

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

**(Councillors Butcher, Barber, L Dirveiks,
Humphreys, Lea, May, B Moss, Phillips,
Sherratt, Simpson, A Stanley, Sweet, Turley,
Watkins and Winter)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

11 AUGUST 2014

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 11 August 2014 at 6.30 pm.

AGENDA

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

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

5 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2014 - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to June 2014.

The Contact Officer for this report is Robert Beggs (719238)

6 Neighbourhood Plan Designation Consultation Periods - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report seeks Members agreement for the time period for the formal consultation on Neighbourhood Plan Designations be 8 weeks.

The Contact Officer for this report is Dorothy Barratt (719250)

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

11 August 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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 8 September 2014 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2014/0015	4	Land at Hill Farm, Plough Hill Road, Hartshill, Nuneaton, Residential development of up to 262 dwellings.	General
2	PAP/2014/0282	9	1, Farm Lane, Grendon, Atherstone, Erection of one new dwelling	General
3	PAP/2014/0339	22	Daw Mill Colliery, Daw Mill Lane, Arley, Outline Application for employment development (11.072 sq. m. (119,176 sq. ft.) of B1 (Business) use, 11.072 sq. m. (119,176sq. ft.) of B2 (General industry) use, 49,723 sq. m. (535,216 sq. ft.) of B8 (Storage & Distribution) use (including retained building 4) and 2.19Ha (5.4 acres) 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	General
4	PAP/2014/0345	33	C W Young Limited (Builders Yard), Common Lane, Corley, Coventry, Warwickshire, Proposed development of 8No. 2.5 storey semi detached house, 2 No. semi detached 1.5 storey dormer bungalows, 1 No. detached dormer bungalow and 2No. garages with storage above with associated highways, hard standing and landscaping. Scheme also includes the clear up of the remainder of the builders yard.	General

General Development Applications

(1) Application No: CON/2014/0015

Land at Hill Farm, Plough Hill Road, Galley Common, Nuneaton

Proposed Residential Development of 262 dwellings and associated open space and landscaping with a convenience retail outlet and school car park for Gladman Developments Ltd

Introduction

This application has been submitted to the Nuneaton and Bedworth Borough Council and it will determine the application in due course. This Council has been invited to submit any representations to Nuneaton as part of the consultation process.

The Site

This is 14 hectares of land presently accessed off Plough Hill Road about 1 kilometre south of its junction with the Coleshill Road in Chapel End. To the south it backs onto a large existing modern residential estate at Galley Common – off Chesterton Drive – and to the west it is opposite the Galley Common Infant School. To the north is open agricultural land, a pitch and pit golf course and the existing residential areas in Chapel End and Nuneaton. To the east is a former minerals line and further residential development in Nuneaton. The site is on high ground with the land falling away to the north.

A location plan is provided at Appendix A.

The Proposals

This is an outline application for up to 262 dwellings with all matters reserved except for access which is proposed off Plough Hill Road through a new junction north of that with Chesterton Drive. A small convenience store is also proposed together with a car park safeguarded for use by the Infant School on the other side of Plough Hill Road.

An illustrative layout is attached at Appendix B.

A draft Section 106 Agreement is included promoting 25% on-site provision of affordable housing; the principle of off-site highway improvements and public transport provision, the principle of a contribution for additional educational infrastructure and transfer of the freehold of the land for the car park, once completed to the School.

The application is accompanied by a significant amount of supporting documentation. The main planning arguments put forward by the applicant are that the Nuneaton and Bedworth Borough Council's Development Plan is significantly out of date, does not accord with the National Planning Policy Framework and does not have a five year housing supply. Additionally they claim that the supporting documentation shows that the proposal is sustainable development in line with the NPPF's definitions and that there will be limited adverse impacts.

Observations

This application will be determined by the Nuneaton and Bedworth Borough Council according to its Development Plan and all other material planning considerations. As such the principle of the application is a matter for that Authority. This Council should therefore concentrate on the potential impacts on the Borough, in particular the impacts on its spatial strategy and on the physical impacts on its infrastructure.

It is not considered that this proposal if approved would adversely impact on North Warwickshire's strategic planning policy as the thrust of that is to direct new housing to existing established centres. Hartshill is one of those and this application is not far from here. It is therefore agreed that the application site is a sustainable location.

The biggest issues however are the potential physical impacts. First and foremost is the traffic generation. This is not so much to do with the actual access arrangements into the site, but the routes that the expected traffic would take. It is highly likely that this would use Plough Hill Road into Chapel End. Local Members will know of the significant on-street parking and traffic congestion at the junctions of Plough Hill Road, School Hill and Moor Road onto Coleshill Road as well that of Wagstaff Drive onto the Plough Hill Road. The Nuneaton and Bedworth Council will clearly receive the highway advice of the Warwickshire County Council, but this Council should raise this matter now as off-site mitigation measures may well be required.

The second matter is the increased pressure on local services particularly the schools. Whilst Galley Common Infant School is in Nuneaton, the catchment area of both the Hartshill High School and the Michael Drayton Junior School includes Galley Common. Hence the Nuneaton and Bedworth Council should be made aware that any Section 106 education contributions will need to be directed towards these schools rather than elsewhere. Similarly the consequential increased use of doctor's surgeries may well affect the Hartshill and Chapel End Surgeries. In other words there are cross-border issues here that will need to be addressed.

Recommendation

That the Nuneaton and Bedworth Borough Council be informed that whilst the Council has no objection to the proposal, it does raise concerns about the impacts of the development as recorded in this report.

BACKGROUND PAPERS

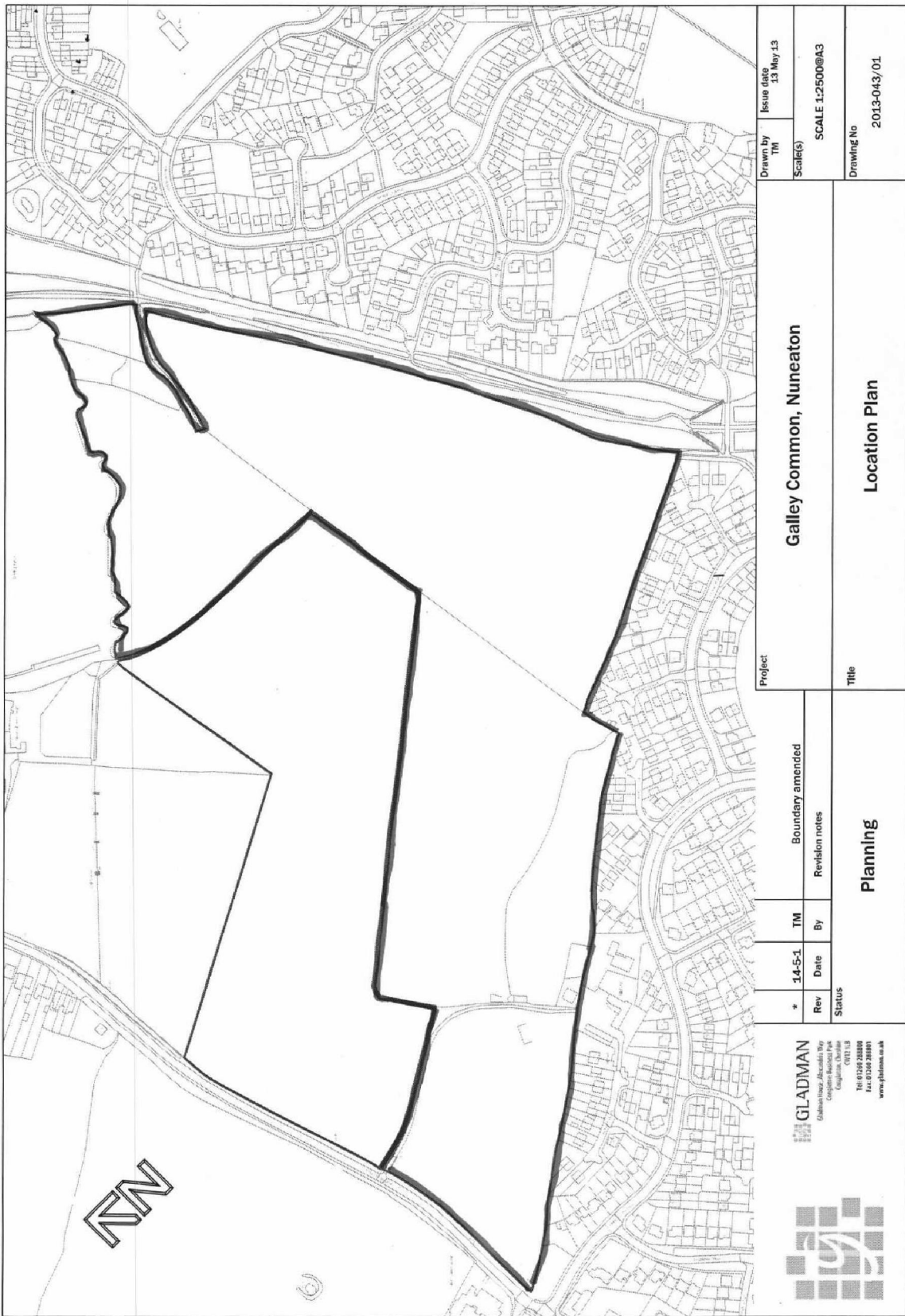
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2014/0015

Background Paper No	Author	Nature of Background Paper	Date
1	Nuneaton and Bedworth Borough Council	Consultation	14/7/14

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.



Drawn by TM	Issue date 13 May 13
Scale(s)	SCALE 1:2500@A3
Drawing No 2013-043/01	

Project: Galley Common, Nuneaton	
Title Location Plan	

* 14-5-1		TM	Boundary amended
Rev	Date	By	Revision notes
Status			
Planning			

GLADMAN
 Gladman House, Alcester, 100
 Corporation Road
 Edgbaston, CV2 1LB
 TEL 01202 282800
 FAX 01202 282801
 www.gladman.co.uk



Appendix B

LEGEND

- Site boundary (14.45ha)
- Proposed higher density residential character area
- Proposed moderate density residential character area
- Proposed low density residential character area
- Proposed public open space (5.36ha)
- Drainage pond/SUDS
- Existing tree/hedge
- Proposed tree/hedge
- Tree preservation order
- Potential 2000 sq ft convenience store (0.12ha)
- Potential school car park - 24 spaces (0.1 /ha)
- Primary access road
- Secondary access road
- Public right of way; retained on existing alignment
- Public right of way; existing alignment (to change)
- Public right of way; proposed realignment
- Proposed main vehicular access
- Proposed school parking and secondary emergency access
- Proposed children's play area
- Residential area & 80hs @ 251 units @ 30dph



Development:	High Density Residential
Client:	Edenborough Land Services Ltd
Drawing:	Final site layout
Scale:	1:1000 @ A1
Revision:	011
Date of Issue:	June 2014
Drawn:	JK
Checked:	JK
Office Address:	Edenborough, 121 Church St, Dinnington, R6 5SH
Telephone:	0121 762 9300
Website:	www.edenborough.co.uk

eden
Urban Design • Landscape • Heritage

(2) Application No: PAP/2014/0282

1 Farm Lane, Grendon, Atherstone, CV9 3DR

Erection of one new dwelling, for

Mr Neil Turner

Introduction

This application is reported to the Board at the request of Local Members who consider that this is sustainable development.

The Site

The site lies wholly within open countryside and is on the north east side of Farm Lane a single track road, not far from the junction with the B5000. It is currently garden land related to No.1 Farm Lane. No.1 has a garden area to the rear and side, with a drive to the front containing a detached double garage. A range of outbuildings is within the garden area. The Lane serves a small number of other dwellings scattered over a wide area together with some barn conversions. This area is in the hamlet of Old Grendon.

A large pond is located in the southern corner of the site and access is achieved directly from Farm Lane.

A general location plan is at Appendix A.

Photographs of the site, the existing house and the lane are attached below.







The above photos were taken 26/11/2013

The Proposal

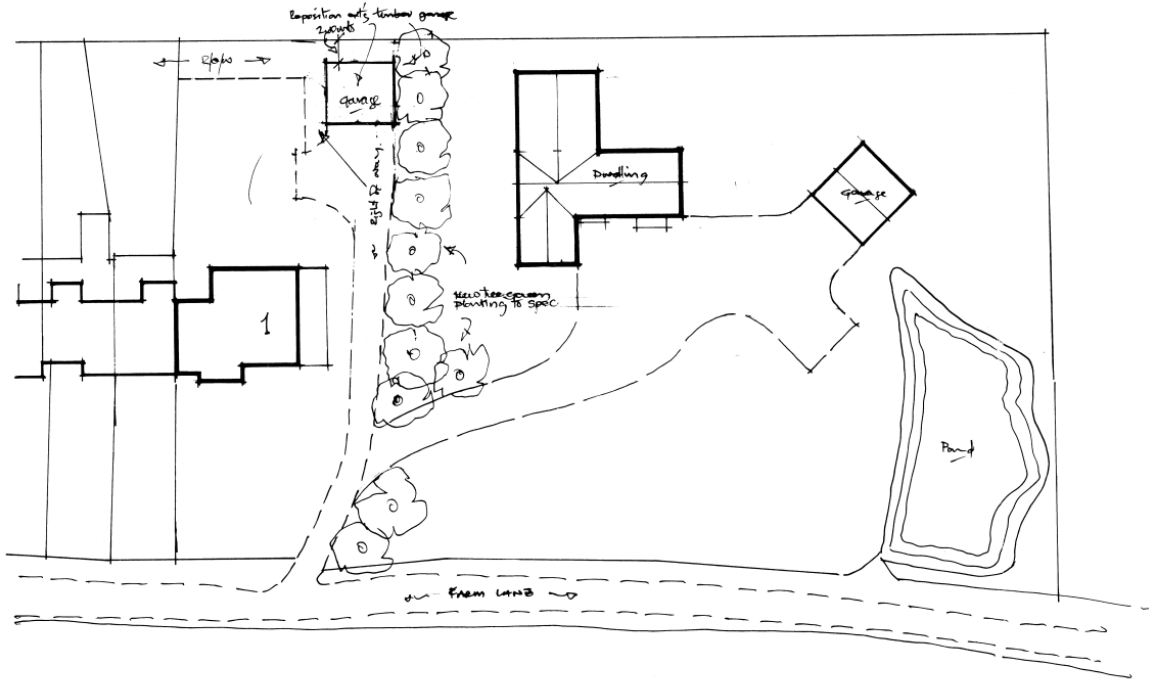
The proposal is for a detached four bedroom dwelling with a detached garage and the scheme would also re-locate an existing garage to No.1 Farm Lane, to the rear of the site, within a revised residential garden curtilage. The existing large garden would be divided, so to form two plots, with one being for the proposed new dwelling, with its garage and associated garden area.

The design of the dwelling is a mix of a barn design with glass windows covering both floors, and a more traditional dwelling design. The design could be considered by the applicant to be contemporary in nature whilst also seeking to consider the existing dwelling of No.1 Farm Lane.

As part of the submission, an off- site “good-will” contribution of £2,500 would be made towards affordable housing within the Borough.

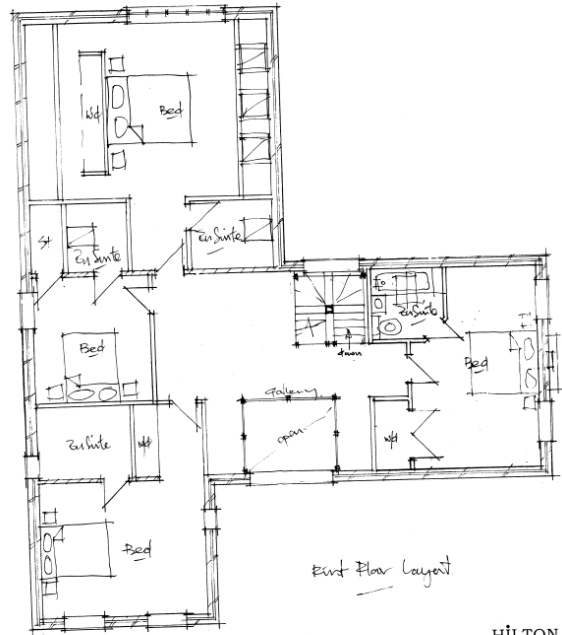
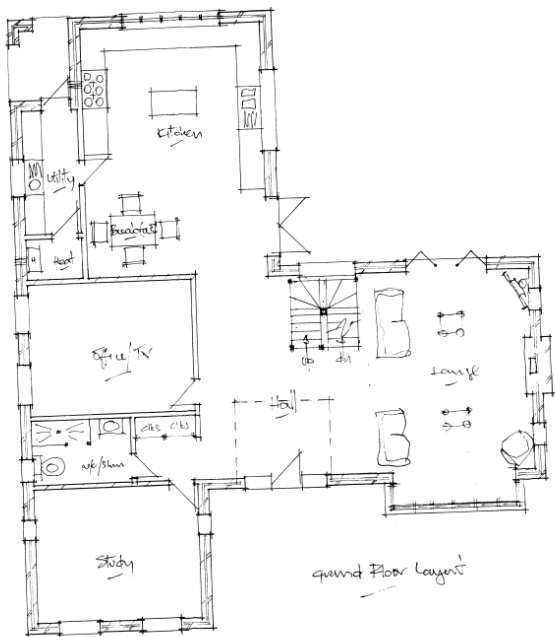
A klargester plant for the water and waste is proposed and water will be discharged into the existing pond. The proposed house would contain a biomass boiler and ground source heating together with other elements resulting in a Code level 5 sustainable house.

The proposed site layout is shown below together with the proposed elevations and an artist’s impression.



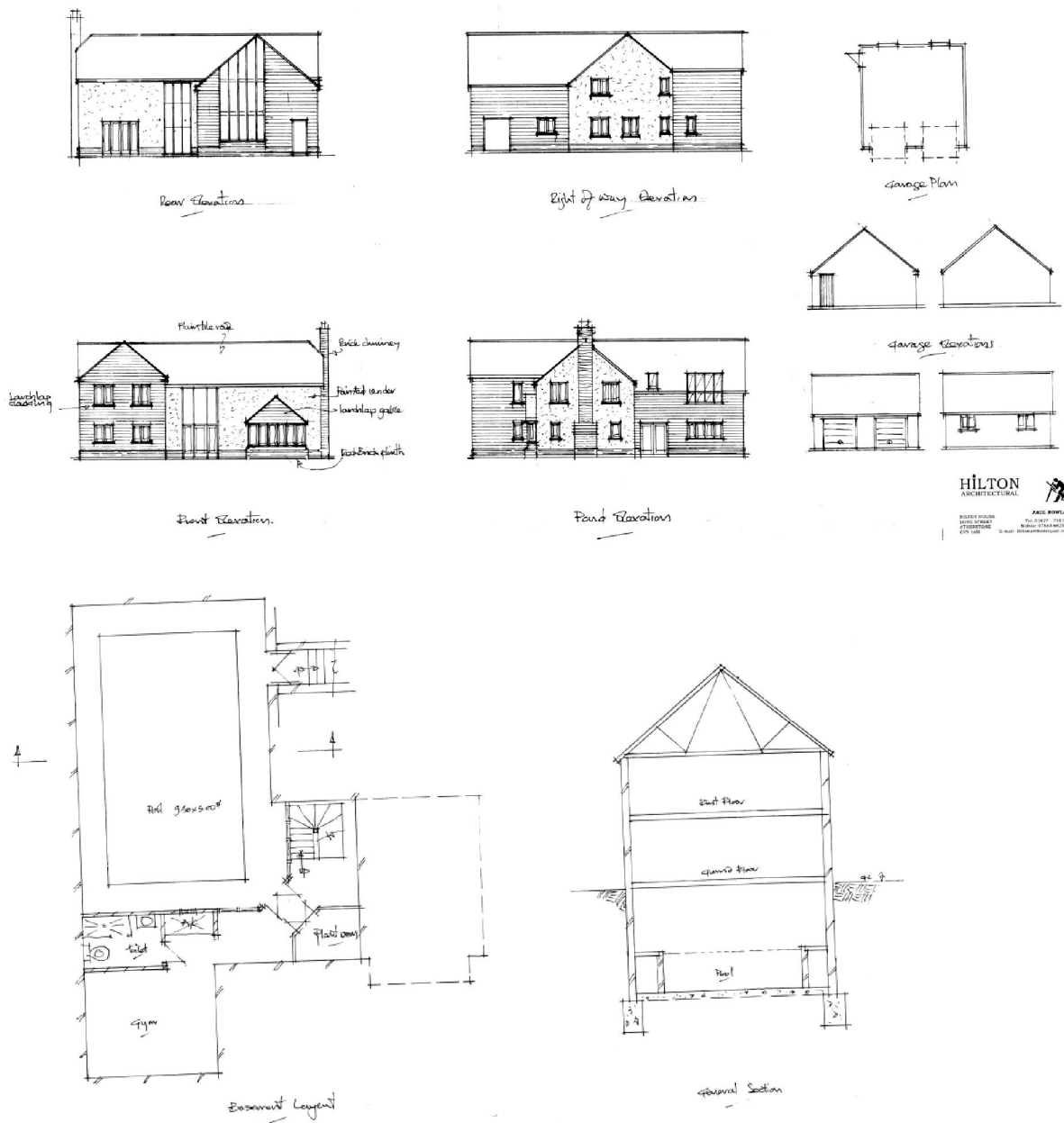
Site Plan 1/200'

RECEIVED



HILTON
 ARCHITECTURAL

HILTON DESIGN
 1000 STREET
 AUSTIN, TEXAS 78701
 512.476.1111



In 2006 planning permission was granted for the garage at number 1 and the main dwelling house was extended following a 1991 consent.

Earlier in 2014, planning permission was refused for a similar large detached dwelling on the same site as this current application. The refusal reason is as follows:

“The proposal is for a new dwellinghouse within the countryside. The proposal represents inappropriate development in the countryside and it is not considered that there are any material planning considerations of such weight to amount to the very special circumstances to override this inappropriateness. The NPPF does allow for new dwellings within the countryside, however the proposal does not satisfy the requirements of paragraph 55 of the NPPF in respect of isolated houses in the countryside. The site does not lie within a settlement boundary and is not considered to be sustainable given its isolated rural location. All of these adverse impacts outweigh any benefits arising from the development thus meeting the test of paragraph 14 of the

NPPF. The proposal is not considered to comply with saved policies ENV1, Core Policy 2 and HSG3 of the North Warwickshire Local Plan 2006. “

This refusal was not appealed, but the applicant has sought a re-submission in order to attempt to overcome the reason for refusal.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV1 (Protection of the Natural Environment), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV10 (Energy Generation and Energy Conservation), HSG3 (Housing outside Development Boundaries), HSG4 (Densities), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

The National Planning Policy Framework 2012

The Council's draft Core Strategy Submission Version 2013 – The relevant policies are: NW1 (Settlement Hierarchy); NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency) and NW10 (Quality of Development).

The Site Allocations Plan Draft Pre-Submission Consultation – June 2014

The Inspector's Proposed Main Modifications to the Submitted Core Strategy – July 2014

Consultations

Environmental Health Officer – No comments

Representations

Three local residents have submitted representations

Two comment only that rights of access should be maintained. The third is an objection on the following grounds: the location is not suitable, doesn't accord with the Local Plan and has not overcome the reason for the recent refusal. Moreover there would be increased traffic on the narrow lane with no pavement; there would be an adverse visual impact and there are no facilities available locally, nor public transport provision.

Observations

a) Introduction

The main consideration here focuses around the principle of development given the nature of the proposal, its location and the recent 2014 refusal. That is a material consideration of substantial weight as it is very recent. In essence the Board will have to consider whether this current proposal overcomes the reason for that refusal. It has to be stated from the outset that it is considered that this is not the case here and thus this application will be recommended for refusal.

The observations below will run through the relevant planning policies as well as explain why there has been no material change in material planning circumstances to warrant overriding the previous 2014 refusal.

b) Lawful use of the land and permitted development

Firstly however it is acknowledged that the application site is within a lawful residential curtilage as opposed to a paddock or agricultural land. It is therefore accepted that a “fall-back” position in respect of permitted development rights under class E of the General Permitted Development Order will apply here.

c) The Development Plan

This hamlet of Old Grendon has no development boundary as defined by the North Warwickshire Local Plan 2006 and neither is the settlement mentioned at all as a general location for any form of new development in the Plan’s defined Settlement hierarchy. As such the Plan would only support new housing where it was shown to be essential to the management of a rural enterprise, for local affordable housing or possibly through a barn conversion. This proposal is for none of these and as such the proposal does not accord with the Development Plan.

d) The Submitted Core Strategy

This hamlet is not identified in the submitted version of the Core Strategy as a settlement appropriate for new development. As such new housing would only be supported if it accords with the same instances as set out above. The proposal does not meet any of these. Moreover the site is not identified in the very recent Site Allocations Draft Pre-Submission consultation paper. Indeed there are no sites identified in this hamlet at all. The proposal therefore does not accord with the overarching spatial policy set out in the emerging replacement Local Plan

e) The Inspectors Proposed Main Modifications

Following Examination by an Inspector, he has proposed a number of modifications to the submitted version of the Core Strategy. These are now at consultation stage. None of the proposed modifications would alter the “status” of Old Grendon in planning policy terms. It thus remains as not being an appropriate location for new development. There is nothing in the proposed modifications to consider a change in approach to this current application.

f) The National Planning Policy Framework

The Inspector’s proposed modifications have been arrived at following an investigation into up to date housing evidence as well as giving substantial weight to the Framework. Indeed the proposed modifications have to be NPPF compliant. As such the overall housing and settlement strategy he sets out fully accords with that Framework.

Moreover the Framework also sets out the principle that new homes in the countryside should be avoided. It is not considered that this proposal accords with any of the identified exceptions. The only one that might apply is where a proposal is of “exceptional quality or innovative nature”. The NPPF qualifies this by saying that design has to be “truly outstanding or innovative” to qualify. This is not the case here.

As such it is therefore considered that the proposal does not accord with the overall approach set out in the NPPF to strategic spatial planning policy.

g) Initial Conclusion

It is agreed that the Development Plan now carries little weight. However the overall approach to spatial planning of that Plan is endorsed by the submitted Core Strategy and the Proposed Modifications. These latter two considerations now carry weight as the settlement hierarchy, housing requirements and general directions of growth are now the subject of Modifications. These have to be compliant with the NPPF which carries full weight. This hamlet is not suitable or appropriate to accommodate growth under the Local Plan, the submitted Core Strategy or the Proposed Modifications. As a consequence there has been no material change at all to the principle of development here since the refusal earlier this year. Indeed the change that has occurred – the proposed Modifications – adds weight to this conclusion.

h) Sustainable Development

Notwithstanding this conclusion, the applicant is arguing that the development is sustainable development in its own right and thus does accord with the general principles of the NPPF.

There are a number of strands to this argument.

Firstly, he argues that there are local services and facilities close by. As a matter of fact there are not. There are no education, health or community facilities here, and certainly none within convenient walking distance. There is no 'bus service to the hamlet or along the B5000. It is agreed that there is a farm and tea shop at The Smithy, but this is 900 metres distant and only accessed along the B5000 where there is no dedicated pavement or cycle lane. Hence the occupiers of the new house will be dependent on a motor vehicle. This is not a sustainable location as confirmed by the 2006 Local Plan, the submitted Core Strategy and the Inspector through his Proposed Modifications.

Secondly, he argues that the energy credentials of the house would make it a sustainable development in other ways and thus it would accord with the NPPF in respect of reducing the carbon footprint. He states that less than 1% of new houses reach Code Level 5 as proposed here. There is certainly some weight to this argument and it is supported by the NPPF and emerging policies in the Core Strategy. However that is of insufficient weight to counter the objection in principle – the unsustainability of the location. It could be argued too that any benefit arising from lowering the carbon footprint of the house would be lost as a consequence of significant car travel.

Thirdly there is an argument that this land is already residential in nature. This may be the case but that is not a substantive reason for allowing new housing development in an unsustainable location. This reason can apply elsewhere in Old Grendon and indeed in a good many other locations. Planning policy whether in the Development Plan, the emerging Core Strategy or the NPPF all start with the premise of proposing new development in established settlements, not isolated gardens.

Fourthly, there is the argument that the development would provide an off-site affordable housing contribution thus leading to a public benefit. This would be the case here but it is a small contribution and would carry very little weight as it would not override the general principles already set out.

Finally there is an argument setting out how the application would “fit” with the Borough’s five year housing supply. Members will be aware that at the July meeting the five year housing supply situation was updated. The Council now has a 5.7 year supply but as reported because of past under-achievement the requirement is not for a five year supply but for a six year supply. As such the Council still does not have a requisite supply. The applicant is thus correct in saying that the application thus should be considered against the principles of the NPPF and only be refused if there are significant and demonstrable adverse impacts. The response to this is that this application is for one house in a wholly unsustainable location unrecognised by the emerging Core Strategy and the Inspector as an appropriate location for new housing. It is considered that this emerging policy situation now carries weight. Moreover the NPPF states that new housing in rural areas should be avoided. This is the case here.

i) Recent Appeal Decisions

Members will understand that this is not the same situation as the recent Spon Lane case in Grendon. Baddesley Ensor and Grendon are recognised settlements in established and emerging planning policy appropriate and suitable for new housing as set out in the submitted Core Strategy and Site Allocations Document. There is a range of facilities located here thus underlying the sustainability of that development site. This case is thus not comparable to the current application.

However of considerable weight is the recent decision in Newton Regis. The Inspector here said that, “Newton Regis is a small village with limited facilities in a relatively isolated location in a predominantly rural area. Thus even though the hierarchy in the emerging Core Strategy cannot yet be regarded as fixed, there is little doubt that this village will remain towards the bottom of the list in terms of its sustainability as a location for substantial amounts of new housing, I find this to be an important material consideration.” Old Grendon is even lower in the existing and emerging settlement hierarchy than Newton Regis. Applying the Inspector’s interpretation of the NPPF above further re-enforces the views expressed earlier in this report.

j) Other Matters

The financial contribution is small but exploration of the appraisal suggests that it is reasonable give the circumstances here.

There are no highway, drainage or neighbour amenity issues here to warrant refusal.

The design of the house is acceptable and it is generally in keeping with its location. There is not a refusal reason here. However as mentioned above it is not considered that its design is so “innovative” or of such outstanding quality to engage the exception referred to in the NPPF as stated in section (f) above.

The matters raised by the neighbours are private concerns to be agreed with the applicant and are not material planning considerations.

k) Conclusions

Members will note that since the recent refusal the applicant has altered the proposal setting out that the new dwelling would be constructed in a sustainable manner, and would be to a high design standard. The application emphasises that the site is part of a residential garden and has further particularly developed his arguments around the NPPF and what he sees as the sustainability arguments to support his case.

These are not considered to be material changes. Since the refusal the substantial change in material considerations has been the publication of the Inspector's Proposed Main Modifications. These support the Council's strategic approach to the location of new housing development and to its interpretation of sustainability. Those Modifications accord with the NPPF and add significant weight to a refusal here. The recent Newton Regis appeal decision reflects this position too. As a consequence this material change endorses the recent refusal not weakens it.

Recommendation

That the application be **REFUSED** for the following reason:

- 1 The proposal is for a new dwellinghouse in the countryside. The proposal represents inappropriate development and it is not considered that there are any material planning considerations to override this inappropriateness. This is because the site is not within a defined settlement boundary nor within a settlement that is recognised as a sustainable location in either the Development Plan or the emerging Core Strategy as proposed to be modified. Whilst the NPPF does allow for new dwellings within the countryside, this proposal does not satisfy the requirements of paragraph 55 of the NPPF in respect of isolated houses in the countryside. Moreover whilst the proposal is for a code 5 sustainable built development, and proposes a small financial contribution towards off-site affordable housing, these matters do not carry sufficient weight to overcome the overriding principle of the site not being in accordance with existing and emerging spatial planning policy. The proposal is not considered to accord with saved Core Policy 2 and saved policy HSG3 of the North Warwickshire Local Plan 2006; draft submitted Core Strategy policies NW1 and NW4 as proposed to be modified, or paragraphs 14 and 55 of the NPPF 2012.

Notes

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues, and allowing the opportunity to overcome the consultation responses. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0282

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/6/14
2	Neighbour	Consultation response	15/6/14
3	NWBC Forward Plans	Consultation response	16/6/14
4	Case officer	Letter to agent	25/6/14
5	NWBC Environmental Health	Consultation response	18/6/14
6	Agent	Email to case officer	3/7/14
7	Case officer	Email to NWBC Forward Plans	4/7/14
8	Neighbour	Email via NWBC Forward Plans	7/7/14
9	Case officer	Email to Councillors	9/7/14
10	Councillor Sweet	Email to case officer	9/7/14
11	Councillor Moore	Email to case officer	14/7/14
12	Neighbour	Consultation response	10/7/14

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.





1 Farm Lane

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The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

Supplied By: **NFS**
 Serial number: 001115744
 Plot Centre Coordinates: 428914, 301021

Atherstone
 CV9 3DR

Rec'd
 3/7/14

(3) 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

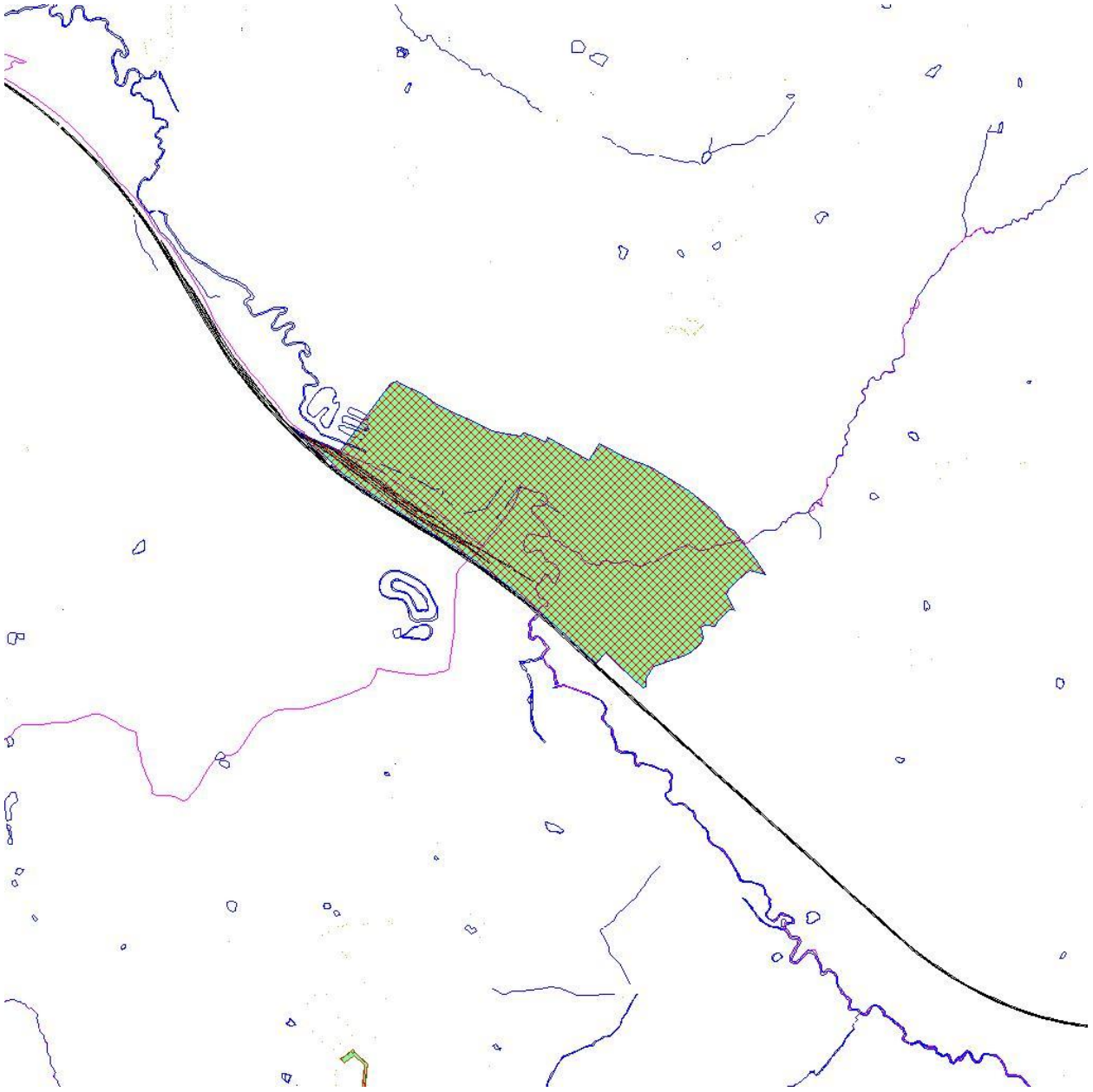
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0339

Background Paper No	Author	Nature of Background Paper	Date
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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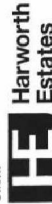
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Rev	Description	By	Date



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Client



Harworth Estates
Project: Harworth Estates Feasibility
Daw Mill

Title: Site Location Plan

Status: Preliminary
Project Leader: KPP
Scale: 1:2500@A3
Drawn By: ASW
Date Created: 30.06.2014
Checked by: MJH

Drawing Number: NK017781_SK017

Rev: -

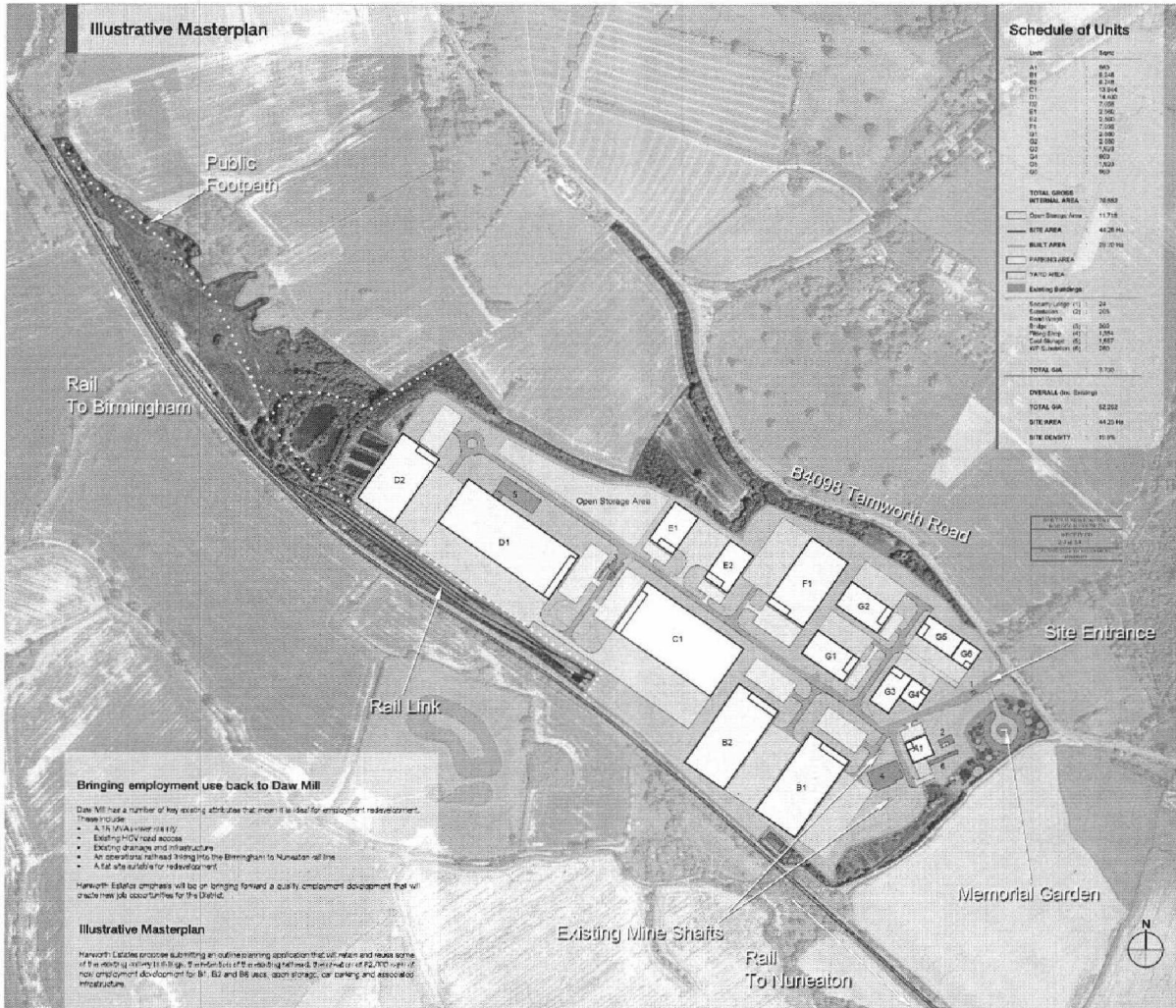
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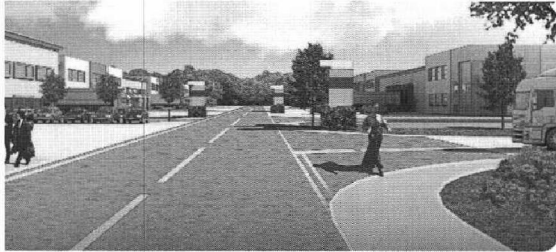
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APPENDIX A



Examples of Typical Units



(4) Application No: PAP/2014/0345

C W Young Limited (Builders Yard), Common Lane, Corley, Coventry, Warwickshire, CV7 8AQ

Proposed development of 8No. 2.5 storey semi detached house, 2 No. semi detached 1.5 storey dormer bungalows, 1 No. detached dormer bungalow and 2No. garages with storage above with associated highways, hard standing and landscaping. Scheme also includes the clear up of the remainder of the builders yard, for

Mr James Cassidy-Cassidy Group

Introduction

This application is to be reported for determination by the Board at the discretion of the Head of Development Control in view of the two matters referred to below. This initial report however just notes its receipt; describes the site and the proposals together with the supporting documentation and outlines the relevant Development Plan policies and other material planning considerations.

The site is wholly in the Green Belt and in the event of the Council resolving that the proposed redevelopment represents a departure from the Development Plan as defined by the 2009 Direction it could be referred to the Secretary of State for determination.

Secondly, the site has been the subject of formal enforcement action over very many years and as a consequence of this, the application description refers to “further clearance work”.

The Site

The application site is a rectangular piece of land of just over 5 hectares in extent on the northern side of Common Lane about 900 metres east of Corley Moor and 1.5 kilometres west of Corley. There is a substantial hedgerow fronting the site and along the eastern boundary. A large oak tree stands centrally within the site. There are three detached house on the opposite side of the road and other dispersed houses and an equestrian centre to the north-west at Corley Moor with more substantial residential ribbon development nearby towards Corley Moor, otherwise the site is in open countryside. The M6 Motorway is situated about 800 metres to the north. It is generally a flat site with slight incline to the north into the site.

The application site can be seen in two halves. On the eastern side of the site is the area known as C W Young’s Builders Merchants. Until very recently this has been covered in stored builder’s materials, paving slabs, timber and aggregates. However in recent months much of the rear of this part of the site has been partially cleared and there are now stock piles of crushed materials here. There is a small porta-cabin office at the front behind the hedgerow; a few other small storage buildings on either side of the central access and some small brick buildings in the southeast corner behind the road frontage. Vehicular access is directly off Common Lane central to the site’s frontage on the outside of a bend in the lane. The western half of the site – in different ownership – contains an overflow storage area for materials as well as more open grass land.

Appendix A illustrates the location of the site in general terms.

Background

The eastern half of the site was used agriculturally in the 1950's together with the construction of timber sheds. However in the 1960's commercial uses took over completely with the continuation of the timber business and the introduction of a builder's merchants business. This latter use was unauthorised and the Council commenced formal enforcement action. Notwithstanding several appeals both against refusals of planning permission and Enforcement Notices, the situation is that there are extant Notices affecting the whole site – both halves as described above. These require the removal of all building materials and the cessation of the builder's merchants business. Failure to comply with these Notices has led to successful prosecution of the business by the Council on two occasions. However continuing non-compliance has led the Council to authorise a third prosecution in the Courts. This is currently on-going and is being dealt with by the Crown Court rather than with the Magistrates Court.

Notwithstanding this background, there are two Certificates of Lawfulness affecting the front part of the larger site. One dating from 1996 relates to a small portion of land on the left hand side of the access and covers an office use. The second dating from early 2014 relates to the front portion of the site – roughly equivalent to the redevelopment site - and covers the manufacture of timber products.

The proposed residential development is for that part of the site covered by the two Certificates referred to above. All builders merchant's activity would cease and the entire site – including land to the west - would be cleared of builder's materials and hard standings. The land outside of any residential scheme would then be returned to grass land. If granted and implemented, such a planning permission would extinguish the lawful uses too.

Appendix B illustrates the extent of the site covered by the extant Notices.

The Proposals – Description

In short the proposal is for the construction of 11 houses on the front portion of the eastern half of the site covering 0.98 hectares and the whole of the remaining land to the rear and to the west being cleared, remediated and returned to grass land. The redevelopment area amounts to around 20% of the whole site.

The housing scheme would comprise a short cul-de-sac extending back into the site from an improved vehicular access in its present location roughly along the line of the existing track. The housing mix would comprise 8 three bedroom semi-detached houses; 2 three bedroom semi-detached bungalows and one four bedroom detached bungalow. Four of the eight houses would front the site behind the retained frontage hedgerow and the others would be to the rear on the eastern side of the cul-de-sac. These would be two and a half storeys tall – 9.6 metres to their ridge line. The two semi-detached bungalows would be located on the right hand side of the access at the front of the site; one and a half storeys in height – 6.5 metres to their ridges. The detached bungalow would be central to the site. There are also two detached garage blocks proposed together with on-site parking. This would allow 200% parking provision throughout the site. The oak tree would be retained within a communal amenity space. The proposed layout and elevations are illustrated at Appendix C.

The residential redevelopment as described and illustrated above would cover about the area of the sites the subject of the two Certificates. The implementation of a planning permission for this scheme would clearly extinguish those lawful uses. Additionally the applicant is proposing:

- Clearance of all building materials throughout the larger site and adjacent land
- Remediation of that land and restoration to grass land, and
- The provision of a new 2 metre wide footpath along the Common Lane frontage.

No affordable housing is proposed on-site, but an off-site contribution of £10k is offered.

The Proposals – Supporting Documents

Ground Conditions Report

This concludes that the likelihood of underground coal mine workings affecting the site's stability is very low and that natural ground subsidence hazards are also considered to be not significant, provided that specific ground investigations are undertaken prior to development. Radon gas and other landfill gas emissions are considered not to be significant. Ground waters are considered to be of moderate risk from contamination on site and the proposals will need to incorporate suitable surface water discharge measures. An intrusive ground investigation will need to be carried out to assess levels of contamination arising from the existing uses on the site, including the need to remove any asbestos and to assess whether there are areas of made ground. Interestingly the report identifies the site as being of moderate risk from ordnance from the Second World War and thus a suitably qualified investigation should take place.

Preliminary Ecology Report

The tree and hedgerows should be retained and new landscaping should include species that will enhance local bio-diversity. Further survey work is needed to establish the presence of greater crested newts in the ponds at the rear of the site. The bat survey suggests that there is limited potential for roosting bats or for on-site foraging but the tree and hedgerows should be retained. The report says that construction work and remedial work should be undertaken with regard to the bird-nesting legislation; that the removal of likely habitats for hedgehogs and reptiles should also have regard to the appropriate legislation and that mammal ramps may be needed. As there is Japanese Knotweed on site, its clearance should be supervised under the recommendations of a qualified expert.

Arboricultural Survey

The single oak tree; other hedgerow trees and the hedgerows themselves have good visual impact and are a long term asset for the site. Appropriate protection measures should thus be undertaken during the construction period.

Utilities Assessment

This says that Severn Trent Water has confirmed that there are no public sewers crossing the site and that mains water is available through installation of new infrastructure. Both the National Grid and Western Power indicate that there is adequate availability within the vicinity of the site, with British Gas confirming that mains gas can be provided. It is said that the proposed access has been designed following advice from the Highway Authority.

Sustainability Statement

This argues that the proposal would contribute to the local economy; assist in providing new housing, meet Building for Life housing standards, re-use brownfield land, provide Level 3 Sustainable Homes, deliver sustainable drainage systems, enhance biodiversity and remediate the land.

Transport Assessment

This describes the surrounding highway character - Common Lane with a 40mph limit; grass verges outside the site and a pavement running down to Corley Moor. There is a limited bus service along Common Lane into Coventry and Nuneaton. The Assessment concludes that this network is capable of accommodating the traffic likely to be generated from the scheme and that this is likely to be less than that arising from continuation of the existing site activities.

Design and Access Statement

This Statement describes how the layout design has been arrived at and how the elevations are considered to reflect any local characteristics.

Public Consultation Report

This describes a consultation undertaken by the applicant in advance of submission. This amounted to hand delivered consultation forms to 58 local households. 24% of these were returned. Of these – 64% agreed that they would like to see the site remain open; 64% agreed that the site caused highway problems, 50% considered that an urban site was more appropriate for a builders merchants, 71% preferred housing on brownfield land, 43% preferred housing on the site rather than commercial use and 57% supported the proposal.

Planning Statement

This Statement begins by outlining the planning policy background to the case. It then provides the applicant's arguments in support of his proposal. In particular it refers to the redevelopment of brown-field land; the remediation of the site and its wider setting, the delivery of housing to meet the five year housing supply and the provision of an off-site financial contribution towards affordable housing.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution); Core Policy 8 (Affordable Housing) and policies ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV7 (Development of Existing Employment Land outside Defined Development Boundaries), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside of Development Boundaries) and TPT 6 (Vehicle Parking).

Other Material Planning Considerations

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

The Council’s Submitted Core Strategy – 2013: Draft policies NW1 (Settlement Hierarchy); NW2 (Green Belt), NW4 (Split of Housing Numbers), NW5 (Affordable Housing) and NW8 (Sustainable Development)

The Inspector’s Proposed Main Modifications – 2014: MM14 (to NW1); MM24 (to NW4), MM30 (to NW5), MM51 (to NW8).

The Town and County Planning (Consultation) (England) Direction - 2009.

Observations

The planning history of this site and the adjoining land is a material planning consideration in the determination of this application, but that has to be balanced against assessment of the proposals against the Development Plan; the emerging replacement Plan and the NPPF. This will not be straight forward.

As the site is in the Green Belt the Board will first need to determine whether the proposals are appropriate or not appropriate development. If the latter, then it will need to assess those considerations put forward by the applicant to see if they amount to the very special circumstances necessary to outweigh the presumption of refusal. If it is considered that they do, then there may be a need to refer the matter to the Secretary of State as a departure under the 2009 Direction. The Council is free to refuse planning permission if the Board does not consider that there are the very special circumstances here, without referral.

As usual the Board will have also to consider issues of design, layout access and appearance as well as the offer of the off-site financial contribution. Any matters arising from representations made and through consultation responses will also need to be considered.

Recommendation

That the report be noted at this time

BACKGROUND PAPERS

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

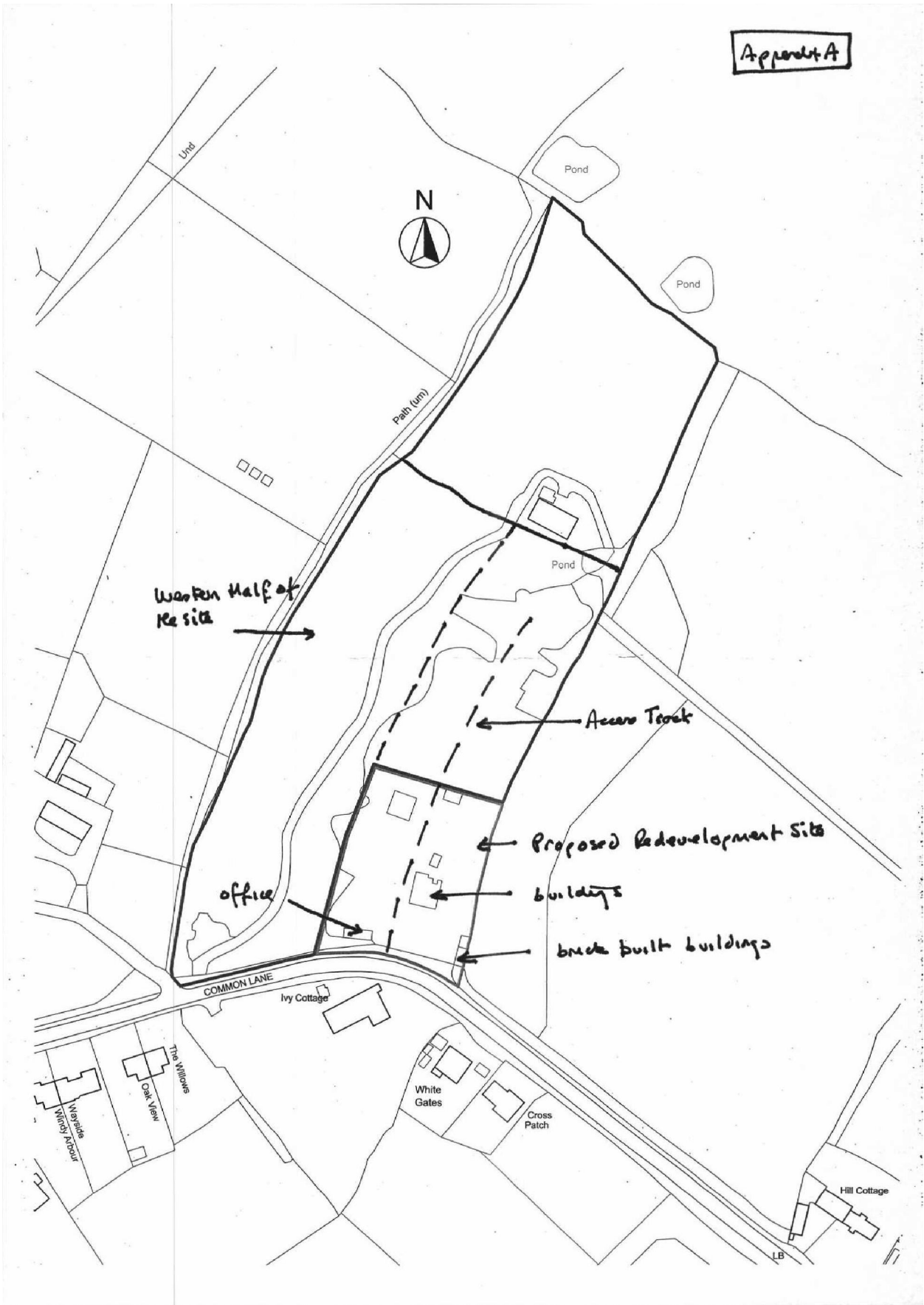
Planning Application No: PAP/2014/0345

Background Paper No	Author	Nature of Background Paper	Date
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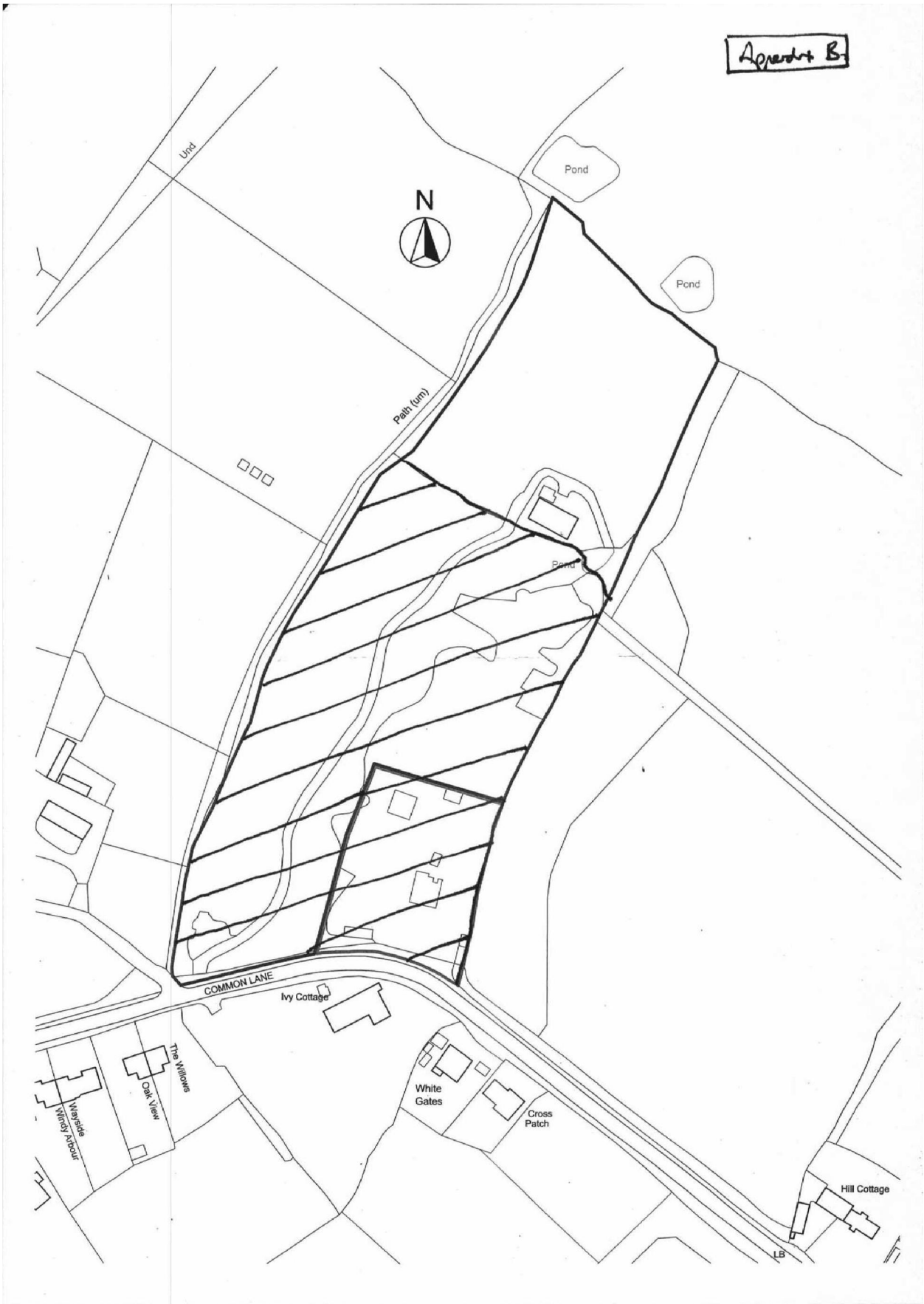
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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





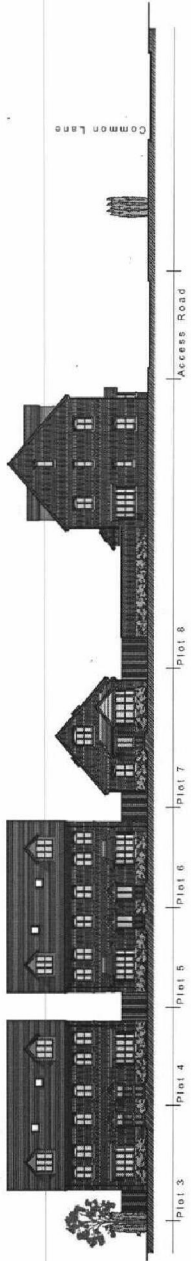
APPENDIX C

2014/0345

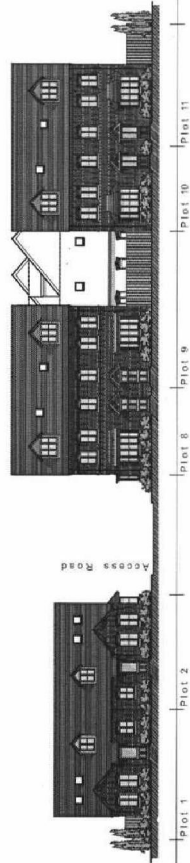
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Drawing By A.J.L.		
Checked By P.J.T.		
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Revision		
 REEFORD ROAD LEICESTER LE1 1AA TEL: 01533 241248 FAX: 01533 241249 EMAIL: info@gmh.co.uk WWW.GMH.CO.UK		



INDICATIVE STREET ELEVATION A-A



INDICATIVE STREET ELEVATION B-B



ELEVATION LOCATOR PLAN-NIS

Agenda Item No 5

Planning and Development Board

11 August 2014

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2014

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to June 2014.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the first quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2014/15. This is the first report showing the progress achieved so far during this year.

4 Progress achieved during 2014/15

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to June 2014/15 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2014/15 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 33% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	5	100%
Amber	0	0%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Number	Percentage
Green	1	33%
Amber	1	33%
Red	1	33%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The action to improve employment opportunities for local residents at Birch Coppice is contributing towards the Raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents at Birch Coppice is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to bringing more jobs to North Warwickshire, protecting and improving our environment and defending and improving our countryside and rural heritage.







The Contact Officer for this report is Robert Beggs (719238).

Background Papers







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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Planning Board 14/15

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 012	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 Green	
NWCP 013	Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings and report by March 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 Green	
NWCP 051	To work with the County Council, Job CentrePlus and other partners to provide training and to administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training	Local Employment	Maxey, Steve	The North Warwickshire Works Programme has engaged with 507 people since the project was established. Activities include work clubs, employability training programmes, Cook IT project etc. NWW is now working with employers at Birch Coppice to identify solutions going forward. A breakfast meeting event was held with Birch Coppice occupiers on Tuesday 8 July 2014 to tease out issues and identify the focus of the last amount of funding.	 Green	
NWCP 070(1)	Looking to improve transport links to the local employment	Access to Services	Brown, Jeff	To be reported on time in March 2015	 Green	

NWPI Planning Board 14/15

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60	100	 Green		Performance reflects priority given to major applications
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80	57.5	 Red		The difference is due to a large number of application involving S106 agreements together with extended negotiations on viability issues
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90	89.87	 Amber		This difference is due to case officers following up detailed consultation responses and seeking amendments in order to create a better outcome

Agenda Item No 6

Planning and Development Board

11 August 2014

Report of the Assistant Chief Executive and Solicitor to the Council

Neighbourhood Plan Designation Consultation Periods

1 Summary

- 1.1 This report seeks Members agreement for the time period for the formal consultation on Neighbourhood Plan Designations be 8 weeks.

Recommendation to the Board

That the Neighbourhood Plan Designation consultations be for 8 weeks.

2 Consultation

- 2.1 Councillors Butcher, Sweet, M Stanley, Simpson and Smith have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 In North Warwickshire a Neighbourhood Plan can be prepared by a Town or Parish Council. It can cover one or more areas. When adopted the Neighbourhood Plan will be part of the Local Plan for North Warwickshire and will be taken in to consideration in the determination of planning applications. This report relates to the designation of the area to be covered by a Neighbourhood Plan for Corley. There has been no indication by the Parish Council which subjects will be covered by their Neighbourhood Plan and they are not required to do so until the drafting of the Plan.

4 Consultation Period

- 4.1 The current convention is that a consultation will run for 12 weeks in accordance with the Warwickshire Compact when the Borough Council carries out the process of designation. It is recommended that the consultation period be reduced to 8 weeks.
- 4.2 The Borough Council has now run 5 Neighbourhood Plan Designation consultations. The response rate has been extremely low with the less than 10 representations received. It would appear that the consultations carried out to date are uncontentious in that they relate to existing Parish boundaries. As such it is recommended that the period for consultation be reduced to 8

weeks. This is still two weeks longer than a “normal” formal consultation but shorter than what is recommended through the Warwickshire Compact.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 The cost to the Borough Council for carrying out the consultation process would remain unchanged.

5.2 Legal and Human Rights Implications

5.2.1 The process conforms with the legal requirements for Neighbourhood Plans

5.3 Environmental and Sustainability Implications

5.3.1 Each Neighbour Plan will need to consider the effects of the Plans contents in terms of environmental and sustainability issues in accordance with the relevant regulations.

5.4 Links to Council's Priorities

5.4.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;

1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Dorothy Barratt (719250).