

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Bell, L Dirveiks, Henney,
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,
Moss, Phillips, Simpson, Smitten, Sweet and
A Wright)**

For the information of other Members of the Council

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For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

3 NOVEMBER 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Tuesday 3 November 2015 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

**PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

4 Planning Applications – Report of the Head of Development Control.

Summary

To consider Application No 2014/0339 - Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON
Chief Executive

General Development Applications

(1) Application No: PAP/2014/0339

Daw Mill Colliery, Tamworth Road, Arley, CV7 8HS

Application for outline planning permission for the redevelopment of the site for a maximum of 24,652 square metres (265,345 sq ft) of built floor space for employment uses comprising either wholly B2 (General Industry) development or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials; ancillary open storage areas, associated car parking, servicing yards, gantry crane, infrastructure and utilities, retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure. Approval of Access details requested now with all other matters reserved,

for Harworth Estates

Introduction

The development proposed for the site has been amended twice since the submission of the original application. The revisions to the development were reported to the Board at the time and it is not proposed to repeat the content of these earlier reports. This report considers the development currently proposed and this is set out below for clarity.

Members have had the opportunity to visit the application site and also a site in Doncaster with a concrete railway sleeper manufacturing facility and a Rail Distribution Depot.

The development proposals amount to development that is covered by the 2009 Direction and thus referral to the Secretary of State would be required if the Council is minded to grant planning permission. The refusal of planning permission would not require a referral.

The Site

The Daw Mill colliery site amounts to some 44 hectares in total and is located to the south of the B4098 Tamworth Road about 800 metres east of its junction with the B4114 and just over a kilometre east of Furnace End. The Birmingham to Nuneaton railway bounds the site to the south and Daw Mill Lane is to the east. To the west is agricultural land. The setting is of a wholly rural character with open agricultural land surrounding the site. Shustoke and Coleshill are 3.3 and 5.5km respectively to the west and Old Arley is 1.8 km to the east. Nuneaton is 5.9km to the north east. The M6, M42 and M69 Motorways together with the A5 Trunk Road are several kilometres distant.

The site is in the valley of the River Bourne and the land rises to both the north and the south. There is mixed woodland and dense continuous scrub land along the northern boundary with the B4098, as is the case to the east along Daw Mill Lane and to the south-east. There is an open outlook to the south and towards the west. The river runs in a substantial culvert under the site line before re-emerging near to the attenuation

ponds at the north western end of the site. In addition the Ballard Brook runs in a culvert under the site from the B4098 to the north east to join the River Bourne culvert. There are public footpaths within the site. One runs north-south across the site to the north of the attenuation ponds and the other east-west alongside the railway.

The application site itself comprises 31.12 hectares. This encompasses the operational areas of the former colliery surface site as described below. The site comprises two distinct and generally flat areas, the western part closer to the railway is at a lower level than the eastern part closest to Daw Mill Lane. Additional land outside the application site is within the same ownership. This includes the attenuation ponds and other peripheral land not previously used for colliery operations. The application site comprises some 70% of the total land holding.

The former colliery operations on the site gave rise to three main functional areas. The staff car park and complex of low rise offices, canteen, baths, and general stores buildings was in north eastern area closest to the site access. To the south west were the two 37 metre tall colliery shaft towers and winding gear, a 30 metre tall coal preparation plant with a network of enclosed conveyor gantries across the site linked to the Drift terminal building and a 22 metre tall high rapid loader. Finally the remainder of the site – around 66%, was used for above ground coal storage and coal blending operations. This included a 25 metre tall building. To the north-west are the existing drainage attenuation and settling ponds.

Three smaller buildings remain on the site together with the electricity sub-station and the former rail siding track.

There are pockets of residential properties scattered around the site. The closest are cottages in Daw Mill Lane to the south east of the site. There are further residential properties on the Nuneaton Road and a group of houses at Over Whitacre House and in Saddlers Meadow off the Nuneaton Road.

Appendix A shows the location of the application site and the surrounding area.

Background

Coal production commenced at Daw Mill in 1956. A new drift mine was introduced in 1963 and the colliery head surface site was subsequently developed over time. Coal mining ceased in February 2013 following an underground fire. The colliery head surface site has subsequently been cleared with the majority of the buildings and structures demolished and surface stocks of coal have been reclaimed and removed. A scheme for the restoration of the site following the cessation of coal mining was approved in 1996. This approved in principle, the restoration of the site to the land uses prior to the commencement of the colliery use including the removal of the culverts. Full details of the restoration scheme still need to be agreed.

The Proposal

Outline planning permission is now sought for employment use. This proposes redevelopment of the site with a maximum of 24,652 sq.m. (265,345 sq. ft.) of built floor space with ancillary open storage areas, service yards, car parking, associated infrastructure and utilities for uses either wholly within Use Class B2 (General Industry), or for uses within Use Class B2 (General Industry) and as a rail distribution depot for the

purposes of maintaining the railway infrastructure. The latter would include operations such as the stabling of trains, loading and unloading of rail wagons and the storage, handling and processing of railway related materials. This would utilise rail sidings, open storage areas, service yards, gantry crane and ancillary plant and machinery.

The application proposes the retention of existing infrastructure including the existing vehicle access, the connection to the railway, rail sidings, the electricity sub-station and national grid connection and the retention of existing surface water drainage infrastructure, including the culverts, settling lagoons and attenuation ponds.

The retention of the existing connection to the adjoining railway line would facilitate the movement of goods and materials by rail.

Vehicular access would be via the existing access from the B4098 Tamworth Road.

An area within the site close to the existing vehicle access would be dedicated for a memorial garden with a colliery heritage theme which would be open to the public.

An illustrative layout has been submitted – see Appendix B. This illustrative arrangement is for a development of the scale for which permission is sought. This details the rail sidings with buildings placed close to these in order to optimise the opportunities afforded for rail transport. This is indicative of the rail distribution depot type use. Extensive areas adjacent to proposed buildings are dedicated for ancillary open storage use. In the context of a wholly B2 development these may not need to be close to rail sidings. A limit is proposed for the height of buildings such that buildings would be no taller 15 metres. However ancillary structures such as silos could be required for storage purposes connected to a B2 use – for example the storage of aggregates for manufacturing purposes. These could be up to 20 metres tall.

The application seeks a permission that would allow employment uses to operate twenty four hours per day, seven days per week. This would enable continuous shift working and trains and motor vehicles to access and leave the site overnight.

Based on the proposed gross built floor space of 24,650 square metres and average employment densities for B2 Uses, the applicant estimates that a development entirely occupied by manufacturing uses within the B2 Use Class would create up to 685 jobs. It is anticipated these manufacturing jobs would attract people living within a 30 minute journey time and that up to 20% could be taken up by people living locally within North Warwickshire. The number of jobs created in a B2 development will however depend on the specific occupiers and their operational requirement, e.g. shift patterns. It is suggested that typical shift patterns, 0600 to 1400, 1400 to 2200 and 2200 to 0600 hours could minimise traffic movements by spreading traffic outside of the usual peak traffic hours.

Network Rail estimate that if the site was utilised for a B2 use – such as a concrete railway sleeper manufacturing and as a local rail distribution depot - this would create around 130 jobs. This is based on employment at similar facilities currently in operation, such as the site in Doncaster.

The transport assessment (TA) submitted estimates that when fully operational a development of wholly B2 manufacturing uses could generate the following daily traffic movements: 54 goods vehicle movements (27 in and 27 out) and 1445 other vehicle movements (728 in and 717 out) with the morning peak between 0800 and 0900 hours having 324 movements (332 in and 2 out) and the afternoon peak between 1700 and 1800 hours with 310 movements (28 in and 282 out).

Several off-site highway proposals are proposed to mitigate associated traffic issues identified during discussion with the Highway Authority. These propose changed junction priorities to the Tamworth Road/Nuneaton Road junction; the installation of traffic signals at the Fillongley and Furnace End crossroads and the enablement of alternative routes at the Green Man and Church Hill junctions in Coleshill. These are illustrated at Appendix C.

A number of supporting documents has been submitted with this application. These have been summarised in the previous reports to the Board. Some have been revised to reflect amendments made to the proposed development and revised documents relevant to the 'Option 3' development now proposed are highlighted below. Copies of all documents submitted may be viewed in full within the application record on the planning pages of the Council's website.

'Option 3' revised application documents submitted are:

- Further Revision - an explanatory letter from RPS
- Employment Impact Assessment Report Addendum- July 2015.
- Transport Assessment - 26/7/2015
- Addendum to Acoustics Report - 21/7/2015 and Response to EHO comment.
- Statement of Community Engagement: Addendum - July 2015
- Road Safety Audits for the Tamworth Road/Nuneaton Road junction; the Fillongley crossroads, Furnace End crossroads and the Coleshill crossroads/Church Hill area.
- Initial Travel Plan V3 July 2015

Representations

CPRE – The former colliery site had relatively poor bio-diversity. The site should be restored as required by the approved restoration scheme. The impact on bio-diversity should be established against the restored site.

Atherstone Civic Society – It has a strong objection. The site should be restored and there is no certainty that the rail link would be utilised and thus there are no very special circumstances to permit inappropriate development in the Green Belt. The proposed highway measures are unacceptable particularly the use of Church Hill to mitigate the impact on the Green Man cross roads.

Parish Councils – The Arley, Corley, Fillongley, Maxstoke, Over Whitacre, Nether Whitacre and Shustoke Parish Councils and the Coleshill Town Council all object to the proposal. Ansley Parish Council does not object but has concerns over the increase in traffic and the inadequacies of the local road network. A summary of the issues raised by the Parish Council is set out below:

- The proposal is contrary to the development Plan and conflicts with the objectives of relevant policies particularly with regard to the Green Belt, employment provision, transport, natural environment and amenity;
- The site is within the Green Belt
- The site is not 'previously developed land' as defined in national planning policy
- The proposal is inappropriate development within the Green Belt
- The former colliery use has been extinguished
- Former colliery buildings on the site have been demolished and the site is now cleared
- The site should be restored in accordance with the approved colliery restoration scheme
- The former colliery use is not the appropriate base from which to compare the impact of the proposed development
- The site is within a locally designated landscape area, the Arden Valley Landscape, where preservation of the Green Belt is considered to be particularly important
- The location is inappropriate for the proposed development
- There will be a significant increase in traffic movements
- The local highway network is unsuitable for this development and unable to sustain the additional traffic generated
- The highway mitigation measures and how these will be funded is unclear
- The use of the rail link is not proven and there are examples elsewhere in the region of developments with rail links which are unused or under utilised
- There is no policy requirement for significant amounts of additional employment land
- There is no special need for employment in this area, the proposed employment is thus unnecessary here
- Unemployment levels with North Warwickshire are relatively low
- Adverse impact due to pollution from noise and light given 24 hour/7day operation proposed
- Application details are contradictory and include misinformation
- No consideration is given to the site being in a potable water collection area and that a major drinking water source is located one mile downstream.

The MP for North Warwickshire and Bedworth – Craig Tracey MP objects citing concerns over the impacts on the highway network, particularly HGV's in villages and at Coleshill; the number of jobs created not benefitting local people, the lack of formal site allocation and that the site should be restored.

The MP for Nuneaton – Marcus Jones MP objects raising concerns that despite the smaller development now proposed the site remains and thus more development could have worse traffic impacts, the uncertainty over guaranteed rail use, 24 hour working, light and noise pollution. He considers that there is no case here for allowing inappropriate development in the Green Belt.

Leys and Whitacre's Action Group (LAWRAG) has submitted a number of representations which query details within the application. The applicant has responded to many of these to clarify issues. Differences of opinion however remain with respect to detail presented in the application.

LAWRAG commissioned legal opinion which concluded, inter alia, that 'the application fails to make an arguable case for special circumstances for development in the Green Belt. The restoration plans for the Daw Mill Colliery are highly relevant. To avoid making a legal error the Council is required to determine the application upon the basis that the proposed development is inappropriate development in the Green Belt'.

In the representations submitted by LAWRAG the concerns raised also echo in the main those expressed by the Parish Councils. They question the appropriateness and suitability of this site for a major employment development given the impacts on the highway network, for the natural environment and on amenity that would arise. They consider the site should be restored in accordance with the approved restoration scheme and that this is the appropriate base to assess the impacts of the development.

Concern is raised that the proposed concrete rail sleeper facility would provide products for the HS2 rail development and that as this is new rail infrastructure the opportunity for rail transport is reduced and thus could result in more vehicles trips by goods vehicles. They have reservations over the use that would be made of the rail link citing examples where such opportunities have not been taken up or are under used.

These views were supported by almost all the respondents in a survey undertaken by LAWRAG at the exhibition they held in tandem with the applicant's latest consultation event. This was completed by 153 people.

Representations have been received from a great number of local individuals in response to all of the variations of the development proposed. Some of these are in the form of a completed general letter encouraging a response circulated by local action groups. Many are individual responses that express personal concerns. Some 565 representations have been received from local people in response to the latest 'Option 3' proposal alone. The majority object to the proposal with 14 representations supporting the proposal. A further 5 express neither an objection nor support.

The representations that object to the proposal mostly echo the concerns raised in the Parish Council responses which are set out above and those of the Leys and Whitacre's Action Group. Many provide observations, some supported by photographs of localised problems experienced on the local roads; of accidents involving vehicles at highway 'pinch points' and of incidences of flooding on roads. Representations from people who live close express concerns over direct impacts such as from noise, lighting, and dust. Some express concerns over the ability of the Local Planning Authority to properly control a development on this site given the outline nature of application submitted. A significant number of representations received recently, object specifically to the proposed mitigation scheme for Coleshill Crossroads and the proposed alterations to Church Hill. This includes the local vicar who expresses concerns over the impact for church users and for the grade I listed building Church of St Peter and St Paul.

Representations that support the proposal focus on the benefits in terms of the job creation and for the local and regional economy.

Consultations

Warwickshire Police – No objection but recommends crime prevention measures are incorporated into the design of the proposed development and also advise on appropriate measures and standards.

Severn Trent Water Ltd – No objection subject to standard conditions.

Coventry and Warwickshire LEP – The CWLEP identifies the site as a “future priority sub-regional employment site”. It acknowledges the site presents unique characteristics which require careful consideration. It considers the proposal for use by Network Rail would address the special circumstances of the site, optimising the strategic advantages offered and providing appropriate mitigation.

The Federation of Small Businesses (Warwickshire and Coventry) – It supports the proposal as this would attract new business which would revitalise the local rural economy.

Network Rail – It requests standard conditions to protect its infrastructure during construction and to avoid adverse impacts from the development. It also requires possible concerns about the potential impact on two level crossings which are some distance from the site.

Warwickshire County Council as Highway Authority – No objection subject to conditions to minimise impacts on the highway network during construction; to secure highway improvements prior to commencement, prior to occupation and for approval and implementation of a Travel Plan. It also requires retention of the rail head and sidings on site.

Warwickshire County Council Public Rights of Way – No objection. The two existing paths have to remain unobstructed at all times.

Warwickshire Museum – No objection as it is not considered that there is significant archaeology on the site.

Environment Agency – No objection subject to conditions to ensure flood risk is mitigated and for an intrusive ground investigation to assess contamination, approval of subsequent remediation measures and verification of their completion, as well as the preclusion of infiltration of surface water.

Natural England – No objection. The proposal will not affect the River Blythe or Hoar Park Wood SSSI's. The site is within an area that would benefit from the provision of green infrastructure within the development. It also offers the opportunity to enhance bio-diversity and appropriate measures should be provided.

Warwickshire Wildlife Trust – Objection. It remains concerned about the impact on local bat and badger populations and over the potential for bio-diversity. It therefore recommends further assessment to resolve both concerns particularly to better understand the bio-diversity of a development compared with that of a restored or partially restored site. The extent to which mitigation or off-setting may be necessary is thus not addressed.

RSPB - Objection. It would be contrary to national policy on Green Belts and would prevent the restoration of this site to a mix of agricultural and woodland habitat.

Environmental Health Officer – He has concern about the 24 hour working which is likely to give rise to disturbance and thus noise mitigation would be necessary. The use as a rail depot with activities undertaken during the day with train movements at night could have a lesser impact. Given the outline nature of the application and that only limited detail of activities is available, a precautionary approach is advised.

Development Plan

The Development Plan is now the North Warwickshire Local Plan Core Strategy 2014 and the Saved Policies from the North Warwickshire Local Plan 2006.

Relevant policies In the Core Strategy are NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW17 (Economic Regeneration) and NW21 (Transport).

Relevant Saved Policies of the North Warwickshire Local Plan 2006 are – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV7 (Development of Existing Employment Land outside defined Development Boundaries), ENV9 (Air Quality), ENV12 (Urban Design), ENV14 (Access Design), ENV15 (Conservation), TPT1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Access and Sustainable Travel), TPT5 (Promoting Sustainable Freight Movements and Safeguarding Future Freight Opportunities) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

National Planning Practice Guidance - (the “NPPG”)

The Town and Country Planning (Consultation) (England) Direction 2009 – (the “2009 Direction”)

The Town and Country Planning (Development Management) (England) Order 2015

The DfT draft National Policy Statement for National Networks – 2013

Introductory Considerations

There are five matters which need to be addressed from the outset in the consideration of this application.

Firstly the proposals will need to be considered against Development Plan policy and other material planning considerations. This will necessarily lead to an assessment of the level of any impacts arising from the proposals. Such consideration and assessment depends on the base-line that is to be used. The base-line used in this report will be the site as a cleared site with no use. The reasons for this are firstly that the site is not “previously developed land” as defined by the NPPF because of the 1996 restoration condition and secondly because in planning terms, the former use of the site as a colliery can be considered to be abandoned. As such this report will assess Green Belt and non-Green Belt impacts against this base-line.

Secondly and notwithstanding this conclusion, the Council still has to have regard to safeguarding the site for mineral extraction. Warwickshire County Council acting as the Minerals Planning Authority has confirmed that it would not be seeking to safeguard this site for mineral extraction.

Thirdly, this is an outline planning application. The applicant is seeking a flexible planning permission. In short that would be for a single B2 occupation within the floor space described or, for that B2 use together with a rail distribution depot. There is a preferred occupier – Network Rail – who would take the whole site and use it as set out in the second of the options described in the proposal. Members have the benefit of having seen seeing such an operation at the Doncaster site. However the Board is advised that determination of the application rests on the whole of the application description and that Members are not therefore assessing the proposals of the preferred occupier. The preferred occupation may not materialise and thus the proposals need to be treated generically and in outline.

Fourthly, the site is in the Green Belt and thus the planning policy considerations as set out in the NPPF will apply. These set out an explicit process which will be followed in the observations section of this report.

Finally there is a further implication arising from the site's Green Belt status. If the Board concludes that the development is inappropriate development and that it is minded to support the development as proposed, then the matter will have to be referred to the Secretary of State under the 2009 Direction because the scale of the proposals exceed the thresholds set out in the Direction. The Secretary of State would then have to decide whether to call-in the case for his own determination. If the Board considers that the development should be refused, then it can make that decision without referral to the Secretary of State.

Observations

a) The Green Belt – Initial Consideration

The site is in the Green Belt. The NPPF sets out clearly the procedural approach and relevant issues when considering development proposed within the Green Belt. The first is to establish whether the proposal is appropriate development under the definitions set out in the NPPF. Development that is found not to be appropriate development is harmful to the Green Belt by virtue of its inappropriateness.

The development involves the construction of new buildings. Under the definition in the NPPF this is inappropriate development in the Green Belt unless it falls within the exceptions set out in the NPPF and the Board must consider whether any of these apply.

One exception is where a development proposal represents the partial or complete redevelopment of a previously developed site. In this case this exception does not apply because this site is not considered to be previously developed for the purposes of the NPPF. Land previously developed for mineral extraction where provision for restoration has been made, is excluded by virtue of the definition of previously developed land set out in the NPPF.

A second exception allows for the replacement of buildings subject to limitations on use and size. This also is not considered to apply as most of the former colliery buildings have been already demolished and the proposed use would differ from the former use.

A further exception includes the provision of local transport infrastructure which requires a green belt location. Although the proposal includes the provision of railway infrastructure with the rail sidings and other railway associated development, this is not considered to be a significant argument here as the proposed development, set out in the description, would enable general industrial use within Use class B2, to which the 'transport infrastructure', e.g. the rail sidings, would be ancillary.

Given the above, the conclusion is the development proposed is not appropriate development in the Green Belt and is therefore by definition harmful to the Green Belt. There is a presumption within the NPPF that inappropriate development will be refused planning permission.

The second step is to assess the degree of the actual harm to the Green Belt. This will be caused through the impact on openness and on the purposes of including land within the Green Belt. The baseline for this assessment is as a cleared site although the impact on a restored site would not be dis-similar. The proposals would involve the erection of large buildings and structures as well as extensive areas of outside storage. The setting and context of the site is wholly rural in appearance with an agricultural character. This is characterised by tree cover, hedgerows and fields with a scatter of residential property, agricultural buildings and the occasional church spire. Notwithstanding the topography of the setting, a noticeable valley which limits wide panoramas, the area is in open countryside. The proposed buildings and use would be out of character in this open setting by virtue of the scale, size, mass and height. The open storage areas would be extensive. Associated infrastructure and activity would add to the impact. Because of the scale, nature and extent of the proposed development, it is considered that the impact on the openness of the Green Belt hereabouts would give rise to substantial harm.

There are six purposes set out in the NPPF for including land within the Green Belt. It is considered that the only two of relevance here are that of 'safeguarding of the countryside from encroachment' and 'to assist with urban re-generation by encouraging the recycling of derelict and other urban land'. There will be an adverse impact on the first of these purposes given that the site is largely now free from buildings and because of the wholly rural setting with only small scale built development in the locality. There may also be an impact on the second purpose as other sites, some rail-served, within urban areas might otherwise accommodate the proposed development. Overall therefore it is considered that the proposals would have an adverse impact on these purposes of including land within the Green Belt.

In conclusion, it is considered that the degree of actual Green Belt harm is substantial.

It also necessary to assess whether there will be other harm, in addition to Green Belt harm. This is important to the assessment of whether any very special circumstances that exist in support of the proposal outweigh the harm to the green belt and any other harm caused. This other harm will be examined later in the report

The fourth step is to identify whether there are any material planning considerations of such weight that could amount to the very special circumstances necessary to outweigh the combination of Green Belt and non-Green Belt harm. The onus is on the applicant to identify these considerations. In this case he is putting forward the following matters:-

- The site's existing infrastructure assets – rail access, electrical power connections and water supply – provide opportunities that should be realised and would assist in promoting sustainable development.
- The site's location at the centre of the UK's strategic rail network and manufacturing heartland
- A sub-regional need for rail served manufacturing sites that could not be met on sites located outside of the Green Belt
- The lack of consented employment land in the sub-region which is considered to be the biggest threat to economic growth by the Coventry and Warwickshire Local Enterprise Partnership – (the "LEP")
- The site provides a rare opportunity to meet the above need
- The opportunity cost of not delivering the site
- The significant number of jobs that would be created within a 30-minute drive time
- The wider financial benefits for the local economy and
- The reduction in greenhouse gas emissions associated with a shift of freight from road to rail.

The significance of these matters will be considered later in this report in the fifth step. This will undertake a balancing exercise weighing the total level of harm - i.e. that to the Green Belt and to other concerns, against the considerations advanced as very special circumstances.

This will be dealt with later. It is now necessary to return to the third step, that of evaluating other, non-Green Belt harm.

b) The Natural Environment

There are no national, regional or local nature conservation designations that would be affected by the development. The River Bourne, outside of the application site, is however identified as being of local significance as a green infrastructure asset in the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy.

The consequences are thus limited to impacts on local rather than nationally significant assets. It is appropriate to consider whether appropriate mitigation and regulatory controls can be put in place. These might be in the form of planning conditions or through any permits required by other Agencies – e.g. the Environment Agency.

The Warwickshire Wildlife Trust ("WWT") remains concerned about the impact on the local bat and badger populations. The Trust however considers both are "adaptable" species and that mitigation measures, derived after further investigation, could be implemented to mitigate impacts. Similarly controls on the discharge into the natural water courses via the attenuation ponds would be determined through the approval of the overall drainage system proposed and to regulatory control by other agencies outside of the remit of the Council.

Natural England considers the site to be within an area where green infrastructure should be enhanced. Rivers and their banks can be valuable green infrastructure assets and the River Bourne is one such asset. The culvert under the application site currently severs the green corridor provided by the river. Its removal would thus enhance this asset. The County Council considered the removal of the culvert to be significant in the restoration scheme of 1996. The retention of the culvert within the proposal could thus be considered an adverse impact.

Natural England and the WWT are also concerned about the impact for biodiversity. The restoration of the former colliery site is required through the restoration scheme approved in 1996. The principle for restoration is to restore the land to a condition similar to that which existed prior to the colliery use. This would substantially enhance the bio-diversity of the site. The NPPF is clear that if significant harm cannot be avoided, adequately mitigated or compensated, then planning permission should be refused. If the base-line for assessing the impact on biodiversity is considered to be a restored site, then the Trust certainly has a valid concern. If the site was to be developed as proposed it is not clear that the resulting bio-diversity would match that of a restored site. There has been no assessment made of the net impact for bio-diversity that would be achieved if the site was developed as proposed compared to that of a restored site. If the site is considered as a cleared site and it remains as it is, there would be natural regeneration but again there is no assessment of the impact of this on bio-diversity. The extent to which mitigation or offsetting may be necessary is thus not addressed. Given the provisions of the NPPF an assessment of impact for bio-diversity of a development compared with that of a restored or partially restored site is considered to be necessary. The WWT thus objects to the proposal as it stands. Given the above, a precautionary approach is sensible. The potential for harm to bio-diversity is thus considered to remain significant in this case.

c) The Historic Environment

The impact for archaeology and the archaeological interest in the site itself is likely to be limited given the previous use of the site.

There are three heritage assets of high significance within the environs of the site – the two churches of St Cuthbert and St Leonard, being grade 2 star listed buildings and the Furnace End Bridge being a Scheduled Ancient Monument. The significance of the two churches lies in their history and local association with the community's affected. However in both cases there is an architectural significance because of their two tall slender spires and their presence on higher ground within the overall rural landscape. The impact of the proposals on this significance is considered to be small, given the separation distances of the site from the two churches and the intervening woodland areas. Additionally the site itself is at a much lower level in the river valley and the local topography does materially help to lessen the visual impact of the development both into and out of the site. Even with a modern urban structure on the site, these factors would limit the level of impact on the significance of these assets. The bridge crosses the river and its significance lies in it being an ancient crossing point. This would be retained, but the by-product of the proposed development – increased traffic – may impact on the structure itself. It is not clear whether an assessment has been carried out. There is thus considered to be the potential for some harm, although this would be limited given that an increase in traffic through natural growth without the proposals would still cause an impact.

There are other nearby heritage assets. Over Whitacre House is a Grade 2 listed building sitting on higher ground some 400 metres to the north. Its significance is as a single dwelling house exhibiting typical internal and external attributes representative of its 19th Century dating. It also stands in its own parkland surrounded by woodland areas with individual trees within the grassed paddock land. This significance would largely not be adversely impacted by the proposals due to the separation distances; the intervening woodland areas and the topography of the area. However there would be limited impact if the height of the proposed buildings and associated infrastructure – e.g. Lighting - is not mitigated either in terms of the layout of the proposed development on site or through planning conditions.

There are other grade 2 listed buildings in the area. Slowley Green Farmhouse is some 420 metres to the south-east but impacts on the setting would be limited due the topography and intervening woodland. Again the specification and design of any lighting proposals would need to be considered. There would be a greater impact on Shawbury Farmhouse and Dandy's Farmhouse, both Grade 2 listed buildings some 550 metres to the south. The setting of these assets would be enhanced if no development took place at the site, but again, site layout, design, technical specifications and planning conditions should mitigate impacts consequential to any development. There are other Grade 2 listed buildings in the area to the west of the site but the effect on the significance of these is considered to be negligible due distance and topography.

There are no Conservation Areas affected or within close proximity to the site. The effect on these would be limited to consequential impacts such as increased traffic movements in those conservation areas on routes used to access the site, although this effect would also arise with increases in traffic from natural growth. This could be of particular significance in Coleshill where the highway mitigation proposed for the Green Man crossroads will require alteration in Church Hill.

In overall terms therefore there is considered to be limited impact on heritage assets.

d) Residential Amenity

The site does benefit from being located within a rural area with only scattered residential property around the site. Moreover the topography assists here too as the impact of the proposals on existing residential amenity is likely to affect a limited number of properties. In particular these would be the residential properties to the south on the slopes of the valley; the houses on Daw Mill Lane immediately adjoining the south-east corner of the site and the property on the Tamworth Road to the north that overlooks the site. There will be a visual impact on all of these properties as well as noise and lighting impacts. The application is in outline and thus the proposed layout presently exhibited is illustrative only. That layout has not been drawn up with the sensitivity of the site in mind and it is considered that much of the assessment of these impacts would become clearer if there was a bespoke development designed for the site that included mitigation measures

The noise and lighting impacts will be explored in more detail below, but given the scale of the proposal; its nature and its potential mode of operation, it is considered that there will be impacts on residential amenity and that these at present should be assessed as causing moderate impact to the most affected residential properties.

e) Noise and Lighting Impacts

Overall the noise regime is characteristic of a rural area without any significant noise generating uses or traffic noise. The Noise Assessment submitted with the application uses standard methodologies to model noise levels associated with a development of general industrial use and to predict noise impact. This concludes that there would be impact due to noise but suggests that that this would not be significant over and above average background noise levels.

The Environmental Health Officer however has concerns about this conclusion because of the modal measure of average background noise levels adopted for comparison purposes and the difference between these and the low background level of noise experienced in quieter periods. The difference in the noise levels would be discernible by the human ear. There is thus the potential for disturbance due to noise during these quieter periods. He concludes that mitigation would be required. A precautionary approach is recommended particularly as the application is in outline and no details of the potential occupiers of a generic B2 general industrial development are available and no specific noise mitigation measures are detailed.

Noise impacts could be mitigated through an operational noise management plan; planning conditions to control hours of working and operational activities, as well as through the physical design of the layout of the development – e.g. the scale of the development the size and design of buildings, the development layout, use of acoustic fences and landscaping to form noise barriers.

Members have had the opportunity to experience the likely noise impacts arising from the applicant's preferred use here – that of a concrete railway sleeper manufacturing facility and rail distribution depot - during the visit to the Doncaster site. This was encouraging and suggests that noise impacts might be mitigated through the appropriate measures. Such measures could be applied to a development for generic B2 use, however this would be likely to impact on the 24 hour a day operation currently sought in the application.

The noise regime associated with use as a rail distribution depot would differ from a wholly B2 development in that there would be distinct activity outside of any buildings; across the whole site with the regular movement of trains. The noise assessment submitted is not specific to rail distribution depot on the site. This largely outside use is however likely to have particular noise impacts and a proper consideration of these is necessary to identify any significant adverse impacts and mitigation measures required. These could include restricting noisier activities, such as the loading or unloading of trains during quieter periods - e.g. overnight - and other measures as set out above - eg. site layout and disposition - would again have to be engaged so as to reduce likely noise impacts, particularly the night time train movements.

These last paragraphs reinforce the observations of the Environmental Health Officer. At present therefore the conclusion should be that without a site specific proposal the precautionary approach suggests that there could be moderate noise impacts here.

Similar conclusions are reached in respect of the likely impacts arising from a site that would be partially or wholly lit overnight. There is no detail in the application to assess the overall lighting impact of a development. The rural location and the currently cleared site indicate there will be an impact from lighting from the development proposed. No assessment of the impact or mitigation required is available with the outline application. Lighting technology and standards expected have developed from the time when the site was in use as a colliery and it would be expected that external lighting could be designed and controlled to limit the impact on amenity and the natural environment. This is thus considered to have a limited impact.

f) Air Pollution

The extensive areas of open storage within the site could if used for storage of materials such as ballast give rise to concern over pollution through dust and other possible effects. This would certainly be possible within a rail distribution depot where ballast material is stored and recycled. Dust effects can be mitigated through the use of appropriate dust suppression measures. These were in place at the Doncaster site and technology has developed so that improved systems are now available. Vehicles accessing a development will give rise to exhaust emissions, however concerns here are more focussed in urban areas and this effect is unlikely to be of significance. Given the above the likely impact for air pollution is considered to be negligible.

g) Landscape Character and Visual Impact

The site is in the Church End to Corley Arden Hills and Valleys area as defined by the North Warwickshire Landscape Character Assessment. The key attributes within this area are elevated farmed landscape with low, rounded hills, steep scarps and small incised valleys.

This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small scale character, punctuated by numerous scattered farms, and hamlets. It is considered that as a matter of fact and degree that the introduction of large scale industrial buildings and infrastructure would not naturally fit within that description and thus there would be substantial harm because of the sensitivity of accommodating such a development within this landscape.

Whether the base-line here is as a restored site or as the cleared site seen today, the conclusion above would apply. However, the setting of the actual site within a pronounced valley does limit the scale of this adverse impact. Whilst the base-line is not the former colliery use, it is considered the landscape had the capacity to absorb the colliery use within it because of the local topography and thus there was a limited effect on the overall character of the landscape. It is understood too that there was a local acceptance of this. This consideration would apply in general terms to the proposed use. The buildings now proposed would have far more substantial mass and be larger in scale and the impact would be influenced by as yet unknown detail, such as site layout, scale, appearance of buildings and landscaping. Nevertheless the overall capacity of the landscape site to absorb a proposed development is a significant mitigating factor. As a consequence it is considered that the substantial impact concluded in respect of the sensitivity of the landscape to accommodate the development, is reduced to there being an overall significant impact on landscape character because of the particular landscape features here.

A similar conclusion arises with regard to visual impact. There is a small resident population in the locality and passing traffic would only have glimpsed views of the site particularly at the entrance and along Daw Mill Lane. Train passengers would experience significant visual impact but this would be transitory and thus limited. Footpath walkers would experience significant impact and for longer periods of time but again this is a transitory impact. Views into the site from properties or publicly accessible places are considered to be limited and contained because of the topography. However taken together these are considered to give rise to a significant visual impact.

Site specific proposals would assist in addressing these impacts and whilst not reducing them all together could have a material lessening effect.

h) Flooding and Drainage

The majority of the application site falls within Flood Zone 1 and therefore has a “low probability” of flooding. The southern boundary is in Flood Zones 2 and 3. However the site is elevated by several metres above the original flood plain and the river is in culvert. The development would retain and adapt the existing colliery drainage infrastructure including the culverted watercourses, settlement ponds and attenuation pools. The Environment Agency is satisfied that, providing the discharge to watercourses is controlled there would be no impact for flooding. The details of the actual drainage system(s) to be implemented would be a matter for consideration when the detail of the actual development is known. Both of these matters would normally be ensured through conditions.

i) Highway and Transport Impacts

The Highway Authority has reviewed the applicant’s Transport Assessment and is satisfied that the development would not have a detrimental impact on the safe and efficient operation of the local highway network, because suitable mitigation is identified. It too has based this conclusion using a cleared site as the base-line. Hence any new proposed development that generates traffic will have an impact. It concludes that the submitted proposal is in accord with the guidance in the NPPF - in other words that those impacts would not be “severe”. It also notes that the mitigation proposed will provide significant betterment for the safe and efficient operation of the highway by improving junctions which are approaching their operational capacity, some of which also have poor accident records. The proposed mitigation, when implemented, would thus provide a positive benefit. This would be provided through Agreements made under the Highway Act. The full response of the County Council is attached as Appendix C.

The highway impacts arising from the development proposals for this site have always been one of the key issues being mentioned in practically all of the objections received. This is clearly understandable as industrial uses have been proposed on a site located within a wholly rural area accessed by a rural highway network, some distance from the strategic road network with a number of intervening “pinch-points” and difficult junctions. Those representations raise concern over the highway impact – greater amounts of traffic including HGV’s on a rural network - and with the latest proposals – concern over

the detail of the mitigation measures proposed, particularly in Coleshill. The County Council has acknowledged that the mitigation measures are feasibility studies at this stage and that further detailed consideration will have to be given to the measures before implementation. However the technical work undertaken has led the Authority as the Statutory highway authority not to raise objection to the current proposals.

In these circumstances it would be difficult to recommend refusal based on an adverse highway impact arising of the proposals. This is given added weight for two reasons. Firstly the Board has no technical evidence in front of it to rebut the Highway Authority's conclusion in respect of likely traffic generation or of its impacts. Secondly the highway assessment has been undertaken using the "worst-case" scenario whereby traffic generated by the proposal has been treated theoretically. In this case that could be significant as the site of course has the ability to be rail served and also the preferred occupier as described above would be likely to have far fewer employees than a generic industrial occupier. Highway impacts could thus be less than anticipated by the Highway Authority.

The Highway Authority's position has necessarily to be based on highway matters. However these matters are to be addressed through the planning process. As a consequence there are some "planning" issues with the Highway Authority's conclusion. Firstly, there still has to be more technical work associated with the mitigation schemes and the outcome of that is unknown – e.g. additional land may have to be incorporated into a scheme. Secondly the measures at Coleshill would it appear, also need to be the subject of separate Traffic Regulation Orders and public consultation. There is thus an issue of whether there is a "reasonable prospect" of these measures occurring. Thirdly and perhaps most significantly it is not wholly clear whether the mitigation measures are a direct consequence of the impact of the proposed development itself or if they are measures that are needed anyway to overcome existing highway problems because of the general rise in traffic. It is considered that it is probably a mix of the two positions. These factors leave the Council acting as Local Planning Authority with some concern, as they raise a degree of doubt and thus notwithstanding the County Council's position, it is considered that there is likely to be a moderate highway impact arising from these proposals.

This position is largely a consequence of the application itself as the Highway Authority has had to deal with a generic application seeking a flexible planning permission. As with other matters raised above, a more definitive proposal with site specific occupier traffic generation figures would have been more helpful in assessing actual impact and thus actual mitigation.

j) Interim Conclusion

An interim conclusion can now be reached. This is not appropriate development in the Green Belt which is considered to cause substantial harm to the openness of the Green Belt and to the purposes of including land within it. As such the proposal carries a presumption of refusal. There is also significant harm arising from potential impacts on the natural environment and on the character of the landscape, with moderate harm on residential amenity particularly through noise and lighting as well as traffic impacts but with limited impacts to the potential for harm to local heritage assets and no harm likely on drainage, flooding and air pollution impacts.

The Board must now understand the material planning considerations put forward by the applicant as set out above as the fourth step in (a) above. This will then enable an evaluation to take place to see if they amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other identified harm – step five.

k) The Applicant's Case

The applicant's case is very much about realising the opportunity that the infrastructure assets of this site provide so as to deliver employment land and new job opportunities. These assets are real, available and combine on this site which is located in the region with existing rail connections and close to the Midlands manufacturing base. More particularly they are assets which are not commonly found elsewhere in the sub-region – the opportunity for available rail-served manufacturing land. This would thus constitute sustainable development.

The applicant sees national and local planning policy support for this position. The NPPF presumes in favour of sustainable development; there is a regional shortage of rail-served sites and there is a shortage of both local and sub-regional employment land. The Local Enterprise Partnership (the "LEP") too supports the re-use of this site for employment purposes in helping to deliver this shortfall.

It is acknowledged that in principle, the combination of these considerations carry substantial weight.

l) Very Special Circumstances

The fifth and final step in the determination of this application is for the Board to balance the substantial weight of the applicant's case against the combination of Green Belt harm and other harm identified in the interim conclusion section of this report.

It is proposed first to look at the main considerations put forward by the applicant to see if the substantial weight afforded them in principle above can be sustained.

The railway line at Daw Mill is part of the national strategic rail freight network and is therefore suitable for larger freight wagons and there is capacity on the network for additional train movements in both directions. Daw Mill is identified as one of the declining number of large formerly developed sites that retain access to a main rail line in two directions. There are significant constraints in providing such rail access not least in the lead time to implement and the multi-million pound costs. The existing rail infrastructure here is considered to be suitable to support industrial uses which require rail access, but not for an inter-modal road/rail strategic freight interchange. The existing rail sidings could be re-commissioned or altered to accommodate longer trains but still retaining the existing rail line connections. The suitability of the site is thus significant.

In respect of the rail-served site argument, then it is acknowledged that there is a shortage of rail-served employment land within the sub-region and thus that when such a site becomes available, there should be support for its delivery in principle. Such is the case here. That support in this case is supplemented because not only is the site large, but it offers other readily available associated infrastructure assets. The Council

should therefore be looking to support the proposals. Clearly part of the proposal is indeed for a rail distribution depot, but this is an outline planning application not necessarily limited to a rail served development. It has been made clear from the outset that the applicant wishes a flexible planning permission and it is notable that perhaps as a consequence, the use of planning conditions or obligations to “fit” a rail served development has not been advanced. It is entirely possible that the B2 element of the proposal on this site would not use the rail infrastructure even if that asset is safeguarded by planning condition. Much attention has been focussed on the operation of the applicant’s preferred occupier here – which would be rail served - but Members are asked to refer back to the actual development as proposed by the applicant. It is considered that this lack of precision and not having a proposal based on site-specific occupation weakens the weight that can be afforded to this aspect of the applicant’s case.

The second main plank of the applicant’s case is the employment argument. Again this is a very valid argument carrying significant weight. There is a small shortfall – 2 hectares - in employment land to meet North Warwickshire’s local needs as identified in the Core Strategy. Members will also be aware of the position in respect of Tamworth’s shortfall – up to 14 hectares - and the prospect of some of that being delivered within the Borough. However there is as yet no resolution on the amount or location. In respect of wider sub-regional employment land requirements, then work is still on-going. A supply shortfall has been identified but there is no resolution in respect of amount or location. At present there is no Memorandum of Understanding in respect of employment land provision. The applicant’s argument is that even without resolution of these matters there is a very real opportunity here to meet some of these needs. The LEP has supported this line of argument. Members are again reminded of the nature of this application – seeking a flexible use including generic B2 occupation. In terms of general employment provision then it is acknowledged that there is a need to support economic growth and that LEP support here is a material consideration of weight. However in terms of overall employment provision in general, it is concluded that there is still uncertainty as to whether the overall need can be accommodated elsewhere in the sub-region and whether that need can be accommodated on non-Green Belt land. This weakens the weight to be afforded to the applicant’s overall employment case.

The applicant however does have a particular argument here that draws back from this general conclusion and that is that the employment land opportunity here is a rare one – a rail served site. In other words there is a “special” suitability of the application site for employment provision. It is acknowledged that this provides a real opportunity and is one that should carry substantial weight. Indeed this is followed through in the content of the application. However as described earlier, the application as a whole has not been framed in that way; there is no compelling evidence submitted that this is the only such site available, that the need is essential or urgent, that the scale of the development is fully justified or that the controls would be in place to ensure rail served use. Whilst attention has been focussed on the preferred occupier here, the actual application proposals have not been so designed. In these circumstances the weight that can be afforded to this argument is weakened.

Furthermore the actual employment provision argument is also not that strong, as the potential job opportunities vary from the 685 for a generic B2 use to perhaps 150 for the preferred occupier. The former is clearly of weight but in terms of employment density for such a large site, is a little disappointing. The provision for the preferred occupier

would not carry much weight supporting a case for very special circumstances. However of course this has to be balanced against any potential impacts of traffic generated by these employment levels.

The argument that there would be a benefit in reducing emissions if rail is used rather than road is understood, but would carry little weight here given the matters raised above. Similarly the potential impact on local services and facilities would carry little weight.

So in all of these circumstances it is concluded that the combination of considerations put forward by the applicant should be capable of carrying substantial weight in principle, but that they are weakened by the concerns expressed above and thus whilst still of importance, perhaps only carry moderate weight.

m) Conclusion

It is agreed that the proposal would deliver economic benefits and environmental gains and that it would be reasonably consistent with sustainable development objectives. However it would also give rise to substantial Green Belt harm which has to be accorded serious weight given the importance attached to the Green Belt, together with other harm. As a consequence taking into account all of the benefits of the proposal, the harm to the Green Belt has not been clearly outweighed and very special circumstances not provided to justify allowing the inappropriate development. A recommendation of refusal will thus be made.

Regardless of its Green Belt status, the site is in a wholly rural location supported by a wholly rural highway infrastructure. The consequential impacts on the quality of the rural setting and the traffic impacts on that network will leave residual adverse impacts and with some doubt as to the certainty of mitigation. This shows that the existence of an opportunity is not in itself justification for support where that would result in other harm. In order to advance that opportunity to the level of there being very special circumstances requires a precautionary approach; a thorough understanding of the assets and capacity of the site to accommodate that opportunity and the promotion of proportionate mitigation measures.

Recommendation

That planning permission be **REFUSED** for the following reasons:

1. The site is in the Green Belt. The proposals represent inappropriate development which causes substantial harm to the openness of the Green Belt and the purposes of including land within it. There is additional harm caused by adverse impacts on the landscape character, visual amenity, the natural environment and residential amenity of neighbouring occupiers through noise and lighting impacts. There is also considered to be moderate highway impacts as a consequence of whether the mitigation proposed has a reasonable prospect of being implemented. The material considerations put forward by the applicant are not of sufficient weight to amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other harm caused. Thus is due to the generic nature of the proposal; that it contains alternatives and that mitigation measures are not fully advanced. The proposal does not therefore

accord with policies NW1, NW2, NW3, NW10, NW12, NW13 and NW15 of the North Warwickshire Core Strategy 2014 and the National Planning Policy Framework 2012.

2. The development is likely to cause disturbance due to noise. Central to this adverse impact is the continuous operation required for the proposed wholly B2 use. Physical measures could provide some mitigation, however a restriction on continuous operation is likely to be necessary to fully resolve this impact. The applicant has re-iterated that continuous operation is essential to the proposal. The use of conditions to restrict operations is therefore not considered to be appropriate. The proposal is not considered to be in accord with policies NW10 and NW12 of the North Warwickshire Core Strategy 2014
3. There is concern over the impact of the proposals on bio-diversity. The NPPF is clear that if significant harm to bio-diversity cannot be avoided, adequately mitigated or compensated, then planning permission should be refused. The net impact of the development as currently proposed is not clear. A pre-cautionary approach is thus appropriate in determining this application. The proposal is not considered to be in accord with Policy NW15 of the North Warwickshire Core Strategy 2014 or the NPPF.

BACKGROUND PAPERS

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

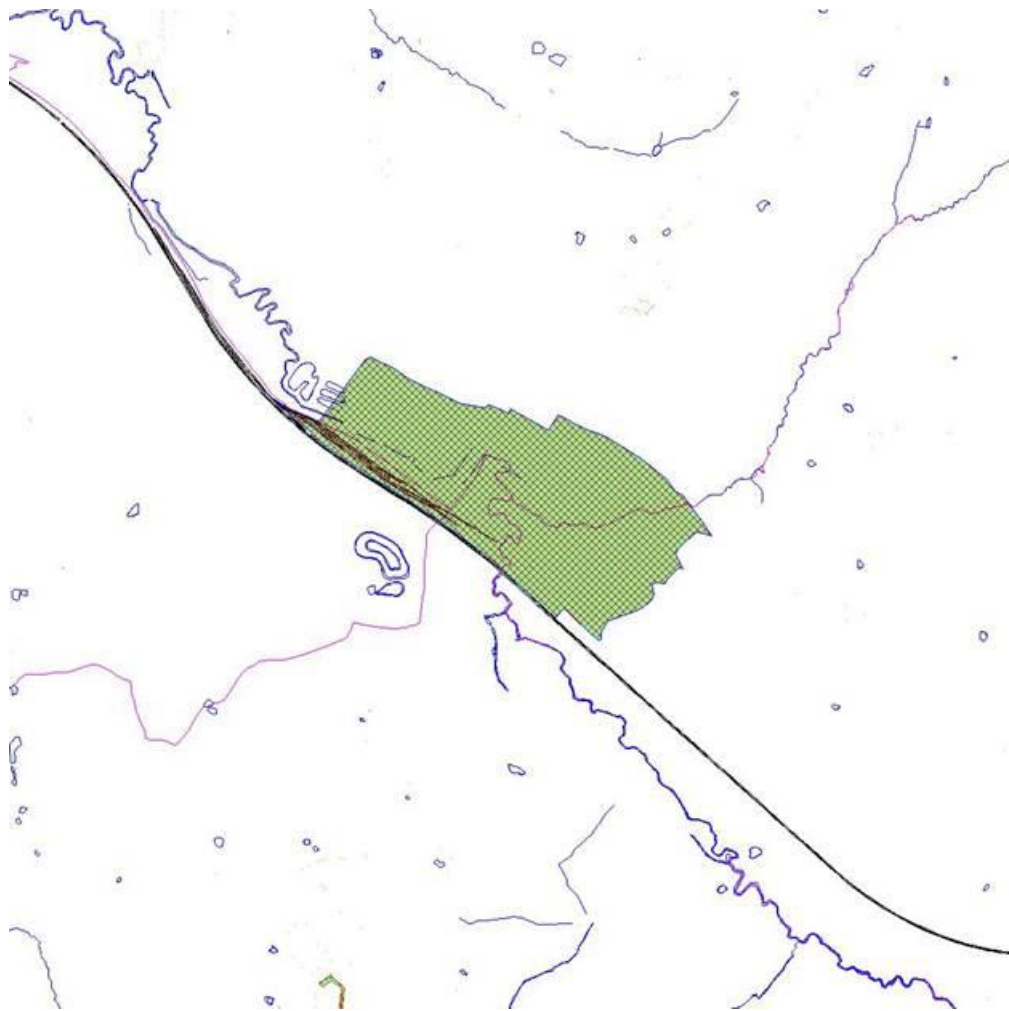
Planning Application No: PAP/2014/0339

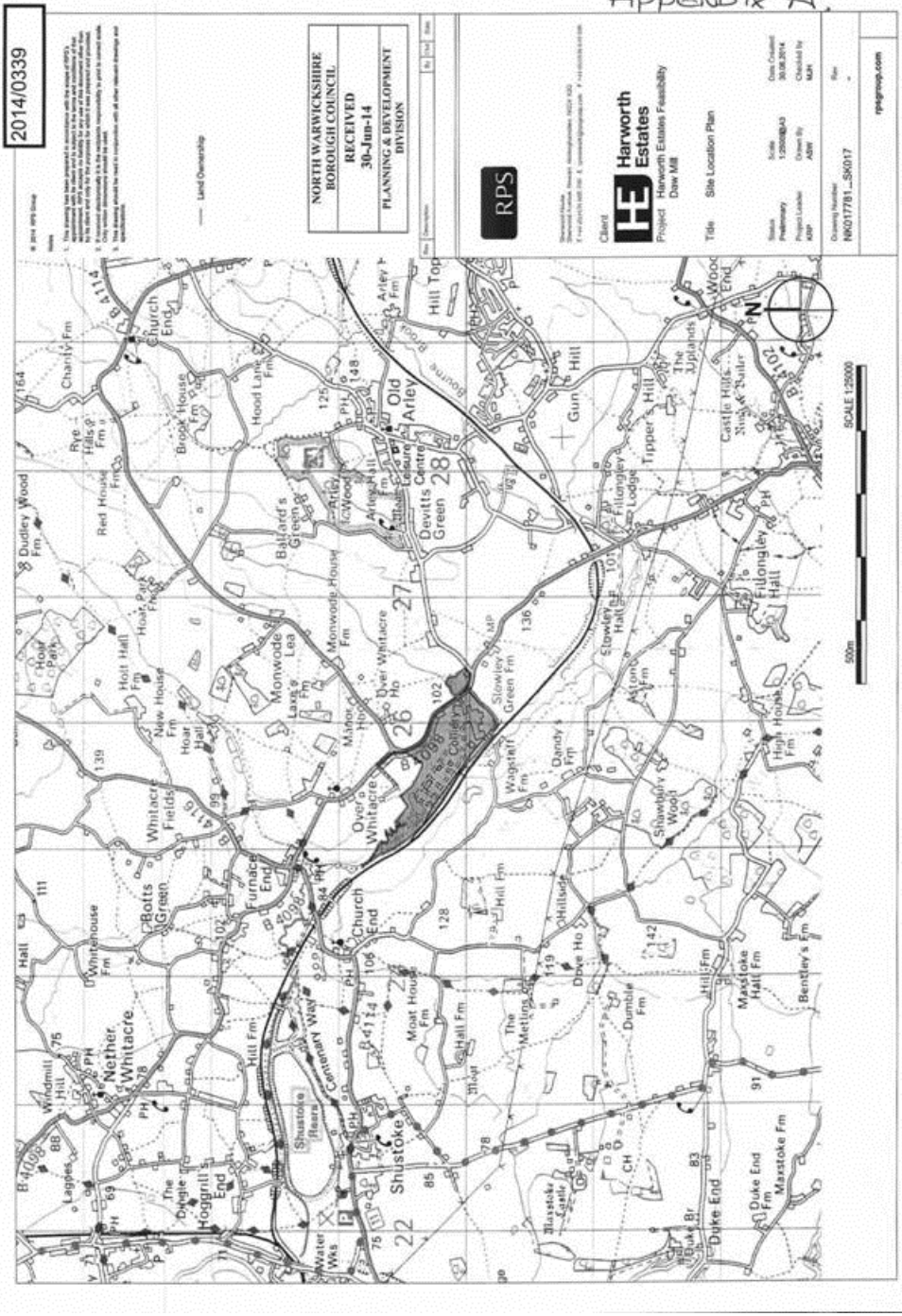
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant/Agent	Application Forms, Plans and Statement(s)	30/6/14 3/11/2014 & 28/7/2015 23/9/15 7/10/15
2	Warwickshire Police	Consultation	5/8/15
3	Severn Trent Water	Consultation	17/8/15
4	Coventry & Warwickshire LEP	Consultation	25/11/14 5/8/15 & 27/8/15
5	FSB Warwickshire - Coventry	Consultation	18/8/15
6	Network Rail	Consultation	29/7/14
7	WCC Highway Authority	Consultation	19/10/15
8	WCC Public Rights of Way	Consultation	24/11/14 13/8/15
9	WCC Museum Archaeology	Consultation	
10	Environment Agency	Consultation	19/10/15
11	Warwickshire Wildlife Trust	Consultation	28/7/14 17/8/15
12	RSPB	Consultation	10/9/2015
13	CPRE	Consultation	25/8/15
14	Atherstone Civic Society	Consultation	8/8/15 & 20/8/15
15	NWBC EHO	Consultation	22/1/15 10/9/15 & 30/9/15
16	Nuneaton & Bedworth BC	Consultation	5/11/14
17	Ansley PC	Consultation	17/8/15
18	Arley, PC	Consultation	28/8/15
19	Corley PC	Consultation	1/9/15
20	Fillongley PC	Consultation	27/8/15
21	Coleshill TC	Consultation	3/8/15
22	Maxstoke PC	Consultation	15/12/14
23	Over Whitacre PC	Consultation	2/9/15
24	Nether Whitacre PC	Consultation	22/8/14
25	Shustoke PC	Consultation	
26	LAWRAG	Representation	various
27	Local residents	Representation	various

28	Craig Tracey MP	Representation	13/8/15
29	Marcus Jones MP	Representation	10/8/15
30	P Fowler County Councillor	Representation	28/8/15

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.





2014/0339

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100m 50m 0m 50m 100m

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Registered Address: RPS (UK) Limited, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

HE Harworth Estates
Project: Harworth Estates Feasibility
Daw Mill

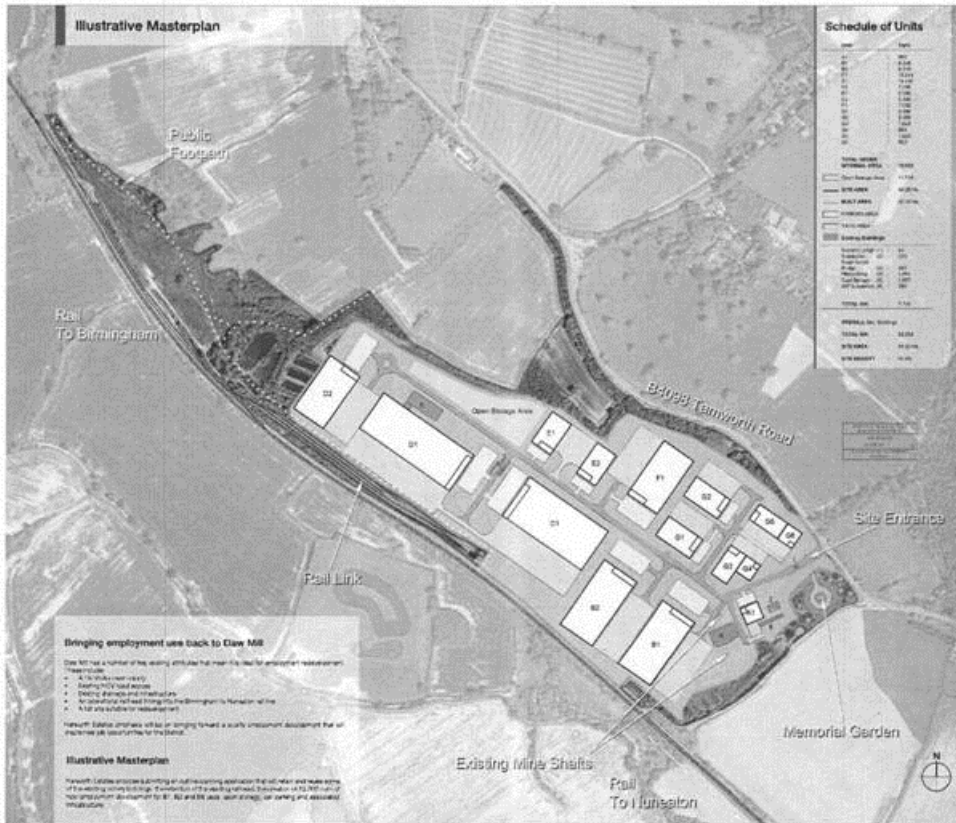
Client: Harworth Estates

Title: Site Location Plan

Scale: 1:25000
Date Created: 30/06/2014
Project Leader: ADM
Checked by: MAM

Customer Number: NR017781...SR017

File: rpsgroup.com



Examples of Typical Units



Your ref: PAP/2014/0339
My ref: 140339

PAP/2014/0339

APPENDIX C



Communities

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Mr J Brown
Head of Planning
NORTH WARWICKSHIRE BOROUGH COUNCIL
PO BOX 6, The Council House
South Street, Atherstone
CV9 1DE

FAO : Denis Winterbottom

16th October 2015

Dear Mr Brown

PROPOSAL: Outline planning application (with all matters reserved for subsequent approval other than access) for the redevelopment of the site for a maximum of 24,652 sqm (265,345 sq ft) of built floor space for employment uses comprising either wholly B2 (General Industry) development or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials; ancillary open storage areas, associated car parking, servicing yards, gantry crane, infrastructure and utilities, retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure.

LOCATION: Daw Mill Colliery, Daw Mill Lane, Arley, Warwickshire

APPLICANT: -

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment. Based on the appraisal of the development proposals and additional information provided the Highway Authority revises its response to **no objection subject to conditions and financial obligations.**

The justification for this decision is provided below.



Working for Warwickshire

ANALYSIS:

The Highway Authority has undertaken a robust and thorough assessment of the planning application. The following commentary provides a summary of this analysis.

The development proposals have been assessed in accordance with the following guidance and policy documents.

- National Planning Policy Framework published by Department for Communities and Local Government in March 2012;
- National Planning Practice Guidance: Travel plans, transport assessments and statements in decision making published by the Department for Communities and Local Government in March 2014; and,
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government.

Background:

The following text provides commentary on the site location, development proposals and previous correspondence from the Highway Authority.

Site Location:

The proposed development site is the former Daw Mill Colliery site located within North Warwickshire. The site is located within proximity to key strategic roads which form part of Highways England Strategic Road Network. These are the M42 to the west, the A5 to the north, M69 to the east and M6 to the south.

In closer proximity to the development site is a network of B roads which provide routes to the surrounding villages and connections to large settlements including the West Midlands Conurbation to the west, Nuneaton to the east and Coventry to the south east.

The development site is located and accessed from the Tamworth Road which forms its northern boundary. This is a rural road of single carriageway width with a 40mph speed limit. There are grass verges either side of the carriageway however there is no footway provision nor street lighting. The sites southern boundary is formed by the Birmingham to Nuneaton Rail Line.

Existing Consented Use:

The existing consented use for the proposed development site is for a colliery. In 2008 the site generated 3.2 million tonnes of coal. Of which the majority was transported from the site by rail. However 500,000 tonnes of coal was hauled by road.

The site began operations in 1956 and ceased in February 2013 due to an underground fire. Subsequently the Coal Authority has undertaken works to extinguish the fire, which took a year, and a programme of safety works which are now complete.

Development Proposals:

The proposed development seeks outline planning permission for the redevelopment of the existing site for the maximum of 24,652 sqm (265,345 sq ft) of built floor space for employment uses comprising either wholly B2 (General Industry) development or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials.

Other matters include ancillary open storage areas, associated car parking, servicing yards, gantry crane, infrastructure and utilities, retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure.

However all the above matters identified will be dealt through reserved matter applications and subsequent approval, except for access which is being considered as part of this submission.

Previous Correspondence:

The applicants and their consultants ADC Infrastructure (ADC) have held pre-application discussions with the Highway Authority which set out the methodology and assessments which were required based on the development proposals and form the Transport Assessment (TA).

After undertaking this work the applicants submitted a planning application on which the Highway Authority was consulted as a statutory consultee under the Town and Country Planning Act 1990.

The Highway Authority responded with an objection, dated the 24th August 2015. The justification of this objection was a Highway Safety concern for the proposed mitigation at the Green Man Crossroads, Coleshill. The proposals was for a Right Turn Ban Movement (except for HGV's) and WCC Road Safety team considered this proposal to be unenforceable and would lead to confusion on the network which may put motorists and pedestrian safety at risk at this junction.

Since then the applicants and their consultants have worked closely with the Highway Authority to identify a suitable resolution to this issue. A workable solution has been identified and is considered within this response as set out below.

Transport Assessment:

The applicant has submitted a Transport Assessment (TA) to support the development proposals. The TA has been prepared by ADC Infrastructure on behalf of the applicants.

The document is well structured with a clear and logical methodology identified which is in accordance with the National Planning Policy Framework and National Planning Practice Guidance. The following provides a commentary of the Highway Authority's assessment of this document.

Trip Generation:

This section of the Highway Authority's analysis reviews the trip generation, and the following text provides commentary of our assessment.

Existing Use:

The site was formerly utilised as a colliery which in 2008 produced 3.2 million tonnes of coal, and employed 667 employees. Of these staff 75 worked underground on a shift basis working three shifts over six working days. The remaining staff, 592, were employed at the surface and worked a standard work day.

Whilst no recorded traffic counts were undertaken when the site was in operation it has been calculated that this equated to a daily two-way vehicle movement of 1,300 vehicle movements. It should be noted that bus services ceased to operate to the site in the 1990's meaning staff were reliant on car based journeys.

In reference to daily HGV movements this has been based on figures obtained by the applicants. It is understood that approximately 500,000 tonnes of coal per annum were hauled by road, which is equivalent to 120 trucks a day equalling a daily two-way flow of 240 HGV movements.

In addition to the above, materials were also delivered to site providing material to the mine. This has been identified as approximately 30 trucks per day equalling 60 two – way movements. In total this equates to a total of 300 HGV two way movements to support the colliery use.

In conclusion it can be seen that the colliery was a significant trip generator in the area prior to its closure generated on average 1,600 two – way daily trips.

Proposed Use:

ADC have utilised the TRICS database to identify the potential trip generation of the development proposals. This database is a recognised tool, by the transport planning profession, which uses comparative sites to identify suitable trip rates from which the trip generation can be calculated.

ADC provided the Highway Authority with a technical note which set out the method used to calculate the trip generation for the site based on the original floorspace of the development proposals. It should be noted that this has now been reduced to Gross Floor Area 24,652m² solely for B2 uses. The table below identifies the potential trip generation based on the GFA.

	Trip Generation for 24, 652m² of B2 use		
	<i>Arrivals</i>	<i>Departures</i>	<i>Two – Way</i>
AM Peak (08.00 – 09.00)	332	2	334
PM Peak (17.00 – 18.00)	28	282	310
Daily Rates	728	717	1445

Comparative Analysis:

ADC has also undertaken comparative analysis between the existing use as colliery compared to the proposed use. The table below demonstrates the difference between the two uses.

	Colliery	Development Proposals	Difference
Daily Traffic Flow	1,600	1,445	-155

The analysis demonstrates that the development proposals will generate a reduced level of trips in comparison to the colliery use. However the difference is considered negligible by the Highway Authority.

However for robustness it was agreed with the applicants consultants, that despite the former colliery use, the impact assessments in the TA compare the development traffic against a base scenario that considers the site as it currently exists is generating no traffic. Therefore the site has been considered as a cleared site.

Heavy Goods Vehicle Trips:

Based on the scale of development and the trip rates obtained from TRICS for the B2 usage the likely trip generation of HGV movements have been calculated for the daily traffic flow. This has then been compared with the movements which would have been generated by the colliery use. This is summarised in the table below.

	Colliery	Development Proposals	Difference
Daily Traffic Flow	300	54	-246

Summary:

The Highway Authority has considered the trip rates and trip generations and concludes that there are no justifiable reasons to object to this element of the TA.

Trip Distribution:

The Highway Authority has undertaken a full review of the trip distribution. ADC have derived the trip distribution for the 1,445 trip movements for the proposed development from the use of a gravity model. The model methodology has been accepted by the Highway Authority prior to any modelling being undertaken.

From the outputs it has been further assumed that all traffic travelling to and from the site to the east will pass through Fillongley Crossroads. Those trips which will come from the west and travel through the Furnace End Crossroads have been assumed that they will also utilise the Coleshill (Green Man) Crossroads. At this junction the trips have then been distributed based on the observed turning count which was recorded through a traffic survey at this location.

Summary:

In conclusion having considered the methodology, gravity model outputs, and the assumptions the Highway Authority has no objection to this element of the TA.

Junction Impact Assessments:

The Highway Authority highlighted four key locations which required consideration as part of the TA. These locations are;

- B4098 Tamworth Road / B4114 Nuneaton Road;
- B4098 / B4102 Fillongley Crossroads;
- B4098 / B4114 / B4116 Furnace End Crossroads; and,
- B4114 / B4117 – Coleshill Crossroads.

Assessment Years:

In order to assess the impact of the development on these junctions the Highway Authority requested two future year scenarios be assessed by the applications to reflect opening and fully operational situations. It was therefore agreed that the assessment years to be assessed are 2019 and 2024. This reflects that the development proposals might not be fully occupied until 2024.

Traffic Growth:

To identify the likely traffic flows for the future years ADC have utilised TEMPRO. This tool is utilised within the Transport Planning Profession to identify traffic growth rates for future years, and is maintained by the Department for Transport. The growth rates have been accepted by the Highway Authority and are presented in the table below.

Traffic Growth Factors	2014 to 2019	2014 to 2024
Weekday AM Peak	1.0644	1.1262
Weekday PM Peak	1.0577	1.1334
Average Weekday	1.0644	1.1391

B4098 Tamworth Road / B4114 Nuneaton Road Priority Junction:

ADC have undertaken a full assessment of this junction which is summarised within the Transport Assessment and further supported by the Technical Note which has been submitted to the Highway Authority. The following provides commentary of the Highway Authority's assessment of this junction.

Existing Junction:

The junction is formed around a triangular island and comprises of three priority 'T' junctions. The junction has a good accident record with no personal injury accidents (PIAs) being recorded in the last three years.

In order to understand the existing traffic levels and turning movements at this junction surveys were undertaken on Thursday 12th February 2015. The counts demonstrated that the junction operates on a tidal basis with traffic flows at their highest during the AM and PM Peak periods. Outside these hours traffic levels were low.

Assessment:

To assess the operational capacity of this junction ADC have utilised the modelling tool PICADY. This modelling tool is used to assess priority junctions. The following scenarios have been tested based on the existing highway layout of the junction;

- Scenario 1: 2015 Base traffic data; and
- Scenario 2: 2024 Base traffic data + proposed development.

The assessment of Scenario 1 demonstrated that one of the three priority 'T' junctions operates at 81% of capacity and is considered to be reaching its operational capacity. However queuing and delays at the junction were minimal.

The assessment of Scenario 2 demonstrated that in the future year assessment with the inclusion of the development traffic the junction will be operating at 154%, well above its operation capacity, with extensive queuing and delays observed.

The Highway Authority requested that the applicants identify a suitable mitigation scheme for this junction.

Mitigation Scheme:

ADC have identified a suitable mitigation scheme which has been tested using the PICADY model. The proposed mitigation scheme revises the priority arrangements at the junction as demonstrated in drawing number ADC1085/005 Rev A.

The modelling outputs demonstrate that the proposed mitigation provides significant betterment to the operation of the junction. The junction will operate at 71% of its capacity with the mitigation scheme in comparison to 154% based on the existing junction layout. It also provides betterment in comparison to the Scenario 1 model which is based on current traffic levels.

The proposed mitigation scheme has also been supported by a Road Safety Audit Stage 1. The Highway Authority has requested this document alongside drawings demonstrating the mitigation scheme being proposed. The Road Safety Team have advised there are no highway safety concerns regarding the proposed mitigation scheme.

Summary:

The Highway Authority therefore concludes that the mitigation scheme will provide significant betterment to the highway network at this location, to a level which is better than the existing level.

B4098 / B4102 Fillongley Crossroads

ADC have undertaken a full assessment of this junction which is summarised within the Transport Assessment and further supported by the Technical Note which has been submitted to the Highway Authority. The following provides commentary of the Highway Authority's assessment of this junction.

Existing Junction:

The Fillongley Crossroads is a priority crossroad junction with four arms comprising of the B4098 and B4102. The main route is the B4098 and the minor arms at the junction the B4102. The speed limit at this junction is 30 miles per hour.

12 PIA accidents have been recorded at this junction over the last three years. All the accidents recorded were slight and occurred between cars. No accidents involving HGVs, pedestrians or cyclists were recorded at this junction.

Due to the accident record at this junction the Highway Authority has undertaken measures to improve road safety. These include indications on the minor arms to motorists that they are approaching a junction and must give way. In addition a series of warning and direction signs, clear road markings and splitter islands have been implemented. A vehicle activated sign is also in place which is speed activated advising drivers to slow down if they are exceeding the speed limit.

Assessment:

To assess the operational capacity of this junction ADC have utilised the modelling tool PICADY. This modelling tool is used to assess priority junctions. The following scenarios have been tested based on the existing highway layout of the junction;

- Scenario 1: 2014 Base traffic data;
- Scenario 2: 2019 Base traffic data;
- Scenario 3: 2019 Base traffic data + proposed development;
- Scenario 4: 2024 Base traffic data; and,
- Scenario 5: 2024 Base traffic data + proposed development.

The assessment of Scenario 1 demonstrated that the junction is currently operating at or just over capacity during the PM peak period, with significant delay to movements. It should be noted that the junction works with a good level of reserve capacity during the AM Peak Period.

Considering the 2019 Scenarios, both scenarios demonstrate that the junction operates over capacity during the PM peak. In Scenario 3 the junction also operates above its capacity during the AM peak period. The queues and delays are mainly identified on the minor arms which have to give way the dominant traffic flow along the B4089.

The situation is worse in the 2024 scenarios with the junction forecast to operate over capacity during the PM peak. Once again when the development traffic is added the junction operates over capacity during the AM peak period, and the queues and delays are mainly identified on the minor arms which have to give way the dominant traffic flow along the B4089.

The Highway Authority requested that the applicants identify a suitable mitigation scheme for this junction.

Mitigation Scheme:

ADC have identified a suitable mitigation scheme which proposes the implementation of traffic signals to resolve the capacity constraints in future years, as identified in drawing number ADC1085/004 Rev C .

The modelling outputs demonstrate that the proposed mitigation provides significant betterment to the operation of the junction as the junction will operate with reserved capacity. This has been further confirmed by WCC Traffic Signals Team who raise no objection to the mitigation proposals.

The proposed mitigation scheme has also been supported by a Road Safety Audit Stage 1. The Highway Authority has requested this document alongside drawings demonstrating the mitigation scheme being proposed. The Road Safety Team have advised that there are no highway safety concerns regarding the proposed mitigation scheme.

Summary:

The Highway Authority therefore concludes that the mitigation scheme will provide significant betterment to the highway network at this location, to a level which is better than the existing level.

B4098 / B4114 / B4116 Furnace End Crossroads

ADC have undertaken a full assessment of this junction which is summarised within the Transport Assessment and further supported by the Technical Note which has been submitted to the Highway Authority. The following provides commentary of the Highway Authority's assessment of this junction.

Existing Junction:

The Furnace End Crossroads is a priority crossroad junction with four arms comprising of the B4098 and B4114. The main route is the B4114 and the minor arms at the junction the B4102 and B4116. The speed limit at this junction is 30 miles per hour.

Seven PIA accidents have been recorded at this junction over the last three years, these were all classified as slight. Due to the accident record at this junction the Highway Authority will require a mitigation scheme to improve its level of safety.

Assessment:

To assess the operational capacity of this junction ADC have utilised the modelling tool PICADY. This modelling tool is used to assess priority junctions. The following scenarios have been tested based on the existing highway layout of the junction;

- Scenario 1: 2014 Base traffic data;
- Scenario 2: 2019 Base traffic data;
- Scenario 3: 2019 Base traffic data + proposed development;
- Scenario 4: 2024 Base traffic data; and,
- Scenario 5: 2024 Base traffic data + proposed development.

The assessment of Scenario 1 demonstrated that the junction is currently operating at or just over capacity during the PM peak period, with significant delay to movements. It should be noted that the junction works with a good level of reserve capacity during the AM Peak Period.

Considering the 2019 Scenarios, both scenarios demonstrate that the junction operates over capacity during the PM peak. In Scenario 3 the junction also operates above its capacity during the AM peak period. The queues and delays are mainly identified on the minor arms which have to give way the dominant traffic flow along the B4114.

The situation is worse in the 2024 scenarios with the junction forecast to operate over capacity during the PM peak. Once again when the development traffic is added the junction operates over capacity during the AM peak period, and the queues and delays are mainly identified on the minor arms which have to give way the dominant traffic flow along the B4114.

The Highway Authority requested that the applicants identify a suitable mitigation scheme for this junction.

Mitigation Scheme:

ADC have identified a suitable mitigation scheme which proposes the implementation of traffic signals to resolve the capacity constraints in future years, as identified in drawing number ADC1085/003 Rev D.

The modelling outputs demonstrate that the proposed mitigation provides significant betterment to the operation of the junction as the junction will operate with reserved capacity. This has been further confirmed by WCC Traffic Signals Team who raise no objection to the mitigation proposals.

The proposed mitigation scheme has also been supported by a Road Safety Audit Stage 1. The Highway Authority has requested this document alongside drawings demonstrating the mitigation scheme be considered. The Road Safety Team have advised that there are no highway safety concerns regarding the proposed mitigation scheme.

Summary:

The Highway Authority therefore concludes that the mitigation scheme will provide significant betterment to the highway network at this location, to a level which is better than the existing level.

B4114 / B4117 Coleshill Crossroads (Green Man Crossroads)

ADC have undertaken a full assessment of this junction which is summarised within the Transport Assessment and further supported by the Technical Note which has been submitted to the Highway Authority. The following provides commentary of the Highway Authority's assessment of this junction.

Existing Junction:

The junction is currently a priority controlled junction comprised of four arms. The dominant traffic flow is along the B4117 with the B4114 being minor arms. Traffic on the B4114 is controlled by STOP lines rather than the normal give way arrangement.

During the peak travel periods AM Peak (08.00 – 09.00) and PM Peak (17.00 – 18.00) the junction operates significantly overcapacity with substantial delays and queuing observed during these periods. The junction operates on a tidal basis, during the AM Peak queuing is observed heavily along B4114 Blythe Road as traffic heads towards Birmingham and the wider Strategic Road Network.

During the PM Peak the queuing is reversed as vehicle trips head towards North Warwickshire and Nuneaton from the West Midlands Conurbation. During this peak queuing is observed along the B4114 Birmingham Road. However rerouting is also observed with drivers utilising the A446 / Coventry Road Junction routing along High Street and turning right onto Blythe Road at the Green Man Crossroad Junction. This adds additional delay to the Birmingham Road arm as it blocks movements from this arm.

However it should be noted that due to the location of Daw Mill and proposed use for the site, most trips which are attracted to the site from the West Midlands Conurbation will move in the opposite direction to the observed existing movements at the junction during the peak hours.

Assessment:

The Highway Authority requested that the applicants consultants, ADC, assess the junction, the impact of the development proposals and mitigation measures through the WCC Paramics Model. The reference case which has been utilised is for 2021. The Highway Authority accepts this as it is between the two future year assessments of 2019 and 2024.

It has been accepted that the junction requires mitigation to mitigate the impact of the development proposals.

Mitigation Option Testing:

The first mitigation option to be tested was signalisation of the Green Man Crossroads. This option provided significant betterment to the operation of the junction. However WCC were unable to support the scheme as both the Traffic Signal and Road Safety Teams had significant concerns about its safe operation due to the tight geometry of the junction, especially in relation to the Birmingham Road Arm. This could only be overcome through a significant widening scheme at the junction and would require the purchase of third party land.

The second option considered ways in which traffic can be reallocated on the highway network away from the junction. It is acknowledged and accepted that motorists will make use of alternative routes and will always choose the route that provides the greatest time saving and least resistance.

ADC have identified the use of Church Hill as an alternative route for traffic to avoid the Green Man Crossroads Junction. At present many people turn left into Church Hill from Blythe Road in the AM Peak to avoid the crossroads. However this is not repeated in the PM Peak with motorists preferring to turn right at the crossroads. This is due to the layout of Church Hill, the location of on - street parking and opportunity for vehicles to exit at Blythe Road.

Therefore ADC have proposed a mitigation scheme to make Church Hill an alternative route in the PM Peak, and so enable vehicles which do not have to utilise the crossroads to travel via Church Hill. The applicant states in paragraph 8.19 and 8.20 of the TA and drawing number ADC1085/007 Rev C;

'To make the Church Hill route more attractive, the car parking would be reorganised so that spaces were parallel rather than end on. At the bend the road would be widened to make it 6m wide, while retaining the 2m wide footway. The junction mouth at High Street (south) would be widened to make it easier to turn. Direction signing would be erected to mirror that at the crossroads, showing it was the route to Shustoke... The turn out on to Blythe Road would be kept clear with a yellow box marking, to prevent the queue on Blythe Road blocking the junction.'

It should be noted that the TA does make reference to the proposal to implement a right turn ban for vehicle movements (except for HGVs) into Blythe Road from the Green Man Crossroads. This element has been removed from the drawing for the proposed mitigation scheme as the Highway Authority raised concerns over the ability to enforce such an arrangement.

There is currently a Traffic Road Order (TRO) in place for the B4117 High Street between Station Road and the south side of its junction with Birmingham Road and Blythe Road (Green Man Crossroads), and from the north side of the junction with Birmingham Road and Blythe Road (Green Man Crossroads) and Sumner Road, which restricts access to vehicles over 7.5t from accessing the High Street except for loading. This TRO was introduced in 2004. Concerns have been raised that the proposed alterations to Church Hill will enable HGVs to use Church Hill to avoid the Green Man Crossroads. Therefore, the Highway Authority would require a TRO to be introduced as part of the mitigation scheme proposed, which would restrict access to Church Hill to vehicles over 7.5t except for loading.

It is also noted that the existing TRO preventing right turns from Church Hill onto High Street is proposed to be removed. This TRO was introduced to address safety issues in 1998. In addition, the removal of the existing TRO would allow vehicles to turn right to reach the Green Man Crossroads. The Highway Authority will consider whether it be necessary to revoke this TRO through the technical approval process and further Road Safety Audits required as part of any Section 278 Agreement.

The Highway Authority has made suggestions to ADC to improve the scheme further with the upgrading of the zebra crossing on High Street (South) to a puffin signalised crossing. This will provide additional benefits to pedestrians using the High Street, but will also provide greater gaps in traffic along High Street (South) which will provide some betterment to the operation of the Green Man Crossroads.

ADC have modelled this proposed mitigation scheme and the results for journey times of vehicles travelling through the Green Man Crossroads are demonstrated below;

		Average Journey Time (Seconds)			
		B4114 (E) WB	B4117 (S) NB	B4114 (W) EB	B4117 (N) SB
AM Peak (08.00 – 09.00)	2021 Background Traffic	498	74	75	78
	2021 with Dev + Mitigation	476	71	85	79
PM Peak (17.00 – 18.00)	2021 Background Traffic	245	116	187	81
	2021 with Dev + Mitigation	147	100	102	83

Whilst it is demonstrated that the proposed mitigation will not resolve the existing issues on the highway network, the modelling has shown that it will provide some betterment. In addition the mitigation identified will resolve the impact of the development upon the operation of the junction to a position better than nil detriment.

The mitigation proposals have been considered and reviewed by Road Safety, and the County's Signal Engineers in regard to the proposed Puffin Crossing on High Street South. No objections or concerns were raised by either party based on their assessments.

Therefore the Highway Authority concludes that the proposed mitigation scheme identified, with the revisions outlined above in regard to TROs, is acceptable.

Summary:

The Highway Authority has considered the information submitted for the Coleshill Crossroads. It is acknowledged that the proposed mitigation scheme does mitigate the developments impact upon the highway network at this location and is in accordance with the National Planning Policy Framework paragraph 32 and most notably the following bullet point.

'improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.; Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'

The Highway Authority also recognises that the scheme does not provide a clear strategy on how to resolve the issues within Coleshill. These highway issues are recognised as being existing and therefore not something that the development can be required to address, provided the development has proposed mitigation measures that address their impact. The Highway Authority therefore concludes that the mitigation scheme, with revisions for the control of HGV movements, will mitigate for the impact of the development.

Conclusions:

The Highway Authority has undertaken a robust assessment of the TA which has been submitted in support of the planning application. The TA has a robust and sound methodology with a good structure.

The applicants consultants, ADC, have clearly identified their impact upon the Highway Network. Where capacity issues have been raised ADC have identified suitable mitigation schemes which resolve their impact upon the Highway Network. In addition the schemes for Fillongley Crossroads and Furnace End Crossroads provide greater capacity benefits and resolve existing accident hot spots on the wider network.

Having considered the document and our analysis, the Highway Authority has no justifiable reason to object to the TA which has been submitted in support of the development proposals.

Travel Plan:

The Highway Authority has reviewed the initial Travel Plan. This document sets out the framework for the Travel Plan, its proposed structure and some suitable mitigation. However it should be noted that no targets have been identified within the document to reduce the reliance on single occupancy car journeys, and the proposed measures remain generic at this time.

However the Highway Authority appreciates that it is unclear who the final user of the site might be at this stage. Therefore the Highway Authority will require a condition which requires the full Travel Plan for the site to be submitted six months after first occupation. The document must be submitted in line with the National Planning Practice Guidance.

Access Arrangements:

The Highway Authority has considered the access arrangements for the proposed development. Based on the text submitted within the TA and the submitted drawing ADC1085/001A it is clear that the access will remain the same.

Therefore the Highway Authority has no objection to the access arrangements submitted.

Rail Connectivity:

The site currently has a rail head which was used during the sites former use as a colliery. When the colliery was in operation coal was mainly distributed from the site by rail, with 3.2 million tonnes moved by this mode on average every year.

The rail head connects to the Birmingham - Nuneaton Rail line and connects into the wider rail network through junctions at Water Orton and Nuneaton.

The railhead provides an opportunity for the proposed development and the future operators of the site to use the rail head for the movement of goods and materials to and from the site by rail. The Highway Authority would support such activity as it would further reduce the impact of HGV's on the operation of the Highway Network, and reduce the trips generated by the development proposals.

Summary and Conclusion:

The Highway Authority has undertaken an in depth review of this application, and has considered information which has been submitted by all parties, and assessed the development proposals in accordance with Central Government Guidance.

Based on the assessment process undertaken and the appraisal by the Highway Authority, it is clear that the development will not have a detrimental impact on the safe and efficient operation of the highway network as suitable mitigation has been identified. Therefore the development proposals are compliant with the National Planning Policy Framework Paragraph 32 which states;

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether;

- The opportunities for sustainable transport modes have been undertaken depending on the nature and location of the site, and to reduce the need for major transport infrastructure;*
- Safe and suitable access to the site can be achieved for all people; and,*
- Improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.'*

Having considered the above the Highway Authority concludes that the development proposals and planning application are in accordance with this paragraph. In addition, through the mitigation proposed, will provide significant betterment to the safe and efficient operation of the highway network in this area by improving junctions approaching their operational capacity limit, some of which have poor accident records.

Therefore the Highway Authority has no objection to the development proposals subject to the implementation of the following conditions.

Conditions:

The Highway Authority requests the following conditions to be put in place if the Planning Authority is minded to approve the planning application.

1. No Development shall take place until a Construction Management Plan, which must contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, and HGV Routing Plan has been submitted to and approved by both the Planning and Highway Authorities. Development shall only take place in full accordance with the plan hereby approved.
2. No Development shall take place, including groundworks, remediation and built construction, until the identified highway junction improvements at the B4098 Tamworth Road / B4114 Nuneaton Road Priority Junction have been constructed and implemented in full accordance with drawing number ADC1085/005 Rev A.

These works will be implemented through a Section 278 Agreement under the Highways Act 1980. Minor alterations maybe required during the detailed design process.

3. No Development shall take place, including groundworks, remediation and built construction, until the identified highway junction improvements at the B4098 / B4114 / B4117 Furnace End Crossroads Junction have been constructed and implemented in full accordance with drawing number ADC1085/003 Rev D.

These works will be implemented through a Section 278 Agreement under the Highways Act 1980. Minor alterations maybe required during the detailed design process.

4. The Development shall not be occupied until the identified highway junction improvements at the B4098 / B4102 Fillongley Crossroads Junction have been constructed and implemented in full accordance with drawing number ADC1085/004 Rev C.

These works will be implemented through a Section 278 Agreement under the Highways Act 1980. Minor alterations maybe required during the detailed design process.

5. The Development shall not be occupied until the identified highway junction improvements at the B4114 / B4117 Coleshill Crossroads Junction have been constructed and implemented in full accordance with drawing number ADC1085/007 Rev C.

These works will be implemented through a Section 278 Agreement under the Highways Act 1980. Minor alterations maybe required during the detailed design process.

6. No later than six months after first occupation of the Development a Full Travel Plan for the development site shall be submitted to and approved by the Local Planning Authority and Local Highway Authority. The Travel Plan hereby approved shall thereafter be implemented in full at all times.
7. Removal of the Rail Head shall not take place without approval from both the Local Planning and Highway Authorities.

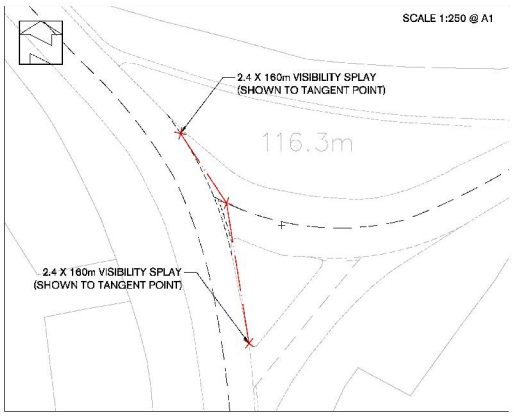
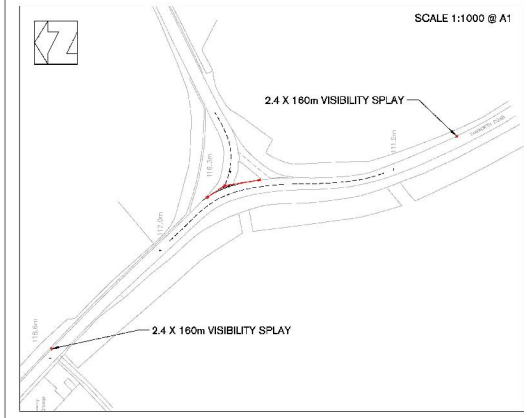
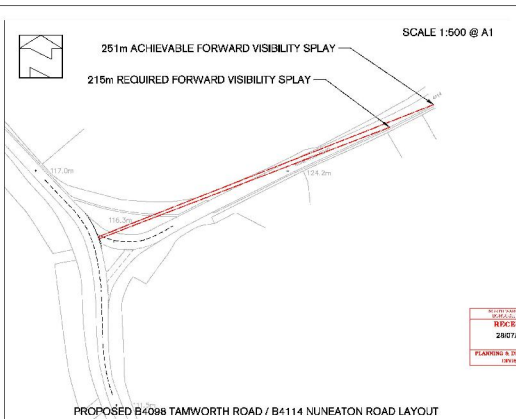
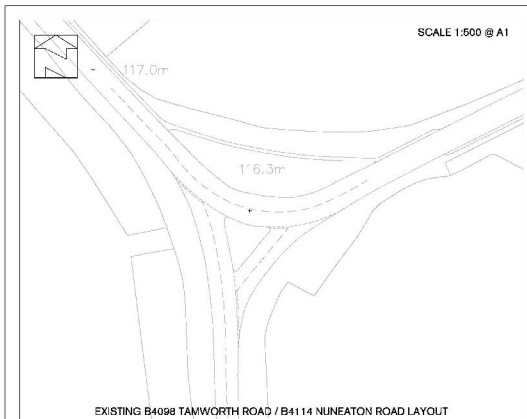
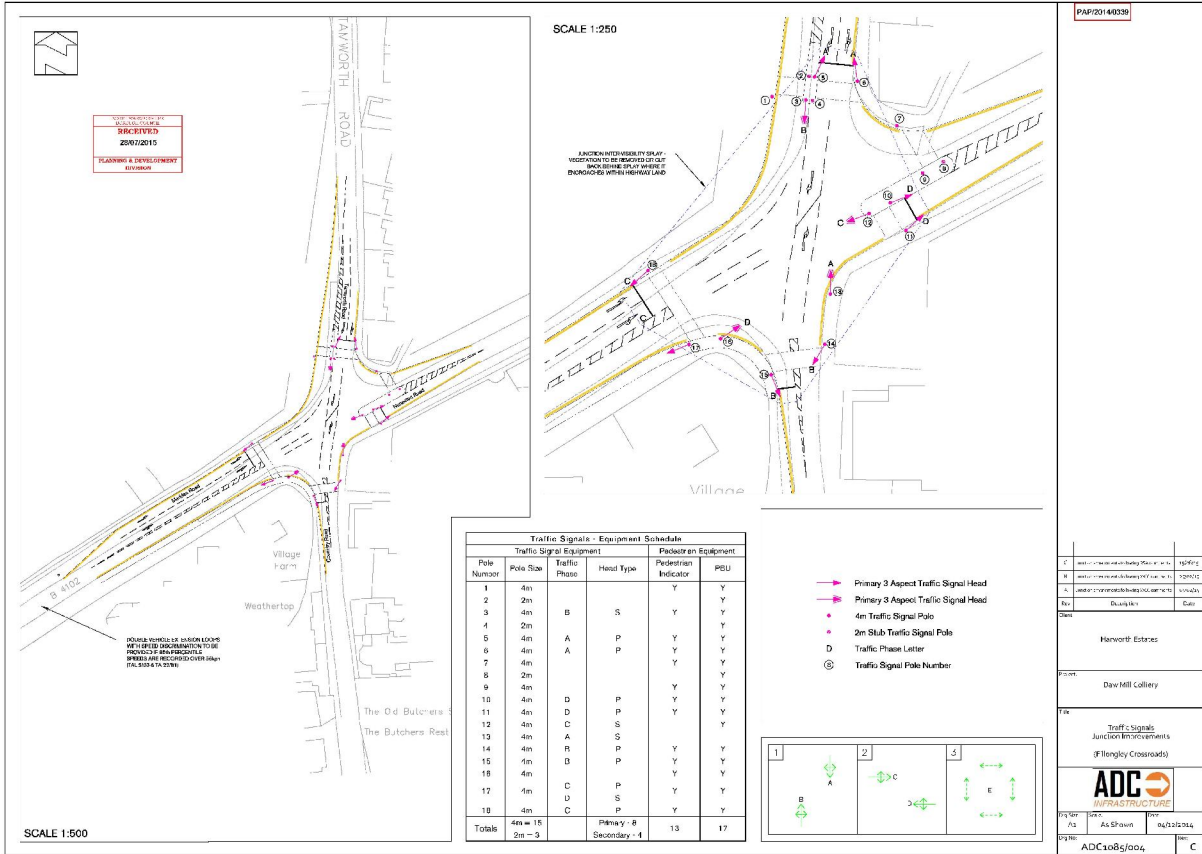
The justification for this condition is that the inclusion of the rail head provides significant betterment by enabling the transfer and movement of goods and materials by rail reducing the reliance of road haulage.

Notes:

1. The applicant will require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of the Section 278 of the Highways Act 1980 for the purposes of completing the works. The application / developer should note that feasibility drawings for works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway Works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

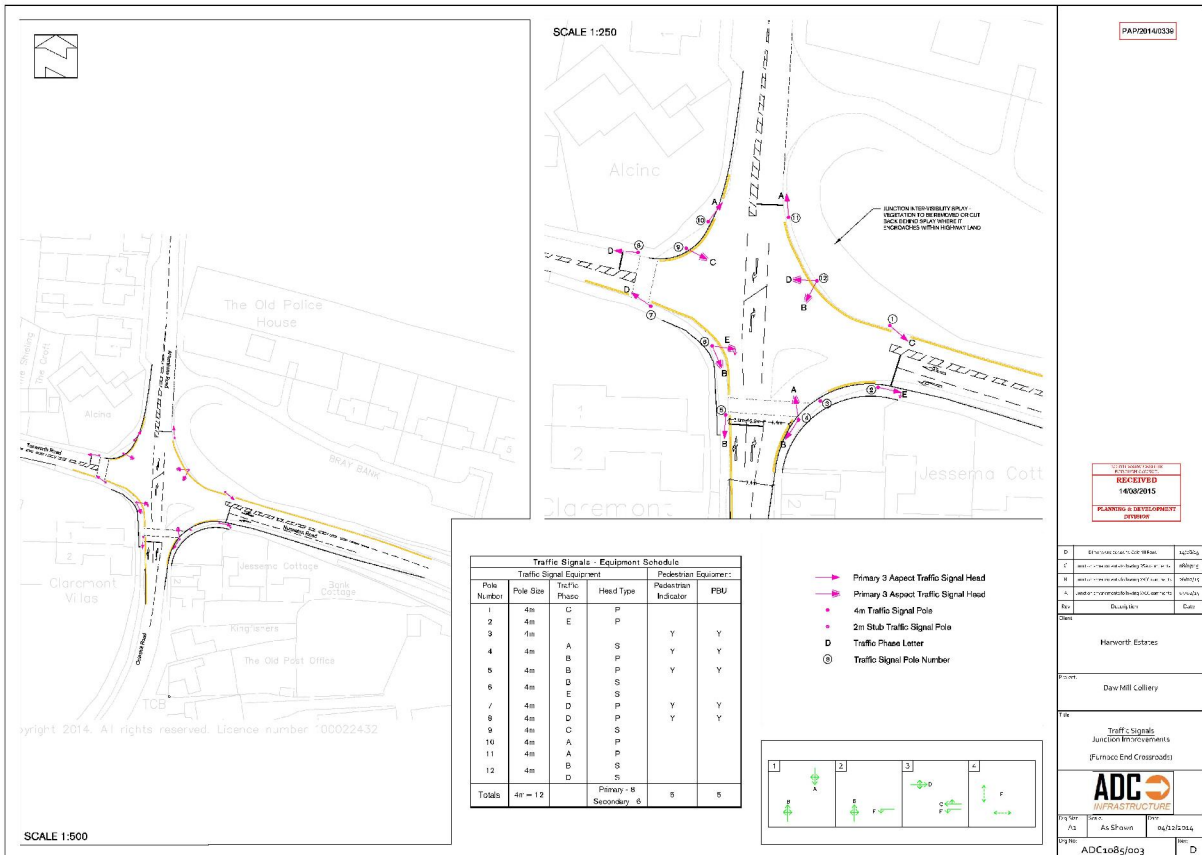


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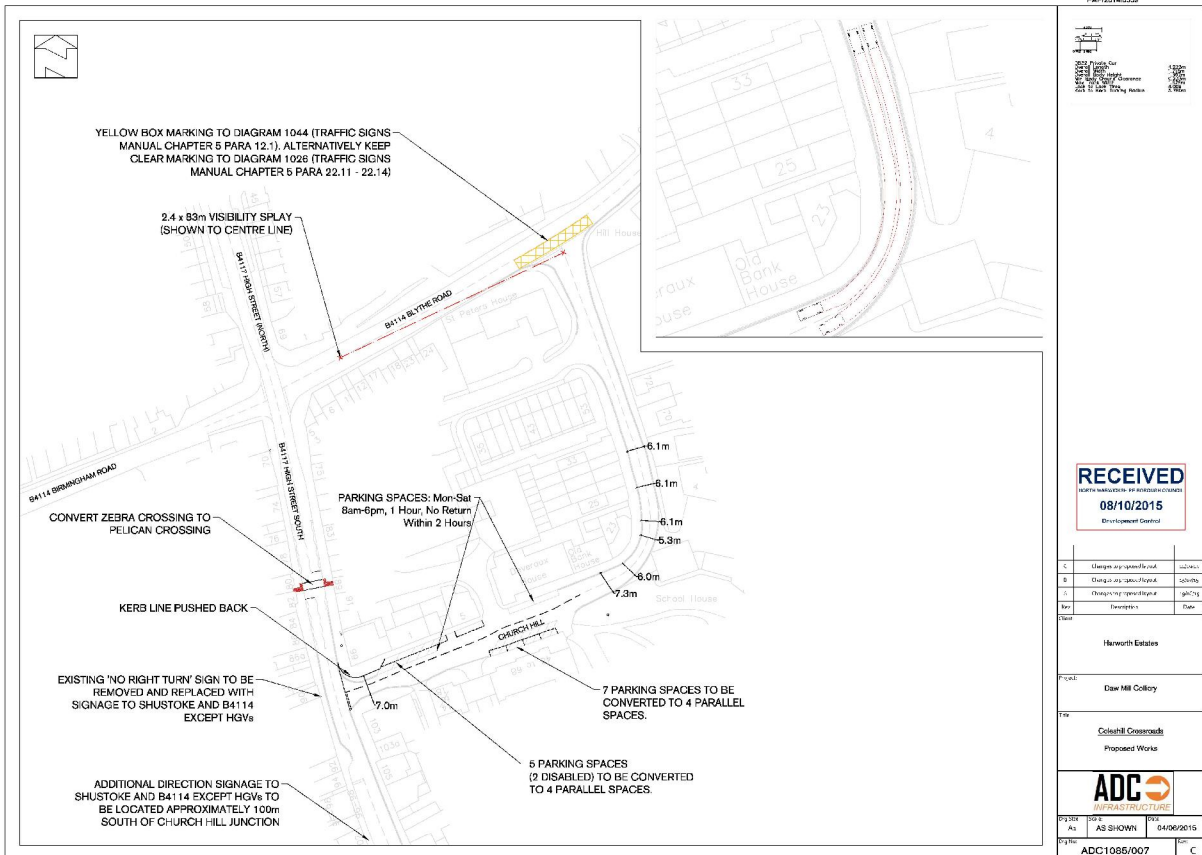
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