

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

**For the information of other Members of the Council**

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

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**18 JUNE 2012**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 18 June 2012 at 6.30 pm.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**  
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, May, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

## **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 **Planning Fees 2011-12** – Report of the Head of Development Control.

### **Summary**

The report brings Members up to date with the current position in respect of the receipt of planning fee income.

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

- 6 **Waste Development Framework - Core Strategy – Publication Document (Regulation 27) consultation (March 2012)** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

This report and appendices outlines Warwickshire County Council's Waste Development Framework - Core Strategy - Publication Document (Regulation 27) consultation (March 2012) and the Borough Council's recommended responses to the document.

The Contact Officer for this report is Mike Dittman (719451).

## **PART C – EXEMPT INFORMATION (GOLD PAPERS)**

- 7 **Exclusion of the Public and Press**

### **Recommendation:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it**

**involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**8 Breaches of Planning Control – Report of the Head of Development Control**

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

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**18 June 2012**

### **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, 16 July 2012 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/2012/0169	4	<b>Land south of, Orton Road, Warton,</b> Change of use of land from agriculture to use for the purpose of flying model helicopters.	General
2	PAP/2012/0208	19	<b>Miners Welfare Centre, Ransome Road, Arley, Warwickshire,</b> Erection of 42 no. 2, 3, and 4 bedroom houses with associated access roads, parking, boundary treatments etc	General
3	Consultation by Warwickshire County Council	41	<b>Faraday Avenue, Hams Hall</b>  Establishment and Operation of a temporary wood processing facility for a period of five years	
4	Consultation by Warwickshire County Council	51	<b>De Mulder and Sons Ltd, Mancetter Road, Hartshill</b>  Proposed New Tallow Farm	

## **General Development Applications**

**(1) Application No: PAP/2012/0169**

**Land south of, Orton Road, Warton,**

**Change of use of land from agriculture for the purpose of flying model helicopter aircraft for**

**Midland Helicopter Club**

### **Introduction**

This application is referred by Head of Development Control for determination in the public interest.

### **The Site**

This comprises a triangular area of land, measuring 2.93 hectares, formerly used for agriculture, bounded on two sides by drainage ditches which lies some 500 metres to the south east of Warton. A smaller area measuring some 2 hectares, in the southern part of the larger site, is proposed as the over-flying area. The remainder of the site houses a portacabin, used as a clubhouse, a storage container, two portaloos and a car parking area. A public right of way footpath, the AE13 passes some 10 metres to the west of the site. The site lies within the functional flood plain of a minor brook which flows to join the River Anker near Polesworth. A flood risk assessment is provided. The nearest residential building is 570 metres from the aircraft launch point and the nearest residential building on Orton Rd is some 575 metres distant; the boundary of the nearest garden, to rear of dwellings on Orton Rd, is 520m from the launch point.

### **The Proposal**

The application seeks planning permission for the use of the land for the flying of model helicopter aircraft and for the stationing of a portacabin, a container and two portaloos on the site to provide a clubhouse and ancillary storage facilities.

### **Background**

The site is currently used for the flying of model helicopter aircraft and the portacabin, container and portaloos are already in position on the site. The use was initially established as "permitted development" on the site under the provision in the Town and Country Planning (General Permitted Development Order) which allows the temporary use of land. The use however now occurs more frequently than is permitted by this Order and the stationing of structures is not permitted under the Order.

Planning permission was granted on 15/2/2011 for the change of use from agriculture to use for the purpose of flying model helicopter aircraft and for the stationing of the portacabin, container and portaloos. This permission was subject to conditions restricting the hours of flying, the number and type of aircraft that could be flown any one time and to require the permitted use to be discontinued on or before 28/2/2012.

The restrictions were imposed due to concern over potential disturbance due to noise at nearby residential properties as the noise impact assessment submitted with the application was limited in its' methodology and scope. The time limit was imposed to allow review of the impact of the use. Further noise monitoring was required to be undertaken during the period the permission was in force. This has been done and the findings are submitted with the current application. The current application was submitted before the date the use was to be discontinued and seeks to establish the use on the site.

### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 2 (Development Distribution), Core Policy 11 (Quality of Development), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access), and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

National Planning Policy Framework April 2012.

DoE - Code of Practice for the minimisation of noise from model aircraft, 1982.

### **Consultations**

WCC Highways – No objection subject to conditions to ensure safe vehicle access.

Environmental Health Officer – No objection subject to conditions to limit the number and type of model aircraft flown and the hours during which flying activities can occur.

### **Representations**

Representations from 6 local residents have been received objecting to the proposed development. These raise concerns over the adverse impact arising from noise experienced within buildings, in gardens and whilst walking on footpaths close to the flight area; the unsuitability of the site due to proximity of the site to residential properties, the opportunity for the club to use of the site every day, the improved vehicle access encourages others to access the site for inappropriate activities, nuisance due to increase in traffic and adverse impact on highway safety. One representation raises concern over the methodology and scope of the noise impact assessment undertaken, this is appended as Appendix 1.

### **Observations**

The proposed model flying use requires an area of open land and the countryside location provides this. The ancillary development proposed is limited to essential facilities necessary for the proposed use. These ancillary buildings comprise one portacabin, used as a clubhouse building and one small storage container sited adjacent to the portacabin. The portacabin is 6.15 metres long, 2.76 metres wide and 2.45 metres high with a flat roof. The container is 3.75 metres long by 2.45 metres wide



and 2.45 metres high. The colour of these is appropriate to the countryside location. The buildings are closely grouped, cover a small area and will have a limited impact on openness. These are portable structures which can be removed from the site. The development is thus considered to accord with saved policies CP2, CP11 and ENV13.

With regard to the existing natural environment the use has produced relatively minor change to the land - the most significant is perhaps the regular mowing of the flight launch/landing area. Boundary hedgerows remain unaffected and the existing habitat has not been significantly disturbed. The proposed use will not have a significant adverse impact on the existing natural landscape.

The site lies within an area liable to flooding and a flood risk assessment has been submitted. The proposed use is considered to be in accord with national technical guidance included in National Planning Policy Framework with respect to development and flooding. The proposed use here is for outdoor recreation, this falls within the "water compatible" category set out in Annex D and such uses are identified as appropriate for locations within Flood Zone 3. The small ancillary buildings and other structures will not significantly impede the storage or flow of flood waters across the site. The proposal is considered to comply with saved policy ENV8 of the North Warwickshire Local Plan 2006.

The club has some 50 members. It is however very unlikely all will turn up to fly on any one given day. The applicants state more typically, some 15 members will visit the site to fly on more popular days - e.g. a Sunday with good flying weather. This would indicate a maximum of up to 30 vehicle movements, 15 in and 15 out. The club does host annual events that attract non-members and a higher number of vehicles will visit the site during such events.

The vehicle access from Orton Rd is some 9 metres wide and has been surfaced with concrete for a distance of 5 metres from the carriageway and the access track to the flying site is generally some 3 metres wide, being slightly wider at bends and these provide passing opportunities for cars. Visibility on the track is good allowing vehicles to wait in passing points. The vehicle access provides a safe access arrangement for the typical vehicle traffic associated with the proposed use. The required visibility can be achieved at the existing access onto the public highway. Adequate space exists within the site for parking and turning of vehicles. The Highway Authority has no objection. The proposal is considered to comply with saved policies ENV14, TPT1 and TPT3 of the North Warwickshire Local Plan 2006.

A public footpath passes some 10 metres to the west of the apex of the flight area. However flying of aircraft is restricted to the flight area proposed, shown hatched on the flight area plan submitted, thus no aircraft should over fly or come within 10 metres of the public footpath.

The opportunity to fly model aircraft is limited by factors such as wind speed, visibility and the weather. Using weather record data for the area, the applicants estimated flying to be possible on fewer than half the number of days in a year. Daylight is also required for flying and is thus further limited during winter months. The club is affiliated to the British Model Flying Association and flying activity and club members' behaviour is constrained by the rules, practices and procedures published in the members' handbook, and by the Midland Helicopter Club's own rules and code of conduct.

Details submitted by the applicants indicate that in addition to weather constraints the flying time of individual model aircraft is limited by other factors; the battery charge or fuel capacity, both allow only a few minutes of flying time before aircraft must land to refuel, replace or recharge the battery, the need for maintenance and adjustment, flying model aircraft requires concentrated effort from the ground based pilot. The club organisers suggest that club members normally complete three or four flights during a visit with the actual flying time of less than 30 minutes, even though a members' visit may last a few hours and that eight to ten members are likely to visit the site on a favourable flying day.

The most significant issue with this development is noise and a noise impact assessment is submitted with the application.

No clear methodology to assess the impact of noise from model aircraft has yet been formulated at a national level. The Department of the Environment produced a Code of Conduct for the minimisation of noise from model aircraft in 1982, this was reviewed by DEFRA. It promotes good operating guidelines and identifies four factors relevant to assessment of noise around sensitive properties, such as dwellings, separation distance, barriers between the flying site and noise sensitive properties, times of operation and numbers of model aircraft in simultaneous operation. Although produced some time ago the Code remains the only relevant official published guidance.

The Code recommends a separation distance of 500 metres between the launch point of flying site and nearest noise sensitive properties. Where separation distances are inadequate, restriction of the hours of operation is suggested. Although actual hours are a matter for local determination, recommended hours for weekdays are 0900 to 1900 hours and from 1000 to 1900 hours on Sundays and public holidays.

The separation distance to the nearest noise sensitive building in this case is 560 metres, with the nearest noise sensitive building on Orton Rd being 575 metres distant; the nearest garden is to the rear of dwellings on Orton Rd and is 520m from the launch point. Given the flat terrain there are no barriers between the launch site and the nearest properties that would reduce noise generated.

There have been significant changes since the code was published. The use of model aircraft powered only by electric motors has significantly increased due to improvements in battery technology. Such aircraft can emit substantially less noise than model aircraft powered by internal combustion engines or gas turbines. The Code does not include specific recommendations with respect to electric powered model aircraft.

The methodology and scope of the noise impact assessment was discussed and agreed with the Council's Environmental Health Officer (EHO) prior to being undertaken. This reflects the factors identified in the Code and also includes monitoring of noise emissions of model helicopter aircraft of different types whilst in flight, with noise measurements taken near the boundaries of nearest residential properties and measurements of the ambient, (background) noise level in this area.

The Council's Environmental Health Officer has reviewed the findings of the noise impact assessment and concludes that with four model helicopter aircraft powered by internal combustion engines in flight at one time there is a perceptible increase in noise above the ambient noise level close to nearby residential properties, however there is no perceptible increase with only two such model helicopters being flown at the same time.

The Environmental Health Officer concludes that two model helicopters powered by internal combustion engines in flight at one time would not result in a significant adverse noise impact for occupiers of nearby residential properties.

Persons in the open countryside closer to the flight area, e.g. walkers using the public footpath which passes to the west of the flight area would experience noise near the flight area and for some distance beyond; this would however diminish as they moved away.

The noise emitted by electrically powered aircraft can be substantially less than from aircraft powered by an internal combustion engine or gas turbine. The noise impact assessment indicates that with four electric motor powered model helicopters being flown there would be no significant impact on residential properties due to noise. The Environmental Health Officer has also visited the site whilst four such electric powered models were being flown and found the noise from the model aircraft to be barely perceptible close to residential properties, i.e. 500 metres distant.

The applicant has stated that the flight area could potentially accommodate up to four model aircraft in flight at one time; however with experienced pilots no more than three aircraft are likely to be airborne at once. Three or four aircraft airborne at one time would be acceptable, providing the noise was not perceptibly greater than that emitted by two model aircraft powered by internal combustion engines.

The Council's Environmental Health Officer has considered carefully the noise impact assessment, the comments on noise and the noise impact assessment set out in the representations received and his own observations. He recommends that if permission is granted then no more than four model aircraft should be flown at any one time and no more than two model aircraft powered by means other than electric motor should be flown at any one time.

The applicant has requested that flying of model aircraft powered other than by electric motor be allowed between 09:00 hours and 19:00 hours on Monday to Friday and 10:00 to 17:00 on Saturday, Sunday or public holidays and for model aircraft powered by electric motors between the hours of 09:00 to 21:00 on Monday to Friday and 10:00 to 21:00 on Saturday, Sunday or public holidays.

Given the conclusion of the Environmental Health Officer with regard to electric motor powered model aircraft it is not considered that the longer daily flying period requested for such models will give rise to a significant adverse noise impact. The Council granted planning permission in 2009 for the flying of electrically powered model aircraft during daylight hours by a model aircraft club from a site in Coleshill.

Subject to such conditions to limit the number and type of model aircraft and the periods of flying activity it is considered the proposal will not give rise any significant adverse impact due to noise on health or quality of life for nearby residents. The proposal is considered to accord with saved policy ENV11 of the North Warwickshire Local Plan 2006 and guidance set out in the National Planning Policy Framework 2012 with regard to conserving the natural environment and avoiding and mitigating adverse impacts from noise from new development.

## **Recommendation**

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the application site plan, block plan; building position plan, floor plan and elevations, and vehicle access plan received by the Local Planning Authority on 21 March 2012.

### REASON

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

2. The use hereby approved shall enure solely for the benefit of the Midland Helicopter Club and for no other organisation or person whomsoever and shall be discontinued on the vacation of the site by the Midland Helicopter Club.

### REASON

Planning permission is granted solely in recognition of the particular circumstances of the beneficiaries.

3. The buildings and all associated structures shall be removed from the site and the land restored to its former condition within two months of the cessation of the use hereby permitted.

### REASON

To ensure redundant structures on the site are removed in the interest of amenity.

4. The existing vehicle access to the site shall not be used in connection with the use hereby permitted unless the access has been provided with a width of not less than than 5 metres as measured from the near edge of the public highway carriageway.

### REASON

In the interests of safety on the public highway.

5. The existing vehicle access to the site shall not be used in connection with the use hereby permitted until it has been surfaced with a bound surface material for a distance of at least 5 metres measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

6. The access to the site for vehicles shall not be used unless a verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

7. The existing access shall not be used in connection with the use hereby permitted until visibility splays have been provided to the vehicular access with an 'x' distance of 2.4 metres, and a 'y' distances of 160 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays, exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

8. No flying or other operation of model aircraft powered by an electric motor only, including the testing or running of engines whilst stationary, shall take place before 09:00 hours or after 21:00 hours on Monday to Friday or before 10:00 hours or after 21:00 hours on Saturdays, Sundays or public holidays. No flying or other operation of model aircraft powered other than by an electric motor only, including the testing or running of engines whilst stationary, shall take place before 09:00 hours or after 19:00 hours on Monday to Friday or before 10:00 hours or after 17:00 hours on Saturday, Sunday or public holidays.

REASON

In the interests of amenity.

9. No more than four model aircraft shall be flown from the site at any one time and of these, no more than two model aircraft shall be powered by any type of internal combustion engine. No model aircraft that emits a noise louder than 80 db(A) measured at point 7 metres distant when on the ground shall be flown from the site. Noise emissions of model aircraft flown from the site shall be regularly monitored and the club organisers shall maintain a written record of the measured noise emitted by model aircraft and the date of measurement. A written record of all model aircraft flown from the site, to include name of member, aircraft type, date and time of flight shall be maintained. These records shall be made available to the Local Planning Authority upon request.

REASON

In the interests of amenity.

10. Model aircraft shall be flown only within the flight area (marked by cross-hatching) shown on the site plan received on 21 March 2012. No model aircraft shall be flown in airspace outside of this area at any time.

REASON

In the interest of amenity, public safety and to prevent disturbance to occupiers of nearby properties.

11. No buildings or structures shall be placed or erected within 5 metres of the watercourses bounding the site.

REASON

In the interests of land drainage.

12. No external lighting or sound amplification equipment shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

## **Justification**

The proposed use is a recreational use that requires an open area and this is provided by the countryside location. The ancillary development proposed is considered to be limited to essential facilities necessary for the proposed use. These ancillary structures are functional portable buildings which can be removed from the site; the colour is appropriate for the countryside location. They are closely grouped, cover a small area and will have a limited impact on openness. The use will not have a significant adverse impact on the existing wildlife habitat or the natural landscape. It is considered to be in accord with the technical guidance given in the National Planning Policy Framework 2012 with regard to flooding. The proposed use for outdoor recreation, falls within the "water compatible" category set out in Annex D, such uses are identified as appropriate for locations within Flood Zone 3. The existing vehicle access will provide a safe access arrangement for the vehicle traffic associated with the use. Adequate space exists within the site for parking and turning of vehicles. Subject to the limits imposed through conditions attached to permission, noise associated with the model flying use will not result in a significant adverse impact on health, quality of life or loss of amenity for occupiers nearby residential properties.

The proposed use is considered to be in accord with saved policies CP2; CP11; ENV8; ENV11; ENV13; ENV14; TPT1 and TPT3 of the North Warwickshire Local Plan 2006. There are no material considerations that would outweigh Development Plan policies.

## BACKGROUND PAPERS

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

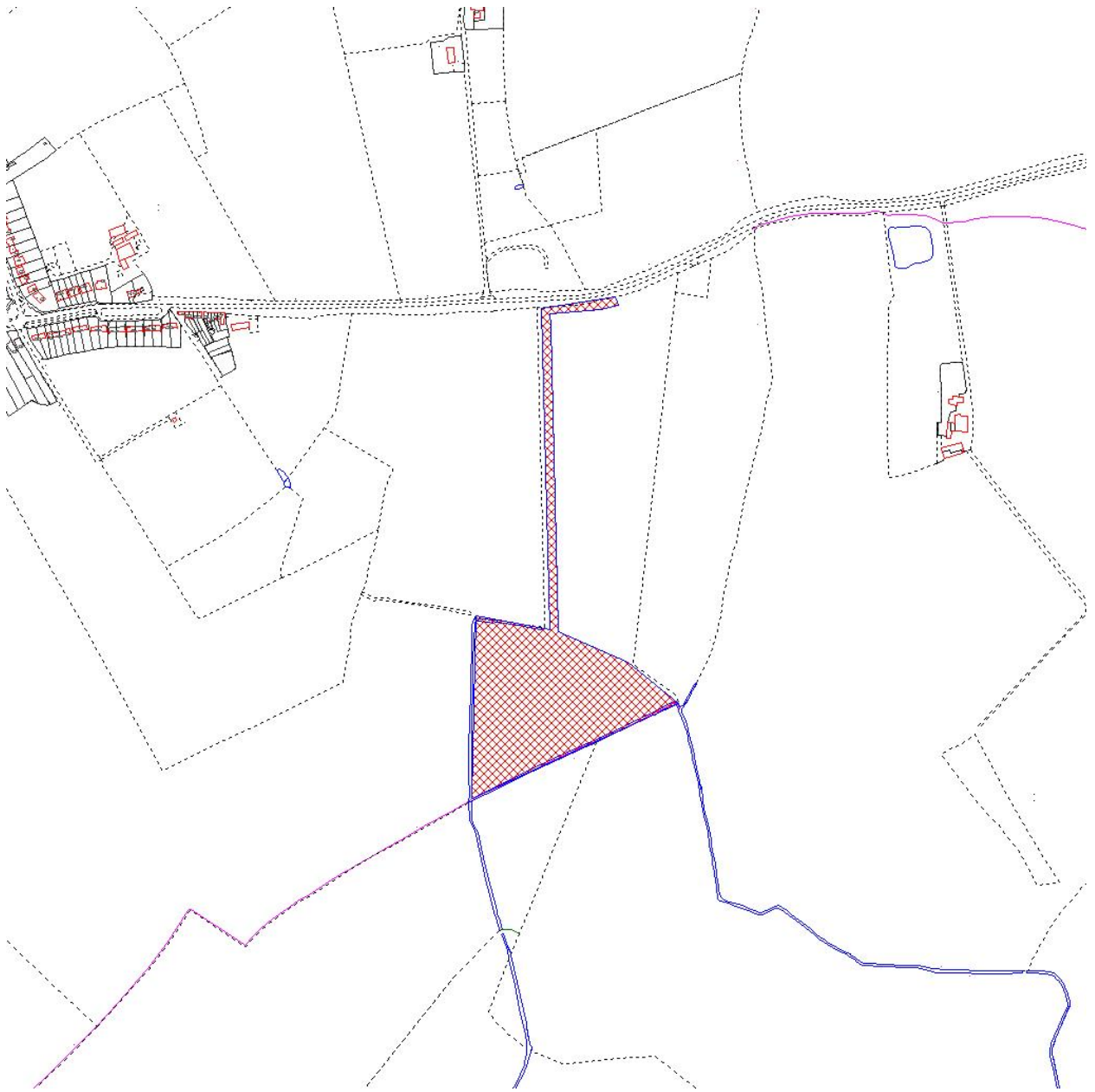
Planning Application No: PAP/2012/0169

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/3/12 24/5/12 29/5/12
2	A Newton	Representation	18/4/12
3	A Grimley	Representation	16/4/12, 13/12/11, 28/3/11
4	M Williams	Representation	19/4/2012
5	D Carter	Representation	11/4/12
6	S Maker	Representation	5/4/12
7	G Roberts	Representation	2/4/12
8	WCC Highways	Consultation	19/4/12
9	NWBC Environmental Health Officer	Consultation	30/4/12, 28/5/12

*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.*



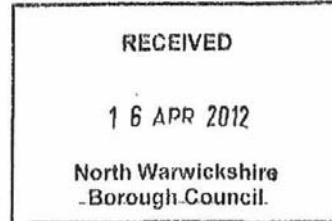


RW.

84 Orton Road  
Warton  
B79 0HU

13<sup>th</sup> April 2012

North Warwickshire Borough Council  
Development Control  
The Council House  
South Street  
Atherstone, CV9 1DE



Dear Sir / Madam

**Planning Application PAP/2012/0169 – permanent use of land for model aircraft flying**

I wish to raise an objection to the above planning application submitted by the Midland Helicopter Club. As this application is essentially the same as the previous one given temporary permission my comments remain essentially the same. I have therefore attached copies of two previous communications which I request be included as part of this objection:

1. E-mail to Mr Jeff Brown with copy to Dean Walters dated 28<sup>th</sup> March 2011 - comments following the grant of temporary permission.
2. E-mail to Mr Jeff Brown dated 13<sup>th</sup> December 2011 – information regarding further incidents of noise nuisance.

My objection can be summarised as follows:

Residents have the right to the peaceful enjoyment of their properties and should be free from un-necessary additional noise. This includes peaceful use of their gardens. As I have stated previously the noise from certain models can be particularly loud and annoying when trying to relax in the garden and at times can be clearly audible indoors with closed (double glazed) windows. The situation is aggravated by intensity of use during weekends, particularly Sundays and summer evenings. The proposal, based on 365 days per year use and the hours stated is completely unacceptable. I do not claim that all model helicopter flights at the site cause a noise nuisance to residents in Orton Road, however even a single 'Nitro' helicopter is capable of doing so. These comments relate to the real life situation based on nearly two years of observation and recordings at my property. I believe I have the necessary evidence to prove this statement before any inquiry, or court if necessary.

ORGB

The above opinion is clearly not in agreement with the Noise Impact Assessment submitted with this application. However I can clearly demonstrate that the assessment methodology and conclusions are flawed and are not representative of the real life situation.

Whether or not any particular model being flown causes a nuisance depends on a large number of variables such as existing background noise level, wind speed and direction, the manner in which the model is flown etc.

The Noise impact assessment was not carried out for long enough or in a manner to take all these variables into account. For example a mid day 1 hour background reading cannot be representative of a 365 day a year use. Additionally, It is not know if the models presented for test are representative of those used in practice. For example I note that the report fails to make any mention of gas turbine powered models despite reference on the Midland Helicopter Club's web site to the 'turbine powered hangar queen' being in operation at the Warton site.

Models can also be modified from standard specification. When the readings were taken of models in flight it is not know if they were just in level flight or were performing the aerobatics which cause excessive rotor noise. These unknowns already bring the validity of the noise readings into question without considering the manner of assessment.

The assessment has used BS 4142 'Method for rating industrial noise in mixed residential and industrial areas'. Clearly this standard is not applicable so any conclusions drawn from using it must be regarded with extreme caution. However if you are going to use this standard those conclusions are meaningless if the 'acoustic feature' correction is not considered (section 3.4 in the report). It is invalid to conclude that only that particular part of the standard relates to industrial noise but it's acceptable to use the rest of it. That is effectively cherry picking bits of the assessment method to suit your case and it does not stand up to any professional scrutiny. This correction factor relates to a fundamental principle when considering any potential noise nuisance in that it is not just intensity that should be taken into account but also the character of the noise. The noise produced by model helicopters as typically operated (see video clip) is totally alien and distinctive above normal rural background noise. This is what residents find really annoying and is at the crux of this matter.

The above demonstrates the fallibility of allowing an applicant to commission their own Noise Impact Assessment, particularly where there is no really applicable planning guidance or standard for noise assessment. This method should only be used were there is no other realistic method to assess the noise impact of a development. In the case in question there was an entirely preferable alternative because the use was already taking place. Covert monitoring at residents properties could have easily established the real life situation and I even offered use of my property for this to be carried out as well as providing incident logs. As far as I am aware no such assessment was undertaken by NWBC and the opportunity was missed. I am sure that any Environmental Health Officer present on these occasions would have concurred with my own findings.

The distance from my property to the application site and the launch / flying area has been consistently misrepresented during the planning process with statements that the nearest noise sensitive locations are greater than 500 metres from the launch or flying area. The impact assessment states 540m. The garden of my property extends some 65m from the rear facade of the house towards the application site and is certainly less than 500m from

the usual launch and flying area. This distance is non compliant with the recommendations of the C.O.P for model aircraft 1982. However I believe it can easily be shown that even a higher standard than a 500m minimum would be appropriate for modern model helicopters as the COP only takes account of engine noise from fixed wing models and does not take into account the noise produced by helicopter rotors. Indeed PPG 24 'Planning and Noise' states: 'helicopter noise has different characteristics from that from fixed wing aircraft, and is often regarded as more intrusive or more annoying by the general public.'

As an indication of just how annoying the noise can be please go to:

<http://www.youtube.com/watch?v=aH6d3alHZq4>

where there is a Midland Helicopter Club posted u-tube video showing the typical stunt manoeuvres performed and demonstrating the associated rasping noise from the rotor blades.

The applicant suggests that noise levels can be kept in check due to the various controls exercised by the Club, and the various rules its members must comply with. Whilst this may be the case at organised events, in practice the majority of use is by members who turn up at the field at any time and can fly any model in any area completely unsupervised.

For reference I note that the Local Government Ombudsman dealt with case in 2006 involving model aircraft (not helicopters). In that instance the local authority were criticised for missing opportunities to monitor the noise following complains, inadequate liaison between planning and environmental health departments and failing to accurately determine the distance from the complainant's property to the site. It would be wrong to suggest that all the circumstances were the same, clearly they were not, but there are parallels with the present case. In the 2006 case the LA were subsequently found guilty of maladministration causing injustice.

I understand that this application will be determined in accordance with the new National Planning Policy Framework. Obviously use of this guidance in its infancy but there is major emphasis on development being sustainable. Many of the models used are fuelled by Nitro-methane, a hazardous hydrocarbon fuel which is usually combusted in an over fuel condition causing excessive smoke. This is in addition to the normal invisible greenhouse pollutants and the issue of noise pollution. This I cannot see as being in any way sustainable development by the definitions and reference to preventing pollution given in the NPPF, and appears totally contrary to stated aims of conserving and enhancing the natural environment.

Maybe rather than looking at a single issue like noise we should be asking whether this use is suitable at all this rural location and whether agricultural land should be given over to such an unsustainable use.

The NPPF also makes reference to people and communities in decision making. It is clear from the level of complaint to the last application that the use is not wanted by the local community. This is a very specialised leisure activity that does not serve the local community.

I believe that this application should not be approved in its current form. The concept of allowing of up to four 'Nitro' helicopters flying at once on a Sunday beggars belief. Under those circumstances I have enough experience to know that other residents and myself would have no difficulty in obtaining a court order by exercising our rights under Section 82 of The Environmental Protection Act 1990. Essentially the site is too near to Warton village for unrestricted use. If any compromise is to be reached in this matter I believe as an absolute minimum the use should be restricted to electric powered models only. Even these models can be distinctly audible and should be subject of a suitable hours restriction similar to that imposed for the temporary permission. The club have stated that electrically powered models are increasing in popularity and their use will become the norm. For this reason I can see no reason why imposition of such a condition can be objected to. Furthermore such a restriction would address many of the issues relating to sustainability by ceasing use of hydrocarbon fuels and preventing the associated pollution.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alan Grimley', with a long horizontal flourish extending to the right.

Alan Grimley

**(2) Application No: PAP/2012/0208**

**Miners Welfare Centre, Ransome Road, Arley, Warwickshire, CV7 8GZ**

**Erection of 42 no. 2, 3, and 4 bedroom houses with associated access roads, parking, boundary treatments etc, for**

**The Cassidy Group**

**Introduction**

The receipt of this application was reported to the Board at its last meeting and it is now brought back for determination. The site was outlined in the previous report together with a description of the proposal, some background information and the identification of the relevant Development Plan policies. For convenience this is attached at Appendix A.

**Additional Information**

Since the last meeting, there have been some minor alterations made to the appearance of a few of the proposed houses, in particular to introduce a little more variety in the “blocks” of houses. Some minor alterations have also been made to the location of parking spaces following comments from the Warwickshire County Council as Highway Authority.

The related application for the removal of waste material from the rear of the site so as to return the ground levels to the original levels, as referred to in the last report, has now been granted a planning permission.

Members will also have seen from the last report that one issue would be a likely “drop” in the value of any financial contribution towards open space/recreation enhancement in the locality. The applicant has now provided the required financial appraisal and is as a consequence offering a contribution of £10,000.

**Consultations**

Severn Trent Water – No objection subject to a standard condition

Warwickshire Police (Crime Prevention) – No objection as the proposed layout has already been discussed with the applicant.

Environmental Health Officer – No objection subject to any new top soils being brought onto the site being “vetted” for contamination, and conditions to be attached about construction hours and dust management measures.

Council’s Housing Officer – Fully supports the application pointing out that there is Housing and Communities Agency (HCA) funding for this project, which is why the proposal is being promoted in the current economic climate.

Council's Valuation Officer – Considers that the appraisal provided is reasonably based and contains valid conclusions, such that size of the new contribution is proportionate to the costs of the project.

Warwickshire County Council as Highway Authority – No objection subject to minor alterations to the geometry of some of the car parking spaces and radii of the proposed layout. The applicant has revised his plans accordingly.

## **Representations**

Members are referred to the pre-application consultation carried out by the applicant – see Appendix A.

160 letters were forwarded to local residents. Two objections have been received. The grounds mentioned refer to:

- i) Increased traffic resulting in additional road hazards. The roundabout at the junction with Gun Hill will need improvement and Gun Hill itself needs a 20mph limit.
- ii) The site is too high a density – no amenity features, shops or services.
- iii) There will be loss of open space
- iv) To fully develop the site with affordable housing will not maintain a good level of diversity within the village demographics. More two and four bed room detached housing is needed with additional bungalows. The proposals do not match the Housing Needs Survey. There is no need for more housing in Arley. Old Arley has recently seen an influx of houses with no commensurate increase in services.
- v) CCTV will be needed because of a likely increase in anti-social behaviour.
- vi) Construction traffic will bring problems on the roads.

## **Observations**

### **a) Introduction**

As stated in the previous report, this site is inside the development boundary for Arley recognised as a Local Service Centre by the Development Plan, and has the benefit of an outline planning permission for 37 houses. As a consequence there is no objection in principle to this application. Determination however rests on a number of other issues. Two of these were raised in the last report and will be dealt with first.

### **b) Affordable Housing Provision**

The Council's policy for affordable housing provision is that there should be a minimum of 40% on a site such as this in a Local Service Centre. This proposal would provide 52% and thus accords with this policy. As the previous permission would provide just 40%, this current case would deliver a significant increase in affordable houses – 22 as opposed to 15.

Under the previous scheme, the remainder – that is 22 - would be “open market” houses. Here, there would be 20. However it is significant that these 20 would be shared ownership properties for their first occupiers, managed by the Bromford Housing Group. Occupiers could staircase out to the 100% market value and thereafter that property would enter the open market. If they chose not to do so, or if they vacated without reaching the 100%, then the property would be retained by the Bromford Group so that subsequent occupiers could embark on the shared ownership route. As a consequence the Council’s Housing Officers consider that not only does this arrangement provide choice of tenure, it also enables a wider range of people the opportunity to commence home ownership. Officers also consider that there would always be a “pool” of these shared ownership properties available as not every occupier would fully staircase out. This arrangement of stair-casing out to 100% is not within the Council’s planning policy for affordable housing which seeks a cap of 80% on shared ownership schemes, so as to retain them in perpetuity. However the overall scheme is considered to be “better” than that offered by the previous permission as that would only have had full open market housing thus not widening the choice or availability for local people. It is considered that given the current housing market; the current economic situation, the approach of the new National Planning Policy Framework, the increase of tenure choice, the involvement of the Bromford Group and the support from the housing officers and the HCA, that this approach should be supported.

The objectors refer to the need to provide variety of tenure and to move away from an over-reliance on wholly affordable housing. This scheme does just that. Whilst it does provide more affordable houses under the Council’s definition, it also introduces a new avenue towards open market housing which increases choice and availability, enabling a wider range of people to enter the housing market. It is considered that this is an improvement over the existing permission.

They also draw attention to the Housing Needs Survey which they say is not reflected in this scheme. They say that this indicates that general opinion is that the people of Arley do not want any more housing; that the survey was only completed by 20% of the population, it does not say how many of these were from New Arley, that the survey was completed in 2011 before completion of the scheme in Old Arley which will have “absorbed” much of the need shown by that survey and that the scheme should be for bungalows. Both Housing and Planning Officers have looked into this criticism. It is important to establish that the Survey was to establish housing need and that it was sent to every household. It was not a referendum on whether there should or should not be more housing in Arley. Those that responded were expressing an individual “need”. In this respect a 20% return is considered to be quite high – indeed the response was greater than a previous similar survey, which indicates an increasing need. The Survey shows an overall requirement for some 45 properties. Members will be aware the eight “affordable” bungalows were recently approved on the former Working Mens Club site in Spring Hill and that the Old Arley development contains 16 “affordable” units. The balance of some 20 properties would be provided under the previous permission for this site. As a consequence, Members can see how the survey has been applied consistently across both Old and New Arley, treating the “Arleys” in both planning and housing terms as one Local Service Centre. As a consequence officers do not consider that there is a case here for refusal based on the proportions of affordable provision being proposed.



Members will be aware also that the Council is under pressure from the new National Planning Policy Framework (NPPF) to maintain a five year housing supply plus at least a 5% contingency. This supply has to be deliverable. This site, given the number of units involved, would significantly enhance the present position. The site is deliverable with HCA funding. Given that financial considerations are now a material planning consideration, it is considered that this funding is a material factor in making this site deliverable and thus is material to the recommendation below.

### **c) The Open Space Contribution**

There would be a reduced contribution as a consequence of this application. However the important thing is that there still would be a contribution and that its value would still be worthwhile. The Council's Valuation Officer concludes that the value is reasonable given the costs and values involved with the current proposals and thus it is not considered that there is a case for further negotiation, and certainly not for a refusal.

The objectors refer to the loss of open space. This site is not at all far from the Gun Hill recreation ground and the contribution will enable further improvements in the area. Overall given the fact that there is an extant permission to redevelop the site, it is not considered that there is a ground for refusal here.

### **d) Other Matters**

Bearing in mind the extant permission on the site for 37 units it is not considered that the additional 5 would so affect the density here to result in a development that would be so materially different or indeed one that would be out of keeping with the local area. For information the density in both schemes would be 40 dwellings per hectare.

The other matter which needs further exploration is the potential highway impact. The Highway Authority has no objection to the layout or to the use of the single access onto Ransome Road. Indeed this is all very similar to that approved recently. The alterations requested have been addressed through amended plans.

With no other objections from the other consultation responses, there are no grounds for refusal.

## **Recommendation**

That, subject to the signing of a Section 106 Agreement in respect of a £10000 contribution towards off-site landscape/recreation improvements in the locality of the site, and to the inclusion of conditions into the schedule below as recommended by the Highway Authority, planning permission is **GRANTED** subject to the following conditions:

### **Standard Conditions**

- i) Standard three year condition
- ii) Standard plan numbers condition – 6551/22 received on 17/4/12 and plan numbers 6551/08f, 11b, 12c, 13c, 14d, 15d, 16c, 17d, 18c and 21c received on 31/5/12.

### **Pre- Commencement Conditions**

- iii) No work shall commence on site until measures for the provision of 22 affordable houses as part of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These affordable houses shall meet the definition of affordable housing as set out in the saved policies of the North Warwickshire Local Plan 2006. The measures shall include: the type and tenure of those twenty two affordable houses; the timing of their construction and its phasing in relation to the occupancy of the remaining dwellings on the site, the arrangements for the transfer of the twenty two affordable houses to an affordable housing provider, the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the twenty two affordable houses, and the occupancy criteria to be used for determining the identity of occupiers of the twenty two 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.

- iv) No development shall commence on site until such time as the Local Planning Authority has given its written approval to the deposit of top soils on the site. This approval will be dependant upon the source of those soils being evidenced together with test results on those soils in respect of potential contaminated material. Only those soils so agreed shall be imported and used on the site.

#### **REASON**

In the interests of reducing the risk of pollution.

- v) No development shall commence on site until such time as full details of the measures to be installed for the disposal of both foul and surface water have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed.

#### **REASON**

In order to reduce the risks of pollution and flooding

- vi) No development shall commence on site until such time as a schedule of the facing materials and roofing materials to be used has 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.

- vii) No development shall commence on site until such time as details of the landscaping for the site including retention of existing trees and hedgerows has first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on the site.

REASON

In the interests of the visual amenities of the area.

- viii) No development shall commence on site until such time as a dust management scheme has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented at the time of commencement of work and shall remain in place until its completion or other time as may be agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area

**Overall Controlling Condition**

- ix) All construction work associated with the development hereby approved shall only be undertaken between 0800 and 1800 hours on Mondays to Fridays, and between 0800 and 1300 hours on Saturdays. There shall be no construction work on Sundays or Bank Holidays.

REASON

In the interests of the residential amenities of neighbouring occupiers.

**Notes**

- i) The Development Plan policies relevant to this decision are saved Core Policies 1, 2, 8 and 12, together with saved policies ENV4, 6, 8, 11, 12, 13 and 14, HSG2 and TPT6 of the North Warwickshire Local Plan 2006.
- ii) Information on the sewer that crosses the site and advice on works close to it, including construction can be obtained from Severn Trent Water Ltd. The sewer may require temporary protection.
- iii) Standard Coal Authority Standing Advice.

## **Justification**

The site is within the development boundary defined for New Arley in the Development Plan. New Arley is also a Local Service Centre in that Plan and there is an extant outline planning permission on this site for 37 units. As a consequence there is no objection in principle to this current application. The application accords with Development Plan requirements for the provision of affordable housing and makes provision through an associated Section 106 Agreement for compensation for the loss of a former community facility and its former recreational space. There are no technical issues that can not be overcome by condition, and there are no objections from other Agencies, particularly the Highway Authority. The Council requires new housing to meet its five year supply and this site is deliverable given the support of the Housing and Communities Agency. As a consequence the application accords with the Development Plan policies as outlined above and with the policies 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/2012/0208

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/4/12
2	Head of Development Control	Letter	23/4/12
3	S Christancig	Objection	29/4/12
4	S Christiancig	Objection	2/5/12
5	Severn Trent Water	Consultation	2/5/12
6	L Parlow	Objection	2/5/12
7	Warwickshire Police	Consultation	4/5/12
8	Environmental Health Officer	Consultation	8/5/12
9	Environmental Health Officer	Consultation	8/5/12
10	Applicant	Letter	9/5/12
11	Applicant	Letter	9/5/12
12	Valuation Officer	Consultation	10/5/12
13	S Christancig	Objection	12/5/12
14	Warwickshire County Council Highways	Consultation	28/5/12
15	Agent	Letter and plans	30/5/12

*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/2012/0208**

**Miners Welfare Centre, Ransome Road, Arley, Warwickshire, CV7 8GZ**

**Erection of 42 no. 2, 3, and 4 bedroom houses with associated access roads, parking and boundary treatments etc, for**

**The Cassidy Group**

**Introduction**

This application will be referred to the Board for determination because of the planning history involving a previous Section 106 Agreement. This matter is taken up within the observations section of the report. At this time however the application is reported just to introduce the case to Members.

**The Site**

This is a 0.92 hectare piece of land on the west side of Ransome Road just a few metres north of its junction with Gun Hill within the settlement of New Arley surrounded by residential development. It is now overgrown and vacant, but used to house the Former Miners Welfare Club together with its bowling green and tennis courts. The former building was demolished a little while ago.

**The Proposals**

The proposals seek the residential re-development of the site with 42 new houses comprising a mix of different sizes and designs. The general layout involves a new access onto Ransome Road leading into two cul-de-sacs with new housing either side. This is illustrated at Appendix A with samples of the appearance of the houses at Appendix B.

Whilst the current applicant owns the land and would build out the scheme if approved, it is proposed that all of the houses would be managed by a Registered Social Landlord – the Bromford Group, one of the Council’s partner RSL’s. The applicant has submitted a letter – copied at Appendix D – which outlines the approach to be taken to this provision. In short, 22 of the new houses – that is 52% - would be socially rented accommodation in perpetuity, thus meeting the Council’s own definition of “affordable” housing in its Development Plan. The remaining 20 would be shared ownership housing. As the letter in Appendix D explains, these could “staircase” out to the 100% equity for the initial occupier and then revert to open market housing afterwards. Because they are thus not available in perpetuity, they would not accord with the Council’s definition of “affordable” housing as set out in the Development Plan. For shared ownership schemes to do so, each occupier could only “staircase” out to 80% of the market value, the freehold reverting back to the RSL.

Additional supporting documentation has been submitted with the application. This includes a Design and Access Statement; a Ground Conditions Report, an Ecological Assessment and a Tree Survey.

The applicant has also undertaken pre-submission consultation with the local community. A copy of the report summarising this is attached at Appendix C. In brief 900 leaflets were distributed locally and an exhibition event was also held. 80% of the respondents supported the redevelopment of the site; that its redevelopment would reduce anti-social behaviour and that it would contribute to a wider range of housing in the area.

There is a current outstanding application lodged with the Council, by the same applicant, which seeks to remove waste material tipped at the site by the Club when it was in operation. This was to provide a general lifting of levels over the site so as to provide a football pitch on the site. Whilst this development was implemented and material brought onto the site and levelled, it never came into use for recreation purposes due to the demise of the Club. The Board will be updated as to the position on this application at the meeting.

## **Background**

An outline planning permission was granted in 2011 for the residential development of this site with 37 houses, 15 of which (40%) were to be “affordable”.

This permission was accompanied by a Section 106 Agreement under which a contribution of £32, 868 would be made to the Council towards open space provision in the vicinity of the site.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 2 (Development Distribution), 8 (Affordable Housing) and 12 (Implementation) together with Policies HSG2 (Affordable Housing), HSG4 (Densities), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

New Homes Bonus

## **Observations**

There is no objection in principle to this development. Not only is the site within the built up area of Arley, a recognised Local Service Centre, but it also benefits from an extant planning permission. The key issues are therefore to establish whether the differences between the current proposals and the terms of the recent permission can be supported or not. There are two substantive differences.



The increase in the number of houses proposed is not considered to be material – just five more houses. However it is material that the delivery of the affordable provision is different. In short, the current approval enables the provision of 15 (40%) affordable dwellings in order to meet the Council's definition of affordable housing. The remainder – that is 22 or 60% - would be open market houses. The current proposal is for the provision of 22 (52%) affordable dwellings to meet the Council's definition of affordable housing. The remainder - that is 20 or 48% - could become open market housing, as they would be limited to shared ownership provisions for the first occupier. If that occupier "staircases" out to 100%, then the house would come onto the open market; if not, then it would remain with the RSL as a shared ownership property. The first issue for the Board is to consider whether this new proposal carries support given the Council's definition of "affordable" housing provision.

The second change relates to the existing Section 106 Agreement pertaining to the site. This requires a financial contribution to be paid to the Council for local open space provision. Given the change in the nature of the proposals in respect of the affordable housing provision, the Board will need to explore whether this affects the viability of the project. If this is the case, then a lower contribution might be a consequence. The applicant has been requested to address this issue. The Board will then have to "balance" the existing situation against any new one – e.g. 40% affordable housing and a £38,868 contribution, against 52% provision but a lower contribution.

Additionally the Board will need to ensure that the detail and appearance of the proposals are acceptable – e.g. access arrangements and design etc.

### **Recommendation**

That the receipt of the application be noted at this time.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0208

<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	17/4/12
2	Applicant	Letter	9/5/12

*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.*



2012/0208

**Notes:**

- 1) This drawing MUST NOT BE SCALED.
- 2) All dimensions shall be checked on site and any discrepancy reported to the architect.
- 3) The architect shall be responsible for the accuracy of the information and shall not be responsible for any errors or omissions.

**REVISIONS:**

<input type="checkbox"/> APPROVAL	<input type="checkbox"/> INFORMATION
<input type="checkbox"/> PRELIMINARY	<input type="checkbox"/> FOR CONSTRUCTION

**Project:** FORMER MINGS WELFARE CLUB SITE  
**Location:** RAMPSHIRE ROAD, MANSFIELD

**Client:** CASSEBY GROUP

**Drawn by:** A.L.  
**Checked by:** P.J.T.

**Date:** 17-04-12  
**Scale:** 1:250 @ A3

**Drawing Number:** 6551/22  
**Revision:**

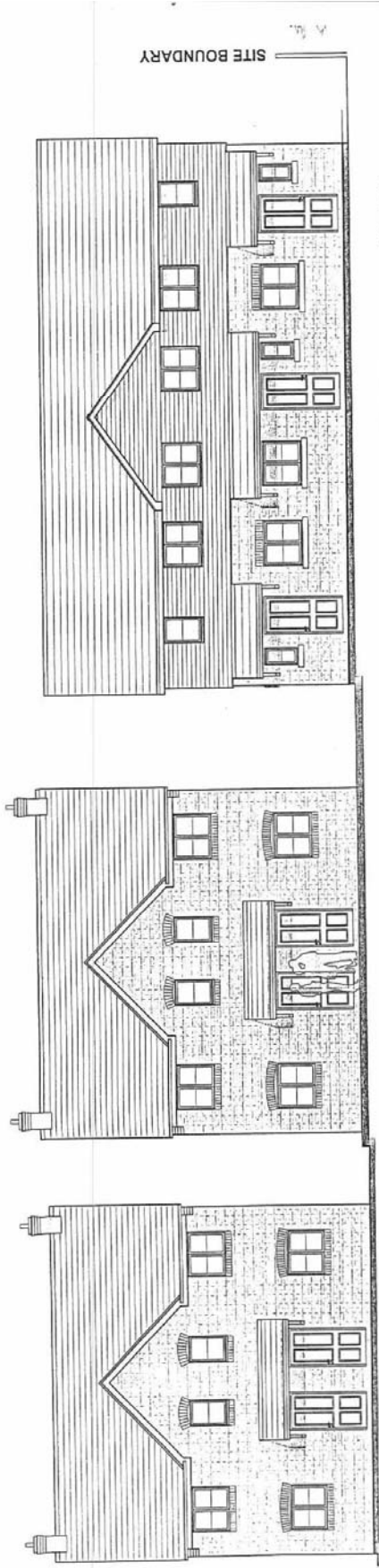
**gwh**  
 GEORGINA WILKINSON ARCHITECTS  
 11, ONE WEST STREET  
 BIRMINGHAM, BIRMINGHAM B2 4JH, ENGLAND  
 TEL: 0121 625 2022  
 FAX: 0121 625 2023  
 WWW.GEORGINAWILKINSONARCHITECTS.CO.UK



**NORTH WARWICKSHIRE  
 BOROUGH COUNCIL**

**RECEIVED  
 17-Apr-12**

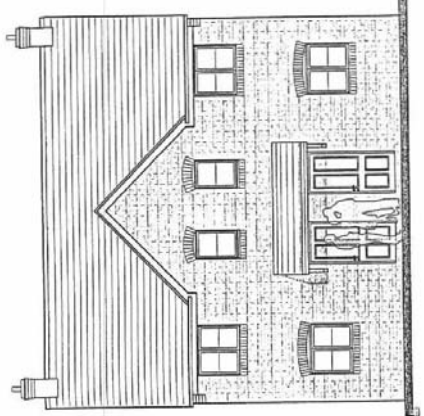
**PLANNING & DEVELOPMENT  
 DIVISION**



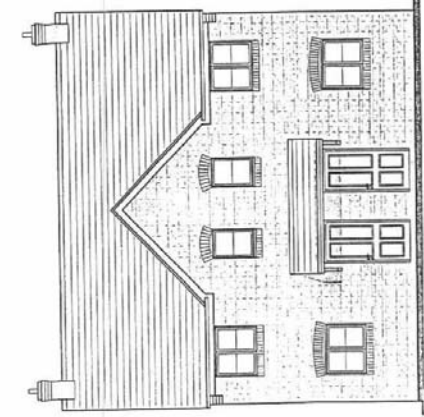
Plot 13

Plot 14

Plot 15



Plot 16

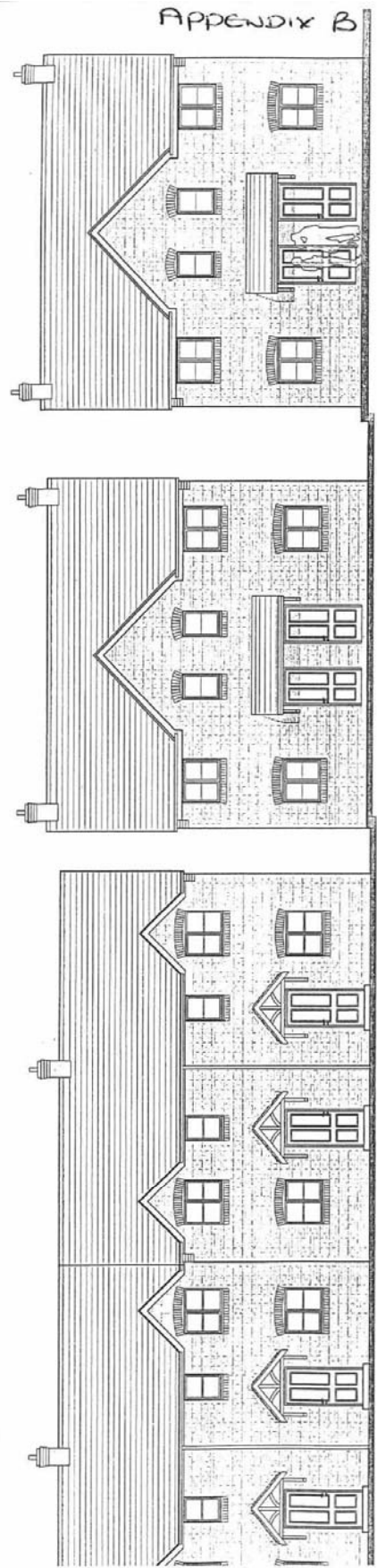


Plot 17

Plot 18

Plot 19

JOR



APPENDIX B

Plot 16

Plot 17

Plot 18

Plot 19

Plot 20

Plot 21

Plot 22

lot 23

# Public Consultation Event - Report

Arley & St Michael's Community Centre Gun Hill 21st March 2012 15:00 - 19:00



As part of a detailed planning application for the redevelopment of the former Arley Miners Welfare Club site, Cassidy Group staged a Public Consultation Event.

The consultation allows Cassidy Group to present their proposed designs for the new development to the public, whilst at the same time allowing for engagement with the local residents to understand their wishes and requirements so that the finished development is geared towards the needs of the Arley community.



Leaflets were delivered to properties in:

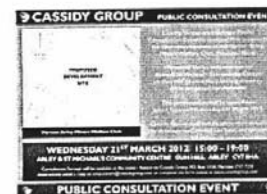
Ransome Road	Daffern Avenue	Gun Hill
Frederick Road	Ryder Row	Spring Hill
Stewart Court	Hollick Crescent	Hill Top
Morgan Close	Fir Tree Lane	Sycamore Cres
Lichfield Close	George Street	Sycamore Corner
Fourfields Way	James Street	Hawthorne Ave
Tremelling Way	Charles Street	Laurel Close

Notice of the consultation was provided to the community by way of a door-to-door leaflet drop. Over 900 leaflets featuring details of the event were posted out to homes in the vicinity of the proposed development site, with further leaflets and posters provided to local shops and community facilities for display; these included 'The Fir Tree Inn' and 'The Wagon Load of Lime' public houses, Gun Hill Stores & Post Office, Spring Hill Medical Centre and the Arley & St Michael's Community Centre. Deliveries of the notices were carried out between the 9<sup>th</sup> & 13<sup>th</sup> March, circa two weeks in advance of the consultation event.



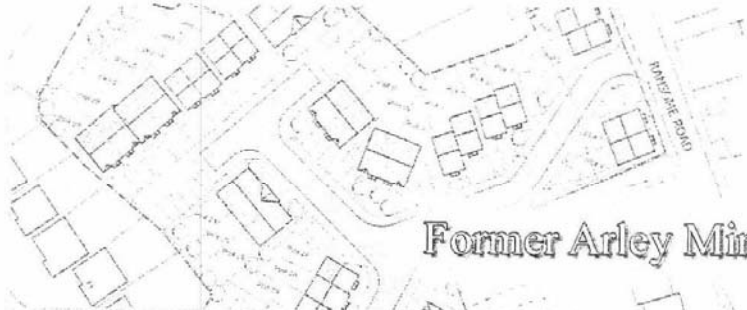
The consultation was held at the Arley & St Michael's Community Centre on Gun Hill in Arley on the afternoon of Wednesday 21st March 2012. The event was open from 15:00 until 19:30.

Representing Cassidy Group at the event were John Hannon (Development Manager) and James Cassidy (Director). Also in attendance was Paul Roberts, Housing Strategy and Development Officer for North Warwickshire Borough Council - all three were on-hand to present the development proposal and answer any of the attendees' queries.



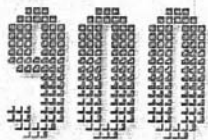
# Public Consultation Event - Report

Arley & St Michael's Community Centre Gun Hill 21st March 2012 15:00 - 19:00



Former Arley Miners Welfare Club  
Ransome Road

## Consultation Key Points



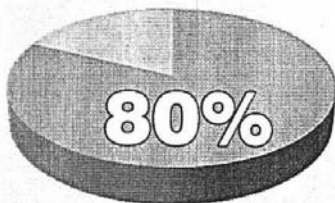
Over 900 leaflets were delivered to properties in the Arley community to notify residents of the public consultation event



67 visitors entered their name and address in the attendance register



53 visitors completed a Consultation Survey Form prepared by Cassidy Group



80% of respondents supported the redevelopment of the former Miners Welfare Club site

52% of respondents believe the derelict site has contributed to anti-social behaviour in the area



62% of respondents wanted a greater choice of housing available in the area

5 respondents registered their interest in seeing properties for over-55s or those people with physical disabilities



33% of respondents knew of someone or were themselves looking for a house to rent or buy in the vicinity of Arley



HOUSE #	POST CODE	NAME	SUPPORT Y	SUPPORT N	ANTISOCIAL Y	ANTISOCIAL N	CHOICE Y	CHOICE N	PURCHASE Y	PURCHASE N	RENTY Y	RENTY N	SURVEY #	COMMENTS
			1	0	1	0	1	0	0	1	0	1	1	1
			1	0	1	0	0	1	0	1	0	1	2	Don't want wheelie bin shed in case of disturbances, get mess already over garden
			1	0	1	0	0	1	0	1	0	1	3	Don't want wheelie bin shed at bottom of garden in case of mess, already have rubbish
			1	0	1	0	1	0	0	1	0	1	4	
			1	0	0	1	0	1	1	0	1	0	5	You need to include a central circle for a flower bed with seating for old people
			0	1	0	1	0	1	0	1	0	1	6	No consideration for people with physical disabilities
			1	0	1	0	1	0	1	0	1	0	7	Affordable housing is only going to lead to further anti-social issues. It increases traffic to Gun Hill, already very congested, especially at school times. And shop deficiencies. What is being done to safeguard life on Gun Hill? Especially with school merging in 18 months
			1	0	1	0	1	0	1	0	1	0	8	We should do it nice but monitor, who moves in, keep the bad lot out.
			0	1	1	0							9	Do something for the kids instead of more houses for more strangers.
			1	0	0	1	0	1	0	1	0	1	10	
			1	0	0	1	0	1	0	1	0	1	11	Will any increase in traffic cause problems along Gun Hill from the shops to the mini island near the church where vehicles are parked
			1	0	1	0	1	0	1	0	1	0	12	I would like to see more housing for people over 55 as there are limited amenities for children and teenagers. Also, Stuart Court is for the elderly and I would hate for them to be having problems with big families on this new estate. CCTV for the elderly.
			1	0	1	0	1	0	0	1	0	1	13	Good to see something useful happening with the site.
			1	0	0	1							14	Not to develop as housing but as something for children of village
			0	1	0	1	0	1	0	1	0	1	15	Sure that better community use could be made of the land. There is a huge issue of traffic - we need 20mph limit, enforced with major traffic calming strategies. Had problems with heavy plant when building old Arley - who's going to fix the cracks in my walls.
			1	0	0	1	1	0	1	0	1	0	16	
			1	0	1	0	1	0	1	0	0	1	17	
			1	0	1	0							18	Redevelopment of the site is a good idea but traffic is becoming a problem... some form of traffic calming is needed.
			0	1	0	1	0	1	0	1	0	1	19	I doubt public opinion will have much sway; it is not as if this consultation has had much publicity. What measures will be taken to mitigate disruption during construction? There had better be a fence around the development to screen us from noise and dirt. Too many houses for a small plot.
			1	0	1	0	1	0	0	1	0	1	20	Looking to buy 3/4 bedroom 'affordable' house!
			1	0	0	1	1	0	1	0			21	Maybe a couple of bungalows, plenty of families in the village to fill them. Would be better sold, rented to villagers.
			1	0	0	1	1	0	1	0	1	0	22	
			1	0	1	0	1	0	1	0	0	1	23	
			1	0	0	1	1	0	0	1	0	1	24	Too many properties on site. Concerned by lack of amenities water/sewage/statutory requirements. It is vital that the social demographics add to the village and not a municipal spill over.
			1	0	0	1							25	I do not believe we need more houses in the village. This was not the aim of the Miners Welfare Club. What the village needs is more recreation and entertainment for young and old to go.
			1	0	0	1							26	
			1	0	1	0	1	0	1	0	0	1	27	
			1	0	0	1	1	0	1	0	1	0	28	Confirmation of the public roads at the back of the properties, Daffern Ave - Thank you.
			1	0	1	0							29	The top of Ransome Road roundabout - outlet traffic congestion
			0	1									30	Don't need more housing in the village! Don't care what they council say!
			1	0									31	My concerns are road junction at top of Ransome Road and George St / Gun Hill. Also, sewerage capacity as we suffer overflow of raw outside our house.
			1	0	0	1							32	



HOUSE #	POST CODE	NAME	SUPPORT		ANTISOCIAL		CHOICE		PURCHASE		RENTY		RENT N	SWIRRY #	COMMENTS	
			Y	N	Y	N	Y	N	Y	N	Y	N				
			0	1	1	0	1	0	1	0	1	0	1	0	33	No greenspace in redevelopment, this needs addressing. Loss of greenspace (bowling green) in money to compensate. Suggest closure of Stuart Court entrance (2 access roads on to Hansome rd. much) have single access road.
			1	0	1	0	1	0	0	1	1	0	1	0	34	
			1	0	1	0	0	1	0	1	0	1	0	1	35	Please consider Section 106 monies for Arley Community Centre.
			1	0	1	0	1	0	1	0	1	0	1	0	36	
			1	0	0	1	1	0	1	0	0	1	0	1	37	
			1	0	1	0	0	1	0	1	0	1	0	1	38	We are concerned with the loss of privacy at the side of 25 Lichfield Close. Would welcome trees at the side and bottom of the garden
			1	0	1	0	1	0	1	0	1	0	1	39		
			1	0	1	0	1	0	1	0	1	0	1	40		
			1	0	0	1	0	1	0	1	0	1	0	41		
			1	0	1	0	1	0	0	1	0	1	0	42	I feel that the land available is not sufficient to build 42 new homes on it. They are too crammed together and need to show greater variation in design. However, I am concerned about the extra traffic the site would incur - the lack of parking spaces and / or garages. Spring & Gun Hill are already congested.	
			1	0			1	0	1	0	1	0	1	43	The services (i.e. water supply, drainage foul & storm, electrical) are concerns as at present we have difficulties now. Also traffic impact, the fact that there are no renewable energy plans for the households or electrical power points for EVs.	
			1	0	1	0	0	1	0	1	0	1	0	44	We fully support the proposal to develop the site at the back of our property in Lichfield Close. Lighting on site not to impose on adjoining properties; i.e. not shine on back gardens.	
			1	0	1	0	0	1	0	1	0	1	0	45		
			0	1	0	1			0	1	0	1	0	46	Would prefer not to have houses but a club to replace the old one. The village will no longer be a village with so many extra homes.	
									0	1	0	1	0	47	I wish to be kept informed on the situation with the access road behind Daifern Avenue. This is of concern to me as I own my home and thus I am concerned that any sale or changes in ownership may affect my property. I have no comment about the development itself. I want Cassidy to confirm that this consultation will be ongoing and I want to be notified.	
			1	0	0	1	1	0	0	1	0	1	0	48	Agree with development in principle - taking in to consideration residents who have bought their own property and invested & their property backing on to a development and should better the village - too many properties on the site. I am upset the trees will be destroyed. There is a lot of wildlife and children play in those trees, my own sons included. I am also concerned how close the development is to my fence and garden. I have worked within housing associations and know the problems they can bring. I moved here from a city - quieter, more rural and the garden was peaceful. I hope arly development will improve the area and social demographic.	
			1	0	0	1	1	0	0	1	0	1	0	49	More Bungalows.	
			0	1	0	1	0	1	0	1	0	1	0	50	I think you should not build housing estates in here as it's pathetic. Instead build something useful for the kids (younger generation) as they have nothing to do, e.g. sports centre or a new improved park.	
			0	1	0	1	0	1	0	1	0	1	0	51	I don't agree with this, I think it's a "cock of shit". Instead build something else that the younger generation can use e.g. sports centre, etc. to keep them out of trouble or to keep them occupied, instead of having more kids.	
			1	0	1	0	1	0	1	0	1	0	1	52	I would like to see more over 55 age group housing. I am also worried about more youth coming in to the village and anti social behaviour.	
			1	0	0	1	1	0	0	1	0	1	0	53	SUMMARY: Don't like survey question format... in favour of housing but have difficulty imagining 42... traffic issues near shops... parking for visitors?... Core strategy says New&old Arley need 60 new homes, would want these to be of that number... reassurances these are for people with local connections... MONEY from sale should be ploughed back in to village by trustees... what about older people in New Arley, scope for them to downsize and re-utilise their current larger houses?	



## CASSIDY GROUP

Jeff Brown  
Head of Development Control Service  
North Warwickshire Borough Council  
Housing Services  
The Council House  
South Street  
Atherstone  
CV9 1DE

9<sup>th</sup> May 2012

Dear Jeff

We are writing to request permission for a change in the description of our planning application for the Arley Miners Welfare site in Ransome Road, New Arley (planning application reference PAP/2012/0208).

We would like to change from a 100% affordable application to a mixed tenure scheme which will see 52% affordable rented (22 units) with the remaining 48% being through shared ownership (16 units) and shared equity (4 units) products. This is still delivering more than the 60/40 split that North Warwickshire Borough Council normally requires in these circumstances and also fits in with the Housing Needs Survey for Arley which was completed in July 2011 which clearly shows that residents have a wish to get onto the home ownership ladder, but are unable to purchase on the open market.

The reason for asking for this material change is due to an issue with prospective purchasers having problems in obtaining a mortgage on the shared ownership/shared equity products if they are only able to staircase out to 80%, this can prevent the sale going through and will not enable the people that you are trying to help through the Housing Needs Survey to realise their dream of home ownership.

We are working in partnership with Bromford Group to develop this site and they do have guaranteed funding through the Homes and Communities Agency to develop this site, but the funding is dependent on being able to get the changes through in regards to being able to staircase out to 100%, which will be affordable to start with to enable residents to get on the housing ladder, but will not stay affordable in perpetuity if they staircase out as the property would be sold on the open market.



UK Head Office:  
Cassidy Group, PO Box 2430, Meriden, CV7 7ZX, England  
Tel: 00 44 (0) 1676 522330 Fax: 00 44 (0) 1676 522445  
Email: enquiries@cassidygroup.com Website: www.cassidygroup.com  
Registration No. 44259

International Offices:

France Spain Portugal Jersey Guernsey



In the Governments Laying the Foundations – A Housing Strategy for England ( November 2011) – they state that they are in support of shared ownership schemes through the Affordable Homes Programme where this is a local priority as it has the flexibility to enable households on a range of incomes to get a first foot on the housing ladder with the opportunity to increase their share over time when they can afford to do so.

This certainly appears to be a priority for the community within Arley who have expressed their wish to see shared ownership products being built in the village to give an alternative to social rent and open market.

We hope that you can give this request consideration and look forward to hearing from you.

Yours sincerely

James Cassidy  
Director

### **(3) Consultation by Warwickshire County Council**

**Faraday Avenue, Hams Hall**

**Establishment and Operation of a temporary wood processing facility for a period of five years for**

**E.ON Climate and Renewables UK Biomass Ltd and R Plevin and Sons Ltd**

#### **Introduction**

The Board was invited to comment on this application and submitted an objection to the proposal as set out above essentially on the grounds that there was considered to be insufficient weight to override the presumption of refusal for this inappropriate development in the Green Belt. This was lodged with the County Council whose officers then referred the case to the County's Regulatory Committee, with a recommendation of refusal. Determination was deferred in light of the late arrival of further documentation from the applicant. This has now been forwarded to the Borough Council. We have been asked whether this would alter our representations.

For convenience the last report is attached at Appendix A, but without its attachments.

#### **Further Information**

This takes the form of three separate reports – the first deals with noise; the second with dust and the third is one giving the background to the process of site selection through an examination of potential alternative sites in the West Midlands for the proposal.

The Council's Environmental Health Officer will comment on the first two reports provided as they contain more technical information to show, in the applicant's view, that there would be limited, if any, concerns arising from the introduction of the use onto the site. Those comments will be forwarded directly to the County but at the time of writing are not yet available. The meeting will be advised of the position, but the recommendation below accounts for this position.

The report on the search for alternative sites is useful but flawed. This is because the schedule of sites was largely confined to those suggested by Local Waste Planning Authority sites. It is accepted that a waste development is better located on a lawful waste site, but there are other suitable and appropriate sites as recognised by the Preferred Policies set out in the County Council's Draft Core Waste Strategy. The report admits that local Estate Agents were not contacted in respect of sites that might be available on existing industrial estates, and nor does it appear that other existing or former mineral sites were identified. There are other difficulties with the report. It appears to say that as all of the site at Hams Hall is not in the Green Belt, then that significantly weakens the Green Belt case. In fact the non-Green Belt proportion of the site is no more than 10%. Moreover the report states that the site is an "existing industrial site". It is not, as Members will be aware from their previous visits. That is a former use which is now abandoned, and the site was deliberately excluded from the initial Hams Hall planning application for the present Business and Distribution estate.

In short the additional report does not convince officers that the Borough Council's original objection should be altered. The use will significantly impact on the openness of the Green Belt and on the purposes of retaining land within it. The Council has now published its Draft Pre-Submission Core Strategy which retains the land inside the Green Belt. The proposal therefore is not in accord with emerging planning policy which is now at a stage where weight should be given to its content and approach.

### **Recommendation**

That the Borough Council maintains its' planning objection to this proposal. The additional planning information is considered to be flawed for the reasons given in this report and the proposal does not accord with the NPPF, or with the Council's emerging planning policy.

The Borough Council maintains its objection in respect of potential noise and dust pollution unless the Environmental Health Officer is satisfied with the content of the additional material supplied by the applicant.

## BACKGROUND PAPERS

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

### CONSULTATION – HAMS HALL

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation letter	24/1/12
2	Environmental Health Officer	Consultation	24/2/12
3	Head of Development Control	Letter	20/3/12
4	Warwickshire County Council	Regulatory Committee report	25/5/12
5	Warwickshire County Council	Additional Information	25/5/12

*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 (without attachments)**

### **Consultation by Warwickshire County Council**

**Faraday Avenue, Hams Hall**

**Establishment and Operation of a temporary wood processing facility for a period of five years for**

**E.ON Climate and Renewables UK Biomass Ltd and R Plevin and Sons Ltd**

### **Introduction**

This application has been submitted to the County Council as Waste Local Planning Authority and the Borough Council has been invited to make representations as part of the consultation process.

### **The Site**

The application site is located on the eastern half of the site where Power Station “B” used to be located at the Hams Hall complex. It amounts to 6.5 hectares of land. The site remains undeveloped with it largely being a flat hard surface, but the foundations of the former power station are still in place. The remainder of the complex – where the “A” and “C” power stations were once located - is now a national distribution and manufacturing park. The “B” power station was to the north-west of that complex. Access would be obtained from the first roundabout when entering the Hams Hall Distribution Park. This limb serves the Birmingham Airport car park and a large electricity substation.

The location plan is attached at Appendix A.

### **The Proposal**

The site would be used for a period of five years for the processing of up to 100,000 tonnes a year of non-hazardous wood. The facility would include chipping and screening plant, small temporary buildings, plant to remove metals, loading shovels and ancillary development. The bulk of the site would be used for the storage of wood waste. An indicative layout is at Appendix B, but the photographs of one of the applicant’s other sites are attached at Appendix C as they best illustrate an operational site.

The proposed operations are set out in a short report at Appendix D.

The applicant’s case essentially comprises the support and encouragement given to this type of waste recovery operation in national and local planning guidance. The overall waste strategy of reducing reliance on land fill and recovering and recycling waste are familiar to Members. Moreover the advice in respect of the general location requirements for a waste facility such as that being proposed here is also repeated. The include proximity to the main sources of waste; proximity to and easy access to the strategic highway network, a location away from environmentally sensitive and

residential areas, together with site availability and one being capable of delivery. The applicant considers that this site is appropriate, suitable and available. Moreover given the temporary time period sought and the fact that no permanent buildings or structures are proposed, he argues that there would not lasting adverse impact either on the Green Belt, or on prejudicing the future use of the land. He argues that a similar circumstance was accepted recently with a temporary consent on the land for car storage.

It is also pointed that the E.ON Ltd is presently committing to a range of renewable energy generation and that they have a substantive bio-mass power station under construction at Sheffield with an application for a second at Bristol. There is an existing bio-mass power station in Lockerbie. It is said that this current application will assist in setting up a wood fuel supply chain.

A number of reports have been submitted with the application.

A landscape report concludes that the site is representative of a former industrial landscape and because of its enclosed nature will result in there being no material impact. Reference is made to the mature woodlands around the site and the large “sheds” to the south east. As the application is for five years there is said to be no lasting adverse impact. Mitigating measures such as limiting the height of wood stockpiles and ensuring appropriate lighting are recommended.

A noise report concludes that the noise environment would be acceptable given the surrounding uses, the ambient noise levels, the distance to residential property together, and the inclusion of mitigating measures such as an acoustic fence at the northern boundary.

An ecology report concludes that the site is of little significant ecology value and thus there is unlikely to be a material impact on wildlife, provided measures are taken to ensure appropriate lighting and planting.

A transport report concludes that HGV generation would be 132 two-way trips a day, but that this would have no adverse highway impact given the nature and capacity of the existing highway network.

## **Development Plan**

West Midlands Regional Strategy – its evidence base

Warwickshire Waste Local Plan – saved policy numbers 1 (General Land Use), 6 (Materials Recycling Facilities) and 13 (Proposed Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration), 2 (Development Distribution), ENV2 (Green Belt), ENV6 (Land Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Assessment), TPT6 (Vehicle Parking)



## **Other Material Planning Considerations**

The Landfill Directive 1999; The Waste Strategy 2007; The Government's Review of Waste Policy 2011, PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS10 (Sustainable Waste Management), PPG13 (Transport) and PPS23 (Planning and Pollution Control)

The draft National Planning Policy Framework

Warwickshire Waste Core Strategy – Preferred Option: Policies CS2, CS3 and CS5

Draft North Warwickshire Core Strategy

## **Background**

The planning permission for the redevelopment of the former Hams Hall complex as a manufacturing and distribution complex did not include the site of the former “B” power station. As a consequence the current application site is not within the area covered by the consent. It is wholly in the Green Belt.

Planning permission has been granted in the past for the temporary use of the land as a transshipment car park in association with the transfer of motor cars from their manufacturing base for onward travel via the Rail Freight Terminal at Hams Hall. This permission has now lapsed.

## **Consultations**

The Environmental Health Officer reports that he has concerns about noise and dust arising from the proposals given its scale.

In respect of noise, he indicates that if this proposal had been neighbouring residential property there would be an objection. Here though there is an industrial environment, but even so he considers that given that neighbouring premises do not have air conditioned and sealed double glazing for offices and staff rooms facing the site, he considers that further noise attenuation measures are necessary on site – the height of the stockpiles – suggested at ten metres - need to be substantially reduced and extra bunding/screening should be added.

The main concern however is possible dust emissions. This is a large operation proposed on a large open site. The applicant's premises in Retford have given rise to a significant number of complaints even though it is in a more isolated location than Hams Hall. It is therefore essential that conditions are attached to agree substantive dust control measures to ensure that the risk of this type of pollution is contained. The concerns here are for visitors, residents, employees and also for the “clinical” conditions needed at the nearby BMW plant, for protection to cars parked at the APH airport car park, and indeed for conditions at the Whitacre Heath Nature Reserve.

The Environment Agency would need to grant a working permit for this use, and it too would need to be satisfied that these matters had first been addressed prior to issuing this Permit.

These representations from the EHO have already been forwarded under separate cover to the County Council.

## **Observations**

### **a) Introduction**

This application is for inappropriate development in the Green Belt. As such the presumption is one of refusal. However the applicant is arguing that there are material planning considerations of such weight that they add up to the very special circumstances necessary to override that presumption. The remainder of this report will explore these considerations to see if they do indeed carry the weight which the applicant assigns to them. The report will also need to address the normal range of planning matters associated with such an application.

### **b) The Green Belt**

It is acknowledged that the approach set out by the applicant in respect of how waste is handled in the future carries significant weight in dealing with this application. It is also acknowledged that the strategies set targets for recycling different waste streams and that wood recycling is one these. It is also recognised that in West Midlands there is a shortage of recycling sites as an alternative to land filling wood waste. It is necessary therefore to see if these matters are of sufficient weight to override the presumption of refusal.

The starting point is the site's location in the Green Belt. This is large scale development by fact and by degree. It takes up an extensive area of land and would involve substantial stock piles of waste stored on the site, together with large plant, machinery and some buildings, as well as substantive screen bunding to meet Environmental Health requirements. Whilst the stock piles would be transitory as stocks come and go, the overall appearance and character of the site will be one of a commercial operation as evidenced by the photographs of other sites. As such it would not contribute to the achievement of the objectives for retaining land within the Green Belt. It will not safeguard countryside and would represent new development adding to the urbanisation of the area – particularly through significant extension of an already large commercial site – and thus not assisting in urban regeneration or the recycling of other urban land.

There will be a consequential impact on the openness of the Green Belt hereabouts. The land is presently open and unused. The scale of the proposed operation and its consequential visual impact will materially reduce that current openness. The most important attribute of the Green Belt is its openness as it is this which delivers the objectives of retaining land within it. This development would be wholly negative in this respect. Members are also aware that Government advice clearly indicates that it is not the quality of the appearance of Green Belt land that gives it its protection. It is the very fact that it is open that is overriding. So here, whilst the site clearly does not appear as rural countryside, it is its openness that is overriding, thus retaining its Green Belt function.

Moreover the proposed use is not one that essentially or necessarily requires a rural location. Indeed it is inappropriate here by definition. It might be convenient and desirable to have it here but not essential. This is important not only in considering the definitions within Government advice but also because of the lack of evidence submitted considering alternative locations. No such analysis is provided.

These considerations individually carry significant weight, but together they carry substantial weight. This at least matches that of the supporting considerations set out by the applicant in his reliance on current waste strategy. The issue for the Board is how to balance these conflicting considerations.

### **c) Other Material Considerations**

The County Council will need to explore whether or not the proposals would have any adverse impacts on highway, ecological or landscape considerations through their consultation process. This Council's concern must be the visual impact on the residential properties that happen to adjoin the site at its far northern end, and the on the setting of the Church. The proposals would bring commercial development closer to these properties, and the prospect of a ten metre high wood stock pile and an acoustic fence suggest a material change in outlook at this end of the site. Additionally the Environmental Health Officers are concerned about the risks posed by dust and noise emissions from such an extensive operation.

The County Council will give weight to its Preferred Waste Policies as set out in its recent draft Core Waste Strategy. The applicant points that in his view, his proposals accord with the general approach set out in these policies in general location terms; proximity to sources of waste, and to the strategic highway network as well as having with limited environmental impact. However there are matters which need to be brought to the County's attention which are considered to weaken this reliance. Firstly, as indicated above there is no operational reason why this kind of use has to be located within a Green Belt location or on open land. Green Belt policy quite specifically indicates that it is not the appearance of the land that is critical here in retaining the value of Green Belt status but its openness. This land is open and provides a substantial open space between the Hams Hall development and the community of Lea Marston to the north. That would be reduced and weakened with this proposal. Secondly, the County has very recently received other applications for wood recycling facilities in North Warwickshire as well as for other waste recycling schemes. These are all located within the Green Belt. It is considered as a consequence that the County Council can reasonably consider the cumulative impact of these proposals on the openness of the Green Belt, and the prospect of the perpetuation of former minerals extraction sites and former power generation sites as waste facility sites, thus removing the prospect of restoring these sites so that they can fully achieve Green Belt objectives. It is argued that support for this application, within this context, weakens achievement of Green Belt objectives. Thirdly, the applicant refers to the temporary consents on this land for car storage. This is not considered to carry weight in the current application. Those consents were related to a clear national and regional economic need in order to assist the West Midlands car manufacturing sector at that time – namely the BMW/Rover Group. Then new models and export led drive needed proximity to rail transport and the Hams Hall terminal provided that facility in close proximity to the Solihull and Longbridge manufacturing plants. The consent was conditioned so as to tie it in to the terminal; to named motor manufacturers and to their

plant and to rail transportation. It has now lapsed. In other words it was site-specific, in line with the actual reasons for granting the original Hams Hall permission. The current proposals have no such national or regional linkages or ties with the Rail Terminal. Fourthly, the County should understand that the application is for five years. It is not a permanent use that is proposed. This therefore questions the weight to be given to the “need” argument, and adds weight to the argument that this kind of use is “footloose” in its location requirements. The applicant admits in his submission that after the five years, “the site will be returned to a condition consistent with the current”. There is no benefit to, or achievement of Green Belt objectives in the issue of a five year consent. It can only have an adverse impact on openness during the five years – in other words an adverse change for no Green Belt gain.

#### **d) Conclusions**

The base-line for considering this current application is that the proposal is for inappropriate development in the Green Belt. The most important attribute of the Green Belt is the retention of its openness in order to achieve the purposes of safeguarding land from new development and urban expansion, regardless of the visual amenity of land within the Green Belt. Here this approach is particularly relevant for the reasons explained above. It is considered that this outweighs the arguments set out by the applicant in seeking to meet Government objectives in respect of the recycling of this particular waste stream.

#### **Recommendation**

That this Council object to this application on the grounds as set out in this report – namely that it considers greater weight should be given to the objective of retaining this land within the Green Belt than that of dealing with the recycling of this particular waste stream, and on the grounds of potential noise and dust pollution.

## BACKGROUND PAPERS

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation Letter	24/1/12
2	Environmental Health Officer	Consultation	24/2/12

*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) Consultation by Warwickshire County Council**

**De Mulder and Sons Ltd, Mancetter Road, Hartshill**

#### **Proposed New Tallow Farm for De Mulder and Sons**

##### **Introduction**

A report was brought to the last Board meeting indicating that the Council had been invited to comment on a proposal for new tallow tanks at the De Mulder site in Hartshill as a consequence of a planning application having been submitted to the Warwickshire County Council. That report described the site; the proposal and the Development Plan background. It is attached for information at Appendix A.

##### **Further Information**

The information submitted to support the application is contained within Appendix A, but is repeated here at Appendix B. This indicates that the site operates a processing plant for Animal By-Products (ABP's). These are categorised depending on the risk posed to public and animal health. Prior to 2011, the plant here processed category 1 ABP's – the highest risk material. However because of the significant reduction in Category 1 material coming to the site, and changes in EU legislation, the Company has sought the long term future of the site by moving from Category 1 material to Category 3 so as to produce saleable finished products. Work on this move has commenced on site with new plant and equipment already being installed e.g. - the increase in the height of the tower. All rendering of ABP's produces two finished products – meat and bone meal (MBM), and tallow. By moving to Category 3 material and through the introduction of the new equipment, different grades of MBM and tallow can be produced, thus making for greater viability and sustainability of the business. This current application is to be the culmination of this overall move from Category 1 to Category 3 material.

In order to achieve both high and low grade tallow, two sets of tanks are needed. The Company indicates that as the existing tanks at the site are nearing the end of their useful life, the decision was taken to completely install new tanks capable of producing both grades of tallow as early as possible. The volume of the tanks is said to match that of the potential full production for both grades of tallow (1800 tonnes) and the height (17 metres) is required in order to provide the optimum filtration conditions for separating the two grades.

##### **Consultations**

The County Council has undertaken the consultation process in respect of this application. At the time of writing this report, no responses have been copied to the Borough Council.

The Council's Environmental Health Officer has also been consulted but as yet has not responded to the County. He will do this separately from the planning consultation.

## **Observations**

Prior to looking at the detail of the scheme, it is important to explore the principle of the development. The site clearly has a lawful use for its current operations and there are few of these plants available around the country. Given the need for them and the overall thrust of national waste planning policy contained in PPS10 and locally in Warwickshire's Preferred Policies as set out in its current Waste Development Framework, the overall thrust and direction of the operational changes proposed for this site are given support. This support is based on the preferred location for waste development being on those sites that already benefit from waste permissions. Moreover the changes outlined above at this particular site have already been instigated through earlier permissions granted by the County Council. As such it is considered that an objection in principle here would carry very limited weight.

The main two detailed issues here are the potential to increase pollution through odour emissions, and secondly the visual impact. The former is always at the forefront of all assessments for any application at this site. The Environmental Health Officer will forward his observations to the County shortly, and an update will be provided verbally at the Board meeting. The recommendation below recognises this position.

These are large tanks and they will certainly be visible from the immediate area, namely the canal towpath and the surrounding roads. They would also be seen in longer distance views – the A5, and from the higher ground to the south. It is recognised that there are sound operational reasons for these tanks and that there is a business case for their introduction. As such and given the overall policy support for new development on existing sites it is considered that an objection would carry little weight. However the County Council do need to establish and have a significant landscaping plan in place for the site in order to mitigate the adverse visual impact of the new tanks.

## **Recommendation**

That the Council do not object in principle to this development subject to it firstly securing a substantial landscaping scheme for the site in order to mitigate adverse visual impacts and that secondly it is satisfied that there would be no adverse noise or odour pollution arising from the development.

## BACKGROUND PAPERS

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

### CONSULTATION – De-Mulder and Sons Ltd

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation letter	9/5/12
2	Head of Development Control	E-mail	24/5/12
3	Warwickshire County Council	E-mail	24/5/12
4	Head of Development Control	E-mail	25/5/12
5	Applicant	E-mail	28/5/12

*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**

### **Consultation by Warwickshire County Council**

#### **De Mulder and Sons Ltd, Mancetter Road, Hartshill**

#### **Proposed New Tallow Farm for De Mulder and Sons**

##### **Introduction**

The County Council has received this application and has invited this Council to make representations as part of the consultation process. Environmental Health Officers have been consulted directly by the County Council as have the Hartshill Parish Council and local residents.

##### **The Site**

The De Mulder premises are situated on the south side of Mancetter Road a couple of hundred metres east of its junction with Clock Hill where the West Coast mainline railway crosses the road. It is in a rural area with scattered houses and farms but there are also a number of other commercial uses nearby notably around the Anchor Inn. The premises are currently authorised to process animal by-products under permissions granted by the County Council and Permits issued by the Environment Agency.

##### **The Proposals**

It is proposed to replace the existing tallow farm storage tanks adjacent to the main processing building to the other side of a service road within the current trailer park. This would be located on the west side of the current complex of buildings and plant. The location is illustrated at Appendix A.

The new storage facility would comprise twelve stainless steel tanks supported by a steel framed structure on a concrete base. Each tank would be 17 metres tall and they would be arranged in two rows of six tanks surrounded by a perimeter wall to store any spillage. This would be 1.5 metres tall but would be lower in appearance in part, because it acts also as a retaining wall. The tanks would be accessed from staircases together with an overhead service gantry for loading tallow into HGV road tankers. A new loading bay is included. A new pipe bridge will be required to accommodate the filling of the tanks from the processing building.

For comparison purposes, the application says that the tanks would be the same height as the main building on site, but lower by 10 metres than the chimney and 6 metres lower than the tower on the site. Members are referred to Appendices B and C which illustrate the layout and provide the elevations.

The applicant has provided some supporting information in respect of the reasoning behind the current proposal and this is attached at Appendix D.

##### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design).

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

### **Other Material Planning Considerations**

The National Planning Policy Framework 2012

PPS10 – Planning for Sustainable Waste Management

Warwickshire Waste Development Framework (Preferred Option and Policies) – Policies CS2 (The Spatial Waste Planning Strategy), DM1 (Protection of the Natural and Built Environment), DM2 (Managing Health and Amenity Impacts), DM4 (Design of New Facilities)

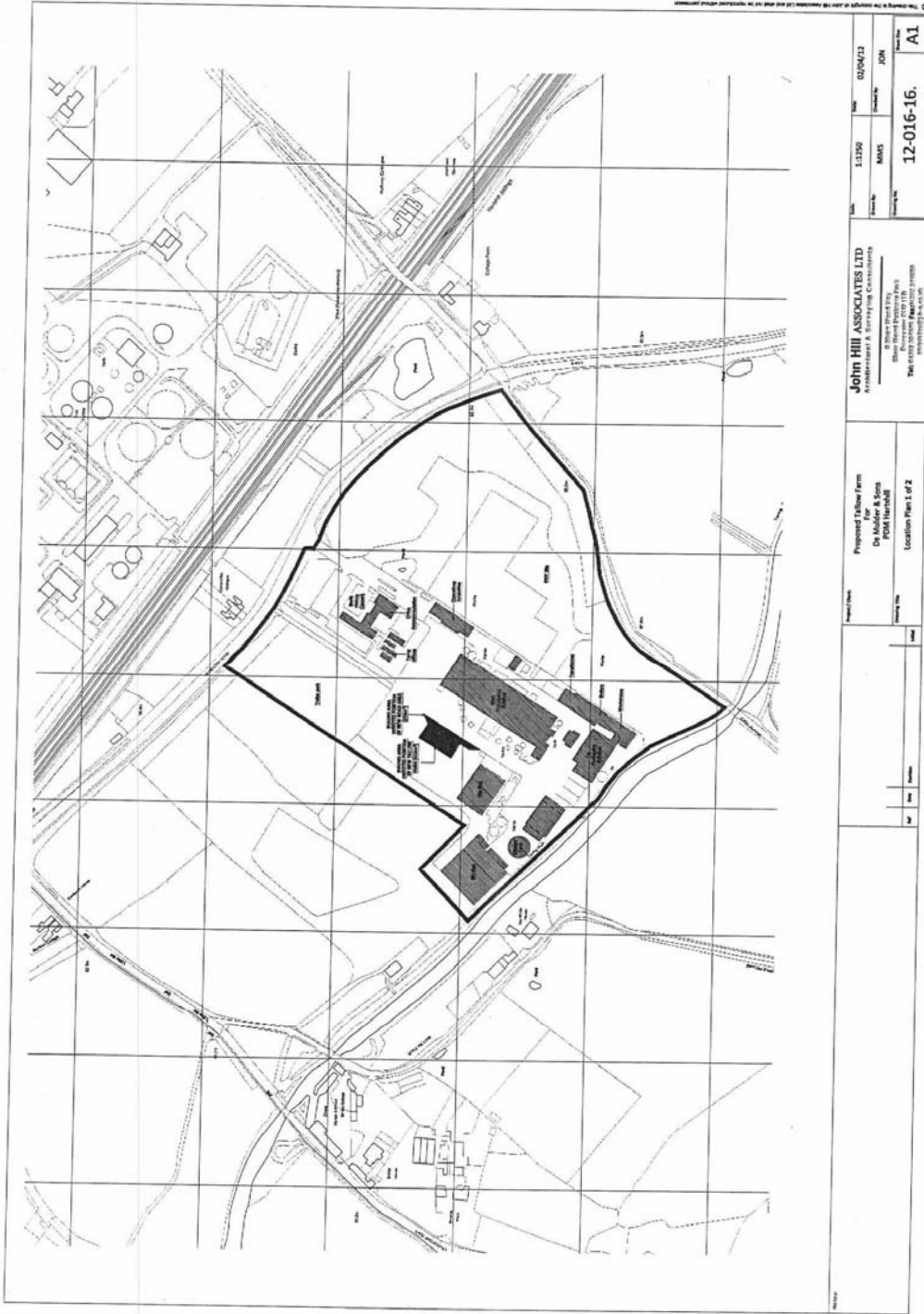
### **Observations**

The Borough Council has only just been invited to submit its comments in respect of this application and thus officers are not yet in a position to consider the planning merits of the case. As such, this item is solely for information purposes at the present time, and a further report will be brought to the Board in due course.

### **Recommendation**

That the receipt of the application be noted at the present time

# APPENDIX A



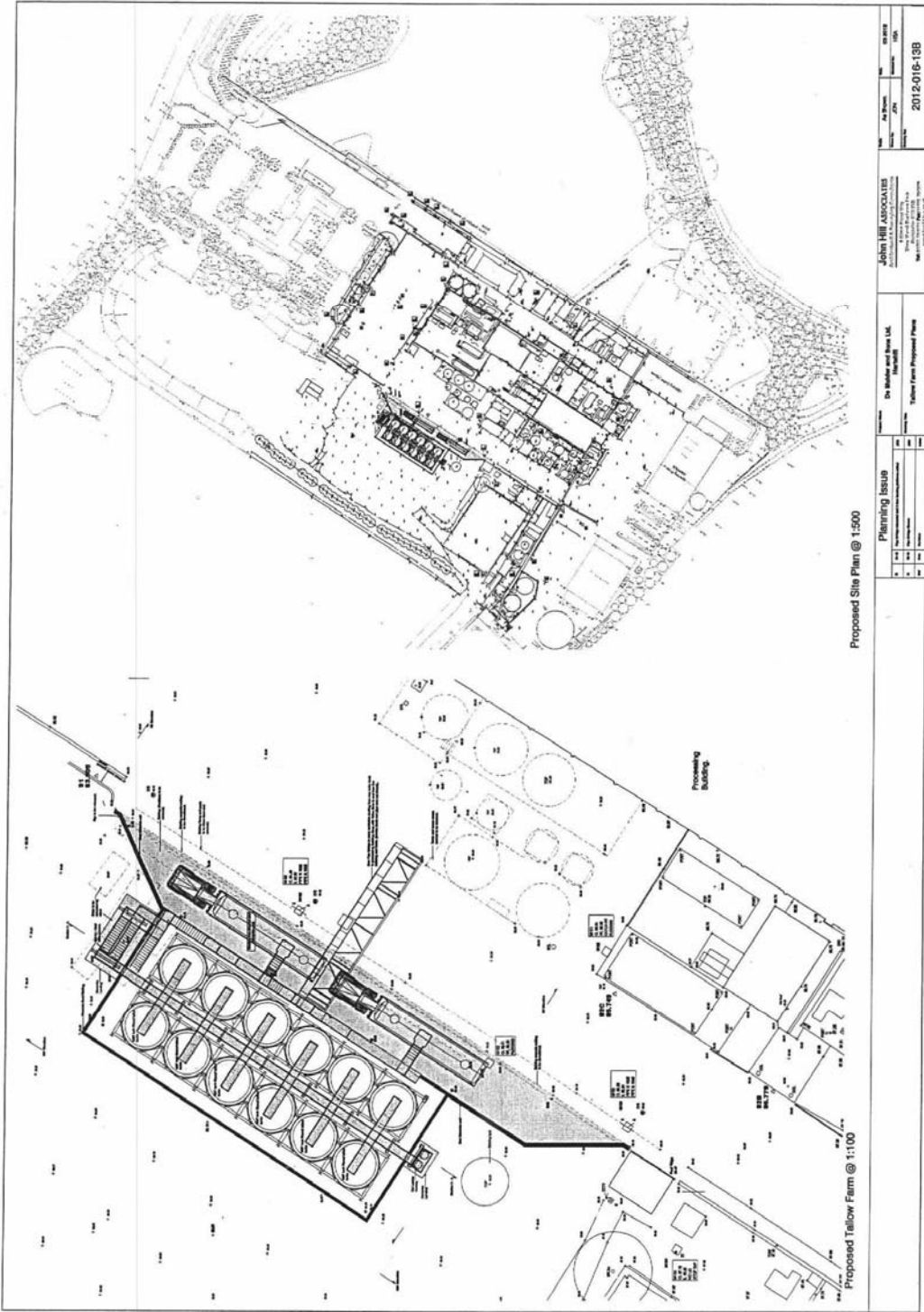
**John Hill Associates Ltd**  
 Architects & Surveyors  
 10000 Highway 100, Suite 100  
 Richmond, BC V6V 2G9  
 Tel: 604-273-1111 Fax: 604-273-1112  
 www.jhill.ca

Proposed Site Plan  
 for  
 The Midland & Sons  
 Plant Expansion  
 Location Plan 1 of 2

Scale: 1:1000  
 Date: 12-01-16  
 Drawn by: MMS  
 Checked by: JON

Sheet No: 12-016-16  
 Title: A1

APPENDIX B



Proposed Site Plan @ 1:500

Proposed Tallow Farm @ 1:100

<b>John Hill Associates</b> 10000 10th Street, Suite 100 Dallas, Texas 75243 Phone: (214) 343-1111 Fax: (214) 343-1112 www.johnhill.com		Job No: 2012-016-19B Date: 12/11/12
<b>De Winton and Sons Ltd</b> 10000 10th Street, Suite 100 Dallas, Texas 75243 Phone: (214) 343-1111 Fax: (214) 343-1112 www.dewinton.com		Title: Tallow Farm Proposed Plans
<b>Planning Issues</b>		
1. Planning Issues	2. Planning Issues	3. Planning Issues
4. Planning Issues	5. Planning Issues	6. Planning Issues
7. Planning Issues	8. Planning Issues	9. Planning Issues
10. Planning Issues	11. Planning Issues	12. Planning Issues





Planning Application - De Mulder & Sons Ltd, Mancetter Road,  
Hartshill, Nuneaton, Warwickshire, CV10 0TA

Supporting Information in Relation to the Proposed New Tallow Farm.

De Mulder & Sons Limited is intending to construct a new Tallow Farm which will require planning permission. This document serves to provide background information in relation to the proposals and the relevant legislation and also to provide an overview of the current development programme planned for the site.

#### Legislative Background Information

De Mulder & Sons Ltd is authorised to process Animal By-Products (ABPs) as defined by Regulation (EC) No 1069/2009. This regulation lays down health rules regarding animal by-products which are not intended for human consumption. It states that ABPs shall be categorised into specific categories which reflect the level of risk they pose to public and animal health.

The process of rendering (regardless of ABP category) produces two distinct finished products; meat and bone meal (MBM) and tallow. These are produced following a crushing, evaporation and separation process where the protein (MBM) and fat (tallow) are produced according to a quality specification. The outlets for these products are dependent on which category ABP has been processed to produce them. In summary these categories are as follows:

##### Category 1 Material

Category 1 material is comprised mainly of entire bodies and parts of animals derived from animals which are suspected of being infected with a TSE (transmissible spongiform encephalopathy) or animals which are killed in the context of TSE eradication measures. It also comprises those parts of animals which are most likely to contain the TSE agent (e.g. brain, spinal cord). Category 1 material can be defined as posing the highest risk and all meal and tallow produced from rendering this material must be disposed of by incineration.

##### Category 2 Material

Category 2 material is comprised mainly of animals and parts of animals which have been declared unfit for human consumption and animals that have died but have not been killed for human consumption or for disease control purposes. Category 2 material can be defined as posing a medium risk and is normally downgraded to Category 1 status and thus the products of rendering must also be disposed of by incineration. It cannot be upgraded to Category 3 status.

##### Category 3 Material

Category 3 material is comprised mainly of carcasses and parts of animals which are slaughtered and passed fit for human consumption but are not intended for human consumption for commercial reasons. Category 3 material can be defined as posing the lowest risk and the meal and tallow produced from rendering is primarily used for the manufacturing of petfood, biodiesel and organic fertilizers.

#### Recent Site Changes

Prior to autumn 2011, the plant at De Mulder & Sons processed Category 1 ABPs. Category 1 volumes have reduced over recent years and this is in part due to the significant reduction in the number of cases of BSE. European legislative changes are also being proposed which would permit the use of single species Category 3 meal for use in animal feed. These changes have



been brought about following many years of research and the overall reduction in risk resulting from the strict enforcement of rules governing animal by-products.

In order to secure the long term future of the site, the decision was taken to cease processing Category 1 material and commence Category 3 processing for the production of saleable finished products. This involved the plant undergoing a full decontamination protocol in order for Animal Health to authorise the plant as a Category 3 approved process.

In addition to the protocol other plant improvements have been implemented including new raw material hoppers and feed system and a new meal grinding plant.

#### Proposed New Tallow Farm

The changes described above form part of a significant development programme proposed for the site. This development programme includes new processing equipment with the aim to be able to produce two different qualities of Category 3 meal and tallow (referred to as 'high grade' and 'low grade') according to customer specification and market demand. This would be achieved within the authorised capacity of the process and preliminary discussions with the Environment Agency regarding this have taken place.

In order to be able to achieve this there is a need to install new tallow tanks to be able to separate the high grade and low grade tallow. Some of the existing tanks have reached the end of their useful life and require replacement. As part of the overall development programme, a new tallow farm is proposed which would consist of twelve 150 tonne stainless steel tanks giving an overall capacity of 1800 tonnes. These would be located on an area within the existing trailer and vehicle parking area and would allow the works to be carried out with minimal disruption to the process. This area of the site is under a long term lease agreement with North Warwickshire Borough Council and their permission to develop the land in this manner has been requested.

The tanks will be approximately 17 metres high and sit within an impermeable concrete bund wall capable of retaining a minimum of 25% of the total capacity i.e. 450 tonnes. Each individual tank will be vented via ducting to a common header which will be extracted back into the main process building thereby minimizing the risk of the release of fugitive odours.

#### Other Provisional Development Proposals

As stated above, it is the intention to provide two separate processing lines to produce high grade and low grade meal and tallow products within the authorised capacity of the plant. This will include an extension to the main process building to house new plant and equipment associated with the low grade line. It is also the intention that the low grade line will benefit from a thermal oxidizer for the destruction of process vapours and odour and a new boiler.

It is intended that evaporation equipment associated with the high grade line will be housed in what is referred to as the 'CG Tower'. Planning permission was granted in 2010 to increase the size of the tower in order to accommodate new equipment and provide emergency exits.

Preliminary design drawings have also been drawn up for a bulk meal store building located on the 'field' which was landscaped in 2008/9 as part of the IREF (Integrated Renewable Energy Facility) development. It is unlikely that the fluidized bed combustion plant associated with the IREF will now be installed and alternative renewable energy technologies, such as anaerobic digestion plants are being considered in conjunction with PDM Groups' majority stakeholder, Saria Bio-Industries. Any proposed changes will be discussed with the relevant authorities as appropriate. The De Mulder and Sons Liaison Committee will also be kept fully informed of any further developments.



Planning Application - De Mulder & Sons Ltd, Mancetter Road,  
Hartshill, Nuneaton, Warwickshire, CV10 0TA

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## **Agenda Item No 5**

### **Planning and Development Board**

**18 June 2012**

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

#### **Planning Fees 2011-12**

### **1 Summary**

- 1.1 The report brings Members up to date with the current position in respect of the receipt of planning fee income.

#### **Recommendation to the Board**

**That the report be noted.**

### **2 Consultation**

- 2.1 No consultation has taken place.

### **3 Observations**

- 3.1 Members will be aware of the difficulties that we have had recently in forecasting the receipt of planning applications due to the economic downturn, and thus in identifying the level of planning fee income. Additionally, officers have made it clear that in the last few months there has been an “up-turn” in that application numbers are increasing together with levels of income. As a consequence this short report is brought to the Board to bring Members up to date.
- 3.2 The original budget set for 2011/12 was to receive £300k in planning fees. In light of the very poor levels of application in the early part of 2011, the budget had to be revised during the normal monitoring process, and a revised budget of £200k was set. As it turned out there was a significant increase in fee income in the latter half of the year such that the final income for the year was £287,663 (this is a net figure because of some refunds having to be made). This represents an income of around about 4% lower than the original budget.
- 3.3 The original budget for 2012/13 was set at £265k and whilst there had been an increase in the value of application fees, it was not known if this could be sustained. At present it is pleasing to report that it has. The profiled budget for the period 1 April 2012 to 31 May is £44k, and the actual fee income received was £55k. Moreover officers are predicting that income levels will continue to be buoyant throughout the next few months, given the potential development

proposals that are likely to be submitted. Members will know that the recent presentations given to them by prospective applicants, confirms this optimism.

- 3.4 The publication of the draft Pre-Submission Core Strategy is likely to encourage further interest over the next few months in both the commercial and residential sectors. There is thus the potential likelihood of a more sustained trend in fee income.
- 3.5 There is still no further news from the Government about the localisation of planning fees.

#### **4 Report Implications**

##### **4.1 Finance and Value for Money Implications**

- 4.1.2 Continued increases in planning fee income are expected despite the current challenging circumstances.

##### **4.2 Links to Council's Priorities**

- 4.2.1 Increases in planning fee income will help with the overall aim of balancing the Council's budget.

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

#### **Background Papers**

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

## Agenda Item No 6

### Planning and Development Board

18 June 2012

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Waste Development Framework -  
Core Strategy – Publication  
Document (Regulation 27)  
consultation (March 2012)**

#### 1 Summary

- 1.1 This report and appendices outlines Warwickshire County Council's Waste Development Framework - Core Strategy - Publication Document (Regulation 27) consultation (March 2012) and the Borough Council's recommended responses to the document.

#### **Recommendation to Board**

**That the response in Appendix A, subject to any further comments by Members, be sent to Warwickshire County Council as the Borough Council's response to the consultation by 25 June 2012.**

#### 2 Introduction

- 2.1 As members will recall from a previous Planning and Development Board report in October 2011, the Core Strategy of the Waste Development Framework is a Development Plan Document which sets out the Spatial Strategy, Vision, Objectives and Policies for managing waste for a 15 year plan period up to 2027/2028. It also provides the framework for implementation and monitoring and for waste development management. The current document is available for examination online at [www.warwickshire.gov.uk/wastecorestrategy](http://www.warwickshire.gov.uk/wastecorestrategy).
- 2.2 The response from the Borough Council to the 'Preferred Option and Policies' consultation, undertaken in September to November 2011, along with other representations, have been taken into account and used to shape this final 'Publication' document. The document contains the revised vision, objectives and key issues as well as the spatial strategy for locating new waste facilities in the County over the 15 year period, together with the Core Strategy and Development Management policies that would provide the framework for development control. The purpose of the current consultation is to invite representations on whether the plan has met all legal and procedural requirements and is 'sound'.
- 2.3 This Submission Draft ('Publication' document) of the Warwickshire Waste Core Strategy will be subject to representations on the 'soundness' of the Core Strategy, beginning in March 2012. This is in accordance with Regulation 27 of

the Town and Country Planning (Local Development) (England) Regulations 2004.

- 2.4 Originally the consultation was scheduled for a period of 8 weeks beginning on 30 March 2012 and ending the 25 May 2012. However due to the recent publication of the National Planning Policy Framework, the Council has decided to extend the consultation. This is to provide stakeholders with an opportunity to consider the NPPF and to decide whether the Waste Core Strategy is consistent with national policy and meets the revised tests of soundness.

### 3 **Timetable**

- 3.1 The County Council will consider responses received and will produce a Statement of Representations, in accordance with Regulation 22 (1) (c). The comments received will be reported to the County's Full Council meeting and any necessary minor changes will be made before it is submitted to the Secretary of State in September 2012 for independent examination. The Secretary of State will then appoint an Inspector, who will hold an 'Examination' to assess whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is 'sound'.

### 4 **Waste Development Framework - Core Strategy – Publication Document (Regulation 27) consultation guidance**

- 4.1 The consultation at this stage is fairly narrow and any comments or objections will need to relate to a matter of legal compliance with the relevant regulations (including the Duty to Co-operate) when producing the Waste Core Strategy and establishing whether the document is "sound". To be sound the Waste Core Strategy should be:

**1. Positively prepared:** The plan should be prepared based on a strategy which seeks to meet objectively assessed developed and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**2. Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

**3. Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

**4. Consistent with National Policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the framework.

- 4.2 As noted in the earlier Planning and Development Board Report of the 17 October 2011, the Core Strategy Preferred Option and Policies document sets out the national and local policy framework within which the Waste core strategy will sit. The Borough raised some concerns over the detail of the Preferred Option 5 and the Counties response to the representations is attached as Appendix B.

...

4.3 The County has noted most of the Borough's concerns, particularly with reference to the need to recognise and identify Waste treatment facilities outside of, but in reasonably close proximity to, both the County and Borough boundary, to reflect the cross border nature of Waste treatment. The County response was to reflect the new "Duty to Co-operate" stressing in the Vision that "**Cross boundary waste management links, especially those with the sub-region, will continue to be recognised**" and referring to cross boundary movement and management of waste in Objective 2.

4.4 Similarly, the Borough's concerns over potential impacts of facilities on the Green Belt were noted. However, no significant change has been made to the Core strategy as the County consider that some waste related activities may be appropriate in the Green Belt and their Policy CS3 prevents large scale waste sites being developed. Nevertheless, the County did include an additional Green Belt consideration in the Development Management Policy DM1, referring to "Impact on the openness of the Green Belt" with further elaboration provided in the supporting text.

## 5 **Recommendations:** **North Warwickshire Borough Response to the consultation**

5.1 In view of the responses made by the county to the representations from the Borough council, and the minor amendments made to the Core Strategy as a result of those representation, it is not considered that there are any further grounds to object, particularly in terms of the "soundness" of the document or relating to legal compliance with the relevant regulations (including the Duty to Co-operate). It is therefore recommended that this Board report and the response detailed on the relevant Response Form, attached as Appendix A, are forwarded as the Borough Council's response to the consultation.

## 6 **Report Implications**

### 6.1 **Finance and Value for Money Implications**

6.1.1 There are considered to be no finance or value for money implications arising at present from the Consultation report. The "Publications Document (Regulation 27)" consultation and waste management strategy may have financial implications for the Council in terms of the impact on waste management and the location and operation of waste services.

### 6.2 **Safer Communities Implications**

6.2.1 An effective and comprehensive waste management strategy and provision of facilities and sites for future waste generation will help address and discourage issues such as illegal fly-tipping and inappropriate waste disposal and treatment that may also have health and safety implications.

### **6.3 Legal and Human Rights Implications**

6.3.1 These issues are addressed in the regulations and legal process governing the consultation and LDF process.

### **6.4 Environment and Sustainability Implications**

6.4.1 Positive potential impact. The delivery of an effective and comprehensive waste management strategy and provision of facilities and sites for future waste generation, with a focus on re-use and recycling will help reduce CO<sub>2</sub> (and Methane) generation, address potential pollution problems while reducing the need to transport waste large distances.

### **6.5 Equalities Implications**

6.5.1 The regulations governing the LDF process and consultation require an Equalities Impact Assessment to be undertaken on the Core Strategy Publication document (Regulation 27). This will be available from the county council.

### **6.6 Links to Council's Priorities**

6.6.1 The consultation report has links to the following Council priorities;

- Enhancing community involvement and access to services
- Protecting and improving our environment
- Defending and improving our countryside and rural heritage

The Contact Officer for this report is Mike Dittman (719451).

## Warwickshire County Council Waste Core Strategy Publication Stage Representation Form

### Please return this form to:

Waste Core Strategy: Publication Stage  
Planning & Development Group  
Sustainable Communities  
Communities  
Warwickshire County Council  
Po Box 43  
Shire Hall  
Warwick  
CV34 4SX

E: [planningstrategy@warwickshire.gov.uk](mailto:planningstrategy@warwickshire.gov.uk)

A copy of the document together with all of the supporting documentation is also available on-line at: [www.warwickshire.gov.uk/wastecorestrategy](http://www.warwickshire.gov.uk/wastecorestrategy).

**The deadline for responses is : Friday 15<sup>th</sup> June 2012, 4.00pm**

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### This form has three parts to it:-

- Part A:** Personal Details
- Part B:** Your Representation(s). Please complete a separate sheet for each representation you wish to make.
- Part C:** About you. This section is for monitoring purposes only. It will be removed from the representation form and analysed separately.
- 

A set of guidance notes is available to help you complete this form.



Office use only

## Part A: Your Details

Representations can not be considered anonymously. However, this will exclude address, telephone number and email address of respondents. The representations made will not be confidential as they will need to be published on the Council's website and copies will be placed at appropriate venues across the county for public inspection.

### 1. Personal Details<sup>1</sup>

<b>Title:</b>	Mr
<b>First Name</b>	Mike
<b>Surname</b>	Dittman
<b>Job Title (if applicable)</b>	Senior Forward Planning Policy Officer
<b>Organisation (if applicable)</b>	North Warwickshire Borough Council
<b>Address Line 1</b>	The Council House
<b>Address Line 2</b>	South street
<b>Address Line 3</b>	Atherstone
<b>Address Line 4</b>	Warwickshire
<b>Postcode</b>	CV9 1DE
<b>Telephone number</b>	01827 715341
<b>Email Address</b>	planningpolicy@northwarks.gov.uk

## Part B: Your Representation

Please use a separate sheet for each representation.

Your representation should cover all of the evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the publication stage. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for the examination.

Name or Organisation - **North Warwickshire Borough**

### 2. To which part of the Waste Core Strategy does this representation relate?

Page number: ----- Paragraph number: -----

Policy/Proposal: ----- Other (e.g. table/figure): -----

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<sup>1</sup> The above personal data will be processed in accordance with the Data Protection Act 1998 and will only be used by the County Council for the purposes of contacting you about the Waste Core Strategy. It will not be passed on to any third parties.

**3. Do you consider the Core Strategy to be:**

- |   |     |   |    |                          |
|---|-----|---|----|--------------------------|
| A. Prepared in accordance with the Duty to Cooperate, legal and procedural requirements * | Yes | X | No | <input type="checkbox"/> |
| B. Sound *  | Yes | X | No | <input type="checkbox"/> |

\* An explanation of the legal and procedural requirements, the Duty to Cooperate, and what is meant by 'sound' is provided in the guidance notes.

**4. If you consider the DPD to be unsound please specify your reason below:**

- A) It is not justified
- B) It is not effective
- C) It is not consistent with national policy
- D) It has not been positively prepared

**5. Please give details below of why you consider the Core Strategy unsound or why it has not been prepared in accordance with the Duty to Cooperate, legal and procedural requirements. Please could you be as precise as possible. If you wish to support the legal compliance or soundness of the Core Strategy, please also use this box to set out your comments.**

N/A

(Please continue on a separate sheet if necessary. Please provide your name/organisation number and the representation which it relates to (i.e. representation ----- of -----))

**6. Please set out what change(s) you consider necessary to ensure that the Core Strategy is sound or has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements. Please be as precise as possible.**

N/A

Please note that your representation should cover concisely all of the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. Please be as precise as possible.

**7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?**

No, I do not wish to participate at the oral examination  X

Yes, I would like to participate at the oral examination

**8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

Please note that the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**Planning and Development Board 18 June 2012 - Appendix B**

**Waste Development Framework - Core Strategy – Publication Document (Regulation 27)**

Preferred Options and Policy consultation. - County Response to North Warwickshire Borough Council Representations

Mr Mike Dittman	North Warwickshire Borough Council	section	1	Please find attached the covering letter and supporting documents.	
Mr Mike Dittman	North Warwickshire Borough Council	question	Question 1	Yes	Noted
Mr Mike Dittman	North Warwickshire Borough Council	question	Question 2	Yes	Noted
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 1	Yes	Noted
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 2	Yes - with qualifications noted in the Board Report 17th October 2011 regarding Green Belt designations and the need to protect such areas from development, targeting brown field sites or sites within current development boundaries. The Strategy should also emphasise the need to look at cross boundary solutions, particularly where existing facilities exist that could accommodate or expanded to cater for growth, temporary or otherwise, without/rather than requiring new sites, particularly in Green Belt locations. In the case of the Coleshill area, many people use the Solihull MBC site at Bickenhill	Noted – With the duty to cooperate cross boundary solutions will take on greater importance and will need to be reflected in the core strategy.
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 3	No - In particular it is the reference to close proximity (5km) of Coleshill which lies in the Green Belt. The Draft of the Preferred Option for the Borough's own Core Strategy strongly protects the Green belt and is concerned that although the Green belt is seen as a constraints in section 3 this does not seem to have stopped the inclusion of this policy steer.	The need to protect the green belt is recognised in the core strategy but some waste related activities can be appropriate for the green belt.
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 4	Unsure - there may be the opportunity of combining this policy with the latter CS3 on large sites. The issues appear to be the same and the spatial location requirements are essentially the same. So why separate the two policies?	This proposed policy does allow for small developments outside of the primary settlements whereas CS3 specifically precludes this.
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 5	Yes. Nevertheless, the Strategy should emphasise the need to look at cross boundary solutions, particularly where existing facilities exist that could accommodate or expanded to cater for growth without/rather than requiring new sites, particularly in Green Belt locations. In the case if the Coleshill area, many people use the Solihull MBC site at Bickenhill.	Noted – With the duty to cooperate cross boundary solutions will take on greater importance and will need to be reflected in the core strategy.
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 6	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy Policy 7	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	policy	Core Strategy	Yes.	Noted

			Policy 8		
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 1	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 2	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 3	Yes (Encouraging alternative transport options and discouraging use of Rural roads by heavy lorries, impacting on rural communities, is considered important).	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 4	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 5	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 6	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 7	Yes.	Noted
Mr Mike Dittman	North Warwickshire Borough Council	box	Development Management Policy 8	Yes. Nevertheless, the Strategy should emphasise the need to look at cross boundary solutions, particularly where existing facilities exist that could accommodate or expanded to cater for growth, temporary or otherwise, without/rather than requiring new sites, particularly in Green Belt locations. In the case of the Coleshill area, many people use the Solihull MBC site at Bickenhill.	Noted – With the duty to cooperate cross boundary solutions will take on greater importance and will need to be reflected in the core strategy.
Mr Mike Dittman	North Warwickshire Borough Council	question	Question 5	Unsure, possibly clearer reference to Green Belt protection and retention in either existing proposed Policy Development Management Policy 1 or as a stand alone policy?	Noted – 'Impact on the openness of the Green Belt' will now be included as a consideration in Policy DM1 and further elaboration will be provided in the supporting text.

**Agenda Item No 7**

**Planning and Development Board**

**18 June 2012**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 8**

**Breaches of Planning Control - Report of the Head of Development Control.**

Paragraph 6 – by reason of the need to consider appropriate legal action

The Contact Officer for this report is David Harris (719222).