

(9) Application No: PAP/2012/0272

Woodcorner Farm, Green End Road, Green End, Fillongley, Coventry, CV7 8EP

Removal of condition no:3 of planning permission PAP/2005/5059 relating to sole use for trading at the premises in respect of change of use from potato packing to exhibition stand contractors, for

Mr Vincent McCullagh

Introduction

This item is referred to the Board as it determined the original application to change the use of these premises and was also involved in a later application to vary the wording of this same condition.

The Site

The premises extend to some 2.6 hectares and comprises commercial buildings totalling some 4100 square metres together with car parking and service yards set back and to the north of Green End Lane. There are residential properties either side of the site. The site is about a kilometre west of the junction of Green End Lane with the Meriden Road out of Fillongley. It is wholly in a countryside location.

Background

Members may remember the site as being the premises of the MBM potato packing business involving the processing, storage and packing of packaged potatoes. This used ceased in the early 2000's and the site sold to the current applicant.

In 2005, planning permission was granted for the change of use of the whole premises from potato packing to a use involved with a Company involved in exhibition stands. The reasons for this decision were essentially that the new use provided an opportunity for significant reductions in HGV traffic using the local road network, together with the removal of hard-standings, weighbridges and fuel tanks.

The planning permission was heavily conditioned in order to control the new use in order to deliver the improvements summarised above. The three significant controlling conditions were – that the use was personal to the applicant trading as Sovereign Exhibitions Ltd; that no more than three HGV's should operate from the site and that there were hours' restrictions on the use of the site for business purposes.

In 2010, permission was granted to vary the "personal" condition by removing the applicant's name but retaining the restriction to the named Company. The reason for the application was that the applicant's Insurers were not prepared to continue their interest in view of the "risks" involved.

At present therefore condition 3 reads, "the use hereby approved shall enure solely for the benefit of Sovereign Exhibitions Ltd and for no other Company whomsoever, and specifically not for the building known as Wood Corner Farm, and shall on or before vacation of the property by Sovereign Exhibitions Ltd, be discontinued". The reason for the condition is that, "planning permission is granted solely in recognition of the particular circumstances of the beneficiary".

The Proposal

The application seeks removal of condition 3 all together and that the planning permission for the premises be for B2/B8 use together with all of the original other controlling conditions. The reason for the application is that the applicant Company's bank is no longer prepared to support the Company because it considers the condition to be too restrictive as it does not provide certainty in securing its interest in the site over a long time period. As a consequence the Company is in the process of changing banks. However the new Bank has similar concerns about the value of the property with its "personal" condition, and is not prepared to extend loans or overdraft facilities. In other words they see it as a "risky" asset. The Company thus faces the prospect of closure.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration) and 2 (Development Distribution) together with policies ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV14 (Access Design) and ECON9 (Re-use of Rural Buildings).

Other Material Planning Considerations

The National Planning Policy Framework (NPPF) – 2012.

Circular 11/1995 – The Use of Conditions

Representations

One objection has been received from an occupier of a farm property on the Meriden Road on the grounds that the user has not kept to the conditions in that the number of HGV's and the hours' restriction have been breached. Increased HGV movements are not in the interests of the local community and are doing harm to amenity and to buildings.

Fillongley Parish Council – No objection

Observations

The original condition was considered to be necessary given the substantial issues that arose from the previous potato packing use, and therefore appropriate for the early years of occupation by the new owner, in order to enable the significant environmental improvements proposed by the applicant. It is considered that that was the correct approach at that time. Since then there has been a substantial highway and environmental improvement through the new occupation. The decision to remove the individual's name from the condition in 2010 was again appropriate given these improvements; the reasons put forward and the retention of the remaining controlling conditions. There have been no adverse consequences arising from the site's occupation since that decision. Indeed the Parish Council supported that change too. The situation has now moved on and the applicant is seeking removal of the remaining part of that condition limiting the use to one involved with Exhibition Stand Contractors.

The reasons for the current application are clearly understood and carry significant weight. The reason for this is because of the new National Planning Policy Framework. Herein there is substantial support for retaining and encouraging business and employment growth. There are clear references to sustaining local employment and to supporting the rural economy. The threat of closure of a business is thus significant. The “threat” here is from the applicant’s viewpoint due to the restrictive nature of the condition. From the Authority’s point of view the condition is “protective” in order to control the use of the site in environmental terms. The NPPF however does not place commercial considerations above environmental considerations advising that they be balanced. In this case the overriding concern about the use of these premises for commercial purposes has been and continues to be – as pointed out by the representation – the potential adverse impacts of HGV movements along essentially rural roads. That concern however is addressed by means of a further condition limiting the HGV’s operational at the site to three. The applicant wishes that condition to remain. Additionally, the applicant has never appealed the inclusion of that condition in the permission. Moreover, notwithstanding alleged breaches of that condition, officer investigations over quite a period of time found no evidence to conclude that there had been a breach. The working hours condition was attached in order to improve the situation at the site given that there are adjoining residential properties and that there are others on the surrounding lanes used by HGV’s using these premises. The applicant wishes that condition to remain too. Similarly here, at the time of initial occupation, there were allegations of breaches of this condition. No evidence was found to substantiate those allegations. Officers have not been asked to investigate either of these conditions during the past five years. As a consequence it is considered that the “balance” as required by the NPPF can and is provided through the continuation of these two other controlling conditions. Additionally, it is considered that the personal condition no longer adds anything to the permission. If the site was vacated by the current occupier then it could only be re-occupied by a similar use – one involved in Exhibition Stands. That might be difficult to conclude. In those circumstances the business and economic growth advice and guidance in the NPPF would take on greater significance as there is a clear direction in that NPPF not to leave buildings vacant or redundant. Overall therefore there is a substantial “planning” case for removal of the condition. This is given added weight as once again the Parish Council does not object to the application.

Attention is also drawn to Circular 11/1995. Advice therein is clear – conditions should not be “unreasonably restrictive” saying that any condition, “which would put a severe limitation on the freedom of owners to dispose of their property.... should be avoided” – paragraph 36. Paragraph 32 further states that, “conditions restricting the occupation of a building should not set up a vetting procedure for prospective applicants”. Paragraph 93 concludes that, “a permission personal to a Company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of that Company. This condition will scarcely ever be justified”. Paragraph 94 concludes by saying that “the Secretaries of State regard such conditions as undesirable in principle”. The advice is thus very clear. With this background, the original condition was only included with the agreement of the new occupier. It has served its purpose and in the present changed circumstances can no longer be justified. The advice from the Circular may well be overriding if this current application goes to appeal.

The recommendation below is to agree to the continuation of this permission without compliance with condition 3. Any permission granted will thus have to recognise the use class that the personal condition presently specifies. That would be a B2/B8 use. As strongly intimated above such a use would need to be controlled and the continuation of the two major conditions – on HGV numbers and working hours – should thus remain. All other conditions on that 2005 consent would need to be retained if still appropriate.

Recommendation

That planning permission be **GRANTED** for a B2/B8 use subject to the following conditions:

- i) Standard Three Year condition
- ii) Standard Plan numbers condition – the location plan received on 22/5/12
- iii) Within two years of the date of this permission, additional planting shall be undertaken in the areas identified on the plan attached to this Notice.

Reason: In the interests of the visual amenities of the area.

- iv) No lighting shall be provided to the development hereby approved without details first having been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

Reason: In the interests of the visual amenities of the area and of neighbour amenity

- v) No more than three heavy goods vehicles shall operate from this site. No variation of this number shall be made without the prior written agreement of this Authority as Local Planning Authority.

Reason: In the interests of highway safety and amenity

- vi) The site shall not be used for business purposes other than between the hours of 0800 and 1800 on Mondays to Fridays, between 0800 and 1400 on Saturdays with no working on any Sunday or Bank Holiday.

Reason: In the interests of amenity

- vii) No development whatsoever within Classes A and B of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or as may be amended in the future, shall take place without details first having been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent the loss of openness to the area hereabouts.

Notes

- i) The Development Plan policies relevant to this decision are saved Core Policies 1 and 2 together with saved policies ENV2, ENV11, ENV14 and ECON9 of the North Warwickshire Local Plan 2006

ii) Standard Coal Authority Standing Advice

Justification

There has been a material change in circumstances since the 2005 and 2010 permissions relating to these premises – the prolonged economic down turn and the introduction of the National Planning Policy Framework. The latter seeks to promote, encourage and support economic and employment growth where there are not likely to be adverse impacts. Here existing conditions to control HGV numbers and hours of working will continue to control such impacts, such that a satisfactory balance between economic and environmental issues can be found. The advice of Circular 11/1995 is also material to this decision. Given these continuing conditions, the development accords with saved Core Policies 1 and 2 and saved policies ENV2, ENV11, ENV14 and ECON9 of the North Warwickshire Local Plan 2006 and the NPPF 2012.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0272

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/5/12
2	Head of Development Control	Letter	30/5/12
3	Mr shepherd	Objection	30/5/12
4	Head of Development Control	Letter	18/6/12
5	Applicant	E-mail	25/6/12
6	Head of Development Control	Letter	26/6/12
7	Applicant	E-mail	2/7/12
8	Applicant	E-mail	6/7/12
9	Fillongley Parish Council	Representation	2/7/12

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

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



General Development Applications

(10) Application No: PAP/2012/0330

Land Adjacent to 40, Kiln Way, Polesworth

Outline - Erection of No.2 dwellings for

North Warwickshire Borough Council

Introduction

The application is reported to the Board under the Scheme of Delegation Policy as the applicant is North Warwickshire Borough Council.

The Site

The site comprises a grass amenity area of some 0.03 hectares which lies to the north of Kiln Way. The site is bounded on two sides by Kiln Way and by residential properties to the remaining two sides.

The Proposal

The application is for outline planning permission with all matters reserved for later consideration. The description states that the proposal will be for two dwellinghouses. An indicative plan has been provided which shows a pair of semi-detached units.

Background

Planning permission was granted under ref: PAP/2008/0429 in August 2009 for the outline consent for the erection of two dwellings. The planning consent included a commitment of £2000 towards the enhancement of open space in Polesworth.

The area of land in question is a small amenity area that has not been designated as a play area. Presently the western half is left open, whereas the eastern half is surrounded by hedgerows.

The reason for the application is that its informal use as amenity space has had recurrent problems of anti-social behaviour and misuse, giving rise to complaints from residents, as well as posing risks to passing motorists. The site is in poor condition.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 2 (Development Distribution) Policies ENV5 (Open Space), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Relevant Material Considerations

National Planning Policy Framework

Local Finance Considerations: New Homes Bonus (NHB), Community Infrastructure Levy (CIL)

Consultations

Highways Authority – objects to the proposal on the basis that the speed limit fronting the site is 30mph and although not a primary route or on a bus route, the Manual for Streets guidance can be used in regard to visibility splays which should be 2.4 metres by 43 metres. As such, the visibility splay to the left crosses over land potentially not in the control of the applicant and so the splay may not be able to be maintained. As such the access needs to be moved to provide splays that go over the application site. Drivers should also enter the public highway at 90 degrees rather than 25 degrees provided. Two car parking spaces should be provided rather than a garage and car parking space. The acute angle of the access would prevent vehicles being able to park in front of the garage and would leave little space for the garage doors to be opened.

A revised response of no objection subject to conditions has been received following the Authority being reminded of an earlier permission on the site for the same development.

Museum Field Services – no comments received.

Environmental Health Officer – The site is within the former Ensor brickworks site. A ground condition investigation and risk assessment must be completed. This will inform the developer of the most appropriate remediation measures to take if necessary. Conditions can cover this request.

Representations

One letter of objection from the resident at 33 Kiln Way has been received. The objections relate to the loss of privacy and light for neighbours as a result of building on this land and more traffic in and out of the cul-de-sac making the road dangerous and adding to issues of on-street parking. They are also concerned that building on this green space could lead to flooding issues for surrounding properties.

Observations

The site lies within the Development Boundary for Polesworth where the principle of residential development is accepted.

The outline planning permission granted under ref: PAP/2008/0429 on 18 August 2009, has now expired. Since the determination of this application the Development Plan for the area remains the same with the Saved Policies in the North Warwickshire Local Plan 2006. Although the National Planning Policy Framework has been introduced since this previous scheme was approved, in view of the Local Plan being adopted after 2004, the Policies of the 2006 Plan are relevant during the transition period.

The Saved Policies of relevance to this scheme include:

Policy ENV11 – Neighbour Amenities

The site is of a sufficient size to accommodate two dwellings and associated car parking and amenity space. The proposed housing layout would not be dissimilar to the remaining housing estate. The present houses already overlook each other as they have principle windows in the rear elevations which are some 21 metres between each other. The proposal for two additional dwellings would be some 19 metres from the rear of number 38. This distance is not considered to be such an adverse impact as to

warrant a refusal in light of the gardens already being significantly overlooked, and due to the constraints of the site then the new dwellings will have to be sited at an angle and so not immediately behind number 38 resulting the likelihood of direct overlooking to be lessened. The loss of a view is not a material planning consideration.

ENV5 – Open Space and ENV12 – Urban Design

Both of these policies encourage the preservation of open space within urban areas. The development of this site will result in the loss of a space being used by children living on this housing estate. However, this space has not been adopted as a formal open space area and has not been laid out or made available for ball games or as a play space. Indeed, the informal use of the space does pose a significant risk to both children and passing motorists. As such the weight given to this material consideration is considered to be low in light of the site merely appearing as vacant land and the availability of other formal open spaces in the locality.

ENV14 – Access Design

The development will provide on site car parking spaces for each unit. With regards to the objection received from the Highway Authority, these are specific issues with regards to access design and parking layouts. It is important to remember that this application has been submitted in outline with all matters reserved for later consideration. The layout plan submitted has therefore been submitted as an indicative plan only. Conditions can be imposed on any consent granted to cover the issues raised by the Highway Authority as there is deemed to be sufficient land to accommodate such requirements. In light of this and the previous “no objection” response received for the scheme approved in 2009 by the Highways Authority, they have been asked for further comments. As a consequence it now says that as there is sufficient land to accommodate the issues raised, they are content with planning conditions being imposed on any outline consent granted. As such it is considered that through the use of planning conditions the proposal for two dwellings on this land can accord with Policy ENV14.

Financial Contributions

The proposal will attract New Homes Bonus once completed (although such payments are a long way off in view of this application being submitted in outline and so a further application needs to be submitted and approved before any works can commence on site). As such it is not considered that this payment has any weight in the consideration of this planning application.

The issue of a contribution for the enhancement of other open space sites was agreed during the determination of the previous application. The Resources Board previously resolved that £2000 be taken from the receipt of the sale of this land for the purposes of enhancing open space elsewhere in Polesworth. The figure was deemed to represent the amount that would be asked for through a Section 106 Agreement and thus was deemed acceptable in meeting the obligation for an Open Spaces contribution. There is no reason why this commitment cannot be carried over for this planning application as would be required by a private developer in line with the Council’s draft SPD on Open Space.

Other Material Planning Considerations

The proposal fully accords with the purposes of the NPPF in promoting sustainable development in existing urban areas.

In light of the above it is considered that the proposal can be supported subject to conditions.

Recommendation

That following the agreement of the Resources Board that £2000 from the receipt of the sale of this land be used for the enhancements of open space in Polesworth, in lieu of a Section 106 Agreement, that the application be approved subject to the following conditions:

1. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) access
 - (b) appearance
 - (c) landscaping
 - (d) layout
 - (e) scale

REASON

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

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

REASON

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

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

REASON

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

4. No works whatsoever shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Phase I Assessment carried out for the site in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:
- human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

REASON

In order to reduce the risk of pollution.

5. Following the completion of the assessment as required in condition 4 above, in the event that contamination is identified and remediation is considered necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be implemented in accordance with the approved timetable of works and site management procedures. The scheme must be implemented prior to the construction of the development.

REASON

In order to reduce the risk of pollution.

6. Within three months of the completion of measures identified in the approved remediation scheme submitted in accordance with the requirements of condition 5, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and agreed with the Local Planning Authority prior to construction of the proposed development.

REASON

In order to reduce the risk of pollution.

7. No dwellinghouse shall be occupied until all vehicular accesses provided into the site have visibility splays with a setback of 2.4 metres and splays of 43.0 metres which are wholly within the application site.

REASON

In the interests of highway safety.

8. Before the occupation of any dwellinghouse, two car parking spaces for each dwellinghouse shall be provided within the site and shall be made available for use at all times.

REASON

In the interests of highway safety.

Notes

- 1 The plan submitted with the application form is an indicative plan only. The Highways Authority has voiced concerns about the parking layout shown and so any further applications will need to ensure that adequate visibility splays are provided; that drivers are entering the public highway at 90 degrees rather than the 25 degrees shown; that any proposed access within 500mm of street furniture shows plans to move this street furniture; and that two car parking spaces per dwelling are provided and made available for use at all times.
- 2 The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):
Core Policy 2; ENV5; 11; 12; 13 and 14

National Planning Policy Framework

Justification

The site lies within the Development Boundary for Polesworth where the principle of residential development is accepted. Outline planning permission has been granted previously for two dwellinghouses on this land. The Saved Policies in the North Warwickshire Local Plan 2006 remain relevant in that the scheme is required to ensure that neighbour amenities are not impacted upon by the proposal, to ensure that the scheme harmonises with the urban design of the area; and, to ensure that the access is designed such that it maintains highway safety in the area. It is considered that through the use of appropriately worded conditions, two dwellinghouses can be comfortably accommodated on the site whilst ensuring that the requirements of these Saved Policies are met. It is considered that there are no material considerations that indicate otherwise.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0330

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement(s)	2/7/12
2	Environmental Health Officer	Consultation response	17/7/12
3	Donna Clark	Objection	20/7/12
4	Highways Authority	Consultation response	30/7/12
5	Highways Authority	E-mail	31/7/12

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

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



(11) Application No's: PAP/2012/0347 and PAP/2012/0350

Birch Coppice Business Park, Watling Street, Dordon

2012/0347 - Outline application for a proposed extension of the Birch Coppice Business Park – “The Beanstalk” - for employment uses including Business (Class B1c), General Industrial (Class B2) and storage and distribution (Class B8) purposes, formation and construction of proposed access road, site layout, associated drainage infrastructure works, site levels and structural landscaping

2012/0350 – Outline application for a proposed extension of the Birch Coppice Business Park - “The Beanstalk Extended” – for employment uses including Business (Class B1c), General Industrial (Class B2) and storage and distribution (Class B8) purposes, formation and construction of proposed access road, site layout, associated drainage infrastructure works, site levels and structural landscaping

both for

IM Properties Properties Development Ltd

Introduction

These two outline applications have been received and are being dealt with together as an extension to the present Birch Coppice Business Park. In general terms they will be referred to as Phase Three of this development. The first phase can be described as the redevelopment of the former colliery site; phase two is the recently approved extension to the east which is now available for new tenants and where Ocado is completing its building. These applications for Phase 3 are to the north between the present development and the A5 Trunk Road.

Two applications are submitted – one for 13.6 hectares being land owned by IM Properties Ltd. The second one is for a larger area - 28 hectares. This does include the land the subject of the smaller application, together with additional land, but in a separate ownership.

Both applications are accompanied by a significant amount of supporting documentation including individual Environmental Statements. All of this can be found on the planning pages of the Council's web site.

This report will just introduce the applications describing each of the two sites and the nature of their proposals. The supporting documentation will be described, but this is largely common to both applications in nature. The Development Plan background will then be described. This will be common to both applications. A further determination report will be prepared later, once consultation has been undertaken.

Members should be aware that these are departure applications in that they do not accord with the Development Plan. However, they are not applications that need to be referred to the Secretary of State for his attention should the Council be minded to support either or both of the applications, by virtue of the Town and Country Planning (Consultation) (England) Direction 2009.

The Site – The Smaller Application

This is an area of 13.6 hectares of predominantly arable agricultural land adjoining the north east boundary of the existing business park. It is perhaps better known as the site of the “Beanstalk”, a large detached house. There are also areas of woodland. The land here slopes significantly from the north down to the course of the Penmire Brook to the south – a fall of some 20 metres – but with the slope more pronounced at its southern end. To the north are some playing fields, the Miners Welfare Club and 40 residential properties which front the A5 Trunk Road. The built up area of Dordon is immediately on the other side of the road. To the east is Gypsy Lane beyond which is open countryside rising to Hill Top at the western end of Baddesley Ensor. The site’s general location is seen at Appendix A and in a little more detail at Appendix B.

The Proposal – The Smaller Application

This application is made in outline although approval is being sought for the proposed access into the site; structural landscaping, the layout as far as it affects changes to site levels and the scale of the development. Remaining matters of building appearance, plot layout and landscaping will be reserved for subsequent approval.

Because of the sloping nature of the site, the proposal here is to undertake “cut and fill” so as to create two level development plateaux across the site – one at 93 metres to the west and the second at 91 to the east. These plateaux would then accommodate 33,260 square metres of employment buildings in Use Classes B1(c), B2 and B8. It is proposed that the industrial proportion (that is the B1 and B2 Uses) would be 11500 square metres – that is 33% in round terms. It is estimated by the applicant that up to 350 jobs will be created.

Vehicular access would be from the A5 using the existing traffic lights entrance to the existing estate, through the existing phases of the Birch Coppice Business Park, and then via a new connection opposite the access to the Ocado premises running in part along the line of the Penmire Brook into the south of the development site. A dedicated emergency access is proposed off Gypsy Lane on the line of the present drive to the Beanstalk house. A further existing emergency access is available through the existing small car park off Lower House Lane.

A belt of landscaping is proposed around the perimeter of the site. Additionally there would be an enhanced landscape corridor along the southern boundary following the course of the Penmire Brook. Holt Wood would be retained and enhanced linking to this green corridor.

Appendix C illustrates the general configuration of the proposed access arrangements and the development plateaux and Appendix D illustrates a likely layout plan.

The Site – The Larger Application

This is a larger area of 28 hectares, incorporating the smaller site described above, thus involving a 15 hectare extension to the west. This is arable agricultural land and is immediately to the north of the existing Business Park. The extra area is largely level at a height equivalent to the northern section of the smaller site. The whole site is set out generally in Appendix E and in a little more detail at Appendix F.

The Proposal – The Larger Application

The application is again in outline and seeks approval for those same matters as in the previous application with similar matters reserved for later determination. Two new development plateaux would be created extending those proposed under the smaller application. The overall development sought is around 100,000 square metres of floor area to be used for the same mix of uses as described above with around 10% set aside for B1 and B2 uses. The applicant estimates that up to 1000 jobs would be created through this application.

Access into the site would be from two points – that as described above and also from the existing Birch Coppice estate by continuing one of the access roads east into the new land. Structural landscaping would be proposed around the site.

A general configuration is illustrated at Appendix G with a more detailed layout at Appendix H.

Supporting Documentation

As outlined earlier there is a significant amount of supporting documentation submitted with the two applications. This is common to both in the majority of respects. However both have their own Environmental Statements. A non-Technical Summary is provided for both and these are attached at Appendices I and J.

Other documents submitted include a Planning Statement; a Design and Access Statement, a Transport Assessment, a Study of Present and Future Rail Capacity, Engineering, Ground Conditions and Hydrology Studies, a Tree Survey and a Statement of Community Involvement.

It is not proposed to repeat the content of the documents in this report, but there are a number of matters which can be referred to at this stage.

The Transport Assessment advises that there is current capacity at the A5 junction.

The Ground Survey Report recommends that there are no substantial issues in respect of ground stability, ground conditions or contamination. Flood Risk Assessments are said to confirm no significant issues. The existing mitigation measures along the course of the Penmire Brook and the existing lake are to be enhanced.

As indicated above, the northern section of both sites is to be lowered by around 10 metres and this “cut and fill” operation will be similar to that used on Phase 2 such that there would be no export or import of materials to and from the site.

The Statement of Community Involvement describes the pre-application public consultation undertaken by the applicant in June 2012. A public exhibition was mounted in Dordon Village Hall over two days and this was also advertised on the Birch Coppice web site. Press releases were also issued. The feedback from this event is reported in the Document.

The Rail Study concludes that potentially an additional eleven trains could run on the line from the Birch Coppice site to Kingsbury, with a greater number if trains were allowed to run during the nights. The background to these conclusions is explained in the Study.

The Design and Access Statement proposes an equivalent layout and appearance for the new buildings on the two proposed sites as is currently seen on the existing development. Similar energy efficient measures are to be sought.

A Marketing report sets out there is a substantial demand from potential occupiers to locate at Birch Coppice. Evidence is contained in that report showing that the presence of the Rail Freight Terminal is a key consideration in that interest. The report states that the present development – both phases 1 and 2 - have two to three years development land available. An analysis is also submitted of progress in respect of the development of logistics sites elsewhere in the West Midlands.

The Planning Statement sets out and covers the main planning issues as seen by the applicant – these are the principle of the development given that the land is not allocated by the Development Plan; the employment provision with regard to the Regional Logistics Sites issue, local employment opportunities and provision together with the road and rail matters.

Other Matters

Two applications have been submitted. Clearly as can be seen from above they overlap in terms of the land involved. The smaller site is in the applicant's ownership and can thus be developed independently of the larger. The applicant has decided to submit the second larger application as an opportunity. If agreement is reached with the second land owner then the larger site can also be developed without having to submit a later application, using the already agreed access arrangements and ground levels from the smaller site.

The applicant is offering Section 106 Agreements with both applications. In the case of the smaller application, that would include a contribution of £50,000 towards public transport provision and skills training/employment promotion. This would be split 50/50 between these two areas. In the case of the larger application the contribution would be £100,000. The split between the two areas would again be 50/50. In this case however as there would be two land owners, the contribution of £100k would be split equally between both. The level of contribution proposed is said to be in proportion to those provided under Phase Two using site area as the base line.

It is recommended by the applicant that the transport contribution should be added to existing contributions for this provision arising from the Phase 2 and Ocado developments. The existing bespoke "Bustoworkn'back" provision, partly funded by this money, is soon to be replaced with the existing public transport services revised and timetabled so as to run through Birch Coppice. The training contribution would supplement existing arrangements that are working to enable greater access to jobs at Birch Coppice from local people.

Development Plan

Regional Spatial Strategy for the West Midlands 2008 – Policy PA1 (Prosperity for All), PA6 (Portfolio of Employment Land), PA9 (Regional Logistics Sites)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policies 1 (Social and Economic Regeneration); 11 (Quality of Development) and 12 (Implementation), together with policies ENV1 (Protection and Enhancement of Natural Landscape), ENV4 (Trees and Hedgerows), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Sites), TPT1 (Transport Considerations), TPT2 (Traffic Management), TPT3 (Access and Sustainable Transport), TPT5 (Freight Movement), TPT6 (Vehicle Parking).

Other Material Planning Considerations

Panel Report into the Preferred Options for the Phase 2 Revision of the RSS – 2009

National Planning Policy Framework – 2012

NWBC Draft Pre-Submission Core Strategy – 2012

Strategic Rail Freight Interchange Policy Guidance – Department for Transport: 2011

The Logistics Growth Review – Connecting People with Goods – DFT: 2011

Local Growth: Realising Every Place's Potential – DCLG: 2010

The Plan for Growth - HM Treasury: 2011

Supporting Local Growth – DCLG: 2011

The Coventry and Warwickshire Economic Assessment - 2011

Observations

There are a number of planning policy and technical issues arising from these applications. The former are common to both applications. Whilst the technical issues are also the same, the impact of these will differ because of the different scale of the two proposals. The most significant of these will undoubtedly be the highway impacts, and the responses of the two Highway Authorities will thus be crucial to the outcome of the proposals.

The main issue before the Board will be to establish whether it supports the principle of the development proposed. Significant planning policy issues arise in this case because the applications are departures from the Development Plan, and because they have been submitted in advance of the adoption of the Core Strategy as the replacement for that Plan. This land is not allocated for development by that Plan – either for employment or residential purposes. It will be necessary to identify and to consider any material planning considerations to see if they are of sufficient weight to support these proposals irrespective of this position. One such consideration will be to re-examine the Regional Spatial Strategy where it relates to Regional Logistics provision. Whilst this is to be abolished, it nevertheless remains as a material planning consideration. Members

will recall that the latest situation in this respect was that Birch Coppice was identified for 40 hectares of logistics development as a Regional Logistics Site. Additional land at Hams Hall was also identified – 20 hectares. This proposal, and the evidence base behind it, was decisive in the decision to grant planning permission for the Phase 2 development, even though that land too was not allocated in the Local Plan. The Board will have to consider what weight to now give to this evidence base and particularly to consider the take up of logistics development since 2007 when that evidence base was prepared. In other words the evidence base will need to be brought forward from that considered by the Panel which recommended the areas as set out above. The second consideration is to consider the evidence being prepared within the review of the North Warwickshire Local Plan 2006. That is looking at employment provision through to 2028, and the evidence base for that is already suggesting the need for further allocation of land for employment purposes beyond that already allocated by that 2006 Plan.

These matters will be explored more thoroughly when the applications are reported for determination in due course.

Recommendation

That the receipt of these two applications be noted at the present time.

BACKGROUND PAPERS

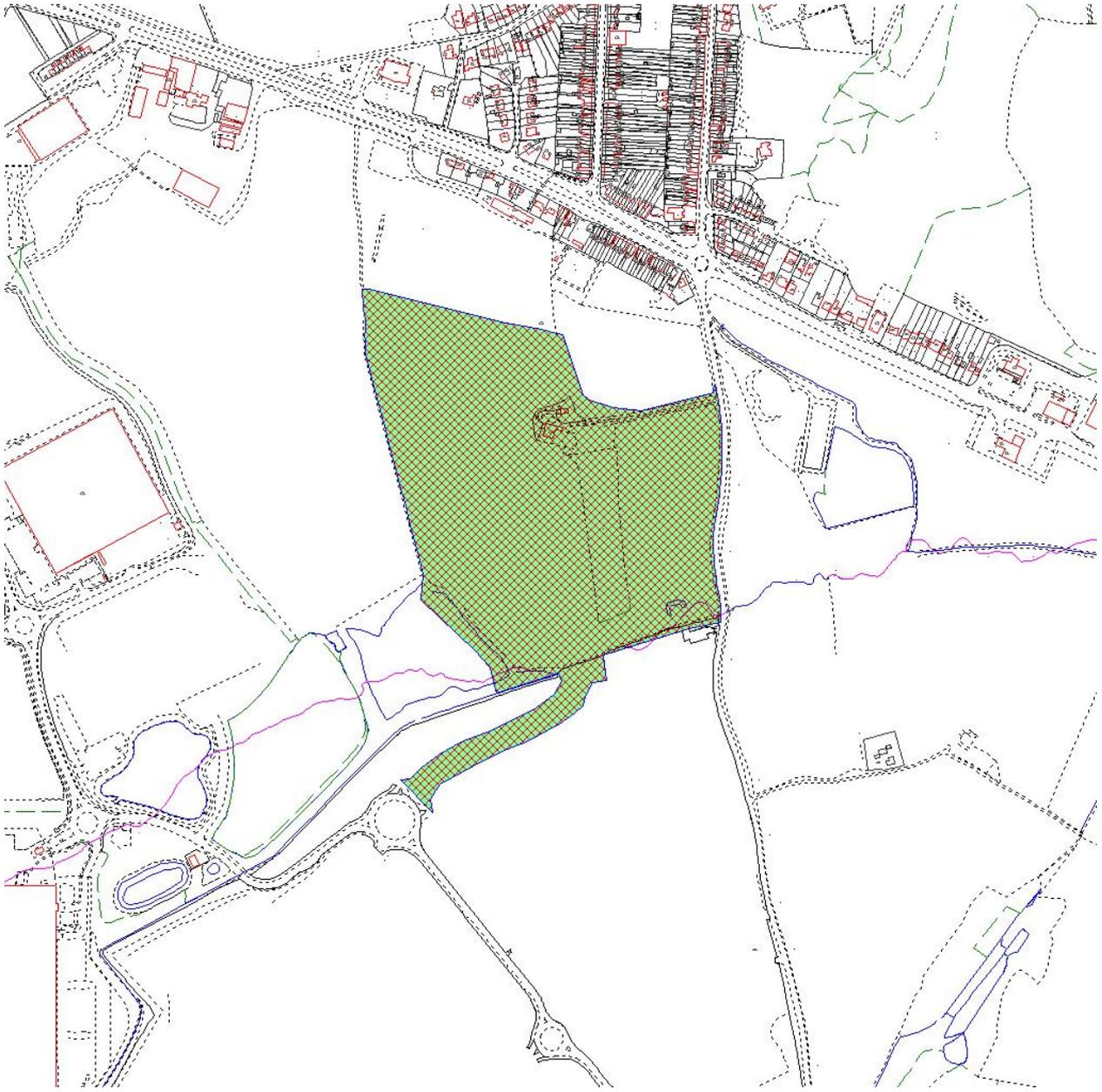
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2012/0347 and PAP/2012/0350

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/7/12

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

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



Appendix A

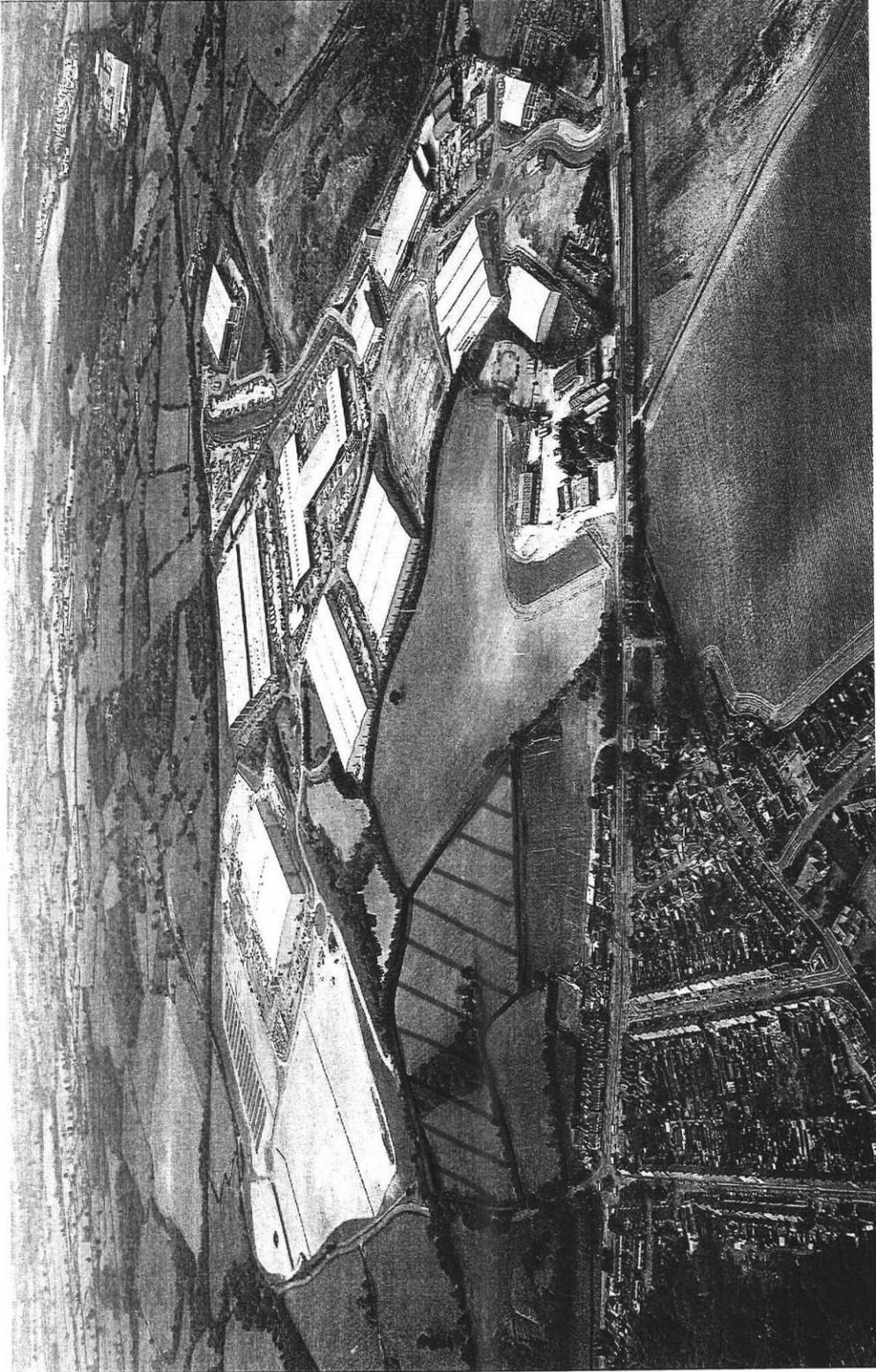


Figure 1: Aerial View



Intermodal distribution J10/M42
birchcoppice



Appendix B

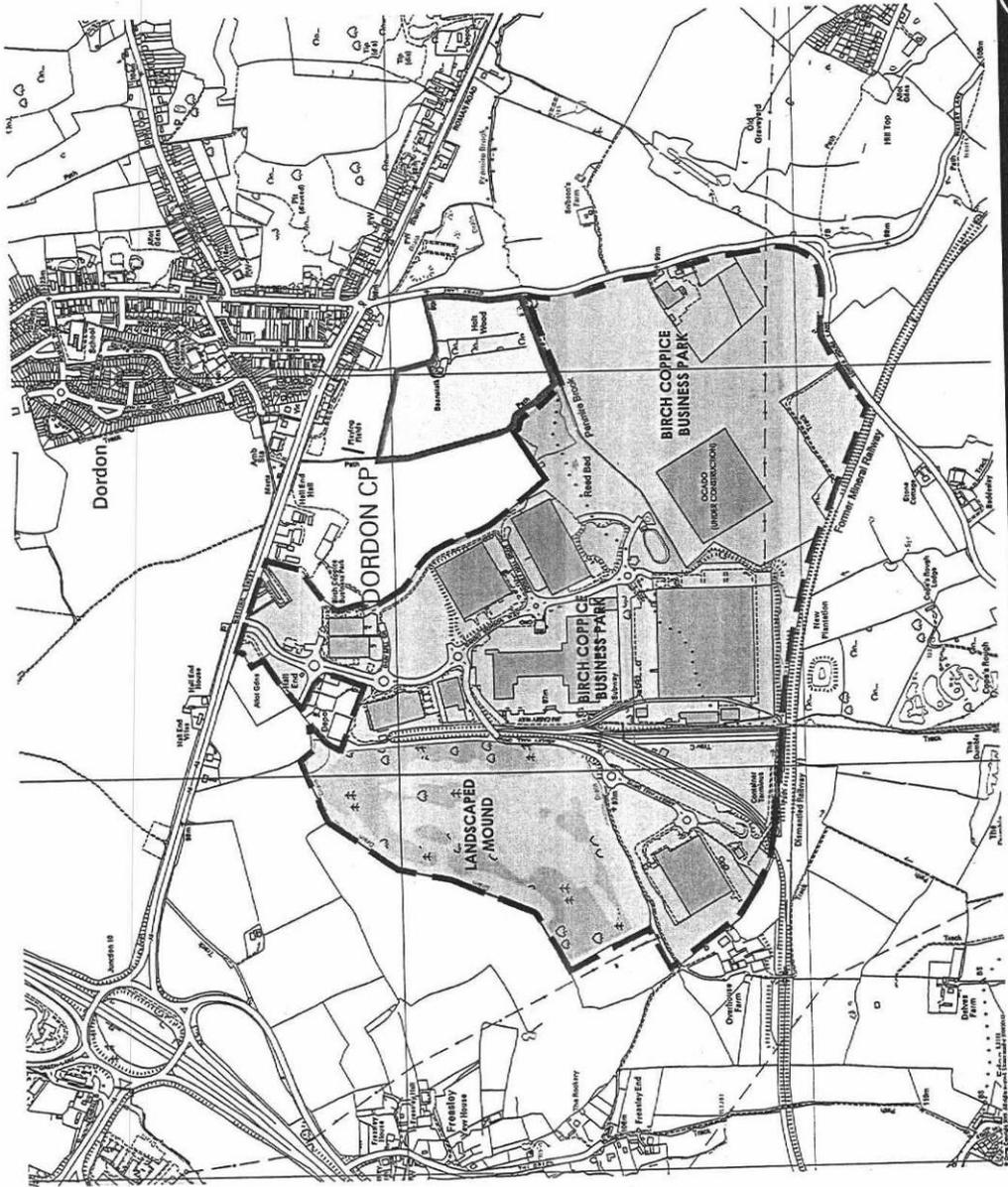


Figure 3: Site Plan



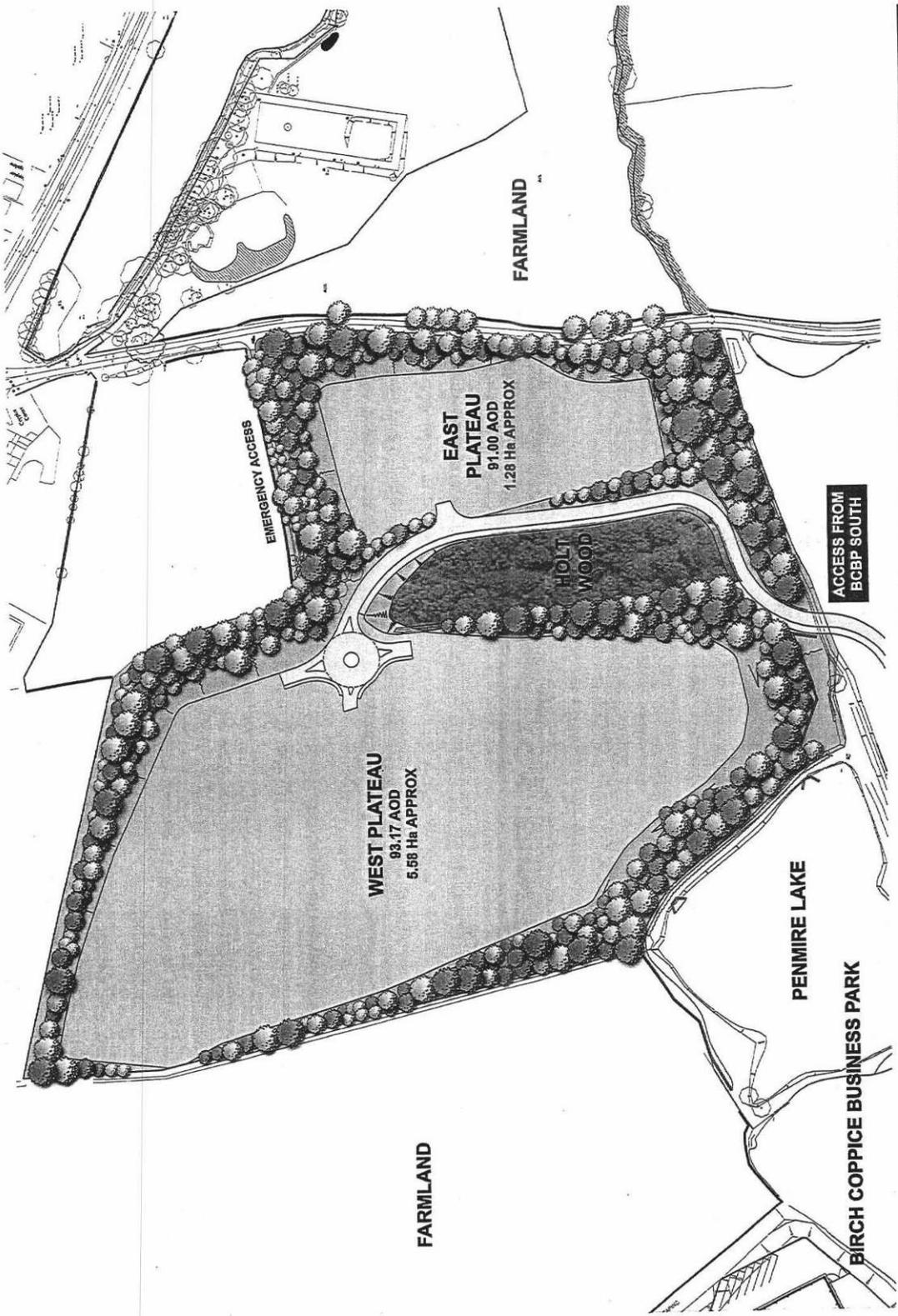


Figure 10: Schematic Plateau Plan



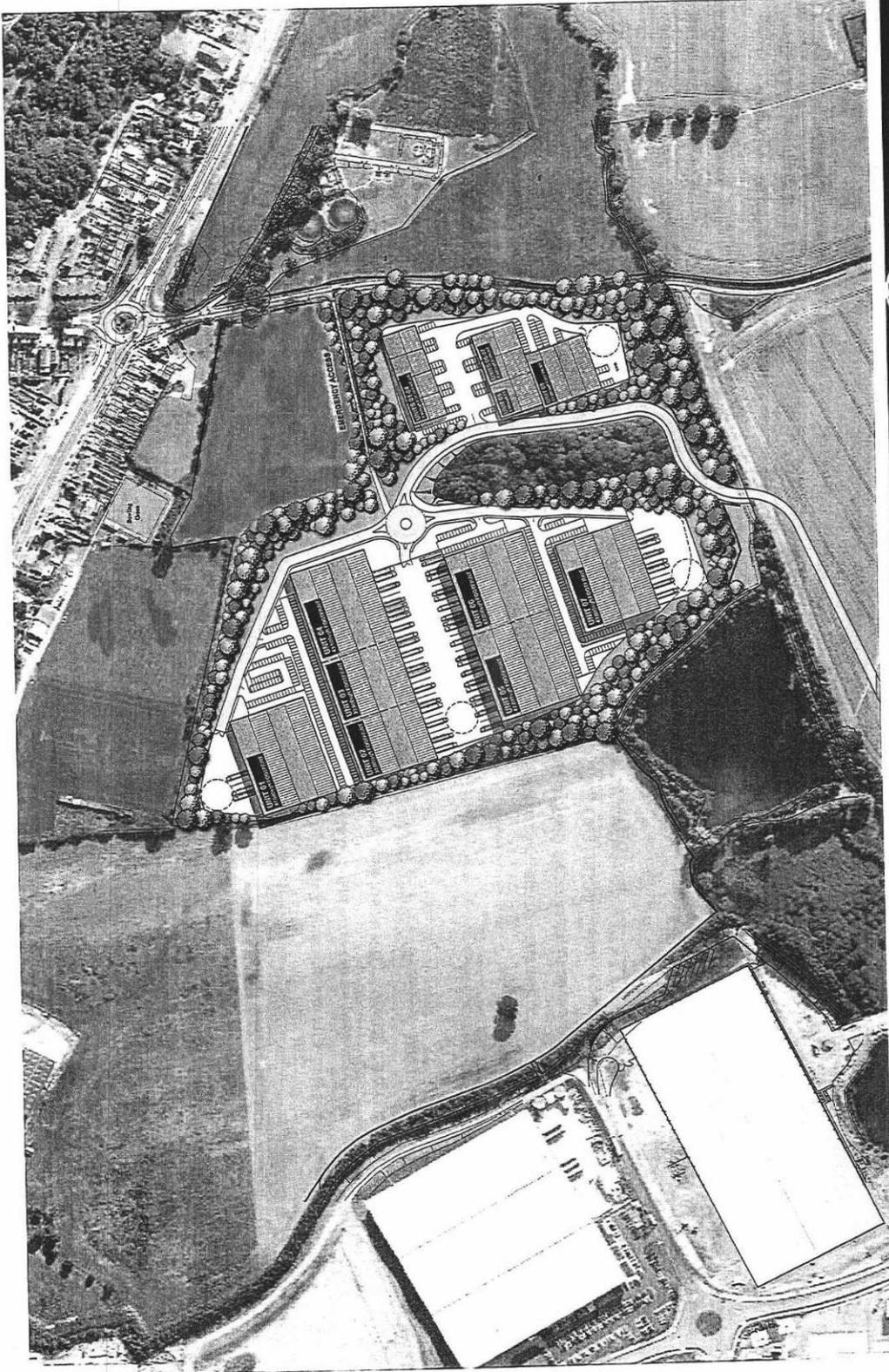


Figure 11: Illustrative Site Layout

intermodal distribution J10/M42
birchcoppice



Appendix E

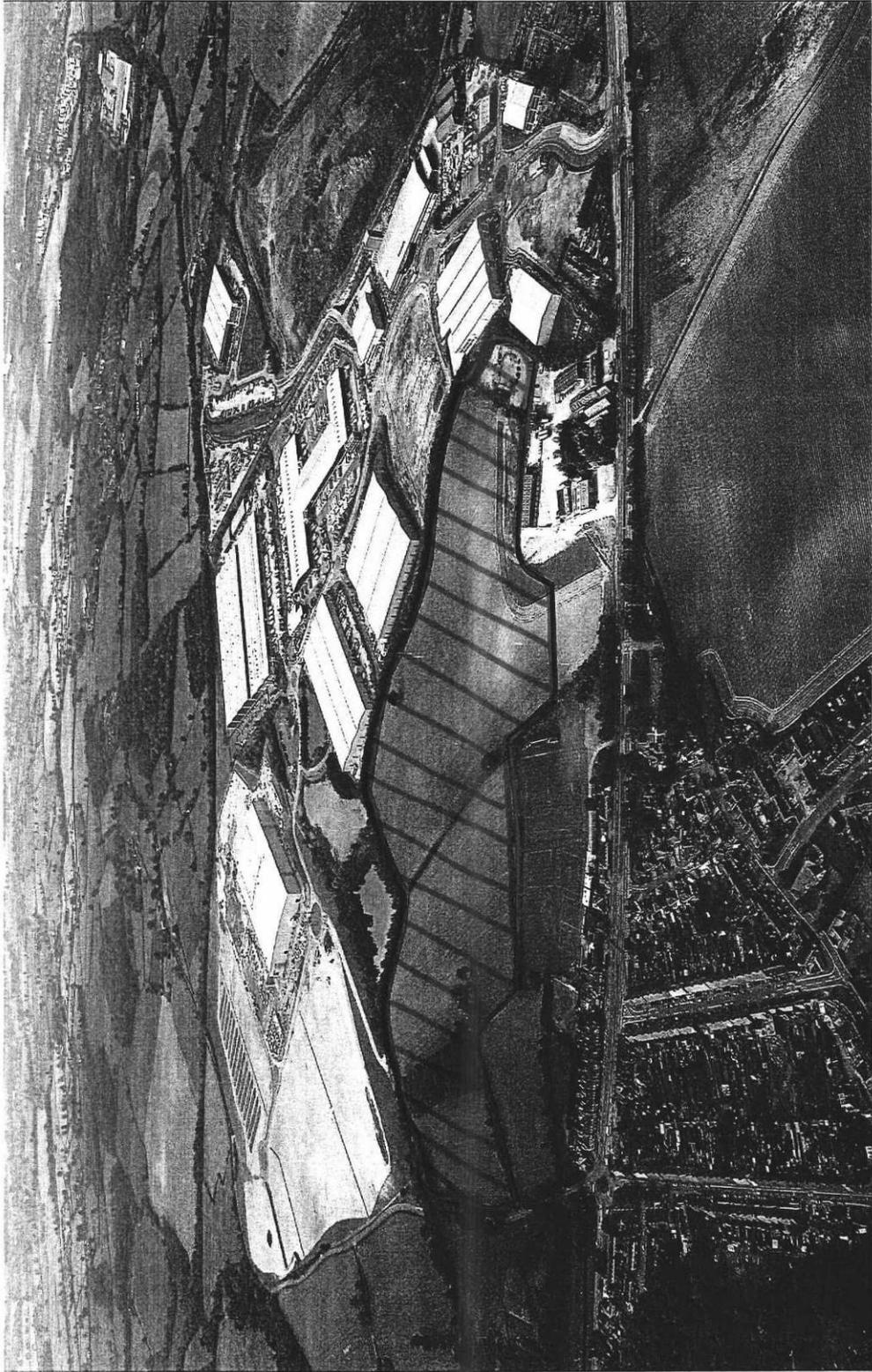
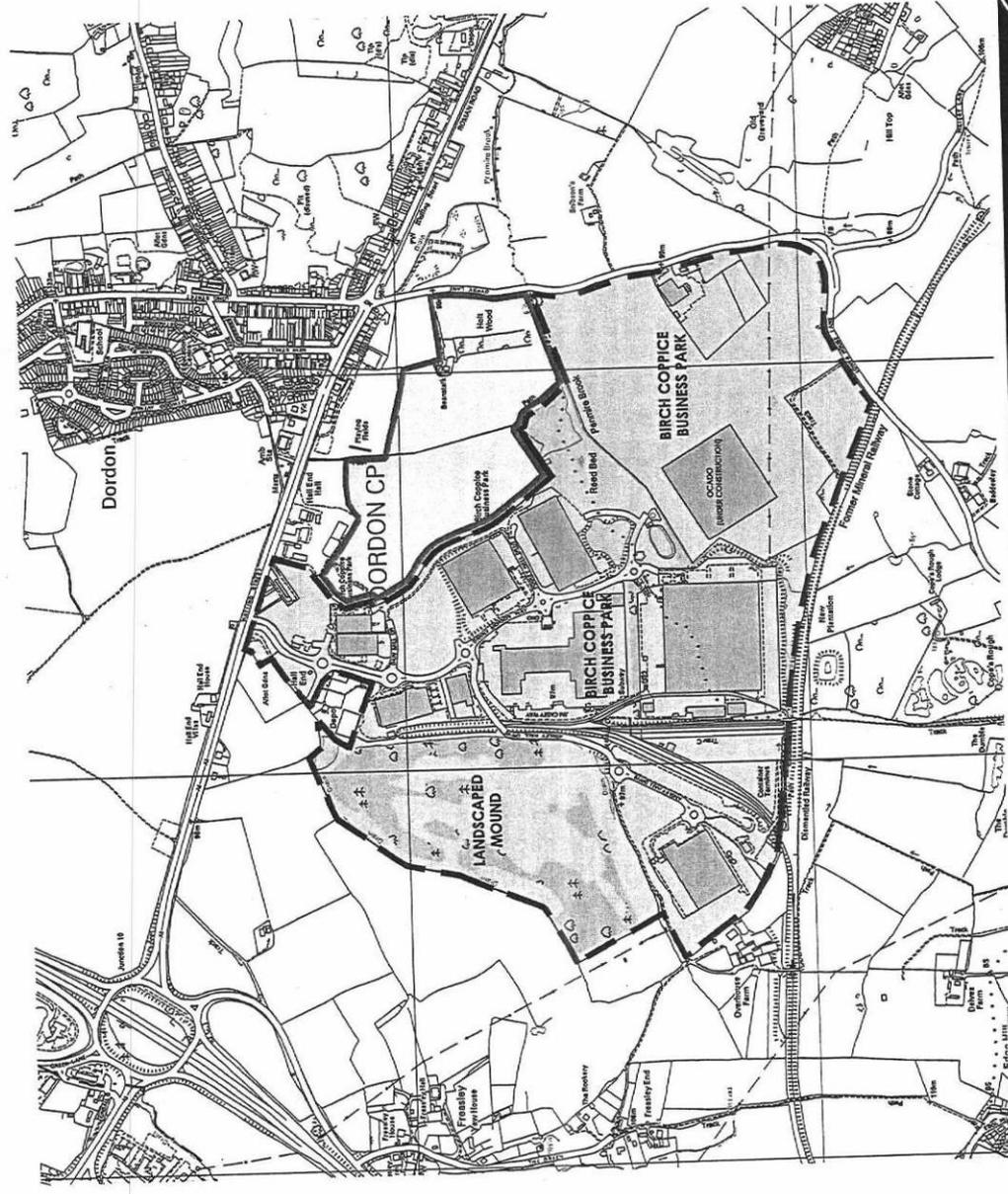


Figure 1: Aerial View

intermodal distribution J10/N42
brch Coppice
ARCHITECTS

Appendix F



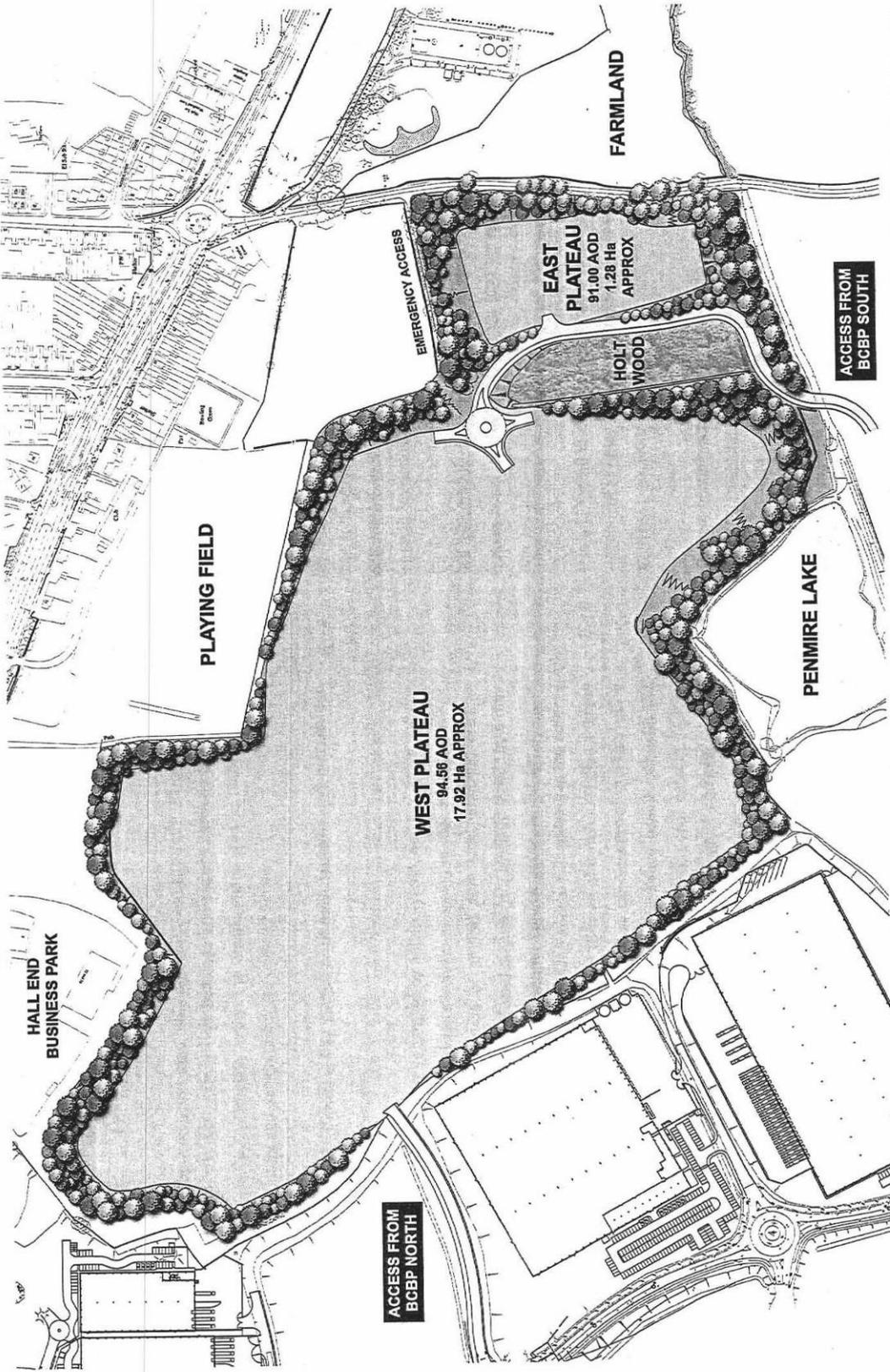
Tweeddale
ARCHITECTS TOPI PLANNERS PROJECT MANAGERS

Figure 3: Site Plan

Intermodal distribution J10/M42
brchcoppice



Appendix 9



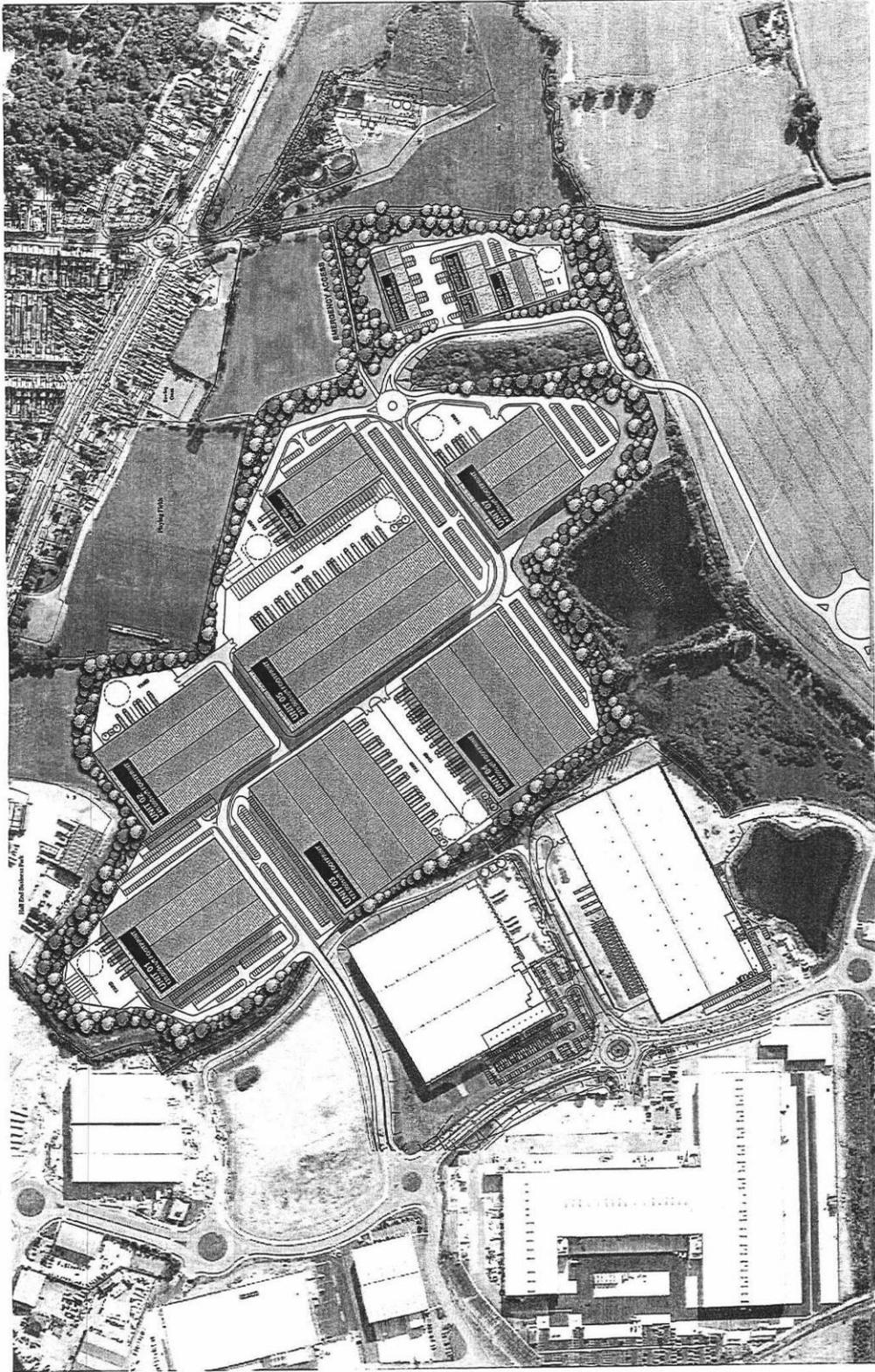
im PROPERTIES

birchcoppice J10/M42

Tweedale ARCHITECTS TOWN PLANNERS PROJECT MANAGERS

Figure 10: Schematic Plateau Plan

Appendix H



Tweedale
ARCHITECTS · TOWN PLANNERS · PROJECT MANAGERS

Figure 11: Illustrative Site Layout

intermodal distribution J10/M42
birchcoppice
PROPERTIES

Non Technical Summary

Background

- 1 IM Properties Development Ltd is submitting a planning application to North Warwickshire Borough Council for the proposed development of land at Birch Coppice, Dordon, for an employment park comprising for B1(c) offices, B2 manufacturing and B8 distribution uses. The application is being made under the Town and Country Planning Act 1990 (as amended).
- 2 This Application is being made in outline at this time, although approval is being sought also for the proposed Access to the site; Structural Landscaping, to be located principally around the periphery of the site; Layout, only in relation to proposed changes in site levels; and Scale of development proposed. The remaining matters of Appearance, 'on-plot' Landscaping, and the remaining elements of 'on plot' Layout are reserved for subsequent approval following the grant of planning permission.

Environmental Statement

- 3 The project has been subject to a formal process of Environmental Impact Assessment (EIA) undertaken in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. The EIA has been undertaken as an aid to the planning and development of the design proposals, to identify any potentially significant environmental impacts and to allow appropriate mitigation measures to be incorporated into the proposals.
- 4 At the outset of the project the range of potential environmental impacts to be dealt with by the EIA was assessed and these were:
 - Development Proposals, sustainability and construction;
 - Socio-economic;
 - Landscape and Visual Impact;
 - Cultural Heritage and Archaeology;
 - Highways and transportation;
 - Noise and Vibration;
 - Ground conditions and Agricultural Classification;
 - Hydrology and Drainage; and
 - Ecology.

- 5 IM Properties Development Limited appointed a team of specialist consultants to assess the proposals against each subject area and undertake the EIA. The team has consulted widely on the assessment with the Local Planning Authority and various statutory and non-statutory agencies and organisations. The assessment process considered the existing site conditions, the range of potential impacts, what mitigation measures are needed to address those impacts and any residual effects that will remain after mitigation.
- 6 An Environmental Statement (ES) reporting the findings of the EIA has been prepared as part of the planning application. This Non Technical Summary outlines the findings of the EIA as detailed in the main ES. The various technical reports produced during the EIA process are also provided separately and are entitled the Technical Appendices.

The Site

- 7 The proposals, subject of this current application, comprise the development of predominantly existing agricultural land as an extension to the existing Birch Coppice Business Park (Phases 1 and 2) that is accessed directly off the A5, Watling Street. The application site adjoins the north-eastern boundary of the existing business park and will link with the existing Business Park road network via a new crossing over Penmire Brook which will in turn be accessed by the existing estate roads serving Phase 2.
- 8 The site boundaries are varied and can be summarised as follows: The eastern boundary is formed by the tree lined Gypsy lane, from the access of the Beanstalk to the crossing of Penmire brook. The southern boundary is then identified by the existing brook course. The western boundary is formed by two different landscapes, the southern third by the existing tree lined boundary with Penmire Lake and the northern two thirds by an existing hornbeam hedge that separates two existing arable fields. The northern boundary is also formed by two distinct landscape types. The western half shares its boundary with the Sports and Social Club with the eastern half being formed by the existing tree and hedge lined access road to the residential Property known as the Beanstalk.
- 9 Contained within the site is the aforementioned residential property and an existing woodland, known as Holt Wood, which runs as a 30 m wide strip from the south of the Beanstalk down to nearly the southern boundary with Penmire Brook.
- 10 To the east of the site beyond Gypsy Lane is a mix of open countryside, isolated development and villages. A former sewage disposal plant and petrol filling station, fronting the A5, are located on the southern side of the A5, and beyond to the east is the settlement of Grendon, which is situated just over ½ mile from the site. To the east fronting the northern side of the A5 is a ribbon of housing stretching towards Grendon.
- 11 To the west, beyond the M42 Motorway and the Staffordshire County boundary, and about 1 mile away lies Tamworth, the largest settlement in the area, with a population of approximately 75,000.

- 12 Towards the south-east across mainly open countryside is the settlement of Baddesley Common, approximately 1 mile from the site. The Borough's other main town, Atherstone, lies approximately 3 miles to the east of the site along the A5..
- 13 The topography of the site is one of a naturally rolling landscape rising up on the northern side of a localised valley which at the bottom is located Penmire Brook. The highest point of the site is at 105m AOD and is located within the gardens of the Beanstalk. The lowest point of the site, 82.0 m AOD, is where Penmire Brook goes under Gypsy Lane in a culvert, in the extreme south east corner of the site.
- 14 Although the site adjoins the former Birch Coppice Colliery site it does not contain any remnants from those past activities and there are no other recorded archaeological features thus the site is not considered to have any more than local importance for archaeology.

The Application Proposals

- 15 As indicated above, most elements of Layout other than changes to site levels will be reserved for subsequent approval following approval of the current planning application by the Local Planning Authority. However, some information is being provided as to general matters regarding the layout of the site at this time.
- 16 Because of this general ground configuration, the most appropriate way to deal with the creation of development plots in a visually acceptable manner is to utilise a balanced 'cut and fill' which will be undertaken across the site, creating a main plateau at approx. 96.0m AOD on the western section of the site and a smaller plateau of approx 91.00m AOD to the east. The details of this exercise can be found in the report prepared by Farebrothers and Partners which accompanies the planning application.
- 17 This balanced 'cut and fill' means there is no requirement to bring in or take away large amounts of material from the site. The proposals have also been developed to ensure that the batters created by this 'Cut and Fill' exercise are suitable for landscaping which will form part of the planning seeking approval..
- 18 Vehicular access into the site is one of the matters for which approval is now sought under this current application. Vehicular access to the site will be from a new connection off an extension of the road serving BCBP south plateau which in turn is accessed off the main road serving the existing Birch Coppice Business Park (Danny Morson Way), which itself links with the A5(T), Watling Street, at the existing signal-controlled junction.
- 19 The existing highway through BCBP is constructed to adoptable standards and remains within the Applicants' ownership. The proposed new connection to the new area, together with all new roads within the proposed development site, will also be built to adoptable construction standards and will be retained in the Applicants' ownership

- 20 The existing highway through BCBP is constructed to adoptable standards and remains within the Applicants' ownership. The proposed new connection to the new area, together with all new roads within the proposed development site, will also be built to adoptable construction standards and will be retained in the Applicants' ownership
- 21 Additional provision will be made within the development for emergency vehicles to gain access and egress. A dedicated access point for emergency vehicles is proposed off Gypsy Lane in the north-eastern section of the application site on the line of the driveway to the Beanstalk house. Additionally, a further emergency access point is available adjoining the southern edge of the application site through the existing small car park on to Lower House Lane. This will utilise the existing track which runs along the southern edge of the Penmire Brook watercourse.
- 22 The site will be accessible to public transport, and bus services will be encouraged to serve the site through the existing Birch Coppice Business Park road network.
- 23 Provision will also be made to ensure the safe movement of pedestrians and cyclists throughout the new development. The existing cycle and pedestrian route through the Birch Coppice Business Park along Danny Morson Way, and into the new development, will offer the opportunity to provide additional links into the proposed site and development plots, and there will be the ability to link the proposed site directly to Dordon and Polesworth.

Planning Policy Context

- 24 The planning system is plan-led, and the development plan is the starting point for determining applications, unless material considerations indicate otherwise. In this case both elements of the development plan (WMRSS and North Warwickshire Local Plan) are of diminishing authority. It is anticipated that the RSS will be finally abolished in the near future, although the evidence base remains valid in certain areas and for certain topics at this time. The Local Plan is older and is now increasingly out-of-date. In the case of this application, there are a number of significant material considerations outweighing the contents of the Local Plan which justify the grant of planning permission.
- 25 The Local Plan, adopted in 2006 as a short term measure, and based on evidence from some years earlier and a Public Inquiry held in 2005, is now out-of-date and lacking in relevant policy and allocations. The National Planning Policy Framework (March 2012) specifically states that the Framework is a material consideration in making planning decisions. It also expresses full support of 'a presumption in favour of sustainable development', and applies this for decision-taking in relation to planning applications by stating that this means:

"where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or specific policies in this Framework indicate development should be restricted."

- 26 Based on this and bearing in mind the absence of relevant and up-to-date policy in the Local Plan, the considerable economic and employment benefits accruing to the local and sub-regional economy through the creation of additional job opportunities and the absence of any significant or demonstrable impacts, it is considered there is an overriding justification for the grant of planning permission in this case

Impact Assessment

- 27 The impacts of the development are best summarised by distinguishing between the generally short term effects arising from the construction phase, and the longer term effects of the operational, or developed phase.

Construction Phase

- 28 The construction phase of any development of this scale has the potential to have significant effects, albeit short term, on the environment. Although it is not possible to completely avoid the impacts of such large scale construction, much can be done to manage and reduce those impacts to an acceptable levels through the adoption of best practice construction methods and working procedures (such as Considerate Contractor's schemes), limiting contractors' working hours to industry norms and adherence to all regulations and guidelines on protecting the environment during construction processes.
- 29 Following the careful mitigation, the main **residual adverse impacts** of the **construction phase** of the development are predicted to be:
- An immediate moderate to large impact on the landscape character and visual appearance of the site resulting from site clearance, temporary plant and storage areas, lighting and construction activities;
 - A minor impact from the removal of 7 existing trees;
 - A slight noise impact at the following residential properties south of the A5;
 - Negligible nuisance from dust from the movement of construction vehicles;
 - Negligible risk from soil based contaminates during site operations when soils are exposed;
 - Negligible risk to surface water quality and Penmire Brook from construction solids, oil, fuel and chemical spillages, and waste from concrete/cement mixers and;
 - Negligible risk associated with the formation of a new crossing over Penmire Brook.
- 30 The above are only likely to be experienced over the short term and will cease once the development is operational. The effects are also unlikely to be continuous throughout the construction period but will vary at different stages and with the different phase of the development.

Operational (Developed) Phase

- 31 Once developed, the site will be characterised by a range of distribution buildings and their associated offices, service yards, car parking, roads and landscaping.
- 32 A development of this scale will inevitably have some effects on the environment in terms of the change in character of the area, the appearance of the site, increased traffic, a change to the sites ecology and drainage patterns. However, many of the impacts of the development can be limited through high quality design and landscaping, the creation of new habitats, improvements to the highway network, the promotion of sustainable methods of travel, appropriate boundary treatments and surface water management.
- 33 Following extensive mitigation, the **residual adverse impacts** of the **operational (built) stage** of the development can be summarised as follows:
- Slight adverse impact on the character of the area;
 - Impacts on the visual appearance of the site as a result of the new buildings, ranging from negligible for most views over 1 km from the site boundary, within 1 km ranging from minor at Hill Top on the St. Nicholas Estate and minor from the houses south of the A5 Watling Street.
 - Moderate impact from the footpath that runs adjacent to the site.
 - Moderate long term impact from the loss of agricultural land;
 - Minor impacts on the site's ecosystem due to the change in potential habitats and increase in human activity;
 - A slight adverse impact from increased traffic noise and site operations;
 - A negligible risk of reduced surface water quality.

Beneficial Impacts

- 34 The EIA has identified a number of beneficial impacts of the development. These can be summarised as follows:
- A large beneficial impact in the short , medium and long term for the economic and social benefits arising from the creation of a substantial number of jobs, estimated to be between 250 to 300 (depending upon the mix of uses and types of companies attracted to the site), together with indirect and induced economic benefits from the substantial levels of capital investment that would occur. There would also be long term economic benefits for existing local businesses that might supply the new workers on the site. There would also be a short term economic gains from the construction jobs and building and supply contracts for local construction and suppliers;

- A moderate to large long term benefit from potential occupiers of the site being able to utilise rail served transport network thus reducing required vehicle movements;
- Beneficial long term impact on the ecological habitat of the site ranging from minor to moderate from the creation of significant areas of new habitats. This will include some 35,435 trees and in addition the planting of 147 semi mature specimens, approximately 3.5 hectares of structural woodland planting, 0.8 hectares of managed existing woodland 1,024 lm of new native hedgerows, ornamental shrub, wild flower planting and the clearing and management of Penmire brook and the oxbow pond;
- Slight beneficial impact from the cessation of the use of fertilizers on the site which effect the quality of water by the over use of nitrates.

Conclusions

- 35 The EIA has demonstrated that there would be a number of environmental impacts associated with the construction and operation of the proposed development. The majority of the adverse impacts would be no worse than slight but there would remain some moderate adverse impacts relating to visual impact within close proximity to the site and a loss of some mature trees. Good design and extensive landscaping/habitat creation will do much to address these issues.
- 36 The long term social and economic benefits as well as the long term ecological benefits will far outweigh the negative impacts.
- 37 Copies of the main Environmental Statement, together with the technical Appendices, this Non Technical Summary and the Planning Application itself, have been deposited at the council offices South Street, Atherstone, Warwickshire, CV9 1DE for inspection. Copies of all documents are available free of charge on CD at the council offices. Paper copies can also be obtained from the council offices although a copying charge is applicable. Expressions of support, representations, or objections should be sent to the council at the above address.

Approved J

Non Technical Summary

Background

- 1 IM Properties Development Ltd is submitting a planning application to North Warwickshire Borough Council for the proposed development of land at Birch Coppice, Dordon, for an employment park comprising for B1(c) offices, B2 manufacturing and B8 distribution uses. The application is being made under the Town and Country Planning Act 1990 (as amended).
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- 8 The site boundaries are varied and can be summarised as follows: The eastern boundary is formed by the tree lined Gypsy lane, from the access of the Beanstalk to the crossing of Penmire brook. The southern boundary is then identified by the existing brook course to the east and Penmire Lake to the west. The western boundary is formed the exiting boundary of Phase 1 of the existing Birch Coppice Development. The northern boundary is more complex. The far western section is formed by the rear service yards of the existing small scale Hall End Business Park. Heading east the next section of the northern boundary takes an arbitrary line across an open arable field until it adjoins the western boundary of the Sports and Social Club. Here the boundary follows that of the Sports and Social Club. The far eastern section is then formed by the existing tree and hedge lined access road which serves the existing residential Property known as the Beanstalk.
- 9 Contained within the site is the aforementioned residential property and an existing woodland, known as Holt Wood, which runs as a 30 m wide strip from the south of the Beanstalk down to nearly the southern boundary with Penmire Brook.
- 10 To the east of the site beyond Gypsy Lane is a mix of open countryside, isolated development and villages. A former sewage disposal plant and petrol filling station, fronting the A5, are located on the southern side of the A5, and beyond to the east is the settlement of Grendon, which is situated just over ½ mile from the site. To the east fronting the northern side of the A5 is a ribbon of housing stretching towards Grendon.

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- 12 Towards the south-east across mainly open countryside is the settlement of Baddesley Common, approximately 1 mile from the site. The Borough's other main town, Atherstone, lies approximately 3 miles to the east of the site along the A5..
- 13 The topography of the site is one of a naturally rolling landscape rising up on the northern side of a localised valley which at the bottom is located Penmire Brook. The highest point of the site is at 105m AOD and is located within the gardens of the Beanstalk. The lowest point of the site, 82.0 m AOD, is where Penmire Brook goes under Gypsy Lane in a culvert, in the extreme south east corner of the site.
- 14 Although the site adjoins the former Birch Coppice Colliery site it does not contain any remnants from those past activities but the archaeological desk top study has identified a possible feature in the north west corner of the site which will require further investigation before the proposals are developed.

The Application Proposals

- 15 As indicated above, most elements of Layout other than changes to site levels will be reserved for subsequent approval following approval of the current planning application by the Local Planning Authority. However, some information is being provided as to general matters regarding the layout of the site at this time.
- 16 Because of this general ground configuration, the most appropriate way to deal with the creation of development plots in a visually acceptable manner is to utilise a balanced 'cut and fill' which will be undertaken across the site, creating a main plateau at approx. 94.56 m AOD on the western section of the site and a smaller plateau of approx 91.00m AOD to the east of Holt Wood. The details of this exercise can be found in the report prepared by Farebrothers and Partners which accompanies the planning application.
- 17 This balanced 'cut and fill' means there is no requirement to bring in or take away large amounts of material from the site. The proposals have also been developed to ensure that the batters created by this 'Cut and Fill' exercise are suitable for landscaping which will form part of the planning seeking approval..
- 18 Vehicular access to the site will be from two points, (i) via an extension of the road running east between Plots E2 and E3 of BCBP and (ii) from a new connection off an extension of the road serving BCBP south plateau which in turn is accessed off the main road serving the existing Birch Coppice Business Park (Danny Morson Way), which itself links with the A5(T), Watling Street, at the existing signal-controlled junction.
- 19 The existing highway through BCBP is constructed to adoptable standards and remains within the Applicants' ownership. The proposed new connection to the new area, together with all new roads within the proposed development site, will also be built to adoptable construction standards and will be retained in the Applicants' ownership

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- 21 Additional provision will be made within the development for emergency vehicles to gain access and egress. A dedicated access point for emergency vehicles is proposed off Gypsy Lane in the north-eastern section of the application site on the line of the driveway to the Beanstalk house. Additionally, a further emergency access point is available adjoining the southern edge of the application site through the existing small car park on to Lower House Lane. This will utilise the existing track which runs along the southern edge of the Penmire Brook watercourse.
- 22 The site will be accessible to public transport, and bus services will be encouraged to serve the site through the existing Birch Coppice Business Park road network.
- 23 Provision will also be made to ensure the safe movement of pedestrians and cyclists throughout the new development. The existing cycle and pedestrian route through the Birch Coppice Business Park along Danny Morson Way, and into the new development, will offer the opportunity to provide additional links into the proposed site and development plots, and there will be the ability to link the proposed site directly to Dordon and Polesworth.

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- 24 The planning system is plan-led, and the development plan is the starting point for determining applications, unless material considerations indicate otherwise. In this case both elements of the development plan (WMRSS and North Warwickshire Local Plan) are of diminishing authority. It is anticipated that the RSS will be finally abolished in the near future, although the evidence base remains valid in certain areas and for certain topics at this time. The Local Plan is older and is now increasingly out-of-date. In the case of this application, there are a number of significant material considerations outweighing the contents of the Local Plan which justify the grant of planning permission.
- 25 The Local Plan, adopted in 2006 as a short term measure, and based on evidence from some years earlier and a Public Inquiry held in 2005, is now out-of-date and lacking in relevant policy and allocations. The National Planning Policy Framework (March 2012) specifically states that the Framework is a material consideration in making planning decisions. It also expresses full support of 'a presumption in favour of sustainable development', and applies this for decision-taking in relation to planning applications by stating that this means:

"where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or specific policies in this Framework indicate development should be restricted."

- 26 Based on this and bearing in mind the absence of relevant and up-to-date policy in the Local Plan, the considerable economic and employment benefits accruing to the local and sub-regional economy through the creation of additional job opportunities and the absence of any significant or demonstrable impacts, it is considered there is an overriding justification for the grant of planning permission in this case

Impact Assessment

- 27 The impacts of the development are best summarised by distinguishing between the generally short term effects arising from the construction phase, and the longer term effects of the operational, or developed phase.

Construction Phase

- 28 The construction phase of any development of this scale has the potential to have significant effects, albeit short term, on the environment. Although it is not possible to completely avoid the impacts of such large scale construction, much can be done to manage and reduce those impacts to an acceptable levels through the adoption of best practice construction methods and working procedures (such as Considerate Contractor's schemes), limiting contractors' working hours to industry norms and adherence to all regulations and guidelines on protecting the environment during construction processes.
- 29 Following the careful mitigation, the main **residual adverse impacts** of the **construction phase** of the development are predicted to be:
- An immediate moderate to large impact on the landscape character and visual appearance of the site resulting from site clearance, temporary plant and storage areas, lighting and construction activities;
 - A minor impact from the removal of 7 existing trees;
 - A slight noise impact at the following residential properties south of the A5;
 - Negligible nuisance from dust from the movement of construction vehicles;
 - Negligible risk from soil based contaminants during site operations when soils are exposed;
 - Negligible risk to surface water quality and Penmire Brook from construction solids, oil, fuel and chemical spillages, and waste from concrete/cement mixers and;
 - Negligible risk associated with the formation of a new crossing over Penmire Brook.

- 30 The above are only likely to be experienced over the short term and will cease once the development is operational. The effects are also unlikely to be continuous throughout the construction period but will vary at different stages and with the different phase of the development.

Operational (Developed) Phase

- 31 Once developed, the site will be characterised by a range of distribution buildings and their associated offices, service yards, car parking, roads and landscaping.
- 32 A development of this scale will inevitably have some effects on the environment in terms of the change in character of the area, the appearance of the site, increased traffic, a change to the sites ecology and drainage patterns. However, many of the impacts of the development can be limited through high quality design and landscaping, the creation of new habitats, improvements to the highway network, the promotion of sustainable methods of travel, appropriate boundary treatments and surface water management.
- 33 Following extensive mitigation, the **residual adverse impacts** of the **operational (built) stage** of the development can be summarised as follows:
- Slight adverse impact on the character of the area;
 - Impacts on the visual appearance of the site as a result of the new buildings, ranging from negligible for most views over 1 km from the site boundary, within 1 km ranging from minor at Hill Top on the St. Nicholas Estate and minor from the houses south of the A5 Watling Street.
 - Moderate impact from the diversion of the footpaths that cross the site.
 - Moderate permanent impact from the loss of agricultural land;
 - Minor impacts on the site's ecosystem due to the change in potential habitats and increase in human activity;
 - A slight adverse impact from increased traffic noise and site operations;
 - A negligible risk of reduced surface water quality.
 - Moderate permanent loss of potential archaeological features within the north east corner of the site.

Beneficial Impacts

- 34 The EIA has identified a number of beneficial impacts of the development. These can be summarised as follows:
- A large beneficial impact in the short , medium and long term for the economic and social benefits arising from the creation of a substantial number of jobs, estimated to be between 750 to 1000 (depending upon the mix of uses and types of companies attracted to the site), together with indirect and induced economic benefits from the substantial levels of capital investment that would occur. There would also be long term economic benefits for existing local businesses that might supply the new workers on the site. There would also be a short term economic gains from the construction jobs and building and supply contracts for local construction and suppliers;
 - A moderate to large long term benefit from potential occupiers of the site being able to utilise rail served transport network thus reducing required vehicle movements;
 - Beneficial long term impact on the ecological habitat of the site ranging from minor to moderate from the creation of significant areas of new habitats. This will include some 58,060 trees and in addition the planting of 249 semi mature specimens, approximately 5.0 hectares of structural woodland planting, 0.8 hectares of managed existing woodland 1,527 lm of new native hedgerows, ornamental shrub, wild flower planting and the clearing and management of Penmire brook and the oxbow pond;
 - Beneficial long term impact by the creation and extension of the Public Footpath Network.
 - Slight beneficial impact from the cessation of the use of fertilizers on the site which effect the quality of water by the over use of nitrates.

Conclusions

- 35 The EIA has demonstrated that there would be a number of environmental impacts associated with the construction and operation of the proposed development. The majority of the adverse impacts would be no worse than slight but there would remain some moderate adverse impacts relating to visual impact within close proximity to the site and a loss of some mature trees. Good design and extensive landscaping/habitat creation will do much to address these issues.
- 36 The long term social and economic benefits as well as the long term ecological benefits will far outweigh the negative impacts.

- 37 Copies of the main Environmental Statement, together with the technical Appendices, this Non Technical Summary and the Planning Application itself, have been deposited at the council offices South Street, Atherstone, Warwickshire, CV9 1DE for inspection. Copies of all documents are available free of charge on CD at the council offices. Paper copies can also be obtained from the council offices although a copying charge is applicable. Expressions of support, representations, or objections should be sent to the council at the above address.

(12) Application No: PAP/2012/0348

Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill, Warwickshire, B46 2DP

Demolition of existing garden centre, and erection of 33 dwellings with associated parking and landscaping, for

Crescent Trustees

Introduction

This application has recently been submitted. At this time it is reported to the Board for information, but it will be referred back to the Board for determination as the proposal represents a departure from the Development Plan and because it is accompanied by a Section 106 Agreement.

The Site

The application site is the whole of the existing garden centre on the south side of the Tamworth Road close to the village of Nether Whitacre. It comprises 1.67 hectares and presently has two access points onto the Tamworth Road which forms the northern boundary to the site. To the west the boundary is Reddings Lane and to the south and east there is farmland and a number of individual residential properties. These boundaries are hedgerows with individual trees. The whole area is in the countryside with a rural outlook and appearance.

A large proportion of the site is covered by buildings – there are five main ones in use by the garden centre amounting to a footprint of 2965 square metres. These are predominantly modern brick structures with glazed panels and covered in corrugated sheeting. There are also a number of “secondary” buildings such as mobile offices, containers and sheds which together amount to a footprint of 3150 square metres. The area of hard-standing for car parking extends to 6238 square metres in area – Appendix A illustrates the location of these various elements.

The main building on the site has a height of 6 metres and the smaller buildings average around 3 to 4 metres in height.

A location plan is attached at Appendix B, which illustrates the surrounding residential properties. The proposed site layout is at Appendix C. The front elevations of the proposed dwellings are shown at Appendices D and E, with the garage blocks with some of proposed accommodation over them at Appendix F.

The Proposals

The complete demolition of all of the buildings is proposed and the site would then be re-developed completely by the construction of 33 new dwellings. These would be arranged around two blocks which effectively create one two and one three-sided courtyards. In overall terms they would all look north to the road frontage. They are however set well back from that road. A range of dwellings is proposed – single storey, two and two and a half storey. The maximum height would be 9 metres for one dwelling in one of the blocks and 8 metres in the other. The total footprint of the proposed

houses is 2629 square metres. The mix of house types would include 14 four bedroom houses; 9 three bedroom houses, 4 two bedroom bungalows, and 6 two bedroom flats. 60 car parking spaces are proposed in a mix of car ports, garages and shared parking courts. The existing main access off the Tamworth Road is to be retained as the single access into the site.

The proposal includes a 30% provision of affordable dwellings – that is 10 in number. These would be split throughout the site and comprise 4 three bed houses; 4 two bed bungalows and four two bedroom flats. Five of these would be for affordable rent; 1 for shared ownership and 4 as low-cost or discounted market houses. They would meet HCA requirements with the intention of transferring the rented and shared ownership houses to a Registered Provider. It is proposed that the low cost market houses would be sold at 70% of market value with restrictive covenants requiring later sales at the same % discount in perpetuity. All of the ten affordable units are proposed for completion and to be ready for occupation before 75% of the market dwellings are completed. A Section 106 Agreement is proposed to secure delivery of the ten affordable units.

The application is accompanied by supporting documentation. This includes a Planning Statement, including the outcome of pre-application consultation carried out by the applicant; a Design and Access Statement, a Habitat Survey, an Arboricultural and Tree Condition Survey, a Transport Assessment, a report on the potential of the site for employment purposes, together with a Development (Financial) Appraisal and report of the provision of affordable housing on the site.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), 3 (Natural and Historic Environment), 8 (Affordable Housing), 11 (Quality of Development) and 12 (Implementation) together with policies ENV2 (Green Belt), ENV7 (Development of Existing Employment Land Outside of Development Boundaries), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – Delivering a Wide Choice of High Quality Homes; Supporting a Prosperous Rural Economy, Requiring Good Design, Protecting Green Belt Land.

Observations

The applicant is arguing that the application is appropriate development in the Green Belt in that it comprises the complete redevelopment of a previously developed site which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is said it thus accords with paragraph 89 of the NPPF.

The Board will need to explore this claim. In so doing it will need to consider three other principal planning policies. One of these is that the site's location is outside of any defined development boundary and thus beyond the settlement hierarchy outlined by the Development Plan. The issue is thus whether this is a sustainable location for a residential development of this size. Secondly, it will need to establish whether the

affordable provision is adequate; matched to local housing need and capable of delivery. The Development Plan requires 100% affordable provision in such a location as this. The issue is thus whether the proposed provision can be justified on the evidence provided against this Plan requirement. Notwithstanding these two matters, and particularly whether or not the site is in a sustainable location, the Board will thirdly need to examine whether or not there is any scope for retaining the site as a viable garden centre either as it is or with new investment from a prospective purchaser in the same business. This would need to be expanded to see if there is sufficient weight of evidence available to consider whether the site could be redeveloped for other employment purposes, and particularly for other purposes either wholly or in part, involving uses that could be appropriate in the Green Belt.

Another significant issue will be the design and appearance of the proposed housing given its rural location – in other words does its' built form and appearance accord with the local character and distinctiveness of the area.

Recommendation

That the receipt of this application be noted at the present time, and that it be referred back to the Board for determination.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0348

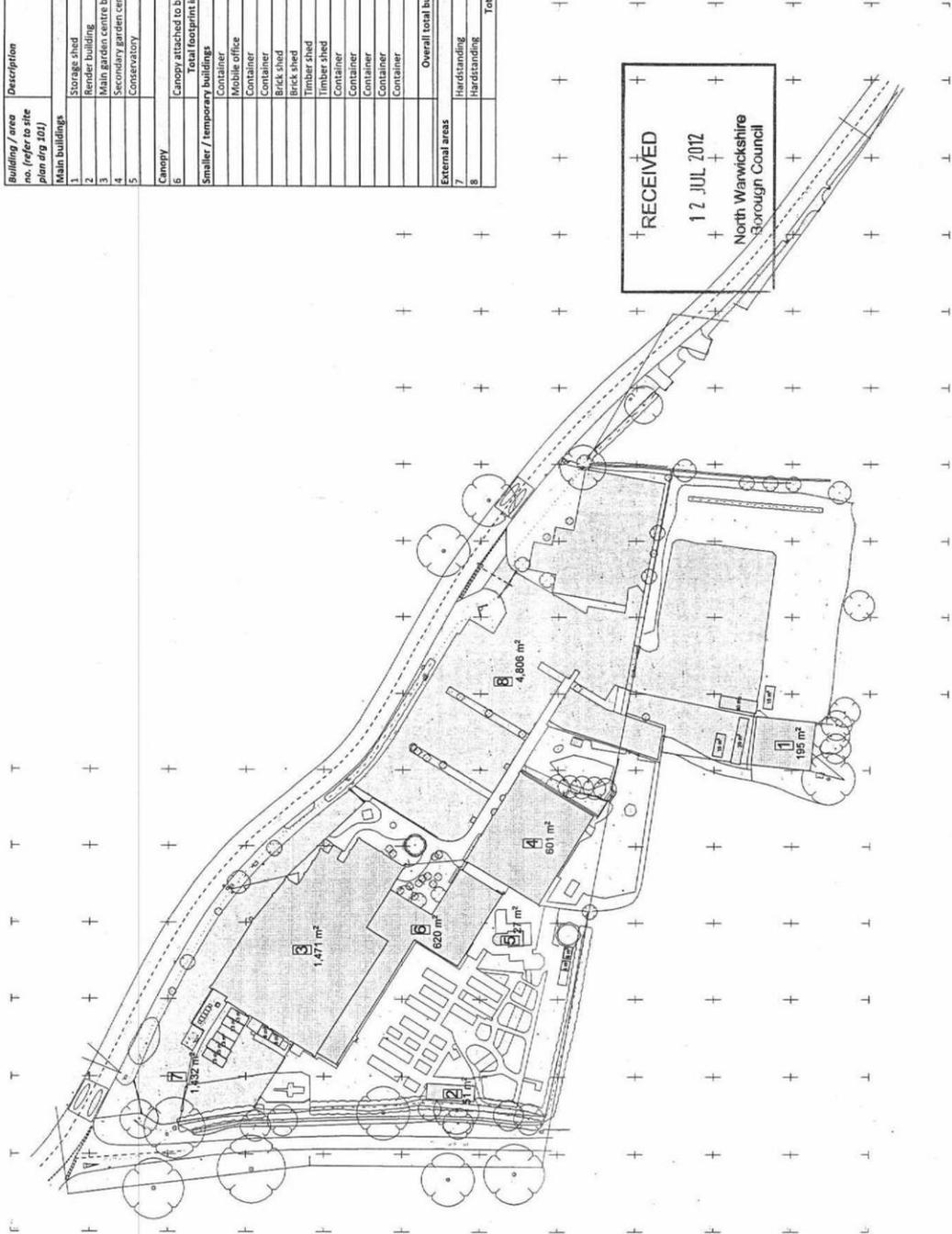
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/7/12

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

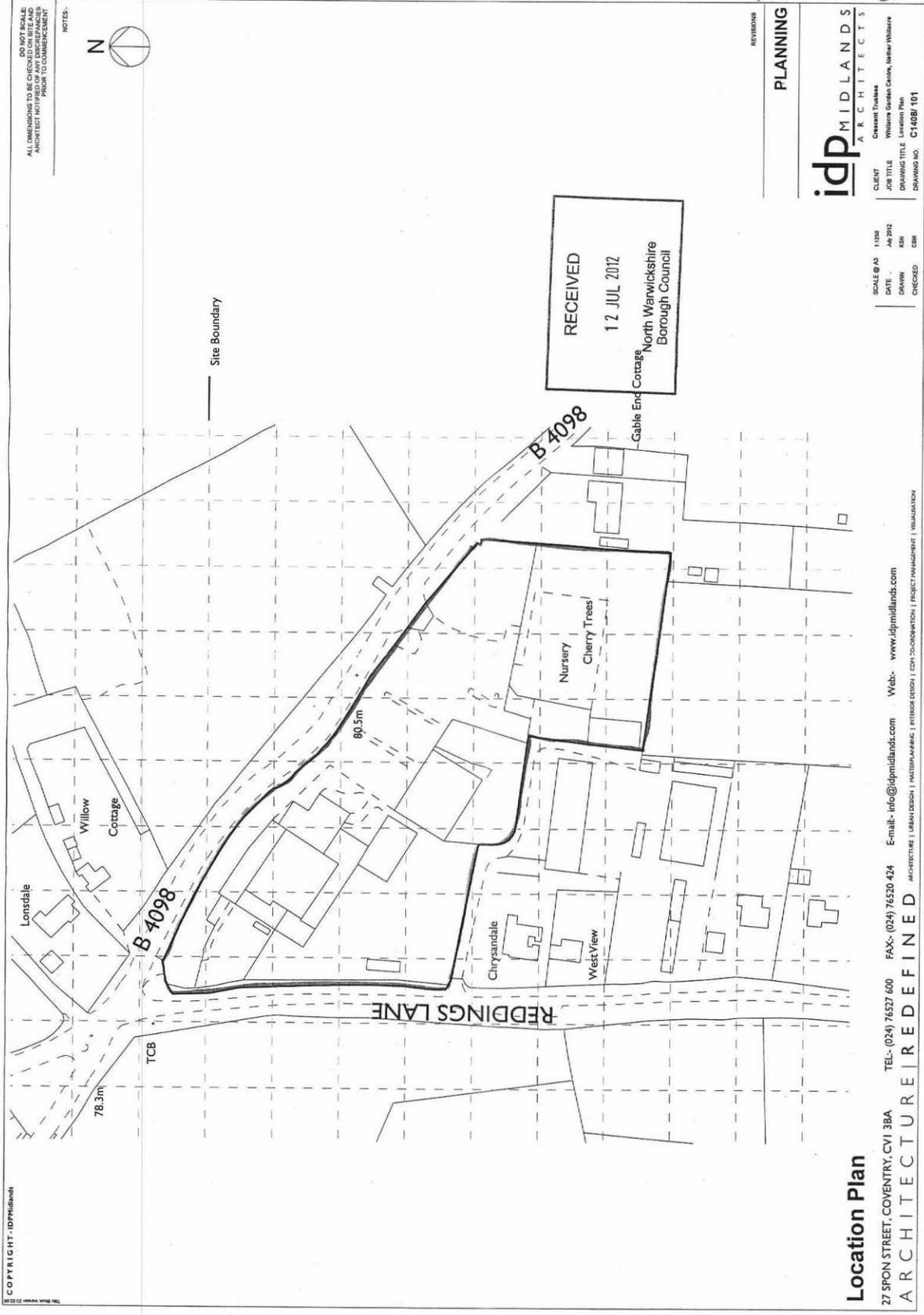
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Building / area no. (refer to site plan dpa 101)	Description	Area of footprint (m ²)	Area of footprint (sq. ft.)
Main buildings			
1	Storage shed	195	2099
2	Render building	51	545
3	Main garden centre building	1471	15834
4	Secondary garden centre building	601	6469
5	Conservatory	27	291
	Total:	2345	25241
Canopy			
6	Canopy attached to building 1	620	6674
	Total footprint including canopy:	2965	31915
Smaller / temporary buildings			
	Container	15	161
	Mobile office	30	323
	Container	29	312
	Container	13	161
	Container	5	54
	Brick shed	6	65
	Timber shed	8	86
	Container	13	140
	Container	13	140
	Container	15	161
	Container	15	161
	Total:	105	1091
	Overall total building footprint:	3150	33906
External areas			
7	Hardstanding	1432	15414
8	Hardstanding	4806	51731
	Total hardstanding:	6238	67145



Existing Site Areas



DO NOT SCALE
ALL DIMENSIONS TO BE CHECKED ON SITE AND
ACCEPTED FOR CONSTRUCTION PRIOR TO COMMENCEMENT



NOTES:

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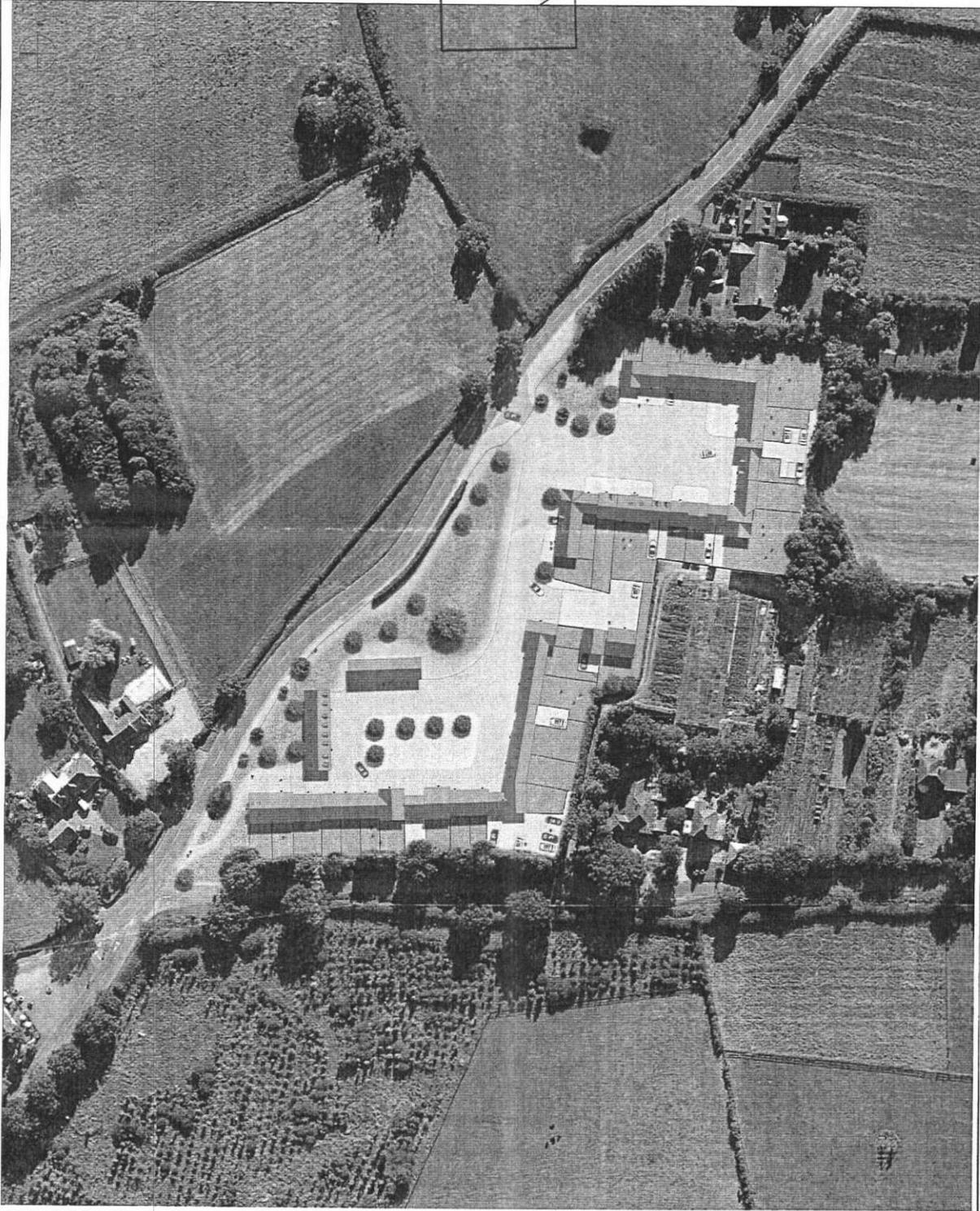
CLIENT: Coventry Trusts
JOB TITLE: Willow Garden Centre, Motor Vehicle
DRAWING TITLE: Location Plan
DRAWING NO.: C1408/101

SCALE @ A3: 1:1250
DATE: Jul 2012
DRAWN: KSA
CHECKED: CSM

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North Warwickshire
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Location Plan
27 SPON STREET, COVENTRY, CV1 3BA
TEL: (024) 7637 600 FAX: (024) 76520 024 Email: info@idpmidlands.com Web: www.idpmidlands.com
ARCHITECTURE | INTERIORS | FURNITURE | LIGHTING | PROJECT MANAGEMENT | VISUALISATION

Appendix C



NOTES:

- 1. This drawing is to be read in conjunction with all other drawings and specifications. It is the responsibility of the contractor to ensure that all work is carried out in accordance with the specifications and standards of the relevant authorities before work commences on site.
- 2. Do not scale from this drawing, always work to noted dimensions.
- 3. All given dimensions in mm.



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 Hales Moor, Midsal, Nuneaton, Notts LE12 4JL
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 Email: info@whitacre.co.uk
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PROJECT NAME: WHITACRE GARDEN CENTRE

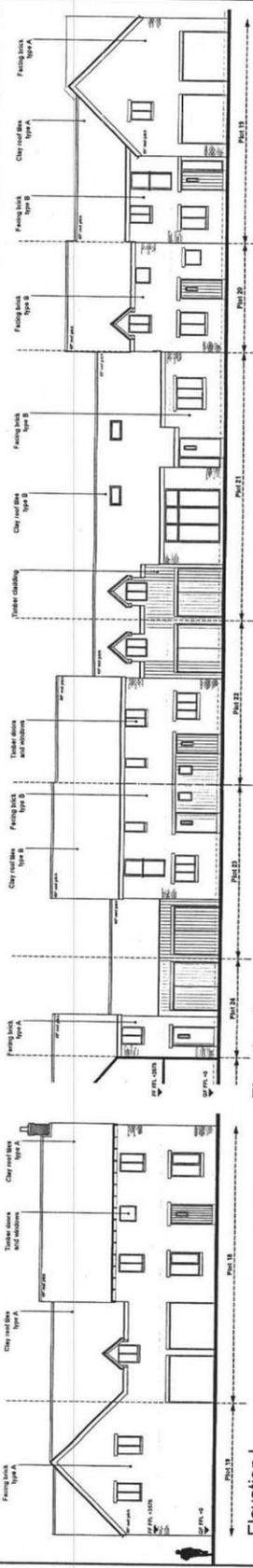
SCALE: 1:500
 DATE: 2012
 DRAWING NO: 01b
 SHEET NO: 01b

LANDSCAPE STRATEGY

SCALE: 1:500 A1, 1:501
 DATE: 2012

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NOTES:
Note External levels are indicative - subject to detailed design.



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Key Plan

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CLIENT: Warwick Council
JOB TITLE: Warwick Council, Water Village
DRAWN: NI
CHECKED: CM
DATE: Aug 2012
SCALE @ A3: 1:200
DRAWING TITLE: Proposed Elevation - Courtyard 2 Sht 1
DRAWING NO.: C1408 / 202

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Proposed Elevations - Courtyard 2 Sht 1

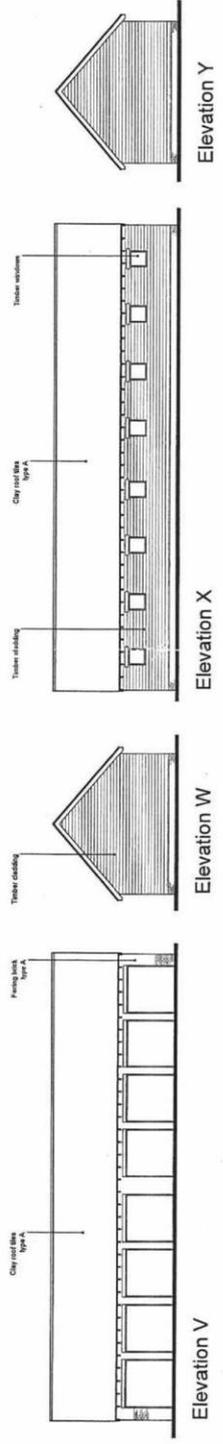
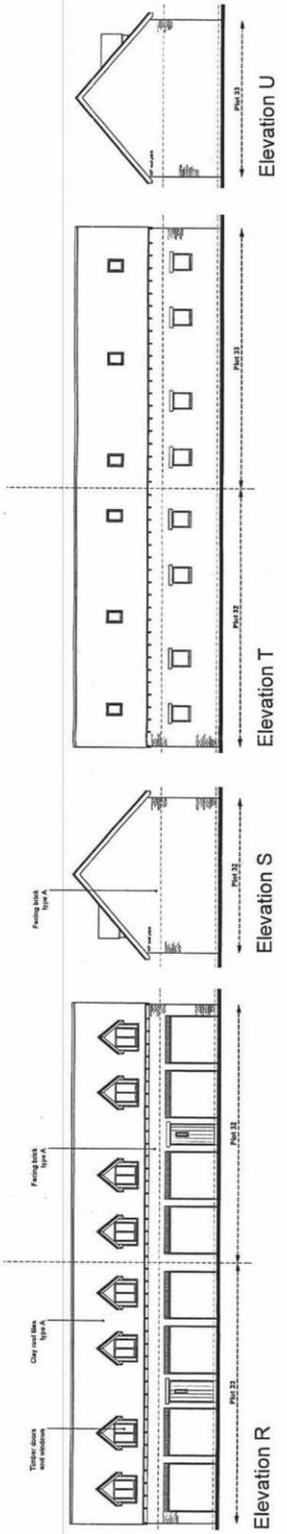
MIDLANDS - 27 SPON STREET, COVENTRY, CV1 3BA TEL: (024) 7632 600 FAX: (024) 7632 014 E-mail: idp@idp-midlands.com Web: www.idp-midlands.com

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Key Plan

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CLIENT: Council Tenants
JOB TITLE: Welfare Centre, White Village
DRAWING TITLE: Proposed Elevations - FOG and Garage Block
DRAWING NO.: C1408 / 204

SCALE @ A3	1:200
DATE	June 2012
DRAWN	NH
CHECKED	CBM

Proposed Elevations - FOG and Garage Block

FOUNDRY - 27 SPON STREET, COVENTRY CV1 3BA TEL: (024) 76327 400 FAX: (024) 76327 414 E-mail: info@idpmidlands.com Web: www.idpmidlands.com

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