

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

13 FEBRUARY 2012

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 13 February 2012 at 6.30 pm.

AGENDA

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

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

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Corporate Plan 2011 – 12 Key Actions** - Report of the Head of Development Control.

Summary

This report outlines how the three key actions set out in the Corporate Plan for this year in respect of the Development Control service have been taken forward.

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

- 6 **Liberalising the Regime for Flying Flags** - Report of the Head of Development Control.

Summary

The Government has published a discussion paper on removing the need to obtain Advertisement Consent from the Local Planning Authority in order to fly a wider range of flags than at present.

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

- 7 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2012** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2011.

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

13 February 2012

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

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

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site www.northwarks.gov.uk

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 19 March 2012 at 6.30pm in the Council Chamber at the Council House.

Information relating to public speaking at Planning and Development Board meetings can be found on the following link

www.northwarks.gov.uk/downloads/file/4037/public_speaking_at_planning_and_development_board

If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk
- ring on telephone number (01827) 719222
- Write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form

| Item No | Application No | Page No | Description | General / Significant |
|---------|---|---------|---|-----------------------|
| 1 | <p>PAP/2011/0317</p> <p>PAP/2011/0261</p> <p>PAP/2011/0229</p> <p>PAP/2010/0324</p> | 7 | <p>Heart of England, Meriden Road, Fillongley</p> <p>Outline application for a new three storey hotel and function room building, comprising 608.3 sq.m of hotel floorspace, 195.3 sq.m of office floorspace and 487.6 sq.m of D2 (Assembly and Leisure) floorspace and the erection of new glazed link to existing conference centre, seeking the approval of access, layout and scale, with landscaping remaining as a reserved matter.</p> <p>Erection of a new 287sq.m. D2 (Assembly and Leisure) building within a new woodland clearing, comprising a visitor centre with a refreshments counter, male and female toilet and showers, a disabled shower room, a baby changing room and store rooms.</p> <p>The formation of an off-road adventure trail for use by 4x4 vehicles and quad bikes, including the planting of new woodland and the importation 10,000 cubic metres of inert material to form boundary bunds, soil structures and vehicle obstacles. The formation of new internal access roads and the retention of existing internal access roads. The filling of a borrow pit through the Importation of a further 10,000 cubic metres of inert material and the formation of conservation pools.</p> <p>Change of use of 0.82 Ha of land from recreational use to use as a caravan and camping site, incorporating, the formation of an internal access road, the erection of boundary fencing and gates, the installation of a drinking water tap and the formation of a toilet and shower compound with a new bio-digester.</p> | General |

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| | PAP/2011/0133 | | <p>Variation of condition no: 4 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP) from 'All structures; materials and equipment used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the building included under this permission.' to now read "Any moveable structure, material or equipment placed on the land shall, during the days 1st April to 30th September be allowed to remain for that period. For the remainder of the year, from 1st October to 31st March, all moveable structures, materials and equipment shall be removed from the land and stored within a building whenever not in active use for the purposes of the permitted recreational use of land".</p> | |
| | PAP/2011/0131 | | <p>Variation of condition no: 6 of planning permission PAP/2007/0503 from 'All structures, materials boats, equipment, craft and apparatus used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the buildings at Old Hall Farm, Wall Hill Road, Fillongley.' to now read "Equipment placed in field that is not permanent shall during the months from 1st April to 30th September be allowed to remain for that period. For the remainder of the year from 1st October 31st March any mobile equipment used will be removed after the relevant event and will be sorted accordingly for re-use".</p> | |
| | PAP/2011/0132 | | <p>Variation of condition no: 3 of planning permission PAP/2007/0503 from 'For the avoidance of doubt; the recreational use of the land shall be limited to the following activities, unless otherwise agreed in writing by the Local Planning Authority: Team games, Archery, Electronic shooting, Ball games, School educational visits, Tug of war games, Inflatables games, Rambling/Walking, Orienteering. The recreational use of the land shall expressly exclude: All motorised activities, including quad biking, karting and off road driving, All shooting type activities,</p> | |

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| | PAP/2011/0134 | | including clay shooting and paint balling (but excluding archery and electronic shooting).’ to now read 'Any activity within the areas approved within the permissions referred to shall not generate a noise level of more than 70 dbA at any point on the perimeter of the boundary of the entire site and shall expressly exclude the use of shooting guns with gunpowder'. | |
| | | | Variation of Condition no: 2 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP) from ‘For the avoidance of doubt; this approval does not authorise any recreational or leisure use involving motorised vehicles of any character or nature; nor the use of any shooting activity of whatever kind; unless otherwise agreed in writing by the District Planning Authority.’ to now read "Any activity within the areas approved within the permissions referred to shall not generate a noise level of more than 70 dbA at any point on the perimeter of the boundary of the entire site and shall expressly exclude the use of shooting guns with gunpowder". | |
| | PAP/2010/0289 | | Retention of change of use to mixed recreational and forestry use | |
| | PAP/2010/0269 | | Retrospective application for change of use from private accommodation (C3) to mixed use of private accommodation and part guest house (C1) | |
| | PAP/2010/0281 | | Listed Building Consent for retrospective application for change of use from private accommodation (C3) to mixed use of private accommodation and part guest house (C1) | |

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| 2 | PAP/2011/0054 | 8 | Land to rear of Barge and Bridge PH, Westwood Road, Atherstone Erection of 5 No. two storey starter homes | General |
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| 3 | PAP/2011/0552 | 17 | 146 High Street, Coleshill Change of use from retail (A1) to restaurant (A3) with delivery and rear external flue | General |
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|----|---|-----|--|---------|
| 4 | PAP/2011/0577 | 35 | 47 Fairfields Hill, Polesworth Erection of new detached dwelling | General |
| 5 | PAP/2011/0612 | 54 | Meadow Farm, Warton Lane, Austrey Engineering operation to facilitate installation of bio disk treatment system, drainage runs and rainwater harvesting storage tank and pump | General |
| 6 | PAP/2011/0619 | 61 | White House Farm, Devitts Green Lane, Arley Erection of one 34m high, 50kw wind turbine | General |
| 7 | PAP/2011/0648 | 78 | Meadow Street Park and Gardens, Meadow Street, Atherstone Works to trees protected by a tree preservation order | General |
| 8 | PAP/2011/0670 | 86 | Ash End Farm, Middleton Lane, Middleton, Tamworth Variation of condition no. 2 of planning permission PAP/2009/0451 dated 7 December 2009 relating to development being carried out in accordance with specified plans in respect of conversion of redundant agricultural building to provide habitable dwelling | General |
| 9 | PAP/2012/0008 | 103 | Arley Working Mens Club, Spring Hill, Arley Outline application for 10 new bungalows and associated roads | General |
| 10 | PAP/2012/0020 | 109 | Car Park, Park Road, Coleshill Approval of reserved matters for erection of a retail foodstore with associated parking, servicing and access | General |
| 11 | Consultation by Warwickshire County Council | 115 | Land at Packington Landfill Site, Packington Lane Proposed development of a heat and material recovery facility for horticultural uses via anaerobic digestion with renewable power generation, poly-tunnels and associated infrastructure | General |

General Development Applications

- (1) **Application Nos: PAP/2011/0317, PAP/2011/0261, PAP/2011/0229, PAP/2010/0324, PAP/2011/0133, PAP/2011/0131, PAP/2011/0132, PAP/2011/0134, PAP/2010/0289, PAP/2010/0269 and PAP/2010/0281.**

Heart of England, Meriden Road, Fillongley

Various proposals, as listed above, for

Heart Of England Promotions Ltd

Please note that the Officer's Report relating to these applications is not attached to this document. The papers will be available from Monday 6 February 2012.

(2) Application No: PAP/2011/0054

Land to rear of Barge and Bridge Public House, Westwood Road, Atherstone

Erection of 5 No. two storey starter homes, for

Commercial First Mortgages Ltd

Introduction

The application is referred to the Board in accordance with the current scheme of delegation as it is accompanied by an agreement made under Section106.

The Site

The site is some 0.102 ha within the development boundary for Atherstone. It comprises the former garden to the Barge and Bridge Public House. The land is currently unused. The site is bounded by commercial premises used for vehicle repairs; rear gardens to dwellings on Westwood Crescent, the Barge and Bridge and Westwood Road. The site itself is generally level with the southern end being held by a retaining wall above the level of Westwood Road, which slopes slightly from north to south towards Westwood Crescent. The West Coast main railway line runs within a cutting on the opposite side of Westwood Road. The Coventry Canal lies beyond the commercial premises; this is not directly visible from the site, the Britannia Mill complex of buildings on the opposite side of the canal provides the visual backdrop to the site.

The Proposal

This is for the erection of five two-storey two bedroom houses.

Background

Outline planning permission for eleven flats in a part two-storey, part three-storey building with 15 parking spaces to the rear was granted on 13/12/2010. This is still extant. The only reserved matter was landscaping detail.

Previously, full planning permission for eleven flats in a part two-storey, part three-storey building with 15 parking spaces to the rear was granted on 13/06/2007. However this permission was not implemented.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): - CP2 (Development Distribution), CP11 (Quality of Design), ENV9 (Air Quality and Noise), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG4 (Densities) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: Planning Policy Guidance Note 24 - Planning and Noise, Draft National Planning Policy Framework, New Homes Bonus

Consultations

Warwickshire County Council – No objection subject to standard conditions.

Warwickshire Fire and Rescue – No comments.

Environmental Health Officer – No objection subject to the conditions requiring noise attenuation measures.

Representations

Atherstone Town Council – No objection but recommend that bollards be placed on one side of the access drive to prevent parking obstructing the access.

Observations

In principle residential development is acceptable on this site. The proposal is thus in accord with Saved Policy CP2.

The proposal is for five two-bed 'starter homes' in a single two-storey terrace. This will have an overall footprint of 22m by 10m, and be 7.5 m high to the roof ridge; individual houses are 4.3m wide by 10m deep. The houses will be significantly lower in height than the block of flats for which outline planning permission is extant.

Parking is provided through an attached garage to one dwelling house together with a further nine car parking spaces. A turning area is provided in a parking area to the rear. This will provide two spaces for each dwelling. The houses front the parking area and have gardens facing Westwood Road. These will be enclosed by timber fencing. Rear access is provided via a footpath to the access drive.

Vehicle access is from Westwood Road at the northern-most end of the site, immediately behind the Barge and Bridge. This provides a separation of some 7metres between the public house and the gable wall of the new houses. The position of the access is dictated by highway safety concerns over visibility and existing speed calming road humps on Westwood Road. The Highway Authority has no objection to the development now proposed subject to conditions to ensure a safe access is formed.

The applicant has recently submitted an amended plan to reconcile minor inconsistencies in drafting on the plans originally submitted. Interested parties have been notified and any further responses received will be reported to the meeting.

The mass, scale and design of the development seek to fill the gap between the housing to the east and the Barge and Bridge to the west. The design incorporates roof gables above first floor windows, a feature borrowed from the nearby pub building, to enhance and provide some continuity to the street appearance, as the houses will be visible from Coleshill Road and from across the adjacent railway, which provides an open aspect to the site. The dominant feature in these views however, is the taller buildings of the Britannia Mill in the background. The proposed houses will not detract from these views.

The density of the proposed scheme is some 50 dwellings/ha. Although higher than the minimum 30 dwellings / ha required by policy for this location; this is not inappropriate for this edge of town centre location. The relationship of the new houses to the existing adjacent dwelling houses will ensure there is no loss of amenity for existing properties and will minimise any overlooking of garden areas. Although the gardens of the new houses front Westwood Road, the site is elevated above street level and this will improve privacy within the gardens of the new houses. The development will therefore not have any undue adverse impact on adjoining properties.

A noise survey, undertaken to monitor ambient noise levels at the site due to the proximity of the railway, has been submitted. This survey was undertaken for the previous proposed flat development, however no significant change has occurred since then that would affect the findings. The results of the survey place the site within Category C as set out within PPG24 Planning and Noise. The EHO accepts this assessment. The policy guidance provides that residential development may be considered in locations falling within Category C providing appropriate sound attenuation measures are incorporated within the design and construction of any development. Design and construction measures to attenuate sound within the dwellings will be required to protect amenity within the houses.

Subject to conditions to ensure the design includes appropriate noise attenuation measures; the use of appropriate materials, the provision of a safe vehicle access, suitable drainage systems and details of materials, the proposal is considered to accord with Saved Policies CP2, CP11, ENV9, ENV11, ENV12, ENV13, ENV14, HSG4 & TPT6 of the NWLP 2006.

The Councils adopted Green Space Strategy identifies a deficiency in green open space and play facilities in the locality. A draft agreement made under Section of the Planning Act is submitted with the application to mitigate the impact of additional demands arising from the development. This will provide a contribution of £3276, which will be used towards the provision and improvement of existing facilities in the locality.

Recommendation

That planning permission be **GRANTED** for the proposed development subject to the following conditions and the completion of the legal agreement submitted under Section 106 of the Planning Act 1990, as set out above.

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 10-237/L received by the Local Planning Authority on 01/01/11 & the plan numbered 10-237/002F received by the Local Planning Authority on 31/01/2012.

REASON

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

3. No development shall be commenced before details of the:- facing bricks and roofing tiles; surfacing materials; retaining wall or screen wall facing bricks to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No development shall take place on site until details of the measures to protect the proposed dwellings from external noise, including details of acoustic glazing and mechanical ventilation have been submitted to and approved in writing by the Local Planning Authority. All required measures scheme shall be completed before any of the permitted dwellings are first occupied.

REASON

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity

5. No development shall commence before a scheme for the construction of the foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment.

6. No development shall commence on site until the details of the boundary walls, retaining walls, screen walls or fences have been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the position of boundary walls or fences and details of the design and materials. These details shall include the provision of an appropriate structure to secure the boundary with the adjacent public house. The approved walls and fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained at all times.

REASON

In the interests of security, highway safety and the amenities of the area.

7. No development shall commence until an access to the site from the public highway D200 (Westwood Road) for construction vehicles and other site traffic has been made at the position identified on drawing number 10-1237/002F. Vehicle access shall not be made other than in this position.

REASON

In the interests of safety on the public highway.

8. The access to the site for vehicles shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

9. The access to the site for vehicles shall not be used until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distance of 35.0 metres looking left (north west) and 51.0 metres looking right (south west) distances of metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 of a metre above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

10. The access to the site for vehicles shall not be used until a turning area has been provided within the site so as to enable construction vehicles and other site traffic to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

11. The access to the site for vehicles shall not be used unless appropriate measures are in place to minimise the deposit of extraneous material from the site on the public highway from vehicles leaving the site during the construction works and to clean the public highway of such material.

REASON

In the interests of safety on the public highway.

12. The development shall not be occupied until an access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway in the position shown on drawing 10-1237/002E. and the turning and parking areas have been laid out and surfaced.

REASON

In the interests of safety on the public highway.

13. The development shall not be occupied until all parts of the existing vehicular access to the site within the public highway not included in the permitted means of access have been closed and the public footway has been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

14. The garage, parking and turning areas shall not be used for any purpose other than for the parking or manoeuvring of vehicles.

REASON

To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

15. No gates shall be hung within the access to the site to open to within 6.0 metres of the public highway footway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of the amenities of the area.

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

REASON

In the interest of the amenity.

Informatives

1. Condition 8 above requires a public highway footway crossing to be constructed in accordance with the standard specification of the Highway Authority. This will require the relocation of an existing lamp column, this may incur chargeable costs. The developer is advised to contact the responsible authority, Warwickshire County Council prior to the commencement of any development.

Justification

The mass, scale of the development are appropriate to the location and infill the gap between the housing area to the east and the Barge and Bridge to the west. The design includes features from nearby buildings to provide continuity in the street scene and enhance the appearance as the houses which will be visible from Coleshill Road and from across the adjacent railway, which provides an open aspect to the site. The dominant feature in these views, however is the taller buildings of the Britannia Mill in the background. The proposed houses will not detract from these views.

The density of the proposed scheme is some 50 dwellings/ha. Although higher than the minimum 30 dwellings/ha required by policy for this location; this is not inappropriate for this edge of town centre location. The relationship of the new houses to the existing adjacent dwelling houses will ensure there is no loss of amenity for existing properties and will minimise any overlooking of garden areas. Although the gardens of the new houses front Westwood Road, the site is elevated above street level and this will improve privacy within the gardens of the new houses. The development will therefore not have any undue adverse impact on adjoining properties.

The results of the noise survey place the site within Category C as set out within PPG24 Planning and Noise. Policy guidance provides that residential development may be considered in locations falling within Category C provided appropriate sound attenuation measures are incorporated within the design and construction of any development.

Subject to conditions to ensure the development includes appropriate noise attenuation measures, the use of appropriate materials, the provision of a safe vehicle access, suitable drainage systems and details of materials, the proposal is considered to accord with Saved Policies CP2, CP11, ENV9, ENV11, ENV12, ENV13, ENV14, HSG4 and TPT6 of the North Warwickshire Local Plan 2006.

BACKGROUND PAPERS

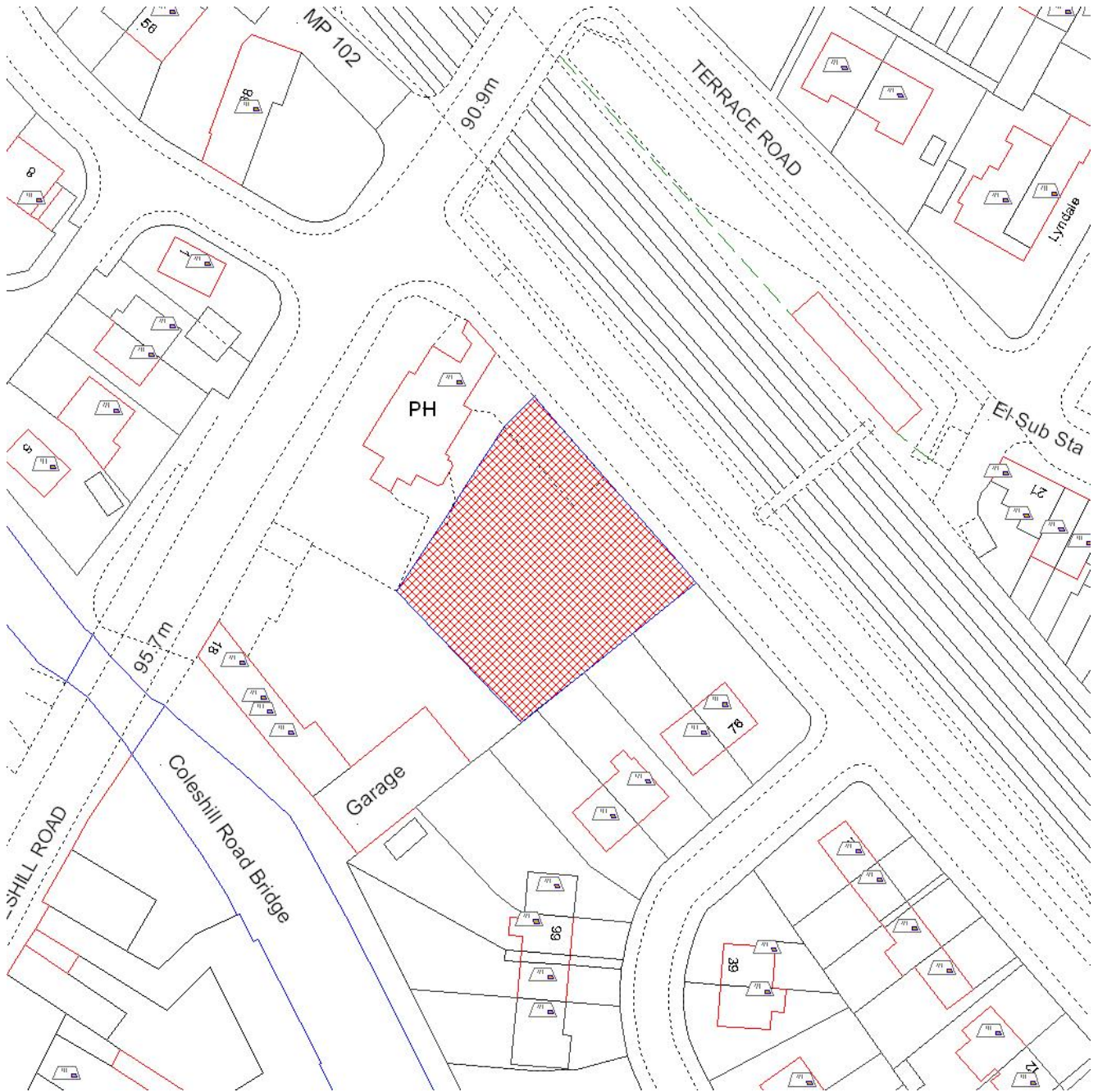
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0054

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------------------------|---|---------------------|
| 1 | The Applicant or Agent | Application Forms, Plans and supporting documents | 01/01/11 |
| 2 | WCC Highways | Consultation response | 01/12/11 & 08/08/11 |
| 3 | WF&RS | Consultation response | 15/11/11 |
| 4 | Atherstone TC | Consultation response | 21/11//11 |
| 5 | Atherstone Civic Society | Consultation response | 15/4/2011 |

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

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



(3) Application No: PAP/2011/0552

146 High Street, Coleshill

Change of use from retail (A1) to restaurant (A3) with a delivery service and new rear external flue, for

Mrs Susan Whitcomb

Introduction

The application is brought before the Planning and Development Board at the discretion of the Head of Development Control due to the change in the proposal from the original submission and concerns expressed by local Members in terms of the potential impacts.

The Site

The building has a three storey frontage to High Street, Coleshill. However it has been substantially extended to the rear, involving a centrally located covered two storey staircase and a significant single storey flat roofed extension. To the side – the north - is a covered passageway. This is a roofed two storey structure where it fronts the High Street, but, as it extends the full depth of the property it mainly has a flat roof beyond. This passage leads to a rear yard used for car parking. Its width means that it only accommodates single vehicle movements. There is an existing heating flue which extends up the centre of the side (North) gable to the frontage three storey element of the property such as to protrude just below the ridge.

The property is in use as a retail shop called “Dreamers” selling bedroom items. There is also a small ancillary café, which has been open for a number of years. Its neighbour to the north is a detached house - number 144 - beyond which is the Coleshill Town Hall. There is an adjoining residential property on its other side – number 148. There is residential property to the rear including a recently erected detached house at the rear of Parkfield Road which is close to the site’s rear yard – known as The Firs. Its rear elevation is close to the rear garden of number 144, and is thus the closest property to the rear of the site. There are double yellow lines in front of the property, with double lines and some vehicle parking on the opposite side of the High Street.

The location plan illustrates the general setting as described above.

The site lies within the Coleshill Conservation Area. Whilst the application building at number 146 is not a Listed Building, its neighbour at 148 is a Grade 2 Listed Building.

The site is not within the “Coleshill Town Centre” as defined by the North Warwickshire Local Plan, but the site is surrounded by a mix of commercial, civic and residential buildings.

A series of photographs of the site are at Appendix 2 which illustrate some of the features described above.

The Proposal

The planning application has altered since the application was originally submitted. The proposal now before the Board is to change the use the ground floor from its current retail use to a restaurant with an associated delivery service. The plans show tables accommodating up to 36 covers. A new rear flue would have to be introduced. The upper floors of the building would be used for storage and as staff areas. The relevant plans can be viewed in Appendix 1.

The delivery service element is for customers to telephone the restaurant and for deliveries to then be made by staff.

The existing car park to the rear would remain and with a more formal layout could accommodate six or seven spaces.

No alterations are proposed to the existing shop frontage.

The proposed opening hours are from 1730 to 2300 hours on Mondays to Thursdays, Sundays and Bank Holidays, with an extra half hour to 2330 hours on Fridays and Saturdays.

The proposed flue would be 320mm in diameter and would egress the rear kitchen from within the covered passageway, and then exit, extending up the rear elevation of the three storey element of the property so as to finish just below the existing ridge. The existing heating flue would remain.

The restaurant is proposing to use more traditional equipment such as cookers, grills and steamers, and not to use equipment such as deep fat fryers associated with either Chip or Kebab shops. The exact details of the equipment are not yet known, however if planning permission was forthcoming they could be conditioned.

It was stated earlier that the application has been varied since submission. The change is the removal of a proposed "take-away" service. The applicant also has confirmed that he would agree to the conditions set out by the Highway Authority and recorded below.

The revised proposal has been the subject of re-consultation.

Background

The site has an existing lawful use as a retail outlet. There are no restrictive conditions on opening hours or other matters. The existing café use is considered to be ancillary to that retail use serving light refreshments to customers.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance), ENV9 (Air Quality), ECON5 (Facilities relating to the settlement hierarchy), TPT3 (Access and Sustainable Transport) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

Government Planning Policy and Guidance: Planning Policy Statement 5 (Planning and Historic Environment), PPG13 (Transport) and the draft National Planning Policy Framework 2011.

Borough Council Guidance: A Guide for Shop Front Design – Adopted September 2003

Consultations

Warwickshire County Council as Highway Authority – The Authority originally objected to the initial proposals, substantially on the grounds of the impact of the then proposed “take-away” element. This was due to the likely adverse impact on highway safety due to the parking restrictions in front of the premises. Additionally, given the likely high usage of car travel for both restaurant and take-away customers, the size of the rear car park and the single width passage, there would be increased pressure to park on the High Street and surrounding roads, perhaps beyond that normally associated with a take-away. As a consequence of this initial objection, the proposal was varied so as to remove the take-away element. The Highway Authority considers that this is a material change and subject to conditions limiting the use as now proposed; to the measures being introduced within the passageway so as to reduce car speed, and the implementation of a formal car parking layout with turning space, it has withdrawn its objection.

Warwickshire Police – There are existing issues in this area generally with a number of different licensed premises giving rise to anti-social behaviour and noise.

Environmental Health Officer – No comments

Conservation and Heritage Officer – There is no objection in principle. Provided the new flue is kept to the minimum height necessary and preferably painted black, there is no material impact or change to the character and appearance of the Conservation Area.

Representations

Coleshill Civic Society – No objection as it would prefer to see a use for the premises rather than for it to be empty for long periods. It would have to have an appropriate extraction system and there might be parking issues.

Letters of objection have been received from sixteen addresses in the immediate and not too distant locality. The comments below include grounds of objection relating to the proposals as originally submitted – that is with the take-away element - and as now proposed.

- Is a further Indian takeaway needed within Coleshill, further to the existing?
- Coleshill has enough restaurants, curry houses, takeaways etc...food outlets within the small market town. It has reached saturation point.
- The flue will lead to an unacceptable smell, even given the measures to avoid this.
- The town currently has a barrage of smells, vomit, litter and broken glass from the existing takeaways, restaurants and public houses.

- Coleshill has fifteen food outlets within the High Street, and in the evening this has an effect upon the nearby residential properties.
- The site is close to existing residential properties.
- The existing peak times coming out of the pubs is between 11 and 12 pm.
- The car park is to the rear and there are already busy exits from Coleshill Hotel, Coach House and Town Hall, and also the delivery service proposed.
- The scheme will lead to further car parking problems within the area.
- The proposal will impact upon the privacy and amenity of the area. The area currently has issues with regards to noise and disruption from two public houses.
- No planning application for the car park to the rear of “Dreamers” and it could impact upon the dwellings to the side and rear.
- Losing the shop / café element will impact upon the Coleshill Town Centre.

Observations

This application has generated a significant amount of interest and raised a number of issues. All of these will need to be addressed in the determination of this case. This report will first look at matters of principle before exploring the more detailed issues raised by the representations.

It is important to note that the starting point when considering this present application is that the premises have an existing lawful use as a retail outlet which is unfettered by planning conditions.

a) Principle

The existing retail shop is outside of the Coleshill Town Centre boundary and the town’s core shopping area as defined by the Local Plan. As such the loss of the retail use would not be contrary to the policies set out in that Plan which seek to safeguard retail use within the centre of the town. Whilst Local Plan policy ECON5 normally directs new entertainment uses to town centres there are material planning considerations in this case that are of significant weight, so as to conclude that the use of the building as a restaurant could be acceptable in this location. These are that these premises already have an unfettered lawful commercial use; that the site is just outside the Coleshill Town Centre not distant from it, and that the area already contains mixed uses including two public houses and a hotel where functions and social activities are already licensed. Whether the use is finally accepted as one that can be supported will depend on other detailed issues, but it is first worthwhile addressing a couple of issues to do with the principle.

One of the main objections to the scheme is the number of existing restaurants and takeaway premises in Coleshill – fifteen. These are mostly within the defined town centre particularly along High Street. There would not therefore be a conglomeration of such uses if this application were permitted. Additionally the cumulative impact of having a number of takeaways sited together might well justify a refusal, but only if it can be shown that a further use would itself exacerbate existing adverse impacts to an unacceptable degree. This will need looking at in more detail below, but for the present this is considered to be unlikely given the nature of the proposal; the extant lawful use and use of planning conditions. Additionally Members will be aware of the argument, as

expressed by the Civic Society, that the option of leaving premises empty and unoccupied brings a range of different but real adverse impacts.

The other matter is that the loss of a shop with its café element will impact upon Coleshill town Centre. It is considered that as the café is small and ancillary to the main shop use its loss in planning terms would not be material. Also as set out above the shop use is not protected given it is out side of the defined core area.

It is now necessary to turn to a number of the more detailed issues to see how much weight they might attract and as a consequence see if they might outweigh the matters raised above.

b) Delivery service

The delivery service element would involve staff driving to customers addresses and would not involve “over the counter” sales. Being delivery only, it would not involve customers coming to the shop to collect their orders thus reducing vehicle movements in the area and need to find parking space. The delivery operating hours are proposed to be the same as that of the restaurant. This could be conditioned such that the last delivery order was taken one hour before the restaurant closes, so to reduce further impact upon the area. Given that the Highway Authority supports the proposal in this form and the unfettered nature of the extant lawful use, this is considered to be a material and thus significant benefit.

c) Odours and the new flue

The proposal will lead to a new rear external flue being installed, as shown on the plans in Appendix 1. The flue will be an external vertical pipe. The height of the flue is controlled by Environmental Regulations which state that the top of the flue must be at least 1 metre above existing windows on the building, and as the building has first and second floor uses and windows, the flue has to exceed the roof eaves height to comply. The height of the flue above ground level would be approximately 6.2 metres in height.

The final details of the flue and the extraction system can be conditioned in respect of their exact siting and design. The applicant is proposing to use a modern extraction system which is designed to neutralise cooking odours. Such a system will be necessary here. The rear siting is proposed, so as to reduce the visual impact and is a benefit. Given that the Environmental Health Officer has raised no objection, this approach and condition are appropriate.

It has been drawn to the Council’s attention from nearby residential properties, that there are odour issues and queries about the effectiveness of the existing flues on other premises in the area. Whilst other flues to restaurants and takeaways may lead to odours, these are to other premises, and are not material in this case. The Councils Environmental Health team can investigate these premises to ensure their extraction equipment is working correctly. The condition suggested here and the fact that Environmental Health Officers will be consulted is material to ensuring that the system at the application premises itself, is appropriate.

d) Vehicle Parking

At the rear of the site there is an existing car park which it is understood was constructed in 2006. It is therefore lawful as an engineering operation. It is not laid out formally and presently accommodates eight or nine cars. It is important that if this application is to be supported then on-site car parking is maximised, but also that it is convenient to use. It is thus necessary to lay out the area formally and this can be done by planning condition. It is estimated that seven spaces can be formally provided together with an adequate turning area. The capacity of the restaurant shows 36 covers. Clearly when full, it is unlikely that the car park would be sufficient. However the town has other public car parks; the site itself is on a regularly used bus route and customers can also walk. The location is thus very sustainable in transport terms. It is considered that given that other premises in the area do not have large car parks to cater for full capacity levels, that the provision of on-site car parking at all on the site is of material benefit to the proposal.

The access to the car park is through a passage way from the High Street resulting in single file traffic. This arrangement exists for the current use as a retail outlet too. The Highway Authority has no objection to the use of the car park subject to physical measures within the access to slow egress onto the highway – i.e. a small hump, and also that traffic can enter and exit the highway in a forward gear.

There are existing traffic regulation orders, which consist of double yellow lines along the road frontage to these premises. Other Agencies have the opportunity therefore to enforce these Orders.

e) Neighbour impact and amenity

The potential impact of noise, loss of privacy, odour nuisance and general public activity on the residential amenity of neighbouring properties is the one common theme that runs through the majority of the objections received. Members are reminded that the lawful use of the building is as a retail shop with no restrictions. Therefore the number of vehicles that turn up cannot be controlled, or assumed to come and go at any part of the day, notwithstanding the current opening hours. Moreover, the premises could also open as a retail outlet until 2200 hours or later each night without any reference to the Council. There is existing car parking to the rear of the shop for customers and staff. This lawful use attracts customers and deliveries and thus public activity.

There are residential properties around the site. The neighbouring properties have lawful residential use and there are houses backing onto the rear car park. Notwithstanding the “fall-back” position as outlined above, it is necessary to consider whether the proposal would exacerbate that position in a material way so as to lead to an acceptable impact.

The starting point as outlined above is that the base-line here is a retail outlet with a rear customer car park. The substantive differences with this base-line are the proposed extended hours, giving rise to greater human and vehicular activity in the car park in the evening and up to 12 midnight as well as in the premises, and the new flue. It is not considered that the flue will cause undue impacts given its location and because its detail can be conditioned and its operation monitored by Environmental Health Officers.

Of greater concern is the potential increase in activity in the car park – lights, cars turning, people congregating and talking etc. Because of the separation distances involved to those properties that front Parkfield Road – 30 metres from the rear elevation of numbers 39 and 41 to the site’s rear boundary, and a little further from the rear of numbers 43 and 45, it is considered that any such impact on those properties will be lessened. Additionally, the rear boundary to the site is marked by a 1.8 metre fence with a significant number of tall conifers. Numbers 144 and 148 are the adjoining residential properties. These have substantive boundaries and given their location adjoining the Hotel and the Town Hall, it is considered that there would not be a material increase in disturbance. The closest residential property to the car park is number 39a Parkfield Road – The Firs. Its rear elevation would be some 40 metres to the new flue but be 8 metres to the car park. Again it is the likelihood of nuisance being caused potentially increased usage of the car park that is the key issue here. The same consideration applies- would any increased activity in the car park be so adverse to warrant outright refusal. The setting here is not a wholly residential area. It is one of mixed uses. Those uses include which involve public activity; functions and social entertainment. The application premises have an unfettered lawful commercial use. The car park is not significant in size and because the proposed use is as a restaurant, cars parked here are likely to remain in-situ for longer. Licensing hours at other premises are later than the hours sought here under the planning application. On balance it is therefore considered that there would not be a significant or substantive increase in activity over the base-line or that already experienced in the neighbourhood to warrant refusal. If there are issues with these surrounding premises then the Police or the Licensing Authority should become involved.

One of the other objections from the neighbouring properties is that the restaurant delivery service would probably lead to an increase in vehicle numbers, as customers would treat it as a take-away “de facto”. The building is already a shop, which is open for a number of hours each day. It could attract numbers of car born customers regardless of whether the restaurant proposal is introduced or not. Indeed a Tesco Express or similar shop could operate here without the need for any planning application, and this could lead to significant car born custom. However this is not considered to be a reason for refusal – firstly the existing use itself could attract significant car born traffic particularly if its nature changed and secondly the use of planning conditions can be imposed. It is therefore considered that the matters raised by the representations could not be transferred into planning reasons for refusal.

f) Heritage Conservation

The site does lie within the Coleshill Conservation Area, but it is considered that the rear flue would lead to a negative or harmful effect on the character, appearance or setting of this Area, or indeed views into or out of the Area. An appropriate condition can cover its exact location and colour. The flue is not considered to cause harm to the adjoining Listed Building being some distance away on its other side.

g) Other issues

The application does not seek to revise the existing frontage of the building, and nor does it seek to install new signage. These matters would require further applications in any event.

h) Conclusion

The beginning of this section indicated that the principle of this use at these premises was sound unless there were identifiable and clear adverse impacts arising directly from the proposal which would materially worsen the situation. It is accepted that the proposal will introduce change and that will inevitably itself introduce different impacts. However these, in planning terms, are not considered to be so adverse as to warrant refusal. On balance therefore, the application is recommended for approval, but subject to conditions. These in particular will relate to control over the use; the opening hours, the rear flue, car parking layout and vehicle speed controls within the site.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan; the proposed plan showing rear elevation/first and second floor layout, and the ground floor layout plan all received by the Local Planning Authority on 19th October 2011.

REASON

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

3. For the avoidance of doubt the hereby approved ground floor plan and first and second floor layout plan with rear elevation do not approve the car park layout or the siting of the rear flue.

REASON

In the interests of the amenities of the area and safety on the public highway.

4. Notwithstanding the details shown on the application plans, the development hereby permitted shall not be brought into use until physical measures have been constructed within the access to slow egress onto the highway in accordance with details to be submitted and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

5. The development hereby permitted shall not be brought into use unless space is made and maintained within the site so that vehicles are able to enter and exit the highway in a forward gear.

REASON

In the interests of the amenities of the area and safety on the public highway.

6. No development shall commence until a car park layout plan has been submitted to and approved in writing by the Local Planning Authority. The approved layout shall be maintained at all times.

REASON

In the interests of the amenities of the area and safety on the public highway.

7. There shall be no over the counter sales from these premises whatsoever.

REASON

In the interests of the amenities of the area and safety on the public highway.

8. There shall be no opening of the Restaurant for business purposes other than between 1730 hours and 2300 hours Monday to Thursday, Sundays and Bank Holidays, and between 1730 and 2330 hours on Friday and Saturdays.

REASON

To prevent disturbance to the occupiers of nearby properties.

9. The last telephone delivery order taken shall be taken one hour before the close of the restaurant, as covered in condition 8.

REASON

To prevent disturbance to the occupiers of nearby properties.

10. No development shall commence until full details of the rear flue have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed. The details provided shall include scaled plans at 1:50 or 1:00 of the rear and side elevation, also full information as to the extraction system which is designed to neutralise cooking odours and the colour of the flue.

REASON

To protect the amenities of nearby residential property.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV11 - Neighbour Amenities; ENV12 - Urban Design; ENV13 - Building Design; ENV14 - Access Design; ENV15 - Heritage Conservation; ENV16 - Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance; ENV9 - Air Quality; ECON5 - Facilities relating to the settlement hierarchy. Other Relevant Material Consideration: Planning Policy Statement 5: Planning and Historic Environment; Draft National Planning Policy Framework 2011; SPG - A Guide for Shop Front Design - Adopted September 2003
4. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.
5. Any alterations to the shop front or any part of the building are likely to require planning permission. You are advised to contact the Local Planning Authority before carrying out of any work.
6. When considering condition 10, the details of the flue shall include all relevant details of the flue and the ducting system and the level of smells that will be produced. Also the size and scale of the flue should be kept to a minimum given its sitting with the Conservation Area. It is noted the flue has to meet the relevant Environmental Regulations.
7. When considering condition 6 with regards to the car park layout, the Highways authority consider that the rear car park would be best suited to six vehicle spaces, which would allow enough space for vehicle to turn around within the site and leave in a forward gear.

8. The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.
9. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the [applicant{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

Justification

The site is within an area containing residential and commercial uses and is on the edge of Coleshill Town Centre. The site benefits from a lawful use within Use Class A1 (retail). It is not considered that the impacts of the change of use to a restaurant with a delivery service are so materially different from those arising from the continuation of that lawful use so as to warrant refusal. Conditions are proposed covering hours and the use of the delivery service. The proposal is considered not to result in a loss of privacy, light or amenity to the neighbouring properties, which would lead to an unacceptable adverse impact. The rear car parking area is existing and on balance would not have an unacceptable adverse impact upon the adjoining properties. The car parking layout is proposed to be conditioned. The rear flue for the extraction system is considered to be appropriate in principle. The proposal will not materially affect the character, appearance or setting of the Conservation Area.. Given the adjoining property is a listed building, neither the proposed use or the rear flue are considered to detract harmfully from its character, appearance or historic value. The proposal thus accords with saved policies ECON5, ENV9, ENV11, ENV12, ENV14, ENV15 and ENV16 of the North Warwickshire Local Plan 2006, and to other relevant national planning considerations.

BACKGROUND PAPERS

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

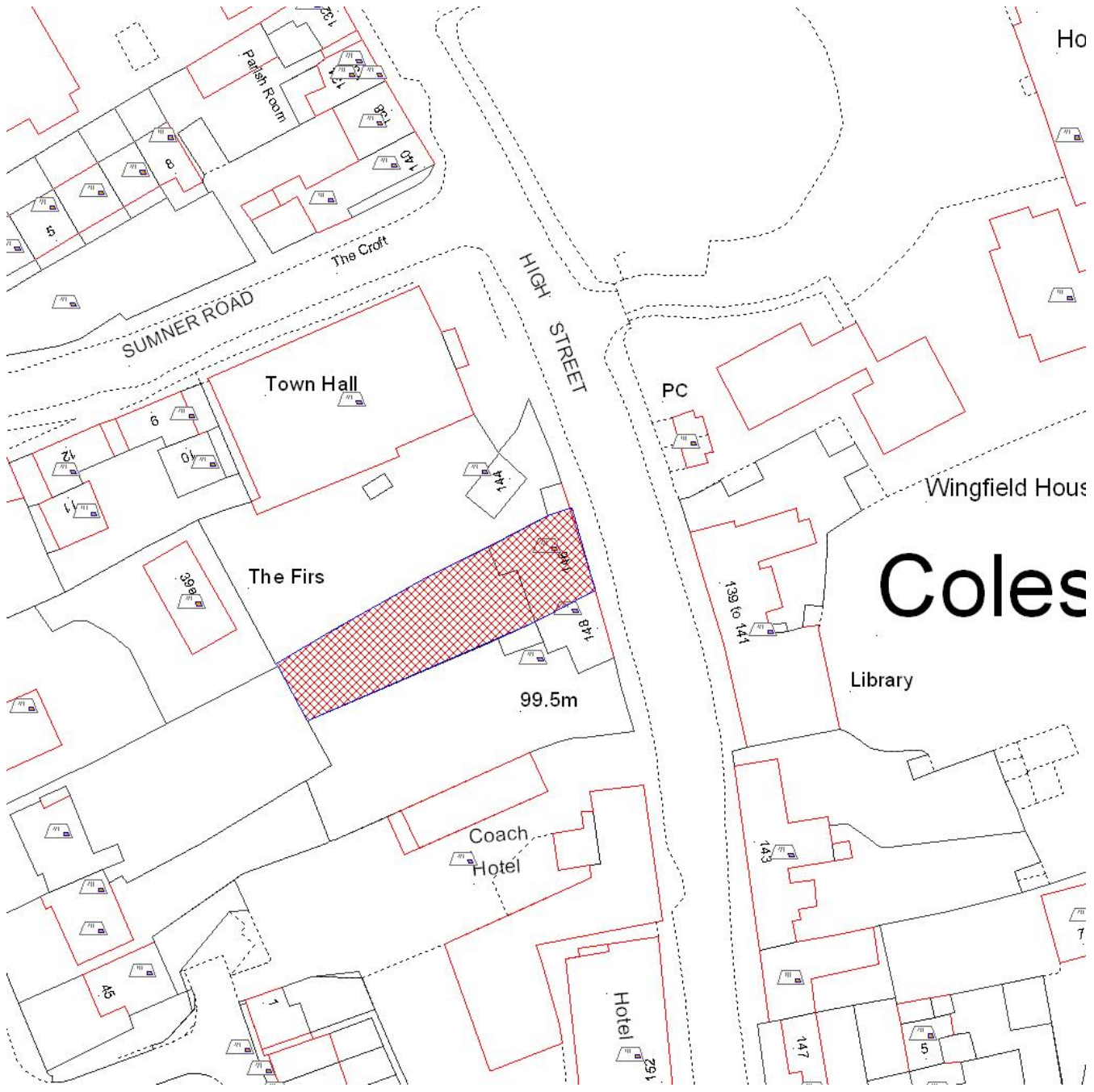
Planning Application No: PAP/2011/0552

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------------------------------------|------------------------------|------------|
| 1 | The Applicant or Agent | Application Forms and Plans | 19/10/2011 |
| 2 | Agent | Further information provided | 28/10/2011 |
| 3 | 39a The Firs, Parkfield Road | Objection | 4/11/2011 |
| 4 | 41 Parkfield Road | Objection | 6/11/2011 |
| 5 | Case officer | Letter and email to agent | 7/11/2011 |
| 6 | 39a The Firs, Parkfield Road | Objection | 10/11/2011 |
| 7 | Case Officer | Letter and email to agent | 10/11/2011 |
| 8 | 39a The Firs, Parkfield Road | Objection | 10/11/2011 |
| 9 | Coleshill and District Society | Comment | 11/11/2011 |
| 10 | 39a The Firs, Parkfield Road | Comments | 12/11/2011 |
| 11 | 109a High Street | Objection | 14/11/2011 |
| 12 | 39a The Firs, Parkfield Road | Comments | 15/11/2011 |
| 13 | 6 Maxstoke Lane | Objection | 15/11/2011 |
| 14 | Agent | Email to case officer | 15/11/2011 |
| 15 | Case officer | Email to agent | 16/11/2011 |
| 16 | 14 Lyon Court | Objection | 16/11/2011 |
| 17 | Hollybank, 39 Parkfield Road | Objection | 16/11/2011 |
| 18 | 14 Maxstoke Lane | Objection | 15/11/2011 |
| 19 | 2 Wood Close | Objection | 17/11/2011 |
| 20 | 36 Parkfield Road | Objection | 21/11/2011 |
| 21 | 47 Parkfield Road | Objection | 21/11/2011 |
| 22 | Case officer | Email to Warwickshire Police | 21/11/2011 |
| 23 | Case officer | File note | 22/11/2011 |
| 24 | WCC Highways | Letter of objection | 22/11/2011 |
| 25 | NWBC Heritage Conservation Officer | Consultation response | 21/11/2011 |
| 26 | Case officer | Letter and email to agent | 24/11/2011 |
| 27 | Agent | Email to case officer | 23/11/2011 |
| 28 | 147 High Street | Objection | 19/11/2011 |
| 29 | Address not known from Maxstoke Lane | Objection | 26/11/2011 |
| 30 | Eastward, Maxstoke Lane | Objection | 26/11/2011 |
| 31 | 76 Lichfield Road | Objection | 25/11/2011 |

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|----|-----------------------------------|---|------------|
| 32 | Email objection www.td4h.co.uk | Objection | 29/11/2011 |
| 33 | Agent | Email to case officer | 1/12/2011 |
| 34 | Case officer | Email to agent | 1/12/2011 |
| 35 | Agent | Email to case officer | 4/12/2011 |
| 36 | NWBC Forward Plans | Consultation response | 1/12/2011 |
| 37 | Case officer | Email to NWBC Environmental Health | 1/12/2011 |
| 38 | NWBC Environmental Health | Email to case officer – consultation response | 2/12/2011 |
| 39 | Case officer | Email to WCC Highways | 5/12/2011 |
| 40 | WCC Highways | Email to case officer | 7/12/2011 |
| 41 | Case officer | Email to WCC Highways | 14/12/2011 |
| 42 | Case Officer | Letter and email to agent | 19/12/2011 |
| 43 | WCC Highways | Email to case officer – consultation response | 19/12/2011 |
| 44 | Agent | Email to case officer | 22/12/2011 |
| 45 | Agent | Email to case officer | 29/12/2011 |
| 46 | Case officer | Email to agent | 4/1/2012 |
| 47 | Agent | Email to case officer | 6/1/2012 |
| 48 | Case officer | Email to agent | 6/1/2012 |
| 49 | Case officer | Reconsultation with description change | 11/1/2012 |
| 50 | 39a The Firs, Parkfield Road | Email to case officer | 9/1/2012 |
| 51 | Case officer | Email to 39a The Firs, Parkfield Road | 11/1/2012 |
| 52 | Eastward Maxstoke Lane | Objection | 11/1/2012 |
| 53 | 43 Parkfield Road | Objection | 13/1/2012 |
| 54 | 39a The Firs, Parkfield Road | Email to case officer | 12/1/2012 |
| 55 | Case officer | Email to 39a The Firs, Parkfield Road | 17/1/2012 |

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.

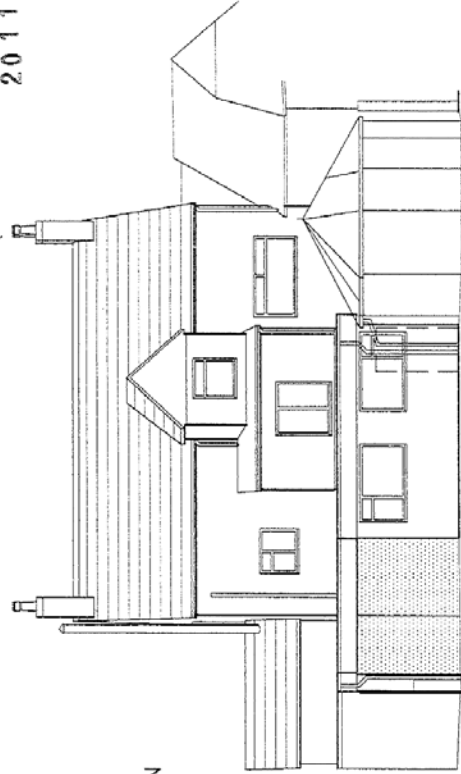


Coles

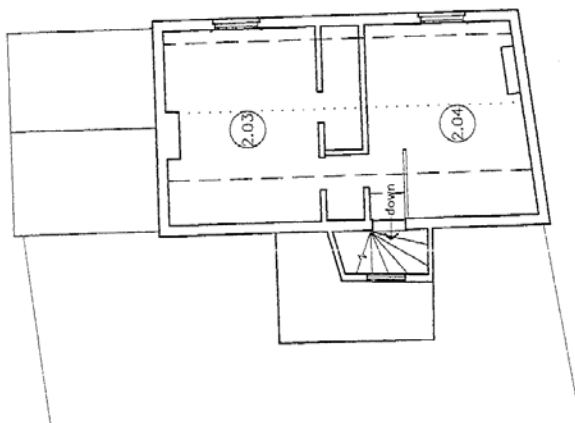
2011 / 0552

SURVEY:
146 HIGH STREET,
COLESHILL, B46 3BG
DATE: SEPT 2011
SCALE: 1:100 on A3

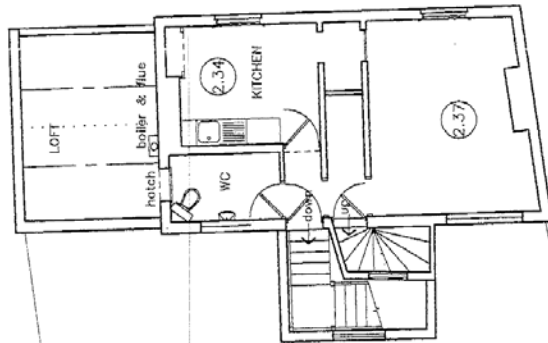
EXISTING REAR
(WEST) ELEVATION



RECEIVED
19 OCT 2011
North Warwickshire
Borough Council

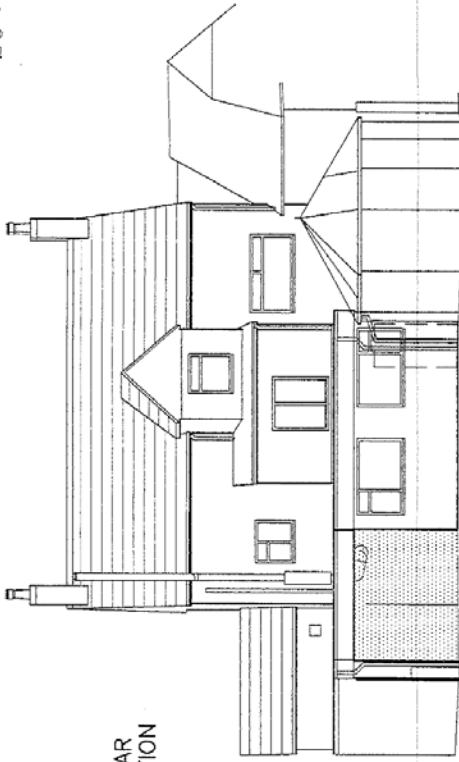


SECOND FLOOR PLAN



FIRST FLOOR PLAN

2011 / 0552

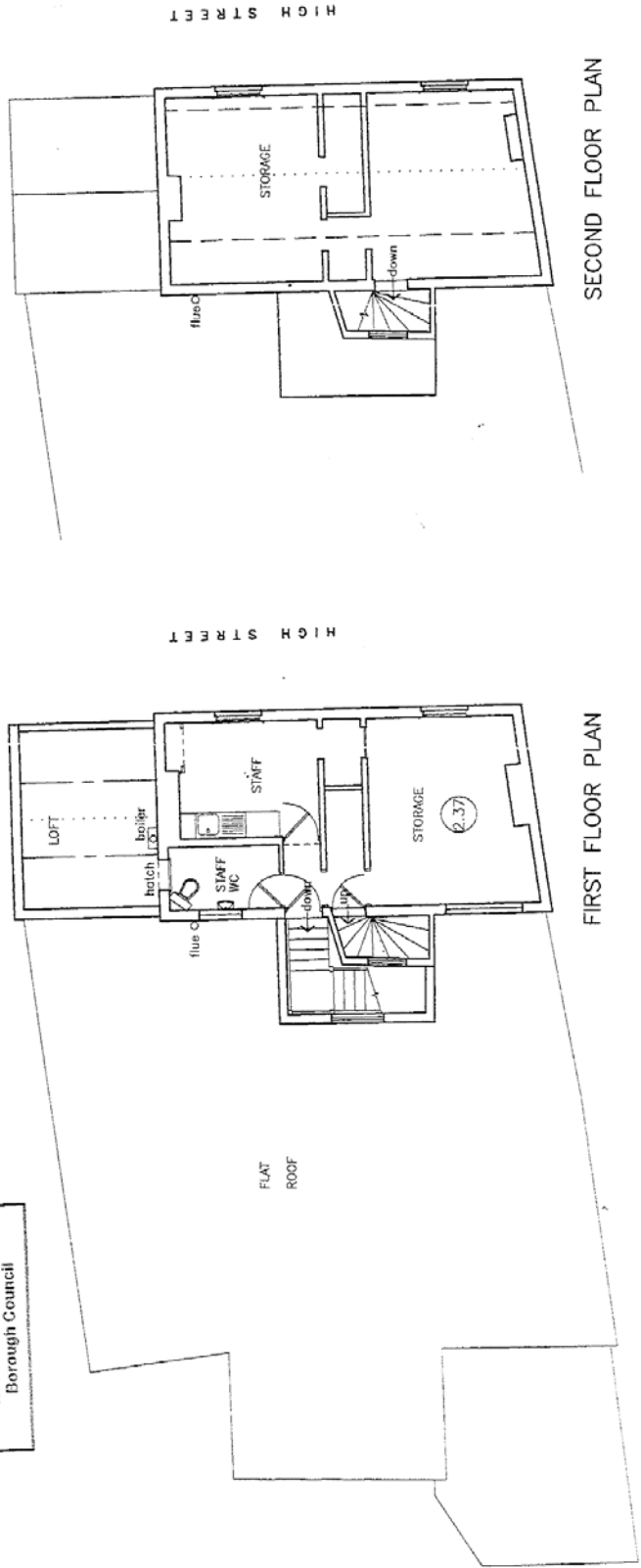


PROPOSED REAR
(WEST) ELEVATION

PROPOSED 1st 2nd ELEVATION
146 HIGH STREET,
COLESHILL, B46 3BG
DATE: SEPT 2011
SCALE: 1:100 on A3



RECEIVED
19 OCT 2011
North Warwickshire
Borough Council



FIRST FLOOR PLAN

SECOND FLOOR PLAN

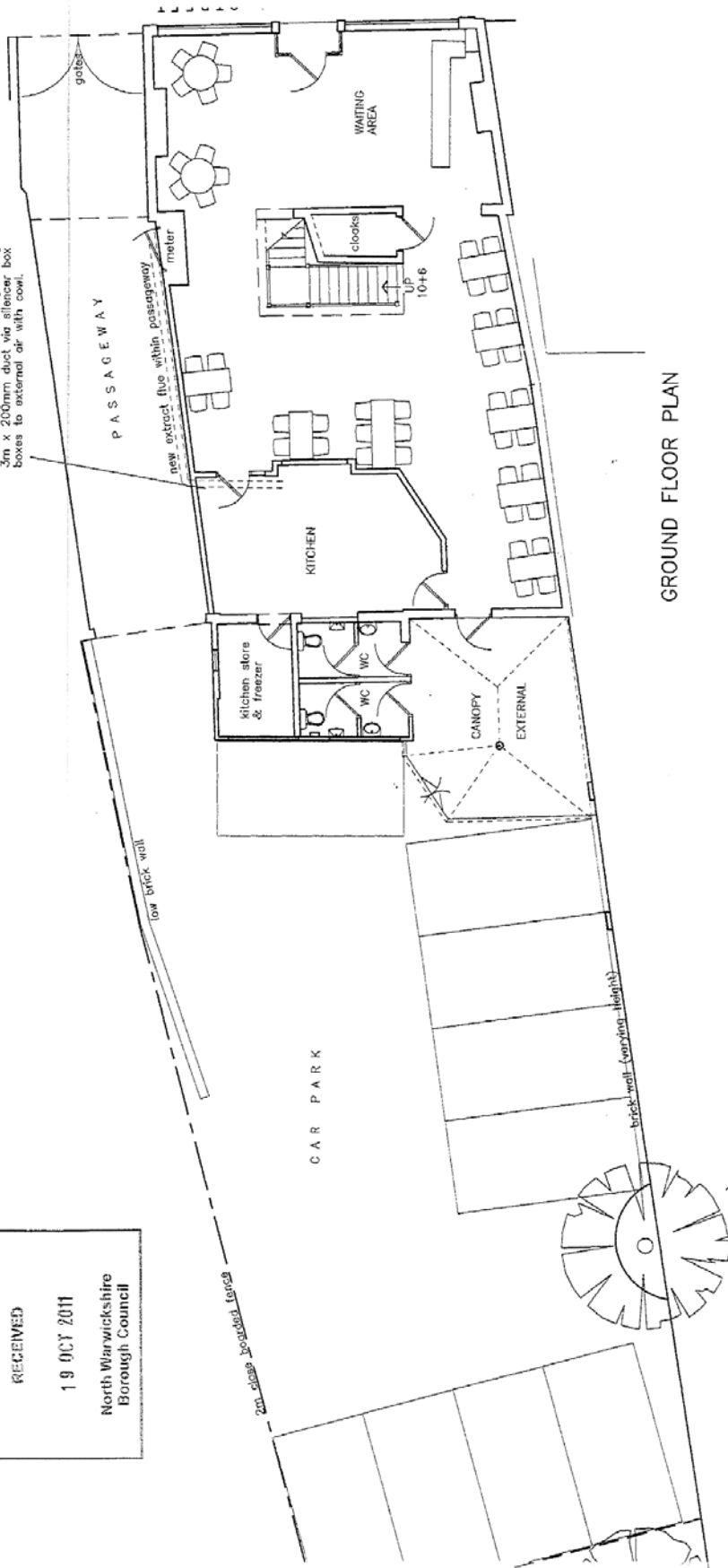
2011 / 0552

PROPOSED GROUND
146 HIGH STREET,
COLESHILL, B46 3BG
DATE: SEPT 2011
SCALE: 1:100 on A3



RECEIVED
19 OCT 2011
North Warwickshire
Borough Council

Kitchen area ventilated through
2m x 0.5m S/S hood with grease filters
& activated carbon filter chamber
with fan drawing air through
3m x 200mm duct via silencer box
boxes to external air with cow.



GROUND FLOOR PLAN

Appendix 2 – Selected Photographs of the site



(4) Application No: PAP/2011/0577

47 Fairfields Hill, Polesworth

Erection of new detached dwelling, for

Mr M Rubensaat

Introduction

This application is reported to Board following a request from a local Ward member because of concerns of the potential impact on neighbouring amenity.

The Site

The application site lies on the south-east side of Fairfields Hill, a steeply sloping road from south-west to north-east, down towards Polesworth. It sits lower than number 49, but higher than number 45. The site itself is generally flat to the front and immediately to the rear before steeply sloping up to the back of the property. There is a single bungalow occupying the site with access onto Fairfields Hill and driveway to the side. This bungalow carries a room in the hipped roof space with dormers looking out to the front and rear. The ridge is generally level with the eaves at number 49, and its overall appearance is relatively simple with a white render and clay plain tiles. Photos of the existing bungalow and its setting are attached at Appendix A.

The Proposal

It is intended to replace the existing bungalow on site with a single dwelling house. Both the existing and proposed have rooms in the roof space. The proposal also includes the creation of a temporary area of hardstanding at the rear with the temporary siting of a caravan upon it during the course of the works, with a retaining wall and ramp access to the rear half of the plot. Plans at Appendix B show this more fully.

Background

The property has been vacant for a number of years, with a near neighbour quoting this being since 1996. Some of the engineering works to the rear have commenced, with the static caravan already placed here.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) – Core Policy 2 (Development Distribution), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Supplementary Planning Guidance: A Guide for the Design of Householder Developments (2003).

Consultations

Environmental Health Officer – lodged an initial objection on the grounds that a desk study and preliminary risk assessment should be supplied to explore the risks from shallow coal workings, gas migration and radon gas. This has been overcome through the provision of such reports.

Highway Authority – initially lodged no objection subject to conditions in respect of access and parking construction and visibility splays, but following amendments to include the static caravan objection was raised given the potential for intensification of the site. Following clarification, this objection has now been lifted and the initial conditions apply.

Warwickshire Museum (Archaeology) – no response received.

Severn Trent Water – no objection subject to an informative noting the presence of a public sewer within the site.

Representations

Neighbour letters were sent on 25 November 2011, and a site notice placed on 14 December 2011. Re-consultation letters were sent on 22 December 2011 and 16 January 2012, with comments invited by 23 January 2011. Councillors were also invited to choose the manner of determination on 16 January 2012.

- 9 Dordon Road – letter of support stating it will remove some dilapidated buildings and has required improvement for some time.
- 49 Fairfields Hill – letter of objection on the grounds of the scale and mass being too great; the roof style being out of sync with the neighbouring properties on this side of the road; imitation sash windows being out of keeping; a projecting gable and dormer being out of keeping; overlooking and privacy concerns to neighbouring dwellings and amenity space; overshadowing of habitable windows from the proposal; need to re-direct a public sewer; and fear that the applicant will operate his business from the site. These objections have been repeated in response to both re-consultation letters, as well as questioning the accuracy of the amended drawings supplied.
- 43 Fairfields Hill – objection on the grounds that the scale of the rear of the proposal is dominant and will overshadow their property. These objections have been repeated in response to the recent re-consultation letter.
- 17 St Edithas Road – raise concerns that permission here could allow others with large gardens to building extra dwellings.
- 52 Fairfields Hill – letter of support stating it will greatly improved the site and not impair other properties.
- Seven 'Round Robin' letters prepared by the applicant and signed by 46, 48, 50, 51, 52, 66, 68 Fairfields Hill – support the proposal on the grounds that it will be an improvement to the existing site

- 45 Fairfields Hill (prepared by same representative of objection for 49 Fairfields Hill) – letter of objection on the grounds of the scale and mass being too great, dwarfing their property; the roof style being out of sync with the neighbouring properties on this side of the road; imitation sash windows being out of keeping; a projecting gable and dormer being out of keeping; overlooking and privacy concerns to neighbouring dwellings and amenity space; overshadowing of a non-habitable window from the proposal; need to re-direct a public sewer; and fear that the applicant will operate his business from the site. A further letter prepared by applicant withdraws these objections, but then a further letter prepared by the initial writer reasserts the original objections.

Observations

This assessment relates to amended plans received following correspondence with the applicant's agent highlighting particular concerns in respect of amenity and design.

a) Neighbouring amenity

The proposal introduces a number of new windows to the front and rear. Roof lights are also proposed to the rear roof plane. No first or second floor side facing windows to habitable rooms are proposed. The consideration is thus whether there would be *unacceptable* privacy impacts on neighbouring properties, particularly considering the drop in levels across numbers 49, 47 and 45. To the front there is not considered to be an issue, with publically accessible land and views across front gardens. To the rear, the building does not breach the 45 degree rule (under the Council's Design Guidance) from rear facing windows at numbers 49 or 45, and they face straight down the garden. A neighbour believes there is a breach, but the Guidance is clear in stating *rear facing* windows only.

The views to the rear amenity space of number 49 are obstructed by a garage at this property, and whilst considerably higher than the gardens at number 45 and 43, extreme acute views would be necessary to view their primary amenity space (patio space, etc). Windows in roof spaces are to be placed with a sill height of 1.25 metres from the finished floor level. Whilst this does not prevent views to the rear, the rooms they serve are not designated for living or sleeping, such that these windows can be conditioned to be obscure glazed and non-opening to mitigate any overlooking of neighbouring amenity space. There is thus not considered to be a privacy issue arising from the proposal.

In considering overshadowing, the orientation with the sun means any noticeable impacts would be towards numbers 45 and 43. However a site visit to number 43, around midday and close to the winter solstice, demonstrated that the sun was still clearly visible above amenity space at number 47 and 49. A shadowing effect on these properties already exists from the natural slope of Fairfields Hill and number 49, and the proposal will have little effect on the existing situation. During the summer the sun will generally be overhead until late evening, when the existing bungalow at the application site and number 45 already cause shadowing to primary amenity space. The side facing windows at number 45 serve non-habitable rooms and the Council's Guidance is clear in the fact that these cannot be protected.

In light of the above, the loss of light to number 49 will be in respect of diffuse light only. Here, an existing garage close to rear and side facing ground floor windows already reduces natural light; with it noted that internal illumination was on during the officer's site visit. There is also a 1.8 metre boundary treatment between numbers 49 and 47. Whilst the car port element of the proposal would be within 4.6 metres of a side facing habitable window, this window is one of two serving the same room which also has a rear facing window, and the proposal is stepped down by 1.6 metres, with it carrying dropped eaves and a hipped roof. Appendix B shows the calculated effect accounting for the 'blocking' effect of number 49 itself and boundary treatments. Daylight will pass over the roof such that the net effect is not considered to be unacceptable. Hence in considering all the potential impacts it is considered a refusal could not be sustained on grounds of overshadowing.

Other amenity impacts, such as noise, dust and fumes, are not considered to be permanent or material during the course of construction to raise concern.

b) Design

There were three concerns arising with the original proposal and first revisions. These related to firstly, the depth and mass of the property which resulted in the use of unsuitable design solutions to mitigate the impact; secondly, the roof design; and thirdly, the introduction of features alien to the street scene. These were considered to degrade the quality of the development and the manner in which it harmonised with the immediate setting. However revised plans have been submitted in order to address these concerns. These are considered more fully as follows:

1. The depth of the property at ground floor is not of issue here. The proposal to carry the first floor to the same depth previously had knock on effects which caused conflict with policy – namely the need to decrease the pitch to enable a suitable roofing solution whilst ensuring the ridge height was not excessive.

The context of the proposal is important. It will sit (without exception) amongst a run of hipped detached and semi-detached houses (see Appendix C). A further hipped bungalow ends this run to the north-east and a pair of gable end semi-detached houses ends the run to the south-west. However, this run is clearly prominent in the street scene, especially on travelling down the hill away from the junction of Dordon Road, Fairfields Hill and Birchmoor Road. The close proximity of each of these dwellings, means that aspects of any side gables are very limited; hence hipped roof spaces provide an "openness" in lieu of physical separation and carry importance.

Earlier plans retained a gable end to the property. Although Dutch hips were proposed in the first revision, this did not go far enough to enable the property to be 'read' as a hipped property. The current plans do now achieve this, with the majority of the second floor ends now hipped. The residual gable elements simply give the appearance of dropped eaves, and are not considered so material to warrant refusal. The same is said in respect of the side projection given it sits against the ground and first floor. A condition would ensure that later roof alterations do not undermine this principle.

2. The first floor depth of the main section is 10 metres. The need to provide a roof to this previously resulted in an excessive ridge line some 0.4 to 1.1 metres higher than the 'common line' drawn between the ridges at number 49 and 45 (even with a lower pitch of 30 degrees instead of 35 degrees seen along this run of properties). This height coupled with gables (as discussed at (1)) and differing roof pitch previously meant that this side elevation appeared prominent and out of sync in the street scene upon travelling down the hill.

The current plans respond by increasing the pitch to 32.5 degrees whilst sitting the whole proposal down into the ground by 0.3 metres and reducing internal floor to ceiling heights by a total of 0.3 metres. The net effect is that the ridge height is now only 0.25 metres higher than the aforementioned 'common line' between ridges. In considering whether this additional height and differing pitch is sufficiently material to warrant refusal, it is not considered so. The difference in height is marginal in the context of the proposal and will go unnoticed, whilst the 2.5 degree difference in pitch will also go unnoticed.

3. Further concern arose from the inclusion of a projecting gable to the front elevation. This was initially considered to be alien to hipped properties in the immediate setting and compound the issues around prominence already discussed at (2), with the depth resulting in a noticeable roof void.

The further revisions do not remove or alter this projecting gable, such that consideration focuses on whether it is materially harmful to the street scene contrary to policy. On balance, the inclusion of a central gable feature assists in breaking up what would be a wide and plain elevation, and whilst alien to the *immediate* setting, it draws upon design found in the *wider* setting. The resulting roof void from the proposed depth has been considered further, and it is not considered to be sufficiently prominent to warrant refusal alone. Addition of a further porch could undermine this view however, such that conditional control should be exercised here. Given this is the only remaining element of concern, a refusal of the whole proposal cannot be sustained here.

The width of the property is considered by some neighbours to be too great, with built form close to the boundaries. However, this is reflected elsewhere along Fairfields Hill. This is not considered to be a reason for refusal. There is no objection to the dormer window above the car port, nor to the detailing around openings and eaves. The proposed materials suggested by letter dated 27 November are also considered appropriate and can be conditioned; as can finishes to retaining walls, hard standings, landscaping and boundary treatments.

c) Gas migration and land stability risks

The Environmental Health Officer initially raised objection to the proposal given the lack of a suitable desk study and preliminary risk assessment to explore the risks from shallow coal workings, gas migration and radon gas. However the applicant has now provided appropriate coal mining and radon gas reports to satisfy the Environmental Health officer.

d) Drainage

An existing sewer connection already exists here, and it is proposed to utilise this. Potential for surface water run off to neighbours can be appropriately mitigated by way of a suitable condition in respect of hard surfaces. Severn Trent Water raises no objection in principle, even though a public sewer crosses the site and will be straddled by the car port, but request an informative that diversion may be necessary. A neighbour raises concern as to how this will affect them, but it is not a planning matter.

e) Access and parking

The County Highway Authority raises no objection to the proposal, subject to conditions in respect of access and parking construction and visibility splays. There is considered sufficient space in principle to accommodate a number of private vehicles at the site, and the applicant intends to add a garage under permitted development rights at a later date. There is no concern in respect of disabled access to the property.

f) Caravan and hardstanding

It is noted that this provides the potential for creation of a separate unit of accommodation. The principle of this is clearly unacceptable from a Highway Authority point of view, but it would also raise amenity issues to number 45. However it is intended to only use this as temporary accommodation whilst works are undertaken on site, and it will be removed (along with the hardstanding) following completion of the proposal. Officers have drawn the applicant's attention to the car port not being wide enough to remove it as a single unit, but this is not of the Council's concern. Overall, this is considered acceptable subject to suitable conditions to require this removal in a timely manner and suitable restoration.

Recommendation:

That the application be Granted subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered FFH2/01/02 Rev B, FFH2/01/03 Rev B, FFH2/01/04 Rev B and FFH2/01/05 Rev B received by the Local Planning Authority on 16 January 2012. For the avoidance of doubt, the house shall not be positioned in accordance with drawing FFH2/01/00 Rev A received by the Local Planning Authority on 22 December 2011.

REASON

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

3. The mobile home shall only provide accommodation for the occupants of 47 Fairfields Hill displaced by demolition of the existing and construction of the replacement dwelling hereby approved, and be removed from the site (along with associated hardstanding) within one month of the replacement dwelling being available for occupation.

REASON

In recognition of the particular circumstances of the beneficiaries, and to ensure that the use does not become permanently established on the site.

4. No development whatsoever within Classes A, B, D and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, 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 preventing overshadowing and overlooking of neighbouring properties, ensuring appropriate design, and to minimise the risk of flooding to neighbouring properties and in the wider area.

5. Roof lights in the rear plane of the roof slope shall be obscure glazed and non-opening, unless in emergencies.

REASON

In order to prevent overlooking of primary amenity space to neighbouring properties.

6. No development shall be commenced before details of the roofing tiles and surfacing materials, as well as screen/retaining wall facing bricks to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials along with a Ibstock Birtley Olde English facing brick on the dwelling shall then be used.

REASON

In the interests of the amenities of the area.

7. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

8. The development shall not be occupied until the northern visibility splay has been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with a 'x' distance of 2.4 metres and a 'y' distance of 51.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

9. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

10. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of safety on the public highway.

11. Before the commencement of the development, a hard and soft landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall also detail the restoration of the area presently laid to hardstanding for the siting of the mobile home.

REASON

In the interests of the amenities of the area.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).
2. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have a statutory protection by virtue of the Water Industry Act 1991 (as amended by the Water Act 2003) and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
3. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

Justification

The proposal is acceptable in principle, with a single dwelling already present on site in what is a sustainable location. There is not considered to be a detrimental impact on neighbouring amenity arising from overlooking or overshadowing, subject to conditions; and highway impacts, gas migration and land stability, and drainage impacts are appropriately controlled. Whilst it is noted that elements of the overall design differ from the general pattern observed in the immediate vicinity, they are not considered sufficiently material or noticeable to warrant refusal. The proposal is therefore in accordance with saved policies ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14 and TPT6 of the North Warwickshire Local Plan 2006 and adopted supplementary planning guidance 'A Guide for the Design of Householder Developments (2003). There are no 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/2011/0577

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|---|--|--|
| 1 | The Applicant or Agent | Application Forms and Plans | 07/11/2011 15/11/2011 22/12/2011 16/12/2011 |
| 2 | P Henshaw | Representation | 17/11/2011 |
| 3 | Applicant | Details of proposed materials | 28/11/2011 |
| 4 | Environmental Health Officer | Consultation reply | 29/11/2011 |
| 5 | Severn Trent Water | Consultation reply | 05/12/2011 |
| 6 | Case Officer | Letter to applicant | 12/12/2011 |
| 7 | Mr and Mrs Evans | Representation | 12/12/2011 |
| 8 | Case Officer | Email to agent | 13/12/2011 |
| 9 | Gareth Stent (o/b/o Mrs Westwood) | Representation | 14/12/2011 |
| 10 | Gareth Stent (o/b/o Mr and Mrs Clemons) | Representation | 14/12/2011 |
| 11 | NWBC Planning Records | Approved plans for 43 and 49 Fairfields Hill | Various |
| 12 | Case Officer | Email to agent | 14/12/2011 |
| 13 | Case Officer | Email to agent | 15/12/2011 |
| 14 | WCC Highways Authority | Consultation reply | 15/12/2011 |
| 15 | Mr and Mrs Evans | Letter to Case Officer | 21/12/2011 |
| 16 | Agent | Email to Case Officer | 22/12/2011 |
| 17 | Environmental Health Officer | Re-Consultation reply | 22/11/2011 |
| 18 | Case Officer | Email to agent | 23/12/2011 |
| 19 | Applicant | Letters and photos to Case Officer | 03/01/2012 |
| 20 | A Fairfield | Representation | 03/01/2012 |
| 21 | L Cheneler | Representation | 03/01/2012 |
| 22 | D Perry | Representation | 03/01/2012 |
| 23 | B Arnold | Representation | 03/01/2012 |
| 24 | Mr and Mrs Archer | Representation | 03/01/2012 |
| 25 | J Pickard | Representation | 03/01/2012 |
| 26 | B Churdett | Representation | 03/01/2012 |
| 27 | Y E Westwood | Representation | 03/01/2012 |
| 28 | Applicant | Letter to Case Officer | 03/01/2012 |
| 29 | Mr and Mrs Evans | Representation | 04/01/2012 |
| 30 | Agent | Email to Case Officer | 04/01/2012 |
| 31 | Gareth Stent (o/b/o Mr and Mrs Clemons) | Representation | 05/01/2012 |
| 32 | Gareth Stent (o/b/o Mrs Westwood) | Representation | 05/01/2012 |
| 33 | Mr and Mrs Evans | Letter to Case Officer | 05/01/2012 |
| 34 | WCC Highways Authority | Consultation reply | 06/01/2012 |

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|----|--------------------------------|-------------------------------------|--------------------------|
| 35 | Applicant | Radon Gas Report | 08/01/2012 |
| 36 | WCC Highways Authority | Email to Case Officer | 09/01/2012 |
| 37 | Case Officer | Email to Councillors | 09/01/2012 |
| 38 | Case Officer | Email to Applicant | 09/01/2012 |
| 39 | WCC Highways Authority | Consultation reply | 10/01/2012 |
| 40 | Case Officer | Email to Agent | 11/01/2012 |
| 41 | Case Officer | Email to Councillors | 11/01/2012 |
| 42 | Agent | Email to Case Officer | 16/01/2012 |
| 43 | Case Officer | Email to Agent | 16/01/2012 |
| 44 | Case Officer | Email to Gareth Stent | 16/01/2012 |
| 45 | Case Officer | Email to Councillors | 16/01/2012 |
| 46 | Applicant | Coal Report | 18/01/2012 |
| 47 | Environmental Health Officer | Consultation reply | 19/01/2012 |
| 48 | Mr and Mrs Evans | Representation | 19/01/2012 |
| 49 | WCC Highways Authority | Consultation reply | 19/01/2012 |
| 50 | Severn Trent Water | Consultation reply | 23/01/2012 |
| 51 | Mr and Mrs Clemons | Representation | 23/01/2012 |
| 52 | Occupier of 17 St Edithas Road | Representation | 24/01/2012 |
| 53 | Councillor Butcher | Phonecall and email to Case Officer | 23/01/2012 24/01/2012 |
| 54 | Case Officer | Email to Applicant and Agent | 24/01/2012 |
| 55 | Lynda Wilson | Representation | 24/01/2012 |

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.



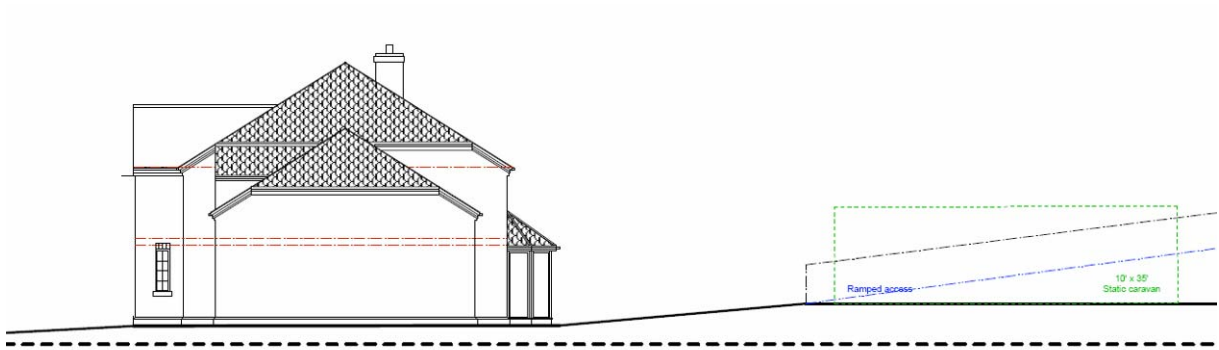




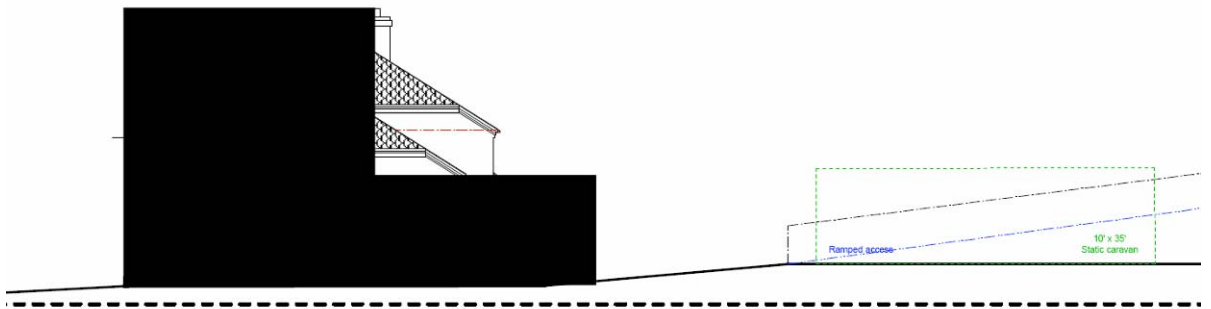




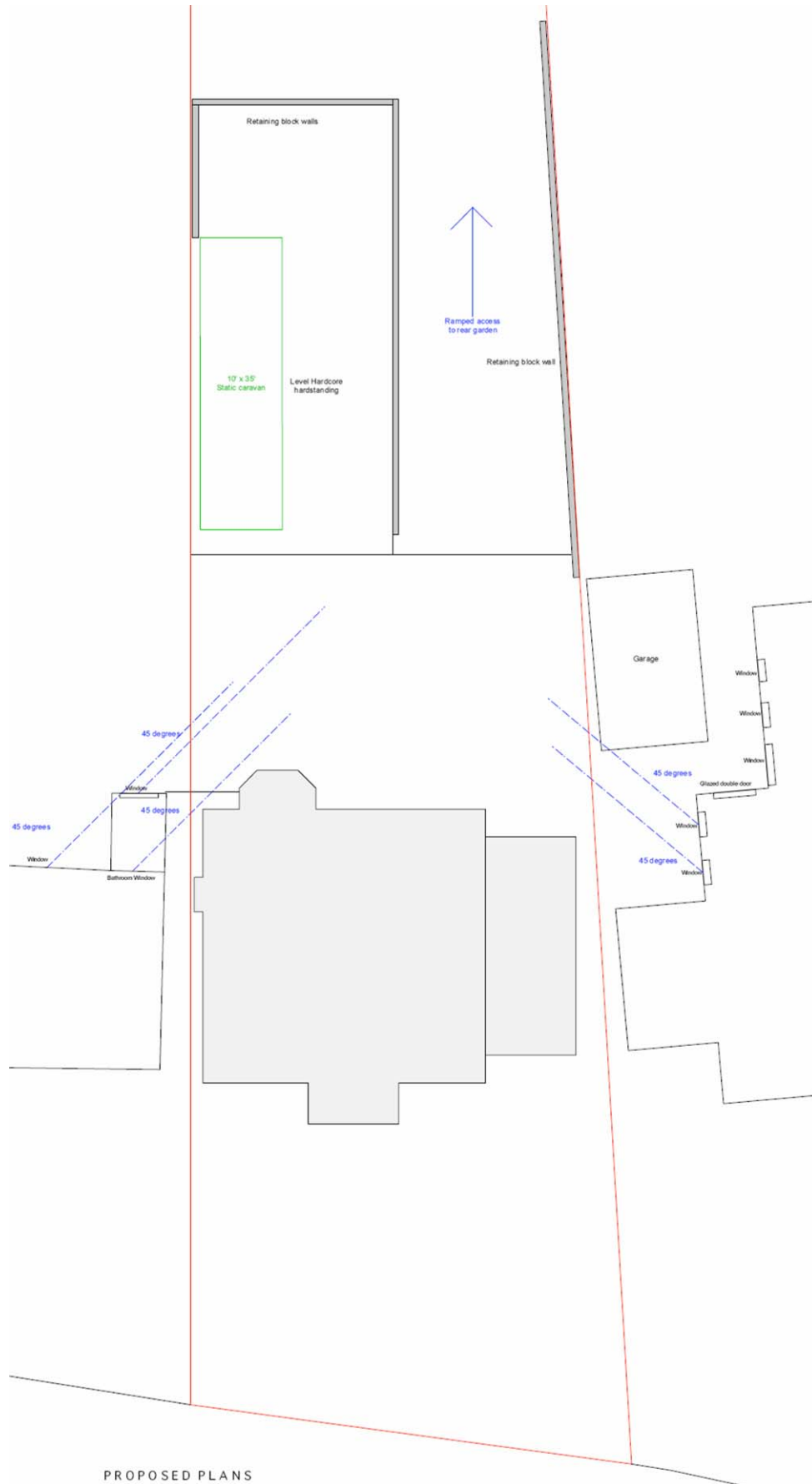
Street scene drawing



View from number 49



View from number 49 when accounting for current built form and 1.8m fence at number 49 (i.e. that visible from side facing windows)



PROPOSED PLANS

Site layout plan



View down Fairfield's Hill



View up Fairfield's Hill



Dwellings to opposite side of Fairfield's Hill, slightly up from the site

(5) Application No PAP/2011/0612

Meadow Farm, Warton Lane, Austrey

Engineering operation to facilitate installation of bio disk treatment system, drainage runs and rainwater harvesting storage tank and pump, for

Mr Matt Martin

Introduction

The application is referred to the Board by the local Member concerned about the scale of the proposal.

The Site

The site lies north of Warton and mid-way along Warton Lane to Austrey. It is an agricultural holding of 4.163 hectares comprising agricultural fields, a farm dwelling, and associated barns. The site is accessed off Warton Lane. The area of the engineering works is located between the farm dwelling and the barn.

The Proposal

The proposal is for retrospective consent to retain engineering operations to facilitate the installation of bio-disk treatment system, drainage runs and a rainwater harvesting storage tank and pump system. The works have been completed but they are not yet operational.

The installation has been undertaken to replace and to combine the existing domestic and agricultural systems on site, and to introduce as a consequence, a more sustainable on-site drainage system. Not only would rain water from all of the buildings and surface water be recycled but it too would be stored for the washing of agricultural vehicles and plant. A new foul water system is to be introduced as well as oil and silt interceptors. A new outfall would be replace the existing into the highway drainage ditch.

Background

The site operates as an arable holding mainly for wheat production. It benefits from agricultural permitted development rights and planning permissions at this site have been granted for agricultural developments since 2004. These include the siting of the present agricultural barn which lies adjacent to Warton Lane - approved in 2005, and improved access arrangements in 2009.

Development Plan

Saved Policies from the North Warwickshire Local Plan 2006: ENV1 (Protection and Enhancement of the Natural Landscape), ENV8 (Water Resources) and ENV11 (Neighbour Amenities)

Other Relevant Material Considerations

Government Advice: PPS7 (Sustainable development in rural areas), Draft National Planning Policy Framework

Consultations

Environment Agency – The Agency has no objection. It has also confirmed that the scale of the works is proportional to the size of the holding and to the current size of the buildings including the house.

Building Control Officer – Confirms the conclusion of the Agency.

Environmental Health Officer – No comments have been submitted

Representations

Austrey Parish Council has written to say that whilst it does not wish to object to this application, it has concerns about the overall usage of the site and possible “underlying hidden agendas”. Councillors are concerned with the design and appearance of the site; that it looks more industrial and less agricultural. The scale of the operations doesn’t seem to match the size of the holding. The council would ask that an overall appraisal of the site and plans be considered.

Observations

The engineering works are illustrated in the following photographs.





The nature of the installation means that all works are on or below ground level, with only their covers being visible at ground level. In this respect there is no impact on the openness of the countryside and the installations do not change the character of the countryside hereabouts. In order to remediate any ground disturbance in the area of the installations, then a condition can be imposed that the ground be re-instated to its former condition.

The main concerns as expressed by the Parish Council are the scale of the operations and the potential alternative use of the site.

In respect of the first, additional enquiries were made of both the Environment Agency and Building Control officers. It has been confirmed that the size of the installations here are proportionate to the size of buildings and the holding. There is a complete new replacement combined domestic and agricultural system here that has been designed to pick up all potential contamination issues; to recycle wherever possible and to improve the outfall to the off-site ditch. Such sustainable drainage systems are likely to become more commonplace on farm holdings in the future and the Environment Agency is actively encouraging such installations. As a consequence of these further enquiries it is considered that the developments here are reasonably necessary for agricultural purposes and proportionate to the holding. As such a refusal would be difficult to defend. Indeed the Parish Council does not object in principle.

The second representation from the Parish Council is understood. However, the use of the site is agricultural and there is no evidence on site to suggest that the installation of the bio-disk treatment system and associated installations facilitate any other use. The use of the barn that has recently been erected is for the storage of agricultural machinery. Should it be used for any other non-agricultural purpose then that would be investigated in the normal way. In order to control the possible misuse of the vehicle wash down element, a limiting condition can be added such that it is only used in connection with agricultural vehicles and equipment personal to the owner of the site, and not for general commercial use.

Members are asked to give no weight to speculation about "hidden agendas". There is no farm diversification proposed as part of this application. Neither should Members give weight to the view that the site appears to "look industrial and less agricultural" as the developments on site have the appropriate consents; there is little visual impact from these installations, and there is no evidence of unauthorised use at the premises.

So in conclusion given the agenda of moving towards more sustainable drainage systems and the conclusions reached above on impact and the confirmations in respect of scale, it is considered that there are no policy or material considerations that would indicate against the scheme.

Recommendation

That the application be **Granted** Subject to Conditions

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 708-03 and the site location plan received by the Local Planning Authority on 21/11/2011 and the specification details received by the Local Planning Authority on 18/1/2012.

REASON

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

2. The vehicle wash down facility as served by the harvesting of rain water, as part of the engineering works hereby approved, shall not be used for commercial vehicle washing and is solely for the benefit of Mr Martin at Meadow Farm, Austrey and the wash down of his own agricultural vehicles and equipment.

REASON

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

3. Within three months of completion of the works hereby approved, the ground condition to the areas affected by the engineering works shall be re-instated to its former state.

REASON

In the interests of the amenities of the area and in view that the site lies within the open countryside.

Notes

1. The applicant is reminded that an appropriate license for water quality of the outfall from the farm must be obtained from the Environment Agency.
2. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV1 - Protection and Enhancement of the Natural Landscape, ENV11 - Neighbours Amenities, ENV8 - Water Resources. Other Relevant Material Considerations. Government Advice: National Planning Policy Framework, PPS7 - Sustainable development in rural areas

Justification

The retrospective works for the installation of the bio-disk treatment system, rainwater harvesting tank, bypass separator, silt trap, storage tank, drainage runs and associated underground pipework are considered to represent an acceptable scheme, whereby the works are underground and the only visible elements are the covers at ground level. The works do not therefore reduce the openness of the countryside or change the character of the land thereabouts. Although the site appears to have been over engineered, the capacity of the installations are proportionate to the site's foul treatment and drainage requirements and do not facilitate unauthorised uses at the site. In order to control the vehicle wash down element a relevant condition is required to ensure this is of a non commercial use. The nature of the bio disk system is an environmentally friendly and sustainable approach to foul and surface water discharge and with all matters considered the works are not contrary to the saved Development Plan Policies, ENV1, ENV11 or ENV8 of the North Warwickshire local Plan, 2006 or to advice given in National Policy Guidance PPS 7. There are no other material considerations that would warrant a refusal of the application.

BACKGROUND PAPERS

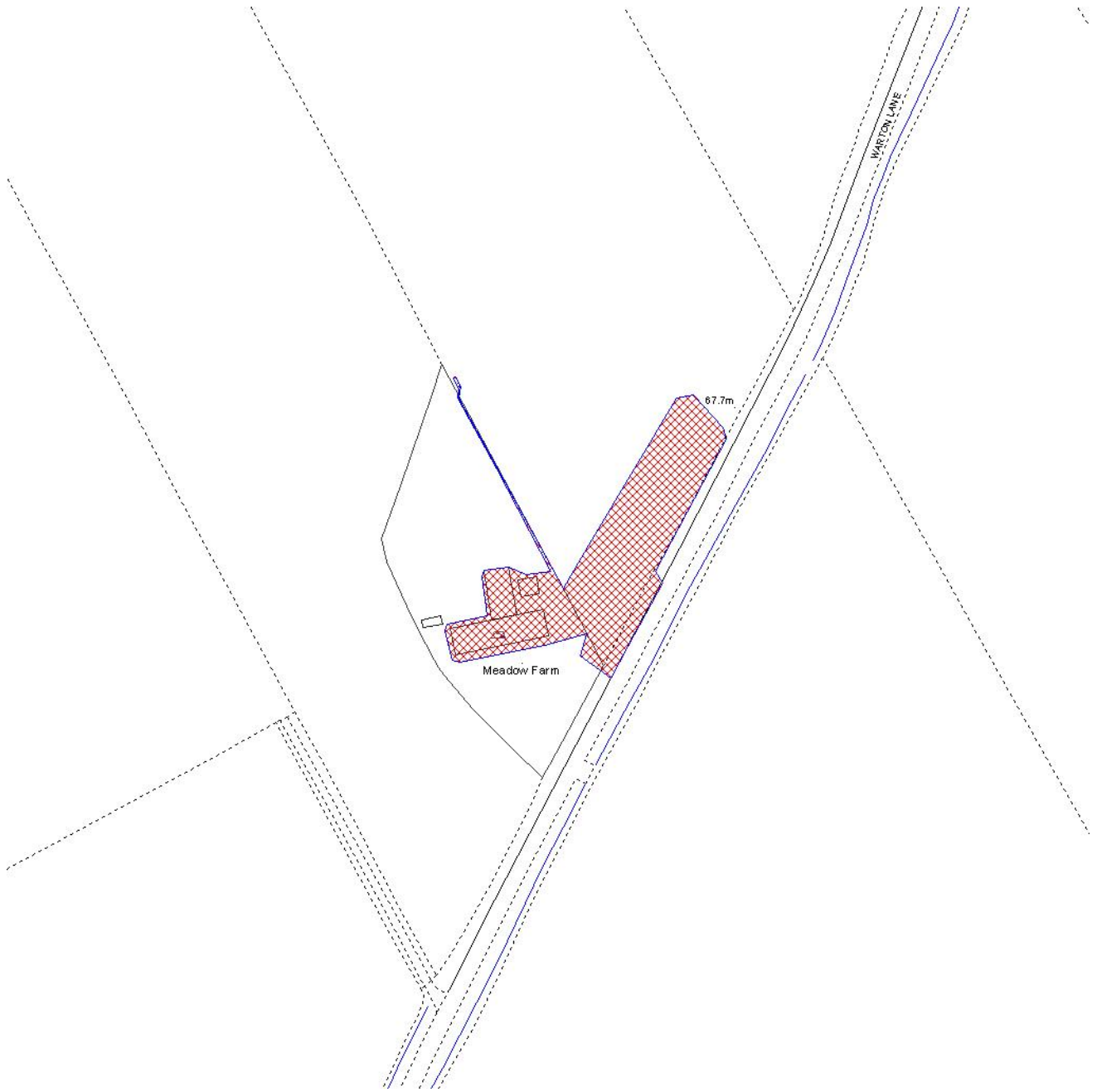
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0612

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|----------------------------------|--|----------|
| 1 | The Agent | Application Forms and Plans | 21.11.11 |
| 2 | NWBC Environmental Health | E-mail representation – no comment | |
| 3 | E-mail from Councillor Humphreys | Query on application | 03.01.12 |
| 4 | Case Officer | Correspondence to Agent seeking information | 12.01.12 |
| 5 | The Agent | Submission of information and the specification of the installations | 18.01.12 |
| 6 | Environment Agency | E-mail representation – no objection | 25.01.12 |
| 7 | Parish Council | E-mail representation - comments | 25.01.12 |
| 8 | Case Officer | Officers observation e-mailed to Members | 26.01.12 |

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.



(6) Application No: PAP/2011/0619

White House Farm, Devitts Green Lane, Arley

Erection of one 34m high, 50kw wind turbine, for

Mr William Varnam (c/o Fisher German)

Introduction

This application is reported to Board given the sensitivity of the proposal and representations received to date. This report follows an interim report presented to Board in December 2011 and subsequent tour of the area and site visit by Members.

The Site

The proposed siting is upon agricultural land to the north of White Gate Farm, and is shown in context at Appendix A. Arley Wood, an ancient woodland, and Wood Lane lie to the east. The land falls to the north-west to the valley floor where a small brook exists, and to the south-west where Daw Mill Colliery lies around 1km distant. To the south is Devitts Green Lane where isolated properties exist before a more structured run of dwellings run east towards the settlement of Old Arley. Beyond this lane, the land generally falls away to the south.

The landscape in this area undulates somewhat meaning that long distance views of the site are somewhat limited. However there is little obvious human influence in this area, with the farm buildings and isolated properties generally being the limit. Trees and hedgerows are characteristic along field boundaries and road edges; although in the immediate vicinity there are few hedgerows and just the one tree. A footpath passes adjacent to the proposed siting, with further footpaths in the vicinity.

The Proposal

It is intended to erect one 34.2m to the tip (24.2m to the hub) wind turbine and associated monitoring/control equipment. Elevations are shown at Appendix B and comparisons are below (note: some of the examples have much greater mass in comparison). The turbine will first provide for the needs of the farm holding before feeding surplus electricity into the national grid.

| Comparison | Height |
|--|-----------------------------------|
| Telecommunications mast at Hermitage Lane, Birchmoor (the sail mast) | 38.3m |
| 3M water tower, Atherstone | ~34m |
| Council House, Atherstone | ~12m (not including lift housing) |
| Daw Mill Colliery, Arley | ~30m |
| Full scale pylons | ~50m |
| Grendon Fields Farm wind turbine | 36m to hub, 46m to tip |

Background

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 3(i) of Schedule 2 to the Regulations, it has been concluded that due to the lesser scale of this wind turbine; the distance to residential receptors; a lack of statutory and local constraints in respect of ecology, heritage and aviation; and the presence of adequate statements and information to assess any remaining environmental and visual concerns, that the development is not considered to be EIA development such that an Environmental Impact Statement is not required.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 2 (Development Distribution), Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) and TPT1 (Transport Considerations In New Development).

West Midlands Regional Spatial Strategy (Phase 1 Revisions January 2008): POLICY EN1 (Energy Generation)

Other Relevant Material Considerations

Government Advice: PPG2 (Green Belts), PPS1 (Sustainable Development – Climate Change Supplement), PPS22 (Renewable Energy), Planning for Renewable Energy – A Companion Guide to PPS22, Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3), The Assessment and Rating of Noise from Wind Farms (ETSU-R-97: September 1996), and the draft National Planning Policy Framework (NPPF).

Consultations

A number of statutory consultees and qualified bodies have been approached. These include Ministry of Defence, Birmingham Airport, Coventry Airport, Campaign for the Protection of Rural England (CPRE), Warwickshire Wildlife Trust, RSPB, Warwickshire County Council Highway Authority, the Highways Agency, NWBC Environmental Health, Arley Parish Council and Over Whitacre Parish Council.

13 site notices were erected around the area on 6 December 2011, expiring 3 January 2012. In addition, a total of 109 notification letters were sent to properties in the surrounding area following the Case Officer establishing where views of the proposal could be possible.

Local members of the Arley and Whitacre Ward, along with the Chair and Vice Chair of the Planning Board were notified of the application on 5 December 2011.

Representations

Both Coventry and Birmingham airports raise no objection to the proposal with the turbine sitting outside of their safeguarding zones and hidden from radar by topography. The Ministry of Defence also raise no objection, subject to condition.

Warwickshire Wildlife Trust raise objection to the proposal, commenting that further bat surveys should be undertaken to rule out the potential for Noctule bats crossing the site given the wider landscape and ancient woodland close by. Natural England raises no objection to the proposal, believing the level of survey work undertaken appropriate. The RSPB has provided no comment.

CPRE object to the proposal considering it to harmful to landscape character, including the qualities of it which attracts tourism to the area; harm to neighbouring residents' health and wildlife; that turbines are generally inefficient with many forced to sit idle in adverse weather conditions and costing billions of pounds in compensation; and safety risks in the event of failure.

The Council's Environmental Health officer has considered the noise assessment submitted. He raises no objection to the proposal, but in line with guidance requests a condition to require the shutdown and rectification of the problem if noise levels from the turbine are found to exceed 5dbA above background levels.

No response from either Parish Council has been received.

The Highways Agency and Warwickshire County Council Highways Authority raise no objection to the proposal having reviewed the siting, the proposed construction traffic routing and access proposal, although Warwickshire County Council Highways Authority comment on a bridge height limit along the proposed construction traffic routing.

Neighbour consultations have drawn a total of 11 neighbour/business representations from 10 separate addresses – most of who live within sight of the site. Issues raised focus on landscape and visual impacts, noise and amenity impacts, ecological impacts and the potential for setting a precedent. Further issues raised relate to the benefits to the local community, the effect on tourism, safety implications and effect on the value of their property.

Legal Requirements under the Habitats Directive

All EU protected species are listed in Annex IV(a) of the EU Habitats Directive. Article 12 of the Directive states *"Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) their natural range, prohibiting (a) all forms of deliberate capture or killing of specimens of these species in the wild [and] (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration..."*. Regard is also had to Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 which states *"...a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."*

Drawing on *Vivienne Morge v Hampshire County Council [2010] EWCA*, the key consideration is whether the proposal would result in a deliberate action. Whilst this ruling focussed on Article 12(b), it logically follows from the wording of both 12(a) and 12(b) that the principles apply to Article 12(a). The ruling concludes that a “deliberate” act is an intentional act knowing that it will or may have a particular consequence. It follows from this meaning that where an activity is judged *unlikely* to lead to harm to a protected species, then if harm does unexpectedly occur it is unlikely that it will have occurred “deliberately”.

An overall ecological appraisal of the land around the turbine site is provided. This recognises the potential for bats, great crested newts (GCNs) and badgers being present. However, records and a site survey only indicate the presence of badgers at considerable distance away to the north. The ponds observed are dry and thus highly unlikely to support a population of GCNs. Whilst there is medium potential for bat roosts in trees and hedgerows some 175 to 200 metres distant, it is considered that the lack of connecting landscape features close to the turbine make it highly unlikely that bats would commute and forage in this area.

Warwickshire Wildlife Trust disagree. They do not dispute the findings in relation to bats which commute along linear features, such as Common Pipistrelle, but believe there could still be a risk to other species such as Noctules. They note the abundance of semi-natural woodland within 2 to 5 kilometres of the site along with Arley Wood raises concern that Noctules could pass through the site whilst commuting between foraging and roosting areas.

A third party view was sought from Natural England. They consider the level of survey work undertaken so far to be proportionate and appropriate to the siting of the turbine, the habitat features present and the current species records for the vicinity. Upon clarification, Natural England has considered the concerns raised by Warwickshire Wildlife Trust, but still consider the level of survey work undertaken appropriate.

The *Morge* ruling found that each case has to be judged on its own merits, and a species by species approach is required. It also found that consideration should be given to the rarity and conservation status of the species; the impact on the local population of a particular protected species; and that individuals of rare species are more important to a local population than individuals of a more abundant species. Natural England guidance states that the level of survey work should be proportionate to the level of application. In this case, it would be unreasonable for the applicant to survey all potential habitats in the local area to ascertain what the local population for that species is. According to the Bat Conservation Trust’s fact sheet for Noctule bats, the species is declining but widespread, and this decline is due to loss of habitat. Hence, the data at hand is considered adequate to enable a decision as to whether there is likely to be harm to this protected species.

Therefore given the lack of evidence that this species exists in this area and by locating the turbine at least 50 metres from linear features, in accordance with technical guidance from Natural England, there is suitable mitigation that the turbine is, on the balance of probability, *unlikely* to lead to harm to those species.

In light of the above, it is considered that there would be no deliberate act occurring if a bat fatality occurred in respect of the turbine. It is considered that the Council has satisfied its legal duty under Regulation 9(5) of the Conservation of Species and Habitats Regulations 2010.

Observations

The nature of this application requires a number of technical assessments, surveys and reports to be undertaken to inform the determination. Many of the representations received provide specific comments which can be grouped under headings. As such, the report is set out in a manner to consider these grouped impacts in turn.

a. **Ecology** (bats, birds, badgers, reptiles, amphibians and other fauna, and bird strike risk)

Matters pertaining to bats, GCNs and badgers are discussed above. The 50 metres separation between the turbine and trees/hedgerows can be easily achieved such that micro-siting will not undermine this necessary separation. The likelihood of GCN habitat is low and ground conditions are unsuitable for reptiles. However the law requires a 'reasonable effort' to be made to ensure animals are not harmed. As such, it is recommended that a condition ensures appropriate investigation immediately prior to works commencing.

No evidence of breeding by protected bird species was found. The landscape is also highly unlikely to act as a migratory route for swans and wildfowl. As no vegetation clearance is required (i.e. construction and cable routing can avoid any hedgerows and trees), there is no concern here.

b. **Noise and vibration** (mechanical noise, aerodynamic noise, and vibration)

Vibration is not considered to be of issue here given sufficient distance to residential receptors. Noise associated with wind turbines is two-fold – (1) the noise from the hub and gearbox (mechanical noise), and (2) the passing of the blades through the air (aerodynamic noise), including the 'blade swish' or Amplitude Modulation (AM) effects increasingly referred to in high profile cases.

A noise profile of the turbine is provided with the application, in accordance with technical guidance ETSU-R-97 as outlined in PPS22. Night time noise limits should not exceed 35dbA at the nearest residential receptor, and 45dbA during the day. It is clear that beyond 160m noise from the turbine will be inaudible. The nearest residential receptor off the farm is 310 metres away, to the south. It must also be noted that the prevailing wind direction carries noise away from the nearest receptors, and the potential for AM effects is negligible given it is only a single turbine of medium scale, the increased distance between the blades and tower, the need for particular wind conditions, and the distance to receptors.

The Environmental Health officer has considered the noise assessment and finds there to be no issue. However a precautionary approach is recommended and ask that a condition limiting noise levels at receptors to 5dbA above background levels is attached, with the turbine capable of being shut down to allow relevant monitoring in light of a complaint.

c. Green Belt

The site is well within the West Midlands Green Belt. This is a regionally and nationally significant designation. The siting is well away from significant urban features in the landscape, with only Daw Mill Colliery of any significance. Members will be well aware that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. PPG2 confirms the most important attribute of Green Belt is its openness (para 1.4) and the purposes of including land in Green Belt (para 1.5) strengthens this view.

The proposal is considered to be engineering and other operations, as well as a change in use of the land upon which the turbine is sited. Paragraph 3.12 of PPG2 states "*the carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt*". The physical development and the new use proposed fail to maintain openness as well as conflicting with the purposes of including land in the Green Belt. The proposal is thus considered to constitute inappropriate development. Very special circumstances to justify inappropriate development *will not exist* unless the harm is clearly outweighed by other considerations. There is therefore considerable onus on the applicant to demonstrate very special circumstances which outweigh that harm brought about.

Members should note that the Secretary of State attaches *substantial* weight to the harm to the Green Belt (para 3.2 of PPG2). It should also be noted that a key principle set out in PPS22 states that *significant* weight should be given to the wider environmental and economic benefits of renewable energy projects, whatever their scale. Whilst the supplement to PPS1 on Planning and Climate Change states that renewable energy should be capable of being accommodated where environmental (i.e. Green Belt), economic and social impacts can be addressed satisfactorily; it does not offer any tempering of the strict control applicable in Green Belts. The difference between substantial and significant sets a key "benchmark" and it is clear that the openness of the Green Belt carries more weight, such that any very special circumstances will need to be clear and exceptional.

Due consideration is given to the supporting statements provided by the applicant. Reference to the national targets of producing 20% energy by 2020 is made. However this is considered to carry little weight here, with the statements it is enshrined within (i.e. PPS1 and PPS22) clearly outlining the above principle in addressing the economic, environmental and social impacts satisfactorily. Further references to PPS1 and PPS22 does little to persuade otherwise given the "benchmark" outlined above.

It is also advanced that the turbine results in only a modest loss of openness within the Green Belt. However any urban or man-made form represents loss of openness, with it noted that even agricultural buildings (which are of appropriate use) can be viewed as harmful to openness. Furthermore, whilst assessed on its own merits, an Inspectors decision on a Bradford wind turbine notes that "*openness can be taken to mean the absence of visible development*". The opposite must therefore be true in that this development, by virtue of being visible, detracts from the openness.

The applicant provides further justification. This centres on addressing the electricity consumption/demand of the farm, as well as the potential to produce electricity for the

wider society. In the 12 months up to April 2011, the farm commanded 38,000 kWh of electricity, costing just over £4,180 plus VAT. Average wind speeds in this location are between 6 and 6.5 metres per second¹, such that the proposed turbine will generate approximately 169,000 kWh per annum. This will provide a significant energy surplus above and beyond the needs of the farm. The excess figure of 131,000kWh equates to roughly the annum energy demand for 27 average residential dwellings. It also equates to a substantial financial benefit for the applicant once the initial construction costs are repaid, and annual farm consumption and running costs of the turbine are offset; although the supplement to PPS1 makes it clear that the application must not be determined on this basis.

It is advanced that this wider benefit will assist the local community. However there is no direct link between the proposal and local homes. The energy will be fed to the National Grid, and thus in reality to contribute to local demand as a fraction of the wider energy supply in the UK. The applicant has provided nothing to demonstrate that local homeowners would directly benefit here. Nonetheless, the wider benefit must be noted. This would mean 27 fewer homes nationally rely on energy generated by non-renewable sources. It would also represent a contribution to national and sub-regional renewable energy targets¹. However the impact of this proposal is local and substantial weight is necessary to clearly outweigh that local harm caused to openness. The wider benefits are not considered to be sufficiently grand to achieve this requirement, and as such it is considered that the applicant has failed to clearly demonstrate very special circumstances. The application is thus considered inappropriate development, harmful to the openness of the Green Belt.

d. Visual and landscape impact

A number of visualisations have been provided with the application, and some of these are attached at Appendix C. The surrounding landscape is crossed by a number of footpaths, some which offer clear views of the turbine site; whilst public highways offer further vantage points. The site is more or less on the top of a hill rising up from Daw Mill Colliery and the brook to the west and north-west, and from the south. As such, it is clear that the proposal will be visible in the near to medium distance and from a number of locations, and Members will recall visiting a number of these viewpoints.

Under the Landscape Character Assessment 2010 ('the LCA'), the site falls in the 'Church End to Corley – Arden Hills and Valleys' typography, and in the Arden landscape guidelines for Warwickshire. The area is described as *"an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small scale character, punctuated by numerous scattered farms, and hamlets...[and] the majority of the character area is deeply rural and tranquil"*. In terms of urban influence, the LCA notes there is virtually none. Daw Mill Colliery is stated to have *"little influence on the wider landscape"* and is nestled within the adjacent valley adjacent to the rail line which *"winds discretely through the base of the central valley"*. The only exception is the M6, but this is sufficiently south of this site not to provide an urban 'backdrop' to assess the proposal against.

¹ NWBC Renewable and Low Carbon Feasibility Study 2010

With the site wholly within Green Belt, it is no surprise the extent of urban influence is extremely limited. The rural feel of this location is strong, with it truly representing North Warwickshire and the wider Warwickshire vernacular. It is not visually fringed by medium to large settlements with the Arley Wood, just a few hundred metres east and designated as ancient woodland, providing a visual barrier to Old Arley beyond. The context of this site is thus a material factor. Whilst the turbine would “disappear” into the landscape when viewed at long distance, long distance views are not possible given the local terrain. As such all views will be at medium to close proximity, providing the concept that the turbine suddenly appears in the landscape and in a prominent fashion. This focuses attention toward it, especially at medium to close distance, and is considered to detract from the intrinsic landscape qualities outlined above.

At closer proximity, the focus moves towards visual amenity impacts as opposed to landscape character. The context of this site should again be noted, with footpaths close to the turbine allowing close aspects of it, and unobstructed views of the entire structure from residential properties within a few hundred metres. There will be a more ‘local’ degradation of views. Whilst this will only be limited in width of sight (i.e. the turbine does not obstruct the views beyond and either side of it), the impact will be significant such that it would not harmonise with the immediate setting. The control kiosk further compounds this issue.

It must be remembered that the greater the distance from the turbine, the more it ‘disappears’ into the surrounding landscape, especially given the slim nature of its design and obstructions within that line of sight. Conversely, whilst more visible when closer, the angle of viewing means that it will be mostly seen against the predominant grey, white and pale blue of the sky. For this reason, as with previous turbine applications, it is not recommended that any alternative colouring is recommended, especially when the turbine would become much more prominent where the impacts are readily felt (i.e. in close proximity).

Members are reminded of the significant weight given under PPS22 to the wider environmental and economic benefits of renewable energy projects, whatever their scale, and this is crucial in establishing the benchmark in which to assess landscape character and visual amenity impacts against. The supplement to PPS1 on Planning and Climate Change also states that renewable energy should be capable of being accommodated where environmental, economic and social impacts can be addressed satisfactorily. Whilst the PPS1 supplement also confirms that the Council should not require the applicant to demonstrate the overall need for renewable energy, nor question the energy justification for this particular proposal, the applicant has provided a summary of the energy demands of the farm and the generation capabilities of the turbine. In the absence of any other specific argument relevant to this local setting, or mitigation to ‘hide’ the visual impacts, the focus turns to these energy demands and generation capabilities. However, the farm does not have an overwhelming demand which leads to a proposal of this scale being required.

The electricity consumption/demand of the farm, as well as the potential to produce electricity for the wider society have been discussed above under Green Belt considerations. Just 22.4% of the electricity produced will be utilised on the farm. Whilst this means that the farm has a zero demand on the National Grid, and benefits to the wider environment are enhanced by this and the surplus produced, the impacts from the

proposal are local, and of a considerable scale. Regard is had to the status of the Development Plan in the context of the PPS1 supplement. ENV1 seeks to conserve landscape character; ENV12 seeks to ensure development harmonises with the immediate and wider setting. Neither of these objectives is achieved here, as outlined above. The PPS1 supplement does make it clear that environmental impacts need to be addressed satisfactorily. This is not considered to be so here, particularly when the same benefits to the farm could be achieved with smaller scale or alternative solutions which have less impact on the environment. Whilst there is some merit in terms of the wider benefits, as well as the temporary nature of the development; they are not considered sufficiently grand here to outweigh the harm to 'high value' landscape character and visual amenity over the lifespan of the development.

e. Construction/decommissioning impacts (highway routing, cabling and temporary works)

The turbine is manufactured abroad and will be shipped to Liverpool Docks. The route will then cover the M62, M6 and M42, before joining the A4097 at junction 9 (Dunton Island). The route will then take the B4098 south of Kingsbury, passing through Nether Whitacre and Furnace End before turning onto Devitts Green Lane near to the colliery. Three articulated lorries will be required, providing the hub, blades and tower respectively. A lift weight crane will also be required. Further trips are envisaged for construction staff and delivery of concrete for the foundations, although these will be limited and in line with general highway traffic in the area.

The blades will be the longest part to be delivered, being some 10 metres in length each. This will mean that all components will be carried within the sweep of the turning lorries such that there is no requirement for modifications to the access or highway along the above route. Whilst no weight restrictions have been identified, a height restriction just south of Kingsbury exists. The applicant has clarified that vehicles should comply with the 13 foot limit, although if conflict is identified an alternative route will be agreed in advance. Once on the farm, the vehicles will pass through the yard and on temporary sheeting to the construction site. The Highways Agency and Highway Authority raise no objections to the proposed routing plan.

The construction phase will be a maximum of eight weeks, up to half of which will likely be downtime due to the setting of the concrete foundation. The erection of the turbine will take around 3 days. Temporary compounds can be appropriately sited either on the farmyard or in a suitable position, and the cable routing will follow an existing divide between fields before linking to an existing transformer at the farm. The construction phase is not considered to pose an ecological risk, sterilise agricultural land, nor cause harm to archaeological interests.

The projected lifespan for this turbine is around 30 years. This is an important reminder that the development is only temporary and there will be decommissioning impacts. As it is not possible to project what ecological, highway and physical changes may occur around the site in that period, a condition to ensure prior submission of decommissioning detail is also necessary. A temporary permission is appropriate to ensure that any replacement, if at all, is considered appropriately.

f. Safety impacts (ground stability, failure, icing, highway safety and shadow flicker)

The footpath is around 170 metres distant, to the south. The companion guide to PPS22 advise that the topple distance should be the height of the turbine to the tip, plus 10%. This would equate to 38 metres. As such, there is not considered to be a safety to risk to ramblers or occupied buildings. The Coal Authority advise of no mine shafts or workings in this location which could accentuate any such risks.

The Highway Authority has considered the impact of the turbine on highway safety. The turbine does not lie in a direct sight line from nearby highway, and is sufficiently distant from roads. It is also noted that turbines are no longer an unfamiliar sight. In addition, the risk of ice being cast from the blades towards the highway is highly unlikely given climatic controls on the turbine, and in any case there is considered to be sufficient separation here.

Consideration is also given to potential for shadow flicker to residential properties (created by passing of the blades across direct sunlight). However, there are a number of significant variations in determining the likelihood of this occurring, and in the absence of a dwelling within 10 rotor diameters (200 metres) an assessment is not required.

g. Heritage

The site is unconstrained by heritage features such as listed buildings or ancient monuments. It may be possible to obtain views of the turbine from listed buildings further away, but they will sit between 0.7 and 1.0km distant. The setting of these interests is not considered to be harmed.

h. Civil and military aviation

The Ministry of Defence, along with Coventry and Birmingham Airports, have been consulted. All raise no objection with the turbine sitting outside of safeguarded areas and outside of radar coverage given existing topography, although the MoD request conditions to inform them of construction dates and heights of construction equipment.

i. Electromagnetic interference (television, radio and communications)

The scattering of signal very rarely occurs with turbines of the scale proposed. TV and radio signals in this area approach from the north-west (Sutton Coldfield) such that the Arley Wood to the east is likely to already cause a scattering issues beyond. The Midlands has recently transferred from analogue to digital transmission of television programming. Digital signals are not affected by electromagnetic interference. Radio signals are also less susceptible to interference, and in any case there is a move towards digital here anyway. It is also understood there are no direct communications links crossing the site.

In summary, it is considered that whilst there are no adverse impacts in respect of noise, ecology, highway safety, aviation and interference risk, the wider benefits to the environment and economy are not considered to outweigh the harm to openness of the Green Belt, to landscape character and to visual amenity.

Precedent

There is some concern from objectors that this proposal could set a precedent for others to submit similar applications. However PPS22 directs that planning authorities should have regard to the cumulative effect of wind turbines when determining applications.

Recommendation

The above report acknowledges that the proposal is a finely balanced matter, but it is considered that greater weight should be afforded to protection of the Green Belt and landscape character. For these reasons, it is recommended that the application be Refused for the following reasons:

1. The proposal fails to maintain openness and conflicts with the purposes of including land in the Green Belt, such that it is considered to constitute inappropriate development, harmful to the openness of it. That harm arising is of a local nature and substantial weight is attached to it, whereas renewable energy schemes only carry significant weight. National targets and local renewable energy targets are not considered to carry material weight to override this fundamental concern; the energy needs of the farm do not command a proposal of this scale; and whilst energy will be created for wider use, this will not directly benefit the local area, nor are they considered to be sufficiently grand to outweigh the substantial harm caused. As such, the applicant has failed to clearly demonstrate the very special circumstances necessary to outweigh that harm to openness. The proposal therefore remains as inappropriate development, harmful to the openness of the Green Belt, and contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006 and national policies as set out in Planning Policy Guidance Note 2 (PPG2).
2. The Landscape Character of this area is deeply rural and tranquil, and has little to no urban influence, such that the land surrounding the proposal represents the true rural quality of the North Warwickshire vernacular. All views of the proposal will be at medium to close proximity, increasing the conceptual impact it has on landscape character as well as its prominence, thus focussing attention toward it. As such it is considered to detract from the intrinsic landscape qualities outlined above, failing to conserve or enhance landscape character, as well as failing to harmonise with the immediate or wider setting. The proposal is therefore contrary to saved policies ENV1 and ENV12 of the North Warwickshire Local Plan 2006.

BACKGROUND PAPERS

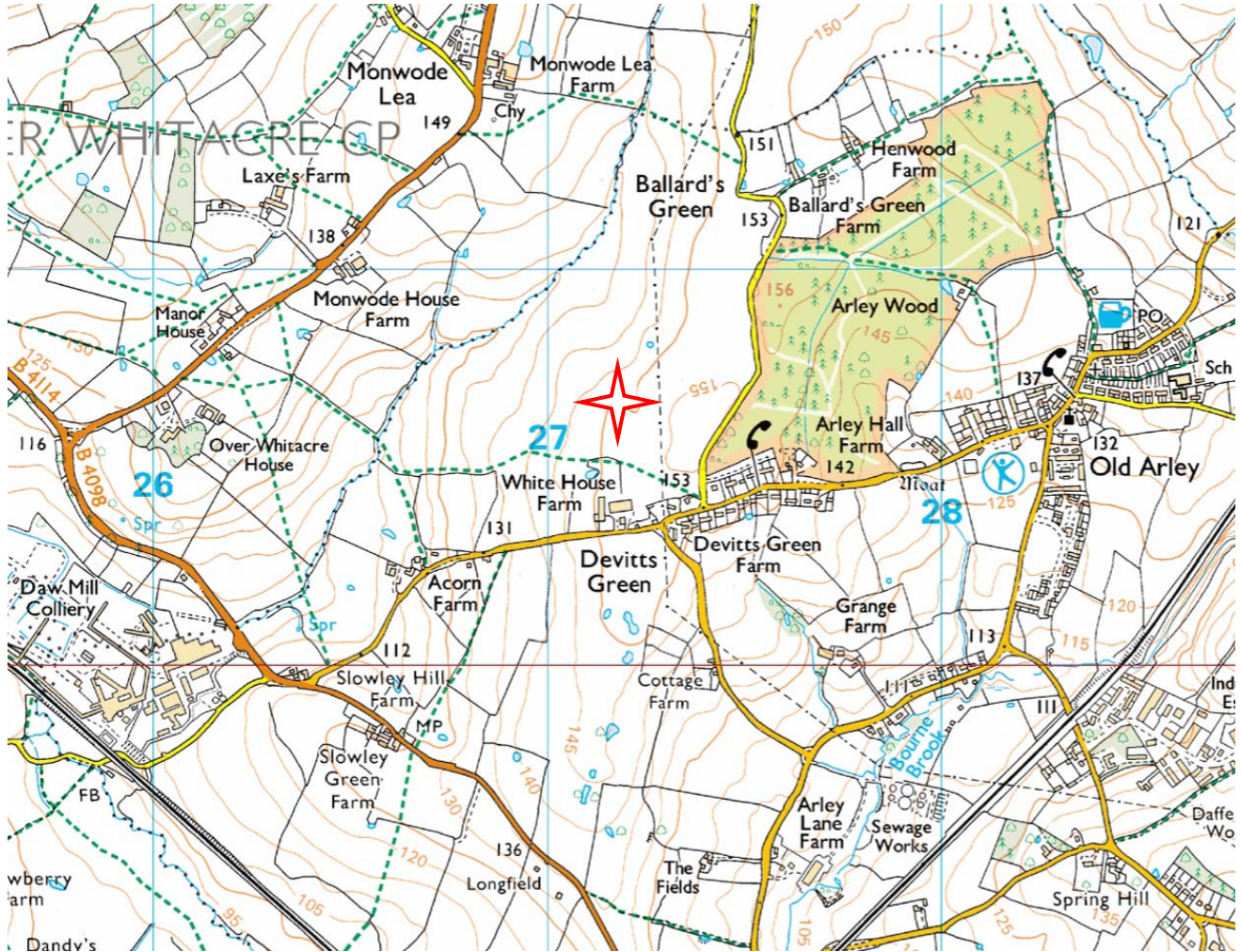
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

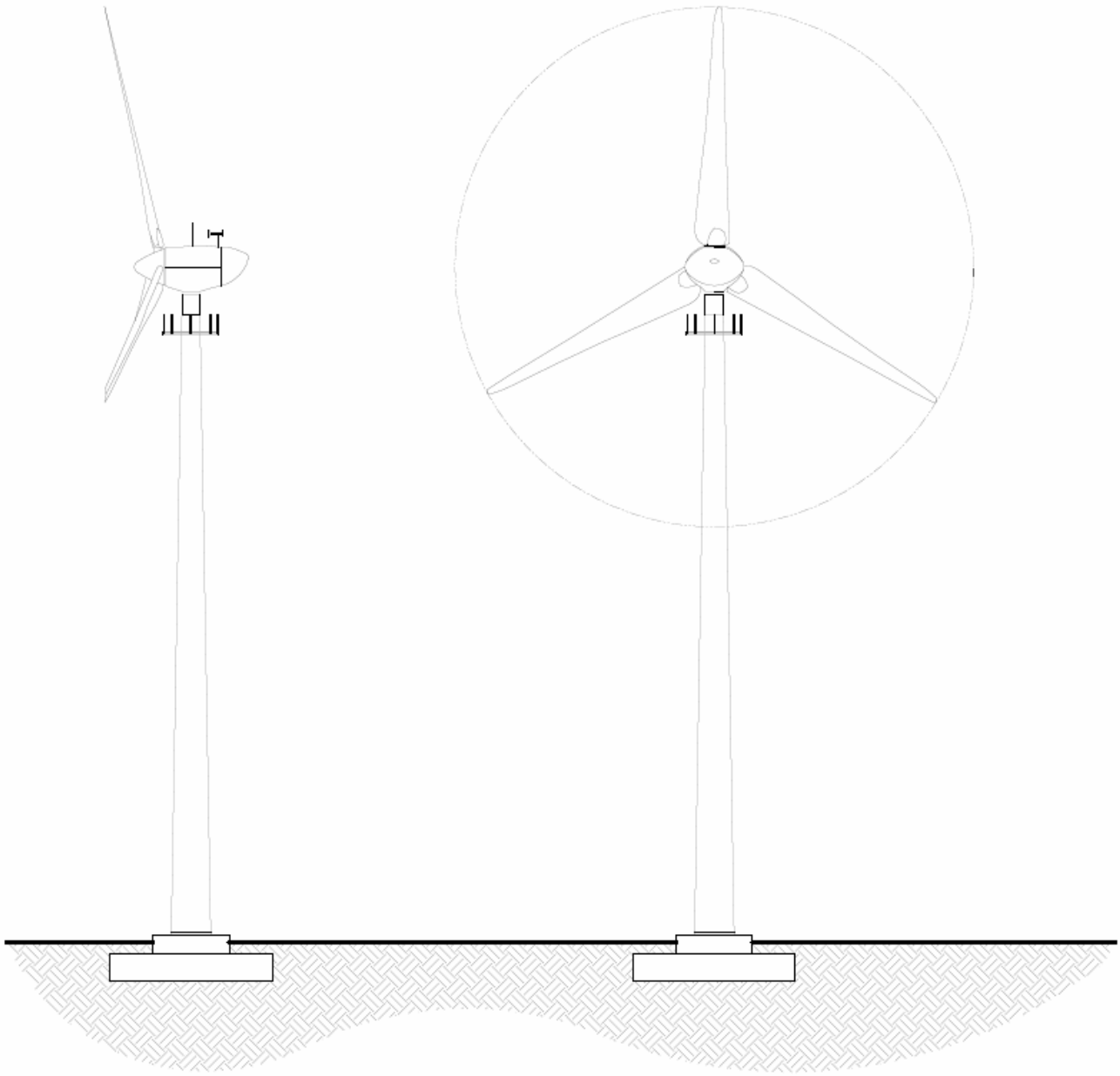
Planning Application No: PAP/2011/0619

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------------|-----------------------------|------------|
| 1 | The Applicant or Agent | Application Forms and Plans | |
| 2 | Case Officer | Email to Councillors | 05/12/2011 |
| 3 | Case Officer | Email to Agent | 06/12/2011 |
| 4 | Agent | Email to Case Officer | 06/12/2011 |
| 5 | Coventry Airport | Representation | 06/12/2011 |
| 6 | Case Officer | Screening Opinion | 09/12/2011 |
| 7 | Birmingham Airport | Representation | 09/12/2011 |
| 8 | Warwickshire Wildlife Trust | Representation | 12/12/2011 |
| 9 | Highways Agency | Representation | 14/12/2011 |
| 10 | S D Casey | Representation | 14/12/2011 |
| 11 | Ministry of Defence | Representation | 20/12/2011 |
| 12 | Environmental Health Officer | Representation | 21/12/2011 |
| 13 | CPRE | Representation | 23/12/2011 |
| 14 | D S Sammons | Representation | 24/12/2011 |
| 15 | WCC Highway Authority | Representation | 29/12/2011 |
| 16 | Steve Long | Representation | 30/12/2011 |
| 17 | Head of Development Control | Email to Councillors | 03/01/2012 |
| 18 | Mrs E Spellman | Representation | 04/01/2012 |
| 19 | Gary Green | Representation | 04/01/2012 |
| 20 | M M Evrall & R H Wray | Representation | 05/01/2012 |
| 21 | Mr & Mrs Maclure | Representation | 05/01/2012 |
| 22 | Diane Sammons | Representation | 06/01/2012 |
| 23 | Jeffcoat (A V B Mills Ltd) | Representation | 08/01/2012 |
| 24 | Case Officer | Email to D S Sammons | 09/01/2012 |
| 25 | John Walker | Representation | 11/01/2012 |
| 26 | Richard Hancocks | Representation | 12/01/2012 |
| 27 | Head of Development Control | Site Visit Summary | 14/01/2012 |
| 28 | Agent | Email to Case Officer | 17/01/2012 |
| 29 | Natural England | Representation | 20/01/2012 |
| 30 | Case Officer | Email to Agent | 27/01/2012 |
| 31 | Agent | Email to Case Officer | 27/01/2012 |

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.

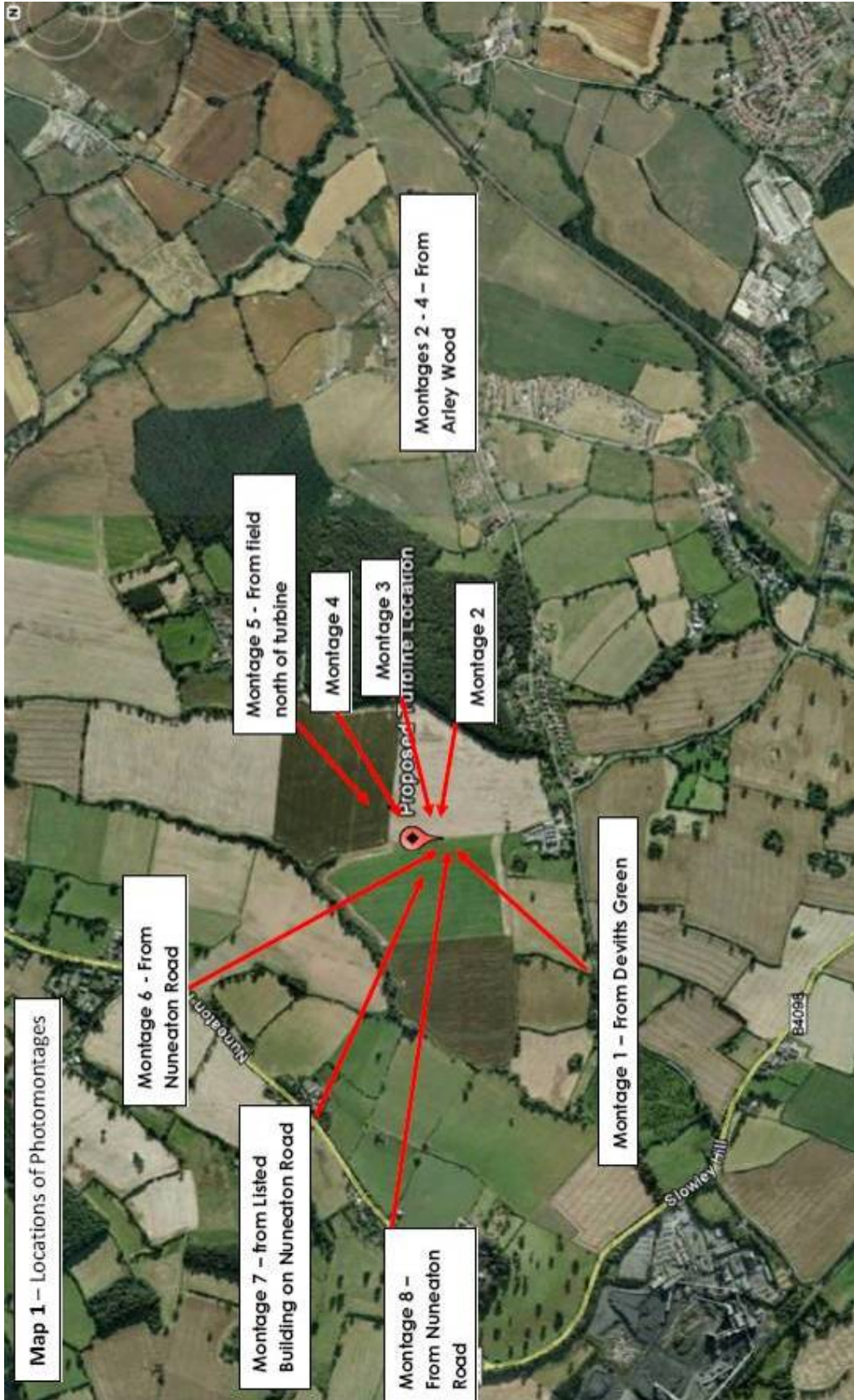
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Turbine Elevation
Scale 1:200

Turbine elevations



Map 1 – Locations of Photomontages

Photomontage Locations



Montage 1



Montage 3



Montage 7



Montage 8

(7) Application No PAP/2011/0648

Meadow Street Park and Gardens, Meadow Street, Atherstone

Works to trees protected by a tree preservation order, for

Mrs Alethea Wilson (North Warwickshire Borough Council)

Introduction

The application is brought to the Board given that North Warwickshire Borough Council is the applicant.

The Site

The application site is a park area sited off Meadow Street, surrounded by the dwellings and buildings on Meadow Street, Barsby Close, Owen Street and Cooks Close. The trees which form part of the application are to the east and western boundaries.

The Proposal

The works to the trees are in two areas:

- 1) Along the western boundary it is proposed to re-pollard six poplars due to weak attachments at old pollard points. These trees are part of the Tree Preservation Order.
- 2) Along the eastern boundary works to trees are proposed in the the Atherstone Conservation Area but they are not covered by an Order. One tree is a Norway Maple which is proposed to be pruned back giving a minimum of two metres clearance from No.17 Barsby Close. Also along the boundary to No.17 Barsby Close, a leaning Cherry Tree is proposed to be felled. No replacement is proposed.

The siting of the trees is set out in Appendix 1. A series of photographs of the site are at Appendix 2.

Background

The whole site falls within the Atherstone Conservation Area, and also the Poplar trees are covered by a tree preservation order. Consent is thus required for all of the works described above. The tree preservation order covers a number of trees along Meadow Street, Grove Road, Cook Close and Barsby Close.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): - ENV11 (Neighbour Amenities), ENV15 (Conservation Area), ENV4 (Trees and Hedgerows), ENV5 (Open Space)

Other relevant material considerations

Government Advice: - Draft National Planning Policy Framework 2011 and Planning Policy Statement 5: Planning for the Historic Environment.

Representations

Atherstone Town Council – No objection, if outside the nesting season.

There has been no response at the time of writing the report from neighbours. Consultations expire on 1/2/12, so any representations received will be reported verbally.

Observations

The application was submitted by Warwickshire County Councils Forestry Section, in conjunction with the Borough Council.

a) Poplar protected trees

The protected Poplar trees are part of a larger tree preservation order. The Council has to determine whether the works are proportionate to the objective of seeking a better residential environment, whilst retaining their public amenity value. The trees are within a public park area and are visible in the public realm. The works to the protected Poplar Trees are for re-pollarding. The works are considered to be acceptable. The area contains a number of trees which are in good condition and are considered to offer a positive contribution to the streetscene and area, offering significant amenity value to the locality. The works are not considered to impact upon the amenity or privacy of the neighbouring properties which would lead to an unacceptable adverse impact. The proposal is considered to comply with the relevant saved policies of the North Warwickshire Local Plan 2006.

b) Cherry Tree and Norway Maple

When considering the works to fell the Cherry Tree and to prune back the Norway Maple, these are trees not covered by a Preservation Order but are within the Conservation Area. In view of the proposal being to fell one tree, the Council's remit here is to decide whether it is worthy of an Order and should thus be retained. The key issue in determining whether to place an Order on a tree is whether it is "in the interests of public amenity" to do so. In this case it is considered not, but a suitable replacement should be sought. It is also considered that the proposed works to the Norway Maple are acceptable but again should not lead to an order being placed.

Recommendation

- a) That the application for works to the poplar trees protected by a tree preservation order is granted subject to the following condition:
1. The works hereby approved shall consist only of those detailed in this consent and shall be carried out in accordance with British Standard BS 3998 "Recommendations for Tree work" and all up to date arboricultural best practice. The consent for this particular work is valid for 2 years from the date of consent. For the avoidance of doubt the approved works are to prune back poplar trees numbered 2507; 2508; 2509; 2510; 2511 and 2512 on the site plan provided to re-pollard these six poplars due to weak attachment at old pollard points.

REASON

To ensure that the works are carried out in accordance with good arboricultural practices.

- b) That the works to prune the Norway Maple giving a minimum of 2 metres clearance from No.17 Barsby Close and to fell a Cherry Tree along the boundary to No.17 Barsby Close are not objected to and that there is no requirement to place an Order on these trees.
- c) That a suitable and appropriate replacement tree be planted for the lost Cherry tree.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows:
North Warwickshire Local Plan 2006 (Saved Policies): ENV11 - Neighbour Amenities, ENV15 - Conservation Areas, ENV4 - Trees and Hedgerows

Other relevant material considerations:
Government Advice:
Draft National Planning Policy Framework 2011
Planning Policy Statement 5: Planning for the Historic Environment.
2. The applicant is advised that to comply with measures set out in British Standard 5837:2005 "Trees in Relation to Construction - Recommendations", together with BS3998 "Recommendations for Tree Work".
3. You are advised that when carrying out the works to the trees, nesting birds are protected and covered by the 1981 Wildlife and Countryside Act.

Justification

The works to the protected Poplar Trees are to re-pollard them due to weak attachments at old pollard points. The Norway Maple is proposed to be pruned back giving a minimum of 2 metres clearance, and a Cherry Tree is proposed to be felled. The poplar trees and Norway Maple are considered to offer a positive contribution to the streetscene and area, and to offer significant amenity value of the locality. The works to fell the Cherry Tree are considered to be acceptable. The works are not considered to impact upon the amenity or privacy to the neighbouring properties which would lead to an unacceptable adverse impact. They are considered to be appropriate within the Conservation Area. The proposal is considered to comply with the relevant saved policies of the North Warwickshire Local Plan 2006.

BACKGROUND PAPERS

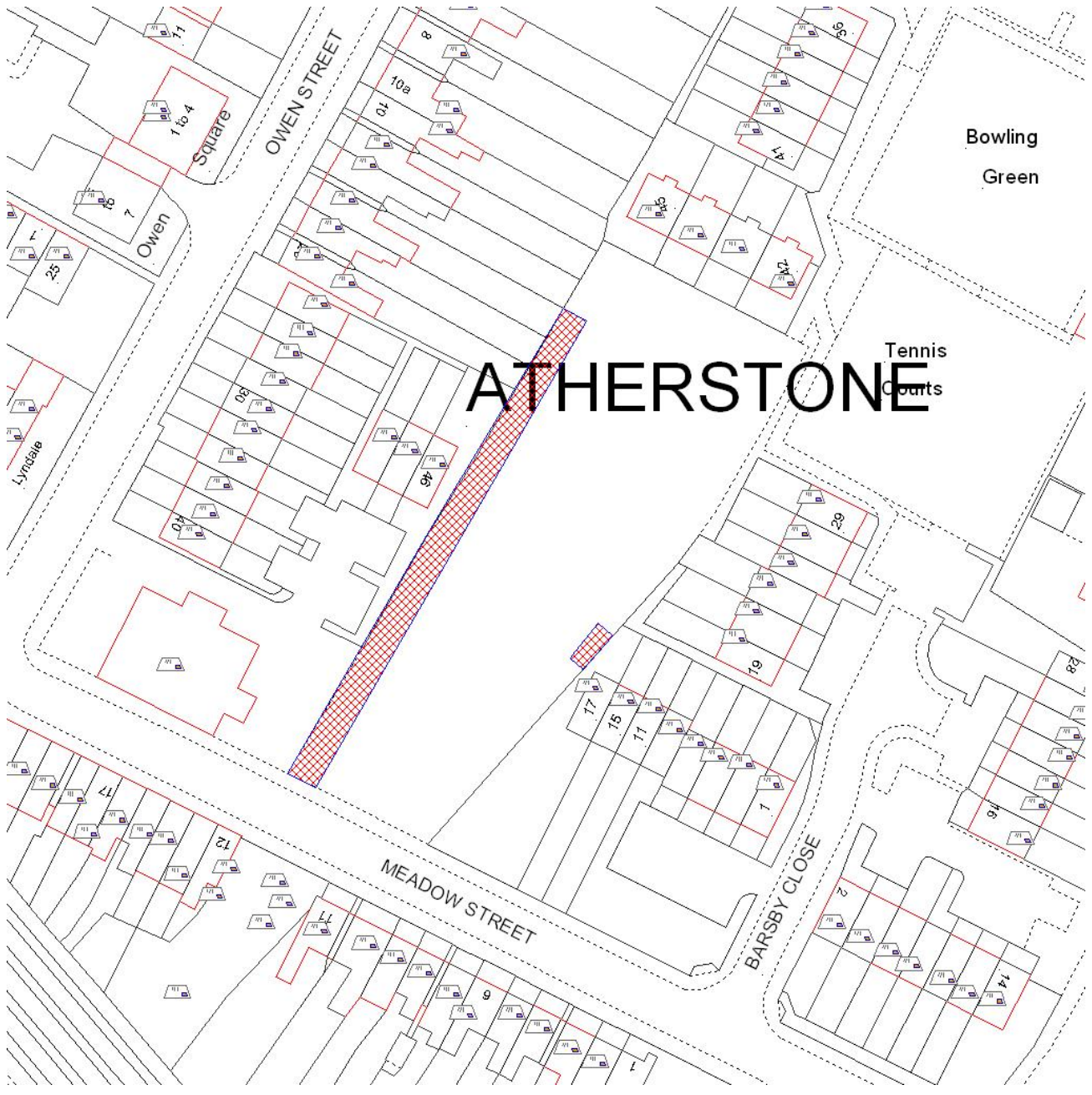
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

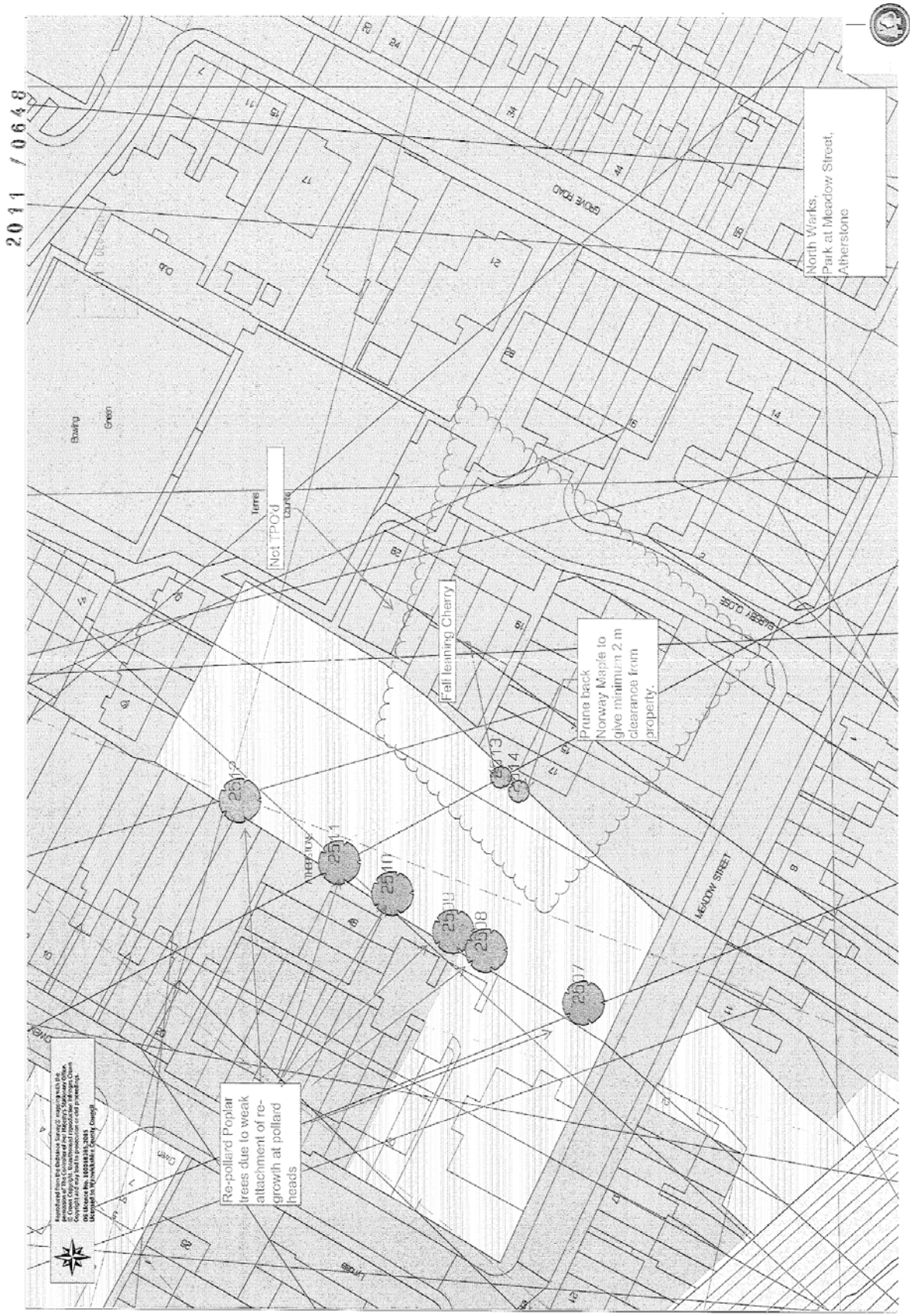
Planning Application No: PAP/2011/0648

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------|---|------------|
| 1 | The Applicant or Agent | Application Forms and Plans | 15/12/2011 |
| 2 | Development Control | Letters to relevant neighbours and consultees | 5/1/2012 |

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.





Appendix 2 – Photographs of the site



(8) Application No: PAP/2011/0670

Ash End Farm, Middleton Lane, Middleton, Tamworth

Variation of condition no. 2 of planning permission PAP/2009/0451 dated 7 December 2009 relating to development being carried out in accordance with specified plans in respect of conversion of redundant agricultural building to provide habitable dwelling, for

Mr Mike Byrne

Introduction

This application is reported to the Board following a request from a Ward member, because it has implications to an existing legal agreement, and at the discretion of the Head of Development Control following previous enforcement reports reported to the Board which relate to this development.

The Site

Ash End Farm lies to the south-east of Middleton Lane, in open countryside and the West Midlands Green Belt, close to the Ash End Children's Farm. It originally comprised a former farmhouse together with a range of outbuildings forming a courtyard adjoining the lane. To the south is agricultural land served by a field access to Middleton Lane. This is more particularly shown at Appendix A with the building, the subject of this case, outlined in red. This building was originally a single storey gable end barn with openings facing the courtyard. Brickwork and tiles matched the main farmhouse and other courtyard buildings. Photos and plans at Appendix B show this in more detail, whilst the table over summarises the dimensions

At the time of writing, this building had been demolished and a new building constructed with a larger footprint and of greater height. The brickwork used is different to the original and the walls carry cavities and insulation. The footprint is greater, and the ridge height and eaves have also increased. The table over summarises these dimensions. There is a small projection to the south (rear) elevation where there is also an area of hard standing some 3.65 metres deep, and a retaining wall which rises to 1.5 metres adjacent to the highway. Photos at Appendix C show this in more detail.

The site is some distance from the nearest main road, with access along a single track country lane. There is no public transport passing or close to the site with the exception of a 'call on request' service running once on a Thursday.

The Proposal

Is it intended to vary condition 2 of the planning permission ref: PAP/2009/0451 which originally allowed the conversion of the original building to provide a habitable dwelling (although limited to ancillary use by way of condition 3 and a Unilateral Undertaking). This variation seeks to substitute the approved plans for an alternative set, as shown at Appendix D and of dimensions summarised below; the rear projection to that building; the retention of the wall (albeit reduced in height adjacent to the highway); and for the retrospective grading of land levels to the south of the building.

Summary of dimensions

| | Original | Existing | Proposed |
|-----------------------------|----------|--------------|----------|
| Depth (m) | 4.4 | 5.35 | 5.35 |
| Length (m) | 19.4 | 19.4 | 19.4 |
| Eaves height (m) | 2.1 | 2.4 | 2.4 |
| Ridge height (m) | 4.2 | 5.5 (approx) | 4.35 |
| Footprint (m ²) | 85.36 | 104.44* | 104.44* |
| Volume (m ³) | 268.8 | 403.66* | 351.52* |

*including rear projection

Background

An application for the re-use of this building as an independent dwelling was refused in September 2007 as it was considered to be an unsustainable location. The plans submitted with that application to some degree resemble those now proposed, with an amenity area to the south, remodelled field access providing for vehicle parking, and projections to north and south elevations.

Following that refusal, it was established through pre-application discussions that the building had been used for purposes incidental to the residential use of the farmhouse for a number of years, although no Certificate of Lawfulness had been granted to regularise this use of the building and its footprint. Sworn affidavits accompanied a further application, providing a material consideration in lieu of a Certificate, and permission was granted in December 2009 allowing the residential re-use of the building subject to it being ancillary to the main farmhouse (thus overcoming sustainability concerns). This is the 'host' permission to which this variation of condition application relates.

Works commenced in Spring 2011 and officers were quickly made aware that the building had been demolished and a new building was being constructed in the same location. Site investigations concluded that whilst there are vestiges of the original building retained, the whole structure is clearly a new construction with different dimensions to the original (as described above). In addition an area of land to the rear of the building had been excavated with a retaining wall built to provide an area of hard standing. This wall also extended to the boundary with Middleton Lane. The photos at Appendix C show this.

A temporary Stop Notice was served on the landowner on 20 May 2011. The cessation requirements of this notice have since fallen away, but the landowner has given a written undertaking not to recommence works. Observations indicate no further works have occurred. Members will recall reports from the Head of Development Control in May and July 2011 in respect of that temporary Stop Notice. Members will also recall a further report in August 2011 to discuss enforcement action. Throughout and beyond this period, discussions between the applicant, planning agent and officers have continued in respect of seeking a resolution to the matter.

A Section 96A application (seeking a non-material minor amendment to the 2009 permission) was turned away in November 2011 as the changes proposed (that now proposed under this application) were considered to be material.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006: ECON9 (Re-Use of Rural Buildings), ENV2 (Green Belt), ENV11 (Neighbour Amenities) and ENV13 (Building Design).

Other Relevant Material Considerations

Government Advice: Planning Policy Guidance 2 – Green Belts (PPG2), Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) and the draft National Planning Policy Framework (NPPF).

Consultations

Middleton Parish Council – note that this application is not for a conversion given the original barn has been demolished and a new “house” built, as well as noting the difference in materials and height.

Representations

Two neighbour representations have been received. One raises objection that the brickwork used fails to reflect the brickwork of the original barn, as well as noting that the works so far are not compliant with the original planning ‘brief’. Another supports the proposal in that it is making good use of a redundant farm building.

A copy of a letter circulated by the applicant has also been received.

Observations

There has been much discussion between the applicant, his planning agent and officers regarding the status of the 2009 permission. The applicant’s claim, following legal advice, that it is still possible to implement that permission, despite the demolition works. The Council’s Solicitor has considered the legal advice offered to the applicant, noting key errors and assumptions, and made reference to Case Law. The result is that the Council’s Solicitor disagrees with that advice. Nevertheless the status of implementation is not considered relevant to the determination of this application, given that an application to vary conditions can be lodged prior to, during, or following completion of, the development. Determination of this application does nothing to affect that – what matters is whether any approval could then be lawfully implemented, and that is for the applicant to consider. As such, it is not proposed to discuss the legal and technical arguments here.

There is some argument that the retention of 1 metre high 'stubs' (see photos at Appendix C) and the original floor plate does not mean that a new building is being proposed, or a change of use occurs. It is important to note just how little of the original building remains, and that in the absence of a Certificate of Lawfulness or implemented planning permission for residential use of the land concerned, that the lawful use of the land therefore remains in its previous agricultural use. The proposal to vary the condition thus facilitates the change of use of further land compared that that previous approved and the erection of a new building and associated development upon it.

An application to vary conditions, whilst constrained to consideration of the relevant condition(s), allows the consideration of the full planning merits of the application². Given the background to this application it is clear that, in short, the application seeks to change use of land and retain a new building for residential use within the Green Belt.

a) Change of use of land

ENV2 relies on national policy set out in PPG2. The draft NPPF does not indicate any material change to that policy. Members will be aware the most important attribute of Green Belts is their openness, and *substantial* weight is attached to this. PPG2 sets out a general presumption against development within the Green Belt, stating it is inappropriate unless for agriculture or forestry, essential facilities for outdoor sport and recreation, or for limited extension, alteration or replacement of dwellings. It does allow for change of use of land subject to the end use not conflicting with the purposes of including land in Green Belts (i.e. to keep land open and free of development).

As outlined, the 2009 permission had the effect of granting a change of use from agriculture to residential. This variation application must again consider this, but also consider the effect of further land 'take' to retain the building as proposed. Whilst the change of use previously had an effect on openness by way of a building, that building was existing. The change of use now concerns a new building taking up a greater footprint – i.e. land which would have remained open had the 2009 permission been implemented. This also represents encroachment into the countryside. There is thus a materially greater harm on openness here, such that the change of use as a whole is considered to be inappropriate development.

b) The new building

PPG2 makes no allowance for new residential buildings, and thus the applicant must demonstrate very special circumstances to outweigh the harm to openness.

The applicant provides a Note of Advice arguing as to why the 2009 permission has been implemented. As discussed, this has been considered by officers and the Council's solicitor and is not agreed. There is also argument that the 2009 permission merely authorises operational development and not a change of use. This is not agreed either, since the lawful use is agricultural and the proposed use is residential. Notwithstanding that, if the Council were to accept the argument that the lawful use was established as incidental residential use, it is a material change of use to take it to ancillary residential use. Beyond this, the building is not required to support a functional need (e.g. an

² Encyclopaedia of Planning Law and Practice p73.04 to p73.06

agricultural worker); and the intention to provide ancillary accommodation for family members, investment in the property in recent years, and valuation impacts from HS2 are either personal circumstances or not considered relevant to this development.

The applicant also advances that a 'common sense' approach should be taken in that the building is largely similar to what existed before. However, Members will no doubt be aware that this is an opinion as opposed to very special circumstances. To allow the application on this basis would set a precedent for others to do the same. No special circumstances are considered to have been advanced here such that the proposal is considered to represent inappropriate development in the Green Belt.

c) Re-use of the original building

Without prejudice and notwithstanding the fact that the original building has been demolished, consideration still has to be given to whether permission should be granted for its re-use in the form now proposed.

PPG2 allows for re-use of buildings where it does not have a materially greater impact on the openness of the Green Belt. It also requires that the buildings are capable of conversion without major or complete reconstruction, thus ensuring there is some net gain to openness of the Green Belt as and when buildings become unsalvageable. ECON9 supports this approach, with one of the qualifying criteria requiring the building to be "*capable of adaption and re-use without major or complete reconstruction, alteration or enlargement*". The building now proposed fails to fulfil this policy requirement – it has been subject to major or complete reconstruction (depending on the applicant's or officers' opinion); it carries significant alteration (differing eaves height, new elevational projections, a lower roof pitch, thicker walls); and it is materially larger in footprint and volume.

The 2009 application was presented with a Structural Report evidencing that the conversion could take place with just some minor corrective work; and with clear plans demonstrating that the building would simply remain as it stood whilst blocked up openings would be re-opened (as shown at Appendix B). This provided sufficient confidence that the above criterion could be fulfilled. Whilst it appears from the applicants builder offered poor advice, there is uncertainty as to whether the Structural Report was accurate or not. NWBC Building Control officers advise that if the sole issue identified in the Structural Report was accurate, it could be accommodated without the need to demolish. Nonetheless, whether the demolition was intended or just the result of poor advice does not affect the fact that the above criterion cannot be fulfilled. The application thus fails to meet the requirements of ECON9.

d) The hard standing and retaining wall

It is acknowledged the current hard standing and retaining wall would be largely removed and land graded back to the retaining wall. The height of the wall adjacent to the highway would also be reduced to a maximum of 1 metre on the highway side.

Whilst these retrospective actions would address much of the concern here, there remains a strip of hard standing along the east and south edges of the building. PPG2 allows for engineering operations where they maintain openness and do not conflict with the purposes of including land in Green Belts. Whilst the effect of this hard standing on openness would be marginal, it does not safeguard the countryside from encroachment. It is advanced that it is to facilitate access. However the land is open, free from obstruction and it remains in the same ownership. It is not considered that the hard standing is thus so necessary to outweigh the harm caused here.

In respect of the wall, it is noted the applicant has a material fallback in respect of permitted development rights for enclosures. Whilst the height does exceed 1 metre when measured from ground level within the site, the implications of this are negligible when considering this fall back, and it does not exceed 1 metre elsewhere.

e) The legal agreement

The original permission was limited to ancillary use by way of a Unilateral Undertaking and condition 3. At the time of writing no Deed of Variation has been provided, although the agent has indicated this would be. Hence the legal agreement remains specific to the 2009 permission only. The condition would still have effect however, although it does not preclude the creation of a separate access, vehicle parking area and taking of separate utilities at a later date (with or without the benefit of planning permission). It is noted that site observations indicate that separate utility connections are actually being installed, such that there is concern as to whether the condition would be sufficient here.

In summary, the application to vary condition 2 would provide an alternative route to achieving a new residential building and further residential encroachment within the Green Belt. It is clear from the above assessment that approval of the new plans would conflict with saved policies ENV2 and ECON9, not only as a matter of principle but also by the physical properties of this new building and associated works.

Implications

There is likely to be a cost to the landowner in demolishing the building, removing associated works and restoring the land. However the applicant has chosen to take this risk having undertaken development without the benefit of planning permission. Moreover, the proposed building affects the strategic aims of Local Plan policy and the purposes of including land within the Green Belt. Its intended residential use will further compound the harm to these aims. The refusal of permission is considered to be proportionate and appropriate, as well as consistent with the Council's priority of defending the countryside and the openness of the Borough. The applicant would have a right of appeal and there is the opportunity to deal with any enforcement appeal concurrently. There is not considered to be a human rights issue at present.

Recommendation

1. That the application be **REFUSED** for the following reasons:
 - (i) The proposed plans seek to utilise further agricultural land to provide for residential use and/or residential operational development. The change of land within Green Belts is tightly controlled and requires that the use does not conflict with the purposes of including land in Green Belts. This objective is not achieved under these proposals, with the built form and operational development representing harm to openness of the Green Belt and encroachment into the countryside. The proposal is therefore contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006 and national policy contained within Planning Policy Guidance Note 2.
 - (ii) The proposal plans seek to retain the erection of a new residential building within the Green Belt. Such development is considered to be inappropriate development, harmful to the openness of the Green Belt; and it is not considered that very special circumstances have been demonstrated which outweigh this harm. The proposal is therefore contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006 and national policy contained within Planning Policy Guidance Note 2.
 - (iii) Planning permission for the re-use of the original building was granted in response to be it being demonstrated that the proposal accorded to the requirements of saved policy ECON9 of the North Warwickshire Local Plan 2006 – specifically that the building was capable of adaption and re-use without major or complete reconstruction, alteration or enlargement. As the original building has been demolished, variation of condition 2 would undermine the integrity of that host permission as well as being contrary to saved policy ECON9 of the North Warwickshire Local Plan 2006 and national policy contained within Planning Policy Guidance Note 2.
2. In light of the Board granting authority for enforcement action in August 2011, that an enforcement notice is now issued in respect of the unauthorised development.

BACKGROUND PAPERS

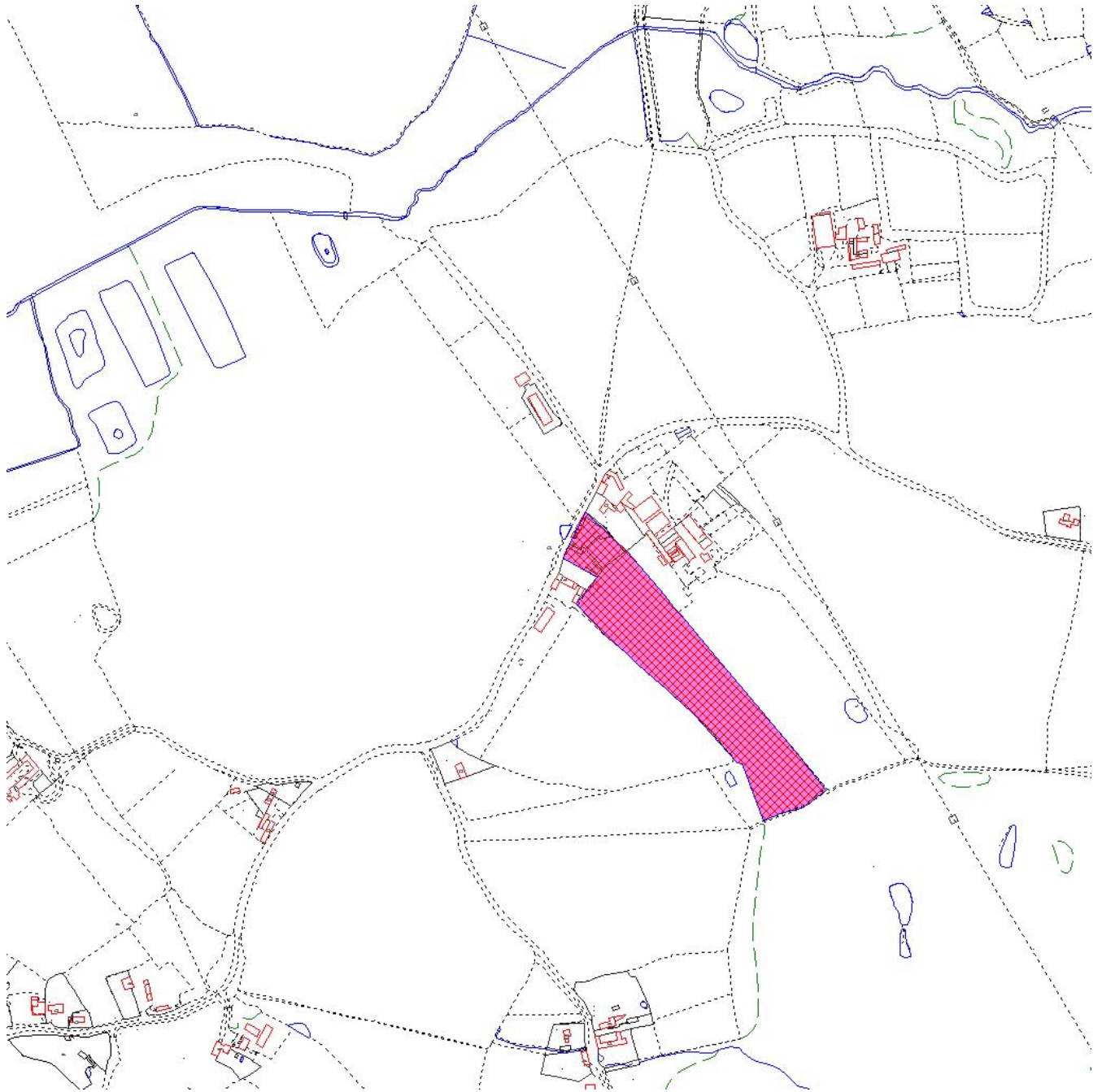
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

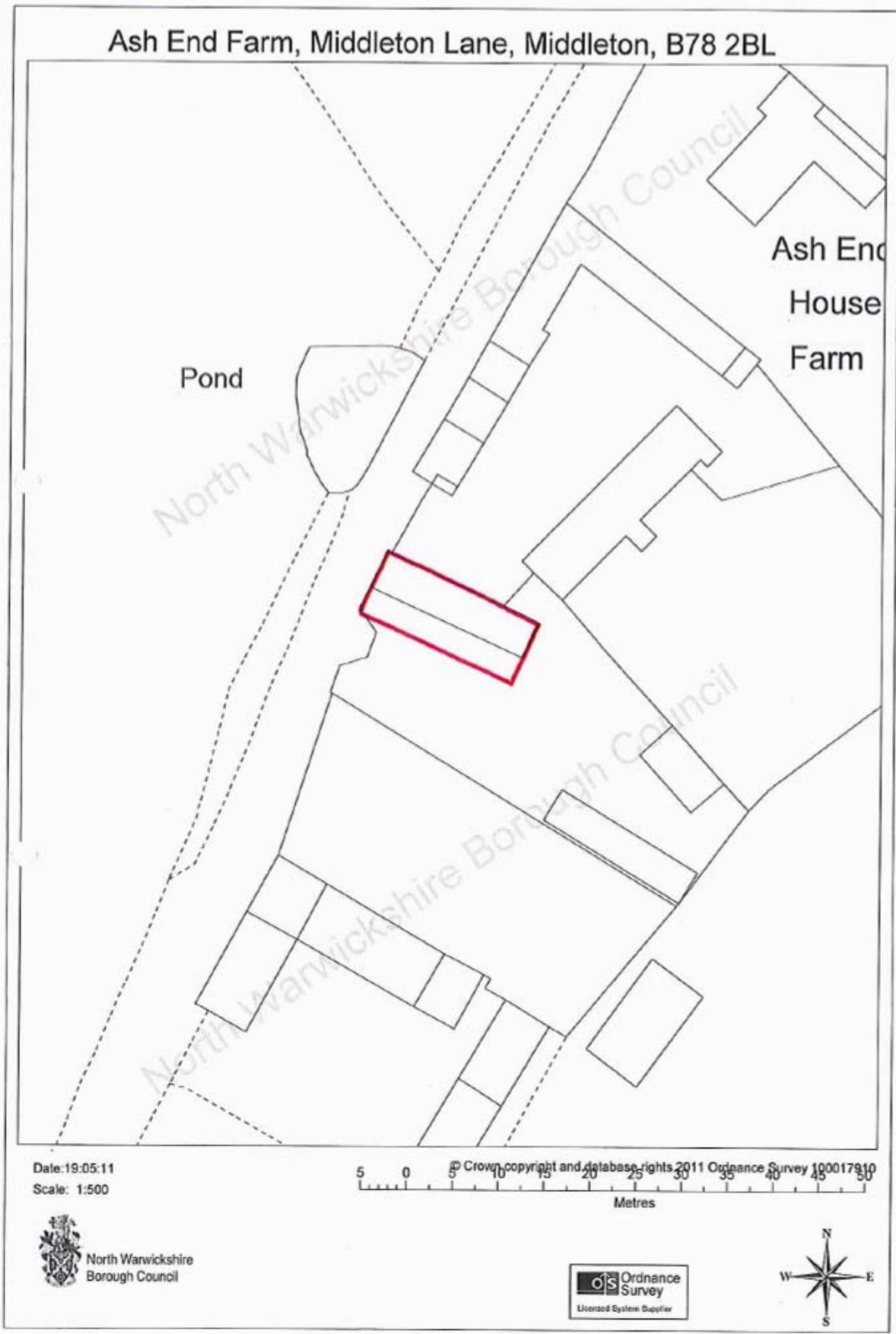
Planning Application No: PAP/2011/0670

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------------------------|-----------------------------|-----------------------|
| 1 | The Applicant or Agent | Application Forms and Plans | 23/12/2011 & 3/1/2012 |
| 2 | The Applicant | Letter to neighbours | 16/1/2012 |
| 3 | Cllr Lea | Email to Case Officer | 19/1/2012 |
| 4 | Middleton Parish Council | Representation | 20/1/2012 |
| 5 | Case Officer | Email to Agent | 23/1/2012 |
| 6 | Agent | Email to Case Officer | 26/1/2012 |
| 7 | B and P Birch | Representation | 30/1/2012 |
| 8 | Mr and Mrs R G Rawlins | Representation | 31/1/2012 |

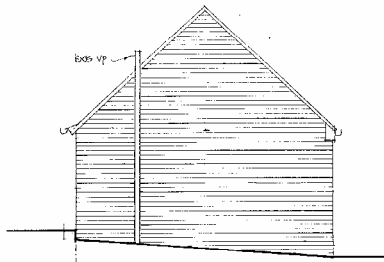
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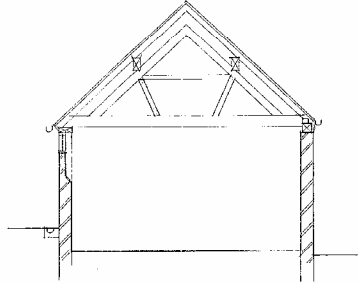




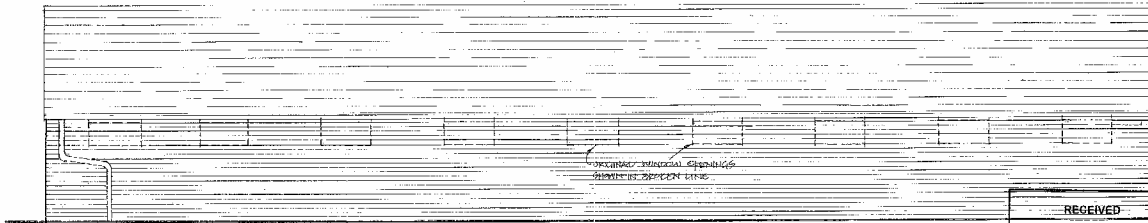




EXIST. SIDE ELEVATION 1: (WEST)



SECTION THRU :



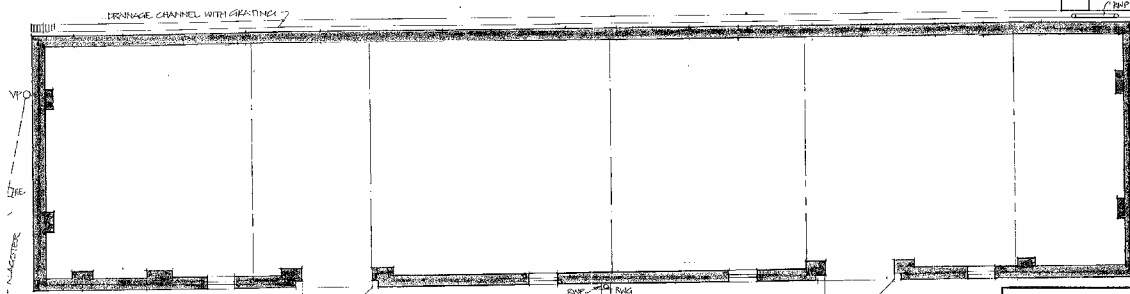
EXISTING REAR ELEVATION 2: SOUTH

NOTE 1
FORMERLY PROJ. NO. 0600/05

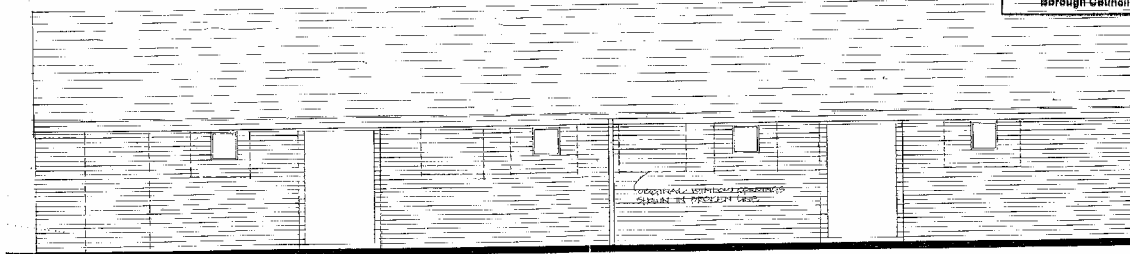
CONVERSION OF REDUNDANT AGRICULTURAL BUILDING TO PROVIDE RESIDENTIAL ACCOMMODATION AT ASH END FARM.

KENNETH C GETHING RIBA Architects and Designers
The Studio : 12 Norfolk Road : Sutton Coldfield : West Midlands B75 6SQ

| | |
|------------------------------------|------------|
| RECEIVED | |
| 28 SEP 2009 | |
| North Warwickshire Borough Council | |
| Drawing no. | 0600/05 |
| Drawn | 24.07.2009 |
| Scale | 1:50 |
| Revision | |



EXISTING GROUND FLOOR PLAN 2



EXISTING FRONT ELEVATION 3: NORTH (FACING COURTYARD)

NOTE 1
FORMERLY PROJ. NO. 0600/04

CONVERSION OF REDUNDANT AGRICULTURAL BUILDING TO PROVIDE RESIDENTIAL ACCOMMODATION AT ASH END FARM.

KENNETH C GETHING RIBA Architects and Designers
The Studio : 12 Norfolk Road : Sutton Coldfield : West Midlands B75 6SQ

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| RECEIVED | |
| 28 SEP 2009 | |
| North Warwickshire Borough Council | |

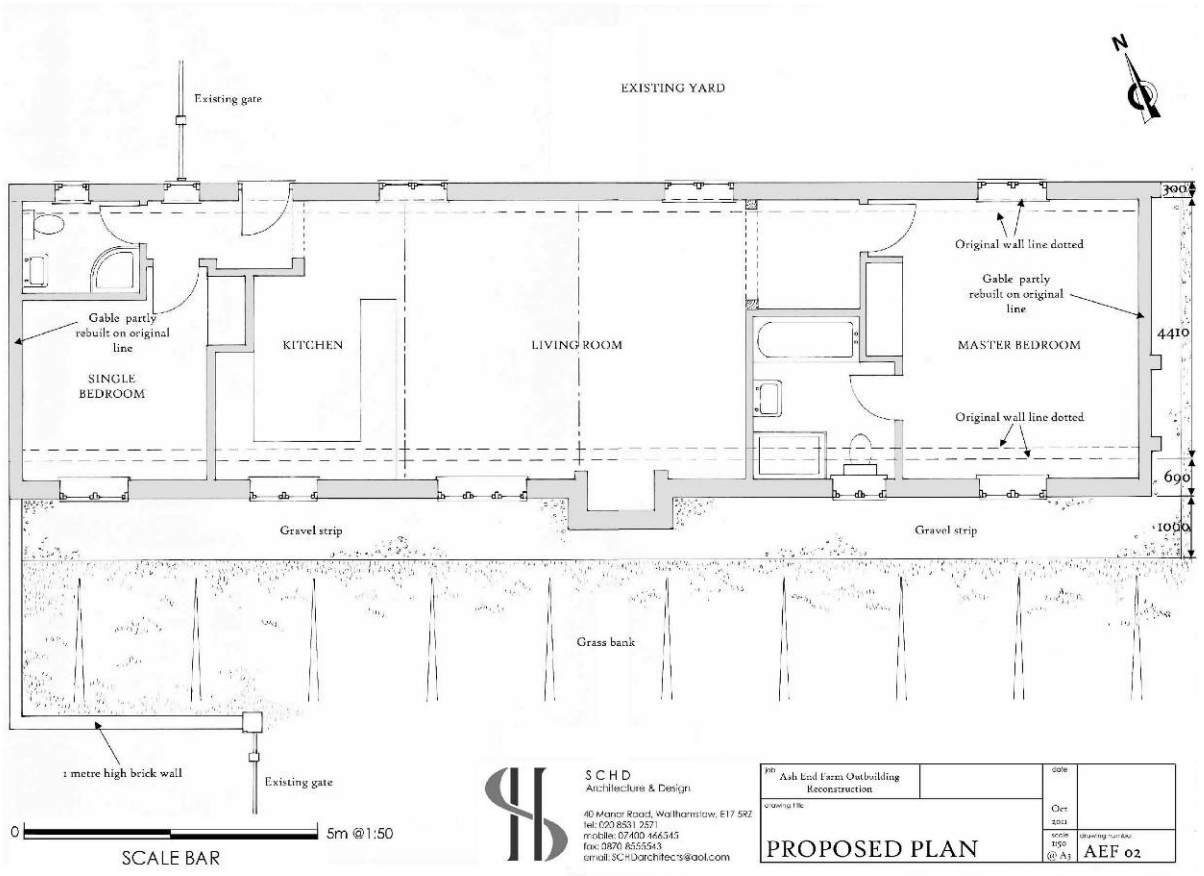
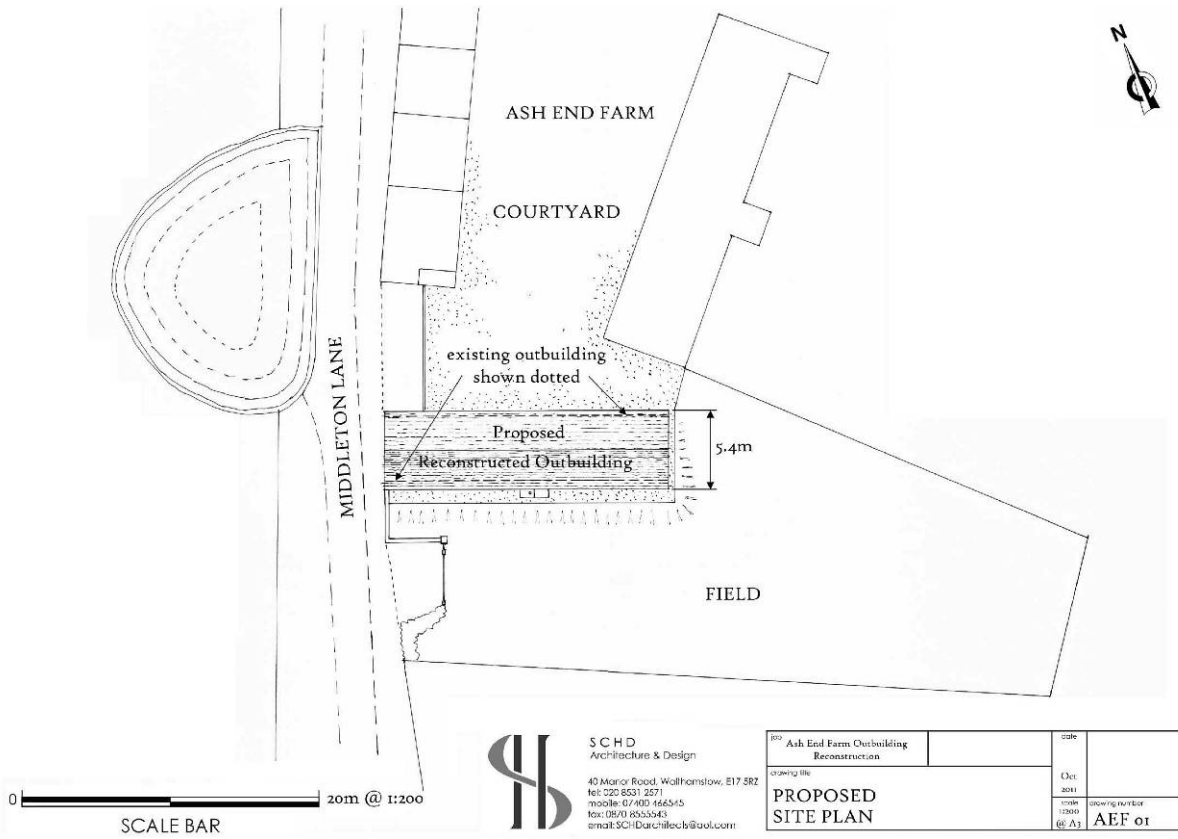
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| Drawing no. | 0600/05 |
| Drawn | 24.07.2009 |
| Scale | 1:50 |
| Revision | |

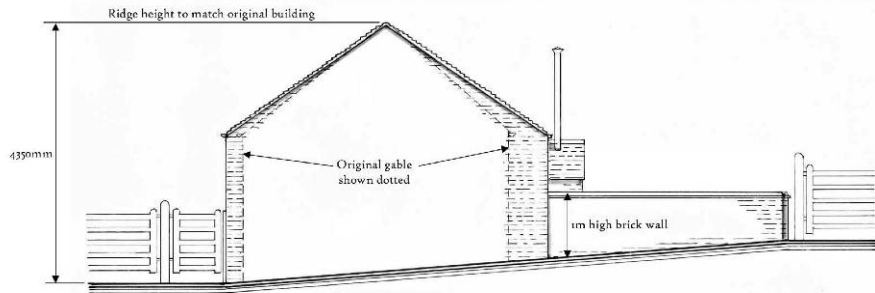
Tel / Fax 0121 355 5815



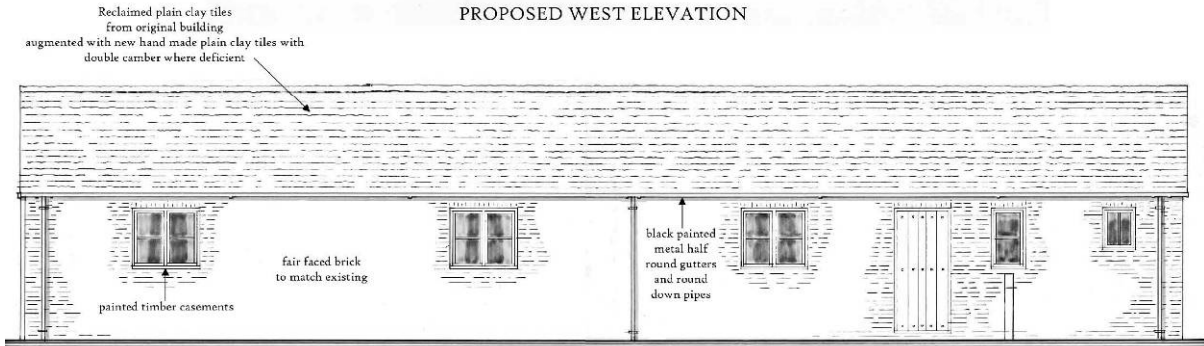








PROPOSED WEST ELEVATION

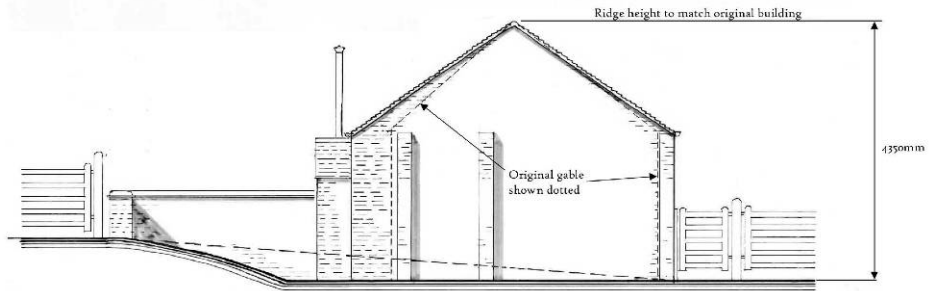


PROPOSED NORTH ELEVATION

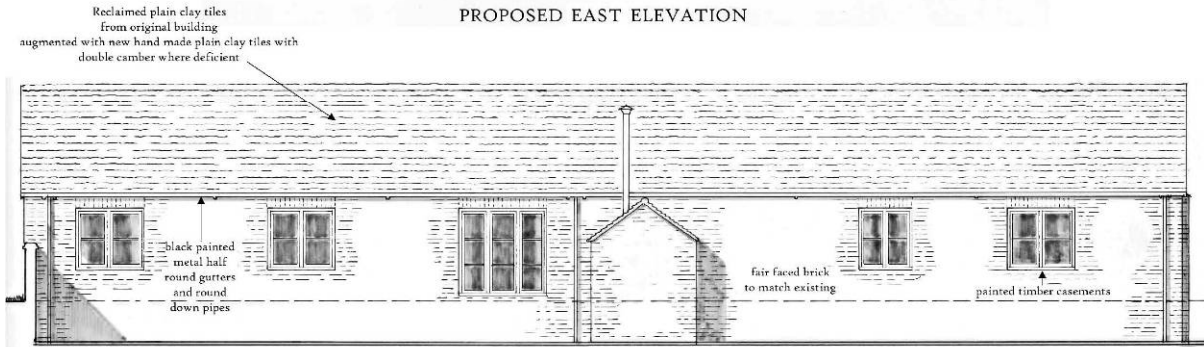


S C H D
Architecture & Design
40 Manor Road, Wallthamstow, E17 5RZ
tel: 020 8531 2571
mobile: 07 400 466545
fax: 0870 8555543
email: SCHDarchitect@aol.com

| | | | |
|-------------------------------------|--|-------------|----------------|
| 103 | Ash End Farm Outbuilding Reconstruction | scale | |
| drawing title | | Oct 2011 | |
| PROPOSED WEST & NORTH ELEVATIONS | | 1:50 | drawing number |
| | | 06 A3 | AEF 03 |



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



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| | | | |
|-------------------------------------|--|-------------|----------------|
| 103 | Ash End Farm Outbuilding Reconstruction | scale | |
| drawing title | | Oct 2011 | |
| PROPOSED EAST & SOUTH ELEVATIONS | | 1:50 | drawing number |
| | | 06 A3 | AEF 04 |

(9) 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 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

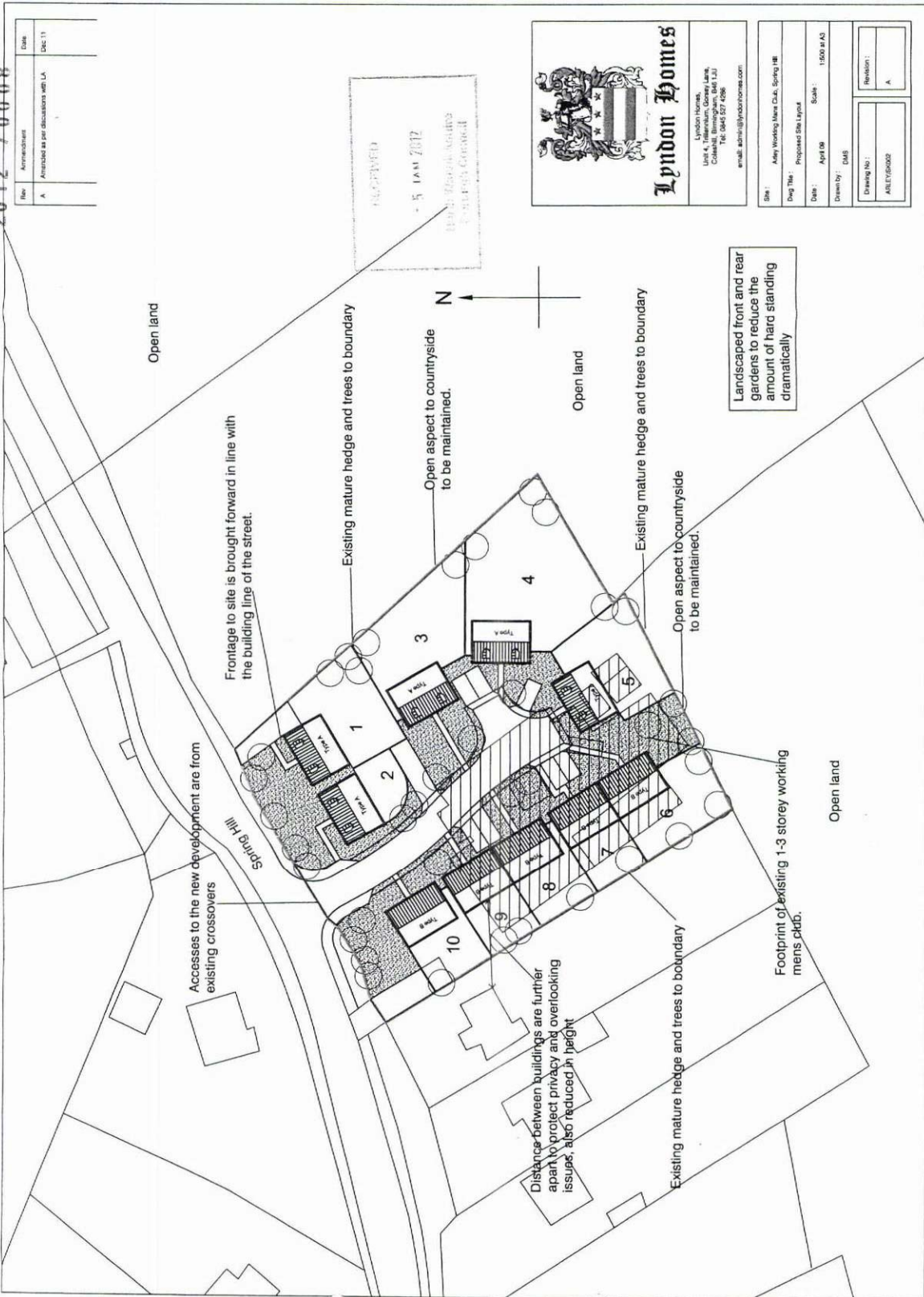
| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------|-----------------------------|------------|
| 1 | The Applicant or Agent | Application Forms and Plans | 09/01/2012 |

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.



2012 / 0008



| No | Amendment | Date |
|----|------------------------------------|--------|
| A | Amended as per discussions with LA | DEC 11 |



Lyndon Homes

Lyndon Homes
Unit 4, Telford Way, Gorseway Lane,
Coleshill, Birmingham, B45 7JJ
Tel: 0247 577 4286
email: admin@lyndonhomes.com

| | |
|--------------|---------------------------------------|
| Site: | Arley Working Men's Club, Spring Hill |
| Drawn by: | Proposed Site Layout |
| Date: | April 09 |
| Scale: | 1:500 at A3 |
| Drawn by: | DMS |
| Drawing No.: | ANLTY05002 |
| Revision: | A |

(10) Application No: PAP/2012/0020

Car Park, Park Road, Coleshill

Approval of reserved matters for erection of a retail foodstore 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 Morison'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

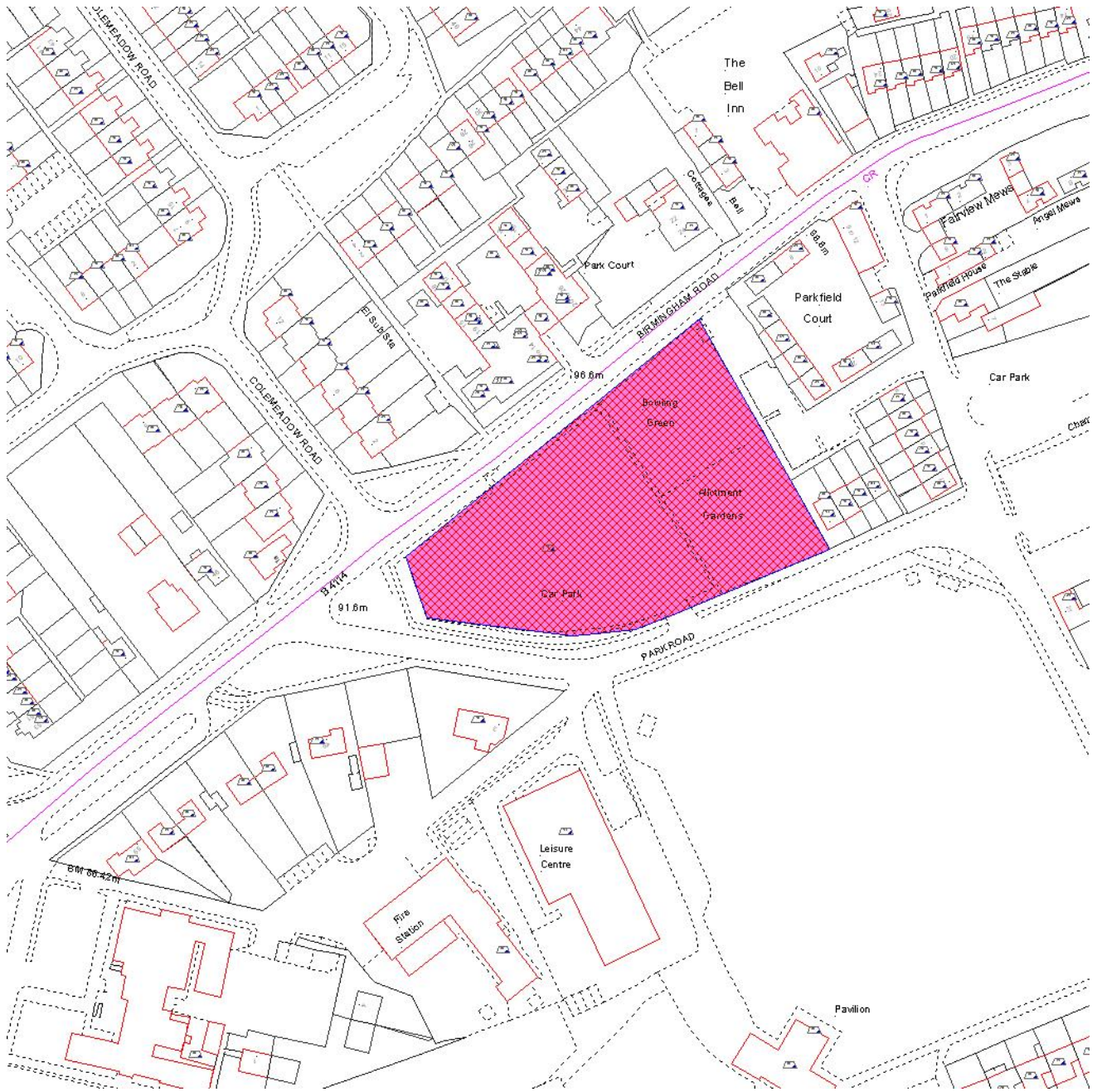
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0020

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------|-----------------------------|-----------|
| 1 | The Applicant or Agent | Application Forms and Plans | 12/1/2012 |

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.



NOTES:
 Drawing based on Morrison Hughes Land Services survey reference 1002271 and is subject to a full site survey.
 All dimensions are in metres unless otherwise stated.
 Dimensions of areas to be surveyed are approximate.
 Work to be done is shown in red.
 © All Rights Reserved.

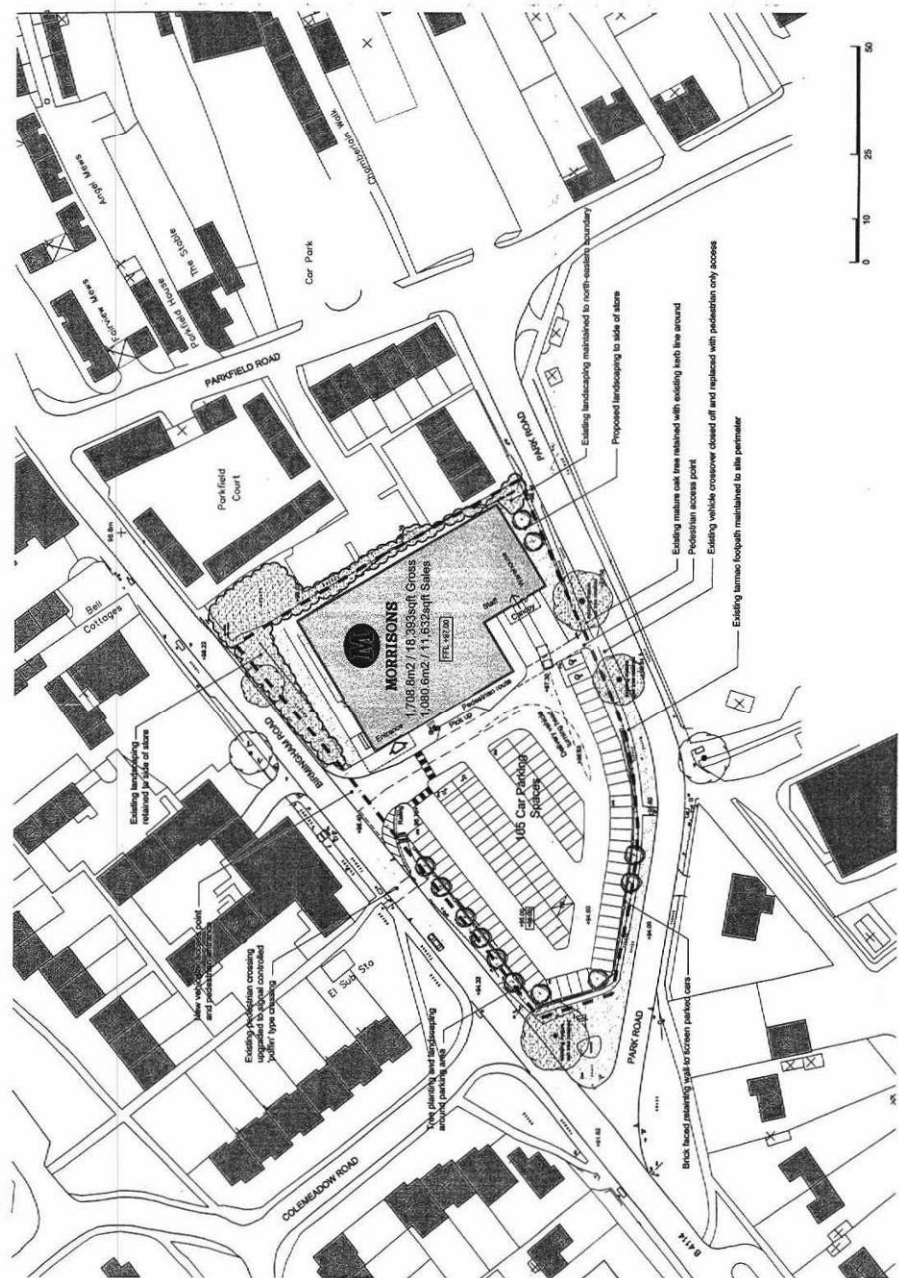
- Legend:**
- Planning Application line
Site area approx. 6.153ha / 0.62 Ha / 1.52 Acres
 - Existing trees retained
(see per survey)
 - Existing landscape retained
(see per survey)
 - New tree planting / landscaping
 - Existing level
(refer to site survey for full details)
 - Proposed level

Schedule of Accommodation

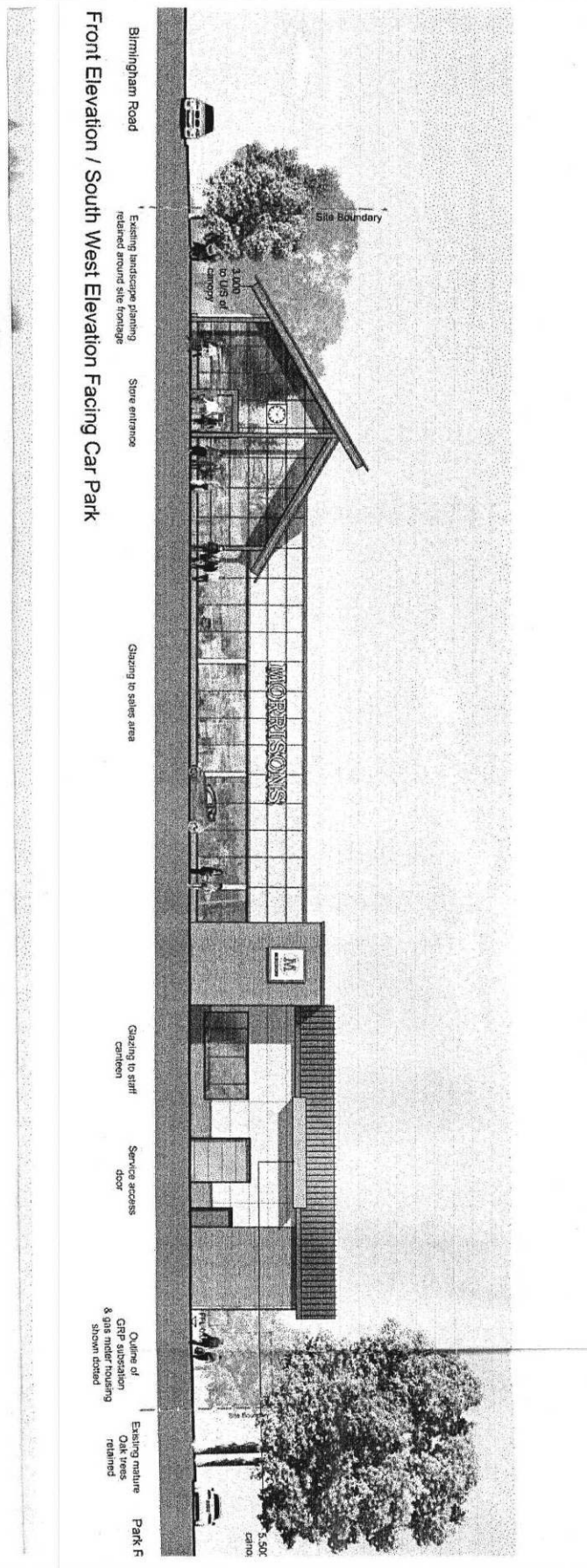
Foodstore:
 1,708.8m² / 18,393sqft Gross
 1,080.6m² / 11,632sqft Sales

Parking:
 Total 105 Spaces + 1 Trolley Bay (TB)

NOTICE TO ORDER SURVEY
 APPROVED
 DATE: 20.07.17
 SUBJECT TO CONDITIONS
 ON VIEW



| | | | | | |
|-------------|---------------------------------------|--------------|--|----|----|
| File: | 25.11.17 | Description: | Assessment to site entrance as per LA requirements | CF | JR |
| Client: | DAVIS WEATHERILL PARTNERSHIP 25.11.17 | | | | |
| Project: | Wm Morrison Supermarkets plc | | | | |
| Proposed: | Proposed New Foodstore | | | | |
| Address: | Park Road COLESHILL | | | | |
| Site: | Proposed Site Layout/Access | | | | |
| Drawn By: | North Warwickshire Borough Council | | | | |
| Checked By: | 11236 / PAOT | | | | |
| Date: | 29 NOV 2011 | | | | |



Front Elevation / South West Elevation Facing Car Park

Consultation by Warwickshire County Council

Land at Packington Landfill Site, Packington Lane

Proposed development of a heat and material recovery facility for horticultural uses via anaerobic digestion with renewable power generation, poly-tunnels and associated infrastructure, for

SITA (UK) Ltd

Introduction

This application has been submitted to the County Council for determination and the Borough Council has been invited to submit its representations as part of the decision process. Members will recall that SITA (UK) Ltd presented its proposals, the subject of this application, to Members in November last year. The Company had also prepared and manned a public exhibition at Coleshill which outlined the same proposals.

The Site

The site of this proposal is on the Packington Lane side (the eastern edge) of the present landfill operation, south of the M6 Motorway and east of the A446. It is in that part of the landfill site where the main offices are located together with other recovery uses. The site area of this current application is about 8.8 hectares, being part of the larger 143 hectare landfill site. Packington Lane borders the eastern edge of the actual site and this is marked by having strong hedgerow and tree cover. The landfill "hill" is to the south west and the main access into the site is further to the west off the slip road over the A446 and going to the NEC roundabout.

The nearest residential property is about 700 metres to the southeast. Other residential property is about 750 and 800 metres away.

The site is illustrated at Appendix A. An aerial photograph of the area is attached at Appendix B.

The Proposals

The proposal is to construct plant and equipment to recover biogas, compost and liquid fertiliser alongside heat and power from the treatment of around 50,000 tonnes of municipal, industrial and commercial organic waste – e.g. food and green waste, arising from the local area of North Warwickshire, Nuneaton and Bedworth, Coventry and Solihull.

The proposed development is not intended to be permanent and is being put forward for a temporary period of 25 years.

The proposals comprise three main elements:

- An Anaerobic Digestion (AD) facility for the treatment of organic waste to recover value in the form of biogas, compost and fertiliser.

- Gas Engines for the combustion of that gas in order to recover renewable energy –i.e. electricity that can be exported to the National Grid, and heat to be used in the AD process and the proposed poly-tunnels.
- Poly-tunnels to harness the heat and use some of the compost and liquid fertiliser to facilitate the production of local food produce.

The proposal would be constructed in two phases. The first would involve the construction of the AD reception building and associated infrastructure and this would act as a Waste Transfer Station for around six months whilst the second phase was completed, involving the AD plant itself followed by the poly-tunnels. During the first phase, green waste would be imported, sorted and the reloaded for transfer off site. Free liquids arising would be dealt with through a drainage sump and the on-site leachate works. As the on-site AD facility was commissioned, there would be a transfer of waste off-site to the on-site plant.

The waste reception building would be a steel portal framed building of around 1130 square metres in extent – 32 by 35 by 12 metres. It would appear as an agricultural building and be clad in olive green metal cladding. The AD facility itself would comprise a number of structures including an odour control and chemical storage building (25 by 20 by 11 metres), buffer tanks (2 by 19 by 4 metres), two digesters (43 by 8 by 8.5 metres), a composting sifting and maturation building (20 by 25 by 11 metres), a press and pressate building (7.5 by 8 by 10 metres), drying tunnels (44 by 25 by 6 metres), a post digester tank (5.7 by 15 by 9.5 metres) together with and associated interconnected plant, enclosed conveyors and pipe work. All of these structures would be clad in appropriate coloured cladding or coloured when necessary. The poly-tunnels would cover an area of around 8000 square metres, with each tunnel being around 9 metres wide and 4 metres tall.

The existing office building would continue as offices but also contain an “education facility” to promote the plant and to provide opportunities to widen knowledge about the process. The existing workshops at the site would be retained for maintenance purposes connected to the whole site and the new plant.

The general layout of this plant is shown at Appendix C, and is shown added to an aerial photograph at Appendix D. A series of more detailed elevations is at Appendix E.

All access to this proposed plant would be from the A446 using the existing access point from the slip road. Existing weighbridges and buildings would thus be used, albeit with some re-siting. This will also be referred to later. The internal tracks from that entrance to the plant on the other side of the site would then be upgraded. No HGV access would be via Packington Lane.

The actual AD process involved is detailed in Appendix F.

The site capacity is to deal with 50000 tonnes of waste a year. This would operate on a 24/7 basis throughout the year, and translate into around 180 HGV movements a day – 0700 to 1800 hours (week days) with 0700 to 1400 hours on Saturdays with none on Sundays. The process would generate some 1.6 megawatts of electricity which would feed into the grid using existing connections associated with the existing production of electricity from the landfill gas. This level of production could supply 2000 homes. Additionally some 920 kilowatts of heat would be generated for re-use in the plant to make it self-sufficient. There would need to be some ground work and levelling to create the appropriate platforms for the structures described

above together with security fencing and lighting. Substantial boundary bunds and landscaping is proposed along the Packington Lane boundary in order to strengthen the existing features – the bunds to be four metres tall. It is anticipated that there would be around five employees on site at any one time.

There are no clear proposals in the application as to what would happen at the end of the twenty five period for the plant now being proposed.

Background – The Application

The applicant has submitted a full Environmental Statement to the County Council with the application. A non-technical summary is attached at Appendix G.

A full Planning Statement has also been submitted setting out the applicant's case for the proposals. This essentially comprises a needs assessment together with an outline of the support being given to this type of waste recovery operation in national and local planning policy guidance. The overall waste strategy of reducing reliance on land fill, recovering and recycling waste together with generating energy from waste are all familiar to Members and the applicant repeats the sources of these approaches in his arguments in support of the application. In terms of need, then the arguments include evidence to show that there is a gap between the targets set for landfill diversion and the provision of alternative waste management measures (in Warwickshire and Coventry this is said to be around 860,000 tonnes for all waste streams). More specifically the applicant has approached this Council and adjoining Councils in order to establish the likely levels of organic waste being generated – this is said to amount to around 38,000 tonnes a year from North Warwickshire, Nuneaton and Bedworth, Coventry and Solihull. The proposal has been designed with a 50,000 tonne capacity in order to reflect this local "need". The applicant has also undertaken a similar exercise in terms of energy generation from waste concluding that there remains a significant gap between energy usage and generation in the West Midlands generally and that very little in the way of new renewable energy regeneration capacity is coming forward to fill that gap. The proposal is thus said to meet a demonstrable need.

The supporting documentation outlines the location requirements for a waste facility such as being proposed here. They include proximity to the main sources of waste; proximity to and easy access to the strategic highway network, proximity to facilities to export the gas and energy recovered, a location away from environmentally sensitive areas, and away from residential areas, together with site availability and being capable of delivery. The applicant considers that the proposed site meets these requirements.

An analysis has also been undertaken of alternative sites. The documentation states that over 200 other locations were initially investigated. The criteria on which the search was undertaken rested on the need to find a site of around 5 hectares which could accommodate plant handling 50,000 tonnes of waste a year. Both Green Belt and non-Green belt sites were included and the search area extended over the administrative areas of the four Local Authorities referred to above. The original list of sites was assessed and reduced to an effective "short list" of eleven – see Appendix H. As can be seen, this list contains a series of brown field and commercial sites. It was then further tested "commercially" in order to establish the availability of the land for a development proposal based on an AD plant as described above. The results are tabled at Appendix I. This results in the only site being immediately available as the application site.

Background – Planning History

Sand and gravel extraction commenced at Packington prior to the Second War with waste infilling commencing in the 1960's. Two significant permissions from 1979 and 1985 enabled the waste disposal operation to provide the 150 metre tall hill that is now nearing completion. A number of other waste recovery facilities have been granted temporary consents more recently - a materials recycling facility; a green waste composting facility, and a wood shredding facility. Only the latter two have been taken up. A leachate treatment works has been permanently consented together with upgrades of the electricity generation measures on site.

At its height the landfill operation was attracting over a million tonnes of waste a year. This has reduced to a level presently of around 400,000 tonnes. Its anticipated capacity is a further 2 to 3 years, with a further 6 to 7 years to enable settlement and final restoration. The temporary consents described above relate to this period. These uses would cease if planning permission is granted for the AD plant and that permission is then implemented as the AD development would be on their present operational land. A Section 106 Agreement from 2001 relates to the restoration of the site and this requires restoration in part to park available to the public. The applicant is suggesting that the AD plant can exist in conjunction with park. The re-siting and relocation of the weighbridges and associated infrastructure at the main entrance referred to above is a direct consequence of retaining this access as a joint access for the AD plant and the future park, albeit with segregated arrangements.

Development Plan

West Midlands Regional Spatial Strategy – Policies WD1, WD2, WD3 and EN1

Warwickshire Waste Local Plan – Policy 1 (General Land Use), 9 (Large Scale Composting) and 13 (Proposed Facilities).

North Warwickshire Local Plan 2006 (Saved policies) – Core Policies 1 (Social and Economic Regeneration) and 10 (Agricultural Diversification) together with Policies ENV1 (Landscape Character), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Flooding and Water Resources), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV13 (Building Design) ENV14 (Access Design), ENV15 (Conservation), TPT 1 (Transport Considerations)

Other Material Planning Considerations

Waste Framework Directive 2008; Renewable Energy Directive 2009; Waste Strategy England 2007; Government Review of Waste Policy in England; Waste (England and Wales) Regulations; UK Renewable Energy Statement; UK Biomass Strategy; Energy White Paper "Meeting the Energy Challenge"; National Policy Statement EN1; National Policy Statement EN3; UK Low Carbon Transition Plan; PPS1 Delivering Sustainable Development; PPG2 Green Belts; PPS10 Planning for Sustainable Waste Management; PPS 22 – Renewable Energy; The Draft National Planning Policy Framework; Warwickshire Waste Development Framework - Preferred Option and Policies; North Warwickshire Draft Core Strategy.

Observations

a) Introduction

This application is for inappropriate development within 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 those 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) Material Planning Considerations

It is acknowledged that the approach set out above in respect of how waste is handled in the future and how energy is generated carries substantial weight in dealing with this application. It is also acknowledged that there is a need to accommodate this particular waste stream in the area and that Local Authorities in the vicinity are actively involved in seeking to address this. The proximity of this site to an existing gas generation facility and its location in respect of the strategic road network are also beneficial to the proposal. However whilst these considerations cumulatively add substantial weight to applicant's case, there are equally considerations which weigh against the proposal. It is considered that the applicant has undervalued these considerations, and thus these will be given particular attention in this section of the report. There are three main ones to explore further – whether the proposal achieves the objectives of retaining land within the Green Belt; whether the development adversely impacts on the openness of the Green Belt, and the analysis of alternative locations. Having looked at these, the report will deal with some other considerations arising directly from the proposal – namely the base-line selected; taking a closer look at the alternative site analysis, the 25 year period proposed and the poly-tunnels.

In respect of the first of the three main considerations, then the proposal is for new built development within the Green Belt. Its purpose and form does not fall into one of those categories of new buildings that are appropriate by definition as set out in PPG2. It is therefore inappropriate development by definition. When any large scale development of land takes place in the Green Belt it should, in accordance with PPG2, so far as possible, contribute to the achievement of the objectives for the use of land in the Green Belt. It is argued that this should be more important a consideration if that development is inappropriate by definition. The implementation of a development of this size and scope will by fact and by degree not safeguard countryside and thus would represent new development, adding to the urbanisation of the area and not assisting in urban regeneration or the recycling of other urban land. As Members are aware, this part of the Green Belt is known as the "Meriden Gap" as it separates Birmingham from Coventry, and as such is considered by the local community to be the most valued section of the Green Belt. It serves a strategic purpose of some importance and scale. This proposed development is not small in scale and neither is it essential that it requires a rural location. As such there would be a serious impact on the value of the Green Belt in achieving its defined purposes.

There will be an impact here on the openness of the Green Belt hereabouts because new built development is proposed where none presently exists of the same scale. The development is not small in scale either in terms of the area to be covered, the height and size of the buildings, its associated infrastructure, or through the frequency and regularity of use by HGV traffic. Moreover it is located in an existing open area, isolated, with little in the way of neighbouring built development. It is also overlooked by the land fill mound. This is to be restored to open pasture land, and the whole area to be returned to uses appropriate to the Green Belt and to a countryside location. Moreover the mound is to be part of a park available to the public with its associated paths and access arrangements. It is accepted that existing landscaping can be strengthened in order to lessen the visual impact of the development, but the concept of openness, which is the perception of having open space around you, would be materially compromised in this case when all of the above matters are taken into account. It is considered that this proposal would have a significant adverse impact on openness.

The development does not require a rural location. There is nothing inherent in this site to make it essential to have this use here. It might be convenient and desirable, but not essential. This is important because of the definitions used in PPG2 and also because of the significance of considering alternative locations. The range of alternative sites undertaken by the applicant, and the short list that concludes that search, reinforces this conclusion. The majority of the sites therein are not rural in character or location. That majority are brown field sites with lawful commercial uses, and they are also not in the Green Belt. That short list was concluded using “filters” to assess the location requirements for a development of the sort now proposed. It fails to conclude that a rural or Green Belt site is the only solution.

These three considerations individually carry significant weight, but cumulatively they carry substantial weight. It is considered that such cumulative weight at least matches that of the supporting considerations set out by the applicant’s reliance on current waste strategy and need for this type of facility. There are other related considerations that now need to be dealt with.

Firstly, what is the base-line for consideration of this application? The applicant would argue that this site is already a landfill site with additional waste recycling permissions; an established connection to the national grid and wholly acceptable highway connections. There is clearly merit in this position, but it is of course not the full picture. The landfill operation is time-limited; the other recycling operations are on temporary consents and there is an agreed restoration scheme. This is an achievable outcome and has very reasonable prospects of happening due to the Section 106 Agreement. The outcome of this is that this site returns to open countryside with uses wholly compatible with its Green Belt status and fulfilling its purpose under such a standing. This is the base-line that should be used in the assessment of the application. For the reasons set out above, these outcomes would not be achieved by perpetuating a waste facility at this location. The benefits arising from the achievement of the base-line would thus not be achieved. Unfortunately the applicant, in taking the position that he does on this base-line argument, promotes a wholly “dismissive” attitude towards the Green Belt issue all together, which weakens his case and undervalues the planning policy issue. For instance he says that the site has, “in reality, never properly performed a material Green Belt function” and “on that basis, the sensitivity of this particular part of the Green Belt to

development must be considered very low from the outset". It is considered that Members would wish to adopt a more robust position.

Secondly, the short list of alternative sites extended to eleven sites, yet only the application site was deemed suitable because it was the only one commercially available. This perhaps should be treated with some scepticism given that the applicant is the owner of that site. The crucial consideration is how this final "filtering" was dealt with, and what weight should be given to commercial considerations. There are some issues with the applicant's assessments: these were based on telephone calls and pro-forma forms together with the applicant's own knowledge of the site. It is not known if those discussions extended to negotiation of commercial terms, and to what extent the applicant made it clear that he already potentially had his own site available. Did the applicant assume that he would be granted permission at Packington and thus not enter this part of the process on the basis that he would need to negotiate seriously? Officers remain to be convinced that there is a reliable evidence base to fully support the removal of ten of the eleven sites at this stage, leaving just the applicant's own site, particularly when those ten sites are preferred from a planning perspective. Financial considerations are material planning considerations. Given the comments above, it is concluded that not much weight can be given to this presently in the absence of the evidence to support the applicants own assessments.

Moving on, it is odd that the proposal is for a "temporary" period of 25 years. There does not appear to be case made for a temporary consent, or for a 25 year period within the application papers. Moreover there is no obvious "exit strategy" or restoration plan. Members are recommended in this situation to treat the case as if it were for a permanent permission.

The inclusion of the poly-tunnels is not an essential component of the AD process. It is acknowledged that heat will be an outcome from that process and that it should be harnessed if at all possible. However it is not essential that this is used for horticultural purposes particularly when the outcome is a development that is visually intrusive, adversely impacts on openness and when the scale of the coverage proposed has not been justified.

All of these additional considerations add doubt to the applicant's case, and in officer's minds would tip the balance in favour of the Green Belt issue.

c) Planning Policy

Development Plan policy relating to the central issue with this application is dated – the soon to be abolished RSS and the Waste Local Plan. The current guidance listed in the material considerations above, now probably carries equal weight. Certainly the applicant is relying heavily on that current guidance for his case. It is therefore prudent just to take a look at the relevant parts of that guidance where it impinges on planning and thus spatial requirements, to see if there is additional reason to support the conclusion reached at the end of the previous section.

In PPS10, the approach towards the identification of sites for waste facilities requires that a "broad range of locations including industrial sites" and "the co-location" of facilities needs to be considered, along with an assessment of the physical and

environmental constraints on development, the cumulative impact of previous waste disposal facilities on the well-being of the local community, the capacity of the potential transport infrastructure and to give priority to the re-use of previously developed land and redundant agricultural buildings and their curtilages. It is considered that the present site does not fully accord with these criteria.

The County Council's draft Waste Core Strategy policies apply the criteria identified in PPS10 to the local context. Policy CS2 says that sites should be well located to sources of waste; to the strategic transport infrastructure, and should not have adverse impacts. Additionally with specific reference to AD facilities, the possible locations include land in existing waste management use; land allocated for B2 and B8 purposes in Development Plans, land already lawfully used for B2 and B8 uses, redundant agricultural buildings, previously developed land and contaminated or derelict land. In terms of broad geographic areas, Policy CS2 says that large scale waste facilities, such as the development now proposed, should be sought within or in close proximity to the County's primary settlements – e.g. Nuneaton etc, or, within or in close proximity to smaller settlements such as Coleshill, provided that there are significant transport, operational and environmental benefits. It is considered that these draft policies do not automatically or even necessarily, point to a Green Belt location.

Just to return to the Development Plan and particularly to the Waste Local Plan, the applicant is giving weight to that Plan's Policy number 1. This says that in evaluating proposals for waste facilities, three considerations will be taken into account - the extent to which they make a positive contribution the re-use and/or recycling of materials; the proximity principle, and whether there are adverse impacts. It is accepted that the first two of these carry weight and form the basis of the applicant's case. However, there are issues with the third – visual intrusion and lack of compatibility with a countryside/country park location. Moreover, the policy's justification says that any proposal if in the Green Belt will have to be appraised against Green Belt policy. It is not proposed to repeat the concerns on that matter again. This Local Plan also has Policy number 13 which in part is site specific to Packington. However there is no reference therein to an AD Plant. It does say that a materials recycling facility is appropriate and of course permission has been granted for such a use. However tellingly, that permission has not been taken up; the policy itself says that any such permission would be time-limited to the life of the landfill (which it is) and that notwithstanding these factors, the proposal will still have to be appraised against Green Belt policy. As a consequence it is considered that the weight being attributed to the Waste Plan policies by the applicant is not wholly convincing.

d) Other Planning Matters

It has to be acknowledged that the impact of this proposal on adjoining residential property is likely to be minimal given the separation distances involved and the dispersed nature of that property. Moreover it has to be acknowledged that the site is well located in terms of its strategic transport linkages. The County Council will have to satisfy itself in terms of potential impact on the ecology and bio-diversity of the locality as well as potential impacts from noise, odour emissions and other possible environmental risks. There is one issue however which officers consider needs further attention and that is the impact of the proposed bunding and landscaping which is presently considered to be substantially inadequate for the scale of the development

proposed and its setting, adjoining a future country park. The County will need to take this further. However given the range of previous permissions here, it is not anticipated that there are likely to be other adverse impacts. As such the overall conclusion is that there are unlikely to be adverse impacts arising from other planning considerations subject to the landscaping matter being better dealt with.

e) Overall Public Benefit

As set out at the beginning of this section, the central issue here is whether the considerations put forward by the applicant amount to the very special circumstances necessary to outweigh the presumption of refusal for this inappropriate development in the Green Belt. It is considered that there is a fine balance here. In essence the argument revolves around the weight given to the need to locate waste management facilities for this particular waste stream with its attendant benefits on this site arising from energy generation, and that given to upholding the purposes of retaining this land in the Green Belt and seeing through the final restoration and after use of this site. In other words is the overall public benefit with the waste facility or the final restoration of the land?

It can be seen from the above observations that the applicant is considered to have seriously undervalued the Green Belt issue. With the full weight given to it through the observations made above, it is considered that it does outweigh the waste provision argument. The balance tips that way because there are potentially alternative sites available for the waste provision; there being no essential reason why a green belt or even a rural location is needed, the “direction of travel” on the future of this site when seen as whole which has a reasonable prospect of being implemented underwritten as it is by legal agreement, and as such, this would achieve the future and permanent use of the land in meeting Green Belt objectives.

Recommendation

That the County Council be informed that this Council **objects** to this proposal on the grounds set out in this report, which essentially concludes that the overall public benefit lies with the restoration of the whole of Packington landfill site in order to achieve the permanent outcome of green belt objectives.

BACKGROUND PAPERS

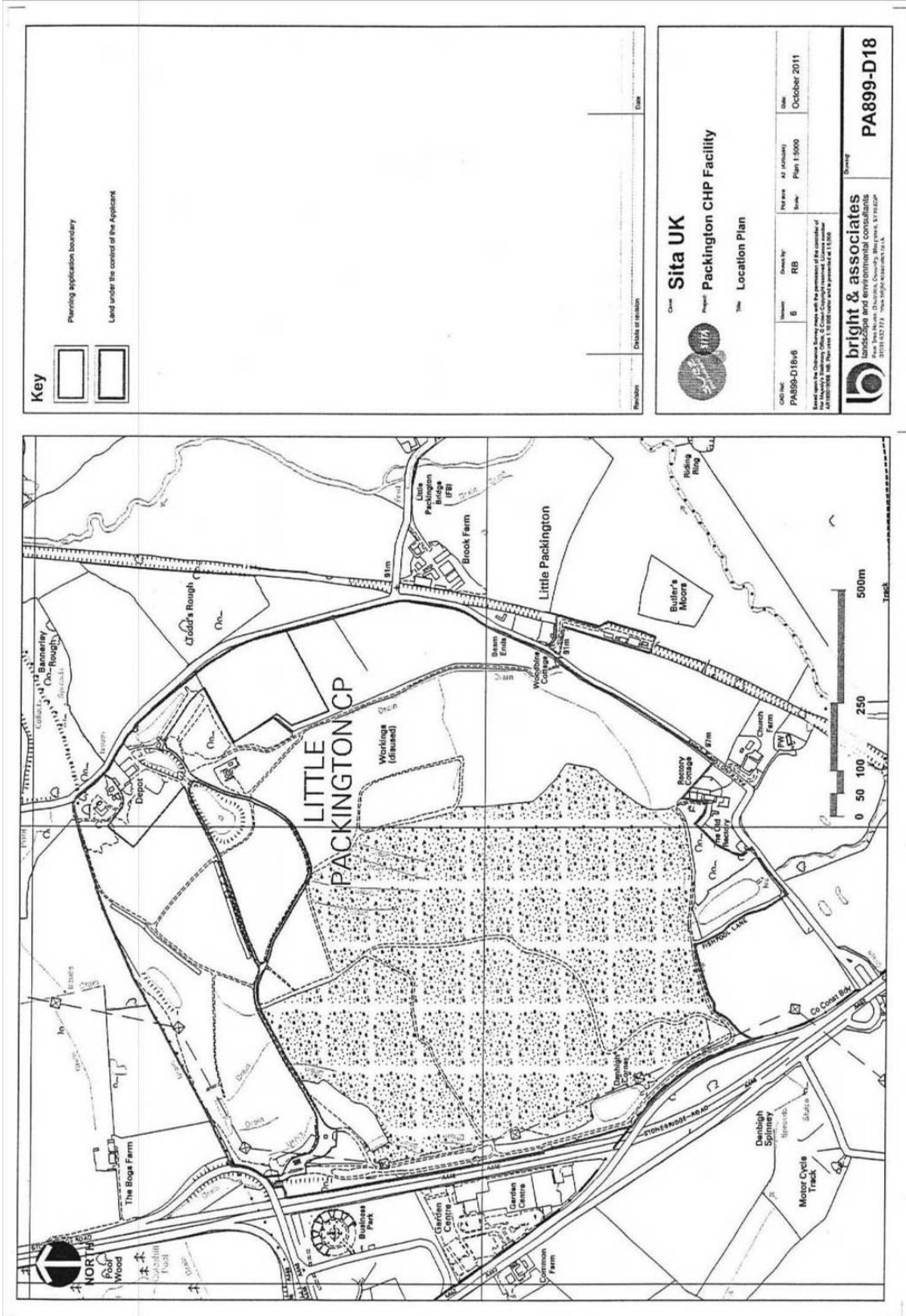
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0370

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|-----------------------------|----------------------------|------------|
| 1 | Warwickshire County Council | Letter | 01/01/2012 |
| 2 | Applicant | Application Papers | 01/01/2012 |

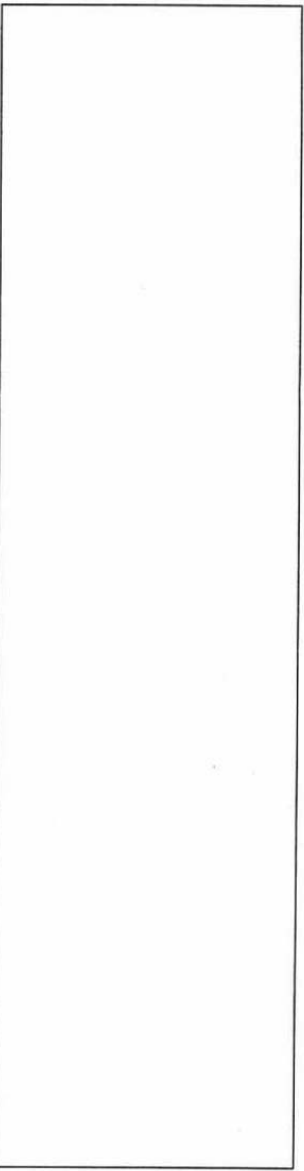
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

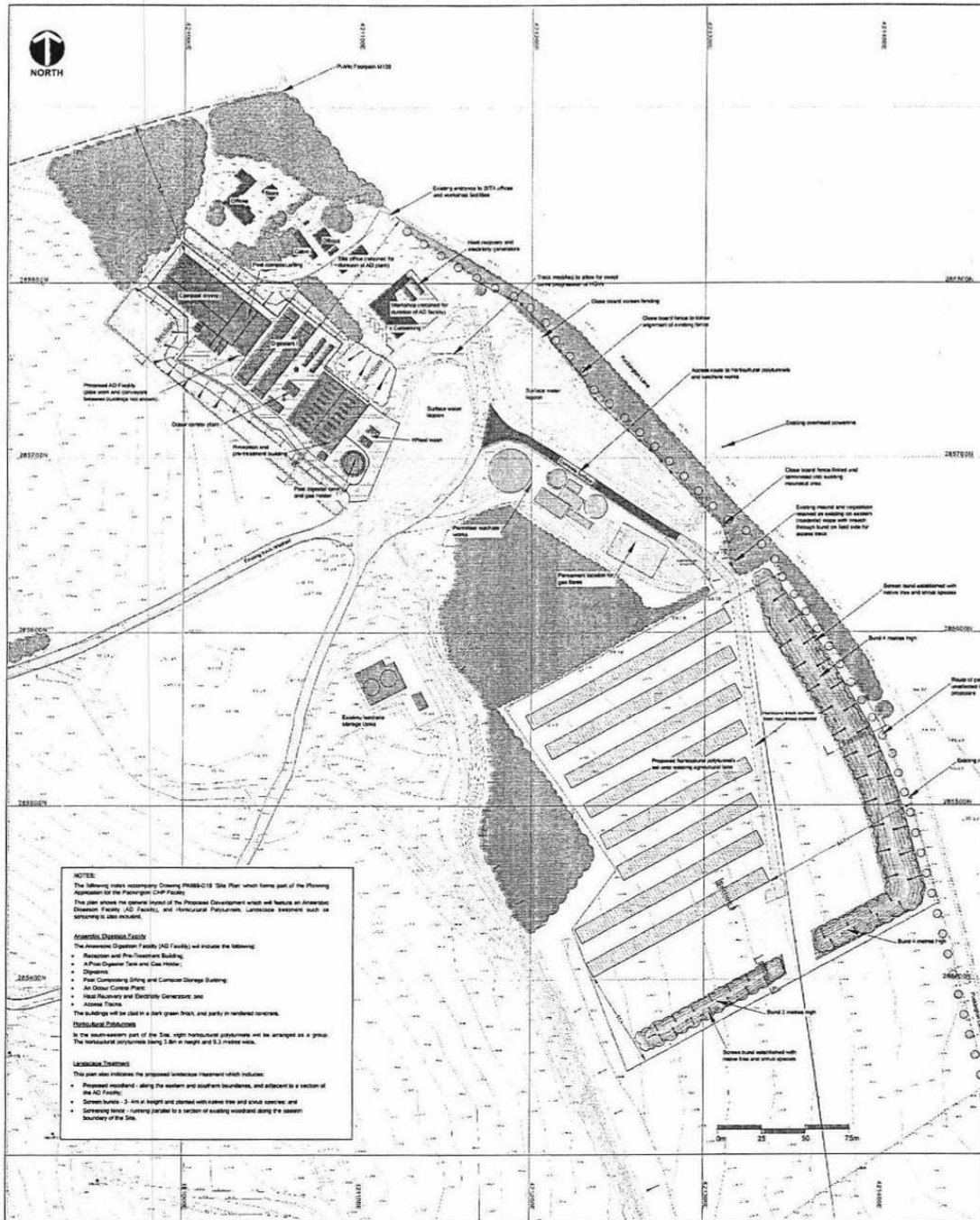
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.





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| | | RECEIVED 28 SEP 2011 North Warwickshire Council | |
| Project: Packington CHP Facility | | Title: Existing View for CHP Facility and Polytunnels | |
| Client Ref: | Version | Drawn by | Scale |
| PA899-D10 | 1 | RB | NTS |
| | | | Date: |
| | | | Sept 2011 |
| bright & associates Environmental Engineers 110, The Old Rectory, Church Lane, Warwick, CV39 9DF Tel: 01927 647771 www.brightassociates.co.uk | | | Drawing: Plan 3 Sheet 1 of 2 |





NOTES:
 This plan shows the general layout of the Proposed Development which will include an American Cleanroom Facility (ACF Facility), and Horticultural Polytunnels, with some details such as screening to also include.

American Cleanroom Facility
 The American Cleanroom Facility (ACF Facility) will include the following:

- Reception and the Reception Building;
- A Post-Operative Test and Gas Hoods;
- Dispensary;
- Post-Operative Siting and Computer Storage Building;
- An Other Control Plant;
- Heat Recovery and Electricity Generation Unit;
- Access Tracks.

The buildings will be clad in dark green finish, and partly in rendered concrete.

Horticultural Polytunnels
 In the south-eastern part of the Site, eight horticultural polytunnels will be arranged as a grid. The horticultural polytunnels being 3.8m in height and 8.2 metres wide.

Landscaping Features
 This plan also indicates the proposed landscape treatment which includes:

- Proposed screening along the eastern and southern boundaries, and adjacent to a section of the ACF Facility;
- Screened banks - 3m in height and clad with native tree and shrub species; and
- Screening fence - running parallel to a section of existing woodland along the eastern boundary of the Site.

Key

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Number: _____ Date: _____

Sita UK
Packington CHP Facility
Site Plan

| | | | | | | | | |
|-------------|---|----|-----|----|------|---------|-------|--------------|
| PA899-D19v7 | 7 | RB | Rev | A1 | Date | 1/10/11 | Issue | October 2011 |
|-------------|---|----|-----|----|------|---------|-------|--------------|

The contents are given in name in Plan
 The Client: Sita UK Ltd. Ref: PA899-D19

bright & associates
 landscape and environmental consultants
 150, High Street, London, E15 2BJ, UK
 Tel: 020 7089 2000 Fax: 020 7089 2001
 Email: info@brightandassociates.co.uk

PA899-D19



RECEIVED

28 SEP 2011

North Warwickshire Borough Council

Client: **SITA**

Project: **Packington CHP Facility**

Title: **Photomontage View for CHP Facility and Polytunnels**

| | | | |
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| Client Ref: | Version: | Drawn by: | Scale: |
| P4899-D10 | 1 | RB | NTS |

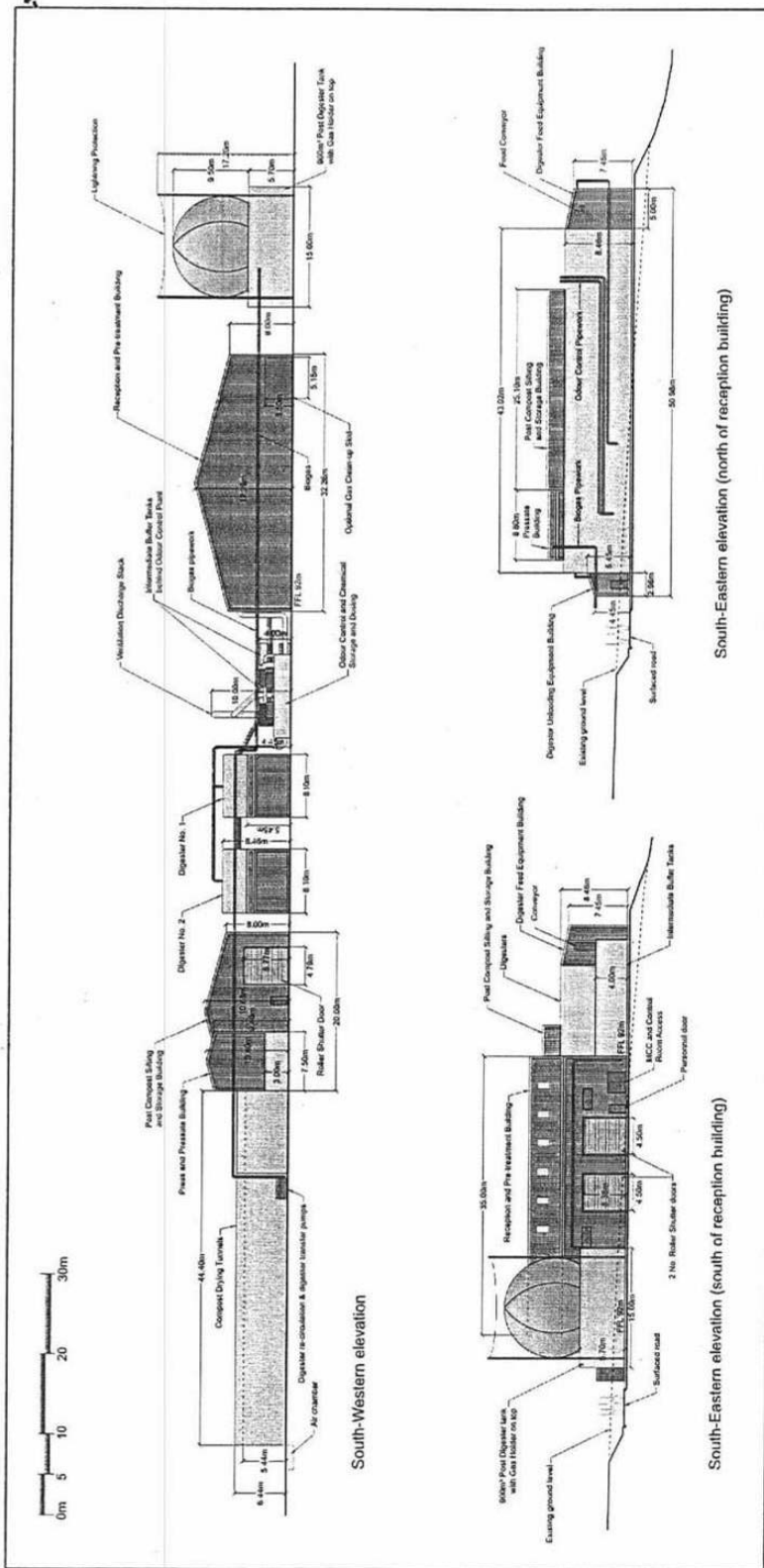
Date: Sept 2011

Drawn by: **bright & associates**
 landscape and environmental consultants
 01827 601277 - info@brightassociates.co.uk

Plan 3
 Sheet 2 of 2

Key

Planning application boundary



Client: **Packington CHP Facility**

Project: **South-Western and South-Eastern Elevations for AD Plant**

Contract No: **PA899-D16/7**

Version: **7**

Drawn by: **RB**

Scale: **1:500**

Date: **November 2011**

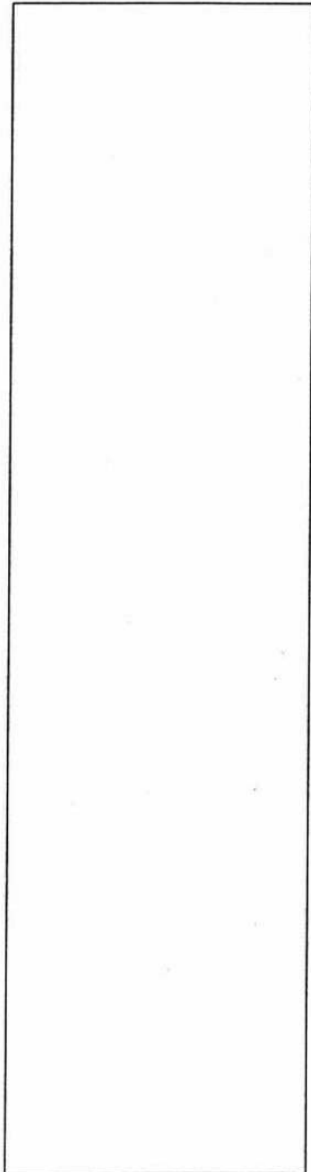
Drawn by: **RB**

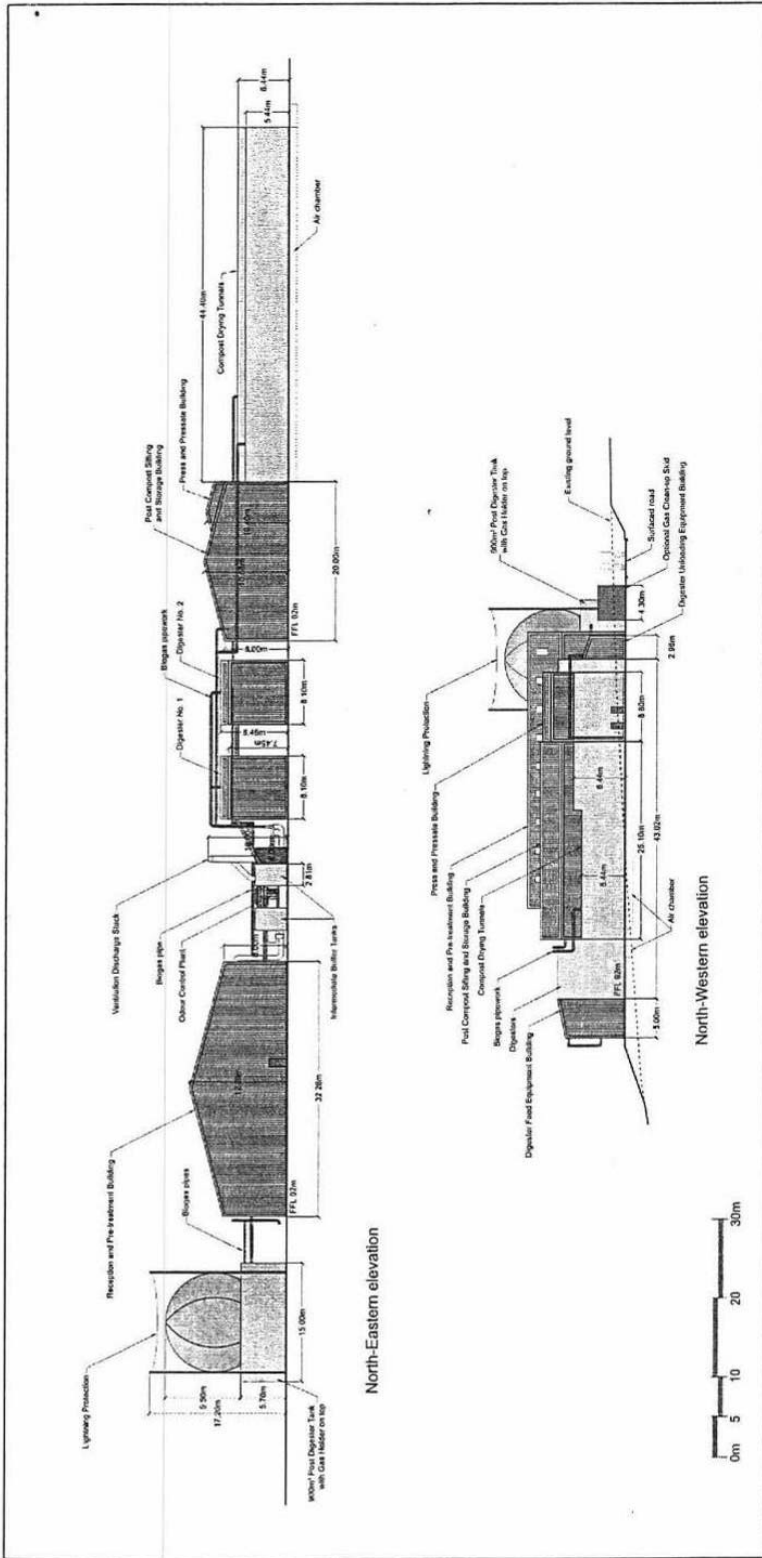
Scale: **1:500**

Date: **November 2011**

Project: **PA899-D16**
(Sheet 1 of 2)

Client: **bright & associates**
1001 14th St, Suite 100, San Francisco, CA 94103
Tel: 415 774 7777 Fax: 415 774 7777





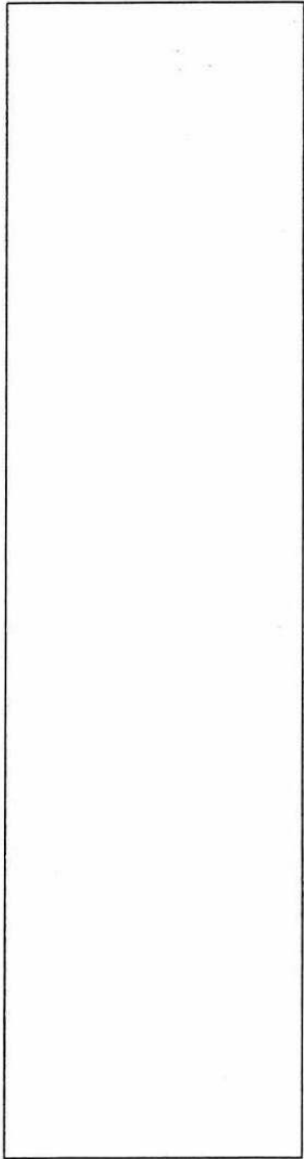
Client: **Packington CHP Facility**

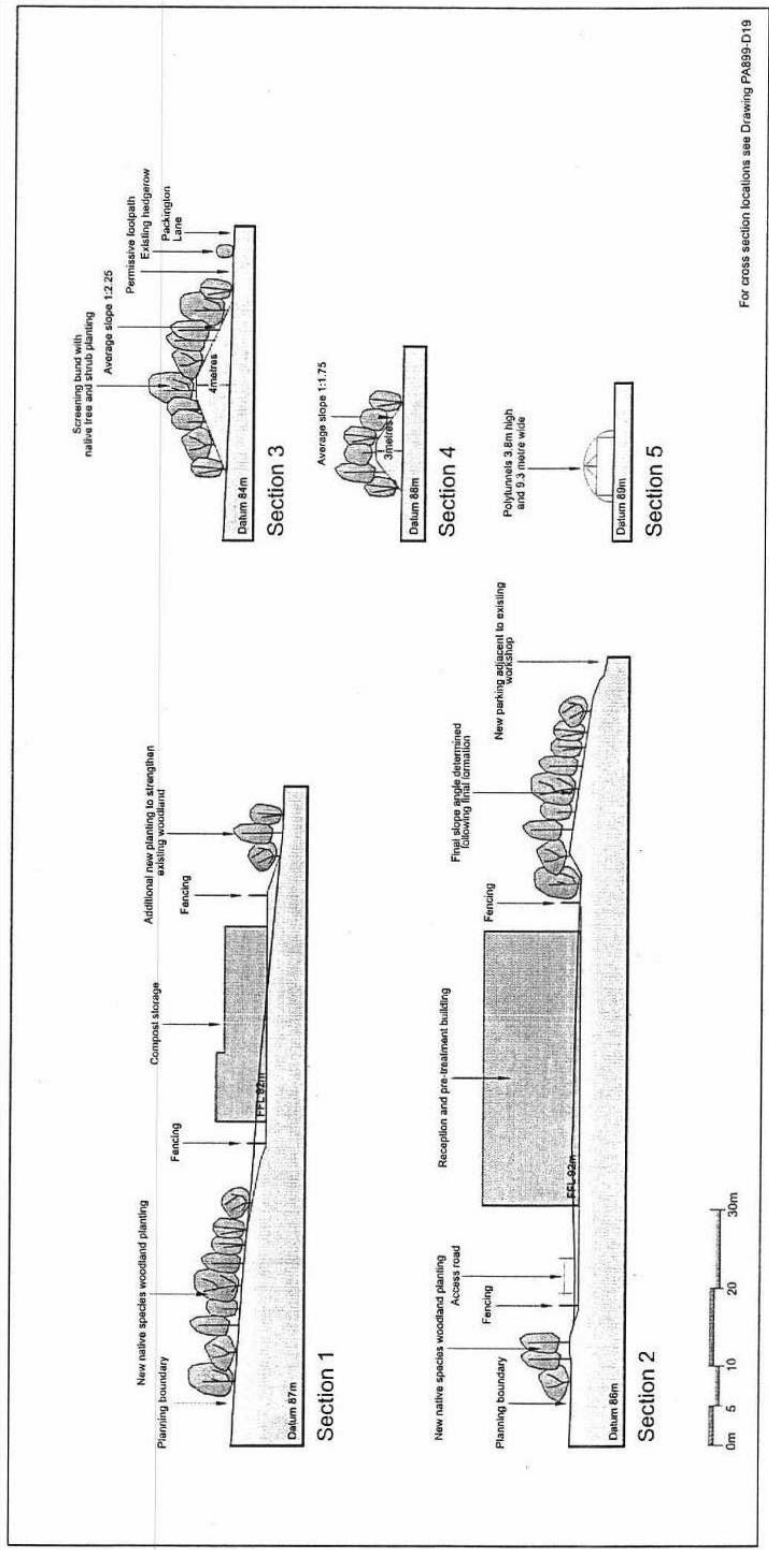
Project: **North-Eastern and North-Western Elevations for AD Plant**

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| PA899-D16/7 | 7 | RB | 1:500 | November 2011 |


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Drawing: **PA899-D16**
(Sheet 2 of 2)






For cross section locations see Drawing PA899-D19

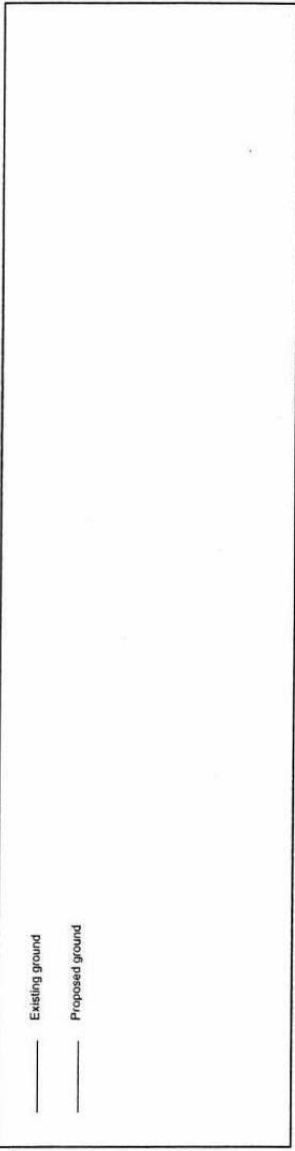
Client:  **Packington CHP Facility**

The Cross Sections

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|-------------|----------|-----------|-------------|---------------|
| Client Ref: | Version: | Drawn by: | Scale @ A3: | Date: |
| PA899-0204 | 4 | RB | 1:500 | November 2011 |

 **bright & associates**
 Environmental and Infrastructure Consultants
 11th Floor, 125, Market Lane, London, EC3R 7DF

Utility: **PA899-D20**



Method of Operation

Reception and Pre-treatment

- 2.4.15 After passing over the weighbridge, vehicles would proceed into the reception and pre-treatment building before discharging material within. As identified previously the building would be fitted with automatic roller-shutter doors to ensure negative pressure is maintained.
- 2.4.16 Once deposited a front end loader would transfer the material into a feed hopper (with dosing unit). The material fed into the hopper would be

Composting Sifting and Maturation Building

- 2.4.8 The composting, sifting and maturation building would comprise a steel portal framed metal clad building of circa 502m² gross external area (the building dimensions are 25.10m long x 20.0m wide). The overall building height would be 8.0m to the eaves. The roof would be pitched with a central ridge apex height of 10.68m. The metal cladding, flashings, eaves, gutters and rainwater downpipes are to be finished in olive green. Roller shutter doors would be constructed with sectional overhead steel frames and a single steel faced pedestrian door finished in steel.

Drying Tunnels

- 2.4.9 The compost drying tunnel building would comprise of a concrete structure of circa 1,114m² gross external area (the building dimensions are 44.40m long x 25.10m wide). The overall building height would be 6.44m. The rainwater down pipes would be fabricated from colour coated steel finished in olive green. Internally, it is proposed to develop seven composting boxes; each box would be filled/un-filled by a front end loader.

Post Digester Tank/Gas Holder and Lightning Protection

- 2.4.10 In addition to the structures and buildings identified above, the facility would also include a post digester tank with a volume of 900m³. This tank would be 5.70m high and 15.0m wide. A double membrane gas holder would be situated on top of this tank and would extend a further 9.50m in height. The gas holder would have a storage capability of 780m³ and would be finished in olive green. Furthermore, to ensure that this gas holder is suitably protected, it is proposed to install lightning protection around the holder. This protection will comprise of a series of free standing metal poles finished in olive green rising to a height of 17.20m from ground level with interconnecting wires.

conveyed to an over-belt magnet, which would recover any ferrous material from the waste stream to enable further reprocessing. The organic material then enters into a drum screen, which separates the oversized material (>50mm) from the optimal sized material which can be feed directly to the digesters. The sieved oversized material is transported by a belt conveyor to a crusher, which crushes the material before it is returned to the drum screen. This process continues until all appropriate material is a suitable size for the digesters.

- 2.4.17 The building would be subject to three air changes per hour (depending upon activity). The collected air would be treated through a air scrubber followed by a carbon filter before being vented into the atmosphere.

Intermediate Buffer Tanks

- 2.4.18 A system of enclosed conveyors would deliver the material to one of two intermediate buffer tanks. These tanks would have a volume of circa 100m³. The intermediate storage unit operates as a storage medium to buffer the intermittent operation of the pre-treatment plant. It also operates to ensure that the digester can be fed more or less continuously, outside delivery hours.

Digesters

- 2.4.19 The two digesters are fed continually with material from the intermediate storage unit. Additionally, the material is inoculated with digestate liquor from the dewatering unit. This liquor is re-circulated to activate the fresh material and to adjust the dry substance contents at the digester start point.
- 2.4.20 The digesters constitute horizontal flow units, constructed from reinforced concrete with built in water pipes and are completely insulated. Each digester employs a heating system comprising heating coils within which hot water flows to ensure that the material within the digester is maintained at a thermophilic temperature of circa 57°C. The hot water is generated from the cooling system associated with the gas engines.

2.4.21 The digesters have eight agitators each, which ensure that any possible sediment remains in suspension within the liquid material. This also ensures that material floating on the surface is mixed into the liquid material. The digesters would have a useful volume of circa 2,200m³ each and the retention time for material within the digester is up to 25 days.

2.4.22 The digesters are unloaded by means of a vacuum system. A 3.5m³ vacuum tank would be installed at the output end of each digester, whilst, pipes which draw material from the digesters. This is achieved by the vacuum pump exerting low pressure on the extraction tanks. The sludge is evacuated under vacuum from the digesters into the vacuum tank. When the vacuum tank is full, the material is discharged by means of a pressure pump and transported to the dewatering stage.

Dewatering and Post Digestion

2.4.23 The dewatering of the digested material (i.e. the digestate) is performed by a single dewatering stage comprising of two screw presses (operating in parallel). The presses are fed from intermediate tanks located directly above each press. The screw presses are installed on top of the digestate liquor collecting tank (each tank has a capacity of circa 70m³). The solid content of the dewatered digestate liquor is anticipated to be circa 19%.

2.4.24 The liquor from this storage tank is transferred to a post digestion tank, which is equipped with a double membrane gas holder and a submerged stirrer. The volume of the post digester amounts to circa 900m³ which equates to 12 days capacity at full production. Within the post digester an additional amount of biogas is released. The post digester is constructed as a cylindrical steel tank with a diameter of circa 15.0m.

2.4.25 Some of the liquor arising from the screw presses would be re-circulated to the digester entry point to inoculate the fresh material and to adjust the dry solids concentration within the digesters. The dewatered cake/fibre from the screw presses falls onto a spiral conveyor where it is discharged into the post composting and drying stage.

Composting and Drying Stage

- 2.4.26 The cake/fibre from the dewatering stage is treated aerobically in the composting/drying stage. The drying stage is required to reduce the amount of moisture in the fibre so that it can be further refined to achieve appropriate standards for high quality compost product (i.e. PAS 100).
- 2.4.27 The building housing the post composting and drying stage consists of three areas:
- Reception area for the dewatered digestate sludge;
 - Post composting boxes (where the biological processes takes place);
 - Operational area for a front end loader.
- 2.4.28 The composting stage, where the outputs are further matured, has been dimensioned for the aerobic treatment of an annual mean value of circa 270t/week which corresponds to an annual amount of circa 14,000 tonnes of dewatered digested cake/fibre. In order to achieve the maximum drying and stabilisation of the digested cake/fibre the retention time in the post composting stage amounts to circa three weeks in total. There would be a total of seven composting boxes installed within the building. Filling and discharge of the boxes would be performed by a front end loader. During maturation, the digested sludge might remains in boxes 1-2 for one week (where high amounts of air and thermal energy introduced to achieve maximum drying), before the material is reloaded into boxes 3-7 for a further two weeks.
- 2.4.29 Within the maturation building the solid digestate would be matured through composting in discrete areas which are divided by walls made of reinforced concrete. The composting fields (surface of each composting box) are aerated by channels, which are integrated in the floor. Collecting pipes and condensate discharge points are arranged on the back wall of each composting box.
- 2.4.30 During operational activities in the post composting hall, the post composting stage is operated in suction mode. Outside of the working hours, the post

composting stage is operated in pressure mode, whereby two process ventilators absorb the exhaust air from the process halls through an air chamber. From there the air is lead into heat exchangers for heating the drying air and then intermittently into the composting boxes. The exhaust air is extracted from the composting boxes and is lead to the exhaust air treatment system.

- 2.4.31 During operation in suction mode, the exhaust air from the process halls in the air chamber is forced into the post composting hall, whereas the process ventilator is sucking the air through the aeration channels, which are embedded in the floor of the composting boxes. The exhaust air from the composting boxes is transferred to the exhaust air tubes directly. The difference between injected exhaust air from the process halls and the exhaust air from the post composting boxes is fed to the exhaust air treatment via the hall ventilation.

Biogas and Biogas Line

- 2.4.32 Biogas (typically consisting of 40% carbon dioxide and 60% methane) would be produced as a by-product to the anaerobic digestion of the waste. The biogas would be captured from the digester and would be piped to the 780m³ gas holder situated above the post digestion tank. The digester works at circa 20mbar pressure and is equipped with all relevant safety equipment (over/under-pressure safety valves, breaker plates).
- 2.4.33 Once collected the biogas would be subject to a biogas line consisting of gravel and fine filters which removes any impurities. Following this the biogas would be cooled in a gas cooling unit in order to remove any condensate before being transferred to the gas holder, which is proposed to be located on top of the post digester tank.
- 2.4.34 Biogas would be drawn from the storage holder and increased in pressure to ensure that it is suitable to be used in the gas engines (described in detail below).

2.4.35 In the case of an emergency, when the gas engines/CHP plant is not functioning or there is a biogas surplus, it would be burned off in an auxiliary flare stack which will be located within the permanent flare compound required as part of the environmental controls for the site.

Odour Control

2.4.36 As part of the process there are several potential points where odour emissions could occur. As such, a bespoke odour abatement system would be provided, this would comprise of the following elements:

- Feedstock Reception and pre-treatment building;
- Digestate dewatering presses;
- Digestate liquor collecting tank;
- Digestate cake/fibre drying building; and,
- Digestate cake/fibre screening building.

2.4.37 The odour abatement plant will be located at ground level adjacent to the Feedstock Reception Building. Odours from the sources listed above would be transferred by ductwork for treatment in the odour plant prior to discharge to atmosphere. The air extraction rates for the above areas would be three air changes per hour.

2.4.38 The odour plant would comprise two stages of odour control, a chemical scrubber for the ammonia laden air stream from the composting/drying building and a carbon polishing filter treating air from the reception building and dewatering building. Odorous air would be extracted from the above mentioned sources using duty/standby extraction fans and uPVC ducting and fed into the two stage odour plant described below.

2.4.39 The first stage of treatment incorporates 2.5m diameter x 9.0m high GRP packed tower chemical scrubber. The scrubber uses 5% strength nitric acid as a scrubbing medium.

2.4.40 The scrubbing tower media would comprise of polypropylene pall rings. The system will be complete with a water recirculation pump, pipework and

valves. This system would treat exhaust air from the composting/drying building and would achieve an ammonia removal efficiency of 99%. Nitric acid dosing equipment, IBC storage facilities and an emergency shower and eyebath would also be provided.

- 2.4.41 Odour laden air extracted from the waste reception building, dewatering building and from the above mentioned chemical scrubbing stage is fed to the second stage of treatment comprising a CuCArb activated carbon polishing unit. This unit uses activated carbon media produced from coconut husks, which has a high surface area resulting in high removal efficiencies and thus small footprint and maintenance requirements. Vehicular access is provided adjacent to the odour plant to facilitate ease of media replacement.

Outputs

- 2.4.42 The facility would generate circa 20,000tpa of digestate/bio-fertiliser and circa 14,000tpa of solid digestate (which following drying and screening equates to 6,800tpa of compost). The compost is to be produced in accordance with PAS100 quality standard and the digestate/bio-fertiliser to PAS110 quality standard. Both digestate/bio-fertiliser and compost arising from the facility, having been treated in accordance with the Animal by Product Regulations, and meet the relevant quality protocol standard would be suitable for a variety of uses.
- 2.4.43 The compost is proposed to be used within the site for restoration requirements, commercial sales, on-site polytunnels and potentially provided to local schools and community groups. Commercial sales include sale for land restoration, soft landscaping and for domestic and/or local community initiatives.
- 2.4.44 The digestate/bio-fertiliser has a high nutrient content and can be spread directly or blended for local farmland as a direct replacement for other fertilisers.

2.4.45 Furthermore, as identified above, the facility would produce biogas which would be combusted in gas engines as described below.



**PROPOSED DEVELOPMENT OF A HEAT AND
MATERIAL RECOVERY FACILITY FOR
HORTICULTURAL USES VIA ANAEROBIC
DIGESTION WITH RENEWABLE POWER
GENERATION, POLYTUNNELS AND
ASSOCIATED INFRASTRUCTURE ON LAND AT
PACKINGTON LANDFILL SITE, LITTLE
PACKINGTON, WARWICKSHIRE**

ENVIRONMENTAL STATEMENT
Volume 4: Non-Technical Summary

December 2011

This document supports the planning application for the development of a heat and material recovery facility for horticultural uses via anaerobic digestion with renewable power generation, polytunnels and associated infrastructure. It has been prepared on behalf of SITA UK. The application has been co-ordinated by Axis with technical inputs from:

- SITA – Operations and Alternatives;
- Axis – Planning, Transport, Archaeology and Heritage, Surface Waters and Flood Risk;
- Bright & Associates – Architecture, Landscape and Visual and Arboriculture, Planning Application Drawings;
- Amec – Air Quality;
- Coldat Environmental Services – Air Quality and Odour;
- NVC Consultants – Noise;
- Argus – Ecology;
- Egniol – Surface Water Drainage.



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- 2.0 Scheme Description
- 3.0 Alternatives Considered
- 4.0 Summary of Effects

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Foreword

This Environmental Statement is submitted in support of a planning application by SITA UK for the development of a heat and material recovery facility for horticultural uses via anaerobic digestion with renewable power generation, polytunnels and associated infrastructure on land at Packington Landfill Site, Little Packington, Warwickshire. The Environmental Statement consists of the following documents:

- Volume One – The Environmental Statement – Main Report: contains a detailed project description, an evaluation of the current environment in the study area, the predicted environmental impacts and the mitigation measures designed into the project to alleviate or compensate for those impacts and a summary of the overall environmental effects. The document also contains illustrative figures, which are all referenced within the text.
- Volume Two – The Environmental Statement – Technical Appendices: contains detail of the methodology and information used in the assessment, detailed technical schedules and, where appropriate, raw data.
- Volume Three – The Environmental Statement – Technical Appendix: contains Appendix 7-1 Transport Assessment.
- Volume Four – The Environmental Statement – Non-Technical Summary: containing a brief description of the proposed development and a summary of the Environmental Statement, expressed in non-technical language.

Copies of these documents are available at a cost of £145 from SITA UK, Packington House, Packington Lane, Little Packington, Meriden, Coventry, Warwickshire, CV7 7HN (fao Michelle Spruth). Alternatively, the Non-Technical Summary can be purchased on its own from the same point of contact for £20. An electronic copy of this Environmental Statement Non-Technical Summary is also available to download at www.sita.co.uk/your-environment/ourplans free of charge. In addition, all planning application documentation, including the Environmental Statement can be downloaded from the Warwickshire County Council's website. An electronic CD copy of the full application including this Environmental Statement can be made available by SITA on request. Requests should be made to the above address, for the attention of Michelle Spruth, or via email michelle.spruth@sita.co.uk.

1.0 Introduction and Development Context

1.1 Introduction

- 1.1.1 This Environmental Statement (ES) accompanies the planning application made by SITA UK (hereafter referred to as SITA) for the development of a heat and material recovery facility for horticultural uses via anaerobic digestion with renewable power generation, polytunnels and associated infrastructure (hereafter referred to as the Packington Combined Heat and Power (CHP) facility) on land at Packington Landfill Site, Warwickshire.
- 1.1.2 The proposal includes by virtue of the Anaerobic Digestion AD facility energy recovery from waste material. This would involve the generation of both electricity for distribution to the local grid network and heat for use in the process and associated polytunnels. The facility would have a total generating capacity of 1.6 megawatts (MW) and 920 kilowatts heat (kWh).
- 1.1.3 In addition to the above the AD facility would also include a compost maturation area which would allow for the digestate from the AD process and collected green waste to be turned into a high quality compost and liquid fertiliser product.
- 1.1.4 It should be noted that the development is not intended to be permanent and is being proposed for a temporary period of 25 years.
- 1.1.5 The ES describes the proposal and provides an assessment of the likely environmental effects that may arise from the construction and operation of the Packington CHP facility.

1.2 The Proposal

- 1.2.1 The proposed Packington development comprises:
- A 50,000 tonnes per annum (tpa) combined Anaerobic Digestion (AD) facility;
 - 8,000sqm of polytunnels;

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- An education and visitors centre (to be located in the existing site office);
 - Re-location of the existing weighbridges and weighbridge office;
 - Modifications to the existing site access to allow for separation of vehicles required to visit the AD facility and public vehicles following the restoration of the landfill;
 - Upgrading of existing roadways within the site;
 - Earthworks and landscaping to assist the integration of the proposal into the site and surroundings and to encourage biodiversity;
 - Energy recovery from the AD facility through two CHP gas engines; and
 - Electrical connection to the grid (subject to separate consenting process).

1.3 The Site and Its Surroundings

1.3.1 Packington Landfill Site is one of the largest and most strategically located waste management facilities in the West Midlands region. Historically the site has accepted over one million tonnes of waste per annum; however this has reduced in recent years to circa 400,000tpa.

1.3.2 In terms of geographical context the site is located on the north-western edge of Warwickshire close to the urban fringe of Birmingham. Its immediate spatial surrounding includes a cluster of mature trees and Packington Lodge (SITA offices) to the north. Beyond which is a combination of agricultural land, woodland (including the Coleshill and Bannerley Pools Site of Special Scientific Interest - SSSI) and the M6 motorway. To the east of the facility is an existing workshop and associated concrete hardstanding (associated with the landfill site) and Packington Lane. Land beyond Packington Lane comprises of a combination of agricultural land and woodland. The eastern and southern flanks of the landfill site are located the south and west of the facility respectively.

1.3.3 The Packington CHP facility and associated polytunnels are proposed to be situated immediately adjacent to the north-eastern flank of the landfill site

near to Packington Lodge. In total, the application site would occupy circa 8.8 hectares (ha).

- 1.3.4 The site is remote from any sizable areas of residential development. The nearest residential property (Brook Farm) is located circa 700 metres (m) to the southeast of the proposed CHP facility. Other properties including Beam Ends (circa 750m) and Woodbine Cottage (circa 850m) are located to the southeast respectively (please note distances have been measured from the proposed location of the AD facility to receptor). However, due to intervening belts of trees and the landform created by the landfill there is limited inter-visibility between these receptors and the facility.
- 1.3.5 In terms of access, the site benefits from an existing junction off the A446 north-facing off-slip road/connection to the A452 Chester Road roundabout. As such, the site is also readily accessible from the strategic road network due to the convergence of the M6, M6 toll, M42, A45, A446 and A452 within the surrounding locality. The site does benefit from another access off Packington Lane. However, it is not proposed that this is used for operational vehicles but will be retained for access by staff and visitors.

1.4 The Applicant

- 1.4.1 SITA provides a wide range of waste management services to a number of local authorities throughout the United Kingdom as well as to commerce and industry. Every day, SITA provides a service to 12 million residents and 40,000 business customers, to help people reduce the impact of their waste on the environment. This has recently been communicated through the '*no more waste campaign*'. Through these efforts SITA has secured a position in the Sunday Times '*Best Green Companies*' top 60 league table.
- 1.4.2 In 2010, SITA managed more than eight million tonnes of waste through their network of recycling, composting, energy from waste and landfill facilities, recycling and recovering almost two million tonnes of this. In addition, SITA also generated almost one million megawatt hours of

electricity from landfill gas and energy from waste facilities (enough electricity to power circa 170,000 homes).

1.5 This Document

- 1.5.1 This document is the Non-Technical Summary (NTS) of the Environmental Statement, which has been prepared to accompany the planning application. It summarises the findings of an Environmental Impact Assessment (EIA) in non-technical language.

2.0 Description of the Development

2.1 Introduction

2.1.1 As identified in the introduction, the proposed facility is anticipated to recover biogas, compost and liquid fertiliser alongside heat and power from the treatment of circa 50,000tpa of municipal, industrial and commercial organic waste (such as: food and green waste) arising from the local service areas of North Warwickshire, Nuneaton and Bedworth, Coventry and Solihull.

2.1.2 The proposal comprises of the following main elements:

- An Anaerobic Digestion (AD) facility – for the treatment of organic waste (such as: food and green waste) to recover value from waste in the form of compost, fertiliser and biogas;
- Gas Engines – for the combustion of the biogas generated by the AD facility in order to recover renewable energy (i.e. electricity which can be exported to the National Grid and heat which would be used in the AD process, the proposed polytunnels and potentially for a range of other uses); and
- Polytunnels – to harness heat, compost and liquid fertiliser generated by the AD facility, to facilitate the production of local produce.

2.1.3 Each element of the proposed development has been described in detail below. Further detail is also provided on figures 1.2 – 1.6 of this document and in the Design and Access Statement and on the planning application drawings contained within Part 2 and Part 4 of this PAD respectively.

2.2 Phasing

2.2.1 It is anticipated that the proposed AD facility would be developed in two phases to ensure that the requirements of emerging municipal waste contracts can be met from the outset.

2.2.2 The first phase is anticipated to operate for a temporary period of six months. This would involve the construction of the proposed AD reception building and associated infrastructure to allow for the building to operate as a Waste Transfer Station (WTS), while the infrastructure associated with the other parts of the facility are constructed and commissioned. The detailed design of this building and operation is described in sub-section 2.3 below.

2.2.3 Phase two of the proposal relates to the construction, commissioning and operation of the AD facility. The detailed design and operation of this facility is described in sub-section 2.4 below.

2.2.4 As identified above, the site already benefits from a suitable access/egress and on-site infrastructure (i.e. weighbridge and site access) which would be retained and operate throughout both phases.

2.3 Waste Transfer Station (WTS)

Description

2.3.1 As identified above, the waste reception building for the AD facility would be operated temporarily (for circa six months) as a WTS. It would be 1,130m² in area and have a maximum height of 12.3m. The building would benefit from a similar design to an agricultural farm building and would be coloured olive green.

Method of Operation

2.3.2 Upon entry to the WTS, vehicles would manoeuvre and discharge material directly onto the floor of the building as directed by the site supervisor. Following the deposit of material, an articulated bulker would park in the building whilst material is loaded by either a front end loader or a wheeled grab vehicle. Once loaded the articulated bulker would leave the WTS and exit the site via the internal roadway and weighbridge.

2.3.3 Under normal operating circumstances all waste would be reloaded and taken away for final disposal within 72 hours, in line with appropriate legislation. However, in certain circumstances such as Bank Holidays or mechanical breakdown a maximum of 3 days of waste could potentially be stored in the WTS.

2.3.4 The WTS is proposed to operate on the following hours:

- Monday to Friday 0700 to 1800 hours;
- Saturday 0700 to 1400 hours*;

(*immediately following a public/bank holiday: deliveries will be required until 1800 on Saturdays in line with waste contract requirements.)

2.3.5 It is anticipated that there would be four full time employees associated with the operation of the WTS: one site attendant engaged in monitoring waste handling operations; one site manager/supervisor; one weighbridge operator/clerk and one front end loader operative.

2.4 The AD facility

Description

2.4.1 The AD facility would comprise of a series of structures and process equipment including: a reception and pre-treatment building, an odour control and chemical storage building, buffer tanks, two digesters, a post composting sifting and storage building, a press and pressate building, drying tunnels, a post digester tank with gas holder (and associated lightning protection) and associated interconnecting pipework. Each component of the proposed development has been described in greater detail below.

Reception and Pre-treatment Building

2.4.2 The external appearance of the reception and pre-treatment building would be the same as that described in connection with the WTS above.

Pre-digester Intermediate Buffer Tanks

- 2.4.3 A system of enclosed conveyors would deliver the material to one of two intermediate buffer tanks from the reception pre-treatment building. These tanks would each have a volume of circa 100m³. The tanks would be constructed from concrete the dimensions are 2.81m wide x 18.90m long and 4.0m high.

Digesters

- 2.4.4 The proposal includes two separate but identical digesters. Each digester would be constructed from reinforced concrete, the dimensions of which are 43.02m long x 8.10m wide and 8.46m high.

Press and Pressate Building

- 2.4.5 The press and pressate building would be 66m² in area and have a maximum height of 10.4m. It would be constructed from concrete and metal.

Composting Sifting and Maturation Building

- 2.4.6 The composting, sifting and maturation building it would be constructed of metal and be 502m² in area and have a maximum height of 10.68m.

Drying Tunnels

- 2.4.7 The compost drying tunnel building would be of a concrete construction and 1,114m² in area. The overall building height would be 6.44m.

Post Digester Tank/Gas Holder and Lightning Protection

- 2.4.8 In addition to the structures and buildings identified above, the facility would also include a tank with a volume of 900m³. This tank would be 5.7m high. A gas holder would be situated on top of the tank and would extend a

further 9.5m in height. The gas holder would have a storage capacity of 780m³ and would be finished in olive green. To ensure that the gas holder is suitably protected, it is proposed to install lightning protection around the holder. This protection will comprise of a series of free standing metal poles finished in olive green rising to a height of 17.2m from ground level with interconnecting wires.

Enclosed Conveyors and Pipework

- 2.4.9 To facilitate the movement of material between buildings, a series of enclosed conveyor belts are proposed. Biogas would be transported by a number of external pipes. Both the pipes and conveyors would be olive green in colour

Odour Control Plant and Chemical Storage Infrastructure

- 2.4.10 The odour control, chemical storage and dosing infrastructure would comprise of series of external pipework, tanks and odour control ventilation infrastructure. This infrastructure would be located between the reception building and the digesters as illustrated on Figure 1.2.
- 2.4.11 Chemicals would be stored within two tanks and surrounded by a concrete bund capable of accommodating 110% of the tanks total volume. Adjacent to these tanks would be the odour control plant. A ventilation discharge stack is required. The discharge stack would be 10.0m height.

Process Description

- 2.4.12 The AD process that is to be utilised at Packington can effectively be summarised as the conversion of organic (food and green) waste into biogas which can be used to generate electricity a compost and liquid fertiliser.

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- 2.4.13 Delivery vehicles would process into the reception building to deposit the organic waste; the doors would close automatically once the vehicle has entered the building.
- 2.4.14 Material would then go through a mechanical process to recover any metals from the waste (which can then be recycled) and ensure the remainder of organic material is of a suitable size to pass through the AD process.
- 2.4.15 The organic material would then be fed into one of the two digesters where it would be heated to a suitable temperature to encourage bacteria to break down the material. In so doing it produces methane rich biogas.
- 2.4.16 Biogas would be piped from the digester to a gas holder before being burned in combined heat and power gas engines to provide renewable electricity and heat. Some of the electricity generated would be used to power the AD facility with the remainder going to the local electrical grid. Some of the heat generated would be needed in the AD process and in the proposed polytunnels.
- 2.4.17 The waste material from the digesters would be transferred into a further mechanical system which extracts liquid to produce a solid waste that is referred to as 'digestate'. Some of the extracted liquid would be treated further to become high quality fertiliser product.
- 2.4.18 The solid digestate will be treated further in a compost/drying process. This would allow for the production of a high quality compost product.
- 2.4.19 Air would be drawn from all stages of the process into an odour control unit.

2.5 Polytunnels

- 2.5.1 The polytunnels would comprise of a series of long semicircular structures covered in clear plastic and supported through a series of metal hoops. The eight polytunnels would cover an area of circa 8,000sqm in total. Although the length of each polytunnel is slightly different, each polytunnel would be

9.30m wide and 3.80m high. At either end of the polytunnel would be double doors.

2.6 Site Office and Education Facility

2.6.1 The site office and education facility would be located within the existing site office. The overall appearance of this building would not change but, the interior of the building would be renovated to meet the needs of the office and educational needs.

2.7 Access and Egress Arrangements

2.7.1 All incoming operational vehicles associated with the facility would access the site from the existing landfill access junction off the A446 north-facing off-slip road/connection to the A452 Chester Road roundabout. Once within the site, vehicles would manoeuvre onto the existing weighbridges which are re-positioned as part of the proposals.

2.7.2 Vehicles would continue to the facility using an existing internal access road (that would be the subject of some improvement) before passing through a wheel wash and entering the reception building.

2.7.3 Once vehicles exit the reception building there would travel along a different existing internal access road in order to return the weighbridge where the same duty of care procedures would be undertaken. Once undertaken vehicles would exit onto the A446 slip road.

2.7.4 Access to the polytunnels would be achieved from the same route.

2.8 Drainage

2.8.1 In terms of other parts of the site, the proposal would not alter the existing foul and surface water drainage networks associated with the weighbridge and associated hardstanding or indeed the internal access roads. A detailed drainage assessment has confirmed that surface water arising from the AD

facility and associated polytunnels can be accommodated in the existing surface water attenuation system associated with the existing landfill.

2.9 Operating Hours

2.9.1 The AD facility would operate on a 24 hour basis, 7 days a week. However, deliveries to the facility would be restricted to between 0700 to 1800 hours (Monday to Friday) and 0700 to 1400 (Saturday) with no deliveries on Sunday (unless planned maintenance). However, Saturdays immediately following Bank holidays would require the deliveries to operate to 1800 to accord with contract requirements.

2.10 Employment

2.10.1 It is anticipated that there would be five full time members of staff with responsibility for the operation of the facility. This is likely to consist of:

- One site attendant engaged in monitoring waste handling operations;
- One site manager/supervisor;
- One weighbridge operator/clerk; and
- Two front end loader operatives.

2.11 Landscaping

2.11.1 As part of this application a series of landscape improvements are proposed. These are summarised below.

Screening Bunds

2.11.2 Figure 2.1 shows the location of the proposed screening bunds. Two screening bunds would be incorporated as part of the landscape treatment. One bund would be located along the eastern site boundary (circa 4.0m high). A second bund would be situated further along the southern boundary (circa 3.0m high).

2.11.3 The bunds would also be planted with native woodland species which would enhance their screening effect and add to the overall impression of a well wooded landscape. This is a particular characteristic of the area

Proposed Woodland Planting

2.11.4 A total of 9,875m² of woodland planting would be established as part of the proposed development. This translates to a 350% increase in planting on that which currently exists at the site. The Forestry Commission best practice guidance identifies a figure of 250%. Therefore the proposal exceeds typical practice guidance.

2.11.5 This would consist of native tree and shrub species to follow the Warwickshire, Coventry, and Solihull Local Biodiversity Action Plan which identifies Oak/Birch woodlands (on acidic soils) as the native stand. The areas proposed for woodland planting will follow a compatible species mix (with the percentages intended to allow greater dominance of Oak). Proportionally it will include 40% Oak, 25% Birch, 15% Rowan, 10% Hawthorn, 5% Holly, and 5% Guelder Rose. The areas are as follows (as illustrated on Figure 2.1):

- WB 1 = 2,200m²;
- WB 2 = 700m²;
- WB 3 = 675m²;
- WB 4 = 5,200m²; and
- WB 5 = 1,100m².

2.11.6 Mitigation measures that have been incorporated into the proposed development have been summarised below, with reference to the visual or landscape basis, or both.

Visual

- Formation of managed screening bunds at suitable locations (along sections of the eastern and southern boundaries). These will be planted with native tree species;
- Additional planting around the AD facility which includes areas of woodland adjacent to the reception and pre-treatment building;

- The layout of the proposed development takes into account the location of existing woodland and scrub trees within the site;
- The AD facility buildings will be clad in a dark green colour (or comprise pre-cast concrete sections);
- Retention and management of existing vegetation along sections of the eastern site boundary, in order to maintain and enhance their visual screening properties;
- A close board screening fence will run parallel to a section of woodland along the eastern boundary of the site.

Landscape

- Formation of the screening bunds established with native tree and shrub species, forming a wooded view from adjacent landscapes;
- The layout of the proposed development takes into account the location of existing woodland and scrub trees within the site;
- Location of the proposed development adjacent to permitted development. This will utilise the existing infrastructure, thereby minimising vehicle movements around the site. This will avoid the need for additional infrastructure in the existing landscape setting;
- The location of the proposed AD facility, which will be situated close to the curtilage of existing and proposed waste management facilities.

2.11.7 Figure 1.2 shows the landscape mitigation proposals, which encompasses landscape treatment and visual screening. These mitigation factors have been taken into account during the landscape and visual assessment process.

2.12 Energy Recovery

2.12.1 One of the major benefits of the Packington CHP facility would be the ability to recover energy from the anaerobic digestion of the waste by way of electricity and heat production. This energy is classified as renewable.

2.12.2 The proposed facility would have a total electrical generating capacity of 1.6MW of which a proportion would be used to power the CHP facility. In

addition, it would have a heat generation capacity of 920Kw a proportion of which would be used in the AD process and the polytunnels. The remainder would be available for export.

2.13 Construction Methods

- 2.13.1 The timing of the construction period would be dependent on the grant of planning permission for the proposed development and subsequent contract negotiations. However, the current programme of works is based on the assumption of a construction start date on August 2012
- 2.13.2 The construction period is anticipated to take approximately 63 weeks, this includes internal fit-out and commissioning of mechanical and electrical plant. The programmed date for the opening of the plant is in October 2013.
- 2.13.3 The main site works including site clearance, earthworks, foundations, drainage and erection and cladding of building frames is likely to occur within the first five months of the construction period.

Construction Environmental Management Plan (CEMP)

- 2.13.4 A CEMP would be developed for the project, the purpose of which would be to manage and report the environmental effects of the project during construction.
- 2.13.5 A CEMP for a project of this nature would typically cover the following key elements:
- Drainage, water and hydrology;
 - Dust, emissions and odour;
 - Health and safety management;
 - Waste management;
 - Traffic management;
 - Wildlife and natural features;
 - Cultural heritage; and
 - Contaminated material.

3.0 Alternatives Considered

3.1 Introduction

3.1.1 In the case of this proposal a number of alternatives have been considered. The following sub-sections provide a summary of:

- Alternative AD technologies;
- Alternative locations/sites; and
- Alternative design solutions.

3.2 Alternative AD Technologies

3.2.1 The proposed facility is anticipated to recover compost, liquid fertiliser alongside heat and power from the treatment of circa 50,000tpa of municipal, industrial and commercial organic waste (i.e. food and green waste). The types of technologies recognised as being the most appropriate to manage organic waste are in-vessel composting (IVC) or AD. The advantage of AD over IVC is that biogas collected from the digestion process can be combusted to produce renewable energy in the form of both heat and electricity. This process provides the opportunity to export this energy (i.e. to the local electricity network or local user).

3.2.2 There are various types of AD technologies currently available. In short these include:

- 'Wet' or 'Dry' AD facilities;
- Facilities using bacteria that live at temperatures of 35-40°C or facilities using bacteria that live at temperatures of 55-60°C; and
- Facilities which comprise of single stage or multi-stage processes.

3.2.3 These different technologies are outlined in greater detail below.

3.2.4 The main difference between 'wet' and 'dry' AD is that whilst the dry process treats all of the waste material, in the digester, the 'wet' process separates large amounts of impurities from the waste before it enters the digester. Whilst, the separation of impurities is beneficial, it also carries the

disadvantage that a large part of the organic biodegradable content is separated from the material and can not be used to generate biogas.

- 3.2.5 In the case of source segregated feedstock, the waste input stream usually contains paper, cardboard and green waste, which is collected jointly. As such, the 'wet' AD process would need to separate a large percentage of this material during the wet pre-treatment with the following consequences:
- Loss of biodegradable potential for biogas production; and
 - Additional waste stream to be landfilled which becomes even more problematic due to the fact the paper and cardboard increase in weight due to their treatment (addition of water) in the pulping stage.

- 3.2.6 In light of the above, SITA has elected to construct a 'dry' AD facility at Packington as the proposal has the following waste:
- It can handle a wide variety of organic loads;
 - It can accept both mixed and separated food and green waste;
 - The horizontal digester provides a large surface for biogas generation; and
 - It has the potential to operate at a variety of temperatures.

3.3 Alternative Locations/Sites

- 3.3.1 SITA commissioned Axis, to undertake a comprehensive Alternative Site Assessment (ASA) to inform the potential development of a combined 50,000tpa AD facility for the treatment of kitchen/food and green waste on land at the company's Packington Landfill Site, off Packington Lane, Warwickshire.
- 3.3.2 Packington Landfill Site has been within a waste management use for well over 40 years. The site principally comprises of a landfill with a range of temporary ancillary recycling and recovery facilities. These facilities include a Waste Wood Recycling facility, a Green Waste Composting facility, Landfill Gas Generation and a Leachate Treatment facility. In addition, the site also benefits from an allocation for the development of a MRF in the

extant Warwickshire Waste Local Plan (Saved Policy 13 - Materials Recycling Facility).

- 3.3.3 Whilst the site has a long history of waste management use, all of the planning permissions for built infrastructure have been temporary/time limited and/or tied to the life of the landfill site. The primary reason for the temporary nature of built infrastructure is that it is situated in the West Midlands Green Belt. This factor means that it is an important planning consideration, in any application for built development, to demonstrate that there are no suitable non-Green Belt alternative sites or preferable sites within the Green Belt. Consequently the purpose of the ASA was to establish whether any such site (or sites) exist.
- 3.3.4 The two variables which were fixed at the outset of the ASA were the geographical extent of the study area and the minimum site size threshold that is necessary to deliver the development. The area of search was limited to the administrative boundaries of North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Coventry City Council, and Solihull Metropolitan Borough Council. This is due to SITA indicating that the primary purpose of the AD facility would be to manage organic municipal and C&I green/food waste arisings within the aforementioned administrative areas and that it is their intention to tender for the relevant municipal waste management contracts within these areas.
- 3.3.5 The minimum site size threshold to deliver the development was found to be 4.77ha which includes a minimum buffer of 50m around the facility to reduced the effects of bioaerosols and odour on sensitive receptors (taking Environment Agency (EA) and Department for Environment, Food and Rural Affairs (Defra) odour guidance and existing examples of composting sites in a similar proximity to sensitive receptors).
- 3.3.6 The ASA was carried out in three stages. Stage 1 involved site identification of an initial 'long list' of 217 potential sites using a desk based assessment. Of the 217 sites only 27 were available and met the minimum site size criteria (these formed the shortlist of sites). The identified short listed sites

were assessed against a number of high-level assessment criteria considered critical to the development of an AD facility. The high level assessment criteria comprises:

- Is there sufficient land available and does the land meet the minimum site size criterion of 4.77 hectares?
- Is the site covered by any insuperable environmental constraints?
- Does the site at risk of flooding?
- Is there an obvious fundamental and irresolvable problem in accessing the site in an acceptable manner?
- Is the site the subject of any identifiable planning policy/land use constraints?

3.3.7 The application of the aforementioned criteria lead to 10 sites being discounted and 17 sites being carried forward to Stage 2.

3.3.8 Stage 2 of the assessment involved a combination of desk-based appraisal and site visits in order to assess the potential development opportunities for an AD facility at a particular site against a number of criteria. Based upon the results of the Stage 2 'evaluation', sites were ranked in terms of their overall suitability. The ranking has been based upon the following categorisations:

- Category 1: Sites Strongly Suitable;
- Category 2: Sites with some Identified Constraints;
- Category 3: Sites with Significant Constraints; and
- Category 4: Sites Not Suitable.

3.3.9 The further desk-top assessment resulted in 5 of the 17 Stage 2 sites being discounted. Each of the remaining 12 sites were visited by members of the project team. It was established during the site visits, and to an extent further desk top analysis, that site reference 22 (Baddersley Colliery) effectively comprised two sites, one associated with the former colliery workings and the other benefiting from planning permission for permanent waste management development. For the avoidance of doubt this resulted in 13 sites being the subject of detailed assessment (i.e. the 12 sites carried forward plus the additional site at Baddersley Colliery).

3.3.10 Following Stage 2 of the assessment three 'Category 2' sites and, eight 'Category 3' sites and 2 'Category 4' sites were identified. The category 4 sites were not suitable and were dismissed leaving 11 potentially suitable sites.

3.3.11 The final stage, Stage 3, of the assessment involved a detailed review of the commercial availability of these remaining sites based on detailed discussions with landowners/commercial agents. The commercial availability assessment resulted in 10 of the 11 remaining sites being discounted. The only site remaining commercially available was at Packington Landfill Site.

3.4 Alternative Design Solutions

3.4.1 During the preparation of this proposal and planning application a range of alternative designs were considered. Alternative design options that have been considered are outlined below.

3.4.2 Due to the range of AD technologies currently available the scale, amount of built development and layout varies (i.e. some technologies require the construction of large vertical digesters and a number of large digestate storage tanks).

3.4.3 Following detailed consideration of the site and its surroundings, the present design was adopted. This design was chosen due on the basis that:

- It is smaller in height, scale and massing when compared to other designs provided by a range of different technology providers. Therefore the overall facility would be compact and functional and its visual appearance (i.e. scale and mass) has been limited as far as possible;
- It would allow the use of a horizontal digester rather than more obtrusive vertical digesters which not only has significant operational benefits but also allows the scale and massing to be reduced;
- It would involve the use of existing internal roads for access and egress and the use of the existing landfill weighbridges thus reducing the need to use finite resources for the construction of infrastructure;

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- Its compact nature would mean that the proposal would not result in the removal of existing trees around the plant. It would actually allow significant tree planting to be accommodated into the design; and
 - In order to limit the number of receptors that could view the facility from the surrounding environment.

3.4.4 Based upon the above, the current scheme is considered to constitute the most preferable option in terms of technology, location and design.

4.0 Summary of Effects

4.1 Introduction

4.1.1 The assessment presented within the Environmental Statement (ES) have been undertaken to establish the likely environmental effects that may arise from the construction and operation of the proposed Packington CHP facility. The outcome of each of the assessments within the ES is summarised below.

4.2 Traffic and Transportation

4.2.1 The assessment relies upon the findings of the formal Transport Assessment (TA) that has been submitted in support of the planning application. The TA sets out the detailed appraisal of highway network operational impact in terms of link capacities, junction capacities and delay.

4.2.2 The potential highways and transport related environmental impact of the operation of the proposal has been assessed via reference to the methodology set out in the Institute of Environmental Assessment (IES) document "*Guidelines for the Environmental Assessment of Road Traffic*".

Operational Impact

4.2.3 The assessment indicates that the site access junction would operate with spare capacity and that overall changes in demand on the immediate sections of the highway network as a result of the proposal scheme would be less than 5% of baseline Do-Nothing conditions. It is not considered that such effects would result in any material day to day residual operational impacts on the highway network.

4.2.4 There is no evidence of any material local road safety hazards that would call the development into question. No local network safety or capacity improvements are considered necessary to accommodate the proposed development traffic demand.

Construction Impacts

- 4.2.5 Traffic impacts associated with the construction of the site would be temporary in nature and would likely vary over the course of the construction period dependent upon the nature of activities taking place.
- 4.2.6 It is proposed that a Construction Traffic Management Plan (CTMP) should be prepared (under the control of a planning condition), to ensure that the best available techniques necessary to minimise/mitigate adverse effects be adopted during the construction phase. This could include vehicle deliveries avoiding traditional rush hour periods and on-site measures to limit typical construction traffic impacts such as dust and noise.

4.3 Landscape and Visual Assessment

- 4.3.1 The methodology used to carry out the assessment is based upon that set out in the Guidelines for Landscape and Visual Impact Assessment.
- 4.3.2 The site is situated in an urban fringe location within the West Midlands Green Belt at the western edge of Solihull. The Green Belt is not free from development but includes transport infrastructure, notably the M6, power lines, recreational uses, small pockets of housing and the existing waste management facilities at Packington Landfill Site.
- 4.3.3 The significance of effects upon the landscape fabric and landscape character has been assessed and the visual impact of the proposal upon seven viewpoint receptors. No representative receptors (e.g. residential properties) were identified due to the location of the site and its context.
- 4.3.4 The landscape scheme included within the proposals provides both mitigation of the landscape and visual effects of the scheme and a wider enhancement of the local landscape (including habitat value). Prevention of landscape and visual effects would be achieved in a number of ways. Primarily an extensive landscape scheme would be implemented with particular emphasis on providing screening on bunds to the south and east

of the Polytunnels. Extensive areas of tree planting to the north and east of the main developed area would also be provided to break up views of the proposed development and to help ground the development with the surrounding landscape.

Operational Impacts

4.3.5 It is not anticipated that there would be any significant effects upon the landscape character as a result of the proposals. The proposed implementation of a new landscape scheme would accord with the requirements of the landscape character assessment and the magnitude of change to the landscape has been assessed as negligible. Thus the effects upon landscape character would not be significant in EIA terms.

4.3.6 With regard to visual effects, of the seven viewpoints considered, three were assessed as experiencing a negligible significance of impact, three were assessed as experiencing a minor significance of effect and one receptor has a moderate significance of effect. Accordingly, the visual effects of the development would not be significant. In this context it must also be noted that as a result of the landscaping that is to be implemented at the site the visual impact of the development would reduce significantly as vegetation matures.

4.3.7 The assessment also concludes that the proposed development would not materially affect the visual amenities of the Green Belt.

4.4 Ecology and Nature Conservation

4.4.1 The impact assessment follows the methodology set out by the Institute of Ecology and Environmental Management.

Operational and Construction Impacts

4.4.2 The assessment has identified a number of ecological interest features on site, of which great crested newts and foraging bats utilising the woodland

habitats to the north-west of the site are most important in both legislative and nature conservation terms.

- 4.4.3 There is evidence to suggest that the woodland to the north of the site is terrestrial habitat used by great crested newts.
- 4.4.4 There is also evidence that this part of the site may be important for the maintenance of a small population of common pipistrelle bats in the local area.
- 4.4.5 The construction and operation of the AD facility would be achieved in compliance with protected species legislation. The development would maintain the favourable conservation status of the protected and priority species identified on site.
- 4.4.6 A careful assessment of air quality impacts has demonstrated that the development can proceed without a likely significant effect on European conservation sites. This has been determined both by dispersion modelling reported in the Air Quality Assessment, and by assessment of the ecological status and sensitivity of the most vulnerable habitats.
- 4.4.7 Some uncertainty does remain about two specific areas of Coleshill & Bannerley Pools SSSI, and River Blythe SSSI, for which a programme of air quality monitoring has been recommended. The main reason for the uncertainty is that the only baseline air quality data is for a 5km grid square which contains a number of motorways and other strategic routes. It is understood that these wider figures present artificially high baseline figures for the SSSI's and the on-site monitoring will accurately define this and confirm that there would be no adverse impacts upon the identified receptors as result of the operation of the development.
- 4.4.8 Ecological mitigation and enhancement proposals are designed to create and enhance habitats across the site, and are targeted towards achieving real benefits in habitat quality for key elements of the site's fauna. This also recognises how the development relates to the wider landscape in terms of

species movement, maximising the likelihood of habitat utilisation. In this way, the probability of a net positive biodiversity benefit is increased.

4.5 Surface Waters and Flood Risk

4.5.1 The assessment has been based upon the information gathered from:

- The Environment Agency (EA) Flood Zone and Groundwater Mapping;
- Ordnance Survey Mapping and a site specific topographical survey;
- Packington Installation Setting Installation Design (ISID);
- Packington Monitoring Management Plan;
- Packington Landfill Site Surface Water Management Plan;.

4.5.2 An assessment has also been undertaken of the surface water run off generated by the development and the potential effects of surface water run off from the development. This includes an indicative surface water drainage design.

Operational Impacts

4.5.3 The application site does not lie within an identified area of flood plain and the risks posed to the proposal from river flooding are negligible.

4.5.4 A new drainage system would be provided to ensure that surface water run-off resulting from the proposal would be managed to ensure that it does not give rise to flooding off-site.

4.5.5 Appropriately designed storage areas for fuels, chemicals and oils, alongside the provision of pollution control infrastructure within the surface water drainage system would ensure that the proposed development does not affect the water quality of the surrounding area.

Construction Impacts

4.5.6 No significant construction impacts relating to flooding have been identified. Standard best practice construction methods would be implemented at the

site to protect water quality. These would be documented in the CEMP and would include measures such as storage of fuel, oils and chemicals in bunded areas and use of settlement lagoons.

4.6 Noise and Vibration

4.6.1 A summary of background noise in the local area was undertaken to establish the levels of noise currently experienced by local residents and other sensitive receptors. The assessment referenced noise guidance and national standards to determine the potential noise impact from the proposal. Noise impacts from both the plant operations and vehicle movements have been assessed.

Construction Impacts

4.6.2 During the construction phase of the development, the highest noise levels are likely to occur at the start and end of the construction period during soil movement and building construction. Measures would be employed to control the noise being generated. The assessment concludes that there would be a negligible effect likely to occur and thus no significant effects in EIA terms are deemed likely to occur.

Operational Impact

4.6.3 Operational noise impacts would be mitigated through the appropriate design of the plant and associated buildings. Taking these measures into account the residual impact from noise is deemed to have a negligible effect or at worst a slight effect on noise levels during the daytime period at the nearest residential dwellings. During night-time, it is concluded that noise from the proposal would be negligible.

4.6.4 There would be no significant impact on noise levels at receptors expected as a result of vehicle movements to and from the site. As such, vehicle movements have been deemed to have a neutral effect.

4.6.5 In light of the above, it can be concluded that the operation of the CHP facility would not result in any significant noise impacts.

4.7 Air Quality, Dust and Odour

4.7.1 The assessment has identified that the operation of the facility would give rise to a number of substances that would be emitted into the air. As a result, the potential environmental effects of these emissions have been assessed using a detailed air quality model. The results have been assessed against relevant air quality objectives and national guidance including Environment Agency guidance.

Construction Impacts

4.7.2 Following the employment of appropriate environmental management controls that are routinely and successfully applied throughout the UK, negligible effects are anticipated due to the size of the proposed development and its distance from potentially sensitive receptors.

4.7.3 The nearest potentially sensitive residential receptor is located some 750m from the AD facility. Consequently, given effective management and good housekeeping, it is expected that construction of the proposed AD facility will not impact on local air quality or amenity.

4.7.4 The impacts of plant operating on the site and construction vehicles entering and leaving the Site would be negligible in the context of local background concentrations and existing adjacent road traffic emissions.

Operational Impacts

4.7.5 The impacts of vehicles entering and leaving the site would be negligible in the context of local background concentrations and existing adjacent road traffic emissions.

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- 4.7.6 The assessment is conservative in terms of the site operational scenario, hours of operation and the year of meteorological data assessed and therefore the assessment represents worst case emissions scenarios.
- 4.7.7 Detailed modelling has been undertaken to predict the potential air quality impacts due to emissions from the combustion of biogas in a pair of spark ignition engines in the CHP engines
- 4.7.8 The assessment indicates that predicted environmental concentrations of key pollutants emitted by the combustion plant are below the appropriate standard/guideline value at all local human inhabited areas.
- 4.7.9 The impact of existing and proposed development on local sensitive ecological receptors (where background concentrations already exceed the AQS), are discussed in sub-section 4.4.
- 4.7.10 While the ecological assessment has demonstrated that the development can proceed without a likely significant effect, given worst case predicted impacts and the ecological status and sensitivity of the most vulnerable habitats, some uncertainty remains regarding specific areas of Bannerley Pool, and the River Blythe SSSIs, for which a programme of air quality monitoring has been recommended.
- 4.7.11 In terms of odour, complex modelling indicates that the maximum level of odour would be well below the stringent EA thresholds. Consequently, the impact of odour emissions from the proposed development.
- 4.7.12 Consequently, the operation of the AD facility would not impact on local air quality standards or amenity.

4.8 Archaeology and Cultural Heritage

- 4.8.1 The effect of the proposal on archaeological and cultural heritage features has established that the proposal would not affect the setting of Scheduled Monuments, Listed Buildings, Conservation Areas and Historic Parks and

Gardens. Furthermore due to a combination of the landscape features, natural topography and the landform associated with the existing landfill site there is no clear intervisibility between archaeological and heritage features and the site. In addition, it is also confirmed that the overall archaeological potential of the site is 'low'.

4.9 Summary

- 4.9.1 In considering the results of the ES, it can be concluded that the proposal would not give rise to any significant environmental effects.

Table 5.3 - Site Ranking (Pre-Commercial Availability Assessment)

| Rank | Site Ref | Site Location |
|-----------------------|----------|--|
| Category Two | | |
| 1 | 28 | Baddesley Colliery, Baxterley (Land benefiting from Planning Permission for Waste Management Facilities) |
| 2 | 4 | Hams Hall, Hams Hall Industrial Park/Estate, Colleshill |
| 3 | 5 | Birch Coppice Business Park – Phase Two, Danny Morson Way (off the A5), Dordon |
| Category Three | | |
| 4 | 18 | New Century Business Park, Brindle Avenue/Bourne Avenue |
| 5 | 20 | Browns Lane (former Jaguar Plant), Browns Lane/Coundon Wedge Drive, Nr Hawkes End |
| 6 | 16 | Former Arden Brickworks, Off the A45 Coventry Road, Bickenhill |
| 7 | 8 | Packington Landfill Site, Little Packington |
| 9 | 10 | Jee's & Boon's Quarry (Otherwise known as Hartshill Quarry), Nuneaton Road, Hartshill |
| 9 | 17 | Meriden Quarry, off Cornets End Lane, Meriden |
| 10 | 22 | Baddesley Colliery, Baxterley |
| 11 | 24 | Land to the East of the existing EfW Coventry, Bar Road/London Road, Coventry |

Agenda Item No 5

Planning and Development Board

13 February 2012

**Report of the
Head of Development Control**

**Corporate Plan 2011 – 12
Key Actions**

1 Summary

- 1.1 This report outlines how the three key actions set out in the Corporate Plan for this year in respect of the Development Control service have been taken forward.

Recommendation to the Board

That the Board note the report and be invited to make any observations.

2 Background

- 2.1 The 2011/12 Corporate Plan sets out three main actions for the Development Control service – to move towards the management of new development rather than its strict control; to ensure that only appropriate development is permitted within the Green Belt, and to ensure high quality of design in all new developments. Each of these will now be described.

3 The Management of Development

- 3.1 Managing development is looking at new development proposals as an opportunity to deliver the Council's priorities and objectives. It treats the whole development process from writing the policy; shaping the proposals, determining the application and implementing the development as one continuous line. There should thus be no surprises, delays or other impediments arising as the development is formulated, shaped and delivered.
- 3.2 The Council's planning priorities and objectives will be set out in the Core Strategy, but they will also involve spatial consequences arising particularly from the main themes of the Sustainable Community Strategy. In other words they may not all be planning policy led. For instance whilst there will always be planning led objectives -such as more houses in the right place – there will be others that have a spatial element, and the planning process can help deliver some of these. For instance improving health and reducing obesity can be helped through open space and recreation provision, new cycle routes and footpath connections; life-long learning objectives can be helped through providing access to training facilities, increasing the range of employment

options, and improving access to facilities can involve community use of private facilities and in making wider use of existing and new facilities – eg. Community libraries, hubs and the extended schools programme.

- 3.3 This approach is already happening as we shift the focus of how we deal with new development, away from the often rigid control and associated prescription, to how we can best “manage” the proposal to achieve a better and wider outcome. In other words, rather than just reacting to and waiting for applications to be submitted, we actively invite and promote new applications through enabling policies in the Core Strategy and see how we can then add value to those proposals once owners and developers take up that opportunity. There will always be times when we have to react to proposals. But development management is not about approving all applications. Development proposals should still be refused if that is inappropriate, if they fail to meet the Council’s objectives or are of poor quality.
- 3.4 Development management is much easier to deal with if proposals are large and recognised as part of the strategic allocations within a Development Plan Document. However we can still translate this approach to much smaller and more local level schemes particularly where there are specific issues, themes or when smaller sites that come forward independently from these Documents. The main concern is how to manage new development for the benefit of the whole community, so as to treat the development as part of that place, not as an isolated site.
- 3.5 A whole series of examples can illustrate how the Board is tackling this approach. The most obvious ones are where Section 106 Agreements have been negotiated. The majority relate to the provision of affordable housing and have seen such housing delivered on site. More recently there has been a greater emphasis on off-site contributions in lieu of on site provision. These will enable the Council to provide affordable provision in some of the smaller settlements where housing proposals are not necessarily coming forward through the market, and to assist in developing the Council’s own land in settlements too. Agreements too have been used to tackle some other Corporate Plan policies – the contributions that are going towards enabling local people to take employment opportunities coming up close to where they live; apply for additional training and providing the links to those employment sites. Contributions have also been supporting bespoke transport provision to employment sites where no public provision exists. Agreements too have been used to enable contributions towards implementing the Councils Green Spaces Strategy either through enhancement of existing provision or through new provision and also to assist in the implementation of Parish Plan proposals for recreation and community uses. Joint and educational use of private recreation facilities has also been introduced where appropriate. More recently an Agreement has been drawn up to enable a Conservation Area Appraisal to be commissioned with a view to designating such a Area.
- 3.6 Development Management is not all about Section 106 Agreements and negotiating contributions to fulfil Corporate Plan or Community Plan objectives. The other two action areas identified above are equally important

and will be referred to later in this report. Without those two actions much of the development approach could not be sustained. There have also been other noticeable cases where support for local community services or for local economic development enterprise has outweighed planning policy objectives such as unsustainable locations or lack of public transport. The balance has therefore gone towards other objectives and priorities where appropriate, so that new development proposals are “managed” in a wider perspective rather than being controlled solely through a prescriptive planning policy. At a householder level too, Members have interpreted the 30% guidance for an extension to a house, dependant upon its setting and context, as well as whether the proposed design represents an overall improvement over an existing design- ie. the removal of a flat roof for a pitched one. These are all examples of managing development as opposed to controlling it.

- 3.7 One of the aspects of development management that is becoming far more noticeable is the greater involvement of the community and Members in pre-application discussions. The new Localism Act has a clause whereby in certain circumstances this is now to be a statutory requirement by applicants. Members will know that some developers are already doing this within the Borough and officers have been recommending such involvement wherever possible. Presentations to Members have also been made during the last twelve months in respect of a number of large development proposals and this is likely to continue. There is certainly more scope for this, as well as active involvement in the formative stages of proposals.
- 3.8 The introduction to this section referred to development management being a single process from policy inception to development implementation. The involvement of the LDF Sub-Committee in looking at the draft Core Strategy and the recent involvement of the Development Control service with the Forward Planning Team in exploring those same draft policies and advising on how they might actually be used by planning officers in practice, has been invaluable in aiming to get the “right” policies in place right at the beginning of the process. It also has to be said that development management has to involve the enforcement of planning legislation as an equal part of that whole process. The enforcement of breaches of planning control when expedient, supports the Development Plan, supports the Council’s priorities and enables strong and effective messages to be sent out in respect of the Council’s preparedness to tackle breaches when they impact on those priorities. The Board is fully aware through its monthly reports as well as the Annual Performance Report of the scope of the current enforcement service and the successful outcomes that are being sustained.

4 High Quality Design

- 4.1 The Council has Design Champions, and their involvement was endorsed this year. They have been active in assisting the final outcome of applications through improving overall design. Particularly there has been a “step change” in the quality of the Council’s new housing as well as that of our partner Registered Social Landlords. Now that these are complete they can be and are being used as exemplars. The Champions are often involved in individual

cases too and have offered advice and guidance on all kinds of buildings from commercial to Listed Buildings. Indeed that involvement has not precluded support for contemporary design when appropriate.

- 4.2 Also during the year the Council has adopted Design Guides and site Briefs for commercial sites as well as sites in the Atherstone Conservation Area. There is an outstanding commitment to prepare such guides for the main sites to be allocated for new development within forthcoming Development Plan Documents, and the current Residential Design Guide is to be refreshed after serving an invaluable role over the past ten years or so in improving the design of new householder development. The advent of Neighbourhood Planning and potentially settlement Design Guides will all add to the means of lifting overall design advice and guidance available to developers and land owners.
- 4.3 The Board has undertaken a series of post-development site visits in order to view sites when completed so as to see if the design expectations seen on paper have been transferred onto the ground. Members have welcomed this as it helps to visualise plans on drawings and to see the impact of its decisions and of its advice and guidance. These visits are to continue.

5 Green Belt

- 5.1 The role of the Green Belt in safeguarding open countryside; retaining openness, preventing the expansion of urban areas as well as providing recreational uses has been fundamental in the planning policy of the Borough. This is reflected in the Local Plan, the draft Core Strategy and in the Council's own priorities. Appropriate development has been permitted within the Green Belt and Members are aware of the criteria that are used in the determination of such proposals as they are identified and explored through Board reports. For instance, the impact on openness; the need to ensure only proportionate extensions, the need to only have essential and not desirable development and that development should be small in scale. Where inappropriate development is permitted, the relevant planning circumstances are all identified and weight attached to them to see if they amount to sufficient reason to become the very special circumstances necessary of override the presumption of refusal. Written reports help the Board in these cases and written justifications are set out on all Notices. The majority of cases where new development has been allowed is either through conversion of existing of buildings, but particularly noticeable has been the "exchange" of inappropriate and non-conforming development with more appropriate development such that there has been an identifiable environmental and often a highway benefit. Cases will continue to come forward.
- 5.2 One of the Member training sessions to be held this summer will be devoted to the application of Green Belt policy.

6 Conclusion

6.1 This report tries to summarise the work completed by the Board in the last twelve months not by looking at it in terms of targets or its efficacy of performance, but through the actual decision making process and the resolution of the outcomes. There is much to reward in that year and that has been achieved through seeing development as a complete process and then managing it so as to better add value and so as to “mould” that development to achieve a far better outcome and one that meets all of the Council’s Corporate and Community objectives rather than being solely seen a single planning decision. The cumulative impact of the Board’s decisions and direction it is giving to the service, is meeting its overall Corporate Plan actions.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 These actions have all been able to take place within existing budgets.

7.2 Equalities and Human Rights

7.2.1 The decisions on planning applications and an assessment of the weights to be given to competing policies are made explicit in Board reports such that those decisions are taken in a transparent, reasonable and proportionate manner.

7.3 Environment and Sustainability

7.3.1 These actions go to the heart of the environmental and sustainability objectives of the Council’s priorities.

7.4 Links to Council Priorities

7.4.1 These actions help to deliver Council priorities relating to the environment; economic development and access to facilities.

The Contact Officer for this report is Jeff Brown (719210).

Background Papers

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

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

Agenda Item No 6

Planning and Development Board

13 February 2012

Report of the
Head of Development Control

Liberalising the Regime for Flying
Flags

1 Summary

- 1.1 The Government has published a discussion paper on removing the need to obtain Advertisement Consent from the Local Planning Authority in order to fly a wider range of flags than at present.

Recommendation to the Board

That the Paper be noted but that no reply is made.

2 Background

- 2.1 The Government wants to streamline the planning regulations that apply to flag-flying and this new discussion paper sets out proposals to do so by removing the need to first seek Advertisement Consent from the Local Planning Authority. The Government says that it wishes to preserve and encourage “valued flag flying traditions”.
- 2.2 At present, some flags can be flown without having to first seek consent – national flags, county flags and those of the Commonwealth, United Nations and the European Union. Other flags, particularly “house” and “sales” flags of a Company occupying a building can do so without consent provided that they meet certain specified conditions – they must be flown from a single vertical flagstaff on the roof of a building and have no character or symbol greater than 0.75 metres. House Builders can also fly flags without consent on their building sites.

3 Proposals

- 3.1 It is proposed to expand the type of flag that can be flown without first seeking Consent.
- 3.2 Flags that would become wholly exempt would be widened to include those of Crown Dependencies, British Overseas Territories, International Organisations of which the UK is a Member (eg. NATO), the flag of an historic UK region, county, city, parish, town or village, Australian States, Heraldic Arms and Ensigns. Those that could be flown without consent, but subject to

conditions would be extended to include the rainbow “Pride” flag; official Environmental Award Schemes and Sports Clubs.

3.3 The conditions referred to above would also be relaxed so as to include flag staffs projecting from a building; no more than two flags from any building, and removal of the size of any lettering or symbols. It is noteworthy that these proposed alterations only relate to flags flown from poles on buildings. Free-standing flag poles would still require consent.

3.4 All of the existing controls would remain in Conservation Areas.

4 **Observations**

4.1 It is not considered that the proposals as set out here would have a material impact in North Warwickshire as many of the flags that are flown are on industrial and commercial premises located on existing industrial estates. Other recreational and leisure facilities fly flags too. However the need to apply for free standing flag poles and the added protection of Conservation Area status and Listed Building Consents still give protection in terms of more environmentally sensitive areas. As such there is not considered to be a need to make any comments on the proposals.

5 **Report Implications**

5.1 **Financial Implications**

5.1.1 There would be a small reduction in fee income if fewer applications were needed, but the fees are small and applications now are very few in number.

5.2 **Links to the Council’s Priorities**

5.2.1 The proposals retain protection for the more sensitive areas of the Borough whilst potentially assisting in promoting economic growth.

The Contact Officer for this report is Jeff Brown (719210).

Background Papers

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

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|---|-----------------------------------|-------------|
| 1 | DCLG Liberalising the Regime for Flying Flags | Discussion Paper | Dec 2011 |

Agenda Item No 7

Planning and Development Board

13 February 2012

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2012

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2011.

Recommendation to the Board

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

2 Consultation

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

3 Background

- 3.1 This report shows the third quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2011/12. This is the third report showing the progress achieved so far during 2011/12.

4 Progress achieved during 2011/12

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to December 2011/12 for the Planning and Development Board.

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

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

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

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

- 4.3 Members should note that the performance updates and reports have been prepared using a Performance Plus performance management system. The Council has obtained access to the system via an agreement with

Warwickshire County Council. In terms of the Council's performance management framework the access to the system has been set up based upon our existing approach. The system calculates the traffic light indicator status for the performance indicators based upon the performance achieved compared to the target. For example the results for processing of planning applications shown for NI 157 a, b and c are all currently below the target level aimed for. The indicator status is therefore showing red for all the indicators in this case. The status for the Corporate Plan actions are inputted by the relevant reporting officer based upon an assessment of the progress made to date.

4.4 The performance plus system uses the red, amber and green status indicators and shows these using a red triangle, orange circle and green star as shown above at paragraph 4.2. The direction of travel indicators are calculated by comparing the level of performance achieved and the change in performance, if any, from the previous quarter. An upward arrow is an improving position and a downward arrow is a worsening position. A level arrow is indicating a consistent level of performance.

5 Performance Indicators

5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.

5.2 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2011/12.

6 Overall Performance

6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 33% of the performance indicator targets are currently being achieved. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

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

Performance Indicators

| Status | Year End Number | Percentage |
|--------|-----------------|------------|
| Green | 1 | 33% |
| Amber | 0 | 0% |
| Red | 2 | 67% |
| Total | 3 | 100% |

7 Summary

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

8 Report Implications

8.1 Safer Communities Implications

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

8.2 Legal and Human Rights Implications

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

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

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

8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to local employment, environment, countryside and heritage and housing.



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







Background Papers

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

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

| NWCP Planning Board 11/12 | | | | | | | |
|---------------------------|---|--------------------------|-------------------|------------|--|--------|-----------|
| | Action | Priority | Reporting Officer | Due Date | Update | Status | Direction |
| NWCP 004 11/12 | To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities | Countryside and Heritage | Barratt, Dorothy | 31/03/2012 | Draft Core Strategy is out for consultation until 12th January 2012. It is intended to report any representations back to Board in the Spring. | ★ | ➡ |
| NWCP 012 11/12 | To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012 | Countryside and Heritage | Brown, Jeff | 31/03/2012 | Will report in March 2012 | ★ | ➡ |
| NWCP 013 11/12 | Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012 | Countryside and Heritage | Brown, Jeff | 31/03/2012 | Will report in March 2012 | ★ | ➡ |
| NWCP 014 11/12 | Continue to use the Design Champion to ensure the best achievable designs are implemented in development. To report on the role of the Design Champion by March 2012 | Countryside and Heritage | Brown, Jeff | 31/03/2012 | Will report March 2012 | ★ | ➡ |

| | Action | Priority | Reporting Officer | Due Date | Update | Status | Direction |
|-------------------|--|------------------|-------------------|------------|--|---|---|
| NWCP 051 11/12 | To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people | Local Employment | Maxey, Steve | 31/03/2012 | A series of procurement exercises will be undertaken on this. Proposals are currently being prepared through a partnership group titled North Warwickshire Works. The first will be aimed at Younger People. Bids are proposed to be evaluated by Catherine Marks Warwickshire County Council , Steve Maxey NWBC and a representative from Job Centre Plus. The evaluation will be endorsed by the North Warwickshire Community Partnership task and finish group for this |  |  |

| NWPI Planning Board 11/12 | | | | | | | | |
|---------------------------|---|---------------------|------------------------|-----------------|-------------|---|---|---|
| Ref | Description | Section | Priority | Year End Target | Performance | Traffic Light | Direction of Travel | Comments |
| @NW:NI157a | Percentage of major planning applications dealt with in a timely manner | Development Control | Countryside & Heritage | 60 | 61.54 |  |  | Improving but waiting for Section 106's will always be an issue |
| @NW:NI157b | Percentage of minor planning applications dealt with in a timely manner | Development Control | Countryside & Heritage | 85 | 73.17 |  |  | Remaining Stable |
| @NW:NI157c | Percentage of 'other' planning applications dealt with in a timely manner | Development Control | Countryside & Heritage | 95 | 78.74 |  |  | Likely to improve by year end |