PLANNING STATEMENT

OUTLINE PLANNING APPLICATION IN RELATION TO A SUSTAINABLE RESIDENTIAL DEVELOPMENT OF UP TO 300 HOUSES, OPEN SPACE, RELOCATION OF EXISTING NURSERY, ACCESS, DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED WORKS (RESUBMISSION)

AT

LAND AT PLOUGH HILL ROAD,
NUNEATON

SUBMITTED ON BEHALF OF

Plough Hill LLP

Date: January 2017
Ref: 12.113
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1. Introduction

1.1 This statement is written in support of an outline planning application for a sustainable residential development at Plough Hill Road, Nuneaton. The proposals are for up to 300 dwellings, of which 25% are to be affordable, open space, access and associated works. The proposals also include the relocation of an existing Nursery operating on the site to a location further north.

1.2 The proposal relates to land situated to the east of Plough Hill Road and extends up to The Shuntings. Immediately South of the proposed site, a proposal for up to 262 houses (reference 033156) has been granted permission having been reported to Committee in March 2015. In the light of the housing need in Nuneaton and Bedworth, and the recognition by the Council that this location is sustainable, this proposal is advanced in order to assist in meeting unmet housing need.

1.3 This application comprises a resubmission of application 033633 which originally proposed 350 houses on the site, subsequently reduced to 300 houses, refused contrary to the officer recommendation on 1st November 2016. The resubmission application seeks to address the reasons for refusal which relate solely to highway matters.

1.4 The following 2 sections of this document sets out both the site and project context. Reference is made to the particular characteristics of the application site and the background to development at Nuneaton.

1.5 Section 4 goes on to examine the relevant planning policy framework, including national, and local planning policy and guidance. In this instance the Development Plan for the area includes the saved policies of the 2004 Local Plan.

1.6 The case for the proposed development is set out fully in Section 5 of the document. It examines a number of key material planning considerations, which justify attributing significant weight to permitting development at this time.

1.7 These factors are summed up in the concluding section, number 6.

1.8 This statement should be read in conjunction with a range of other supporting
documents (both original and addendum reports) relating to environmental and other matters relevant to the development proposal:

- Agricultural Land Quality Assessment by Waterman Group
- Design and Access Statement prepared by BHB Architects
- Desk Based Archaeological Survey by CGMS
- Ecology Survey by Aspect
- Flood Risk Assessment and Watercourse Modelling by Waterman Group
- Ground Conditions Report by GRM
- Landscape and Visual Survey by Aspect
- Noise Assessment by Mayer Brown
- Services Report by Waterman Group
- Transport Assessment by Mayer Brown
- Tree Survey by Aspect

1.9 The earlier application was preceded by a Screening Opinion to establish that the proposals do not trigger a requirement for an Environmental Statement under the Environmental Impact Assessment Regulations. Given this proposal is for a lesser number of houses than originally screened the same conclusions can be reached in relation to the resubmission application. The earlier proposals were also the subject of pre application discussions with planning (Development Management and Policy) officers and statutory and non-statutory consultees, and the subject of a public exhibition. This resubmission has separately been the subject of pre-application discussions with Development Management Officers.
2. Site Characteristics

2.1 The application site is currently a largely undeveloped, contained parcel of land, within open countryside, with boundary trees and shrubs. Some of the land has historically been used as a golf centre. The site extends to an area of approximately 14.8 hectares.

2.2 The site contains a very small number of buildings arranged around a courtyard, containing businesses local to the area one of which is a nursery proposed for relocation within the site.

2.3 Levels within the site vary with various furrows and ridges; generally the land rises to the north and west, with a fall of approximately north to south and 14m west to east. The site includes 2 public footpaths running east and west. These, with other public routes (including The Shuntings running adjacent to the application site), cross the area and link the site with the main urban area of Nuneaton.

2.4 A number of trees are contained within the site, primarily on the boundaries, together with hedgerow and shrubs. There are no Tree Preservation Orders relating to the site.

2.5 The site contains one pond with an area of approximately 0.09 hectare.

2.6 In terms of ecological aspects, the site is arable with vegetation to the boundaries.

2.7 Plough Hill Road marks the western boundary of the site, the length of which is defined by mature hedgerow with intermittent mature trees. The eastern boundaries are lined by the former Stockingford Branch rail line, known as The Shuntings, which is now designated as a footpath and traffic free cycle route. This route is densely wooded providing a vegetated context and visual screen to the adjacent urban area.

2.8 The immediate surrounding site context is residential, with Galley Common to the immediate south, and Plough Hill Road with the associated ribbon development to the west.

2.9 Whilst the area to the south of the application site is presently open, this will in
due course be built up by residential properties when application 033156 is implemented.

2.10 The site is located broadly to the west of Nuneaton. Nuneaton is the largest urban area in the Borough’s administrative boundary and contains a significant range of shops, services and facilities serving more than the day to day needs of the local population.

2.11 Facilities local to the application site, and well within walking distance include a public house, beauty salon, children’s nursery and super market.

2.12 In addition, the site is served by public transport with bus stops located at south of Waggestaff Drive and outside of The Plough Inn. Service numbers 17A, 17B and 18 operate every 60 minutes at peak times and link the application site with Arley, Nuneton and Ansley.

2.12 A further analysis of the site and the surroundings is set out within the accompanying Design and Access Statement and separate Landscape Report both of which accompany the application.

3. Background
i) The NPPF Approach

3.1 The planning system has historically been a process of regulation of development with local planning authorities tasked with controlling and restricting development through their development control function.

3.2 In March 2012 the National Planning Policy Framework was published, which removed and replaced 25 Planning Policy Guidance Notes and Planning Policy Statements. The NPPF was preceded by various Ministerial Statements over a 3 year period. The purpose of the NPPF was to bring about a fundamental change in direction in the manner in which the planning process is administered. In strategic terms the process changed from one of control and restriction to a constructive, positive framework for delivering development.

3.3 As the foreword to the NPPF makes clear;

“…Sustainable development is about positive growth-making economic, environmental and social progress for this and future generations… the planning system is about helping to make this happen”

3.4 And furthermore;

“Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision”

3.5 The NPPF did not seek to change the statutory emphasis placed on Development Plans, but is seen as a significant material consideration to be weighed in the balance. Indeed, the NPPF is clear that even where Development Plans are adopted the weight to be placed upon policies should be considered in light of the consistency with the NPPF - the closer the consistency, the greater the weight that can be attributed.

3.6 Thus, consideration of development is now interwoven with the NPPF and the positive framework it sets out in seeking to deliver sustainable development.

3.7 A key plank of the Framework is the delivery of housing, both open market and affordable. Far greater emphasis is placed on the need to deliver a continual
supply of housing sites, 5 years’ worth with additional buffers dependant on previous performance. In circumstances where Councils are in the regrettable position of not maintaining an appropriate supply of housing land to deliver growth, a clear decision making protocol is set out within the NPPF which requires that development should be approved unless there are significant and demonstrable harms to outweigh the benefits that would arise from development. This is the planning balance referred to in planning decisions. It is important to recognise that the Secretary of State, and appeal Inspectors attribute significant or substantial benefit to the delivery of open market and, separately affordable housing when considering the planning balance.

3.8 It is also important to recognise that sustainable development, in respect of delivering housing, does not rely upon the absence of an appropriate supply of housing land. However, the absence of a 5 year supply of deliverable housing sites adds further weight to the support that should be given to housing development.

3.9 It is in this context, and the Borough Councils regrettable housing supply position that this application has been prepared in order to assist in delivering housing and ensure that both the Council and the development industry meet the NPPF requirement for achieving a 5 year supply of deliverable sites and delivering sustainable growth.

3.10 The application is submitted in outline format with access for determination. As is set out in the environmental and technical reports supporting the application, there are no issues which would cause the development not to be delivered, nor to be delayed in its delivery. There are no land ownership issues which would fetter the delivery of the site, and the site is viable including the provision of 25% affordable housing and a range of infrastructure contributions to mitigate the impact of the proposals.

3.11 The applicants intend on an early delivery of Reserved Matters in order to ensure that housing is delivered as early as possible in the next 5 year period. There are no significant offsite infrastructure works which would delay the construction of houses, it is anticipated therefore that in the event that outline planning permission were granted at the very end of 2015 early 2016, Reserved Matters would be submitted promptly and determined late 2016 and house building commencing in early 2017.
3.12 Thus, this site can make a meaningful contribution to the Council's housing supply both in absolute terms and in the next 5 years.

3.13 The applicants recognise that design and layout issues are a key planning consideration, however this application seeks only the principle of development and means of access to the site. The applicants have never the less prepared a thoroughly worked up illustrative Master Plan showing how 350 houses could be accommodate on the site, and in view of the illustrative Master Plan responding to all of the technical and environmental testing of the proposals as well as achieving good standards of design and layout, the applicants are encouraging the local authority to attach a condition to the grant of any outline planning permission requiring that the Reserved Matters is bought forward in substantial accordance with the outline application illustrative Master Plan.

ii) The Refused Planning Application (Reference 033633)

3.14 The previous planning application, reference 033633, was originally validated by the Council for the erection of up to 350 houses on 24th September 2015.

3.15 The application was accompanied by a number of technical and environmental reports assessing the impact of the proposals and compliance against policy.

3.16 Through the statutory consultation procedures on the application, a series of no objections were raised by statutory and non-statutory consultees including in relation to open space, ecology, landscape, services, archaeology, ground conditions, housing mix, affordable housing and general layout and design.

3.17 Concerns were raised in respect of flood risk and in this regard additional watercourse modelling was undertaken prior to determination of the previous application which resulted in those concerns falling away.

3.18 The key consideration in respect of the earlier application related to highway matters.

3.19 As submitted, the application proposed up to 350 houses and in order to deal with off-site highway issues a mini roundabout was proposed at the Plough Hill Road/Coleshill Road junction. The Highway Authority objected to this proposal,
citing inadequate visibility as a primary reason for objecting to the mini roundabout.

3.20 To address matters, the proposal was reduced to 300 units maximum, and the mini roundabout proposal dropped in favour of amendments to the existing priority junction. Through a series of traffic calming measures along Plough Hill Road and Coleshill Road, platooning was considered to be minimised such that queuing would be less prevalent on all arms of the junction. As a result the Highway Authority’s view was the proposals were consistent with policy.

3.21 On this basis the planning application was reported to Committee on 1st November 2016 with an Officer recommendation to approve.

3.22 This was following the reregistration of the application in light of the reduction from 350 to 300 houses maximum, the reregistration dated 31st August 2016.

3.23 The report to Committee contained a number of important considerations in respect of the previous application which are considered to apply with equal weight to this resubmission. In summary these include the following observations in the Committee report:

- In broad terms, the decision making approach is that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless other material considerations or adverse impacts indicate otherwise.
- The Council is currently in the process of preparing a Borough Plan with the Issues and Options submission consulted on in 2009 and further consultation yet to take place.
- In November 2013 the Council reported a 2.7 year housing land supply with a 20% buffer. In the later Tunnel Road appeal the Inspector noted that the housing supply situation is likely to be much worse than the Council have assessed due to the Council’s failure to address the needs of the housing market area rather than just its own needs. Applying the market wide SHMA figure of 9,900 new homes would push the Borough’s delivery housing supply lower. Whichever scenario is applied, the Council recognise that it does not have a five year supply of deliverable housing land and that this in itself is a matter which weighs significantly in favour of the application.
- In terms of highway safety, the reduction in the development site from
350 to 300 houses maximum leads to a considerable reduction in trips to and from the development. There is no substantiated reason for refusal on highway grounds.

- In terms of flooding, the site is located within Flood Zone 1 (low risk) and that subject to certainty regarding viable outfalls, especially in relation to the northern catchments the proposals are acceptable.
- In assessing the proposals, it has been established that there is a significant need for new housing within the Borough and that the Council does not have a five year land supply to meet that need; the development would therefore make a significant positive contribution towards meeting this housing need whilst also providing up to 75 new affordable homes.
- The assessment made concludes that there are no material reasons to refuse planning permission for the proposed development.

3.24 Despite this analysis, the application was refused on highway grounds as set out below:

“1. Paragraph 14 of the National Planning Policy Framework states: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen has as golden thread running through both plan-making and decision-taking. For decision-taking this means:
- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- Or, specific policies in this Framework indicate development should be restricted.

2. Paragraph 32 of the National Planning Policy Framework 2012 states:
- All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Plan and decisions should take account of whether:
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development;

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

3. Policy ENV14 of the Nuneaton & Bedworth Borough Local Plan 2006 states: The design and materials of all development should be of a high standard in keeping with the scale and character of the locality. All development should comply with Supplementary Planning Guidance and/or Supplementary Planning Documents produced by the Borough and County Council, where detailed guidance is considered necessary.

a) The proposal is contrary to these policies in that:

The increase in traffic movement at the junction of Plough Hill Road/Coleshill Road resulting from the proposed development would have a detrimental impact on highway safety. The residual cumulative impacts of the proposed development would be severed. There is also a lack of sustainable transport links which would not be addressed by the development. The proposed development would therefore have a severe, significant and detrimental impact on highway safety. (Contrary to paragraph 14 and 32 of the National Planning Policy Framework, Policy ENV14 of the Nuneaton and Bedworth Local Plan, Manual for Street 2007, and Warwickshire County Council’s Local Transport Plan 2011-2026)."

3.25 An appeal has been lodged against the refusal of planning permission, scheduled as Public Inquiry anticipated to be held in April 2017.

3.26 This resubmission seeks to demonstrate that the reasons for refusal have been addressed through further justification of the proposals and the Council are invited to approve the amended, resubmission application at the earliest opportunity.

3.27 In the event that this resubmission is approved, the applicant have confirmed that the current appeal will be withdrawn and no further action taken upon it.

4. Planning Policy
i) National Planning Policy

4.1 The National Planning Policy Framework was published in March 2012 and replaces all of the planning policy guidance notes and planning policy statements that were previously in force.

4.2 At the heart of the NPPF is a need to achieve sustainable development. Paragraph 7 makes clear that there are three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time; a social role supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and an environmental role contributing to protecting and enhancing our natural, built and historic environment.

4.3 Paragraph 14 goes further, stating that a golden thread running through both plan making and decision taking is a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the Development Plan without delay; and
- Where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or specific policies in the NPPF indicate that development that should be restricted.

4.4 Paragraph 17 sets out core planning principles which underpin both plan making and decision taking. These include, inter alia:

- Planning not simply being about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, and in so doing every effort should be made objectively to identify and then meet the
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housing, business and other development needs of an area, and respond positively to wider opportunities for growth;

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4.5 Turning to consider housing, Paragraph 47 requires the supply of housing to be significantly boosted. This includes providing sufficient sites for five years’ worth of housing against a Councils housing requirements, and in the case of persistent under performance, an additional buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land where there has been a record of persistent under-delivery.

4.6 Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.

4.7 In terms of decision taking, Paragraph 186 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development, whilst Paragraph 187 makes clear that Local Planning Authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

4.8 The Planning Practice Guidance is published as a ‘live’ working document, with regular updates as appropriate.

4.9 The PPG offers further detail land expands upon the NPPF policies whilst offering further guidance on key points such as design, determination of planning
applications, calculating housing supply and flood risk.

**ii) The Development Plan**

4.10 The importance of the Development Plan is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states:

"If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan, unless material considerations indicate otherwise".

4.11 The Development Plan includes the saved policies of the Local Plan.

4.12 The **Nuneaton & Bedworth Local Plan** was adopted in 2006. It was intended to set out land use policies and proposals for the Borough up to 2011. The plan was not intended to provide policies and deliver development post 2011 and consequently it is time expired.

4.13 Policies have been saved by Direction, however the Direction makes clear that the saving of policies does not indicate that policies would be adopted if put forward now for consideration; the saving of policies is also incumbent upon the early preparation of a replacement non-regulatory style plan.

4.14 The Local Plan was prepared in the context of the West Midlands Regional Planning Guidance and Warwickshire Structure Plan both of which has since been revoked.

4.15 In terms of policies of the Local Plan, policy H1 sets out sites that are allocated for residential development to meet the Borough’s housing need.

4.16 Policy H3 concerned with the delivery of affordable housing, and requires 25% of new housing to be affordable and meet the specific needs identified by the Borough on qualifying sites of over 15 dwellings/0.5 hectare site size.

4.17 All developments should achieve a mix of house types and sizes in accordance with policy H4, the Council will seek the provision of 10% of housing which is capable of adaption to meet the needs of people with disability and mobility problems in accordance with policy H5.
4.18 The Council will seek appropriate planning obligations to meet any increased demand for health, education, social/community, public transport services and facilities, sport and play facilities, public open spaces, nature conservation mitigation, compensation and enhancement measures that arise directly from the development in accordance with policy H6.

4.19 Golf course and driving ranges are addressed in policy R6. There is general support for new golf courses and facilities outside the Green Belt. Plough Hill Golf Centre (the subject of this application) is referenced as one of 3 private golf facilities in the Borough which are in addition to a number of golf courses in adjoining authorities whose catchment areas include the Borough. The Local Plan notes that there does not appear to be a demand for any new golf courses and indeed policy R7 permits the expansion of the existing golfing facility given concerns on the usefulness of the facility and its viability.

4.20 In Areas of Restraint, development will only be permitted where the development would not adversely affect the open character or appearance of the area, taking into account any possible cumulative effects in accordance with policy ENV2.

4.21 The overriding intention of Areas of Restraint is to protect their inherently open character because of the contribution they make to the character and structure of the towns. It is noted however that areas of restraint do not have the permanence of Green Belt, and the plan makes clear that in the unlikely event that the supply of housing or employment land identified in the plan fails to deliver land requirements the Council will consider the availability of land for future development. As set out above, this land supply position has now arisen in the Borough

4.22 In terms of rural and urban countryside policy, policy ENV3 sets our criteria for permissible development in the open countryside, the purpose being to protect the countryside from inappropriate development.

4.23 Policy ENV14 sets out requirements in respect of design. This makes it clear that the design and materials of all development should be of a high standard in keeping with the scale and character of the locality and all development should comply with Supplementary Planning Guidance and/or Supplementary Planning Documents.
4.24 Important hedgerows are to be retained in accordance with policy ENV16, whilst nature conservation issues are addressed in policy ENV17.

4.25 Transport Assessments are required to accompany the submission of planning applications in accordance with policy T3. Pedestrian and cycle access is a material consideration and is to be encouraged in accordance with policy T5, whilst public transport is an important component of development in accordance with policy T6. Car parking standards are set out at policy T10.
5. **The Case for Development of the site**

5.1 Having set out a description of the site and its context; proposed development; and provided commentary on the planning policy position the remainder of this statement sets out the case for redevelopment of the site.

5.2 It is considered that the proposals raise the following main issues;

- Sustainable Development Considerations;
- Housing Land requirements and supply
- Development within the countryside;
- General development considerations; and
- The planning balance.

5.3 These matters are addressed in turn below:

1) **Sustainable Development Considerations**

5.4 The NPPF, whilst as a whole being the Government’s view of what sustainable development comprises, sets out three dimensions to sustainable development in Paragraph 7. Paragraph 8 notes that they are not to be considered in isolation. The application proposal meets these three dimensions of sustainable development as follows.

5.5 The application proposals will perform an economic role by providing land for open market and affordable housing (at 25% provision), which expands the quality and choice in housing. The development of the site will provide jobs in construction, and the new occupants will provide increased levels of disposable income that will in part be spent locally supporting existing services and facilities.

5.6 Locally, house building will contribute to this economic growth, bringing local employment and local economic growth.

5.7 The Secretary of State reiterates the importance of house building to the economy in the appeals at Bishops Cleeve, Gloucestershire (APP/G1630/A/11/2146206 and APP/G1630/A/11/214635). Paragraph 23 of the decision states:
“The Secretary of State attaches significant weight to need to support economic growth through the planning system. He notes that between them both schemes offer some opportunities for employment and he also considers that the provision of housing itself contributes to economic growth”.

5.8 The site performs a social role by providing market and affordable housing to meet need and by providing contributions to improve social infrastructure.

5.9 The mix of accommodation contains houses for large and small families, whilst the provision of on-site affordable houses would provide homes for local people to further the aim of maintaining a balanced, mixed community.

5.10 An increase in population would reinforce and underpin the viability of local shops, services and facilities.

5.11 Thirdly, the development provides an environmental role by providing amenity areas for residents and protecting existing landscape features.

5.12 The application site is in a sustainable location. It is located immediately adjoining the built up area of Nuneaton. Nuneaton is the largest settlement in the Council’s administrative area.

5.13 The site is well served by a range of shops, services and facilities including education, shopping / retail, recreation / leisure, health / community and employment.

5.14 Manual for Streets sets out useful thresholds in respect of walking and cycling (which reflect the thresholds set out in the now superseded PPG13). Paragraph 74 to PPG13 referred to a 2 kilometre threshold for walking and Paragraph 75 to PPG13 set out a 5 kilometre threshold for cycling. Applying these thresholds to the application site demonstrates that many of these services are available by walking or cycling (as set out in the Transport Assessment accompanying the application). Contrary to the reasons for refusal, the site is well located to reduce reliance upon the private car.

5.15 All retained habitat features will be buffered from the proposed development. Although landscaping is reserved for future consideration, a landscaping scheme has the ability to enhance biodiversity through the incorporation of
locally native species wherever possible. This is confirmed in the ecological studies which accompanies the application.

5.16 The proposed development also provides a network of publicly accessible open spaces, providing access to a site adjoining public rights of way.

5.17 In conclusion, the appeal scheme is a sustainable form of development and meets the provisions of the NPPF in this regard.

5.18 In respect of decision making, Paragraph 197 to the NPPF directs that where a proposal is consistent with the NPPF the presumption in favour of sustainable development should apply. Paragraph 14 of the NPPF identifies that the presumption in favour of sustainable development should be seen as the golden thread running through plan making and decision taking.

2) Housing Land Requirements

5.19 The importance attributed to housing land supply is set out within the NPPF and PPG in terms of the principle of development.

5.20 Paragraph 49 to the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

5.21 Paragraph 17 to the Framework is clear that every effort should be made to objectively identify and then meet the housing needs of an area. The Development Plan should meet the full objectively assessed needs for market and affordable housing in accordance with Paragraph 47.

5.22 The acceptability of this proposal does not rely on there being a shortfall in the supply of deliverable housing sites. Recent appeal decisions at, for example, Whetstone (Land east of Springwell Lane, Whetstone, Leicestershire – Appeal Reference: APP/T2405/A/13/2193758) and Essington (Land off Elmwood Avenue, Essington, WV11 2DH Appeal Ref: APP/C3430/A/12/2189442), indicate that even where Councils have an adequate supply of housing land, development that is sustainable should not be rejected. Indeed in the Essington appeal the Inspector stated:

“The presumption in favour of sustainable development in the
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Framework is not reliant on the lack of a five year supply of housing land, and I note that the Inspector at a recent appeal at the former Baggeridge Brickworks accepted that there were sustainable development arguments supporting the proposed scheme despite the robust housing land supply figures”.

5.23 In this instance, and as set out above, the development is sustainable. It is located adjacent to Nuneaton, the largest settlement in the Borough.

5.24 In the earlier application, reference 033156 for land adjoining this application site, the Council confirmed they did not have a 5 year supply of housing land. The discussions at pre application stage confirms that this remains the case, as expressed in the report to Committee dated 1st November 2016.

5.25 The Council do not have an appropriate supply of housing to ensure full objectively assessed housing needs are being met, and this is a further consideration that weighs in favour of granting planning permission in accordance with Paragraph 49 to the Framework. Notwithstanding, as stated above, even where Councils have an adequate supply of housing land, development that is sustainable should not be rejected.

5.26 The Council have previously recognised in reports to committee that the absence of a 5 year supply of deliverable housing is a matter which in itself carries significant weight in favour of an application because it would improve the number of available houses in the Borough and thereby contribute towards resolving current housing land supply issues.

5.27 So far as the delivery of affordable housing, reports to committee have also supported the provision of 25% affordable provision, with the Councils Housing Strategy Team welcoming more affordable housing given that need in the Borough is well documented and there are very few affordable rented properties or shared equity properties in Nuneaton.

5.28 The presumption in favour of sustainable development applies and because the Council are regrettably below a 5 year housing supply, the Development Plan is out of date and silent on allocations to meet housing needs post - 2011, in accordance with Paragraph 14 of the Framework planning permission should only be refused if the Council can demonstrate that the adverse impacts of granting permission would significantly and demonstrably outweigh
the benefits derived from the proposal of delivering much market and affordable housing.

5.29 The remainder of this statement therefore considers whether there are any adverse impacts arising from the development, and if any adverse impacts are identified, whether these would be as significant as to demonstrably outweighing the benefits of delivering housing.

3) Development within the Countryside

5.30 The interpretation of Saved Local Plan Policy, which prevents any housing in the countryside, would be contrary to and inconsistent with the balance that is required in the NPPF. The policy is therefore out-of-date, and as such the Policy is to be given limited weight.

5.31 It is also to be noted that the supporting text to policy ENV3 dealing with development in the countryside, seeks to protect the countryside from inappropriate development. The NPPF does not seek to protect countryside; it only seeks to protect Green Belt. Consequently there is an inconsistency between local policy and the more recent NPPF.

5.32 The boundaries of the countryside, for the purposes of meeting housing requirements post 2011, are yet to be set. The boundaries are therefore due to be subject to an update. This is the consequence of an out of date Development Plan.

5.33 This proposal is for a small extension of the existing built form on the edge of Nuneaton. This application is supported by a Landscape and Visual Impact Assessment that concludes that the proposal, with the supporting landscape planting that is proposed, will not have a significantly adverse effect on the appearance and character of the wider landscape.

5.34 It is recognised that the application site is currently designated as an Area of Restraints. Policy ENV2 applies. However, the NPPF does not contain any such policy concerning Areas of Restraint and therefore policy ENV2 is not supported by, nor consistent with, the Framework.

5.35 Indeed, in a recent Local Plan Examination in Cherwell the Council promoted a green buffer policy (akin to an Area of Restraint). In examining the plan the
Inspector concluded that a Green Buffer policy was not justified on the basis that it added a layer of policy burden and that open countryside policy should provide sufficient guidance on the appropriateness or otherwise of development locations, but that the application of open countryside policy should have regard to the presumption in favour of sustainable development.

5.36 On this basis the Inspector in respect of the Cherwell examination struck out the Green Buffer policy.

5.37 The weight to be applied to the Area of Restraint policy's should be considered in this context, and indeed the Council were content to set aside the Area of Restraint policy in the context of the absence of a 5 year supply of deliverable housing sites in respect of the development immediately to the south of this application site, application reference 033156. It is also stated that the area of restraint policy expressly permits the restriction to be set aside where there is a deficiency in housing supply, as is the present case.

5.38 In terms of other issues, it is noted that the site includes for a golf centre. This is noted within the Local Plan as being a private facility.

5.39 The closure of the facility is perhaps not surprising, the Local Plan identified in 2004 that there were viability and usefulness concerns and it was on this basis that the Council sought to permit an expansion of the facility if it were to assist with the usefulness and viability of the golf centre.

5.40 The Council have not raised any issues with the loss of this facility at pre application stage nor in determining the previous application.

4) General Development Considerations

5.41 As set out earlier within this statement, the proposals have been the subject of environmental surveys and assessment in order to test the implications for development and ensure compliance with other parts of the Development Plan.

5.42 Separate reports are enclosed with the application and the proposals should be read in conjunction with these survey assessment reports.

5.43 For ease of reference these are summarised below:-
Transport Assessment

5.44 Mayer Brown have prepared a Transport Assessment to accompany the revised planning application. Mayer Brown were authors of the original Transport Assessment, which has been updated to address the reasons for refusal in respect of earlier application reference 033633 whilst also addressing issues raised when Members considered the earlier application.

5.45 The Transport Assessment demonstrates that the site is accessible by non-car travel modes with full integration with pedestrian and cycle networks and an existing bus service which stops adjacent to the site along Plough Hill Road at a frequency of one bus per hour. Furthermore, it has been identified that the development site is located within reasonable walking and cycling distance of local amenities including schools, food retail, and employment.

5.46 In this regard the site can properly be described as being locationally sustainable and therefore one of the two earlier reasons for refusal have been addressed through the evidence contained within the Transport Assessment.

5.47 The proposed development is forecast to generate 132 vehicle movements in the a.m. peak, 159 movements in the p.m. peak and 1,214 movements over 12 hours. Junction capacity assessments contained within the Transport Assessment indicate that the proposed new site access junctions will operate well within capacity for a design year of 2022.

5.48 Junction capacity assessments have been undertaken for Plough Hill Road/Coleshill Road; Coleshill Road/Laurel Drive; Hickman Road/Tunnel Road/Valley Road; Tunnel Road/Ansley Road/Arley Lane/Birmingham Road roundabout; and Ansley Road/Park Way junction. All junctions are forecast to operate within capacity for design year of 2022 aside from the junction of Plough Hill Road/Coleshill Road.

5.49 In terms of the Plough Hill Road/Coleshill Road junction, it has been demonstrated in the Transport Assessment that the 2022 baseline traffic flows, without development, currently exceed the capacity of the junction with queueing and delay experienced on Plough Hill Road, the minor arm of the junction. The Highway Authority have confirmed that they consider that the existing priority junction arrangement would be sufficient to accommodate the
proposed development traffic flows along with the baseline traffic flows subject to implementation of traffic calming measures and performance improvements proposed to the Plough Hill Road/Coleshill Road junction as part of the current and the Gladmans (committed) development.

5.50 The off-site highway improvements proposed as part of this application have been assessed in the context of the committed highway improvements as part of the approved Gladman scheme to the south and it has been confirmed that both traffic calming schemes are intended to integrate and operate in tandem, without any conflict between the two.

5.51 On this basis the proposals are considered to address the earlier reasons for refusal and are acceptable in all respects in relation to transport related matters.

**Landscape and Visual**

5.52 Aspect Landscape Planning Ltd has been appointed by applicant to undertake a landscape and visual impact assessment of the proposed residential development to land east of Plough Hill Road, Nuneaton.

5.53 The site is influenced by a number of factors: the undulating topography, the established vegetation cover, and the existing urban edges to the north, east and south.

5.54 In the wider context the hillside townscape present to both the north and south also exerts a heightened sense of place upon the character of the site.

5.55 Overall the landscape sensitivity of the site is considered to be medium.

5.56 The development would not result in the loss of any rare or unique features and represents an appropriate extension to the existing urban area, without compromising the wider rural setting of Nuneaton to the west. It is deemed that the development of the site in this location in combination with the considered design layout would not cause significant harm to the localised or wider receiving landscape character.

5.57 The development proposals, in conjunction with the consented Gladman development scheme, represent an ‘infill development’ and a logical
extension of the western urban fringe of Nuneaton which will not significantly harm the wider rural setting to the west. Plough Hill Road forms a robust and defensible edge to the development and wider urban area in this location, protecting the wider rural landscape to the west.

5.58 Overall this site specific assessment considers the application site to have a medium to high capacity for change with a medium sensitivity in terms of landscape character. The magnitude of change is considered to be medium providing a moderate significance of effect upon landscape character.

5.59 In terms of the visual environment, the application site is visually well contained within views from the north, east and west, due to intervening vegetation structures and principally the built form associated with the wider settlement edges of Nuneaton, which substantially limit the visibility of the site to views from the immediate locality, principally those from surrounding public footpaths.

5.60 Mitigation buffer planting is proposed along the southern perimeters to provide a robust development edge as well as providing visual amelioration from surrounding public rights of way.

5.61 Overall, and when applying professional judgment, it is considered that the development will generally have a significance effect of Moderate to Moderate / Minor upon the visual environment and that effects will be limited to the localised setting of the site. No reasons for refusal were previously offered in respect of landscape and visual matters.

Trees and Hedgerows

5.62 The Arboricultural Impact Assessment has been prepared by Aspect Arboriculture.

5.63 The proposals have been designed with the overall objective of achieving confident long-term retention of existing trees, particularly those of importance to the site’s amenity.

5.64 By design, the proposals accommodate the majority of the arboricultural features of the application area considered to be important to the future amenity of the site, and in facilitating the proposal’s integration within the
wider setting. This is considered practicable subject to future detailed design reflecting the need for temporary protection and mitigation for permanent development in close proximity to retained trees during construction.

5.65 In all instances, the tree survey has been undertaken visually, from ground level and from land on which access was permitted.

5.66 Category A tree cover consists of a single area of woodland (W1) located on the eastern boundary, considered to be of high arboricultural quality and value based on its collective merit.

5.67 Category B tree cover consists of T12 Rowan, T46, T69, T100, T112, T114, T115, T118, T122, T124, T132, T135 English Oak, T47, 98, T102, T133 Ash, T109 Lime; G1, G10 & G26: Located throughout the application area, generally representing the more established components of the tree cover, these trees and groups are considered to represent moderate arboricultural quality and value when considered either individually or on their collective merits.

5.68 All remaining tree cover is considered Category C representing generally unremarkable examples of their type.

5.69 Category U tree cover consists of T103, T105, T106, T119, T121, T123 Ash, T104, T130 English Oak & T127 Hawthorn within the application area are considered to warrant category U, on the grounds that they are in a state of terminal decline, and their early loss is anticipated in the current context.

5.70 The current proposals consist of the introduction of residential development, with associated roadways and access provision. Not including category U trees, the proposed layout in principle necessitates the removal of 96no.individual trees, 15no.groups of trees, 3no.hedgerows and the partial removal of 4no.groups of trees and one hedgerow. In summary, these removals predominantly comprise low quality ornamental plantings associated with Plough Hill Golf Centre.

5.71 It will be necessary to prune H4 and H17 to accommodate construction works in close proximity to the application area boundaries. Throughout the entire site, dead branches should be entirely removed from the canopies of retained trees.

5.72 There are 3no.areas within the site where the indicative layout necessitates
excavation under arboricultural supervision. There are 10no sections of proposed pedestrian footpaths which must be constructed above soil to prevent detriment to retained trees.

5.73 Trees recommended for removal can be mitigated for as part of a comprehensive scheme of soft landscaping. As part of this work it is also reasonable to presume opportunities for introducing specimen trees and structural planting to the site. No reasons for refusal were previously offered in relation to arboricultural matters.

Flood Risk Assessment

5.74 The site to be developed is identified as lying within Flood Zone 1 on the Environment Agency’s flood maps, land assessed as having an annual probability of flooding of less than 1 in 1000 (<0.1%).

5.75 Infiltration testing has not been carried out but a review of the underlying ground conditions within the general vicinity of the site would suggest that infiltration techniques are not feasible.

5.76 During the preliminary and detailed design of development sub-phases infiltration testing should be carried out to identify if localised infiltration techniques are feasible.

5.77 The surface water drainage system will follow the existing drainage principles for a “Greenfield” site using existing flow paths, but the drainage system serving the proposed development will be designed to attenuate up to 1 in 100 year + climate change rainfall events.

5.78 The proposal will be designed to ensure it does not increase flood risk up or downstream, of the site.

5.79 Following the submission of additional modelling no reasons for refusal were offered in relation to flood risk issues.

Archaeology

5.80 The assessment has established that there are no designated or non-designated heritage assets on the study site.
5.81 The designated heritage assets within 1km of the study site are screened from the site by intervening built development. Development on the site will not directly, or indirectly, impact on any designated heritage assets.

5.82 Based on recent archaeological investigation in the vicinity of the site and archaeological evidence from the search area, the rest of the site is considered to have a negligible/low potential for archaeological evidence of all periods.

5.83 In these circumstances, in compliance with NPPF, it is considered that the development would have no impact on the significance of any heritage assets and in this policy context, there should be no requirement for any further archaeological work. This approach was supported in determining the previous application.

**Ecology**

5.84 The site was surveyed in July 2014 based on extended Phase 1 methodology as recommended by Natural England. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species with specific survey undertaken in respect of bats and badger. Surveys were undertaken in the local area for Great Crested Newt in 2014.

5.85 There are two unconfirmed non-statutory designations of nature conservation interest located within the site. The Wooded Stream, Plough Hill Farm pLWS is located at the south of the site and the Galley Common Fields pLWS is located in the northern half of the site. The Galley Common Fields pLWS is currently cultivated arable land therefore the designation appears out of date. The Wooded Stream, Plough Hill Farm pLWS will be protected from any adverse effects of the development through an ecological buffer and management will ensure enhancements to the habitats.

5.86 The nearest statutory designation of nature conservation interest is Galley Common Local Nature Reserve (LNR), located approximately 0.5km south of the site.

5.87 No evidence of use by Badger was found within or adjacent to the site and therefore Badger do not pose a constraint to development.
5.88 Two buildings on site have low potential to support bat roosts and further surveys are underway to determine the presence/absence of bats. Eighteen trees on the site have the potential to support roosting bats. The majority of these will be retained under the proposals. Should any pruning or felling of retained trees with bat potential be required to facilitate development then a precautionary approach will be adopted, using ‘soft felling’ where appropriate.

5.89 Common birds may utilise habitats within the site, including trees, hedgerows and scrub, for nesting. As all wild birds receive protection whilst nesting, in order to avoid a potential offence, it is recommended that any clearance of nesting habitat be undertaken outside of the bird-nesting season.

5.90 Suitable reptile habitat is available in areas of rough grassland on the site. Should reptiles be present an appropriate mitigation strategy will be implemented to safeguard reptiles, whilst the scheme design incorporates suitable habitat to maintain the local conservation status of any reptile populations.

5.91 Based on the evidence obtained from detailed ecological survey work and with the implementation of the measures set out in the report, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be significantly harmed by the proposals. A number of net gains for biodiversity will be provided by the proposals, including wildflower grassland creation, wetland habitat creation and the provision of new bird nesting and bat roosting opportunities. No objections were raised regarding ecology in the processing of the previous application.

3) The Planning Balance

5.92 In assessing the proposals it is necessary to assess any adverse impacts against positive benefits that the development will produce in the light of current national and local planning policy.

5.93 Considering firstly whether there are any adverse impacts to arise from the development, the proposals have been the subject of thorough environmental and technical testing. This work indicates that subject to mitigation, there will
be no adverse impacts in respect of Transport, Trees, Flood Risk and Ecology.

5.94 Minor adverse impacts are identified respect of Landscape and Visual harm.

5.95 So far as social infrastructure/capacity of services, the applicant proposes a section 106 agreement to mitigate the impact of development. The proposals are therefore neutral in this regard.

5.96 In contrast, turning to the benefits to arise from this proposal, these are significant.

5.97 Firstly, the provision of much needed, immediately delivered market and affordable housing is a significant plank of the Framework and are two key benefits to arise from these proposals.

5.98 Numerous Inspectors’ on appeal have had significant regard to housing (open market and affordable) delivery in respect of the planning balance, these comprise two benefits arising from this proposal.

5.99 Secondly, the proposals will support the three dimensions to sustainable development, as set out at Paragraph 7 to the Framework as follows:

- An economic role – the scheme will contribute to a growing village economy, by ensuring that the well located site is of the right type and place improving the existing infrastructure at this part of Nuneaton.

- A social role – the scheme will support an existing strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality environment, with accessible local services that reflect community’s needs and support its health, social and cultural well-being.

- An environmental role – the scheme will contribute to protecting, enhancing and replicating where possible the existing built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change.

5.100 Thirdly, the proposals will provide for biodiversity enhancement. This is explained within the accompanying ecological surveys, mitigation and
recommendations which identify enhancements to landscaping and native species planting, ephemeral wetland features, bird and bat boxes among others.

5.101 Fourthly, significant areas of publicly accessible open space are to be provided on site. These will be available not only for future occupiers of the application site, but also the wider community. This is a benefit which would not otherwise arise and weighs in the planning balance.

5.102 Fifthly, the Transport Assessment provides for mitigation for this proposal. The mitigation will improve traffic conditions in the locality of Coleshill Road and Plough Hill Road with the provision of a mini round-a-bout.

5.103 These benefits are both wide ranging and substantial. The harm that has been identified is considered to be minor. The harm would not be significant and would not demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole.

5.104 The proposal must be considered in the context of the Framework’s presumption in favour of sustainable development. Not only do the adverse impacts fail to significantly and demonstrably outweigh the benefits of the proposal, but the benefits significantly and demonstrably outweigh the minor adverse impacts.

5.105 Consequently, the clear planning balance is in favour of permitting the development proposed as amended from the previous refused application.
6. Conclusions

6.1 This report has set out a description of the site and has provided a summary of the development proposed. Consideration has also been given to the previous refused application for the site.

6.2 The key aspects of the Development Plan and other planning policy have been set out, together with the important provisions of statute in terms of the weight to be attributed to policy and other material considerations.

6.3 The principle of development has been assessed in relation to a range of issues. An assessment has been made as to whether the proposals comprise sustainable development. The conclusion reached is that this is sustainable development. The development requirements for the Borough have been set out; and it is shown that the Council are regrettably falling short on their 5 year housing supply. Consideration has been given to the appropriateness of the development at Nuneaton and a review has been undertaken as to whether the application site is suitable for residential development in the context of being a site located outside the settlement limits.

6.4 A range of technical and environmental assessments have been undertaken to support the proposals and these are summarised in this statement.

6.5 The planning balance has been set out in the context of paragraph 14 of the NPPF and the clear weight is in favour of the proposals.

6.6 In these terms it is concluded that the principle and detail of development is entirely acceptable and the Council are respectfully requested to support this proposal, and grant planning permission subject to safeguarding conditions and a Section 106 agreement.