

**Savills on behalf of Arbury Estate**

**Respondent ID: 106**

**Nuneaton & Bedworth Borough Plan Review MIQs**

**Matter 5 – Strategic and Non-Strategic Site Allocations**

**Issue 1: Strategic Policy SA1 – Development Principles on strategic sites**

**46. Are the requirements within requirement 1 justified? Is this requirement a duplication of the requirement in policies H5, BE3 and to some extent policies H1 and H2 and is there consistency between the policies on the matters covered by requirement 1?**

Requirement 1 of policy SA1 is unduly onerous. It states that residential development “must” meet a range of requirements including building standards for access and nationally described space standards.

To ensure that the policy is suitably justified against paragraph 35 of the NPPF, this should only be required with an appropriate caveat stating: “where possible”. This is required to ensure that the viability and practical delivery of development is not hindered by such development. Although such requirements are reasonable aspirations, they should not be strict requirements. There should be consideration for site specific circumstances. Examples include where a suitable proportion of access compliant dwellings may not be possible due to site topography or in the case of NDSS where smaller size, but better quality units are considered desirable by the market of home buyers / renters.

**47. Is it reasonable and justified for requirements 6 and 8 to require conservation/retention and enhancement or is more flexibility required with regard to enhancement?**

Requirement 8 of the policy states that: “existing high quality biodiversity features must be retained and enhanced”. This is unduly onerous. In stating that this requirement “must” be complied with, it does not allow for scenarios where such requirements are not appropriate.

It may be advantageous to remove even a small part of a high distinctiveness area as part of a holistic approach to development. For example, removing a small piece of such an area to provide a footpath for example, may provide public benefits which outweigh harm.

To ensure that the policy is suitably justified against paragraph 35 of the NPPF, therefore such requirements should only be required with an appropriate caveat related to it being “where possible”.

**48. Requirement 7 requires the protection of local wildlife sites. Is this approach justified and consistent with other policies in the Plan and with national policy?**

Requirement 7 of the policy which states that: “designated local wildlife sites will be protected” is unduly onerous. In stating that this requirement “must” be complied with, it does not allow for scenarios where such requirements are not appropriate.

It may be advantageous to remove part of a Local Wildlife Site (LWS) (or potential site LWS) as part of a holistic approach to development. For example, removing a small piece of such an area to provide a footpath or access road, may be necessary to provide public benefits which outweigh the proposed loss. Therefore, it is suggested that the words “will be retained where possible” and the word “protected” be deleted, in order to comply with paragraph 35 of the Framework.

### **51. Is requirement 15 justified by evidence?**

This requirement is not justified by suitable evidence. Following an initial review, there are multiple examples of employment areas with loading bays and car parks and less than 50m from residential properties throughout the Borough. It should be considered whether NBBC has received complaints from residents regarding these uses.

Proximity of loading bay is not necessarily the issue, if a suitable condition related to hours of operation is enforced. Also, rather than a focus on the size of buffer, consideration should also be given for the type of buffer provided and the operations that take place in the employment area. This is more likely to influence the level of impact on residential amenity, rather than the location of loading bays etc.

The policy requirement is also confusingly worded and is not clear whether reference is being made to both loading bays and car parks or just loading bays in relation to the 50m set back requirement. This should be clarified by NBBC to ensure that the policy is suitably justified against paragraph 35 of the NPPF.