

Agenda Item No 4

Planning and Development Board

7 September 2015

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 October 2015 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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General Development Applications

(1) Application No: PAP/2013/0452

Land adjacent to Castle Close, Coventry Road, Fillongley,

Erection of 3 no: detached houses with associated drives, for

Bonds Hospital Estate Charity

Introduction

This item is referred to the Board at the discretion of the Head of Development Control

Background

Members will recall that planning permission was granted for the erection of three houses on this site in July last year. There was an accompanying Section 106 Agreement which involved a financial contribution of £75k being paid to the Council towards the provision of affordable housing in the Fillongley/Corley area, in lieu of such provision on site.

With the introduction of the Government's new guidance of November 2014 on affordable housing provision on small sites – less than ten units – the applicant requested the Council to reconsider the value of the above contribution. The argument was that no contribution should be sought, but that he would offer a contribution £15k in goodwill.

This matter was referred to the June 2015 meeting of this Board and it agreed because of the material change in circumstances. The report for that meeting is at Appendix A. The applicant was notified of this decision and he has submitted his signed copy of the Section 106 Agreement for completion. However before it is signed by the Council, officers have raised an issue.

Members were informed very recently that the Government's 2014 guidance had been found to be illegal and that it was withdrawn with immediate effect.

Without the Agreement for the £15k contribution not being completed prior to that High Court Decision and that now being a material planning consideration of substantial weight, the Board is asked to reconsider its June 2015 decision. It is recommended that the Section 106 Agreement here should revert to a value of £75k.

The applicant has been made aware of this situation and any reaction will be reported to the Board

Recommendation

That the applicant be informed that in light of the withdrawal of the Government's 2014 affordable housing guidance for small sites, the Council seeks the full value of the off-site contribution here as agreed in June 2014 – namely £75k.

General Development Applications

(1) Application No: PAPI/2013/0452

Land adjacent to Castle Close, Coventry Road, Fillongley,

Erection of 3 no: detached houses with associated garages and access drive, for

Bonds Hospital Estate Charity

Introduction

The application is brought before the Planning and Development Board as a Section 106 Agreement has been submitted as part of the application.

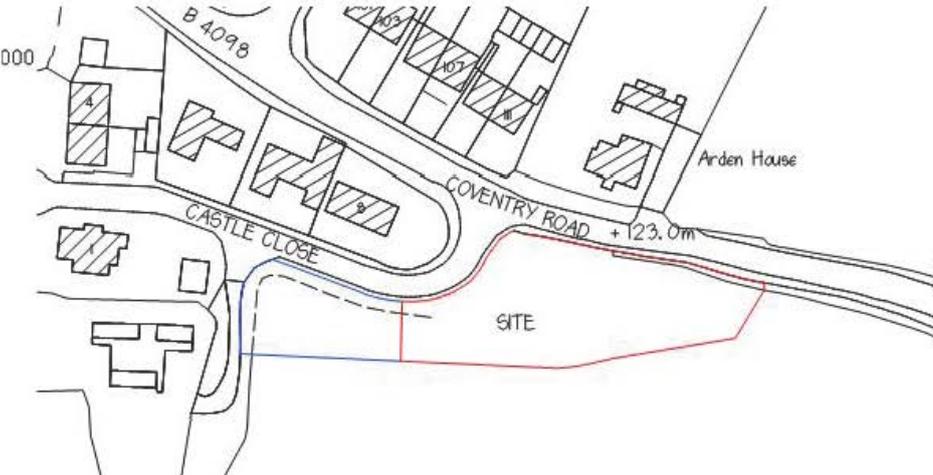
The Site

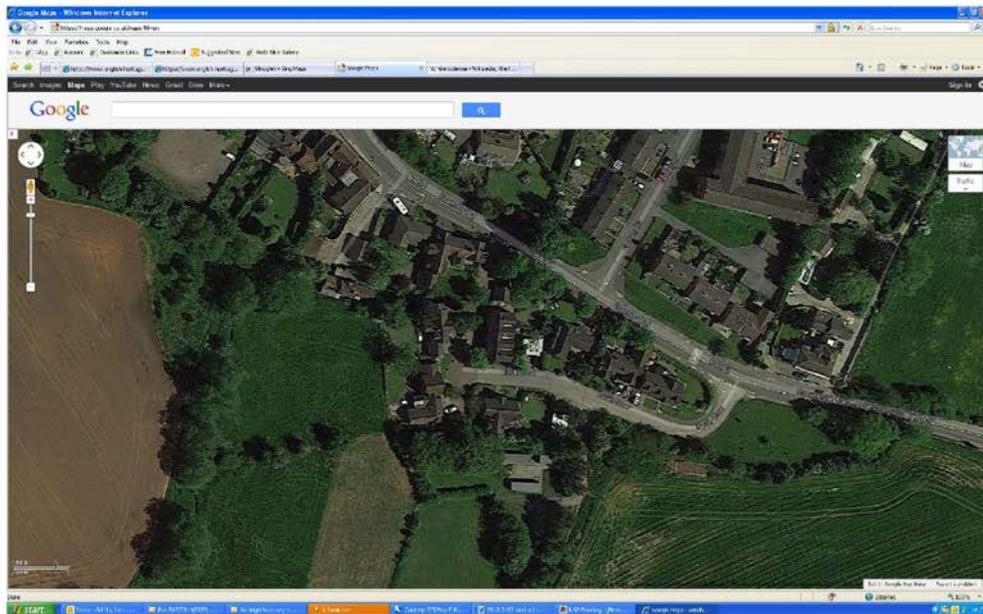
The site is land at the junction of Castle Close and Coventry Road, on the southern edge of Fillongley. It is presently amenity grassland, bounded on its northern boundary by a mature hedge. There is a mature Oak on the boundary with the Coventry Road which is the subject of a Tree Preservation Order. Along the southern boundary are seven young Norway Maple trees and three other broadleaf trees. There are also two mature Holly trees here.

The land is a narrow parcel with its widest part being at the junction of Castle Close and Coventry Road. It slopes up from Coventry Road and Castle Close with a height difference of about 2.5 metres.

To the rear of the site is an agricultural field, and an access drive which is also used to access a camping site for the Girl Guides off Castle Close. There are eight detached dwellings in Castle Close, which are rural in character and design, and date from the 1980's. Opposite Castle Close is Arden House and other 1960's/70's dwellings.

The general location is illustrated below.





Aerial photography taken from www.google.co.uk (15/4/14)

The Proposal

The proposal is for three detached market dwellings which are to be sited in the centre of the site. The design and appearance are basically similar, and they would share an access off Castle Close. The overall layout and appearance is illustrated at Appendix A

Background

The whole of the application site is within the development boundary for Fillongley as defined by the North Warwickshire Local Plan 2006. It is not therefore in the Green Belt.

The replacement Local Plan – the submitted Core Strategy – identifies a housing requirement of 30 dwellings for Fillongley.

The site is identified as one of the Preferred Options for delivering this requirement in the Site Allocations Document as agreed by the Council in April 2014 for further consultation. It is site "FIL4" capable of accommodating three dwellings.

The site is not within the Fillongley Conservation Area. However it is close to the Area's southern boundary. This is shown at Appendix B.

The land to the south west is within a Scheduled Ancient Monument Site and this too is illustrated at Appendix B.

The girl guides use the land to the rear of the site as a camping site. This dates from 1978. Planning permission for a replacement camping hut was granted in 2012.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 ("the Local Plan") - Core Policy 2 (Development Distribution), Core Policy 3 (Natural and historic Environment); Core Policy 5 (Development in Towns and Villages), ENV2 (Green Belt), ENV15 (Heritage Conservation); ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), HSG2 (Affordable Housing), HSG4 (Densities), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – ("NPPF")

The Council's Core Strategy Submission Version 2013: policies NW2 (Green Belt); NW3 (Housing Development), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency), NW11 (Natural and Historic Environment) and NW10 (Quality of Development).

The Council's Preferred Options for Site Allocations – Consultation Document April 2014

The Fillongley Conservation Area Designation Report - 1970

The North Warwickshire Landscape Character Assessment - 2010

Consultations

Environment Agency – The proposal will have low environmental risk.

Severn Trent Water Ltd – No objection subject to a standard condition.

Warwickshire County Council as Highway Authority – Originally submitted an objection on the grounds that the size of the garages and drives was not to the Authority's standard specification and that the design of the turning area needed amendment. It considered that these matters could lead to on-street parking in Castle Close. Amended plans have now been submitted in order to overcome these issues – the drives and turning areas have been made larger and all of the garages have been removed, replaced by parking areas as shown at Appendix A. The Highway Authority has yet to comment on this latest plan and its comments will be reported verbally at the meeting. This will also be the case in respect of local resident's comments on the latest layout.

Warwickshire Museum – No objection subject to its standard condition.

Warwickshire Tree Officer - No objection as the proposed development takes account of the root protection areas of the oak tree covered by an Order and the other boundary trees around the site. The removal of other trees along the southern boundary is considered to be reasonable.

Environmental Health Officer – No objection

Representations

Fillongley Parish Council – It objects to the proposal and refers to the following matters:

- The infill of this piece of land, albeit highlighted by the Site Allocations Document will change the character of the village. It will build on the small piece of proven amenity land that prevents the village from being “ribbon development”. The Parish Council has previously been told that NWBC is against this style of development within the Borough. Building on this land is contrary to the Councils own policy ENV5.
- When Castle Close was developed in the 1980's the last two homes (no's 7 and 8) were only allowed on appeal. The developer was told categorically that building on this plot would not be permitted. Further development is contrary to ENV 11 because of the loss of amenity.
- The land is immediately adjacent to the Conservation Area. The proposed development is for three standard properties. It appears that no consideration has been given to the unique nature of the site or to the style of buildings in the Conservation Area. The Council does not consider that the proposal meets the following Local Plan policies - Core Policy 4; Core Policy 11, ENV 12, (points i and ii), ENV 13 (point 1) and ENV 15 (points 2 and 5).
- The nearby Eastlang Road already suffers from car congestion. This proposal will create the same situation in Castle Close. There is also a Guides camp site at the rear of Castle Close. When the Camp Site is used, the road already becomes unmanageable as it is a cul-de-sac. The proposal is contrary to policies ENV 11 and ENV14.
- Prior to the site being “cleansed” for development there was a small spinney which created a wildlife “corridor”. The removal of the spinney area will undoubtedly affect wildlife movements detrimentally. Further development of the land into suburban gardens will also remove habitat from this wildlife-rich area. This is contrary to Local Plan Core Policy 3 and policy ENV 3.
- The Borough Council will be aware of the problems that Fillongley already has with flooding and sewage flooding. It should be noted that there are three issues regarding this:
 - a) The storm water/road drains from Castle Close will mix with the sewage waste. When flooding has occurred, some properties in Castle Close get flooded with a mixture of flood water and raw sewage. Any additional surface run off from paved areas will add to this.
 - b) Currently the centre of the village suffers from flooding on a regular basis. Rain water flows down Coventry Road into the centre of the village. Additional hard surfaces will add to the run-off (as will removal of trees because the roots that previously held the soil together and absorbed some of the water are no longer there).
 - c) There is also a problem in that the sewers, travelling down from above Castle Close to the centre of the village block regularly causing a backlog of sewage inside some properties. The Parish Council think that it would be folly to increase the number of houses linking in to the currently overloaded system.

- The Parish is currently working on an emerging Neighbourhood Plan. The initial scoping survey within the Parish showed that there was strong support from the Parish for keeping green areas green. The Parish Council is supporting a development of brown-field land elsewhere in the parish. This will be the subject of a Neighbourhood Development Order. It could provide for the full 30 dwellings as set out in the Core Strategy.

Twelve letters of objection have been received from local residents. These cover many of the matters raised above by the Parish Council, expanding on some in detail. Other matters included in the letters are:

- The land ownership plans are questioned.
- There is no detail on landscaping proposals or retaining walls and banking
- What will the ecological impact be and is this covered adequately in the accompanying documentation?
- What impact will there be on the Protected tree, and its root area needs proper protection?
- The site has important flora and fauna value (in particular dandelions which are important for bee retention and amphibians)
- The design will dominate the street scene – the dwellings will be at a higher level than those in Castle Close
- More detail is needed for the open areas to be left
- Retaining walls will affect land drainage
- There will be an impact on the setting of Arden House – built in 1760.
- There will be an impact on the original Castle Farm; its historic farmstead setting and the early history of sandstone exploitation in the area linked to the adjacent ancient monument. The application site may well have been an associated orchard.

The George Elliot Fellowship has written saying that there are local and personal connections to George Eliot as she spent much time at the neighbouring Castle Farm. Its environs should be retained and not be compromised by this development.

Two letters of support have been received.

Observations

Prior to commencing this section of the report, it is useful to provide a selection of photographs of the site and its surroundings.





a) Introduction

This application has generated a significant number of issues, and all of these will need to be addressed in the determination of this case. That will rest on balancing the relevant saved policies of the Local Plan with those of the Council's emerging Core Strategy and the content of the NPPF. The first part of this section will look at the matter of principle and then detailed matters will be followed through in later sections.

Members will be aware from previous cases reported to the Board and from recent appeal cases that the matter of principle rests on the weight to be given to the policies in the respective documents referred to above. In order to assist here, Members will know that the housing policies of the Local Plan are out of date and thus carry no weight. Those in the emerging Core Strategy carry more weight as they are based on very recent evidence of housing need and that that evidence has recently been the subject of objective assessment at the Examination in Public. However as that Strategy has not yet been adopted, the policies of the NPPF will still carry the greater weight in respect of housing issues.

With this background the matter of principle can be assessed.

b) The Local Plan - New Housing

This application site is not in the Green Belt. Indeed it is wholly within the development boundary for Fillongley as defined by the Local Plan. As such and in line with the policies of that Plan, there is no objection in principle to the residential development of this site.

c) The Submitted Core Strategy – New Housing

The submitted version of the Core Strategy does not alter the green belt boundary around Fillongley. The application site thus remains within the development boundary shown for the village in this document. Indeed in this case, the village is identified for further housing development for a minimum of 30 dwellings. As such there is no objection in principle to this current proposal.

The Council has also published its Preferred Options for Site Allocations illustrating how these 30 dwellings might be accommodated in Fillongley. The application site is identified as a preferred allocation for three houses. The Council has recently endorsed this preferred option in its latest consultation which will be published shortly. This therefore reinforces support in principle.

d) The “NPPF” – New Housing

The essence of the NPPF in respect of its approach to new housing is that Local Planning Authorities are required to “significantly boost” new housing developments. They should do this through their Core Strategies by allocating land, and secondly through the grant of planning permissions. The Borough Council has done the former through its submitted Core Strategy and the Preferred Options document. However as indicated in the introduction these do not yet carry full weight. In these circumstances the NPPF requires the grant of planning permissions if the development the subject of a planning application is “sustainable” and that it assists in meeting the Authority's five year housing supply. In this case, the development is sustainable in principle as the site

is within and has been consistently within the defined development boundary for Fillongley. Secondly, the Council does not have a five year housing supply. As a consequence there is no objection in principle under the NPPF to this development.

e) The Matter of Principle

Having gone through each of the three background policy considerations here, then it becomes very clear that there is support for this development in principle from all of the respective planning policy documents. Members are therefore strongly recommended to adopt this conclusion.

As a consequence the determination of this application will rest on detailed matters. The approach to be taken in this respect is that set out in the NPPF. The Board will have to assess whether there are "significant and demonstrably adverse impacts" which outweigh the support in principle for this proposal. In doing so, Members are advised that there should be evidence to support a "significant and demonstrably" adverse impact if it is to carry weight.

There are clearly a number of matters here which need to be assessed as suggested by the content of the objections received. However there are two matters which need to be dealt with first - those of alternative sites and the provision of affordable housing.

f) Other Sites

The Parish Council and others refer to the prospect of an alternative site being brought forward to meet the Core Strategy housing requirement for thirty dwellings in Fillongley. As always Members are asked to treat the current application on its own merits. In this case, then the Parish Council's prospective Neighbourhood Development Order is just that – prospective. It carries no weight. Additionally that site is in the Green Belt and there is still an argument that is to be resolved as to whether its development would conflict with the emerging Core Strategy or not, and whether the site is in a sustainable location. As such Members are asked to give no weight to a potential reason for refusal based on the prospect of an alternative housing site coming forward.

g) Affordable Housing

The Local Plan requires all new housing in Fillongley to be "affordable". The emerging Core Strategy requires a far more flexible approach to affordable provision subject to the viability of each individual housing scheme in line with the approach of the NPPF. In balancing these approaches, it is considered that the balance lies with the NPPF and the emerging Core Strategy. As a consequence in this case, an off-site affordable housing contribution of £75k is offered. It is considered that this is reasonable in this case.

It is now proposed to assess those detailed matters which might give rise to significant and demonstrable adverse impacts.

h) Neighbour Amenity

Saved policy ENV11 of the Local Plan says that development should not be permitted if neighbouring occupiers would suffer significant loss of amenity including amongst other things, overlooking, loss of privacy or disturbance such as traffic. The NPPF has as one of its core planning principles that new development should have a good standard of

amenity for all existing and future occupants of land and buildings. It is considered that saved policy ENV11 accords with the NPPF and thus that it should carry full weight. It could therefore be cited as a potential reason for refusal if there was a "significant and demonstrably" adverse amenity impact.

It is not denied that there will be an impact here as new development would appear where none exists presently. However it is not considered that this would be so significant or demonstrably adverse to warrant a reason for refusal. Arden House would be the closest house overlooking the site and would have a separation distance of some 21 metres to the closest new front elevation. Members will be aware that the Council has no adopted guidance on separation distances but it has consistently used a figure of 21 or 22 metres in its decision making – consistent with other neighbouring Authorities. Given that there is a road in between the two sites and that there will be partial screening by retained trees and landscaping, this distance is considered to be reasonable. The same considerations would apply to the neighbouring property to Arden House – namely 111 Coventry Road which would be some 30 metres distant. The closest property in Castle Close is number 8 and its side gable would face the side gable of the new house on plot three – a distance of 22 metres. There are no windows in the side gable of the nearest of the proposed houses which would overlook number 8 and the front windows would be at an oblique angle. There is however a first floor window in the side gable of number 8. It is agreed that the new house would be at a higher level than number 8 – by a metre to a metre and a half - but that is not considered to be so adverse as to warrant the new house being "domineering" or overly "prominent". Given also that the vehicular access to the three proposed houses is located before the drive to number 8 is reached in Castle Close and that the property backs onto the main road, it is not considered that there would be a demonstrable adverse impact upon the residential amenity of the occupier to number 8.

In conclusion it is not considered that a reason for refusal based on potential adverse impacts on neighbouring residential amenity could be evidenced.

i) Land Ownership

The application site boundary has been amended as a consequence of the representations received. However Members will be aware that this is not a material planning consideration and should a planning permission be granted then the resolution of any ownership issue is a private matter between the parties. However a note can be added to any Notice referring to the Party Wall Act and to ownership concerns.

j) Drainage

Saved policy ENV8 of the Local Plan requires that water resources are safeguarded and enhanced, by ensuring that new development has a satisfactory surface and foul water drainage system and that aquifers are protected. The NPPF requires the determination of planning applications to be made such that flood risk is not increased elsewhere. It is considered that ENV8 accords with the NPPF and thus that it would carry full weight in the event of evidence to demonstrably show adverse impacts arising from a development proposal. That is not considered to be the case here. Surface water from the proposal will be disposed of through a combination of sustainable drainage measures including rainwater harvesting; soak-aways and permeable drive way materials. It is material that Severn Trent Water Ltd has not objected. Severn Trent Water has also confirmed that there is sufficient capacity in the main foul drainage

system to accommodate the new development. The Environment Agency has not objected on the grounds of potential impact on the aquifer.

The condition requested by Severn Trent Water would “reserve” the detailed design of all of these measures to be approved prior to construction. This is the appropriate way forward.

k) Wildlife including Trees

Saved Core Policy 3 of the Local Plan seeks to protect and enhance bio-diversity and this is supplemented by saved policy ENV3 which refers to designated nature conservation and wildlife sites, and saved policy ENV4 which seeks to retain, trees, woodlands and hedgerows. The NPPF seeks as one of its core planning principles to conserve and enhance the natural environment by refusing development that would cause significant harm and to ensure that there is bio-diversity enhancement in a development proposal. It is thus considered that the saved Local Plan policies accord with the NPPF and as such could be cited in refusal reasons if there was evidence that the proposals would cause significant and demonstrable harm.

The application site is not itself or does it adjoin any local, national or regionally designated or potentially designated wildlife site. There is one tree covered by an Order, but as the whole of the site is outside of the Conservation Area there is no protection for any other tree on the site or around its boundary. The bat survey submitted with the application found no evidence of bat roosts. The County Council's Forestry Officer has responded by saying that the development would not impact on the root system of the protected tree or other notable trees. As a consequence, any reason for refusal here would have to be based on evidence of a significant adverse ecological impact. It is noteworthy that this site is a preferred option in the Council's consultation on site allocations, and as such has already not attracted objection from the ecology assessments undertaken during the process of identifying the preferred option sites.

The development will change the ecology of the site. That will involve the lowering of levels; the introduction of a retaining wall and bank together with the loss of trees in the southern boundary. The issue is whether this will cause demonstrable harm to the bio-diversity of the area. It is considered that it would not be of this extent.

l) Landscape

Saved policy ENV1 of the Local Plan says that development that would not protect or enhance the intrinsic qualities of the existing landscape should not be supported. Saved policy ENV5 seeks to retain open space but only if identified on the Proposals Map and following an Open Spaces audit. The NPPF has a similar objective to that of ENV1 as one of its core planning policies. It is thus considered that the saved policy would carry full weight if it was to be cited as a reason for refusal.

The North Warwickshire Landscape Character Assessment includes the whole of Fillongley within the “Arden Hills and Valleys” zone. The main characteristics of the area are described as being elevated farmland with low rounded hills, steep scarps and small incised valleys. Hilltop woodlands and tree cover create an intricate and small scale character punctuated by scattered farms and hamlets. It is not considered that this proposal would materially affect or lessen the description so set out. This is because of its small size; the pronounced fall in level from the southern boundary towards the road so containing the site visually within the village, the visual connection with Castle Close

rather than open agricultural land, and that the development would not materially extend the built up area of Fillongley or alter its overall compact boundary. Moreover, contrary to the Parish Council's view, the site itself is not identified in the Local Plan as an ENV5 site and the Borough wide audit undertaken does not alter this position. Perhaps of more weight is the representation that the development would extend ribbon development in the village. This is correct as a new frontage development would be created. The counter argument is however substantial. This site is within the defined development boundary for both the Local Plan and the emerging Core Strategy, within a settlement considered to be sustainable and where new housing should take place. It is not in the Green Belt and neither is it recognised in the Local Plan as a protected ENV5 Open Space. Given the conclusion above on the principle of development, the fact is that this was always a site which was seen to be a potential development site. That this would be through a frontage development was accepted.

m) Highways

Saved policy ENV14 of the Local Plan requires all new development to have safe vehicular access and that the local highway network has the capacity to accommodate any increase in traffic generated. The NPPF requires the safe and suitable access. As such the saved policy would carry full weight should it be cited as a reason for refusal. Saved Policy TPT6 of the Local Plan requires parking provision in line with a set of standards to be treated as maximum provision. The NPPF suggests that standards can be set provided they reflect a number of factors. The saved policy TPT6 is not fully in accord with the NPPF and thus should be treated with caution if to be cited as a reason for refusal.

The Highway Authority originally objected to the proposal on the grounds that there was insufficient turning space; the sizes of the drives were not to a standard specification and that there was a potential car parking issue given that the garages were of minimum dimensions. Amended plans have been submitted which are considered to address all of these matters, but the formal view of the County Council is still awaited. The drives and turning areas are considered to meet current highway standards and no garages are now proposed.

Picking up on the parking issue which was the underlying issue with the County Council's original objection, then the site is in a sustainable location where there is a shop, a school and public transport connections. The proposed parking provision is for two spaces per dwelling exactly in line with the standards set out by this Council in its saved policy TPT6. It is not considered that there is any scope here for a reason for refusal.

One of the issues raised by objectors was the obstruction caused in Castle Close by the use of the land to the rear by the Guides. That permission was conditioned because of this likelihood and as such there may well be cause to investigate compliance with the relevant parking conditions. Additionally the Police can deal with illegal parking.

Given all of these matters it is not considered that there is scope here for a refusal reason.

n) Urban Design

Saved policies ENV12 and ENV13 require new development to be well related to both the immediate setting and the wider surroundings so as to provide an attractive appearance. The NPPF also requires good quality design from new developments. As such these two saved policies carry full weight and could be used in any refusal reason.

The site is not in the village's Conservation Area and neither is there any adopted design guidance for Fillongley and hence any refusal reason here would have to be based on a very poor design clearly out of keeping with its surroundings. This is not the case here. The materials to be used are brick and tile; chimneys have been added, the fenestration includes curved lintols and there are bay windows and covered canopies, all features which the Board has requested elsewhere throughout the Borough. The site is visually and physically separated from the earlier existing development in Castle Close and thus a different approach can reasonably be taken here. Indeed there is also a variety of different house types opposite the site. As a consequence there is not the scope here for a refusal reason.

o) Heritage Interests

The site is not within the Conservation Area but its western edge does come close to it. As such saved policy ENV15 says that new development which would have a harmful effect on the character, appearance or setting of the Area or views into or out of it will not be permitted. The NPPF contains very similar wording and thus it is considered that the saved policy would carry full weight should there be evidence to support a refusal here. The plan showing the extent of the Area in relation to the application site is at Appendix B.

The designation report for the Fillongley Conservation Area describes the development of the village as a compact settlement clustered around the junctions of Ousterne Lane and Church Lane with Coventry Road, where there is a marked hollow and stream. To the south Castle Farm is mentioned as being significant overlooking the stream. The Church is mentioned to the north. The report says that the attractiveness of the Area is due to the use of one brick type and tile. The closest development to the site is the former Castle Farm which has now been developed through new build and conversions to form the present day Castle Close. It is not considered that the current proposal would affect the character or appearance of the Conservation Area as described above due to the site not being within or close to the centre of the village, and that it is visually and physically separated from the former Castle Farm.

Other heritage interests cited in the representations include the impact on the setting of Arden House referred to earlier. This is not a Listed Building but its setting has already been compromised by the adjoining more modern development in Coventry Road. Even with the proposed development there would be sufficient open space around it for it to retain a "presence".

Representations have indicated that the site historically was almost certain to be part of the former Castle Farm farmstead probably as a former orchard, and that the former farmstead has been recognised by English Heritage. As referred to above, the site is not in the Conservation Area and has no designated heritage identification. It is separated from the former farm house, whose character and setting has already been materially altered by recent new development in Castle Close. As an identified preferred

location it too has not attracted objection from the heritage assessments undertaken prior to the identification of these options. Moreover the Warwickshire Museum has not objected to the current application. A similar response would be appropriate to the site being a possible former sandstone quarry.

The link with the George Elliot family is noteworthy, but the development of this site would not diminish that historic record and the whole of the former farmstead buildings have now been removed, redeveloped and converted. There is no planning reason for refusal here.

p) Conclusions

There is no objection in principle to this proposal as its development is supported by all three relevant planning policy documents. Given this conclusion any refusal would involve detailed matters and a wide range of potential issues have been identified in the representations received. However if these are to carry any weight to override the presumption in favour of development they would have to result in significant and demonstrable adverse impacts supported by robust evidence. The various Agencies involved have not raised objections and whilst there will be impacts these are not so substantial to warrant a refusal.

Recommendation

That subject to the completion of a Section 106 Agreement to provide an off-site contribution for affordable housing as set out in this report, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers – 282/5B and 2A received on 26/4/14; plan 282/4A received on 11/4/14 and plan number 282/3G received on 4/6/14.

Pre-commencement Conditions

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

REASON

In view of the potential archaeological interest in the site

4. No development shall commence on site until details of the means to dispose of both foul and surface water from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In order to reduce the risk of flooding and pollution

5. No development shall commence on site until such time as full details of the landscaping for the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site until such time as full details of the measures that are to be provided on site to protect the root system of the protected tree have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site and these shall remain in place until such time as works have been completed.

REASON

In the interests of ensuring the longevity of the protected tree.

7. No development shall commence on site until such time as full details of the proposed retaining wall at the rear of the plots including levels, cross-sections, construction and associated land drainage have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area and to reduce the risk of flooding

8. No development shall commence on site until such time as details of all facing materials and tiling together with all ground surface treatments have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on the site.

REASON

In the interests of the visual amenities of the area.

Pre-Occupation Conditions

9. None of the three dwellings hereby approved shall be occupied until such time as the details approved under conditions (iv), (v) and (vii) have all been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure a satisfactory development

On-going Conditions

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or as may be subsequently amended, no development within Class E of Part One of Schedule 2 to that Order shall take place without the written approval of the Local Planning Authority.

REASON

In the interests of highway safety so as to reduce the risk of on-street car parking through ensuring that garages are suitably sized.

11. Two car parking spaces shall be provided and maintained within the curtilage of each of the three plots hereby approved at all times.

REASON

In order to reduce the potential for on-street car parking.

Together with any conditions requested by the Highway Authority

Notes

The Local Planning Authority has worked positively with the applicant in this case to address planning issues through seeking amended plans in order to meet responses from consultation agencies thus meeting the requirements of the NPPF.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0452

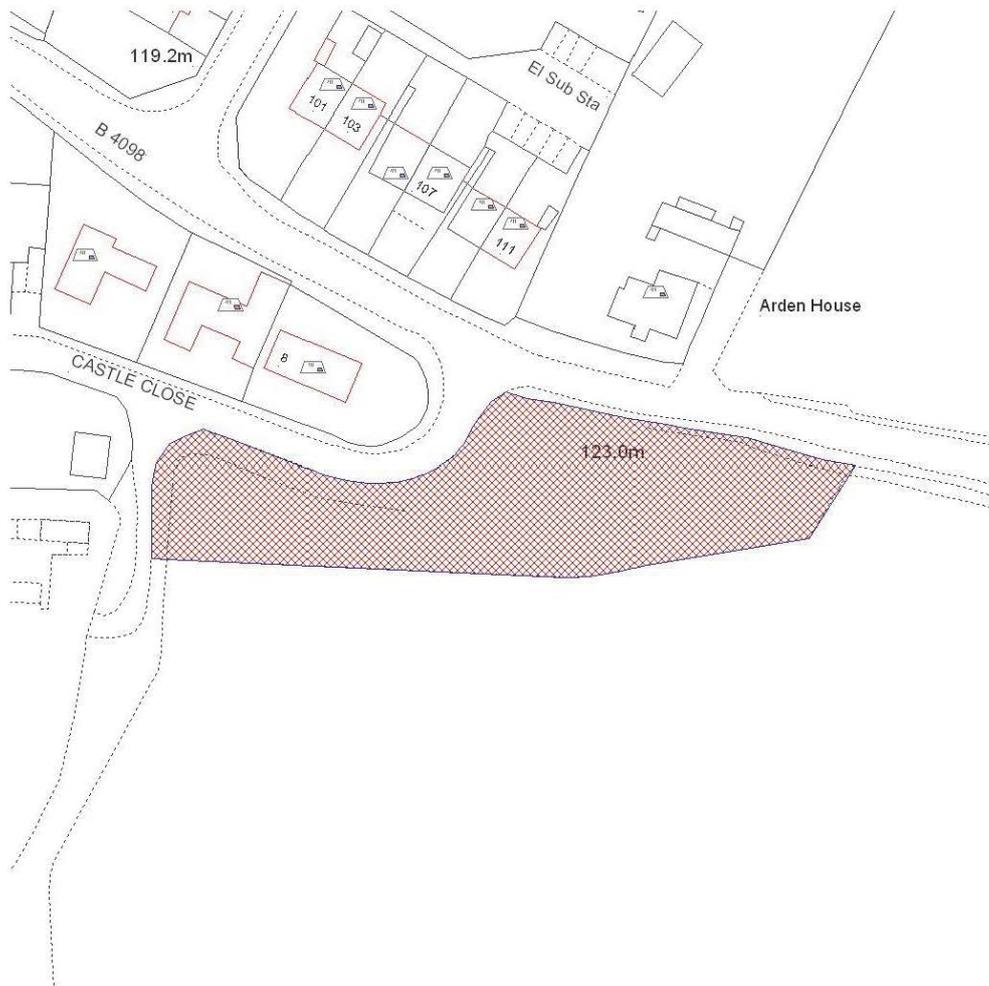
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/9/13
2	Case Officer	e-mail	6/3/14
3	Environment Agency	Consultation	6/3/14
4	Environmental Health Officer	Consultation	6/3/14
5	Case Officer	Letter	7/3/14
6	Dr Stokes	Support	9/3/14
7	J Roberts	Objection	10/3/14
8	Case Officer	Letter	12/3/14
9	Case Officer	e-mail	13/3/14
10	S Martin	Objection	12/3/14
11	Case Officer	e-mail	13/3/14
12	Case Officer	Letter	12/3/14
13	Case Officer	Letter	11/3/14
14	P Mahoney	Support	18/3/14
15	Case Officer	e-mail	21/3/14
16	Applicant	Letter	19/3/14
17	Forward Planning	No objection	21/3/14
18	Case Officer	e-mail	24/3/14
19	Case Officer	'phone call	26/3/14
20	Applicant	e-mail	26/3/14
21	Applicant	e-mail	26/3/14
22	WCC Forestry	Consultation	20/3/14
23	D Whiteford	Objection	21/3/14
24	J Roberts	Objection	24/3/14
25	Mr and Mrs Chinn	Objection	25/3/14
26	G Purchase	Objection	
27	Mr and Mrs Sanders	Objection	25/3/14
28	L Moore	Objection	23/3/14
29	Case Officer	e-mail	26/3/14
30	Severn Trent Water Ltd	Consultation	18/3/14
31	Forward Planning	No objection	31/3/14
32	G Jones	Objection	29/3/14
33	Fillongley Parish Council	Objection	25/3/14
34	Case Officer	E-mail	31/3/14
35	L Moore	Objection	30/3/14
36	D Whiteford	Objection	1/4/14
37	Mr and Mrs Hammond	Objection	31/3/14
38	Case Officer	E-mail	1/4/14
39	Applicant	Letter	7/4/14
40	J Roberts	Objection	4/4/14

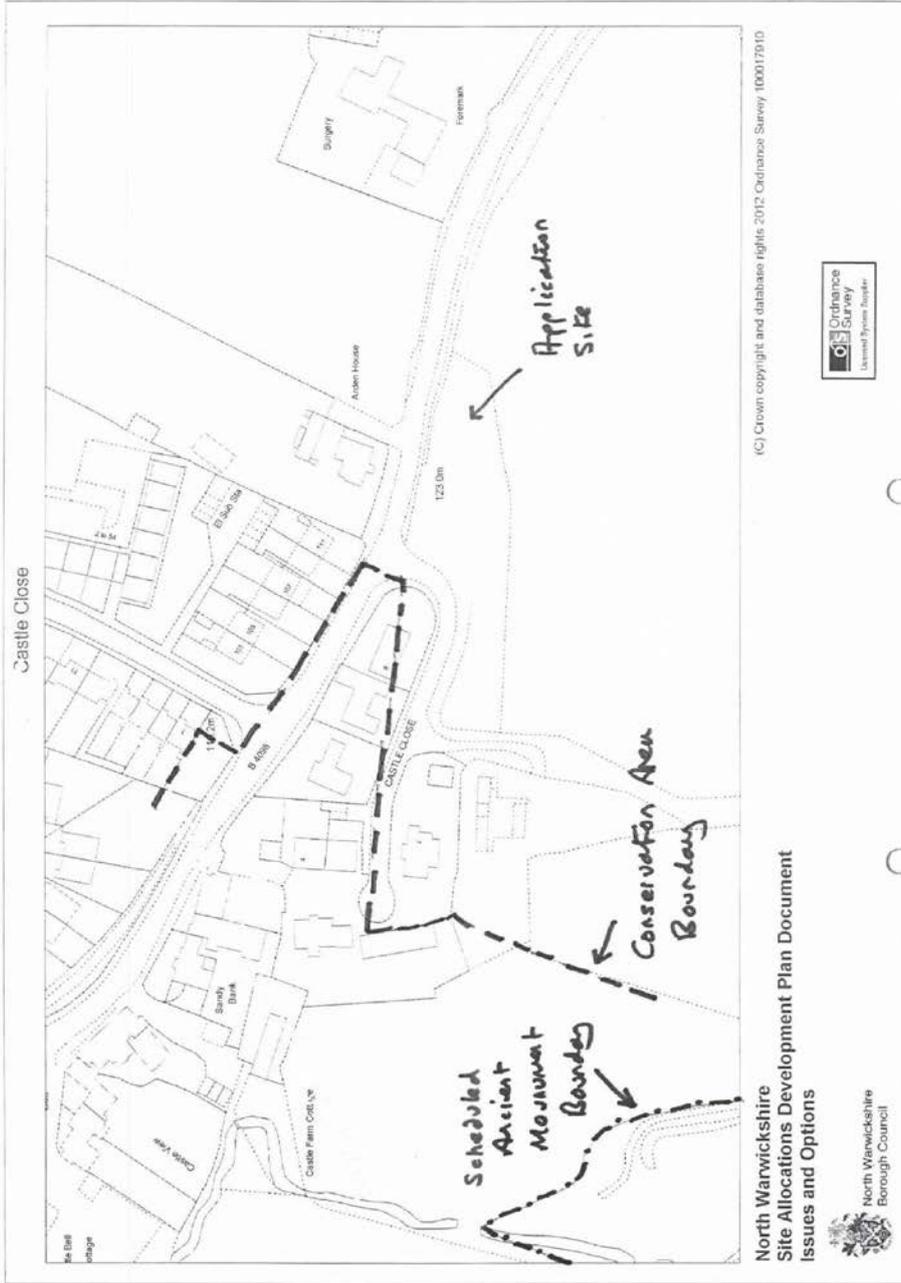
4/19

41	L Gill	Representation	4/4/14
42	WCC Highways	Objection	9/4/14
43	Case Officer	E-mail	10/4/14
44	Applicant	E-mail	11/4/14
45	Case Officer	E-mail	11/4/14
46	Case Officer	E-mail	11/4/14
47	Case Officer	E-mail	11/4/14
48	S Martin	E-mail	11/4/14
49	George Eliot Fellowship	Objection	14/4/14
50	Severn Trent Water	Consultation	9/4/14
51	J Roberts	Representation	15/4/14
52	S Martin	E-mail	11/4/14
53	West Midlands Farmsteads	Report	
54	Mr and Mrs Sanders	Objection	13/4/14
55	Case Officer	E-mail	16/4/14
56	Applicant	E-mail	16/4/14
57	S Martin	Objection	16/4/14
58	Case Officer	E-mail	17/4/14
59	George Eliot Fellowship	Objection	16/4/14
60	Applicant	E-mail	16/4/14
61	P Telfer	Objection	28/4/14
62	Applicant	E-mail	28/4/14
63	S Martin	E-mail	28/4/14
64	WCC Highways	Objection	25/4/14
65	G Billington	Objection	26/4/14
66	Fillongley Parish Council	Objection	24/4/14
67	L Moore	Objection	20/4/14
68	S Maxey	E-mail	16/5/14
69	Applicant	E-mail	9/5/14
70	Applicant	E-mail	28/5/14
71	WCC Highways	Objection	27/5/14
72	Case Officer	E-mail	29/5/14
73	Warwickshire Museum	Consultation	2/6/14
74	Warwickshire County Council	Consultation	4/6/14

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 Assessment





(2) Application No: PAP/2014/0339

Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS

Outline planning application (with all matters reserved for subsequent approval other than access) for the redevelopment of the site for employment purposes comprising of: up to 265,345 sq. ft. (24,652 sq.m.) of built floor space used for B2 (General Industry) development and/or a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials; ancillary open storage areas, associated car parking, service yards, gantry crane, infrastructure and utilities, retention and use of existing infrastructure including existing rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure system for

Harworth Estates

Introduction

The original application submitted on the former colliery site here has already been the subject of one earlier amendment and a second amendment has now been submitted. This is reported at this time for information. A determination report will be prepared for a later Board meeting once all of the responses have been received from the relevant Agencies and from the local community.

Members will however be aware of the receipt of an objection from the Warwickshire County Council as Highway Authority which came in just before preparation of this report. This will be referred to below.

It is not proposed to repeat the content of earlier reports here but just to outline and describe the latest amendment – particularly drawing attention to the differences between this and the earlier proposals. An up to date position on the Development Plan will however be included.

The further amended proposals still amount to development that is covered by the 2009 Direction and thus referral to the Secretary of State would be needed if the Council is minded to support the proposals. The Council is however free to refuse planning permission without referral.

Summary

The original proposals submitted last year comprised 70,000 square metres of B1, B2 and B8 uses on the site with the potential for rail served accommodation.

An amended set of proposals was submitted later in 2014 responding to on-going concerns about the highway and traffic impacts particularly from the proposed B8 use. This amendment comprised 52,400 square metres of B1 and B2 uses again retaining the potential for rail served accommodation.

With the traffic impacts of that amendment still causing some concern, the applicant has further reduced the amount of development proposed to around 25,000 square metres

of B2 industrial floor-space. Additionally the description as set out above includes the provision of rail distribution depot. This is now the scope of this second amendment.

The applicant has submitted an illustrative Master Plan which shows how this description might potentially translate onto the site – see Appendix A. As can be seen, because of the smaller amount of B2 use, this also allows space for the potential of a rail served B2 use.

The applicant has taken the “worst – case” scenario in terms of traffic generation from such a proposal for the purposes of the accompanying Traffic Assessment. This is based on a non-rail served B2 occupier and the rail distribution depot. In these circumstances he says that, based on a 24 hour operation – again worst-case – that there would be some 54 two way daily HGV movements and that in the morning peak hour there would be 334 vehicle movements in the hour.

He also calculates that based on generic B2 occupiers for the whole site, up to 680 jobs could be provided.

Based on these worst case traffic figures, the applicant is proposing off-site highway improvements. These are:

- Traffic lights at the Fillongley and Furnace End crossroads
- A change in priority at the Nuneaton Road/ Tamworth Road junction and
- Changed priorities at the Green Man crossroads and to Church Hill in Coleshill

These will be described in more detail later in this report.

In terms of this outline description, the applicant says that when compared with the scope of this original submission there would a 66% reduction in overall floor space; a potential 52% reduction in daily HGV movements and a 55% reduction in morning peak hour traffic movements. He also suggests that the scope of the current proposal amounts to an 80% reduction in daily HGV movements when the colliery was operational and a 50% reduction in overall morning peak hour traffic movements.

Members should note that this remains an outline application to accommodate the description as outlined above with just the vehicular access arrangements included and the off-site highway works. All other matters are reserved for later approval. If a planning permission is granted, this would be its scope.

Potential Occupation

As indicated above, the current proposal reduces the amount of B2 floor space and introduces the potential for a rail distribution depot and a rail served B2 occupier. The applicant has been approached by such an occupier – Network Rail. It would wish to use the whole site. The B2 space would accommodate a concrete rail sleeper manufacturer and the depot would be used by Network Rail itself as a track maintenance depot.

The illustrative Master Plan at Appendix A is just an example of how this might translate onto the site. A B2 rail sleeper unit would clearly need to be close to the existing rail sidings and it is suggested that this unit would probably be up to 15 metres tall with additional 20 metres silos and a gantry crane.

How the remainder of the site as a rail distribution depot would appear is still unknown. It would need separate sidings but it is not known if there would be additional buildings as illustrated.

It is understood that there would be on-site activity during the day from both uses – 0700 to 1800 hours - and that there would be loaded trains leaving the site – either with sleepers or with loads from the depot – outside of these hours because of the “down time” on the wider general rail network.

Highway Proposals

The Warwickshire County Council as Highway Authority required the applicant to use the worst case figures set out above when he was evaluating highway impacts as there was no certainty that the potential occupier would move onto the site or indeed use rail to import raw materials particularly for the sleeper factory. These are therefore the figures he has used in updating his Transport Assessment.

The descriptions below are those as submitted prior to the receipt of the Highway Authority’s objection.

The applicant points out that the crossroads at Fillongley and Furnace End are already over capacity and that with just background traffic growth, even without the latest Daw Mill proposals, the situation will worsen. As a consequence off-site improvements are now proposed. These involve the introduction of traffic signals at both of these crossroads. These are illustrated at Appendices B and C. In addition the Tamworth Road/Nuneaton Road junction would have its priorities altered, such that priority would be given to traffic moving north-west to south-east (Tamworth to Coventry), leaving the Nuneaton “arm” as the secondary route, unlike presently - see Appendix D. At the Coleshill Green Man crossroads a scheme is proposed such that it would prevent traffic other than HGV’s travelling north along High Street wishing to turn right at the crossroads into Blythe Road. Instead it would be diverted right into Church Hill and then it could turn right into Blythe Road. Car parking in Church Hill would require redesign and some easing of the junction geometry at the Church Hill junction would be required along with additional road markings on the Church Hill/Blythe Road junction. HGV’s would still be allowed to turn right at the crossroads into Blythe Road. This is illustrated at Appendix E.

Supporting Documentation

The revised scheme is accompanied by a revised Transport Assessment and its summary is attached at Appendix F.

An initial travel plan is included such that the potential occupiers of the site would adopt it. Because of the limited existing alternatives to private transport – walking, cycling or bus routes – the Plan is heavily reliant on car sharing; flexible working, managing the need to travel and the potential for “works” buses.

A revised noise assessment report has also been submitted. This concludes that due to the overall reduction in HGV and other traffic movements there will be lower noise emissions from road vehicles. Additionally it is said that it would be possible to design the B2 buildings so as to reduce noise emissions. As a consequence the main sources of noise from the current proposals are from outdoor activity – storage areas and the rail sidings. The assessment concludes that overall sound emissions will be greater for the

current scheme than the original proposals and over a wider area, because of the greater use of open activity. However the report concludes that the magnitude of that increase is still below recommended guidance defined in the NPPF and the NPPG.

A Statement of Community Engagement describes an exhibition/consultation event held locally prior to the submission of this latest amendment. 193 people attended and there were 120 feedback forms returned. The Statement states that the responses to the applicant's forms are said to show that 94% did not support the plans and that 76% did not welcome the highway improvements.

In respect of the former then comments included:

- There are other rail sites in the area
- Concerns that rail would not be used
- Employment is not needed in the area
- The proposals are unclear and speculative
- The site is too far from the motorways with poor transport links
- There will be adverse impacts

In respect of the second then comments included:

- The improvements will not work – especially those in Coleshill
- Some are a good idea
- The improvements are not needed without the development
- Rural roads can't cope
- The highway authority has previously said that improvements wouldn't work

In response to a general question, comments were made:

- It should go back to green belt
- It should be restored
- It should be used for housing
- It should be used as a country park
- It should be used for renewable energy projects – eg a solar farm
- It should be a business park
- The site is unsuitable for the proposal

The applicant responds to some of these concerns as follows:

- There are insufficient sites in the sub-region for railed served manufacture and there is a strong interest in the site from a rail served occupier
- There are employment needs in the area
- The Highway Authority has been heavily involved in the highway mitigation measures.

The applicant points out that an objectors group also held an event at the same time as his exhibition and at the same venue. A record of that event will be reported to Members when the current application is reported for determination. In summary however it records the points made above.

The applicant has also provided a covering letter referring too much of the above but also referring to other matters particularly on the planning policy side.

In this respect he concludes that whilst the actual harm to the Green Belt is further reduced from the original submission – that is harm to the openness of the Green Belt and to the purposes of including land within it – such harm still remains as being substantial. He concludes that non-green belt harm can be assessed as follows:

- Highways – slightly beneficial
- Noise – limited harm
- Ground Conditions and Water Pollution - no harm
- Heritage – limited harm
- Landscape and visual – no harm
- Nature Conservation – no harm

He concludes that as each of these matters should not therefore cause significant harm, which would lead in turn to a refusal, the final assessment is about balancing the Green Belt harm against those considerations which are put forward to amount to the very special circumstances necessary to outweigh that Green Belt harm. He outlines those considerations as:

- An unmet sub-regional need for rail served manufacturing sites that cannot be met alone by sites outside of the Green Belt;
- The existing rail connection and the on-site power supply
- The jobs created – bearing in mind the lack of consented employment land in the sub-region as evidenced by the Coventry and Warwickshire Local Enterprise Partnership.
- The benefits to the local economy - £60m GVA per year and £0.5million on business rates
- The benefits of using rail rather than road.

His overall conclusion is that these matters are of such weight to overcome the Green Belt harm.

Development Plan

Since the submission of the original planning application last summer and the first amendment later in the year, the Council's Core Strategy has been adopted and it now carries full weight as part of the Development Plan. The relevant policies of this Plan are:

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW 17 (Regeneration) and NW 22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – Policies ENV6 (Land Resources), ENV8 (Water Resources), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings), EMP1 (Industrial Sites),

TPT1 (Traffic Considerations), TPT3 (Sustainable Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

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

Observations

As indicated above this report only describes the latest proposals for the site, leaving the determination to a later date once consultation responses have been received. We have since been made aware of the County Council’s objection – see Appendix G. It is understood that the applicant is seeking meetings with the County Council to discuss the objection and any progress on this will be reported verbally at the Board meeting.

Members are reminded that there is still a resolution from the Board to visit the site and this will be arranged in due course.

The applicant has pointed out that a concrete sleeper manufacturing plant similar to that which might occupy Daw Mill is located at Doncaster and has suggested that Members also visit this site in order to see the use actually in operation. It is strongly recommended that this invitation is taken up.

Recommendation

That the report be noted and that two site visits are organised – one to Daw Mill and the other to Doncaster.

BACKGROUND PAPERS

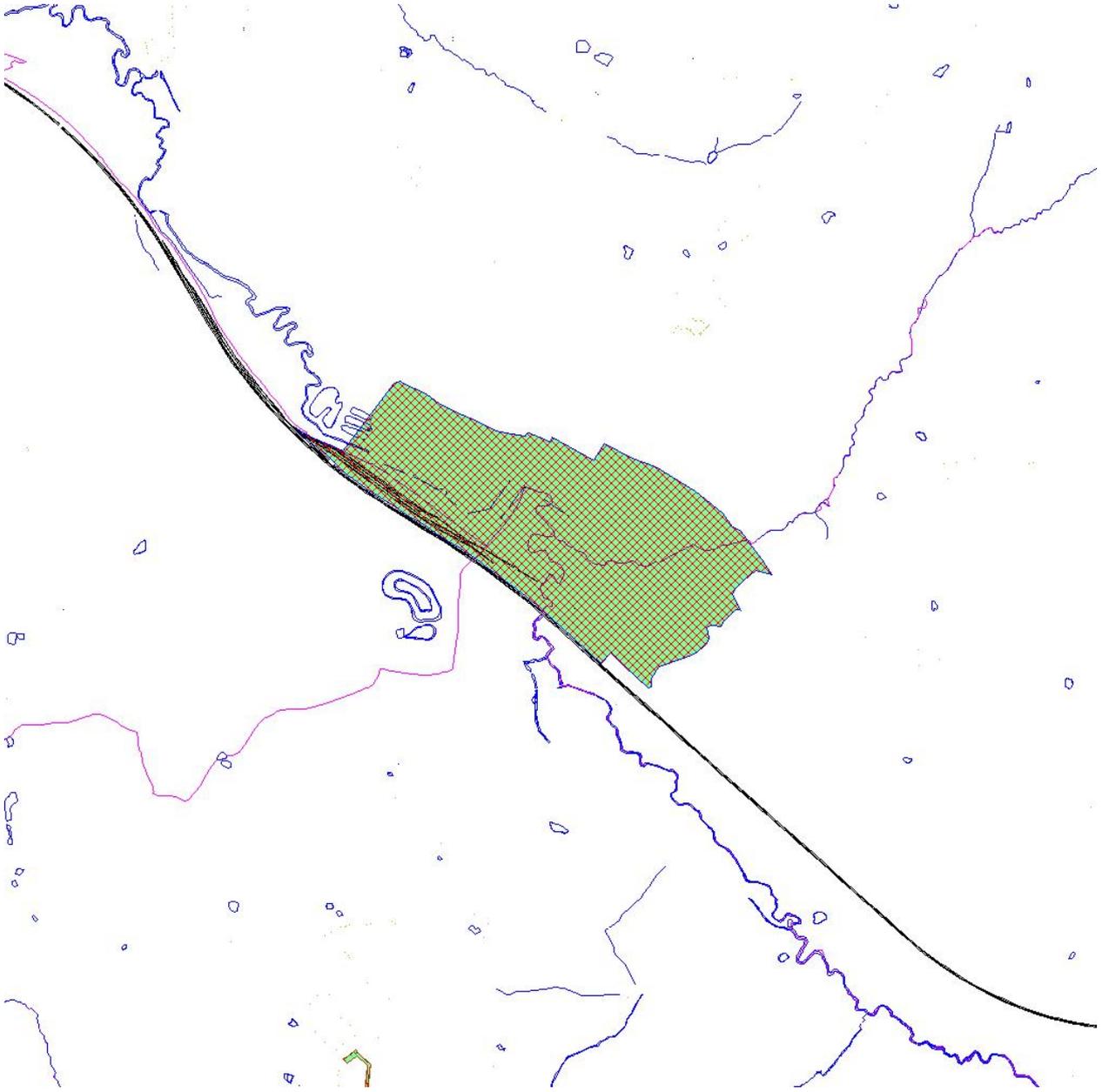
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0339

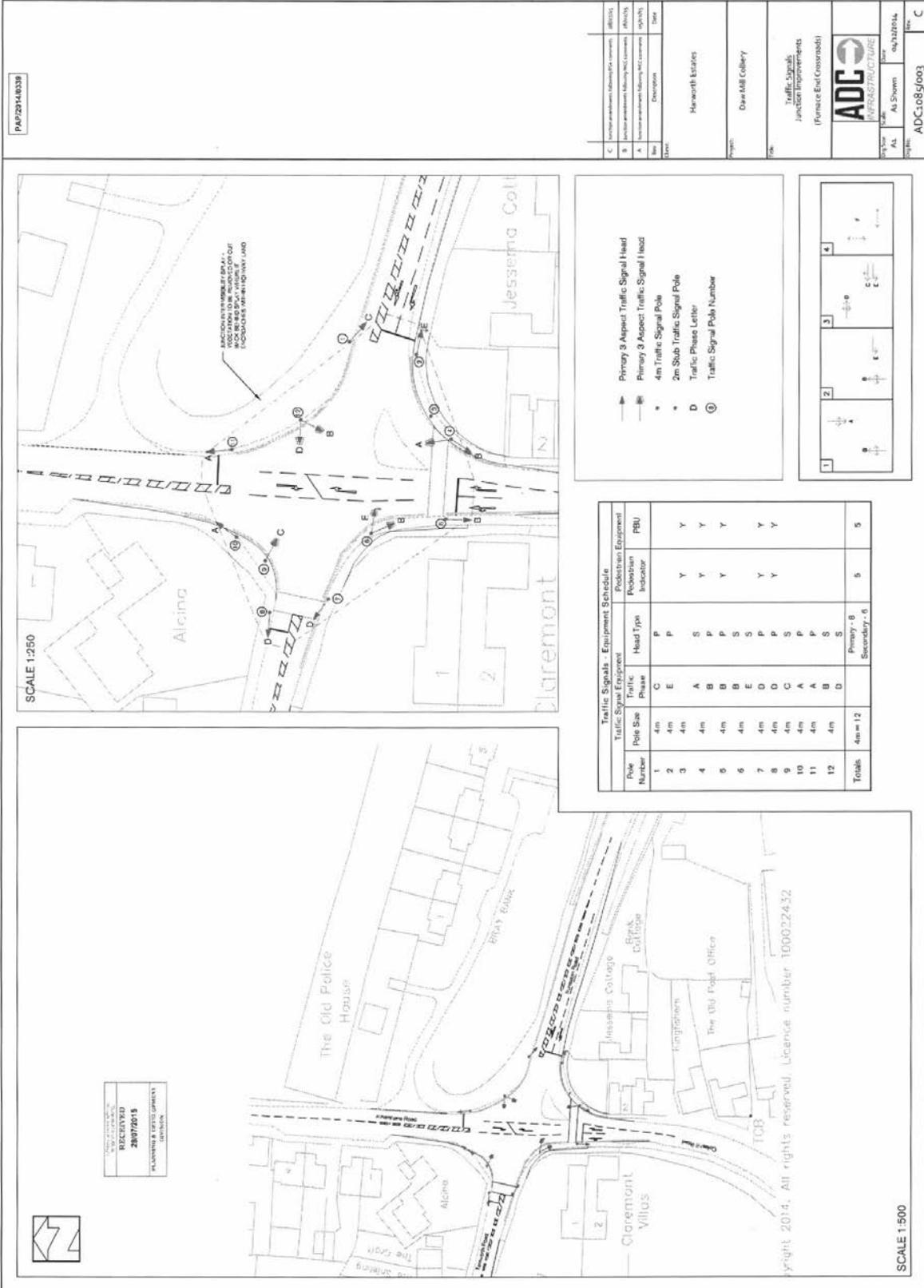
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Letter and Documents	28/7/15
2	WCC Highways	Consultation	24/8/15

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 B



PAP29148339

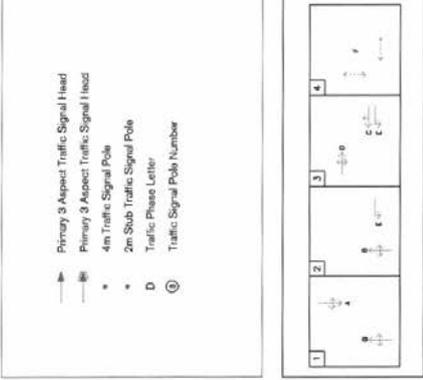
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PLANNING & URBAN DESIGN
 25/07/2015
 25/07/2015

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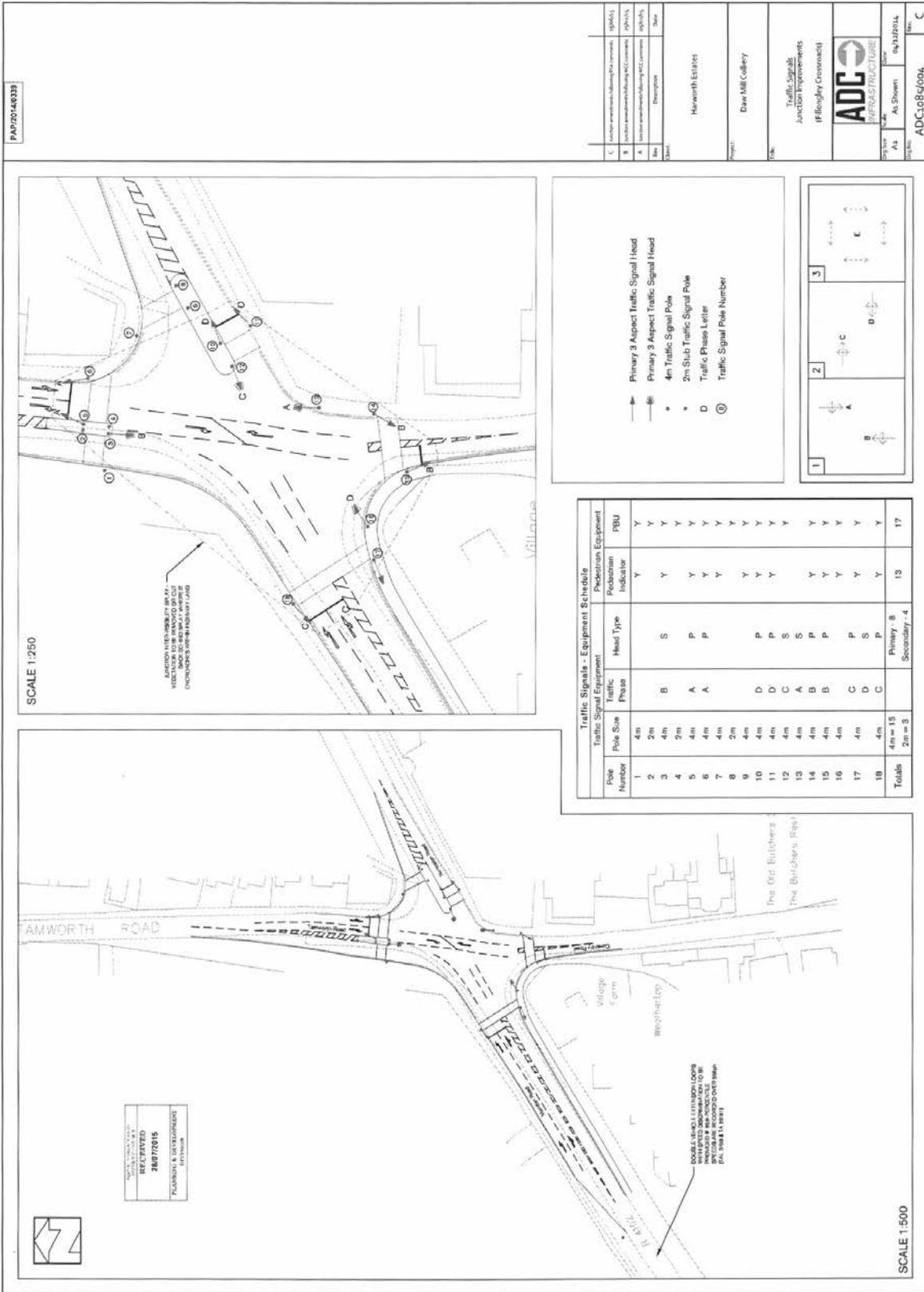
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C	Interpretation/Mapmaking Comments	AKH/MS
B	Interpretation/Mapmaking Comments	AKH/MS
A	Interpretation/Mapmaking Comments	AKH/MS
Rev	Description	Date
01	Marwathi Estates	
Project	Dare Mill Colliery	
File	Traffic Signals Junction Improvements (Furnace End Crossroads)	
Client	ADC	
City	Ad Shorn	04/3/2014
Doc No	ADC1085/003	
Rev	C	



Pole Number	Traffic Signal Equipment		Equipment Schedule		Production Equipment	
	Pole Size	Phase	Head Type	Position	Indicator	RBU
1	4m	C	P			
2	4m	E	P		Y	Y
3	4m	A	S		Y	Y
4	4m	B	P		Y	Y
5	4m	B	S		Y	Y
6	4m	E	S		Y	Y
7	4m	D	P		Y	Y
8	4m	C	S		Y	Y
9	4m	A	P			
10	4m	A	P			
11	4m	A	P			
12	4m	D	S			
Totals:	4m = 12			Primary - 8	5	5
				Secondary - 6		

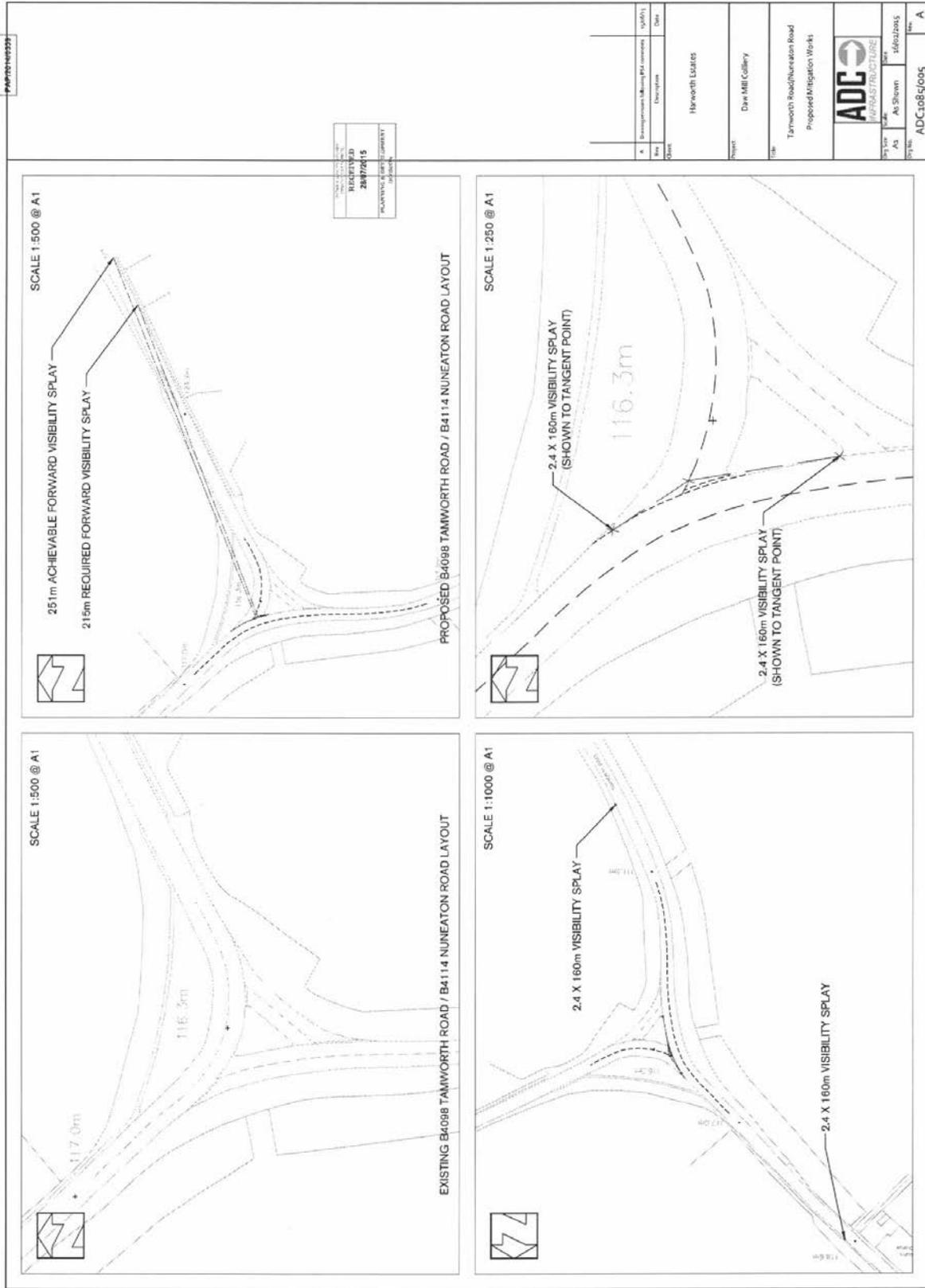
APPENDIX C



PA07014839

C	Location and details of proposed signal heads	SP001/15
B	Location and details of proposed signal cabinets	SP001/15
A	Location and details of proposed signal poles	SP001/15
Site	Drawings	SP001/15
Scale		
Project	Harworth Estates	
File	Daw Mill Colliery	
Client	Traffic Signals Junction Improvements (Harroldby Crossroads)	
As Shown	As Shown	
Date	04/12/2014	
Drawn	ADC	
Checked	ADC	
Scale	ADC	
File No.	ADC1085/004	
Rev.	C	

APPENDIX D



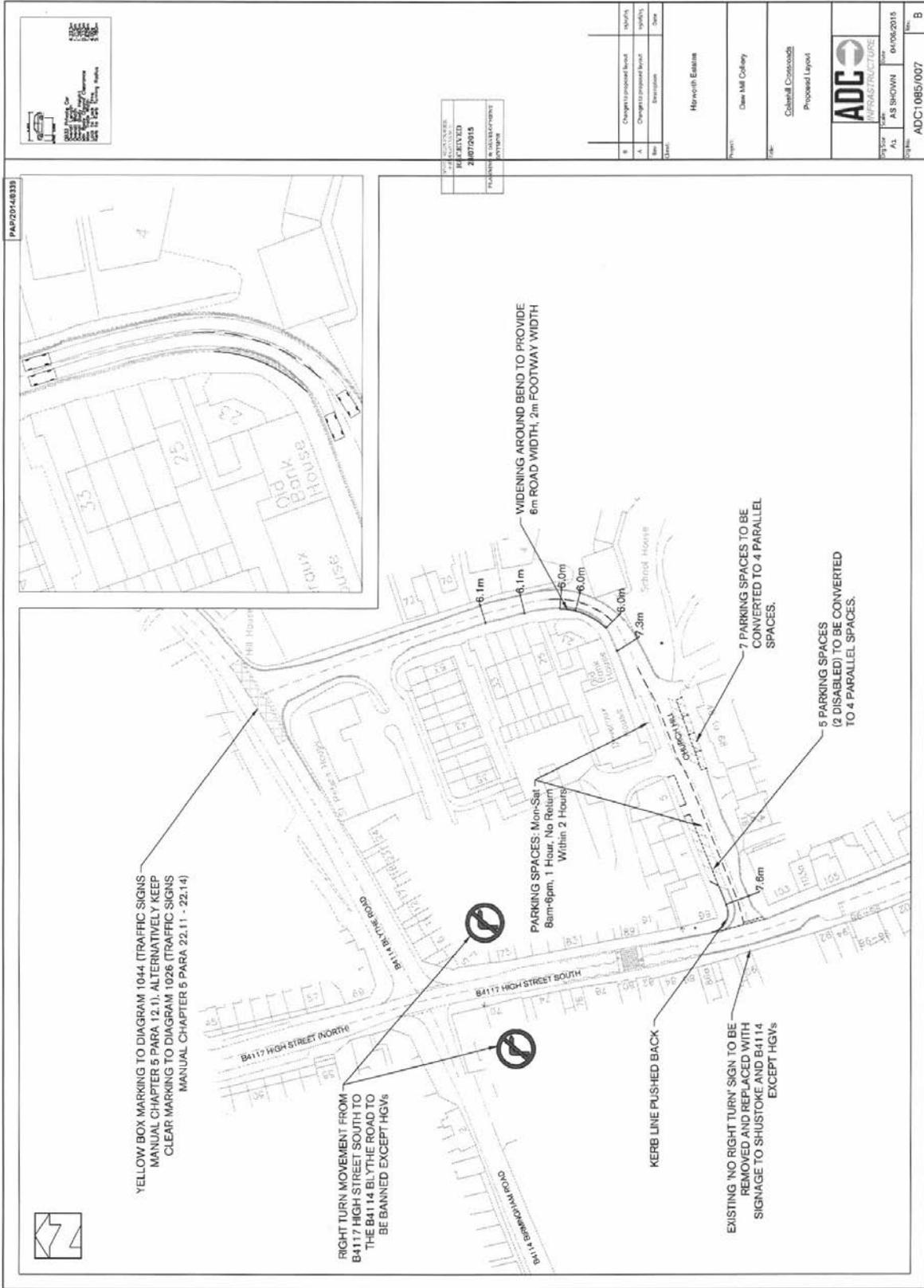
PROJECT NO. 2008/0005
 REVISION NO. 2008/0015
 PLANNING DEPARTMENT
 10/01/2008

No.	Description	Date
1	Development of the proposed works	

Client	Harworth Estates
Project	Dave Mill Colliery
Title	Tamworth Road/Nuneaton Road Proposed Mitigation Works

Scale	As Shown
Date	16/02/2005
Drawn	
Checked	
Project No.	ADC1085/005
Rev.	A





REVISIONS	DATE	BY	DESCRIPTION
1	28/07/2015		ISSUED FOR TENDER

Rev	Description	Date
1	Changes to proposed layout	04/06/2015
2	Changes to proposed layout	04/06/2015

Client	Horwath Barton
Project	Deer Mill Colliery
File	Colliery Crossroads Proposed Layout

ADC
 ADVANCED DESIGN CONSULTANTS
 110-112, Market Street, Leeds LS1 6DT
 Tel: 0113 275 2200
 Fax: 0113 275 2201
 Email: info@adc.co.uk
 Website: www.adc.co.uk

Project No: ADC1085/007
 Date: 04/06/2015
 Scale: AS SHOWN
 Sheet: B

EXECUTIVE SUMMARY

Daw Mill Colliery in Warwickshire closed in February 2013 following an underground fire. Harworth Estates purchased the site and applied for outline planning consent for a rail served employment park. Following extensive consultation with, amongst others, the local highway authority Warwickshire County Council (WCC), the proposed development has been significantly reduced in size to 24,652sqm of B2 general industrial use.

The site is in a predominantly rural area surrounded by the West Midlands conurbation and the strategic highway network. It is not a location that is attractive to large scale road freight distribution operators. The site is accessed from the B4098 Tamworth Road. The existing access junction is appropriate for the proposed use and requires no alterations.

An Initial Travel Plan has been prepared to accompany the planning application. It has been written to be taken up by each occupier as they come forward. It focusses on the potential to introduce car sharing and once the development has sufficiently advanced, the potential to introduce a works bus.

The Birmingham to Nuneaton rail line forms the southern boundary of the site. The development aims to take advantage of the rail sidings and the significant power infrastructure associated with the colliery and proposes buildings beside the sidings with ancillary open storage areas. The rail connection would allow both inbound freight (raw materials) and outbound freight (finished product) to be transported by train instead of HGV. Nevertheless, the traffic calculations adopt a worst case, taking no account of the rail connection.

In 2008 the colliery produced 3.2 million tonnes of coal, a European record for a single face mine. At that time there were 667 employees, many of whom were surface based and worked a regular work day. 75 worked underground per shift, working six days, in a three shift pattern. Based on a conservative analysis, during the busiest hour the colliery generated 611 traffic movements. The development proposal will generate 334 traffic movements during the morning peak hour. Hence, traffic levels will be significantly below previous levels.

The number of HGVs on the roads have also greatly decreased since the colliery closed. Daily, the colliery generated 300 HGV movements, although many more during the three or four times a year when stockpiled waste was removed. The proposed development will generate 54 HGV movements a day (27 HGVs coming and going).

Despite the significant reduction in traffic since the colliery closed the crossroads at Fillongley and Furnace End are already overcapacity and with background traffic growth by 2024 they will be very congested, operating at 138% and 136% of capacity, even without any development. There will be lengthy delays and this will increase the number of accidents already occurring. The new development traffic will come with mitigation schemes that introduce traffic lights at both crossroads. The schemes provide a significant betterment to the existing situation, so that in 2024 with the development the crossroads will operate at 87.5% and 83.0% of capacity. Accidents will also reduce.

A minor mitigation scheme is proposed at the Nuneaton Road/Tamworth Road junction that alters the give-way direction. Again, the scheme provides betterment to the existing situation.

At the Coleshill crossroads a scheme has been derived that diverts sufficient background traffic from the crossroads, routing it instead along Church Hill, such that it offsets the increase resulting from the development. Other areas of concern raised by objectors have been examined and it has been agreed with WCC that no alterations are necessary.

Overall, the package of measures more than mitigate the impact of the development, providing betterment in three locations. There would not be a severe residual cumulative impact. Hence, the development accords with the NPPF and should be found acceptable on transport grounds.

Your ref: PAP/2014/0339
My ref: 140339



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Mr J Brown
Head of Planning
NORTH WARWICKSHIRE BOROUGH COUNCIL
PO BOX 6, The Council House
South Street, Atherstone
CV9 1DE

FAO : Denis Winterbottom

24th August 2015

Dear Mr Brown

PROPOSAL: Redevelopment of the former colliery site for employment purposes within Use Class B2 (General Industry) and/or as a railway distribution depot for the processing, handling and storage of materials and the stationing, loading and unloading of trains for the purpose of maintaining railway infrastructure. Application for Outline planning permission with consideration of Access now, with all other matters reserved. An illustrative development scheme includes 24,652 sq. metres of built floorspace, associated car parking, service yards; ancillary open storage areas; additional rail sidings; external gantry crane and conveyor, related infrastructure and utilities, the retention of the existing rail head and sidings, site vehicular access, gatehouse, electricity grid connection and sub-station, reconfigured surface water drainage system retaining existing drainage infrastructure .

LOCATION: Daw Mill Colliery, Daw Mill Lane, Arley, Warwickshire

APPLICANT: -

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment. Based on the appraisal of the development proposals and information provided the Highway Authority **objects** to the planning application.

The justification for this decision is provided below.

*Working for
Warwickshire*

ANALYSIS:

The proposed development is for the redevelopment of the former colliery site for employment purposes with use class B2, or the potential as a rail depot. The illustrative development scheme includes 24,652m² of built floorspace include associated car parking, service yards and other associated services, machinery and infrastructure.

A Transport Assessment (TA) has been submitted in support of the development proposals which has been prepared on behalf of the applicants by

The development proposals have been assessed in accordance with the following guidance and policy documents.

- National Planning Policy Framework published by Department for Communities and Local Government in March 2012;
- National Planning Policy Guidance: Travel plans, transport assessments and statements in decision making published by the Department for Communities and Local Government in March 2014; and,
- Guidance on transport Assessment published jointly by Department for Transport and Department for Communities and Local Government.

The justification for the Highway Authority's objection to the development proposals are based on the modelling exercises which have been undertaken. The applicants and their consultants have not been able to demonstrate a suitable set of mitigation measures to resolve the identified impact that the development will have upon the safe and efficient operation of the highway network.

The main area of concern is the impact upon Coleshill and most notably the Green Man Crossroads (High Street / Birmingham Road / Blythe Road) in the town. The junction already suffers from considerable queuing problems in both the AM and PM peak periods. Approximately a third of all trips associated with the development will travel through this junction exacerbating the existing problems further without significant mitigation.

The applicants consultants have been working with the Highway Authority to identify a suitable solution with four different mitigation schemes being identified and tested. However none of the schemes tested adequately resolved the Highway Authority's concerns about the developments impact upon the safe and efficient operation of the highway network.

In addition the applicants consultants preferred scheme requires the introduction of a right turn ban at the Green Man Crossroads. Preventing right turn movements from High St South into Blythe Road. Whilst this does provide benefits the right turn ban would be ignored by motorists and unlikely to be enforced by the police. This would raise significant highway safety concerns, and also prevent the junction from operating in an efficient manner. Furthermore the introduction of a right turn ban would require drivers to find alternative routes putting pressure on surrounding junctions, for which no consideration to the impact on the wider highway network has been provided.

Due to the issues highlighted above the Highway Authority requests that the developers and their consultants reconsider the Green Man Crossroad Signalisation proposals, and provide clearer evidence on the impact of the mitigation measures on the operation of the highway network.

In conclusion the Highway Authority at present cannot guarantee the safe and efficient operation of the highway network, as the applicants has not been able to identify suitable mitigation measures to resolve their impact upon the highway network. Therefore the Highway Authority has no other option to object to the planning application at this time.

Yours sincerely

Ben Simm

Ben Simm
Development Group

FOR INFORMATION ONLY

CC – COUNCILLOR HAYFIELD – ARLEY
COUNCILLOR FOWLER – COLESHILL

(3) Application No: PAP/2015/0145

WHS Plastics Ltd, Water Orton Lane, Minworth, B76 9BG

Extension to an existing factory, for

WHS Plastics Ltd

Introduction

The proposal is reported to the Planning Board for determination as the proposals amount to “Green Belt Development” as defined by the Town and Country Planning (Consultation) (England) Direction 2009. This is because the gross floor area proposed exceeds the threshold set out in the Direction. As such, should the Council be minded to support the proposal, it would first have to be referred to the Secretary of State to see if he wishes to determine the case himself. The Council can refuse the grant of planning permission without referral.

The Site

The site is a large commercial premises on the north side of the Birmingham-Derby railway line to the immediate west of Water Orton and south of Water Orton Lane which links Minworth with Water Orton. The actual site of the new building is sandwiched between the railway line and a small water course that crosses the whole site flowing into the River Tame.

There are already substantial buildings on the site including two adjacent to the railway line. It is proposed to extend one of these – the eastern most one.

The site is slightly lower than the railway line which is itself significantly below the land on its opposite side and upon which there is a residential estate. The cutting here is well vegetated. Similarly the land to the east is heavily vegetated through natural re-generation before other residential property is reached.

All vehicular access is onto Water Orton Lane.

The site and its setting is illustrated at Appendix A.

The Proposals

This is an extension to an existing building – doubling its size – but retaining the same width and height, thus extending its length eastwards along the boundary with the railway line. It would measure 95 by 32 metres and be 10 metres tall to its ridge. Most of the extension would be over an existing paved service area with the remainder over scrub land. The same materials as the existing building would be used – brick and coloured steel cladding. The southern elevation facing the railway line would have three fire doors and all vehicular access would be via the new east facing gable. Existing vehicular access arrangements onto Water Orton Lane would be used.

The appearance and location of the extension is shown at Appendix B

Working hours would be as now – that is 24/7 and the applicant estimates that another 40 jobs would be created. Existing car parking spaces are to be used.

The application is supported by several other documents. These include:

A Transport Assessment. This concludes that there are both rail and bus services within 600 and 900 metres of the site which provide regular and frequent services. The proposals are said to generate modest levels of traffic accessing the immediate highway network – around an additional 14 to 20 two-way trips in the two peak hours. Mitigation measures are not recommended. It is concluded that in terms of the National Planning Policy Framework, traffic issues would not be “severe” and thus should not result in a refusal.

An Ecology Report. This concludes that the site of the extension is of low ecological value, however the water course immediately to the north and the railway line to the south are suitable as wildlife corridors providing good connectivity. It is recommended that buffer zones are put into place during and after construction to deter wildlife entering the construction zone but also to promote re-colonisation.

A Design and Access Statement. This simply records that the appearance of the extension would match the scale and dimensions of the existing host building as well as recommending the use of matching materials.

A Landscape and Visual Impact Assessment. This concludes that there is a limited visual “envelope” here because of the setting and absence of public viewpoints. These are mainly confined to the transitory impacts from railway users. The landscape sensitivity is considered to be low with hardly any significance on landscape character. The extension would be absorbed into the overall landscape.

A Flood Risk Assessment. This concludes that the risk of flooding to the development from all sources is low. No mitigation measures are recommended provided that attenuation based on sustainable surface water drainage measures are implemented. This is because it is likely that the ground conditions are not appropriate for infiltration drainage techniques. The proposed measures therefore are for underground cellular block storage tanks. Outfall would be to the watercourse bounding the site to the north. Foul water disposal would be to the private existing system using existing connections to the public sewers.

A Planning Statement. This acknowledges that the proposal is for inappropriate development in the Green Belt but concludes that the harm to the openness and to the reasons for including land within it is limited. The Statement goes on to identify planning matters of significance it is considered to amount to the very special circumstances necessary to outweigh that harm. These are to promote the operational efficiency of the established business; sustainable expansion to meet growth without having to re-locate elsewhere or to have an isolated new building away from the main site, accessibility by various modes of transport and new job opportunities. There is no other harm and thus the proposal should be supported.

A Noise Assessment. This was received after submission, in response to objections that had been received from local residents to the south of the railway line. This was undertaken over full weekday and weekend periods and the scope and methodology of the work was agreed with the Council’s Environmental Health Officer. It concluded that

the levels of noise of the sound sources for both day and night time periods fall below the adopted criteria used by the Council.

Further Correspondence. The applicant was asked to respond to the noise complaints. He states that the existing service yard beside the existing unit is used infrequently and has “fast shut” doors. Network Rail has a right of access to use this yard to access the rail line for maintenance and they have been undertaking a lot of work recently. A nearby pallet yard does create noise from fork lifts, it also has “nail guns” and their business involves granulating the pallets. The applicant’s forklifts all have flashing lights and reduced noise beepers. There is no music in the existing factory but the adjoining pallet yard does play music. In terms of weekend work, the existing factory only opened on 6 weekends in 2015 up to mid-May of which only four were on a Saturday from 0800 to 1200.

A letter has been received from the operators of this adjoining yard and it points out that their operations may indeed have given rise to local objections. The letter is attached at Appendix C.

Consultations

Warwickshire County Council as Highway Authority – No objection

Network Rail – No objection subject to its clearance of working operations and arrangements during construction.

Environmental Health Officer – No objection in respect of ground conditions subject to standard conditions relating to site investigations.

In respect of noise he points out that the Council has not received complaints to date. In respect of the assessment then this shows that predicted noise levels will be below existing background levels and thus there would be no objection. However it would be advisable to consider some mitigation measures – keeping doors shut; prohibiting reversing alarms, and looking at an acoustic fence on the southern and western boundaries of the service yard.

He has reviewed the assessment in light of the further comments from the residents after they had seen the report and would not wish to alter his original conclusion. He also confers that the description of the noise emissions provided by the objectors is more consistent with the operations of the adjoining premises.

Representations

Eight letters of objection have been received from residents of houses in the estate to the south of the site on the other side of the railway line. The matters refer to:

- There are constant night and day noise impacts
- The site is very visible since Network Rail removed trees on the embankment
- There will be increased traffic in the village
- Smoke and fumes from the factory

As indicated above, a noise assessment was requested as a consequence of these objections and it was circulated to the objectors. In response three letters were received referring to the following matters:

- The report doesn't reflect the noise coming from the existing service yard and the associated forklift activity
- The report doesn't recognise the difference in levels between the site and the residential property
- It is not clear if noise recording took place from Smiths Way.
- The report doesn't reflect the actual noise experienced and the disturbance caused.

The letter from the operator of the adjoining premises – Appendix C – has been circulated to these three residents. Any responses will be reported verbally to the Board.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV6 (Land Resources); ENV8 (Water Resources), ENV13 (Building Design), ENV14 (Access Design), TPT 1 (Transport Considerations) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

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

Observations

a) Green Belt

The site is in the Green Belt. New building here is not appropriate development by definition in the NPPF. As such there is a presumption of refusal as inappropriate development is harmful to the Green Belt. However there are exceptions to this provided in the NPPF and the Board first needs to establish whether this particular proposal satisfies any of these exceptions. The proposal could fall into two of these.

The first is where an extension of a building does not result in a “disproportionate addition” over and above the size of the original building. That is not the case here. The proposal would amount to a 100% increase in both footprint and volume, so by fact and by degree this is considered to be disproportionate. The second is where previously developed land is involved. This is the case here as the whole of the site is “brown-field” land with a lawful commercial use. The NPPF describes two exceptions in this instance. However as the proposals here do not represent the partial or complete redevelopment of the site, the first would not apply. The second would do so if the proposal was “limited infilling”. However again this is not considered to be the case as the extension is over open ground and would not be set in, around or between other buildings. Hence the

conclusion reached is that this proposal is not appropriate development in the Green Belt. It is noted that the applicant agrees with this conclusion.

As such the application carries a presumption of refusal because inappropriate development is “de facto” harmful to the Green Belt. As Members are aware it is now necessary to assess the actual degree of that harm. This takes the form of the impact on the openness of the Green Belt hereabouts and the impact on the reasons for including land within the Green Belt. Looking at the first of these then the extension of the proposed size and its location on open ground will cause harm to the openness here because of the introduction of a moderately sized building into open space. Moreover the extension would elongate the existing building forming a continuous wall of development bordering the railway line. The degree of that harm however is limited due to the setting; its relationship with adjoining land, particularly the levels, the lack of public access to and around the site, its lack of visibility to the general public at large, the transitory nature of views of the site from the railway line and because of the commercial/industrial context. In respect of the second issue, it is not considered that the proposal has any impact on the five reasons for including land within the Green Belt. The site is not countryside and does not prejudice the redevelopment of other brown-field land being brown-field land itself. As a consequence of looking at these two issues, it is concluded that the actual harm to the Green Belt here is limited.

Given the conclusion that this development is inappropriate, but that the level of actual harm is limited, the Board will have to assess the planning considerations put forward by the applicant to see if they amount to the very special circumstances necessary to outweigh the harm caused by virtue of the inappropriateness. However the NPPF makes it clear that that assessment also has to take into account the level of non-Green Belt harm. Hence the applicant’s considerations have to be assessed against the total level of harm arising from the development proposal. It is thus now necessary to establish the level of other harm.

b) Other Harm

It is not considered that the design and appearance of the proposal causes harm as it matches that of its “host” building in dimension and materials. It thus accords with the appropriate Development Plan policies.

There are no objections from the Highway Authority as the traffic generation is limited within the context of the overall site and there is unlikely to be an adverse impact either on the safety of the access itself or the capacity of the wider highway network, and not to the degree that that impact would be “severe” in terms of the NPPF.

There are not considered to be any harmful issues arising from impacts on the ecology of the site; any flooding impacts or matters arising from ground conditions or the proximity to the rail line. The consultation responses clearly point to the need for planning conditions rather than to objections.

The most substantive potential issue is that of the likely noise impact arising from the proposed extension bearing in mind its proposed 24 hour use; the presence of residential property to the south and that the use of the building is a B2 general industrial use not a B1 light industrial use.

The original notification of the proposal resulted in eight letters of objection from residents on the southern side of the railway line. It is therefore proposed to look at this issue in more detail.

The objections came from residents whose property backs onto the railway line – in Smiths Way and Mytton Road. The common themes of the letters refer to night time noise; stacker and fork lift trucks, pallets being dropped as well as shouting, music and cars hooting and grinding noises. As a consequence of this the applicant was asked to undertake a Noise Assessment and this is recorded above in the section on supporting documentation. Those residents that responded to the assessment did not consider that it reflected their actual experiences.

The detail of the objections and the results of the assessment do suggest a “mis-match” between the experiences of the residents and the outcome of the noise assessment. The applicant was therefore requested to respond to this as reported above. That response strongly suggests that the main source of the noise is the use of the pallet yard beyond the application site and that this has been supplemented by Network Rail operations at certain times. The Environmental Health Officer too has considered the matter further and concludes that the applicant has provided a satisfactory explanation and one that fits with the assessment and the objector’s experiences, particularly following the letter from the operator.

In light of this it is not considered that there is sufficient here to warrant a refusal on noise impact. This is because the NPPF is quite clear in saying that planning decisions should “avoid noise from giving rise to significant adverse impacts”. That is not considered to be the case here. However planning conditions are considered to be appropriate on the advice of the Environmental Health Officer. With these conditions it is considered that the level of harm arising from noise impacts would be limited. This matter however will be referred to again later in the report.

As a consequence of this discussion therefore it is considered that in respect of non-Green Belt harm, this is restricted to the limited harm arising from noise impacts.

c) Interim Conclusion

This discussion therefore concludes that the proposal is inappropriate development in the Green Belt and that the presumption should be one of refusal. However the degree of actual harm to the Green Belt is limited and the degree of other harm is also limited. It is now necessary to identify the applicant’s planning considerations which he considers are of sufficient weight to overturn the level of harm caused by virtue of this conclusion.

d) The Applicant’s Case

These were outlined above in the applicant’s Planning Statement.

In essence they all relate to an economic case. The applicant seeks the extension because of the need to provide additional manufacturing space as a direct consequence of business growth. This is because the company is part of the supply chain for the Midlands motor vehicle industry. The applicant company has a substantial investment on site presently with a significant number of employees (around 425). It therefore sees it as reasonable, more efficient and sustainable to expand here rather than to re-locate. There would be a financial cost in moving apart from finding land and fitting out a new factory, there would be additional traffic movements and staff re-location issues. He

points out that Government guidance in the NPPF is to secure economic growth through sustainable development.

He also points out that this is a manufacturing business which participates actively in apprenticeship and local training schemes.

e) The Balance

The assessment therefore to be made by the Board is to balance the applicant's case against the degree of harm caused by the proposal and establish if it outweighs that harm. It is considered that it does for a number of reasons. These are that the level of overall harm is limited; the site is already a brownfield site with an industrial lawful use, the economic case for supporting business growth and its concentration on a site with established infrastructure, an employment base and investment, the type and range of employment skills to be offered which are generally lacking in the Borough and the overall sustainability benefits.

The concerns about noise emissions have been dealt with from a planning perspective above, but it is also considered that there should be an ongoing dialogue between residents and the applicant company so as to try and resolve these concerns. The second recommendation below reflects this matter.

Recommendation

- a) That the Council is minded to support the proposal and that the matter be referred to the Secretary of State. If there is no request for him to determine the application then planning permission be GRANTED subject to the following conditions:

1. Standard Three year condition
2. Standard Plan Numbers – plan numbers 014/5609/02A and 3C received on 10/3/15

Pre-commencement conditions

3. No development shall commence on site until such time as full details of means of disposal of both foul and surface water from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site

REASON

In the interests of reducing the risks of flooding and pollution

4. No development shall commence on site until details of the protective measures in respect of the wildlife corridors of the water course to the north and the railway line to the south, to be implemented on site during construction have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be placed on site and these shall remain in place until their removal is agreed in writing by the Local Planning Authority.

REASON

In the interests of protecting the bio-diversity of the area

5. No development shall commence on site until such time as a site investigation into ground conditions and potential contamination has first been completed and submitted in writing to the Local Planning Authority. The submitted report shall also contain recommendations for remediation should contamination be found.

REASON

In the interests of reducing the risk of pollution

6. No development shall commence on site until such time as remediation measures to remove contamination have first been agreed in writing by the Local Planning Authority. Only the approved measures shall then be carried out on site.

REASON

In the interests of reducing the risk of pollution

7. No development shall commence on site until such time as a Verification Plan has been submitted to and approved in writing by the Local Planning Authority evidencing that the any remediation taken place under condition (6) has been satisfactorily carried out.

REASON

In the interests of reducing the risk of pollution

8. No development shall commence on site until details of a three metre tall acoustic fence to be located along the southern and eastern boundaries of the service yard have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on the site.

REASON

In the interests of reducing the risk of noise pollution

9. No development shall commence on site until such time as a Noise Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall address potential noise sources and emissions arising

from the use of the extension hereby permitted and its associated service yard. It shall also contain details of how the Plan is to be monitored and reviewed.

REASON

In the interests of reducing the risk of noise pollution.

10. No development shall commence on site until details of the ground levels, earthworks and excavations to be carried out near to the railway boundary have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be carried out

REASON

In the interests of protecting the adjacent railway line

Pre-Occupation conditions

11. There shall be no occupation of the extension hereby approved for business purposes until the whole of the service yard has been complete, surfaced and laid out in accordance with the approved plan

REASON

In the interests of highway safety

12. There shall be no occupation of the extension hereby approved for business purposes until the whole the acoustic fence as agreed under condition (8) has been fully provided on site.

REASON

In the interests of reducing the risk of noise pollution.

On-Going Conditions

13. In the event of contamination being discovered on site not identified by the investigation required by condition (5), all work on site shall cease and only commence following the written agreement of the Local Planning Authority

REASON

In the interests of reducing the risk of pollution

14. The protection measures agreed under condition (4) shall remain on site at all times and shall only be removed with the written agreement of the Local Planning Authority.

REASON

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or as may be amended in the future, no work under Class E of Part 7 of Schedule 2 shall be undertaken on the site.

REASON

In order to protect the openness of the Green Belt and to in order to assess the likelihood of harm arising from noise emissions.

16. No vibro-impact works shall be undertaken on site until a risk assessment and method statement has first been submitted to and approved in writing by the Local Planning Authority. Any subsequent works shall be carried out in accordance with the approved statements.

REASON

In order to protect the adjacent railway line

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by addressing the planning issues arising, particularly that of noise, such that adverse impacts can be mitigated.
 2. The applicant's attention is drawn to the requirements of Network Rail in respect of the need for appropriate Risk Assessments covering works within 10 metres of railway land and for all scaffolding works. 0161 880 3598.
 3. The contact for the scope of the investigation required by condition (5) is the Council's Environmental Health Department.
- b) That the applicant be requested to provide a contact on site such that residents can raise any noise issues with the applicant company and that he be requested to meet with residents at an early stage to discuss noise issues.

BACKGROUND PAPERS

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

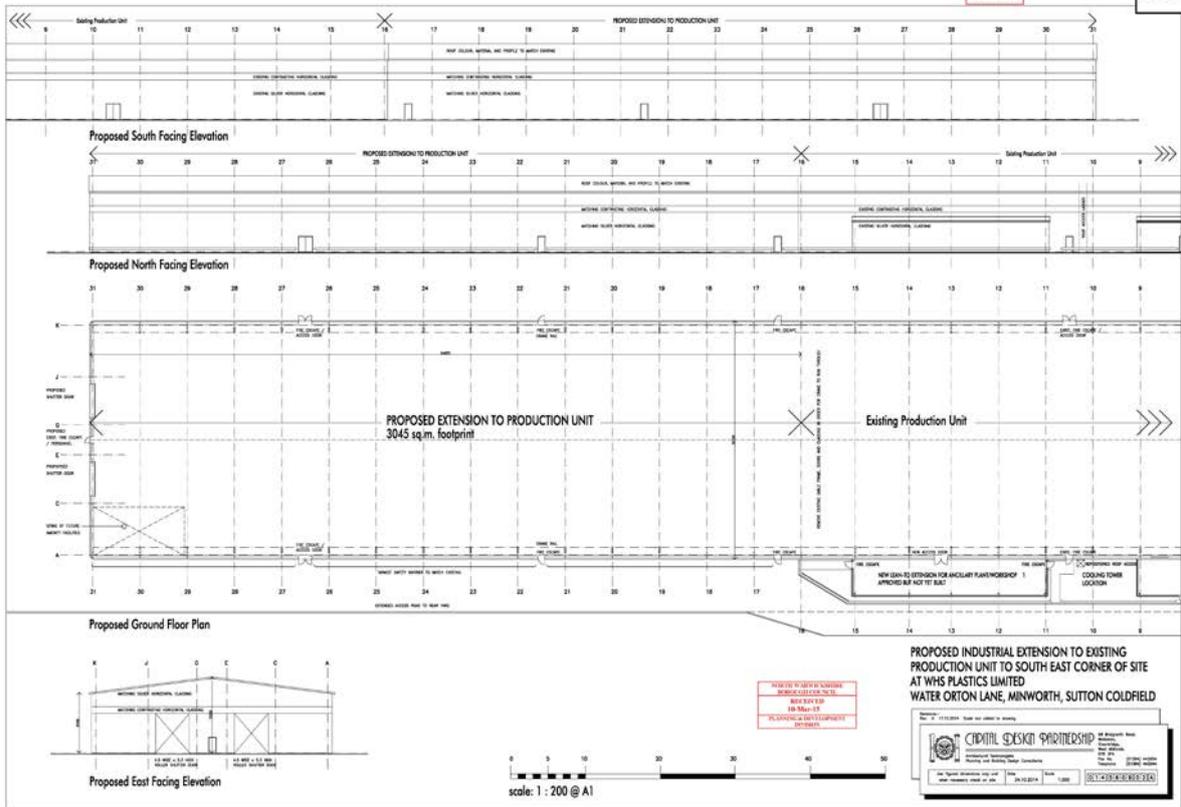
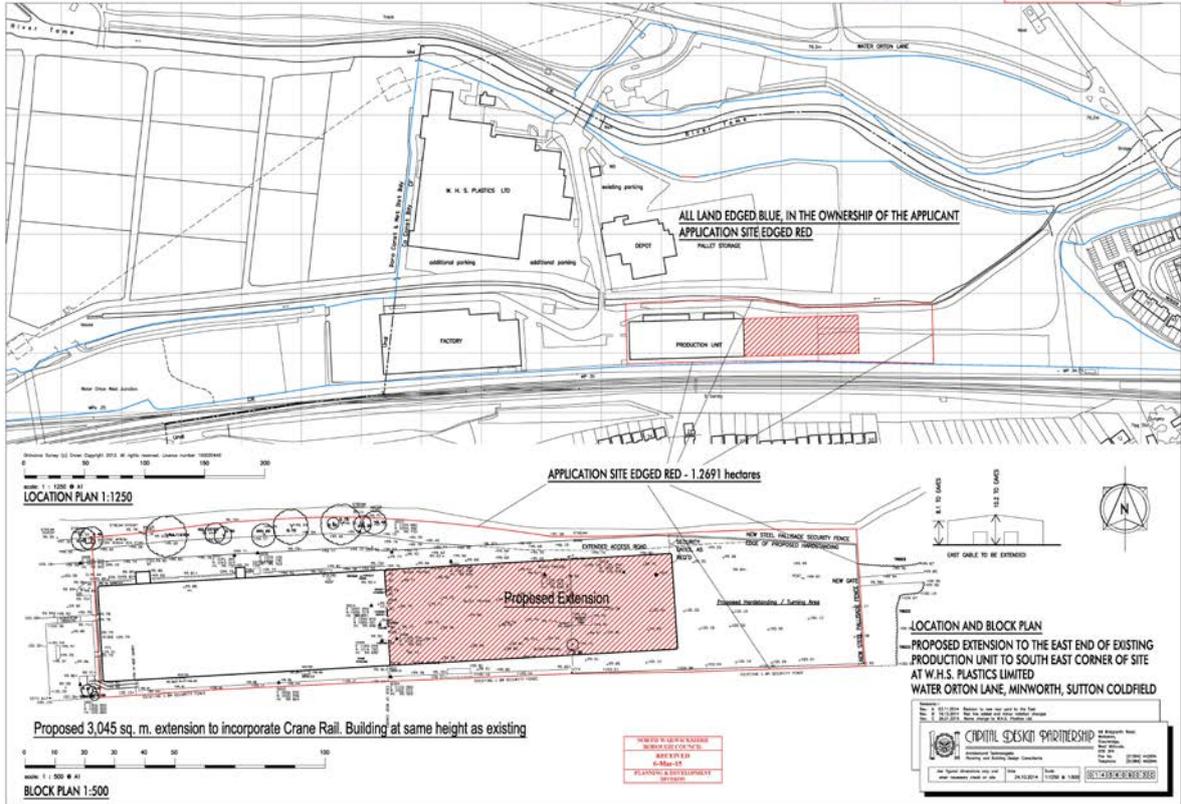
Planning Application No: PAP/2015/0145

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/3/15
2	Network Rail	Consultation	19/3/15
3	Environmental Health Officer	Consultation	8/4/15
4	WCC Highways	Consultation	9/4/15
5	Environmental Health Officer	Consultation	15/4/15
6	Case Officer	E-mail	15/4/15
7	Applicant	E-mail	23/4/15
8	Case Officer	E-mail	6/5/15
9	Environmental Health Officer	Consultation	1/7/15
10	R Lowe	Objection	20/3/15
11	N Sheppard	Objection	24/3/15
12	R Davies	Objection	25/3/15
13	N Hughes	Objection	26/3/15
14	C Davies	Objection	23/3/15
15	R Donohoe	Objection	31/3/15
16	A Hobley	Objection	23/3/15
17	27 Smiths Way	Objection	7/4/15
18	Case Officer	Letter	23/3/15
19	Case Officer	Letter	23/5/15
20	Applicant	E-mail	29/6/15
21	Case Officer	E-mails	15/5/15
22	R Lowe	Objection	15/5/15
23	C Davis	Objection	16/5/15
24	Applicant	E-mail	15/5/15
25	R Donohoe	Objection	20/5/15
26	Applicant	E-mail	18/5/15
27	Applicant	e-mail	21/5/15
28	Kingsbury Pallets	Letter	12/8/15
29	Case Officer	Letter/e-mail	13/8/15

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.







kingsbury
pallets

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Mr J Brown
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Dear Mr Brown,

12th August 2015

Re: Planning Application PAP/2015/0145 for WHS Plastics

As you are aware we operate a business of manufacturing and recycling and repairing timber pallets.

I am aware that some local residents object to the application by WHS Plastics on the basis it is suggested the WHS Plastics operations give rise to noise disturbance.

The entire site is well screened from surrounding residents and hence it is not possible for residents to visually identify the source of noise. However I suspect that the only industrial activities that may have given rise to a source of noise complaint are activities undertaken by my company and not WHS Plastics. I should add that Network Rail has recently been undertaking maintenance work on the railway and I can envisage that some of the complaints may in fact be attributable to these operations.

We have historically been alerted by your environmental health officer to complaints which have been attributable to our operation, particularly early morning working. We have undertaken works within our site to mitigate the impact of our operations, including, restricting processing times, reorienting plant and confining equipment to areas confined by buffering materials.

PalletLink
member

Registered in England Number 3148552
Registered Office: Water Orton Lane, Minworth, Sutton Coldfield, West Midlands, B76 9BG





kingsbury
pallets

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I would add that at no time have your colleagues been of the opinion that we were creating a nuisance.

As we have done before and as a responsible company we are always prepared to work with your Environmental Health officers to improve our operations further if this is proved to be required.

My purpose in writing is hence twofold:

- To advise you and local residents that we have attended to the noise complaints as a responsible company; and
- To express the opinion that the noise complaints are not fairly attributed to the industrial activities operated by WHS Plastics.

I am advised by Mr Clint Smith of WHS Plastics that the proposed building will act as a substantial buffer to general levels of noise which may be attributed to this long standing employment site. Furthermore, I understand that the proposal includes the erection of a 3 metre high noise attenuating fence on the site boundary. As such the proposed works will bring some benefit to local residents in containing the level of background noise which is to be expected from an industrial site.

Yours sincerely,

Jon Towers

PalletLink
member

Registered in England Number 3148552
Registered Office: Water Orton Lane, Minworth, Sutton Coldfield, West Midlands, B76 9BG



(4) Application No: PAP/2015/0178

Land On The South Side Of, Grendon Road, Polesworth,

Erection of 143 dwellings, provision of new vehicular and pedestrian access and associated infrastructure and landscape works, for

Mr Alan Jarvis - Taylor Wimpey (Midlands) Limited

Introduction

The application is reported to the Board following a local Member's request in view of the scale of the development proposed and its potential impact on the locality.

The Site

The site is located on the eastern edge of Polesworth. It is a broadly rectangular shaped parcel of land extending to approximately 6.28 hectares and comprises of two fields of grassland and scrub with well-defined boundaries. The site is bordered by Grendon Road (B5000) to the north, by St Helena Road to the south and west and by agricultural land to the east.

The Proposal

The application is submitted as a full planning application. The proposal is for the erection of up to 143 dwellings within Use Class C3. A developable area is shown comprising of 3.98 hectares of land which is located to the south of the site and this equates to a housing density of some 36 dwellings per hectare. An area of informal open space and landscaping is shown covering some 1.50 hectares which includes a play area using natural materials such as logs and boulders. In addition to this there is an area of land provided for the sustainable urban drainage system (SUDs).

One vehicular access point is shown on the submitted plans being delivered via a new roundabout on to Grendon Road on the northern boundary of the site. This access equates to approximately 0.83 hectares and has been designed to be the first part of the planned relief road from Grendon Road to the A5. An emergency access is included onto St Helena Road to the south which will also act as a route for construction traffic whilst this residential scheme is being developed.

There are a large number of supporting documents submitted with the application. These comprise of:

- Design and Access Statement
- Ecological Appraisal
- Agricultural Circumstances Report
- Drainage Design Statement
- Habitats Plan
- Landscape Management Plan
- Planting Schedule
- Landscape and Visual Appraisal
- Energy Statement

- Parking Court Vehicle Tracking Plan
- Contractors Method Statement
- Drainage Strategy Plan
- Transport Statement
- Travel Plan
- Tree Survey
- Flood Risk Assessment
- Historic Based Assessment
- Refuse Vehicle Tracking Layout
- Archaeological Evaluation Report
- Waste Audit Statement
- Odour Assessment
- Noise and Air Quality Assessment
- Coal Mining Assessment Report

The proposal includes the following Heads of Term to be included in a Section 106 Agreement:

- 30% affordable housing (i.e. 43 units) made up of the following mix and tenure:

Affordable Rented: 8 x 1 bed units; 6 x 2 bed bungalows; 14 x 2 bed dwellings; 4 x 3 bed dwellings; 2 x 4 bed dwellings.

Shared Ownership: 6 x 2 bed dwellings; 3 x 3 bed dwellings

- Provision of the first part of the Grendon Road to the A5 Relief Road prior to the first dwelling being occupied.
- Maintenance and management of the areas of open space, surface water attenuation and landscape zone, swales and landscape buffers/new strategic planting areas as shown on approved plan ref: LDS339-01, LDS339-02 and the Landscape Management Schedule received on 16 March 2015 and LDS339-03 received on 7 April 2015.
- A contribution of £99,567 to the Education Authority is required towards pre-school provision and primary and secondary Special Education Needs provision in the area.
- A contribution of £450,000 towards improving bus services to and from the site
- A contribution of £394,726 towards off-site open space enhancements.

Background

Outline planning permission was granted in December 2014 for the erection of up to 150 dwellings on this site. The approval was subject to a Section 106 Agreement.

Development Plan

The North Warwickshire Core Strategy 2014 : Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW4 (Housing Development); NW5 (Split of Housing Numbers); NW6 (Affordable Housing Provision); NW10 (Development Considerations); NW11 (Renewable Energy and Energy Efficiency); NW12 (Quality of Development); NW13 (Natural Environment); NW15 (Nature Conservation); NW16 (Green Infrastructure); NW19 (Polesworth and Dordon); NW21 (Transport).

Saved Policies of the North Warwickshire Local Plan 2006 – HSG4 (Densities), HSG5 (Special Needs Accommodation), ENV4 (Trees and Hedgerows), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Developments), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Considerations

The National Planning Policy Framework 2012

The National Planning Practice Guidance 2014

The Council's Preferred Option for Site Allocations Consultation 2013

The North Warwickshire Borough Council Green Space Strategy

The Five Year Housing Supply: March 2015 -This has been updated as part of the regular monitoring work on the Core Strategy Due to the historic under-supply of housing in the Borough, the Council has to add 20% to its figures, thus the requirement is for a six year supply. The most up to date figure is that we have a 7.6 year housing supply.

Consultations

Warwickshire Police's Crime Prevention Design Advisor –He confirms that he has no objections to this proposal, however, there are comments relating to the following design issues: rear courtyard parking should be discouraged; appropriate gating and fencing should be placed around the proposed open space play area; lockable gates should be placed on rear access into multiple rear gardens; appropriate glazing and lighting should be adopted; and, footpaths and emergency routes leading onto the development should have staggered bollards installed to stop motor bikes riding onto the site.

Warwickshire Wildlife Trust – The Trust state that the development will result in a net loss to biodiversity and therefore be contrary to the National Planning Policy Framework. The site consists of species poor semi-improved grassland with hedges along the boundary and although the grassland is not a particularly distinct habitat its value is 17.4 biodiversity units. Whilst the Trust agrees with the statement in the Ecological Appraisal that the allocated open space to the north of the site will provide "some compensation" for the loss of grassland, they state that this is not enough and there will still be a loss of 75% of the current biodiversity at this site. As such the Trust recommends that a decision is deferred until it can be adequately demonstrated that no net loss to biodiversity will occur as a result of this development. The Trust further

recommends that if planning permission is granted appropriate conditions should be used to ensure that hedges are enhanced and restored, that new hedges are planted and that species such as bats, breeding birds, hedgehogs and insects are protected.

Environmental Health Officer – Previous comments made on PAP/2014/0072 apply for this proposal which were that: it is likely that ground gas protection measures will be required in the foundations of the proposed buildings. A remediation statement will be required from the developer confirming what they propose (including design of gas protection measures) and a verification plan confirming how they intend to prove that they have achieved the objectives of the remediation. They state that following remediation a verification report will need to be provided. They agree that a pre-commencement condition regarding additional monitoring is required. They also confirm that they have no comments regarding noise or odours.

There are concerns with regards to the Construction Management Plan submitted as the hours of working should be 0800 to 1800 weekdays and 0800 to 1300 Saturdays. An amended Construction Management Plan has been submitted to address these concerns.

Warwickshire Fire and Rescue Service – It confirms that there is no objection to the development subject to the imposition of a planning condition.

Canal and River Trust – It confirms that there is no objection to the proposed development.

Warwickshire Museum – It confirms that based on the results of the trial trenching undertaken across the site a condition is not now required with regards to the need for further archaeological work.

Warwickshire County Council as Highways Authority – The Council originally objected to the planning application as additional information was required before the application could be properly considered on:

- The submission of a refuse vehicle tracking drawing;
- The submission of an adoption plan so that roads that are to be adopted are built to standards able to cater for refuse vehicles and emergency vehicles.

Additional information has been submitted on refuse vehicle tracking layouts and on the Section 38 highway land to be adopted. Based on this additional information the Highways Authority has revised its response to one of no objection subject to conditions and financial obligations.

Representations

Polesworth Parish Council – The Council is concerned about the proposal as with the 150 dwellings already approved off St Helena Road this will amount to 300 dwellings in this area. They express their concern about the impact of this number of properties on the village facilities including the schools and doctors. They also express their concerns about the traffic problems this will cause on the B5000.

One letter of objection and two letters of concern from local residents with regards to the increase in traffic which such a development would bring to the B5000 which is already

relatively busy especially at peak times and many cars travel too fast. There is a real concern that the narrow canal bridge cannot cope. One of the authors' suggests that traffic calming should be considered on the existing Grendon Road (within the existing populated areas) before the application is approved. Comments are also made on the effects of this development on the village infrastructure such as village parking, school places and doctors surgery.

Additional statutory consultation responses

As indicated above an outline planning permission has already been granted for 150 dwellings on this site. Some of the consultation responses for that application are still pertinent to the current detailed application.

The Council's Assistant Director (Housing) – the proposal would help to meet the need as evidenced on the waiting list through the affordable housing provision proposed.

Severn Trent Water Ltd – No objection subject to a drainage plan for the disposal of surface water and foul sewage being submitted.

Warwickshire County Council Finance Officer – The County Council requests a contribution of £22,766 for the Library and £99,567 towards pre-school provision and primary and secondary Special Education Needs provision in the area.

Warwickshire County Council Rights of Way Officer – No objections to this proposal as there are no public rights of way crossing or immediately abutting the application site. A request for a contribution of £9,050.54 is made towards improvements to public rights of way within a 1.5 mile radius.

Environment Agency – No objections to the proposal subject to a condition being imposed on any consent granted requiring a remediation strategy to be submitted detailing how unsuspected contamination will be dealt with. With regards to surface drainage, it is noted that the site is located in low risk Flood Zone 1 and the application is supported by a Flood Risk Assessment. They recommend that our Lead Local Flood Authority is consulted.

Warwickshire County Council Highways Authority – No objections subject to conditions on ensuring the access is laid out in accordance with the submitted drawings; that the visibility splays provided have an 'x' distance of 2.4 metres and a 'y' distance of 43 metres; and, that the developer provides a bus stop on the southern side of the B5000 to the west of the proposed roundabout. With regards to the Section 106 Agreement, a contribution of £450,000 is required for improving bus services to and from the site which is broken down as follows: £110,000 on occupation of the 10th Dwelling; £100,000 after one year; £90,000 after two years; £80,000 after three years; £70,000 after four years.

Warwickshire County Council as Local Lead Flooding Authority – No objections to this application. They fully support the consultant's recommendation to limit the rate of run-off from the development to 11.6 litres per second to storm events up to 100 years plus 30% allowance for climate change. They recommend that a drainage condition is required. As part of this condition they would expect the developer to undertake a Condition Survey (where access is available) of the ditches referred as Ditch 5, 6, 7, 8 and 9. A structural status survey is also required of the twin 900mm diameter pipes to a

point where they discharge to the River Anker. This information is to be provided to the Local Authority to confirm the condition of the whole drainage system.

The Council's Assistant Director (Leisure and Community Development) – It is recommended that neither of the equipped play areas should be included in this housing proposal given the proximity of Abbey Green Park. They consider that an off-site contribution would be of greater benefit in order to improve existing open space, leisure or recreation facilities within Polesworth. They also state that it may be worth considering a safe crossing on Grendon Road to facilitate/encourage access to Abbey Green Park. The footpath immediately east of Lime Kilns is a well-used pedestrian route into the Park and beyond to the village centre. With regards to the amended scheme the Landscape Manager confirms that the contribution for off-site open space provision should be pro rata.

Observations

a) The Principle

Members are already familiar with this site and the proposals which are set out in this application as outline planning permission was approved in December 2014 for a housing scheme on this site. There is thus no objection in principle here and Member's attention should be solely focussed on detailed matters.

It must also be stressed that this proposal is NOT additional to that already granted as perhaps inferred from the Parish Council's response. This detailed application for 143 units is on exactly the same site as that of the outline for 150.

In respect of the principle then the site does indeed lie outside the development boundary for Polesworth. However, the Core Strategy includes Policies NW2 (Settlement Hierarchy) which states that in the plan period more than 50% of the housing and employment requirements will be provided in or adjacent to the Market Towns and their associated settlements and Policy NW19 (Polesworth and Dordon) which say that the broad location of growth will be to the south and east of the settlements.

In additions to this, the site Allocations Document Consultation Plan identified sites throughout the Borough for development up to 2029 and included the whole of this site for housing development (Site POL6). The Site Allocations Document must be prepared in line with the policies in the Core Strategy which sets out the vision and objectives for the spatial development of the area. Site Allocation POL6 includes the site for 150 units along with the start of the distributor road and trial trenching for archaeological investigations.

This is the policy background to the grant of the outline application at the end of last year.

b) Loss of Open Countryside

There has been some concern about the loss of countryside but because of the policy background set out above and the grant of the outline, it has been accepted that there is to be a loss of countryside. What is important in this detailed application is how to ensure that the detail enables the design and appearance of the layout to retain some degree of openness.

The proposed scheme includes land to the south of Grendon Road as open space and landscaped areas. The whole of the site is shown surrounded by a zone for landscaping buffer/new strategic planting/swale in order to reduce the impact of developing the site. Existing vegetation is also shown to be retained which includes some mature vegetation along the boundaries of the site. The housing scheme proposed is a relatively low density scheme of 36 dwellings per hectare which will ensure that parts of the site remain as open space areas/landscaped areas. This is relevant to the bio-diversity issue too. An outline planning permission has already been granted here. The grant of that permission was considered to outweigh any bio-diversity deficit due to the need to meet Core Strategy housing targets and affordable housing provision. The areas of open space included in this current application mitigate for that deficit.

The deletion of the proposal to include equipped play areas on the site was as a result of concerns raised by the Council's Landscape Manager. It was considered that an off-site contribution would be of greater benefit in order to improve existing open space, leisure or recreation facilities within Polesworth especially at Abbey Green Park. A figure of £394,726 has been agreed for off-site open space provision.

The Landscape Manager also states that it may be worth considering a safe crossing on Grendon Road to facilitate/encourage access to Abbey Green Park as the footpath immediately east of Lime Kilns is a well-used pedestrian route into the Park and beyond to the village centre. This proposal can be further assessed when looking at projects to enhance the off-site open space provision in the area.

In light of the above it is considered that this proposal on the edge of the development boundary for Polesworth can be designed to ensure that its impact on the open countryside is minimised.

c) Affordable Housing

Policy NW6 in the Council's Core Strategy relates to Affordable Housing Provision. This Policy states:

- that for schemes of 15 or more dwellings then 30% of housing provided on-site will be affordable,
- except in the case of Greenfield (previously agricultural use) sites where 40% on-site provision will be required.

The Policy further states that proposals to provide less than the targets set out above:

- should be supported by a viability appraisal to verify that the targets cannot be met and the maximum level that can be provided without threatening the delivery of the scheme.

The Council has commissioned DVS (The Property Services arm of the Valuation Office Agency) to analyse the Viability Appraisal submitted for the outline scheme. Following discussions regarding other financial contributions required as well as abnormal development costs associated with remediating this former coal mined area and costs of installing the new roundabout and T junction to facilitate the development of the Grendon Road to the A5 Link Road, it has been agreed that 30% of the on-site housing will consist of affordable housing units with 80% of these units being affordable rented units. The Council's Housing Officers confirm that the tenure and mix proposed are

suitable for the applicants currently on the Council's Waiting List for a residential unit in Polesworth.

As such it is considered that the proposal for 30% of the units to be affordable housing units transferred to a Registered Social Landlord is in accordance with Policy NW6 as being viable for this scheme at the present time.

d) Highway Issues

The proposal for 143 residential units will generate a significant amount of additional traffic to this area of Polesworth. In order to reduce the level of traffic generated the developer is committed to providing a financial contribution to ensure that the proposed development can be served by a regular bus service for at least a five year period. The developer is also required to provide a bus stop to include raised borders, bus stop flags with integral timetable cases and quality bus shelters to encourage this use of public transport. Footpath links through the site to St Helena Road are provided to ensure that residents surrounding this site can also use this public transport service.

With the introduction of the proposed roundabout, the 30mph speed limit on the B5000 will be moved to the east of the roundabout to assist in reducing vehicle speeds on entry to the built up area. Once the Link Road is complete, traffic will be able to access the A5 from the Grendon Road and avoid Long Street and the centre of Polesworth.

Following objections to the lack of detail provided for the original scheme, the Highways Authority now has no objections to the scheme subject to the imposition of four planning conditions relating to the need for a Construction Management Plan, the need to construct the access in accordance with the approved plan, the need to effectively drain the access roads and the need to ensure that the emergency access road is implemented in accordance with the approved plans.

With regards to the proposed car parking provision, the application shows two car parking spaces for each dwelling except the one bedroomed dwellings which have 1.5 car parking spaces for each dwelling.

Based on the above it is considered that the scheme incorporates sufficient measures to mitigate against the impact of additional traffic on the existing highway network.

e) Surface Water Drainage

The proposed development site is identified by Warwickshire County Council as an area likely to be affected by surface water flooding. Previous letters of objection from local residents have stated that the site acts as a natural filter which allows the existing surface water to be absorbed into the ground before discharging into the ditches and then into the River Anker.

Warwickshire County Council is the Drainage Authority for this area. Its' Drainage Engineer and Flood Risk Management Officer has no objections to this application. In their consultation response they state that they fully support the consultant's recommendation to limit the rate of run-off from the development to 11.6 litres per second to storm events up to 100 years plus 30% allowance for climate change. They recommend that a drainage condition is required. As part of this condition they would expect the developer to undertake a Condition Survey (where access is available) of the ditches referred as Ditch 5, 6, 7, 8 and 9. A structural status survey is also required of

the twin 900mm diameter pipes to a point where they discharge to the River Anker. This information is to be provided to the Local Authority to confirm the condition of the whole drainage system.

The applicant has agreed to undertake this survey work as part of a planning condition. They have also agreed to include wording in the Section 106 Agreement which shows their commitment to maintaining this drainage system as well as the open space provision by appointing a Management Company. As such it is considered that this issue can be addressed through the imposition of a planning condition and through the Section 106 Agreement.

Based on the above it is considered that this full application for 143 dwellings can be supported subject to the signing of a Section 106 Agreement and through the imposition of appropriately worded conditions.

Recommendation:

Subject to the signing of a Section 106 Agreement with the following Heads of Terms:

30% affordable housing (i.e. 43 units) made up of the following mix and tenure:

- a) Affordable Rented: 8 x 1 bed units; 6 x 2 bed bungalows; 14 x 2 bed dwellings; 4 x 3 bed dwellings; 2 x 4 bed dwellings.
Shared Ownership: 6 x 2 bed dwellings; 3 x 3 bed dwellings
- Provision of the first part of the Grendon Road to the A5 Relief Road prior to the first dwelling being occupied.
- Maintenance and management of the areas of open space, surface water attenuation and landscape zone, swales and landscape buffers/new strategic planting areas as shown on approved plans ref LDS339-01, LDS339-02 and the Landscape Management Schedule received on 16 March 2015 and LDS339-03 received on 7 April 2015.
- b) A contribution of £99,567 to the Education Authority is required towards pre-school provision and primary and secondary Special Education Needs provision in the area.
- c) A contribution of £450,000 towards improving bus services to and from the site
- d) A contribution of £394,726 towards off-site open space enhancements.

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

Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

- 2) The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 20119/AA24-4-PL; AA42-4-PL1; AA32-4-PL1; PA21-6-PL1; PD30G-6-PL1; BA-4-PL1; PD48-6-PL1; PT36-6-PL1; PT36-6-PL2; PT41-6-PL1; GA SIA-20-2010; GA S2A-20-2010; PA34-6-PL1; PT38-6-PL1; PA48-6-PL1; SO-4-PL1; PA49-6-PL1; PT37-6-PL1 all received by the Local Planning Authority on 7 April 2015, the plans numbered 20119/01G; PT42-6-PL2A; PT42-6-PL1A and 20335_02_020_03 Rev B all received by the Local Planning Authority on 23 June 2015, the Principal Contractor's Overall Method Statement received on 12 August 2015

REASON

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

- 3) All of the dwellinghouses hereby approved shall only be constructed from materials listed in the Materials Schedule contained on Drawing No: 20119/01G received by the local planning authority on 23 June 2015.

REASON

In the interests of the amenity of the area.

- 4) Prior to the occupation of any of the residential units hereby approved the vehicular access to the site from Grendon Road shall be laid out in accordance with Drawing ref: 20119/01G received by the local planning authority on 23 June 2015 and Drawing ref: 20335_03_001 Rev B received by the local planning authority on 7 April 2015.

REASON

In the interests of highway safety.

- 5) Prior to the occupation of the 110th dwellinghouse hereby approved, the emergency access shall be implemented, located and laid out in general accordance with Drawing ref: 20119/01G received by the local planning authority on 23 June 2015.

REASON

In the interests of highway safety.

- 6) Before any of the dwellings hereby approved are occupied, a bus stop shall be provided on the southern side of the B5000 to the west of the proposed roundabout. This bus stop scheme shall also include raised borders, bus stop flags with integral timetable cases and quality bus shelters. Prior to the installation of this facility full details shall be provided to the Local Planning Authority for their approval in writing. Only the approved scheme shall then be implemented.

REASON

In the interests of highway safety and to ensure that public transport is provided to the site.

- 7) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of public safety from fire and the protection of Emergency Fire Fighters.

- 8) The Drainage Design Statement produced by MEC Consulting Engineers and received by the local planning authority on 7 April 2015 shall be implemented in full before the development is completed.

REASON

To minimise the risk of flooding on or off site.

- 9) The residential development hereby approved shall be constructed in accordance with the Principal Contractor's Overall Method Statement received by the local planning authority on 12 August 2015.

REASON

In order to reduce the impact of the construction activity on neighbouring residential properties.

- 10) The dwellinghouses hereby approved shall be constructed in accordance with the Energy Statement submitted by Taylor Wimpey under ref: PAP/2014/0072 and dated September 2014.

REASON

To ensure that the development is energy efficient in terms of its fabric and use as required in Policy NW11 of the Core Strategy.

- 11) Before any development commences on site further gas and groundwater monitoring shall be carried out in accordance with and to meet the requirements of national guidance in order to provide the most up-to-date set of data to determine the detailed design of gas protection measures. Full details of this set of data and the detailed design of robust gas protection measures to be incorporated into the buildings shall be submitted to the Local Planning Authority for their approval in writing. Only the approved details shall then be implemented on site.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with minimising risks to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Notes

- 1) With regards to condition 8, the developer shall undertake a condition survey (where access is available) of the ditches referred as Ditch 5, 6, 7, 8 and 9 and the twin 900mm diameter pipes to point where they discharge to the River Anker. This information is to be provided to the Local Authority to confirm the condition of the whole drainage system.
2. Conditions 4, 5 and 6 require works to be carried out within the limits of the public highway. The applicant/developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning and Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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.

Applications 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.

3. 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.
4. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
5. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through holding pre-application meetings, through discussing the consultation responses received and the issues identified and 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.
7. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

8. 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 0845 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.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0178

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/4/15
2	Warwickshire Police	Consultation	14/4/15
3	Warwickshire Wildlife Trust	Consultation	20/4/15
4	Local Resident	Letter of concern	18/4/15
5	Pollution Control Officer	Consultation	29/4/15
6	Local Resident	Letter of concern	29/4/15
7	Warwickshire Fire and Rescue	Consultation	30/4/15
8	Canal and River Trust	Consultation	30/4/15
9	Local Resident	Objection	23/4/15
10	Highways Authority	Consultation	6/5/15
11	S Wilkinson	Letter to Agent	6/5/15
12	Polesworth Parish Council	Consultation	18/5/15
13	S Wilkinson	Letter to Polesworth Parish Council	20/5/15
14	Highways Authority	Consultation	30/7/15
15	Planning Archaeologist	Consultation	5/8/15
16	S Wilkinson	E-mail consultation to Members	4/8/15
17	Councillor Simpson	Request for application to go to Board	6/8/15
18	Councillor M Stanley	Request for application to go to Board	6/8/15
19	Councillor Lea	Request for application to go to Board	7/8/15

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.





Accommodation schedule

House Type	Quantity	Area (sqm)	Volume (cu m)
2/3	10	10000	10000
3/4	10	12000	12000
4/5	10	15000	15000
5/6	10	18000	18000
6/7	10	20000	20000
7/8	10	22000	22000
8/9	10	25000	25000
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