

**(6) Application No: PAP/2016/0399**

**Former B Station Site, Faraday Avenue, Hams Hall, Coleshill,**

**Demolition of existing buildings and redevelopment of site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping, for**

**-Prologis UK and E.ON UK Plc**

**Introduction**

The receipt of this application was reported to the Board at its August meeting. It described the site and the proposals together with outlining the main issues involved in its determination.

The Board noted the receipt and also resolved to visit the site. This took place on 3 September and a note of that visit is attached at Appendix A.

The proposals were referred to the September meeting for further consideration. The Board resolved that it wished to explore a number of matters in more detail and these were outlined in a subsequent letter to the joint applicants – see Appendix B. A response was received in early October and this is attached in full at Appendix C.

The matter is thus now reported back to the Board. Because of the deferrals and the receipt of additional information it is proposed to present a fresh report for the Board's attention. However from previous reports, Members will be aware of the matter of the 2009 Direction and referral to the Secretary of State, should the recommendation as set out below be agreed.

**The Site**

The "B" Station site extends to around some 20 hectares and is the last remaining part of the former Hams Hall Power Station site that has not been redeveloped following closure of the power station in 1992. It lies to the north of Faraday Avenue and west of Canton Lane. The north-west boundary is formed by the Birmingham-Derby railway line which is in a deep cutting. To the north are playing fields; a church and woodland. The main Hams Hall estate adjoins the site to the south-east and to the south. A national grid 132kv substation compound is located immediately to the south.

Lea Marston village is about a kilometre to the north and Whitacre Heath is about 1.5 km to the east.

The site comprises the remaining concrete foundations and basements of the former "B" Station and cooling towers, which have been left in situ; a disused tarmac car park and a number of other hardstanding areas. The majority of the site is fenced by wooded, chain link and palisade fencing.

There are two remaining buildings on the site. Keeper's Cottage is a residence owned by E.ON on the northern edge of the site and is currently used as accommodation by E.ON's security staff. The other is a small maintenance building on the eastern part of

the site. A third building – the Round House – which is a domed brick building in the south-west corner is excluded from the site and no changes are planned for this building.

A substantial landscaping belt and grassed earth bund runs along the boundary of the site with the railway line. There is also a landscaped bund along the southern boundary with Canton Lane and an adjoining warehouse.

The former power station was located on two development plateaux with the former towers on the northern portion and the power station and coal handling and storage areas to the south. There is thus a level difference of around 1.5 metres between the two sections of the site – the northern section being at a higher level.

Access to the site is from the existing estate network off Faraday Avenue. This avenue links to the A446 and thence to Junction 9 of the M42 to the north (1.5km away) and Junction 4 of the M6 (about 6km away) to the south.

The existing estate is to the south and east of the site and is occupied by a number of large sheds and premises used by manufacturing and distribution uses – BMW and BEKO being two of the nearest. The Hams Hall multi-modal rail interchange is to the south where there are also the Coleshill Parkway Station and bus connections. The rail interchange provides daily services to the country's ports.

The landscape to the north and east is far more rural in character including the River Tame and Whitacre Heath Nature Reserve. The Hams Hall Environmental Studies Centre and Tame Valley Wetlands offices are also based to the east.

The application site is close to the proposed route of HS2. This is to the west of the railway line and would involve the re-alignment of Faraday Avenue between the A446 and the Hams Hall estate. During construction of this line, a temporary rail head would be built off the Kingsbury Road to the north of Lea Marston. As part of this there will be significant new drainage infrastructure off Hams Lane to the west of the application site.

The application site is illustrated on the plans at Appendix D.

## **Background**

Planning permission was granted in 1994 for the Hams Hall Manufacturing and Distribution Park as seen today – including the rail freight terminal. The “B” station site was not included in that consent at that time, Powergen, the predecessor of E.ON, considered that the site should be retained for possible future energy generation activity.

A consequence of the 1994 consent was the removal of the development area covered by that permission from the Green Belt. The “B” Station site however remains in the Green Belt.

In 2006 planning permission was refused for the redevelopment of the “B” station site for warehousing and distribution uses on the grounds that there were not the planning considerations of such weight to override the presumption of refusal for the inappropriate development proposed. In particular the evidence base was not of substantial weight. Additionally there were several other refusal reasons – the Highways Agency directed refusal and the Environment Agency objected. A copy of the Notice is

at Appendix E. A previous application in 2004 was also refused. This too was on the grounds that there were not the considerations of weight to provide a very special circumstance argument. In 2012 an application for a temporary wood processing facility for a period of five years was refused by the Warwickshire County Council as Waste Authority. The site has therefore remained unused for some length of time.

## **The Proposals in Outline**

The proposal is effectively for an extension to the existing Hams Hall estate. It is an outline application for demolition of the existing buildings and the redevelopment of the site for industrial and distribution uses including ancillary offices, infrastructure and works. Agreement in principle is also sought for access from Canton Lane and Faraday Avenue. The proposals would be for up to 85,000 square metres of floor space. The maximum overall height of any building would be 19.5 metres.

The key parameters of the proposal are set out in a Parameters Plan. This shows a core development zone where the buildings would be located; an outer development area accommodating car parking and service area and a Structural Landscaping Area along the site boundaries including retained and new landscaping on the northern and eastern edges together with areas of surface water attenuation.

This Plan together with an illustrative layout plan and an indicative landscaping strategy are included at Appendix F.

The application is supported by an Environmental Statement. It is not proposed to replicate that here but as indicated earlier there is a non-Technical Summary attached as Appendix G. This explores a range of potential impacts arising from the proposals both during construction and when in full operation. Mitigation measures are outlined. In short the Summary suggests that the construction phase will result in limited impacts principally on landscape and ecology but that these are likely to be short to medium term until the full extent of the landscaping proposals mature. In terms of the operational impacts then a number of mitigation measures are proposed and these are set out in pages 8 and 9 of the Summary at Appendix G – e.g. landscaping and bunding, sustainable drainage arrangements, a noise barrier and off-site highway improvements. The applicants accept however that there will be some residual impacts but that these are concluded as being minor or negligible – see page 10 of the summary.

The Summary also outlines the perceived benefits of the proposals – job opportunities (over 1000 jobs) and ecological enhancement.

Additionally the applicant has submitted:

- A letter from E.ON confirming that it does not propose to pursue energy generation proposals for the site and thus that it is surplus to E.ON's requirements.
- A Planning Statement pulls together all of the supporting documentation and puts it into a planning context concluding that the new employment need outweighs any harm that might be done to the Green Belt.
- A Statement of Community Involvement describes the scope of pre-application discussions but particularly describes the public consultation undertaken by way of an exhibition held in March 2016 at the Nether Whitacre Village Hall. There were 87 visitors. The main support for the scheme focussed on new job opportunities; redevelopment of brownfield land, on-site HGV parking and high

quality landscaping. The main concerns were the impact of more HGV's; "rat-running" through local villages, that HGV parking problems would be exacerbated and potential noise pollution.

- A Design Statement explains how the Parameters Plan has been drawn up and includes examples of the design and appearance of the applicant's other sites.
- A Sustainable Design Statement which commits the applicant to a BREEAM "very good" environmental rating with energy efficient low carbon buildings – e.g. solar hot water systems; roof-lights, PIR lighting in offices and insulation exceeding Building Regulation standards.

Members are invited to read the full documentation supporting the application.

### **The Applicant's Case**

The applicant agrees that the proposals are inappropriate development in the Green Belt. As such there is "de facto" harm to the Green Belt.

In looking at the actual harm to the Green Belt the applicant explores the likely impact on the five purposes of including land within the Green Belt. Because of the previously developed nature of the site and that it is well contained by clear and permanent boundaries, the applicant considers that there would be no conflict with these five purposes and that the impact of the proposals on them would be "extremely limited"

In terms of other harm then the applicant relies heavily on the conclusions of the Environmental Statement which suggests to him that there would be "very limited harm".

The cumulative harm is therefore said to be very limited and in his view is outweighed by the employment need and lack of alternative suitable strategic sites.

The full case is copied at Appendix H which is taken from the Planning Statement.

### **Initial Representations Received**

Representations were received in respect of the original submission.

Nether Whitacre Parish Council – Objection in summary on the following grounds. The full letter is at Appendix I.

- The significant harmful Green Belt impact is not outweighed by the applicant's case for very special circumstances.
- There will be an increased urbanising influence because of the height of the proposed buildings greater than those at Hams Hall presently.
- There will be increased traffic particularly from HGV's on the main roads and with lighter traffic seeking alternative routes. More traffic calming is necessary in the local villages.
- There will be increased light pollution as well as increased noise.

Lea Marston Parish Council - Objection in summary on the following grounds. The full letter is at Appendix J

- The village is much closer to the site than outlined in the applicant's statements.
- Increased traffic generation

- The heights are substantial, significantly affecting the rural scale of the village and its surroundings.
- There is insufficient justification for the release of Green Belt land
- Lack of protection to heritage assets
- Noise and Vibration
- Landscape Impact
- Light Pollution
- Insufficient ecological, landscaping and nature conservation mitigation.
- There has to be sufficient HGV parking on site so as to prevent ongoing HGV parking off-site
- Far greater developer contributions are needed to mitigate adverse impacts here.

The CPRE – Objection raising the following matters:

- Height. The buildings will be visible from the Nature Reserve and a number of important footpaths and cycle ways
- There would be significant traffic increases
- Light and noise pollution
- The case for very special circumstances is vague, not quantified and not evidenced.

Coleshill Town Council – No objection

Four letters of objection have been received. The issues raised are:

- This should be the site of the HS2 railhead
- Hams Hall should have direct access to the M42. This development will only add to the concerns about the capacity of Dunton Island – Junction 9
- It doesn't align with the Core Strategy
- This will lead to the loss of Keepers Cottage
- Impact on nature conservation issues – particularly bats
- There are empty warehouses around – why more?

### **Amended Proposals**

As referred to in the introduction, the Board deferred a determination at its September meeting in order to explore a number of matters with the applicant – Appendix B. The letter at Appendix C explains that two changes are to be made.

- Firstly there is to be a reduction in the maximum height of the proposed buildings from 22 metres to 19.5 metres.
- Secondly, there is an offer through a Section 106 Agreement, for the transfer of land north-east of the site to a nominated public body for off-site landscaping and ecology protection and enhancement together with a commuted sum of £40,000 to that body for mitigation and maintenance of that land. This land amounts to some 17.4 hectares in area and is shown on the plan at Appendix K. The research undertaken to arrive at this offer is at Appendix L.

In respect of the other matters raised by the Board then Appendix C sets out the following:

- There is no change to be made to the extent of the Core Development Area

- There is no change to the prospective location of the service yards along the north-east boundary
- A condition would be acceptable to require noise assessments for each building once occupiers are known.
- A condition would be acceptable to reserve detailed lighting designs.
- Detailed drawings for the upgrading of the access road have been submitted and forwarded to the Highway Authority
- A condition to ensure that Green Travel Plans are bespoke to occupiers and that they refer to Coleshill Parkway Station is acceptable
- HGV on-site parking will be greater than normal and a condition specifying a standard is agreeable. Driver's facilities will be accommodated within each building.
- A condition requiring a bespoke Service Yard Management Plan for each occupier is acceptable (see Appendix M)
- There is no agreement to limiting the extent of B8 on the site
- The applicant has provided technical evidence from recent surveys of its customers across the country relating to job creation and types of job opportunities provide (see Appendix N)
- There is an offer to include Job training and Skills within a 106 Agreement provided that this is statutorily compliant
- Keepers Cottage is not to be retained
- The Roundhouse is not within the control of the applicant and thus he is not responsible for its future or maintenance.

In terms of a Section 106 Agreement, the draft Heads of Terms would be:

- Off-site highway works as required by WCC Highways at the A446 roundabout
- The transfer of the land referred to above with the commuted sum and
- A potential contribution towards local employment and skills training.

### **Re-Consultation**

Previous objectors have been re-consulted on the content of the letter at Appendix C.

The Lea Marston Parish Council has withdrawn its objection in light of the content of the draft Agreement and now fully supports the application.

The Nether Whitacre Parish Council maintains its objection. It says that the site is in the Green Belt and that the proposal is premature pending the outcome of the new draft Local Plan. The applicant has not addressed the main concern of traffic being diverted through the village. Whilst the Council agrees that there should be a protected area between Hams Hall and Lea Marston, there are long term costs involved which the people of Lea Marston should be consulted on.

No further response has been received from the CPRE.

A letter of objection was received from St Modwen Developments Ltd shortly after the September Board meeting. This is attached in full at Appendix O. The joint applicants have prepared a response and this is attached at Appendix P. Member's attention is particularly drawn here to the heritage assessment undertaken and to the additional commentary addressing the issue of alternative sites. This letter has been forwarded to St Modwen Developments for any further representations that they see as appropriate

and a response is attached at Appendix Q. The matters raised in these letters will be dealt with in the later sections of this report.

## **Consultations**

Network Rail – It has no objection but draws attention to a substantial number of operational matters so as to reduce risk to the adjoining rail infrastructure and cutting particularly through the construction period.

HS2 Ltd – No objection

Highways England – No objection to a condition requiring a Construction Management Plan

Natural England – The proposal is unlikely to affect any statutory protected sites. The Council should ensure that Standing Advice is followed in respect of protected species and bio-diversity enhancements should be sought.

WCC Footpaths – No objection

WCC Highways – No objection subject to conditions.

WCC Flooding – No objection subject to a standard condition

Environmental Health Officer – The suggested conditions relating to further noise and lighting assessments; the location and specification of the acoustic fence together with the proposed Service Yard Management Plan address his concerns. In respect of future investigation into potential ground contamination and remediation, then standard conditions can be recommended.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Conservation), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW17 (Economic Regeneration), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT2 (Traffic Management) TPT3, (Sustainable Travel) and TPT6 (Vehicle Parking)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – (the “NPPF”)

The National Planning Practice Guidance 2014 – (the “NPPG”)

The Draft Site Allocations Plan 2014

The North Warwickshire Landscape Character Appraisal 2010

The Coventry and Warwickshire Joint Green Belt Study 2016 – Parcel CH1

Growth Options for North Warwickshire 2016

The Coventry and Warwickshire Employment Land Use Study

The West Midlands Strategic Employment Sites Study

The draft Local Plan for North Warwickshire 2016

The Local Development Scheme 2016

## **Observations**

### **a) The Green Belt**

The site is in the Green Belt. The development involves the construction of new buildings and as such it is not appropriate development in the Green Belt. Thus by definition it is harmful to the Green Belt. The proposal neither satisfies any of the exceptions to this definition as set out in the NPPF. The proposal therefore carries the presumption of refusal. If this is to be overturned, the total weight attributed to harm – that is Green Belt harm and other harm - has to be outweighed in the final planning balance by those considerations and benefits which are considered to amount to the very special circumstances supporting the application.

It is thus proposed to first establish the weight of the total harm on the one side of this balance. It will then be necessary to establish the weight of those material planning considerations and benefits that sit on the other side of the balance. A final assessment can then be made.

### **b) Green Belt Harm**

Apart from the “de facto” harm caused here by reason of “inappropriateness” the Council has to assess the actual harm to the Green Belt. This is explored through two measures – the impact on the openness of the Green Belt and the impact on the purposes of including land within the Green Belt. These will be looked at in turn.

Members will be familiar with the assessment of harm against the “openness” of the Green Belt. There is no definition of “openness” in the NPPF or indeed the Core Strategy. However in a planning context, it is generally taken to mean the absence of development. In this case the application site is presently a wholly open space with the former power station use abandoned. The site is also very largely surrounded on its north–western and northern boundaries by heavily landscaped areas of woodland. The existing commercial units to the north–east are some distance away and there is little in the way of existing building to the south. This setting accentuates the open character of the site. The presence of the “Roundhouse” at the southern end but excluded from the application site and the overhead lines and pylons towards the north do not materially alter this conclusion. Members were able to understand the setting of this site from their own visit.



The proposal would in essence “fill” this site. It would be wholly developed with new buildings, service and parking areas, new lighting and all of the associated highway and human activity. This will have a substantial impact on the present open character described above which would not be retained in part or in whole. This is due not only to the quantum of development proposed but also due the qualitative nature of that proposal - a number of large, tall sheds. Views out of the site would be constrained and restricted, with views into the site being attenuated at the site boundary. As a consequence it is concluded that the proposal would lead to substantial harm on the openness of the Green Belt.

Members will know that there are five purposes of including land within the Green Belt. The proposal should be assessed against each of these. The first is to “check the unrestricted sprawl of large built-up areas”. This is not considered to be relevant here as the site does not physically adjoin a large built up area. It neither plays a role in preventing ribbon development. The second is to “prevent neighbouring towns merging into one another”. This is not the case here as Coleshill is the only recognised town in the Core Strategy in the locality. However the site is part of a “gap” of land that separates the extent of the existing Hams Hall estate from Lea Marston. It could be argued that this development would reduce that gap and thus potentially increase the likelihood of their merger. The provision of the Section 106 Agreement for the open land beyond the application site being transferred to a public body does however lessen this impact on this particular purpose. The third is to “assist in safeguarding the countryside from encroachment”. The site is not countryside having the characteristics of being in former commercial use, still retaining its hard-standings and it is seen as having has an urbanising influence. The site also has permanent defensible boundaries. The fourth is to “preserve the setting and special character of historic towns”. This is not considered to have any weight in this case. The final one is to “assist urban regeneration by encouraging the recycling of derelict and other urban land”. This does have some impact as the site is large and could lessen the likelihood of other brown field sites within the conurbation coming forward. However that impact is lessened as the site was itself used for employment purposes and is previously developed land as defined by the NPPF. In overall terms therefore the site could be considered to perform against the second and fifth reasons but there are arguments that lessen that conclusion. Overall therefore it is not considered that the proposals materially conflict with the purposes for including land within the Green Belt. The 2016 Green Belt Study – referred to above - looked specifically at a parcel of land including the application site. It concluded that the parcel did perform against the second and fifth purposes. However as indicated above the specific circumstances of the proposal as explained above, were not explored by that Study.

In conclusion therefore it is considered that notwithstanding the conclusions about the five purposes of including land within the Green Belt, the actual harm caused by the proposal is substantial, essentially because of its impact on the openness of the Green Belt.

### **c) Other Harm**

Also on the “harm” side of the final planning balance, is “any other harm”. In the main this revolves around the identification of adverse impacts. There are a number of potential impacts arising from the proposal that need to be assessed in this section. Members will have seen the conclusions of the Environmental Statement undertaken by the applicant – particularly in the non-Technical Summary attached as Appendix G. They will also note the responses from the various Agencies and Bodies consulted on

the proposals and who have provided their own expert respective assessment of the technical matters covered by the Statement. These need to be considered.

### **i) Landscape Character and Visual Impact**

The base-line against which to assess landscape impact is to understand the character of the landscape in which the application site is located. This is described in the North Warwickshire Landscape Appraisal of 2010. The site itself however is not within one of the zones identified there-in, as it is within the Hams Hall and Coleshill built-up area. However immediately to the north, Lea Marston is right at the southern end of the Tame Valley Wetlands Landscape Zone. This is characterised by broad flat alluvial terraces set against the open backdrop of the Hams Hall estate and other urbanising features. However the containment afforded by extensive areas of wetland vegetation and woodland mean that these influences occur only locally rather than throughout the landscape. It is agreed with the applicant that given this description, the site is self-contained visually. As a consequence the impacts from further afield are considered to be minor if not limited. In this case there is considered to be only a limited impact on the landscape of the surrounding area. In other words that character is not materially worsened.

However the two “local” areas where visual impacts will be felt are on the area extending through the playing fields towards the village of Lea Marston and secondly from the other side of Hams Lane to the north-west of the site. Attention is now focussed on the nature and scope of those impacts. The proposal is for tall and solid buildings with strong horizontal lines. The subsequent impacts would thus be a strong urbanising influence out of scale and keeping with the rural setting of the village. The issue is to identify the degree of that influence. It is considered that there would be an adverse impact from the playing field. This impact however quickly reduces moving north towards the village due to distance and particularly to intervening trees and woodland. It is thus a localised impact. In terms of the village as a whole, this will be limited, but the properties in Hams Lane and Church Lane will have impacts. The submitted proposals go some way to mitigating these impacts. However, the amended proposals go further and materially so. In this regard there are two significant alterations – the reduction in height of the proposed buildings and the transfer of this adjoining land to a public body with a “dowry” for enhancement which includes further off-site planting particularly to the east of the application site. There is public access to this area but this is considered to be transitory and temporary even in the case of the use of the playing field. As a consequence the level of harm is reduced to limited harm. The impact from the other side of Hams Lane will also be reduced as a direct consequence of the amended height of the buildings. In conclusion therefore it is considered that overall, there will be limited harm arising from visual impact.

### **ii) Heritage Matters**

There are heritage assets close to the site. These are the Church of St John the Baptist and its associated stone cross some 100 metres to the north-east of the application site boundary and 245 metres from the proposed core development zone. Both are Grade 2 Listed Buildings. The significance of these assets is that the Church is a surviving early 14<sup>th</sup> Century Church with 15<sup>th</sup> Century and later Victorian additions. It is likely to be the oldest building in the Parish. The cross is late 19<sup>th</sup> Century. The Church has important architectural and local historic interest and is still in use. Its setting is isolated being located away from the village with no vehicular passing traffic and with substantial tree and woodland cover. The setting is enhanced by the Cross and the small church yard.

The proposed development would not directly impact on the architectural or historic interest of these assets, but the setting of them could be affected by the visual impact of that development. From outside of the Church and by the cross there would be limited visibility of the proposed buildings – more so in the winter months. Because of the significance of the rural setting of the assets, this impact would be adverse and of moderate harm. The proposed mitigation includes substantial peripheral planting, but the amended proposals would make a material difference in that there would be a reduction in the height of the proposed buildings and the enhancement proposals include additional off-site planting along Church Lane. As a consequence it is considered that the level of harm is thus reduced to limited harm.

It is proposed to demolish Keepers Cottage. This is not a listed building and it is not protected by any other designation.

### **iii) Bio-Diversity and Ecology**

The application site is close by an Ancient Woodland (Sych Wood to the north–west adjoining Hams Lane) and the Whitacre Heath Nature Reserve (an SSSI) to the east. In addition Ladywalk Nature Reserve is further to the south-east. Both of the reserves are part of the wider Tame Valley Wetland extending further to the north. Importantly Natural England has not raised an objection in respect of the likely impacts on nationally designated sites. The extensive survey work recorded in the Environmental Statement has been undertaken professionally and in accordance with best practice and thus aligns with the Standing Advice issued by Natural England. This work did find potential local and county wide impacts on fauna at the site. However mitigation measures proposed would enhance bio-diversity of the site and enable linkages to be created to the adjoining larger and more significant ecological sites. Overall it is not considered that there is the evidence available to suggest demonstrable harm. The amended proposals include the transfer of land together with a “dowry” for planned ecological enhancement. This land is significant as it provides linkages to the existing sites of interest from the ecological enhancements proposed on site and because it is a transfer to a public body. As a whole therefore it is considered that the proposals will enhance bio-diversity rather than reduce it.

### **iv) Environmental Matters**

This application is in outline and thus the actual layout of the site is presently not known. Issues such as looking in detail at light and noise impacts are thus not practicable. The site will be lit and the service yards will generate activity and its associated noise. The Environmental Statement concludes that these impacts are not likely to be significant particularly given the separation distances to existing residential property; the level nature of the site and its surroundings and the degree of intervening woodland. This overall conclusion is accepted by the Environmental Health Officer who has not raised an objection. Harm is thus likely to be limited.

This outcome is dependent upon the imposition of conditions in order to mitigate those likely impacts. In this regard it is material that the applicant has agreed to conditions which require noise and lighting assessments to be undertaken once occupiers are

known, rather than generic assessments, so that any agreed details and measures can be treated as bespoke. Additionally full details of the acoustic fence along the northern boundary are to be reserved and the applicant has agreed to the inclusion of a bespoke service yard management plan for each occupier.

## **v) Highways and Traffic**

It was indicated above that Highways England had not objected in respect of the impacts of the development on the strategic highway network. As a consequence it is acknowledged that there would be no harm in this respect. Members are reminded that for such harm to be used as a potential refusal reason, it has to amount to “severe” harm. Without the support of Highways England, the defence of such a reason would not be advised.

In respect of the local highway network then the proposals include the addition of a third lane to the southbound A446 at the Hams Hall roundabout thus providing a more direct line into Faraday Avenue as well as upgrading the presently unnamed road from the Faraday Avenue/Edison Road roundabout into the site to adopted standard. The County Council as Highway Authority agrees that these measures are necessary to make the development acceptable from its highway network perspective. As a consequence the same conclusion arises as set out above.

However there are other highway issues that arise with this proposal and these need to be addressed. Although the application is in outline and thus details cannot be seen on plan, it is important that these are raised now and addressed either by condition or through Agreement. Firstly, Members will be fully aware of the problems caused on the Hams Hall site by HGV’s parked off-site and on the estate roads because of there being insufficient parking on site or because of site occupiers not allowing site access. Members may be aware too that double yellow lines have been agreed along the main estate roads to combat this issue. As a consequence, in order to reduce the risk of HGV’s “parking-up” elsewhere the details of each overall service yard and parking areas will have to include adequate on-site HGV parking as well as sufficient “stacking” lanes for waiting HGV traffic. The applicant is aware of this issue. Members will be aware that it is beyond the remit of this application for it to resolve existing issues on the Hams Hall estate. What can be expected however is the inclusion of measures so as not to make existing concerns materially worse. In this regard the applicant has agreed to an HGV parking standard greater than the Council would normally require and has offered driver facilities on each plot so as to encourage on-site parking. It is considered that this is an improvement over past cases and would therefore lessen the potential harmful impact of off-site parking. Secondly, there is the concern about increased use of local roads. The County Council requires an HGV routing condition and this will lead to HGV use of only the strategic highway network. In the case of other traffic then the Highway Authority has concluded that there would be no material impact as a direct consequence of this development. Thirdly, it is now agreed with the applicant that Travel Plans associated with any occupiers should positively promote the use of Coleshill Parkway Station. This will be included within a planning condition. Fourthly, in a similar way the promotion and encouragement for the use of the Rail Freight Terminal should be made explicit. Finally there is the issue of public transport provision. The County Council makes the point that past services into Hams Hall have had to be withdrawn due to lack of patronage. Re-introduction on the back of this application would not be seen by that Authority as proportionate or compliant with the statutory requirements for contributions. This conclusion is agreed.

In all of these respects it is considered that the harm arising from highway and related traffic impacts and attributed to this proposal can be reduced to limited harm.

#### **vi) Drainage**

The Environmental Statement describes the measures and details of how the proposed development can meet the requirements of the NPPF through a sustainable drainage scheme and it is noteworthy that the lead local flooding Authority has not raised an objection. Harm as a consequence is thus considered to be minor.

#### **d) Overall Conclusion on “Harm”**

In conclusion therefore it is considered that on the “harm” side of the balance is the substantial Green Belt harm caused by the impact of the development on the openness of the Green Belt, together with the limited harm to the environs of Lea Marston arising from visual and landscape impact as well as the limited harm to the nearby heritage assets. Further potential residual harm to the area through noise and light pollution as well as to highway and traffic impacts is capable of mitigation through planning conditions.

#### **e) The Applicant’s Material Planning Considerations**

Because of the presumption of refusal for this inappropriate development in the Green Belt, the onus is on the applicant to identify the material planning considerations which he considers are of sufficient weight to amount to the very special circumstances necessary to outweigh this presumption. The applicant identifies four such considerations. Each of these will be now be explained and explored in more detail.

##### **i) The Demand for Employment Land**

The first consideration he argues is that there is a significant demand for employment land in the area and that satisfying this would assist in achieving the Council’s strategic employment objectives. In support of this the applicant draws on the evidence of three up to date studies undertaken by the various Local Planning Authorities in the area as part of their reviews of strategic plans. These are referred to in Appendix H (pages 44 to 46). It is said that all three studies conclude that there is a substantial need for additional employment land and specifically for strategic sites. The North Warwickshire Employment Land Review identified demand for between 212 and 401 hectares, concluding that this demand is significant in the Borough and that it is driven particularly by B8 distribution space. This demand arises from not only local growth but by the ongoing desire for national companies to locate in the sub-region. The Coventry and Warwickshire Employment Land Use Study identifies a requirement of up to 630 hectares throughout its study area concluding that there is a demand for strategic sites as well as for R and D sites. The third report – the West Midlands Strategic Employment Study identifies the M42 corridor as one of the highest demand in the region for both distribution specialists and for the manufacturing sector. The applicant therefore concludes that the Borough is being placed under pressure from this demand as well as from the local requirements of its neighbours. In summary he suggests that this recent and up to date relevant evidence should carry significant weight.

This argument will carry weight. The evidence base referred to here has been commissioned jointly by the Local Planning Authorities in the region and sub-region in order to provide up to date and relevant background information to inform their forward planning and thus the preparation of Local Plans or reviews of current Plans. Indeed it is the evidence base that this Council has used to inform the content of its recently published draft Local Plan. Recognition of the pressure that the Borough is under is therefore acknowledged.

## **ii) The Lack of Strategic Sites**

The second consideration was hinted at above – namely the lack of immediately available strategic sites to meet this demand. The studies have been updated by the applicant in terms of land availability and he considers that there is around a 1.4 year supply of immediately available strategic land in the M42 corridor. This is further explored by him looking at the sites that might be available and assessing their likelihood of coming on stream quickly. The Peddimore site is said to have major infrastructure requirements; the Birmingham International Gateway has no Development Plan status and as yet no planning proposals and Junction 10 of the M42 (the St Modwen site) is the subject of a planning appeal. He thus considers that the current application site is well placed and can come forward quickly with little in the way of new infrastructure requirements.

The applicant has supplemented this argument in his subsequent letter at Appendix C. This runs through a number of existing available sites and identifies progress on each. There is also an expanded list of potential sites provided with a commentary on their status. It can be seen that these alternatives are over a wider geographic area than the M42 corridor.

Again this argument will carry weight. The list of existing and potential sites is well known by the Local Planning Authorities and the development industry. The evidence base has also been prepared by independent consultants commissioned by the Local Planning Authorities. The applicant's recent supplement is acknowledged as adding weight to his initial argument in that it does look at the availability of non-Green Belt sites. It is also noteworthy that at the recent St Modwen Public Inquiry, the appellant was using the same arguments as the current applicant in promoting the evidence base.

## **iii) Job Creation**

The third argument is the economic benefit that would accrue – particularly in the provision of job opportunities at the construction stage and when it is operational (at least 1000 jobs is quoted). This is also an issue which could be of significant weight. The weight afforded will depend on further exploration of the issue.

The first matter is to consider whether the number of jobs quoted could be provided in practice. To evidence this, the applicant has submitted the result of surveys of its national property portfolio (Appendix N). This shows that employment density has increased from one person for every 95 square metres within its logistics facilities in 2006, to one for every 69 square metres by 2014. In respect of this current application this would give a figure of just under 1250 jobs. Corroborative evidence from the Birch Coppice estate at Dordon shows an employment density in line with this figure. Additionally at the recent St Modwen appeal, that provider was working to between 1100 and 1700 jobs over the same general floor area of building. National research

(The British Property Federation in 2015) points to an average employment density of one employee for every 70 square metres of logistics floor space. It is thus considered on the basis of this corroborative evidence that the anticipated number of jobs arising from this development is a reasonable assumption.

The second matter is to consider the range and type of job opportunity to be provided. The BPF research referred to above, shows that whilst 32% of jobs nationally were part time, the equivalent figure for the logistics sector was 15%; average salaries in the logistics sector were £28k compared with the national average of £20k and that the salary growth over the last five years had been greater than the national average (7% compared with 3%). The range of jobs had also widened. The Prologis research referred to above shows that whilst 68% of staff worked on the warehouse floor in 2006, this had reduced to 50% in 2014 with a corresponding increase in office staff and particularly in IT and in engineers (MHE). This is substantially due to the technological advances within the warehouses in the way in which goods are handled. It is considered that this evidence supports the claim that a wider range of job opportunities is likely to be provided and that there is a strong likelihood that these are not to be all low skilled jobs.

The third matter is the matter of local employment. The BPF study above found that the majority of employees lived within 15 miles of their work and at the Birch Coppice estate IM Properties has found that 38% of employees live within five miles of the site. Geographically of course the Hams Hall site is closer to Birmingham than most of North Warwickshire but the evidence quoted suggests that employment sources will be local, which includes the Borough.

The final matter is that the application seeks a flexible mixed use of B2 and B8. Evidence from the applicant's property portfolio shows that such mixed planning permissions does attract a mix of different uses. Their Ryton site, which benefits from a flexible planning permission, presently has 42% of the site in B2 use. As indicated above too, the logistics industry is increasingly becoming responsive to technological advances when it comes to the handling of goods – e.g. robotics and driverless on-site vehicles – such that the “type” of employment in the B2 and B8 use classes is increasingly becoming blurred. Planning advice to Members is to beware of considering conditions requiring a proportion of B2 use on this site in the absence of available evidence to support any such figure.

In this particular case too, the applicant is prepared to agree terms within a Section 106 Agreement such that they will contribute to a programme of careers advice and employer engagement aimed at serving those who are either in education, employment or training (NEET's) and those identified as being at risk of becoming NEETs, and funding work to facilitate this within North Warwickshire. The applicant is already supporting local training initiatives and would be fully involved in the arrangements to be agreed under the Agreement. On other projects around the country, the applicant has formed linkages with local colleges to help with the delivery of programmes linked to the skills needs of its employees. Here the applicant would like to seek to work with the Aston, Coventry and the City of Birmingham Universities all of whom already offer courses linked to the types of occupiers who would be attracted to Ham Hall.

In light of all of the matters it is considered that the applicant's argument here does carry weight.

#### **iv) The Suitability of the Site**

The fourth and final consideration is the suitability of the site. The applicant argues that it is an extension of an existing large established estate with direct access to the strategic highway network and access to the station and rail freight terminal. It has had a past employment use and is of size and general disposition to be able to accommodate market requirements.

In physical terms this carries significant weight as this outline is factual. The weight that it is given in the final balance however has to be reviewed because there is no reference here to planning policy matters and to the degree of “harm” that might be caused.

#### **f) Overall Conclusion on the Applicant’s Case**

In conclusion therefore on the other side of the planning balance, these four considerations each carries weight. Cumulatively they amount to substantial weight because they are based on up to date and relevant evidence and because they do relate to priorities set out in the Core Strategy.

#### **g) The Draft Section 106 Agreement**

As indicated earlier in this report, the applicant is proposing a Section 106 Agreement. Before consideration is given to the final planning balance, Members should be satisfied first that the terms of that Agreement are statutorily sound. In addition, they should come to a view of the weight that is to be attached to it in that final balance.

There are three areas identified.

The first is the undertaking of the highway works at the A446 roundabout. This is a direct requirement of the Highway Authority to mitigate increased traffic movement and thus reduce harm. It is thus necessary to make the development acceptable in both highway and planning terms. Moreover it is directly related to the development (Core Strategy policy NW10) and it is proportionate to that development. It thus meets the statutory requirements. In this case however, as the works are within the highway it is more appropriate that their funding is dealt with directly by the County Council under the Highways Act. The Council as Local Planning Authority can use conditions to require completion of the works before occupation.

The second is the proposed land transfer and its accompanying “dowry” for ecological and landscape enhancement. This is again considered to be wholly required to mitigate any visual and bio-diversity harm arising from the development and to enhance the bio-diversity of the area by linking to existing nature conservation assets. It thus meet the objectives of the Core Strategy (Policies NW12; NW13, NW14 and NW16) and the NPPF (paragraph 118). The proposal is directly related to the development and proportionate to the scale of the proposal.

The third is the training and skills contribution. This is required to make the development acceptable in planning terms through focussing new job opportunities locally and to provide the opportunity of training and upskilling to fill vacancies (Core Strategy policy NW22 and one of the priorities set out in the Spatial Vision of the Core Strategy). It is directly related to the development and it is proportionate as the scale of the contribution is comparable to similar contributions throughout the Borough.



It is thus considered that the draft Agreement does satisfy the statutory requirements as set out in Regulation 122 of the CIL Regulations 2010. As a consequence it is also considered that significant weight should be attached to the draft Agreement. It directly addresses three main planning issues that arise from the development proposed and the focus of each is beneficial.

#### **h) The Planning Balance**

As in all Green Belt cases involving inappropriate development, Members have now to undertake the final assessment or planning balance. The issue is whether the considerations put forward by the applicant as described above are of sufficient weight to override the Green Belt and other harm caused by the proposals as concluded earlier in this report. There is clearly a “tension” here as both protection of the Green Belt and employment provision are key priorities of the Core Strategy. Moreover in this case the harm has been evaluated as being substantial to the Green Belt and the planning considerations cumulatively put forward by the applicant are also evaluated as substantial. The judgement here is thus finely balanced.

It is considered that the planning balance lies in supporting the application. There are three reasons for doing so.

The first is on the Green Belt issue. The analysis above concludes that the substantial harm to the Green Belt is caused primarily by the impact on the openness of the Green Belt. The Council commissioned an independent Green Belt Study which looked at a large number of specific parcels of land within the Green Belt and other broad areas. Its purpose was to see how these parcels and areas “performed” against the five purposes of including land within the Green Belt. This Study reported earlier this year. One of the parcels identified for study included the application site and land immediately to the north. The conclusion from the Study was that this parcel was that whilst it did perform against two of the Green Belt purposes, it was the least performing parcel of land of all of those considered in that Study. This suggests that the weight to be given to the Green Belt issue on this particular site could be lessened. The openness factor still remains, but this too could be lessened by the reduction in the heights of the building; the self-containment of the site visually, its visual linkage and connection more with the existing estate and the inclusion of a buffer strip between the site and Lea Marston. Public ownership of that buffer should maintain it in the longer term. There are two further issues. The first is that it has been suggested that the past refusals here add strength to the Green Belt argument. The most recent of these was for the wood recycling operation on part of the site. The refusal here was very largely to do with the environmental impacts arising directly from that specific use (ie. dust) and thus is not considered to be comparable to the present application. The previous refusals were for similar proposals and these were refused for Green Belt reasons. However it is important to understand that the reasons for refusal refer to the lack of evidence to support an employment case for very special circumstances. This is not the case today and importantly they were pre-NPPF when the degree of evidence and the focus on deliverability was not so pronounced as now. In other words the weight to be given to the respective applicant’s case is different. The second issue is the view that Green Belt boundaries are permanent and should only be changed through the Local Plan process. This is indeed the case but planning applications have to be determined outside of that process and the NPPF provides a clear process for making those determinations. The issue here is whether the application itself can be supported under the analysis of that process. If it is then the Council will need to consider Green Belt boundaries after that

decision. In conclusion therefore it is considered that in all of the circumstances outlined here that the weight to be given to the Green Belt harm identified here is lessened.

The second is on the employment provision issue. As indicated above this issue carries far more weight today than it did at the time of the previous applications at this site. The Council has a Core Strategy which identifies an employment need in the absence of the Regional Spatial Strategy (RSS). The NPPF requires Local Planning Authorities to keep their forward planning policies up to date and to manage growth in a sustainable way. The Duty to Co-operate has to some extent replaced the RSS and to this end there is joint working on both housing and employment requirements. That has resulted in independent research and conclusions which have been accepted by the Council in the preparation of its review of the Core Strategy. That evidence is up to date and relevant. This is why it is given significant weight. The Council needs to act on it. The NPPF requires this process to be undertaken and for Local Planning Authorities to use that evidence base (paragraphs 158, 160 and 161). That evidence points to an employment land gap. Notwithstanding the Green Belt status of this site, its physical attributes are appropriate for accommodating the type of proposal being promoted here. That proposal has been amended in part, to mitigate the levels of harm that would arise such that these are now concluded to be limited. It is also noteworthy that the site is available and that the proposal is deliverable. In conclusion therefore it is considered that in these circumstances outlined here that the weight to be given to this matter retains its significance.

The third is to look at the Council's strategic view. The NPPF requires Local Plans to be both aspirational and realistic (paragraph 154) as well as to be kept up to date. The Council has embarked on a review of its Core Strategy with these features in mind. It has therefore taken the opportunity to "manage" the growth agenda through its resolution to publish a draft Local Plan. The evidence base – both the economic development research and the Study on the Green Belt – has informed that process and in conclusion it leads to an employment allocation on this application site. The process is at an early stage and the draft Local Plan carries limited weight. It has been suggested that a decision in this case is thus "premature". However, Members will be aware that this site is safe-guarded for potential renewable energy schemes through the 2014 draft Site Allocations Plan and thus the Council has previously accepted the principle of its redevelopment for commercial purposes. That acceptance is not new – it precedes the draft 2016 Local Plan. It is agreed that the normal process of releasing land in the Green Belt is through the Local Plan process but as explained above, the Council has to react to this planning application. Members are advised that the determination here rests on the planning merits of the application itself and that should be the focus of their attention.

In conclusion therefore the application before the Board has to be determined on whether it accords with the Development Plan, unless other material planning considerations indicate otherwise. Here it is considered that they do. The Green Belt issue is not all encompassing for the reasons outlined whereas the employment need issue is heightened because of the current evidence base and the NPPF's objective of delivering sustainable development. The balance here is thus falls on the side of support for the proposal.

## **Recommendation**

- a) That the Council is minded to support the grant of planning permission for the reasons stated in this report; the schedule of conditions that follow and the completion of the Section 106 Agreement as referred to in this report.
- b) As a consequence the application should be referred to the Secretary of State under the 2009 Direction as Green Belt development in order to ascertain whether he wishes to determine the application himself.

## **Conditions**

### **Standard Conditions**

1. First Standard Outline Condition – reserving appearance; landscaping, layout and scale
2. Second Standard Outline Condition
3. Third Standard Outline Condition
4. Standard Plan numbers condition - the site location plan number 30659-PL-101B and the Parameters Plan number 30659-PL-102E.

### **Defining Conditions**

5. The reserved matters shall be designed in general accordance with the parameters contained in the plan approved under condition (4) above.

#### **REASON**

In order to define the scope of the permission

6. The total amount of floor space within the development hereby approved shall not exceed 85,000 sq m GIA.

#### **REASON**

In the interests of highway safety and to reduce the environmental impacts of the proposal.

7. No part of the development shall be occupied until all of the highway measures as shown on plan numbers NK017857/SK0100B and A094015-011A with respect to the site access road and plan number A09415-010F in respect of the Hams Hall roundabout mitigation scheme have been implemented in full to the written satisfaction of the Local Planning Authority.

#### **REASON**

In the interests of highway safety.

8. As part of the reserved matters submitted under Condition 1, full details of the proposed access points off Canton Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation, the access(es) shall be provided in full in accordance with the approved plans.

REASON

In the interests of highway safety.

9. Reserved matters applications submitted under condition 1 shall include full details of on-site HGV and car parking provision and must accord with the Local Planning Authority's standards. HGV parking provision on each plot as agreed under condition 1 in respect of the layout shall be at a minimum of 1 HGV parking space per 375 square metres of B8 floor-space.

REASON

In the interests of highway safety

**Pre-Commencement Conditions**

10. No work shall commence on the construction of any building hereby approved until full details of the landscaping and boundary treatment around the perimeter of the site together with arrangements for its maintenance has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full in accordance with a programme to be submitted to and approved by the Local Planning Authority.

REASON

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

11. No work shall commence on the construction of any building approved until full details of the roofing and facing materials to be used on that building have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area

12. No work shall commence on the construction of any building hereby approved until details of the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be provided in full on the site.

REASON

In the interests of public safety.

13. No work shall commence on the permission hereby granted other than the approved highway works and site remediation works until such time as fully detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles reflecting the submitted drainage design philosophy including details of attenuation measures and their future management and a foul water drainage scheme that is agreed by Severn Trent Water Ltd have first been submitted to and approved in writing by the Local Planning Authority. Only the approved schemes shall then be fully implemented on site.

REASON

To reduce the risks of flooding and pollution.

14. No work shall commence on any of the buildings hereby approved until full details of the location and specification of the acoustic fence at the eastern end of the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be fully implemented on the site.

REASON

In the interests of reducing noise impacts.

15. No earthworks shall take place on site until a site investigation of the nature and extent of contamination, based on a Phase 1 Assessment for the whole site, together with a controlled waters risk assessment, the delineation of any contamination hotspots identified and a comprehensive gas risk assessment have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

16. No earthworks shall take place on the site until a report, based on the work undertaken under condition (15), specifying remedial measures to render the site suitable for the use hereby permitted has first been submitted to and approved in writing by the Local Planning Authority. The report shall also include details to show how those remedial measures have been adhered to during construction.

REASON

In the interests of reducing the risk of pollution.

17. The site shall be remediated in accordance with the measures agreed under condition (16) before any construction works commence other than earthworks. A

verification report shall be submitted to the Local Planning Authority within three months of the completion of remediation.

#### REASON

In the interests of reducing the risk of pollution.

18. No development shall commence on site until a Construction Environmental Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how it is to be monitored and reviewed and a procedure for handling complaints. In particular it shall provide details of the arrangements for:
- a) The routing of all vehicles associated with the construction and phasing of the development and its associated signage;
  - b) The location of the site compound throughout the whole period of the construction.
  - c) The hours of working on the construction of the development
  - d) The hours within which deliveries are to be made including any loading and unloading
  - e) Wheel washing facilities and dust suppression arrangements
  - f) Measures to control noise and vibration during construction and
  - g) Site Lighting during construction

The approved Plan shall remain in force through construction until the written agreement of the Local Planning Authority is given

#### REASON

In the interests of highway safety and the visual and environmental amenities of the area

19. No work shall start on the construction of any building hereby approved until such time as an onsite Habitat Creation, Enhancement and Management Plan and Programme have first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full in accordance with the approved Programme

#### REASON

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

### **Pre-Occupation Conditions**

20. Within three months of the occupation of any building hereby approved, the occupier(s) shall submit a Service Yard Management Plan bespoke to its operations, to the Local Planning Authority for approval. This Plan shall include measures to prevent overnight HGV parking on public roads; keeping highways clear by managing delivery and gate opening times, encouraging the use of the rail freight terminal, the provision of on-site driver facilities and for noise reduction. Once approved the arrangements of the approved plan shall be adhered to at all times.

REASON

In the interests of reducing adverse environmental impacts and in the interests of highway safety.

21. There shall be no installation of any external lighting until such time as a scheme for any such lighting has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the lighting impacts and include measures to mitigate any adverse lighting impacts together with the arrangements for monitoring and reviewing of the approved measures. There shall be no occupation of any building until the measures approved under this condition have been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risks of adverse noise and lighting impacts.

22. There shall be no installation of any external plant and machinery associated with the approved buildings, including air conditioning and refrigeration plant, until such time as full details are submitted to and approved in writing by the Local Planning Authority. This submission shall include noise assessments. Any noise attenuation measures agreed under this condition shall be fully implemented prior to the use of the plant or machinery.

REASON

In order to reduce the risk of noise pollution.

23. Within six months of occupation of any building hereby approved, the occupiers(s) shall first submit a Green Travel Plan bespoke to their operations, including the arrangements for monitoring and review, to the Local Planning Authority. The Plan shall specifically refer to the potential to use the Coleshill Parkway Station for employees and visitors as well as to the Rail Freight Terminal for the transfer of goods. Once approved the approved measures shall remain in force at all times.

REASON

In the interests of promoting sustainable travel.

24. There shall be no occupation of any of the buildings hereby approved until such time as the whole of the service yards, parking and turning areas and access arrangements for that building have first been fully completed in accordance with the details approved under reserved matters through condition 1.

REASON

In the interests of highway safety and to reduce environmental impacts.

25. There shall be no occupation of any of the buildings hereby approved until such time as an HGV routing strategy has been submitted to and approved in writing by the Local Planning Authority. Once approved the strategy shall be adhered to at all times. The Strategy shall show that it prevents the use of roads through surrounding villages and settlements.

#### REASON

In the interests of highway safety.

#### Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the consideration of amended and revised plans as a consequence of consultations received in order to reduce adverse impacts.
2. Attention is drawn to the advice and guidance of Network Rail which is attached
3. The Service Yard Management Plans referred to above should be based on the draft submitted to this Authority as part of this application
4. The Green Travel Plan referred to above should be based on the draft submitted to this authority as part of this application.
5. Attention is drawn to Section 38 and to 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice and guidance should be sought from the Warwickshire County Council.



## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0399

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/7/16
2	Head of Development Control	Letter	18/7/16
3	R Drake	Objection	22/7/16
4	Highways England	Consultation	27/7/16
5	Natural England	Consultation	27/7/16
6	WCC Footpaths	Consultation	28/7/16
7	HS2 Ltd	Consultation	9/8/16
8	Network Rail	Consultation	11/8/16
9	WCC Flooding	Consultation	19/8/16
10	T Axe	Representation	28/7/16
11	Coleshill Town Council	Representation	3/8/16
12	R Keatley	Objection	6/8/16
13	CPRE	Objection	7/8/16
14	S Farrell	Objection	8/8/16
15	Lea Marston Parish Council	Objection	11/8/16
16	Nether Whitacre Parish Council	Objection	1/8/16
17	Environmental Health Officer	Consultation	24/8/16
18	WCC Highways	Consultation	1/9/16
19	Head of Development Control	Letter	7/9/16
20	Applicant	E-mail	7/9/16
21	Environmental Health Officer	Consultation	15/9/16
22	Planning Prospects	Representation	19/9/16
23	M Triplett	Objection	26/9/16
24	Applicant	Letter	13/10/16
25	WCC Highways	Consultation	20/10/16
26	WCC Highways	Consultation	
27	Lea Marston Parish Council	Consultation	24/10/16
28	WCC Highways	Consultation	24/10/16

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

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

PAP/2016/0399

Land at the Former "B" Power Station at Hams Hall

Member Site Visit – Sat 3 September at 1115

**Present:** Councillors Farrell, Ferro, Henney, Humphries, Ingram, Jenns, Jones, Philips, Reilly, Simpson and Sweet together with J Brown and two representatives from Delta Planning

1. Members met just beyond the access into the airport car parking area off Faraday Avenue.
2. They then walked to the end of the road and were able to view over the whole of the eastern half of the site. The existing BEKO building was pointed out and the direction of the BMW plant.
3. Members then walked directly through the whole of the site travelling north. Half way into the site they were able to view the western half of the site.
4. At the far northern end of the site they walked over the site boundary to the playing fields (outside of the site).
5. Here they were able to look back at the site; see the tower of the Church and also view Keepers Cottage which is to be demolished as part of the proposals.
6. Members looked at the indicative layout of the site whilst both at the southern and northern ends of the site.
7. On their return to the Airport Car Park they also were able to view the domed building on the site to be retained as existing, being outside of the application site.
8. The visit ended at around 1145.



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This matter is being dealt with by  
: Mr J Brown  
Direct Dial : (01827)  
Your ref : PRO10  
Our ref : PAP/2016/0399  
Date : 7<sup>th</sup> September 2016

Dear David

**Proposed Redevelopment  
The Former Power Station B Site, Hams Hall**

I refer to the planning application submitted on behalf of Prologis and E.ON relating to the above site. The matter was referred to the Council's Planning and Development Board on 5<sup>th</sup> September. It resolved that it wished to further explore a number of matters and that I be instructed to commence those discussions with you. I appreciate that some of these will have been covered within the submitted documentation but I think that it would be useful to set out the matters so that Members can have a comprehensive response to their concerns.

In this respect I think that it would be useful to look at a number of areas.

The first of these is that Members remain concerned about the potential impacts of the development on the environs of Lea Marston – that is to say the area between the northern end of the site and the village. The concerns relate to visual impacts as well as to those arising from noise and light. In this regard they were informed that your clients were exploring how to deal with an area of land immediately to the north of the site and within the blue line of the application. Members would clearly wish to know the outcome of this work as it may become a material consideration of some weight. Additionally could you please investigate the following options: reducing the core development area so as to expand the scale of the perimeter landscaping; having less tall buildings at the northern end of the site and particularly to look at the potential to have to service yards facing into the site and not on the outside as is suggested in the illustrative layout.

The second area relates to traffic and highway matters. Clearly we still have to await the full response from the Highway Authority in respect of its views on additional traffic using the local rural network through the nearby villages and for its assessment about public transport provision. However Members consider that there should be direct reference in Green Travel Plans as to how Coleshill Parkway Station can be used and to see what can be done to persuade occupiers to use the Rail Freight Terminal. The main concern is that of HGV parking. Could you please explicitly outline how you propose to ensure that occupiers will have sufficient space on-site so as to prevent on-street HGV parking elsewhere on the estate or in the locality, and how this would be managed. Members would also appreciate an outline of on-site driver facilities as they see these as an incentive for drivers to park on-site rather than elsewhere.

**Steve Maxey** BA (Hons) Dip LG Assistant Chief Executive and Solicitor to the Council

Thirdly there are concerns about the actual description of the proposal. Members understand that your clients are seeking a flexible planning permission within the B2 and B8 Use Classes Order. The Board explicitly has indicated that it would find no comfort from a fully B8 occupation. Could you therefore provide a full statement, supported by evidence from your client's other sites, about how a flexible permission might be taken up. Indeed in doing so Members would welcome suggestions from you as how a material proportion of the site might be given over to B2 use. In this regard perhaps we can begin to look at the Heads of a Section 106 Agreement, similar to those entered into with St Modwens and IM properties in North Warwickshire, relating to providing access to job opportunities here for local people as well as for training to enhance skills.

Finally there are some individual matters that the Board would ask for more detail. Firstly, Members would wish to see "Keepers Cottage" retained. This is perhaps the last remaining vestige of the former Hams Hall Estate and from a local heritage point of view the Board sees this as being important to the local community. Retention clearly affects the proposed arrangements at the northern end of the site, but given the comments made under the first item above, Members consider that there is a degree of flexibility here in order to accommodate the cottage. Secondly, the Board noted the exclusion of the building from the application site at the southern end of the site – the bat roost. Whilst it understands the reason for exclusion it has requested information as to how the building is to be maintained such that it doesn't become derelict; subject to vandalism and continually boarded up.

I look forward to hearing from you in respect of all of these issues.

Yours faithfully

  
Jeff Brown  
Head of Development Control

Steve Maxey BA (Hons) Dip LG Assistant Chief Executive and Solicitor to the Council



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Jeff Brown  
Development Control  
North Warwickshire Borough Council  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Date: 3 October 2016  
Ref: PRO10

Dear Jeff,

**Planning Application PAP/2016/0399 - Proposed employment development at the former 'B Station' site at Hams Hall**

I refer to your letter dated 7<sup>th</sup> September 2016 setting out a number of issues arising from the 5<sup>th</sup> September Planning Board Meeting. I respond to the issues raised in turn below:

**Potential Impact of the development on Lea Marston and its environs**

The applicants have considered carefully the views of the committee in this regard, together with the responses made to the application by the adjacent Parish Councils, and indeed the response of Natural England. We have also met with Lea Marston Parish Council to better understand their concerns.

Whilst the Environmental Statement submitted with the application concludes there would be no significant residual impacts of the development on the area, it does acknowledge that there will be some minor/moderate adverse visual impacts remaining as a result of the development. We also note that whilst Natural England raise no objections to the application, they encourage the planning authority to secure measures to enhance biodiversity from the applicant. Ecology mitigation is also raised as an issue by the Parish Councils.

In response to these issues, and by way of further mitigation, the applicant is willing to enter into an agreement with the Council to transfer an area of land within its control to the north east of the development site (as shown in blue on the attached plan) to a public body nominated by the Council. The purpose would be to secure a permanent long term buffer between the Hams Hall industrial estate and the villages of Lea Marston and Nether Whitacre, and that the land be used for off site ecological and landscape mitigation. Discussions have been held with Lea Marston Parish Council in this regard and they are willing to take over the stewardship of this area of land and be the nominated public body. The land is currently woodland, pasture land and community sports fields and provides opportunities for ecological and landscape enhancement. Part of the land is already a Local Wildlife Site and Ecosite and it borders Whitacre Heath SSSI,

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the Tame River corridor and areas of ancient woodland. The wider area is known to be home to protected and notable species including otter, hedgehog, bats, and grass snake. An appraisal of current biodiversity value and potential for enhancement of the land is attached with this letter. The appraisal identifies that the land is suitable for significant biodiversity enhancement opportunities including woodland thinning and management, installation of bird and bat boxes, increased public access, tree planting to augment existing screening between the development site and Church Lane, improved management of existing species rich grassland, and removal of silt from ponds. Such works would provide long term biodiversity enhancement and additional visual screening for the development. Such a transfer would be accompanied by a sum of money (£30,000 - as identified in the report) to be used by the nominated public body solely for landscape and ecological management and enhancement works of the land transferred.

Other matters that you requested we consider in order to reduce the impact on neighbouring communities included: reducing the core development area, reducing building heights, and reconsideration of the location of service yards to reduce noise/lighting impacts. In this regard we see no planning need to reduce the core development area or location of service yards as the Environmental Statement concludes that, with the noise and lighting mitigation already proposed, there is negligible impact on the community from such issues. It is however agreeable that a condition be placed on any permission requiring a further noise survey be submitted with any Reserved Matters application to allow the final designs to be confirmed as acceptable. We would also expect a condition requiring all external lighting details (including light spillage details) to be provided prior to any external lighting being installed at the site.

With regard to visual impact concerns, the applicant is however agreeable to reduce the maximum heights of any buildings by 2.5m, such that maximum ridge heights of buildings would be 19.5m high rather than 22m high as originally proposed. This will further reduce visual impacts on the surrounding area which, although not significant in EIA terms, are low/moderate in places. Accordingly, we enclose with this letter an amendment to the application parameters plan which shows the revised maximum building heights.

#### **Traffic and Highway Matters**

A final response from Warwickshire County Council to the application is still awaited. It is noted however that the traffic impact assessment itself is agreed together with the proposed mitigation works on the A446. These works will either have to be secured through Grampian Condition or s106 commuted sum contribution. In response to their holding objection dated 1 September we have actioned the following:

- A Stage 1 Road Safety Audit and Swept Path Analysis has been undertaken and the results provided to the County Council. Details of the proposed design of the upgrade to the proposed access road have also been re-provided (they were already contained within the TA). Copies have already been forwarded to you also and a response is awaited.
- Green Travel Plans. The applicant is agreeable to occupier specific Travel Plans being conditioned as part of any planning approval, and any such plans should of course include ways to maximise the use of Coleshill Parkway Station. The Framework Travel

Plan already submitted makes reference to this. Prologis has an excellent track record of taking the lead on Travel Planning on its Employment Parks to ensure occupiers maximise opportunities for Sustainable Travel.

- HGV Parking. The problems with HGV parking in the area are fully acknowledged and the applicant is fully committed to ensure that the development does not exacerbate existing problems. Details of HGV parking on site is a matter reserved for subsequent approval but in the absence of any local design standard the applicant is willing to accept a condition requiring a minimum of 1 HGV parking space per 375 sq.m of floorspace for any B8 uses. This is in excess of the typical standards of HGV parking used by most highway authorities and will ensure the site provides the necessary levels of overlay parking and help prevent informal HGV parking within Hams Hall or surrounding areas. Prologis buildings over 10,000 sq.m generally provide 'Hub offices' which provide facilities for drivers including washrooms and vending which again encourages drivers to use the overlay parking provided.
- Furthermore, and in direct response to the specific question raised by the Planning Board, the applicant is willing to agree to a condition requiring each occupier to submit for approval an occupier specific Service Yard Management Plan (SYMP). A Framework of such a plan is attached with this letter and demonstrates the types of actions that can be used to encourage responsible service yard management. The aims of the SYMP would be as follows:
  - To prevent overnight HGV parking on public roads in Hams Hall;
  - To keep highways clear by managing times of deliveries and gate opening to prevent vehicles waiting on the roads;
  - To encourage use of the rail freight terminal;
  - To ensure all drivers are aware that there is HGV overlay parking within the site, and details of driver facilities; and
  - Avoid unnecessary noise and disruption.

#### **Use Mix**

The flexible B2/B8 use mix proposed by the application is an essential component of the development, and restrictions on the amount of B8 would not be acceptable. Prologis employment parks and buildings are designed for a range of uses within the B2/B8 use classes and funders and occupiers require the flexibility of being able to move fluidly between the two uses.

The best local example of how this works successfully is at Prologis Park Ryton. This site is the former Peugeot factory site south of Coventry which closed in 2007 (also a former Green Belt brownfield site). It was acquired by Prologis in 2008 and has since been transformed to a highly successful employment park with 140,000 sq.m (1.5 million sq.ft) floorspace now built or under construction and let. Occupiers include JLR, UK Mail, LG, Freeman and Network Rail. Despite

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the planning permission having no restrictions on the amount of B8 uses, some 42% of the site is actually in use for B2 use and 3% in use for HQ offices, with B8 logistics use amounting to 55%. Although the B2 operators at the site did not require B8 permission to operate, they did nevertheless require the flexibility to change to B8 in future if required and the flexibility of the permission was an important factor in securing their interest.

Notwithstanding the above we would also emphasise that the perception that logistics companies do not provide the 'right type' of employment are out of date. Over the last 10 years Prologis has undertaken research into the numbers and types of jobs created on its parks through customer surveys. These surveys show that the logistics industry is offering an increasing number of jobs per sq.m, and that the majority of these jobs are full time. They also show an increasing diversity in the range of jobs. Logistics is a dynamic employment sector and as the surveys show, it makes a significant contribution to the UK economy. A copy of the survey summary is enclosed for information.

Reference is made in your letter to a possible s106 contribution towards job training and skills in the borough. Whilst in principle the applicant has no objection to such a contribution, we would want to see your justification that such a contribution meets the requirements of CIL regulation 122 in that such a contribution is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. I refer to the recent Planning Inspectorate decision at Winsford Cheshire in this regard (appeal ref: APP/A0665/A/14/2212671).

#### **Keepers Cottage**

The Boards wish to see 'Keepers Cottage' retained is noted and has been given careful consideration. It would however be unsuitable for residential use given its proximity to the development site and its retention would reduce the area proposed for landscape mitigation and surface water attenuation. It is not therefore proposed to retain the cottage.

#### **The Roundhouse**

The Boards comments regarding the former sub station building known as the roundhouse are also noted. This land is not however in the control of the applicant which is why it is excluded from the planning application, having been leased to National Grid on a 999 year lease a few years ago. It is a redundant sub station and has become an important bat roost, so demolition is not an option. It is our view that should the application site be redeveloped the substation will be less likely to suffer from vandalism in future due to the higher activity levels in the area, and the fact that the road adjacent will be well lit and trafficked. Future maintenance is the responsibility of National Grid, not the applicant.

#### **Planning Obligations**

Reference is made in your letter to the need to discuss the potential for planning obligations. In this regard and having taken into account the above, the planning obligations at this stage are perceived to be:



- Payment of off site highway works mitigation contribution (sum to be agreed) – or alternatively a requirement through a Grampian Condition to do the identified highway works prior to any occupation of the site;
- An offer to transfer land north east of the application site to the Council's nominated public body for off site landscape and ecology protection and enhancement;
- Obligation of a commuted sum of £30,000 relating to the above land transfer to be used by the nominated public body for landscape and ecological mitigation and maintenance;
- Possible commuted sum contribution to local employment and training (subject to being satisfied such a contribution meets the CIL regulation tests).

I trust that this letter addresses all the points raised by the Board.

Yours sincerely,

**David Green**  
**Director**

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Cc A Sarjant – Prologis UK  
M Maisey – E.ON





**North Warwickshire  
Borough Council**

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

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

**DECISION**  
Outline Application

Application Ref : PAP/2006/0284

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

Andrea Caplan  
Atkins  
The Axis  
10 Holliday Street  
Birmingham

**Site Address**

Hams Hall National Distribution Park, Hams Hall, Birmingham

**Description of Development**

Outline - Warehousing and Distribution (B8)

**Applicant**

Mr Mark Maisey E.On-Uk

Your planning application was valid on 18 April 2006. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reason(s):

1. The site is in the Green Belt. The Council is not satisfied that there are very special circumstances put forward by the applicant of such weight to warrant the grant of planning permission for this inappropriate development. The proposal does not accord with the Development Plan, namely Policy GD6 of the Warwickshire Structure Plan (1996-2011); Policy ENV1 of the North Warwickshire Local Plan (1995) and Policy ENV3 of the North Warwickshire Local Plan as Proposed to be Adopted (2006). The Review of the 2004 Spatial Strategy has not reached a material stage for any weight to be attached to the West Midlands Regional Logistics Study (2005), and as such, any decision leading to the inappropriate development of land within the Green Belt on that Study, would be premature.
2. The applicant has not given due regard to the impact of the proposal on the local environment and community, and thus the proposal does not accord with Policy CP10 of the North Warwickshire Local Plan as Proposed to be Adopted nor Policies IMP1 and IMP2 of the 1995 North Warwickshire Local Plan.

Authorised Officer

Date 18 July 2006

Page 1 of 2



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3. The Environment Agency is not satisfied that the proposal would not give rise to the potential for increased flooding. As such the proposal is not in accord with Government Guidance in PPG25, Policy ENV18 of the North Warwickshire Local Plan 1995, nor Policy ENV10 in the North Warwickshire Local Plan as Proposed to be Adopted.
4. The Highways Agency direct that planning permission be refused as insufficient information has been provided by the applicant to enable assessment of the vehicular impact of the development upon the Trunk Road and Motorway Network as required by Circular 04/2001.

#### APPEAL INFORMATION

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

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

Date 18 July 2006



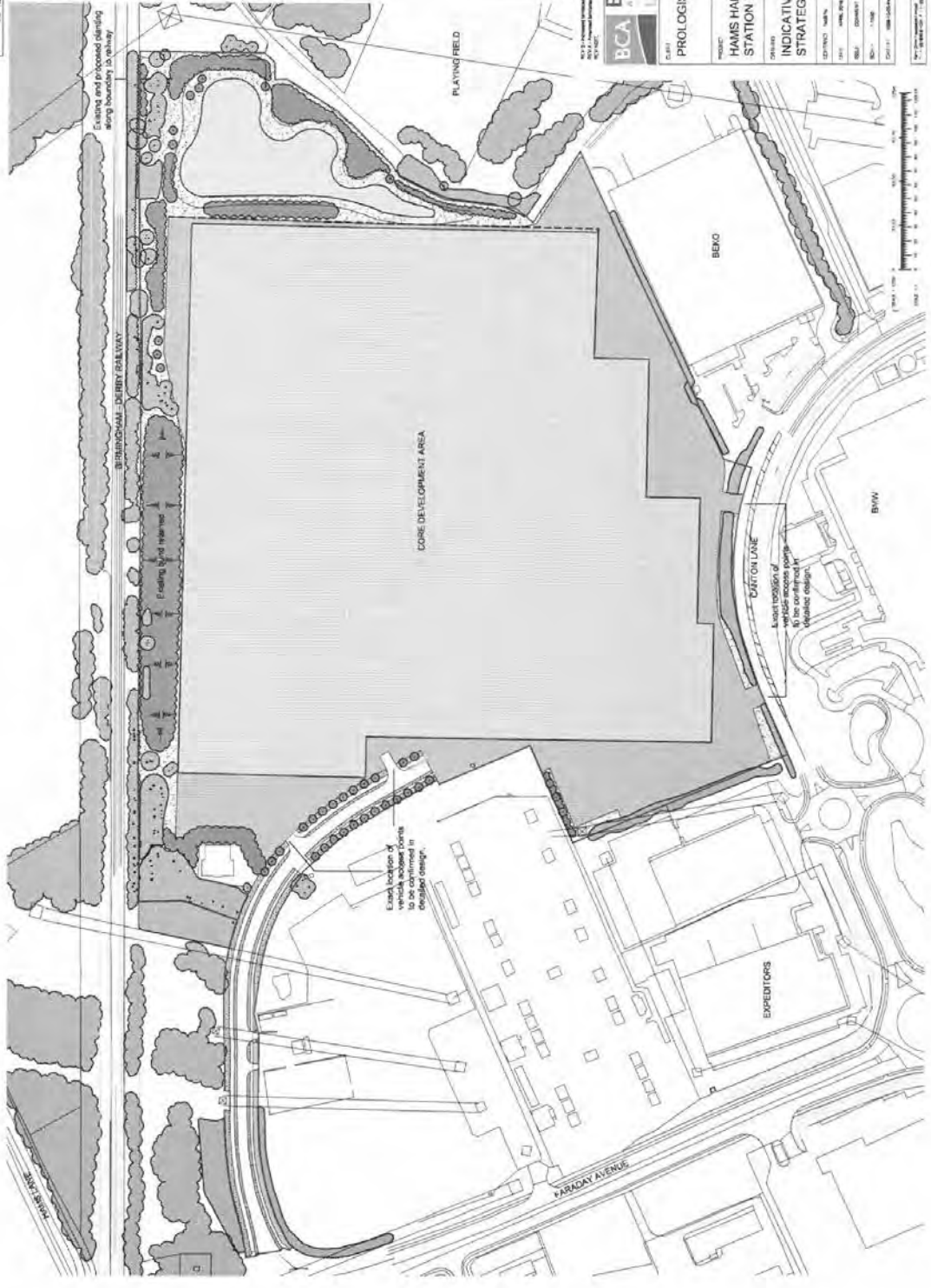
Page 2 of 2



PMP/2018/0389

DATE: 2018/03/20  
 PROJECT: HAMS HALL STATION B  
 DRAWING: INDICATIVE LANDSCAPE STRATEGY

- KEY**
- EXISTING TREES
  - PROPOSED TREES
  - EXISTING BUILDINGS
  - PROPOSED BUILDINGS
  - EXISTING ROADS
  - PROPOSED ROADS
  - EXISTING PATHS
  - PROPOSED PATHS
  - EXISTING WATER FEATURES
  - PROPOSED WATER FEATURES
  - EXISTING BOUNDARIES
  - PROPOSED BOUNDARIES
  - EXISTING RAILWAY
  - PROPOSED RAILWAY



RECEIVED  
 07/07/2018  
 PLANNING & DEVELOPMENT  
 DIVISION

BCA  
**BARRY CHINN**  
 Landscape Architects  
 PROLOGIS (UK) LTD  
 HAMS HALL STATION B  
 INDICATIVE LANDSCAPE STRATEGY

DATE	05
NO.	B
PROJECT	HAMS HALL STATION B
CLIENT	PROLOGIS (UK) LTD
DESIGNER	BCA BARRY CHINN
SCALE	1:1000
DATE	2018/03/20
DRAWN BY	[Name]
CHECKED BY	[Name]
DATE	2018/03/20

'B Station' site, Hams Hall, Coleshill  
Proposed Employment Development

VOLUME  
**2C**

ES Non Technical Summary



June 2016

[prologis.co.uk](http://prologis.co.uk)



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**Prologis and E.ON**

**Proposed Employment  
Development**

**'B Station' site, Hams Hall,  
Coleshill**

**Environmental Statement  
Non-Technical Summary**

**June 2016**



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## Environmental Statement – Non-Technical Summary

1. This Environmental Statement (ES) has been produced on behalf of Prologis and E.ON to support an outline planning application for the redevelopment of the former 'B Station' site at Hams Hall for industrial/distribution uses.

### Scope and Methodology of the EIA

2. The proposed development has been subject to a formal process of Environmental Impact Assessment (EIA) undertaken in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
3. The EIA has been undertaken as an aid to the planning and design of the development proposals, to identify any potentially significant impacts and to allow appropriate mitigation measures to be incorporated into the proposals. The ES reports the findings of the formal EIA for the project.
4. At the outset of the project the range of potential environmental impacts to be covered by the EIA was agreed with North Warwickshire Borough Council. These were:
  - Landscape and Visual Impacts;
  - Ecology;
  - Traffic and Transportation;
  - Air Quality;
  - Noise and Vibration;
  - Flood Risk and Drainage;
  - Ground Conditions;
  - Socio-Economic Impacts.
5. Prologis appointed a team of specialist consultants to assess the proposals against each subject area and undertake the EIA. The team has consulted widely on the assessment with the Council and various statutory and non-statutory agencies and organisations. The assessment process considered the existing site conditions, the range of potential impacts, what mitigation measures are needed to address those impacts and any residual effects that will remain after mitigation.

## Site and Surroundings

6. The site at Hams Hall, known as the 'B Station' site, is located in North Warwickshire at the western edge of the Borough. It lies in a highly accessible location close to the motorway network and within easy reach of the West Midlands conurbation. It adjoins the existing Hams Hall Manufacturing and Distribution Park immediately to the north. The general location of the site is shown at Figure 1.1.
7. The 'B Station' site extends to approximately 20 hectares and is the last remaining part of the former Hams Hall Power Station that has not been redeveloped following the final closure of the power station in 1992. The site boundaries are formed by a railway line to the north, playing fields, a woodland area and a church to the east and the Hams Hall Manufacturing and Distribution Park to the south and west. The application boundary is shown at Figure 1.2.
8. The site is brownfield and comprises the remaining concrete foundations and basements of the former 'B Station' and cooling towers which have been left in situ, a disused tarmac car park and a number of other hardstanding areas associated with the former power station use of the site. There are two remaining buildings, Keepers Cottage and a small former maintenance building. The Round House at the north-western edge of the site has been excluded from the application site boundary. There are existing landscaping belts along the northern and southern site boundary. Areas of shrub and grassland as well as scattered trees can be found on the eastern part of the site.
9. The former 'B Station' site was located on two main development plateaus. There is a level difference of approximately 1.5 metres with the northern development plateau located at approximately 79.5 AOD and the southern development plateau at approximately 78.0 AOD.
10. Access to the site is gained from existing roads within the Hams Hall Manufacturing and Distribution Park from Canton Lane to the south and an access road from the Faraday Avenue/Edison Road roundabout to the west.
11. In terms of the surrounding area, the Hams Hall Manufacturing and Distribution Park dominates the area immediately to the south of the site. The town of Coleshill is located towards the south of the Hams Hall Manufacturing and Distribution Park. Other main settlements close by include Water Orton and Curdworth approximately 2km to the south-west and north-west of the site. The landscape to the north and east of the site is more rural in character. The village of Lea Marston is located approximately 1km to the north of the site. The villages of Whitacre Heath and Nether Whitacre are located approximately 1.5km and 2.5km respectively to the east of Hams Hall.

## Development Proposals

12. The proposal is for an extension to the Hams Hall Manufacturing and Distribution Park. The description of development is as follows:

*Demolition of existing buildings and redevelopment of site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping.*
13. The application is submitted in outline. Although final access design will be controlled by condition, agreement in principle is sought for access from Canton Lane and off an upgraded (unnamed) estate road from Faraday Avenue.
14. To enable the development to be properly tested for its environmental impacts, a Development Parameters Plan has been prepared and included as Figure 3.1 to this ES. The Development Parameters Plan sets out the core development area, the structural landscaping areas, the use classes required and the maximum scale of development.
15. In addition, the application is supported by an illustrative masterplan (Figure 3.2), which demonstrates how the site could be developed within the scope of the principles established by the Parameters Plan. A detailed analysis of the site and the design principles which will be followed is set out in the Design and Access Statement which accompanies this application.
16. The principal activities associated with the construction stage of the proposed development are the demolition of the existing buildings and site stripping and earthmoving, excavation and site re-profiling to establish base levels for the buildings, service yards, access roads and car parking areas. Following this there will be the construction of road and services infrastructure, foundations, construction of buildings and landscaping. During construction a large proportion of the existing trees and vegetation within the site will be removed, although the landscaped bund along the northern boundary will be retained.
17. Delivery of the development will be market driven and the site will therefore be built out depending upon occupier requirements and market conditions. However, for the purposes of this EIA it is assumed that enabling works and site remediation would start towards the middle of 2017 with construction activity on the main development commencing in 2018 and taking 12 months to complete the first building. The development is expected to take approximately three years to build out in its entirety.
18. In assessing the impacts of the development, two other major developments have also been considered alongside this proposal in order to identify any cumulative impacts on the environment. These are HS2 and the proposed employment scheme at Peddimore.

## Planning Policy Context

19. The planning policy context relating to the development consists of the National Planning Policy Framework (NPPF), the North Warwickshire Core Strategy (2014) and saved policies of the North Warwickshire Local Plan (2006).
20. The former 'B Station' site at Hams Hall is located in the West Midlands Green Belt. National and local planning policy states that the construction of new buildings in the Green Belt should be regarded as inappropriate other than for limited, specified exceptions. The proposed development does not meet any of the listed exceptions and in this regard constitutes inappropriate development in the Green Belt. To justify the proposed development it needs to be shown that the potential harm to the Green Belt and any other identified harm is clearly outweighed by other considerations and that very special circumstances exist.

## Impacts and Mitigation

21. The impacts of the development are best summarised by distinguishing between the generally short term effects arising from the construction phase, and the medium to longer terms effects of the built (operational) phase.

### Construction Phase Mitigation and Adverse Impacts

22. The construction phase of any strategic development has the potential to have significant adverse effects, albeit short term, on the environment. The construction phase will involve clearance of much of the existing vegetation, large scale earthmoving, new service trenches, construction of access roads, new foundations and buildings and major landscaping works. Possible impacts include the removal of vegetation and ecological habitat, construction traffic, noise, vibration, dust and risk to controlled waters.
23. Although it is not possible to completely avoid the impacts of such large scale construction, much can be done to manage and reduce those impacts to acceptable levels through the adoption of a range of mitigation measures, principally falling under the remit of a Construction Environmental Management Plan (CEMP). A site specific CEMP will be prepared by Prologis and its chosen contractor and approved by the planning authority prior to any construction commencing. This will form the basis of the agreed working methods with the Local Authority under Section 61 of the Control of Pollution Act 1974. It will be implemented by all contractors and sub-contractors associated with the development and will ensure the development is carried out using best practice construction methods and working procedures. These will include:
  - Implementation of a Construction Traffic Management Plan (CTMP). This will include a construction phase delivery strategy to control the timing and routing of delivery vehicles, and a construction travel plan, to encourage construction workers to car share or use sustainable modes of travel where possible;

- A considerate contractors' scheme, covering matters such as wheel washing facilities, hours of working, considerate screening, location and operation of plant and construction compounds, etc.;
  - Adherence to a range of working practices and controls to address the potential for excessive noise or vibration effects;
  - Adherence to environmental management controls and procedures as set out by the Environment Agency, such as the use of bunding around fuel tanks, siting of fuel storage away from watercourses, implementation of erosion control measures, the use of silt traps and dust suppressant techniques;
  - Implementation of measures to protect on-site habitat and species including the fencing of retained habitat and sensitive areas with high visibility fencing, undertaking site clearance works outside the bird breeding season or under supervision and passive displacement of reptiles prior to the start of site works;
  - Implementation of measures to protect retained trees in accordance with British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction;
  - Adherence to all other necessary regulations and guidelines on protecting the health of site workers, the environment and local communities during the construction process.
24. In addition to the CEMP other key mitigation measures to be undertaken both immediately prior to, and during the construction phase, will be as follows:
- Installation of infrastructure landscape and any perimeter earthworks as part of the first phase of the project;
  - Treatment and removal of the existing stand of invasive Japanese knotweed;
  - Construction of energy efficient buildings which aim to exceed the latest carbon reduction standards, Adoption of measures to avoid, reduce and mitigate greenhouse gas emissions including local sourcing of materials, the use of low carbon and responsible sourcing of the main materials such as steel, stone/aggregates, concrete and brickwork, the use of modern methods of construction and satisfying BREEAM 'Very Good' standards.
25. Following the mitigation described above, the main residual adverse impacts of the construction phase of the development are identified to be:
- Immediate short-term impacts on landscape character and landscape features ranging from minor to major adverse impact resulting from the removal of a large proportion of trees and other vegetation, demolition works, earthworks and re-profiling of existing topography, temporary plant and storage areas, construction activities and associated lighting;

- Immediate short term major adverse visual impacts arising from the gradual appearance of large built structures and the limited initial mitigating effect of new landscaping;
  - Short term minor adverse impacts on the ecology of the site as a result of the loss of oak trees and suitable habitat for a number of bird species;
  - Short term negligible impact on the local and strategic road network from construction vehicles;
  - Short term intermittent negligible risk of construction dust affecting near-by properties;
  - Short term intermittent negligible impact from construction noise and vibration on residential and commercial properties closest to the site;
  - Short term negligible risk of construction activities increasing flood risk or impacting water quality of receiving watercourses via increased run-off and releases of contamination and sediment;
  - Short term negligible risk of exposure of construction workers and the general public to contamination in soil, groundwater and surface water;
  - Short term negligible risk of release/migration of contamination (uncontrolled discharges/accidental spillage) to controlled waters;
  - Short term negligible effect from hazardous ground gas and/or vapours (explosive and asphyxiate) generated by potential sources on and off-site to construction workers.
26. The construction phase of the development will result in very limited impacts, principally on landscape and ecology. However, these impacts will only be experienced in the short to medium term until the proposed landscaping matures.

**Operational (Developed) Phase Mitigation and Adverse Impacts**

27. Once developed, the site will be characterised by a range of industrial/logistics buildings and their associated offices, service yards, car parking, roads and landscaping.
28. A strategic employment development of this nature will inevitably have some adverse impacts on the environment in terms of the change to the character to the area, views into the site and increased traffic. However, the impacts of the proposed development can be limited and controlled through a series of mitigation measures including the following:
- Implementation of comprehensive landscape scheme to include retention of existing bunds and landscaping to site boundaries (where possible) and new structural planting. The existing 2 metre high bund along the north-western boundary will be retained and planted with native trees and shrubs. The area



north-east of the development zone will be used to provide a landscape buffer, ecological mitigation and for water treatment and drainage attenuation. New planting will include native trees and shrubs to the boundaries and aquatic/marginal planting and species rich grass seeding to the water bodies. Overall, 40 to 50 trees will be planted at advanced nursery stock size and 1 hectare of native woodland and thicket planting will be provided including a further 1,200 trees planted at smaller sizes. A combination of plant stock and sizes will be used to maximise the effectiveness of the new planting within a minimum period. Throughout the development period and thereafter a maintenance and management regime will be adopted to ensure the longevity of the new landscape and ecological habitat;

- The new landscaping scheme to be designed and maintained in the long-term to achieve a balance between biodiversity benefits, landscape enhancement and recreation. The landscaping scheme will include native trees (including fruit-bearing trees) and shrub species including broad-leaved woodland planting, new species-rich areas of shrub, and an appropriate mosaic of flower-rich grassland, ruderals, pools and areas managed to provide loose bare substrate. The proposed planting will provide shelter and a food source for insects, birds, reptiles and some mammals;
- A belt of new planting comprising a mix of woodland and shrub will be provided along the boundaries with the Roundhouse to provide connectivity from the known bat roost to the surrounding area with shielding from lighting sources;
- Provision of a third lane to Lichfield Road (A446) southbound approach at the Hams Hall roundabout to mitigate the traffic impacts of the proposed development;
- Implementation of a Travel Plan to encourage use of sustainable transport modes and reduce single occupancy car journeys to and from the completed development;
- Provision of 2.4 metre noise barrier along eastern service yard should this form part of final site layout;
- Raising the ground levels of the proposed development above the surrounding ground level, or sloping external ground levels away from the building to ensure that proposed buildings are not affected in the event of flooding from on-site sources and surcharging of on-site sewers;
- Attenuation of surface water to greenfield run-off rates through provision of on-site detention basin/attenuation pond as outlined in Drainage Philosophy Statement. Impermeable surfaces (external pavements and roof areas) within the core and outer development zones will drain into a below ground drainage system which will convey water to an attenuation pond on the north-eastern part of the site (providing approximately 10,856 m<sup>3</sup> of attenuation). The pond will be lined to minimise infiltration into the ground. The pond will have a

controlled outfall to the existing 900mm diameter surface water drain limiting the flow to the River Tame outfall to a Greenfield runoff rate.

29. Following the mitigation described above, the main residual adverse impacts of the operational phase of the development are identified to be:

- Negligible to minor adverse impact on local landscape areas to north and east of the site given proximity to the application site and loss of area of woodland;
- Minor/moderate adverse visual effect from adjacent playing fields, Hams Lane and footpath M23 adjacent to Blackgreaves Farm. Minor adverse effects from the public footpaths to north of Nether Whitacre; from the railway bridge on Birmingham Road east of Lea Marston and from the footpath adjacent to KSD Recycling. Negligible/minor adverse effect from Church Lane;
- Negligible effect on bats through disturbance to known off-site bat roost and foraging and commuting routes;
- Negligible to minor adverse impact on surrounding highway network as a result of development traffic;
- Moderate adverse impacts on unnamed estate road leading into site and Marsh Lane in terms of severance and fear/intimidation arising from increased use of roads by HGVs;
- Negligible impacts on air quality from site operations and traffic movements;
- Negligible impacts from on-site noise sources.

#### **Beneficial Impacts of the Proposed Development**

30. The EIA has identified a number of beneficial impacts of the proposed development. These can be summarised as follows:

- Major beneficial impact on the local economy during the construction of the proposed development including the creation of a significant number of job opportunities in the construction project. Good proportion of construction jobs created by the proposed development likely to be taken up by the local workforce in the construction industry. The construction of the proposed development will also have a number of positive indirect impacts as it generates additional jobs in the supply chain and leads to an improvement in economic activity. CBI reports suggest that construction projects send ripples of economic activity through the wider economy generating £2.84 in total economic activity for every £1 spent on construction projects. The proposed development presents a direct capital investment of £70 million and could generate a total economic output of £198.8 million.

- Major beneficial impacts on the local economy in the medium to long term following the completion of the development as a result of the substantial number of permanent new jobs generated; at least 1,000 jobs are likely to be created. A development of this nature is likely to provide a wide range of job opportunities requiring both skilled and non-skilled labour. This could include managerial positions, IT, customer services, sales, engineering, warehouse staff, assembly/operators, technicians, administrative roles and drivers. In addition, there will be significant indirect employment impacts arising from the development with additional jobs created locally and in the wider region.
- Minor beneficial impact on the character area of the site itself and adjacent wetland area as a result of the replacement of the disturbed former industrial land with a more structured designed landscape and inclusion of waterbodies and wetland habitats;
- Minor beneficial impact on pedestrian amenity and delay following the widening of the unnamed estate road and provision of pedestrian footways;
- Negligible to minor beneficial impact on water environment following the implementation of the proposed ground remediation and drainage strategy.

### Conclusion

31. The assessment has identified that there would be a range of both adverse and beneficial impacts associated with the construction and operational phases of the development. The majority of the adverse effects are minor adverse at worst, but there would remain some minor/moderate adverse effects relating to the visual impact of the development from viewpoints within close proximity to the site and a moderate adverse impact on the unnamed estate road leading into the site and to Marsh Lane resulting from an increase in HGV traffic.
32. A major benefit at both local and regional level is that the development can be expected to support the sustainable growth of the Borough and the wider sub-region. It will bring significant positive effects in the form of at least 1,000 direct jobs together with a direct capital investment of £70 million, in addition to substantial indirect and induced socio-economic benefits during both the construction and operational stage of the development. The development also provides benefits in the form of a high quality landscaping scheme, upgrading of the unnamed estate road and provision of pedestrian footways and on the water environment through the implementation of a sustainable drainage strategy.

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# 'B Station' site, Hams Hall, Coleshill

Proposed Employment Development

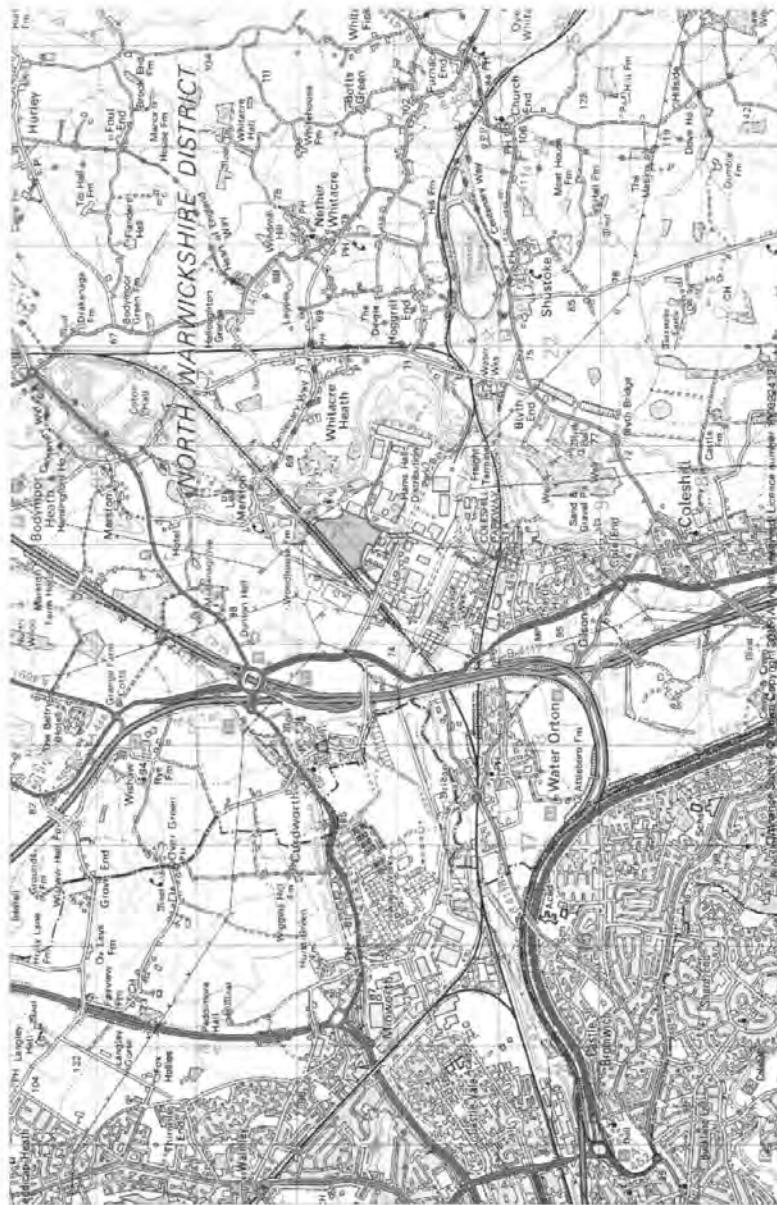
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Figures



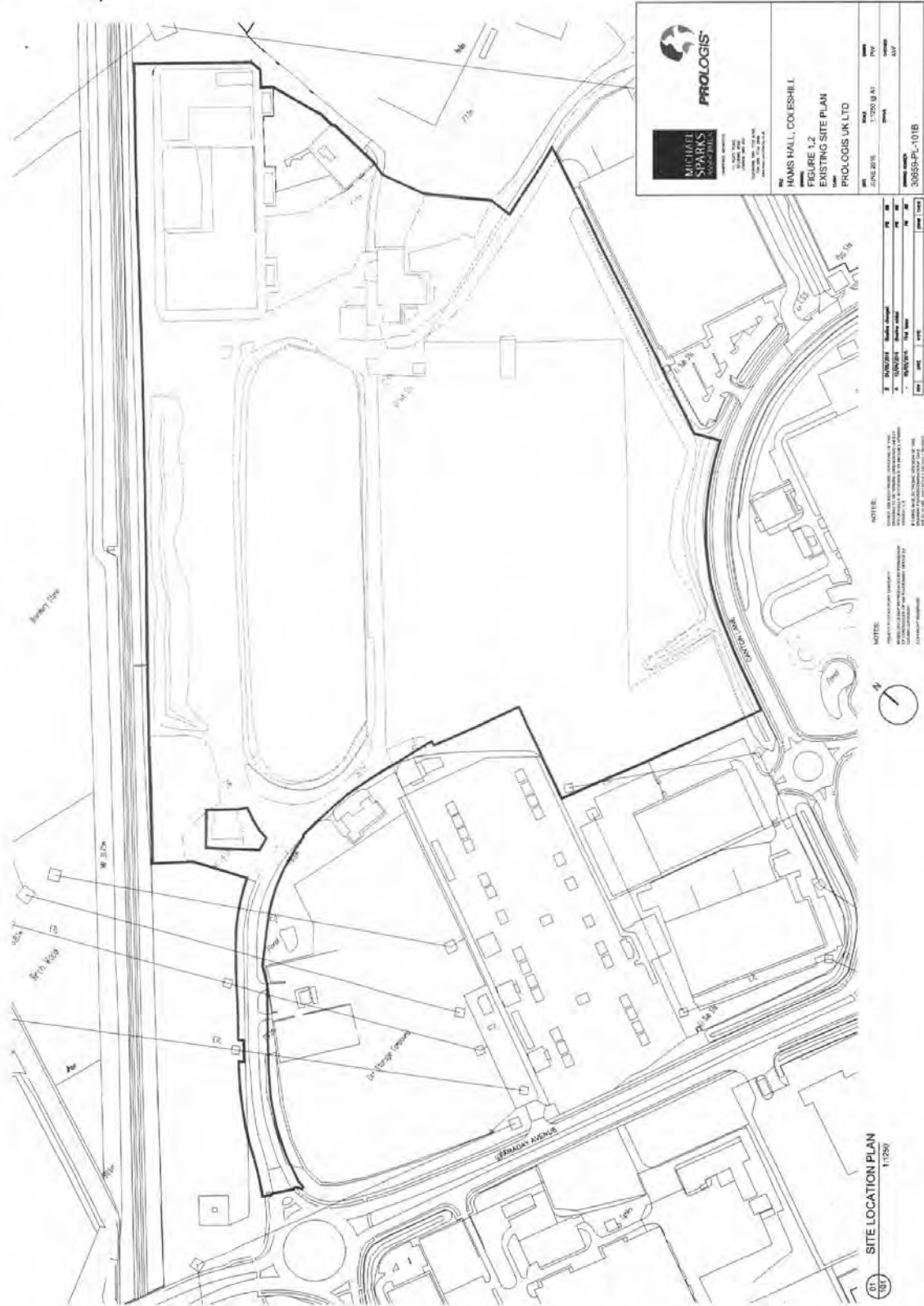


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 100  
 SITE LOCATION PLAN  
 1:20,000

 <b>PROLOGIS</b> LOGISTICS DEVELOPMENT	 <b>MICHAEL SPARKS</b> CONSULTANTS
<b>HANS HALL COLESHILL</b> FIGURE 1.1 SITE LOCATION PLAN FOR <b>PROLOGIS UK LTD</b>	
DATE: APRIL 2016 DRAWN BY: [unreadable] CHECKED BY: [unreadable]	SCALE: 1:20,000 (A1) SHEET: 0001 PROJECT: [unreadable]
30659-PI-103	



**NOTES**

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE LOCAL DEVELOPMENT ORDER 2015.

2. THE DEVELOPMENT SHALL BE SUBJECT TO THE CONDITIONS OF THE PLANNING PERMISSION GRANTED BY THE LOCAL AUTHORITY.

3. THE DEVELOPMENT SHALL BE SUBJECT TO THE CONDITIONS OF THE PLANNING PERMISSION GRANTED BY THE LOCAL AUTHORITY.

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10. THE DEVELOPMENT SHALL BE SUBJECT TO THE CONDITIONS OF THE PLANNING PERMISSION GRANTED BY THE LOCAL AUTHORITY.



-  APPLICATION BOUNDARY
-  OUTER DEVELOPMENT AREA
-  CORE DEVELOPMENT AREA
-  LANDSCAPING AREA (INCLUDING LANDSCAPE INFRASTRUCTURE)
-  VEHICULAR & NON-VEHICULAR ACCESS

**CORE DEVELOPMENT ZONE**

Max. floor area 48,000 square metres  
 Max. height to roof tops 22 metres

Accommodating the following uses:  
 B2 (General Industrial)  
 B8 (Storage and Distribution)  
 Including ancillary offices

NO.	DATE	BY	FOR
1	12/01/2015	...	...
2	12/01/2015	...	...
3	12/01/2015	...	...
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6	12/01/2015	...	...
7	12/01/2015	...	...
8	12/01/2015	...	...
9	12/01/2015	...	...
10	12/01/2015	...	...



**PROLOGIS**

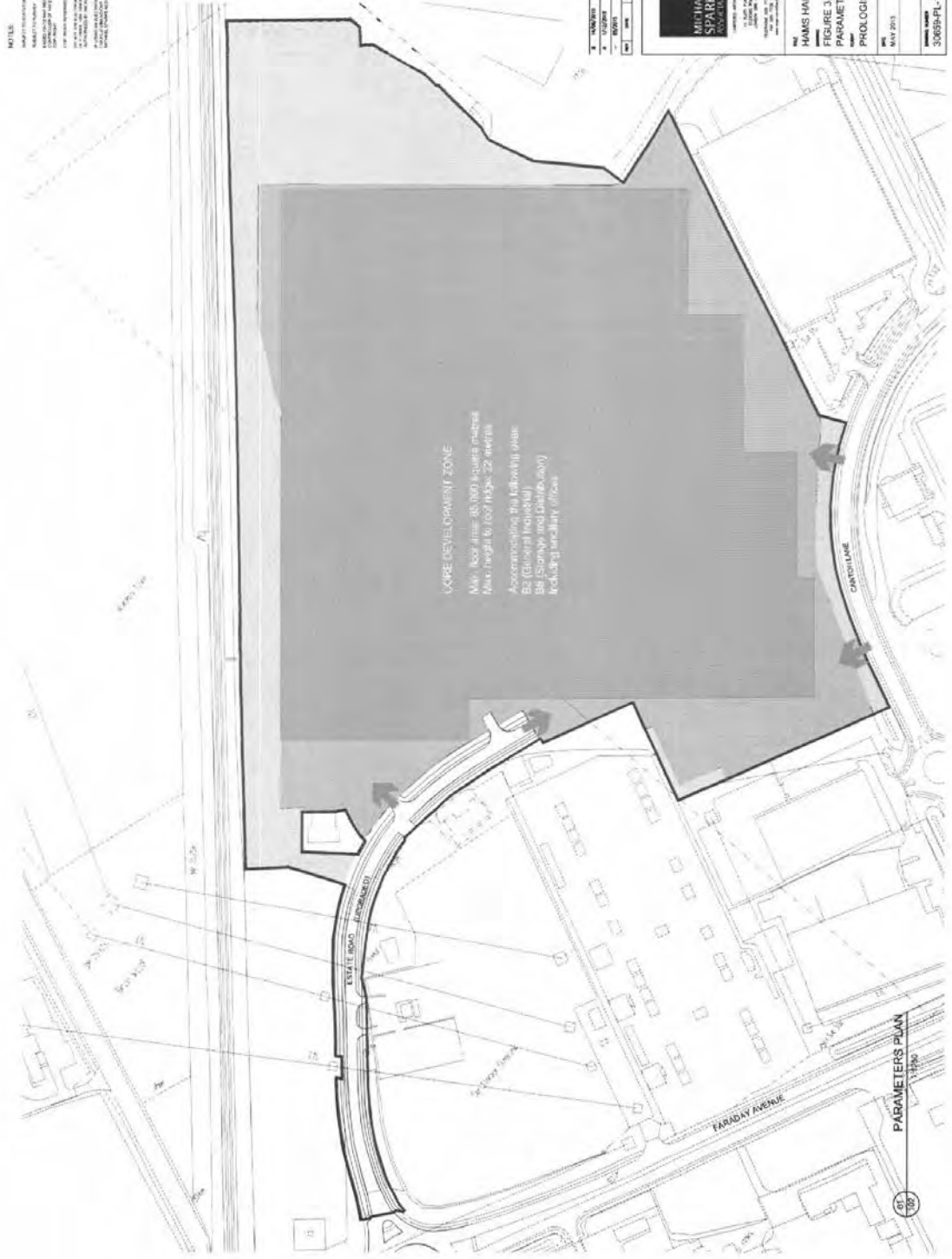
WALTHAM SPARKS DEVELOPMENT

10000 WALTHAM ROAD  
 WALTHAM, CHESHIRE  
 W15 7LQ, UK

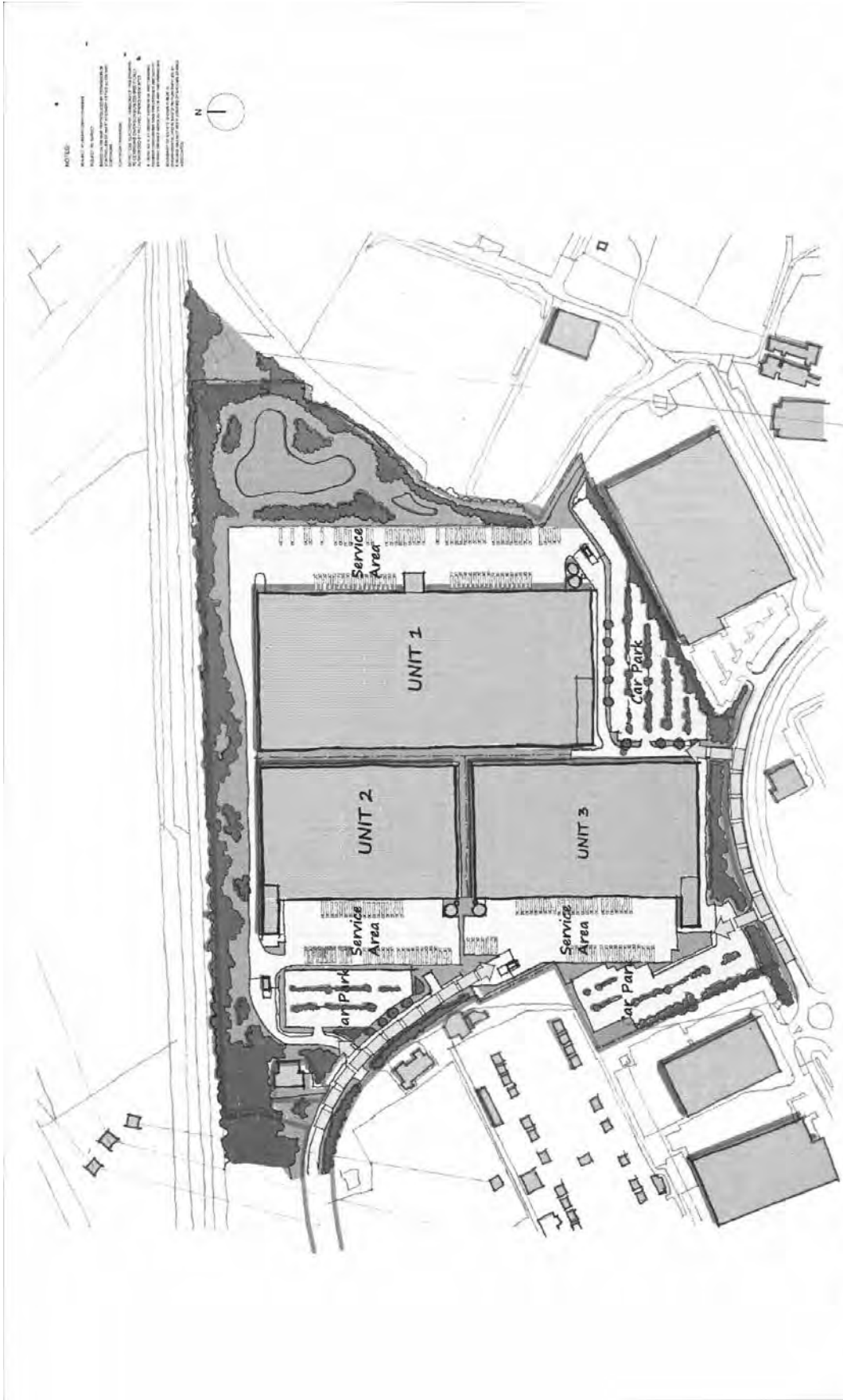
HAMS HALL, COLESHILL

FIGURE 3.1  
 PARAMETERS PLAN

DATE: 12/01/2015  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 PROJECT NO: 30695-PL-102B







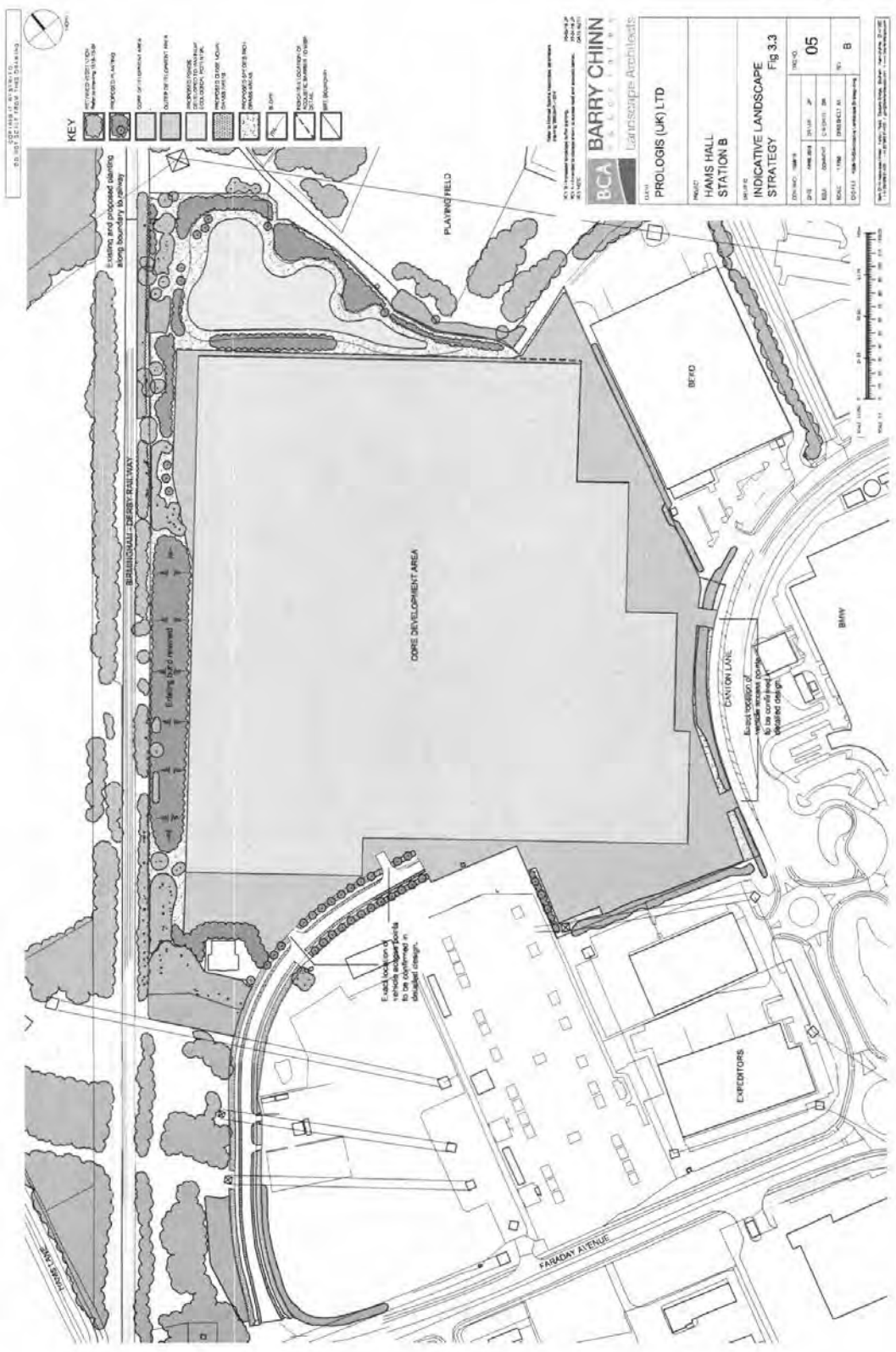
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FIGURE 3.2  
ILLUSTRATIVE MASTERPLAN

**HAMS HALL B, COLESHILL**

MICHAEL SPARKS ASSOCIATES ARCHITECTS 11 PLATO PLACE, ST DIONIS ROAD, LONDON, SW16 4TU T: 020 7736 8182 F: 020 7736 3898 E: INFO@MSA-ARCHITECTS.CO.UK





CLIENT	PROLOGIS (UK) LTD
PROJECT	HAMIS HALL STATION B
ISSUE	INDICATIVE LANDSCAPE STRATEGY Fig 3.3
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SCALE	1:1000
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## 8. Assessment of Green Belt Harm

- 8.1. The former 'B Station' site at Hams Hall is located in the West Midlands Green Belt. Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate other than for limited, specified exceptions. The proposed development does not meet any of the listed exceptions and in this regard constitutes inappropriate development in the Green Belt.
- 8.2. Paragraph 87 of the NPPF notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.3. To demonstrate very special circumstances it needs to be shown that the potential harm to the Green Belt and any other identified harm are clearly outweighed by other considerations.
- 8.4. This Planning Statement firstly seeks to define what harm to the purposes of the Green Belt the proposed development would result in. The five purposes are identified at Paragraph 80 of the NPPF as follows:
- check the unrestricted sprawl of large built-up areas;
  - prevent neighbouring towns merging into one another;
  - assist in safeguarding the countryside from encroachment;
  - preserve the setting and special character of historic towns; and
  - assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.5. The Planning Statement then seeks to determine what other harm might arise from the proposal, before outlining considerations that weigh in the proposed development's favour.

### Coventry and Warwickshire Joint Green Belt Study

- 8.6. A Joint Green Belt Study was commissioned by six local planning authorities in the West Midlands including Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council. The study was undertaken by Land Use Consultants (LUC).
- 8.7. The study was split into two stages. During the first stage of the study, the Green Belt in four of the local planning authority areas (Coventry, Nuneaton and Bedworth, Rugby and Warwick District) was assessed against the five purposes of

Green Belts. The study findings were published in June 2015. The second stage of the study has considered the Green Belt in North Warwickshire and Stratford-on-Avon. The report findings were published in April 2016.

- 8.8. The Green Belt Assessment has divided each local authority area into smaller land parcels and broad areas and has then undertaken an assessment of these against the five purposes that Green Belts serve.

**Study Findings**

- 8.9. With regard to North Warwickshire, the Green Belt Assessment notes that the Borough contains high-performing and low-performing land parcels, with most parcels considered to be mid-performing against the five Green Belt purposes.
- 8.10. The application site has been included in Land Parcel CH1, which is defined by the Birmingham-Derby railway line to the north, the River Tame to the east and the existing Hams Hall Manufacturing and Distribution Park to the south and west. It includes the application site, as well as the adjoining playing fields and woodlands and the church, residential property and Hams Hall Environmental Studies Centre to the east of Church Lane.
- 8.11. Land Parcel CH1 is considered to be one of the low-performing Green Belt parcels, with the Green Belt Assessment giving it a score of 9 out of 20. The assessment considers that this land parcel makes no contribution towards two of the five purposes; it plays no role in safeguarding the countryside from encroachment or preserving the setting and special character of historic towns. The assessment, however, considers that this land parcel makes some limited contribution towards checking the unrestricted sprawl of large built-up areas. The land parcel is also considered to make a significant contribution towards preventing the neighbouring settlements of Coleshill/Hams Hall and Lea Marston merging into one another. All land parcels are given the maximum score with regard to the fifth purpose.
- 8.12. A summary of the Joint Green Belt Review assessment scores is provided below.

<b>Green Belt Purpose</b>	<b>Assessment Score</b>
1. Check the unrestricted sprawl of large built-up areas	1 / 4
2. Prevent neighbouring towns merging into one another	4 / 4
3. Assist in safeguarding the countryside from encroachment	0 / 4
4. Preserve the setting and special character of historic towns	0 / 4
5. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land	4 / 4
<b>Total Score</b>	<b>9 / 20</b>

### Site-Specific Green Belt Assessment

- 8.13. The Joint Green Belt Study has included the application site in the same land parcel as adjoining land (playing fields, church and woodland area), which is very different in land use and character from the application site. It is therefore considered that a site specific assessment is required to fully assess the role the application site plays in preventing urban sprawl by keeping land permanently open (the principal purpose of the Green Belt).
- 8.14. The application site has been assessed against the five purposes Green Belt serve as set out below.

#### **Purpose 1: To check the unrestricted sprawl of large built-up areas**

- 8.15. The site is a previously developed site which is visually and physically connected to the existing Hams Hall Manufacturing and Distribution Park. It is bounded by existing employment developments to the south-east, south and west and a railway line to the north. Immediately to the east are playing fields, a church and a woodland area beyond which is the River Tame.
- 8.16. Although the former power station buildings have been demolished, substantial areas of hardstanding and the substructures remain. The site is also largely fenced and a number of light columns are clearly visible on the site. It therefore continues to appear 'previously developed' in character.
- 8.17. Given the above and the fact that the site and the adjoining Green Belt land are clearly contained by physical features (a river, railway line and the existing Hams Hall Manufacturing and Distribution Park), the development of the site would not constitute or risk the further urban sprawl of the built up area of Coleshill/Hams Hall into the open countryside to the north and east.
- 8.18. Contrary to the Joint Green Belt Study's conclusion that the parcel has some sense of openness, it is considered that the previously developed nature of the application site and existing site characteristics substantially compromise its openness and that it therefore makes little contribution towards this Green Belt purpose.

#### **Purpose 2: To prevent neighbouring towns merging into one another**

- 8.19. The site lies outside the settlement boundary of the Green Belt Market Town of Coleshill and the adjoining existing industrial estate of Hams Hall (as defined on the North Warwickshire Local Plan Proposals Map), but immediately adjoins it to the north. It therefore plays no role in preventing the merging of Coleshill with Hams Hall.

- 8.20. The other closest settlements to the site are the villages of Lea Marston and Whitacre Heath. At the closest point there is a gap of approximately 1km between the site and these settlements. Other parts of the existing Hams Hall Manufacturing and Distribution Park lie in closer proximity to Whitacre Heath. However, the whole of the employment park is separated from Whitacre Heath by the River Tame and from Lea Marston by the railway line and playing fields/woodland. The site therefore plays a very limited role in maintaining the boundaries between Hams Hall and Whitacre Heath/Lea Marston.
- 8.21. The Joint Green Belt Assessment considered that the development of all the countryside between Coleshill/Hams Hall and Lea Marston would give the appearance of merging at the landscape scale. The Study therefore concluded that the land parcel plays an important role in preventing the merging of these two settlements.
- 8.22. This application largely comprises previously developed land and does not contain any land that could be described as open countryside. Although the proposed development will result in a reduction in the gap between the built-up areas of Coleshill/Hams Hall and Lea Marston, the development will continue to be clearly separated from Lea Marston by woodlands and fields as the eastern part of Land Parcel CH1 will remain in the Green Belt.

**Purpose 3: To assist in safeguarding the countryside from encroachment**

- 8.23. The site is a previously developed site that still retains its urban character as large areas of hardstanding and the substructures of the now demolished power station buildings remain on the site.
- 8.24. The site is surrounded by urban development including the Hams Hall Manufacturing and Distribution Park to the south-east, south and west and a railway line to the north. In addition to these man-made features, the River Tame to the east severs any connections between the site and the wider countryside. The site therefore does not contain and is not well connected to land with the characteristics of open countryside. It is not well contained by permanent features and therefore plays no role in protecting the countryside from encroachment. This conclusion is also supported by the findings of the Joint Green Belt Study.

**Purpose 4: To preserve the setting and special character of historic towns**

- 8.25. As the site does not adjoin or lie in close proximity to a historic town, it plays no role in preserving the setting and special character of historic towns. This conclusion is also supported by the findings of the Joint Green Belt Study.

**Purpose 5: To assist in urban regeneration by encouraging the recycling of derelict and other urban land**

- 8.26. North Warwickshire is a largely rural borough with limited derelict and other urban land available for development. As demonstrated in the Employment Land Assessment submitted in support of this application, there are no previously developed sites available within the Borough or immediately adjacent urban areas that could accommodate a development of this size. The site's redevelopment will therefore not inhibit the recycling of derelict and other urban land.
- 8.27. It is also important to note that the site itself is a previously developed site which retains its urban character. Its redevelopment would secure the recycling of derelict land in an already urbanised location.
- 8.28. The Joint Green Belt Study has applied a blanket approach to this Green Belt purpose arguing that all parcels make an equally significant contribution by incentivising development on derelict and other urban land within settlements. We disagree with this conclusion for the reasons set out above and maintain that this site plays a very limited role in assisting urban regeneration.

**Summary and Conclusions**

- 8.29. The previously developed nature of the site together with the fact that there are very strong visual and physical links with the surrounding employment park wholly compromise the openness of this parcel of Green Belt land.
- 8.30. Given its previous use and the fact that it is well contained by clear and permanent boundaries, it is considered that the proposed development would not significantly conflict with the purposes of including land within Green Belts. The Green Belt harm is therefore considered to be extremely limited. Indeed the only harm on the Green Belt is, in accordance with Paragraph 87 of the NPPF, its definition as inappropriate development.
- 8.31. The conclusion that the site performs a limited role with regard to the five Green Belt purposes is supported by the findings of the Joint Green Belt Study.

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## 9. Assessment of Other Harm

- 9.1. In addition to assessing the proposal's harm on the Green Belt by reason of its inappropriateness or conflict with the purposes of Green Belts, it is also necessary to assess whether the development would result in any other harm.
- 9.2. An Environmental Impact Assessment (EIA) has been undertaken to identify any potentially significant effects and to allow appropriate mitigation measures to be incorporated into the proposals. The scope of the Environmental Impact Assessment (EIA) was agreed with North Warwickshire Borough Council. An Environmental Statement (ES) has been prepared and submitted in support of the application. It clearly outlines what residual impacts the development would have following mitigation.
- 9.3. Based on the findings of the ES, the following section identifies any residual impacts or harm that would arise as a result of the proposed development.

### Landscape and Visual Impacts

- 9.4. A Landscape and Visual Impact Assessment has been undertaken by BCA as part of the Environmental Impact Assessment. It has considered the impact of the proposed development, both during the construction and operational phase, on the landscape and key visual receptors including public rights of way and near-by residential properties.
- 9.5. The assessment shows that the site is identified as developed land in both the Regional Landscape Character Assessment and the North Warwickshire Landscape Character Area Assessment. Because the site is well contained, the impact of its redevelopment and changes to its landscape character are limited to the site itself and the local landscape.
- 9.6. The greatest effect on the landscape character will be experienced on the site itself where the presence of buildings, service areas, car parking, drainage attenuation and landscape infrastructure will replace areas of hardstanding, woodland and tree planting. With regard to local landscape areas, the most noteworthy effects will be experienced in close proximity to the assessment site (particularly to the rural landscape to the north around Lea Marston) where the proposals will have a direct effect on existing landscape features or the general character of the landscape.
- 9.7. The visual assessment shows that from the identified visual receptors, there is currently very limited visibility of the site given the topography of the area and existing vegetation and buildings at the Hams Hall Manufacturing and Distribution Park. The most noteworthy visual effects will be experienced in close proximity to the development to the north-west of the site from Hams Lane and from the existing playing fields directly east of the site.



- 9.8. To mitigate the visual and landscape impacts of the proposed development, it is proposed to implement a landscape scheme comprising the following key elements:
- Structural landscaping areas to the northern and eastern boundaries including the retention of existing trees and landscaping (where possible) and provision of significant new tree planting;
  - Retention of earth bunds along the northern and southern boundary, which will be planted with woodland;
  - Landscaping areas on eastern part of the site to include water treatment ponds and drainage attenuation areas.
- 9.9. In landscape terms, the development will have a minor beneficial impact on the site itself as this derelict land is replaced with a more structured designed landscape and the inclusion of waterbodies will complement the wetland areas further to the east. The main residual impact will be on the rural landscape to the north around Lea Marston, which is considered to be a minor adverse impact following the implementation and maturing of the proposed landscaping scheme.
- 9.10. As the landscape mitigation proposals and the existing vegetation mature, and the development becomes a more familiar feature in the landscape, the presence of the development will become less prominent in visual terms.
- 9.11. The resulting visual effect is generally predicted to be negligible from public footpaths. From residential properties in the vicinity of the site very little visibility is available and the residual visual effect is assessed to be negligible. The main impact will be on views from the playing fields immediately to the east of the site and from Hams Lane to the north, which will experience minor/moderate adverse effects at worst.
- 9.12. Given the limited impact of the proposals and the retention/inclusion of significant areas of landscaping, which will provide a substantial element of mitigation, it is considered that the proposed development complies with Core Strategy Policy NW12 and Local Plan Policy ENV4. There is very limited harm caused by way of landscape and visual impact.

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## Ecology

- 9.13. An Ecological Appraisal has been carried out by FPCR as part of the Environmental Impact Assessment.
- 9.14. It shows that the majority of the site is covered by hardstanding areas associated with the former power station use of the site including the remaining concrete foundations and basements of the former 'B Station' and cooling towers, a disused car park and areas formerly occupied by the switch houses and electricity sub-station.
- 9.15. The majority of the habitats within the application site are considered to be of low ecological value, and the site is not covered by any habitat designations.
- 9.16. A series of surveys have been carried out to assess the presence/absence of a number of protected species including:
- Bats;
  - Great Crested Newts; and
  - Reptiles.
- 9.17. Although a bat roost is present in the Roundhouse (outside the application site boundary), the bat surveys recorded relatively low levels of bat activity across the site. Despite some historic records of Great Crested Newts within the area, none were recorded on the site or the surrounding area during the surveys. Grass snakes were recorded on the site.
- 9.18. The development will not affect any designated ecology sites and mitigation measures will be put in place with regard to protected species on the site and existing limited features of nature conservation value to ensure they will be protected and enhanced as part of the wider landscaping strategy. Accordingly it is submitted that the proposed development accords with Core Strategy Policy NW10, NW12 and NW15 and saved Policy ENV4 of the North Warwickshire Local Plan, and there is very limited harm to ecology and nature conservation.

## Traffic and Transportation

- 9.19. A Transport Assessment (TA) has been prepared by White Young Green (WYG) in consultation with the local highways authority and Highways England and an assessment of the transport impacts has been carried out as part of the Environmental Impact Assessment.
- 9.20. The TA demonstrates that the application site lies in an accessible location, which forms part of a wider employment area, and can be reached by sustainable transport modes.

- 9.21. It is proposed that individual development plots will be accessed from Faraday Avenue via an upgraded estate road or from Canton Lane. The TA shows that the vehicular and pedestrian access proposals are appropriate to serve the proposed development.
- 9.22. With regard to traffic generation, the TA demonstrates that the proposed development will lead to an increase in traffic using the local and strategic road network, particularly along the estate roads at the Hams Hall Manufacturing and Distribution Park and the Hams Hall roundabout. Mitigation will be required in the form of a third lane to Lichfield Road (A446) southbound approach to the Hams Hall roundabout in order to accommodate the development's traffic flows. As shown by the transport assessment in the Environmental Statement, the provision of this third lane will reduce the traffic impacts of the proposed development to minor adverse at worst.
- 9.23. A Framework Travel Plan has been submitted with the application. The purpose of the Framework Travel Plan is to encourage the use of sustainable travel modes including walking, cycling and public transport and thereby reduce traffic generated by the development over time. The Framework Travel Plan requires future occupiers of the proposed employment buildings to appoint a Travel Plan Coordinator, to prepare a detailed Travel Plan and to implement and monitor the agreed provisions.
- 9.24. The TA and transport assessment in the ES demonstrate that the proposed development will maximise opportunities for sustainable travel, suitable and safe provision can be made for vehicular and pedestrian access and mitigation measures can be put in place to accommodate the traffic generated by the proposed development. It is therefore concluded that the proposal accords with Core Strategy Policy NW10 and NW21 and saved Local Plan Policies ENV14, TPT1, TPT2, TPT3, TPT5 and TPT6, and that the harm caused by traffic flows associated with the development is limited, and not severe.

#### **Noise and Vibration**

- 9.25. The impacts of potential noise and vibration from the development during the construction and operation of the proposed development has been assessed in detail within the Environmental Statement.
- 9.26. The assessment has considered the potential impact arising from the development on key receptors in the area, specifically near-by residential properties and also the adjacent BMW plant (with regard to vibration).
- 9.27. The assessment shows that during the construction the most notable impacts will arise during earthworks and the construction of site infrastructure. During the operation of the development, noise sources include building services, deliveries and development traffic including cars and HGVs.

- 9.28. The assessment demonstrates that the proposed development will lead to a minimal increase in noise and vibration levels at the sensitive receptors both during the construction and operation of the development. Although the potential for impacts are not considered to be significant, a number of mitigation measures are nevertheless recommended including the careful selection of equipment, working methods, monitoring and programme. Specifically with regard to noise, the inclusion of a 2.4 metre high noise barrier along the eastern boundary of the development zone is recommended in circumstances where HGV docking facilities are located along this boundary.
- 9.29. Given that the proposed development will not give rise to any unacceptable impacts in terms of noise or vibration, it is considered that the proposals comply with Core Strategy Policy NW10 and saved Policy ENV9 of the North Warwickshire Local Plan. There is very limited harm caused in terms of noise and vibration.

#### **Air Quality**

- 9.30. An Air Quality Assessment has been undertaken by WYG as part of the Environmental Impact Assessment.
- 9.31. The assessment considers the impact of the proposed development on local air quality on a number of sensitive receptors in the area.
- 9.32. The main impact on air quality during the construction phase of the development relates to dust and particulate emissions arising from on-site activities including demolition, earthworks, construction and associated vehicles movements.
- 9.33. During the operational phase of the development, local air quality effects would arise from changes in traffic flows associated with the completed development.
- 9.34. No significant air quality impacts are expected from the construction or operation of the proposed development, and the proposal therefore complies with Core Strategy Policy NW10 and saved Policy ENV9 of the North Warwickshire Local Plan, and accordingly no significant harm is caused in terms of air quality.

#### **Flood Risk and Drainage**

- 9.35. Issues relating to flooding and surface water drainage are also dealt with in detail in the Environmental Statement and accompanying Flood Risk Assessment and Drainage Strategy prepared by RPS.
- 9.36. The FRA shows that the nearest watercourse to the site is the River Tame, approximately 300 metres east of the site at its nearest point. The site is located in Flood Zone 1 with a low risk of flooding from rivers. Small areas of the site are currently at risk of surface water flooding.

- 9.37. During the construction of the proposed development surface water run-off from the site could potentially increase due to stockpiled materials on the site with consequential impacts on the water quality of the River Tame. However, through the implementation of a Construction Environmental Management Plan appropriate controls can be put in place to protect the water environment.
- 9.38. Once the development is operational, there is a risk that silt-laden run-off from hardstanding areas and oil/chemical contamination enters the surface water drainage system and ultimately the River Tame. A concept drainage strategy has been developed which includes a large attenuation basin, which will limit run-off from the site to greenfield run-off rates, thereby providing an improvement on the current situation, and also water quality benefits.
- 9.39. It is therefore considered that from a flood risk and drainage perspective, the proposals comply with Policy NW10 of the Core Spatial Strategy and will not result in any harm.

### **Ground Conditions**

- 9.40. Site Investigations have been undertaken by WSP and an assessment of the impacts on ground conditions has been carried out as part of the Environmental Impact Assessment.
- 9.41. The site surface is generally a mix of hardstanding and grass over topsoil. Areas of hardstanding correspond with former footprints of the turbine hall and cooling towers. Beneath the areas of hardstanding, Made Ground comprising concrete and demolition-fill of bricks and concrete was recorded up to 8m deep. Localised deposits of pulverised fuel ash were found in the south of the site. Superficial River Terrace Deposits comprising gravelly sand were encountered up to 3.0m bgl, across the site, overlying the Mercia Mudstone comprising bedrock of weathered clay and mudstone. There were no visual or olfactory evidence of contamination on site.
- 9.42. Preliminary observations during the fieldwork did not indicate the presence of gross contamination on site. Detailed chemical analysis of soil and groundwater samples recorded asbestos fibres in Made Ground across the site. It also showed that shallow groundwater is impacted by PAH and TPH in the east of the site, which could indicate a localised soil impact or a point source. The Site Investigation concluded that potentially localised contamination can be found elsewhere on the site within shallow soils, particularly where below ground infrastructure remains in situ.
- 9.43. It is expected that a remediation strategy will need to be put in place and implemented to ensure that any contamination present on the site is adequately addressed to fulfil the requirements of Core Strategy Policy NW10 and saved Policy ENV6 of the North Warwickshire Local Plan. It is anticipated that there will

be no harm caused to local ground conditions and indeed the remediation of the site will provide positive benefits to ground water quality.

### **Summary and Conclusions**

- 9.44. An Environmental Impact Assessment has been carried out, which considers the potential impacts of the proposed development on landscape, ecology, transport, noise/vibration, air quality, flood risk/drainage and ground conditions. The submitted Environmental Statement shows that the proposed development would not have any significant detrimental impacts on the site and its surrounding area. It would therefore result in very limited harm.

## 10. Need for Employment Land and Benefits of the Proposed Development

- 10.1. Paragraph 88 of the NPPF stresses that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.2. This section outlines the factors that weigh in the proposals favour looking at the following four considerations:
- There is a significant demand for employment land in the market area. Satisfying such demand is a key aim of the economic growth aspirations of the area.
  - There is a critical shortage of high quality land for manufacturing and distribution uses in the market area and a lack of strategic sites that can meet needs in the short term.
  - The site is highly suitable for the proposed uses given its location, site characteristics and the existing infrastructure already in place at Hams Hall such that it would constitute sustainable development.
  - The site would bring significant economic benefits in terms of employment generation and capital investment in the local area.

### Need for Employment Land

- 10.3. An Employment Land and Market Assessment has been prepared by Cushman & Wakefield and submitted in support of this planning application.
- 10.4. It shows that there is significant market demand for new industrial and distribution buildings in the West Midlands, particularly within the area within which the application site is located. The demand is fuelled by a resurgent manufacturing industry, led by the automotive sector, and the requirements of retailers and third party logistics providers for additional distribution space. Given the high occupier demand, the West Midlands market has seen high take-up rates of industrial and distribution floorspace over recent years and an increase in rents.
- 10.5. The application site lies within two overlapping market areas, the Birmingham M42 corridor and the Coventry and Warwickshire market area, and is covered by three employment land studies that have been carried out to assess the demand and supply of employment land within the respective study areas as follows:

- North Warwickshire Employment Land Review (GL Hearn, September 2013). This is currently being updated.
  - Coventry and Warwickshire Employment Land Use Study (CBRE, August 2015); and
  - West Midlands Strategic Employment Sites Study (PBA/JLL, September 2015).
- 10.6. All three of these recent studies conclude that there is a substantial need for additional employment land and specifically for strategic sites. They constitute the most up to date evidence base for employment land in the area.
- 10.7. The North Warwickshire Employment Land Review identifies demand for between 212 hectares (economic forecasts model) and 410 hectares (past trends) of employment land. It concludes at Paragraph 8.5 that *"The evidence identifies that there is likely to be relatively significant demand for employment land in the borough; driven particularly by demand for B8 distribution space"* and goes on to state at Paragraph 8.6 that *"forecasts demonstrate that the land would be required not only by local business growth but also the continuing desire for national companies to locate within the 'Golden Triangle'".*
- 10.8. The Coventry and Warwickshire Employment Land Use Study identifies an employment land requirement of 353 to 660 hectares (using different Government recommended methodologies) and concludes that *"In particular there is a need for additional strategic sites that are capable of accommodating the largest B8 requirements, as well as sites for development as R&D sites".*
- 10.9. The West Midlands Strategic Employment Sites Study identifies the M42 belt as one of the areas of highest demand. It notes at Paragraph 4.87 that *"this area is experiencing strong levels of demand from both distribution specialists and a resurgent manufacturing sector".*
- 10.10. One of the key priorities for North Warwickshire Borough Council and the two Local Enterprise Partnerships (Greater Birmingham and Solihull LEP; Coventry and Warwickshire LEP) covering the market area is to retain, grow and attract businesses to this area. It is widely recognised that failing to provide sufficient sites of the right quality and in the right location will restrict the economic growth potential of North Warwickshire and the wider West Midlands region.
- 10.11. In its Strategic Economic Plan, the Coventry and Warwickshire LEP acknowledges that the availability of employment sites is fundamental to attracting new investors, retaining local businesses and reshoring of manufacturing. The Coventry and Warwickshire Employment Land Use Study concludes that *"Not only is a significant level of employment land required over the plan period, but this has to be of a suitable quality to meet sectoral needs, and be in the right location within*



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*the LEP area to respond to demographic and market driven demand*". Similarly, the West Midlands Strategic Employment Sites Study highlights that unlocking supply in the areas of highest demand will support economic growth and employment in the manufacturing and distribution industries in the West Midlands by attracting inward investment, encouraging firms already based in the region to grow, expand and diversify in the region, thereby also supporting the suppliers that serve both sectors.

- 10.12. Increasing pressures are being placed on North Warwickshire to assist neighbouring authorities to meet their local employment land needs. Both Tamworth Borough Council and Coventry City Council do not have sufficient capacity within their own administrative boundaries to meet their local employment land needs and have therefore asked North Warwickshire Borough Council to deliver part of their requirements within the Borough (a total of 43 hectares) as outlined in the report to the North Warwickshire LDF Sub-Committee on 25 April 2016. It is also clear that Birmingham will not be able to accommodate all its development requirements within the City's boundaries and will therefore be looking to adjoining authorities including North Warwickshire to meet some of its needs. The level and distribution of this growth will be subject to further discussions and negotiations between Birmingham and the adjoining authorities.
- 10.13. In summary, the employment evidence base for North Warwickshire and the wider sub-region identifies significant demand for new industrial and distribution space, particularly within the market area within which the application site is located.

#### **Shortage of Supply and Lack of Strategic Sites**

- 10.14. The two sub-regional/regional studies that have recently been completed identify a severe lack of immediately available sites to meet the identified demand for new industrial and distribution space.
- 10.15. The Coventry and Warwickshire Employment Land Use Study concludes that even if all deliverable sites (sites with immediate capacity for B2/B8), secondary potential sites (sites with infrastructure requirements or other constraints restricting deliverability) and potential new strategic sites (sites capable of meeting large scale needs across all employment uses) are taken into account, at 307 hectares the employment land supply is still insufficient to meet the 'objectively identified need' in the LEP area and less than half the required land to meet the 'take-up' based assessment.
- 10.16. The West Midlands Strategic Employment Sites Study shows that the Hams Hall 'B Station' site is located within the area of highest demand (Area A: M42 Belt) where land supply is particularly tight with only 3.7 years of supply identified.

- 10.17. The findings of these two studies have been updated by Cushman & Wakefield and an up-to-date analysis of employment land supply is provided in the submitted Employment Land and Market Assessment. This shows that there has been significant activity in the market since the West Midlands Strategic Employment Sites Study was completed and that the supply of immediately available land has further reduced. Cushman & Wakefield consider that there is now only 1.4 years of supply of immediately available land (over 8 hectares/20 acres). There is therefore an urgent need to release further land that can meet employment land needs in the short term.
- 10.18. The longer term supply looks healthier with Cushman & Wakefield estimating that there are 11.5 years of potential development land available in Area A (Birmingham M42 Belt). This 'supply' assumes the 'B Station' site at Hams Hall is brought forward. A further 11.1 years of potential supply can be found in Area B which includes Coventry, Rugby and large parts of Warwickshire (outside the M42 Belt).
- 10.19. Apart from Hams Hall, none of the other potential strategic development sites within Area A can be brought forward quickly as Cushman & Wakefield's analysis shows:
- Peddimore – This 72 hectare Green Belt site is allocated in the emerging Birmingham Development Plan, which was recently found sound by an Inspector and is likely to be adopted in summer 2016. This development will require significant infrastructure improvements including a new junction off the A38.
  - Birmingham International Gateway – This Green Belt site adjoins the allocation at Peddimore. It has no current development plan status and no planning applications have been submitted for this site. The infrastructure requirements are currently unknown.
  - Land east of M42 Junction 10 – This 25 hectare greenfield site is located in the 'Meaningful Gap' between Tamworth and Polesworth with Dordon/Birch Coppice. A planning application for an employment development on the site was refused in August 2015. An appeal against the decision by North Warwickshire Borough Council to refuse planning permission will be considered at a Public Inquiry in September 2016.
- 10.20. There is a significant shortage of sites that are immediately available for development and the potential future supply is largely constrained and cannot be brought forward quickly to address demands in the short term. This is recognised by the West Midlands Strategic Employment Sites Study, which notes that *"the immediately available component of land supply is inadequate and the potential component is risky, being concentrated in two very large Green Belt sites [Peddimore and Birmingham International Gateway]"*.

- 10.21. Only one site within Area B, Redditch Gateway, could meet some of the short term demand for employment land within this market area. However, the site's development will do little to meet the demand for new industrial and distribution space along the Birmingham M42 Belt as it serves a different market area. All the other sites within Area B identified by Cushman & Wakefield as potential development land in the Employment Land and Market Assessment are constrained by policy designations (Green Belt), physical or locational characteristics or infrastructure requirements.
- 10.22. The Coventry and Warwickshire Employment Land Use Study and the West Midlands Strategic Employment Sites Study identify a significant shortage of supply in the short term. The Cushman & Wakefield Employment Land and Market Assessment shows that this situation has already got worse since these studies were published and there is now only 1.4 years of immediately available supply left in the market area (sites of at least 8 hectares/20 acres).
- 10.23. The supply is critically low and there is therefore an urgent need to bring forward additional sites. It is considered that the 'B Station' site at Hams Hall is the only identified strategic site within the market area that can be brought forward quickly helping to address demands for new industrial and distribution floorspace in Area A in the short term.
- 10.24. In summary, there is a clear recognition that sites of the right quality and in the right location are urgently needed to meet market demand and support the economic growth objectives of the area. Failing to unlock further supply will hold the West Midlands region back from achieving its economic potential.

#### **Suitability of Site**

- 10.25. The 'B Station' site is located immediately adjacent to the existing Hams Hall business park, an established manufacturing and logistics location with excellent connections to the strategic road network via the M6, M42, M6(Toll), A38, A446, A5 and A45. Hams Hall benefits from access to a rail freight terminal located at the southern end of the park, which provides daily freight services and currently has capacity to accommodate additional rail freight. The site also lies in close proximity to passenger rail facilities at Coleshill Parkway. Access to the site can be taken off the existing highway infrastructure within Hams Hall.
- 10.26. The submitted Employment Land and Market Assessment highlights that the site's excellent accessibility by road and rail and its location at the eastern edge of the West Midlands conurbation make it particularly attractive to potential industrial and/or logistics occupiers seeking to locate or expand their operations in this market area.

- 10.27. The 'B Station' site is a large regularly shaped site that could accommodate a large industrial/distribution building of up to 85,000 square metres, but it could also be brought forward for a number of smaller buildings (perhaps 2 or 3) to respond to market demands. As the Employment Land and Market Assessment shows there are very few sites that can satisfy market requirements for large buildings and none of the other strategic sites can meet demands in the short term.
- 10.28. The application is accompanied by a Parameters Plan, which sets out the key principles for the future development of the site. A Design and Access Statement has also been submitted which demonstrates that based on the principles established by the Parameters Plan, a high quality employment development can be brought forward on the site with strong visual and physical links to the existing manufacturing and distribution park, but well screened from the more rural surroundings to the north and east.
- 10.29. The site does not immediately adjoin any residential areas and, as shown in the Environmental Statement, the proposal will not give rise to any amenity issues. A development that operates on a 24/7 basis, a requirement by industrial/distribution occupiers, could therefore be brought forward on the site without raising any significant amenity concerns.
- 10.30. In terms of the site infrastructure constraints, there is nothing that cannot be dealt with as part of the site redevelopment process. As a previously developed site, some remediation will be required to deal with historic contamination. Appropriate drainage infrastructure will also have to be delivered as part of the development and additional planting will be put in place to reinforce existing landscaping, particularly along the northern and eastern site boundary. Mitigation will also be required to address the traffic impacts of the proposed development. It is however considered that these infrastructure requirements can be satisfactorily addressed as part of the development proposal. There are therefore no significant infrastructure constraints which would hold up the redevelopment of the site.
- 10.31. The 'B Station' site is a previously developed site immediately adjacent to an established manufacturing and distribution location and within easy reach of a large potential workforce drawn both from within the Borough and the wider West Midlands region. As evidenced by the Environmental Statement, the development of this site will not result in any significant residual adverse impacts, but bring substantial economic benefits by helping to meet the pressing demand for strategic employment sites and by providing significant investment and job opportunities as further outlined below.

## Economic Benefits

- 10.32. The socio-economic impacts of the proposed development have been assessed in detail at Chapter 12 of the Environmental Statement. The assessment shows that the proposal will result in significant economic benefits both during the construction and operational phase of the development.
- 10.33. During the construction phase, it is estimated that the proposed development would generate the following socio-economic benefits:
- Support for significant numbers of jobs in the construction industry with a large proportion of the construction jobs likely to be taken up by the local workforce;
  - An estimated £70 million of direct expenditure on the construction of the proposed industrial/distribution development;
  - Wider economic benefits and jobs through the impact on the supply chain including for example manufacturing, real estate, transport, planning and survey services;
  - Total economic output of £198.8 million.
- 10.34. Once the development is fully operational, it will create a significant number of new job opportunities. The estimates presented in the Environmental Statement suggest that at least 1,000 jobs could be created at the site. The proposed development will also indirectly support further jobs through the additional local income, expenditure and local supplier purchases.
- 10.35. Although no end occupier(s) have at this stage been identified for the 'B Station' site, a strategic site of this nature is likely to attract large manufacturing companies or logistics providers. Such companies often have well established employee development schemes and offer opportunities for job related training and career progression. Opportunities also exist to work with education providers in the area to improve and extend skills and enable future occupier(s) to recruit appropriately skilled employees in North Warwickshire.
- 10.36. In addition to creating job opportunities at the site itself and the proposal's indirect effects on the local economy (its multiplier effect), the proposed development will bring other benefits. It will result in additional business rate income, which the local authority will be able to spend on local people and services. It will also help to reduce crime as it will lead to improvements in the economic activity rate and by making the area more prosperous.

10.37. The application proposals will support the local and regional economic growth agenda by making a previously developed site in a sustainable location available to the market thereby helping to attract new investors to the area and/or enabling local businesses to grow and expand.

## 11. Planning Balance – The Case for Very Special Circumstances

- 11.1. As set out in the NPPF the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 11.2. The proposed development is inappropriate development in the Green Belt and, by definition, is therefore considered to be harmful to the Green Belt.
- 11.3. However, as demonstrated in this Planning Statement, it is considered that the redevelopment of this site would not be in conflict with any of the five purposes for including land in the Green Belt and the harm to the Green Belt is very limited. The site is clearly contained by permanent physical features (the Hams Hall Manufacturing and Distribution Park and the railway line) that prevent any sprawl of the built-up area of Coleshill/Hams Hall into the open countryside to the north and east. Given its location and well contained nature, the site also plays no role in maintaining the boundaries between neighbouring settlements or protecting the countryside from encroachment. As the site does not adjoin or lie in close proximity to a historic town, it plays no role in preserving the setting and special character of historic towns. There are no previously developed sites available within the Borough or immediately adjacent urban areas that could accommodate a development of this size in the short term. The site's redevelopment will therefore not inhibit the recycling of derelict and other urban land, but would secure the recycling of a previously developed site on the edge of an existing industrial location. The low value of the site to the Green Belt has also been independently verified through the Council's own Green Belt Study. In conclusion, the proposed development would result in very limited Green Belt harm.
- 11.4. In terms of 'any other harm', an Environmental Impact Assessment has been carried out to identify any significant effects that would arise as a result of the proposed development looking at potential visual and landscape impacts, ecology, transport, air quality, noise, flood risk/drainage and ground conditions. The Environmental Statement shows that the proposed development would not give rise to any significant residual adverse impacts.
- 11.5. In its favour, the proposed development would help to meet the significant identified demand for new industrial and distribution space thereby supporting the economic growth objectives of the area. As there is a severe shortage of supply to meet market demands and a clear lack of alternative strategic sites in the market area that can be brought forward in the short term, substantial weight should be attached to the proposal's ability to satisfy the need for high quality employment land.

- 11.6. Furthermore, the development will result in significant socio-economic benefits in terms of capital investment and job creation both during the construction and operational phase of the development. These benefits are also of significant weight.
- 11.7. The proposed development is also considered to meet the environmental dimension to sustainable development outlined at Paragraph 7 of the NPPF. It is a previously developed site immediately adjacent to an established manufacturing and distribution location and within easy reach of a large potential workforce drawn both from within the Borough and the wider West Midlands region. A high quality sustainable employment development can be delivered on the site based on the principles established by the submitted Parameters Plan and Design and Access Statement. Full account has been taken of environmental issues through the preparation of an Environmental Impact Assessment. The implementation of mitigation measures identified as part of the application will ensure that an environmentally sustainable development is brought forward.
- 11.8. The NPPF states at Paragraph 83 that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. Although a review of the North Warwickshire Local Plan has commenced this is still at a very early stage with consultation on a draft Local Plan likely to be undertaken later this year. As demonstrated in this Planning Statement there is an urgent need for additional strategic employment sites to be delivered in the short term to address a severe lack of supply.
- 11.9. It is considered that the benefits of the proposal clearly outweigh the very limited harm to the Green Belt and any other harm and as such amount to very special circumstances sufficient to justify a grant of planning permission in advance of the Local Plan Review.



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## 12. Summary and Conclusions

- 12.1. This Statement accompanies an outline planning application for the redevelopment of the former 'B Station' site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping.
- 12.2. The application is submitted in outline. It is accompanied by a Parameters Plan which sets out key development principles including the maximum floorspace proposed (85,000 square metres) and maximum building height (22 metres to ridge).
- 12.3. The application site extends to approximately 20 hectares and is the last remaining part of the former Hams Hall Power Station that has not been redeveloped. It comprises the remaining concrete foundations and basements of the former 'B Station' and cooling towers which have been left in situ, a disused tarmac car park and a number of other hardstanding areas associated with the former power station use of the site.
- 12.4. Whilst the remainder of the Hams Hall Power Station was removed from the Green Belt in the 1990s and subsequently redeveloped for employment uses, the 'B Station' site was not removed as at that time PowerGen (now E.ON) wished to reserve the land for future power generation use. For some time, however, E.ON have considered the site to be surplus to requirements and have promoted it for alternative employment uses through the development plan. It has now been sold to Prologis to promote the site for employment uses.
- 12.5. The 'B Station' site remains in the Green Belt and its redevelopment for employment would therefore constitute inappropriate development. This Planning Statement has therefore sought to demonstrate that 'very special circumstances' exist to justify the proposed development.
- 12.6. It has been shown that the proposed development would result in extremely limited Green Belt harm. The site's openness is already compromised by its previously developed nature together with the fact that there are very strong visual and physical links with the surrounding employment park. Given the site's previous use and the fact that it is well contained by clear and permanent boundaries, the proposed development would not significantly conflict with the purposes of including land within Green Belts. The low value of the site to the Green Belt has been independently verified by the Council's own Green Belt Study.
- 12.7. Based on an assessment of the proposal's environmental impacts, it is considered that the proposed development would also result in very limited other harm. An Environmental Statement has been prepared, which shows that a high quality and sustainable employment development can be delivered and that the proposed

development will not have any significant long term detrimental impacts on the site and its surrounding area.

- 12.8. The Planning Statement also shows that the proposed development would help to meet the significant identified need for new industrial and distribution space thereby supporting the economic growth objectives of the area. As there is a severe shortage of supply to meet market demands and a clear lack of alternative strategic sites in the market area that can be brought forward in the short term, substantial weight should be attached to the proposal's ability to satisfy the need for high quality employment land.
- 12.9. Moreover, the proposed development performs well against all three dimensions to sustainable development outlined at Paragraph 7 of the NPPF. It will:
- Provide substantial economic benefits in terms of capital investment and job creation both during the construction and operational phase of the development.
  - Make an important contribution towards the well-being of the Borough's community through investment in the local economy and provision of employment opportunities.
  - Protect and enhance the local environment by focusing development in a sustainable location, adjoining the existing Hams Hall Manufacturing and Distribution Park, and delivering a sustainable employment development in line with local and national sustainability priorities.
- 12.10. The Planning Statement considers that, taken together, the benefits of the proposal clearly outweigh the very limited harm to the Green Belt and any other harm and as such amount to very special circumstances sufficient to justify a grant of planning permission.

**Colby, Lesley**

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**From:** Brown, Jeff  
**Sent:** 01 August 2016 16:30  
**To:** planappconsult  
**Subject:** FW: PAP/2016/0399 - Prologis Development at Hams Hall

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**From:** netherwhitacreparishcouncil@yahoo.com [mailto:netherwhitacreparishcouncil@yahoo.com]  
**Sent:** 01 August 2016 16:08  
**To:** Brown, Jeff  
**Cc:** Lea, Joan (external e-mail); terencebwaters@gmail.com; Simpson, Mark; Walter Milner; David Reilly  
**Subject:** PAP/2016/0399 - Prologis Development at Hams Hall

**PAP/2016/0399 - Demolition of existing buildings and redevelopment of site for industrial/distribution uses(Class B2/B8), including ancillary offices and associated parking, highway infrastructure, engineering works, drainage and landscaping.**

Thank you for consulting us on the above outline planning application. The application is submitted to establish the principle of whether this site which is in the Green Belt, should be redeveloped for B2(General Industrial) and B8(Warehousing and Distribution) uses.

Nether Whitacre Parish Council are of the opinion that the applicant has not given due regard to the impact of the proposal on the Green Belt, the local environment and the community. We list below the reasons why we believe the application should be refused.

I. Green Belt

The former Power Station B site is a brownfield site within the Green Belt. The construction of new buildings in the Green Belt is inappropriate development. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

The applicants state that very special circumstances exist because there is a significant and urgent need for additional employment land and a severe shortage of supply and that this provides a clear case for the redevelopment of the site for employment uses.

Paragraph 89 Bullet point 6 of the NPPF states that the complete redevelopment of brownfield land can be regarded as an exception to Green Belt policy provided that the development **would not** have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development.

The former power station was demolished in the early 1990's and the site cleared. It now consists of areas of hardstanding, bounded by scrubland and areas of established planting. The land has remained open for a considerable period of time, it has an open aspect and although not an area of attractive landscape, this is not relevant to its continued protection.

Although this is an outline planning application the applicants do provide some details of the development. There would be a maximum of 85000 square metres of floorspace and the buildings would have a maximum overall ridge height of 22 metres. We contend that the proposed buildings, which would be massive structures and which would be taller than virtually all buildings on the adjacent Hams Hall Distribution Park, will impact on the openness of the Green Belt here. The NPPF makes it clear that the most important attribute of Green Belts is their openness and the openness of this area of Green Belt would be destroyed.

Paragraph 89 of the NPPF also states that the redevelopment of brownfield land should not impact upon the purpose of including land within it. In our opinion the redevelopment of this site would result in the unrestricted sprawl of a large built up area, the Hams Hall Distribution Park, moving closer to the small settlement of Lea Marston. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and this would not be the case here.

In our opinion the harm which would be caused to the openness of the Green Belt here is not clearly outweighed by the need for additional employment land and as a consequence special circumstances do not exist to justify planning permission being granted.

## 2. Visual Impact

The development of the Hams Hall Distribution Park and the Rail Freight Terminal has had a huge impact on the visual appearance of the area. The buildings are massive structures with no architectural merit which can be seen from miles around. They have an urbanising effect on the surrounding countryside (see attached photographs).

We believe that the redevelopment of this site with buildings which would be taller than many on the Distribution Park would be detrimental to the visual appearance of the area and would add a further urbanising effect.

## 3. Traffic considerations

The existing Hams Hall Distribution park site is predominantly a distribution hub with minimal use of the rail freight terminal. The site generates a significant number of HGV movements into and out of the site per day and onto the surrounding road network which struggles to cope with the amount of traffic, particularly on the A446, at Dunton Island and on the M42. We are firmly of the opinion that even by providing an extra lane at the A446 roundabout, the proposed development will exacerbate the existing situation. What is required are measures to overcome the existing road infrastructure, particularly the two pinch points at the bridges on the A446 to improve capacity.

A further concern with regard to traffic, is the deflection of vehicles away from this area to avoid the congestion. Due to complaints from parishioners about the increase in traffic over the last few years, the Parish Council recently completed a traffic survey. We were shocked to find that between the hours of 7.00am till 7.00pm on 15 September 2015, we recorded nearly 6000 vehicles coming through Whitacre Heath. In our view this traffic was avoiding the congestion at Hams Hall. We believe that the redevelopment of the application site for B2 and B8 uses would exacerbate the situation further and more traffic would choose to rat run through the parish. We would ask that if you are minded to recommend approval of the application that both WCC Highways and the Planning Department seek funding for traffic calming measures for this parish and that of Lea Marston through the Community Infrastructure Levy and planning obligations in the form of section 106 agreements and through section 278 highway agreements.

## 4. Light Pollution

This Parish and the surrounding parishes of Lea Marston and Shustoke already experience light pollution from the Hams Hall Distribution site and the Rail Freight Terminal. We have also made previous objections to light spillage from the Sainsbury's building and the Rail Freight Terminal.

We would request that you assess whether this proposal would materially alter light levels outside of the application site which would adversely affect nearby settlements and affect protected sites/nature reserves in the area.

## 5. Noise Pollution

This Parish and the Parish of Lea Marston already experience noise nuisance during the day and through the night, from the Hams hall Distribution site and the Rail Freight Terminal. We believe that this would be exacerbated by the proposed development.

Lastly, could you confirm that if you are minded to recommend this application for approval, it will be referred to the Secretary of State under the Call-In procedure as this application is for planning permission which is for Green Belt development and consists of floorspace which exceeds a 1,000 square metres.

Regards  
Bev Woollaston  
Clerk to the Council

Sent from Windows Mail

**Brown, Jeff**

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**From:** David Reilly <davidmreilly@icloud.com>  
**Sent:** 11 August 2016 11:28  
**To:** Brown, Jeff; Simpson, Mark; Lea, Joan (external e-mail); Reilly, David  
**Subject:** Re: PAP/2016/0399 Former B Station Site, Faraday Avenue. Pro Logis.

Dear Jeff

The email system will not accept the map on grounds of its size. I will bring in hard copies for you.

Kind regards

DR

On 11 Aug 2016, at 11:25, David Reilly <davidmreilly@icloud.com> wrote:

Dear Jeff, / Mark and Joan

Please find attached a copy of a map that I tried email to you today that has been rejected by NWBC email system on the grounds of its size. This is email 2 of 2.

Kind regards,

DR

<Prologis.pdf>

On 11 Aug 2016, at 11:16, David Reilly <davidmreilly@icloud.com> wrote:

Dear Jeff,

This email outlines the views of Lea Marston Parish Council.

As a parish council we are accustomed to significant commercial development and its consequences both on and off the Hams Hall Rail freight Distribution Park site. We believe that over the last 25 years LMPC has been a constructive and accommodating neighbour and this approach is now to the detriment of our resident and business community and our local ecology.

Because of the exceptionally close proximity to residential properties, St Johns Church, proposed HS2 development; ancient woodland and local nature reserves we believe that Application PAP/2016/0399 represents the most significant development to date within Lea Marston Parish. As a parish council we do not believe that the proposals outlined in the application sufficiently address the direct impacts that will be caused by this development.

We are alarmed to note that that the application incorrectly states that "*Lea Marston is located approximately 1km to the north*" of the development sight. (Page 4. ES Non Technical Summary, Volume 2C) This is statement factually wrong. Lea Marston village is less than 500 meters from the site and there are currently occupied residential properties both within the development site and within 200 meters of it. We are very concerned that this factual error might negatively influence Member of NWBCs Planning and Development Board full and proper understanding of the adverse impact of this development on the local community.

In considering this application Lea Marston Parish Council is minded that:

- This application proposes employment for 1,000 people. This will have direct impacts from commuting and on site working practices as it appears once constructed the site will operate 24 hours a day. On site this will impact on local communities through disturbance to local communities arising from site specific operational activities and site specific operational and commuter vehicle movements.
- That while no plans are yet published of the proposed building design it is intended that the buildings will be at least 22 meters tall. We consider that close proximity of this development to homes, a church, local roads and local ecology will have a significant impact on the rurality of our community and that it will be an unacceptable visual blight.

In June 2016 Lea Marston Parish Council Chair David Reilly together with NWBC Ward Councillor and WCC County Councillor Joan Lea met with the Developer Pro Logis and their associates. In an open and constructive manner the Parish Council outlined our concerns and proposed what the parish council considered acceptable solutions. Unfortunately, to date we have received no reply from the Developer of any other body about the matters we raised or indeed our meeting. We therefore feel that we have no option but to object in the strongest terms to this application. Should the Developer wish to review our concerns and discuss solutions Lea Marston Parish Council will continue to be an open and constructive neighbour.

Our grounds for objection to this application are:

1. Greenbelt and Loss of and Risk to Heritage
2. Noise and Vibration.
3. Landscape and Visual Impact.
4. Light pollution
5. Ecology
6. Access and Parking.
7. Developer Contribution.

#### **1. Green Belt and Loss of and risk to Heritage.**

The applicant has not justified that the harm to the Green Belt is clearly outweighed by other considerations and that very special circumstances exist.

We do not believe that NWBC Core Strategy NW3 or NW14 Historic Environment requirements have been adequate addressed. Specifically the applicant has not outlined how they will:

1. Prevent the incursion of Hams Hall Industrial Estate into the village community of Lea Marston
2. Conserve and enhance the historic environment or safeguard important environmental and historic assets at this site and within its immediate vicinity. Namely:
  - Keepers Cottage, Church Lane, which is currently an occupied residential home. It is of important local historical interest to the Parish Council as it is the only remaining Hams Hall estate cottages to retain its original layout and fixtures and fittings. The developer proposes to demolish Keeper Cottage.
  - St John the Baptist Parish Church and graveyard, which remains in religious use by ore local community for worship, weddings, christenings and funerals for parish residents. Grade II listed.
  - Lea Marston Cross. A significant local monument and landmark. Grade II listed.
  - Sych Wood. ancient woodland.

## 2. Noise and Vibration.

While the applicants Planning Statement recognises that this site sits next to HS2 railway sidings as outlined in the Hybrid Bill no proposals are made to mitigate the impact of this development on amplified noise from the construction and operation of these sidings. (Page 7. Planning Statement. June 2016) Construction of the sidings will commence on Royal Assent. Once completed train shunting will operate 24 hours a day for the whole of the sixteen years HS2 construction period. The close proximity and height of the buildings on this development will serve to amplify all train movement noise at these sidings to the detriment of Lea Marston residents, businesses, and ecology.

We are concerned by noise nuisance that will be cause by HGV manoeuvring and warning audible signals.

We are concerned that baseline measurements of current noise and vibration levels do not appear to have been taken at night times when Lea Marston village experiences noise nuisance from vehicle movements and banging form existing developments on Hams Hall Distribution Park that are significantly further away than this development (Appendix 9, ES Technical Appendices. Volume 2Bii)



### 3. Landscape and Visual Impact.

The developer describes operational visual impacts from this construction as negligible and minor. (Page 10. ES Non Technical Summary, Volume 2C and Page 53 Environmental Statement Volume 2A - Main Text, June 2016) The following view points are of significant concern and we believe the applicant has not proposed any meaningful or effective mitigation to address this impact as illustrated in Appendix 5c and 5e ES Technical Appendices, Volume 2Bi.

VP1. Church Lane. We note that the photograph in Appendix 5c ES Technical Appendices, Volume 2Bi has been taken from ground level. This is misleading and the images do not accurately reflect the view an adult standing at this location will see. We are very concerned that no mitigation is proposed to address the impact of photomontage VP1 Appendix 5e ES Technical Appendices, Volume 2Bi.

VP2. Church Lane. We note that the photograph in Appendix 5c ES Technical Appendices, Volume 2Bi has been taken from ground level. This is misleading and the images do not accurately reflect the view an adult standing at this location will see.

VP11 - Birmingham Rd, Lea Marston. High. We are very concerned that no mitigation is proposed to address the impact of photomontage VP11 Appendix 5e ES Technical Appendices, Volume 2Bi.

VP12 - Hams Lane, Lea Marston. Medium/Low. The Environmental Statement fails to consider views from residential properties on Hams Lane which is also one of only three road routes into Lea Marston and is therefore a gateway to the village. The Applicant has significantly understated the visual impact of this development as 'Medium/Low'. We are very concerned that no mitigation is proposed to address the impact of photomontage VP12 Appendix 5e ES Technical Appendices, Volume 2Bi.

VP13 - Hams Lane, Lea Marston. High. We are exceptionally concerned that there is no photomontage illustrating visual impact of VP13 within Appendix 5e ES Technical Appendices, Volume 2Bi. This commission does not fully illustrate the visual impact of this application and is therefore misleading.

VP 14 - Blackgreaves Lane - High. We are very concerned that no mitigation is proposed to address the impact of photomontage VP14 Appendix 5e ES Technical Appendices, Volume 2Bi.

VP20 - Old Church Road, Water Orton - High.

We believe that the applicant is factually wrong to describe landscaping buffers to northern and eastern side of the site as "substantial". (Page 14. Planning Statement, June 2016). They are not sufficient to adequately screen the development and do not preserve the rurality of our community.

We do not agree with the statement about electricity pylons and other industrial buildings on Hams Hall relates to the view enjoyed by residents of Lea Marston village. (Page 59 Environmental Statement Volume 2A - Main Text, June 2016)

We do not believe that NWBC Core Strategy NW10 requirements have been adequately addressed to allow future generations to enjoy the same quality of life as the present generation through failure to mitigate impacts on local amenities as previously listed as well as: Lea Marston Parish playing field; the Centenary Way and the leisure and Health walks along Church Lane that used daily by resident dog walkers and workers from companies on Hams Hall estate.

#### **4. Light Pollution.**

Lea Marston is a dark community at night. There is no street lighting or other artificial light sources outside those in residential properties. In light of the 24 hour operation of this site significant artificial light pollution will be caused from this site which will alter the rural nature of our community and have a harmful effect on the nocturnal ecology.

#### **5. Ecology.**

The developer has not outlined sufficiently robust plans to mitigate the impacts of the construction process in terms of: The removal of vegetation and ecological habitat; the impact of construction traffic and works; and, noise and vibration.

The developer has not outlined sufficiently robust plans to mitigate the impacts of the operation of this site in terms of: Light pollution; noise and vibration and air quality.

While we are thankful that the applicant will undertake the "implementation of comprehensive landscaping scheme" (Page 8 ES Non Technical Summary, Volume 2C) we feel that proposals as outline are not sufficiently comprehensive to be fit for the purpose the developer intends.

A bat colony resides in the Round House (which will be preserved within the site. This location is recognised as being of county conservation value. Developer maps show tree planting mitigation between the build units and car parks but there is no assurance that the 24 hour operation of this site will not cause harm to this protected habitat. (Page 103, Environmental Statement Volume 2A - Main Text, June 2016)

Sych Wood is ancient woodland and adjoins Church Pool Covert, Orchard Wood and Dog wood, two local nature reserves and areas of protected habitat. There is no assurance that the construction of this site and the 24 hour operation of this site will not cause harm to this protected habitat or ecology of this site.

We are concerned that existing Hams Hall offset tree and hedge planting mitigation along Canton Lane will be destroyed to create two vehicle access to the site by this development. The applicant makes no provision for biodiversity offsetting to replace this lost and established off set ecology.

We do not believe that NWBC Core Strategy NW13 Natural Environment or NW 15 Nature Conservation or Policy ENV4 NWBC Local Plan requirements have been adequately addressed.

## **6. Access and Parking.**

We are concerned to see that parking and operational access activity for Unit 1 as outlined in Figure 3.2 Illustrative Master Plan. (ES Non Technical Summary. Volume 2C) sits on the Lea Marston village side of the development. We do not believe that the proposed tree planting mitigation of the maintenance of the existing 2.4 meter bund will be sufficient to mitigate the noise, light and vibration impacts of this development. We believe that the close proximity of existing buildings neighbouring the development site will amplify noise disturbance from all vehicle access and parking movements servicing Unit 1.

We also believe that this development has the potential to impact on existing problems suffered by the Lea Marston Parish Council and our neighbouring communities arising from HGV parking, HGV manoeuvring and commuter traffic. We are very concerned that current problems with HGV overnight parking will be exasperated by further development on Hams Hall. We request that any new development on Hams Hall must accommodate all HGV generated traffic, trailers and parking. If this development is not able to achieve this then we object to the application.

We are concerned that commuters accessing this development will, as will all current commuters accessing Hams Hall will have to run through Lea Marston village to access this site via Hams Lane and Faraday Avenue. The creation of 1,000 jobs at this site will further compound the danger, noise nuisance and adverse air quality impacts that Lea Marston residents already experience.

We do not believe that NWBC Core Strategy NW21 requirements have been adequately addressed to mitigate the impact of traffic growth to adjoining communities through sustainable transport solutions or access constraints.

## **7. Developer Contributions**

Lea Marston Parish Council is concerned to read that the Developer and Warwickshire County Council have reached agreement to construct a third lane on the A446 southbound approach at the Hams Hall roundabout. (Page 9. ES Non Technical Summary. Volume 2C). We object to this Developer Contribution. We are concerned that this is not an effective intervention in terms of managing traffic flows as Faraday Avenue, which will for the 5 years of HS2 construction from 2018 to 2023 be a temporary roadway while the HS2 mainline is constructed. We are concerned about the impact of this construction on existing Hams Hall offset mitigation as the application makes no reference to either protecting or offsetting the construction of this road. We are concerned that no reference is made to redesigning or enhancing the current cycle-route and footpath at this location as there have been two fatal accidents and one serious life changing injury accident with the proximity of this location during the last 24 months. We do not believe that works to the A446 are directly related to this development when the route serves the whole of Hams Hall Distribution Park. We are concerned that neither WCC or the applicant consulted with Lea Marston Parish Council in agreeing this proposal as this route is one of only three access routes into Lea Marston village. We are concerned that neither the Applicant or WCC consulted with Lea Marston Parish Council or the local community on this proposal. We are concerned that the cost of this Developer Contribution

will adversely impact on the Developer's desire or requirement to undertake the Parish requested developer contribution.

We consider that this application will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision and that it will cause a significant impact to the local area and community.

Lea Marston Parish council therefore seeks NWBC support to receive Developer Contribution to support the creation of Public Open Space.

To address our objections we believe that all land marked out within the red border on the attached map should be acquired by the Developer and gifted to Lea Marston Parish Council so that as effective mitigation can be undertaken to address the objections outlined.

We also seek financial support to undertake native species tree planting at these two locations that will afford sight, sound and light screening and will have the added benefit of enhancing local ecology and going some way to preserving the rurality of the parish and helping preserve the attractive setting and tranquility of our historic buildings.

Lea Marston Parish Council believe this developer contribution is necessary to both take the development acceptable in planning terms; that this contribution is directly related to the development; and that this developer contribution is both fairly and reasonably related in both scale and kind to the development.

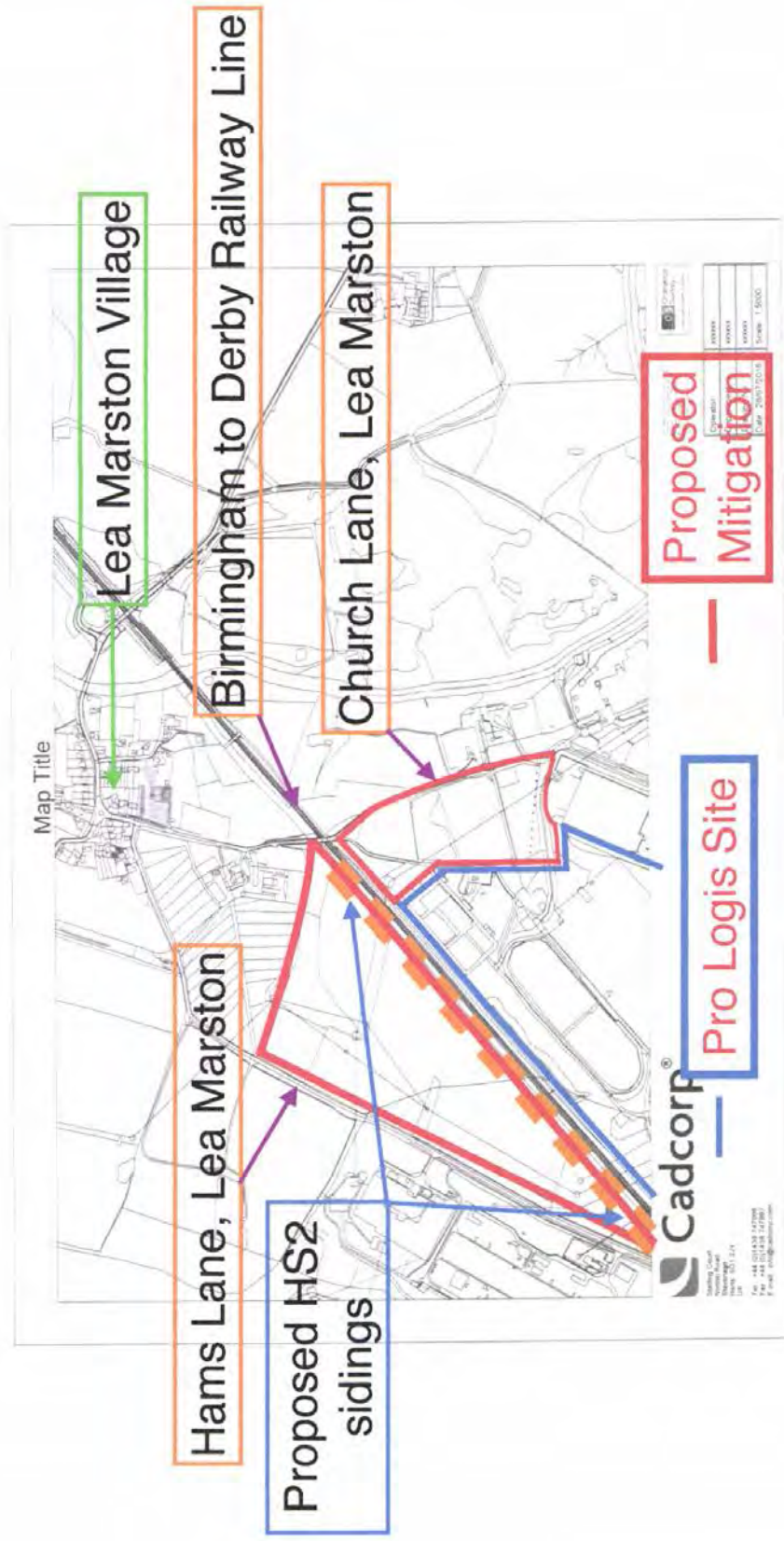
Will you please acknowledge receipt of these objections and explain how and when our objections to Application PAP/2016/0399 will be considered, and what right of reply Lea Marston Parish Council will have.

Yours sincerely,

**David Reilly.**

**Chair. Lea Marston Parish Council.**

<Prologis.pdf>





<p>1:2500 PLAN                  PROLOGIS                  LAND AT FANS HALL                  LAND AT FANS HALL                  PROLOGIS UK LTD                  DATE: 2018                  DRAWN: JAV                  CHECKED: JAV                  DATE: 2018</p>			
NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	15/01/2018	JAV
2	REVISED TO REFLECT COMMENTS	15/01/2018	JAV
3	REVISED TO REFLECT COMMENTS	15/01/2018	JAV
4	REVISED TO REFLECT COMMENTS	15/01/2018	JAV
5	REVISED TO REFLECT COMMENTS	15/01/2018	JAV

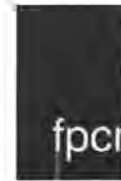
**NOTES**

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
2. THE SHADING INDICATES THE PROPOSED DEVELOPMENT SITE.
3. THE DOTTED LINE INDICATES THE EXISTING BOUNDARY.
4. THE NORTH ARROW IS POINTING TOWARDS THE TOP RIGHT OF THE PLAN.

**KEY**

- SHADING: PROPOSED DEVELOPMENT SITE
- DOTTED LINE: EXISTING BOUNDARY

APPENDIX L



Prologis UK Ltd / E.ON

Land Adjacent to Hams Hall

**BIODIVERSITY APPRAISAL & ENHANCEMENT STRATEGY**

October 2016

**FPCR Environment and Design Ltd**

Registered Office: Lockington Hall, Lockington, Derby DE74 2RH

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Rev	Issue Status	Prepared / Date	Approved/Date
-	Draft 1	PH / 22.09.16	PH / 22.09.16
		TJM/PH / 30.09.16	PH / 30.09.16
	FINAL	TJM / 03.10.16	PH / 03.10.16



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2.0 METHODS..... 2

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- Table 2: Protected and Notable Species Records
- Table 3: Broad Habitat and Opportunities for Enhancement

**FIGURES**

- Figure 1: Designated Sites Plan
- Figure 2: Protected and Notable Species Plan
- Figure 3: Habitat Reference Plan

## 1.0 INTRODUCTION

- 1.1 Prologis Developments commissioned FPCR Environment and Design Ltd to undertake an preliminary biodiversity review on an area of land adjacent to a new proposed development site distribution warehouse at Hams Hall, Warwickshire, in order to identify potential opportunities or constraints for biodiversity enhancements.
- 1.2 As a part of the development the potential for gifting the area to the local Parish Council by way a suitable legal agreement is being considered. The area sits within a potentially important focus for biodiversity with part of it already designated as a Local Wildlife Site and Ecosite but with strategically important sites also close by; including an areas of ancient woodland, a Site of Special Scientific Interest (SSSI) and a river corridor, a potentially important arterial route for wildlife dispersal.
- 1.3 Given the spatial context of the site, situated close to important nature conservation sites, opportunities for biodiversity enhancement are being investigated. While not forming a part of the development proposals themselves and subject to a suitable legal mechanism being agreed, the enhancement of the site could secure the delivery of significant biodiversity gain.

### Site Location and context

- 1.4 The site is situated to the north of Coleshill, approximately 1.5km east of Junction 9 of the M42 motorway (Central Grid Reference SP 204 927). The site measures approximately 17.4 ha and is located directly to the north and west of the existing Hams Hall Manufacturing and Distribution Park.
- 1.5 The site currently comprises extensive areas of plantation woodland some of which is associated with the former power station being of relatively recent origin. Other areas, of more mature plantation occur to the east to the north and south of the St John the Baptists Church and Thame Valley Wetlands Trust Environmental Studies Centre, the former of which is excluded from the site.

## 2.0 METHODS

### Desk Study

- 2.1 In order to compile existing baseline information, relevant ecological information was requested from both statutory and non-statutory nature conservation organisations for the purposes of this appraisal, including:
  - Multi Agency Geographic Information for the Countryside (MAGIC) website
  - Warwickshire Biological Records Centre (WBRC)
  - Warwickshire Badger Group
- 2.2 Further inspection, using colour 1:25,000 OS base maps ([www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)) and aerial photographs from Google Earth ([www.maps.google.co.uk](http://www.maps.google.co.uk)), was also undertaken in order to provide additional context and identify any features of potential importance for nature conservation in the wider countryside.

**Field Survey**

- 2.3 In order to ascertain the existing or potential biodiversity interest associated with the site a walkover survey was undertaken of the existing landholding. Survey methods followed an abridged Extended Phase 1 Survey as recommended by Natural England (JNCC, 1990 reprint 2007). This involved a systematic walk over of the site in September 2016 to briefly classify the habitat types present.
- 2.4 While detailed species lists were not recorded, notes were made of the presence of indicators or other species that may aid in the identification of enhancement measures and of potential habitat for or signs of protected or notable species. Target notes were used to record features or habitats of particular interest, as well as any sightings or evidence of protected or notable species.

**3.0 EXISTING BIODIVERSITY RESOURCE**

- 3.1 **Figure 1** shows the location of statutory and non-statutory sites in the immediate vicinity of the application site.

**Statutory Sites**

- 3.2 No international sites of nature conservation importance were identified within a 10km radius of the site. The closest to the site is Ensor's Pool Special Area of Conservation (SAC) located approximately 15km to the south east.
- 3.3 Whitacre Heath SSSI located approximately 50m east of the site is designated for supporting breeding wetland birds, with over 140 bird species recorded. The site is managed by the Warwickshire Wildlife Trust as a nature reserve. The site lies on alluvial soils and glacial gravels in the flood plain of the River Tame and is one of a chain of water bodies created by gravel extraction along the valley.
- 3.4 River Blythe SSSI located approximately 1.6km south east of the site is designated for its diverse physical features and diverse plant life. Botanically, the River Blythe is one of the richest rivers in lowland England with the most species-rich sections containing as many species as the very richest chalk streams. The river supports a diverse invertebrate community; the most notable species is the pea-shell cockle *Pisidium moltessierianum* which is at the western edge of its range here. The invertebrate group *Odonata* are also well represented with the beautiful demoiselle *Calopteryx virgo* being the least common of the species found.

**Non-statutory Designated Sites**

- 3.5 A number of non-statutory designated sites occur within 1km of the site. A summary of these sites is provided in **Table 1** and indicated on **Figure 1**.

Table 1: Non-statutory Designated Sites Located Within 1km of the Survey Site.

Site Reference and Name	Ecological Feature	Site Area
Church Pool Covert Ecosite / LWS (07 / 29)	Churchyard with a stand of yew woodland, wet woodland, a pond and grassland. A variety of butterflies have been recorded on site. <b>NB Within site</b>	7.5ha
Hams Lane Road Verge Ecosite / Local Wildlife Site (LWS) / potential LWS (pLWS) (26 / 19)	Hedgerows with ponds, wet ditches, a small oak and birch woodland and grassland verge. Notable invertebrate community.	7.9ha
Sych Wood LWS (16 / 29)	A former game covert with notable mixed woodland and a marshy area.	4.8ha
Hams Lane Road Verge Ecosite (30 / 29)	Notable hedgerow.	0.6ha
River Tame pLWS (10 / 29B) (02 / 19V)	The site includes the river corridor and associated habitats. Otter <i>Lutra lutra</i> has been recorded on the river.	1,815ha
Coleshill Sludge Lagoons Ecosite / LWS (04 / 19)	Series of disused sludge beds. The site forms an important link in the chain of wetland habitats along the Tame Valley.	20.2ha
Coleshill Sewage Works Grassland LWS (03 / 19)	Unmanaged floodplain grassland with ditches, broadleaved plantation and scrub. The site represents a rare fragment of relatively unmodified floodplain landscape on the edge of an urban area.	17.1ha
Kingsbury Water Park LWS (05 / 29)	Site of very high nature conservation value and part of the highly important Tame Valley wetlands. The water park contains a mosaic of habitats, including large open water bodies; areas of semi-improved grassland, wet and dry willow carr, scrub, secondary woodland, swamp, small pools and ditches. The habitat is of high value for flora, invertebrates, amphibians and mammals, including water vole <i>Arvicola amphibious</i> and otter.	62.4ha
Lee Bridge Road Verge Ecosite (15 / 29)	Notable roadside verge and hedgerow.	0.4ha

Site Reference and Name	Ecological Features	Site Area
Haunch Lane Road Verge Ecosite (29 / 29)	Notable mature hedgerow.	1.2ha
Ladywalk Nature Reserve LWS (08 / 29)	Wetland reserve managed by West Midland Bird Club. Habitat is exceedingly attractive to a wide variety of birds. Site is most noted for its wintering bittern <i>Botaurus stellaris</i> , with good numbers of goosander <i>Mergus merganser</i> also present during winter months and an occasional jack snipe <i>Lymnocyptes minimus</i> .	40.7ha
Wet Meadow pLWS (96 / 29)	A disturbed area of poor semi-improved grassland. Notable range of flora.	15.5ha
Lee Bridge Pools pLWS	Site includes pond and pool, swamp and semi-improved areas. Hawker and darter dragonflies noted.	1.1ha
Lee Marston Old Quarry LWS (142 / 29)	Designated for its valuable mosaic of semi-improved grassland, tall herb, scrub and collection of small gravel pits. Two scarce plant species in Warwickshire are present; dittander <i>Lepidium latifolium</i> and southern marsh-orchid <i>Dactylorhiza praetermissa</i> . Bee orchids <i>Ophrys apifera</i> have been present for several years. The LWS is outstanding for birds and insects.	17.9ha
Hay Meadow pLWS (113 / 29)	Notable grassland.	25.8ha

#### Protected / Notable Species

- 3.6 Records provided by consultees pertaining to protected or otherwise notable taxa are listed in Table 2 with their locations shown on Figure 2.

Table 2: Protected and Notable Species Records

Species	Conservation Status	Location
Otter <i>Lutra lutra</i>	CHSR, WCA, NERC, LBAP	Two records located within Whitacre Heath Nature Reserve SSSI.
Hazel Dormouse <i>Muscardinus avellanarius</i>	WCA, NERC, LBAP	Associated with Church Pool Covert LWS.

Species	Conservation Status	Location
West European Hedgehog <i>Erinaceus europaeus</i>	WCA, NERC, LBAP	Within Church Pool Covert LWS.
Common Pipistrelle <i>Pipistrellus pipistrellus</i>	CHSR, WCA, LBAP	A single record of a foraging bat within Whitacre Heath Nature Reserve SSSI.
Soprano Pipistrelle <i>Pipistrellus pygmaeus</i>	CHSR, WCA, LBAP	A single record within Whitacre Heath Nature Reserve SSSI.
Pipistrelle Sp. <i>Pipistrellus</i> sp.	CHSR, WCA, LBAP	Within Church Pool Covert LWS.
Great-crested Newt (GCN) <i>Triturus cristatus</i>	CHSR, WCA, NERC	Associated with ponds within Church Pool Covert LWS. Further records within Whitacre Heath Nature Reserve SSSI and the village of Lea Marston.
Common Toad <i>Bufo bufo</i>	NERC	Closest individual recorded north in Sych Wood LWS.
Grass Snake <i>Natrix natrix</i>	WCA, NERC	Multiple records of grass snake within Church Pool Covert LWS and Whitacre Heath Nature Reserve SSSI.
Slow-worm <i>Anguis fragilis</i>	CHSR, WCA, NERC	Found on Lea Marston churchyard within Church Pool Covert Ecosite.



**Key to Conservation Status:** CHSR – Conservation of Habitats & Species Regulations 2010 (as amended). WCA – Wildlife & Countryside Act (as amended). NERC– Species of Principal Importance in England listed on S41 of the Natural Environment and Rural Communities Act 2006 (NERC). LBAP – Warwickshire Local Biodiversity Action Plan.



- 3.7 Extensive bird data has been provided by Warwickshire Biological Records Centre (WBRC) for the local area. The data included a number of notable species listed as Species of Principal Importance under S41 of the NERC Act (2006), protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) or Birds of Conservation Concern (BoCC) Red and Amber List Species. The majority of the bird records provided are associated with Whitacre Heath Nature Reserve SSSI to the east of site. The area includes disused gravel workings, an excavated wader scrape, open water and wet meadows. The site is acknowledged as an important site for breeding wetland birds in Warwickshire.

#### Field Survey and Identification of Opportunities



- 3.8 A summary of broad habitats their characteristics and opportunities for enhancement is provided in Table 3.



Table 3: Broad Habitat and Opportunities for Enhancement


Broad Habitat Type	Reference (refer to Figure 3)	Description	Photograph	Current management, trends	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Broad-leaved plantation woodland	1	Plantation woodland blocks associated with the former power station. Typically a mixture of native species including oak, birch, cherry, rowan, hawthorn, hazel and Guelder rose.		No recent management apparent. Dense thickets with little development of ground flora/structural diversity. Rabbit fencing in poor repair but still present. Rabbit guards still present.	The woodland blocks would benefit greatly from thinning throughout, which would allow greater light penetration thereby allowing ground flora to develop and increase structural diversity providing a habitat for nesting birds and other fauna. In addition to general thinning, small glades could be created providing sheltered sunny habitats of value to invertebrates and other species dependant on them. Removal of rabbit fencing/guards desirable from an aesthetic perspective and would allow larger mammals, including badgers and hedgehogs, greater access.	Area – c.0.29Ha Thinning - £660 initial cost for all areas then £220 for third of resource on 5 year rotation (£1,100 for 25 years) Glade creation – 2 days c.£1,000 Rabbit fencing/guard removal - £600  Total – c.£3,360	<b>Thinning</b> - Initial costs based on guide prices from Forestry Commission – Operations Note 9 and include thinning of entire woodland. Longer-term management based on a third of the resource managed on a five year rotation.  <b>Glade Creation</b> – Based on tree surgery team at £500 per day (Forestry Commission – Operations Note 9).  <b>Rabbit fencing/guards</b> – based on daily contractor charge
Broad-leaved plantation woodland	2	Beech dominated plantation with regular spacing. Bramble ground flora and dense leaf litter layer		No recent management apparent.	Some thinning may provide greater structural diversity to develop. May benefit from installation of halford boxes to provide an opportunity for nesting birds and roosting bats where few opportunities are present due to the good condition of trees	Area – c.0.29Ha Thinning - £490 initial cost for all areas then £160 for third of resource on 5 year rotation (£800 for 25 years) Bird Boxes – 5 boxes (£185) Bat boxes – 5 boxes (£365)  Total – c.£1,850	<b>Thinning</b> - Initial costs based on guide prices from Forestry Commission – Operations Note 9 and include thinning of entire woodland. Longer-term management based on a third of the resource managed on a five year rotation.  <b>Bird Boxes</b> - £37 each (NHBS) <b>Bat Boxes</b> - £77 each (NHBS)

Broad-Habitat Type	Reference (refer to Figure 3)	Description	Photograph	Current management, threats	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Broad-leaved plantation woodland	3	<p>Broad-leaved plantation with a mixture of native (oak, silver birch, hazel, holly) and introduced specimens (American red oak, horse chestnut).</p> <p>Ground flora variable with woodland species such as bluebell, dog's mercury and wood speedwell noted.</p> <p>Some significant trees (potentially of veteran status) present.</p> <p>Wet woodland present with small stream (3a). Alder with and downy birch. Ground flora enhanced by wet conditions with ramble sedge and irises.</p> <p>Himalayan balsam dominated close to the river and rhododendron present close to stream</p>	 	<p>Regular management apparent with small copse (see photo) and rhododendron clearance noted.</p> <p>Some deterioration of footpath/bridge over stream.</p> <p>Himalayan balsam appears untreated in 2016</p> <p>Brush and debris tipped behind Environmental Studies Centre</p>	<p>Current good woodland management appears to reflect current status as LWS</p> <p>Further benefits could be gained through more intensive rhododendron clearance and regular Himalayan balsam clearance before seed-set.</p> <p>Potential to renew/recreate footbridge over stream.</p>	<p>Area - c.5ha</p> <p><b>Rhododendron Control</b> - Initial cost c.£1,100. Spray of regrowth in year 2- 5 c.£400</p> <p><b>Himalayan Balsam Control</b> - Stirm before seed set - First 3 years c£1,200, then years 4 and 5 c.£400. Ongoing monitoring of new seed stock, regrowth and subsequent treatment from years 5 to 25 c.£2,500</p> <p><b>Footbridge</b> - £3,750</p>	<p><b>Rhododendron Control</b> - Initial costs based on guide prices from Forestry Commission - Operations Note 9. Based upon area of 0.5ha cleared initial with fall and sprayed of any regrowth during subsequent 4 years.</p> <p><b>Himalayan Balsam Control</b> - Based on 0.5ha stem for first 3 years as seed bank persists. Years 4 and 5 strimming based on smaller 0.25ha area. Future monitoring and strimming based upon continued monitoring and strimming as necessary.</p> <p><b>Footbridge</b> - based on guide prices from Forestry Commission - Operations Note 9 for 5m long timber frame with steel beams at £750 per metre.</p>
<b>Total - c.£9350</b>							




Broad Habitat Type	Reference (refer to Figure 3)	Description	Photograph	Current management, threats	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Coniferous plantation woodland	4	Mature Corsican pine plantation (c. 40-50yrs old). Some mature broadleaved species on periphery		No recent management apparent	<p>Opportunity for sympathetic reversion to broad-leaved species through the removal of conifers over time.</p> <p>Public access could be increased with the removal of peripheral, apparently resistant, chain-link fencing and clearance of informal paths.</p>	<p>Area – 0.69ha</p> <p>Conifer removal - Removal of approx. 8" conifer resource in any one year commencing within southern extent gradually moving north £4500. Gradual replanting of broad leaf trees c.£200</p> <p>Fence removal - £700</p>	<p>All costs based upon on guide prices from Forestry Commission – Operations Note 8.</p> <p>Conifer removal – Assume tree surgery lean on day rate £500 removing 8" conifer resource in any one year. Replanting assumes supply and planting of up to 60 broadleaf tree whips. The planting of established tree will be subject to additional supply and planting costs.</p> <p>Fence removal – 400m of fence to remove including mini excavator at daily rate to remove concrete posts.</p>
Hedgerow	5	Roadside hedgerow with adjacent bund planted with shrub species including Hawthorn, hazel etc		Annual management to prevent encroachment onto road likely	Potential for additional evergreen species to augment screening function during winter.	<p>Total – c.£5460</p> <p>c.140m long hedgerow</p> <p>Inclusion of evergreen species (e.g. holly) every 5 to 10m</p>	<p>Supply and planting of established 90cm potted trees and daily contractor rate.</p>
						<b>Total – c.£700</b>	

Broad Habitat Type	Reference (refer to Figure 3)	Description	Photograph	Current management threats	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Semi-improved grassland (moderately species-rich)	6	Semi-improved grassland around sports pitches, where fenced by rabbit fencing. Relatively species-rich and supports a suite of indicators of less intensive management/low soil nutrient status. Fine grasses are frequent with red fescue and common bent often dominating with ladies bedstraw, bird's-foot trefoil (appearances suggested) (Lotus glaber), autumn hawkbit, harrowit, sheep's sorrel and, locally, greater knapweed.		No current management apparent. Grassland sward in need of management to maintain (or enhance) species richness. Sward becoming thatched with deeper litter layer than desirable. Scrub, bramble and tall herb encroachment in evidence.	Relatively species rich grassland in desperate need of regular management to prevent natural succession leading to a decline in species-richness and scrub encroachment. Maintaining a flower-rich sward is unlikely to be too onerous given the apparent low soil-nutrient status, with typical hay meadow management likely to be sufficient. Flower-rich grassland is desirable due to the reliance of a wider range of invertebrates on it which can themselves form prey for birds and bats. Maintaining a varied edge with existing scrub would benefit fauna such as hedgehog, slow worm and grass snake which have been recorded locally in the past. Opportunity to increase woodland planting in less species rich/bramble dominated areas adjacent to track to form Keepers Collage (ref 6a) and increase/align woodland connectivity to Sych Wood. Oak-birch woodland recommended.	Area c.0.37Ha <b>Hay meadow management</b> – Annual cut and removal of arisings c.£5,000 <b>Woodland Planting</b> – Planting an area of approximately 220m <sup>2</sup> and inclusion of 5 extra heavy standards c.£850.	<b>Hay meadow</b> - Based on £20/hr contractor charge including single annual mow and raking of arising. Based on 1 cut per annum for 25 years. <b>Woodland Planting</b> – Based upon a planting density of 1,100 trees per hectare and upon guide prices from Forestry Commission – Operations Note 9. Additional inclusion of 5 extra heavy standards at £150 per tree.
Semi-improved grassland	7	Semi-improved grassland paddocks used for horse/pony grazing. Not particularly species-rich but not overly dominated by coarse grasses, with common bent abundant and y occasional ladies bedstraw, common bird's-foot trefoil, red clover, Ruderal species common etc. is typical of poorly managed horse pasture.		Currently pony/horse grazed at relatively low intensity	Low intensity grazing should be continued to maintain current nature of grassland. The application of fertilizer should be avoided where possible.	<b>Total – c.£5,850</b> Continue horse grazing under current agreement with tenant.	

Broad Habitat Type	Reference Refer to figure 3)	Description	Photograph	Current management, trends	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Tall ruderal	6	<p>Extensive tall herb and ruderal vegetation adjacent to the River Thames.</p> <p>Tall ruderal species are dominant with common nettle and hedge bindweed particularly frequent.</p> <p>Small patches of inundation grassland dominated variably by marsh foxtail and/or reed sweet grass diversity the area and are indicative of winter flooding or water-logging.</p>		None	The area adjacent to the River Thames supporting undisturbed ground cover provides an opportunity to create an artificial log pile other hole.	<p>Area – 0.55Ha</p> <p>Timber from woodland thinning to be used.</p>	Based on daily contractor charge for two people and using timber sourced from woodland thinning.
						<b>Total – c.£1,200</b>	

Broad Habitat Type	Reference (see Figure 3)	Description	Photograph	Current management, trends	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Standing open water	9	<p>Pond created by damming of stream through Church Pool Covert. Shallow and heavily silted.</p> <p>About a third of the area dominated by Common Reedbeds swamp, with locally frequent Lesser Pond-sedge and Greater Pond-sedge which occur in separate stands. The shoreline has abundant Indian Balsam and frequent Remote Sedge, Great Willowherb, Gypsywort and Bittersweet, while the open water is dominated by extensive Common Duckweed.</p>		<p>Continued silting of the pond in combination with natural vegetation succession will lead to the loss of the open water and further development of dense vegetation.</p>	<p>Removal of silt from heavily silted areas could increase the availability of open water and increase habitat diversity on the long-term. Similarly the removal of some of the swamp habitat may be beneficial particularly where reedbeds dominates.</p>	<p>Area – 0.2Ha</p> <p><b>Desilting and removal of reedbed dominated swamp habitats</b> – Use of a 360 excavator to clear out silt and swamp as necessary during years 1, 10 and 20.</p>	<p>Costs based upon on guide prices from Forestry Commission – Operations Note 9.</p>
<b>Total – c.£1,890</b>							

Broad Habitat Type	Reference (refer to Figure 3)	Description	Photograph	Current management details	Opportunities for enhancement	Anticipated costs (25 year period)	Notes/Assumptions
Standing open water	10	Small shallow waterbody close to the River Thame in the north of the site. Supports a reasonably diverse suite of marginal/emergent species including soft rush, tallless water pepper, reed canary grass, reedmace, marsh foxtail, water plantain and Juncus sp. Appears to be an ephemeral pool with a wide draw-down zone (refer Photograph)		No management apparent.	None suggested	N/A	N/A
						<b>Total management costs for 25 years c. £29,660. Average annual costs c.£1,186.40</b>	

The accuracy, appropriateness of field measurements and design data used in this report is the responsibility of the client. The accuracy of the information provided in this report is not to be used for any other purpose without the written consent of the Environmental and Design Ltd. The accuracy of the information provided in this report is not to be used for any other purpose without the written consent of the Environmental and Design Ltd. The accuracy of the information provided in this report is not to be used for any other purpose without the written consent of the Environmental and Design Ltd.

- Key**
- Site Boundary
  - Site of Special Scientific Interest (SSSI)
  - Local Wildlife Sites (LWS)
  - Ecotops
  - Potential Local Wildlife Site (PLWS)



**fpccr**

**Prilogis**  
Harns Hall, Coleshill

**SITE LOCATION AND DESIGNATED SITES PLAN**

SCALE: 1:10,000  
REVISED: 20/06/2014

**Figure 1**  
**6775-E-01**

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 masterplanning | environmental assessment | landscape design | ecology | architecture | arboriculture

This is a summary of the species records for the site and is not intended to be used as a checklist. It is intended to provide a summary of the species records for the site and is not intended to be used as a checklist. It is intended to provide a summary of the species records for the site and is not intended to be used as a checklist.

**Key**

**6775 Notable Species Records**

- ◆ Common Frog
- ◆ Common Toad
- European Otter
- ◆ Grass Snake
- ◆ Great Crested Newt
- ◆ Hazel Dormouse
- ◆ Pipistrelle Bat
- ◆ Common Pipistrelle
- ◆ Soprano Pipistrelle
- ◆ Slow-worm
- ◆ Smooth Newt
- Wet European Hedgehog




  
 Prologis
   
 Hans Hall, Colehill
   
**SITE LOCATION AND DESIGNATED SITES PLAN**
  
 Scale 1:10000
   
 Date 12/11/2024
   
 Figure 2
   
**6775-E-01**

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③ Habitat reference number



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**Figure 3** 6775-E-03



**WYG** Transport Planning



Prologis

**Hams Hall Distribution Park**  
North Warwickshire

Proposed Redevelopment of the  
Former 'B Station' Site

Framework Service Yard Management Plan

Report Number: RT94015-SYMP

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Sept 2016  
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**REPORT CONTROL**

Document: Framework Service Yard Management Plan

Project: Hams Hall

Client: Prologis

Job Number: A094015

File Origin: N:\Projects\A094015 - Hams Hall Expansion\reports\SYMP\A094015-SYMP-140916.doc

Document Checking:

Primary Author	Shirley Dumigan	Initialed:	SD
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Contributor	Daniel Palmer	Initialed:	DP
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Review By	Shirley Dumigan	Initialed:	SD
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Issue	Date	Status	Checked for Issue
1	15/09/16	Draft for comment	SD
2			



1.1 BACKGROUND

1.1.1 WYG has been appointed by Prologis to prepare a Framework Service Yard Management Plan (FSYMP) in support of an outline planning application for the development of land within the Hams Hall Distribution Park at the former EON B station site. The development proposals are to provide up to 85,000sqm Gross Internal Area (GIA) of Use Class B2 (General Industrial) and/or Use Class B8 (Warehousing / Distribution). A site location plan is shown as **Figure 1**.

1.1.2 The full description of the proposed development is as follows:

*Demolition of existing buildings and redevelopment of site for industrial/distribution (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping.*

1.1.3 Hams Hall Distribution Park is located to the north of the river Thame and Coleshill and comprises approximately 430 acres of industrial and warehousing (storage and distribution) units operated by existing companies including, Sainsbury's, BMW (engine manufacturing plant), DHL, ABB Group, Chubb, Beko, Exel and Wincanton. The internal road layout within Hams Hall Distribution Park has been designed to accommodate Heavy Goods Vehicle (HGV) movements.

1.2 PURPOSE

1.2.1 This document has been prepared to provide a Framework Service Yard Management Plan (SYMP) for the adoption of end occupiers at Prologis Park, Hams Hall. Each occupier will be responsible for managing their service yards and planning logistics to minimise disruption to the local area.

1.2.2 A SYMP is considered to be a live document and this report will set out the strategy to be adopted to ensure it is a continually evolving plan that meets the needs of the occupiers, North Warwickshire Borough Council and Warwickshire County Council (WCC).

1.2.3 The objectives of the SYMP are to:

- To prevent overnight HGV/LGV parking in the Hams Hall Industrial Park;
- To keep the highway clear by managing the timing of HGV/LGV arrivals and gate opening to prevent vehicles having to wait outside;
- Encourage the use of the Rail Freight Terminal;



- Make all drivers aware that there is HGV overlay parking available on site; and
- Keep noise to a minimum within the Service Yards to reduce any associated disruption to local communities

1.3 SERVICE YARD ACCESS STRATEGY

1.3.1 Each Occupier will specify how they will manage access to the site by HGV/LGV's by providing details of the following:

- The Logistic tracking process to be used such as GPS tracking, drivers contacting the site on approach or other industry standard process;
- How the access will be managed and what procedure will be in place if an unexpected arrival occurs; and
- The process to manage overlay parking.

1.3.2 A Route plan could also be included if appropriate for the specific end user to ensure that the Strategic Road Network is used by HGV/LGV drivers.

1.3.3 In addition again dependant on the occupier's business requirements the option for using the Freight Terminal should be considered.

1.4 SERVICE YARD MANAGEMENT

1.4.1 This SYMP will include the specific operational procedures of the occupiers when known and seek to keep noise breakout from the yard within the appropriate levels (Refer to the Noise Assessment).

1.4.2 For example this can be done by implementing a quiet delivery strategy. Accordingly, the following delivery procedures could be implemented:

- Drivers contact the site prior to arrival to ensure gates are open, therefore enabling lorries to enter the service yard without dwelling on the public highway;
- Deliveries are scheduled and agreed with the site to reduce minimum time taken therefore limit potential for noise impact;
- Lorry engine and refrigeration is turned off as soon as practicable and they are not left running in the yard;



- An isolating mat is placed under the tail/scissor lift to reduce the noise of the plates on the pavement or the loading bay;
- The radio in the HGV / LGV cab is switched off / muted before arrival;
- The branch radios are switched off / muted before the service yard shutter doors are opened;
- There is a general requirement for all drivers to minimise noise at all times;
- The gate will close promptly after the lorry has entered the yard;
- Where possible the fleet will be fitted with white noise reversing beepers.
- All staff working within the service yard and involved in the delivery operation (including drivers and relevant distribution management) will be informed and accord to this Service Yard Management Plan; and
- Copies of the Service Yard Management Plan will be displayed on staff notice boards and given to employees directly engaged in the delivery process as far as is reasonably practicable.

1.4.3 Each occupier will provide a named person of contact whom will be noted in the live document and contact details provided to the Local Authority to enable liaison should any local issues become apparent or action is required.



**FIGURES**

DRAFT

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# DISTRIBUTION WAREHOUSES DELIVER MORE JOBS

When discussing proposals for new developments with local planning authorities, Prologis is often asked about the type and number of jobs that its distribution centres will bring to an area. In order to answer these questions as accurately as possible, Prologis regularly surveys its customers and because this data is proving useful more widely within the UK logistics industry, it has decided to publish the results.

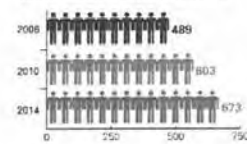
The first survey was carried out in 2006<sup>1</sup>. Prologis repeated the exercise in 2010<sup>2</sup> and again in 2014. In 2010, customers provided employment statistics for 28 distribution centres across the country. This survey represented 6,800 employees working in 5.65 million sq ft. By 2014, the survey data had increased to 8,187 employees and to over 6 million sq ft.

## NUMBERS OF JOBS

In 2006, Prologis calculated that on average, its customers employed one person for every 95m<sup>2</sup> of floor space within its logistics facilities. By 2010, this ratio had increased to one person for every 77m<sup>2</sup> and by 2014 it had risen again to one person for every 69m<sup>2</sup>. The 2014 survey also shows an increase in full time jobs from 88% in 2010 to 89% in 2014 and a corresponding decrease in part time employment from 12% to 11%.

### Number of Employees

Based on a 500,000 sq ft building (46,450 sq m)



## The 2014 survey asked:

- How many people do you employ?
- How many employees are full time and how many are part time?
- Can you split the jobs your employees carry out into these five areas:
  - Office
  - Warehouse
  - Drivers
  - Managerial
  - Other?

Using the data provided by the three surveys, Prologis found that job numbers are rising and that the nature of employment within distribution warehouses is changing.

## TYPES OF JOBS

Research carried out by Cranfield University shows that in 2009 63% of logistics workers were staff who work on the warehouse floor. Of the remaining employees 13% were drivers; 11% were administrative or support staff; 7% were managerial and the remaining 1% were categorised as 'other'.<sup>3</sup>

By 2010, the employment picture was more complex. The proportion of people who worked in the warehouse was 43%, while the number of drivers was down to 10%. The proportion of administrative and support staff, however, was 12% and while the number of employees at a managerial level had increased to 9%. Those employed in 'other' categories had jumped to 25% and subsequent discussions with customers indicated that these jobs included IT and customer services along with sales and marketing.

By 2014, the pattern had changed once again. The number of people working in the warehouse itself was 50%, while the proportion of drivers was 8%. The numbers of office-based jobs continued its steady rise to 13%, while the proportion of people working in managerial roles decreased slightly to 8%. The 'other' category dropped back to 21%.

### Absolute Number of Employees

Based on a 500,000 sq ft building (46,450 sq m)



#### Key:

- 2003
- 2010
- 2014

<sup>1</sup> Prologis, Not Just Stacking Shelves, Spring 2006

<sup>2</sup> Prologis, Do Distribution Warehouses Deliver Jobs? September 2010

<sup>3</sup> Cranfield University School of Management, Bedford and King Sturge, Future Trends in the Demand for Warehouse Property, April 2003



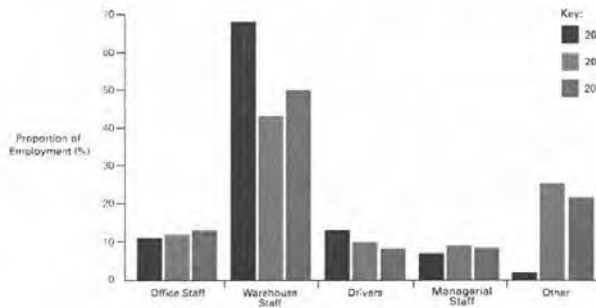
# DISTRIBUTION WAREHOUSES DELIVER MORE JOBS

## CUSTOMER EMPLOYMENT SURVEY 2014

Building Area* (Sq ft)	Office	Warehouse	Drivers	Managerial	Other	Full time	Part time	Total	
370,000	42	166	32	10	0	250	0	250	
65,000	30	50	25	15	2	120	2	122	
90,000	10	25	0	1	0	36	0	36	
85,000	149	71	0	106	0	295	31	326	
305,000	82	459	7	69	649	1266	0	1266	
310,000	50	400	100	100	25	650	25	675	
185,000	6	38	15	8	1	67	1	68	
325,000	128	202	0	20	0	350	0	350	
165,000	8	42	5	0	12	45	22	67	
385,000	30	60	10	10	0	110	0	110	
95,000	15	31	9	4	1	60	0	60	
175,000	33	129	141	42	0	345	0	345	
530,000	10	515	0	30	20	300	275	575	
240,000	10	114	0	8	8	89	51	140	
70,000	10	43	45	25	377	500	0	500	
400,000	136	64	8	0	65	133	140	273	
45,000	10	28	0	5	0	43	0	43	
55,000	16	8	0	14	7	44	1	45	
195,000	49	43	53	18	0	157	6	163	
230,000	25	110	70	17	3	225	0	225	
85,000	3	27	2	0	30	49	13	62	
140,000	57	207	24	1	2	291	0	291	
185,000	15	7	0	20	224	264	2	266	
545,000	22	613	41	107	0	763	20	783	
130,000	0	115	1	5	0	121	0	121	
250,000	6	102	24	12	0	136	8	144	
260,000	54	220	19	17	200	310	200	510	
135,000	41	218	12	0	100	301	70	371	
<b>Total(s)</b>	<b>6,050,000</b>	<b>1,047</b>	<b>4,107</b>	<b>643</b>	<b>664</b>	<b>1,726</b>	<b>7,320</b>	<b>867</b>	<b>8,187</b>
<b>% of Total</b>	<b>12.79%</b>	<b>50.17%</b>	<b>7.86%</b>	<b>8.12%</b>	<b>21.09%</b>	<b>89.4%</b>	<b>10.6%</b>	<b>100%</b>	

Note: \*Building areas have been rounded to protect confidentiality. Total(s) and analysis is based on actual numbers.

Changing nature of employment within the logistics sector 2003-2014

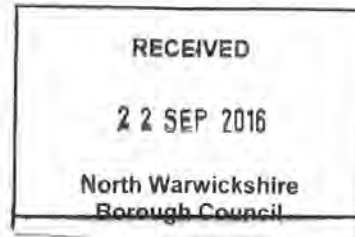


### SUMMARY

The first three Prologis customer employment surveys, which were carried out at four year intervals in 2006, 2010 and 2014, indicated that the logistics industry can offer an increasing number of jobs. The data shows that the majority of these jobs are full time and that opportunities for full time employment are growing. A comparison between the 2003 Cranfield University research and both the 2010 and 2014 customer employment surveys demonstrates that logistics offers an increasingly diverse range of jobs. This is a dynamic employment sector and as the data shows, it continues to make a significant contribution to the UK economy.

Jeff Brown  
Development Control Manager  
North Warwickshire Borough Council  
South Street  
Atherstone  
CV9 1DE

19 September 2016



Dear Jeff

**APPLICATION NO. PAP/2016/0399  
APPLICATION ON BEHALF OF PROLOGIS AND E.ON  
FORMER B STATION SITE, HAMS HALL  
COMMENTS ON BEHALF OF ST MODWEN DEVELOPMENTS LTD**

As you are aware we represent St Modwen Developments Ltd (SMD) in their promotion of land to the south east of junction 10 of the M42 for employment development. You will also be aware that SMD secured planning permission for the employment development of land to the south west of the same junction; the first phase of that scheme was recently completed and construction of the second phase has just begun. In this context SMD take an interest in other employment development coming forward in North Warwickshire, and through this became aware that the above application was reported to the Council's 5<sup>th</sup> September Planning and Development Board meeting by way of information and update, and to determine whether the Council was in a position where it could be minded to support the principle of the proposal.

SMD asked me to review the Board papers and relevant background documents and advise them of the content. This process has identified a number of concerns with the approach to the application and how it is being determined. I have been instructed to write to you on behalf of SMD to express these concerns, and ask that they are taken into account in the determination of the planning application. A robust, properly considered and defensible decision cannot be made unless these points, set out below, are properly addressed.

At the outset, it should be noted that there is some common ground between SMD and the applicants for the Former B Station site. The planning statement prepared by Delta Planning and submitted in support of the application ("the Planning Statement") concludes (paragraph 11.5) that the proposed development, "...would help to meet the significant identified demand for new industrial and distribution space thereby supporting the economic growth objectives of the area. As there is a severe shortage of supply to meet market demands and a clear lack of alternative strategic sites in the market area that can be brought forward in the short term, substantial weight should be attached to the proposal's ability to satisfy the need for high quality employment land." In a similar vein it goes on to state (paragraph 11.8) that, "there is an urgent need for additional strategic employment sites to be delivered in the short term to address a severe lack of supply."

These themes of significant demand and a shortage of supply, clearly evident in North Warwickshire, are agreed. However, it is essential that in seeking to meet this need potential sites are properly assessed especially where they raise important policy questions, as is the case here around the approach to the Green Belt. The comments set out below should be understood in this context.

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t: 01562 734090 f: 01562 734098 info@planningprospects.co.uk

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### The Approach to the Green Belt

The continued importance attached to the Green Belt in North Warwickshire is evident from the Core Strategy. It notes (paragraph 7.2) that, "The maintenance of the Green Belt is seen as a vital component in protecting and enhancing the Borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas. The wholeness of the Green Belt designation is important and further exclusions would reduce its effectiveness. Green Belt boundaries were reviewed in the last Local Plan. It is considered that development can be catered for outside of the Green Belt, without the need to consider any reviews of the Green Belt boundaries. In addition, as HS2 will be constructed during the life of this Core Strategy, no changes will be considered until the implications of the new route can be fully assessed." (emphasis added)

At the national level, the NPPF provides (paragraph 79) that, "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." It confirms (paragraph 83) that once Green Belt boundaries are established, they, "should only be altered in exceptional circumstances, through the preparation or review of the Local Plan"; this point is recognised in the Planning Statement (paragraph 11.8) which also acknowledges that in this case the review of the Local Plan is at a very early stage.

There is a longstanding national policy principle that inappropriate development such as that proposed on the Former B Station site, which is by definition harmful to the Green Belt, "should not be approved except in very special circumstances" (paragraph 87). As such, the NPPF confirms (paragraph 88) that, "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." You will be aware that there has been substantial recent litigation around this issue.

Against this background the importance attached by the Council to protecting the particular piece of Green Belt land addressed by the Former B Station application is evident in planning decisions previously made in relation to this site. Planning permission for development of the site has been refused on three occasions in the past (in 2004, 2006 and 2012) for reasons including (but not limited to) its Green Belt status. This is a material consideration in terms of the determination of the current application. Indeed, you highlighted the importance of the effect on the Green Belt at an early stage in the pre-application process, commenting in your letter dated 27<sup>th</sup> May 2015 responding to the applicant's request for a Screening Opinion that, "In respect of the location of the development then the most significant impact will be the substantial harm caused to the openness of the Green Belt." In that letter you also point to the likelihood of significant visual impact and an impact on landscape character.

Whilst the Council's Green Belt Assessment does not identify the parcel of land in which the Former B Station site is located as being high performing when measured across the purposes served by Green Belt as a whole, it does consider it makes a significant contribution towards preventing the settlements of Coleshill / Hams Hall and Lea Marston merging into one another. As such, it performs an important role in serving one of the Green Belt purposes in particular, i.e. preventing neighbouring towns merging into one another. Questions around this issue have also been raised by others commenting on this application (discussed below) and must not be overlooked.

The applicant advances a case for "very special circumstances" which relates in part to the supply of and demand for employment land but also (as set out above) the suggestion that there is, "a clear lack of alternative strategic sites". Through the application submission as a whole some detail is provided to support the contention that the supply of employment land is short, and the demand is high, but the same cannot be said for the consideration of alternative sites. This is important in the specific circumstances that this is an

application relating to Green Belt land, characterised by openness and permanence, and the boundaries of which, "should only be altered in exceptional circumstances, through the preparation or review of the Local Plan". No doubt in considering the application the Council will have asked whether "very special circumstances" can be said to exist for development in the Green Belt when it has not been properly considered whether the need to be addressed could be met on land outside the Green Belt? The applicant's case rests in part on this point, it has been raised as relevant by them, but inexplicably it has not been thoroughly or systematically assessed. This is a very serious shortcoming in the information provided for this as an application within the Green Belt, and one which the Council should ask to be addressed.

The Planning Statement notes (paragraph 6.43) the recognition in the Council's early work around employment site allocation of the important role to be played by expansion along the A5 corridor. More recently, the Council's April 2016 publication of a, "Paper to Consider the Growth Options for North Warwickshire: 2011 – 2031 and beyond" also recognises (Option IN3) the potential to focus growth along the A5 Corridor, noting (para. 4.16) that, "this is the essence behind the Core Strategy as the A5 corridor is outside of the Green Belt". Curiously, the prospect of accommodating employment growth along the A5 corridor – or indeed in other locations outside the Green Belt – is not then addressed in a meaningful way through the application.

The consideration of alternative sites in the Planning Statement is a fleeting one. Just three sites are considered at paragraph 10.19, all being promoted through the planning process, and only one of which is outside the Green Belt. This, non-Green Belt, site is that being promoted by SMD to the south east of M42 J10 and is capable of immediate development should the ongoing appeal be successful. However, no consideration appears to have been given to the wider potential of sites outside the Green Belt, along the A5 corridor or elsewhere in the market to be served, including locations already identified through the planning process (through adopted or emerging allocations, or applications) as well as other areas more generally potentially suitable for development.

A parallel point arises through the EIA process followed in this case. As part of the "Consideration of Alternatives" the "Screening and Scoping Report" (May 2015) prepared by Delta Planning promises (paragraph 5.5) a, "planning analysis of other sites that have been identified to ascertain whether any of the sites provide a less constrained (in terms of site characteristics and planning policy) alternative to deliver the proposed development." In circumstances where one of the key constraints in this case is the Green Belt status it might be thought that the focus here would be on identifying and analysing sites outside the Green Belt. However, like the Planning Statement, the ES simply considers briefly the same three sites, two of which are in the Green Belt, and makes passing reference to a fourth alternative (Redditch Gateway). Once again, there is no meaningful attempt to consider an alternative to Green Belt development, having regard to policy constraints and environmental effects. The systematic approach which we would have expected to see in this case is simply absent from the ES or any other supporting documentation.

In the light of the above I note with some disquiet the approach taken to Green Belt issues surrounding the Former B Station site in the report presented to the 5<sup>th</sup> September Board meeting ("the Board Report"). This understandably acknowledges (page 4/152) that the harm to the Green Belt arising from the proposal would be substantial. The reporting of the extent to which other sites have been considered then reflects (page 4/155) the limited coverage given to the point by the applicant as discussed above. The Board Report finds the issue to be finely balanced, but that the balance lies in supporting the application (page 4/156). The above deficiencies in the supporting information are not drawn to the attention of members.

The reasons expressed (page 4/156) for officers reaching a supportive view relate to the progress made with the emerging Local Plan, the process implicit within that of site sieving and selection, and the desire to manage growth. There are a number of significant concerns which can be expressed in this regard, including:

- The emerging Local Plan is at the very earliest stage in its preparation. Accordingly, the weight that can be attached to it is necessarily very limited accordingly (NPPF paragraph 216). It seems certain that weighty objections will be made to the proposed allocation of the Former B Station site (see discussion below). As such it would be extraordinarily ill considered for the Council to rely upon the identification of the B Station site in the draft plan as any significant support for a "very special circumstances" case.
- Any reliance on allocations in an early stage Local Plan is further undermined because there is no Infrastructure Delivery Plan which has been published, properly tested and informed (for example) by a strategic highways assessment identifying the cumulative effect of all planned development and fully assessing any measures required to mitigate its effects. At present neither we nor members know whether the aspirations of the emerging Local Plan are capable of being delivered, and a proper answer to this question will apparently not be known for some time.
- The Board Report suggests that the emerging Local Plan is based on the strategy adopted in the Core Strategy, but with regard to the Former B Station site this is plainly not the case. This part of the report is seriously misleading. As discussed above, in assessing the Growth Options the Council confirmed that development along the A5 corridor, *"is the essence behind the Core Strategy as the A5 corridor is outside of the Green Belt."* This application conflicts with, *"the essence behind the Core strategy"*.
- The Board Report states that the evidence base underpinning the emerging Local Plan has been subject to consultation, but again this is misleading as the full evidence base has not been opened to public consultation. It must also be noted that the evidence base has not been tested through consultation in terms of how it has been used to inform Local Plan policies and allocations, or examination of that document. It should not be depended upon to support a "very special circumstances" case. As discussed above, no detailed, thorough alternative assessment has been set out by the applicant to demonstrate why the Former B Station site should be preferred to others. Robust, tested evidence to support its effective exclusion from the Green Belt is simply not available.
- The Board Report effectively treats the emerging Local Plan as a tool to manage growth and oppose development in locations outside the Green Belt which are politically less preferred. For the reasons expressed above the draft Local Plan cannot perform this role or reach a view that Green Belt development is less "harmful" than that in other locations. Reliance upon the draft local plan to justify "very special circumstances" in these circumstances is tantamount to seeking to circumvent the plan led process. For Green Belt release to be justified the Council has to demonstrate that exceptional circumstances exist – it will be obvious that such circumstances cannot include the identification of the site in a draft plan but must relate to other substantive land use considerations. We presume that it is therefore conceded by the Council that the acute need for additional strategic employment land comprises such exceptional circumstances in the light of the promotion of this site.

In summary, then, the protection of Green Belt land is important in national and local policy terms. The protection of this specific piece of Green Belt land has previously been considered important by the Council, and is currently considered important by local stakeholders (see below). It performs an important role in serving one of the Green Belt purposes in particular. The applicant's "very special circumstances" case rests in part on the lack of alternative strategic sites, but alternative locations outside the Green Belt have not been properly assessed through the planning submission (or indeed through the ES). The Council's "finely balanced" acceptance of a "very special circumstances" case rests heavily on the emerging Local Plan, but this reliance is misplaced having regard to the stage this document has reached, and the extent to which if and crucial supporting material have been made available, consulted upon, and tested.

For these reasons, I do not consider that "very special circumstances" have been demonstrated, there is a clear conflict with policy, and the case to support the proposal has not been properly made.

#### **Other Representations**

In formulating the comments set out above I have been mindful of the representations of others with an interest in how this site is approached. In particular:

- *Nether Whitacre Parish Council* – object for reasons relating to the Green Belt, the impact on openness, and the expansion of the built up area from Hams Hall towards Lea Marston. Further concerns are raised in terms of visual impact, traffic, and light and noise pollution.
- *Lea Marston Parish Council* – object for reasons relating to the Green Belt, including the expansion of the built up area from Hams Hall towards Lea Marston. Further concerns are raised in terms of heritage, noise and vibration, landscape and visual impact, light pollution, ecology, highways, and the approach to developer contributions.
- *CPRE* – object for reasons relating to the Green Belt, and the inadequate case for "very special circumstances". Further concerns are raised in terms of visual impact, traffic and noise and light pollution, also drawing attention to the failure to address problems associated with the previous (refused) applications on this site.

Considered individually and together, these objections undermine an approach which relies on the emerging Local Plan in constructing a "very special circumstances" case for Green Belt development. Any aspects of the Local Plan which promotes development in the Green Belt, and development on this site in particular, are likely to give rise to opposition as the document is consulted upon and ultimately examined. Green Belt land (including the Former B Station site) is much valued, and can only be released in exceptional circumstances; local evidence of the strength of feeling that can arise from the pursuit of Green Belt protection can easily be found, for example in the opposition to development at Daw Mill, and the steps taken to derail the Birmingham Development Plan by those concerned about development around Sutton Coldfield. This should be borne in mind when considering whether Green Belt development in this case can be supported in the manner being suggested.

#### **Outstanding Issues**

Finally, there appear to be a number of issues surrounding the application which remain unresolved, or indeed entirely unattended to. They need to be addressed before the application is determined.

First, I note that in describing the area surrounding the site the Planning Statement refers (paragraph 3.13) to St. John the Baptist Church. The church (and indeed a nearby cross) are listed. The Planning Statement goes on (pages 19 and 21) to indicate that Core Strategy and saved Local Plan policies relating to the historic environment and listed buildings are relevant to the application. It confirms (paragraph 8.10) that the church is located in the same land parcel as the application site for the purposes of the Council's Green Belt Assessment, and refers (paragraph 8.15) to the church in the context of how the site should be assessed from a Green Belt perspective. It does not, however, provide any indication that an assessment of the implications of the scheme on heritage assets, including listed buildings, has been made.

The "Screening and Scoping Report" states (paragraph 6.29) that, "*Previous assessments of the site have not identified any significant heritage constraints and therefore it is not considered necessary to carry out an assessment of the impacts of the proposed development on the archaeology and cultural heritage of the site.*" This topic was scoped out of the ES. No indication is given here as to whether consideration was given

to the need to assess impact on heritage assets around the site. Neither here nor in the Planning Statement is consideration given to the key planning questions arising from any such impact, including in circumstances where it is less than substantial (Section 12 of the NPPF). Questions surrounding heritage have not been addressed by the applicant, and this is a shortcoming from a planning and EIA perspective.

The Board Report is clear (page 4/152) that the rural setting of the listed church would be, "*adversely impacted amounting to moderate harm*" and points to the relevance of Core Strategy policy dealing with the historic environment (page 4/162). Lea Marston Parish Council raise specific concerns in terms of heritage impact in relation to the church and cross. There is nowhere, though, any evidence that the nature and extent of this impact has been properly assessed and measured by the applicant. This is essential to the decision making process and in ensuring that Members are properly advised in terms of how heritage impact should be taken into account, also having regard to the statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990 including that considerable importance and weight should be applied to the desirability of preserving the setting of listed buildings. You will also be aware of the extent to which this issue has also troubled the courts in recent years.

Second, it appears that issues around landscape impact have not been fully resolved. The Board Report (page 4/153) comments on this impact but I have not seen evidence that the detailed critique of the applicant's landscape and visual impact work presented by Lea Marston Parish Council has been properly addressed. This raises questions about, *inter alia*, the position of viewpoints, and the absence of viewpoints, as well as aspects of the analysis. The "Screening and Scoping Report" states (page 11) that key sensitive viewpoints will be identified with the Council, but this does not appear to have taken place. Absent such agreement, and a full response to the Parish Council's critique, it is difficult to see how this critical issue can be properly considered in any decision.

Third, at the time the Board Report was prepared a response was still awaited from the Environmental Health Officer. Given the objections raised by Nether Whitacre and Lea Marston Parish Councils it will be important that issues around amenity are fully addressed.

Fourth, there appears to be some uncertainty in the Board Report in terms of traffic and highways. Again, in the context of the strong objections raised by the parish councils around this topic, this will need to be fully resolved. The Board Report (page 4/150) indicates that a County Highways response was, "to be reported". The Board Report goes on to assume (page 4/152) that, "there will be no highway objection that could prevent the development from going ahead." The County Council's response to the application dated 1<sup>st</sup> September 2016 was one of objection in terms of a lack of information around safety audits, swept paths and construction standards. Their letter also refers to concerns about "rat running" through local villages which appear unresolved; this was one of the key objections raised by the Parish Councils.

In addition, and as discussed above, if the Council is intending to seek to rely on the emerging Local Plan to underpin a decision on "very special circumstances" for this site given its inclusion as an allocation it will need to ensure this is supported by an Infrastructure Delivery Plan informed by a strategic highways assessment identifying the cumulative effect of all planned development and any measures required to mitigate its effects. These documents will need to have been published and properly tested. To do otherwise would be to use the emerging Local Plan to support a scheme whilst not knowing whether that plan was deliverable, or what highways and other infrastructure are required to support it. That would be perverse.

#### **Concluding Comments**

I would be grateful if you could acknowledge receipt of this letter by return, and confirm that it will be reported to Members and taken into account during the determination of the application. I would reiterate the point

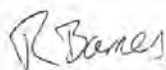
that a robust, properly considered and defensible decision cannot be made unless the points discussed above have been properly addressed.

From my comments above you will see that SMD do not object intrinsically to this scheme or the release of the site from the Green Belt. It could, potentially, contribute towards meeting the clear and very substantial need for employment land in due course. Procedurally, however, it is considered that there are some fundamental issues with the way the application is being determined, and these need to be remedied if development here is ultimately to be approved.

You will be aware from the forthcoming appeal Inquiry that my clients consider there is indeed an acute need for additional strategic sites and for that reason are pursuing an obvious non-Green Belt site through the appeal which will help to meet that need. Please be under no illusions that should the Council look to grant permission for a competing site in the Green Belt without first addressing the content of this letter then my clients will consider all options open to them.

Finally, in the event that the Council resolve to grant planning permission you will of course be required by the Town and Country Planning (Consultation) (England) Direction 2009 first to consult the Secretary of State before a decision is issued. In accordance with paragraph 10(c) of the Direction a copy of this letter should be provided as part of any such consultation. In circumstances where this is a proposal for major development in the Green Belt, not supported by the adopted Development Plan, on a site where previous applications have been refused for reasons including its Green Belt status and where, as above, questions have been raised about the "very special circumstances" that would be required to support for such a scheme, it is clear that the Secretary of State will need to consider very carefully the use of call-in powers in this case. It could well be regarded as development which may conflict with national policies on important matters, i.e. one of the instances identified in the "Caborn principles" where the Secretary of State's intervention might be appropriate.

Yours sincerely



**Robert Barnes - MRTPI, Director  
For and on behalf of Planning Prospects Ltd**





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Jeff Brown  
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Date: 13 October 2016

Ref: PRO10

Dear Jeff,

**Planning Application PAP/2016/0399 - Proposed employment development at the former 'B Station' site, Hams Hall**

We write with regard to the letter from Planning Prospects on behalf of their client St. Modwen Developments (The St. Modwen letter) dated 19 September 2016 which makes comments in relation to the above planning application.

Although it is not an objection to the principle of the development, the St. Modwen letter raises concerns with regard to the Planning and Development Board Report dated 5<sup>th</sup> September, and the recommendation, in that Report, that the Board should endorse the development in principle subject to resolution of a number of outstanding issues. The St Modwen letter raises a number of issues that it states are considered to be fundamental to the determination of the application and therefore need to be resolved before the Council's Planning and Development Board come to any decision on the application. We have no disagreement with this basic position and indeed, having attended the Planning Board, we noted that they did not accept the officer's recommendation, resolving instead only to note the contents of the Report and to make no comment on the acceptability, or otherwise, of the application until a full and final report was put forward for consideration. In doing so it is clear that the 5<sup>th</sup> September Board Report carries no weight in the determination of the application which, we assume, will be informed by, a new standalone Board Report, when the application is finally brought before the Board for determination. This is something that we are sure you intend to do.

The main issues raised in the St. Modwen letter are as follows:

- The need case for strategic employment land;
- The general approach to the Green Belt;
- The assessment of alternative sites;
- The weight given to the emerging Local Plan;

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- Other 3<sup>rd</sup> party objections;
- Consideration of heritage impacts;
- Landscape and Visual Impact;
- Response from the Council's Environmental Health officer;
- Outstanding highways issues.

We make the following observations on the comments made.

#### **The need case for strategic employment land**

It is noted that there is common ground between the St. Modwen letter, ourselves and indeed the planning authority that there is an urgent need to release strategic employment land. The St. Modwen letter describes the need as clear and very substantial, and furthermore as 'acute'. It also notes that the B Station site could, potentially, contribute towards meeting these needs subject to the correct procedure being followed before any decision is taken. We entirely agree.

#### **The assessment of Green Belt harm**

The St. Modwen letter seeks to emphasise that the adopted Core Strategy places great importance on the Green Belt and cross refers to Paragraph 7.2 of the Strategy. Whilst the importance placed on Green Belt policy is not disputed, it is however relevant to note that the Core Strategy does not contain an absolute prohibition on Green Belt release. Such a prohibition was in fact removed from the Core Strategy at the recommendation of the Inspector. He noted in his letter to the Local Authority, dated 28<sup>th</sup> March 2014, that, since the Site Allocations had yet to come forward and be tested, "*a blanket ban on any changes at this stage could undermine the delivery of the development planned in the Core Strategy*". To ensure that the Core Strategy is flexible, an outright presumption against any changes to Green Belt boundaries contained within the submission draft plan was therefore removed in the final adopted plan.

The St. Modwen letter also makes reference to past planning decisions on the application site for similar proposals dating from 2004 and 2006. These are also referenced in detail in the Planning Statement and we have no dispute that they are material considerations. We do however consider that they carry only very limited weight given that each application should be determined on its merits, and also that these two previous applications were refused on grounds which ultimately centred on the unproven need for strategic employment land at that time due to the lack of an established regional evidence base. Such need is no longer in dispute as already noted above.

The 2012 application referred to related to a wood processing facility and bears no similarity whatsoever to the current proposals. We consider this also carries very limited weight.

Notwithstanding the above, there is no dispute between us that the application proposals constitute inappropriate development in the Green Belt and that very special circumstances

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must be demonstrated to justify the grant of planning permission. The applicant's case in this regard is set out in detail in the Planning Statement and it is ultimately up to the Board's planning judgement to decide upon the merits of that case. In summary, however it is our opinion that the proposed development does not significantly conflict with the purposes of including land within the Green Belt (as independently verified) and that the Green Belt harm, together with other harm, would be extremely limited in this case. On the positive side, the urgent need for strategic employment land, the clear economic benefits of the development and the highly suitable nature of the site - being previously developed land and being an extension of an existing strategic rail linked manufacturing and logistics park - carry significant weight such that, on balance, there are very special circumstances in this case to warrant approval.

#### **The assessment of alternative sites**

The St. Modwen letter suggests that neither the Planning Statement or the Environmental Statement (ES) has assessed "in a meaningful way" the potential for other sites to meet the recognised employment land needs of the area, and that, in such circumstances, it is not possible to demonstrate very special circumstances. In particular, it is stated that sites along the A5 corridor should have been considered including the St. Modwen site to the south east of Junction 10 of the M42.

We disagree that no meaningful assessment has been carried out of the potential for alternative sites. On the contrary the application is accompanied by an Employment Land and Market Assessment which provides a detailed review of the land supply for strategic employment sites, based on the most up to date published sub-regional studies and market knowledge. Using the West Midlands regional evidence base it establishes the site as falling within the 'Birmingham and M42 Belt market area'. The Employment Land and Market Assessment sets out a comprehensive review of available sites within Section 6 of the report. The report concludes that the currently available sites provide a supply of just 1.4 years and there is no dispute that this level of supply results in an urgent need to identify additional land. The 'potential' supply is also assessed and listed within Table 6.8.

Using this information, the Planning Statement considers the 'alternatives' within Paras 10.14-10.24, and specifically within Paragraph 10.19 where it considers the alternative potential supply sites within the market area as taken from Table 6.8 of the Employment Land and Market Assessment. The existing supply in Table 6.6 is not listed in the 'alternatives' as it is committed already, and we know that those commitments result in a severe shortage of land.

The Assessment at Paragraph 10.19 of the Planning Statement identifies that there are no realistic alternatives to meet the immediate shortfall of strategic employment land. The St. Modwen site at M42 Junction 10 was included in this assessment and excluded as being a realistic alternative because at the time it had been refused planning permission. That is not an unreasonable position to take.

In any event, even if the St Modwen site were available with permission, we would contend that it does not alter the very special circumstances in this case. The St Modwen site would add less than 1 year supply of land based on historic take up rates. Accordingly the seriousness of the needs case would not alter sufficiently to change the severe shortfall of land, as there is

nothing else imminent that will meet the shortfall. From our understanding of the St. Modwen position during the recent planning inquiry into their appeal, they would not dispute this point.

The St. Modwen letter suggests that other sites along the A5 corridor should be considered, but does not identify any specific sites not covered. We have nevertheless re-considered this area and specifically the sites now identified in the emerging draft Local Plan. These are the MIRA site and two sites at Dordon, close to Birch Coppice. The MIRA site is a similar size to the Hams Hall application site but is identified specifically to build on the success of MIRA through the development of Class B1b and B2 uses. The draft policy specifically states that Class B8 will not be supported. Accordingly, the draft allocation does not represent a realistic alternative to the B Station site; rather it would provide a complementary site in a wider employment land portfolio. Likewise the playing fields site at Dordon is also allocated for primarily B1 uses, it is only 3.5 ha and short term delivery is limited by the need to relocate the sports club. Finally the draft allocation west of Birch Coppice at Dordon is again only 5 ha and its short term delivery is constrained by the need to relocate existing allotments. We do not consider that any of these sites are therefore realistic alternatives to meeting the urgent need for strategic B2/B8 land of the type proposed at Hams Hall.

With regard to the EIA Regulations, these do not require alternative sites to be assessed per se. What is required is that the ES contains an outline of the main alternatives studied by the applicant. Accordingly, the alternatives to the proposed development have also been considered as part of the assessment, as outlined at Chapter 3 of the ES. Paragraph 3.22 of the ES makes clear that a detailed review of the employment land supply is provided in the Employment Land and Market Assessment and its conclusions are carried through into the ES. The assessment only identified three alternative strategic sites within the same market area, none of which can be brought forward quickly for the reasons outlined at Paragraph 3.26 of the ES.

We therefore consider that non-Green Belt alternatives to the application site have been considered through the planning application submission and that there is sufficient information before the Council to come to an Informed view on this matter. For the avoidance of any doubt however, an alternative sites assessment summary table is attached with this letter. This brings together the evidence contained within Section 6 of the Employment Land and Market Assessment report (both existing and proposed supply) with updated information where known. It covers both the Birmingham and M42 market area and the Coventry and Warwickshire market area and also includes the above mentioned sites at MIRA and Dordon.

#### **Weight given to the emerging Local Plan**

The St. Modwen letter raises concerns as to the weight given within the Board report to the draft Local Plan. We note however that the Board report clearly states that the draft Local Plan is still at a very early stage. Moreover, at the Board meeting, members discussed the status of the draft Local Plan in the decision making process for this application and concluded that very limited weight could be attached to the draft plan. It therefore appears to us that the planning authority is well aware of the limited weight that the emerging Local Plan carries, and we agree that any final report to the Board should make this clear.

### **Third party representations**

The St. Modwen letter draws attention to the objections raised by Lea Marston Parish Council, Nether Whitacre Parish Council and CPRE. The applicants have noted these objections and have sought to further engage with the Parish Councils to address their concerns and run through the ES. A written response was sent to both Parish Councils via email on 6 September and was followed up with further discussions and meetings. Our recent letter dated 3<sup>rd</sup> October 2016 responding to the issues raised by the Board also addresses their objections.

We therefore consider that we have fully taken into account the views and comments of the local community and other consultees and have responded to the issues arising. We do not agree with the implicit suggestion, in the last sentence of the section entitled "Other Representations" in the St Modwen letter, that, in respect of a site in the green belt, the mere existence of third party objections is something relevant to whether or not the development should be permitted. It clearly depends on the substance of the objections, and their relevance to the relevant planning issues, which is why we have sought to engage with objectors to discuss their issues where possible.

### **Heritage assessment**

The St. Modwen letter raises concerns that no proper assessment has been made of the impacts of the scheme on the listed St. John the Baptist Church and Lea Marston Cross.

Within the ES, heritage issues in general were scoped out of the assessment on the basis that no significant effects were likely. This is recognised in the St. Modwen letter. The scoping was not disputed by the Council and there is therefore no implication here of procedural error.

It is acknowledged however that the application does nevertheless need to consider the impact on the setting of the Church and Cross, despite there being no likely significant impacts. Whilst this has been carried out through the Landscape and Visual Impact Assessment (LVIA) contained within the ES, it is acknowledged that the NPPF policy requirement is not expressly addressed. We have therefore undertaken this below, following the requirements of the NPPF and noting that great weight should be given to the asset's conservation. In doing so we note the advice in Paragraph 128 of the NPPF that the level of detail required should be proportionate to the assets importance and no more than is sufficient to understand the potential impact on their significance. In undertaking the assessment we have drawn upon the guidance contained within Historic England's good practice note *'The setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3'* dated July 2015.

The heritage assets concerned are as follows:

- Church of St. John the Baptist (List entry 1185796) - (Formerly listed as Church of St John), Grade II listed in 1961. The Church has component parts, notably the nave, which dates from the early 14<sup>th</sup> Century although that was heavily restored in the 19<sup>th</sup> Century. It was extended and provided with a porch in the 15<sup>th</sup> century, and then restored, partially rebuilt, and added to in 1876-7. Internally it contains some elements dating from the 17<sup>th</sup> Century, but mostly 19<sup>th</sup> Century including a full set of 19<sup>th</sup> Century pine benches, elaborate pulpit with extravagantly carved panels and stalls.

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- Lea Marston Cross (List entry 1034678). Grade II listed in 1989. Located approximately 20m south west of the Church of St. John the Baptist. It dates from the late 19<sup>th</sup> Century and is carved from Sandstone. It has an octagonal shaft with moulded base and the shaft tapers towards the top and is surmounted by a foliated cross.

The significance of these assets lies in the fact that the Church is a designated asset and likely to be one of the oldest buildings in the Parish of Lea Marston. It is of both architectural and historic interest, both externally and internally, and of local/regional significance. Although much more recent, the Cross is also a designated asset and forms an important part of the setting of the Church. It is of local significance. The setting of the Church and cross is further characterised by the small churchyard within which the Church is located, and both the Church and Cross are surrounded by mature trees and hedgerows. A public right of way (M27) also leads up to them along Church Lane from the village, although this does not continue south. These features make a very important contribution to the setting of both assets.

Although the Church fronts towards the application site, it has a minimum separation distance of some 245 m from any proposed buildings and the intervening area contains high and mature hedgerows, trees and sports pitches such that there is minimal visual connection between the heritage assets and the application site. Indeed there is no present view of any of the industrial units on the Hams Hall estate from the Church or the Cross. Whilst the Church Spire is visible from within the application site itself, there are no views of the Church or Cross from any public road or footpath that will be interrupted.

The potential impacts of the proposed development on the significance of the Church and Cross are therefore limited to visual impacts and harm to their setting looking outwards from the assets or when walking alongside them on Church Lane. These views are assessed within the LVIA contained within the ES. The ES includes a viewpoint from outside the Church and by the Cross (viewpoint VP2). It concludes that from this viewpoint the existing planting along the north-east boundary of the playing fields (along Church Lane) would completely screen the development in the summer months. In winter it identifies that the proposed buildings on the application site would possibly be glimpsed through the hedge. Given the significance of these assets and their setting, the potential impact was therefore considered to minor/moderate adverse before mitigation.

In response to the identified impacts, the application proposals include structural landscaping areas on the eastern boundary of the application site. The impact of this landscaping results in the residual impacts of the development from this viewpoint being reduced to minor adverse/negligible. Furthermore, in response to consultation replies to the application, the applicant has agreed to transfer the intervening area of land between the application site and the Church to a nominated public body together with associated funding to implement off site ecological and landscape mitigation. The list of mitigation works proposed includes additional evergreen screening within the hedgerows along Church Lane and additional planting of an area immediately east of the application site, to further screen the development from the east.

In conclusion, it is clear that the development will not have any significant adverse impacts on the designated heritage assets or their setting and the harm is negligible or minor, and certainly less than substantial in NPPF terms. At very worst the harm will comprise glimpses of the new

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buildings from Church Lane in the winter months through existing hedgerows. The landscaping proposals associated with the application and proposed off-site mitigation will further ensure any impacts on the listed buildings and their setting is minimised. This less than substantial harm needs to be taken into account in the final determination of the application given the significant weight that is required to be given to the conservation of designated heritage assets. In our view however, notwithstanding the significant weight to be given to any harm to a heritage asset, the assets concerned and the level of harm here is such it does not outweigh the benefits of the development.

We note that the 5<sup>th</sup> September Board report refers to moderate adverse impact on the rural setting of the listed church. We disagree with this interim conclusion and respectfully request that officers review the level of harm again as we have done above, and provide the Board with an NPPF compliant assessment in this regard.

#### **Landscape and Visual Impact**

The St. Modwen letter suggests that issues surrounding landscape and visual impact have not been resolved given comments made by Lea Marston Parish Council. A response to the Parish Council critique has been provided to them and copied to you and we can confirm that all viewpoints have been properly assessed and the LVIA comprehensively and properly carried out. With regard to the scoping of viewpoints, this was agreed with the Council as confirmed at Paragraph 5.8 of the ES. There is no question in our mind that sufficient and accurate information has been provided on these issues to enable a properly considered decision to be taken.

#### **Response from the Council's Environmental Health officer**

We note that a response has now been received from the Council's Pollution Control Officer in respect of the application, which raises no objections to the proposed development subject to a condition requiring the submission of details for the proposed acoustic barrier.

The noise report submitted with the application recommended that any eastern facing service yards are surrounded by 2.4m acoustic barriers. This mitigation has been accepted and it is recommended that a final noise assessment should be required at Reserved Matters stage to confirm the final form and positioning of mitigation required once the precise configuration of the units is known.

#### **Outstanding highways issues**

Warwickshire County Council has raised a number of points which we are in the process of addressing. A Stage 1 Road Safety Audit and Swept Path Analysis have been undertaken and the result provided to the County Council for review.

Whilst we acknowledge that concerns have been raised regarding the possible routing of Hams Hall traffic through the surrounding villages, the development as proposed has sought to mitigate its own impact and indeed alleviate some existing issues by the proposed mitigation works on the A446. These will ultimately reduce the need for drivers to use other routes. We do not feel that any further mitigation is required to make the impact of the development proposals

acceptable. We however await the final comments from Warwickshire County Council in this regard, but no doubt a full update on highways matters will be given in the final Board report.

We trust this letter addresses all the points raised by the St. Modwen letter. If you have any queries please do not hesitate to contact me.

Yours sincerely,

**David Green**  
**Director**

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**Prologis and E.ON – Hams Hall**  
**Alternative Site Assessment Summary**  
**Market Areas A and B – Birmingham/M42**  
**and Coventry and Warwickshire**



Scheme (Developer)	Remaining Land available at Oct 2016	Commentary
<b>Immediately available sites (Existing supply)</b>		
Blythe Valley Business Park, Shirley (IM Properties)	90 acres (36 ha)	Already part of immediate land supply. Mixed use scheme with consent. Employment component is limited to offices.
Birmingham Business Park (BlackRock)	12 acres (5ha)	Already part of immediate land supply. Mixed employment park with consent. Max. unit size 100,000 sq.ft.
Prologis Park, Ryton (Prologis)	22 acres (9 ha)	Already part of immediate land supply. B2/B8 site with consent, 1/2 plots left. Max. unit size 500,000 sq.ft.
Rugby Gateway (Roxhill)	-	Already part of immediate supply. Full planning consent. No land available but 2 spec units remaining of 290,000 sq.ft and 180,000 sq.ft.
Birch Coppice, Dordon (IM Properties)	-	Already part of immediate supply. Full planning consent. No land available but 2 spec units recently constructed of 282,000 sq.ft and 64,000 sq.ft.
Ansty Park, Coventry (Highbridge/HCA)	14 acres (6 ha)	Already part of immediate land supply. Outline consent but only available for office/high tech uses.
Lyons Park, Coventry (Goodman)	34 acres (15 ha)	Already part of immediate land supply. Has consent. Max unit size 490,000 sq.ft.
Tournament Fields, Warwick (Sackville)	22 acres (9 ha)	Already part of immediate land supply. Has consent and only 1 plot suitable for B2/B8. Max unit size 225,000 sq.ft.
Signal Point, Tyseley, Birmingham (Mucklow)	15 acres (6 ha)	Already part of immediate land supply. Has consent. Max unit size 265,000 sq.ft.

**Prologis and E.ON – Hams Hall**  
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Advanced Manufacturing Hub, Aston, Birmingham (HCA/Birmingham City Council)	10 acres (4 ha)	Already part of immediate land supply. Has consent. 2 plots remaining. Max unit size 130,000 sq.ft.
The Hub, Witton (IMI Properties)	32 acres (13 ha)	Already part of immediate land supply. Has consent. Max unit size 300,000 sq.ft.
Centurion Park, Junction 10 M42, Tamworth (St. Modwen)	7 acres (3 ha)	Already part of immediate land supply with consent. 1 plot remaining of 150,000 sq.ft..
Core 42, Dordon, Adjacent to Birch Coppice (Hodgetts Estates)	36 acres (15 ha)	Already part of immediate land supply. Has full consent. Max unit size 345,000 sq.ft. Site infrastructure now started.
Imperial Park, Coventry (Rigby Group)	-	Already part of immediate supply. Has consent. No land available but 3 speculative buildings under construction, largest unit 350,000 sq.ft.
Aldi site, east of Holly Lane, Atherstone (Aldi)	20 acres (8 ha)	Already part of existing land supply. Not available to open market, reserved for Aldi expansion.
<b>Potential Supply</b>		
Land south east of M42 Junction 10 (St. Modwen).	60 acres (25 ha)	Discounted. Outline Planning permission refused, Appeal outcome awaited.
Peddimore, Minworth (Birmingham City Council)	175 acres ( 72 ha)	Discounted. Green Belt site allocated in Draft Birmingham Plan. Outcome of Plan awaited. Short term delivery constrained by need for major infrastructure improvements in connection with Langley SUE.
Birmingham International Gateway (Prologis/Ashford Land/IM Properties)	227 acres (95 acres)	Discounted. Green Belt site with no current planning status. Promoted as future expansion of Peddimore. Long term.
Land west of Birch Coppice, Dordon	13 acres (5 ha)	Discounted. Draft Site Allocation in emerging NWBC Local Plan but short term delivery constrained by need to relocate allotments.

**Prologis and E.ON – Hams Hall**  
**Alternative Site Assessment Summary**  
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Playing Fields south of A5 adjoining ore 42/Birch Coppice	8.5 acres (3.5 ha)	Discounted. Draft allocation in emerging NWBC Local Plan for primarily B1 R&D uses. Short term delivery constrained by need to relocate sports club.
MIRA, Nuneaton	44 acres (18 ha) plus 60 acres (24 ha) of additional reserve land	Discounted. Draft Site Allocation in emerging NWBC Local Plan but primarily for B1b/B2 uses only. B8 uses explicitly excluded.
Redditch Gateway (HCA/Gorcott Estate/Stoford)	70 acres (29 ha)	Discounted. Part allocated in Stratford Core Strategy and part in draft Bromsgrove Local Plan. Development mix not yet known and no planning application submitted to date. Short term delivery constrained as major infrastructure improvements required.
Coventry Gateway (Roxhill/CWDP)	260 acres (105 ha)	Discounted. Green belt site allocated in draft local plans for Warwick/Coventry but short term delivery hampered by initial planning refusal. Major infrastructure works required.
Whitley South Technology Park (JLR)	70 acres (28 ha)	Discounted. JLR promoting new Technology Campus principally for B1 uses linked to JLR use. Site formerly part of Coventry Gateway.
Bermuda Park Extension, Nuneaton (Arbury Estates)	60 acres (24 ha)	Discounted. Draft Site Allocation in emerging NBBC Local Plan. Green belt site. No short term delivery.
Daw Mill, Arley (Harworth Estates)	19 acres (7 ha)	Discounted. Green Belt site with outline planning permission refused. Appeal decision awaited.
Phoenix Way, Coventry (Gallagher)	55 acres (23 ha)	Discounted. Green belt site allocated in emerging NBBC Local Plan. No likely short term delivery.
Land at Cawston Spinney, South West Rugby	34 acres (14 ha)	Discounted. Draft Site Allocation in emerging Rugby Local Plan but part of major long term SUE.

Jeff Brown  
Development Control Manager  
North Warwickshire Borough Council  
South Street  
Atherstone  
CV9 1DE

25 October 2016

Dear Jeff

**APPLICATION NO. PAP/2016/0399**  
**APPLICATION ON BEHALF OF PROLOGIS AND E.ON**  
**FORMER B STATION SITE, HAMS HALL**  
**COMMENTS ON BEHALF OF ST MODWEN DEVELOPMENTS LTD**

You will recall that in a letter dated 19 September 2016 I made detailed comments on the above application on behalf of my client, St Modwen Developments Ltd ("SMD"). The applicant's agent, Delta Planning, provided a response to this in a letter dated 13 October 2016 ("the Delta letter"). I set out below some further observations arising from this both generally (in terms of its implications for my client's proposals at junction 10 of the M42) and specifically (in terms of its content and the extent to which it addresses the points I previously made).

#### Generally

As I mentioned in my letter of 19 September it should be noted at the outset that there is some common ground between SMD and the applicants for the Former B Station site in terms of a shared view on the significant demand for, and shortage of supply of, employment land to meet the needs of North Warwickshire and the wider area. The Delta letter is welcome as it reaffirms this point and recognises a critical unmet need for employment land.

As such, if your Council resolves to grant planning permission for the development of the Former B Station site on the basis that this need is indeed so pressing and so acute, then we trust you will draw this position to the immediate attention of the Inspector appointed to determine my client's appeal. The position in those circumstances would of course be one of a need worsening to such an extent that a significant Green Belt release could be justified by the authority against the backdrop of a nascent plan making process.

#### Specifically

Notwithstanding this general agreement on the need for employment land it nonetheless remains the case that crucial parts of the representations made in my original letter remain either partly or substantively unanswered. The concerns I expressed in that letter that a robust, properly considered and defensible decision cannot be made unless the points have been properly addressed also remain. Briefly, the outstanding concerns can be summarised as follows.

First, the Delta letter does not deal convincingly with the current position on Green Belt policy, or the previous planning refusals on the site. Great emphasis is placed by the adopted Core Strategy on the protection of the Green Belt. Future releases are not excluded but the current status is clear. A formal release relies on a review through the Development Plan but as discussed in my original letter and further below there are

significant limitations in this respect having regard to the very early stage the emerging plan has reached. The question of harm to the Green Belt was central to the earlier refusals of planning permission on this site. The Green Belt is valued in this location, it is important to decision making here, and should be properly considered as such.

Second, the response in the Delta letter to the question of alternative sites is partial. As set out in my original letter this should include locations already identified through the planning process, but also other areas more generally potentially suitable for development. By only focusing on the first part of this Delta effectively simply explore the extent to which others promoting development in the sub-region have negotiated the constraints faced by the sites they have identified. There is no sieve analysis of other locations to identify what opportunities there might be to meet the recognised need outside the Green Belt. Given that the emerging plan is at such an early stage in its preparation this is a necessary exercise.

Third, whilst the Delta letter does now for the first time consider the heritage implications of the scheme it is not clear that this has been properly addressed through the application as a whole. The Council's view is that heritage assets would be adversely affected by the proposal and in these circumstances it is difficult to understand why this topic was not addressed through the EIA process. Delta comment that the scoping (which excluded heritage) was not disputed by the Council, but it is not immediately apparent whether this topic was explicitly considered one way or the other. In the context of the Council identifying, as they have, "moderate harm" it is hard to see how, had a view been expressed, it would not have been one which scoped this topic in, rather than out. This notwithstanding, it will of course in any event be essential for any future committee report to explain in detail how heritage harm is to be assessed in the decision making process.

More generally, it is also not clear whether the comments in the Delta letter have been prepared by a heritage specialist or a generalist planner. It strikes me that given the importance attached to heritage impact and for committee to be properly informed the considered input of a specialist is required in this case, and also that this should be peer reviewed by the relevant consultee.

Fourth, and perhaps most importantly, there is a clear disconnect between the way in which Delta say weight should be given to the emerging Local Plan and the approach taken by the Council, with no attempt made to address the serious concerns I raised in this regard in my original letter (principally pages 3 – 4). Delta confirm that little weight can be afforded to the emerging Local Plan (we would say next to no weight) and suggest there is no difficulty in this regard in circumstances where members are said to understand this position.

Simply put, the applicant's case is that little weight should be attached to the emerging Local Plan – but this conflicts directly with the position taken by officers in advising Members. As set out in my original letter, the reasons expressed for officers reaching a supportive view and presenting that to committee related directly to the progress made with the emerging Local Plan, the process implicit within that of site sieving and selection, and the desire to manage growth. I expressed significant concerns with that approach. I concluded that, *"The Council's "finely balanced" acceptance of a "very special circumstances" case rests heavily on the emerging Local Plan, but this reliance is misplaced having regard to the stage this document has reached, and the extent to which it and crucial supporting material have been made available, consulted upon, and tested."*

In other words, the applicant's case is one which says little weight should be attached to the emerging Local Plan, yet the advice given by officers to Members is that, fundamentally, the support for the application relies heavily on that document. The two positions cannot be reconciled, and a positive decision cannot rationally be made on this basis.

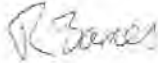
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Finally, I note the observations made in the Delta letter in terms of third party representations, and highways. I would be grateful if you could confirm that this letter and my original one have been brought to the attention of the Parish Councils and the CPRE, as I know such correspondence is not always made available on-line. I would also be grateful if you could advise me once the highways points raised by Warwickshire County Council have been fully addressed by the applicant as we may wish to comment further at that stage.

As set out in my original letter, it remains the case that SMD do not object intrinsically to this scheme or the release of the site from the Green Belt. It could, potentially, contribute towards meeting the clear and very substantial need for employment land in due course. Procedurally, however, it is considered that there remain some fundamental issues with the way the application is being determined, and these need to be remedied if development here is ultimately and securely to be approved.

I would be grateful if you could acknowledge receipt of this letter by return, and confirm that it will be reported to Members, taken into account during the determination of the application, and included in the bundle of papers submitted for any consultation with the Secretary of State.

Yours sincerely



**Robert Barnes - MRTPI, Director**  
**For and on behalf of Planning Prospects Ltd**

planningprospects  
COMMERCIAL DEVELOPMENT CONSULTANTS