

Enquiries to:
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Date: 11th November 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in
Council Chamber of the Town Hall, Nuneaton on Tuesday, 22nd November 2022
at 6.00p.m.

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

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

Councillors L. Cvetkovic (Chair),
C. Cape, M. Green, B.
Hammersley, J. Hartshorn, S.
Markham, B. Pandher, J.
Sheppard (Vice-Chair), E. Shiers,
R. Smith and K. Wilson.

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.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

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

3. MINUTES - To confirm the minutes of the meeting held on 1st November 2022, attached (**Page 5**).

4. DECLARATIONS OF INTEREST

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

Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 11**). 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**)

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control, attached **(Page)**
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

1st November 2022

A meeting of the Planning Applications Committee was held on Tuesday, 1st November 2022, in the Council Chamber and was livestreamed and recorded.

Present

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, J. Gutteridge (substitute for Councillor K. Wilson), B. Hammersley, S. Markham, J. Sheppard, E. Shiers, and R. Smith.

Apologies: Councillors J. Hartshorn, B. Pandher, and K. Wilson.

PLA26 **Minutes**

RESOLVED that the minutes of the meeting held on the 11th October 2022 be confirmed and signed by the Chair.

PLA27 **Declarations of Interest**

Councillors Cvetkovic and Smith declared that they are both trustees on the Board of the of Bulkington Sports and Social Club, as a result they would be unable to take part in the debate or vote on Planning Application 039007 – Site 109a007, School Road, Bulkington, Bedworth.

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

PLA28 **Declarations of Contact**

None.

IN PUBLIC SESSION

PLA29 **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.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA29 OF THE
PLANNING APPLICATIONS COMMITTEE ON 1ST NOVEMBER 2022

039007: Site 109A007, School Road, Bulkington, Bedworth.
Applicant: Mr Matthew Sheffield

DECISION

The application be deferred until such time as consultation with Sport England has been completed.

039137: 17 Newlyn Close, Nuneaton, Warwickshire, CV11 6GG.
Applicant: Mr AND Mrs Turner

DECISION

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

Planning Applications Committee - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting 	
	L. Cvetkovic (Chair)	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"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	B. Hammersley	County Councillor –	Member on the following	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		W.C.C.	Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – W.C.C.	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of the Management Committee at the Mental Health Drop in.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union Member of the Pride in Camp Hill Board. Member of the governing board for Camp Hill Primary School. Member of the Board of	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth Older Peoples Forum • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: 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"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

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	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting 	
	L. Cvetkovic (Chair)	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"> • Building Control Partnership Steering Group 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church. Member of the George Eliot Fellowship Nuneaton Education Strategy Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
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	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
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	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

Applications for Planning Permission etc.
Agenda Item Index

Planning Applications

Item No.	Reference	Address	Page No.
1.	038512 /AB	Site 39B006 – Midland Road, Nuneaton	15
2.	038341 /WB	Site 74C004 – Land north of Gipsy Lane, Nuneaton	40

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

PLANNING APPLICATIONS

Item No. 1

REFERENCE No. 038512

Site Address: Site 39b006 - Midland Road Midland Road Nuneaton Warwickshire

Description of Development: Erection of a foodstore, a six pump petrol filling station with kiosk, external garden centre, sub station and ATM pod and ancillary landscaping, customer parking and all other associated works

Applicant: Wm Morrison Supermarkets plc

Ward: AB

RECOMMENDATION:

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

INTRODUCTION:

This application is for the erection of a foodstore, a six pump petrol filling station with kiosk, external garden centre, sub station and ATM pod and ancillary landscaping, customer parking and all other associated works. The foodstore would be 4,864 sq metres (2,517 sq metres of internal floorspace).

The site is partly used for ABS skips and the rest has largely been cleared with some excavation being carried out which appears to be for the area that the proposed building is to be located on. The site is accessed from Midland Road which is to the south. To the east are terraced properties on Jodrell Street. To the south of Midland Road are similar residential properties which are set off Midland Road and separated from it by landscaping and a service road to the rear of these properties. Adjacent to the access is a small supermarket. To the north-east and accessed via a road through the site is the British Rail Goods yard and buildings. The railway line bounds the western edge of the site, beyond which is Stoney Road. Beyond this is a Strategic Housing Allocation HSG11 of the Borough Plan which is currently under consideration for Outline applications 035595 for up to 400 dwellings and 035647 for a new local centre to include retail, hotel, coffee shop, doctors surgery, pub and 18 apartments at first and second floor levels.

BACKGROUND:

Notwithstanding the comments received the application is being reported to Committee at the request of Councillor Kondakor.

RELEVANT PLANNING HISTORY:

- 033374: Erection of 84 houses (Approval of reserved matters: landscaping of outline planning permission 030803 APP/W3710/A/12/2176750): Approved 05/07/2015.

- 032065: Construction of new road to facilitate access to Network Rail land (application for a new planning permission to replace extant planning permission 030182 in order to extend the time limit for implementation): Approved 23/05/2013
- 030803: Erection of 84 houses (Outline to include access, appearance, layout and scale with landscaping reserved): Refused 21/03/2012. Appeal Allowed 04/04/2013.
- 030182: Construction of new road to facilitate access to Network Rail land: Approved 03/08/2010.
- TP/0380/96: Use of land for recycling of waste. (Consultation from WCC.): No objection 29/08/1996.
- TP/0355/92: Established use certificate for use as waste transfer station. (Consultation from WCC: No comments 25/06/1992.
- TP/0356/92): Use as waste transfer station. (Consultation from WCC.): Objections 07/08/1992.
- TP/0727/91: Commercial waste transfer station. (Consultation from WCC.) : Objections 30/03/1992.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - DS2- Settlement Hierarchy and Roles
 - DS3- Development Principles
 - DS4 – Overall Development Needs
 - E2 – Existing Employment Estates
 - TC3 – Hierarchy of Centres
 - HS1 – Ensuring the Delivery of Infrastructure
 - HS2 – Strategic Accessibility and Sustainable Transport
 - HS5 – Health
 - NE1 – Green Infrastructure
 - NE2 - Open Space
 - NE3 – Biodiversity and Geodiversity
 - NE4 – Managing Flood Risk and Water Quality
 - NE5 – Landscape Character
 - BE1 – Contamination and Land Instability
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents.
- Sustainable Design and Construction SPD 2020.
- Air Quality SPD 2020.
- Open Space & Green Infrastructure SPD 2021.
- Transport Demand Management Matters SPD 2022.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

Cadent Gas, Canal & Rivers Trust, Environment Agency, Natural England, NBBC Environmental Health, NBBC Parks, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, Network Rail, Severn Trent Water, Warwickshire Fire & Rescue, Warwickshire Fire Safety, Warwickshire Police (Architectural Liaison Officer), Warwickshire Police (Place Partnership), WCC Archaeology, WCC Flood Risk Management, WCC Highways, WCC Infrastructure, WCC Rights of Way, Western Power Distribution.

CONSULTATION RESPONSES:

Objection from:

Nuneaton and Bedworth Cycle Forum

No objection subject to conditions from:

Environment Agency, NBBC Environmental Health, NBBC Parks, Warwickshire Fire & Rescue, Warwickshire Fire Safety, WCC Flood Risk Management, WCC Highways

No objection subject to Planning obligations:

NBBC Parks, WCC Highways, WCC Infrastructure

No objection from:

Cadent, Canal & Rivers Trust, Natural England, NBBC Planning Policy, NBBC Refuse, NBBC Tree Officer, WCC Archaeology, WCC Rights of Way

Comment from:

Network Rail, Warwickshire Police

No response from:

Severn Trent Water, Warwickshire Police (Place Partnership), Western Power Distribution

NEIGHBOURS NOTIFIED:

20-34 (even) Stoney Road; ABS Skip Hire, Nisa Local, Holytree Trade Sales 79, La Tavola Calda 68-70, 72, 72a, 74, 74a, 76, 76a, 76b, Holytree Trade Sales 78 Midland Road; 1-21 (odd), 9a Charles Street; 3, 3a, 5, 5a, 7, 7a, 9, 9a, 11, 13, 15, 2-10 (even) Stanley Road; 8-12 (even), 14, 14a, 16-140 (even), 5-17 (odd), 25-105 (odd), 77a, 77b, 77c, 83a, 87a Jodrell Street; 2 Toler Road

Neighbouring properties were sent letters notifying them of the proposed development on 10th December 2021. A site notice was erected on street furniture on 14th December 2021 and the application was advertised in The Nuneaton News on 5th January 2022.

NEIGHBOUR RESPONSES:

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

1. Great use of redundant land but traffic is a problem.
2. Support the investment but lack of cycle access.
3. The proposed access junction is likely to cause difficulty for pedestrians on Midland Road.
4. Lack of pedestrian crossing facilities on Midland Road.
5. Increased traffic.
6. Inadequate access which would lead to queuing on Midland Road.
7. The petrol filling station is not necessary due to others in close proximity.

There has been 5 letters of support from 4 addresses and 37 letters of support with no address provided, the comments are summarised below;

1. It will give residents in areas to the west of Nuneaton (eg Galley Common, Chapel End, Hartshill, Ansley Common etc) access to a supermarket and filling station without needing to queue through Abbey Green to the ring road.

2. Should have a Morrisons and keep in touch with what the people of Nuneaton want.
3. Would bring more variety and employment to the area.
4. Would be an asset to Nuneaton and surrounding areas.
5. With no off road parking at our property, can not safely charge an EV at home. The new Morrisons proposes to have rapid chargers for EV's which would be the ideal location.
6. Morrisons products are excellent.
7. Having this store in Nuneaton would reduce fuel costs as currently travel to the Hinckley store.
8. Would reduce traffic around the Abbey Green area as wouldn't have to travel as far.
9. Will regenerate the area.
10. The site is currently an eyesore.
11. Would bring more competition to the other supermarkets in the area which would benefit the local community.
12. We can't keep building houses without building services for the extra people. We need shops, schools and medical facilities for everyone.
13. Would be good to have a big supermarket within walking distance.
14. The site has been empty for far too long.
15. Current use of the site creates too many problems with noise, smells and dust.
16. The petrol station would introduce much needed competition.

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

1. Incredibly supportive of these proposals. However, further consideration needs to be given to traffic turning right out of the proposed site.
2. The approaching vertical alignment of Midland Road is not favourable in terms of visibility of oncoming traffic heading into Nuneaton town centre.
3. Right-turning traffic will be blocked from exiting the site due to traffic turning right into the site.
4. It is already difficult to turn right out of Jodrell Street and turning right out of this proposed site will be even more difficult.

APPRAISAL:

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

1. The principle of the development/loss of employment site/impact on retail centres,
2. Visual amenity and landscape character,
3. Residential amenity,
4. Highway safety and accessibility,
5. Flood risk and drainage,
6. Contamination and land stability,
7. Air quality,
8. Ecology and Biodiversity,
9. Planning Obligations,
10. Conclusion

1. The Principle of Development/Loss of Employment Site/Impact on Retail Centres

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 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. Policy DS3 of the Borough Plan states that new development within the settlement boundaries, as shown on the proposals map, will be acceptable subject to there being a positive impact on amenity, the surrounding environment, and local infrastructure. The application site is within the settlement boundary of Nuneaton and so is acceptable in principle.

Policy E2 of the Borough Plan states that a number of existing employment sites will not be protected from non-economic type proposals and are considered acceptable for alternative uses. The policy includes this application site and therefore the loss of the employment site is considered acceptable. The application would bring back into use a brownfield site which has been vacant for a number of years and create approximately 250no. new jobs.

As the application site is not within a defined town/district/local centre, albeit it is located immediately adjacent to the defined district centre of Abbey Green, national and Borough Plan policy require an assessment of whether there are any alternative sites within existing centres that could accommodate the proposed retail development. This is known as a sequential test. The NPPF states that main town centre uses (including retail) should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (paragraphs 86 and 87). A sequential test has been submitted with the application. The area of search focussed on the urban area of Nuneaton, which includes the main town centre and a number of smaller district and local centres. A number of potential alternative development sites were identified in Nuneaton town centre but there were no suitable sites in the district or local centres. Five sites in the town centre were considered which included 2no. of the appropriate size and 3no. that were smaller than they actually wanted. By looking at alternative smaller sites this does show flexibility and a thorough consideration of alternative sites. These were land at Abbey Steet including the former Co-op site and car parking area, land at Vicarage Street, including the library, land at Newtown Road, including the Harefield Road multi-storey car park, land at Harefield Road, including the town's bus station and land at Back Street, adjacent to the railway station. After assessing these sites, they were found to not be suitable for reasons such as no longer being available and having planning permission for other uses, the site was not larger enough, impact on existing uses on the site and would be contrary to future plans of the Council. It is considered that the submitted sequential assessment shows that no other site can be considered to be suitable, viable and available for the proposed development and therefore the application complies with the sequential approach to site selection. The application site represents the sequentially preferable location for development which should be noted is adjacent to Abbey Green District Centre.

The NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (paragraph 90). A Retail Impact Assessment has been submitted with the application. This includes an assessment of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the application. Research was undertaken considering retail sites within the urban area of Nuneaton. The assessment found that the proposed development would not have any material impact on any potential investment opportunities but the development would meet an identified need for new convenience retail development in Nuneaton due to an increasing local population and deliver a positive impact on investment within the catchment area, including redeveloping a vacant previously developed site. The study also included an assessment of the impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider catchment area taking into account the state of existing centres including the town centre and current shopping patterns. It is considered that the Retail Impact Assessment is robust and has been undertaken following the steps outlined in the NPPF and the NPPG. This has demonstrated that there will be no significant adverse impacts on any centre or large store in any centre. It is therefore considered that there is insufficient evidence to refuse the application on the grounds of impact to existing food stores or to the town centre.

2. 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.

Nuneaton and Bedworth Borough Council commissioned a Landscape Character Assessment in 2012 prepared by TEP which was updated in 2016 and have been used to inform the Borough Plan. The application site falls with LCA6 – Nuneaton and Bedworth Urban Fringes. This character area has a moderate character, and the landscape condition is considered to be poor.

A Landscape Design Statement has been submitted with the application. This states that the landscape design for the development has been guided by a number of design objectives to ensure the scheme provides significant benefit to the environment and that the new development integrates within its location. The design objectives include respecting the existing local landscape character and utilise this to inform the layout and design of the landscape proposals, maintain and enhance wildlife corridors around the development site linking to establish corridors/GI assets in the wider environment, minimise any potential landscape or visual effects through the application of best practice design principles and careful attention to design throughout all stages of the development process, to enhance the amenity value of the site and provide an attractive and welcoming environment, to create a high quality and robust landscape framework including woodland and structure planting to maximise bio diversity gain and provide areas for habitat creation and to establish a structural landscape utilising both landform and planting appropriate to the scale of the building and external spaces.

The NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127). BE3 of the Borough Plan states that all development proposals must contribute to local distinctiveness and character and some of the key characteristics to review include street layout, plot size and arrangement and built form.

The main store building is proposed at 7 metre high with a flat roof. The building facade is comprised of horizontally spanning cladding panels in predominately light grey with a dark grey to the front elevation that wraps around the building to both the south-east and north-west elevations. It is considered that the use of light grey would reduce the impact of the mass of the building against the majority of its boundary and the use of dark grey provides a clear entrance and feature to the front of the building. The design and materials are in keeping with recent retail and commercial buildings of a similar size that have been approved in the borough. The petrol filling station building is 4.8 metre high with the canopy 5.5 metres. The materials are similar to the main store building but the dark grey cladding is replaced by dark green. This will aid in the transition from landscaping along Midland Road to the proposed development, in addition to giving the petrol filling station its own sense of architectural identity.

Clearly, the proposals would have an impact on the character of the area but it is not considered that this would be significant or have a detrimental impact on the visual amenities of the area.

3. Residential Amenity

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. A Noise Assessment has been submitted with the application. This states that sound produced by the equipment and the activities associated with the proposed development has different characteristics and that in order to take account of these characteristics, each of these must be considered separately, although the overall impact of the development must also be considered as part of the assessment. Some of the mechanical plant and equipment servicing the food store will operate 24 hours per day while other plant may only operate at similar times to when the store is open. The plant has been selected, located, oriented and mitigated to produce of 35 dB LAeq,1hr and 32 dB LAeq,15min at the most noise sensitive receptors to the south during the day and night respectively. Plant at the petrol filling station will produce sound levels of 27 dB LAeq,1hr during the day time. This will ensure a low acoustic impact to the nearby receptors. NBBC Environmental Health have no objection subject to a condition to ensure that the combined plant noise levels in the acoustic report are not exceeded. The assessment states that previous measurements made at other Morrison's car parks indicate that maximum sound levels of up to 80 dB LAmax at 1 m can be produced on occasions when car doors/boots are being closed. It has been calculated levels of around 44 dB LAmax would be expected at the receptors to the south (properties on Jodrell Street). This is below the current residual sound levels measured during the evening which is likely to be the most sensitive period when these spaces will be used. The assessment concluded that there would be no significant acoustic impact on any potential receptors arising from activities associated with the store car park. The distance from the rear of the properties to the south on Jodrell Street to the boundary with the service yard would be approximately 20 metres. A timber close boarded fence to form an acoustic screen to the service yard is proposed. The noise assessment states that there would be no significant adverse impact related

to delivery vehicles or unloading activities even with deliveries occurring on a 24/7 basis. NBBC Environmental Health originally had concerns with deliveries 24 hours a day. As a result a Quiet Delivery System report and plan was submitted which sets out how deliveries can be undertaken so as not to disturb nearby residents. This includes the driver contacting the store shortly before arrival so that the gate is opened as the vehicle arrives, enabling it to drive directly into the service yard and to avoid the need for vehicles to wait outside the service yard, trailer refrigeration units can be switched off shortly before the vehicle arrives at the store and switching off of reversing alarms. The report also contains further information on the noise context of the site. From a wider environmental perspective permitting night-time deliveries has the benefit of reduced daytime congestion (HGV) within the air quality management area, where this store would be located, and this is an additional factor considered in this particular case. The structural design of the service yard has been factored into noise calculations in the report. This includes the semi enclosure of the delivery area including a canopy. NBBC Environmental Health request that they are bound by this design and any alteration would need to be consulted on and considered by them. They have also requested a condition that all deliveries between the hours of 10pm and 7am to be undertaken in accordance with the Quiet Delivery System report. Taking into account the information that has been submitted, NBBC Environmental Health have confirmed that they would not request a condition restricting opening hours.

The distance from the side elevation of the main building to the rear of the properties on Jodrell Street is over 20 metres, in compliance with the Sustainable Design & Construction SPD 2020.

In relation to the requirements of Policy BE3, for commercial developments, major development proposals must meet the BREEAM 'very good' standard for new construction projects. The Design and Access Statement submitted with the application states that a BREEAM Assessor has been appointed to aid Morrisons in achieving the target. The BREEAM Assessor was able to be appointed at an early stage to feed into the design as a part of the design team. The project is registered with the Building Research Establishment and is targeting a BREEAM Very Good standard. A condition can be added to ensure that the scheme is built in accordance with the very good BREEAM standard. The application confirms that a range of features are being considered to make the stores truly sustainable including solar panels, heat pumps, electric vehicle charging, rainwater harvesting and cycle facilities.

4. Highway Safety & Accessibility

The NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users (paragraph 108). Access is proposed off Midland Road. A separate left and right turn lane has been provided at the access. The applicant has advised that land required to deliver part of the visibility splay to the west and part of the proposed access alterations is currently unregistered. In addition to the technical approval and legal process to enter into a section 278 agreement, this will require the applicant to satisfy WCC Highways that following implementation of the highway works and maintenance periods the Section 228 process can be followed in order to ensure the splays can be maintained as highway maintainable at public expense. As part of this process a notice will be erected on the land and the owner could come forward and object to the land being adopted as highway. The applicant/developer therefore needs to understand that this process is at their risk and if an objection is received the visibility splays may not be able to be maintained and access alterations achieved.

As part of a national trial Morrisons are making use of 18.5 metre long articulated delivery vehicles (rather than the standard 16.5m). Swept path analysis has been provided to show this vehicle entering/exiting the site access and manoeuvring within the site. The swept path shows that for HGVs turning right into the site the trailer of the vehicle would swing back out into the westbound running lane, potentially resulting in side swipe incidents with passing vehicles. However, the swept paths have been independently reviewed by the WCC Audit team and WCC Road Safety team who have raised no problems as it is considered that HGV drivers will straddle both the westbound running lane and right turn lane in order to complete the manoeuvre. Vehicles should not therefore be able to pass the HGV until it has entered the site. However, whilst the number of HGV delivery vehicles is relatively low, WCC Highways have requested that a delivery management plan should be provided in order to restrict the hours of deliveries from peak traffic hours which can be added as a condition. It should also be noted that whilst a trial vehicle has been tracked, if a standard 16.5 metre articulated HGV was used the manoeuvres would be less onerous.

A Transport Assessment has been submitted with the application. This details the modelling that has been undertaken to assess the traffic impact of the development. This looks at trip generation and an assessment of the proposed site access junction, Jodrell Street/Midland Road junction and Manor Court Road/Midland Road/Abbey Green junction. The use of Microsimulation modelling was requested to show the off-site impacts of the development. The trip rates and trip distribution were submitted to and agreed by WCCs Transport Planning team (TPU) prior to the completed models being commissioned/reviewed. The modelling outputs have been reviewed by TPU and showed that the proposed development could have a severe impact on the Midland Road/ Manor Court Road signalised junction, therefore a LinSig was requested at the junction to analyse a mitigation scheme. The LinSig has been reviewed by WCCs signals team and the development is shown to have a significant effect on the junction with negative Practical Reserve Capacity (PRC) and long queues. However, by increasing the cycle time to 120 seconds and adjusting the stage timings, the model indicates that the proposed development would have minimal impact on the negative PRC from the base traffic flows. During the Saturday peak the junction appears to work satisfactory with a positive PRC. WCC Highways therefore require the traffic signal junction to be validated following the opening of the store if approved and a S106 contribution of £1,500 to cover the cost of the MOVA validation works is requested. The subsequent Saturday modelling carried out was also reviewed by TPU. The outputs from the Nuneaton Town Centre Paramics model (for Saturday) showed significant increase of delays at various junctions within the town centre for the 2031 scenario. However, when the modelling was carried out including all the committed highway improvement schemes associated with Transforming Nuneaton, these impacts are shown to be mitigated. Once these committed schemes are delivered the development impacts should be negligible. The assessment carried out at the proposed access to the store showed that whilst delays were slightly high for right-turners exiting the access (at 43.5 seconds) the proposed access junction works within capacity and with minimal queues.

In terms of parking provision, using the car parking standards in the Transport Demand Matters SPD 2021, the development would require 195no. spaces. A total of 258no. spaces are proposed at the foodstore. The scheme proposes 15no. disabled spaces and 15no. parent and child spaces.

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

(Paragraph 103). There are bus stops located within 400 metres of the site, with 2 no. on Midland Road near to the site access. A total of 8no. services stop near the site. The nearest stops also provide regular services towards the Town Centre. The plans show a total of 22 no. cycle spaces will be provided on site and they are formed of 11 no. 'Sheffield Type' hoops. A total of 10 no. customer cycle spaces are to be provided near the store entrance and a further 12 no. cycle spaces are provided along the northwest extent of the store. WCC Highways have commented that this is insufficient for both customers and staff and the location of the stands is not ideal. It has been agreed that additional cycle stands will be provided, the locations reconsidered and that all cycle parking will be covered. An updated plan has not been provided to show this so a condition is therefore required to ensure these details are submitted to and agreed. Following further discussion, it has been agreed that a signalised pedestrian crossing shall be provided to the west of the access to provide a safe and suitable crossing point for pedestrians walking to the store and pedestrians using bus services to access the site. An indicative location has been provided but the final design will be considered as part of the detailed design stage of the S278 agreement.

Midland Road forms part of route N07 of the Warwickshire Local Cycling and Walking Infrastructure Plan (LCWIP). This will improve the cycle infrastructure in the area and will provide improved cycle accessibility to the store when delivered. The scheme is not sufficiently advanced in order for WCC Highways to request a contribution towards the construction of the scheme. However, they have requested a contribution of £10,000 in order for design work to commence to design a scheme for a suitable route that would promote the future use of sustainable travel to the store and support the measures proposed within any future Travel plan.

As part of the S278 works, WCC Infrastructure have requested improvements to the west-bound bus stop on Midland Road including replacement/refreshment of the specialist paving and kerbing provided as part of the Camp Hill - Nuneaton Town Centre QBC Scheme, provision of a bus stop clearway marking box on the carriageway to be repainted and a replacement of the existing bus shelter. At the east-bound stop they have requested the relocation of the existing bus stop closer to the junction with Stanley Road, provision of specialist paving and kerbing provided as part of the Camp Hill - Nuneaton Town Centre QBC Scheme to the same specification to be installed at the new bus stop location, provision of a new bus stop clearway marking box and provision of a new bus shelter to replace the existing bus shelter. They have also requested the provision of Real Time Information (RTI) at both bus stops. A sum of £23,000 has been requested for the maintenance of the bus shelters and RTI which would be included in a S106 agreement. WCC Highways also support these requests.

5. Flood Risk & Drainage

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

The NPPF (paragraphs 157 and 158) describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision-making tool designed to promote sites at little or no risk of flooding in preference to sites in areas at higher risk. A Flood Risk Assessment

has been submitted with the application. This states that the site is within flood zone 1, therefore complying with the aims of the Sequential Test.

In terms of surface water drainage, a Drainage Strategy has been submitted. It is proposed to split the surface water drainage for the site. The store, car park and PFS would discharge to the Severn Trent public sewer network. It is proposed to collect roof water via a siphonic roof drainage system and discharge via a new below ground drainage network located around the building footprint. Surface water runoff from hardstanding will be captured by channel drains and gullies. Below ground attenuation tanks have been incorporated to provide storage for all surface water runoff. The service yard would drain to the existing Network Rail sewer. Surface water runoff from hardstanding will be captured by channel drains and gullies. WCC Flood Risk have no objection subject to conditions.

6. Contamination & Land Stability

The NPPF set out that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 178 and 180). Policy BE1 of the Borough Plan also requires that development proposals located on or adjacent to land which may have been subject to contamination and/or land instability will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination and instability on public health, environmental quality, the built environment and general amenity and that the development site is or will be made suitable for the proposed final use. It is within this context that a Phase 1 and Phase 2 Ground Investigation report has been submitted with the application. This has not identified any issues of significant concern. Mitigation is proposed in the form of 300mm of clean top soil to all areas of soft landscaping. The area of MAC Skips has not been investigated which will be the position of the proposed petrol filling station. Based on this, NBBC Environmental Health recommend adding a condition that if during implementation of the 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.

7. Air Quality

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181). An Air Quality Impact Assessment has been submitted with the application together with an updated assessment following comments from NBBC Environmental Health. The proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. The site is located within the Midland Road/Corporation Street Air Quality Management Area. This has been declared as a result of exceedances of the nitrogen dioxide objective. Following consultation responses from NBBC Environmental Health, the Air Quality Impact Assessment was updated and an Air Quality Technical Note prepared and submitted. This provides a sensitivity analysis using 2019 emission factors and reduced vehicle speeds, concluding that the impacts on NO₂ concentrations would be moderate at two receptors and negligible at all other receptors. Impacts on PM₁₀ and PM_{2.5} concentrations would be negligible at all receptors. NBBC Environmental Health have

confirmed that they accept the findings of the report and that the removal of the waste transfer station is likely to have a positive impact on general air quality in the area, as the HGVs will be more polluting. NBBC Environmental Health have no objection subject to a condition that air quality mitigation measures detailed in the Air Quality Technical Note are implemented prior to commencement of retail operations. These measures include provision of a Travel Plan, cycle parking, provision of cycle infrastructure as part of the site access route and support for staff for public transport season ticket purchases.

Both the Transport Demand Matters SPD 2021 and Air Quality SPD 2020 refer to the provision of electric vehicle charging points. Both state that of the parking spaces, 10% should have electric vehicle charging points, or 5% of the spaces initially phased to 10%. The Air Quality SPD 2020 states that where 50no. parking spaces or more are provided then 1 rapid charging unit per 50 spaces shall be considered. A total of 258no. parking spaces are proposed at the foodstore and 6no. rapid charging points are proposed which is in compliance with the SPD. The Air Quality Technical Note states that the rapid charging points will be an alternative to a higher number of 'slow' (7kW) spaces. The report also points out that there is currently limited capacity in the local electrical network to accommodate any more than six rapid EV charging points. It also states that customers tend to spend no more than 40 minutes at the foodstore and therefore installation of rapid charging points over slow spaces is considered as necessary in order for customers to attain maximum charge during their visit. This is also more likely to result in a higher utilisation rate from consumers.

It is recognised that the demand for EV charging will increase in the future and therefore the development will also include provision of infrastructure to provide additional EV charging spaces (a further 4no. spaces) to meet future demand.

8. Ecology & Biodiversity

The NPPF outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraph 170, 174 and 175). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats. A preliminary Ecological Appraisal and Landscape Concept Plan have been submitted with the application. No statutory sites were located on or immediately adjacent to the study site, with the nearest European protected site Ensor's Pool SAC located 1.9km south of the site boundary and supporting an important population of white-clawed crayfish. The site is also a SSSI and LNR. Eighteen non-statutory wildlife sites were located within 2km of the site. In terms of Priority Habitats, none were identified as present on site during the desk study. Other habitats on site were of low biodiversity interest and comprised a small temporary pond, dense and scattered scrub, individual trees, tall herb, bare ground, hardstanding and a building. The desk study indicates that Great Crested Newt are present within a 2km radius of the site, with the nearest record 334m north of the site boundary at Judkins Quarry. The site is separated from the Quarry by an active rail line, a canal and several roads, making it effectively isolated from this GCN population. The on-site pond is not currently suitable for amphibian breeding. Nearby waterbodies are also isolated from the site by active rail lines, roads and canal. Therefore, it is considered highly unlikely for GCN to occur on site. Smooth newt, common toad and common frog also occur in the 2km search zone, but on-site habitats are also of low value for these species. Up to ten species of bat were reported in the desk study for the 2km radius of the site, including two bat roosts, one for common pipistrelle 800m away and another for an unknown bat species 2km away. The semi-mature ash tree and Building 1 had no potential for bat roosting. Habitats on-site have low value for bats as they are sparse and open, although some limited

foraging and commuting may occur. Badger were reported in the desk study, with five records provided, the closest being 500m away from the site but no evidence of badger was noted on site and overall the site is considered unsuitable for this species. No evidence of other protected species was noted, and there is limited potential for hedgehog, breeding birds and reptiles. In terms of birds, only limited bird activity was noted on site. The report recommends potential enhancement measures such as the use of native or wildlife-friendly tree, shrub and herbaceous species in any landscape planting, inclusion of bird and bat boxes on buildings and to limit exterior lighting especially to the north toward the rail line, to maintain links to the wider area for local wildlife. NBBC Parks have no objections subject to conditions.

In order to comply with the NPPF to ensure the development does not have a negative impact on biodiversity, Biodiversity Impact Calculations have been carried out. Biodiversity is always treated in a sequential test with avoidance being the preferred methodology followed by mitigation first on site and then off site. The calculations show a net loss in biodiversity. NBBC Parks have therefore requested a S106 contribution of £121,544 which is to be used for wetland habitat creation delivering 2.94 units of habitat. This is to be within NBBC managed greenspace sites to create new wetland habitat and/or enhance existing wetland / river corridor habitats.

NBBC Tree Officer has no objections regarding the proposed landscaping and tree protection.

9. Planning Obligations

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

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

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

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

Organisation	Request For	Contribution	Notes
NBBC Parks	Biodiversity Off-setting	£121,544	Applicant agreed to pay
WCC Infrastructure	Cleaning and maintenance of the bus shelter, maintenance of the RTI displays and replacement of the RTI display(s) at the end of their 15-year lifespan	£23,000	Applicant agreed to pay

WCC Highways	Towards the validation of the Traffic signals at the Manor Court Road/ Midland Road Junction.	£1,500	Applicant agreed to pay
	Towards the design of a cycle scheme along Midland Road connecting to the development site.	£10,000	Applicant agreed to pay

10. Conclusion

In conclusion, The NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is a vacant brownfield site within the settlement boundary and complies with the policies within the Borough Plan.

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

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

REASONS FOR APPROVAL:

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

SCHEDULE OF CONDITIONS:

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

Description	Reference number	Date Received
Site Location Plan	PL_01A	6 th December 2021
Proposed Site Layout	PL_03 F	14 th October 2022
Proposed Access Arrangements With Swept Path Analysis	T653_03F	4 th November 2022

Proposed Building Plan	PL_04 C	1 st April 2022
Proposed Roof Plan	PL_05 C	1 st April 2022
Proposed Building Elevations	PL_06 B	1 st April 2022
Proposed Building Sections	PL_07 A	6 th December 2021
Proposed PFS Plan	PL_08 C	1 st April 2022
Proposed PFS Roof Plan	PL_09 C	1 st April 2022
Proposed PFS Elevations	PL_10 A	6 th December 2021
Proposed Garden Centre	PL_11 A	6 th December 2021
Landscape Concept Plan	2207-21-02 S5 G	28 th March 2022
Landscape Concept Sections	2207-21-03 S5 A	28 th March 2022

3. No construction, groundworks or remediation will be undertaken until a Construction Management Plan has been submitted to, and approved in writing by, the Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing and parking of vehicles of HGVs, site operatives and visitors;
 - ii. Hours of work;
 - iii. Loading and unloading of plant/materials.
 - iv. Storage of plant and materials used in constructing the development.
 - v. The erection and maintenance of security hoarding.
 - vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.
 - vii. A scheme for recycling/disposing of waste resulting from construction works.
 - viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.
- Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

4. No development, excluding site clearance, shall commence until a Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and site lighting. The plan should include, but not be limited to:

- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- ii) Arrangements for liaison with the Council's Environmental Protection Team
- iii) Restriction of construction working hours so that construction activities take place between 07:30-19:00 Monday to Friday and 07:30-13:00 on Saturday. Work would not normally be permitted during the evening, night or on Sundays or Bank Holidays
- iv) Measures to minimise the visual effects of temporary lighting during the construction period
- v) Measures to minimise air quality effects arising from increased emissions
- vi) Noise and Vibration Management Plan

The agreed details shall be adhered to throughout the duration of construction.

5. No development, excluding site clearance, shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Council. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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

7. No development shall commence until a RRRAP report has been submitted to and agreed in writing by the Council to determine the need for a VRS around the above ground fuel tanks. If a VRS is required, the development shall not be occupied until the VRS has been installed in accordance with the relevant design standards and shall be maintained thereafter.

8. Notwithstanding the plans submitted, no development shall commence until full details of the proposed cycle parking have been submitted to and approved in writing by the Council. Such cycle parking shall be provided in accordance with NBBC parking standards, shall be covered and shall be located in a suitable location. The development shall not be brought into use until the cycle parking has been provided in accordance with the approved details.

9. 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.

10. No development, excluding site clearance, shall commence until a dust management plan has been submitted and approved in writing by the Council. The plan shall detail measures for the control and reduction of dust associated with demolition, earthworks, construction and arrangements for monitoring air quality during construction. Only the agreed details shall be implemented on site and shall be adhered to throughout the duration of construction.

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

- a. any pre- construction checks required;
- b. the species safeguards to be employed;
- c. appropriate working practices and timings of construction works;
- d. 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;
- h. measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice;
- i. Demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase;
- j. Measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015);
- k. Measures for the soft-felling of trees;
- l. Japanese Knotweed control measures;
- m. Timetable for the removal of trees/arboricultural works (works should be undertaken outside of the bird nesting season (March-August inclusive), or otherwise under the direct supervision of a suitable qualified ecologist who will be able to identify nesting birds and advise of appropriate safe working distances);
- n. Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

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

12. No development, including site clearance, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The BEMP shall set out how the measures detailed in the Preliminary Ecological Appraisal received by the Council on 6th December 2021 will be implemented and maintained. The content of the BEMP 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;
- e. biodiversity impact mitigation
- f. landscape and ecological buffer zones;

- g. provision of hibernacula;
- h. reconfigured pond plan and specification including cross sections and details of emergent / marginal planting and seeding;
- i. retained tree and retained habitat protection 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.

The BEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the BEMP and address any contingency measures where appropriate. The BEMP 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 BEMP 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.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

13. No development, excluding site clearance, shall commence 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.

14. No development above ground floor slab level shall commence until a scheme for the lighting of the development and associated access roads and parking areas has been submitted to and approved in writing by the Council. This scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 2, 1, 0.5 and 0.3 lux contours. The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall not be carried out other than in accordance with the approved details.

15. No development shall commence until a method statement and risk assessment in relation to the railway has 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.

16. No development shall commence until details of scaffolding works within 10 metres of the railway boundary has 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.

17. No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary 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.

18. No development shall commence until details of appropriate vehicle safety protection measures along the boundary with the railway 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.

19. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

20. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by Council. The development shall not be brought into use until provision has been made in accordance with the approved details.

21. 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.

22. No development above slab level shall commence until details of all boundary treatments including new walls and fences and a suitable trespass proof fence adjacent to the boundary with the railway have been submitted to and approved in writing by the Council. The use of the retail store shall not commence until all boundary treatments to this store have been carried out in accordance with the approved details.

23. The development shall not be brought into use until the boundary treatments to the service yard including a timber close boarded fence to the southern boundary as shown on the Proposed Building Elevations Drawing no. PL_06 B (received by the Council in 1st April 2022) have been erected in accordance with those details and thereafter maintained in perpetuity.

24. The development shall not be brought into use until the public highway, Midland Road, has been improved so as to provide for the proposed site access ghost right turn lane junction, signalised pedestrian crossing, relocated eastbound bus stop, tactile paving across Stanley Road and any other associated works in general accordance with the approved plan (drawing no.T653_03F) received by the Council on 4th November 2022, and have been constructed in accordance with those details.

25. The development shall not be brought into use until a Delivery Management Plan has been submitted to and approved in writing by the Council. The approved plan shall provide for:

- i. The size of delivery vehicles servicing the site
- ii. Frequency of deliveries to the site
- iii. Hours of deliveries

The approved plan shall be adhered to through the operation of the site.

26. The development shall not be brought into use 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 50 metres to the west and 57 metres to the east 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.

27. The development shall not be brought into use until a travel plan has been submitted to and approved in writing by the Council. Any measures proposed to be carried out in the plan shall be implemented prior to the use commencing on the site. Following commencement of the use, the measures (and any variations) so approved shall continue to be implemented in full at any time when the use is being carried on.

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 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; and
- 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.

The development shall not be brought into use until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

28. The development shall not be brought into use until the air quality mitigation as set out on page 10 and 11 of report titled 'Midland Road, Nuneaton West – Air Quality Technical Note' reference no. 4848C1 (received by the Council on 7th June 2022) has been implemented and thereafter maintained in perpetuity.

29. The development shall not be brought into use until full details of CCTV provision for including the siting and the technical specification details of the cameras, direction of view and their external appearance/colour shall be submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

30. The development shall not be brought into use until a statement has been submitted to the Council stating how the development has met the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard.

31. The development hereby permitted shall be carried out strictly in accordance with the approved Drainage Strategy reference no. 9570 Rev. P03, WLM Consulting

(received by the Council on 10th January 2022) and in particular the following mitigation measures detailed within the Flood Risk Assessment:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 8.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA and in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

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

32. All deliveries between the hours of 22:00 and 07:00 shall be undertaken in accordance with the QDS – Quiet Delivery (Noise Management) System for Morrisons, Nuneaton report reference no. B5438 2022-04-22 (received by the Council on 8th June 2022).

33. The combined plant noise levels as stated in the Acoustic Assessment reference no. B5438 2021-12-02 R (received by the Council on 6th December 2021) shall not be exceeded at any time.

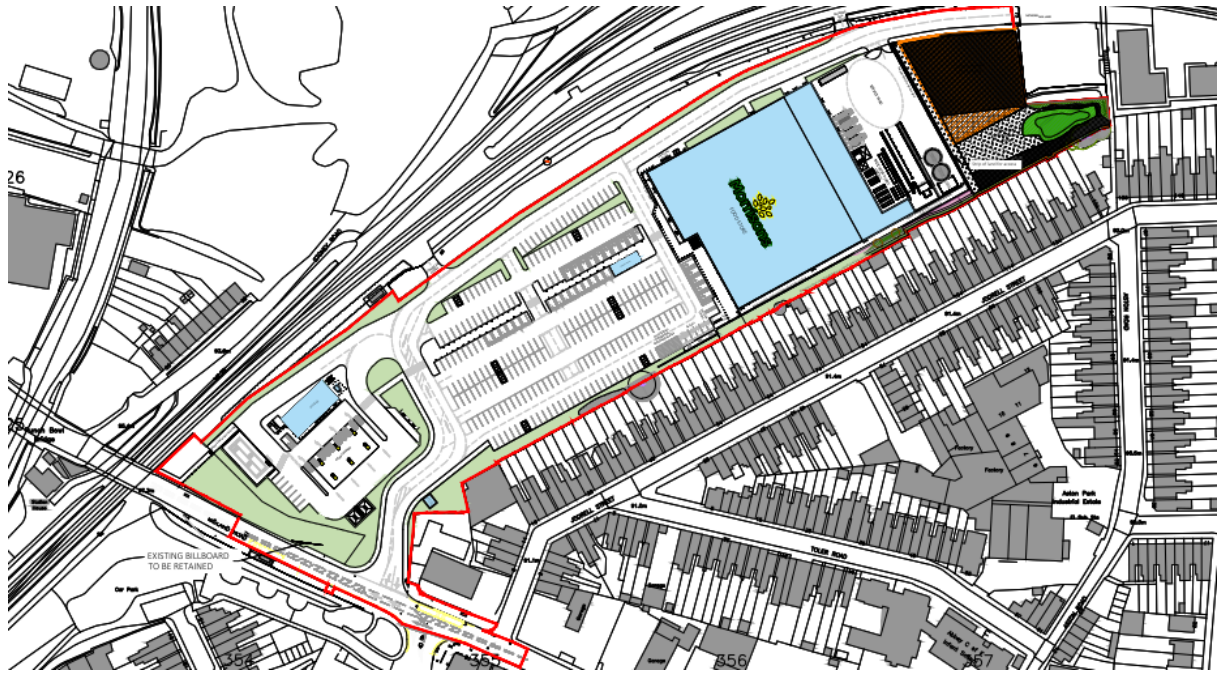
34. The landscaping plan shall be carried out in accordance with the Landscape Concept Plan Drawing no. 2207-21-02 S5 G (received by the Council on 28th March 2022) and subsequently maintained in the following manner:
Any tree or plant (including any replacement) which, within a period of five years 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.

35. The development shall not be carried out other than in accordance with the Tree Retention Protection and Removal Plan drawing no. 2207-21-04 S5 A (received by the Council on 6th December 2021). No construction work shall be carried out unless the agreed measures to protect the trees have been provided and are maintained during the course of construction.

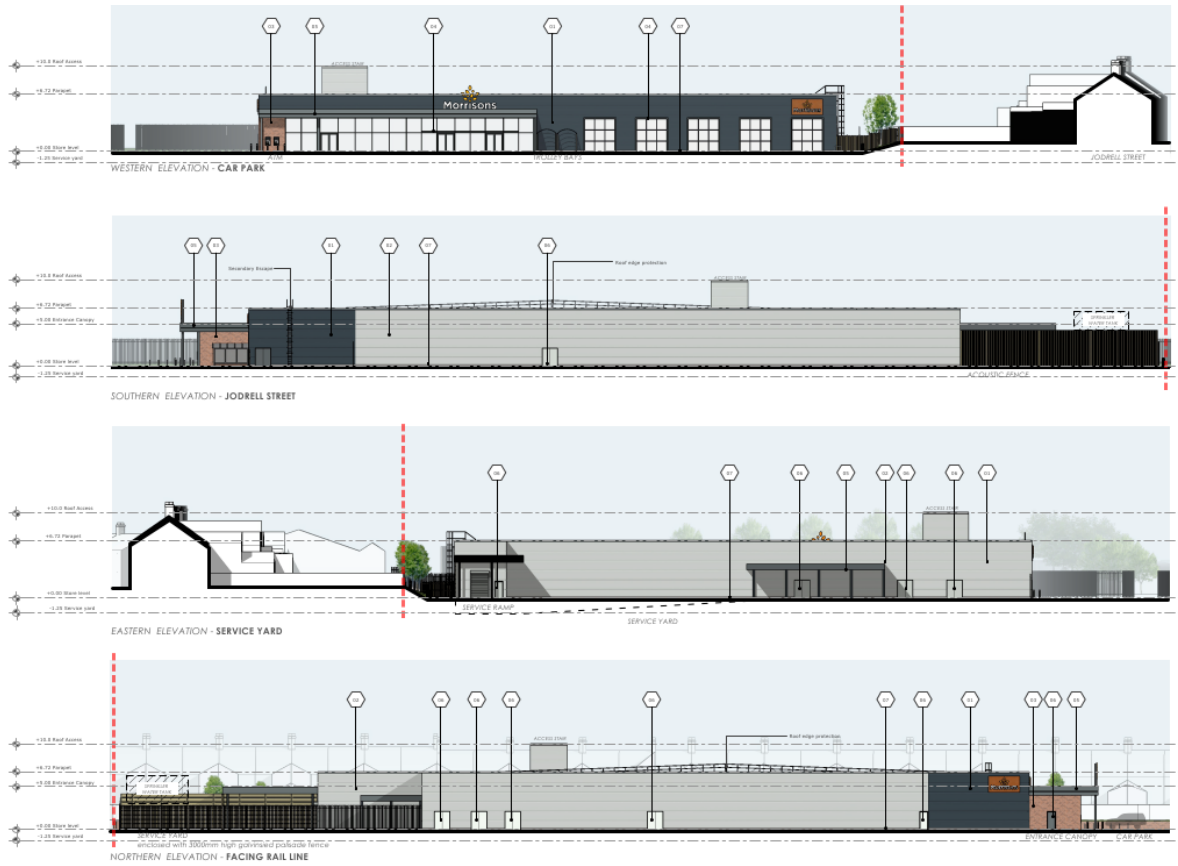
36. Mitigation to soft landscaping areas shall be implemented in accordance with report Phase 2 Geo-environmental Investigation and Assessment reference no. 9570G-WML-XX-ZZ-RP-G-002A (received by the Council on 6th December 2021).



Site Location Plan



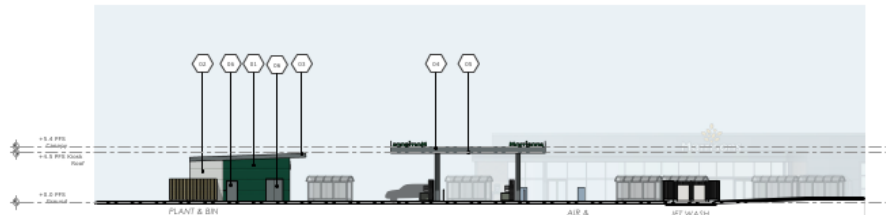
Site Layout



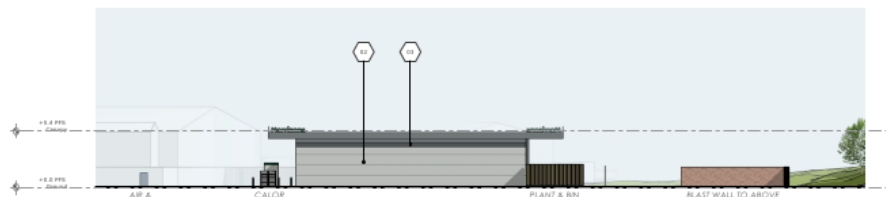
Proposed Elevations



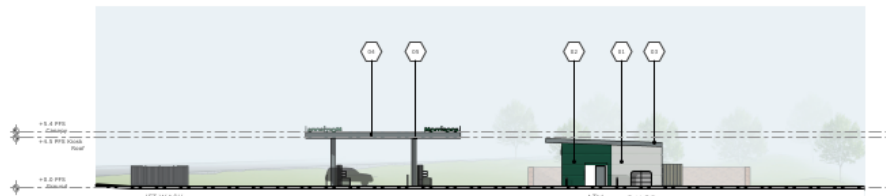
SOUTHERN ELEVATION - FACING JODRELL STREET



WESTERN ELEVATION - FACING MIDLAND ROAD



NORTHERN ELEVATION - FACING RAIL LINE



EASTERN ELEVATION - FACING MORRISONS STORE

Proposed Petrol Filling Station Elevations

Item No. 2

REFERENCE No. 038341

Site Address: Site 74C004 - Land north of Gipsy Lane Nuneaton (West of Maple Park)

Description of Development: Application for approval of reserved matters relating to appearance, layout and scale following outline approval 035037 (varied under permission 037774)

Applicant: Bellway Homes Ltd West Midlands

Ward: WB

RECOMMENDATION:

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

INTRODUCTION:

This is an application for approval of reserved matters relating to **appearance, layout and scale** following outline approval 035037 (varied under permission 037774) at Site 74C004 - Land north of Gipsy Lane Nuneaton (West of Maple Park) .

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

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

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

To the east of the site a spur of the National Cycle Route runs over Marston Lane and through some of the Maple Park development. The site exhibits good linkages to the

nearby National Cycle Network, both Nuneaton and Bedworth Town Centres, the existing town centre train stations and the more recent Bermuda Park Station on St. Georges Road.

BACKGROUND:

This is an approval of reserved matters application and only relates to the reserved matters below:

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- Scale – the height, width and length of each building proposed in relation to its surroundings; and
- Appearance – the aspects of a building or place within the development which determine the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

RELEVANT PLANNING HISTORY:

- 032436 – Residential development for up to 575 house including mixed use neighbourhood centre, open space, etc. – Refused – April 2014.
- 035037 - Residential development for up to 575 house including mixed use neighbourhood centre, open space, etc. – Approved – July 2019
- 037774 – Application for variation of condition 24 (relating to archaeology works) following grant of outline planning permission (035037). Variation is to change the trigger point of condition 24 to 'excluding access, prior to the approval of reserved matters'- approved – Sept 2021

RELEVANT PLANNING POLICIES:

- The Borough Plan 2019;
 - HSG3 – Gipsy Lane Strategic Housing Site
 - BE3 – High Standard of Design
 - BE4 – Valuing the Historic Environment
 - DS1 – Presumption in favour of Sustainable Development
 - DS2 – Settlement Hierarchies
 - DS5 – Residential Allocations
 - DS7 – Land Removed from the Green Belt
 - H2 – Affordable Housing
 - HS1 – Delivery of Infrastructure
 - HS2 – Strategic Accessibility
 - NE2 – Open Space
 - NE4 – Managing Flood Risk
 - NE5 – Landscape Character
- Affordable Housing SPD 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:

Canal and Rivers Trust, Coal Authority, CPRE Warwickshire, Environment Agency, Fire Safety, Inland Waterways, Natural England, NBBC Environmental Health, NBBC Planning Policy Team, NBBC Housing, NBBC Parks, NBBC Sports, WCC Flood Risk Team, National Grid, Network Rail, NHS, Nuneaton Society, Open Space Society,

Ramblers Association, Severn Trent Water, Warwickshire Wildlife Trust, WCC Archaeology, WCC Highways, WCC Police, WCC Rights of Way, WCC Infrastructure.

CONSULTATION RESPONSES:

Objection from:

NBBC Parks, Inland Waterways Association,

No objection subject to conditions from:

WCC Highways, WCC Flood Risk Team,

No objection from:

Canal and Rivers Trust, Coal Authority, Environment Agency, Natural England, NBBC Housing; NBBC Planning Policy, Severn Trent Water, Warks Police, WCC Footpaths

No response from:

NBBC Environmental Health

NEIGHBOURS NOTIFIED:

5-15 Abbotsbury Way; 56 Alberbrook Drive; 1-26 Caldwell Caravan Site; 131-173 (odd) Bradestone Road; 1-5, 14, 19, 20, 21, Chilworth Close; 4, 17-27 Cliveden Walk; 1, 24-32, 41-52 Exbury Way; 1 Fairlands Park, Coventry; 16, 25 Gipsy Lane; 13-18, 21-29 Gold Close; 16 Greenway; 50 Leyland Road; 210-216, 237, 255, 301-337 (odd) Marston Lane, 1-8, 14, 14 Marwood Close; 1, 2, 4 Northbourne Drive; 36 Nuneaton Road, Bulk., 21 Pebblebrook Way; 31 Purcell Avenue; 81-18 (odd) Raveloe Drive, 14-54 (even), 72-100 (even) Red Deeps; 13 Rockingham Drive; 26 Sorrell Road; 9, 10, 21-26, 28, 30 Sterling Way; 128 Wentworth Drive;

Neighbouring properties were sent letters notifying them of the proposed development on 30th September 2021. A site notice was erected on street furniture on 12th October 2021.

NEIGHBOUR RESPONSES:

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

1. Impact on flooding and flood risk
2. Road infrastructure is insufficient, and will impact on highway safety
3. Additional housing is not needed
4. Impact on wildlife
5. The land should not be built on

APPRAISAL:

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

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

9. Conclusion

1. The Principle of Development

The principle of residential development has already been established through the granting of Outline planning permission 035037 (varied by 037774) and the site is part of the Strategic Housing Allocation HSG3 and is therefore necessary to fulfil the Council's Five Years Housing Land Supply. The site is largely in keeping with the Concept Plan for the area and is an acceptable use of the land.

2. Impact on Visual Amenity

Policy BE3 of the Borough Plan 2019 states that development should be designed to a high standard and provide local distinctiveness. It also states that development should reflect the positive attributes of the neighbouring area and have characteristics that are sensitive to the layout, street pattern and built form of the area.

The design of the units is to be in keeping with the Concept Plan and will provide a mix of both two and two and a half storey dwellings. Again though this application only relate to parcels A B C and J.

The layout of the plots here vary across the site, and it is good to see plots fronting roads and open spaces, and adapting to curves in the roads and green gaps.

There is a large and interesting variety of housetypes and materials shown and they have been arranged to remove blank elevations from public view, and to maintain active frontages on to open space and public areas.

Gentle curves to the streets gives interest and a natural feel to the planned layout as well as the incorporation of well-established trees (and new trees) helps to give a boulevard feel to the wider, longer, main street scenes.

3. Housing Mix and Affordable Housing

Policy DS4 of the Borough Plan 2019 states that 14,060 dwellings are required up to 2031. Policy H1 of the Borough Plan refers to the mix of housing types and the need to the most up to date Strategic Housing Market Assessment (SHMA). The latest SHMA is from 2013 and states that there is greatest need in the borough for three-bedroom properties (53.3% modelled market need), followed by two-bedroom properties (33.1%) then 4-bedroom properties (8.9%).

This application will provide 12 two-bedroom market houses (7.6% of total houses), 71 three-bedroom market dwellings (45.2%), 48 four-bedroom market dwellings (30.5%), and 1 five-bedroom market dwelling.

These parcels will also provide 25 affordable dwellings of between one to four bedrooms. Policy H2 – Affordable housing of the Borough Plan requires such a development to provide 25% affordable housing. Purely numerically speaking these 25 dwellings are actually below the 25% affordable housing necessity for these individual parcels, however the outline permission does necessitate that the developer provide 25% across the whole of the site. The other parcels therefore will have to have slightly higher numbers of affordables in order to fulfil the total (although this will be modest and should not affect things significantly). This is not seen as a problem however as the 157 houses in these parcels are little over a quarter of the houses approved across the entire outline, and therefore it will not be problematic for the

shortfall (14 units) of affordables to be accommodated amongst the remaining parcels that are yet to be applied for which will account for the remaining 400+ dwellings.

It is therefore considered that the private housing and affordable housing mix are acceptable and there is ample scope for slight shortfall of affordable units to be fitted in to the larger parcels of the scheme.

4. Impact on Residential Amenity

Policy BE3 of the Borough Plan 2019 states that development should:

“Development proposals must be:

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

Urban character

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

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

Residential

Major development proposals must provide a statement with their application showing how their proposal will:

1. Meet all the questions set out in the Buildings for Life 12 standard. Where it is not possible to positively meet all 12 questions, a statement of justification must be provided to explain why it is not possible, and what mitigation measures will take place to offset this.
2. Meet the optional Building Regulations requirement M4 (2) for ‘accessible and adaptable dwellings’ for 35 % of the development proposal.
3. Install rainwater harvesting systems in the curtilage of all new buildings.
4. Integrate the principles of passive solar design.
5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.
6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.

The developer liaised with Officers very early in the process with informal preapplication advice given. The layout has been through several iterations in pre-app phase and through the application and the layout has been amended to take on the views of Officers.

Changes have been made to the layout to either remedy or reduce many of these issues which arose at pre-app. The vast majority of the plots meet the standards set in the SPD.

There are some small instances where distances have minute shortfalls or amenity is slightly impinged but these are usually mitigated by siting, or the orientation of the dwellings.

The site also complies with the Space Standards set out in the SPD.

Overall it is considered that the impact on residential amenity is acceptable.

5. Highway Safety and Parking Provision

There are to be two main vehicular accesses to the site one from a roundabout to the western part of the southern Gipsy Lane boundary, and one more to the east also on Gipsy Lane, but not by a roundabout.

The internal layout is being assessed with this reserved matters application and it is this which we consider here.

WCC Highways have assessed the layout and the highway safety implications of this reserved matters application and have returned no objection subject to some conditions.

The parking provision also meets with the adopted standards of the Transport Demand Management Matters SPD 2022.

Overall it is considered that this layout would not cause any significant impact to highway safety.

6. Impact on Flood Risk

As mentioned the housing parcels applied for here really only relate to around a quarter of the site in housing numbers (and much less in site area).

WCC Flood Risk Management have no objection to the proposal with regard to drainage and surface water management. There is also conditions on the outline which relate to flood risk.

The Environment Agency were also consulted and have no objection to the scheme.

The impact on flood risk therefore is considered to be acceptable.

7. Open Space and Ecology

The landscaping reserved matter is not being assessed here and is being dealt with separately. Therefore there are only very small considerations of open space which can be made from a 'layout' reserved matter point of view.

The layout has been thoughtfully produced so as to overlook public areas, play spaces and open space.

That said, the Parks Team did raise some issues early on, these were accommodated by the developer in amended plans and this is therefore considered acceptable.

At the time of writing officers are waiting for Parks to remove their objection given the accommodation of their requests within the plans, but this has not yet arrived.

Overall though the impact on open space and ecology from these reserved matters are acceptable.

8. Conclusion

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

The site is allocated in the Borough Plan for residential development as part of a Strategic Housing Allocation and thus the principle of development has been established and agreed by the Planning Inspectorate during the Borough Plan process.

Furthermore, Outline consent for the site has already been granted by Committee. This provides considerable weight in favour of the application.

The impact on visual amenity of the layout and design is considered to be acceptable and these parcels complies with local policy for housing mix and affordability. The residential amenity is considered acceptable and largely in compliance with Local Policy.

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:

Schedule 1

The details and plans contained in the following Schedule 1 be approved in accordance with Condition 1 a), b), and c) of outline planning permission reference 035037 (amended by 037774) granted on the 11th January 2021 relating to appearance, layout and scale.

Schedule of approved documents

Drawing	Latest Plan Reference
Location Plan	Application Boundary-YTF-AB-ABCJ
Arboricultural Assessment / Arboricultural Method Statement	9821 AA&AMS_B
Site Layout Parcel A, B & C	20160 1001 AH

Site Layout Parcel J	20160 2001 AL
Boundary Treatments Parcel A, B & C	20160 1011B
Boundary Treatments Parcel J	20160 2011B
Plot Landscape Proposals Parcel A,B & C	GL1500 01E
Plot Landscape Proposals Parcel A,B & C	GL1500 02D
Plot Landscape Proposals Parcel J	GL1500 03D
Facing Materials Layout Parcel A, B & C	20160-1031-1C 20160-1031-2C
Roof Materials Layout Parcel A, B & C	20160-1021-1C 20160-1021-2C
Facing Materials Layout Parcel J	20160-2031A
Roof Materials Layout Parcel J	20160-2021A
Glazing Requirements report	Rev A
Bellway Street Scenes	20160 Rev A
Road Safety Audit Brief	RSA Project Brief_BHM_YTF_GG119 FINAL VERSION 141022
Housetypes	BWM-CU-01 BWM-CU-02 BWM-CU-03 BWM-CW-01 BWM-CW-02 BWM-DRA-01A BWM-FL-01 BWM-GO-01 BWM-GO-03 BWM-JO-01 BWM-JO-02 BWM-LO-01 BWM-LO-02 BWM-MA-01 BWM-MA-02 BWM-MAN-01A BWM-NY-01 BWM-PG-01 BWM-PG-03 BWM-QU-01 BWM-RE-01 BWM-RE-02 BWM-SC-01 BWM-SC-02 BWM-STBO-01A BWM-TA-01 BWM-TH-01 BWM-TH-03 BWM-TU-01 BWM-TU-02 BWM-TU-03 BWM-TU-04 BWM-WE-01 BWM-WE-02 AWM-ALL-01 AWM-ALL-02

AWM-ANG-02
AWM-ANG-03
AWM-ANG-04
AWM-AST-01
AWM-EVE-01
AWM-HEA-01
AWM-JAS-01
AWM-JAS-02
AWM-JAS-03
AWN-LYS-01
AWM-LYS-02
AWM-MAN-01
AWM-MAN-02
AWM-OPH-01
AWM-OPH-02
AWM-SUN-01
AWM-TUS-01
AWM-TUS-02
AWM-TUS-03
AWM-VAL-01
AWM-VAL-02
AWM-VER-01
AWM-VER-02
AWM-VER-03
AWM-WIS-01
BWM-GAR-01
BWM-GAR-02
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BWM-GAR-04
BWM-GAR-05
BWM-GAR-06
BWM-GAR-07
BWM-GAR-08
AWM-GAR-01
AWM-GAR-02
AWM-GAR-03
AWM-GAR-04

Schedule 2

1. The development must be laid out in accordance with the following approved drawings;

Drawing no.20160-1001 Rev AM Site Layout Parcel A,B,C Plots 389-469

Drawing no.20160-2001 Rev AP Site Layout Parcel J Plots 1-78

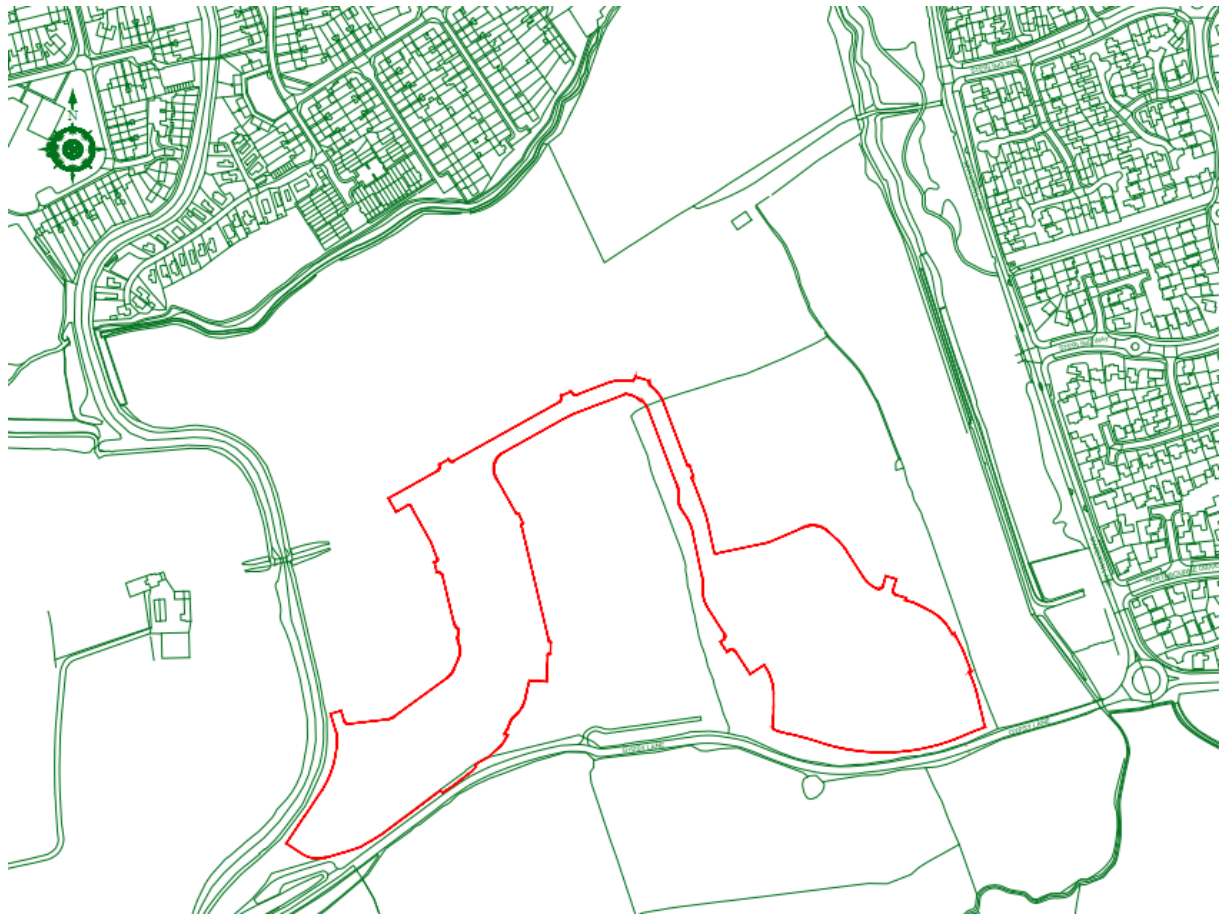
Drawing no.20160-1004 Rev D Site Layout Public Open Space – Northern

Drawing no.20160-2004 Rev H Site Layout Public Open Space – North-East

Drawing no.20160-2005 Rev F Site Layout Public Open Space – South Eastern

2. No structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

3. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Council for their approval in consultation with the Highway Authority.



Site Location Plan



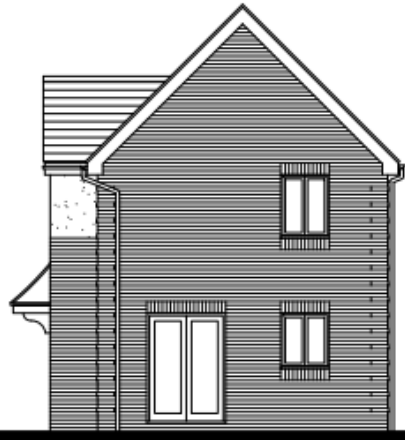
Site Layout A B C Parcels



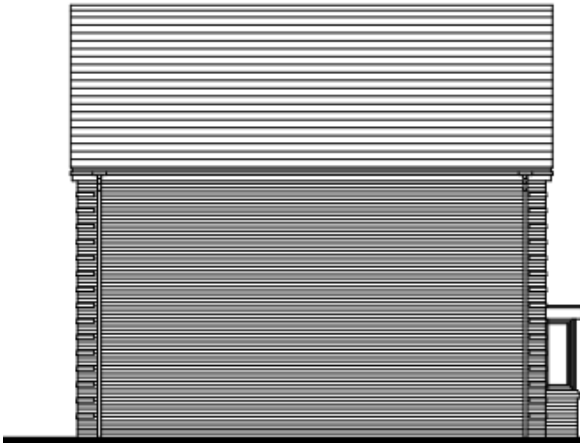
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FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Housetype AWM WIS



FRONT ELEVATION

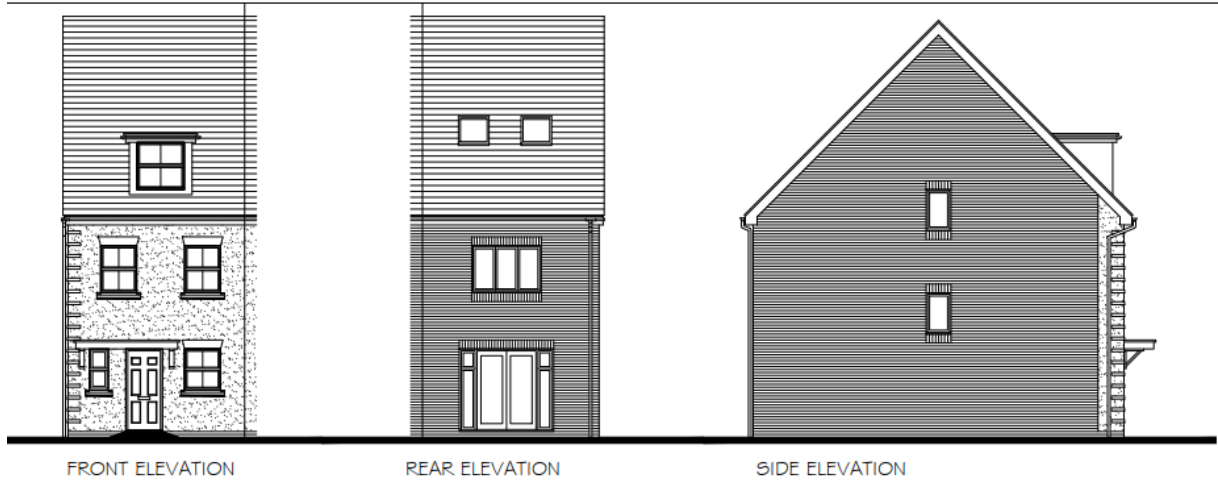
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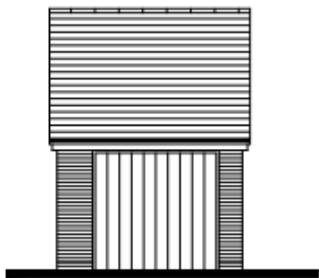
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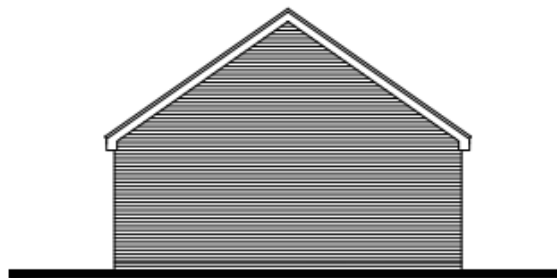
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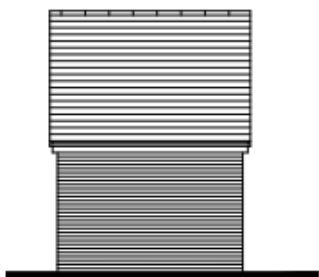
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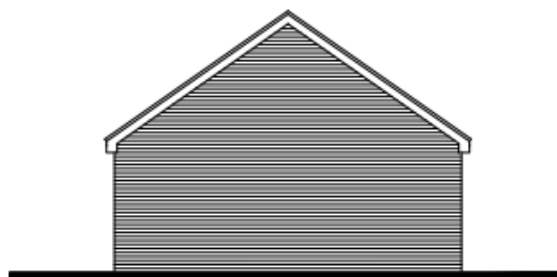
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SIDE ELEVATION



REAR ELEVATION

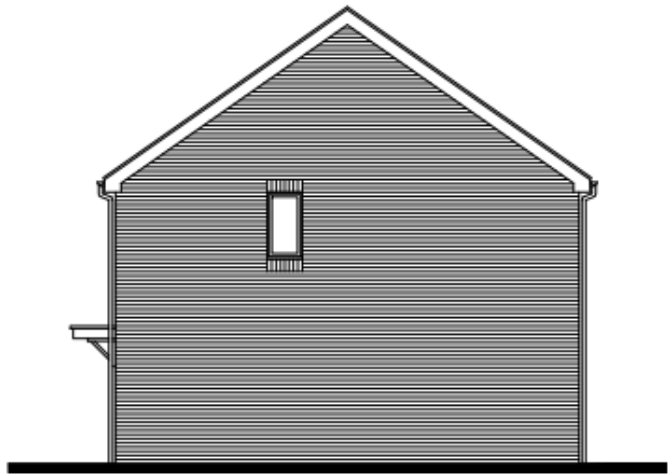


SIDE ELEVATION

Grage (AWM GAR)



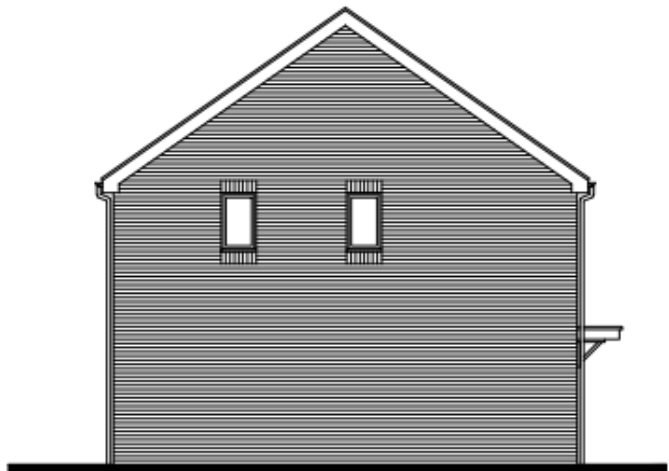
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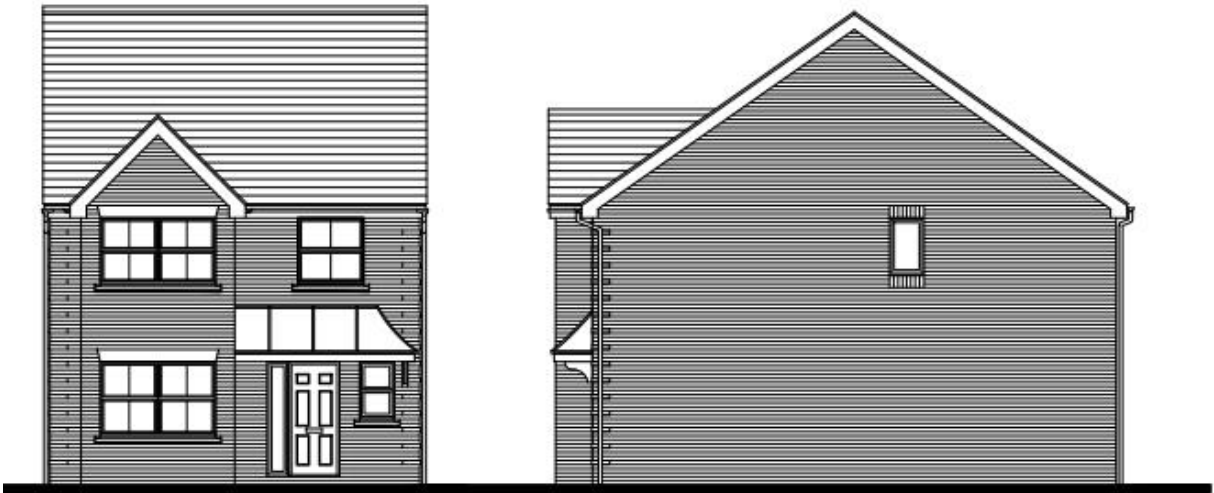


REAR ELEVATION



SIDE ELEVATION

Housetype AWM HEA



FRONT ELEVATION

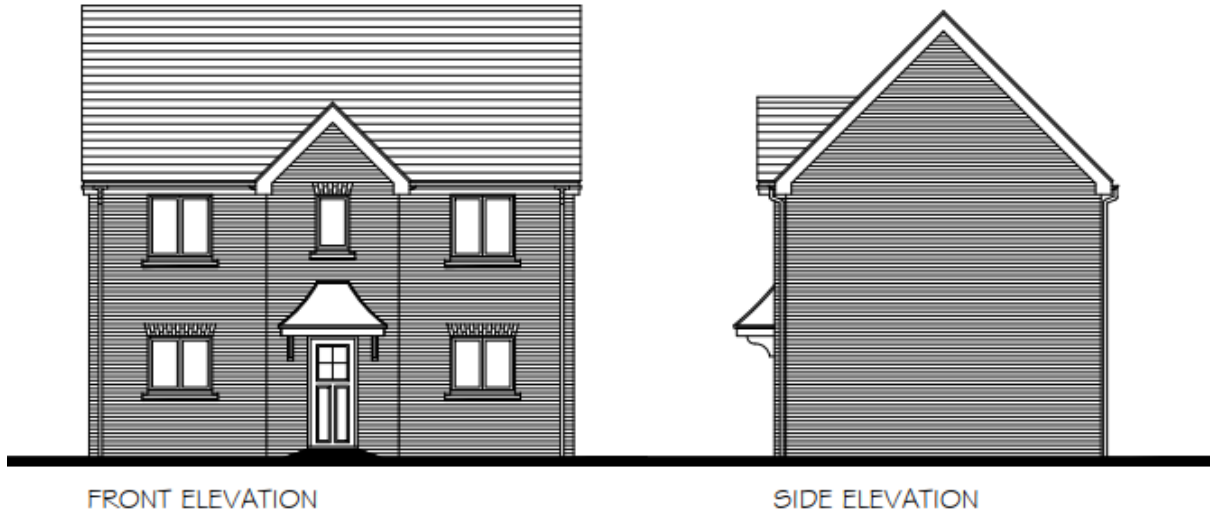
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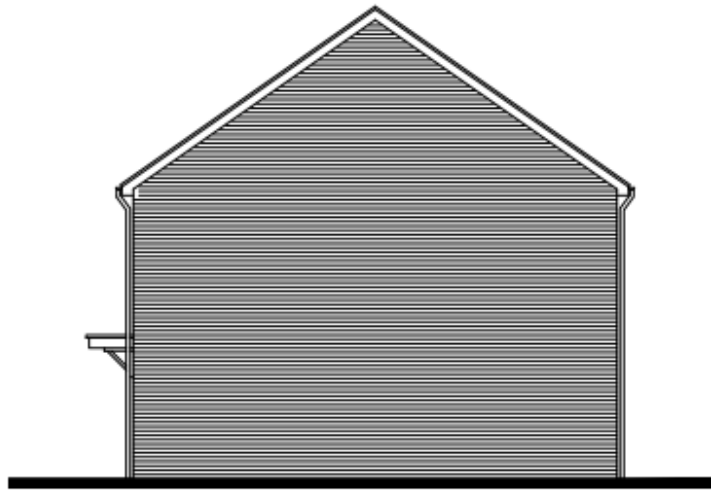
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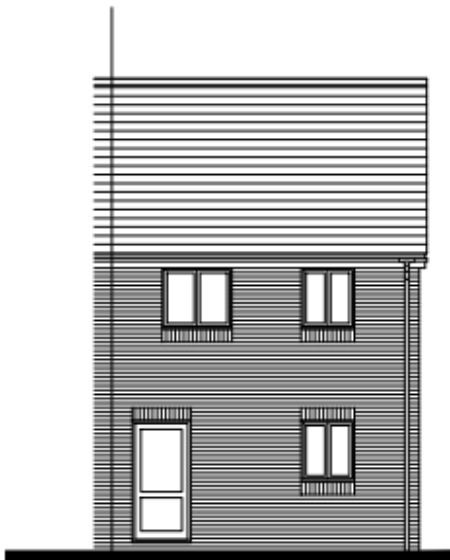
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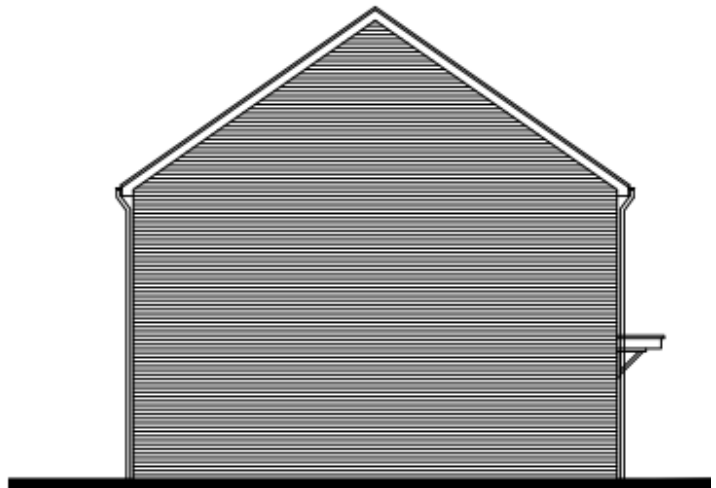
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Housetype AWM MAN



FRONT ELEVATION

SIDE ELEVATION



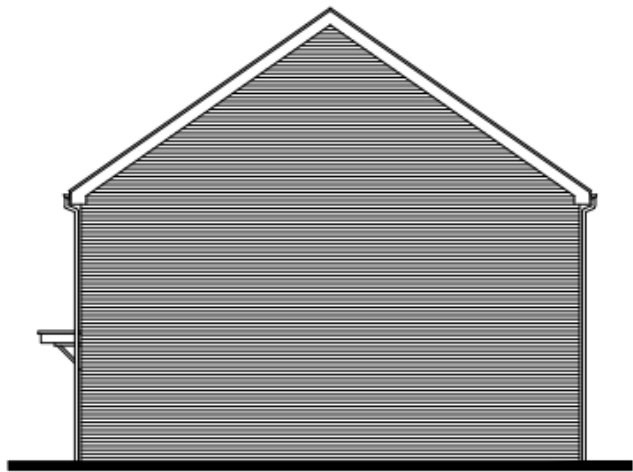
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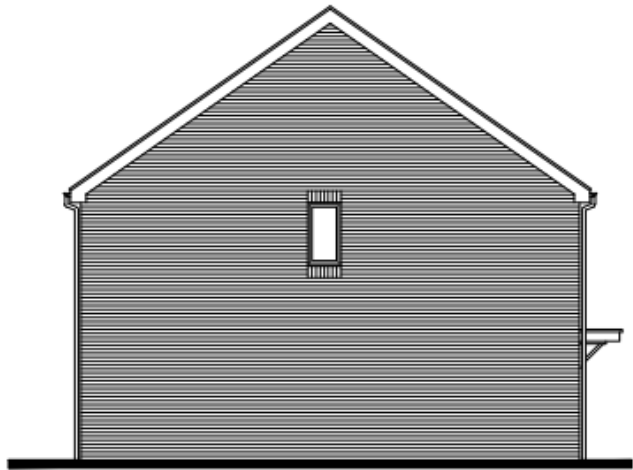
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SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Housetype AWM SUN



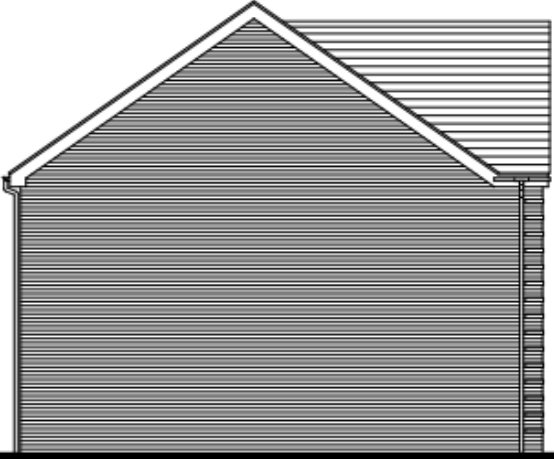
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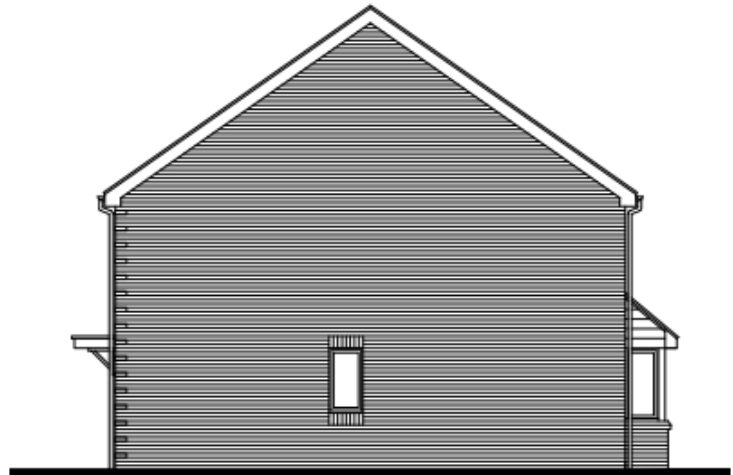


SIDE ELEVATION

Housetype AWM TUS



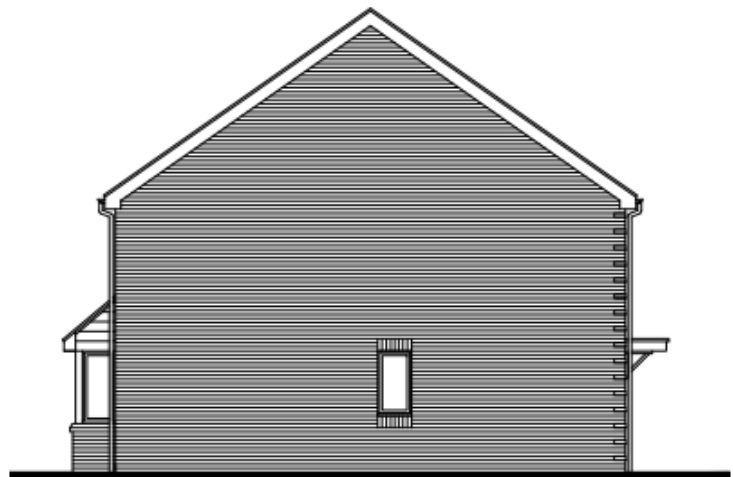
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REAR ELEVATION



SIDE ELEVATION

Housetype AWM VAL



Housetype AWM VER



Housetype BWM FL



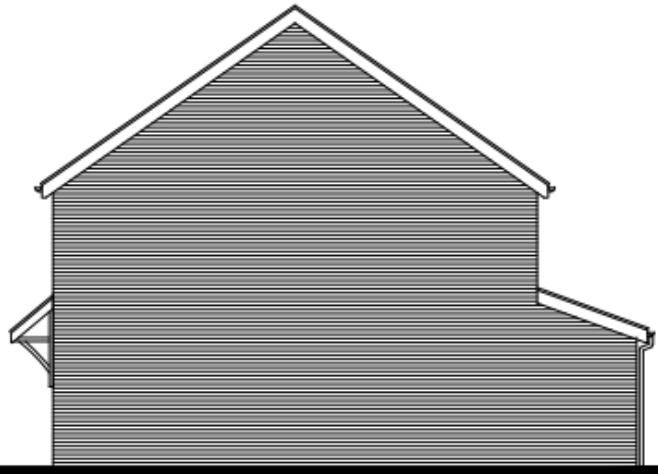
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Housetype BWM LO



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Housetype BWM MA



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

Housetype BWM SC



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

Housetype BWM TU



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

Housetype BWM CU

Glossary

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.

Guide to changes to the Use Classes Order in England

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)