

To: The Deputy Leader and Members of the  
Planning and Development Board  
(Councillors Sweet, Butcher, L Dirveiks,  
Humphreys, Lea, May, B Moss, Phillips,  
Sherratt, Simpson, A Stanley, Turley, Watkins,  
Winter and Wykes)

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](mailto:davidharris@northwarks.gov.uk).

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**12 AUGUST 2013**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 12 August 2013 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 2013 - 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 2013.

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

**6 Neighbourhood Plan Designations for Austrey and Fillongley - Report of the Chief Executive and the Deputy Chief Executive**

**Summary**

This report informs Members of the progress of the formal consultation on the designation of Austrey Neighbourhood Plan area and the Fillongley Neighbourhood Plan area.

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

**7 Emergency Tree Preservation Order – Land at Mancetter Manor, The Green, Mancetter - Report of the Report of the Head of Development Control**

**Summary**

The Board is invited to confirm the decision to issue an Emergency Tree Preservation Order in respect of 1 Horse Chestnut Tree and 2 Lime Trees at Mancetter Manor, The Green, Mancetter.

The Contact Officer for this report is Fiona Wallace (719475)

8 **Emergency Tree Preservation Order – Land at Coventry Road,  
Fillongley** - Report of the Report of the Head of Development Control

**Summary**

The Board is invited to confirm the decision to issue an Emergency Tree Preservation Order in respect of 1 Oak tree on land at Coventry Road, Fillongley.

The Contact Officer for this report is Erica Levy (719294)

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**12 August 2013**

### **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, 89 September 2013 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**

Item No	Application No	Page No	Description	General / Significant
1	PAP/2013/0208	5	<b>Land Adjacent to Birmingham Road, Coton Road, Whitacre Heath,</b> Construction of the River Tame flood defences, broadly comprising a series of earth embankments on a 11.30ha site at Whitacre Heath field	General
2	CON/2013/0012	33	<b>Land at, Sewage Treatment Works, Lichfield Road, Coleshill,</b> Proposed construction and operation of an Anaerobic Digestion Facility (ADF)	General
3	CON/2013/0013	43	<b>Sita UK - Packington House, Packington Lane, Meriden,</b> Development and operation of a wood recycling facility including preparation of the base with suitable granular material	General
4	PAP/2013/0107	50	<b>Oak Tree Farm, Quarry Lane, Mancetter, Atherstone,</b> Change of use of agricultural building to mixed use for agriculture and boat repairs / restoration, extension of existing moorings, provision of hardstanding, installation of steps and charging points, and erection of sheds	General
5	PAP/2013/0168 And PAP/2013/0169	62	<b>Father Hudson's, Coventry Road, Coleshill,</b> Planning and Conservation Area Consent for Demolition of existing buildings and proposed mixed residential and commercial development comprising 74 new dwellings; a retirement complex of 39 flats, a new office building, landscaping and ancillary structures (including a pumping station and an electrical substation)	General
6	PAP/2013/0211	121	<b>Mallard Lodge Site, Marsh Lane, Water Orton,</b> Removal of existing B2 and office buildings, storage and car parking. Erection of new industrial building with associated offices partly over existing lake formed due to gravel extraction. Landscaping including car parking and goods delivery area	General

7	PAP/2013/0224	145	<b>Land South Of Dairy House Farm, Spon Lane, Grendon,</b> Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved	General
8	PAP/2013/0278	186	<b>Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon,</b> Erection of a single wind turbine up to 67m tip height and associated works	General
9	PAP/2013/0285	208	<b>Poultry Farm, Gorse Green Lane, Fillongley,</b> Proposed development of a 50kW wind turbine	General
10	PAP/2013/0288	233	<b>Caldecote Hall Industrial Estate, Caldecote Hall Drive, Caldecote, Warwickshire,</b> Variation of condition no: 2 of planning permission PAP/2011/0420 relating to new plans, reduction in size of plots 1, 3 & 4, reduction in size of office block, 1 no: new dwelling; in respect of mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings	General
11	PAP/2013/0321	242	<b>Wienerberger Brick Works, Rush Lane, Dosthill,</b> Installation and operation of 1no: 130m high wind turbine and associated infrastructure (including access track, electrical equipment, temporary construction compound and hardstanding)	General
12	PAP/2013/0325	272	<b>Adjacent to Wynn House, 60 High Street, Coleshill,</b> Application to apply for a further 3 year extension to implement planning permission PAP/2010/0312 erection of part ground floor & two upper storeys comprising two flats over existing access between nos 58 & 60	General
13	PAP/2013/0365	281	<b>3, Willow Walk, Arley,</b> Change of use from open space to residential and two storey side extension	General

## **General Development Applications**

### **(1) Application No: PAP/2013/0208**

**River Tame Flood Defence, Land adjacent to Birmingham Road, Coton Road, Whitacre Heath**

**Construction of the River Tame flood defences, broadly comprising a series of earth embankments and walls on a 11.30 hectare site at Whitacre Heath field, for**

**The Environment Agency**

### **Introduction**

This application was reported to the Board in July 2013 at the discretion of the Head of Development Control in view of an objection being lodged by a statutory consultee. Since this meeting this objection from Warwickshire County Council's Rights of Way Team has been withdrawn.

At the Board meeting in July, the Board deferred making a decision on this application until further information on the surface water flooding issue in Whitacre Heath had been provided.

A copy of July's Board report is appended to this report at Appendix A. No alterations have been made to the proposal which remain as described in July's Board report.

### **Background**

Following the discussions at the Board meeting held in July, a letter was sent to the Agency on behalf of the Board requesting further information on four issues. A copy of this letter is appended to this report at Appendix B. The four issues raised by the Planning Officer were as follows:

1) Results of the survey scheme presently being undertaken by Warwickshire County Council and the Environment Agency showing exactly how many properties are affected by this surface water flooding issue in the village and outlining potential drainage improvements to overcome this issue and likely costs. These results should also include looking at ways the present fluvial flood defence scheme could be adapted to alleviate some of this surface water flooding issue.

2) Further details on how the funding for this Flood Defence Scheme would be affected through delays in the decision-making process. A programme of work is required showing the absolute deadline when each phase of the scheme needs to be completed and the consequences on the funding stream should these deadlines not be met.

3) Written clarification is required to substantiate the Agency's claims that this proposed flood defence scheme will not exacerbate the surface water flooding issue in Whitacre Heath.

4) A written statement showing the progress made to date by the Environment Agency, Warwickshire County Council, Network Rail and Severn Trent Ltd on working collectively to resolve this surface water flooding issue since the public meeting held in Whitacre Heath on 20 June 2013.

## **Additional Information Received**

The Environment Agency has responded to the Board's letter and this is at Appendix C.

Warwickshire County Council's Flood Risk and Water Management Department – an email dated 26<sup>th</sup> July 2013 has been received providing information on progress made on the surface water flooding issue. This is at Appendix D.

## **Observations**

The Environment Agency has confirmed in its letter dated 31<sup>st</sup> July 2013 that it is currently working with Warwickshire County Council to review surface water flood risk in the area. This statement is reinforced by the Flood Risk and Water Management Manager at WCC who states that the County is committed to working with the Environment Agency to identify suitable options and to work with the local community to mitigate surface water flooding.

The Environment Agency state that based on historic records the main surface water issue is in the Coton Road railway crossing area and this is where its efforts have been focused. It confirms that it has reviewed the hydrology for the catchment which drains to this area to derive the anticipated flows and volumes of water which need to be dealt with and they have now undertaken threshold levels for the properties in the Coton Road area. Progress to date includes a door to door survey in this area of the village along with canvassing residents in the other parts of the village to ascertain any other localised problems.

The Environment Agency state that it has developed a digital terrain model of the area to enable it to ascertain the extent of surface water floods for the anticipated flows. It is now calibrating this model against the feed back from residents on the frequency and level of past flood levels. Once it has completed this exercise it will be able to confirm the numbers of properties likely to be affected for a given return period event. However, from the information received to date it considers that it is likely that approximately 17 residential properties could be at risk of surface water flooding at relatively low return periods.

A number of options to alleviate this surface water flooding issue is listed in the Environment Agency's letter including clearance of drains and ditches (which has already commenced), widening of ditches and culverts, flood defence walls and a pumping station. However, as confirmed by WCC, it cannot promise a solution as each option will be subject to a costs benefit analysis and subject to the availability of funding. Nevertheless, some of the options such as clearance of drains and ditches can be achieved within existing budgets.

Warwickshire County Council also state that Whitacre Heath will be one of the communities of focus for the Community Flood Resilience Pathfinder project which aims to work with communities over the next two years to help them improve their resilience to flooding.

## Conclusion

The supporting documents submitted with this planning application, namely the Flood Risk Assessment coupled with the additional information received by the applicant in its letter of 31<sup>st</sup> July 2013 both confirm that the proposed fluvial scheme will not exacerbate surface water flooding in the village. The Environment Agency is a responsible authority and the Council does not have any evidence to the contrary to challenge this statement. Indeed, from the evidence presented it would appear that this proposed fluvial flood defence scheme will marginally reduce surface water flooding by providing some additional capacity in the drainage system within the proposed defences to the north of the Coton Road railway crossing which has been taken out of the River Tame floodplain.

Members voiced concerns that they did not feel that the surface water flooding issue was being given the priority it required. Confirmation from both WCC and the Environment Agency demonstrates that both organisations are committed to working together to reach an appropriate solution within the confines of the funding regime of cost benefit analysis. It appears that some of the solution to this surface water flooding issue is general maintenance work of the drains and ditches in the area. WCC Highways has already commenced work on site involving jetting work of the highway drains between Halloughton Grange Lane and the railway bridge adjacent to "The Cedars," Coton Road, Whitacre Heath.

The recommendation below remains unaltered in that this fluvial flood defence scheme should be supported to protect 304 properties in Whitacre Heath of which 237 properties are residential, to a 1 in 200 year (0.5%) level of protection. Further delays in the determination of this major application will mean that the works will need to be reprogrammed in to the Environment Agency's medium term funding plan with no guarantees of them being delivered or when the funding will become available again. The dedicated project team delivering the flood defences for the Lower Tame are based on a time limited contract and it is stated that to delay the project in to future years will lose some of the efficiencies of the project team which will ultimately mean that the cost to the tax payer will increase.

Ideally the fluvial flood defence scheme should include measures to alleviate the surface water flooding issue in the village. However, as we have seen this involves different Agencies working with different funding regimes with different timescales. It is likely that around 17 residential properties are directly affected by surface water entering their properties. This needs to be balanced against further delays which could result in either the funding not being available or the project team working elsewhere so that this fluvial flood defence scheme to protect 304 properties is not delivered. In view of this it is recommended that Members agree to both of the following recommendations.

## Recommendation

**A)** The Head of Development Control be asked to write on behalf of the Board to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area.

**B)** That planning permission should be **GRANTED** for application ref: PAP/2013/0208 subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

- 2) The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered - to be agreed including drawing number WN/TPAR/DD/WHIT/318 Revision E (revised footpath details).

### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

- 3) Prior to the construction of the flood defence walls and parapet extensions, samples of the facing bricks and coping stones shall be submitted to the Local Planning Authority for approval. Only the approved materials shall be used on the scheme.

### REASON

In the interests of the amenities of the area.

- 4) Prior to any construction activity taking place at the site the contractor shall produce an appropriate method statement for working within suspected ground contamination areas. This report shall include a watching brief detailing the procedures for the actual works and the reporting mechanisms should any contamination be found on site. Such a report shall be submitted to the Local Planning Authority for their approval in writing.

### REASON

In the interests of water quality.

- 5) Prior to the construction of any fences, full details of the design, appearance and materials to be used in their construction shall be submitted to the Local Planning Authority for their approval in writing. Only the approved materials shall then be used on the site.

#### REASON

In the interests of the amenities of the area.

- 6) No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, and all areas to be grassed, and also details of the landscape management plan. Any such planting which within a period of five years of implementation of the landscaping scheme fails, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented during the first planting season following completion of the works unless otherwise agreed in writing by the Local Planning Authority and the landscape management plan shall be implemented as approved.

#### REASON

To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the river corridor and to minimise the visual impact of the proposed flood bank on the character and appearance of the river corridor and to comply with Saved Policies in the NWLP 2006.

- 7) Prior to the commencement of development in the Station Road area, full details of the individual flood mitigation measures to protect the residential property known as The Lodge, Station Road shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall then be implemented on site.

#### REASON

To increase this properties' resilience to flooding as a result of the proposed flood defence works.

- 8) Prior to the commencement of development full details of the proposed route for construction traffic and the methods that this will be communicated to all construction operatives shall be submitted to the Local Planning Authority for their approval in writing.

#### REASON

In view of the development site being bound by rural village roads which are considered unsuitable for large volumes of construction traffic.

#### Notes

- 1) The Local Planning Authority has worked positively with the applicant in this case to resolve planning issues arising from the application through pre-application



discussions; resolving matters arising from consultation responses and seeking amended plans and additional information in mitigation of impacts, thus meeting the requirements of the National Planning Policy Framework.

- 2) Traffic Regulation Orders will be required for the temporary closure of public footpaths T30 and T32. The applicant should contact Warwickshire County Council's Rights of Way Team well in advance to arranged these Orders.
- 3) The granting of planning permission does not give the applicant consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel: 01926 412515, before any work is carried out. A charge will be made for the carrying out of inspections and the issue of permits.
- 4) Before commencing any Highway works, the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
- 5) Unauthorised signs are not permitted within the limits of any public highway. To secure the provision of signs giving directions to the development, the applicant must apply in writing to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP.
- 6) For discussions and approvals of designs for works on the public highway, the applicant should contact the County Council's Design Services Section: contact Mr Chris Simpson [chrissimpson@warwickshire.gov.uk](mailto:chrissimpson@warwickshire.gov.uk) on 01926 412677. In accordance with the Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
- 7) For alterations to the existing 30mph Traffic Regulation Order the applicant should contact the County Council's Traffic Projects Team; [trafficprojects@warwickshire.gov.uk](mailto:trafficprojects@warwickshire.gov.uk) on Tel: 01926 414167.
- 8) The applicant should be aware that there are high levels of carbon monoxide detected in the mercia mudstones at Hams Hall. In light of this it is recommended that the applicant monitors for carbon monoxide during intrusive works (within at least 5 miles of Hams Hall).

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0208

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Sharron Wilkinson	Letter	16/7/13
2	Michael Green WCC	E-mail	26/7/13
3	Environment Agency	Letter	31/7/13

*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.*

**General Development Applications**

**(#) Application No: PAP/2013/0208**

**River Tame Flood Defence, Land adjacent to Birmingham Road, Coton Road, Whitacre Heath**

**Construction of the River Tame flood defences, broadly comprising a series of earth embankments and walls on a 11.30 hectare site at Whitacre Heath field, for**

**The Environment Agency**

**Introduction**

This application is reported to the Board at the discretion of the Head of Development Control in view of an objection being lodged by a statutory consultee, and because of local public interest.

**The Site**

The proposed site measures some 11.30 hectares and involves land located to the east of Lea Marston; south of Hams Hall and also to the west of Whitacre Heath. This land is on the eastern bank of the River Tame. The proposed development borders a small section of the Birmingham Road on both sides. The Sections to the south of the Birmingham Road follow the route of the existing Whitacre flood embankment. To the north, the site borders the railway line and ties in to Coton Road. The site also runs through Whitacre Heath Nature Reserve.

Briefly the application area includes:

- Lea Marston Purification Lakes;
- Birmingham and Derby Railway Line;
- Coton Road;
- Birmingham Road;
- Whitacre Heath SSSI;
- Lea Marston Lake Local Wildlife Site; and,
- Lea Marston Quarry Local Wildlife Site.

There are no residential properties within the site application boundary.

Construction traffic with clay embankment material will access the site via Junction 9 of the M42, then travel the A4097 Kingsbury Road, onto Coton Road and into Birmingham Road. Birmingham Road will have traffic lights in operation during the works.

## **The Proposal**

The proposal relates to:

- The raising of the existing flood banks to the south of Birmingham Road by 0.2 metres at the southern end and up to 1.2 metres at the northern end over a length of 1km on the eastern side of the river bank;
- The construction of a ramp adjacent to the car park area to allow maintenance vehicles to access flood banks to the south of Birmingham Road,
- The construction of a new flood wall along both sides of the Birmingham Road to tie into the existing bridge parapets,
- The construction of a new flood bank to be constructed to the north of Birmingham Road so as to tie into the railway embankment at a height of 1.7 metres for a length of 400 metres,
- A new flood bank at Coton Road tying into the railway with a flap added to the existing watercourse to prevent river water backing up the drain during a flood event; and,
- Road raising at Coton Road.

The flood bank will have 1 in 3 side slopes with a 3 metre crest which is considered to be the narrowest design (smallest footprint) at which the banks can be safely maintained. The flood bank will be sown with a wildflower seed mix. The flood wall will be clad with material to match the existing materials of the bridge parapets. Mitigation planting is proposed where landscaping is to be removed.

During construction works, the main site compound will be located within the Environment Agency's Lea Marston depot to the west of the scheme. There will be small satellite compounds at either end of the scheme including in the field at the southern end of the works and within the Warwickshire Wildlife Trust car park off the Birmingham Road.

There are three Public Rights of Way within the study area. Footpaths T30 and T32 will be closed during the construction works for up to six months and re-opened when the works are complete. Once reinstated the ramps over the flood defences will be 1 in 9 gradient.

The flood defence scheme has been designed to protect 304 properties of which 237 properties are residential, to a 1 in 200 year (0.5%) level of protection.

## **Background**

The Environment Agency published the River Tame Flood Risk Management Strategy in 2011 which identified a number of schemes to manage flood risk. Kingsbury is part of the Lower Tame Scheme which includes proposed defences at Coton in Tamworth and at Kingsbury for which planning consent has already been obtained.

Pre-application discussions have taken place with key stakeholders prior to the submission of this application as well as consultation with the public and interested parties. A Statement of Community Involvement is included in the documentation submitted.

Existing flood defences at Whitacre Heath date from the 1960s as a result of flooding in 1955. These only comprise of a low flood bank to the south of the Birmingham Road.

They protect properties from fluvial flood waters to a 1 in 20 and a 1 in 50 year flood event. Flood events have occurred in 1992 and 2007.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 3 (Natural and Historic Environment) and policies ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design) and ENV14 (Access Design).

Other relevant material considerations

The National Planning Policy Framework 2012

The Council's Submitted Core Strategy - February 2013: Policies NW2 (Green Belt); NW8 (Sustainable Development), NW11 (Natural and Historic Environment) and NW19 (Infrastructure).

## **Consultations**

Warwickshire County Council as Highway Authority – The Council supports the alterations to the existing carriageway and the extension of the exiting 30mph limit into/away from Whitacre Heath. However, all of this detail will need to be submitted as part of a Section 278 application. The Highways Authority offers no objection to the scheme subject to the imposition of conditions.

Warwickshire County Council Rights of Way Team – There is an objection to the scheme as one of the proposed embankments will be laid across public footpath T30. The works shown on drawing WN/TPAR/DD/WHIT/318 D show a different route (the route shown is approximately 10 metres further to the east) to the legal alignment. The Rights of Way Team state that they would be willing to withdraw their objection if the application is revised so that the legal line of public footpath T30 is satisfactorily accommodated. The proposal will also affect public footpath T32 which will be ramped up onto an embankment. Amended plans are to be submitted by the Agency in response to these matters and the revised comments from the Footpaths Team are awaited. These will be reported verbally to the Board.

Environmental Health Officer – He has no comments. However a note should be added on any consent granted informing the contractor that high concentrations of carbon monoxide have been detected in the mercia mudstones at Hams Hall, therefore it may be prudent to monitor for carbon monoxide during intrusive works (within at least 5 miles of Hams Hall).

Environment Agency – The Agency has no objections to the proposed development but wishes to make comments relating solely to the proposed flood mitigation measures. These are as follows: confirms that the designs for the engineering works were produced after lengthy discussions with the Environment Agency and it is understood that the proposals have all been modelled. Consent under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws will be required.

Network Rail – It confirms that Network Rail Asset Protection Engineers for the area have been in contact with the Environment Agency about the proposal and subject to their review, they have no objection in principal.

## Representations

Nether Whitacre Parish Council – The Council forward a petition handed to the Parish Council at one of its meetings. The Parish Council endorses the concerns of residents of Whitacre Heath and urges that, at this stage, no decision be made on the application from the Environment Agency. They add that the Flood Defence Scheme is a matter of major importance to the future of this village and its residents and call for a meeting to be arranged between residents and the Environment Agency to discuss the large amount of technical information.

As a consequence a public meeting did in fact take place on 20 June 2013 and was very well attended. Present were officers from the Environment Agency, an officer from the County Council, a Borough Councillor, an officer from the Borough Council, a representative from Dan Byles MP's office and residents from Whitacre Heath.

Lea Marston Parish Council – This Council is concerned that the proposal will generate construction traffic through the village. They oppose any construction traffic being allowed through the village and request that plant movements across Birmingham Road are via Traffic Lighting control and that the road surfaces are cleaned and lit as appropriate. They also question the hours of working and winter lighting levels as well as the planning application at Marston Fields Farm for the extraction of Clay which could be used on this site.

Seven letters of objection have been received from residents in Whitacre Heath concerned about surface water flooding in the area which is flooding both property and gardens in the village. The proposal will leave the two railway culverts open and these are a main source of flooding onto adjoining land. They state that a pump should be included in this flood defence scheme.

The petition referred to above and signed by residents at 73 properties in Whitacre Heath asks the following questions:

- 1) How does this flood defence protect our properties from flooding?
- 2) How will the water from the existing drains to the rear of our properties get away?
- 3) If a pump is not installed can you inform us of plan B?

Most of the signatories on this petition provide a summary of how flood waters presently affect them.

A further letter has been received on behalf of the residents of Coton Road that signed the petition. They state that they do not object to the river flood defences. However, they do object to the defence going ahead without a plan in place to deal with the high volume of surface water. They state that if the surface water is not taken into account as part of the flood defence, then there is a risk that the volume of surface water will increase, making a greater incidence of flooding and a higher flood risk.

Two letters of support received from residents in Whitacre Heath thanking all the representatives for attending the public meeting at Whitacre Heath and offering support for this flood defence scheme. However, the issue of flooding from surface water must be addressed and close liaison must take place between the applicants, Severn Trent Water and the Highways Authority to provide preventative measures.

Two letters of concern from residents in Whitacre Heath asking the Borough Council to consider the affect this planning application will have on holding back drainage water. They state that a pump should be considered to pump drainage water over the flood bank and into the river. They consider that this application could affect many more properties that are not affected at the present time by holding back drainage water and they urge the applicant to work with WCC to find a resolution. The following requests are made: that a detailed plan of how the drain water levels will be controlled with actions/timings be provided; and, a revised design model be obtained from which these additional measures are presented and demonstrated to everyone's complete satisfaction.

## **Observations**

### **a) Introduction**

The proposal relates to the construction of flood defences between the Lea Marston Purification Lakes and Whitacre Heath along the eastern bank of the River Tame.

The erection of a flood bank and flood walls will seek to reduce flood risk to 304 properties in Whitacre Heath for a 1 in 200 year event. This flood alleviation scheme is identified in the published "River Tame Flood Risk Management Strategy" (2011) produced by the Environment Agency following a period of public consultation. This document and the commitment of the Environment Agency to reduce flooding along the River Tame are material planning considerations of some weight which need to be balanced against the environmental impact of building such flood defence works in this part of the Borough.

### **b) Inappropriate Development in the Green Belt and the Need for the Scheme**

The Development Site is located within the Green Belt and so Saved Policy ENV2 (Green Belt) of the Local Plan applies. The development by its very nature of depositing material is defined as inappropriate development in the Green Belt. The primary aim within the Green Belt is to maintain the open nature of the area. The siting of the proposed flood defences have, as far as possible, followed existing well defined boundaries or landscape features in an attempt to integrate these features into the existing landscape. Although the finished works will be higher than the existing ground levels, the existing vegetation and the new planting scheme will attempt to lessen their impact on the landscape. Indeed, the majority of the work is to increase the height of existing flood embankments by only 0.2 metres in height.

The land uses following these flood embankments will remain unchanged once the works are complete. The maintenance of the footpaths and the planting of the landscaped areas will aid the visual amenity of this area making parts of it more accessible to members of the public. In light of this, it is considered that there will only be minimal impact on the openness of the Green Belt in this location.

The flood walls will tie in with existing parapet walls and will be constructed from materials which would match these existing walls. Despite this, the flood walls will have a greater impact on the openness of the Green Belt and this will be a permanent feature in the landscape.

This impact on the openness of the Green Belt needs to be balanced against the need for the flood defence scheme. The River Tame Flood Risk Management Strategy has identified this area as being vulnerable from flooding from the River Tame. Parts of the village are already protected from a 1 in 20 year flood event however there have been

recent flood events eg. in 2007. Both Local Plan policy ENV8 (Water Resources) and the NPPF attach significant weight to protecting development from flood water. On balance, it is considered that the limited impact on the openness of the Green Belt from this inappropriate development is outweighed by the benefits such a scheme will have on reducing the risk of flooding more widely in the area. Mitigation measures including the use of materials and woodland blocks and shrub planting will reduce this impact further.

### **c) Potential to increase surface water flooding in the area**

Local Plan ENV8 requires that development should be protected from floodwater. Objection letters and a petition have been received from residents in Whitacre Heath concerned that this proposal will not address the surface water flooding issues which affect the village. Many of the residents voice their fear that the flooding situation in the village will be made worse by these flood defence proposals as the proposed non-return flap system could prevent surface water from draining away.

The Environment Agency has written a letter to the residents of Whitacre Heath explaining its scheme and making comments on the surface water drainage issues in the area. A copy is attached to this Board report. The subject matter in this letter was then expanded upon during the public meeting held in the village on 20 June 2013.

In its letter the Agency make the following comments:

*"...We are aware of the surface water and drainage problems in the vicinity of the railway crossing on Coton Road. As riparian landowner, we have undertaken ditch clearance works on the north side of the railway, and whilst this has improved the situation, it has not resolved the issue. The proposed flood defence scheme has been specifically designed to reduce flood risk from river water, and has been designed without adverse impact to other sources of flooding. Whilst it avoids making flood risk from surface water and drainage worse, further work would be required to fully address this issue. Surface water drainage though is not the direct responsibility of the Environment Agency. The proposed road raising on Coton Road will prevent flood water from the River Tame travelling overland and through the railway bridge along the road, potentially flooding properties. The proposed non-return flap system on the watercourse will prevent flood water backing up the ditch in this area, and back flowing through the culverts below the railway adjacent to Coton Road. This will create a small amount of additional storage for surface water when the flaps are shut."*

The Environment Agency concludes by stating that this flood defence scheme will reduce flood risk in the Coton Road area from backflow from the River Tame, however, it will not reduce the surface water flood risk or the drainage problems. Indeed, the responsibility for drainage and surface water issues (including road drainage) falls within the remit of Warwickshire County Council. However, the Environment Agency, Warwickshire County Council and Network Rail are proposing to work together to facilitate and implement jointly funded drainage improvements in the area. However, this work is still in its infancy and securing funding is not yet guaranteed.

Survey work is currently being carried out by the Environment Agency on the surface water flooding in the village. Once this work is complete, the number of properties affected by surface water flooding can be gauged and work can commence on gaining funding for drainage improvements in the area. The number of properties affected by surface water flooding will be considerably less than the 304 properties affected by fluvial water flooding in the study area.



Residents are calling for the Council to delay making a decision on this flood defence scheme until funding has been secured and permission has been granted for surface water drainage improvements in the area. However, as stated above the survey work is in its infancy and results are not expected until September 2013 when another public meeting will be arranged with the residents. There are also no guarantees that public funding will be available.

Clearly there is an issue with both surface water flooding affecting parts of the village of Whitacre Heath and fluvial flooding affecting the whole of the village of Whitacre Heath. However, Members need to be aware that the flood defence scheme presented to them under this planning application will protect some 304 properties from fluvial flooding up to a 1 in 200 year flood event. This is a stand alone scheme for which public funding has been secured. Any delays in the decision making process will mean that the scheme will not be implemented on site until summer 2014 and so these 304 properties will be vulnerable to fluvial flooding during the winter months.

The Environment Agency state that the flood defence scheme has been designed without adverse impact to other sources of flooding. This is a material consideration of significant weight. They have also shown that through their hydraulic modelling that the flood defence proposal will protect 304 properties to a 1 in 200 year level of protection from fluvial flooding. However, in the study area there is one property, The Lodge on Station road which is lower than the defences and will experience flooding to a 1 in 200 year event (they will still be defended to a 1 in 20 year event). The Environment Agency has offered the owner of this property Individual Property Protection which is deemed to be more cost effective than trying to extend the scheme to accommodate this one property. As with the scheme at Bodymoor Heath, it is considered that this issue can be dealt with by way of a planning condition.

In light of the above it is recommended that Members balance the benefits of this scheme as a stand alone scheme under Saved Policy ENV8 subject to conditions and subject to the Head of Development Control writing on behalf of Members to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work to facilitate and implement jointly funded drainage improvements in the area.

#### **d) Visual Impact and Impact on Ecology**

The proposed flood defences have, as far as possible, followed existing well defined boundaries or landscape features or involve increasing the height of the existing flood defences. The aim is that once colonised, the proposed defences will integrate with the pattern and character of the landscape. However, this landscape is relatively flat and has a collection of lakes. In light of this the mitigation measures put forward are important in ensuring that the bunds soon blend into the environment by being vegetated with wildflower mixes and being screened by further planting.

Saved Local Plan policy ENV3 (Nature Conservation) requires proposals for development in or likely to affect Sites of Special Scientific Interest to be properly assessed. The application documentation includes an Ecological Appraisal; a Great Crested Newt Survey, a Landscape and Visual Impact Assessment, an Arboricultural Report, and an Environmental Report. This policy is backed up by saved Policy ENV8, which goes on to state that development likely to have a harmful effect on nature conservation value will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal that clearly outweigh the need to safeguard the nature conservation value of the site. Statutory consultees have been consulted on this documentation including the Environment Agency, who, although they are the applicant,

is deemed to be a responsible authority. No objections have been received from any consultees on the content of these reports. On this basis, it can be concluded that the benefits of the scheme and the way it has been environmentally designed, outweigh any minor impacts identified in these reports.

Saved Policy ENV3 concludes by stating that where development is permitted, the Authority will consider the use of conditions to secure all compensatory measures necessary to protect and enhance the site's nature conservation interest. The mitigation measures put forward are acceptable and conditions on landscaping details can be attached to any consent granted.

In light of the above it is considered that the scheme accords with Saved Policy ENV3 and advice given in the NPPF on the need to protect and enhance the nature conservation value of an area.

#### **e) Impact on the Footpath Network of the Area**

The proposal will affect public footpaths T30 and T32. Warwickshire County Council's Rights of Way Team has objected to the original proposal. The proposed flood embankment would be constructed across public footpath T30. However, an amended plan has been submitted by the Agency showing Footpath T30 following its original line throughout the scheme. The amended plans have been forwarded to the Rights of Way Team and their comments are awaited. These will be reported verbally to the Board.

Based on the amended plans received it is considered that the completed scheme will not impact on the public footpaths in this area. However, both public footpath T30 and T32 will need to be closed during construction works. Traffic Regulation Orders will therefore be required and the Rights of Way Team request that a note is added to any consent granted advising the developer of this.

#### **f) Highway Safety**

Saved Local Plan policies ENV14 and TPT1 require development proposals to have a safe vehicular access into the site where the local road network is able to accommodate the traffic to and from the development without problems of congestion, danger or intimidation caused by the size or number of vehicles, and without adversely affecting the character of the surrounding environment.

The County Council as the Highway Authority for the area, has not objected to the proposal to allow construction traffic to access a main site compound at the Environment Agency's Lea Marston Purification Lakes.

In light of the observations received from Lea Marston Parish Council with regards to the possibility of construction traffic using the village of Lea Marston, the applicant's agent has provided the following information on the proposed routing agreement:

- There will be no access through Lea Marston village for construction traffic.
- There will be no construction traffic crossing Birmingham Road within the village boundary as all the works proposed are on the opposite bank of the River Tame.
- The main access for the clay embankment materials is from the M42 at junction 9, onto the A4097 Kingsbury Road, turn right onto Coton Road, under the railway, and turn right onto Birmingham Road.
- They confirm that they do not have a contract to take materials from Marston Fields Farm into the permanent works. Their proposed supply of clay material is

from the brickworks at Bickenhill. A road sweeper will be employed to keep the roads clear; and,

- Temporary accesses will be located outside Lea Marston's village boundary as they are on the other side of the railway.

With regards to the proposal to raise the existing carriageway, the Highway Authority supports the principle of these alterations, however the applicant should note that the granting of a planning permission does not grant approval of the drawings as part of any Section 278 application that may be submitted to the County Council in the future.

In light of the above it is considered that the proposed road raising and the construction operation will not have a detrimental impact on highway safety in the area. As such the scheme can be supported under Saved Policies ENV14 and TPT1.

#### **f) Potential to Pollute Ground and Surface Water**

Saved Local Policy ENV8 (Water Resources) requires development proposals to prevent the contamination of any watercourse or aquifer as advised by the Environment Agency. The proposal involves the importation of large quantities of earth in order to form these bunds. The Council's Environmental Health Officer has no comments to make on this scheme. It is considered that having both a planning condition requiring the contractor to produce a watching brief and the Environment Agency to oversee this construction phase, then the scheme would comply with the requirements of the policy.

#### **Conclusion**

On balance, it is considered that although there will be some visual impact on the landscape and on the Green Belt from the proposed flood defence scheme, the mitigation measures proposed and the benefits of protecting properties from flooding outweigh this minimal impact. The village of Whitacre Heath is affected by fluvial flooding and parts of the village are affected by surface water flooding. This proposal will defend some 304 properties from a 1 in 200 year fluvial flood event. However, the proposal will not address the surface water flooding issues in this area. Survey work is underway to identify the extent of this surface water flooding issue, but this is in its infancy. It is not considered that the determination of this stand alone fluvial flood defence scheme should be delayed because of its strategic importance in the whole River Tame Protection scheme. However, the surface water drainage must be examined and so it is recommended that the Head of Development Control writes on behalf of the Members of the Planning and Development Board to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area.

## Recommendations

A) The Head of Development Control write on behalf of the Council to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area.

B) Subject to the Rights of Way Officer having no objections to the proposal, then planning permission should be granted for application ref: PAP/2013/0208 subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

- 2) The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered - to be agreed once comments from Rights of Way Officer have been received.

### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

- 3) Prior to the construction of the flood defence walls and parapet extensions, samples of the facing bricks and coping stones shall be submitted to the Local Planning Authority for approval. Only the approved materials shall be used on the scheme.

### REASON

In the interests of the amenities of the area.

- 4) Prior to any construction activity taking place at the site the contractor shall produce an appropriate method statement for working within suspected ground contamination areas. This report shall include a watching brief detailing the procedures for the actual works and the reporting mechanisms should any contamination be found on site. Such a report shall be submitted to the Local Planning Authority for their approval in writing.

### REASON

In the interests of water quality.

- 5) Prior to the construction of any fences, full details of the design, appearance and materials to be used in their construction shall be submitted to the Local Planning Authority for their approval in writing. Only the approved materials shall then be used on the site.

#### REASON

In the interests of the amenities of the area.

- 6) No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, and all areas to be grassed, and also details of the landscape management plan. Any such planting which within a period of five years of implementation of the landscaping scheme fails, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented during the first planting season following completion of the works unless otherwise agreed in writing by the Local Planning Authority and the landscape management plan shall be implemented as approved.

#### REASON

To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the river corridor and to minimise the visual impact of the proposed flood bank on the character and appearance of the river corridor and to comply with Saved Policies in the NWLP 2006.

- 7) Prior to the commencement of development in the Station Road area, full details of the individual flood mitigation measures to protect the residential property known as The Lodge, Station Road shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall then be implemented on site.

#### REASON

To increase these two properties' resilience to flooding as a result of the proposed flood defence works.

- 8) Any conditions recommended by the Rights of Way Team at Warwickshire County Council.

#### Notes

- 1) The Local Planning Authority has worked positively with the applicant in this case to resolve planning issues arising from the application through pre-application discussions; resolving matters arising from consultation responses and seeking amended plans and additional information in mitigation of impacts, thus meeting the requirements of the National Planning Policy Framework.

- 2) Traffic Regulation Orders will be required for the temporary closure of public footpaths T30 and T32. The applicant should contact Warwickshire County Council's Rights of Way Team well in advance to arranged these Orders.
- 3) The granting of planning permission does not give the applicant consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel: 01926 412515, before any work is carried out. A charge will be made for the carrying out of inspections and the issue of permits.
- 4) Before commencing any Highway works, the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
- 5) Unauthorised signs are not permitted within the limits of any public highway. To secure the provision of signs giving directions to the development, the applicant must apply in writing to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP.
- 6) For discussions and approvals of designs for works on the public highway, the applicant should contact the County Council's Design Services Section: contact Mr Chris Simpson [chrissimpson@warwickshire.gov.uk](mailto:chrissimpson@warwickshire.gov.uk) on 01926 412677. In accordance with the Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
- 7) For alterations to the existing 30mph Traffic Regulation Order the applicant should contact the County Council's Traffic Projects Team; [trafficprojects@warwickshire.gov.uk](mailto:trafficprojects@warwickshire.gov.uk) on Tel: 01926 414167.
- 8) The applicant should be aware that there are high levels of carbon monoxide detected in the mercia mudstones at Hams Hall. In light of this it is recommended that the applicant monitors for carbon monoxide during intrusive works (within at least 5 miles of Hams Hall).

## BACKGROUND PAPERS

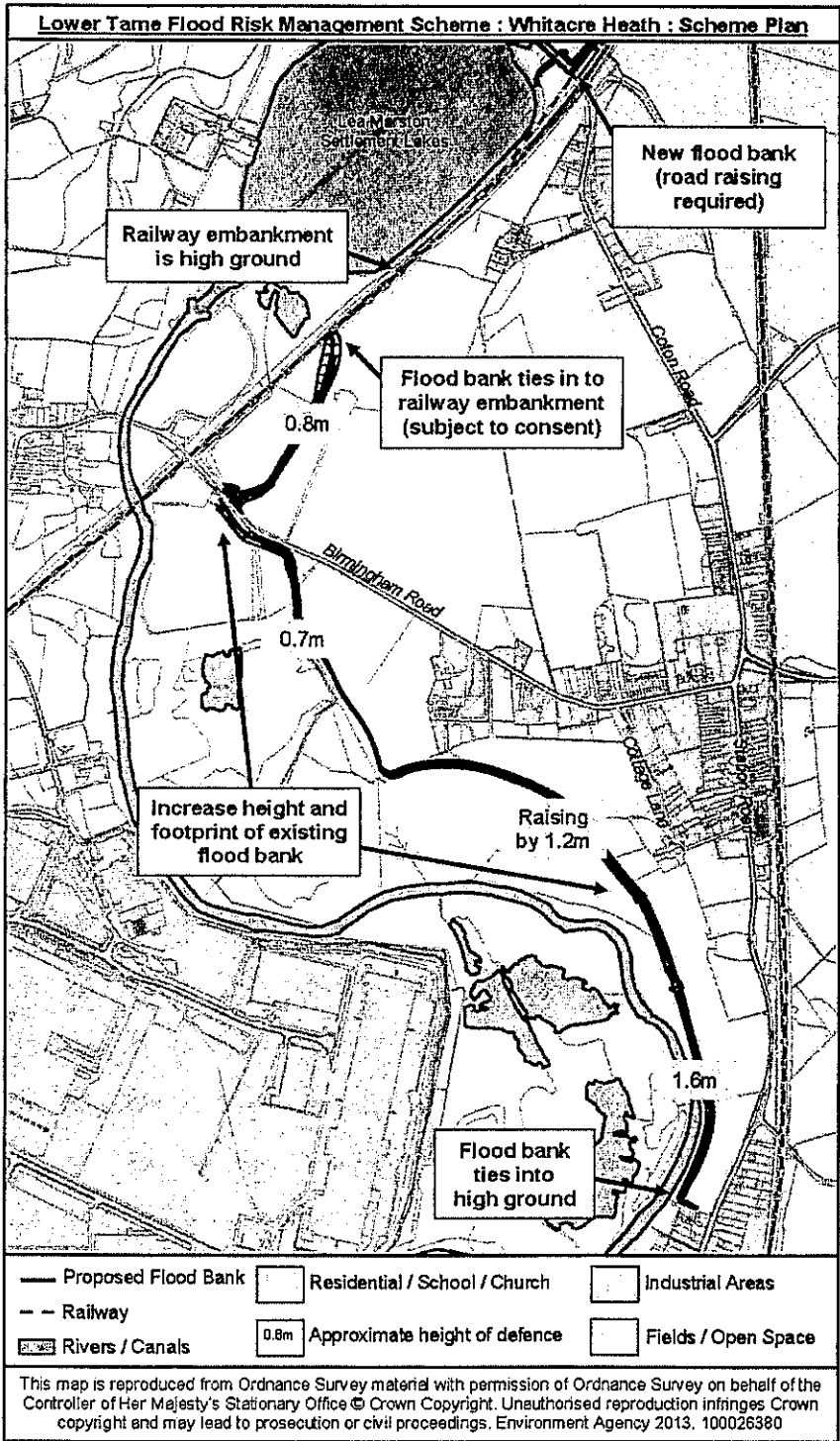
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0208

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/4/13
2	Press Notice	Atherstone Herald	2/5/13
3	Susan Russell	Objection	3/5/13
4	Environmental Health	Consultation	9/5/13
5	Highways Authority	Consultation	6/6/13
6	Susan Russell	Objection	17/5/13
7	Mary Sumner	Objection	24/3/13
8	Richard Hemphill	Objection	21/3/13
9	Keith Woodward	Objection	15/3/13
10	Maurice Woodward	Objection	15/3/13
11	Nether Whitacre Parish Council	Objection letter and Petition	21/5/13
12	Maxine Clare	Objection	23/5/13
13	Applicant	Letter to residents	6/6/13
14	Goodyear	Letter of Support	20/6/13
15	Rights of Way Officer	Objection	30/5/13
16	Environment Agency	Consultation	8/5/13
17	Mr Woodward	E-mail	24/6/13
18	Mr Stokes	Letter of support	21/6/13
19	Network Rail	Consultation	21/6/13
20	Environmental Health	Consultation	16/5/13
21	Lea Marston Parish Council	Letter of concern	30/5/13
22	Applicant's Agent	Letter	4/6/13
23	Stephen Powell	Letter of concern	7/5/13
24	Mrs Russell	Letter of objection and photographs	30/6/13
25	Applicant's Agent	Revised Plan	1/7/13

*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.*







**Environment  
Agency**

Our ref: IMM1000978

Date: 6 June 2013

Dear Occupier,

**Lower Tame Flood Risk Management Scheme – Whitacre Heath Coton Road Area**

**Background**

We have recently submitted the planning application for the Whitacre Heath Flood Risk Management scheme, to install upgraded flood defences in the area. We would like to provide you with the following update to clarify the situation regarding flood issues at the railway in the Coton Road area.

At the present time, parts of Whitacre Heath are at risk from floods from the River Tame with a return period of as low as a 1 in 20 year return period. This means that in any one year there is a 5% chance of flooding from the river. There is a clear need for upgrading the flood defences at Whitacre Heath to reduce the risk of flooding from the River Tame. The current application has been submitted by the Environment Agency to reduce the risk from the River Tame for floods up to a 1 in 200 year return period, as part of their remit to protect residential properties from river flooding.

As noted in previous correspondence to residents in the area, we are aware of the surface water and drainage problems in the vicinity of the railway crossing on Coton Road. As riparian landowner, we have undertaken ditch clearance works on the north side of the railway, and whilst this has improved the situation, it has not resolved the issue. It is important to understand that the fluvial river flooding and surface water flooding are from different water sources, and different organisations are responsible for each source.

**Proposed River Flood Risk Management Scheme**

The proposed scheme has been specifically designed to reduce flood risk from river water, and has been designed without adverse impact to other sources of flooding. Whilst it avoids making flood risk from surface water and drainage worse, further work would be required to fully address this issue. Surface water drainage though is not the direct responsibility of the Environment Agency.

The proposed road raising on Coton Road will prevent flood water from the River Tame travelling overland and through the railway bridge along the road, potentially flooding properties. The proposed non-return flap system on the watercourse will prevent flood water backing up the ditch in this area, and back flowing through the culverts below the railway adjacent to Coton Road. This will create a small amount of additional storage for surface water when the flaps are shut.

The larger metal culvert below the railway (further west) has been checked, and is found to be set at a higher level and protected from back flow by ground levels around Lea Marston Lake 1. The proposed scheme will therefore reduce flood risk the Coton Road area from backflow from the River Tame. However it will not reduce the surface water flood risk or the drainage problems.

**Surface Water and Drainage**

The responsibility for drainage and surface water issues (including road drainage) rests with Warwickshire County Council. However, the Environment Agency is working to facilitate and implement jointly funded drainage improvements in the area in conjunction with Warwickshire County Council and Network Rail.

Sapphire East, 550 Streetsbrook Road, Solihull, West Midlands, B91 1QT.  
Customer services line: 03708 506 506  
[www.environment-agency.gov.uk/lowertame](http://www.environment-agency.gov.uk/lowertame)

At present, we have provisionally agreed with Michael Green, Warwickshire County Council, Flood Risk Manager, to jointly identify potential solutions and associated costs of reducing flood risk from surface water.

Over the next few weeks we are obtaining additional level information including property threshold data to be able to help Warwickshire County Council quantify the number of properties at risk from surface water flooding and quantify the economic benefits. This will then allow the funding viability of any scheme to be assessed and prioritised. It will also allow other potential funding partners to be identified, such as Network Rail, who also have an interest in the area.

Both the Environment Agency and Warwickshire County Council have to justify the expenditure of public monies to make sure it offers value for money and that the benefits are greater than the likely costs. Both organisations quantify this in terms of the properties that would benefit from the reduced flood risk. This funding does not allow for the inclusion of costs to reduce flood risk to agricultural land or drainage improvements to land.

Whilst a pumping station (mentioned in a number of items of correspondence) would help to solve surface water problems, it is expensive to both install and maintain. There have also been a number of instances where pumping stations have failed to operate properly during a flood event. We are therefore looking at alternative, potentially more reliable and more sustainable solutions. The additional data we are gathering will help us to assess other potential solutions such as rerouting or reinstating drainage ditches, providing storage or additional culverts.


#### **Next Steps**

The planning application which has been currently been submitted for the proposed fluvial (river) scheme is a stand alone scheme and we will seek to obtain the planning permission to allow these works to be progressed and provide Whitacre Heath with improved fluvial (river) flood defences as quickly as possible. We intend to implement the scheme this summer if planning permission is given. However any delays at this stage are likely to delay the scheme until summer 2014 due to the need to avoid undertaking earthworks through the winter period.

We will continue to work with Warwickshire County Council to gather the necessary data and develop options for a separate surface water scheme in the Cotton Road area. Once we have identified all potential options, we will review the economic viability of any technically feasible schemes, in conjunction with residents, to allow funding to be sought for a sustainable partnership scheme. This would then be subject of a separate planning application.

We welcome the opportunity to meet interested parties to discuss this matter further. We have arranged a meeting at Nether Whitacre Village Hall on Thursday 20 June 2013 at 7pm, which you are welcome to attend. This will include Planning Officers and the Parish Council to ensure everyone is aware of the issues and how this matter is being taken forward.

Yours sincerely



**Davinder Gill**  
Project Manager

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Residents\_Final.doc



**North Warwickshire  
Borough Council**

Mr Davinder Gill  
Environment Agency

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

Switchboard: (01827) 715341  
Fax: (01827) 719225  
E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 16 July 2013

The Town & Country Planning Acts  
The Town and Country Planning (Listed Buildings and  
Conservation Areas) Act 1990  
The Town & Country Planning (General Development)  
Orders  
The Town and Country Planning (Control of  
Advertisements) Regulations 1992 (as amended)

**Application Correspondence**

Largescale Major - Full Planning Application

Application Ref: PAP/2013/0208

**Site Address**

Land Adjacent To Birmingham Road Coton Road, Whitacre Heath,

Grid Ref: Easting 421090  
Northing 292660

**Description of Development**

Construction of the River Tame flood defences, broadly comprising a series of earth embankments on a 11.30ha site at Whitacre Heath field

**Applicant**

Mr Davinder Gill Environment Agency

Dear Davinder

**Re: PAP/2013/0208: Flood Defence Scheme at Whitacre Heath**

I refer to the above application which was reported to the Planning and Development Board on Monday 15 July 2013. On the evening Members voted to defer making a decision on this application. From the discussion held during the evening, the following supporting information will need to be submitted before the application can be reported back to the Planning and Development Board on 12 August 2013 for determination:

- 1) Results of the survey scheme presently being undertaken by Warwickshire County Council and the Environment Agency showing exactly how many properties are affected by this surface water flooding issue in the village and outlining potential drainage improvements to overcome this issue and likely costs. These results should also include looking at ways the present fluvial flood defence scheme could be slightly adapted to alleviate some of this surface water flooding issue.
- 2) Members need a clear understanding of how the funding for this Flood Defence Scheme will be affected through delays in the decision-making process. A programme of work is required showing the absolute deadline when each phase of the scheme needs to be completed and the consequences on the funding stream should these deadlines not be met.
- 3) Written clarification is required to substantiate the Agency's claims that this proposed flood defence scheme will not exacerbate the surface water flooding issue in Whitacre Heath.

4) A written statement showing the progress made to date by the Environment Agency, Warwickshire County Council, Network Rail and Severn Trent Ltd on working collectively to resolve this surface water flooding issue since the public meeting held in Whitacre Heath on 20 June 2013.

Please contact me to discuss these requirements further. I am on annual leave from Monday 22 July until Thursday 1<sup>st</sup> August 2013.

Yours sincerely

**Sharron Wilkinson**  
Principal Planning Officer

cc. Mr Chris Harding, Halcrow Group Limited, Lyndon House, 62 Hagley Road, Birmingham, B16 8PE



Environment  
Agency

Sharron Wilkinson  
Principal Planning Officer  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Our ref: IMM1000978  
Date: 31<sup>st</sup> July 2013

**Lower Tame Flood Risk Management Scheme**  
**Land adjacent to Birmingham Road & Coton Road, Whitacre Heath**  
**Application Ref PAP/2013/0208**

Dear Sharron,

I refer to your letter dated 16<sup>th</sup> July 2013 in respect to the above application. Please find below responses to the four questions raised in your letter:

1. Following the submission of the planning application of the above reference which details that the proposed fluvial flood risk management scheme does not increase the risk of surface water flooding in Whitacre Heath we are currently working with Warwickshire County Council (WCC) to review surface water flood risk in the area. From the recent public meeting it is clear there are a number of drainage and surface water issues in a number of areas of Whitacre Heath. Many of the issues are localised standing water or drainage problems which are going to be picked up by WCC. Based on historic records the main surface water issue is in the Coton Road Railway crossing area and this is where our efforts are focused. We have reviewed the hydrology for the catchment which drains to this area to derive the anticipated flows and volumes of water which need to be dealt with. We have now undertaken threshold levels for the properties in the Coton Road area and have just completed a door to door survey in this area of the village. We are also canvassing residents in the other parts of the village to ascertain any other localised problems.

We have developed a digital terrain model of the area which enables us to ascertain the extent of surface water floods for the anticipated flows. We are now in the process of trying to calibrate this model based on the feed back from residents on the frequency and level of past flood events.

Once we have completed this exercise we will be able to confirm the numbers of properties likely to be affected for a given return period event. Based on the information reviewed to date it is likely that approximately 17 residential properties could be at risk of surface water flooding at relatively low return periods.

We are developing options to address the surface water flood risk including clearance of drains and ditches, storage, diversion of ditches, increasing the size of ditches and culverts, regrading ditches and watercourses, raising of local ground levels, flood defence walls, property level protection measures or a pumping station. Subject to the benefits and costs of these options along with the availability of funding, we will look at working with WCC to try and incorporate surface water improvements in to the fluvial defence scheme.

Sapphire East, 550 Streetsbrook Road, Solihull, West Midlands, B91 1QT.  
Customer services line: 03708 506 506  
[www.environment-agency.gov.uk/lowertame](http://www.environment-agency.gov.uk/lowertame)

2. The majority of the fluvial defence scheme involves earthworks to raise the existing embankments defences and to construct new embankment defences. This work will need to take place in the summer months to maximise productivity in dry weather. We are already behind programme to start this work and due to the risk of undertaking earthworks in the wetter winter months; our absolute start date is mid August 2013. The consequence of any further delays with the planning process will mean that the works will need to be reprogrammed in to the Environment Agency's medium term funding plan, with no guarantees of if and when funding will become available. The works at Whitacre Heath are part of a larger flood risk management plan for the Lower Tame which is being delivered by a dedicated project team. If the works at Whitacre Heath are delayed in to future years we will lose some of the efficiencies of the project team which will ultimately mean that the cost to the tax payer will increase.
3. I can confirm that the proposed fluvial scheme will not exacerbate surface water flooding in the village as detailed in the Flood Risk Assessment that accompanied the planning application. Whilst the present fluvial scheme does not directly tackle surface water flooding, the proposed solution will in fact marginally reduce surface water flooding by providing some additional capacity in the drainage system within the proposed defences to the north of the Coton Road railway crossing which has been taken out of the River Tame flood plain.
4. As stated above, the Environment Agency is working alongside Warwickshire County Council to investigate surface water flooding in the village. Alongside Warwickshire County Council we have undertaken a review of the surface water model to identify the properties at risk from surface water. We are also conducting door to door enquiries with properties which are at a high risk of surface water flooding to identify flood depths from previous flood events. This information, as well as information from flooding questionnaires, which have been issued to the majority of the village will provide us with greater confidence of the problem and the potential solutions. During the course of our investigations we will review the need to contact Network Rail and Severn Trent Water and work with all parties to identify solutions to surface water flooding in the area. I have attached an email from Warwickshire County Council summarising their intention to support and work with the Environment Agency in developing a way forward to reduce surface water flooding in the village.

We appreciate the concerns that have been raised by the local community, in particular that the proposed fluvial scheme will not address surface water flooding. However, any potential surface water scheme requires further investigations including ensuring that any potential scheme is economically viable. If a scheme is viable then a source of funding will need to be identified before we can conclude a way forward with Warwickshire County Council. In the meantime, we request that the fluvial scheme, which is ready to be constructed, is given approval to enable reduced fluvial flood risk to almost 300 properties.

If you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely



**Davinder Gill**

Project Manager  
Environment Agency

Sapphire East | 550 Streetsbrook Road | Solihull | West Midlands | B91 1QT  
Internal: 7 22 6356  
External: 0121 712 9356  
Mob: 07748625115  
Email: [davinder.gill@environment-agency.gov.uk](mailto:davinder.gill@environment-agency.gov.uk)

**Harding, Chris/BHX**

---

**From:** Michael Green [michaelgreen@warwickshire.gov.uk]  
**Sent:** 26 July 2013 17:21  
**To:** Gill, Davinder  
**Cc:** Harding, Chris/BHX; Marsh, Phil/BHX  
**Subject:** Whitacre Heath Surface Water Flooding  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
Davinder,

Following our recent discussions regarding the surface water problems in Whitacre Heath, I am writing to confirm that Warwickshire County Council as lead flood authority for surface water welcome the opportunity to work with the Environment Agency to investigate surface water flooding issues in Whitacre Heath.

Whilst we cannot promise a solution, we are committed to working with yourselves to identify suitable options and to work with the local community to mitigate surface water flooding. In particular, Whitacre Heath will be one of the communities of focus for the Community Flood Resilience Pathfinder project which aims to work with communities over the next two years to help them improve their resilience to flooding.

Let me know if you have any queries.

Regards

Michael.

Michael Green  
Flood Risk and Water Management Manager  
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CV34 4SX  
tel. 01926 412781  
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web: [www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

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31/07/2013

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## **(2) Application No: CON/2013/0012**

**Land at, Sewage Treatment Works, Lichfield Road, Coleshill, B46 1DA**

**Proposed construction and operation of an Anaerobic Digestion Facility (ADF),  
for**

**Severn Trent PLC**

### **Introduction**

This application has been submitted to the County Council as Waste Planning Authority. It has invited the Borough Council to submit its observations on the proposals as part of its assessment of the case prior to determination.

### **The Site**

The site for this new facility is at the eastern end of the present treatment works abutting the works to the north and west; the Gorsey Lane Industrial Estate to the south and the Hams Hall Rail Freight Terminal to the east. The site is thus wholly within a commercial and industrial setting. The site itself already accommodates a sewage incinerator; treatment works and open drying beds. The incinerator has combined heat and power engines which generate electricity from methane.

Appendix A contains a site plan.

### **The Proposals**

The proposed facility would process up 50,000 tonnes of bio-degradable waste a year. It would comprise a reception building, five storage tanks, a site office, weighbridge and ancillary development including the gas engines, covering an area of around 3.2 hectares – around 6% of the total STW land holding here. The capacity would be met from commercial and industrial sources within a 40 mile radius. Rainwater collected from the on-site attenuation measures will also be used. Food waste would be the predominant source material. It is said that it could produce 2.4 megawatts of electricity per year – enough for 5000 households - and a substantial amount of fertiliser.

This part of the STW is currently underused according to Severn Trent and it says that its redevelopment for the AD facility would not prejudice the overall functioning of the main treatment works. The main reception building would be 42 by 34 metres and 13 to its ridge. Each tank would have a diameter of 28 metres and be 16 metres tall and the associated plant would include a 10 metre high flare and two exhaust stacks each 18.5 metres tall. The material would be transported in by HGV – estimated to be about 76 movements a day – that is 38 inward movements and 38 out. All access would be to Edison Road and through the Hams Hall Estate exiting onto the roundabout on the A446. The imported material would use existing storage tanks on the site as well as one new one. They would all be covered and provide up to six months worth of waste.

Hours of operation are to be a 24 hour process, but delivery times for imported waste are proposed as 0700 to 1800 Monday to Friday and 0700 to 1630 on Saturdays with no Sunday or Bank Holiday working.

Appendix B contains a plan illustrating the proposed site layout and elevations through the site are at Appendix C.



The application is accompanied by supporting documentation which sets out the evidence which the applicant considers shows that there is a need for this type of facility, not only to deal with a specific waste stream, but also to increase recycling rates generally and to provide another source of renewable energy. As such it is said that in principle the proposal accords with both national and local planning and waste management policy.

The documentation relies heavily on up to date evidence prepared for the County Council's own Waste Core Strategy, concerning the expected increase in this waste stream within Warwickshire and the adjoining urban area. It was noted that up to a third of this waste was likely to be generated within 20 miles of Coleshill. This led onto an exploration of existing capacity in this area to deal with this. There are only three such sites dealing specifically with this waste in that radius – an operational site at Cannock; one under construction at Merevale in North Warwickshire and the third planned, but not started at Packington. The applicant therefore suggests that his proposal would assist in providing extra capacity to meet demand.

Additionally there is analysis of alternative sites in terms of exploring appropriate alternative locations for such a facility. This has been done for land both within and outside of the applicant's ownership. This led to a short list of six sites, four of which were in the Green Belt. When considering constraints such as proximity to residential property; HGV traffic routes and ease of accessing the National Grid, the current application site was the preferred site.

The applicant has also considered the proposals against the NPPF's policy on new development in the Green Belt. It agrees that the development is likely to be defined as inappropriate development as a consequence, and thus the documentation sets out the considerations which are thought to amount to the very special circumstances necessary to outweigh the presumption of refusal. These are that the site characteristics and setting are wholly commercial and industrial in outlook and appearance together with railway lines; overhead lines and the existing water treatment works. The proposal would be in the centre of this on brown field land and thus have limited visual impact; not reduce the openness of the Green Belt in a material way, not prejudice any of the purposes of including land within the Green Belt, and meet the needs of increasing capacity for this waste stream close proximity to its source and provide renewable energy.

The documentation also concludes that there would be no adverse amenity or traffic impacts.

An overall summary of the applicant's case is at Appendix D.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV2 (Green Belt); ENV8 (Water Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT1 (Transport Considerations)

Saved Policies of the Warwickshire Waste Local Plan 1999 - Policy 1 (General Land Use) and Policy 9 (Large Scale Composting)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Natural Environment, Sustainable Development, Protecting Green Belt Land and Meeting the Challenge of Climate Change.

Planning Policy Statement Number 10 – Planning for Sustainable Waste Management

The North Warwickshire Submitted Core Strategy – February 2013 – Policy NW1 (Settlement Hierarchy), NW2 (Green Belt), NW8 (Sustainable Development) and NW9 (Renewable Energy and Energy Efficiency).

The Warwickshire Waste Core Submitted Core Strategy 2012 – Policy CS1 (Waste Management Capacity), Policy CS2 (The Spatial Waste Planning Strategy), Policy CS4 (Strategy for Locating Small Scale Waste Sites), Policy DM1 (Protection and Enhancement of the Natural and Built Environment), Policy DM2 (Managing Health, Economic and Amenity Impacts), DM4 (New Waste Management Facilities) and Policy DM6 (Flood Risk and Water Quality).

The EC Waste Framework Directive 2008

The Government's Review of Waste Strategy 2011

The Government's Anaerobic Digestion Strategy and Action Plan 2009

## **Observations**

The site is in the Green Belt and thus the starting point is to decide whether this is appropriate or inappropriate development. New buildings are considered to represent inappropriate development, but the NPPF does contain a number of defined exceptions. One of these is where it involves, "the limited infilling or the partial or complete redevelopment of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it than the existing development". This could apply here as the site is brown field land. There are thus two conditions within this definition. In terms of the first which deals with openness, then the proposals include a number of large buildings and stacks, which by fact and degree would significantly increase built development on this relatively open part of the treatment works. It is considered that there would therefore by definition be a greater impact on openness because of the increase in the mass and scale of new built form. In respect of the second condition relating to the impact on the purposes of including land within the Green Belt, then this proposal would have no impact. This is because it would not give rise to or advance the unrestricted sprawl of a large built up area; it would not contribute to the merging of settlements, it would not prejudice the safeguarding of countryside, and could reasonably be said to assist the recycling of derelict land. As a consequence the proposal is inappropriate development because of its failure to meet the first of these two conditions, that is that it would have a greater impact on the openness of the Green Belt than retaining the site as it is.

As inappropriate development, it by definition will cause harm to the Green Belt. It is now necessary to identify the significance of that harm. As described by the applicant above, it is agreed that the setting and context of this site is material here. The site is within a wholly urban and commercial setting. There are significantly larger buildings and structures around the site and there is a variety of design and appearance to these

buildings – sheds, overhead cranes, exhaust stacks, containers and storage tanks. The proposed building works and built form would not appear out of place or character in this setting. As such it is considered that in overall terms the harm is limited. It is not a situation where there will be no harm because of the number and design of the buildings being out forward on relatively open land.

The next step is to consider whether there are any material planning considerations which either on their own or cumulatively, would add up to the “very special circumstances” of such weight to override the presumption of refusal, given that this is inappropriate development and thus harmful to the Green Belt.

The first such consideration is national and local waste management planning policy and planning policy in respect of renewable energy. These proposals wholly fit with this overarching policy background. Secondly it is acknowledged that the up to date evidence from the preparation of the County Council’s Waste Management Core Strategy is that there is a growing need to increase capacity to deal this particular waste stream and to increase the amount of energy generated from renewable sources. These two considerations carry substantial weight.

Thirdly, Government guidance on waste management planning remains in its PPS10 which has not been replaced by the NPPF. This states that in some cases there are location requirements for some waste facilities which should be treated as material considerations. In this case it is agreed that proximity to the source of the waste is important but not of overriding weight. There is also recognition that there is some, but limited operational benefit in having this facility on the treatment works site given it can have a similar end product – fertiliser; generated electricity would use existing grid connections, and existing storage facilities can be re-used.

Fourthly, the current Waste Local Plan and its emerging replacement do include existing waste treatment and waste management facility sites as being appropriate locations for new waste management proposals.

Fifthly, there is evidence that the availability of alternative sites shows that there is limited choice and deliverability. It is not considered that this alone is of such weight to support the development proposed but is an additional consideration in favour of the proposed location.

Finally there are likely to only be limited adverse highway, amenity and environmental impacts given the site’s location and the nature of the surrounding highway network.

It is considered as a consequence of all of these considerations, that when taken together, they are of sufficient weight to override the limited harm done to the openness of the Green Belt by virtue of the inappropriate nature of this development proposal.

Notwithstanding this conclusion, there is one further consideration that does need to be considered and has to be weighed in the balance. This relates to the capacity of existing and planned AD facilities in the area. It was pointed out above that the evidence shows that expected increases in this type of waste would arise within 20 miles of Coleshill. The applicant acknowledges that there are three existing and planned AD facilities in this area, but concluded that a fourth would assist in meeting increased demand. The issue arises therefore as to whether such a conclusion is sound, because the alternative is that there might be excess capacity then provided in North Warwickshire. In response the applicant points out that increases in this waste stream will continue; that the North Warwickshire sites will attract business from outside of the Birmingham area, and that there are operational differences between the facilities. The applicant points out that AD

facilities require both solid and liquid wastes in order to operate, and that the type of operation proposed at Coleshill will compliment rather than compete with other facilities because the Packington site would use green waste whereas the Merevale and Coleshill sites would use solid waste. In other words the waste sources are different. This is a matter which it is considered is best left to the Waste Authority to decide. It is though a matter that needs to be drawn to the attention of the County Council given that the proposed site is in the Green Belt.

In respect of possible impacts from the proposal then it is agreed that these are likely to be immaterial given the site's location and the access arrangements proposed. These are matters that will need to be considered by the County Council after hearing from relevant consultation responses.

### **Recommendation**

That the County Council be notified that this Council has No Objection to the proposal provided that both the Council's Environmental Health Officers, and the County's own highway officers have no objections, and that the County Waste Authority is satisfied that there is conclusive evidence to show that the proposal would not result in excess capacity within North Warwickshire to the detriment of the Green Belt.

## BACKGROUND PAPERS

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

Planning Application No: CON/2013/0012

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation letter	1/7/13


*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.*

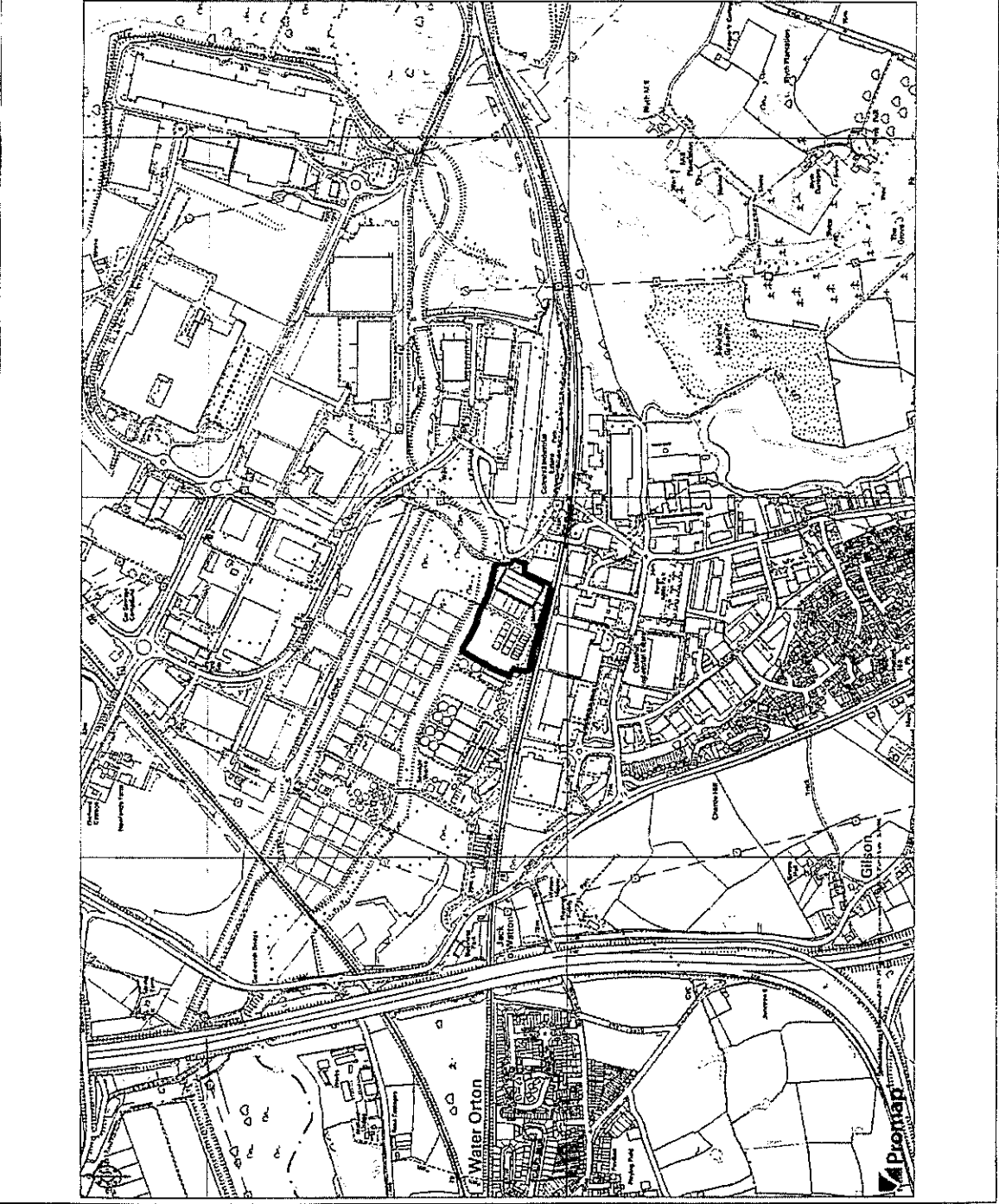
# APPENDIX A

These drawings are the property of the City of Coatesville and are not to be used for any other purpose without the written consent of the City of Coatesville. The City of Coatesville is not responsible for any errors or omissions in these drawings.

Scale	1" = 100'
North Arrow	
Project	Anaerobic Digestion Facility Coatesville
Client	City of Coatesville
Drawn by	AGRIVERT
Checked by	
Date	18.06.13
Sheet No.	PG
Project No.	003
Revision	



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 Agri-Vertical  
 14000 E. 10th Ave.  
 Coatesville, PA 19320  
 (610) 381-1111  
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## **11. Conclusion**

- 11.1 The proposed development presents the most efficient and sustainable means of recovering biodegradable organic waste. It is a key objective of Government policy to increase the amount of organic material in the waste stream which is diverted from landfill. To fulfil this objective the Waste Strategy set challenging targets for recycling waste, including the organic element. The proposal will make a significant contribution to meeting Warwickshire's targets.
- 11.2 The Waste Strategy 2007, Review of Waste Policy and Defra's Anaerobic Digestion Action Plan promote AD, with the Waste Strategy stating that it "has significant environmental benefits over other options for food waste and may be particularly cost effective for food waste if separately collected".
- 11.3 The facility will also provide a source of renewable energy, which will be fed into the National Grid and will help in meeting Government targets for the generation of renewable energy, it will also capture a significant amount of carbon which would be lost to atmosphere and provide a source of renewable heat.
- 11.4 The site is located on brownfield land within an existing sewage treatment works in the Green Belt, however PPS10 recognises that such a location should be considered and may even be the most appropriate option. The need for such a waste management facility, the lack of suitable sites outside of the Green Belt and the environmental benefits associated with the generation of renewable energy, are all very special circumstances that warrant an exception to Green Belt policy being made. The magnitude of harm is more than outweighed by the very special circumstances provided by this proposal.
- 11.5 The proposed development has good proximity to the sources of waste and markets for the final product, it has good transport networks, is relatively remote from local residential receptors, and adjacent to suitable facilities for co-location. The facility has designed in mitigation measures, which will ensure that any potential environmental or amenity impacts are not detrimental to the local environment or amenities of nearby receptors.
- 11.6 The proposed built development, which is required to treat biodegradable organic wastes and to comply with ABPR, has been designed and located to minimise its disturbance to the local and wider landscape.

**(3) Application No: CON/2013/0013**

**Sita UK - Packington House, Packington Lane, Meriden, CV7 7HN**

**Development and operation of a wood recycling facility including preparation of the base with suitable granular material, for**

**Sita UK**

**Introduction**

This application has been submitted to the County Council as the Waste Authority. It will determine the application in due course and this Council has been invited to comment on the proposals to assist the County Council in its assessment of the case.

**The Site**

This is a bunded compound of around 2.6 hectares in extent located in the north east corner of the Packington Landfill site south of Coleshill and the M6 Motorway, close to the offices and yard which house the applicant's other operations just off Packington Lane. There is open land to the north and a strong woodland feature along Packington Lane.

The site is illustrated at Appendix A

**Background**

Apart from the extensive landfill operations nearing completion here, Members will be aware that a number of other materials recycling operations have recently been granted planning permission by the County Council. These include a green waste composting facility; an anaerobic digestion facility and in 2008, the development and operation of a wood recycling facility. This one was the subject of several conditions and the current application seeks to vary three of these.

The waste composting facility described above has a temporary consent linked to the time that the main landfill operation at Packington ceases and the AD facility has a consent running for 25 years. The reasoning for these was that the site as a whole can eventually return to open land thus contributing to its Green Belt purpose.

The wood recycling facility has been operating for the last three years.

The County Council anticipate that there is around two to three years landfill capacity left at the main site.

## The Proposals

Condition 2 limits the length of the permission to five years, until November 2013. At this time the use has to cease and the site cleared. The proposed variation is to seek extension of the permission to June 2023 – another ten years. The reason put forward is to allow the continuation of wood waste recovery operations in order to meet demand and to meet national and waste management planning policy. It is suggested that if operations cease here then an alternative site will have to be found.

Condition 7 requires the facility to only operate between 0700 and 1800 hours on week days, and between 0700 and 1600 hours on Saturdays with no Sunday or Bank Holiday working. The proposed variation is to extend hours so as continue to meet demand and so as to match those of the nearby waste composting facility. These would be 0700 to 2000 hours on weekdays, 0700 to 1700 hours on Saturdays and 0730 to 1600 hours on Sundays and Bank Holidays. It is also requested that maintenance work for plant and the site generally should be between 0600 and 0700 hours and between 2000 and 2100 hours during the week and between 0600 and 0700 hours and 1700 to 1800 hours on Saturdays.

Condition 9 requires the stockpiles of materials to be limited in height to four metres. The proposal is double this to eight metres.

Documentation is submitted with the application which the applicant considers supports his case. The arguments put forward are:

- the continuing requirement for waste materials recycling sites as expressed in national and local planning policy.
- Co-location with other such facilities
- Proximity to the sources of waste
- The lack of appropriate alternative sites,
- There being no amenity, traffic or visual impacts.

This last matter has been elaborated by the applicant.

In respect of noise impacts he states that whilst there have been no noise complaints since operations started the current proposal is to extend working hours. A fresh noise assessment report has therefore been commissioned, with its scope first being agreed with the Council's Environmental Health Officers. It concludes that there would be no adverse impacts on residential amenity if the extended hours were agreed.

As far as traffic is concerned then the existing access off the A446 would continue to be used. This would remain on site anyway for the next 25 years, as it also gives access to the permitted AD facility. As such there would be no worsening of traffic impacts.

In respect of visual impact of the proposed doubling in height of the stockpiles, then the applicant points out that the bunds surrounding the existing compound are 3.6 metres tall; the substantial woodland edge to the site at Packington Lane and alongside the A446, there being no public footpaths crossing the land between the site and the M6 Motorway, and the presence of the proposed AD facility to the south with its buildings and tanks, lead to the conclusion that there would be little material impact.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan – Core Policy 1 (Social and Economic Regeneration), Core Policy 2 (Development Distribution), Core Policy 3 (The Natural and Historic Environment), ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and TPT1 (Transport Considerations).

Saved Policies of the Warwickshire Waste Local Plan 1999 – Policy 1 (General Land Use)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Sustainable Development; Protecting Green Belt, Meeting the Challenge of Climate Change and conserving and Enhancing the Natural Environment.

Planning Policy Statement Number 10 – Planning for Sustainable Waste Management

North Warwickshire Core Strategy Submitted Version 2013 – Policies NW1 (Settlement Hierarchy); NW2 (Green Belt), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency) and NW11 (Natural and Historic Environment).

Warwickshire Waste Development Framework Core Strategy 2012 – Policies CS1 (Waste Management Capacity), CS2 (Spatial Waste Planning Strategy), CS4 (Strategy for Small Scale Waste Sites), DM1 (Protection and Enhancement of the Natural and Built Environment and DM2 (Managing Health, Economic and Amenity Impacts)

The EC Waste Directive 2008

## **Observations**

The application that has been submitted is to vary conditions. Two of these relate to specific matters and will need to be assessed on the evidence affecting those issues – are there likely to be adverse noise, amenity and visual impacts as a consequence of the proposed extended hours and larger stockpiles? The report will return to these later on. The main focus of the application however is the proposal to extend its “life” for a further ten years. In other words this is more to do with the principle of the use rather than its operation.

The 2008 planning permission was granted in principle because national and local waste management planning policy was considered to outweigh the policies protecting the Green Belt. This weight was accorded due to the increasing and continuing need to recycle rather than to land-fill; the fact that the site was located on an existing waste site, the proximity to the source of the waste, the shortage of deliverable appropriate alternative sites and limited amenity highway and visual impacts. However the permission was time-limited in order to align it with the completion of the major landfill operations at the site and thus to limit its continuation such that the land could be restored back to open land within the overarching restoration plan for the whole site. It is considered that this approach should remain to be the Council’s position. It recommended such in its representations to the County at the time, in line with similar comments on other recycling facilities. Indeed it went so far as to object to the AD facility when it considered that application because that would have had a far longer

“life”. It is therefore necessary to look at how the current proposed time extension “fits” with this approach.

The County Council consider that the main landfill operation here at Packington will continue for a further two to three years. Given the slowing down in the amount of waste going to landfill, it is considered that it would be reasonable to deal with a potential three year life. Restoration would then take many years. Hence the proposal to extend the consent is reasonable within this context. Moreover, regardless of the Borough Council’s view, the County Council did grant consent for the AD facility and gave that a 25 year “life”. As this site almost adjoins that facility, it is again considered that an extension is a reasonable request. However as the approach here by this Council is to balance the needs of the waste industry against protecting the Green Belt through time-limiting those waste consents, it is considered that a time extension here of an additional ten years is reasonable.

In respect of the other two conditions, then Members will have read above that the Council’s Environmental Health Officer’s have been consulted in the scoping of the noise assessment report for the proposed extended hours. They will provide their advice to the County Council directly in due course. The recommendation below takes this into account.

Given that vehicular access here is directly onto the A446 through the main Landfill site access, it is not considered that the proposed extension of time or of the proposed extended hours would cause material highway impacts. The County Council’s highway officers will advise the County’s planning officers directly. Again the recommendation below takes this into account.

The other impact is the potential visual impact from enabling higher stockpiles to exist on site. It is considered that this will have an adverse impact on the openness of the Green Belt hereabouts as the increased height is material, enabling stockpiling well above the surrounding bund heights. However this will be mitigated if a temporary consent is granted; because the backdrop here will be the large land fill “hill” and the presence of the AD facility, the surrounding wood and tree cover and the lack of public visibility. In these circumstances it is accepted that an increase in height can be agreed.

### **Recommendation**

That subject to the comments of the Borough Environmental Health Officer and the Highway Authority, this Council has No Objection to the proposed variations for the reasons outlined 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/2013/0013

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation	4/7/13

*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.*







**(4) Application No: PAP/2013/0107**

**Oak Tree Farm, Quarry Lane, Mancetter, Atherstone, CV9 2RD**

**Change of use of agricultural building to mixed use for agriculture and joinery workshop in association with boat fitting/repairs/restoration, extension of existing moorings, provision of hardstanding and installation of steps and charging points**

**for Mr Paul Harvey**

### **Introduction**

The application is reported to Board at the request of a Local Councillor following the receipt of representations.

### **The Site**

The site lies on the on the south western side of the Coventry Canal and is accessed via a track off Quarry Lane. The site lies 350m along the track, south east of Quarry Lane itself. A track/roadway borders a series of small fields. An existing agricultural building sits close to where the land meets the canal.

### **The Proposal**

The current occupier of the land has carried out a number of unauthorised works, including the creation of a small retaining wall and hard surfacing along the canal bank edge, such that the mooring is effectively extended, the formation of 'patio' areas within the retaining structure, a flight of formal brick and paving steps flanked by brick walls, the erection of two wooden sheds and an extension to the agricultural barn to facilitate the housing of a narrowboat.

The proposal initially sought the retention of all of these unauthorised works, however, following an expression of concern about the urbanising effect of the combination of these, the proposal has been amended to agree the removal of the sheds, patio areas, formal flight of steps and the barn extension (see photos below)



**Patio areas, Formal steps and small barn extension – all to be removed**



## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 2: Development Distribution, ENV12: Urban Design, ENV11: Neighbour Amenities, ECON7: Agricultural Buildings & Structures, ECON8: Farm Diversification, ECON9: Re-Use of Rural Buildings,ECON10: Tourism & Canal Corridors

## **Other Relevant Material Considerations**

The National Planning Policy Framework 2012 (NPPF).

North Warwickshire Core Strategy (Submission Document February 2013): SO (Strategic Objective) 1: To secure a sustainable pattern of development reflecting the rural character of the Borough, SO3: To develop and grow the local economy for the benefit of local residents, SO5: To promote rural diversification, SO7: To protect and enhance the quality of the natural and historic environment across the Borough, NW1: Settlement Hierarchy, NW8: Sustainable Development, NW10: Quality of Development, NW11: Natural and Historic Environment, NW14: Economic Regeneration

## **Consultations**

**Warwickshire County Highways Authority** – No objection subject to a condition requiring improvement to the access where it meets Quarry Lane

**Environmental Health Officer** – No Comments

## **Representations**

**Council for the Protection of Rural England** – Comments as follows:

CPRE Warwickshire objects to this application on the grounds that it will have a harmful impact on the countryside, contrary to Saved Local Plan Policy ENV1:Protection and Enhancement of the Natural Landscape. This states that, 'Development that would neither protect or enhance the intrinsic qualities of the existing landscape, as defined by Landscape Character Assessment will not be permitted.' The Draft Core Strategy takes this further by stating that, 'Within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character...' (Policy NW6, p. 38)

The site is on rising land in an area characterised as Industrial Arden. Until recent years this was an open landscape of large fields, which tended towards pasture as the land rose to the Hartshill Ridge. However, more recently, as has happened here, fields have been sub-divided into small parcels, many in equestrian use and each developed with at least one building. The overall result has been a serious degradation of the landscape, which should now be reversed. Indeed, the 'Warwickshire Landscape Guidelines: Arden' has designated this as an area for enhancement and recommends that the historic field pattern should be conserved.

Landscape Character Assessment, p.95, advises that types of farm diversification that are inappropriate to this landscape should be avoided. Furthermore, Saved Local Plan Policy, ECON8: Farm Diversification, requires that 'there should be no adverse impact on the character of the surrounding natural and historic environment.

In CPRE's view, the change of use of an agricultural unit into mixed use which includes boat repairs, hardstanding, new buildings and extension of moorings degrades the landscape and increases the urbanisation of this site further into the countryside. There are already a number of boat repair businesses and moorings in the area and we can see no need for another. The site's poor access makes it highly unsuitable for industrial use and, in CPRE's use it should be returned wholly to agriculture.

This is an area for quiet recreation. It has a number of walks along the canal, and over the footpaths and bridleway which lead up to the Hartshill Ridge, where there are extensive views across to Leicestershire. Here the countryside can still be enjoyed in peace and quiet, and the noise of machinery would impact on this. Piecemeal industrial development along the canal is harmful to the countryside and to the image of North Warwickshire. In CPRE's view, it should be strongly resisted, and we would respectfully urge the Council to refuse this application.

**Mancetter Parish Council – Comment as follows:**

The proposal is contrary to the provisions of Policies CP2, ENV11, ENV12, ECON7, ECON8, ECON9, ECON10 and ENV14, for the following reasons.

- Concerns about access to the site and the number of boats moored on the canal would outweigh the benefits of increased services on offer.
- The increase in traffic to the site along the proposed track will cause disturbance to the adjoining Garden Farm, along with excess noise relating to the repair and restoration of boats.
- The provision of hard standing and steps to the canal will break with the open aspect and remove the natural features of the area.
- The two additional sheds are not required for the efficient long-term operation of the farm holding nor form a group with existing agricultural buildings or structures on the holding.
- This proposal would not contribute towards sustaining the long term operation and viability of the existing farm holding.
- This proposal would cause additional impediment to the safe and free movement of pedestrian, vehicular or other traffic on the rural road network, at the track to the farm from Quarry Lane is a single track unmade road.
- There will be an adverse impact on the character of the surrounding natural environment due to the excess noise.
- There is no evidence that a service such as this has been identified as a need in the area or that it facilitates public access to the enjoyment of the countryside, in fact this application will deter the public from enjoyment of the countryside.
- The scale, siting and design of these facilities do not respect the character of the area and surroundings as it will create a harsh view from the opposite towpath.
- There is no mention of how many additional boats will be moored on the canal at any one time.
- The repair and restoration of canal boats can be a very lengthy process which would necessitate the long term mooring of these boats on a bend in the canal, which would reduce the visibility for other canal users.
- The development may generate traffic inappropriate to the character of the local roads.

- The proposal, although it is for the repair and restoration of canal boats will not in itself increase the enjoyment of the canal network, it may cause disruption to other canal users.
- There will be no local jobs created.
- There is also the possibility that a chandlery will appear which would result in boats stopping for supplies and again causing congestion on the canal.

**Inland Waterways Association** – Advises that it has judged this application on what additional visual and other impacts it might have, if any, on the site and the canal environment.

We understand that the Oak Tree Farm site has permission from The Canal and River Trust for boat moorings and that it could accommodate 3 or 4 narrow boats. It is doubtful if the extension of these moorings up to that limit requires planning consent except for residential use, which we understand will be subject of a separate Certificate of Lawfulness application, or if they involve associated bank side works such as sheds, walls, gardens, etc. IWA is content with the extension of the boat moorings provided that they do not lead to a further proliferation of inappropriate hard landscaping and sheds. It seems to us that the use of the existing 2 small wooden sheds included in the application probably relates to the residential mooring and it therefore seems anomalous that they form part of this application and not the expected Certificate of Lawfulness.

We understand it is intended that the boat repairs/restoration work will be largely joinery work on interior fittings, without any boat building operations that would have raised issues of access for steel deliveries, construction noise, etc. We also understand it has been confirmed that boats will be worked on afloat without their being craned into the existing large shed building, although that has previously taken place. The status of the building is uncertain as it has very limited agricultural use, but if it were agreed to be used as a joinery workshop and for material storage that would help prevent unsightly external storage of materials and equipment.

On balance, therefore, IWA has no substantive objection to this application, provided that it can be limited by conditions to the proposed activities without further visual impacts. We suggest that: the non agricultural mixed use of the building be limited to joinery work and storage of materials and equipment in connection with the boat fitting business; that work on the boats should take place afloat, with appropriate measures to prevent pollution of the canal; that if the existing hard standing, steps, charging points and sheds are retrospectively approved it be made clear that this does not give consent for further such developments; that the existing residential mooring be subject to a Certificate of Lawfulness; and that any further residential moorings be subject to full planning consent to control any associated works.

**The Canal and River Trust** – Identified questions about the nature of the development proposed. Final comments to be confirmed.

## Observations

The site lies within open countryside and outside of any settlement boundary. New commercial development is not normally directed to such a location unless such development requires a rural location or is an appropriate diversification of an existing rural business.

The proposed development can reasonably be argued to require a location along the canal network. Though the use could be directed to a location where the canal passes through one of the Borough's main towns, it is necessary to assess whether there are any circumstances that suggest this rural location is appropriate in this instance. The use is proposed here because it seeks to make a mixed use of an existing agricultural building.

The character of the canal and the land hereabouts is distinctly rural and tranquil. It would be harmful to both the character and appearance of the area if a large scale industrial process were to be introduced. For this reason, the scale and nature of the proposed operation has been explored with the applicant. The nature of the business is set out above. It is essentially low key joinery and boat fitting. No engineering processes, haulage of boats in or out of the canal and no deliver or dispatch of boats by road is proposed. The applicant has indicated that he is content for any planning permission granted to be on the basis of a personal permission in recognition of the particular circumstances of his business.

It is not anticipated that the use, limited to that now described, would result in any harm to the amenity of the occupiers of an adjacent lawful residential mooring. The Environmental Health Officer offers no objections.

It is considered that with the use of conditions to limit the nature of the operation, that some commercial, canal related business may be supported at this site.

The physical alterations already made to the canal side environment initially gave cause for concern because the new unauthorised sheds, patio areas and formal steps created an inappropriate domestic appearance at the site. The scheme has however been revised, with a commitment to remove the unauthorised works. On the basis of the revised site layout, the proposal will not cause harm to the rural character or appearance of the site, the canal side works being more limited to the practical requirements of boat mooring.

The scheme has been revised to address the concerns raised by the CPRE and Mancetter Parish Council and clarified to address matters raised by The Canal and River Trust and The Inland Waterways Association. It should be noted that the objectors comments were received prior to the revisions to the proposal.

The condition suggested by the Warwickshire County Highways Authority arises from its concern that the track way from Quarry Lane is in a poor state of repair and that increased vehicle movements associated with this development would justify its improvement. However, the vehicle movements associated with the site will be limited primarily to the applicant and his partner who also reside at the site (NB The applicant resides at the site in a residential mooring - he indicates an intention to submit a separate application for a Certificate of Lawfulness for the residential mooring on the basis that council tax payments have been made in excess of 10 years). There will be limited vehicle movement associated with the business when considering that boats will

arrive and depart by canal. The applicant's agent confirms that there will be no raw materials delivered to the site as there will be no industrial machinery at Oak Tree Farm, the manufacturing element all takes place at Measham. The manufactured product will be transported to Oak Tree Farm in a single van. Arrangements are then made for the client to return to the site via the canal and the item is simply fitted and they leave the site. The only vehicle movements are when the applicant leaves for work in the morning and then returns home in the evening. The agent argues that the transport arrangements are straightforward and sustainable. Given this, and that there are multiple owners generating traffic and responsible for the maintenance of the access, the condition suggested by the Highway Authority is not considered to be justified in this instance.

A small extension has been added to the agricultural building in an unauthorised manner. The applicant advises that this was to added facilitate a 'one-off' accommodation of a narrow boat. The extension is now proposed to be removed. Whilst it is acknowledged that the built form as extended does not significantly impact on the character or appearance of the area generally, it is the implication for the use of the building that was of greater concern. The building is to be returned to its authorised dimensions, such that it can not physically house boats, this way there is a more robust prospect that the site will be used in the lower key manner described by the applicant.

On balance the scheme may be supported.

## **RECOMMENDATION**

That the application be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

## **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 Rev C received by the Local Planning Authority on 20 June 2013 and the site plan received by the Local Planning Authority on 4 March 2013.

## **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The existing agricultural building shall be used only for the mixed use of agriculture and joinery use in association with with boat fitting/repairs/restoration. The building shall expressly not be used for the the servicing or manufacture of boats or engines. The joinery use hereby approved shall be confined to within the building and on the boats whilst moored on the canal. There shall be no joinery working on open land within the site.

REASON

In the interests of the amenities of the area.

4. No boats or other craft shall be lifted into or out of the mooring at this site at any time.

REASON

In the interests of the amenities of the area and in the interests of maintaining the structural integrity of the canal bank.

5. The site shall not be used for the retail or wholesale sale of any goods or services other than the manufactured joinery products.

REASON

In the interests of the amenities of the area and to avoid the introduction of a non-conforming use in a rural location.

6. There shall be no transportation of boats or other craft to, or from, the site via the local road network. Any boats or craft arriving or departing from the site shall be transported via the canal network.

REASON

In the interests of safety on the public highway and in the interests of the amenity of the area.

7. There shall be no manufacture or fitting of joinery products other than between the hours of 08:00 hours and 18:00 hours on Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays. There shall be no Sunday or Public Holiday working whatsoever.

REASON

To prevent disturbance to the occupiers of nearby properties.

8. No advertisements whatsoever shall be displayed at any time unless details have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.



9. The use hereby approved shall enure solely for the benefit of Mr Paul Harvey and for no other person whomsoever, and specifically not for the benefit of the building known as Oak Tree Farm, Quarry Lane, Mancetter.

#### REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries, and to ensure that the use does not become permanently established on the site.

10. Within three calendar months of the date of this permission the existing sheds, steps and patio areas shown on the approved plans as to be removed, shall be so removed and the land shall be reinstated as illustrated on the approved plans.

#### REASON

In the interests of the amenities of the area and to protect the rural character and appearance of the area.

11. Within three calendar months of the date of this permission the extension to the agricultural building shown on the approved plans as to be removed, shall be so removed and the end elevation of the building shall be made good using materials to match the existing building..

#### REASON

In the interests of the amenities of the area, to remedy the erection of unauthorised development and to remove development that would facilitate the unauthorised use of the building.

12. The open land within the curtilage of the site shall not be used for the storage, display, manufacture or sale of anything whatsoever.

#### REASON

In the interests of the amenities of the area.

13. The approved joinery use of the building shall not commence until such time as a scheme for the noise insulation of the building and controls for the transmission of noise has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented in full.

#### REASON

To protect the amenities of nearby residential property and the amenities of the area.

## Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and suggesting amendments to improve the quality of the proposal. 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

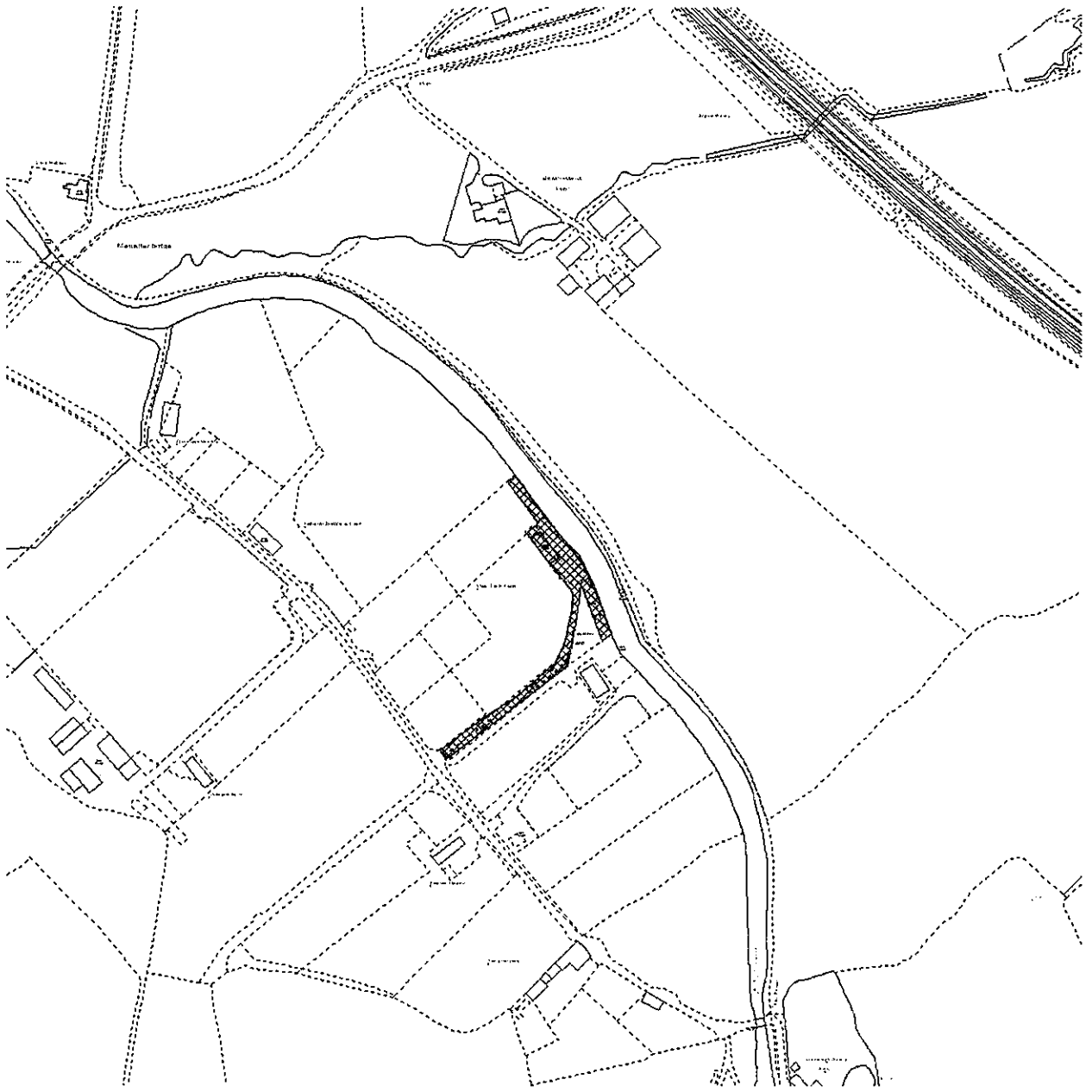
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0107

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4 3 13
2	Council for the Protection of Rural England	Representation	4 4 13
3	Mancetter Parish Council	Representation	27 3 13
4	Case officer and applicant's agent	Correspondence	8 4 13 23 4 13 21 5 13 3 6 13 19 6 13 31 7 13
5	Warwickshire County Highways Authority	Consultation Reply	4 4 13
6	Environmental Health Officer	Consultation Reply	27 3 13 10 4 13
7	The Canal and River Trust	Consultation Reply	11 4 13
8	The Inland Waterways Association	Consultation Reply	17 4 13

*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.*



**(5) Application No: PAP/2013/0168 and PAP/2013/0169**

**Father Hudson's, Coventry Road, Coleshill, B46 3EA**

**Planning Application and application for Conservation Area Consent to demolish existing buildings and proposed mixed residential and commercial development comprising 74 new dwellings; a retirement complex of 39 flats, a new office building, landscaping and ancillary structures ( including a pumping station and electrical substation) for**

**Bellway Homes Ltd**

## **Introduction**

These applications were reported to the Board at its May meeting in order to introduce the proposals to Members and to outline the main issues which will be involved in their determination. Since then Members have taken the opportunity to visit the site. Additionally, there have been some detailed changes made to the proposals as a consequence of the receipt of consultation responses. This report will first bring Members up to date with the proposals before setting out the issues which they will need to consider in their determination of the case.

A copy of the previous report is attached at Appendix A. This provides a significant amount of background information as well as setting out the Development Plan context and the other material planning considerations relevant to these proposals. It should thus be treated as a part of this final determination report.

## **The Site Visit**

Members attended the site on 15 June and were able to walk around the whole site. In particular, time was spent looking at the Coventry Road frontage; the area at the rear (east) side of the site and the northern boundary where it backs onto existing residential property in Walkers Way and in The Colesleys. Members also went inside the St Edwards building visiting its ground and first floors.

## **Additional Information**

Many Members will be aware that prior to the site visit, over the bank holiday weekend, fire broke out in the St Mary's building, one of frontage buildings. Members saw the damage at their visit. Building Control Inspectors have confirmed that it is now a dangerous structure and it will thus have to be demolished regardless of the current applications. The initial fire report submitted to Father Hudson's suggests the fire was arson started by intruders.

Members are advised that this is a change in circumstance which will need to be taken into account in the determination of the application.

## Recent Amendments

Following the receipt of responses from both the technical consultations undertaken with the relevant Agencies and as a consequence of representations received by local residents, there have been a number of amendments made to the submitted plans. These are:

- The house proposed on plot 63 has altered from a two and a half storey house to a two storey one and then re-aligned to match the row of other houses to its west. This is illustrated at Appendix B.
- There are very minor fenestration changes to plots 29 - 38 as a consequence of changed internal arrangements so as to have fewer habitable rooms at third floor level.
- The geometry of some of the internal road layout has altered at the request of the Highway Authority. These changes do not affect the overall design of the internal layout in any manner and neither do they impact on the housing layout.
- The landscape treatment to the Coventry Road frontage of the McCarthy and Stone proposal has been altered so as to replace a two metre railing with a lower one metre one backed by low hedgerow planting in the case of the Bellway proposals and with a 0.3 metre high "trip" rail together with a low hedge outside the McCarthy and Stone block. This would be continued around the building alongside the southern side of the main access.
- The car parking provision for the proposed residential development – the Bellway Homes proposals – has increased to 200%.

## Consultations

**English Heritage** originally recommended that the applications should be refused. It considered on the basis of the submitted evidence, that the proposals would lead to substantial harm to the significance of the heritage asset, namely the total demolition of buildings within a substantial part of the Conservation Area, and that the tests of the NPPF in this regard had not been met. In particular English Heritage was concerned about the marketing undertaken and the lack of appraisal of other alternatives which might secure the retention of the buildings or some of them. Additional work was undertaken by the applicant as a consequence and this was then forwarded to English Heritage. It has responded by concluding that, "Overall, English Heritage does not believe that the case for the development can be made on heritage grounds, as there is a possibility of a successful scheme without the necessity for the total demolition of all of the historic structures within the development boundary. For example, it would appear to be possible to retain the St Edwards building and have a workable scheme if the current owners did not require an office block. Ultimately it is for your Authority to balance the "substantial harm" to the Conservation Area which your Authority deemed worthy of that status versus the public benefits to be achieved by the scheme". The full consultation response is attached at Appendix C.

**The Warwickshire County Council as Highway Authority** has no objection. It is satisfied that in terms of capacity there is unlikely to be a significant impact but did require minor layout design alterations within the site which have all now been addressed through the receipt of the amended plans. The Authority pointed out that the development as a whole would generate a significant increase in pedestrian based trips and that the retirement homes proposal would mean that a large number would be from more elderly people. Although in a 30 mph limit, the applicant's speed survey work showed an average speed of between 33 and 34. The Highway Authority therefore requires a signalised pedestrian crossing over Coventry Road as a consequence of these two factors.

**The Environment Agency** has no objection.

**Severn Trent Water Ltd** has no objection subject to a standard condition.

**The Warwickshire Museum** says that a desk based assessment was submitted with the application and that as a consequence, post-medieval settlement activity was identified. Whilst no objection is submitted, it is recommended that a standard condition is imposed on any planning permission requiring site investigation through trial trenching, to be agreed in advance before work commences.

**Warwickshire Fire Services** has no objection subject to a standard condition requiring prior agreement for water supply arrangements. In respect of concerns about the proximity of a farm to the proposals, then the Authority has been notified of the risk – see Appendix D.

**Warwickshire County Trading Standards** has responded due to concerns about the proximity of a working livestock farm adjoining the development. There is no objection – see Appendix E.

**Warwickshire Police** has viewed the detail and has advised the applicant in respect of detailed measures to reduce the likelihood of crime.

**WCC Library Services** has asked for a contribution of £17k to assist in the running costs of existing libraries.

**WCC Education Services** has asked for a contribution of £31k. Whilst there is existing capacity at local schools for children arising from this development, the contribution is to assist funding special needs.

**NHS Property Services** has asked for a contribution of £97k towards the cost of running facilities for eighteen months until the next funding review.

**The Council's Environmental Health Officer** says that a desk study and site investigation has been carried out and that there has been discussion with the applicant. It is recommended that further investigation should be conditioned as a consequence. This is particularly relevant to old fuel tanks on the site and to the need to investigate the ground under the existing buildings. Additionally the findings of the noise assessment report submitted with the application are agreed and prior approval is needed for details of glazing and ventilation along the Coventry Road frontage. In respect of the farmer's objection, the only way to minimise the potential for odour nuisance would be to have sufficient separation distance from the farm to the development.

**The Council's Valuation Officer** considers that the viability studies and the financial appraisals have been properly undertaken and that the conclusions are both reasonable and proportionate. The affordable housing provisions might be increased if the site was treated as two developments – Bellways and McCarthy and Stone. He too points out that the inclusion of the new office block here does impact on the overall appraisal.

## **Representations**

The Coleshill Town Council welcomes and totally supports the development. It also considers that there is sufficient existing community area space in the town without the need for additional such accommodation on this site.

The Coleshill and District Civic Society accepts the principle of total demolition and in terms of building design consider that the proposals are sympathetic and imaginative, still relating in part to the former Father Hudson's site. The Society does however have concerns about the traffic generation from the proposals. It suggests a second access off Maxstoke Lane.

The Coleshill Neighbourhood Plan Steering Group gives its unanimous support to the proposals but asks that the design remediates the impact of increased traffic generation.

Three letters have been submitted from local residents supporting the scheme.

A further letter draws attention to the following matters; access along the site frontage to the uses beyond, too much three storey housing here changes the character of Coleshill and all houses should have two car parking spaces.

Three letters have been received from local residents drawing attention to the likely traffic impacts on the Coventry Road. In particular attention is drawn to poor visibility; the dependence on just the one access, problems with deliveries and heavy traffic associated with the construction phase, and the already heavily used road as a consequence of school traffic.

Three letters of objection have been received from residents in Walkers Way who are particularly concerned about the adverse impacts of the new housing proposed to the rear of their properties. In particular the loss of privacy and amenity through overlooking and the loss of outlook and potential value are mentioned. Specific reference was made to the original house type proposed on plot 63 – a two and a half storey one. In view of the receipt of amended plans showing changes to plot 63, these three residents were re- consulted. One response has been received which welcoming the amendment still requests that the new houses are located further away from existing property.

A letter of objection has been received from the farmer of the land which abuts the eastern boundary of the site – see Appendix F. He refers to the following matters: a boundary dispute; the loss of trees, the risks of fire and disease because of the proximity of his farm, drainage issues and the increased likelihood of complaints.

## **Other Additional Information**

It was reported above that changes to the plans had been received as a consequence of the consultations and representations received. In addition, the applicant has supplied further evidence which he considers answers other matters raised by the consultation responses, and in particular is said to respond to the concerns raised in the Observations section of the previous report at Appendix A..



Firstly, in direct response to the Highway Authority's request for a contribution to provide a signalised pedestrian crossing over the Coventry Road, the applicant has confirmed that he would do so through a Section 106 Unilateral Undertaking for the full amount requested.

Secondly, in direct response to questions asked about the role that the Father Hudson's Society now plays in Coleshill, it has provided a covering letter. This is attached at Appendix G.

Thirdly, in direct response to officer's concerns as expressed in Appendix A and to the objection by English Heritage, the applicant submitted additional documentation in respect of the potential impacts on the viability of the scheme in respect of the provision of affordable housing and the retention of St Edwards.

Fourthly Members will be aware that the background to the emerging Core Strategy has moved forward. This was submitted in February and following an initial hearing in early June, it remains as a material planning consideration. However the Inspector dealing with the case has requested more up to date evidence through a revised Strategic Housing Market Area Assessment on housing numbers. This has not been prepared at the time of this Board meeting and thus the overall housing requirement up to 2028 has not been finalised. The consultation period on the Preferred Locations for Site Allocations closed at the end of May. There were no representations received in respect of the inclusion of the application site as a potential housing site. In respect of the five year land supply, then the Council's LDF Committee recently agreed that the Borough had between a 5.57 and 4.87 year supply.

## **Observations**

### **a) Introduction**

As indicated in the last report there is no objection in principle to the residential redevelopment of this site. It is not only located within the settlement boundary for Coleshill but it is also allocated for residential development (up to 150 houses) in the current Development Plan – the 2006 Local Plan. The emerging replacement Plan identifies Coleshill as a suitable settlement to accommodate 275 new houses up to 2028, and the Council's Preferred Locations for that new housing allocates this site for up to 120 of those new dwellings. As a consequence the issue for the Board here revolves around how this residential development is to be provided, not whether it should be provided. That is presently guided by two factors. Firstly, the 2005 Council's Development Brief for the site expressly sets out the wish to retain the two frontage buildings – St Mary's and St Edwards – with the remainder of the site being cleared as the development area. Secondly, the site is wholly within the Coventry Road Conservation Area and thus the NPPF guidance on dealing with proposed demolitions will weigh heavily in the final assessment. The first part of this report will therefore concentrate on the substantive issue of assessing the balance between supporting the provision of new housing in line with the Development Plan; its emerging replacement and Government guidance on housing growth through the NPPF, with the total loss of a significant proportion of the heritage asset contrary in part to the Council's own Development Brief.

This report will also have to cover a number of other matters – not only the technical issues that arise as a consequence of the highway, amenity and drainage impacts of the proposals, but also the provision of affordable housing and the visual impact by

looking at the quality of the built form proposed to replace that presently on site. These will all be examined later on in this section.

The report will draw together the conclusions from all of these issues and then make a recommendation based on an assessment of the balance between them.

## **b) The Heritage Asset**

The starting point is therefore to define the heritage asset which is affected and in so doing to understand its significance. There are no Listed Buildings on the application site and so the asset here is the Coventry Road Conservation Area designated in 1995. A Conservation Area for Coleshill was first designated in 1969 in order to protect the linear core of the town centre. Development pressures on the town were building up and in order to protect the southern approaches of the town from unsympathetic development and to recognise the particular bespoke built form of the Father Hudson's holding, a second Area was designated. This includes the linear frontages on the western side of Coventry Road but more particularly includes the Society's substantial land holding on its eastern side.

This part of the Area recognises the position of Father Hudson's Homes in the recent social history of Coleshill and its particular expression through built form and appearance. Its original Catholic mission was to care for poor children and orphans but this expanded during the first decades of the twentieth century through the Home's holistic approach to its mission into the provision of hospital care; the provision of education, homes for the nuns looking after the children and for places of worship. As and when the operations expanded, new buildings were just built and each was constructed with its own character and appearance. This continued as the management and legislation covering social care provision underwent substantial change in the latter half of the 20th century. There are thus no two buildings alike on the site whether dating from the early, middle or latter half of the century. They were largely erected with no overall design or plan in mind, resulting today in a complex of different unrelated structures each surrounded by open space. The overall site thus displays the organic growth and physical expression of the original Catholic mission – an early 20<sup>th</sup> Century expression of what we now call residential social care institutions.

The character and appearance of this part of the Conservation Area wholly reflects the physical outcome of this social history. The main characteristics are:

- A "campus" like feel to the site with large three storey buildings set in open space.
- Each building having a different external appearance and design.
- A "randomness" to the layout and built form
- A strong visual frontage to the Coventry Road but set back behind a "green" line which provides a spacious feel to the whole site.
- Glimpses as well as open views of the extensive areas of open countryside to the east.

In overall terms it is considered that this part of the Conservation Area takes on its character and appearance by being treated a whole rather than by the merits or otherwise of individual buildings. Its significance is in its physical reflection of a period of local social history.

The heritage asset here however is the whole of the Conservation Area and not just that part covered by the application proposals. The southern half of the Society's land holding reflects the historical factors raised above and these too have led to a particular

bespoke built form. This also reflects the main characteristics as outlined above, although there is perhaps less openness around the buildings here and they display less individuality.

The western side of Coventry Road is characterised by a linear residential form - with a mix of terraced property, large detached villas, more modern detached houses and some apartment blocks. There is still a strong "green" frontage in part.

### **c) The Impact on the Asset's Character and Appearance**

The demolition of all of the buildings within the northern half of the Society's land holding would have substantial harm on the significance of the Conservation Area. This is not only as a matter of fact and degree because of the scale of that demolition, but also because the greater part of the physical reflection of the social history referred to above would be removed. It is also considered that the main interest from this perspective is focussed on the buildings in this half of the site – the frontage buildings and the deep building line; the variety of appearance in the other buildings and the greater sense of openness. It could be argued that the Conservation Area as a whole is unaffected by these proposals, but given the outline set out above, it is considered that these proposals do remove much of the reason for actually designating the Area. The designation was substantially about the individual character of the Father Hudson's holding.

Moreover, the 2005 Development Brief clearly acknowledged and anticipated the future issues facing the Society at that time. Its role had changed and it was still changing. As a consequence, its buildings were becoming redundant. The Council accepted there would need to be a mixture of demolitions and new build and in its brief set out how that should be dealt with so as not to be detrimental to the appearance and character of the Area – namely through the demolition of the rear buildings but retaining the two frontage buildings of St Mary's and St Edwards. These proposals go further and thus as they are contrary to that Brief, there must be substantial harm done to the heritage asset here.

English Heritage has come to a similar conclusion.

It is acknowledged however that the southern half of the Society's land holding would be unaffected by the proposals and thus the physical reflection of the Society's presence and role in the town would still be retained. Additionally the characteristics of the western half of the Area would be unaffected. Overall however it is still considered that there remains substantial harm to the whole Conservation Area because of the proposed removal of all buildings on the northern half of the Coventry Road frontage.

### **d) The Approach**

Given the level of substantial harm to the heritage asset as identified above, the expectation would be for a refusal of Conservation Area Consent for the demolition works. The NPPF however clearly sets out that before doing so, the Council must decide whether there are substantial public benefits that outweigh the identified harm, and it is this assessment which must now be addressed. The NPPF sets out four tests in order to assist in this assessment. The first three of these will now be explored individually. The fourth is whether the harm or loss would be outweighed by the benefit of bringing the site back into use. This will follow on.

### **e) The Nature of the Heritage Asset prevents all reasonable uses of the Site.**

The nature of this part of the asset is clearly the physical outcome of a social and religious institution's mission. The outcome is a series of individual buildings without an overall plan or "planned" layout; with individual buildings constructed and designed for bespoke uses, fit for purpose at the time, but which can no longer meet modern standards for institutional use. There are three factors which are material to the first "test", as these define its scope:

- The Council has already agreed through the allocation of the site for housing purposes in both the Development Plan and the emerging Core Strategy that the historical uses would not continue
- The Development Brief expressly agrees to the demolition of the buildings to the rear
- St Mary's will be demolished in any event as a consequence of the recent fire.

In short therefore, this test is reduced to looking at only St Edwards, the other frontage building, and whether there is a reasonable alternative use for the site a whole apart from residential.

Looking first at St Edwards and notwithstanding the above, it is agreed that continued institutional use of St Edwards is not "reasonable". It is simply not "fit" for such a use.

In order to satisfy the test, regardless of the background set out above, it is necessary to explore alternative uses. The evidence from the Town Council is that there is not a need for additional community use in the town and it has not objected to the proposals. Moreover no requests have come from this or the voluntary sector during the whole of the marketing campaign run by the Society, and there has been no application under new legislation for any of the buildings here to become a Community Asset. Moreover it is questionable as to whether St Edwards could be suitable for such a use given the design and layout of its internal spaces. Even if it were, the cost of renovation and meeting modern standards would give serious doubt as to the viability of such an outcome.

A reasonable alternative use might be office accommodation. However the evidence submitted through the marketing reports and the financial appraisals indicates that this would not be a viable option for commercial offices. There is no demand; an existing supply of office accommodation in the town which is not letting, the cost of refurbishment would be high and the standard of accommodation provided would not be marketable even in a more buoyant market. This is confirmed by the Council's Valuation Officer and Members are aware of this overall situation from a number of other cases. Here however, it is reasonable to ask whether the Society itself could not occupy the building for its own office accommodation particularly as it is proposing its own new office space elsewhere as part of this application.

The only other alternative use is of course residential – through conversion and internal alteration, particularly as the site is allocated for residential redevelopment. In other words the building would be a residential conversion as part of that overall scheme. The building would convert to residential use – work undertaken by the applicant suggests conversion to 31 one and two bedroom apartments is possible. However the accommodation so provided does have disadvantages when considering its marketability; the rooms would have high ceilings, they would not be well fenestrated and in some cases would have very high cill levels, extensive corridor space and large open areas. Evidence has been submitted to show that given the low demand for apartment accommodation and the costs in undertaking such a conversion with little prospect of them being let in the current market, that there would be a detrimental impact on the overall viability of the current proposals. It is not considered in these

circumstances that this option is “reasonable”. However this report will return to this matter later on.

This therefore leaves the option of looking at alternative uses for the whole site. Given the “campus” nature, character and appearance of the site, this would either mean high density residential blocks, or some form of education or business park. These appear to be appropriate alternatives, but as members are aware there is very little interest in such alternatives, even on a site like this, and there would be a major impact on traffic generation. Additionally and materially, the Development Plan background specifically focuses on residential redevelopment and the site has been marketed on that basis for a significant number of years. Notwithstanding this, officers can confirm that there has been no interest shown by any prospective developer exploring such alternatives. As such it would be unreasonable for the Council to change the focus here.

Given all of the above it is considered that whilst the nature of this part of the heritage asset does potentially lend itself to a range of alternative uses, there is evidence to show that these would not be reasonable for a variety of reasons. A residential use remains the preferred use.

**f) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.**

To a large extent much of this has been covered above, however evidence has been submitted by the applicant that explores this “test” more deeply. The “development site” has been marketed for a considerable length of time. The evidence shows that this extends from 2005 until 2012. The initial date reflects the time at which the Local Plan became a material planning consideration of weight and the publication of the Development Brief. The site was marketed on the basis of “offers invited” given the heritage issues involved and the Local Plan policies on affordable housing provision. There were over 200 expressions of interest in the first year but only one was pursued in detail though the next year, but this was not continued. In view of the Development Plan’s policies on affordable housing provision the Society explored the development of the site in partnership with a Registered Social Landlord through 2007 and 2008. Notwithstanding early prospects for such a way forward, the economic downturn, its impact on the property market and increasing funding difficulties for Housing Associations, there was little interest and the site was not actively marketed again until 2010. A promising initiative was being explored in 2010 but funding difficulties for the Housing Association led to its demise and the current proposal is the final one that has now been developed in some detail.

There are four general conclusions from this account. Firstly, the site has been marketed during good and bad economic times and properly targeted at residential developers in light of the support set out in the Local Plan. Secondly, the period of the marketing without a development being secured has led to uncertainty and to the buildings remaining unoccupied. Thirdly, the advice from the Society’s Chartered Surveyors is that the combination of heritage requirements; the Local Plan’s affordable housing requirements and the economic downturn has affected interest and thus the likelihood of a prospective successful scheme. It is considered that weight does have to be given to this conclusion. Finally it is agreed that the site has been marketed in line with English Heritage advice without a particular value, so as to avoid deterring interest and to thus properly test the market. In light of these matters it is agreed that the marketing has been appropriate; that it has been extensive and that expressions of interest have been followed through in detail. Additionally external factors such as the downturn and the funding difficulties of Housing Associations have certainly influenced the disposal of the site.

**g) Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible.**

The difficulty with this particular test is that the heritage asset here is the Conservation Area and not an individual building. As such the sources of any grant funding for conservation purposes is very limited. English Heritage does not have the capacity to do so and the priorities of Trusts or other sources such as the Heritage Lottery Fund or the Landmark Trust are not in accord with the residential outcome promoted by the Development Plan. It is also a matter of fact that the Conservation Area here is not defined by English Heritage as Outstanding, and thus even more unlikely to attract grant funding. As referred to above there has neither been any interest shown from any local community group and nor has any application come forward under the new Community Asset opportunities. It is noteworthy too that English Heritage in its response does not refer to this test or to other avenues or sources which have not been explored by the applicant.

Whilst the above focuses on the heritage asset being an "area" based asset, it is a material consideration that the Council through the Local Plan, the Development Brief and the emerging Core Strategy accepts that demolitions will take place. Given the recent fire too, the overall substance of this "test" is somewhat weakened. In looking at St Edwards alone, then it is not a Listed Building and as reported above would not easily convert into a viable alternative use. Hence the likelihood of grant funding for the building in isolation is very limited.

The Society itself is a Charitable Trust and therefore given the wording of this "test", it has been asked to respond. That is at Appendix G. In short it is saying that the cost of maintaining its social care agenda whilst retaining the existing buildings is not viable and that in order to retain the Society's presence in the town and to concentrate on its social objectives particularly here at its historic base in Coleshill as a Charity, it has to compromise, as all other organisations do. In this case, this means releasing surplus land for redevelopment so as to sustain its charitable purpose. It is agreed that such a situation as described here is of weight and will assist in satisfying the requirements of the test.

There is one outstanding matter and this relates back to section (e) above – the possibility of the Society using the single retained building on the site for its own offices rather than building anew and thus conserving a vestige of this part of the Conservation Area. In other words this would address the "conservation through charitable ownership" matter as set out in the test.

**h) Viability**

This is not one of the NPPF tests, but before any initial assessment can be made on the balancing exercise as set out by the fourth NPPF test, it would be prudent to spend a little time looking at this issue. This is prompted by the caveat expressed in the response from English Heritage as outlined above, and in the concluding paragraph of section (g). An alternative redevelopment scenario involving the retention of St Edwards for the Society's office use would retain part of the character and appearance of the heritage asset and could perhaps be compensated for, through more housing on the site of the proposed new office block.

The applicant would respond to this with three main arguments. Firstly, it would be transferring its existing inefficient office with its associated high running costs to another building with the same problems. Secondly, the proposals that are currently put forward

are a package of different elements. McCarthy and Stone Ltd as indicated that it would withdraw if it did not have a frontage site. As such, the overall cost of any redevelopment proposal would then need to be redistributed between the remaining development partners and funding is already at its limit. The proposals provide 30% affordable housing provision including that for specialised needs, and this proportion could be placed into question if the cost of conversion of St Edwards could not be recouped through the maximum amount of new housing to compensate. Thirdly, an increase in the number of houses to compensate for the displaced offices would be large, probably resulting in a further apartment block. Whilst this might be attractive in heritage terms, reflecting the character and appearance of the existing Conservation Area, it would be difficult to market and to let, particularly if competing with the more marketable frontage units already proposed.

It was acknowledged above that the conversion of St Edwards to office accommodation would be costly and not result in a user-friendly environment or one that would be marketable. The issue therefore arises because the building is not a Listed Building, and because it is the internal layout that causes the issues, that the façade could be retained with new office accommodation provided behind, thus keeping the frontage appearance and character of the Conservation Area. The same arguments apply to this option as above – the loss of McCarthy and Stone Ltd as a partner; the overall increase in costs and the potential increase in housing numbers and reduction in affordable housing provision. To this, the applicant would add a further factor in that this is the building associated with the recent uncomfortable past history of the site and it is said that there is a strong local public reaction to the retention of the building however much that it might be attractive in appearance.

It is agreed that these arguments do carry weight and this is because of the publication of the NPPF. This includes a section which is increasingly carrying more weight in current planning decisions due to the present economic situation. It is the section on viability and deliverability. This explicitly says that sites identified in a Development Plan should not be the subject of obligations and “policy burdens” such that their ability to be developed is threatened. Continuing, it says that costs of any requirements should still provide “competitive returns to a willing land owner and developer to enable the development to be deliverable”. In this case it is acknowledged that English Heritage and the Council’s Valuation Officer suggest that there is a potential alternative redevelopment scheme here, but that has to be without adverse impact – a reduction in affordable housing provision; increased traffic generation, housing unable to be let and a far more dense built form. In other words there is a planning decision to be made here and that requires a balance to be decided based on all factors, not just a single focus.

These matters will be returned to below in the next section.

**i) The Harm or Loss is outweighed by the benefit of bringing the site back into use.**

This is the fourth and concluding test set out in the NPPF.

It is appropriate here to outline the benefits of this proposal as expressed by the applicant. They are:

- Redeveloping a site that would otherwise continue to remain vacant and unused to the detriment of one of the town's Conservation Areas and its townscape
- New houses in line with the Development Plan and emerging Core Strategy such as to sustain the five year land supply
- The provision of 30% of the dwellings as affordable houses including special needs housing
- The Society retaining its head quarters in Coleshill thus retaining its historic continuity; sustaining existing social care provision on site and safeguarding around 150 jobs within Coleshill on site
- Introducing "retirement" housing into Coleshill where there is an identified need
- Providing an overall good quality design for the whole site respecting the main characteristics of the Conservation Area particularly along the frontage such that there is continuity with the remainder of the Conservation Area.
- The provision of a pedestrian crossing over the Coventry Road.

The NPPF says that the benefits that have to be weighed in the balance have to be "substantial public benefits". Whilst Members might consider that some of the matters referred to above might not be substantial when considered alone, it is considered that when treated cumulatively they do represent an overall substantial benefit.

The issue is thus whether they are of sufficient weight to override the substantial harm done here to the Conservation Area. It is considered that they are. There are three main reasons.

Firstly, all of these benefits accord with Development Plan policy in some form and are in accordance with the emerging policies of the Core Strategy.

Secondly, the Council has agreed to the demolition of the rear buildings through its Development Brief, but considered that the two frontage buildings should be retained. One of them, St Mary's, is to be removed because of fire damage. The focus is thus on the single remaining building of St Edwards. Therefore the issue has become concentrated - whether the loss of St Edwards is sufficiently harmful to the character and appearance of the Conservation Area to warrant refusal. It is considered not. It is important to here not to treat St Edwards as a Listed Building – it is not and English Heritage has confirmed that it is not to be recommended for listing. The only feature of the building is its façade, and the issue thus really boils down to whether its loss is harmful to the character and appearance of the Conservation Area as a whole. The key characteristic of this part of the Area as outlined above is the Coventry Road frontage – the detached individual blocks with a deep building line behind a green frontage. That will be retained in the southern part of the Conservation Area beyond the application site and the proposals replicate this, albeit with buildings of different appearance. There are good reasons as to why the retention and re-use of the building is not reasonable and perhaps not therefore proportionate to its status. Retention would have



consequences elsewhere on the application site which could affect the Area's character and appearance. Additionally, it has to be recognised that the local community is not comfortable with this particular building for non-planning reasons. It can be argued that the overall ambience and perception about how one perceives a "place" is part of the make up of its character and appearance. In this case there is some weight to this argument. As a consequence of these considerations it is considered that the weight of the benefits included in the proposals outweigh the loss of St Edwards.

Thirdly, the proposals before the Board constitute a package of development that presents the best opportunity that there has been for the residential development of this site. There have been attempts in the past, including during better economic times, but none has resulted in a firm planning application. The package includes benefits which the Council would wish to see and which the developer has confidence in, as a viable and deliverable proposal. The NPPF has explicitly recognised these factors as material planning considerations and thus they carry weight.

The overall conclusion on this, the final factor, needs to be put into context, and there are three matters that require clarification. The first is that the conclusion above runs contrary to the Council's own Development Brief for the Father Hudson's site. It is not easy to come to that conclusion, but that Brief is dated 2005. Since then there has been significant planning and economic change and the current application has to be determined on the basis of the current evidence available. Secondly, it follows that it could be argued that such a conclusion "diminishes" the Council's own priorities and objectives in wishing to retain and preserve the Borough's built heritage. It might be "trite" to say that each case should be considered on its own merits, but that is exactly what has been done here. Thirdly, the view of English Heritage is not being ignored here. It considers that a different scheme here could retain more of the buildings in this part of the Conservation Area, and that issue quite properly has been explored by the applicant and by officers. It might indeed be the case that an alternative scheme could be put together but that would bring a different set of benefits and potentially some adverse impacts. However that is not what is before the Council presently. It has to determine the proposals in front of it. Moreover English Heritage does conclude that the end of the day, by saying that it is the Council to undertake the final balancing exercise – the view of English Heritage is not a direction of refusal.

Having completed the discussion on the heritage issue, it is now appropriate to turn to a number of other matters.

#### **j) Highway Matters**

The Highway Authority – Warwickshire County Council – has no objection in principle. As the site here has been allocated for up to 150 houses in the current Local Plan and this is carried forward in the emerging Core Strategy, albeit for 120 house, this is not surprising. The line of the proposed access has always been known since the planning permission for the new St Joseph's dementia unit a few years ago. The current proposals effectively re-introduce that proposal.

The concerns expressed by those making representations refer to the principle of such an access; the capacity of Coventry Road and to the speed of existing traffic here. The Highway Authority is aware of all of these issues but has not submitted an objection. It does however recognise that there will be a significant increase in pedestrian usage as a consequence of this proposal, both from residents walking into town and from school children walking down to Packington Lane. A pedestrian crossing has therefore been required as part of the proposal. The applicant has agreed to fund this and this would be

through a Section 106 Unilateral Undertaking. In the event of a planning permission being granted then a planning condition can be attached too.

The Civic Society suggests that a secondary or second access should be provided onto Maxstoke Lane. However this would could potentially cross Green Belt land and also the desirability of a further access onto the slope of Maxstoke Lane is questionable. As the Highway Authority support the current proposals as the best highway option, this alternative carries no weight.

Amended plans have been submitted to satisfy the detailed layout issues raised by the Highway Authority. As mentioned above, these do not affect the overall layout.

#### **k) Drainage Matters**

Neither the Environment Agency nor Severn Trent Water Ltd have raised any objection to the foul and surface water disposal systems being proposed.

#### **l) Landscape and Trees**

This is a significant matter given the importance of the existing tree lined and green frontage to Coventry Road as a key characteristic of the character and appearance of the Conservation Area. Members will have appreciated this from their site visit, and the supporting documentation referred to in Appendix A describes this in more detail. It is however a matter of fact that the bulk of the trees along this frontage are leylandii; that there a lot of them, that they are now very tall and beginning to shield views of the buildings. The proposals are to fell many of these so as open the frontage up. However the grassed banks and areas would remain; the native tree species would be retained and lower level hedgerows planted parallel with the proposed built frontage. The main characteristics of the Area would thus be retained and it is considered that this would result in an overall enhancement. There are few native trees within the actual site itself, with the majority being leylandii again or ornamental fruit trees. The main trees are being retained around the site boundaries. Quite a lot of work too has been undertaken to ensure that the internal layout is not enclosed by inappropriate property treatments – e.g. tall brick walls or wooden fences. This all helps to retain the open feel of the site.

#### **m) Amenity Matters**

The main issue here is the likelihood of there being significant privacy and amenity concerns arising from the new proposals. In general given the location of the site and its setting there would not appear to be any issue in these respects. However there are two areas to look at – the first being the main Coventry Road frontage. The new blocks fronting the Coventry Road will be residential blocks and three storeys tall. The McCarthy and Stone block would have the same building line as St Edwards has presently. Members saw on their visit the separation distances from the properties on the other side of the Coventry Road. The other two new residential blocks to the north will be brought forward from the existing building line of St Mary's so as to match that of the new McCarthy and Stone building. Again there are wide separation distances with the property on the other side of the road; there will be some retention of existing trees on the site but the trees and tall hedgerows on the other side of the road will remain. Overall there is not considered to be a material concern here so as to warrant refusal. It is noticeable to that no objections have been received from existing residents.

The second area to look at is the potential impact on the amenity of those occupiers of the existing houses in Walkers Way and The Colesleys immediately adjoining the site to the north. This is more serious issue as these properties presently back onto the existing access drive into the former hospital and the open car park at the rear of the site. There were three objections from residents here concerned about the proximity of the new houses and the loss of view and openness which they currently enjoy. Amended plans have been submitted which substitute the largest of the originally proposed houses here – the one on plot 63 changing from two and a half storeys to two and with a re-alignment – such that the situation is improved. The separation distances between the rear of existing houses and the rear of those proposed align with those approved elsewhere in the Borough in its main urban areas (namely between 20 and 22 metres) and the cross sections through the rear part of the site in particular show ground levels equivalent to those in that adjoining residential estate. At the time of their visit Members paid particular attention to these issues and spent some time in this part of the site assessing the proposed location of the new houses and the proposed levels. It is not considered that there would be material harm. It is accepted that the outlook from some of these properties would change, but that is not a planning consideration which members should take into account.

#### **n) Quality of Design**

The quality of design for any new development is important and the Council has a record of improving the appearance of new development proposals that are submitted. However within a Conservation Area this issue takes on more significant weight. The key characteristics of this part of the Area are the approach to the frontage and that there is a “campus” like feel to the character and appearance beyond this.

The built form of the proposed development reflects the existing frontage – large three storey blocks set back behind a green frontage. The overall approach to their appearance has been to reflect the Georgian character of the town centre so as to provide both historic and architectural continuity. This is explained and illustrated more fully in the applicant’s Design and Access Statement referred to in Appendix A. Whilst the overall approach to the three new blocks is similar, there are detailed differences between each which adds to the overall design. It is noteworthy that English Heritage has not passed any comment and both the Town Council and the Civic Society support the proposals.

There is a material change however to the rear – the introduction of a more “suburban” residential estate to the site. However this is not a feature over the whole site – there are other blocks, notably the Society’s proposed offices and the other residential blocks including that for the special needs provision. There is however a change in character in the north east quadrant of the site and this not a minor change as there is a noticeable change in character and appearance. There is weight to the argument that an important element here is that the taller and more bulky buildings are on the western side and so do not therefore provide a “high rise” boundary when viewed from the open countryside to the east. Similarly, the proposal does still retain opportunities for open views from within the site to the open land to the east. But this could still allow for a different built form within the site. As always there is a balance here and given all of the considerations covered already in this report the current proposal is being treated as a whole and as a combined “package” of proposals.

### **o) Other Matters**

Members will have seen in the consultation section that other Agencies have requested a total of some £140k in contributions for running existing services. The pedestrian crossing will raise this to just over £200k. The applicant has agreed to fund the crossing but not the other contributions. This is reasonable as these requests are for running costs and not directly attributable to the planning requirements of the development. These are matters that are far more properly addressed through the Community Infrastructure Levy (CIL). They do not meet the statutory tests of Section 106 of the Planning Act as without them the development would not be recommended for refusal.

### **p) Representations Received**

The representations covered by local residents have largely been covered in the report. However it is worth pointing out that construction traffic will be for a temporary period – albeit for several months, and that the plans have been amended to show two car parking spaces for each of the residential properties.

The one representation yet to be addressed is that from the adjoining tenant farmer – see Appendix F. The ownership issue is for resolution between the parties. There is no dispute that the land the subject of the application is owned by the Society; the issue appears to be about the boundary of the tenancy. Members will be aware that this is not a planning consideration. However the matter of there being residential development adjoining a working livestock farm and thus its cattle sheds, yards and hay/straw storage areas is. Advice has been sought from the relevant Authorities as can be seen from the consultation section above. The Council is being advised that there is not a reason for refusal here. In the event of permission being granted then appropriate notes and informatives should be added drawing the attention of prospective purchasers to the farm. It is noted too that neither the Environment Agency nor Severn Trent Water Ltd object to the drainage proposals.

### **q) Conclusion**

It is not proposed to re-run the arguments and conclusions reached above in this section. It is understandable that a recommendation of approval here is difficult to make given the Development Brief and the comments from English Heritage. But it has been made on balancing all of the evidence available. It is important to understand that the position of English Heritage is to point out that there “might” be an alternative form of proposal here that could retain St Edwards, but that is not a reason for refusal. Firstly, we do not know what form that alternative might take, or whether there is a reasonable prospect of it being viable and deliverable; or whether it would lead to other consequences such as increased traffic generation, more apartment blocks and less affordable housing. Secondly, and this is the key point. Its position has to be fed into the overall balancing exercise set out in the NPPF and that has to be carried out in overall planning terms, not just in heritage terms. This report and its recommendations reflect that approach.

## Recommendations

### A) PAP/2013/0168 – Conservation Area Consent

That Conservation Area Consent be **GRANTED** subject to the following conditions:

- 1) Standard Three year condition
- 2) Standard Plan number condition – plan number PL05C received on 4/4/13.
- 3) No work whatsoever shall commence on the demolition of any building on the site until such time as full details of the following matters have first been submitted to and approved in writing by the Local Planning Authority:
  - a. The date of commencement and its likely duration
  - b. The phasing of the demolition through the site
  - c. The working hours
  - d. The location of the site compound.
  - e. The location of the access for HGV movements
  - f. Details of the measures to be installed for the suppression and minimisation of noise and dust arising from the demolition work.
  - g. Details of the measures to be installed for the prevention/minimisation of waste material being transported and/or deposited onto the adjoining highway network.
  - h. A point of contact for the local community in the event of concerns or complaints.
  - i. Confirmation of the location for the deposit of materials arising from the demolition.
  - j. Details of the measures to be installed to ensure protection to existing trees that are to be retained on site.

Only the approved details shall then be implemented on site and the details agreed shall remain in place throughout demolition works.

## REASON

In the interests of the amenities of the area

### B) PAP/2013/0169 – Planning Application

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

#### Standard Conditions

- 1) Standard Three year condition
- 2) Standard Plan numbers condition – plan numbers PL05C; PL100, 101,102,103, 201C, HT 01J, 02E, 03F, 04H, 05F, 06F, 10J, 11H, 12H, 13K, 14F, 17F, 18C, 19C, 20B, 21D, 22H, 23A, 17A all received on 4/4/13; plan numbers PL08Z, 09E, 11K and 12C all received on 21/6/13, plan numbers PL10D, 100A, HT09K, 15G, 16G, 24A, 25B and 26 all received on 24/6/13, plan numbers 12/48/11A, 12A, 13B and 14B all received on 1/7/13 and plan numbers 12009 2C and 5A received on 3/7/13, together with the External Materials Schedule received on 28/3/13;

the proposals set out in Section 3 of the Flood Risk Assessment received on 27/3/13 and the Arboricultural Method Statement also received on 27/3/13.

### **Overall Controlling Conditions**

- 3) The offices hereby approved shall be occupied by the Father Hudson's Society and for no other Company or person whomsoever.

#### **REASON**

In view of the particular individual circumstances of this case justifying the demolition of buildings within the Conservation Area.

- 4) Within the McCarthy and Stone development hereby approved, no apartment shall be occupied by a person under the age of 60 years. However a person under the age of 60 years but over the age of 55 years may also occupy an apartment provided they are the recognised partner of an occupier aged 60 or over.

#### **REASON**

To ensure that this particular residential accommodation is occupied by residents for whom the development has been designed and in the interests of avoiding adverse highway and amenity impacts.

### **Pre-Commencement Conditions**

- 5) No work shall commence on site other than demolition works, until a scheme for the provision of a total of 22 affordable and special needs houses, as part of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The special needs houses shall be designed for adults with learning difficulties, and the affordable houses shall meet the definition of affordable housing set out in the relevant saved policies of the North Warwickshire Local Plan 2006 and the NPPF. The scheme shall include: the type and tenure of those 22 dwellings, the timing of their construction and its phasing in relation to the occupancy of the market houses, the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the 22 dwellings and the occupancy criteria to be used for determining the identity of occupiers of the affordable houses and the means by which such occupancy criteria are to be enforced.

#### **REASON**

In the interests of securing affordable and special needs accommodation on site so as to meet the requirements of the Development Plan, its emerging replacement and the NPPF.

- 6) No work shall commence on site other than demolition works, until such time as a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of public safety

- 7) No development shall commence on site other than demolition works, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority

REASON

In the interests of the archaeological interest in the site.

- 8) No development shall commence on site other than demolition works, until the applicant has undertaken a Phase One ground survey assessment of the site in order to establish any likely contamination of the ground. The brief for this assessment shall first be submitted to and approved in writing by the Local Planning Authority. It shall also include recommendations for remedial measures proportionate to the findings of that survey. Such measures shall only be commenced following the written agreement of the Local Planning Authority

REASON

In the interests of reducing the risk of pollution.

- 9) If remedial measures are required under condition (8) above, then they shall be completed in full and evidence of this shall be submitted via a Verification Report to the Local Planning Authority prior to any construction work commencing on site. Work shall only then commence following receipt of written approval of the Verification report from the Local Planning Authority

REASON

In the interests of reducing the risk of pollution.

- 10) No development shall commence on site other than demolition works, until the applicant has provided details of the glazing and ventilation to be installed in the front elevations of those properties that will face the Coventry Road. Only the approved details shall then be installed.

REASON

In order to reduce the risk of noise pollution

- 11) No work shall commence on the construction of any dwelling hereby approved until such time as a detailed construction management plan has first been submitted to and approved in writing by the Local Planning Authority. It shall include details of the phasing of the construction work; the working and delivery hours, the location of the site compound, the HGV access points, a noise and dust management plan, the measures to be installed to reduce the deposit of material on surrounding roads, details of the measures to protect trees to be retained on site and a point of contact for the local community in the event of any problems arising.

REASON

In the interests of the amenities of the area.

- 12) No work shall commence on site other than demolition works, until details of the actual design of the foul and surface water drainage to be installed has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In the interests of reducing the risk of flooding.

**Pre-Occupancy Conditions**

- 13) There shall be no occupation of any of the houses hereby approved or occupation of the office hereby approved for business purposes, until such time as the whole of the details approved under conditions (5) to (12) inclusive have all been discharged, and the approved measures fully implemented on site, to the written satisfaction of the Local Planning Authority

REASON

In the interests of highway safety; reduction in the risks of pollution and flooding and in the interests of the general amenities of the area.

- 14) There shall be no occupation of any of the houses hereby approved or occupation of the offices hereby approved for business purposes until such time as a signalised pedestrian crossing has been provided in full across the Coventry Road to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety



- 15) There shall be no occupation of the 74<sup>th</sup> dwelling of the Bellway Homes development hereby approved until such time as the whole of the affordable and special needs houses hereby approved have been satisfactorily completed and made available for occupation to the written satisfaction of the Local Planning Authority.

#### REASON

In the interests of securing the provision of affordable and special needs accommodation.

#### On-going Conditions

- 16) All of the car parking areas and car parking hard-standings for individual houses shall be retained for this purpose at all times.

#### REASON

In the interests of highway safety.

#### Notes

- 1) The following saved policies of the North Warwickshire Local 2006 are relevant to this decision: Core Policies 1, 2, 3, 8 and 11 together with policies ENV1, ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14, ENV15, ENV16, HSG1, HSG2, HSG5, TPT1 and TPT6.
- 2) The Local Planning Authority has worked positively with the applicant in this case to address the planning issues arising from this development through pre-application discussion, seeking amended plans and reacting to consultation responses, thus meeting the requirements of the National Planning Policy Framework 2006.
- 3) Advice from the Crime Prevention Officer of the Warwickshire Police Authority is attached for information.
- 4) Advice from the Flood Risk Manager of the Warwickshire County Council in respect of condition (xii) above is attached.
- 5) Attention is drawn to the relevant sections of the 1980 Highway Act in respect of works required for the formation of the access and to the same Act in respect of highway drainage. Additionally attention is drawn to the Traffic Management Act and the Road and Street Works Act and the relevant Codes of Conduct.
- 6) Attention is drawn to the working livestock farm which adjoins the site along its eastern boundary.
- 7) Attention is drawn to the fact that there is a private right of access through the site from Coventry Road to the farm referred to above and this should be respected at all times.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0168 and PAP/2013/0169

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/4/13
2	NHS Property Services	Letter	17/4/13
3	WCC Education Services	Letter	22/4/13
4	Warwickshire Police	Consultation	30/4/13
5	Severn Trent Water Ltd	Consultation	12/4/13
6	Environment Agency	Consultation	18/4/13
7	WCC Library Services	E-mail	22/4/13
8	WCC Fire Services	Consultation	1/5/13
9	Mr Axe	Support	16/4/13
10	Coleshill Town Council	Representation	29/4/13
11	Mr Barrett	Objection	22/4/13
12	Mr Carberry	Objection	27/4/13
13	Mr Hoyle	Representation	30/4/13
14	Coleshill Neighbourhood Plan Steering Group	Representation	29/4/13
15	Mr Kerr	Representation	1/5/13
16	Mr & Mrs Myers	Objection	30/4/13
17	Mr & Mrs Wells	Objection	30/4/13
18	Head of Development Control	Letter	17/4/13
19	Head of Development Control	E-mail	29/4/13
20	English Heritage	Consultation	8/5/13
21	Head of Development Control	Letter	29/4/13
22	Warwickshire Museum	Consultation	24/5/13
23	Building Control Officer	E-mail	7/6/13
24	WCC Highways	Consultation	5/6/13
25	Head of Development Control	Letter	10/6/13
26	Coleshill Civic Society	Representation	11/6/13
27	Member Site Visit	Note	15/6/13
28	Head of Development Control	Letter	17/6/13
29	Applicant	E-mail	17/6/13
30	Head of Development Control	E-mail	17/6/13
31	Coleshill Town Council	Letter	17/6/13
32	Applicant	Letter	21/6/13
33	WCC Highways	Consultation	20/6/13
34	Environmental Health Officer	Consultation	21/6/13
35	Applicant	E-mail	21/6/13

36	Head of Development Control	Letters	25/6/13
37	Head of Development Control	E-mail	24/6/13
38	Environmental Health Officer	Consultation	26/6/13
39	Father Hudsons Society	Letter	10/6/13
40	Mr R Learoyd	Objection	2/7/13
41	Mrs McCarthy	Support	4/7/13
42	Mr Stevenson	Objection	5/7/13
43	Warwickshire Fire Services	Consultation	12/7/13
44	Warwickshire Trading Standards	Consultation	23/7/13
45	Agents	E-mail	26/6/13
46	Agents	E-mail	22/7/13
47	S Cooper	Support	18/7/13
48	Mr Carberry	Representation	15/7/13
49	Head of Development Control	Letter	18/7/13
50	Environmental Health Officer	Consultation	16/7/13
51	Valuation Officer	Consultation	15/7/13
52	Gateley LLP	Letter	12/7/13
53	Environmental Health Officer	Consultation	8/7/13
54	Agents	E-mail	5/7/13
55	Agents	Letter	29/7/13

*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.*



(8) Application No: PAP/2013/0168 and PAP/2013/0169

**Father Hudson's, Coventry Road, Coleshill, B46 3EA**

**Demolition of existing buildings and proposed mixed residential and commercial development comprising 74 new dwellings; a retirement complex of 39 flats, a new office building, landscaping and ancillary structures (including a pumping station and an electrical substation), for**

**Bellway Homes Ltd**

### **Introduction**

These are major development proposals involving significant planning issues.

This report is thus intended to provide an introduction for Members. It will describe the site and the proposals together with identifying the relevant Development Plan background and outlining other material planning considerations. In particular these will include reference to the adopted 2005 Design Brief for the site; the National Planning Policy Framework 2012 and the present position in respect of emerging Development Plan policy. The major planning issues will also be identified together with some initial recommendations.

Members have already received a presentation from the applicant at pre-application stage and so there will already be some recognition of the development described later in this report.

### **The Site**

This is a substantial area of land on the east side of the Coventry Road to the south of the town centre. It amounts to 3 hectares and runs back from the main road to farm land at the rear. This "divide" is marked by a break of slope. The northern limit of the site is the existing residential cul-de-sacs of Walkers Way and The Coseleys, and the southern limit is the southern portion of the Father Hudson's land holding. There is residential development to the west. Where it lies opposite to the site, this is characterised by larger detached dwellings set back from the Coventry Road, with a marked frontage of large deciduous trees and substantial hedgerows. The primary vehicle access into the site is central to the existing frontage. It leads into the site and also gives access to the St Joseph's Care Home to the south of the application site.

The site is characterised by a "campus" appearance with individual buildings located throughout surrounded by open space. Each building is different in appearance and design but in general terms they are all substantial three storey brick built structures. Two prominent buildings front the site – St Mary's and St Edwards. They are set well back from the main road and there is a parallel smaller service road in front of each with grass lawns and banks and a significant number of shrubs and mature conifers and trees. The main access into the site runs between them.

In the middle of the site are a number of other detached buildings – St Gerard's, St Philomena's, Old St Joseph's and St Edward's Convent together with a power sub-station. These generally follow a north/south grain parallel to the frontage. At the rear of the site is a more modern hospital extension, a number of old Ward buildings and a memorial garden. This part of the site is more open and overlooks the countryside to the east. The highest point of the site is at the rear of the old St Joseph's building. Whilst not in the application site, the Schools Commission occupy the former Father Hudson's Society offices in the building directly to the north.

The location of the site is generally illustrated at Appendix A. The buildings referred to above and the general existing site layout can be better appreciated by reference to Appendix B. These will be described in general terms below.

### **Background to the Father Hudson's Society**

A Catholic mission had been set up in Coleshill in 1850 and a Church to the south of the current site was first built in 1880. Father Hudson was responsible for setting up the first boy's home on the site and subsequent developments included the hospital and a nurses home. A school was added in 1914 and additional homes constructed for younger children in the 1920's. The offices were added at this time too. Following Father Hudson's death in 1936, memorial chapels were added. The site had become a complex for the residential care of poor Catholic children and orphans.

Not only have attitudes and practice changed towards such care, but Social Care legislation has also contributed towards making the buildings inappropriate for continued use. Whilst the Society's charitable aims remain the same, it is no longer associated just with residential children's care or indeed with those of Catholic faith. For instance a dementia care home and bungalows for people with physical and learning difficulties have been built on land to the south of the application site in the last twelve years. As a consequence of this change, the use of the Society's land holding at Coleshill has reduced. Its headquarter offices however remain on the site, temporarily located in the former hospital building. The Society works across the Archdiocese of Birmingham (Staffordshire, West Midlands, Warwickshire, Worcestershire and Oxfordshire) employing 250 staff. The majority work in Coleshill.

### **Information on the Existing Buildings**

A brief description of the existing buildings is now provided using the location references from Appendix B.

**St Edwards Boys Home (A)** is the substantial frontage building to the right of the main site access. It is a large two storey building dating from 1906 with later additions including a large service and kitchen wing and notably, a chapel at the rear. Its main form takes the shape of an "H" floor plan and its frontage is of symmetrical appearance following a Queen Anne revival period of the late 19<sup>th</sup> Century. It has a plain interior with no decoration or features.

**St Marys Nurses Home (D)** is the other substantial frontage building to the left of the main site access. It is a large two storey range constructed around 1930. It has a

symmetrical frontage comprising seven bays, with the broader three central ones set back and with a brick arched arcade. There are three rear extensions

**Old St Joseph's Convent (E)** was built in the late 1940's and is a low flat roofed structure.

**St Edwards Convent (C)** is a two storey brick structure with a tall roof built in the late 1940's with an unusual part colonnade.

**St Philomena's Convent (F)** dates from the late 1940's and is a two storey "T" shaped building with symmetrical brick and fenestration detail, including substantial attic/roof space with sloping hipped edges and dormer windows.

**St Gerard's Hospital (H)** dates from 1913 and is designed on "pavilion" lines in which the main components – the wards, sanitary blocks and nurses stations – are all separated into three parallel ranges and linked via a covered corridor that continues internally through the ranges. The appearance is a combination of neo-vernacular and neo-Baroque. A chapel was added after 1918 and is of rendered brickwork with bare brick and tile detailing. It is a tall single storey five bay building with external buttresses, exaggerated eaves and a narrow projecting apse.

**The New Hospital Extension (H)** is a late 20th Century highly fenestrated flat roof addition in the north east corner of the site, linked to St Gerard's via a covered corridor.

**The Old Wards (I)** is a complex built shortly after the hospital so as to provide an "open air" ward. It is a single storey complex consisting of a main ward and a service wing. The main range is of steel or iron construction with some rendered brickwork and a significant proportion of fenestration.

**The Temporary Buildings (G)** are long timber framed structures with mock timber external decoration.

**The Power House (B)** is the original brick building from 1920 to house the site's generator. It has six bays and fenestrated gable ends.

**The Green Areas** are mainly open lawns but there is small informal memorial garden on the eastern boundary in the area of the old ward blocks.

### **The Proposals**

In short these amount to the demolition of all of the existing buildings as described above and their replacement with new residential development and an office block.

The redevelopment scheme can be described in three sectors. The first is the construction of 74 new dwellings for Bellway Homes. Two new three storey blocks of 12 town houses would be located on the site of and with the same building line as St Mary's fronting the Coventry Road. These would reach to 13 metres at their ridge lines thus being taller than St Mary's. They would be set back from the main road with an access drive and visitor parking provision in front. Car parking area would be

provided at ground floor level with access from the rear. The remaining dwellings comprising the Bellway Homes segment of the site are shown to the rear of this main frontage block. There are different elements to this too. Immediately at the rear of the new block is a group of four smaller three storey blocks (11 metres tall). Adjacent to these is a three storey block of ten units to accommodate the "care" accommodation. At right angles to this are two storey terraces of 9 of the "affordable" units. The remaining three are in a similar nearby terrace. The remaining units would take the form of a normal residential layout comprising detached two storey properties. The mix of the 52 "non-affordable" units is 13 five bedroom houses; 37 four bedroom houses and 2 two bedroom houses. The 22 "affordable" units would comprise 10 apartments for those requiring "care" and twelve, two and three bedroom family houses.

The second part of the scheme is a new 39 roomed three storey apartment block for McCarthy and Stone. This would front the Coventry Road and stand on the site of the present St Edwards. It would be 12 metres tall and have the same building line. The area in front between the block and the road would be for pedestrian access only. This three storey block takes the shape of a "T" in footprint. The block would provide 21, one bedroom and 18 two bedroom apartments for retired people together with communal facilities. 29 car parking spaces are shown to be provided at the rear.

The third part of the scheme is a new office block for the Society itself. They used to be sited in the building currently occupied by the Schools Commission referred to above, but presently occupy rooms in the former hospital at the rear of the site. They would thus move into new accommodation in the current proposals. This would comprise a three storey rectangular block 14 metres tall at the rear of the McCarthy and Stone block and provide some 860 square metres floor space. 49 car parking spaces are to be provided.

These sectors fit together around the central vehicular access to the site off the Coventry Road. This is the present access. It would pass between the new three storey frontage blocks as described above and then lead into the main Bellway Homes estate.

The proposal includes a 30% provision for affordable housing. This is restricted to the Bellway Homes part of the development – thus resulting in 22 such units. Of these ten would be socially rented one and two bedroom apartments; seven would be two and three bedroom houses at affordable rent and five would be two and three bedroom shared ownership houses. The social rented accommodation would be owned and managed by the Society as "supported housing with care accommodation for those with learning disabilities". The remainder would be delivered in partnership with the Waterloo Housing Association.

The proposed layout is illustrated at Appendix C. The proposed elevations are best shown in a series of street scenes and these are at Appendices D and E. The Society's proposed office building is at Appendix F.



## **Supporting Documents**

A significant number of supporting documents have been submitted with these applications. These are referred to below together with a brief description of their content and conclusions. Copies of these can be viewed on the planning pages of the Council's web site or Members can refer to officers if they require any document.

### **i) Planning Statement**

This sets out the applicant's planning case for the proposals. It describes the site and its history together with an account of pre-application work with officers, Members and the local community. The Statement describes the proposals and the conclusions from the supporting evidence base. There is an outline of Development Plan policy and National Planning Policy as well as other material considerations. The document concludes with an outline of the applicant's conclusions on the main planning issues involved in the assessment of the proposals.

### **ii) Heritage Statement**

This has been prepared to describe the "significance" of the site from a heritage point of view. It sets out a detailed history of the site and of the Father Hudson's Society itself thus providing an overall historic context. Each of the buildings is then described in some detail – particularly from an architectural perspective. These are extensive descriptions of both the external and internal appearance of the buildings. There is a concluding section on each building which addresses the architectural merit of each and assesses what contribution they make to the character and appearance of the Conservation Area. These conclusions are then all brought together in the final sections of the report with reference to the Conservation Area Report, the 2005 Development Brief and to the planning history. An Impact Assessment is then made. The overall conclusion is that none of the buildings are of great architectural value and that redevelopment is "the only real way in which the modern Father Hudson's Society can retain its historic links with Coleshill now that the original purposes for which it was founded are no longer needed".

### **iii) Design and Access Statement**

This describes the existing character and appearance of the site, its setting and the individual buildings. It discusses the main design criteria in dealing with proposals on a cleared site, such as to reflect the setting and the character of the site within a new built form. The reasoning behind the proposed layout is explained as is the approach to built form – the taller buildings at the frontage, their mass and setting and the views through the site to the countryside beyond. There is a substantial analysis of the proposed appearance of the new development. This includes both the main blocks and the residential areas, illustrating how local character and design features seen elsewhere in the town have been reflected within the proposals. The Statement concludes by showing how the proposals have evolved both through an understanding of the character of the existing site and also through pre-application and community involvement.

**iv) An Ecological Appraisal**

This concludes that the present site has little ecological value and is not subject to any statutory or non-statutory designations. Surveys show that no protected, rare or notable flora species were identified; that there was evidence of bat roosts in three of the buildings with the frontage trees providing suitable foraging habitat, a wide range of bird species associated with an urban environment, but no notable reptile or amphibian habitats. The only likely ecological impacts from the proposals are thus concluded to be the loss of possible of bat roosts and bird nesting sites. However these impacts can be resolved through suitable mitigation measures and enhancing bio-diversity on the site through appropriate landscaping.

**v) Archaeological Assessment**

There are no designated or non-designated heritage assets associated with the site. It has low potential for remains pre-dating the post-medieval period and the later extensive 20<sup>th</sup> Century building works would have caused ground disturbance reducing archaeological potential. There is possibly interest in the south western corner for a post-medieval house and further investigation could be made prior to work commencing on site.

**vi) Transport Assessment**

This document assesses the proposed traffic generation likely from the development proposals against all national and local transport policies and standards. It also studies the context of the site and the patterns, scope and scale of existing traffic movements. Account has also been taken of public transport provision and accident records. It concludes that satisfactory vehicular access can be achieved and that the overall impact can be absorbed onto the existing highway network without off-site mitigation works.

**v) Noise Assessment**

This concludes that there are no unusual mitigation measures needed beyond sound reduction to all habitable rooms being included in their construction and that the frontage blocks to the Coventry Road should have alternative forms of background ventilation.

**vi) Flood Risk Assessment**

This concludes that there is adequate capacity in the public foul sewer located in Coventry Road to accept flows from the proposals. Because of the site levels, a foul water pumping station will be needed.

In terms of surface water provision then ground tests have shown that soakaways are not possible resulting in the need for a sustainable drainage system. Two systems are proposed because to the site levels. The front of the site will connect to the existing combined sewer in Coventry Road but with restricted discharge rates. The rear of the site will drain into existing surface water in farmland to the east attenuated by culverts and oversized pipes. There is an additional requirement to

respond to flooding risks. Hence additional storage is to be built into the surface water system. Filtration trenches are also to be added to reduce run off and capture contaminants. Adoption and maintenance is proposed to be through Severn Trent Water and a management company.

**vii) Landscape Appraisal**

This appraisal addresses the landscape and visual effects of the proposals on the town, the Conservation Area and the surrounding landscape. This concludes that as the development does not extend further to the east than the existing and that the proposal here is for detached two storey development with gaps between, that there is unlikely to be any visual impact or difference to the current situation. The overall scale of the new built form with the larger blocks towards the frontage will not affect this conclusion. There are also retained views through the site. The report concludes that the overall visual impact will be minimal.

**viii) Tree Survey**

There are no Tree Preservation Orders on the site but as this is within a designated Conservation Area then they are all protected. 129 individual or groups of trees on the site have been surveyed. Nine of these have been identified as being of high quality and value – comprising lime, sycamore, London Plane and Western Hemlock. The moderate quality trees include Cypress, Lombardy Poplar and a Cedar. The low quality trees are largely self set cypress trees but also include ornamental varieties. The survey concludes that thirteen trees will need to be removed in any event because they are all dead, in poor condition or presently structurally dangerous. Trees that might need to be felled because of their proximity to the proposed new development are considered in the following document.

**ix) Arboricultural Impact Assessment**

This assessment compares the tree survey findings with the proposed layout particularly taking account of the root protection areas of the trees. This assessment concludes that 65 low quality trees should be removed along with 24 medium quality trees and one high quality tree – 90 in total. The low quality trees are substantially self-set cypress and ornamental trees. The medium quality ones are generally semi-mature cypresses but also include Lombardy Poplars, silver birches, a sweet chestnut and a lime tree. The high quality tree proposed for felling is a mature London Plane tree.

**x) Statement of Community Involvement**

This outlines how the applicant has engaged with the local community prior to the submission of the application. It describes the public exhibition of the proposals in October 2012, as well as the presentations given to the Coleshill Town Council and to the Borough Council. Summaries of the responses and comments made during the exhibition are included in the document. Over 200 visitors attended this event and 108 comments sheets were returned. Of these, 81% supported demolition and 7% expressed a wish to retain the buildings in case further opportunities arose for

their re-use. 85% supported the proposed layout and 91% supported the design of the new buildings.

**xi) Marketing Summary**

This document describes the marketing undertaken by the Society from early 2005 until the end of 2012. This outlines the interest shown in the site and follows through a number of cases where that interest was subsequently withdrawn. Reasons mentioned include the Council's affordable housing policies and the economic downturn.

**xii) Affordable Housing Delivery**

This describes how the offer of 30% provision is to be made up by tenure type and accommodation including how the units would be managed. A Section 106 Agreement is suggested.

**xiii) Materials Schedule**

This provides a complete list of the materials to be used in the Bellway Homes part of the development proposals. These are a mixture of weathered red and dark orange bricks with russet and grey tiles.

**xiv) Financial Appraisal**

This document is confidential and not available for public viewing. It provides an assessment of the viability of refurbishing both St Edwards and St Marys within a comprehensive mixed use redevelopment for the site. The model assessed is to retain these two buildings for residential use and to develop the remainder of the site residentially using the proposed layout, and including the Society's new offices, but omitting the McCarthy and Stone involvement. This concludes that such a scheme would not be viable.

**Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 3, (Natural and Historic Environment), 8 (Affordable Housing) and 11(Quality of Development) together with policies ENV1 (Protection and Enhancement of Natural Landscape), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), HSG1 (Housing Allocations), HSG2 (Affordable Housing), HSG5 (Special Needs Accommodation), TPT1 (Transport Considerations) and TPT 6 (Vehicle Parking).

**Other Material Planning Considerations**

The National Planning Policy Framework 2012 ("the NPPF") – Sustainable Development (Paragraphs 7 to 16), Core Planning Principles ( Paragraph 17), Housing (Paragraphs 47 to 55), Transport (Paragraphs 29 to 41), Good Design

(Paragraphs 56 to 68), Historic Environment ( Paragraphs 126 to 141), Ensuring Viability and Deliverability ( Paragraphs 173 to 177).

The Council's Submission draft Core Strategy (Feb 2013) - Policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW 10 (Quality of Development), NW11 (Natural and Historic Environment), NW13 (Green Infrastructure) and NW19 (Infrastructure).

The Council's Preferred Options for Site Allocations (Consultation Document 2013) – COL 4 (Coleshill)

The Council's Development Brief for Father Hudson's (2005) – The whole of the application site is shown within a "redevelopment" area with the retention of St Edwards and St Mary's.

The Coventry Road Conservation Area Designation Document (1995) – This recognises the unique position of the Society's land holding to Coleshill as part of its social history and as represented by the resultant built heritage within that holding. The character of the Area is the prime consideration here rather than its individual buildings.

New Homes Bonus

## **Observations**

### **a) Introduction**

This site is located within the defined settlement boundary for Coleshill and is allocated for residential redevelopment in the existing 2006 Local Plan. The emerging replacement Plan identifies Coleshill as a suitable settlement to accommodate a further 275 houses up to 2028, and the recently published consultation document on the preferred options for new housing locations retains the 2006 allocation for this particular site. As a consequence Members are reminded that there is no objection in principle to new residential development on this site. The issues for the Board in determining the applications will thus be around how that development is provided. The 2005 Development Brief provides the starting point here as it explicitly expresses the wish to retain St Edwards and St Marys. The remainder of the site is thus seen as the area for new development.

Clearly there will be a number of technical matters to resolve – are there satisfactory highway and drainage solutions and can adverse archaeological and ecological impacts be mitigated or not? These matters will need to be explored with the benefit of responses to the consultations now underway. The applicant's own supporting documentation provides the starting point for this, but the conclusions reached therein will need to be verified externally through the consultation process. These matters will be dealt with in the later determination report.

At this preliminary stage therefore it is important to focus on the key issues which the Board will have to assess in its assessment of the proposals and its final determination. These are now identified.

**b) The Heritage Asset**

The Heritage Asset here is the character and appearance of the designated Coventry Road Conservation Area. The NPPF makes it quite clear that Local Planning Authorities should firstly identify and assess the significance of any heritage asset that might be affected by a development proposal. It then has to identify the impact of that proposal on this significance. The Authority's objective is to try and minimise the conflict between the retention of the asset and the benefits from the proposal. Hence if there is no or limited harm to the asset, then that gap is likely to only be slight. As a consequence amendments and revisions to the proposal might not be needed or if they are, they should be minor alterations. On the other hand if there is substantial harm, then that gap is likely going to be very wide and even further amendments or revisions might not close it. In this latter case, the NPPF says that if the proposed development would lead to substantial harm or the total loss of significance of an asset, then the Local Authority should refuse consent unless it can be demonstrated that that harm or loss, is necessary to achieve substantial public benefits that outweigh that harm or loss.

Therein lies the most critical issue of all in the determination of this application. Are the public benefits arising from this proposal substantial enough to outweigh the loss of all the buildings within a significant proportion of the Conservation Area through complete demolition and subsequent re-development?

The NPPF assists the Council here in identifying a number of criteria against which to assess this issue. They are:

- does the nature of the heritage asset prevent all reasonable uses of the site?
- can a viable use be found for the heritage asset for the medium term through appropriate marketing that will enable its conservation?
- that demonstrable evidence is provided to show that conservation through grant-funding or some form of charitable or public ownership is not possible, and,
- whether the harm or loss is outweighed by the benefit of bringing the site back into use.

The Board will need to explore each of these criteria.

Establishing the significance of the heritage asset here and the degree of impact of the proposals on that is currently the subject of assessment by officers and English Heritage. However at the present time, officers are starting from the position that the proposals will lead to substantial harm and substantial loss because of the very nature of the proposals – demolition and complete re-development. As such, considerable attention will need to be given to the applicant's evidence base relating to the four criteria identified above. Notwithstanding the amount of supporting documentation already submitted, officers consider that insufficient attention has

presently been given to these four matters. The following paragraphs will amplify this.

The first two criteria are related. They are about providing evidence to show that the applicant has sought reasonable alternative uses for the site and the buildings, and if in so doing the buildings can be retained at least in the medium term. Whilst it can be acknowledged that the existing buildings on site are not appropriate for modern day social care provision, there is no evidence submitted to show that a range of alternatives has been fully considered, marketed and evaluated. The financial appraisal referred to above only deals with the possible conversion of St Mary's and St Edwards to residential use. There is however no analysis of why any of the existing buildings, and particularly St Mary's and or St Edwards could not be used for the Society's offices or indeed let as offices to the general market. There is neither any evaluation as to whether any of the buildings could not be used for community uses. It is neither known if the site or any of the buildings have been marketed for alternative uses. Moreover there is no analysis of whether the frontage facades of St Mary's and/or St Edwards can be retained with new accommodation provided to the rear of the two buildings. In all of these circumstances it is considered that the applicant needs to be far more explicit in his evidence base if he is going to fully satisfy this criterion. This is particularly the case if he is to overcome the requirements of the 2005 Development Brief.

The third criterion is not addressed at all in the submitted evidence. This is a significant failing as it calls for "demonstrable" evidence that conservation is not possible through either grant funding or other means. This is particularly pertinent in this case given that the Society is a registered Charity and therefore there is already a substantial degree of "charitable ownership". Whilst it is understood that any Charity should seek "best value", the social objectives of the Society and the clear statement set out in the NPPF have not been addressed and appear to be out of balance.

The final criterion is really a concluding balance of all of the issues and clearly this will need to be undertaken in the final determination report when all of the evidence is assessed.

Officers therefore remain to be persuaded by the applicant that the four criteria specifically set out in the NPPF can be satisfactorily met by this development. These comments have been referred to the applicant in advance of the Board's meeting and it is understood that additional work is being undertaken to address these matters.

**c) Quality of the New Development**

Notwithstanding the shortcomings set out above, the Council if it is to support a scheme involving complete demolition of buildings within a substantial part of a Conservation Area, will still have to ensure that the quality of the new either matches or improves that which is presently on site, and that it aligns with the character and appearance of that Area. This will be considered in a later determination report when the representations of English Heritage and the local community are known.

#### **d) Housing Provision**

This particular issue is not necessarily about numbers. The 2006 Local Plan allocation here was for 150 dwellings and the emerging Core Strategy with the attendant Preferred Options Consultation Document refers to 120 units. So the current application for 113 units is clearly in line with the emerging plan for this site. The key issue here is the amount of affordable housing to be provided within this overall total. The 2006 Local Plan requires 40% provision on site and the emerging Plan refers to 40% provision in the Borough as a whole, as well as looking towards more flexible delivery than just through on-site provision alone. The proposal includes 30% on-site provision. However this figure has not been justified through a financial appraisal. It is also confined to the Bellway Homes proposals without any reference to the McCarthy and Stone proposal. The site should be treated as a whole and officers have requested that much further work be undertaken in establishing the level of provision for the whole site and how that might be delivered. The proposed provision is clearly welcomed, but it has not arisen from a systematic financial analysis or appraisal. Additionally, and this relates to the issue looked at under (b) above, the fact that the Society is a charity and provides "social care" housing as part of its objectives, should be a material consideration here. It is considered that full advantage has yet to be shown in this proposal as a consequence of this consideration.

Officers therefore remain to be convinced that the current proposal can be supported because of these shortcomings. Similarly here, the applicant is aware of these concerns and seeking to address them.

#### **e) Other Matters**

There is one further consideration that has to be addressed as it is referred to in the supporting documentation and indeed in the responses that were received at the time of the exhibition. Recent sexual abuse incidents have been directly linked to this site and this may have affected the general public's perception of the Society to the extent that the buildings – and particularly St Edwards - are now seen as an "unwanted symbol" of an unfortunate recent past. Members are asked to treat this perception with caution. Whilst understandable, it is considered that this should not be a material planning consideration that alone leads to support of any proposal to demolish all of the buildings on site.

#### **Conclusion**

There is a significant amount of work still to do with this application as outlined above, before a full and balanced assessment can be made. The applicant should be given the opportunity to address these due the fact that the site is a preferred site for new housing in the town, and because of the weight to be given to the NPPF criteria.

Members too should take the opportunity to visit the site not only to assess the character and appearance of the whole site and its setting, but also to view the individual buildings.



### **Recommendations**

- a) That Members visit the site prior to final consideration of the application, and
- b) That the applicant be requested to address the matters raised in this report.

**BACKGROUND PAPERS**

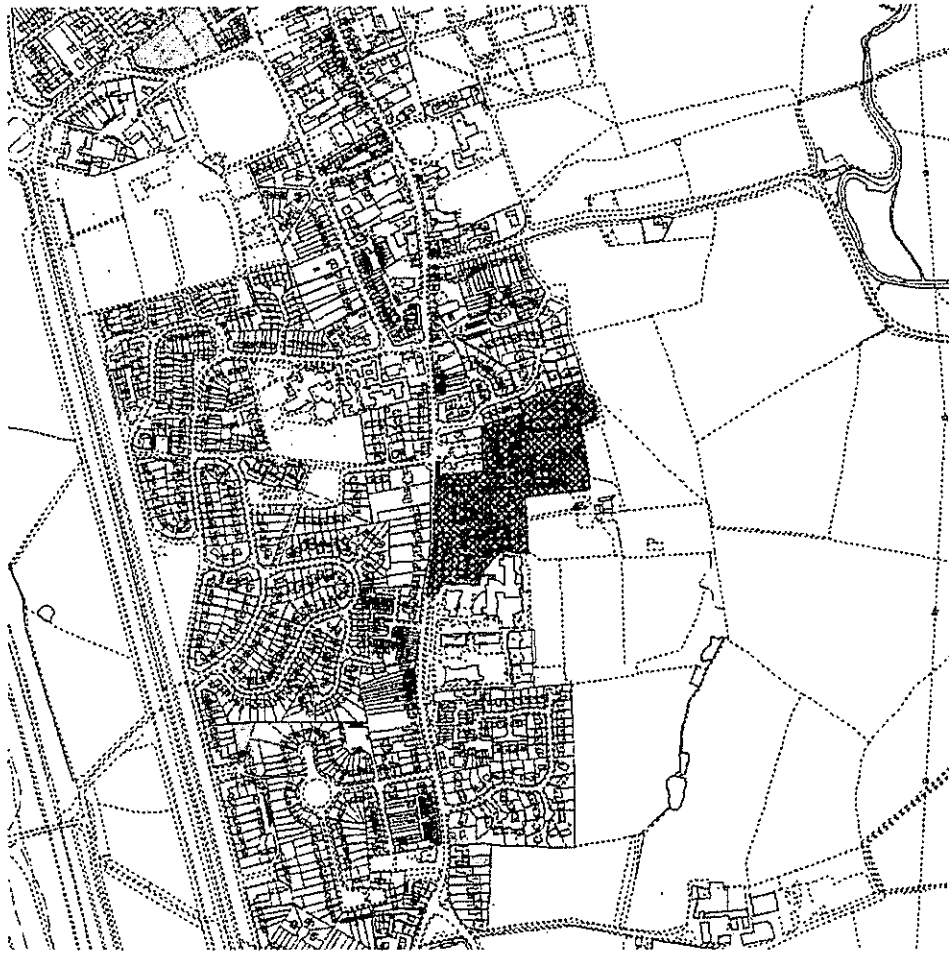
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0168

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	04/04/13
2			
3			
4			
5			
6			
7			
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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.*



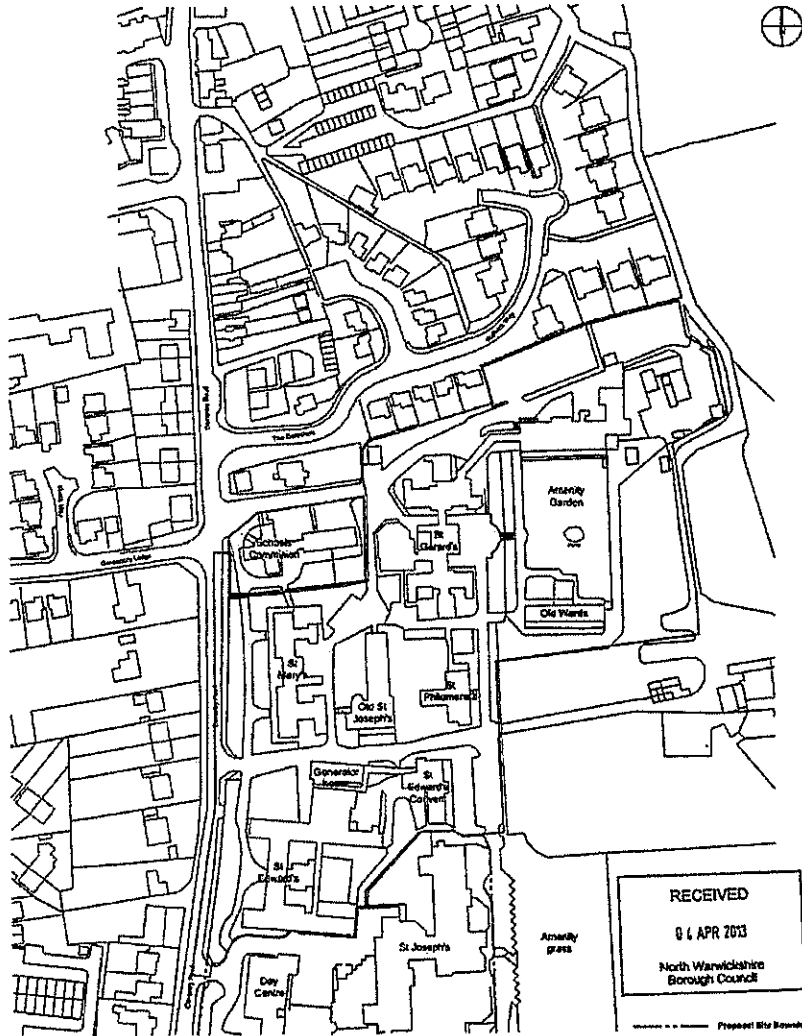
4/131

4/101

2013 / 0169

Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Coleshill. Site Location Plan

APPENDIX A

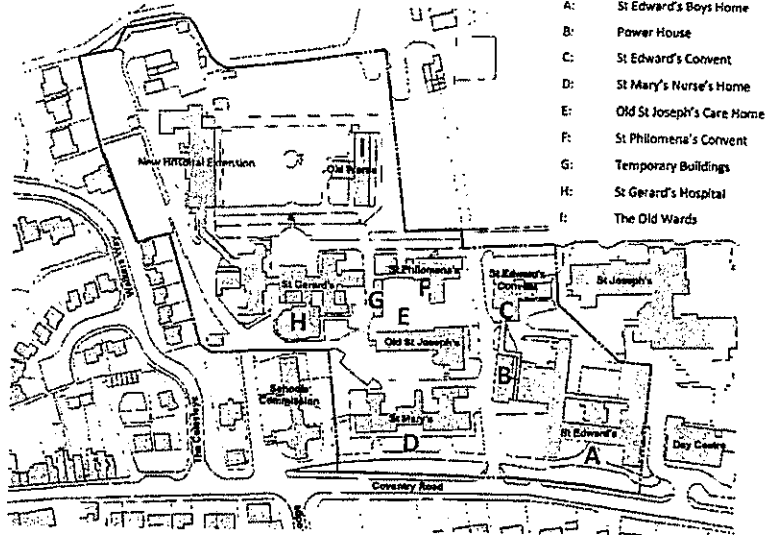


**Bellway** **McCarthy & Stone** **TDIREBOR** **CORSTAPHINE + WRIGHT** **Stephan Law Associates** **nicol thomas**

SCALE 1:1250  
 SCALE 1:1  
 0m 20m 40m 60m 80m 100m 125m

Client	North Warwickshire Borough Council
Project Name	Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Coleshill
Project No.	2013 / 0169
Drawn by	MLT
Checked by	MLT
Date	04 APR 2013

APPENDIX B



Coventry Road

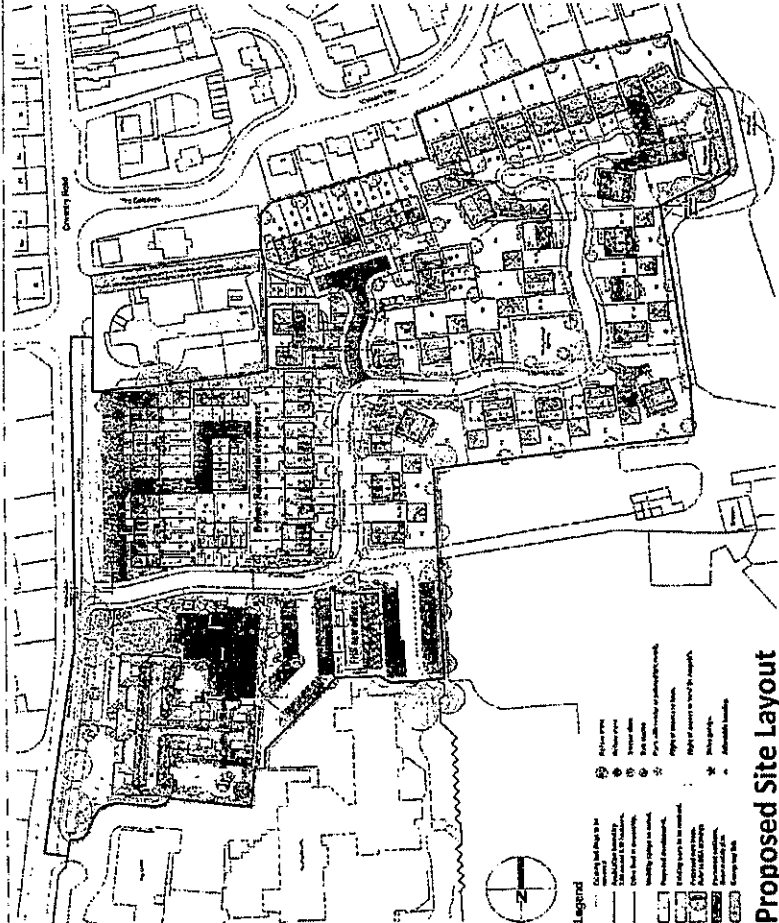
2153 / 0162

**Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colleshill**

Development Summary, 2020

Item	Area (sq. m)	Area (sq. ft)
Residential (Retirement Housing)	1,000	10,764
Residential (New Offices)	1,000	10,764
Residential (Other)	1,000	10,764
Commercial	1,000	10,764
Public Open Space	1,000	10,764
Other	1,000	10,764
<b>Total</b>	<b>5,000</b>	<b>53,800</b>

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



- Legend**
- Existing and Proposed Building Footprints
  - Existing and Proposed Roads
  - Existing and Proposed Landscaping
  - Existing and Proposed Parking
  - Existing and Proposed Green Spaces
  - Existing and Proposed Public Open Space
  - Existing and Proposed Access Points
  - Existing and Proposed Retention Walls
  - Existing and Proposed Fencing
  - Existing and Proposed Security Features
  - Existing and Proposed Utility Lines
  - Existing and Proposed Drainage
  - Existing and Proposed Stormwater Management
  - Existing and Proposed Energy Features
  - Existing and Proposed Sustainable Features
  - Existing and Proposed Smart City Features
  - Existing and Proposed Digital Infrastructure
  - Existing and Proposed Community Amenities
  - Existing and Proposed Cultural Features
  - Existing and Proposed Historical Features
  - Existing and Proposed Archaeological Features
  - Existing and Proposed Environmental Features
  - Existing and Proposed Geotechnical Features
  - Existing and Proposed Structural Features
  - Existing and Proposed Mechanical Features
  - Existing and Proposed Electrical Features
  - Existing and Proposed Plumbing Features
  - Existing and Proposed HVAC Features
  - Existing and Proposed Fire Protection Features
  - Existing and Proposed Life Safety Features
  - Existing and Proposed Security Features
  - Existing and Proposed Access Control Features
  - Existing and Proposed Visitor Management Features
  - Existing and Proposed Event Management Features
  - Existing and Proposed Crowd Management Features
  - Existing and Proposed Emergency Management Features
  - Existing and Proposed Disaster Preparedness Features
  - Existing and Proposed Resilience Features
  - Existing and Proposed Adaptation Features
  - Existing and Proposed Mitigation Features
  - Existing and Proposed Prevention Features
  - Existing and Proposed Protection Features
  - Existing and Proposed Preparedness Features
  - Existing and Proposed Response Features
  - Existing and Proposed Recovery Features
  - Existing and Proposed Rehabilitation Features
  - Existing and Proposed Reconstruction Features
  - Existing and Proposed Restoration Features
  - Existing and Proposed Revitalization Features
  - Existing and Proposed Renewal Features
  - Existing and Proposed Rejuvenation Features
  - Existing and Proposed Regeneration Features
  - Existing and Proposed Reinvigoration Features
  - Existing and Proposed Revitalization Features
  - Existing and Proposed Rejuvenation Features
  - Existing and Proposed Regeneration Features
  - Existing and Proposed Reinvigoration Features

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Grid	10m
Projection	WGS 84 UTM
Units	Metres
Author	McCarthy & Stone
Date	2020
Version	1.0

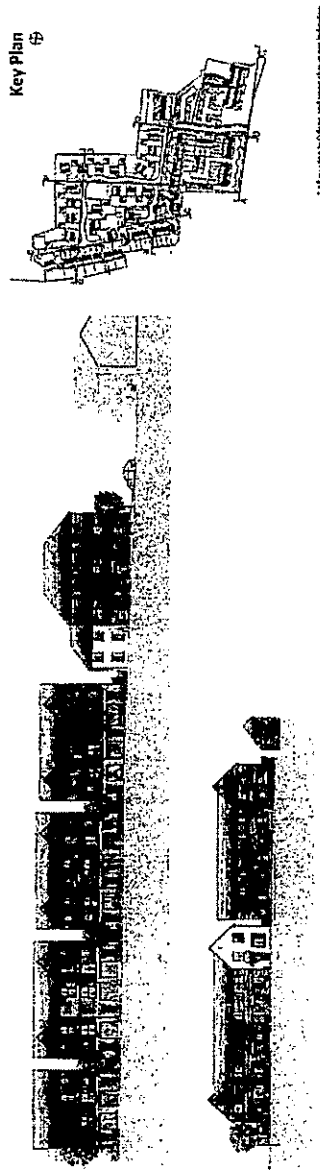
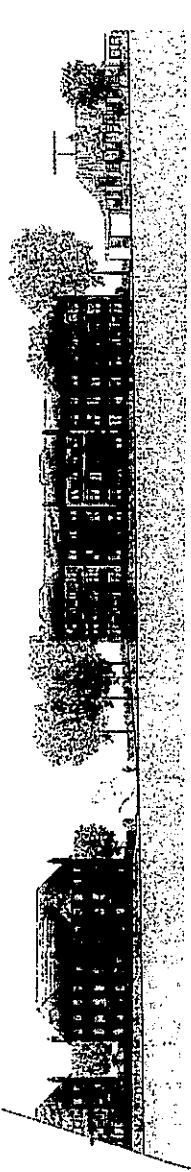
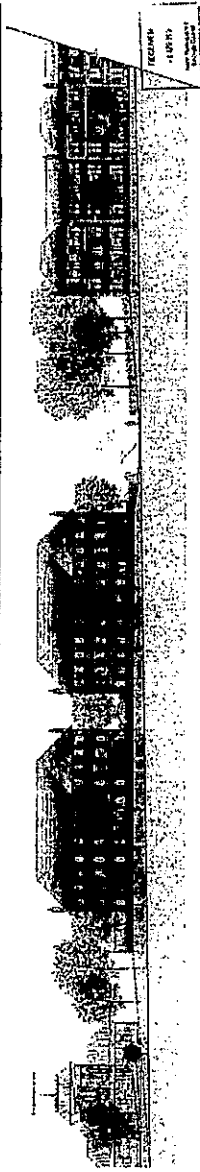
**Proposed Site Layout**

**Bellway**    **McCarthy & Stone**    **TREBOR DEVELOPMENTS**    **CORSTORPHINE + WRIGHT**    **Stephon Love Associates**    **nicol thomas**

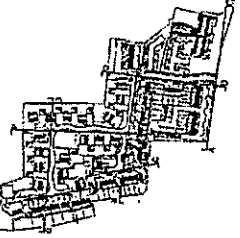
Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colleshill


APPENDIX D

28.15 / 11.08  
Proposed Street Elevations A-A to C-C



Key Plan



**Bellway**  **McCarthy / Stone**  
For the Developer

**TREBOR DEVELOPMENTS**

**CORSTORPHINE WRIGHT**

Stephen Lowe Associates

**nicol thomas**

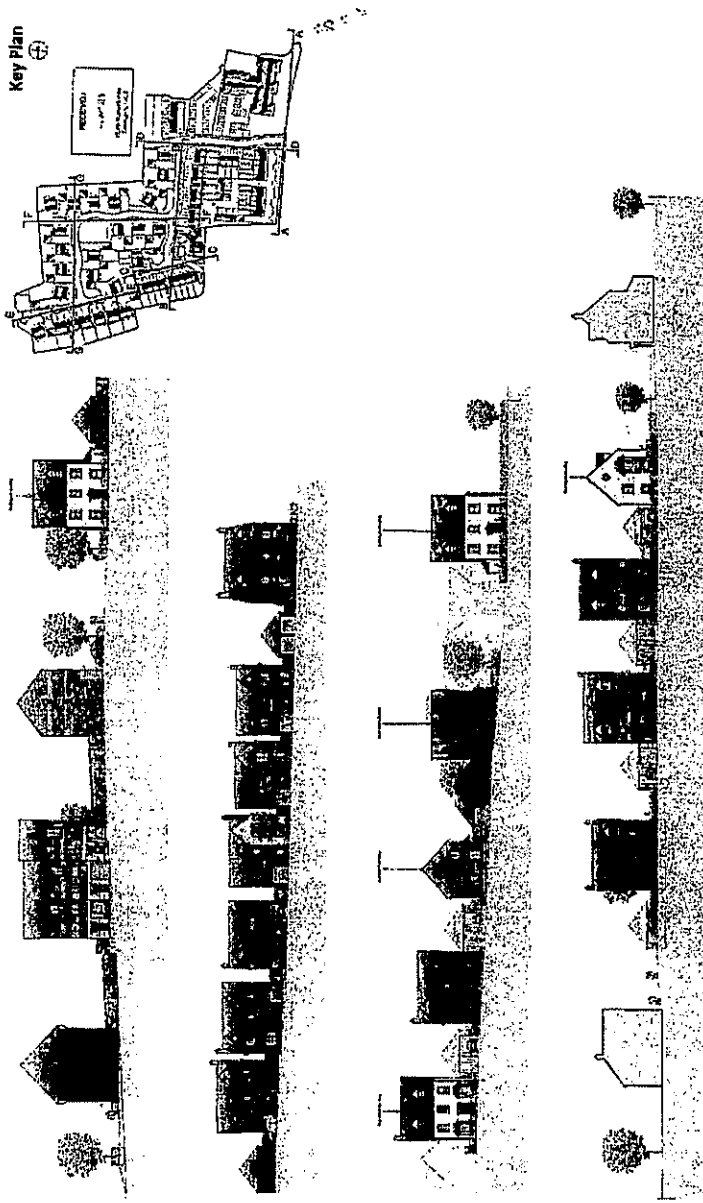
\* All drawings subject to and based on the latest information

Project Name	Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colleshill
Client	McCarthy / Stone
Architect	Corstorphine Wright
Structural Engineer	Stephen Lowe Associates
Quantity Surveyor	Nicol Thomas
Date	28.15 / 11.08



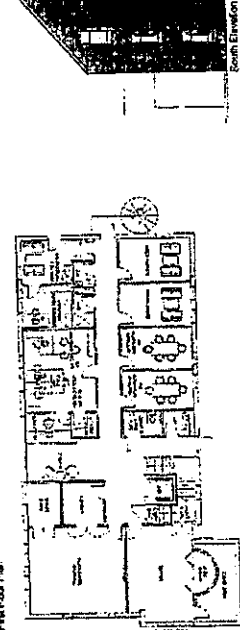
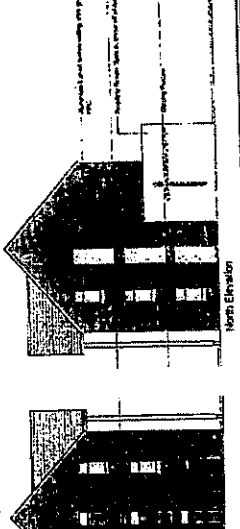
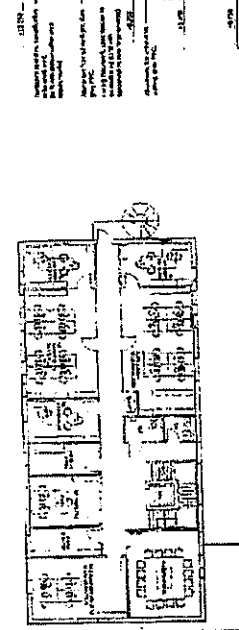
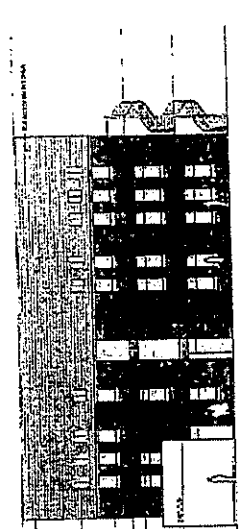
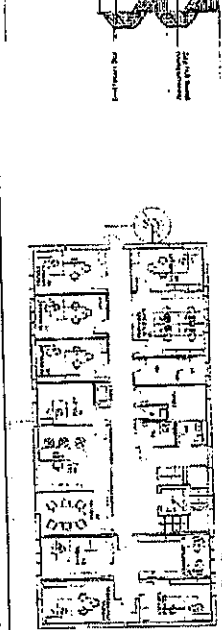
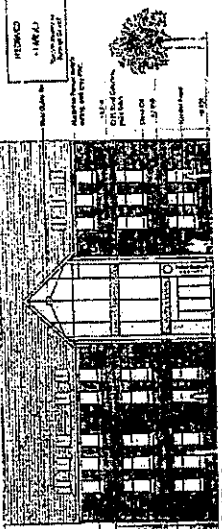
APPENDIX E

Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colesthill



\* All existing buildings and trees shown are indicative

Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colerhill  
**APPENDIX F** Proposed Fisher Hudson's Society Office: Plans & Elevations



**Bellway** Fisher Hudson's SOCIETY

McCarthy & Stone  
 10011A COAST DR

**TD TREBOR DEVELOPMENTS**

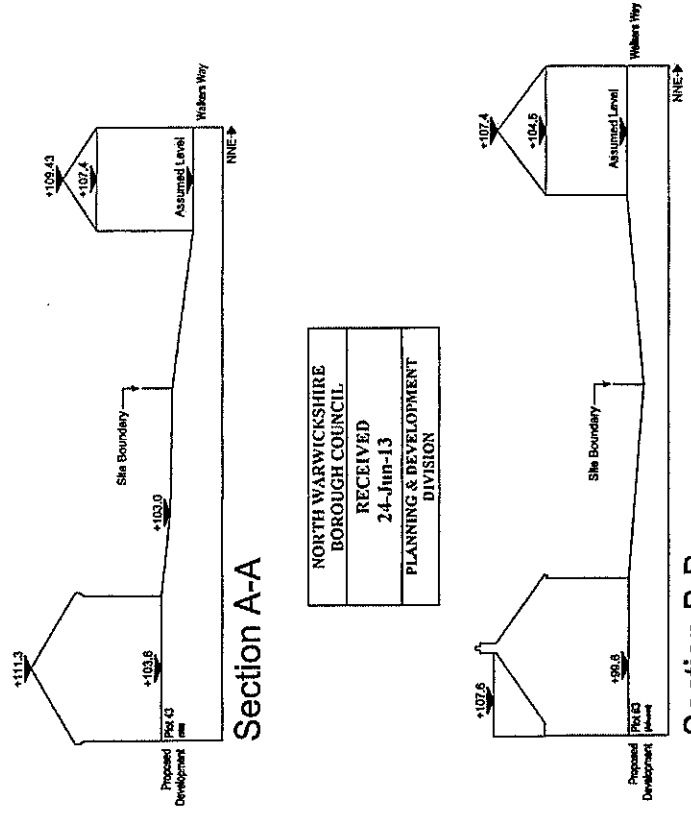
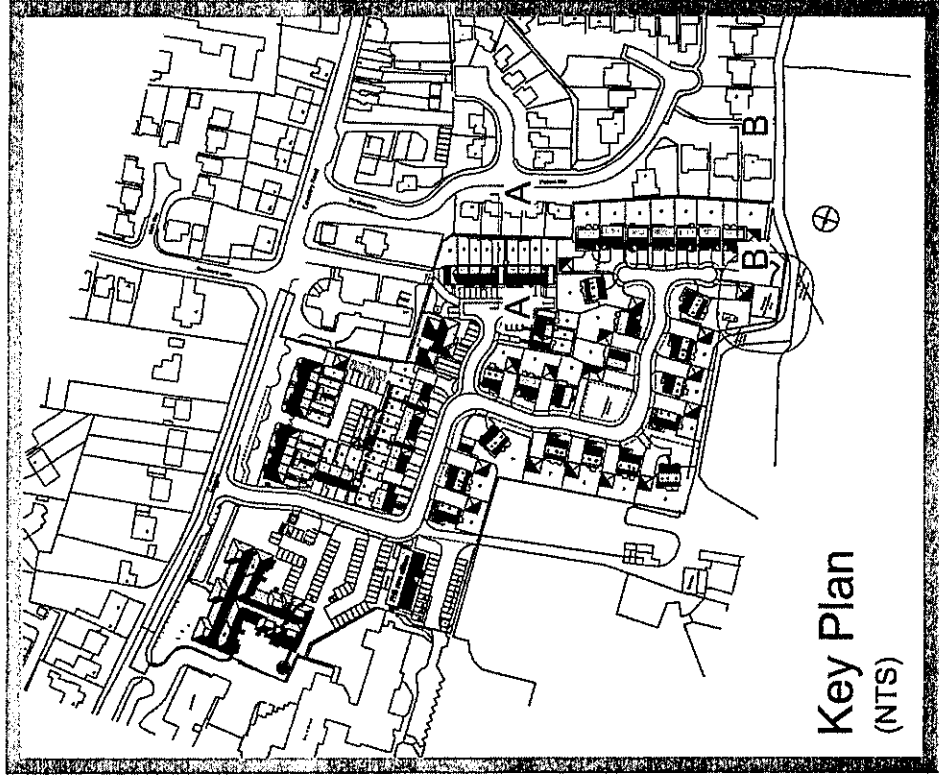
CORSTORPHINE + WRIGHT  
 Stephen Lowe Associates  
 nicol thomas

Scale: 1:50

Client	Fisher Hudson's Society
Project	Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Colerhill
Drawn	[Signature]
Checked	[Signature]
Date	10/10/11

APPENDIX-B  
2013/0168  
Proposed Ridge Heights

**Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Coleshill.**



NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
RECEIVED  
24-Jun-13  
PLANNING & DEVELOPMENT  
DIVISION

**nicol thomas**

Client:	Coleshill (Warwickshire) Council, Coventry Road, Coleshill, CV40 1JL		
Site:	Proposed Residential Development, Retirement Housing & New Offices at Coventry Road, Coleshill		
Drawing title:	Preparation of Key Plan		
Drawing Number:	MS578	PL	16
Job Number:	1300168		
Scale:	1:1000 (NTS)		
Date:	13.06.13		
Drawn by:	J. H. H. / J. H. H.		

**nicol thomas**  
Architects, Project Managers, Quantity Surveyors, Planning Consultants  
100, High Street, Coventry, CV1 1JL  
Tel: 02476 861111 Fax: 02476 861112  
Email: info@nicolthomas.co.uk  
www.nicolthomas.co.uk

Rev	Date	By	Check

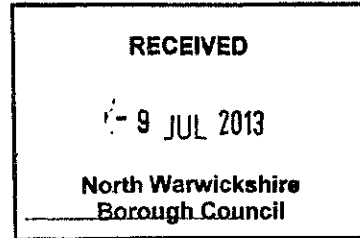
SX3-2013/0168 ✓  
- 2013/0169 ✓  
APPENDIX C



ENGLISH HERITAGE

WEST MIDLANDS REGION

Jeff Brown  
Planning Control  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE



Direct line: 0121 625 6847

8 July 2013

Dear Jeff Brown

**Father Hudson's, Coleshill, North Warwickshire**

I write following the receipt of further information from the developers, particularly their (confidential) revised viability submission dated June 2013.

**Significance**

The Father Hudson's site is a Conservation Area and contains a number of historic buildings of significance, none of which are listed. The Conservation Area appraisal summarises the overall character of the Father Hudson's site as containing 'important and good examples of Edwardian architecture.' As has been demonstrated by Richard Morriss's appraisal of the site on behalf of the developers this is not accurate, in that only the St Edward's building is Edwardian, the rest being later. Morriss also points out that none of the buildings have been accorded the status of listed buildings, and in his view none of them are worthy of it. However, the point of a Conservation Area is not about the individual buildings, but rather the overall character derived from a wide range of factors which take into account the development of the place and its current form.

English Heritage would agree with Morriss's assessment that none of the buildings on the site which is to be developed are 'either important or good examples of their type'. However, they form a collection of interesting buildings reflecting the piecemeal development of such an institution, and the character of those buildings lies in their relationship to the topography of the area and to each other. That significance is partly encompassed by the character of the buildings which cannot be reproduced in a new development: the significance is carried by the fabric and its design.

We also need to acknowledge that the main building on the Coventry Road frontage, St Mary's, was substantially damaged by fire earlier this year. This is unquestionably of lesser importance than many buildings on the site, although still an important part of the character. We must also acknowledge that this cannot be considered as case of deliberate neglect on the part of the owners, who have taken reasonable steps to protect the empty buildings on the site pending decisions on the redevelopment.

THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG  
Telephone 0121 625 6820 Facsimile 0121 625 6821  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)  
*The National Monuments Record is the public archive of English Heritage*



## ENGLISH HERITAGE

### **Impact**

The scheme proposes the complete demolition of all the buildings on the Father Hudson's site. This is not the entirety of that establishment: there are the former central offices to the north and the (listed) church to the south which are not included within the development.

You have acknowledged that if the scheme in its current form were to be permitted this would almost certainly lead to the de-designation of the Conservation Area.

### **Policy**

Planning briefs for the site produced by your authority allowed for the demolition of much of the site, although they were particularly concerned to retain the Coventry Road frontage blocks.

The 1990 Act (section 72) requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The scheme amounts to 'substantial harm' to the Conservation Area in the terms of the NPPF. Thus the considerations set out at paragraph 133 need to be applied.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The requirement to examine the necessity of the harm in delivering other public benefits is set out above and in paragraph 129. Heritage assets are an irreplaceable resource, so any harm requires a clear and convincing justification (paragraphs 126 and 132).

### **Position**

The financial considerations with respect to this scheme have been addressed in the application and in the appraisal which we have been shown. The marketing exercise was conducted in accord with the guidance associated with the NPPF (still the old guidance attached to the PPS5). I am less convinced by the financial appraisal which has been shared with us because it includes a substantial cost for the provision of new offices for the owners and also an allowance for the provision of affordable housing. I appreciate the latter is in line



## ENGLISH HERITAGE

with the Council's policies, but if the preservation and enhancement of the site's significance as a heritage asset is to be delivered then there might be case for varying this requirement. The office block could deliver considerable value to the developer as that, or as a further opportunity to offer more residential development. This option could well deliver a scheme which had a reasonably positive residual land value.

Overall, English Heritage does not believe that the case for the development can be made on heritage grounds, as there is a possibility of a successful scheme without the necessity for the total demolition of all the historic structures within the development boundary. For example, it would appear to be possible to retain the St Edward's building and have a workable scheme if the current owners did not require an office block.

Ultimately, it is for your authority to balance the 'substantial harm' to the Conservation Area which your authority deemed worthy of that status versus the public benefits to be achieved by the scheme.

Yours sincerely

Nicholas A D Molyneux

Principal Inspector of Historic Buildings and Areas

cc Giles Brockbank, Hunter Page Planning Ltd

**Brown, Jeff**

---

**From:** Brown, Jeff  
**Sent:** 15 July 2013 10:41  
**To:** Brown, Jeff  
**Subject:** FW: FW: Father Hudsons Society - Planning proposals

**From:** Rachael Dimbleby [mailto:rachaeldimbleby@warwickshire.gov.uk] **Sent:** 12 July 2013 13:09  
**To:** Brown, Jeff  
**Subject:** Re: FW: Father Hudsons Society - Planning proposals

Hi Jeff

I have now gained a reply from Group Commander Andrew Kelly as follows:

"In reply to the questions raised I have looked at the fire incident data for the county last year to identify if we have had issues with stacks of hay/straw. Our incident types are grouped and hay/straw are recorded as Outdoor > Grassland, woodland and crops > Stacked/baled crop (incl manure heap). Of this type we had 9 incidents last year, 6 in the period May to October, 2 of which were in North Warwickshire with one caused by natural occurrence and the other recorded as a deliberate ignition by a naked light (matches). Therefore, whilst fires involving hay/straw storage do occur, there is no data to indicate causes related to nearby property such as garden bonfires, BBQs and similar.

Our arson reduction team can offer advice on reducing the risk and impact of hay and straw bale fires and I would be happy to direct them to make contact and offer such advice. I have copied them in for your information.

Our Operations department were forwarded the information relating to the existence of the current storage and will notify the local station commander appropriately to enable them to have necessary details of the storage risk.

Hopefully this will assist in informing your decision on planning along with our specific water supplies recommendations for the proposal."

I trust this information will be of assistance Jeff but please do get in touch should you have any further query.

Regards

Rachael Dimbleby  
 Water Officer  
 Warwickshire Fire and Rescue Service  
 Training and Development Centre  
 Leicester Road  
 Bedworth  
 CV12 8AG  
 + e-mail: [rachaeldimbleby@warwickshire.gov.uk](mailto:rachaeldimbleby@warwickshire.gov.uk)

024 7649 1051 ext 4122  
 Web: <http://www.warwickshire.gov.uk>

On 5 July 2013 15:29, Brown, Jeff <[JeffBrown@northwarks.gov.uk](mailto:JeffBrown@northwarks.gov.uk)> wrote:  
 Rachael

At the beginning on the week, we spoke about the concerns that Mr Stephenson had about these planning proposals – namely the fire risk of stored hay/straw very close to new houses.

15/07/2013

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I have now received his letter of objection and you will see that he's included a section spelling out his concern. In short he can't move the storage area because there is no other dry land.

I would appreciate your views on the general matter of housing close to such storage and then secondly whether you have been able to get any information about this actual site, as you said that you were going to get your Local Group Commander to take a closer look.

Many thanks

Jeff

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15/07/2013



Appendix E

**Brown, Jeff**

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**From:** Mark Lavin [marklavin@warwickshire.gov.uk]  
**Sent:** 23 July 2013 15:16  
**To:** Brown, Jeff  
**Subject:** Father Hudson's Society Premises Coventry Road Coleshill - Proposed Residential Development  
Dear Jeff

Further to our telephone conversation today (23/07/2013).

I contacted the Animal Health and Veterinary Laboratories Agency (AHVLA) at Leicester regarding your enquiry relating to the above.

They were of the opinion that animal disease would not be a consideration to prevent a residential development in close proximity to a farm from going ahead. Many farms already operate adjacent to houses etc.

If there was a disease outbreak the farm itself would be regulated by disease control measures.

● Compliance with planning regulation requirements would be the overriding factor.

Please do not hesitate to contact me if you require any further details.

Kind regards  
Mark

Mark Lavin  
Animal Health Practitioner  
Trading Standards Service  
WCC Localities & Community Safety  
Old Budbrooke Road  
Warwick  
CV35 7DP  
Tel:01926 414055  
Minicom:01926 412277  
● Email:marklavin@warwickshire.gov.uk  
Secure e-mail: marklavin@warwickshire.gcsx.gov.uk  
www.warwickshire.gov.uk

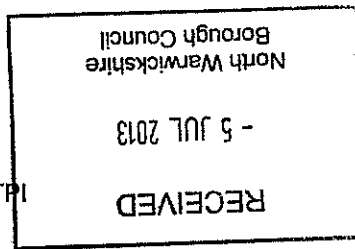
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23/07/2013

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Farm Address

Homes Farm  
Coventry Road  
Coleshill  
North Warwickshire  
B46 3EA



Jeff Brown BA Dip TP MRTPI  
The Council House  
South Street  
Atherstone  
Warwickshire. CV9 1DE

5th July 2013  
Mobile: 07407538174

Mr Brown

**Application Ref: PAP/2103/0168**

I, Gary Stevenson, am a farmer in the area of Coleshill. I currently farm some 200 head of beef cattle on approximately 300 acres locally. One of my tenant holdings is on the Father Hudson's Estate, Coventry Road, Coleshill.

This farm is a registered agricultural holding.  
European holding number: 43-095-0096  
Address: Homes Farm, Coventry Road, Coleshill, North Warwickshire. B46 3EA

This farm address is registered through the British Cattle Movement Service BCMS, the Animal Health and Welfare Board for England AHWBE (previously the State Veterinary Service SVS) and the Rural Payments Agency RPA. The farm is subject to the regulations of these government departments and of DEFRA - Department for Environment Food and Rural Affairs and MAFF - Ministry of Agriculture Fisheries and Forestry. Like all holdings I am under strict agricultural regulations within the European Union.

Homes Farm is part of my business, my livelihood and although it is not the biggest area I farm it is still my main base and the location for my tools, agricultural machinery and fodder feed. Homes Farm is also the holding address for my annual TB testing.

I wish to object in part to the above planning application adjacent to my tenancy at Homes Farm on the following grounds:

**Boundary dispute**

There is an ongoing boundary dispute between Father Hudson's Estate and me as their tenant which is yet to be resolved. The piece of land under dispute has been included in the plans for the proposed development and is the equivalent of approximately four dwellings. I would suggest that there are many other issues here that need to be discussed to achieve a satisfactory outcome between myself and Father Hudson's Society, my landlords, before any of this can go ahead.

I feel it is unreasonable that I have not been fully informed or consulted about the proposals. The dispute remains unresolved.

**Loss of mature trees**

So many of the fine mature trees on the site of Father Hudson's Homes are not visible on the plans for this development. I am concerned about their loss and destruction.

**Fire**

Plans have been drawn for residential properties immediately adjacent to my feed storage area, approximately 3/4 acre, which contains up to 1000 to 1500 tons of baled fodder feed and straw at any one time. This is my only practical base, with hard standing and all weather access for fodder feed and my main supply for other Coleshill areas which I farm.

I would ask that an independent risk assessment be undertaken, by the appropriate fire service body, of the fire risk to nearby residences. The assessment may include a small lateral area for bale storage which is also close to the proposed housing development. May I suggest this risk assessment is a matter of urgency.

If the developers are intent on building residential properties adjacent to a known fire hazard then the matter needs to be properly addressed before proceeding, rather than as a potentially very expensive afterthought. I would suggest a safety zone of 60 metres. Should a serious fire incident occur, destroying residential properties, who will be made legally responsible for the subsequent damage and loss?

**Disease**

I need to have a disease safety zone between the farm with livestock and residential properties of approximately 60 metres to reduce the risk of the spread of notifiable diseases in animals such as Foot and Mouth. Humans are a well known factor in the spread of such diseases.

In the event of an outbreak of disease, such as Foot and Mouth, there will be compulsory restrictions on the movement of cattle. Even if my holding was not directly affected by disease I would be under restrictions of movement of both cattle and people. Conditions would be difficult to enforce with residential buildings so close by and the matter needs to be looked into by the appropriate agricultural department.

**Complaints leading to loss of business**

I would hope to be assured that if residences were to be built adjacent to my working farm occupiers would, as part of the sale legalities, agree to accept the usual noise such as cattle bellowing 24/7 for up to five days after having their calves weaned, tractor noise late in the evenings and at week ends when cattle are being fed, the general smell of cattle manure and fodder feed and mud on the neighbouring roads, all associated with this type of industry. I may also wish to keep pigs in the near future. A legally binding condition would be required agreeing not to take legal action against normal farming practices.

**Loss of land or facilities**

This holding is my business and livelihood since the late 70's and my main holding. My other land is pasture only with no storage facilities and totally unsuitable and unsafe for the keeping of agricultural equipment or fodder feed. My business will not be realistically viable if significant areas of land are to be removed or restricted and if there is no legal protection from residents placed so close to a working farm. I also wish to retain the existing trees and hedges as boundaries rather than the original thin fence.

**Drainage**

Part of my land is waterlogged for most of the year. The proposed development runs on a fall of land fashioned into levels, including an immediate 10 – 12 foot drop to the lowest which forms a boundary to my land. Will this bottom level be raised to the level of the memorial gardens, leaving the houses nearest to my boundary unreasonably raised, or built on the current level of the farm land? As the development proceeds the natural drainage of the land will be altered. Looking at the lie of the land, I have serious concerns that an extensive drainage system will have to be incorporated in order to prevent water logging or flooding on the farmland. The existing storm drain system on the neighbouring land, also owned by Father Hudson's, has been partially filled in.

**Services**

Currently my water and electricity comes from the old hospital site which is earmarked for development. Amongst many other issues, Father Hudson's has failed to discuss how these problems are to be resolved. Prior to disconnection I would need new supplies laid on.

**Time**

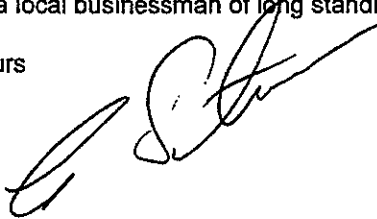
I am very concerned that there is little time for independent surveys so that these matters may be properly investigated before the meeting on 15th July when councillors, I understand, are considering this planning application.

I expect a certain amount of disruption to my business but it is important that the matters I have raised are fully addressed and resolved before the planning application is allowed.

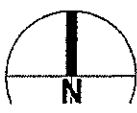
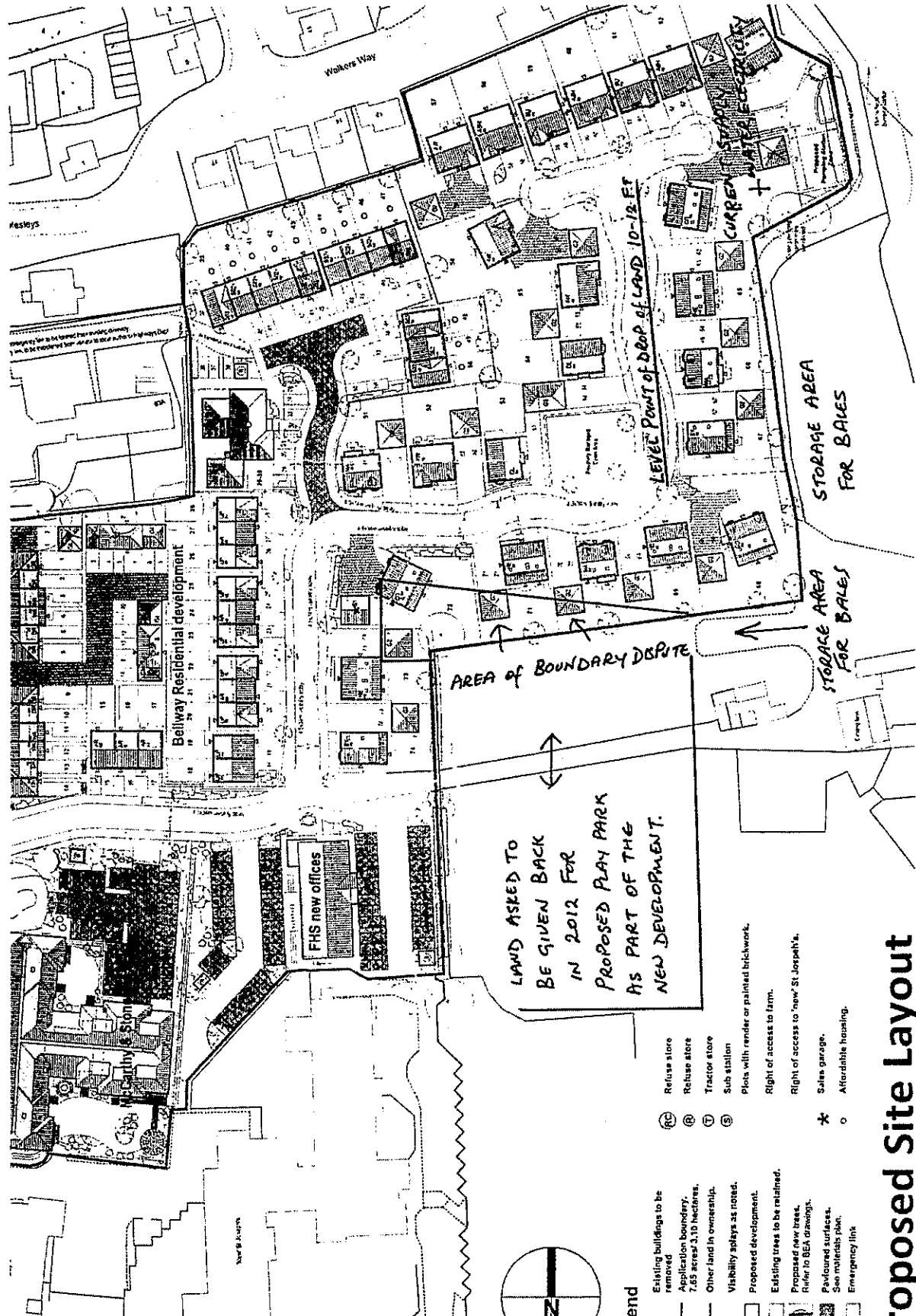
I am very disappointed in conduct by members of Father Hudson's Society and their partners and, to date, no one has approached me at any time to discuss a number of the issues in question, other than the boundary dispute and asking for farmland back for a park area as part of the development.

This is my business and livelihood and I do ask that I be given appropriate respect as a local businessman of long standing in the area of Colleshill. Thank you.

Yours



Gary Stevenson (Mr)  
Attached – diagram with related annotations.



end

- Existing buildings to be removed
- Application boundary, 7.65 acres/3.10 hectares.
- Other land in ownership.
- Viability valleys as noted.
- Proposed development.
- Existing trees to be retained.
- Proposed new trees, 10m to 15m tall.
- Paved surfaces.
- See materials plan.
- Emergency link

- AC Refuse store
- R Rebase store
- T Tractor store
- S Sub station
- P Poles with render or painted brickwork.
- Right of access to farm.
- Right of access to 'new' St Joseph's.
- \* Sales garage.
- o Affordable housing.

# Proposed Site Layout



Father Hudson's  
SOCIETY

Coventry Rd, Coleshill,  
BIRMINGHAM.  
B46 3ED.

Tel. 01675 434000  
Fax. 01675 434010  
www.fatherhudsons.org.uk

10<sup>th</sup> June 2013

Mr Jeff Brown,  
North Warwickshire Borough Council,  
Atherstone.

Dear Sir,

**Planning Application: Father Hudson's Site, Coventry Road, Coleshill.**

Further to my earlier letter in support of the application made jointly by Father Hudson's Society, Bellway Homes and McCarthy & Stone, I should like to point out other facts which may be relevant to those considering the application.

Father Hudson's Society is a registered Charity and operates as the Social Care Agency of the Archdiocese of Birmingham (Staffordshire, West Midlands, Worcestershire, Warwickshire and Oxfordshire), employs almost 250 staff, the majority of whom work here in Coleshill, from where all the work is co-ordinated, and has over 100 volunteers involved in the organisation. Our work cover many aspects including residential Care for the elderly, residential and day care for adults with complex and profound disabilities, domiciliary care for adults with a learning disability, an Ofsted registered fostering agency working in Warwickshire, Coventry, Solihull, Worcestershire and Birmingham, an Ofsted registered adoption support agency, community based projects in some of the most disadvantaged areas of West Midlands (one of which has been awarded the Prime Ministers Big Society Award, and the manager of another has been awarded an MBE for her work with women in the justice system) and Schools based Family Support from Stoke on Trent down to Oxford.

In 2001 we invested over £4million in our purpose designed care facilities here in Coleshill providing highest quality care for adults with multiple disabilities and for frail older people and those with dementia; facilities of which we are very proud and which do, we hope, make a positive contribution to Coleshill. We invested further a few years later in significantly renovating and preserving the former St Edward's Primary school which is used as a daycentre for adults with multiple disabilities, and who are now well known on the Coleshill Community.

The Society owns a number of houses in Coleshill and lets these to adults with a degree of learning disability at affordable rents. These residents too are well known long term residents in the town.

The Society will be acquiring a further 10 apartments for similar use if the planning application is successful.

Over many years the Society successfully operated North Warwickshire Orthopaedic hospital in Coleshill. It was with great sadness that, due to funding changes within the NHS for independent hospitals, the hospital had to close in 1998, and the community lost a much loved resource.

The Society is expanding its work and has to spread its charitable efforts more widely across the Archdiocese, serving all people in need regardless of faith(or lack of it), gender, colour, ethnicity etc. In doing so it must operate efficiently and in order to minimise running costs it requires modern efficient offices from which to direct, administer and offer services. These could be anywhere within the Archdiocese, but the Society has a long association with Coleshill and has decided to remain in the town (subject to be granted permission for new offices on its site). We are pleased to do this and wish to continue to contribute to the economy of Coleshill , as we have done for over 100 years.

The Society has tried very hard of many years to find alternative uses for the buildings which formed part of the former children's home complex. The former cottage homes are now used by the Archdiocese ( Don Bosco House) and "Teddy'n Daisy's" day nursery. The former primary scholl is used as a daycentre and the former administration building is used as offices by the Schools Commission. The Society has used the former hospital as offices, moving in in 2000 for what it thought would be 5 years maximum while the site development plan was brought to fruition. We are still in this building 13 years later. The attempts to find a satisfactory solution for the redundant site have been numerous. A quick trawl through the files revealed 22 attempts in 22 years. The cost to the Society in both time and money has been enormous and the fire in one of the boarded and fenced buildings at the beginning of June shows the urgent need for a resolution to this.

The parties involved in this application have invested a huge amount of time and money in finding what we believe is a viable solution for this site, which meets the needs of the Society for good neighbours to our charitable works on site and enables the Society to retains its administrative head office on site, whilst at the same time bringing to Coleshill much needed housing and retirement apartments.

I hope the committee will look favourably upon the application.

Yours faithfully,



Tim Bradford

Chief Executive

Father Hudson's Society

Registered Charity No. 512992 Registered in England and Wales No. 1653388

REACHING OUT TO PROVIDE SOCIAL CARE IN THE ARCHDIOCESE OF BIRMINGHAM

ADOPTION SUPPORT & FOSTERING

ADULT CARE

COMMUNITY PROJECTS

**(6) Application No: PAP/2013/0211**

**Mallard Lodge Site, Marsh Lane, Water Orton, B46 1NS**

**Removal of existing B2 and office buildings, storage and car parking. Erection of new industrial building with associated offices partly over existing lake formed due to gravel extraction. Landscaping including car parking and goods delivery area, for**

**- Flexdart Limited**

### **Introduction**

The receipt of this application was referred to an earlier meeting of the Board. The application constitutes a departure from the Development Plan as defined by the 2009 Direction and thus if the Council is mindful to support the application, it will have to be referred to the Secretary of State to see if he wishes to call-in the application for his own determination. The Council may refuse planning permission without the need for referral.

Since the application was received Members have undertaken a site visit.

A copy of the previous report is attached for convenience at Appendix A. It describes the site and the proposal as well as identifying the policies of the Development Plan which are relevant to this case.

### **Additional Information**

The applicant has submitted amended plans since the original submission but these only contain minor alterations to the geometry of the proposed new access in order to accommodate the requirements of the Highway Authority.

The applicant has also responded to the requests in the previous report for more background information and this has now been supplied and is set out in the following section. An additional letter has been submitted – see Appendix B.

### **Background**

The lake that lies to the west of the application site is part of a former much larger lake which was the result of sand and gravel extraction in the 1950's. This extended over the whole of the industrial area to the east but excluded Mallard Lodge. In 1951 planning permission was granted for the "reclamation of non-ferrous wastes" involving the reclamation of part of the eastern section of the lake. Since then the eastern part of the lake has been gradually filled and used by the metal extraction company of a period of years and through a series of planning permissions. That has involved new buildings and plant in association with the use as well as the removal of former settling lagoons. A few years ago there was a major redevelopment permission which resulted in the estate as it currently exists including both the metal extraction use and B2 general industrial uses which in part use recycled metals. At that time a Section 106 Agreement was completed so as to retain the remaining western half of the former lake for recreation and nature conservation use.



Mallard Lodge was originally a petrol filling station and garage workshop. The dwelling and associated buildings have since been used over time for a variety of industrial uses and associated offices mainly connected with motor and auto concerns. These uses are all lawful.

The applicant company owns the application site as well as the remaining lake and the industrial estate to the east. It is a holding company that undertakes all the trading activities of and operates a group of companies that are all involved in the recycling of ferrous and non-ferrous metals from the eastern half of the site. The Company accounts show a turnover of around £45million. Beaver Metals has traded at the site for 55 years and as the business has grown, so the site has been expanded and this has gone hand in hand with the increasing move to recycle materials. The site here is its only site in the UK to have international business. Metallic Extractors also operate from the site and specialise in the processing and treatment of non-ferrous alloy foundry residues. Beaver Metals London is based on the estate and specialises in the manufacture of non-prime, flat rolled products in sheet, coil or strip form. Britannia Heatex Ltd presently occupies three of the buildings on the estate and specialise in the manufacture of large heat exchangers for industry, power stations and the marine and transport sectors – see Appendix B. They in part use recycled metals from the extraction businesses on the site. This is not a large proportion of their materials but it does provide the very “rare” titanium metal which Beaver Metals produce and which Britannia Heatex then use. This metal is rarely available from anyone else and because it is essential for the manufacture of the heat exchangers and because of the proximity to its source, there are significant savings involved. Moreover when Britannia Heatex “overhaul” old exchangers, the waste is send back through the system via Beaver Metals thus enhancing the proximity of the recycling process. It is thus also a two way process. The proposed new building is for this company so that it can expand and introduce new larger plant to be able to meet demand for much larger products. The real need is for increased crange capacity and to have this under cover. The Company consider that there will be an opportunity for 60 new full time jobs.

## **Consultations**

Warwickshire County Council as Highway Authority – No objection in principle as it sees no capacity issues with the current highway network and welcomes the opportunity to rationalise the existing access arrangements at the site. Standard conditions are recommended.

The Environment Agency – The Agency has no objection to the proposals from the flooding perspective as measures are proposed on site to collect and to store surface water through the ditches and suppressions proposed towards the front of and to the west of the site. Conditions are recommended in respect of the new building so as to reduce the risk of it flooding. Conditions are also recommended in order to remediate the site from possible contamination.

The Council’s Environmental Health Officer – They agree with the approach of the Agency.

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

## **Representations**

The Parish Council object to the proposal on the grounds of potential noise increase; more HGV traffic causing congestion and obstruction, the potential impact on the lake and flooding and that the Water Orton Supplementary Planning Guidance states that the lake and its surrounds should be preserved.

Three letters of objection have been received from residents in Old Church Road drawing attention to the potential increased HGV movements exacerbating existing problems as weight restrictions are currently ignored; the visual impact, the potential for more noise pollution and the loss of a recreation and nature conservation resource.

## **Observations**

### **a) Green Belt**

The site is in the Green Belt. The Council's approach to the control of development here is to follow Government Guidance. This now takes the form of the National Planning Policy Framework 2012. It says that inappropriate development in the Green Belt is harmful to the purposes of including land within the Green Belt and as such there is a presumption of refusal. It says that new buildings are inappropriate and thus there is a presumption of refusal in this case. However the NPPF also identifies a number of situations whereby new buildings might not be inappropriate development. The one relevant here is where they involve, "limited infilling or the partial or complete redevelopment of previously developed land (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development". This land is brown-field land and the proposal does involve the redevelopment of the site in association with the adjoining brown field land, and thus there is a case here for treating the new building as satisfying this exception. However there are conditions included in the definition of the exception. In this case by fact and degree the new building would lead to a loss of openness because its size and location outside of the existing group of buildings. Even if the demolition of the existing structures is taken into account there would still be a material increase in building floor space and volume. The proposed development is therefore not appropriate development in the Green Belt and thus the presumption of refusal remains. The applicant agrees with this assessment.

As a consequence, the NPPF requires the applicant to forward planning considerations which he considers are of sufficient weight to become the "very special circumstances" necessary to override the presumption of refusal. He has done so and these are outlined below. The Board will have to assess these and determine whether they are sufficient to outweigh the harm done to the Green Belt by virtue of the loss of openness.

It is considered that the harm done here to the openness of the Green Belt is moderate. There are several reasons for this. Firstly the proposals do involve the demolition of other building on the site. Secondly the proposed location of the building is at the rear of the site and as such the visual impact is much reduced particularly from the public's perspective. Thirdly the removal of the existing buildings enables the existing frontage to be landscaped and finally the setting of the wider site is well below the level of the elevated section of the motorway junction to the east and the River Tame flood bank to the north. In other words its setting is contained to the immediate area.

## **b) The Applicant's Case**

In short the applicant is putting forward a business case based on the needs of the existing business and that it has close operational links to the established business to the east. The new building would enable the existing business to expand and to meet new markets. Moreover it has close operational links with the other businesses to the east particularly in the re-use and supply of recycled metals. This link would be retained and thus continue the joint advantages for all of the businesses here. Alternative solutions would be to re-locate the whole business or develop separate premises to meet the growth and demand that is anticipated. The operational and sustainability links would be lost in both of these scenarios.

## **c) Initial Conclusions**

The applicant's case is of significant weight. The business here is of more than local significance and it is one that is expanding to meet increased demand. In order to meet this it has to enhance and to introduce new plant and equipment, and thus there is a need for a bespoke building. Additionally it has close linkages with the adjoining site and those are connected to the use of recycled metals. There are thus economic as well as sustainability benefits arising from retaining proximity. There is also the prospect of an additional 60 job opportunities. As a consequence this development accords with the objectives of the NPPF in "building a strong, competitive economy" as well as "encouraging the use of renewable resources" and "re-using land that has been previously developed".

Give the conclusion above that the likely impact on the openness of the Green Belt would be moderate, it is concluded that the applicant's case is of sufficient weight to amount to the very special circumstances necessary to support the proposal.

It is now necessary to see if there are any other matters of such weight that would result in a re-consideration of this initial conclusion.

## **d) Other Matters**

The Highway Authority has raised no objection either in terms of the capacity of the local highway network or in respect of the approach taken to access provision or its design. Observance of weight restrictions and parking obstructions are matters for the Police and the County Council.

The Environment Agency is satisfied that there would be no greater risk of flooding as a consequence of this development because of the on-site measures proposed as part of the proposals. The issue of contaminated land can be dealt with by condition and this approach has the support of the Council's Environmental Health Officers.

The main concern appears to be the potential impact on the lake. Members will have seen the portion of this that would be lost through this proposal. It amounts to some 7% of the total water area and is a shallow "back water" which is not presently fished. Indeed the ecology report described it as "barren". It is also noteworthy that the Environment Agency's ecology unit has not passed any comment. As such, the lake as a resource for both anglers and nature conservation purposes would not be materially affected. The proposals themselves can be conditioned to include further enhancement measures so as to increase bio-diversity levels. The concern of the Parish Council is recognised, but the proposal will not materially affect the future of the lake as a whole.

As far as amenity issues are concerned then it is noteworthy that none of the residents who live opposite the site have submitted any representations. The existing access immediately outside of their properties will be re-located and the frontage area landscaped with the new building set back significantly into the site. The concerns that have been received are from residents in Old Church Road, but as Members will have seen from their visit the separation distances are substantial; there is intervening tree cover and the proposal has offices facing westwards not delivery or service openings.

In terms of the existing Section 106 Agreement, then that will continue. What will be needed however is a consequential updating in order to have a new plan included which accurately portrays the lake as it would be after the development.

There is therefore not considered to be any issue here sufficient to warrant refusal in its own right and thus to lead to a review of the initial conclusion reached above on the principle of the development.

### **Recommendation**

That the Council is mindful to grant planning permission for the reasons set out in this report subject to the following conditions and to consequential amendments to the existing Section 106 Agreement, but that the matter first be referred to the Secretary of State under Article 9 of the 2009 Town and Country Planning (Consultation) Direction. If the case is not called-in by the Secretary of State then the development be granted planning permission.

- 1) Standard Three year condition
- 2) Standard Plan Numbers condition – plan numbers 1004/01, 03 and 04 received by the Local Planning Authority on 19/4/13 and plan number 02A received on 26/7/13, together with the content of the Flood Risk Assessment ref: 2013/s/6847 prepared by JBA and dated July 2013.

### **Overall Controlling Conditions**

- 3) The finished floor levels of the building hereby approved shall be set at least 75.93 metres above Ordnance Datum.

### **REASON**

In the interests of reducing the risk of flooding

### **Pre-Commencement Conditions**

- 4) No development shall commence on site, including the demolition of any of the existing buildings until such time as a remediation strategy to deal with the risks associated with contamination of the site has first been submitted to and approved in writing by the Local Planning Authority. This shall include the following components:
  - a) A preliminary risk assessment which identifies all previous uses; potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that might be affected including those off-site.
- c) An options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken, based on the results of the site investigation and detailed risk assessment referred to in (a) and (b).
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Only the measures and details hereby approved shall be implemented.

#### REASON

In the interests of reducing the risk of pollution.

5) No development shall commence on site other than the demolition of the existing buildings until such time as full details of all of the ground surfacing materials to be installed and the building's facing and roofing materials have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

#### REASON

In the interests of the visual amenities of the area

6) No development shall commence on site other than the demolition of the existing buildings until such time as a full landscaping scheme has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

#### REASON

In the interests of the visual amenities of the area.

7) No development shall commence on site other than the demolition of the existing buildings until such time as full details of the means of disposal for both foul and surface water arising from the development has first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed.

#### REASON

In the interests of reducing the risk of pollution and flooding

8) No development shall commence on site other than the demolition of the existing buildings until such time as measures designed to enhance the bio-diversity of the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed.

#### REASON

In the interests of enhancing the bio-diversity of the site

9) No development shall commence on site other than the demolition of the existing buildings until such time as details of all the external lighting to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall then be installed.

REASON

In the interests of the amenities of the area.

### **Pre-Occupancy Conditions**

10) There shall be no occupancy of the building hereby approved until such time as the whole of the access arrangements and the full parking and turning areas as shown on the approved plan have all been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

11) There shall be no occupation of the building hereby approved until a verification report demonstrating completion of works set out in the approved remediation strategy agreed under condition (3) above and the effectiveness of the remediation has first been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

In the interests of reducing pollution

12) There shall be no occupation of the premises hereby approved until such time as the whole of the details approved under conditions (6) and (7) above have first been fully completed and implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area and to enhance the bio-diversity of the site.

13) There shall be no occupation of the premises hereby approved until such time as signage has first been agreed in writing and satisfactorily installed in order to direct HGV traffic to the appropriate access.

REASON

In the interests of highway safety.

14) There shall be no occupation of the premises hereby approved until such time as all parts of the existing access within the public highway not included in the approved

means of access has been permanently closed and the kerb, footway and verge re-instated to the written satisfaction of the Local Planning Authority.

#### REASON

In the interests of highway safety

#### Other Conditions

15) No gates erected at the entrance to the site shall be hung so as to open over the public highway

#### REASON

In the interests of highway safety

#### Notes

- 1) The policies of the Development Plan relevant to this decision are saved Core Policies 1, 2 and 3 together with saved policies ENV1, ENV2, ENV3, ENV4, ENV6, ENV7, ENV8, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006
- 2) The applicant's attention is drawn to the need to gain the agreement of the Highway Authority for works to be undertaken within the public highway – 01926 412515; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice together with the relevant sections of the 1980 Highways Act
- 3) The applicant's attention is drawn to the attached letter from the Environment Agency in respect of guidance on flood proofing measures
- 4) The Local Planning Authority has worked positively with the applicant in order to address planning issues arising from this proposal through pre-application discussion; amendments sought to overcome technical consultation responses and exchange of background information thus meeting the requirements of the National Planning Policy Framework 2012.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0211

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/4/13
2	Head of Development Control	Letters	7/5/13
3	Severn Trent Water Ltd	Consultation	2/5/13
4	M Turner	Objection	20/5/13
5	V Gough	Objection	28/5/13
6	Water Orton Parish Council	Objection	29/5/13
7	G Wood	Objection	28/5/13
8	Environmental Health Officer	Consultation	30/5/13
9	WCC Highways	Consultation	6/6/13
10	WCC Highways	Consultation	3/7/13
11	Environment Agency	Consultation	3/7/13
12	Note	Site Visit	4/7/13
13	Environmental Health Officer	Consultation	17/7/13
14	Agents	E-mail	26/7/13
15	Agents	E-mail	25/7/13
16	Applicant	Letter	22/7/13

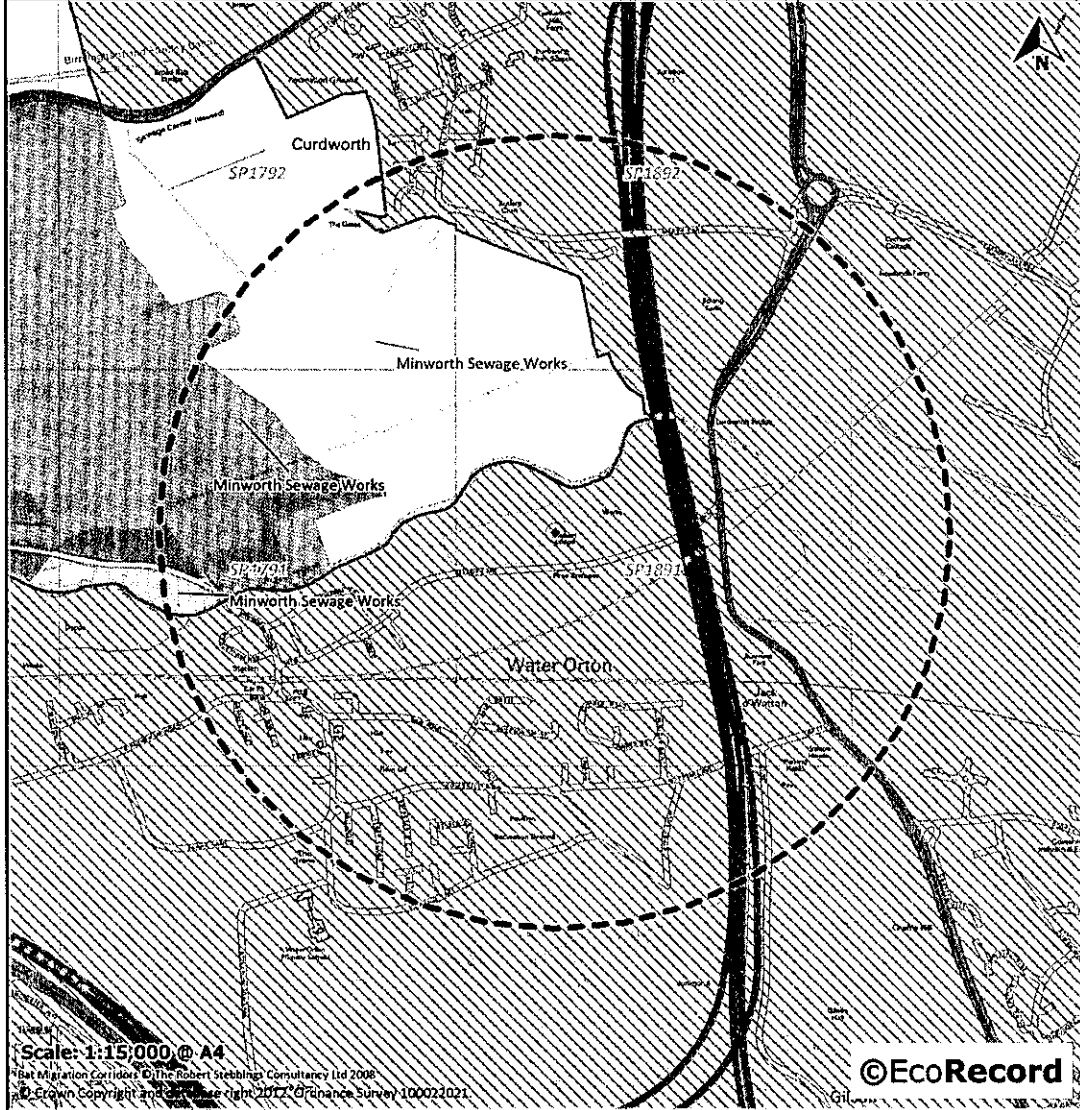
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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.*








## Designated Sites within 1km of SP182915



### Key

-  Sites of Local Importance for Nature Conservation (SLINCs)
-  Potential Sites of Importance (PSIs)
-  Wildlife Corridors (Birmingham and the Black Country Nature Conservation Strategy)

**General Development Applications**

**(#) Application No: PAP/2013/0211**

**Mallard Lodge Site, Marsh Lane, Water Orton, B46 1NS**

**Removal of existing B2 and office buildings, storage and car parking. Erection of new industrial building with associated offices partly over existing lake formed due to gravel extraction. Landscaping including car parking and goods delivery area, for**

**Flexdart Limited**

**Introduction**

This application is referred to the Board for determination for two reasons. Firstly it comprises the erection of a new building, albeit a replacement, of such a size to warrant it being a “departure” from the Development Plan being in the Green Belt. It is thus a case, should the Council consider supporting the proposal, which would need referral to the Secretary of State for him to decide whether it is a proposal that he should decide following a Public Inquiry. Secondly, it will require consideration of an existing Section 106 Agreement.

This report will provide a description of the site; outline the proposal as well as record a brief planning history of the site. The relevant policies of the Development Plan will be identified and a number of issues will be raised which the Board will need to focus on in its eventual consideration of the application.

A site visit is recommended.

**The Site**

Mallard Lodge is located immediately to the west of the Lakeside Industrial Estate – occupied by Beaver Metals - on the north side of Marsh Lane and to the immediate east of the fishing lake also on this side of the Lane. The M42 Motorway and M6 Toll roads form the eastern boundary to the estate and there is rough agricultural land to the south of the Lane beyond which is the Birmingham/Derby railway line. Water Orton itself is about 800 metres to the west. To the north is the River Tame – some 60 metres distant, beyond which is agricultural land.

There is a group of residential properties immediately to the south of the site fronting the Lane – ie. “The Willows” is a detached house and Rose Cottages is a terrace of four properties.

The Industrial estate comprises three relatively modern large metal clad buildings fronting the Lane together with others to the rear and older original industrial buildings at the far eastern end. Members will probably know this site better as the Beaver Metals extraction works. The new buildings were approved over ten years ago as part of a major redevelopment scheme at that time.

The application site itself is located between the lake and this estate. The southern half comprises a former dwelling house – Mallard Lodge – now used as offices, together

with a collection of buildings used for car repairs and workshops. The garage /auto use has been here since the 1940's. The northern portion of the site is part of the lake. The application site, whilst in the same ownership as the lake and the estate, is separate from the estate with its own vehicular access from Marsh Lane – two access points - and with no internal connections or links with the neighbouring estate.

The ground levels here are flat with very little discernible differences between the site, the estate, and the land to the south. The Motorway infrastructure to the east is raised over Marsh Lane and along the estate's eastern boundary. The railway line is in partial cutting.

The estate is largely devoid of any tree or hedgerow, whereas the frontage to Mallard Lodge has tree and hedgerow cover. The western boundary of the application site also has mature tree and hedgerow cover. There is a significant hedgerow along the northern boundary of Marsh Lane running from the site into Water Orton.

The existing general layout is illustrated at Appendix A with an aerial photo at Appendix B.

## **Background**

There is quite a lengthy planning history here but in short, the whole of the site of the lake was the subject of sand and gravel extraction in the 1950's. The lake was the outcome of the restoration works.

The estate site was first granted permission in 1951 for the "reclamation of non-ferrous metals" and there have been a whole series of permissions for additional buildings and plant in association with that use since then. Permission was also granted for the dredging of the on-site lagoons which had been used in the settling process. Redevelopment schemes to improve the on-site processes as legislation affecting operations on the site and responding to market trends, led to planning permissions for new buildings and revised layouts. These have resulted in the current appearance of the site. As part of the most recent permission, a Section 106 Agreement was signed to retain the lake as a recreational fishing lake and for nature conservation purposes.

Mallard Lodge was originally a petrol filling station and garage workshop. The dwelling and the associated buildings have over time been used for a variety of industrial uses, mainly connected with the motor and auto concerns. Permission was granted for the use of the house for offices as early as 1990. There is an Established Use Certificate for the site for B2 industrial uses.

## **The Proposals**

In short this is to incorporate the Mallard Lodge site fully into the adjoining estate. All of the buildings in the southern half of the application site would be demolished; part of the lake to the north in-filled, and a new general industrial building (Use Class B2) constructed at the rear with associated integral offices overlooking the lake. One vehicular access onto Marsh Lane would be retained with the site "opened up" so as to link internally with the adjoining estate. The southern portion of the application site would be used for car parking with substantial landscaping and new earth mounding, especially along the western boundary with the lake. All HGV access would be via the adjoining Beaver Metal estate and thus its access further east on Marsh Lane. Only cars and lighter vehicles would use the remaining single access to the application site.

The area of existing buildings on the application site to be demolished is 770 square metres and the footprint of the proposed would be 2100 square metres. The existing structures are all mainly two storey buildings. The height of the new metal clad building would be 9 metres to the taller of its two ridgelines and 6 metres to the lower.

The taller section of the new building would become available for use by the expanding Beaver Metal Company and the smaller would be available for another industrial tenant.

The overall proposed layout is at Appendix C and the elevations proposed are at Appendix D.

## **Supporting Documents**

The applicant has submitted a number of supporting documents.

**A Habitat and Bat Survey Report** concludes that the application site itself is of minimal nature conservation value. There are no signs of bats either in the house or other buildings, but measures should be included in the new development. The lake is locally important to wildlife, being part of a wetland river corridor and supporting a population of water birds and foraging otters. The development will affect the existing lake bank side but this is presently largely barren and provisions should be designed into the replacement so as to enhance the bio-diversity of the lake as well as protecting it from the new development. Drainage must be agreed with the Environment Agency. The development will lead to a 7.2% loss in the area of the lake but this would not reduce the significance of its value and there are opportunities to deliver bio-diversity enhancement.

**An Arboricultural Impact Statement** includes a tree survey and concludes that the trees in the application site itself are of varied quality but that those on the western boundary provide useful screening and are of amenity value. There are 21 individual trees and ten groups of trees on the whole site. There is only one high quality tree on site- a Scots Pine – and that is to be retained. Overall given the new planting proposed, there is no “tree” reason to refuse this application given the location of the proposed new building, but that new planting and landscaping should enhance the tree cover.

**A Geo-environmental and Geo-technical report** has been completed. This concludes that it is unlikely from an environmental point of view that there are likely to be any significant barriers to development. Ground gas percolation and the removal of contamination in the form of metals from part of the site will need to be addressed. There is however a risk that there may be undiscovered elevated hydrocarbons and these will need to be remediated if found in order to protect water resources. The construction work will be feasible but carry a cost due to the reclamation of land from the lake. Further intrusive investigation work is necessary.

**A Flood Risk Assessment** has been undertaken. The site is in Flood Zone 3a but protected by formal flood defences designed to a 1 in 100 year standard of protection. The site currently receives flood warnings from the Environment Agency. As the proposal is for industrial and office development, the location is suitable providing the appropriate tests are passed. The report concludes that they are subject to mitigation measures. These include higher finished floor levels; internal infrastructure precautions and warning systems. Surface water will be discharged to a drainage ditch on the west side of the site which will provide additional basins and suppressions to reduce run-off levels.

**A Transport Assessment** is provided. This concludes that the development would increase traffic flows by 5% in peak hours which is not considered to be adverse and the closure of one of the existing access points will be a benefit.

**A Design and Access Statement** describes the site and how the proposals have been designed.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 3 (Natural and Historic Environment) and policies ENV1 (Protection and Enhancement of the Natural Environment), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV7 (Development of Existing Employment Land Outside of Development Boundaries), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Protecting Green Belt; Building a Strong Competitive Economy, Meeting the Challenge of Climate Change and Flooding, Conserving and Enhancing the Natural Environment.

The Council's Core Strategy Submission Document 2013 – NW1 (Settlement Hierarchy), NW2 (Green Belt), NW7 (Employment Land), NW8 (Sustainable Development), NW11 (Natural and Historic Environment), NW12 (Green Infrastructure) and NW14 (Economic Regeneration)

### **Observations**

The site is in the Green Belt. Given the size of the new replacement building it falls over the threshold set out in the Government's 2009 Direction, in that should the Council be minded to support the development, it would need to be referred to the Secretary of the State to see if he wishes to "call-in" the application for his own determination following a Public Inquiry. If the Council resolves to refuse planning permission, it can do so without referral.

Being in the Green Belt, the Board will first need to establish whether or not the proposed development is appropriate or not appropriate development. The NPPF provides the criteria on which this assessment will be made. If it is concluded that the development is appropriate then the presumption is that it should be supported. If not, then the presumption is one of refusal. In these circumstances the applicant has to demonstrate the material planning considerations which in his view are of such weight to amount to the very special circumstances required to override the presumption of refusal. The Board has to decide whether that should be the case or not.

In short the applicant here is asking Members to assess the application against the criterion in the NPPF relating to the complete redevelopment of previously developed land, and to weight the economic development argument as substantial in enabling the economic regeneration of the site and safe-guarding the future of the established industries on the adjoining land with the employment opportunities provided.

There are significant other considerations here as well. Most notable are the likely impact of the nature conservation value of the lake; the potential for the risk from and for flooding, and the contamination issues given the nature of the adjoining land.

Additionally Members will need to address the traffic impact; the likely effects on the residential amenity of the residential occupiers opposite the site and assess the quality of the appearance of the new buildings and its surroundings.

There is an added issue here in that there is an existing Section 106 Agreement affecting the lake securing its use as a recreation fishing lake. The impact of the proposals on this will need to be addressed too.

### **Recommendation**

That the Board visits the site prior to determination of this application

## BACKGROUND PAPERS

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

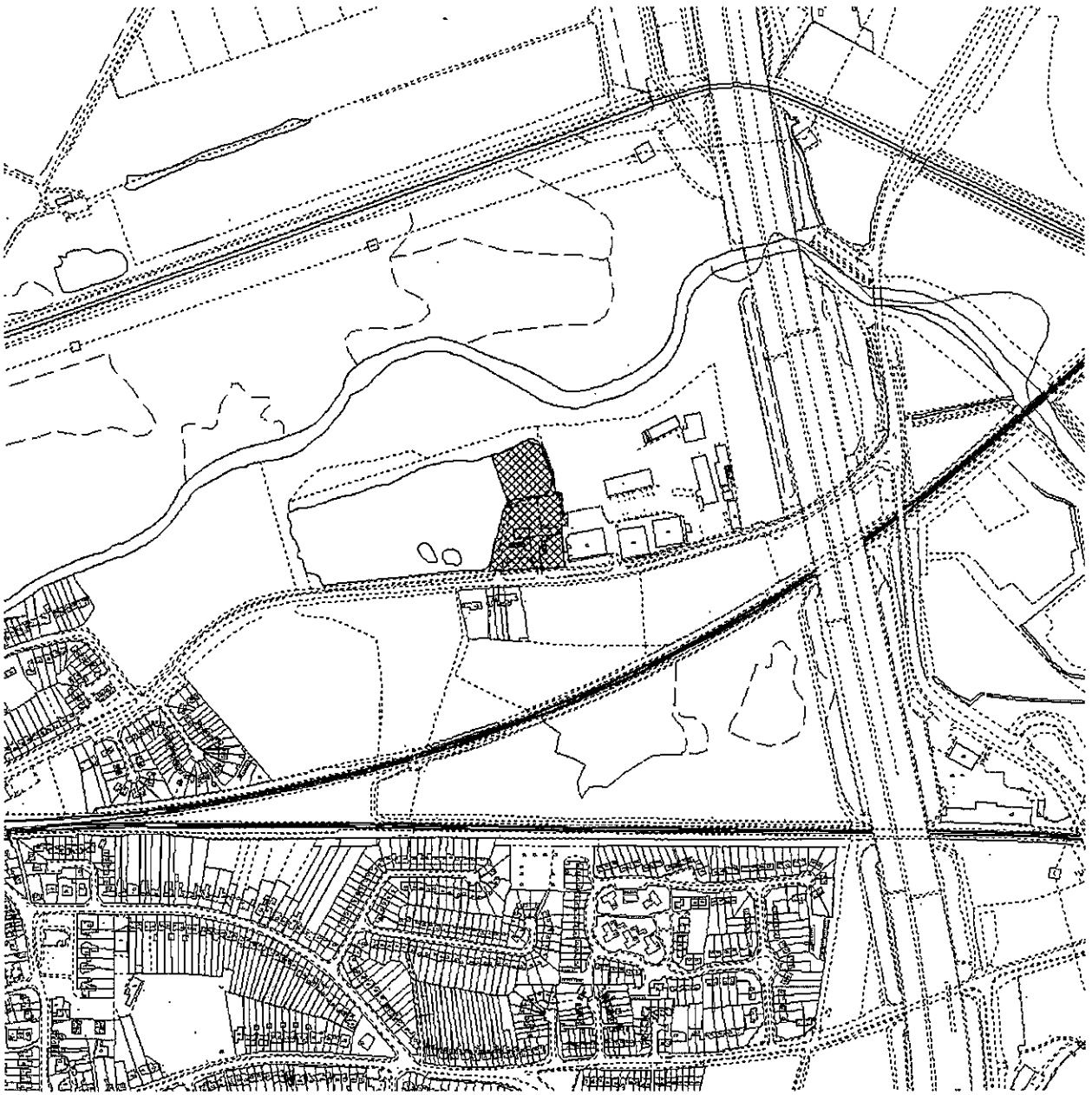
Planning Application No: PAP/2013/0211

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/04/13
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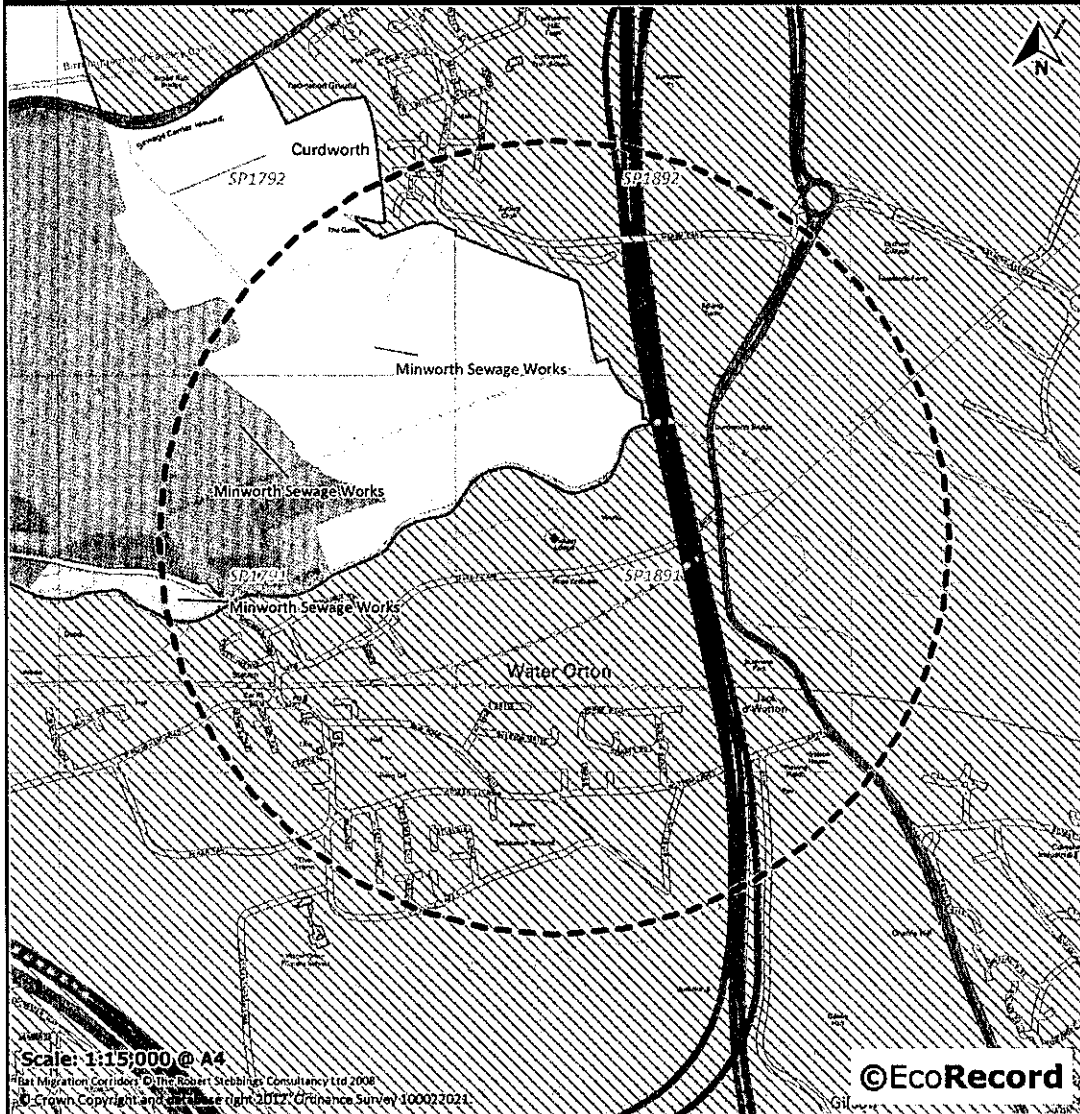
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






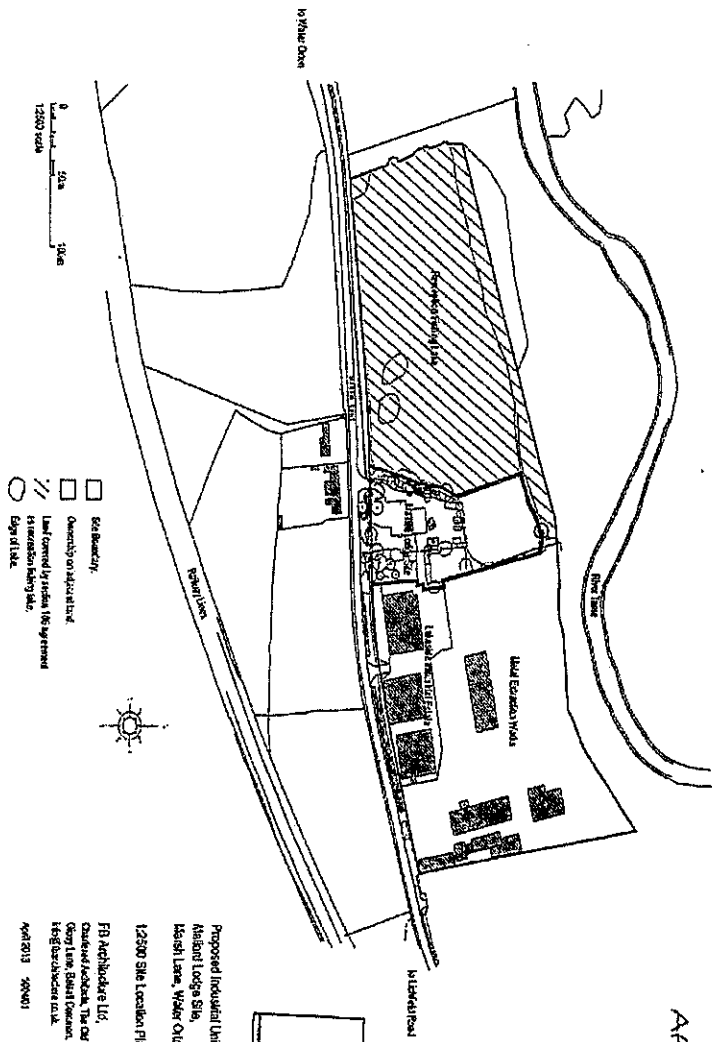
## Designated Sites within 1km of SP182915



### Key

-  Sites of Local Importance for Nature Conservation (SLINCs)
-  Potential Sites of Importance (PSIs)
-  Wildlife Corridors (Birmingham and the Black Country Nature Conservation Strategy)

2013 / 0211  
APPENDIX A



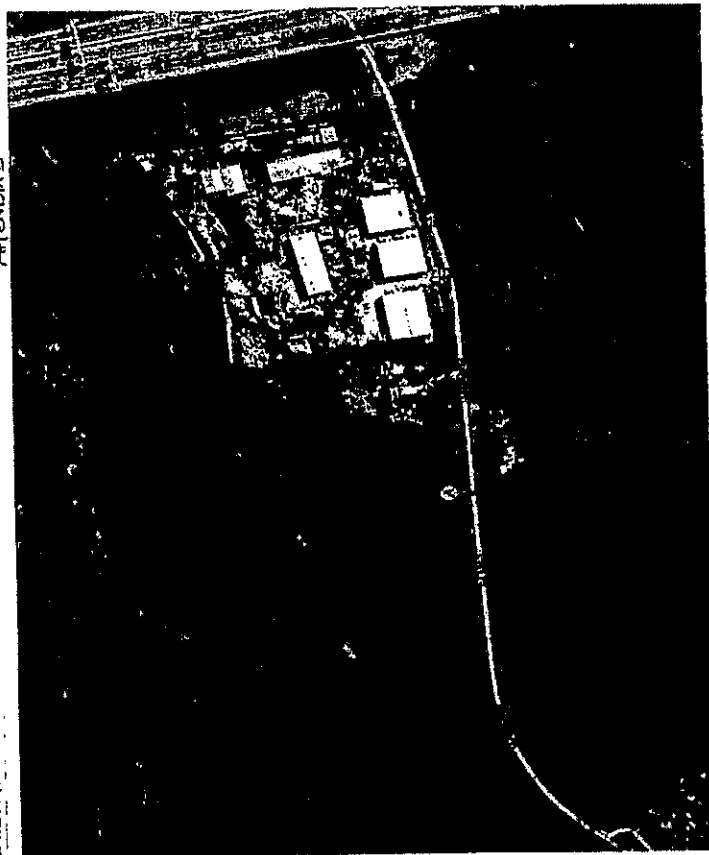
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19 APR 2013  
NORTH WYOMING STATE  
BISPOUND SCHOOL

Proposed Residential Unit  
Maison Lodge Site  
Maison Lane, Victor, Idaho  
12500 Site Location Plan  
FB Architecture LLC  
Oswald Lodge, The Old Republic Exchange,  
Dept Line, Great Western, 9187233018  
1608 Birchwood Court  
4041213 10001

VERSION 1 DATE: April 2013

APPENDIX B

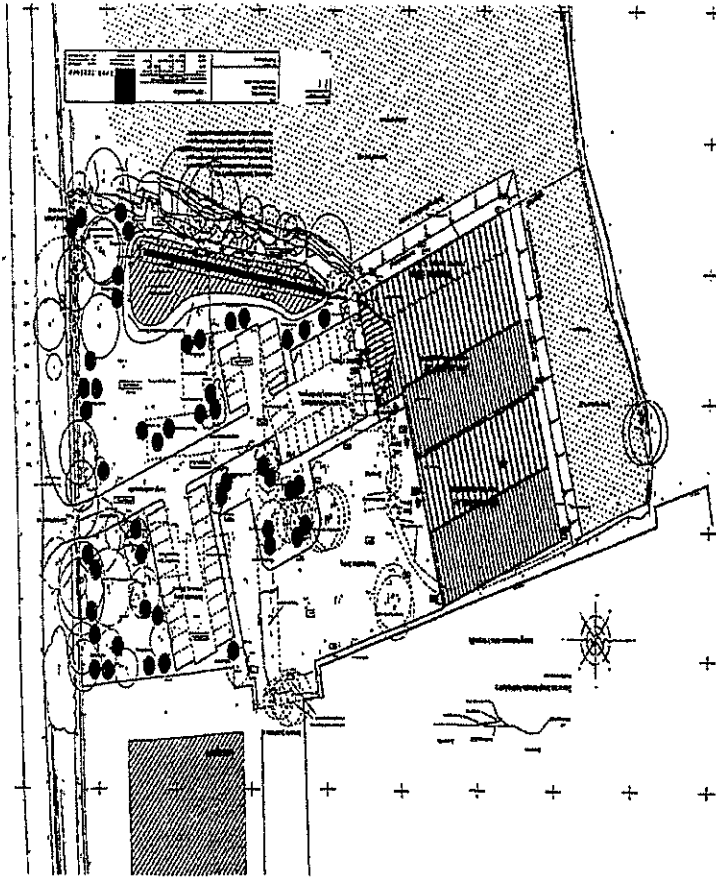
Agroecological Impact Assessment



Page 21 of 25

WHARTON ARBORCULTURE  
Trees • Planning • Management

Mallard Lodge Site 10004-10



APPENDIX C  
FB Architecture Ltd  
Chartered Architects





Britannia Heatex a Division of  
Sterling Thermal Technology Ltd  
Lakeside Industrial Park  
Marsh Lane, Water Orton  
B46 1NS, United Kingdom  
t +44 (0) 121 748 8448  
f +44 (0) 121 748 8449  
email@britheat.co.uk  
www.britheat.co.uk

22<sup>nd</sup> July 2013

Dear Sirs,

Proposed Workshops with Ancillary Offices/ Parking and Servicing Areas, adjacent to Lakeside Industrial Estate, Marsh Lane, Water Orton.  
Planning Reference :- PAP/2013/0211

We are long term tenants of Flexdart Ltd, and currently occupy the three modern workshop units immediately to the east of the Mallard Lodge site. We manufacture heat exchangers which are used to conserve energy in commercial and industrial situations, catering for the requirements of cooling engines to power stations. Our solutions save energy, often on a massive scale, and our products are becoming more sought after.

We currently have around 3,700 square metres of workshop and office floorspace, and employ 60 mainly highly skilled operatives. However, we are limited as to the maximum size of product that we can work on. Our current carriage is limited to 16 tons, with a lifting height limited by the height of our current buildings at 5.4 metres column height below the rafter at the eaves.

This proposal includes sufficient office and operative amenity space for a further 35 staff. Our brief to Flexdart's architects asked them to provide these facilities along one side of the proposed workshops, as this is similar to the facilities on our other buildings and suits our methods of operation. The proposed office roof continues up over the first bay of the workshop space, as in our existing units, but instead of being inside a balanced span 5.4 metres high, the offices are attached to a balanced span bay of 6 metres height below rafter. This will provide a little more clearance when increasing manufacture of products similar to those we currently make. The addition of a second bay 9 metres high below the rafter, and fitted with a beam crane of 30 tons capacity will enable us to bring in house manufacture of larger products that we would otherwise subcontract in part. This intention has always been part of our business plan, and one of the main reasons for settling here originally was the knowledge that there would be sufficient land to expand in future.

This site houses our head offices and main manufacturing base in the UK. The location suits us very well, and we wish to remain here and continue the growth of our business, producing highly sustainable products. The two units built in 2002 (Units B and C, to the east of the main access) added 1137 square metres of floor space which we have expanded into during the last ten years, and this proposal adds a further 2082 square metres which should be sufficient for our needs well into the future. The concrete surface to our rear service yard (behind Unit A) was relaid recently, and we anticipated the new building being sited to the west of this, mostly on the Mallard Lodge site, or to the north, into the stock handling area operated by Beaver Metals. However there are operational and levels issues on the Beaver site, and understand that the continuing uses on the Mallard Lodge site restrict the area of any replacement buildings to being no greater than exists at present. Although the submitted scheme will involve more costly foundations and additional service yard area from our original thoughts, this last 'brownfield' element, reclaiming the water filled gravel pit for operational development, as has taken place on most of the eastern portion of the site, enables our brief to be met.

We believe our proposal will improve the area, add to the economy locally, and help us to manufacture more of our products to save more energy. We hope you will agree, and permit us to continue our expansion in accordance with our business plan.

Yours Faithfully  
For Britannia Heatex  
A Division of Sterling Thermal Technology Ltd

  
Andrew Parker  
Divisional Managing Director



Britannia Heatex a Division of Sterling Thermal Technology Limited  
Registered Address: Brunel Road, Rabans Lane, Aylesbury, Bucks. HP19 8TD  
Registered in England No. 1335179. VAT No. 564509918

**(7) Application No: PAP/2013/0224**

**Land South Of Dairy House Farm, Spon Lane, Grendon,**

**Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved, for**

**- Kler Group Ltd**

### **Introduction**

The receipt of this outline application was reported to an earlier meeting of the Board where the proposal was described and an outline given of the relevant Development Plan policies and other material planning considerations which the Board will need to consider. Members of the Board have also undertaken a site visit in order to view the site itself and its setting so to better understand how it relates to existing development.

For the benefit of Members, that earlier report is attached at Appendix A.

### **Additional Information**

The previous report in its observations section included reference to the emerging Core Strategy which will replace the current Local Plan. It indicated that matters were still in progress in this respect. It is therefore appropriate to outline the current position.

The Council's Core Strategy was submitted in February 2013. The Inspector appointed by the Secretary of State to assess its soundness conducted an initial hearing in early June. He has requested additional evidence, particularly on housing numbers, in order to provide the most up to date evidence base for assessment of the submitted policies. That housing evidence in the form of an updated Strategic Housing Market Area Assessment (SHMAA) is still being prepared and so is not available.

The Council had also published a consultation document setting out its Preferred Options for Site Allocations as a consequence of the housing numbers proposed in the submitted Core Strategy. The consultation period closed at the end of May. The Council will need to review those Options in light of the representations received and the fresh SHMAA evidence once that is published.

The Council has formally considered its position in respect of the Five Year Land Supply, and has agreed that at present, it has a 5.57 year supply using a 5% flexibility factor, or 4.87 years using a 20% factor.

### **Consultations**

Highways Agency – No objection as the proposal is unlikely to have a significant traffic impact on the A5. A single planning condition is required (see Appendix B)

Environment Agency – No objection subject to conditions (see Appendix C)

Warwickshire Flood Risk and Water Management – Agrees with the EA response including the pre-construction condition that is recommended.

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



Warwickshire County Council as Highway Authority – No objection subject to conditions; to the extension of the 30mph speed limits and the provision of a contribution to ensure the delivery of a pedestrian crossing over the A5 (see Appendix D).

Warwickshire County Council Rights of Way - No objection

Warwickshire Museum – No objection subject to a standard condition

The Council's Environmental Health Officer – No objection in principle

The Council's Housing Officer – He points out that the 2012 Housing Needs Survey for Grendon identified a figure of 35 dwellings and that over the past three to four years all vacancies that have arisen for the Council's social housing here have been over-subscribed.

Warwickshire Police (Community Protection) - No objections at this stage but has offered advice when draft layouts are being considered in order to reduce the opportunity for crime.

Coal Authority – The site does not fall within a defined Development High Risk Area. Its Standard Advice should therefore be attached to any Notice granting approval.

Warwickshire Fire Services Authority – There is no objection subject to a standard condition.

Warwickshire County Council as Education Authority – The Authority has no objection. There is adequate local primary provision in the relevant catchment area to meet the demand from this development. The local Secondary School is currently full, however a significant number of pupils attend here from Staffordshire and could be displaced to create space from Warwickshire children. The Authority requests a contribution however for Special Education Needs provision of £31,000 as there are no surplus spaces at existing Special Schools in the area of the application.

Warwickshire Library Services – The service has asked for a contribution of £14,500 to assist in the maintenance of local Library services.

NHS Options – The Baddesley Health Centre together with the Dordon and Polesworth Surgeries are accepting new patients. Atherstone Dental Surgery is accepting new patients whereas Polesworth is not.

## **Representations**

Grendon Parish Council objects referring to the following matters:

- The application “runs completely contrary to the Core Strategy and is unacceptable to Grendon”.
- The Core Strategy identifies a five year supply which fulfils the criteria of being within the settlement boundary with the majority being brown-field land.
- This will put pressure of the few existing facilities and increase the use of the private car.
- This number of houses is not “reasonable growth”, changing the character and nature of the village.
- The area is subject to flooding which has not been alleviated to date. This proposal and others will only add to the problem.

- If permission is granted, far larger areas would be likely to be developed.

Forty eight letters of objection have been received. These cover the following matters:

- In view of the Council having a five year supply, the development of this green field site outside of the settlement's boundary ahead of brown-field land is unacceptable development, contrary to the protection of the countryside for its own sake.
- The concentration of this large development contradicts the Core Strategy in having new development close to existing services. Existing facilities are mainly in Baddesley – not within walking distance.
- The site is the fore-runner for later applications.
- Was a Screening Opinion sought under the EIA Regulations?
- The applicant recognises that the roundabout is already over capacity. This does not justify making a bad situation worse. A strategic study of the A5 is needed.
- The land rises to the east. There will thus be amenity impacts on residents living in Spon Lane and exacerbation of drainage problems.
- The water table is high here and there is regular flooding. This will add to the problems.
- The character and nature of Grendon would change
- This is not a low value ecology area
- This will increase traffic congestion on other roads as drivers will avoid the roundabout.
- Prospective occupiers will not walk to the existing services; they will drive which means more congestion or it will be more likely that they will then drive elsewhere to shop etc.
- This will not benefit the community as the location is outside of the existing settlement.
- The proposed A5 crossing will not help as the facilities in Baddesley are not in walking distance anyway.
- The Ecology report does not address the habitats that actually exist here presently or the range of flora and fauna, some of which is on "red "alert.
- Views and outlook will be irrevocably changed.

## **Observations**

### **a) Introduction**

The application has been submitted in direct response to emerging Development Plan policy and to the National Planning Policy Framework. It is clear that the proposals do not accord with the current Development Plan – the 2006 Local Plan – in that a substantial development is being proposed outside of an existing development boundary. However Members need to be aware that the weight to be given to that Plan in terms of future housing requirements is now very limited. It is out of date in respect of its evidence base for future housing requirements as this has already moved forward and is being addressed thorough current work on the Core Strategy. The principle of this proposal therefore has to be considered against that emerging Core Strategy and the content of the National Planning Policy Framework 2012, not the Local Plan. It needs to be stressed at once that the emerging Strategy has yet to be examined and is not adopted. It therefore has some weight but not full weight. The NPPF on the other hand carries full weight. Members should therefore be aware that a determination on the principle of this development in planning policy terms rests on where the balance lies between the emerging Core Strategy and the NPPF.

## **b) The Principle and the Emerging Core Strategy**

The submitted Core Strategy sets out the Council's approach to new housing in policy NW1. This says that it will be directed to settlements and that it will be proportionate to the position of the settlement within a defined settlement hierarchy. In the case of Grendon, it is coupled with Baddesley, and policy NW4 proposes 180 new houses in the combined settlement up to 2028. The Council has gone further in publishing its Preferred Options for allocating sites for future housing. In other words it identifies preferred sites for that 180 figure in the case of Baddesley and Grendon. This was a consultation document and the period for receiving representations closed at the end of May. In the case of Grendon/Baddesley, the document did not identify the current application site. However the Spon Lane road frontage was included and identified for 27 units – it has the reference GRE4. The Document also says that in respect of this site that, “the site area can be extended to accommodate flexibility.” Representations have been received against having GRE4 included at all as an allocated site.

As indicated above the Core Strategy is yet to be examined in public. Additional up to date evidence has been called for by the Inspector dealing with the case, but that has not yet been prepared. Hence the overall housing requirement currently set out in the Core Strategy could be altered and if that is the case, the housing requirements for the named settlements might also alter. The Preferred Options is already only a consultation document and could still be altered when all representations are considered and the revised housing evidence base updated. The situation therefore is still uncertain.

At this time this application would not accord with the current version of emerging planning policy – whilst the number of units proposed falls within the overall target for Grendon/Baddesley, the site is not one of the preferred locations. This suggests a potential refusal of planning permission. However the current Strategy remains under review in respect of its housing requirements; the Preferred Options document is only a consultation document, a portion of the application site is shown as being identified within the Preferred Options for new housing, and there is also reference to a possible extension of that preferred site. The position is therefore uncertain and not clear. As a consequence it is considered that the weight given to the existing version of the Core Strategy and the Preferred Locations document is limited. A refusal therefore would be difficult to sustain at appeal.

## **c) The Principle and The National Planning Policy Framework**

The NPPF is clearly a general document but it carries full weight. It states that where relevant policies are out of date, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate the development should be restricted”. As the Local Plan is out of date in respect of housing requirements, the approach has to be as set out above.

The approach of the NPPF to new housing developments is to significantly “boost” the supply of new housing. It requires Local Planning Authorities:

- To use their evidence base to ensure that their Local Plan fully meets housing needs in their area identifying key sites critical to the delivery of the housing strategy.
- To identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition. Where there is a record of persistent under delivery, the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply, and-achievement.
- To identify a supply of specific developable sites or broad locations for growth for 6-10 and where possible for years 11 – 15.

It is thus necessary to look at housing supply under each of three factors mentioned above.

#### **d) Housing Supply**

The emerging Core Strategy has been submitted to the Secretary of State. His Inspector requested more up to date evidence on housing requirements. That is still being prepared. The overall housing requirement and its general distribution through the Borough’s settlements are thus still uncertain. Moreover the existing version of the Core Strategy did not identify “key” or “strategic” sites leaving it to the Site Allocations DPD to identify new sites. The Strategy did identify general directions of growth but these are confined to Atherstone/Mancetter and Polesworth/Dordon. It is considered that the first of these three factors is thus not yet satisfied.

The second is about the five year supply. The Council has a recently declared position in respect of this measure – within the range of 5.57 and 4.87 years. This therefore suggests a possible reason for refusal. Members will be aware that the calculation of this figure can be undertaken using a number of different options – indeed six were identified in the recent report to Members of the LDF Sub-Committee. Throughout the country too, many planning appeals are concerned with convincing an Inspector that one particular option is sounder than another. In the Borough Council’s case the range quoted above is based on the sites identified in the Local plan which are not yet built; extant planning permissions, sites under construction and yet to be completed together with sites identified in the Local Investment Plan – those with HCA involvement. It does not therefore include any allocations from the current work on the Core Strategy. The reason for that is because the NPPF requires the calculation to be based on land that is “available” and “deliverable”. The allocated land might be available because land owners have expressed a wish to see it developed, but as yet there are no firm allocations in place and it is not yet deliverable as planning permissions are not in place. Officers warned Members therefore that the figure quoted above would be open to challenge at every opportunity when a planning proposal comes forward. This is because it is not just about the actual figure. It has to be put into the context of the NPPF. Even if the figure above was agreed in this case with the applicant, and the application was refused, an Inspector would additionally be influenced by a combination of the figure and other factors as identified by the NPPF. These are:

- The Council’s past record on delivery – that is actual annual housing completions
- The wording of the emerging Core Strategy, and

- Whether a particular site in question is “sustainable” in its own right.

Looking at these in turn, Officers acknowledge that net completions have been poor, such that in the last seven years they were running on average at a net figure of 88 a year. The existing Local Plan over the same seven years expected 150 a year. The situation is improving with permissions already granted this year for 140 houses (2013/14). However the emerging Core Strategy expects 173 a year. This can be argued to show that the housing market is beginning to improve and that with the emerging Core Strategy and the preferred allocations identified, we will achieve a sustained five year supply. However we are not there yet and the NPPF specifically refers to the historical record. Ours could be considered to represent “persistent under delivery” in the terms of the NPPF.

Secondly, the emerging Core Strategy says in policy NW3 that “at least” 3800 dwellings will be provided in the plan period. This is reflected in Policy NW4 which says that the housing directed to named settlements will be “minimum figures”. When the five year supply figure is put into this context, the possibility of a refusal is further weakened.

Thirdly there is the issue of sustainability. The NPPF has no definition of “sustainable development” but it does say that the planning system should guide development to sustainable locations. The issue therefore is whether this site is such a location. Looking at the site as a site, without reference to the emerging Core Strategy, then it is considered that it is. It is an extension to an existing settlement and is not an isolated site or one disconnected to existing development. In location terms it has good road access and there are regular bus services within walking distance connecting to nearby main urban areas. It has local facilities and there are local schools with surplus spaces. The site itself has no unusual constraints in terms of its development that can not be overcome through recognised technical solutions. It was argued above that the weight to be given to the emerging Core Strategy was limited due to uncertainty about housing numbers, but whatever those numbers might end up being, that Strategy does set out an overall spatial strategy for the location of that housing. It directs new housing towards a settlement hierarchy which includes the combined settlement of Baddesley and Grendon. It also recognises that the named settlements will have to expand and extend onto green-field land if the housing requirements as set out are to be accommodated. The housing requirement can not be provided on brown-field land alone. The Spatial Portrait says that future developments in Grendon should be concentrated close to existing services and that Baddesley can support some additional development in order to maintain service levels. In all of these circumstances it is considered that in general terms this site is a sustainable location.

Returning to the NPPF’s final factor in its approach towards new housing development, this is about identifying and securing a longer term supply of housing land. It could be considered that together, the present Core Strategy and the Preferred Options document do this. They do illustrate the settlements selected for growth and the general direction of that growth up to 2028. However as mentioned before, the actual housing requirement is still uncertain and the Options document was only a consultation document. The NPPF is looking for more certainty about actual “deliverability” and thus it is considered that this factor may only be partially satisfied.

#### **d) Initial Conclusions on the Principle**

The Development Plan – the 2006 Local Plan – is out of date in respect of how this application is decided in principle. The Core Strategy is still emerging not having yet been examined and the preferred options for possible site allocations are at consultation stage. The NPPF therefore carries greater weight in these circumstances. In respect of its approach to new housing developments, it is considered that the situation in regard of overall housing numbers and locations remains uncertain; the five housing supply has to be considered in context as explained in section (c) above and that is not helpful, and in location terms this is a sustainable site. The initial conclusion therefore is that the development proposal can be supported.

Understandably this is a difficult situation for the Board. However this as has been said before, is brought about because of the NPPF and the current position of having an emerging replacement Local Plan rather than one that is adopted.

The remainder of this report will consider the issues raised by residents to see if there are any matters which could be of such weight either singly or cumulatively to warrant overriding the initial conclusion reached above.

#### **e) Highway Matters**

The concerns here focus on the A5 – its capacity overall and particularly the adequacy of the Grendon roundabout as the great majority of the traffic generated by this development will use this several times on a daily basis particularly at peak hours. The Highways Agency is the relevant Agency to advise the Council on this issue. This is copied at Appendix B to this report. It concludes that “there is unlikely to be a significant impact on the A5”. It notes the proposal for a pedestrian crossing across the Watling Street and that this can be resolved outside of the application process. The Agency directs that should planning permission be granted, a suitable condition is attached to require a site specific travel plan. Members will be aware that if the Agency considered that the proposal should not go ahead, then it has the power to direct refusal. It has not done so.

The proposal also includes highway alterations at the site access and onto Spon Lane itself. The Warwickshire County Council as Highway Authority is the relevant Agency to advise the Council on this issue. This is copied at Appendix D. It has no objection to the proposed alterations as designed in detail on the submitted plans and supports the extension of the 30mph limits. It is noticeable too that it concurs with the Highways Agency in respect of the impact on the A5 and supports the proposal for a pedestrian crossing.

Given these two responses it is not considered that there is a case here for refusal.

The consultation response from the Agency suggests that the provision of a pedestrian crossing is not necessary as a direct consequence of the development. Officers disagree as the emerging Core Strategy proposes such a crossing and the community itself consider it to be necessary as a safety consideration. The applicant too agrees that it would be provided. As the details of such provision – the actual location; its design and its cost – are yet unknown it is considered that the most appropriate way forward here is through a planning condition requiring no occupation of any new house until such time as the crossing was provided.

One of the representations received referred to the need for an A5 strategy. As Members are aware this is an on-going study between the relevant Local Planning Authorities and the Highways Agency.

#### **f) Drainage Matters**

After the matter of principle, this is the issue that has raised the most number of objections and understandably so. The site is adjacent to the flood plains of the Anker and the Penmire Brook. When the Anker floods, there can be a build up of water in the Brook as it is unable to have a free outfall. As a consequence Spon Lane can and does flood. With the close proximity of the Anker and the low gradient of the Brook, the concern is that increased surface water arising from this proposal will exacerbate the frequency of flooding; its extent and its levels by raising existing ground water levels. It is said that whilst this development itself might not flood, there would be greater likelihood of flooding elsewhere. The Environment Agency is the relevant Agency to advise the Council in this respect. This is copied at Appendix C. It has no objection in principle, but only if a condition is attached to the grant of any planning permission. This would require a detailed surface water drainage scheme to be agreed prior to any development on the site, and is specific in its wording as to the nature of the scheme that it is looking for. It is also noteworthy that the County Council acting in its role in respect of flood risk and water management confirms that the EA response is a proper and reasonable course in this case. Further discussion with the County officers has led to the inclusion of an additional condition requiring the clearance of highway ditches. The applicant is agreeable to this.

Given these two responses, it is considered that there is not a reason here for refusal.

#### **g) Ecological Matters**

There are no statutory or non-statutory sites within the application boundary but there are such sites in the wider area. However they are unconnected to the site and isolated. They are not considered to be affected by this proposal. The dominant habitat across the site is intensively farmed arable land and it is not considered that there would be significant impact on local bio-diversity. Boundary hedgerows, trees and ditches can be retained and appropriate new landscaping can assist in enhancing the ecological value of the site.

One of the representations received records personal sightings of birds which are on the national "red alert" list and questions the timing of the survey work undertaken by the applicant. Whilst two of these species might well be present in boundary hedgerows, the proposal is to retain most of these and to plant new ones thus increasing the extent of the habitat available. In respect of the lapwing, then arable land is widely available in the locality and any displacement is not considered to be significant to the species locally. Nevertheless a cautious approach is suggested. As a consequence if planning permission is granted, this could be subject to a pre-commencement condition requiring species specific survey work to be undertaken at the appropriate time of year and that mitigation measures are proposed proportionate to the findings. The applicant owns adjoining land and such measures may involve adjoining land which the applicant owns. Members will be aware that this was the procedure followed when the same bird species were found at the site of the Phase 2 development at Birch Coppice.

## **h) Services and Facilities**

Representations refer to the lack of facilities in Grendon and thus that the settlement would not be able to cope with an increased population or that more likely, future occupiers of the propose houses would drive out of Grendon to use other nearby facilities. However the Core Strategy specifically identifies the combined settlements of Grendon and Baddesley as appropriate for further housing. The policy NW1 specifically says that new development will be proportionate to the settlement and thus its capacity to take additional housing has already been agreed in principle by the Council – up to 180 dwellings in this case. The application falls under this figure. Moreover the Council has coupled Baddesley with Grendon and proposed one overall housing figure thus confirming that the facilities of the two are to be treated together. The Council therefore already recognises that the School and library are here and that they serve both communities. Its preferred locations too show an almost 50% split in location between the two communities, thus acknowledging that car travel is likely between the two. There are local convenience facilities and bus services close to this site which would be strengthened by this proposal. They are within walking and cycling distance and appropriate links can be the subject to conditions. The School has spare capacity and the applicant is prepared to assist in the provision of a pedestrian crossing over the A5 as set out in the Core Strategy. Doctors and dentists locally have confirmed that they are accepting patients. For all of these reasons it is not considered that there is a reason for refusal here.

## **i) Affordable Housing**

Members may find it unusual that this particular issue has not been considered earlier. However the applicant has agreed from the outset that there would be 40% provision on site. This would amount to 34 units. In overall terms therefore the proposal would match the requirements as identified in the recent Housing Needs Survey. This would be a substantial benefit arising from the proposal as well as significantly assisting in the delivery of the Council's overall target of 40% affordable provision throughout the Borough. The location, house type and tenure of these 34 units can be the subject of a planning condition.

## **j) Other Contributions**

The Education Authority has made a request for a contribution towards Special Education Needs provision. However it is clear that this would be a contribution towards providing this if and when required and would not be used for physical works rather than as a revenue contribution. This as the case for the Library services contribution is a matter that is 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. They also relate to existing under-provision. As such they do not meet the legal requirements of Section 106 of the Planning Act.

## **k) Other Matters**

A number of other issues have been raised by the representations received.

It is accepted that the “shape” of the settlement would change, but the Council through its Core Strategy has agreed that settlements will have to be expanded in order to meet the housing requirements already set out. This has been arrived as a consequence of the numbers needed and by analysis of brown-field sites. The preferred options for Baddesley and Grendon include such land as do other settlements. Even at this stage



the Core Strategy recognises that green field sites will be required and that open countryside will be developed. There are no local or national landscape designations applicable to the application site and neither is the land in the Green Belt. There is residential development on two sides of the application site and its eastern boundary is limited by the higher contour levels. The site is therefore considered to sit well in the landscape. It is agreed that the proposal would interrupt and interfere with established views and outlooks. However that is not sufficient in this case, to lead to a reason for refusal.

Members are aware that each case is dealt with on its merits, and any future applications will need to be assessed individually. However the cumulative impact of future proposals will then become a material consideration, including impacts on highway and drainage issues which could well become more significant in such circumstances. It is agreed however that until such time as the Council adopts its Core Strategy, or at least until it has been examined in public, then decisions will need to be taken on the weight to be given to both the extant position with the emerging Strategy and the NPPF.

No Screening Opinion under the Environment Impact Assessment Regulations 2011 was requested prior to submission of the application. In these circumstances the Council has to consider the provision of such an Opinion post-submission. It has done so. No Environmental Statement was requested, but the main two areas of potential environmental impact were identified and these have been covered by the applicant in his submission – namely the provision of a Flood Risk Assessment and a Transport Assessment.

The matter of the future ground levels for a development here as proposed, is a material consideration bearing in mind the amenity issues arising from new development adjoining existing residential property and the drainage issues in respect of land and surface water drainage. In respect of the former then the applicant is proposing a significant “stand-off” distance between a proposed housing line and the rear of properties in Spon Lane – some 40 metres. When existing rear gardens in Spon Lane are added, Members will notice that the separation distances would be substantially greater than those approved in other residential developments – around 22 to 25 metres. Moreover this western half of the site is the lowest part of the site aligning in general terms with Spon Lane. As the land rises to the south east, new development would be contoured to use existing levels – rising some 5 metres over a distance of 70 metres. This is not an unreasonable position and it would also assist in enabling a more efficient drainage system. It is noticeable that the Environment Agency has not referred to this as being an issue. It is agreed that this matter is of concern to the local community and this in the event of a planning permission, pre-commencement conditions can require full details of finished levels particularly as these will need to be known for the drainage details required by the Environment Agency. The 40 metres “stand-off” can also be conditioned.

## **1) Overall Conclusion**

It is not considered that the range of matters covered in the latter half of this report are singly or cumulatively of sufficient weight to lead to reasons for refusal here and thus the initial conclusion reached above on the principle of the development remains as set out.

Understandably the recommendation that follows has not been easy to make as it appears to run counter to the direction in which the Council wishes to go as set out in its emerging Core Strategy, the Preferred Options and on its position in respect of its five

year land supply figures. The recommendation therefore is a direct consequence of the NPPF and its approach towards new development proposals in the absence of an adopted Core Strategy. It is thus a realistic assessment of the current situation in respect of planning policy as it affects North Warwickshire.

There are concerns here nevertheless and thus in the event of a planning permission being granted, it is strongly recommended that planning conditions are attached to define the scale and nature of the proposal as well as to ensure that full detailed consideration is given particularly to highway and drainage matters.

### **Recommendation**

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

#### **Standard Conditions**

- 1) Standard outline conditions
- 2) Standard outline conditions
- 3) Standard outline conditions
- 4) Standard plan numbers condition – the site plan numbered CERPL/2013/GRE/001/3 and plan number 20562/03/001/B both received by the Local Planning Authority on 9/5/13.

#### **Overall Defining Conditions**

- 5) The maximum number of dwelling units to be constructed on this site shall be 85, and none shall be more than two storeys in height.

#### **REASON**

In the interests of limiting potential adverse highway, drainage and visual impacts.

- 6) No elevation of any house hereby approved shall be less than 40 metres from the western boundary of the site as shown on the approved plan.

#### **REASON**

In the interests of limiting the potential for adverse amenity impacts.

## Pre-Commencement Conditions

- 7) No work whatsoever shall commence on site, including any site preparation or clearance works, until a scheme for the provision of 34 affordable houses, as part of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. These affordable houses shall meet the definition of affordable housing set out in the relevant saved policies of the North Warwickshire Local Plan 2006 and the NPPF. The scheme shall include: the type and tenure of those 34 affordable houses, the timing of their construction and its phasing in relation to the occupancy of the market houses, the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the 34 affordable houses, and the occupancy criteria to be used for determining the identity of occupiers of the affordable houses and the means by which such occupancy criteria are to be enforced.

## REASON

In the interests of securing affordable housing provision on the site so as to meet the requirements of the Development Plan; the emerging replacement and the NPPF.

- 8) No work whatsoever shall commence on site, including any site preparation or clearance works, until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- limitation measures for the surface water discharge from the site equivalent to the existing green field rate
  - full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change using sustainable drainage systems as proposed in the Flood Risk Assessment undertaken by EWE Associates Ltd, dated April 2013.
  - At the detailed stage, confirmation that surface water will not leave the proposed site in the 100 year plus 30% climate change allowance event. Drainage calculations must be included (e.g. Micro Drainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the Greenfield discharge rate as proposed in the FRA will be achieved across all storm events.
  - If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any of the proposed or existing properties. If above ground flooding is to occur, detail must be provided of where this is to go and prove that the development or adjacent property will not be flooded as a result

- Details of how the entire surface water scheme shall be maintained and managed after completion.

- 

Only the details approved under this condition shall then be implemented on site

#### REASON

To prevent an increased risk of flooding; to improve and to protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

- 9) No works whatsoever shall commence on site until a site specific travel plan, including details of the mechanism to be used for its delivery, monitoring and enforcement has been submitted to and approved in writing by the local planning authority in consultation with the Highways Agency.

#### REASON

To minimise the need to travel, particularly by private car. To ensure that the A4 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from residual development traffic emerging from the application site.

- 10) No works whatsoever shall commence on site, including any site preparation or clearance work, until such time as the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and agreed in writing by the Local Planning Authority.

#### REASON

In the interests of understanding any archaeological interest in the site.

- 11) No work whatsoever shall commence on site, including any site preparation or clearance work, until such time as a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes has been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

#### REASON

In the interests of public safety.

- 12) No work whatsoever shall commence on site, including any site preparation or clearance work, until such time as measures for the disposal of foul water from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented.

#### REASON

To reduce the risk of pollution

- 13) No work whatsoever shall commence on site, including site preparation and clearance work until such time as details and plans of all finished ground levels of

all of the dwellings and associated roads to be constructed consequential to this approval have first been submitted to and approved in writing by the Local Planning Authority. Only the approved levels shall then be implemented on site.

#### REASON

In the interests of safeguarding residential amenity and in order to reduce the risk of flooding.

- 14) No work shall commence on site, including site preparation and clearance work, until such time as ornithological survey work has been completed on site to establish the presence of the following species: yellow hammer, song thrush, lapwing and skylark. The final report shall include recommendations for mitigation measures proportionate to the findings of the survey.

#### REASON

In the interests of preserving and retaining bio-diversity levels across the site.

- 15) No work whatsoever shall commence on site, including site preparation and clearance work, until such time as details of the location of the site construction compound together with a management plan for the construction, working and operational arrangements has first been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall remain in force over the whole site during construction.

#### REASON

In the interests of safeguarding residential amenity.

#### **Pre- House Construction Conditions**

- 16) No work shall commence on the construction of any road or any house until such time as any mitigation measures as agreed under condition (14) above have first been fully implemented to the written satisfaction of the Local Planning Authority.

#### REASON

In the interests of securing retaining bio-diversity levels

- 17) No work shall commence on the construction of any house hereby approved until such time as all structural landscaping proposed for the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be approved.

#### REASON

In the interests of the visual amenities of the area.

- 18) No work shall commence on the construction of any house hereby approved until such time as details of the facing materials and ground surface materials to be used have first all been agreed in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

- 19) No work shall commence on the construction of any house hereby approved until such time as the ditch alongside Spon Lane running from the site boundary to the River Anker has first been cleared and improved to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding.

**Pre-occupation Conditions**

- 20) No house hereby approved shall be occupied until such time as a pedestrian crossing has been provided in full across the A5 Trunk Road, to the written satisfaction of the Local Planning Authority.

REASON

In the interests of increasing connectivity and of public safety for all users of the public highway.

- 21) There shall be no occupation of the 85<sup>th</sup> house as approved under this permission until such time as all of the 34 affordable houses to be provided on site under the terms of condition (7) above have first all been fully constructed and are ready for occupation

REASON

In order to deliver the Development Plan requirements for affordable housing provision.

- 22) There shall be no occupation of any of the 85 houses hereby approved until such time as the whole of the agreed drainage works under required under conditions (8) and (9) have been provided in full; the finished ground levels required under condition (13) above have been implemented in full, and all of the approved access arrangements set out on the approved plan under condition (ii) and the works required by the associated Road Traffic Orders are all in place.

REASON

In the interests of reducing the risk of pollution and flooding, in the interests of visual amenity and in the interests of highway safety.

- 23) There shall be no occupation of any of the 85 houses hereby approved until such time as all of the mitigation measures as may be approved for the bird species identified in condition (14) above have first been provided in full.

**REASON**

In the interests of retaining bio-diversity.

- 24) There shall be no occupancy of any of the 85 houses hereby approved until such time as the whole of the landscaping details agreed under condition (xvii) above have first been implemented in full.

**REASON**

In the interests of the visual amenities of the area.

- 25) There shall be no occupancy of any of the 85 dwellings hereby approved until such time as the whole of the fire fighting water supplies as agreed under condition (11) above have first been provided in full.

**REASON**

In the interests of public safety.

**Notes**

- i) The Development Plan policies relevant to this decision are saved Core Policies 2, 3, 5, 8 and 12 together with saved policies ENV1, ENV3, ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14, HSG2, HSG3, TPT1, TPT2, TPT3 and TPT6 of the North Warwickshire Local Plan 2006.
- ii) Coal Authority Standing Advice
- iii) Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 together with all relevant Codes of Practice.
- iv) The Highway Authority will require a payment of £10k to them upon commencement of the development in order to contribute to the work associated with the Traffic Regulation Orders referred to in condition (xxi) above.
- v) The Crime Reduction and Community Safety Officer of the Warwickshire Police can offer guidance on the design and detail of the future scheme so as to minimise the risk of crime.
- vi) The Local Planning Authority has worked positively with the applicant in this case to address planning issues arising from this development through pre-application discussion and the exchange of information following receipt of consultation responses and representations thus meeting the requirements of the NPPF 2012.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0224

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/3/13
2	Severn Trent Water Ltd	Consultation	20/5/13
3	Mrs Brownsword	Objection	20/5/13
4	Police Crime Protection	Consultation	22/5/13
5	R Wileman	Objection	17/5/13
6	W Carr	Objection	23/5/13
7	Coal Authority	Consultation	22/5/13
8	WCC Library Service	Consultation	23/5/13
9	Mrs Dean	Objection	20/5/13
10	E Thawley	Objection	21/5/13
11	Davison	Objection	26/5/13
12	Mr and Mrs Davies	Objection	28/5/13
13	Head of Development Control	Letter	29/5/13
14	Head of Development Control	Letter	29/5/13
15	V Carbutt	Objection	26/5/13
16	A James	Objection	28/5/13
17	B James	Objection	28/5/13
18	M James	Objection	27/5/13
19	S James	Objection	27/5/13
20	Warwickshire Fire Services Authority	Consultation	31/5/13
21	S Baker	Objection	1/6/13
22	L Mullis	Objection	3/6/13
23	R Lawton	Objection	3/6/13
24	K Hood and J Jarvis	Objection	1/6/13
25	J Gibbs	Objection	3/6/13
26	S Jones	Objection	3/6/13
27	Mr & Mrs Clarke	Objection	4/6/13
28	K Southwell	Objection	3/6/13
29	J and C Wilson	Objection	4/6/13
30	K Roberts	Objection	4/6/13
31	P and J Ross	Objection	3/6/13
32	I Bates	Objection	10/6/13
33	J Reid	Objection	10/6/13
34	H Kind	Objection	11/6/13
35	J Marshall	Objection	12/6/13
36	C Marshall	Objection	12/6/13
37	C Lawrence	Objection	11/6/13
38	B Lawrence	Objection	11/6/13



39	M Brownsword	Objection	11/6/13
40	K Fitzpatrick	Objection	11/6/13
41	A Fitzpatrick	Objection	11/6/13
42	T Chapman	Objection	4/6/13
43	Ne Clemons and K Wilson	Objection	4/6/13
44	R Meanley	Objection	4/6/13
45	J, K and E Nicholson	Objection	6/6/13
46	E Jones	Objection	4/6/13
47	R Chesters	Objection	4/6/13
48	C Thompson	Objection	6/6/13
49	L George	Objection	6/6/13
50	J Collins	Objection	6/6/13
51	D Ryder	Objection	6/6/13
52	J Thompson	Objection	6/6/13
53	D Cox	Objection	6/6/13
54	WCC Education Services	Consultation	6/6/13
55	WCC Rights of Way	Consultation	6/6/13
56	WCC Highways Authority	Consultation	6/6/13
57	Environmental Health Officer	Consultation	24/6/13
58	Warwickshire Museum	Consultation	20/6/13
59	B Mitchell	Objection	13/6/13
60	Grendon Parish Council	Objection	12/6/13
61	Environment Agency	Consultation	26/6/13
62	Highways Agency	Consultation	5/7/13
63	K Phillips	Objection	16/7/13
64	Agent	E-mail	26/7/13

*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.*



**General Development Applications**

**(#) Application No: PAP/2013/0224**

**Land South Of Dairy House Farm, Spon Lane, Grendon,**

**Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved, for**

**- Kler Group Ltd**

**Introduction**

This item is referred to the Board at this time for information as it is a major planning application comprising a departure from the Development Plan. It will be reported to the Board for determination at a later date.

This report describes the site and the proposals as well as highlighting the relevant parts of the Development Plan. The main planning issues are also identified.

**The Site**

This is a rectangular area of agricultural land to the rear of frontage residential property on the north side of the A5 Watling Street, and to the rear of a similar frontage of residential property on the east side of Spon Lane. The site extends northwards to the edge of the access track leading from Spon Lane to Dairy House Farm. It has an area of 3.4 hectares and is generally level throughout. There is a frontage to the far northern end of Spon Lane. There is open countryside to the north and east.

The site is illustrated at Appendix A.

**The Proposals**

This is an outline planning application seeking permission in principle for up to 85 dwellings. The only detailed matter which the applicant has requested be agreed at this stage is for the access arrangements.

There is an illustrative outline of how the 85 units might be set out on the site – see Appendix B – but Members are reminded that is only indicative of a possible layout. This gives an overall gross density of around 25 houses per hectare. The access arrangements would be for a single point of access off the far northern end of Spon Lane with consequential highway works within the existing highway to re-align the junction and highway width in this area. These are also illustrated at Appendix B.

The only other matter dealt with in a little more detail is the proposed solution for surface water run-off. The proposals include drainage to a separate area of land north of the access drive to the present farmstead and this being used for a balancing pond to provide water storage areas.

**Supporting Documents**

The applicant has submitted a number of supporting documents as background evidence to support his case. These are outlined below together with a brief summary of their conclusions. It must be remembered that these assessments are those of the applicant. They will be forwarded to the various statutory Agencies to establish whether their conclusions are verified.

**Archaeological Assessment** – This report follows a geo-physical survey over the site. This found two areas of probable archaeological interest likely to be post-medieval field boundaries. There were also a larger number of possible areas of interest which might have an archaeological interest.

**Noise and Air Quality Assessment** – In respect of noise then the report identifies traffic noise from the existing network as the predominant feature. It concludes that acceptable levels of noise can be achieved for the new dwellings with appropriate external and internal insulation measures. Those most in need to these measures would be the ones that might face onto Spon Lane at the far north of the site.

It is concluded that even with traffic generated by the new development there would be no significant change to air quality experienced by existing or prospective occupiers of houses, as it would remain below national guidelines for concerns to be raised.

**Arboricultural Assessment** – A tree survey has been undertaken which assesses the quality of each tree. These are concentrated in the north western part of the site within the site boundaries, in adjoining gardens or along the farm drive. 18 trees and two groups were surveyed and of these 8 were considered to be of high or moderate quality. The conclusion from the assessment is that a proposed layout here for up to 85 dwellings would be able to incorporate all of the existing individual trees around the boundary of the site without impacting on their root systems. Specific decisions however would have to be made on two trees. The first is an Ash at the southern end of the site which has structural defects and could only be retained with remedial work which would reduce its overall value, but with the alternative of replacing it. The second is an oak in the Spon Lane road frontage which should be retained but will require specific layout and remedial measures if this is to be the case.

**Ecological Assessment** – The overall conclusion is that the site, being intensively ploughed arable land with small areas of poor semi-improved grassland does not provide significant cover or habitat diversity. The re-development of the site would have no significant impact on the local ecological resource. Surrounding hedgerows and trees however should be retained and bio-diversity should be enhanced throughout the new development with enhancements including the planting of native species in the new development; the inclusion of bat and bird boxes and additional hedgerow planting.

**Landscape and Visual Assessment** – This concludes that the site lacks features of landscape value but that existing hedgerows should be retained and enhanced. New planting would maximise the development's landscape value and soften views of a residential edge. The site has a restricted "visual envelope" and views of the site would be restricted to properties immediately backing onto the site. There would be limited impacts as a consequence. There would also be limited impacts when longer views are considered into the site from elsewhere.

**Flood Risk Assessment** – As there is known flooding in the area and the issue of an increased risk of flooding as a consequence of this development will be a material consideration, the full Executive Summary of this Assessment is attached at Appendix C. This concludes that there are technical solutions to reduce the risk of flooding on the

site and so as not to exacerbate the existing situation over a wider area. These solutions involve minimum internal floor levels; over-sizing the sewer network, introducing a balancing pond to the north of the farm drive and filter drains at the rear of properties fronting Spon Lane and along the eastern boundary of the site.

**Traffic Assessment** – This concludes that the existing junctions onto Spon Lane from the site can accommodate the additional traffic flows with modification. This essentially involves giving priority to access into the site with the existing road lengths becoming minor arms to this re-alignment – see Appendix D. The existing 30mph limits in Spon Lane would also be extended to include the whole of the proposed re-alignment together with the section of Spon Lane from the roundabout to the site access. The Assessment concludes that the A5 roundabout is operating over capacity at present and will continue to do so. However the assessment suggests that the peak flows from this development would add, on average, only an increase of 1.35% in the total traffic using that roundabout at peak hours and is thus negligible. The site is considered to be close to bus services operating along the A5. In order to improve pedestrian access to these, footpaths are to be provided along the re-aligned Spon Lane at the access into the site. Additionally attention has been focussed on the existing crossing arrangements over the A5. It is proposed to rationalise these so as to make pedestrian and cycle crossing safer. This would be achieved by replacing the existing arrangements with a toucan crossing closer to the roundabout – see Appendix E. The existing bus-stop arrangements have also been examined. It is proposed to undertake reviews of the bus-stop layouts on both sides of the A5 carriageway, but at present it is considered that the most likely area for rearrangement will be that on the northern side of the road. A Section 106 Agreement would be entered into to provide the funding for all of the works described above.

**Design and Access Statement** – This Statement outlines how the indicative layout shown in Appendix B has been arrived at by looking at the context and setting of the site and how it is considered to be in keeping with and an enhancement of the local character of the area.

**Statement of Community Involvement** – This is not a separate document but is included as a section within the Planning Statement. Its conclusions should be identified. A local exhibition was organised at Grendon Methodist Church in March this year. 63 “feedback” forms were completed. These show that the main objections were to the principle of the development; flood risks and drainage, traffic impacts and the impacts on existing services.

**Affordable Housing** – Again there is no separate document relating to this matter but there is reference in the Planning Statement to this provision. This states that a provision of up to 40% - up to 34 - of the proposed dwellings as affordable housing can be included in a Section 106 Agreement.

**Planning Statement** - This brings together all of the conclusions arising from the above supporting technical documentation and puts the planning case for support of the application. Development Plan policies are identified together with reference to the emerging Core Strategy which will replace that Plan and to the National Planning Policy Framework 2012 (“NPPF”). The supporting arguments put forward are:

- i) Grendon and Baddesley Ensor are identified as being suitable for an additional 180 houses up to 2028. The Council’s preferred sites for this provision do include part of the application site. This site is therefore sustainable development in a sustainable location.

- ii) The Council does not have a five year supply of housing land together with an additional 10% which is presently deliverable.
- iii) The NPPF calls for an immediate increase in housing development in these circumstances. This site is currently available and can be delivered.
- iv) The development will provide 40% affordable housing on site.
- v) There are no adverse impacts that can not be mitigated either through planning condition; the layout and design of the development or through a Section 106 Agreement.

## **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 5 (Development in Towns and Villages), Core Policy 8 (Affordable Housing), Core Policy 12 (Implementation) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside Development Boundaries), TPT1 (Transport Considerations), TPT2( Traffic Management and Safety), TPT 3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 (“NPPF”) – Achieving Sustainable Development; Core Planning Principles, Delivering a wide Choice of High Quality Homes and Conserving and Enhancing the Natural Environment,

The Council’s Submission Core Strategy – February 2013: Draft policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW19 (Infrastructure)

The Council’s Preferred Locations for Site Allocations Consultation – February 2013: Housing (Baddesley Ensor and Grendon) – Site GRE4.

New Homes Bonus – Development of this site will attract New Homes Bonus

## **Observations**

This application has been submitted in direct response to emerging Development Plan policy and to the NPPF. Clearly the proposal does not accord with the current Development Plan – the 2006 Local Plan – but Members need to be aware that the weight to be given to that in respect of future housing requirements must now be limited. The main issue here will be to establish the principle of the development. This will require an assessment of the weight to be given to the emerging Core Strategy as submitted to the Secretary of State and the Council’s consultation paper on Preferred Options for Site Allocations in light of the NPPF’s guiding principles. This balance will also be affected by the outcome of the forthcoming meetings with the Inspector dealing with the Examination into the draft Core Strategy.

There will be three key matters to be dealt with in the assessment identified above - the position in respect of the five year supply of housing land together with an appropriate “buffer”; whether this proposal is sustainable development in terms of its location, and relationship with the existing built form and its impacts on the community’s services and

facilities, and thirdly whether it would deliver any other additional benefits which might not otherwise arise.

There are two key impacts which need to be explored in some depth with the advice and guidance of the respective Agencies involved. These are the risks of exacerbating flooding in the area and the traffic impact on the local highway network particularly the A5 Watling Street. The Environment Agency and Highways Agency consultation responses to the proposals will carry significant weight.

The applicant is proposing a Section 106 Agreement with several clauses – the provision of 40% affordable housing and for provisions to improve pedestrian crossings and bus stop layouts on the A5. These will be material to the decision.

The application will be referred to the Board for determination in due course once the consultation period has lapsed and when the applicant has considered whether he wishes to make any revisions as a consequence. Other matters may also need to be clarified. In the interim it is suggested that Members would benefit from a site visit such that they can view the whole site and its surroundings.

### **Recommendation**

That the Board visit the site prior to the determination of this application.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0224

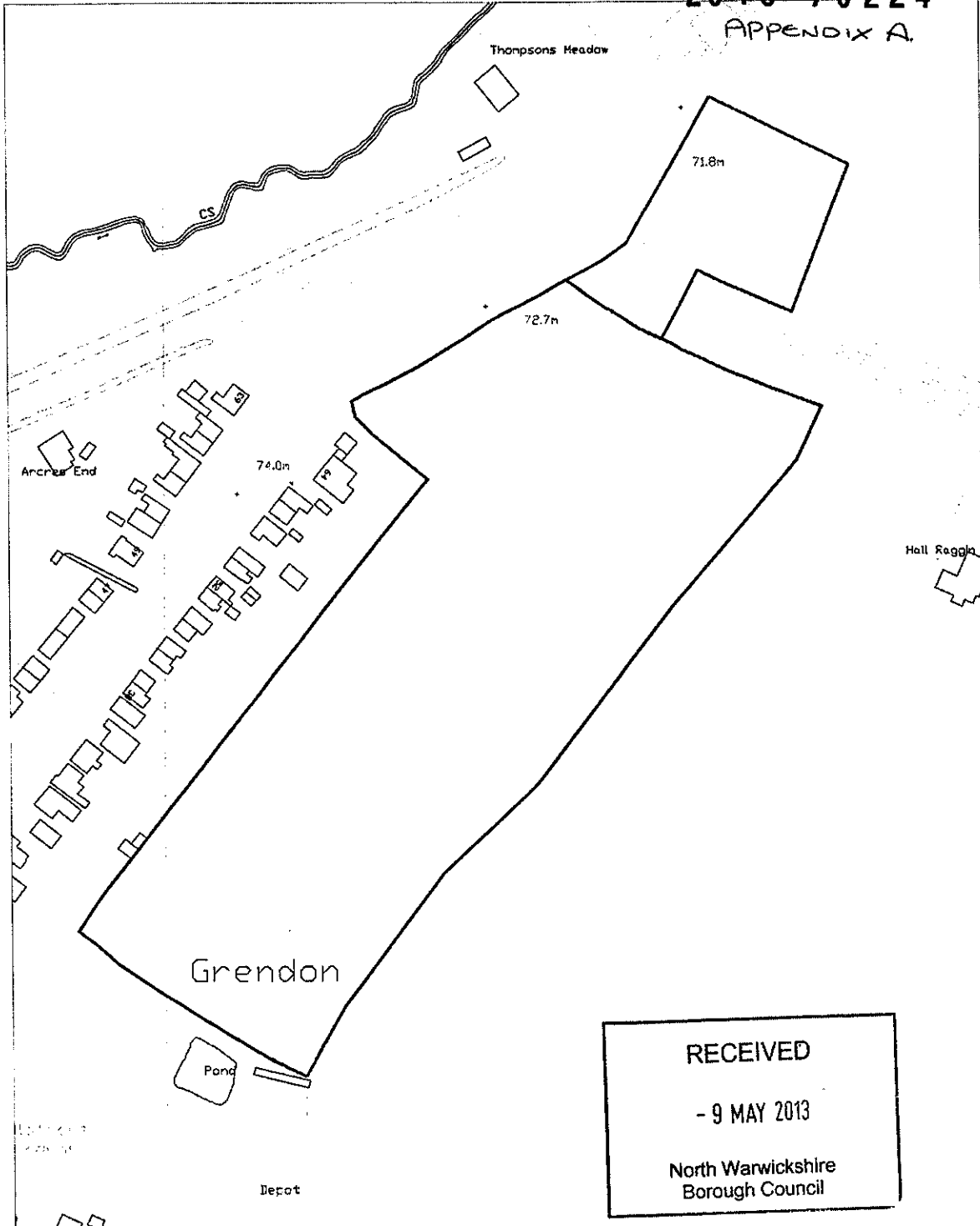
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/4/13

*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.*







- Site boundary (3.24ha)
- Additional land required for drainage (0.45ha)



GRENDON		
SITE BOUNDARY		
Drawn	Checked	By
CEP/J2013/0224		

node  
North Warwickshire Borough Council  
Planning Department  
100 High Street  
Leamington Spa  
CV32 3JF



- Site boundary (5.24ha)
- Additional land required for drainage (0.45ha)
- Houses / garages, 84 dwellings
- Landscape (0.36ha)
- Gardens
- Principal movement route
- Shared surface
- Pavement / driveway parking
- Retained trees
- Proposed trees
- Drainage ponds (0.21ha)

GRENDALE	
ILLUSTRATIVE MASTERPLAN	
2013	1/10
2013	1/10
2013	1/10

**node**  
 LANDSCAPE ARCHITECTS  
 100-102 GERRARD STREET EAST  
 MELBOURNE VIC 3000  
 03 9439 9000  
 www.node.com.au



## 5. MITIGATION MEASURES

### Raising Floor Levels/Land Raising

The existing site is elevated sufficiently above the nearest Main River watercourses, as such, lies within Flood Zone 1 of the Environment Agency Flood Map (version 2.8.2). However, there are two local watercourse located either side of Spon Lane which appear to back up from the Penmire Brook during extreme or prolonged rainfall events.

The Environment Agency flood zone maps show Penmire Brook and the local watercourses flooding up to the western edge of Spon Lane which generally lies at a level of 72.3mOD in line with the site.

It is therefore recommended that the internal ground floor levels of all the dwellings within the site are elevated 600mm above the adjacent flood level of 72.3mOD, hence a level of 72.9mOD.

### Emergency Access & Egress

As the development is residential, it is considered that dry access and egress from the development site will be essential during extreme flood events.

It is considered that the proposed development is located outside of the 1 in 1,000 year extreme flood envelope and will be a safe area during flood events.

The entrance to the site off Spon Lane lies at a level of approximately 72.6mOD and is unlikely to be inundated from either local sources or Penmire Brook. Spon Lane continues to rise as you travel south from the site towards the A5 where ground levels are approximately 80mOD.

As such, dry access and egress will be available at all times onto Spon Lane and then the A5.

### Control of Runoff

Consideration has been given to the hierarchy for surface water disposal which recommends the SUDs approach which includes infiltration as the first tier. Site investigation confirms that infiltration drainage is not a practical solution for the site.

However, other SUDs techniques can be used within the site and they have been considered. The second tier is to discharge to a watercourse. The existing site is considered to be 100% permeable. Following the proposed development the impermeable area will be increased to approximately 55% of the total site area. It is considered that the site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the local watercourses located to the north west of the site.

Using Source Control software developed by Microdrainage the required attenuation has been calculated for the 1 in 100 year plus climate change (30%) event. The site will discharge into the local watercourse at a peak discharge rate equal to or less than the current Greenfield runoff rate for the site. A connection point from the

adjacent residential development off Spon Lane (0.39 hectares) is proposed which also includes over sizing the sewer network to accommodate flows. The attenuation sizes have been tabulated below in Table 5-1.

**Table 5-1: Attenuation sizes for 1 in 100 year plus (30%) climate change event**

Storage Area	Approx Volume (m <sup>3</sup> )
Balance Pond	1500m <sup>2</sup> x 1.035m deep = 1553m <sup>3</sup>

The balancing pond will be used to accommodate the storage during 1 in 1 year, 30 year, 100 year and 100 year +CC storms (worse case scenario).

The proposal is to provide a hydro-brake to restrict flows from the site. The hydro-brake will reduce the runoff from the development site during higher return periods, hence, there will be a significant reduction in runoff and as such the development will provide significant betterment in terms of runoff being passed forward from the site into the receiving local watercourse.

It is recommended that during the detailed phase of the development the following items are considered.

- The proposed surface water drainage system should be modelled using Micro Drainage WinDes or similar. The model should be used to analyse the possibility that the design for surface water may fail or becomes blocked and as such should design a backup plan. Overland floodwater should be routed away from vulnerable areas. Acceptable depths and rates of flow are contained in EA and Defra document FD2320/TR2 "Flood Risk Assessment Guidance for New Development Phase 2".
- The maintenance and adoption regimes for all elements of the development should be considered for the lifetime of the development.
- Consenting will be required from the Water Authority for any connections/outfalls into the surface water sewer system.

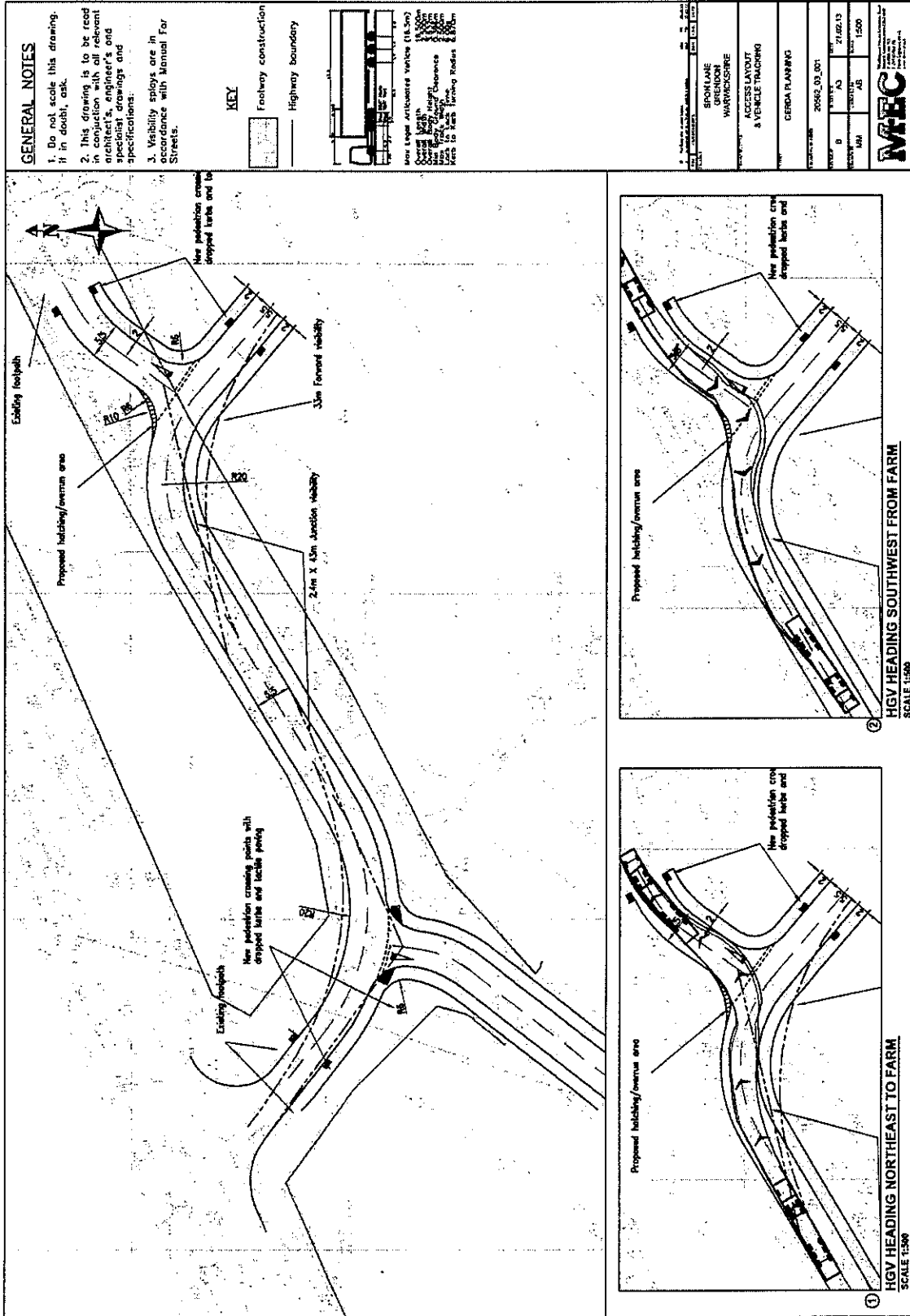
#### Others

It is considered that overland flows currently impact on the existing Spon Lane area and in order to remove this mechanism Filter drains are to be added to the rear of Spon Lane properties and to the eastern boundary of the site to capture overland flows and divert to local watercourse to the north of the site.

## **6. CONCLUSION**

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It is concluded that the proposed development lies within flood zone 1, being low risk and the current drainage feasibility study utilises sustainable drainage techniques where practically possible. It is considered that the proposed development will provide betterment to the adjacent residential area off Spon Lane as the proposal will reduce overland flows from the existing site significantly. Furthermore, a positive surface water outfall will be provided from Spon Lane which will also include attenuation.









Safe roads, reliable journeys, informed travellers

Our ref: SHARE 19635468  
Your ref: PAP/2013/0224

Kathryn Simmonite

Jeff Brown  
North Warwickshire Borough Council

Highways Agency  
The Cube  
199 Wharfside Street  
Birmingham B1 1RN

BY EMAIL

Direct Line: 0121 687 4086  
5 July 2013

Dear Jeff

**PLANNING APPLICATION REF PAP/2013/0224, LAND SOUTH OF DAIRY HOUSE FARM, SPON LANE, GRENDON, OUTLINE APPLICATION FOR THE ERECTION OF UP TO 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED.**

Thank you for your consultation dated 17<sup>th</sup> June in relation to the above named planning application.

The Highways Agency has been in pre application discussions with the applicant's agents MEC in relation to the impact of the proposal on the strategic road network. The Transport Assessment provided in support of the planning application has demonstrated to our satisfaction that the proposal is unlikely to have a significant traffic impact on the A5.

We note that the Transport Assessment includes a proposal for a pedestrian crossing on the A5 trunk road. However as the crossing is not considered necessary to facilitate the development we are content that details of this crossing (should it be required) can be discussed outside of this application. This would allow time for the requirement for a crossing to be investigated fully and any associated issues to be addressed post determination of the application. This investigation would need to begin with a review of the type of crossing as set out in LTN 1/95 together with an NMU Audit to DMRB HD42/05.

Whilst a Travel Plan has been provided as part of our pre application discussions we note that one does not appear to be included in the documentation accompanying the planning application on your website. Efforts should be put in to promote sustainable transport choices as a means of mitigating the impact of the development through a Travel Plan. We therefore request that the following condition is attached to the grant of any planning permission. Please see attached TR110 which confirms our direction.

**Condition**

*No development shall take place until a Site Specific Travel Plan, including details of the mechanism to be used for its delivery, monitoring and enforcement, has been submitted*



to and approved in writing by the local planning authority, in consultation with the Highways Agency.

**Reason**

*To minimise the need to travel, particularly by private car. To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from residual development traffic emerging from the application site.*

We will provide the applicant's agents with comments on the Travel Plan we have received separately to our response to the planning application. I trust this is helpful but should you have any queries please do not hesitate to contact me.

Yours sincerely



Kathryn Simmonite  
NDD Midlands Asset Development  
Email: [kathryn.simmonite@highways.gsi.gov.uk](mailto:kathryn.simmonite@highways.gsi.gov.uk)



**Developments Affecting Trunk Roads and Special Roads  
Highways Agency Response to an Application for Planning Permission**

From: Divisional Director, Network Delivery and Development, Midlands, Highways Agency.

To: North Warwickshire Borough Council


Council's Reference: PAP/2013/0224

Referring to the notification of a planning application dated 17.06.13, your reference PAP/2013/0224, in connection with the A5 trunk road, Land South Of Dairy House Farm, Spon Lane, Grendon, Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved, notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

- ~~a) offers no objection;~~
- ~~b) advises that planning permission should either be refused, or granted only subject to conditions~~
- c) directs conditions to be attached to any planning permission which may be granted;
- ~~d) directs that planning permission is not granted for an indefinite period of time;~~
- ~~e) directs that planning permission not be granted for a specified period (see Annex A);~~

*(delete as appropriate)*

**Signed by authority of the Secretary of State for Transport**

<b>Date:</b> 05.07.13	<b>Signature:</b> 
<b>Name:</b> Kathryn Simmonite	<b>Position:</b> Asset Manager
<b>The Highways Agency:</b> Floor 9 The Cube 199 Wharfside Street Birmingham B1 1RN	

**Annex A**

**Reason for the direction given at c) overleaf:**

**Condition**

*No development shall take place until a Site Specific Travel Plan, including details of the mechanism to be used for its delivery, monitoring and enforcement, has been submitted to and approved in writing by the local planning authority, in consultation with the Highways Agency.*

**Reason**

*To minimise the need to travel, particularly by private car. To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from residual development traffic emerging from the application site.*

FAO Jeff Brown  
North Warwickshire Borough Council  
Planning Department  
PO Box 6  
Atherstone  
Warwickshire  
CV9 1BG

Our ref: UT/2013/111656/01-L01  
Your ref: PAP/2013/0224  
Date: 26 June 2013

Dear Sir,

**OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS. ALL OTHER MATTERS RESERVED**

**LAND OFF SPON LANE, SPON LANE, GRENDON**

Thank you for referring this application which we were informed of by email on the 19 June 2013. We understand this consultation opened earlier however, it does not appear on our records.

The Environment Agency has **NO OBJECTIONS**, in principle, to the proposed development but wishes to make the following comments.

Having reviewed Flood Risk Assessment 2012/1183 dated 27 April 2013, prepared by EWE Associates Ltd, we are satisfied that the site will discharge into the local watercourse at a peak discharge rate equal to or less than the current Greenfield runoff rate. However, the proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

**Condition**

Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

1. Limitation of surface water discharge from the site to the existing Greenfield rate.
2. Full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change using

Environment Agency  
Sentinel House (9) Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.  
Customer services line: 03708 506 506  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d..

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sustainable drainage systems (SuDs) as proposed in the FRA by EWE Associates Ltd, dated April 2013.

3. At the detailed design phase, it must be confirmed that surface water will not leave the proposed site in the 100 year + 30% climate change allowance event. Drainage calculations must be included (e.g. Micro Drainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the Greenfield discharge rate as proposed in the FRA will be achieved across all storm events.
4. If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.
5. Details of how the entire surface water scheme shall be maintained and managed after completion

**Reason**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

Where conditions have been imposed on the advice of the Agency, details submitted in compliance with the conditions should be submitted to the Agency for comment, before the conditions are discharged.

We trust that you find these comments useful. Should you have any further comments or queries please do not hesitate to contact us on the number listed below.

Finally, in order for the Agency to monitor its effectiveness in influencing the determination of planning applications, a copy of the decision notice (including conditions) for this application would be appreciated.

Yours faithfully

**Mr Paul Gethins**  
**Sustainable Places Team Leader**

Please ask for Kathryn Taylor  
Direct dial 01543 404904  
Direct fax 01543 444161  
Direct e-mail [Kathryn.Taylor@environment-agency.gov.uk](mailto:Kathryn.Taylor@environment-agency.gov.uk)

End

2

Your ref: PAP/2013/0224  
My ref: PAP/2013/0224  
Your letter received: 16 May 2013



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

Communities Group  
PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

FAO: Jeff Brown

DX 723360 WARWICK 5  
Tel: (01926) 418063  
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daveneale@warwickshire.gov.uk  
www.warwickshire.gov.uk

06 June 2013

Dear Mr Brown

**PROPOSAL:** Outline application for the erection of up to 85 dwellings  
**LOCATION:** Land south of Dairy House Farm, Spon Lane, Grendon  
**APPLICANT:** Kler Group Ltd

WCC as Local Highway Authority have been engaged in pre-application discussions regarding the above development and have agreed an acceptable access solution to the site and appropriate levels of contribution for associated speed reduction measures including;

- Carrying out a speed survey on Spon Lane (main road) to derive the mean speed of traffic to inform a reduction in the speed limit
- Extending the existing 30mph limit out to cover your site access that currently appears to be in the 60mph zone.
- Processing of the TRO's
- Installation of associated required signage.

Whilst WCC support the proposed toucan crossing across the A5 it is acknowledged the A5 is trunk road and is under the control of and will need to be approved by the Highways Agency.

The traffic analysis shows an impact of the development at the roundabout at the A5. However, it is accepted that once the RFC for a junction (or arm of) is above 0.95 to 1 the results can become unpredictable and erratic. Therefore when you compare the operation of the roundabout in the future year scenario without the development to the operation with the development while the RFC only changes slightly the queuing does

*Working for  
Warwickshire*

onsx3

not increase uniformly. WCC have therefore considered the actual numbers of vehicles likely to pass through this junction generated by the development and consider that while the junction is predicted to suffer with a level of congestion in the future year, this is likely to occur without the development and the impact of the development does not justify significant funding which is likely to be required to upgrade the existing roundabout.

Therefore, due to the above consideration the response of WCC as Local Highway Authority to the above application is one of NO OBJECTION, subject to the following conditions:

1. The access to the site shall be laid out in general accordance with drawing 20562\_03\_001 Rev B, to include improvements to street lighting.

Notes:

- a) Upon commencement of the development, the applicant is required to contribute £10,000 for speed surveys, speed limit alterations, associated signage and legal orders.
- b) The applicant / developer is required to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.
- c) Condition number 1 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

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

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

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.



Note to NWBC:

NWBC may want to give consideration that part of the development is being promoted through the Local Plan which this application is in advance of. Therefore, there are likely to be wider cumulative impacts that the development would have otherwise contributed towards through CIL, which will now not be collected, possibly leaving the remainder of developments that does not have the benefit of planning permission at the adoption of the Local Plan paying for the shortfall in funding.

An example copy of a letter sent by WCC County Transport Planner to heads of planning at the Warwickshire's District and Borough Councils is sent with this response.

Yours sincerely

*D Neale*

Dave Neale  
Planning & Development Group

CC – Cllr Morson - For information only

**(8) Application No: PAP/2013/0278**

**Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon, B77 5PS**

**Erection of a single wind turbine up to 67m tip height and associated works, for**

**Moto Hospitality Ltd**

### **Introduction**

This application was reported to the Board at its last meeting. That report described the proposal and outlined the background to the present application. Attention was also drawn to relevant Development Plan policies and other material considerations. It is not proposed to repeat these here and thus that report is attached at Appendix A for the benefit of Members.

### **Background**

As Members are aware, the Council recently refused planning permission for a single turbine of the same height in the same general location. However this decision was appealed and as a consequence a planning permission was granted in January 2013. The decision letter is attached at Appendix B. This consent is a material planning consideration of substantial weight.

The current application is for a turbine of the same height and in the same general location – the HGV lorry park at the M42 Dordon Services. The differences between the approved scheme and that now under consideration are identified in the background section of Appendix A. The issue before the Board therefore is whether these changes or any other changes in relevant planning considerations since January 2013 would be so material either singly or cumulatively to warrant refusal of the current revised proposal. Consideration of the differences will therefore be the focus of the remainder of the report.

It is first necessary to bring attention to the consultation responses received in respect of this new application, such that they can inform the assessment that has to be made by the Board.

Members will be aware that when the original application was received, just over 2000 letters were circulated to residents in Tamworth as well as in North Warwickshire. They have all been re-consulted on this revised application.

### **Consultations**

Severn Trent Water Ltd – No objection

Warwickshire County Council as Highway Authority – No objection

Highways Agency – No objection subject to a standard condition.

Birmingham Airport – No reply at the time of preparing this report

HS2 Ltd – No specific comments at this stage, but the site or parts of it may in the future be required by HS2Ltd to construct and/or operate the railway.

Ministry of Defence – No objection

Environmental Health Officer – No objections

Tamworth Borough Council – That consideration is given to the impacts of the development on Tamworth and its residents, but that no objection is made to the revised proposals.

Environment Agency – No Comments

## **Representations**

Five letters of support have been received referring to the need to encourage renewable energy projects; the site being appropriate in an urban setting and the past decision.

Seven letters of objection have been received, including one from the Tamworth MP, referring to the following grounds:

- it's an eyesore negatively impacting on the skyline; affecting resident's outlook and not all integrating into the surroundings
- it's on an airport flight path and the HS2 will render it uneconomic
- Solar panels would be better.
- It would remove trees and landscaping in the HGV park which are both visually and ecologically important
- It is not a "safe" environment being a public place
- There will be no benefit to the public
- There is increasing evidence that turbines are not as efficient as first thought, and that they "wear" out more quickly than originally said. Solar panels are preferable with up to 40 years life.

Two representations have been received saying that whilst they acknowledge the recent appeal decision the site is in a location frequented by very many members of the public on a regular basis thus giving rise of safety issues; and to the need to consider noise pollution.

## **Observations**

### **a) The Differences between the Approved Scheme and that now Proposed**

It is proposed to look at the differences between the approved and the revised proposal to see if there are material differences.

The location remains in the HGV lorry parking area about 20 metres to the south of the approved site and it is not considered that this minor re-location should lead on its own to a re-consideration of the appeal decision. It is accepted that if approved, there would be a greater degree of disruption to that HGV lorry park in that it would have to be re-arranged. However it would not lose capacity, nor would HGV circulation be affected. It is agreed too that more in the way of existing trees would need to be removed than that in the approved scheme. However compensatory new planting is proposed around the periphery of the HGV park and that this is considered to be both reasonable and proportionate. Members will know from their site visit that these trees to be removed are not woodland native species and that the site is well landscaped in any event.

Because the overall location has not materially altered and because the overall height of the turbine would remain as approved it is not considered that there would be in overall terms a materially different impact on the character and appearance of the landscape both in the immediate area and in longer views into the site. The Inspector's appeal decision letter runs through his appraisal of landscape impact concluding that it would not be "unduly obtrusive". He describes the "urban" back drop towards the west; the more distant views from the open land to the east and the residential area of Stoneydelph. His overall conclusion was that there was insufficient adverse impact on this character to warrant refusal. It is considered that this conclusion remains the same with the current revised proposal – there has been no overall change to landscape character; the turbine height remain the same as does its location in the larger landscape. However the appearance of the turbine itself would alter in that larger blades are now proposed changing the visual proportions of the turbine. Given the existing landscape character as described by the Inspector, it is not considered that this change in proportion would materially alter the overall landscape conclusion. It would unlikely to be more prominent or obtrusive. In short it would still be a three blade turbine in the HGV lorry park.

The Inspector concluded that in respect of noise emissions that the original turbine here would be well below the existing background noise levels of the M42 Motorway but added a condition setting an upper threshold. The revised design has been looked at by the Council's Environmental Health Officer's to see if that – with the larger blades – would either cause a material difference or need a revised upper threshold by way of condition. In doing so, they have had regard to a new Practice Note published in May relating to wind turbine noise. Members will have seen reference to "ETSU-R-97" in previous reports for turbines. It is this that has been updated. The revised proposals also are "quieter" than those already agreed due to technological changes in the turbine itself. The applicant is satisfied that there would be no worse noise impact than the permitted turbine. Environmental Health Officers agree.

The Inspector concluded that in respect of shadow flicker, and using national guidance that this only occurs within ten rotor diameters of a turbine, there would be no risk to residential property and only a slight risk to employees and customers at the service station. The applicant has been asked to re-consider this aspect given the larger blades now proposed and thus the distances increase. There are now seven residential properties within the larger zone. However there is intervening tree and foliage cover between them and the turbine, and the conditions required to give rise to flicker with the position of the sun, the time of the day and the weather points to a very small risk of the effects of flicker. The same applies to office workers and to visitors at the Services' Travel Lodge. The Environmental Health Officer agrees.

Members will note from above that at the time of preparing this report, the consultation responses from the Highways Agency and Birmingham Airport had yet to be received. Given that neither of these Agencies objected to the previous scheme it is considered unlikely that they will do so to the revised proposal. The recommendation below however recognises that the formal responses to this current application are still outstanding.

## **b) Other Representations**

Finally, the objections from residents refer to the possibility of using solar panels instead of a turbine to generate electricity. As Members are aware the Board has to deal with the application that has been submitted and in any event a planning permission already exists for the turbine which can still be implemented. There is also reference in those objections to the efficiency of wind turbines. Members will know that the Council can

only deal with the planning merits of the submitted proposals and that the planning system is not the place for a discussion or decision making on national energy policy or pricing. The NPPF makes this very explicit.

### **c) Other Material Consideration**

As a consequence of these matters it not considered that there is a reason for refusal in respect of the revised proposals, given the Inspector's conclusions and particularly those of the Council's own Environmental Health Officers. It is neither considered that there are any material consequences on the impact on wildlife, highway safety, heritage or airport safeguarding issues as a result of these proposed revisions. The response from the Tamworth Borough Council recognises this too, changing from its original stance in objecting to the first proposal.

There are other matters that need to be looked at however. Two of these relate directly to this application whereas the third relates more generally to applications for wind turbines

The first of these is the projected line of HS2 which is a new material consideration since the appeal decision. Members will know that the projected line runs through the Service Area and that it would include the site of this turbine. There are two main issues here. Firstly the line of the HS2 here is not formally safeguarded as is the first phase of the line. The proposed route is still out to consultation. Secondly the applicant is aware of the proposal and it is his decision whether to pursue the application or not and of course whether he takes the commercial risk in implementing it, if it is granted. This is a matter for the applicant not this Council as Local Planning Authority. The response from HS2 to the application is that it has no specific comments to make only to warn that the route of HS2 may run through the site.

A second matter is the applicant's offer of a £20k Community Benefit Fund. Should a planning permission be granted then decisions need to be taken as to how this is dealt with. It is suggested that it should be the subject of Section 106 Unilateral Undertakings, one to each Authority. A Unilateral Undertaking would not link the benefit to the grant of planning permission a full Agreement would, and each Authority could then decide how the benefit is best dealt with in their respective areas. It is further recommended that the split be 50/50. There are residential properties affected by the turbine in both Authorities and it will be visible in both areas. It seems sensible in this case to divide the Fund equally. If the Board agrees to this then the Tamworth Borough Council will need to be consulted.

### **d) Recent Announcements**

The third matter relates to recent announcement by the Secretary of State about wind turbines, saying that new planning guidance is to be published. This happened on 29 July. It re-iterates the guidance in the NPPF in saying that all communities have a responsibility to help increase the supply of green energy, but continues by saying that this does not automatically override environmental protections and the planning concerns of local communities. It continues by saying that distances from renewable energy projects of it-self does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including local factors such as topography, the local environment and near-by land uses. In respect of wind turbines then the matters raised in this report are all relevant considerations. In this case, given the appeal decision and the advice above in respect of exploring the differences between that and the new proposed scheme, it is

considered that the balance found by the Inspector should remain, and that the new guidance would not alter the recommendation below.

## Recommendation

(A) That planning permission be **GRANTED** subject to no adverse comments being received from the outstanding consultations and the following conditions:

1) Standard Three Year Condition

2) The development hereby approved shall not be carried out otherwise than in accordance with the Site Location Plan received by the Local Planning Authority on 11/6/13; plan numbers TMSA2SP/1C and 1000901/03 received on 10/6/13, Appendix B to the "Additional Planning Information" received by the Local Planning Authority on 10 June 2013, the plan number TPP1 and the tree protection measures outlined at paragraphs 3.5 and 3.6 of the "Arboricultural Implications Statement and Tree Protection Plan" dated 30 May 2013 received on 10 June 2013. The turbine shall be a EWT DW54 500kW model in off-white colour with a hub height of 40 metres and a maximum height to blade tip of 67 metres and permanently maintained in accordance with the approved plans and details.

### REASON

Standard Plan numbers condition.

3) The turbine hereby approved shall be removed on or before 25 years from the date on which the turbine is first used for electricity generation purposes, or it ceases to be used for electricity generation purposes, whichever is the sooner, with the blades, hub, tower, access track and associated equipment removed and the ground restored to its former condition and the foundations covered with topsoil and seeded with grass in the first available planting season.

### REASON

In recognition of the life-span of the development.

4) The date on which the turbine is first used for electricity purposes shall be confirmed in writing to the Local Planning Authority within two weeks of that date.

### REASON

For the avoidance of doubt.

5) Prior to the de-commissioning of the turbine, details of the routing and access, the manner of dismantling and the disposal of materials (accounting for ecological, highway, safety and amenity impacts relevant to the date of de-commissioning) shall be submitted to and approved in writing by the Local Planning Authority. Decommissioning shall then be carried out in accordance with the approved details.

### REASON

In the interests of highway safety, ecology and the amenity of nearby residents.

6) Tree T3 and groups TG4 and TG10 together with that part of groups TG12, 13 and 14 all as shown on the plan numbered TPP1 of the "Arboricultural Impact

Assessment and Tree Protection Plan" dated 30 May 2013, received by the Local Planning Authority on 10 June 2013, shall be removed prior to construction works commencing. A 30 metre distance shall also be maintained to tree group TG5 measured from the nearest tip of the turbine blade as shown on plan number TPP1, with any necessary tree removal to occur prior to any construction works commencing. No other trees are to be removed.

#### REASON

In the interests of safety.

7) Prior to the removal of trees in accordance with condition (vi), no less than 160 trees shall be planted in or immediately adjacent to the area shown for new planting on plan number TPP1 of the Arboricultural Statement referred to in condition (vi). The species mix shall be a native mix drawing on those species to be removed in TG4, 10, 12, 13 and 14. In the event of any tree or plant failing to become established within five years of planting, each such individual tree or plant shall be replaced with another of the same species and size as that originally planted.

#### REASON

In the interests of the visual amenities of the area.

8) Any noise generated by the wind turbine shall not exceed the greater of 35dB(A) or 5dB(A) above background noise (LA90, 10min), at wind speeds not exceeding 10m/s as measured at, or adjusted to, a height of 10 metres above ground, when measured in free field conditions at any residential receptor in existence at the time of this permission. The noise emission values for the wind turbine shall include the addition of any tonal penalty as recommended in ETSU-R-97. The wind turbine shall be shut down at the reasonable request of the Local Planning Authority in order that background and operating levels can be compared. This condition shall apply at all times, day and night. If the noise from the wind turbine is found to exceed the above limits, the Local Planning Authority may require the turbine to be shut down until the issue is resolved. Details of any corrective or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and such measures shall be installed/implemented prior to the turbine being brought back into use, and thereafter maintained as approved.

#### REASON

In the interests of reducing the risk of noise pollution.

9) Prior to the commencement of development, the applicant shall notify the Local Planning Authority of the date of commencement of works, the intended duration of works, the maximum height of construction equipment and the exact latitude and longitude of the turbine in order that the information can be forwarded to the Ministry of Defence Safeguarding Team.

#### REASON

In the interests of reducing the risk of accidents.

10) No wind turbine components from the development hereby approved that require abnormal load movement on the strategic road network shall take place until a comprehensive transport strategy has been agreed in writing by the Local Planning Authority.

## REASON

To ensure that the Strategic Road Network is able to safely accommodate the abnormal load deliveries without detriment to existing infrastructure and road user's safety.

**(B)** That Tamworth Borough Council be consulted on the suggestion to split the Benefit Fund on a 50/50 basis and that this be affected through two separate Unilateral Undertakings under Section 106 of the Planning Act, and that their response be referred back to this Board.



## BACKGROUND PAPERS

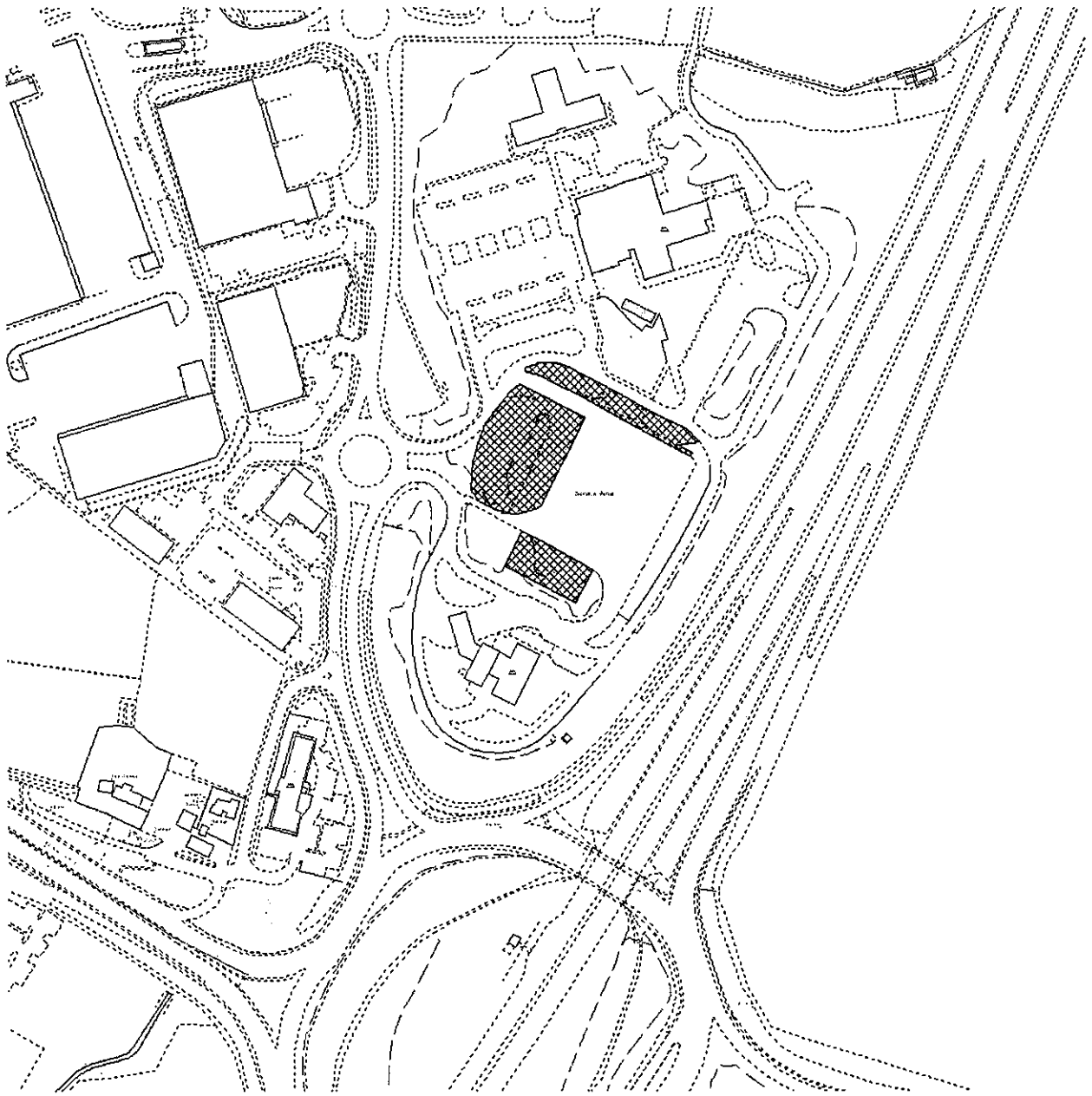
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0278

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/6/13
2	Environment Agency	Consultation	19/6/13
3	Head of Development Control	Letter	24/6/13
4	Mr Eppel	Support	24/6/13
5	Mr Norris	Support	24/6/13
6	Severn Trent Water Ltd	Consultation	24/6/13
7	Mr Jordan	Support	24/6/13
8	Mrs Koutstaal	Support	26/6/13
9	Mr Bailey	Objection	26/6/13
10	Ms Sketchley	Objection	27/6/13
11	Mr and Mrs Hart	Objection	26/6/13
12	Warwickshire County Council	Consultation	27/6/13
13	Mr Doxey	Objection	29/6/13
14	Mr Pazzaglia	Objection	2/7/13
15	Applicant	E-mail	3/7/13
16	Mr Lucas	Representation	5/7/13
17	Mr Bullock	Representation	5/7/13
18	Mr Pincher MP	Objection	5/7/13
19	E and A Parsons	Objection	11/7/13
20	HS2 Ltd	Consultation	17/7/13
21	Tamworth Borough Council	Consultation	17/7/13
22	Environmental Health Officer	Consultation	17/7/13
23	Ministry of Defence	Consultation	19/7/13
24	M Kondakor	Support	23/7/13
25	Highways Agency	Consultation	23/7/13

*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.*



**PAP/2013/0278**

**Moto Service Area, M42 Motorway Services Area, Green Lane, Dordon**

**Erection of a single wind turbine to 67 metres tip height and associated works for**

**Moto Hospitality Ltd**

### **Introduction**

This application is reported for information only at this time. The report will describe the proposal and its location as well as referring to supporting documentation submitted with it. An outline of the relevant Development Plan policies will also be set out.

Members will be aware that following this Council's refusal of planning permission for a wind turbine of the same height here, the applicant lodged an appeal and planning permission was granted in January 2013.

The report below will set out the main differences between that approval and the current application.

For the benefit of Members, all those residents who were notified of the last application have been re-notified of the present application.

### **The Site**

The proposed location is within the M42 Junction 10 Service Station adjacent to the HGV parking area. There is substantial planting around the service station with both semi-mature and mature tree planting throughout. To the north and west are large industrial units within Tamworth, with residential areas beyond. There is further commercial development to the south and residential development to the north. The M42 provides a divide between the more urban character of Tamworth on its western side and the more open and rural appearance of North Warwickshire to its east. The village of Birchmoor is the closest North Warwickshire residential area and the outline of Dordon to the east is clearly visible to the east. The mound at Birch Coppice is the dominant landform to the south east in an otherwise flat landscape.

As a consequence of this landscape characteristic there are long distance views of the site from a number of vantage points both in North Warwickshire and Tamworth. There are significant and obvious man-made features in the surrounding built environment which influence the landscape character such there is a strong urbanising influence.

The site is illustrated in the plan attached to this report – see Appendix A.

### **The Proposal**

It is proposed to erect a single wind turbine which would be 67 metres tall from the tip of the blade to ground level. The hub would be 40 metres off the ground and the blades would have radii of 27 metres. This would generate 500kW of electricity, primarily providing for the needs of the service station before feeding surplus electricity into the national grid.

The HGV parking area would be re-aligned so as to accommodate the turbine but without any loss of space.

### **Background**

As referred to above, planning permission already exists for a wind turbine here. The five changes from that permission in the current proposal.

- i) Introducing a different specification for the turbine which increases the energy output from 330 to 500kW. This results in a different appearance such that,
- ii) the turbine has to be re-located 20 metres to the south of the permitted location, and
- iii) the hub height would be lowered from 50 to 40 metres, thus increasing the blade length from 17 to 27 metres , but retaining the same overall height of 67 metres.
- iv) The increased output would mean that the number of houses that would benefit from the surplus electricity generated over and above that required from the service station would rise from 192 to 388.
- v) The offer of a Community Benefit Fund of £20,000 is proposed for "the local community or parish councils to enable them to support initiatives as they choose". However the applicant is particularly keen to see projects which encourage renewable energy; develop more sustainable communities or support local conservation and environmental initiatives. In addition the applicant would provide a further £1000 a year (index linked) over twenty years to the Moto Community Trust which supports local charities.

Plans showing the differences in location and appearance are attached at Appendix B.

### **Supporting Documentation**

A number of documents are submitted with the application as supporting evidence.

A **Bat Survey** concludes that there is no evidence of bat roosts on the site and very limited evidence of other bat activity on the site.

A **Habitat Survey** concludes the habitats on site are low in quality and would not provide a constraint on the proposal. Additionally there is little likelihood or potential for this to change in the future.

A **Tree Protection Survey** notes that two individual trees and three groups of trees would be removed on the island in the HGV parking area where the turbine is proposed and that parts of other groups surrounding the park would also need to be removed. However the report concludes that the trees only have "site" value and their removal would have a negligible impact on the character of the area. New planting around the HGV Parking area outside of the site area is being proposed.

An **Ecology Covering Letter** confirms that the changes now proposed to the permitted scheme here would be inconsequential in ecology terms.

A **Landscape and Visual Impact Assessment** has assessed the impact of the changes now proposed to the permitted scheme in landscape and visual terms. This concludes that in terms of visibility some receptors will only now see the blades rather than the hub and the blades, but that there would be substantive reduction as the change is considered to be minimal. In terms of overall impact it concludes that whilst the proportions of the turbine will be different and thus the appearance of the turbine would alter, there would be no overall worsening of the impact on the landscape. Photo-montages are again submitted using the same vantage points as with the original application.

A **Planning Statement** brings together all of the main issues, including those not included in the reports referred to above – eg noise, interference and heritage impacts. It relies heavily on the fact that planning permission has been granted here and alludes to the supporting documentary evidence that the proposed alterations would not have such adverse impacts as to warrant refusal.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment) and policies ENV1 (Natural and Historic Environment), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

#### **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Sustainable Development; Core Planning Principles, Responding to Climate Change

The Council's Submitted Core Strategy 2013 – Policies NW8 (Sustainable Development) and NW9 (Energy Generation and Conservation)

#### **Observations**

It is a matter of fact and thus a substantive material planning consideration that planning permission exists for a wind turbine at these Motorway services of the same overall height and in much the same location as that now proposed. That is a very recent

permission. The Board will therefore be asked to focus its consideration of the current application on the five differences between it and that permission as set out in the background section above. Members will be invited to assess whether those differences would materially affect the associated impacts to such a degree that refusal is warranted. All impacts will need to be re-considered, but special attention will be given to the change in the appearance and its potential consequence on visual, noise and shadow flicker due to the larger blades.

Given the introduction in this proposal of the offer of a Community Benefit Fund, Members may wish to give some thought at this stage as to how that might be used, given that communities in both North Warwickshire and Tamworth are affected.

Members have already undertaken a site visit to the Services area together with a tour around the site looking at it from a number of vantage points. It is not considered that another visit is necessary but the Board may wish to consider this too.

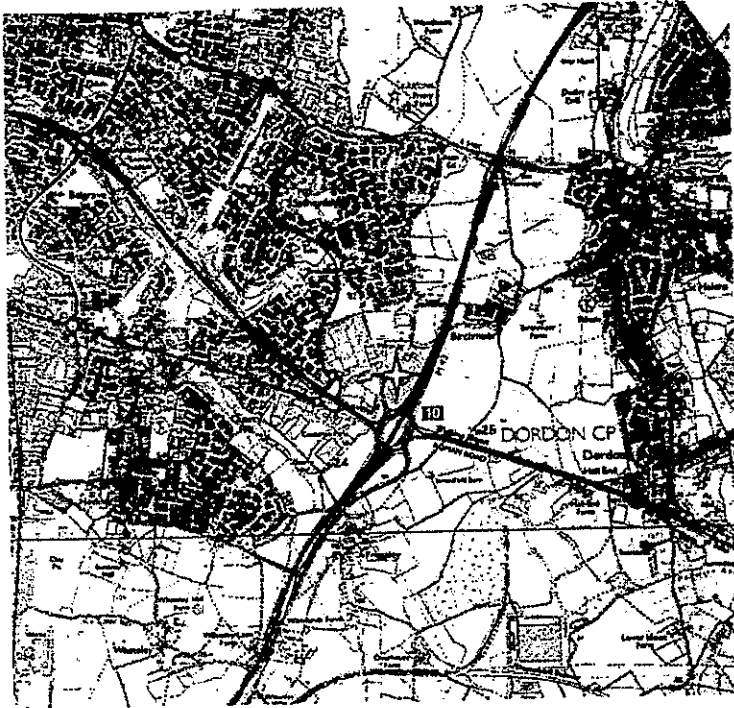
**Recommendation**

That the receipt of the application be noted at the present time.

Background Papers

Application 7/6/13

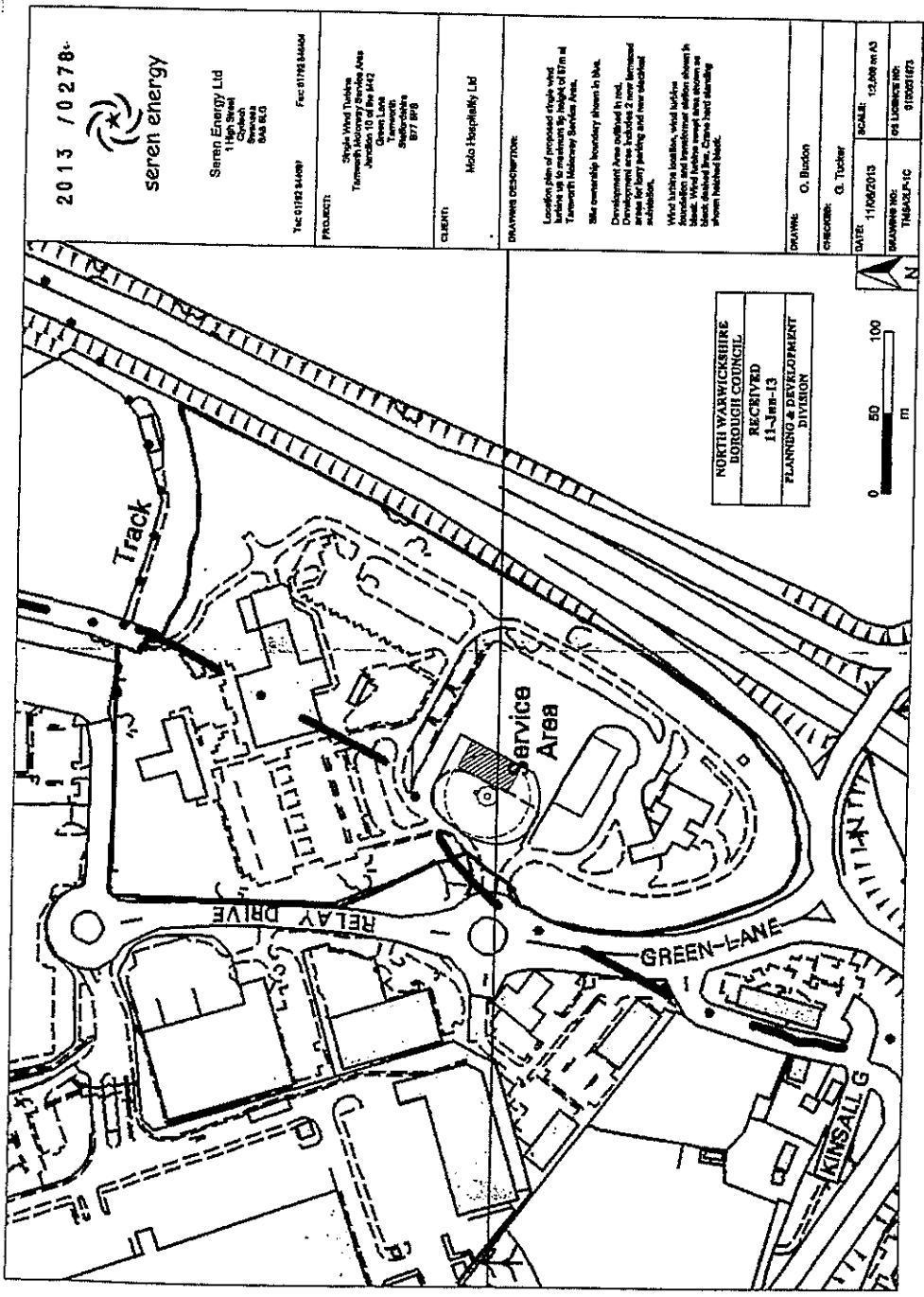
APPENDIX A



Site location

/68

6/85





2013 / 0278



Seren Energy Ltd  
1 High Street  
Swansea  
SA1 8LQ

Tel: 01792 844007 Fax: 01792 844004

PROJECT:

Sigma Wind Turbines  
Ternworth Service Area  
Junction 16 of the M42  
Green Lane  
Ternworth  
Leicestershire  
LE17 8PS

CLIENT:

Mobio Hospitality Ltd

DRAWING DESCRIPTION:

Site plan of proposed single wind turbine up to maximum height of 0.7m at Ternworth Motorway Service Area.

Site availability boundary shown in blue.

Development Area outlined in red.

Tower base, foundations, access area, crane handling, transformer station, isolation building and new HGV parking areas located in greenery.

New HGV parking spaces indicated in blue. New HGV areas under the existing HGV areas will be repainted on the existing HGV park.

DRAWN: G. Buddon

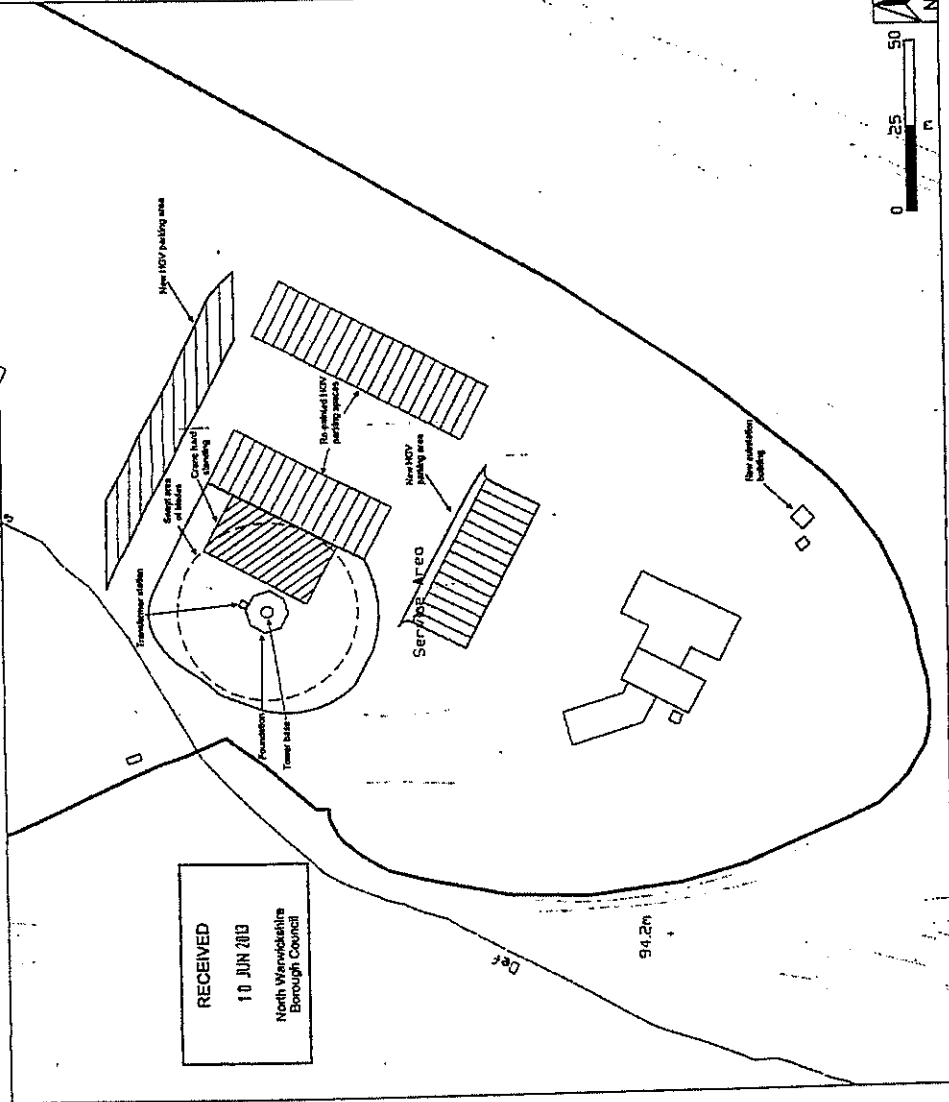
CHECKED: G. Tushy

DATE: 07/06/2013

SCALE: 1:1000 on A3

DRAWING NO: DWL0000000

THIRDS: 10 010000173



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## Appeal Decision

Site visit made on 4 December 2012

by **A R Hammond MA MSc CEng MIET MRTPI**

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

Decision date: 23 January 2013

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**Appeal Ref: APP/R3705/A/12/2183052**

**Tamworth Motorway Services Area, Green Lane, Tamworth B77 5PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Moto Hospitality Ltd. against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2011/0623, dated 29 November 2011, was refused by notice dated 20 March 2012.
  - The development proposed is a single 330kw wind turbine and associated infrastructure on land contained within Tamworth Motorway Services Area.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single 330kw wind turbine and associated infrastructure on land contained within Tamworth Motorway Services Area, Green Lane, Tamworth B77 5PS in accordance with the terms of the application, Ref PAP/2011/0623, dated 29 November 2011, subject to the schedule of conditions attached to this decision as Appendix A.

### Main Issue

2. The main issue in this appeal is the visual effect of the proposed development on its immediate setting and wider surroundings.

### Reasons

3. The National Planning Policy Framework (the Framework), published by the Department for Communities and Local Government in March 2012, states at paragraph 97 that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and to design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.
4. The proposed development is a 330kw wind turbine with a hub height of 50m and a blade swept radius of 16.7m, giving a maximum blade tip height of 66.7m. The turbine would be sited in the motorway services area located adjacent to the junction of the M42 and A5. Neighbouring the appeal site, and to the other side of the A5, there are a number of large commercial or industrial units.
5. The appeal site is located on the urban fringe of Tamworth in a landscape area described by the Council as "indistinct and variable" with an area of generally flat open farmland to the south and east.

6. Given the flat nature of the landscape the turbine would be visible across the open farmland from a wide range of viewpoints, many along the corridors of the M42 and A5. However, in these views the turbine would be seen in the context of the urban fringe including the large buildings nearby which, although not high are of considerably greater mass. In more distant views the turbine, by virtue of its slender design, would not be a prominent feature. As such the turbine would not introduce any significant landscape harm.
7. The turbine would be evident in a number of local views, including from within the residential area of Stoneydelph. However in the local area there is little scope for panoramic views and the turbine would generally only be visible between buildings and in most views it would be seen as being within the complex of the motorway services area and the adjacent large, bulky commercial buildings which themselves dominate views.
8. North Warwickshire Local Plan 2006 (LP) Policy ENV12 relates to urban design and requires all elements of proposed development to be well related to each other and harmonise both with the immediate setting and wider surroundings to present a visually attractive environment. LP Policy ENV13 relates to building design and requires the scale, massing, height and appearance of the proposed building to positively integrate into its surroundings.
9. Any wind turbine with a hub height of 50m would inevitably be obvious in some local views. However, although substantially higher than any nearby structure the simple and slender vertical appearance of the wind turbine would not dominate views but would complement the bulky horizontal form of the commercial buildings. In that respect the turbine would not be unduly obtrusive and would not be contrary to LP Policies ENV12 and ENV13, albeit that a wind turbine is not strictly a building to which Policy ENV13 would necessarily apply.

#### **Other Matters**

10. A number of other matters were raised in letters of objection received by the Council in response to consultation on the application and in subsequent submissions to the Planning Inspectorate. Insofar as they are material planning matters, the Council considered these and concluded that they were not reasons for refusing the application, subject to the imposition of appropriate conditions. Nothing submitted at the time or since would lead to a different conclusion.

#### **Noise**

11. The wind turbine would be located within the 24hr motorway services area and adjacent to the M42 motorway. Noise levels produced by the wind turbine should be well below the existing background noise levels but following a precautionary approach a condition can be imposed to limit noise levels to 5dB(A) above background.

#### **Shadow flicker**

12. Shadow flicker is a phenomenon only experienced within buildings with windows facing the turbine, at limited times of the day and in bright sunlight, occurring when the turbine blades pass between the sun and the window. The effect is only experienced 130° either side of north and has been proven to only occur within ten rotor diameters. There are no residential properties which

would be affected and whilst there is a slight risk of the effect being experienced by employees and customers at the motorway services, Travelodge and nearby offices, any effect would be transitory and acceptable.

**Wildlife**

13. A survey identified a limited presence of Common Pippistrelle Bats but away from the proposed site and mostly in transit. However it is proposed that a limited number of trees be removed to ensure a satisfactory separation from any bat activity. This could be controlled by condition. No other wildlife has been identified as at risk.

**Heritage and tourism**

14. The appeal site is not constrained by any listed building or other heritage asset and no evidence has been forthcoming to demonstrate that wind turbines have any significant detrimental effects on tourism.

**Highway and other safety**

15. Neither the Highway Authority nor the Highways Agency raised any objection on highway safety grounds and nothing produced would lead to any other conclusion. The turbine would be fitted with ice detection equipment and other safety monitors such that any risk with regard to safety would be negligible.

**Overall conclusion**

16. For the reasons given above, and taking account of all material planning issues raised, including the concerns expressed by Dan Byles MP and Christopher Pincher MP, I conclude that the appeal should be allowed.

**Conditions**

17. Conditions to ensure that the wind turbine be decommissioned and removed at the end of its design life are necessary in the interests of long term visual amenity.
18. A condition requiring the development to be carried out in strict accordance with the approved plans is necessary to ensure a satisfactory form of development.
19. A condition requiring the removal of specified trees is necessary for the protection of foraging bats.
20. Conditions requiring the implementation of a landscaping and planting scheme and the provision of bird boxes are necessary to prevent a net loss of biodiversity on the site.
21. A condition limiting noise generation by the wind turbine is necessary in the interests of residential amenity.
22. In the interest of aviation safety it is necessary that the Ministry of Defence be notified of the date of start of construction. However a condition can only require notification to be given to the Local Planning Authority who can forward such notification.

*Andrew Hammond*

INSPECTOR

## APPENDIX A

### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The turbine hereby approved shall be removed on or before 25 years from the date which the turbine is first used for electricity generation purposes or it ceases to be used for electricity generation purposes, whichever is the sooner, with the blades, hub, tower, access track and associated equipment removed and the ground restored to its former condition unless otherwise agreed in writing by the Local Planning Authority, and the foundations covered with topsoil and seeded with grass in the first available planting season.
- 3) The date which the turbine is first used for electricity generation purposes shall be confirmed in writing to the Local Planning Authority within two weeks of that date.
- 4) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be carried out otherwise than in accordance with the plans numbered TMSALP-1 and TMSASP-1 received by the Local Planning Authority on 1 December 2011; Appendix B to the 'Additional Planning Information' received by the Local Planning Authority on 1 December 2011; the plan numbered LP-1 and the tree protection measures outlined at paragraphs 3.5 and 3.6 of the 'Arboricultural Implications Statement & Tree Protection Plan' dated 15 July 2011, received by the Local Planning Authority on 1 December 2011; and the new access track construction method detailed at 6.5.1 of the 'Additional Planning Information Statement' received by the Local Planning Authority on 1 December 2011. The Turbine shall be an Enercon E33 330kw model in off-white colour with a hub height of 50m and a maximum height to blade tip of 67m and permanently maintained in accordance with the approved plans and details.
- 5) Prior to the decommissioning of the turbine, details of the routing and access, manner of dismantling and disposal of materials (accounting for ecological, highway, safety and amenity impacts relevant to the date of decommissioning) shall be submitted to and approved in writing by the Local Planning Authority. Decommissioning shall then be carried out in accordance with the approved details.
- 6) Tree 3 and group TG4 shown on the plan numbered TPP-1 of the 'Arboricultural Implications Statement & Tree Protection Plan' dated 15 July 2011, received by the Local Planning Authority on 1 December 2011 shall be removed prior to construction works commencing. A 30m distance shall also be maintained to tree group TG5, measured from the nearest tip of the turbine blade, as shown on the plan TPP-1, with any necessary tree removal to occur prior to any construction works commencing. No other trees shall be removed.
- 7) Prior to any removal of trees in accordance with Condition 6, no less than 160 trees shall be planted in or immediately adjacent to Area B as shown on the plan numbered LP-1 of the 'Arboricultural Implications Statement & Tree Protection Plan' dated 15 July 2011, received by the Local

Planning Authority on 1 December 2011. The species mix shall be a native mix drawing on those species to be removed in tree group TG4. In the event of any tree or plant failing to become established within five years of planting, each such individual tree or plant shall be replaced with another of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation.

- 8) Prior to the commencement of development, a scheme for the provision and type of bird boxes and their proposed locations across the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall be implemented prior to the removal of trees in accordance with Condition 6.
- 9) Any noise generated by the wind turbine shall not exceed the greater of 35dB(A) or 5 dB(A) above background noise (LA90, 10min), at wind speeds not exceeding 10m/s as measured at, or adjusted to, a height of 10m above ground, when measured in free field conditions at any residential receptor in existence at the time of this permission. The noise emission values for the wind turbine shall include the addition of any tonal penalty as recommended in ETSU- R-97. The wind turbine shall be shut down at the reasonable request of the Local Planning Authority in order that background and operating noise levels can be compared. This condition shall apply at all times, day and night. If the noise from the wind turbine is found to exceed the above limits the Local Planning Authority may require the wind turbine to be shut down until the issue is resolved. Details of any corrective or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and such measures shall be installed/implemented prior to the turbine being brought back into use and thereafter maintained as approved.
- 10) Prior to the commencement of development, the applicant shall notify the Local Planning Authority of the date of commencement of works, the intended duration of works, the maximum height of construction equipment and the exact latitude and longitude of the turbine in order that the information can be forwarded to the Ministry of Defence Safeguarding Team.

**(9) Application No: PAP/2013/0285**

**Poultry Farm, Gorse Green Lane, Fillongley, CV7 8PH**

**Proposed development of a 50kW wind turbine, for**

**Mr Justin Potter - W Potter & Sons (Poultry) Ltd**

### **Introduction**

The receipt of this application was referred to the July Board meeting. That report described the proposal and outlined the Development Plan policies and other planning considerations material to the case. For convenience it is attached as Appendix A.

Since then the Board has visited the actual application site. Additionally it took the opportunity to tour around the locality such as to familiarise itself with the wider setting and the surrounding landscape character.

### **Additional Information**

Since the July Board report was prepared the opportunity has been taken to agree a number of dimensions with the applicant. As a consequence Members are advised that regardless of the figures contained in that report, the following dimensions are those to be referred to in this case:

- distance to Jason's Green End Cottage on Gorse Green Lane – 375 metres
- distance to Blabers Hall farmhouse – 430 metres
- distance to Sovereign Exhibitions – 550 metres.
- distance to the radio mast – 440 metre
- distance to the M6 – 600 metres
- distance to the Heart of England Way – 600 metre
- distance to footpath M286 – 80 metres
- height of radio mast – 50 metres

Members may wish to know that every household within a two kilometre radius of the turbine site has been notified of the application – some 200 residences.

The applicant has provided the following additional information:

- i) Electricity costs amount to some 20% of the running costs of the farm. The turbine is proposed to reduce this to almost zero.
- ii) The turbine would generate some 200,000 kWh per year – the business would use around 65,000 kWh thus leaving a surplus to be exported to the National Grid. This, the applicant estimates, would be equivalent to electricity requirements of 34 typical homes a year.
- iii) The electricity connection will be to the meter at the poultry house off Gorse Green Lane.
- iv) The applicant states that the roofs of the sheds would not support solar panels and in any event they would not produce the energy levels required.

## **Consultations**

WCC Highways - No objection subject to standard conditions

WCC Public Rights of Way – No objection

Birmingham Airport – No objection

MOD – No comments received at the time of preparing this report

Environmental Health Officer – No objections

Environment Agency – No comments received at the time of preparing this report.

Highways Agency – No objection subject to a condition

## **Representations**

Sixteen letters of objection have been received. The grounds covered include:

- It will be an eyesore, a blot on the landscape when seen with the radio mast
- It is on Green Belt land
- It will create noise and be a health hazard.
- It will devalue property
- It will be of no benefit to the residents.
- The area is already being changed and losing its rural character.
- It will be an aviation hazard
- It will impact on local bird life.
- There is little evidence to show that it would benefit the business and could be "sold off".
- It will impact on the setting of Listed Buildings.
- It is too close to houses
- It will act as a precedent for others.
- Turbines are inefficient; alternatives should be considered
- The lanes are inappropriate for construction traffic

The Packington Estate has written to object to the proposal referring to the visual impact in the Green Belt; the impact on local wildlife and that it would act as a precedent.



## Observations

### a) The Green Belt – Inappropriate Development

The site is in the Green Belt. The North Warwickshire Local Plan 2006 (“the Local Plan”) requires new development in the Green Belt to be in accordance with Government Guidance – namely its Planning Policy Guidance Note Number 2, now superseded by the National Planning Policy Framework 2012 (“the NPPF”). It is considered that a wind turbine does fall within the definition of a building under the Planning Act and thus as new buildings are inappropriate development in the Green Belt as defined by the NPPF, there is a presumption of refusal in this case. The NPPF however does include a number of exceptions to this and it is necessary to explore these. There are two areas to look at. The first will examine the definitions of the exceptions themselves and the second will look specifically at what the NPPF says about renewable energy projects in the Green Belt.

Taking the definition matter first, then the only exception that could apply here is if the building is a “building for agriculture”. The applicant suggests that this is indeed the case. Clearly the turbine is to be located on an agricultural holding and would provide electricity for that farm. Thus there is some weight to his argument. However it is not considered that this should carry much weight. He is not helped by the appeal decisions of the two cases he has included in his supporting documentation where in both cases neither Inspector took this view. Also this approach was not taken by an Inspector dealing with an appeal in North Warwickshire at Arley several months ago. It is considered that the turbine is a building designed and operated in order to generate electricity – that is its purpose. There is no operational or technological reason why it should not be located elsewhere in order to provide electricity for other non-agricultural purposes. Hence there are turbines approved solely to generate power for the grid and others to power industrial concerns. Given all of this, it is concluded that the turbine should not be treated as one of the exceptions.

In that case, the building is thus one designed to produce renewable energy. The NPPF says that “elements of many renewable projects will compromise inappropriate development”. This is the case here and thus it is concluded that the turbine is inappropriate development and that it does carry the presumption of refusal.

However in these circumstances the NPPF does then go on to say that “developers will need to demonstrate very special circumstances if projects are to proceed. Such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”. The onus is thus on the applicant to identify those planning considerations, either singly or cumulatively, which would amount to the very special circumstances of such weight necessary to warrant overriding the presumption of refusal. The applicant’s case will be identified below, but it is first necessary to identify the scale of the harm done to the Green Belt as a consequence of the proposal. This is because if the harm is minor or limited, then the weight of the circumstances needed to tip the balance in favour of the applicant is less than it would be if the harm is significant or substantial.

## **b) Green Belt – Harm**

The NPPF says that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Hence the identification of harm to the Green Belt as a consequence of this proposal needs to be addressed in these terms.

It is agreed that the ground works and other surface development including the associated cabinets housing equipment would be negligible in terms of their impact on openness. The tower would be slender and the swept radius of the blades would also take up a small area of ground area. Hence it would appear that openness is not too much affected. However this quantitative approach should not be the sole measure. It is appropriate to approach the issue by establishing the existing “level” of openness and then addressing the impact of the introduction of the turbine. The location of the turbine is on sloping land running down to the M6 Motorway. That land is presently an area of open fields with surrounding woodland and hedgerows and trees bordering other highways, and is higher than land to the south, even beyond the Motorway. There are views southwards over some distance. The turbine is a tall structure some 46 metres to its blade tip. It would be seen from public footpaths from the south, and from the path that passes close by. Its blades would also be visible from roads and footpaths on the ground to the north. It would be an additional tall structure seen together with the existing radio mast. As such it is considered that the turbine would have an impact on the openness of the Green Belt hereabouts. Given that the topography here is not flat and that there is a lot of tree cover, it is concluded that this is a moderate impact on openness, rather than a significant impact.

## **c) Green Belt – Purposes**

The NPPF defines five purposes for including land within the Green Belt. It is considered that given the wholly rural character of the area surrounding the site that the one purpose affected here is whether the development would “assist in safeguarding the countryside from encroachment”. Given the conclusion reached above it is concluded that this development would not achieve this purpose.

## **d) Green Belt - The Degree of Harm**

It is thus concluded that the degree of harm here to the Green Belt would be moderate.

## **e) The Applicant’s Case**

The applicant’s case is very largely based on the NPPF’s policies on renewable energy projects. He draws attention to the statements here where it says that Local Planning Authorities should “support the delivery of renewable and low carbon energy infrastructure”; adopt “proactive strategies to mitigate and adapt to climate change”; “recognise the responsibility on all communities to contribute to energy generation from renewable sources”, and “not require applicants to demonstrate the overall need for low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting green house gas emissions”. He also refers to Local Plan policies supporting renewable energy schemes (Policy ENV10). In this case the applicant specifically connects the application to its agricultural purpose providing a sustainable source of power for an operation that requires higher power levels because of its environmental controls. He refers to the NPPF which says that Local Planning Authorities should take “positive steps to sustainable new development in rural areas”, and “promote the development and diversification of agriculture”. He also refers to Local

Plan policies ECON7 and ECON8 which in general support new agricultural buildings and structures as well as farm diversification. As farming is the primary land use in Green Belts, he considers that it is important that matters that directly impact on and improve agricultural production are supported. He draws attention to recent appeal decisions which support this approach.

His second argument is that the proposal would not cause material harm to the visual amenity of the area and the openness of the Green Belt. He says that the turbine is kept away from local residents and in a location set below the brow of the higher land to the north with the turbine being contained. He agrees that the turbine would be visible but it would only have limited interruption to visibility and thus only low impact on the openness of the Green Belt. The preferred location for the turbine would have been on the higher ground to the north but he says that the present location was selected because it would have far less visual impact.

His third argument is that the turbine would have little or limited other impacts. Because of the distance of the turbine from the closest residential property, noise emissions would satisfy the recommendations set out in the latest relevant guidance; there are no national, regional or locally designated ecological sites nearby and hedgerows, trees and ponds are in excess of 50 metres, any shadow flicker would be very limited due to the distance of the nearest residential property from the site and intervening vegetation, and that in his view there are no objections from the nearby airports or from the MOD.

It is now proposed to examine these particular arguments commencing with those relating to potential impacts.

#### **f) Landscape Impact**

The proposed turbine is located in a wider area described in the Warwickshire Landscape Guidelines as being "Arden River Valleys" and the key characteristics are "river corridors", "natural alluvial floodplains, grazing meadows and hedgerows". However at local District level the site locality has slightly different characteristics being in the "Church End to Corley – Arden Hills and Valleys" designation. The key characteristics are, "a broad elevated basin with numerous rolling hills and valleys; a mixed agricultural landscape with an ancient pattern of small fields, winding lanes and dispersed isolated hamlets and farmsteads, a heavily wooded character with large woodland blocks on hill tops and former wood pastures and escarpments, the M6 and pylons are visible from southern slopes and there are long views across the Blythe valley to Birmingham". The immediate setting is open farmland comprising medium scale fields enclosed by hedgerows with many mature hedgerow trees and sunken lanes. There are larger woods to the west and the land slopes southwards with wide views. The Motorway is visible but only in part, unlike the radio mast. Other masts at Kinwalsey to the south are also visible. There are no settlements, rather a number of dispersed farms and houses scattered throughout the landscape.

The turbine will alter the rural landscape locally. It will be plainly visible from its immediate surroundings and the nearby footpaths thus having a significant impact on the appearance of the landscape. Beyond Green End Lane to the north, Gorse Green Lane and the footpaths to the east including the Heart of England Way that impact lessens because of the topography, intervening hedgerows, trees, woods and sunken lanes. Given the radio mast here too, it is considered that the impact will be moderate. However further afield the impact lessens very quickly, again because of the topography, the intervening woods, hedgerows and sunken lanes such that that impact becomes very limited or there is no impact. It is thus considered that the turbine would be a prominent adverse feature uncharacteristic of the appearance of the landscape

here in its immediate setting, but that this lessens significantly as one moves away. Hence overall there would be moderate impact. Local Plan policy ENV1 states that development which would neither protect nor enhance the intrinsic qualities of the existing landscape as defined by Landscape Character Assessments will not be permitted. This policy reflects the content of the NPPF and thus carries full weight. As a consequence the proposal conflicts with this Local Plan policy.

#### **g) Noise**

Government guidance suggests that noise levels from wind turbines should be assessed against a Good Practice Note published by the Institute of Acoustics. This has recently been updated. It recommends an acceptable level of the noise limit to be 43dBA at night time. The applicant advises that in his case, that limit would be reached at a distance of 75 metres from the turbine. This he says takes account of varying wind speeds. As the closest residential property is over 350 metres away, he does not consider that there would be any adverse noise impact. The Council's Environmental Health Officers agree with this assessment.

#### **h) Other Matters**

Given the responses from Birmingham Airport, it is agreed that there is not a refusal reason based on these issues. Given the distances involved between the turbine and houses; the intervening nature of the topography and the advice concerning the occurrence of shadow flicker, it is agreed that there would be a very limited risk of shadow flicker becoming a material issue here. There has been no objection from any wildlife agency or from the Warwickshire Museum or other interest looking at impacts on heritage assets. As a consequence there are not impacts here that would warrant a refusal.

#### **i) Highway Matters**

All construction traffic for the turbine would use Green End Lane and all future service and maintenance traffic would use the same route. As a consequence the Highway Authority has raised no objection due to the limited construction period – seven to ten days. Standard conditions are recommended in order to improve the access.

#### **j) Representations Received**

The matters raised in the objections received from local residents are covered in the report. It is clear that the main thrust of these objections is the visual impact of the turbine in what is considered to be a wholly rural landscape. Members will be aware that personal comments on whether individual residents can see the turbine or not should not carry weight here. Neither is it reasonable for the applicant to provide photo-montages from every household that might be affected. The issue is to determine as objectively as possible, the scale of the visual impact on the character and appearance of the landscape and the openness of the Green Belt. This is the reason for the Board not only visiting the site itself but also to tour the site such that it better understands that character and appearance. It can then assess both the applicant's and officer's conclusions against that understanding. Additionally there has been some criticism of the applicant's financial evidence suggesting that there is not an overwhelming case for the turbine. Members are advised to concentrate on the approach set out in the NPPF here where it explicitly says that applicants should not be required to "demonstrate the overall need for renewable energy" and that Planning Authorities should "recognise that even small-scale projects provide a valuable contribution to cutting green house

emission". The representations in part also refer to "public" benefits and this will be addressed later in this report.

### **k) Recent Announcements**

Members will be aware of a recent Statement made by the Secretary of State about wind turbines, indicating that new planning guidance is to be published. This happened on 29 July. It reiterates the guidance of the NPPF in saying that all communities have a responsibility to help increase the supply of green energy, but continues by saying that this does not automatically override environmental protections and the planning concerns of local communities. It continues by saying that distances from proposed renewable energy projects of it-self does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including local factors such as topography, the local environment and near-by land uses. In respect of wind turbines then the matters raised in this report are all relevant in coming to a decision. In respect of impacts on the landscape then the new guidance refers to assessments needed on the sensitivity of the landscape; the visual resource and the magnitude of the predicted change. These matters have been dealt with above. It is considered that this new Guidance taken as a whole does not materially alter the conclusions reached above, nor should it affect the recommendation below.

### **l) Conclusions**

This proposal is inappropriate development in the Green Belt which would have a moderate impact on its openness hereabouts and not assist in promoting the purposes of retaining land within it. There would also be moderate adverse visual impacts on the character and appearance of the surrounding rural landscape. However there are unlikely to be any other adverse environmental, ecological, heritage, aviation or highway impacts. The issue therefore comes down to balancing this inappropriateness and harmful impact against that of the applicant's central case which is supported by the need to promote renewable energy projects even in Green Belt areas.

The applicant has provided an overall figure – 20% - on how much this turbine would assist his enterprise. This is considered to be significant and would go some way to meeting the "renewable energy" objectives of the NPPF. However it is not overriding, and the additional number of residential properties that might benefit is neither significant in number – 34. It is agreed that there are few residential properties in this low density area and therefore the number of 34 would account for the majority the locality affected by the turbine. However there is no evidence provided by the applicant as to how this benefit might be translated into a direct community benefit.

The NPPF has to be taken as whole. Planning does play a key role in supporting the delivery of renewable energy and this is central to the economic, social and environmental dimensions of sustainable development. Hence planning permissions are granted for such projects. However this does not mean that renewable energy proposals themselves represent sustainable development. In this case the site is in the Green Belt and the NPPF says that its essential characteristics are its openness and its permanence such that substantial weight should be given to any harm to the Green Belt. Moreover the NPPF says that the very special circumstances required to outweigh the presumption of refusal for inappropriate development, "may" include the wider environmental benefits of renewable energy projects, not that such projects automatically override Green Belt protection. The substantial weight of the NPPF for the protection of Green Belts and the moderate harm here to the openness of the Green Belt and to the character and appearance of this area are considered to outweigh the

applicant's case for this renewable energy project. In other words going back to the conclusion in (a) above, the gap is not closed by the applicant's case.

### **Recommendation**

That planning permission be **REFUSED** for the following reason.

“The proposal is inappropriate development in the Green Belt. It conflicts with the purposes of including land in the Green Belt and it has a moderate adverse impact on its openness. It will also have a moderate adverse impact on the character and appearance of the surrounding rural landscape. It is not considered that the benefit to the farm business nor to the delivery of renewable energy as advanced by the applicant amounts to the very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. The proposal is thus contrary to saved Policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006”.

## BACKGROUND PAPERS

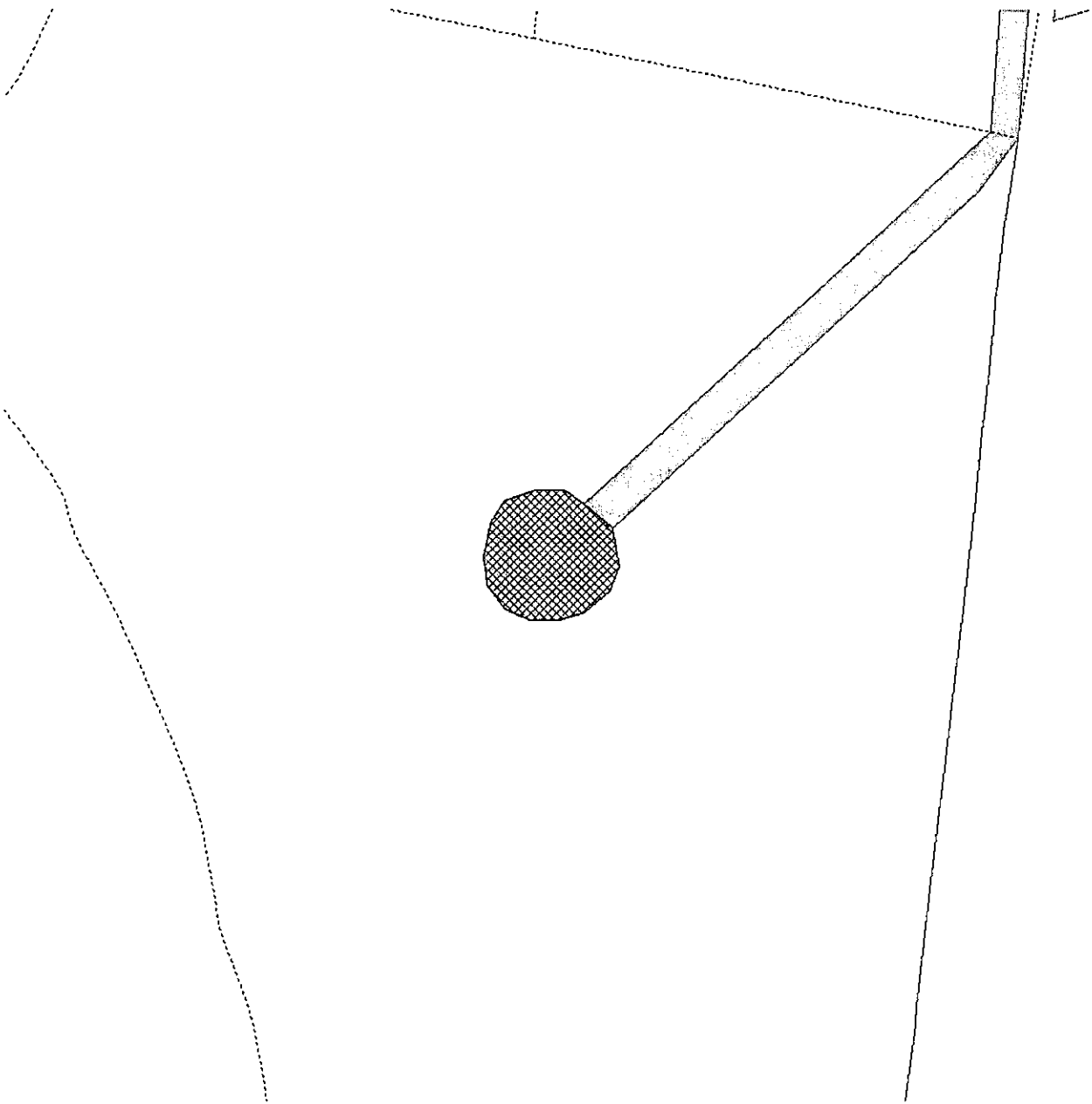
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0285

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/6/13
2	Head of Development Control	Letter	24/6/13
3	Agents	E-mail	25/6/13
4	Agents	E-mail	3/7/13
5	WCC Highways	Consultation	3/7/13
6	WCC Footpath Team	Consultation	9/7/13
7	Agents	E-mail	9/7/13
8	Mrs Smith	Objection	9/7/13
9	Mr & Mrs Smith	Objection	9/7/13
10	Mr Pugh	Objection	9/7/13
11	Mr Bradley	Objection	6/7/13
12	Dr G Thomas	Objection	4/7/13
13	Dr F Thomas	Objection	7/7/13
14	Mr & Mrs Bacciochi	Objection	2/7/13
15	Mrs Peare	Objection	24/6/13
16	Mr Peare	Objection	26/6/13
17	Mr Arnold	Objection	22/6/13
18	Agents	E-mail	12/7/13
19	A Iddon	Objection	11/7/13
20	M Hassall	Objection	10/7/13
21	J Cole	Objection	9/7/13
22	Mr & Mrs Hayes	Objection	12/7/13
23	Birmingham Airport	Consultation	22/7/13
24	Packington Estate	Objection	23/7/13
25	Highways Agency	Consultation	23/7/13
26	Mr Garnett	Objection	23/7/13
27	Mr Adams	Objection	24/7/13

*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.*





**General Development Applications**

**(#) Application No: PAP/2013/0285**

**Poultry Farm, Gorsey Green Lane, Fillongley, CV7 8PH**

**Proposed development of a 50kW wind turbine, for**

**Mr Justin Potter - W Potter & Sons (Poultry) Ltd**

**Introduction**

This application is reported for information at this time only so that Members can have an initial view of the proposal itself; understand the reasons for the submission and be aware of the nature of the site and its surroundings. The main Development Plan policies relevant to its determination are also outlined.

**The Site**

The existing poultry farm here consists of two poultry sheds, a couple of hundred metres south of Green End Lane opposite the site currently occupied by Sovereign Exhibitions, and one poultry shed just to the west of Gorsey Green Lane in Fillongley. Members will recall that the Sovereign Exhibitions site used to be the Potter's manufacturing site which was then re-used for the packaging of potatoes.

The site is wholly agricultural in appearance and character surrounded by farm land and field hedgerows. There are scattered individual dwellings along Green End Lane in both directions as well as a number of smaller farmsteads. Blabers Hall Farm and a cottage in Gorsey Green Lane are the closest residences – about 350 metres to the north-west and east respectively. The Blabers Hall radio and telecommunications mast is 330 metres to the north- west too.

Green End Lane is classified as the D507 and is a two lane carriageway. Gorsey Green Lane, the D510, is a single carriageway narrow country lane with high banks and it joins Green End Lane to the east. The main vehicular access to the poultry sheds is from either of the roads depending upon which sheds are being serviced.

The land here is relatively high here with the site just below the highest level in the vicinity. There is thus little higher ground around the site. Ground levels fall away to the south and to the south east. The M6 Motorway is about 600 metres to the south and the M286 public footpath crosses the land adjoining the site – 80 metres to the north. The Heart of England Way is 600 metres to the south-east, and there are other footpaths south of the Motorway.

The attached plan illustrates these features and covers an area roughly two kilometres around the actual site itself. Maxstoke is about 1.8 kilometres to the west.

## The Proposal

It is proposed to erect a single wind turbine at this site to providing 50 kW of energy to power the poultry farm business with excess electricity going into the National Grid. The Farm covers some 12 hectares and is primarily involved in the rearing of pullet chickens which are supplied to free-range egg producers to provide their laying stock. The applicant argues that following changes in legislation which effectively de-couple subsidies from production through the implementation of a single farm payment scheme, it is necessary that farmers look at more profitable ways to maintain business. The proposal provides a sustainable opportunity for energy use at the farm thus reducing costs and sustaining the local rural economy as well as reducing green house gas emissions. The applicant says that the optimum location for a turbine to power his business would be further to the north on the higher ground, but he recognises and understands that such a location would be more visually intrusive and has therefore compromised with the current site location.

Being a poultry producer the applicant says that his business is highly dependant on the optimum environmental conditions being consistently available in the sheds – lighting, ventilation and heating. As such his current energy costs are significant and rising in line with all electricity consumers.

The turbine would be 46 metres tall from the ground to the tip of the blade. The blade itself would be 9.6 metres in radius and the hub would be 36.4 metres off the ground. It has been sited such that it is 50 metres away from any hedgerow or tree. A ground based cabinet would be necessary – 2 metres by 1 metre and 2.1 metres high.

Vehicular access for construction and maintenance would be from the existing track leading northwards to Green End Lane. Construction of the foundations would take 4 to 5 days, with installation about five weeks later taking 2 days.

## Other Supporting Documentation

Three documents are included with the submission.

**A Design and Access Statement** outlines the basis for the application; describes the proposal and makes its own assessment of the proposal against planning policy drawing on the conclusions of other documents. Reference is made to relevant paragraphs of the National Planning Policy Framework 2012 as well as to the 2006 Local Plan. The Statement also refers to two appeal decisions allowing single turbines of equivalent size to that proposed here, located on farms and in Green Belt locations.

**A Noise Assessment Report** sets out current Government guidance as set out in the National Planning Policy Framework 2012 and the current Recommended Good Practice Note for Noise on Wind Farms. This suggests a noise limit at night time of 43 dBA. In this case, given the site's characteristics and the type of turbine specified, the assessment concludes that this threshold would be reached at 75 metres from the turbine. As the closest residential property is 400 metres away the report concludes that there would not be a noise issue here.

**A Landscape and Visual Appraisal** has been undertaken using guidelines set out by the Landscape Institute and the Institute of Environmental Management and Assessment. The base line for the assessment is that the site lies in an area which displays the key characteristics of the "Arden River Valleys" described by the Warwickshire Landscape Guidelines - ie. river corridors; natural alluvial floodplains,

grazing meadows and hedgerows. The North Warwickshire Landscape Character Assessment reflects the same type of rural characteristics but also includes the fact there are views from elevated land particularly looking east and southwards.

The Assessment describes a number of vantage or viewpoints and aims to assess the likely magnitude and significance of the proposed turbine on the particular characteristics identified above, through a number of photo-montages. These are based on locations at: Gorsey Green Lane just north of the M6 Motorway; in Packington Lane between the M6 and Maxstoke, from Green End Lane west of Blabers Hall Farm, the junction of Green End Lane and Gorsey Green Lane, from Green End Farm, and from the Kinwalsey area.

The Assessment concludes that the single turbine here would result in a low magnitude of landscape change at around 2 km distance, but that at the local level that rises to a low/medium level of change up to 1.5 km away and a minor/moderate impact at a distance of 0.5 km. The turbine would not be visible from the hamlet of Maxstoke and there would be intermittent views from Green End. The overall conclusion is that the turbine is modest and set in an undulating landscape with some tall vegetation, woodlands and trees. These elements combine to limit the landscape and visual effects of the turbine to a very local area. In other words it could be accommodated in the landscape without significant effect on the openness of the Green Belt.

For the benefit of Members, more detailed plans of the location and the turbine are at Appendices A and B, with copies of photomontages provided by the applicant at Appendix C.

## **Background**

For comparison purposes, Members might like to know that the turbine at Grendon Fields Farm which is now up and running is also 46 metres tall from ground to blade tip and it too is designed to generate 50 kW of electricity. The turbine approved at appeal for the Dordon Services Area on the M42 is to be 67 metres from ground to the blade tip when it is constructed and that is said would generate 330kW of electricity.

The nearby radio mast at Blabers Hall is 37.5 metres tall.

In terms of neighbour consultations Members should be aware that all residential addresses with a 2 kilometre radius of the site have been notified of the application.

## **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment), ENV1 (Landscape Conservation and Enhancement); ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Sustainable Development; Core Planning Policies, A Prosperous Rural Economy, Protecting Green Belt, Meeting the Challenge of Climate Change, Conserving and Enhancing the Natural Environment,

The Council's Submitted Core Strategy 2013 – Policies NW2 (Green Belt), NW8 (Sustainable Development) and NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW11 (Natural and Historic Environment).

## **Observations**

Present Government planning policy on the approach to be taken to wind turbines is set out in the NPPF. However this is made up of conflicting policies. The NPPF states that the overall purpose of the planning system is to reach decisions based on a balance of performing three different roles; an economic, a social and an environmental role. These of course may “pull” in different directions. Even under the environmental role, there may be a tension between “protecting and enhancing our natural, built and historic environment”, and “using natural resources prudently” and “adapting to climate change including moving to a low carbon economy”. The twelve planning policies set out also have conflicting objectives - for instance, “protecting the Green Belt and recognising the intrinsic character of the countryside and supporting thriving rural communities within it” and “encouraging the use of renewable energy resources for example by the development of renewable energy”. The Planning Board will have to assess each of these matters and give weight to each before reaching a final assessment or balance between them.

This site is in the Green Belt and thus one of the first issues to consider is whether the proposal is appropriate or inappropriate development in the Green Belt. The NPPF provides the definitions within which this question should be answered. But even then, on the one hand this states that buildings for agricultural purposes are appropriate developments, and then on the other it says that, “elements of many renewable energy projects will compromise inappropriate development”. In the latter instance, then the onus is on the developer to demonstrate the very special circumstances if projects are to proceed. The NPPF explicitly says that such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The Board will have to assess these conflicting definitions. If it concludes that it is appropriate development then the presumption is one of approval unless there are material planning considerations of such weight to refuse planning permission. If it concludes that it is inappropriate development, then the applicant's very special circumstances will need to be evaluated to assess whether they might override the presumption of refusal.

A second critical planning consideration will be to evaluate the impact of the development both on landscape character locally and more widely, together with its overall visual impact. It is not appropriate to conclude that all wind turbines have adverse landscape and visual impacts and therefore should be refused planning permission. It is necessary to determine the extent of any harm, if there is any, given the surrounding context and topography. An understanding of the nature of the surrounding landscape is thus essential to the determination as to the level of visual harm.

A third and equally important consideration will be to evaluate the applicant's submitted evidence for both the economic and agricultural case that is being made. The Board will need to understand the scale of the economic case and the agricultural justification for it. It is also pertinent to see what public benefit there also might be from the development.

Finally Members will need to be satisfied that there are no adverse impacts in respect of a number of other matters – such as noise, flicker, aviation, ecology, heritage and highway matters.

In order that Members can understand and appreciate the landscape setting, as with other similar applications, it is strongly recommended that the Board does visit the site ahead of any determination of this application and that that visit includes a tour around the surrounding area in order to assess the potential visual impact of the turbine.

### **Recommendation**

That prior to determination of this application, the Board visit the site and its surrounding area

## BACKGROUND PAPERS

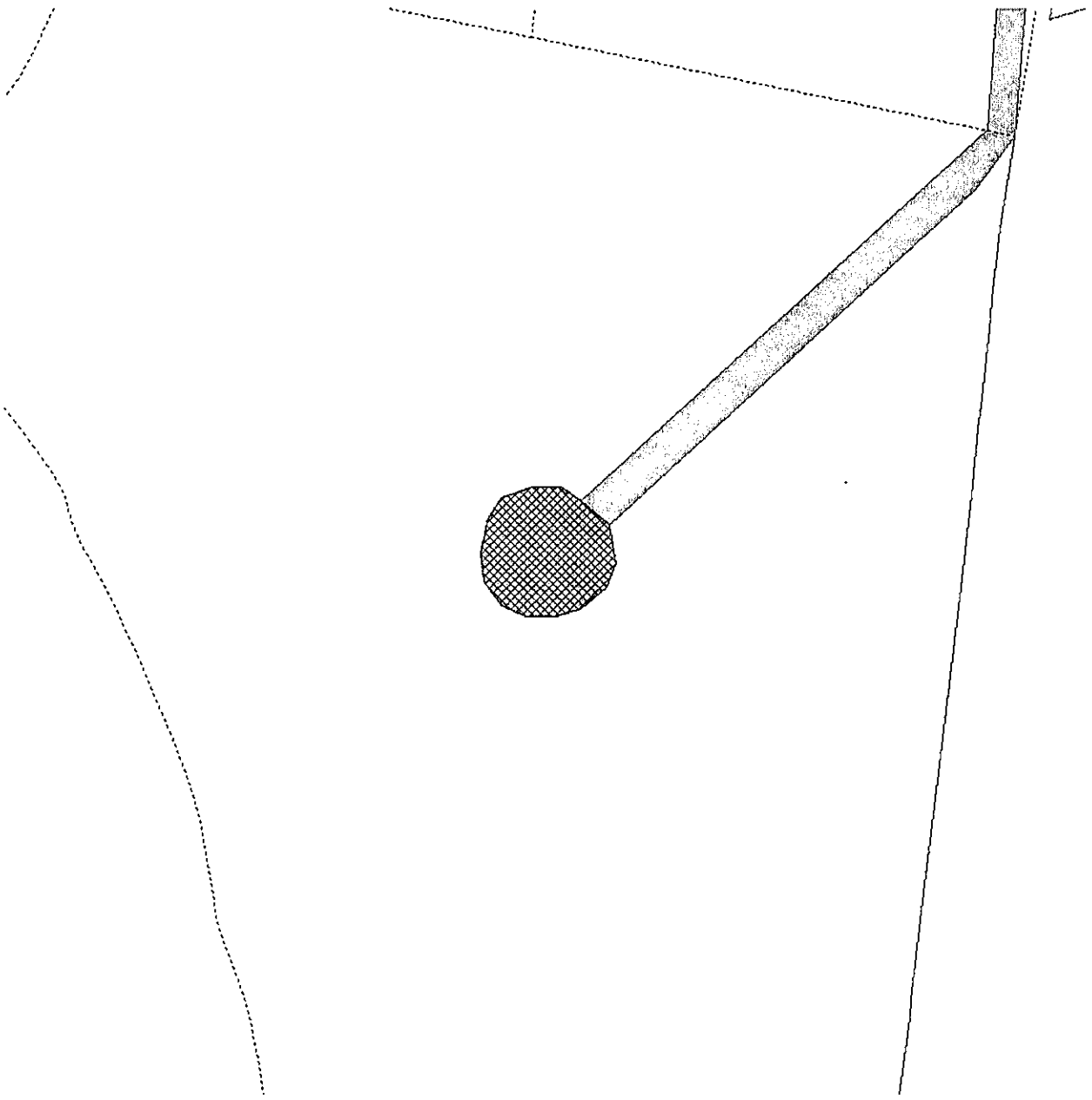
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0285

<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)	12/6/13

*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.*



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2013/0285



Proposed site for wind turbine



Photo Viewpoint

North Warwickshire Landscape Character Assessment



Blythe Valley Farmland Farmland Character Area

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 12-Jun-13
PLANNING & DEVELOPMENT DIVISION



Hallmark Power Ltd.  
 Green End Road, Warwickshire  
 Wind Turbine

LOCATION PLAN &  
 PHOTO VIEWPOINT LOCATIONS

1:12,500 0 A3 AESTAGH

May 2013



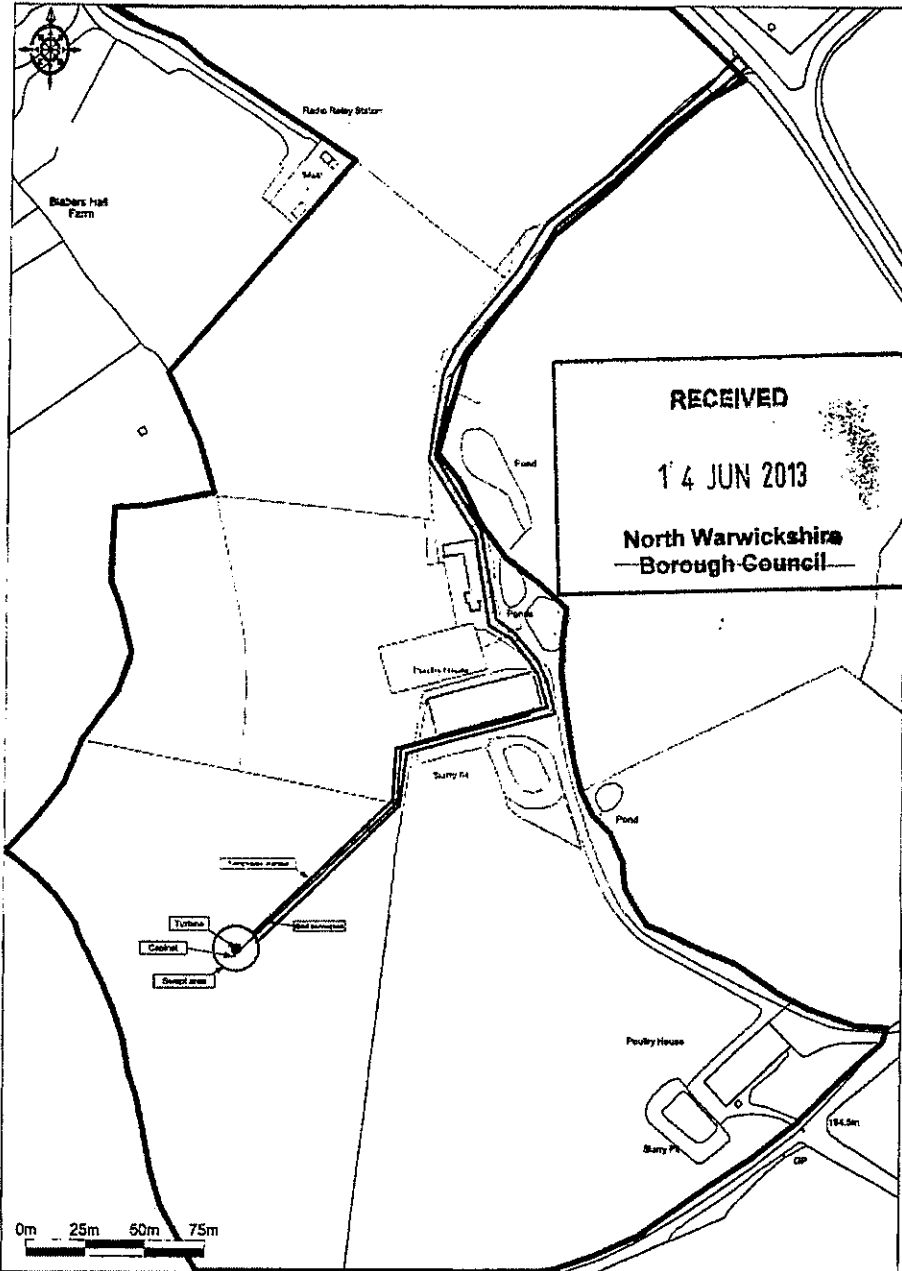
Figure 1



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2013 / 0285  
Green End Farm. Location Plan *APPENDIX B*



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Borough Council

0m 25m 50m 75m



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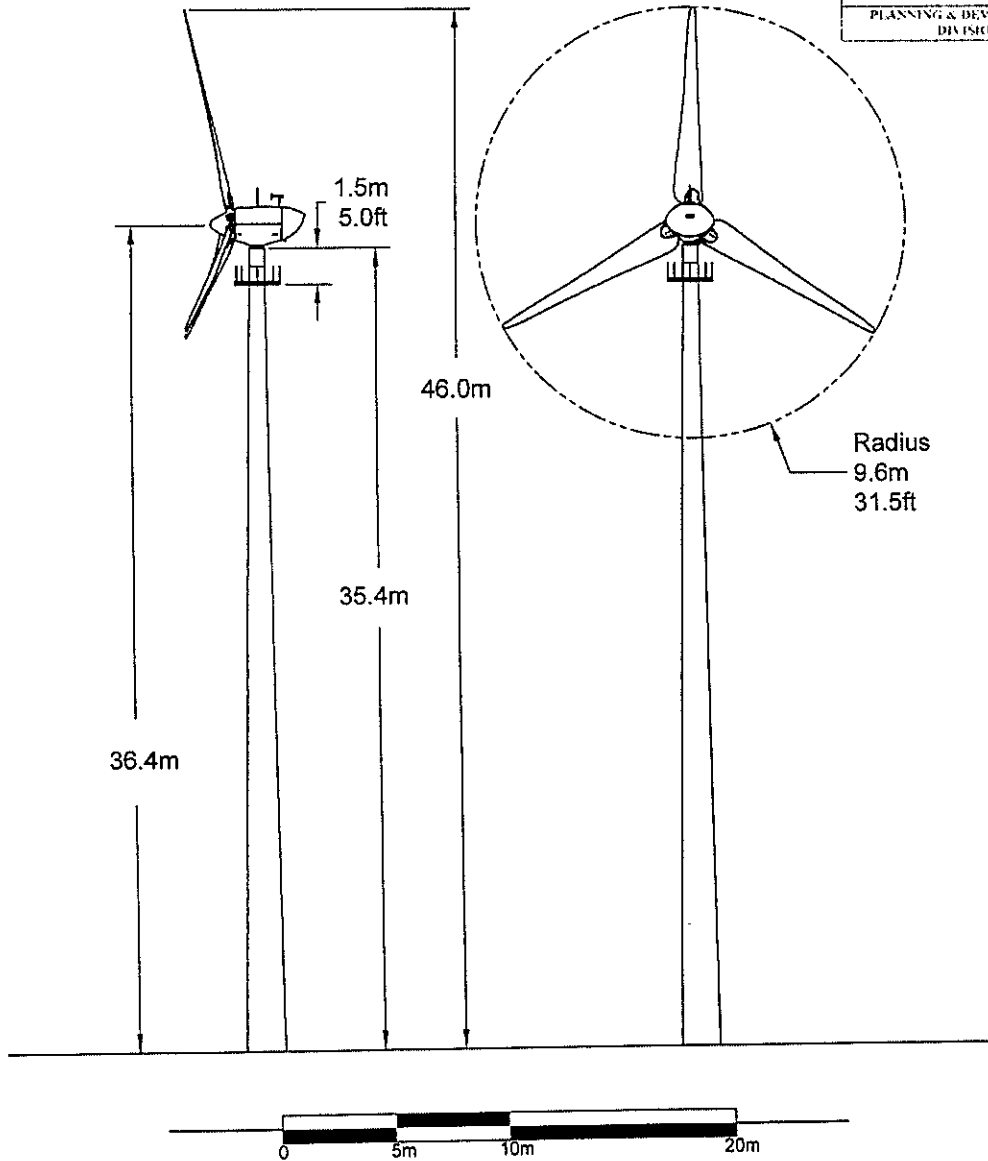
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2013/0285

NORTH WARWICKSHIRE  
BOROUGH COUNCIL

RECEIVED  
12-Jun-13

PLANNING & DEVELOPMENT  
DIVISION



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

**Note:** Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

**Endurance**  
wind power

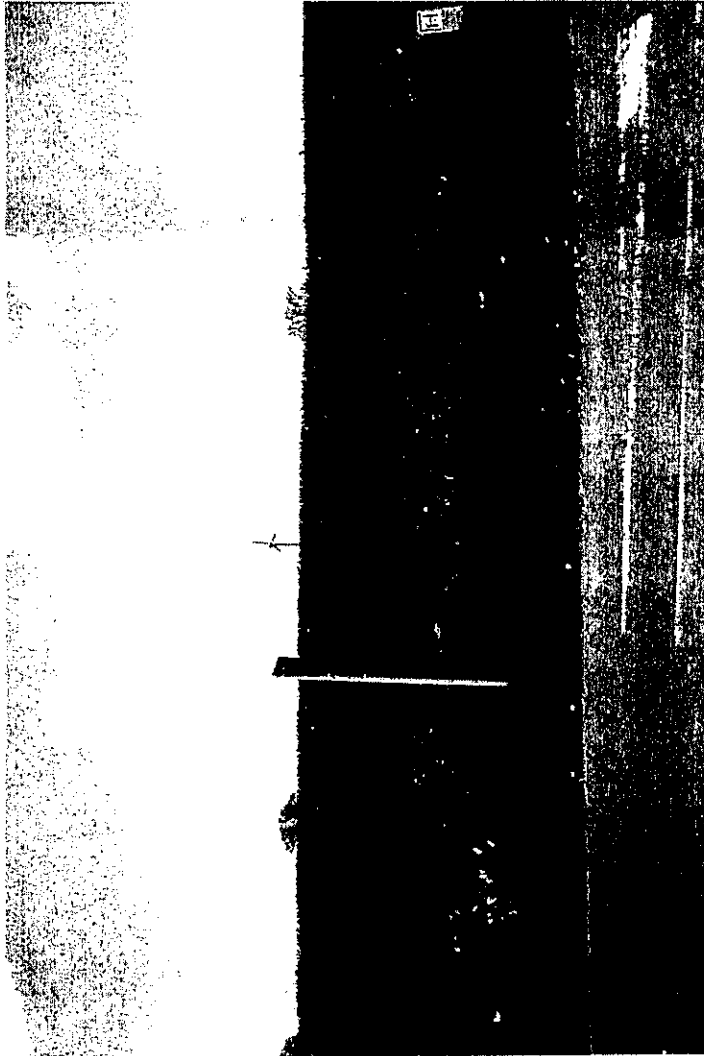
E-3120 36m Scaled  
Elevation

SIZE	DWG. NO.	REV.
A	E-3120 - 50 kW Monopole	A





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Photomontage - Location E  
View south west from Green End  
Grid reference: 4259048, 286418  
Approximate distance to Turbine: 500m  
Weather: Clear  
Viewing distance: 350mm

fpci Environment and Design Ltd, Unit 10, The Old Mill, Green End, Green End, Derby, DE11 2PW. Tel: 01306 811000. Fax: 01306 811001. Email: info@fpci.co.uk. Website: www.fpci.co.uk  
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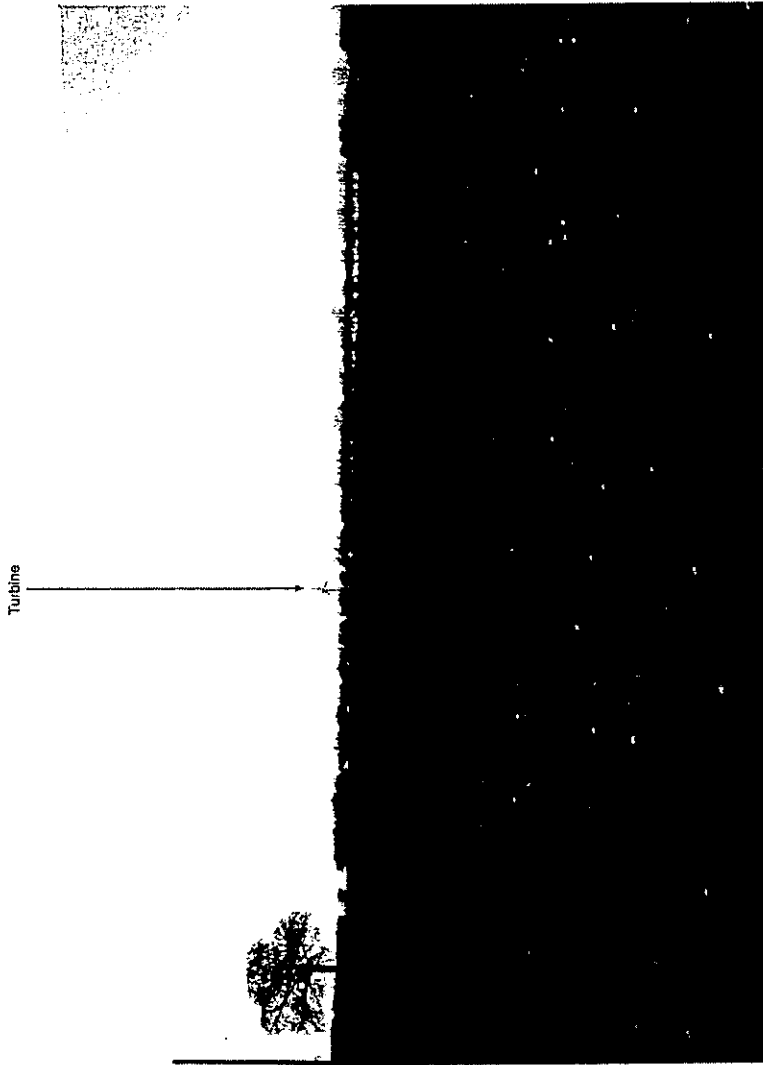
Hellmark Power Ltd.  
Green End Road, Wierwicks, Shire  
Wind Turbine

PHOTOMONTAGE E

NTS @ A3 JUSTINGH May 2013

Figure 7A

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Turbine

Photomontage - Location F  
View south west from the Heart of England Way  
Grid reference: 425915, 286751  
Approximate distance to Turbine: 700m  
Weather: Clear  
Viewing distance: 350mm

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Hallmark Power Ltd.  
Green End Road, Warwickshire  
Wind Turbine  
PHOTOMONTAGE F

NTS @ A3 A5/A5/10

May 2013

Figure 8A

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**Photomontage - Location G**  
View north from footpath south of Kinwalsey  
Grid reference: 425707, 284969  
Approximate distance to Turbine: 1.2km  
Weather: Clear  
Viewing distance: 350mm

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**fpci**  
Hallmark Power Ltd,  
Green End Road, Warwickshire  
Wind Turbine  
PHOTOMONTAGE G

NIS 0 A3 KISTMGRH May 2013

**Figure 9A**

**(10) Application No: PAP/2013/0288**

**Caldecote Hall Industrial Estate, Caldecote Hall Drive, Caldecote, Warwickshire, CV10 0TW**

**Variation of condition no: 2 of planning permission PAP/2011/0420 relating to new plans, reduction in size of plots 1, 3 & 4, reduction in size of office block, 1 no: new dwelling; in respect of mixed use development to Caldecote Hall Estate Works, consisting of: 1. Extension & remodelling of existing offices, 2. Change of use from workshop to residential, 3. 3 no. new dwellings, for**

**MADE Architecture Ltd**

### **Introduction**

This application is referred to the Board in light of its past interest in this site and because it is the subject of a Section 106 Agreement.

Members will recall that the Board granted planning permission recently for the redevelopment of the former Caldecote Hall workshop and industrial area for a mixed office and residential scheme. That involved the demolition of buildings together with the conversion of some of the remaining buildings and their extension to provide 420 square metres of office accommodation; the conversion of one building to residential use and the construction of three new houses.

The current application seeks to vary this permission.

### **The Site**

The Caldecote Estate Works are located immediately adjacent to Caldecote village, accessed via a private track from Caldecote Road which itself runs east towards Weddington Lane, the A444, about 500 metres away. The buildings form a cohesive group of mainly two storey ranges with the majority positioned around a central courtyard. They each carry different characteristics with varying heights and mass, but are all constructed from a mixture of traditional and modern materials.

Around the northern edge of the site and adjacent to the access is a group of significant trees along with substantial vegetation. There is a collection of terraced properties to the south with further detached residences some 35 metres to the south west.

The buildings have been last used for a variety of light and general industrial, storage, distribution, and sui generis uses across the site. These are established and not regulated by any overall planning consent.

### **Background**

The site was used in connection with the Estate as its workshop area, but from the 1960's onwards it has been used as for general commercial uses. In 2009, planning permission was granted for its complete redevelopment as an office and light industrial estate involving a 25% increase in floor area. This was not taken up due to prevailing economic conditions, and was in effect replaced by the later 2012 permission as described in the introduction. This is a mixed residential and office scheme – 420 square metres of office space and four houses provided through one conversion and three new build.



## **The Proposals**

This seeks to vary the 2012 planning permission. The changes proposed are:

- i) reducing the office accommodation to around 250 square metres, and
- ii) converting part of the permitted office accommodation to a new house, such that there would now be five dwellings. Each plot would have a slightly reduced curtilage and car parking provision for the office use would be reduced accordingly from 17 to 8 spaces.

For convenience the approved scheme is attached at Appendix A and the proposed amended scheme is at Appendix B.

In design terms, the appearance of the offices remains as approved as does that for the four dwellings. The additional house reflects that already approved.

The proposed elevations are at Appendix C.

The applicant has provided a statement setting out why these changes have come about. In short, this is due to the reluctance of the funding agencies to finance the proposals; the continuing lack of demand for office accommodation and the lack of interest in the market for substantial houses perceived to be in an industrial location. As a consequence the viability and deliverability of the approved scheme is in jeopardy. The application is accompanied by a full financial appraisal which provides the marketing and financial evidence to support this conclusion.

## **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) and policies ENV1 (Protection and Enhancement of the Natural Landscape), NW3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV7 (Development of Existing Employment Land), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON9 (Re-use of Rural Buildings) and TPR6 (Vehicle Parking).

## **Other Material Planning Considerations**

The National Planning Policy Framework 2006

The Council's Submitted Core Strategy 2013 – policies NW1 (Settlement Hierarchy), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW14 (Economic Regeneration)

## **Consultations**

Environmental Health Officer – No comments

The Council's Valuation Officer – The conclusions relating to viability and current market conditions are soundly based.

Warwickshire County Council as Highway Authority – No response at the time of preparing this report but the Authority had no objection to the original scheme subject to conditions.

County Forester – No objections as the proposed revisions do not affect additional trees.

## **Representations**

None have been received

## **Observations**

The starting point for looking at this application is the recent 2012 permission which is for a mixed redevelopment scheme. In other words it is a fall-back position. The Board's attention should therefore be focussed on the proposed changes to that permission now being put forward to see if they materially alter the scope of that earlier permission to the degree that they should not be supported.

In overall terms the changes retain a mixed use scheme; are wholly within the geographic limits of the 2012 consent, do not involve additional demolition or the removal of any trees, and the new elements are of equivalent design and appearance to that already approved. So initially it would appear that there is no overall material change here.

The Highway Authority had not responded to the consultation on this application at the time of preparing this report. It had no objection to the previous proposals. In effect the highway issue here is whether the traffic generated from an additional house would be materially greater than the reduction in traffic generated by the proposed reduction in office space. That reduction is 50% in floor area and an equivalent 8 car parking spaces. It is not considered that the traffic generated by one additional house would materially affect overall traffic generation from the proposed amendments. The recommendation below allows for the possibility of the Highway Authority taking a different view.

There are one or two policy matters however which do need to be considered. The first is the addition of an extra dwelling in an area which is not recognised as a sustainable settlement in either the Development Plan or in the emerging Core Strategy. The second is the loss of business and thus employment space. There are two matters here however which are considered to carry sufficient weight to override these policy issues.

The first is the evidence on viability and thus the deliverability of the approved scheme. Members will know from other cases that the current economic situation is affecting the implementation of approved schemes and influencing the content of current applications. The approved scheme here is said not to be viable and evidence has been submitted to support that argument. That concludes that there remains a lack of demand for office space and that the approved scheme would generate more value if an

additional house was added. This has been examined by the Council's Valuation Officer who considers that the evidence submitted is soundly based on up to date and relevant local information, such that he concurs with the conclusions.

The second is the NPPF. There are two matters here. Firstly, the NPPF explicitly requires Local Planning Authorities to ensure that, as far as they are able to do so, approved schemes are deliverable. Therefore in order to ensure viability, the costs of any proposal should be taken into account in order to, "enable the development to be deliverable". Secondly the "golden thread" throughout the NPPF is that sustainable development should be approved "wherever possible". Recent changes to permitted development rights have of course taken these matters much further forward. This is not to say that all development should be approved wherever and whatever it is. Where there are adverse strategic or environmental impacts, the balance can go the other way. It is not considered that this is the case here. The changes are modest in that they would not prejudice the overall strategy set out in the emerging Core Strategy, and they are without adverse highway, amenity or environmental impact.

An additional consideration for the Board to consider is the lack of any provision for affordable housing either on-site or through an off-site contribution. There are one or two matters to consider here. Firstly the approved scheme does not include any such provision. It was agreed that the location was not appropriate for on-site provision and that the whole scheme would not have been viable with it as a requirement. This conclusion was agreed by housing officers. This position has not changed with the current proposed amendments. It remains an inappropriate location for affordable housing and the financial appraisal shows very little room for manoeuvre for an off-site contribution. Secondly, taking this last point further, Members will recall that the 2012 permission was accompanied by a Section 106 Agreement which would contribute £10k towards commissioning a Conservation Area appraisal for the whole of Caldecote. In other words in this particular case, this was considered to be of public benefit and to carry greater weight than that of an off-site affordable housing contribution. It is considered that this should remain to be the case here given the overall benefit in potentially gaining a Conservation Area and the evidence on viability.

In the event of a planning permission being granted for the proposed changes, the existing Section 106 Agreement will need to be updated.

The changes here are therefore recommended for approval.

### **Recommendation**

That subject to the Highway Authority not objecting to the revisions, and to the updating of the existing 106 Agreement to refer to this application, that condition 2 of planning permission PAP/2011/042 dated 28/3/12 be varied so as to refer to the site location plan and plan numbers 110G, 013B, 210C, 220B, 220D, 240D, 250, 205C and 200C all received on 14 June 2013, and to all of the other conditions contained in that permission, including any alterations as may be required by the Highway Authority.

## BACKGROUND PAPERS

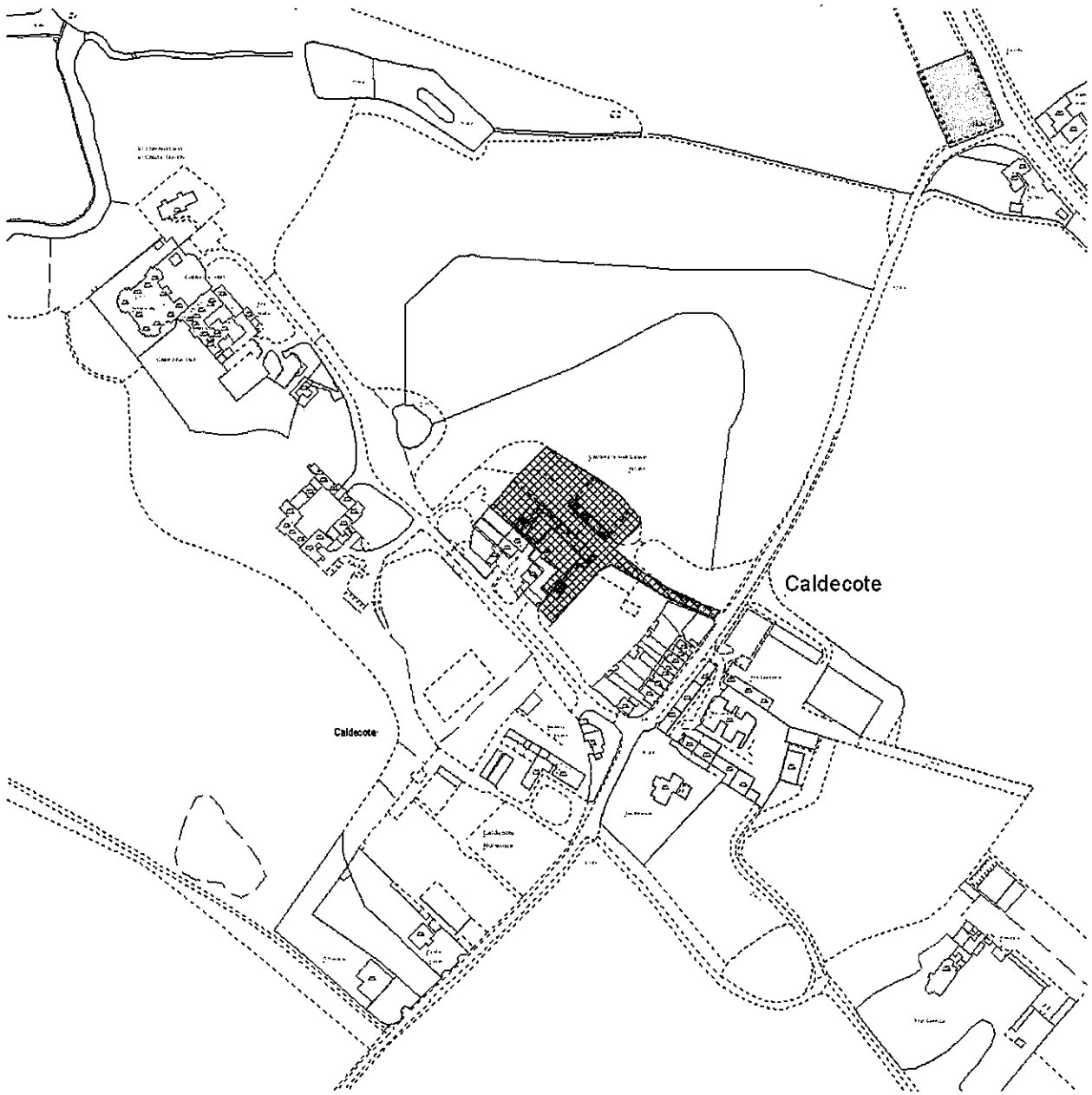
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0288

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/6/2013
2	Head of Development Control	Letter	28/6/13
3	Environmental Health Officer	Consultation	1/7/13
4	Valuation Officer	Consultation	4/7/13

*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

1	Site Plan	10/11/11	10/11/11
2	Planning Statement	10/11/11	10/11/11
3	Planning Statement	10/11/11	10/11/11
4	Planning Statement	10/11/11	10/11/11
5	Planning Statement	10/11/11	10/11/11
6	Planning Statement	10/11/11	10/11/11
7	Planning Statement	10/11/11	10/11/11
8	Planning Statement	10/11/11	10/11/11
9	Planning Statement	10/11/11	10/11/11
10	Planning Statement	10/11/11	10/11/11

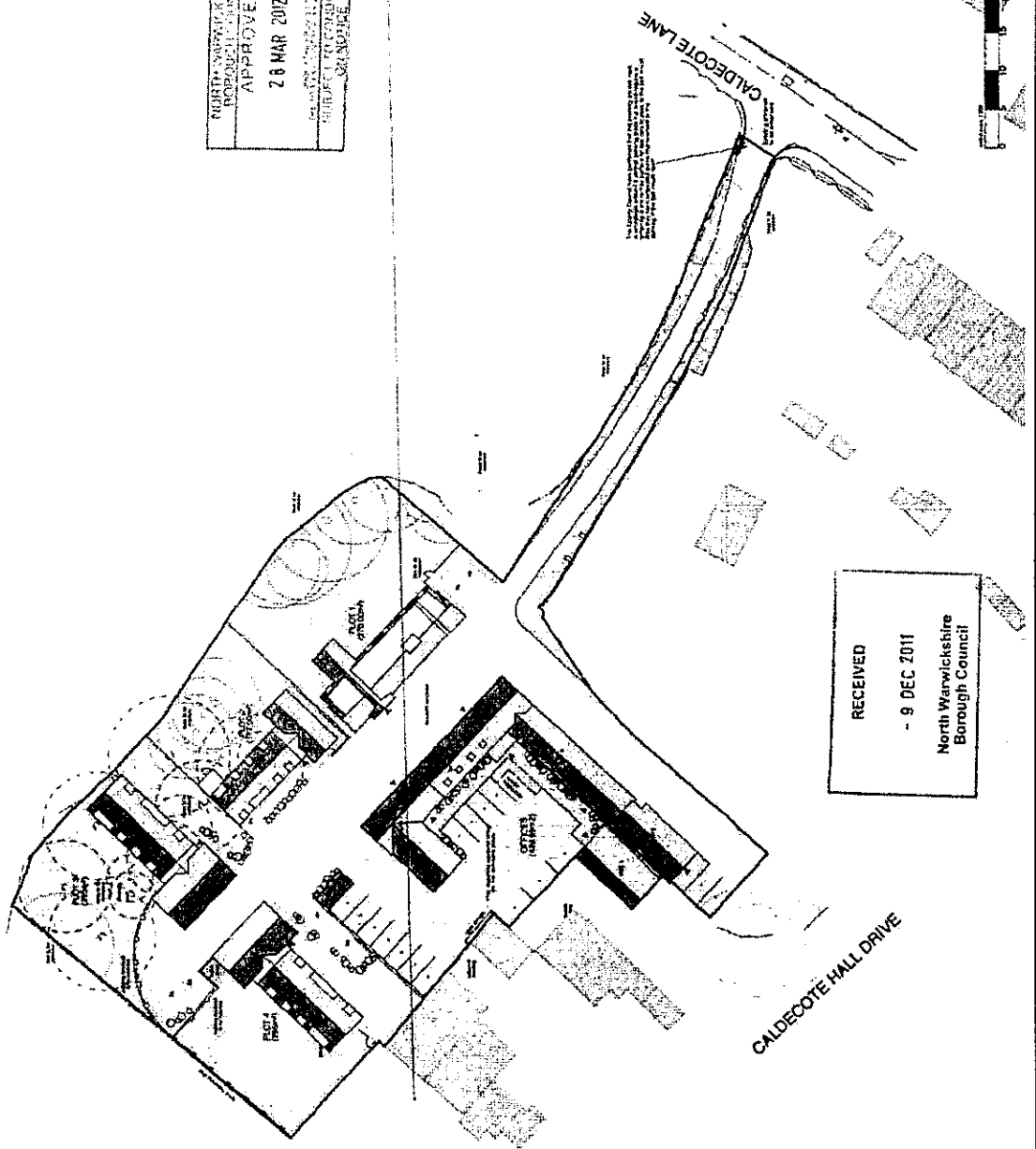
NORTH WARWICKSHIRE  
 BOROUGH COUNCIL  
 APPROVED  
 28 MAR 2012  
 SUBJECT TO CONDITIONS  
 10/11/11

PLANNING  
 Caldecote Estate  
 Nuneaton, Warwickshire

Site Plan  
 Proposed Layout

MADE

RIBA #/1



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 - 9 DEC 2011  
 North Warwickshire  
 Borough Council







**(11) Application No: PAP/2013/0321**

**Wienerberger Brick Works, Rush Lane, Dosthill, B77 1LT**

**Installation and operation of 1no: 130m high wind turbine and associated infrastructure (including access track, electrical equipment, temporary construction compound and hardstanding), for**

**Wienberger Ltd - Wienerberger Ltd**

## **Introduction**

The receipt of this application is reported to the Board through this report in order to acquaint Members with the site and the proposal prior to determination. The opportunity is also taken to outline the Development Plan background as well as other material planning considerations which will need to be assessed.

As with other wind turbine applications, Members are recommended to undertake a site visit and also to tour around the surrounding area in order to better understand the landscape's character and appearance.

The application site falls inside North Warwickshire but it will have an impact on residents living in Tamworth. As a consequence residents in Dosthill and Hockley have been notified as well the Tamworth Borough Council. Members may wish to know that 4000 residents have been notified of the application together with a number of Parish and Town Councils as well as other surrounding Local Planning Authorities.

Prior to the submission of the application, the applicant presented the proposals to Members and officers of both this and the Tamworth Borough Council. The submission does not differ from the outline of the proposals given at that time.

## **The Site**

The Wienerberger Brickworks are probably better known locally as the former Baggeridge brick works site. This is a substantial industrial concern just to the south of Dosthill and to the east of the A51. Access is from Rush Lane which has a junction with that road around 900 metres to the west of the site.

The general location is shown in Appendix A, and Appendix B illustrates the site in a little more detail.

To the north of the brick works site is the Biffa landfill site beyond which are residential areas in Tamworth and to the west is reclaimed land which benefits from planning permission to erect industrial buildings. There is existing residential development to the north-west comprising the southern extent of Dosthill – 625 metres to the nearest house. Further to the west on the A51 are established industrial premises. To the south there is open land being current clay workings as well as further clay reserves. There is open land to the south west, being former mineral workings, and to the east is open agricultural land beyond which is the hamlet of Whateley – 660 metres distant. A National Grid electricity line with its pylons crosses this land too.

The Birmingham to Derby railway line is in cutting along the western boundary of the brickworks site and the M42 motorway is just over a kilometre to the south. There are overhead lines to the east. The land rises noticeably to the south and east.

The actual site of the proposed turbine is to the south east of the main building complex at the premises and is at the same ground level as those buildings.

## **The Proposals**

The proposal is for a single wind turbine, 130 metres tall from ground to the tip of the blade. The hub would be 80 metres off the ground and the blades would cover a 100 metre swept area. Associated ground level buildings would be single storey – no more than 3 metres tall and have a maximum floor area of 60 square metres. These would be located around the foot of the turbine. A temporary construction compound is required together with a crane hard standing. Construction traffic and subsequent service vehicles would use the existing southern access from the brickworks onto Rush Lane and thence to the A51. Construction traffic would arrive from the south and also leave to the south – from and to Junction 9 (Dunton Island) on the M42 Motorway. Minor road improvements would be required particularly at the junction of Rush Lane with the A51. There would be some “over-sailing” too of adjoining land. Construction is likely to take nine months and involve a new internal access track within the industrial premises to access the actual site.

Illustrations of the turbine are at Appendix C and the associated buildings are shown at Appendix D with a layout at Appendix E.

The turbine is designed to generate 2.5MW of electricity over a 25 year period after which it would be de-commissioned. It is anticipated that 70% of the electricity generated would be provided for the brick works with the surplus exported to the National Grid – equivalent to meet the annual needs of 1360 houses.

For the applicant it is said that the proposal, as a green initiative, would benefit the environment generally by providing a renewable source of energy, delivering a supply of electricity which would be secure and have a predictable cost thus protecting it from volatility in future electricity pricing. The long term future of the business is thus seen as sustained with 850 jobs protected – 65 at this site.

A Community Trust Fund is proposed proportionate to the amount of electricity generated and this would amount of £125k for the local community to expend on environmental and sustainability related projects in the local area.

## **Supporting Documentation**

A number of documents have been submitted with the application to provide the evidence base to assess potential impacts arising from the proposal. A non-technical summary has been produced by the applicant and this overview is attached at Appendix F.

In terms of **Site Selection and Design** the applicant has stressed that the proposal has been arrived at as a consequence of a balance between several factors – making use of the location with the best wind speeds; not prejudicing the manufacturing operations on site, ensuring that safeguarded distances between the pylons to the east and the railway line to the west are retained and that sufficient distance is maintained from existing residential property.

The documents include information about **Pre-Application Consultation** referring to a bespoke web site and to a public exhibition held prior to submission. This was attended by 50 people and three main issues are said to have been highlighted: noise emissions

particularly at night, the appearance and size of the turbine and concerns that the two Authorities would not work closely together.

There is a substantial document dealing with the potential **Landscape and Visual Assessment**. The methodology used in this work follows best practice guidance set out by the Landscape Institute and the Institute of Environmental Management and Assessment. A range of other guidance is called on, including the Natural England's Countryside Character for the West Midlands, and this Council's own Landscape Character Assessments. The former describes the area in general terms as having, "well-wooded farmland with a rolling landform with ancient landscape patterns of small fields, winding lanes and isolated hamlets, narrow meandering river valleys with long water meadows and industrial development associated with former mineral extraction and urban edge landscapes." The Council's document describes the area surrounding the site itself as being, "generally run down and indistinctive; an open arable landscape marred by former coal workings, spoil heaps, busy roads and large scale industrial areas, along with other prominent visual detractors –e.g. the M42 Motorway, Kingsbury Link, the oil terminal and the brickworks site itself". The landscape character beyond this more local area surrounding the site, takes on much more of the character and form as described in the more regional description set out earlier. A full description of landscape characteristics is provided in the document.

In order to assess the extent of likely landscape and visual effects, the documentation suggests that visibility of the turbine would be extensive within a five kilometre radius of the site, but less so to the north east. At 10 kilometres visibility becomes "patchy" to the north-west and south-east and that there is very limited visibility towards 20 kilometres, more so to the west, south-east and north-east.

A total of 14 vantage points have been selected in order to assess the likely magnitude of landscape and visual effects. Photo-montages for each, showing existing and proposed views are included in the documentation. The conclusions from the documentation in respect of the direct effects on landscape character suggest that in the area up to around 2 kilometres from the site there would be a significant change with the turbine becoming the dominant feature. In the Wood End to Whitacre area it is suggested that the turbine would be seen with other "urban" features such as the oil terminal, existing settlements and intervening trees such that there would be no significant landscape change. In the Tame Valley, the conclusion is that this is a "highly modified man-made landscape" which lacks any structure and thus the overall effect of the turbine would not be significant. In respect of looking at the effects from residential areas, then at Dosthill, it is concluded that there would be substantial change experienced for those residents closest to the turbine extending to around a kilometre away from the site. Further north there is greater likelihood of existing structures and building interrupting views. At Whateley and in Hockley the conclusion is that there would be substantial change. Kingsbury it is said would experience significant change particularly in its northern area. At Wood End there is not considered to be significant effects. At Hurley there would be significant effects from the more elevated locations in the south west of the settlement. Middleton it is said would experience moderate effects due to intervening woodland. In Drayton Bassett it is concluded that there would be moderate effects at its south eastern end. Dordon would experience slight change it is said, particularly from residents on its western fringe, and at Baddesley there would slight change at the far western end on the higher ground overlooking Birch Coppice.

The document also assesses the landscape effects from road and rail users. It concludes that there would be significant effects from the M42 particularly travelling north. There would be substantial change for travellers going north on the A51 out of Kingsbury and significant change for those travelling south. Travellers on the A4091

would experience moderate change but change to users on the A5 would be limited. For rail travellers the effects would be limited because of the cutting and intervening landforms and vegetation. For footpath users the document concludes that there would be significant change for up to 4 kilometres distance.

The report then concludes by taking a view on the cumulative visual impacts, given that there is an approval for a 67 metre tall turbine at the Dordon Services. It says that there would be significant sequential effects for travellers on the M42 Motorway; from public footpath users in locations where visibility allows views of both turbines and from a limited number of dwellings in Whateley.

A selection of photo montages provided by the applicant is at Appendix G.

**Heritage Impacts** are assessed in terms of potential impacts on the settings of Listed Buildings, there being 7 grade two star buildings within a 5 km radius and 89 grade 2 listed buildings; the character and appearance of Conservation Areas, there being six conservation areas within a 5 km radius, and potential influence on scheduled ancient monuments, there being five such sites within a 5 km radius. The impact statement then deals with the individual sites and settings. The overall conclusion is that there would be no direct adverse impact and no wider impacts on the setting of these assets.

A **Natural Heritage** Assessment has also been prepared. This identifies eight statutory sites within a 20km radius of the site and fourteen non-statutory sites within a 3km radius. Contact was made with Natural England, the RSPB and the West Midlands Bird Club and particular attention was paid to ornithological interests because of the lakes and water bodies in the River Tame valley. The conclusion was that there are no significant ecological impacts.

A **Noise Assessment** has been undertaken within parameters agreed by Environmental Health Officers with the advice of the most up to date relevant best practice guidance note from the Institute of Acoustics. Those parameters include measures of background noise levels as well as selecting the locations for noise surveys and assessments. The conclusion from the assessment is that the day and night time limits can be met and thus the turbine would not be detrimental to residential amenity.

An assessment has also been undertaken of existing **Infrastructure** within the site and surrounding area, including utilities, aviation, rail facilities and services. This includes reference to the proposed HS2 line. No adverse impacts are anticipated. **Geological and Hydrological** assessments have also been undertaken which indicate that there are likely to be no significant effects. A similar conclusion was drawn from an assessment of the likely impacts from **Shadow Flicker**.

A **Planning Statement** has been submitted too. This refers to a number of planning policies as set out in the National Planning Policy Framework 2012; the National Policy Statement for Energy and for Renewable Energy Infrastructure, the North Warwickshire Local Plan 2006 and the Council's submitted Core Strategy of February 2013. Because the site is in the Green Belt, the applicant has set out the planning considerations which he considers amount to the "very special circumstances" required to override the presumption against the grant of planning permission for this inappropriate development. These are identified as the wider benefits of renewable energy and supporting an existing local business. The statement suggests that there would be some impact on the openness of the Green Belt and that it would not prejudice the purposes for retaining land within the Green Belt. In respect of other Development Plan policies the statement concludes that the supporting documentation indicates that there

would be no adverse impacts to warrant refusal. The overriding conclusion is that this is sustainable development and should be supported as it complies with the NPPF.

## **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment); Core Policy 11 (Quality of Development) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV19 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT1 (Transport Considerations).

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – Sustainable Development; Building a Strong Competitive Economy, Requiring Good Design, Protecting the Green Belt, Meeting the Challenge of Climate Change, Conserving and Enhancing the Natural and Historic Environments.

National Policy Statement for Energy – 2011

National Policy Statement for Renewable Energy Infrastructure – 2011

The Council's submitted Core Strategy – February 2013

## **Observations**

This proposed single wind turbine is for one the largest turbines in the country and is larger than any similar proposal that the Council has had to consider to date. As with other cases, the starting point will be to assess the proposal against the Development Plan. In this case the site is in the Green Belt and thus the NPPF policy towards new development in such areas will need to be considered. The Board will have to decide whether this is appropriate or inappropriate development. If the latter, then the main issue will be to establish whether there are material planning considerations of such weight either individually or cumulatively which would amount to the very special circumstances necessary to override the presumption of refusal. Those considerations, as indicated above, will inevitably lead to discussion of the NPPF's approach towards renewable energy projects and the benefits that they bring. In this case the provision of the electricity requirements of the brick works operations with a sustainable energy source will be a significant factor.

As in other cases, the Board will have to assess the likely impacts of the proposal on a number of different factors – visual; landscape and noise will be the main ones. In coming to these assessments, the Board will be able to call on the advice and guidance of the consultation responses with a number of different Agencies; their own officers and the representations received from residents and Parish Councils. Because of the location of the proposal right on the boundary between North Warwickshire and Tamworth, the Board will need to give equal weight to all representations received particularly as many of the nearest residents to the proposal live in Tamworth.

At this stage the Board should be aware of the scale, scope and nature of the proposal; the reasons for its submission and the relevant planning policy background and issues. The recommendation below is to undertake both a site visit and a tour around the surrounding area. That tour will need to be wide ranging given the scale of the project.

## **Recommendation**

At this stage the Board is recommended to visit the site and to undertake an extensive tour of the surrounding area.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0321

<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)	2/7/13

*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.*







Kingsbury  
Wind Energy Scheme  
Regional context plan

Figure: 1.1

Legend:

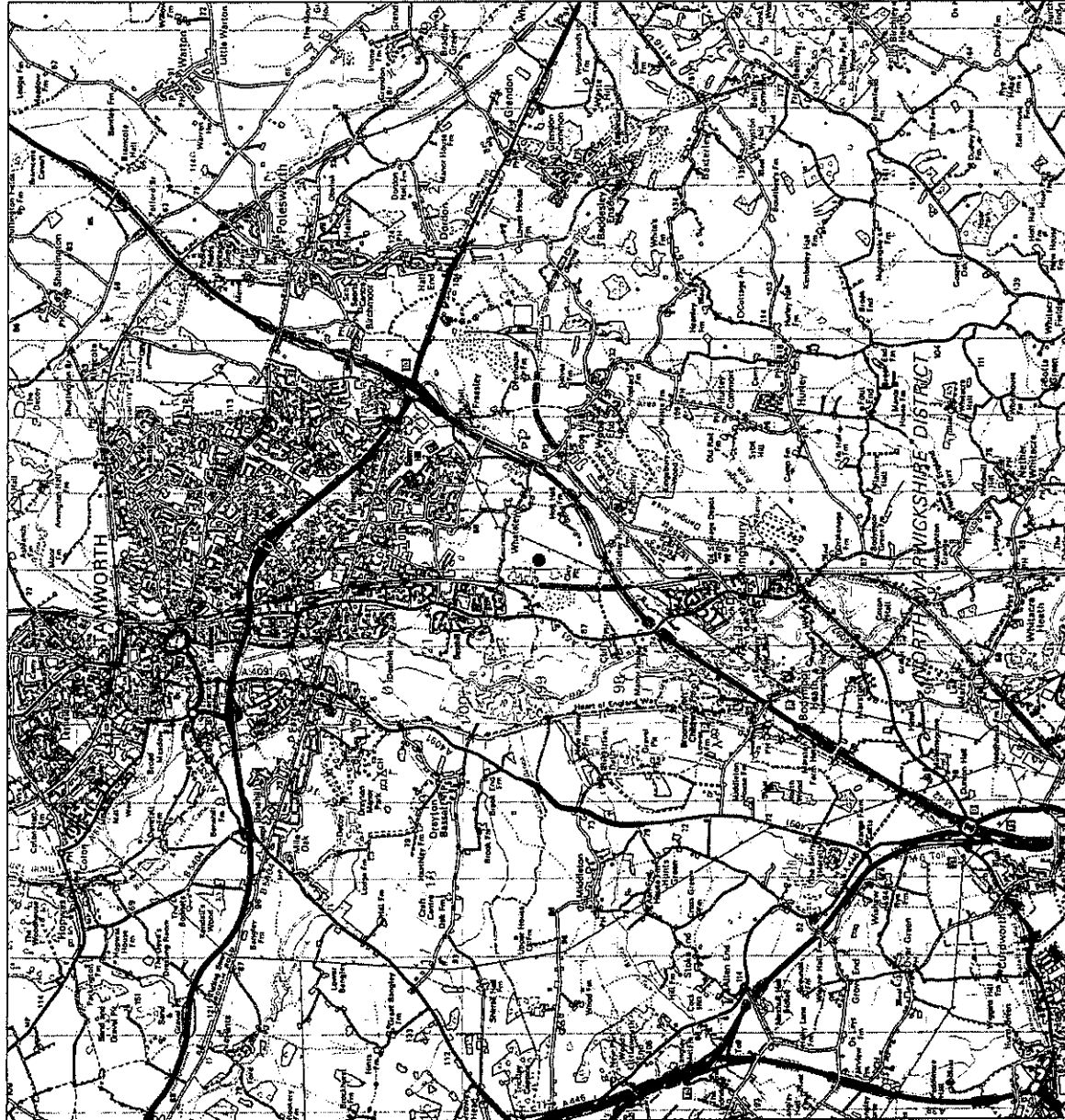
- Proposed turbine location  
422.114, 299036  
100m rotor, 80m hub, 130m tip height

Scale: 1:50,000 @ A3



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**Kingsbury  
Wind Energy Scheme**  
Site layout plan



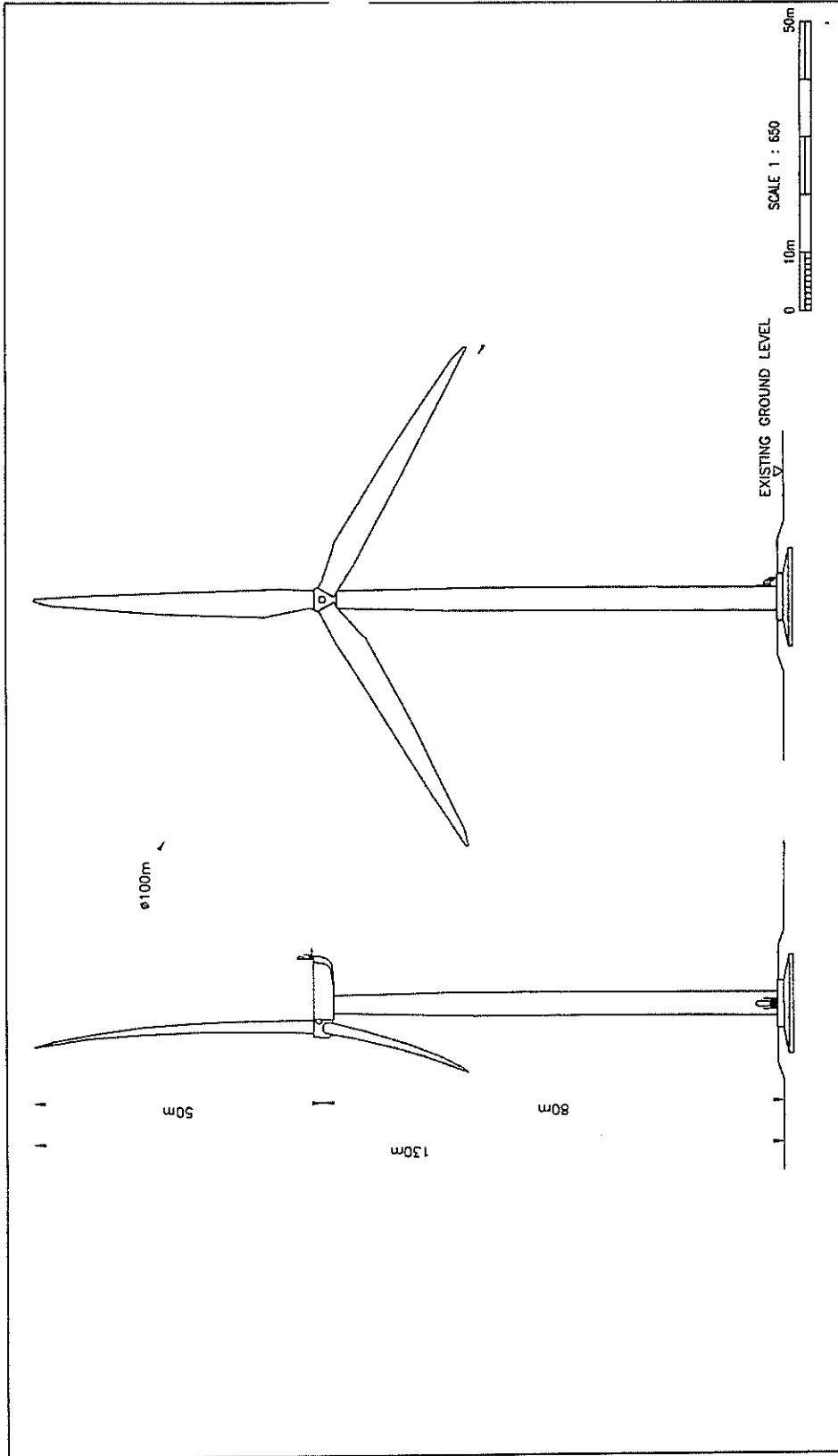


Figure 2.1

- Legend:**
- Proposed turbine location  
422114, 299036  
100m rotor, 80m hub, 130m tip height
  - 100m rotor swept area (50m radius)
  - Development boundary
  - - - Land ownership boundary
  - · · Field boundary
  - === Existing onsite road
  - === Site tracks to be created
  - Temporary turning head
  - Temporary construction compound
  - Electrical enclosure
  - Switchgear building
  - Storage container
  - SCADA room
  - Coshh container
  - Road
  - Building

Scale: 1:2500 @ A3  
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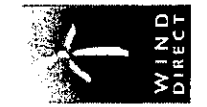
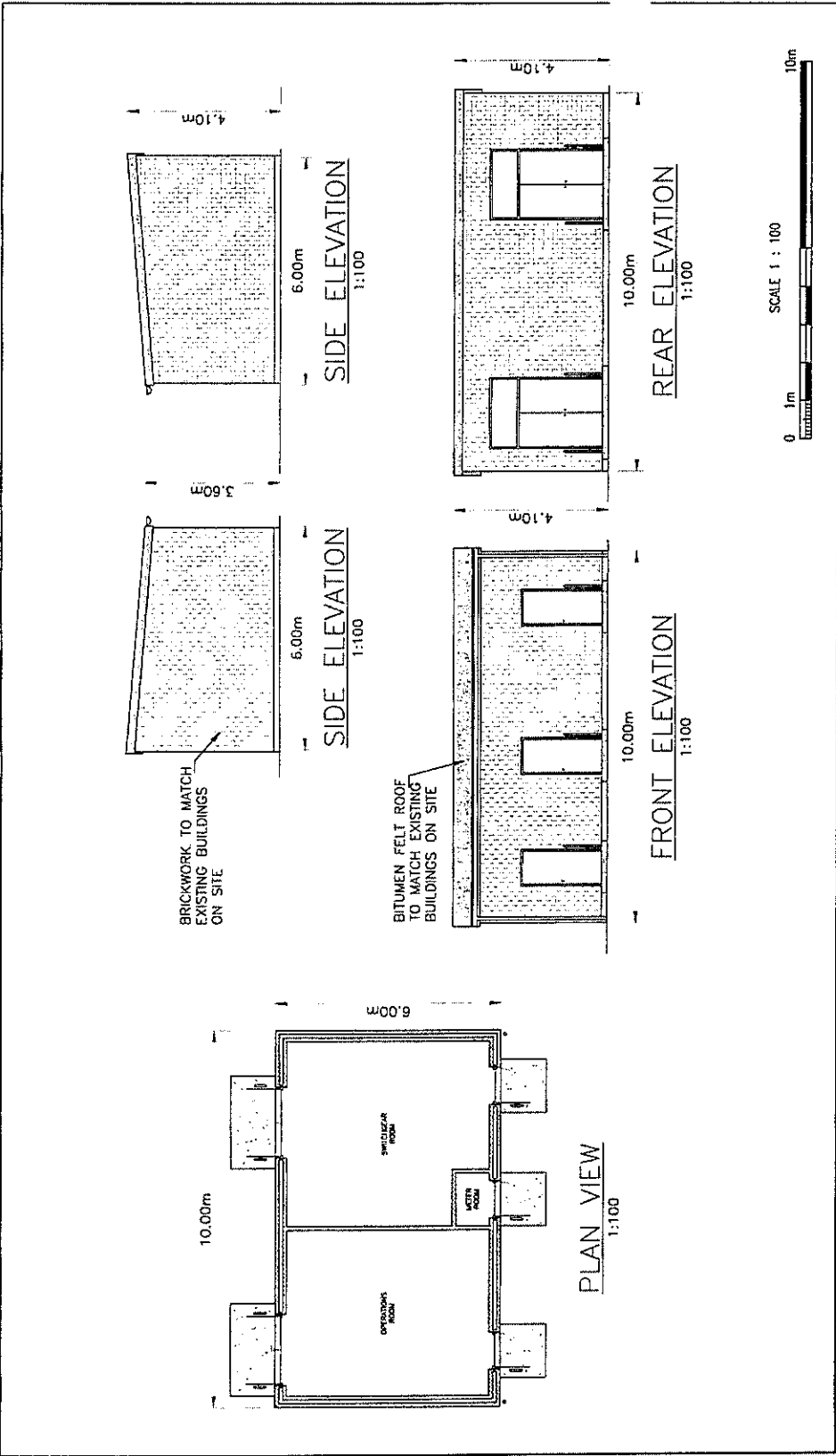


Scale: 1:650 @A3

Kingsbury  
Wind Energy Scheme  
Typical Turbine Details

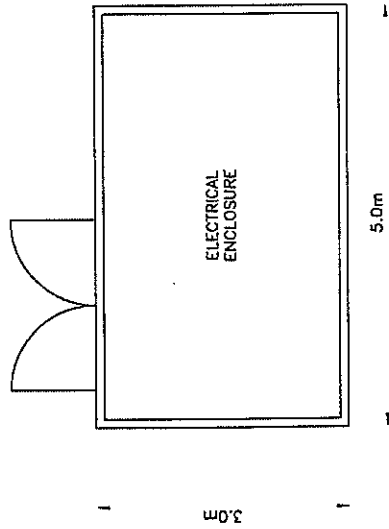
Figure 2.2



Scale: 1:100 @A3

Kingsbury  
Wind Energy Scheme  
Switchgear Building

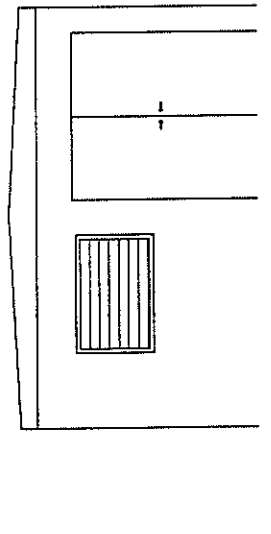
Figure 2.6c



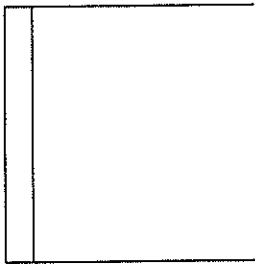
PLAN



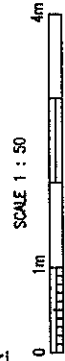
TYPICAL ENCLOSURE



FRONT ELEVATION



SIDE ELEVATION



Kingsbury  
Wind Energy Scheme  
Electrical enclosure

Figure 2.6b

Scale: 1:50 @A3



# Kingsbury Wind Energy Scheme

## Support Document

Volume 1 – Non-Technical Summary



July 2013

**Wind Direct**  
4<sup>th</sup> Floor Warwick House  
737 Warwick Road  
Solihull  
B91 3DG

Tel: (01524) 230 855



RECEIVED

02 JUL 2013

North Warwickshire  
Borough Council

## INTRODUCTION

This Non-Technical Summary (NTS) forms part of the Support Document (SD) that has been prepared by Wind Direct to accompany a planning application for the proposed Kingsbury Wind Energy Scheme.

The Kingsbury Wind Energy Scheme is situated on land owned by Wienerberger Ltd, the proposed consumer of the wind generated electricity as part of an on-site generation project.

### Developer and Project Team

Wind Direct specialises in Wind Energy Schemes for direct supply to intensive energy users, and is founded on the expertise of pioneering companies who began working in renewable energy in the early 1990s. Wind Direct is a business stream of the Wind Prospect Group, a company involved in the development of 77<sup>1</sup> wind energy developments around the world, totalling 2437MW. Wind Direct is developing Wind Energy Schemes across the UK and currently has over 20 industrial and rural sites in various stages of planning and development.

This Support Document has been prepared by Wind Direct with contributions from the following consultants:



<sup>1</sup> Wind Prospect Group Development Track record 2013  
<http://www.windprospect.com/docs/document5/4381%20Development%20Track%20Record%20LR.pdf>

### Development Proposal

Wind Direct aims to establish the concept and viability of a wind energy project at Kingsbury through the planning application and supporting documentation. The proposal is for the erection and operation of a single wind turbine up to a maximum of 130m in height and output of up to 2.5MW. The exact model of turbine to be installed at the site would be decided following a future tendering process.

The development is proposed on a field to the east of the operational Wienerberger brick manufacturing facility. A plan of the proposed turbine layout and associated infrastructure is provided in **Figure 2.1, Volume 3** of the SD and reproduced in this NTS.

The construction, operation and decommissioning of the proposed wind turbine is anticipated to be over a period of 27 years (25 operational years). It would contain the following components:

- One wind turbine
- Turbine foundation
- Crane hardstanding
- Internal access track and site entrance
- Temporary construction compound
- Underground cable network
- A small transformer kiosk adjacent to the turbine
- Storage containers
- SCADA control room and;
- A switchgear building

Kingsbury Wind Energy Scheme would have an operational life of approximately 25 years. After this time, the development would be decommissioned in order to return the land to its former use.



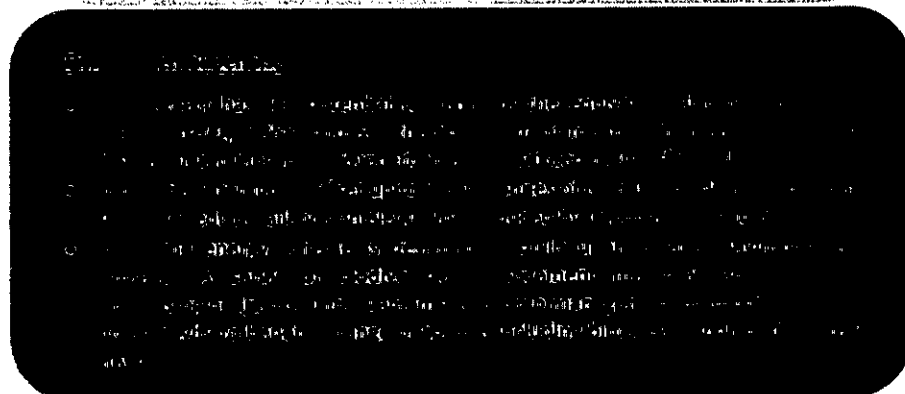
## THE NEED FOR THE DEVELOPMENT

### Community Benefits

- A Community Benefit Fund worth £2,000 per megawatt of installed capacity per annum will be available for local residents to access to promote a healthy and sustainable community. The fund will contribute £125,000 to support local projects over the 25 year lifetime of the wind turbine.
- The community benefit fund is designed to assist local initiatives.
- There is a commitment to use local contractors wherever possible in the construction of the wind turbine.

### Economic Benefits

- On average 70%<sup>2</sup> of the electricity from the wind turbine will be supplied to Wienerberger's Kingsbury site. Securing a supply of electricity at predictable cost and protecting the site from the volatility of future electricity pricing will be a key benefit towards ensuring the long-term future and sustainability of the Kingsbury site.
- The benefits received by the brick works will be felt throughout the local area due to economic multiplier effects. The introduction of a wind turbine will generate or protect more economic activity in the area, which strengthens the local economy. A higher economic multiplier will lead to greater economic vitality because business activity is encouraged, and jobs are created and sustained.
  - *"Every megawatt of wind energy we install generates £700,000 worth of value for the UK, of which £100,000 stays in the local area."*<sup>3</sup>
- According to these figures, the Kingsbury turbine would bring £1.75million worth of value to the UK and £300K to the local area.
- Wind turbines are required to pay business rates which go directly to the local council. The business rates are a function of the yield production, therefore a single 2.5MW turbine may provide annual assumed rates of £27K



<sup>2</sup> Dependant on the turbine model selected, wind resource and Wienerberger electricity demand

<sup>3</sup> Renewable UK – RenewableUK statement on judicial review of Milton Keynes council's policy on wind farms

<sup>4</sup> Based on DECC, Digest of United Kingdom Energy Statistics (DUKES), 2010

<sup>5</sup> According to OS address point data, total no. of households in Kingsbury is 1540. Number of homes powered figure is provided for comparison purposes only and is based on a capacity factor of 27.1% which is average output for UK onshore wind for the last five years according to DECC, DUKES Dec 2012.

<sup>6</sup> Based on Data from DECC Fuel Mix Disclosure Table, 2012

## CONSULTATION

An important element of any planning application for a wind turbine is consultation with statutory and non-statutory consultees, including public consultation.

Consultation with statutory consultees was undertaken throughout the development phase. Consultees included Local Councils, Natural England, the RSPB, Local Bird Clubs, English Heritage, Telecommunication operators, utility service providers, Birmingham Airport and the Ministry of Defence.

A public exhibition was held at Kingsbury Water Ski Centre on the 18<sup>th</sup> June 2013 to introduce the proposal to the local community, provide answers to questions and receive feedback. A community website has been set up to provide information and keep the local community up to date with development of the proposal. Further information can be found at [www.kingsburywindenergy.co.uk](http://www.kingsburywindenergy.co.uk)

## ENVIRONMENTAL REPORTS

Following an extensive consultation phase with a range of statutory consultees, non-statutory consultees and the public, a number of surveys were carried out to determine the potential impacts of the development on the surrounding environment.

### Noise

Wind turbines emit two types of noise, aerodynamic noise produced by the movement of the rotating blades through the air and mechanical noise, from gearboxes or generators.

From the first generation of wind turbines progress has been made in reducing both aerodynamic and mechanical noise. New designs are quieter and create significantly

less noise relative to power output than older turbine designs.

The UK Government guidance (ESTU-R-97, The Assessment and Rating of Noise from Wind Farms) sets out that noise from wind turbines should be no more than 5dB above existing background noise levels during the day and night.

A noise survey has been carried out based on relevant government guidance to assess potential noise impacts on the nearest residential receptors. The wind-speed-dependent noise levels predicted at the properties nearest the proposed wind turbine are close to or below the current prevailing background levels during the daytime. Noise from the turbine will remain well within a 'flat' limit of 35dB, or 5dB above the background levels, whichever is the greater. A night-time limit of 43dB, or 5dB above background levels would also be met under all foreseeable circumstances. These limit values were derived by applying the recommendations of the ETSU-R-97 report, which is regarded as the best available guidance on good practice, and presents a reasonable compromise between the interests of the nation, wind energy developers and wind turbine neighbours.

Construction activities will be short-lived and noise arising from construction will not adversely affect local residents. It may therefore be concluded that provided construction activity proceeds only during the normal working day, no noise nuisance is expected.

The proposed daytime and night-time planning limits can be met by the site design, and the noise from the operational turbine will not be detrimental to the amenity of local residents.

### Landscape and Visual

Landscape effects are defined by the Landscape Institute as "changes to landscape elements, characteristics,

character, and qualities of the landscape as a result of development”, whereas visual effects are concerned with the effect of the proposed development on views from receptors such as residential dwellings, infrastructure networks and public amenity space.

An appraisal of the landscape and visual effects of the Kingsbury Wind Energy Scheme has been prepared by Stephenson Halliday, a firm of independent Environmental Consultants and Landscape Architects.

North Warwickshire Borough Council was consulted on the scope of the LVIA study area, the location of viewpoints and cumulative schemes within the Study Area.

The assessment has been based on the best practice guidance document Guidelines for Landscape and Visual Assessment 3rd Edition

The assessment has concluded that direct effects on the landscape fabric of the site during construction and operation will be limited in extent and fully reversible on decommissioning of the turbine.

The landscape sub-type ‘Tamworth Fringe Farmlands with Wind Turbine’ would be created at distances up to approximately 1.75km from the proposed turbine where the turbine would become an additional characterising element of the landscape. There would be no significant effects upon the landscape designations within the Study Area.

There would be some major and major/moderate effects with respect to the visual amenity of a limited number of farmsteads and scattered dwellings and on the periphery of settlements at distances of up to approximately 4km from the proposal. The potential for visual effects on settlements of a major and major/moderate level would be limited and subject to a level of screening by landform and tree cover, but would include

dwellings at the edge of Dosthill, Hockley, Whateley, Kingsbury, Hurley, Drayton Basset and Fazeley.

Significant visual effects from roads would be limited to very intermittent glimpses from the M42, the A51 and the minor roads within approximately 2.5km of the proposed turbine.

Significant effects from the Heart of England Way would be limited to sections within approximately 4km of the turbine where unobstructed visibility is possible. No significant effects would occur from the other long distance recreational routes passing through the Study Area. From the local public rights of way within approximately 4km of the turbine, where unobstructed visibility is possible, major and major/moderate effects upon visual amenity would occur.

It is considered that the potential for significant cumulative effects arising from the addition of Kingsbury to the full baseline and other proposals would be very limited.

In conclusion, the proposed Kingsbury Wind Turbine would relate well to the existing local landscape character, respecting the scale and composition of the landscape. Inevitable landscape and visual effects of a major to major/moderate level would occur, however these would be localised in extent and it is concluded that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed.

#### Cultural Heritage

The assessment of cultural heritage has considered both the potential direct physical effects of the proposed development on surviving upstanding or buried heritage and archaeological resources and the indirect effects on the settings of nearby heritage assets.

No direct effects are predicted in relation to any currently known archaeological or built heritage feature. The archaeological potential of the area around the proposed development is low and the probability of encountering hitherto undiscovered buried archaeological features is also judged to be low.

There are a total of five scheduled monuments, six conservation areas, seven Grade II\* and ninety Grade II listed buildings within 5km of the proposed turbine location. No significant impacts are predicted.

#### **Natural Heritage**

Wind turbines have the potential to effect a range of species through the construction, operation and decommissioning of a wind turbine.

An appraisal of the natural effects of the Kingsbury Wind Energy Scheme was prepared by Avian Ecology, a firm of independent Environmental Consultants.

No direct impacts on designated sites are anticipated. Indirect impacts are anticipated to be neutral following the implementation of appropriate pollution control systems.

Minor negative impacts on habitats are anticipated on a 'within site only' basis as a result of the small-scale loss of habitat of low ecological value.

No impacts are anticipated upon the nesting sites of breeding birds. The possibility of occasional collision or small scale displacement of widespread and commoner bird species cannot be discounted, although these are likely to be of minor significance at local/parish level only. Impacts of the development are not considered to affect the conservation status of any bird population (including those that are qualifying features of statutory designated sites).

The possibility of minor adverse impact on bats at an individual level cannot be precluded, as is the case with all wind turbine schemes; however no impacts upon the conservation status of any bat species is anticipated as a result of the development.

Following the implementation of Great Crested Newt (GCN) Reasonable Avoidance Measures and other mitigation works, the potential for minor adverse impacts on individual GCN during construction will be negated. Population level impacts are anticipated to be neutral and as such, the favourable conservation status of the species will not be affected.

No other residual impacts are considered likely to occur and no significant additions to cumulative impacts in relation to other schemes in the wider area are anticipated.

A series of simple habitat enhancement measures are proposed. These will enhance the site for wildlife overall and lead to an overall biodiversity gain.

Overall, no significant ecological impacts are considered likely to occur through the construction, operation or decommissioning of the proposed wind turbine and associated development.

#### **Infrastructure and Shadow Flicker**

A comprehensive consultation process was undertaken with infrastructure operators and organisations for the Kingsbury Wind Turbine planning application.

Careful placement of the turbine outside of recommended exclusion zones ensures no predicted interference to infrastructure.

There is the potential for some limited interference to terrestrial television reception. Where a television reception problem, attributable to the wind turbine, is established, mitigation measures would be implemented.

No impacts to civil aviation or MoD operations were identified, which could not be controlled by operational mitigation.

There is potential for some limited shadow flicker occurrences. The astronomic worst case shadow flicker hours resulting from the turbine could theoretically be 402 hours per year. Where shadow flicker is identified to be a problem, established mitigation measures will be implemented.

#### **Geology and Hydrology**

Wind turbines have the potential to affect the geology and hydrology through the construction, and decommissioning phases of a wind turbine project.

The assessment found that there are no significant hydrological, hydro-geological or geological issues affecting the site. Additionally there are no significant flooding, water quality and abstraction issues affecting the site.

Mitigation measures following the relevant Pollution Prevention Guidelines and implementing best practice measures, during the construction phase of the development, will be implemented during the construction process.

#### **FURTHUR INFORMATION**

Free copies of this non-technical summary can be downloaded from our website [www.kingsburywindenergy.co.uk](http://www.kingsburywindenergy.co.uk)

Alternately hard copies are available from:

Wind Direct, 4<sup>th</sup> Floor Warwick House, 737 Warwick Road, Solihull, B91 3DG

Printed copies cost £150 + VAT or a DVD is available for £5 + VAT.

A full copy of the planning application and supporting documentation is available for inspection at the Council Offices:

Development Control  
North Warwickshire Borough Council  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

**Kingsbury  
Wind Energy Scheme  
Site layout plan**

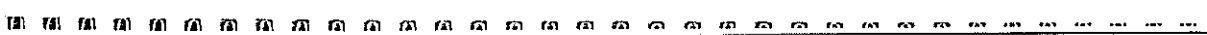
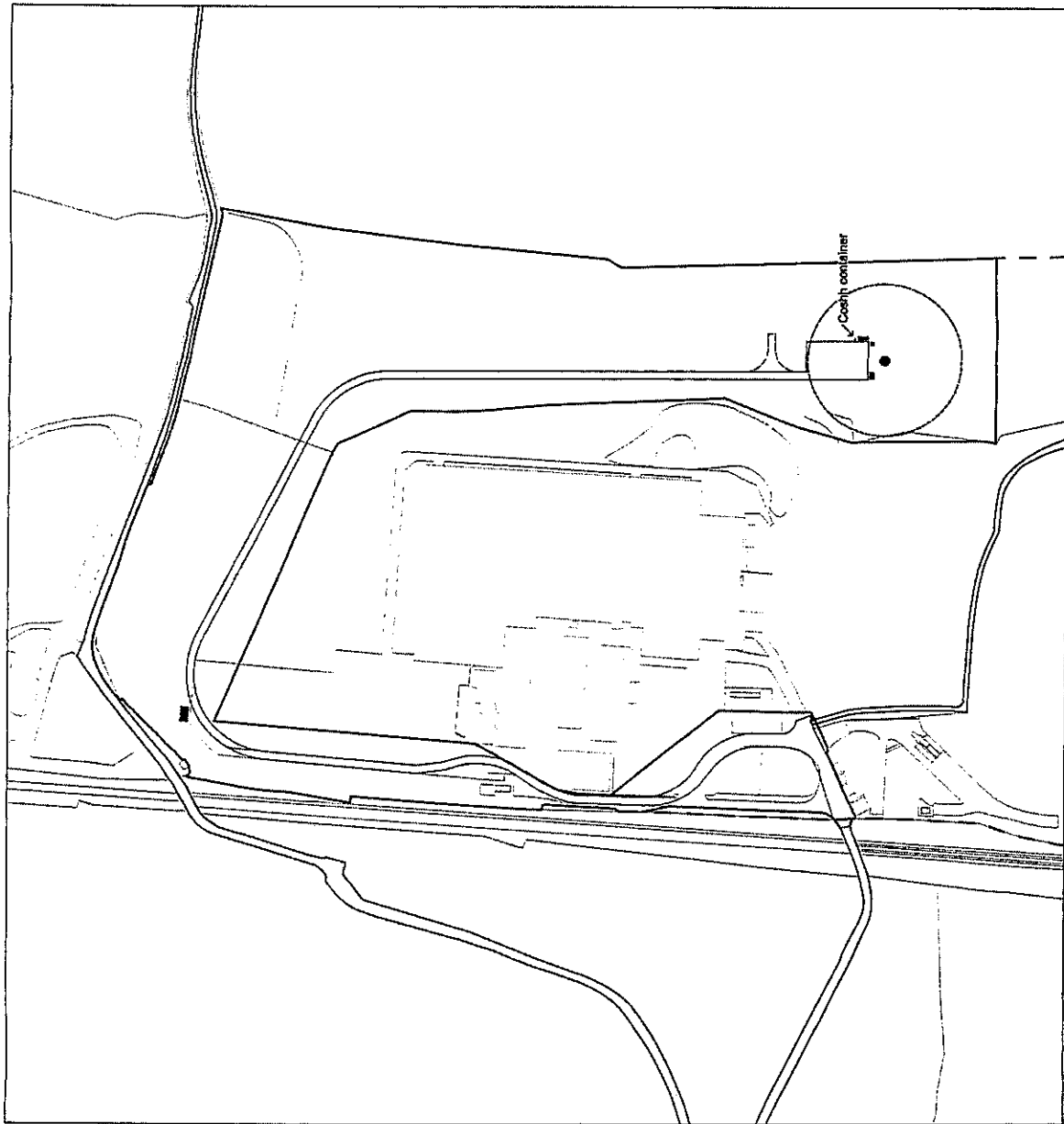


Figure: 2.1

**Legend:**

- Proposed turbine location  
422114, 299036  
100m rotor, 80m hub, 130m tip height
- 100m rotor swept area (50m radius)
- Development boundary
- - - Land ownership boundary
- · · Field boundary
- === Existing onsite road
- === Site tracks to be created
- Temporary turning head
- Temporary construction compound
- Electrical enclosure
- Switchgear building
- Storage container
- SCADA room
- Cosih container
- Road
- Building

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**Map Legend**  
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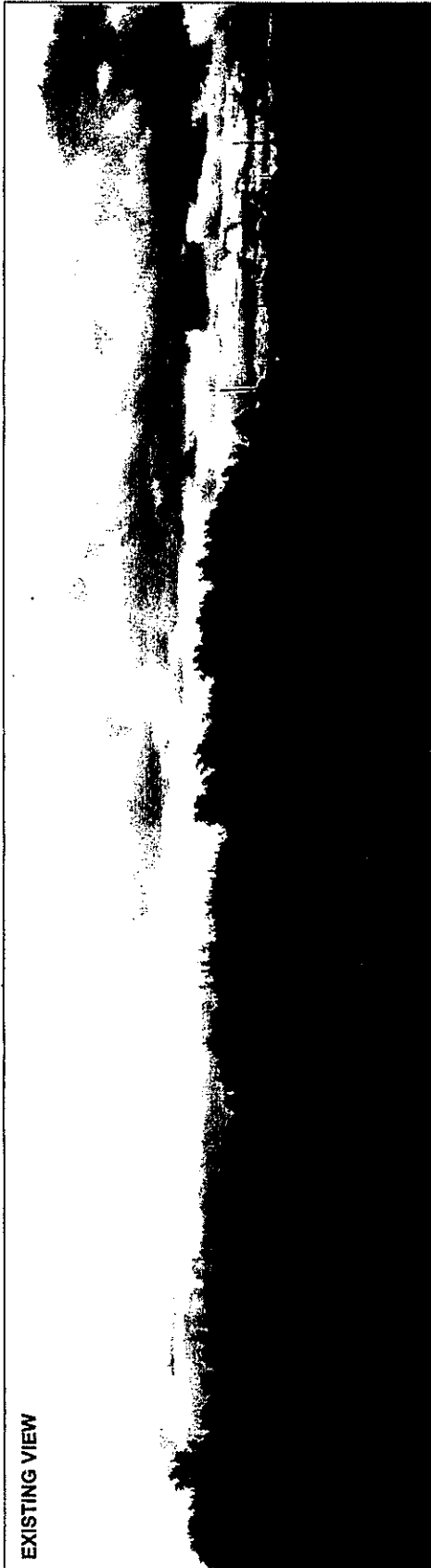
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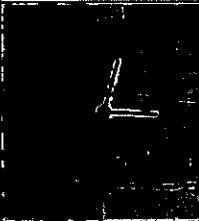
**Viewpoint 2 : View West from Whateley Lane, Whateley - Photomontage Visualisation 2B**

Recommended Viewing Distance (mm)	300	Viewpoint Grid Reference	422771, 289167
Date Photograph Taken	28/01/2012	Centre of View (deg.)	259
Time Photograph Taken	12:35	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Viewpoint Elevation (m)	115
Camera Lens (mm)	50		
Distance to Nearest Turbine (m)	670		
Turbine Blade Tip Height (m)	130		
Number of Turbines Visible	1		

EXISTING VIEW



PREDICTED VIEW



**Viewpoint 1 : View South East from Kempton Drive, South East of Dosthill - Photomontage Visualisation 1B**

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	421739, 299557
Date Photograph Taken	11/03/2011	Distance to Nearest Turbine (m)	642	Centre of View (deg.)	144
Time Photograph Taken	12:10	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	75

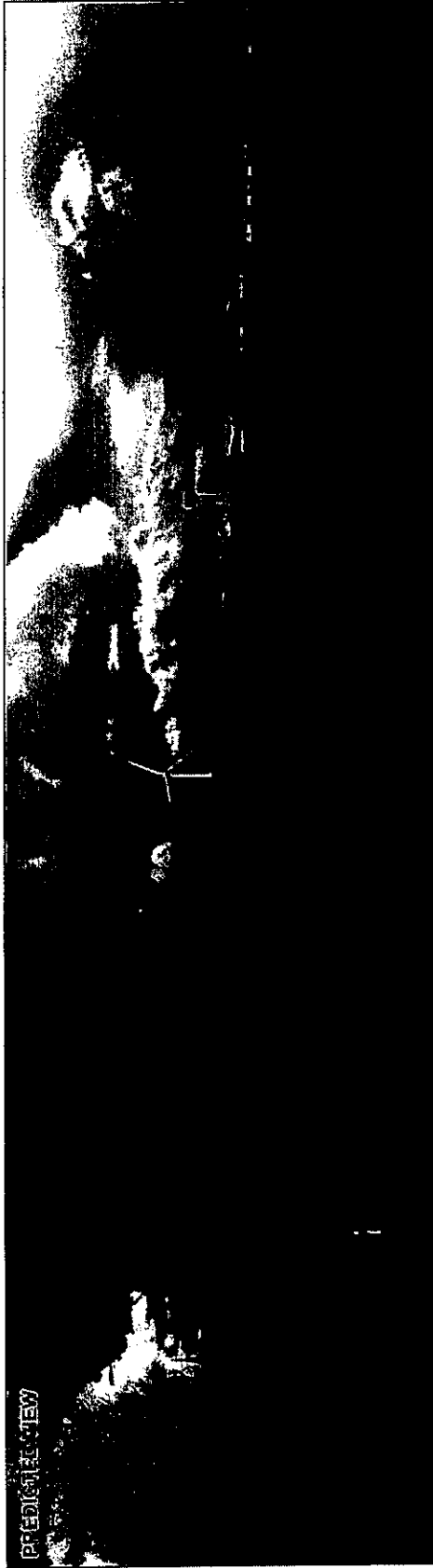
**Map Legend  
(Theoretical Visibility)**

- Blade Tip Only
- Blade Tip and Nacelle

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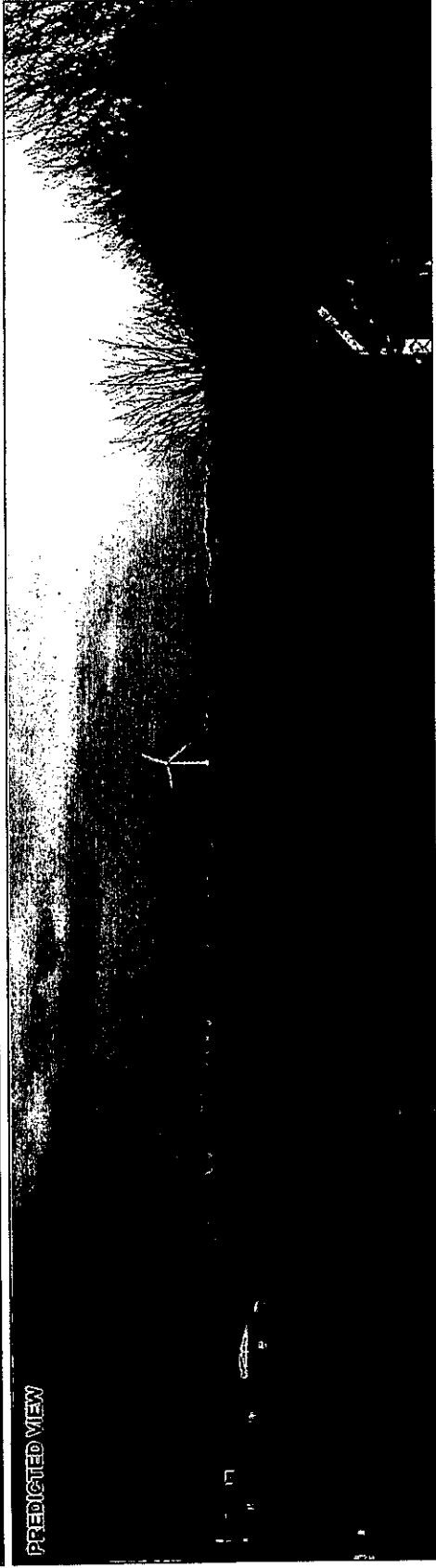
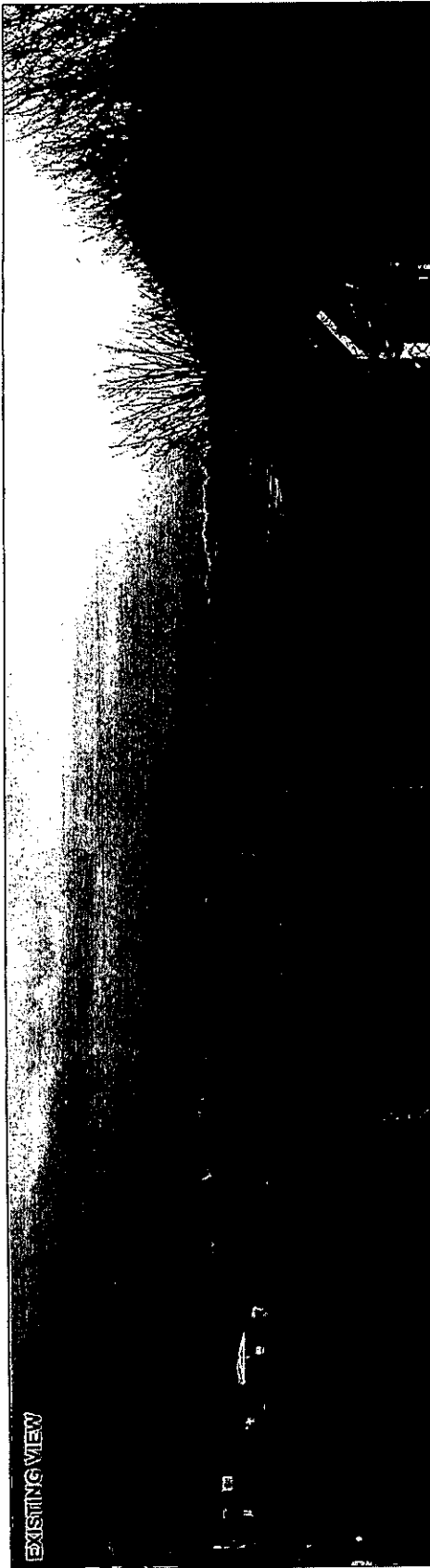


**Viewpoint 3 : View South from roundabout on Hedging Lane, West of Hockley - Photomontage Visualisation 3B** (Theoretical Visibility)

Map Legend		Blade Tips Only		Blade Tips and Nacelle	
Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	422219, 300372
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	1.3	Centre of View (deg.)	184
Time Photograph Taken	14:50	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	78.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	69

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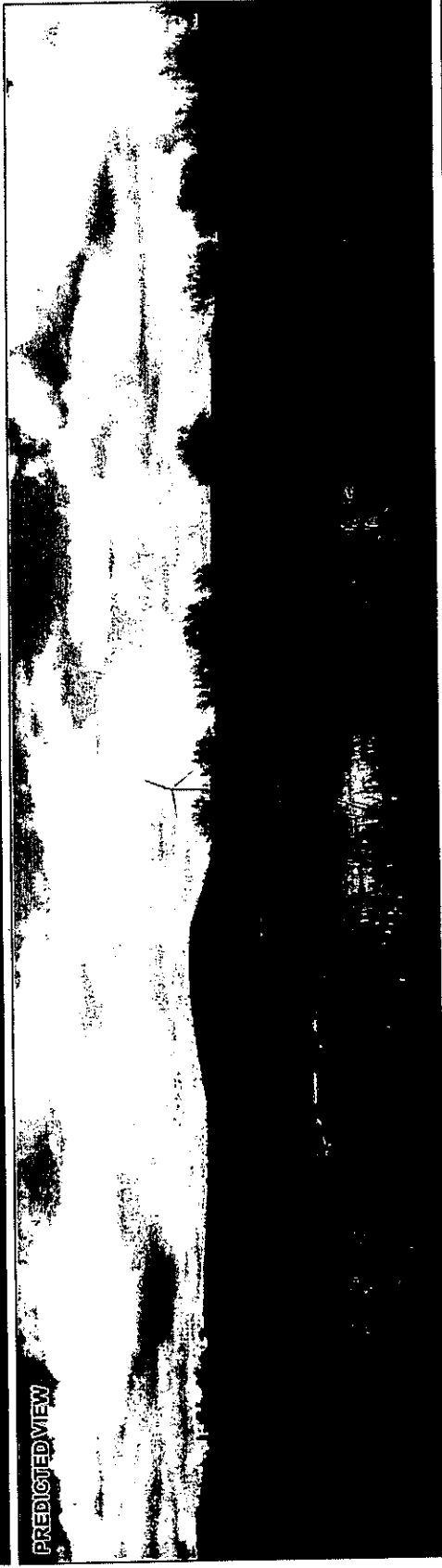
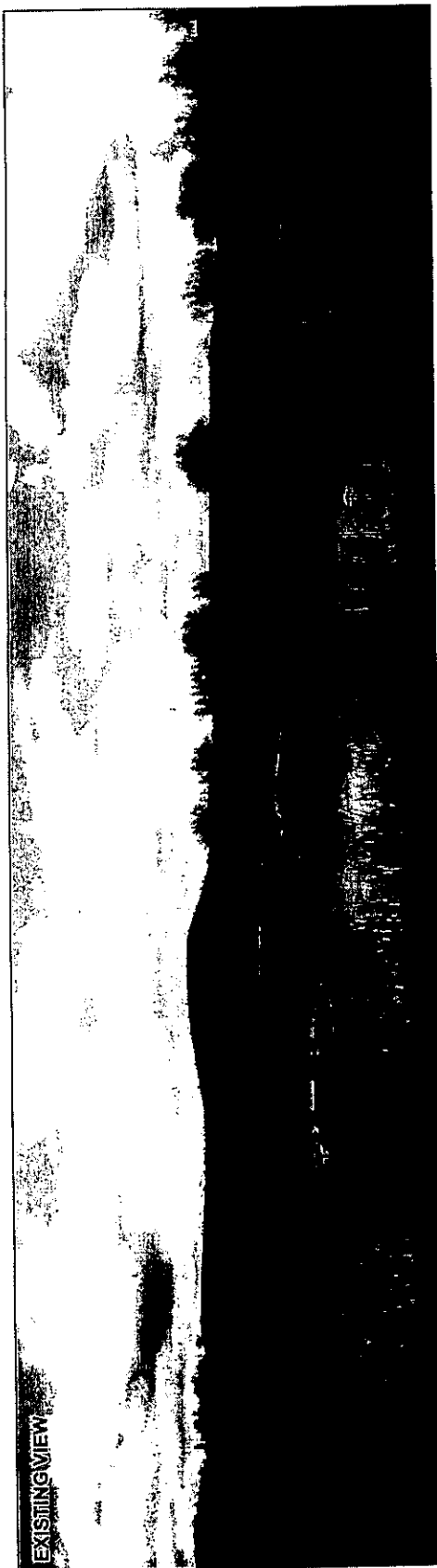
**Viewpoint 4 : View North East from A51 (Tamworth Road) at bridge over M42 - Photomontage Visualisation 4B**

Map Legend (Theoretical Visibility)	
Blade Tips Only	421214, 297538
Blade Tips and Nacelle	30
	78.39
	70

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Recommended Viewing Distance (mm)	Camera Lens (mm)	50	Viewpoint Grid Reference
300	2001/2012	1.7	Centre of View (deg.)
Date Photograph Taken	14:00	130	Included Angle (deg.)
Time Photograph Taken	1.5	1	Viewpoint Elevation (m)
Height of Camera Above Ground (m)			

Distance to Nearest Turbine (km)	1.7
Turbine Blade Tip Height (m) <td>130</td>	130
Number of Turbines Visible <td>1</td>	1



**Map Legend**  
(Theoretical Visibility)

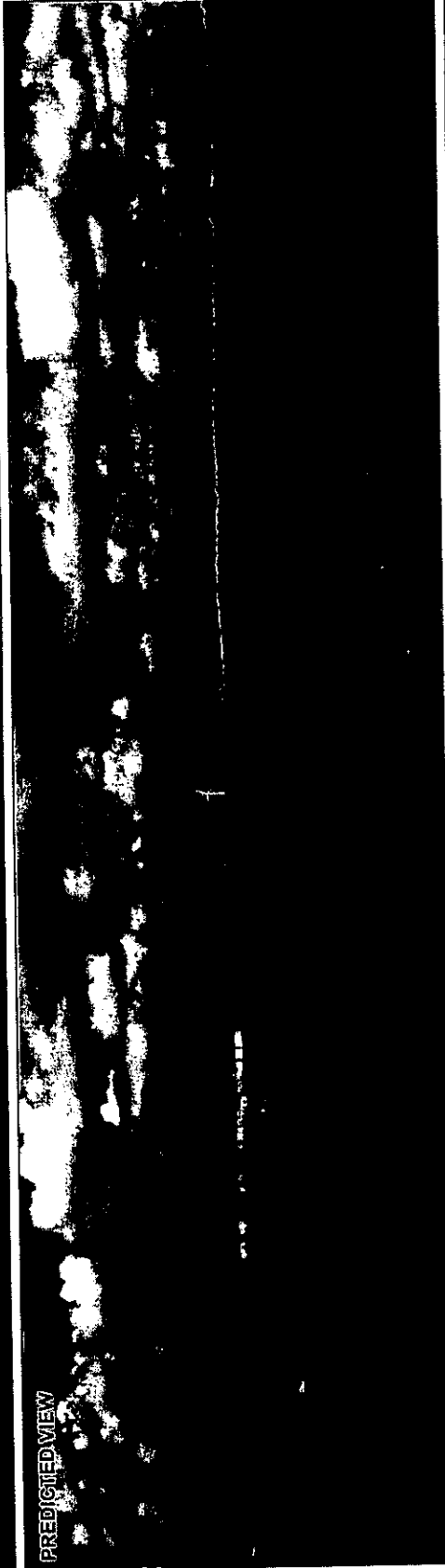
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**Viewpoint 5 : View East from the Heart of England Way - Photomontage Visualisation 5B**

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	420071, 296954
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (m)	2.0	Centre of View (deg.)	88
Time Photograph Taken	13:10	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	79.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	62



**Map Legend**  
(Theoretical Visibility)

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Blade Tips and Nacelle      322

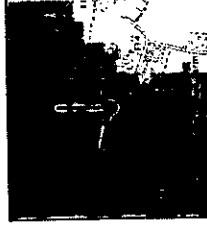
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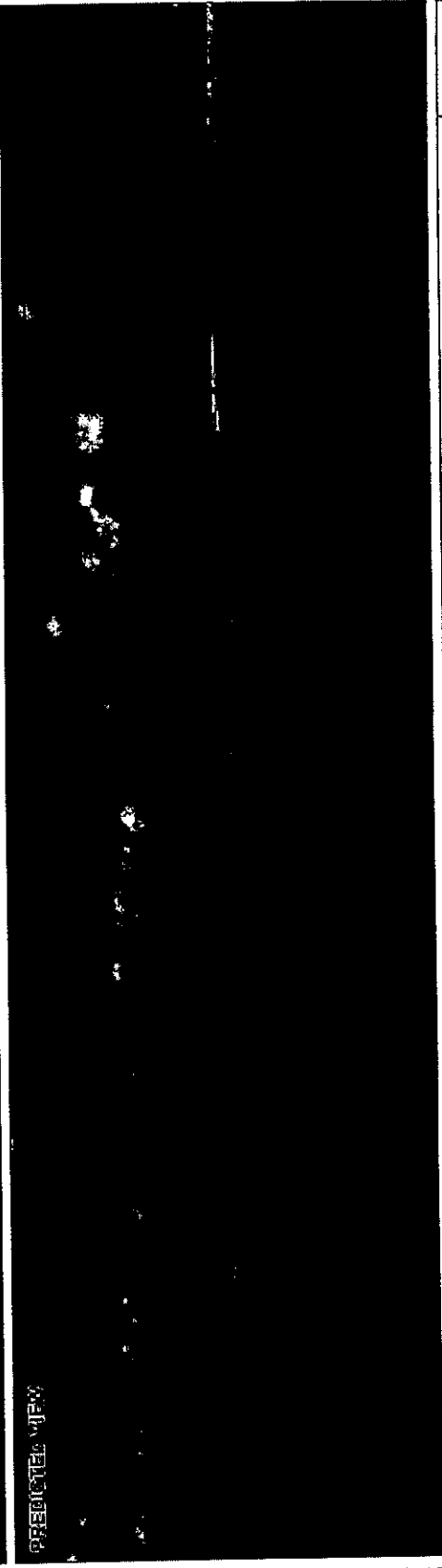
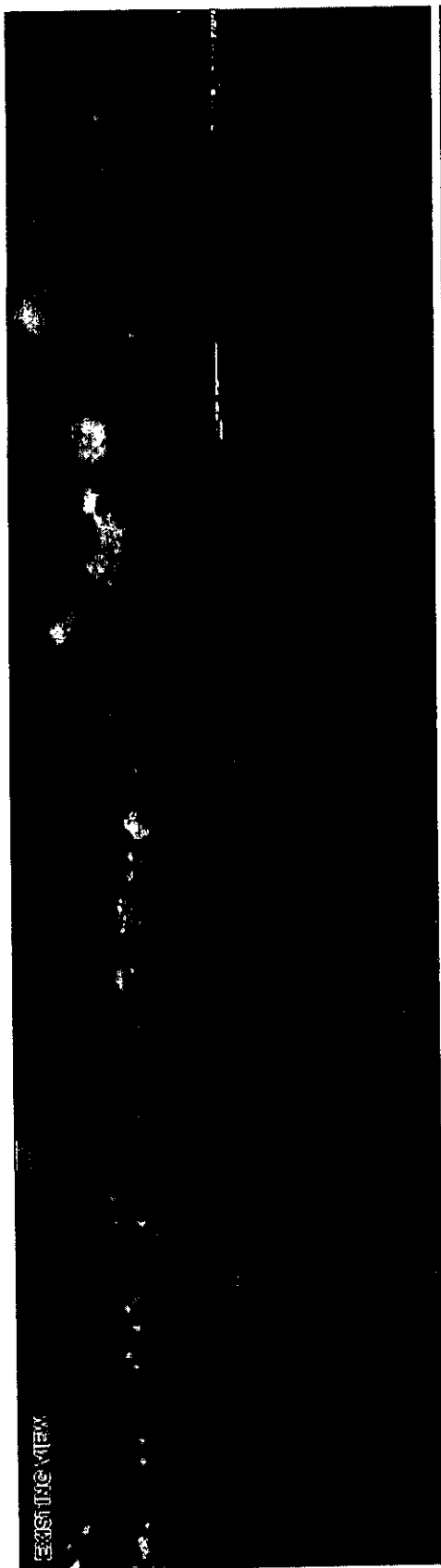
119

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ca: 9077866027c6d978ec38a3c0a6c7c99

**Viewpoint 9 : View North West from Public Footpath, Hurley - Photomontage Visualisation 9B**

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	424572, 285946
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (m)	3.9	Centre of View (deg.)	322
Time Photograph Taken	11:15	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	119





**View Legend**  
(Theoretical Visibility)

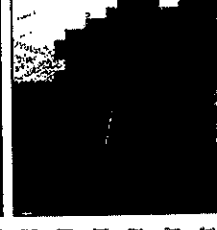
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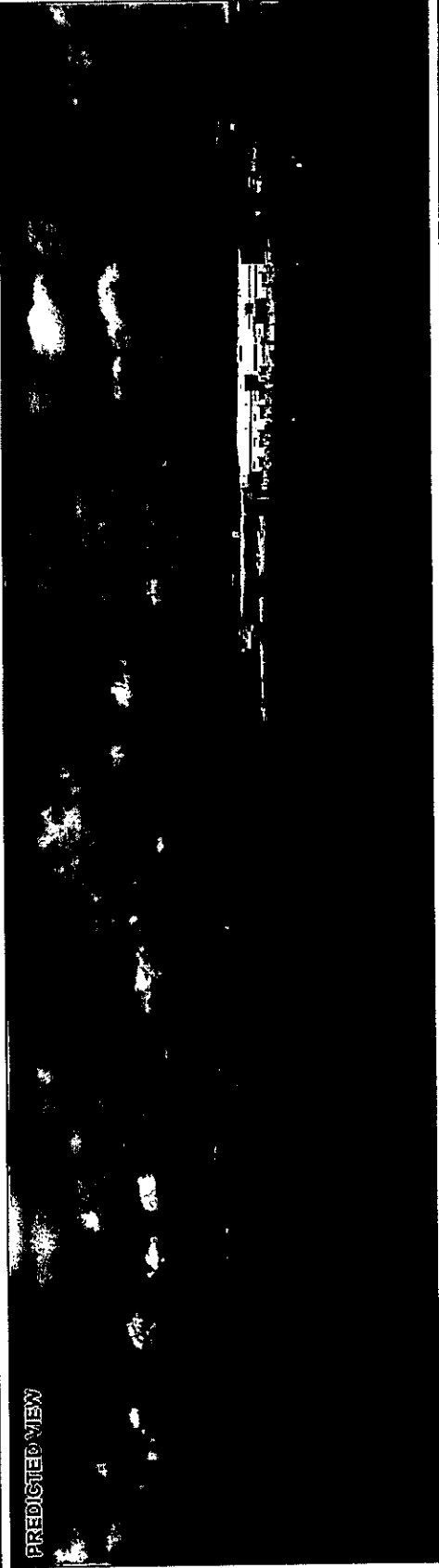
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**Viewpoint 10 : View South West from Public Footpath, West of Dordon - Photomontage Visualisation 10B**

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	425823, 300921
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	4.2	Centre of View (deg.)	243
Time Photograph Taken	10:20	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	112





Map Legend  
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacells

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**Viewpoint 11 : View West from Public Footpath, West of Grendon Common - Photomontage Visualisation 11B**

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	428694, 298828
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	4.6	Centre of View (deg.)	273
Time Photograph Taken	10:45	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.99
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	123



**(12) Application No: PAP/2013/0325**

**Adjacent to Wynn House, 60 High Street, Coleshill, B46 1AZ**

**Application to apply for a further 3 year extension to implement planning permission PAP/2010/0312: erection of part ground floor and two upper storeys comprising two flats over existing access between nos 58 and 60, for**

**G R Darby Investment Ltd**

## **Introduction**

The application is brought before the Board following a request from a Local member with regard to vehicle parking and the potential impact on the amenity of nearby residential dwellings.

## **The Site**

The application site lies between two existing buildings which currently forms the access to a rear car park, which will be retained. It lies within the development boundary and conservation area of Coleshill as identified within the North Warwickshire Local Plan 2006 and is about 30 metres north of the cross roads with Birmingham Road and Blythe Road.

Number 60 is a three storey building, currently used as offices although presently it is vacant. It is a prominent building on this corner. Number 58 High Street is a modern building with a ground floor shop and offices above. To the north on the High Street is a terrace of modern town houses. To the rear of the premises is a private car parking area containing 9 spaces, which is served from High Street via a 5.3 metre wide access, which passes between numbers 58 and 60.

## **The Proposal**

This is an application to extend a planning permission granted in 2010 for the erection of a first and second floor over the existing access between numbers 58 and 60 so as to provide two flats. The proposed plan can be viewed in Appendix 1, and photographs of the site can be viewed in Appendix 2.

The proposal would retain the rear car park which would also provide vehicle parking for the new flats.

The development has been designed to reflect the character of Wynn House (Number.60), with an arch over for vehicle access and first floor windows to match and the second floor is incorporated into the roof space, with two dormer windows in the front elevation. The building is proposed to have a front roof pitch with a rear gable feature.

## **Background**

In 2010 planning permission was granted and extended the original 2005 approval here for a further three years. The original planning permission for this development was granted in August 2005.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV11 (Residential Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), HSG2 (Affordable Housing) and ECON3 (Protection of Existing Employment Sites).

### **Other Relevant Material Considerations**

The Council's Core Strategy Submission Version: February 2013

The National Planning Policy Framework 2012

### **Consultations**

Environmental Health Officer – No objections.

Warwickshire County Council as Highway Authority – No objection in view of the previous consents

### **Representations**

Two letters of objection from residents in Penns Lane draw attention to

:

- A nearby development having caused parking issues in the area with residents of the development parking in Penns Lane.
- No parking provision appears to be part of the proposal, which could lead to additional parking problems to Penns Lane.
- Overlooking from the proposed development.
- This part of the Conservation Area has been neglected and it is a terrible state.

Coleshill Civic Society – No objection.

### **Observations**

It should be stated immediately that the 2010 planning permission is extant and therefore subject to its planning conditions being discharged, could still be implemented notwithstanding the outcome of this current application. It is thus a material planning consideration.

There has been no change in planning policy circumstances since the 2010 approval. The site remains a sustainable location within a defined settlement and where new housing is supported in principle. This conclusion would accord with both the emerging Core Strategy and with the NPPF. Moreover the proposed design and appearance of the development has not altered. It was considered to be appropriate in both 2005 and 2010 both in terms of its suitability in the Conservation Area and in respect of its overall design. Moreover neither the Highway Authority nor the Council's Environmental Health Officer's views have altered. There is thus a presumption here in favour of renewing the permission. It is however necessary to look at the two matters raised by the representations – that of car parking and potential overlooking.



In terms of the overlooking issue then the site is within an existing commercial and residential area. Along this part of the High Street, residential properties are opposite each other, with a distance of 20 metres between elevations. The proposal will also have a distance of 20 metres to the dwelling at the rear in Penns Lane. As the proposed rear elevation of the development is not proposed to be altered, there is no reason to say that the potential overlooking issue has become or would become worse. If this design was acceptable in 2005 and 2010, it is also acceptable now.

The parking issue is the main matter that objectors have referred to.

Firstly the situation on site has not altered. The approved 2005 scheme included use of the existing office car park, which is unused outside working hours. Two spaces would be available for the occupiers of the flats. This position was required to be retained on site through a planning condition. This was carried forward with the 2010 renewal and would be done so again here in the event of an approval. So there is on-site parking available.

Secondly, there is reference to the newly constructed development in Birmingham Road leading to a change in circumstance as this is said to add pressure for on-street car parking in the vicinity. That development was granted in 1989 and has been subsequently renewed. It was therefore always known that this permission was also extant and that it could be implemented together with the current one. There is nothing new therefore in the fact that there are two extant permissions here.

Thirdly, the car park in Birmingham Road may not now be in public ownership but the car parking agreement here does enable 24 hour accessibility.

As a consequence of these matters, it is not considered that there has been a substantial change in any circumstance to warrant refusal for this renewal application.

### **Recommendation**

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. No development shall be commenced before samples of the facing bricks; roofing tiles and render to be used have been submitted to and approved by the District Planning Authority in writing.

### **REASON**

To ensure that the facing materials harmonise in colour and texture with those in the locality.

3. The gates shown on the approved plan drawing number 332/07 Rev B (approved 16 Aug 2005) shall at no time be hung closer than 5 metres from the rear edge of the public highway footpath; and shall open inwards at all times.

#### REASON

In the interests of safety on the public highway.

4. The two dwelling units hereby approved shall not be occupied until one parking space for each has been provided and marked out within the existing car park in accordance with a scheme to be first agreed in writing with the Local Planning Authority. Specifically; the marking shall indicate that the spaces are available for residents only between the hours of 6pm to 8.30am daily.

#### REASON

To ensure that such provision is available before the property is first occupied.

5. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 337/07 Rev B as approved on 16 August 2005 by the Local Planning Authority.

#### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

6. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

#### REASON

To protect the privacy of the occupiers of adjoining properties.

#### Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

3. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies) : ENV11 - Neighbour Amenities; ENV12 - Urban Design; ENV13 - Building Design, ENV14 - Access Design; ENV15 - Heritage Conservation; TPT1 - Transport Considerations in New Development; TPT3 - Access and Sustainable Travel and Transport; TPT6 - Vehicle Parking; HSG2 - Affordable Housing; HSG4 - Densities; ECON3 - Protection of Existing Employment Sites; CORE POLICY 2 - Development Distribution

Other Considerations : NWBC Core Strategy Submission Version February 2013  
National Planning Policy Framework 2012

Supplementary Planning Guidance : SPG - A Guide for the Design of Householder Developments - Adopted September 2003

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. 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.

5. The users of the dwelling are advised not to park in Penns Lane when not able to park within the provided parking space, due to a Highway Agreement the Council understand which covers Penns Lane and the use of parking vehicles within it.

## BACKGROUND PAPERS

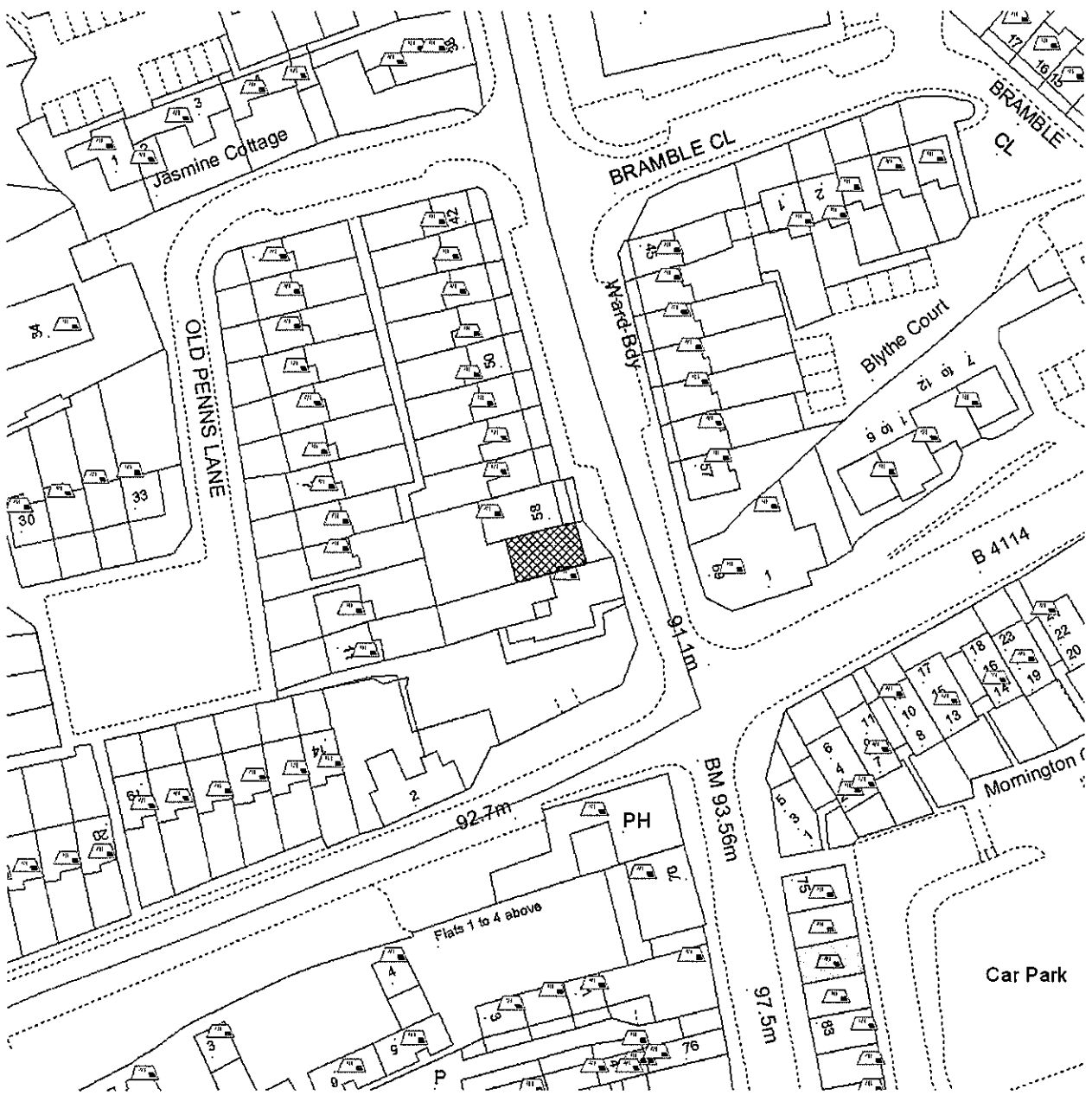
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0325

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/7/2013
2	Owner 2 Penns Lane	Objection	11/7/2013
3	Coleshill and District Society	Consultation response	12/7/2013
4	Owner 6 Penns Lane	Objection	15/7/2013
5	Case Officer	File note	24/7/2013
6	NWBC Environmental Health	Site information	23/7/2013
7	Case officer	Email to NWBC Environmental Health	24/7/2013
8	WCC Highways	Consultation response	24/7/2013
9	Case Officer	Email to Councillors	25/7/2013
10	Councillor Ferro	Request for application to go to Board	29/7/2013
11	Case Officer	Email to Cllr Ferro	30/7/2013

*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 1 – Proposed Plan

01/17/2009

ALL LETTERS AND NOTATION TO BE AS SHOWN ON THE SEEN AND ON THE AS-BUILT PLANS

H I G H S T R E E T

ELEVATION TO WEST

ELEVATION TO SOUTH

ELEVATION TO EAST

ELEVATION TO NORTH

FIRST FLOOR PLAN

SECOND FLOOR PLAN

SECTION X-X

APPROVED 11 AM 08/05/09

722

LOCATION: 11120

Project No.	11120
Client	APARTMENTS OVER ACCESS
Architect	G.B. Derry & Co.
Address	High Street, Colchester
Scale	1:500
Date	08/05/09

Appendix 2 – Photographs of the site



Above are photos taken in 2010.



The photos are above were taken on the 2013 site visit.

**(13) Application No: PAP/2013/0365**

**3, Willow Walk, Arley, CV7 8NY**

**Change of use from open space to residential and two storey side extension, for**

**Mr Richard Duff**

### **Introduction**

The application is brought before the Planning and Development Board as the application site covering the extension is owned by the Borough Council. It is for an amendment to a previously approved scheme. The report relating to the previous scheme is attached at Appendix 4. Subject to consultation responses which expire after the Planning and Development Board, consent is requested for authority to determine the application.

### **The Site**

The site is the western half of a semi-detached property on the south side of Willow Walk a small cul-de-sac off Bournebrook Way in Old Arley. It overlooks green open space. Immediately to the side is an existing hard standing area, leading to a pedestrian path which links in the rear garden access routes to neighbouring properties and front access to properties on Willow Walk. This area is currently used for vehicle parking and as a pedestrian route.

### **The Proposal**

It is proposed to provide a side two storey side extension which would be constructed on part of the hard-standing. It would be 5.32 metres long by 4.3 metres wide and be 6.8 metres high to the roof ridge. The pedestrian route would be re-routed around the extension so as to maintain access. The extension would have a garage at ground floor and a bedroom with en-suite to the first floor. The extension would be level with the frontage of the main dwelling and the roof ridge line would be 0.6 metres lower than the main dwelling roof ridge line.

The proposed plan can be viewed in Appendix 1 and photographic images of the site and surrounding area can be viewed at Appendix 2.

### **Background**

The Council owns the land over which the extension is proposed, and the house has been previously extended to the rear with a conservatory.

At its June meeting the Planning and Development Board granted planning permission for an extension that would be 6.6 metres long, 4.3 metres wide and 7.3 metres to the roof ridge. The previously approved plan can be viewed in Appendix 3.

The footprint of the approved application has been revised so as to propose a slightly smaller extension and this is now referred to the Board.



## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) - ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV13 (Building Design)

## **Other Relevant Material Considerations**

NWBC Core Strategy Submission Version February 2013

National Planning Policy Framework 2012

Supplementary Planning Guidance – “A Guide for the Design of Householder Developments” – Adopted September 2003

## **Observations**

This application seeks a slightly smaller extension to that approved by the Board earlier this year. There have been no changes to any of the material considerations affecting this case since June.

## **Recommendation**

That subject to no new representation being received that has not been already identified in the previous report, planning permission be **GRANTED** following the expiry of the consultation process and subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered DPC-3WW-001PL REV B received by the Local Planning Authority on 23 July 2013.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The facing bricks and roofing tiles used shall be of the same type, texture and colour as those used on the existing building.

### **REASON**

In the interests of the amenities of the area and the building concerned.

4. The first floor en suite southern facing elevation window shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

#### REASON

To protect the privacy of the adjoining property and to prevent overlooking.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

#### REASON

To protect the privacy of the occupiers of adjoining properties.

6. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at 3 Willow Walk, Arley, and shall not be sold off, sub-let or used as a separate unit of accommodation.

#### REASON

To prevent unauthorised use of the property.

#### Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at:  
[www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).

3. The applicant is reminded that the land will have to be purchased off North Warwickshire Borough Council before building work can start. The revised foopath should be completed as soon as possible after building work starts.

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. 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.

5. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies) : ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV13 - Building Design

Other Relevant Material Considerations : NWBC Core Strategy Submission Version February 2013

Government Advice : National Planning Policy Framework 2012

Supplementary Planning Guidance : SPG - A Guide for the Design of Householder Developments - Adopted September 2003

6. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

## BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0365

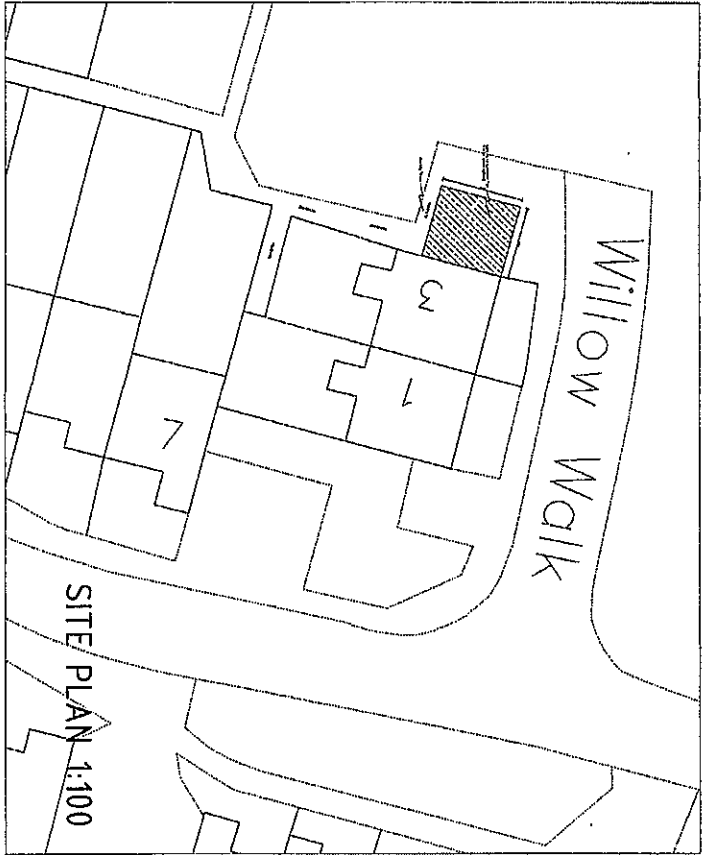
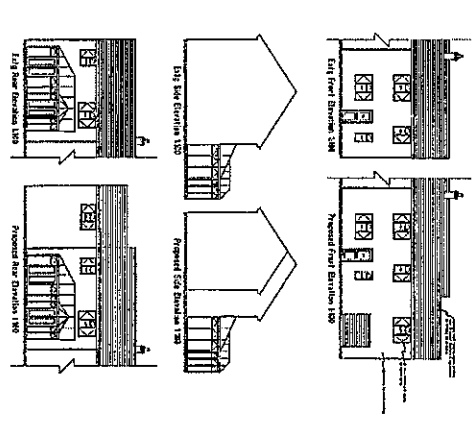
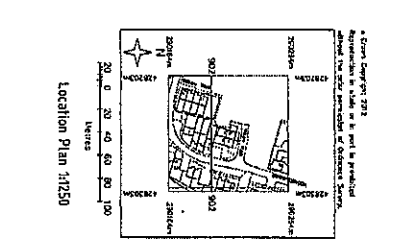
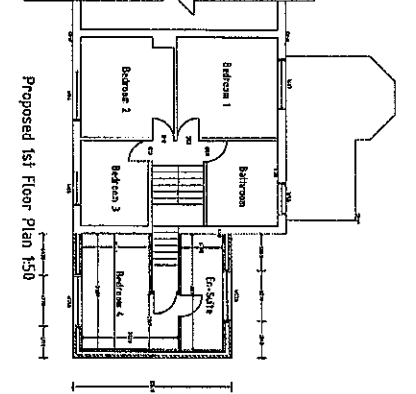
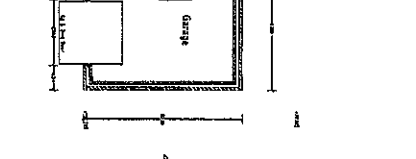
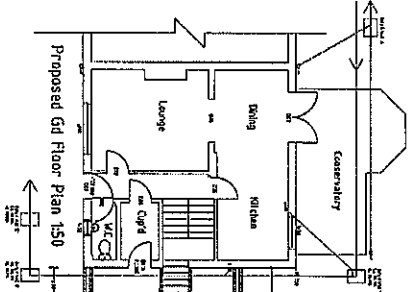
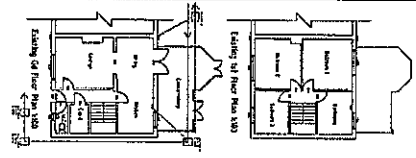
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/7/2013
2	Case officer	NWBC Landscape Officer	25/7/2013

*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 1 – Proposed Plan**



**SPECIFICATIONS NOTES**

1. All work shall be in accordance with the latest editions of the following codes and standards: International Building Code (IBC), International Residential Code (IRC), and all applicable local codes and ordinances.

2. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.

3. All materials and workmanship shall be subject to inspection and approval by the architect and the local building department.

4. The contractor shall maintain access to all existing utilities and structures on the site.

5. The contractor shall be responsible for the protection and preservation of all existing trees and landscaping on the site.

6. The contractor shall be responsible for the removal and disposal of all debris and waste from the site.

7. The contractor shall be responsible for the cleanup and restoration of the site to its original condition.

8. The contractor shall be responsible for the safety of all workers and the public during the construction process.

9. The contractor shall be responsible for the timely completion of the project.

10. The contractor shall be responsible for the accurate and complete documentation of the project.

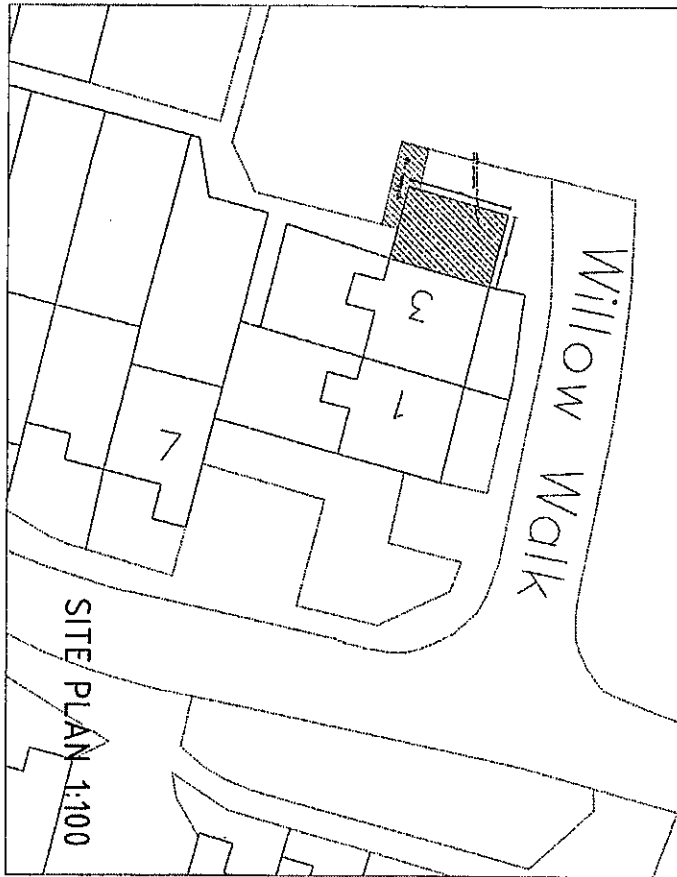
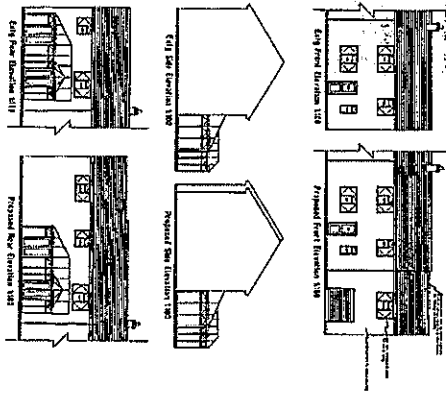
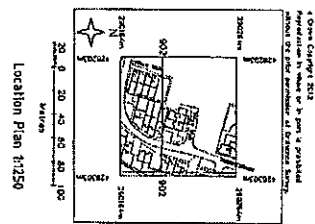
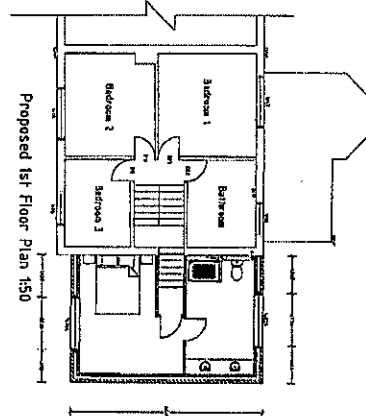
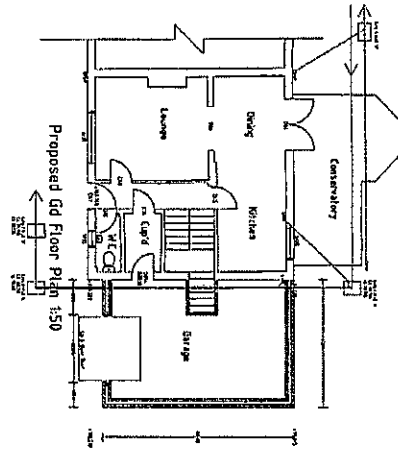
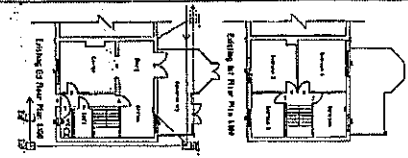
DATE: 11/15/2023  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

NO. 1	DATE	DESCRIPTION
1	11/15/2023	ISSUED FOR PERMIT
2	11/15/2023	ISSUED FOR CONSTRUCTION
3	11/15/2023	ISSUED FOR OCCUPANCY

**Appendix 2 – Photographs of the site**



**Appendix 3 – Previously Approved Plan**



**SPECIFICATION NOTES**

1. All work shall be in accordance with the latest editions of the following codes and standards:
  - a. International Building Code (IBC)
  - b. International Residential Code (IRC)
  - c. International Energy Conservation Code (IECC)
  - d. American Institute of Steel Construction, Inc. (AISC) Specification for Structural Steel Buildings
  - e. American Concrete Institute (ACI) 308R-02, Building Code Requirements for Reinforced Concrete and Commentary
  - f. American Institute of Architects (AIA) Green Building Addendum to the ConsensusDocs 310 Building Contract
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction.
3. The contractor shall maintain access to all existing utilities and easements throughout the project.
4. The contractor shall be responsible for protecting all existing trees and landscaping on the site.
5. The contractor shall be responsible for the removal and disposal of all debris and materials from the site.
6. The contractor shall be responsible for the installation of all new materials and workmanship.
7. The contractor shall be responsible for the completion of all work within the specified time frame.
8. The contractor shall be responsible for the maintenance of the site during the construction period.
9. The contractor shall be responsible for the safety of all workers and the public during the construction period.
10. The contractor shall be responsible for the cleanup of the site at the end of the project.

NOTED  
11.14.20  
NO REVISIONS

	<b>JING-SHUN CHOI, P.E.</b> Structural Engineer License No. 12345 State of California
	<b>JING-SHUN CHOI, P.E.</b> Structural Engineer License No. 12345 State of California



**Agenda Item No 5**

**Planning and Development Board**

**12 August 2013**

**Report of the Chief Executive and the Deputy Chief Executive**

**Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2013**

**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 2013.

**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 2013/14. This is the first report showing the progress achieved so far during this year.

**4 Progress achieved during 2013/14**

- 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 2013/14 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 2013/14 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	2	67%
Red	0	0%
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 13/14

	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 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	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 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	Green	➡
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2014	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2014	Green	➡

NWCP 051	<p>To work with the County Council, Job CentrePlus and other partners to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training and report by March 2014.</p>	Local Employment	Maxey, Steve	<p>Work continues with the North Warwickshire Works partnership to maximise our residents' opportunities of accessing the employment in our Borough. In addition a number of jobs fairs and other activity has taken place following the closure of the Daw Mill colliery. A network of work clubs are now operating in North Warwickshire which work together to provide a comprehensive support network to the residents of the Borough in Arley, Hartshill, Dordon and Atherstone. A software programme 'Bright Sparks' is being rolled out to all young people Year 6 through to secondary school age in the locality. The initiative aims to help young people identify their skills and correlate them to employability.</p>	Green	
NWCP 070(1)	Using opportunities through Section 106 Agreements to improve transport links to the local economy and to report on this by March 2014	Access to Services	Brown, Jeff	To be reported on time in March 2014	Green	

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	63.64	 Green		Priority given to majors in view of impending changes
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	85	60	 Amber		Priority given to majors therefore minors has suffered, there is still time to recover before the end of the year.
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	95	73.63	 Amber		Priority given to majors therefore others has suffered, there is still time to recover before the end of the year.

**Agenda Item No 6**

**Planning and Development Board**

**12 August 2013**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Neighbourhood Plan Designations  
for Austrey and Fillongley**

**1 Summary**

- 1.1 This report informs Members of the progress of the formal consultation on the designation of Austrey Neighbourhood Plan area and the Fillongley Neighbourhood Plan area.

**Recommendation to the Board**

- a That the responses to the proposed consultation be noted;  
and**
- b The designation of the Neighbourhood Plan Areas for Austrey  
and Fillongley be approved.**

**2 Consultation**

- 2.1 Councillors Sweet, Winter, Simpson, Hayfield and M Stanley as well as local Ward Members 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 two areas to be covered by two separate Neighbourhood Plans for Austrey and Fillongley. Early indications are that each of the Neighbourhood Plans will include site allocations. When this has been confirmed and work has reached a satisfactory stage each Parish will then be excluded from the current Site Allocations work. It should be noted however that the Parish Council's are not required to inform the Council until they are drafting the Plan so the actual end result may be different.

## 4 Designations

### Austrey

4.1 Austrey Parish Council has applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area. The area covered by the designation consists of all the land within the current Austrey Parish boundary. Austrey Parish Council's reasons for designating the area are set out below;

- Confidence that the designated area will not cause contention with surrounding parishes.
- Clarity with the below groups as to where responsibilities start and finish: neighbouring parishes; County, Borough and Parish Councillors; residents; landowners; any other relevant stakeholders or consultees

### Fillongley

4.2 Fillongley Parish Council has applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area. The area covered by the designation consists of all the land within the current Fillongley Parish boundary. Fillongley Parish Council's reasons for designating the area are set out below;

- Clarity with neighbouring parishes, County, Borough and Town Councillors and residents as to where responsibilities start and finish; and
- A desire to include all areas of the parish within the Parish boundary in the future development of Fillongley.

## 5 Consultation

5.1 The consultation ran until Thursday 23 May 2013 and a total of 12 consultation responses were received. The consultation responses are summarised in the Table below. Members are asked to note the responses.

### Austrey

A1	The Coal Authority	26/03/13	No comment
A2	Network Rail	03/04/13	No comment
A3	Centro	12/04/13	No specific comments but would seek opportunities to work together to improve public transport
A4	English Heritage	23/04/13	<ul style="list-style-type: none"><li>• No objection</li><li>• Will offer support where possible</li></ul>
A5	Home Builders Federation	23/05/13	<ul style="list-style-type: none"><li>• NP should conform with Core Strategy</li><li>• NP should conform with NPPF</li><li>• NP should support sites for potential development</li></ul>
A6	Mr J Walton c/o Shortland Parsley	30/05/13	<ul style="list-style-type: none"><li>• Support allocation of his land in Austrey NP</li></ul>

(Note: NP = Neighbourhood Plan)



### **Fillongley**

F1	The Coal Authority	26/03/13	No comment
F2	Network Rail	03/04/13	Network Rail should be consulted and involved as may impact on operational land. In addition there is a level crossing
F3	Centro	12/04/13	No specific comments but would seek opportunities to work together to improve public transport
F4	English Heritage	23/04/13	<ul style="list-style-type: none"><li>• No objection</li><li>• Will offer support where possible</li></ul>
F5	Coventry Diocese	22/05/13	<ul style="list-style-type: none"><li>• Support</li><li>• Any plan should have full local consultation involving all stakeholders and the general public.</li></ul>
F6	Home Builders Federation	23/05/13	<ul style="list-style-type: none"><li>• Conform with Core Strategy</li><li>• Conform with NPPF</li><li>• Support sites for potential development</li></ul>

5.2 It is considered that following the responses to the consultation no valid or reasonable reasons have been raised that warrant refusal of the Designations. The two Areas should therefore be agreed and approved as the right areas for the production of neighbourhood plans

## **6 Report Implications**

### **6.1 Finance and Value for Money Implications**

6.1.1 The Borough Council can claim for up to £30,000 for each Neighbourhood Development Plan – the first payment of £5,000 will be made following designation of the neighbourhood area. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Development Plan. A second payment of £5,000 will be made when the local authority publicises the Neighbourhood Development Plan prior to examination. The third payment of £20,000 is made on successful completion of an independent examination.

### **6.2 Legal and Human Rights Implications**

6.2.1 The process conforms with the legal requirements for Neighbourhood Plans

### **6.3 Human Resources Implications**

6.3.1 Staff time is expected to be provided by the Borough Council to support and advise Town and Parish Councils and the community in taking forward a Neighbourhood Development Plan. However the amount of staff time will be

limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and must be provided to all other Parishes who are also considering undertaking Neighbourhood Plans.

#### 6.4 Environmental and Sustainability Implications

6.4.1 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.

#### 6.5 Risk Management Implications

6.5.1 There is a risk of stopping work too early by the Borough Council and this has been addressed in the body of the report in paragraph 3.1.

#### 6.6 Links to Council's Priorities

6.6.1 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).

### 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
A1	The Coal Authority	Letter	26/03/13
A2	Network Rail	E-mail	03/04/13
A3	Centro	Letter	12/0/4/13
A4	English Heritage	Letter	23/04/13
A5	Home Builders Federation	Letter	23/05/13
A6	Mr J Walton c/o Shortland Parsley	Letter	30/05/13
F1	The Coal Authority	Letter	26/03/13
F2	Network Rail	E-mail	03/04/13
F3	Centro	Letter	12/0/4/13
F4	English Heritage	Letter	23/04/13
F5	Coventry Diocese	E-mail	22/05/13
F6	Home Builders Federation	Letter	23/05/13

## Agenda Item No 7

### Planning and Development Board

12 August 2013

Report of the  
Head of Development Control

Emergency Tree Preservation  
Order - Land at Mancetter Manor  
The Green, Mancetter

#### 1 Summary

- 1.1 **Location:** Land at Mancetter Manor, The Green, Mancetter. The site earmarked for the protection of trees is located within the grounds of Mancetter Manor which is sited just off The Green and is central to the Mancetter Conservation Area. The trees are located adjacent to a neighbouring boundary. The trees are sited within the application site but are visible from the wider surroundings. The OS plan is attached at Appendix A.

**Applicant:** Mr Shead – Arragon Properties

#### Recommendation to the Board

**That the decision to issue an Emergency Tree Preservation Order be confirmed in respect of 1 Horse Chestnut Tree and 2 Lime Trees, for the reasons given in this report, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.**

#### 2 Background and Statement of Reasons

- 2.1 The Council was in receipt of a section 211 notice of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The trees earmarked for works were protected by the status of the Conservation Area. The works proposed were to reduce the height of the trees by 2-3 metres and remove side growth by 1 -2 metres and lift the lower growth to crown break. It was advised by the applicant that the trees also reduced the neighbour's amenity in terms of sunlight entering their garden and that leaves, conkers and small branches fall from the trees into the neighbour's garden.
- 2.2 The County Forestry Officer had been consulted on the section 211 notice and consent was not granted for the works to the trees, as the works sought to change the overall appearance of the trees. Hence the recommendation from the County Forestry Officer was to afford protection to these trees, by way of a Tree Preservation Order.
- 2.3 The trees are considered to be fair specimen in terms of their physiological and structural condition; there is no evidence of dieback, branch shredding or defects. The trees are large and are clearly visible to the wider amenity and they are

considered to be important within the Conservation Area and relate to the setting, this makes them suitable for protection under a Tree Preservation Order. A tempo evaluation has been undertaken which indicates the trees warrants protection by way of group Tree Preservation Order.

- 2.4 Given the above, an emergency Tree Preservation Order was required and authorisation was sought from the Chairman and the Vice Chairman of the Planning and Development Board. Subsequently, the Tree Preservation Order took provisional effect from 26 July 2013 and will remain in force for six months. The owners/occupiers of the property and the adjoining owners/occupiers have been served with copies of the TPO and have until 30 August to make representations/objections.
- 2.5 A further report will be presented to the Planning and Development Board for Members to consider whether the TPO should be made permanent.

### 3 Report Implications

#### 3.1 Legal and Human Rights Implications

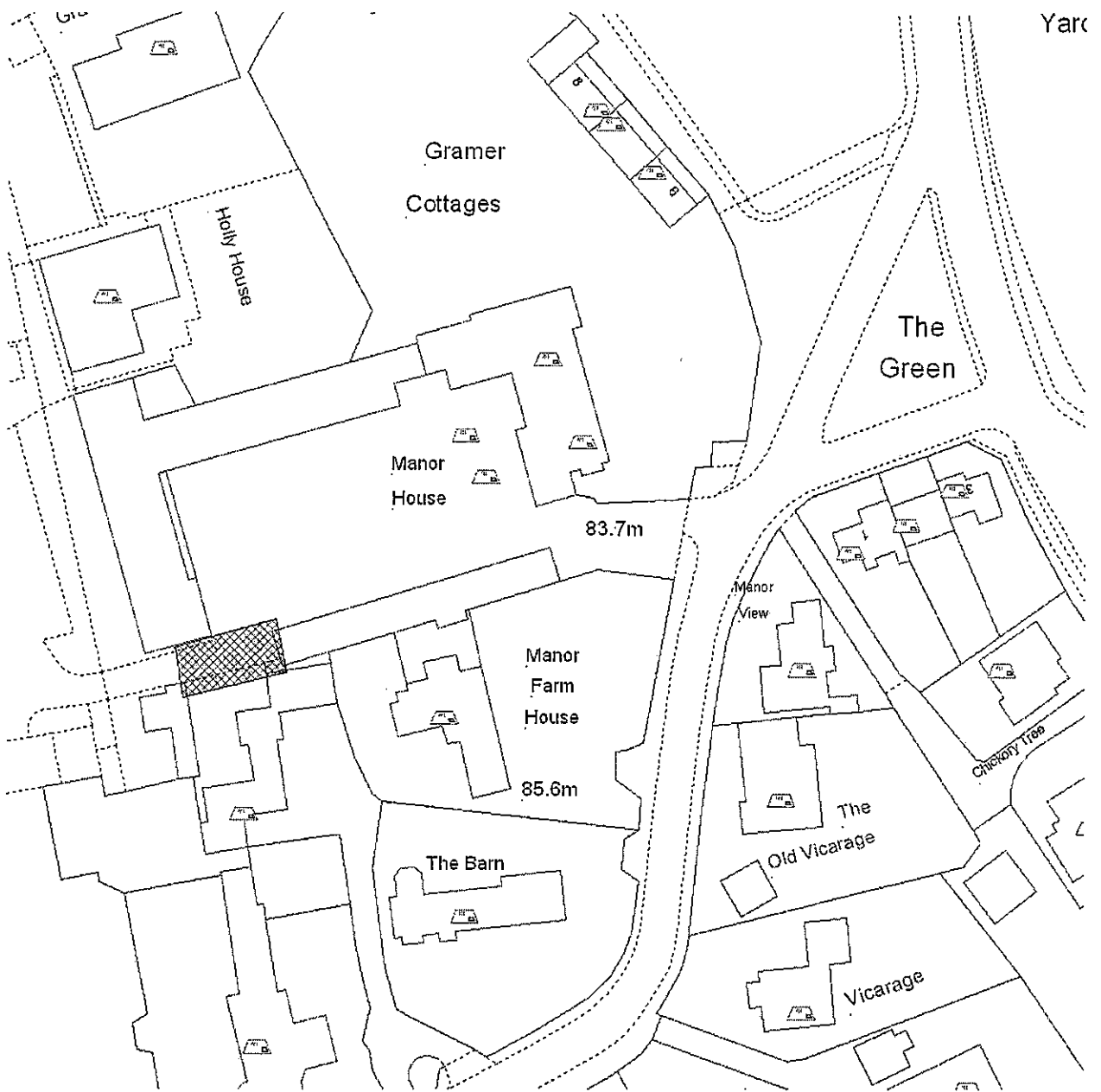
- 3.1.1 The owners of the land and those with an interest in it have the opportunity to make representations to the Council before any Order is confirmed as being permanent.
- 3.1.2 The trees to be protected exhibit an amenity value for both the present and the future amenities of the area, given their setting and prominence within the Mancetter Conservation Area.

The Contact Officer for this report is Fiona Wallace (719475)

### 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
TEMPO Evaluation Site Plan and Regulation 4 Notice	NWBC Tree Officer		<u>12.6.13</u>



## Agenda No 8

### Planning and Development Board

12 August 2013

Report of the  
Head of Development Control

Emergency Tree Preservation  
Order - Land at Coventry Road  
Fillongley

#### 1 Summary

- 1.1 **Location:** Land at Coventry Road, Fillongley. The tree lies immediately adjacent to Coventry Road, to the rear side of the roadside hedge. It is on the southern side of the road, at a position approximately 48 metres from its junction with Castle Close. The tree is highly visible in the street and within sight of the edge of the village's Conservation Area. It is located at the position shown on the attached OS plan (Appendix 1).

#### Recommendation to the Board

**That the decision to issue an Emergency Tree Preservation Order be confirmed in respect of 1 Oak tree, for the reasons given in this report, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.**

#### 2 Background and Statement of Reasons

- 2.1 The land upon which the tree sits has been identified in the consultation draft of the Council's Site Allocations Plan. It is referred to as site 'FIL4'. Local residents wrote to the Council requesting that consideration be given to the protection of the oak tree, as well as a small coppice of trees adjacent to Castle Close. The local residents feared that the trees would be felled in order to remove an impediment to development and to achieve the maximum possible development potential of the land. They expressed particular concern for the oak tree, believing it to be of high value and greatest impediment to the development potential of the site. They reported a belief that a local resident who has been maintaining the land was no longer required to do so and had 'had his license terminated'.
- 2.2 The County Forestry Officer was consulted and asked to undertake an assessment of whether the trees were worthy of protection by a Tree Preservation Order. He recommended that the Oak tree should be afforded protection, but not the spinney. The rationale for his assessment is set out in the Tempo forms attached as Appendix 2.
- 2.3 The oak tree is considered to be a good specimen in terms of its physiological and structural condition; there is no visible defect and it has good longevity. The tree is large and clearly visible across a large public area, meaning that it has

high amenity value and strong suitability for protection with a Tree Preservation Order.

- 2.4 Given the above, an emergency Tree Preservation Order was required and authorisation was sought from the Chairman and the Vice Chairman of the Planning and Development Board. Subsequently, the Tree Preservation Order took provisional effect from 29 July 2013 and will provisionally remain in force for six months. The owners/occupiers of the property and the adjoining owners/occupiers have been served with copies of the TPO and have until 2 September 2013 to make representations/objections.
- 2.5 A further report will be presented to the Planning and Development Board for Members to consider whether the TPO should be confirmed and made permanent.

### 3 Report Implications

#### 3.1 Legal and Human Rights Implications

- 3.1.1 The owners of the land and those with an interest in it have the opportunity to make representations to the Council before any Order is confirmed.
- 3.1.2 The tree to be protected exhibits an amenity value for both the present and the future amenities of the area, given its setting and prominence within the village of Fillongley.

The Contact Officer for this report is Erica Levy (719294)

#### Background Papers

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

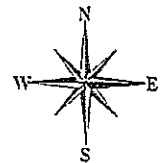
Background Paper No	Author	Nature of Background Paper	Date
1	County Forestry Officer	TEMPO Evaluation	22 July 2013
2	NWBC	Certified copy of the TPO	29 July 2013



**Tree Preservation Order: Land adjacent Castle Close  
Coventry Road  
Fillongley**

T1 – Oak

Scale: 1:1250	Date: 26.07.13	File No. 713.024/5	Drawn By: J.S.
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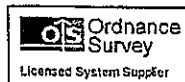
**North Warwickshire Borough Council**  
Office of The Chief Executive

The Council House  
South Street  
Atherstone  
Warwickshire CV9 1DE

Telephone (01827) 715341

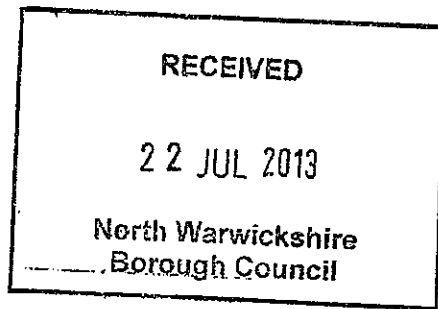
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Development Control





KS/F8D



**Warwickshire**  
County Council

Communities Group

Forestry Section  
Unit 7  
Montague Road  
Warwick  
CV34 5LW

Tel: (01926) 736491  
Fax: (01926)413408  
forestry@warwickshire.gov.uk  
www.warwickshire.gov.uk

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

17 July 2013

Dear Jeff

**ARBORICULTURAL APPRAISAL**  
**T.P.O. REQUEST – FILLONGLEY – CASTLE CLOSE**

Further to a request from your office I have carried out a site visit on 15<sup>th</sup> July 2013 and set out my observations in the following paragraphs.

**SITE DESCRIPTION**

The trees referred to are growing to the west of Fillongley village centre and just beyond the entrance to Castle Close.

**Group 1:** Growing at the entrance to Castle Close, this is a group of mixed species. Probably Area A would have been planted at the time of the Castle Close development. This comprises of older trees including Flowering Cherry and exotic Conifers and shrubs.

Behind Group A, Group B comprises of younger Broadleaves, most of which appear to be naturally regenerated. The area has not been subject to any recent management.

**Tree 1. Oak:** This is a highly visible tree that is growing adjacent to the Coventry Road, to the west of Castle Close.

A mature specimen in good condition, previously Ivy clad, this has recently been removed.

*Forestry Section – Promoting a sustainable environment  
Managing the County's tree stock and the Home Woodchipping Service*

*Working for  
Warwickshire*

RECOMMENDATIONS

**Group 1:** This group has little merit. The exotic Conifers have little ecological and visual benefit. The Flowering Cherry trees are in decline and the young natural regeneration is considered to be of low quality.

**Advise T.P.O?** No

**Tree 1 Oak:** This tree is visually important and ecologically beneficial

**Advise T.P.O?** Yes

I have enclosed two T.E.M.P.O. evaluation forms to support my recommendations.

Yours sincerely



Ken Simons  
County Forestry Officer

Encl's

TEMPO forms  
Location plan

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/07/2013 Surveyor: KS

Tree details  
 TPO Ref: \_\_\_\_\_ Tree/Group No: 1 Species: BIRCH, CHERRY, NORWAY  
 Owner (if known): \_\_\_\_\_ MAPLE, SYCAMORE, LAZAR, W.R.C.  
 Location: \_\_\_\_\_ JUNIPER, DOGWOOD, OAK

**Part 1: Amenity assessment**

a) Condition & suitability for TPO:  
 Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes  
 FAIR EXOTIC CONIFERS AND ORNAMENTAL  
 TREES AND SCRUB (A) NATURALLY REGENERATED  
 LOW GRADE BROADLEAVES (B) 3

b) Remaining longevity (in years) & suitability for TPO:  
 Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes  
 SUITABLE - UNMANAGED, OVERMATURE  
 AND DECLINING SPECIMENS 2

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes  
 SMALL/MEDIUM  
 TREES 3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees that are important for their cohesion
- 3) Trees with significant historical or commemorative importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes  
 NO REDEEMING FEATURES  
 1 1

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes  
 3 FORESEEABLE THREAT DUE TO  
 PLANNING APPLICATION.

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-13 Possibly merits TPO
- 14+ Definitely merits TPO

Add Scores for Total:  
 3+2+3+1+3  
 12

Decision:  
 NO T.P.O

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

## SURVEY DATA SHEET & DECISION GUIDE

Date: 15/07/2013 Surveyor: KEN SIMONS

Tree details  
 TPO Ref: \_\_\_\_\_ Tree/Group No: \_\_\_\_\_ Species: OAK  
 Owner (if known): \_\_\_\_\_  
 Location: FILLONGLET - COUENTRY ROAD

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes  
 Mature Oak, Hedgerow Origin, 5  
 No visible defects, Good condition

#### b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes  
 Very suitable - Useful life expectancy 40-100 yrs 4

#### c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes  
 5 Roadside tree

#### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees that are important for their cohesion
- 3) Trees with significant historical or commemorative importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes  
 1 Possible Bat Potential (Bat box installed)

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes  
 3 Foreseeable threat due to planning application

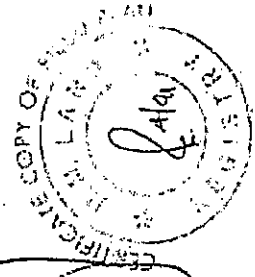
### Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-13 Possibly merits TPO
- 14+ Definitely merits TPO

Add Scores for Total:  
 5+4+5+1+3  
 18

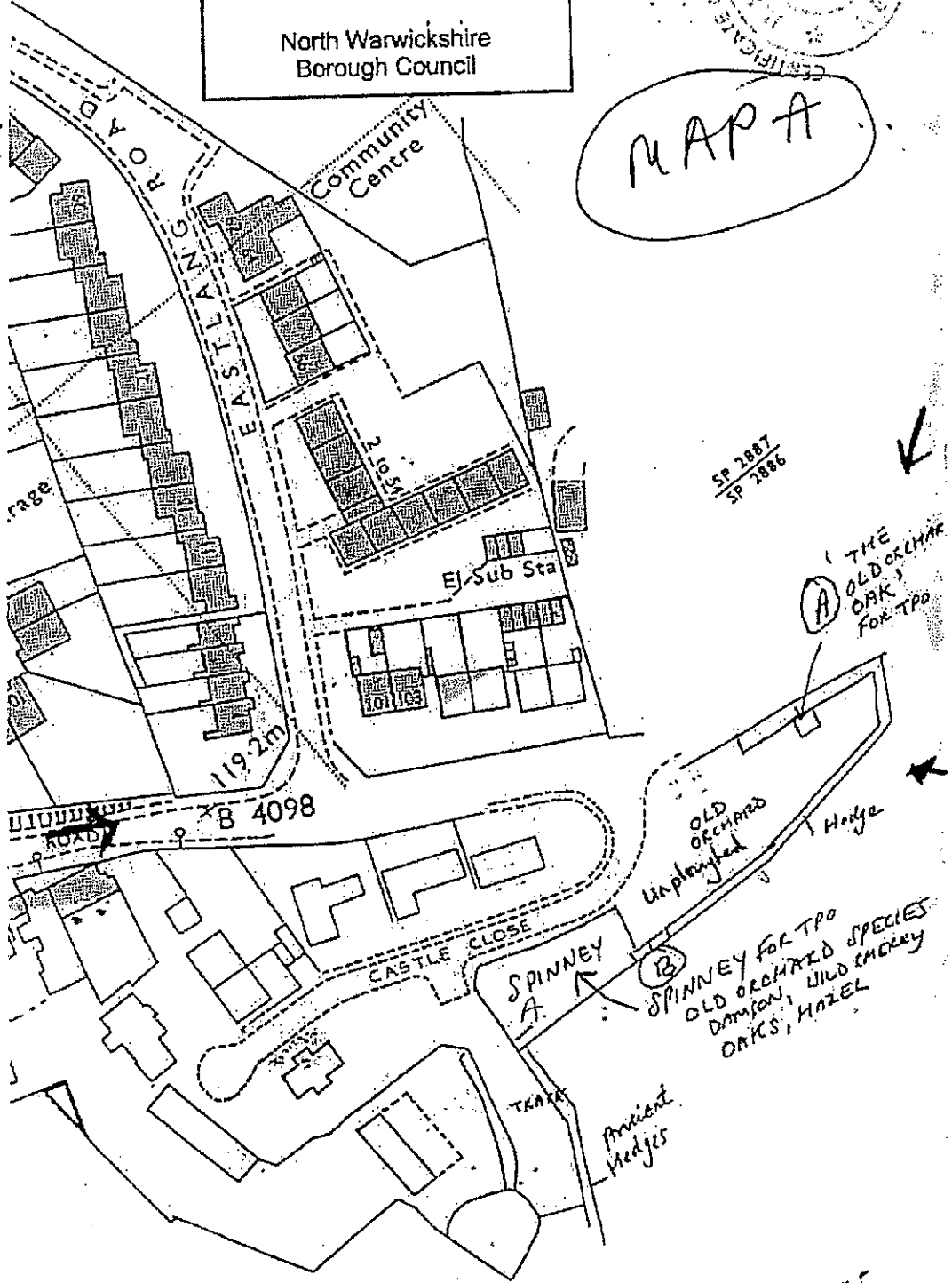
Decision:  
 MERITS T.P.O

RECEIVED  
 - 5 JUL 2013  
 North Warwickshire  
 Borough Council



MAP A

A-



SP 2887  
 SP 2886

(A) THE OLD ORCHARD  
 OAK FOR TPO

OLD ORCHARD  
 Unploughed

(B) SPINNEY FOR TPO  
 OLD ORCHARD SPECIES  
 DAMSON, WILD CHERRY  
 OAKS, HAZEL

SPINNEY A

Ancient Hedges

TRACK

CASTLE CLOSE

ROAD

B 4098

119.2m

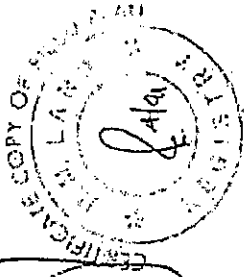
EJ Sub Sta

Community Centre

RECEIVED

- 5 JUL 2013

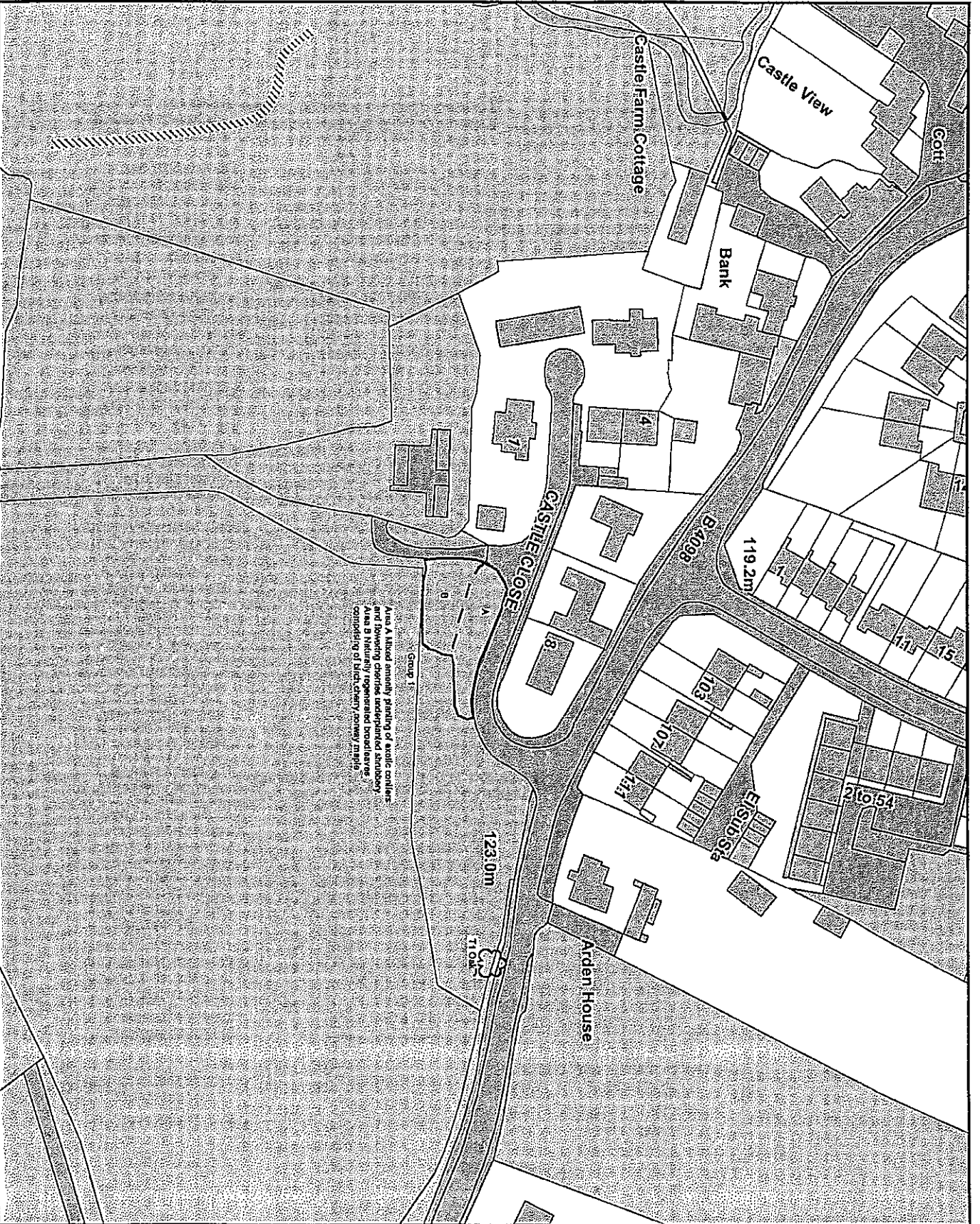
North Warwickshire  
 Borough Council



MAP A

A-

➤ = Direction of photographs



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COLLANNIES GROUP  
SHIRE HALL, WARWICK CV24 4BP

Title:  
Fillongley  
Castle Close  
TPOs

Scale: 1:1250

Grid Ref: 428203,286852

Operator: K/SIM

Date: 16/07/2013