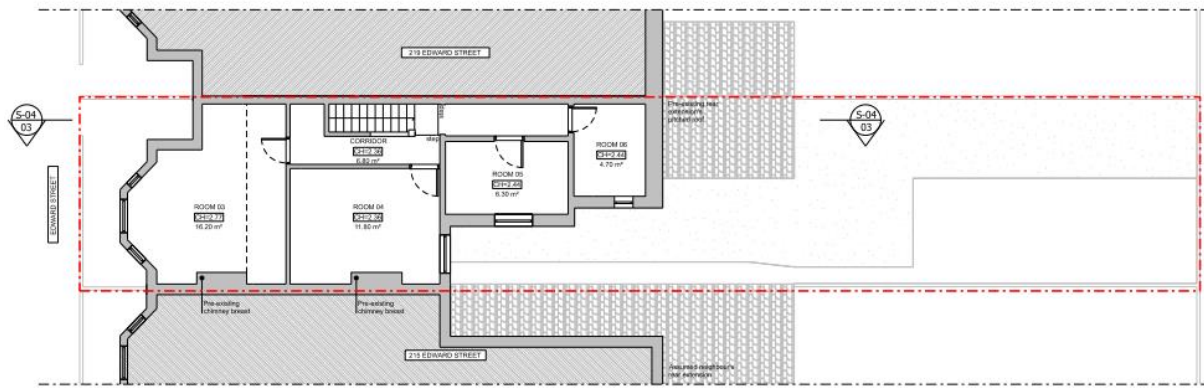
5. Prior to the commencement of the approved change of use all windows and openings on the approved rear roof dormer shall have glazing obscured to a level not less than 4, and also be non-opening to no less than 1.7 metres above the floor of the room in which they are installed. This arrangement shall be maintained in perpetuity, and fully installed no later than 3 months from the date of this decision. No new windows or openings shall be formed in the rear roof dormer without the prior written permission of the Local Planning Authority.



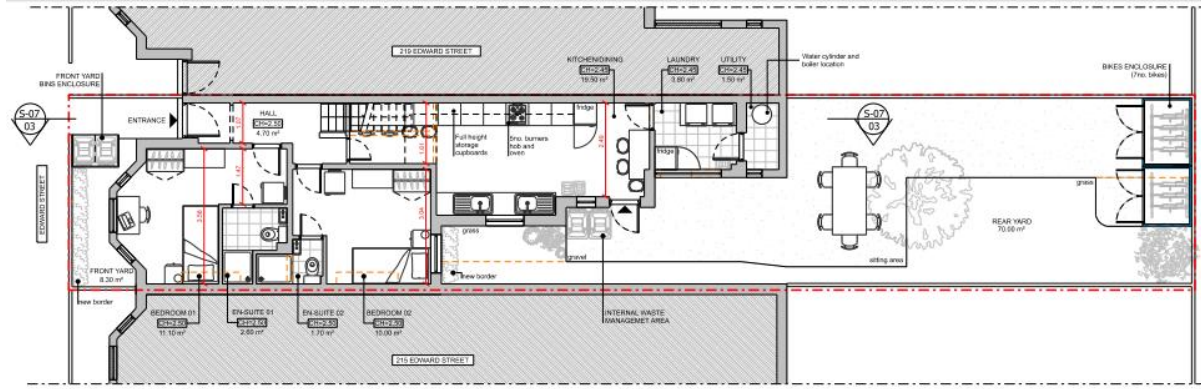
Site Location Plan



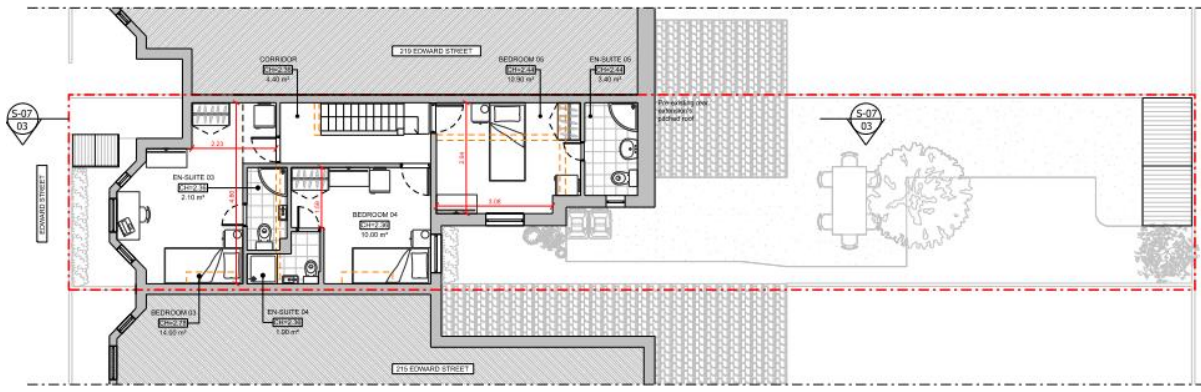
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02 PRE-EXISTING FIRST FLOOR PLAN  
1:100(0A3)



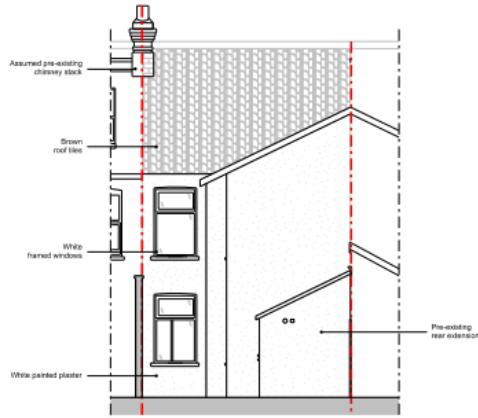
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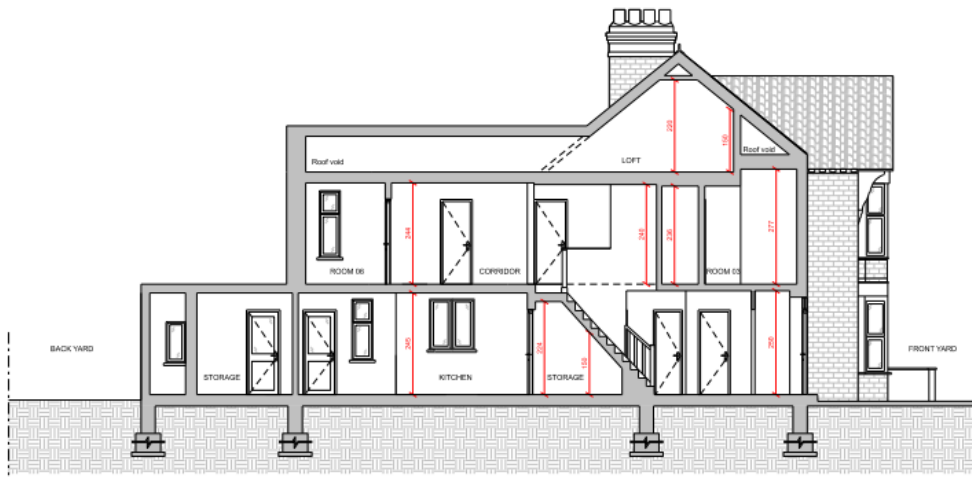
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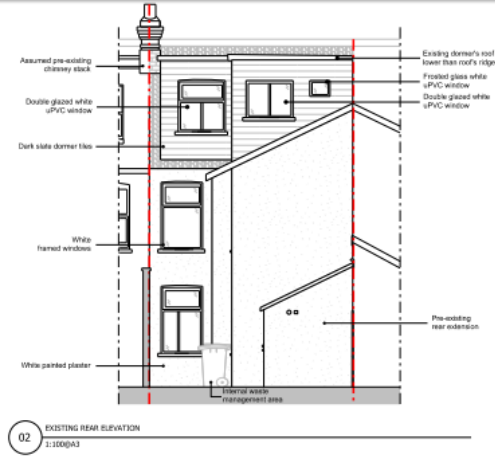
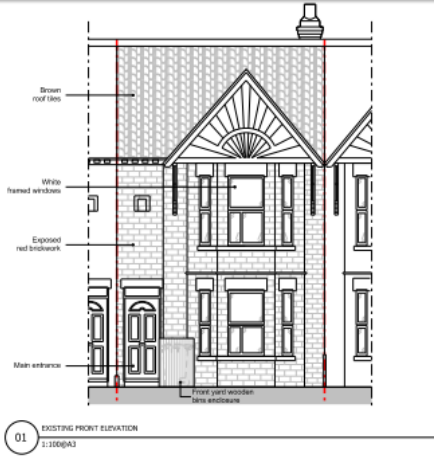
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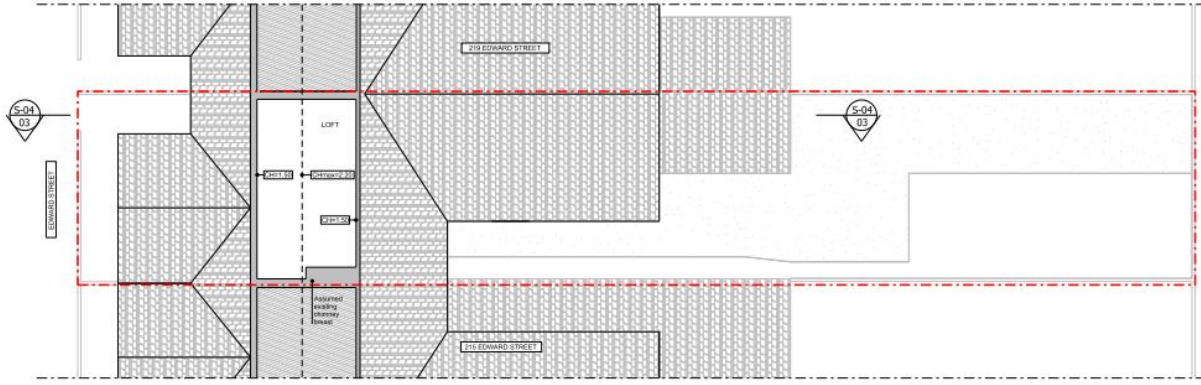


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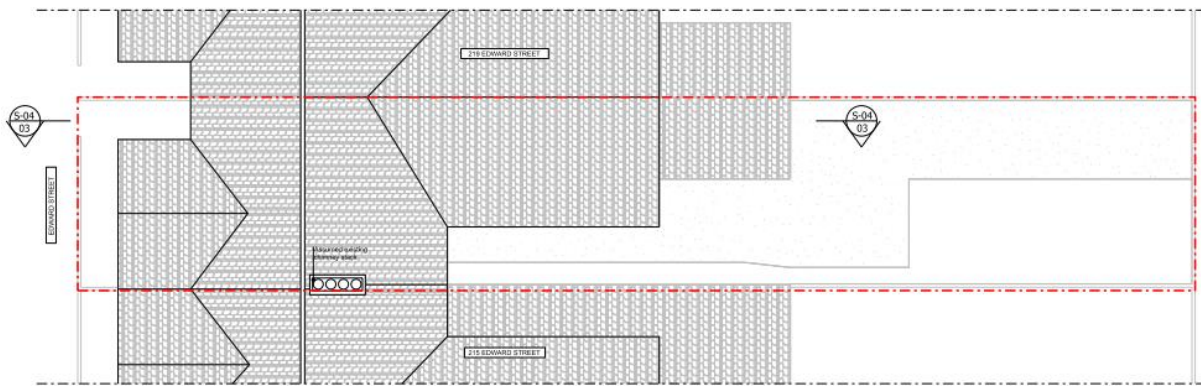


03 PRE-EXISTING LONGITUDINAL SECTION

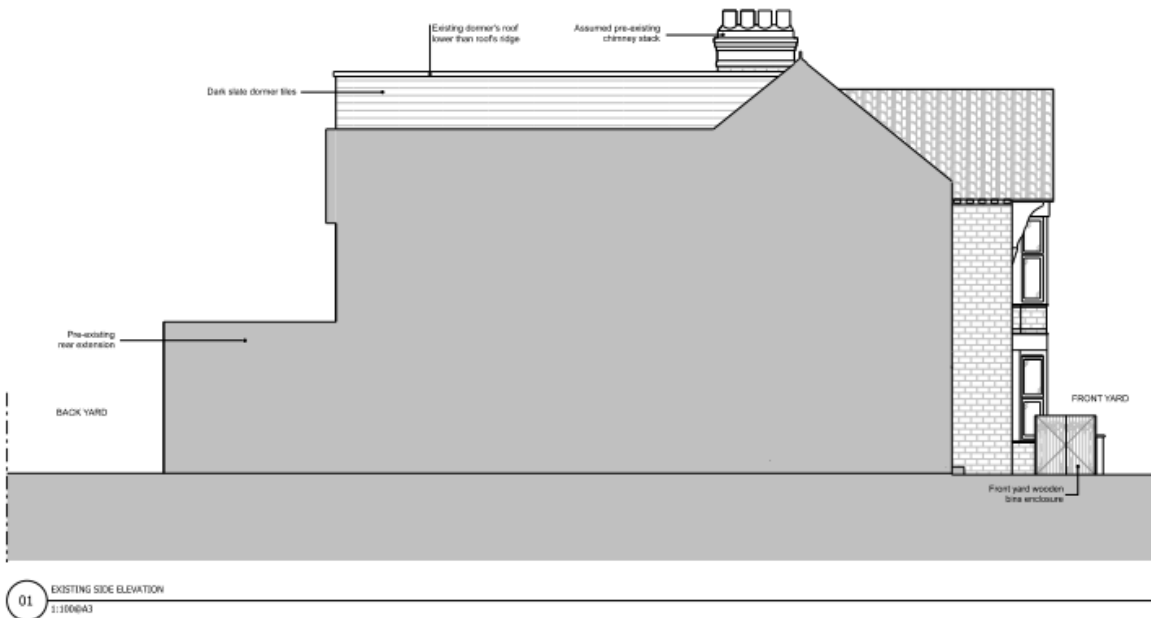
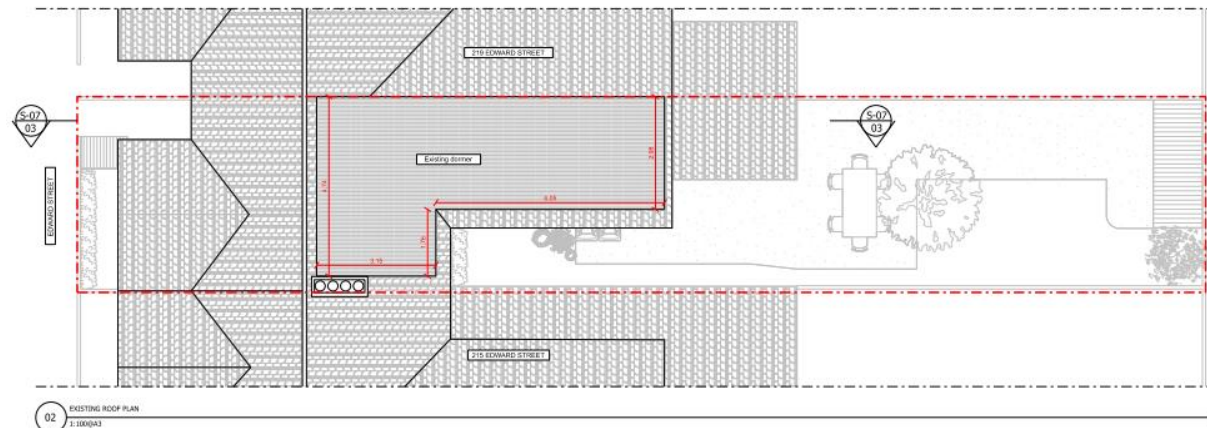
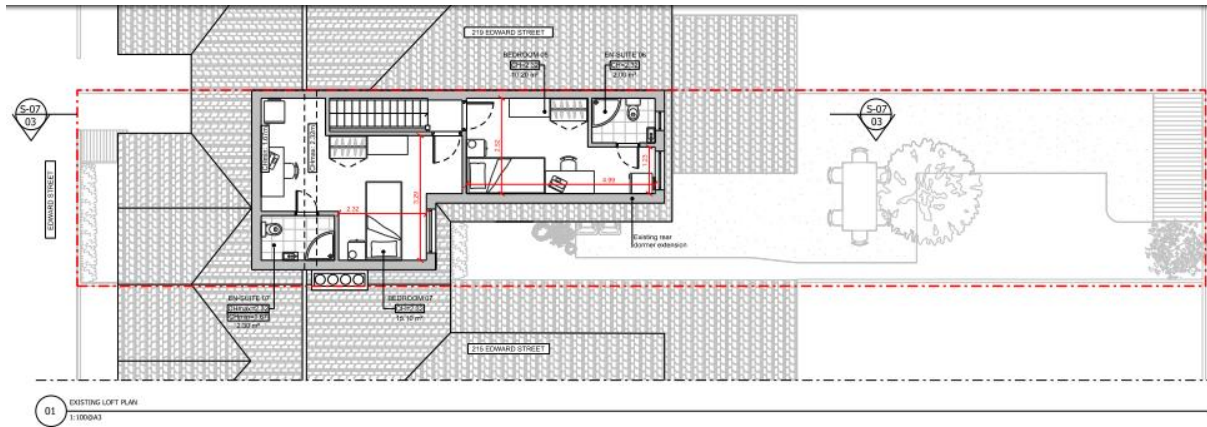




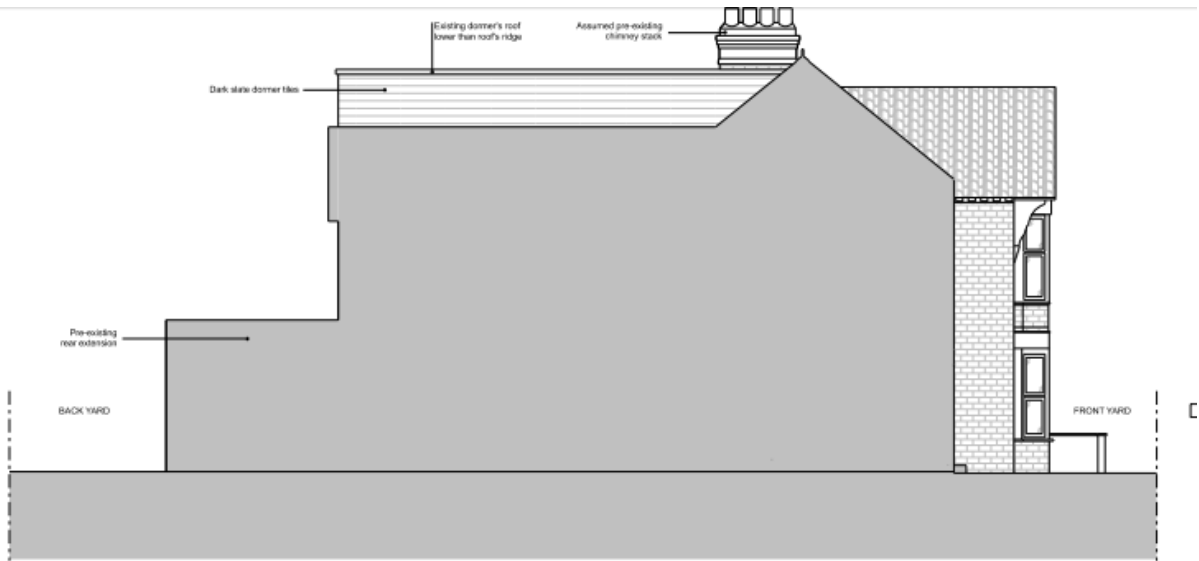
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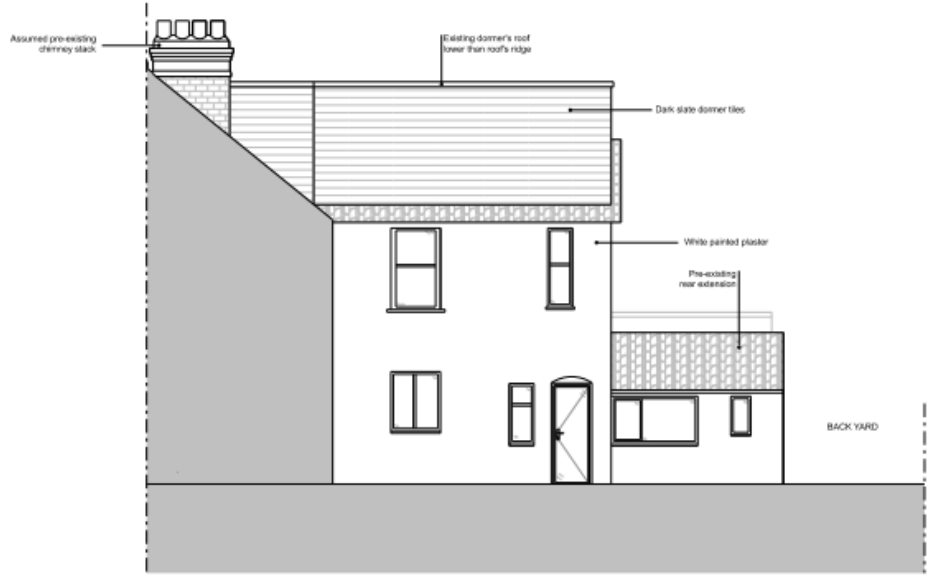
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01 EXISTING SIDE ELEVATION  
1:100@A3



EXISTING SIDE ELEVATION

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## Item No. 5

**REFERENCE No.** 040414

**Site Address:** 3 Shelley Close Bedworth Warwickshire CV12 9HE

**Description of Development:** Installation of access ramp to front

**Applicant:** Nuneaton and Bedworth Borough Council (Lynn Joy)

**Ward:** PO

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### **RECOMMENDATION:**

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

### **INTRODUCTION:**

Installation of access ramp to front of 3 Shelley Close, Bedworth, Warwickshire, CV12 9HE.

#### Description of Development

The proposal at 3 Shelley Close is to install an access ramp to the front of the property. It will measure approximately 1.5m at its highest point and project in a 'U' shape out from the entrance door of the property. It will project from the existing front elevation by approximately 4.4m and be 5.85m at its longest. The lengths of the two parts parallel to the highway are 2.9m from the entrance door and 5.83m next to the path. It features railings with clear openings and a step to access the door without the use of the ramp. The proposed materials, as stated in the application form, are to be brick and concrete slab.

#### Site Description

3 Shelley Close is a detached residential bungalow, constructed out of white render with white uPVC openings and a gable roof. It has a small porch extension to the front of the property which features the entrance door facing towards number 1 rather than the highway. This is consistent with the other properties which are all detached bungalows and all have porch extensions of similar size and type. There is a mixture of brick and render built bungalows on Shelley Close. The residential bungalows are slightly above the highway but there are no level changes between the applicant property and the neighbouring properties. 3 Shelley Close does have existing off-street parking provisions.

## **BACKGROUND:**

This application is being reported to the Planning Committee in accordance with the Council's current constitution (September 2023 version). Section 5.D7(a) outlines all development proposals by the Council itself will be determined by Committee, regardless of any Scheme of Delegation in force at the time.

## **RELEVANT PLANNING HISTORY:**

- No Planning History for the applicant address

## **RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **CONSULTEES NOTIFIED:**

None

## **CONSULTATION RESPONSES:**

None

## **NEIGHBOURS NOTIFIED:**

The neighbouring properties that were sent a letter were 1, 2, 4, 5 and 6 Shelley Close and 2 and 4 Walter Scott Road.

Neighbouring properties were sent letters notifying them of the proposed development on 30<sup>th</sup> July 2024.

## **NEIGHBOUR RESPONSES:**

There have been 0 objections from 0 addresses.

## **APPRAISAL:**

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

1. Impact on Residential Amenity
2. Impact on Visual Amenity
3. Coal Mining
4. Conclusion

## 1. Impact on Residential Amenity

Section 11 of the Sustainable Design and Construction SPD 2020 indicates how the impact on the residential amenity is assessed and how the proposed extension at 3 Shelley Close will affect the neighbouring properties, which in this case are the adjacent neighbouring properties to the north and south, 1 and 5 Shelley Close and the facing neighbour to the west, 4 Shelley Close.

### *Impact on 1 Shelley Close*

1 Shelley Close is the adjacent neighbouring property to the north of the applicant property, 3 Shelley Close. As the proposed ramp is to the front of the applicant property, only the front elevation of this neighbouring property could be impacted by the proposal. This property is a detached bungalow.

The front elevation has three windows on the front elevation, a large window near the boundary with the applicant which is habitable and original and so under paragraph 11.3 can be protected; a window on the small, front projection which is for the entrance which looks to be original but is not habitable and so cannot be protected under paragraph 11.3. The third window is located on the other side of the small projection which is for a kitchen which can be protected under paragraph 11.3.

Therefore, a 60-degree line is drawn from the centre of the two windows identified in the above paragraph. Once drawn, the 60-degree lines are not breached, and the proposed ramp does not have a detrimental effect on the residential amenity if this neighbouring property.

### *Impact on 4 Shelley Close*

4 Shelley Close is the eastern neighbouring property, located on the opposite side of Shelley Close to the applicant property. This is also a detached bungalow, and consistent with the applicant property. As the proposed ramp is to the front of the applicant property, only the front elevation of this neighbouring property could be impacted by the proposal.

The front elevation has 3 windows on the front elevation, a large window near the boundary with the applicant which is habitable and original and so under paragraph 11.3 can be protected; a window on the small, front projection which is for the entrance which looks to be original but is not habitable and so cannot be protected under paragraph 11.3. The 3<sup>rd</sup> window is located on the other side of the small projection which is for a kitchen which can be protected under paragraph 11.3.

Paragraph 11.7 states that the blank wall of an extension directly facing the window of a habitable room of the same height shall be a minimum 12 metres apart. The distance between the two habitable windows and proposed ramp is 18.5m across the highway and the front garden of number 4. Therefore, this distance is acceptable, and it can be

concluded that this proposal will not have a significant detrimental impact on the residential amenity of this neighbouring property.

### *Impact on 5 Shelley Close*

5 Shelley Close is the adjacent neighbouring property to the south of the applicant property, 3 Shelley Close. As the proposed ramp is to the front of the applicant property, only the front elevation of this neighbouring property could be impacted by the proposal. This property is a detached bungalow.

The front elevation has three windows on the front elevation, a large window near the boundary with the applicant which is habitable and original and so under paragraph 11.3 can be protected; a window on the small, front projection which is for the entrance which looks to be original but is not habitable and so cannot be protected under paragraph 11.3. The third window is located on the other side of the small projection which is for a kitchen which can be protected under paragraph 11.3.

Therefore, a 60-degree line is drawn from the centre of the two windows identified in the above paragraph. Once drawn, the 60-degree lines are not breached, and the proposed ramp does not have a detrimental effect on the residential amenity if this neighbouring property.

### *Conclusion*

Overall, after assessing the impact of the proposed ramp on the residential amenity of the neighbouring properties, 1, 4 and 5 Shelley Close, it can be concluded that it will not have a detrimental impact on them and so is acceptable in its current form.

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

Section 13, paragraphs 13.8-13.12, of the Sustainable Design and Construction SPD 2020, indicates how extensions and alterations to the existing houses should impact the visual amenity of an area. The proposed ramp is located to the front and will be highly visible in the street scene.

The proposed ramp respects the original building, and the design is in harmony with the property and the surrounding area. It does have to be noted that there are no other ramps in Shelley Close, it is not unusual for residential properties to have access ramps installed. The proposal will not appear intrusive, prominent or incongruent and it is not harmful to the street scene. The proposal will not remove any well-established trees as a result of the proposal.

As for the materials, the application form states that it will be built out of brick and concrete, however it does not mention the materials for the sides of the ramp and the railing. Therefore, a suitably worded condition will be added to the decision notice to control this and make sure it does not impact the visual amenity of the surrounding area.

### 3. Coal Mining

3 Shelley Close is located within the Coal Authority's High-Risk Zone for development, and this would mean that a Coal Mining Risk Assessment (CMRA) would be required. However, householder applications are within the Part A exemptions as outlined in the NPPG and so the coal authority do not have to be consulted and a CMRA is not required.

As the application is relatively minor and small in nature and it also was not necessary to request this information and the proposed ramp will not have an impact on the coal mining area and is acceptable.

### 4. Conclusion

In conclusion, this proposal is to install an access ramp from the entrance door of 3 Shelley Close to the edge of the front boundary.

The NPPF 2023 (Paragraph 11) 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 impact on residential and visual amenity is acceptable and although it is located within Coal Authority's High-Risk Zone for Development due to the type of application it is exempt from requiring a risk assessment and due to the size and type of the proposal would not have an impact on the coal mines and so is acceptable.

Therefore, it can be recommended that the proposal should be approved subject to the conditions printed below.

#### **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area and relevant provisions of the development plan, as summarised above, 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.

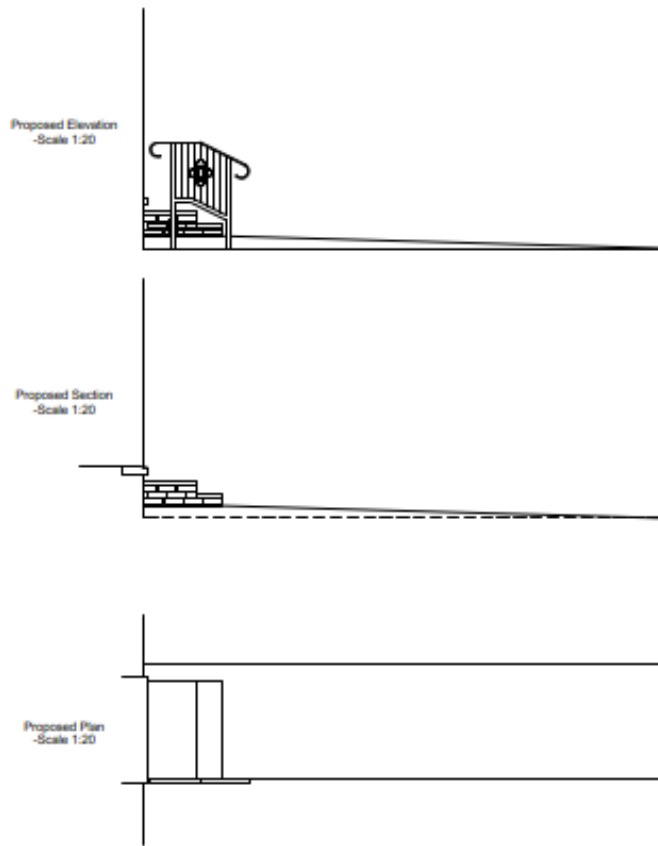
#### **SCHEDULE OF CONDITIONS:**

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
Location Plan	N/A	10/07/2024
Existing	N/A	10/07/2024
Proposed	N/A	10/07/2024

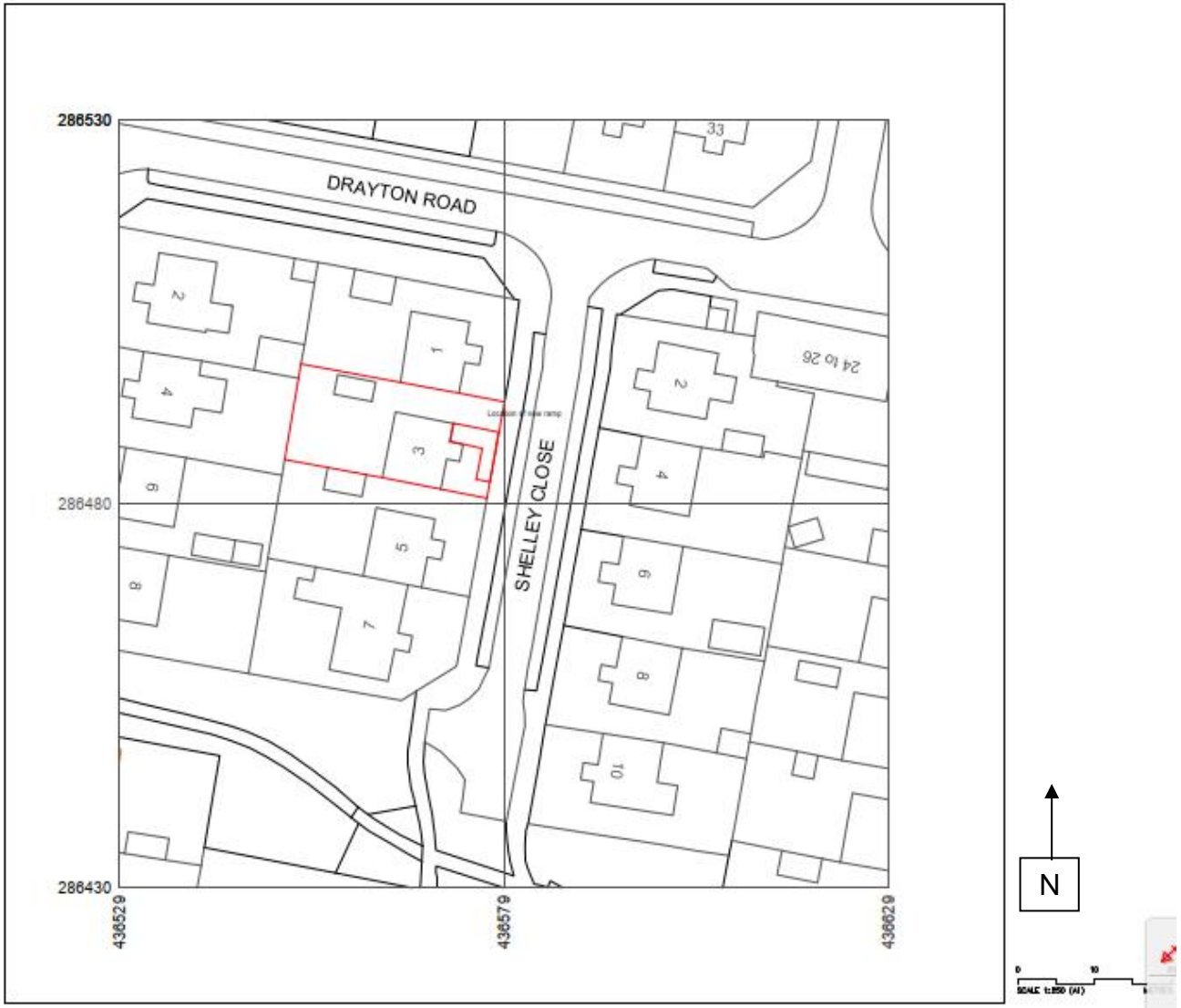
3. No development above ground level shall commence until full details and samples of materials proposed to be used in the external parts of the ramp have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

**3 Shelley Close**  
**Existing Elevation, Section, and Plan**

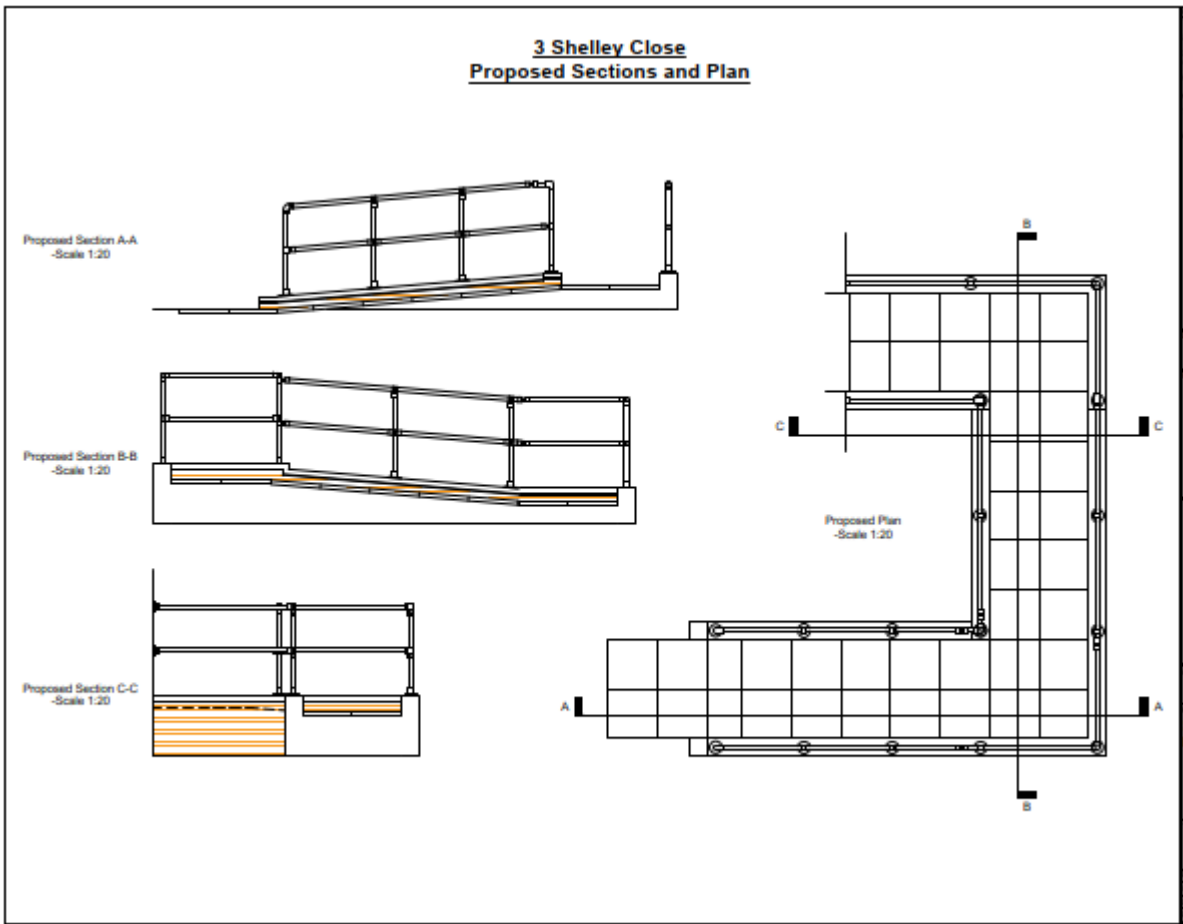


**Existing Plans**





Location Plan



Proposed Ramp

**REFERENCE No.** 040386

**Site Address:** 15 Barpool Road Nuneaton Warwickshire CV10 8DR

**Description of Development:** Prior notification for demolition of garages

**Applicant:** Mrs Katherine Orton

**Ward:** BA

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**RECOMMENDATION:**

The recommendation is that prior approval is not required.

**INTRODUCTION:**

Prior notification for demolition of garages on Barpool Road, Nuneaton, Warwickshire CV10 8DR.

Site Description

This proposal site is a garage site that has been unsafe and in a disrepair state and is currently fenced off for safety reasons. The site is to the rear of numbers 5 Barpool Road and 7 Barpool Road and features a row of disused garages on the rear boundary which are the subject of this application. The access is adjacent to number 5 Barpool Road and to the rear of 53 and 55 Tomkinson Road.

**BACKGROUND:**

This application is being reported to the Planning Committee in accordance with the Council's current constitution (September 2023 version). Section 5.D7(a) outlines all development proposals by the Council itself will be determined by Committee, regardless of any Scheme of Delegation in force at the time.

**RELEVANT PLANNING HISTORY:**

- No Planning History

**RELEVANT PLANNING POLICIES:**

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development
  - BE3 – Sustainable design and construction
  - Supplementary Planning Guidance / Supplementary Planning Documents.
- Affordable Housing SPD 2020.

- Sustainable Design and Construction SPD 2020.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **CONSULTEES NOTIFIED:**

Building Control

### **CONSULTATION RESPONSES:**

Comment from:  
Building Control

### **NEIGHBOURS NOTIFIED:**

All neighbours consulted were 5, 7, 8 and 9 Barpool Road and 53, 55, 57, 59, 61, 65, and 67 Tomkinson Road.

Neighbouring properties were sent letters notifying them of the proposed development on 27<sup>th</sup> June 2024.

### **NEIGHBOUR RESPONSES:**

There have been 0 letters of objection.

### **APPRAISAL:**

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

1. Method of Demolition
2. Conclusion

Demolition of a building is permitted development under the General Permitted Development Order (GPDO) Act under Schedule 2, Part 11, Class B. This requires that the demolition of a building that is not included within a planning application requires prior notification to the Council before any demolition. Demolition is defined as development within the Town & Country Planning Act and the definition of a building within the Act includes any structure or erection. Prior notification is different to a normal planning application and the Council can only consider the method of demolition.

#### **1. Method of Demolition**

As this is the only consideration that can be assessed in determining this application, this section will, using the plans and statements provided as part of the application, assess the suitability of the proposed method of demolition at the application site.

The local authority building control have consulted on the application and they returned a response that commented that a Section 80 Building Regulations would be required and

that the asbestos outlined in the demolition statement would need to be removed in a professional manner and they questioned the future use of the site.

A demolition method statement has been submitted as part of the application which should outline the methods used for us to assess as a part of this report. The report has a number of sections along with contact details of any parties involved in the application. Page 6 outlines how demolition will be completed with the site being locked and no unauthorised access to the area. The garage structures will be taken down by a combination of machine and hand methods. The methods also outline how due care and attention will be taken to protect the adjoining dwelling gardens and that the site will left secure when unattended.

The waste management is vague but does state that waste will be removed from site at regular intervals which is a positive step and acceptable.

Although, all methods are very vague, as long as the relevant building control regulations, which is not a planning concern are followed this demolition will be undertaken in a safe and secure manner. Overall, we can be confident that the method of demolition is acceptable and thus so is this application.

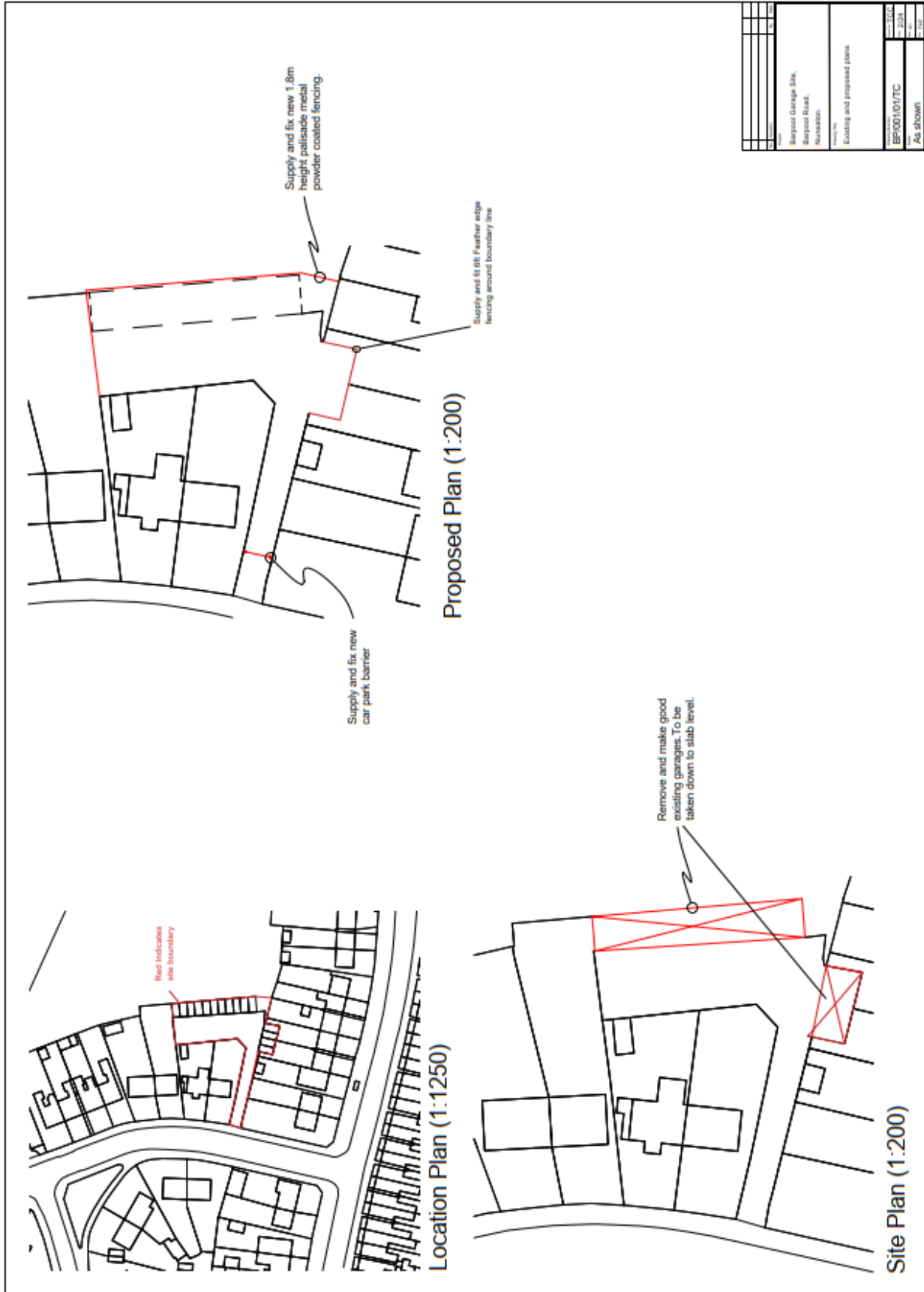
## **2. Conclusion**

In conclusion, a prior notification application has parameters which must be adhered to by the applicant and limits what a Local Planning Authority can assess as part of the planning process. In this case, it is just the method of demolition that is assessed, and no other planning issue can be considered.

It is felt that the method of demolition is acceptable in this application and so that prior approval is not required, and the demolition can go ahead.

### **REASONS FOR APPROVAL:**

Having regard to the pattern of existing development in the area and relevant provisions of the development plan, as summarised above, 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.



Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.



Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

**Class E (Commercial, business and service uses),**

**Class F.1 (Learning and non-residential institutions)**

**Class F.2 (Local community uses)**