

## **Agenda Item No 5**

### **Planning and Development Board**

**15 December 2014**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 January 2015 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: [www.northwarks.gov.uk/downloads/file/4037/](http://www.northwarks.gov.uk/downloads/file/4037/).
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

**Planning Applications – Index**

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2	PAP/2014/0257	13	<p><b>Land Rear of 1 to 6, Copeland Close, Warton,</b>            Outline application (access only) for the residential development</p>	General
3	PAP/2014/0339	32	<p><b>Daw Mill Colliery, Daw Mill Lane, Arley,</b>            Outline Planning Application (with all matters reserved for subsequent approval other than access) for the redevelopment of the site for employment purposes comprising: 11,344 sq. m. of new B1 (Business) development, and 41,080 sq. m. of new B2 (General Industry) development with ancillary open storage areas; associated car parking, service yards, infrastructure and utilities; and, retention and use of existing colliery buildings (2,376 sq. m.), and infrastructure including existing rail head and sidings, site vehicular access, grid connection, electricity sub-station, gatehouse, weighbridge, and reconfigured/existing surface water drainage infrastructure system.</p>	General
4	PAP/2014/0523	68	<p><b>9, High Street, Hurley,</b>            Erection of 1 no: detached 3 bed dwelling &amp; 5 no: 2 bed dwellings, associated parking and altered access</p>	General

## **General Development Applications**

### **(1) Application No: PAP/2013/0391**

**Heart of England, Meriden Road, Fillongley, CV7 8DX**

**Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for**

**Mr Stephen Hammon - Heart of England Promotions**

### **Introduction**

Members will recall that three planning applications were reported to the Board in April this year. These were for proposed reed beds; a new hotel and for changes of use within the applicant's land holding. The Board resolved that it was minded to approve the reed bed proposals subject to the satisfactory outcome of a number of technical issues; but that it was minded to refuse both of the other applications. The reasons for these prospective refusals were also set out.

Since then planning permission has been granted for the new reed beds as the outstanding technical matters were agreed with both the Highway Authority and the County Council on drainage issues.

Additionally there have been a series of meetings with the applicant and his representatives in order that the Council's position could be thoroughly explained.

Revised proposals have now been submitted in respect of the proposed hotel and other building works around the existing conference centre. The applicant is now seeking formal determination of these revisions.

This report however is just for information purposes so that Members can acquaint themselves of the amended plans.

### **The Site**

The Heart of England Conference and Events Centre comprises a range of former agricultural buildings which have been re-used in association with a conference centre/restaurant, recreation events business use, a lake and other land which benefit from planning permission for recreational purposes. This is located on the south side of the Meriden Road (the B4102) and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is set in open countryside but there are private residential properties on both Wall Hill Road and the Meriden Road. There are three or four on Wall Hill Road the closest of which is 70 metres from the main complex of buildings and 170 metres from the lake. There are four or five other residences on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main access and some 350 metres from the lake. There are further residential properties in Corley Moor some 700 and 800 metres to the east.

The site is accessed off Meriden Road by means of an approval dating from 2004. There is also a second access from that road. The former access to the farm is off Wall Hill Road and is now used primarily by staff.

The land slopes down from the south west to the north east with the land form of a small valley in which there is the lake. The Conference Centre overlooks the valley and the lake to the woodland beyond. Public footpaths cross this open land.

The plans for the hotel relate to the existing complex of buildings in the northern part of the land holding close to the main access and the former farm house a Grade 2 Listed Building which is used partly as a private house and also for guest house accommodation. All of the former farm buildings are now used for the centre, for storage purposes and for office accommodation.

## **Background**

There is a substantial and material planning history to this site including appeal decisions and extant Enforcement Notices. However, much of this does not impact on the current proposals described below. Members will be advised where appropriate. The existing complex of buildings benefits from a planning permission for recreation purposes granted in 2002 with kitchen extensions approved in 2003 and 2004 including its use as a public restaurant dating from 2008. In 2014 permission was granted for some re-cladding of the existing buildings. Temporary buildings and structures in the form of marquees have been added from time to time both with and without the benefit of planning permission.

When the original proposals for a hotel here were reported to the Board, it resolved that it would be minded to refuse planning permission. The Board outlined two draft refusal reasons. These in summary related to:

- The proposals amounted to inappropriate development in the Green Belt for which there were no planning considerations amounting to the very special circumstances necessary to outweigh the presumption of refusal by virtue of that inappropriateness.
- The development would adversely affect the residential of the adjacent dwelling and which would not positively integrate into its surroundings.

In order to assist the applicant the Board highlighted a number of matters which it considered needed to be addressed if the draft refusal reasons were to be re-considered. These were:

- A substantial reduction in the scale of the new building work
- A travel plan was needed
- Archaeological work would be needed
- Changes to the design
- Inclusion of energy generation and energy conservation measures and
- The removal of permitted development rights for the erection of temporary

buildings, particularly marquees.

## **The Amended Proposals**

There are several elements to the revised proposals, but in essence this is for a 30 bed room hotel.

This would be made up of two elements. The first is a two storey extension to the existing conference centre on its immediate northern side providing 16 bedrooms. There would be a single storey reception area between the main building and this new extension. The two storey extension would be 8 metres to its ridge thus sitting at the same height as the existing centre. To its east a further single storey would be added (6.8 metres to its ridge) and this would extend to the east by some 30 metres, providing 4 rooms. The extension would be brick and tile built taking on a very simple design.

The second is to demolish an existing detached storage building just to the north of the existing centre and in its place erect a detached two storey building which would provide the balance of 10 bedrooms (its ridge would be 10 metres). This too would be brick and tile but the design attempts to add a rural character incorporating a “barn” style of design.

The proposals also include a small glazed extension on the east side of the centre.

The applicant has asked to retain the existing marquee on the site to the immediate south of the centre for three years. This is because of pre-bookings for it to be used as a wedding venue and for continuity of business whilst the main construction works are undertaken on site.

Additionally the centre itself is proposed for extension – by 12 metres to the south but of the same width. As a single storey extension this would sit below the height of the main centre (8 metres) being 7 metres tall. The apex would be slightly off-set too. This extension would accommodate extra conference space as well as kitchen extensions.

Appendices A and B are plans of the proposed layout and the elevations.

The applicant has also provided detailed quantitative measures. He calculates that the overall nett increase in footprint would be 51% and the nett volume increase would be 62%. These figures take into account the demolitions proposed, but it should also be noted that they do not include the retention of the marquee for the three year period as requested. He points out that the revised proposals represent a 10% reduction in volume over the plans that were referred to the Board in April.

The changes from the original submission therefore are:

- An overall reduction in nett volume by 10%
- Reduction in heights of the centre extension and the east wing of the hotel accommodation
- A greater “splay” in the east wing away from the main centre
- A re-design of the buildings so to be more sympathetic to the rural location

## Supporting Documentation

The applicant has provided his case in response to the Green Belt issues. He refers to the NPPF which says that new buildings need not necessarily be inappropriate development if they fall within one or other of a number of exceptions. He argues that the proposals could well fall into a number of these. They are:

- the one that says extensions or alterations to a building need not necessarily be inappropriate if the works do not result in “disproportionate” additions over and above the size of the original building.
- the one that says that new buildings need not necessarily be inappropriate if they provide “appropriate facilities for outdoor sport and recreation”, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, and
- the one that says that new buildings need not necessarily be inappropriate if they are a replace a building within the same use class and the new one is “not materially larger” than the one it replaces.

He argues that the overall impact of the development on the openness of the parkland setting of the whole site is improved because of the changes that have been made, particularly through the reductions in volume and height achieved by splitting up the bulk and massing of the new buildings. He considers too that the design is much more sympathetic to the rural setting. He also argues that the impact on the setting of the Listed farmhouse is improved as a consequence.

The applicant considers that the proposals are not inappropriate development in the Green Belt as the proposed buildings would in his view meet the terms of the “exception” definitions set out above. In particular he focuses on the one where the development provides appropriate ancillary facilities related to existing permitted uses. He argues that the hotel accommodation is a series of bedrooms dependent on the Conference Centre. He says that it could not operate as an independent and self-sufficient hotel and would not be available to members of the general public who were not using the other facilities on the site or attending events.

He continues by saying that if this argument is not accepted and the development proposals are deemed to be “inappropriate”, then there are planning considerations here of such weight to amount to the “very special circumstances” necessary to outweigh the presumption of refusal by virtue of the inappropriateness. Those circumstances are based on making the centre more attractive thus maintaining the viability of the business, promoting economic and business growth and sustaining local employment and the local economy.

He has submitted supporting documentation to evidence his case. He says that the new hotel would service existing corporate clients for weddings, conferences, team building events and thus give the business the opportunity to secure additional business as event organisers do not wish to accommodate delegates off-site for events. He cites lost revenue as a consequence of no on-site bedroom accommodation – in the period September 2013 to September 2014, 22 events were lost (equating to a loss of £38k in income) and seven conferences were lost ( £105k in income). These figures are from two event booking agents but he says that the business currently works with twelve such agents. He has copied letters from companies expressing interest in the venue but declining to use it because of the lack of on-site bedroom accommodation.

In terms of weddings then he says that he has six large Asian weddings provisionally booked for 2015 on the basis of accommodation being available. The current accommodation in the former farmhouse he says is always filled for any wedding event. He hosted 39 weddings in 2013 with around 3300 guests and a large majority he says had to stay off-site.

He has provided a schedule of 37 suppliers to his business, who he says are “local”. The schedule does include 12 North Warwickshire addresses – the remainder are based in Coventry; Solihull and Birmingham.

In terms of predicted revenue then he states that a 30 bed room hotel based on 40% occupancy would lead to an extra £328k in income; £492k with a 60% occupancy and £657k with a 80% occupancy. He also is saying that the average revenue generated by a wedding is £6k but the additional accommodation and extensions would raise that to £9k given increased restaurant use and the ability to promote “themed” weddings. Based on 40 weddings a year he suggests that even with an increased spend of £8k this would be an additional £120k in income. He also says that the restaurant would benefit from an increase in the number of events perhaps leading to an additional £275k. Overall his business plan suggests a £1 million income in the next few years.

In terms of employment provision then he says that there are 30 existing jobs at the venue and that the approval of the hotel could add a further 30 based on an 80% take up in occupancy of the hotel.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON 10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations); TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

## **Observations**

Re-consultation is underway on the amended plans that have been received and responses are still awaited from the key agencies. A determination report will be brought to the Board in due course and that will address the central issue as to whether these amendments are sufficient to overcome the matters which the Board raised when it set out its position in respect of the originally submitted plans

## **Recommendation**

That the receipt of amended plans be noted at this time.



## BACKGROUND PAPERS

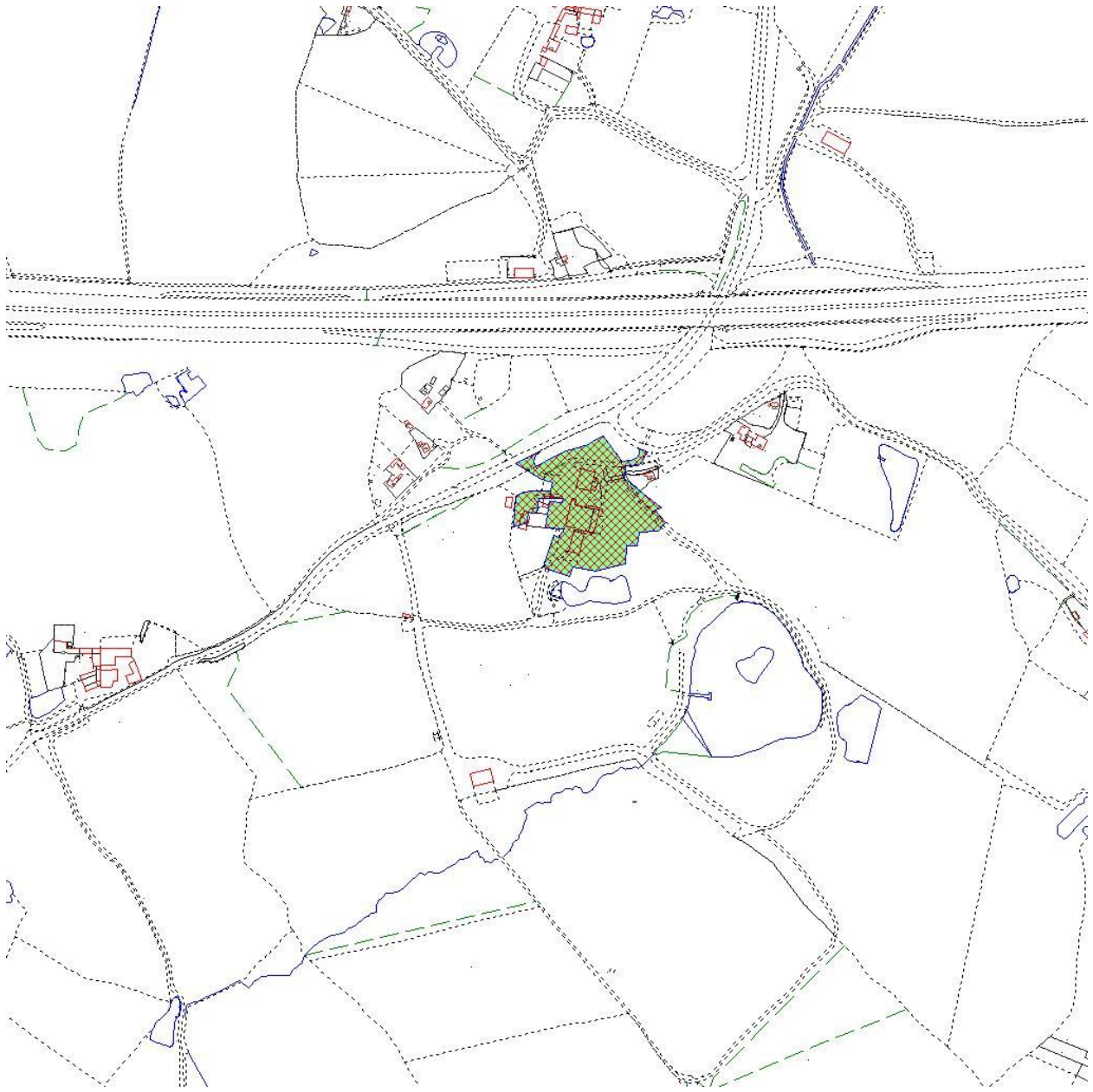
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

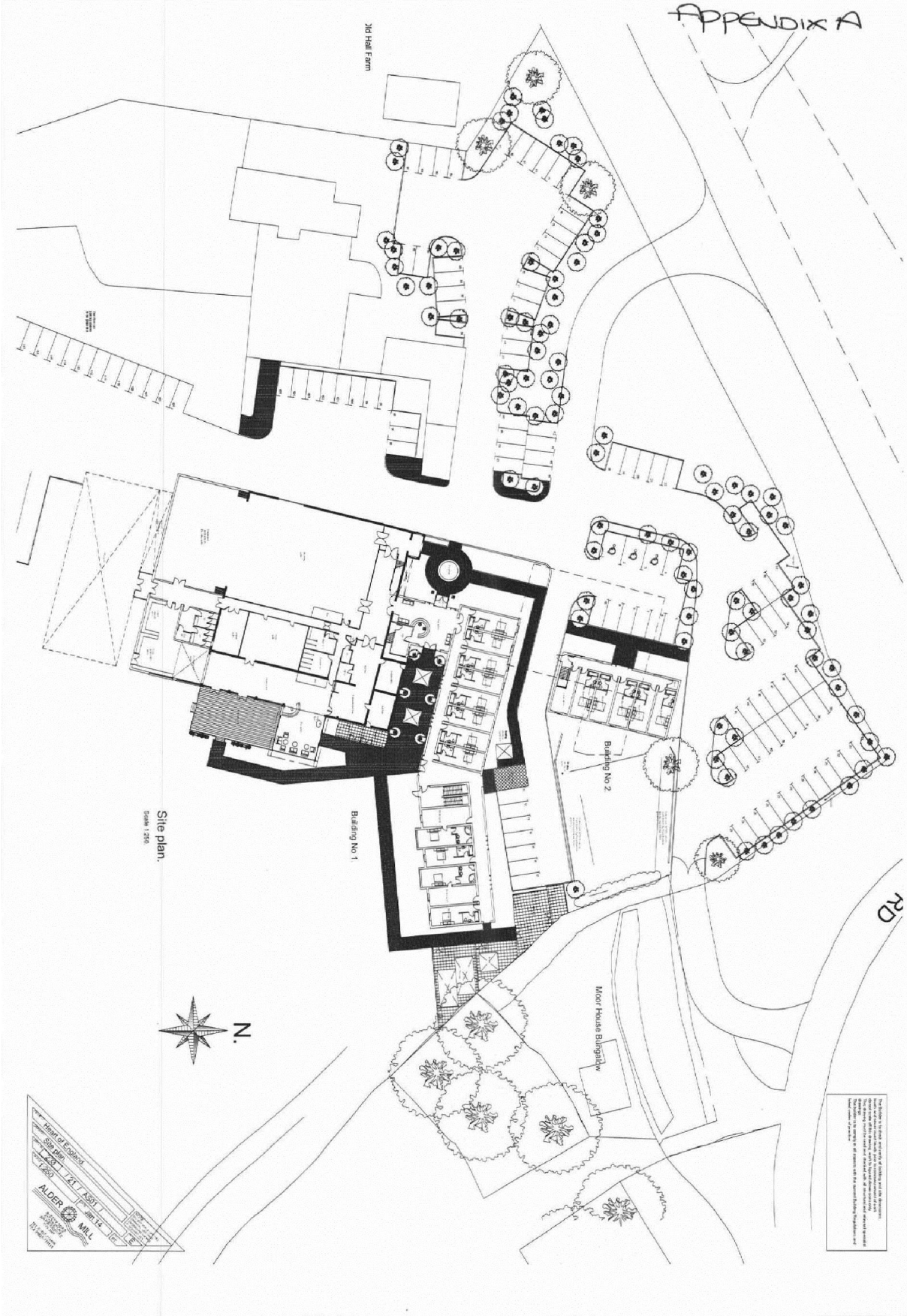
Planning Application No: PAP/2013/0391

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Amended plans	Nov 2014

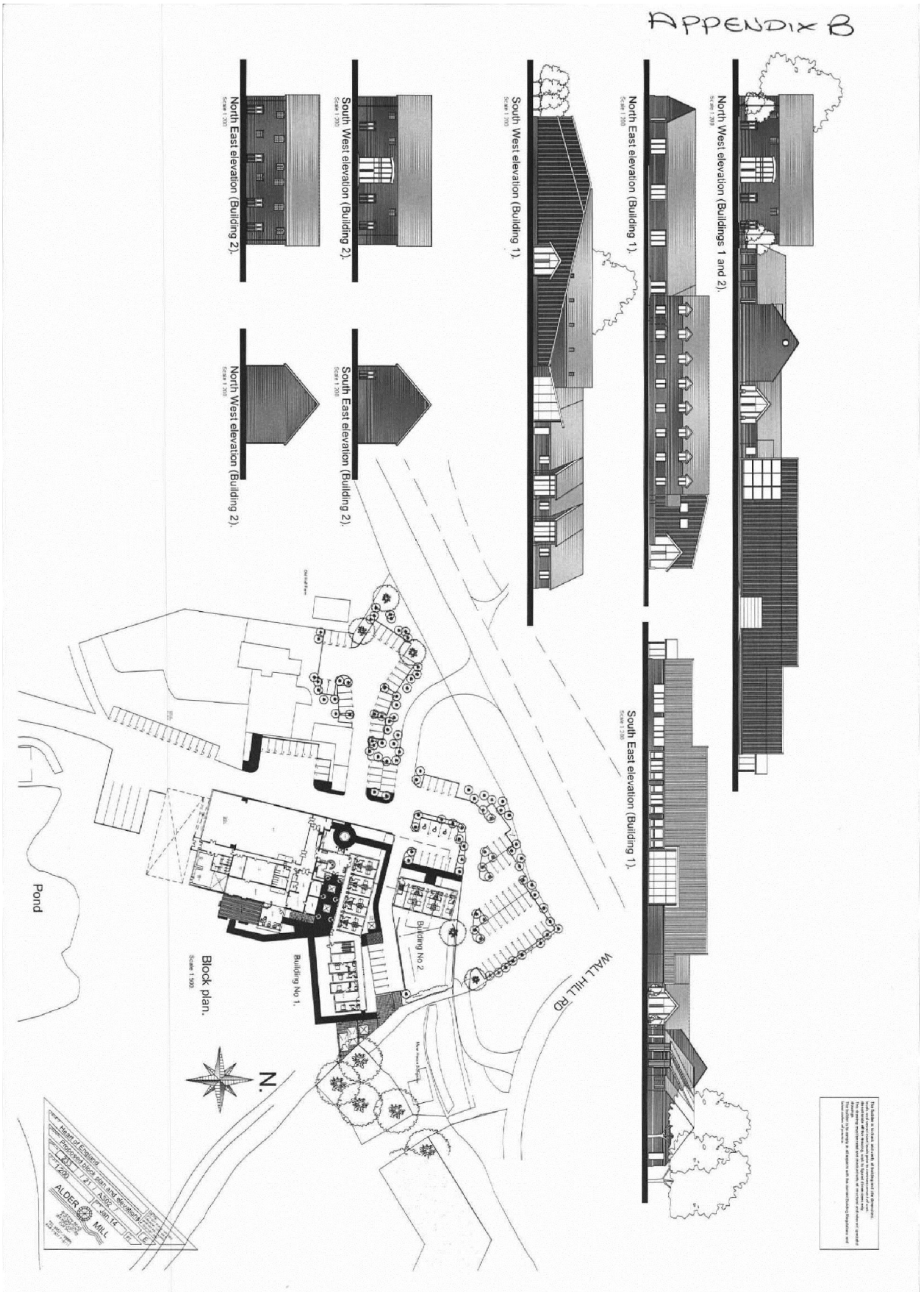
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

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





# APPENDIX B



**(2) Application No: PAP/2014/0257**

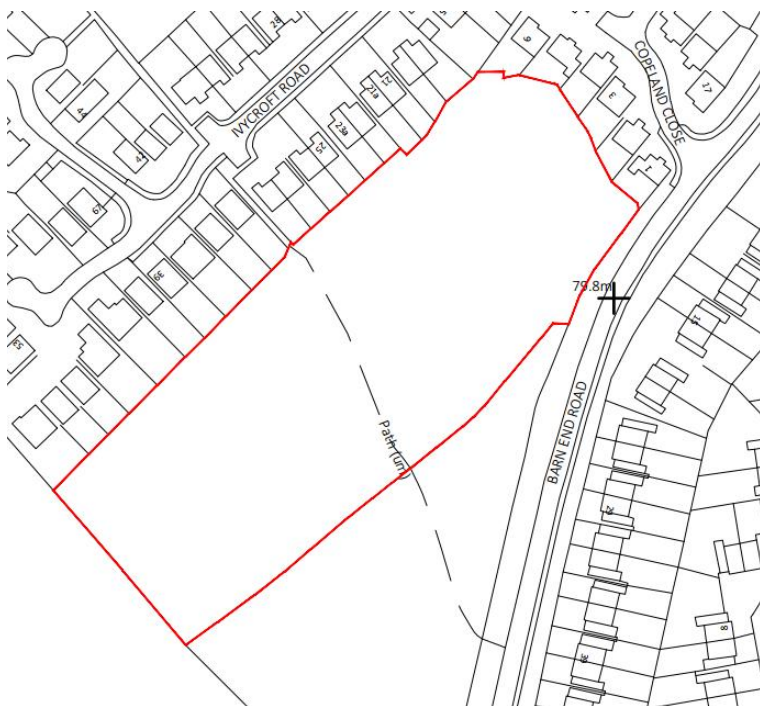
**Land Rear of 1 to 6, Copeland Close, Warton,**

**Outline application (access only) for the residential development, for**

**Mr Vince Wetton (deceased)**

### **The Site and the Proposal**

The site forms a roughly rectangular area of open land and is situated to the south eastern side of Ivycroft Road and the south western side of Copeland Close, Warton. The site has a partial frontage to Barn End Road and it is along this stretch of frontage that it would be proposed to take vehicular access to the land. A public right of way footpath crosses the land at a central position within the site. The site is as shown in the map extract below.



The photograph below shows the Barn End Road frontage, looking towards the position of the proposed new access.



The site is contained by existing hedgerow boundaries. One large oak tree sits at a central position within the land (see photo below).



The application seeks outline application for the residential development, with all matters other than access reserved. The plan below is an illustration of how the land could be developed and shows 30 dwellings in total.



In respect of affordable housing the developer indicates that 40% of the development will be delivered as on site affordable housing and he will sign a legal agreement to that effect.

He also proposes the payment of a sum for the off-site provision/upgrading of open space/play space (£1429.05 per dwelling - £42,871.50 for 30 dwellings).

## Background

The site is in part identified for housing development in the Site Allocations Plan (Draft Pre-Submission June 2014) as WAR 6, see extract below.



## Development Plan

### North Warwickshire Core Strategy (October 2014):

The North Warwickshire Core Strategy was adopted on 9 October 2014. It is up to date, adopted and in accordance with the NPPF. It will be afforded full weight.

The following Strategic Objectives of the Core Strategy are relevant to the above planning applications:

- SO1 – To secure a sustainable pattern of development reflecting the rural character of the Borough
- SO2 - To provide for the housing needs of the Borough
- SO6 - To deliver high quality developments based on sustainable and inclusive designs
- SO7 - To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough
- SO8 - To establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities
- SO9 – To ensure the satisfactory provision of social and cultural facilities

The following Policies of the Core Strategy are relevant to the above planning applications:



- NW1 – Sustainable Development
- NW2 – Settlement Hierarchy
- NW4 – Housing Development
- NW5 – Split of Housing Numbers
- NW6 - Affordable Housing Provision
- NW10 – Development Considerations
- NW11 – Renewable Energy and Energy Efficiency
- NW12 – Quality of Development
- NW13 – Natural Environment
- NW14 – Historic Environment
- NW15 – Nature Conservation
- NW22 - Infrastructure

Policy NW1 indicates that planning applications that accord with the policies in this Core Strategy (and where relevant, with other policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Policy NW2 sets out the Settlement Hierarchy in the Borough indicating the type of development that will be suited to different categories of settlements. Warton is identified as a Category 4 settlement because it has limited facilities and accessibility and is deemed to be in the lower order of sustainable locations for new development. Policy NW2 sets out that development will be limited to that identified in the Core Strategy or has been identified through a Neighbourhood or other locality plan.

Policy NW4 sets the minimum number of dwellings (3,650) that are required across the Borough throughout the plan period. It confirms that there should be a variety of types and tenures that reflect settlement needs and that development will only occur if the appropriate infrastructure is available or can be made available and sites will be released in order to ensure a consistent delivery of housing for the Borough.

Policy NW5 indicates the split of housing according to a settlement hierarchy. In respect of Warton, it is identified as one of the Category 4 settlements, and it is set out that it will cater for a minimum of 45 units.

Policy NW6 sets out the requirements for affordable housing. On schemes of 15 or more dwellings 30% of housing provided on-site will be affordable, except in the case of Greenfield (previously agricultural use) sites where 40% on-site provision will be required.

#### North Warwickshire Local Plan 2006 (Saved Policies):

- ENV4 – Trees
- ENV8 – Water Resources
- ENV10 - Energy Generation and Energy Conservation
- ENV11 - Neighbour Amenities
- ENV12 - Urban Design
- ENV13 – Building Design
- ENV14 – Access Design
- ENV16 - Listed Buildings, non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)
- HSG4 – Densities
- TPT1 - Transport Considerations in New Development
- TPT6 – Vehicle Parking

## Other Relevant Material Considerations

### Site Allocations Plan (Draft Pre-Submission June 2014)

The following is the complete extract from the Site Allocations Plan (SAP) as it relates to Warton.

#### Warton

5.84 Warton is a small village north-west of Atherstone and to the east of Polesworth, which has accommodated additional development since the 1960s. The village is reasonably well served by services and facilities with a primary school, three public houses (although one is currently vacant) as well as a Working Men's club. There is one remaining shop / post office in the centre of the village. The recreational facilities are identified as needing improvement. There is potential for some redevelopment within and expansion adjoining the village.

**Total amount of housing units to be provided = 45**

5.85 Since the 1<sup>st</sup> of April 2011 there are currently 3 units with planning consent or allocated within Warton, all 3 of which have been completed. It is considered appropriate to maintain the allocation for a minimum of 45 units to allow flexibility of delivery. The two main sites at Barn End Road and Orton Road are expected to deliver the significant bulk of the housing requirement.

#### WARTON – SITE ALLOCATIONS

SA DPD Reference	SITE NAME	SIZE (HA)	Net Housing No.	ISSUES & SITE REQUIREMENTS IDENTIFIED
WAR6	Land adj Barn End Road, Warton (Part of site is ex waste tip)	1.31	29	Site was partly location of old waste tip and ground contamination issues will need to be addressed. Site has potential for further expansion to south if contamination issue cannot be removed. Retain for flexibility of delivery pending addressing the on-site contamination issue.
WAR8 (Part)	Land at Orton Road, Warton	1.1	30	Allotments on site will need relocating/replacing to rear of site. Potential area of parking required to address lack of current on-street parking. Site has potential for further expansion. Trial trenching for archaeological impact recommended.
WAR10	Land adj Fox and Dogs, Warton	0.85	8	8 self-build units currently proposed along with an area of accessible Open Space including Pond.
<b>TOTAL OF PROPOSED SITES</b>			<b>67</b>	

Government Advice: National Planning Policy Framework (NPPF).

Achieving Sustainable Development;  
Core Planning Principles,  
Delivering a wide Choice of High Quality Homes,  
Conserving and Enhancing the Natural Environment  
Conserving and Enhancing the Historic Environment

Local Finance Considerations: New Homes Bonus (NHB) will apply in respect of all of these proposals.

**Context - Housing Need**

The Council has calculated its current housing land supply. As at 30 September 2014, the Council can demonstrate 6.6 years supply.

**Context- Presumption in Favour of Sustainable Development**

The NPPF states that development that is sustainable should go ahead – a presumption in favour of sustainable development should be the basis for and every decision. Development proposals that accord with the development plan should be approved without delay.

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 of the NPPF affirms that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

**Consultations**

Severn Trent Water - No objection subject to conditions.

Warwickshire County Council Flood Risk Management - Has reviewed the Flood Risk Assessment by David Cooke Consultants issue 1 dated 8 September 2014 and can confirm that it has no objection subject to conditions and recommendations

Environmental Health Officer – No objection subject to conditions. She recommends that in the event permission is granted for this proposed development pre-commencement conditions are attached to the permission requiring a site investigation to be carried out. The site investigation should be reported to the LPA and shall include proposals for further remediation (a remediation strategy) where necessary. This report shall be agreed in writing with the LPA in advance of any remediation. The remediation shall be verified and the remediation strategy included in the site investigation report shall include a verification plan. Within 3 months of the completion of the remediation a verification report shall be submitted to the LPA indicating how the remediation strategy has been implemented in accordance with the verification plan and justification for any departures from the plan. She notes that it will be necessary to carry out groundwater quality monitoring in addition to what is proposed in the desk study.

Crime Prevention Design Advisor Warwickshire Police – No objection, but offers comments concerning the incorporation of crime prevention/deterrence measures.

Warwickshire County Highways Authority - No objection subject to conditions.

AD (Housing) – Offers guidance about the housing need arising in the area and indicates that the mix of affordable housing initially suggested by the applicant would not be a satisfactory mix.

Warwickshire County Council Rights of Way Team - No objection subject to conditions. Requests a financial contribution (£1833) towards the improvement of rights of way in a 1.5 mile radius.

Warwickshire County Museum (Archaeology) - No objection subject to conditions. They indicate that it is probable that this area has been in agricultural use since at least the medieval period. The ridge and furrow earthworks that survive across the western part of the site are likely to relate to that use.

Evidence of a possible Roman settlement has been recorded to the north-west of the site (Warwickshire Historic Environment Record MWA 220), and undated crop marks of possible archaeological origin are visible on aerial photographs to the west of the site (MWA 6728). Whilst there are few other known pre-medieval sites in the immediate vicinity of this site, this may reflect a lack of previous investigations across this area, rather than an absence of pre-medieval activity. There is therefore a potential for archaeological features associated with the use of this area during the pre-medieval period survive across this site.

Although it does not wish to object to the principle of development across this site, it considers that some archaeological work should be required if consent is forthcoming in order to establish whether or not significant archaeological deposits survive across the site, and if so, secure the implementation of an appropriate strategy to mitigate any impact that the development may have upon these it is recommended that, should planning consent be granted for this proposal, a condition be attached to the consent.

County Forestry Officer – No objection.

## **Representations**

22 letters of objection have been received raising the following concerns:

- Loss of view
- Potential for overlooking
- Loss of privacy
- Potential for increased crime
- It will devalue existing properties
- Concern is expressed about aspects of the illustrative layout
- The development of new houses will 'overload' village services, requiring more shops, a doctor's surgery, a larger junior school and improved public transport.
- Barn End Road is dangerous, vehicles speed and the proposed access would be dangerous.
- The existing road network cannot safely accommodate additional traffic.
- The village has previously had 4 housing developments and another would be intolerable.
- The development will make car parking hazards at the school worse.
- The site contains a borehole for the surface water drainage of adjacent properties on Copeland Close.

- An open pond on the site would be a hazard, particularly for young children and could cause smell and infestation problems if not maintained properly.
- Properties on Barn End Road occasionally suffer flooding. The development of the application site will increase the likelihood of flooding.
- The site was formerly used for landfill. Gases generated by the landfill such as methane and carbon dioxide can cause ill health and physical damage. Concern is expressed that the development will disturb the former landfill.
- There has been un-licenced tipping at the site and there is no record of what was tipped. It is suggested that materials could have included asbestos. Planning permission should be refused until such time as pre-determination site investigations and risk assessment have been undertaken.
- Ground stability may be an issue and the development could cause soil erosion and jeopardise the stability of an existing large tree in an adjacent garden.
- Sewerage is a problem in the village.
- The garden boundaries to existing properties are set off their boundaries because of ground levels. The development should not encroach on land owned by adjacent properties.
- The development would displace vermin.
- The development would adversely affect wildlife at the site, including voles, mice, hedgehogs and protected species such as great crested newts, bats and visiting badgers.
- Site clearance has damaged wildlife and contravened the Wildlife and Countryside Act 1981 and was in contravention with the applicant's stated intentions in the submitted Ecology Statement.
- Disturbance from noise and fumes.
- Adverse effects are not resolvable by use of planning conditions.
- The proposed development, together with other recent developments and permissions would deliver all of the villages housing need at the beginning of the plan period.
- The development is not consistent with policy which suggests that new housing in the settlement should be on sites of up to 10 dwellings.
- The whole of the site is not allocated in the draft Site Allocations Plan.
- Affordable housing should be at a rate of 40% on site and should not be clustered.
- Financial contributions should be sought for off-site improvement of village recreational facilities.
- A Transport Assessment and Flood Risk assessment should accompany the application.

## **Observations**

### Housing Need and Housing Land Supply

This site lies outside the development boundary for Warton but is primarily a site allocated for housing development in the Site Allocations Plan.

The SAP is not yet adopted but it has been through a number of formal public consultations and its current form reflects public response. It has weight in the consideration of this application, but that weight is limited.

The development of this site would broadly accord with the provisions of policy NW2 of the CS and will go towards meeting the housing need for the settlement identified in

Policy NW5. It is considered that village services are adequate to accommodate this level of new development. As a consequence this is considered to be sustainable development in line with the spirit of Policy NW1 of the Core Strategy.

The site in the allocations plan takes a triangular form incorporating parts of two fields whereas the application site takes the form of land contained by established hedgerow boundaries. The site areas are broadly comparable. The application site would be more sympathetic to the existing landscape character and the substitution of the position of the land can be supported.

Though the Council can now evidence a 6.6 year supply of housing land there remains a need to bring forward development to meet the identified housing numbers and should approve new housing where development is evidenced to be sustainable.

#### Highway safety and the effect of the new access

The Highway Authority offers no objection to the proposed development and its access arrangements. Furthermore, there is no objection concerning the scale of traffic generated or its impact in capacity terms. The access position is onto a residential street and though there will be some change in the character of that stretch of road as a result of the formation of a new access it will not be so harmful as to justify the refusal of planning permission. Appropriate landscaping can be secured to compensate for the loss of existing roadside vegetation.

#### Drainage and Ground Conditions

It is acknowledged by the applicant and the Council's Environmental Health Officer that the site is a former landfill and that this will need to be investigated and remediated should contamination be found. The Environmental Health Officer requires that site investigation should be carried out prior to the development taking place. It is known that ground gas has been generated at the site and the site is thought to contain domestic waste – hence a degradable source with the potential to generate leachate.

Previous investigations carried out though the planning regime have tended to focus on the ground gas regime not the groundwater environment although some evidence suggests at least some of the fill type is black ash, clinker, glass and pottery from logs of excavated material.

The site is sensitive with regard to its hydrogeological position and a site investigation should be undertaken to determine the nature of any contamination at the site before any decision can be made for soak-away provision in the filled area or even potentially close to it (given the highly transmissive nature of the soils). Clearly there is currently nothing stopping the leaching of contamination to the underlying aquifer in the vicinity of the filled area (from rainfall etc.) and less permeable overlying development has the opportunity to reduce the infiltration if surface water drainage is managed correctly.

The submitted Flood Risk Assessment has been assessed by the County Council Flood Risk Management Team. It offers no objection but makes recommendations about the information that would need to be submitted at reserved matters stage and implemented prior to the commencement and completion of the development.

The site is not within Flood Zones 2 or 3. Technical experts advise that the ground and drainage conditions are capable of being addressed through the use of conditions.

There are no known or likely issues of ground stability that would not be addressed through the application of standard building regulations.

### Amenity

The application is in outline only. If permission is granted details of siting, layout and design will be submitted at a later date. It is therefore not possible, on the basis of an illustrative layout to conclude that there would be such likely adverse harm from overlooking or loss of privacy that planning permission should be refused.

The loss of a view and devaluation of property are not appropriate reasons to decline planning permission.

It is not considered that with appropriate design the development would result in any significant increase in the potential for increased crime.

The site is of an adequate size to accommodate 30 dwellings with amenity space and off street car parking, without causing undue harm to the occupiers of adjacent properties and allowing for appropriate living conditions for the occupiers of new dwellings.

Given that the site is surrounded by existing housing it would however be appropriate to control the hours of construction to protect amenity.

### Ecology

There is an existing substantial oak tree at the site and it has been suggested that it should be retained and protected by a Tree Preservation Order. The illustrative layout shows the felling of the tree.

The tree has an irregular, unbalanced form with a very large limb to one side but not the other (local residents think that it may have lost a limb on the opposite side many years ago in a lightning strike, but it has fully recovered). This form suggested that it would be unsuitable for retention and protection but the due to the level of concern expressed and local folklore reports that suggested that the tree was given by the church after the stone to build the church was taken from a quarry which formerly existed on the application site (It is not known whether that is true or not) a TEMPO Assessment was undertaken to assess the trees visual amenity, condition, health and longevity. The TEMPO establishes that on the balance of these matters the tree is not suitable for retention or protection, having an indefensible score of only 6.

During the determination of the application, in order to gain access to survey levels at the site, the applicant carried out site clearance in a manner which contravened the methods and precautions set out in advice from the applicant's own ecology consultant.

The applicant's ecologist conducted a post clearance assessment of the effect of the works. The following was established:

- Breeding birds: The clearance at 7th July was 8 days away from what is usually considered the end of the bird breeding season. Having been a warm and early spring, breeding is slightly advanced in respect of normal years, and all first broods are fully fledged. The residual risk is small, consisting of potential second broods of species such as robin and blackbird. No nests were found on the first site visit in May, though this is not an absolute, as this was not the purpose of the survey at the time. In conclusion it is unlikely that breeding birds have been affected by the site clearance.
- Trees: in terms of trees, the main hedgerows and in hedge trees that surround the site were unaffected by the clearance, and as the ground was undisturbed (material just being removed from above ground, there appeared to be no root damage or compression to have taken place. In some places the scrub vegetation on the site periphery had been retained, notably to the Western edge and the North-eastern boundary, though the scrub vegetation to the site interior was completely removed.
- Protected species: Badgers - The majority of the clearance consisted of cutting the grassland area to the south and using a Drott bulldozer to pull the scrub from the rest of the site. Although there is some tracking, I found no evidence of ground disturbance or soil movement. A careful inspection showed no holes or earth mounds typically associated with sett construction to be present. Taken with the existing survey which found that although the site was used by badgers, there were no setts found, there is no evidence that setts are present in the area or have been disturbed, and if present, it is likely that some evidence would remain after the clearance, bearing in mind how the clearance was undertaken.
- Protected species: Bats -The importance of the site in terms of commuting and foraging is largely the hedgerows and in hedge trees, which have remained unaffected. The large oak tree in the centre of the site, which was identified as having bat potential has remained unaffected by the works and remains intact.

He concluded that although the works undertaken should have had ecological checks and safeguards before being undertaken and it certainly fall short of 'best practice', it was his professional opinion that it was unlikely any wildlife laws have been broken, and the key landscape and ecological features have been retained on the site (hedgerows/mature trees). These have remained unaffected by the works.

The matter was referred to the Police for consideration of whether there was a case for prosecution under the Wildlife and Countryside Act but it is understood that it was not found appropriate to pursue.

Though the development would result in some loss of hedgerow and some tree cover there is opportunity within the site to secure mitigation and the remaining existing hedgerow can be retained. This can be secured by condition.

### Affordable Housing

The applicant proposes 40% on-site affordable homes. This level of provision would fully meet the requirements of policy NW6. This will be secured by legal agreement. It should perhaps be acknowledged at this stage that the proposal is not accompanied by an assessment of viability. There is a realistic possibility that in due course the remediation of ground conditions (depending on the findings of investigation) could impact on viability and the achievement of affordable housing at this level. For the time being however it is appropriate to seek affordable housing at the levels set by policy.



## Archaeology

There is no in principle opposition to the development of this site for the reasons given above. The use of a planning condition would be appropriate.

## Rights of Way

A public footpath crosses the site. The latest revision of the illustrative layout plan demonstrates that a development can be achieved whilst retaining and incorporating the public right of way at its present legal line.

The County Council has submitted a request for a financial contribution (£1833) towards the improvement of rights of way in a 1.5 mile radius. Such a contribution would be a matter best, and far more appropriately, dealt with by the Community Infrastructure Levy (CIL) and at present the Council is not a charging Authority. The requests here are not of such weight here to consider a refusal of planning permission should they not be provided.

## Open Spaces/Play Space/Community Benefit

The applicant does not propose the inclusion of open space or play space within the site, but instead it is proposed to make a financial contribution to the off-site provision of open space/play space. This is an acceptable approach and the application is not of a scale that a refusal would be justified for a failure to deliver on-site green space.

The application may be supported.

## **Recommendation**

That subject to a Section106 Agreement addressing affordable housing and open space requirements, outline planning permission be **GRANTED** subject to the following conditions:

### **a) Standard Outline Conditions.**

### **b) Highway Conditions**

- The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- Access for vehicles to the site from the public highway Barn End Road shall not be made other than at the position identified on the approved drawing number 7268/150B, at a position whereby the visibility splay requirements stated in condition 1 will be satisfied.
- The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

- The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.
- The access to the site for vehicles shall not be used until it has been provided with not less than 6 metre kerbed radiused turnouts on each side.
- The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
- The proposed footway extension shall be developed in general accordance with drawing no. 7268/150B.
- The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
- The development shall not be occupied until the turning areas have been provided within the site so as to enable the largest vehicle likely to enter the site, to leave and re-enter the public highway in a forward gear.
- The development shall not be commenced until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority.
- The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

### **c) Conditions relating to Ground Conditions**

- Prior to the commencement of development:
  - a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the LPA.
  - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.
  - An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the evaluative fieldwork, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

- No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority in writing.
- The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

#### **d) Drainage Conditions**

- Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall address and achieve the following matters.
  - The rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing Greenfield rate.
  - Attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS.
  - The preferred method of disposal for surface water run-off is through the use of at-source sustainable drainage methods such a soakaway as detailed in Approved Document Part H of the Building Regulations 2010, and BRE Digest 365 - Soakaway Design. The site porosity tests and contamination testing shall be undertaken and submitted to indicate the suitability of the ground for infiltration purposes. A Phase 2 risk assessment to confirm leachability and potential contamination of the groundwater environment for the former quarry shall be completed and results submitted.
  - A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system including any on/offline control devices and structures.
  - Detailed network calculations that correspond to the above drawing.
  - Modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations. A submerged outfall should be used for the modelling.
  - Detailed drawings showing plan and sections of the proposed SuDs features.
  - Evidence of overland flood flow routing in case of system failure or overtopping. This should include the hydraulic modelled flow routes with depths/velocities of the flow. the applicant shall install cut-off drain or trench soakaway or swale along all boundaries with the exception of southeast boundary.
  - All ditches on the boundary of the site are to be cleared and be fully functional, prior to the completion of the development.
- No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the LPA. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.
- The developer shall provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water system shall be maintained and managed after completion for the duration of the life of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the Local Planning Authority.

**e) Landscaping conditions**

- Conditions requiring prior approval and implementation of a scheme for the protection of existing trees and hedgerows.
- Conditions requiring prior approval and implementation of a landscaping scheme.
- Conditions requiring prior approval and implementation of a scheme for the treatment of site boundaries.

**f) Amenity Conditions**

- A condition limiting the hours of construction to between 7am and 6pm weekdays, 8am to 1pm on Saturdays and no Sunday or Bank Holiday working.
- The approval of reserved matters application shall include drawings to show existing and proposed levels, incorporating finished floor levels, eaves and ridge heights for both the proposed development site and on neighbouring land for comparison.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0257

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10 6 14 10 7 14 29 8 14 3 11 14
2	N Washington	Representation	21 6 14
3	Environmental Health Officer	Consultation Reply	19 6 14 2 7 14 3 7 14 6 11 14
4	T Weston	Representation	22 6 14
5	G Washinton	Representation	21 6 14
6	L A Smith	Representation	21 6 14
7	P Towner	Representation	21 6 14 3 10 14
8	J Davies	Representation	23 6 14
9	M Chagger	Representation	24 6 14
10	S Vukasin	Representation	26 6 14
11	M Sumner	Representation	30 6 14
12	V Dalglish	Representation	1 7 14
13	M Nield	Representation	3 7 14
14	Housing Strategy and Development Officer	Consultation Reply	4 7 14
15	Becher	Representation	4 7 14
16	J & C Dallaway	Representation	6 7 14
17	G Sutton	Representation	7 7 14
18	S Cutler	Representation	7 7 14
19	Mr & Mrs A Jones	Representation	8 7 14
20	Mr & Mrs Clinton	Representation	8 7 14
21	G Griffiths	Representation	8 7 14
22	Crime Prevention Design Advisor Warwickshire Police	Consultation Reply	21 7 14
23	Warwickshire County Highways Authority	Consultation Reply	9 7 14
24	R & T Reuter	Representation	10 7 14
25	Severn Trent Water	Consultation Reply	14 7 14
26	Warwickshire County Council Rights of Way Team	Consultation Reply	14 7 14
27	C Billington	Representation	16 7 14

28	N Vukasin	Representation	17 7 14
29	Warwickshire County Museum (Archaeology)	Consultation Reply	22 7 14 31 7 14
30	County Forestry Officer	Consultation Reply	4 8 14
31	S Shilleto	Representation	21 8 14
32	WCC Flood/Drainage Officer	Consultation Reply	3 12 14

*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.*



### **(3) Application No: PAP/2014/0339**

**Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS**

**Outline Planning Application (with all matters reserved for subsequent approval other than access) for the redevelopment of the site for employment purposes comprising: 11,344 sq. m. of new B1 (Business) development, and 41,080 sq. m. of new B2 (General Industry) development with ancillary open storage areas; associated car parking, service yards, infrastructure and utilities; and, retention and use of existing colliery buildings (2,376 sq. m.), and infrastructure including existing rail head and sidings, site vehicular access, grid connection, electricity sub-station, gatehouse, weighbridge, and reconfigured/existing surface water drainage infrastructure system, for**

#### **Harworth Estates**

#### **Introduction**

Following receipt of the redevelopment proposals for the former colliery site earlier this year and the initial report to the Board in August; the applicant has submitted amended plans. These are described below, together with summaries of the consequential amended documentation to support those plans and additional documentation. The changes do not alter the procedural matter in that the case would still need referral to the Secretary of State should the Council be minded to support the amended scheme.

The amended application description is set out in the header to this report.

These amended plans are now out for re-consultation and responses are awaited.

The Board resolved to visit the site and this will now be arranged following the receipt of these amended proposals.

The August Board report is attached at Appendix A for completeness.

#### **The Amendments Made**

The main alterations to the original plans are that firstly, B8 (Warehouse and Distribution) development is no longer proposed; secondly the overall quantum of B2 (General Industrial) development is increased, but thirdly the overall amount of new built floor space is reduced by 25%. In total the amendments now propose:

- 11344 square metres of B1 development and
- 41080 square metres of B2 development.

The applicant points out the loss of the B8 development would lead to a reduction in the predicted two-way HGV daily movements by 70%, from 377 to 112. It is said that the colliery generated around 300 HGV movements a day. It is acknowledged however that other traffic movements would increase.

The proposed B2 development is to be served by large ancillary service yards and the proposed maximum B2 building heights remain at 22 metres, whilst the B1 buildings would be a maximum of 16 metres.



A revised illustrative master plan is attached at Appendix B.

### **Revised Supporting Documentation**

The amendments as summarised above have resulted in updated supporting documentation.

A revised Transport Assessment has been undertaken in view of the changed quantum of development proposed and the omission of the B8 element. It says that the HGV daily movements arising from the amended proposals would reduce from 377 under the original proposals to 112 and compare this with the 300 daily HGV movements arising when the site was an operational colliery. The Assessment concludes that there would be some 3180 other daily movements arising from the amended proposals compared with the 1300 when the site was a colliery. However the Assessment does say that the potential road to rail modal shift is not factored into these figures and neither are any impacts arising from “green travel” initiatives such as car sharing. The Assessment continues by saying that even with no redevelopment of the colliery site at all, there will be traffic growth on the highway network such that by 2024 the cross roads at Fillongley, Furnace End and Coleshill would be operating well over capacity with peak hour congestion. The Assessment suggests that the increased traffic arising from the amended Daw Mill proposals will be less than 5% of this overall traffic growth, thus not materially contributing to congestion or capacity. The applicant is however prepared to work with the Highway Authority in order to contribute to traffic management schemes at these junctions. Overall the Assessment concludes that there would be no reasonable grounds for objection on transport grounds, quoting the NPPF which says that “development should only be refused on transport grounds where the residual cumulative impacts of development are severe”. The concluding pages from that Assessment are attached at Appendix C.

The original Landscape and Heritage Assessments, together with the Flood Risk Assessment have all been updated to take account of the revised proposals. These updates have concluded that the revisions would not introduce new adverse impacts.

The Noise Assessment has been revisited as a consequence of the Borough Environmental Health Officer’s queries on the original report and because of the revised plans. His comments will be reported in due course.

The applicant has now submitted species surveys following requests by the Warwickshire Wildlife Trust who reviewed the original submitted ecology report. These show that some mitigation measures will be required should the development go ahead.

### **Additional Documentation**

Following submission of the application and because of matters raised from representations received from the local community, the applicant was requested to respond to a number of other matters. The responses have now been submitted and are summarised below.

## **a) Green Belt**

The applicant's position in respect of the Green Belt is now outlined. He agrees that the proposals are for "inappropriate development" in the Green Belt and as such there is a presumption of refusal here unless there are very special circumstances here which outweigh the harm to the Green Belt and any other harm. In summary the applicant says that there would be significant harm to the openness of the Green Belt and on the purposes of including land within it. However he continues that this harm would be no more harmful in these respects than the colliery operation which would still be in operation if it were not for the recent underground fire forcing its closure.

In respect of other harm that might be caused, the applicant argues that there is either no harm in terms of highways, flood risk, landscape or ecology and only limited harm to noise and heritage interests.

The applicant has outlined those considerations which he considers amount to the very special circumstances necessary to outweigh the harm to both the Green Belt and to other interests. These are:

- Need and Alternatives

The applicant argues that there is an unmet need for rail served manufacturing development in the context of policy encouraging a modal shift to more sustainable development and to promote manufacturing in areas in need of regeneration. The site is on the strategic rail network with existing rail infrastructure, rail capacity and grid connections. The development here will not prejudice the strategic rail freight interchanges at Birch Coppice and Hams Hall

- Employment Creation and Socio-Economic Benefits

The applicant argues that there an opportunity here to broaden the local economy's business and employment base which is dominated by storage and distribution uses. The proposals could assist in providing more balance and bring attractive higher skilled and higher paid jobs to the area. It is suggested that some 1600 new jobs could be provided here - a 167% increase over the number of jobs just before the colliery closed. These jobs should deliver higher skilled opportunities in an area where unemployment has risen.

Both of these matters as summarised here are explained in greater detail within supporting documents and the content of these is outlined in the following paragraphs. In conclusion the applicant then balances the collective harm identified earlier against the benefits outlined above in terms of the proposal being sustainable development and providing new employment opportunities. He concludes that the balance lies with the benefits.

## **b) The Rail Link**

The applicant has submitted additional documentation in respect of the rail links here to evidence the physical assets of the existing site infrastructure as the basis for his argument that there is a need here to exploit the rail served manufacturing development now proposed. This documentation introduces some background relating to the growth in rail freight services and usage – particularly for industrial activity citing a number of site specific cases. It continues by saying that the site is located on the Government's

Strategic Freight Network; is cleared to W10 loading gauge allowing taller containers to be transported and that the line has capacity in both directions – presently up to 40% under capacity. In terms of on-site provision then it has two main line arrival/departure sidings each of which can hold a train of up to 310 metres with scope to extend this to 450 metres without the need to alter the main line connections. Trains using the site under the current proposals would not require different methods of working to the previous coal train operations. The report states that for train operations to be viable here at least 30 hectares of supporting employment land is required to ensure full use of all trains. The report concludes that Daw Mill represents one of a declining number of large brownfield sites which retain main line rail access in two directions (which might cost in excess of £5million and take 2 to 3 years to install). The rail infrastructure is not capable here of supporting a Strategic Rail Freight Interchange but it can create opportunities to support a wide range of industrial uses which would benefit from both road and rail access. It can therefore assist in reducing HGV movements, with little or no re-configuration of the rail sidings or main line links, and with no line capacity issues.

A second report expands on providing evidence to show growth of rail freight traffic and sets out a number of policy issues ranging from the European Transport Policy of 2001; the Strategic Rail Freight Interchange Policy Guidance 2011, the National Planning Policy Framework 2012, the emerging National Networks National Planning Statement 2013 and other Planning Policy set out in the West Midlands Local Transport Plan 2011-2023, The West Midlands and Chilterns Route Utilisation Strategy 2011, the Coventry and Warwickshire LEP 5 year Strategy (2011-2016) and the Warwickshire Local Transport Plan 2011 - 2026. In short the report concludes that the proposal would be consistent with this policy background.

### **c) Employment Provision**

The applicant has also provided additional evidence to support the employment opportunities arising from his proposals. His report states that the Core Strategy 2014 sets a minimum requirement of 60 hectares of employment land in North Warwickshire up to 2029. But it draws attention to this being a minimum requirement and that the figure does not take account of the closure of the mine and therefore the loss of this employment land. Moreover it says that the evidence base upon which the Core Strategy requirement was adopted, shows a need to promote different employment sectors in the area most notably in the manufacturing and higher technology sectors. Current trends show a shortfall in the availability of such land.

The supporting employment study says that the site is likely to generate some 1600 on-site jobs or around 1000 new jobs once other matters such as displacement have been factored in and around 300 off-site jobs once the site is fully operational – i.e. supply chains and sub-contractors etc. It is anticipated that the majority would be filled from within a 30 minute drive catchment and that the nature and scope of the jobs would broaden the local employment base.

### **d) Other Matters**

The applicant also provides further information on a number of matters as referred to above. Of note are the following matters:

- An offer to agree a planning condition safeguarding the rail connection and sidings to ensure that they are available and operational to serve the B2 units.

- To assist the County Council as Highway Authority in contributing to improving junction capacity, and
- To make a contribution towards training of local people to find work on site

The applicant has provided a covering letter which provides a useful summary of his case and this is attached at Appendix D.

### **Development Plan**

Since the submission of the application in August, the Council's Core Strategy has been adopted. The Development Plan now consists of the saved policies from the North Warwickshire Local Plan 2006 which are highlighted in Appendix A, but with the omission of saved Core Policies 1, 2, 3, 11 and saved policies ENV1, ENV2 and ENV4, together with the Core Strategy.

Because the policy numbers in the Core Strategy have altered the relevant policies are NW1, NW2, NW3, NW9, NW10, NW12, NW13, NW14, NW15, NW16, NW17, and NW21

### **Observations**

The Board will be asked to determine this application in due course once the period for consultation has expired and any further amendments have been submitted by the applicant as a consequence of the current round of re-consultation. In the interim the Board site visit will now be arranged.

### **Recommendation**

That the receipt of amended plans be noted

## BACKGROUND PAPERS

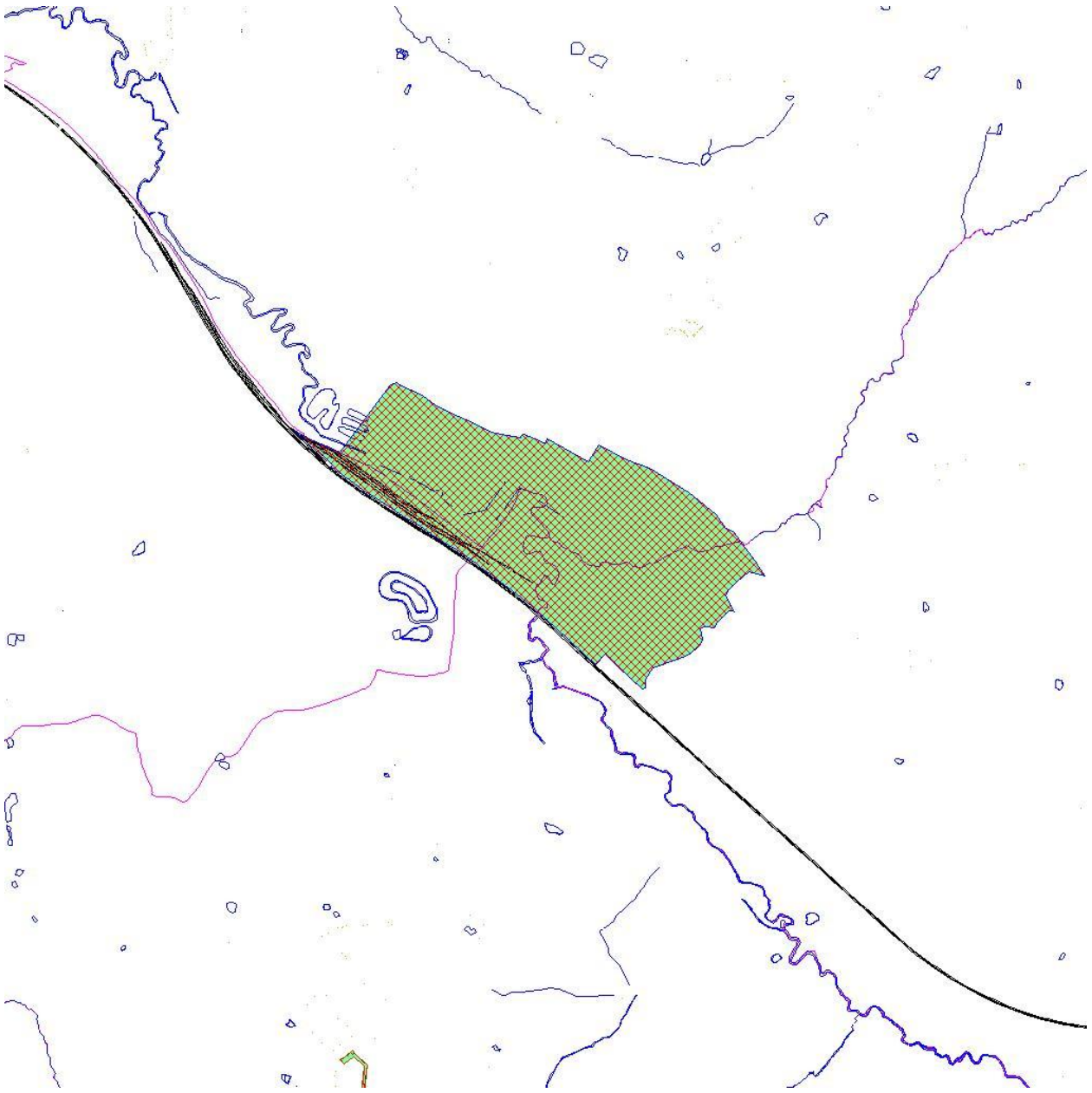
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0339

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Amended plans and documents	31/10/14

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

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



## APPENDIX A

### General Development Applications

(#) Application No: PAP/2014/0339

Daw Mill Colliery, Daw Mill Lane, Arley

**Employment development: 11,072 sq. m. of B1 (Business Use); 11,072 sq. m. of B2 (General Industry Use) and 49,723 sq. m. of B8 (Storage and Distribution) Use – including retained building 4 – and 2.19 has of open storage, associated car parking, service yards, infrastructure and utilities, and retention and use of existing colliery buildings and infrastructure including existing rail head and site vehicular access, grid connection, electricity sub-station, gatehouse, weighbridge and reconfigured /existing surface water drainage infrastructure system, for**

### Harworth Estates

#### Introduction

Members will recall the presentation given by Harworth Estates earlier this year describing their proposals for the future of the Daw Mill Colliery site. The planning application has now been submitted. This report notes its receipt and describes the site and the scope of the proposals, including a summary of the supporting documentation. An outline will also be provided of the relevant Development Plan policies as well as those other material planning considerations that will need to be taken into account in the determination of the application.

At present the proposals are out to consultation and responses are awaited. These will be reported in due course when a determination report is brought to the Board.

The recommendation below suggests that the Members of the Board undertake a visit to the site and its surroundings so as to better understand its character, appearance and setting.

#### 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 further afield.

The site is in the valley of the River Bourne and thus there is higher land to both the north and south, with an on-site slope from east to west. 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 culvert under the site and the rail line before emerging to the south of the attenuation ponds at the far western end of the site. In addition the Ballard Brook runs in culvert under the site from the B4098 to the north, joining the River Bourne culvert. There are public footpaths within the site running north/south to the west, and east/west south of the attenuation ponds and adjoining the rail line.

The former colliery operations on the site fell within three main areas. There was the staff car park, and complex of low rise offices, canteen, baths, and general stores buildings on the area to the north east near to and extending from the site access. To the south were the two 37metre tall 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 storage and coal blending operations which involved a 25 metre tall building. Further to the west are the attenuation and settling ponds.

There is a scatter of residential property around the site. The closest is a small group of cottages in Daw Mill Lane to the south east of the site. There is further residential property on the Nuneaton Road and a collection of houses at Saddlers Meadow to the rear of Over Whitacre House off the Nuneaton Road.

Appendix A illustrates the general location of the wider Daw Mill site.

## **Background**

Coal production commenced here in 1956 and a new drift mine was introduced in 1963. In February 2013 an underground fire led the cessation of all coal mining and the subsequent removal/clearance of the majority of the buildings and structures on the site. Coal preparation however is still on-going as remaining stock is reduced.

## **The Proposals**

The actual application site comprises 31.12 hectares of the whole site as described above – just over 70% - and covers the three areas described above. An outline planning permission is sought for employment purposes as described above in the report “heading”. This would comprise B1, B2 and B8 use together with open storage. The proposed mix of buildings would be about 15% B1, 15% B2 and 70% B8, with a further 2.19 hectares of open storage. The proposals also include associated car parking, infrastructure and utilities. There would be retained buildings and infrastructure– notably the existing rail-head, the site access, the national grid connection, sub-station, gatehouse, weighbridge and the existing surface water drainage infrastructure.

Vehicular access is proposed from the existing arrangement off the B4098. The proposals retain the existing rail access, infrastructure and connections enabling goods to be both imported and exported by rail. Surface water attenuation is proposed through reconfiguration of the existing attenuation ponds within the wider site. A memorial garden is also proposed close to the existing access with a colliery heritage theme open to the public.



The application is in outline and thus only a potential illustrative layout has been submitted indicating a likely “appearance” for such an employment estate. This is effectively driven by the site’s road and rail access arrangements which leads to the B8 buildings and uses being in close proximity to the rail access. It is said that the maximum height of any building would be 22 metres.

A 24 hour use over 7 days a week is sought including both rail and road movements. It is expected that this would break down into three shifts, typically 0600 to 1400, 1400 to 2200 and 2200 to 0600 hours so as to avoid peak traffic hours.

It is anticipated that the mix of uses and buildings proposed would lead to some 1432 jobs, and that the site when fully operational would generate some 22 HGV two way movements and 489 other two way traffic movements between 0800 and 0900 hours and 16 and 427 movements between 1700 and 1800 hours.

Appendix B illustrates the potential layout of the site

### **Supporting Documents**

A number of documents have been submitted in support of these proposals and a summary of these is now outlined. Full copies are available on-line for Members to view.

- a) **Design and Access Statement.** This describes the site, its character and setting explaining how the illustrative layout and general design has been arrived at. A number of site constraints are identified which have affected the illustrative layout – the culverts, the shafts, the rail sidings and existing access etc. As a consequence the larger buildings would be located alongside the railway at the lowest point on the site. The general design approach would be similar to modern commercial estates with separate buildings, parking and landscaping.
- b) **Statement of Community Engagement.** This describes the two presentations that Members have received from Harworth Estates describing their proposals as well as the Public Exhibition held in Arley on 18 March. 70 people attended this event and 42 feedback forms were received. These showed that 74% of the returns supported the redevelopment for employment purposes; 48% supported the indicative layout, and 69% supported the inclusion of the memorial garden. Key issues identified from the comments made either verbally or in the written responses related to, traffic generation and highway impacts; the scale of the proposals, the visual impact, impacts on surface water drainage and increased potential for flooding, contamination, landscaping, ecology and retention of the mining heritage.
- c) **Ground Conditions Report.** This concludes that the risk to human health and controlled waters is considered to be low. However the accumulated historic on-site storage of oils and chemicals does represent a hazard to controlled waters and there is a potential for considerable amounts of coal residue to be present in soils, slurry and water settlement ponds, together with a risk from radon and ground gas. The report recommends that further “intrusive” investigation is

required and a remediation programme should be agreed prior to any redevelopment commencing.

- d) Flood Risk Assessment.** The majority of the application site falls into 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 Assessment therefore suggests that the actual site characteristics would lead this part of the site as also being within Zone 1. The report concludes that the proposed redevelopment is appropriate. There will be a 32.6% increase in low permeability cover over the present site condition and run-off will need to be controlled at an agreed run-off rate but the use the existing attenuation ponds to the west, with some modification, should suffice.
- e) Ecology Report.** There are no designated wildlife sites within 600 metres of the site. In terms of flora interest then there are sites of interest within the wider site outside of the application area. There appears not to be concern about the actual site. In terms of fauna interest then a bat survey is recommended as the site has been found to be suitable for roosting and foraging bats. Similarly the ponds need to be surveyed for Greater Crested Newts and Water Voles, with further work needed to establish the presence of reptiles and badgers.
- f) Acoustics Report.** This concludes that the acoustic impacts from the proposed development are unlikely to be significantly dissimilar to those from the operational colliery because many of the sources are the same. The greatest impacts will be at the cottages on Daw Mill Lane – particularly night time rail and associated movements; the houses at Saddlers Meadow and those in Nuneaton Road and Devitts Green Lane. Mitigation measures should be identified and a number are proposed: controlled reversing signals for vehicles, night time loading and unloading avoided if possible, rail loading and unloading to be undertaken from the middle sidings, Locomotives idling at the furthest point away from residential property and low-noise stackers used where possible.
- g) Transport Assessment.** The base-line used for this Assessment is that of a working mine with 1500 employees (1986 figures) generating some 3000 vehicle movements a day including 125 HGV movements. The report predicts likely traffic generation from the proposed redevelopment as described. This concludes that there could be some 1432 employees and some 2662 movements a day, thus suggesting a broadly equivalent situation. The impact of this traffic is not considered by the report to significantly affect safety at the nearby B4098/B4114 junction. However the predicted Daw Mill traffic when added to general traffic increases will make the situation at the Fillongley and Furnace End crossroads worse. Therefore it is likely that mitigation measures will be needed – e.g. traffic lights, together with enhanced signage and road markings. In terms of HGV routing the report suggests that numbers once dispersed on the local network would result in only modest increases.

- h) Travel Plan.** A generic travel plan is submitted to which future occupiers would be expected to agree too. Its content follows Warwickshire County Council best practice.
- i) Landscape and Visual Appraisal.** This is contained within the Planning Statement. It describes the setting of the site and the landscape character by reference to the North Warwickshire Landscape Character Assessment. The site lies within the Church End to Corley (Arden Hills and Valleys) area. This is characterised by being a broad elevated basin with numerous rolling hills and valleys; a mixed agricultural landscape, heavily wooded areas, isolated hamlets, winding lanes and wooded escarpments. The Appraisal concludes that the proposed redevelopment would retain the inherent industrial character of the colliery but that this would not extend beyond the site into the valley or its wider surroundings. Views into the site would be limited because of the heavily landscaped boundary foreground and also longer views into the area are limited because of the valley location. Users of the railway and footpaths would notice a different commercial appearance. In general terms it concludes that the development would “sit” well in the landscape.
- j) Heritage Assessment.** This too is contained in the Planning Statement. This outlines both the archaeological and building assets in the locality. It concludes that there would be no direct physical impact on any designated asset nor would the redevelopment affect any setting of such an asset, particularly the two churches of St. Leonards and St. Cuthberts at Over Whitacre and Church End.
- k) The Planning Statement.** Apart from outlining much of what is reported above, this Statement importantly sets out the applicant’s planning arguments supporting the proposals. It identifies which Development Plan policies the applicant considers to be relevant as well as those sections in the National Planning Policy Framework (“NPPF”) which he relies on. The key issue set out is that the applicant considers that the proposed development is not inappropriate development in the Green Belt and thus does not constitute a departure from the Development Plan, and neither does it therefore carry a presumption of refusal. The Statement sets out the reasons behind this conclusion. It concludes that as there are no adverse impacts, the development should proceed.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration); Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV7 (Development of Existing Employment Land outside defined Development Boundaries), ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building 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 (“NPPF”)

The National Planning Practice Guidance 2014 (“NPPG”)

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

The Council’s Submitted Draft Core Strategy 2013 – Policies NW1 (Settlement Hierarchy), NW2 (Green Belt), NW7 (Employment), NW8 (Sustainable Development), NW9 (Renewable Energy), NW10 (Quality of Development), NW11 (Natural and Historic Environment), NW14 (Economic Regeneration) and NW18 (Transport)

The Inspector’s Proposed Main Modifications 2014 – MM11 (Sustainable Development) and MM46 to MM50 (Employment Land)

The DfT’s Strategic Rail Freight Interchange Policy Guidance – 2011

The DfT’s draft National Policy Statement for National Networks – 2013

## **Observations**

There are three main areas which the Board will need to address with this application. Firstly, the most significant planning policy issue stems from the fact that the site is in the Green Belt. It will be necessary to establish whether the proposed development is appropriate development or not appropriate development as defined by the NPPF. This is critical as if it is determined to be inappropriate development the presumption will be one of refusal of planning permission. In these circumstances the Council will then have to consider the material planning considerations advanced by the applicant to assess whether these are of such merit to amount to the “very special circumstances” necessary to outweigh that presumption. If the Council agrees with his case, then the matter will have to be referred to the Secretary of State to determine the case as the proposed development is of such a scale to amount to a “departure” from the Development Plan under the terms of the 2009 Direction. The Council is however free to refuse planning permission without referral, if it considers that the applicant’s case does not carry the weight of amount to very special circumstances.

Secondly, the Board will also need to consider the existing lawful use of the land and whether the site should be safeguarded as a minerals site. The Warwickshire County Council as Minerals Planning Authority has thus been consulted on the application.

Finally, the Board will also need to assess all of the potential impacts arising from the development proposed. These will include all of the matters raised at the pre-application consultation event and any others raised by representations received from the community and other Agencies as a direct consequence of the submission of this application. These assessments will then need to be considered in the overall balance referred to in the planning policy paragraph above. Of particular interest will be the potential impacts on the local highway network; the risks to flooding and water pollution, and the impacts on general amenity issues – noise and light pollution.

The recommendation below notes the receipt of the application, but also suggests that Members visit the site to better appreciate the physical factors referred to in this report;

the setting of the site itself and its surroundings together with the nature of the local highway network.

**Recommendation**

That the Board notes receipt of the application and that Members undertake a site visit prior to determination of the application.

## BACKGROUND PAPERS

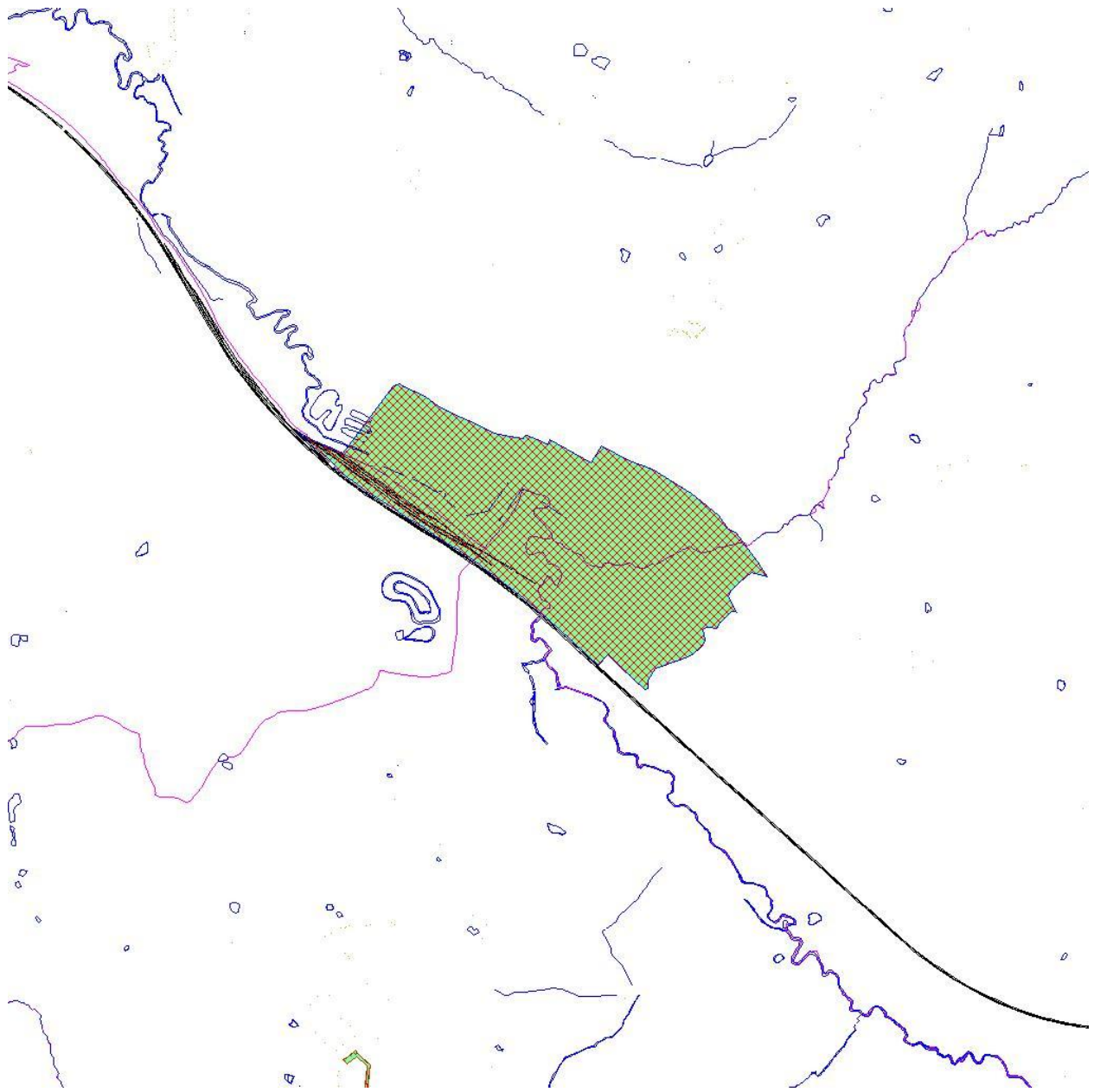
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0339

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/6/14

*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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Notes

1. This drawing has been prepared by accordance with the terms of RPS's appointment and is subject to the terms and conditions of that appointment. It is not to be used for any other purpose without the prior written consent of RPS.
2. If received electronically, it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.
3. This drawing should be read in conjunction with all other relevant drawings and specifications.

Land Ownership



**NORTH WARWICKSHIRE  
BOROUGH COUNCIL.**

**RECEIVED**

**30-Jun-14**

**PLANNING & DEVELOPMENT  
DIVISION**

Rev	Description	By	Date



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Client

**HE** Harworth Estates  
Project Harworth Estates Feasibility  
Daw Mill

Title Site Location Plan

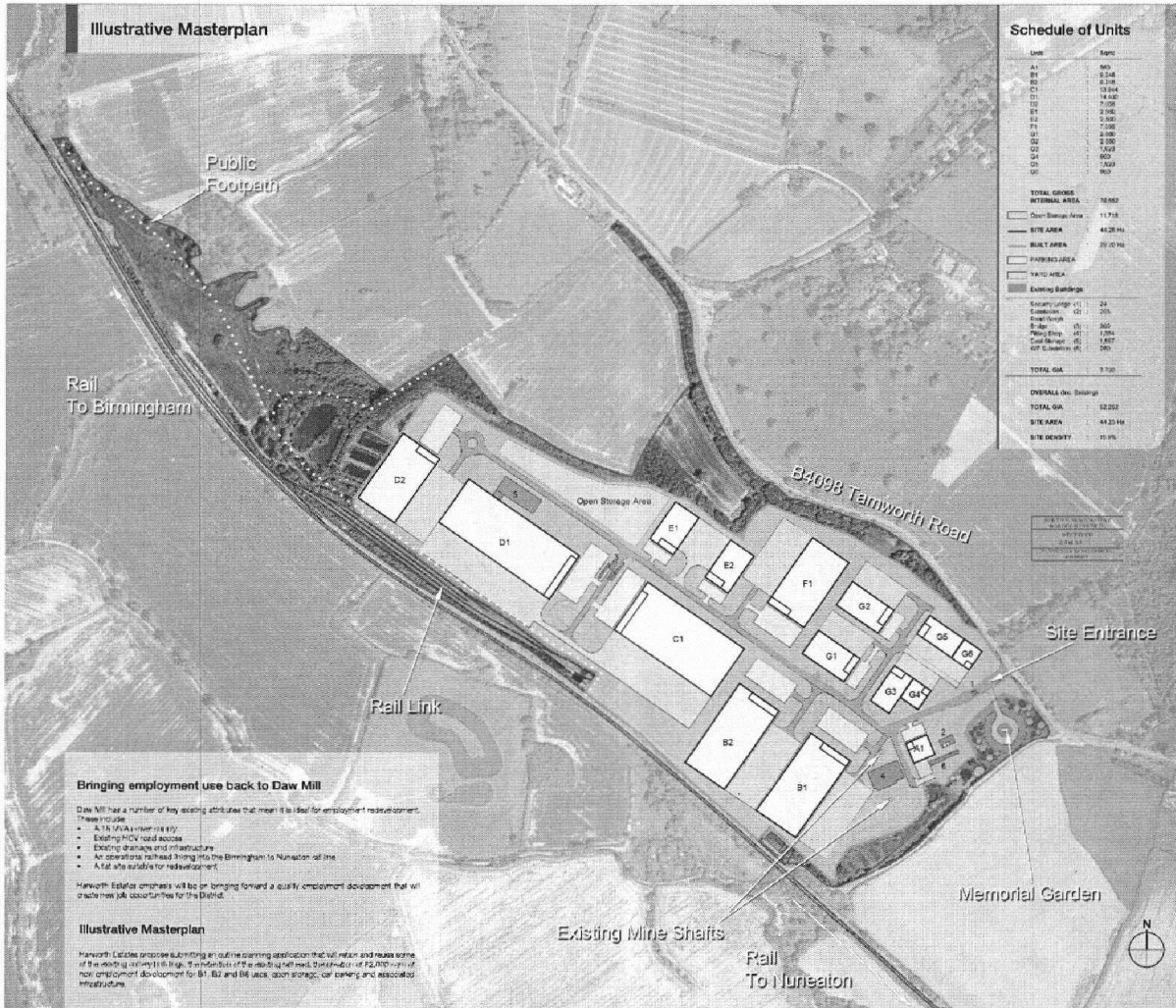
Status Preliminary  
Project Leader KPP  
Scale 1:25000@A3  
Drawn By ASW  
Date Created 30.06.2014  
Checked by MLH

Drawing Number NK017761\_SK017  
Rev -

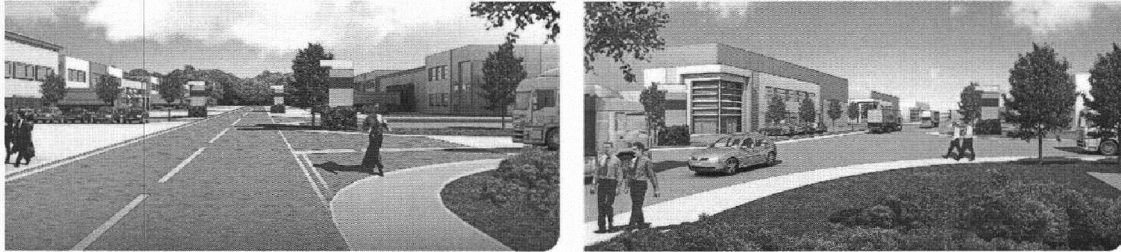
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APPENDIX A

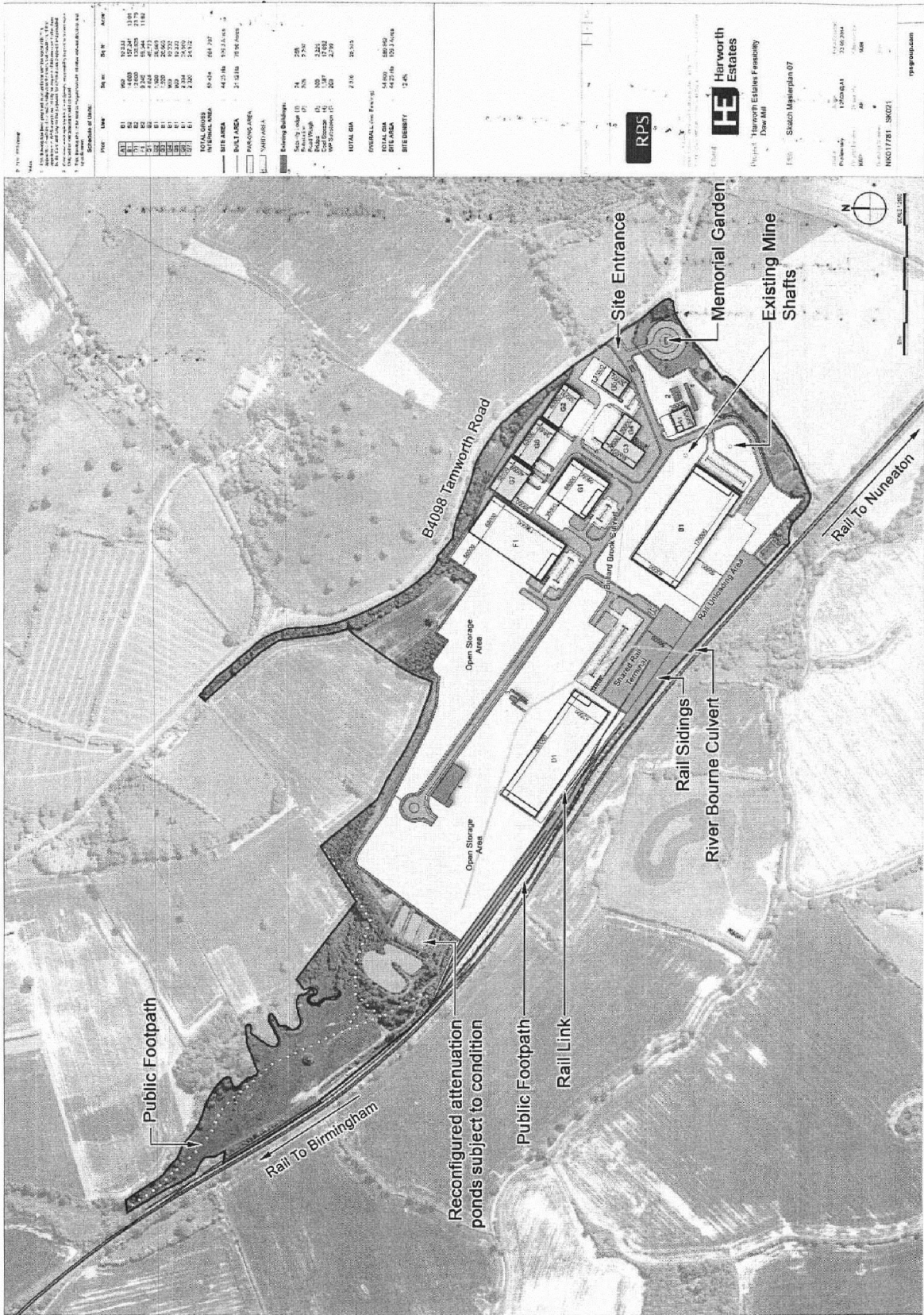




Examples of Typical Units



# APPENDIX B



## 9.0 SUMMARY AND CONCLUSIONS

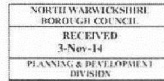
- 9.1 The applicant, Harworth Estates, commissioned ADC Infrastructure Limited to provide transport and highways advice in support of an outline planning application for an employment park on the former Daw Mill Colliery site in Warwickshire.
- 9.2 Daw Mill Colliery began coal production in 1956. In February 2013 an underground fire led to the end of coal production. The fire took a year to extinguish and the safety works undertaken by the Coal Authority have now been completed. A demolition programme is under way.
- 9.3 The proposal is to redevelop the colliery site to provide an employment park with rail freight connection. The illustrative masterplan shows the proposed uses and their associated gross floor areas as follows:
- 11,344sqm B1 offices and light industrial  
for the purposes of this report this is assumed to be split
    - 2,836sqm B1a offices
    - 8,508sqm B1c light industrial
  - 41,080sqm B2 general industrial
- 9.4 Although only illustrative, the masterplan shows that the development would include an internal network of roads with footways to connect the different units and their car parks. The spine road through the development would be constructed to industrial standard and includes side road accesses to the various units. The southern boundary of the site is formed by the Birmingham to Nuneaton rail line. The masterplan aims to take advantage of the rail sidings and the significant power infrastructure associated with the former colliery and places larger units with ancillary open storage areas near the sidings with smaller units for offices near the access junction.
- 9.5 At this outline stage the demand for car parking has been determined only indicatively. As occupiers come forward and reserved matters applications are submitted each unit will be examined in detail and sufficient car parking will be provided to meet the demand.
- 9.6 The site is located in a predominantly rural area surrounded by the West Midlands conurbation and the strategic highway network. The opportunities for walking, cycling and bus access are limited. An Initial Travel Plan has been prepared to accompany the planning application. It has been written to be taken up by each occupier as they come forward. It focusses on the potential to introduce car sharing and once the development has sufficiently advanced, the potential to introduce a works bus.
- 9.7 The site is accessed from the B4098 Tamworth Road, which also forms its northern boundary. The existing access junction is appropriate for the proposed use and requires no alterations to accommodate the development proposal.
- 9.8 In 2008 the colliery produced 3.2 million tonnes of coal, a European record for a single face mine. At that time there were 667 employees, many of whom were surface based and worked a regular work day. 75 worked underground per shift, working 6 days, in a 3 shift pattern. Daily, the colliery generated 300 HGV movements, although many more during the three or four times a year when stockpiled waste was removed. Based on conservative figures, during a busiest hour, the colliery generated 611 traffic movements.
- 9.9 Based on an extremely robust analysis, during the morning and evening peak hours the proposal will generate 744 and 687 traffic (cars and goods vehicles) movements. Without the proposed rail freight connection, the proposed development is forecast to generate 112 HGVs a day, with most of these will being medium rather than heavy goods vehicles. However, a rail freight connection is proposed to allow both inbound freight (raw materials) and outbound freight

(finished products) to be transported by rail. Taking into account the potential road to rail modal shift, the development could be expected to generate even fewer HGVs.

- 9.10 Traffic volumes in the area have significantly reduced since the colliery closed, but would return to previous levels once the development is in place. In the busiest hour, the morning peak hour, the change of use will lead to an increase of 133 vehicles. In the evening peak hour the change is 76 vehicles. These increases will not be fully realised until around 2024 when the development is fully occupied. Moreover, these extra vehicles will disperse on the local highway network such that the increase at the local junctions will be less than 5% of the background flow.
- 9.11 The number of HGVs on the roads have decreased significantly since the colliery closed, as it generated around 300 HGVs a day. The proposed development would generate a worst case of 112 a day (based on calculations that do not take the rail freight connection into account). In the busiest hour, the development would generate 26 HGVs (not taking into account the rail connection) that disperse on the local highway network such that the increase on any one road would be a maximum of nine. The local roads are all B roads, capable of accommodating HGVs.
- 9.12 Despite the significant reduction in traffic since the colliery closed the crossroads at Fillongley, Furnace End and Coleshill will be very congested by 2024, operating at 138%, 108%, and 126% of capacity, even without any development. There will be lengthy delays for traffic on the side roads and this will exacerbate the accidents already occurring mainly because drivers fail to properly give-way.
- 9.13 Introducing the new development traffic will make worse these congestion problems, although no worse than if the colliery were still operating. Minor schemes could be introduced to deal with the development traffic, but they will not resolve the issues inherent in the crossroads design that have led to the high numbers of accidents. WCC will be required to act, and introducing traffic light control would appear to be the best solution. Although these are existing problems, discussions with WCC have not revealed that they have any plans to alter the junctions, to which Harworth Estates could contribute. In the short term, WCC are about to instigate some route treatment works along the length of the B4098, B4114 and B4112 with the aim of reducing casualties. Those works will counterbalance the traffic volumes returning to previous levels.
- 9.14 Overall, the NPPF<sup>9</sup> requires that decisions take account of the following:
- *“the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure*
  - *safe and suitable access to the site can be achieved for all people, and*
  - *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 developments are severe.”*
- 9.15 The development proposal satisfies these objectives and it would be unreasonable to object to it on transport grounds.

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<sup>9</sup> Paragraph 32 National Planning Policy Framework (Department for Communities and Local Government, March 2012)



2014/0339

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**Our Ref:** OXF8325  
**Your Ref:**

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**Date:** 31 October 2014

Jeff Brown  
Head of Planning  
Planning Control  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV91DE

Dear Jeff,

**REDEVELOPMENT OF DAW MILL COLLIERY FOR EMPLOYMENT  
DEVELOPMENT. LPA Ref. PAP/2014/0339**

Further to our recent and ongoing discussions regarding the above application, we write to submit the amended proposals together with the necessary supporting information agreed in your letter of 6 October 2014.

**The Amendments**

As set out in previous correspondence, Haworth Estates was grateful to receive the feedback from the Council following the recent public consultation, and having taken that feedback into consideration has prepared an Amended Illustrative Masterplan (Drawing Ref. No NK017781\_SK021) to overcome the concerns of the Council and the local community. The Amended Illustrative Masterplan and the supporting documentation together with this supporting letter are formally submitted as an amendment to the planning application for your consideration.

The key difference proposed by the amendment is that B8 development is now no longer proposed for the site. Instead, the Proposal now seeks to increase the quantum of B2 development proposed at the site. This has the potential to attract significantly more high skilled jobs to the site than the previously proposed B8 development.

The overall quantum of new built floorspace proposed is also significantly reduced to 52,424 sq. m (Gross Internal Area) compared with 70,280 sq. m originally proposed (representing a 25.5% reduction). In total, the amendments propose:

- 11,344 sq. m of B1 development, and

- 41,080 sq. m of B2 development.

Importantly, the proposed amendments would lead to a substantial reduction in the predicted two-way HGV movements by 70.3% (from a daily maximum of 377 to a daily maximum of 112), as set out in the revised Transport Assessment.

In addition, as B8 development is no longer proposed at the site, there can no longer be any suggestion that the site's redevelopment would be a threat to the existing and planned B8 development at Birch Coppice and elsewhere.

In order to maximise the development's attractiveness to the market, the proposed B2 development would be served by the large ancillary service yards and the proposed maximum height of the buildings and storage remains at 22 m. The maximum height of the proposed B1 units remains 16 m.

#### **Supporting Documentation.**

As previously agreed, the Amended proposals are supported by the following documents:

- A revised Transport Assessment prepared by ADC Infrastructure; and
- Addendums prepared by RPS Planning & Development to the:
  - original Landscape Appraisal;
  - original Heritage Appraisal; and
  - original Noise Assessment.

In addition, a Revised Flood Risk Assessment prepared by RPS Planning & Development is submitted to address all the points made by Environment Agency in their consultation response.

The species surveys undertaken by Applied Ecological Services Ltd are also submitted which to overcome the objection of Warwickshire Wildlife Trust.

This supporting letter also addresses the planning related matters previously raised by the Council and consultees. In respect of those matters the following documentation is also submitted for your consideration:

- Needs case for Rail Served Employment prepared by CGMS (part of RPS Group plc)
- Employment Impact Assessment Report prepared by CGMS (part of RPS Group plc)
- Daw Mill: Rail Access and Opportunities prepared by Intermodality Ltd.