

**To: The Deputy Leader and Members of the Planning and Development Board  
(Councillors Simpson, Bowden, L Dirveiks, Fox, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes)**

**For the information of other Members of the Council**

The agenda and reports are available in large print if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).

For enquiries about specific reports please contact the officer named in the reports

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**20 JULY 2009**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 20 July 2009 at 6.30 pm.

### **AGENDA**

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Declarations of Personal or Prejudicial Interests.**  
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

## **PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 4 **Planning Applications** – Report of the Head of Development Control.

### **Summary**

Town and Country Planning Act 1990 – application presented for determination.

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**20 July 2009**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.

- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

- 4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

**5 Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site [www.northwarks.gov.uk](http://www.northwarks.gov.uk)
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 17 August 2009 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2008/0513	4	<b>Manor House Farm Green End Road Green End</b> Creation of a private fishing pool with a conservation peninsular and a variety of water depths, including areas up to 2m depth and shallows, formation of new access and track.	General
2	PAP/2009/0154	14	<b>Car Park Park Road Coleshill</b> Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout	General
3	PAP/2009/0192	16	<b>Betteridge Farm Dingle Lane Nether Whitacre</b> Conversion of existing barn to residential use	General
4	PAP/2009/0210	21	<b>Rectory Cottages Rectory Road Arley</b> Erection of 30 properties, comprising 16 bungalows and 14 two storey houses, associated highway works and car parking	General
5	Consultation	51	<b>Proposed New Freight Connection at Nuneaton Station</b>	General

## **General Development Applications**

(1) Application No PAP/2008/0513

**Manor House Farm, Green End Road, Green End**

**Creation of a private fishing pool with a conservation peninsular and a variety of water depths, including areas up to 2 metre depth and shallows, formation of new access and track for,**

**Mr Mike Gallagher, Handy Aggregates Ltd**

### **Introduction**

The application is referred to Board at the request of local Members concerned about the impact of the proposal.

### **The Site**

The site is a field measuring some 2.3 hectares, part of Manor House Farm, and is currently in use as pasture. The flatter, upper part includes an existing pond, it then slopes down towards the northern boundary with the Didgley Brook. The field is bounded by hedgerows and has an existing field gate access to Green End Road to the east. Solomon's Temple Lane runs to the north. This lane is some 2 metres lower than surrounding land with steep banks to either side.

The site is within the West Midlands Green Belt and is in the area categorised as Ancient Arden landscape in the published Warwickshire Landscape Guidelines. These include a landscape assessment undertaken to define the characteristics of the traditional rural landscapes across Warwickshire. Ancient Arden is defined as a varied undulating topography characterised by small scale farming within irregular field patterns and narrow winding lanes. Characteristic features include hedgerows and road side oaks and field ponds within permanent pasture and place names ending in Green or End. The area around the application site is typical of this in both character and name.

### **The Proposal**

Creation of a fishing pool for private use with water depth varying from 2 metres to shallows, and the formation of a temporary access road and vehicle access to Green End Road.

The proposed lake would occupy some 0.35 ha within the lower part of the field, it will measure some 130m by 70m, have a maximum depth of 2.5m and include a central island with a connecting land bridge, a feature designed to discourage larger birds, such as Canada Geese, due to the proximity to flight paths to Birmingham Airport. An overflow channel at the western end of the lake will discharge surplus water to the Didgley Brook via a reed bed system in two smaller ponds.

It is proposed the lake will be filled by surface water draining from the surrounding land and new field drains are proposed to channel water to the lake. The outfall from the existing pond will also be diverted to drain via the proposed lake. The existing outfall appears to run to Solomon's Temple Lane and this may be a contributory factor to flooding currently experienced on this lane following periods of high rainfall. No borehole for the abstraction of ground water is proposed.

The lake will be formed by the construction of an earth bund some two metres in height along its northern side. The level of the sloping ground beyond the formed bund will also be raised. The existing ground levels will be raised by a maximum of two metres at the bund. The raised level will then be gradually reduced to provide a gentle gradient from the top of the bund to the existing ground level at a point some 60 metres distant. This will form a gentle taper to the outward facing slope of the bund with a gradient only slightly greater than the existing slope of the ground. This will disguise the bund when viewed from the north. It will however require more fill material than a narrower bund with a steeper outward slope.

The applicants state that they will require 37620 m<sup>3</sup> of inert fill material; 11220 m<sup>3</sup> of fill will be found from on site excavation; necessitating the import of some 26400 m<sup>3</sup> of inert fill material. This will require 2200 tipper lorry visits, resulting in a combined total of 4400 in and out lorry vehicle movements. The applicants estimate construction will take 12 months from commencement of the works with some 15 to 20 lorries normally visiting the site daily.

The proposed vehicle access arrangements have been the subject of discussion with the Highway Authority. A new vehicle access is proposed in the southeast corner of the field close to the junction of Solomon's Temple Lane and Green End Rd. A new access road 4m wide will be created across the upper part of the field to the construction site. Gates will be erected 20m from the public highway and a hard surface will be provided to the road between the gates and the highway. Tipper lorries will travel to and from the site only via Green End Road to the B4102.

### **Development Plan**

North Warwickshire Local Plan 2006 Saved Policies - CP3 (Natural & Historic Environment), CP11 (Quality of Development), ENV1 (Natural Landscape), ENV2 (Green Belt), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV14 (Access Design)

### **Other Relevant Material Considerations**

Government Advice:

Planning Policy Guidance Note 2 - Green Belts; Planning Policy Statement 7 – Sustainable Development in Rural Areas.

### **Consultations**

WCC Ecology – comment that the recommendations set out in the Ecological Evaluation Report should be adhered to and that the presence of protected species should be a material consideration.

WCC Highways – no objection subject to conditions.

Environment Agency – no objection

Birmingham Airport Authority – no objection

### **Representations**

Fillongley Parish Council - express concern over the number of lorry movements; the source of water to fill the lake, and the stability and safety of the earth bund on the sloping field.

Five representations have been received from local residents. These raise concerns over the number and the impact of lorries visiting the site on the local road network; that industrial and domestic rubbish will be deposited in the fill material; the effect of the lake on local land drainage and increased risk of flooding on adjacent farmland and Solomon's Temple Lane; the impact on the ecology and on farm animals grazing land downstream of the site; the impact of tipping operations on the amenity enjoyed by nearby dwellings with views over site and the inappropriateness of the resulting landform within the Ancient Arden landscape.

In response to these matters, the Highway Authority considers that the traffic impact can be mitigated by the imposition of appropriate conditions and legal agreements under the Highways Acts. These would cover adequate visibility at the new site entrance; to ensure lorries access the site via the prescribed route, and to enable the recovery of the cost of repairs required to the local road network as a result of any damage caused by vehicles accessing the site. The applicant has submitted a signed unilateral planning obligation setting out an undertaking to deposit a bond of £5000 with the Highway Authority as a financial contribution to repairs required to the local road network arising from damage caused by vehicles accessing the site during the construction period. The Highway Authority do not consider this to be necessary as they will require the applicant to enter into an agreement under the Highways Act.

The deposit of industrial and domestic waste material is controlled by other environmental legislation and under planning legislation such activity in Warwickshire is a County matter and would require the grant planning permission from the County Planning Authority. The applicant has approached the County Council who agreed that this proposal was not a County matter. The proposed earth works and bund will be formed by the deposit of suitable inert materials only, in accordance with guidelines for the deposit of such materials. Conditions to limit the type of fill material to be used and to require records of the source of material can be imposed. Given the use of such fill material only, the deposits are unlikely to be more attractive to vermin or pests than the existing land.

There is evidence of periodic flooding on Solomon's Temple Lane due to water draining from the application site. The formation of the lake is likely to have a beneficial effect as water falling onto the site will be drained into the lake and will therefore be held within the site. The ecological assessment submitted concludes more water is likely to be retained within the site following the creation of the lake.

In assessing the impact of the proposed lake, the ecological assessment concludes that providing it is implemented in accordance with recommendations made it will not have significant impact on existing habitats or animals, including farm animals.

There will be an unavoidable impact on the local environment and this will affect amenity during the period of construction. Conditions can be attached to mitigate this impact. The access route for HGV's will be prescribed and restricted by condition to mitigate the impact of lorry movements. In addition, restrictions on hours of working, the requirement for lorries bringing fill material to be covered and for the overall period for construction limited to 12 month period necessary.

The site will appear unsightly during the construction period; the sloping topography means the works will be not be easily seen from Green End Road but will be more readily visible when viewed from the north. Construction is expected take up to 12 months and although this is a significant period, it is finite. On completion, although the lake will be an unusual feature within the Ancient Arden landscape, the profile of the lake and bund, together with the proposed landscaping and planting on becoming



established, will help to integrate the lake into the existing landscape thus reducing its visual impact.

## **Observations**

The proposal has been revised significantly since submission. A revised Certificate was also submitted in March when it became clear that all those persons with an interest in the land had not been properly notified of the application on first submission.

The proposed fishing lake is an appropriate use within the green belt. It is thus not inappropriate development, as defined within in Planning Policy Guidance Note 2, and as such this proposal is acceptable as a matter of principle. No built development is proposed, and given the conclusion below concerning impact on landscape character, the completed development will not have an adverse impact on openness. The proposal therefore complies with Policy ENV2.

Policy ENV1 seeks to protect the natural landscape. This site is in a very typical Ancient Arden landscape. The proposed lake will create a feature not normally found within the Ancient Arden landscape, where water bodies are commonly small field ponds within permanent pasture. The visual impact of the lake is thus a consideration. The sloping topography of the site limits visibility to the south and east; the lake will be visible from the west and south, where there are three farms within 0.5 km of the site. However the position and shape of the lake, the profile of the earthworks together with the proposed landscaping and tree planting will reduce the visual impact of the lake on the landscape, such that that impact will not be adverse.

The ecological assessment concludes that the lake will not be detrimental to the ecology of the area and will potentially increase the biodiversity of the area through the creation of new habitats to encourage species not currently present. These ecological benefits are considered to balance any visual impact due to the introduction of the lake. The proposal is thus considered to accord with Policies CP3 and ENV1.

The Highway Authority is satisfied the proposal will not compromise highway safety and that any impact on the local roads can be addressed through conditions. The temporary site access and site road will be removed and the land and existing field gate access re-instated following completion of the works. The proposal is thus considered to be in accord with Policy ENV14.

Whilst the works will have an impact on the local area during the construction period, this will be mitigated through the imposition of conditions to minimise this effect. The overall impact is not considered to amount to a significant loss of amenity for neighbouring properties and occupiers, and thus the proposal is not considered to be contrary to Policy ENV11.

## **Recommendation**

That the application be Granted planning permission subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 08/033/03a; 08/033/05a received by the Local Planning Authority on 26/29/09; the construction phase management plan received on 15/9/2008, as amended by the details of fill materials to be imported and associated vehicle movements received on 16/12/2008; the construction ecological management plan received on 15/9/2008 and the details and plans numbered 08/033/04 and KL.073.001 received by the Local Planning Authority on 15/9/2008. For the avoidance of doubt the fishing lake approved is as shown on plan 08/033/03a and not as shown on plan KL.073.00.

Reason

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

3. No waste soils, including subsoils or other fill shall be imported to the site until a scheme of waste material importation control has been agreed with the local authority. This scheme shall ensure that a written record of all of the material deposited at the site to identify the quantity, source and type of material is maintained. The scheme shall also ensure material deposited at the site is sampled and that a written record of the sampling and the results is maintained. The written records shall be available for inspection at the site at all times.

Reason

In the interests of avoiding contamination and pollution of the ground water environment.

4. No development shall commence until a comprehensive survey to establish whether any protected species are present which could be affected by the proposed works has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the conservation of protected species.

5. Access to the site for construction purposes shall be via the temporary new vehicle access to be provided to Green End Road only. The route for construction traffic accessing the site shall be via Green End Road directly to the B4102 Meriden Road. No other route shall be used. No development shall commence until appropriate traffic signs have been erected to identify this route and prevent other routes being used. The signs shall be erected in accordance with details previously submitted to and approved in writing by the Local Planning authority. The erected signs shall be maintained at all times during the construction period.

Reason

In the interests of highway safety.

6. The access to the site for construction traffic shall not be used until it has been surfaced with a bound material for the length between the position of the wheel cleaning equipment and Green End Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of safety on the public highway.

7. The development shall not be commenced until a turning area has been provided within the site so as to enable all vehicle types to leave and re-enter the public highway in a forward gear.

Reason

In the interests of highway safety.

8. No works shall commence and no material shall be imported or exported from the site unless measures are in place to minimise the deposit of extraneous material onto the public highway by wheels of vehicles accessing the site. Prior to commencement of the works hereby approved the developer shall install and maintain the proposed mechanical wheel cleaning equipment in the position shown on plan 08/033/05a and operate this in accordance with the Road Sweeping Methodology statement received on 26/2/2009. The equipment and methodology shall be maintained and operated throughout the construction period.

Reason

In the interests of highway safety.

9. No development shall commence until an inspection of the condition of Green End Road between the junction with the B4102 Meriden Road, and the site access has been undertaken, and the findings submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests on highway safety and to identify repairs required to the highway arising from use by exceptional traffic.

10. No development shall commence until full details of the design of the causeway linking the island to the bank, and an ongoing Landscape Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan should comply with details published in CAA/AOA Advice Note 3 Potential Bird Hazards from Amenity Landscaping and Building Design. The approved Landscape Management Plan shall be implemented for the life of the development.

Reason

To avoid risk to the safe operation of aircraft from large birds.

11. No development shall commence before details of protection measures proposed for existing trees and hedges on the site have been submitted to and approved in writing by the Local Planning Authority, and these approved measures have been installed.

Reason

In the interests of the protecting the landscape and amenities of the area.

12. No development shall commence until written notice has been given to the Local Planning Authority of the date the approved works will commence and a period of 14 days has elapsed since the giving of notice.

Reason

To limit the duration of the operation.

13. No material shall be imported, deposited or exported from the site after the expiry of a period of 12 months from the date works commenced.

Reason

In the interests of amenity

14. No work shall take place on site or materials shall be delivered to or tipped on the site; other than between 0800 hours and 1700 hours Mondays to Fridays; 0800 and 1300 hours on Saturdays and not at all on Sundays, Bank Holidays or other public holidays.

Reason

In the interests of amenity.

15. All vehicles carrying fill material into or from the site shall be sheeted or covered at all times.

Reason

In the interest of the amenity.

16. There shall be no chemical dosing of the ponds at any time.

Reason

To prevent pollution of the water environment

17. Any facilities for the storage of oils; fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage; the compound shall be at least equivalent to the capacity of the largest tank; vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points; associated pipework; vents; gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse; land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment.

18. Within three calendar months of completion of the works detailed within this application, the site access road shall be removed and the land reinstated to its original condition and the temporary vehicle access shall be removed and the highway verge and hedgerows re-instated in accordance with details to be submitted to and approved in writing by Local Planning Authority.

Reason

In the interests of highway safety and the character of the area.

19. The landscaping scheme as shown on plan number KL.073.003 shall be implemented within the first planting season following the completion of the

development hereby approved and in the event of any tree or plant failing to become established within five years thereafter; each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

Reason

In the interest of the amenity.

20. The development shall be carried out in accordance with the section details as shown on the approved plan number 08/033/04; no more material shall be imported to the site than is stated to be required in the statement submitted by the applicant on 26/2/2006. A survey of the final ground levels on the site shall be undertaken and the results submitted in writing to the Local Planning Authority.

Reason

To ensure that the development is undertaken in accordance with the approved plans.

- 21 The lake hereby approved shall be used for private fishing by the applicant and shall not be used as a fishery operated for commercial gain.

Reason

In the interests of ensuring the amenity and highway safety.

#### Justification

The proposal is in accordance with Saved Policies CP3, CP11, ENV1, ENV2, ENV8, ENV11 and ENV14 of the North Warwickshire Local Plan 2006 and with national policy guidance as set out in Planning Policy Guidance Note 2 - Green Belts. There are no material considerations that justify an exception to policy. The proposal is appropriate development within the Green Belt. It is also considered that there will be no adverse visual impact. There will be ecological and bio-diversity benefits. Given that the Highway Authority do not object subject to conditions, it is considered that the proposal is acceptable in highway terms, particularly given the temporary nature of the construction period.

## BACKGROUND PAPERS

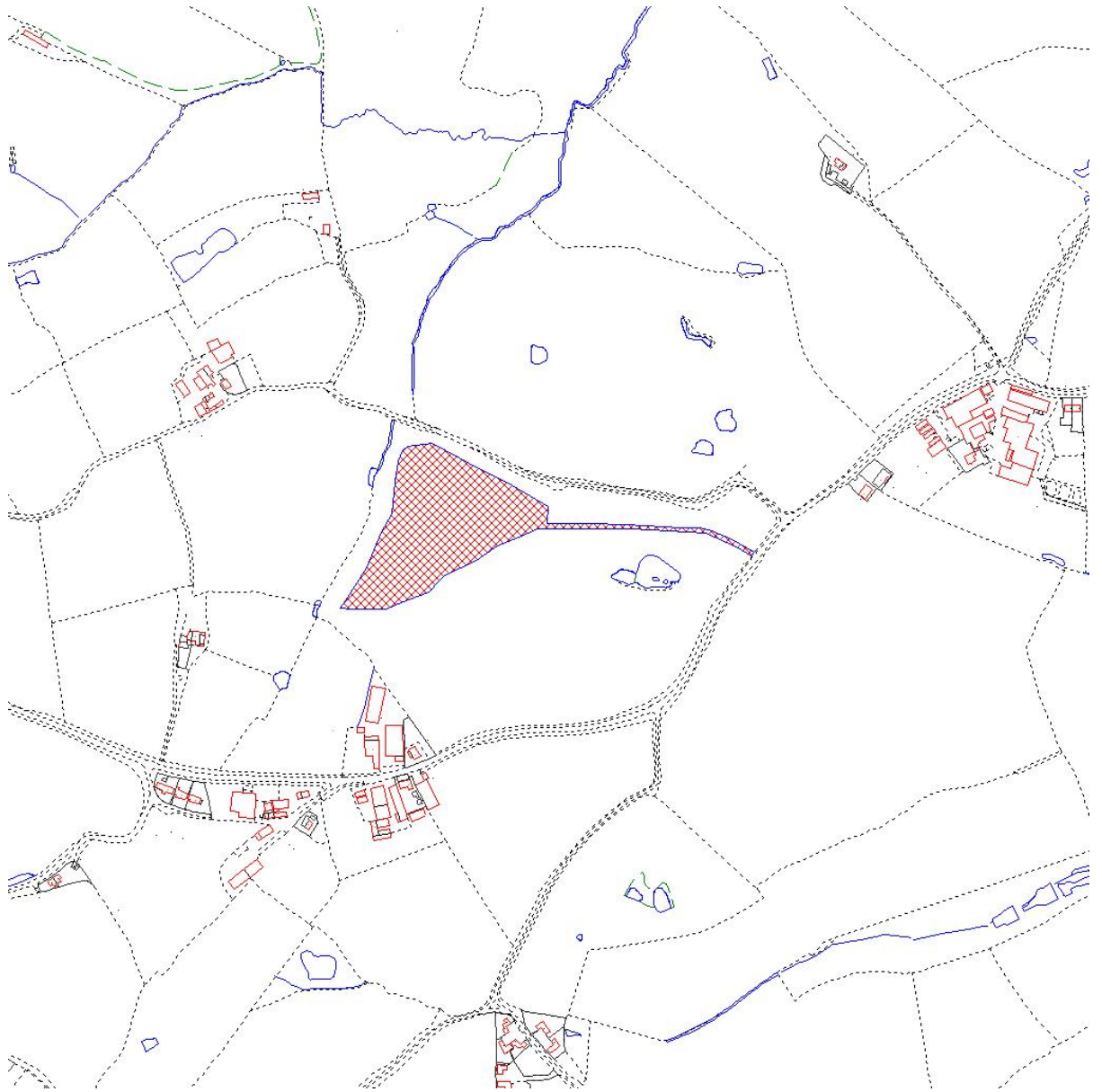
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2008/0513

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	2/10/2008 22/12/2008 26/2/2009 26/3/2009
2	WCC Highways	Consultation	24/10/2008 21/3/2009 6/4/2009
3	WCC Ecology	Consultation	15/10/2008
4	Environment Agency	Consultation	19/12/2008 30/3/2009
5	Fillongley PC	Consultation	27/10/2008 29/3/09
6	Birmingham Airport Auth.	Consultation	19/12/2008
7	F & JH Kerby	Representation	27/10/2008 10/3/2009
8	Mr & Mrs K Kerby	Representation	27/10/2008 10/3/2009
9	E & D Kerby	Representation	27/10/2009 10/3/2009
10	DM Pearman	Representation	11/10/2008
11	A Goudie	Representation	20/10/2008
12	Mr & Mrs R Maycock	Representation	27/10/2008
13	Coleshill Civic Society	Representation	6/5/2009
14	ST Water	Consultation	16/4/2009
15	R Maycock	Representation	17/3/2009

*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.*





**(2) Application No PAP/2009/0154**

**Car Park Park Road Coleshill**

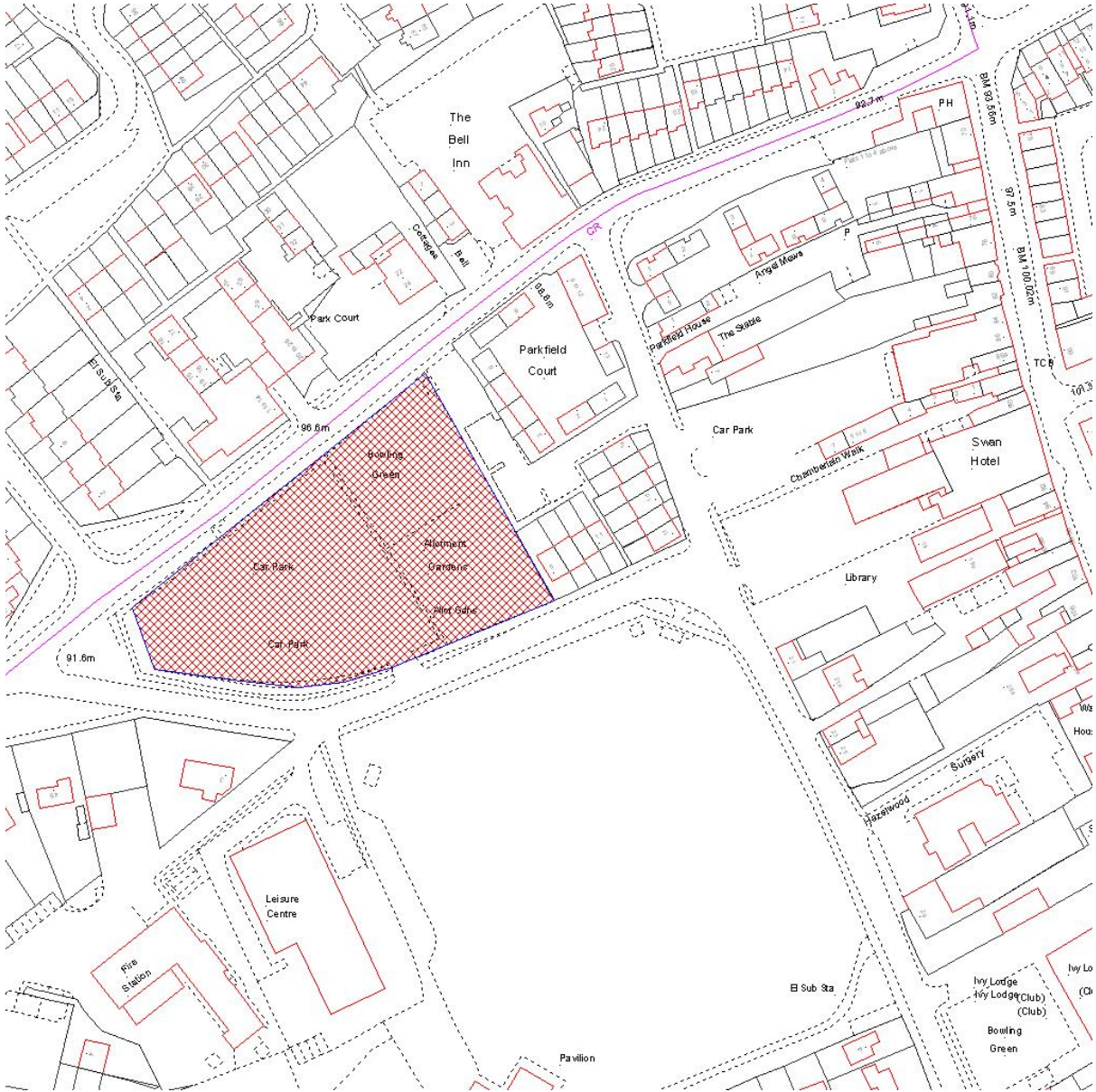
**Outline - Erection of a Retail (A1) food store with associated parking, servicing and access - Seeking to discharge the reserved matters for access and layout, For Limes Developments Ltd**

**Current Situation**

The receipt of this planning application was reported to Board at its June meeting. A number of issues were identified and the Board resolved to visit the site. That visit took place on 9 June. It had been anticipated that a report would have been brought to the July meeting at which time the Board would have been invited to make a recommendation to Council on the planning merits of the proposal. That will not now happen, and the application will be reported as soon as it is possible to do so. The reason for this delay is due to further information and detail being required of the applicant, particularly in respect of some of the responses received from the consultation process. Once this has been received, and the further comments received from some of the other Agencies involved in the process, the application can be reported.

**Recommendation**

That the current position be noted.



**(3) Application No: PAP/2009/0192**

**Betteridge Farm, Dingle Lane, Nether Whitacre**

**Conversion of existing barn to residential use, for**

**Mr John Brown**

### **Introduction**

This application is reported to Board at the discretion of the Head of Development Control. At the time of writing, amended plans are open for consultation and any comments received will be reported verbally to the Board.

### **The Site**

The site lies in an isolated Green Belt location and beyond any development boundary. Access to the site is made via single track country lanes with no immediate public transport provision. The building is a two storey brick built barn of traditional characteristics benefiting from a certificate of lawfulness as an agricultural building. There is a generous space to the front before a mature hedgerow adjacent to Dingle Lane, which is largely overgrown. To the rear is extensive semi-mature tree planting with pasture land beyond.

### **The Proposal**

It is proposed to convert the existing barn to a single residential dwelling for sale on the open market. The land to the front will serve as amenity land and as a parking area, with very little external alterations necessary to the building.

### **Background**

The building in question was completed in 2002 as an agricultural building. However due to land ownership at the time it was commenced, a certificate of lawfulness was necessary to establish the agricultural use. This was granted in 2007. A subsequent application for conversion to a live work unit was withdrawn. A detailed planning statement is provided with this application which addresses each of the criteria and objectives of Local Plan Policy ECON9.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006: ENV2 (Green Belt), ENV6 (Land Resources), ENV13 (Building Design), ECON9 (Re-Use of Rural Buildings)

### **Other Relevant Material Considerations**

Government Advice: Planning Policy Guidance 2 (PPG2) (Green Belts), Planning Policy Statement 7 (PPS7) (Sustainable Development in Rural Areas), Planning Policy Statement 23 (PPS23) (Planning and Pollution Control)

Supplementary Planning Documents: North Warwickshire Affordable Housing SPD (2008)

## **Representations**

Nether Whitacre Parish Council – note that previous agricultural use of the building has been spasmodic, and they consider there are no overwhelming circumstances to override Green Belt policy.

Environmental Health – comment that no desk study has been supplied to identify potential contamination in accordance with PPS23, and that this should be provided ahead of determination

Warwickshire Wildlife Trust – no objection, but raise awareness for the potential presence of bats and/or nesting birds

Coleshill and District Civic Society – indicate a response is forthcoming, but has none has been received at the time of writing

Neighbour responses – one objects that the building was built under the guise of an agricultural building, and that the proposal does not comply with policy. There is a letter of support along with a further letter of no objection stating it will make good use of the building.

## **Observations**

The re-use of this rural building would not be likely to have a materially greater impact on openness of the Green Belt as it is already present and strict control can be exercised over use of surrounding land. It is capable of conversion, and the form and design are in keeping with the surroundings. The proposed changes to existing openings are minimal, and would not detract from the character of the building.

Direct access to the rural distributor road network is necessary, and the proposal must be accessible by a range of means of transport. The statement argues that under PPS7 the property should be viewed as part of a village - Nether Whitacre. However, Nether Whitacre is more akin to a hamlet, especially as the Local Plan does not classify it as a settlement, and the property lies approximately 1.0 km away. The nearest rural distributor road is 0.9 km away. All traffic would have to travel on minor roads to reach the site. The nearest shop is some 1.3km away. Many of the other services referred to are either private or sporadic. Public transport access is difficult, with the nearest bus stop on an irregular service 1.0 km away. The closest regular bus routes pass through Whitacre Heath some 1.3km away. All the above services must be accessed along roads unsuitable for pedestrians. The site is therefore not well enough located to meet the sustainable development aims of the policy.

The statement also argues that the building is not suitable for farm diversification, yet it clearly benefits from an agricultural Certificate, and has been used for such purposes in the past. Notwithstanding the applicant's comments, the design and layout of the building and land do make it capable for keeping of small livestock, or for the storage of agricultural produce.

The argument that tourism accommodation is not an option is also questioned. Notwithstanding the above comments, the site is located suitably close to the NEC whilst remaining rural enough to support a range of tourist needs. The viability assessment is based around one unit for 8 persons, whereas the building is capable of carrying two holiday units. There are a number of other provisions across the

Borough, necessitating far more extensive works to convert them, which have been implemented without financial loss.

The argument that affordable housing is not required is contested. The Council's Local Plan, and adopted Affordable Housing SPD identifies an exceptional need for affordable housing, with a shortfall at present. Consequently there is a need to secure as much affordable housing as possible. The statement also refers to agricultural occupancy being unsuitable due to little demand. It is more likely however that the isolated nature to an agricultural unit and the high costs of conversion/land value prevent this. This point may be valid, but to provide two smaller affordable units to meet the identified needs of the SPD may be viable and this has not been investigated.

Notwithstanding the above comments, although live/work units are difficult to define in modern society, a division between work and living accommodation could be clearly demarked with a significant proportion of the building set aside for working space only. There has been no attempt to show how this is not possible, or that it would undermine the viability of the conversion.

PPS23 advises that attention should be paid to proposals where there is a reason to suspect contamination, or indications of potential contamination, and to those for particularly sensitive uses such as housing. Environmental Health note that a desk study assessing previous uses and potential for contamination should be provided. No such report has been, and whereas normally it may be conditioned, if granted this application would establish the principle of residential use, such that if retrospective investigation reveals contamination, it may be difficult to ensure remediation.

### **Recommendation**

That the application be **REFUSED** for the following reason:

The proposal is located in an isolated, unsustainable location with poor public transport links. It has also not been adequately demonstrated that farm diversification, tourist accommodation, affordable housing or live/work units are unachievable or unviable options. In addition, it has not been demonstrated that the site is not potentially contaminated. Consequently the proposal fails to comply with saved policies ENV2, ECON9 and ENV6 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

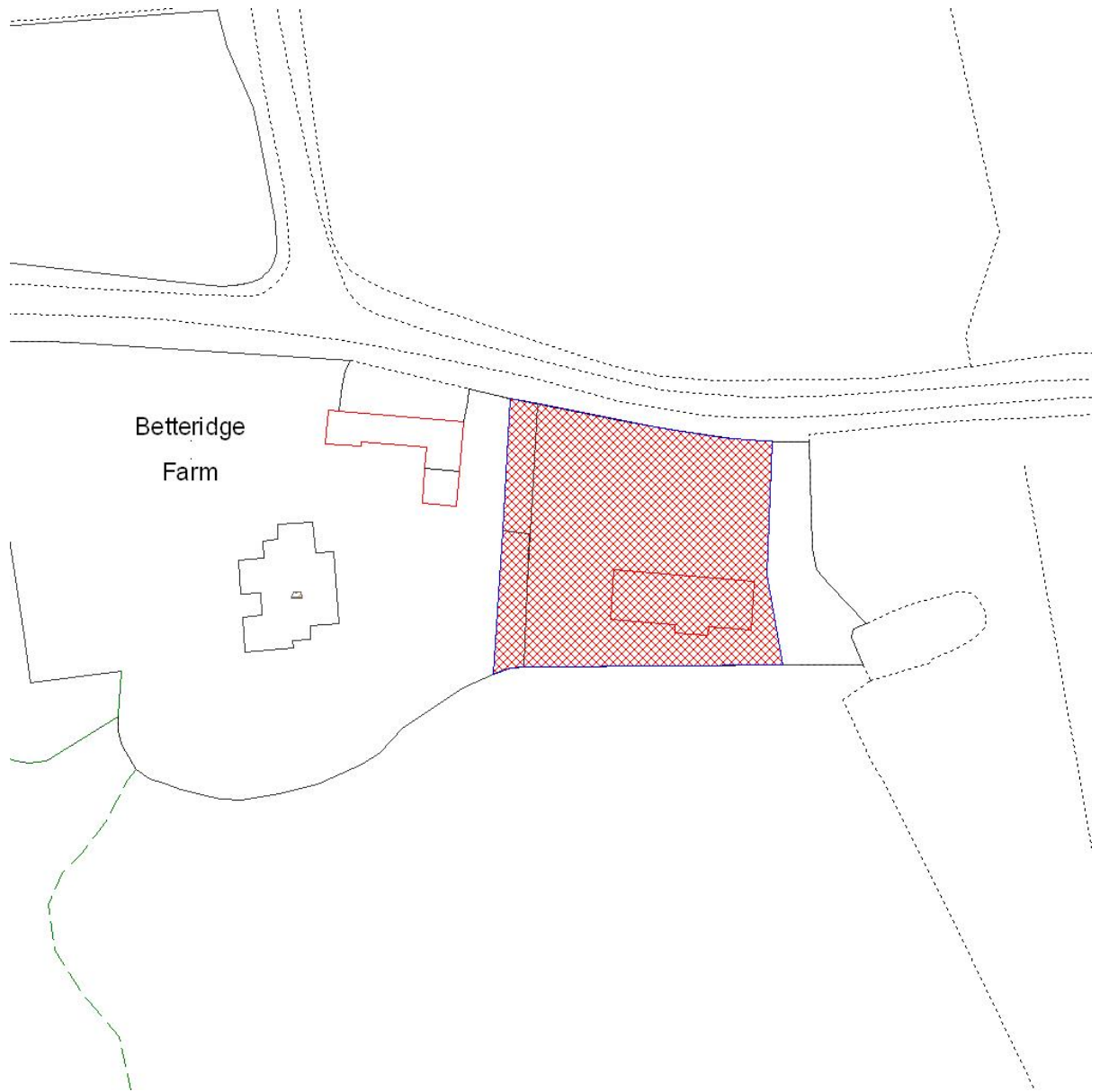
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2009/0192**

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	8/6/2009 & 1/7/2009
2	Warwickshire Wildlife Trust	Representation	25/6/2009
3	Bakehouse Barn	Letter of objection	24/6/2009 &
4	Coleshill & District Civic Society	Indication of forthcoming representation	29/6/2009
5	Nether Whitacre Parish Council	Consultation reply	30/6/2009
6	The Firs	Letter of support	1/7/2009
7	Agent	Amended plans	1/7/2009
8	Environmental Health	Representation	2/7/2009
9	Birchfields	Representation	3/7/2009

*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.*



Betteridge  
Farm



**(4) Application No PAP/2009/0210 and PAP/2009/0211**

**PA 2009/0210**

**Rectory Road, Old Arley**

**Detailed planning application for the erection of 30 houses including 16 bungalows and 14 two storey houses, associated highway works and car parking for Midland Heart**

**PA 2009/0211**

**Rectory Road, Old Arley**

**Outline planning application for the erection of a part single/part two storey Medical Centre, and associated car parking and access, for Primary Asset Ltd**

**Introduction**

The receipt of these two related applications was reported to the last meeting of the Board. At that time the Board noted the issues that were relevant to the proposals and also agreed to visit the site. That visit has taken place and the applications are now referred to the Board in order that a recommendation can be made to Council.

The report to the last Board is attached at Appendix A for convenience, and it is not proposed to repeat its content here.

Amendments have been made to the proposals since its original submission, as a consequence of representations received during the period of consultation. These cover two detailed matters – firstly the number of car parking spaces at the proposed Medical Centre is increased from 34 to 38, and secondly the car parking in front of plots 17 to 21 has been rearranged so as to reduce the likelihood of damage to parked cars from users of the open space.

**Consultations**

**Warwickshire Police** - No objections to either application.

**Severn Trent Water** - No objection to either application subject to conditions.

**Environment Agency** – No objection to either application.

**Fire Services Authority** – No objection to either application subject to conditions.

**Warwickshire County Council as Highway Authority** – No objection to either application subject to conditions.

## **Representations**

**Arley Parish Council** – Nothing received

**Objections** - 68 letters of objection have been received to the proposals covered within both applications. The great majority of these are presented as a “pro-forma”, a copy of which is attached at Appendix B. However, those other letters not of this form, cover the same matters raised. The great majority of these objections are from addresses in New Arley.

**Support** - 4 letters of support have been received, together with a petition containing 373 signatures in support of the Medical Centre proposals. The signatories include addresses in both Old and New Arley, and many are patients registered with the current Medical Centre. A copy of the form used for the petition is attached at Appendix C.

**Development Plan Update** – As Members will be aware the North Warwickshire Local Plan 2006, expired on 4 July 2009. However, the Secretary of State has issued a Direction which confirms that all of the policies within that Plan that are mentioned within Appendix “A” have been “saved”.

## **Observations**

### **a) Introduction**

The sites of these two applications are within the Development boundary for Old Arley as defined by the North Warwickshire Local Plan 2006. As such there is no objection in principle to development proposals here as they are within a defined Local Service Centre, and not within the Green Belt. The applications are for new residential development, including a proportion of affordable housing, and for a community facility, and as such these are wholly appropriate uses for a Local Service Centre, in accord with the development distribution and settlement hierarchy policies of the Development Plan.

It is therefore proposed to look at the issues raised by the last report, and from the representations received, to assess whether objections of such weight can be sustained to warrant refusal of the applications, notwithstanding the position outlined above.

### **b) Overall Layout**

The overall layout respects existing built form, and the setting, in that the largest building, the Medical Centre, is proposed closest to the existing buildings, and the bungalow grouping is close to the existing bungalows and to the community centre. There is a substantial area of open space proposed – around a third of the main site – and this is located to the south as one travels out of the village, and a substantial part of the frontage hedgerow is retained. The Highway Authority would not agree to access for the proposed uses off the un-adopted highway, Bournebrook View, which acts as the perimeter to the site. The applicants have respected this, and thus all new access has had to be from Rectory Road. As a consequence the hedgerow has had to be breached, but that access is to be shared. The layout as now proposed also reflects the combined view of local residents who attended a pre-application exhibition to examine a number of differing layout options.

### **c) The Loss of the Site as Open Space**

One of the major issues arising from the representations received from the local community following the submission of the previous application last year (the one for 85 dwellings), was that residents did not wish to see the loss of the site as open space. Members will be aware that it has remained open for almost thirty years now. The same views were expressed at the recent exhibition, and thus the developers have reflected this community wish in the current proposals as far as they have been able.

It is important to understand that the Development Plan does not “protect” this site as open space, nor does it designate it for recreational space. Additionally the work undertaken on the Open Space Audit under PPG17, and which has led to the Council’s Green Space Strategy, strongly points to the conclusion that Old Arley has sufficient open and recreational space within its community at present. There is thus not an overriding evidential base on which to support a refusal due to the loss of this whole site as an open area.

The residential application however has retained a significant proportion of the land as open space, and this is also shown to be “useable” space, in that it is sufficient in size to accommodate children’s play and kick about areas; is easily accessible, and is practical in shape. This is a substantial benefit to the overall proposals, and reflects an appropriate balance between all of the competing interests.

There has been discussion within the community about this land becoming “common land”. The planning process itself can not provide for that outcome as there is a separate legislative regime for such status. However the planning process can provide the first steps if that option is to be followed in the future. That would be by imposing a condition to be attached to the grant of any planning permission, requiring the retention of that area as open space. The matter of its further maintenance and potential designation are then wholly issues for other parties to resolve.

### **d) The Re-Location of the Medical Centre**

It is important to stress from the outset that a Medical Centre is a community facility as defined by the Development Plan, and therefore needs to be located within a Local Service Centre in order to “fit” with Development Plan policy. This proposal does just that. There can therefore be no objection in principle to this application.

The applicants have pointed out that the existing Medical Centre located at Spring Hill in New Arley, almost a kilometre from the site, is “not fit for purpose” being a converted detached house with inadequate internal arrangements, and lack of parking space. Its future has been under consideration for some time. There is no scope to refurbish the existing building to modern day standards as simply it is not big enough. It is not possible to extend or redevelop the site because of the same physical constraints; the impact visual impact of larger car parking areas, highway concerns at the junction of Spring Hill with Lamp Lane, and the impact of a larger Centre on the residential amenities of neighbouring occupiers. Moreover in planning policy terms, the site is in the Green Belt, and a much larger building here would clearly impact on openness. A re-location of the Centre has thus always seemed the practical approach if the Centre was to be retained in the locality. From a planning perspective a site within the defined Development boundary of either New or Old Arley would be appropriate. The current Centre is not centrally located within either settlement, and patients from beyond the Arleys are registered here too. As a

consequence, whether the Centre relocated to Old or New Arley, patients would still have to travel to the site. The decision from a planning position is not whether either Old or New Arley is preferable, rather it is whether the current proposed site is appropriate in planning policy terms.

### **e) The Provision of Affordable Housing**

The proposal here includes 16 bungalows to be managed by the applicant – a Registered Social Landlord. This amounts to a 53% provision and meets the Council's policy target of achieving a minimum of 40% on sites of this size. Moreover the provision of bungalows is supported by the Council's Housing Officers. In order to maintain this provision, any permission should have a condition attached ensuring that this stock remains managed by a Registered Social Landlord.

There has been some concern expressed that given the current downturn, the market housing here might be difficult to sell, and thus possibly transfer to the applicant. The Council as Local Planning Authority is unable to control this possibility by planning conditions. However, it is appropriate to phase any permission through conditions. As a consequence, the bungalows could be completed first, thus meeting an immediate need. This would then give an opportunity for the present housing market situation to improve, such that the market housing becomes available effectively as a second phase, and thus be more likely to sell.

### **f) Design, Access and The Hedgerow**

The design of the proposed housing is appropriate to Old Arley and matches the scale and appearance of much of the residential development around the site. There is no three storey development proposed, and materials would all be traditional, unlike that proposed last year. Conditions can be attached reserving details of boundary treatments and of the emergency access arrangements. There have been no adverse comments amongst the representations received about the general appearance and design of the housing. The Medical Centre is appropriately located on a significant junction and is of a scale and form to suit that corner site and the proposed and existing housing in which it sits. The illustrations show a simple design and traditional materials. Because this is an outline application, conditions could be attached to any permission reserving details of fencing, lighting and boundary treatments. There have been no adverse comments received referring to the overall design approach adopted, or indicating that the building is inappropriate, over large or out of keeping.

The County Council as Highway Authority has raised no objection. As indicated previously, no access was to be permitted from Bournebrook View, and thus one new shared access had to come off Rectory Road. This does lead to loss of hedgerow, but new planting can retrieve much of this along the proposed new vision splays. The greatest concern expressed by representations has been the speed of existing traffic in Rectory Road, and the potential increase in traffic flows as a consequence of these proposals. The plans include a speed pad in the road at the new junction, and other measures are already being discussed with the community through the County Council. These measures are to happen independently of these applications in any event, and can not be required through the applications as they are designed to resolve an existing problem. The County Council is satisfied that additional measures directly attributable to the proposals would only include the new pad at the junction.

The frontage hedgerow is strong and much will be retained. Existing trees on the site will be retained and added to. The hedge and trees have been assessed using current BS Standards and these show that they require maintenance and management.

## **g) Other Matters Raised in the Representations**

As indicated, much of the content of the objections received has been covered above, however there are other matters raised. There was concern about parking provision - car parking however meets Development Plan requirements at 150%, and the provision at the Medical Centre exceeds those requirements, in fact this was increased directly as part of this application. A refusal would be difficult to sustain in these circumstances. There was also concern that Old Arley was not an appropriate location for new development due to its lack of facilities. However it is designated as a Local Service Centre in the Development Plan, and this development would help in retaining existing services within the community. Mention is made of possible subsidence problems; flooding and water purity issues. It is noteworthy that neither the Environment Agency nor Severn Trent Water objects to the development proposals. Construction of the buildings will have to meet the Building Regulations and these will cover the possible consequences of past subsidence.

## **Recommendations**

**A)** That both planning applications are referred to Council for determination with recommendations from this Board that they both be granted planning permission subject to the conditions as set out below, and for the reasons also identified outlined below.

**B)** PA 2009/0210 – The Housing – Recommended Conditions

- i) Standard Three Year condition
- ii) Numbered Plans
- iii) This planning permission, in respect of plot numbers 1 to 16 as shown on the approved plan, shall enure solely for the benefit of a Registered Social Landlord for the purposes of providing locally affordable housing in perpetuity, and for no other person or body whomsoever.

Reason

To ensure the provision of locally affordable housing in accordance with the requirements of the Development Plan.

- iv) There shall no occupation of plots numbers 17 to 30 (inclusive) as depicted on the approved plan, until such time as the dwelling houses on plots 1 to 16 (inclusive) have been completed to the satisfaction in writing of the Local Planning Authority.

Reason

To ensure that the immediate housing need is provided first on this site.

- v) No work shall commence on any of the dwelling units hereby approved until such time as details of the facing bricks and roof tiles for each unit have first been agreed in writing by the Local Planning Authority. Only the approved materials shall then be used

Reason

In the interests of the visual amenities of the area.

- vi) No dwelling unit hereby approved shall be occupied until such time as details of the following matters have first been submitted to and approved in writing by the Local Planning Authority: all boundary treatments, all hard surfacing materials and details of the emergency access arrangements. Only the approved detail shall then be implemented.

Reason

In the interests of the visual amenities of the area.

- vii) No work shall commence on the site until such time as full details of all of the landscaping proposed for the site, including replacement hedgerows, and reinforcements to existing hedgerow, have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented within the first planting season following written approval of those details, and only the approved scheme shall be implemented.

Reason

In the interests of the visual amenities of the area.

- viii) No work shall commence on site until such time as details of a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, have first been submitted to and approved in writing by the Local Planning Authority. No dwelling house hereby approved shall be occupied until the agreed scheme has been implemented.

Reason

In the interests of fire safety.

- ix) The area of land shown on the approved plan as "Public Open Space or Village Green" shall be retained as open space at all times, and left free of all development, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to ensure this open/recreation space for the benefit of the community

- x) No dwelling house hereby approved shall be occupied until such time as all of the following highway measures have first been implemented in full to the satisfaction in writing of the Local Planning Authority: the implementation of the traffic calming pad at the junction of the new access with Rectory Road, the provision of the visibility splays as shown on the approved plan, and a gateway signing feature on the northbound approach to Rectory Road.

Reason

In the interests of highway safety

- xi) The visibility splays referred to in condition (x) shall measure 2.4 by 70 metres as measures to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding a height of 0.6 metres above the level of the public highway carriageway.

Reason

In the interests of highway safety.

- xii) The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason

In the interests of highway safety.

- xiii) The layout of the estate roads serving the development including footways, cycleways, footpaths, private drives and means of accessing individual plots shall not be designed other than in accordance with the guidance set out in Transport and Road for Developments: The Warwickshire Guide 2001".

Reason

In the interests of highway safety.

- xiv) All driveways shall be laid out square to the carriageway.

Reason

In the interests of highway safety.

- xv) No dwelling shall be occupied until the estate roads including footways and cycleways serving it have been laid out and substantially constructed to the written satisfaction of the Local Planning Authority.

Reason



In the interests of highway safety.

## **Informatives**

- i) The Environment Agency strongly recommend and advise that Sustainable Drainage Systems are used on this site and draw attention to PPS 25; CIRIA Documents C522 and C697, as well as the Interim Code of Practice for Sustainable Drainage Systems. Further guidance is available directly from the EA or CIRIA.
- ii) Advice on obtaining Secure By Design Certificates from the Crime Protection Unit for the development can be provided by Warwickshire Police.
- iii) Requirements of the County Council as Highway Authority relating to Sections 28 and 278 of the Highways Act 1980.

## **Policies**

As set out in Appendix A

## **Reasoned Justification**

This site is wholly within a defined Local Service Centre as set out in the Development Plan. New residential development is thus appropriate, especially as this site is not within the Green Belt or shown as being retained for open space purposes. The design and appearance of the housing is in keeping with the rural context and the density and parking accord with the Council's policy requirements. The affordable housing provision accords with requirements; is retained in perpetuity, and is to be provided first so as to meet an immediate need. A substantial area of open space is to be retained on the site. There are no objections from the highway or drainage agencies.

### **C) PA 2009/0211 – The Medical Centre – Recommended Conditions**

- i) to iii) Standard Outline Conditions
- iv) Numbered Plans
- v) For the avoidance of doubt, the general disposition of the layout for the use hereby permitted, including the location of the access, and the parking provision shall be as illustrated on plan number 06/964/210B received by the Local Planning Authority on 8 June 2009.

Reason

To ensure that the quantum of new development, its' siting and access arrangements are appropriate for the setting of the site.

- vi) The building hereby approved shall be limited to a maximum of 830 square metres of gross floor space, and to a maximum height as measured to the highest ridge of 11 metres, unless as otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the building is appropriate for its setting.

- vii) There shall be no direct vehicular access into the site from either Bournbrook View or Rectory Road.

Reason

In the interests of highway safety

- viii) A hedgerow shall be provided around the boundaries of the site fronting both Rectory Road and Bournbrook View.

Reason

In the interests of the visual amenities of the area.

- ix) No occupation of the building hereby approved shall occur until such time as the junction with Rectory Road as permitted under planning permission 2009/0210 has first been implemented in full to the written satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety.

### **Informatives**

- i) The Environment Agency strongly recommends and advises that Sustainable Drainage Systems are used on this site, and draw attention to PPS25; CIRIA Documents C522 and C697 as well as the Interim Code of Practice for Sustainable Drainage Systems. Further guidance is available directly from the EA or CIRIA.
- ii) Advice on fire fighting measures should be taken in the final design of this development from the Warwickshire Fire Services Authority.
- iii) Advice on obtaining Secure by Design Certificates from the Crime Protection Unit can be obtained from Warwickshire Police.
- iv) The access to this site should be included within the Section 38 works under the 1980 Highway Act as permitted under planning reference 2009/0210.

### **Policies**

As set out in Appendix A

### **Reasoned Justification**

The site is wholly within a defined Local Service Centre as set out in the Development Plan. The Medical Centre is a community facility and thus it wholly appropriate for this to be located within such a Centre, outside of Green Belt and on land not designated to be retained as open space. The size and quantum of development is appropriate to its rural setting; access can be provided to the satisfaction of the Highway Authority, and the relevant drainage agencies have not objected. As such there is no objection in principle. Detailed design issues can be reserved for later consideration.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2009/0210 & PAP/2009/0211

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	14/5/09
2	Head of Development Control	Letter	18/4/09
3	Agents	Letter	20/5/09
4	Agents	Letter	5/6/09
5	Head of Development Control	Letter	29/5/09
6	Agents	Letter	9/6/09
7	Fire Services Authority	Consultation	3/6/09
8	Environment Agency	Consultation	29/5/09
9	Severn Trent Water	Consultation	4/6/09
10	Warwickshire Police	Consultation	27/5/09
11	S Baird	Representation	8/6/09
12	G Bicknell	Objection	27/5/09
13	J Bicknell	Objection	27/5/09
14	K Stone	Objection	27/5/09
15	J & M Nicholas	Objection	27/5/09
16	Ten Residents of New Arley	Objection	27/5/09
17	S McLeod	Objection	27/5/09
18	A Sedgley	Objection	27/5/09
19	L Parker	Objection	27/5/09
20	G William	Objection	27/5/09
21	D Williams	Objection	27/5/09
22	P Hill	Objection	27/5/09
23	J Roberts	Objection	27/5/09
24	M Chapman	Objection	27/5/09
25	L Smith	Objection	27/5/09
26	R Hill	Objection	27/5/09
27	G Hill	Objection	27/5/09
28	C Johnson	Objection	27/5/09

29	Mrs Ison	Objection	27/5/09
30	M Skidmore	Objection	27/5/09
31	T Guise	Objection	27/5/09
32	C Guise	Objection	27/5/09
33	C King	Objection	27/5/09
34	S Ward	Objection	27/5/09
35	T Ng	Objection	27/5/09
36	J Ku	Objection	27/5/09
37	A Hughes	Objection	27/5/09
38	E Hughes	Objection	27/5/09
39	S Wilkinson	Objection	27/5/09
40	S Lloyd	Objection	27/5/09
41	J Kelly	Objection	27/5/09
42	C Huntingford	Objection	27/5/09
43	R Marsh	Objection	27/5/09
44	C Hands	Objection	27/5/09
45	M Hollens	Objection	27/5/09
46	J Wainwright	Objection	27/5/09
47	M Davies	Objection	27/5/09
48	K Edwards	Objection	27/5/09
49	E Wilson	Objection	27/5/09
50	Mr & Mrs Lockett	Objection	27/5/00
51	S Richardson	Objection	27/5/09
52	H Mercer	Objection	27/5/09
53	S Braw	Objection	27/5/09
54	M Lamb	Objection	27/5/09
55	R & E Downes	Objection	27/5/09
56	M Gallagher	Objection	27/5/09
57	C Jackson	Objection	27/5/09
58	D Sykes	Objection	27/5/09
59	L Kelly	Objection	27/5/09
60	R Kelly	Objection	27/5/09
61	D McCann	Objection	27/5/09
62	L Truman	Objection	27/5/09
63	G Guy	Objection	4/6/09
64	F Guy	Objection	4/6/09
65	P Collins	Support	6/6/09
66	H & R Duff	Objection	11/6/09
67	M Selby	Objection	2/6/09
68	S Bischler	Objection	8/6/09
69	T Selby	Objection	2/6/09
70	Petition (373 signatories)	Support	9/6/09
71	Warwickshire County Council	Consultation	8/7/09

*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.*

## **Consultation by Network Rail**

### **Proposed New Freight Connection at Nuneaton Station**

#### **Introduction**

This consultation is reported to Board in view of the interest that has already arisen in this project from local people in North Warwickshire.

#### **The Proposal**

Presently, freight traffic from the East Anglian ports travelling to the Midlands or the North West, has to go via London and then up the West Coast Main Line. This is because rail traffic coming from those ports through Leicester would have to join the West Coast Line at Nuneaton. That involves crossing the fast passenger lines on that line, and these take priority. In order to enable more direct access and so as not to take priority away from those passenger services, a new link is being proposed. This would involve a connection from the present over-bridge on the Nuneaton-Birmingham line to connect with the West Coast north bound line. It will involve demolitions, a new bridge and new earth works so as to achieve the correct engineering levels. None of this proposed work, including the associated storage, plant and equipment compounds fall within North Warwickshire. It is wholly within the Nuneaton and Bedworth Borough Council area. Vehicular access to the site would be through the current Landfill site entrance at the bottom of Tuttle Hill.

However the proposed route for all construction traffic – both that involved in the preliminary demolitions and the subsequent construction phase, is proposed to be through North Warwickshire. The route would be Tuttle Hill; the B4111 via Mancetter Road, Nuneaton, the Anchor Hill, and then Nuneaton Road to Mancetter and the A5 via the roundabout at Mancetter. It is estimated that the complete contract period would run for 18 months. The target completion date is March 2012. In terms of HGV movements, then this would vary. The initial demolition phase would last perhaps three months, with less movement, but the construction period could result in 170 movements over a proposed 15 hour working day – 10 to 12 movements a day.

It is said by Network Rail, that there would be greater environmental and highway impact if this HGV traffic passed through the centre of Nuneaton via The Long Shoot, and that there is a traffic safety issue of slow turning heavy goods vehicles onto the A5 if the Woodford Lane junction is used. They see the proposed route as having the least damaging environmental and highway impacts of all of the three options.

These works do not require the submission of a planning application to the Nuneaton and Bedworth Borough Council. They are permitted development under Part 11 of the General Permitted Development Order. This is because the works would be the subject of a Transport and Works Order to be approved as a Private Order by Parliament. Network Rail is obliged to undertake consultation and that is presently underway.

#### **Representations**

Some representations sent to Network Rail by residents have been copied to this office. In essence these are objections to the use of the North Warwickshire roads by

more HGV traffic, drawing attention to the residential properties situated alongside that road; the difficult conditions on the proposed route – the railbridge, the hills and the other junctions, and the fact that this route also carries heavy traffic from the quarries.

Both Mancetter Members have raised similar concerns and reflect the views of their residents.

Any further representations that are received after preparing this report will be referred verbally to the meeting.

### **Observations**

This project does not require the submission of a planning application, and it is to be expected that the Order will be approved in view of the national significance of the proposal. This Council's remit is thus very largely to point out matters that should be mitigated against, and to ensure that the preferred option is indeed the better one.

It is considered that Network Rail need to show that both the Highway Authority and the Highways Agency would object to either to the other options mentioned above. The preference would be to see Woodford Lane used, as this would prevent HGV traffic through Mancetter, but it is accepted that there are highway safety issues with that Lane's junction onto the A5.

It is important that whatever route is selected, that the contracts ensure that the routing is adhered to, and Network Rail need to be advised that the hours of HGV movement also need to be restricted too. It is suggested that 0730 to 1800 be put forward for weekdays, 0730 to 1300 on Saturdays, and with no Sunday movements.

### **Recommendation**

That Network Rail be advised that this Council would only support the routing proposed for HGV traffic if it can be shown that both of the Highway Authorities object to the other options, and that the route be written into contracts, and only used between the hours referred to in this report.