

**MATTER 9 – ALLOCATIONS AND SUPPLY OF
AND FOR DEVELOPMENT REQUIREMENTS**

POSITION STATEMENT

NORTH WARWICKSHIRE LOCAL PLAN

MARCH 2019



9.19 Allocation H7, land to the east of Polesworth and Dordon

(e) Would any infrastructure provision undermine viability with reference to NPPF2012 paragraph 173?

(f) Would the effect of the scheme on ecology, the environment, and heritage assets, including ancient woodland and local wildlife sites, be appropriate?

- 1.1 Hodgetts Estates (“HE”) has serious concerns as to the deliverability and viability of site allocation H7 for residential development, given the designated and undesignated heritage assets, wildlife sites, ancient woodland, registered and unregistered coal workings, near surface coal reserves, undulating landscape and historic field boundaries located there. HE is proposing an alternative to allocation H7, on land west of Dordon (site reference DLP299) – please refer to representation SLP429 for further information.
- 1.2 With specific regard to some of the matters highlighted in question 9.19 (f) of INSP5A, as well as ground conditions at the site, we set out the following comments:

Heritage

- 1.3 HE instructed heritage consultants at Indigo to assess the evidence base documents CD8/12¹ and AD1², in so far as they relate to site allocation H7 and DLP299. Please refer to the reports ‘rpt.001.NC. 05.03.19’ and ‘rpt.002.NC. 05.03.19’, as submitted with this

¹ Strategic Historic Environment Assessment of proposed allocation sites and reasonable alternatives, LUC, December 2017

² Historic Environment Assessment, LUC, February 2019

position statement. The reports were prepared by a Member of the Institute of Historic Building Conservation.

1.4 The reports by Indigo highlight several methodological shortcomings and factual inaccuracies in CD8/12 and AD1; namely:

- Given the stated desk-based methodology, the designated heritage assets were not visited, and as such they have not been physically experienced; views and viewing corridors have not been established, and the extent of the heritage asset's setting has not been definitively defined;³
- The visual and historic connections between Dordon Hall and the obelisk on the site of St Leonard's Chapel (the old chapel of Hoo) are missed;
- The narrow country lane (St Helena Rd) that connects Dordon Hall with the obelisk has artistic and historic significance in its own right, which is missed; and
- The curtilage listed structures in the fields around Dordon Hall, including buried parkland and garden archaeology are incorrectly identified as non-designated heritage assets.

1.5 The Indigo reports go on to make recommendations as to how these issues can be addressed; namely:

- The existing fields around Dordon Hall, containing buried garden and parkland archaeology should be retained as open land stretching west as far as The Hollies ancient woodland;

³ This point has been confirmed to HE by the owners of Dordon Hall, who were not contacted as part of the LUC work and therefore were not able to provide access to the asset and immediate garden surroundings.

- The setting of the grade II listed obelisk, and the possible Iron Age fort, and the site of 'Little Jim's Cottage', should also be preserved by taking the whole of Hoo Hill out of the allocated site;
- The open vista between Dordon Hall and the ancient woodland (The Hollies), and the open views between Dordon Hall and the grade II listed obelisk, and other views out of Dordon Hall, including towards churches erected by the Chetwynds, and the eye-catcher view of the 'golden tower' at the restored Pooley Hall Colliery, add positively to the significance of Dordon Hall because of their visual, historical, architectural, and artistic connections, and view-points and viewing corridors therefore need to be established; and
- The full extent of the setting of the heritage assets within, and adjacent to, allocation H7 and the contribution of setting to their significance should be established.

1.6 In relation to site DLP299, in direct comparison to site allocation H7, 'rpt.002.NC.05.03.19' concludes that:

Site DLP299 has a greater capacity to accommodate change than allocation site POL/DOR1b (H7), (east of Dordon), which contains (and has adjacent to it) designated heritage assets upon visually prominent hilltop locations, set within an attractive wooded landscape, a vestige of the Forest of Arden.

1.7 Furthermore, that *"To maximize the opportunity to preserve and enhance heritage significance, and to mitigate potential harm to the significance of heritage assets, consideration should be given to reducing the quantum of proposed development within allocation POL/DOR1b (H7) (east of Dordon), and to including some of this development within DLP299 (west of Dordon)."*

Ground Conditions

1.8 Given that, as yet, work undertaken to assess the ground conditions at site allocation H7 have not been made available to the public, little information in this regard is available to assess the exact nature of ground conditions at the site. However, evidence submitted in relation to two sites within H7 points to the potential for significant issues with ground conditions in general, near surface coal from the Warwickshire Coalfield and both registered and unregistered workings to be present.

PAP/2015/0215 - Erection of No.8 dwellings with access, car parking and associated landscaping at Chapel House, Dunn's Lane, Dordon

1.9 Planning permission was approved for redevelopment of this site on 5th August 2016 and yet the site remains undeveloped as is now fenced off and inactive.

1.10 Planning conditions were attached to the planning permission requiring a scheme of intrusive investigation and a Coal Mining Risk Assessment to be submitted and approved by the council, prior to the commencement of development.

1.11 Earth Science Partnership was subsequently instructed to carry out a Coal Mining Risk Assessment for the site. A case study for the project is available to download on the company website: <https://www.earthsciencepartnership.co.uk/projects/coal-mining-risk-assessment-warwickshire/>

1.12 For ease of reference, HE has submitted the information as an appendix to this position statement. The case study confirms the following:

- The presence of unrecorded shallow workings within the Seven Feet coal seam at less than 10m depth beneath the west of the site;
- The same seam to be present at very shallow depth (within 3m of the surface) beneath the east of the site;

- No mine entries were recorded within the site boundary, however, given the extensive history of workings within the Warwickshire Coalfield (dating from medieval times) and the shallow depth of the coal, the potential for ‘bell pit’ workings was identified, which are seldom recorded.

PAP.2018.0734 - Approval of reserved matters for 31 residential units following outline application PAP/2016/0679 at land South of The Beeches, Polesworth

1.13 We attach the Site Location Plan submitted as part of PAP/2016/0679 to assist with identification of the site which forms a significant part of site allocation H7.

1.14 We also attach the submitted Rotary Drilling and Probe Borehole Report, prepared by GRM Development Solutions. The report confirms the presence of two notable coal seams under the site, as set out below:

- *“One seam of coal was encountered at shallow depth inside of the eastern boundary, and dipped down to the west beneath the site. It was encountered as shallow as 1.30m begl in TT05 on the eastern boundary, to as deep as 24.80m begl in BH05 at the western extent of the site.”*
- *“A second seam of highly weathered coal was encountered at shallow depth during the investigation, outcropping approximately 30m inside of the western boundary and dipping down to the west beneath the western section of the site. It was encountered as shallow as 1.30m begl in TT04 in a central western position on site, to as deep as 6.00m begl in BH06 at the western extent of the site.”*

Summary

1.15 This evidence, particularly in relation to the presence of shallow coal reserves and unregistered working, brings into question the deliverability and viability of site allocation H7.

9.23 Other than in relation to the issues and questions set out above, would allocations for category 1 settlements be otherwise suitable in planning terms, and would they be capable of delivering over an appropriate timescale?

Allocation E3, Land including site of playing fields south of A5 Dordon, adjacent to Hall End Farm

1.16 In conjunction with the Birch Coppice Trustees of the Coal Industry Social Welfare Organisation (“BCT CISWO”), Hodgetts Estates (“HE”) has prepared a statement of common ground (“SoCG”) which seeks main modifications to the policy wording and reasoned justification for site allocation E3. The SoCG sets out the changes necessary to make the plan sound, as well as various minor modifications for correctness and clarification. The SoCG was submitted to NWBC for comment on 25 February 2019 but to date no response has been received.

1.17 There is no evidence to support the proposed designation of ‘low intensity’, ‘small scale’, ‘primarily B1’ or ‘research and development’ uses in this location. The evidence base for CD0/1 points to the need for a cross-spectrum of ‘B’ uses encompassing B1, B2 and B8 uses with an emphasis on B8 uses, throughout the borough.⁴

1.18 Due to its unique position on the strategic road network and close (less than 1 mi) to J10 of the M42 Motorway, as well as being adjacent to Birch Coppice Business Park, Birmingham Intermodal Freight Terminal (“BIFT”) and Core 42 Business Park, site allocation E3 is suited to address a range of employment uses but primarily B8 uses. Research and development uses would be more appropriately directed to site allocation E4, ‘Land to the south of Horiba MIRA Technology Park & Enterprise Zone’ where a

⁴ North Warwickshire – Update to the Employment Land Review for the Period 2011-33, GL Hearn [CD8/8]

cluster of complimentary testing and research and development facilities are located. Especially as the land transport sectors make up a large component of the employment floorspace need and given that Mira is a dedicated research and testing facility to the automotive, defence, aerospace and rail sectors.⁵

1.19 It is therefore proposed to amend the wording of the policy to reflect the unique locational advantages of the site and the evidence base, but also to retain protection for the nearby residents of Dordon – please refer the submitted SoCG for details of the changes sought.

OS1

1.20 Site allocation OS1 is referred to within the policy text and reasoned justification (para. 14.48) for site allocations E2 and E3. OS1 is proposed for the replacement of Birch Coppice Allotments and the Birch Coppice Social Welfare Centre and Playing Fields, on land west of Dordon. The geographical extent of OS1 is illustrated on the Proposals Map as well as ‘Map 3 - Dordon & Polesworth – Site Proposals, Housing, Open Space, Employment’ and ‘Map 4 - Dordon & Polesworth – Employment Site Proposals’.

1.21 OS1, as illustrated on the Proposals Map, Map 3 and Map 4, should be extended to provide for the 1.5 ha of Birch Coppice Allotments and 3.45 ha of Birch Coppice Social Welfare Centre and Playing Fields which are allocated for employment uses under E2 and E3 – 4.95 ha in total. Furthermore, the allocation should be increased by an additional 15% to allow for access, circulation space and landscaping for the facilities – 5.5 ha in total.

⁵ Para. 1.7, North Warwickshire – Update to the Employment Land Review for the Period 2011-33, GL Hearn [CD8/8]

Changes necessary to make the plan sound

1.22 Increase size of OS1 on the Proposals Map, Map 3 and Map 4 to 5.5 ha.

9.22 Allocation E2, Land to the west of Birch Coppice

(a) Are proposed access arrangements appropriate?

(b) Are there sufficient safeguarding for potential effects of development to the occupants of residential properties next to the A5?

(c) Are the provisions of allocation E2 sufficient to ensure the replacement of allotments in accordance with Local Plan policy 23?

1.23 In conjunction with the NWBC, Hodgetts Estates (“HE”) has prepared a statement of common ground (“SoCG”) which seeks main modifications to the policy wording and reasoned justification for site allocation E2. The SoCG sets out the changes necessary to make the plan sound, as well as various minor modifications for correctness and clarification.

1.24 Access to site allocation E2 could be provided from a number of locations, either directly from the A5 or through an existing access or accesses near to the site. Until a planning application is submitted and approved, none of these possible solutions can be discounted as providing a potentially suitable access arrangement for the site.

1.25 The suitability of all/some of these potential access arrangements will depend on their capacity at the time a planning application is submitted at a point in time during the plan period. A suitable Transport Assessment would be required as part of any planning application, which would be based on an agreed methodology and incorporating up to date surveys. Furthermore, any planning permission would be subject to the agreement

of Highways England and Warwickshire County Council Highways in their capacity as statutory consultees.

1.26 As such, and in order to retain flexibility, reference to access coming from the current Birch Coppice service road is proposed to be deleted.

1.27 The policy text for site allocation E2 sets out that, *“Landscaping will be required along the A5 and to the residential properties on the A5.”* Any application would need to be accompanied by a Landscape and Visual Impact Assessment, as well as soft landscaping and tree planting plans, setting out details of proposed mitigation measures to prevent excessive impacts on nearby residents. HE considers that there is sufficient safeguarding in place to protect the occupants of residential properties next to the A5.

Hodgetts Estates

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