



Appeal Decision

Inquiry held on 17- 19 January 2012

Site visit made on 20 January 2012

by D G Hollis BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 February 2012

Appeal Ref: APP/W3710/A/11/2160148

land off Church Lane and Weddington Road, Nuneaton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 030775, dated 3 March 2011, was refused by notice dated 17 August 2011.
 - The development proposed is "*development of land for up to 326 dwellings including a GP Surgery and associated open space and landscaping*".
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Decision

1. For the reasons given below, the appeal is allowed subject to the conditions and Unilateral Undertakings listed in the Formal Decision.

Preliminary matters

2. Although the Council refused planning permission for the proposed development, in a letter dated 23 November 2011, the Planning Inspectorate was informed that the Council had resolved to withdraw their reason for refusal, would no longer give evidence at the Inquiry and the Rule 6 Statement was withdrawn. The Council's position was based upon an appeal decision by an Inspector at Grove Lane, Keresley (Ref. APP/W3710/A/11/2153247) in which it was found the Council could not demonstrate a 5 year supply of housing land.
3. It was said that as required by Government advice, the Council had reviewed the situation and decided to agree an interim development target of 1.5% economic growth which would need the provision of some 7,900 dwellings to be built in the Borough up to 2028; that position would apply until the adoption of the Borough Plan. As a 5 year supply of housing land could not be demonstrated in accordance with the Government's Planning Policy Statement 3 (PPG3), the objection to the current scheme was withdrawn.
4. Whilst it was possible for the appellants to have withdrawn this appeal, they decided that a quicker decision would be obtained by way of the Planning Inspectorate's appeal system rather than submitting a new planning application to the Council. In all of these circumstances, the Council offered no evidence and only presented their two witnesses in order to answer any questions from objectors.

Main Issue

5. Having visited the appeal site and locality, as well as given consideration to the written representations and evidence presented to me at the Inquiry, I have concluded there are two main issues. Firstly, whether there is a proper basis for making additional housing provision in the light of the progress of the Council's latest Borough Plan proposals and Government advice in Planning Policy Statement 3, particular in respect of a 5 year supply of housing land. Secondly, whether the proposed development would cause significant harm to the character and appearance of the locality and that the scheme would be acceptable in terms of transportation, air quality and flooding and provides a sustainable form of community.

Reasons

6. The Development Plan for Nuneaton and Bedworth Borough consists of a Local Plan adopted in 2006. That had been the subject of public consultation and a Local Plan Inquiry, with the Inspector's Report in 2003; a Modification Inquiry was held in 2005. The latter Inspector's Report had found that the current appeal land was in effect a breathing space between the wider open countryside beyond the former railway line (now Weddington Country Walk) and of only moderate value to the setting of the town. Most of the current appeal site was designated as an Area of Countryside under Policy ENV3; an area in the south west of the appeal land and near the River Anker was designated as an Area of Restraint under Policy ENV2.
7. In a letter from the then Government Regional Office for the West Midlands a direction was made that certain policies of the Local Plan should be saved; the saved policies included Policies ENV2 and 3. Policy ENV2 is intended to protect the inherently open characteristics of such areas by maintaining existing agricultural or recreational uses. Policy ENV 3 states that development of such land will only be allowed if there is a demonstrable need which cannot be met from within the urban area and subject to other criteria.
8. The Council produced a Core Strategy for development in 2006, as well as consultations upon an Issues and Options document, with the intention of producing a new Borough Plan. At the Inquiry, I was informed by Council Officers that the Preferred Options Core Strategy would be published in 2012 and it was hoped adoption of the Borough Plan would be in 2013-2014. The Council were committed to an inclusive approach and local communities would be engaged in the Plan making process.
9. Although the Regional Strategy Statement for the West Midlands 2008 is still extant, it is likely that the Localism Act will shortly revoke that Strategy. Government advice is that Local Authorities may choose to retain the housing targets within the Regional Strategy for plan making purposes or to review those targets. The Borough Council have resolved upon the latter approach and set a figure of 7,900 dwellings for the period 2010-2028 with an annual housing target of 445 dwellings each year. At the Inquiry, I was informed that all political groups were represented in a Working Party that considered the Council's approach to future housing and economic targets.

Provision of a 5 year supply of housing land

10. I now turn to the first of the main issues that I have identified; that is whether the Council is able provide a 5 year supply of housing land in accordance with the advice in PPS3. Government advice in PPG3 makes it very clear that the objective of Planning Authorities should be to provide a flexible supply of land for housing; strategies should identify land that enables a continuous delivery of housing for at least 15 years from the date of adoption. Such land should be deliverable for the first 5 years; such identified land should be available now, suitable to create sustainable, mixed communities and there is a reasonable prospect of the housing being delivered within the 5 years. The supply of land should be managed to ensure a continuous 5 year supply of deliverable sites. Perhaps crucially for the current appeal, paragraph 71 of PPS3 states that favourable consideration should be given to planning applications for housing where a Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites. That approach is of course subject to the advice in paragraph 69 of PPS3 and I return to those criteria later in this letter.
11. When the Inspector determining the appeal at Keresley made his decision, he assessed that the Council only had a 4.6 year supply of housing land available at that time. For the purposes of the current appeal, the Council and the appellants have jointly reviewed the supply of housing and both found an even larger gap in the figures than estimated by the previous Inspector. Based upon the Council's interim annual housing figures of 445 dwellings each year, there is a need to identify a 5 year supply of deliverable sites that would accommodate 2,225 dwellings. The base date used for the calculations was April 2011 because that was when the figures for both supply and completions were available. There is a difference between the Council's figures and those for the appellants which is due to the Council extending the period to enable there to be a more up-to-date search for additional available sites; they could not include figures for completions because they are not yet available.
12. I have given this issue very careful thought and in common with the previous Inspector, I suggest both the Council and the appellants' figures are flawed. Whereas the appellants estimate there is only a 2.75 year supply, that is based upon out-of-date information; the Council's figures, whilst being more up-to-date at 3.39 years supply, do not include completions and so cannot be a true reflection of the current position. This situation was criticised by the witness for the Friends of the Earth at the Inquiry. Furthermore, those figures do not include the additional 20% flexibility advocated in the Government's draft National Planning Policy Framework document. However, based upon this evidence, it seems to me that whichever figure one takes, there is an even clearer indication that the Council is correct in accepting they do not have an adequate deliverable supply of housing land.
13. In their evidence, the residents group SWORD accept that the Council do not have an up-to-date Local Plan and support the views of the National Home Builders Federation that in such circumstances, the default position should be approval of sustainable development. It was also accepted that there is an even more pressing case to look favourably upon the current appeal due to the lack of an acceptable level of housing land supply. However, SWORD also sought to invoke the provisions of the Localism Act to question the basis for the overall housing figures, as well the current economic situation, the number of homes standing empty, for sale or to let within the Borough. But the fact that

privately owned homes stand empty does not necessarily mean they are available for use now. I received no evidence of such availability. It was also suggested that it was premature to set a housing supply figure in advance of the adoption of a new Borough Plan. Friends of the Earth also made similar points, but also suggested there is currently a healthy flow of planning applications for development, planning permissions were being given for redevelopment schemes and other areas were likely to be developed. The Council's economic growth rate of 1.5% and the resulting housing supply need was quite impractical bearing in mind the national economic situation.

14. I do acknowledge the clear and genuine concern of those persons who gave evidence to oppose the development of the appeal land and the supply figures produced by the appellants and the Council. But I must determine this appeal upon the facts and evidence presented to me. The figures, assessments and suggestions as to the provision for housing supply land provided by SWORD and Friends of the Earth did not convince me that there is a genuine, clear, and importantly, a deliverable 5 year supply of land at this time, within the Borough. Indeed, many of the assertions made by contributors to the Inquiry were anecdotal rather than based upon fact; other contributions were matters of opinion or personal judgement.
15. I have noted the suggestion that to permit the current scheme would be premature in advance of the adoption of the new Borough Plan. Bearing in mind that the earliest time estimated for adoption is 2013/14 and the advice given in the Government's PPS3, I do not accept such an argument is sustainable in the light of the need for a deliverable 5 year supply of housing land now. In all of these circumstances, I have concluded that there is a proper basis for considering additional housing provision on the appeal site and evidence has shown there is a demonstrable need for additional housing in the terms of the requirements of Policy ENV3.

Character and appearance

16. I now turn to my second issue. The appeal site is mostly designated under Policy ENV3 of the Local Plan; the land designated under Policy ENV2 would not be part of the area for the new housing. As I have found there is a demonstrable need for additional housing in accordance with criterion (i) of ENV3, it is now necessary to assess the effect of any new housing upon the character and appearance of the area.
17. There is no doubt in my mind that the proposed development would change the appearance of the locality; it would change from an open field to a housing estate, albeit with provisions for open spaces, retention of existing trees, walkways and the existing bridleway that links Church Lane with the Weddington Country Walk. However, the current proposal is an outline scheme and the precise layout and design would be able to be controlled by the Council when the detailed scheme is submitted in accordance with conditions that I am able to impose.
18. When the Inspector assessing the Local Plan submitted his Report, he suggested that the appeal land be excluded from Policy ENV2 restraint and limited by the less onerous criteria of Policy ENV3. Furthermore, the 2004 Inspector's Report stated that "The site is visually contained and that no physical constraints appear insurmountable ... any review of housing ... should present the opportunity for the sites merits to be more fully and precisely

- considered in the light of identified housing requirements at the time". The 2006 Inspector's Report considered the redundant railway embankment provided a gateway on Weddington Road and that "... the fields on either side are more of a breathing space of only moderate value to the setting of the town". Perhaps the most forthright comment from the same Inspector was that "Because the railway embankment and the built-up edge of Weddington are such strong, parallel linear features in both horizontal and vertical planes, the area between them adds little, if anything, to the value of the green wedge as a positive contribution to the structure and character of the area". Even the Council's Strategic Housing Land Availability Assessment (SHLAA) Report of 2009 suggested that Church Fields could contribute to the creation of a sustainable, mixed community and would create a new entrance to the town.
19. Having carefully considered the appearance and character of the appeal site, I concur with the previous Inspectors' Reports and that of the Council in 2009. Given the location of the elevated embankment of Weddington Country Walk, the A444 Weddington Road and the edge of the existing urban area, there is a well defined and almost enclosed area of land that is quite different in character to the open fields and areas that form the valley along the River Anker and the localities beyond the embankment.
20. I note that the witness for SWORD concluded that Policy ENV3 was a "relic". However, the Local Plan 2006 and its "saved" policies, including Policies ENV2 and 3, is currently the Development Plan for the area and as such were accepted by that witness at the Inquiry. Other evidence given by SWORD seems to complain of the lack of any active management protection or improvement of the land. But as this is privately owned land, I am not sure what the objectors expect the Council to do. The quotation given by SWORD from PPS1 relates to positive policies on design, conservation and public spaces. However, whether Policy ENV3 is proper or adequate in its provisions, it is still the adopted policy designation for the appeal site, with Policy ENV2 only affecting that area of the appeal land that would not contain new housing. I have to say that I did not find the evidence given by SWORD, or indeed by the witness for Friends of the Earth to be convincing in respect of this issue.
21. I also listened carefully to the submissions made to me at the Inquiry, and in written representations, by local people and other interested persons. I could not but be impressed by the passionate and deeply held views expressed; one resident had the Inquiry spellbound by her submissions. However, I have to balance those opinions against the evidence I have received regarding the demonstrable need for additional housing and my own assessment of the local landscape. Given the Council's ability at detailed stage to protect the setting of St James Church, the bridleway and the edge of the urban area, I have concluded that significant harm would not be caused to the character and appearance of the locality by permitting the proposed development. Therefore, the current proposals would in my estimation accord with criterion (i) of Policy ENV3.

Transportation

22. The appellants commissioned a Transport Assessment (TA) and Travel Plan (TP) in order to assess the effect of traffic flows likely to be generated by the new dwellings on the Weddington Road and into the Leicester Road Gyratory System near the town centre. The Council did not seek to oppose those documents and they were also accepted by the Warwickshire County Council as

Highway Authority, as well as by the Highways Agency. The TA indicated that the effect of any increase in traffic flows upon both Weddington Road and the Gyratory System would be marginal. Whilst the TA was not able to take account of the recent planning permission for the MIRA development, the estimated increase in the peak morning hour was said to amount to an extra 24 vehicles.

23. To try to improve transportation issues, the appellants are proposing a legal agreement to provide a total of £400,000 over 5 years for an improved and extended bus service along Weddington Road and into the appeal site; that would also be able to serve patients visiting the proposed GP Surgery. Furthermore, as part of the MIRA permission, additional bus services would be provided along Weddington Road in perpetuity. The appellants suggested that the Nuneaton Railway Station would be within walking distance of the bus service; there would also be a new 3 metre footway along the boundary of the appeal site with Weddington Road and links to the National Cycle Route 52. As far as accidents are concerned, the Highway Authority have produced evidence that contrary to the assertion by SWORD that Weddington Road is an accident black spot, only one slight accident has occurred since January 2006; that is below the national average.
24. During my time in Nuneaton, I was able to carry out observations of the traffic flows along Weddington Road and around the Gyratory System. Whilst accepting that the later is not the most convenient or attractive traffic system, from my observations it did seem to work. I found some congestion, but not sufficient to involve more than a few minutes delay. However, regardless of my own observations, the appellants TA is based upon a computation model used nationally by the Highways Agency for assessing and planning highway networks and by Local Authorities. Whilst both SWORD and the Friends of the Earth questioned that modelling, I was given no relevant or significant evidence to cast doubt on the conclusions of the TA. The effects of the MIRA development would again appear to have only a marginal effect upon traffic flows in Nuneaton, but does have the benefit of bringing additional bus services to Weddington.
25. I note the comments from SWORD relating to the location of the new roundabout junction onto Weddington Road, but again that design is based upon national design standards and has been accepted by the Highways Authority. During my site visit, I paid particular attention to the bends in the existing highway and have to say that I disagree with the contention that they are so close to the new junction that there would be significant highway dangers. Whilst I accept that to cycle to the town centre would not be along the best of routes for that form of transport, in overall terms and based on the evidence given to me, I do not find the proposed transportation arrangements to be unacceptable. In reaching that conclusion, I have borne in mind that the Highway Authority and Highways Agency have accepted the schemes, and I am able to impose conditions and accept legal agreements to enforce the proposals. In all of these circumstances, I am satisfied that the transportation issue should not be a basis for opposing the development scheme.

Air Quality

26. In response to comments made by SWORD and Friends of the Earth, the appellants' submitted evidence relating to air quality based upon the requirements of the Environment Act 1995 which requires Local Authorities to

review and assess air quality in their particular locality. Two Air Quality Management Areas have been identified by the Council; one relates to the Leicester Road Gyratory System. The evidence also provided for the requirements of the European Union Directive on ambient air quality and the National Air Quality Standards Regulations 2010. However, the Council have accepted that their continuous monitoring station suffered problems and whilst it has now been rectified, the statistics cannot be relied upon; the Council have had to rely upon CO₂ diffusion tubes to provide checks. Therefore the appellants carried out sensitivity tests that were able to provide a conservative, upper range estimate of traffic using the Gyratory System. The conclusions found there would be no breaches of air quality.

27. In an e-mail dated 19 July 2011, the Council's Environmental Health Officer confirmed her acceptance of the proposed development in terms of the effect upon air quality. It is true that the Officer also suggested an Independent Consultant check in the event of planning permission being granted, but she did not oppose the housing scheme. Accordingly, the Council did not oppose the proposed development on that basis.
28. Whilst I acknowledge the concerns of SWORD and Friends of the Earth, I have received no conclusive evidence that shows the effects of the likely increase in traffic generated by the new development would cause a significant rise in pollution levels. The suggestion that the traffic modelling was flawed, with unrealistic speeds has been accounted for within the appellants nationally accepted modelling system. I have noted the refusal of planning permission by the Council on air quality grounds in respect of a different site, but I am not convinced that is a relevant basis for opposing the current scheme.

Flooding and Drainage

29. As part of the development proposals, the appellants intend to create a balancing pond for surface water drainage in the south west part of the site near to the River Anker. The intention is that in periods of excessive run-off of surface water from the new estate, the pond would be able to receive storm water and only release it back gradually into the River Anker. That scheme would increase the floodplain storage by between 10-20% and deliver flood risk betterment for the site. The scheme has been produced following a full Flood Risk Assessment; that assessment shows that all new dwellings and associated infrastructure would be outside the 1:100 and 1:1000 year fluvial floodplain, as well as being in an area designated as Flood Zone 1. Such an area is in terms of the Government's PPS25, within the lowest category of flood risk probability. The Environment Agency, the Land Drainage Authority and Severn Trent Water have all been consulted and raised no objections.
30. It seems to me that the current scheme has directed development to the most suitable locality in terms of a sequential test for localised flooding and sought to improve the situation by providing a storage area for flood water in the lower part of the land. I was informed that the Environment Agency maps do not currently allow for the effects of any climate change, but that their assessments and consequent comments do allow for such issues. I note the comments of objectors in respect of foul water pumping arrangements from the site, but that is a common method of disposal and I am not convinced that is a basis for opposing this proposal. It is true that a small part of the site would be raised to avoid any flooding from any adjacent ditch, but that would be the

subject of detailed consideration by the Council under the terms of conditions I am able to impose.

31. Finally, I mention the issues of retention of the ridge and furrow features of the land and the existence of Dugdale Design Field Drains; the latter was mentioned in written representations by SWORD. From evidence that I have from the Warwickshire Museum Service that gives advice on County archaeological matters, there are many such features both locally and within the County; accordingly, the archaeological evidence I have from Warwickshire County Council is that there is no need to retain such features. Based upon evidence presented to me, I do not accept there is a basis for opposing the proposed development on the ground of flooding and drainage issues.

Provision of a sustainable community

32. This aspect of my assessment of the appellants' scheme brings together several of the matters I have already mentioned. It is my conclusion that the appellants proposals to avoid flooding problems, proper foul drainage, linking the site to the town centre by way of an enhanced bus service, avoiding significant effects upon highway congestion and consequent air quality levels does indicate to me that the new development would provide a sustainable community. It is also a fact that the new housing would not be on the Area of Restraint designated under Policy ENV2; it would be upon land which appears to me to have been regarded by previous Inspectors as land that could take additional housing in the event of a demonstrable need being found. On the basis of my finding that there is a significant lack of adequate housing land supply, I have found there is a demonstrable need in terms of Policy ENV3. Having considered the question of character and appearance of the locality, I have found the proposed development would not cause significant harm to the locality and would comply with the criteria of Policy ENV3.
33. Furthermore, the appellants have offered to provide land upon which a new GP Surgery for up to four doctors could be created at the entrance to the estate and close to the bus link. Such facilities would be of benefit to existing local residents, as well as the occupants of the new housing. The scheme would also include 25% of affordable homes, open space and the creation of a country park on land to the south west and within the setting of the River Anker. These matters are able to be included as planning conditions or as part of the appellants' signed legal agreements.

Conditions and Unilateral Undertakings

34. As well as assessing the proposed development, it is incumbent upon me to review the list of planning conditions agreed between the Council and the appellants.
35. Condition 1 is necessary to ensure the full details of the development are submitted for approval by the Council. Conditions 2 and 3 are statutory requirements, however, I intend to amend condition 2 in order to require all reserved matters to be submitted within the 3 year limit in order and thereby prevent the extension of the period in accordance with the objectives of the statutory requirements. I do not consider condition 4 to be necessary as such areas would form part of the approval of details under condition 1. Condition 5 is needed in the interests of visual amenity and conditions 6 and 7 imposed in order to provide proper surface water drainage. Condition 8 would prevent

pollution and condition 9 is needed in the interests of visual amenity and creation of wildlife habitats. I have included the objectives of the first part of condition 10 within condition 9; the second part of condition 10 has been retained in the interests of visual amenity. Condition 11 is necessary to protect natural features, condition 12 for wildlife interests and condition 13 would prevent undue exposure of new residents to noise levels at appropriate parts of the site.

36. Conditions 14 and 15 are needed in terms of highway improvements, safety and transportation. Condition 16 is necessary to provide proper car parking, cycling and drainage facilities; condition 17 would ensure the retention of the land to the south west of the site free from housing as a country park. Condition 18 would provide the necessary details of site and floor levels in the interests of visual amenity and condition 19 is required under policies of the Local Plan. Condition 20 is needed in the interests of visual amenity, condition 21 is in the interests of highway safety and condition 22 is in the interests of the proper living environment for new residents. Condition 23 ensures the detailed submissions are based upon the details and assessments that provided the basis for consideration of the development proposals. A number of informatives were suggested, but as they are able to be controlled under other legislation, I do not consider it is necessary to repeat them in this decision letter.
37. I was asked by interested parties to impose a condition to ensure the enhanced bus service would be provided when the GP Surgery is in operation. It is my conclusion that such a condition would not be necessary bearing in mind other conditions and the legal undertakings. I was also asked to impose a condition requiring additional car parking at the Church for use by the public when gaining access to the bridleway and Weddington Country Walk. It is my assessment that it would be quite unlikely that the new residents of the estate would drive from their homes and park at the Church car park; it is more likely they would walk from their homes along the pedestrian links in the new development to reach the bridleway. Therefore it would not be a proper use of a planning condition to remedy any deficiencies in existing car parking provision that is not due to the effects of the permitted development scheme.
38. I now turn to the submitted Unilateral Undertakings in respect of payments for additional school places, open space, play areas, affordable housing, primary healthcare site (GP Surgery), transfer of open space land to the Council, highway improvements, public transport contributions, and additional library facilities. Having carefully checked the legal agreements, I have concluded that all of these matters are necessary and reasonable in the light of Government advice and Local Plan requirements.
39. I have taken into account all other matters raised at the Inquiry and in submitted correspondence, but none was sufficient to outweigh the conclusions I have reached.

Formal Decision

40. The appeal is allowed and planning permission granted for the development of land for up to 326 dwellings including a GP Surgery and associated open space and landscaping in accordance with application ref. 030775 and the plans submitted therewith subject to the following conditions:-

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of all reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until full details of the drainage of the site, including a surface water drainage scheme, based upon sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the local planning authority. No construction work creating surface water run-off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details.
- 6) The development shall only be carried out in accordance with the approved Flood Risk Assessment ref.1089/FRA/01 rev.6 dated 13 April 2011.
- 7) No development shall commence until a scheme to treat and remove suspended solids from surface water run-off during construction has been submitted to and approved in writing by the local planning authority. The scheme shall only be carried out in accordance with the approved details.
- 8) No development shall commence until an Ecology and Management Plan including details of all on-site buffer zones for veteran trees and the Weddington Country Walk, any on site retained hedgerows, new habitat creation, species planting, details of replacement trees and hedgerow planting, setting out of the open space and parkland area and a summary of management prescriptions for the site to benefit biodiversity within the long term, as well as a programme for the carrying out of the work has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.
- 9) Any trees or plants, including any replacement, which, within a period of five years from the implementation of a landscaping 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 local planning authority has agreed in writing to any variation.
- 10) No development shall commence until a working method statement detailing working practices and safeguards that are to be applied during the site clearance and construction phases has been submitted to and approved in writing by the local planning authority. This shall include adequate buffer zones for the Weddington Country Walk, veteran trees and retained hedgerows, pre-construction checks for protected species and details of

suitable qualified persons responsible for identifying and re-locating any protected species found. The scheme shall be carried out in accordance with the approved details.

- 11) No development shall commence until details of the suitable bat roosting features such as bat bricks and tiles, and the provision of bird and bat boxes have been submitted to and approved in writing by the local planning authority.
- 12) No development shall commence until a noise mitigation scheme for the parts of the site that are within noise exposure categories B and C has been submitted to and approved in writing by the local planning authority. This shall include details of noise mitigation measures for rooms within the proposed dwellings and measures to protect outdoor amenity space. No dwelling shall be occupied until the work and mitigation measures proposed has been carried out in accordance with the approved plans.
- 13) The proposed roundabout junction and associated infrastructure (including ancillary works) shall be carried out in accordance with drawing no, 089/HL 01 RevA.
- 14) Prior to occupation of the first dwelling, a scheme detailing the provision of the following measures to enhance and promote the sustainability of the site shall be submitted to and approved in writing by the local planning authority:
 - i) Improvement/extension of the western footway on Weddington Road to provide a connecting footway/cycleway between the proposed pedestrian/cyclist access onto the Weddington Road and the Church Lane junction.
 - ii) A pedestrian/cycle crossing on Weddington Road.
 - iii) Improved on-site links to the Sustrans Cycle network Route 52 and Bridleway N24.
 - iv) Provision of two bus stops within the site.
- 15) No development shall commence until full details of the surfacing, drainage and levels of the car parking, manoeuvring areas, footways, cycleways, verges, footpaths, estate roads and driveways have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the particular housing area that has been built has been laid out in accordance with the approved details; the approved parking and manoeuvring areas shall be permanently retained for those purposes.
- 16) No further groundworks shall be undertaken across the part of the site shown cross-hatched on plan Fig.1 located in the south west of the site and intended for use as a Country Park, without the prior approval in writing of the local planning authority.
- 17) No development shall commence until full details of site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. No construction work shall be carried out other than in accordance with the approved details.
- 18) No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the

local planning authority. The development shall not be occupied until provision has been made in accordance with the approved details.

- 19) No development shall commence until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the local planning authority.
- 20) No construction work shall commence until a mechanical wheel wash has been installed to prevent mud and debris from being deposited on the highway as a result of construction traffic leaving the site. The wheel wash shall not be installed until full details, including type, method of operation and control of use, have been approved in writing by the local planning authority.
- 21) Prior to the occupation of the first dwelling, full details of the design, location and maintenance regime of both formal and informal play facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 22) The development shall only be carried out in accordance with the plans listed in the following schedule:

Application Boundary Plan – 1910-L-101 B dated 24 June 2011

Highway Layout/Roundabout junction – 1089/HL/01A dated 5 July 2011

Planning Statement – HL07 dated 8 March 2011

Design and Access Statement – Church Fields, land south of Weddington Road dated 8 March 2011

Transport Assessment – 1089/TA/02 dated 5 July 2011

Flood Risk Assessment – 1089/FRA/01 dated 5 July 2011

Air Quality Impact Assessment – 24650/002 dated 5 July 2011

Geo-Environmental Phase 1 Desk Study – 1089/DS/01 dated 8 March 2011

Service Supply Assessment – 1089/SS/01 dated 8 March 2011

Waste Audit – 1089/WA/01 dated 8 March 2011

Archaeological Evaluation – 11155 dated 8 July 2011

Archaeological Desk Based Assessment – land south of Weddington Road dated 8 March 2011

PPG24 Assessment – 2010/0050/Rev2 dated 8 March 2011

Landscape and Visual Impact Assessment – Church Fields, land south of Weddington Road – February 2011 dated 8 March 2011

Ecological Appraisal – Church Fields, land south of Weddington Road – 17 February 2011 dated 8 March 2011

Tree Assessment Report – Church Fields, land south of Weddington Road – February 2011 – Rev.C dated 8 March 2011

Veteran Tree Assessment – Church Fields, land south of Weddington Road – February 2011 – Rev.B dated 8 March 2011

Soil Resources and Agricultural Use and Quality – 711/1 dated 8
March 2011

Informative

41. The permitted development is also subject to the three Unilateral Undertakings listed as 3/1-3/3 in the Documents list given on the following page of this decision letter.

D G Hollis

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richardson MA LLB Barrister

He called

Mrs Hill BSc DipTP MRTPI – Principle Planning Officer

Miss Ford BSocSC MSc MRTPI – Head of Policy and Economic Development

FOR THE APPELLANT:

Mr T Hill QC

He called

Mr A Jones MA MRTPI

Mr R Bourn BA MA IfA

Mr P Boileau BEng CEng CEnv MICE

Mr G Harker BSc CEng MIMechE MIEnvSc MIAQM ACGI

Mr P Rech BA BPhil LD CMLI

INTERESTED PERSONS:

Dr A Sribljanin of SWORD residents group

Mr C Burrows of SWORD residents group

Mr K Kondakor B.Eng (Hon) of Nuneaton and District Friends of the Earth

Mr Sullivan of the Campaign to Protect Rural England

Mr Lee of the Civic Society

Mr M Jones MP

Mrs Tilley

Mr J Whetstone

Margaret Boulding

Councillor Clarke

Mr G Smith

Councillor Wilson

Mrs J Burrows

Miss J M Lapworth

DOCUMENTS

1 Copy of notification of appeal and those persons notified

2/1-2/3 Lists of persons attending the Inquiry

3/1-3/3 Signed and dated Unilateral Undertakings submitted by the appellants

4 Letter from the Council dated 23 November 2011 withdrawing their objection to the proposal.

5/1-5/10 Bundle of documents submitted by Mr Hill

6 Set of proposed conditions agreed between the appellants and the Council

- 7/1-7/3 Appendices and Design and Access Statement submitted by Mr Rech
- 8 Appendices submitted by Mr Bourn.
- 9 GP surgery catchment area plan submitted by Mr Boileau
- 10/1-10/2 Figures and appendices submitted by Mr Harker
- 11 Appendices submitted by Mr A Jones
- 12/1-12/2 Appendices and extracts from the Strategic Housing Land Availability Assessment submitted by Dr Sribljanin
- 13 Copy of documents submitted by Mr A Cooke as written representations
- 14 Bundle of letters of objection sent in response to the appeal notification
- 15 Bundle of documents, newspaper extracts, appendices and extracts from the Draft Final Strategic Housing Land Availability Assessment submitted by Mr Kondakor
- 16 Correspondence submitted by Mr Sullivan of Campaign to Protect Rural England
- 17 Letter dated 27 July 2011 from Anna Stocks of the Warwickshire Museum Services

PLANS

- A/1-A/3 Illustrative master plan, roundabout junction and application boundary plan submitted by the appellant