Agenda Item No 4

Planning and Development Board

8 August 2016

Planning Applications

Report of the
Head of Development Control

1 **Subject**

1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 **Purpose of Report**

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 **Implications**

3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 **Site Visits**

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 Availability

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 5 September 2016 at 6.30pm in the Council Chamber at the Council House.

6 Public Speaking

6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.

6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk;
- telephone (01827) 719222; or
- write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

6	PAP/2015/0584	148	**Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill,** Outline application for the erection of up to 30 residential dwellings with all matters reserved except access	General
7	PAP/2015/0692	163	**Land Rear Of Ansley United Reform Church, Birmingham Road, Ansley,** Erection of 34 dwellings, access onto Birmingham Road and associated infrastructure	General
8	PAP/2016/0249	180	**Former Police Station, Park Road / Birmingham Road, Coleshill, Warwickshire,** Demolition of existing police station building. Construction of four storey (including basement) Care Home (use class C2), with associated car parking.	General
9	PAP/2016/0274	202	**Land at, Hall End Farm, Watling Street, Dordon,** Approval of reserved matters of appearance - pursuant to outline permission PAP/2013/0269 for erection of storage and distribution warehouse building (use class B8) with ancillary offices, service yard, parking, access from site road, gatehouse, sprinkler tanks, plant, landscaping and drainage	General
	DOC/2016/0046		**Hall End Farm, Watling Street, Dordon** Approval of details required by conditions 7 and 8 of planning permission PAP/2013/0269 relating to drainage details	
	DOC.2016/0045		**Hall End Farm, Watling Street, Dordon** Approval of details required by conditions 7 and 8 of planning permission PAP/2013/0272 relating to drainage details	
	DOC/216/0048		**Hall End Farm, Watling Street, Dordon** Approval of details required by conditions 11, 12 and 16 of planning permission PAP/2013/0269 relating to oil and petrol interceptors; lighting details and habitat management strategy	

10	PAP/2016/0358	212	**Morrisons, Park Road, Coleshill,** Variation of condition no:-13 in respect of delivery hours so as to operate between 06:00 and 23:00 hours on any day	General
11	PAP/2016/0399	216	**Former B Station Site, Faraday Avenue, Hams Hall, Coleshill,** Demolition of existing buildings and redevelopment of site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping	General

General Development Applications

(1) Application No: CON/2016/0007

Construction and operation of a Renewable Energy Centre (Use Class sui generis) for the recovery of energy (heat and electricity) from non-hazardous residual waste using Advance Conversion Technology (gasification) with the associated plant and infrastructure, vehicular access and landscaping for

Rolton Kilbride

Introduction

This application has been submitted to the Warwickshire County Council as the Waste Planning Authority. It will determine the application. This Council has been invited to make representations such that they can be considered along with all others when the County Council takes its decision.

The Site

This is a presently vacant site of almost 2 hectares in area on the north side of Faraday Avenue just west of its junction with Canton Lane. It is within the Hams Hall Estate. There is the Airport Car Parking area immediately to the west; the vacant Power Station B site is to the north and other commercial buildings are to its east and south. It used to house a substantially sized electricity sub-station.

It is more particularly shown on the plan at Appendix A.

The Proposals

The proposal is for a renewable energy centre comprising a gasification plant handling up to 15,000 tonnes of waste/refuse derived fuel per annum, producing 14 megawatts of electricity – sufficient to power 26000 homes on a continual basis. It would comprise a large industrial building measuring around 70 by 80 metres, up to 26 metres in height with a flue stack of up to 52 metres together with a number of other associated structures – e.g. silos. All vehicular access would be from Faraday Avenue and amount to some 132 movements (66 in and 66 out) per day, seven days a week. The plant would be operational 24/7 but deliveries would be restricted to 0700 to 1900 hours on all weekdays apart from Christmas and Boxing Day and 0700 to 1400 on Saturdays. There would be no waste received on Sundays. Twenty operational staff would be employed on site over three shifts.

The building would be metal clad with bands of grey from dark to light from the base. The stack would be grey.

A proposed layout is attached at Appendix B together with likely elevations at Appendix C.

The planning application is accompanied by an Environmental Statement. There is a non-Technical Summary attached to the Statement and a copy of that is attached at Appendix D. This provides a useful summary of the potential impacts of the proposal as seen by the applicant together with a broad description of his case. There is also a useful summary of the proposal and particularly the processing of the waste to generate the electricity. This is attached at Appendix E. Members should note that the references in here to Figure numbers and to Appendices relate to the content of the Statement and not to this Board report. Also attached is a list of Frequently Asked Questions together with the applicant's answers – Appendix F.

The applicant has also undertaken pre-application public consultation. Around 1000 households were leafleted in April 2016 with a form to be completed and returned. Additionally there was an exhibition held at the Lea Marston Hotel in early May. 50 people attended this event and the main points of interest were air quality, noise, odour, visibility of the stack and HGV access. This reflected the issues resulting from the leaflet returns.

Development Plan

The Waste Core Strategy for Warwickshire 2013 - CS1 (Waste Management Capacity); CS2 (Spatial Waste Planning Strategy), CS3 (Strategy for locating large scale waste sites), CS6 (Proposals for other types of recovery), DM1 (Protection of the Natural and Built Environment), DM2 (Managing Health and Amenity Impacts), DM3 (Sustainable Transportation), DM4 (Design of new waste facilities) and DM6 (Flood Risk and Water Quality)

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment Sites), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV9 (Air Quality); ENV10 (Energy Generation) and ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the "NPPF")

The National Planning Policy for Waste – (the "NPPW")

Waste Management Plan for England 2013

The National Planning Practice Guidance 2014

Overarching National Policy Statement for Energy 2011

National Policy Statement for Renewable Energy Infrastructure 2011

Warwickshire Municipal Waste Management Strategy 2013

Pre-Submission Site Allocations Plan (NWBC) - 2014

Observations

The site is within the Hams Hall Estate and is thus not in the Green Belt. It therefore benefits from an industrial lawful use. It also used to house a substantial electricity substation which adds weight to the "energy" related credentials of the application. Members will be aware that the Draft Site Allocations Plan of 2014 suggests that land to the north – at the former Power Station "B" site and in the Green Belt – could be used for an energy generation proposal if that were deemed in the national interest. Members should be aware that this proposal is not on that land and neither is this proposal of national interest. However the current proposal is clearly a renewable energy related one based on the re-use of waste and thus accords with the objectives of the NPPF, the NPPW and all other national energy related planning guidance as set out above. Moreover in general terms too this proposal aligns with the Warwickshire Waste Core Strategy in respect of preferred locations for large scale waste facilities. As a consequence it is concluded that as a matter of principle, this would be an appropriate site for this proposal.

It is considered that the Board should therefore concentrate on the potential impacts of the proposal.

In terms of highway impacts then clearly the County Council highway officers will offer their advice on highway matters as will Highways England. However as the site is directly connected to the strategic highway network and that the traffic generation here is not substantial it is expected that highway advice to the County Council as Waste Planning Authority will be one of no objection. Members will be aware that any alternative use of the site would involve the use of HGV traffic in any event and the generation associated with this proposal is really no different to that arising from other commercial activity. What may be of benefit with this proposal is that it is not a B8 distribution use and thus there are unlikely to be situations experienced throughout the estate of on-street parking because access is denied to a site. The waste delivered here is to "feed" a 24 hour operation. In these circumstances it is not considered that any highway impacts could be considered to be severe – the threshold in the NPPF for potential refusal.

It is accepted that there would be no adverse ecological or heritage impact on the site or indeed to the surrounding area. However the County Council should satisfy itself that there are no adverse impacts on the setting of local Churches and in nature conservation terms on the Nature Reserve to the east and the connecting water courses. This is very much an issue in respect of ensuring that all surface water disposal is properly dealt with on site before discharge.

Perhaps the two most significant impacts to be assessed are the amenity issues of potential pollution through air quality and the visual impact of the proposal. The former of these does have some resonance too with the impact on nature conservation interests as well as on the human population particularly to the east bearing in mind the general wind direction for the area.

The Environmental Health Officer notes the noise and air quality assessments in the Environmental Statement but still has concerns about the potential emissions from this type of operation. The Environment Agency would be the regulatory authority for this site should a planning permission be granted and it would have to issue the appropriate permit and monitor those emissions. At present therefore there should be a precautionary approach taken. The County Council would be advised to engage with that Agency as quickly as possible.

Notwithstanding this matter, the proposed building would be very big even without the stack. It would be the tallest building on the estate by far with a prominent location being at the main entrance and on the main through road. Its mass and size would also be prominent over a wide distance – it not being able to be contained by the surrounding buildings. In these circumstances there is a clear case here for an objection to be lodged. Whilst the setting is wholly commercial in appearance and the character of the area is one of large sheds, this proposal goes beyond what is presently experienced and could not be said to integrate into its setting.

Whilst the energy credentials of the proposal are of weight here, the visual impact would be severe and permanent.

Recommendation

That the County Council be advised that this Council objects to this proposal on the grounds of its scale being out of keeping even on this estate and that there are concerns not yet answered about the level of emissions and thus the potential risk of pollution.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

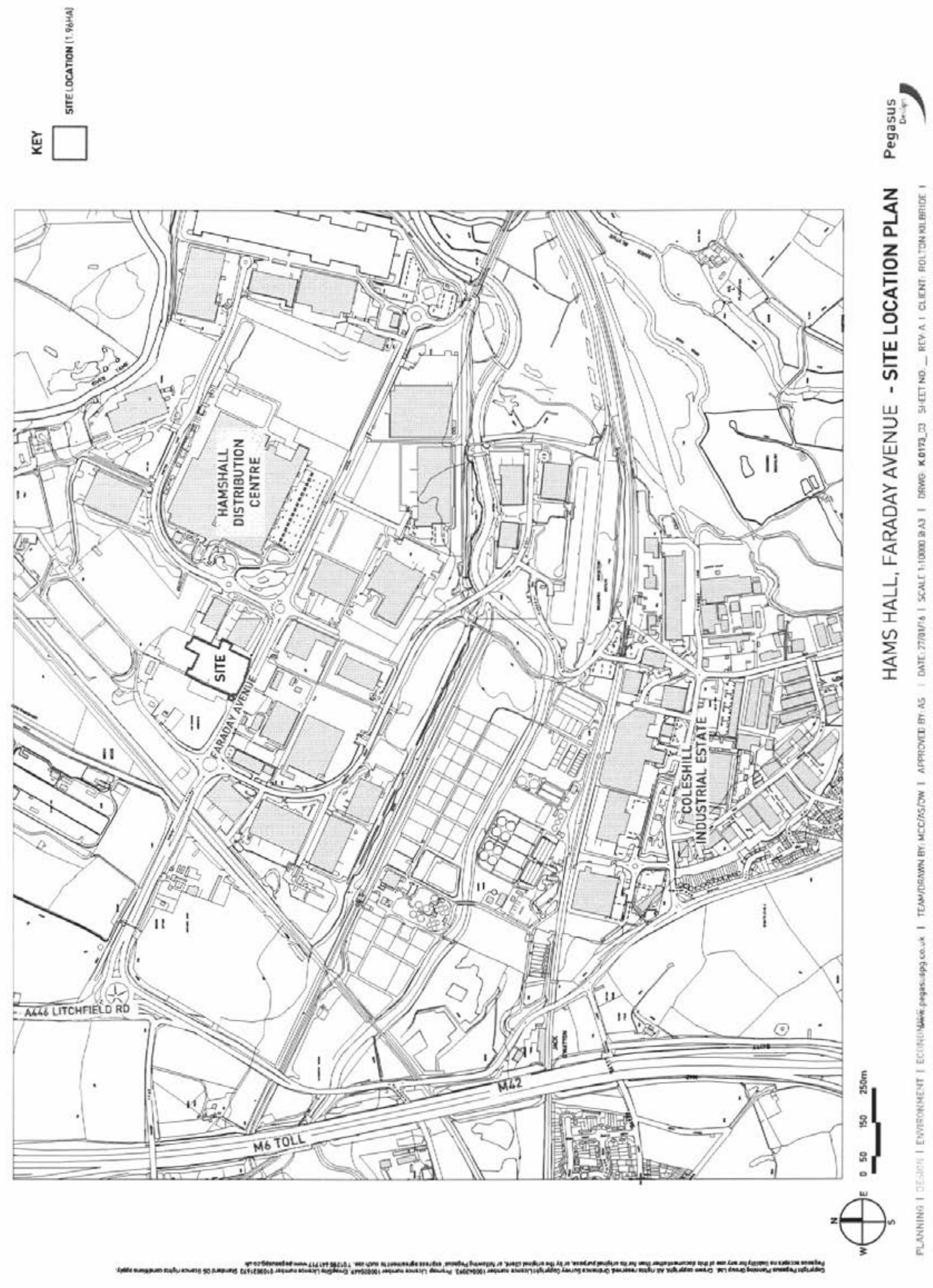
Planning Application No: CON/2016/0007

Background Paper No	Author	Nature of Background Paper	Date
1	WCC	Letter	14/6/16
2	Environmental Health Officer	Consultation	12/7/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A


KEY
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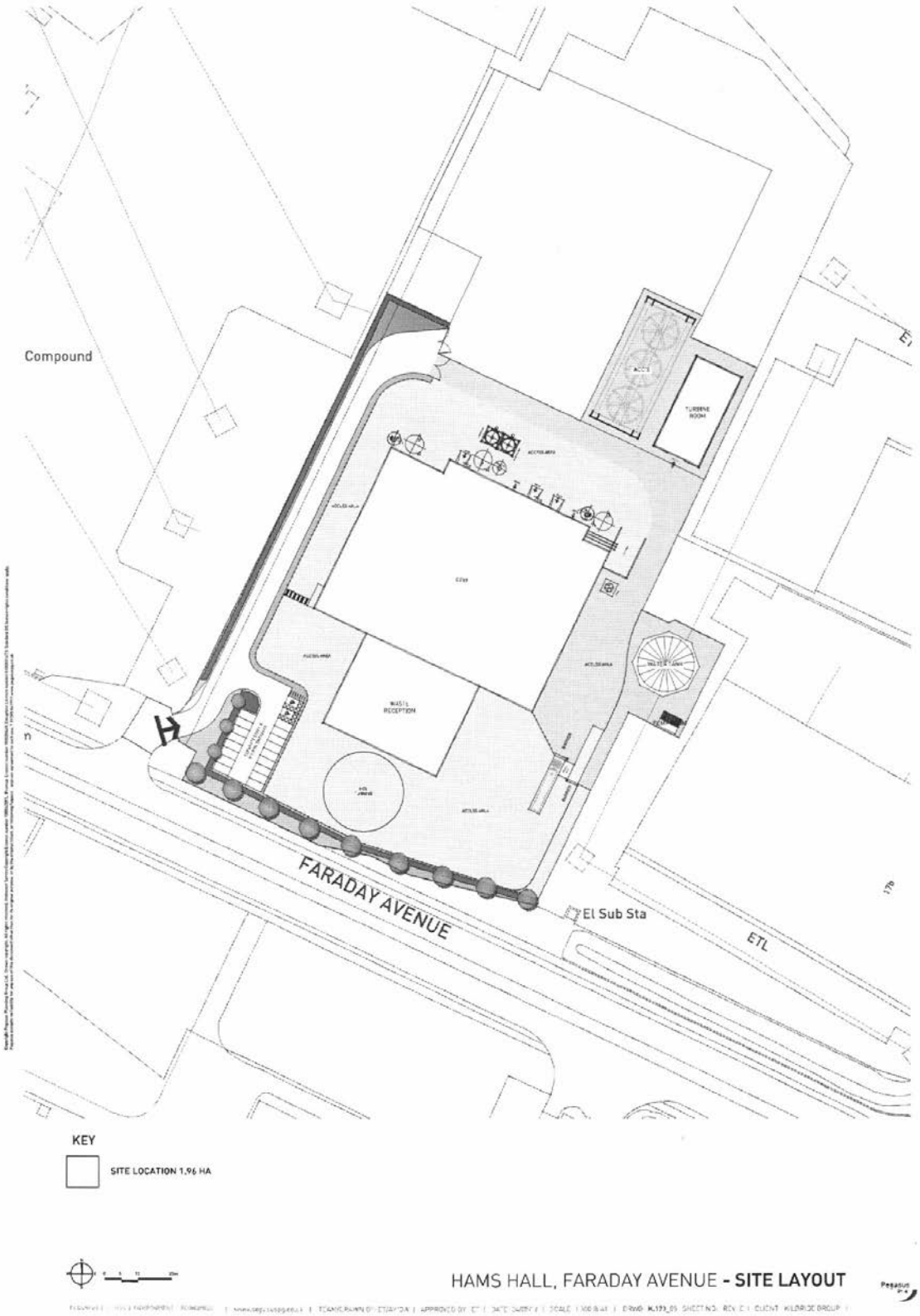
HAMSHALL DISTRIBUTION CENTRE
SITE
FARADAY AVENUE
COLESHILL INDUSTRIAL ESTATE
A446 LITCHFIELD RD
M42
M6 TOLL
0 50 150 250m
HAMS HALL, FARADAY AVENUE - SITE LOCATION PLAN
Pegasus

APPENDIX B



HAMS HALL, FARADAY AVENUE - **SITE LAYOUT**

APPENDIX C

FIGURE 3.2

Elevations

DRWG No: K0173_11 REV –

Date: 25/05/2016 @ A3

Scale: 1:750

APPENDIX D

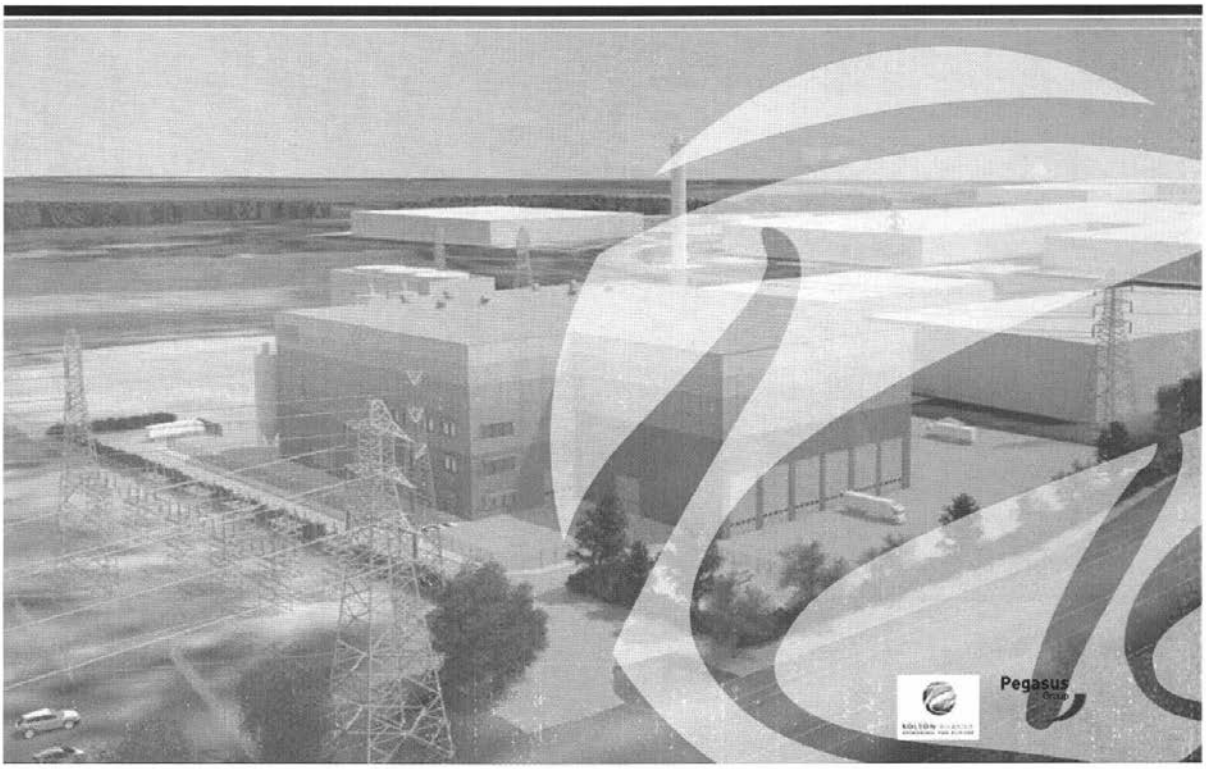
RENEWABLE ENERGY CENTRE

LAND OFF FARADAY AVENUE, HAMS HALL DISTRIBUTION PARK,

COLESHILL, WARWICKSHIRE

ENVIRONMENTAL STATEMENT | NON TECHNICAL SUMMARY

MAY 2016 | K.0173_21



CONTENTS

PREFACE

This document forms the Non-Technical Summary (NTS) of the Environmental Statement (ES) that accompanies a planning application submitted by Rolton Kilbride (the Applicant) who is seeking to obtain planning permission for a proposed Renewable Energy Centre (REC) to generate power and heat for local commercial energy users located within the Hams Hall Distribution Centre, off Faraday Avenue, Coleshill (the Application Site).

The Application site is located within the administrative area of Warwickshire County Council (WCC). The REC is known as Hams Hall Energy and referred to as the Proposed Development.

The ES comprises studies on each of the aspects of the environment identified as likely to be significantly affected by the Proposed Development, which are supported with technical appendices where appropriate. The ES is structured as follows:

- Volume 1: Comprises the written statement and graphic material in the form of figures, drawings and photomontages, which is the main volume of the ES
- Volume 2: Contains the Technical Appendices to the main volume of the ES

Additional documentation that will be submitted with the planning application includes:

- Planning Statement
- Design and Access Statement
- Application Forms
- Technical Drawings
- Statement of Community Involvement
- Environmental Statement

The ES and associated documents will be available for viewing during normal business hours at Warwickshire County Council Offices at the following location:

Warwickshire County Council
Shire Hall
Market Place
Warwick
CV34 4SA

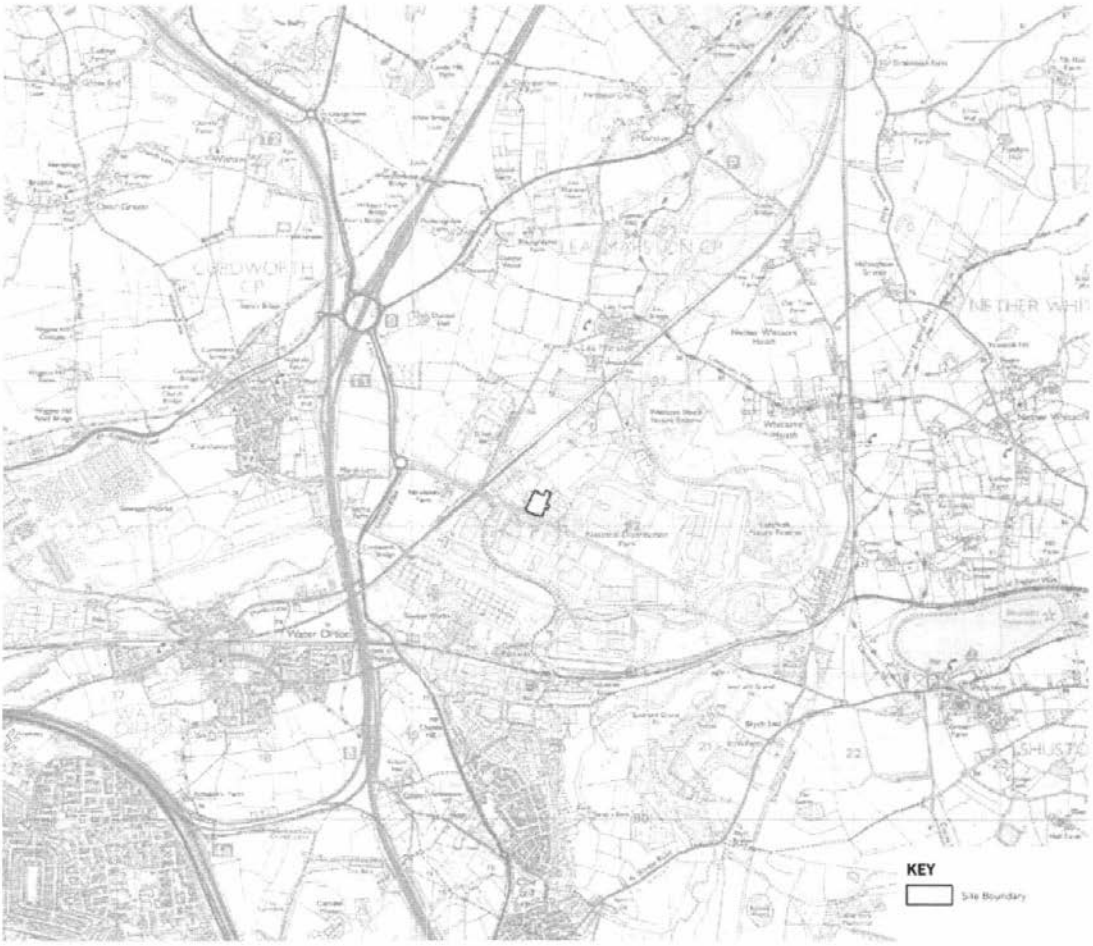
The ES may be purchased in Volumes, the costs for which are set out below:

- Non-Technical Summary – Free of charge
- Volume 1: Main Volume and Figures - £150
- Volume 2: Technical Appendices - £150

Copies of all documents can be obtained on CD for £15. For copies of any of the above please contact Pegasus Group at the following address:

Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

Tel: 01285 641717
Fax: 01285 642348



SITE CONTEXT PLAN

INTRODUCTION

Background

The Proposed Development comprises a Renewable Energy Centre with associated access, a gatehouse, car and cycle parking and an office.

The Renewable Energy Centre (REC) will employ an Advanced Conversion Technology (ACT) – a form of gasification process to generate power and heat from Refuse Derived Fuel (RDF) together with other pretreated wastes. RDF is a product which is pre-treated then shredded, dehydrated and / or compressed from municipal solid waste and industrial and commercial waste and when heated to very high temperatures breaks down to provide a gas which is utilised in a boiler to create steam which drives a steam turbine to produce electricity and heat. It is a clean, modern and hi-tech approach to producing energy, with a proven track record.

The Proposed Development would generate up to 14.5 megawatts (MW) gross of electricity - the equivalent of powering over 26,000 homes on a continual basis. The plant is capable of accepting 150,000 tonnes of waste per annum which would otherwise go to landfill.

The Applicant and EIA Project Team

Rolton Kilbride is a privately owned developer of Renewable Energy Centres. Rolton Kilbride is also working with a set of highly specialised technology partners and advisers who have extensive experience in the field of energy generation, gasification and the use of modern environmental technology.

The ES has been co-ordinated and managed by Pegasus Group. The consultants who have contributed to the preparation of the ES are as follows:

- Air Quality – Air Quality Consultants
- Landscape and Visual – Pegasus Group
- Traffic and Transport – Curtins
- Hydrology and Flood Risk – PFA Consulting
- Hydrogeology and Ground Conditions – Rolton Group
- Noise – LFAcoustics
- Ecology and Nature Conservation – Avian Ecology
- Archaeology and Cultural Heritage – Pegasus Group
- Socio Economics – Pegasus Group

EIA Process

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that a proposed development which falls within the description of a 'Schedule 2 Development' within the meaning of the Regulations, will require an Environmental Impact Assessment (EIA) where the development is likely to have significant effects on the environment by virtue of such factors as its nature, size or location (Regulation 2).

Under the EIA Regulations Scoping is not a mandatory requirement, but the Applicant has engaged in pre-application consultation with Warwickshire County Council (WCC) as the waste planning authority with responsibility for determining planning applications for waste-related development.

The aim of the Scoping process is to identify key environmental issues at an early stage, to determine which elements of the Proposed Development are likely to cause significant environmental effects and to identify issues that can be 'scoped out' of the assessments.

Under the EIA Regulations, proposals which fall within the scope of Schedule 2 development, an EIA is discretionary. This EIA has been produced however, in recognition of the strategic significance of the development and the expected local interest in the proposals. The EIA and this ES have been undertaken and prepared with due regard to the criteria of Schedule 4 of the Regulations. The ES includes an assessment of the predicted effects of the Proposed Development, focussing, as required by the EIA Regulations, on those effects that have the potential to be significant. The content of the ES, as well as the overall approach to the EIA, has also been designed to reflect other requirements of the EIA Regulations as well as widely recognised good practice in EIA.

CONSULTATION & SCHEME BENEFITS

Public Consultation

Public consultation was a fundamental and integral process of the planning application. A well thought out strategy to engage with local stakeholders was carefully delivered from the outset and comprised a press release; local councillor's briefings; a leaflet drop and invitation to a public exhibition where members of the design team, as well as technology providers, air quality, noise, landscape and transport consultants were on hand to answer any queries.

The Applicant has consulted a number of statutory consultees during the course of the Environmental Impact Assessment Scoping procedure who are aware of the proposals and have provided formal advice.

The Applicant has also engaged in a pre-application consultation process with WCC prior to the submission of the planning application. The advice received was broadly supportive of the proposals in principle, including guidance setting out the planning policy context that an application would be judged against and an indication of the documentation necessary to support an application.

The full details of the public consultation strategy and feedback from the events are included within the Statement of Community Consultation which is a separate report submitted with the planning application documentation.

Scheme Benefits

The benefits of the REC include:

- Proven technology with outstanding operational and environmental performance and very low emissions;
- Conversion of non-recyclable, non-hazardous waste into renewable energy, displacing landfill and fossil fuels;
- Reducing greenhouse gas emissions;
- Job creation across a variety of skills and levels of expertise with employment opportunities for local people;
- Transforming an allocated vacant plot within an existing industrial site and enhancing with landscape planting;
- Production of lower cost renewable energy potentially for local businesses with connections to local energy users via underground cable;
- Clear progression in the transition to a low-carbon economy with grid carbon offset; and
- Compliance with Government policy and the Industrial Emissions Directive (IED) to provide sustainable renewable energy production close to use.

SITE CONTEXT AND LOCATION

Site Context

The site is located within the Hams Hall Distribution Centre, off Faraday Avenue, Coleshill, Warwickshire. Faraday Avenue is located to the east of the M42 at Junction 9 and is accessed via the A446 Lichfield Road.

The site is a vacant plot measuring approximately 1.96ha and is was previously developed as part of the wider Hams Hall Power Station and more latterly as a substantial electrical sub-station.

The site is currently used for the open storage of vehicles. The site is identified within the North Warwickshire Proposals Map as falling within an 'Existing Industrial Estate'.

The site is surrounded by various forms of development but largely commercial and industrial uses as the site forms part of the wider Hams Hall Distribution Centre complex. To the east and south along Faraday Avenue are commercial warehouses and industrial complexes serving a variety of uses, the closest of which are the BMW Plant to the east and DHL Exel Supply Centre to the south.

To the immediate west of the site boundary is an electricity sub station and large overhead pylons which link north west towards Hams Lane and south to Coleshill. The plot to the west of the site is a car storage compound. To the north of the site the land is formed by designated Green Belt land containing large areas of hardstanding and small linear belts of trees.

The closest settlements are Lea Marston located 1.3km to the north and accessed via Hams Lane, Whitacre Heath 1.9km to the east beyond the River Tame, Grimstock Hill and Coleshill 2.1km to the south beyond the bulk of the Hams Hall Distribution Centre and Curdworth 1.9km to the west beyond the M42 motorway. The settlements of Water Orton to the south west and Shustoke to the south east are located approximately 2km and 3km away respectively.

Historical Uses of the Site

The earliest historical maps date from 1840s and show the site to be located within enclosed fields labelled High Heath. The 1887 First Edition Ordnance Survey mapping shades the area of Hams Hall park, as extant at that date. This indicates that the Site was located within an agricultural field and area of copse, Gravel Pit Covert, immediately west of the park's western extent.

Hams Hall house was dismantled in the 1920s and reconstructed near Cirencester, in advance of the construction of Hams Hall Power Station.

Hams Hall Power Station was constructed in three main phases, between 1927-9, 1949 and 1958. Power Station structures, comprising an electricity sub-station, are visible within the Site on 1930s aerial photographs. However, this was replaced during the 1958 building phase; a substation with a different layout is visible on aerial photographs of 1959. The substation is first mapped on the 1955 Ordnance Survey mapping. This remained extant until 2011, when it was largely demolished.

Ecological Considerations

The Application Site comprises a single body of land formed by gravel surfacing and hard standing and surrounded by brick walls and electric fencing. There are no trees or hedgerows within the site nor any water bodies with occasional ruderal plants evident around the site margins.

The nearest statutory designated site to the Application Site is the Whitacre Heath Site of Special Scientific Interest (SSSI) situated c. 730m north east. The site supports wetland breeding birds on a former gravel extraction lake.

The River Blythe SSSI lies c.1.6km to the south east of the Application Site and supports lowland river plants and damp meadows along its length with areas of invertebrate habitat.

There are no other statutory designations within 2km of the Application Site boundary. There are twelve non-statutory designated sites within 1km of the Application Site of which four are of county importance. The closest of these is the verge at Hams Lane (Local Wildlife Site) designated for hedgerow ponds, wet ditches and woodland and grassland verge which is located c.110m to the west of the Site.

Landscape and Heritage Considerations

The Application Site is not subject to any statutory or non-statutory landscape designations, nor are there any within a 5km area surrounding the site.

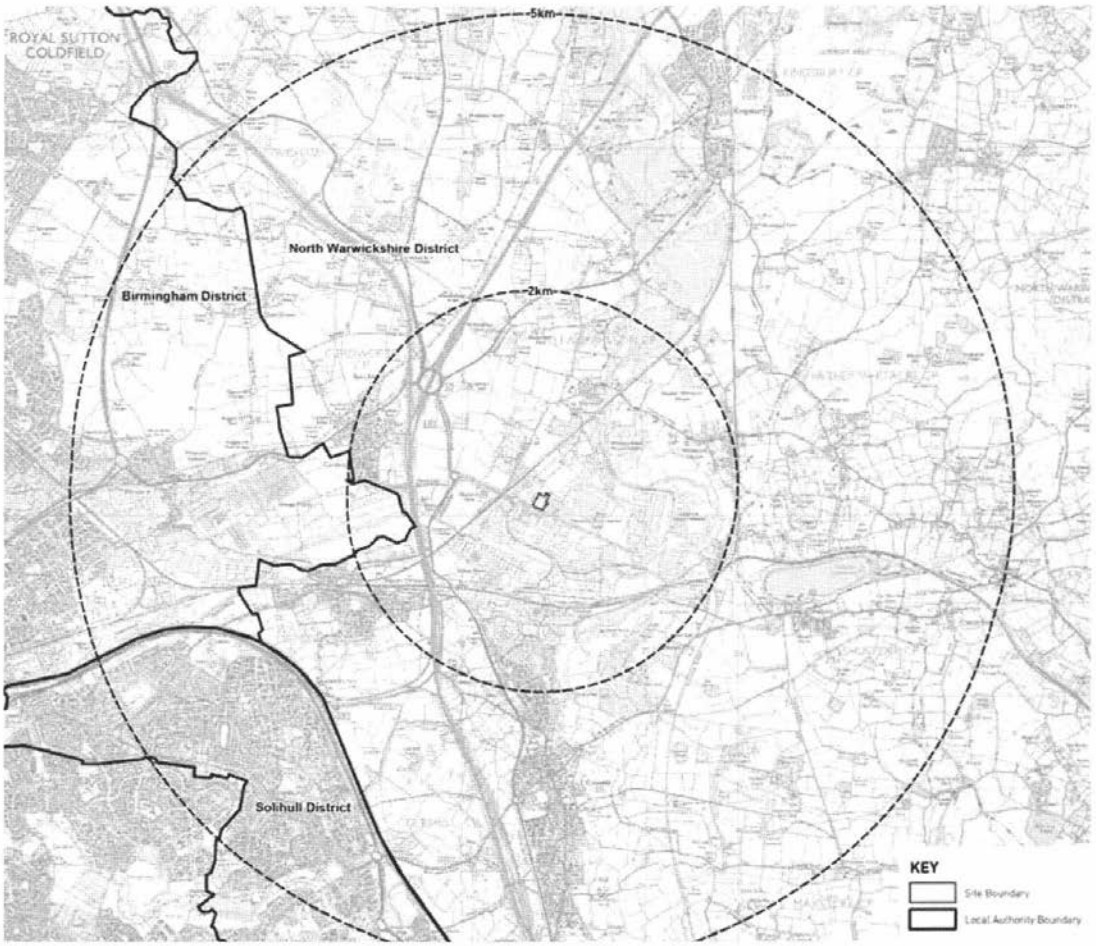
The nearest Listed Building is the Grade II Church of St John the Baptist which lies approximately 780m to the north east of the site, to the south of the village of Lea Marston. There are a number of other Listed buildings within the surrounding area comprising dwellings, churches and bridges.

The closest Scheduled Monument to the site is the Water Orton Bridge (Grade II and II*) approximately 2.5km to the south west of the site, beyond the M42 motorway.

Existing Flood Risk

The Environment Agency's Flood Map shows the site lies entirely within Flood Zone 1, which indicates the land assessed as having less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The Strategic Flood Risk Assessment contains no records of historic flooding from watercourses in the vicinity of the application site.

The Environment Agency's Risk of Flooding from Surface Water Map shows the majority of the site lies in an area with a 'very low' risk of surface water flooding. There is a strip of 'low' risk area running along the site's eastern boundary. This is associated with overland flows within the site being held back by a concrete wall running along the boundary.



LANDSCAPE DESIGNATIONS PLAN

ALTERNATIVES, SITE SELECTION & FEASIBILITY

Schedule 4, part 1, paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that "an outline of the main alternatives studied by the applicant and an indication of the main reasons for this choice, taking into account the environmental effects" are included within the ES.

Other Eon owned and managed sites were considered early in the feasibility process, however, the principal reason for the selection of the site was its location within an allocated site in an industrial area with good access to the primary route network and in close proximity to energy intensive industrial customers.

The design of the Proposed Development has been informed by an iterative process with alternative layouts and elevations considered throughout the process. The Design and Access Statement illustrates layout options of the site prior to the final option taken forward. The drawings demonstrate constraints and opportunities associated with the location and orientation of the REC, vehicular movement and access as well as landscaping proposals.

A series of basic architectural massing techniques were undertaken to help understand how the buildings would best relate to one another and the character of the surrounding area. Due to the initial design of incorporating a STOR facility to the north of the REC building, this allowed the REC to sit forwards within the site to relate to the existing industrial and commercial development either side.

Following the basic massing exercise the functional and operational requirements of the building were explored. By creating a single central energy plant unit that is served by the ancillary buildings located to the peripheral edges this allowed for vehicular circulation around the building to all facades.

A series of elevation option alternatives were explored and considered throughout the iterative design process and are illustrated within the Design and Access Statement. The colour palette of the cladding to the main buildings was proposed as a neutral grey-green colour and represented in bands becoming increasingly pale towards the top of the building. The introduction of the banding has helped to reduce the perceived massing of the building.

Site Identification and Feasibility

The Hams Hall Energy site was identified to provide the opportunity for power to be supplied to any interested local businesses as well as the opportunity to supply heat in the form of steam and / or hot water if required; and in view of the need for new waste infrastructure within the Warwickshire County Council area with the plant saving approximately 150,000 tonnes of waste going to landfill annually.

The site at Hams Hall was chosen having established:

- Its availability and its size which was suitable for a 150,000 tonnes facility;
- Its proximity to energy intensive industrial consumers. It is intended that the proposal may be able to offer low cost secure energy to one or more neighbouring businesses, assisting in securing the future of those companies and their employees;
- Its access within the existing industrial estate which immediately joins the primary route network of the M42 and M6 without the need to go through residential areas.

Cumulative Considerations

Schedule 4, part 1, paragraph 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that a description of the likely significant effects of the development on the environment should cover cumulative effects.

Assessment of cumulative effects with other developments which are either operational, under construction / consented or the subject of a full planning application has been considered. During the pre-application process WCC's advice was that there were no schemes that were currently in the planning system that should be assessed as part of this application. A potential development to the north of the site was mentioned however there is no formal application for the site at this time and consequently no cumulative assessment has been undertaken.

DEVELOPMENT PROPOSALS

The Proposed Development comprises a 3-line Renewable Energy Centre with associated vehicular access.

The Renewable Energy Centre (REC) will employ an Advanced Conversion Technology (ACT) (gasification) a process which is supported by Government and is part of a number of renewable technologies being deployed in the UK. ACT / Gasification is a process to generate power and heat from Refuse Derived Fuel (RDF) together with other pre-treated wastes. RDF is a product which is pre-treated then shredded, dehydrated and / or compressed from municipal solid waste and industrial and commercial waste and when heated to very high temperatures breaks down to provide a gas which is utilised in a boiler to create steam which drives a steam turbine to produce electricity and heat. It is a clean, modern and hi-tech approach to producing energy, with a proven track record.

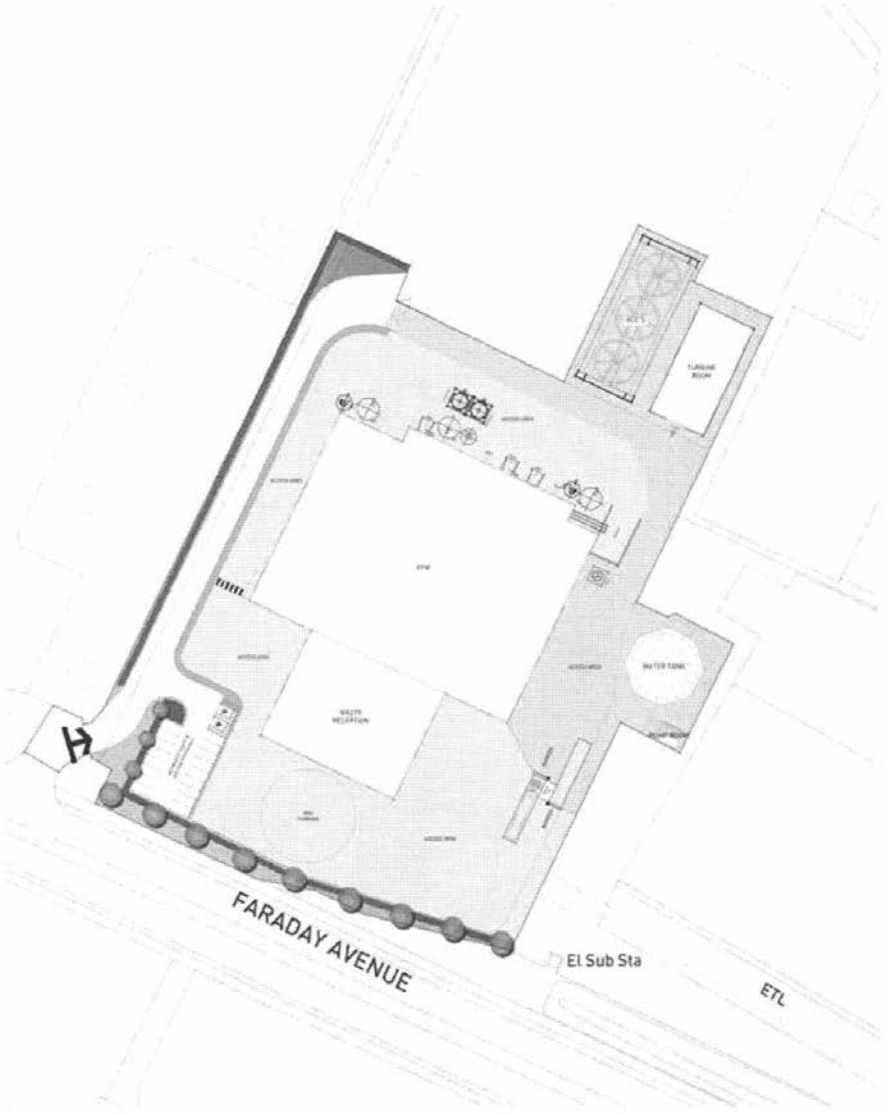
The development will have the capacity to process up to approximately 150,000 tonnes of waste per annum. As well as the RDF the feed stock will include using non-recyclable residual commercial and industrial waste (CIW) together with an element of municipal solid waste (MSW) i.e. residual waste where all the practicable recycling has been completed. Initial research has indicated that this material would comprise waste from across the wider Warwickshire area. The plant will not accept hazardous or clinical waste.

The power produced from this facility will have a capacity of 14.5MW/hr gross of electricity. The gasification technology employed at Hams Hall Energy Centre will involve a two-stage system, which initially gasifies the waste to produce synthetic gas. This gas is then transferred to a second stage where it is combusted in a high efficiency boiler to produce steam which drives a steam turbine to produce electricity. The process allows for efficient control of emissions and improved performance generally as an energy solution.

Gasification is classed as an Advanced Conversion Technology (ACT) as the biomass element of waste qualifies for Contract for Difference (CFD). CFDs provide long-term price stabilisation for low carbon plants, allowing investment to come forward at a lower cost of capital and therefore at a lower cost to consumers but enables advanced renewable technology to be developed.

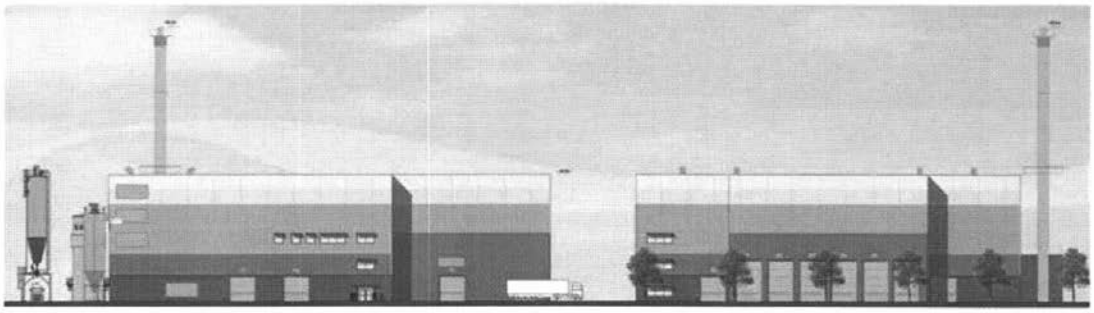
The proposed REC is made up of the following principal elements:

- **A main building –** this will house the majority of the process plant and will have a number of silos to the rear and a flue stack to the east of the building, all waste material will be unloaded inside the building. At its highest point, the main body of the building will be 24m high and 87.96m long x 72.7m wide with a floor area of 5725m2. The flue stack contains a walk around platform for continual air quality monitoring access and consists of a metal framework. The stack will have a height of 52m and a diameter of 2.8m;
- **Waste Reception Bunker (located in main building) -** Wastes are deposited into an 8m deep waste bunker within the building, with a capacity of 820m3 where shredding and separating takes place to prepare the fuel for the gasification process, and any ferrous material is taken out which will be removed for recycling;



LAYOUT PLAN

- **Prepared Fuel Storage Bunker –** the prepared fuel will be deposited in storage bunker within the building (which has 4 days of waste storage thus complying with fire regulations and stopping build-up of heat from waste gasses), which has a capacity of c6,000m3.
- **Turbine Room –** this will be a smaller separate building 15.6m high, with a base of 30m x 15m located at the most northern part of the site. A short section of pipe line will connect the main building and the turbine generator building;
- **Air cooled condenser fans –** have a height of 23.4m with a footprint of 39.62m x 15.76m;
- **Bottom Ash bunker –** the bottom ash is stored in a bunker measuring 10m x 12m x 5m with a capacity of 600m3. This material is inert and can be reused as an aggregate or used for an engineering material in landfill. It complies with current European legislation;
- **Fly Ash Silo –** the fly ash silo framework stores the residue from the flue gas cleaning system and measures 10.5m x 5.15m and 19.5m high. The ash is removed in a safe manner by attaching an umbilical hose to a tanker and can be either reused /recovered or disposed of at licensed landfills. The handling, storage, treatment and reuse/disposal of this material is highly regulated;
- **Fire Water Tank -** a fire water tank would be included to the south of REC building. The tank has a 17m diameter and a height of 6.75m with a 1 million litre capacity;
- **Pump Room –** the pump house is next to the fire water tank and has a height of 3.2m with a footprint of 6.09m x 4.59m; and



SIDE ELEVATION

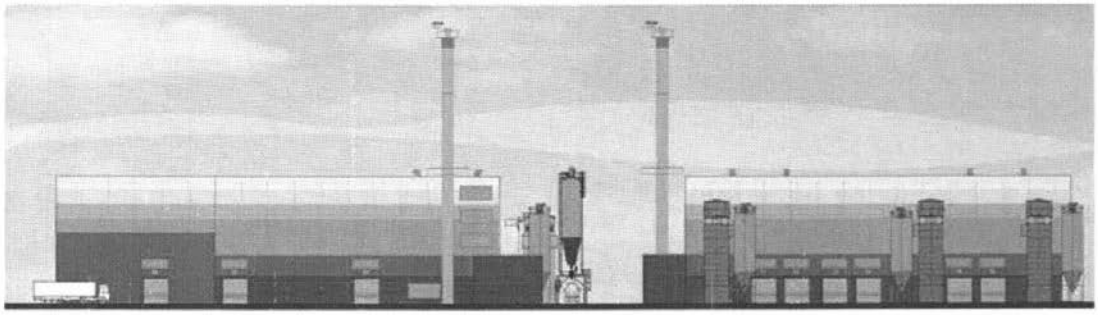
FRONT ELEVATION

Technical / Control room and Workshop – will be located within the east side of the main building.

In addition, the external site areas will include:

- Two weighbridges (both in and out) with an office measuring 4.85m x 3m x 2.95m high;
- Site entrance and circulation roads;
- 18 car parking spaces plus 2 disabled bays;
- Provision for 14 cycling spaces

The industrial warehouse building has a height of 17.1m to ridge, width of 44.70m and length of 51.96m. The building footprint measures 2,322m2 and the floor area measures 2,671m2. Surrounding the industrial warehouse building are 17 car parking spaces plus 2 disabled spaces. There will be a minimum of 12 secure cycling spaces. To the south of the industrial warehouse unit is an HGV turning area and an office. There will be a 2m high paladin boundary fence as well as security and lighting.



SIDE ELEVATION

REAR ELEVATION

Process Description

The plant employs a two stage system that first gasifies (heats) the waste to produce a synthetic gas which is then transferred to a second stage where it is oxidised. Changing the waste to a gas fuel, means the combustion environment can be finely controlled, dioxins thoroughly destroyed and Nitrogen Oxides (NOx) emissions minimised which can achieve emissions levels that are compliant with the Industrial Emissions Directive (IED) (Directive 2010/75/EU of the European Parliament and the Council on industrial emissions).

The key stages of the process are as follows:

- Waste Reception Hall
- Fuel bunker and transport system;
- Thermal conversion;
- Heat recovery steam generator
- Energy utilisation system;
- Flue gas cleaning system; and
- Control and monitoring system.

TYPICAL PLANT AND PROCESS EQUIPMENT OF A RENEWABLE ENERGY CENTRE

Operating Hours

The REC will operate continuously; 24 hours a day, 7 days per week. Operational staff would be required to operate the Plant on a 3 shift pattern (each of 8 hours). During weekdays the facility will be open for deliveries between the hours of 0700 and 1900 and between the hours of 0700 and 1400 on Saturdays. There will be no waste received on Sundays. It is expected that HGVs importing and exporting materials from the site will do so evenly throughout the 12 hour period and there is unlikely to be a peak in movements associated with these operations.

Grid Connection

The Applicant has held discussions with Western Power Distribution (the responsible DNO) and an application has been submitted. Once this has been returned a point of connection can be assessed.

Design Approach

Many industrial sites are designed with a typical 'form follows function' approach. From the outset it was deemed important that the external appearance of the plant should be appropriate for the area.

In terms of architectural detailing and materials, both follow a similar palette and consist of mainly a coloured cladding system.

Due to the REC plant building being a large mass, it was important to use a smooth lightweight architectural cladding system that would achieve the functional needs, as well as aesthetic ones too. A simple palette of materials was proposed consisting of a neutral grey-green colour and represented in bands becoming increasingly pale towards the top of the building. The aim of the introduction of the banding is to reduce the perceived massing of the building. The stack will be faced in a muted grey metal which will sit and almost blend into the typical overcast skyline of the UK. External equipment will be faced in a grey coated metal to blend into the colour palette of the main plant.

A tree belt was integrated on the southern boundary to screen visible elements and enhance the visual environment.

CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT

Construction Duration

Subject to the grant of planning permission, it is anticipated that the construction of the proposed REC would commence in 2017. Construction on site would last for 24 months, after which there would be a commissioning period. Furthermore, construction would normally take place during the hours of 0700 to 1800 (Monday to Friday) and 0800 to 1300 (Saturday). No construction would take place on Sundays or bank holidays.

Environmental Management Plans

A Construction Environmental Management Plan will be prepared and adopted and will include sections on: noise, vibration, air quality, water quality, surface quality (prevention of contamination of ground surface), site transportation and traffic management, visual intrusion and waste management. The appointed contractor will also be required to register with the Considerate Construction Scheme.

A Site Waste Management Plan will be prepared and all relevant contractors will be required to seek to minimise waste arising at source and, where such waste generation is unavoidable, to maximise its recycling and reuse potential. Recycling of materials will primarily take place off-site where noise and dust are more easily managed.

Consents

In addition to planning permission, other consents will be required to enable the Proposed Development to proceed. Of particular importance to this development is the need for an Environmental Permit from the Environment Agency that will control all operations associated with the plant based upon various risk assessments. Information presented in this ES will be used in the preparation of the Permit.

AIR QUALITY

Introduction

The potential effects of the proposed REC on local air quality have been assessed following discussions with Warwickshire Borough Council. The assessment considered the potential effects human health, ecology and amenity arising from the construction and operation of the plant.

The operational impacts of the Proposed Development on air quality, odour and bioaerosol conditions for local receptors and additional traffic have also been assessed.

Air quality impacts have been assessed quantitatively using dispersion modelling. Bioaerosol impacts have been assessed qualitatively based upon the levels expected to be generated and the likelihood of their being emitted from the REC.

Baseline Conditions

North Warwickshire Council has investigated air quality within its area as part of its responsibilities under the LAQM regime. In March 2001 an AQMA was declared for exceedences of the annual mean nitrogen dioxide objective that covered an area of Coleshill bounded by Stonebridge Road, Coleshilll Heath Road, the M42 Motorway, M6 Motorway and junction 4 of the M6. This AQMA was revoked on 1st February 2013, when it was identified that the objective was no longer being exceeded at relevant locations; there are currently no AQMAs in the borough.

North Warwickshire Council operated one automatic monitoring station within its area, located approximately 5 km south of the Proposed Development; however this site was decommissioned in 2012. The Council also operates a number of nitrogen dioxide monitoring sites using diffusion tubes prepared and analysed by Gradko International Ltd (using the 20% TEA in water method). These include one deployed in a rural background area in Kingsbury, one on Farthing Lane in Curdworth, one at Water Orton and one in Gilson. Data for these sites have been provided by North Warwickshire Council.

The odour risk assessment has demonstrated that the odour effects for most local receptors will be negligible, although there is a risk of slight adverse effects at two locations. However, the odour assessment is founded on conservative assumptions, and the overall impact of the Proposed Development is judged to be insignificant.

The qualitative bioaerosol assessment has demonstrated that the Proposed Development will have an insignificant effect on local receptors.

The impacts of road traffic generated by the Proposed Development have been screened out as insignificant, as the predicted volumes of traffic generated by the Proposed Development, including HGVs, are below the screening criteria required for a detailed assessment.

In terms of emissions from the facility's stack, the assessment has demonstrated that there will be an insignificant change to concentrations at all local sensitive receptor locations, for all pollutants, and all averaging periods. For nitrogen dioxide, impacts are predicted to be negligible at all of the worst-case locations assessed.

Mitigation and Enhancement

The construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission. These control measures are industry standards for construction and are well proven. With these measures in place, it is expected that any residual effects will be 'not significant'. However, the guidance recognises that, even with a rigorous dust management plan in place, it is not possible to guarantee that the dust mitigation measures will be effective all of the time, for instance under adverse weather conditions. The local community may therefore experience occasional, short-term dust annoyance. The scale of this would not normally be considered sufficient to change the conclusion that the effects will be 'not significant'.

The plant will operate using pollution abatement measures which must meet the industry sector best available techniques and perform to the expected levels. These are techniques with a history of reliably meeting performance requirements to ensure compliance with set regulatory emission limits. It is expected that with mitigation measures already designed into the proposal it will effectively control releases to air such that the significance of effects is reduced to Negligible for all activities considered. It is not considered that any further mitigation measures will be necessary.

Conclusion

The assessment has demonstrated that the Proposed Development will not have a significant impact on dust and PM10 levels during construction, provided that the recommended mitigation is applied. Similarly, odour and bioaerosol emissions will be kept to a sufficiently low level that the local effects will be insignificant.

The overall operational air quality impacts of the development are judged to be 'not significant'. This judgement takes account of the uncertainties in future predictions of road traffic emissions, and the worst-case assumptions applied in the dispersion modelling assessment.

LANDSCAPE AND VISUAL

Introduction

The landscape and visual impact assessment has assessed the likely effects of the Proposed Development on landscape character, landscape features and elements within and in the immediate vicinity of the Proposed Development, and on local visual amenity. The assessment has been undertaken with regard to best practice and the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013), as published by the Institute of Environmental Management & Assessment (IEMA) and the Landscape Institute.

Baseline Conditions

The Application Site is not subject to any statutory or non-statutory landscape designation.

The Application Site falls within the Hams Hall Distribution Park, an industrial area located either side of Faraday Avenue. It is currently owned by the National Grid and contained once a large scale substation infrastructure, associated with the Hams Hall coal-fired power station, demolished in the 1990s. The majority of this infrastructure, except for the pylons, have been recently removed. Electricity pylons are the most visible element within and adjacent to the Application Site. They connect with a small scale substation, which is the only remaining part of the once more extensive infrastructure, and is located near its north eastern corner. Relatively tall lighting columns with flood lights are located in the plot adjacent to the north.

The south eastern and south western perimeter of the Application Site, and along Faraday Avenue, is secured by an approximately 2.4m high solid concrete wall, which restricts views in. The access gate and the fence to the left of it is a palisade fencing and allows for restricted views into and across the Application Site. This boundary is further secured by additional barbed wire fencing atop the wall and palisade fencing giving it a strong industrial and unsettled character. Palisade fencing continues along the north western boundary. A low earth bund follows the southern perimeter of the Application Site, sloping from its south eastern corner and meeting the ground levels near the access gate.

The surface is partially tarmacked with some loose rubble / gravel and being gradually colonised by pioneer species, mostly grass. Part of the Application Site is used as a car park. There are no notable areas of shrub or tree vegetation. Mature trees are however present outside and adjacent to the boundaries of the Application Site. There are no obvious or notable water features within or adjacent to the Application Site.

Topographically, the Application Site appears level with little change to the contours across the site. Its south eastern corner is located at approximately 79.22m Above Ordnance Datum (AOD) with the contours rising to approximately 81m AOD in the south western corner, near the existing access gate. The north eastern boundary is located slightly lower and between 79.80m to 78.60m AOD.

Views in and out are restricted by the perimeter wall and tree vegetation in the adjacent plots. Large scale and relatively tall industrial buildings, located to the east restrict views further. The Application Site feels isolated with no inter-visibility except for views of Faraday Avenue, through the access gate.

There are no Public Rights of Way (PRoWs) within or adjacent to the Application Site. A public highway, which is located to the north west leads to a car park and has a restricted access.

Likely Significant Effects

The assessment has only identified two significant effects arising from the Proposed Development, those being the effect on visual amenity as experienced from the footpath which passes close to the south-west and south-east boundaries of the Application Site. Although significant, the context provided by the surrounding industrial landscape means that these effects are not considered to be materially unacceptable.

Surrounding Area

The surrounding area is industrial in character, with relatively tall units and of large footprints. Hams Hall Distribution Park stretches north of the Application Site with the railway line limiting its north western extent. Areas of hard standing and built form continue further north towards the southern outskirts of Lea Marston and St. John the Baptist Church.

Built form within the Hams Hall Distribution Park is of large scale and footprint. Each plot is generally well screened by managed hedgerows and belt of trees with upper parts of the buildings often visible above and amongst the tree canopies. Faraday Avenue is particularly characterised by a strong presence of trees and hedgerows. DHL buildings, located at the junction of Edison Road and Faraday Avenue are more visible due to limited tree cover along this section of Edison Road. Views of other buildings along Faraday Avenue vary. Views of buildings of Uni Per, on the southern side of Faraday Avenue, are glimpsed and restricted gained only through the access gate. The buildings in the plot adjacent east are visible over the surrounding tree vegetation due to their height and colour. Other buildings along the eastern section of Faraday Avenue are more visible with less tree cover. In terms of the prevailing form, a simple flat roof rectangular shaped buildings are the most characteristic for this road.

The Hams Hall Distribution Park is wedged between a railway line corridor to the north west and north, with the River Tame corridor and various small waterbodies enclosing it to the north east and east, and continuing south and to the west effectively encircling it. Further south the railway line with the Coleshill Train Station characterises the area with various business premises continuing south along Station Road and forming the northern outskirts of Grimstock Hill. The settlement of Coleshill lies further south.

Internal roads connect the individual units to Faraday Avenue, which in turn link to the M42 via the A446. The industrial area stretches further south towards Coleshill and this part is known as Coleshill Industrial Estate. The River Tame separates this area from the open countryside and small settlements of Lea Marston to the north (approximately 0.9km to the north), Whitacre Heath (approximately 1.5km to the north east), and Hoggrill's End (approximately 2.6km to the east). Shustoke Reservoir is located between Hoggrill's End and Shustoke, and provides recreational opportunities. A number of waterbodies, associated with the past extraction works in the area, are located along the river and to the north of the Application Site. Settlements in the northern and eastern part of the study area are connected by minor roads and the landscape, broadly speaking, is rural in character.

This contrasts with the landscape in the western part of the study area, which is characterised by large scale settlements, major highways and other elements of

infrastructure. The M42, M6, and M6 Toll separate the Birmingham conurbation from the open countryside with some small pockets of agricultural land located between the motorways and the urban edge. The industrial area around the Application Site and Coleshill form a large pocket of townscape and connect, in their character, to the urban environment around Birmingham. This includes the area around the Birmingham Airport and the industrial area stretching from Water Orton to the Birmingham city centre.

Likely Significant Effects

The assessment has not identified any significant landscape effects which would arise as a result of the Proposed Development, when considered in isolation. All identified visual receptors and the majority of the selected viewpoints have been assessed as subject to not significant visual effects. Receptors at only one identified location, at Viewpoint 7, have been assessed as experiencing significant visual effects due to proximity and inter-visibility with the Proposed Development.

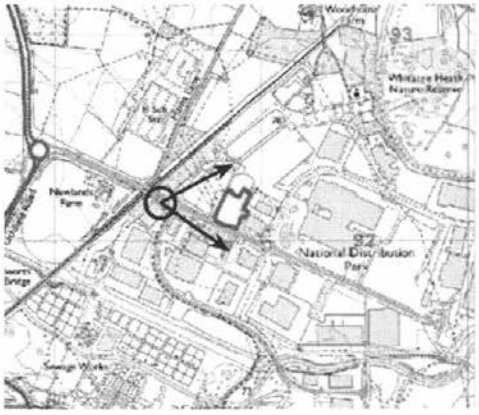
Mitigation and Enhancement

Mitigation measures (such as design evolution of the proposed built form, and gradation in colours of different parts of the Proposed Development to minimise the perceived massing of the buildings) have been incorporated into the design of the Proposed Developed as part of the iterative design process. The colour palette has been selected to make the Proposed Development more recessive in views thus having a lesser degree of effects upon the perception of the local landscape / townscape, and visual amenity. The measures are therefore an integral part of the development and no further additional mitigation is considered necessary from a landscape and visual perspective.

Conclusion

The nature of the Proposed Development, together with the context provided by the land uses surrounding the Application Site, would mean that the Proposed Development is considered to be appropriate to the setting and townscape character of the site and the Hams Hall Distribution Park. The introduction of the Proposed Development would not result in any significant effects on local landscape or townscape features or elements, or the character of the landscape / townscape within and around it.

Effects upon visual amenity would also be generally not significant with only one location assessed as subject to significant visual effects. Such higher degree of effects reflects close proximity and relatively open views towards the Proposed Development.



PHOTOMONTAGE FROM VIEWPOINT 7

FOOTPATH ALONG FARADAY AVENUE


BEKO


BEKO

TRAFFIC AND TRANSPORTATION

Introduction

The traffic and transport assessment has considered the environmental impacts of traffic to include pedestrian amenity, highway safety and driver delay in the context of the relative change in traffic flows.

Baseline Conditions

The application site lies approximately 1.65 kilometres to the south-east of Junction 9 of the M42 Motorway, as well as connections to the M6 Toll Road. The site is located within an established industrial area and is bound to the east by industrial units and to the south by Faraday Avenue, which provides direct access to the site. The western edge of the site is bound by airport parking business, while the application site abuts undeveloped brownfield land to the north.

In a wider context, the site is located on the north edge of Coleshill and is strategically positioned to provide easy access to key transport links including the M42 and M6. Such access is reflective of the industrialised nature of the locality and ensures that the site is easily accessible for larger commercial vehicles.

The application site is accessed off Faraday Avenue via a priority T-junction arrangement, with a left-in/left-out access. Access to the site is currently gated and the associated junction has an entry radius of 15 metres and an exit radius of 7 metres. This is considered to be sufficient to accommodate the turning requirements of large goods vehicles.

On site observations have noted the presence of on-street parking within the vicinity of the site access, which is also indicated by the erosion of the adjacent grass verge. In terms of geometry, visibility at the junction is achievable over a distance in excess of 100 metres in either direction from a 2.4 metre setback distance. This is commensurate with the likely approach speeds of vehicles.

Likely Significant Effects

Operational phase impacts have been determined with reference to the trip generation calculations contained within the submitted Transport Assessment which accompanies the Environmental Statement. The operational phase of the project is, at worst, categorised as Negligible.

Construction phase impacts could be generated from the arrival and departure of construction workers and associated HGV traffic. Whilst impacts can be significantly reduced with appropriate mitigation, the construction phase impacts would be, at worst, categorised as 'Negligible'. This is considered to be acceptable, particularly in light of the temporary nature of this phase of development.

Cumulative impacts during construction could arise alongside the construction of adjoining schemes. However, schemes are either already operational and are included within the baseline assessment or there is limited information from which to gauge the associated impacts and to undertake a comprehensive cumulative assessment. Notwithstanding, an arbitrary quadrupling of construction traffic flows assumed for the Proposed Development will only yield an acceptable 'Moderate Adverse' impact.

Mitigation and Enhancement

Given the application site's current land use and the resulting impact of the Proposed Development, it is considered that the surrounding highway network is of a suitable standard and will not require further mitigation to accommodate movements associated with the operational phase.

For the construction phase it is proposed that a Construction Traffic Management Plan (CTMP) would be prepared and submitted to the Local Planning Authority prior to the commencement of on-site works. The purpose of the CTMP would be so that appropriate environmental management practices are followed during the construction (and demolition) phase of the project

For the operational phase an Outline Travel Plan has been prepared to promote the use of sustainable travel amongst future staff visitors.

Conclusion

In view of the above, it is the conclusion of this Chapter of the ES that the Proposed Development can be accommodated without any unacceptable detriment to the environmental effects of traffic. Furthermore, it is noted that the inclusion of mitigation measures at both construction and operational phases would reduce the effects and impacts of the development further, providing confidence in the conclusion of this assessment.

HYDROLOGY AND FLOOD RISK

Introduction

An assessment has been undertaken of the likely significant effects that the Proposed Development would have on the water environment. The effect of the Proposed Development on local flood risk and water quality of nearby watercourses has been assessed and mitigation measures proposed. The hydrology and flood risk assessment is supported by a detailed Flood Risk Assessment which has been submitted with the planning application documents.

Baseline Conditions

The Application Site is currently in brownfield use and consists of cleared and consolidated land, surrounded by the Car Storage Compound to the west and some of industrial plots to the east. A number of National Grid Areas are present in the immediate vicinity of the site.

The Topographical Survey indicates that the site is effectively flat with site levels ranging between 80m and 79.16m Above Ordnance Datum (AOD), falling from the south west to the south east of the site.

The Environment Agency's Flood Map shows the site lies entirely within Flood Zone 1, which indicates the land assessed as having less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) and is the lowest rating used by the Environment Agency. The Strategic Flood Risk Assessment contains no records of historic flooding from watercourses in the vicinity of the application site. The risk of other forms of flooding affecting the development site has been assessed as low.

Likely Significant Effects

The construction of the Proposed Development will temporarily disrupt the onsite surface water drainage network. Potentially polluting activities and accidental spillages and leakages may occur during the construction and operation of the Proposed Development which could have an effect on local water quality.

Mitigation and Enhancement

Good site management, adequate contingency planning and application of pollution prevention principles and best practice construction techniques will reduce the risk of a significant water pollution event occurring. The surface water drainage system will incorporate stormwater storage and will be discharged at a reduced flow into an onsite ditch. The system will provide a degree of flood risk betterment during these storm events.

The surface water drainage system will incorporate specific measures to intercept oil and silt and other pollutants from the site and relevant plant will be designed to minimise pollution risk (e.g. bunded).

Conclusion

Adopting best practice construction site management and provision of a suitably designed surface water drainage system incorporating pollution control and stormwater storage minimises the effect of the Proposed Development on local flood risk and water quality in nearby watercourses.

HYDROGEOLOGY AND GROUND CONDITIONS

Introduction

A qualitative assessment of the effects of the proposed development arising from likely ground conditions has been completed. The assessment has considered the extent and methods of foundation construction, the anticipated degree of disturbance of the ground, the final form of the development, and the relevant national policies for contaminated land assessment and management.

Baseline Conditions

The baseline ground conditions at the site have been assessed by a Phase 1 Desktop Study.

Likely Significant Effects

Prior to mitigation, a number of likely significant effects have been identified relating to the risk of the effects of contaminated land on construction workers, end users and controlled waters.

Mitigation and Enhancement

The following mitigation measures have been recommended:

Undertake a Detailed Unexploded Ordnance Threat and Risk Assessment prior to carrying out intrusive site investigation works (and development).

Undertake a Phase 2 Geo-environmental Ground Investigation prior to development to provide an assessment of the ground conditions on the application site with respect to geotechnical properties and any potential contamination (including hazardous gases) in the underlying soils and/or groundwater.

Application of appropriate measures during the construction phase to protect construction workers, site neighbours and the environment more generally, from exposure to any contaminated material which may be encountered (e.g. dust control measures, containment of soil and groundwater arising from works in the ground, use of appropriate PPE).

If piling through the Secondary A aquifer is required as part of the development, a Report on Piling and Risks to Groundwater should be completed to the satisfaction of the Environment Agency (EA). The piling technique should be chosen to mitigate risks to controlled waters.

The safe stockpiling, containment and testing of material displaying visual or olfactory evidence of contamination during the construction works. Based on the results of subsequent testing, the stockpiled soils should be re-used, treated or disposed of off-site.

A 'clean' and inert soil cover layer should be placed over in-situ soils in areas of new landscaping. The cover soils should be validated prior to placement.

Building slabs and membranes should be designed to mitigate the Characteristic Gas Situation classification for the site; ground gas monitoring should be undertaken to classify the gas regime, as described within BS 8485 and C665.

The concrete used within the proposed development should be designed in accordance with the concrete classification for the site (assessed using BRE Special Digest 1).

The local water supply company should be consulted regarding the pipe material and backfill specification of potable water supply pipes.

Operation on sealed hard standing would ensure any oils/ lubricants or wastes are not able to penetrate into the underlying natural ground and controlled waters.

Develop systems in line with the plant/facility Environmental Permit to ensure all potential contamination issues associated with the operation of the facility would have been satisfactorily controlled.

Conclusion

Following the implementation of the recommended mitigation measures the residual effect of the proposed development with respect to all receptors is assessed to be Neutral, as either ground contamination sources or transport pathways to receptors will have been removed.

NOISE AND VIBRATION

Introduction

A noise assessment has been carried out for the Proposed Development. The assessment has taken account of potential effects during the construction and operation of the Proposed Development, upon surrounding residential receptors. It has considered factors such as piling during construction and additional traffic movements once the site became operational.

Baseline Conditions

The Application Site is located within the existing industrial / commercial area within Hams Hall.

The closest residential receptors are located to the north east of the application site, approximately 500 metres from the northern site boundary. There is a single property located adjacent to the former Hams Hall site boundary, with two further properties further east, adjacent to the church.

Other dwellings are located beyond 1km from the site within Lea Marston and given the distance from the site, these properties have not been considered further within this assessment.

In order to ascertain the existing noise environment at noise sensitive receptors surrounding the Application Site and to inform the design of the Proposed Development, a noise monitoring exercise was carried out between 15 – 21 March 2016. The survey comprised an unattended noise survey, carried out at one location within the land adjacent to the closest dwelling, with simultaneous sample noise measurements taken adjacent to the church.

The monitoring positions were chosen to enable the typical background noise levels to be determined at the potentially most affected dwellings.

Likely Significant Effects

The Proposed Development is located some distance from the surrounding noise sensitive receptors. An assessment of the noise levels associated with the construction of the Proposed Development indicates that noise associated with the works would result in a **negligible** effect.

Noise levels associated with the operation of the Proposed Development are anticipated to be low and below a level which would result in any significant adverse noise impacts, with noise associated with the operation resulting in a **negligible** effect at surrounding properties.

There would be regular deliveries made to the site throughout the day. The small numbers of additional vehicles would result in no noticeable change in road traffic noise levels on roads surrounding the Proposed Development, with a **negligible** effect identified.

Mitigation and Enhancement

No additional noise mitigation measures have been identified in addition to those which would be incorporated as standard into the design of the Proposed Development.

Conclusion

In summary, the construction and operation of the Proposed Development would not give rise to any adverse noise impacts at surrounding properties.

ECOLOGY AND NATURE CONSERVATION

Introduction

The ecological assessment compiles information from a desk study and Extended Phase I habitat survey, enabling the determination of the likely ecological effects of the Proposed Development. The assessment establishes the likely presence of protected or notable species, identifies statutory designated sites for nature conservation in the vicinity of the Proposed Development and evaluates the overall conservation status of the Application Site.

The potential effects on identified ecological receptors including designated sites and protected and notable species is assessed in line with current guidance, and appropriate mitigation and enhancement measures are described.

Baseline Conditions

An Extended Phase 1 habitat survey was undertaken on the Application Site in February 2016. The survey recorded habitats within the Application Site and aimed to establish the presence or potential presence of protected and notable species.

Statutory designated sites were identified within a 5km radius of the Application Site (extended to 20km for SPAs and Ramsars) using the Multi Agency Geographic Information for the Countryside (MAGIC) website, along with the Joint Nature Conservation Committee (JNCC) and Natural England (NE) websites. WBRC (Warwickshire Biodiversity Record Centre and EcoRecord (the Ecological Database for Birmingham and the Black Country) provided records of protected and notable species, locally designated sites and habitats within a 2km radius of the approximate centre of the Application Site.

The Application Site comprised an area of gravel hardstanding, bounded by concrete perimeter walls and was in use as an industrial storage area. Opportunities for wildlife were therefore extremely limited, although semi-natural habitats are present in the wider landscape.

No evidence of protected or notable species was identified during the Phase 1 habitat survey. The hardstanding land was considered unsuitable for protected and notable species, although nearby land may provide some foraging interest for bats. The presence of a mammal path indicated the potential movement of badger or foxes across the Application Site. The potential for black redstart to be present in the local area is possible as there is suitable derelict land to the north. The Application Site in its current state is however not suitable for nesting birds.

The overall importance of the Application Site habitats and to protected and notable species is assessed to be very low, with local features of greater biodiversity interest adjacent to the Site being retained as part of the Proposed Development.

Likely Significant Effects

No significant effects are anticipated on statutory or non-statutory designed sites or habitats.

No significant effects are anticipated on protected species.

Mitigation and Enhancement

- Mitigation and enhancement measures will include the following:
- Pollution prevention and control measures employed during construction;
- Appropriate lighting design to avoid light spill onto adjacent habitats, and
- A pre-construction badger survey.

Conclusion

The Proposed Development will have **no significant** residual effects on Ecology or Nature Conservation.

ARCHAEOLOGY AND CULTURAL HERITAGE

Introduction

The archaeology and cultural heritage assessment has considered the likely significant effects of the Proposed Development that has used a combination of desk based research and on site investigation.

Baseline Conditions

The Site is located on an area of Second River Terrace gravels. Areas of River Terrace gravels were favoured locations for prehistoric activity. However, none is recorded in the immediate vicinity of the Site. Cropmarks c. 650m north-west of the Site are potentially of prehistoric origin, although a modern origin has also been suggested. The desk-based assessment has not identified any evidence to indicate significant activity focused within the Site. And previously present below-ground archaeological remains are likely to have been removed by the two-phases of sub-station construction in the earlier and mid-20th century respectively.

The western boundary of Hams Hall park, as mapped on the First Edition Ordnance Survey, crossed eastern area of the Site. Extant park features within and in the immediate vicinity of the Site were removed in the 20th century. No park features of heritage interest remain within the Site.

An earlier 20th-century sub-station is visible extending into the Site area on 1930s aerial photographs. This was replaced in the late 1950s, with a new sub-station with a different footprint. The late 1950s sub-station was largely dismantled, within the last 10 years. The boundary wall, which defines the parcel of land within which the Site is situated, is on the same alignment at the late 1950s sub-station boundary wall. The boundary wall associated with the late 1950s phase of construction at Hams Hall Power station is not considered to be a heritage asset.

The closest designated heritage assets are the Grade II Listed Church of St John the Baptist and associated Grade II Listed Cross c. 650m north-east of the Site. These are **designated heritage assets of less than the highest significance.**

Likely Significant Effects

The Proposed Development will not result in physical impacts on any identified heritage assets.

A Settings Assessment with regards to designated heritage assets is included as part of the Environmental Statement submitted with this application. The Proposed Development will not result in any adverse significant effects on designated heritage assets.

Mitigation and Enhancement

In the absence of any evidence for significant, focused activity within the Application Site prior to the establishment of the power station and given the disturbance associated with the two-phases of sub-station construction, it is considered that the current assessment provides a proportionate level of information regarding the potential below-ground archaeological resource, as required by paragraph 128 of NPPF, sufficient to determine the planning application, and no subsequent mitigation works are proposed.

Conclusions

The assessment has not identified evidence for focused, significant activity within the site prior to the establishment of the power station in the earlier 20th-century. This chapter, in conjunction with Appendix 12.1, provides a proportionate level of detail (as required by Paragraph 128 of NPPF) regarding the archaeological resource, sufficient to determine an application for development.

The proposed development will not result in any adverse impacts on the significance of designated heritage assets as a result of alteration to setting. As such it will be in keeping with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990, NPPF, and Local Planning Policy pertaining to the setting of designated heritage assets.

SOCIO-ECONOMICS

Introduction

The socio-economic assessment considers effects of the Proposed Development during both the construction and operational phases. This assessment considers the provision of the following aspects of the Proposed Development:

- The provision of circa 20 jobs in the operational phase; and
- The offer of competitively priced sustainable energy to local businesses.

The Application Site is within North Warwickshire and lies within the Ward of Curdworth. Some information is only available for the Lower Super Output Area (LSOA), North Warwickshire 004B or Middle Level Super Output Area (MSOA) North Warwickshire 004 and these are used in these instances. The assessment considers the appropriate area/s in regard to different issues.

Baseline Conditions

The 2011 Census identified 62,014 residents in North Warwickshire, of whom 3,195 lived within Curdworth Ward. The Census indicates that the population of the Ward is on average much older with a mean age of 45.4 years as compared to 41.7 years across the Borough or 39.3 years across the nation.

The latest Mid-Year Population Estimates identified that the population of North Warwickshire had increased to 62,468 in 2014. The 2012 subnational population projections then project a further increase of circa 1,032 persons from 2014 to 2019 (when the plant is expected to become operational).

The 2012 subnational population projections identify the factors that make up the projected population change. Within North Warwickshire, 100% of the growth arises from net migration.

Likely Significant Effects

The key socio-economic effects of the Proposed Development can be summarised as follows:

- Provision of circa 100 to 130 additional jobs during the construction phase in the construction sector;
- Provision of 20 jobs during the operational phase;
- The jobs will include elementary jobs during both the operational and construction phases which responds to the type of jobs being sought by the unemployed in Curdworth Ward currently;
- •Investment in construction, operation and maintenance all of which will provide for indirect effects including generating work for local tradesmen;
- Additional £2.3M GVA per annum for the local economy including an increase of the local disposable income (for employees of the facility and tradesmen) which will have induced effects on local economy;
- The provision of lower priced sustainable energy for local businesses, reducing business costs which may be used to expand or enhance businesses (including new jobs and/or increased wages); and
- Potential minimal increases in commuting flows.

Mitigation and Enhancement

No mitigation has been identified in socio-economic terms given the lack and/or scale of any negative effects associated with the Proposed Development.

Conclusion

Overall the Proposed Development is considered to provide for minor effects and will contribute to addressing the economic needs of the area.

SUMMARY

The technical chapters which have made up the Environmental statement and assess the REC at Hams Hall Energy demonstrate that there are no overriding environmental constraints or planning policies which would preclude the development of the Application Site.

The Planning Statement which forms a separate part of the planning application demonstrates significant weight for both Planning Policy and Waste Policy which demonstrates the need for and benefits of the scheme. The Proposed Development is in accord with the relevant policies of the Development Plan and other material planning considerations including the principle of sustainable development.

The proposal has also been shown to be in compliance with national strategic level planning policies contained within the National Planning Policy Framework and the National Planning Policy for Waste, and guidance set out in the Waste Management Plan for England and both EN-1 and EN-3. These documents are significant material considerations in the planning process and indicate this proposal is acceptable.

The above considerations demonstrate that upon considering the significant benefits associated with the scheme against the relatively benign impacts, the proposal, on balance, falls well within the scope of acceptability as the benefits would indeed outweigh any limited harm.

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APPENDIX E

3 DEVELOPMENT PROPOSALS

3.1 Background

3.1.1 The Proposed Development comprises a 3-line Renewable Energy Centre with associated vehicular access.

3.1.2 The Renewable Energy Centre (REC) will employ an Advanced Conversion Technology (ACT) (gasification) a process which is supported by Government and is part of a number of renewable technologies being deployed in the UK. ACT / Gasification is a process to generate power and heat from Refuse Derived Fuel (RDF) together with other pre-treated wastes. RDF is a product which is pre-treated then shredded, dehydrated and / or compressed from municipal solid waste and industrial and commercial waste and when heated to very high temperatures breaks down to provide a gas which is utilised in a boiler to create steam which drives a steam turbine to produce electricity and heat. It is a clean, modern and hi-tech approach to producing energy, with a proven track record.

3.1.3 The development will have the capacity to process up to approximately 150,000 tonnes of waste per annum. As well as the RDF the feed stock will include using non-recyclable residual commercial and industrial waste (CIW) together with an element of municipal solid waste (MSW) i.e. residual waste where all the practicable recycling has been completed. Initial research has indicated that this material would comprise waste from across the wider Warwickshire area. The plant will not accept hazardous or clinical waste.

3.1.4 The power produced from this facility will have a capacity of 14.5MW/hr gross of electricity. The gasification technology employed at Hams Hall Energy Centre will involve a two-stage system, which initially gasifies the waste to produce synthetic gas. This gas is then transferred to a second stage where it is combusted in a high efficiency boiler to produce steam which drives a steam turbine to produce electricity. The process allows for efficient control of emissions and improved performance generally as an energy solution.

3.1.5 Gasification is classed as an Advanced Conversion Technology (ACT) as the biomass element of waste qualifies for Contract for Difference (CFD). CFDs provide long-term price stabilisation for low carbon plants, allowing investment to come forward at a lower cost of capital and therefore at a lower cost to consumers but enables advanced renewable technology to be developed.

3.2 Site Layout

3.2.1 The proposed site layout is illustrated on **Figure 3.1**. The REC will be constructed within the centre of the site with access and egress at Faraday Avenue to the south.

3.2.2 The REC is made up of the following principal elements:

- **A main building** – this will house the majority of the process plant and will have a number of silos to the rear and a flue stack to the east of the building, all waste material will be unloaded inside the building. At its highest point, the main body of the building will be 24m high and 87.96m long x 72.7m wide with a floor area of 5725m^{2,} see REC elevations illustrated on **Figure 3.2**. The flue stack contains a walk around platform for continual air quality monitoring access and consists of a metal framework. The stack will have a height of 52m and a diameter of 2.8m;

- **Waste Reception Bunker (located in main building)** - Wastes are deposited into an 8m deep waste bunker within the building, with a capacity of 820m^3 where shredding and separating takes place to prepare the fuel for the gasification process, and any ferrous material is taken out which will be removed for recycling;

- **Prepared Fuel Storage Bunker** – the prepared fuel will be deposited in storage bunker within the building (which has 4 days of waste storage thus complying with fire regulations and stopping build-up of heat from waste gasses), which has a capacity of c6,000m^3.

- **Turbine Room** – this will be a smaller separate building 15.6m high, with a base of 30m x 15m located at the most northern part of the site. A short section of pipe line will connect the main building and the turbine generator building;

- **Air cooled condenser fans** – have a height of 23.4m with a footprint of 39.62m x 15.76m;

- **Bottom Ash bunker** – the bottom ash is stored in a bunker measuring 10m x 12m x 5m with a capacity of 600m^3. This material is inert and can be reused as an aggregate or used for an engineering material in landfill. It complies with current European legislation;

- **Fly Ash Silo** – the fly ash silo framework stores the residue from the flue gas cleaning system and measures 10.5m x 5.15m and 19.5m high. The ash is removed in a safe manner by attaching an umbilical hose to a tanker and can be either reused /recovered or disposed of at licensed landfills. The handling, storage, treatment and reuse/disposal of this material is highly regulated;

- **Fire Water Tank** - a fire water tank would be included to the south of REC building. The tank has a 17m diameter and a height of 6.75m with a 1 million litre capacity;

- **Pump Room** – the pump house is next to the fire water tank and has a height of 3.2m with a footprint of 6.09m x 4.59m; and

- **Technical / Control room and Workshop** – will be located within the east side of the main building.

3.2.3 In addition, the external site areas will include:

- Two weighbridges (both in and out) with an office measuring 4.85m x 3m x 2.95m high;
- Site entrance and circulation roads;
- 18 car parking spaces plus 2 disabled bays;
- Provision for 14 cycling spaces.

3.3 Process Description

3.3.1 The key stages of the REC process are described below.

3.3.2 The plant employs a two stage system that first gasifies (heats) the waste to produce a synthetic gas which is then transferred to a second stage where it is oxidised. Changing the waste to a gas fuel, means the combustion environment can be finely controlled, very low dioxins emissions and Nitrogen Oxides (NOx) emissions minimised which can achieve emissions levels that are compliant with Industrial Emissions Directive (IED) (Directive 2010/75/EU of the European Parliament and the Council on industrial emissions). Key Stages:

Waste Reception

3.3.3 Once accepted in to the site, vehicles delivering residual waste would draw up to and reverse into the Waste Reception Hall to the front of the main building. Once the vehicle is inside the Waste Reception Hall the fast acting doors will close; the Waste Reception Hall operates under negative pressure to draw in and contain odours with the air then fed into the ACT processing plant (gasification plant) so that it is 'cleaned' as part of the overall emissions control process before being released through the flue stack.

Fuel Bunker and Transport System

3.3.4 The residual waste is unloaded within the Waste Reception Hall. The residual waste in RDF form is unloaded directly by crane into the Fuel Bunker. However, all other residual wastes would first be deposited into the waste bunker before being transferred by crane into the shredder and then passed across a magnet whereupon any ferrous material will be removed. The recovered metals will be collected in a skip within the main building which will be periodically collected and sent for recycling. The prepared fuel is then stored in a bunker prior to entering the gasification process.

3.3.5 The overhead fuel crane will operate on a pre-programmed cycle and move around the fuel bunker to mix the residual waste to create a more homogeneous mixture. The crane will then deliver residual waste automatically to the fuel hopper to the ACT unit.

Thermal Conversion

3.3.6 The thermal conversion will take place in two stages. Firstly gasification of the fuel will be carried out in the gasification unit creating the synthetic gas. From this, the gas passes to the High-temperature Oxidation Unit where there is a complete combustion of Carbon Monoxide (CO), Total Organic Carbon (TOC) with a final production of a flue gas with low NOx content. The ash is discharged from the gasification unit at the end and taken for offsite disposal.

Heat Recovery Steam Generator (HRSG)

3.3.7 The HRSG that recovers the energy from the flue gas is connected to the high temperature oxidation unit that combines smoke-tube and water-tube boilers operated to control the outlet flue-gas temperature.

Energy Utilisation System

3.3.8 The boilers will deliver saturated or superheated steam to an energy utilisation system. The system will consist of a turbine with generator and an air cooled vacuum condenser with condensate pumps. Generated electricity will be connected to the Power

Company's distribution network. Condensate from the air-cooled condenser will be directed to the feed water tank of the boiler system by condensate pumps.

3.3.9 If required the turbine can be fitted with a suitable extraction point to enable steam, at the appropriate pressure, to be taken from the turbine for use by adjacent consumers.

Flue Gas Cleaning System

3.3.10 Having been generated in the dual stage gasification process and passed through the HRSG, the flue gas will enter a gas cleaning system. This will comprise a bag house filter, a storage silo for lime and activated carbon and a filter dust silo. In simple terms the lime and activated carbon will be injected at the inlet of the bag house filter and this will adsorb contaminants in the flue gas. The contaminants are in turn filtered out and disposed of off-site, with only clean gases discharged to the atmosphere.

Control and Monitoring System

3.3.11 The plant will be equipped with a control and monitoring system that will provide automatic control of the process during normal operating conditions and gives the opportunity for staff to monitor the different process sections. Of particular importance will be the logging of process details, including emissions.

3.4 Material Delivery and Despatch

3.4.1 On arrival, waste vehicles will report to the weighbridge where waste documentation, waste carrier certificates and transfer notes will be checked to ensure compliance with the Duty of Care Regulations and the sites Environmental Permit. Vehicles containing any non-conforming waste will be quarantined and managed in accordance with the site's Permit. The quantity of waste the vehicles carry will then be assessed by passing them over the weighbridge.

3.4.2 It is anticipated that feedstock from the wider area would fulfil the requirement to operate the REC. This is however subject to available local contracts and is currently under review.

3.4.3 The waste will be split into three types; Tier 1 from the major waste companies which would account for approximately 60% of the waste entering the plant; Tier 2 would consist of waste from local operators and would account for 30% waste and Tier 3 where 10% of the waste would come from spot market. Economic and contractual obligations will play a large factor in the distance waste is travelled to the site hence by this nature waste will not be transported over long distances. Although waste from Tier 1 would be transported from major waste organisations it would still arrive from the wider M42 / M6 corridor area. The tiers represent different size operators as opposed to the distance the waste is brought into the site from, therefore, the distance will be self-limiting owing to transport cost.

3.4.4 It is anticipated that waste will be delivered to the site via refuse collection vehicles (RCVs) which will typically be 18 – 22 tonne vehicle (gross weight), or in large articulated

bulk haulage vehicles from nearby waste transfer stations under a Duty of Care Waste Transfer Note.

3.4.5 The REC is expected to generate up to 88 heavy goods vehicles (HGVs) trips per day, (44 In and 44 Out) , plus trips associated with 20 staff.

3.4.6 Vehicular access to the REC will utilise existing access to the south west of the site leading from Faraday Avenue and Junction 9 of the M42 motorway.

3.4.7 Upon entering the site all vehicles will be directed north to circle around the back of the site to the manned office / gatehouse at the eastern side of the building. Two barriers here control access to the building. Staff and visitors will be directed towards the car park located immediately on the site's south western boundary. Users will exit the site via the same route.

3.4.8 A separate barrier system will be provided for HGV movements, with separate barriers provided for vehicles entering and exiting the site. A weighbridge will be located in front of each barrier which will be located either side of a security office. Further details are provided within **Chapter 7 Traffic and Transport**.

3.5 Grid Connection

3.5.1 The Applicant has held discussions with Western Power Distribution (the responsible DNO) and an application has been submitted. Once this has been returned a point of connection can be assessed.

3.6 Surface Water Management

3.6.1 A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site. It is considered that the use of infiltration devices for site drainage is not appropriate for the site due to impermeable soils.

3.6.2 Proposals comprise a pipe system and a tank in order to attenuate surface water runoff and, as the brownfield runoff rates are unknown, it is proposed to restrict runoff to greenfield rates. It is proposed that the surface water from the designed network will discharge to the existing off-site public sewer located approximately 100m to the south east of the site.

3.6.3 A preliminary surface water drainage strategy is shown on the Indicative Surface Water Drainage Strategy Plan, Drawing No. K116/03, within **Appendix 8.1** Flood Risk Assessment.

3.6.4 The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

3.7 Design Approach (building materials and colour)

3.7.1 Many industrial sites are designed with a typical 'form follows function' approach. From the outset it was deemed important that the external appearance of the plant should be appropriate for the area.

3.7.2 In terms of architectural detailing and materials, both follow a similar palette and consist of mainly a coloured cladding system.

3.7.3 Due to the REC plant building being a large mass, it was important to use a smooth lightweight architectural cladding system that would achieve the functional needs, as well as aesthetic ones too. A simple palette of materials was proposed consisting of a neutral grey-green colour and represented in bands becoming increasingly pale towards the top of the building. The aim of the introduction of the banding is to reduce the perceived massing of the building. The stack will be faced in a muted grey metal which will sit and almost blend into the typical overcast skyline of the UK. External equipment will be faced in a grey coated metal to blend into the colour palette of the main plant.

3.7.4 A tree belt was integrated on the southern boundary to screen visible elements and enhance the visual environment.

3.8 Construction Duration

3.8.1 Subject to the grant of planning permission, it is anticipated that the construction of the proposed REC would commence in 2017. Construction on site is expected to last for 24 months, after which there would be a commissioning period. Furthermore, construction would normally take place during the hours of 0700 to 1800 (Monday to Friday) and 0800 to 1300 (Saturday). No construction would take place on Sundays or bank holidays.

3.9 Operating Hours

3.9.1 The REC will operate continuously; 24 hours a day, 7 days per week. Operational staff would be required to operate the Plant on a 3 shift pattern (each of 8 hours). During weekdays the facility will be open for deliveries between the hours of 07:00 and 19:00 and between the hours of 07:00 and 14:00 on Saturdays. There will be no waste received on Sundays. It is expected that HGVs importing and exporting materials from the site will do so evenly throughout the 12 hour period and there is unlikely to be a peak in movements associated with these operations.

3.9.2 Maintenance of the REC would take place twice yearly which would necessitate the ceasing of operations for a two week period in the summer and a week during the winter period. These times would be programmed to coincide with the manufacturer's shutdown periods. Across the resultant 49 weeks of scheduled operation, ad-hoc maintenance and other generation drop-out periods associated with grid-synchronisation and the processing of non-homogenous Refuse Derived Fuel may result in the need for short-term shut-downs. The availability is therefore expected to be approximately 90% (i.e. 44 weeks per annum).

3.9.3 The facility is expected to be available to receive deliveries of waste on weekdays and on Saturday mornings. The Plant will operate during Bank Holidays but shall not receive waste deliveries. This is facilitated by the on-site waste storage inside the building which has been designed to ensure sufficient capacity to continue operations without delivery for up to four days.

3.10 Construction and Environmental Management

3.10.1 Environmental control measures will be imposed to minimise adverse environmental effects during construction and the assessments presented in this ES have been undertaken on the basis that these measures will be implemented. A Construction Environmental Management Plan will be prepared and adopted and will include sections on: noise, vibration, air quality, water quality, surface quality (prevention of contamination of ground surface), site transportation and traffic management, visual intrusion and waste management. The appointed contractor will also be required to register with the Considerate Construction Scheme.

3.10.2 Lorries will be fully sheeted over and pass through a wheel washing installations (hose down area) prior to departure.

3.10.3 Waste will be generated during all stages of the construction works. A Site Waste Management Plan will be prepared and all relevant contractors will be required to seek to minimise waste arising at source and, where such waste generation is unavoidable, to maximise its recycling and reuse potential. Recycling of materials will primarily take place off-site where noise and dust are more easily managed.

3.10.4 All construction activities, which have the potential to generate significant amounts of noise and/or vibration and will be undertaken during daytime periods (see **Chapter 10 Noise** for further information relating to construction noise).

3.11 Scheme Benefits

3.11.1 The benefits of the REC include:

- Proven technology with outstanding operational and environmental performance and very low emissions;
- Conversion of pre-treated waste into renewable energy, displacing landfill and fossil fuels;
- Reducing greenhouse gas emissions;
- Job creation across a variety of skills and levels of expertise with employment opportunities for local people;
- Transforming an allocated vacant plot within an existing industrial site and enhancing with landscape planting;
- Production of lower cost renewable energy with the potential to create connections to local energy businesses/end-users via underground cable;
- Clear progression in the transition to a low-carbon economy with grid carbon offset; and
- Compliance with Government policy and the Industrial Emissions Directive (IED) to provide sustainable, renewable energy production close to use.

3.12 Employment

3.12.1 The proposed REC will create a number of job opportunities during the construction phase of the development and once operational this will provide up to 20 employment opportunities, which will comprise of 18 FTE's directly employed on site with a further seven people providing services from local specialist businesses. Jobs will be across a

variety of skills and levels of expertise and there will be employment opportunities for local people.

3.12.2 There will be a number of job opportunities created by the proposed industrial warehouse to the front of the site.

3.13 Consents

3.13.1 In addition to planning permission, other consents will be required to enable the Proposed Development to proceed. Of particular importance to this development is the need for an Environmental Permit from the Environment Agency that will control all operations associated with the plant based upon various risk assessments. Information presented in this ES will be used in the preparation of the Permit.

APPENDIX F

ROLTON KILBRIDE
POWERING THE FUTURE™

Rolton Kilbride – development of UK gasification projects

FREQUENTLY ASKED QUESTIONS

INDEX

ROLTON KILBRIDE
POWERING THE FUTURE™

5. The Facility and Health

Is the facility safe?
Who monitors the facility?
What about the chimney stack?
How has the height of the chimney stack been decided?
How have the health risks of the facility been assessed?
Who will monitor the facility for safety and compliance?
What about starting up and shutting down?
What comes out of the chimney stack?
What about dioxins and furans?
Is it true that people living near such facilities have a higher chance of developing cancer?
What studies have been done into the impact of energy from waste on human health and the environment? Where can I find out more information?
What about very fine particles (nano particles)?
Will there be a visible plume?

6. The Environment

What impact will this facility have on the environment?
What is an Environmental Impact Assessment (EIA)?
Who does the EIA and how do you ensure it is independent?
What about the visual impact? Would the plant be visible from miles away?
How much traffic will there be? How many heavy good vehicles will be coming and going?
What measures are being taken to avoid creating traffic jams or more congestion?
What are the proposed routes to and from the facility? Can delivery vehicles take short cuts?
Has rail been considered for bringing in the RDF?
What are the delivery and collection hours proposed for the facility?
What about the other traffic on the road, such as housing developments and schools?
Does the EIA take into account proposed new developments too?
More traffic means more diesel fumes. What will be done to ensure that the air quality is not affected by the facility?
What noise can be expected?
Will it be noisy during construction?
What about odour?
Does the process extract water from or discharge water into the river Nene?

7. Local Community Benefits

How will the facility benefit the local community?
What jobs will be created - how will local people benefit?
What about construction employment opportunities?

8. Planning and Public Consultation

How long will the planning process take?
Where can I go for more information?
What if I disagree with the proposals?

ROLTON KILBRIDE
POWERING THE FUTURE™

CONTENT

1. The Applicant

Who is Rolton Kilbride?
Rolton Kilbride is a privately owned developer of Renewable Energy Centres. Rolton Kilbride is also working with a set of highly specialised technology partners and advisers who have extensive experience in the field of energy generation, gasification and the use of modern environmental technology.

What experience has Rolton Kilbride got in energy generation?
The senior management team have successful, established track records in infrastructure and energy, having worked in this field over many years. They have significant experience in developing Energy from Waste plants, Anaerobic Digestion plants, large scale solar and wind installations.

2. The Proposal

What is being proposed?
The proposal to be submitted to Warwickshire County Council is for the construction and operation of a Renewable Energy Centre (REC). The facility will recover energy non hazardous residual waste in the form of heat and electricity. The proposal includes a gasification plant with equipment for energy recovery, the necessary associated infrastructure, and distribution, new vehicular access and appropriate landscaping.

Why do we need this development?
There is a need to generate renewable energy in the UK, and to produce electrical power and heat at the same time. A facility operating in this manner is known as a Combined Heat and Power (CHP) plant, which is widely recognised as being one of the most efficient methods of generating energy. CHP developments are being strongly encouraged by Government to increase energy efficiency in the UK.

There is also a need to deal efficiently with the residual waste that remains after recycling efforts have taken place, which is not practical to reprocess into new products. The best way to deal with this residual material is to recover energy from it, through a facility such as the one proposed in this application.

What is RDF or SRF?
Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF) is produced from the residual left over waste after extensive recycling has taken place. In this case, the waste comes from two sources: municipal solid waste (MSW), which comes from households and municipal facilities, and non-hazardous commercial and industrial (C&I) waste (such as packaging materials). The recycling systems used beforehand include kerbside collections for specific materials, other segregated collection systems and 'bring to' centres, mechanical separation plants and also some biological processing to reduce organic content. As a result, the national recycling rate for MSW was 44.9% in 2014 (DEFRA), which shows the levels currently being achieved in the UK.

What is the difference between RDF and SRF?
There is no real difference between the terms Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF), except that SRF has to meet specific technical criteria (such as particle size and moisture levels) in order to meet certain European quality standards. RDF is more generic in nature. Both SRF and RDF are extensively used in Europe and the UK for energy generation in industrial applications, such as cement kilns. They are also used in dedicated energy recovery facilities, such as gasification plants. RDF and SRF are both waste derived fuels.

In this application, the fuel for the facility is referred to as RDF for simplicity.

Why can't all waste be recycled?
It is simply not practical or possible to do so in our modern society, although it's worth noting that the UK has made massive strides from being one of the worst recyclers in Europe in 1991 (at only 6% with virtually everything else being sent to landfill) to being amongst the best today, when like for like comparisons are made. For example, whilst the UK is at 44.9%, Germany is at 43%, the Netherlands at 52% and Denmark at 58%.

Examples of materials that cannot be recycled are plastic films like the ones that cover ready meals, some types of textiles, many laminated materials (such as certain types of crisp packets), disposable nappies, paper and card contaminated with food.

Which other countries burn RDF and SRF to generate energy?
Almost all countries in the EU use RDF and SRF to generate energy. They have been active in using this fuel in combined heat and power plants to provide energy for local communities for many years prior to the UK beginning to develop such facilities.

For example, Sweden has 32 such facilities, Denmark 27, Germany 81, Switzerland 30 and Austria 13 (see http://www.cewep.eu/information/data/studies/m_1459). All these countries have a strong and well-deserved reputation for environmental security and the achievement of high operating standards. The UK is now beginning to match this type of efficient facility.

What about climate change?
The REC will be equipped with modern technology that maximises environmental efficiency and effective use of the RDF. This will recover energy in the form of electricity and heat (as steam or very hot water).

Over 50% of the RDF is biomass or organic material; in other words, food or plant based material and degradable carbon such as paper, cardboard, natural fibres and wood. As a result, energy generated from it is classed as renewable and carbon-neutral energy. The proportion of biomass will vary according to the where the waste has come from and the processes used to produce it.

When burnt, fossil fuels such as oil, gas and coal all release much larger quantities of carbon dioxide (CO_2) than RDF. Being able to use RDF instead of these fuels is known as 'offsetting' and is recognised as being a effective way to reduce the impact on the environment through climate change.

Are there any local customers for the heat?

The site is set in Hams Hall Distribution Park, an industrialised area providing considerable potential for the export of heat from the REC.

The site is in close proximity to a number of high-energy industrial users for the potential off-take of energy (heat and electricity) as well as a nearby electricity sub station. Rolton Kilbride is currently in on-going discussions with the national distribution network and local business users for the export of electricity and/or heat via a private connection.

At this stage, potential consumers generally view the REC as a simple utility provider, so not unreasonably, they are reluctant to commit to serious discussions for the supply of heat and power until planning consent is secured and the development is likely to proceed. As a result, these discussions have to remain commercially confidential.

How long will it take to build?
The facility will take roughly 24 months to construct, with an additional 6 months commissioning and testing at the end of that period.

How much energy will be generated?
The proposed facility is capable of generating 14.5 MW/hr of electricity plus around 1.5 MW/hr of heat. This may decrease as the amount of heat exported to any local user increases, depending on the temperature and quantity of heat that is required. Both the electricity and heat can benefit local consumers.

Who will operate the facility?
Rolton Kilbride will not operate the plant. Instead, the facility will be operated under contract by an experienced company with an established track record of operating similar energy generating plants using waste fuels such as RDF. Due to the number of similar facilities now operating in the EU and worldwide, there is no shortage of such companies and interest in the operating contract. The storage warehouse may be operated by the same, or a different, contractor.

How many people will it employ?
The facility will employ 20 full time operators, maintenance technicians, engineers and managers. Experience indicates that these people are most likely to be recruited and live locally to the facility. Full specialist training is provided and the potential to include apprenticeships is being explored, too.

3. The Site

Where is the plant application sited?
The site is on available land at the Hams Hall Distribution Centre, off Faraday Avenue in Coleshill, Warwickshire B46 1AQ.

What was the former use of the site?
The site was previously part of the Hams Hall power station and has more recently been part of a substantial electrical sub-station. It is currently being used for vehicle storage.

Why has the Hams Hall site been selected?

The site at Hams Hall is located in an industrial area and large enough to accommodate the proposed Renewable Energy Centre. This is in line with the Waste Core Strategy (2013), which makes provision for locations for energy from waste facilities on non-allocated sites that are within industrial land, previously developed or close to key settlements. The Strategy sets out that strategic waste facilities should be sited close (within 5km) of the urban centres of Nuneaton, Rugby, Bedworth, Coventry, Kenilworth, Warwick/Leamington and Stratford, **or** close to Atherstone, Coleshill or Southam, if it can be demonstrated that there are significant transport, operational or environmental benefits. In this case, waste can be treated close to its origins, avoiding unnecessary transportation, and its position close to main roads and motorways means that that associated traffic will not need to run close to or through residential areas. Hams Hall is also close to industrial and commercial companies with potential to become customers for the heat or energy.

Have any other alternative sites been considered?

No as the application site is appropriately located within an industrial area, is relatively remote from residential properties. It is in an area that is not environmentally sensitive, with no statutory protected nature conservation or heritage sites within or in close proximity to the site. A belt of trees will help screen the facility from view, alongside other industrial units, railway line, the River Tame and the road network including the M42. The site's proximity to the road network is one of the main reasons for selection as well as the neighbouring industrial units, which could potentially be recipients of the generated heat and/or electricity.

What do local planning policies say about the selected site?

The site is compliant with the Waste Core Strategy, which makes provisions for non-allocated (or new) sites for waste treatment provided they are for energy from waste, and set in industrial areas close to key settlements. Coleshill is a key settlement and with excellent transport links, industrial processes nearby and in an industrial location, the site fulfils key planning requirements.

Who is responsible for granting planning permission?

Warwickshire County Council is the responsible Local Authority. Once the planning application has been submitted, the Council will consult with statutory consultees to seek their views on the proposed development. Members of the public will also have an opportunity to contact the Council to state their views. The Case Officer will consider the details of the planning application and how it complies with the policies of the statutory development plan, and other considerations including the views of the statutory consultees and members of the public. The Council will then prepare a report to inform the planning committee of the details of the application and make a recommendation as to whether the proposals should be granted planning permission or not, and state the reasons why.

What size would it be?

The Renewable Energy Centre main building will be approximately 88m long and 73m wide, with the highest point of the roof 24m above ground level. The Turbine Hall will measure approximately 30m long by 15m wide x 15.6m high and a Gatehouse 5m long x 3m wide x 3m high. There will be other structures and plant, which will generally be located adjacent to the main building. The flue stack will measure 52m high.

The plans (www.hamshallenergy.co.uk) show the relative sizes. There will be other buildings on site, but these will be smaller by comparison.

The size of the buildings is set into context against other buildings in the location.

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What will the facility look like?
See the plans on the website at (www.hamshallenergy.co.uk)

4. The Technology

How does a gasification facility work?
Gasification describes the process by which material (RDF in this instance) is converted into a synthetic gas (and ash) by using an external heat source in a low oxygen environment. The process is similar to that used for making town gas from coal, which has been done for decades. The syngas is combusted in a high efficiency boiler and the heat generated is used to raise steam for a turbine, where electricity is generated. In addition, a proportion of the heat generated can be supplied for use in external applications, either as steam or very hot water. Heat is recirculated from the gas combustion process to heat up the incoming RDF to create more syngas so only a small amount of fossil fuel (usually natural gas) is required to kick-start the process. Gasification is classed as an Advanced Conversion Technology (ACT).

Where else is this technology used?
Gasification technology has been used for over 100 years, and it was the basis of town gasworks using coal before being replaced by North Sea gas. The technology has also been used with various types of waste for some decades. Its application to mixed wastes, such as RDF, is more recent, although many commercial scale plants have been constructed in the last 20 years.

There are numerous working gasification plants successfully using RDF, particularly in Scandinavia and Japan. The technology proposed for this application has a successful track record of dealing with RDF.

There are a number of similar gasification plants being built in the UK at present, for example in Milton Keynes, Derby, Hull and Levenseat in Scotland.

What are the benefits of gasification?
Gasification is a highly efficient process with very low emissions. It is a naturally low Nitrogen Oxide (NOx) process - NOx is one of the main road traffic pollutants. Gasification plants may also be more adaptable and flexible in the long term to be converted to an even higher efficiency energy conversion process, where the synthetic gas is burnt in an internal combustion engine.

Isn't this just an incinerator?
No. Incineration purely on its own is classified as a waste disposal technology on the waste hierarchy, whereas gasification with an efficient energy recovery system is a **recovery** process, which means energy is recovered for use. In addition, waste incineration works as open combustion in an oxygen rich environment; whereas gasification creates a synthetic gas in the absence of oxygen.

When incineration plants are equipped with energy recovery equipment, the term 'energy from waste' or EfW plant is usually used; this is sometimes also applied to gasification plants with energy recovery systems.

Could the plant explode?

No. The gasification plant works slightly below atmospheric pressure the whole time, because large fans pull air through the system constantly. There is nothing inside the plant to cause an explosion and there is no pressure to release.

Is this technology the same as plasma gasification technology?
No. Plasma gasification uses a very high temperature plasma 'torch' to achieve the conversion process, whereas normal gasification technology uses recycled heat from the combustion of the gas in order to create the syngas. This is one reason why the process can be so efficient.

How efficient is the process?
Gasification is a very efficient method of converting waste fuel into electricity, which can be made even more efficient by also utilising the heat generated by the facility in the local area. The more heat the facility exports, the higher the overall efficiency achieved. The efficiency of the facility will therefore increase over time, as a heat export network is developed, established and expanded.

What is the 'R1' efficiency measure that is sometimes talked about?
The term 'R1 Energy Efficiency Formula', as defined by the EU Waste Framework Directive (WFD) can be used to qualify an incinerator as a 'recovery operation'; however this measure is intended to be applied to incinerators which are dedicated to municipal waste, not RDF as this facility is proposing. In the past, it has most commonly been used by plants on the continent that wish to import waste from other countries in the EU.

The recently revised Waste Framework Directive (WFD) now specifies that incineration facilities dedicated to the processing of municipal solid waste can only be classified as R1 where its energy efficiency is equal to or above an R1 score of 0.65 or above for installations granted a permit after 31st December 2008.

The proposals to be submitted to Warwickshire County Council will not use municipal waste exclusively, but will utilise RDF originating from a number of sources, all of which have already been subject to intensive recycling systems.

It is also important to note that R1 classification is not a requirement to obtain planning consent for a gasification facility. Even so, Rolton Kilbride is confident that the proposals can obtain R1 status during the operational phase, as the facility is designed and intended to be capable of exporting heat to local consumers.

Further information can be found at the following Environment Agency website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361544/LIT_5754.pdf

What about the ash left over after gasification – is that harmful?
No. The bottom ash from the gasification process is an inert or inactive material that remains at the end of the cycle and represents around 17% of the intake tonnage. This ash can be recycled in a variety of ways, to comply with the Environment Agency operating permit requirements. Examples of reuse include as a secondary aggregate replacement material, as a sub-base for roads and as material for temporary road construction on landfill sites. As with the rest of the process, the recycling of ash is strictly regulated and the system is audited on a regular basis.

What else is left as a residue from the process?
There is a small amount of APCR (air pollution control residue), which is sometimes called fly ash. APCR is typically a mixture of ash, carbon and lime (or bicarbonate). It is classed as a hazardous

waste because of its high alkaline content from the spent lime, which is used as part of the filtering and cleaning process to remove acid gases. In the past it was disposed of at a hazardous waste landfill but nowadays it may undergo further processing such as washing or stabilisation before being sent to a non-hazardous landfill. It is a small volume of material from the process.

However, landfilling of APCR will be discontinued as new regulations come into effect. Many chemical treatment companies have anticipated this situation, with new facilities being opened which are now capable of achieving 'end of waste' status for the washed and cleaned aggregates contained in the APCR.

There is an amount of ferrous and non-ferrous metal, which can be extracted from the ash or by the mechanical treatment facility (MTF) that will be on site, and sent for reprocessing by a scrap merchant.

5. The Facility and Health

Is the facility safe?
Yes. The facility must adhere to the strict emission limits set out in the Industrial Emissions Directive (IED), which was published in 2010 to combine and replace seven existing EU Directives governing pollution control. Its aim is to achieve significant environmental and public health benefits by reducing emissions across the European Union Member States. If a facility cannot comply with these limits, it will be shut down by the Environment Agency.

The emission limits set in the IED are recognised to be below those considered to be harmful to human health, as they are very low and in some cases close to background levels. They were only decided upon after extensive consultation, taking into account the most up to date scientific health and environmental research.

Who monitors the facility?
The facility must have a valid environmental permit from the Environment Agency to operate. Without it, the plant is not permitted to function. This will be the subject of a separate application and consultation process, which is yet to take place. We'll inform you when the environmental permit application is ready to be submitted.

More information can be obtained from the Environment Agency website:
https://www.gov.uk/guidance/waste-environmental-permits

Many environmental permits have already been issued by the Environment Agency under the IED; there are 26 energy from waste plants already operating in the UK, and many other similar facilities – you can see a list of them here:
https://www.gov.uk/government/collections/industrial-emissions-directive-ied-environmental-permits-issued

What about the chimney stack?
The chimney stack will be 52m high and 2.8m wide at the base.

How has the height of the chimney stack been decided?

The height of the chimney stack has been set after using a special computerised model (known as a stack height dispersion model). It takes into account the local background air quality levels. This makes sure that the emissions from it are dispersed safely to comply with the strict regulations governing air quality. They are dispersed through the atmosphere at high level to avoid the remote possibility of any concentration at ground level.

How have the health risks of the facility been assessed?
The current levels of pollution in the area were taken into account, together with meteorological data for the last five years, which gives information on wind direction and speed. Even allowing for the facility operating at full capacity, and assuming that it releases the maximum level of emissions allowed under the IED, the overall levels in the area would still be below permissible air quality standards.

The air quality assessment has also taken into account other activities around the site which could combine with the facility's own processes to affect the air quality, as well as other potential developments. Even combined with other industrial activities, the air quality will not be compromised as a result of the facility.

In practice, emissions from the facility will be below the IED limits, as the facility operating systems are designed with a significant safety margin. In addition, the facility is unlikely to operate at full capacity for the whole of the time, so the overall level of emissions will be lower than predicted by the computer model.

The assumptions used in the model are the 'worst case' scenario, and the results from this model are used to assess the health risks of the small amount of pollutants from the facility. This showed that the risk from the emissions from the proposal is well below the acceptable UK risk levels, so well below the already stringent safety levels.

Who will monitor the facility for safety and compliance?
Before the facility can operate, it will need to apply and gain an Environmental Permit (EP) from the Environment Agency (EA), which continues to monitor and enforce the safety standards for the lifetime of the facility. This will contain strict environmental and operating conditions, and the EA will only grant the EP if it is sure that local people and the environment will not be harmed.

The EA carries out regular checks on the facility, some of them unannounced. It also has the power to shut the facility down if it believes it is not being operated correctly.

All emissions from the chimney stack will be continually monitored to ensure they comply with the emissions levels set within the IED, and all emissions data will be collected as part of the conditions of the Environmental Permit.

The system is monitored continuously. If the emission levels start to rise, it will be detected by the continuous emissions monitoring system and the facility control system will automatically make adjustments to the plant to reduce them again. In the unlikely event this does not work, the plant will automatically shut down. This safeguarding system is built into the plant, and is a compulsory feature of the control process.

What about starting up and shutting down?
The plant must operate under the same strict permit rules, even when starting up and shutting down. For instance, a minimum temperature (850°C) must be maintained in some parts of the system in order to ensure that pollutants are fully destroyed, and that others are not formed. This is

achieved by the use of independent oil-fired burners, which must be available at all times. If these burners are not available and on standby, then the plant is not allowed to operate.

What comes out of the chimney stack?
The main constituents are water vapour, carbon dioxide, nitrogen and oxygen, with small trace elements of pollutants. These are well below the levels set in the IED and therefore have a negligible effect on human health, as verified by Public Health England, the body in charge of public health in England. A specific air quality assessment for the Hams Hall facility has been carried out as part of the Environmental Impact Assessment. The assessment concluded that the predicted emissions to air from the proposed 52m high flue stack would be insignificant in terms of their potential effects on human health and the assessed nature conservation sites. Furthermore, the emissions from the flue stack would be continuously monitored under the terms of the Environmental Permit. In the event that there is a potential breach of the IED limits, then essential actions can be undertaken or the facility shut down. The assessment must confirm that the emissions do not pose an unacceptable threat to environment or the local community. If the assessment can't do this, then the facility can not and will not be granted planning consent.

It's also important to remember that the energy from waste facility will not be the only source of air pollutants in the local area. Cars, central heating and fires, such as barbeques or woodburners, all contribute. People may worry when they hear talk of emissions of mercury or carbon monoxide. These pollutants are already present in the ambient air, although they are generally at very low concentrations that will have no adverse impact on human health. Although these compounds may be present in very small amounts in the waste gases emitted from the chimney, they will be at such low concentrations that they will not significantly increase the concentrations already present in the ambient air.

What about dioxins and furans?
Dioxins and furans can be produced whenever something is burned, such as cigarettes, barbeques, garden bonfires, industrial furnaces or accidental fires.

The burning or gasification of residual waste in an energy from waste (EfW) plant makes only a very small contribution to existing background levels of dioxins in our environment. Data demonstrates that implementation of stringent regulations for EfW facilities in the EU have resulted in over a 99% reduction in dioxin emissions compared to emissions in 1990; see the following link for supporting information:
http://www.esauk.org/energy_recovery/EfW_Health_Review_January_2012_FINAL.pdf.

This means that both incineration and gasification are no longer a significant source of emissions to air of dioxins and furans, contributing only 2.5% of UK emissions. More significant sources include accidental fires and open burning of waste, the iron and steel manufacturing industry, and crematoria.

According to the UK Institution of Mechanical Engineers "*The dioxin emission limit value required by IED from an EfW plant is a concentration in the chimney of 0.1 ng/m³ (one billionth of a gram per cubic metre at ambient temperature and pressure). This is an equivalent concentration to one third of a sugar lump dissolved evenly in Loch Ness*".

Is it true that people living near such facilities have a higher chance of developing cancer?
There is no scientific peer reviewed evidence to support this claim. No study into the health of communities living near EfW facilities has been able to demonstrate a conclusive link between

emissions from an EfW facility and adverse effects on public health. A 2004 UK Government report which considered 23 reputable studies and 4 review papers into the patterns of disease around EfW facilities concluded that the risk of cancer caused by living near an EfW facility is so remote that it is too low to measure; see the following report for more information:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69391/pb9052a-health-report-040325.pdf

What studies have been done into the impact of energy from waste on human health and the environment? Where can I find out more information?
A number of scientific reports have been produced in recent years looking into the health effects of modern energy from waste facilities. Some good examples of non-biased studies are:

AEA's review of research into health effects of Energy from Waste facilities undertaken on behalf of the Environmental Services Association concludes that:

"While there is always some uncertainty in the findings of health studies, it is concluded that well-designed EfW facilities as currently operated in the UK are most unlikely to have any significant or detectable effects on cancer incidence, the incidence of adverse birth outcomes (including infant mortality), or the incidence of respiratory disease."
http://www.esauk.org/energy_recovery/EfW_Health_Review_January_2012_FINAL.pdf

The Health Protection Agency (the forerunner to Public Health England) review of research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health concludes that:

"While it is not possible to rule out adverse health effects from modern, well-regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste Incinerators are not recommended."
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384592/The_impact_on_health_emissions_to_air_from_municipal_waste_incinerators.pdf

A study published by scientists from King's College London, Imperial College and the National Physical Laboratory found a minuscule contribution to airborne levels of trace metals and particulate matter from EfW plant. Dr Mark Bloomfield commented on the study as follows:

"At four of the six sites around which the study was based, no contribution could be detected. At two of the six sites, metal ratios consistent with municipal waste incinerator emissions were detected 0.2% and 0.1% of the time. The contribution from the incinerator was no more than about 0.5% of ambient levels, and generally much lower than this. While this was entirely to be expected, it is useful

to have confirmation using UK data that uses up to date techniques. The fact that the analysis technique was able to detect a slight contribution (which may have been due to the waste incinerator emissions) is reassuring. If there had been a more significant contribution, this technique would have been able to pick it up."
http://ac.els-cdn.com/S1352231015300753/1-s2.0-S1352231015300753-main.pdf?_tid=c06af516-2eb3-11e5-bb36-00000aab0f6b&acdnat=1437378706_c24ab50baf10556cc9e188aec9a4bd5e

Defra has also produced document entitle "Energy from waste – A guide to the debate", which aims to provide a starting point for discussions about the role energy from waste might have in managing waste:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf

What about very fine particles (nano particles)?
The emissions limit for particles covers particles of all sizes, including 'nano-particles', and the emissions of particles from the stack will be continuously monitored. The air quality assessment takes a worst-case approach, assuming the entire particulate emission first to be PM10 (particles with a diameter of less than 10 microns – so including nano-particles), then also assuming the entire particulate emission to be PM2.5 (particles with a diameter of less than 2.5 microns– also including nano-particles), which are generally considered to be the most dangerous particles. In both cases, emissions from the plant will increase local concentrations by less than 1% of the legal limits, an amount deemed "insignificant" by the Environment Agency.

In contrast, 50-60% of ambient air particles and 90% of road vehicle emissions are in the PM2.5 range; nearly all the particles emitted from diesel engines, for example, are less than 1 micron in size.

Will there be a visible plume?
Sometimes a plume may be visible from the stack. However, it is not smoke – it is condensed water vapour. However, for the vast majority of the time nothing at all will be seen, as the condensed water is not visible except on very cold days.

6. The Environment

What impact will this facility have on the environment?
The facility will not be granted planning consent unless it can be demonstrated that it will not have a significant impact to the environment. It is the responsibility of the applicant for any facility to demonstrate this to the satisfaction of the Local Planning Authority, which consults a number of other organisations (such as the Environment Agency) to ask for their opinion on the application.

The accepted method for an applicant to illustrate the effects of any facility is to perform an Environmental Impact Assessment.

What is an Environmental Impact Assessment (EIA)?
An Environmental Impact Assessment (EIA) is the process that assesses the potential effects on the environment of a proposed development or project. If the likely effects are unacceptable, measures

in design or other mitigation can be put in place to reduce or avoid those effects. If this is not possible, then the development will not be allowed to proceed.

The potential environmental effects are systematically studied and include visual impact, traffic, air quality, noise, dust, odour, the effect on human health and flood risk to the site (amongst others).

Who does the EIA and how do you ensure it is independent?
The EIA is prepared by professional technical specialists, who are subject to the professional and ethical standards of their relevant industry body. The EIA is then peer reviewed by other environmental advisors who are a corporate member of IEMA (The Institute of Environmental Management and Assessment).

The findings of the EIA are reviewed by the relevant technical specialists within the Local Planning Authority and also subject to comment by the statutory consultees (i.e. Natural England, Historic England, Highways England, etc.). It is also open to public scrutiny.

What about the visual impact? Would the plant be visible from miles away?
The visual impact of the proposed facility is being evaluated as part of the Environmental Impact Assessment, and it will accompany the planning application when this is submitted. Part of the assessment process is intended to gauge and minimise the overall visual impact, by adapting the design of the building to the surroundings. A belt of trees to the south of the site will help to screen the facility from view, alongside other industrial units, railway line, the River Tame and the road network including the M42.

How much traffic will there be? How many heavy good vehicles will be coming and going?
It is anticipated that RDF will be delivered to the site via a combination of residual waste collection vehicles (RCVs) that will typically be 18 to 22 tonnes (gross weight) or articulated bulk haulage vehicles from nearby RDF transfer stations. The REC is expected to generate up to 88 heavy goods vehicle (HGVs) movements per day, which is the equivalent of 38 deliveries per day to site. In addition there would be about 7 deliveries and collections of processing materials and residues per day. There would also be car journeys associated with approximately 20 staff working in a three-shift pattern.

What measures are being taken to avoid creating traffic jams or more congestion?
Traffic analysis showed the numbers of vehicles servicing the REC and the warehouse would not have a significant impact on the road network, and would be unlikely to increase the risk of accidents. Recognising that traffic is a serious concern for many people, the proposals have taken into account both construction and operational traffic and put forward mitigation measures, such as a Construction Traffic Management Plan. Once the facility is operational, a Travel Plan for staff and visitors will be in place to minimize the number of vehicle movements. HGV deliveries are expected to be spread evenly throughout the 12 hour period and there is unlikely to be a peak in movements. However, if necessary, deliveries may be pre-booked into the plant prior and scheduled to avoid busy times during the morning and evening.

What are the proposed routes to and from the facility? Can delivery vehicles take short cuts?
The actual routes have yet to be agreed. However, vehicles will use the public highway using the key transport links such as the M42 to deliver. Given the site is in an established industrial area, the roads nearby have been designed to cater for HGV movements, so that short cuts are discouraged. The site is located close to the strategic road network and accessible along Faraday Avenue and the

A446, which are both dual carriageways and are also the most direct route to the M42 and M6, so it is unlikely vehicles would opt to use local roads as shortcuts.

Has rail been considered for bringing in the RDF?
No, as this is is not a practical or economically viable option, given there needs to be waste loading facilities where the waste arises. Since the waste may come from several different sources, this is not cost effective. Finally, the waste may arise from different places as contracts change, so building rail infrastructure is no guarantee that it can be used in the future. The feasibility may be reviewed once contracts for waste are in place, assuming planning permission is granted.

What are the delivery and collection hours proposed for the facility?
Monday to Fridays – 7am to 7pm
Saturday – 7am to 2pm
Sundays – None

What about the other traffic on the road?
Other traffic on the road has been considered as part of the traffic assessment. It was concluded that deliveries and other vehicles travelling to and from this facility would not interfere or impact on other road users.

Does the EIA take into account proposed new developments too?
During the pre-application process, Warwickshire County Call indicated that there were no new schemes currently in the planning system that needed to be assessed as part of the planning application. However, the traffic analysis looked at the potential for a growth in traffic and still concluded that the traffic to and from the facility would not impact on the normal flow of traffic around the road network.

More traffic means more diesel fumes. What will be done to ensure that the air quality is not affected by the facility?
The results of the Air Quality Assessment, based on predicted traffic generated from the proposed development and other nearby development such has indicated that air quality would not be significantly adversely affected as it represents only a minor increase to the overall traffic in the local area.

The impact of additional traffic resulting from facility has been considered and is not significant so that its impact on the surrounding air quality is negligible.

What noise can be expected?
The Noise Assessment shows that whilst some noise is to be expected, the industrial setting means that it is unlikely to impact on residential properties. The noise assessment found that the noise levels associated with the operation of the proposed REC would be below background levels at the nearest properties both during day and night periods., creating a negligible impact.

Will it be noisy during construction?

Noise will always be kept to a minimum but the industrial setting means that construction noise is unlikely to be heard over existing industrial processes by neighbouring communities. The application contains standard best practice measures to reduce noise and mitigate any adverse impacts.

What about odour?
The facility is very unlikely to cause any detectable odour issues. The Odour Risk Assessment concluded that the effects would be negligible. In two locations (off Church Lane), it was found that the effects would be slight, but only when the set of assumptions used were to model a worst-case assessment.

There will be no outside storage of material.

For the gasification plant, the RDF is unloaded within a closed reception hall, with fast acting roller shutter doors that are kept shut (except to let delivery vehicles in and out). The reception hall is maintained at a negative air pressure by use of air intake fans located within the hall itself. These fans channel the air through ductwork to the gasification chamber, where it is used to burn the synthetic gas, which has been generated as part of the process. As a result, any odours are destroyed within the gasification chamber.

Does the process extract water from or discharge water into waterways, such as the River Tame?
No. The gasification process does not take water from or discharge water into any waterways, as it is a closed system.

7. Local Community Benefits

How will the facility benefit the local community?
Managing waste (as RDF) locally will help to potentially reduce waste management and transport costs for the Local Authority, which will enable funds to be redirected to other services; the same factor will also potentially reduce the operating costs of local businesses, thus supporting their economic viability and potential growth.

Energy in the form of heat and/or electricity could be routed to nearby businesses, similarly reducing their operating costs and thus supporting their economic viability and potential growth.

The facility will reduce greenhouse gas emissions (when compared to fossil fuel energy generation) thus assisting in combating the effects of climate change and meeting European and national targets for renewable energy generation.

What jobs will be created - how will local people benefit?
There will be employment opportunities for up to 20 people for the REC, which will need a range of skills and lead to potential apprenticeship opportunities. In general, people will be recruited from the surrounding area, as it is important that the staff operating the facility live locally. There will also be indirect employment for local deliveries, maintenance and support.

What about construction phase employment opportunities?
There will be some local jobs created during the construction of the plant, which will largely be for the foundations, structures and building works. The gasification and associated process equipment comes mostly from specialist suppliers, and is pre-fabricated or manufactured remotely. It is brought to site and assembled by specialist teams familiar with the equipment. There will also be local supply chain opportunities for many supporting trades and functions, such as catering, accommodation, transportation, plant and equipment hire, maintenance, small fabrication services and other essential site support functions such as security and safety staff and other consultants. A 'meet the

buyer' event will be held by the selected construction company prior to site start, in order to maximise local employment and supply opportunities.

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8. Planning and Public Consultation

How long will the planning process take?
The statutory consultation period is for 16 weeks, which starts once the application has been submitted to Warwickshire County Council, and accepted by the planning department as being complete and containing all relevant sections and data. The application is then put out for comment to a list of statutory consultees (such as the Environment Agency), as well as being made available for comment by other consultees and members of the public (it will be available online).

Where can I go for more information?
You can contact us on 01869 715090, email info@hamshallenergy.co.uk or visit www.hamshallenergy.co.uk

What if I disagree with the proposals?
Once the application has been submitted you can contact will have the opportunity to make representation to Warwickshire County Council's Planning Department, or contact the applicant directly – our details are above.

(2) Application No: CON/2016/0008

Marston Fields Farm, Kingsbury Road, Lea Marston, Sutton Coldfield, B76 0DP

Planning Application to vary working and restoration scheme approved under Planning Permission NWB/14CM033, for

Mr Baines

Introduction

This application has been submitted to the Warwickshire County Council for determination and this Council has been invited to make representations. It is reported to the Board given its past interest in this site.

The Site and Background

This is quite an extensive area of land on the north side of the Kingsbury Road opposite the Lea Marston Hotel. It is being quarried for clay and is partially restored. The restoration scheme agreed by the County Council is for use as a fishery, granted in 2014. That scheme comprises six pools. Restoration was due to be completed early in 2016.

The Proposals

There is some delay to complete this work as only re-shaping of the two northern most lakes has occurred. The final phase is the southern half of the site. An extension is thus sought to the end of 2016 together with some modification to the final restoration in this part of the site. This includes joining two lakes into one and re-shaping another. The proposed layout is at Appendix A. There would also be some revisions to the appearance of the proposed fishery building. These however do not involve a change in siting; height or footprint, being only internal changes with some consequential window alterations and the inclusion of solar panels.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations) and NW13 (Natural Environment)

Observations

There is no objection to this proposed variation. The overall principle of the development has been agreed and the works are nearing completion. An extension to enable this is a reasonable request. The proposed changes are not material in that they would not have any greater visual impact than the approved scheme and not introduce any significant new features.

Recommendation

That the Council raises no objection.

(3) Application No: PAP/2015/0253

Land North Of, Eastlang Road, Fillongley,

Residential development comprising of 27 no: affordable 2, 3 and 4 bedroom houses and 2 bedroom bungalows including associated highways, external works, landscaping and boundary treatments, for

Mr James Cassidy - Cassidy Group UK

Introduction

This application was reported to the last meeting of the Board but a determination was deferred. The Board wished to seek legal advice on the background of the case given the recent appeal decision on the land for a similar proposal.

The previous report is attached at Appendix A, but without its appendices. Members are asked to refer to the July agenda for these. They do nevertheless form part of the overall consideration of the application.

Further Advice

The advice received is attached at Appendix B.

This recognises that the recent appeal decision is a material consideration of some weight (paragraph 6) and that the current application is materially different from the previous in that it includes 100% affordable provision (paragraph 8). It indicates that in this respect the weight to be given to the proposal is increased (paragraphs 8 and 13).

The Advice then explores the material policy background – Policy NW5 of the Core Strategy and paragraph 89 of the National Planning Policy Framework. It concludes that there is a prospect for a further refusal because of the wording of NW5 in that refers to "small in scale". In respect of the Housing Needs background it concludes that this is not a ground for refusal (paragraph 18).

Ultimately therefore the issue drills down to the balance – does the increased benefit of the affordable housing provision outweigh the harm to the Green Belt because it might be considered not to be "small in scale"?

Observations

The Advice clearly concludes that the application is enhanced because of the 100% affordable provision and this adds more weight to the case than that refused at appeal. Additionally by confirming that the housing need background is endorsed there is additional weight added. The balance therefore is the between the added weight in favour of the proposal and the harm caused because the development might not be seen as "small in scale".

The advice repeats the conclusion reached in the earlier report that these is no definition of "small in scale" in the National Planning Policy Framework. The report indicates that the % increase in dwellings would be around 4% in the total dwellings in the Parish. This definition is taken because the housing needs survey information and

the Council's housing waiting list is based on this geographic area. This carries substantial weight because the current application is now for 100% affordable provision directly responding to the outcome of the Parish's housing needs. At the last meeting there was a suggestion that the % increase should just relate to the actual built up area of the village. It should not, as that would deny those who live outside and who have expressed a housing need of achieving accommodation. Additionally what geographic area should be used in these circumstances? The development boundary for Fillongley includes houses strung along the Coventry Road – are these included as being within the "built up area" by those referring to the "village"? With these difficulties Members are requested to agree that the Parish is the base here as that was and is the base for the housing needs background. Officers would therefore maintain their view that this development is small in scale in these circumstances.

Even if Members are undecided on this issue, they are advised to give substantial weight to the affordable housing provision as being an overriding benefit. The Advice concludes that this application carries more weight in this regard. Additionally Members are asked to consider where the housing need identified by the background survey work -evidence that was considered to be "robust" by the Inspector and not a basis for refusal by the Advice - is likely to be delivered if this current application is refused. The provision of affordable housing is a strategic objective of the Core Strategy and is a priority for the Council as a Housing Authority.

It is in these circumstances that it is considered that the housing benefit here does outweigh the harm that might be caused because the development is considered as not being small in scale.

Recommendation

That planning permission be **GRANTED** subject to the conditions outlined in Appendix A together with the standard condition recommended by the Warwickshire Museum.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0253

Background Paper No	Author	Nature of Background Paper	Date
1	Advice	Consultation	18/7/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A

General Development Applications

(#) Application No: PAP/2015/0253

Land North Of, Eastlang Road, Fillongley,

Residential development comprising of 27 no: affordable 2, 3 and 4 bedroom houses and 2 bedroom bungalows including associated highways, external works, landscaping and boundary treatments, for

Mr James Cassidy - Cassidy Group UK

Introduction

The receipt of this application was referred to the Board for information in February. A copy of that report is attached at Appendix A for convenience. It describes the site and the proposal as submitted along with summarising its supporting documentation. Relevant Development Plan policies are also included.

As outlined in the February report, if the Council considers that the proposed development here is inappropriate development, but is still minded to support the scheme because it considers that there are material planning considerations of such weight that amount to the very special circumstances sufficient to outweigh the harm caused by that inappropriateness, then the case will need referral to the Secretary of State under the 2009 Direction. If the Board finds the proposal to be inappropriate development, but resolves to refuse, then no referral is necessary. If the Board finds the development to be appropriate development and resolves to support it, then again no referral is necessary.

The Proposals

The previous report outlined the substance of the proposals. The applicant has been asked to set out his argument for the change in the proposal from the case that was dismissed at appeal in October 2015. That proposal was for 27 dwellings, 21 of which would be affordable and 6 open market properties. The current proposal is for 27 affordable units. The applicant acknowledges that no further housing needs survey has been undertaken since June 2014, but he advises that he is giving weight to the Council's own housing list requirements of November 2015. He refers to this in his supporting Planning Statement – reproduced here at Appendix B. He argues that this provides evidence of the quantum, the tenure split and the size of the accommodation required. He argues that this supplements and supports the conclusions of the earlier surveys.

In terms of delivering the proposal he says that the development would be constructed by the Cassidy Group on behalf of a Housing Association approved by the Council. The Association would ensure that the dwellings were maintained as affordable and in perpetuity together with them being occupied through a locality clause in favour of people with local connections. This would be the subject of a Section 106 Agreement.

The maintenance of the public open space throughout the development and the balancing pond would be undertaken by through a residents' management agreement.

Background

As members are aware the recent appeal decision is a material planning consideration in this case. A copy of that decision is included as one of the Appendices in Appendix A to this report. Advice on the weight to be given to that decision will be highlighted in the report below.

Consultations

Warwickshire County Council as Highway Authority –No objection subject to standard conditions

Warwickshire County Council as Lead Local Flood Authority – The Authority has verbally confirmed that it has no objection subject to conditions. The Board will be brought up to date at the meeting.

Severn Trent Water Ltd - No objection subject to a standard condition

Warwickshire County Council (Public Footpaths) – No objection

Warwickshire Museum – No objection subject to a standard condition

Warwickshire Fire Services - No objection subject to a standard condition

Environmental Health Officer – No objection

National Grid – No objection

AD (Housing) – Confirms that the figures quoted in the report are correct and that all of the contacts have been verified and fully assessed.

The Council's Landscape Manager – Given that there is open amenity and recreational space adjoining this site the Council would not be recommended to maintain the on-site proposed provision.

Representations

Fourteen objections have been received along with two representations and the grounds referred to include:

- This is Green Belt land
- There is no need for additional housing
- The adverse impact on the junction of the road with Coventry Road
- The existing drainage infrastructure doesn't have the capacity
- Lack of local facilities and inadequate facilities
- The School is full
- Not in keeping with the village
- The local community is not in support despite the applicant's claims
- Increased traffic on Eastlang Road with significant existing on-street car parking

- There are vacant properties in the village
- Non-compliance with National Planning Policy and the Development Plan
- There is uncertainty about the housing evidence base
- The recent refusal reasons are not overcome
- Infringement of privacy
- There are brown field sites in the village
- Concern about the maintenance of the balancing pond.

The Fillongley Parish Council has objected. Its objection is attached in full at Appendix C. In summary the general themes running through the letter are that it considers that the housing evidence base is not trustworthy and should only be given limited weight; no weight should be given to the pre-application consultation carried out by the applicant and that there are a number of factual errors and inconsistencies in the applicant's documentation. In short the Council does not consider that the case for the development has been made and thus Green Belt land should not be developed and the recent appeal decision upheld.

Observations

There are a number of issues to deal with here. It is first proposed to look at the main planning policy matter – that of the Green Belt, before exploring the other considerations. In doing so there is are several stages to follow. It is not a matter of saying that there is an automatic refusal because new development is being proposed here. These stages are set out in the National Planning Policy Framework 2012 – (the "NPPF").

a) The Green Belt

i) Appropriate or Not Appropriate Development

The site is in the Green Belt. Members will be fully aware that the first step is for the Board to establish whether the proposed development is appropriate or not appropriate development in the Green Belt. The NPPF states that the erection of new buildings in the Green Belt is not appropriate development. Therefore this proposal is not appropriate development. It is thus by definition harmful to the Green Belt and as a consequence there is a presumption of refusal. However this does not automatically translate into an actual refusal, as the NPPF contains a number of exceptions whereby the erection of new buildings can be treated as appropriate development. It is thus necessary to assess the application against any of these exceptions that might be relevant.

Only one of these exceptions would apply to this proposal, namely that of when development is, "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". It should be noted that the exception here contains two elements – limited infilling and secondly, limited affordable housing. Either might therefore apply.

ii) The Exception – Infilling

It is not agreed that the proposal represents limited infilling in a village. The site is outside of the development boundary as defined by the Development Plan and is thus outside of the village not within it. Moreover the development is not "limited". It amounts

to 27 new houses and bungalows throughout a 1.3 hectare site. Additionally there would still be open land around two of its three sides if it were developed. It should more properly be described by fact and by degree as an extension to the village. This part of the exception is not therefore satisfied. This conclusion is given added weight by the recent appeal decision letter – paragraph 6 – where the Inspector concludes that the site "is located within the countryside".

iii) The Exception – Housing Needs

The second part of the definition is however applicable here. The applicant is arguing that the proposal is wholly for affordable housing; that it is for community needs as evidenced from the Housing Needs Surveys and the Council's Waiting List data and that the development is limited as it reflects just that need and no other. There is weight to his argument. The issue here is whether that weight fully amounts to the terms of the exception being satisfied.

There are several aspects to the wording of this exception, but they are all subject to "policies set out in the Local Plan". This is the starting point. There are two relevant policies. Firstly NW2 of the Core Strategy says that in relation to housing growth in general that this should be directed to named settlements. In respect of sites outside of these settlements then affordable housing will be permitted but "only where there is a proven local need; it is small in scale and is located adjacent to a village". This application site is adjacent to the village. The "proven local need" and "small in scale" conditions will be looked later. The second relevant policy is NW5 of the Core Strategy which directly refers to affordable housing. This allows for small scale affordable housing schemes outside of development boundaries providing that there is a proven local need and that important environmental assets are not compromised. The conditions here are similar to those in policy NW2. It is considered that in overall terms, neither of these policies would in principle stand in the way of this proposal satisfying the terms of this exception. The conditions need to be explored further, but they at the outset do add weight to the applicant's case. Moreover as there have been no planning applications submitted for affordable housing inside the development boundary of the village there appears to be little prospect of such provision coming forward soon to meet any such need. This again adds weight to the applicant's case. However the key issues in establishing the matter of whether the exception is fully satisfied are to do with the evidence base for showing a "proven" local need for this amount and type of affordable housing provision; that the proposal is small in scale and that environmental considerations are not compromised. These will now be explored further.

The applicant is basing his case on the cumulative evidence base of the 2009 Housing Needs Survey; the two 2014 Surveys and the current Council's Waiting List. In summary, the earliest identified a need for ten dwellings comprising both rented and shared ownership units. The January 2014 survey also identified a need for ten units based on respondents who left contact details. A "potential need" was also identified, although this could not be verified as respondents did not leave contact details. Due to the size of this "potential need" a further survey was undertaken with the appeal site identified as a possible site. The applicant delivered the survey forms although responses were sent to the Council's Housing Officers. This resulted in over 40 respondents leaving details and the Housing officers translated this in June 2014 to there being a need for 27 new homes. The Council's own Waiting List of late 2015 has 17 cases looking for provision in Fillongley.

The Parish Council and several of the objectors have issues with this evidence base. They doubt the robustness of the second 2014 survey in particular and also query the current Housing List of November 2015. In summary it is said that the evidence does not provide the "proven local need" required by Core Strategy policy NW5. It is thus necessary to explore this criticism.

Firstly, the Parish says that some households did not receive questionnaires at the time of the second 2014 survey. It is accepted that this might well have been the case, but the key factor is that the Parish Council has not provided evidence, or indeed has there been a case from objectors, that this amounted to a substantial omission which would have invalidated the overall conclusions. Members are directed to the findings of the first 2014 survey which gave rise to an explicit need for ten units but that up to a further 40 contacts were unknown. If those 40 were then identified, it would be likely that the figure of ten would increase. This is what happened in the second survey. Housing Officers were able to contact individual people and to discuss housing need, resulting in an explicit increased need for 27 units. If there were serious delivery omissions, the second survey would have been unlikely to show that explicit increase which was only generally recorded with the first 2014 survey.

Secondly, the Parish Council is concerned that questionnaires were freely available at the 2014 public consultation event and that there might therefore be "double counting" in the final returns in that some people may have filled out more than one form, or that the figures might be exaggerated because people just accepted a form. It is acknowledged that some households may have filled out more than one form, but again there is no evidence from the Parish Council to suggest that this was of such a scale to invalidate the overall findings. Moreover there is one other fundamental reason. All of the returns with contact details were followed through by the Councils' housing officers. Double counting would thus have been spotted and avoided and any claims of little substance would have been dismissed. Moreover it is the nature of housing need that sometimes it is the case that there are two different "needs" arising in the same household – parents wishing to move to a bungalow and younger adults wanting a smaller dwelling than that of their parents.

Thirdly, there is concern that the second 2014 survey forms were delivered by the applicant. This is true but the circulation was overseen by Housing Officers. Referring back to the first point above – there is no evidence that there were substantial omissions and secondly that all residents had further opportunities to request forms because of the later public consultation event held in the village if they felt that had been "missed".

Fourthly, there is concern that there are already vacant Council properties in the village that could be used. These properties in short do not match the nature and type of all of the housing needs arising from the survey. Housing Officers would not allocate property that doesn't match housing needs. As can be seen from the surveys the need in Fillongley is not necessarily for rented accommodation and that cannot be met by the Council's own stock. The Housing Needs Surveys address overall housing needs – low cost home ownership as well as rented accommodation.

Fifthly, there is concern that by referencing the application site in the second survey, there was a presumption that a planning permission would be forthcoming regardless of the Green Belt designation. However the whole focus of the questions in that survey was to do with "need". The one question about the site asks whether the application site is a "suitable location" to accommodate identified housing needs. There is no reference

to the Green Belt. In other words the survey was a housing survey not a planning policy survey and does not pre-empt an approval. This is perhaps best answered by the response to the question referred to above. 57% said it was a suitable site and 43% said not. In other words there was still a strong degree of opposition to the site, thus not lending weight to the Parish Council's view.

These five matters reflect the Parish Council's concerns about the weight to be attributed to the housing needs evidence base. Whilst they repeat the case made at the time of the last application they still remain valid with the current case as the applicant has not undertaken a further Housing Needs Survey. However from the responses to these concerns as set out above, officers do not consider either individually or collectively, that they are of sufficient weight to defend a refusal based on there being no "proven local need". This is because these concerns were considered in full by the Inspector dealing with the recent appeal following the refusal of the last case.

The reason for the refusal of the application in April 2015 was that there was no trustworthy proven local need and thus the proposal was inappropriate development not meeting the NPPF exception the subject of this section of the report. The Parish Council forwarded its full case to the Inspector dealing with the appeal. That case contained much of the content of the current objection either within the letter or its accompanying appendices – Appendix C. The Inspector acknowledged that the "validity" of the most recent survey was called into question because it was said to "lack independence" and because of the identification of a specific site raising "expectations". The Inspector was thus fully aware of the case for this argument. However the conclusion was that it was the Council who contacted the respondents of the survey in order to establish the housing need and that the Council had already accepted a similar developer partnership elsewhere in the Borough. The Inspector's conclusion was that there was "no reason to doubt that the findings of the most recent survey lack independence". It was found that the results "confirm the potential need that was identified within the January 2014 survey". The overall conclusion was that, "on the basis of the evidence before me, I am satisfied that it has been demonstrated that there is a local community need for affordable housing in the area". It is not considered that the Parish Council or the objectors to the current proposal have shown on the balance of probability, that the Inspector's conclusions are misplaced. As such the independent conclusion found by the Inspector adds significant weight to the applicant's case.

The applicant acknowledges that the July 2014 survey has not been updated or a new one commissioned. In order therefore to strengthen his case by bringing it up to date, he has chosen to supplement his case by using current data held by the Council itself. In this respect he refers to the Housing Officers data base which now shows a requirement for 32 dwellings. Additionally he refers to the Council's own Housing Waiting List data which shows 17 applicants – Appendix B.

The Parish Council and objectors are also concerned about this supplementary information. The Parish Council says that it was not aware of how and when the figure of 32 has been arrived at given that the last application was for 27. Additionally the waiting list data has only one Fillongley resident on it, yet the need is said to be for 17.

In respect of the first matter then Housing Officers have confirmed that since the last Housing Needs Survey they have been contacted by other residents who did not make contact originally and that following the same assessment procedure as undertaken for that last survey, the numbers can be said to have increased.

Housing Officers advise that there are indeed 17 applicants wishing to be accommodated in Council housing in Fillongley – 16 of whom live in the Borough. All of these have been assessed by Housing Officers as being in need.

Whilst the Parish Council has correctly raised questions on this supplementary information, it is not considered that there is sufficient cause here for it to weaken the support that it lends to the 2014 survey results. The reason for this is best given in response to a further question by the Parish Council. It has asked the question of just what is "housing need" and how is it assessed? Members are fully aware of the Council manages a waiting list for its own stock – the waiting list. This stock is socially rented accommodation of different types. To be on this list applicants have to undergo a rigorous process which is to establish their needs and individual situation. This process is set out in the Council's Lettings Policy. However as Members are aware housing needs are much wider than this. In particular people may seek private rented accommodation and increasingly others are seeking low cost home ownership options and starter homes. It is the purpose of the Housing Needs Surveys to obtain information on these wider and more general needs. The responses from these Surveys are then verified and tested by the Council's own professional housing officers. In planning terms the NPPF defines affordable housing as " Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market". Hence it can be seen why the results from the Housing Needs Surveys are given significant weight as they address the wider definition set out in the NPPF. Significantly too that definition refers to "eligible households". This is precisely why the Board should have confidence in the conclusions from the surveys as that eligibility has been assessed by professional housing officers. All of the evidence submitted by the applicant to support his case has again been verified by those officers. This point was given substantial weight by the Inspector in the recent appeal.

The Board therefore is now asked to consider all of the evidence that it has before it in order to conclude whether or not the current proposals amount to "limited affordable housing for local community needs" and thus whether the terms of the NPPF exception are satisfied. It is considered that it does. There are several reasons for this.

Firstly, significant weight is to be given above to the findings of the Inspector that the evidence base was sound. This was an independent assessment of the robustness of the housing needs surveys against the challenges made by the very thorough case made by the Parish Council and the Borough Council in its refusal.

Secondly, Housing Officers confirm that there has been no reduction in the size or nature of that housing need since the refusal, indeed it has increased.

Thirdly as explained above, affordable housing provision has to be treated in the context of the NPPF. The definition therein was set out above. It is a wider definition than just social rented accommodation. This is why the figures arising from the 2014 housing surveys are greater than that of the Council's own waiting list – they include those needing low cost ownership tenures. Indeed as an aside, Members will be aware of the current Government proposals to add "starter homes" to the NPPF definition.

Fourthly the applicant has elected not to increase the number of dwellings on this site to reflect the additional numbers as set out above but rather to retain the 27 that was the subject of the previous application and appeal decision.

It is therefore concluded that there is sufficient weight here to confirm that the evidence base is sound and that as a consequence the proposals do satisfy the NPPF exception.

Member's attention is now drawn to the delivery of the proposals. In other words if a planning permission is granted here, it should solely be for the identified need and that it should not follow that any subsequent application for non-affordable housing provision would benefit from the permission. It after all satisfies one of the exceptions set out in Green Belt policy. Members are familiar with Section 106 Agreements and this is the proper course to adopt here.

iv) The Exception – Other Matters

Turning now to the second condition it is necessary to look at whether the proposed development would be small in scale. There is no guidance in the NPPF as to the comparator to be used here to assess "small". In terms of the % increase in houses within the Parish of Fillongley then this would be around 4%. This is considered to be "small". Interestingly, the Inspector in considering the recent planning appeal did not directly address it, as she considered that as her central conclusion was that there was a proven local need and thus it had to be accommodated. In other words the weight lay with the delivery of that provision. There is no reference in the appeal letter indicating that the dismissal was due to the proposal not being "small in scale". As the number of proposed houses has not increased since that appeal decision, that conclusion should remain as being a material consideration of significant weight.

The final condition concerning environmental considerations will be dealt with in the next section as this really relates to whether there would be "other harm" arising from the proposal. However its conclusion is that there would not be.

At this stage therefore in this report, the conclusion is that the proposal is appropriate development in the Green Belt.

b) Other Harm

The Board still has to consider whether the development as proposed would cause "other harm" in the terms of the NPPF which might be of sufficient weight to override the conclusion on the appropriateness of the development as reached above. Also, Policy NW5 of the Core Strategy as outlined above included reference to important environmental considerations not being compromised. These matters can be dealt with together as set out in the following paragraphs.

i) Highway Issues

The County Council as Highway Authority has been consulted. It has no objection in principle and following the receipt an amended layout, is satisfied that its space and engineering standards can be achieved. This is not surprising given that it did not object to the previous case. The main highway concern as expressed by the objections is the capacity and adequacy of Eastlang Road itself. This is due to both its width but also to existing on-street car parking. These matters were drawn to the attention of the Highway Authority and visits were made at different times of the day. However that Authority does not wish to alter its view. It says that the junction of Eastlang Road and Coventry Road meets standards; that traffic speeds in Eastlang Road are low, that on-street car parking does not affect flow – accepting that it might be interrupted from time to time - that traffic generation will not be significant and that parking provision is at

200%. The County Councils position as the statutory highway authority carries substantial weight here. In this respect the Inspector in dealing with this issue, noted that there were no “technical objections to the scheme”. This situation has not changed with the current application. A highway reason for refusal now would thus be likely to find no support at a second appeal.

ii) Drainage

The County Council as Local Lead Authority has confirmed verbally that there is no objection as the proposals include on-site attenuation measures. A written response is expected at the time of this meeting. That Authority is very aware of the flooding issues in the village and is actively involved with the community and all of the other relevant Agencies through the Fillongley Flood Group. The fact that it has not objected is significant, as the technical expertise behind that conclusion is based on local detailed knowledge and understanding.

Severn Trent Water has not objected continuing its position as set out in the earlier application. As expressed above Severn Trent has been pressed on this issue given the on-going concerns in the village as raised through the Flood Group. It maintains its position asking to see details by way of condition for the disposal of foul water from the site.

These responses carry significant weight as they are from statutory agencies both of whom are heavily involved with the local community through the local Flood Group. In other words they understand the local situation. Moreover the conditions as they recommend are pre-commencement conditions such that no work can start on site until the details are approved.

iii) Sustainability

Whilst there has been some criticism of the appellant’s description of local facilities and services, the overall thrust of his argument is supported. This is a sustainable development located on the edge of the village but close to the centre of the village. It is agreed that there is not the range of services available here as there were a few years ago but the School, church, recreational facilities, garage, public houses and bus services remain. Additional development should enhance their viability and improve the likelihood of the shop re-opening. It is noticeable that there has been no objection from the Education Authority or other service providers. This reflects the conclusion too of the Inspector from the appeal where it is said that, “the proximity of the site to local services and facilities, including the recreation ground weighs in the scheme’s favour and attracts moderate weight”.

iv) Design and Appearance

The design and appearance of the development reflects a rural character and there is a general perception of low density and low rise development. The buildings are sufficiently distant from existing residential property to not lead to a material adverse impact on amenity through overlooking, loss of light or loss of privacy. There is very little difference between this scheme and that refused earlier and that refusal was not founded on design matters.

v) Other Impacts

No other matters were raised at the time of the last application and the appeal decision too does not raise any such matter.

c) Other Matters

The applicant's pre-application consultation event has drawn some criticism from the local community either in respect of the questions asked or the validity of the subsequent analysis. It is not considered that any weight should be given to either position here. The Board's consideration of the application should rest on its assessment against Development Plan policy with the benefit of consultation responses and the actual representations submitted following submission of the application as recorded in the background papers to this report.

d) Conclusions

This assessment therefore concludes that the proposed development is appropriate development in the Green Belt and that there is no other adverse impact. As a consequence there is not a requirement to refer the matter to the Secretary of State under the 2009 Direction. If members are to conclude that the proposed development is not appropriate development then it should explicitly give reasons for that conclusion and identify the evidence for those reasons. In consideration of this, Members are asked to assess their reasons against the findings set out in the recent appeal decision.

Recommendation

That planning permission be **GRANTED** subject to the following conditions and any others as recommended by the Lead Local Flood Authority:

Standard Conditions

1. Standard Three year condition

2. Standard Plan Numbers condition – 7006/01A; 7006/18A and 6662/52H

Defining Condition

3. No development shall commence on site until such time as the measures to be implemented to ensure that all of the dwellings hereby approved are affordable houses in line with the type of house and tenure as shown on the approved plan; that they remain affordable in perpetuity and that the measures include a locality clause, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site and these shall remain in force in perpetuity.

   REASON

   In order to meet the requirements of the Development Plan and to ensure that the development remains as appropriate development within the Green Belt.

Pre-Commencement Conditions

4. No development shall commence on site until such time as drainage plans for the disposal of surface and foul water have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

   REASON

   In order to reduce the risks of pollution and flooding

5. No work shall commence on site until a Phase 1 intrusive site investigation has been undertaken and the findings from that work have been submitted in writing to the Local Planning Authority. The findings shall also include measures to mitigate any contamination found as part of the investigation.

   REASON

   In the interests of reducing the risk of pollution

6. No work shall commence on site until such time as any remediation and mitigation measures as may be approved under condition (5) above have first been completed to the written satisfaction of the Local Planning Authority through the submission of a written Verification Report. Development shall only proceed after written confirmation from the Local Planning Authority that the Verification Report is accepted.

   REASON

   In the interests of reducing the risk of pollution.

7. In the event of contamination being found on site during construction which was not identified in the survey required in condition (5), all work shall cease and then only re-commence when agreed in writing by the Local Planning Authority

   REASON

   In the interests of reducing the risk of pollution

8. No work shall commence on site until such time as a protocol has been submitted to and approved in writing for the management, during the construction period, of the run-off from the site into the unnamed water course running along the length of the northern boundary to the site, in order that this does not become a source of pollution to the water course. The protocol so approved shall remain in force until construction is complete.

   REASON

In the interests of reducing the risk of pollution

9. No development shall commence on the construction of any dwelling hereby approved until such time as details of the source of imported materials for the development have first been submitted to and approved in writing by the Local Planning Authority. Only soils so approved shall then be used on site.

REASON

In the interests of reducing the risk of pollution

10. No development shall commence on site until such time as detailed designs of the outfall pipe to the water course running along the north boundary of the site, from the balancing pond have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of reducing the risk of flooding.

11. No development shall commence on site until such time as full details of the maintenance regime for the balancing pond and its associated pipe-work and outfall together with the areas of open space shown on the approved plan have first been submitted to and approved in writing by the Local Planning Authority. The maintenance regime thus approved shall remain in force at all times.

REASON

In the interests of reducing the risk of flooding

12. No development shall commence on site until details of the boundary between the water course along the northern boundary and the proposed dwellings that back onto it have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding

13. No development shall commence on site until such time as full landscaping details together with the measures to be introduced to enhance bio-diversity on the site, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site

REASON

In the interests of the visual amenities of the area

14. No development shall commence on site until full details of the facing, roofing and surface materials to be used on site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

REASON

In the interests of the visual amenities of the area.

15. No development shall commence on site until full details of the provision for adequate water supplies and fire hydrants necessary for fire-fighting purposes has first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then the provided on site.

REASON

In the interests of fire safety

Pre-Occupation Conditions

16. No dwelling hereby approved shall be occupied until the whole of the road layout and all of the access arrangements as shown on the approved plan have been completed in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

17. Within one month of the new access being formed to Eastlang Road the existing vehicular access into the site shall be permanently closed off and the public highway verge re-instated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

18. No dwelling hereby approved shall be occupied until such time as the line of the public footpath M349 has been provided in full as shown on the approved plan.

REASON

In the interests of pedestrian connectivity

19. No dwelling hereby approved shall not be occupied until such time as the drainage measures approved under conditions (4), (8), (10), (11), (12) and (15) have all been implemented on site and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding.

On-Going Conditions

20. Visibility splays measuring 2.4 by 25 metres shall be maintained at all times to the vehicular access into the site.

REASON

In the interests of highway safety

21. No ground levels shall be raised nor material stockpiled within the flood plain on site

REASON

In the interests of reducing the risk of flooding

22. All site levels shall be set so as to direct water flows away from the properties hereby approved.

REASON

In the interests of reducing the risk of flooding

23. Finished floor levels of all of the properties hereby approved shall be set a minimum of 600mm above floodplain levels and a minimum 150mm above the immediate surrounding ground

REASON

In the interests of reducing the risk of flooding

24. Each dwelling hereby approved shall retain two functional car parking spaces at all times

REASON

In the interests of highway safety

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussion; discussion on the content of consultation responses resulting in amended plans and full consideration given to the planning issues arising.

2. Attention is drawn to Sections 38, 149, 151 and 163 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. The County Council can advise on these matters.

3. Attention is drawn to the Water Resources Act 1991 and to the Midlands Drainage bye-laws. Any works which affect the water course running along the northern site boundary will require separate consent from the Lead Local Flood Authority under the Land Drainage Act 1991 and the Flood Water Management Act 2010. Advice should be sought from Warwickshire County Council.

4. Attention is drawn to the potential for Invasive Plants being on the site. If found precautions should be taken in consultation with the Local Planning Authority.

5. Western Power Distribution can advise on safe working together with safeguarding distances close to the overhead line that passes across the site.

6. Severn Trent Water advises that there is a public sewer located within the site. Public sewers have statutory protection under the Water Industry Act 1991 as amended but the Water Act 2003. There should be no development close to the sewer without the consent of Severn Trent Water.

7. Attention is drawn to the need to secure the lawful diversion of public footpath M348 which crosses the site and to retain its safe unobstructed route during construction.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0253

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/1/16
2	Warwickshire Museum	Consultation	28/1/16
3	WCC Footpaths	Consultation	28/1/16
4	WCC Highways	Consultation	10/3/16
5	WCC Flooding	Consultation	22/3/16
6	WCC Flooding	Consultation	
7	Mr & Mrs Savage	Objection	12/1/16
8	L Moore	Objection	13/1/16
9	F Pope	Objection	7/1/16
10	M Fennell	Objection	14/1/16
11	P Spain	Representation	18/1/16
12	L Moore	Objection	18/1/16
13	C Tracey	Objection	18/1/16
14	A Culley	Objection	19/1/16
15	Mrs Jensen	Objection	20/1/16
16	S Whiting	Representation	20/1/16
17	Warwickshire Fire Services	Consultation	20/1/16
18	G Beards	Objection	25/1/16
19	Fillongley Parish Council	Objection	28/1/16
20	S Bullock	Objection	26/1/16
21	Mrs Winterburn	Objection	26/1/16
22	Mr & Mrs Cowdrey	Objection	24/1/16
23	S Bullock	Objection	26/1/16
24	N Wright	Objection	27/1/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX B

IN THE MATTER OF LAND NORTH OF EASTLANG ROAD, FILLONGLEY, WARWICKSHIRE

ADVICE

Introduction

1. I am asked to advise North Warwickshire Borough Council ("the Council") in respect of a planning application it is due to determine. This concerns proposed residential development comprising of 27 affordable dwellings together with associated highways, external works, landscaping and boundary treatments at Land North of Eastlang Road, Fillongley.

2. My advice is sought as to whether there are robust and defensible grounds for the Council to refuse the application.

3. I appreciate that those that instruct me will be familiar with the facts of the case and the well-established legal framework which governs the consideration of such matters. I shall not repeat them.

4. Since my advice is sought at short notice, I advise briefly.

The Policy Context

5. The site lies in the green belt.

6. The planning merits of the site have been fully ventilated at a planning appeal before Inspector Kirby. This was for the same quantum of housing [27 units]

but it was a mix of 21 affordable units and 6 market units. By his decision dated 15 October 2015, the Inspector found that the scheme was unacceptable in planning terms. This is a potent material consideration whose assessment of the planning merits is less than a year old. At that time, the Inspector found that the Council could demonstrate a 5 year supply of deliverable housing sites [at para 17]. I assume that this is still the case.

7. The nature and extent of the harm arising from the application is comparable to that identified by the Inspector with the previous proposal. The Inspector found that the scheme "*significantly reduced*" openness and extended built development into the countryside which conflicts with the purpose of including the land in the green belt [at para 14]. The Inspector accorded "*significant weight*" to this identified harm. I see no reason why a similar conclusion ought not to be reached today.

8. Plainly the latest application is materially different in that it promotes purely affordable accommodation. This enhances the benefit of the scheme when compared to the appeal scheme which was a mix of market and affordable dwellings. Further, as it is a purely affordable scheme there is more scope for the applicant to allege that it conforms to the development plan's exception of development in the open countryside set out in policy NW5. Importantly, the Inspector finds that the appeal scheme did not fulfil the exception set out in NW5 on the basis that it contains 6 market units. On a fair reading of the decision it is plain that the Inspector "left the door open" for the appellant to amend the scheme to promote an affordable-only scheme which was capable of being consistent with NW5.

9. The acceptability of the proposal at this location rests upon the consideration of policy NW5 and para 89 of the Framework.

10. NW5 provides:

Category 5 – Outside of the above settlements

Only affordable housing where there is a proven local need and it is small in scale and does not compromise important environmental assets and development necessary for agriculture, forestry or other uses that can be shown to require a rural location.

[my emphasis]

11. To fulfil this policy the residential proposal must be both small in scale and be required to meet a proven local need.

12. Para 89 of the Framework provides the following exception:

Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

Reasonableness of Refusal

13. It seems to me that the application is a more attractive prospect than the first proposal since (i) the extent of the harm is very similar (ii) the extent of the benefits is greater and (iii) the argument that the scheme complies with NW5 is greater. The question is whether the application is sufficiently better that crosses the threshold of acceptability. That can be answered by members and officers, not me.

14. However, I conclude that there are robust and defensible grounds for the Council to refuse the application. In my view such a course would be reasonable and it would be open to the Council to do so. Given its green belt location, the onus is upon the applicant to demonstrate "*very special circumstances*" exist. Addressing the 'para 89 exception' point head on, the Report to Committee sets out why the application cannot be convincingly characterised as "*limited infilling*" to the village on the basis that:

a) It lies outside the settlement boundary; it is in open countryside.

b) The scale of the proposal comprising 27 new dwellings covering a site of 1.3H is not small or modest.

c) Since there would be open land on 2 of its 3 sides it can be better described and perceived as an extension to the village rather than an example of infilling.

15. As the Report to Committee makes clear, there is no hard and fast rule as to what constitutes small scale in this context. One cannot reduce the matter to an arithmetic exercise. It is a matter of fact and degree based upon the specific circumstances of the case.

16. It seems to me that as a matter of planning judgment there is a reasonable case to be made that the application (i) is not small scale and therefore offends NW5 and (ii) is not "*limited infilling*" and therefore cannot fall within exception set out on the face of the Framework.

17. Judging whether a given scheme can be described as "*limited infilling*" or "*small scale*" is quintessentially a matter of judgment. It is a matter of fact and degree and draws in large part upon one's subjective assessment of character and scale. If the application is refused and the applicant decides to appeal, I do not consider it probable that the Inspector will find that the Council has acted unreasonably in reaching the planning judgment it did. The Council's view, even if it does not ultimately convince the Inspector, is at least respectable and supported by evidence.

18. I share the view of the officer who wrote the Report to Committee that the criticisms of the applicant's evidence base in demonstrating a local need for housing are not strong. I do not consider that they are a robust basis to refuse the application.

19. In respect of NW5, the preponderance of evidence shows that there is a proven local need but there is a reasonable case to make that it is not small in scale.

20. If I can be of any further assistance now, please do not hesitate to contact me in Chambers.

(4) Application No: PAP/2015/0344

Beech House, 19 Market Street, Atherstone

Listed Building Consent to restore and repair the structure internally and externally in a manner that preserves the original fabric, replaces lost features and sympathetically adds modern facilities

Application No: PAP/2015/0284

Post Office Yard, rear of 100 Long Street, Atherstone

Conversion of ex-telephone exchange into three one bedroom buildings

Application Nos: PAP/2015/0375 and PAP/2015/0283

Bank Gardens, rear of 94/96 Long Street, Atherstone

Planning and Listed Building Applications for the erection of three dwellings

Application no: PAP/2015/0285

Land rear of 108 Long Street, Atherstone

Erection of two dwellings

All for Arragon Construction Ltd

Introduction

These applications were reported to the May meeting of the Board. It resolved to grant planning permissions and Listed Building consents for all of the applications, but that it wished to enter a Section 106 Agreement concerning the phasing of the developments. In this respect the Board delegated the detail of this Agreement to a small group of Members.

A copy of the previous Board report is at Appendix A, but without its Appendices, and Appendix B is a copy of the letter sent to the applicant following the Board's decision.

A meeting of the group of Members and the applicant took place and a note of that meeting is attached at Appendix C. It can be seen from this that new information was received about the practicalities of the construction programme that the Board had been unaware of when it debated the matter in May. As a consequence the phasing could well be different to that recommended at that time. The Chairman indicated that in these circumstances the matter should be brought back to the Board.

Current Position

There has been further discussion on the phasing as a consequence of that meeting and a new schedule has been drafted. This is at Appendix D.

Additionally the means of achieving a Council overview/inspection of the work has been discussed. This remains undecided.

Observations

The background to Appendix D is now set out.

It is agreed that the priority here is for works to be undertaken to Beech House to make it rain and water proof as soon as possible. Hence repairs works to the roof; rainwater goods and the damp condition survey have to be dealt with in the first phase. The applicant makes the very practical point that the only access into the site for these works to be undertaken is via North Street next to the former telephone exchange. A site compound would have to be temporarily located in Bank Gardens. He argues that it makes sense to start on the foundations of the new houses here too and to undertake the work on the former exchange otherwise the site compound and access will have to be cleared, only to re-appear at a later phase. In order to make it clear that the works to Beech House are prioritised in this situation, the replacement roof for the exchange and continuation of the new builds in Bank Gardens would only continue after completion of the roof and rainwater repairs to Beech House together with completion of the agreed damp mitigation measures. Completion of the internal finishing of Beech House would then trigger similar works in the new builds. Occupation of the new builds would only follow completion of the Beech House refurbishment.

It is acknowledged that in the actual circumstances of the proposals here, this does represent a reasonable balance between all of the various interests that need to be considered. Historic England agrees. As such this phasing schedule is recommended for acceptance by the Board.

The sub-group also looked at how oversight of the works to Beech House could be carried out. Clearly the phasing schedule above is triggered by certain works to Beech House being completed to the Council's satisfaction. That would need the involvement of the Council's Heritage Consultant. This in itself was not the issue between the parties. The difference of view was who pays for the fee for the consultant. The applicant considers that if he does, then it would add to the conservation deficit of the scheme.

Members are requested not to become involved in this argument. The situation is very clear. The Council has a statutory duty to consider the "proper preservation" of Listed Buildings. This is a responsibility that the Council exercises through its heritage operation. That would be carried out by the Council's Heritage Officer, who would thus undertake this overview as part of his normal work/caseload. At present this role is undertaken by a Heritage Consultant. That role is already budgeted into the Board's finances. As a consequence it is advised that as this is a Local Planning Authority function and is accounted for, that the Consultant becomes involved as and when appropriate. There is thus no need for the Agreement to include reference to this.

Recommendation

That the planning permissions and Listed Building consents be **GRANTED** subject to the completion of a Section 106 Agreement containing the phasing schedule as outlined in this report and subject to the conditions contained in the report at Appendix A, amended as necessary to take account of the schedule.

Appendix A

General Development Applications

1) **PAP/2015/0344**

Beech House, 19 Market Street, Atherstone

Listed Building Consent to restore and repair the structure internally and externally in a manner that preserves the original fabric, replaces lost features and sympathetically adds modern facilities

2) **PAP/2015/0284**

Post Office Yard, rear of 100 Long Street, Atherstone

Conversion of ex-telephone exchange into three one bedroom dwellings

3) **PAP/2015/0375 and PAP/2015/0283**

Bank Gardens, rear of 94/96 Long Street, Atherstone

Planning and Listed Building Applications for the erection of three dwellings

4) **PAP/2015/0285**

Land rear of 108 Long Street, Atherstone
Erection of two dwellings

all for Arragon Construction Ltd

Introduction

The receipt of these applications was first referred to the Board at its August meeting last year. Since that time, there have been no fundamental changes to the actual proposals but the applicant did supply additional background information. This was reported to the last meeting and the Board resolved that it welcomed the change in approach in respect of these proposals. As a consequence it wished to engage with the applicant to explore the overall package of proposals in more detail. A small group of Members were asked to undertake this additional work and report back to the Board. That has now taken place and thus the matter is referred back to the Board for determination.

Rather than attach previous reports as Appendices, it is considered more appropriate to provide a full report at this time in order to give Members a comprehensive account of the arguments leading up to the recommendations.

Members will be aware that there have been several planning and listed building applications submitted in respect of these properties in Atherstone such that there is a lengthy planning history associated with them. In short these applications have not been successful and there have been repeated proposals in order to try and overcome earlier refusals. The last “set” of applications was withdrawn at the end of last year. The

applications described above have been submitted in order to overcome the recommendations of refusal made in respect of those last proposals.

These applications will be dealt with together as a “package”. This is because the applicant is saying that the cost of repair and restoration to Beech House as proposed is unviable without the additional new development. That new development thus “enables” the restoration.

For convenience Appendix A illustrates the location of all of the sites referred to above. It too identifies the Listed Buildings that are referred to in this report. The whole of the area covered by the plan is within the Town’s Conservation Area.

Background

Beech House has remained vacant for over ten years. It was last used as a single dwelling house. The current applicant acquired it and his first proposal to change its use to office accommodation was refused, with this decision being upheld at appeal in 2005.

In recent years there have been applications submitted individually for the other sites mentioned in the report “header”. They have all been refused planning permission and appeals have been dismissed. Copies of these decision letters are attached at Appendices B to E.

More recently the applicant’s attention has focussed on Beech House itself, as in short, it was losing value due to the economic downturn. An application to provide a vehicular access into the rear garden off North Street was submitted in order to make it more “attractive”, but this was refused due to the adverse heritage impact of breaching the garden wall and having cars parked in the rear garden. More recently an application was submitted in 2010 to convert the house into three apartments including a rear extension to provide a new stairwell to access the upper floors. This was accompanied by other applications as a “package”. It was argued that these other developments would enable the works to Beech House. These other applications were equivalent to the ones now submitted. However all of the applications were withdrawn in late 2014 having been recommended for refusal. It was considered that the harm to Beech House as a consequence of the proposed sub-division was too great in itself to warrant any support.

The current package of applications has been submitted as a consequence of this withdrawal.

The Differences

There are a numbers of differences between those withdrawn proposals and the applications as submitted now. These are:

- Retention of Beech House as a single dwelling house with no internal subdivision or external extension and its rear walled garden retained intact.
- Conversion of the former telephone exchange into three rather than two one bedroom dwellings. The former proposals included garage space for the use of Beech House with a new pedestrian access through the rear wall into the garden.
- Two of the new dwellings in Old Bank Gardens to be constructed in a single range with reducing ridge lines rather than as two detached houses.

Additionally as a consequence of the meeting held following the last Board Meeting, the applicant has made a further change. This is:

- Change the fenestration of the proposed houses in Old Bank Gardens. These are illustrated at Appendix J.

The Proposals - Beech House

a) Introduction

Beech House at 19 Market Street is a Grade 2 star Listed Building fronting the Market Square in the centre of Atherstone. It is also on the register of buildings "At Risk" prepared by Historic England. It is a three storey town house constructed in 1708. It has a basement and a walled rear garden but no vehicular access. It lies within a street frontage of similarly proportioned buildings facing the square. These accommodate a variety of uses – restaurants, public houses, shops and offices with some residential uses in the upper floors. There is a substantial copper beech tree in the rear garden which is protected by a Tree Preservation Order. The premises have been vacant for over ten years.

A more detailed description of the building is contained in a Historic Building analysis submitted with the application. This is available on the application website or copies can be obtained from the office if Members wish to see this document. It describes a significant and prominent 18th Century town house with substantive contemporaneous internal and external architectural features.

The site is wholly within the Atherstone Conservation Area. Other listed buildings within the Market Street frontage are numbers 9, 11, 13, 15, 17 and the adjoining public house at 21. All of these are Grade 2 Listed Buildings.

b) The Proposals

In short it is proposed to repair and restore the building such that it remains as a single dwelling house. The rear walled garden would remain intact with no proposed rear vehicular access or car parking provision.

A full description of the proposed works is attached at Appendix F.

The Proposals - The Former Telephone Exchange

a) Introduction

This is a single storey brick and slate roof building dating from the 1930's. It measures 6.5 metres by 16.5 metres in footprint and is at right angles to North Street. It has a ridge height of 6 metres. It is located immediately at the rear of the walled garden to Beech House. Between it and North Street are two recently constructed houses that front North Street. The land falls away to Long Street and this lower level land provides access and parking for residential property in Long Street and to its immediate rear. The building fronts this access – some 4.5 metres wide. Opposite are the single storey offices of the Town Council.

The building is not listed, but the site is within the Atherstone Conservation Area.

b) The Proposals

It is proposed to convert this building into three residential units. The conversion works would entail removing the existing roof structure and replacing it to the same eaves and ridge height and pitch in order to provide the first floor accommodation.

Each of the three residential units would accommodate a single bedroom in the roof space. This will require three small two-light dormers for the bedrooms and three small roof lights over the stairwells in the front (east facing) elevation as well as three roof lights for the bathrooms in the rear elevation facing the rear of Beech House. The front elevation would be redesigned so as to accommodate door and window openings.

No car parking is proposed

Plans at Appendices G and H illustrate the proposals

The Proposals - Old Bank Gardens

a) Introduction

This is a walled garden at the rear of numbers 94/96 Long Street. These properties are presently occupied by Lloyd's Bank and a café. They are three storey buildings within the northern frontage of Long Street and are listed as Grade 2 buildings. They both have rear ranges extending back from their respective Long Street frontages. Number 96 (the Bank) has a two storey range to its rear, but this falls short of reaching the rear boundary of the premises beyond which is the application site. To the rear of number 94 (the café) is a longer two storey range and this extends back to the application site boundary. The walled Old Bank Garden to the rear has a stepped pedestrian access through to the Beech House garden. Adjoining this walled garden and to the east is the former telephone exchange building. Vehicular access is obtained from North Street to a parking and access yard at the rear of numbers 98 and 100 Long Street for a small number of cottages and residential conversions of these frontage properties. At the rear of 98 Long Street there is one small one and a half storey rear range giving way to a more recent two storey range. At the rear of 100 is a wide large single storey range. There are one and a half storey cottages tucked in behind this. Numbers 98, 100, 102 and 108 Long Street are all Grade 2 Listed Buildings. The ground level of the Long Street properties is at a lower level than that of North Street and hence the land rises in a series of different levels towards North Street. The overall height difference is about 1.3 metres.

The site is wholly within the Atherstone Conservation Area.

b) The Proposals

In short this is to construct three cottages within the rear walled garden. One, a two bedroom property would adjoin the end of the existing range at the rear of the Bank. It would measure 5.5 by 8 metres and be 7.4 metres to its ridge. It would be single aspect facing west with only roof lights in its eastern elevation. Its northern gable would also provide fenestration at both ground and first floor levels. The other two, again both with two bedrooms would be constructed as one range extending back from the café at Bakers Croft. The closest to the existing would measure 9.5 by 4.8 metres and be 7.1 metres to its ridge. It would have openings in its east facing elevation as well as its

southern facing elevation. The third cottage would adjoin this. It would measure 9.6 by 4.8 metres and be 7.2 metres to its ridgeline. It would have openings in its east and north facing elevations.

The cottages would be accessed on foot from the yard to the east at the rear of the Post Office which has access onto North Street passing the former telephone exchange building. This will necessitate breaching the garden wall with a new opening – there would be no gate or door. However the whole existing wall would be remain at its existing height - 2.3 metres tall. The former walled garden would become a shared garden/amenity space for the residents. The applicant has indicated that it would also be available to the public. The existing gated and stepped access into the rear garden of Beech House would be closed off.

No car parking is proposed. The parking spaces shown on the plans in the adjoining yard are for existing users of accommodation at the rear of the Post Office.

The site is wholly within the Atherstone Conservation Area

The proposals are illustrated at Appendices I and J.

The Proposals - 108 Long Street

a) Introduction

This is a three storey listed building that fronts Long Street close to its junction with Ratcliffe Street. It lies between the buildings presently occupied by TNT and the former WCC offices. It has rear ranges extending back into a long rear yard. A more recent residential block – containing two units - sits at the immediate rear of the premises beyond which is the rear yard from where vehicular access is gained from North Street. The offices of the Town Council are immediately adjacent to this rear access. The car park to the WCC offices is located between the site and Ratcliffe Road. The main building at 108 has a shop at the ground floor frontage with Long Street and its upper floors together with the recent block are now in residential use – 9 apartments. The site slopes down from North Street to the more recent block at the rear of Long Street – a drop of around 1.3 metres.

The site is wholly within the Atherstone Conservation Area

b) The Proposals

Two new dwellings are proposed – one would be two storey and accommodate two bedrooms, such that it adjoins the recent block and have a height of 6.6 metres to its ridge, being 0.8 metres less than that new block. A smaller single storey one bedroom bungalow would then be added. This would have a ridge height of 4.3 metres. The width of the proposal would match that of the new block – 5.3 metres – but reduce to 3.7 with the smaller single storey unit at the rear. The total length of the proposal is 26.5 metres back from the recently constructed block. The larger of the two proposed buildings would have three first floor openings facing east towards Ratcliffe Street- obscurely glazed as they would be to landings and bathrooms – whereas the bungalow would be wholly single aspect facing west. The remainder of the rear yard would provide amenity space; a refuse collection area and pedestrian access. Gates would be sited across the access with keys only available to the tenants. The ground levels of the proposals would have the same level as that of the recent block and thus “sit” in the existing sloping

ground here. There is a rear wall along the eastern boundary with the WCC offices. The boundary on the western side is presently an open meshed fence. This is owned by TNT and there is a listed building consent to reconstruct a wall here – the original form of boundary treatment.

No car parking provision is to be made.

The proposals are illustrated at Appendices K and L.

Summary of the Combined Proposals

Beech House would be repaired and restored such that it could be used as now, as a single dwelling house. The combined proposals add up to eight new dwellings. This is through the construction of five new dwellings – at 108 and in the Bank Gardens – together with three new dwellings created through conversion of the former telephone exchange building. These would comprise four one bedroom units and four two bedroom units. No new car parking is proposed.

No affordable housing is proposed or an off-site contribution in lieu.

The Proposed "Package"

The applicant is saying that the cost of the repairs and restoration of Beech House is such that it would still not create a property with sufficient value to sell on the open market. Additional development is thus required to "enable" value to be created in order to cover the cost of the deficit arising from the Beech House situation.

In support of this package, the applicant has submitted a Development Cost Appraisal supported by a costed Schedule of Works. The market value Beech House in its existing state is said to be at the lower end of the range £100 to £150K. Its potential market value if approved and repaired is said to be in the range of £400k to £425k and the potential cost of the schedule of repairs is £360k, but this is considered to be a minimum estimate. The applicant continues by saying that when interest charges; contingencies and a developer's profit are added into the appraisal, this shows a potential deficit on the Beech House proposal of up to £175k. This would thus amount to the "conservation deficit".

The applicant's appraisal then adds in the costs of undertaking the "enabling" development and the return from that in the form of the market values created. If the site costs of the land for the enabling development are removed from this given that the land is owned by the applicant, the overall appraisal suggests that there is still likely to be a deficit of around £50k. If the other costs are added – the land costs; interest charges, further archaeological investigation and profit – then that deficit rises.

Representations

Atherstone Town Council – The Council has no objection to the Beech House proposals but objects to the other proposals on the grounds of over-development and adverse impacts on the street-scene.

Atherstone Civic Society – The Society is pleased to see the proposals for Beech House. It objects to the proposals at the rear of 108 Long Street referring to the Inspector's reasons at the appeal whereby the development would adversely impact on

the openness of the Conservation Area and obstruct views of the rear elevations of property on Market Street. It similarly objects to the three houses proposed in the Old Bank Gardens and the proposed conversion of the former telephone exchange drawing attention to the respective Inspector's comments at the time on the adverse impacts on the Conservation Area and the influence of the Copper Beech Tree. The Society considers that there is no benefit in permitting these additional small dwellings given that substantial new housing is being proposed elsewhere in the town.

Letters have been received from one of the occupiers of a property on Market Street raising no objection to the Beech House proposals but objecting to the new houses in Old Bank Gardens as that would cause overlooking and disturbance at the time of construction. There are sufficient new houses being proposed elsewhere in the town.

Consultations

Historic England – Beech House is an early 18th Century house of distinction. The proposals are acceptable in principle but the applicant is some way from demonstrating the need for enabling development. In enlarging on this summary, the response indicates that more detail is needed on the full repair specifications particularly that of damp treatment. It is acknowledged however that it would be possible to consent the principle of the works and then add appropriate conditions. It continues by saying that approval for the enabling development should await demonstration that there is a conservation deficit here and that that the enabling development is the minimum necessary to close that deficit. The full response is attached at Appendix M.

The Council's Consultant Heritage Advisor – As a package of enabling development the approval of these applications is interdependent and only the Beech House application could be approved on its own. All the other proposals do not accord with the heritage policies of the Development Plan. He does however agree that it will be possible to grant consent for the package, but not until a number of detailed matters have been addressed. These relate to detailed specifications for the repairs to Beech House; details of the new pedestrian access to Old Bank Gardens and an understanding of the influence of the Copper Beech tree. He suggests that Historic England's advice is sought on the matter of the principle of enabling development. The full response is attached at Appendix N.

Warwickshire Museum – There is no objections to the three applications for the enabling development subject to standard conditions for each case.

Warwickshire County Council as Highway Authority – No objection to the proposals at the rear of 108 Long Street and for the conversion of the former telephone exchange subject to standard conditions being placed on any grants of planning permission. However there is an objection to the new houses proposed in the Old Bank Garden due to lack of parking and service arrangements

Warwickshire County Forester – There are likely to be requests to works to the Copper Beech tree.

The District Valuer – This report was commissioned to assist as an independent source of information on the applicant's development appraisal for Beech House. It is attached in full at Appendix O.

This report confirms that during the past marketing exercise there was genuine interest shown in retaining the property as a single dwelling house. This interest was in the knowledge of its then state of repair and its location next to a Public House and without private vehicular access and parking provision. It points out that due to the unusual nature of the property it would only attract limited interest with prospective purchasers looking to move for personal reasons rather than as an investment or commercial opportunity. The degree of profit therefore suggested in the development appraisal – up to 20% - might therefore be too optimistic. The report confirms that the premises had a market value of between £100k and £125K at the time of the marketing and that with restoration, it would have a potential value of over £400k. The repairs were estimated at that time to be around a minimum of £360k.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment) and NW18 (Atherstone)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration); ENV4 (Trees and Hedgerows), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage and Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the "NPPF")

English Heritage Statement on the Conservation of Heritage Assets and Guidance on Enabling Development and the Conservation of Significant Assets – 2008

The Atherstone Conservation Area Designation Report - 1994

The Draft Atherstone Conservation Area Appraisal – 2006

The Notification Direction 2015

Observations

a) Introduction

The Board is now considering a package of development proposals that have at their core a substantial change in circumstance from the previous applications – namely the retention, repair and refurbishment of Beech House as a single dwelling house. This is welcome as a positive step in the consideration of these applications. However whilst accepted as the preferred outcome in principle, the Board still has to consider whether the "package" of proposals is acceptable as a whole. In this respect there are a number of concerns. It is therefore proposed to assess the current proposals in full.

b) The Principle of Housing Development

All of the sites of these proposals are within the development boundary for Atherstone as defined by the Development Plan. Given that the town is also one identified as being

suitable for housing growth, there is no objection in principle to these planning applications. Whilst the Board will still need to look at the details in respect of the usual traffic, parking, design and amenity issues, the central issue here is to assess the likely impact of these proposals on the surrounding heritage assets – namely the Town's Conservation Area; the Listed Buildings directly affected and other surrounding Listed Buildings.

c) The Heritage Background

i) Introduction

In order to assist Members, attention is drawn to Appendix A. This illustrates the location of the application sites and the Listed Buildings in this part of the town. The whole of the area shown on this plan is within the Conservation Area.

As Members are aware, the Council has statutory duties when it has to deal with development proposals affecting heritage assets. In respect of Conservation Areas, it has to pay "special attention to the desirability of preserving or enhancing the character or appearance of the Area". When considering Listed Buildings, the Council has to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". It is thus necessary for the Board to fully understand the character and appearance of the Conservation Area and the special features and settings of the Listed Buildings. This is done by understanding the significance of the heritage assets.

ii) **The Conservation Area**

The overall significance of the Conservation Area is that it covers a substantial area of the town centre reflecting the town's different architectural and historic development through many different periods. This is portrayed in the retention of substantial contemporaneous built form; layout and open spaces depicting different uses from industrial through to residential and the service sector. Architectural character and attributes from these different periods and uses remain – the line of the Roman Watling Street/Long Street; the medieval burgage plots, the Georgian appearance and the Victorian industrial premises. The significance is thus very much about the whole town's diverse history.

Being so large, it is possible to divide the Area into several distinct sub-areas. The Market Place and its environs has historic interest as the original 13th Century market space which has evolved into the 18th and 19th Century space that is seen today. Its current market, retail and industrial uses reflecting past activity. The architectural interest is that this is now the finest townscape in Atherstone. The buildings have a high degree of individual interest and integrity as well as substantial group value. They line the square with the Church providing the main focal point. Two or three large residences along the eastern side have large mature walled gardens which although private, are rare green spaces within the town centre – Beech House being one of them. They reflect a significant type of 18th and 19th Century residential occupation not repeated elsewhere in the town.

The area between Long Street and North Street still reflects the development of the medieval burgage plots extending back from Long Street with their rear ranges and entrances. The area however remains relatively open, due to the lack of later developments.

iii) Beech House

Beech House is a Grade 2 star listed building and is thus of national importance. Additionally, it is one of the most important historic buildings in the town and is located within the most significant part of the town's conservation area. It is a prominent 18th Century town house with a large walled rear garden that faces the Market Place and is close by other listed buildings in the Area. It retains not only its original plan form, but also a significant proportion of eighteenth and nineteenth century architectural features both inside and out. It is one of the finest and most intact buildings of its type because of its completeness and the integrity of its historic and architectural interest. This is enhanced by its location within the most significant part of the town and its prominence in the street scene hereabouts as well, as the townscape within the Market Place.

iv) Other Listed Buildings

The other listed buildings referred to above in the surrounding area are scattered along the frontages to Long Street, Church and Market Streets. These are three storey contemporaneous late 18th Century and early 19th Century buildings with original internal plan forms and features and external features typical of the period – fenestration details etc. Of particular note is the half-timbered rear elevation of the older – 16th Century - number 15 Market Street. Many retain their retail ground floor frontages and some retain their rear ranges reducing in height along historic plot boundaries. Apart from their significance in their own right, there is substantial group value in their contribution to the character and appearance of the Conservation Area.

In terms of the listed buildings the subject of the applications, then 94 and 96 Long Street are three storey 18th and 19th Century buildings with rear ranges extending back from their respective Long Street frontages. The rear walled garden extends back to the Beech House garden where there is stepped pedestrian access. The significance of this asset is not only the architectural and historic retention of the buildings and their built form but the unusual intact retention of a rear walled garden within the town centre and its location adjoining that of Beech House.

v) The Beech Tree

Additionally there is a large Copper Beech tree within the rear garden of Beech House. It is protected by Order and has substantial public amenity value not only in itself, but also because it enhances the character and appearance of the Conservation Area and the setting of Beech House. It also has historic interest in that is was planted for the Diamond Jubilee of Queen Victoria.

d) The Impact of the Beech House Proposals on the Heritage Assets

The proposals are to retain Beech House as a complete single dwelling house without extension or alteration, but through repair and general maintenance. The rear walled garden would also be retained intact. This is the preferred outcome and is supported by the Council's Consultant Heritage Advisor and Historic England such that it would accord with the general principles of the NPPF. Indeed it would align with the statutory requirements through preserving the character and appearance of the Conservation Area and the architectural and historic interest and setting of the Listed Building. As such there is considered in principle to be no adverse impact on the heritage asset here as the proposals would preserve the significance of the asset.

However there are concerns as indicated above in the introduction to this section. These concerns relate to the actual detail and specifications required for the repair and maintenance work in order to re-instate the property to the preferred use. Sadly these are lacking from this application. These matters in particular relate to stone repair; damp treatment, timber treatment, plaster repair, structural surveys of the walls in the garden and annotated plans illustrating the location of repairs and their full specification. The applicant has provided an initial response as indicated in the section above dealing with a summary of the package of proposals. He has submitted proposals in response to the treatment of damp which largely involve the "tanking" of the basement. This however, as can be seen from the Consultant's advice, is inappropriate to a listed building of this significance. This is not encouraging. The applicant in response suggests that this and the other detailed matters raised could be the subject of conditions attached to a Listed Building Consent. Members are advised that given the significance of this building in heritage terms and it being on Historic England's "At Risk" register, a high level of detail and specification is required in order to fully assess the impact of repairs on the fabric of the whole premises. It would thus not be normal practice to condition this detail. Bearing this in mind it is considered that it would be helpful at this stage to assess all of the other matters relating to the "package", to see how significant this matter might become at a later time within the final balancing exercise that the Board will have to undertake.

e) The Impact of the Proposals at 94/96 Long Street on the Heritage Assets

Members will be aware of the refusal here in 2008 for a similar development which was upheld at a subsequent appeal – see Appendix B. That concluded that the proposed three houses would be detrimental to the character and appearance of the Conservation Area because of the extension of development into the rear walled open garden and harmful to the setting of the Listed Buildings fronting Market Street.

Two aspects of the current proposals are different from that 2009 refusal. The current proposal now has the new buildings oriented in line with the prevailing grain of the historic burgage plots and has them as connected buildings with a reducing ridge in the case of the two conjoined buildings. Additionally there is no opening proposed in the eastern wall to enable vehicular access. A pedestrian access would however be provided.

These changes are significant as they reduce the level of harm to the heritage assets as included in the former proposals. However they do not reduce that harm to the level of acceptance. There is still harm as the openness and the integrity of the rear walled garden would be compromised – a feature of significance here within the Conservation Area. The impact on the setting of the Long Street and Market Street frontage listed buildings is however reduced due to the new alignment; the built form being extensions of existing ranges rather than detached units and the built form extending less into the open garden thus retaining rear views of the Market Street properties.

There are concerns on two matters of detail; the actual specification for the new pedestrian access and the likely impact of any shading of the houses as a consequence of the copper beech tree in the garden of Beech House.

In conclusion therefore as a stand-alone proposal, this application will cause harm to the character and appearance of the Conservation Area hereabouts and that harm would be moderate. However as the Consultant Heritage Advisor indicates, there could

be support for the proposal as part of a wider package involving the retention and repair of Beech House.

f) The Impact of the Proposals at the Former Telephone Exchange on the Heritage Assets

The proposals here are similar to those submitted in 2009 and which were refused and dismissed at appeal – Appendix D. That decision was based largely on the poor amenity that occupiers of the new units would enjoy as a consequence of the presence of the Copper Beech Tree. Additionally it was considered that there would be pressure to remove overhanging branches such that works that might be done to the tree would reduce its public amenity contribution to the character and appearance of this part of the Conservation Area.

It is agreed however that there is no heritage impact here in terms of the proposed conversion of the building – an unlisted building in the Conservation Area – on the character and appearance of that Area or the setting of nearby Listed Buildings. The significance of these assets would not be harmed.

g) The Impact of the Proposals at 108 Long Street on the Heritage Assets

Members will be aware of the refusal here of a similar proposal in 2012 – Appendix E. That decision was based on the obstruction of views across open land from Ratcliffe Road to the rear elevations of the Market Street properties and because the new dwellings would extend into the openness of the area behind the Long Street frontages. The Inspector considered that there were thus material harmful impacts on the significant features of the Conservation Area hereabouts.

The current proposals are the same as the subject of that dismissal. There has been one change in circumstances since then, with listed building consent being granted for a replacement wall to be constructed on the adjoining plot at 102 Long Street from the rear of the buildings right through to North Street. To some extent this would reduce the views across to Market Street as highlighted by the Inspector. The Consultant Heritage Advisors comments suggest that the degree of harm to the openness of this Area is limited given the range and variety of the existing built form and land uses along the Ratcliffe Road frontage and immediately to the rear of Long Street. This conclusion is agreed. The proposed development does also have benefit in improving this somewhat degraded section of the Conservation Area.

h) Overall Conclusion on the Impacts of the Proposals on Heritage Assets

The overall conclusion is that there is no adverse impact in principle here on Beech House as a listed building or indeed in that respect on the Conservation Area, but that the details of the repair works cannot presently be assessed, to determine if they themselves might have adverse impacts.

There is a moderate adverse impact on the Conservation Area in respect of the proposals in Old Bank Gardens, but limited harm to the setting of nearby Listed Buildings. There are however concerns about the detail of the pedestrian access and potential overshadowing effects from the Beech tree.

There is no adverse impact on the Conservation Area or the setting of nearby Listed Buildings through the proposed conversion of the former telephone exchange into residential use. There are however residential amenity issues arising due the presence of the Beech tree.

There is limited harm to the Conservation Area as a consequence of the proposed new dwellings at the rear of 108 Long Street or on the setting of nearby and more distant Listed Buildings.

If these enabling applications were submitted as stand-alone applications then as can be seen from these conclusions, it would not be possible to support them in heritage terms. However the case that is being put to the Board is that these applications need to be taken as a whole and that thus these individual conclusions are going to have been re-considered in the final assessment of that package. The starting point of that assessment is to look at the strength of the case for "enabling" development.

i) Enabling Development

The applicant's case here is that the preferred outcome comes at a cost, which in this case is greater than the market value of the repaired Beech House as a single dwelling, thus leaving what is known as a "conservation deficit". That gap is to be filled by the value created by the enabling development proposals. The Board has now to assess the case that is made by the applicant for it to be satisfied that the overall package is appropriate as an enabling development. In this respect, the guidance of Historic England is a material consideration of substantial weight.

It is therefore proposed to run through the seven criteria set out by Historic England in its guidance note.

The first criterion is that the enabling development itself should not materially harm heritage values and assets. As concluded above there is a mixed picture here – moderate harm at Old Bank Gardens and limited harm at 108 Long Street. It is considered that this does not suggest that the "package" should be rejected at this first stage.

The second criterion is to assess whether the enabling development would lead to detrimental fragmentation of heritage values and assets. This is not considered to be the case as there are already three different and separate sites proposed for the enabling development. There would be some loss of openness at Old Bank Gardens but not to the degree of there being unacceptable fragmentation.

The third criterion is that the enabling development will secure the long term future of the heritage asset and its continued use for a sympathetic purpose. This is agreed as the proposed restoration of Beech House as a single dwelling house is the preferred outcome.

The fourth criterion is that the enabling development is necessary to resolve problems arising from the inherent needs of the asset itself rather than the circumstances of the present owner or the purchase price paid. There are indeed problems here with the state of repair of the asset. However it appears that apart from limited repair and maintenance some of these problems have not been thoroughly addressed such that the cost of repairs is now quite substantial – as agreed by the District Valuers' report. The background section above shows that the applicant has been active in seeking a

resolution to the issue but that the outcomes have not been to his expectations. The current proposal is realistic and for the preferred outcome. In terms of the costed schedule of repairs, it too reflects the general guidance set out in the Valuers' report. On balance therefore it is considered that this criterion is satisfied.

The fifth criterion is that sufficient subsidy is not available from any other source. The applicant submitted evidence in the last set of proposals to show that this was the case and this still applies presently.

The sixth criterion is that the amount of enabling development is the minimum necessary to secure the future of the heritage asset and that its form minimises harm to other public interests. The applicant has provided a development appraisal. This shows that there would be a conservation deficit in undertaking the works to Beech House so as to restore it to the preferred outcome. There is confidence in this conclusion given the conclusion from the independent report from the District Valuer. That deficit could be reduced as a consequence of the implementation of the proposed enabling development. Given the variables involved in such an appraisal, it is considered that the assumption being made by the applicant is reasonable and that the amount of enabling development is the minimum required to reduce the conservation deficit.

The final criterion is that the public benefit of securing the future of the asset decisively outweighs the dis-benefits of breaching other planning policies. This is the core of the decision. The Board has to decide whether the preferred outcome at Beech House is of such significance that it represents a public benefit of such weight to override the harm of the enabling development on other heritage assets. It is considered that in principle it is. This is because of the significance of Beech House in its own right as a Grade 2 star listed building which is on the "At Risk" register and in terms of preserving the character and appearance of the central core of the town's Conservation Area. The harm arising from each of the enabling development proposals on an individual basis is no more than moderate and when looked at cumulatively it also considered that it is no more than moderately harmful. In other words the public benefit lies in the restoration of Beech House to its preferred use.

If this assessment in principle is agreed then there are still a number of matters that need resolution and these now need to be explored.

j) Other Matters

The first of these is the need to be sure that the details and specifications for the works to Beech House are acceptable and that they do not harm the significance of the asset. In this respect the damp treatment proposals suggested by the applicant are explicitly not agreed. The issue here is whether the matters raised can be dealt with by conditions rather than that detail being determined as part of the current application. Given the time taken to reach an agreed future for Beech House and the significance of that, it is acknowledged, exceptionally, that these matters can now be dealt with by conditions. It is acknowledged that Historic England takes a similar view. This would also apply to the details needed for the proposed pedestrian access into Old Bank Gardens.

The second matter is that of the impact of the Copper Beech tree on the proposals for Old Bank Gardens, but particularly for the conversion of the former telephone exchange. In respect of the former then the proposed buildings are some six or seven metres from the edge of the canopy of that tree; they are to the south of it – the preferred aspect and the northern facing gables have no openings. In these respects

there is unlikely to be any material loss of light as a consequence of over-shadowing. The impact on the proposed conversion is material. Dealing first with the overshadowing then the Consultant Heritage Advisor concludes that the internal conversion works could be re-arranged without the loss of any unit or space, such that there is a materially less impact as a direct consequence of shading. This needs to be pursued. Moreover the occupiers of these three units should make themselves aware of the tree before occupation. This can be achieved through additional notes attached to any Notice of approval. There is a concern that any approval to add a "sensitive" use in close proximity to a substantial protected tree could lead to pressure to remove overhanging branches – particularly in this case because of their size. The correct response to this is to ensure that the tree itself is properly managed and monitored for any weaknesses. Because of the package of applications submitted here and their inter-relationship - unlike the past appeal case – the use of a condition attached to any notice for Beech House is appropriate requiring an annual survey of that tree to a BS specification.

The third matter is the lack of vehicular access or parking for Beech House. Members will be aware that previous proposals for such provision have been steadfastly refused on heritage grounds due to the substantive intrusive harm caused by entering the rear walled garden. Moreover the whole of the development appraisal now submitted and the package of enabling developments is predicated on there being no such provision. There is evidence to show that there was interest by potential purchasers of the property given this situation when it was last marketed and the District Valuer agrees too that such interest will exist. The application should be treated on its merits as submitted.

The fourth matter is the objection from the Highway Authority in respect of the lack of service and parking provision. This is clearly understandable and has been reflected by Member comments in other developments within the town. In this case the Development Plan does not require on-site provision; there are other properties here without that facility and perhaps most significantly Members are asked to give greater weight here to the "bigger picture" and the significance of the restoration of Beech House.

The fifth matter is the lack of on-site affordable housing provision or an off-site contribution in lieu. Members will be aware that the units being proposed here as part of the enabling development are small and thus will themselves be at the lower end of house prices if placed on the market, or they will be rented as other property owned by the applicant in the town. Moreover the development appraisal here has shown the sensitivity of costs to the overall package and an added off-site contribution could warrant additional enabling development. Once again Members are asked to give greater weight to other public benefits here.

The sixth matter relates to other development considerations. It is not considered that the proposed design and appearance of the new houses being proposed here is either out of keeping with the character and appearance of the Conservation Area. Those at 108 Long Street were not the subject of adverse comment by the Inspector looking at that case and the proposals have not been altered since then. The dwellings in Old Bank Gardens have been altered following the appeal decision there and that has been to the benefit of the proposal overall as they now properly reflect the urban form of the adjoining listed buildings. There is no cause to consider refusal on design grounds here for the proposed new dwellings. The proposals for the former telephone exchange are acceptable in design terms. In terms of the likely impacts of the proposals on the residential amenity of neighbouring property then there was not an issue arising in this

respect when the appeal was heard. There is in fact very little potential overlooking here in any event. The new dwellings proposed at Old Bank Gardens have limited scope for overlooking. In any event because of the high density of development here there is already a degree of overlooking of neighbouring properties. An objection has been received from one of the Market Street occupiers however the separation distance here would be 25 metres, greater than the guideline used of 22/23 metres; the proposed cottages would be at a significantly lower level, they would not extend more than 25% along the rear boundary and they would have no openings in the west facing elevation. It is considered that the impact would not be material.

The final matter is to reflect the guidance of Historic England in that the grant of any permission here should, through appropriate controls, ensure that Beech House is essentially restored and made available as a single dwelling in advance of completion and occupation of the enabling development. In other words, that the subject of the greater public benefit is visibly implemented at an early stage. Conditions are the proper way to resolve this matter.

Recommendations

a) Beech House – PAP/2015/0344

That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard Three year condition.

2. Standard Plan Numbers condition – plan number 741/04B received on 31/7/15 and the Schedule of Works received on 2/6/16.

3. Notwithstanding the Schedule of works referred to in condition (ii), no works whatsoever shall commence on site until a survey has been undertaken into the reasons for and the extent of damp conditions in the whole of the building. This survey is to be undertaken by a consultant approved by the Local Planning Authority and is to make recommendations as a consequence of that survey as to the means to reducing and treating dampness in the whole of the building.

   REASON

   In order to preserve and protect the architectural and historic significance of the building.

4. No work shall commence at all on the treatment of damp within the building until such time as an agreed method of treatment or treatments has been agreed in writing by the Local Planning Authority.

   REASON

   In order to preserve and protect the architectural and historic significance of the building.

5. Notwithstanding the Schedule of works referred to in condition 2, no works shall commence on any of the matters referred to below until a method statement and a full repair specification for each has first been agreed in writing by the Local Planning Authority:

   a) All stone repairs
   b) All timber treatments – e.g. to panelling, doors, windows, floor boards and stair cases
   c) All plaster repairs –e.g. to walls, cornices and architraves
   d) All repairs to decorative features including fire-places
   e) All repairs to existing or the installation of services – e.g. electricity and telephone lines
   f) All repairs to paintwork and the specification for both new internal and external paintwork.

   REASON

   In order to preserve and protect the architectural and historic significance of the building.

6. Notwithstanding the Schedule of Works referred to in condition 2, no works whatsoever shall commence on site until a structural survey of the whole building has been undertaken including all of the garden walls and of the roof. This survey is to be undertaken by a consultant agreed in writing by the Local Planning Authority. The survey shall include recommendations consequential to the surveyed condition of the building and walls.

   REASON

   In the interests of preserving and protecting the archaeological and historic interest of the building.

7. No works shall commence on any structural repairs, alterations or additions until such time as they are first agreed in writing by the Local Planning Authority.

   REASON

   In the interests of preserving and protecting the archaeological and historic interest in the building.

8. No work whatsoever shall take place in, on over or around the rear garden until such time as full details of the design and appearance of that garden have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be undertaken and they shall remain in place at all times.

   REASON

   In the interests of preserving and protecting the archaeological and historic interest in the building.

9. No works whatsoever as defined by Parts 1 and 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended or as may be amended, shall take place on the site as defined by the approved site plan.

REASON

In the interests of preserving and protecting the archaeological and historic interest in the building.

10. Within twelve months of the date of this Consent, an arboricultural report shall be prepared by a qualified arborist in order to advise on the health and structural integrity of the Copper Beech Tree within the rear garden. This report shall contain any appropriate recommendations and shall be submitted to the Local Planning Authority. It will be kept up to date through annual surveys thereafter and each shall be submitted to the Local Planning Authority

REASON

In the interests of retaining the significance of this protected tree.

11. Within three months of the date of receipt of the written approval of the details required under conditions (4) and (7) above, a full programme of the phasing of structural repairs and damp treatment shall be submitted to the Local Planning Authority. Once approved in writing that programme shall be implemented on site.

REASON

In the interests of preserving and protecting the historic and archaeological interest of the building.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through extensive discussion and negotiation with the applicant and the relevant consultation bodies in order to secure the best outcome for this heritage asset.

2. The Copper Beech tree in the rear garden is a Protected Tree and no works whatsoever shall be undertaken to it without the written consent of the Local Planning Authority following submission of the appropriate application.

3. Attention is drawn to BS5837 2012 in respect any works to the Beech Tree.

b) Old Bank Gardens – PAP/2015/0283 and 375

That Planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition

2. Standard Plan Numbers – 741/14B, 10B, 11B and 12B received on 22/4/16 and 741/13 received on 31/7/15.

3. No work whatsoever shall commence on the construction of the three dwellings hereby approved until such time as all external and roof repairs to Beech House have first been completed to the written satisfaction of the Local Planning Authority

REASON

In the interests of preserving and protecting heritage assets

4. No work shall commence on site until full details of the facing, roofing and ground surface materials to be used have first been agreed in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

5. For the avoidance of doubt all external openings – both doors and windows – shall be constructed in wood and not in UPVC.

REASON

In the interests of the visual amenities of the area.

6. No development whatsoever as defined by Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, or as may be amended shall take place on the site as defined by the approved site plan.

REASON

In order to preserve the character and appearance of the Conservation Area.

7. No development whatsoever shall commence on site until full details and specification of how the pedestrian opening is to be achieved, designed and installed into the rear garden wall. Only the approved details shall then be undertaken. For the avoidance of doubt the height of all of the garden walls shall be retained as existing.

REASON

In order to preserve the character and appearance of the Conservation Area.

8. No development shall commence on site until such time as full details of the repairs to the steps to and closure of the pedestrian access into the rear garden of Beech House have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In order to preserve the character and appearance of the Conservation Area and the significance of this heritage asset.

9. No work shall commence within the amenity space of the site until such time as full details of how that space is to be designed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented and maintained thereafter at all times. For the avoidance of doubt the design shall not include and sub-division of the space.

   REASON

   In order to preserve the character and appearance of the Conservation Area.

10. No work shall commence on site until such time as a Written Scheme for a programme of Archaeological Investigation has first been submitted to and approved in writing by the Local Planning Authority.

    REASON

    In the interests of the archaeological potential of the site.

11. No work shall commence on site until the programme of work as agreed under condition (10) has first been fully undertaken and the post-excavation assessment, report production and archive deposition have all taken place to the written satisfaction of the Local Planning Authority.

    REASON

    In the interests of the archaeological potential of the site.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through extensive discussion and negotiation with the applicant and the relevant consultation bodies in order to secure the best outcome for the heritage assets around the site.

2. The Copper Beech Tree in the rear garden of Beech House adjoining the site is a protected tree. No works whatsoever shall be undertaken to it without the written consent of the Local Planning Authority through the submission of an appropriate application.

3. Attention is drawn to BS5837 2012 in respect of any works agreed for this tree.

That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard Three year condition.

2. Standard Plan Numbers – 741/14B, 10B, 11B and 12B received on 27/4/16 and 741/13 received on 31/7/15.

3. No construction shall commence on the three dwellings hereby approved until such time as all of the external and roof repairs to Beech House have first been completed to the written satisfaction of the Local Planning Authority.

   REASON

   In the interests of preserving and protecting heritage assets in and around the site.

4. No work shall commence on site until details of all facing, roofing and surface materials to be used have first been agreed in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

   REASON

   In the interests of the visual amenities of the area.

5. For the avoidance of doubt all external openings – both windows and doors – shall be constructed in wood and not UPVC.

   REASON

   In the interests of the visual amenities of the area

6. No development whatsoever shall commence on site until full details and the specification of how the pedestrian opening is to be achieved, designed and installed into the rear garden wall, have first been submitted to and approved in writing by the Local Authority. Only the approved details shall then be undertaken on site. For the avoidance of doubt the height of all of the garden walls shall be retained as existing.

   REASON

   In the interests of preserving and protecting heritage assets in and around the site.

7. No development whatsoever shall commence on site until full details and specification for the repairs to the pedestrian steps and closure of the pedestrian access into the rear garden of Beech House have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

   REASON

   In the interests of preserving the character and appearance of the Conservation Area.

8. No work shall commence within the amenity space of the site until such time as full details of how that space is to be designed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site and this shall be maintained at all times. For the avoidance of doubt there shall be no sub-division of this space.

   REASON

   In the interests of preserving the character and appearance of the Conservation Area.

9. No work shall commence on site until a Written Scheme for a programme of Archaeological Investigation has first been submitted to and approved in writing by the Local Planning Authority.

   REASON

   In the interests of the potential archaeological interest in the site.

10. No work shall commence on site until the programme of investigation as approved under condition (9) has first been fully completed and the post-excavation assessment, report production and archive deposition have all taken place to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the potential archaeological interest in the site.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through extensive discussion and negotiation with the applicant and the relevant consultation bodies in order to secure the best outcome for the heritage assets in and around the site

2. The Copper Beech Tree in the rear garden to Beech House adjoining the site is a protected tree. No works whatsoever shall be undertaken to it without first having obtained the appropriate consent through the submission of an application

3. Attention is drawn to BS 5837 2012 in respect of any works agreed for this tree.

c) 108 Long Street – PAP/2015/0285

That planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition

2. Standard Plan numbers – 741/21, 22 and 23 all received on 31/7/15

3. No work whatsoever shall commence on the construction of the two dwellings hereby approved until the whole of the interior and exterior repairs to Beech House have first been completed to the written satisfaction of the Local Planning Authority.

REASON

In order to preserve and protect heritage assets.

4. No work whatsoever shall commence on site until details of the facing, roofing and ground surface materials to be used have first been agreed in writing by the Local Planning Authority. Only the approved materials shall then be used.

REASON

In the interests of the visual amenities of the area.

5. For the avoidance of doubt, all external openings – both windows and doors – shall be constructed in wood and not in UPVC

REASON

In the interests of the visual amenities of the area

6. No development as defined by Parts 1 and 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be amended, shall take place on the site.

REASON

In order to protect the character and appearance of the Conservation Area.

7. The access into the site shall be hard surfaced with a bound material for a minimum distance of 5 metres into the site as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

8. No gates shall be hung across the access such that they open outwards towards the public highway.

REASON

In the interests of highway safety.

9. Neither of the dwellings hereby approved shall be occupied until the whole of the access, turning and parking arrangements as shown on the approved plan have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

10. No work shall commence on site until a Written Scheme of Investigation for a programme of archaeological evaluation work has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the archaeological potential of the site.

11. No work shall commence on site until the programme of works as agreed under condition (10) together with the associated post-excavation assessment, report production and archive deposition have all been undertaken to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the archaeological potential of the site.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through extensive discussion and negotiation with the applicant and the relevant consultation bodies in order to achieve the best outcome for these heritage assets.

2. Attention is drawn to Sections 149, 151 and 163 of the Highways Act 1980.

d) The Former Telephone Exchange – PAP/2015/0284

That the Council resolves to **GRANT** planning permission subject to revised plans being submitted along the lines referred to in this report and the following conditions:

1. Standard Three year condition

2. Standard Plan numbers – 741/33A received on 31/7/16 together with revised plans

3. No work whatsoever shall commence on the conversion of this building as hereby approved until such time as the whole of the external and roof repairs to Beech House have been completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of preserving and protecting heritage assets

4. No work shall commence until all facing and roofing materials to be used have first been approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

   REASON

   In the interests of the visual amenities of the area.

5. For the avoidance of doubt all external openings – both windows and doors – shall be constructed in wood and not in UPVC

   REASON

   In the interests of the visual amenities of the area

6. No work whatsoever as defined by Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended or as may be amended shall take place on site.

   REASON

   In the interests of preserving the character and appearance of the Conservation Area.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through extensive discussion and negotiation with the applicant and the relevant consultation bodies in order to achieve the best outcome for these heritage assets.

2. The Copper Beech Tree in the rear garden of the adjoining site is protected. No works whatsoever shall be undertaken to it without the appropriate written consent of the Local Planning Authority through the submission of a relevant application

3. Attention is drawn to BS5837 2012 in respect of any works agreed for the tree.

4. Attention is drawn to Sections 149 and 151 of the Highways Act 1980.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application Nos: PAP/2015/0344- PAP/2015/0284 – PAP/2015/0375 – PAP/2015/0283 and PAP/2015/0285

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	31/7/15
2	Warwickshire Museum	Consultations	10/7/15
3	A Dawe	Objection	9/7/15
4	A Dawe	Representation	9/7/15
5	Atherstone Civic Society	Representations	14/7/15
6	Atherstone Town Council	Representations	23/7/15
7	Case Officer	Letter	5/8/15
8	Atherstone Town Council	Representations	20/8/15
9	WCC Heritage Advisor	Consultations	Nov 2015
10	Applicant	E-mail	11/11/15
11	Case Officer	E-mail	5/1/16
12	Heritage Advisor	E-mail	7/1/16
13	WCC Forester	Consultation	3/3/16
14	WCC Highways	Consultation	8/3/16
15	Historic England	Consultation	15/3/16
16	WCC Heritage Advisor	Consultation	March 2016
17	District Valuer	Consultatio	May 2014
18	Case Officer	Letter	12/4/16
19	Meeting	Minutes	21/4/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix B

North Warwickshire
Borough Council

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail : jeffbrown@northwarks.gov.uk
Website : www.northwarks.gov.uk
This matter is being dealt with by
: Mr J Brown
Direct Dial : (01827)
Your ref :
Our ref : PAP/2015/0284

Date : 17th May 2016

Mr J Bennetts
Arragon Construction Ltd
PO Box 382
Douglas
Isle of Man
IM99 2XA

Dear Mr Bennetts

Beech House and Related Applications

I refer to the package of applications relating to Beech House which was reported to the Council's Planning and Development Board on 16th May. It resolved to grant planning permissions and listed building consents for all of the applications but that it wished to enter into a Section 106 Agreement with you concerning the phasing of the developments.

You will recall that the Board at its April meeting welcomed the change in approach to the future of Beech House and thus requested that a small group of Members meet with you to look at some of the detail. That meeting was held and assisted the Board in coming to its resolution on the 16th May.

As a consequence the Board has asked that those Members meet with you again in order to look at the detail of the Agreement referred to above. The Board has agreed to delegate this to that group such that the matter need not be referred back to it.

Yours faithfully

Jeff Brown
Head of Development Control

APPENDIX C

PAP/2015/0344
Beech House and Others

Meeting: 1st June 2016 – 5pm at the NWBC Offices

Present: Councillors Simpson; Sweet and L Dirveiks
J Bennetts and P (Arragon Properties)
J Brown (NWBC)

1. Apologies were received from Councillor Jarvis
2. Councillor Simpson outlined the decision of the recent Board meeting recounting that it had delegated the content of the Section 106 Agreement relating to the Beech House proposals to this smaller group.
3. The main issues in this regard were the phasing of the works to Beech House and the enabling development together with oversight of the repairs to Beech House.
4. Councillor Simpson outlined that the Council had to balance the heritage arguments for the phasing (ie. works to Beech House in advance of the enabling development) with the economic arguments (ie. the practicalities of construction on adjoining sites; efficiencies of scale and the need to reduce the conservation deficit). The Council could not agree to enabling works being completed in advance – this would be against the principles of enabling development and would be contrary to the position taken at other sites in the Borough. The Council had to be consistent but was prepared to be pragmatic.
5. Councillor Dirveiks expressed the view that the works to the telephone exchange should be left to last.
6. JBT said that all repair/refurbishment works to Beech House would need access from the rear – all access past the exchange and through the Bank Gardens. A site compound would be need in that Garden. As a consequence there was benefit in starting work on the Old Bank Gardens houses and the exchange conversion at the same time as the repairs to Beech House – everything in one go; one site compound; no return to the site, all deliveries in combination etc. Ideally he would like the 108 site started and completed in advance as this was a little distance away and stood alone. His preference was for all external work to be started in one go – Beech House plus the enabling development and then internal works together. In other words simultaneous work.
7. The Members accepted that there were some real practical issues here and that a combination of works would be reasonable. However that needed to be looked at in more detail – Beech House should always be the priority.
8. Both parties agreed that the two priorities for Beech House were the repair of the roof with rainwater goods and secondly the need for the damp survey to be completed.
9. It was also agreed that kitchen and bathroom fittings in Beech House could be left until a later stage.
10. It was agreed that oversight of the works/repairs to Beech House could be inspected by the Council's Heritage Advisor.
11. Councillor Simpson said that the preference expressed in (6) above was different to that set out in the recommendations to Board and thus this matter would need referral back to the Board.
12. It was agreed that NWBC would review the present position and then get back to Arragon.

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APPENDIX D

Beech House

Phase One : Work starts on agreed repairs to the roof of Beech House and external rainwater goods as well as undertaking the damp condition survey for Beech House together with foundations dug for the three new houses in Old Bank Gardens and at the rear of 108 Long Street.

Phase Two: On completion of the Beech House roof and rainwater repairs together with completion of agreed damp mitigation measures for Beech House, the replacement roof for the telephone exchange can continue as well as continuation of the new builds.

Phase Three: The internal finishing of the new houses and the telephone exchange can only continue once a repair/refurbishment schedule for the internal decoration and fittings (to exclude bathroom and kitchen fittings) for Beech House has been agreed.

Phase Four: No occupation of the new houses and telephone exchange conversion until the agreed internal repairs and refurbishment of Beech House have been completed to written satisfaction.

Phase Five: No occupation of Beech House until the kitchen/bathroom fittings for Beech House are agreed in writing and complete satisfactorily.

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(5) Application No: PAP/2015/0348

Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for

Crown Waste Management

Introduction

Members will recall that this planning application was refused by the Planning and Development Board at its meeting on 7 March 2016. A copy of the decision notice can be found at Appendix A.

In response to refusal reason number 2 the applicant has undertaken a programme of evaluative trial trenching across the site in accordance with a Written Scheme of Investigation (WSI) previously agreed by Warwickshire County Council's Planning Archaeologist. A Heritage Assessment has also been submitted as produced by Thames Valley Archaeology Services Ltd. This report looks at the information provided and considers whether it sufficiently addresses the issues raised in refusal reason number 2.

Consultations

WCC's Planning Archaeologist – He confirms that a programme of evaluative trial trenching has recently been undertaken across this site in accordance with a Written Scheme of Investigation (WSI) previously submitted to his office, by Thames Valley Archaeological Services. He confirms that no archaeological features, deposits or finds were identified within any of the trenches and as such he has no further archaeological comments to make regarding any resubmitted application for this site.

Development Plan

North Warwickshire's Core Strategy 2014 - NW10 (Development Considerations); NW12 (Quality of Development) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

Reason for refusal number two attached to the decision notice for ref: PAP/2015/0348 specifically quoted Policies NW10(10), NW12 and NW14 in the Core Strategy 2014 which require development to sustain, protect, conserve and enhance the historic environment. The reason for refusal further went on to state that the Council was not satisfied that the risk to the setting of these assets had been fully explored, such that the proposal cannot be said to have met the requirements of these policies.

As Members will recall the County's Planning Archaeologist previously advised during the determination of this planning application that he had no objection to the principle of

the development. However, he did recommend that a planning condition was imposed on any consent granted requiring further archaeological work to be undertaken before any development commenced on the site. This work has now been undertaken through a programme of evaluative trial trenching across the site in accordance with a Written Scheme of Investigation (WSI) previously agreed by the County's Planning Archaeologist.

The objectives of the evaluation trial trenching were to gather sufficient information to establish the presence/absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development. A total of nine trenches was excavated across the site. No archaeological features, deposits or finds were identified within any of the trenches. The County's Planning Archaeologist has responded by stating that he is satisfied with the trial trenching carried out on the site and has no further archaeological comments to make on this proposal.

The conclusions of the trial trenching are the same as the conclusions already reached by the Planning Archaeologist during the determination of the planning application in that archaeological features, deposits or finds were not expected to be found in this location.

Reason for refusal number 2 further went on to cite concerns about the impact on the setting of the Scheduled Ancient Monument in Mancetter from the proposed development. A Heritage Assessment has been submitted with the further information provided by the applicant's agent.

The Assessment looks at the proposal's proximity to two Scheduled Monuments (within 1km of the site). In respect of the fortress monument, the Assessment concludes that it is not inter-visible with the site, with the built up areas of Mancetter intervening (including the church and manor house, indicating that this separation of the monument from its surrounds is long standing). The report concludes that the proposed development would have no beneficial or harmful impact on the contribution made by the setting of the asset to its heritage significance.

The report further looks at the Monument of the civilian settlement of '*Manduessedum*' concluding that this Monument is inter-visible with the site and that the proposal would marginally reduce the rural nature of the view in this direction. The report concludes however that the impact of the view in this direction would be mitigated by tree screening and in any case, only a "tiny fraction of the panoramic views" from the monument would be affected. This minor adverse impact would not amount to anything approaching substantial harm.

Both Scheduled areas have seen significant change in recent years as noted in the listings (and also reflected in areas excluded from listing), diminishing the contribution made by setting to their significance. These changes have not resulted in harm sufficiently substantial to reduce the assets' heritage value.

The recent evaluation on the proposal site showed that there are no related archaeological remains here, which, if present, could have materially added to the significance of both heritage assets and linked the site to them. The evaluation results provide a clear demonstration that there is no functional or informational connection between the proposal site and the assets.

Policy NW14 (Historic Environment) states that the quality of the historic environment will be protected and enhanced, commensurate to the significance of the asset. It is considered that the evidence provided in the Heritage Statement shows that there is no significant impact on the two Scheduled Ancient Monuments' interconnectedness and only very minor impact on the overall visual setting. The assets potentially derive part of their significance from their functional relationship to their contemporary surrounding landscape, but the proposal site has been shown to have no evidence to suggest that it made any contribution to this. The site occupies a relatively minor proportion of the wide views to and from the scheduled areas: any purely aesthetic visual impact will be very minor and any other type of impact on the settings of the assets will be negligible. Neither asset would suffer anything approaching substantial harm to their heritage significance as a result of the development proposal.

Conclusions

Without any firm evidence to the contrary and without the backing of the archaeologists at Warwickshire County Council, it is recommended that following the submission of this additional information, the Council writes to the applicant to explain that it would not defend reason for refusal number 2 at any appeal which may be imminent for the determination of planning proposal ref: PAP/2015/0348.

Recommendation

That the Head of Development Control writes to the applicant to confirm that, based on the submission of the additional information received on 8 July 2016, the Council will not be defending reason refusal number 2 at any appeal which may be submitted for the purposes of planning proposal ref: PAP/2015/0348.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Additional Information	08/07/16
2	WCC Archaeologist	Consultation Response	14/07/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A.

North Warwickshire Borough Council

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
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Warwickshire
CV9 1DE

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 08 March 2016

Mr Alex Lawrence
Reading Agricultural Consultants
Gate House
Beechwood Court
Long Toll
Woodcote
RG8 0RR

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Major Full Planning Application (small scale)

Application Ref: PAP/2015/0348

Site Address
Land at Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Grid Ref: Easting 432394.64 Northing 296052.36

Description of Development
Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond

Applicant
Crown Waste Management

Your planning application was valid on 9 June 2015. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reasons:

1. Policy NW10(9) of the Core Strategy 2014 requires all development to avoid and to address unacceptable impacts upon neighbouring amenities through amongst other things, fumes and other pollution. The Council is not satisfied that this requirement has been met. There is a residential property within 100 metres of the proposed site and opposite the entrance to the site. It is considered that there is a risk of unacceptable odour emissions occurring from the development which will have a detrimental impact on the amenity of the occupiers of this property.

2. The proposed development is located in an area of potential archaeological interest at Mancetter. To the north east of the application site archaeological deposits associated with extensive Romano-British settlement have been identified. These remains are of national importance and are protected as a Scheduled Ancient Monument. To the north west of the site are the remains of a sequence of fortresses, built by the Roman army. To the west of the site an area of deserted medieval settlement has been identified as well as an area of early medieval iron production. Policies NW10(10), NW12 and NW14 of the Core Strategy 2014 require all development to sustain, protect, conserve and enhance the historic environment. The Council is not satisfied that the risk to the setting of these assets has been fully explored, such that the proposal cannot be said to have met the requirements of these policies.

Authorised Officer: _____

Date: 8 March 2016

APPEALS TO THE SECRETARY OF STATE

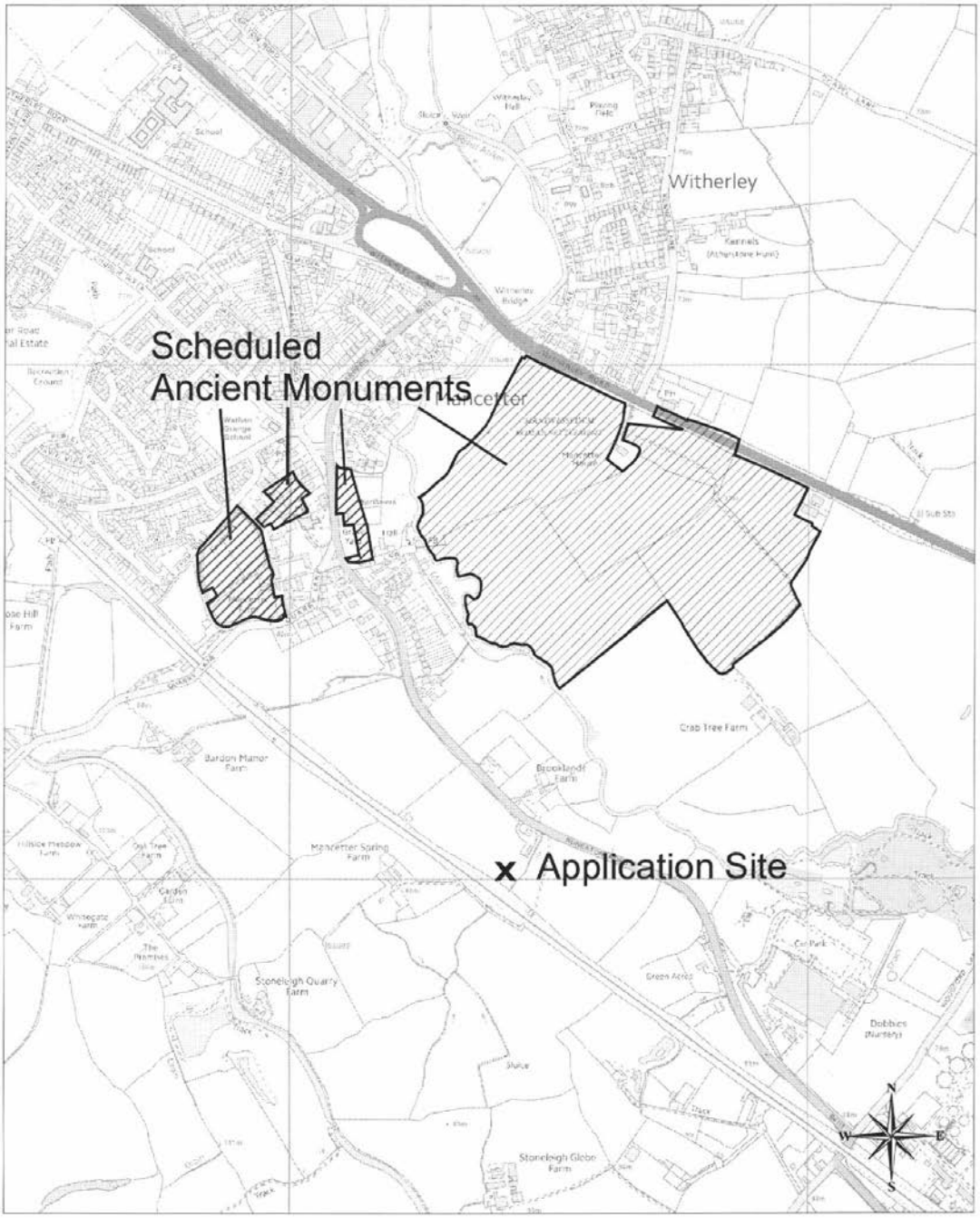
(1) If you are aggrieved by the decision of the Local Planning Authority, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
(2) If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
(3) Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
(4) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
(5) The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
(6) The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages http://www.northwarks.gov.uk/planning. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site http://www.northwarks.gov.uk/contact).
3. Plans and information accompanying this decision notice can be viewed online at our website http://www.northwarks.gov.uk/planning.

Authorised Officer: _____

Date: 8 March 2016



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North Warwickshire
Borough Council

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