

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 November 2015

Present: Councillor Lea in the Chair.

Councillors Bell, Chambers, Davey, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Phillips, Simpson, Smitten and Sweet

Apologies for absence were received from Councillors Moss (substitute Councillor Chambers) and A Wright (substitute Councillor Davey).

Councillors Clews, Farrell, Ferro, Hayfield, Ingram, Smith and D Wright were also in attendance. With the consent of the Chairman, Councillors Farrell, Ferro, Hayfield and D Wright spoke on Minute No 34 Planning Applications (Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley).

33 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

34 **Planning Applications**

The Head of Development Control submitted a report in respect of Application No 2014/0339 - Daw Mill Colliery, Daw Mill Lane, Arley.

Resolved:

- a **That in respect of Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS) planning permission be refused for the following reasons:**

- 1. The site is in the Green Belt. The proposals represent inappropriate development which causes substantial harm to the openness of the Green Belt and the purposes of including land within it. There is additional harm caused by adverse impacts on the landscape character, visual amenity, the natural environment and residential amenity of neighbouring occupiers through noise and lighting impacts. There is also considered to be moderate highway impacts as a consequence of whether the mitigation proposed has a reasonable prospect of being implemented. The material considerations put forward by the applicant are not of sufficient weight to amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other harm caused. Thus is due to**

the generic nature of the proposal; that it contains alternatives and that mitigation measures are not fully advanced. The proposal does not therefore accord with policies NW1, NW2, NW3, NW10, NW12, NW13 and NW15 of the North Warwickshire Core Strategy 2014 and the National Planning Policy Framework 2012.

2. The development is likely to cause disturbance due to noise. Central to this adverse impact is the continuous operation required for the proposed wholly B2 use. Physical measures could provide some mitigation, however a restriction on continuous operation is likely to be necessary to fully resolve this impact. The applicant has re-iterated that continuous operation is essential to the proposal. The use of conditions to restrict operations is therefore not considered to be appropriate. The proposal is not considered to be in accord with policies NW10 and NW12 of the North Warwickshire Core Strategy 2014.
3. There is concern over the impact of the proposals on bio-diversity. The NPPF is clear that if significant harm to bio-diversity cannot be avoided, adequately mitigated or compensated, then planning permission should be refused. The net impact of the development as currently proposed is not clear. A pre-cautionary approach is thus appropriate in determining this application. The proposal is not considered to be in accord with Policy NW15 of the North Warwickshire Core Strategy 2014 or the NPPF.

[Speakers Phillip Mason and Tim Love]

b That officers be asked to commence discussions with Warwickshire County Council in respect of the restoration of the site.

J Lea
Chairman