

**MINUTES OF THE MEETING OF THE  
NORTH WARWICKSHIRE BOROUGH COUNCIL HELD AT THE  
COUNCIL HOUSE, ATHERSTONE ON MONDAY 16 AUGUST 2010**

Present: Councillor Johnston in the Chair.

Councillors Bowden, Butcher, Davis, L Dirveiks, N Dirveiks, Forwood, Fowler, Fox, Freer, Gordon, Hayfield, Lea, Lewis, Moore, B Moss, Payne, Phillips, Pickard, Sherratt, Simpson, Smith, Smitten, M Stanley, Y Stanley, Swann, Sweet, Winter, Wykes and Zgraja.

Apologies for absence were received from Councillors Jenkins, May, Morson, M Moss and Welby.

Before the commencement of business Councillor Gordon led the Council in Prayer.

**19 Declarations of Interest**

Personal or Prejudicial Interest other than those declared in the minutes of the meetings of Boards/Committees and any personal interests arising from the membership of Warwickshire County Council of Councillors Fowler, Fox, Hayfield, Lea, May, B Moss and Sweet and membership of the various Town or Parish Councils of Councillors Butcher (Polesworth), Davis (Atherstone), Freer (Atherstone), Fox (Shustoke), Lewis (Kingsbury), Moore (Baddesley Ensor), B Moss (Kingsbury), Phillips (Kingsbury), Sherratt (Coleshill), Smitten (Polesworth), M Stanley (Polesworth), Y Stanley (Polesworth) and Zgraja (Over Whitacre) all of which interests were deemed to be declared at this meeting.

**20 To receive and consider an extract from the minutes of the meeting of the Planning and Development Board held on Monday 19 July 2010 relating to Birch Coppice.**

The Council was asked to consider an extract from the minutes of the meeting of the Planning and Development Board held on Monday 19 July 2010 relating to Birch Coppice Business Park, Dordon (Application No 2010/0102). Details of correspondence received since the Planning and Development Board held on 19 July 2010 was circulated at the meeting.

It was proposed by Councillor Simpson, seconded by Councillor Winter and

**Resolved:**

**That in respect of Planning Application No 2010/0102**

**“Birch Coppice Business Park to create 186,000 square metres of built floor space for storage and distribution uses within Use Class B8, together with space for a Waste Transfer Station, as an extension to Birch Coppice Park Phase One. Details submitted include the layout of the proposed site roads and**

vehicle accesses; site drainage infrastructure works construction of site roads, site levels for building development plateaux and proposed site boundary landscaping. Details of individual plot layouts, scale and appearance of buildings are included now for illustrative purposes only.”

For IM Properties (Dordon) Ltd

(A) Outline planning permission be granted subject to:

- i) the imposition of conditions as drafted below under B;
- ii) A Section 106 Agreement in the form set out in the report to the May Planning and Development Board; and
- iii) A condition being added as follows

"No development, including site clearance, shall commence on site until a detailed mitigation plan for skylarks, including a schedule of works and timings, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved, shall be implemented in full to the written satisfaction of the Authority.

Reason: To ensure that protected species are not harmed by the development.”

(B) Conditions

- i) Standard Outline condition (i) - omit layout; scale and access
- ii) Standard Outline condition (ii) – five years for submission
- iii) Standard Outline condition (iii) – three years time period
- iv) Standard Plan numbers condition to include plan numbers: 829-020A; 11201/122, 123, 124, 125, 127 all received on 10 March 2010, plus plan numbers 11201/121C, 129D, 133B and 09-0406 Rev A received on 25 June 2010, together with Appendix A (Design Brief) and Appendix 2 (Landscape Design Guide) of the Design and Access Statement received on 10 March 2010.
- v) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: PCB/JWH/11201/3.3 –Issue 2 dated December 2009; the FRA Supplementary Information Ref: PCB/JWH/11201/3.0 dated February 2010, and the Investigations for Surface Water Disposal and

**FRA Ref: DAC/JWH/11201/3.3 dated April 2010, together with the following mitigation measures:**

- a) the limitation of the rate of surface water run-off generated by the total site (Phases 1 and 2) so as to discharge at a rate of not more than the greenfield run-off rate as detailed in the FRA and associated documents.**
- b) Provision of attenuation storage volume on the total site to retain the 100 year plus 20% flow event volume.**
- c) Provision of an 8 metre easement strip adjacent to the top of the bank of the Penmire Brook as detailed in the FRA and associated documents**
- d) No ground levels to be raised in the area defined in the FRA as being at risk of flooding in a 1 in a 100 year plus climate change allowance, event.**

**Reason: To prevent the increased risk of flooding; to improve and to protect water quality, habitat and amenity, and to ensure future maintenance of the system.**

- vi) The B8 Use hereby approved shall be limited to a maximum of 186,000 square metres of gross floor space.**

**Reason: In the interest of highway safety by ensuring that there is no adverse impact on the capacity of the existing road network.**

#### **Pre-Commencement Conditions**

- vii) No work shall commence on site until such time as full details of how the surface water drainage system hereby approved is to be maintained and managed following completion, have first been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to reduce pollution and of flooding**

- viii) No work shall commence on site until such time as a Construction Method and Management Statement has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of the method, working and phasing of the ground works; working hours, mitigation measures in respect of noise attenuation and reducing deposits on the surrounding highway network arising from HGV traffic, the location of site compounds and storage facilities, and the location of any site lighting during the construction phase. It shall also identify the means by which its terms are monitored**

and reviewed including the handling of complaints. The Plan once agreed by the Local Planning Authority shall remain in place until such time as agreed by the Authority.

**Reason:** In the interest of reducing adverse highway, traffic and environmental impacts as a consequence of this major construction project.

- ix) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as a programme of archaeological investigation has first been undertaken and implemented in full, in accordance with a written brief that shall first have been submitted to and approved in writing by the Local Planning Authority. The developer shall afford access at all reasonable times in order to enable this investigation to take place.

**Reason:** In the interest of establishing the archaeological significance of the site so as to add to the knowledge of the cultural heritage of the area.

- x) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as any archaeological finds, remains and evidence arising from the investigation required under the above condition, has been fully recorded in line with a specification as set out in the approved written brief, and that record submitted to the Local Planning Authority.

**Reason:** In the interests of securing a record of the archaeological evidence found at the site so as to enhance knowledge of the cultural heritage of the area.

- xi) No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as mitigation measures commensurate with the evidence found as a consequence of the survey undertaken under the above condition (ix) and recorded as required under the above condition (x), have first been submitted to and agreed in writing by the Local Planning Authority. Any such measures shall then be implemented and fully completed, to the written satisfaction of the Local Planning Authority, prior to the development approved under this permission being commenced.

**Reason:** In the interests of securing measures to best retain any archaeological remains on the site.

- xii) **No development, including site clearance, shall commence on site, until a bat survey has been undertaken on site and a detailed mitigation plan, including the replacement of any loss of suitable roosting and foraging habitat, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved shall be implemented in full to the written satisfaction of the Authority.**

**Reason: To ensure that European protected species are not harmed by the development.**

- xiii) **No development, including site clearance, shall commence on site until a detailed mitigation plan for reptiles, including a schedule of works and timings, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved, shall be implemented in full to the written satisfaction of the Authority.**

**Reason: To ensure that protected species are not harmed by the development.**

#### **Pre - Occupancy Conditions**

- xiv) **All of the works itemised in condition (v) above shall have been completed in full and to the satisfaction in writing of the Local Planning Authority, and the details required under condition (vii) above shall have been approved in writing by the Local Planning Authority, prior to the occupation for business purposes of the first unit to be constructed under this planning permission.**

**Reason: In order to reduce the risk of pollution and of flooding.**

- xv) **No building hereby approved shall be occupied for business purposes until such time as details of the means of lighting the estate roads as shown on the approved plans, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.**

**Reason: In the interests of good design; to reduce the risk of light pollution beyond the site, and in the interests of reducing crime.**

- xvi) **No building hereby approved shall be occupied for business purposes until such time as details of the measures to be installed necessary for fire fighting throughout the site have first been submitted to and**

approved in writing by the Local Planning Authority. Only the approved measures shall be installed.

Reason: In the interests of fire safety.

- xvii) No building whatsoever constructed pursuant to this permission shall be occupied for business purposes until such time as the whole of the spine road, roundabouts, access roads and access arrangements, including the secondary and emergency access measures as shown on the approved plans detailed under condition (iv), or as may have been subsequently amended in writing by the Local Planning Authority, have first been completed in full to the satisfaction in writing of the Local Planning Authority.

Reason: In the interests of highway safety.

- xviii) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as all of the peripheral landscaping as shown on the approved plans under condition (iv) of this permission, or as subsequently amended in writing by the Local Planning Authority, have first been fully implemented to the satisfaction in writing of the Local Planning Authority.

Reason: In the interests of securing structural landscaping at the beginning of this development in order to secure its visual and bio-diversity benefits.

- xix) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as the fire fighting measures, and the lighting details approved under conditions (xv) and (xvi) above or as may be subsequently amended in writing by the Local Planning Authority, have first been fully installed to the satisfaction in writing of the Local Planning Authority.

Reason: In the interests of fire safety and to reduce the risk of crime.

- xx) No building hereby approved shall be occupied for business purposes until such time as the following measures to deal with risks associated with contamination on the site have first been submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary Risk Assessment which identifies all previous uses; potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors,

together with potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) An options appraisal and remediation strategy based on (a) and (b) above giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) above are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any variation in these measures shall be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution.

- xxi) There shall be no occupation for business purposes of any building hereby approved, until such time as a combined Ecological Mitigation, Enhancement and Management Strategy for the whole site has first been submitted to and approved in writing by the Local Planning Authority. This Strategy shall specifically include all aspects of: habitat and species mitigation, enhancement and management measures including details of enhancement of the Penmire Brook corridor and the Penmire Lake, together with the replacement of any tree and hedgerows. Once agreed, the Strategy shall be implemented in full, and it shall remain in place at all times, unless otherwise agreed by the Local Planning Authority in writing. It shall include measures for the monitoring of its outcomes and the means of reviewing the Strategy.

Reason: In the interests of securing improved and enhanced landscaping and bio-diversity measures for the area in accordance with PPS9.

#### Reserved matters

- xxii) No building approved under this permission shall be constructed until such time as the matters reserved under condition 1(iii) and 1(iv) above, have first been

submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt those matters shall include the following details and particulars in respect of development of each plot:

- a) The plot layout, including all access, circulation and car parking areas.
- b) The siting, design and external appearance of all buildings, including fixed structures and plant
- c) The type, texture and colour of building materials
- d) The site boundary treatments – including all walls, fences and other means of enclosure
- e) Landscaping details within each plot
- f) Final site levels
- g) Foul and surface water arrangements to the point of disposal from the plot boundary
- h) All external illumination, security structures and equipment.

Only the matters approved under this condition shall then be implemented.

Reason: In order to ensure a high quality of development.

#### **Bespoke Conditions to the Development**

- xxiii) Within three months of the date of this permission, details showing how the promotion and encouragement of use of the rail facilities and the intermodal freight terminal at Birch Coppice, for the movement of freight arising from occupation of the new development hereby approved, shall be submitted to the Local Planning Authority. These details shall include a description of those details; the processes involved, how they are to be monitored and reviewed. Once approved in writing, these measures shall be implemented and evidence of the measures taken and the monitoring undertaken shall be referred to the Local Planning Authority when requested. For the avoidance of doubt, these measures shall relate to all occupiers of the development hereby approved, and not just to the initial occupier.



**Reason:** In order to promote the intermodal facility at the site so as to achieve a sustainable development.

- xxiv)** Each building constructed pursuant to this permission shall achieve the prevailing minimum standard in terms of energy efficiency at the time of its design, and for the avoidance of doubt the base-line for this minimum standard shall be the present BREEAM “good” standard.

**Reason:** In order to achieve sustainable development with a minimum carbon footprint and to encourage the use of renewable energy.

- xxv)** A minimum of 1750 jobs shall be provided within the whole of the development hereby approved, unless otherwise agreed or varied in writing by the Local Planning Authority. For the avoidance of doubt this shall refer to Full Time Equivalent jobs and shall be calculated at the time when the first occupiers of the plots so approved, are fully operational.

**Reason:** In order to meet the requirements of Saved Core Policies 1 and 12 of the North Warwickshire Local Plan 2006, together with the Local Economy aim of the North Warwickshire Sustainable Community Plan 2006 – 2009, such that the local economy is able to diversify and adapt to changes in the wider economy, whilst remaining relevant to the needs of local people.

#### **Reasoned Justification**

The application represents a departure from the Development Plan in that the proposal is for major commercial development on a green field site not allocated for such a purpose. It is considered that there are material planning considerations of such weight to warrant the application being treated as an exception to the Development Plan. These are:

- i)** Support from saved Core Policy 1 of the North Warwickshire Local Plan 2 that seeks the economic regeneration of the Borough.
- ii)** The evidence base that informed the preparation of the Regional Spatial Strategy indicates an unmet and immediate need for logistics sites, and that an extension of the existing Birch Coppice site would “fit” the locational criteria outlined in that evidence, for such provision.
- iv)** the employment provisions that propose a higher density of employment provision and opportunity in an area

recognised as having high unemployment and with low skills

- v) the ability to treat each application for logistics provision in North Warwickshire on its own merits without being obliged to provide floor space because of a policy base-line requirement
- vi) the proposals contained within the application to relocate the Warwickshire County Council's Waste Transfer Station to an alternative site within the application site, such that there are material planning, environmental and traffic benefits
- vii) the bespoke package of measures contained within a Section 106 Agreement accompanying the application that is focussed on public transport provision and on the provision of measures aimed at linking the job opportunities provided by the proposal with local employment needs and training opportunities.

It is not considered that there would be adverse impacts arising from the proposals that warrant refusal. This is based on the responses from a number of Statutory and technical consultations; the use of conditions to mitigate impacts, and the content of the Section 106 Agreement. It is acknowledged that this is a significant application and that it is not possible to completely mitigate all impacts. The Council has had to balance the benefits and opportunities arising from the proposals, against these residual impacts, most notably the loss of agricultural land. It considers that on balance, the application can be supported.

- (C) i) The Council develop a statement of current planning policy and guidance dealing with strategic and significant issues that were formerly included within the County Structure Plan and Regional Spatial Strategy overall planning policies and guidance for North Warwickshire, including the saved policies from the former Borough Plan and national Policy Guidance Notes (PPG's), design guides and village plans.

A draft of the statement will be provided to the Planning and Executive Boards for approval and adoption, respectively.

ii) That an urgent report including a timetable for developing detailed design briefs for all allocated sites identified within the saved North Warwickshire Local Plan and relevant recommendations from the former Regional Spatial Strategy. These design briefs will be forwarded to

**the Planning & Development Board for approval and adoption.**

**iii) That no further work is undertaken on development of the LDF until a report on the implications of changes in national policy and has been considered and a way forward agreed by the LDF Panel and Planning & Executive Boards respectively. Resumption of such work will, in any event, not commence until completion of (i) and (ii) above, unless otherwise agreed by Executive Board.**

**Chairman of the next ensuing meeting of the Council**