

**(8) Application No: PAP/2012/0008**

**Arley Working Mens Club, Spring Hill, Arley, CV7 8EF**

**Outline application for 10 new bungalows and associated roads, for**

**Mr Colin E Teagles**

**Introduction**

Receipt of this application was reported to the February Board meeting when the site was described together with a summary of the proposals. The key planning policy issues were also identified. It is not proposed to repeat this here, and thus a copy of that report is attached at Appendix A for convenience.

**Background Information**

The previous report indicated that background information had been submitted with the application and this has been supplemented as a consequence of further discussion with the applicant. These matters are described below because they address the evidence base needed in respect of the key planning policy issues raised by that earlier report.

**a) The Club**

The last Secretary of the Club has confirmed that the membership had been decreasing since he began in 1995. As a consequence the financial situation became one of moving into debt. The function room was advertised and marketed for social functions unrelated to the Club but these too were insufficient. The present applicant acquired the freehold in 2007, with the Club leasing the premises back. He then invested in the building through refurbishment and repair of much of the building. This included new heating and generally upgrading the infrastructure. Notwithstanding this, the situation did not improve and the Club did not renew its lease in 2009. There were approaches made to the owner in respect of alternative redevelopment proposals – for a private house; a nightclub and for a car dealership. It is said that none of these were financially attractive to the owner. The owner has confirmed that no marketing has been undertaken to dispose of the premises as a Social Club because he considers that there is no market for such a use citing the change in entertainment and social habits of the current generation and the nature and scope of facilities in the area around. Additionally extra investment is again needed to open the building for such a renewed use because it has to be brought up to current standards to meet all of the appropriate regulations. There has however been interest from property interests including a Housing Association, all of whom are seeking vacant possession but subject to a residential planning permission.

The applicant points out that there are alternative drinking facilities in the locality, and that community rooms are available in Arley. He points out that

weddings and similar functions now regularly take place in other venues which are more attractive for such functions and that concerts and the like are catered for outside of Arley.

b) The Housing Needs Survey

This was undertaken in 2011 in conjunction with housing officers of the Council and drew on the results of a similar survey carried out in 2008. The findings show a wide and significant housing need in Arley ranging from flats to family houses as well for a mix of different tenures. For the purposes of this application it did show a need for ten two bedroom bungalows – three for social rent and seven for shared ownership. In respect of the comments received from residents then, there was a noticeable reference to the need for bungalow accommodation either as a direct housing need or from people wanting to “down-size” thus freeing up larger property.

c) The Provision of Affordable Housing

As indicated in the first report there is no mechanism identified for the delivery of the affordable housing proposed within the application. The applicant has since confirmed that he wishes to sell the freehold with the benefit of planning permission and that is why the application is in outline. Without confirmation of a known interest in the site, the way to achieve the provision of affordable housing would have to be by condition seeking measures to ensure affordability in perpetuity and that occupation is based on locality criteria. The discharge of the condition would be through a Section 106 Agreement. This procedure has worked elsewhere in the Borough. The applicant is not averse to the imposition of such a condition.

d) The Financial Appraisal

The applicant has provided a financial appraisal. This is said to show that the ten units are the minimum necessary in order to make the scheme viable if affordable units are to be provided. This is supplemented with appraisals based on different scenarios – one being eight bungalows but all affordable, and a second being the provision of just four bungalows across the frontage of the site. These two options show that such schemes would not be viable. The applicant also refers to current Government policy in its draft NPPF which encourages mixed tenures even for Rural Exception Sites.

## **Consultations**

Warwickshire County Council as Highway Authority – No objection subject to standard conditions relating to the position and dimensions of the access.

Warwickshire Police – No objection but recommends that in order to reduce the risk of crime, certain design measures are introduced at the detailed stage. A request is also made for a financial contribution of £5660 in order to fund “capital projects”.

Environmental Health Officer – No objection subject to a ground investigation report and associated risk assessment being undertaken, the scope of which should be agreed by the Council, together with an appraisal of remediation measures if appropriate.

Severn Trent Water Ltd – No objection

Environment Agency – No objection

Warwickshire Museum – No objection subject to a condition requiring a programme of archaeological work has been agreed in line with a brief to be first agreed following advice from the Museum.

Council's Valuation Officer – The appraisals that have been undertaken are realistic and the conclusions reached on viability are reliable.

Council's Housing Officer – Supports the development in principle

### **Representations**

The applicant himself has supplied five supporting letters from residents in Spring Hill saying that the proposals would improve the area and provide needed housing.

Objections have been received from residents in Spring Hill. The reasons are that it is considered too many units are being provided on the site and that those at the rear of the site would not meet the present building line.

A further objector writes to say that the village has “deteriorated” in the past twenty years with a loss of services and empty homes. Any affordable homes should be located on the former Miners Welfare site. This Working Men's Club site should be used for a new Surgery. Services should be improved before more housing is built.

This is echoed in a further objection who says that the proposed development is not needed and is in the wrong location. There is too much traffic and the utility services will not cope. It is also on Green Belt land. It should be returned to open countryside or to a community field.

Further representations relate to increased traffic; questioning the adequacy of the drainage system, an approval for bungalows could be superseded for houses in the future,

Further objections refer to the illustrative layout commenting on numbers; the building line, the need for on-site garaging, that they should all be “life-time”

homes, and that there is no reference to the Code for Sustainable Homes. There is also much criticism of the internal design and layout of the bungalows. Confirmation is also sought that these if approved, would be taken off the number/target for new homes as set out in the draft Core Strategy.

## **Observations**

This section of the report will follow the outline set out in the first report where the key planning policy issues were set out.

### **a) The Community Facility**

The proposal will result in the loss of a community facility. The general approach of the Development Plan is to safeguard such facilities, unless there is evidence to suggest otherwise. Here the facility is a large former Working Men's Club which provided drinking and social entertainment and activities. Members will be familiar with the loss of this type of establishment over recent years and the widening range and scope of competing facilities in attracting and diverting the general public away from this form of "club". There is now a significantly wider range and scope of facility available to and catering for, a wide range of different market areas. The loss of membership here and the subsequent financial loss are not unexpected. Notwithstanding attempts by a new owner after injecting capital into improving infrastructure and appearance, membership did not increase and neither did new opportunities open up. The evidence submitted with the application supports this general outline. The marketing undertaken and the interests expressed all suggest that there is unlikely to be a reasonable prospect of the facility coming back into community use.

As reported above there are other alternative premises offering equivalent facilities in the nearby area, with other facilities also available for functions and events particularly in Coventry and Nuneaton.

The costs just to refurbish the building to bring it to present standards for use as a facility open to and providing entertainment on a regular basis, are significant. These have been verified by the Council's own valuation officer as being a reasonable estimate. In short this is a large and outdated building which has little prospect of being re-used for its original purpose.

Given the general background described above, it is considered that the prospects for the re-use of the premises as a social club are very unlikely. Neither has there been any submitted "public" interest expressed from voluntary groups or other voluntary organisations either to take over or to re-use the space. In all of these circumstances it is accepted that the loss of this facility is not a matter that would carry significant weight in the assessment to be undertaken about redeveloping the site.

### **b) Housing Need**

There is a local housing need in Arley. This was established by the previous Housing Needs Survey and has now been endorsed by the recent and very up to date survey. This carries substantial weight. It clearly shows a large housing need which can in part be met through this development proposal. The number, type and tenure of property being proposed matches that need. The Housing Officer supports the development proposal.

It is however necessary to comment further on the fact that the proposal is for eight affordable units out of a total of ten proposed. It is thus not wholly an affordable scheme. Moreover new open market housing in the Green Belt is not something that is supported in national or Development Plan policy. The applicant is saying that there are considerations here that are significant enough to warrant the inclusion of two bungalows as a very special circumstance. The first is the cost of demolition and clearance together with the costs associated with ground conditions surveys, archaeological investigations and bat surveys. This is not a green field site and there is thus an unusual cost associated with its development if it is to be viable at all. Secondly, these units will add value to the site. If it were to be developed wholly for affordable units, then more than ten units would be needed. This may meet one planning objective – the provision of affordable homes, but would adversely impact on another – namely retaining the openness of the Green Belt. Here a higher density development with two storey housing would not be a good Green Belt outcome. The applicant is saying that this is the best balance – all bungalows in order to achieve openness, but still provide a material impact on reducing housing need. Thirdly, the draft NPPF issued by the Government openly calls for mixed tenures including market housing, even on Rural Exception Sites, if that makes them viable and thus will deliver more houses overall.

These arguments all carry weight and are accepted in the circumstances of this particular case. Overall there is thus the evidence base to support this proposal from a housing perspective.

#### c) The Green Belt

The observations as set out above are leading to the likely support of this proposal. However before a formal recommendation of approval can be made, there is a need to look at the impact of this proposal on the Green Belt.

This proposal will perpetuate built development on this site and thus it could be said that the proposal would not meet the objectives of retaining land within the Green Belt. In this case there would be an extension to the village of Arley, thus not preventing the spread of development. However, here the base-line is that there is a building already on the site. It is large, both in footprint and volume. There is a lawful use on the land for a community/entertainment facility. That use also depends on adjoining land being used for car parking. As a consequence the base-line is that lawful use; a brown field site not open countryside, which is occupied by a building and use that materially impacts on the openness of the area. Whilst the proposal

will have less footprint in total than the existing, and take on a different character, it will still have an impact on openness because there will be buildings across the site. Openness can not be said to have materially increased as a consequence of the proposal. It is agreed that the visual impact and overall impression might well be “better” or “improved”, but the criterion in respect of Green Belts is “openness”. The proposal is thus not one that is overly convincing on this basis.

There is however a mitigating factor that does carry weight. This is that the site is on the edge of the settlement. It has frontage development to one side and on the opposite side of the road. It is thus not an isolated site or one that is dislocated from the settlement. Because of the long established nature of the Club being on the site, there is also some weight to the view that, irrespective of the line of the Green Belt boundary, the site is already part of the built up area of Arley. It is considered that these factors do add weight, but that there still remains no overall substantive reduction in openness as a consequence of the proposal.

#### d) Conclusion

So with the conclusions as set out above not all leading in the same direction, the Board will have to balance these issues. In essence the question is whether the public “planning” benefit is better served by the proposal rather than not. It is suggested that it is. There is little benefit to retaining the existing premises and little prospect of the lawful use becoming viable. Alternatives exist locally. The site is unsightly. There is evidence of a local housing need and this proposal matches that need impart. The amount of development is needed to deliver that need. There will be an impact on openness because it will not be improved, but there will be less impact on the overall objective of retaining this land in the Green Belt if it is developed in the manner proposed. Overall it is considered that the housing need and particularly that of delivering affordable homes is overriding. In short there is greater benefit in making that provision now. Looking at it another way, this provision in effect becomes a replacement but different community facility.

#### e) Other Considerations

It will be seen from this report that there is little comment from the consultation responses which would lead to the need to consider a refusal. Matters can be dealt with by condition.

It is however necessary to look at the comments made by the representations. These refer amongst other things to the illustrative layout and to the bungalow design which as Members will appreciate are not to be considered at this time. If permission is granted and a developer becomes interested, then that developer will then submit his own detailed proposals. The matters raised by the representations will therefore be considered at that time. Hence the very detailed criticisms and comments received in some of the objections are not relevant to this particular application.

However issues raised that are relevant now are the number of units being proposed and the consequential impact, as that will almost certainly result in development behind a built frontage. This will be the case if ten units are agreed. However, officers are satisfied that ten is the minimum number necessary to make the scheme viable; that the footprint of the lawful building presently on the site is a “fall-back” position, that that too is “back-land” development, and that the impact on the adjoining residential premises can be dealt with at the detailed stage. However Members do need to be aware that if this proposal is to be permitted there will development at the rear of the site. Again, the issue is whether this is a reason that is of so much weight that it denies removal of these premises and the provision of affordable houses. A further theme from the objections relates to the view that there are already empty houses in Arley, and thus new building is not “needed”. It is not denied that there are such houses. However, this proposal directly addresses an explicit housing need identified through an up to date survey. It proposes bungalows which are specifically mentioned in that survey. Members will know that the former Miner’s Welfare Site in Ransome Road, referred to in the representations benefits from an outline planning permission for 37 dwellings - of which 15 are to be affordable. All of these 37 dwellings are to be family sized houses. As a consequence that site will be developed. The reference to the Surgery has been resolved with the grant of permission for the new Medical Centre at Station Road in Old Arley.

It is not considered that these representations are of sufficient weight to warrant refusal of this current application.

### **Recommendation**

That outline planning permission be granted subject to the following conditions:

- i), ii) and iii) Three standard outline conditions
- iv) Standard Plan Numbers condition – Location Plan received on 12/1/12.
- v) The maximum number of dwelling units to be constructed on this site shall be 10, and none shall be more than one storey in height.

Reason: In order that the development reflects the very special circumstances surrounding the case and in order to improve openness hereabouts.

- vi) No work whatsoever shall commence on site until a scheme for the provision of eight affordable bungalows, as part of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. These affordable bungalows shall meet the definition of affordable housing set out in the saved policies of the North Warwickshire Local Plan 2006. The scheme shall include: the type and tenure of these eight bungalows; the timing of their construction and its phasing in relation to the occupancy of the other two “market” bungalows, the arrangements

for the transfer of the eight bungalows to an affordable housing provider, the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the eight bungalows, and the occupancy criteria to be used for determining the identity of occupiers of the eight bungalows and the means by which such occupancy criteria shall be enforced.

Reason: In the interests of securing affordable housing provision on the site so as to meet the very special circumstances surrounding the approval of the permission here as a Rural Exceptions Site

- vii) Only one access is to be provided onto Spring Hill. The centre of this vehicular access into the site shall not be less than 22 metres from the western edge of the site where it meets the public highway. It shall not be less than five metres wide and provided with a bell-mouth.

Reason: In the interests of traffic and highway safety

- viii) No development shall commence on site until such time as a ground investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination in, on or under the site. The scope of the scheme should be agreed in writing by the Local Planning Authority prior to the investigation taking place.

Reason: In the interests of reducing the risks from contamination.

- ix) The report of the findings of the investigation undertaken in response to condition (viii) shall include a survey of the scale and nature of contamination at the site and the risk assessment must include assessment of the potential and actual harm to human health, property, controlled water, protected habitats and sites of historic importance. The report shall also include recommendations for remedial measures proportionate to the contamination discovered. A remediation statement shall be submitted to the Local Planning Authority setting out these measures. No work shall commence on these measures until they have been agreed, varied or added to by the Local Planning Authority in writing.

Reason: In the interests of reducing the risks from contamination.

- x) Following completion of the measures agreed under condition (ix), a Verification Report shall be submitted to the Authority evidencing the full completion of these measures. No work shall commence on the development of the development hereby approved until this Report has been agreed by the Authority in writing.



Reason: In the interests of reducing the risks from contamination.

- xi) If, during development, contamination not previously identified is found to be present at the site, then no further whatsoever shall be carried out, until the developer has obtained the written agreement of the Authority for further measures in order to remediate that contamination. The Verification Report referred to in condition (x) must ne updated to accommodate these additional measures.

Reason: In the interests of reducing the risks from contamination.

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

Reason: In the interests of the potential archaeological value of the site.

- xiii) No development shall commence on site until the applicant, or their agents or successors in title, has undertaken a bat survey in order to establish the presence of bats in the buildings to be demolished. The survey shall include recommended mitigation measures appropriate to the findings of that report. The survey shall be submitted to the Local Planning Authority.

Reason: In the interests of protecting the ecology of the site

- xiv) No bungalow hereby approved shall be occupied until such time as the measures referred to in condition (xiii) above have first been fully implemented to the written satisfaction of the Local Planning Authority.

Reason: In the interests of protecting the ecology of the site.

## **Notes**

The development plan policies relevant to this proposal are saved core policies 1, 2, 6, 8 and 12 together with saved policies ENV2, ENV6, ENV11, ENV12, ENV13, ENV14, HSG2, HSG3, COM2 and TPT6 of the North Warwickshire Local Plan 2006.

## **Justification**

The site is in the Green Belt and the proposal is one of inappropriate development. The Council is satisfied that sufficient evidence has been submitted in the form of the identification of material planning considerations to warrant them being considered as the very special circumstances necessary to override the presumption of refusal. The evidence leads to the proposal being treated as a Rural Exceptions Site. The evidence relates to an

up to date and relevant Housing Needs Survey; a lawful and extant community facility on the site, the provision of affordable housing to meet the identified housing need, evidence to support the loss of the current facility and equivalent provision in the locality, a financial appraisal indicating that the proposal provides the minimum quantum of development necessary to make the scheme viable, and a neutral impact on the openness of the Green Belt. There are no adverse comments from the various technical consultations. Concerns from local residents about the detailed design and layout of the bungalows are matters to be dealt with at the detailed stage of this development. They do not affect the principle of the development. There will be an impact on the street scene here and there will be development in depth. However it is considered on balance that the greater public benefit lies in the redevelopment of the site. The existing premises have no reasonable prospect of continuing and the proposal meets an identified and much needed housing requirement. As such it is considered that the proposal does accord with saved core policies 1, 2 , 8 and 11, together with saved policies ENV2, ENV6, ENV11, ENV12, ENV14, HSG2, HSG3 and COM2 of the North Warwickshire Local Plan 2006, and Government Guidance in PPS 1, PPG2 and PPS3.

## BACKGROUND PAPERS

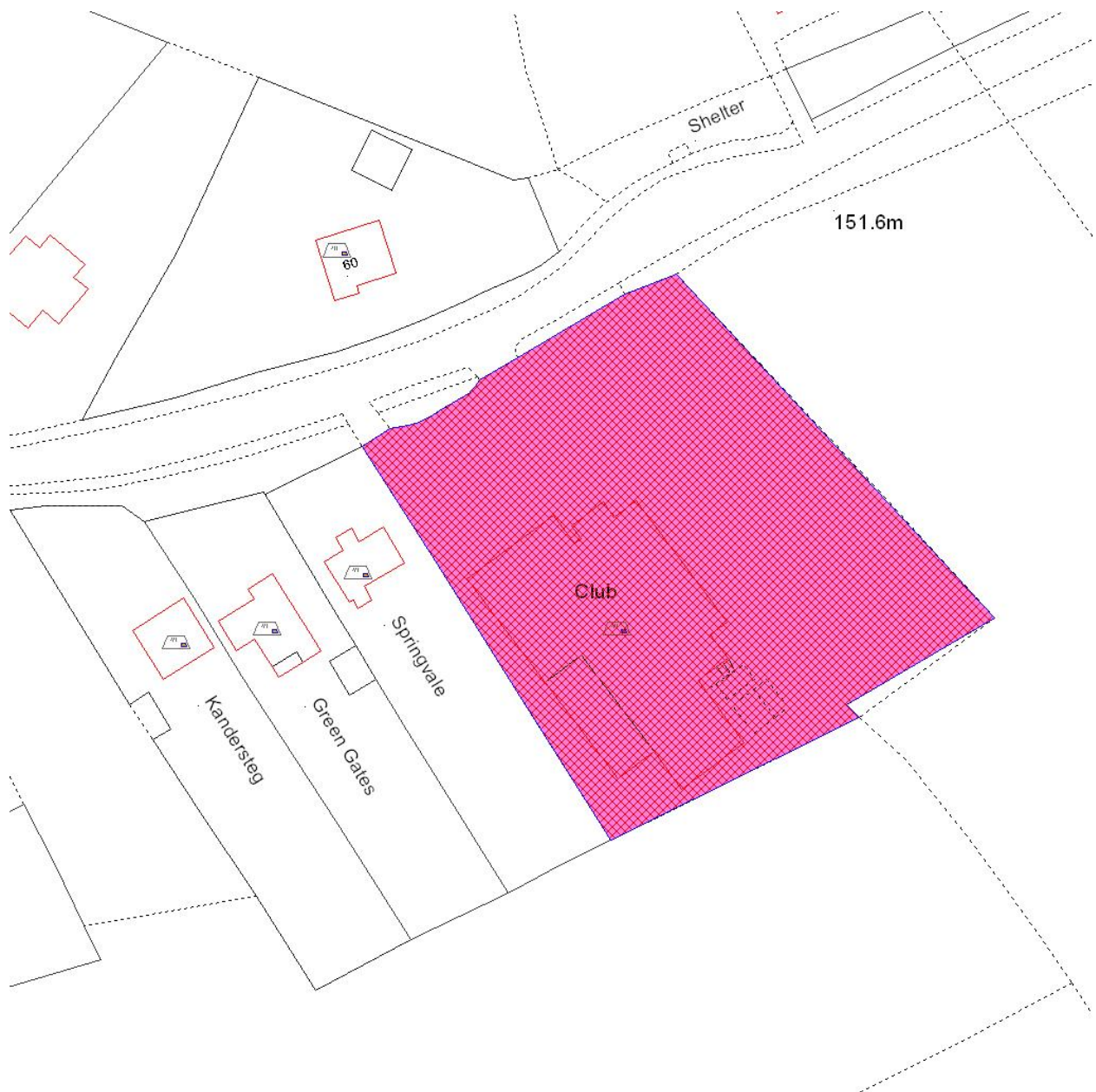
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0008

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/1/12
2	Assistant Director (Housing)	Consultation	11/1/12
3	Head of Development Control	Letter	16/1/12
4	K Stain	Objection	13/1/12
5	Warwickshire Museum	Consultation	25/1/12
6	Severn Trent Water	Consultation	18/1/12
7	Mr Sheppard	Representation	23/1/12
8	Applicant	E-mail	25/1/12
9	S Baird	Representation	26/1/12
10	Environment Agency	Consultation	26/1/12
11	Environmental Health Officer	Consultation	26/1/12
12	Warwickshire Police	Consultation	27/1/12
13	Agent	Letter	27/1/12
14	W Harris and S Graham	Representation	25/1/12
15	Mr & Mrs Gibson	Representation	25/1/12
16	Head of Development Control	Letter	30/1/12
17	A Cullimore	Objection	31/1/12
18	Warwickshire County Council Highways	Consultation	1/2/12
19	A Ellis	Objection	1/2/12
20	Applicant	Letter	2/2/12
21	Agent	Letter	6/2/12
22	R Ellis	Objection	8/2/12
23	Agent	Letter	14/2/12
24	Valuation Officer	Consultation	23/2/12

*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.*



Shelter

151.6m

Club

Springvale

Green Gates

Kandersteg

60



## **APPENDIX A**

### **General Development Applications**

#### **() Application No PAP/2012/0008**

#### **Arley Working Mens Club, Spring Hill, Arley**

#### **Outline application for 10 new bungalows and associated roads, for Mr Colin E Teagles**

#### **Introduction**

This application is reported to the Board at this time for information purposes only. A determination report will be prepared for a later meeting. Its referral to Board is at the discretion of the Head of Service given that the application is being treated as a Rural Exceptions Site, and thus has significant policy implications.

#### **The Site**

This is a rectangular area of land, just under 0.4 hectares in extent, on the south side of Spring Hill, about 100 metres east of its junction with Lamp Lane. There is open countryside to the rear and to the east of the site with residential development to the west fronting Spring Hill. The existing site comprises a large building being the former Club house together with a detached dwelling – the former steward's house. In total this amounts to around 950 square metres of floor area and has sections of two and single storey height. The Club ceased trading in mid-2009 and has been vacant since that time. The building is located to the west of the site with the remainder being put over to hard surfacing as a car park to accommodate over 150 cars. The site is open on three sides with very little in the way of tree or hedgerow boundary cover. Access is directly to Spring Hill. There is frontage residential development on the opposite side of Spring Hill.

The site commands extensive views across open countryside to the south as the land here falls away from Spring Hill.

The site location is shown at Appendix A.

#### **The Proposals**

It is proposed to demolish the existing club house and dwelling so as to redevelop the complete site as a small residential cul-de-sac providing ten bungalows. This would provide a density of around 27 per hectare. The application is in outline, and thus there are no layout or design proposals. However an illustrative layout has been submitted in order that the community can visualise what the site might look like. This is attached at Appendix B and shows ten bungalows amounting to around 750 square metres of floor area.

The proposal is for ten bungalows, seven of which are to be “affordable” with the remainder as open market units. It is suggested that five of the affordable units could be socially rented with two as shared equity accommodation. At present there are no measures proposed as to how this affordable provision might be provided.

The application is accompanied by supporting documentation including a Housing Needs Survey for Arley; a Design and Access Statement, a Financial Appraisal, a Ground Condition Survey and Supporting Letters and Documentation.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration), 2 (Development Distribution), 6 (Local Services and Facilities), (Affordable Housing) and 12 (Implementation) together with Policies ENV2 (Green Belt), EMV6 (Land Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside Development Boundaries), COM2 ( Protection of Land for Existing Community Facilities), TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

Government Planning Policy – PPS1 (Delivering Sustainable Development), PPG2 (Green Belts) and PPS3 (Housing)

Draft National Planning Policy Framework (NPPF) - 2011

The Council’s Draft Core Strategy 2011 – Policies NW1 (Settlement Hierarchy), NW3 (Affordable Housing), NW4 (Sustainable Development), NW5 (Quality of Development), NW11 (Services and Facilities)

The New Homes Bonus

### **Observations**

The application is in outline and thus the Board’s remit is to decide on the principle of this development. A number of planning policy considerations will need to be worked through as a consequence, and it is considered useful if they are identified at this time in this preliminary report. The site is wholly in the Green Belt, outside of the development boundary for New Arley as defined by the Local Plan; it involves the loss of a community facility, it involves the provision of affordable housing, and there is the normal range of planning considerations that need to be taken into account – access, drainage etc.

Essentially the application is for inappropriate development in the Green Belt which happens to involve the loss of a community facility, and these are the main planning issues here. When the determination report is brought to the

Board, it will fully explore both issues. In respect of the second, then it will be necessary to assess whether there is a continuing need or demand for the facilities provided at the former club; whether they can be provided elsewhere in Arley, whether there is a cost involved in the refurbishment of the existing premises to bring it back into use and what the prospects are to retain a viable facility. The resolution of these questions will then provide a pointer as to whether the loss of the facility is something that can be supported in principle. If it is, then the first issue will need further exploration.

This revolves around the Green Belt issue. As the development is for residential development, it is as a matter of fact a proposal for inappropriate development in the Green Belt. The presumption is thus that planning permission be refused. However here, the applicant is arguing that there are material planning considerations of such weight that they amount to the very special circumstances necessary to override that presumption. The basis of that argument is that this should be treated as a Rural Exceptions Site. Government advice is set out in PPG2 in a case such as this. It says that, "The release, exceptionally, for small-scale, low cost housing schemes of other sites within existing settlements, which would not normally be considered for development under such policies, would be a matter for the judgement of the planning authority, having regard to all material considerations, including the objectives of Green Belt policy and the evidence of local need". Hence, the Board will need to examine the evidence base behind the amount and type of housing provision proposed; whether it is small-scale, whether its location adjoining a development boundary is suitable and whether its development would adversely affect the objectives of retaining the site in the Green Belt, and whether it impacts any more on the openness of the Green Belt than the present lawful use. If it is satisfied on these matters, then the Board will need to assess where the overall balance lies – in other words, do the material planning considerations outweigh the presumption of refusal.

As indicated above, the Board will also have to establish that the site could be appropriately developed in terms of limiting highway and drainage impacts, as well as not intruding on the residential amenity of neighbouring occupiers.

### **Recommendation**

That the receipt of the application is noted at this time and that a full determination report is prepared in due course, once consultation has taken place.





## BACKGROUND PAPERS

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

### Planning Application No: PAP/2012/0008

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	09/01/2012

*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





**(9) Application No: PAP/2012/0020**

**Application for the Approval of Reserved Matters following outline planning permission 2011/0529, in respect of appearance, landscaping, layout and scale, together with discharge of conditions 15 (landscaping); 17 (drainage) and 21 (lighting), all for**

**WM Morrison Supermarkets Ltd**

**Introduction**

Outline planning permission was granted in 2009 for the construction of a retail store on this car park and adjoining land in Coleshill. This was subsequently amended in December 2011 in respect of the proposed access arrangements. The current application now seeks approval for several matters reserved by the 2011 permission.

The Board's attention is drawn to the fact that its remit here is solely to look at the merits or otherwise of the details submitted, and it is not to re-open the debate concerning the principle of having the store at this site in Coleshill.

The receipt of the application was reported to the Board's February meeting. At that time Members expressed some concerns about the appearance of the new building and requested that representatives of the Board meet with the architects to secure some changes. That meeting has taken place and the plans now reported to the Board reflect the outcome from that meeting. Re-consultation on the amendments has also been completed.

For convenience the previous report is attached at Appendix A.

**The Site**

Members will be familiar with this site. For the purposes of this current application, attention is drawn to the surrounding developments – the recently erected three storey brick built housing block to the north; the three storey housing blocks behind the site to the east, and to the open Memorial Park to the south. It is also important to draw attention to the skyline of Coleshill and to the fact that the land rises quite sharply as one drives up the Birmingham Road and into the town.

## **The Proposals**

The matters included in this current application are:

- i) Approval for the appearance of the store. The latest plans are shown at Appendix B. At the meeting referred to above, Members expressed the view that the building could better “read” as a whole if some adjustments were made and requested alterations to the design of the service area; the porch entrance, and the coloured cladding.
- ii) Approval for the layout. This reflects explicitly what was approved in late 2011 under the amended proposals. Members at the meeting with the architect requested that there be no trolley parks in front of the building, and this has been adhered to.
- iii) Approval of the scale. This reflects what was approved in late 2011.
- iv) Approval of landscaping. Interestingly, the car park layout has been slightly adjusted to show increased green areas under the trees on Park Road. The area in front of the retaining wall around the site is to be heavily planted with a variety of shrubs, particularly along the Birmingham Road frontage and at the junction with Park Road.
- v) Approval of the drainage arrangement. As previously indicated the solution here is to incorporate underground storage tanks – see Appendix A.
- vi) Approval of lighting. Four 8 metre columns are proposed within the car park with three wall mounted lanterns.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 11 (Quality of Development) and policies ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design) and ENV15 (Conservation)

## **Other Material Planning Considerations**

Government Planning Policy – PPS1 (Delivering Sustainable Development), PPS5 (Planning and the Historic Environment) and the draft National Planning Policy Framework (NPPF).

## **Consultations**

Severn Trent Water Ltd – No objection

County Forester – No objection, subject to detailed consideration of root protection measures being given at the appropriate time.

Warwickshire Police – No objections

Fire Services Authority – Draws attention to condition 18 on the outline permission requiring details relating to water supplies for fire fighting to be agreed.

### **Representations**

Twelve letters of objection have been received at the time of preparing this report. All of these repeat objections to the principle of a supermarket in this location and do not refer to matters which are in fact related to the actual application submitted.

One letter of support has been received which says that the design is “impressive”, and requesting that work starts as soon as possible.

### **Observations**

Much of what has been submitted with this application reflects matters already seen in earlier plans and documents and thus need not give rise to concern. The most significant issues are the appearance of the building and the proposed landscaping and it is these matters that the Board needs to concentrate on.

The scale of the building; its location and the ground levels all match that which has previously been seen, and accords with the conditions as set out in the 2011 permission. The appearance of the building has been modified as a consequence of Member involvement which has led to improvements through detailed changes. The design of the building results in a “light” building that sits well in the site and leads to a building which will be set down at a lower level than the existing eastern end of the car park. It would not be prominent in that it would not be tall or “massive”. The alterations made include a more pronounced entrance porch; reduced amount of cladding on the front increasing the glazing and a better approach to signage. Importantly the service area has been provided with a mansard roof which better reflects the Park Road frontage.

Overall this is now a design that can be supported. In looking at the elevations, Members are reminded that the service area is well set back from the frontage and thus will not be readily seen from the Birmingham Road or the car park itself. Given that the layout of the site is approved, the current appearance sets out a reasonable solution for the site.

At the time of preparing this report there have been no adverse comments at all on the proposed design and appearance from the consultations undertaken both initially and again on the amendments, from any local resident or their community representatives.

In terms of the landscaping proposals then the additional green space found in the car park is welcome. The critical matter as far as Members have been concerned here is the way in which the site retaining wall is to have its visual impact reduced. Firstly the wall is divided up with a series of pillars and allowance is made at its western end for some insets, the contents of which are to be agreed with the local community. Railings are also added. There is to be heavy landscaping along the Birmingham Road frontage and crucially around the western end of the car park where the wall would be at its tallest and most prominent on the main entrance into the town. The proposed landscaping is acceptable in that it delivers on the objectives that were set by the Board. The matter raised by the County's Forester will be taken into account when the tree protection measures are submitted at a later date – his advice however has already been relayed to the applicant.

As indicated above, the drainage arrangements reflect the proposals already seen. The car park lighting is kept to a minimum with just four columns strategically placed in order to secure complete coverage but without light "spillage" outside of the site.

### **Recommendations**

**A)** That plan numbers 11236/PA10 received on 12 January 2012; plan numbers PA11F; 12B and 13D all received on 6 March 2012 are all approved in discharge of condition 1 (i), (ii) and (iii) of planning permission 2011/0529 dated 20 December 2012.

**B)** That plan numbers 01A received on 12 January 2012 and plan number 02B received on 28 February 2012 are approved in part discharge of condition 15 of planning permission 2011/0529 dated 20 December 2012.

**C)** That plan number 211669 SK D01 P2, and the Drainage Strategy Statement (Revision A) from the Elliott Wood Partnership received on 12 January 2012 are approved in full discharge of condition 17 of planning permission 2011/0529 dated 20 December 2012.

**D)** That plan numbers 11236/PA14 and LS19852 received on 12 January 2012 are approved in part discharge of condition 21 of planning permission 2011/0529 dated 20 December 2012.

### **Notes**

The Development Plan policies relevant to these decisions are saved Core Policy 11 together with saved policies ENV11, ENV12, ENV13 and ENV15 of the North Warwickshire Local Plan 2006

### **Justification**

These details follow the grant of permission for this retail store. The design and appearance of the building is appropriate to the location in that it takes on a "light" appearance and is well set down within the site. It will not be overly



prominent. The landscaping detail complements the design with substantial new planting around the perimeter. Other details have the approval of technical consultees. The details accord with saved Development Plan policies ENV11, ENV12, ENV13, ENV15 and Core Policy 11 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

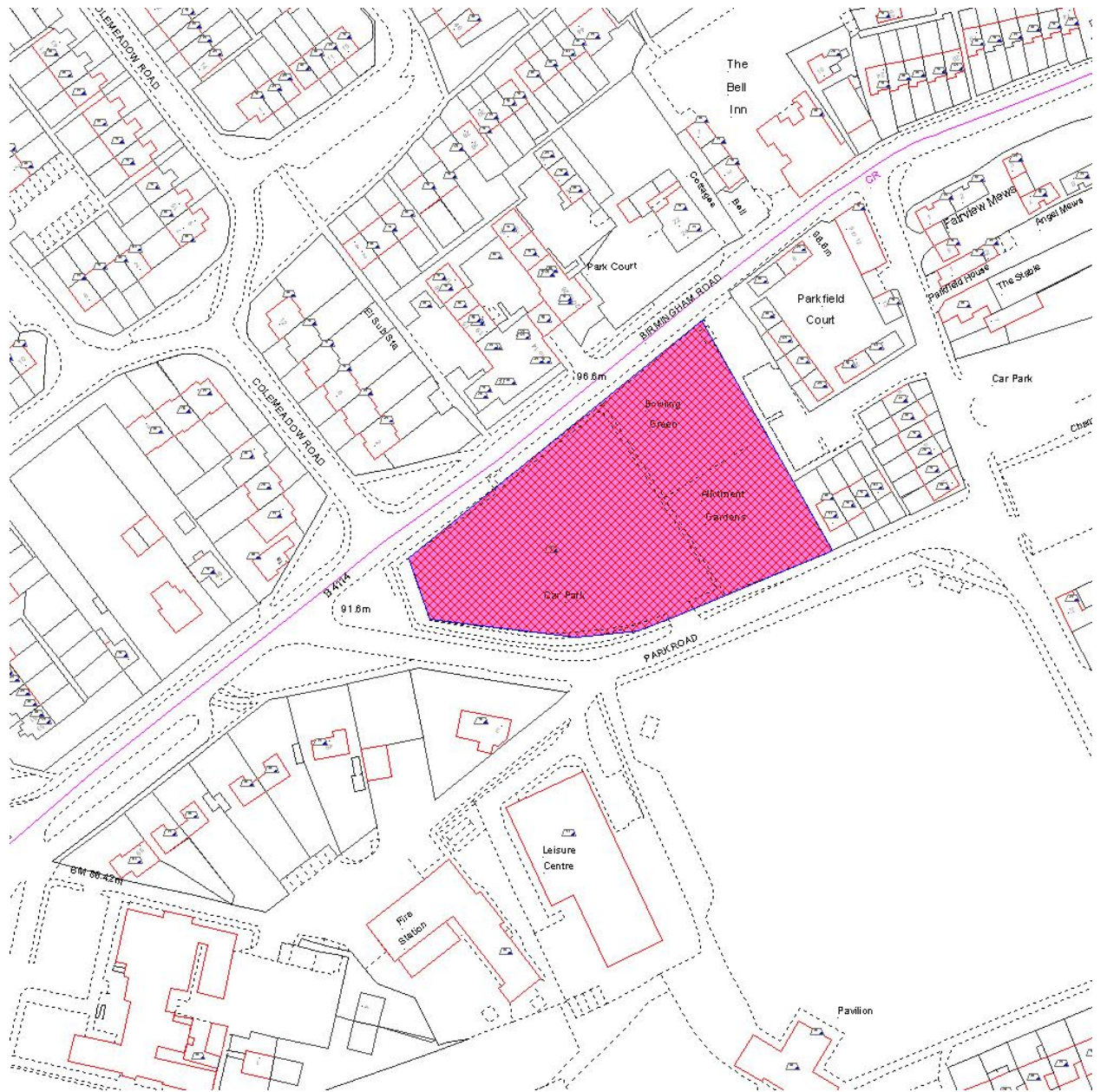
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0020

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/1/12
2	Head of Development Control	Letter	25/1/12
3	J Ellis	Representation	29/1/12
4	I Dunn	Objection	27/1/12
5	Severn Trent Water Ltd	Consultation	27/1/12
6	Agent	Letter	31/1/12
7	C Clemson	Objection	31/1/12
8	Mrs Smith	Representation	1/2/12
9	C Armstrong	Objection	31/1/12
10	R Sneyd	Objection	1/2/12
11	P Farrell	Objection	30/1/12
12	Warwickshire Police	Consultation	3/2/12
13	Agent	Letter	9/2/12
14	County Forester	Consultation	3/2/12
15	C & J Pearson	Objection	12/2/12
16	Head of Development Control	Letter	14/2/12
17	D Axe	Support	15/2/12
18	C Doyle	Objection	21/2/12
19	Agent	Letter	28/2/12
20	P Doherty	Objection	1/3/12
21	Fire Services Authority	Consultation	5/3/12
22	D Lewis	Representation	6/3/12
23	P Pickering	Objection	6/3/12
24	Agent	Letter	2/3/12

*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.*





PA2012/0020

Car Park, Park Road, Coleshill

Approval of Reserved Matters for erection of a retail food store with associated parking, servicing and access for

W M Morrison Supermarkets PLC

#### **Introduction**

This application is reported for information at this time at the discretion of the Head of Development Control given the interest that there has been in the proposal.

#### **The Site**

This is the car park bounded by the Birmingham Road and Park Road on the west side of Coleshill just opposite the Leisure Centre and the Memorial Park.

#### **Background**

Outline planning permission was granted for the erection of a retail food store on this car park in 2009. This was subsequently varied by the issue of a revised permission at the end of last year. That consent was heavily conditioned and Morrison's, the retail developer, has now submitted an application seeking approval of details in respect of some of these conditions. The current application seeks approval for the final layout of the scheme and the appearance of the buildings on the site.

The site is not within the town's Conservation Area. Its western boundary runs along the length of Parkfield Road, 45 to 60 metres to the east of the site.

#### **The Proposals**

The layout is proposed as already agreed under the 2011 planning permission. In order to set the context, the current plan is set out in Appendix A.

The drainage strategy is set out in a supporting statement. In terms of surface water then as described in the very original 2009 application, storage or holding tanks will be constructed below the car park at its western end with appropriate mechanisms to limit the level of discharge into the public sewer in the Birmingham Road. A new foul water sewer will need to be constructed through the site so as to connect to the public foul water sewer in Colemeadow Road.

The appearance of the building on the site is shown on the attached plan at Appendix B. The height of the building varies between different sections, from 9 metres at the entrance "porch", to 8 over the store, 7 at the service entrance and 6 metres at the rear. In overall terms, the building is taller at the front than the rear in order to accommodate the change in level over this part of the site. It is said though that the average overall height is 7.5 metres. A Design and Access Statement has been submitted with the application which is intended to show how the design and

appearance of the building fits with its setting and the character of the area. This suggests that the design will be "light"; not impose on the surroundings and be a "landmark" building on the entry into Coleshill. Materials would include red/brown facing brick work; cream metal wall cladding and glazing, a dark grey clad roof, with green doors and fittings.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 11 (Quality of Development), ENV4 (Trees and Hedgerows), ENV8 (Water Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV15 (Conservation)

#### **Other Material Planning Considerations**

Government Policy – PPS5 (Planning for the Historic Environment)

The draft National Planning Policy Framework

#### **Observations**

In respect of the layout of the site then this repeats that already seen and approved by the Board. A little more detail is attached to the present drawing – cycle stores, meters etc, but it is substantially as approved.

The recommendation on the drainage strategy will clearly be heavily dependant on the responses from Severn Trent Water and the Council's own officers, but the overall strategy is exactly as described in the initial proposals back in 2009, when no objections were raised.

The key issue with this application is the proposed design and appearance of the retail store. Members will need to consider whether the proposed appearance sits well in its setting and thus integrates with its surroundings; whether the design reflects local character, the impact on the town's skyline and whether the building does introduce a "landmark" to the entrance to Coleshill.

Officers have already expressed reservations about the proposed design and there are discussions taking place in this regard with the applicant's agents. Whilst consultations are still underway, Members too might wish to take the opportunity to comment informally on their initial reaction to the design approach put forward, so as to aid discussion with the applicant.

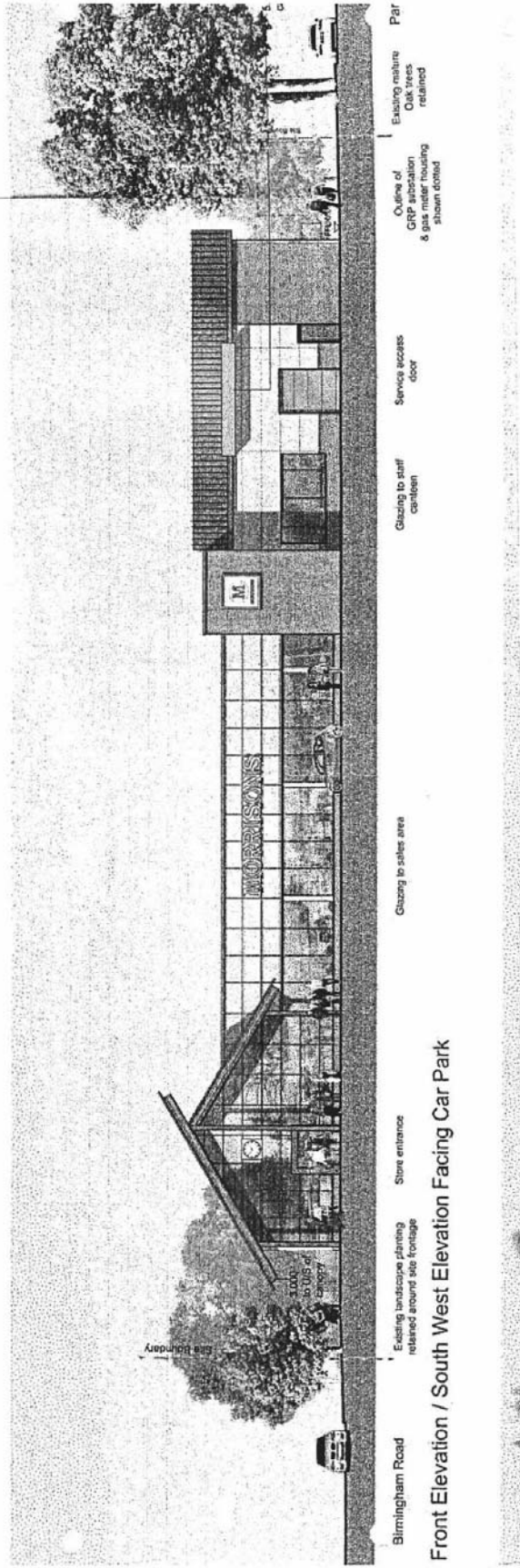
#### **Recommendation**

That the report be noted at this stage.

Background Papers

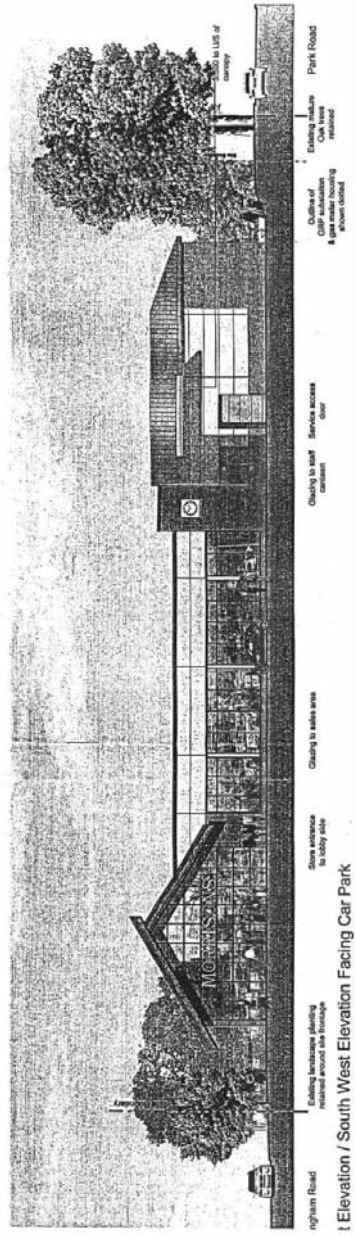
Application 12/1/12





Front Elevation / South West Elevation Facing Car Park





Elevation / South West Elevation Facing Car Park

**(10) Application No: PAP/2012/0051**

**Bretts Hall Recreation Ground, Bretts Hall Estate, Ansley Common,  
CV10 0PQ**

**Installation of one 8m column for CCTV camera and installation of  
electrical feeder pillar for electricity to the column, for**

**Ms Alethea Wilson - North Warwickshire Borough Council**

**Introduction**

The application is referred to Board as the site is on Council owned land and the applicant is the Councils' Leisure Services Division.

**The Site**

The site is a recreational ground, and is accessed from Brett's Hall Estate via an access route. The recreational site is rather isolated in its location, behind a large allotment site and the housing estate.

**The Proposal**

The proposal is for the installation of one, 8 metre high column to be located close to the entrance of the playground and towards the top end of the access route to allow for surveillance in these areas. The proposal requires the installation of a feeder pillar to be sited outside No. 70 Brett's Hall Estate. The column and feeder unit will serve a mobile CCTV camera to be used as required.

The 8-metre high column is required only to serve an infra-red mobile CCTV camera and does not incorporate a lighting arrangement; the infra-red capability of the CCTV camera prevents the need for assisted lighting in this area.

**Background**

The Community Safety Partnership has identified the need for a CCTV column at this site in response to anti-social behaviour that has been experienced by the local residents. Problems such as increased litter, broken bottles, noise late into the evening and damage to the recreational ground has prompted the requirement for the column on which to mount the mobile CCTV camera which will have a view of the recreational ground and the access routes to and from it.

The recreational ground is not illuminated and there is no residual light from the surrounding area - although no illumination is required for the infra red camera to work effectively. During the evenings it is difficult to see what activities are going on and to identify how many people are there, as the

recreation ground has multiple formal and informal access routes it can make it difficult for Police and partners to engage with those present or to take action as it is possible for perpetrators to leave the site via one of the access routes.

The installation of the 8 metre column and feeder pillar will enable a mobile CCTV camera to be used as required. The effective use of infra-red technology will assist police to identify perpetrators and take appropriate action against individuals and groups and will thus deter anti- social behaviour, criminal damage and the fear of crime, and will encourage the correct use of the recreational ground by young people and local residents. The installation of the column to serve the infra-red mobile CCTV camera is recommended by the Police Architectural Liaison Officer.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 11 (Quality of Development); ENV1 (Protection and Enhancement of the Natural Landscape), ENV5 (Open Space), ENV11 (Neighbour Amenities) and ENV12(Urban Design).

### **Other Relevant Material Considerations**

Government Advice:

Planning Policy Statement 1: Delivering Sustainable Development

### **Consultations**

NWBC Environmental Health – No comments

Ansley Parish Council – No objection, we fully support the need for this proposal.

### **Observations**

The siting of the column lies just outside of the Development Boundary for Ansley Common - the feeder unit lies within the Development Boundary. The location of the column is in close proximity to the opening of the recreational

area and toward the top end of the access route between No. 66 and 67 Bretts Hall Estate. There is no objection in principle to the column in this location, because the development is clearly one that is required here.



The main considerations here are whether the column and feeder unit are appropriate in terms of their design, siting, given the area of open space and the close proximity of the residents, and whether there exists an amenity issue to neighbouring residents in respect of intrusion from the CCTV camera.

In terms of design, then the column is a standard feature of street furniture and is not inappropriate. The height of the column is acceptable. The feeder unit serves as the power supply to the column and is not considered to be an inappropriate design along the street scene. In order for these features to blend in with the street scene and countryside beyond then a powder coated dark green finish will help in the context of the area rather than a galvanised finish.

The siting of the column covers the areas of vulnerability and the camera would be directed at the access routes and the recreational ground. In its location it does not cause an obstruction to pedestrians. The feeder unit is located outside No. 70 Bretts Hall Estate on a parcel of grass and this would not cause an obstruction to pedestrians.

In terms of neighbour's amenity and the potential intrusion of a CCTV camera, then the camera is mobile so would not be a permanent feature. The nearest neighbours to the mobile CCTV are Nos. 66 and 67 Bretts Hall Estate, it is not

felt that the neighbours would have their privacy compromised by the installation since it would only provide surveillance to the areas of vulnerability such as the access routes and the recreation ground and would not be directed toward neighbouring gardens or windows. In this respect the proposal would not be considered to result in a harmful impact on the privacy of neighbouring occupiers. No neighbour's representations have been received.

It is considered that any experiences of anti-social behaviour and noise disturbance would be resolved by the proposal and would assist in reducing the fear of crime. It is highly significant that the Police support the proposal and has recommended it be put in place. It is considered that it would be unreasonable to refuse the application on grounds of siting, design, or residential amenity.

### **Recommendation**

That this Board recommends to Council that planning permission be **GRANTED** subject to the following conditions:

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

#### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the specification sheet and the 1:500 block plan and the 1:1250 site location plan received by the Local Planning Authority on 31 January 2012.

#### REASON

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

3. The column and feeder unit hereby approved shall be coloured to BS 4800 range dark green and thereafter maintained to such an approved colour at all times.

#### REASON

In the interests of the amenities of the area.

## Notes

Planning policies are as outlined above

## Reasoned Justification

It is not considered that the column or feeder unit represents a material impact on the amenity of the neighbouring occupiers or on the street scene. The CCTV camera is a mobile feature and surveillance would be directed toward the vulnerable areas such as the access routes and the recreation ground and not towards the neighbouring properties. By virtue of the design and location of the column and feeder unit, these structures would not appear any different from standard street furniture and would not compromise the context of the area or cause an obstruction. The proposal is not therefore considered to be contrary to the saved Development Plan Policies ENV1, ENV5, ENV11 or ENV12 of the North Warwickshire Local Plan, 2006.

## BACKGROUND PAPERS

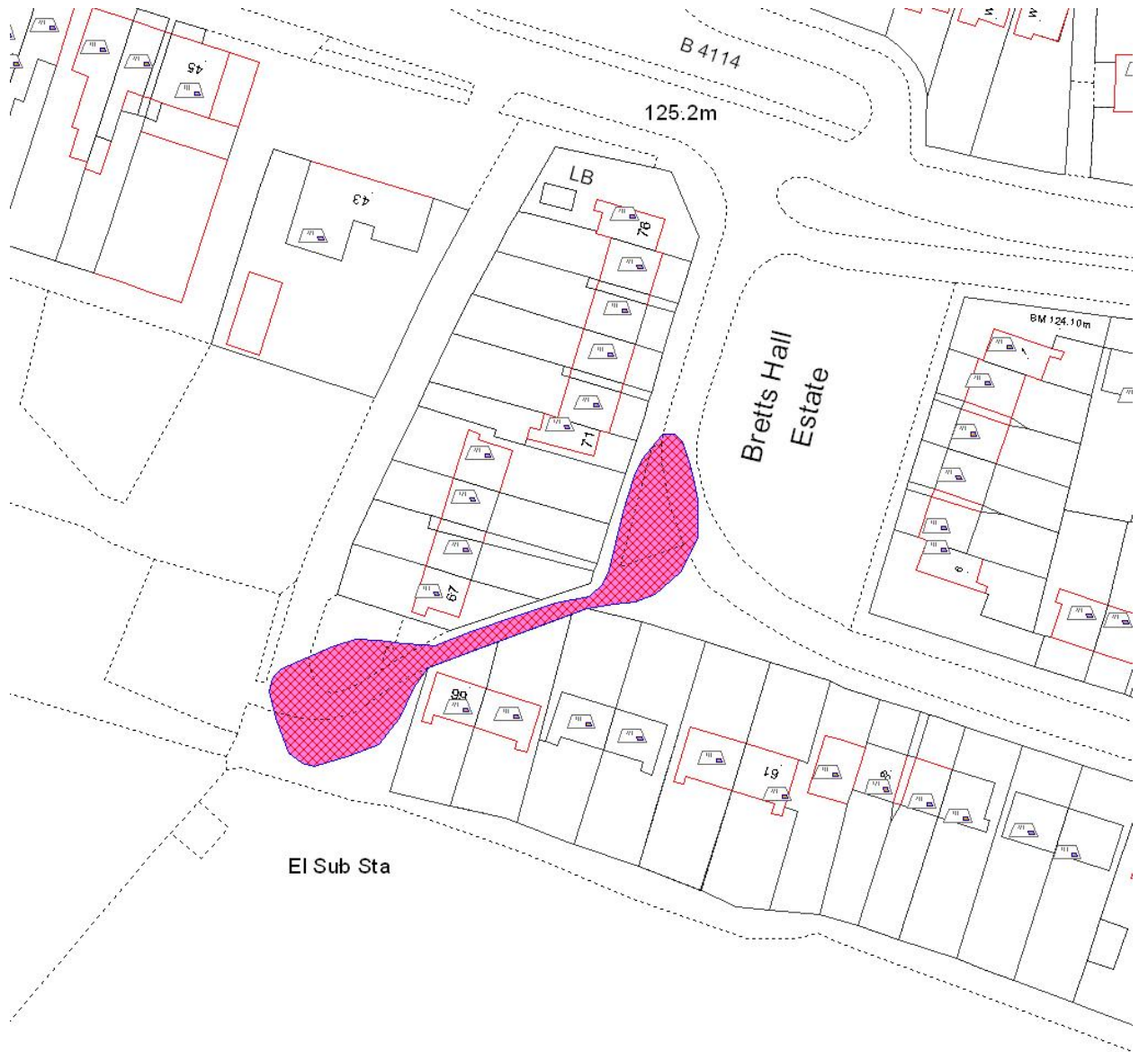
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0051

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Statement(s)	31/1/2012
2	Environmental Health	Representation	7/02/2012
3	Clerk to Ansley PC	Representation	27/02/2012

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

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

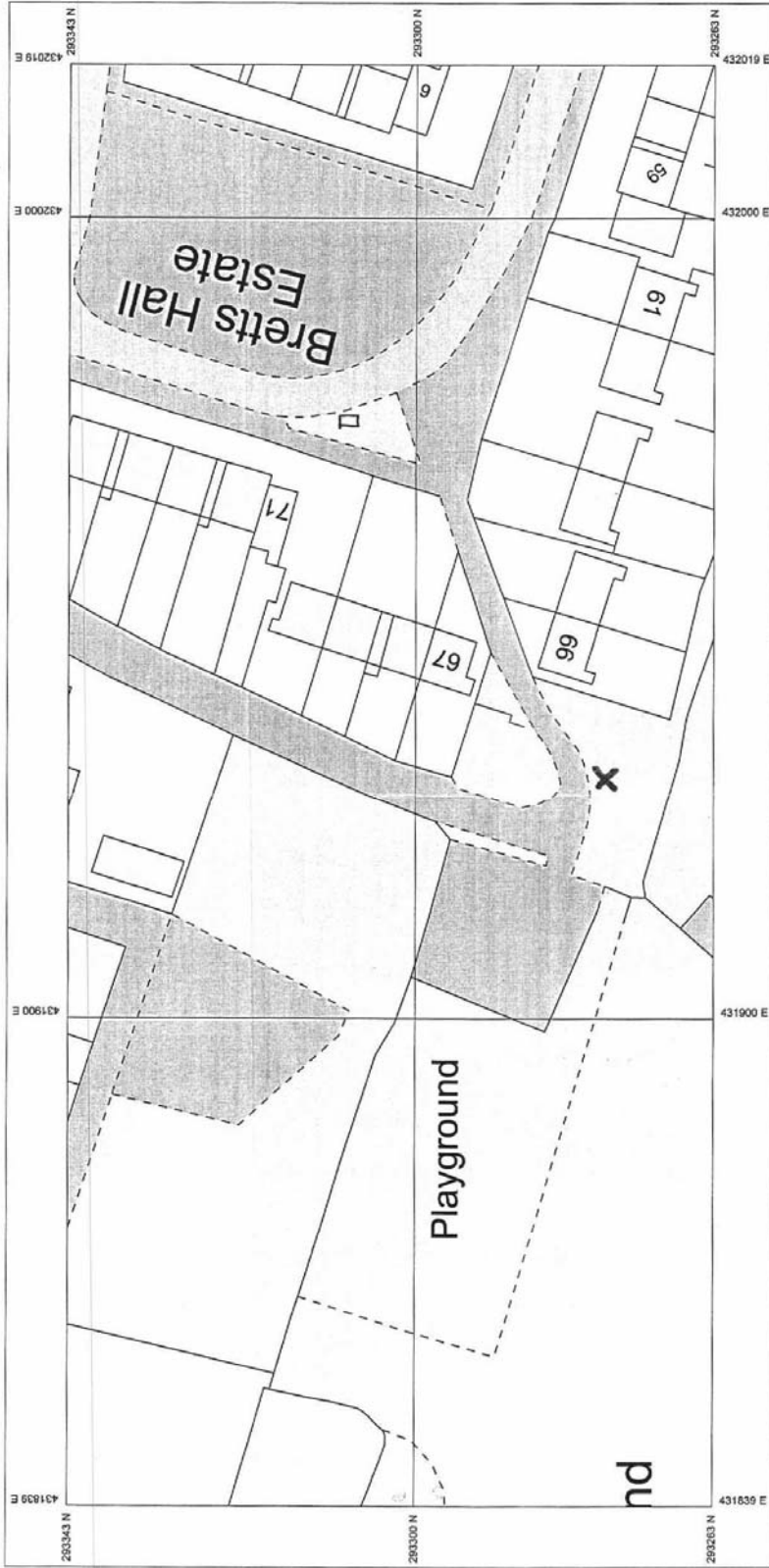






APPENDIX 1  
2012 / 0051

Location Map



X Column  
□ Pillar



Supplied By: Birmingham Business & Law Books  
Serial number: 001021720  
Plot Centre Coordinates: 431929, 263303

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

RECEIVED  
31 JAN 2012  
North Warwickshire  
Borough Council

**(11) Application No: PAP/2012/0070**

**Land adjacent to Austrey House Farm, Orton Lane, Austrey, CV9 3NR**

**Erection of a 60metre high meteorological wind monitoring mast for a period of twenty four months, for**

**Mr Stuart Barber (Gaoh Energy Ltd)**

### **Introduction**

This application is reported to the Board following requests from Ward Councillors citing concerns over the visual impacts and wider development concerns.

The representations received relate to the time of preparing this report. If others are received before the meeting, they will be reported verbally.

### **The Site**

The site lies to the north of Orton Lane/Austrey Lane and to the west of Norton Lane/Orton Hill. To the north-west is the settlement of Austrey, to the south-east is Orton-on-the Hill, and to the south-west is Warton. There are no public footpaths immediately across or adjacent to the site, but some are noted within a 1 kilometre radius. The land concerned is presently in agricultural use, used for production of arable crops.



Austrey House Farm lies immediately to the west, with further dwellings along Orton Lane, some 700 metres or more distant, as it leads into Austrey. There are further residences along Orton Hill to the north-east, some 570 to 970 metres distant, including Orton House Farmhouse – a Grade II Listed Building. The Church of St Editha lies to the south on the edge of Orton-on-the-Hill – this is Grade I Listed.

The landscape is generally flat and open to the west and south-west, with the land rising relatively sharply towards the east and north here. The farmland is generally devoid of boundary features with just the ad-hoc tree along ditch courses. There is a small plantation to the south.

### **The Proposal**

It is proposed to erect a 60 metre high meteorological wind monitoring mast for a period of twenty four months.

### **Background**

This application follows the issue of Screening and Scoping Opinions relating to the potential for a wind farm at this location. The proposal for the current temporary monitoring mast is *not* considered to constitute EIA Development under the 2011 Environmental Impact Assessment Regulations as its impacts are not considered to be significant. However should an application be submitted at a later date for a larger wind “farm”, then it is considered that that application would require the submission of an Environmental Statement.

### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): ENV1 (Landscape Character), ENV3 (Nature Conservation), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV16 (Listed Buildings).

### **Other Relevant Material Considerations**

Government Advice: PPS22 (Renewable Energy) and the draft National Planning Policy Framework.

### **Consultations**

Ministry of Defence – no objection to the proposed mast

Warwickshire Wildlife Trust – raise no objection subject to conditions to ensure siting away from hedgerows and the use of bird deflectors

Hinckley and Bosworth Borough Council – no objections raised to the proposal

### **Representations**

Austrey Parish Council – no response received at the time of writing although they have noted their intention to reply following their meeting on 14 March 2012.

Shuttington Parish Council – object due to the size and visibility of the mast, as well as concerns over the heritage impacts.

Polesworth Parish Council – no response received at the time of writing

Twycross Parish Council – object due to the effect on views and heritage, and landscape character impacts.

Neighbour notifications were sent on 17 and 21 February 2012, and a site notice was erected on 20 February. It is also known that a local action group (SSWAT) has circulated letters to approximately 1,200 residences in the locality (Appendix A).

At the time of writing, a total of 162 objections have been received from 147 different addresses. These cite common concerns in respect of:

- The impact on landscape character and visual amenities of the area, particularly in respect of views and footpaths for both residents and visitors
- The impact on local wildlife, particularly migratory birds and bats
- The impact on heritage assets, most notably the Grade I Church in Orton-on-the-Hill
- Aviation impacts, both hobby aircraft and military.

Other concerns relate to proximity to dwellings, loss of agricultural land, noise from the guy ropes in high winds, the highway capacity for the construction and use of the proposal, the requirements for security fencing, the requirement for a construction track, effect on livestock and Twycross Zoo, and the effect on nearby woodland.

Many of the objections raise objection on the basis that this proposal is a potential pre-cursor to a wind farm at this location. Indeed many object to the associated impacts with such turbines. As noted above, the Council has been formally approached in respect of such development but only to agree the scope of environmental reports and studies necessary to accompany any such application. Members should note this does not mean that an application will be submitted at all, particularly when planning permission is just one of many factors which influence whether development proposals are actually pursued. Should an application be made in the future, *that* is the appropriate time to discuss the merits of such a proposal; and in any case the outcome of this application does *not* set a precedent for a wind farm.

Some of the objections also encourage the Council not to consider this application; some encourage consideration of Parliamentary bills which have not yet been taken forward as legislation. Members will be aware that legislation requires consideration of all applications submitted, and on the basis of the legislation applicable at the time of decision. There are suggestions that an alternative site should be found, but this is not a valid reason to decline to consider this proposal. Some also cite the effect on property value, but Members will also be aware this is not a material planning consideration.

One letter of support has been received considering the impacts to be temporary and not significant; and recognises that in the wider picture wind farms are one of many methods of electricity generation, of which this location may save it being proposed in a less suitable location. A further 'neutral' letter has been received requesting that the Council consider those impacts as outlined above.

## **Observations**

There are considered to be four main issues to consider, and these are similar to the common concerns under the above objections.

### **(a) Landscape character and visual amenity**

The Landscape Character Area (LCA) here is of mixed farmland located within a distinctive bowl landform, punctuated by scattered farmsteads and hill-top villages with prominent church spires. It is noted as a visually open landscape, although the M42 cuts centrally through the area providing a notable urban influence. There is little roadside planting associated with the motorway and therefore wide open views are possible both from and towards it. In the lower lying areas alongside the watercourses, small fields are used for grazing and are enclosed by low hedgerows, particularly notable to the south of Austrey. On higher land, towards the distinctive escarpment upon which the proposal would be sited, the field pattern is less intact with larger, intensively managed arable fields with few hedgerows, although remaining lines of hedgerow trees hint at the historical pattern. The human influence for modern agricultural practices is thus evident. From elevated locations, distant wooded ridgelines and hilltop masts are visible.

The introduction of a tall narrow mast and guy ropes will run somewhat against the generally rural grain of the LCA. However the context of the proposal must be fully appreciated. Visually, the proposal will fall against the general backdrop of the sky when viewed at medium to long distances, with no antennae or dishes attached which would otherwise increase its prominence. The ability to view the Birchmoor telephone mast (38 metres), Austrey Microwave Relay Station to the north-west (Appendix B), Hopwas Hill transmitter at Tamworth (305 metres) and Sutton Coldfield transmitter

(245 metres) means that masts are not wholly alien to the surrounding terrain. With the number of public footpaths in the area limited, with none passing immediately adjacent to the site (the closest is around 750 metres to the north), and there being no specific parkland or other designations, the impact on views into and out of the LCA is limited.

It is clear from supporting documents that this mast is to monitor wind speeds and direction in order to determine the site's suitability for any future wind energy proposal. Paragraph 32 of the Technical Annex to the PPS22 Companion Guide states *"measurements from anemometers help to determine whether or not a candidate site is suitable and, if it is, the measurements help to determine the best position for the wind turbines within the site's boundary. The masts should be approximately as tall as the hub height of the planned turbine. However, often when the mast is erected it is not known either if the site is suitable for wind farming or which turbine type would be most suitable."* Whilst merely explaining the possible reasons for pursuing such a temporary mast, the direct relationship of this Companion Guide to PPS22 should be noted. PPS22 itself lends *significant weight* to proposals for renewable energy, and ENV10 of the Local Plan reflects this. Whilst not a renewable energy proposal per se, it is clear from the above quotation that a mast will better inform any such application in line with these strategic objectives. Hence whilst the full significant weight is not afforded here, considerable weight is.

The temporary nature of the mast is also a material consideration. A maximum period of 24 months is sought. In the local area, the mast at Birchmoor and the bulkier mast at Austrey Relay Station are both clearly visible. Both these examples are permanent – the proposal is not. The harm to the LCA is thus time limited. Indeed the permanent transmitter masts outlined above are of similar style and of greater height, yet these are not considered to cause unacceptable harm.

The land will remain in agricultural use, with the loss of active arable land temporary. Concerns in respect of security fencing (if at all necessary) are not considered significant, especially when the landowner has the right to erect a 2 metre fence without the need for planning consent here. No temporary tracks are proposed, with the method of construction possible across crop stubble.

On balance it is acknowledged there will be some interim effect on visual amenity, but it is not of a type or scale to bring about permanent harm to the intrinsic qualities of the existing landscape, which will remain unaltered.

## **(b) Ecology and wildlife**

Warwickshire Wildlife Trust has considered the proposal in terms of impacts on birds and bats. The site does not lie adjacent or close to statutory ecological constraints. The Trust has also spoken to the RSPB

and confirmed that neither party are aware of any specific bird migratory route in this locality. The River Anker, like many watercourses, holds potential for migrating species, but no specific evidence suggests that the numbers are significant at county or regional level, unlike that observed within the Tame and Blythe Valley. For this proposal, it is considered that concerns relating to potential bird strike will be resolved by use of bird deflectors. This approach was considered appropriate for a similar site actually in the Tame Valley – a regionally important migratory bird route that was situated adjacent to a SSSI. Natural England, the Trust and the RSPB concurred with that view. As this site has a much lower significance, it is considered there is no reason for objection here.

There is a nearby hedgerow which may offer potential for bat foraging, but the connectivity of this hedgerow to other foraging habitats is poor. Nevertheless, the Trust advises a precautionary approach by requiring the siting to be no less than 50 metres from this feature. Accounting for the spread of the guy ropes, two to three times this distance can be achieved.

### **(c) Heritage**

The proximity to the Grade I St Editha's Church in Orton-on-the-Hill is the primary focus here. Consideration partly hinges into that discussed under landscape character above. Views from the Churchyard are partially or totally obscured to the north-west by trees in immediate or close proximity. The only clear views of the site will be from the far western corner of the grounds, and that view will be across an adjacent residential property. The setting of the Listed Building is therefore not considered to suffer significant harm, especially in the physical and temporary context of the proposal.

### **(d) Aviation**

The MoD has been consulted as their view can affect the principle of development. However they raise no objection to this proposal, particularly given the proposal is static and thus does not cause a shadow effect on military radar. Fixed obstructions are recorded by the MoD so that flight paths and manoeuvres can account for them. The site is also beyond the safeguarding zone for East Midlands Airport and the same considerations are applicable here.

### **(e) Other matters**

The nearest residents are 570 metres from the site. The only moving part of the proposal is a small vane and anemometer at the top of the mast, akin to a church spire. Noise concerns relating to the guy ropes in high winds are thus not a concern, particularly when those ropes would have to 'knock' against another part of the structure to cause an issue. In turn, these observations raise no concern for the welfare of livestock, horses or animals at the nearby Twycross Zoo.



Any loss of agricultural land is minimal, temporary and not subject to local policy protection. There is no concern as to the highway capacity for the construction phase and occasional visits to the structure;

## **Recommendation**

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

1. The development hereby approved shall be discontinued on or before 31 March 2014, whereupon associated equipment shall be removed and the ground restored to its original condition within 3 months.

### REASON

To ensure that the use does not become permanently established on the site.

2. The development hereby approved shall not be carried out otherwise than in accordance with the 1:50000 and 1:5000 location plans received by the Local Planning Authority on 10 February 2012; and the mast layout as shown in Figure 1 of the Design and Access Statement received by the Local Planning Authority on 7 February 2012.

### REASON

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

3. The guy ropes supporting the mast shall be fitted with bird diverters/reflectors as per a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

### REASON

In the interests of the protection of migratory birds and minimising the risk of collision with the development hereby approved.

4. The mast shall be sited at least 50 metres away from the nearest linear feature. This measurement shall be taken from the nearest point where a guy ropes is affixed to the ground.

### REASON

In the interests of minimising the risk to EU protected species.

## **Notes**

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV1 (Landscape Character), ENV3 (Nature Conservation), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV16 (Listed Buildings).

### **Justification**

The proposal is considered to have a limited and short term impact on the surrounding landscape character, with its temporary nature ensuring no net harm is brought about here. The slim design and appearance minimises the impact on visual and neighbouring amenity, and appropriate conditions can address concerns in respect of wildlife. It is also noted that significant weight is afforded to renewable energy schemes under PPS22, and this is considered to afford further support to this proposal which merely looks to inform the potential for such energy generation. The proposal is therefore in accordance with saved policies ENV1, ENV3, ENV10, ENV11, ENV12 and ENV16 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Statement 22. There are no other material considerations that indicate against the proposal.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0070

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	07/02/2012 10/02/2012
2	Mark Critchley	Representation	16/02/2012
3	Ruth Galliers-Bradshaw	Representation	17/02/2012
4	Case Officer	Email to Councillors	20/02/2012
5	Edith Critchley	Representation	20/02/2012
6	Marie Wilson	Representation	21/02/2012
7	Michaela Daulman	Representation	22/02/2012
8	Philip Daulman	Representation	22/02/2012
9	Barrie Eaton	Representation	23/02/2012
10	Mr & Mrs S Beard	Representation	23/02/2012
11	Lee Ryan	Representation	23/02/2012
12	Leigh Bilson	Representation	23/02/2012
13	Reine Plumpton	Representation	23/02/2012
14	Joseph Plumpton	Representation	23/02/2012
15	David Wilkins & Ruth Williamson	Representation	23/02/2012
16	D S Hardcastle	Representation	23/02/2012
17	G S Hardcastle	Representation	23/02/2012
18	Judith Hill	Representation	23/02/2012
19	Gerard Hill	Representation	23/02/2012
20	Hinckley & Bosworth BC	Consultation reply	24/02/2012
21	Brian Dawson	Representation	24/02/2012
22	Diana Davies	Representation	24/02/2012
23	Gordon & Doreen Ball	Representation	24/02/2012
24	Ms Catherine Pegg	Representation	24/02/2012
25	Hugh F Ford	Representation	24/02/2012
26	Keith Bradshaw	Representation	24/02/2012
27	N H & F E Walker	Representation	24/02/2012
28	Mr Christopher Meredith	Representation	25/02/2012
29	Peter Koziot	Representation	25/02/2012
30	Richard Croke	Representation	25/02/2012
31	David Studd	Representation	25/02/2012
32	Adam Barker	Representation	25/02/2012
33	Anne & Roland Salt	Representation	25/02/2012
34	Lynsey Treadwell	Representation	25/02/2012
35	Austrey Parish Council	Consultation reply	25/02/2012
36	Derek Molyneux	Representation	26/02/2012

37	Mrs J Day	Representation	26/02/2012
38	Leslie Sherriff	Representation	26/02/2012
39	R P Darwin	Representation	26/02/2012
40	Ian Wood	Representation	26/02/2012
41	Karen Wood	Representation	26/02/2012
42	Alan & Christine Ellis	Representation	27/02/2012
43	Rita Reading	Representation	27/02/2012
44	Maxine Maddox	Representation	27/02/2012
45	Ruth Pickering	Representation	27/02/2012
46	Madge Sumner	Representation	27/02/2012
47	Ivan Ould o/b/o Twycross Residents	Representation	27/02/2012
48	C Richardson	Representation	27/02/2012
49	Jonathan Salt	Representation	27/02/2012
50	Mrs C Salt	Representation	28/02/2012
51	Susan Belcher	Representation	28/02/2012
52	David Key	Representation	28/02/2012
53	Debbie Walker	Representation	28/02/2012
54	Mr M Abbott	Representation	28/02/2012
55	Tina Baines	Representation	28/02/2012
56	David Lodge	Representation	28/02/2012
57	Barrie & Penny Rees	Representation	28/02/2012
58	Mr G E Kane	Representation	28/02/2012
59	Valerie & Geoffrey Freaks	Representation	28/02/2012
60	Mr & Mrs Cook	Representation	28/02/2012
61	Case Officer	Emails to SSWAT (Local Action Group) Co-ordinator	28/02/2012
62	SSWAT (Local Action Group) Co-ordinator	Emails to Case Officer with attached leaflet/letter	28/02/2012
63	David Tredinnick MP	Representation	29/02/2012
64	M G Bagnall	Representation	29/02/2012
65	J L Bagnall	Representation	29/02/2012
66	David Rowse	Representation	29/02/2012
67	Zoe Connor	Representation	29/02/2012
68	John Daley	Representation	29/02/2012
69	Julie McCallion	Representation	29/02/2012
70	Philip McCallion	Representation	29/02/2012
71	Mrs M Reynolds	Representation	29/02/2012
72	Mrs Carole Ryan	Representation	29/02/2012
73	Mr Peter Ryan	Representation	29/02/2012
74	Mary & Ray Smith	Representation	29/02/2012
75	Nick Fennell	Representation	29/02/2012
76	Dr G Evans	Representation	29/02/2012
77	Harvey	Representation	29/02/2012
78	Michelle Deeming	Representation	29/02/2012
79	Anthony Deeming	Representation	29/02/2012
80	M J Liggett	Representation	01/03/2012
81	Dr J Jacob	Representation	01/03/2012

82	Dr C Jacob	Representation	01/03/2012
83	R H C Penny & S E Penny	Representation	01/03/2012
84	Pete & Jean Dawson	Representation	01/03/2012
85	P F & P M Langtree	Representation	01/03/2012
86	Mrs P & Mr J Trevis	Representation	01/03/2012
87	Case Officer	Referral to Councillors	01/03/2012
88	Mrs J A Taylor	Representation	01/03/2012
89	Mr K Reynolds	Representation	01/03/2012
90	Mr C Boneham	Representation	01/03/2012
91	Julia Heritage	Representation	01/03/2012
92	Nigel Tongue	Representation	01/03/2012
93	Agent	Email to Case Officer	01/03/2012
94	Bill & Mary Willis	Representation	02/03/2012
95	Ms B Jean Bentley	Representation	02/03/2012
96	Mr & Mrs G S Barton	Representation	02/03/2012
97	Mrs Susan Meredith	Representation	02/03/2012
98	A Callow	Representation	02/03/2012
99	Graham Roberts	Representation	02/03/2012
100	Mandy Critchley	Representation	02/03/2012
101	Carol Tilley	Representation	02/03/2012
102	Mrs V Crooke	Representation	02/03/2012
103	Mrs Susan Mason	Representation	02/03/2012
104	SSWAT Co-ordinator	Letter to Case Officer	02/03/2012
105	Jean Ball	Representation	03/03/2012
106	Richard Mills	Representation	03/03/2012
107	Pauline Towner	Representation	03/03/2012
108	Gerard Whitehouse	Representation	03/03/2012
109	Mr Richard & Mrs Dawn Doe	Representation	03/03/2012
110	Darren Greally	Representation	04/03/2012
111	Brian Ball	Representation	04/03/2012
112	Mary Ould	Representation	04/03/2012
113	Simon Fisher	Representation	04/03/2012
114	Dawn Ryan	Representation	04/03/2012
115	David Roberts	Representation	04/03/2012
116	Andrew Buckingham	Representation	04/03/2012
117	Rosalind & Patrick Eston	Representation	04/03/2012
118	Richard Parker	Representation	05/03/2012
119	Linda Buckingham	Representation	05/03/2012
120	Mrs G Sutton	Representation	05/03/2012
121	Mr D Sutton	Representation	05/03/2012
122	Frances Beard & family	Representation	05/03/2012
123	Mr & Mrs N Dix	Representation	05/03/2012
124	B Chapman	Representation	05/03/2012
125	Iain Handy	Representation	05/03/2012
126	Mr & Mrs Flynn	Representation	05/03/2012
127	Gillian Sutton	Representation	05/03/2012

128	Mr John Boyle	Representation	05/03/2012
129	George Brotherhood	Representation	05/03/2012
130	Ward Councillors	Request for determination at Planning Board	05/03/2012
131	Mark Oldham	Representation	06/03/2012
132	Mr S R Hart	Representation	06/03/2012
133	Mrs A E Appleyard	Representation	06/03/2012
134	Mr S J West	Representation	06/03/2012
135	Margaret McKay	Representation	06/03/2012
136	Michael McKay	Representation	06/03/2012
137	Mrs D Jenkins	Representation	06/03/2012
138	Mr David Jenkins	Representation	06/03/2012
139	David & Sara Kearsley	Representation	06/03/2012
140	John Walters	Representation	06/03/2012
141	Lorna & Keith Gregory	Representation	06/03/2012
142	Warwickshire Wildlife Trust	Consultation reply	06/03/2012
143	David Hunt	Representation (2 copies)	06/03/2012 , 07/03/2012
144	W H and M M Liddell	Representation	06/03/2012
145	Mrs C Banks	Representation	06/03/2012
146	Mrs Beryl Grix	Representation	06/03/2012
147	Martin Tallett	Representation	06/03/2012
148	Tara Farrand	Representation	06/03/2012
149	Alison Robinson	Representation	06/03/2012
150	Richard Collingwood	Representation	06/03/2012
151	Jillian Parker	Representation	06/03/2012
152	Speight	Representation	06/03/2012
153	Mr Anthony R Cooper	Representation	06/03/2012
154	Peter & Judith Stark	Representation	06/03/2012
155	Case Officer	Email to SSWAT Co-ordinator	06/03/2012
156	Case Officer	Email to Chris Meredith	06/03/2012
157	Case Officer	Email to Agent	06/03/2012
158	R J Quine	Representation	07/03/2012
159	Mr P N & E A Ghent	Representation	07/03/2012
160	Dan Byles MP	Letter to Case Officer	07/03/2012
161	Ministry of Defence	Consultation reply	07/03/2012
162	Twycross Parish Council	Consultation reply	07/03/2012
163	Paul Langman	Representation	07/03/2012
164	J W Seward	Representation	07/03/2012
165	S J M Elliot	Representation	07/03/2012
166	Gary Elliot	Representation	07/03/2012
167	Joanne Norris	Representation	07/03/2012
168	Dean Ashley	Representation	07/03/2012
169	Michelle Fawcett	Representation	07/03/2012
170	Tracey Liggett	Representation	07/03/2012
171	Compton & Rachael Bill	Representation	07/03/2012

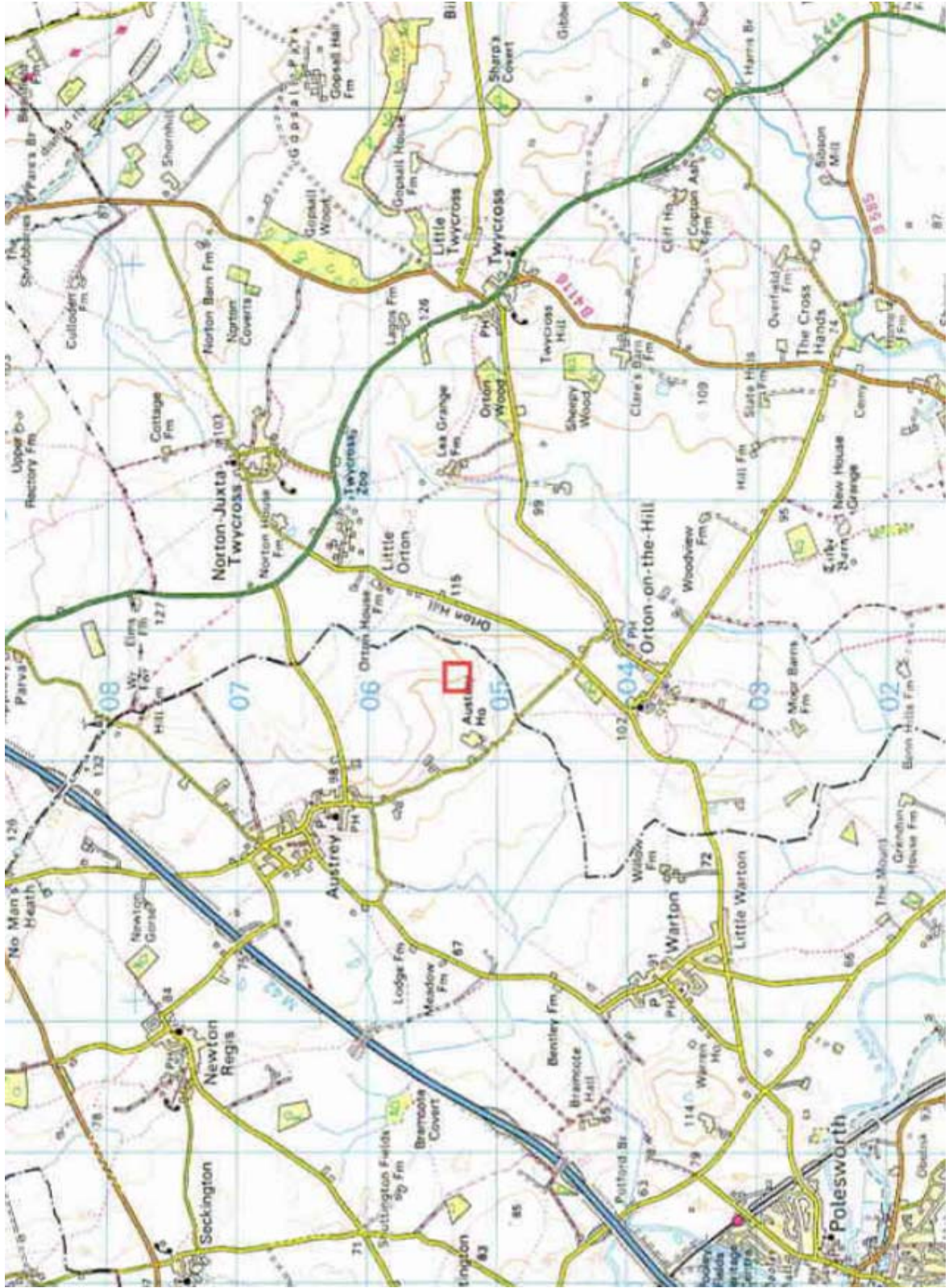
172	L Waplinton	Representation	07/03/2012
173	Anita Allsopp	Representation	07/03/2012
174	Shuttington Parish Council	Consultation reply	07/03/2012
175	Alan Tarpey	Representation	07/03/2012
176	Nigel Taylor	Representation	07/03/2012
177	Lynda Taylor	Representation	07/03/2012
178	Gregory Parkes	Representation	07/03/2012
179	Rose Steward	Representation	07/03/2012
180	SSWAT Co-ordinator	Email to Case Officer	07/02/2012
181	Alan Parsons	Representation	08/02/2012
182	Elizabeth Hunt	Representation	08/02/2012
183	Richard Meredith	Representation	08/02/2012
184	Tamworth Herald	Article published 08/02/2012	08/02/2012

185	R Lamb	Representation	08/02/2012
186	Case Officer	Email to SSWAT Co-ordinator	08/03/2012

*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.*







As you are aware we have been closely monitoring the Planning Authorities of North Warwickshire Borough Council (NWBC) and Hinckley & Bosworth Borough Council (HBBC), in order to be alerted to any planning application for development of a Wind Farm around Austrey House Farm, Orton Lane.

Our vigilance has found that a **Planning Application to erect a Meteorological Mast has just been lodged with NWBC.**

(<http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=100951>)

The reason to erect a mast is usually to provide data to support a subsequent application to develop a Windfarm in the same area. The impact of such a development in the neighbourhood cannot be underestimated.

If you wish to lodge an objection to the erection of the mast, then you will only have until the **7th March 2012**. That is only in **21 days from now**.

Any such objections need to be specific and there is guidance on the NWBC website and can be found at the following link:  
<http://planning.northwarks.gov.uk/portal/servlets/PlanningComments?REFNO=PAP/2012/0070>

It is most important that your objection be based only on sound 'planning considerations'. The above link provides the most significant of these.

Also important is that the objection should only relate to the current application for the Meteorological Mast and not to any potential Windfarm application that is likely to follow. That fight can only be addressed if and when an application is actually submitted.

Understanding that you may have questions, or indeed be confused how best to proceed, please do not hesitate to send any questions to this email address and we will seek to assist.

**We are here to support you and our community.**

Kind regards

Damian Gallagher  
Coordinator

on behalf of  
**SSWAT Action Group**  
(Stop Subsidised Windfarms Around Tamworth)

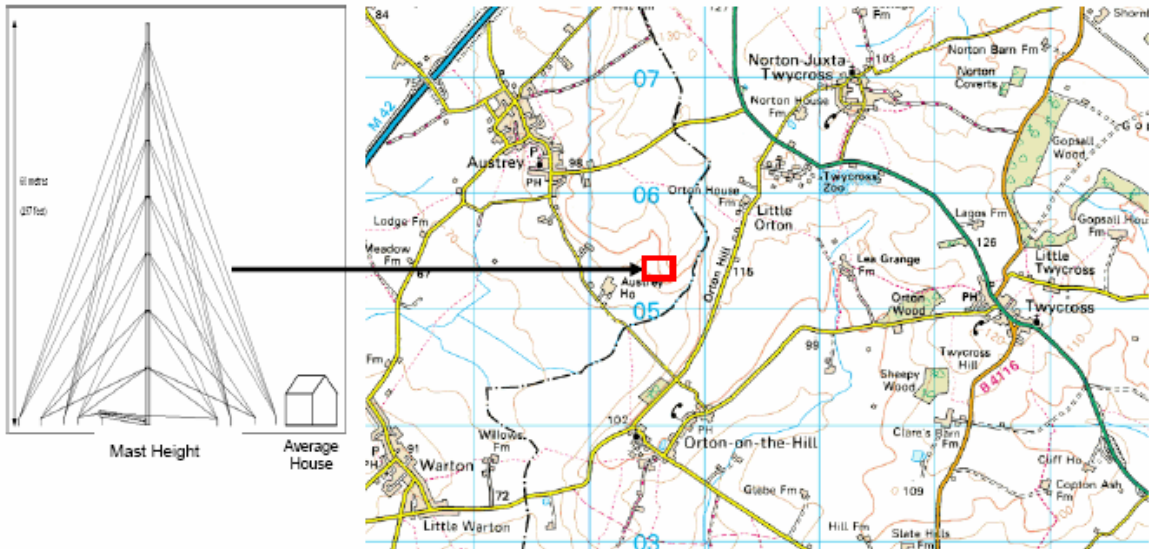
(emailed 15<sup>th</sup> February 2012 to current list of campaign supporters)

Email circulated to current SSWAT supporters



# Stop Subsidised Windfarms Around Tamworth

sswat



## A PLANNING APPLICATION

for a

## 60m (i.e.197 ft) HIGH METEOROLOGY MAST

has been submitted to be erected on farm land, between the villages of

## Warton, Austrey, Orton-on-the-Hill and Twycross

This is part of a process to seek permission for a large

## WINDFARM DEVELOPMENT

To find out more and register your comments go to the NWBC website <http://www.northwarks.gov.uk>  
& search the Planning Applications section for application number PAP/2012/0070 or write to:  
Chris Nash, NWBC, Council House, South Street, Atherstone, CV9 1DE  
(or email: [planningcontrol@northwarks.gov.uk](mailto:planningcontrol@northwarks.gov.uk), FAO: Chris Nash)

Please do register your comments on the application;  
they must be  
**submitted by 9<sup>th</sup> March 2012**

*Please see overleaf for suggested objections*

***There is much at stake to maintain the beauty of our countryside.***

(We will try and answer any questions if you mail them to: [sswat2012@live.co.uk](mailto:sswat2012@live.co.uk))

Flyer delivered to residences in Austrey, Warton, Orton-on-the-Hill and  
Norton-Juxta-Twycross

## **Suggested Objections**

1. The area in which the mast will be positioned is a rural area of exceptional natural beauty. The appearance of a 60m industrial structure will have a significant impact on this outstanding and unspoilt countryside.
2. Visitors regularly park and admire the views. On a clear day the Peak District can be seen in the distance. The proposed mast would strongly detract from these views.
3. The proposed mast would be visible over a wide area, not just affecting houses in close proximity.
4. There will be a significant loss of amenity for the many people who regularly use the footpaths in the vicinity.
5. The proposed development contravenes North Warwickshire Borough Council Local Plan policy ENV1 – Protection and Enhancement of Natural Landscape. The Local Plan is available for viewing by the public on the North Warwickshire Borough Council website.
6. The proposed mast is on a flight path regularly used by swans, geese, ducks and herons to and from Shuttington. Buzzards, Kestrels, Owls and Sparrow Hawks all nest and feed in the area. The many steel guy wires used to support the mast would place these birds at great risk.
7. The proposed mast would be double the height of St Edith's Church nearby at Orton-on-the-hill, a grade 1 medieval church that was built in the 14<sup>th</sup> Century. The scale of the mast would detract from this historic asset.

*These points are for guidance only; it is important that you use your own words and add further reasons if you feel they are applicable. Each and every member of your home can register their own comments*

***Please do register your comments/objections as there is much at stake.  
Remember this is only the first part of our campaign to stop the windfarm  
development.....***

***Thank you.***

Flyer delivered to residences in Austrey, Warton, Orton-on-the-Hill and Norton-Juxta-Twycross

**APPENDIX B**



Austrey Microwave Relay Station, north-west of the proposed site

**(12) Application Nos: PAP/2012/0078& PAP/2012/0084**

**Land at South Street, Rear of Atherstone Garage, Atherstone, CV9 1DR**

**Demolition of existing buildings and erection of retirement living housing for the elderly, 46 flats, (1 & 2 bed Cat II type accommodation), communal facilities, landscaping and 22 car parking spaces with vehicle access from South Street., for**

**McCarthy & Stone Retirement Lifestyles Ltd**

### **Introduction**

These applications have just been received. They are reported here for information at this time, but a determination report will be brought to Board in view of there being a draft Section 106 Agreement attached to the application, and in view of the interest taken by the Board in previous proposals here, given the significance of this re-generation scheme in the town

### **The Site**

This is a roughly rectangular site located at the rear of the former Atherstone garage amounting to 0.29 hectares. It fronts South Street between a recently constructed three storey block of apartments at the junction of South Street and Woolpack Way, and a frontage of terraced properties to the south. On the opposite side of South Street is a further three storey frontage residential development; the junction with Grove Road and further terraced property. To the north-west is the bowling green at the rear of the Conservative Club which fronts Long Street. To the south-east is the rear of residential property in Welcome Street. Some of this is in the form of three storey blocks. The land here is higher than the site which generally is on lower land than the surrounding area. The application site backs onto the existing garage premises on Long Street. The site presently is commercial in use and there are industrial type buildings here together with large areas of hard-standing.

### **The Proposals**

In essence these are to clear the site and to construct one three storey block of residential apartments. The form of this block is effectively in the shape of an "I".

There would be one long South Street frontage from where all vehicular access would be gained via an arched entrance within that frontage, and a corresponding block to the north with an intervening block. In total this built form would provide 46 apartments – 30 with 1 bedroom and 16 with 2 bedrooms. Communal facilities include a resident's lounge; laundry, guest suite, and CCTV coverage. The access would lead to a car parking and service area – 22 car parking spaces are to be provided. Communal amenity



space would be on the other side of the central block facing the bowling green.

The general layout and position within the surrounding area is illustrated in Appendix A.

The applicant has indicated that the approach taken in the design of the building is to reflect the general character of the surrounding area and to pick up much of the detail local to the town. A Design and Access Statement accompanies the application to explain and justify this approach.

Illustrations of the proposed appearance are attached at Appendices B and C.

The application is accompanied by a number of documents. These include the Design and Access Statement as referred to above; a Planning Statement, a Traffic and Impact and Parking Statement, a Summary of Community Involvement, a Drainage Survey, an Affordable Housing Statement, a Geotechnical and Ground Contamination Report, an Archaeological Assessment, a bat survey, a habitat survey and a site appraisal. There is also some information on the operation and management of the applicant's housing schemes, explaining that they operate a minimum age restriction of 60 for a single person and 55 for a second person or partner living in the same apartment. A house manager would also be resident on the site.

Members are invited to read these documents all of which are available on the web site or to request a copy from officers. However one is "singled out" as it relates to one of the priority planning policy objectives of the Development Plan – namely the provision of affordable housing. There is no affordable housing as defined by the Development Plan, being provided in this proposal. The applicant is offering an off-site contribution in lieu, of £75,000. The applicant's affordable housing statement explains the background and reasoning for this, including a financial appraisal of the viability of the proposed scheme.

## **Background**

Members will be aware that planning permission was granted in 2008 for the redevelopment of the whole of the former Atherstone garage site extending from South Street right through to and including the Long Street frontage. That permission was renewed last year and it runs until 2014. It would provide 40 residential units in a series of three storey blocks – one facing South Street, one fronting Long Street, and four separate blocks between them (one three storey; one two and a half storey, and the remaining ones at two storey). Additionally the permission includes two office units providing 285 square metres of floor space, and a total of 40 car parking spaces. Vehicular access would be divided between South and Long Street, but with no connections. This consent included a Section 106 Agreement contributing £260,000 as an off-site affordable housing provision.

The proposal could be considered to be an Urban Development Proposal under the terms of the Environmental Impact Assessment Regulations 2011. However it falls under the threshold identified in those Regulations and given that planning permission exists for the residential redevelopment of the site, it is not considered that the current proposals would give rise to any serious environmental impact over and above those known about at the time of consideration of that planning permission. The increase in the number of units proposed; consequent traffic impact and the impact of the Conservation Area are all matters that have been specifically addressed by the applicant in the current application and are thus not considered in themselves to warrant an Environmental Statement. It is appreciated that this site is also smaller than that for which the current permission pertains, but this is a single issue that will be addressed as part of the determination process.

The whole of the application site is within the Atherstone Conservation Area. The Conservative Club is a Grade 2 Listed Building.

The size of the site and the amount of demolition could involve triggering referral to the Secretary of State under Circular 1 of 2001. However this referral is discretionary. At the time of the 2008 permission, the Council considered that the proposals were a substantial enhancement to the Conservation Area and with little adverse impact on the setting of the adjoining Listed Building. It enjoyed overall support from the Council's Heritage Officer and the Civic Society. As such there was no referral. As there is now a current fresh application to consider, the question of referral will have to be addressed again at the appropriate time.

The site is presently in commercial use and historically it has always been used for industrial purposes – including use as a tannery. The site therefore has the potential to be contaminated. This background was considered by the Council at time of the 2008 consent, and has been addressed again by the applicant in his supporting documentation accompanying the application.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration); 2 (Development Distribution), 3 (Natural and Historic Environment), 8 (Affordable Housing), 11 (Quality of Development), 12 (Implementation) and policies ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), HSG2 (Affordable Housing), HSG4 (Densities), HSG5 (Special Needs Accommodation), ECON3 (Protection of Existing Employment Sites), TPT 1 (Transport Considerations), TPT3 (Access and Sustainable Travel), TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

Government Policy - Circular 5/2005 (Planning Obligations); PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic

Environment), PPG13 (Transport) together with the draft National Planning Policy Framework (NPPF) 2011, and the 2011 Ministerial Statement (Planning for Growth)

Council Documents – Draft Core Strategy (2011); SPD (Affordable Housing), draft Atherstone Conservation Area Appraisal

Other Matters – New Homes Bonus

### **Observations**

Even although this report is for information, it is worth stressing immediately that Development Plan policy supports the residential re-development of this site and the recent planning permission is clearly a planning consideration of substantial weight. The recent permissions too have inevitably involved the demolition of buildings in the Conservation Area, and this too should carry substantial weight. Notwithstanding this position, there are a number of planning issues which the Board will need to focus upon when it comes to determine this particular application. They arise directly from these proposals. They are:

- does the built form and approach to the design preserve or enhance the character and appearance of the Conservation Area hereabouts
- does the proposal harm the setting of the adjoining Listed Building
- is the demolition work still justified within the context of the proposed urban form
- should the proposal be considered separately from the larger site given the extent of the current permissions
- does the proposal meet a local housing need or requirement
- how does the proposal accord with Development Plan affordable housing provision
- is the draft Section 106 contribution proportionate and reasonable

Additionally, the Board will need to explore other planning issues relating to:

- Access provision
- Car parking provision
- Land contamination
- Bio-diversity and ecology issues

All of these matters will be discussed when the determination report is brought to Members. In the interim, if Members have any other matters that they consider should be examined, then it would be helpful to know of these at an early stage.

### **Recommendation**

That the report be noted at the present time.



## **BACKGROUND PAPERS**

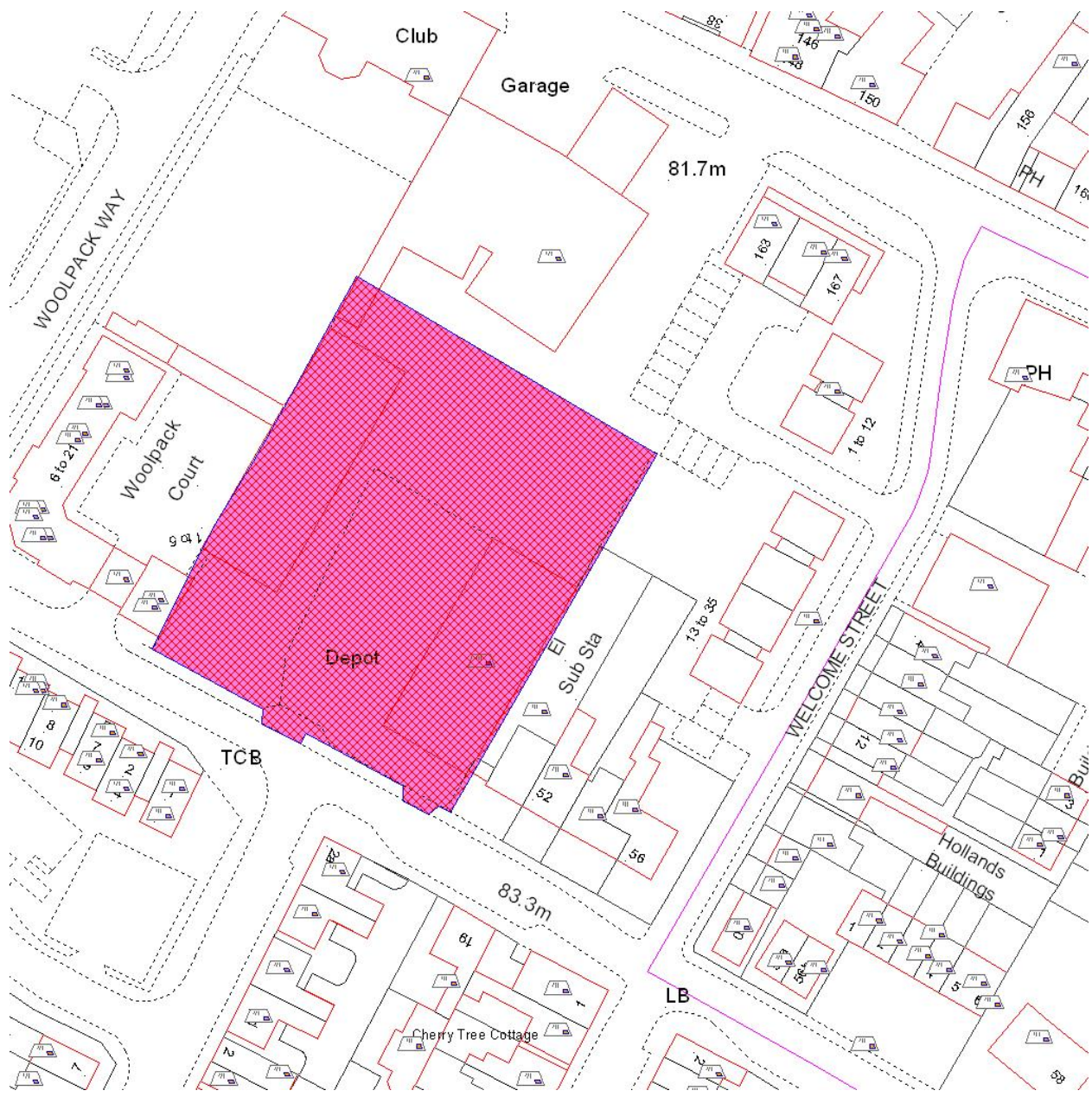
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0078

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/2/12
2			

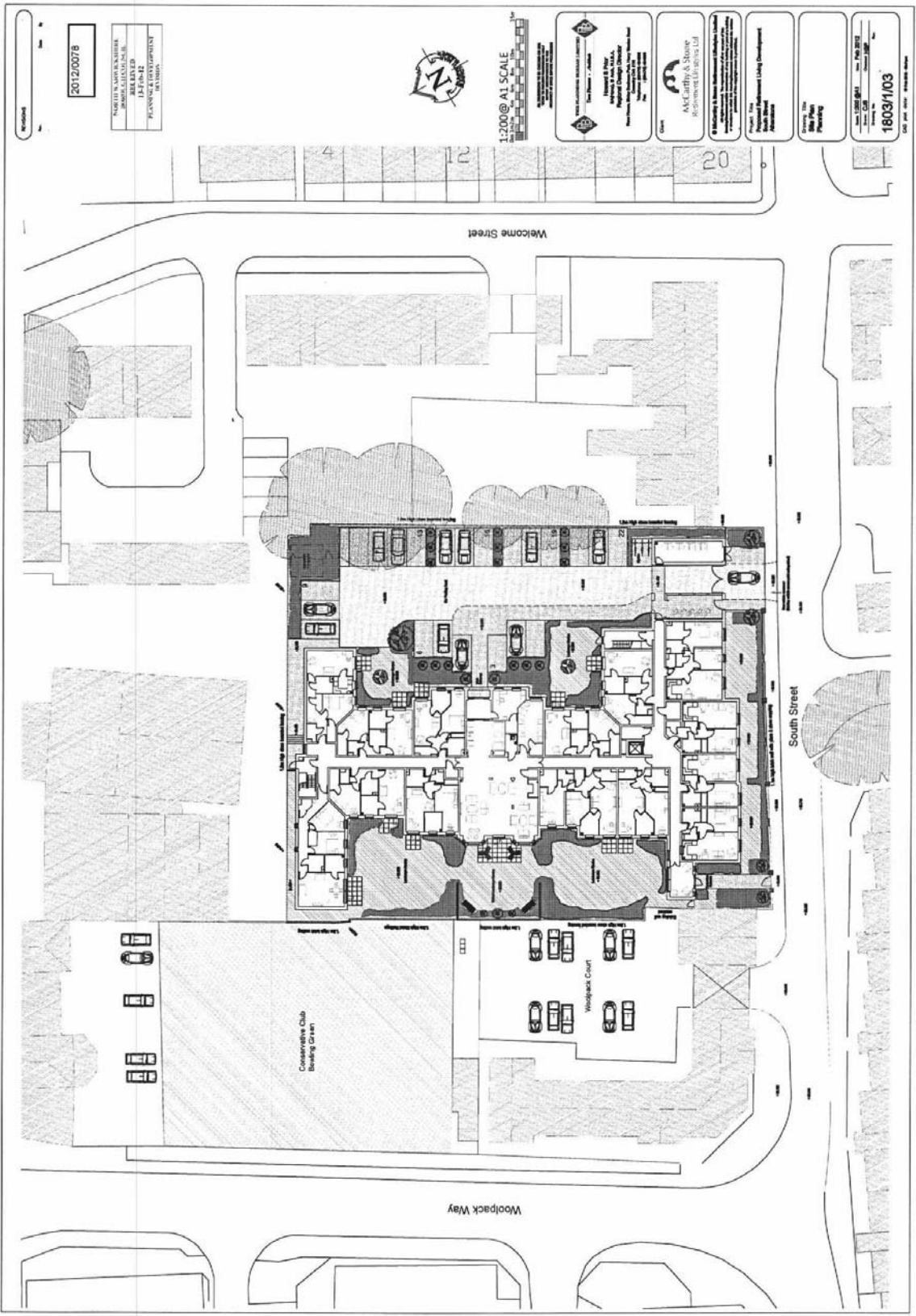
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*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



2012/0078

PLANNING DEPARTMENT  
 12-1-10-12  
 1803/103



1:200 @ A1 SCALE

APPROVED FOR CONSTRUCTION  
 1803/103

APPROVED FOR CONSTRUCTION  
 1803/103

APPROVED FOR CONSTRUCTION  
 1803/103

APPROVED FOR CONSTRUCTION  
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APPROVED FOR CONSTRUCTION  
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APPROVED FOR CONSTRUCTION  
 1803/103

APPROVED FOR CONSTRUCTION  
 1803/103

1803/103

1803/103



**Elevation A-A Facing South Street**

**Perspective 1 - Proposed South Street Frontage**

**Perspective 2 - Proposals from Bowling Green**

**Elevation B-B Facing Bowling Green**

**1:200 @ A1 SCALE**

**2012/007B**

MANAGER: NATHAN W. KIMBER  
 PROJECT: BOWLING GREEN  
 14-F-10-12  
 PLANNING DEVELOPMENT  
 DIVISION

**1803/1/02**

DATE: 1/20/12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**1803/1/02**

DATE: 1/20/12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**MATERIALS SCHEDULE**

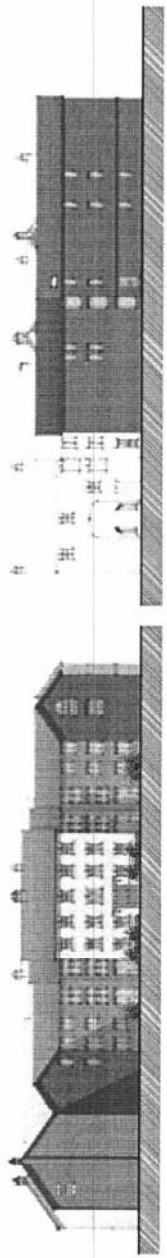
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 CONCRETE: [Details]  
 STONE: [Details]  
 GLASS: [Details]  
 METAL: [Details]  
 ROOFING: [Details]  
 PAINT: [Details]  
 FINISHES: [Details]

**Elevation Key**

REVISED

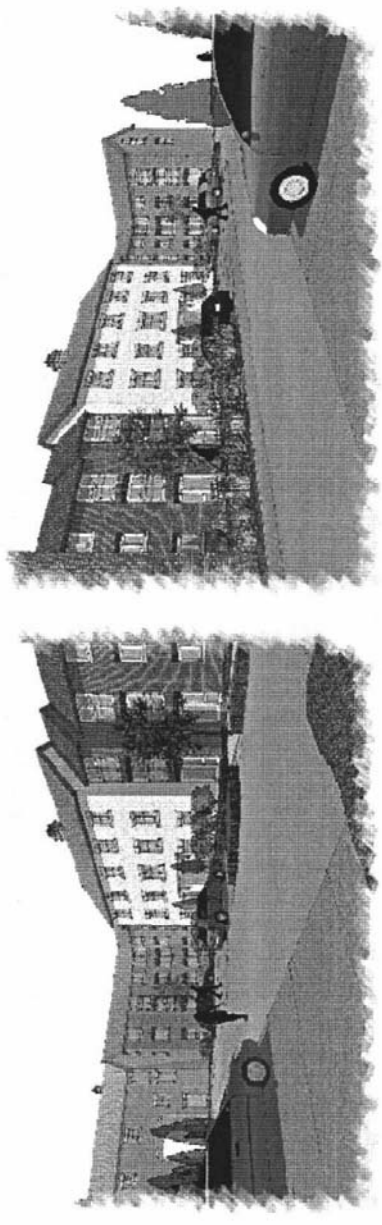
2012/007/6

NOBLE WOODS KENNEL  
 1803/1/04  
 15-FEB-12  
 PLANNING DEVELOPMENT  
 WISCONSIN



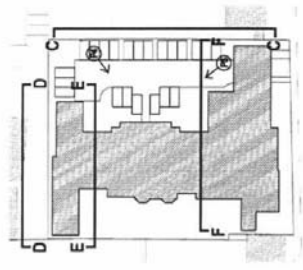
Elevation D-D North Facing Elevation

Elevation C-C Facing Car Parking Courtyard

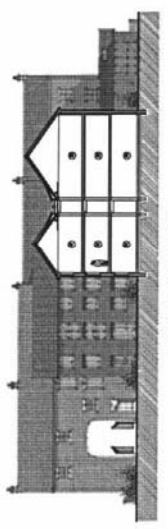


Perspective 5 - Parking Courtyard

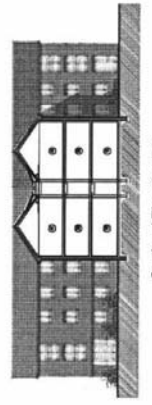
Perspective 4 - Parking Courtyard



Elevation Key



Sectional Elevation F-F



Sectional Elevation E-E

1:2000 @ A1 SCALE

1803/1/04

McCarthy & Stone Retirement Communities Ltd

1803/1/04

**(13) Application No: PAP/2012/0087**

**Rear of 73, Coleshill Road, Water Orton, B46 1QF**

**Certificate of lawfulness application for confirmation that the vehicle hardstanding, gate and ramp are within permitted development rights, for**

**Mr D Goulding**

**Introduction**

This is not a planning application. The Council is being asked to verify the applicant's claim that the works as described above are permitted development and thus are lawful. The Council's remit here is solely to consider the requirements associated with permitted development rights, not the planning merits. In other words, the works will be determined to be permitted development or not, as a matter of fact.

**The Site**

This is a plot of land at the rear of 71 and 73 Coleshill Road, Water Orton. It is within a wholly residential area – see the attached location plan. A new house has been constructed in this location.

The site adjoins a private track which has a junction with the Coleshill Road to the south. The track also hosts a public footpath – the M38 – which runs from the Coleshill Road, past the site and onto Overton Drive to the north.

**Background**

Planning permission was granted for the erection of a dwelling on this land in 2007. A copy of the decision notice is attached at Appendix A and a copy of the approved plan is at Appendix B. The dwelling has been constructed to the dimensions as shown on the approved plan; it is in the position shown on that plan and has the appearance of the approved design.

**The Proposal**

The applicant is claiming that three separate operational works completed at the site are “permitted development” under the terms of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and as such are lawful. He is requesting that the Council issue a Certificate under Section 191 of the Town and Country Planning Act 1990 to that effect.

The applicant's case is that these works are operational development falling within the terms of Parts 1 and 2 of Schedule 2 to the 1995 Order.

The works relate to a hard-standing – see Appendices C and D; a gate – see Appendix E and a ramp – also Appendix E.

## **Consultations**

Warwickshire County Council as Highway Authority object to the use of the private drive as a vehicular access to the new dwelling on highway and traffic safety grounds.

However it understands the remit of the Borough Council here in the determination of the Certificate application, accepting that the response it has made is not material to the determination of the application.

## **Representations**

At the time of preparing this report, seven representations had been received. These refer to the access to the house being along a public footpath which would greatly affect the character and environment of the neighbourhood; that the original permission had no vehicular access, there is no private right of access, that which might be claimed is to be challenged, that vehicular access would be illegal, and that there are highway and traffic safety issues.

The representations also refer to the original grant of the planning permission for the dwelling, and to the detail of what is shown on the approved plans. The general thrust of their case is that that permission was granted solely on the basis of there being no vehicular access, and that these works can not therefore now become lawful as a consequence.

## **Observations – The Application**

### **a) Introduction**

As Members are aware, planning permission is required for the carrying out of development. That permission can be granted through a Development Order or through the submission of a planning application to the Council. The route to be taken depends upon whether the development concerned is defined by the Order.

In this case, officers are satisfied that the works being considered here do constitute “development” under the terms of the 1990 Act because they amount to engineering and building operations. As such, the relevant Order is the General Permitted Development Order. Schedule 2 to that Order defines what developments are granted planning permission by that Order and what are not.

The lawful use of the site at which these operational developments are located is residential. As such the relevant sections of Schedule 2 are Parts 1 – that relating to development within the curtilages of dwelling houses, and Part 2 – that relating to minor operations.

The 2007 planning permission did not remove permitted development rights under these two Parts and hence they still pertain to these premises. The applicant is in effect saying that he can therefore benefit from these rights. As the dwelling is substantially complete, the owner can take advantage of these rights.

Prior to looking in detail at the details, it is relevant to determine what definition is to be used for the track that adjoins the site. This is because the Parts of the Order referred to above contain references to a “highway”, and to a “highway used by vehicular traffic”. The track here is privately owned; it is not owned by the Warwickshire County Council. It also happens to “host” a public right of way – the M38 public footpath. For the purposes of this report, officers consider that the track is a “highway” but not one used by vehicular traffic.

It is now proposed to take each of the described works in turn.

#### **b) The Hard-Standing**

This is shown in Appendices C and D. This shows paving to the side (the south) of the house (Appendix C) and between the house and plot’s boundary with the track (Appendix D). The relevant section of the Order is Class F of Part 1 to Schedule 2. The paving here is on the balance of probability, very likely to be used for purposes incidental to the use of the dwelling as a residence and thus Class F remains relevant. The paving to the side of the house is permitted development because it is to the side of the house, not in front of its front elevation or its principal elevation. This is considered to be that facing the track – it has the main front door entrance and it is marked “front elevation” on the approved plan. The remaining section is in front of the principal elevation – between it and the track. The question of whether this is permitted by the Order depends on whether that track is a “highway”; the area of the paving and drainage arrangements. As said above, it is considered that the track is a highway; the area is greater than the five square metres set out in the Order but it does have a porous edge. This would add up to this section of paving also meeting the Order requirements, and is thus permitted development.

As a consequence it is considered that the hard-standing is permitted development by virtue of Class F of Part 1 of Schedule 2 to the 1995 General Permitted Development Order as amended.

#### **c) The Gates**

This is shown at Appendix E, and illustrates a wooden gate inserted into the curtilage boundary with the track. The relevant section of the Order here is Class A of Part 2. The determination rests on the status of the track and the height of the gate. The track as indicated above is not considered to be a highway used by vehicular traffic and thus as the gate is less than two metres high, it meets the terms and conditions of the Order.

As a consequence it is considered that the gate is permitted development by virtue of Class A of Part 2 to Schedule 2 of the 1995 General Permitted Development Order as amended.

#### **d) The Ramp**

This is shown at Appendix E and shows a ramp outside of the gate. It is considered that this is an engineering operation and is therefore defined as development. Because this appears to be outside of the curtilage of the new house, Part 1 rights of the Order do not apply. Part 2 (Class B) however will be relevant. The ramp here can be considered to be a form of access provision. However the access is not made to a trunk or classified road, and it has been provided in connection with other works which as considered above are themselves permitted development – the gate and paving. As a consequence the ramp too is considered to be permitted development. There is one further issue however, as the provision of an access under the Order is qualified by Article 3 (6) of the same Order. This would remove those permitted development rights if the access were to a trunk or classified road, which it is not, or the access would create a visual obstruction, which it does not. Moreover this Article is written in connection with a “highway used by vehicular traffic” which is not the case here.

As a consequence it is considered that the ramp is permitted development by virtue of Part 2 to Schedule 2 of the 1995 General Permitted Development Order as amended.

#### **e) Conclusion**

Some time has been spent in exploring the exact wording of the appropriate Order in this case. Additionally, legal advice has been taken on the conclusions reached above, and it is confirmed that the works as set out above are permitted development and thus that a Certificate can be granted to that effect.

#### **Observations – Other Matters**

As reported above, the representations received in respect of this application relate to matters outside the scope of the application and thus the remit of the Council in the determination of the application. In essence those representations refer to two matters. The first is the possibility of the track being used for vehicular access to the new house, and the perceived dangers to users of the public footpath. Secondly, that if there is now vehicular access to the dwelling then there would be a breach of planning control, because the

house was approved without such access. Officers must stress again that these representations are not relevant to the determination of this application. Its determination rests solely on whether the works as described are permitted development or not. That is wholly governed by the definitions and conditions contained in the relevant Development Order. It is accepted that the consequence of retention of these works may well be that vehicular access is gained to the dwelling. However, the planning remit here is not to do with possible consequences. The application relates solely to operational development and it should be determined wholly with reference to the relevant considerations.

In the circumstances of this case however, it is considered that responses need to be made in respect of the two matters that run through the representations. They will now be dealt with in turn.

Those objecting to the possible use of the track by vehicular traffic have recourse to other means to forward their concerns. The first is to challenge legally whether or not there are private rights of access to the site over the track. This is a matter that should be taken up with the Land Registry along with the evidence to substantiate that challenge. The second is to request the County Council as the Highway Authority whether it has any legal recourse in respect of the use of the public footpath under the Highways Act 1980, and relevant legislation. Members should be aware that the determination of the current application is not dependant upon the outcome of any investigations that objectors might pursue, and that a determination on the lines recommended below, does not pre-empt any decision of the Land Registry or the Highway Authority in their respective areas of interest. It is understood that local residents are considering joint action in these respects and are in the process of taking their own legal advice.

On the second matter, it is agreed that the approved plans do not show paving over the area that it now covers; the gate or the ramp. The development has proceeded with the addition of these features. However it is a matter of fact that permitted development rights can be implemented here as the dwelling is now substantially complete. It benefits from these rights as with any other residential property. If the Board agrees that the Certificate can be granted as recommended, then these additional works are verified as being lawful, and no breach will have occurred. Neither has there been a breach as a consequence of a change of use. The approved use is residential. The use with the additional works will remain as residential. As a consequence there will be no breach of planning control.

### **Recommendation**

That a Certificate under Section 191 of the 1990 Act be **Granted** in respect of the works as described above for the reasons set out in this report.





## BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0087

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/2/12
2	Mr Merrick	Objection	27/2/12
3	Mr Plested	Objection	21/2/12
4	Mr Burgess	Objection	28/2/12
5	Warwickshire County Council Highways	Objection	2/3/12
6	Mrs Tatum	Objection	27/2/12
7	A Rowe	Objection	6/3/12
8	J Cheshire	Objection	8/3/12
9	P J Cheshire	Objection	8/3/12

*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

**North Warwickshire  
Borough Council**

Planning Division  
PO Box 6  
Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BG

The Town and Country Planning Acts  
The Town and Country Planning (General  
Development) Orders

**DECISION**

**Full Planning Application**

**Application Ref : PAP/2006/0846**

Michael Lambert, Dip TP, MRTPI, MIED  
Assistant Director (Planning)

---

Mobius Studio Limited  
The Mews  
13A St Pauls Square  
Birmingham  
B3 1RB

---

**Site Address**

Rear of 73 Coleshill Road, Water Orton B46 1QF

---

**Description of Development**

Erection of new detached dwelling

---

**Applicant**

Mrs C Gardiner

---

Your planning application was valid on 5 January 2007. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

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

**REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received on 5 January 2007 and plan 66J-01 received on 21 December 2006.

**REASON**

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

**Authorised Officer** \_\_\_\_\_

**Date 6 March 2007**

3. No development shall be commenced before details of the facing materials to be used have been submitted to and approved by the Local Planning Authority in writing. Only the approved materials shall then be used.

**REASON**

In the interests of the amenities of the area.

4. No development whatsoever within Classes A, B, C, or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall commence on site without details first having been submitted to and approved by the Local Planning Authority in writing.

**REASON**

In the interests of protecting the amenities of occupiers of nearby properties.

5. No work whatsoever shall commence on site until such time as a Statement has been approved with the Local Planning Authority that outlines the measures to be taken to deliver materials during the construction of this dwelling. Once approved, the details within the Statement shall be adhered to at all times.

**REASON**

In the interests of highway safety.

6. There shall be no storage whatsoever of any materials, plant or equipment used in the construction of this dwelling other than at the site itself as defined on the approved plan by the red line.

**REASON**

In the interest of maintaining access along the public footpath, and to reduce the risk of accidents.

**INFORMATIVES**

1. The North Warwickshire Area Team, Warwickshire County Council, must be contacted 21 days before any work is carried out at the site on tel. 01926 452151, to agree, in writing, the payment of cash security to be used for the repair of Footpath M38, in the event that there is damage caused by construction vehicles during the building of the proposed dwelling.
2. In the detail to be supplied in response to condition 5, it is expected that working hours will be identified, and particularly the hours of delivery of goods which will be expected to be outside of school opening and closing hours.

**REASONED JUSTIFICATION**

The proposal is in accordance with policies Core Policy 2, ENV11, ENV13, ENV14, and HSG4 of the North Warwickshire Local Plan 2006. There are no material considerations that indicate against the proposal.

**Authorised Officer** \_\_\_\_\_

**Date** 6 March 2007

**APPEAL INFORMATION**

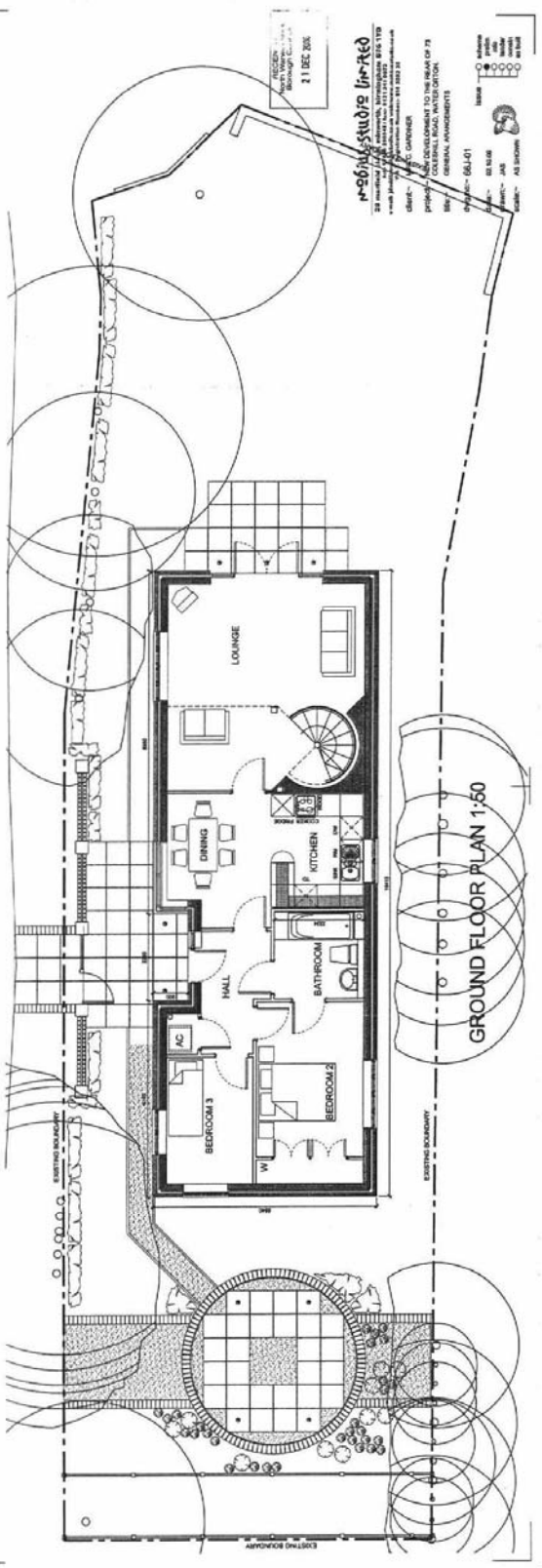
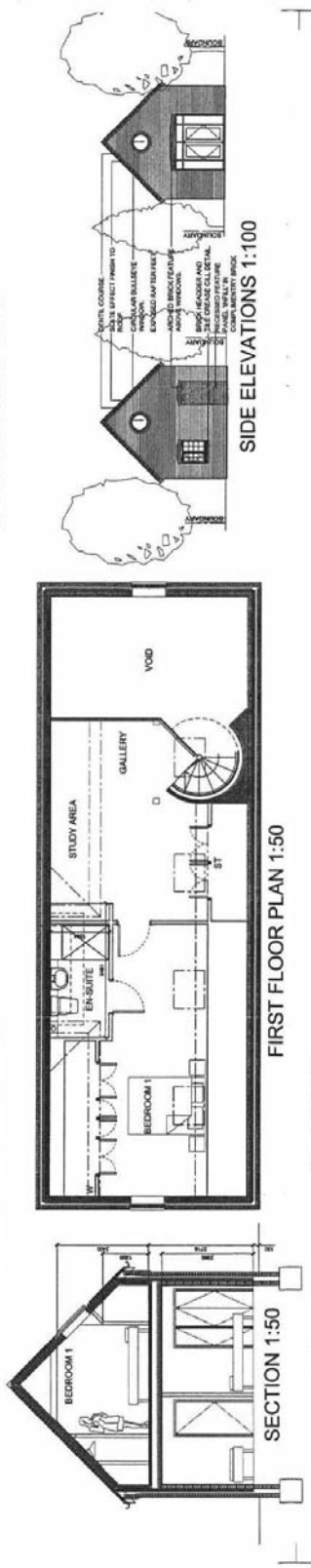
You are reminded that, in accordance with Section 78 of the Town and Country Planning Act 1990, you can appeal against conditions attached to an approval, or against a refusal, by contacting the Planning Inspectorate, Room 3/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone Number 0117 3728823, Fax Number 0117 3728443. Appeal forms may also be downloaded from the Planning Inspectorates website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). You have 6 months to appeal from the date of this notice.

**NOTE**

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk/portal>. It will be described as either 'Board Report' or 'Officer's Observations'. Alternatively, you can view it by calling into the Council's Reception between 9am and 1pm on weekdays.

**Authorised Officer** \_\_\_\_\_

**Date** 6 March 2007



**mp6 studios inc**  
 ARCHITECTS  
 21 DEC 2018

21 DEC 2018

1/50  
 1/100  
 1/200  
 1/400  
 1/800  
 1/1600

LEGEND  
 - WALLS  
 - FLOORS  
 - ROOFS  
 - PLANTING  
 - FURNITURE  
 - LIGHTS

PROJECT: 1/50  
 LOCATION: 1/50  
 GENERAL ARRANGEMENTS  
 1/50



APPENDIX D









## **(14) Consultations by Warwickshire County Council**

### **Middleton Hall Quarry, Bodymoor Heath Lane, Middleton**

**Two applications, one to change the use of land for a construction waste recycling facility, and the second for a wood recycling facility, both for**

#### **Parkstone Environmental Ltd**

##### **Introduction**

These two separate applications have been submitted to the Warwickshire County Council as Waste Planning Authority. It will determine them in due course. As part of that process the Borough Council has been invited to make representations.

##### **The Site**

Middleton Hall Quarry is a former sand and gravel extraction site with its associated processing area, located to the north of Bodymoor Road and to the east of the A4091 Tamworth Road in the Tame Valley. The River Tame and the Dosthill Lakes are further to the east. The Aston Villa Football Club's training ground is to the west.

The application sites for these two proposals are within the former processing area connected with the quarry. The location for the construction waste facility (just over three hectares in area) is an area to the east of the site where the former batching plant was located. The proposed wood recycling facility (three hectares in area) would be to the west where there are still some remaining buildings. There are existing bunds around the general former processing area and both of these current proposals are within these structures. There is also quite significant existing tree cover

The plan at Appendix A illustrates both locations. They are around 900 metres from the junction of the quarry track with the road.

##### **The Proposals**

The construction waste facility is proposed to recycle inert demolition and construction waste – uncontaminated soil, subsoil, brick and concrete rubble. There would be no buildings associated with the use, only associated plant and machinery. Hours of operation would be from 0700 to 1800 during the week; 0800 to 1300 on Saturdays with no Sunday working. Recycled waste would be exported, but non-recyclable waste would be disposed of in the quarry landfill site.

The wood recycling facility in essence revolves around the recycling of wooden pallets. These would then be separated into different grades for re-use as board mill; compost, bio-mass, animal bedding and equestrian

products. There are no buildings proposed – just plant and machinery. The same hours of operation would apply here as set out above.

The applicant argues that the proposals are in line with and compliment current permissions at the site and thus will benefit the overall restoration of the site as well as meet waste recycling objectives. He argues that hours of operation and access arrangements are no different to the extant permissions and that the volume of HGV traffic would still be less than that when the site was in use for minerals extraction.

## **Background**

Middleton Hall Quarry had been a sand and gravel extraction site since the 1960's, but that operation ceased in 2008. The site is being restored through landfill and as a wetland nature reserve. The approved land-filling operations comprise an area of around 13 hectares to the north of these two current application sites, and involves the importation of inert materials and the final restoration of the land 1.2 metres above original ground level. The period to complete this infilling operation is until 2021. The permission for the extraction of minerals and the land filling operation was conditioned in respect of working hours. The proposed working hours for both the construction waste and wood recycling facilities – as set out above - are the same as these approved hours.

The wetland restoration is continuing and Members will be aware that recent permission has been granted to the RSPB for a visitor's centre, car parking and an improved access. The access works involved improvement of the existing access onto Bodymoor Heath Lane.

There is a current permission for use of part of the site – to the north of the current application sites – for a materials recycling facility which expires in 2022, or on cessation of the landfill operation, whichever is the sooner. This consent follows an original temporary consent granted in 1996, and the facility has moved around the site depending on the rate of infilling.

There are no current permissions for wood recycling and this proposal is therefore for an additional use.

## **Development Plan**

RSS for the West Midlands – Policies WD1, WD2, WD3 and EN1, together with the evidence base

Saved Policies of the Waste Local Plan for Warwickshire – Policy 1 (General Land Use), Policy 6 (Materials Recycling Facilities) and 13 (Proposed Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 1 (Social and Economic Regeneration), ENV1 (Landscape Character), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows),

ENV6 (Land Resources), ENV11 (Neighbour Amenities), ENV14 (Access Design).

### **Other Material Planning Considerations**

Government Advice – PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management)  
The draft National Planning Policy Framework

The EU Waste Framework Directive 2008; the EU Landfill Directive, The Waste Strategy for England 2007.

The Warwickshire Waste Development Framework (Preferred Option and Policies) – Policies CS1, CS2 and CS5.

The North Warwickshire Draft Core Strategy

### **Observations**

Both applications are for inappropriate development within the Green Belt and thus there is a presumption that planning permission will be refused unless there are material planning considerations of such weight to override this presumption. The applicant is arguing that substantive and overriding weight should be placed on the current waste strategy of the Government in promoting the recycling of waste streams and to reduce the amount of waste going to land-fill. This strategy is reflected in emerging Development Plan policy where the County Council outlines criteria for the consideration of waste recycling applications.

It is argued that Green Belt policy is also of substantial weight, and that the achievement of Green Belt objectives is not just consequent on the retention of agricultural land but also on all land within the designation in order to retain its openness. That is its most important attribute and thus new commercial development, regardless of whether it would be visible to the public at large is inevitably going to reduce that openness. Moreover given that restoration plans are on-going and in place, it is considered that the site objective for the Middleton Hall Quarry should be to achieve that outcome without perpetuating the site as a development site.

The issue is which of these approaches should carry more weight.

In this case, it is considered important to treat the two applications separately. The reason for this is because there is an extant materials recycling permission for this site. This is a material consideration that will clearly influence consideration of one of the proposals.

The existing materials recycling facility is extant. It expires in 2022. Hence even if the County Council refused permission for the current application, such a use could continue at the site in any event. In view of this, and because the hours of operation and the traffic generation now proposed are

equivalent to that of the extant use, it is concluded that it would not be reasonable to object to the current materials application provided that the existing permission is revoked or that it is extinguished through a Section 106 Undertaking. In essence this is an application to re-locate a lawful and extant use within the quarry area. It would also be subject to a 2022 end date. This position is different to that recently expressed by the Council at Dunton. There the extant consent had expired and the proposal there was to re-introduce an inappropriate use.

This conclusion can not be reached in respect of the proposed wood recycling facility. This would be an additional facility; thus adding traffic, adding to the potential for adverse environmental impacts, adding new development thus reducing openness, perpetuating the site as waste site rather than as a site now being restored in line with Green Belt objectives, and importantly not contributing to the eventual land fill and restoration of that site.

### **Recommendations**

That the Council has no objection to the construction waste recycling facility given the extant lawful use at the quarry site, subject to the extinguishment of the current permission; an end date of 2022 or the completion of the land fill operation whichever is the sooner and the imposition of conditions to reduce adverse environmental impacts.

That the Council objects to the wood recycling facility for the reasons given in this report namely that it represents the addition of new development unrelated to the restoration of the site and is inappropriate within the Green Belt.

## 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	25/1/2012	31/1/2012

*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.*

## **(15) 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 Midland 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 transhipment 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

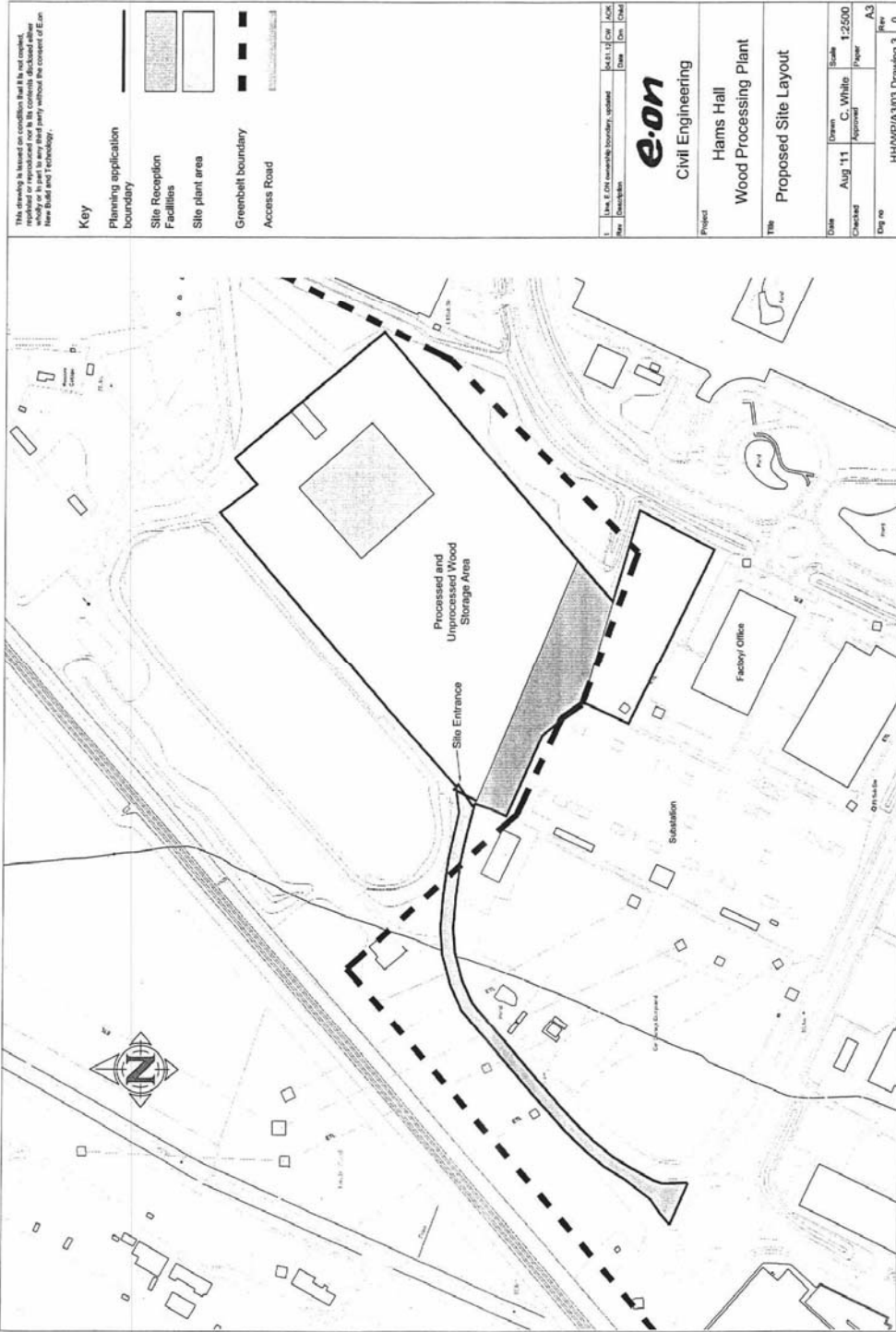
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation Letter	24/1/12
2	Environmental Health Officer	Consultation	24/2/12

*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.*

# APPENDIX A





This drawing is based on aerial photography, field sketch, ground or measured data and is not to be used for any other purpose without the consent of E-on New Steel and Technology.

**Key**

Planning application boundary	—
Site Reception Facilities	▨
Site plant area	□
Greenbelt boundary	- - -
Access Road	—

No.	Description	By	Date	CHK	CHK
1	Site & O&M boundary, updated	CH	11/08	AKS	AKS

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Civil Engineering

Project  
Hams Hall  
Wood Processing Plant

Title  
Proposed Site Layout

Date	Drawn	Scale
Aug 11	C. White	1:2500
Checked	Approved	Page
		A3
Day no	HHW/P/A3/03 Drawing 3   0	

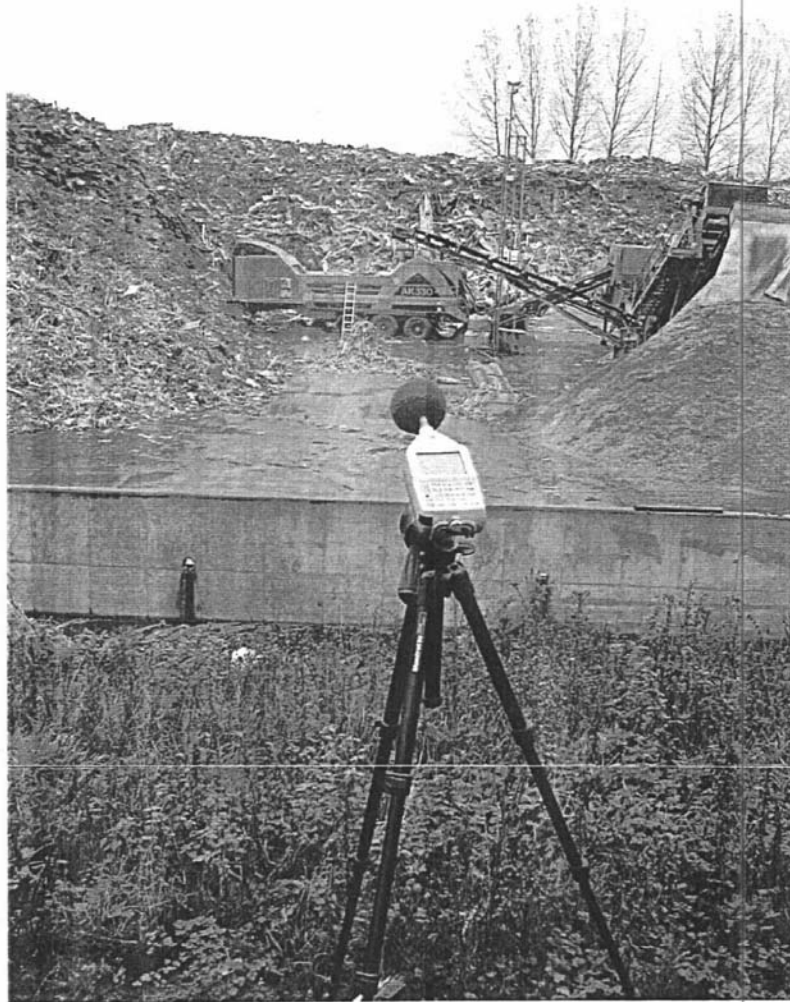


APPENDIX C









## 2 Planning Statement

### 2.1 Introduction

#### 2.1.1 Purpose of the Planning Statement

The statement describes the proposed development and sets out the scope of the planning application. The proposal is reviewed against national, regional and local planning policies. Environmental effects of the scheme are assessed and, where appropriate, mitigation is identified.

#### 2.1.2 Project and Site Background

The development site is contained within E.ON's existing landholding at Hams Hall, on the site of the former Hams Hall coal-fired power station. It is proposed that the wood processing facility is developed in conjunction with the wood products company Plevin.

E.ON is one of the largest operators and developers of power stations in the UK, employing some of the most advanced technologies currently available. As well as coal and gas stations, E.ON's renewable generation portfolio continues to expand through a range of on-shore and off-shore wind farm projects, marine power, solar and biomass power station developments. E.ON's commitment to renewable energy is demonstrated by the development and operation of the UK's largest dedicated biomass combustion plant (44MW) at Steven's Croft in Lockerbie, Scotland, the ongoing construction of a 30MWe biomass combustion plant at Blackburn Meadows in Sheffield which will operate using UK sourced recycled wood fuel and an application for a 150MWe biomass combustion plant at Portbury Dock near Bristol. E.ON is currently seeking to develop the wood fuel supply chain within the UK by setting up a wood processing facility on land at Hams Hall in Warwickshire.

Plevin is a family owned business that runs a haulage operation and a wood reprocessing business. The business manufactures a range of wood based products from virgin and waste wood materials; current products include animal bedding, sawdust for the production of wood-based cat litter pellets, wood chips for the manufacturer of composite wood products (such as chipboard) and for use as biomass. The Company has been in the wood recycling industry for 40 years and in 2011 employed 150 people across six sites. More recently the business has diversified into recycling waste wood and has expanded significantly in terms of capacity and end markets for its products. The company has been awarded grants from Waste and Resources Action Programme (WRAP) towards the development of their business in Central England under a Regional Market Development Fund set up to specifically secure the recycling of additional tonnage derived from priority waste streams, including wood. A case study prepared by WRAP provides more details on support the company has secured from WRAP (Appendix B).

The site of the former Hams Hall power station lies within the county of Warwickshire in the West Midlands, 500m south of the village of Lea Marston and approximately 2km north of the centre of Coleshill (Drawing 1). The conurbation of Birmingham and Solihull begins around 3km to the south-west. The site is bounded by the Hams Hall Distribution Park to the south and east, the Birmingham to Derby

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railway to the north west, and by Lea Marston church and Whitacre Heath Nature Reserve Site of Special Scientific Interest (SSSI) to the north east beyond the River Tame. The Environment Agency's flood risk map and the agreed flood management plan for the Tame indicate that the development site lies within Flood Zone 1. Tables D2 and D3 in PPS25 show that waste operations can be classified as "less vulnerable" development and can therefore be considered as appropriate development within Flood Zone 1.

Hams Hall has a long association with power generation, which began at the site in the 1920s. Three coal-fired power stations were built, known as Hams Hall A, B and C, the last of which closed and was demolished in the early 1990s. With the exception of part of the former B station in the north west, most of the land occupied by the three stations was redeveloped as Hams Hall Distribution Park. Powergen, the owner at the time, became part of E.ON in 2002, and E.ON retains ownership of the former B station site.

The site the subject of this planning application is approximately 6.5ha and is currently undeveloped and in the past has been used for short-term storage by neighbouring businesses, such as vehicle storage. Much of the land is surfaced with tarmac and concrete, and the foundations of the former power station are still in place below ground level. Part of the site is within designated green belt. The application boundary and the green belt boundary are shown on Drawing 2.

#### 2.1.3 The Benefits of Wood Recycling

Whilst waste minimisation, re-use and recycling are increasing, a significant volume of residual waste remains; a substantial proportion of which still goes to landfill. Landfill capacity is reducing and costs are rising significantly due to landfill tax. The proposed facility will help to reduce the reliance on landfill and the associated disposal costs, as well as helping local authorities meet their biodegradable waste diversion targets. The resulting materials from the wood processing facility will be suitable for recycling into a range of wood products, making the operation a sustainable means of managing waste wood arisings from the region.

Plevin has recently been awarded a grant by the WRAP European Regional Development Programme West Midlands (WM) Programme. The aim of this programme is to encourage and enable the development of significant additional capacity within the West Midlands to reprocess and recycle commercial and industrial waste, diverting it from landfill. The grant will contribute to the costs of plant and equipment at Hams Hall, which will facilitate a significant increase in the quantity of wood that is diverted from landfill.

#### 2.1.4 Plant and Process Summary

The facility will be used for the processing of up to 100,000 tonnes per annum of non-hazardous wood. The development will be temporary in nature, for five years. Consequently primarily temporary and mobile plant will be used. It is anticipated that the facility will include:

- chipping and screening plant;
- a small temporary building housing a picking station;

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- plant for removing metals and fines;
- loading shovels for transferring materials from the processing area to the storage areas
- ancillary development including parking - employee and Plevin vehicles, weighbridge, fuel tanks, fencing, and temporary offices.

An indicative layout of the site reception facilities and the location of the processing plant area and storage areas are shown on Drawing 3.

#### 2.1.5 The Proposed Operations

The operations that will be undertaken at the Hams Hall site will be very similar to the existing operations Plevin undertakes at its Elkesley plant at Retford in Nottinghamshire. Photographs showing the operations at the site in Elkesley are presented at Appendix B. The proposed operations will involve the reception of non-hazardous waste wood the majority of which will be brought to the site from the local and regional area.

To facilitate the operation, a site reception area including a weighbridge, a temporary building encompassing offices and welfare facilities, storage containers and staff parking will be located at the entrance to the facility. The remainder of the site will be utilised for material storage, process machinery, vehicle circulation and parking which will include for up to 10 cars, 3 lorries and up to 10 trailers.

Wood will be brought onto site by Heavy Goods Vehicles (HGV) which are either Plevin owned or third party. The material will be offloaded and then inspected for contamination (building rubble, paper, glass etc). Any obvious contaminants will be removed and stored for removal off site to a suitable licensed facility. The wood will then be sorted by grade and quality, before being moved to a designated stockpile using a loading shovel. Stockpiles will be maintained at a maximum height of 10m to minimise visual impact and ensure safety and maintenance.

Sorted wood will be loaded via a grab into a pre-crusher where larger metallic items will be removed via an overhead band magnet. From the pre-crusher the wood will be automatically fed through to a picking station where a team of trained operatives will manually remove remaining contaminants. The sorted wood will then move through a chipping machine where another overhead magnet will remove the remaining smaller metal contaminants, such as nails and hinges. The chipped wood will then be passed over an eddy current separator where non-ferrous material will be removed before the remaining material is fed through a screen to remove the fines and oversize material. The oversize is re-fed into the system using a loading shovel.

The sawdust and undersized materials that have been removed will be stockpiled on site and then subsequently loaded onto a trailer for transport off-site, typically for use in the composting market. The finished processed wood product is stockpiled for future loading and sale for biomass applications and to the panel board industry. Materials extracted from the incoming waste wood streams, such as metal, cardboard, plastic and glass will be collected in skips and sent off-site for recycling at suitably licensed sites. The storage

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of materials on site will be designed where possible to provide screening of the operations.

The plant will be mobile and linked as necessary with conveyors. The height of the conveyors will not exceed 10m in height, with the main items of plant being 6m to 8m high.

Dust suppression systems will be employed on the processing plant, to dampen roads and storage areas as necessary to ensure dust emissions associated with the operations are minimised. Surface water drainage will be managed on site and prior to any discharge off site will pass through existing interceptors to remove silt and any oil. All fuel and oil stored on site will be appropriately banded.

The temporary development would contribute directly to the local economy, with the creation of approximately 25 full time equivalent posts, including site staff to operate the plant, office staff and vehicle drivers. It is anticipated that up to 20 of the jobs will be filled by local people.

Operating times for the site will be 06:00 to 20:00, Monday to Friday (including bank holidays), with wood processing taking place between 07:00 and 19:00. Staff will be split between two shifts - 06:00 to 14:00 and 14:00 to 20:00. Operating and processing will take place between 07:00 and 13:00 on Saturday.

The development will provide a facility in the West Midlands for the management and processing of waste wood for which there is a proven need demonstrated by the grant secured for the development of wood processing facilities in the region.

#### **2.1.5 Site layout**

The proposed layout of the site is shown on Drawing 3. A site reception facility will be located in the southern area of the site, adjacent to the site access. A temporary surface mounted weighbridge will be installed at the entrance to the facility. A temporary building will be erected which will encompass offices and welfare facilities.

The processing and stocking areas will be located in the north and central areas of the site. The proposed development will involve bringing temporary and mobile plant on site. This will include chipping machines, screens and loading shovels which will be located generally in the centre of the site. The wood for processing and the product will be stored around the processing plant.

#### **2.1.6 Programme**

It is intended to commence site preparation for the development early in Q1 2012, with a view to beginning operations March 2012. It is recognised that achieving these development timescales is subject to obtaining planning permission.

#### **2.1.7 Site Preparation Traffic**

Primary routes to the site will be the main A446 and M6 toll/M42, which run approximately north to south and are situated within 2km west of the site. All deliveries and site preparation traffic will avoid minor roads and surrounding villages.

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Your ref:  
My ref: NWB/12CM004  
Your letter received:



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Mr J Brown,  
Head of Planning  
North Warwickshire Borough Council  
PO Box 6  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BG

Date: 24 January 2012

Dear Mr Brown

**PROPOSAL:** The proposal is for the establishment and operation of a temporary wood processing facility at Hams Hall site in Warwickshire for the period of 5 years.

**LOCATION:** Hams Hall Faraday Avenue, Hams Hall Distribution Park, Coleshill, Birmingham, B46 1PW

GRID REFERENCE: 420042.292384

We are in receipt of the above planning application which was submitted by E.on Climate and Renewables. Details of the planning application can be found on our website at [www.warwickshire.gov.uk/mineralsandwasteplanning](http://www.warwickshire.gov.uk/mineralsandwasteplanning).

I hope to report the proposal to the Regulatory Committee on 20-Mar-2012.

Observations on this application are required before 14-Feb-2012. If a response is not received before this 21 day period has expired, it will be assumed that there are no objections unless a formal request for an extension of time is agreed with the Strategic Director for Communities.

Please note that with the exception of your email address and telephone number the information you provide to us may be published on the council's website. Your name and postal address will remain visible but your signature will be removed.

*Working for  
Warwickshire*

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Hams Hall

Planning Application for the temporary  
establishment and operation of a Wood  
Processing Facility for 5 years

Main Supporting Document

January 2012

### **Summary**

The planning statement supports the application by E.ON Climate and Renewables UK Biomass Limited (EON) and R Plevin & Sons Limited (Plevin) for planning permission for the development of a wood processing facility at the Hams Hall Site, Warwickshire. It is proposed that the facility is operated at the site for a period of 5 years. Wood will be brought to site, sorted on site by grade and quality, then shredded and size-fraction reduced to the required size before being loaded onto trailers for export off site to biomass facilities and manufacturers of composite wood board materials.

The statement describes the proposed development and sets out the scope of the planning application for the operation of the wood processing facility. The proposal is reviewed against national, regional and local planning policies. Environmental effects of the scheme are assessed and, where appropriate, mitigation is identified.

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Drawing 1 Location of Hams Hall Proposed Works  
Drawing 2 Local Designations and Receptors  
Drawing 3 Proposed Site Layout



**Appendices**

- A Letter from Warwickshire County Council
- B WRAP Case Study and photographs of the Elkesley operations
- C Landscape and Visual Impact Assessment
- D Noise Assessment
- E Ecology
- F Traffic Statement

## 1 Introduction

This document provides the supporting information required for an application for planning permission by E.ON Climate and Renewables UK Biomass Limited (EON) and R Plevin & Sons Limited (Plevin) to operate a wood processing facility at Hams Hall. It is proposed that the facility is temporary, operated for 5 years. The proposed development is on E.ON owned land, formally occupied by Hams Hall power station. The site is adjacent to Hams Hall Distribution Park.

This document is laid out in a manner that addresses the requirements of the Town and County Planning Act 1990 (as amended). An evaluation of environmental effects and an assessment of the development against relevant planning policies are provided in the planning statement in Section 2. The supporting design and access statement is provided in Section 3. Detailed assessments and information used to develop the planning statement and design and access statement, are provided in the supporting appendices.

E.ON and Plevin have held pre-application discussions with North Warwickshire Borough Council and Warwickshire County Council regarding the proposed development. A meeting was held with the District Planning Officer and the Environmental Health Officer (EHO) on 27 September 2011 to discuss the scope of the planning application and the proposed operations. A meeting with the EHO was held on 13 December 2011 to discuss the outcome of the noise assessment and liaison with the Planning Officer regarding the landscape and visual assessment and the Highways Authority regarding the traffic assessment has been undertaken. Discussions with Warwickshire County Council (WCC) regarding the proposals and the need for an Environmental Impact Assessment (EIA) were undertaken in December 2011. A visit by the WCC planning officer and the district EHO to a Plevin operated site in Elkesley, Nottinghamshire took place on 10 January 2012. The operations at the Elkesley site are similar to those proposed at Hams Hall with a comparable wood processing throughput.

A screening opinion on whether the proposed wood processing facility (the subject of this planning application) would constitute Environmental Impact Assessment (EIA) development, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was requested from WCC. A copy of the screening opinion is provided in Appendix A. It was concluded by WCC in their letter *'that due to its nature and scale the proposal is not likely to have significant effects on the environment. It is therefore considered that an EIA is not necessary in this instance.'*

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## 2 Planning Statement

### 2.1 Introduction

#### 2.1.1 Purpose of the Planning Statement

The statement describes the proposed development and sets out the scope of the planning application. The proposal is reviewed against national, regional and local planning policies. Environmental effects of the scheme are assessed and, where appropriate, mitigation is identified.

#### 2.1.2 Project and Site Background

The development site is contained within E.ON's existing landholding at Hams Hall, on the site of the former Hams Hall coal-fired power station. It is proposed that the wood processing facility is developed in conjunction with the wood products company Plevin.

E.ON is one of the largest operators and developers of power stations in the UK, employing some of the most advanced technologies currently available. As well as coal and gas stations, E.ON's renewable generation portfolio continues to expand through a range of on-shore and off-shore wind farm projects, marine power, solar and biomass power station developments. E.ON's commitment to renewable energy is demonstrated by the development and operation of the UK's largest dedicated biomass combustion plant (44MW) at Steven's Croft in Lockerbie, Scotland, the ongoing construction of a 30MWe biomass combustion plant at Blackburn Meadows in Sheffield which will operate using UK sourced recycled wood fuel and an application for a 150MWe biomass combustion plant at Portbury Dock near Bristol. E.ON is currently seeking to develop the wood fuel supply chain within the UK by setting up a wood processing facility on land at Hams Hall in Warwickshire.

Plevin is a family owned business that runs a haulage operation and a wood reprocessing business. The business manufactures a range of wood based products from virgin and waste wood materials; current products include animal bedding, sawdust for the production of wood-based cat litter pellets, wood chips for the manufacturer of composite wood products (such as chipboard) and for use as biomass. The Company has been in the wood recycling industry for 40 years and in 2011 employed 150 people across six sites. More recently the business has diversified into recycling waste wood and has expanded significantly in terms of capacity and end markets for its products. The company has been awarded grants from Waste and Resources Action Programme (WRAP) towards the development of their business in Central England under a Regional Market Development Fund set up to specifically secure the recycling of additional tonnage derived from priority waste streams, including wood. A case study prepared by WRAP provides more details on support the company has secured from WRAP (Appendix B).

The site of the former Hams Hall power station lies within the county of Warwickshire in the West Midlands, 500m south of the village of Lea Marston and approximately 2km north of the centre of Coleshill (Drawing 1). The conurbation of Birmingham and Solihull begins around 3km to the south-west. The site is bounded by the Hams Hall Distribution Park to the south and east, the Birmingham to Derby

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railway to the north west, and by Lea Marston church and Whitacre Heath Nature Reserve Site of Special Scientific Interest (SSSI) to the north east beyond the River Tame. The Environment Agency's flood risk map and the agreed flood management plan for the Tame indicate that the development site lies within Flood Zone 1. Tables D2 and D3 in PPS25 show that waste operations can be classified as "less vulnerable" development and can therefore be considered as appropriate development within Flood Zone 1.

Hams Hall has a long association with power generation, which began at the site in the 1920s. Three coal-fired power stations were built, known as Hams Hall A, B and C, the last of which closed and was demolished in the early 1990s. With the exception of part of the former B station in the north west, most of the land occupied by the three stations was redeveloped as Hams Hall Distribution Park. Powergen, the owner at the time, became part of E.ON in 2002, and E.ON retains ownership of the former B station site.

The site the subject of this planning application is approximately 6.5ha and is currently undeveloped and in the past has been used for short-term storage by neighbouring businesses, such as vehicle storage. Much of the land is surfaced with tarmac and concrete, and the foundations of the former power station are still in place below ground level. Part of the site is within designated green belt. The application boundary and the green belt boundary are shown on Drawing 2.

#### 2.1.3 The Benefits of Wood Recycling

Whilst waste minimisation, re-use and recycling are increasing, a significant volume of residual waste remains; a substantial proportion of which still goes to landfill. Landfill capacity is reducing and costs are rising significantly due to landfill tax. The proposed facility will help to reduce the reliance on landfill and the associated disposal costs, as well as helping local authorities meet their biodegradable waste diversion targets. The resulting materials from the wood processing facility will be suitable for recycling into a range of wood products, making the operation a sustainable means of managing waste wood arisings from the region.

Plevin has recently been awarded a grant by the WRAP European Regional Development Programme West Midlands (WM) Programme. The aim of this programme is to encourage and enable the development of significant additional capacity within the West Midlands to reprocess and recycle commercial and industrial waste, diverting it from landfill. The grant will contribute to the costs of plant and equipment at Hams Hall, which will facilitate a significant increase in the quantity of wood that is diverted from landfill.

#### 2.1.4 Plant and Process Summary

The facility will be used for the processing of up to 100,000 tonnes per annum of non-hazardous wood. The development will be temporary in nature, for five years. Consequently primarily temporary and mobile plant will be used. It is anticipated that the facility will include:

- chipping and screening plant;
- a small temporary building housing a picking station;

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- plant for removing metals and fines;
- loading shovels for transferring materials from the processing area to the storage areas
- ancillary development including parking - employee and Plevin vehicles, weighbridge, fuel tanks, fencing, and temporary offices.

An indicative layout of the site reception facilities and the location of the processing plant area and storage areas are shown on Drawing 3.

#### 2.1.5 The Proposed Operations

The operations that will be undertaken at the Hams Hall site will be very similar to the existing operations Plevin undertakes at its Elkesley plant at Retford in Nottinghamshire. Photographs showing the operations at the site in Elkesley are presented at Appendix B. The proposed operations will involve the reception of non-hazardous waste wood the majority of which will be brought to the site from the local and regional area.

To facilitate the operation, a site reception area including a weighbridge, a temporary building encompassing offices and welfare facilities, storage containers and staff parking will be located at the entrance to the facility. The remainder of the site will be utilised for material storage, process machinery, vehicle circulation and parking which will include for up to 10 cars, 3 lorries and up to 10 trailers.

Wood will be brought onto site by Heavy Goods Vehicles (HGV) which are either Plevin owned or third party. The material will be offloaded and then inspected for contamination (building rubble, paper, glass etc). Any obvious contaminants will be removed and stored for removal off site to a suitable licensed facility. The wood will then be sorted by grade and quality, before being moved to a designated stockpile using a loading shovel. Stockpiles will be maintained at a maximum height of 10m to minimise visual impact and ensure safety and maintenance.

Sorted wood will be loaded via a grab into a pre-crusher where larger metallic items will be removed via an overhead band magnet. From the pre-crusher the wood will be automatically fed through to a picking station where a team of trained operatives will manually remove remaining contaminants. The sorted wood will then move through a chipping machine where another overhead magnet will remove the remaining smaller metal contaminants, such as nails and hinges. The chipped wood will then be passed over an eddy current separator where non-ferrous material will be removed before the remaining material is fed through a screen to remove the fines and oversize material. The oversize is re-fed into the system using a loading shovel.

The sawdust and undersized materials that have been removed will be stockpiled on site and then subsequently loaded onto a trailer for transport off-site, typically for use in the composting market. The finished processed wood product is stockpiled for future loading and sale for biomass applications and to the panel board industry. Materials extracted from the incoming waste wood streams, such as metal, cardboard, plastic and glass will be collected in skips and sent off-site for recycling at suitably licensed sites. The storage

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of materials on site will be designed where possible to provide screening of the operations.

The plant will be mobile and linked as necessary with conveyors. The height of the conveyors will not exceed 10m in height, with the main items of plant being 6m to 8m high.

Dust suppression systems will be employed on the processing plant, to dampen roads and storage areas as necessary to ensure dust emissions associated with the operations are minimised. Surface water drainage will be managed on site and prior to any discharge off site will pass through existing interceptors to remove silt and any oil. All fuel and oil stored on site will be appropriately bunded.

The temporary development would contribute directly to the local economy, with the creation of approximately 25 full time equivalent posts, including site staff to operate the plant, office staff and vehicle drivers. It is anticipated that up to 20 of the jobs will be filled by local people.

Operating times for the site will be 06:00 to 20:00, Monday to Friday (including bank holidays), with wood processing taking place between 07:00 and 19:00. Staff will be split between two shifts - 06:00 to 14:00 and 14:00 to 20:00. Operating and processing will take place between 07:00 and 13:00 on Saturday.

The development will provide a facility in the West Midlands for the management and processing of waste wood for which there is a proven need demonstrated by the grant secured for the development of wood processing facilities in the region.

#### **2.1.5 Site layout**

The proposed layout of the site is shown on Drawing 3. A site reception facility will be located in the southern area of the site, adjacent to the site access. A temporary surface mounted weighbridge will be installed at the entrance to the facility. A temporary building will be erected which will encompass offices and welfare facilities.

The processing and stocking areas will be located in the north and central areas of the site. The proposed development will involve bringing temporary and mobile plant on site. This will include chipping machines, screens and loading shovels which will be located generally in the centre of the site. The wood for processing and the product will be stored around the processing plant.

#### **2.1.6 Programme**

It is intended to commence site preparation for the development early in Q1 2012, with a view to beginning operations March 2012. It is recognised that achieving these development timescales is subject to obtaining planning permission.

#### **2.1.7 Site Preparation Traffic**

Primary routes to the site will be the main A446 and M6 toll/M42, which run approximately north to south and are situated within 2km west of the site. All deliveries and site preparation traffic will avoid minor roads and surrounding villages.

## **2.2 Planning and Consent History**

### **2.2.1 Existing Uses**

Other than the long association with power generation, which began at the site in the 1920s (the last of which closed and was demolished in the early 1990s) the site has been used temporarily for storage of motor vehicles by existing neighbouring businesses.

In keeping with its former use as a power station, the site is adjacent to a 132kV substation and around 500m from a 275/400kV substation.

### **2.2.2 Consents for Wood Processing Operations**

Other than planning permission for the proposed wood processing facility the operation of the plant will be regulated under an Environmental Permit issued by the Environment Agency (EA). An exemption to the Environmental Permitting (England and Wales) (Amendment) Regulations has been agreed with the EA for the operations, but under the exception there are limits on the throughput of wood through the plant. Therefore Plevin are in consultation with the EA regarding an Environmental Permit and a permit application will be submitted early in 2012. It is understood from Plevin that a permit will be in place for the operations by Qtr 3 2012.

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## **2.3 Planning Policy**

### **2.3.1 Planning Policy Framework**

This section provides an overview of the planning policy framework as it relates to the proposal. The material considerations identified, which relate to development location, environment, transport and greenbelt are then addressed in light of policy objectives. The underlying principles followed in the consideration of planning applications for development are a matter of established law. The Planning and Compulsory Purchase Act 2004 prescribes at paragraph 38 that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

The proposal is tested against policies set out in the West Midlands Regional Spatial Strategy 2004 (revised in 2008); the saved policies of the Warwickshire Structure Plan 2002, the saved policies of the Warwickshire Waste Local Plan adopted in 1999, the policies in the Warwickshire Waste Core Strategy Preferred Option and Policies document 2011, the saved policies of the North Warwickshire Local Plan 1995 and the emerging policies in the North Warwickshire Draft Core Strategy October 2011. Development Plan policies are an expression of national policy set out within National Policy Statements and Guidance and are material considerations to the determination of planning applications. In respect of the Development Plan and emerging policy, and the consideration of the proposal, there are a range of policies which apply.

### **2.3.2 National Policy and considerations**

EC Directive 1999/31/EC (the Landfill Directive) required the Government over the next two decades to divert wastes away from landfill sites. The Waste Strategy 2007 has imposed increased targets on local authorities to reduce the amount of biodegradable waste being deposited in landfill sites and seeks to encourage commercial biodegradable waste to be diverted from landfill. The strategy sets landfill diversion, recycling and composting targets for 2010, 2013 and 2020.

The Coalition Government has made a commitment to undertake a comprehensive review of all aspects of waste policy in England. In the document 'Government Review of Waste Policy in England 2011' (June 2011) the government recognised that a large amount of wood is going to landfill and committed to issuing a consultation in 2012 on introducing a restriction on the landfilling of wood waste, with the aim 'of diverting the still substantial tonnages that end up in landfill to better uses up the waste hierarchy and delivering clear environmental benefits'.

In the draft National Planning Policy Framework published in July 2011 the government recognises the purpose of the planning system is to contribute to the achievement of sustainable development and that the planning system should support sustainable economic growth. It states that 'planning must operate to encourage growth and not act as an impediment. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

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The existing national planning policy that is of relevance to the development is

Planning Policy Guidance Note 2 Greenbelts gives guidance on determining applications for development in the greenbelt and how very special circumstances for inappropriate development should be considered. The purposes of including land in a greenbelt are

- to check the unrestricted sprawl of large built up areas,
- to prevent neighbouring towns from merging into one and other,
- to assist in safeguarding the countryside from encroachment,
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Planning Policy Statement 10 Planning for Sustainable Waste Management published in December 2004 provides guidance on how through the provision of waste management facilities, the land use planning system should contribute to the development of a more sustainable system of waste management. It states that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

Planning Policy Statement 23 Planning and pollution control which specifies what should be included in a planning application from a pollution control perspective, and advises that in determining applications the planning authority should assume that the appropriate controls should be in place under other appropriate regimes.

### 2.3.3 Regional Policy

The Localism Act received Royal Assent on 15 November 2011. Different parts of the Act will be brought into force at different times. On current estimates, the Department of Communities and Local Government (DCLG) aims for some major measures to come into effect by April 2012. At this time, regional strategies retain development plan status but can be expected to be abolished when the necessary regulations are approved. The weight to be afforded to these material considerations depends on the individual circumstances; it is for the decision maker to decide on the appropriate weight but it is considered that the proposed development is in general conformity with the policies in the West Midlands Regional Spatial Strategy (RSS) 2004 (revised in 2008). The evidence base used to inform the RSS provides the most up to date waste evidence base and policy framework for authorities in the West Midlands.

In a study published in 2010<sup>1</sup>, it was estimated that there are up to 300,000 tonnes of wood waste arisings in the West Midlands each year. An estimated 50% of this is currently recycled, with the remainder going to landfill. In an earlier study from 2009<sup>2</sup>, the total potential waste wood available within the West Midlands was estimated

<sup>1</sup> WRAP (2010) West Midlands Commercial and Industrial Waste – Opportunities for Recycling and Recovery. Available [August 2011] from [http://www.wrap.org.uk/downloads/West\\_Midlands\\_Commercial\\_and\\_Industrial\\_Waste\\_-\\_Opportunities.63e37670.9287.pdf](http://www.wrap.org.uk/downloads/West_Midlands_Commercial_and_Industrial_Waste_-_Opportunities.63e37670.9287.pdf).

<sup>2</sup> WRAP (2009) Wood Waste Market in the UK. [http://www.wrap.org.uk/downloads/Wood\\_waste\\_market\\_in\\_the\\_UK.6daffa7e.7547.pdf](http://www.wrap.org.uk/downloads/Wood_waste_market_in_the_UK.6daffa7e.7547.pdf)

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at over 400,000 tonnes, which included waste tonnages arising from the construction and demolition sectors, as well as municipal wastes. With the growing pressures on landfill capacity, the proposed facility provides a genuine opportunity to improve the local and regional approach to the management of waste wood.

#### 2.3.4 Local Policy

The Warwickshire Waste Local Plan has saved policies relevant to the development of land for waste uses and the development of materials recycling facilities. In the Warwickshire Waste Core Strategy Preferred Option and Policies there is emerging policies relevant to the location of waste management facilities, proposals for the reuse and recycling of waste and policies relevant to environmental protection. The North Warwickshire Local Plan was adopted in May 1995. The majority of the policies in the Local Plan are saved and still apply to development management decisions.

#### 2.3.5 Policy analysis

The proposed development constitutes the temporary establishment and operation of a wood processing facility at the former Hams Hall power station. There is a demonstrable need for the segregation of wood from the waste stream and processing of wood for varying uses including for biomass fuel supply. The proposed development will give the operators the opportunity to build a market for waste wood and processed wood in the region and test the ability to generate wood fuel suitable for off site applications. During that time a site in the Midlands at which Plevin can establish a more permanent facility will be sought.

In the Waste Core Strategy it is estimated that the treatment gap necessary for Warwickshire to meet their minimum landfill diversion targets (which are prescribed in the regional spatial strategy) of 600,000 tonnes appears to be deliverable by recent planning permissions that it anticipates will be implemented. It is stated that delivery of the facilities will need to be monitored during the life of the strategy and action taken if sites do not come forward. The proposed development offers the opportunity for the council to provide additional treatment capacity for a specific waste stream - namely wood, for which at a national level the need for further diversion from landfill has been identified and for which at a regional level it has been identified there is still up to 50% of the arisings that are still landfilled.

**Development location**  
Core Policy 2 of the Local Plan directs development in the borough to main towns, market towns and Local Service Centres. It states that outside of development boundaries development will be limited to that requisite for uses that require a rural location. The nature of the proposed development, requiring large areas of storage, not close to neighbours and good access to the regional road network make the proposal site suitable for the development. This is strengthened by Waste Core Strategy Policies 2 and 3 which steer waste management facilities to sites well located to sources of waste, and to the strategic transport network and onto previously developed land. Specifically in Core Strategy Policy 3 it is stated that large scale waste sites (seeking to handle over 50,000 tonnes of waste per annum)

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will be located within or in close proximity to primary or secondary settlements. The proposal site at Hams Hall falls within close proximity (under 2km) of Coleshill - a secondary settlement.

#### Environment

Policy ENV7 of the NW Local Plan relates to the development of land outside development boundaries. It states that development will only be permitted if the proposal would not represent inappropriate development in the green belt, the site would be accessible by sustainable transport, the proposed use requires the location or is incompatible with being located in a settlement, would result in a net reduction in the area of site used for employment purposes and would secure lasting environmental improvement and local jobs. The development will be within the greenbelt (which is dealt with below). The site is accessible by public transport. The wood processing operations require large areas of storage, include plant, the operation of which in close proximity to residential neighbours would not be suitable and requires a suitable access for large vehicles delivering waste wood and exporting product. This leads to the use of a site outwith a settlement, in a more industrial setting. The development will secure environmental improvement through the conversion of waste wood to a product which will minimise the amount of wood being sent to landfill and generate a fuel for generating electricity. The development will generate up to 25 jobs of which it is anticipated that up to 20 will be local.

Policies ENV1 of the Local Plan and NW6 of the draft Core Strategy relate to the protection of the natural landscape, Policy ENV9 of the Local Plan deals with air quality and Policy ENV 11 of the Local Plan and Policy DM2 of the Waste Core Strategy relate to neighbour amenities and seek to protect the natural environment and residential amenities. Policy CS5 of the Waste Core Strategy promotes proposals for the reuse, recycling and waste transfer/storage provided that the proposals accords with other policies in the plan and does not cause unacceptable harm to the environment or communities. Based on the proposed development and the controls that will be put in place to minimise the impact of the operations it is considered that the proposals do not conflict with these policies.

#### Transport

Policies TPT1 and TPT3 of the Local Plan and Policy DM3 of the Waste Core Strategy relate to transport. Policy TPT1 requires that there is sufficient capacity in the transport network to accommodate traffic generated by a proposal. A transport assessment of the proposals is presented in Appendix F and is summarised below. It is concluded that the development will not result in an impact on the transport network or safety. Policy DM2 states that developers must demonstrate that the proposal facilitates sustainable transport by minimising transportation distances and minimising carbon emissions. The site is located adjacent to the central road network and will allow Plevin to provide a waste management service to local customers, therefore minimising haulage distances. As Plevin control the majority of vehicular trips to and from their sites back haulage is maximised wherever possible.

Policy TPT3 deals with access and layout and safe circulation within a development. The Site reception and parking areas have been defined and designed to ensure safe vehicular circulation that will not conflict with pedestrian access to the site. The site access road has been assessed in the transport assessment and it is

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concluded it is suitable to accommodate the large scale vehicles that will regularly access the site.

**Green belt**

Core Policy 4 of the Local Plan states that the openness of the green belt will be maintained and there will be a general presumption against inappropriate development. Policy ENV2 of the Local Plan and NW6 of the draft core strategy refers to the appliance of Planning Policy Note 2, in decision making. The aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The quality of the land in the green belt is not relevant to its inclusion or continued protection. In Planning Policy Note 2 there is a general presumption against inappropriate development in the green belt. Such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The visual amenities of the green belt should not be injured by the proposals for development.

The development proposed is inappropriate development by definition of PPG 2. The development site is located on the edge of an existing industrial site, and is well screened from the surrounding area by the landform and mature vegetation including woodland and scrub. Due to the screening the development will not be visible from the wider countryside or villages. There will be partial views of the site from one residence, a public right of way and a transport corridor in the vicinity of the site. It is concluded that the visual amenities of the green belt will not be affected by the development.

The openness of the green belt on site will be temporarily affected by the proposals, particularly by the storage element. The openness of the wider green belt is already limited by the dense screening located around the site, hence the openness of the wider greenbelt should not be affected by storing waste wood and wood product in the confines of the site.

The Waste Local Plan, in Policy 6 advocates the granting of planning permission for material recycling facilities (facilities which make a resource from a waste as the proposed development does) on land that has been used for commercial use and where the proposed use would be compatible with existing land uses. The development has been considered in relation to the existing uses surrounding the site and it can be demonstrated that with appropriate controls as proposed the development is compatible with existing land uses.

Plevin have considered a number of sites in the Midlands for the establishment of the wood processing facility. In reviewing sites the company has been specifically looking for a site with

- good links to the strategic road network to ensure import and export of materials by HGV will not impact the local road network.
- an area of over 5ha to ensure there is sufficient space for the storage of waste wood and product.
- existing basic infrastructure such as hard standing, security, water source etc so that the facility can be established and operational quickly to ensure the WRAP grant uptake.

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The proposed development involves the reprocessing of a specialist waste stream, for which there is a demonstrable need. The need at a national level is indicated by the upcoming Government consultation on the diversion of wood from landfill and it is supported at a regional level by the WRAP grant that the applicant has secured for the establishment of a waste wood processing facility in the West Midlands. The development will make a positive contribution to reuse and recycling by diverting waste wood from landfill and producing a resource suitable for energy generation. The development will generate up to 25 jobs of which it is anticipated that up to 20 posts may be suitable for local people.

The five purposes for greenbelt designation as described in PPG2 are on Page 6. The proposed development will not result in the unrestricted sprawl of large built up areas or result in neighbouring towns merging into one and other. The development is in the countryside, however it is on a previously developed site, which is well screened hence limiting development's encroachment into the countryside. The development will not impact on the setting and special character of historic towns; and represents the recycling of derelict land.

#### 2.3.5 Conclusion

The permission sought is temporary for 5 years, after which time the site will be returned to a condition consistent with the current. As such, there will be no long term impact on the openness of the green belt. The Company considers that the proposed development accords with the above policies and by nature of the need for the development, the temporary nature and the local employment associated with the operations exhibits very special circumstances for locating otherwise inappropriate development in the Greenbelt. The facility will not result in any significant environmental impacts on the site or its surrounds.

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## **2.4 Environmental and Operational Effects**

### **2.4.1 Introduction**

The following sections identify the environmental effects of the proposed operations, primarily relating to landscape and visual impacts, air quality, traffic and transport, and noise. The conclusion is that there will be no significant environmental impact associated with the development.

### **2.4.2 Assessment of Landscape and Visual Effects**

A detailed Landscape and Visual Impact Assessment (LVIA) has been carried out. The study considers the visibility of the wood processing operations from ten representative viewpoints within the vicinity of the Hams Hall site. The assessment is provided in full in Appendix C.

At a National Level, the site is located on the boundary between National Character Area (NCA) 69 and NCA 97. Both identify the site and its general industrial context within their descriptions. NCA 69 describes a key characteristic as *"Open character punctuated by massive cooling towers of power stations and strongly influenced by pylons, sand and gravel extraction, and roads."* NCA 97 describes a key characteristic as *"North-western area dominated by urban development and associated urban edge landscapes"*.

At a County Level the Warwickshire County Council Landscape Guidelines identify the site as being within the Arden Landscape Character Area which is described as *"an historic region of former wood pasture and heath characterised by a dispersed settlement pattern, ancient woodlands and mature hedgerow oaks"*. It further classifies the site as being within the Arden Parklands Landscape Character Type which is described as *"An enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees"*. In addition to these descriptions, the site is within an enhancement zone which denotes where *"the structure and character of the landscape are in decline"* and also on Industrial Land which identifies where character is heavily influenced by industrial development.

The North Warwickshire Landscape Character Assessment refers to the site within two character area descriptions, that of Character Area 10 - Cole Valley and Character Area 11 -Tame Valley Wetlands. Character Area 10 refers to a *"flat, broad Valley"* which is *"Dominated by busy roads including the M42, M6 and A446"* with *"isolated and fragmented mixed arable and pastoral landscape between the urban uses"* and *"substantial industrial influences within the north include Hams Hall power station and lines of pylons"*. Character Area 11 is described as *"A low lying landscape, visually contained by wetland vegetation, and the adjacent Hams Hall power station and pylons have little visual influence"* In many areas the relatively flat topography and vegetation act in screening the detracting influences of existing industrial development. The site in its immediate context has a post-industrial character due to the former use of the site and is more consistent in character with the

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industrial distribution park than the mixed agricultural context to the north and west. As such it is of a low landscape quality locally although of landscape value as open land in the Green Belt. Notwithstanding this, the site can be described as industrial and visually enclosed in its characteristics; as such it is considered that the Site is not characteristic of the Green Belt as a whole. It is anticipated that there will be no impact on the landscape character at a national, regional or local scale. Although there will be a temporary, localised, impact on openness of the Green Belt.

The site is located within a wider landscape setting in which industrial operations are recognised landscape features. The assessment of the visual effects of the proposed development is considered in the context of the existing derelict nature of the site, surrounding industrial land use and wider wooded landscape. Ten representative viewpoints have been used in the assessment which were agreed with North Warwickshire Borough Council. Photomontages or wireline images have been prepared for three of the viewpoints to aid the assessment. Due to the enclosed nature of the site created by the significant levels of mature woodland and large scale built environment surrounding it there will be limited opportunities to gain views of the operations. Where views are available they are only from close range and from land immediately adjacent to the site. It must be noted however, that this land is not publically accessible nor is it developed. From View Point 5 - Keepers Cottage (a residential property within the site of the old power station) it may be possible to gain small partial and filtered views of the plant from the rear garden of the house.

In order to minimise the visual impact of the site operations, unprocessed and processed material will be stored on site in stockpiles no higher than 10m. The site will be lit only when necessary to work during the hours of darkness. The lighting design will be standard site lighting of low lux, low impact, and will be directed at the specific area to be lit. Fixed lighting will be approximately 3m high, direction downward fitting and in line with The Institution of Lighting Engineers (ILE) Guidance Notes for the Reduction of Obtrusive Light.

Due to the temporary nature and the lack of available views of the proposed scheme from outside areas of industrial character, no further landscape mitigation is considered necessary.

The LVIA concludes that the proposed development will have no significant impact on the visual amenity of the surrounding landscape during the construction, or operational phases.

#### 2.4.3 Dust emissions

The plant will operate under an Environmental Permit, issued by the Environment Agency under the Environmental Permitting Regulations (EPR). The requirements of EPR are that an operator must demonstrate in their application that the techniques proposed are the Best Available Techniques (BAT) for their installation, and meet certain other requirements, taking account of relevant local factors. The principle of BAT is that the techniques used to protect the environment should achieve an appropriate balance between environmental benefits and costs incurred by the operator. Plevin will be making an application for an Environmental Permit to the

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Direction	Annual percentage occurrence	
	All winds	Winds >10 knots
N	11	1
NE	8	1
E	6	0
SE	9	1
S	23	6
SW	19	4
W	13	3
NW	12	2
Calm / Variable	<1	-

Note the total of all winds will not equal 100% due to rounding of the numbers presented on the windrose.

Environment Agency and all operations will be undertaken in accordance with the permit requirements.

The principal emissions to air will be dust and vehicle emissions. Wood processing has the potential to cause dust emissions, particularly during dry and windy weather. Fugitive dust emissions from the process will be a significant consideration in the layout and operation of the plant. The potential sources of dust from the site include:

- On site vehicle movements associated with wood recycling;
- Tipping of wood from vehicles;
- Chipping and screening operations;
- Stockpiling of processed material;
- The loading of processed material into trailers.

Based on a windrose for Coleshill the wind blows predominately from the south west and south, with the strongest winds (over 10 knots) for 18% of the year with the strongest winds predominately from the south for 6% of the year. A summary of the windrose data is provided below. Based on the windrose it can be concluded that for the majority of the year on site the wind is of low speed (less than 10 knots) hence dust blow from the site from the site will be minimal.

Despite the generally low wind speeds at the site, a dust suppression scheme will be an integral part of the operations. Site operations, dust control and monitoring procedures will be designed to minimise emissions of dust such that operations at the site will not constitute a nuisance to receptors within the vicinity of the site. A dust management plan will be drawn up which will include control measures for reducing dust emissions. This plan will be based on best management practice and will include as a minimum the following:

**Dust suppression systems** - An adequate water supply for dust suppression will be maintained at the site at all times. When necessary water hoses will be utilised for the wetting of the yard to minimise dust rising from vehicle movement; trained onto specific areas of potential problem (e.g. loading of processed material into trailers); or trained over the chipping operation itself to minimise the escape of dust particles from the site perimeter. A mist spray bar will also be fitted to the chipping machine to control dust

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emissions at source. In addition, hose pipes may be utilised by site operatives to manually dampen down incoming loads as they are being tipped. A water bowser will be available on site and retained as a back up means of dust suppression as and when required. The bowser can be utilised for wetting roads and yard areas during dry and dusty conditions, as well as being trained onto specific areas or directly over chipping operations.

**Screening** - Canopies, netting and boarding will be used on site to screen activities where there is potential for dust emission.

**Training of operational personnel** - The operatives will be adequately trained and made aware of the Company's environmental obligations.

**Monitoring of site conditions** - Monitoring equipment will be installed both at the site boundary and off-site to ensure that the dust management plan is working effectively. In addition to this, a daily check of the site perimeter is carried out by a senior member of staff, and daily weather and site conditions are recorded in a site log.

**Control of on-site vehicle movements** - A speed limit of 5mph will apply to all operational areas and roadways on site. Adherence to these limits will enable vehicles to minimise disturbance on internal roads. Site roads will be regularly swept to ensure that build up of dust and debris does not occur.

The implementation of a dust management plan (that will be agreed with the planning authority prior to the commencement of operations) which includes these mitigation measures will ensure that fugitive dust emissions from the wood recycling operations will not have a significant impact on environmental quality.

#### **2.4.4 Noise**

The noise climate around the site is dominated by transportation noise, primarily road traffic noise from the nearby motorway, but also from local roads, trains and aircraft.

A noise impact assessment was carried out for the proposed wood processing operations. This has been included in Appendix D. Within this assessment, estimates of environmental noise arising from the operations were compared to the existing noise climate at five key residential receptors and five nearby industrial premises. As the processing operations will typically take place between 07:00-19:00 on weekdays and 07:00-13:00 on Saturdays, the assessment concentrated on quantifying the impact during these periods. Noise levels were collected from Plevin existing operational plant at Mossley and Elkesley for use in the assessment.

The likelihood of public complaint arising from the operations has been estimated by comparing plant noise predictions and existing background noise levels. At the three most sensitive residential receptors, the likelihood of complaint has been classed as 'marginal to unlikely'. This is provided there is some form of screening maintained between the main static plant and the nearest noise sensitive receptors to the north and north east of the site. Plevin have confirmed that this screening will be achieved through the maintenance of wood stockpiles at the appropriate height (but no more than 10m in height) and if necessary through the construction of a

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permanent concrete push-wall which will also act as an acoustic barrier.

With the screening in place, it is estimated that the noise impact from the wood-processing activity will raise the day time  $L_{Aeq,1hr}$  level by between 0.1 and 0.5 dB and affect a small number of houses. Overall, the environmental noise from activities on the site is estimated to be a 'slight' impact and that this is of 'minor/moderate' importance due to the number of residents affected.

The impact of the site activities on internal noise levels at nearby business premises has also been assessed. Based on the assumption that the premises have double glazing and air conditioning, it is estimated that the internal noise level due to the wood processing would be remain 'reasonable' for all potential types of business usage.

Extra measures will also be taken to further reduce the likelihood of nuisance. Plant and equipment will be sourced and maintained to ensure that excessive noise levels are not generated. Noise mitigation measures (e.g. silencers, engine covers) will be fitted to plant wherever possible and integrity checks on such measures undertaken in accordance with a maintenance regime. Plant will be switched off when not in use and high revving of engines will be minimised.

#### 2.4.5 Ecology

The Hams Hall site is on the west bank of the River Tame. The site comprises industrial land and hardstanding of little ecological value. A Phase 1 habitat survey of the site of the former power station, which included the proposal site was undertaken in June 2009 to identify and map potential habitats and assess the potential for protected species within the survey area. A copy of the Phase 1 habitat map and species list recorded on site are provided at Appendix E. A summary of the findings of the survey is presented below:

Habitat and plant communities. No nationally or locally rare or scarce species were found and the habitats present are largely secondary and disturbed. Open mosaic habitats around the fringes of the development area are currently poor quality.

Invertebrates. There is limited or no habitat on the development area. The surrounding land, including grassy and wooded areas, has good potential for supporting more extensive invertebrate communities, but these will not be disturbed by the development.

Great crested newts. There are no great crested newt habitats within the development area, or that could be affected by the proposed development.

Reptiles. The area of hardstanding for the wood processing plant is unsuitable and of negligible importance for reptiles. No evidence of reptiles has been found in the proposed development area.

Bats. None of the structures on the development area are used by bats. A former power station building, the roundhouse, located approximately 100m to the west of the development site, is used by bats. Bat surveys undertaken in 2009, found the roundhouse building

to support a small brown long-eared bats maternity colony. The building is therefore of high conservation importance for brown long-eared bats. The building is also used by low numbers of common pipistrelles (not a maternity roost) and is classed as low importance to this species. Foraging routes for bats were identified running from the roundhouse to woodlands to the west and to a wooded area in the north, adjacent to the River Tame. The bats were not recorded foraging over the development site and the development will not impact upon the observed foraging areas. Lighting will be designed to minimise light spill from the site and will not be directed towards off site habitats. There is no proposal to remove the roundhouse building as a result of the development and it is considered that the operations will have minimal impact on bats using the roundhouse.

Dormice. The survey included consideration of dormice presence through evaluation of hazel nuts found in the surrounding area. All hazel nuts were considered to have been opened by wood mouse or squirrel. Thus the site is considered to be of low importance for dormice.

Badgers. Ecological records, of unknown date, indicate the presence of three badger setts at a distance of more than 300m from the site. The survey found no evidence of badger activity any closer to the site, indicating that it is not used for foraging. This is to be expected, considering the industrial nature of the development location.

It is concluded that the proposed development site is of little ecological value, reflecting the brownfield nature of the site and that it remains covered in hardstanding. The development has been sensitively designed to minimise the impact on the bat populations using the roundhouse 100m to the west of the development site and the foraging areas used off site.

#### 2.4.6 Traffic and Transport

The proposed development site is located on the western boundary of Hams Hall Distribution Park, close to the site entrance. The proposed development site has excellent links to the strategic road network with the M42 and M6 motorways easily accessible from A446 Lichfield Road. The site is accessed via an existing road off Faraday Avenue/ Edison Road roundabout.

A Transport Assessment (TA) has been carried out and is included in full in Appendix F. The TA found the site to be easily accessible by sustainable modes of transport including walking, cycling, and public transport. Analysis carried out on the personal injury collision data provided by Warwickshire County Council showed that there is no road safety issue on roads within the vicinity of the site, which would be exacerbated because of the proposals.

The proposed site layout provides adequate space to allow HGVs to turn around within the site and exit the site. The access road from Faraday Avenue/Edison Road is of sufficient width to allow movements of all vehicles including articulated vehicles.

A traffic survey was carried out as part of the TA in order to establish baseline traffic flows against which to assess the impact of the proposed development. This survey was carried out at the



Faraday Avenue/Edison Road roundabout between 07.00 and 19.00 on Thursday 8<sup>th</sup> December 2011. Results from the survey show that during the AM peak period (08.00-09.00) there are 1095 two-way vehicle movements and in the PM peak period (17.00-18.00) there are 1108 two-way vehicle movements. On the site access road there were 15 two-way vehicle movements during the morning peak period, and 12 two-way vehicle movements during the evening peak period.

The TA found that there will be a maximum of 132 two-way trips per day associated with the proposed development. Of these, 40 trips will be associated with the shift staff movements while 92 trips will be associated with HGV/LGV movements. There will only be 8 two-way trips during each of the peak periods.

The proposed development is therefore regarded as acceptable in highways and transportation terms with no off-site mitigation measures required.

#### **2.4.7 Complaints and Non Conformances**

The Safety, Health, Environment and Quality (SHEQ) department at Plevin ensure that products and services which do not conform to customer or company requirements are identified and controlled. It is also the responsibility of the SHEQ department to ensure that complaints arising in relation to site specific or company activities are identified, investigated and resolved.

Complaints can be received verbally or by letter, facsimile or email. Such complaints can be received either directly from the complainant, or alternatively via a regulatory body such as the Environment Agency, Traffic Commissioner, or the HSE. A nominated site representative, in conjunction with site manager/Directors/SHEQ manager as appropriate, will investigate the complaint and ensure that the findings of the investigation together with any identified corrective actions to prevent recurrence are fed back to the regulatory body and/or complainant.

A register of complaints will be retained at each site, together with details of the complaint response. Where corrective actions are identified, these will be reviewed by the SHEQ Manager who will also ensure that action is taken in a timely manner.

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### 3 Design and Access Statement

#### 3.1 Use

The proposed development is for a waste wood processing plant with a life span of five years. A recent study which estimated that there are up to 300,000 tonnes of wood waste arisings in the West Midlands each year has highlighted the requirement for wood recycling operations in the area. The WRAP (Waste and Resources Action Programme) European Regional Development Programme (ERDF) West Midlands (WM) Programme aims to encourage and enable the development of significant additional capacity within the West Midlands to reprocess and recycle Commercial and Industrial Waste, diverting it from landfill. Plevin has recently been awarded a grant under this programme which will contribute to the costs of plant and equipment at Hams Hall, thus facilitating a significant increase in the quantity of wood that is diverted from landfill.

The Hams Hall site was chosen as it is easily accessible for waste wood suppliers in the West Midlands, as it is just off the main A446 and M6 toll/M42 motorways. The applicant has identified a need for a wood recycling in the West Midlands sub region which is supported by the WRAP grant that has been secured for the development.

Operating times for the site will be 06:00 to 20:00, Monday to Friday (including bank holidays), with wood processing taking place between 07:00 and 19:00. Staff will be split between two shifts - 06:00 to 14:00 and 14:00 to 20:00. Operating and processing will take place between 07:00 and 13:00 on Saturday.

Imported wood will be deposited at the reception area. After pre checks the wood will be moved to storage or placed into the pre crusher with a grab. Metallic items will be removed. From the pre crusher the material will be fed to a picking station and then onto the chipping machine where remaining smaller metal contaminants will be removed. The fines removed will be stockpiled for export and wood product stockpiled for sale and export. Materials to be exported will be loaded into bulk transporters for export off site.

In addition to the plant and the picking station a single storey portable building will be provided on site in the reception area to provide administrative and staff welfare facilities. The development will not require the erection or construction of any fixed or temporary buildings or structures beyond those identified above.

#### 3.2 Design principles

##### 3.2.1 Amount

The development site extends over 6.5 hectares. 3.5 hectares will be used for stockpiling the waste wood and finished product. The remaining 3 hectares will be used for the following:

- chipping and screening plant;
- a temporary building housing a picking station
- plant for removing metals and fines

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- loading shovels for transferring materials from the processing area to the storage areas
- ancillary development including parking, weighbridge, fuel tanks, fencing, landscaping and a temporary office.

The mobile shredding plant will not exceed 6m to 8m in height, with any conveyors no more than 10m in height. The raw and processed wood stockpiles will vary in height, but will not exceed 10m.

### 3.2.2 Layout

The site will be laid out to ensure operational efficiency and to accord with health and safety principles. The site plant area will be located to the north east of the site with storage of waste wood and wood product to the north, east and west consistent with the operations at the Elkesley site shown in the photographs in Appendix B. The site reception facilities will be located to the south, adjoining the access road. This layout makes the site easily accessible, while also minimising the environmental impacts on sensitive receptors.

### 3.2.3 Landscaping

As the proposed development is temporary in nature and the development site is located on the site of the former Hams Hall coal-fired power station, which is well screened by landform and mature vegetation, particularly woodland, no landscaping is proposed. There is no proposal to remove any mature vegetation on site. During the operations the existing woodland and trees will be protected.

### 3.2.4 Appearance

The waste wood processing facility is located within an industrial setting. The site is enclosed and well screened by significant levels of mature woodland and the large scale built environment surrounding it. Wood stockpiles will be maintained below 10m and outdoor lighting will only be used when necessary, and will be low lux, low impact, directed at the specific area to be lit. It is considered that this development will have no impact on visual amenity.

### 3.2.5 Access

The proposed development site is located on the western boundary of Hams Hall Distribution Park, close to the entrance and has good road connections to the M42 and M6 motorways via the A446 Lichfield Road.

The site is accessed via a roundabout junction, from an existing road off Faraday Avenue/ Edison Road. The site access road runs in a northerly direction from the roundabout to the south western corner of the site.

The proposed development will not have any impact on the equality and convenience of access, spaces or public transport.

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Key:

- Site Boundary
- Land Under the Control of E.ON

Drawn: C. White  
 Checked: AOK  
 Date: Aug '11  
 Scale: 1:10,000  
 Paper: A3  
 Drawing No: HH/WP/AS/01  
 Drawing Title: 1

Project: Civil Engineering  
 Hams Hall  
 Wood Processing Plant

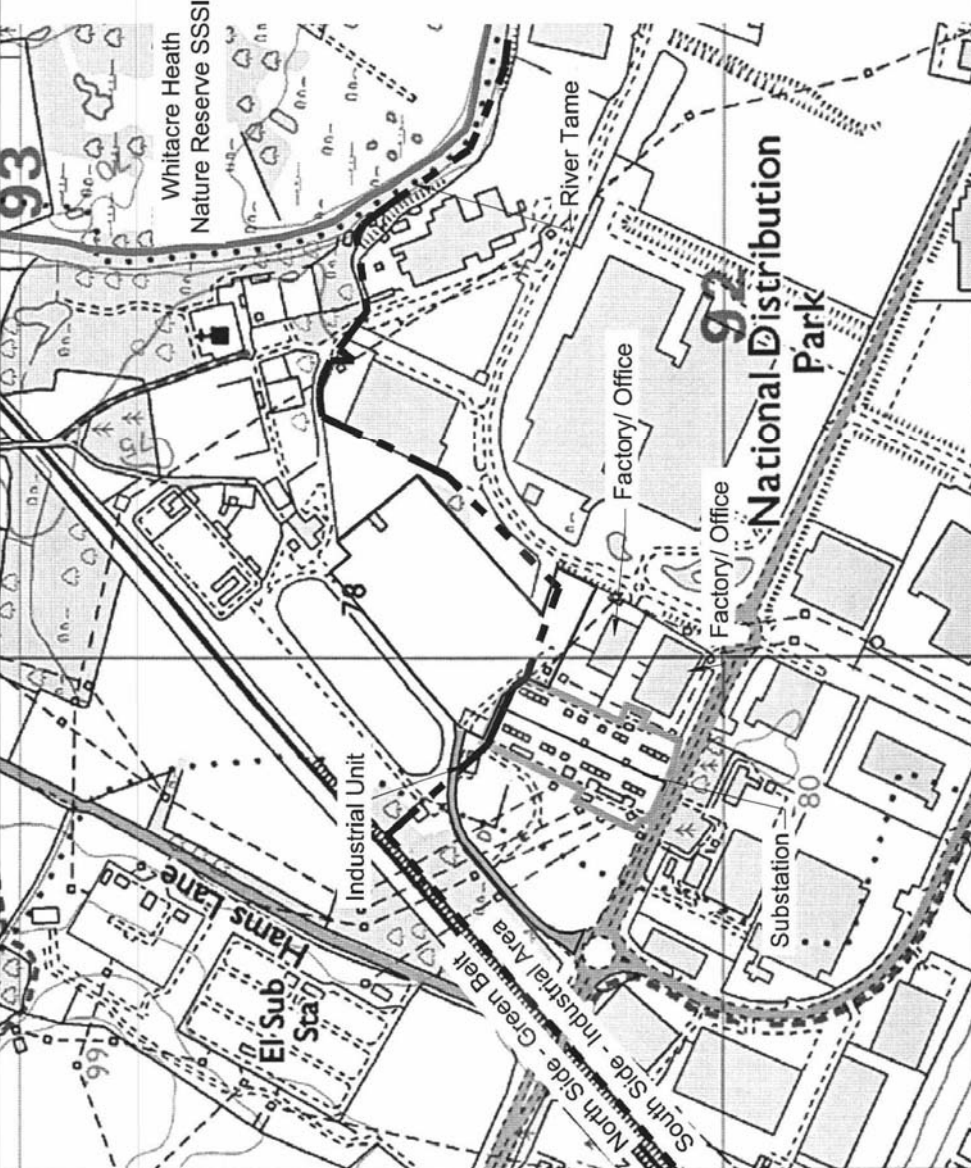
Title: Location of Hams Hall  
 Proposed Works



Civil Engineering  
 Hams Hall  
 Wood Processing Plant

Location of Hams Hall  
 Proposed Works

Drawn	C. White	Scale	1:10,000
Checked	AOK	Approved	11/08/11
Date	Aug '11	Sheet	A3
Drawn by	HH/WP/AS/01	Drawing Title	1



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Key:

Planning Application Boundary	—————
Whitacre Heath Nature Reserve	—————
Sub Station	—————
Green Belt Boundary	- - - - -
Access Road	—————

Rev	Description	By	Date	Dim	Check
1	Issue 2.001 network boundary updated	BAUN	12/08/11	DM	JACK

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Civil Engineering

Project  
Hams Hall  
Wood Processing Plant

Title  
Local Designations and Receptors

Date	Aug 11	Drawn	C. White	Scale	1:5000
Checked	AGK	Agreed	AGK	Page	A3
Dwg no	HHWPP/A3/02 Drawing 2				
					1

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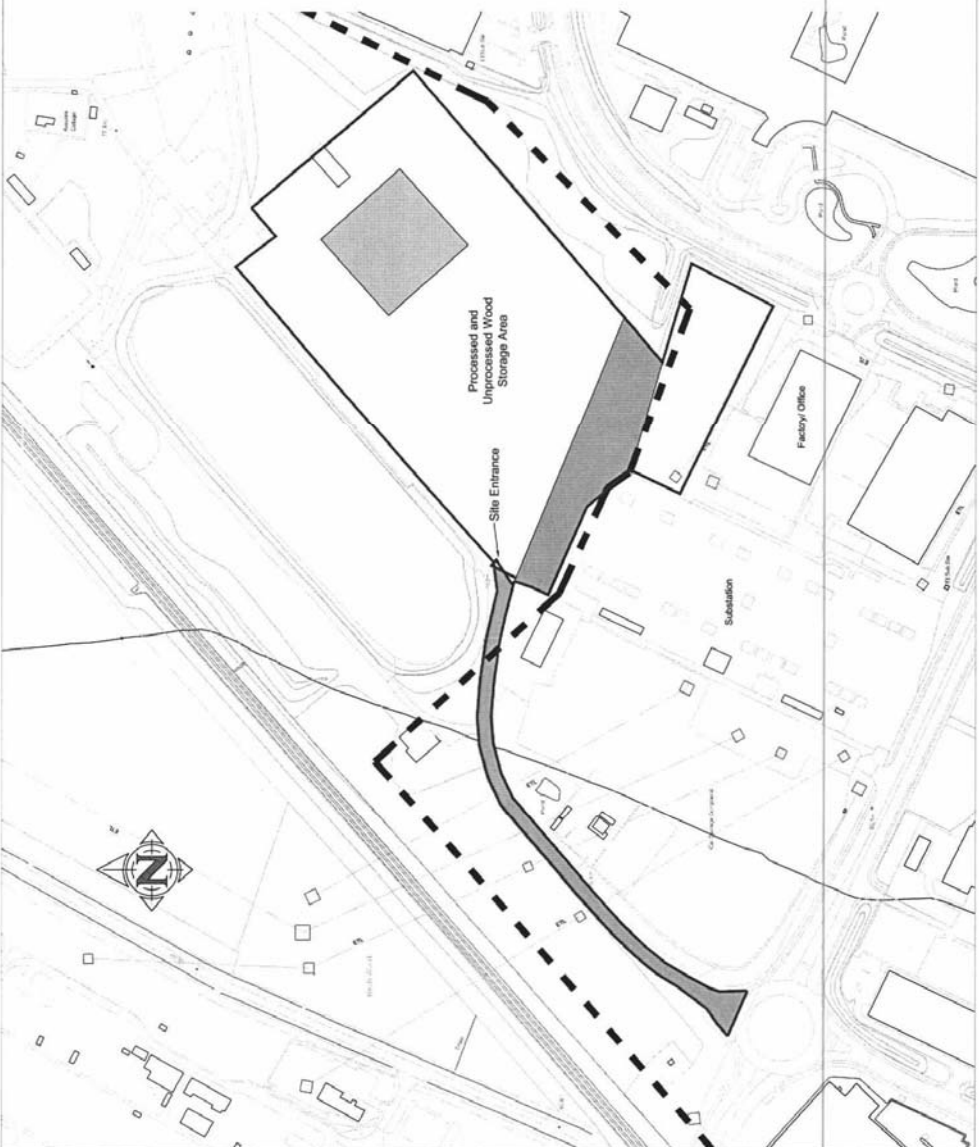
**Key**

Planning application boundary	(Thin solid line)
Site Reception Facilities	(Dark grey shaded area)
Site plant area	(Light grey shaded area)
Greenbelt boundary	(Dashed line)
Access Road	(Thick solid line)

No.	Description	By	Of	Date
1	Site & ECR reception boundary, update	JK	JK	08/11

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 Civil Engineering  
 Hams Hall  
 Wood Processing Plant  
 Proposed Site Layout

Date: Aug 11  
 Checked: C. White  
 Scale: 1:2500  
 Paper: A3  
 Drawing no: HH/WP/A3/03 Drawing 3, 0













## 7 Conclusions

- 7.1 The Site is located within a wider landscape setting in which industrial operations are a recognised landscape features. The Site is representative of the industrial landscape.
- 7.2 The Site is considered to be of low sensitivity to the Scheme.
- 7.3 It is considered that the enclosed nature of the area surrounding the Site combined with the industrial nature of the adjacent land use will result in the proposed development having no impact on the landscape character at a national, regional or local level.
- 7.4 The enclosed nature of the Site created by the significant levels of mature woodland and large scale built environment surrounding it results in the proposed development being completely screened from all representative viewpoints except VP5 Keepers Cottage, where it may be possible to gain small partial and filtered views of the top of the stockpiles or processing plant.
- 7.5 As the proposed development is for a period of 5 Years, it is regarded as temporary, as such any effects to the openness of the Green Belt will be removed post closure when the site reverts to its former state.
- 7.6 It is considered that the proposed development will have no significant effect on landscape character or visual amenity.

industry/business environments the following noise levels are considered to give 'reasonable' or 'good' standard of noise climate for the stated use.

**Table 8: BS 8233 Criterion for Reasonable/Good internal noise levels**

	Internal L <sub>Aeq</sub> dB level	
	Good	Reasonable
Light engineering	65	75
Garages, warehouses	65	75
Cafeteria, canteen, kitchen	50	55
Washroom, toilet	45	55
Corridor	45	55
Cellular office (open plan)	40	50
Staff room	35	45
Meeting rooms, executive offices	35	40

The estimated internal noise level due to the wood processing operations on site is predicted to be highest (40dB L<sub>Aeq</sub>) at the Beko premises; Beko adjoins the site and possibly represents a worst-case scenario. Comparing the estimated internal level for Beko to the criteria in Table 8 shows the internal noise climate would be a 'good' standard for most types of room usage. Importantly, the predicted 40dB L<sub>Aeq</sub> internal level from the site activities is considered to be 'reasonable' for any room type, even for the most demanding criteria of meeting rooms/executive offices.

At other premises the external noise level estimates are predicted to be less than that outside the Beko building, and consequently the internal noise would expect to be rated better.

Overall, it is assessed that the internal noise climate for any typical business room usage would continue to be 'reasonable' or 'good' at all the nearby premises. It is worth noting that this assessment has been based upon the base-case noise emission in which it is assumed that screening of the static wood processing plant is absent. The noise level and corresponding impact would be expected to be less when the plant is screened by wood piles, screening walls or perimeter earth bunds.

## 6 CONCLUSIONS

An environmental noise assessment for the proposed wood processing facility at Hams Hall has been completed. The assessment has focussed primarily on key residential receptors which are representative of the residential community surrounding the site, however consideration has also been given to impact on the noise climate in the surrounding industrial estate.

The proposed wood processing plant is only expected to operate during day time periods (typically 07:00 to 19:00) hence the assessment has concentrated on assessing the impact at this time of the day. The nature of the process means that the noise from the activity will have a distinctive aural signature with intermittent and impulsive characteristics. In recognition of these features the rating level for the plant noise attracts a +5dB penalty in accordance with BS 4142.

The noise climate at residential locations around the site is dominated by transportation noise, primarily road traffic noise from the nearby motorway, but also from local roads, trains and aircraft. In the direction of Lea Marston the noise climate at HH2 and HH3 receptors is less influenced by vehicles on local roads and existing industrial activities across the Hams Hall area are more discernible. Their relative remoteness from busy local roads means that residential properties to the north and north east of the site (HH2, HH3 & HH4) are considered the most sensitive to noise generating activities on the proposed site.

The likelihood of public complaint arising from the wood processing activities on site has been estimated by comparing plant noise predictions and existing background noise levels. At the three most sensitive receptor areas—Lea Marston, HH2 & HH3; and the edge of Whitacre Heath, HH4—the difference between the predicted plant rating level and the average  $L_{A90,1hr}$  background ranges from -2 to +1dB. This places the likelihood of complaint as 'marginal to unlikely' using BS 4142 assessment criteria.

At other residential locations (HH1 & HH5) where the mean background  $L_{A90,1hr}$  noise level is higher and the rating level  $L_A$  is less, the likelihood of complaint tends towards the 'unlikely' end of the scale.

With regard to the resultant change in the noise climate, the permanent or temporary effect on the  $L_{Aeq,1hr}$  level across a small residential area is considered to be of 'minor/moderate' significance.

To achieve the noise levels at the nearest residential areas to the north and north-east it will be necessary for the acoustically powerful static plant to be screened. This could take the form of a permanent concrete style barrier close to the plant, or alternatively the wood-piles themselves could act as a barrier, provided they obscure the plant sufficiently. The decision as to which is the most appropriate solution will depend upon operational requirements.

The impact of the site activities on internal noise levels in nearby business premises has been assessed. Based on the assumption that the premises are likely to have double glazing and air conditioning it is estimated that the internal noise level due to the wood processing would be remain 'reasonable' for all potential types of business usage.

## 7 BIBLIOGRAPHY

- BS 4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas.
- BS 8233: 1999 Sound insulation and noise reduction for buildings – Code of practice
- BS EN 60804 Specification for integrating-averaging sound level meters.
- BS EN 60651 Specification for sound level meters.
- BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise
- ISO 9613-2 Acoustics - Attenuation of sound during propagation outdoors. Part 2:General Method of Calculation
- IEMA/IOA Draft Guidelines for Noise Impacts Assessment, 2002.

## 6.2 THE PUMP HOUSE

- 6.2.1 No bats were recorded on any site visit. The Anabat status files indicated that the units triggered correctly on each occasion.

## 6.3 TREES

- 6.3.1 No bat roosts were recorded during the surveys. A summary of the results is given in Table 3. In total, 12 of the trees surveyed, all poplars, had potential for use by bats

TABLE 3 RESULTS OF TREE ASSESSMENT

Tree No	NGR Location	Comments	Category
1	SP 20128 92647	Woodpecker hole.	2a
2	SP 20134 92640	Woodpecker hole and splitting-reduced tree.	2a
3	SP 20255 92624	Woodpecker holes, peeling bark with minor dead limbs.	2a
4	SP 20317 92600	Narrow rot hole in trunk at 4m.	2a
5	SP 20322 92599	2/3 dead branches 8-10m off main trunk and flaking bark.	2b
6	SP 20326 92600	Split in trunk with scar at 8m.	2b
7	SP 20338 92598	Old woodpecker hole.	2a
8	SP 20420 92603	Ivy cover obscuring trunk.	2b
9	SP 20425 92593	Ivy cover obscuring trunk.	2b
10	SP 20430 92593	Cracks and splits low on trunk.	2b
11	SP 20433 92614	Woodpecker hole.	2a
12	SP 20433 92631	Ivy obscuring trunk.	2b

## 6.4 HABITATS

- 6.4.1 Very few bat passes were recorded on any of the transect walks, and other than around the church, only common pipistrelles and soprano pipistrelles *Pipistrellus pygmaeus* were recorded, and then only ever as occasional passes by individual animals. Activity levels were highest along tree lines and in the recreational ground area. The transect results are given in Figure 4.

## 7 DISCUSSION

- 7.1 Evidence from this survey and those carried out by CES indicate that the Roundhouse supports a small brown long-eared maternity colony. In addition, the results of this survey indicate that the building is also used by low numbers of common pipistrelles, probably males or non-breeding females, and not a maternity roost. The October survey also indicates use

as a common pipistrelle mating roost and as such the numbers of bats present at any point in time can fluctuate. The micro-environment, low ambient light levels and low levels of disturbance inside the building are also conducive to hibernation use.

- 7.2 No evidence of use by bats was found on any survey visit to the Pump House. Whilst the building occupies a prime location, bat access is considered to be either extremely limited or non-existent and as long as this remains the case this building does not pose a development constraint and no mitigation or compensation is required for its loss.
- 7.3 Twelve trees were identified as having potential to support bats although no active roosts were found. Whilst bats display high levels of site fidelity and will return to previously used sites year after year, tree roosts in particular are notoriously transient and can therefore be very difficult to positively identify.
- 7.4 The transect surveys recorded occasional passes by common and soprano pipistrelles and brown long-eared bats. Activity was predictably associated with habitats with higher insect productivity and these are mainly found around the edge of the site. The large open areas of hard-standing which occupy most of the central part of the site are of no value to bats at all.

## **8 ASSESSMENT OF BIODIVERSITY IMPORTANCE**

- 8.1 Brown long-eared bats are a BAP species and maternity roosts are of high conservation importance. Prior to any activity that might give rise to an offence, eg demolition, a European Protected Species licence would be required from Natural England.
- 8.2 Generally speaking, brown long-eared bats have a preference for more cluttered habitats such as woodlands and as such the woodland to the west of the Roundhouse (off site) and the younger plantations along the western site boundary are likely to be of more importance than the rest of the site which is considered to be of negligible conservation importance.
- 8.3 Common pipistrelles are the UK's most frequently encountered bat species. They are a very successful species well adapted to exploiting a range of very common insect groups in a range of habitat types especially linear and edge habitat types as occur around the site boundaries. Overall the site is considered to be of low conservation importance to this species.
- 8.4 Soprano pipistrelles are also a BAP species. Habitat preferences overlap with those of its close relative the common pipistrelle with a bias towards areas of water and woodland. As with the other two species, the bulk of the site is considered to be of low conservation importance.

- 8.5 In general, the retention of existing woodlands/tree plantings plus a sympathetic landscaping plan that connects areas of woodland together would provide cover for long-eared bats and edge habitats for all species. Finally, most species of bats are light averse and lighting schemes should therefore be designed so as not to illuminate soft estate or natural habitats.

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[www.ukbap.org.uk/NewPriorityList.aspx](http://www.ukbap.org.uk/NewPriorityList.aspx)



## 9 Conclusions

This Transport Assessment has been prepared by URS Scott Wilson on behalf of E.ON to assess the proposed development of a wood processing facility at Hams Hall, North Warwickshire.

The site is located near Lea Marston in Hams Hall Distribution Park, in North Warwickshire. It is near M42 Junction 9. The site is within the Local Planning Authority (LPA) of North Warwickshire Borough Council and the Local Highway Authority of Warwickshire County Council (WCC). The site area is approximately 6.5 ha and is located close to a number of industrial units.

The development will incorporate facilities to process waste wood into products such as animal bedding, chipboard, and wood chips for use as biomass. The development would be importing up to 100,000 tonnes of non-hazardous waste wood per year and exporting 100,000 tonnes of finished product per year.

The site is easily accessible by sustainable modes of transport including walking, cycling, and public transport. There is a good frequency bus service along Faraday Avenue and there are facilities for pedestrians and cyclists along the road.

The analysis of the personal injury collision data provided by Warwickshire County Council showed that there is no road safety issue within the vicinity of the site, which would be exacerbated because of the proposals.

The trip generation associated with the proposed development has been predicted from first principles and from experience of the proposed end user. There will be 132 two-way vehicle movements associated with the development on a typical weekday.

The proposed development is therefore regarded as acceptable in highways and transportation terms with no off-site mitigation measures required. However, in line with current policy and best practice, measures to reduce single occupancy trip generation are proposed.

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Direct Dial : (01827) 719288

Your ref

Our ref : lscjk0443 : 0651/1999

Date 15 August 2002

Mr A Cave  
Chesterton  
84 Colmore Row  
Birmingham  
B3 2HG

Dear Mr Cave

### Richard Lawson Autologistics – Car Storage at Hams Hall

I refer to you letter dated 4 July 2002 concerning the above and I apologise for the delay in responding.

I have sought the view of the Council's Solicitor in respect of this issue.

It is acknowledged that a planning permission was granted in 2000 for the use of this Green Belt site, together with adjoining and now developed sites for a car distribution use.

That application was dealt with as a departure application and was approved only following consideration of the very special circumstances advanced at that time. Such circumstances related, in the main, to the Rover operation at Longbridge and securing its continuing success, which in turn has implications for the regional economy.

The consent related to a development described as a "rail served regional distribution centre " and conditions required a minimum of 15% of vehicles, calculated quarterly, being brought to or taken from the site by rail.

A further condition required that the use should relate to the distribution of BMW/Rover group vehicles only and for no other vehicles.

Various other conditions were also imposed requiring prior approval of various matters.

In addition to the above a Section 106 Agreement required the prior provision of enhancements at the Hams Hall rail terminal to be implemented prior to the car distribution use commencing.

Given the description of the development as a rail served use and the requirement that this be an ongoing element of the use, as evidenced by the quarterly returns it is not felt that the planning consent has been implemented.

The ongoing use at the site is, in my opinion, unauthorised and in order to redress the matter I believe a new application, rather than an application to vary the conditions, is needed. Clearly any such application will be determined in the light of the earlier planning permission and the special circumstances, which related to it.

My initial view is that the original special circumstances here disappeared given that the new Rover situation was operating from sites at Longbridge until recently. The circumstances surrounding the present use relate to the logistics operator rather than the manufacturer and I cannot see what very special circumstances exist now to justify the continuation of an inappropriate use in the Green Belt.

I note your reference to the recent approval at the rail terminal but do not see the link between that development and your client's situation. In the Associated British Ports case the site was not in the Green Belt and the use approved was supported because it enable the rail terminal to be kept operational rather than mothballed as might have occurred without a new terminal operator.

Whilst acknowledging that £50,000 remains outstanding which might be used as originally intended to fund improvements to the rail terminal it seems to me to be difficult to see the relevance of this to the present use made of the site which is clearly not rail served nor likely to be so.

I accept that the present use is much smaller than the original 2000 approval but the major difference is that the non Green Belt area has now been used for other developments. Your client's operation is now almost entirely within the Green Belt. Having said that I do not believe that traffic is a major issue presently.

Turning to condition 4 I believe that cars produced at Longbridge could be distributed from this site in compliance with the condition but other makes from other factory's would clearly be in breach of the consent. Depending on the relative amounts of these 'other' cars a decision would need to be made on whether these other vehicles are material and whether special circumstances should be put forward to justify their distribution from a Green Belt site.

From the above you will see that it is my opinion that your option 3 is the only one available to you and that special circumstances will need to be advanced.

Having said that clearly in the absence of an application the onus will be on the Local Planning Authority to consider whether or not enforcement action is appropriate in the circumstances of the case.

In consideration of this I would be pleased to hear from you what the implications of this would be to your client's. In particular I would be pleased to hear what length of tenancy they have so that consideration of this might be taken into account in perhaps assessing an appropriate compliance period with any notice which, might be considered.

In addition to the use of land it is noted that a prefabricated temporary building has been erected within the site which also needs to be the subject of regularisation or enforcement.

Your observations regarding this, its current use and implication if enforcement action were taken would also be appreciated.

I look forward to your further response.

Yours sincerely

Simon King  
Senior Planning Control Officer



**North Warwickshire  
Borough Council**

Planning Division  
PO Box 6  
Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BG

David Atkin BA FRTP  
Borough Planning Officer

The Town and Country Planning Acts  
The Town and Country Planning  
(General Development) Orders

R

**DECISION**  
**Approval of Matters Reserved by  
Full Planning Permission**

Application Ref: 0651/99

Date : 14 February 2000

- 1 **To Addressee**  
W S ATKINS (CONSULTANTS) LTD  
AUCHINLECK HOUSE  
FIVE WAYS  
BIRMINGHAM  
B15 1DJ
- 2 **Site Address**  
Hams Hall Distribution Park, Lea Marston.
- 3 **Description of Development**  
Rail served regional car distribution centre.
- 4 **Applicant**  
Powergen UK PLC
- 5 Condition (3) of the permission 0651/99 and dated 8 February 2000 required further details to be submitted to this Council for approval.  
  
I APPROVE the report and details received by this Council on 1 February 2000 in discharge of condition (3).

Authorised Officer DB. Atkins Date 14. Feb 2000

PC47



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**North Warwickshire  
Borough Council**

Planning Division  
PO Box 6  
Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1BG

David Atkin BA FRTP  
Borough Planning Officer

The Town and Country Planning Acts  
The Town and Country Planning  
(General Development) Orders

**DECISION**  
**Application for Planning Permission**

Application Ref : PLEM/TT/0651/99/FAP

- 1 To Addressee**  
W S ATKINS CONSULTANTS LTD  
AUCHINLECK HOUSE  
FIVE WAYS  
BIRMINGHAM  
B15 1DJ
- 2 Site Address**  
Hams Hall Distribution Park, Lea Marston,
- 3 Description of Development**  
Use of land for a rail-served regional distribution centre for car transportation for a seven year period
- 4 Applicant**  
Powergen Uk Plc
- 5** Your planning application was submitted on 18 June 1999. It has now been considered by the Council. I can inform you that  
Planning Permission is **GRANTED**, subject to the following conditions:
- 1 The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission.  
REASON  
To comply with Section 91 of the Town and Country Planning Act 1990.
  - 2 The development hereby approved shall be discontinued on or before 7 years from date of first occupation, such date to be notified to the District Planning Authority in writing.  
REASON  
To ensure that the use does not become permanently established on the site.

Continued.....

Authorised Officer

*D.S. Atkin*

Date 08 February 2000

PC32





**DECISION**  
**Application for Planning Permission**

Page 2

Application Ref : PLEMTT/0651/99/FAP

- 3 Prior to the commencement of site works, full details of the means by which cars are to be unloaded/loaded at the Rail Terminal shall be submitted to and approved in writing by the District Planning Authority. The approved scheme shall be implemented prior to the use commencing.  
REASON  
To ensure the details are satisfactory.
- 4 The use hereby approved shall relate to the distribution of BMW/Rover Group vehicles produced at Cowley, Oxfordshire and Longbridge, Birmingham and the Land Rover Plant at Solihull, and no other car production company and distributed by the contracted car distribution company of BMW/Rover Group advised in writing to the District Planning Authority and no other car distribution company.  
REASON  
For the avoidance of doubt and in recognition of the special requirements of the end users.
- 5 All vehicles produced at Cowley and Solihull shall be brought to the site by rail unless otherwise agreed in writing by the District Planning Authority.  
REASON  
For the avoidance of doubt.
- 6 Notwithstanding condition (5) above, a minimum of 15% of all vehicles (calculated on a quarterly basis) moved to or from the site shall be via the Hams Hall rail link to the rail track network unless otherwise agreed in writing by the District Planning Authority.  
REASON  
To ensure the local road network is capable of accommodating the traffic generated.
- 7 A log of the mode of transport of all vehicles moved to and from the site shall be maintained and copied quarterly to the District Planning Authority, in respect of the requirements of condition (6) above.  
REASON  
To enable the maintaining of traffic measures to and from the site.

Continued.....

Authorised Officer

DB Ark

Date 08 February 2000

PC32



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**DECISION**  
**Application for Planning Permission**

Page 3

Application Ref :PLEMTT/0651/99/FAP

- 8 Prior to the use commencing, full details of a site restoration plan including the removal of all structures, fences, gates, buildings and lighting and security towers, shall be submitted to and approved in writing by the District Planning Authority. The approved scheme shall be implemented within twelve months of vacation of the site unless otherwise agreed in writing by the District Planning Authority.  
REASON  
In the interests of amenity.
- 9 No development shall take place until details of the existing and proposed means of surface water drainage of the site, including the area around the landscaping bunds, have been submitted to and approved in writing by the District Planning Authority.  
REASON  
To ensure satisfactory means of drainage.
- 10 All surface water drainage from the heavy goods vehicle loading/unloading areas shall be discharged to the surface water sewer via a full retention oil interceptor, designed and constructed to have a capacity and details, compatible with the area being drained.  
REASON  
To ensure satisfactory means of drainage.
- 11 All cars shall be stored on an impermeable base with surface water drainage discharging to the surface water sewer via bypass oil interceptors, designed and constructed to have a capacity and details compatible with the site being drained.  
REASON  
To ensure satisfactory means of drainage.
- 12 All wash waters from the vehicle washing areas shall discharge to the foul water sewer. All vehicle washings shall be carried out in the designated wash area only.  
REASON  
To ensure satisfactory means of drainage.
- 13 No development shall take place until full details of the floodlighting and security systems have been submitted to and approved in writing by the District Planning Authority. Such a scheme shall include for the modification of the existing lighting scheme within the site and shall be designed to prevent off-site glare and light spillage as well as sky pollution through the use of 'flat glass lanterns' unless otherwise agreed in writing by the District Planning Authority.  
REASON  
In the interests of amenity.

Continued.....

Authorised Officer

*DSAH*

Date 08 February 2000

PC32



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## DECISION

Page 4

### Application for Planning Permission

Application Ref : PLEMTT/0651/99/FAP

- 14 All fencing to be provided on site shall be finished in black unless otherwise agreed in writing by the District Planning Authority.  
REASON  
In the interests on amenity.
- 15 Before the commencement of the development, a landscaping scheme shall be submitted to the District Planning Authority for approval.  
REASON  
In the interests of the amenities of the area.
- 16 The scheme referred to in Condition No (15) shall be implemented within six calendar months of the date of occupation of the premises for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the District Planning Authority.  
REASON  
In the interests of the amenities of the area.
- 17 No construction work in connection with any buildings on the site shall commence prior to details having been submitted to and approved in writing by the District Planning Authority.  
REASON  
To ensure the details are satisfactory.
- 18 No transporters shall leave the site between the hours of 0715 and 0845 nor between 1615 and 1800 Mondays to Fridays unless otherwise agreed in writing by the District Planning Authority.  
REASON  
To ensure the local road network is capable of accommodating the traffic generated.
- 19 There shall be not shift change of operators working at the site between the hours of 0715 and 0845 nor between 1615 and 1800 Monday to Friday unless otherwise agreed in writing by the District Planning Authority.  
REASON  
To ensure the local road network is capable of accommodating the traffic generated.

Continued.....

Authorised Officer

*DS. A. H.*

Date 08 February 2000

PC32



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## DECISION Application for Planning Permission

Application Ref :PLEMTT/0651/99/FAP

- 20 For the purposes of monitoring the quantity of floorspace at Hams Hall, the proposed development is assessed as equating to 8,500 square metres of B8 floorspace, unless otherwise agreed in writing by the District Planning Authority.

**REASON**

To ensure the local road network is capable of accommodating the traffic generated by the total Hams Hall Development.

- 21 No work shall be undertaken before the hour of 0800 and after 1800 Mondays to Fridays, before 0800 or after 1300 on Saturdays and not at all on Sundays and Bank Holidays, in respect of any operations for the construction of bunding, removing existing buildings or any other construction work.

**REASON**

In the interests of amenity.

You are reminded that, in accordance with Section 78 of the Town and Country Planning Act 1990, you can appeal against conditions attached to an approval, or against a refusal, by contacting the **Planning Inspectorate, Tollgate House, Houlton Street, Bristol BS2 9DJ** - telephone number 0117 987 8000. You have six months to appeal from the date of this Notice.

This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.

PC32

Authorised Officer

*D. A. Allen*

Date 08 February 2000



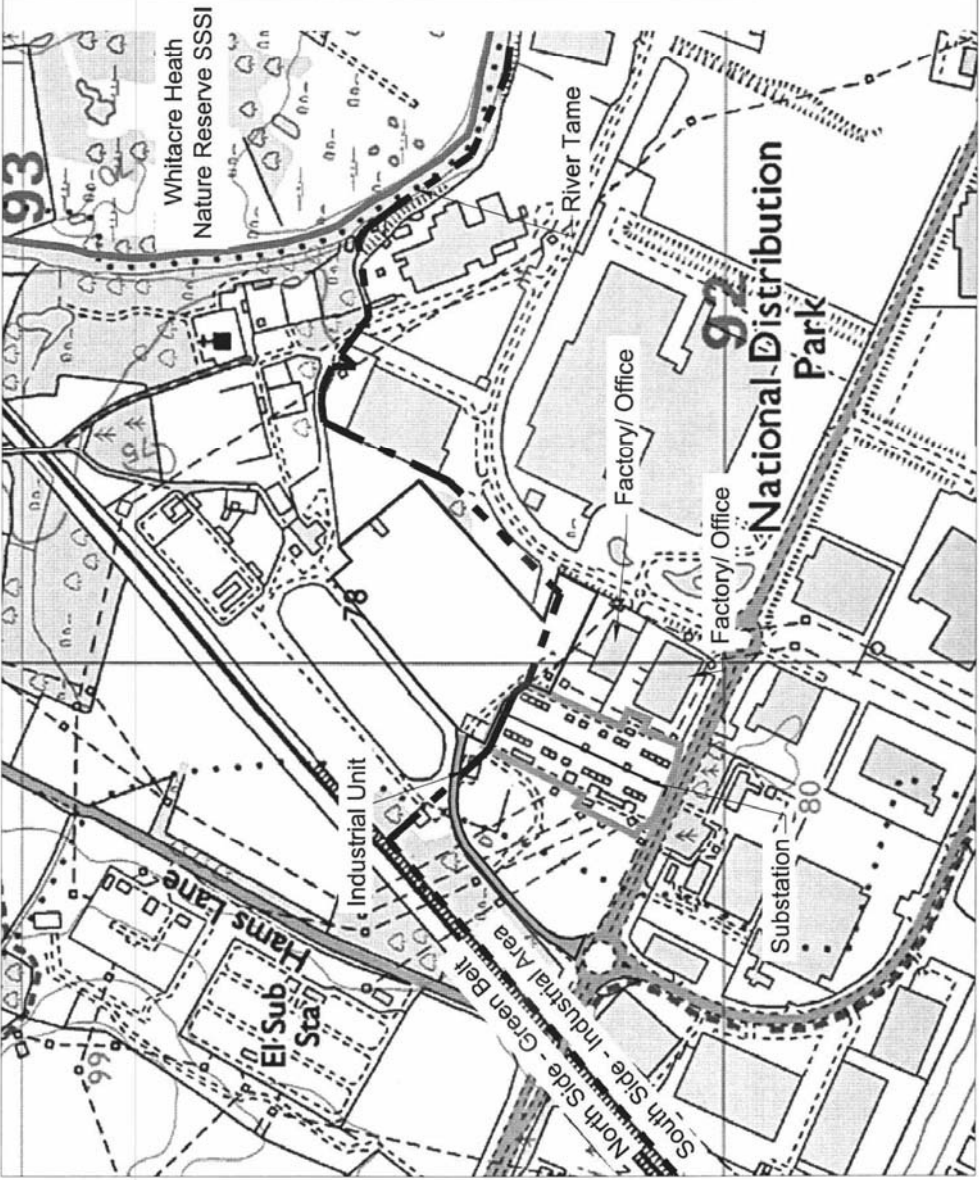
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**Key:**

Planning Application Boundary	———
Whitacre Heath Nature Reserve	———
Sub Station	———
Green Belt Boundary	- - - - -
Access Road	———



No.	Description	Issue	Date	By	For
1	Issue for planning application	1	11/08/11	CH	CH

**e-on**  
Civil Engineering

**Project:**  
Hams Hall  
Wood Processing Plant

**Title:**  
Local Designations  
and Receptors

Date	Drawn	Scale
11/08/11	C. White	1:5000
Checked	Approved	Page
AKK		A3
Dwg no	Rev	
HHWPP/A3/02	Drawing 2 1	



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Key:  
 Site Boundary  
 Land Under the Control of E.ON

1	Issue	Issue Date	Issue Description
1	Issue	16.08.11	Issue



Civil Engineering  
 Hams Hall  
 Wood Processing Plant

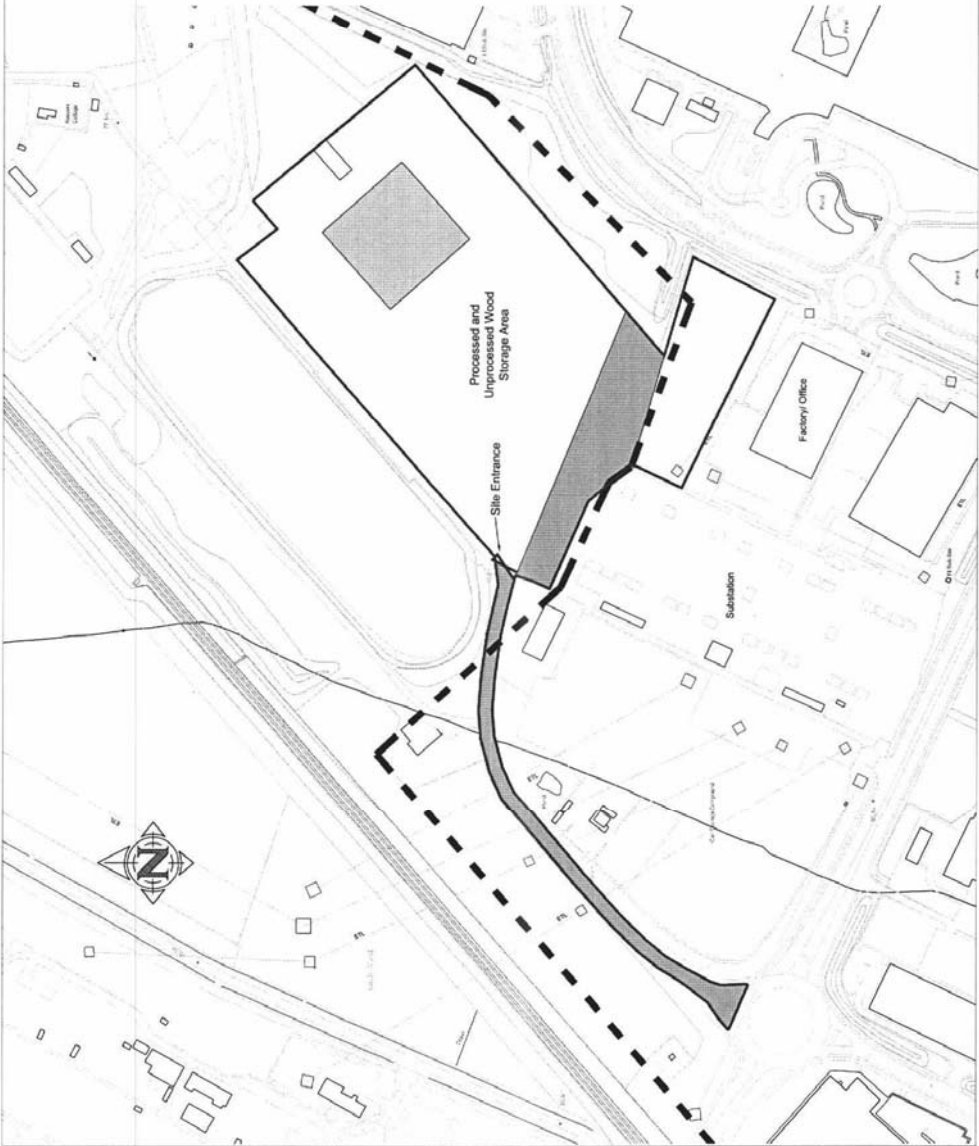
Location of Hams Hall  
 Proposed Works

Date	Drawn	Scale
Aug '11	C. White	1:10,000
Checked	Approved	Sheet
AOK		AS
Drawn by	HHWP/AS01 Drawing 1	

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**Key**

- Planning application boundary
- Site Reception Facilities
- Site plant area
- Greenbelt boundary
- Access Road



Drawn	Checked	Scale
Aug '11	Aug '11	1:2500
C. White	C. White	
Approved	Approved	Page
		A3
Page no	HHWPI/A3/03 Drawing 3	0



Civil Engineering

Hams Hall

Wood Processing Plant

Proposed Site Layout

Date	Drawn	Scale
Aug '11	Aug '11	1:2500
C. White	C. White	
Approved	Approved	Page
		A3
Page no	HHWPI/A3/03 Drawing 3	0

**Brown, Jeff**

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**From:** Mark Simpson [mark.simpson@ihg.com]  
**Sent:** 30 January 2012 18:31  
**To:** Brown, Jeff; Sweet, Ray; Winter, John; cllrlea@warwickshire.gov.uk  
**Subject:** Re: Hams Hall - Proposed wood re-cycling proposal

Thanks Jeff. I'm concerned that regular temporary approvals on this site will only reduce the protection that it's green belt status should provide. I could live with a consent if remedial works were included as part of an overall 'deal' that lead to an improvement of the current appearance of the site, but I'd want to see a significant and sustainable improvement - such as concrete removal etc. I accept that this might not have much to do with the applicant, but it does have an awful lot to do with the landowner/landlord who is attempting to lease the site to the applicant!

I think that we really are in danger of losing this site via the back door. It may not be pretty, but it is green belt, and it's loss sets an undesirable precedent, and well as more development in a very sensitive location

Regards  
Mark

---

**From:** Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]  
**Sent:** Monday, January 30, 2012 10:25 AM  
**To:** cllrsweet@warwickshire.gov.uk <cllrsweet@warwickshire.gov.uk>; Winter, John <JohnWinter@NorthWarks.gov.uk>; Simpson, Mark (external e-mail) <mark.simpson@ihg.com>; cllrlea@warwickshire.gov.uk <cllrlea@warwickshire.gov.uk>  
**Subject:** FW: Hams Hall - Proposed wood re-cycling proposal

Members

The County Council has received an application for a wood processing facility at Hams Hall – basically chipping, screening and recycling – for a period of five years. We have been invited to comment in the normal way.

This is big – 100,000 tonnes a year, 130 HGV trips a day, and 10 metre high stock piles. A very general location and site plan is attached.

It is also wholly located on one half of the former "B" power station site – that's the one we visited a little ago in respect of EON's warehousing proposal. All access would be off the first roundabout as you enter Hams, past the airport car park. The whole site is in the Green Belt, and was not included in the original Hams permission.

Although the site is in the Green Belt, weight will be given to the fact that it is for a temporary 5 year period; that temporary car storage permissions have been granted here before and that the draft Core Strategy (although not in a draft policy) refers potentially the use of this part of the site for power generation.

I'm likely to report the application to Board in March, so it would be helpful to hear from you in preparing that report.

Jeff

31/01/2012

**Brown, Jeff**

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**From:** cllrlea@warwickshire.gov.uk  
**Sent:** 31 January 2012 15:36  
**To:** Brown, Jeff  
**Subject:** RE: Hams Hall - Proposed wood re-cycling proposal

Jeff

On the whole my comments reflect those of Mark.

130 hgv's per day seems huge number (although I am not sure if these are total movements i.e. in and out) and I am also not sure of the hours of operation of the proposed site.

In other words would all these vehicle movements be working over an 8 hour day, adding therefore to all the present traffic movements?

With stockpiles of up to 10M height, it could well be that the present state of the site is much more environmentally attractive to the human eye and to wildlife.

In the context of the overall site at Hams Hall, I am very much of the memory that we had had conversations about the overall smartening up of the site in order to present an attractive and vibrant commercial facility on this major site in North Warwickshire.

I am therefore wondering how well trunbling lorries of scrap wood and high piled stocks (similar to those we already have in N.Warks) would sit alongside world-leading automotive companies with smart design and reputation, would work. We were after all looking to tidy up some of the big parking and litter issues which are pulling down the overall site, so more food for thought, but hope it helps

kind regards

Joan

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31/01/2012

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**Brown, Jeff**

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**From:** Walters, Dean  
**Sent:** 24 February 2012 14:13  
**To:** 'matthewwilliams@warwickshire.gov.uk'  
**Cc:** planappconsult; Brown, Jeff  
**Subject:** NWB/12CM004

Matthew,

With regard to the application for a temporary wood processing facility at Hams Hall (NWB/12CM004) I have a number of comments I would like to make. Firstly in terms of noise I agree with the methodology of the submitted report but I do have initial concerns about the impact upon the nearby industrial units. Whilst I appreciate that the proposed site is on the edge of an industrial redevelopment it has been demonstrated that the associated wood processing will be the dominant source of ambient noise at neighbouring units and that this will be up to 8dB above the current ambient levels. If the background level of 45dB  $L_{A90}$  is taken into account then this would actually be predicted to be up to 15dB above background at the Beko premises and if this were a residential property this would be clearly unacceptable. The assessment at nearby industrial premises has assumed that the units have air conditioned offices with sealed low specification double glazing which provide a conservative noise attenuation of 20dB for internal spaces. The highest noise levels from the wood processing are expected to be at the Beko unit and with a 20dB noise reduction from closed windows an internal  $L_{Aeq}$  of 40dB is predicted. BS8233 provides suggested criterion for internal noise levels and it can be seen that the predicted internal noise levels at Beko, Store 21, BMW, and APH range from reasonable to good for a range of different uses. However I have been out to the Beko site and it would appear that there is a staff room on the ground floor and office on the first floor at the front of the building and it would seem that these are not mechanically ventilated and may rely on open windows in warmer months. If this is the case BS8233 also suggests open windows offer a noise attenuation of between 10 and 15dB. If we take into account the worst case scenario of 10dB noise attenuation then this would provide an internal level of 50dB and would only just be reasonable for a cellular office and would be unreasonable for staff rooms, meeting rooms or executive offices. Therefore further noise attenuation would be required to minimise the impact.

With the proposed screening in place the noise at residential properties is predicted to increase between 0.2 and 1.5dB and therefore this is not considered to have a significant impact, particularly as this is to be restricted to daytime operations only.

My main concern is the potential for dust emissions from the open site. A site visit has been made to the company's Retford site and this appeared to be a well run operation. It was noted that there were no significant visible dust emissions from the comparable wood processing area at the time of the visit. However since the visit I have obtained the number of complaints that had been made to the Environment Agency regarding the Retford site last year and it would seem that there were 31 in total, 25 of which were complaints of dust. The Retford site is more isolated than the proposed Hams Hall plot but this still gave rise to a considerable number of dust complaints last year. In the supporting documentation for the application it states that a dust management plan will be drawn up and will include measures such as dust suppression systems, screening, training, monitoring equipment on and off-site, and speed restrictions. Should planning permission be granted then this management plan will need to be submitted for approval.

The noise report has recommended two types of attenuation measures, one is the use of 10m high wood stockpiles around the site and the other is for a 6m high concrete barrier close to the wood processing noise source. I have already discussed my concerns for the noise impact upon the other industrial units but I also have an issue with the potential for dust emissions from high stockpiles, particularly when these will need to be worked upon and managed. Working on dry, brittle, wood stock-piles at height could potentially generate considerable off-site deposition of dust so should permission be granted I would recommend that the maximum stockpile heights are reduced significantly across the site. I would also recommend that any proposed noise attenuation bunding/screening will need to be submitted for approval. This would ideally be a bund covering the south west, south east, north east/north to minimise the impact.

Although I am confident that the company would address any potential issues that may arise, this proposal still has the potential for the off-site deposition of dust. The clinical appearance of the adjacent BMW site and the potential for hundreds of cars to be parked for weeks at a time at APH could also exacerbate any problems.

24/02/2012



The proposed wood processing activity would be permitted by the Environment Agency and as a result they would ultimately be the regulatory authority for environmental issues including noise and dust. The site also appears to be less than 500 metres from Whitacre Heath Nature Reserve which I believe is a SSSI. Therefore this will not meet the risk criteria for an Environment Agency standard permit and an application may therefore have to be made for a bespoke permit to deal with the associated risks to the SSSI. This should be more stringent than a standard permit.

I am on leave next week but if you have any questions please feel free to contact me upon my return.

Regards

Dean Walters  
Senior Pollution Control Officer  
North Warwickshire Borough Council  
Tel: 01827 719330  
E-mail: [DeanWalters@NorthWarks.gov.uk](mailto:DeanWalters@NorthWarks.gov.uk)

24/02/2012