

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

19 July 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, Davis, L Dirveiks, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet and Winter.

Apologies for absence were received from Councillors Jenkins and Wykes.

Councillors Hayfield, Lewis, Phillips and Smith were also in attendance. With the consent of the Chairman, Councillors Hayfield and Phillips spoke on Minute No 16 Planning Applications (Application No 2010/0102 - Land to the south east of Birch Coppice Business Park, Dordon).

14 **Declarations of Personal or Prejudicial Interests**

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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

In respect of Application No 2010/0267 (95 Witherley Road, Atherstone – Mr Richard Freer) the personal interest from all Members was noted.

15 **Budgetary Control Report 2010/2011 Period Ended 30 June 2010**

The Assistant Director (Finance and Personnel) reported on the revenue expenditure and income for the period from 1 April 2010 to 30 June 2010. The 2010/2011 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

16 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes. A supplementary report in respect of Application No

2010/0102 (Land to the south east of Birch Coppice Business Park, Dordon was circulated at the meeting.

Resolved:

- a **That in respect of Application No 2009/0592 (Wagstaff Farm, Shawbury Lane, Shustoke), Members take the opportunity to visit the site in view of the issues involved in the determination of the application as described in the report of the Head of Development Control;**
- b **That provided the applicant first completes a Section 106 Agreement in respect of the issues set out in the report of the Head of Development Control, Application No 2010/0113 (Shaw House, Freasley Common, Dordon) be approved subject to the condition set out in the report;**
- c **That Applications No 2010/0215 and 2010/0266 (11 and 19 Browns Lane, Dordon) be approved subject to the following additional condition**

“The use hereby approved shall not be commenced for business purposes until such time as full detailed plans of the measures to be taken to reduce odour and to reduce waste emission arising from the use hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall then be fully installed to the written satisfaction of the Authority prior to the premises opening for business purposes.”
- d **That Application No 2010/0267 (95 Witherley Road, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control.**

Recommended

- e **That in respect of Planning Application No 2010/0102**

“Birch Coppice Business Park to create 186,000 square metres of built floor space for storage and distribution uses within Use Class B8, together with space for a Waste Transfer Station, as an extension to Birch Coppice Park Phase One. Details submitted include the layout of the proposed site roads and vehicle accesses; site drainage infrastructure works, construction of site roads, site levels for building development plateaux and proposed site boundary landscaping. Details of individual plot layouts, scale and appearance of buildings are included now for illustrative purposes only.”

For IM Properties (Dordon) Ltd

- (A) Outline planning permission be granted subject to:**
- i) the imposition of conditions as drafted below under B;**
 - ii) A Section 106 Agreement in the form set out in the report to the May Planning and Development Board as clarified by the main report to the July Board, together with the supplementary report to the July Board.**
- (B) Conditions**
- i) Standard Outline condition (i) - omit layout; scale and access**
 - ii) Standard Outline condition (ii) – five years for submission**
 - iii) Standard Outline condition (iii) – three years time period**
 - iv) Standard Plan numbers condition to include plan numbers: 829-020A; 11201/122, 123, 124, 125, 127 all received on 10 March 2010, plus plan numbers 11201/121C, 129D, 133B and 09-0406 Rev A received on 25 June 2010, together with Appendix A (Design Brief) and Appendix 2 (Landscape Design Guide) of the Design and Access Statement received on 10 March 2010.**
 - v) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: PCB/JWH/11201/3.3 –Issue 2 dated December 2009; the FRA Supplementary Information Ref: PCB/JWH/11201/3.0 dated February 2010, and the Investigations for Surface Water Disposal and FRA Ref: DAC/JWH/11201/3.3 dated April 2010, together with the following mitigation measures:**
 - a) the limitation of the rate of surface water run-off generated by the total site (Phases 1 and 2) so as to discharge at a rate of not more than the greenfield run-off rate as detailed in the FRA and associated documents.**
 - b) Provision of attenuation storage volume on the total site to retain the 100 year plus 20% flow event volume.**
 - c) Provision of an 8 metre easement strip adjacent to the top of the bank of the Penmire Brook as detailed in the FRA and associated documents**

d) No ground levels to be raised in the area defined in the FRA as being at risk of flooding in a 1 in a 100 year plus climate change allowance, event.

Reason: To prevent the increased risk of flooding; to improve and to protect water quality, habitat and amenity, and to ensure future maintenance of the system.

vi) The B8 Use hereby approved shall be limited to a maximum of 186,000 square metres of gross floor space.

Reason: In the interest of highway safety by ensuring that there is no adverse impact on the capacity of the existing road network.

Pre-Commencement Conditions

vii) No work shall commence on site until such time as full details of how the surface water drainage system hereby approved is to be maintained and managed following completion, have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to reduce pollution and of flooding

viii) No work shall commence on site until such time as a Construction Method and Management Statement has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of the method, working and phasing of the ground works; working hours, mitigation measures in respect of noise attenuation and reducing deposits on the surrounding highway network arising from HGV traffic, the location of site compounds and storage facilities, and the location of any site lighting during the construction phase. It shall also identify the means by which its terms are monitored and reviewed including the handling of complaints. The Plan once agreed by the Local Planning Authority shall remain in place until such time as agreed by the Authority.

Reason: In the interest of reducing adverse highway, traffic and environmental impacts as a consequence of this major construction project.

ix) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as a programme of archaeological investigation has first been undertaken and implemented in full, in accordance with a

written brief that shall first have been submitted to and approved in writing by the Local Planning Authority. The developer shall afford access at all reasonable times in order to enable this investigation to take place.

Reason: In the interest of establishing the archaeological significance of the site so as to add to the knowledge of the cultural heritage of the area.

- x) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as any archaeological finds, remains and evidence arising from the investigation required under the above condition, has been fully recorded in line with a specification as set out in the approved written brief, and that record submitted to the Local Planning Authority.

Reason: In the interests of securing a record of the archaeological evidence found at the site so as to enhance knowledge of the cultural heritage of the area.

- xi) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as mitigation measures commensurate with the evidence found as a consequence of the survey undertaken under the above condition (ix) and recorded as required under the above condition (x), have first been submitted to and agreed in writing by the Local Planning Authority. Any such measures shall then be implemented and fully completed, to the written satisfaction of the Local Planning Authority, prior to the development approved under this permission being commenced.

Reason: In the interests of securing measures to best retain any archaeological remains on the site.

- xii) No development, including site clearance, shall commence on site, until a bat survey has been undertaken on site and a detailed mitigation plan, including the replacement of any loss of suitable roosting and foraging habitat, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved shall be implemented in full to the written satisfaction of the Authority.

Reason: To ensure that European protected species are not harmed by the development.

- xiii) **No development, including site clearance, shall commence on site until a detailed mitigation plan for reptiles, including a schedule of works and timings, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved, shall be implemented in full to the written satisfaction of the Authority.**

Reason: To ensure that protected species are not harmed by the development.

Pre - Occupancy Conditions

- xiv) **All of the works itemised in condition (v) above shall have been completed in full and to the satisfaction in writing of the Local Planning Authority, and the details required under condition (vii) above shall have been approved in writing by the Local Planning Authority, prior to the occupation for business purposes of the first unit to be constructed under this planning permission.**

Reason: In order to reduce the risk of pollution and of flooding.

- xv) **No building hereby approved shall be occupied for business purposes until such time as details of the means of lighting the estate roads as shown on the approved plans, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.**

Reason: In the interests of good design; to reduce the risk of light pollution beyond the site, and in the interests of reducing crime.

- xvi) **No building hereby approved shall be occupied for business purposes until such time as details of the measures to be installed necessary for fire fighting throughout the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be installed.**

Reason: In the interests of fire safety.

- xvii) **No building whatsoever constructed pursuant to this permission shall be occupied for business purposes until such time as the whole of the spine road, roundabouts, access roads and access arrangements, including the secondary and emergency access measures as shown on the approved plans detailed under condition (iv), or as may have been subsequently amended in writing by the Local**

Planning Authority, have first been completed in full to the satisfaction in writing of the Local Planning Authority.

Reason: In the interests of highway safety.

- xviii) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as all of the peripheral landscaping as shown on the approved plans under condition (iv) of this permission, or as subsequently amended in writing by the Local Planning Authority, have first been fully implemented to the satisfaction in writing of the Local Planning Authority.**

Reason: In the interests of securing structural landscaping at the beginning of this development in order to secure its visual and bio-diversity benefits.

- xix) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as the fire fighting measures, and the lighting details approved under conditions (xv) and (xvi) above or as may be subsequently amended in writing by the Local Planning Authority, have first been fully installed to the satisfaction in writing of the Local Planning Authority.**

Reason: In the interests of fire safety and to reduce the risk of crime.

- xx) No building hereby approved shall be occupied for business purposes until such time as the following measures to deal with risks associated with contamination on the site have first been submitted to and approved in writing by the Local Planning Authority:**

- a) A preliminary Risk Assessment which identifies all previous uses; potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, together with potentially unacceptable risks arising from contamination at the site.**
- b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- c) An options appraisal and remediation strategy based on (a) and (b) above giving full details of the remediation measures required and how they are to be undertaken.**

- d) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) above are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any variation in these measures shall be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution.

- xxi) **There shall be no occupation for business purposes of any building hereby approved, until such time as a combined Ecological Mitigation, Enhancement and Management Strategy for the whole site has first been submitted to and approved in writing by the Local Planning Authority. This Strategy shall specifically include all aspects of: habitat and species mitigation, enhancement and management measures including details of enhancement of the Penmire Brook corridor and the Penmire Lake, together with the replacement of any tree and hedgerows. Once agreed, the Strategy shall be implemented in full, and it shall remain in place at all times, unless otherwise agreed by the Local Planning Authority in writing. It shall include measures for the monitoring of its outcomes and the means of reviewing the Strategy.**

Reason: In the interests of securing improved and enhanced landscaping and bio-diversity measures for the area in accordance with PPS9.

Reserved matters

- xxii) **No building approved under this permission shall be constructed until such time as the matters reserved under condition 1(iii) and 1(iv) above, have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt those matters shall include the following details and particulars in respect of development of each plot:**
 - a) **The plot layout, including all access, circulation and car parking areas.**
 - b) **The siting, design and external appearance of all buildings, including fixed structures and plant**

- c) The type, texture and colour of building materials
- d) The site boundary treatments – including all walls, fences and other means of enclosure
- e) Landscaping details within each plot
- f) Final site levels
- g) Foul and surface water arrangements to the point of disposal from the plot boundary
- h) All external illumination, security structures and equipment.

Only the matters approved under this condition shall then be implemented.

Reason: In order to ensure a high quality of development.

Bespoke Conditions to the Development

- xxiii) Within three months of the date of this permission, details showing how the promotion and encouragement of use of the rail facilities and the intermodal freight terminal at Birch Coppice, for the movement of freight arising from occupation of the new development hereby approved, shall be submitted to the Local Planning Authority. These details shall include a description of those details; the processes involved, how they are to be monitored and reviewed. Once approved in writing, these measures shall be implemented and evidence of the measures taken and the monitoring undertaken shall be referred to the Local Planning Authority when requested. For the avoidance of doubt, these measures shall relate to all occupiers of the development hereby approved, and not just to the initial occupier.

Reason: In order to promote the intermodal facility at the site so as to achieve a sustainable development.

- xxiv) Each building constructed pursuant to this permission shall achieve the prevailing minimum standard in terms of energy efficiency at the time of its design, and for the avoidance of doubt the base-line for this minimum standard shall be the present BREEAM “good” standard.

Reason: In order to achieve sustainable development with a minimum carbon footprint and to encourage the use of renewable energy.

- xxv) A minimum of 1750 jobs shall be provided within the whole of the development hereby approved, unless otherwise agreed or varied in writing by the Local Planning Authority. For the avoidance of doubt this shall refer to Full Time Equivalent jobs and shall be calculated at the time when the first occupiers of the plots so approved, are fully operational.**

Reason: In order to meet the requirements of Saved Core Policies 1 and 12 of the North Warwickshire Local Plan 2006, together with the Local Economy aim of the North Warwickshire Sustainable Community Plan 2006 – 2009, such that the local economy is able to diversify and adapt to changes in the wider economy, whilst remaining relevant to the needs of local people.

Reasoned Justification

The application represents a departure from the Development Plan in that the proposal is for major commercial development on a green field site not allocated for such a purpose. It is considered that there are material planning considerations of such weight to warrant the application being treated as an exception to the Development Plan. These are:

- i) Support from saved Core Policy 1 of the North Warwickshire Local Plan 2 that seeks the economic regeneration of the Borough.**
- ii) The evidence base that informed the preparation of the Regional Spatial Strategy indicates an unmet and immediate need for logistics sites, and that an extension of the existing Birch Coppice site would “fit” the locational criteria outlined in that evidence, for such provision.**
- iii) the employment provisions that propose a higher density of employment provision and opportunity in an area recognised as having high unemployment and with low skills**
- iv) the ability to treat each application for logistics provision in North Warwickshire on its own merits without being obliged to provide floor space because of a policy base-line requirement**
- v) the proposals contained within the application to re-locate the Warwickshire County Council’s Waste Transfer Station to an alternative site within the application site, such that there are material planning, environmental and traffic benefits**
- vi) the bespoke package of measures contained within a Section 106 Agreement accompanying the application that is focussed on public transport provision and on the provision of measures aimed**

at linking the job opportunities provided by the proposal with local employment needs and training opportunities.

It is not considered that there would be adverse impacts arising from the proposals that warrant refusal. This is based on the responses from a number of Statutory and technical consultations; the use of conditions to mitigate impacts, and the content of the Section 106 Agreement. It is acknowledged that this is a significant application and that it is not possible to completely mitigate all impacts. The Council has had to balance the benefits and opportunities arising from the proposals, against these residual impacts, most notably the loss of agricultural land. It considers that on balance, the application can be supported.

[Note: The minute relating to Application No. 2010/0102 – Birch Coppice was considered and agreed by Full Council at its meeting on 16 August 2010].

17 Revisions to PPS3 (Housing) Garden Land and Densities

The Head of Development Control reported that the Coalition Government had announced changes to its Planning Policy documents to enable greater emphasis on local identification of some planning requirements.

Resolved:

That the changes be noted.

18 Tree Preservation Orders Hurley and Fillongley

The Council had recently made two Tree Preservation Orders, and following the period set aside for representations, Members were invited to consider whether or not to confirm the Orders.

Resolved:

a That the Tree Preservation Order in respect of the oak tree at the junction of Dexter Lane and Knowle Hill, Hurley be made permanent; and

b That the Tree Preservation Order in respect of the oak tree in the rear garden of 32 Holbeche Crescent, Fillongley, be made permanent.

19 Exclusion of the Public and Press.

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting

for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12A to the Act.

20 Heart of England, Fillongley

The Head of Development Control updated the Board on the current position at the Heart of England site in Fillongley. Members noted the outcome of the recent successful prosecution.

21 Beech House, Market Square, Atherstone

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this report by reason of the need to take urgent legal action.

The Assistant Chief Executive and Solicitor to the Council sought authority to prepare, and if needed, issue of an Urgent Repairs Notice under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 to prevent further deterioration of Beech House, Market Square Atherstone. Members were asked to agree a suggested course of action.

Resolved:

- a That the issue of the Notice and action detailed in the report of the Assistant Chief Executive and Solicitor to the Council be authorised;**
- b That English Heritage be informed of the acceptance of its offer of grant aid; and**
- c That if necessary the Chief Executive use his emergency powers in respect of the financial implications outlined in the report.**

M Simpson
Chairman

**Planning and Development Board
19 July 2010
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/25	2010/0266	Applicant	Letter	2/7/10