

(8)

a) Application No: PAP/2016/0376

41 Stanley Road, Atherstone, CV9 2AS

Outline application for the erection of one new dwelling with access from Ambien Road, for

Mr Adam Smith

b) Application No: PAP/2016/0375

43 Stanley Road, Atherstone, CV9 2AS

Outline application for the erection of one new dwelling with access from Ambien Road, for

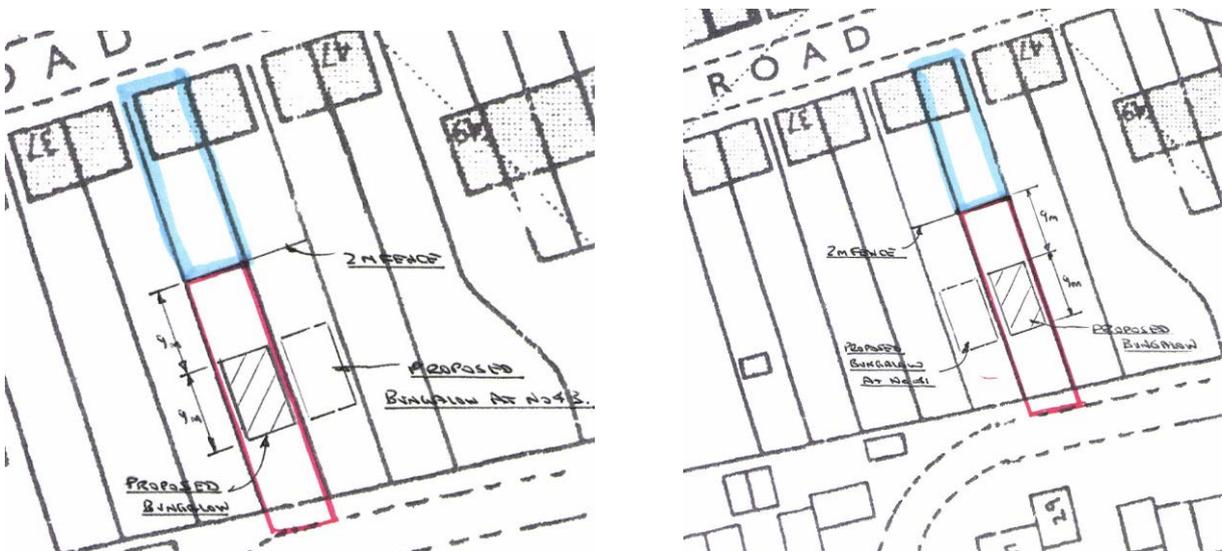
Mrs Nikki Styles

Introduction

The applications are reported to Board given concerns about a number of planning issues raised by the local Member.

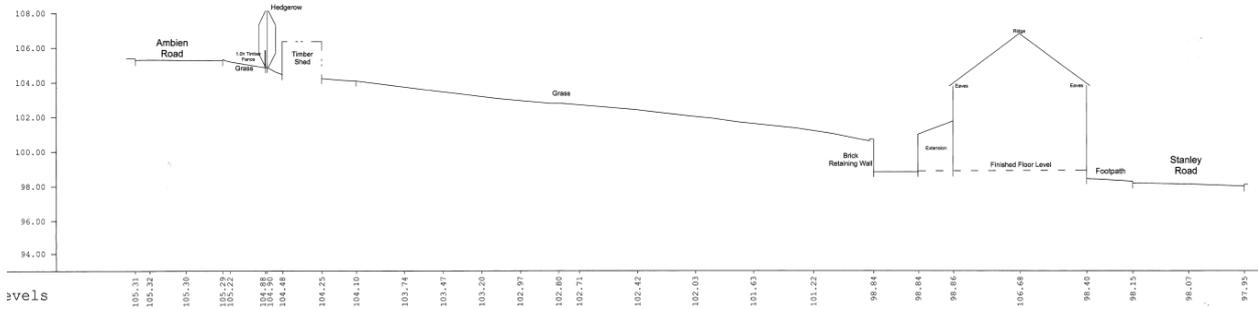
The Sites

The two application sites lie immediately adjacent to each other. They form the rear parts of gardens to properties in Stanley Road but the applications propose to take access to the new dwellings from Ambien Road. The site locations are shown below.



The boundary to Ambien Road contains a number of trees and hedgerow shrubs.

The site has a significant slope, with Ambien Road being elevated approximately 6 metres above Stanley Road. However, the nearest side of Ambien Road is 42 metres distant from the rear elevations of the properties on Stanley Road. The cross section below shows the current ground levels.



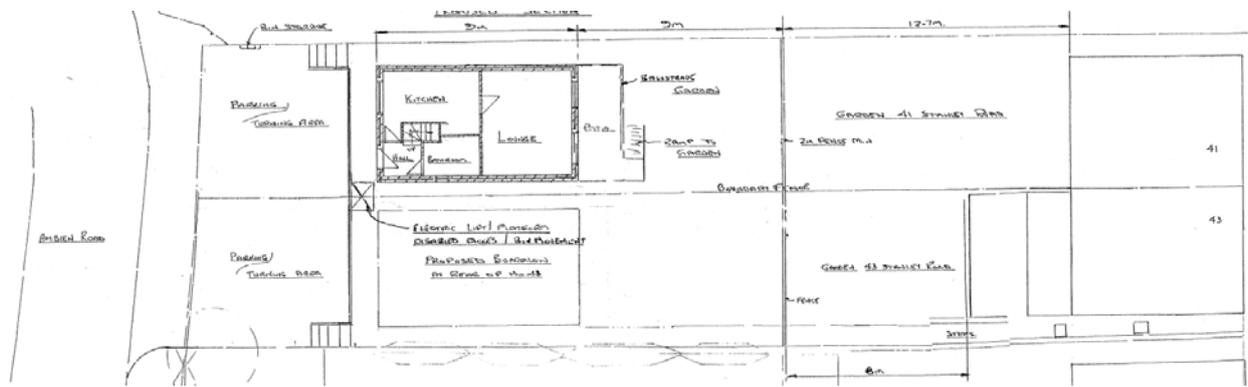
At the position where access it to be taken onto Ambien Road there is a cul-de-sac turning head. Two storey dwellings lie on the opposite side of the road, as shown in the photograph below.



The Proposals

Both applications are outline applications for a new dwelling and both propose the determination of access arrangements, the layout of the site and the scale of the development for determination in detail at this stage, with details of appearance and landscaping reserved for a future application access from Ambien Road.

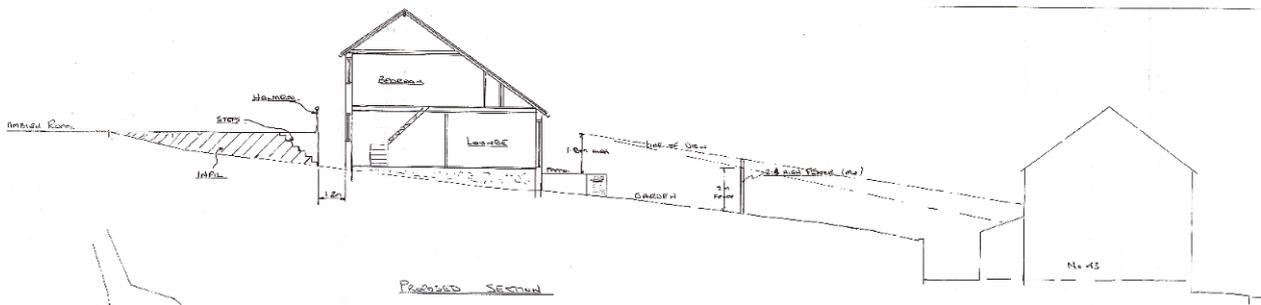
The sites would be laid out as shown below:



The land would be built up to the level of Ambien Road to create a platform for the parking of two vehicles for each dwelling. Pedestrian access to each dwelling would be via steps and a shared elevator platform for disabled and movement of heavier good/wheeled bins etc.

The ground floor of the front of each dwelling would be behind the retaining wall of the raised platform and the upper storey would appear at ground level when viewed from Ambien Road.

In recognition of the elevated site and the potential for overlooking, the rear elevation would not contain windows in the upper storey. A small raised platform would form a rear patio. The proposed cross-section would be as shown below.



Background

In respect of the application at 41 Stanley Road, there is a small area of land between the rear garden of number 41 and the land in the highway at Ambien Road for which ownership is unknown. This does not prevent the grant of planning permission; however, it does require the applicant to place a notice in a newspaper circulating in the area, to advise of the application and to afford any owner or tenant to make representations to the Council. Such a press notice has now been published correctly. No representations have been received as a direct result of this press notice.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW10 (Development Considerations) and NW12 (Quality of Development).

Other Relevant Material Considerations

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

Consultations

Warwickshire County Council Highways Authority - No objection subject to conditions (both applications)

Environmental Health Officer – No Comments (both applications)

Representations

Objections have been received from residents of both Ambien Road and Stanley Road. The concerns raised are common to both applications. The following concerns are identified:

- car parking is currently difficult and the development would lead to worse car parking
- adversely affect pedestrian safety and highway safety
- access for emergency vehicles would be difficult
- loss of privacy
- overshadowing
- adverse effect on flooding/surface water
- loss of trees/hedgerow
- access for construction purposes would cause congestion/nuisance
- change on the character of the road
- the adoption status of the road
- effect on wildlife
- the applicant's ability to cross over the verge to reach one of the proposed dwellings.

Observations

The sites both lie within the development boundary identified for Atherstone. Atherstone is a main settlement and a sustainable location for new housing development. In this location there is no objection in principle to the development of land for the purpose of new housing. The main considerations will be an assessment of the impact of the proposed dwellings, in terms of the effect on neighbouring amenities, highway safety and local character.

The most commonly stated concern expressed by local residents relates to highway safety and the effect on car parking. Ambien Road comprises rows of traditional terraced dwellings, opening out to a small development of modern two storey dwellings at the end of the cul-de-sac. The new dwellings would access Ambien Road at the point where the modern dwellings have been constructed. At this point, the dwellings have off road parking spaces. The proposed access to the new dwellings would not interfere with access to any existing off-road parking spaces and the new dwellings would have two spaces per dwelling. Though there may be times when vehicles park in the highway, obstructing the area where access would be achieved to the new dwellings, there is no significant deficit in off-road parking.

The Highway Authority indicates that although there were initial concerns in regard to the level differences within the site, the proposed layout includes built-up sections, so that the gradient from the public highway to the vehicle hardstanding is acceptable. The vehicle hard-standings will be wide enough for two vehicles to park on, so parking provision is in accordance with adopted standards. The hard-standings will be surfaced

with tarmac to prevent material transfer and drained to prevent run-off occurring. Visibility splays from the proposed vehicle access will be in accordance with guidance. It advises that the proposed development should not have a significant impact on the highway network so mitigation measures should not be required. In these circumstances the Highway Authority offers no objection subject to conditions. The development is not of such a scale that it would lead to any significant increased risk for pedestrian or highway safety.

Though these applications both propose the development of land which is land in rear gardens, the development would not present as 'back-land development'. Both plots have a frontage to an existing road. The frontages would be at a position where there are existing dwellings on the opposite side of the road and the proposed new dwellings would face the road in their front elevations.

The area contains a variety of different house types and designs. There is no prevailing character that it is important to replicate. Though the proposed scale would differ from near neighbours because of the differing heights and partly subterranean front elevations, the scale would not cause demonstrable harm to the character of the area.

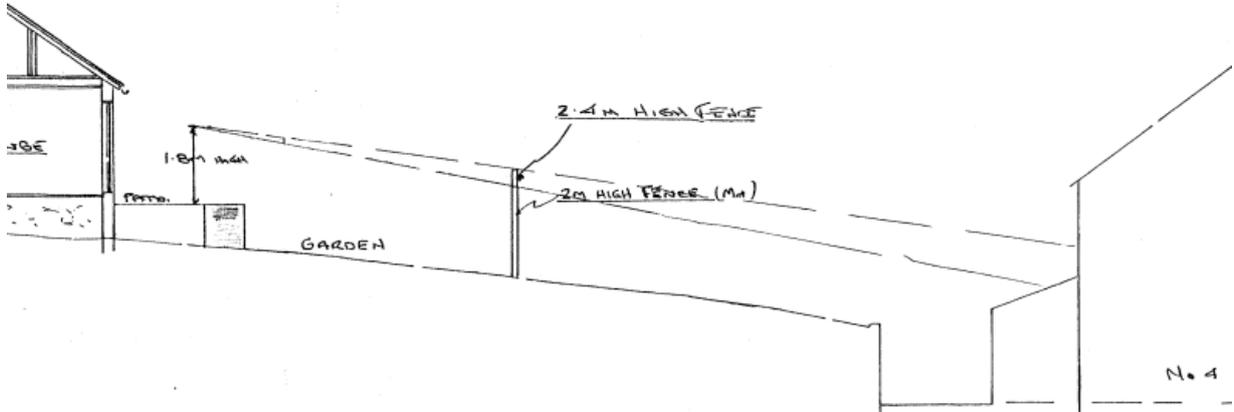
Objectors to these proposals express concern about loss of privacy and overlooking. Given the sloping nature of the site, this matter requires careful consideration.

Views towards the properties on Stanley Road are shown below

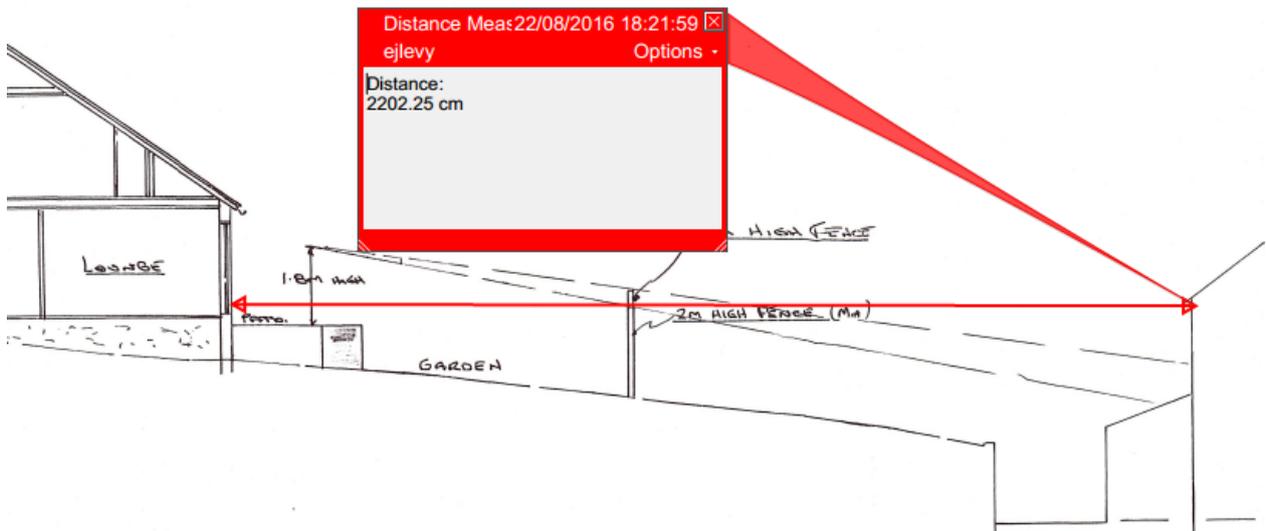


Though the new buildings would be set at a level elevated above the properties on Stanley Road, the proposed design and layout shown on the submitted plans shows that appropriately designed dwellings could be constructed whilst maintaining reasonable standards of amenity for the occupiers of existing dwellings on both Ambien Road and Stanley Road, as well as the occupiers of the proposed dwellings

The illustration below shows that, providing that a boundary is permanently maintained at a height of two metres between the existing and proposed dwellings, someone stood on the proposed patio, or in the house looking from a ground floor window, would only have a distant line of sight to the rear bedroom window of the property below.

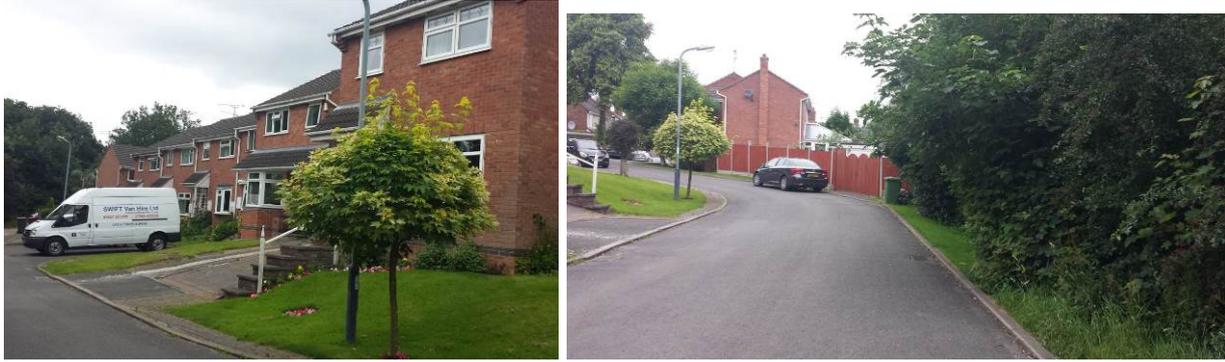


The separation distance between the two dwellings is 22metres. Given this distance and the provision of no first floor windows or roof based windows facing Stanley Road, it is considered that the degree of overlooking and loss of privacy would be within acceptable levels.



Given that approval is sought in respect of the scale and the layout of the development, it would be important to ensure that the separation distances remained no less than those currently shown. It would be appropriate to withdraw permitted development rights for new openings, future extensions, roof alterations and the erection of garden buildings.

In respect of dwellings on Ambien Road, the houses opposite and adjacent are shown in the photographs below.



The existing dwellings are at a position elevated above the application site and are set good distances from the proposed dwellings. It is not considered that any significant loss of amenity or overlooking would result.

The proposed foul and surface water drainage arrangements are matters which can be addressed through condition attached to the permissions. It is not considered that the quantum of development would have any significant impact on surface water flooding and it is considered that sustainable drainage solutions can be designed to address the matter effectively.

Though the site contains a variety of trees and shrubs at the rear of the garden which form a boundary to Ambien Road, the trees are not primarily species of high amenity value, maturity or condition. Many are self-set sycamores or conifer trees. It is not considered that the loss of this vegetation would be so significant as to justify refusal of planning permission or warrant protection through a tree preservation order. The provision of appropriate replacement small trees and amenity planting can be addressed as a reserved matter. Informatives can be attached to advise against the felling of trees during bird nesting season. The site is not known to have any other protected species.

The effects of construction activity are short lived and capable of control through other means. The effects would not justify the refusal of planning permission. However, it is recognised that the development would be taking place in a predominantly residential area and it would be appropriate to attach a planning condition to limit the times of construction to minimise the potential for disturbance to occupiers of adjacent dwellings.

In conclusion, the sites are in a sustainable location, the developments can be achieved whilst maintaining adequate living conditions for occupiers of both existing and proposed dwellings, can be accommodated without significant harm to the character or appearance of the area and or harm to highway safety. The proposals can both be supported.

Recommendations

a) PAP/2016/0376

That outline planning permission be **GRANTED** subject to the following conditions:

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the proposed plan received by the Local Planning Authority on 24 August 2016 and the topographical survey and block plan received by the Local Planning Authority on 24 June 2016.

REASON

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

5. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

6. Prior to the commencement of development details of the position and design of an electric lift and platform and details of bin storage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be installed and maintained at all times thereafter.

REASON

In the interests of the amenities of the area.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls and fences to be erected. The approved screen walls/fences shall be erected before the dwelling hereby approved is first occupied and shall subsequently be maintained. For the avoidance of doubt the boundary separating the new dwelling and the existing dwelling on Stanley Road shall take the form of a close boarded fence or wall of a height not less than 2 metres.

REASON

In the interests of the amenities of the area.

8. No development whatsoever within Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

9. No opening shall be made above ground floor level in the rear elevation of the dwelling hereby approved, nor shall any approved opening be altered or modified in any manner thereafter.

REASON

To protect the privacy of the occupiers of adjoining properties.

10. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

11. The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. Gates / barriers erected at the entrance to the site for vehicles shall not be hung so as to open over the public highway extent.

REASON

In the interests of safety on the public highway.

12. The unit shall not be occupied until the parking and manoeuvring areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

13. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

Notes

- 1) The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
- 2) You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
- 3) Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.

- 4) The applicant is advised that the site is located within a smoke control area, therefore only 'smokeless' fuels may be used or alternatively an exempt appliance must be installed. For further details see <https://www.gov.uk/smoke-control-area-rules>.
- 5) Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

- 6) For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
- 7) In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- 8) Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required
- 9) Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
- 10) Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

11) Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

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13. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway fronting the site exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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- 5) Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

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BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0375

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28-6-16 24-8-16
2	27 Ambien Rd	Representation	7-07-16
3	37 Ambien Road_Crumpler	Representation	11-7-16
4	23 Ambien Road_Holland	Representation	11-7-16 18-7-16
5	22 Ambien Road_Wightman	Representation	12-7-16
6	22 Ambien Road_Wightman	Representation	12-7-16
7	9 Ambien Rd_Housden	Representation	12-07-16
8	145 Coleshill Road_Wilkins	Representation	13-7-16
9	Irene Alcock	Representation	14-7-16
10	Speight & Salmon-37 Stanley Rd	Representation	19-7-16
11	Spragg_28 Ambien Road	Representation	19-7-16
12	Fraser_31 Ambien Road	Representation	21-7-16
13	Stobie_19 Ambien Road	Representation	22-7-16
14	Wood_25 Ambien Road	Representation	28-7-16
15	Environmental Health Officer	Consultation Response	14-7-16
16	Warwickshire County Council Highways Authority	Consultation Response	20-7-16

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0376

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28-6-16 11-8-16 24-8-16
2	Environmental Health Officer	Consultation Response	14-7-16
3	Warwickshire County Council Highways Authority	Consultation Response	20-7-16
4	27 Ambien Rd	Representation	7-7-16
5	6 Ambien Rd	Representation	7-7-16
6	Irene Alcock	Representation	14-7-16
7	Morgan 39 Ambien Road	Representation	19-7-16
8	Speight & Salmon-37 Stanley Rd	Representation	19-7-16
9	Spragg_28 Ambien Road	Representation	19-7-16

10	Propert_29 Ambien Road	Representation	20-7-16
11	Fraser_31 Ambien Road	Representation	21-7-16
12	Stobie_19 Ambien Road	Representation	22-7-16
13	Wood_25 Ambien Road	Representation	28-7-16

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.

(9) Applications – PAP/2016/0380, PAP/2016/0434 and PAP/2016/0447

**PAP/2016/0380 - 83, Lister Road, Atherstone, CV9 3DF
Display of illuminated signage, for
Mr Amrik Singh Virk**

**PAP/2016/0434 - 85, Lister Road, Atherstone, CV9 3DF
Display of illuminated signage, for
Mr Georgio Maou**

**PAP/2016/0447 - 85, Lister Road, Atherstone, CV9 3DF
Change of use from A1(shop) to A5 (take a way), for
Mr Georgio Maou**

Introduction

This row of three existing shops was constructed as replacement premises to facilitate the redevelopment of this area of Lister Road and York Road by North Warwickshire Borough Council. These three applications are brought to the Planning and Development Board for consideration in accordance with the Council's Scheme of Delegation as the Council is the landowner.

The Site

The site lies within the Atherstone Development Boundary. It comprises three new A1 retail premises with residential accommodation above. The site lies directly opposite to Bracebridge Court within an existing residential area. There is a satisfactory availability of unrestricted, on-street car parking in the immediate vicinity of the development.

The Proposals

These are to display illuminated signage to number 83 – to be used as a convenience store - and to number 85 - to be used as a take away Fish and Chip Shop. The applications all include a change of use application for 85 so as to change from the permitted A1 (retail use) to an A5 use Hot food take-away).

Background

The premises were constructed under the previously approved development of this area under application number PAP/2012/0598 on 13 February 2013.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW10 (Development Considerations)

Other Relevant Material Considerations

The National Planning Policy Framework - (the "NPPF")

Supplementary Planning Guidance: Shop Front Guide 2003

Representations

Atherstone Town Council – No objections to these applications.

A neighbour refers to the following:

“I appreciate that the business needs to promote itself, however my concerns are regarding light pollution that will impact on the residents that live above the premises. The amount of light emitted from the signs will impact on the personal wellbeing of residents. I also wish to make the point that there are no details regarding the sign being turned off after trading hours.”

Following further discussion with the neighbour it was agreed that there was no objection subject to conditions being applied that there would be no illumination of signage outside of business trading hours. However the neighbour requested that her comments be noted.

Observations

The illumination of the fascia signs to the elevation containing the shop entrance doors only should be limited to 500 cd/m² on both 83 and 85 Lister Road with the remaining illuminated fascias to other elevations to 83 Lister Road being limited to 300 cd/m². It is agreed that illumination should only be permitted during business opening hours. The restricted levels of illumination and limitation to business hours is to give reasonable consideration to the advertisement needs of both the retail units and the amenity of nearby residences.

The business opening hours for the convenience store at 83 Lister Road are 05:30 to 21:00 Monday to Friday inclusive and 07:00 to 21:00 at weekends and public holidays.

The business opening hours for the Take Away Fish and Chip Shop at 85 Lister Road are 12 noon to 14:00 and 17:00 to 21:00 Monday to Saturday and public holidays and 16:00 to 21:00 on Sundays.

These shops originally formed part of the previous development here on Lister Road that has now been demolished. The existing occupiers of the retail units have been re-located to the new premises set closer to Lister Road frontage. There is no change to the opening hours of these two premises in their new location to that previously accepted in their original location.

There is adequate unrestricted on-street parking adjacent to the row of shops in Lister Road and York Road. As these are local retail provisions it is anticipated that a significant number of customers will be on foot from residential properties in the near vicinity. Highways considerations were dealt with as part of the approval for the whole development including the relocation of the shops as PAP/2012/0598.

The third shop in the development does not require illuminated signage at this time.

Recommendation

That the applications be granted Advertisement Consent subject to the following conditions:

a) For PAP/2016/0380:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. REASON
3. To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.
4. The new works shall be carried out with white text on a purple and yellow 2 mm aluminium background fascia sign over the entrance doors, and the remainder of the fascia advertisements shall be purple text on yellow 2 mm aluminium background, all with overhead trough lighting in accordance with the signage proposal (illuminating fascia signs below only).

REASON

In the interests of the amenities of the area and the building concerned.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON

6. To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.
7. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway;
 - (b) obscure, or hinder the ready interpretation of, any traffic sign; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

8. The illuminated sign hereby consented shall only be illuminated during the hours of the business use of the premises.

REASON

In the interests of the amenities of the area.

9. This consent shall be for a limited period of five years from the date of this notice.

REASON

As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

10. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

11. The luminance of the advertisement shall not exceed 500 candela per square metre, on the fascia sign to the elevation that incorporates the shop entrance only; illuminance to advertisements on all other elevations shall not exceed 300 candela per square metre.

REASON

In the interests of the amenities of the area.

12. The illuminated sign hereby consented shall not be illuminated between 21:00 hours and 05:30 hours Monday to Friday and 21:00 hours and 07:00 hours Saturday and Sunday.

REASON

In the interests of the amenities of the area.

13. There shall be no business operations at the premises known as 83 Lister Road, other than between 05:30 hours and 21:00 hours on Mondays to Fridays inclusive, and between 07:00 hours and 21:00 hours on Saturdays and Sundays and public holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

14. The development hereby approved shall not be carried out otherwise than in accordance with the signage proposal for 83 Lister Road, received by the Local Planning Authority on 28 June 2016; and the site location plan, received by the Local Planning Authority on 01 August 2016.

REASON

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

b) For PAP/2016/0434:

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

REASON

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

2. The new works shall be carried out with individual aluminium letters on an illuminated box sign with a 'traffic grey' background.

REASON

In the interests of the amenities of the area and the building concerned.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway;
 - (b) obscure, or hinder the ready interpretation of, any traffic sign; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. The illuminated sign hereby consented shall only be illuminated during the hours of the business use of the premises.

REASON

In the interests of the amenities of the area.

6. This consent shall be for a limited period of five years from the date of this notice.

REASON

As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

7. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

8. The development hereby approved shall not be carried out otherwise than in accordance with the signage proposal for 85 Lister Road, received by the Local Planning Authority on 27 July 2016; and the site location plan, received by the Local Planning Authority on 01 August 2016.

REASON

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

9. There shall be no business operations at the premises known as 85 Lister Road, other than between 12:00 hours and 21:00 hours on Mondays to Fridays inclusive and public holidays; and between 16:00 hours and 21:00 hours on Saturdays and Sundays.

REASON

To prevent disturbance to the occupiers of nearby properties.

- c) That planning permission be granted in the case of **PAP/2016/0447** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with drawing numbered 41116/101 and exhaust duct/chimney drawing and specification, received by the Local Planning Authority on 03 August 2016; and the site location plans for 83 and 85 Lister Road, received by the Local Planning Authority on 01 August 2016.

REASON

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

3. There shall be no business operations at the premises known as 85 Lister Road, other than between 12:00 hours and 21:00 hours on Mondays to Fridays inclusive and public holidays; and between 16:00 hours and 21:00 hours on Saturdays and Sundays.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes (applicable to all three applications)

1. The applicants are reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays with no working of this type permitted on Sundays or Bank Holidays. The control of Pollution Act 1974 is enforced by Environmental Health.
2. In dealing with the application the Local Planning Authority has worked with the applicants in a positive and proactive manner through seeking to resolve planning issues and suggesting amendments to improve the quality of the proposal and quickly determining the applications. As such it is considered that the Council has implemented the requirement set in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0380, PAP/2016/0447 and PAP/2016/0434

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s) PAP/2016/0380	16/8/16
2	The Applicant or Agent	Application Forms, Plans and Statement(s) PAP/2016/0447	3/8/16
3	The Applicant or Agent	Application Forms, Plans and Statement(s) PAP/2016/0434	27/7/16
4	Ms J Grice	Comments	16/8/16

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.

(10) Application No: PAP/2016/0397

Heathland Farm, Birmingham Road, Nether Whitacre, B46 2ER

Removal of existing mobile home on west side of enclosed yard and replacement with bungalow on north side of yard, with timber decking, car parking spaces and turning head, for

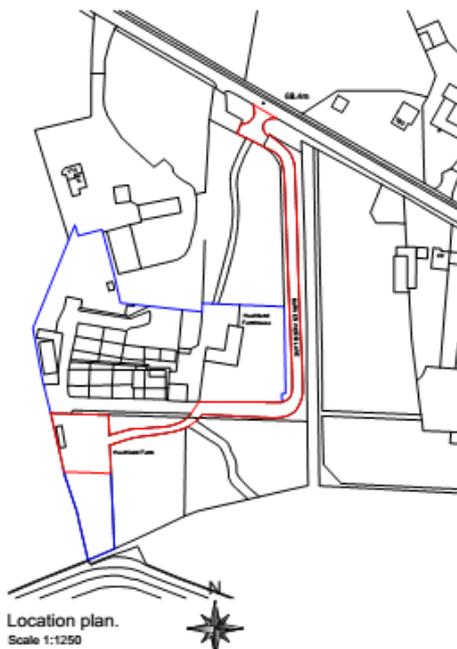
Mr Robert Barnes

Introduction

The application is reported to Board at the request of a local Member given the history of the site.

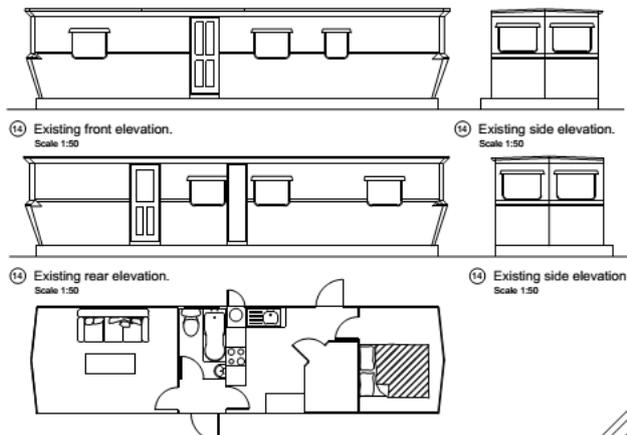
The Site

The site is situated towards the rear of a complex of buildings known as Heathlands Farm. The application relates to a site containing a structure that has a Certificate of Lawfulness as a dwelling house. The site together with the access to it is shown edged red below



The present structure has the following appearance. It takes the form of a former mobile home that has been affixed to the ground.



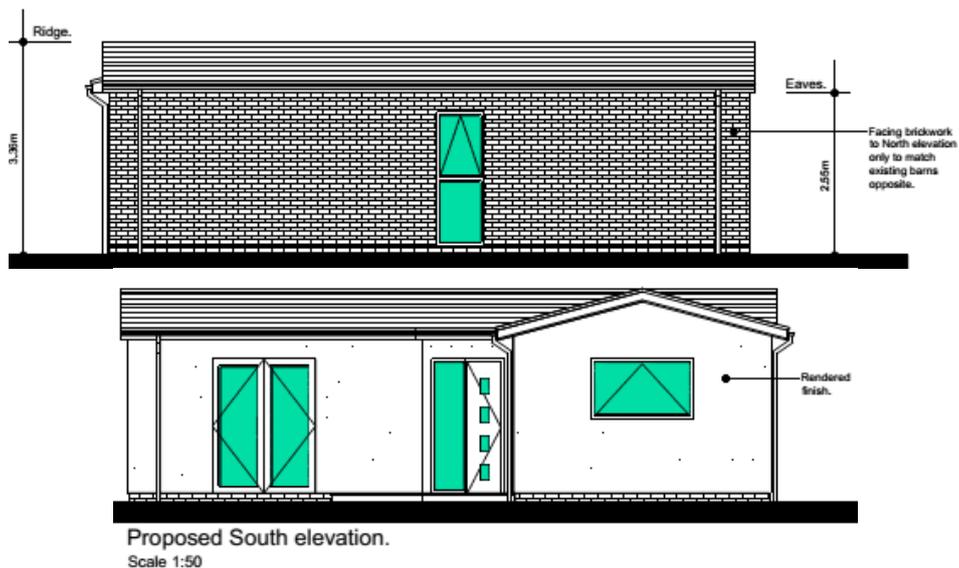


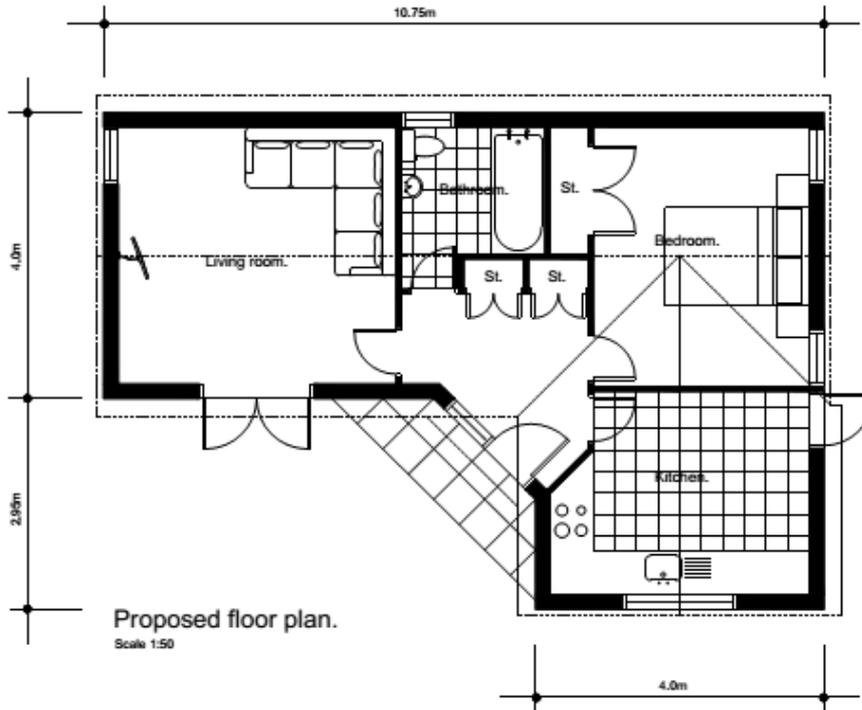
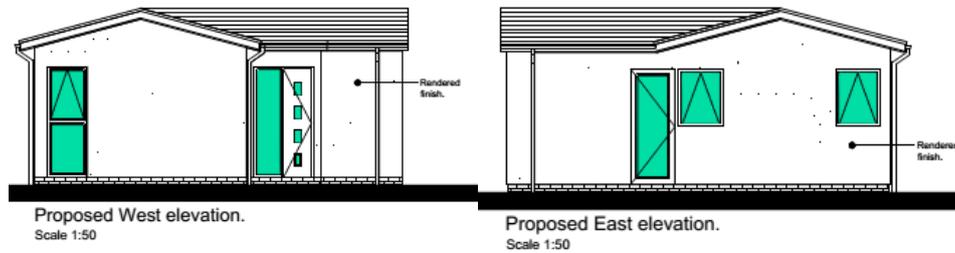
The structure sits within a walled enclosure. The photograph below shows the interior of the enclosure. The current dwelling is situated beyond the left hand side of the image. The new dwelling would be positioned at the location shown in the photograph.



The Proposal

It is proposed to remove the existing mobile home on west side of enclosed yard and replace it with a bungalow on north side of the yard, with timber decking, car parking spaces and turning head.





It would comprise a one bedroom dwelling and the dimensions would be as follows:

- Main body 10.75 m long by 4.0 m deep, 2.55 m high to eaves and 3.36 m to roof ridge
- Kitchen wing 4.0 m long by 2.95 m deep
- Overall volume approximately 162.88 m³.

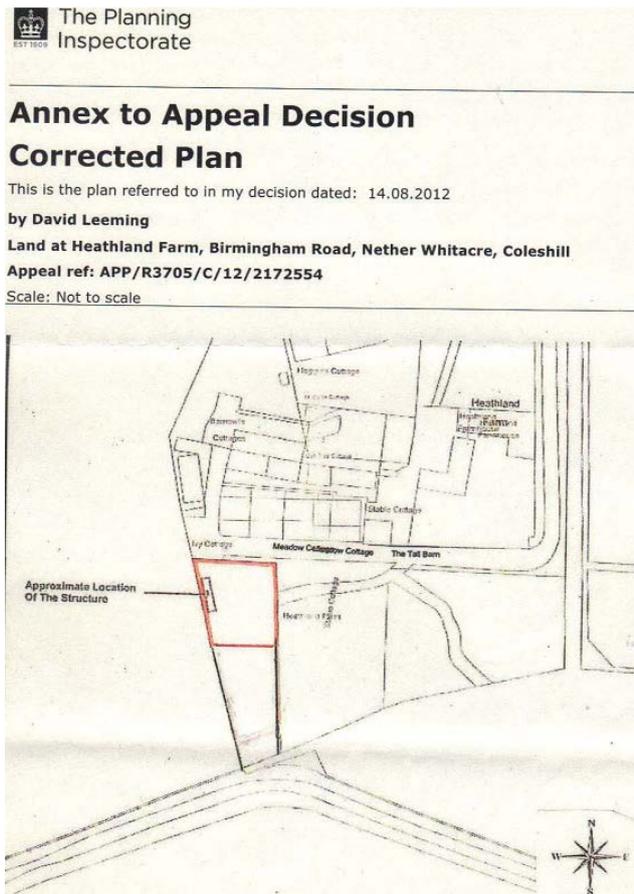
Background

The subject of this application is the residential unit in the northern section of the walled yard to the south of and access track that the applicant names as Barnes Wood Lane. This began as a large caravan which around 2004, was moved to its current position beside the yard's west boundary wall. The chassis was removed and the upper structure was fixed to a concrete base. In February 2012, North Warwickshire Borough Council issued an enforcement notice alleging a change of use of the structure and surrounding land from agricultural to residential use without the benefit of planning permission and requiring cessation of such use. An appeal (APP/R3705/C/12/2172554) was made against the Notice, which resulted in the Notice being quashed by the Inspector. Paragraphs 8 and 30 of his Decision Notice (dated 14/08/2012) stated:

"It is clear that the current building was created through works of operational development when the former mobile home was fixed to a concrete base...The conversion that has taken place is tantamount to the creation of a new building rather than a material change of use of an existing structure, irrespective of whether the pre-

existing mobile home was residentially occupied...the appellant has demonstrated, on the balance of probability, that the residential use has been carried out, without material interruption, since the conversion of the mobile home to a building and, more particularly, for a 4 year period prior to the issue of the enforcement notice. The residential use of the building is therefore lawful. By virtue of Section 55(2) (d) of the 1990 Act, the residential use of the associated land within the curtilage is not development.”

The boundary of the residential unit/land was defined on a corrected plan (excluding the ‘hobby’ part of the walled yard, which the Inspector felt should become a separate planning unit) - see below. The current application uses the same red line boundary (with the addition of the access route from Birmingham Road, via Barnes Wood Lane).



An application was approved on 3 August 2015 (PAP/2015/0349) to clad the existing caravan structure with cedar wood vertical boarding, including new timber window frames and fully glazed doors to match. There was to be a very slightly pitched roof structure, constructed from exterior quality plywood and covered by the ‘Polyroof 185’ cold roof system. This scheme was intended both to improve the external appearance of the structure and also to improve its insulation and heat retention properties. This permission has not been implemented.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), and NW12 (Quality of Development)

Other Relevant Material Considerations

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

The Department for Communities and Local Government Technical housing standards – nationally described space standard, March 2015

Consultations

Environmental Health Officer - No objection subject to conditions.

Representations

Nether Whitacre Parish Council objects to the application. It comments as follows:

Submission: Objection

Comments: At the Parish Council meeting held on 18th July it was resolved that the Parish Council make a strong objection to this application for the removal of the existing mobile home and its replacement with a bungalow(PAP/2016/0397).

Nether Whitacre Parish Council is fully aware of the protracted history on this site, the appeal decision authorising the use of the mobile home, the recent application for the cladding of the mobile home to provide improved accommodation and that the site lies within the Green Belt.

We note that the Design, Access and Planning Statement submitted with the planning application makes reference to Paragraph 89 of the NPPF which states that new buildings in the Green Belt are not inappropriate development provided that the new building is not materially larger than the one it replaces. In this case the proposed bungalow would be 71% larger than the former caravan that it would replace, a significant increase and therefore contrary to the guidance contained within the NPPF. In our opinion, this makes the proposal inappropriate development and therefore harmful to the Green Belt. Development that is harmful to the Green Belt should only be approved in very special circumstances.

We have considered the very special circumstances put forward. It is argued that the existing size of the former caravan falls below current space standards for living accommodation. We would point out that the applicant has been prepared to accept this way of living for the last 15 or so years and we would also point out that it is not a situation unique to him, there are plenty of people that live in caravans, mobile homes and narrow boats where the size of rooms are below standard. It is not therefore a special circumstance.

The applicant also argues that the proposed bungalow will be contained within a private yard and will not therefore be visible. In our opinion the fact that the proposed bungalow would be significantly larger than the existing and in a different location within the yard would harm the openness of the Green Belt even though the structure would not be seen.

It is argued that the proposed bungalow would be significantly smaller than the nearby dwellings. The key point of the NPPF is that a replacement building should not be materially larger than the one it replaces, it has nothing to do with the size of adjoining dwellings. Also, the argument that the proposed construction would not impact on the amenity of adjoining dwellings, is not a special circumstance for allowing the construction of a bungalow.

The existence of the trailers and workshops in the yard and that the yard is untidy and that it would be improved is not a special circumstance either.

It is clear to the Parish Council that the special circumstances put forward do not outweigh the harm that would result to the Green Belt to justify planning permission being granted. We ask therefore that the application is refused. We understand that this application is seen as the best compromise following pre application discussions and we are concerned that our objection will carry little weight.

Observations

The site lies in the Green Belt and outside of any settlement boundary. There are a number of matters that are material to consideration of a replacement dwelling at this location and in relation to this property – what the certificate of lawfulness related to; the National Planning Policy Framework (NPPF) policy in respect of replacement dwellings in the green belt, development plan policy concerning the replacement of dwellings and other design related planning policy.

In respect of the first matter, the Certificate of Lawfulness shows the original dwelling as the former caravan structure only. It is from the proportions of the lawful structure that a replacement structure would be assessed.

By way of background, and simply to set the matter on record, the applicant has previously queried whether a garage used for hobby purposes could be counted as part of the size of the original dwelling for the purpose of assessing what may be supported as a replacement structure. It is clear from the Inspector's decision (Paragraph 29–extract below) that it cannot, as the Inspector concluded that it was within a different planning unit.

29. Having regard to the above and bearing in mind the scale and nature of the hobby use, I consider that, as a matter of fact and degree, this is not a residential use but amounts to a separate use of the land. Since the hobby use has been confined to a specific part of the land within the red line, there are, in effect, two separate planning units, one containing the residential building and its curtilage and the other the area of land occupied by the hobby use. In these circumstances, the plan attached to the notice is being corrected to reduce the area within the red line to include only the area of land forming the planning unit occupied by the existing dwelling and its curtilage.

The National Planning Policy Framework (NPPF), at paragraph 89, indicates that the construction of new buildings in the Green Belt is inappropriate with the exception that the replacement of a building will be acceptable, provided the new building is in the same use and not materially larger than the one it replaces. A key consideration is therefore whether the proposed replacement is materially larger than the one it replaces.

The Council's long standing policy approach is that replacement dwellings which are the size of the original dwelling plus up to an additional 30% of the original dwelling will generally be found to be 'not materially larger'. Anything over and above a 30% increase in volume will generally be found to be 'materially larger' and will not normally be supported. However, the 30% addition by volume is not an absolute limit, it is used as a guide as to what may constitute a building materially larger than the original. There have commonly been instances where replacement dwellings, or extensions to dwellings, have been allowed exceeding 30% because the effect on openness has been limited or the circumstances of the particular dwelling suggest that a larger than an exception is justified.

In this case, it can be acknowledged that the lawful dwelling provides only very limited living accommodation. The applicant has indicated that if he is unsuccessful in obtaining planning permission for a replacement dwelling he will seek to take advantage of the permitted development rights that he enjoys and extend to property to both the side (by 50% of its original width, effectively adding 50% to its current volume) and into the relatively small gap that exists between the rear wall and the site boundary. It is

reasonable, given the condition and size of the existing structure to conclude that there is a good prospect that this permitted development fall-back would be pursued, certainly in respect of the side extension, though not necessarily in respect of the rear element because the cost would be significant and would give very little additional accommodation.

Again, as a matter of background, and for the record, the Council has recently refused an application for a larger home extension because it disagrees with the applicant's interpretation of what constitutes the rear elevation of this structure. The applicant has re-presented the same argument in his supporting documentation. There is no new argument to support the applicant's view and the Council continues to disagree with the applicant's interpretation.

If the applicant pursues the erection of a side extension as permitted development it would result in a long but narrow structure. Arguably, the proposed, more compact replacement structure would have a lesser or equal degree of impact on the openness of the green belt. It would not be reasonable to conclude that it would have a materially greater impact.

The limited size of the existing accommodation is a material consideration in another respect. The applicant argues that for reasonable standards of amenity for the occupier, a slightly larger replacement dwelling is justified.

The Department for Communities and Local Government Technical housing standards – nationally described space standard, March 2015, sets the following standard:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5

In relation to this standard the size of dwelling sought is not excessively large at approximately 45 square metres internally.

In terms of the revised siting of the replacement dwelling, there is no objection in principle to the relocation to the alternative position within the plot, as it would, to a minor degree, achieve a closer grouping with the other buildings in the vicinity, cause no harm to the appearance or character of the locality and slightly improve the openness of the area.

It is appropriate to consider the design of the proposed replacement dwelling. Though the design is very basic, the dwelling will be fully contained within a walled court, situated away from public roads and other viewpoints. The design was improved at pre-application stage to avoid an extensively flat roofed structure. It is not considered that its design would cause any harm of acknowledged importance.

By estimation, the volume of the existing structure is 92.4 cubic metres. An increase in volume of 50% would take it to 138.6 cubic metres. The structure now proposed is approximately 162.88 m³. Given the circumstances set out above it is considered that the replacement dwelling may be supported.

Given the limitation on the size of replacement dwellings in the Green Belt it will be appropriate to remove permitted development to prohibit/limit any future extension of the dwelling and garden buildings and to attach a condition requiring the removal of the existing structure from the site upon occupation of the replacement dwelling.

In respect of other matters, the aerial photography below shows that the proposed access arrangements are established routes



The Environmental Health Officer advises that the proposed development is on/ adjacent to a closed 'inert' landfill which records state should have closed in 1993 for the acceptance of waste. The definition of inert waste has been tightened since the closure of the landfill, whereas before potentially landfill gas generating material could have been accepted with authorisation at 'inert' landfills. Therefore there is the potential that landfill gas (and leachate) may be generated in such landfills and a level of protection will be required as a precautionary measure unless the applicant wishes to carry out their own landfill gas monitoring. She recommends that if permission is granted for the development a condition should be attached to the permission requiring ground gas protection measures to be designed and installed in the foundations of the property. The design should be agreed in advance, in writing with the local authority. The applicant has been advised of this requirement and has indicated that he is happy for the matter to be dealt with as a condition attached to the permission.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 274/211/03/RevH and 274/211/01RevA received by the Local Planning Authority on 6 July 2016.

REASON

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

3. No development whatsoever within Class A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

4. Prior to the commencement of development a scheme for the incorporation of ground gas protection measures to be designed and installed in the foundations of the property shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be constructed in full and maintained at all times thereafter.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised.

5. Within one month of the first occupation of the approved replacement dwelling the existing structure shown to be demolished on the approved plan shall be so demolished and all resultant materials permanently removed from the site.

REASON

In the interests of the amenities of the area, in recognition of the circumstances of the application and to avoid the accumulation of dwellings on the site.

Notes

- 1) The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
- 2) You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
- 3) In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0397

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6 7 16
2	Environmental Health Officer	Consultation Response	27 7 16
3	Nether Whitacre Parish Council	Representation	25 7 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.

(11) 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 Classes B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping

For Pro-Logis

Introduction

This application was referred to the Board's August meeting when it noted the receipt of the application together with agreeing that Members visit the site. It is anticipated that that visit will have taken place prior to this meeting.

The matter is brought back to the Board in order to explore whether the Council is in a position, where it can be minded to support the principle of the proposal. Members will be aware that in the event of a final decision to support the proposal, the Secretary of State will be involved.

The previous report is attached at Appendix A. It should be taken as an integral part of consideration of the application, but it is not intended to repeat its content here.

Representations

Coleshill Town Council – No objection

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

- 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 C.

- 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 the Green Belt land.
- Lack of protection to heritage assets.
- Noise and Vibration.

- Landscape Impact.
- Light pollution.
- Insufficient ecological, landscape 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.

Four letters have been received. The issues raised are:

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

Consultations

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

HS2 Ltd – No objection

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

Natural England – The proposal is unlikely to affect any statutorily protected site. 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 – To be reported

WCC Flooding - No objection subject to a standard condition

Environmental Health Officer – To be reported

Other Material Planning Considerations

As recorded in the August report the list of other material planning considerations included the Draft Local Plan for North Warwickshire 2016. Members will know that since that report, the Council's Local Development Framework Sub-Committee has resolved to make this draft Plan available for consultation in the Autumn. However it is now publically available to view and early representations can be made.

The Draft Local Plan draws on a range of evidence. The evidence relevant to this planning application is set out in the previous report. In particular attention is drawn to the Employment Reports and to the Joint Green Belt Study. This is brought together in the Draft Local Plan. Policy LP6 requires "around 90 hectares of employment land" between 2011 and 2031. The background to this is set out in paragraphs 7.43 to 7.48 of the draft Plan and substantial weight was given to the employment reports referred to. The draft Plan then identifies sites for this requirement. Policy LP40 identifies 20 hectares of land at the Power Station B site at Hams Hall. This is further developed in paragraphs 15.31 to 15.32 and the associated plan coincides with the current application site.

This land is presently in the Green Belt. The allocation here however would remove that status. The Joint Green Belt Study referred to above concluded that this parcel of land did not perform well against most of the five purposes of including land within the Green Belt. Indeed it is one of the least well performing parcels in the whole of the Green Belt. As a consequence of this evidence and the requirement for new employment land together with the previous safeguarding of the site for energy generating purposes; the proximity to the strategic highway network and the Rail Freight Terminal and that the site adjoins the established Hams Hall estate, it was concluded that these factors could all come together.

Observations

a) Introduction

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 and thus by definition 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 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 consideration and benefits that should sit on the other side of the balance. A final assessment can then be made.

b) Harm

Apart from the “de facto” harm the Council has first 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. In respect of the former then that impact would be substantial. The present character of the site is as a wholly open space. The scale and mass of the new buildings proposed cannot but have anything other than a substantial impact. Openness would be lost. In respect of the second measure then the Green Belt Study as reported above shows that this land does not perform at all well against the majority of the five purposes of including land within the Green Belt. It is considered that as a consequence, the proposal has limited harm. However because of the impact on openness, when these measures are added together, the actual Green Belt harm is thus assessed as being substantial.

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 – usually highway and drainage concerns. At present not all of the respective Agencies have responded to the consultations made. It is not anticipated that there will be substantive objections because of the pre-application work that went into prepare the proposals. As Members are aware an Environmental Statement accompanied the application. The content of this was “scoped” by agreement with the applicant and the various Agencies prior to preparation. The application therefore has been submitted with the detailed information and knowledge of the technical consultation Agencies. It is thus likely that planning conditions or mitigation measures will be recommended. Members will have seen from the previous report that some highway measures are already identified - i.e. the widening of A446 southbound at the roundabout junction so as to form three lanes. For the purposes of this report at this time, it is assumed that there will be no highway objection that could prevent the development from going ahead. Similarly the same approach is taken in respect of the environmental health officer. Members will be updated at the meeting if responses are received following the preparation of this report.

There are of course other impacts that need to be considered. The representations have largely identified these – heritage impacts; visual impacts, those affecting nature conservation interests as well as noise and light issues. These are now looked at in turn.

There are heritage assets close by 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. Both are Grade 2 Listed Buildings. The significance of these assets is that the Church is a surviving early 14th Century Church with 15th Century and later Victorian additions. The cross is late 19th Century. The Church has important architectural and local historic interest and is still in use. Its setting is isolated away from the village and with substantial tree and woodland surrounding cover and playing fields between it and the site. The proposed development would not impact on the architectural or historic significance here but could impact on the setting. Whilst the proposed buildings would be further way than the site boundary, they would be tall with a physical mass. If too the service areas were on the northern side then light and noise impacts could arise. There is a “pinch-point” here between the proposed core development area and the site boundary such that on-site landscaping is somewhat limited. It is considered that the rural setting of this asset would be adversely impacted amounting to moderate harm.

Turning to the landscape and visual impacts, then the site itself is not within one of the zones identified in the North Warwickshire Landscape Character Appraisal, as it is seen as being part of the Hams Hall and Coleshill built up area. Immediately to the north however Lea Marston is right at the southern end of the Tame Valley Wetlands Zone. This Zone is characterised in this area 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 largely self-contained visually. As a consequence the impacts from further afield are considered to be minor if not limited. However the two “local” areas where impacts will be felt are on the area to the north extending through the playing fields towards the village of Lea Marston and secondly from on the other side of Hams Lane to the north west of the site. Hence attention should be 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 on the village. The issue is to identify the degree of that influence. It is considered that there would be a major adverse impact from the playing fields. Even with landscape mitigation the impact will remain as major. This is because of the height and proximity of the proposed buildings dominating the landscape here. This impact steadily reduces moving north towards the village due to distance and particularly to intervening trees and woodland. For most part the impact on the village as a whole will be limited, but the properties in Hams Lane and Church Lane will have impacts which are likely to be reduced over time with landscape mitigation. The impact from the other side of Hams Lane will be major because of the introduction of tall buildings and with strong horizontal lines above the trees lining each side of the Lane. Even with time this impact will be moderate. Overall therefore it is considered that the general impact on the character of the wider landscape will be limited but that there will be moderate to major residual harm from a local point of view focussing on the environs of Lea Marston generally rather than the actual village.

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 the mitigation measures proposed would enhance the 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 no demonstrable harm.

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. These matters will have to be dealt with by planning conditions. However even at outline stage it is important to stress the need for the layout itself to act as mitigation with service yards being located on the “inside” of the site and with noise assessments made in respect of known occupiers rather than generically. The wording of the conditions can reflect these matters and thus the expected level of harm is likely to be limited.

It was indicated above that Highways England had not objected and that because of the pre-application work undertaken as part of the Environmental Statement it is not expected that the Highway Authority would be objecting. The proposals include adding 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. In these circumstances it is not proposed here to look at highway network matters, but to focus on other impacts. There are several matters here. The application is in outline and thus details cannot be seen on plan but it is important that these are raised at this stage 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 access. Members may be aware that double yellow lines have now been agreed along the main estate roads to combat this issue. However in order to prevent HGV's "parking-up" elsewhere the details of the overall layout will certainly have to include adequate on-site HGV parking as well as sufficient "stacking" lanes for waiting HGV traffic. Secondly, The County Council should explore the possibility of further traffic calming measures in the surrounding villages so as to reduce the likelihood of further increases in light traffic using local roads to by-pass the main strategic network - in particular Lea Marston, Curdworth and Nether Whitacre. Thirdly, the Travel Plans associated with any occupiers should positively promote the use of Coleshill Parkway Station. Fourthly, the applicant should explore how occupiers can be persuaded to use the Rail Freight Terminal. Finally the construction of the development if it proceeds will have to be the subject of a Construction Management Plan. This will have to take into consideration the arrangements for the HS2 construction. In all these respects the "harm" attributed to this proposal can be reduced.

In conclusion therefore it is considered that on the "harm" side of the final assessment is the substantial Green Belt harm caused, as well as the moderate harm to the environs of Lea Marston arising from the visual impact. Further residual potential harm to the ecology of the area; through potential noise and light pollution as well as to highway and traffic impacts should be capable of mitigation measures.

c) Material Planning Considerations

The other side of the final assessment or planning balance is the identification of those material planning considerations which might set aside the harm. To do so, they will in this case have to also carry substantial weight and thus they do need to amount to the "very special circumstances" necessary to outweigh the overall level of identified harm. The onus is on the applicant to identify these considerations.

His case is based on four considerations. The first 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 the Other Planning Considerations set out in Appendix A. 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 identifies demand for between 212 and 410 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 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.

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 looking at the sites that are 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 subject to a planning appeal. It is thus considered that the current application site is well placed and can come forward quickly with little in the way of new infrastructure requirements.

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

The final consideration is the economic benefit that would accrue – providing jobs at construction stage and when it is operational (at least 1000 is quoted). It is said no end users are as yet identified but the proposal is flexible enough to accommodate a range of B2 and B8 uses so as to attract larger manufacturing companies.

These considerations have to be assessed to see what weight can be given to them in the final balance or assessment. It is considered that this should be substantial. The reasons for this are firstly that they are based on evidence that is up to date, relevant and has been carried out independently of the applicant as part of the sub-Region's Planning Authorities evidence base for reviews of their own Core Strategies. In other words it is evidence that those Local Authorities cannot ignore. Secondly in North Warwickshire's case that has not happened. The Council has acted on that evidence base and has prepared a draft Local Plan for consultation partly based on it.

d) 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.

In descriptive terms then on the harm side of this balance, this report identifies substantial harm to the Green Belt because of the impact on openness and moderate harm because of visual and landscape harm on the immediate environs of Lea Marston.

On the other side the report concludes that the considerations put forward by the applicant do carry substantial weight. The issue here is therefore finely balanced.

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

The first is that the Council has effectively already considered it through its resolution to publish a draft Local Plan which actually allocates this site for employment purposes. It has to be acknowledged that this Plan is at the very start of its progress to adoption. However it is based on the strategy adopted by the Core Strategy and on updated evidence which has been the subject of consultation. It therefore will carry some weight. Additionally the “thought” process that was undertaken in its preparation clearly involved the main strategic elements that arise through this application – Green Belt versus employment land provision.

The second is that the Council has commissioned a study explicitly to assess a number of sites against Green Belt status because of the growth pressure that it is under. This study concluded that the parcel of land including the application site did not perform well against the five purposes of including land within the Green Belt to the extent that this was probably the worst performing site in the Green Belt.

The third is that the Council has taken the opportunity to “manage” the growth agenda through the resolution to publish the draft Local Plan. By allocating this site it can be seen to be pro-active in supporting growth on its own terms. By doing so it also strengthens its position in being better placed to object to other developments in more “harmful” locations.

As a consequence it is considered that the balance lies in favour of supporting the application as the very special circumstances are in place in this instance.

e) Conclusion

The introduction to this report described its purpose as being an exploration of the principle of the case for or against supporting the proposals. The conclusion above leads to a recommendation of minded to support in principle. However as the report suggests there are outstanding matters here. The recommendation is therefore tempered for the following three reasons.

Firstly there are still outstanding consultation responses. Members will be updated at the meeting but presently any support should be conditioned on there being no objections or matters that cannot be conditioned or dealt with through Agreement.

Secondly, the report identifies residual landscape and visual harm to the environs of Lea Marston. It is considered that officers should explore further with the applicant how this might be addressed. There are several areas to look at – reducing the extent of the core development area so as to expand the scale of the perimeter landscaping; ensuring that the service yards face into the core development area and are not on the outside, exploring the opportunity for off-site landscaping through Agreement.

Thirdly the report identifies some issues which would certainly enhance the proposals and thus give greater weight to its full support. These cover three main areas. The first are highway/traffic matters, including commitment by planning condition to sufficient on-site HGV parking and stacking areas; to ensuring that the Travel Plans are bespoke to

occupiers and that there is a direct reference as to how Coleshill Parkway Station can be used, and finally to see what can be achieved in persuading occupiers to use the rail freight terminal. The second relates to noise and light matters, including bespoke noise and light assessments for all occupiers and ensuring that service yards face into the site, not the reverse. The final matter is to seek through Agreement how the job opportunities here can be made available locally and that they can cover a wide range of skills.

It is anticipated that the recommendation below will give a degree of certainty and thus confidence to the applicant in order for him to engage on the matters raised above.

Recommendation

That the Council is minded to support this application for the reasons set out in this report but that this support is subject to:

- a) There being no objections from outstanding consultations;
- b) that officers further explore the matters raised in this report in respect of further reducing harmful impacts on Lea Marston together with those affecting noise and light; traffic and transportation issues as well as employment matters, and
- c) that officers report back on the outcome of these discussions and if appropriate set out draft planning conditions and the draft Heads of a Section 106 Agreement.

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	NWBC	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	T Axe	Representation	28/7/16
8	Nether Whitacre Parish Council	Objection	1/8/16
9	Coleshill Town Council	Representation	3/8/16
10	R Keatley	Objection	6/6/16
11	CPRE	Consultation	7/8/16
12	S Farrell	Objection	8/8/16
13	HS2 Ltd	Consultation	5/6/16
14	HS2 Ltd	Consultation	9/8/16
15	Lea Marston Parish Council	Objection	11/8/16
16	Network Rail	Consultation	11/8/16

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.

General Development Applications

(#) 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

This is a major application for inappropriate development within the Green Belt. It will be reported to the Board for determination but presently this report acknowledges receipt and enables Members to have an early appreciation of the proposals.

The application is accompanied by a substantial amount of supporting documentation including an Environmental Statement. For convenience the applicant has attached a Non-Technical Summary and this is appended at Appendix A. It also includes a set of plans.

It is accepted by the applicants that the development is not appropriate in the Green Belt and thus that they have to evidence those material planning considerations which in their view would amount to the very special circumstances necessary to outweigh the harm caused by that inappropriateness. Those considerations will be outlined below.

Because of this and the scale of the development, the requirements of the 2009 Direction come into play. The Council can therefore refuse planning permission, but if it is minded to support the scheme, the matter will need referral to the Secretary of State to see if he wishes to call-in the case for his own decision following a Public Inquiry.

Members will be aware that a site visit is to be arranged so that they can better visualise the site and the proposed development.

The Site

The "B" Station site extends to around 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 east 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 west.

Lea Marston village is about a kilometre to the north and Whitacre Heath is about 1.5km 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 wooden, 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 eastern 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 1.6 metres between the two sections of the site – the northern section being at the 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 the Tame Valley Wetlands offices are also based to the east.

The application site is close to the proposed HS2 line. 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 the construction of this line a temporary rail head will 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 within Appendix A.

Background

Planning permission was granted in 1994 for the Hams Hall Manufacturing and Distribution Park seen today – including the rail freight terminal. The “B” station site was not included in that consent as 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 2004 planning permission was refused for the redevelopment of the “B” station site for warehousing and distribution uses, essentially on the grounds that there were not the planning considerations of such weight to override the presumption of refusal for the inappropriate development proposed. A second similar application in 2006 was also refused. In 2012 an application for a temporary wood processing facility for a period of five years was refused by the Warwickshire County Council. 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 sq.m of floor space. The maximum overall height of any building would be 22 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 areas 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 A.

The application is supported by an Environmental Statement. It is not proposed to replicate that here but as indicated earlier there is non-Technical Summary attached at Appendix A. 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 on pages 8 and 9 of the Summary at Appendix A – 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 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 the supporting documentation and puts it into a planning context concluding that the 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 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 the local villages, and 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 some of the applicant's other sites.

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 suggest to him that there would be "very limited harm".

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

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

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 Draft Site Allocations Plan 2014

The Coventry and Warwickshire Joint Green Belt Study 2016

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

Observations

The starting point for consideration of this application will be the fact that the site is in the Green Belt and that the proposals are not appropriate development by definition and thus harmful to it. There is thus a presumption of refusal here by virtue of this inappropriateness. The Board will have to come to a conclusion on the actual level of harm caused to the Green Belt. It will also have to address all of the other potential impacts and conclude what level of harm there might be as a consequence. This will then give a cumulative level of harm – Green Belt harm plus other harm.

In these circumstances the next stage would be to understand the planning considerations that the applicant is putting forward in support so as to undertake a final balanced assessment to see if those considerations are of such weight to override the cumulative level of harm that it has already identified.

At this stage however Members are asked to acquaint themselves of the detail of the proposals and the issues involved.

Recommendation

That the receipt of the application be noted at this stage

BACKGROUND PAPERS

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

Planning Application No: PAP/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

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.

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

VOLUME
2C

ES Non Technical Summary



June 2016

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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 m³ 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.

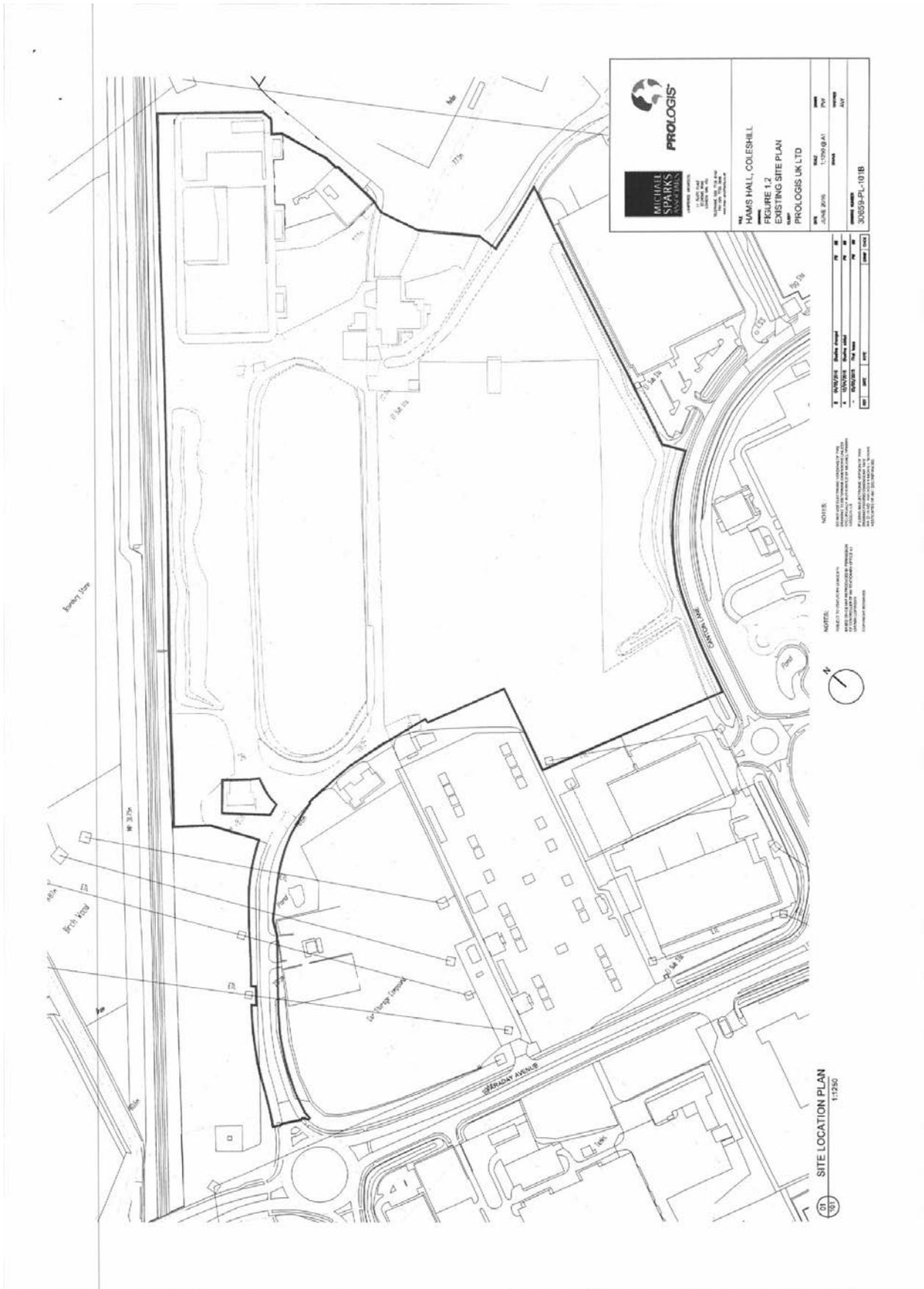
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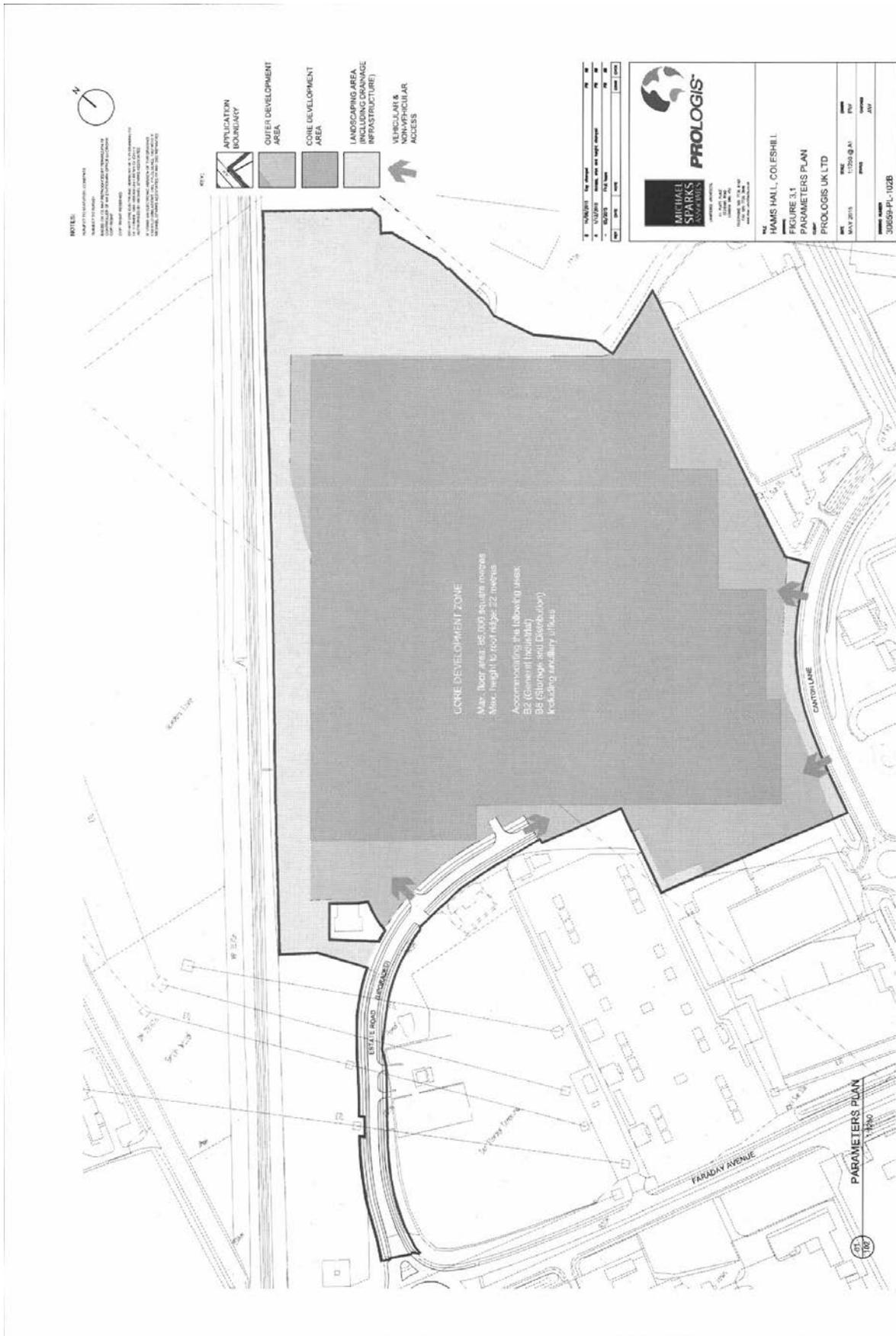
'B Station' site, Hams Hall, Coleshill

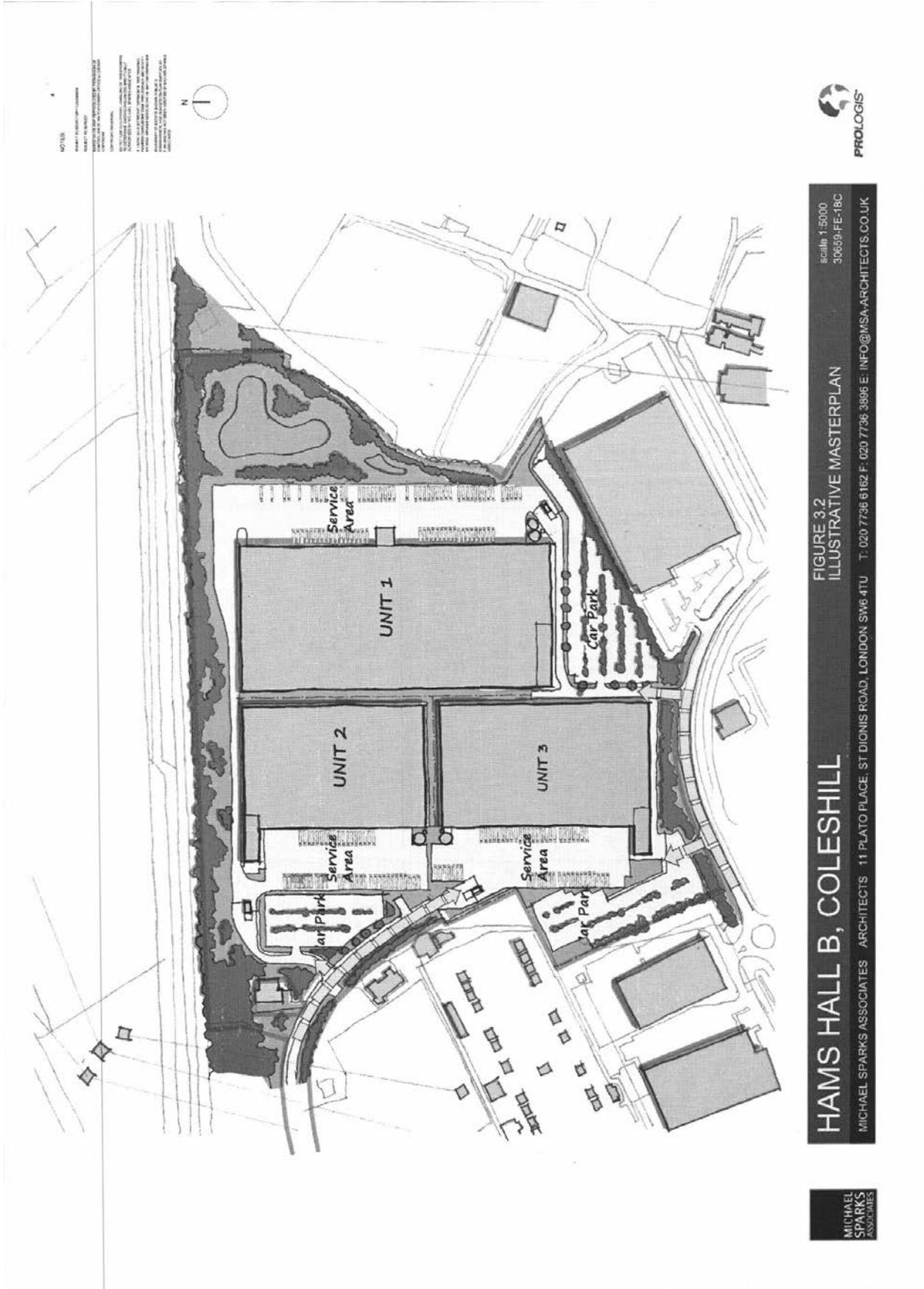
Proposed Employment Development

Figures









scale 1:5000
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FIGURE 3.2
ILLUSTRATIVE MASTERPLAN

HAMS HALL B, COLESHILL

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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.

Green Belt Purpose	Assessment Score
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
Total Score	9 / 20

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.

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.

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*

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.

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

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

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.

1. 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 development 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.

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 outlines 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>

Brown, Jeff

From: David Green <david@deltaplanning.co.uk>
Sent: 23 August 2016 14:41
To: Brown, Jeff
Cc: Karin Hartley; Maria Sheridan
Subject: RE: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399) WCC000460

Jeff,

Just by way of final confirmation, my colleague Karin Hartley and Maria Sheridan will meet you at the site entrance by the APH airport parking facility at 11.15 am on 3rd Sept. They will have keys to get into the site. Will you be in a mini bus or will Members all arrive separately ?

Karin's mobile if needed on the day is 07769 168888.

Please note that I am away next week so please copy Karin in on any correspondence.

Kind regards,

David Green
Director
Delta Planning

T: 0121 285 1244
M: 07917 708119
E: david@deltaplanning.co.uk



1 Chester Court, 1677A High Street, Knowle, Solihull, B93 0LL | Tel: 0121 285 1244 | www.deltaplanning.co.uk

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From: Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]
Sent: 22 August 2016 08:48
To: David Green
Subject: RE: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399) WCC000460

Thanks

I've told Members that we will not start before 1115. Sorry I'm 'phoneless !!

Jeff

From: David Green [mailto:david@deltaplanning.co.uk]
Sent: 22 August 2016 08:40
To: Brown, Jeff
Subject: RE: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399) WCC000460

Ok, thanks. I will email you later this week with contact details from our side. I am on leave so either someone from Prologis or one of my team will be doing it.

Will you have a mobile on you so that we can make contact with you please ?

David Green
Director
Delta Planning

T: 0121 285 1244
M: 07917 708119
E: david@deltaplanning.co.uk



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From: Brown, Jeff [<mailto:JeffBrown@NorthWarks.gov.uk>]
Sent: 22 August 2016 08:39
To: David Green
Subject: RE: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399) WCC000460

David

We have another visit beforehand but that's only in Coleshill at 1030, so I'm looking at around 1115.

Jeff

From: David Green [<mailto:david@deltaplanning.co.uk>]
Sent: 19 August 2016 17:27
To: Brown, Jeff
Cc: Karin Hartley
Subject: RE: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399) WCC000460

Thanks Jeff,

I'll check with the engineers and come back to you.

Do you have a more definitive time for the committee site visit on the 3rd Sept ?

David Green
Director
Delta Planning
T: 0121 285 1244
M: 07917 708119
E: david@deltaplanning.co.uk



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From: Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]
Sent: 19 August 2016 11:40
To: David Green
Subject: FW: Former B Staion Site, Faraday Avenue, Hams Hall, Coleshill, B46 1GA (Ref. PAP/2016/0399)
WCC000460

OK with the condition ?

Jeff

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(12) Application No: PAP/2016/0420

Land 225m South Of Lakeside Industrial Park, Marsh Lane, Water Orton,

Gas fuelled capacity mechanism embedded generation plant to support the National Grid, for

GF Energy Ltd

Introduction

This application is reported to the Board in order to bring the proposal to the attention of Members. A determination report will be brought to the Board in due course.

Members should be aware that because this development proposes over 1000 square metres of floor space and is within the Green Belt, it falls within the scope of the Department for Communities and Local Government, The Town and Country Planning (Consultation) (England) Direction 2009, which means that if the Council is minded to approve this application, then it will need to be referred to the Secretary of State who will then advise the Council how to proceed.

The Site

The proposal is located in the Green Belt and occupies the north east portion of a larger triangular piece of land, bounded by a railway line to the north and south, and the M42 Motorway to the east. The site is accessed from the Lichfield Road, next to 'Bikers World' along a track next to the motorway, and then by passing under the motorway bridge.

The application site is open in character, but is well screened by existing mature trees and shrubs. There is an equestrian stables and paddocks on the adjoining land to the south and west.

The location plan, showing the application site edged red and the wider land holding edged blue, is attached at Appendix 1.

The Proposals

It is proposed to construct a small, gas fuelled power station, known as a 'peaking station', to provide essential power to the national electricity grid at times of peak, local demand. The station would not run continuously, can be switched on very quickly when needed, and might operate during the morning and evening. Whilst the night time operation of the station could not be ruled out, this would only likely to be in the event of a service outage.

The site itself comprises approximately 1 hectare and the generation plant would be housed in a series of approximately 40, sound insulated containers with some 20 transformers with a welfare cabin and a switchgear cabin. A 4 metre high acoustic fence would then surround the development, with a further 2.4 metre high security fence around the perimeter and a six metre high security column at each corner. The governor kiosk would sit outside the acoustic fence, but within security fencing, with a small substation located outside of the compound also to the north east. A plan showing the

site layout is attached at Appendix 2 and illustrations of the structures are at Appendix 3.

The secure gated entrance would be monitored remotely 24 hours a day and the site would be visited daily by an engineer.

A Design and Access Statement submitted with this application contains further details about the proposal and places it in the context of both national and local planning policy.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3, Green Belt; NW10 (Development Considerations), NW11 (Renewable Energy), and NW12 (Quality of Development).

Saved Policies of the North Warwickshire Local Plan 2006 – ENV14 (Access Design).

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

Observations

The site lies within the Green Belt, where there is a presumption against inappropriate development. A determination report will be brought to the Board in due course once consultation responses have been received and any consequential amendments agreed. Such a determination will turn on whether it is considered there are very special circumstances in this case to override the policy considerations.

In the interim it is suggested that Members should visit the site so that they are familiar with the proposal in its context.

Recommendation

That the report is noted at this time and that a site visit is arranged.

BACKGROUND PAPERS

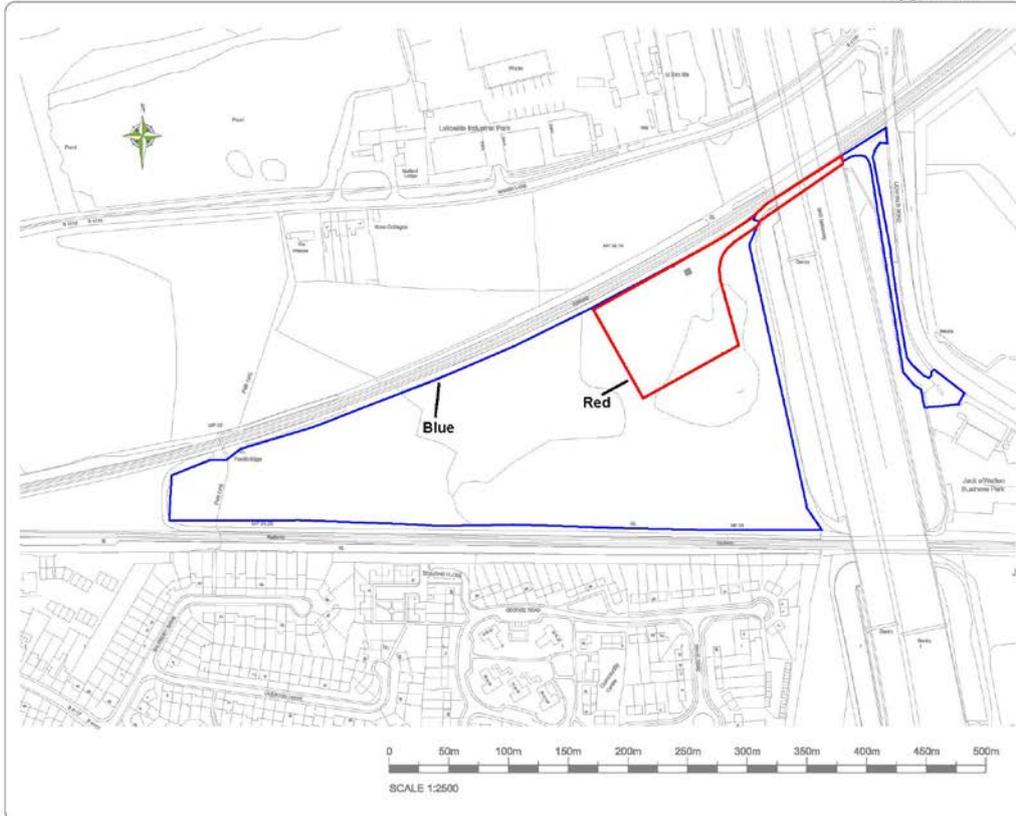
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2016/0420

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/07/2016

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

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PLANNING PLAN

LEGEND

LANDLORD'S PROPERTY

PROPOSED SITE

NORTH WARWICKSHIRE BOROUGH COUNCIL

RECEIVED
19/07/2016

PLANNING & DEVELOPMENT DIVISION

Planning

It is requested that you advise us as to whether you are able to provide the information requested in this request.

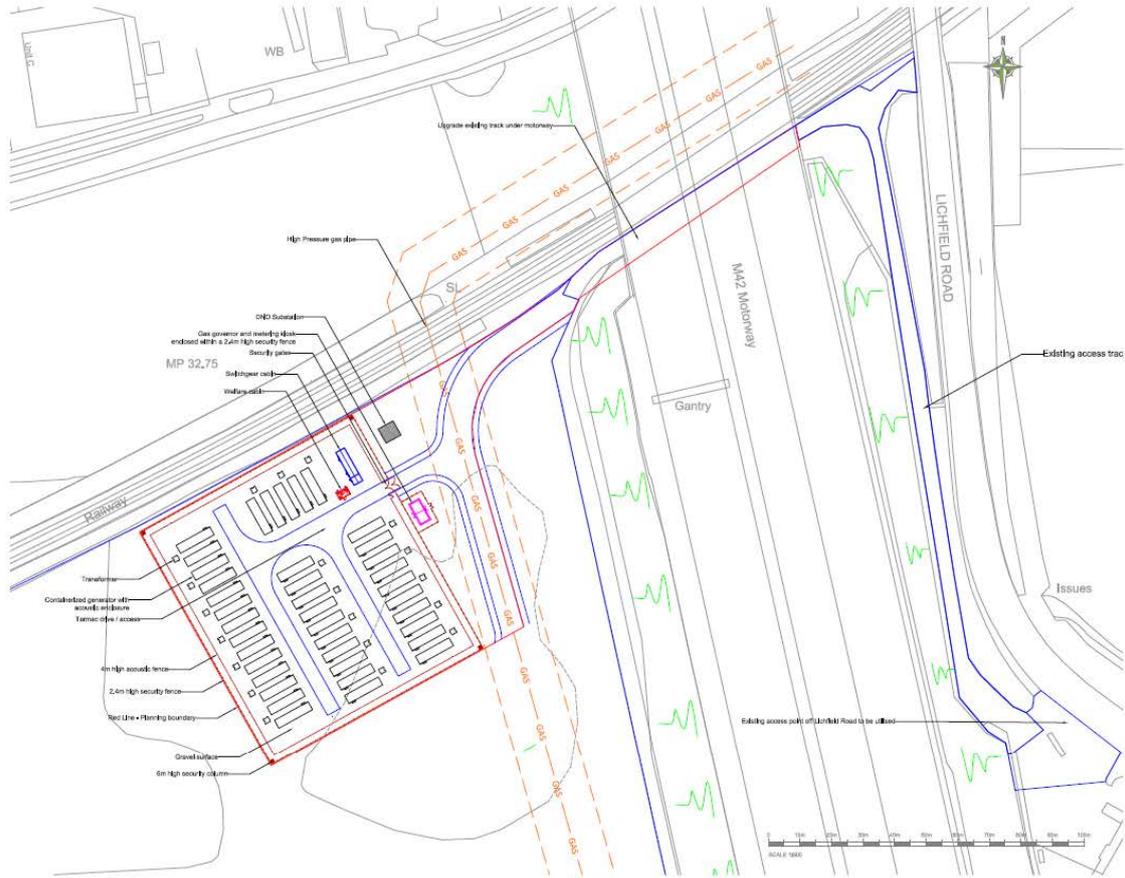


Project No: 417_GF_DR_IP_102

Project Title: LOCATION PLAN

Project Code: 417_GF_DR_IP_102

Appendix 2



Appendix 3



Image of a typical bank of 3 generator canopies (from within an existing compound)



An existing site showing secured compound with internal acoustic fence and external security fence

Appendix 3 continued



Containerised switch room



Power Transformer

(13) Application No: PAP/2016/0433

**2 Hawthorne Avenue, Land at Hawthorne Avenue and Sycamore Crescent, Arley
Installation of external wall insulation to all elevations for**

North Warwickshire Borough Council

Introduction

The application is brought to the Board given that the Borough Council is the applicant and owner of the dwellings.

The Site

The dwellings are sited along Sycamore Crescent and Hawthorne Avenue within a housing estate off Gun Hill, Arley.

The Proposal

The works are for external wall render on 50 properties. It consists of cladding with installation boards and a textured and brick effect finish. The render finish is coded as SC75 and is a cream colour. Other works that do not require planning permission to the dwellings include replacement windows, fascia, soffits and rainwater good, along with loft insulation.

It was noted that works have already taken place on a small number of properties.

The render is approximately 90mm thick and selected plans along with the render samples can be viewed in Appendix 1.

The scheme is submitted as part of a delivery grant for external wall insulation and associated energy efficiency. The works to the host dwelling are in order to improve thermal efficiency and to assist in carbon reduction. The design of the system is proposed to last 30 years, and will typically reduce heating demand. It is part of a UK plan to reduce carbon emissions by 2050 and relates to the existing housing stock.

Below are two photographs, the left being an existing dwelling before the render has been applied and the right is a dwelling to which the works have been undertaken.

The streets contain mainly semi detached properties and many are brick finished. Photographic images of the area can be viewed in Appendix 2.



The proposal covers a number of dwellings, which are shown on the map below.



Background

Similar schemes for wall render have been approved within the Borough and a small number of private houses on the estate have already has similar works undertaken.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Quality of Development), NW11 (Renewable Energy and Energy Efficiency) and NW12 (Development Considerations)

Saved Policies of the Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design) and ENV10 (Energy Generation and Energy Conservation)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The National Planning Policy Guidance 2014

Supplementary Planning Guidance: - A Guide for the Design of Householder Developments – Adopted September 2003

Observations

There is no objection in principle to the proposal.

The proposal will reduce energy consumption, which is in accordance with the thrust of the Council's adopted Core Strategy and in particular policies NW1 and NW11. The saved local plan also encourages energy conservation. The proposal is consistent with the principles and guidance set out in national planning guidance to reduce the carbon footprint of a dwelling.

It is considered that the proposal will not lead to any additional openings or significant increase in footprint. Also no additional openings are proposed. The insulation will be around 90mm thick, however this is not considered to impact upon privacy or amenity.

The dwellings have a facing brick externally. Whilst the scheme will result in a change to the exterior of the street with brick and a render finish, it is considered it would not look out of place and the proposed materials are acceptable. The balance is between retaining the external appearance of the dwelling and energy conservation. The balance in the decision is considered to fall onto the side of energy conservation.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the drawings numbered WS1 Solid-14-01-Basebead; WS1 Solid-14-02-Full systemstopbead; WS1 Solid-14-03-windowreveal; WS1 Solid-14-04-copingdetail; WS1 Solid-14-05-beasebeadbelowground; WS1 Solid-14-06-bricktermination; WS1 Solid-14-07-cornerdetail; WS1 Solid-14-08-windowhead; WS1 Solid-14-09-internalcornercladding; WS1 Solid-14-10-fasteningsolution; WS1 Solid-14-11-windowcill; WS1 Solid-14-12-firebreak; WS1 Solid-14-01-13-soffitdetail; WS1 Solid-14-14-surfaceexpansionbeam; WS1 Solid-14-uninsulatedreveal; and to the Site location plan received by the Local Planning Authority on 26 July 2016.

REASON

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

3. The silicone render finish shall be brick effect render and textured render SC75 (sps envirowall) The finished render colour shall be maintained.

REASON

In the interests of the amenities of the area and the building concerned.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre application discussions and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

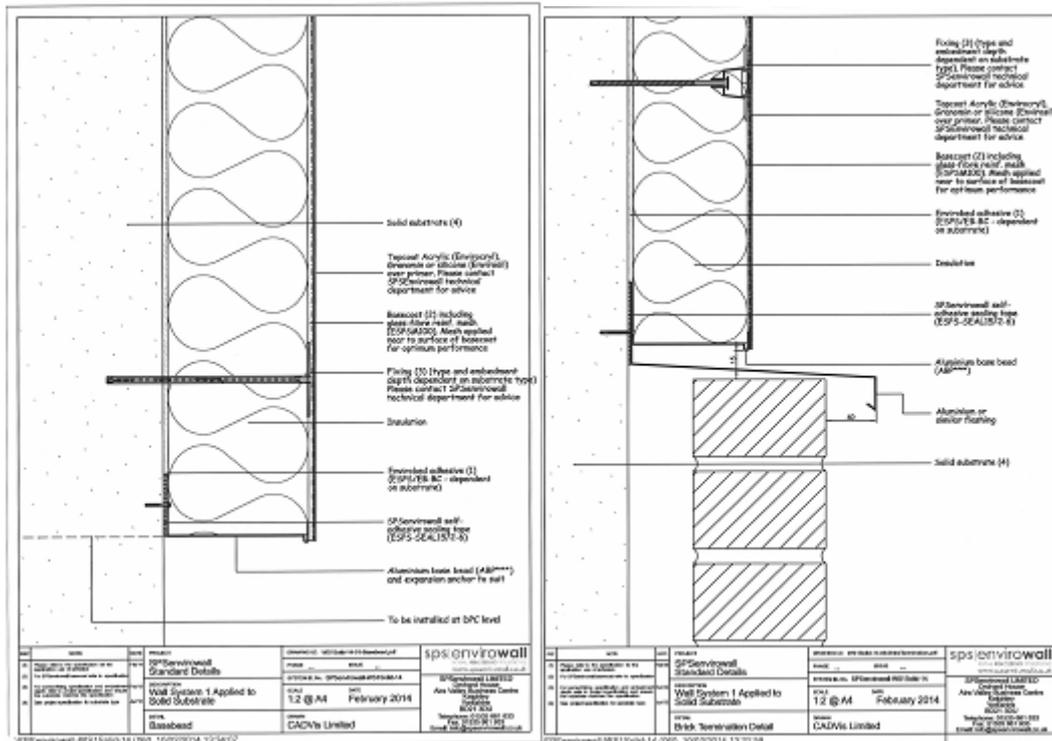
Planning Application No: PAP/2016/0433

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/07/2016

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

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

Appendix 1 – Plans and photo of render samples.





Appendix B - photographs





(14) Application No: PAP/2016/0440

Cole End Park, Lichfield Road, Coleshill,

Various works to trees in Conservation Area, for

Mrs J Douglas - North Warwickshire Borough Council

Introduction

The proposal by the Council's Leisure Services is for proposed works to the trees at Cole End Park. The application is brought to the Planning and Development Board under the Council's Scheme of Delegation.

The Site

The site is a public park that lies within the Coleshill Conservation Area and is designated as a Green Space within the town on Coleshill. The park follows the River Cole and lies to the south of the town centre, bounded by Lichfield Road, Station Road, Chestnut Walk, Old Mill Road, Chestnut Grove and the A446. The High Street passes through the park and divides the Green Space into two parts.

The Proposal

The proposal comprises various works to 94 trees in the Conservation Area and designated Green Space. The schedule of works was prepared by Warwickshire County Council's Forestry Officer.

Other Relevant Material Considerations

The National Planning Policy Framework (the "NPPF")

Representations

Coleshill Town Council – No objection.

A neighbour comments as follows:

"Looks very thorough but I would also urge NWBC to remove the shrubs that hide our magnificent medieval bridge and stone arches. These miserable shrubs are nothing more than a litter trap and do nothing to celebrate our bridge. I read that WCC is planning much needed work on the bridge approaches, so let us see the BC doing its bit."

Although no further comments were received from other neighbours, local Members have reported that several of the residents in Chestnut Grove are concerned about the height and condition of the trees that are located behind their properties.

Observations

The schedule of works to the identified trees has been undertaken by a properly qualified forestry officer whom the Council consults on proposed works to protected trees or trees within any of the Council's conservation areas.

The nature of the works varies between crown lift, crown reduction, crown cleaning, pruning, pollarding or re-pollarding, felling and removal depending on the needs of the specific tree. Each tree has been examined by a specialist and the necessary works have been specified and prioritised. There is no reason to believe that any additional works are necessary.

There are a few scattered trees that are protected by a tree preservation order within the area of the proposed works, however no works are proposed to these specific trees.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, tree location plan and schedule of works, received by the Local Planning Authority on and the 29 July 2016.

REASON

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

3. The work shall be carried out by a competent Tree Surgeon.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the tree.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of the works that no part of the tree or the workers or equipment will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning

permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. The applicant is advised that the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
3. Wildlife and Countryside Act 1981. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0440

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/7/16
2	Coleshill Town Council	Consultation	4/8/16
3	Neighbour	Consultation	5/8/16

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.

(15) Application No: PAP/2016/0449

Oak Tree House, 49 Main Road, Austrey, CV9 3EH

Works to tree protected by a Tree Preservation Order, for

Mrs J Price

Introduction

The application is for works to an Oak tree protected by a tree preservation order, and is brought before the Planning and Development Board as required by the Council's Scheme of Delegation, as the tree is located on property owned by a member of the Council's staff.

The Site

The tree is located within the development boundary to the front of the property known as Oak Tree House, Main Road, Austrey. It is protected by the tree preservation order reference 713.007/2.

The Proposal

Works to oak tree are to reduce the crown by 1.5 - 2 metres; to ensure that that the building is clear of branches by 2 metres and to crown clean, meaning any crossing, rubbing and damaged branches are removed.

Other Relevant Material Considerations

National Planning Policy Framework – (the "NPPF").

Consultations

Warwickshire County Council (Forestry Officer) – No objection

Observations

The Oak tree has a very wide spreading canopy and its 1.5 – 2 metres reduction will help to invigorate growth for a better long term health of the tree, with a slightly smaller spread reducing the risk of long branches falling and damaging the appearance of the tree.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the tree report numbered TPOA210, received by the Local Planning Authority on 03 August 2016.

REASON

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

3. The work shall be carried out by a competent Tree Surgeon.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the tree.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of the works that no part of the tree or the workers or equipment will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. The applicant is advised that the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
3. Wildlife and Countryside Act 1981. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of

such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0449

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/8/16
2	WCC Forestry Officer	Consultation response	5/8/16

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.